UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS
FIRST SESSION

VOLUME 115—PART 2

JANUARY 22, 1969, TO FEBRUARY 4, 1969
(PAGES 1381 TO 2774)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1969

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SENATE—*Wednesday, January 22, 1969*

(Legislative day of Friday, January 10, 1969)

The Senate met at 12 meridian, on the expiration of the recess, and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou, who art from everlasting to everlasting, the ancient of days, yet ever the same, give us hearts to love Thee and minds to serve Thee this day. Preserve us from yielding to the pressing demands which would numb the soul or crowd Thy presence from our lives. In all our labors give us the grace to discern the high from the low, the important from the unimportant, and so to lift all we do into the higher order of Thy kingdom of righteousness and peace.

When the evening comes, and the day is done, and we lie down to sleep, may there be nothing to regret. Wilt Thou then give us the sleep of the just and that blessed rest of those whose minds are stayed on Thee.

For Thy name's sake. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, January 21, 1969, be approved.

The VICE PRESIDENT. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a brief period be allowed for the transaction of routine morning business, and that statements therein be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of the Senate, at the conclusion of the period for the transaction of routine morning business, it is the intention of the leadership to call up the nomination of Gov. Walter Hickel to be Secretary of the Interior.

APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair, in accordance with Senate Resolution 223, 90th Congress, second session, appoints the Senator from California (Mr. MURPHY), the Senator from Arizona (Mr. FANNIN), the Senator from Florida (Mr. GURNEY), and the Senator from Ohio (Mr. SAXBE) as members of the Special Committee on Aging.

The Chair, in accordance with Senate Resolution 281, 90th Congress, second session, makes the following appointments to the Select Committee To Study the Unmet Basic Needs Among the People of the United States: the Senator from Kentucky (Mr. COOK) in lieu of the Senator from Delaware (Mr. BOGGS), the Senator from Kansas (Mr. DOLE) in lieu of the Senator from New York (Mr. GOODELL), and the Senator from Colorado (Mr. DOMINICK) in lieu of the Senator from Vermont (Mr. PROUTY).

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letter, which was referred as indicated:

REPORT OF BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

A letter from the managing trustee and members of the board of trustees of the Federal supplementary medical insurance trust fund, transmitting, pursuant to law, a report of the board, dated 1969 (with an accompanying report); to the Committee on Finance.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A petition, signed by Linda S. Green, and sundry other citizens, praying for a redress of grievances; to the Committee on Armed Services.

A petition, signed by Ed. J. R. Doan, and sundry other citizens of the State of Kentucky, remonstrating against the prohibition of prayer and Bible reading in the public schools; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. MURPHY, from the Committee on Armed Services:

David Packard, of California, to be Deputy Secretary of Defense.

By Mr. ELLENDER from the Committee on Agriculture:

J. Phil Campbell, of Georgia, to be Under Secretary of Agriculture; and

Clarence D. Palmby, of Virginia, to be an Assistant Secretary of Agriculture.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FONG:

S. 478. A bill to amend title II of the Social Security Act to provide cost-of-living increases in the insurance benefits payable thereunder;

S. 479. A bill to amend title II of the Social Security Act to increase the amount of the insurance benefits payable to widows; and

S. 480. A bill to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Finance.

S. 481. A bill to amend the first Morill Act to permit sums received thereunder to be invested as the State legislatures may prescribe; to the Committee on Agriculture and Forestry.

S. 482. A bill to provide separate occupational tax for limited retail dealers in liquors; to the Committee on Finance.

By Mr. HARTKE:

S. 483. A bill for the relief of Kenrick Hamilton Vernon, Sylvia Louise Vernon, Francis McLaudie Vernon, Carrie Hellouise Vernon, Richard Seymour Bickham Vernon, Marion Rosalee Vernon, Marie Elizabeth Vernon, and Elvet Anthony Vernon; and

S. 484. A bill for the relief of Tommy Tung Ming Hall; to the Committee on the Judiciary.

By Mr. PERCY:

S. 485. A bill for the relief of Pietro Alfano, his wife, Maria Cristina Alfano, and their daughter, Susanna Alfano; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 486. A bill for the relief of Leonardo Generale;

S. 487. A bill for the relief of Alfred Hudson David;

S. 488. A bill for the relief of Harold Albert, Lona Sarah, Karen Therese, and Bruce Alex Arnold;

S. 489. A bill for the relief of Milorad Segrt;

S. 490. A bill for the relief of Gyorgy Sebok; and

S. 491. A bill for the relief of Amaden and Cecilia Simoes; to the Committee on the Judiciary.

By Mr. HANSEN (for himself, Mr. FANNIN, Mr. BAKER, Mr. GOLDWATER, Mr. WILLIAMS of Delaware, and Mr. COOK):

S. 492. A bill to establish a Postal Corporation, and for other purposes; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. Hansen when he introduced the above bill, which appear under a separate heading.)

By Mr. HRUSKA:

S. 493. A bill for the relief of Dr. Wolf V. Heydebrand and his wife, Ruth Heydebrand; to the Committee on the Judiciary.

By Mr. TOWER:

S. 494. A bill to amend section 141(a) of title 13, United States Code, relating to census; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. Tower when he introduced the above bill, which appear under a separate heading.)

By Mr. COTTON:

S. 495. A bill for the relief of Marie-Louise (Mary Louise) Pierce;

S. 496. A bill for the relief of Donald Schultze;

S. 497. A bill for the relief of the estate of Capt. John N. Laycock, U.S. Navy (retired);

S. 498. A bill for the relief of Anna Elsa Bayer; and

S. 499. A bill for the relief of Ludger J. Cossette; to the Committee on the Judiciary.

By Mr. METCALF (for himself and Mr. Bayh, Mr. Bible, Mr. Brooke, Mr. Burdick, Mr. Church, Mr. Eagleton, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hatfield, Mr. Hughes, Mr. Kennedy, Mr. McCarthy, Mr. McGee, Mr. McGovern, Mr. Mansfield, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Pearson, and Mr. Young of Ohio):

S. 500. A bill to amend the Internal Revenue Code of 1954 so as to limit the amount of deductions attributable to the business of farming which may be used to offset nonfarm income; to the Committee on Finance.

(See the remarks of Mr. Metcalf when he introduced the above bill, which appear under a separate heading.)

By Mr. COTTON:

S. 501. A bill for the relief of Anna DeAngelis; to the Committee on the Judiciary.

By Mr. COTTON (for himself and Mr. McIntyre):

S.502. A bill for the relief of the town of Weare, N.H.; to the Committee on the Judiciary.

By Mr. HATFIELD (for himself, Mr. Cook, Mr. Dole, Mr. Goldwater, Mr. McGovern, Mr. Nelson, Mr. Packwood, Mr. Prouty, and Mr. Schweiker):

S. 503. A bill to provide for meeting the manpower needs of the Armed Forces of the United States through a completely voluntary system of enlistments, and to further improve, upgrade, and strengthen such Armed Forces, and for other purposes; to the Committee on Armed Services.

(See the remarks of Mr. Hatfield when he introduced the above bill, which appear under a separate heading.)

By Mr. EAGLETON:

S. 504. A bill for the relief of Dr. Virgilio P. Dumadag;

S. 505. A bill for the relief of Dr. Jose Nelson Ceballos;

S. 506. A bill for the relief of Drs. Suresh B. and Aruna S. Patel; and

S. 507. A bill for the relief of Dr. Jaime and Mrs. Judith Jaramillo; to the Committee on the Judiciary.

By Mr. HARRIS (for himself, Mr. Bayh, Mr. Brooke, Mr. Byrd of West Virginia, Mr. Cranston, Mr. Fulbright, Mr. Gravel, Mr. Hart, Mr. Hartke, Mr. Hatfield, Mr. Hughes, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Kennedy, Mr. Magnuson, Mr. Mansfield, Mr. McCarthy, Mr. McGee, Mr. McGovern, Mr. Metcalf, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Pastore, Mr. Percy, Mr. Randolph, Mr. Tydings, Mr. Yarborough, Mr. Young of Ohio, and Mr. Williams of New Jersey):

S. 508. A bill to provide for the establishment of the National Foundation for the Social Sciences in order to promote research, education, training and scholarship in such sciences; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Harris when he introduced the above bill, which appear under a separate heading.)

By Mr. SCOTT:

S. 509. A bill for the relief of Sapat Mitrani;

S. 510. A bill for the relief of Stella Dribensky;

S. 511. A bill for the relief of Dr. Seung Chul Karl;

S. 512. A bill for the relief of Umberto D'Amario;

S. 513. A bill for the relief of Pasqualino Corrado;

S. 514. A bill for the relief of Salvatore Butto;

S. 515. A bill for the relief of Giustino Tucci;

S. 516. A bill for the relief of Dr. Rahim Karjoo and his wife, Shahin Dokht Hodjat Karjoo;

S. 517. A bill for the relief of Maria Adela Foos;

S. 518. A bill for the relief of Giacomo Fiorello;

S. 519. A bill for the relief of Rosa Coppolecchia;

S. 520. A bill for the relief of Comasia De Tommaso; and

S. 521. A bill for the relief of Edith Berkenfeld, executrix of the estate of Sidney Berkenfeld, for the benefit of Arlene Coats, a former partnership, consisting of the late Sidney Berkenfeld and Benjamin Prepon; to the Committee on the Judiciary.

By Mr. JACKSON:

S. 522. A bill relating to the Indian revolving loan fund and the Indian heirship land problem;

S. 523. A bill to provide for guarantee and insurance of loans to Indians and Indian organizations; and

S. 524. A bill to provide for the cooperation between the Secretary of the Interior and the States with respect to the future regulation of surface mining operations, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Jackson when he introduced the above bills, which appear under separate headings.)

By Mr. SPARKMAN:

S. 525. A bill to amend the Internal Revenue Code of 1954 to permit individuals receiving civil service retirement annuities to elect to have income tax deducted and withheld from their annuity payments; to the Committee on Finance.

S. 526. A bill to amend the Civil Service Retirement Act, as amended, to provide that accumulated sick leave be credited to the retirement fund or that the individual be reimbursed; to the Committee on Post Office and Civil Service.

By Mr. SPARKMAN (by request):

S. 527. A bill to amend and extend laws relating to housing and urban development, and for other purposes; to the Committee on Banking and Currency.

(See the remarks of Mr. Sparkman when he introduced the above bill, which appear under a separate heading.)

By Mr. SPARKMAN (for himself and Mr. Allen):

S. 528. A bill to provide that the reservoir formed by the lock and dam referred to as the "Millers Ferry lock and dam" on the Alabama River, Ala., shall hereafter be known as the William "Bill" Dannelly Reservoir; to the Committee on Public Works.

(See the remarks of Mr. Sparkman when he introduced the above bill, which appear under a separate heading.)

By Mr. PROXMIRE:

S. 529. A bill for the relief of Wilhelm J. Brendel; to the Committee on the Judiciary.

By Mr. MOSS:

S. 530. A bill to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Finance.

S. 531. A bill to establish the Capitol Reef National Park in the State of Utah; and

S. 532. A bill to establish the Arches National Park in the State of Utah; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Moss when he introduced the above bills, which appear under separate headings.)

By Mr. CASE:

S. 533. A bill for the relief of Barbara Rogerson Marmor; to the Committee on the Judiciary.

By Mr. MURPHY:

S. 534. A bill for the relief of Cecil Henry Wyant; to the Committee on the Judiciary.

By Mr. SCOTT:

S. 535. A bill for the relief of Kwong Sui Chu;

S. 536. A bill for the relief of Heather Gwendolyn Boyd-Monk;

S. 537. A bill for the relief of Noriko Susan Duke (Nakano); and

S. 538. A bill for the relief of Natale Tomassini; to the Committee on the Judiciary.

By Mr. ANDERSON (for himself and Mrs. Smith (by request):

S. 539. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Aeronautical and Space Sciences.

(See the remarks of Mr. Anderson when he introduced the above bill, which appear under a separate heading.)

By Mr. JACKSON:

S. 540. A bill for the relief of Yuda Galazan and Tamar Galazan; to the Committee on the Judiciary.

By Mr. JACKSON (for himself and Mr. Magnuson) (by request):

S. 541. A bill to provide for the termination of Federal supervision over the property of the Confederated Tribes of Colville Indians located in the State of Washington and the individual members thereof, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Jackson when he introduced the above bill, which appear under a separate heading.)

By Mr. ANDERSON (for himself, Mr. Fulbright and Mr. Scott):

S. 542. A bill to establish rates of compensation for certain positions within the Smithsonian Institution; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. Anderson when he introduced the above bill, which appear under a separate heading.)

By Mr. McCLELLAN:

S. 543. A bill for the general revision of the Copyright Law, title 17 of the United States Code, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. McClellan when he introduced the above bill, which appear under a separate heading.)

By Mr. MUSKIE:

S. 544. A bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

(See the remarks of Mr. Muskie when he introduced the above bill, which appear under a separate heading.)

By Mr. TYDINGS (for himself, Mr. Ervin, and Mr. Hruska):

S. 545. A bill to amend section 9 of the

District of Columbia Bail Agency Act; to the Committee on the District of Columbia.

(See the remarks of Mr. Tydings when he introduced the above bill, which appear under a separate heading.)

By Mr. TYDINGS:

S. 546. A bill to amend the Bail Reform Act of 1966 to authorize the conditional release or commitment to custody of certain persons charged with the commission of an offense punishable as a felony, and for other purposes; and

S. 547. A bill to amend section 3148 of title 18, United States Code in order to restrict the release of any person who is accused of a capital offense or who has been convicted of any offense in a court of the United States and is awaiting sentence or has filed an appeal or a petition for writ of certiorari; to the Committee on the Judiciary.

(See the remarks of Mr. Tydings when he introduced the above bills, which appear under a separate heading.)

By Mr. McGEE:

S. 548. A bill for the relief of Hon Ming Au Yeung;

S. 549. A bill for the relief of Kwok Yuen Wong;

S. 550. A bill for the relief of Lai Chung;

S. 551. A bill for the relief of Ming Yeh Lee;

S. 552. A bill for the relief of Ah Shyh Wang;

S. 553. A bill for the relief of Chan Kwun Po;

S. 554. A bill for the relief of Ping Cheung Kan; and

S. 555. A bill for the relief of Yau Chan; to the Committee on the Judiciary.

By Mr. McGEE (for himself and Mr. Hansen):

S. 556. A bill to provide for the apportionment of funds in payment of a judgement in favor of the Shoshone Tribe in consolidated docket Nos. 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367 before the Indian Claims Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. McGee when he introduced the above bill, which appear under a separate heading.)

By Mr. ALLOTT:

S. 557. A bill for the relief of Michael D. Manemann; and

S. 558. A bill for the relief of Dr. Leo Hsueh; to the Committee on the Judiciary.

By Mr. JACKSON (for himself and Mr. Magnuson) (by request):

S. 559. A bill to authorize the purchase, sale, exchange, mortgage, and long-term leasing of land by the Tulalip Tribes of Washington; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Jackson when he introduced the above bill, which appear under a separate heading.)

By Mr. BIBLE (for himself and Mr. Dirksen):

S. 560. A bill to provide for the establishment of the William Howard Taft National Historic Site; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Bible when he introduced the above bill, which appear under a separate heading.)

By Mr. HANSEN:

S. 561. A bill to amend section 131 of title 23 of the United States Code; to the Committee on Public Works.

(See the remarks of Mr. Hansen when he introduced the above bill, which appear under a separate heading.)

By Mr. McGOVERN (for himself and Mr. Hart, Mr. McCarthy, Mr. Metcalf, and Mr. Young of Ohio):

S. 562. A bill to assure to every American a full opportunity to have adequate employment, housing, and education, free from any discrimination on account of race, color, religion, or national origin, and for other purposes; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. McGovern when he introduced the above bill, which appear under a separate heading.)

By Mr. YOUNG of North Dakota:

S. 563. A bill for the relief of Lau Yiu Dak; to the Committee on the Judiciary.

By Mr. FONG:

S. 564. A bill for the relief of Mrs. Irene G. Queja;

S. 565. A bill for the relief of Francio B. Bonilla, Valerio B. Bonilla, Agapito B. Bonilla, and Mariano B. Bonilla; and

S. 566. A bill for the relief of Chao Tang Shan; to the Committee on the Judiciary.

By Mr. COOPER (for himself and Mr. Cook):

S. 567. A bill to provide for the appointment of additional district judges for the eastern and western districts of Kentucky; to the Committee on the Judiciary.

(See the remarks of Mr. Cooper when he introduced the above bill, which appear under a separate heading.)

By Mr. JACKSON:

S.J. Res. 24. Joint resolution to provide for the administration and development of Pennsylvania Avenue as a national historic site; to the Committee on Interior and Insular Affairs.

S. 494—INTRODUCTION OF BILL TO REFORM THE DECENNIAL CENSUS

Mr. TOWER. Mr. President, next year, 1970, the Bureau of the Census will begin again its decennial task of sending out the census takers and questionnaires through the mail. They have been doing this same job, and generally admirably, since the first census in 1790. However, I, as have many other Members of the Congress, have been made cognizant of the many changes that the Bureau of the Census has taken upon itself to make in the number and content of questions asked during the survey.

There has been a great change from the questions actually asked in the 1960 survey to the questions proposed to be asked next year. In 1960, there were some 17 questions asked; in 1970, there will be 21 mandatory questions. Even more, on the 20-percent sample questionnaires to be answered by 16 million American households, there were 56 questions in 1960; there are to be 67 subjects in 1970. In view of these circumstances, this question can be legitimately raised: Has the decennial census become too comprehensive, too searching, or even too prying, into our private lives, both in terms of scope and content?

Over the past year, I, like many other Members of Congress, have received a considerable number of complaints from Americans of all walks of life concerning the current plans for the coming census. In addition to their strongly voiced objections over the number of questions that will be required to answer in the census, these concerned Americans contend that many of the questions slated to be asked in the census are far too personal in nature and constitute a serious violation of privacy. Furthermore, they contend that many of the questions are not really essential to the basic purpose of the census; namely, the enumeration of the population of the Nation every 10 years, as provided in the Constitution, for purposes of apportioning the House of Representatives.

With marked changes that have taken place in the character of our Nation over the years, I am certain that none of those critical of the Census Bureau's plans for the 1970 census would advocate that the Census Bureau be required by law to confine the scope of the decennial census to a simple population count. Nevertheless, it does appear that we have reached a point where some restraint must be exercised concerning the scope and content of the decennial census.

What the legislation that I introduce would do is require the Secretary of Commerce to review the questions which have been proposed by the Bureau of the Census and allow only those questions which he deemed essential to accomplishing the purposes of the census. It would, therefore, require that any question not essential, and I emphasize essential, would be deleted or made optional. In this way, we can maintain the purposes of the census without it becoming a burden on the population at large.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 494) to amend section 141(a) of title 13, United States Code, relating to the census, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 500—INTRODUCTION OF BILL—LIMITATION OF DEDUCTIONS ATTRIBUTABLE TO FARMING

Mr. METCALF. Mr. President, in the second session of the 90th Congress, I introduced S. 4059, a bill designed to remove the inequities between legitimate farm operators and taxpayers who are in the business of farming mainly because of the tax advantages that serve to put their nonfarm income in a lower tax bracket. It was my announced hope then that introduction of the bill before Congress adjourned last year would provide the impetus for an exchange of views among all interested business and farm groups in preparation for hearings early this session.

This legislation now has the support of all those who are sincerely interested in the working farmers of our Nation. For example, the principle of the bill has the full support of the National Farmers Union, the American Farm Bureau Federation, the National Grange, the National Farmers Organization, the Farmland Industries Cooperative, the National Association of Farmer Elected Committeemen, and the Mid-Continent Farmers Association—formerly known as the Missouri Farmers Association. Last year both the Treasury and Agriculture Departments submitted reports to the Senate Finance Committee, citing the need for legislation of this type.

Today, I am reintroducing this legislation with the knowledge that during the adjournment period, purposeful discussion has taken place as I both hoped and anticipated. In the Senate, I am joined by a bipartisan group of 23 other Senators as cosponsors. These cosponsors are Senators Bayh, Bible, Brooke, Burdick, Church, Eagleton, Harris, Hart, Hartke, Hatfield, Hughes, Kennedy, McCarthy, McGee, McGovern, Mansfield, Mondale, Montoya, Moss, Muskie, Nelson, Pearson, and Young of Ohio. Last session, companion legislation was introduced in the House and that legislation is being reintroduced again tomorrow.

The bill that was introduced last September is basically the same bill that I am reintroducing today. However, the new bill does reflect the constructive suggestions that have been presented during the adjournment period. I shall take a few moments now to review the substance of the bill itself and then give some examples of the suggestions that have been incorporated into the bill as a result of discussion that took place during the adjournment period.

First, the bill again permits farm losses to be offset in full against nonfarm income up to $15,000 for those whose nonfarm income does not exceed that amount. This means that persons not only engaged in farming but also employed, perhaps on a part-time basis in a neighboring town, will be entirely unaffected by the limitation that is provided in this bill.

Second, for those with nonfarm income in excess of $15,000, the amount against which the farm losses may be offset is reduced dollar for dollar for income above $15,000. In other words, those with nonfarm income of $30,000 or more cannot generally offset farm losses against their nonfarm income.

An important exception to this rule is being retained in the new bill. Once again, the bill in no event prevents the deduction of farm losses to the extent they relate to taxes, interest, casualty losses, losses from drought, and losses from the sale of farm property. An exception is made for these deductions since they are in general deductions which would be allowed to anyone holding property without regard to whether it was being used in farming or because they represent deductions which are clearly beyond the control of the farmer; such as, losses from casualty and drought.

Even if farm losses should be denied under the provisions I have explained up to this point, they still will be available as offsets against farm income for the prior 3 years and the subsequent 5 years. In this case, however, they may not exceed the income from farming in those other years.

The limitation on the deduction of farm losses is not to apply to the taxpayer who is willing to follow with respect to his farming income, accounting rules which apply generally to other taxpayers; that is, using inventories in determining taxable income and treating as capital items—but subject to depreciation in most cases—all expenditures which are properly treated as capital items rather than treating them as expenses fully deductible in the current year.

This last provision merely provides an opportunity for those who would otherwise distort the farm economy to follow instead regularly established, generally applicable accounting rules. No incentive to shift to an accrual accounting system is provided by the bill for anyone who derives his income largely from farming, or even from nonfarm income if it does not exceed $15,000 a year. It is fully recognized that bona fide farmers have good reasons for not always following accrual accounting methods and there is no intent here, directly or implied, to make a change in this respect.

The dollar figure as to the exact amount of nonfarm income against which farm income may be offset represents an analysis of available statistics as well as discussion generated by the introduction of this legislation in the 90th Congress. Substantially all of the provisions of the bill I am introducing today represent the suggestions contained in the reports of the Treasury and Agriculture Departments of last year.

Mr. President, so that other Senators may compare the suggestions contained in those reports to the bill which I introduce today, I ask unanimous consent that the full text of those reports be printed at this point in the Record.

There being no objection, the reports were ordered to be printed in the Record, as follows:

Department of Agriculture,
Office of the Secretary,
Washington, D.C., July 5, 1968.

Hon. Russell B. Long,
Chairman, Committee on Finance,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: This is in reply to your request of November 2, 1967, for a report on S. 2613, a bill "To amend the Internal Revenue Code of 1954 to provide that farming losses incurred by persons who are not qualified farmers may not be used to offset nonfarm income"; to your request of February 19, 1968, for a report on Amendment No. 529, a technical amendment to S. 2613; to your request of May 9, 1968, for a report on S. 3443; and to your request of June 20, 1968, for a report on Amendment 853 to S. 3443. S. 3443 has purposes similar to S. 2613 but differs in some of the details.

These bills are designed to capture some of the taxes avoided by some individuals with sizeable income from sources other than agriculture, who operate farm enterprises at a loss and deduct farm losses from their income from other sources. It would accomplish this objective by providing that taxpayers engaged in the business of farming, but who did not have farming as their principal business activity as defined in the law, could deduct farm expenses only to the extent of their gross farm income.

The Department of Agriculture is certainly in agreement with the objectives of these bills. We believe that there are serious problems in the area of the tax treatment of farm income, and that these problems can be remedied. However, we feel that certain modifications in these bills would help to achieve their objectives more effectively, and at the same time would minimize other potential problems.

Perhaps the most important problem under these bills would be the effect on low-income farmers. Many of these farmers also hold nonfarm jobs, and off-farm income is often their most important source of livelihood. Under the proposed legislation, it would appear that these farmers would not be permitted to offset farm losses against income from their nonfarm jobs in years in which they lost money on the farm. Such a provision would have serious effects on present efforts to ameliorate rural poverty.

We believe the objectives of this bill could be accomplished more effectively if certain modifications were made. We recommend placing a reasonable ceiling on the amount of nonfarm income which could be offset by farm losses in any one year. If there were excess farm losses, they could be carried backward and forward to offset farm income, but no other income, of other years. Thus, no matter what the source of the nonfarm income, excess farm deductions arising from the special farm tax accounting rules would not be permitted to offset it. The ordinary farmer incurring a loss would be protected under this approach in two ways: First, by allowing a limited deduction for farm losses, an ordinary farmer who must take part-time or seasonal employment to supplement his income would not be deprived of his farm loss deductions. Second, the carryover and carryback provisions would be available to absorb large one-time losses. In other words, the provisions would, in operation, affect only taxpayers with relatively large amounts of nonfarm income, that is, individuals who do not have to depend on their farm income for an adeqaute living standard.

It would seem appropriate, however, to exclude from the definition of farm losses some kinds of farm expenses. One group of such expenses would include taxes and interest, which are generally deductible whether or not they are attributable to an income-producing activity. A second group would include casualty and abandonment losses and expenses and losses arising from drought. These events are generally not in the taxpayer's control and disallowance of the loss or expense could create an undue hardship for the taxpayer. These same losses and expenses are now excluded from the operation of Section 270, which excludes losses in connection with a hobby operation.

The special position of farm losses for tax purposes which this bill is designed to change arises from the use of cash accounting procedures by individuals and corporations with large incomes from nonfarm sources who also engage in farming. The cash accounting method does not properly match income and expenses for these firms and individuals. For example, the failure to use an inventory method where goods on hand at a year's end are of considerable value can significantly overstate losses. However, the present farm tax advantages do not apply to a taxpayer who adopts an accrual method of accounting and capitalizes expenses. Therefore, we recommend that the scope of this bill is limited to those taxpayers who elect to use the cash accounting procedures.

This Department is now studying the problem of corporation activity in agriculture, with the objective of obtaining better information on both its extent and its probable effects. We do not believe, however, that it is necessary to wait for the completion of this study to recommend modifications in the tax treatment of corporations engaged in farming. Simple equity would seem to us to dictate that corporations be covered under this proposed legislation in the same manner as are individual farmers and farms run by a partnership. To do otherwise would be to open up new possibilities for tax avoidance through changes in legal form of organization, and raise the danger of attendant problems of distortions in our economic organization due solely to attempts to claim tax advantages.

This Department is informed that the Treasury Department is making similar recommendations with respect to changes in the language of S. 2613. We strongly urge passage of legislation which eliminates existing "farm tax havens" for individuals and corporations with substantial nonfarm incomes.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

Orville L. Freeman,
Secretary.

TREASURY DEPARTMENT,
Washington, D.C., July 11, 1968.
Hon. RUSSELL B. LONG,
Chairman, Committee on Finance,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the Treasury Department's views on S. 2613, a bill "To amend the Internal Revenue Code of 1954 to provide that farming losses incurred by persons who are not bona fide farmers may not be used to offset nonfarm income", as it would be amended by Amendment No. 529. I note that S. 3443, while differing in many respects, is designed to deal with the same subject and has been referred to your Committee.

The objective of S. 2613 is to eliminate the provisions which presently grant high bracket taxpayers substantial tax benefits from the operation of certain types of farms on a part-time basis. These taxpayers, whose primary economic activity is other than farming, carry on limited farming activities such as citrus farming or cattle raising. By electing the special farm accounting rules—which were developed to ease the bookkeeping chores for ordinary farmers—these high bracket taxpayers show farm "tax losses" which are not true economic losses. These "tax losses" are then deducted from their other income resulting in large tax savings. Moreover, these "tax losses" frequently represent the cost of creating a farm asset (i.e., the cost of raising a breeding herd) which will ultimately be sold and the proceeds (including the part representing a recoupment of the previously deducted expenses) taxed only at lower capital gains rates. Thus, deductions are set off against ordinary income, while the sale price of the resulting assets represents capital gain. The essence of the bill is to deny high bracket part-time farmers the ability to use the generous farm tax accounting rules to reduce taxes on their non-farm income.

When a taxpayer purchases and operates a farm for tax purposes, it inevitably leads to a distortion of the farm economy. The tax benefits allow an individual to operate a farm at an economic breakeven or even a loss and still realize a profit. For example, for a top bracket taxpayer, where a deduction is associated with eventual capital gains income, each $1.00 of deduction means an immediate tax savings of 70 cents to be offset in the future by only 25 cents of tax. This cannot help but result in a distortion of the farm economy, especially for the ordinary farmer who depends on his farm to produce the income needed to support him and his family.

This distortion may be evidenced in various ways: For one, the attractive farm tax benefits available to wealthy persons have caused them to bid up the price of farm land beyond that which would prevail in a normal farm economy. Furthermore, because of the present tax rules, the ordinary farmer must compete in the market place with these wealthy farm owners who may consider a farm profit—in the economic sense—unnecessary for their purposes. Statistics show a clear predominance of farm losses over farm gains among high-bracket taxpayers with income from other sources.

The Treasury Department supports the objective of S. 2613, but suggests certain modifications in its operation. There is attached a memorandum which, in more detail, describe the problem involved, the reasons for the Treasury's position and its recommended changes.

The Bureau of the Budget has advised the Treasury Department that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely yours,

STANLEY S. SURREY,
Assistant Secretary.

AN ANALYSIS OF S. 2613 AND THE FARM LOSS PROBLEM

The objective of S. 2613 is to remove certain unjustified tax benefits available to high bracket taxpayers whose primary economic activity is other than farming through the operation of cattle and other farming activities on a part-time basis. This memorandum describes the general tax problem involved; and then discusses the remedy offered by S. 2613.[1]

The Treasury Department supports the objectives of S. 2613, but suggests certain modifications in its operation.

1. GENERAL BACKGROUND

Method of accounting.—There are two principal methods of accounting used in reporting business income for tax purposes. In general, those businesses which do not involve the production or sale of merchandise may use the cash method. Under it, income is reported when received in cash or its equivalent, and expenses are deducted when paid in cash or its equivalent.

On the other hand, in businesses where the production or sale of merchandise is a significant factor, income can be properly reflected only if the costs of the merchandise are deducted in the accounting period in which the income from its sale is realized. This is accomplished by recording costs when incurred and sales when made, and including in inventory those costs attributable to unsold goods on hand at year's end. Deduction of the costs included in inventory must be deferred until the goods to which they relate are sold and is not permitted when the costs are incurred. Thus, under this method of accounting, income from sales of inventory and the costs of producing or purchasing such inventory are matched in the same accounting period thereby properly reflecting income.

Farmers, however, have been excepted from these general rules. Even in those cases where inventories are a material factor, they have historically been permitted to use the cash accounting method and ignore their year-end inventories of crops, cattle, etc. This has resulted in an inaccurate reflection of their annual income since expenditures are fully deducted in the year incurred, notwithstanding the fact that the assets produced by those expenditures (inventories) are not sold, and the income not reported, until a later year.

Capitalization of costs.—Farmers are also permitted another liberal tax accounting rule. In most businesses, the cost of construction an asset (including maintenance of the asset prior to its being used in the business) is a capital expenditure which may not be deducted as incurred but may be recovered only by depreciation over the useful life of the asset. In this manner, the cost of the asset is matched with the income earned by the asset. Farmers, however, have been permitted to deduct some admittedly capital costs as they are incurred. For example, a citrus grove may not bear a commercial crop until 6 or 7 years after it has been planted. Yet, the farmer may elect to deduct as incurred all costs of raising the grove to a producing state even though such expenditures are capital in nature. Similarly, the capital nature of expenditures associated with the raising of livestock held for breeding may be ignored and the expenditures may be deducted currently. These premature deductions frequently result in artificial tax losses.

The problem.—These liberal deviations from good accounting practices were permitted for farm operation in order to spare the ordinary farmer the bookkeeping chores associated with inventories and accrual accounting.

However, many high bracket taxpayers, whose primary economic activity is other than farming, carry on limited farming activities such as citrus farming or cattle raising. By electing the special farm accounting rules which allow premature deductions, many of these high bracket taxpayers show farm losses which are not true economic losses. These "tax losses" are then deducted from their other high bracket income resulting in large tax savings. Moreover, these "tax losses" which arise from deductions taken because of capital costs or inventory costs usually thus represent an investment in farm assets rather than funds actually lost. This investment quite often will ultimately be sold and taxed only at low capital gains rates. Thus, deductions are set off against ordinary income, while the sale price of the resulting assets represents capital gain. The gain is usually the entire sales price since the full cost of creating the asset has previously been deducted against ordinary income.

Examples.—Under the present rules, if the taxpayer has chosen not to capitalize raising costs and also does not use an inventory method of accounting, he may deduct as incurred all the expenses of raising a breeding herd. These include breeding fees, costs of feed, and other expenses attributable to the growth of the herd. During the development of the herd, there is relatively little income realized to offset these expenses with the result that "tax losses" are incurred which may be used to offset the taxpayer's nonfarm income. When the herd has reached its optimum size, a taxpayer seeking the maximum tax savings will sell the entire herd. If he does, he may report the entire proceeds of the sale as capital gain.

The dollars and cents value of this tax treatment can readily be seen through a simple example. Assume that the expenses of raising the herd are $200,000. If the taxpayer is in the top tax bracket, the current deduction of these expenses will produce a tax savings of $140,000. On the sale of the herd, however, the entire sales price, including the $200,000 representing the recovery of these expenses, will be taxable only at the 25 percent capital gains rate. The capital gains tax on $200,000 is $50,000; or less than half the tax savings realized in the earlier years. Thus, the taxpayer in this situation would realize a $90,000 tax profit from a transaction which economically is merely a break-even.

In the typical situation, the taxpayer will then begin the entire cycle again by starting a new breeding herd which produces more losses and which is later sold at capital gains rates.

Similar advantages are available to one who develops citrus groves, fruit orchards, vineyards, and similar ventures. These assets require several years to mature; however, the development costs, such as the costs of water, fertilizer, cultivation, pruning, and spraying may be deducted as incurred and before the venture produces any income. When the operation has reached the stage where it is ready to begin producing on a profitable basis, the orchard, grove, or vineyard is frequently sold in a transaction which qualifies for the lower capital gains tax rates. Meanwhile, the expenses incurred in the years prior to the sale have been used to create "tax losses" which have been offset against high-bracket ordinary income from other occupations.

Effect of tax benefits on farm economy.—When a taxpayer purchases and operates a farm for tax purposes, it leads to a distortion of the farm economy. The tax benefits allow an individual to operate a farm at an economic breakeven or even loss and still realize a profit. For example, for a top bracket taxpayer, where a deduction is associated with eventual capital gains income, each $1.00 of deduction means an immediate tax savings of 70 cents to be offset in the future by only 25 cents of tax. This cannot help but result in a distortion of the farm economy, especially for the ordinary farmer who depends on his farm to produce the income needed to support him and his family.

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[1] The sponsor of S. 2613 has also offered Amendment No. 529. The proposed amendment is a minor technical change which does not affect the substance of the bill. The amendment has been considered in this analysis.

This distortion may be evidenced in various ways: For one, the attractive farm tax benefits available to wealthy persons have caused them to bid up the price of farm land beyond that which would prevail in a normal farm economy. Furthermore, because of the present tax rules, the ordinary farmer must compete in the market place with these wealthy farm owners who may consider a farm profit—in the economic sense—unnecessary for their purposes.

Scope of the problem.—Statistics show a clear predominance of farm losses over farm gains among high-bracket taxpayers with income from other sources. The simplest statistics are: In 1965, among taxpayers with less than $50,000 of adjusted gross income, total farm profits were $5.1 billion and total farm losses were $1.7 billion; about a five-to-two ratio of *profits* to losses. Among taxpayers with adjusted gross income between $50,000 and $500,000, profits and losses were in an approximate one-to-one ratio. However, among taxpayers with adjusted gross income over $500,000, total farm profits were $2 million and total farm losses were $14 million, a more than seven-to-one ratio in the other direction—that is, *losses* to profits.

Conclusion.—These data demonstrate the scope and seriousness of the problem. The fact is that our tax laws have spawned artificial tax profits and have distorted the farm economy. S. 2613 is one avenue to a solution to this problem. The Treasury Department supports its objectives and the general approach it takes. The bill does, however, present certain operational problems discussed below. Where appropriate, we have suggested an alternative to overcome the difficulty.

2. AN ANALYSIS OF S. 2613

The essence of the bill is to deny wealthy part-time farmers the ability to use the generous farm accounting rules to reduce taxes on their non-farm income. To accomplish this, the bill would add a new section to the Internal Revenue Code which, in the case of taxpayers who are not "bona fide farmers"[2] as defined in the bill, would disallow as an offset to other income in any taxable year, the excess of all deductions attributable to the business of farming over the aggregate gross income derived from the business of farming in that year.

A bona fide farmer is defined as an individual (A) whose principal business activity is the carrying on of farming operations or (B) who is engaged in the business of farming as the principal source of his livelihood or (C) who is the spouse of an individual who falls under (A) or (B). A corporation would be considered a bona fide farmer if 80 percent or more of its stock were owned by individuals who are also bona fide farmers.

Definitional problems.—The bill thus would limit the tax benefits of farm losses to a defined group. In the Treasury Department's opinion, this approach will lead to administrative difficulty because the meanings of the defining phrases such as "principal business activity" and "principal source of livelihood" are not susceptible of precise definition, and therefore, will inevitably lead to much controversy and perhaps litigation.

As an alternative, we suggest placing a ceiling on the amount of nonfarm income which could be offset by farm losses in any one year. If there were excess farm losses, they could be carried backward and forward to offset farm income, but no other income, of other years. If part of a taxpayer's income for a year consists of capital gains, his carryover of excess farm deductions would be reduced by the excluded half of his capital gains income. No matter what the source of the nonfarm income, excess farm deductions arising from the special farm tax accounting rules would not be permitted to offset it. On the other hand, the ordinary farmer incurring a loss would be protected under this approach in two ways: First, by allowing a limited deduction for farm losses, an ordinary farmer who must take part time or seasonal employment to supplement his income in a poor year in his farm operations would not be deprived of his farm loss deductions. Second, the carryover and carryback provisions would be available to absorb large one-time losses. In other words, the provision would, in operation, only affect taxpayers with relatively large amounts of non-farm income, that it, individuals who do not have to depend on their farm income for their livelihood.

Corporate farms.—In his floor statement Senator Metcalf, the bill's author, noted that corporations were moving into farming at an increasing rate. While he was disturbed by this trend, he did not propose to prohibit corporate farming in this bill. Instead, the purpose was to "eliminate the possibility of corporations getting Federal tax rewards for engaging in loss operations in the farming field." The bill would achieve this goal by denying corporations the right to offset nonfarm income with farm losses unless 80 percent or more of the corporation's stock is held by bona fide farmers. Congressional Record, volume 113, part 23, page 30702.

The Treasury Department defers to the Department of Agriculture on the question of the desirability of corporate farming. However, whatever the decision on that matter, the corporate provisions in the bill do not appear to represent an effective approach to the issue. On the one hand they would deny the tax benefits of a farm loss on the basis of the make-up of the shareholders and not the nature of the corporation's activities. Thus, the farm loss abuse would still be available to a limited group of individuals who are able to arrange their farming and non-farming business so as to qualify as "farmers" based on their non-corporate activities although they would not be based on both their corporate and non-corporate activities. For example, if a taxpayer has two farming operations, but is primarily engaged in a non-farming business, he would not be entitled to deduct any farm losses (or, under the Treasury alternatives, only a limited amount). However, by transferring his nonfarm business and one farm operation to a corporation and retaining the other farm business, he would qualify as a farmer since his only remaining business activity is farming. As a result, his corporation would be excused from the farm loss limitations. This result seems clearly inconsistent with the purpose of the bill.

On the other hand, as a discouragement to corporate farming, the provisions would affect only loss operations and not profitable ones, which likewise seems somewhat inconsistent. Thus, it does not appear that a proposal concerning "tax losses" is an appropriate vehicle for dealing with the general issues of corporate farming. It is therefore suggested that, in lieu of the corporate rules in the bill, corporations be covered in the same manner as individual farmers and farms run by a partnership.

Capital gains.—Under the bill, a taxpayer would be permitted to measure the amount of his allowable farm expense deductions for a taxable year by the full amount of any long-term capital gains for that year arising from sales of farm assets although, in fact, he receives a deduction equal to 50 percent of these gains in computing his income subject to tax. Thus, in this situation, the taxpayer will in effect receive a double deduction against his capital gain farm income. This is an important problem because of the special capital gain treatment allowed on the sale of farm assets such as draft and breeding livestock, and citrus groves. This problem could be solved by providing for an adjustment that would limit the measure of allowable farm deductions to the taxable one-half of capital gains.

Special treatment for certain losses and expenses.—On the other hand, it would seem appropriate to except some kinds of farm expenses from the disallowance provisions. One category of farm expenses would include taxes and interest which are generally deductible whether or not they are attributable to an income producing activity. A second category would include casualty and abandonment losses and expenses and losses arising from drought. These events are generally not in the taxpayer's control and disallowance of the loss or expense could create an undue hardship to the taxpayer since they may be catastrophic. These same expenses and losses are now excluded from the operation of section 270 which excludes losses in connection with a hobby operation.

Scope of the bill.—As noted at the outset, the farm loss problems at which the bill is aimed arise from the use of accounting methods which do not properly match income and expenses, such as the failure to use an inventory method where goods on hand at year end are a significant factor. Consequently, there would seem to be no reason to subject a taxpayer who adopts a proper method of accounting and capitalizes expenses to the restrictive rules of this bill. There is, in fact, a positive advantage in encouraging the adoption of sound accounting practices. Therefore, we recommend that the scope of this bill be limited to those taxpayers who, with respect to their farming operations, do not elect to use inventories and to capitalize all expenditures which should be capitalized under generally recognized tax accounting principles.

* * * * *

As indicated, these are not changes that go to the heart of the bill. We thoroughly agree with its objective and general approach. Our suggestions are generally to improve its efficiency.

Mr. METCALF. Mr. President, last year the Joint Committee on Internal Revenue Taxation analyzed available Internal Revenue Service studies on individual income tax returns and at my request prepared a table which provides a further insight into this problem. The most important and obvious fact that the table reveals is that there is a persistent rise in average net farm loss as adjusted gross income increases. In addition, the table shows that in seven of the nine adjusted gross income classes, there has been an increase in the last 2 years for which statistics were available in the number of returns which claim a net farm loss. For example, in 1964 there were 17,969 loss returns filed in the $15,000 to $20,000 class, but by 1966 the number of loss returns filed in that same class rose to 31,667. Turning to the $500,000 to $1 million class, the figure has risen from 145 loss returns filed in 1964 to 193 loss returns filed in 1966, while at the same time the average loss in that category rose from about $36,500 to a figure in excess of $39,000.

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[2] Taxpayers who were not bona fide farmers when a farming enterprise was acquired but who became bona fide farmers by the end of the second taxable year following the year of acquisition would qualify as such from the time of acquisition. There are also exceptions for a farming enterprise acquired from a decedent, acquired by foreclosure, or acquired in the ordinary course of carrying on the trade or business of buying or selling real property.

Mr. President, so that other Senators will have the benefit of the table prepared by the Joint Committee on Internal Revenue Taxation, I ask unanimous consent that the table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

NET FARM LOSS, NUMBER OF RETURNS AND AVERAGE NET FARM LOSS, BY AGI CLASS, TAXABLE RETURNS, 1964, 1965, AND 1966

AGI classes (thousands)	1964			1965			1966		
	Number of returns	Net loss (thousands)	Average loss	Number of returns	Net loss (thousands)	Average loss	Number of returns	Net loss (thousands)	Average loss
$0 to $5	222,910	$236,049	$1,059	197,762	$203,526	$1,029	171,410	$167,024	$974
$5 to $10	314,346	340,867	1,084	319,741	334,943	1,048	324,312	349,196	1,077
$10 to $15	70,351	112,499	1,599	79,564	123,177	1,548	104,509	142,655	1,365
$15 to $20	17,969	48,817	2,717	23,843	60,292	2,529	31,667	35,370	2,380
$20 to $50	29,394	152,693	5,195	30,380	133,187	4,384	36,861	154,263	4,185
$50 to $100	6,865	63,526	9,254	7,424	76,852	10,352	8,863	76,402	8,620
$100 to $500 [1]	2,546	53,608	21,056	2,874	54,872	19,093	[1] 3,241	[1] 60,789	[1] 18,756
$500 to $1,000	145	5,295	36,517	170	6,625	38,971	193	7,566	39,202
$1,000 and over	76	4,500	59,211	103	7,630	74,078	88	3,555	40,398

[1] Greater detail available for 1966:

AGI classes (thousands)	Number of returns	Net loss (thousands)	Average loss
$100 to $200	2,350	$36,202	$15,448
$200 to $500	891	24,487	27,483

Mr. METCALF. Mr. President, on January 17, 1969, then Secretary of the Treasury Joseph W. Barr testified before the Joint Economic Committee. In listing the need for tax reform as a top priority subject for the 91st Congress, he made some observations which are pertinent to any discussion of my bill, and I quote:

> The middle classes are likely to revolt against income taxes not because of the level or the amount of the taxes they must pay but because certain provisions of the tax laws unfairly lighten the burdens of others who can afford to pay. People are concerned and indeed angered about the high-income recipients who pay little or no Federal income taxes. For example, the extreme cases are 155 tax returns in 1967 with adjusted gross incomes above $200,000 on which no federal income taxes were paid, including 21 with incomes above 1 million dollars.
>
> Judging from taxpayers' letters to the Treasury, I would say that many people are upset and impatient over the need for correcting these and other situations which demand our attention. In this connection, I should point out that the 10 percent surcharge has made many taxpayers more aware of the inequities in our present tax system and more demanding that reforms be adopted.
>
> I believe public confidence in our income tax system is threatened and that tax reform should be a top priority subject for the new Administration and the 91st Congress.
>
> As you know, we at Treasury have been working on tax reform proposals for more than two years, and they are now ready. They will be turned over to Secretary-Designate Kennedy and, upon request, to the Congress.

Mr. President, I for one would like to see those proposals and if all it takes is a simple request that they be made available, I now make the request that the new Secretary furnish me with those proposals.

In the January 13 issue of U.S. News & World Report, then Secretary of Agriculture Orville Freeman had this to say about tax loss farming and I now quote the pertinent excerpts from his interview:

> I am worried about corporation farms—not because they are more efficient: The adequate-size family-farm operator is more efficient in most cases. My concern is that in this day of conglomerates—corporations that are getting into everything—there could be real problems if they move into agriculture. They already have contributed to bidding up land values. They can go in and farm and write off their losses as a tax deduction in a very profitable operation elsewhere. When this happens, dangerously unfair competition takes place.
>
> Question. Do you favor a tax crackdown on corporations in agriculture?
>
> Answer. Yes. I don't think people ought to be able to take advantage of special accounting procedures to write off losses in agriculture on another business enterprise.

The Dallas Morning News on November 20, 1968, published an excellent article by Walter B. Moore, editor of the Texas Almanac, entitled "Farming the Tax Law: Rich Make Money by Losing It."

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

Without objection, the article was ordered to be printed in the RECORD, as follows:

FARMING THE TAX LAW: RICH MAKE MONEY BY LOSING IT

(By Walter B. Moore)

Wealthy Americans are making money farming or ranching while losing it. They do this through provisions of present income tax laws. It's entirely legal. But the Treasury Department, Department of Agriculture, many members of Congress and others think laws should be changed.

Here's an example of how the law benefits those in the maximum income tax bracket. It's cited by the Treasury Department in a report in the Congressional Record of last Sept. 19.

The well-to-do investor whose main source of income is something else buys a cattle breeding herd. He chooses not to capitalize his cost of raising the cattle, amounting to $200,000, and not to use an inventory method of accounting.

His $200,000 expenses are deducted from his other income, saving $140,000 in income taxes. Then, when his cattle are sold, he pays the 25 percent capital gains tax. On the $200,000 portion, this totals $50,000 which is $90,000 less than the $140,000 he would have had to pay.

Citrus orchards offer similar tax-saving opportunities. Many urban businessmen have found it profitable to have income tax savings from ranching and farming, even though they aren't in quite as high a tax bracket.

Those who have to depend on farming or ranching for all or most of their living say this is hurting them. They say that movie stars and many other wealthy persons don't even have to see their cattle or citrus; they hire firms that specialize in managing the whole deal.

Last year Black Watch Farms, which helps clients raise cattle, reported profits exceeding $5 million on $15 million gross revenues. Harold L. Oppenheimer of Kansas City has written books, "Cowboy Arithmetic," and "Cowboy Economics," dealing with the topic. He coauthored "Cowboy Litigation" on tax and legal aspects of ranching.

Treasury officials have said "the attractive tax benefits to wealthy persons have enabled them to bid up prices of farm land beyond those which would prevail in a normal farm economy . . . the ordinary farmer must compete in the marketplace with these wealthy farm owners who may consider a farm profit—in the economic sense—unnecessary for their purposes."

Agriculture Secretary Orville Freeman advocates changing the tax laws to eliminate farm tax havens for corporations or individuals that have major nonfarm sources of income.

Here in Texas, studies by Texas A&M economists indicate that the productive value of land for farming and ranching today has almost no relationship to current inflated prices.

One agricultural worker recently told me he knew of no place in Texas now where land can be bought at a price that will yield adequate returns from farming.

Another sold Brazos bottomlands and put his funds in higher-yielding investments. A Hill Country editor told me landowners in his country are selling out to San Antonio businessmen and putting the money in stocks and bonds.

I should emphasize that city businessmen who farm or ranch often help rural areas. Their spending for supplies, labor and equipment benefits small towns and the people who live there. They can afford to try new things and often contribute to progress.

Everyone I know associated with agriculture agrees that this trend is a mixed blessing as well as a problem. Almost everyone also thinks something should be done about the tax law.

When Congress convenes next year, it will be asked to revise the tax laws. This has been tried before, but nothing happened.

Leader in efforts to change the laws has been Sen. Lee Metcalf, D-Mont. He introduced bills, then revised them at the suggestion of the Treasury and USDA. At the recent

session, these were SB 4059 and HR 19916, a companion bill in the House.

Basic provisions of the Metcalf proposals include these:

Nonfarm income up to $15,000 could be completely offset by farming or ranching losses in paying income taxes. This should protect the person who is primarily a farmer or ranchman but has a part-time job or other supplemental income.

Each $1 of nonfarm income between $15,001 and $30,000 would reduce the original tax deductions allowed by $1. This means that those with over $30,000 nonfarm income could not deduct losses from farming. (There are some exceptions for local taxes, etc.)

Advocates of these measures argue that they will not keep the city man from having a farm. They will merely prevent him from misusing tax provisions developed primarily to benefit the bona fide ranchman or farmer.

Some say that many of the problems of surpluses and inflation that face agriculture today are rooted in this absentee ownership and tax-loss farming.

It has been said that this hurts Texas producers more than all of the imports of agricultural products from abroad and that producer groups should spend more time trying to change the tax laws than trying to hike import barriers.

Farmer's Union, the National Grange and American Farm Bureau Federation will support some such legislation in the future, probably Metcalf's proposals. But many agricultural organizations have members who benefit from the tax setup and will oppose proposed changes.

Remember, also, that Congress now is urban minded. Rep. Jamie Whitten, D-Miss., recently said that only 47 out of 435 House members now have as much as 20 per cent of their constituency primarily engaged in agriculture. It is hard to pass agricultural legislation under such conditions, especially tax law changes that are opposed by businessmen who benefit from the status quo.

Mr. METCALF. Mr. President, on December 18 the vice president of Eastman Dillon, Union Securities and Co., W. A. Anderson, Jr., sent me a copy of a letter which he had sent to the chairman of the Senate Finance Committee and "to various interested parties in the Senate and the House of Representatives." In his letter, Mr. Anderson raised seven areas of objection to my bill. I answered that letter in detail, taking his objections one point at a time.

Mr. President, because this exchange of correspondence is pertinent to any further discussion of the bill, I ask unanimous consent that the exchange of letters between Mr. Anderson and myself be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JANUARY 9, 1969.

Mr. W. A. ANDERSON, Jr.,
Vice President, Corporate Finance, Eastman Dillon, Union Securities and Co., Houston, Tex.

DEAR MR. ANDERSON: This last December you sent me a copy of a letter you sent to Senator Russell Long and other members of the Senate and House of Representatives. In your letter you took exception to my bill, S. 4059, dealing with the problem of tax farming. You indicated that although you were personally in sympathy with some of the aspects of the legislation, you had come to the conclusion that the unfavorable effects of the legislation outweigh its advantages.

I have been through your letter quite carefully and after considering the points you raise see nothing to change my intention to reintroduce substantially the equivalent of S. 4059 in the 91st Congress. In large part I differ with your views because my concern lies primarily with the real, or the "dirt," farmer whereas in your case I would assume that your concern to an appreciable extent lies in developing new areas of investment for clients of firms like your own. I would like to comment, however, on the seven points that you raise in your letter which led you to the conclusion that a bill along the lines that I plan to introduce is not desirable.

The first point you make is that there would be a general substantial increase in the price level of farm commodities. In this regard you quote from Senator McGovern who views this as a favorable point. I would be inclined to agree that one initial effect of this bill would be to increase farm prices somewhat over a period of years to the extent that these prices presently are being kept artificially low by the infusion of extra funds into farm investments as a result of the special tax farming privileges. I do not see this as anything immediate but rather as an impact which would be felt only slowly over a period of years and even this would be likely to be offset in large part by the increased production which would occur as a result of these very price increases that you refer to. This, of course, is nothing more than the effect of the free enterprise system in operation which is what my bill would be restoring.

I think it is unlikely, however, that there will be appreciable price increases because the true American farmer has shown a phenomenal ability to expand production. In the long run this should offset any price rise tendencies due to the removal of the artificial tax subsidies for the "non-farmer" investor. This in reality means no more than the restoration of the normal allocation of resources. Substantial price rises in farm commodities relative to price rises elsewhere in the economy is something that the American people need not fear. The farmer's share of the gross national product, as a matter of fact, has been decreasing even taking into account the relatively greater growth in the other areas of the economy.

In connection with your point on price level rises you also suggest that the enactment of my bill may drive farm land prices down. I think my bill will have some effect in this direction because land prices will not be artificially bid up by non-farmers who wish to offset farm losses against their other substantial income. While it is true that farm land price decreases (or smaller increases than would otherwise occur) do decrease estate values for farmers, this is not a problem for the farmer who intends to continue farming. In fact it places him in a better position to expand a family farm into a larger, more economic, unit. I should also point out that one of the concerns of farmers is that when they die and leave their farms to their children their estate taxes are large because their land values are artificially inflated by the speculative efforts of the non-farmers. My bill will help remove this concern as well.

Your second point is that the loss of tax loss carryovers after 5 years makes it uneconomical for an investor to enter any type of farming that requires more than 5 years to realize a full commercial corporation income. You go on from this to suggest that this will create a monopoly or oligopoly in these areas of farming. There are several points that I should raise here. First of all, under my bill even the non-farmer can integrate his losses from farming with other income if he is willing to report his farm income on an accrual basis—the same basis his other income generally is reported on. I should point out that the true farmer, who has little or no non-farm income, is already faced with the problem that you describe and therefore this does no more than equate the two situations. He and the non-farmer can offset farm losses against farm income for longer than the 5-year carryover period if there are any long-run profits in the farm operations.

I also would be curious to know how significant the extension of this 5-year tax loss carryover provision is to you. My bill could be modified to provide a much longer period and I would be curious to know whether you would support the bill under those conditions.

The difficulty with the present situation is that nonfarmers presently have a substantial inducement to invest in farm properties because of the special advantage that they have in offsetting farm losses against their non-farm income. If any monopoly or oligopoly is to occur in farming operations it will occur because the big-monied interests from Wall Street take over the farming operations in America. It won't be because farm land prices are brought down and the small family farmer has an opportunity to expand his operations sufficiently to make for more economic farming operations.

The third point you raise has me somewhat puzzled. You indicate that the bill would have disastrous effects on farmers in general should there be a long period of general crop failure. It may be that you overlooked the provision in my bill (Sec. 277(a) (2) and Sec. 277(d) (3)) providing for the unlimited deduction of items such as those arising from casualties, drought, taxes, involuntary conversions, etc. This does as much as I can see could appropriately be done to guard against the hazards of farming. Of course, farming is always in trouble when there has been a long period of crop failures, with or without my bill. I do not pretend that it resolves all farm issues any more than does present law. This much should be pointed out, however. The true farmer who experiences long periods of general crop failures has no appreciable non-farm income against which to offset his losses. All my bill does in this regard is to see that the non-farmer is placed in a similar category.

Your fourth point is a curious one. You suggest that my bill will lead to the concentration of farming in corporations. My bill applies to corporations and individuals on the same basis. If you mean that it would remove disadvantages of the true farmer—corporate or non-corporate—relative to the non-farmer who merely makes investments in farming operations—whether in the corporate or non-corporate form—I agree with you. I should also point out to you that as far as the true farmer is concerned who has relatively small amounts of income, up to $15,000, for example, all of the advantages of existing law with respect to farming operations are retained. If this has any effect it seems to me it will encourage the non-corporate farmer the most. This is not to say that farming operations may not increasingly be carried on in corporate form since many farmers have seen fit to incorporate their operations over the past several years. Nevertheless, many of these are still relatively small farms.

Your fifth point is that my bill prohibits small farmers from entering any areas of farming where it takes more than 5 years to develop a commercial crop income. If by small farmer you mean what I describe as a true farmer, he has little if any opportunity to do so today since the farm losses he incurs do him no good unless he has other income, farm or non-farm, to offset against them. I should point out, however, in case you overlooked it that in the case of the true farmer with non-farm income up to $15,000 and somewhat above, he can offset farm losses against non-farm income. Therefore, the small farmer will remain in as good a position under my bill as he is today except that he will not be faced with the unfair competition of the non-farmer investor.

Again this gets back to the carry-forward period also. As I indicated previously I would be willing to consider a longer loss carry-over period if this is a major factor.

Your sixth point is that my bill would cause a general increase in the inflationary pressures in our economy. This looks to me like it is point number one set forth in a slightly different manner. As I pointed out before, food prices under my bill may go up slightly until the true farmer increases his production enough to offset these increases. On the other hand land prices, as you yourself admit, probably will decrease under my bill.

Your seventh and final point was that my bill would create a discriminatory treatment with respect to farm capital gains. I have read your letter on this point and I am not at all sure that you know how my bill works. Capital gains in the case of an individual are eligible for a 50 per cent reduction under present law in arriving at the taxable base. This same reduction continues under my bill. The 50 per cent referred to, therefore, is only the taxable portion. This may be offset against farm capital losses or farm ordinary losses, in that order. In addition, the capital loss offset will be available for non-farm capital losses where the $15,000 provision applies. As far as the true farmer is concerned this is his present treatment for capital gains. All I am trying to do is to place some of your non-farm clients in the same category as the true farmer in this respect.

I realize that my letter may not be very convincing to you because it is difficult to convince someone when the advantage to his clients lies on the other side. Nevertheless, I think it is clear that my bill is in the best interest of the American people taken as a whole and I can assure you that I shall do all in my power to press for its enactment.

Very truly yours,

——— ———.

EASTMAN DILLON, UNION
SECURITIES & CO.,
Houston, Tex., December 18, 1968.

Hon. LEE METCALF,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR METCALF: Enclosed is a copy of a letter which has been sent to Senator Long, concerning Senate Bill S. 4059 which you introduced on September 19, 1968. As I understand it, your bill was designed primarily to deny taxpayers certain incentives which have previously existed in our legislation with respect to farm taxation.

Although I personally am in sympathy with some of the aspects of the legislation, I have basically come to the conclusion that the unfavorable effects of the legislation far outweigh its advantages. As a result of this conviction, I have sent copies of the enclosed letter to various interested parties in the Senate and the House of Representatives. Since the legislation was introduced by you, I felt that you, of course, would also like to see a copy of the letter.

If you would like, I would be most happy to confer with you concerning this legislation at any time that might be convenient for you.

Very truly yours,
W. A. ANDERSON, Jr.,
Vice President, Corporate Finance.

Enclosure.

EASTMAN DILLON, UNION
SECURITIES & CO.,
Houston, Tex., December 18, 1968.

Hon. RUSSELL B. LONG,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR LONG: As you may know, on November 1, 1967, Senator Lee Metcalf of Montana introduced a bill in the United States Senate (S. 2613) which he described as "A Bill to amend the Internal Revenue Code to prohibit persons who are not bona fide farmers from using losses incurred in their farming operations as an offset to income from other sources". The bill was referred to the Senate Finance Committee and a companion bill which was introduced in the House of Representatives was referred to the House Ways and Means Committee. You, as Chairman of the Senate Finance Committee, requested reports from the Treasury Department and the Agriculture Department concerning the bill. In their reports to the Senate Finance Committee, which were published in the July 17, 1968 Congressional Record, both the Treasury Department and the Agriculture Department supported the proposed legislation but requested certain modifications. As a result, Senator Metcalf introduced a new bill on September 19, 1968 to supersede S. 2613. The new bill is S. 4059 and I understand that a companion bill has also been introduced in the House of Representatives. The new bills incorporate the requested modifications of the Treasury and Agriculture Departments. When Congress adjourned, both bills died and will have to be reintroduced next year.

In essence, the proposed legislation changes the treatment of farm income in two major respects. First, any farming operations and tax accounting thereon, would be treated as a separate business whether operated by an individual, a partnership, or a corporation and tax losses resulting from farming could be applied only against farm income. As a result, a loss in one farm year would be carried back against the preceding three years' profits or carried forward against the next five years' profits. Any farm loss which could not be offset during that nine year period would be forfeited. Second, capital gains, reduced by 50%, resulting from the sale of farm assets would have to be used to offset ordinary income losses to the extent possible.

Upon initial examination of the bill, it would appear to accomplish the sponsors' objective, the elimination of certain tax incentives existing in our present tax laws. A close examination of the proposed legislation, however, will bring one to certain additional conclusions which appear to be far more harmful than the existence of these tax incentives. My own analysis of the proposed legislation has brought me to seven primary conclusions:

1. It would cause a general substantial increase in the price level of farm commodities.
2. The loss of tax loss carryovers after five years makes it uneconomical for an investor to enter any type of farming that requires more than five years to realize a full commercial crop income; therefore, it would tend to create a monopoly or oligopoly in those areas of farming.
3. It would have disastrous effects on farmers in general, should there be a long period of general crop failure.
4. It would create a greater concentration of farming in the hands of corporations.
5. It would prohibit small farmers from entering any areas of farming where it takes more than five years to develop a commercial crop income.
6. It would cause a general increase in the inflationary pressures in our economy.
7. It would create a discriminating treatment of farm capital gains.

In order to substantiate my above mentioned conclusions, it is necessary to begin with a discussion of the proposed treatment of losses resulting from farm operations. The basic reasons for this new legislation are pointed out by Assistant Secretary of the Treasury, Stanley S. Surrey, in his letter of July 11, 1968 to the Chairman of the Senate Finance Committee,

"The objective is to eliminate the provisions which presently grant high bracket taxpayers substantial tax benefits from the operation of certain types of farms on a part-time basis. These taxpayers, whose primary economic activity is other than farming, carry on limited farming activities such as citrus farming or cattle raising. By electing the special farm accounting rules—which were developed to ease the bookkeeping chores for ordinary farmers—these high bracket taxpayers show farm "tax losses" which are not true economic losses. These "tax losses" are then deducted from their other income, resulting in large tax savings. Moreover, these "tax losses" frequently represent the cost of creating a farm asset (i.e. the cost of raising a breeding herd) which will ultimately be sold and the proceeds (including the part representing a recoupment of the previously deducted expenses) taxed only at lower capital gains rates. Thus, deductions are set off against ordinary income, while the sale price of the resulting assets represents capital gain. The essence of the bill is to deny high bracket part-time farmers the ability to use the generous farm tax accounting rules to reduce taxes on their non-farm income.

"This cannot help but result in a distortion of the farm economy, especially for the ordinary farmer who depends on his farm to produce the income needed to support him and his family. This distortion may be evidenced in various ways: For one, the attractive farm tax benefits available to wealthy persons have caused them to bid up the price of farm land beyond that which would prevail in the normal farm economy. Furthermore, because of the present tax rules, the ordinary farmer must compete in the market place with these wealthy farm owners who may consider a farm profit—in the economic sense—unnecessary for their purposes. Statistics show a clear predominance of farm losses over farm gains among high bracket taxpayers with income from other sources."

The principal statistical evidence which has been presented by the proponents of the bill was developed by the Treasury Department and is as follows: "In 1965, among taxpayers with less than $50,000 of adjusted gross income, total farm profits were $5.1 billion and total farm losses were $1.7 billion, about a 5-to-2 ratio of profits to losses. Among taxpayers with adjusted gross income between $50,000 and $500,000, profits and losses were an approximately 1-to-1 ratio. However, among taxpayers with adjusted gross income of over $500,000 total farm profits were $2 million, and total farm losses were $14 million, a more than 7-to-1 ratio in the other direction, that, losses to profits." The Treasury's conclusion, therefore, is, "The fact is our tax laws spawned artificial tax profits and have distorted the farm economy."

A number of the supporters of the bill have made statements during the past year that the result of these incentives in the tax law has been a general increase in the price of farm land and a decrease in farm prices. On July 18, 1968, Vice President Humphrey stated in a farm policy statement:

"I shall fight for federal tax reform to remove artificial incentives for the movement of non-farmers into agriculture. These investors now enjoy an unfair tax write-off break which gives them an advantage over independent farmers. Family farmers are efficient enough to compete with anybody, providing the rules are fair. We have an obligation to see that they are. *Low farm prices* and inadequate income are the persistent symptoms of agriculture's problems."

A number of statements have been made by other supporters of the legislation confirming the Vice President's remarks. As an example, on March 19, 1968, Senator George McGovern addressed the National Farmers Union convention and stated, "Well-to-do urban residents who make a good deal more on tax avoidance than a farmer can make from production amount to subsidized, unfair competitors for bona fide farmers. They are little concerned about the *price depressing* effect of their production."

If the proposed tax legislation were passed, the entire economics of farming would be changed since the tax treatment of farm losses would be different, and a large number of persons who are presently in farming would sell their farms and invest in other areas. In other words, since the rules of the game would have changed, a number of farm investments would become uneconomic and those farm units would be sold. The effect of this change in farm economics would be twofold; 1) farm commodity prices would go up, and 2) land prices would go down.

The elimination of a number of farm operations would decrease the supply of farm commodities in general, and as we shall see later, the reduction of competition in certain areas would have a drastic effect on those related farm commodity prices. As is obvious in any poor crop year, when the supply of farm commodities goes down, the prices go up. With the additional factor of population growth (and thereby demand growth), farm commodity prices would have to increase.

The necessity for a number of uneconomic farm investments to be sold, as a result of the proposed tax legislation, would decrease land prices. As we have seen from the speeches referred to above, many supporters of the bill feel that a decrease in land prices would be beneficial. However, a decrease in land prices would reduce the value of the small farmer's principal asset. The value of his land would decrease, too.

Furthermore, there are those supporters of the bill, such as Senator McGovern, who feel that more investment in farming by corporations would be detrimental because corporations are unfair competition for individual farmers. If this is the case, then those persons who are supporting the bill had better take another look since lower land prices and higher farm commodity prices should encourage corporations to expand their present farm operations. The overall effect of the bill, consequently, would be a general tendency for corporations to enter farming and for individual farmers, whether wealthy or not, to get out of farming.

The bill would create a monopoly or ologopoly situation in a number of areas of the farm community, and I believe this is why the bill is being so strongly supported by a number of special interest farm groups. The net effect of this legislation would be to prohibit the entrance of any new competition into any area of farming which takes more than five years to develop a commercial crop income. This is a fairly obvious conclusion since no one would be willing to make an investment in an area where it takes five, six, ten, or twelve years to develop a commercial crop income if it is not possible to recover the losses incurred during the time prior to the operation's generating revenues. In its report to you, the Treasury Department readily admits that there are certain crop areas in which a full crop income is not derived within the first five years of operation, "a citrus grove may not bear a commercial crop until six or seven years after it has been planted". Other types of farming in which a commercial crop may not be derived in five years are apples, peaches, pecans, vineyards, and even cattle, if a small farmer is trying to get into the cattle business by raising his own herd. No one could economically enter any of these areas of farming, should this tax legislation be imposed. If we look ahead to the increase in demand for food over the next 10 or 15 years, it is readily apparent that if the supply remains constant, prices will increase drastically. Already there are cries that food shortages will be one of the world's greatest problems of the future. Even today we hear housewives, supermarket operators, and consumers in general, charging that food prices are increasing at a much too rapid rate. It is awesome to think what this situation might be if there could be no additional vineyards, orchards, citrus growers, or even small cattle farms.

Senator McGovern indicated in his speech referred to earlier, that this legislation would give the small farmer a new lease on life and would help eliminate poverty in our country, whereas it appears the exact opposite may be the effect. Corporations will force the small farmers out of farming and prices will be higher and higher, which will create more poverty, not lessen it. In addition, the small farmer who does not have the capital to ride out long droughts or other adverse weather conditions may find himself out of business if he has two or three consecutive years of complete losses and only a modest income in other years to offset them. As a result, he may in fact be put out of business because at the end of five years he would have to start paying taxes on farm income when he hasn't received the benefit of all of his losses in bad crop years.

The second major provision of the bill, the unique treatment of capital gains, was proposed primarily by Assistant Secretary of the Treasury, Stanley S. Surrey. The provision as described above is that long-term net capital gains reduced by 50% would be offset to the extent possible by ordinary income tax losses. In effect, this means the gains which would normally be taxed at one-half the normal income tax rate or 25%, whichever is less, would be used to offset ordinary income tax rates no matter what the effective rate may be, even perhaps 70%. This is a change in overall tax policy which has never been implemented in any industry. It is a discrimination in farm taxation which does not exist in any other industry. This is a burden which should not be imposed on any individual industry but should be an overall policy decision from the standpoint of tax legislation.

Therefore, I believe the above discussion supports my initial conclusions which point out that the overall effect of this new proposed tax legislation would be in general much more detrimental than beneficial. As the Treasury points out in its report, total farm profits in 1965 were in excess of $5.1 billion but the losses reported were substantially less than that and in fact, among taxpayers with adjusted gross income of over $500,000, which is the income bracket the bill is reputedly to affect, total farm losses were only $14 million which, as a dollar amount, is a very insignificant figure in both our national and government economies. If the legislation were to result in higher prices, a greater concentration of farmlands in the hands of corporations, discrimination against small farmers in certain areas of farming, and greater inflationary pressures on the economy, it would seem that the advantage of denying certain tax incentives which allow farm losses to an extent of less than $2 billion for all farmers would hardly outweigh the risk involved in passing this legislation.

Consequently, I would like to make an appeal for an overall tax reform that would result in a tax legislation program which would be more equitable to the taxpayer in general. Certainly it should be far more beneficial than special purpose legislation which the Treasury supports because it would mean eliminating certain tax incentives for farm investors, and which special interest farm groups support because they would be in a much better competitive position with a monopoly in their particular area of the farming economy.

I feel we should all get behind an overall tax reform, equitable to all taxpayers, rather than take the risk involved in passing the type of legislation which is being proposed by Senator Metcalf.

Very truly yours,

W. A. ANDERSON, Jr.
Vice President, Corporate Finance.

Mr. METCALF. Mr. President, this use of farming losses to offset other income has created a new breed of person, the "tax farmer," who is more interested in farming the Internal Revenue Code than he is in the land, and who is making it increasingly difficult for true farmers to earn a fair and adequate rate of return on their effort and investment. It never ceases to amaze me—the more efficient someone becomes in his nonfarm interest, the more money he makes—and the more money he makes, the more money he loses farming.

The intent of the bill is to eliminate the provisions of the tax laws which presently grant high-bracket taxpayers substantial tax benefits from the operation—usually indirectly—of limited types of farm operations on a part-time basis. The principal economic activity of these taxpayers is other than farming—often running a brokerage firm, law business, practicing medicine, or deriving income largely from the stage or motion picture productions. By electing the special farm accounting rules which, as the Treasury and Agriculture Departments have indicated, were developed to ease the bookkeeping chores for ordinary farmers, these high-bracket taxpayers show farm tax losses which are not true economic losses. These tax losses are then deducted against their other income with resulting large tax savings.

In addition, these tax losses frequently represent the costs of creating a farm asset—such as the cost of raising a breeding herd of cattle—which will ultimately be sold and the proceeds taxed at capital gains rate not in excess of 25 percent. As a result, deductions are offset against ordinary income, currently saving as much as 77 cents on a dollar, while the related income may eventually be taxed at 25 cents on the dollar or less.

While I am, of course, concerned with the tax equity problem here; namely, the problem wherein high-bracket taxpayers are able to avoid paying their fair share of the tax burden by using farm losses to offset or eliminate other income—of still greater importance is the fact that the influx of these "tax farmers" is squeezing small and other bona fide farmers out of farming operations. These tax farmers bid up prices of land and other farm assets through the use of their very considerable financial resources. An example of this process is the effect of prices of breeding stock and of the increasing popularity of devices such as "rent-a-cow." High-income "tax farmers" are able to pay these prices because they make their profit from the farm loss deductions, not from the economic return on farming as such.

It is ironic that tax provisions primarily developed for the benefit of bona fide farmers have, in fact, been misused by others so that they, in reality, have injured the bona fide farmers by the movement of the "tax farmers" into farming operations with the resultant bidding up of farm asset prices. Certainly this was not intended by the Congress.

I mentioned earlier in my remarks that I would list some of the suggestions that have been incorporated into the bill as a result of discussion that took place during the adjournment period. For example, the bill now provides that farmers at their election can treat as farm income income from operations which are directly related and carried on as an integral part of the taxpayer's farming operations. This provision resulted from an exchange of correspondence with the American Association of Nurserymen.

Mr. President, so that other Senators may read this exchange of correspondence, I ask unanimous consent that the letters be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

January 7, 1969.

Mr. Robert F. Lederer,
Executive Vice President, American Association of Nurserymen, Inc., Washington, D.C.

Dear Mr. Lederer: I have studied the suggestion you made in your letter of 18 December with great interest.

I can see the difficulty with my bill from the nurserymen's point of view. I recognize that a nurseryman, although engaged in farming to the extent he grows nursery stock, also often is engaged in types of business which are closely related to this, such as garden centers and landscape operations which, nevertheless, would probably not be classified as farming.

In studying your problem I came to the conclusion, however, that this is a problem which may exist in several areas and not just in the case of nurserymen alone. For that reason the bill which I am introducing this year contains a new provision which appears in Sec. 277(e)(6) concerned with "related integrated business." Under this provision a taxpayer who is engaged in the business of farming and also in one or more other businesses which are directly related to his business of farming and which are conducted on an integrated basis with his business of farming may elect to treat all of these businesses as a single farming business. I believe that this meets the problem with which you were concerned and will also meet problems in other types of farming operations as well.

I wish to thank you for your constructive suggestion.

Very truly yours,

Lee Metcalf,
Member of Congress.

American Association of
Nurserymen, Inc.,
Washington, D.C., December 18, 1968.

Re S. 4059 Farm Loss Tax Deductions
Hon. Lee Metcalf,
U.S. Senate,
Washington, D.C.

Dear Senator Metcalf: It has recently come to our attention that Senate bill 4059, which you and 17 other Senators introduced on September 19, 1968 for the purpose of eliminating the tax benefits certain high-bracket tax-payers may gain through "tax loss farming," could have some unfortunate and unintended side-effects on members of the nursery industry. We would like to take this opportunity to discuss the problems with you and to suggest a specific solution.

GENERAL

By way of introduction, we note that S. 4059 would add a new section 277 to the Internal Revenue Code, allowing farm losses in full only against the first $15,000 in nonfarm income. If nonfarm income exceeds $15,000, the amount against which excess farm losses may be offset is reduced dollar for dollar for incomes above $15,000 and cut off after $30,000, except in case of certain "special deductions." Disallowed deductions could be carried back three years and forward five years.

TYPICAL NURSERY SITUATION

The difficulty with this bill, from the nurseryman's point of view, is that nowhere in the bill is any clear distinction drawn between income from farming and nonfarm income. Many nurserymen not only grow nursery stock, but sell it through their own retail garden centers, which are typically family-owned small business operations doing their best to compete with the nursery departments of the large chain and department stores. Typically, too, such nurserymen also carry on a small landscaping operation, usually with a primarily residential emphasis. These garden center and landscape operations usually serve chiefly as outets for stock grown by the nurseryman, supplemented by varieties purchased from elsewhere which for climatic or other reasons he cannot grow at all, or in sufficient quantity. He may also sell incidental garden supplies which the consumer expects in the interest of "one-stop" garden shopping. But ordinarily, all these activities are incidental to the sale of his own grown nursery stock.

With these complementing growing, retailing and landscaping activities, the nurseryman faces a substantial risk that in the absence of clear rules in the proposed bill, the Internal Revenue Service might treat as nonfarm income, not available to offset farm losses, the income nurserymen derive from their landscaping and garden center activities. This would especially seem a possibility when one considers that nowhere in the Code, nor in IRS regulations or case law, is there any indication as to what activities of nurserymen, if any, the IRS might consider as not constituting "farming."

To be sure, we have no reason to believe that nurserymen generally have chronic farm losses that would be lost under this bill. But you will appreciate that in any business as risky as farming, periodic losses are not uncommon, and not all of them are attributable to casualty losses or the other special cases contemplated in the bill.

Especially in the case of nursery stock, which may mature over a period of several years, it may be impossible to prove that specific crop losses are traceable to a drought or sudden casualty loss in any particular year, but the economic loss may be no less real. In other words, substantial farm losses are an occasional unpleasant fact of life for nurserymen. When they occur, they may be so drastic that an immediate but limited carry back is not enough, particularly if two or three bad years should come in a row. A carry forward is at best a distant hope. What is needed in such a disaster year is immediate relief. A reduction in current taxes on non-growing income, e.g., from a companion garden center or landscape operation, is the least that a nurseryman should expect. The pending bill would in some cases limit or block such relief.

SUGGESTED AMENDMENT

We understand, of course, that your intent in sponsoring S. 4059 is not to limit the legitimate deductions of nurserymen, but to prevent the tax dodges of so-called "tax farmers." With this basic purpose, we are in sympathy. Accordingly, while affirming our basic support for the bill, we respectfully suggest that the definitions of farming income should be clarified, so as clearly to include income from landscaping and related nursery activities. While this could be done in a variety of ways, we would suggest the addition of a sentence to the bill's present definition of "two or more businesses" (proposed Code Sec. 277(c)(7)), to make it read as follows (new matter italicized):

"(c) Definitions and special rules.—For purposes of this section—

* * * * *

"(7) Two or more businesses.—If a taxpayer is engaged in two or more businesses of farming, such businesses shall be treated as a single business. *If a taxpayer who is engaged in the business of nursery farming also engages in landscape, wholesale or retail nursery operations, or other nursery-related operations, such operations shall be treated as part of a single business of farming, unless conducted in such a manner as to make them separate businesses.*"

We hope that our suggested revision of S. 4059 will prove helpful. If we can be of any assistance, please feel free to call upon us.

Sincerely,

Robert F. Lederer,
Executive Vice President.

Mr. METCALF. Mr. President, another example is in the area of what are called subchapter S corporations—that is, corporations that have elected to be treated somewhat similar to a partnership. The new bill provides the same treatment to these corporations and their shareholders as S. 4059 provided for partnerships and partners. By this I mean that each shareholder will be considered as having received his appropriate share of the farm income or loss and thereafter the bill will apply directly to the shareholder and not to the subchapter S corporation as such.

The new bill also provides that if two or more corporations are members of a controlled group of corporations and have deductions attributable to the business of farming in excess of their gross income from farming, then the $15,000 limitation shall be reduced proportionately for each such corporation.

I would like to point out that the principal effect both of the new bill which I reintroduce today and the one which I introduced last fall is the same. The effect will be to remove the inflation in farm asset prices which arises from the encouragement which our tax laws give people other than farmers to engage in specialized types of farming operations. The effect of this bill should be to restore a more normal relationship between farm property values and income to be derived from farming. This should also have the substantial, but side effect, of substantially increasing the equity of our tax laws.

Mr. President, I ask unanimous consent that the new bill be printed in the Record.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 500) introduced by Mr. Metcalf, for himself and other Senators, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items not deductible) is amended by adding at the end thereof the following new section:

"Sec. 277. Limitation on Deductions Attributable to Farming

"(a) General Rule.—In the case of a taxpayer engaged in the business of farming, the deductions attributable to such business which, but for this section, would be allowable under this chapter for the taxable year shall not exceed the sum of—

"(1) the adjusted farm gross income for the taxable year, and

"(2) the higher of—

"(A) the amount of the special deductions (as defined in subsection (d)(3)) allowable for the taxable year, or

"(B) $15,000 ($7,500 in the case of a married individual filing a separate return), reduced by the amount by which the taxpayer's adjusted gross income (taxable income in the case of a corporation) for the taxable year attributable to all sources other than the business of farming (determined before the application of this section) exceeds $15,000 ($7,500 in the case of a married individual filing a separate return).

"(b) Exception for Taxpayers Using Certain Accounting Rules.—

"(1) In general.—Subsection (a) shall not apply to a taxpayer who has filed a statement, which is effective for the taxable year, that—

"(A) he is using, and will use, a method of accounting in computing taxable income from the business of farming, which uses inventories in determining income and deductions for the taxable year, and

"(B) he is charging, and will charge, to capital account all expenditures paid or incurred in the business of farming which are properly chargeable to capital account (including such expenditures which the taxpayer may, under this chapter or regulations prescribed thereunder, otherwise treat or elect to treat as expenditures which are not chargeable to capital account).

"(2) Time, manner, and effect of statement.—A statement under paragraph (1) for any taxable year shall be filed within the time prescribed by law (including extensions thereof) for filing the return for such taxable year, and shall be made and filed in such manner as the Secretary or his delegate shall prescribe by regulations. Such statement shall be binding on the taxpayer, and be effective, for such taxable year and for all subsequent taxable years and may not be revoked except with the consent of the Secretary or his delegate.

"(3) Change of method of accounting, etc.—If, in connection with a statement under paragraph (1), a taxpayer changes his method of accounting in computing taxable income or changes a method of treating expenditures chargeable to capital account, such change shall be treated as having been made with the consent of the Secretary or his delegate and, in the case of a change in method of accounting, shall be treated as a change not initiated by the taxpayer.

"(c) Carryback and Carryover of Disallowed Farm Operating Losses.—

"(1) In general.—The disallowed farm operating loss for any taxable year (hereinafter referred to as the 'loss year') shall be—

"(A) a disallowed farm operating loss carryback to each of the 3 taxable years preceding the loss year, and

"(B) a disallowed farm operating loss carryover to each of the 5 taxable years following the loss year,

and (subject to the limitations contained in paragraph (2)) shall be allowed as a deduction for such years, under regulations prescribed by the Secretary or his delegate, in a manner consistent with the allowance of the net operating loss deduction under section 172.

"(2) Limitations.—

"(A) In general.—The deduction under paragraph (1) for any taxable year for disallowed farm operating loss carrybacks and carryovers to such taxable year shall not exceed the taxpayers' net farm income for such taxable year.

"(B) Carrybacks.—The deduction under paragraph (1) for any taxable year for disallowed farm operating loss carrybacks to such taxable year shall not be allowable to the extent it would increase or produce a net operating loss (as defined in section 172 (c)) for such taxable year.

"(3) Treatment as net operating loss carryback.—Except as provided in regulations prescribed by the Secretary or his delegate, a disallowed farm operating loss carryback shall, for purposes of this title, be treated in the same manner as a net operating loss carryback.

"(1) Adjusted farm gross income.—The term 'adjusted farm gross income' means, with respect to any taxable year, the gross income derived from the business of farming for such taxable year (including recognized gains derived from sales, exchanges, or involuntary conversions of farm property), reduced, in the case of a taxpayer other than a corporation, by an amount equal to 50 percent of the lower of—

"(A) the amount (if any) by which the recognized gains on sales, exchanges, or involuntary conversions of farm property which under section 1231(a) are treated as gains from sales or exchanges of capital assets held for more than 6 months exceed the recognized losses on sales, exchanges, or involuntary conversions of farm property which under section 1231(a) are treated as losses from sales or exchanges of capital assets held for more than 6 months, or

"(B) the amount (if any) by which the recognized gains described in section 1231(a) exceed the recognized losses described in such section.

"(2) Net farm income.—The term 'net farm income' means, with respect to any taxable year, the gross income derived from the business of farming for such taxable year (including recognized gains derived from sales, exchanges, or involuntary conversions of farm property, reduced by the sum of—

"(A) the deductions allowable under this chapter (other than by subsection (c) of this section) for such taxable year which are attributable to such business, and

"(B) in the case of a taxpayer other than a corporation, an amount equal to 50 percent of the amount described in subparagraph (A) or (B) of paragraph (1), whichever is lower.

"(3) Special deductions.—The term 'special deductions' means the deductions allowable under this chapter which are paid or incurred in the business of farming and which are attributable to—

"(A) taxes,

"(B) interest,

"(C) the abandonment or theft of farm property, or losses of farm property arising from fire, storm, or other casualty,

"(D) losses and expenses directly attributable to drought, and

"(E) recognized losses from sales, exchanges, and involuntary conversions of farm property.

"(4) Farm property.—The term 'farm property' means property which is used in the business of farming and which is property used in the trade or business within the meaning of paragraph (1), (3), or (4) of section 1231(b) (determined without regard to the period for which held).

"(5) Disallowed farm operating loss.—The term 'disallowed farm operating loss' means, with respect to any taxable year, the amount disallowed as deductions under subsection (a) for such taxable year, reduced, in the case of a taxpayer other than a corporation, by an amount equal to 50 percent of the amount described in subparagraph (A) or (B) of paragraph (1), whichever is lower.

"(e) Special Rules.—For purposes of this section—

"(1) Business of farming.—A taxpayer shall be treated as engaged in the business of farming for any taxable year if—

"(A) any deduction is allowable under section 162 or 167 for any expense paid or incurred by the taxpayer with respect to farming, or with respect to any farm property held by the taxpayer, or

"(B) any deduction would (but for this paragraph) otherwise be allowable to the taxpayer under section 212 or 167 for any expense paid or incurred with respect to farming, or with respect to property held for the production of income which is used in farming.

For purposes of this paragraph, farming does not include the raising of timber. In the case of a taxpayer who is engaged in the business of farming for any taxable year by reason or subparagraph (B), property held for the production of income which is used in farming shall, for purposes of this chapter, be treated as property used in such business.

"(2) Income and deductions.—The determination of whether any item of income is derived from the business of farming and whether any deduction is attributable to the business of farming shall be made under regulations prescribed by the Secretary or his delegate, but no deduction allowable under section 1202 (relating to deduction for capital gains) shall be attributable to such business.

"(3) Controlled group of corporations.—If two or more corporations which—

"(A) are component members of a controlled group of corporations (as defined in section 1563) on a December 31, and

"(B) have not filed a statement under subsection (b) which is effective for the taxable year which includes such December 31,

each have deductions attributable to the business of farming (before the application of subsection (a)) in excess of its gross income derived from such business for its taxable year which includes such December 31, then, in applying subsection (a) for such taxable year, the $15,000 amount specified in paragraph (2)(B) of such subsection shall be reduced for each such corporation to an amount which bears the same ratio to $15,000 as the excess of such deductions over such gross income at such corporation bears to the aggregate excess of such deductions over such gross income of all such corporations.

"(4) Partnerships.—A business of farming carried on by a partnership shall be treated as carried on by the members of such partnership in proportion to their interest in such partnership. To the extent that income and deductions attributable to a business of farming are treated under the preceding sentence as income and deductions of members of a partnership, such income and deductions shall, for purposes of this chapter; not be taken into account by the partnership.

"(5) Two or more businesses.—If a taxpayer is engaged in two or more businesses of farming, such businesses shall be treated as a single business.

"(6) Related integrated business.—If a taxpayer is engaged in the business of farming and is also engaged in one or more businesses which are directly related to his business of farming and are conducted on an integrated basis with his business of farming, the taxpayer may elect to treat all such businesses as a single business engaged in the business of farming. An election under this paragraph shall be made in such manner, at such time, and subject to such conditions as the Secretary or his delegate may prescribe by regulations.

"(7) Subchapter S corporations and their shareholders.—

"For special treatment of electing small business corporations which do not file statements under subsection (b) and of the shareholders of such corporations, see section 1379.

"(f) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

Sec. 2. (a) The table of sections for part

IX of subchapter B of chapter 1 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new item:

"Sec. 277. Limitation on deductions attributable to farming."

(b) Section 172(h) of such Code is amended by adding at the end thereof the following new paragraph:

"(3) For limitations on deductions attributable to farming and special treatment of disallowed farm operating losses, see section 277."

(c) Section 381(c) of such Code is amended by adding at the end thereof the following new paragraph:

"(24) *Farm operating loss carryovers.*—The acquiring corporation shall take into account, under regulations prescribed by the Secretary or his delegate, the disallowed farm operating loss carryovers under section 277 of the distributor or transferor corporation."

(d)(1) Subchapter S of such Code is amended by adding at the end thereof the following new section:

"Sec. 1379. Electing small business corporations engaged in business of farming.

"(a) Separate Application to Farming Income and Deductions.—Under regulations prescribed by the Secretary or his delegate, an electing small business corporation which is engaged in the business of farming during its taxable year (other than a corporation which has filed a statement under section 277(b) which is effective for such taxable year), and the shareholders of such corporation, shall apply the provisions of sections 1373 through 1378, separately with respect to—

"(1) income derived from the business of farming by such corporation and deductions attributable to such business, and

"(2) all other income and deductions of such corporation.

In computing the taxable income and undistributed taxable income, or net operating loss, of such corporation with respect to the business of farming, no deduction otherwise allowable under this chapter shall be disallowed to such corporation under section 277.

"(b) Shareholders Treated as Engaged in Business of Farming, Etc.—For purposes of section 277—

"(1) each shareholder of an electing small business corporation to which subsection (a) applies shall be treated as engaged in the business of farming,

"(2) the undistributed taxable income of such corporation which is included in the gross income of such shareholder under section 1373 and is attributable to income and deductions referred to in subsection (a)(1), and dividends received which are attributable to such income and deductions and are distributed out of earnings and profits of the taxable year as specified in section 316(a)(2), shall be treated as income derived from the business of farming by such shareholders, and

"(3) the deduction allowable (before the application of section 277) to such shareholder under section 1374 as his portion of such corporation's net operating loss attributable to income and deductions referred to in subsection (a)(1) shall be treated as a deduction attributable to the business of farming.

"(c) Special Rules of Section 277(e) Applicable.—For purposes of this section, the special rules set forth in section 277(e) shall apply."

(2) The table of sections for subchapter S of such Code is amended by adding at the end thereof the following new item:

"Sec. 1379. Electing small business corporations engaged in business of farming."

Sec. 3. The amendments made by this Act shall apply to taxable years beginning after the date of the enactment of this Act, except that for purposes of applying section 277(c) of the Internal Revenue Code of 1954 (as added by the first section of this Act) with respect to disallowed farm operating losses of any taxpayer for taxable years beginning after such date—

(1) such amendments shall also apply to the 3 taxable years of such taxpayer preceding the first taxable year beginning after such date, and

(2) in the case of a taxpayer to whom section 1379(b) of such Code (as added by section 2(d) of this Act) applies for any of his first 3 taxable years beginning after such date, section 1379 of such Code shall apply with respect to the electing small business corporation of which such taxpayer is a shareholder for the 3 taxable years preceding each such taxable year of such taxpayer, but only with respect to any such preceding taxable year for which the corporation was an electing small business corporation.

Mr. HARTKE. Mr. President, as a cosponsor of the distinguished Senator's bill, I would like to commend my distinguished colleague for the excellent work he has done in preparing this proposed legislation. The bill is directed to correction of an area of tax inequity which has prevailed too long in our economy and which has compounded, if not in fact created, a serious economic and social condition which the Congress cannot in conscience ignore.

Today, many taxpayers, corporate and individual, in high tax brackets obtain substantial tax benefits from the operation of certain types of farms on a part-time basis. By electing the special farm accounting rules that are available to the ordinary farmer to ease his bookkeeping chores, these high bracket taxpayers show farm tax losses which in no sense represent true economic losses, and which these taxpayers deduct from their business and other income in order to achieve substantial tax savings. Frequently these so-called tax losses represent the cost of creating a farm asset, as for example, the cost of raising a breeding herd. When the herd is subsequently sold, the profits from the sale will be taxed at the lower capital gains rates, including that portion of the sales proceeds which represent a recoupment of the previously deducted expenses.

The benefits that high-income taxpayers receive from this tax inequity are substantial. In 1965 for example, according to the Department of the Treasury, among taxpayers with less than $50,000 of adjusted gross income, total farm profits were $5.1 billion and total farm losses were $1.7 billion—a 5-to-2 ratio of profits to losses; while, on the other hand, among taxpayers with adjusted gross income in excess of $500,000, total farm profits were $2 million compared with total farm losses of $14 million, a 7-to-1 ratio in the opposite direction—that is losses to profits.

In these times of continuing and rising inflation, wealthy persons and corporations not only find farmland an investment which affords a hedge against inflation, but also offers a tax haven for reducing substantial tax liabilities. The resultant distortion of our farm economy is apparent: The price of land is no longer determined by economic conditions that prevail in a normal farm economy; the farmer who makes his living from his farm competes in the marketplace with wealthy farm owners who may consider a farm profit, in an economic sense, unnecessary and even undesirable.

The bill provides what I consider a reasoned and intelligent correction of this manifest inequity. Under it farm losses would be permitted to be offset against nonfarm income only up to $15,000 for those whose nonfarm incomes do not exceed that amount. Accordingly, persons engaged in farming while at the same time holding down a part-time job are not affected by this measure. For those with nonfarm income in excess of $15,000, the amount against which the farm losses may be offset is reduced dollar for dollar. Persons with nonfarm earnings over $30,000 cannot offset farm losses against their income.

To permit this inequity to continue can only serve the interests of a wealthy few. This inequity not only violates our concept of fundamental fairness in tax treatment so essential to public confidence in our tax structure, but also undermines our farm economy to the detriment of the small family farm and the small farmer. I am glad to add my voice in support and in cosponsorship of this measure to remove this inequity.

S. 522—INTRODUCTION OF BILL RELATING TO THE INDIAN REVOLVING LOAN FUND AND THE INDIAN HEIRSHIP LAND PROBLEM

Mr. JACKSON. Mr. President, I introduce for appropriate reference, a bill relating to the Indian revolving loan fund and the Indian heirship land problem.

The purpose of this legislation is to provide an increase of $35 million in the Indian revolving credit loan fund established by the act of June 18, 1934. In addition, the bill would provide for the consolidation of all existing Indian loan programs into a single revolving loan fund to be available to all Indian organizations. The Indian revolving credit loan fund is grossly inadequate to provide money to tribes and individual Indians for economic development and educational purposes where financing from private sources is not available on reasonable terms.

The second principal feature of this bill would be to provide a solution to the so-called Indian heirship land problem. Indians own approximately 12 million acres of land allotted to them by various laws enacted by the Congress. These lands have become highly fractionated in ownership through the death of the original owners, and in many instances those who have inherited the lands may receive only a few cents each year as income from the use of these properties. A very complicated administrative problem has thereby been created. This legislation, if enacted, would provide the Secretary of the Interior, as well as the tribes, with the tools necessary to return these fractionated lands to individual or tribal ownership and permit their use to obtain the highest possible economic return for the owners.

The Senate has passed legislation similar to the bill I introduce today for the past several Congresses, but these bills have not been enacted into law. I am very hopeful that the new administration will give strong support to this measure in order that we may solve a problem that has plagued our Indian citizens for many, many years.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 522) relating to the Indian revolving loan funds and the Indian heirship land problem, introduced by Mr. Jackson, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 523—INTRODUCTION OF BILL TO PROVIDE FOR GUARANTEE AND INSURANCE OF LOANS TO INDIANS AND INDIAN ORGANIZATIONS

Mr. JACKSON. Mr. President, I introduce, for appropriate reference, a bill to provide for guarantee and insurance of loans to Indians and Indian organizations.

The purpose of this legislation is to authorize a loan guarantee and insurance program to provide access to private money markets that would not otherwise be available to Indians, tribes, or Indian organizations. This proposal would authorize the Secretary of the Interior to guarantee not to exceed 90 percent of any loan made to a tribe or Indian organization or to an individual Indian. In lieu of such guarantee, it would authorize the Secretary to insure loans under an agreement whereby the lender will be reimbursed for losses up to 15 percent of the aggregate of loans made by it to such organizations or individual Indians, but not to exceed 90 percent of the loss on any one loan. The bill, among other things, would authorize an appropriation of $15 million to be established as an Indian loan guarantee and insurance fund.

Legislation identical to the bill I am introducing today was before the Committee on Interior and Insular Affairs in the 90th Congress. However, it was not possible to take action on the measure. I am very hopeful that we may have early hearings on this proposal and bring about its enactment in the 91st Congress so that the Indians throughout this country will be able to obtain the funds so essential to the development of their economic resources.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 523) to provide for guarantee and insurance of loans to Indians and Indian organizations, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 524—INTRODUCTION OF BILL TO PROVIDE FOR A JOINT FEDERAL-STATE PROGRAM FOR THE REGULATION OF SURFACE MINING OPERATIONS

Mr. JACKSON. Mr. President, I introduce, for appropriate reference, a bill to provide for a joint Federal-State program for the regulation of surface mining operations, including the reclamation of surface-mined lands. This measure was drafted in the Department of the Interior and submitted by Secretary Stewart Udall prior to his leaving office.

The provisions of the measure I am introducing are identical to those in the Department's draft of legislation submitted to the Congress on March 13, 1968, and which I sponsored for myself and Senators Lausche, Nelson, Anderson, and Hart as S. 3132, 90th Congress. This bill was appropriately referred to the Senate Interior Committee, and extensive public hearings were held on it and allied bills over a period of 3 full days, on April 30, May 1, and May 2, 1968. These hearings have been printed, and the information, views and opinions in them will be most helpful in consideration of the present measure.

Mr. President, S. 3132, 90th Congress, and this bill are a part of President Johnson's program for national renewal, as set forth in his message to Congress of March 8, 1968.

I ask unanimous consent that the text of the measure, the executive communication by which the draft of the bill was submitted, and an explanation of its principal provisions be set forth in full at this point in the Record.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill, the executive communication and explanation will be printed in the Record.

The bill (S. 524) to provide for the cooperation between the Secretary of the Interior and the States with respect to the future regulation of surface mining operations, and for other purposes introduced by Mr. Jackson, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 524

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Surface Mining Reclamation Act of 1969".

DEFINITIONS

Sec. 2. For the purpose of this Act, the term—

(a) "Secretary" means the Secretary of the Interior;

(b) "reclamation" means the reconditioning or restoration of an area of land or water, or both, that has been adversely affected by surface mining operations;

(c) "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States, or between a State and any other place outside thereof, or within the District of Columbia, or a possession of the United States, or between points in the same State but through a point outside thereof;

(d) "surface mine" means (1) an area of land from which minerals are extracted by surface mining methods, including auger mining, (2) private ways and roads appurtenant to such area, (3) land, excavations, workings, refuse banks, dumps, spoil banks, structures, facilities, equipment, machines, tools, or other property on the surface, resulting from, or used in, extracting minerals from their natural deposits by surface mining methods or the onsite processing of such minerals;

(e) "surface mined areas" means any area on which the operations of a surface mine are concluded after the effective date of a State plan or the regulations issued under section 8 of this Act, whichever is applicable;

(f) "person" means an individual, partnership, association, corporation, or other business organization;

(g) "State" includes a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam; and

(h) "State plan" or "plan" means the whole or any portion or segment thereof.

CONGRESSIONAL FINDING

Sec. 3. The Congress finds and declares—

(a) That extraction of minerals by surface mining is a significant and essential industrial activity and contributes to the economic potential of the Nation;

(b) That there are surface mining operations in the Nation that burden and adversely affect commerce by destroying or diminishing the availability of land for commercial, industrial, recreational, agricultural, and forestry purposes, by causing erosion and landslides, by contributing to floods and the pollution of waters, by destroying fish and wildlife habitat and impairing natural beauty, by counteracting efforts to conserve soil, water, and other natural resources, by destroying or impairing the property of citizens, and by creating hazards dangerous to life and property;

(c) That regulation by the Secretary and cooperation by the States as contemplated by this Act are appropriate to prevent and eliminate such burdens and adverse effects;

(d) That, because of the diversity of terrain, climate, biologic, chemical, and other physical conditions in mining areas, the establishment on a nationwide basis of uniform regulations for surface mining operations and for the reclamation of surface mined areas is not feasible;

(e) That the initial responsibility for developing, authorizing, issuing, and enforcing regulations for surface mining operations and for the reclamation of surface mined areas should rest with the States; and

(f) That it is the purpose of this Act to provide a nationwide program to prevent or substantially reduce the adverse effects to the environment from surface mining, to assure that adequate measures will be taken to reclaim surface mined areas after operations are completed, and to assist the States in carrying out such a program.

MINES SUBJECT TO ACT

Sec. 4. After the effective date of this Act, each surface mine, the products of which enter commerce or the operations of which affect commerce, and the surface mined area thereof shall be subject to this Act.

FEDERAL AND STATE COOPERATION

Sec. 5. (a) In furtherance of the policy of this Act, the Secretary is authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with appropriate State agencies in developing and administering State plans for the regulation of surface mines and the reclamation of surface mined areas, consistent with the provisions of section 7 of this Act, and to cooperate and consult with other Federal agencies in carrying out the provisions of this Act.

(b) In cooperating with appropriate State agencies under this Act, the Secretary may provide such agency (1) technical and financial assistance in planning and otherwise developing an adequate State plan for the regulation of surface mines and the reclamation of surface mined areas (2) technical assistance and training, including necessary curricular and instructional materials, and financial and other aid for administration and enforcement of such a plan; and (3) assistance in preparing and maintaining a continuing inventory of surface mined areas and active mining operations within the

State for the evaluation of current and future needs and the effectiveness of mining and reclamation regulatory measures.

(c) The amount of any grant the Secretary may make to any State to assist them in meeting the total cost of the cooperative program in each State shall not exceed 50 per centum of such cost: *Provided*, That such payment shall not be made for more than three years unless a State plan has been submitted and approved by the Secretary and thereafter such payment shall be contingent at all times upon the administration of the State program in a manner which the Secretary deems adequate to effectuate the purposes of this Act.

(d) The appropriate State agency with which the Secretary may cooperate under this Act shall be a single agency designated by the State to have responsibility for the administration and enforcement of a State plan approved under this Act: *Provided*, That the Secretary may, upon request of the Governor or other appropriate executive or legislative authority of the State, waive the single State agency provision hereof and approve another State administrative structure or arrangement if the Secretary determines that the objectives of this Act will be enhanced by the use of such other State structure or arrangement.

ADVISORY COMMITTEES

SEC. 6. (a) The Secretary may appoint advisory committees which shall include, among others, State representatives, persons qualified by experience or affiliation to present the viewpoint of operators of surface mines, and persons qualified by experience or affiliation to present the viewpoint of conservation and other interested groups, to advise him in carrying out the provisions of this Act. The Secretary shall designate the chairman of each committee.

(b) Advisory committee members, other than employees of Federal, State, or local governments, while performing committee business, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime. While so serving away from their homes or regular places of business, members may be paid travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons intermittently employed.

STATE PLAN

SEC. 7. (a) A State may, after public hearings, submit to the Secretary at any time a State plan or a proposal for a revision in a plan previously approved by the Secretary for the regulation of surface mines and the reclamation of surface mined areas located within the State. The Secretary shall, after giving appropriate Federal agencies a reasonable opportunity to review and comment thereon, approve a State plan or revision thereof if—

(1) He determines that, in his judgment, the plan includes laws and regulations which—

(A) promote an appropriate relationship between the extent of regulation and reclamation that is required and the need to preserve and protect the environment;

(B) provide that an adequate mining plan be filed with, and approved by, the State agency and a permit be obtained to insure, before surface mining operations are commenced or continued, that they will be conducted in a manner consistent with said mining plan;

(C) contain, in connection with surface mines and surface mined areas, criteria relating specifically to (i) the control of erosion, flooding, and pollution of water, (ii) the isolation of toxic materials, (iii) the prevention of air pollution by dust or burning refuse piles or otherwise, (iv) the reclamation of surface mined areas by revegetation, replacement of soil, or other means, (v) the maintenance of access through mined areas, (vi) the prevention of land or rockslides, (vii) the protection of fish and wildlife and their habitat, and (viii) the prevention of hazards to public health and safety;

(D) promote the reclamation of surface mined areas by requiring that reclamation work be planned in advance and completed within reasonably prescribed time limits;

(E) provide for evaluation of environmental changes in surface mined areas and in areas in which surface mines are operating in order to accumulate data for assessing the effectiveness of the requirements established;

(F) provide adequate measures for enforcement, including criminal and civil penalties for failure to comply with applicable State laws and regulations; periodic inspections of surface mines and reclamation work; periodic reports by mining operators on the methods and results of reclamation work; the posting of performance bonds adequate to insure the land is reclaimed; and the revocation of permits for failure to comply with the terms of the permits or of the provisions of the regulations or laws under which permits are issued; and

(2) The Secretary determines that, in his judgment, the plan includes—

(A) adequate provision for State funds and personnel to assure the effective administration and enforcement of the plan and, if needed, the establishment of training programs for operators, supervisors, and reclamation and enforcement officials in mining and reclamation practices and techniques;

(B) provision for the making of such reports to the Secretary as he may require; and

(C) authorization by State law and that it will be put into effect not later than sixty days after its approval by the Secretary.

(b) After approval of a plan, the Secretary, on the basis of such inspections, investigations, or examinations as he deems appropriate and reports submitted by the State, shall make a continuing evaluation of the effectiveness of the approved plan and the enforcement thereof. Whenever he determines, after notice to the State agency referred to in subsection (d) of section 5, and opportunity for a hearing:

(1) that the State, in administering the plan, has failed to comply substantially with it or to enforce it adequately, he shall notify the State thereof and if within a reasonable time the State has not taken adequate measures, in his judgment, to correct the situation, he may withdraw his approval of the plan and issue regulations for such State under section 8 of this Act; and

(2) that a revision of an approved plan is appropriate to effectuate the purposes of this Act, he shall notify the State thereof, and if within a reasonable time the State has not revised said plan and obtained the approval of the Secretary thereon, he may withdraw his approval of the plan and issue regulations for such State under section 8 of this Act.

FEDERAL REGULATION OF SURFACE MINES

SEC. 8. (a) If, at the expiration of two years after the effective date of this Act, a State fails to submit a State plan, or a State has submitted a plan which has been disapproved and has within such period failed to submit a revised plan for approval, the Secretary, in consultation with an advisory committee appointed pursuant to this Act, shall issue promptly regulations for the operation of surface mines and for the reclamation of surface mined areas in such State: *Provided*, That if the Secretary has reason to believe that a State will submit an acceptable plan within one additional year after the expiration of the two-year period, he may delay the issuance of Federal regulations for such one-year period of time. If a State has within two years after the effective date of this Act submitted a plan for approval and the two-year period provided in the first sentence of this section has expired before the Secretary has approved or disapproved the plan, the Secretary shall delay the issuance of Federal regulations pending the approval or disapproval of the plan. The Federal regulations issued by the Secretary for a particular State shall be consistent with the principles set forth in subsection (a)(1) of section 7 of this Act.

(b) The Secretary shall publish in the Federal Register the regulations which he proposes to issue for a particular State. Interested persons shall be afforded a period of not less than sixty days after the publication of such regulations within which to submit written data, views, or arguments. Except as provided in subsection (c) of this section, the Secretary may, after the expiration of such period and after consideration of all relevant matter presented, issue the regulations with such modifications, if any, as he deems appropriate.

(c) On or before the last day of a period fixed for the submission of written data, views, or arguments, any person who may be adversely affected by the regulations which the Secretary proposes to issue may file with the Secretary written objections thereto stating the grounds therefor and requesting a public hearing on such objections. The Secretary shall not issue regulations respecting which such objections have been filed until he has taken final action upon them as provided in subsection (d) of this section. As soon as practicable after the period of filing such objections has expired the Secretary shall publish in the Federal Register a notice specifying the provisions of the regulations to which such objections have been filed.

(d) If such objections requesting a public hearing are filed, the Secretary, after notice, shall hold a public hearing for the purpose of receiving evidence relevant and material to the issues raised by such objections. At the hearing any interested person may be heard. As soon as practicable after the completion of the hearing, the Secretary shall act upon such objections and make public his decision.

(e) The Secretary may from time to time revise such regulations in accordance with the procedures prescribed in subsections (a) through (d) of this section.

TERMINATION

SEC. 9. If a State submits a proposed State plan to the Secretary after Federal regulations have been issued pursuant to section 8 of this Act, and if the Secretary approves the plan, such Federal regulations shall cease to be effective within the State sixty days after the approval of the State plan by the Secretary. Such Federal regulations shall again become effective if the Secretary subsequently withdraws his approval of the plan pursuant to subsection (b) of section 7 of this Act.

INSPECTIONS AND INVESTIGATIONS

SEC. 10. (a) The Secretary is authorized to cause to be made such inspections and investigations of surface mines and surface mined areas as he shall deem appropriate to evaluate the administration of State plans, or to develop or enforce Federal regulations, and for such purposes authorized representatives of the Secretary shall have the right of entry to any surface mine or upon any surface mined area.

(b) The head of each Federal agency shall permit by agreement authorized representatives of the State or the Secretary to have the right of entry to any surface mine or upon any surface mined area located on lands under his jurisdiction, unless the Secretary of Defense finds that such entry would not be in the interest of the national security.

REGULATIONS

SEC. 11. The Secretary may issue such regulations as are deemed necessary to carry out the purposes of this Act.

INJUNCTIONS

SEC. 12. At the request of the Secretary, the Attorney General may institute a civil action in a district court of the United States for a restraining order or injunction or other appropriate remedy (a) to prevent a person from engaging in surface mining operations without a permit from the Secretary required under section 8 of this Act, or in violation of the terms and conditions of such permit or the Federal regulations issued under section 8 of the Act; (b) to prevent a person from placing in commerce the products of a surface mine produced in violation of an approved State plan; or (c) to enforce the right of entry under section 10 of this Act. The district courts of the United States in which such person resides or is doing business or is licensed or incorporated to do business shall have jurisdiction to issue such order or injunction or to provide other appropriate remedy.

PENALTIES

SEC. 13. (a) If any person shall fail to comply with any regulation issued under section 8 of this Act for a period of fifteen days after notice of such failure, such person shall be liable for a civil penalty of not more than $100 for each and every day of the continuance of such failure. The Secretary may assess and collect any such penalty, and upon application therefor may remit or mitigate any such penalty imposed.

(b) Any person who knowingly violates any regulation issued pursuant to section 8 of this Act shall, upon conviction, be punished by a fine not exceeding $2,500, or by imprisonment not exceeding one year, or by both.

(c) The penalties prescribed in this section shall be available to the Secretary in addition to any other remedies afforded to him under this Act in enforcing the regulations issued under section 8 of this Act.

RESEARCH

SEC. 14. The Secretary is authorized to conduct and promote the coordination and acceleration of research, studies, surveys, experiments, demonstrations, and training in carrying out the provisions of this Act. In carrying out the activities authorized by this section, the Secretary may enter into contracts with, and make grants to, institutions, agencies, organizations, and individuals, and collect and make available information thereon.

APPROPRIATIONS

SEC. 15. (a) There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out the provisions of this Act.

(b) All appropriations and donations made pursuant to this Act, and all permit fees or other charges paid pursuant to section 8 of this Act shall be credited to a special fund in the Treasury to be known as the Mined Lands Reclamation Fund. Such sums shall be available, without fiscal year limitation, for carrying out the provisions of this Act.

OTHER FEDERAL LAWS

SEC. 16. Nothing in this Act shall affect in any way the authority of the Secretary or heads of other Federal agencies under other provisions of law to include in any lease, license, permit, contract, or other instrument such conditions as may be appropriate to regulate surface mining operations and to reclaim surface mined areas on lands under their jurisdiction: *Provided*, That such conditions shall be at least equal to any law and regulation established under an approved State plan or to any regulation issued under section 8 of this Act for the State in which such lands are located. Each Federal agency shall cooperate with the Secretary and the States, to the greatest extent practicable, in carrying out the provisions of this Act.

The executive communication and explanation, submitted by Mr. JACKSON, are as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., January 13, 1969.
Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill, "To provide for the cooperation between the Secretary of the Interior and the States with respect to the future regulation of surface mining operations, and for other purposes." Also enclosed is a brief explanation of its major provisions.

We recommend that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted. It is identical to the proposal on this subject transmitted during the 90th Congress.

This very important proposal is based upon the findings and recommendations of the National Surface Mine Study and the Interior report entitled "Surface Mining and Our Environment", which was transmitted to the Congress on July 3, 1967.

The study revealed that 3.2 million acres of land have been affected by surface mining in the past. Furthermore, at the present time approximately 20,000 active surface mining operations are disturbing our land at a rate estimated to exceed 150,000 acres annually. In producing the minerals needed in our economy, it is estimated that by 1980 more than 5 million acres will have been affected by these operations.

While there are many mining companies with extensive current reclamation programs, data received from various sources indicate that, as recently as 1964, the amount of land being partially or completely reclaimed was approximately 30 percent of the area disturbed in that year. At the present time only 14 States have laws requiring the reclamation of surface mined lands, and unless measures are undertaken to insure reclamation of lands subject to surface mining in the future, our Nations' inventory of derelict lands will continue to grow. The study also showed that unreclaimed mined land is responsible in many instances for degradation of the environment through erosion, landslides, air and water pollution, loss of fish and wildlife habitat, and the creation of hazards to public health and safety.

In our report, we proposed that a national program be undertaken which would include both the prevention of future damage to the land from surface mining and the repair of lands damaged by such mining in the past.

It was recommended that priority be given to Federal, State, and local programs for the prevention of future damage.

We are recommending at this time only the enactment of a program to regulate future surface mining. We believe it is essential that the States and the Federal Government move forward now with that part of the program. While it is important and desirable to remedy past mistakes if possible, we believe that it is even more important to prevent future ones now.

The reclamation of previously mined areas is a very complex subject and presents many problems. We are looking into these problems and hope that we can propose a workable program in this area in the not too distant future.

Also, at the direction of the President we will be submitting to him by April 1, 1969, a report, based on studies now being conducted, on the appropriate measures to be taken to prevent and control adverse effects to the environment resulting from underground mines and underground mining operations and the washing, sizing, or concentrating of minerals.

By letter dated January 13, 1969, the Bureau of the Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely yours,
J. CORDELL MOORE,
Assistant Secretary of the Interior.

BRIEF EXPLANATION OF PRINCIPAL PROVISIONS OF MINED LANDS CONSERVATION ACT OF 1969

1. The proposal would establish a State-Federal program for the regulation of surface mining operations in the Nation. The purpose of the program is to prevent in the future the needless degradation to the environment and destruction of land values which have occurred in the past, and to assure that reasonable steps will be taken to reclaim mined areas after surface mining is completed.

The National Surface Mine Study authorized by Congress under the Appalachian Regional Development Act of 1965 found that surface mining throughout the Nation produces significant detrimental effects upon the land.

2. The proposal would apply to surface mines operating on the date of its enactment and thereafter and to areas on which surface mining operations cease after the date of enactment. It would apply to such operations wherever found in a State, including those conducted on Federal and Indian trust lands.

3. The proposal recognizes that because of the diversity of terrain, climate, and other factors from State to State and even within a single State, a uniform system of regulations is both impracticable and undesirable. It gives the States the initial opportunity to control the problem now.

4. The proposal would authorize the Secretary of the Interior to provide both technical and financial assistance to the States in developing and enforcing adequate State plans for the regulation of surface mines and the reclamation of surface mined areas. The financial assistance would be in the form of up to 50 percent grants to cover the Federal share of the State program.

5. The proposal would authorize the Secretary to establish a series of advisory committees, possibly on a regional basis, to assist him in carrying out his responsibilities under this legislation. The membership of the committees would include appropriate State and Federal people and various people from industry, conservation, or other organizations and individuals.

6. The proposal would encourage each State to submit for the approval of the Secretary an adequate and complete State plan for the regulation of surface mines and the reclamation of surface mined areas located in the State. While the plan may be submitted at any time, it must be submitted within 2 years after enactment if a State wants to forestall Federal regulation. The Secretary, however, may extend this time another year, if he believes that a State will submit an approval plan by then. In the process of adopting a State plan, the State must initiate public hearings to give interested persons and organizations an opportunity to comment thereon.

An approvable plan must—

(a) Promote an appropriate relationship between the extent of regulation and reclamation that is required and the need to preserve and protect the environment;

(b) Provide a system of permits and the filing of mining plans to enable the State to know how and what kind of operations will be commenced or continued;

(c) Provide means and measures for preventing or controlling the adverse effects of mining operations, such as air and water pollution, erosion, the prevention of slides, and the protection of fish and wildlife areas;

(d) Provide for the reclamation of surface mined areas, including the posting of an adequate performance ordinance bond which will insure that the entire cost of the reclamation will be covered; and

(e) Provide adequate measures of enforcement, funds, and personnel.

Before approving a plan, the Secretary must be satisfied that it can be carried out under State law within 60 days after his approval. Also, the Secretary must submit it to other Federal agencies having affected land holdings within the State which the plan covers or having some other direct interest in surface mining operations therein for their review and comment. We expect that their review and comment would not delay approval for any appreciable time.

7. Once approved, the Secretary would, based on State reports and field investigations, etc., continue to evaluate its effectiveness and, most particularly, the adequacy of the State's enforcement. The latter is probably the "key" to assuring that the objectives of this legislation will be met. If he determines, after an opportunity for a hearing, that the State plan has not been adequately enforced, the Secretary will notify the State of the problem and make recommendations on how enforcement can be improved. If the State fails to take corrective steps, the Secretary is authorized to withdraw his approval of the plan and issue Federal regulations.

8. Technology and conditions will change. Also, it is possible that experience will show that all or a part of the plan is defective or difficult to administer adequately. The proposal recognizes these possibilities and provides a system for instituting revisions by each State and by the Secretary.

9. Two years after enactment of this proposal, the Secretary shall issue promptly Federal regulations for the operation of surface mines and the reclamation of surface mined areas for any State or portion thereof which has not submitted a plan, unless the Secretary gives a 1 year extension to submit it, or which has had a plan disapproved.

Only 14 States have laws regulating surface mining operations. Some existing State laws do not cover surface mining of all minerals. Thus, most State governments will need to enact State legislation to authorize such regulation or to amend existing regulation. Moreover, the development of State plans will necessitate time consuming study and consultation by State officials with mining industry representatives and other interested persons. Review of proposed State plans by the Federal Government will also be time consuming. It is anticipated, however, that in the case of some of the States which already have laws governing surface mining State plans might be submitted very soon after enactment.

10. In establishing Federal regulations for surface mining in a State, the Secretary is required to consult with an appropriate advisory committee. The regulations must be consistent with the appropriate criteria set forth for the State plan in this proposed legislation.

11. The proposal would provide for the publication of proposed Federal regulations in the Federal Register and for public hearing on request of interested parties.

12. The proposal would authorize a Mined Lands Reclamation Fund to carry out the provisions of this Act.

13. As we said earlier, the proposal would make the State plan applicable to Federal lands and to Indian trust lands. It, however, would not repeal, modify, or otherwise affect present or future Federal statutes or regulations relating to surface mining operations, except that, where there is an approved State plan or regulation issued under this legislation, the Federal lease, permit, etc., conditions must be at least equal to them.

14. The proposal would authorize the Secretary to carry out an accelerated program of research, studies, surveys, experiments, demonstrations, and training in aid of this legislation.

S. 527—INTRODUCTION OF BILL—HOUSING AND URBAN DEVELOPMENT AMENDMENTS OF 1969

Mr. SPARKMAN. Mr. President, I introduce, for appropriate reference, a bill to amend and extend laws relating to housing and urban development, and for other purposes; and ask that a section-by-section analysis of the bill be printed in the Record.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the section-by-section analysis of the bill will be printed in the Record.

The bill (S. 527) to amend and extend laws relating to housing and urban development, and for other purposes, was received, read twice by its title, and referred to the Committee on Banking and Currency.

The section-by-section analysis of the bill, presented by Mr. Sparkman, is as follows:

Section-by Section Summary of Housing and Urban Development Amendments of 1969

Sec. 1. This section provides for the Act to be cited as the "Housing and Urban Development Amendments of 1969".

Sec. 2. Rent Supplements: Existing Housing: This section would permit 5 percent of the total amount of the contracts for assistance payments authorized by appropriation Acts for the rent supplement program to be used with respect to existing housing. At present (except for a very limited percentage of rent supplement funds available to assist tenants in existing units financed under a Federal direct loan program for housing for the elderly) rent supplement funds may be used only in connection with properties which are newly constructed or rehabilitated.

Sec. 3. Housing Allowances: This section would introduce, on an experimental basis, a housing allowance program.

In areas which have adequate vacancy rates, it would permit payment of a housing allowance to eligible individuals and families. Eligibility to receive a housing allowance would be based on the same criteria used in the rent supplement program—income would have to be within a specified limit *and* the individual or family would have to be displaced by governmental action, or elderly, physically handicapped, occupying substandard housing, or an occupant or former occupant of a dwelling extensively damaged or destroyed as a result of a natural disaster. The maximum amount of the housing allowance which could be paid an eligible individual or family could not exceed the amount which would be paid on behalf of such individual or family if they occupied a dwelling unit in a rent supplement project in the area. However, receipt of the housing allowance would not be conditioned upon occupancy of any particular housing unit or payment of any percentage of family income as rent. The eligible family could use the housing allowance for any standard rental unit of its choice. Five percent of the funds authorized for use in the rent supplement program and the program for rental and cooperative housing for lower income families authorized by section 201 of the Housing and Urban Development Act of 1968 would be made available for payment of housing allowances.

Sec. 4. Special Assistance Authority: This section would defer the availability of $500 million in special assistance authority from July 1, 1969 to July 1, 1970.

Sec. 5. Fixed Annual Contribution: This section would clarify existing authority to fix the amount of the annual contribution to public housing projects at an amount in excess of the debt service requirements of the project so long as the fixed contribution does not exceed the maximum annual contribution authorized by section 10(b) of the United States Housing Act of 1937.

Sec. 6. Increased Authorization for Urban Renewal: This section would increase the aggregate amount of capital grants which may be made under the urban renewal program by $850 million on July 1, 1970.

Sec. 7. Increased Authorization for Model Cities: This section would authorize $1,250 million for supplementary grant funds for the model cities program for the fiscal year ending June 30, 1971.

Sec. 8. Fellowships for City Planning: This section would increase the authorization for fellowships for the graduate training of professional city planners and urban and housing technicians from $500,000 to $1,000,000 for fiscal year 1969. It would also authorize for that purpose such sums as may be necessary thereafter and make appropriations authorized available until expended.

Sec. 9. Sale of Land for Housing: This section would permit land which is excess real property within the meaning of the Federal Property and Administrative Services Act to be transferred to the Secretary of Housing and Urban Development at his request for sale by him at its fair value for use in the provision of sales, rental or cooperative housing to be occupied by families or individuals of low or moderate income. Land declared excess real property could be sold on such terms by the Secretary of Housing and Urban Development if the land is sold to (1) a public body which will use the land in connection with the development of a low-rent housing project assisted under the United States Housing Act of 1937, or under a State or local program found by the Secretary to have the same general purposes as the Federal program under such Act, or (2) a purchaser who will use the land in connection with the development of (i) rent supplement units, (ii) below market interest rate moderate income housing, or (iii) sales or rental housing, on behalf of which interest reduction payments are made under sections 235, or 236 of the National Housing Act.

S. 528—INTRODUCTION OF BILL—WILLIAM "BILL" DANNELLY RESERVOIR

Mr. SPARKMAN. Mr. President, on behalf of myself and my colleague, Senator Allen, I introduce a bill to designate the reservoir formed by the Millers Ferry lock and dam on the Alabama River in Wilcox County, Ala., as the William "Bill" Dannelly Reservoir.

The Millers Ferry lock and dam is one of a series of dams on the Alabama and Coosa Rivers which, when completed, will provide a 9-foot navigation channel through the length and breadth of Alabama extending from Rome, Ga., to the Gulf of Mexico, through the Port of Mobile. The development of this river system is the culmination of the efforts of many—at the local, State and National levels. One of those in the forefront of these efforts, at all three levels, was the late Probate Judge William "Bill" Dannelly of Camden, Wilcox County, Ala.

Judge Dannelly was born on January 6, 1911, at Camden. He was the son of the late Probate Judge Pat M. Dannelly and Donie Capell Dannelly, and on November 10, 1933, was married to Sallie Lyles Dannelly. Bill Dannelly was elected probate judge of Wilcox County in 1958, and he held this office and performed its duties with ability and distinction until his death on January 5 of this year.

Bill Dannelly was loved by all who knew him. He was a Mason, a Shriner, and an active member of the Camden Exchange Club. He was a faithful member of the Camden Methodist Church where he held the offices of steward, secretary, and treasurer. He served as a delegate to the Annual Conference of the Methodist Church for many years. His uncles, Rev. John Milton Dannelly and Rev. Ed Dannelly, both served as district superintendents of the Methodist Conference.

Judge Dannelly served for many years as a director of the Coosa-Alabama River Development Association. He knew of the great benefits that development of the Coosa-Alabama Waterway would bring to his native area. With the development of this river system assured, Bill Dannelly went to work to attract industrial development to the area. His efforts bore fruit, and an 80-million-dollar industrial plant of McMillan-Bloedel United was located along the river. In addition, Southern Industries Corp. announced the location of a plant in the county on the day of Judge Dannelly's funeral.

I knew Bill Dannelly as a friend and as a capable public servant. I was truly saddened by the news of his untimely death, as were all who knew him. We can take some comfort, however, in the knowledge that Bill Dannelly lived to see the results of his work as they began to take shape. It is fitting indeed that this great reservoir that will cover more than 20,000 acres in Wilcox County, Ala., be designated as a lasting memorial to this fine and great man.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 528) to provide that the reservoir formed by the lock and dam referred to as the "Millers Ferry lock and dam" on the Alabama River, Ala., shall hereafter be known as the William "Bill" Dannelly Reservior, introduced by Mr. Sparkman (for himself and Mr. Allen) was received, read twice by its title, and referred to the Committee on Public Works.

Mr. ALLEN. Mr. President, Judge William Dannelly of Camden, Ala., was a much beloved citizen and public official in Wilcox County, Ala. His untimely death earlier this month has saddened the people of his area and of the entire State of Alabama.

Judge Dannelly made many worthwhile contributions to the people of Alabama. He will long live in the minds and hearts of our people. He was a great Alabamian and a great American.

Since he was an outstanding citizen of the area in which is located the Millers Ferry lock and dam on the Alabama River in the State of Alabama the choice of the name Judge William Dannelly for the reservoir is most appropriate.

S. 530—INTRODUCTION OF BILL TO INCREASE THE ANNUAL AMOUNT INDIVIDUALS ARE PERMITTED TO EARN WITHOUT SUFFERING DEDUCTIONS UNDER SOCIAL SECURITY

Mr. MOSS. Mr. President, I feel very strongly that Congress should liberalize the amount of annual income which a citizen may earn and still receive full social security retirement benefits.

In the 90th Congress we increased the amount of outside earnings a recipient may earn, from $1,500 to $1,680—a small improvement, but by no means an adequate one. The bill I am introducing today would increase the annual outside earnings limit to $2,520—or about $210 a month. I would prefer to remove entirely the restriction of earnings, but in order to improve chances for legislative adoption, I have settled for $210 per month. This is very modest and should not encounter opposition.

At the present time, the retirement test has an adverse effect on incentives to work. It prevents many of our older people from offering their talents and experience to business and industry—and this is stifling and unfair to both.

The retirement test also runs counter to all of our national thinking and efforts at this time. We are trying to encourage all of our people, young and old, to be self-sufficient, and to this end we are training our youths who are unemployed or school dropouts in needed trades and skills, and we are retraining those who are unemployed because their skills have become obsolete. Yet we place such restrictions on the social security earnings limit of our older people that many of them simply cannot afford to take jobs which require even a small measure of their talents and skills.

We are also ignoring, it seems to me, the special difficulties of those on small fixed incomes at this time of spiraling prices. Many of our older people do not have enough to buy even the necessities of life at today's level of living costs, yet we are keeping them from supplementing their income enough to buy these necessities.

The bill I am introducing today would at least ameliorate these conditions. For example, a worker who has had maximum creditable earnings in each year through 1968 and reaches age 65 in January 1969, when he retires, would be eligible for a monthly benefit of $160.50 a month, or $1,926 a year; he could earn $4,000 a year and get $1,046 in social security benefits for that year. If he were married and his wife was 65 or older, their combined benefits would be $240.80 a month or $2,889.60 a year; he could earn $4,000 and get $2,009.60 in social security benefits for the year. In other words, the provisions of my bill would enable our elder citizens to increase their income without having any social security benefits withheld and thus they would have a more comfortable life.

Mr. President, I introduce for appropriate reference, a bill to amend title II of the Social Security Act to increase the amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 530) to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Finance.

S. 531 AND S. 532—INTRODUCTION OF BILLS RELATING TO THE ESTABLISHMENT OF THE ARCHES AND CAPITOL REEF NATIONAL PARKS

Mr. MOSS. Mr. President, in view of the fact that on Monday, January 20, President Johnson signed Presidential Proclamation No. 3888 extending the boundaries of Capitol Reef National Monument in Utah, and Presidential Proclamation No. 3887 extending the boundaries of Arches National Monument in Utah, I am today introducing two bills to designate these enlarged areas as national parks, as recommended by the President of the United States.

I am doing this for the purpose of putting the two proposals before Congress so that all aspects, both enlargement and change of designation of these areas may be fully explored, and we may decide what is in the best interests of Utah and its people, as well as the people in the Nation at large. I shall insist that hearings be held both in Washington, D.C., and in Utah.

I would point out that although the President has the authority by law to establish national monuments by Presidential proclamation, and to enlarge or modify them, only the Congress has authority to establish national parks. By introducing bills to designate these two areas as national parks, I make the expansions the responsibility of the Congress rather than the executive branch of the Government and the national parks will be created by statute, or the monuments can be continued, modified, or even abolished by statute.

I feel I should also point out that the action taken on Monday by President Johnson follows precedent. Capitol Reef was established as a national monument in the first place by President Franklin D. Roosevelt by Proclamation No. 2246 on August 2, 1937, and expanded by President Dwight D. Eisenhower by Proclamation No. 3249 on July 2, 1958.

Arches National Monument was established by President Herbert Hoover by Proclamation No. 1875 on April 12, 1929, and enlarged first by President Roosevelt by Proclamation No. 2312 on November 25, 1938, and again by President Eisenhower by Proclamation No. 3360 on July 22, 1960.

The type of Executive action taken by President Johnson on Monday is not new to Utah. Both Zion and Bryce Canyon National Parks were designated first as national monuments by Presidential proclamations, and were later made national parks by acts of Congress.

Bills to change Arches and Capitol Reef National Monuments as they were then constituted into national parks were hastily introduced by my senior colleague on Friday. His bills have been before previous Congresses, but they are irrelevant to the present situation because they deal with the restricted land area of each monument as it existed before the Presidential proclamations—and not with the monuments as they now exist. My bills are necessary to get the issue, as it now stands, before the Congress.

The question before the Congress is: What is the best purpose for which the new expanded areas can be used? Included are the famous waterpocket fold—exposed and eroded rock layers laid down over more than 125 million years ago and now the most spectacular and readily understood monocline in the United States. In Arches are extraordinary examples of wind-eroded sandstone formations, as well as other features of geological, historic, and scientific interest.

The addition of these two monuments to the Nation's roster of national parks would boost to five the number of national parks in Utah—and make it the leader in number of national parks among the 50 States. This should most certainly boost Utah's tourist trade.

On the other hand, placing the new areas of the monuments in the national park system would limit their multiple use potential. I understand from the National Park Service that there is only one working mine in the additional area to be considered, and only a handful of other mining claims and mineral leases, and a very limited number of grazing permits. But the people of Utah should have an opportunity to testify as to whether these benefits are more important than those which would accrue from having our national monuments enlarged into national parks.

I did not institute nor recommend the enlargement of these two Utah national monuments. The first specific information I received was when the Utah congressional delegation was briefed by the Secretary of the Interior, Mr. Udall, on Friday morning, December 17. However, I have already consulted with and been assured by the distinguished Senator from Nevada (Mr. Bible), who is chairman of the Subcommittee on Parks and Recreation of the Senate Interior Committee, that we will hold hearings on my bills at an early date. Consequently, the people of Utah and the Nation will have every opportunity to express their views on what should be done with the land in question.

With the addition of 48,943 acres the new Arches National Park would total 82,953 acres. With the 215,056-acre addition, the proposed Capitol Reef National Park would total 254,229 acres. These are large areas of land even in a State as large as Utah. Both are worthy of national park status.

The VICE PRESIDENT. The bills will be received and appropriately referred.

The bills (S. 531) to establish the Capitol Reef National Park in the State of Utah, and (S. 532) to establish the Arches National Park in the State of Utah, introduced by Mr. Moss, were received, read twice by their titles and referred to the Committee on Interior and Insular Affairs.

S. 539—INTRODUCTION OF BILL TO AUTHORIZE APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. ANDERSON. Mr. President, on behalf of myself, and the senior Senator from Maine, by request, I introduce for appropriate reference, a bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes. I ask unanimous consent that the bill be printed in the Record together with a letter from the Acting Administrator, National Aeronautics and Space Administration, requesting the proposed legislation and a sectional analysis of the bill.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill, letter, and analysis will be printed in the Record.

The bill (S. 539) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, introduced by Mr. Anderson (for himself and Mrs. Smith), by request, was received, read twice by its title, referred to the Committee on Aeronautical and Space Sciences, and ordered to be printed in the Record, as follows:

S. 539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development," for the following programs:

(1) Apollo, $1,651,100,000;

(2) Space flight operations, $236,627,000;

(3) Advanced missions, $2,500,000;

(4) Physics and astronomy, $119,600,000;

(5) Lunar and planetary exploration, $146,800,000;

(6) Bioscience, $32,400,000;

(7) Space applications, $135,800,000;

(8) Launch vehicle procurement, $124,200,000;

(9) Sustaining university program, $9,000,000;

(10) Space vehicle systems, $30,000,000;

(11) Electronics systems, $35,000,000;

(12) Human factor systems, $23,600,000;

(13) Basic research, $21,400,000;

(14) Space power and electric propulsion systems, $39,900,000;

(15) Nuclear rockets, $36,500,000;

(16) Chemical propulsion, $25,100,000;

(17) Aeronautical vehicles, $78,900,000;

(18) Tracking and data acquisition, $298,000,000;

(19) Technology utilization, $5,000,000.

(b) For "Construction of facilities," including land acquisitions, as follows:

(1) Electronics Research Center, Cambridge, Massachusetts, $8,088,000;

(2) Goddard Space Flight Center, Greenbelt, Maryland, $670,000;

(3) John F. Kennedy Space Center, NASA, Kennedy Space Center, Florida, $12,500,000;

(4) Langley Research Center, Hampton, Virginia, $4,767,000;

(5) Manned Spacecraft Center, Houston, Texas, $1,750,000;

(6) Wallops Station, Wallops Island, Virginia, $500,000;

(7) Various locations, $26,425,000;

(8) Facility planning and design not otherwise provided for, $3,500,000.

(c) For "Research and program management," $650,900,000.

(d) Appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used for construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) No part of the funds appropriated pursuant to subsection 1(c) for maintenance, repairs, alterations, and minor construction shall be used for the construction of any new facility the estimated cost of which, including collateral equipment, exceeds $100,000.

Sec. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1), (2), (3), (4), (5), (6), and (7) of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

Sec. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (8) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Sec. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Sec. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

Sec. 6. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1970."

The letter and analysis, presented by Mr. Anderson, are as follows:

National Aeronautics
and Space Administration,
Washington, D.C., January 15, 1969.

Hon. Hubert H. Humphrey,
President of the Senate,
Washington, D.C.

Dear Mr. President: Herewith submitted is a draft of a bill, "To authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes," together with the sectional analysis thereof. It is submitted to the President of the Senate pursuant to Rule VII of the standing rules of the Senate.

Section 4 of the Act of June 15, 1959, 73 Stat. 73, 75, (42 U.S.C. 2460), provides that no appropriation may be made to the National Aeronautics and Space Administration unless previously authorized by legislation. It is the purpose of the enclosed bill to provide such requisite authorization in the amounts and for the purposes recommended by the President in the Budget of the United States Government for the fiscal year ending June 30, 1970. The bill would authorize appropriations to be made to the National Aeronautics and Space Administration in the sum of $3,760,527,000, as follows: (1) for "Research and development," $3,051,427,000; (2) for "Construction of facilities," $58,200,000; and (3) for "Research and program management," $650,900,000.

In addition to the amount that would be authorized under the draft bill, the President recommends that $117,473,000, which has been reserved from apportionment to NASA by the Bureau of the Budget pursuant to the Revenue and Expenditure Control Act of 1968 (Pub. L. 90–364, 82 Stat. 251) be applied to the NASA "Space flight operations" program in fiscal year 1970. Thus the President recommends for NASA a total program amount of $3,878,000,000, for the fiscal year 1970.

With respect to the draft bill herewith submitted, that bill is substantially the same as the National Aeronautics and Space Administration Authorization Act, 1969 (Pub. L. 90–373, 82 Stat. 280), except for the necessary changes in the dollar amounts involved, and the substantive and editorial changes hereinafter discussed.

Only one change has been made to the "Research and development" program line items; the "Apollo applications" line item has been amended to read "Space flight operations" in order to describe properly the authorization of appropriations for currently approved manned earth orbital missions of increasing duration and anticipated future manned space flight operations.

The "Construction of facilities" locational line items in section 1(b) differ from those enacted as part of the fiscal year 1969 Authorization Act only in that the locational line items for Ames Research Center, and Michoud Assembly Facility have been omitted, and line items for Electronics Research Center, Goddard Space Flight Center and Langley Research Center have been added, since no funds are being requested for the locations omitted and funds are being requested for those locations added. Because of these changes the line items under this appropriation have been increased from seven to eight.

In accordance with the President's Budget for the fiscal year 1970, the bill would change the title of the appropriation "Administrative operations" to "Research and program management" for the reason that the title "Administrative operations" is misleading insofar as it suggests that the appropriation is primarily an administrative overhead account. The new appropriation title "Research and program management" is more descriptive of the appropriation since it covers, for example, the direct expenses of operating NASA laboratories, research centers, development centers and launch centers; it covers the salaries of all NASA personnel responsible for carrying out the total NASA program (scientists, engineers and supporting technicians represent 70% of the total NASA civil service complement). Thus this appropriation provides funds for the Government's scientific, engineering and management manpower within NASA to plan, review and make major decisions on the work to be done at Government expense; and it provides funds to operate the NASA laboratories, established as the Government's technical interface for contract activities, which work with NASA's contractors in anticipating problems and in applying the results of NASA's in-house research work toward the solution of problems and the definition of improved concepts. This appropriation also provides funds for the maintenance and operation of the NASA capital plant. This is merely a change in title, and there is no substantive change in the scope or content of this appropriation. Because of this change in title, a conforming change to the preamble of the draft bill, which states its purpose, has also been made by substituting therein "research and program management" for "administrative operations."

The numbers of the paragraphs of subsection 1(b) to which reference is made in sections 2 and 3 have been changed due to the change in the number of locational line items included in subsection 1(b). No substantive changes are intended.

The bill would eliminate the prohibition on grants to nonprofit institutions barring Armed Forces recruiters (see section 1(h) of Pub. L. 90–373) and the prohibition on salary payments to NASA employees convicted as rioters (see section 5 of Pub. L. 90–373); however, if a NASA employee is so convicted he would continue to be subject to removal from his position pursuant to 5 U.S.C. 7313, applicable to all Government employees.

Finally, the last section of the draft bill, section 6, has been changed to provide that the bill, upon enactment, may be cited as the "National Aeronautics and Space Administration Authorization Act, 1970," rather than "1969."

The National Aeronautics and Space Administration recommends that the enclosed draft bill be enacted. The Bureau of the Budget advised on January 13, 1969, that there is no objection to the presentation of the draft bill to the Congress and that its enactment would be in accordance with the program of the President.

Sincerely yours,

T. O. Paine,
Acting Administrator.

Sectional Analysis of a Bill "To Authorize Appropriations to the National Aeronautics and Space Administration for Research and Development, Construction of Facilities, and Research and Program Management, and for Other Purposes"

SECTION 1

Subsections (*a*), (*b*), *and* (*c*) would authorize to be appropriated to the National Aeronautics and Space Administration funds, in the total amount of $3,760,527,000, as follows: (a) for "Research and development," a total of 19 program line items aggregating the sum of $3,051,427,000; (b) for "Construction of facilities," a total of 6 locational line items, together with one for various locations and one for facility planning and design, aggregating the sum of $58,200,000; and, (c) for "Research and program management," $650,900,000.

Subsection 1(*d*) would authorize the use of appropriations for "Research and development" for: (1) items of a capital nature (other than the acquisition of land) required for the performance of research and development contracts; and, (2) grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities. Title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution. Moreover, each such grant shall be made under such conditions as the Administrator shall find necessary to insure that the United States will receive therefrom benefit adequate to justify the making of that grant.

In either case no funds may be used for the construction of a facility the estimated cost of which, including collateral equipment, exceeds $250,000 unless the Administrator notifies the Speaker of the House, the President of the Senate and the specified committees of the Congress of the nature, location, and estimated cost of such facility. *Subsection 1*(*e*) would provide that, when so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) contracts for maintenance and operation of facilities and support services may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

Subsection 1(f) would authorize the use of not to exceed $35,000 of "Research and program management" appropriation funds for scientific consultations or extraordinary expenses, including representation and official entertainment expenses, upon the authority of the Administrator, whose determination shall be final and conclusive.

Subsection 1(g) would provide that no funds appropriated pursuant to subsection 1(c) for maintenance, repair, alteration and minor construction may be used to construct any new facility the estimated cost of which, including collateral equipment, exceeds $100,000.

SECTION 2

Section 2 would authorize the 5 per centum upward variation of any of the sums authorized for the "Construction of facilities" line items (other than facility planning and design) when, in the discretion of the Administrator, this is needed to meet unusual cost variations. However, the total cost of all work authorized under these line items may not exceed the total sum authorized for "Construction of facilities" under subsection 1(b), paragraphs (1) through (7).

SECTION 3

Section 3 would provide that not more than one-half of 1 per centum of the funds appropriated for "Research and development" may be transferred to the "Construction of facilities" appropriation and, when so transferred, together with $10,000,000 of the funds appropriated for "Construction of facilities," shall be available for the construction of facilities and land acquisition at any location if (1) the Administrator determines that such action is necessary because of changes in the space program or new scientific or engineering developments, and (2) that deferral of such action until the next authorization Act is enacted would be inconsistent with the interest of the Nation in aeronautical and space activities. However, no such funds may be obligated until 30 days have passed after the Administrator or his designee has transmitted to the Speaker of the House, the President of the Senate and the specified committees of Congress a written report containing a description of the project, its cost, and the reason why such project is necessary in the national interest, or each such committee before the expiration of such 30-day period has notified the Administrator that no objection to the proposed action will be made.

SECTION 4

Section 4 would provide that, notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences:

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by subsections 1(a) and 1(c); and,

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of 30 days has passed after the receipt by the Speaker of the House, the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SECTION 5

Section 5 would express the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SECTION 6

Section 6 would provide that the Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1970".

S. 541—INTRODUCTION OF BILL TO PROVIDE FOR THE TERMINATION OF FEDERAL SUPERVISION OVER THE PROPERTY OF THE CONFEDERATED TRIBES OF COLVILLE INDIANS

Mr. JACKSON. Mr. President, I introduce for appropriate reference, a bill, for myself and Senator MAGNUSON, by request, to provide for the termination of Federal supervision over the property of the Confederated Tribes of Colville Indians located in the State of Washington and the individual members thereof, and for other purposes.

The purpose of this legislation is to afford the members of the Confederated Colville Tribes an opportunity to put into effect a program that would result in a discontinuance of Federal supervision and control over them and their property. By resolution dated December 13, 1968, the Colville Tribal Business Council requested that Senator MAGNUSON and I reintroduce this proposal which is identical to a bill, S. 282, passed by the Senate early in the 90th Congress. For many years the Colville Indians have expressed a desire to dispose of their Indian reservation and to take their place in American society without continued supervision by the Bureau of Indian Affairs.

The bill we introduce is the product of many hearings here in Washington, D.C., as well as in the State of Washington where the majority of the Colvilles reside. I am very hopeful that this proposal will receive the support and endorsement of the Department of the Interior and other agencies in the executive branch so that it may be enacted into law during the 91st Congress.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 541) to provide for the termination of Federal supervision over the property of the Confederated Tribes of Colville Indians located in the State of Washington and the individual members thereof, introduced by Mr. JACKSON (for himself and Mr. MAGNUSON) by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 542—INTRODUCTION OF BILL TO ESTABLISH RATES OF COMPENSATION FOR CERTAIN POSITIONS WITHIN THE SMITHSONIAN INSTITUTION

Mr. ANDERSON. Mr. President, on behalf of myself, Mr. FULBRIGHT, and Mr. SCOTT, I introduce, for appropriate reference, a bill to establish rates of compensation for certain positions within the Smithsonian Institution. I ask unanimous consent that the bill be printed in the RECORD, together with a letter of transmittal and a justification of the proposed legislation.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill, letter, and justification will be printed in the RECORD.

The bill (S. 542) to establish rates of compensation for certain positions within the Smithsonian Institution, introduced by Mr. ANDERSON (for himself, Mr. FULBRIGHT, and Mr. SCOTT), was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

(S. 542)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 5, United States Code, is amended as follows:

(1) Section 5108(c) is amended by striking out "and" at the end of paragraph (8), by striking out the period at the end of paragraph (9) and inserting "; and" in place thereof, and by inserting the following new paragraph:

"(10) The Secretary of the Smithsonian Institution, subject to the standards and procedures prescribed by this chapter, may place a total of eight positions in the Smithsonian Institution in GS–16, 17, and 18."

(2) Section 5315 is amended by inserting the following new paragraph after paragraph (91):

"(92) Assistant Secretary, Smithsonian Institution."

The letter and justification, presented by Mr. ANDERSON, are as follows:

SMITHSONIAN INSTITUTION,
Washington, D.C., January 21, 1969.

HON. CLINTON P. ANDERSON,
Regent of the Smithsonian Institution,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ANDERSON: The enclosed draft bill "To establish rates of compensation for certain positions within the Smithsonian Institution" was approved by the Board of Regents on January 15, 1969.

It would be very much appreciated if you would introduce this legislation in behalf of the Smithsonian.

With all good wishes.

Sincerely yours,
S. DILLON RIPLEY,
Secretary.

PROPOSED LEGISLATION TO ESTABLISH RATES OF COMPENSATION FOR CERTAIN POSITIONS WITHIN THE SMITHSONIAN INSTITUTION

JUSTIFICATION

The Smithsonian Institution was established by Congress "for the increase and diffusion of knowledge among men." It is an independent corporate trustee with a unique relationship to the Government and particularly to the Legislative Branch. Six of the fourteen Members of the Smithsonian's Board of Regents are Members of Congress. The Vice President and the Chief Justice of the United States are ex officio Members of the Board.

The broadening of the diversified programs of the Smithsonian Institution by legislative enactments of the Congress in the past ten years is described in the paragraphs below. This history of legislative recognition of the public service role of the Smithsonian provides a basic justification for additional supergrade positions.

The Museum of History and Technology was completed in 1964 to exhibit the Nation's collections relating to American cultural, civil, and military history and the history of science and technology. The Museum maintains reference collections and interpretive exhibitions concerning all aspects of American life in times past. Its professional staff and other historians from all parts of the world perform research leading to the discovery and documentation of materials of historic significance.

In dedicating this Museum, the President stated:

"The gathering of knowledge is the supreme achievement of man.

"Four hundred years ago, Francis Bacon could immodestly declare: 'I have taken all knowledge to be my province.' Bacon would find this new Museum of History and Technology of the Smithsonian Institution to his taste, and to his aims.

"For I believe this new Museum will do that which causes us all to celebrate; it will excite a thirst for knowledge among all the people."

The National Collection of Fine Arts opened a magnificent gallery of American art for public exhibition in 1968.

The National Collection of Fine Arts, an original Bureau of the Smithsonian Institution, is dedicated to presenting American creative genius in the field of fine arts. It encourages and develops appreciation of American cultural achievement by programs of exhibitions, lectures, publications and research. The international stature of American art is enhanced by United States participation, organized by the National Collection of Fine Arts, in major international art exhibitions and through extensive circulation of American art abroad.

The Act approved on March 28, 1958, provided for the transfer of the original Patent Office Building to the Smithsonian and authorized the restoration and renovation of this historic building to house both the National Collection of Fine Arts and the National Portrait Gallery.

The Museum of Natural History is an international center for the natural sciences, maintaining the largest reference collection of anthropological, biological, and geological materials in the Nation. It continues a comprehensive program of original research on Man, plants, animals, rocks and minerals, and fossil organisms. The reference collections and the resident scientists provide an important focal point for cooperative research and educational activities among Federal agencies, universities and other scientific institutions. In recognition of its significant contributions to science and to the public, monumental additions to the existing museum building were completed in 1965 to provide 400,000 square feet of additional laboratory space for the expanding national collections.

The National Armed Forces Museum Advisory Board is a Presidentially-appointed body established in the Smithsonian Institution under the provisions of Public Law 87–186, 87th Congress, approved August 30, 1961, to provide advice and assistance to the Regents of the Institution on matters concerned with the portrayal of the contributions which the Armed Forces of the United States have made to American society and culture.

The Advisory Board has recommended to the Board of Regents that the Smithsonian Institution's facilities be expanded to include a National Armed Forces Museum Park and that the Institution seek to acquire lands in the Fort Foote area of Prince George's County as a site for the museum park. The Board also has recommended that the Institution arrange with the Department of the Interior for joint use of certain facilities of Fort Washington, Maryland, as elements of the museum park.

On October 6, 1967, at the request of the Smithsonian Regents, Senator Clinton P. Anderson (for himself and Senator J. W. Fulbright), introduced Senate Bill S. 2510 which would authorize the Board of Regents of the Institution to acquire the necessary lands. Similarly, on January 25, 1968, Representative Michael J. Kirwan introduced House Bill H.R. 14853, seeking similar authority. Congressional action 'on legislation to authorize development of this museum is expected to be considered by the 91st Congress.

The National Portrait Gallery functions as a museum for the study, research, and exhibition of portraiture and statuary depicting men and women who have made significant contributions to the history, development and culture of the people of the United States. This gallery, the only such institution in the United States, is of national importance as a repository of historical and biographical iconography. By an Act approved on April 27, 1962, the gallery was established in the Smithsonian Institution.

In a related action, the Act approved on March 28, 1958, provided for the transfer of the original Patent Office Building to the Smithsonian Institution and authorized the restoration of the building to house the National Portrait Gallery. In October 1968 the National Portrait Gallery was formally opened by the President for the enlightenment of the public and the scholars of the nation.

In 1965 the Smithsonian Institution received authority from the Congress to make use of certain foreign currencies held by the United States abroad in excess of its needs. More than forty institutions of higher learning in America have benefited from grants in such excess currencies abroad; more than 100 research projects had been completed or are active; many books, monographs in scholarly and professional journals, and studies have enriched the cultural and scientific scene not only in America but in the world at large. In its fourth year, the Smithsonian Foreign Currency Program has become a major source of support for American universities, museums, and research institutes carrying out such work overseas.

On June 23, 1965, the President approved the transfer to the Smithsonian Institution for use as a museum and art gallery the building located at Pennsylvania Avenue and 17th Street, N. W. This building was originally designed as an art gallery for W. W. Corcoran by James Renwick, who also designed the Smithsonian Institution Building. It was occupied by the Corcoran from 1869 to 1897 and was acquired by the United States in 1901.

In a letter addressed to the Secretary, the President said:

"No more appropriate purpose for the building could be proposed than to exhibit, in the restored gallery, examples of the ingenuity of our people and to present exhibits from other nations, whose citizens are so proud of their arts."

Restoration of the Renwick Gallery is well under way and is expected to be completed during 1969.

In accordance with the terms of a Joint Resolution approved August 13, 1965, the President as the presiding officer of the Smithsonian Institution issued a proclamation to announce the occasion of the celebration of the bicentennial of the birth of James Smithson and to designate September 17 and 18, 1965, as special days to honor James Smithson and the accomplishments of the Institution which bears his name.

In his remarks at the Bicentennial Celebration, President Johnson said:

"Yet James Smithson's life and legacy brought meaning to three ideas more powerful than anyone at that time ever dreamed.

"The first idea was that learning respects no geographic boundaries. The Institution bearing his name became the first agency in the United States to promote scientific and scholarly exchange with all nations in the world.

"The second idea was that partnership between Government and private enterprise can serve the greater good of both. The Smithsonian Institution started a new kind of venture in this country, chartered by act of Congress, maintained by both public funds and private contributions. It inspired a relationship which has grown and flowered in a thousand different ways.

"Finally, the Institution, financed by Smithson breathed life in the idea that the growth and the spread of learning must be the first work of a nation that seeks to be free.

* * * * *

"We must move ahead on every front and every level of learning. We can support Secretary Ripley's dream of creating a center here at the Smithsonian where great scholars from every nation will come and collaborate."

The Smithsonian Tropical Research Institute, located in the Panama Canal Zone, conducts and supports basic biological research, education, and conservation in the tropics. It performs these functions in several ways: by the scientific research of its own staff; through the maintenance of a natural biological reserve on Barro Colorado Island; through operation of research facilities, including both terrestrial and marine laboratories, open to visiting scientists and students; by directing and supporting the education and training of students at all levels from undergraduate to postdoctoral; and by providing technical and scientific information and counsel to other institutions, both private and Governmental.

Public Law 89–280, approved on October 20, 1965, increased the amount of the authorization for annual appropriations, essential to the administration of the laboratory and other educational and research facilities.

By an Act approved on July 18, 1966, Public Law 89–503, the Attorney General was authorized to transfer to the Smithsonian Institution title to objects of art formerly in the custody of the Attorney General, from the Von der Heydt collection.

The National Air Museum was established by Public Law 79–722 on August 12, 1946, to memorialize the national development of aviation; collect and display aeronautical equipment of historical interest and significance; serve as a repository for scientific equipment and data pertaining to the development of aviation; and provide educational material for the historical study of aviation.

By Act of July 19, 1966, the original law was amended to add the field of space flight and space history to the province of this Museum and to change the name to the National Air and Space Museum. The Act also authorized the appropriation of funds for the construction of the Museum.

This Museum is the Nation's center for exhibition, education, and research in the history and principles of air and space flight and represents an unparalleled resource for research in aviation and aerospace history; in flight science and technology; in the contributions of flight to the economy and culture of the United States; and in the pioneering efforts of early aviators and astronauts. It is continuously acquiring, preserving, and documenting historically and technologically important objects and records resulting from air and space research, development, and exploration. Drawing upon its collections, the Museum produces exhibits and displays portraying the past, present and future of aeronautics and astronautics in America.

Funds have been appropriated for the preparation of plans and specifications for the Museum, for which a three-block site on the Mall has been reserved by Act of Congress.

The National Museum Act of 1966 recognized the cultural and educational importance of museums to the Nation's progress and the need to preserve and interpret the Nation's heritage for the enrichment of public life in U.S. communities. It authorized the Smithsonian Institution to undertake cooperative studies of museum problems and opportunities, engage in cooperative training programs for career museum employees, prepare and distribute significant museum publications, research and contribute to development of museum techniques and cooperate with Federal agencies concerned with museums.

On November 2, 1966, the President approved Public Law 89–734 which provides for compensation at Executive Salary Act levels for four administrative positions of the Smithsonian Institution. This Act fixes the compensation of the positions of Assistant Secretary (Science) and Assistant Secretary (History and Art) at the rate for Level IV of the Federal Executive Salary Schedule, and fixes the compensation of the positions of Director, U.S. National Museum, and Director, Smithsonian Astrophysical Observatory at Level V. These positions are now classified at the levels of comparable positions in Federal agencies.

By an Act approved on November 6, 1966, the Smithsonian Institution was authorized to negotiate agreements granting concessions at the National Zoological Park to nonprofit scientific, educational or historical organizations. The net proceeds of such organizations gained from these concessions are to be used exclusively for research and educational work and to provide "for the advancement of science and instruction and recreation of the people" in keeping with the statutory charter of the National Zoological Park.

By the Act of October 4, 1961, the Board of Regents was authorized to undertake a capital improvement program at the National Zoological Park. The improvement program will modernize the exhibition facilities, eliminate automobile traffic through the Park, and provide facilities for a program of zoological research. The redevelopment plan is now in its seventh year.

The Joseph H. Hirshhorn Museum and Sculpture Garden will be the permanent home of the collection of art donated to the Smithsonian Institution for the benefit of the people of the United States. This museum will be used for the exhibition, study, and preservation of a unique collection of art, including 7,000 paintings, drawings, and sculptures. The gift consists of American paintings from the latter part of the 19th century to the present and American and European sculpture of the 19th and 20th centuries.

By the Act approved on November 7, 1966, the Congress authorized the use of a prominent part of The Mall in Washington, between 7th Street and 9th Street, Independence Avenue and Madison Drive, as the permanent site for the Hirshhorn Museum and Sculpture Garden. The same Act authorized the construction of the museum and sculpture garden.

On accepting the Hirshhorn collection, the President said:

"Washington is a city of powerful institutions—the seat of government for the strongest Nation on earth, the place where democratic ideals are translated into reality. It must also be a place of beauty and learning. Its buildings and thoroughfares, its schools, concert halls, and museums should reflect a people whose commitment is to the best that is within them to dream.

"History will record that Joseph H. Hirshhorn has now joined the select company of James Smithson, Charles Freer, and Andrew Mellon, whose earlier contributions to the Smithsonian Institution have so enriched the cultural life of the Nation and its Capital City."

Funds were appropriated in the fiscal year 1968 for the preparation of plans and specifications for the Museum and Garden. Public Law 90–425 approved on July 26, 1968, provided an appropriation for the first phase of construction of the museum and also provided contract authorization to complete construction.

Josiah K. Lilly died in May, 1966, leaving a substantial estate. Included in the estate of Josiah K. Lilly was a unique and valuable numismatic collection of approximately 6,125 gold coins. This collection has been described as the greatest gold coin collection ever assembled by one person or ever likely to be assembled again. It contains superb examples of coinage of practically all nations from ancient to modern times. The collection includes the following principal categories of coins:

"United States Colonial, Territorial and Confederate items, including examples of every gold coin minted by the United States with the exception of one $3.00 gold piece, of which only one exists. About 1200 individual items.

"Central and South American coinage comprising about 1200 items.

"Coinage with European origin from the age of Pericles in Greece through the Roman Empire; the British sovereigns, and examples of coinage of other European countries, comprising about 3500 items."

Chinese and oriental coinage consisting of about 300 items.

Following Mr. Lilly's death in May 1966, it was suggested that acquisition of the gold coins by the Smithsonian would be most appropriate in view of the national character of its complex of museums, its dedication to the history and scholarship of numismatics, and the millions of citizens who come to its educational and cultural exhibits each year. It was determined that the only feasible means of preserving this unique collection for the Nation was the enactment of legislation by the Congress to permit the Smithsonian to acquire the collection through a reduction of the estate's Federal estate tax liability in the amount of the fair market value of the collection.

Private Law 90–250 provides such a credit to the Lilly estate against its obligation for Federal estate tax and for delivery of the collection to the Smithsonian. The collection was received on June 13, 1968.

The addition of the Lilly collection to the Smithsonian's numismatic displays makes the national collection second to none in the world. The collection will be of the greatest interest and educational value to the millions of citizens who visit the Mall now and in the future. It will also be preserved as an invaluable and irreplaceable part of the scholarly resources which contain the clues to the unsolved mysteries in the history of man in society.

Enactment of legislation to establish a National Memorial to Woodrow Wilson represents the culmination of an effort which began when Congress, by a Joint Resolution in 1961, established a Commission to recommend a permanent memorial to Woodrow Wilson in the District of Columbia.

Since 1965, President Johnson has supported the efforts of the Smithsonian Institution and of other interested scholarly organizations, universities, and public agencies to establish in the Nation's Capital an International Center for Scholars. At the Smithson Bicentennial celebration in September of 1965, the President stated: "We must move ahead on every front and every level of learning. We can support Secretary Ripley's dream of creating a center here at the Smithsonian where great scholars from every nation will come and collaborate."

Encouraged by this support, the Secretary of the Smithsonian Institution joined with the Secretary of State, the president of Princeton University, and a number of others in testifying before the Woodrow Wilson Memorial Commission and urging that such a Center should be the Nation's memorial to Woodrow Wilson.

In 1968, at the request of the President, the Smithsonian Institution submitted legislation to establish within the Smithsonian Institution the Woodrow Wilson International Center for Scholars as a living national memorial to the 28th President of the United States. It provides for the appointment of scholars from the United States and abroad, for fellowships to such scholars, for the operation of the Center, and for the preparation of plans for the development of necessary buildings and other facilities. The legislation authorizes the establishment and administration of the Center as a suitable memorial to the spirit of Woodrow Wilson, symbolizing and strengthening the fruitful relations between the world of learning and the world of public affairs. The authorizing legislation, Public Law 90–637, was approved on October 24, 1968.

The Act of July 4, 1966, which established the American Revolution Bicentennial Commission, included among the ex officio members of the Commission the Secretary of the Smithsonian Institution. Poised on the middle of the Mall, the Smithsonian has great opportunities to develop programs pointing toward the bicentennial in 1976. We also have invaluable assets for this celebration in our departments of history, in our collections of historic objects, and in our traditional concerns with improving the Nation's cultural and social life. We must do all we can to utilize these assets for the benefit of all but especially for our young people in these troubled times.

These additional major commitments and programs require a concomitant growth in executive talent and senior scholars for effective management and performance. The challenge to maintain a standard of excellence can be met only by attracting and retaining men and women of the highest intellectual and executive ability. In the search for such talent, the Smithsonian must be able to offer salaries which are competitive with Federal agencies and are commensurate with program responsibilities.

The number of supergrade positions subject to legal limitation has not increased commensurately with program requirements. Ten years ago we had four such positions, today we have but five. In contrast, our needs for professional positions in the physical and natural sciences have been recognized by the Civil Service Commission and today there are 13 nonquota positions in grades GS–16 and GS–17.

It is apparent that legislative authorization of additional supergrades for the Institution is necessary. Ample precedent may be found in legislation that authorized additional supergrades to meet special circumstances in the General Accounting Office, Federal Bureau of Investigation, the administrative office of the U.S. Courts, the Immigration and Naturalization Service, the Department of Defense, the National Aeronautics and Space Administration, the Bureau of Prisons, the Department of Justice, the Railroad Retirement Board, and the Smithsonian Institution.

The Act approved on November 2, 1966, provided that two positions of Assistant Secretary of the Institution be included at Level IV of the executive schedule and that two other positions, Director of the U.S. National Museum and Director of the Smithsonian Astrophysical Observatory be included in Level V of the executive schedule.

This legislation was sponsored by the Board of Regents with the approval of the Civil Service Commission.

The Board of Regents has again reviewed the urgent need for additional supergrade positions and in its last meeting resolved that the Institution should seek further legislative authorization.

The proposed bill would amend Section 5108(c) of Title 5 of the U.S. Code to provide that the Secretary of the Smithsonian Institution may place a total of eight positions in grades GS–16, GS–17, and GS–18. The bill would also amend Section 5315 to provide for one executive salary Level IV position for an Assistant Secretary of the Smithsonian Institution.

We would welcome the opportunity to discuss the merits of the enclosed legislation.

Assistant Secretary (Public Service), Executive Level IV.

Director of Libraries, GS–16.

Director of Exhibits, GS–16.

General counsel, GS–16.

Assistant for Administration and Management, GS–16.

Director of the Center for the Study of Man, GS–18.

Director of American Studies, GS–18.

Director of Information Systems, GS–16.

Cultural anthropologist, GS–16.

S. 543—INTRODUCTION OF COPYRIGHT REVISION BILL

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, I introduce, for appropriate reference, a bill for the general revision of the copyright law, title 17 of the United States Code, and for other purposes.

The bill which I am introducing today contains two titles. Title I provides for the general revision of the copyright law. Other than for necessary technical amendments, relating principally to the effective dates of certain provisions, this bill is identical to S. 597 of the 90th Congress, which I introduced at the request of the Librarian of Congress. Extensive hearings on this legislation have been held by the Subcommittee on Patents, Trademarks, and Copyrights. The purpose of introducing the same text is that the subcommittee may resume its consideration of this subject at the point where it was suspended with the adjournment of the 90th Congress. The text of certain sections of the bill, notably those relating to the copyright liability of operators of coin-operated phonorecords and cable television systems, has been, for all practical purposes, rendered moot by events subsequent to the original introduction of S. 597.

Title II of this bill provides for the establishment of a National Commission on New Technological Uses of Copyrighted Materials. This title is identical to the provisions of S. 2216, which was passed by the Senate on October 12, 1967. The House of Representatives took no action on this bill primarily because of the lack of progress in the Senate on the copyright revision bill. The purpose of the Commission is to study and compile information on the use of copyrighted works in various information storage and retrieval systems and through various forms of machine reproduction and to recommend any necessary changes in our copyright laws or procedures.

I have previously stated that the subcommittee will undertake to report a copyright revision bill at the earliest feasible date in this session. The public hearings on this legislation were concluded during the 90th Congress. Any comments or proposed amendments not previously communicated to the subcommittee, should be submitted at the earliest possible time.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 543) for the general revision of the copyright law, title 17 of the United States Code, and for other purposes, introduced by Mr. McClellan, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 556—INTRODUCTION OF BILL—METHOD OF DISTRIBUTION OF AWARD TO THE SHOSHONE INDIAN TRIBE

Mr. McGEE. Mr. President, on behalf of myself and my Wyoming colleague, Mr. Hansen, I introduce, for appropriate reference, a bill to set forth the method of distribution of an award to the Shoshone Indian Tribe by the Indian Claims Commission. This award was rendered by the Claims Commission in favor of the Shoshone Indian Tribe which at the present time consists of three principal components—the Wind River Tribe of Wyoming, the Fort Hall Shoshone-Bannocks and the Northwestern Band of Shoshones.

The award itself did not specify the manner in which the judgment would be divided among the several tribes, and unfortunately, the tribes themselves have not been able to reach any agreement in this regard. It is obvious that if this award is to be properly distributed and the proceeds made available to those who are entitled to the benefits, it will be necessary that congressional authority be enacted.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 556) to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated Docket Nos. 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367 before the Indian Claims Commission, and for other purposes, introduced by Mr. McGee (for himself and Mr. Hansen), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 544—INTRODUCTION OF THE WATER QUALITY IMPROVEMENT ACT OF 1969

Mr. MUSKIE. Mr. President, on January 16, 1969, the Department of the Interior transmitted water pollution legislation to the Congress.

In essence this legislation is similar to the Water Quality Improvement Act of 1968, but the Department has proposed certain modifications. The sections of this bill which relate to sewage from vessels, oil pollution, and research are similar to S. 7, the Water Quality Improvement Act of 1969, which I introduced with 24 other Senators last week.

Additionally, this bill contains a revised method for financing construction of municipal waste treatment works. Under this proposal a $50 million revolving fund would be established in the Treasury which would buy tax-exempt municipal waste treatment bonds and re-sell securities in an amount sufficient to cover both the Federal and local share of a project's cost. The municipality would retire its share of these securities on an annual basis at the tax-exempt interest rate.

The Federal share of a project's cost and any additional interest costs associated with the difference between the taxable rate of Federal bonds and the tax-exempt rate of municipal bonds would be repaid by annual appropriations.

Mr. President, I anticipate that additional legislation on financing waste treatment works will be introduced later this session. The Subcommittee on Air and Water Pollution will hold hearings on this bill as well as other proposals, including those the new administration may wish to present. In the interim, other sections of the bill which I am introducing today will be considered during the hearings on S. 7, which will be held on February 3, 4, and 5.

I ask unanimous consent that the text of this bill and the covering letter from Assistant Secretary Max N. Edwards be included in the Record at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the Record.

The bill (S. 544) to amend the Federal Water Pollution Control Act, as amended, and for other purposes, introduced by Mr. Muskie, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

S. 544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Water Quality Improvement Act of 1969."

Sec. 2. Section 8 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466e), is amended—

(1) by inserting in subsection (a) after the words "grants to" a comma and the words "or enter into contracts with,";

(2) by inserting after the word "grant" in clauses (1), (3), (4), and (5) of subsection (b) the words "or contract"; and after the word "grantee" in clause (3) of subsection (b) the words "or contractee";

(3) by inserting after the word "appropriated" wherever it appears in the second and third sentences of subsection (c) the words "for grants under subsection (b) of this section";

(4) by amending subsection (d) to read as follows:

"(d) For the purpose of making grants there is authorized to be appropriated $700,000,000 for the fiscal year ending June 30, 1969. For the purposes of making grants and payments under this section, there is authorized to be appropriated $1,000,000,000 for the fiscal year ending June 30, 1970, and $1,250,000,000 for the fiscal year ending June 30, 1971. At least 50 per centum of the first $100,000,000 so appropriated for each fiscal year beginning on or after July 1, 1965, shall be used for grants for the construction of treatment works servicing municipalities of one hundred and twenty-five thousand population or under. There is authorized to be appropriated such sums as may be necessary to make payments after June 30,1971, on contracts entered into under subsection (f) of this section. Sums appropriated to carry out this section shall remain available until expended.";

(5) by redesignating subsections (f) and (g) as (g) and (h);

(6) by inserting after "subsection (b) of this section" in the first sentence of redesignated subsection (g) a comma and the following: "or the amount contracted for under subsection (f) of this section," and by striking out in such sentence "the amount of such grant" and inserting in lieu thereof "such amount";

(7) by inserting after "grants" in redesignated subsection (h) the following: "or contracts"; and

(8) by inserting a new subsection after subsection (e) to read as follows:

"(f) (1) For the purpose of this subsection, the term 'contracting party' means a State, municipality, or intermunicipal or interstate agency.

"(2) For the purpose of providing an additional method of financing treatment works under this section, there is hereby established within the Treasury of the United States the Water Quality Improvement Revolving Fund (hereinafter referred to as the "Fund"). There is authorized to be appropriated to the Fund $50,000,000 to purchase obligations under paragraph (4) of this subsection. All sums received by the Secretary (A) from a contracting party in connection with the purchase of such obligations, and (B) sums received in connection with the sale of such obligations under this subsection shall be deposited into the Fund. All sums covered into the Fund pursuant to this paragraph shall remain available until expended to carry out the provisions of this subsection.

"(3) From time to time, and at least at the close of each fiscal year, the Secretary shall pay from the Fund into the Treasury as miscellaneous receipts interest on the cumulative amount of appropriations made available to the Fund, less the average undisbursed cash balance in the Fund during such year. The rate of such interest shall be determined by the Secretary of the Treasury, taking into consideration the average market yield during the month preceding each fiscal year on outstanding Treasury obligations with remaining periods to maturity comparable to the average maturity of obligations purchased by the Fund. Such interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest. If at any time the Secretary determines that moneys in the Fund exceed the present and any reasonably prospective future requirements of the Fund, such excess may be transferred to the general fund of the Treasury.

"(4) The Secretary may enter into contracts, in accordance with the provisions of this subsection, with any contracting party (A) to purchase the obligations issued by such party to finance the cost of constructing treatment works, including the Federal share thereof, and (B) to make principal and interest payments on the obligations purchased by him, within limits to be established in appropriation Acts for fiscal years 1970 and 1971, over a period of not to exceed forty years to cover the Federal share of the construction costs of such treatment works. Obligations purchased by the Secretary under this paragraph shall have a maximum repayment period of not to exceed forty years and shall bear interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturity of such obligations, adjusted to the nearest one-eighth of 1 per centum, less not to exceed 1 per centum per annum as determined by the Secretary. No obligation shall be purchased unless the Secretary determines that there is reasonable assurance of repayment and that the amount of the obligation together with other funds available is adequate to assure completion of the project. Any contract entered into by the Secretary with a contracting party shall require that all revenue bond obligations issued by such party covering the Federal and non-Federal share of such works under such contract shall be sold to the Secretary.

"(5) The Federal share for treatment works with respect to which a contract is entered into under paragraph (4) of this subsection shall be the same percentage as would be the case if a grant were being made for such works under subsections (b) and (g) of this section.

"(6) In order to be eligible for a contract under paragraph (4) of this subsection, each contracting party shall meet the applicable requirements of subsection (b) of this section, the first sentence of subsection (c) of this section, and the provisions of this subsection. Each contract shall include such additional terms and conditions as the Secretary deems appropriate.

"(7) The Secretary is authorized to sell, with the approval of the Secretary of the Treasury, the obligations purchased under paragraph (4) of this subsection with agreements for the guarantee thereof, or the obligations may be held in the Fund and collected in accordance with their terms. The Secretary is authorized to make payments to cover the difference in interest between the rates at which such obligations are purchased and the rates at which they are sold under this subsection. The interest on any obligation sold by the Secretary shall not be tax exempt for income purposes under any Federal law. Any such guarantee agreement executed by the Secretary hereunder shall be an obligation supported by the full faith and credit of the United States, and shall be incontestable except for fraud or material misrepresentation of which the holder has actual knowledge. In connection with obligations guaranteed under this subsection, the Secretary may take liens running to the United States notwithstanding the fact that the notes evidencing such obligations may be held by lenders other than the United States. Notes evidencing such obligations shall be freely assignable, but the Secretary shall not be bound by any such assignment until notice thereof is given to, and acknowledged by, him. The Secretary is authorized to make agreements with respect to servicing obligations held or guaranteed by him under this subsection and purchasing such guaranteed obligations on such terms and conditions as he may prescribe.

"(8) The Secretary may issue notes to the Secretary of the Treasury when necessary to obtain funds to make timely payments in the event of default under any guaranty, or to meet his responsibilities under any purchase agreement, made pursuant to this subsection. The form, denomination, maturities, and other terms and conditions of such notes shall be prescribed by the Secretary with the approval of the Secretary of the Treasury. Each note shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities adjusted to the nearest one-eighth of 1 per centum. The Secretary of the Treasury is authorized and directed to purchase any notes of the Secretary issued hereunder and for that purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which such securities may be issued under such Act are extended to include the purchase of notes issued by the Secretary. All redemptions, purchase, and sales by the Secretary of the Treasury of such notes shall be treated as public debt transactions of the United States.

"(9) The total sum actually appropriated to the Fund to purchase any obligation under paragraph (4) of this subsection and the Federal principal sum of obligations purchased under said paragraph and the amount actually appropriated for grants under subsection (b) of this section, for fiscal years 1970 and 1971 shall not exceed the sums authorized to be appropriated for such years under subsection (d) of this section. Fifty percent of the principal sum available for contracts under this subsection for each fiscal year beginning after June 30, 1969, shall be allotted by the Secretary in accordance with the ratio that the population of each State bears to the population of all the States. Fifty percent of such principal sum shall be allotted by the Secretary to any State meeting on June 30 of the preceding fiscal year the requirements of subsection (b) (7) of this section for a 50 per centum Federal share in accordance with the ratio that the population of each such State bears to the population of all the States meeting said requirements. Sums allotted to a State which are not obligated within six months following the end of the fiscal year for which they were allotted shall be reallotted in the same manner, except that sums allotted to a State in fiscal year 1970 shall be available for obligation therein for eighteen months from the effective date of this subsection.

"(10) In entering into any contract under this subsection, first priority in each State shall be given for treatment works (A) included in waste treatment systems servicing an area of fifty thousand people or more, (B) contributing to the development of a regional collection and treatment system, or (C) financed by a system of charges designed to cover, to the extent practicable, construction costs of such works and operating and maintenance costs."

Sec. 3. Sections 17 and 18 of the Federal Water Pollution Control Act, as amended, are hereby repealed. Section 19 of the Federal Water Pollution Control Act, as amended, is redesignated as section 20. Sections 11 through 16 of the Federal Water Pollution Control Act, as amended, are redesignated as sections 14 through 19. After section 10 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466g), there are hereby inserted three new sections to read as follows:

"CONTROL OF SEWAGE FROM VESSELS

"Sec. 11. (a) For the purpose of this section, the term—

"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated after promulgation of standards and regulations under this section;

"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated before promulgation of standards and regulations under this section;

"(3) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation or by a political subdivision thereof, except where such vessel is engaged in commercial activities;

"(4) 'United States' includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' means any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacturer' means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels having installed on board such devices;

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

"(9) 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

"(b)(1) As soon as possible after the enactment of this section, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, and after giving appropriate consideration to the economic costs involved, and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereinafter referred to as 'standards') which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped at any time with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

"(2) Any existing vessel equipped with a device or devices installed pursuant to the requirements of a State or foreign nation statute or regulation or recommended levels of control set forth in the Handbook on Sanitation and Vessel Construction (Public Health Service, 1965) prior to the promulgation of the initial standards and regulations required by this section shall be deemed in compliance with this section until such time as the device or devices are replaced or are found not to be in compliance with such State or foreign nation statute, regulation, or recommended level.

"(c)(1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; but not earlier than December 31, 1971, and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified.

"(2) The Secretary and the Secretary of the department in which the Coast Guard is operating with regard to their respective regulatory authority established by this section, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels, and, upon application, for individual vessels.

"(d) The provisions of this section and the standards and regulations promulgated thereunder apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under subsection (b) and certifications under subsection (g)(2) of this section shall be promulgated and issued by the Secretary of Defense and not by the Secretary of the department in which the Coast Guard is operating.

"(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

"(f) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation of any marine sanitation device on any vessel subject to the provisions of this section, except that nothing in this section shall be construed to affect or modify the authority or jurisdiction of any State to prohibit discharges of sewage whether treated or not from a vessel within all or part of the waters of such State.

"(g)(1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate. The Secretary, upon notification of the results of such tests, shall determine if such results are in accordance with the appropriate performance standards promulgated under this section and shall notify the Secretary of the department in which the Coast Guard is operating of his determination. Upon receipt of such notification the Secretary of the department in which the Coast Guard is operating, if he determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

"(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to, or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section.

"(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

"(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

"(4) for a vessel subject to such standards and regulations to discharge sewage into or upon the navigable waters of the United States, except with the use of a marine sanitation device certified pursuant to this section.

"(i) The district courts of the United States shall have jurisdiction to restrain violations of subsection (h)(1) through (3) of this section. Actions to restrain such violations shall be brought by, and in, the name of the United States. In case of contumacy or refusal to obey a subpoena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear to give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(j) Any person who violates clauses (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

"(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement with or without reimbursement law enforcement officers or other personnel and facilities of the

Secretary, other Federal agencies, or the States to carry out the provisions of this section.

"(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States, (2) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (3) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(m) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions.

"CONTROL OF POLLUTION BY OIL AND OTHER MATTER

"Definitions

"SEC. 12. (a) For the purposes of this section, the term—

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, and oil refuse, but does not include oil mixed with other matter;

"(2) 'matter' means any substance of any description or origin, other than sewage, oil, and dredged spoil which is discharged in substantial quantities, but does not include by-product material, source material, and special nuclear material as defined in the Atomic Energy Act of 1954 (42 U.S.C. 2013).

"(3) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(4) 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

"(5) 'remove or removal' refers to the taking of reasonable and appropriate measures to mitigate the potential damage of the discharge of oil or matter to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches:

"(6) 'vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water;

"(7) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation or political subdivision thereof, except where such vessel is engaged in commercial activities;

"(8) 'United States' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(9) 'owner or operator' means any person owning, operating, or chartering by demise, a vessel;

"(10) 'person' includes an individual, firm, corporation, association, or a partnership, except individuals on board public vessels; and

"(11) 'contiguous zone' means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

"Notice

"(b) Any person who discharges or permits or causes or contributes to the discharge of oil or matter in substantial quantities from any source into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone because such oil or matter threatens to pollute or contribute to the pollution of the territory or the territorial sea of the United States, shall immediately notify the appropriate delegate of the President of such discharge. Any such person who knowingly fails to notify immediately such delegate of any such discharge of oil or matter into or upon such waters, shorelines, or beaches, shall, upon conviction, be fined not more than $5,000, or imprisoned for not more than one year, or both.

"Control of oil discharged from vessels; civil penalty

"(c)(1) Except in case of an emergency imperiling life, or an act of war or sabotage, or an unavoidable accident, collision, or stranding, or except as otherwise permitted by regulations issued by the Secretary under this section, or except where otherwise not prohibited in the contiguous zone under the provisions of Article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, any owner or operator who, either directly or through any person, whether or not his servant or agent, concerned in the operation, navigation, or management of the vessel, discharges or permits the discharge of oil from a vessel into or upon the navigable waters of the United States or adjoining shorelines and beaches of the United States, or into or upon the waters of the contiguous zone because such oil threatens to pollute or contribute to the pollution of the territory or the territorial sea of the United States, shall be subject to the penalties provided in this subsection.

"(2) Any owner or operator who, or any vessel, other than a public vessel, which discharges oil in violation of paragraph (1) of this subsection shall be assessed a civil penalty by the Secretary of not more than $10,000 for each offense. Each violation is a separate offense. Any such civil penalty may be compromised by the Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator of the vessel charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by the Secretary. The district director of customs at the port or place of departure from the United States shall withhold at the request of the Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to the Secretary. Such penalty shall constitute a maritime lien on such vessel which may be recovered by action in rem in the district court of the United States for any district within which such vessel may be found.

"Removal of discharged oil or matter by the United States

"(d) Whenever advice is received of any discharge of oil or matter into or upon any waters, shorelines, or beaches, the United States may remove or arrange for the removal thereof in accordance with the regulations prescribed under subsection (g) of this section when, in the judgment of the Secretary, such oil or matter presents an actual or threatened pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife, or to public or private shorelines and beaches in the United States, unless other adequate arrangements for removal of such oil or matter have been made as required by subsections (e)(1) or (f)(1) of this section.

"Removal of discharged oil or matter by owner or operator of a vessel

"(e)(1) The owner or operator of any vessel who, either directly or through any person, whether or not his servant or agent, concerned in the operation, navigation, or management of the vessel, willfully or negligently discharges or permits or causes or contributes to the discharge of oil or matter into or upon the navigable waters of the United States or adjoining shorelines or beaches or into or upon the waters of the contiguous zone because oil or matter threatens to pollute or contribute to the pollution of the territory or the territorial sea of the United States, shall immediately remove such oil or matter from such waters, shorelines, and beaches. If the United States removes the oil or matter, such owner or operator, and, as appropriate, the vessel shall be liable to the United States for the full amount of the costs reasonably incurred under this subsection for the removal of such oil or matter, except that such aggregate liability for the cost of removal shall not exceed $15,000,000 or $450 per gross registered ton of such offending vessel, whichever is the lesser amount. The district director of customs at the port or place of departure from the United States shall withhold at the request of the Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of a vessel, other than a public vessel, liable for such costs until such costs are paid or until a bond or other surety satisfactory to the Secretary is posted. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which such vessel may be found.

"(2) In any action instituted by the United States under paragraph (1) of this subsection, evidence of a discharge of oil or matter from a vessel shall constitute a prima facie case of liability to the United States on the part of the owner or operator thereof and the burden of rebutting such prima facie case shall be upon such owner or operator. The United States shall also have cause of action under paragraph (1) of this subsection against any owner or operator of a vessel whose willful act or negligence is found to have caused or contributed to the discharge of oil or matter from a vessel involved in a collision or other casualty. The burden of rebutting the prima facie case of liability which the United States shall have against a vessel or the owner or operator thereof from which the oil or matter is discharged shall in no way affect any rights which such owner or operator may have against any other vessel or owner or operator or other persons whose willful act or negligence may in any way have caused or contributed to such discharge.

"Removal of oil and matter discharged from onshore or offshore facilities

"(f)(1) Any person subject to the jurisdiction of the United States who owns or operates an onshore or offshore facility of any kind, other than a facility owned or operated by the United States, or a State or a political subdivision thereof who either directly or through any other person, whether or not his servant or agent, concerned in the operation or management of such facility, willfully or negligently discharges or permits or causes or contributes to the discharge of oil or matter into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone, or into or upon the waters beyond such zone, shall immediately remove such oil or matter from such waters, shorelines, and beaches. If the United States removes the oil or matter, such person shall be liable to the United States for the full amount of the costs reasonably incurred for the removal of such oil or matter, except that such aggregate liability for the cost of removal of such oil or matter shall not exceed $15,000,000.

"(2) In any action instituted by the United States under this subsection, evidence of a discharge of oil or matter from an onshore or offshore facility of any kind, other than a vessel, shall constitute a prima facie case of liability to the United States on the part of any person who owns or operates such facility and the burden of rebutting such prima facie case shall be upon such person.

"Regulations governing the removal of discharged oil or matter by anyone

"(g) Within 60 days after the effective date of this section and from time to time thereafter—

"(1) The Secretary shall issue regulations, in consultation with the Secretary of the department in which the Coast Guard is operating and consistent with maritime safety and with marine and navigation laws, establishing criteria in removing discharged oil and matter, including criteria relative to the methods and means of removal, from waters, shorelines, and beaches; and

"(2) The Secretary of the department in which the Coast Guard is operating shall issue regulations, in consultation with the Secretary, establishing procedures, methods, and equipment (A) to implement the regulations of the Secretary relative to removing discharged oil and matter, and (B) to prevent discharges of oil and matter from vessels.

"General provisions

"(h) (1) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $15,000,000 to carry out the provisions of subsection (d) of this section. Any funds received by the United States under this section shall also be deposited in said fund for such purposes, except that such funds shall be available to reimburse a State or political subdivision thereof that assists in the removal of any discharged oil or matter. All sums appropriated to, or deposited in, said fund shall remain available until expended.

"(2) For the purpose of insuring the efficient and economic removal of any discharged oil or matter under subsection (d) of this section, the President shall, within ninety days after the effective date of this section and from time to time thereafter, delegate to the Secretary, the Secretary of the department in which the Coast Guard is operating, the Secretary of Defense, and the heads of such other agencies as may be appropriate, all or part of the responsibility under subsection (d) of this section for removing discharged oil or matter, in accordance with any national contingency plan or revision thereof, approved by the President, establishing procedures to be followed in removing such oil or matter. Any moneys in the fund established by this subsection shall be available to such Federal agencies to effectuate such removal. Each such agency, in order to avoid duplication of effort, shall, whenever practicable, utilize with or without reimbursement the personnel, services, and facilities of other Federal agencies and of State agencies.

"(3) After regulations are promulgated under subsection (g) of this section, the removal of any discharged oil or matter by anyone under this section shall be carried out in accordance with such regulations.

"(4) The Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating and consistent with maritime safety and with marine and navigation laws and regulations, may issue regulations authorizing the discharge of oil or matter from a vessel in quantities, under conditions, and at times and locations deemed appropriate by him, after taking into consideration various factors such as the effect of such discharge on applicable water quality standards, recreation, and fish and wildlife.

"(5) The provisions of subsection (c) of this section and the regulations issued under subsection (g) of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating may utilize by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal agency or State agency in carrying out these provisions and regulations.

"(6) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(7) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions.

"(8) Nothing in this section shall be construed as authorizing the Secretary or the Secretary of the department in which the Coast Guard is operating to regulate the operations or construction of any onshore or offshore facility, or as affecting or modifying any other existing authority of either Secretary relative to such facilities under this Act or any other provision of law.

"Study by Secretary of Transportation

"(i) The Secretary of Transportation, in consultation with the Secretaries of Interior, State, Treasury, Commerce, and other interested Federal agencies, shall conduct a study of the need for, and the desirability of, establishing a system of requiring vessels using the navigable waters of the United States and the waters of the contiguous zone to give evidence that such vessels have adequate financial capability within appropriate limitations to reimburse the United States in accordance with the provisions of this section for the removal of discharged oil and to pay damage claims covering private, real, or personal property damaged or destroyed by such discharged oil. In carrying out this study, the Secretary of Transportation shall seek detailed information relative to the economic effects of such a system on the merchant marine industry, and the advice and recommendations of representatives of the merchant marine, oil, and insurance industries, labor, and other national and international organizations relative to the need for, and desirability of, such a system. The Secretary of Transportation shall submit a report thereon, together with recommendations thereon, to the Congress, through the President, by July 1, 1970.

"AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS

"SEC. 13. (a) The Secretary, in cooperation with other Federal agencies, is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

"(b) The Secretary, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

"(c) Federal participation in such projects shall be subject to the conditions—

"(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, personal property, or services, the value of which shall be determined by the Secretary; and

"(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

"(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds appropriated under this section in any one year shall be granted to any one State."

SEC. 4. Redesignated section 14 of the Federal Water Pollution Control Act, as amended, is amended to read as follows:

"COOPERATION BY ALL FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

"SEC. 14. (a) Each Federal agency having jurisdiction over any real property or facility of any kind shall, within available appropriations and consistent with the interests of the United States, cooperate with the Secretary and the appropriate State water pollution control agency to insure compliance with applicable water quality standards and the purposes of this Act in the administration of such property or facility. In his summary of any conference pursuant to section 10(d) (4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property or facility, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property or facility. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be affected by any such discharges shall also be given to the Federal agency having jurisdiction over the property or facility involved, and the findings and recommendations of the Hearing Board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such Board.

"(b) Whenever an application is filed with any Federal department or agency to authorize or assist by license, lease, or permit any activity which discharges or may discharge matter of any kind into any waters, such agency or department shall receive from the Secretary a report and recommendations, prepared in consultation with the appropriate State or interstate water pollution control agency or agencies, for the purpose of insuring compliance by such activity with applicable water quality standards in effect for such waters. Upon receipt of such report and recommendations, such department or agency shall prescribe such measures as it deems appropriate, in accordance with the procedures established by such agency to consider such applications, to insure compliance at all times with the applicable water quality standards. Nothing in this subsection shall be construed as affecting the authority of the Secretary or any State or interstate agency in requiring the compliance of such standards under this Act or any other provision of law."

SEC. 5. Section 5 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466c), is amended—

(a) by redesignating subsections (g) and (h) as (k) and (l);

(b) by inserting after subsection (f) two new subsections to read as follows:

"(h) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation.

"(i) In carrying out the provisions of subsections (a) through (j) of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research facilities, the Secretary may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.";

(c) by changing in redesignated subsection (1)(4) the words "and June 30, 1969," to "June 30, 1969, and June 30, 1970,"; and

(d) by amending the first sentence of redesignated subsection (m) to read as follows:

"(m) There is authorized to be appropriated to carry out this section, other than subsection (l), not to exceed $65,000,000 for the fiscal year ending June 30, 1969, and such sums as may be necessary for the fiscal years ending June 30, 1970, and June 30, 1971."

SEC. 6. Section 6(e) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466c–1), is amended to read as follows:

"(e) For the purposes of this section there are authorized to be appropriated—

"(1) for the fiscal year ending June 30, 1969, the sum of $20,000,000 annually and for the fiscal years ending June 30, 1970 and June 30, 1971, such sums as may be necessary for the purposes set forth in subsections (a) and (b) of this section, including contracts pursuant to such subsections for such purposes;

"(2) for the fiscal year ending June 30, 1969, the sum of $20,000,000 annually and for the fiscal years ending June 30, 1970, and June 30, 1971, such sums as may be necessary for the purpose set forth in clause (2) of subsection (a); and

"(3) for the fiscal year ending June 30, 1969, the sum of $20,000,000 annually and for the fiscal year ending June 30, 1970, and June 30, 1971, such sums as may be necessary for the purpose set forth in subsection (b)."

SEC. 7. Redesignated section 17 of the Federal Water Pollution Control Act, as amended, is amended by deleting the following: "the Oil Pollution Act, 1924, or".

SEC. 8. The Oil Pollution Act, 1924 (43 Stat. 604), as amended (80 Stat. 1246–1252), is hereby repealed.

The letter presented by Mr. MUSKIE is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., January 16, 1969.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill, "To amend the Federal Water Pollution Control Act, as amended, and for other purposes."

We recommend that this draft bill be referred to the appropriate committee for consideration and that it be enacted.

Last year, the Administration proposed legislation providing a new and additional method of financing the construction of waste treatment works to meet the nations' water pollution control needs; an improved and strengthened authority to prevent oil spills and to clean up discharged oil and other polluting substances; and a program of controlling sewage from vessels. The legislation, however, failed final passage in the last hours of the 90th Congress. With the new Congress, we now have an opportunity to finish the legislative work started and nearly completed last year. I hope that it can be done quickly as the need in all of these areas is great. In addition, legislation is needed to extend the Department's water pollution research authorities which expire June 30, 1969.

Let me highlight some of the features of the enclosed proposal that differ materially from the version considered by both Houses last year.

FINANCING OF WASTE TREATMENT WORKS

The enclosed proposal provides a new and additional method of financing the construction of waste treatment works during fiscal years 1970 and 1971.

As the Congress will recall, last year these financing provisions were embroiled in a considerable discussion over the question of whether bonds issued to cover the cost of construction of treatment works by local public bodies should be taxable or tax exempt. We proposed a principal and interest payment to cover the Federal share, plus an interest subsidy. We required that the entire bond issue be taxable. This proposal met strong opposition from various public officials at the State and local level.

Both the House and Senate versions of S. 3206 in the 90th Congress included a provision which authorize the issuance of long-term contracts to finance the Federal share of the treatment works with no payment of the interest on any obligations issued by the State or local public body. State or local public bodies could, under that proposal, issue tax-exempt bonds.

The problem with that approach is that the States and local public bodies would in reality be receiving a substantially lesser grant because they would have to make the interest payments on the obligations issued to finance the Federal share. We estimated last year that a 50 percent Federal share grant would, in fact, be reduced in value to about 30 percent. Others have suggested that this value would be even lower. Thus, we believe that the approach followed in S. 3206 is undesirable from the standpoint of the States and local government.

We want to avoid this undesirable consequence and the taxable vs. nontaxable issue, while providing, at the same time, a reasonable means of achieving the goal of meeting the Federal financial commitment for fiscal years 1970 and 1971. We believe that the enclosed proposal accomplishes this.

Under this proposal, Interior would enter into contracts to purchase the obligations of the contracting party issued to finance the contracting party's share and the Federal share of the costs of waste treatment works constructed with Federal assistance. Although bonds do not achieve tax-exempt status until the exemption is actually exercised by a taxpayer, we would recognize the status of the community bonds as being eligible for tax exemption. The purchased obligations would then become assets of the Federal Government. The Federal Government would guarantee them and sell them as taxable obligations. Under this approach, no precedent would be created requiring municipalities to issue taxable bonds for the Federal share.

This legislation would provide authority for the Secretary to make principal and interest payments on the Federal share and to make up the difference between the interest costs on the guaranteed taxable bonds sold and the interest received from localities which would be at a rate comparable to the rate on tax-exempt obligations.

The proposal would authorize a $50 million revolving fund which would enable the Secretary to purchase the localities' obligations and hold them for brief periods, pending sale to private investors.

The Department plans to begin discussions shortly with representatives of the investment banking community in order to determine the most effective mechanism for marketing these guaranteed obligations.

Before entering into any contracts, the total principal sum available for the principal share of contracts will be established in appropriation acts for fiscal years 1970 through 1971. Fifty percent of the principal sum available for contracts will be allotted to the States by the same formula as funds appropriated for grants in excess of the first $100 million are allotted—that is, by population. This sum will be available to the States for obligation for the fiscal year it was allotted plus 6 months. In fiscal year 1969, however, this sum will be available for obligation for 18 months from the date of enactment of this legilsation.

The remaining fifty percent of the principal sum would be allotted to States having treatment works eligible under section 8(b)(7) of the Act for fifty percent grants—that is, States that pay at least twenty-five percent of the costs of treatment works and establish enforceable water quality standards for the waters in which such works discharge. We believe that this approach will encourage more States to establish an aid program for their communities.

At present, twenty jurisdictions could benefit from this approach. We believe more will follow this year. These States now cannot pay the full Federal share and spread their Federal allotments over as many projects as States which do not provide financial aid to municipalities. The States to date that have provided State aid programs are, in many cases, the ones having the greatest backlog of needed treatment works.

In entering into contracts under this section, priority will be given in each State to treatment works serving 50,000 people or more, or contributing to a regional collection and treatment system, or having an adequate charge system. The objective, of course, is to funnel more of the Federal money to areas in each State where the pollution problems are greater—the more populous areas.

The proposal would not in any way affect the present reimbursement provisions found in section 8(c) of the Act.

Also, it would not authorize the use of contract financing to pay for treatment works constructed since June 1966 with little or no Federal grant assistance under this Act. The rationale is that the objective of the contract approach is to build new and needed treatment works. It is not designed as a method of financing works already constructed or under construction. The States must look to the existing reimbursement features of the Act for these payments.

We fervently hope that this approach effectively resolves the very difficult problems raised last year and will be fully supported by the States and local communities.

OIL AND OTHER MATTER POLLUTION CONTROL

The House version of S. 3206 did not provide authority for the Secretary of the Interior to clean up discharges of oil or other matter from onshore or offshore installations and to recover the cost thereof from the owners or operators of these installations. The enclosed proposal would provide such cleanup authority. The reasons for doing so are quite simple.

As a spill occurs in an inland waterway or even within the contiguous zone or territorial sea, the damage can be just as great whether it occurs from a vessel or another type of facility. The source of the oil release makes no difference. All that the public knows is that there has been a spill and it is damaging property and resources. They will want it removed. They will not understand why we can remove oil discharged from a vessel but not oil discharged from a tank farm or oil rig.

Three examples illustrate the problem:

1. Last November, a 12-mile long concentrated sludge moved down the Allegheny River in Pennsylvania closing water supply systems, power plants and industries, and leaving over 1 million fish dead. The source was from a 30-year old sludge treatment lagoon at Bruin, Pennsylvania, plant of the American International Refining Company, according to State Health Department officials. The company was fixing a leak when the lagoon embankment collapsed, dumping about 3,000 gallons of oil sludge and refining chemicals into Bear Creek, a tributary of the Allegheny (see November 7, 1968, edition of *Engineering News*).

2. Last October, about 10,000 gallons of #2 diesel fuel was discharged from a fueling hose cut by a passing train at the Thorndaly yards of the Penn-Central Railroad, near Downington, Pennsylvania, and flowed into a ditch leading to Beaver Creek and then into Brandywine Creek. Downington uses Beaver Creek as its raw water source and their water treatment plant had to shut down on October 27 because of the ingress of oil.

3. The other day a break in a 22-inch high pressure pipeline carrying crude oil resulted in a discharge of oil estimated to be as great as 700,000 gallons at Lima, Ohio. The oil flowed over the surface of streets into sewers and was carried down to the sewage treatment plant. The sewage treatment plant caught fire and was badly damaged. There were numerous explosions in the sewer system. The oil flowing through both the storm and sanitary sewage systems flowed into the Ottowa Creek in the Lake Erie drainage basin. The nearest downstream municipal water intake is some 60 miles with an estimated travel time of about 7 days under existing weather conditions. A variety of booms were erected across the creek and the oil is being vacuumed from the water surface and placed in temporary storage pits.

No Federal agency, including this Department, has adequate authority to clean up discharges of oil and other matter from these types of facilities. It should be emphasized that we are only talking about the cleanup or removal of discharged oil and matter and we are *not* attempting by this legislation to provide criminal or civil penalties or any regulatory scheme which would be applicable to onshore or offshore facilities. The 1899 Refuse Act (33 U.S.C. 407) now prohibits the discharge of refuse matter into United States waters from vessels and onshore and offshore facilities.

The enclosed proposal does not provide criminal penalties for violation of the prohibitions against oil discharges from vessels. Rather it provides civil penalties against the vessel of up to $10,000 where a discharge of oil occurs in violation of the general prohibition against discharges from vessels. The exceptions to the general prohibition would, of course, apply here. Some of the exceptions are: Act of God, war, or sabotage, or unavoidable accidents, collisions, or strandings, or cases of emergency imperiling life. Another exception is where the Secretary by regulation issued permits to discharge oil under controlled conditions. Where the discharge occurs under one of these exceptions there will be no penalty, but the discharger still has the obligation under the section to notify the Secretary or his delegate of the discharge and to clean it up where the discharge is due to negligence or a willful act.

The civil penalty would be assessed by the Secretary and is not dependent on any finding of negligence or willfulness because of the exceptions. The provision is patterned after similar penalty provisions in the Natural Gas Pipeline Safety Act of 1968.

The proposal would require that, where an oil discharge or matter discharge occurs, anyone in charge of the vessel or facility from which the oil is discharged has an obligation to tell us so that steps may be taken to correct the situation. Early warning of the discharge is probably the most important factor in the handling of these discharges. The earlier the warning, the more chance we have to insure that the discharge can be contained in order to prevent or minimize the potential damage to our natural resources, shorelines, beaches, and other public and private facilities.

Once word is received of the discharge, the United States may take immediate steps to undertake cleanup action. This does not mean, however, that the discharger is relieved of the responsibility to clean up the discharge. He still has the duty to act quickly.

In addition, the proposed legislation increases the liability limit found in S. 3206 for vessels from $10 million or $67 per gross registered ton, whichever is the lesser, to $15 million or $450 per gross registered ton, whichever is the lesser. Our experience in removing discharged oil indicates quite clearly that the actual costs of cleanup are substantially more than $67 per gross registered ton.

The $67 figure was recommended by industry on the basis of the 1957 Brussels Convention relative to the Limitation of the Liability of the Owners of Seagoing Ships. The United States, however, has never ratified or adhered to that Convention.

The SS Ocean Eagle discharged at Puerto Rico some 3,000,000 gallons of oil in two releases, 1,000,000 gallons and 2,000,000. A substantial, but unmeasured portion of the second release was blown out to sea and did not require cleanup. Cleanup costs for the incident are in excess of $1,500,000.

A very recent spill of oil in San Diego Bay was "cleaned up" using dispersants. Eighty-six thousand gallons of dispersants were applied to the 86,000 gallons of No. 6 fuel oil spilled. Dispersant cost plus application costs appear to be near $5.00 per gallon.

Dispersant manufacturers recommend applications of dispersant to oils at a ratio of 1 part dispersant to about 5 parts oil under ideal conditions. This recommended ratio may be as low as 1:10 for light petroleum fractions and in practice may approach 1:1 for weathered crude oils and heavy fuel oils. Dispersant prices are in the range of $4–5.00 per gallon and the cost of application will raise the cost to $5.00 or more per gallon. Under ideal conditions, the cost of dispersing oil would be in the range of $1.00 per gallon or $250 per ton of oil discharged.

Since a gross registered ton equals approximately 450 gallons of oil, the cost would be, under ideal conditions, $450 per gross registered ton of the vessel. Under critical conditions, the costs would be higher; in the case of the San Diego Bay spill, the costs would be $2,250 per gross registered ton.

The insurance industry, when testifying on last year's legislation that provided for absolute liability in the case of cleanup, supported a limitation of $10 to $15 million. The costs of the Torrey Canyon cleanup were in excess of $15 million and the measures were considered less than adequate. The enclosed proposal, like the House version of last year, makes the owner and operator liable only where there is negligence or willful misconduct in discharging the oil.

In our view, if the United States acts to remove discharged oil or matter because of a negligent or willful act on the part of an owner or operator or his agent, the United States should be able to recover most, if not all, of its costs. We should not establish the precedent of subsidizing an industry for its negligence or willful misconduct.

The definition of "matter" has been revised in order to avoid the problem of waiting for the Secretary to determine if the discharge presented "an imminent and substantial hazard" before taking action to remove it, and to exclude certain material now covered by the Atomic Energy Act. In the latter case, the AEC advises that it has adequate authority to require its licensees to take measures to prevent damage from discharges of these materials.

CONTROL OF POLLUTION FROM FEDERALLY LICENSED, LEASED, OR PERMITTED ACTIVITIES

The Water Quality Act of 1965 provides one method of insuring compliance with water quality standards, namely an abatement action when there is a discharge that reduces the quality of water below the standards. It is a remedy that will be pursued where pollution exists by this Department and by the States. But it is an after-the-fact remedy. It is not the preventive medicine that should be practiced. Where we have other effective means to insure compliance, we should use them and, if necessary, strengthen them.

One very effective means is the Federal lease, license, and permit. This is true in the case of all pollutants. The review process attendant to the issuance of a Federal lease, license, or permit by any agency affords an excellent opportunity to examine prior to the development of the project the impact on the environment and to prevent or minimize any damage to the environment that might occur from the project.

The licensing agency can require the installation of the pollution control measures which are then found to be necessary to protect water quality and water uses before the project is constructed and before it is operated. The licensee then is required by the licensing agency to comply on a continuing basis with the conditions of his license.

The proposal would require that the Federal agency which is considering a lease, license, or permit application, obtain the advice of the Secretary of the Interior to determine if the applicable water quality standards will be met. The Secretary would consult with the interested state water pollution control agencies and seek their comments which would be transmitted to the licensing agency. The licensing, etc., agency would then, upon receipt of the recommendations from the Secretary, include in the license such conditions as the agency considers appropriate to insure compliance. This does not give the Secretary a veto over the issuance of the license, etc. Rather, it provides a mechanism for insuring that the pollution problem will be combated prior to the construction and operation of the proposed project. In appropriate cases, the Secretary, as well as the States, could intervene in any proceeding relative to the water quality standards issue, if necessary.

This proposal will carry out our recommendations in my statement before the Senate Committee on Public Works of November 6, 1968, relative to the problem of thermal pollution.

RESEARCH, STUDIES, AND DEMONSTRATIONS

The proposal would extend the research, etc., provisions of the Act an additional 2 years to June 30, 1971, at the level of appropriations for fiscal year 1969. The appropriation authorization for these sections terminates on June 30, 1969.

The proposal adds specific authority to acquire lands in connection with demonstration programs under section 5 of the Act and in connection with the development of our research facilities and laboratories. This authority existed when the program was administered by the Surgeon General because that agency has general authority in this area. It, however, could not be transferred to Interior. We expect that there will be instances where limited acquisitions will be needed for the program.

VESSEL POLLUTION

The vessel pollution provisions would make it unlawful to discharge sewage into the navigable waters of the United States without a device certified by the Secretary of Transportation and meeting standards of the Secretary of the Interior. Such a device could be a holding tank in cases where provisions were available to either discharge into shore facilities or in the open sea. The proposal makes it clear that State authority or jurisdiction to prohibit all discharges of sewage whether treated or not from a vessel within all or part of waters under their jurisdiction is not affected by this legislation. In some cases, water quality standards prohibit such discharges.

COMMENTS ON THE WASTE TREATMENT PROGRAM

In anticipation of a substantial increase in our ability to approach the authorized appropriation levels for waste treatment works, we have carefully reviewed our present authority to insure that such works are constructed and operated in a manner that fulfills the mandates expressed in the Federal Water Pollution Control Act, as amended.

With the advent of substantial approval of water quality standards submitted by the States under the Water Quality Act of 1965, we have been able to more clearly define our water quality objectives and are in a position to utilize waste treatment construction grants more effectively to realize this goal.

Section 8(a) of the present Act authorizes us to make grants subject to a number of limitations. Section 8(b)(1) requires that a grant cannot be made "unless such project is included in a comprehensive program developed pursuant to this Act" which includes the comprehensive programs developed under sections 3 and 7(f) of the Act. These programs, among other things, provide for regional collection and treatment systems. Besides taking full advantage of economies of scale which result from such systems, we believe this practice is dictated by section 8(b)(1) of the Act in the making of construction grants. We cannot afford a proliferation of small inefficient systems that increase costs to all levels of government and achieve less than optimum water quality. Nor can we afford treatment systems that are not consistent with foreseeable growth patterns and needs and plans developed to meet those needs.

Section 8(b) of the Act requires that a project for which a Federal grant is sought must, among other things, be in conformity with the state water pollution plan approved under section 7 and be certified by the State as entitled to a priority over other eligible projects on the basis of financial and pollution control needs. The Act provides that the state plan set forth the criteria used by the State in determining the priority of projects. The Department is greatly concerned that heretofore adequate attention has not been given by some States to developing criteria that will achieve the objectives of the Act. We are now reviewing each of the State's criteria to be sure that they are, in fact, achieving this objective. If they are not, we will advise the States and request that they revise their criteria. Failure to do so could result in state plan disapprovals.

In addition, section 8(c) requires that the Secretary give consideration "to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for such Federal financial aid for assuring proper operation and maintenance of the treatment works after the completion of the construction thereof." This provision requires that projects be carefully reviewed in light of these considerations to determine whether they should be approved for a Federal grant. We wil not hesitate to refuse a grant if the project fails to meet one or more of these considerations.

The requirement for assuring proper operation and maintenance of the treatment works stated in sections 8(b)(4) and 8(c) is also important. We believe the State and the applicant should be able to demonstrate that a sufficient number of operators will be provided and that operator personnel will be adequately trained, and, preferably, certified; that equipment will be adequately maintained; and that laboratory and surveillance facilities are adequate to assure that the treatment plant will perform according to design specifications.

In summary, we believe that the construction grant program must be administered to achieve the objectives of applicable water quality standards; implementation of comprehensive State, local, regional, and national pollution control programs, including, where applicable, areawide collection and treatment systems; consistency with appropriate planning for the comprehensive development of the area served; adequate operation and maintenance after construction; and concentration of Federal funds to construct treatment works in those areas with the most serious pollution. Administrative procedures and instructions of the Department for the review and approval of construction grants are being sharpened to insure that these objectives are fully met in practice.

We strongly urge the early enactment of this proposal, hopefully before July 1, 1969, so that we can have a full two years to carry it out.

By letter dated January 16, 1969, the Bureau of the Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely yours,

MAX N. EDWARDS,
Assistant Secretary of the Interior.

S. 545, S. 546, AND S. 547—INTRODUCTION OF BILLS RELATING TO IMPROVEMENT OF THE FEDERAL BAIL SYSTEM

Mr. TYDINGS. Mr. President, I am introducing today three bills which I believe will contribute significantly to the improvement of the Federal bail system, especially as it relates to the District of Columbia.

One measure will remove the existing statutory limit on funds which may be authorized for the District of Columbia Bail Agency. The Bail Agency has been doing a good job of fulfilling its functions within the limits possible under its present budget, but its activities could be beneficially expanded and improved if an increase in budgeting is permitted.

The other two measures are amendments to the Bail Reform Act of 1966, which are designed to deal with the problem of recidivism on bail. I testified today before the Senate Subcommittee on Constitutional Rights with respect to this problem and with respect to the recommendations for the reform of the Bail Act made by the Judicial Council Committee to Study the Operation of the Bail Reform Act in the District of Columbia. In the course of this testimony I detailed the circumstances giving rise to the need for legislation and outlined the measures I am now introducing. Rather than reiterate my prior remarks, Mr. President, I would like to insert my testimony in the RECORD.

Mr. President, I ask unanimous consent that the bills I am introducing and my testimony before the Subcommittee on Constitutional Rights be printed in the RECORD at this point.

The VICE PRESIDENT. The bills will be received and appropriately referred; and, without objection, the bills and statement will be printed in the RECORD.

The bills, introduced by Mr. TYDINGS, were received, read twice by their titles, appropriately referred, and ordered to be printed in the RECORD, as follows:

By Mr. TYDINGS (for himself, Mr. ERVIN, and Mr. HRUSKA):

S. 545. A bill to amend section 9 of the District of Columbia Bail Agency Act; to the Committee on the District of Columbia:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 9 of the District of Columbia Bail Agency Act (80 Stat. 329; D.C. Code, sec. 23–908) is amended to read as follows:

"For the purpose of carrying out the provisions of this chapter, there are authorized to be appropriated to the District of Columbia such sums as may be necessary, which shall be disbursed by the Commissioners of the District of Columbia."

By Mr. TYDINGS:

S. 546. A bill to amend the Bail Reform Act of 1966 to authorize the conditional release or commitment to custody of certain persons charged with the commission of an offense punishable as a felony, and for other purposes:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 207 of Title 18, United States Code, is amended by inserting immediately after section 3146 the following new section:

"§ 3146A. Conditional release or commitment to custody in certain felony cases

"(a) At the time of a person's appearance before a judicial officer for release in accordance with the provisions of section 3146 of this title or at any time after the person's release pursuant to section 3146 of this title, the Government may request a special evidentiary hearing for the purpose of imposing the conditions of release or commitment to custody provided for by subsection (e) of this section. The Government's application for such a hearing shall be granted only if (a) the person is charged with the commission of a felony involving the infliction of or threat to inflict serious bodily harm on another while released pending trial of a prior felony charge or pending appeal from a conviction of a felony; or (b) the person is charged with the commission of a felony involving the infliction of or threat to inflict serious bodily harm on another and the Government, by affidavit, alleges that, if released, the person will inflict serious bodily harm on another or pose, because of his prior pattern of behavior, a substantial danger to other persons or to the community; or (c) the person is charged with the commission of the offense of armed robbery or an offense punishable under the provisions of chapter 103 of this title. If the Government's application is granted, the person shall be committed to custody until after the special hearing and appellate review thereof have been concluded.

"(b) If the judicial officer grants the Government's motion for a special evidentiary hearing, such hearing shall be held within two days, unless the person or his attorney requests a delay of the hearing.

"(c) Upon granting the Government's motion, the judicial officer shall notify the person and his attorney of the time and place of the hearing. If the person is without funds to provide for the assistance of counsel for the hearing, the judicial officer shall appoint counsel to represent the person at the expense of the United States.

"(d) In conducting a hearing under this section, the judicial officer shall receive and consider all relevant evidence and testimony which may be offered. The person shall have the right to present evidence, and present and cross-examine witnesses. No testimony of the person at this hearing shall be admissible in any other judicial proceeding, nor shall the person waive his privilege against self incrimination in any future judicial proceeding by testifying at this hearing.

"(e) If the judicial officer conducting the hearing under this section determines that there is clear and convincing evidence that the person if released will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice, or cause the death of, or inflict serious bodily harm upon, another, or participate in the planning or commission of the offense of armed robbery or any offense punishable under the provisions of chapter 103 of this title, the judicial officer shall impose upon the person any condition or combination of conditions of release set forth in section 3146(a) of this title which will reasonably protect against the dangers set forth in this subsection. If the judicial officer finds that a conditional release of the person under section 3146 of this title would not provide the necessary protection against the dangers set forth in this subsection, the judicial officer shall order the person committed to custody for a period not to exceed thirty days prior to his trial. The judicial officer shall state on the record his reasons for imposing any order of commitment to custody or the conditions of release.

"(f) Any person committed to custody or conditionally released under subsection (e) of this section shall have the right of appeal as provided in section 3147 of this title and any other rights to judicial review as provided by law.

"(g) The judicial officer who conducts the special evidentiary hearing provided for in this section shall not sit in any trial of the person for the offense which was the basis for the hearing.

"(h) Any person committed to custody under subsection (e) of this section shall have his case placed on an expedited trial calendar and the handling of motions and other preliminary matters pertaining to the case shall also be expedited. Continuances shall be granted only upon a showing of extraordinary cause. If a continuance is granted upon motion of the defense or if the trial of the person has begun but not been completed before the expiration of thirty days after the order of commitment to custody of the person, the person shall remain subject to the commitment order until the conclusion of the trial.

"(i) Any hearing under the provisions of this section shall be taken down by a court reporter or recorded by suitable sound recording equipment. A copy of the record of such a hearing shall be made available at the expense of the United States to a person who was the subject of the hearing and who makes affidavit that he is unable to pay or give security therefor, and the expense of such copy shall be paid by the Director of the Administrative Office of the United States Courts.

By Mr. TYDINGS:

S. 547. A bill to amend section 3148 of title 18, United States Code in order to restrict the release of any person who is accused of a capital offense or who has been convicted of any offense in a court of the United States and is awaiting sentence or has filed an appeal or a petition for writ of certiorari; to the Committee on the Judiciary:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3148 of title 18 is amended to read as follows:

(a) A person who is charged with an offense punishable by death shall be treated in accordance with the provisions of section 3146 unless the court or judge has reason to believe that the person will not flee or pose a danger to any other person or to the community. If such a risk of flight or danger is believed to exist, the person may be committed to custody. The provisions of section 3147 shall not apply to persons so committed to custody: *Provided,* That other rights to judicial review of conditions of release or orders of commitment to custody shall not be affected.

(b) A person who has been convicted of an offense and is either awaiting sentence or has filed an appeal or a petition for a writ of certiorari shall be committed to custody unless the court or judge finds (1) that the person, because of his ties to the community, his demeanor in court, and his conduct in the community while awaiting disposition of his case, is not likely to flee or pose a danger to any other person or to the community or participate in the planning or commission of an offense punishable by the laws of the United States, the District of Columbia or the State wherein release pending appeal is sought, and (2) that the appeal or petition for a writ of certiorari is not frivolous or taken for the purposes of delay but raises or seeks to raise a substantial question of law or fact likely to result; in a reversal and/or an order for new trial. Upon such findings, the court or judge shall treat the convicted person in accordance with the provisions of section 3146. The provisions of section 3147 shall not apply to persons committed to custody in accordance with this subsection: *Provided,* That other rights to judicial review of conditions of release or orders of commitment to custody shall not be affected.

The statement, presented by Mr. TYDINGS, is as follows:

STATEMENT OF SENATOR JOSEPH D. TYDINGS ON BAIL REFORM BEFORE THE CONSTITUTIONAL RIGHTS SUBCOMMITTEE, JANUARY 22, 1969

Mr. Chairman, I appreciate this opportunity to appear before the Subcommittee on Constitutional Rights to discuss some means of reducing the incidence of recidivism by persons released under the provisions of the Bail Reform Act. Criminal activity by persons on bail is of critical concern to me, as I know it is to you, and I hope that these hearings will lead to legislation to curb it.

Recidivism during bail is an especially acute problem in the District of Columbia. This is a result both of the extraordinary backlog of cases in the D.C. courts and of the extraordinary type of criminal who is tried in the Federal courts here.

Undoubtedly, the most effective means of reducing crime committed by persons released pending trial would be to reduce drastically the amount of time between arrest and trial. The President's Commission on Crime in the District of Columbia found that sixty-eight (68) percent of crime on bail is committed more than thirty days after initial release. Swift trials should therefore reduce recidivism on bail. Moreover, the deterrent effect of the criminal law would be greatly enhanced by bringing the trial into closer proximity with the criminal act and making the sentence seem more society's response to the defendant's criminal conduct and less the result of a long, drawn-out game.

In the last fiscal year some progress was made in speeding up the administration of criminal justice in the District of Columbia. Even with the increased workload after the April disorders, the United States District Court for the District of Columbia managed to slightly reduce its criminal backlog during fiscal 1968. But almost forty (40) percent of the cases pending in the district court at the end of fiscal 1968 had been on the calendar for six months or more and twenty-one (21) percent had been pending for over a year. The 1374 criminal cases pending in the district court at the end of fiscal 1968 gave that court the heaviest criminal docket in the entire federal system, with more criminal cases than were pending in all the district courts for seven of the other ten federal circuits.

The District Court of the District of Columbia is confronted with a type of criminal unknown, or at least little known, in almost every other federal district court. The broad criminal jurisdiction of the district court here, encompassing a jurisdiction left to the states in all other federal districts, gave the district court here jurisdiction over 61% of all the homicides, 27% of all assaults, 32% of all sex offenses, 47% of all robberies, and 47% of all burglaries tried in the entire federal system in 1967. The peculiar character of the criminal workload in the District, I believe, calls for special consideration as your Subcommittee re-evaluates the Bail Reform Act.

A few statistics might be of assistance in outlining the magnitude of the bail recidivism problem. The Judicial Council Committee to Study the Operation of the Bail Reform Act in the District of Columbia—the Hart Committee—found a 9% recidivism rate on pre-trial bail in the District for the first six months of 1967; the rate for the first six months of 1968 was 7.2%. These rates are bad enough, but when one looks only at the robbery suspects, an even more shocking picture is revealed. A police department study of all persons indicted for robbery and released on bail between July 1, 1966, and June 30, 1967, revealed that of the 130 persons so released, forty-five (45), or 34.6% were indicted for at least one additional felony committed while on bail. Among them, the forty-five were indicted for seventy-six (76) other offenses committed after the initial release. Further, of the 130 persons released, twenty-four (24), or 18.4%, had two or more bonds during the period studied.

A random inspection of the docket of the General Sessions Court of the District of Columbia reveals a similar pattern. All too typical is the history of one defendant whose record I shall brief for you as it stood at the time of a December 1968, appearance at the General Sessions Court. The string of charges then outstanding dated back to May, 1967, when he was indicted for robbery in the federal district court and released on bail. He was thereafter charged with robbery on no less than four occasions, three of them involving the use of arms. In each instance he was again released on bail The defendant is currently out on bond, and only one of this collection of charges has been disposed of. Particular cases such as this, perhaps even more that the broad, general statistics, evidence the need for change in the criminal justice system and the pre-trial release procedures in the District of Columbia.

Before I indicate the direction this change should take, let me suggest to you a course which may receive some support during these hearings, but a course which change must not be permitted to take—I speak of return to the old money bail system.

The Bail Reform Act of 1966, a project for which you are to be highly commended, Mr. Chairman, marked a significant advance in the administration of justice. The archaic system of money bail served only to separate the wealthy from the impoverished. To the extent that it sought to deal with the potential for further criminal activity, it did so through the subterfuge of sums set beyond the ability of the accused to pay out of his own resources. But such high bail was by no means a sure restraint of the potential recidivist. It merely put the release decision in the hands of the bondsman, who was not concerned with whether the defendant was likely to engage in further criminal activity, but only with whether he was a good risk to appear and not forfeit bond. Hence, as I learned too well in my years as a United States attorney, the most hardened and habitual offender—especially the person involved in the rackets or organized crime—could and would obtain release under the bail money system. Whatever the operational deficiencies of the current system with respect to recidivism, they will not be remedied by a return to money bail.

The logic of this conclusion is sustained and reinforced by the available statistics. Again I refer you to the Report of the Hart Committee, which indicates that the recidivism rate on pre-trial bail in the years immediately preceding the Bail Reform Act of 1966 was 7.5%, a rate higher than that for the most recent six month period reported.

I have anticipated the suggestion of return to a money bail system for two reasons. The first is a suggestion I have heard that the present recidivism rate is somehow a result of the reforms of 1966. I think it is evident, especially in light of the figures which show a comparable rate before the reform, that this is simply not true. The second reason is what I believe to be attempts by some judges to use the money bail condition for release as an effective means of detaining some persons whom they think to be dangerous. This is a misuse of the provisions of the present act, which are prescribed only to deter the accused's flight from prosecution, and not to protect the community from dangerous persons.

We must see in these attempts to restrain individual defendants evidence that the judges so acting believe that there is a need for change in the Bail Reform Act and for some form of preventive detention.

Our task in this area is made less difficult because of the efforts of the Hart Committee. That Committee, as you know, has made an extensive examination of the problem, and has, in its Report, made a number of proposals for corrective reform. These proposals are already before this Subcommittee and I am confident that you will find them to be excellent. The bulk of the Hart Committee recommendations are administrative and procedural in character. I will restrict my remarks, however, to the Committee's legislative proposals.

Additional one year penalty for persons convicted of crimes committed while released on bail: This is a sound proposal. The certainty of additional punishment should impress upon the accused person the gravity of the conditions of his release and society's demand that he refrain from criminal activity while released pending trial. It must be recognized, of course, that the additional penalty would be imposed only upon conviction of an offense committed while on bail. No additional penalty is imposed for the bailed offense.

Revocation of Bail for violation of conditions or indictment for offense allegedly committed while on bail, with expedited trials: If a person free on personal recognizance or on conditions pending trial is indicted by a grand jury or if a competent judicial officer finds that there is probable cause to believe that the person has committed another offense while released pending trial, that person's release should be revoked and he should be tried for either of the offenses as expeditiously as possible. And the ABA Tentative Draft on Pre-Trial Release states: "The spectacle of the bailed defendant securing release on the second charge is difficult to justify." As suggested by the ABA draft, I would also subject the released person to revocation of his release or at least to the imposition of additional conditions or release, if he violates the conditions of release initially imposed upon him. I believe the revocation provisions should be modeled on section 5.6, 5.7, and 5.8 of the ABA Tentative Draft.

Bail during a civil emergency: The Hart Committee also recommended that, during the duration of a civil disorder, release under the Bail Reform Act should be denied to persons charged with certain riot connected offenses. In effect, for a limited class of offenses, the Bail Reform Act would be suspended for the duration of the disorder. At the conclusion of the emergency, the provisions of the Act would again be operable to allow the release of the alleged offenders.

The Hart Committee's recommendations in this area are designed to stifle riot connected activity during a disorder. Last year during the first days of the disorders which followed Dr. King's assassination, many of the offenders released after arrest for acts of violence in the riot areas promptly returned to the area of disturbance to engage in new riot connected activity.

I endorse the concept of suspending the Bail Reform Act during times of riot and widespread disorder. But if we are to assure that the suspension of the Act will not be used as an excuse for dragnet devices which could easily inflame rather than calm the troubled area, any suspension procedures must be strictly limited as to (1) the type of emergency which will call for suspension of the Act, (2) the length of the suspension of the Act and (3) the charges for which it may be suspended.

Release of dangerous accused persons subject to conditions: The Hart Committee's principal recommendation would authorize the courts of the District of Columbia to consider dangerousness to the community in setting nonfinancial conditions of release for persons charged with crime. If we are to endorse this provision and make it effective, we must recognize that it will call for even more rigorous supervisory efforts by the District of Columbia Bail Agency. Even under their present workload, the Agency has serious difficulties in meeting the demands upon it. More staff to better supervise those under conditional release is an obvious need even under the present Act. One obstacle to better Bail Agency operation is the $130,000 authorization limitation in the statute, and I shall introduce legislation today to lift this limitation.

Conditioning release on the grounds other than the accused's potential flight to avoid prosecution would mark a significant departure from the present Bail Reform Act and from the letter of every bail statute extending back to the First Judiciary Act. However, the high incidence of recidivism among those released pending trial in the District of Columbia, especially among bank robbers, demands at least this shift in bail philosophy. The Hart Committee's recommendation to allow the committing magistrate to consider dangerousness is supported by the ABA's Tentative Draft on Pre-Trial Release, and by the Report of the President's Commission on Crime in the District of Columbia.

I believe, however, that a broader measure is necessary. What we must have is legislation, carefully drafted to insure the constitutional rights of the accused, which will permit preventive detention of certain defendants who pose so great a menace to society or to individuals within the society that mere conditions upon their release are not a sufficient safeguard. I have prepared such legislation for introduction today.

I would hope, Mr. Chairman, that this Subcommittee would use this proposal as a working paper for changing the pre-trial release procedures. Lurking in the background, of course, is the constitutional prohibition against excessive bail. But, as the ABA Tentative Draft on Pre-Trial Release states, "so-called preventive detention should be dealt with openly and on its own merits, not masked behind manipulations of bail amounts." I drafted the legislation to restrict the use of preventive detention and to make the restraint of "dangerous" individuals a visible process. Moreover, my proposal is much less restrictive than the English practice under the provisions of the Criminal Justice Act of 1967, an outline of which is attached as an Appendix.

The bill I will offer is in the form of a new section to the Bail Reform Act, and is based on a careful analysis of the recommendations of the President's Commission on Crime in the District of Columbia. It authorizes a special evidentiary hearing at the request of the government for the purpose of imposing upon the accused certain conditions of release, or for the purpose of issuing an order that the accused be detained for trial if it is found that the preventive detention prerequisites established by the bill have been met. Such hearings may be held only (1) where the defendant is accused of committing a felony involving serious bodily harm or the threat thereof and the government, by affidavit, alleges that the defendant will, if released, inflict serious bodily harm on another or pose a serious threat to the community, or (2) where the defendant is accused of committing such a felony while released pending trial of a prior felony charge, or (3) where the defendant is charged with a robbery offense.

The hearing must be conducted within two days of the filing of the government's application therefor and the defendant is entitled to counsel during the hearing. The rigid rules of evidence applicable in a criminal trial will not prevail at the hearing, but no testimony of the accused will be admissible in any other judicial proceeding, nor will he be considered to have waived his right against self-incrimination in any future proceeding by testifying at the hearing.

If the judicial officer determines that there is clear and convincing evidence that the accused will, if released, cause the death of, or inflict serious bodily harm upon another, or participate in the planning or commission of a robbery or burglary offense, or seek to intimidate witnesses or otherwise interfere with the administration of justice, the judicial officer must impose such conditions of release as will reasonably protect against this danger. If the judicial officer should find that no conditions offer a sufficient protection against the described dangers, then he must order the accused detained for a period not to exceed 30 days. An expedited trial would then be set. Judicial review of any specifically conditioned release or order of detention is provided by my proposal.

My proposal specifically allows detention or specifically conditioned release upon the finding of probable future robbery offenses because both the statistics in the District of Columbia and my discussions with Federal judges from around the country convince me that this type of defendant is most likely to participate in additional offenses while awaiting trial.

A second legislative proposal which I am prepared to introduce deals with the problem of bail on appeal. The right to bail pending appeal is not surrounded by the same constitutional restrictions which limit restraint prior to trial. The presumption of innocence and the need to assist counsel in the preparation of a defense disappear upon conviction. The Bail Reform Act presently recognizes the constitutional distinction between pre- and post-trial bail and gives the judge great latitude in dealing with the convicted criminal who seeks bail pending appeal. Not only may conditions be imposed, but detention is authorized; and not only the risk of flight may be used as a standard for restraint, but also the potential danger to the community may be considered.

In spite of the created discretion which may be used to restrain convicted persons, the Hart Committee found the rate of recidivism among those released pending appeal for the first six months of 1967 to be 15%, as compared with the 9% recidivism rate for those released on pre-trial bail during the same period. The Hart Committee urged more extensive use of the existing power to detain and I concur in that recommendation. I further propose, however, that we alter the statutory language to make clear that such detention is justified whenever there is a sufficient indication of dangerousness and that the restraints are not intended to apply, as at least one court has stated and other courts appear to believe, only to the exceptional case. I propose that we amend Section 3148 of Title 18 to state that no person shall be released pending appeal unless a court or judge finds both that the appellant is not likely to flee or pose a danger to the community and that his appeal raises a substantial question of law or fact likely to require a new trial or reversal.

Mr. Chairman, the Bail Reform Act of 1966 brought about much needed changes in the pre-trial release procedures used in the Federal courts. The Act, however, appears to need some curative amendments. I attempted to outline my suggestions for legislative alterations. But let me stress that minor amendments to the Bail Reform Act will be no substitute for continued efforts to make the ideal of swift justice a reality. A management study of all the courts in the District of Columbia is now underway with, I am proud to say, private funds secured through my efforts. I await anxiously the report of the court survey team and I pledge both as Chairman of the District of Columbia Committee and as Chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery to seek legislative improvements to expedite the administration of justice in both the Article I and III courts in our Nation's Capital.

APPENDIX

Under the English Bill of Rights there is a prohibition against "excessive bail." However, under section 18(5) of the Criminal Justice Act of 1967 a magistrate's court is not required to commit a person to bail:

"(a) where he is charged with an offense punishable by . . . imprisonment for a term of not less than six months and it appears to the court that he has been previously sentenced to imprisonment or borstal training;

"(b) where it appears to the court that, having been released on bail on any occasion, he has failed to comply with the conditions of any recognizance entered into by him on that occasion;

"(c) where he is charged with an offense alleged to have been committed while he was released on bail;

"(d) where it appears to the court that it is necessary to detain him to establish his identity or address;

"(e) where it appears to the court that he has no fixed abode or that he is ordinarily resident outside the United Kingdom;

"(f) where the act or any of the acts constituting the offense for which he is charged consisted of an assault on or threat of violence to another person, or of having or possessing a firearm, an imitation firearm, an explosive or an offensive weapon, or of indecent conduct with or towards a person under the age of sixteen years;

"(g) where it appears to the court that unless he is remanded or committed in custody he is likely to commit an offense; or

"(h) where it appears to the court necessary for his own protection to refuse to remand or commit him on bail."

S. 559—INTRODUCTION OF BILL ON THE TULALIP TRIBES OF WASHINGTON

Mr. JACKSON. Mr. President, I introduce, for myself and Senator MAGNUSON, by request, for appropriate reference a bill to authorize the purchase, sale, exchange, mortgage, and long-term leasing of land by the Tulalip Tribes of Washington.

By letter dated January 10, the chairman of the Tulalip Tribes requested introduction of legislation that would enable them to buy, sell, exchange, and lease lands for terms longer than now prescribed by law. The tribes need this authority in order to carry out a land consolidation and development program and to maximize income from valuable properties they now hold. The Congress has given similar authority to several other tribes in recent years to help them bring about maximum development of their resources.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 559) to authorize the purchase, sale, exchange, mortgage, and long-term leasing of land by the Tulalip Tribes of Washington, introduced by Mr. JACKSON (for himself and Mr. MAGNUSON), by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 560—INTRODUCTION OF BILL TO PROVIDE FOR THE ESTABLISHMENT OF THE WILLIAM HOWARD TAFT NATIONAL HISTORIC SITE

Mr. BIBLE. Mr. President, I introduce, for appropriate reference, for myself and on behalf of my colleague, Mr. DIRKSEN, a bill to provide for the establishment of the William Howard Taft National Historic Site.

The purpose of the bill is to have the birthplace of William Howard Taft declared to be a national historic site. This distinguished Ohioan occupied the office of the Presidency and was also a Chief Justice of the United States.

There is no adequate memorial in honor of former President William Howard Taft. The Taft family has now acquired control of the Alphonso Taft house, where William Howard Taft was born in 1857. The father of William Howard Taft, Alphonso Taft, was a distinguished American. He was a leading judge in Ohio. He was Secretary of War and Attorney General under President Grant and also Minister to Austria and Russia.

The family, through a nonprofit corporation, the William Howard Taft Memorial Association, has, with its own finances, restored a part of the old house, but has encountered insurmountable barriers. It is for that reason that I have introduced the bill.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 560) to provide for the establishment of the William Howard Taft National Historic Site, introduced by Mr. BIBLE (for himself and Mr. DIRKSEN), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 561—INTRODUCTION OF A BILL TO AMEND THE HIGHWAY BEAUTIFICATION ACT OF 1965

Mr. HANSEN. Mr. President, I introduce, for appropriate reference, a bill to amend section 131 of title 23, United States Code. This legislation would amend the portion of the Highway Beautification Act of 1965 which relates to outdoor advertising devices.

This bill would change the date by which States must enact effective controls from January 1, 1968, to January 1, 1972, and would similarly extend other dates relating thereto.

It is my hope that the 91st Congress will give the States a little more breathing room by enacting this measure. In my own State of Wyoming, the legislature meets for only 40 days every 2 years. With such a short legislative session, Wyoming often requires more time than many other States to enact legislation to meet Federal standards.

I urge the Senate to take early action on this bill and grant the States more time to respond to the Federal Beautification Act, in an orderly manner.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 561) to amend section 131 of title 23 of the United States Code, introduced by Mr. HANSEN, was received, read twice by its title, and referred to the Committee on Public Works.

S. 562—INTRODUCTION OF THE FULL OPPORTUNITY ACT

Mr. McGOVERN. Mr. President, I introduce, for myself and Senators McCARTHY, METCALF, HART, and YOUNG of Ohio, the Full Opportunity Act, a bill designed to meet on what I believe is a necessarily broad scale the fundamental problems of economic and social denial which continue to plague an alarming proportion of the American people.

A similar bill was introduced last week in the House of Representatives by more than 20 Members of that body, led by Congressman JOHN CONYERS, JR., of Michigan, who is its principal sponsor. It was also introduced in the 90th Congress, when the distinguished senior Senator from Minnesota (Mr. McCARTHY) was the Senate sponsor. I am honored to have him join me in proposing this legislation this year.

The purpose of the bill, as described by Representative CONYERS, is to mount a "full-scale offensive against the causes of poverty in both urban and rural America." It seeks to move against the three most prominent, interrelated aspects of poverty—jobs, housing, and education.

The eight titles of the bill include provisions of 3 million jobs at the subprofessional level to assure full employment, an increase in the minimum wage, family allowances, 1 million additional housing units for low- and moderate-income families, new Federal efforts to assure quality education regardless of income, and firm restrictions against discrimination in each of these areas.

Language has been included to assure that these deficiencies will be met in rural, as well as in urban, areas; an approach which I believe can, by stemming the tide of migration to the cities, bring both a reduction in total costs and relief from the grinding pressures of urban overcrowding.

Mr. President, in introducing this legislation I do not belittle the accomplishments we have made in these areas during the past 8 years. Many people have been helped to self-sufficiency. Manpower development and training programs and vocational education have made significant strides. We have seen a breakthrough in the willingness of Government to innovate, to search out methods that will work. Housing authority has been broadened and strengthened, and we have begun to eliminate legal barriers to social equality. The Elementary and Secondary Education Act of 1965 is an historic accomplishment, as is the system of educational opportunity loans which opens the doors of higher education to many who would otherwise not have the means. We can point to numerous other positive steps.

But at the same time we have ample evidence that we have made only small beginnings.

The report of the National Advisory Commission on Civil Disorders, now nearly a year old, draws a sharp contrast between our accomplishments and our needs, and it seems quite appropriate to recall its recommendations at this time. As Senators will recall, it was created by Executive order to determine the causes and search out possible cures for the violence which had erupted in many of the Nation's population centers, and we received its report last March.

Three basic principles were suggested:

> To mount problems on a scale equal to the dimensions of the problems;
>
> To aim these programs for high impact in the immediate future in order to close the gap between promise and performance; and
>
> To undertake new initiatives and experiments that can change the system of failure and frustration that now dominates the ghetto and weakens our society.

The problems underscored by the Commission are clear enough:

> Despite growing Federal expenditures for manpower development and training programs, and sustained general economic prosperity and increasing demands for skilled workers—

The report said—

> about 2 million—white and nonwhite—are permanently unemployed.

The quality of education in the ghetto was cited as a major source of discontent and a primary long-term cause of the racial separation which the Commission found pervades our society.

> The bleak record of public education for ghetto children is growing worse—

The Commission said—

> and this notwithstanding the achievements in Federal assistance which have marked the last three Congresses.

The Commission found 6 million substandard housing units still being occupied, and it noted that nearly two-thirds of all nonwhite families living in the central cities today reside in neighborhoods marked by substandard housing and urban blight. We should be especially concerned by the disclosure that only 800,000 units have been produced over the 31-year history of federally subsidized housing, while 10 million middle- and upper-income units have been made possible by FHA insurance guarantees in existence only 3 years longer.

But the most disturbing conclusion for many of us concerned the issue of race.

> Our Nation—

The Commission said—

> is moving toward two societies, one black, one white—separate and unequal.
>
> Reaction to last summer's disorders has quickened the movement and deepened the division. Discrimination and segregation have long permeated much of American life; they now threaten the future of every American.

More specifically:

> Pervasive discrimination and segregation in employment, education and housing, which have resulted in the continuing exclusion of great numbers of Negroes from the benefits of economic progress.

Was listed as one basic answer to the question, Why did it happen?

The Commission did not condone violence as a response, nor do any of us. But the grievances which it found underlying the disorders cannot be talked away with glib restatements of "those who work shall eat." It is impossible to make an imprint with such phrases on young men who have been physically and mentally deprived and damaged in childhood, discouraged in school, alienated in youth, and deprived of their dignity throughout their adult lives. We must deal with reality. We can no longer conceal it.

The report of the Kerner Commission was not ignored. It received extensive coverage from the press, and the reaction was as wide as it was varied. Many Americans took it seriously, and called upon the Congress to act. Others found it unpleasant, and refused to accept its indictment.

But it provoked little action. Now, nearly a year later, it is beginning to take on the aura of study as an alternative, rather than as a precedent, for positive progress.

Mr. President, I believe we must begin now to close the gap between our bold promises and their fulfillment. To do less is to tax our credibility, tolerate human waste, ignore human misery, undermine human dignity, and insure social explosion.

We must recognize that adjustments in authority, new formulas proliferating guidelines and pilot projects are not going to win a war on poverty—or even accomplish our 22-year-old goal of jobs for every American.

We must be aware that blacks, their hopes kindled by the rhetoric we employed in our debates on civil rights legislation, are more concerned today about economic dignity than we have been about obstacles to legal equality over the past decade.

We know a great deal about the nature of the divisions in our society—between black and white, between affluence and need. We have to realize that they are broader than words can reach, and deeper than calls for patience can probe.

In short, the time for substance has come. That is the basic objective of the Full Opportunity Act.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 562) to assure to every American a full opportunity to have adequate employment, housing, and education, free from any discrimination on account of race, color, religion, or national origin, and for other purposes, introduced by Mr. McGovern (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

INTRODUCTION OF BILL RELATING TO ADDITIONAL FEDERAL JUDGESHIPS FOR THE EASTERN AND WESTERN DISTRICTS OF KENTUCKY

Mr. COOPER. Mr. President, I introduce, for myself and Mr. Cook, a bill to provide for the creation of one additional judgeship position in the eastern district of Kentucky and one additional judgeship position for the western district.

During the 90th Congress, I introduced for myself and on behalf of Senator Morton, S. 656, which would have provided for the appointment of one additional district judge for the eastern district of Kentucky. In my remarks at that time, I pointed out the need for an additional Federal judge in Kentucky's eastern district if the work of that court is to be dispatched with promptness and efficiency.

Mr. President, I ask unanimous consent that my remarks of January 25, 1967, together with correspondence I received from the Kentucky State Bar Association on this subject be printed in the Record at this point.

There being no objection the material was ordered to be printed in the Record, as follows:

APPOINTMENT OF AN ADDITIONAL DISTRICT JUDGE FOR THE EASTERN DISTRICT OF KENTUCKY

Mr. Cooper. Mr. President, I introduce, for myself and on behalf of Senator Morton, a bill to provide for the appointment of one additional district judge for the eastern district of Kentucky.

In recent years, I have received correspondence from many members of the Kentucky bar showing that the growing volume of business now being handled in the U.S.

court for the eastern district of Kentucky requires the appointment of an additional Federal judge if the work of that court is to be dispatched with promptness and efficiency. The president of the Kentucky State Bar Association, Mr. Grant F. Knuckles, has brought to my attention a resolution adopted by the Kentucky State Bar Association on September 2, 1966, recommending the appointment of additional judges for the eastern district of Kentucky.

I ask unanimous consent that Mr. Knuckles' letter and the attached resolution of the Kentucky State Bar Association be included in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter and resolution will be printed in the RECORD.

The bill (S. 656) to provide for the appointment of one additional district judge for the eastern district of Kentucky, introduced by Mr. COOPER (for himself and Mr. MORTON), was received, read twice by its title, and referred to the Committee on the Judiciary.

The letter and resolution presented by Mr. COOPER are as follows:

"KENTUCKY STATE BAR ASSOCIATION,
"September 6, 1966.

"Hon. JOHN S. COOPER,
"Senate Office Building,
"Washington, D.C.

"DEAR SENATOR COOPER: The Kentucky State Bar Association generally and lawyers and citizens in eastern Kentucky specifically are vitally interested in obtaining the appointment of additional judges for the United States District Court, for the Eastern District of Kentucky.

"In order to promote this interest, advise you of this imperative need and enlist your good offices in the promotion of the administration of justice the enclosed resolution is submitted for your usual prompt action.

"With kindest personal regards, I am

"Sincerely yours,
"GRANT F. KNUCKLES,
"President."

"Whereas, it is a matter of common knowledge that there is pending in the United States District Court for the Eastern District of Kentucky a tremendous backlog of cases, and

"Whereas, the situation exists despite the fact that our able Judges exert a supreme effort to keep the dockets in each Division current, and

"Whereas, the aforesaid District contains several divisions where Court is held and necessary the Judges must expend a large amount of time in travel from Court to Court, and

"Whereas, the need of additional Judges is recognized by the Members of the Bar and supported by statistics from the Administrative Office of the United States Courts, and

"Whereas, the matter has been called to the attention of the Kentucky State Bar Association to initiate and take such available steps to secure the appointment of additional Judges, and

"Now, therefore, be it resolved by the Board of Governors of the Kentucky State Bar Association that our duly elected Senators and Members of the House of Representatives and the Attorney General of the United States of America initiate and take such steps as may be necessary to bring about the prompt appointment of additional Judges for the Eastern District of Kentucky.

"Dated: September 2, 1966.

"GRANT F. KNUCKLES,
"President,
"Kentucky State Bar Association."

Mr. COOPER. Mr. President, the Senate Judiciary Committee took no action on this bill during the 90th Congress. The Judicial Conference of the United States met late in September of last year and the Chief Justice released the conference report on October 22, 1968.

Judge Harvey M. Johnsen, chairman of the Conference's Committee on Judicial Statistics, presented the committee's findings.

The conference report discusses Judge Johnsen's recommendations concerning Federal district courts at pages 49 to 50 as follows:

Judge Johnsen advised the Conference that the Committee had made a full and comprehensive review and survey of all of the district courts. Four years have elapsed since the Committee's last general survey of district judgeship needs and although many requests for additional judgeships have arisen on an emergency basis during these four years, none of the situations was found to be so critical as to require emergency action. Judge Johnsen stated that the Committee had studied the nature and extent of the accumulation of cases, the rate of attrition in the build-up of the backlog, the rate of dispositions as a matter of overall judicial performance as an aspect of the ability of the court to cope with its caseload, the trends in case filings and the comparative weighted caseload per judgeship with the awareness that the weighted caseload requires revision. In recognition of the policy of reviewing judgeship needs once every four years, the Committee also included as a deliberative element a factor of projection. These factors, Judge Johnsen stated considered in the light of the recommendations of the judicial councils of the circuits and the individual district courts fused themselves into what the Committee considered to be the demonstrably justifiable needs for judgeships in the district courts now and in the next four years, except as extraordinary developments may occur in some individual situations.

The Committee recommended and the Conference approved the recommendations for additional judgeships in the district courts as follows:

NUMERICAL RECOMMENDATIONS FOR ADDITIONAL JUDGESHIPS

FIRST CIRCUIT

Puerto Rico, 1.

SECOND CIRCUIT

New York, Eastern, 1.
New York, Southern, 5.

THIRD CIRCUIT

New Jersey, 1 (Plus 1 temporary judgeship).
Pennsylvania, Eastern, 5 (Three temporary judgeships to be made permanent).
Pennsylvania, Western, 2.
Virgin Islands, 1.

FOURTH CIRCUIT

Maryland, 1.
North Carolina, Eastern, 1.
South Carolina, 1.
Virginia, Eastern, 1.

FIFTH CIRCUIT

Alabama, Northern, 1.
Alabama, Middle, 1.
Alabama, Middle & Southern (The roving judgeship to be made a judgeship for the Southern District of Alabama only).
Florida, Southern, 3.
Georgia, Northern, 3.
Georgia, Southern, 1.
Louisiana, Eastern, 2.
Louisiana, Western, 1.
Texas, Northern, 2.
Texas, Eastern, 2.
Texas, Southern, 1.
Texas, Western, 1.

SIXTH CIRCUIT

Kentucky, Eastern, 1.
Kentucky, Western, 1.
Michigan, Eastern, 2.
Ohio, Northern, 1.
Ohio, Southern, 1.

SEVENTH CIRCUIT

Illinois, Northern, 2.
Indiana, Northern, 1.
Indiana, Southern, 1.

EIGHTH CIRCUIT

Missouri, Eastern, 1.

NINTH CIRCUIT

Arizona, 1.
California, Northern, 2.
California, Central, 3.
California, Southern, 3.

TENTH CIRCUIT

Colorado, 1.
Kansas (Temporary judgeship to be made permanent).
New Mexico, 1.

DISTRICT OF COLUMBIA CIRCUIT

District of Columbia, 6 (These judgeships are recommended as needed unless the local criminal jurisdiction under Title 22 of the D.C. Code is transferred to another court.)

Mr. COOPER. Mr. President, in reviewing the committee's recommendations for additional judgeships for Federal district courts throughout the country, I am pleased to note that the conference concluded that based on Judge Johnsen's findings an additional judgeship for the western district as well as for the eastern district of Kentucky were needed for the proper functioning of Kentucky's Federal courts.

These recommendations were based on carefully accumulated statistics and an analysis of the dockets of the courts in both districts.

I am hopeful that the Senate Judiciary Committee will have an opportunity to give the recommendations of the Judicial Conference its early consideration.

Because of the widespread interest that the Kentucky State and local bar associations have taken in this matter, and because of the many inquiries I have received from attorneys throughout the State, I requested the Judicial Conference to provide me with a copy of the committee's findings as they relate to Kentucky. I ask unanimous consent that the committee's findings provided in tables 1 through 7, relating to the eastern district, and the corresponding tables, relating to the western district of Kentucky, be included in the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD as follows:

TABLE 1.—U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF KENTUCKY

[Authorized judgeships, 1-1/2; resident judges: Mac Swinford, chief judge, Bernard T. Moynahan, Jr.; places of holding court: Lexington, Catlettsburg, Covington, Frankfort, Jackson, London, Pikeville, Richmond; district population, 1960: [1] 1,459,435]

Year	State population	Percent increase over 1960
1960	[1] 3,038,156	
1967	3,189,000	5.0
1970	3,265,000	7.5
1975	3,400,000	11.9

[1] 1960 actual; years 1967, 1970, and 1975 are estimates published by the Bureau of the Census.

TABLE 2.—U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF KENTUCKY

CIVIL AND CRIMINAL CASES COMMENCED, TERMINATED, AND PENDING

Fiscal year	Total						Distribution of civil cases					
	Civil cases [1]			Criminal cases			Private civil			U.S. civil		
	Commenced	Terminated	Pending	Commenced	Terminated	Pending	Commenced	Terminated	Pending	Commenced	Terminated	Pending
1959	300	321	239	596	565	108	156	167	159	144	154	80
1960	354	273	320	568	591	85	161	138	182	193	135	138
1961	307	311	316	549	537	97	145	149	178	162	162	138
1962	304	318	302	475	502	70	179	184	173	125	134	129
1963	428	361	369	444	449	65	186	170	189	242	191	180
1964	501	323	547	468	452	81	205	143	251	296	180	296
1965	481	497	531	412	422	71	158	175	234	323	322	297
1966	480	441	570	397	375	93	168	165	237	312	276	333
1967	407	429	548	281	314	60	164	173	228	243	256	320
1968	406	375	579	319	301	78	185	160	253	221	215	326

[1] Private civil and U.S. civil cases shown below.

TABLE 3.—U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF KENTUCKY

[Civil cases commenced during the fiscal years 1959 through 1968, and civil cases pending on June 30, 1958, June 30, 1967, and June 30, 1968, by nature of suit]

Nature of suit	Civil cases pending, June 30, 1958	Civil cases filed, by fiscal year									Civil cases pending, June 30, 1967
		1959	1960	1961	1962	1963	1964	1965	1966	1967	
Total	260	300	354	307	304	438	501	481	480	407	548
U.S. plaintiff, total	68	112	145	116	71	110	95	101	153	107	139
Land condemnation	25	6	12	15	10	17	13	17	17	10	75
Note cases and overpayments	18	47	41	30	15	24	16	18	36	21	19
Antitrust		1		1			1				
Labor cases	4	17	7	20	13	26	23	24	31	24	20
Tax		2	1	3	1	3	4	2	1	2	1
Other	21	39	84	47	32	40	38	40	68	50	24
U.S. defendant, total	22	32	48	46	54	132	201	222	159	136	181
Tort Claims Act	3	4	3	2	3	8	12	5		9	12
Prisoner petitions	1	4	10	5	6	11	14	17	17	28	3
Tax refund	12	8	8	5	7	14	4	11	10	13	18
Social security	(1)	(1)	(1)	(1)	37	97	169	181	124	73	137
Other	6	16	27	34	1	2	2	8	8	13	11
Federal question, total	20	31	31	33	34	42	40	38	31	51	43
Marine contracts				1	1		1		1	1	1
Jones Act	1	2		1	1	1	3	5			
Federal Employer's Liability Act	7	8	2	3	5	8	8	10	6	3	8
Miller Act	2		2					4		1	
State habeas corpus	1								1	19	2
Labor cases	1	9	15	16	8	6	14	8	12	8	13
Antitrust	1	1	6		5	4	1		1	5	5
Patent		2					2				1
Copyright and trademark	2	2	2	2	3	5	3	1	5	3	1
Civil rights	1			5	3	9	3	4	2	8	8
Other	4	7	4	5	8	9	5	6	3	3	4
Diversity of citizenship, total	150	125	130	112	145	144	165	120	137	113	185
Contract actions	57	49	29	29	43	33	39	29	33	26	47
Stockholders' suits											
Real property	41	8	11	4	12	16	15	8	3	8	18
Personal injury, motor vehicle	38	49	79	62	70	74	84	63	86	60	92
Other personal injury	8	17	10	12	14	20	22	20	14	19	25
Other	6	2	1	5	6	1	5		1		3

[1] Not available.

TABLE 4.—U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF KENTUCKY

[Criminal cases [1] commenced and pending on June 30, 1967, and June 30, 1968, by nature of offense]

Offense	Criminal cases						
	Commenced				Pending, June 30, 1967	Commenced, 1968	Pending, June 30, 1968
	1964	1965	1966	1967			
Criminal cases, total	460	401	392	274	60	303	78
General offenses:							
Homicide						1	
Robbery	3	4	5	8		7	
Assault	6	3		3	1	6	1
Burglary	5	1	1			1	
Larceny and theft	25	16	18	14	2	6	3
Embezzlement	13	5	5	11	2	2	
Fraud	21	12	19	13	7	11	7
Auto theft	115	96	85	60	8	104	25
Forgery and counterfeiting	32	33	27	32	9	21	2
Sex offenses	1		1			1	1
Narcotic laws	1		2	3			
Miscellaneous general offenses	9	10	31	22	6	39	15
Special offenses:							
Immigration laws		1					
Liquor, Internal Revenue	193	173	140	82	16	82	13
Selective Service Act	1	2	2	4	1	4	1
Other Federal statutes	35	45	56	22	8	18	10

[1] Excludes transfers.

TABLE 5.—U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF KENTUCKY

[Time interval from issue to trial of civil cases [1] in which a trial was completed]

Fiscal year	Number of trials	Median time interval (in months)	National median time interval (in months)
1961	63	7	11
1962	35	10	10
1963	42	8	10
1964	26	13	11
1965	35	12	11
1966	31	18	11
1967	28	13	12
1968	29	15	12

TABLE 6.—U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF KENTUCKY

[Age of civil cases [1] pending at the end of fiscal years]

Fiscal year	Total	Less than 1 year	1 to 2 years	2 to 3 years	Over 3 years	
					Number	Percent
1961	273	178	52	18	25	9.2
1962	249	185	42	18	4	1.6
1963	311	240	58	10	3	1.0
1964	478	362	87	23	6	1.3
1965	458	306	97	38	17	3.7
1966	485	300	122	41	22	4.5
1967	472	241	150	48	33	7.0
1968	517	263	147	70	37	7.2

[1] For both tables 5 and 6 excludes land condemnation cases. For table 5 also excludes habeas corpus cases, deportation reviews, and motions to vacate sentence.

TABLE 7.—WEIGHTED CASELOAD PER JUDGESHIP [1] FOR ALL U.S. DISTRICT COURTS AND FOR THE EASTERN DISTRICT OF KENTUCKY

Fiscal year	Number of district courts in the United States	Number of judgeships		Weighted caseload per judgeship [1]						
				Civil		Criminal		Total		
		United States	Eastern Kentucky	United States	Eastern Kentucky	United States	Eastern Kentucky	United States	Eastern Kentucky	
									Number	Rank [2]
1962	87	289	2	185	165	57	134	242	299	16
1963	88	289	2	195	217	56	106	251	323	16
1964	88	289	1½	207	309	57	147	264	456	4
1965	88	288	1½	214	265	60	120	274	385	9
1966	87	318	1½	200	253	55	139	255	392	3
1967	89	322	1½	198	235	54	102	252	337	10
1968	89	323	1½	207	272	58	118	265	390	6

[1] Based on civil and original criminal cases filed. The weighted caseload reflects the amount of court time used for types of civil or criminal cases divided by the proportions of total terminations. A description of the method used appears on pp. 156–161 in the Annual Report of the Director of the Administrative Office of the U.S. Courts, 1964. The weighted caseload per judgeship refers only o the overall average per judgeship for each district as provided by 28 U.S.C. 133. Therefore, the number of judgeships does not include the services of senior judges or services of visiting judges. In computing the weighted caseload for the United States, the District of Columbia, and territories are excluded.

[2] Refers to the rank of the district court compared to all of the district courts for the year indicated. The lower the ranking the higher the average weighted caseload.

TABLE 1.—U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF KENTUCKY [1]

[Authorized judgeships, 2½; resident judges: Henry L. Brooks, chief judge; James F. Gordon, Mac Swinford (resident of eastern district). Places of holding court: Louisville, Bowling Green, Owensboro, Paducah]

Year [2]	State population	Percent increase over 1960
1960	3,038,156	
1967	3,189,000	5.0
1970	3,265,000	7.5
1975	3,400,000	11.9

[1] District population, 1960, 1,578,721.

[2] 1960 actual. Years 1967, 1970, and 1975 are estimates published by the Bureau of the Census.

TABLE 2.—U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF KENTUCKY

CIVIL AND CRIMINAL CASES COMMENCED, TERMINATED, AND PENDING

Fiscal year	Total						Distribution of civil cases					
	Civil cases [1]			Criminal cases			Private civil			U.S. civil		
	Commenced	Terminated	Pending	Commenced	Terminated	Pending	Commenced	Terminated	Pending	Commenced	Terminated	Pending
1959	343	387	253	362	365	13	155	199	142	188	188	111
1960	362	322	293	345	345	13	182	172	152	180	150	141
1961	325	357	261	346	339	20	174	187	139	151	170	122
1962	427	311	377	357	344	33	232	171	200	195	140	177
1963	416	398	395	393	403	23	237	216	221	179	182	174
1964	409	439	365	289	289	23	248	264	205	161	175	160
1965	477	449	393	275	275	23	274	246	233	203	203	160
1966	520	471	442	294	290	27	275	260	248	245	211	194
1967	514	542	414	299	278	48	291	291	248	223	251	166
1968	595	484	525	282	296	34	338	301	285	257	183	240

[1] Private civil and U.S. civil cases shown below.

TABLE 3.—U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF KENTUCKY

[Civil cases commenced during the fiscal years 1959 through 1968, and civil cases pending on June 30, 1958, June 30, 1967, and June 30, 1968, by nature of suit]

Nature of suit	Civil cases pending, June 30, 1958	Civil cases filed, by fiscal year									Civil cases pending, June 30, 1967
		1959	1960	1961	1962	1963	1964	1965	1966	1967	
Total	297	343	362	325	427	416	409	477	520	514	414
U.S. plaintiff, total	66	134	138	107	149	134	93	138	150	140	98
Land condemnation	12	11	13	8	58	29	14	13	26	22	49
Note cases and overpayments	23	76	53	29	39	49	30	64	80	55	19
Antitrust		1									
Labor cases	5	22	22	25	13	20	16	15	12	25	7
Tax	1	1	1		1	3	4	2		1	2
Other	25	23	49	45	38	33	29	44	32	37	21
U.S. defendant, total	45	54	42	44	46	45	68	65	95	83	68
Tort Claims Act	8	5	4	6	5	7	12	5	11	10	6
Prisoner petitions	6	13	4	6	6	5	18	25	26	13	1
Tax refund	28	26	28	23	18	15	20	20	31	41	47
Social security	(1)	(1)	(1)	(1)	11	13	16	13	14	11	8
Other	3	10	6	9	6	5	2	2	13	8	6
Federal question, total	37	38	39	51	90	66	73	98	113	106	61
Marine contracts	2	1	1	2	3	1	1	3		1	1
Jones Act		2	5	1	5	3	1	13	5	3	3
Federal Employer's Liability Act	5	3	5	2	2	1	2	4	3		
Miller Act	5	1	1	2	4	4	2	8	9	7	8
State habeas corpus	1	3	7	13	10	11	20	26	50	49	7
Labor cases	6	4	8	9	6	18	23	19	21	15	16
Antitrust	1	1	1		34	5	2		1	1	2
Patent	2		1	3		1		3	1	1	2
Copyright and trademark	7	13	8	5	5	5	8	7	8	9	9
Civil rights	2	1	1	6	8	8	2	3	5	8	5
Other	6	9	1	8	13	9	12	12	10	12	8
Diversity of citizenship, total	149	117	143	123	142	171	175	176	162	185	187
Contract actions	49	28	36	30	38	32	31	53	32	35	43
Stockholders' suits											
Real property	3	11	15	11	4	7	12	4	5	10	9
Personal injury, motor vehicle	61	55	62	61	73	98	101	91	94	100	93
Other personal injury	33	22	27	15	22	33	30	26	29	39	40
Other	3	1	3	6	5	1	1	2	2	1	2

[1] Not available.

TABLE 4.—U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF KENTUCKY

[Criminal cases [1] commenced and pending on June 30, 1967 and June 30, 1968, by nature of offense]

Offense	Criminal cases						
	Commenced				Pending, June 30, 1967	Commenced, 1968	Pending, June 30, 1968
	1964	1965	1966	1967			
Total, Criminal cases	279	263	231	281	48	268	34
General offenses:							
Homicide						2	
Robbery	5	10	14	9	1	12	2
Assault	1	2	2	8	2	9	
Burglary	2	8	1	1		6	
Larceny and theft	15	18	27	37	6	24	
Embezzlement	5	6	7	6		3	1
Fraud	49	11	26	40	6	16	6
Auto theft	93	91	78	68	8	98	8
Forgery and counterfeiting	29	39	39	32	2	35	4
Sex offenses	6	6	2	3	2	4	
Narcotic laws		1	1	8		4	
Miscellaneous general offenses	8	7	7	11	9	8	3
Special offenses:							
Immigration laws	2		2		1	2	
Liquor, Internal Revenue	41	48	27	25	6	13	3
Selective Service Act	1	4	2	14	3	8	1
Other Federal statutes	22	12	46	19	2	24	6

[1] Excludes transfers.

TABLE 5.—U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF KENTUCKY

[Time interval from issue to trial of civil cases [1] in which a trial was completed]

Fiscal year	Number of trials	Median time interval (in months)	National median time interval (in months)
1961	56	8	11
1962	42	6	10
1963	48	4	10
1964	41	6	11
1965	48	8	11
1966	45	7	11
1967	38	9	12
1968	40	8	12

TABLE 6.—U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF KENTUCKY

[Age of civil cases[1] pending at the end of fiscal years]

Fiscal year	Total	Less than 1 year	1 to 2 years	2 to 3 years	Over 3 years: Number	Over 3 years: Percent
1961	239	157	51	14	17	7.1
1962	301	218	47	19	17	5.6
1963	327	208	85	16	18	5.5
1964	313	206	66	24	17	5.4
1965	348	240	58	32	18	5.2
1966	395	277	77	21	20	5.1
1967	365	247	80	21	17	4.7
1968	409	288	76	37	8	2.0

[1] For both tables 5 and 6 excludes land condemnation cases. For table 5 also excludes habeas corpus cases, deportation reviews, and motions to vacate sentence.

TABLE 7.—WEIGHTED CASELOAD PER JUDGESHIP FOR ALL U.S. DISTRICT COURTS AND FOR THE WESTERN DISTRICT OF KENTUCKY[1]

Fiscal year	Number of district courts in the United States	Number of judgeships		Weighted caseload per judgeship[1]						
				Civil		Criminal		Total		
									Western Kentucky	
		United States	Western Kentucky	United States	Western Kentucky	United States	Western Kentucky	United States	Number	Rank[2]
1962	87	289	2	185	235	57	92	242	327	8
1963	88	289	2	195	219	56	104	251	323	17
1964	88	289	2⅓	207	172	57	62	264	234	53
1965	88	288	2½	214	177	60	54	274	231	56
1966	87	318	2½	200	186	55	64	255	250	39
1967	89	322	2⅓	198	196	54	72	252	268	31
1968	89	323	2⅓	207	267	58	63	265	330	13

[1] Based on civil and original criminal cases filed. The weighted caseload reflects the amount of court time used for types of civil or criminal cases divided by the proportions of total terminations. A description of the method used appears on pp. 156–161 in the Annual Report of the Director of the Administrative office of the United States Courts, 1964. The weighted caseload per judgeship refers only to the overall average per judgeship for each district as provided by 28 U.S.C. 133. Therefore, the number of judgeships does not include the services of senior judges or services of visiting judges. In computing the weighted caseload for the United States, the District of Columbia and territories are excluded.

[2] Refers to the rank of the district court compared to all of the district courts for the year indicated. The lower the ranking the higher the average weighted caseload.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 567) to provide for the appointment of additional district judges for the eastern and western districts of Kentucky, introduced by Mr. COOPER (for himself and Mr. COOK), was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF BILLS

Mr. MUSKIE. I ask unanimous consent that, at its next printing, the name of the junior Senator from Vermont (Mr. PROUTY) be added as a cosponsor of the bill (S. 1) the Uniform Relocation Assistance and Land Acquisition Policies Act of 1969.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I also ask unanimous consent that, at its next printing, the name of the junior Senator from Vermont (Mr. PROUTY) be added as a cosponsor of the bill (S. 7) the Water Quality Management Act of 1969.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I further ask unanimous consent that, at its next printing, the name of the senior Senator from Pennsylvania (Mr. SCOTT) be added as a cosponsor of the bill (S. 11) the Intergovernmental Personnel Act of 1969.

The VICE PRESIDENT. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 3—CONCURRENT RESOLUTION RELATING TO THE FURNISHING OF RELIEF ASSISTANCE TO PERSONS AFFECTED BY THE NIGERIAN CIVIL WAR

Mr. PEARSON (for himself and Senators BROOKE, ALLOTT, BAYH, BELLMON, BENNETT, BOGGS, BYRD of West Virginia, CASE, CHURCH, COOPER, CRANSTON, CURTIS, DOLE, EAGLETON, FANNIN, GRAVEL, GRIFFIN, GURNEY, HANSEN, HART, HARTKE, HATFIELD, HRUSKA, HUGHES, INOUYE, JAVITS, KENNEDY, MATHIAS, MCCARTHY, MCGEE, MCGOVERN, METCALF, MILLER, MOSS, MURPHY, MUSKIE, NELSON, PACKWOOD, PELL, PERCY, RANDOLPH, RIBICOFF, SCOTT, SCHWEIKER, STEVENS, TALMADGE, THURMOND, TYDINGS, WILLIAMS of New Jersey, and YOUNG of Ohio), submitted a concurrent resolution (S. Con. Res. 3) relating to the furnishing of relief assistance to persons affected by the Nigerian Civil War, which was referred to the Committee on Foreign Relations.

(See the above concurrent resolution printed in full when submitted by Mr. PEARSON, which appears under a separate heading.)

SENATE RESOLUTION 35—RESOLUTION TO REFER SENATE BILL 521 TO THE U.S. COURT OF CLAIMS

Mr. SCOTT submitted the following resolution (S. Res. 35); which was referred to the Committee on the Judiciary:

S. RES. 35

Resolved, That the bill (S. 521) entitled "A bill for the relief of Edith Berkenfeld, executrix of the estate of Sidney Berkenfeld, for the benefit of Arlene Coats, a former partnership, consisting of the late Sidney Berkenfeld and Benjamin Prepon", now pending in the Senate, together with all the accompanying papers, is hereby referred to the chief commissioner of the United States Court of Claims; and the chief commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

SENATE RESOLUTION 36—RESOLUTION RELATING TO INSTALLATION AND OPERATION OF SUITABLE ELECTRICAL PUBLIC ADDRESS SYSTEMS IN THE SENATE CHAMBER

Mr. JAVITS (for himself, Mr. ANDERSON, Mr. BENNETT, Mr. HARTKE, Mr. MOSS, Mr. MURPHY, Mr. RANDOLPH, Mrs. SMITH, and Mr. SYMINGTON) submitted a resolution (S. Res. 36) relating to installation and operation of suitable electrical public address systems in the Senate Chamber, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. JAVITS, which appears under a separate heading.)

SENATE RESOLUTION 37—RESOLUTION DESIGNATING THE "U.S. SENATOR'S MARCH" AS THE OFFICIAL SONG OF THE U.S. SENATE

Mr. MCGEE submitted the following resolution (S. Res. 37); which was referred to the Committee on the Judiciary:

S. RES. 37

Resolved, That the composition entitled "U.S. Senator's March", composed by Carrol M. Butts, of Torrington, Wyoming, is hereby designated as the official song of the United States Senate.

SENATE RESOLUTION 38—RESOLUTION AUTHORIZING THE COMMITTEE ON GOVERNMENT OPERATIONS TO STUDY THE ORIGIN OF RESEARCH AND DEVELOPMENT PROGRAMS FINANCED BY THE DEPARTMENTS AND AGENCIES OF THE FEDERAL GOVERNMENT—REPORT OF A COMMITTEE

Mr. HARRIS, from the Committee on Government Operations, reported the following original resolution (S. Res. 38); which was referred to the Committee on Rules and Administration:

S. Res. 38

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by section 134 of the Legislative Reorganization Act of 1946, and in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Government Operations, or any subcommittee thereof, is authorized, from February 1, 1969, through January 31, 1970, to make studies as to the efficiency and economy of operations of all branches and functions of the Government with particular reference to:

(1) the operations of research and development programs financed by departments and agencies of the Federal Government, including research in economics and social science, as well as the basic sciences, biomedicine, research, and technology;

(2) review those programs now being carried out through contracts with higher educational institutions and private organizations, corporations, and individuals to determine the need for the establishment of national research, development, and manpower policies and programs, in order to bring about Government-wide coordination and elimination of overlapping and duplication of scientific and research activities; and

(3) examine existing research information operations, the impact of Federal research and development programs on the economy and on institutions of higher learning, and to recommend the establishment of programs to insure a more equitable distribution of research and development contracts among such institutions and among the States.

Sec. 2. For the purposes of this resolution, the committee, from February 1, 1969, to January 31, 1970, inclusive, is authorized—

(1) to make such expenditures as it deems advisable;

(2) to employ upon a temporary basis and fix the compensation of technical, clerical, and other assistants and consultants: *Provided,* That the minority of the committee is authorized at its discretion to select one employee for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than the highest gross rate paid to any other employee; and

(3) with the prior consent of the head of the department or agency concerned, and the Committee on Rules and Administration, to utilize on a reimbursable basis the services, information, facilities, and personnel of any department or agency of the Government.

Sec. 3. Expenses of the committee under this resolution, which shall not exceed $63,852, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 39—RESOLUTION TO STUDY ADMINISTRATIVE PRACTICE AND PROCEDURE—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 39); which was referred to the Committee on Rules and Administration:

S. Res. 39

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to make a full and complete study and investigation of administrative practices and procedures within the departments and agencies of the United States in the exercise of their rulemaking, licensing, investigatory, law enforcement, and adjudicatory functions, including a study of the effectiveness of the Administrative Procedure Act and the study of the recommendations of the Administrative Conference of the United States, with a view to determining whether additional legislation is required to provide for the fair, impartial, and effective performance of such functions.

Sec. 2. For the purpose of this resolution the committee, from February 1, 1969, to January 31, 1970, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its finding, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1970.

Sec. 4. Expenses of the committee under this resolution, which shall not exceed $244,820 shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 40—RESOLUTION TO INVESTIGATE ANTITRUST AND MONOPOLY LAWS OF THE UNITED STATES—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 40); which was referred to the Committee on Rules and Administration, as follows:

S. Res. 40

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to make a complete, comprehensive, and continuing study and investigation of unlawful restraints and monopolies, and of the antitrust and monopoly laws of the United States, their administration, interpretation, operation, enforcement, and effect, and to determine and from time to time redetermine the nature and extent of any legislation which may be necessary or desirable for—

(1) clarification of existing law to eliminate conflicts and uncertainties where necessary;

(2) improvement of the administration and enforcement of existing laws; and

(3) supplementation of existing law to provide any additional substantive, procedural, or organizational legislation which may be needed for the attainment of the fundamental objects of the laws and the efficient administration and enforcement thereof.

Sec. 2. For the purposes of this resolution the committee, from February 1, 1969, to January 31, 1970, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than the highest gross rate paid to any other employee; and (3) with prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1970.

Sec. 4. Expenses of the committee, under this resolution, which shall not exceed $623,500 shall be paid from the contingent fund for the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 41—RESOLUTION TO CONSIDER MATTERS PERTAINING TO FEDERAL CHARTERS, HOLIDAYS AND CELEBRATIONS—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 41); which was referred to the Committee on Rules and Administration, as follows:

S. Res. 41

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate to consider all matters pertaining to Federal charters, holidays and celebrations.

Sec. 2. For the purposes of this resolution, the committee, from February 1, 1969, to January 31, 1970, inclusive, is authorized to (1) make such expenditures as it deems advisable; (2) to employ on a temporary basis, technical, clerical, and other assistants and consultants; and (3) with the prior consent of the heads of the departments or agencies concerned and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. Expenses of the committee, under this resolution, which shall not exceed $9,500, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 42—RESOLUTION AUTHORIZING A STUDY OF MATTERS PERTAINING TO CONSTITUTIONAL AMENDMENTS—REPORT OF A COMMTTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 42); which was referred to the Committee on Rules and Administration, as follows:

S. Res. 42

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to constitutional amendments.

Sec. 2. For the purposes of this resolution the committee, from February 1, 1969, to January 31, 1970, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its activities and findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1970.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $139,500.00, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 43—RESOLUTION TO INVESTIGATE MATTERS PERTAINING TO CONSTITUTIONAL RIGHTS—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 43); which was referred to the Committee on Rules and Administration, as follows:

S. RES. 43

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate to examine, investigate, and make a complete study of any and all matters pertaining to constitutional rights.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1969, to January 31, 1970, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1970.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $220,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 44—RESOLUTION TO INVESTIGATE CRIMINAL LAWS AND PROCEDURES—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 44); which was referred to the Committee on Rules and Administration, as follows:

S. RES. 44

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of criminal laws and procedures.

SEC. 2. For the purpose of this resolution the committee, from February 1, 1969, to January 31, 1970, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ on a temporary basis technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the department or agency concerned and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1970.

SEC. 4. The expenses of the committee under this resolution, which shall not exceed $142,000, shall be paid from the contingent fund of the Senate by vouchers approved by the chairman of the committee.

SENATE RESOLUTION 45—RESOLUTION TO STUDY MATTERS PERTAINING TO IMMIGRATION AND NATURALIZATION—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 45); which was referred to the Committee on Rules and Administration, as follows:

S. RES. 45

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate to examine, investigate, and make a complete study of any and all matters pertaining to immigration and naturalization.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1969, to January 31, 1970, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1970.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $200,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 46—RESOLUTION TO INVESTIGATE THE ADMINISTRATION, OPERATION, AND ENFORCEMENT OF THE INTERNAL SECURITY ACT—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 46); which was referred to the Committee on Rules and Administration, as follows:

S. RES. 46

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, insofar as they relate to the authority of the committee, to make a complete and continuing study and investigation of (1) the administration, operation, and enforcement of the Internal Security Act of 1950, as amended; (2) the administration, operation, and enforcement of other laws relating to espionage, sabotage, and the protection of the internal security of the United States; and (3) the extent, nature, and effect of subversive activities in the United States, its territories and possessions, including, but not limited to, espionage, sabotage, and infiltration by persons who are or may be under the domination of the foreign government or organizations controlling the world Communist movement or any other movement seeking to overthrow the Government of the United States by force and violence.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1969, to January 31, 1970, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. Expenses of the committee, under this resolution, which shall not exceed $475,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 47—RESOLUTION TO STUDY AND EXAMINE THE FEDERAL JUDICIAL SYSTEM—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 47); which was referred to the Committee on Rules and Administration, as follows:

S. RES. 47

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization

Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to conduct a study and examination of the administration, practice, and procedures of the Federal judicial system with a view to determining the legislation, if any, which may be necessary or desirable in order to improve the operations of the Federal courts in the just and expeditious adjudication of the cases, controversies, and other matters which may be brought before them.

Sec. 2. For the purpose of this resolution, the committee, from February 1, 1969, to January 31, 1970, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis professional, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of departments and agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1970.

Sec. 4. Expenses of the committee under this resolution, which shall not exceed $213,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 48—RESOLUTION TO INVESTIGATE JUVENILE DELINQUENCY—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 48); which was referred to the Committee on Rules and Administration, as follows:

S. Res. 48

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to juvenile delinquency in the United States, including (a) the extent and character of juvenile delinquency in the United States and its causes and contributing factors; (b) the adequacy of existing provisions of law, including chapters 402 and 403 of title 18 of the United States Code, in dealing with youthful offenders of Federal laws; (c) sentences imposed on, or other correctional action taken with respect to, youthful offenders by Federal courts, and (d) the extent to which juveniles are violating Federal laws relating to the sale or use of narcotics.

Sec. 2. For the purposes of this resolution, the committee, from February 1, 1969 to January 31, 1970, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants; Provided, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for legislation, as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1970.

Sec. 4. Expenses of the committee, under this resolution, which shall not exceed $257,500 shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 49—RESOLUTION TO EXAMINE AND REVIEW THE STATUTES RELATING TO PATENTS, TRADEMARKS, AND COPYRIGHTS—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 49); which was referred to the Committee on Rules and Administration, as follows:

S. Res. 49

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to conduct a full and complete examination and review of the administration of the Patent Office and a complete examination and review of the statutes relating to patents, trademarks, and copyrights.

Sec. 2. For the purposes of this resolution the committee, from February 1, 1969, to January 31, 1970, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1970.

Sec. 4. Expenses of the committee, under this resolution, which shall not exceed $117,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 50—RESOLUTION TO INVESTIGATE PROBLEMS CREATED BY THE FLOW OF REFUGEES AND ESCAPEES FROM COMMUNISTIC TYRANNY—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 50); which was referred to the Committee on Rules and Administration, as follows:

S. Res. 50

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the problems created by the flow of refugees and escapees.

Sec. 2. For the purposes of this resolution, the committee, from February 1, 1969 to January 31, 1970, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, on a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the department or agency concerned and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1970.

Sec. 4. The expenses of the committee under this resolution, which shall not exceed $109,227, shall be paid from the contingent fund of the Senate by vouchers approved by the chairman of the committee.

SENATE RESOLUTION 51—RESOLUTION TO STUDY REVISION AND CODIFICATION OF THE STATUTES OF THE UNITED STATES—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 51); which was referred to the Committee on Rules and Administration, as follows:

S. Res. 51

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to revision and codification of the statutes of the United States.

Sec. 2. For the purpose of this resolution the committee from February 1, 1969, to January 31, 1970, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That if more than one counsel is employed, the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than the highest rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations, to the Senate at the earliest practicable date, but not later than January 31, 1970.

Sec. 4. Expenses of the committee, under this resolution, which shall not exceed $48,950.00, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 52—RESOLUTION TO MAKE A FULL AND COMPLETE STUDY OF THE SEPARATION OF POWERS UNDER THE CONSTITUTION—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 52); which was referred to the Committee on Rules and Administration, as follows:

S. Res. 52

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to make a full and complete study of the separation of powers between the executive, judicial, and legislative branches of Government provided by the Constitution, the manner in which power has been exercised by each branch and the extent if any to which any branch or branches of the Government may have encroached upon the powers, functions, and duties vested in any other branch by the Constitution of the United States.

Sec. 2. For the purposes of this resolution the committee, from February 1, 1969, to January 31, 1970, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings to the Senate at the earliest practicable date, but not later than January 31, 1970.

Sec. 4. Expenses of the committee, under this resolution, which shall not exceed $130,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 53—RESOLUTION DESIGNATING THE MINORITY MEMBERSHIP OF THE SELECT COMMITTEE ON SMALL BUSINESS

Mr. DIRKSEN submitted a resolution (S. Res. 53) designating the minority membership of the Select Committee on Small Business, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. Dirksen, which appears under a separate heading.)

SENATE RESOLUTION 54—RESOLUTION TO INVESTIGATE NATIONAL PENITENTIARIES—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 54); which was referred to the Committee on Rules and Administration, as follows:

S. Res. 54

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and inspect national penitentiaries.

Sec. 2. For the purposes of this resolution the committee, from February 1, 1969, to January 31, 1970, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1970.

Sec. 4. Expenses of the committee, under this resolution, which shall not exceed $5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 55—RESOLUTION TO REFER SENATE BILL 557 TO COURT OF CLAIMS

Mr. ALLOTT submitted the following resolution (S. Res. 55); which was referred to the Committee on the Judiciary:

S. Res. 55

Resolved, That the bill (S. 557) entitled "A bill for the relief of Michael D. Manemann", now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the Court of Claims and the Chief Commissioner of the Court of Claims shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States and the amount, if any, legally, or equitably due from the United States to the claimant.

NOTICE OF HEARING

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judicary, I desire to give notice that a public hearing has been scheduled for Wednesday, January 29, 1969, at 10:30 a.m., in room 2228, New Senate Office Building, before the Committee on the Judiciary, on the following nominations:

Richard G. Kleindienst, of Arizona, to be Deputy Attorney General, vice Warren Christopher, resigned.

William H. Rehnquist, of Arizona, to be an Assistant Attorney General, vice Frank M. Wozencraft.

Will Wilson, of Texas, to be an Assistant Attorney General, vice Fred M. Vinson.

Richard W. McLaren, of Illinois, to be an Assistant Attorney General, vice Edwin M. Zimmerman, resigned.

William D. Ruckelshaus, of Indiana, to be an Assistant Attorney General, vice Edwin L. Weisl, Jr.

Jerris Leonard, of Wisconsin, to be an Assistant Attorney General, vice Stephen J. Pollak.

Johnnie M. Walters, of South Carolina, to be an Assistant Attorney General, vice Mitchell Rogovin.

At the indicated time and place, persons interested in the above nominations may make such representations as may be pertinent.

EPITHET ON A COMPUTER CARD

Mr. PROXMIRE. Mr. President, on Friday, January 17, the American Broadcasting Co. televised a most timely exposé of the activities of credit reporting agencies on the regular weekly program—"Judd for the Defense." The program showed how credit reporting agencies can wreck the life of a person through the use of erroneous information and malicious gossip. While the incident portrayed on the program may, perhaps, be overdramatized, most of the problems highlighted in the program are real and represent a distinct threat to the individual's right to privacy.

The program dealt with the case of a Ph. D. chemist who lost his job and eventually his sanity all because of a monstrous error originated and perpetuated by computers. Because of a freak computer error on a routine market survey, the chemist is listed in a credit file as "destitute of moral qualities." The error goes unnoticed for 5 years, but eventually is called to light in a dispute with a credit card company, once again over a computer error. The man's employer learns of the file, and the falsehood is compounded by a special investigation conducted by a large nationwide credit reporting agency. The agency develops a 32-page report consisting of half truths, gossip, hearsay, and downright slanderous lies. Unfortunately, the man's employer prefers to believe the credit reporting agency and the computer. The man is dismissed. He sues the credit reporting agency, but the pressure of the suit leads to a complete mental collapse.

Farfetched? Perhaps. But the fact remains that there is not one single public law to prevent the incident from occurring. Judging from the mail I have received, many Americans are victimized by credit-reporting agencies. One company alone, the Retail Credit Co., of Atlanta, Ga., has 1,800 offices in the United States and Canada. They maintain dossiers on 45 million individuals and issue 35 million reports a year. While a small percentage deal with people seeking credit, over 90 percent of the reports concern people applying for insurance or employment. Despite this vast private information network, there is virtually no public regulation either at the State or Federal level.

I have just written to a number of Senators enclosing a draft of a Fair Credit Reporting Act to protect consumers against erroneous, arbitrary or malicious information. Because of the extreme importance of this measure, I hope as many Senators as possible will join me in introducing the bill.

The bill would require safeguards to insure the accuracy of information maintained by credit-reporting agencies and would give consumers a chance to correct adverse information. In addition, standards would have to be followed to preserve the confidentiality of information and to protect the individual's right to privacy.

Mr. President, I believe the American Broadcasting Co. is to be commended for dramatizing this important social problem. Since a number of Senators may have missed the show, and since these shows are completely perishable, I ask unanimous consent that a transcript of the program be printed in the Record at the conclusion of my remarks.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Judd for the Defense: Epithet on a Computer Card

(By E. Arthur Kean)

(A Vanadas production in association with Twentieth Century-Fox Television)

PROLOGUE

Business building, Houston, Tex., day. Four or five floors, modern. Establish. Plaque on building reads: "Sup-R-Charge—World-Wide Credit Card."

Corridor of business building, day, featuring a door marked "Computer Systems—B." Harry Stratton walks in, carrying attache case. Business suit, glasses, about forty, Harry stops, visibly discouraged, his backbone curved by spiritual burdens. He looks left, right, seems not to know where to go next. The legend on the door catches his eye. He toys with a thought, tries the door. It opens.

Computer room, day. Machines whirring. Various office workers going about their business. It is a large room and the array of computers is impressive. Harry stops a minute to take it all in.

(Sequence of quick cuts dwelling on the whirring tapes, whizzing punch cards, clacking mechanical fingers, banks of figures, flashing lights, digital counters, etc.)

Harry has set his attache case on a convenient machine. He opens it, withdraws a dozen letters. Mrs. Tiffin, who has been watching him from her desk, approaches. She is polite, but authoritative. Harry sees her, holds up the letters, opens his mouth to speak—and is beaten to the draw.

Mrs. Tiffin. I'm Mrs. Tiffin. Are you with the company?

Harry. With? No. I'm a customer. Harry Stratton. How do you do? (indicates) These machines make out the bills don't they?

Mrs. Tiffin. Yes. Were you referred here?

Harry. No, but it's about the only place I haven't been. You see, there's an error in my bill. A rather large error.

Mrs. Tiffin. Oh, you want Customer Relations. They'll be glad to help.

Harry. No they won't. I've been there. Twice. To say nothing of the phone calls. And the letters—which I just found out are answered by a computer. (He waves the letters.)

Mrs. Tiffin. I'm sorry. This area is restricted. You'll have to leave. (She indicates the door, turns, and walks away. Harry shakes his head, packs up his letters. Starts toward the door when something catches his eye. He withdraws a check from his inside coat pocket, moves on past the door.)

(Male office worker in shirtsleeves, eyeing various dials on a machine. He has a clipboard and is making notes on a chart. Harry approaches.)

Harry. You seem to have a grasp of things. Could you help me? (Shows him check.) Made out to the company, you see? And it's been cashed. A thousand and twenty-eight dollars. (Turns it over.) Endorsed plain as day by some machine down there in Accounting. Now the question is how do you get *that* machine to tell *these* machines . . . (indicates) . . . I paid my bill? After all, a thousand and twenty-eight bucks. . . .

Man. Beats me.

Mrs. Tiffin approaching again—this time wearing a sterner countenance. In the b.g., a computer maintenance man works on a rack. He has a toolbox and has removed the unit's protective cover. Harry spots Mrs. Tiffin's approach, stabs a finger toward her.

Harry. Somewhere in this room there's a little punch card with the wrong holes in it. Holes which say I'm a deadbeat. I want those holes changed, Mrs. Tiffin. (Polite.) All I ask is a little assistance.

Mrs. Tiffin. As I say this area's restricted.

Harry. Look. Last week some process server hands me a paper. It says "pay up or else." Now I happened to be lunching with government men—I'm in the aerospace industry—and on top of that, the waiter comes back with the bill saying my credit card is "no longer recognized" by the company. Not sup-r-charge, mind you, *another* one! (Thumps computer.) That's when I realized these machines talk to each other—cross-country! They're lying about me! Now I want that stopped.

Mrs. Tiffin. I understand that. But you see I'm in no way authorized. . . .

Harry. That again? (Impatient gesture.) A building full of people and no one is "authorized." But, the damn machine is "authorized"! Now why is that? (Points to it.) This thing can ruin me if it isn't set straight. Come now. Surely somebody can do something. Machines aren't in charge here . . . *people* are! Aren't they?

(Mrs. Tiffin studies him a minute, arrives at a decision. She walks to the nearest phone, picks it up.)

Mrs. Tiffin. Security please.

(Harry eyes her his temperature rising. Impulsively strides to the maintenance man's tool kit, grabbing a big wrench which he wields like a projectile.)

Harry. How about it? Do I get a little help or do I wing this into the works?

(This announced in a loud voice. A few workers glance his way, then return to their tasks. The maintenance man eyes him, but he seems more interested in the welfare of his wrench than anything else. That leaves Harry and Mrs. Tiffin. He'd hoped for a somewhat larger audience. Again waves the wrench threateningly.)

Harry. Look, you people, do I get some help or don't I? (silence) That's it? Nobody's going to help me.

(Awkward moment. Mrs. Tiffin stands transfixed, phone halfway to her ear. Maintenance man lights a cigarette and settles into a chair. No one else seems particularly concerned. Harry's hung with the threat. In a kind of token gesture he lobs the wrench toward the power supply. It disappears into the works. There follows a blinding arc of current. To everyone's amazement, the machines wheeze and quit. Harry, quite unexpectedly, has incapacitated the entire room. Turns to Mrs. Tiffin, somewhat meekly.)

Harry. That . . . settles one thing, anyway. Man is still in control of his destiny.

ACT ONE

Courthouse, corridor, day. Various passers-by. At far end of corridor, Ben Caldwell, Esq. is saying good-bye to a client. They shake hands, the man goes. Ben turns, walks until he reaches the Court entrance. Pushes door open and goes in.

Courtroom, day, in session. In b.g., Clinton Judd, Esq. stands in the rear of the spectator section watching, intrigued. Immediate f.g. shows Mrs. Tiffin on the Stand, an Attorney walking away from her, going to the plaintiff table. Judge Clayton Lodi presiding, turns, indicates Harry Stratton who is seated alone at the defendant's table.

Lodi. You may cross-examine, Mr. Stratton.

Harry. I have no questions, Your Honor.

Lodi. None?

Harry. No sir. Seems to me she told the truth.

Lodi. We presume that, Mr. Stratton. Are you sure you understand the function of cross-examination?

Harry. Function? (thinks a moment) Yes, sir, I think I do.

Lodi. But you have no wish to challenge any of the statements made about you by the witness.

Harry (gesture). Well . . . I think she exaggerated a little here and there.

Lodi (indicates). Here's the witness, Mr. Stratton. (waits) You say she exaggerated. Go ahead. Question her.

Harry (looks at Lodi). Isn't that kind of quibbling?

Ben. You as hungry as I am? Let's go.

Judd. Wait a minute. See that man? (indicates Harry) He beat up a computer. (eyes Ben) Don't laugh. I find it very understandable.

Ben (knowingly). I wonder why.

Judd. Ben. I don't hold grudges.

Ben. What was it—an electric bill for two thousand dollars?

Judd. Two thousand and twenty. A *computerized* bill.

Lodi. Quibbling! (eyes him) The charge of malicious mischief may *sound* insignificant, but I assure you conviction carries serious consequences. (meaningful pause) Mr. Stratton, you are not equipped to defend yourself in this matter. I'm going to grant a continuance so you can get yourself a lawyer. For your own protection. Is that clear?

(Intrigued, Judd has approached the front of the Courtroom.)

Judd. Your Honor might I consult with the defendant . . . (indicates) . . . with a view toward advising him?

Lodi (turns to Court Clerk). What's that other thing we have to dispose of? (spotting the victim) Oh yes, sentencing on the speeding case. (thinks) Very well, Mr. Judd, Mr. Stratton come back in ten minutes.

(Taps gavel on the block, beckons to traffic violator.)

Corridor of courthouse, day. Sparse number of people waiting, strolling by. Judd and Harry Stratton are huddled in a corner by a wooden bench.

Harry (with a shrug). My wife and I took a vacation. I used my Sup-R-Charge credit card of course, and when we got back I tallied up the receipts. (gesture) I'm rather meticulous about that. (shrug) Didn't wait for a bill. I just sent them a check. (pulls out cancelled check) Here it is. Cancelled.

Judd. You mean to say no one would acknowledge this?

Harry. Acknowledge? Aside from broom closets I think I knocked on every door at Sup-R-Charge! (points to check) . . . Absolute black-and-white proof—and nobody would even look at it—or me. I guess that's why I did it. Started out as a bluff, really . . .

Judd (thinks a moment). You willing to pay damages?

Harry. Yes of course.

Judd. Tell you what: let's go back in there and request a Jury trial. (Harry reacts) Oh it won't come to that. I just want to get the Judge thinking about the cost. And the fact that a Jury might very well sympathize with you. (pleased) About that time I'll mention you're willing to pay all damages. (gestures) C'mon.

(They go.)

Vinton's office, day, view of model rocket with label "Olmstead Aerospace Industries".

Office indicating the occupant's high position in the company. Large enough to include a conference table as well as his desk, sofa and so on. Frank Vinton stands in the middle of the room facing the door, waiting. Vinton is an astute, world-wise man in his fifties. He could be a swinger—he certainly knows the score.

Open door, revealing on its outer face the legend: "Frank Vinton, Vice President". Harry Stratton stands in the doorway.

Harry. It's all settled. I pay the damages and they straighten out my account.

(Harry closes the door. Frank Vinton eyes Harry with a funny, faintly tolerant gaze. He is holding a newspaper.)

Vinton. With Clinton Judd on your side how could you lose?

Harry. It made the papers? (Vinton hands it to him; as he does:) Thanks. (gesture) By the way I'm sorry I had to miss that conference yesterday.

Vinton. No matter.

(Harry scans the paper. While he does, Vinton takes a little stroll back behind his desk, settles in his swivel chair.)

Vinton. Tell me. How long's your mortgage got to run?

Harry (still reading). Five, six years. Why?

Vinton. You've built up considerable equity then. The market being what it is, you could realize a healthy profit.

Harry. *If* I sold my house. (looks up). What's this all about?

Vinton. Well what we'd like you to do, Harry, We'd like you to go up to St. Louis for us.

Harry (with a shrug). I'm still testing that new polymer process. Maybe next Wednesday?

Vinton. We don't mean for a visit. You're to be transferred.

(This stops Harry. He has to think a moment.)

Harry. You sure you mean St. Louis? We have no research facility there. (Unexpected silence. Vinton clears his throat.)

Vinton. It's a top-level decision, Harry. You're . . . being phased out of research. Into management.

(A thunderbolt. Harry is absolutely staggered by the disclosure. No way he can fathom it. Vinton anticipated a different reaction.

Vinton. Are you really that surprised?

Harry. I'm a theoretical chemist, remember? Twenty years' experience, the PhD, all that? (gesture) *Management?* No I'm not surprised. Astounded, maybe. Flabbergasted . . .

Vinton. Harry consider our posture in the defense industry. You *know* security is a sensitive area. Very sensitive.

Harry. So?

Vinton. St. Louis has no secret projects. Therefore, no security problem.

Harry (hotly). Frank, I'm no security risk. Now what's this all about?

Vinton. I really have to spell it out.

Harry. That would help, yes.

Vinton (holds up file). Dossier marked "Harry Stratton". There's an entry on page three which pretty well sums it up. You are, and I quote, "destitute of moral qualities".

Harry (reacts, thinks). I'm not sure I know what that means.

Vinton (*he* obviously does). Twenty-six pages of detailed explanation. (eyes him) And you don't have an inkling.

Harry. Let me see that thing.

Vinton. Sorry. Private property.

Harry. Whose?

Vinton. Oh . . . some credit bureau (looks at cover) Enquirer Corporation.

Harry. Credit? Came up with . . .?

Vinton. More than just playing around, Harry. Look. I've committed a few indiscretions myself—who hasn't? I guess the difference is, I made sure no one was looking.

Harry. What do you mean 'indiscretions'? Who? Where? What are you talking about?

(Vinton throws him an as-if-you-didn't-know-look—and dodges the question.)

Vinton. What I'm talking about is St. Louis. It's a step down, of course. But Harry. It's also a fresh start. You're getting a second chance.

Harry. I don't *need* a second chance. Anyway my whole life is research and development. You expect me to give that up because of . . . what? (exasperated gesture) Rumors? Slander? What's *in* that thing?

Vinton. Nothing you don't already know. The point is this: you've been ordered to St. Louis by the Board of Directors. The decision was unanimous. So you don't have a voice in this, Harry. When the Board says "go", you *go.* (halts) Unless you decide to resign.

Harry (angry now). I'm not going to resign and I'm not going to St. Louis. What I *am* going to do, I'm going home and read my contract!

Vinton. Suit yourself. But you might as well start packing while you're there.

Harry. Wait a minute. I don't know anything about contracts. (thinks) I'll get a lawyer. Sure. I'll get a lawyer to handle this!

Vinton. Harry. This is a business decision. The law, the Courts, have nothing to do with it. The Board is entitled to act in its own best interests—and it has. Now I ask you: what can a lawyer do about that?

Harry. There must be something.

(Judd's law office, day. Judd seated at his desk, holding a contract. Harry seated nearby.)

Judd. For one thing, according to your contract you can force a hearing. (looks up) That gets you in front of the Board of Directors, and you can state your case.

Harry. Have I got one?

Judd. You're the expert on that. Be honest Harry—not with me—with yourself. Is this file accurate? Any of it?

(Stack of xeroxed sheets. Top sheet reproduces a file cover which reads: "Enquirer Corp., re: Harry Stratton.")

Harry. *No!* (reacts) Oh, bits . . . pieces! I'm not perfect. But the way it's put together—talk about a stacked deck! (angry gesture) "Private property"! I felt like a sneak thief making these copies!

(He throws up his hands. The advocate picks up the file, thumbing through it. His expression changes.)

Harry. What's the matter?

Judd. Twenty-six pages. It's going to be tough knocking this down. (opens it) Um . . . this assault charge, for example. That's public record.

Harry. *That's* what I mean by a stacked deck! I wasn't the aggressor, *he* was! Once they found that out they threw him right out of court. (crossing in) And this stuff! ". . . notorious troublemaker . . . chronic complainer . . . philandering in public . . . drinking . . . squandering money . . .!" (looks at him, throws up his hands) Science fiction I tell you! Look. Can I argue these things? I mean if we force a hearing?

Judd. That's what it's all about.

Harry. (hefts file) Just look will you? All this so Sup-r-charge can okay one lousy credit card.

Judd. No. I think most of it's what they mean here by re-evaluation. (points) Check the dates.

Harry (scans them; thinks). Ah. *After* I started the tiff about my bill.

Judd. Yes. I'd say that gave Enquirer Corporation second thoughts.

Harry. Okay, they ran a check. So where does this morals thing come in? Look. (indicates) Just sitting there in the middle of the page. No explanation, no date, nothing. Thrown in with a lot of other stuff. You know what these are, don't you? Print-out sheets from computers.

Judd. Well, that's progress, Harry. (wry) Now character assassination can be automated.

Harry. Little holes in little cards . . .

(Ben stalks into the office toting an attache case, a file folder, and a look of downright exasperation. He plunks the file folder down on Judd's desk. Harry comes over to look at it, too.)

Judd (reading). "Harry M. and Bethel J. Stratton: Reputation and Marital Amicability Report" . . .

Ben. Think that's a mouthful? Read on. (Plunks on sofa. Judd indicates folder.)

Judd. Marked "Confidential." How'd you get it?

Ben. Oh that was a hardship. Friend of mine is a mortgage lender. Cost him a buck and a half. (gesture) It's an FHA file.

Judd (to Harry). FHA?

Harry. I applied for a loan a few years back. They said 'no.'

Ben. (nodding "yes"). Page six.

Harry (going through it). Look! Graduation photo . . . wedding announcements . . . newspaper clippings . . . copy of my birth certificate . . . page six. Here it is. (looking up, surprised) "Destitute of moral qualities".

Judd (checking cover of file). "Spotcheck limited." What happened to Enquirer Corporation?

Harry. You know it's possible, just barely possible, this could try a man's patience? How do they justify a thing like that?

Ben (fishing out a note pad). Well, take that uh, . . . 'amicability' mouthful for instance. It is—and I quote—"a vital part of our risk determination. One of the leading causes of foreclosure is divorce". Unquote. (drop pad). By the way they have no figures to support that claim.

Judd (points). Here's the assault charge again.

Harry. Does anyone mind if I'm appalled?

(He flops down next to Ben, eyes the ceiling. Judd stands, meanwhile, looking from one file to the other.)

Judd. I gather Spotcheck and Enquirer Corporation exchange notes.

Ben. Yes. Along with forty-two hundred others in this country. No law says they can't. I'm beginning to wonder what they've got on me.

Harry. For a buck and a half anybody can find out—right? (smacks one hand into the other). Mr. Judd, I want that hearing.

Judd. This . . . (consults file) Enquirer Corporation will be there, you realize. And unless I miss my guess, the file's going to get fatter.

Ben. And dirtier.

Judd. Harry. If there's anything even remotely . . .

Harry. Immoral?

Judd. . . . colorful in your past I want to know about it right now. Because I assure you we'll be told all about it at the hearing.

Harry. In glorious slander-color, no doubt. (hand on heart). Harry Stratton, this is your life. (gesture). Oh I'm looking forward to that.

ACT TWO

Olmsted plant complex, day.

(Two views of Harry Stratton looking ten years younger and, like all mug shots, grubby and unsavory.)

(Vinton's office, day. The hearing in session. Present are Judd and Harry, Frank Vinton, and three new men: Colerain, about fifty, lean, reflective, pipe-smoking, President of Olmsted Industries; Bergholz, also in his fifties, ruddier, more aggressive-looking, Chairman of the Board; and Sidney Degratt, attorney for Enquirer Corporation. Degratt is a splendid corporate image. In his forties, clean-cut, honest-looking, the kind one instinctively trusts. He is holding the police photos. Seated around Vinton's conference table, each man has been provided with a copy of the Stratton file. Used ashtrays, crumpled notepapers, indicate the meeting has been in progress awhile. Two other men are present—also members of the Board of Directors.)

Degratt. I have in my hand two photographs of Mr. Stratton. Or should I say "Mug Shots"?

Judd. That's a shabby trick, Mr. Degratt. My client was acquitted of those charges ten years ago—as you well know.

(Degratt pointedly displays pictures while putting them away.)

Degratt. In that case . . . there's no harm done, is there?

Judd. Aside from creating a false and deliberately misleading impression, I suppose not.

Harry (points to the last page of the file, whispers). You were right. They've added six pages. Now there's thirty-two.

(**Judd** simply nods "yes".)

Degratt (opens file). Last January sixth, Mr. Stratton, was a Saturday. Do you remember your whereabouts on that night?

Harry (thinks). No. Should I?

Degratt. Fourteen-twenty-eight Wooster Drive. That, gentlemen, is an address where married couples gather. The men toss their car keys in a bowl and the women . . .

Harry. All right! I remember now, of course I do. We were there. Beth and I, yes. But as soon as we realized it was a wife-swapping party . . . we left.

Degratt. You left. You and uh . . . who?

Judd. Mr. Degratt. Do you have anything to show Mr. and Mrs. Stratton did not leave together?

Degratt. No, Mr. Judd. Still, it might be of interest to learn how your client ah, . . . "fell" into such company.

Harry. As a matter of fact we met at the golf club. A couple. Said they were having a little get-together . . .

Degratt. "Get-together"? That's an apt phrase. (turns calmly) Gentlemen we've all read the file. The pattern is clear. His walks late at night—the peeping tom reports in the neighborhood—his behavior in the office—the leers, the suggestive remarks . . . I don't think I have to bring these up.

Judd. I'm glad you spared us that, Mr. Degratt.

Degratt. Point is, gentlemen, this record—or for that matter any part of it—speaks for itself. I see no need to flail a dead horse.

(Degratt settles in his chair.)

Bergholz. Very well. Harry?

Harry. Mr. Judd will speak for me.

Bergholz. Mr. Judd, then.

Judd. Thank you, (pause) Enquirer Corporation is very much involved in this hearing wouldn't you say, Mr. Degratt?

Degratt. Yes.

Judd. Why then is there no representative of the company present?

Degratt. As their legal representative I'm prepared to answer all questions.

Judd. We'll see. (opens file) This entry on page three: "Destitute of moral qualities." (eyes him) Tell us where this came from if you will, and who exactly is responsible.

Degratt. Enquirer Corporation employs seven thousand full-time, professional investigators. Our information flows from nationwide sources.

Judd. Answer the question, please.

Degratt. Regarding *one* entry in *one* of forty-two million files? That uh . . . may take some time. You see that particular entry was not dated. Which somewhat complicates the process of tracing it down. But I assure you its origin is authentic. A company in our position cannot afford to make mistakes.

Judd. I agree you can't afford to. (pregnant pause) But tell me, Mr. Degratt: How can you possibly prevent it? (gesture) Now the information is fed in through punch cards isn't that so?

Degratt. In some cases, yes.

Judd. All right then. What about simple clerical error—or worse, a programming error? People do make mistakes, Mr. Degratt and machines malfunction.

Degratt. Why argue the point? Let's assume for the moment the entry in question was somehow . . . plucked out of thin air. Let us then discard it.

(Degratt reaches into file, tears out, crumples the page. Some thirty pages remain. He whacks them.)

Degratt. Which leaves us with this. And *this* was not plucked from the air Mr. Judd. For example—and I quote: "I saw him go into a motel with a Mrs. Hancock." Or this, quote: "He virtually acknowledged intimate relations with . . ." well, with another married woman. (points to Harry) That man *is* destitute of moral qualities!

Judd (forcefully). Mrs. Hancock was a visitor from Chicago! As a courtesy, my client met her at the airport and drove her to the motel. (gesture) As for that other reference why, that's locker room scuttlebutt and you know it! (thumps file) This entire file is little more than accumulated hearsay—deliberately and maliciously arranged to shore up a charge—a morals charge—for which you admittedly have no explanation!

(Degratt simply shrugs: he's noticed Bergholz fidgeting in his seat.)

Bergholz. Are you aware of our position Mr. Judd? Our lifeblood is defense contracts. Why . . . when word reached Washington we had a sex offender on our payroll . . .

Harry. Sex . . .

Bergholz (cuts Harry off). "Office behavior questionable . . . provocative looks, acts, remarks . . . touching with lustful intent . . ."

(Colerain is shaking his head.)

Colerain. Surely Mr. Judd you don't maintain the average man—the *normal* man, lives like *that*.

(He indicates file.)

Judd. What makes you think this report is accurate, or objective? Show me one entry supporting Harry Stratton's character. Show me one indication he has any redeeming qualities whatsoever!

Colerain. We assume he has redeeming qualities. Our concern here is for truth. In this case, hidden truth. The . . . submerged and camouflaged areas of Mr. Stratton's character. Areas which jeopardize our interests.

Judd. Truth you say? Truth, as Mr. Degratt should know, is brought out in an adversary proceeding, by examination and cross-examination, of being able to answer, to rebut. Tell me if you will, how I cross-examine thirty-two pages of print! (turns to Bergholz) Mr. Chairman, I submit the contents of this file are inadmissible. And I request a ruling.

Bergholz. The reason for this gathering, Mr. Judd, is to consider the transfer of your client to our St. Louis plant. The file is incidental.

Degratt (turns). I've been meaning to ask, Mr. Stratton. The night following your uh, . . . 'discussion' in Mr. Vinton's office—you were in the building until well after eleven p.m. (eyes him) Why was that?

Harry (angered). Did you have someone tailing me? How long's that been going on?

Degratt. What were you doing here all that time?

Judd. Harry. This is a fishing trip. You don't have to answer.

(Harry looks at the faces of his employers.)

Harry. Don't I? (draws a breath) What he's getting at is the file. I knew it was on Frank's desk. I waited until everyone left and then ran off some photocopies.

Degratt. That file, sir, was private property. I believe you knew that.

Harry. Yes. Frank told me so.

Judd. He did more than that. He deliberately baited him with it! Held it up to him and then denied him access! Isn't that so, Mr. Vinton?

Vinton (unperturbed). Bait? The thought never entered my mind.

Judd. No. Of course not. Nor that withholding such information under those circumstances was punitive! Nor that it amounts, in fact, to deliberate cruelty! I'm sure none of that occurred to you! (forcefully, to Board) My client had every moral and human right to act as he did!

Degratt. Human he is, sir—but *Moral?* (quietly) You're an able lawyer, Mr. Judd. But not even your skill can obscure the fact Harry Stratton crept into the vice-president's office and stole that file. This man has many talents, gentlemen: he is not only a theoretical chemist—he is also a very practical petty thief!

Bedroom of Stratton home, day. Cheerful, sunny room. Beth Stratton is hanging some freshly laundered and ironed glass curtains. A pretty sight, as she stands in dappled sunlight. A few years Harry's junior, she is the kind of woman any man would want for his own. A moment passes and Harry walks into the room, looking troubled and worn. She turns, sees his expression.

Harry. Beth . . . I've been fired.

Beth. Oh Harry. No!

Harry. Oh Harry, yes! Did it all by myself, too. Really blew it.

Beth. How? What happened?

Harry (holds up the file). Remember I made copies of this? (Drops it on bed). Well, there's a clause in my contract—one of those catch-all things, you know, if I do anything to violate public standards or morals . . . something vague like that—anyway, a technicality. So they canned me for "conduct not irreprehensible." (Sits on bed). They can make it stick, too. Judd told me so.

(Beth sits beside him, placing a hand on his. Takes a long moment to digest all this. Her gaze settles on the file.)

Beth. That's not why they fired you, honey. This is. (Indicates file). What kind of people are they anyway, could believe a thing like this?

Harry. People I thought I knew. How's that for a kick in the head?

(She takes the file to a wastebasket, neatly drops it in.)

Beth. That's where it belonged in the first place.

Harry (very serious). Beth. You really think so? I mean . . . did it give you any doubts, what it says in there?

Beth (warm smile). After fifteen years do you really have to ask?

Harry. Hon, I'm finding out these days there's nothing you can take for granted.

Beth. So here's one thing: Beth Stratton. And don't you forget it.

Harry. Still, that file had to come from somewhere. Who's saying these things about me? Friends? Associates? Neighbors? Has to be.

Beth. Hey.

Harry. What are we going to do?

Beth. What do you think? They can't get away with this!

Harry. Well it's all very legal and complicated. You know how contracts are . . .

Beth (serious). Harry. You can't just sit back. You're not thinking that way, are you?

Harry. Oh . . . I'm just beat, honey. Really.

Beth (special meaning). Pressure?

Harry. No, no. Nothing like that. Just ground down, that's all.

(Beth goes to the wastebasket, withdraws file, looks at it.)

Beth. "Enquirer Corporation." (considerable resolve) You know what we have to do, honey. Take them to Court.

Harry. Beth. That could drag on for years.

Beth. Maybe. Maybe no. From what I hear it kind of depends on your lawyer. I know this Judd's got a reputation, but is he really any good?

Harry. *I* think so.

Beth. All right then, let's go see him.

Harry (hesitates, then) Aw who'm I kidding? I can't afford a lawsuit. Not now anyway!

Judd. Yes you can—at least as far as money's concerned.

Judd's office, day. Beth, Harry there (with a change of clothing). Ben is with them.

Judd. If I lose the case for you, forget it. If I win, I take thirty percent of the award.

Beth. What kind of award?

Ben. Two hundred, maybe three hundred thousand.

Judd (quickly). Don't start counting. We can *ask* for three hundred thousand, but you'll be lucky to get fifty.

Harry. Big risk is it?

Judd. You'll never take a bigger one. Your job's finished, you know that. You'll be looking for work. Everywhere you go you'll have to answer the charges made in that Courtroom. That is, provided we win. (Harry's head snaps up). If we lose . . . you won't get a nickel and I doubt you could work in the city dump.

Harry (bewildered). Little holes in little cards. (shakes his head) I don't know, Beth. Maybe we better just take our lumps and forget it.

Judd. Why don't you two go home and talk it over.

Harry. I don't like it, Beth. I really don't.

Beth. You want to sell shoes or something? It'll come to that, you know. (goes to him) How about that PhD of yours, Harry. Remember what we went through to get it?

Harry (very lively, very warmly). Course I do.

Beth. You want to throw all that down the drain because some . . credit bureau is telling lies about you? (turns) Mr. Judd. Talk to him, will you? We've *got* to clear his name.

Judd. Mrs. Stratton, there's no guarantee we can do that.

Beth. I know. But that's still why we're going to Court, isn't it? To try?

Judd. Well, no. You see, the only course open to us is invasion of privacy. We claim Enquirer Corporation deliberately and maliciously put Harry in a false light.

Beth. Isn't that just exactly what they did?

Ben. Yes, but Harry is not on trial then, *they* are. His reputation is therefore immaterial.

Judd. The scrutiny is on them. *Their* motives, *their* actions, *their* methods. One: did they violate your right to remain personally secure? Two: were they malicious and reckless in their methods? And in defending that Degratt will lose no opportunity to make your life public. I mean the whole back side of it! All you stand to gain is cash and infamy.

Harry. Lord. (Beth shoots him a disapproving look) Well I'm partly thinking of you, you know. You heard what he said. Besides, everything we've got would be on the line. (Silence.)

Beth. You think it isn't already?

(Harry takes a little walk, does some head-scratching.)

Harry. Sell shoes or fight.

(He sends a look at Judd.)

Judd (restraining gesture). Don't ask me to quote you odds.

Beth. Who cares about odds? Things can't be worse than they are now.

Judd. I don't know. So far just a few people know about this. (waves file) You want to be famous?

Beth (slowed) For what?

(Judd picks up the file, thumbs through it, looks at them.)

Judd. All of it, or some of it—maybe none of it. That'll be up to the Jury.

Harry. I don't know, honey . . . what do you think?

Beth. You *know* what I think.

(Harry takes another little stroll. Stops.)

Harry. I'll tell you this: I'm no shoe salesman. (whacks fist into palm). Mr. Judd, Mr. Caldwell. Let's take them to Court!

ACT THREE

Courthouse, courtroom. In session. Degratt, his assistant at defense table. Harry, Ben at the plaintiff's. Seated immediately behind them in the spectator section, Beth Stratton. Elsewhere, Bergholz, Vinton. Judd addresses the jury.

Judd. My client is not the defendant, Ladies and Gentlemen. He is not charged with any crime. Yet ironically he faces punishment far more severe than any prison sentence. I've already shown how he lost his livelihood . . . And you have seen the intricate ways in which his reputation has been blackened. The cause? (holds up file) Thirty-two sheets of paper. How many times they have been reproduced, into what hands they have fallen—or will fall—no one knows. (indicates Harry)

Now my client has no recourse other than to bring suit against the Enquirer Corporation—a credit research bureau. The question you must decide is this: where does legitimate credit investigation end and invasion of privacy begin? (pause) Should you find for the plaintiff you cannot restore his job, you cannot rebuild his reputation. You can offer him nothing but a cash award. But this issue goes beyond the weighing of damages in dollars and cents. What is at stake here is not the size of a man's bank account, but his very life—its meaning, and the promise of his future. (pause)

Thank you.

Corridor outside courtroom. People flowing out of court, going about their business. Harry stands by the door, nervously pulling out a cigarette. Beth is with him. Judd and Ben emerge from Courtroom, stopping when they see Harry.

Harry. Mister, you've got me shook. (eyes him) Was that our whole case?

Judd. Case for the plaintiff, yes.

Harry. What—that I got fired? They could read that in the newspaper.

Ben. How about the seven character witnesses, Mr. Stratton?

Harry. So Degratt comes up with ten guys who say I'm a bum. These days they're not hard to find. (irritated gesture) You told me you were going to demolish that file—I mean, really take it apart! (taps him) What happened?

(Ben, Judd exchange looks.)

Judd. Harry. We told you our real job here is knocking down the defense. Now we can't do that until it's been presented can we?

Harry. How should I know? I just don't think we got off on the right foot!

Judd. What's got into you, anyway?

Harry. Into me? What do you mean by that? Look, you run the case, I'll run Harry Stratton. Okay?

Beth. Harry.

(Her tone of voice casual enough, yet it stops Harry cold. Apparently her interruption has a great deal of meaning.)

Harry. Can't do anything right can I? (shows his palms) Look at that. Soaking wet. I . . . better wash up.

(Abruptly leaves. Awkward silence.)

Judd. (gently). Beth. Is there anything you ought to tell me?

Beth. (looks after Harry a moment) It's just the pressure, Mr. Judd. He . . . didn't mean anything.

(Judd looks over to Ben, who offers a disguised shrug, a somewhat dubious look.)

Courtroom, day. Again in session. Degratt stands by the Witness Stand as Bergholz approaches it (having just taken the oath).

Bergholz. Lawrence J. Bergholz, Chairman of the Board, Olmstead Industries.

(He sits down, Degratt turns to him.)

Degratt. Mr. Bergholz, I'll get right to the point: Would you say this file had any bearing on Harry Stratton's dismissal?

Bergholz. Directly? No. It merely served to confirm what we had already come to suspect.

Degratt. Do you have any personal grudge against the plaintiff?

Bergholz. I bear him no malice. (pause) I'd like to point out he was dismissed by unanimous action of the president and board of directors.

Degratt. Your witness.

(He sits down. Judd waits a moment, thumbing through his copy of the file. Then takes it to the stand.)

Judd. Mr. Bergholz you say the file "only served to confirm what you had already come to suspect."

Bergholz. That is correct.

Judd. I wonder then how well you know the man.

Bergholz. As chairman of the board it's my business to know my staff.

Judd. Let me put it this way: did you personally witness "suspicious" or so-called "immoral" acts on the part of Harry Stratton?

Bergholz. Hardly, Mr. Judd.

Judd. You believe this file, then.

Bergholz. On the whole, yes.

Judd. If you didn't witness any of the alleged acts, what on earth leads you to believe the file is correct?

Bergholz. Well. You can't discount the stature of Enquirer Corporation, can you? A company of that size and reputation would hardly say these things if they weren't true.

(This has impact. Murmur grows and has to be rapped down by Botkin. Judd waits and lets the effect sink in. Then:

Judd. Thank you, Mr. Bergholz. You've made it clear this file cost Harry Stratton his job.

Degratt. (jumping up). Objection!

Judd. No further questions.

The courtroom, still in session, Degratt, file in hand, walking toward the stand. Lewis Galion seated on stand. In his fifties, solid build, the kind of a man who can handle himself in a scrap.

Degratt. Now Mr. Galion. When Enquirer Corporation accumulates a file such as this . . . (displays it) . . . well, be honest now: isn't that prying?

Galion. No sir. Unless you consider reading a newspaper prying. Our main interest is the man's reputation—what's already known about him.

Degratt. You mean, Mr. Galion, this file was accumulated discreetly? By established, professional techniques? Is that correct?

Galion. It is.

Degratt. It was not done carelessly or recklessly or with malicious intent?

Galion. No sir.

Degratt. All right. As a qualified expert—with over thirty years' professional experience—what is your conclusion regarding Harry Stratton's behavior?

Galion. Exactly what I said in the report. He is a man destitute of moral concepts.

Degratt. "Destitute of moral concepts." That was your conclusion?

Galion. Yes. In my opinion that phrase describes the character of the plaintiff.

(Judd and Harry whisper.)

Harry. He's lying! He didn't think up that phrase, it was in the file, remember? They don't even know how it got there! (stares) Aren't you going to object?

Judd. No.

Harry. Why not? Can't you see what they're doing?

Judd. Yes. And the jury can see you. I said it could get rough. Now simmer down.

Degratt. It may sound foolish at this point, Mr. Galion, but does this file in any way place Mr. Stratton in a false light?

Galion. No sir, it does not.

Degratt (turning to Judd). Your witness.

(Degratt retires to his seat. Judd rises, marching straight down on Galion, eyes boring all the way through him.)

Judd. Mr. Galion your business is credit research. As long as Harry Stratton pays his bills what do you care what kind of a man he is? It's none of your business is it?

Degratt. Objection!

Judd. Your Honor the thrust of this case is privacy—the plaintiff's right to remain personally secure. If his personal life can be probed to the extent shown in this file . . .

(he holds it up) If such derogatory and non-contextual data can be assembled . . . in the name of "credit investigation"—then the very concept of freedom as we know it, is in jeopardy.

BOTKIN. I'll allow the question.

JUDD. I repeat: is Harry Stratton's character any of your business?

GALION. I don't set company policy Mr. Judd. I just follow orders.

JUDD. "Just follow orders"! That has a familiar—and sinister—ring! (opens file) Mr. Galion I'm going to cite some specific entries. Tell the Court, please, how they came into being. For example: Mr. Stratton "prefers an automatic shift to a manual transmission."

GALION (thinks a moment). That . . . was included in a questionnaire on preferences, some years back, when Mr. Stratton bought a car.

JUDD. Harmless enough I suppose. Although some may wonder how it got into a credit statement. (reads from file) Quote: "Mr. and Mrs. Stratton have no children; in fact they cannot have children." Unquote. Where did you get that?

GALION. His uh . . . an application for health insurance.

JUDD. I see. (eyes him) There are additional medical entries here which I consider too delicate to mention. These, too, I suppose, are a matter of "public record". (pauses for effect) Now this. "Question: have you ever been charged with a felony? Answer: Yes, assault". You recognize this?

GALION. No, not specifically. But it's a matter of public record.

JUDD (eyes him with disgust). It is *also* a matter of public record that the charge was dismissed—that Harry Stratton was *not* the aggressor! That in fact, he acted heroically to save a young girl from a vicious beating! (passionately) What I want to know, Mr. Galion, is why that information does not appear in your carefully researched, professionally prepared *"credit* statement"! Why do I see nothing here but the charge?

GALION. Well, sir. The way our files are organized, it's relatively simple to record filed lawsuits, but expensive to note their disposition.

JUDD. Oh, I see. It's a matter of economics. How do we know then—as a matter of economics—the remainder of this so-called "record" isn't equally misleading?

DEGRATT. Objection.

JUDD. The issue here is not only the probing for information but the *responsible handling* of the results! If what I have shown is not "misleading" I'd like to know what term is appropriate.

BOTKIN. Mr. Degratt.

DEGRATT. If it please the Court . . . in order for business to function some freedom must be allowed. Some leeway, some room for error—or, in this case, for omission. Being aware of that omission we made no use of the assault charge in this proceeding.

(Botkin simply eyes him a moment.)

BOTKIN. Please continue, Mr. Judd.

JUDD. The defense maintains the information in this file is privileged and was limited in its communication. (To Galion I assume then you're careful in your interviews not to . . . say, "tip your hand."

GALION. That is correct.

JUDD. In the course of your investigation, you personally interviewed a Mr. Laferty of Tribly Enterprises, is that correct?

GALION. Mr. Stratton's former employer. Yes.

JUDD. Do you remember the date of that interview—and the time you left the office?

GALION (looks through his notes; then). That was . . . August twenty-first. I had a plane to catch at three-fifteen. I'd say I left no later than two o'clock.

JUDD (producing a letter). At this time I'd like to introduce into evidence Plaintiff exhibit J—a letter dictated by Mr. Laferty approximately two-forty-five that same date.

(Hands it to clerk and, as the ritual is performed, Judd reads from notes.)

JUDD. It is addressed to Mr. Frank Vinton and says in part—quote—"In light of what I have just learned about Harry Stratton I feel I should apologize for having recommended him as a prospective employee . . ." Unquote (hotly to Galion).

Would you state once again under oath, sir, that these interviews are conducted discreetly and in such a way as to not arouse suspicion?

(Galion shows shocked countenance.)

Courtroom, Still in session. Harry now on the stand. He is uneasy.

JUDD. It's been a long day Harry, I'll try to be brief. (pause) Be completely honest, now. Have you ever done any of the things mentioned in this file?

(Harry hesitates. The whole rooms seems to draw its breath.)

HARRY. Yes I have.

(Spectators react.)

JUDD. What for instance?

HARRY. I've gotten drunk a couple of times. (thinks) I've kidded around with some of the girls in the office. You know how things go around an office. But this . . . touching with lustful intent . . . I can't agree with that. (gestures) Besides. My wife and I . . . well, if you knew her . . . What I mean is . . . I don't play around, Mr. Judd.

JUDD (shows him file). Now this document was forwarded to your company on August twenty-eighth. Would you tell the Court some of the things that have happened since that date?

HARRY. I got fired. I . . . (stops).

JUDD. Go on.

HARRY. What? (odd gesture) Yes. I got fired. I . . . now I find it impossible to get work. You can imagine the *pressure* that exerts. My credit's down to nothing. People, some of them, make it pretty clear they won't associate with a man of my reputation.

(Shifts his weight awkwardly.)

JUDD. In so many words?

HARRY. What?

JUDD. I said "in so many words".

(Harry stares at him a moment, looking blank.)

HARRY. Yes. In so many words. (gesture) Maybe I should say something here. About pressure. It may have a bearing, you see . . .

(Unaccountably Harry has begun to sweat. Looks frightened.)

JUDD. Harry.

HARRY. Yes I know. You say "friends". I'll tell you about friends . . .

JUDD. Are you all right?

HARRY. As to that. The truth, isn't that it? The *whole* truth? I started to say . . . (stops, looks around) Could I have some water? I . . . guess I'm not very well at that.

Court counsel room. Harry sagging in a chair looking rather pale, sipping water. Beth with him. Judd, Ben hurry into room, close the door.

JUDD. Harry. What happened in there?

HARRY. You suppose there's a way out of this? My testifying, I mean.

JUDD. No. I told you that. Why?

(Harry shoots a look at Beth, then takes the plunge.)

HARRY. Back about four years ago I was developing a rocket fuel. It had terrific potential but it was also very dangerous. The firm wanted it yesterday. You know how it goes. The pressure.

BETH. I hardly saw him, Mr. Judd. More than a year went by. Just day and night . . .

HARRY. I realize now it was affecting me emotionally, mentally, physically . . . (gesture) But I licked the problem. Then out of the blue I remember saying to myself, "I've had it. I'm cracking up." Just like that.

JUDD. A breakdown?

HARRY. Mental and physical, the doctor said. I checked into a psychiatric hospital for three months.

JUDD. And that was the end of it?

HARRY. No. Happened all over again about a year later. I went back of my own accord, had a few shock treatments. Just two weeks that time. Since then I've been fine. That is . . . (gesture) . . . until now on the Stand. Pressure, you see. That's what I can't take: that kind of pressure.

BEN. Clint, if Degratt gets hold of this . . .

JUDD. I know. (to Harry) How about it? Can he dig this out of the files?

HARRY. I . . . don't think so. You see I never told the company. As far as they're concerned, I was on vacation. I just insisted on some time off. They didn't argue with me.

JUDD. Then we're all right.

HARRY. No. On the Stand just now I just . . . just for a minute there, almost lost control. I was on the verge of blurting it out. All of it.

BEN. Degratt knows we've got him on the ropes, Clint. He'll be fishing.

(Harry rises, walking, tied up in knots. It is evident this man is under tremendous pressure—and is beginning to yield to it. Turns facing Judd.)

HARRY. Clint, you've got to keep me off that Stand!

JUDD. How? Withdraw the suit? Drop the case? Is that what you want?

BETH. We can't do that Mr. Judd. You know we can't.

JUDD. I warned you at the outset, remember?

HARRY. Suppose Degratt comes right out and says "Have you ever been in a mental institution?" He may not even have to. (imploring look) See what I'm getting at? Degratt could twist me all around up there. Why . . . he could go through that file page by page and make every last thing stick!

(Judd and Ben exchange looks. This is trouble.)

BEN. Could we settle, maybe?

JUDD. Degratt saw what happened you know. If we try for a settlement *now*, he could very well put two and two together. If he figures it out—we're through. You want to run that risk?

HARRY. I don't know. The only thing I'm certain of . . . I'm not going back on that Stand. I can't.

(He sinks exhausted into a chair. On their reactions:)

ACT FOUR

Judd's office building, night. Judd's office, night. Judd, dressed as he was in Court, is in front of his desk, leaning back on it, waiting as Ben comes in, closes the door. Both men are far from happy.

BEN (pause). I think he knows.

JUDD. Did he say anything?

BEN. No, but . . . he's got a look on his face.

(This gives Judd pause. Reflects a moment.)

JUDD. He wouldn't wait until we put up a rebuttal witness. He'd have brought it up long ago.

(But Judd harbors a doubt. And it shows.)

BEN. 'Long as I'm reading faces . . .

JUDD. Listen. This same face bluffed you out of a full house, remember? (points) Just bring him in.

(Ben makes a start on a grin, turns, opens the door for Degratt, who enters—also dressed as he was in Court, but wearing, in addition, a confident expression. A touch broader and it would be patronizing.)

DEGRATT. I know we're here for a little horse trading, Mr. Judd. But tell me . . . (deliberate pause) . . . who's got the horse—you or me?

JUDD. I think your sense of the Jury tells you that. Sit down.

(Judd indicates a chair. Degratt pointedly takes a different one. Each man sizes up the other.)

DEGRATT. Shoot.

JUDD (politely). Let's start by clearing the air, Mr. Degratt. Nothing's going to win this case for you and we both know it.

DEGRATT. Well don't stop there, counsellor, I hang on your every word.

JUDD. The news media, for example. What will two more days' coverage do for Enquirer's reputation?

DEGRATT. Or your client's, for that matter?

JUDD. No good, certainly. So what do we gain, any of us?

DEGRATT. In terms of the Jury award? Couple of thousand, give or take.

JUDD. Is it worth it? Why prolong the agony of our clients?

DEGRATT. You think I enjoy putting people through this? (sits back in amazement. But *you*—you really want to settle?

JUDD. Won't hurt to talk about it.

DEGRATT. I wonder.

(Outer door heard banging, sound of approaching footsteps, and all heads turn as office door swings open. Harry Stratton is standing there, smiling.)

JUDD. (surprised, annoyed). What is it, Harry?

(Harry says nothing until he has marched into the center of the room.)

HARRY. I know you don't want me here. But it occurs to me you can't very well have a ping-pong match without the ball, can you?

(Indicates himself. A little funny. Aware of Degratt's reaction, Ben strides over to Harry, draping an arm around his shoulder and turning him back toward the door.)

BEN. Harry, I'm going to be very diplomatic about this: Get out.

(Points to the door. Harry, brought up sharp, suddenly aware of his position, retreats awkwardly. Ben follows. Degratt watches, shaking his head with a wry grin.

DEGRATT. People.

Judd's reception room, night. Harry standing there, Ben closing the door to Judd's office, then fixing Harry with his eye.

BEN. What was that supposed to accomplish?

HARRY (holds up his hands). You see any fingernails left?

BEN. Well try to hang in there a little longer, will you?

(Harry sinks unhappily into a chair. Ben deliberately does the same.)

HARRY. Look. You don't have to baby-sit.

BEN (pointed). Can I drive you home then?

HARRY. No. I'll behave. But I'm here to the bitter end.

Judd's office.

DEGRATT. I do all my haggling on a first-name basis (offering his hand) Sid.

JUDD (taking it). Clint.

DEGRATT. So make me an offer.

(Makes himself comfortable. So does Judd.)

JUDD. Let's start with the one you made me—back before the trial began, remember?

DEGRATT. Thirty-five thousand.

JUDD. Yes. But the figure's gone up, Sid. That Jury's in a generous mood. (pause) Three hundred thousand.

DEGRATT. What, the full amount? You can do better than that, friend.

JUDD. Yes I can. But it'll be like pulling teeth.

DEGRATT. Well, to be perfectly honest, I was thinking more like forty-thousand. Looks like we've got some work to do.

(Silence. The men regard one another with vague amusement. Judd rises, goes to the bar, returning with a tray on which are glasses, some booze, and an ice bucket. Sets the bottle in front of Degratt.

DEGRATT. Clint, you're my kind of lawyer.

(Pours himself a shot, then reaches for Judd's glass.)

JUDD. No thanks.

(Degratt thinks a moment, smiles, then very carefully pours his shot back into the bottle.)

DEGRATT. It's going to be that kind of an evening.

JUDD. You bet it is—friend.

Judd's reception room, night. Coatless now, Ben has settled into a chair, toying with an empty liquor glass. Harry, also coatless and looking rumpled, is pacing a precise, measured rectangle. The action is so slow, so deliberate, it is maddening. Ben has held off as long as he can.

BEN. Does that really help?

HARRY. Yes.

(A few more measured steps and Harry suddenly makes for a desk clock. Picks it up, stares at it, shakes it, listens to its works.)

HARRY. Midnight? How can that possibly be. (looks at Ben). Has this thing stopped?

BEN (wearily). Harry. We've only been here two hours.

HARRY. Maybe to you its two hours. (waves glass). I'm dry.

BEN. Good. Stay that way.

(Harry rolls his eyes skyward, flops on the sofa. Immediately gets up again to resume walking in the same, precisely measured pattern. Intercom buzzes, startling the men a bit. Ben flips it on.)

BEN. Yes, Clint?

JUDD'S voice (o.s.; filter). How many investigators have we got on the Stratton case?

BEN (thinks a moment). If you mean tonight, six.

JUDD'S VOICE (o.s.; filter). When's the next report?

BEN. Eight a.m.

JUDD'S VOICE (o.s.; filter). All right.

(Clicks off. Harry moves toward the desk.)

HARRY. Six men on what? What was that all about?

BEN. Forget it. Just a lot of noise to impress Degratt.

HARRY. Hey Turn that back on. He could be selling me out for all I know.

BEN. Selling you . . . ! (warming). He's saving your neck!

HARRY. Maybe. Maybe not.

Judd's office, night. Ashtrays have a few butts in them. Judd and Degratt are both coatless now, ties loosened, sleeves rolled up. Judd is at the little service counter making coffee. Turns to Degratt.

JUDD. Suppose I do that, Sid. Suppose I go in there tomorrow and prove malice. We're talking punitive damages now which means the sky's the limit. Your clients have an extra four-five hundred thousand sitting around?

DEGRATT. They grossed one hundred million last year. Wouldn't surprise me if they do. But ah . . . *prove* malice? you haven't a prayer.

JUDD. Twenty-eight investigators on the Stratton file, right? You honestly believe not one of them found anything good to say about Harry Stratton? Don't kid yourself! (eyes him). All I have to do is find *one* man who's willing to admit it and there's your malice. One at a time, Sid, we're tracking them down.

DEGRATT. There's something here I can't quite fathom. Curiosity is a very persistent trait in me. (gesture). Of course it can be satisfied rather easily by dropping your price.

JUDD. No sale. If that isn't a one hundred thousand dollar jury, I've never seen one.

DEGRATT. Well I have and it didn't look like that. (thinks). Say . . . fifty thousand. And I'll answer any questions.

JUDD. In public?

DEGRATT (ignoring that). You know, I'm tempted to let this go another day just to get Harry under cross-examination.

JUDD. All right. That gives my investigators another day, too.

DEGRATT. Fair enough.

(He rises, begins going through the motions of departure.)

JUDD. See you in Court. Ten a.m.

(Degratt continues staging his exit. Thinks, stops a minute to eye Judd.)

DEGRATT. You're bluffing.

JUDD. Sid, you found me out.

DEGRATT (more scrutiny.) It *is* a bluff.

JUDD. Of course. I don't have any investigators. Who ever heard of such a thing?

(Degratt eyes him some more. Judd returns his stare with supreme indifference. Degratt wilts just a bit, debates with himself a moment longer.)

DEGRATT. Eighty thousand.

Reception room, night. Ben sunk low in his chair, wishing he could doze off, but keeping a weather eye on Harry, who is finally settled into a chair in order to stare glumly at the carpet. Door opens, Judd walks in. Goes directly to Harry.

JUDD. We've got a deal. Pending your approval, of course.

HARRY. What kind of deal?

JUDD. Eighty-five thousand and a full clarification.

BEN (really impressed). What'd you use—a club?

HARRY (coping with the numbers). Eighty-five *thousand* . . . (looks up) Clarification. Can I hear it first?

JUDD. No.

HARRY (mulls it). Suppose I accept.

JUDD. Well, we have to agree to a dismissal with prejudice. Then you get your money.

HARRY. With prejudice.

JUDD. Yes. Means very simply we can't ever sue them again. The whole thing's over and done with.

HARRY. Over? You know, after all these rotten months I'd almost settle for that all by itself? (rolling the words in his mouth) Eighty-five thousand dollars. (begins nodding) I think that's just great.

JUDD. Okay. Let's go inside.

Judd's office, night. Judd returning with Harry, Ben. Degratt's eyes are expectantly on Judd's.

JUDD. It's a deal.

DEGRATT. Good. Good. (going to Harry takes his hand) Mr. Stratton, for my part I'm glad it's over. I don't enjoy . . .

HARRY. Never mind. Get to the clarification.

DEGRATT. Ah. Yes, that. (walks away) It's ironic in a way that such a little thing could cause all this trouble.

HARRY. Well?

DEGRATT. That questionnaire on automobiles, remember? It came up at the trial. (gets some "yes" nods) Among other things, Mr. Stratton, you indicated a preference for hardtops over sedans. Well you can't feed that verbatim into a computer, so you translate it into a series of numbers. (gesture) All right. Somewhere along the line two digits got switched or maybe omitted. Whatever, the wrong number went into that computer. And there it sat. Harmless. Some five years go by, comes the dispute over the credit card and a reevaluation is ordered. Follow so far?

JUDD. Go on.

DEGRATT. First thing they do is translate the numbers back into words. Proper card goes into the computer and out comes the Harry Stratton file, twelve thousand lines a minute on a big sheet. (gesture)

Ordinarily a phony number prints out gibberish or nothing at all. But in this case—and believe me it's a long shot—it prints out "Harry Stratton is destitute of moral qualities." (pauses, noting their shock) What fooled us, you see, they actually program such a category.

(Rather stunned silence.)

JUDD. Who did this? Who's responsible?

DEGRATT. The uh . . . entry was fed in from a remote terminal. It could have originated there, or the main office . . . some punch-card operator . . .

JUDD. (astounded) You *don't know?*

DEGRATT. Look. We'll give you the information. Maybe you can figure it out.

JUDD. Sid. What's to prevent this from happening *again?*

DEGRATT. It's a million to one shot.

JUDD. Don't quote me odds. Look at that man! Think what's been done to him!

(Indicates Harry, who is staring wordless, grim-faced, at Degratt.)

Ben. (hotly). Did you know about this at the hearing?

Degratt. Try to understand their position. They'd checked this man out, given him an A-1 rating. He gets into this credit scrap and on top of everything it appears he's, well . . . "different."

Ben. Try to understand!

Degratt. Heads were rolling, I tell you. Hotshot Galion's put in charge of the thing and like a good professional investigator he runs up a dossier in a hurry.

Judd. He's no investigator, he's a professional character assassin!

Degratt. Look. I know how you feel.

Judd. Sure. But you take their money.

(Harry mumbles something.)

Judd. What?

(Harry who has been motionless, showing no flicker of reaction, rises, walking slowly toward Degratt.)

Harry. Little holes in little cards.

(Approaches Degratt and, with no rise in intensity, lifts his hands to the man's throat and begins choking the life out of him. So swift and viselike is the grip, Degratt can only emit a short-lived gasp. Harrys face betrays no fury, but his eyes could kill unaided. Ben, Judd take a moment to react.)

Judd. Harry!

(Half expecting him to stop. No dice. Degratt's throat is so restricted he is utterly silent, hands clawing weakly at Harry's forearms, his face revealing a growing desperation. Judd, Ben, at last find their senses, dashing toward the men, trying to separate them.)

Judd. Harry, stop it!

Ben. Harry! You'll kill him!

(So wild in the man's strength they cannot break his grip until they pry his fingers open one at a time. Degratt slumps to the floor on the verge of unconsciousness, gasping, choking. Harrys hands go limp. He turns, wordless, and moves. Judd leans down, helps Degratt to his feet.)

Judd. You all right?

(Legs like rubber, he wheezes, nods as best as he can, groping for a chair. Judd, Ben help him into one.)

Degratt. Getting . . . some air now . . .

(Ben has poured out a glass of water. Degratt clutches it, gulps it down, coughs it right up again.)

Degratt. It's all right . . . all right . . .

(Judd, Ben, aware now of a steady thump . . . thump behind them, about the tempo of a heartbeat. They turn and see Harry who has moved to a far corner of the room. He stands with his back to them kind of nudging the wall with his fist.)

Judd. Harry?

(The nudging continues, growing both in tempo and intensity, each little blow at the wall emphasizing some troubling, but unutterable thought.

(The blows, rising to sudden fury, end with a sickening crunch. Whether it is wood or bone that yields matters little to Harry Stratton. No one can do anything, say anything to help him. Degratt has struggled over to where Judd and Ben are standing. They look at him—this time more with compassion than contempt because it's clear from his expression Degratt is aware he's played a part in this tragic development. Harry, unmindful of his battered fist, turns on them, eyes ablaze with a thousand thoughts. Stands there blinking, washed by a tidal wave of feeling. He struggles to give voice.)

Harry. I . . .

(But he can say no more. The silent struggle is long and awful.)

Degratt. My God.

EPILOGUE

Stratton living room, day. Doubtless a cheerful, homey room at one time. Now, with furniture gathered in one corner, various packing cases about, it seems dreary and lifeless. Beth has turned from her chores to greet Judd and Ben. They seem surprised.

Judd. You closing the house Beth?

Beth. Selling it.

Judd. Why? Where are you going?

Beth. Moving up nearer Harry. For one thing it'll cut down expenses.

Judd. Maybe this will help, then.

(Hands her a check.)

Beth. Eighty-five thousand dollars. (pause) Not so big spread out over the years, is it? (shakes her head) Probably just a tax write-off for them. (looks up) How do you write off a husband, Mr. Judd?

Judd (with compassion). He's in good hands, Beth. He'll recover.

Beth. When? The doctors are talking in terms of years, you know. (wan smile) The world's first computer widow. How's that strike you?

Judd. Not very well. We—Ben and I—we're going to press for appropriate legislation.

Ben. We won't be polite about it, Mrs. Stratton. It's going to get through.

Judd. He's flying to Washington this week.

Beth. I don't suppose you can put a corporation in jail, can you? (eyes begin to rim with moisture) I know it's bad form to be bitter. It's just that yesterday . . . the doctors . . . (vague gesture) Why is it bad news requires such long explanations? They finally had to write it down. I have it here someplace—the name of Harry's condition, I mean.

(Tears cloud her eyes, she fumbles around in her purse for the paper—not really looking for it, just something to do with her hands. It isn't easy for Judd and Ben to just stand there, but what can they do? Ben, who has been toying with a punch card, moves to comfort her. In so doing, the card drops to the floor by her feet. She retrieves it.)

Beth. What's this?

Ben. They uh, . . . traced it down finally. The original mistake.

Beth. Little card with little holes. (pause) Looks harmless enough.

(Slowly tears it up. Judd, Ben, simply watch.)

Beth. I think of a phrase you used, Mr. Judd: I'm just going to have to tough it out. (picks up check) And this will help. Thank you.

Judd. Is there anything you need? Anything we can do?

Beth. No. (studies check) Have you taken a close look at this?

Judd. I know. Made out by machine.

(Beth nods, holds it up so it can be easily seen. Not a paper check, but one printed on a stiff card—like a government check—and perforated.)

Beth. Little square holes. (pause) What do you suppose they mean?

ORDER OF BUSINESS

The VICE PRESIDENT. Is there further morning business?

Mr. HATFIELD. Mr. President, I ask unanimous consent that I may proceed for 12 minutes in addition to the 3-minute allotment.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

S. 503—INTRODUCTION OF BILL—VOLUNTARY MILITARY MANPOWER PROCUREMENT ACT OF 1969

Mr. HATFIELD. Mr. President, I am today introducing, for myself and Senators Cook, Dole, Goldwater, McGovern, Nelson, Packwood, Prouty, and Schweiker, a bill entitled "The Voluntary Military Manpower Procurement Act of 1969."

It was nearly 2 years ago that I introduced in the Senate a bill to institute a fully voluntary armed force. Last September I reintroduced the 1967 bill with some revisions. The bill I am introducing today is a further revision of the 1967 bill.

In the past 2 years criticism of our present military draft system has grown, and substantial additional support has been indicated for the early transition to a fully voluntary military manpower procurement system.

President Nixon has endorsed the principle of a volunteer army; the Department of Defense has indicated through various spokesmen the advantages of this manpower procurement concept; and numerous political, social, religious, and educational organizations have indicated their agreement.

A certain amount of this support has resulted, of course, from the growing discontent with the Vietnam adventure and the large-scale drafting of men for this conflict. The young of the country on whom the draft falls so inequitably, especially for the maintenance of a war many of them feel is morally indefensible, are reflecting their dissent in ever more vocal numbers. The minorities are also restive under the draft. The Nation is divided by the provisions of an act which require what so many patently do not believe in.

There also has been in the same time period, a growing concern in this country about infringement on our individual liberty and a desire for freedom from unjustified government intrusion.

The present draft system, in addition to its other drawbacks, is a drastic invasion of individual liberty. Conscription is involuntary servitude, plain and simple. It is the complete usurpation by the Government of an individual's freedom of choice. The Wall Street Journal has stated editorially that it is "about the most odious form of Government control we have yet accepted."

I firmly believe that each man has a moral obligation to serve his country, but he must be granted as much freedom as possible to choose what form this service shall take. Conscription must always be the last desperate resort in meeting military manpower needs, and not merely the easy way out, as it is now. There have been periods in our history when conscription was the only alternative to destruction, but circumstances have changed and forcing men into service is no longer the only alternative in meeting manpower requirements.

The draft also has numerous other drawbacks, including the fact that it is militarily inefficient, inherently inequitable to draft-age Americans, and productive of low morale in the Armed Forces. Let me point out now the practical aspects of the volunteer force and the provisions of this bill which would do away with these handicaps.

The volunteer service system would provide an efficient military force with emphasis on quality rather than quantity. The present draft system is designed only to provide large numbers of men. This point was clearly emphasized in the 1957 Report of the Defense Advisory Committee on Military Personnel—the Cordiner Report:

> As the tools of modern defense and the technology of their use become more intricate and complex, men—the human element in defense—become more, not less important. . . . The Committee is firmly convinced that human beings are the most important component of all modern weapons systems. . . . If the armed forces are manned with personnel of minimum or marginal capability, they cannot achieve operational effectiveness in proportion to the technical capacity built into the materiel. . . . Greater numbers of men do not satisfy this need. Only marked increases in the level of competence and experience of the men in the force can provide for the effective, economical operation required by the changing times and national needs.

That report was published nearly 12 years ago, but little has been done to upgrade the skill and competence of our men. The sad fact is that draftees, who have been taken from civilian life against their wishes, spend their 2 years of military service counting the days until they get out. As soon as the required period is over, they inevitably return to civilian life. Their empty bunks are filled with other unwilling draftees and the cycle continues. Any personnel manager would be quick to agree that low morale and inefficiency are the obvious results.

The eagerness of draftees to return to civilian life also prevents specialized training and in-depth knowledge of the complex weapons systems of our country. With its emphasis on quantity rather than quality, the draft automatically produces a high turnover rate in personnel. At the present time, only about 7 percent of the young men drafted stay in the Armed Forces beyond their 2-year obligation.

This high turnover rate causes many of the services' most experienced personnel to be tied down in training new recruits. Today, seven out of every 10 men in the Army have less than 2 years military experience. As one Pentagon military official has noted:

> As soon as we are able to operate as a unit, the trained men leave and we have to start all over again.

A major portion of the bill I am introducing is directed at upgrading the conditions and status of a military career—from increasing educational opportunities to improving the social, cultural, and recreational facilities for military men and their families. As military life becomes more attractive and as it enjoys a higher status, the number of young men entering the service freely would increase, with many considering a career in the military. The turnover rate of these willing enlistees would be dramatically reduced, making it necessary to recruit fewer men, and the services would have a higher percentage of skilled, motivated men.

Another provision of the bill would accelerate the substitution of civilians for noncombatant military personnel. This would effectively reduce the size of the armed services and would also reduce the number of new enlistees.

A third provision would help insure the recruitment of the necessary number of young men by accepting many who now try to volunteer and who would like a military career but who are currently rejected because of slight physical or educational deficiencies. Through additional and specialized training programs, these men could become productive members of the armed services.

Most important of all in attracting sufficient enlistees would be the improvement of military pay scales. We certainly cannot expect to recruit young men into military life when the salary offered them is at least one-third less than what they could be earning as civilians.

It is difficult to project the costs necessary for the establishment of a volunteer force. Authoritative studies indicate that the pay increases needed to recruit the necessary number of volunteers would come to $5 to $7 billion more per year. The bill I am introducing calls for $100 per month pay raises for enlisted men with the price tag coming to about $3.7 billion at our present force level.

While this additional outlay in salaries would be significant it must be weighed against the substantial savings that would result under a volunteer force. Presently, it costs $6,000 just to train the average serviceman, making the total training cost for draftees now in uniform—those men who will leave the service the moment their 2-year hitches expire—about $3 billion. Many training centers that are expensive to maintain and operate could be closed. Other cost adjustments would result, such as the increase in tax revenue from civilians who otherwise would be drafted. Unfortunately, it is difficult to estimate the very real savings that would result because of the increased competence and efficiency of the armed services.

I do not think there is any question that the volunteer system could supply the necessary number of military personnel. The manpower pool is increasing with nearly 2 million new men attaining draft age each year. The total number of draft-eligible males in the 18 to 26 age category now stands at more than 12 million. To meet necessary personnel requirements the military needs to recruit only about 5 percent of this total each year. Certainly, sufficient inducement can be made to attract that many.

The bill I am introducing also responds to the main point of criticism of the volunteer force—that the system lacks the necessary flexibility for meeting crises. It includes a special provision for the improvement of the Ready Reserve and the National Guard. I submit that the volunteer force would be more flexible and, in conjunction with a strengthened Reserve and National Guard, would be better able to respond to an emergency military situation than is the current draft system.

Even in the past, for such emergencies as the Korean conflict in 1950 and the Berlin crisis of 1961 the Defense Department relied largely on recall of trained reserves rather than draftees. Military emergencies being what they are in this day of speed and highly complex weaponry, they cannot be resolved by summoning large numbers of untrained men to boot camp. Competence, not compulsion, is the key to an effective national defense.

As recognized by the bill, the volunteer system could be phased in gradually. There already is a large base from which to start since draftees comprise only 15 percent of the enlisted members of the present Armed Force. In case of emergency during the transition or later, and the President determines that the military manpower needs of the country are not being met, the bill provides that the President shall recommend to Congress legislation calling for the involuntary induction of persons into the Armed Forces.

I feel strongly that a volunteer military manpower system will work. But for such a system to be given a chance to prove its merit, we must dispel the myth that the draft, however undesirable, is inevitable. We must be willing to accept the challenge of new realities and have the foresight and confidence to accept logic over habit and reason over the retarding security of tradition.

I believe the volunteer force is a workable alternative, that it will remove the inequities of the old system which have caused tension and division, and that it will help restore unity to this Nation.

Mr. President, I ask unanimous consent that following my remarks, the text of the "Voluntary Military Manpower Procurement Act of 1969" be printed in the RECORD and that the following items be printed thereafter:

A radio address on October 17, 1968, by Richard M. Nixon, entitled "The All-Volunteer Armed Force,"

An essay from the January 10, 1969, issue of Time magazine, entitled "The Case for a Volunteer Army,"

An article entitled "Mr. Nixon's Second Promise" by Stewart Alsop in the December 9, 1968, issue of Newsweek magazine,

A selection of quotations by respected public figures on the subject of "The Draft and the Voluntary Army,"

A statement by Dr. Milton Friedman, University of Chicago from the December 19, 1966, issue of Newsweek magazine,

An article entitled "Draft 'Crisis' in Graduate Schools" in the January 20, 1969, issue of U.S. News & World Report, and

An article entitled "Can We Afford the Draft?" by Walter Y. Oi, published in the July 1968 issue of Current History.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and the material referred to will be printed in the RECORD.

The bill (S. 503) to provide for meeting the manpower needs of the Armed Forces of the United States through a completely voluntary system of enlistments, and to further improve, upgrade, and strengthen such Armed Forces, and for other purposes, introduced by Mr. HATFIELD, for himself and other Senators, was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S. 503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Voluntary Military Manpower Procurement Act of 1969".

CONGRESSIONAL FINDINGS

SEC. 2. The Congress hereby finds that—

(1) the Armed Forces of the United States can be materially improved and strengthened by increasing and improving the economic and educational benefits of the members thereof, by elevating the status of military personnel generally, and by developing and maintaining a system of military manpower procurement based on the free choice of the individual;

(2) the present system of military manpower procurement, which is based primarily on conscription, is an undesirable infringement on individual liberty; militarily inefficient; inherently inequitable to draft age Americans; and productive of low morale in the Armed Forces;

(3) the military manpower requirements of the Nation can be adequately met through the effective administration of a voluntary system;

(4) a voluntary system should be instituted and given a fair test as soon as practicable while providing necessary safeguards in the event that unforeseen circumstances create a need for additional military manpower;

(5) the President, the Secretary of Defense, and the Secretaries of the military departments should exercise all authority available to them to promote the success of a voluntary system of meeting the military manpower needs of the Nation; and

(6) the authority to induct persons into military service under the Military Selective Service Act of 1967 should be terminated promptly.

TERMINATION OF INDUCTIONS

SEC. 3. (a) No person shall be inducted for training and service in the Armed Forces of the United States under the Military Selective Service Act of 1967 after six months following the date of enactment of this Act.

(b) If at any time after the termination of induction of persons into the Armed Forces, as provided in subsection (a) of this section, the President determines that the military manpower needs of the Nation are not being adequately met through a voluntary system and that conscription is necessary for the national security, he shall promptly notify the Congress of such determination, and of the facts upon which such determination is based, and submit to the Congress such recommendations for legislation as he deems necessary and desirable to provide for the involuntary induction of persons into the Armed Forces.

CONGRESSIONAL DIRECTIVES RELATING TO THE IMPROVEMENT OF THE ARMED FORCES

SEC. 4. (a) The President, the Secretary of Defense, and the Secretaries of the military departments shall exercise the authority vested in them by law to provide for the military manpower needs of the Nation and for the improvement of the Armed Forces through a voluntary program of enlistments. In the exercise of such authority, the Secretaries of the military departments shall, under the direction and supervision of the Secretary of Defense, specifically provide for—

(1) the inducements necessary to take fullest advantage of career selection motivations in attracting persons to military careers;

(2) the adjustment of physical induction standards to accommodate volunteers who cannot meet the physical requirements necessary for combat service but who can meet those physical requirements necessary for noncombatant service;

(3) the adjustment of the mental induction standards to accommodate volunteers who have inadequate educational backgrounds but who have the aptitudes and capabilities to overcome their educational deficiencies through special courses conducted as part of their military training;

(4) the improvement and expansion of the program for utilizing civilian personnel in lieu of military personnel for noncombatant service;

(5) the improvement and expansion of in-service educational opportunities at the technical, vocational, and college levels;

(6) the improvement and expansion of programs under which the education of specialists, such as doctors and dentists, is paid for by the Armed Forces in return for an obligated period of military service by the person receiving the educational assistance;

(7) the improvement and expansion of officer training programs, particularly programs to facilitate the qualifying and training of enlisted members who wish to become officers;

(8) the reduction of time-in-grade and time-in-service requirements for promotion eligibility of enlisted military personnel;

(9) the improvement and expansion of the reenlistment bonus program;

(10) the improvement and expansion of social, cultural, and recreational facilities for military personnel; and

(11) the institution of any other appropriate actions designed to upgrade the conditions of military service and the status of military personnel generally.

(b) Not later than eighteen months after the date of enactment of this Act, the Secretary of Defense shall submit to the Congress a detailed report regarding the operation of the voluntary system of meeting the military manpower needs of the Nation and for the improvement of the Armed Forces, and shall include in such report such recommendations for legislation to improve such system as he deems appropriate.

CONTINUED REGISTRATION

SEC. 5. Notwithstanding the delimiting date specified in section 17(c) of the Military Selective Service Act of 1967, the President shall provide for the continued registration under such Act of all male persons in the United States between the ages of eighteen and twenty-six years in order that the involuntary induction of persons under such Act may be reinstituted without serious delay in the event the President determines under section 2(b) of this Act that such action is necessary.

INCREASE IN PAY RATES OF CERTAIN ENLISTED GRADES

SEC. 6. (a) The monthly rates of basic pay authorized enlisted members of the uniformed services under section 203(a) of title 37, United States Code, including any adjustments made in such rates pursuant to section 8 of the Act entitled "An Act to increase the basic pay for members of the uniformed services, and for other purposes", approved December 16, 1967 (81 Stat. 649), are each increased by $100.

(b) The increase authorized by subsection (a) of this section shall become effective on the first day of the first calendar month beginning after the date of enactment of this Act.

JOINT COMMITTEE ON IMPROVEMENT OF READY RESERVE AND NATIONAL GUARD

SEC. 7. (a) There is hereby established a joint congressional committee to be known as the Joint Committee on the Improvement of the Ready Reserve and National Guard (hereinafter in this section referred to as the "committee") to be composed of six members of the Committee on Armed Services of the Senate, to be appointed by the President of the Senate, and six members of the Committee on Armed Services of the House of Representatives, to be appointed by the Speaker of the House of Representatives. A vacancy in the membership of the committee shall not affect the powers of the remaining members to execute the functions of the committee, and shall be filled in the same manner as the original appointment. The committee shall select a chairman and a vice chairman from among its members. A majority of the members of the committee shall constitute a quorum for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.

(b) The committee shall conduct a thorough study and investigation of the National Guard and the Ready Reserve program of the Armed Forces with a view to determining what action is necessary to (1) insure that National Guard and Ready Reserve units will at all times be adequately equipped and trained to meet combat assignments, and (2) increase the attractiveness of the National Guard program and the Ready Reserve program to insure adequate manpower for each program.

(c) The committee shall report to the Senate and the House of Representatives not later than one year after the date of enactment of this Act the results of its study and investigation, together with such recommendations for necessary legislation, and such other recommendations as it may deem advisable, to achieve the purposes stated in clauses (1) and (2) of subsection (b) of this section. Ten days after making such report the committee shall cease to exist.

(d) In carrying out its duties, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such places and times, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable. The committee may make such rules respecting its organization and procedures as it deems necessary. Subpenas may be issued over the signature of the chairman of the committee or by any member designated by him or by the committee, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the committee or any member thereof may administer oaths to witnesses. Members of the committee, and its employees and consultants, while traveling on official business for the committee, may receive either the per diem allowance authorized to be paid to Members of Congress or its employees, or their actual and necessary expenses provided an itemized statement of such expenses is attached to the voucher.

(e) The committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable. The committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government.

(f) The expenses of the committee shall be paid from the contingent fund of the Senate from funds appropriated for the committee, upon vouchers signed by the chairman of the committee or by any member of the committee duly authorized by the chairman.

The material, presented by Mr. HATFIELD, is as follows:

RADIO ADDRESS BY RICHARD M. NIXON, REPUBLICAN PRESIDENTIAL NOMINEE, THURSDAY, OCTOBER 17, 1968

THE ALL-VOLUNTEER ARMED FORCE

I speak tonight about a matter important to us all, but especially to young Americans and their parents.

I refer to compulsory military service—or, as most of you know it, "The Draft."

We have lived with the draft now for almost thirty years. It was started during the dark uncertainty before the Second World War, as a temporary, emergency measure. But since then we have kept it—through our ordeals in Korea and Vietnam, and even in the years of uneasy peace between.

We have lived with the draft so long, in fact, that too many of us now accept it as normal and necessary.

I say it's time we took a new look at the draft—at the question of permanent conscription in a free society.

If we find we can reasonably meet our peacetime manpower needs by other means, then we should prepare for the day when the draft can be phased out of American life.

I have looked into this question very carefully. And this is my belief: Once our involvement in the Vietnam War is behind us, we move toward an all-volunteer armed force.

This means, that just as soon as our reduced manpower requirements in Vietnam will permit us to do so, we should stop the draft and put our selective service structure on stand-by.

For the many years since World War II, I believed that, even in peacetime, only through the draft could we get enough servicemen to defend our nation and meet our heavy commitments abroad. Over these years it seemed we faced a Hobson's choice: Either constrict the freedom of some, or endanger the freedom of all.

But conditions have changed, and our needs have changed. So, too, I believe, our defense manpower policies should change.

Tonight, I would like to share with you some of the reasons why I think this is so.

First, let me talk about what we cannot do.

First of all, we must recognize that conditions in the world today require us to keep a powerful military force. Being prepared for war is our surest guarantor of peace. While our adversaries continue to build up their strength, we cannot reduce ours. While they continue to brandish the sword, we cannot lay aside our shield.

So any major change in the way be obtain military manpower must not keep us from maintaining a clearly superior military strength.

In the short run, we need also to recognize the limits imposed by the war in Vietnam. However we might wish to, we can't stop the draft while we are in a major war.

What we can do, and what we should do now, is to commit ourselves as a nation to the goal of building an all-volunteer armed force.

The arguments about the draft center first on whether it's right, and second, on whether it's necessary.

Three decades ago, Senator Robert Taft declared that the draft "is absolutely opposed to the principles of individual liberty which have always been considered a part of American Democracy."

I feel this way: A system of compulsory service that arbitrarily selects some and not others simply cannot be squared with our whole concept of liberty, justice and equality under the law. Its only justification is compelling necessity.

The longer it goes on, the more troublesome are the questions it raises. Why should your son be forced to sacrifice two of the most important years of his life, so that a neighbor's son can go right along pursuing his interests in freedom and safety? Why should one young American be forced to take up military service while another is left free to make his own choice?

We all have seen, time and time again, how hit-or-miss the workings of the draft are. You know young people, as I do, whose lives have been disrupted first by uncertainty, next by conscription. We all have seen the unfairness of the present system.

Some say we should tinker with the present system, patching up an inequity here and there. I favor this too, but only for the short term.

But in the long run, the only way to stop the inequities is to stop using the system.

It does not work fairly, and given the facts of American life, it just can't.

The inequity stems from one simple fact—that some of our young people are forced to spend two years of their lives in our nation's defense, while others are not. It's not as much the way they're selected that's wrong, as it is the fact of selection.

Even now, only about 40 percent of our eligible young people ever serve. As our population grows, and the manpower pool expands, that percentage will shrink even further. Ten years ago about a million men became of draft age each year. Now there are almost two million.

There has also been a change in the armed forces we need. The kinds of war we have to be prepared for now include not only conventional war and nuclear war, but also guerrilla war of the kind we are now experiencing in Vietnam. In nuclear war, huge ground armies operating in massive formations would be terribly vulnerable. That way of fighting, where nuclear weapons are in use, is a thing of the past.

An all-out non-nuclear war, on the other hand (that is what we knew before as large-scale conventional war), is hard to see happening again. Of course, a sudden Soviet ground attack from Eastern Europe could mix Soviet forces with the populations in the West and thereby prevent swift resort to nuclear weapons. But even in this situation a massing of huge ground units would be impossible because of their nuclear vulnerability. So again, even this kind of struggle would break up into smaller unit actions.

In a guerrilla war of the Vietnam type, we face something else entirely. Here we need a highly professional, highly motivated force of men trained in the techniques of counterinsurgency. Vietnam has shown us that success in such wars may depend on whether our soldiers are linguists and civil affairs specialists, as well as warriors. Also, the complex weapons of modern war demand a higher level of technical and professional skill.

Of course, we will still need conventional forces large by standards of only a few decades ago to guard our vital interests around the world. But I don't believe we will need them in such quantity that we cannot meet our manpower needs through voluntary enlistments.

Conscription was an efficient mechanism for raising the massive land armies of past wars. Also, it is easier and cheaper simply to order men into uniform rather than recruiting them. But I believe our military needs in the future will place a special premium on the services of career soldiers.

How, then, do we recruit these servicemen? What incentives do we offer to attract an adequate number of volunteers?

One kind of inducement is better housing, and better living conditions generally. But to recruit and to retain the highly skilled specialists the services need, military life has to be more competitive with the attractions of the civilian world.

The principal incentives are the most obvious: higher pay and increased benefits.

The military services are the only employers today who don't have to compete in the job market. Supplied by the draft with the manpower they want when they want it, they've been able to ignore the laws of supply and demand. But I say there's no reason why our military should be exempt from peacetime competition for manpower, any more than our local police and fire departments are exempt.

A private in the American Army is paid less than $100 a month. This is a third of the minimum wage in the civilian economy. Now to this we should add food, uniforms and housing which are furnished free. Taken all together, a single young man can probably get by on this. But it's hardly competitive with what most people can earn in civilian life. Even with allowances, many married servicemen in enlisted ranks have actually been forced to depend on relief payments to support their families.

These pay scales point up another inequity of the draft system. Our servicemen are singled out for a huge hidden tax, the difference between their military pay and what they could otherwise earn. The draftee has been forced by his country not only to defend his neighbors but to subsidize them as well.

The total cost of the pay increases needed to recruit an all-volunteer army cannot be figured out to the dollar, but authoritative studies have suggested that it could be done for 5 to 7 billions of dollars more a year. While this cost would indeed be heavy, it would be increasingly offset by reductions in the many costs which the heavy rate of turnover now causes. Ninety-three percent of the army's draftees now leave the service as soon as their time is up, taking with them skills that it costs some $6000 per man to develop. The net additional annual cost of shifting to an all-volunteer armed force would be bound to be much less.

It will cost a great deal to move to a voluntary system, but unless that cost is proved to be prohibitive, it will be more than worth it.

The alternative is never-ending compulsion in a society consecrated to freedom. I think we can pay a great deal to avoid that.

In any case, in terms of morale, efficiency and effectiveness, a volunteer armed force would assuredly be a better armed force.

Today, seven out of every ten men in the army have less than two years military experience. As an army chief of personnel put it: "As soon as we are able to operate as a unit, the trained men leave and we have to start all over again. A volunteer force would have a smaller turnover; it would be leavened by a higher percentage of skilled, motivated men; fewer would be constantly in training, and fewer trained men would be tied down training others.

The result would be, on the average, more professional fighting men, and less invitation to unnecessary casualties in case of war.

The same higher pay scales needed to get more volunteers would also strengthen incentives for career service. I am sure the spirit and self-confidence of the men who wear the nation's uniform would be enhanced.

In proposing that we start toward ending the draft when the war is over, I would enter two cautions: first, its structure needs to be kept on stand-by in case some all-out emergency requires its reactivation, but this can be done without leaving 20 million young Americans who will come of draft age during the next decade in constant uncertainty and apprehension.

The second caution I would enter is this: the draft can't be ended all at once. It will have to be phased out, so that at every step we can be certain of maintaining our defense strength.

But the important thing is to decide to begin, and at the very first opportunity to begin.

Now, some are against a volunteer armed force because of its cost, or because they're used to the draft and hesitant to change. But three other arguments are often raised. While they sound plausible, I say they don't stand up under examination.

The first is that a volunteer army would be a black army, so it is a scheme to use Negroes to defend a white America. The second is that a volunteer army would actually be an army of hired mercenaries. The third is that a volunteer army would dangerously increase military influence in our society.

Now, let's take these arguments in order:

First, the "Black Army" one. I regard this as sheer fantasy. It supposes that raising military pay would be in some way slow up or stop the flow of white volunteers, even as it stepped up the flow of black volunteers. Most of our volunteers now are white. Better pay and better conditions would obviously make military service more attractive to black and white alike.

Second, the "Mercenary" argument. A mercenary is a soldier of fortune—one who fights for or against anyone for pay. What we're talking about now is American soldiers, serving under the American flag. We are talking about men who proudly wear our country's uniform in defense of its freedom. We're talking about the same kind of citizen armed force America has had ever since it began, excepting only the period when we have relied on the draft.

The third argument is the threat of universal military influence. This, if ever it did come, would come from the top officer ranks, not from the enlisted ranks that draftees now fill and we already have a career officer corps. It is hard to see how replacing draftees with volunteers would make officers more influential.

Today all across our country we face a crisis of confidence. Nowhere is it more acute than among our young people. They recognize the draft as an infringement on their liberty, which it is. To them, it represents a government insensitive to their rights, a government callous to their status as free men. They ask for justice, and they deserve it.

So I say, it's time we looked to our consciences. Let's show our commitment to freedom by preparing to assure our young people theirs.

[From Time magazine, Jan. 10, 1969]

The Case for a Volunteer Army

The concept of a volunteer armed force for the U.S. is one of the few national propositions that have scarcely a single enemy. President-elect Richard Nixon is strongly for it. The Department of Defense holds that "reliance upon volunteers is clearly in the interest of the armed forces." Such conservatives as Barry Goldwater and William Buckley back the idea, and so do many liberals, including James Farmer and David Dellinger. Young men under the shadow of the draft want it, and so do their parents. Most of American tradition from the Founding Fathers on down is in favor, as were the untold millions of immigrants who came to America to avoid forced service in the conscript armies of czars and kaisers.

A volunteer armed force would seem to have something for everybody. For the Pentagon, it would provide a careerist body of men staying in the ranks long enough to learn their jobs, and do them well; as it is, 93% of drafted soldiers leave the service when their two-year tour of duty ends. For constitutionalists, a volunteer army would affirm the principle that free men should not be forced into involuntary servitude in violation of the 13th Amendment. For philosophers, it would restore freedom of choice; if a man wants to be a soldier, he can do so, and if not, he does not have to. The idea also appeals to all those who have become increasingly aware that the draft weighs unfairly upon the poor and the black, the dropout and the kid who does not get to college.

For all this rare unanimity of opinion, however, it seems hardly likely that the U.S. will soon achieve what Nixon has promised to build toward: "an all-volunteer armed force." A main reason for this is that the Pentagon's basic support for the idea of a volunteer army is heavily qualified by worries that it will not work—while the draft has now delivered the bodies without fail for two decades.

WORRIES IN THE PENTAGON

Burned into military memories is the hasty dismantlement of the U.S. armed forces after World War II, when the nation returned to its traditional military stance: a small number of voluntary regulars, backed up by reserves and the National Guard. The Army managed to attract 300,000 volunteers, of whom West Point's Colonel Samuel H. Hays wrote: "In an infantry battalion during that period one might find only two or three high school graduates in nearly a thousand men. Technical proficiency was not at a high level; delinquency and court-martial rates were." Getting choosier, the army raised qualifying scores on aptitude tests from 59 to 70, 80, and finally 90. Simultaneously, it limited recruits to men without dependents and those willing to sign up for a three-year hitch. When the Berlin blockade and the Communist seizure of Czechoslovakia took place in 1948, the Pentagon complained that it was far under strength and that relying on volunteers had failed. Congress was told that the draft was needed to get manpower and show U.S. determination to check Communist aggression. The clumsily titled Universal Military Training and Service Act was passed. After that, proposals for returning to a volunteer army was not heard for years.

The military arguments against the volunteer army nowadays derive from new judgments about the size of the forces needed, the cost, and the necessity of flexibility. Certainly nothing but a draft could have supplied the 2,800,000 doughboys of World War I or the 10 million GI's of World War II, and the Pentagon's estimate of its current needs runs to similar magnitudes: 3,454,160 at the present moment, and 2,700,000 when peace returns. To raise the Viet Nam-inflated forces, the Department of Defense has relied on the draft to bring in about one-third of new troops and on the scare power of the draft to induce thousands of others to "volunteer." The draftees go to the Army, mostly to the infantry; the glamorous Air Force never has to draft anyone, and the Navy and Marines only rarely.

The Defense Department's study of the practicability of a volunteer army, made five years ago, proved to the department's satisfaction that it still would not work. Even allowing for growth in military-age population, DOD found that it could not expect to get more than 2,000,000 men, at least 700,000 short of pre-Viet Nam needs. As for the possibilities of increasing incentives, the Pentagon concluded that "pay alone is a less potent factor than might be expected" and that fringe benefits have small appeal for young men not deeply conscious of the value of medical care or retirement pay. On the other hand, Richard Nixon holds to the old American idea that it should be possible to devise incentives—pay among them—that will draw men into service.

The Pentagon's estimates of pay increases sufficient to attract a volunteer army ranged startlingly from $4 billion to $17 billion a year; Nixon says that he has found "authoritative studies" suggesting that a volunteer force could be set up for $5 billion to $7 billion extra. The Pentagon speculates that pensions for a volunteer army might be astronomical, but presumably they would at least partly and eventually replace the $6 billion a year (sixth largest single item in the federal budget) that the nation pays to ex-servicemen who feel that something is their due for having been drafted. Savings in training costs could run to $750 million a year, according to the Department of Defense; another economy would result because the proportion of time spent in training would be smaller in relation to a volunteer's long hitch than to a draftee's quick in-and-out. More basically, the extra cost of a volunteer army would be more apparent than real, because paying servicemen wages lower than they could get in a free market is, in effect, a subsidy for the Department of Defense. "We shift the cost of military service from the well-to-do taxpayer, who benefits by lower taxes, to the impecunious young draftee," explains Economist John Kenneth Galbraith.

A number of military thinkers contend that establishing a volunteer armed force limits the flexibility or response to threats. When Khrushchev got tough with President Kennedy in 1961, for example, the President easily increased U.S. might by authorizing Selective Service to have each of its 4,000 draft boards pull in more men. Presumably war on a big scale could rapidly outrun the capacities of a volunteer army, possibly requiring every able-bodied man. Reserves therefore would have to be maintained—with incentives for reservists instead of the threat of the draft. Even the draft itself probably should be kept on stand-by, perhaps for use with the permission of Congress or in case of declared wars.

Another reason that military men would hate to see the draft go is that they think it provides them with manpower of greater quality as well as quantity. As Colonel Hays noted, volunteers, unpressured by the draft, tended to be "marginal" when the Army last tried them. But he was speaking of men who had grown up in the pinched and deprived Depression years. With the right inducements, a modern technological army should be able to attract technology-minded volunteers, educated and educable enough to cope with missile guidance, intelligence analysis, computer programming, medical care and other demanding jobs. Given five or ten years in service, volunteers should be trainable to considerable skills, to judge from the experience of Canada and Britain, the only major nations that have volunteer forces. Though these armies are small, not having the great global responsibilities of the American forces, they provide enviable examples of high effectiveness, low turnover and contented officers. Lieut. General A. M. Sharp, Vice Chief of the Defense Staff of Canada, contends that freewill soldiers are "unquestionably going to be better motivated than men who are just serving time."

PHANTOM FEARS

Civilian reservations about volunteer armed forces also focus on some fears that tend to dissolve upon examination. Some critics have raised the specter of well-paid careerists becoming either mercenaries or a "state within a state." Nixon, for one, dismisses the mercenary argument as nonsense. The U.S. already pays soldiers a salary. Why should a raise in pay—which for an enlisted man might go from the present $2,900 a year to as much as $7,300—turn Americans into mercenaries? Said Nixon: "We're talking about the same kind of citizen armed force America has had ever since it began, excepting only in the period when we have relied on the draft." The Pentagon itself rejects the Wehrmacht-type army, in which men spend all their professional lives in service.

Nixon has also addressed himself to the possibility that a careerist army might become a seedbed for future military coups. That danger is probably inherent in any military force, but, as the President-elect points out, a coup would necessarily come from "the top officer ranks, not from the enlisted ranks, and we already have a career-officer corps. It is hard to see how replacing draftees with volunteers would make officers more influential." Nixon might have added that conscript armies have seldom proved any barrier to military coups. Greece's army is made up of conscripts, but in last year's revolution they remained loyal to their officers, not to their King.

Might not the volunteer army become disproportionately black, perhaps a sort of internal Negro Foreign Legion? Labor Leader Gus Tyler is one who holds that view; he says that a volunteer army would be "low-income and, ultimately, overwhelmingly Negro. These victims of our social order 'prefer' the uniform because of socio-economic compulsions—for the three square meals a day, for the relative egalitarianism of the barracks or the foxhole, for the chance to be promoted." Conceivably, Negroes could flock to the volunteer forces for both a respectable reason, upward mobility, and a deplorable one, to form a domestic revolutionary force.

As a matter of practice rather than theory, powerful factors would work in a volunteer army toward keeping the proportion of blacks about where it is in the draft army—11%, or roughly the same as the nation as a whole. Pay rises would attract whites as much as blacks, just as both are drawn into police forces for similar compensation. The educational magnets, which tend to rule out many Negroes as too poorly schooled and leave many whites in college through deferments, would continue to exert their effect. Black Power militancy would work against Negroes' joining the Army. Ronald V. Dellums, a Marine volunteer 13 years ago and now one of two black councilmen in Berkeley, opposes the whole idea of enlistment as a "way for the black people to get up and out of the ghetto existence. If a black man has to become a paid killer in order to take care of himself and his family economically, there must be something very sick about this society." But even if all qualified Negroes were enrolled, the black proportion of the volunteer army could not top 25%. Nixon holds that fear of a black army is fantasy: "It supposes that raising military pay would in some way slow up or stop the flow of white volunteers, even as it stepped up the flow of black volunteers. Most of our volunteers now are white. Better pay and better conditions would obviously make military service more attractive to black and white alike."

One consideration about the volunteer army is that it could eventually become the only orderly way to raise armed forces. The draft, though it will prevail by law at least through 1971, is under growing attack. In the mid-'50s, most military-age men eventually got drafted, and the inequities of exempting the remainder were not flagrant. Now, despite Viet Nam, military draft needs are dropping, partly because in 1966 Secretary of Defense Robert McNamara started a "project 100,000," which slightly lowered mental and physical standards and drew 70,000 unanticipated volunteers into the forces. Meanwhile, the pool of men in the draftable years is rising, increasingly replenished by the baby boom of the late '40s. Armed forces manpower needs have run at 300,000 a year lately, but they will probably drop to 240,000 this year. On the other hand, the number of men aged 19 to 25 has jumped from 8,000,000 in 1958 to 11.5 million now—and will top 13 million by 1974. The unfairness inherent in the task of arbitrarily determing the few who shall serve and the many who shall be exempt will probably overshadow by far the controversies over college deferments and the morality of the Viet Nam war. In the American conscience, the draft-card burners planted a point: that conscription should be re-examined and not necessarily perpetuated. The blending of war protest with draft protest, plus the ever more apparent inequities of Selective Service, led Richard Nixon to move his proposal for a volunteer army to near the top of his priorities.

HEALING TENSIONS

The position from which to start working for a volunteer army is that, to a large extent, the nation already has one—in the sense that two-thirds of its present troops are enlistees. Neither Nixon nor anyone else visualizes a rapid changeover. The draft will doubtless endure until the war in Viet Nam ends, but it could then be phased out gradually. After that, the draft structure can be kept in stand-by readiness, thinks Nixon, "without leaving 20 million young Americans who will come of age during the next decade in constant uncertainty and apprehension."

If Nixon and his executive staff can move ahead with legislation and the new Secretary of Defense prod and cajole his generals and admirals, the new Administration will go far toward its aim. A volunteer army might help ease racial tensions, perhaps by ending the imbalance that has blacks serving in the front lines at almost three times their proportion in the population and certainly by removing the arbitrariness of the draft that puts them there. The move would also eliminate the need to force men to go to war against their consciences, and end such other distortions as paying soldiers far less than they would get if they were civilians, or forcing other young men into early marriages and profitless studies to avoid the draft. Incentives, substituted for compulsion, could cut waste and motivate pride. Not least, a volunteer army would work substantially toward restoring the national unity so sundered by the present inequalities of the draft.

[From Newsweek magazine, Dec. 9, 1968]

MR. NIXON'S SECOND PROMISE

(By Stewart Alsop)

WASHINGTON.—President-elect Richard M. Nixon made just two explicit campaign promises. He promised to end the war in Vietnam. And he promised, after the war ended, to end the draft. The two promises are closely related, for the draft is the main reason the war is so unpopular. And if the war is not settled, or at least sharply scaled down, rather soon after Richard Nixon becomes President, he could become as unpopular as the war.

No doubt ideology and honest idealism play a part in the passionate opposition to the war among the college-educated young. But the draft supplies the passion. The young men who demonstrate against the war passionately do not want to be drafted. With draft calls up and the number of college men in the draft soon due to be multiplied at least five times over, the passion will deepen.

It is silly for the middle-aged to display indignation at this youthful desire not to be shouted at by top sergeants or shot at by strangers. It is a perfectly natural desire, and this generation of the young is not the first to experience it. When the draft law passed in 1940, my younger brother and I discovered that the regulations provided that a person adjudged "markedly unsightly" by a draft board would be placed in the 4–F category, so we spent a good deal of time making horrible faces at each other, in preparation for our first encounter with a draft board.

MASS RESISTANCE

Eventually, we changed our minds about the desirability of staying out of uniform—but then, if there ever was a war that had to be fought, it was World War II. Among the young in the universities, there are hardly any who think the war in Vietnam has to be fought, or ought to be fought. They are no doubt wrong, but that is the way they feel, and they feel so passionately that, if the war drags on indefinitely, President Nixon could quite conceivably be faced with a near-insurrectionary situation, with mass resistance to the draft in many universities.

This prospect raises a question—whether this country is capable of fighting a long, distant and limited war for limited national interests. The question is important, for if the United States is incapable of using limited power for limited purposes, it will cease to be an effective world power, and the world power balance will shift sharply to the Communist side. The evidence so far suggests that the answer to the question is: not with a conscript army.

That is not a very surprising answer. Great world powers have rarely relied on conscription except where the national territory was threatened. Professional armies fought for the Roman Empire and the British Empire, too—the British did not resort to the draft until a year and a half after World War I had started. Even the French, who invented conscription in its modern form, rarely used conscripts in non-European wars—they fought their war in Indochina, for example, entirely with professionals. But can this prosperous, traditionally inward-looking nation raise a serious military force without conscription?

DISPROPORTIONATE?

Innumerable "feasibility studies" have been made in the Pentagon and elsewhere, and many reasons why an all-volunteer army is not practical have been put forward. For economic and other reasons, for example, a professional army might be disproportionately black. But the Pentagon experts who have studied the figures doubt that the proportion of Negroes in an all-volunteer army would go much above 20 percent, about the current proportion in the infantry.

A more serious problem is that of attracting and keeping men with economically valuable skills—an electronics expert, for example, who could earn $15,000 in the civilian economy, is not likely to enlist voluntarily for less than half that amount. But that problem already exists, of course, and it is dealt with more or less successfully by offering ambitious young men on-the-job training in valuable skills in return for fairly long enlistments.

The central problem is money. During the heyday of the British Empire, poor men would enlist for a shilling a week and three square meals a day. To provide the American Army with "competitive pay" in the middle of a booming civilian economy would require pay scales undreamed of in all military history.

According to one Pentagon study, competitive pay would mean a buck sergeant getting $6,500 a year, a captain $12,800 and a chicken colonel $26,000. The extra cost of an all-volunteer force has been estimated all the way from $4 billion a year to $20 billion. But the best current guess is that the extra cost of non-draft post-Vietnam armed forces of about 2.7 million would come to around $8 billion.

Money is not the whole secret of attracting men into the armed forces, of course. There are intangibles, which the stodgy American Army has always underestimated. There are men, surprisingly, who enjoy the hierarchical certainties of military life, and there are even men, far more suprisingly, who rather enjoy shooting and getting shot at. Such men make far better soldiers than those conscripted against their will.

The Europeans, the British especially, use all sorts of ways of attracting such men, from what the British call "found"—special privileges—to magnificent costumes designed to attract the ladies and reinforce self-esteem. The American Army, even before the computer age, always tended to treat its men like faceless numbers, which is one reason why the U.S. Army has been so dependent on the draft.

EXPENSE ACCOUNT

With the draft there to call on, like an unlimited expense account, the American Army has also been profligate in its use of manpower. It has by a very wide margin the longest non-combat "tail" of any army in the world—or in the history of the world. If the Army had to rely on volunteers, it would be under useful pressure to cut back its tail, and thus deliver a greater return in real combat power.

The military, of course, dislike the whole idea of a non-draft force, for reasons just as natural as those which cause the young to dislike the whole idea of the draft. It is true that there are very serious problems involved, and that a professional Army would cost a great deal of money. But it is also true that the monstrously unfair draft system has helped to create the kind of passionate dissension which has almost torn this country apart. The United States must be able to use limited military power for limited ends, if it is to stay in business as a great power, and even $8 billion a year does not seem too great a price to pay to avoid tearing the country apart in the process.

The Draft and the Voluntary Army

Selected Quotations

Senator Robert A. Taft. It is said that a compulsory draft is a democratic system. I deny that it has anything to do with democracy. It is neither democratic nor undemocratic. It is far more typical of totalitarianism nations than of democratic nations. The theory behind it leads directly to totalitarianism. It is absolutely opposed to the principles of individual liberty which have always been considered a part of American democracy. . . . The principle of a compulsory draft is basically wrong.—Congressional Record, August 14, 1940, page 15768.

Senator Burton K. Wheeler. Peacetime conscription . . . is the greatest step toward regimentation and militarism ever undertaken by the Congress of the United States.—Congressional Record, August 21, 1940, page 16255.

Senator Arthur Vandenberg. These reasons must have been related in some indispensible fashion to the fundamental theory that peacetime military conscription is repugnant to the spirit of democracy and the soul of Republican institutions, and that it leads in dark directions.—Congressional Record, August 12, 1940, page 10123.

Adlai E. Stevenson. Every young man who has served in our armed forces knows the incredible waste of our present system of forced but short-term service. He knows the money that could be saved, the new efficiency that could result from a volunteer system which calls on young men not to endure two years of service because they have to, but to choose it for a longer period because it offers advantages that seem to them appealing.—Speech at Youngstown, Ohio, October 18, 1956; cited in the Report of Special Subcommittee on Utilization of Military Manpower of the Committee on Armed Services, House of Representatives, 86th Congress, Second Session, page 154.

Ralph J. Cordiner (Chairman, Defense Advisory Committee on Professional and Technical Compensation). Reduced to its simplest terms the personnel problem appears to be a matter of quality as opposed to quantity. It is not a matter of the total number of people on hand, but it is a matter of the level of retention of those possessing a high degree of leadership quality and those with the technical training and experience the services so urgently need. It is a matter of not being able, at the present time and under the present circumstances, to keep and challenge and develop the kinds of people needed for the periods of time necessary for them to make an effective contribution to the operation of the force. . . . It is foolish for the Armed Forces to obtain highly advanced weapons systems and not have men of sufficient competence to understand, operate and maintain such equipment. . . . The solution here, of course, is not to draft more men to stand and look helplessly at the machinery. The solution is to give the men already in the armed forces the incentives required to make them want to stay in the services long enough and try hard enough to take on these higher responsibilities, gain the skill and experience levels we need and then remain to give the services the full benefit of their skills—"A Modern Concept of Compensation for Personnel of the Uniformed Services", (Cordiner Report), March, 1957.

Major General Harold Maddux (Department of Defense, Division of Manpower Requirements). We need drastic changes in pay and attitudes to upgrade a military career in the eyes of the nation. We can't get that change with large numbers of men compelled to serve against their will.—House Armed Services Committee Hearings on HR 2260, Extension of the Draft, January, 1959, #2, page 130.

Admiral Ben Moreell (president, Americans for Constitutional Action). It is my firm conviction that the two greatest intrusions on individual freedom in the history of the Republic are, first, the Sixteenth Amendment . . . and second, the Act of May 18, 1917, whereby Congress "authorized and ordained" a conscript army for use in foreign war.—The Freeman, July, 1960.

Senator Stuart Symington. A force made up of volunteer professional military personnel is more effective and less costly than one dependent on involuntary draftees. If the current atmosphere of complacency were dissolved, and a military career made more respected and attractive, the draft could be eliminated.—Cited in Newsweek magazine, April 4, 1960.

Russell Kirk. Universal military training, the most crushing burden that the state can impose upon its people, the most terrible curse of the better types of humanity—highly strung, sensitive and nervous—is found in conjunction with levelling democracy not merely by coincidence. The armed horde is a concomitant of equalitarian socialism and state planning; and it is a natural reaction of any society which has abandoned all the old habitual and internal disciplines, so that it must rely (as Burke predicted) upon arbitrary internal disciplines.—The Conservative Mind. Russell Kirk, Chicago, Regnery, 1961, page 378.

Professor John K. Galbraith. The draft survives principally as a device by which we use compulsion to get young men to serve at less than the market rate of pay. We shift the cost of military service from the well-to-do-taxpayer, who benefits by lower taxes, to the impecunious young draftee. This is a highly regressive arrangement which we would not tolerate in any other area. Presumably freedom of choice here as elsewhere would be worth paying for. . . . As an important added benefit a shift from compulsion to fully paid service would give us a better trained force—something that modern weapons make most desirable. We would not, as now, have a force which consists of partly trained men who leave about as soon as their training is complete.—Quoted by Reverend Montgomery J. Shroyer, Extension of the Draft and Related Authorities. Hearing before a Subcommittee of the Committee on Armed Services, United States Senate, 89th Congress, First Session on HR 2438 (S 846), page 80.

Senator Robert A. Taft. It is said that we are going to teach the boys citizenship in the camps. This argument makes clear a real danger in the whole system. By handing boys over to the arbitrary and complete domination of the Government, we put it in the power of the Government to indoctrinate them with the political doctrines then popular with the Government. . . . In wartime it is bad enough; in peacetime, it would be intolerable.—Quoted by Reverend Montgomery J. Shroyer, Extension of the Draft and Related Authorities. Hearing before a Subcommittee of the Committee on Armed Services, United States Senate, 89th Congress, First Session on HR 2438 (S 846), page 159.

Hanson W. Baldwin. There is no doubt that it would be desirable to end the draft entirely. Military effectiveness—in terms of highly trained professionals instantly ready—would be greatly improved if professional motivation could be substituted for compulsion. Certainly a voluntary system of recruitment is more compatible with past American traditions and with our concept of political freedom than conscription. The younger generation would be able to plan its important beginning years with far greater certainty than is now possible, and the somewhat corrosive effects upon morale of the present system of deferments and exemptions would be ended. Militarily, politically and socially, then, it seems desirable to end the draft . . . (I)f the facts then clearly indicate that voluntary recruitment and long term professionalism, encouraged by improved incentives, might supply service needs, the draft should be ended. But if there is a doubt, the principle of compulsion might then be suspended, rather than eliminated, for a stated period, in order to test and try a new system, one more compatible with the soul of republican institutions.—New York Times magazine, "Should We End the Draft? Our Way of Procuring Military Manpower, Now a Campaign Issue, Is Reexamined", September 27, 1964.

William F. Buckley, Jr. The not so very long-term objective should be to eliminate the draft in favor of a professional army of volunteers, who would greatly increase the efficiency of the armed services, and relieve the civil population of an experience which, insofar as it is unrelated to true necessity, is debasing, and an unnecessary—and therefore inexcusable—encroachment on individual freedom.—Washington Daily News, April 24, 1964, page 27.

James G. Patton. I am confident that a well formulated program can be achieved which will eliminate the draft, modernize reserve programs and achieve huge savings in man-years and budget dollars. Such a program would justifiably generate widespread public support and enthusiasm. Most important, it would bring strengthened civilian control and simple human justice into our huge military manpower structure.—Cited in the Congressional Record, volume 110, part 18, page 23072.

Senator Barry Goldwater. This administration uses the outmoded and unfair military draft system for social schemes as well as military objectives.

Republicans will end the draft altogether, and as soon as possible! That I promise you!

Republicans understand that the military forces need trained volunteers who make the military service a career. Republicans understand that the purpose of the military forces is not social, or political—it is to help the peace of the world.

To use military services for political and social schemes—as this administration does—is to drift closer to war on an ebbing tide of military strength.—Chicago Tribune. September 4, 1964, page 2.

Nils A. Lennartson (Deputy Assistant Defense Secretary for Public Affairs). We are glad to know that the Republican candidate agrees with the administration that the draft should be ended as soon as possible.—New York Times. "The Pentagon Says It Welcomes Goldwater Idea That Draft End", September 4, 1964.

Senator Gaylord Nelson. If the Congress will take the time to make a detailed study of the draft as it works today, I think it will be shocked and appalled at what it finds.

My own study has led me to this conclusion:

Our present draft system is outmoded. It should be terminated, in the interests of national security as well as justice. With careful planning, we can end the draft, responsibly, in 1967.—Congressional Record, volume 110, part 12, page 15365.

Senator George McGovern. The present system seems to me to be a wasteful, inefficient, and undemocratic method of securing our military manpower. It is a cloud over the lives of all of our young men and yet only a fraction of them are needed or will be called for service.

I think that by proper salary and job benefits we could secure the men we need on a voluntary basis. This would produce a military force of better motivated career servicemen and leave the rest of our young men free to pursue their careers and their private lives without the uncertainty of a draft hanging over their head.—Congressional Record, volume 110, part 12, page 15371.

Republican Platform, 1964. "For the People. We pledge:

Re-evaluation of the armed forces manpower procurement programs with the goal of replacing involuntary inductions as soon as possible by an efficient voluntary system, offering real career incentives;—Adopted by the Republican National Convention, July 14, 1964, San Francisco, California, pages 15–16.

Democratic Platform, 1964. On August 25, the Democratic Convention promised in its platform to "pursue our examination of the selective service program to make certain that it is continued only as long as it is necessary and that we meet our manpower needs wihout social or economic injustice.—Cited in the Congressional Record, volume 110, part 18, page 23068.

Congressman William H. Bates. I am against the draft and induction of all kinds unless we have to have them. . . . But you have to be very careful in using a military organization for other than military purposes. I still think that our home communities with our local schools and our churches and our neighbors and our friends and relatives, all of this kind of community effort is the place to which we should address problems of this nature and I would be most reluctant to use the purpose for which they have been established.—Review of the Administration and Operation of the Selective Service System. Hearings before the Committee on Armed Services, House of Representatives, 89th Congress, Second Session, page 9708–9709.

Congressman Robert Ellsworth. I urge that Congress abolish the draft, and get on with the establishment of a modern professional, career-oriented, highly paid volunteer military force.

The concept of a national service obligation to replace a military service obligation is repulsive. . . . But the drafting of men or women for civilian service, no matter how laudatory the cause, is the exact antithesis of everything this Nation stands for.

The basic concept which the Congress should accept is that the draft should be abolished.

This means increased military pay. It means increased career opportunities. It means a radical departure from existing practice of using uniformed personnel in administrative and supply jobs in the United States which could just as easily be filled by civilians. It means attention to the creation of a more adequate volunteer reserve force which can be activated in crisis time. It means a system of bonuses for enlistment by the reserves for active duty in crises. But most of all it means a determination by the administration and the Congress to make every effort to undertake the necessary reforms to allow the draft to be ended.—Review of the Administration and Operation of the Selective Service System. Hearings before the Committee on Armed Services, House of Representatives, 89th Congress, Second Session, pages 9756, 9757, 9759, 9760.

Congressman Thomas B. Curtis.—The draft, with its 4061 local and autonomous draft boards and its antiquated machinery, is an anachronism in the Cold War era, a relic of an earlier time when vast quantites of raw manpower were thrown onto the battlefields of Europe and Asia to overcome by their very numbers the killing power of cannon, machine gun and tank. In the age of the skilled technician, the Armed Forces of the United States still rely on the Selective Service System, a World War Two expedient, to supply them with bewildered, untrained, often poorly educated youth. Immune to technological change and changing population structure, the draft has become the weakest link in our national security system and an unnecessary burden on our society. It is within our means to eliminate compulsory military service; that we have not done so, or begun to do so, is an announcement of our failure to adapt to the changing conditions of modern society.—Play magazine, February, 1967. Cited in the Congressional Record, volume 113, part 1, page 1385.

Lieutenant General Ira C. Eaker, retired. Concurrent with renewal of the draft, Congress should provide for a professional military establishment to meet the requirements for national security without conscription. This can be done by making military careers competitive with the civilian professions and occupations that require similar education, preparation and skill.

Occasionally, one hears the unsupported assertion that the cost of an adequate defense force without conscription would be prohibitive. Actually, this proposal would cost less than the present draft system, with its high rate of personnel turnover. More importantly, it would provide a credible deterrent to nuclear war. Such an effective national security system is cheap at any price.—Post Advocate, Alhambra, California. "Military Affairs: Replacement For Draft Law", February 23, 1967. Cited in the Congressional Record, March 9, 1967, A1182.

Senator Barry Goldwater. Conservatives want to end the draft—period. They do not want to extend it to any other form of service. They sympathize with the aims of the system, but they cannot and do not sympathize with the method, no matter what its motive.

The conservative position is based solidly upon the notion that man's most fundamental right and responsibility is to live his own life.—The New Guard. May, 1967.

Bruce Chapman. The abolition of the draft and a new all-volunteer military can terminate the conundrum of contradictions and confusion, the mandarin complexities, discriminations, and inefficiencies of the so-called Universal Military Training and Service Act. The evasion mentality among the young can be curbed. Lives in a world already anxious and precarious can be freed of the draft's additional uncertainty. The insidious subtle power of a vast bureaucracy to interfere in a citizen's personal plans—to punish, threaten, or "channel"—can be eliminated and personal freedom enhanced.

All this is now achievable because the draft is no longer necessary; it can be replaced, and therefore it should be replaced.—The Wrong Man in Uniform. New York, Trident Press, 1967, pp. 107–108.

[From Newsweek magazine, Dec. 19, 1966]

(By Milton Friedman)

A Volunteer Army

A military draft is undesirable and unnecessary. We can and should man our armed forces with volunteers—as the United States has traditionally done except in major wars.

Only a minority of young men now enter the armed forces. Hence, some method of "selective service"—of deciding which young men should serve and which two or three should not—is inevitable. But our present method is inequitable, wasteful and inconsistent with a free society.

On this point there is wide agreement. John K. Galbraith and Barry Goldwater, the New Left and the Republican Ripon Society have all urged that conscripition be abolished. Even most supporters of the draft regard it as at best a necessary evil.

The draft is inequitable because irrelevant considerations play so large a role in determining who serves. It is wasteful because deferment of students, fathers and married men jams colleges, raises the birth rate and fuels divorce courts. It is inconsistent with a free society because it exacts compulsory service from some and limits the freedom of others to travel abroad, emigrate or even to talk and act freely. *So long as compulsion is retained, these defects are inevitable.* A lottery would only make the arbitrary element overt. Universal national service would compound the evil—regimenting all youth to camouflage the regimentation of some.

THE PAY IS LOW

Two principal objections are made to a volunteer force:

1. That a "professional" army endangers political freedom. There *is* a real danger, but it arises from a strong armed force not from the method of recruiting enlisted men. Napoleon and Franco both rose to power at the head of a conscript army. However we recruit, the essential need is to maintain close links between the officer corps and the body politic.

2. That a volunteer army is not feasible because, at present terms, too few men volunteer. Little wonder: the starting pay, including cost of keep, is about $45 a week! We could readily attract more volunteers simply by paying market wages. Estimates of how much total military pay would have to go up vary from $4 billion to $20 billion a year.

Whatever the extra amount, we are now paying a larger sum in concealed form. Conscription is a tax in kind—forced labor exacted from the men who serve involuntarily. The amount of the tax is the difference between the sum for which they would voluntarily serve and the sum we now pay them—if Joe Namath were drafted, his tax might well run into hundreds of thousands of dollars. The real cost of manning the armed forces now, *including this concealed tax*, is greater than the cost of manning a volunteer force of the same size because the volunteers would be the men who find military service the most attractive alternative.

THE COST IS HIGH

Moreover, a volunteer force would need fewer recruits. We now waste manpower by high turnover, unnecessary training and retraining and the use of underpaid servicemen for menial tasks.

Adding to cost, low pay for men in service encourages extravagant veterans' bonuses—currently more than $6 billion a year (over 40 per cent as much as total military pay). Young men seeking shelter from the draft impose unnecessary costs on colleges and universities. Other young men fritter away their time in stopgap jobs awaiting conscription, while industry seeks men to train.

The monetary savings that would come from abolishing conscription are dwarfed by even greater, nonmonetary advantages: young men could arrange their schooling, careers, marriages and families in accordance with their own long-run interests; draft boards could be freed from the appalling task of choosing which men should serve, deciding claims for conscientious objection, ruling whether young men may leave the country; colleges and universities could be free to pursue their proper educational function; industry and government could hire young men on their merits not their deferments.

One of the greatest advances in human freedom was the commutation of taxes in kind to taxes in money. We have reverted to a barbarous custom. It is past time that we regain our heritage.

[From U.S. News & World Report, Jan. 20, 1969]

Draft "Crisis" in Graduate Schools

As the first semester of this college year draws to a close, the specter of a wholesale draft of graduate students again is being raised.

On January 13, the Scientific Manpower Commission—a nonprofit corporation sponsored by major scientific groups—issued a report picturing nearly half of all U.S. graduate students in science fields as draftable soon.

Calling for a quick change in the draft rules, the Commission declared:

"The number of U.S. males now engaged in advanced scientific training . . . will be substantially reduced during the coming months. Adequate numbers of graduate teaching fellows to assist undergraduate students may not be available in many universities, and research projects now under way may be delayed or curtailed by the loss of graduate research assistants. . . .

"The nation's supply of newly trained Ph.D's in the sciences will be seriously curtailed in the early 1970s."

The Council of Graduate Schools, meanwhile, reports that, among all male graduate students, roughly 35 per cent of the first-year men in all fields are either 1-A or 2-S now, while 41 per cent of the second-year students qualify for the draft.

UNCERTAIN OUTLOOK

Deferments for most students doing graduate work ended officially last summer, but local boards were advised to allow students who were accepted by graduate schools to remain in class until the end of this semester.

Some boards, ignoring that advice, have yanked a few graduate students out of classes already. But tens of thousands of other students will become officially vulnerable in late January and February. Boards were advised a month ago that those students who are not drafted and who return to class next semester may be deferred until next June.

Because the typical graduate student is past 21, he will be at or near the top of his draft board's list of available men, at least between semesters, because the boards must take the "oldest eligible men."

What will actually happen in weeks just ahead, however, is far from clear. In theory, draft quotas for the next two or three months could be filled with nothing but graduate students. This is what many feared last autumn.

SERIOUS INROADS

A spot check of graduate schools and organizations around the country by "U.S. News & World Report" gives these indications of what may be ahead this time:

The University of Maryland's vice president for graduate studies, Dr. Michael J. Pelczar, Jr., reported:

"We are already beginning to feel the effects of the draft regulation on our graduate students. I expect fairly serious inroads in the graduate population at the end of the current semester, and more at the end of the academic year."

Graduate departments at Maryland have had from 10 to 20 per cent of their graduate teaching assistants called for induction at the end of the semester. In one department—zoology—15 of the 96 teaching assistants are draft-qualified and seven have been ordered up.

At Brown University, in Providence, R.I., few graduate students have been drafted thus far—30 just before classes started last autumn and 13 during the semester thus far, out of 1,460 students enrolled in Brown's graduate division. But university officials fear that many of the 320 men now classed 1–A will be called soon.

Some universities which operate on the quarterly system already are feeling the crisis. At Stanford University, for instance, "over 100 graduate students" received their draft orders before the end of 1968, when the quarter ended.

ABOUT 40 PERCENT BY JUNE

Over all, there is this prediction now from Dr. Gustave Arlt, head of the Council of Graduate Schools: "We anticipate inductions at the end of this semester to run as high as 15 per cent of all graduate students now qualified for the draft, and we expect that about 40 per cent of them will have received their draft calls by the end of the academic year in June."

Scientific Manpower Commission's executive director, Mrs. Betty Vetter, expects a far larger percentage of present graduate students to be called up.

A DISSENTING VIEW

Yet not everyone is convinced that inductions will be at a wholesale rate at the end of this semester. There is this comment by Russell Thackrey, executive director of the National Association of State Universities:

"Undoubtedly there will be some increase in the drafting of graduate students in the coming few weeks.

"But it may be quite a bit lighter than many people expect. There are about 4,000 draft boards, and these students are by no means spread evenly among them. So I would not expect most boards to fill their quotas with large numbers of graduate students.

"If the signs are that this is happening, the President now has the authority to order a larger ratio of younger men to be called each month."

It is some such move as this that the Scientific Manpower Commission is urging to limit the impact on graduate students at this time. But whether it will be needed—or used by Mr. Nixon if needed—is still undecided.

[From Current History, July 1968]

Can We Afford the Draft?

(By Walter Y. Oi, professor of Economics, College of Business Administration, University of Rochester)[1]

(Note.—Noting that "the budgetary cost of a professional army is nothing more than a reflection of the real cost of the draft," this economist evaluates the "hidden costs" of today's Selective Service and contrasts them with estimates of the costs of an all-volunteer army.)

In June, 1967, Congress by an overwhelming majority voted to extend the draft for another four years. Unlike the previous extensions in 1955, 1959, and 1963, considerable debate and study preceded the passage of this bill. President Johnson by executive order established two study groups,[2] while the House Armed Services Committee undertook its own study with the Clark Commission. The reports of all three studies agreed on one conclusion; namely, there was definitely a *need* for some type of military draft. There were, however, many individuals who disagreed with this conclusion and opposed extension of the draft.[3]

Senator Mark Hatfield (R., Ore.), Professor Milton Friedman and many others oppose the draft and advocate the adoption of an all-volunteer army. They argue that our military manpower requirements could be met on a voluntary basis. Those who serve would serve out of choice, not compulsion, thereby eliminating all inequities of involuntary military service.

The unpopularity of the war in Vietnam has swelled the ranks of another group whose members oppose the draft because of their opposition to the war in Vietnam. They contend that if there were no draft, it would not be possible to continue the Vietnamese war at its present level. The thrust of their opposition is directed to a specific war, and the military draft happens to be the particular institution that they choose to attack.[4] In passing, I suspect that most members of this group would support an all-volunteer force, partly because they think that it might not work or that, if it did, the real cost of attracting enough recruits would be extremely high, thus revealing the war's real economic cost.

Finally, a third group of critics (whose leading spokesman is Massachusetts Democratic Senator Edward Kennedy) accepts the conclusion that some type of draft is essential. It objects, however, to the way in which the present Selective Service System through local draft boards picks draftees while other qualified men are allowed to avoid their military service obligations. The Marshall Commission documented the lack of consistent rules, and the clearly arbitrary actions of many local draft boards. In its report, the Commission recommended the adoption of a "Fair and Impartial Random" selection process, FAIR, which in spite of its fancy name is nothing more than a lottery. The lottery can surely achieve consistency and, in a very special sense, greater equity in who bears the burden of involuntary military service.[5] Notice that these critics do not oppose the concept of a peacetime military draft; they criticize only the way in which the conscripts are selected.

A glimpse of "who bears the burden of military service" is provided by the Department of Defense study. By July, 1964, the men who were born in 1938 had reached the age of 26, at which the draft liability is effectively terminated. Of the 1.19 million men in this age class, 51.6 per cent had satisfied their military service obligations: 7.6 per cent had been drafted, 33.9 per cent had volunteered as officers or regular enlisted men, and 10.1 per cent had served in reserve units requiring active duty only for basic training. If all men had been examined, 30 per cent would have been disqualified for physical or mental reasons. Hence, 18 per cent of this age class avoided the draft by obtaining deferments or exemptions for the 8.5 years of their draft liability.

In relation to the pool of qualified males, 59 per cent participated in active military service for two or more years. These participation rates ranged from a high of 77 per cent for high school graduates to a low of 32 per cent for college graduates; a result which is consistent with the claim that the more highly educated are less likely to serve. In the light of the rapid postwar growth in population in the United States, all of these participation rates will decline if force strengths return to their pre-Vietnam levels of 2.7 million men. According to Department of Defense projections, only 27 per cent of all males (39 per cent of qualified males) will be required to sustain active duty forces in 1970–1975.

Over the period 1960–1965, only the Army was obliged to take the draftees, who accounted for 21 per cent of new accessions to enlisted ranks in all four services. Many of the regular enlistments to all services can properly be classified as reluctant volunteers who enlisted because of the threat of being drafted. Approximately 38 per cent of the voluntary enlistments stated that if there had been no draft they would *not* have volunteered for active military service. The percentage of draft-motivated enlistments is about the same for newly-commissioned officers (41 per cent) and climbs to 71 per cent for volunteers to reserve units. The conscripts who have not volunteered and the reluctant volunteers are the ones who bear the largest part of the burden of national defense.

In principle, nearly every draftee and reluctant volunteer could be induced at some price to become a volunteer; that is, there is some level of military pay at which a draftee would have willingly left his civilian pursuit, be it job or school, and entered active military service. The draft, however, compels some and coerces others to serve without fully compensating them for it. Entry levels of military pay are absurdly low. The pay increases legislated by Congress since 1950 have applied only to men in the career force, the justification being that the draft assured adequate supplies of new recruits. An enlisted man on his first tour of duty (roughly three years) earns a monthly income (including the value of room, board and family allowances) of roughly $210; a figure well below the poverty line and below the minimum

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wage of $260 per month. The typical recruit who was drafted or who reluctantly volunteered in 1964 could have earned a civilian income of $295 even after adjusting for the high incidence of unemployment of youths in this age group. The difference of $85 between civilian and military incomes is a direct financial loss suffered by those who are obliged by the draft to serve. (In addition to this direct loss, many youths incur further loss because they are not given enough extra compensation for the risks of combat service. In the civilian economy, premium pay is offered to attract workers to risky and odious occupations.)

THE HIDDEN TAX

I earlier estimated the pay level of a voluntary force to be around $350 a month.

The average difference of $140 between the pay level of an all-volunteer force and the actual first-term pay of enlisted men constitutes a *hidden tax* paid by those men who happen to be drafted or who volunteer because of their draft liability. This hidden tax borne by those who serve redounds to the benefit of all taxpayers via a lower defense payroll budget. The burden of this hidden tax of the draft is primarily placed on youths from the lower middle classes of our socioeconomic strata. Those who go on to college, thereby enhancing their earning capacity, are most likely to avoid the draft and benefit from a lower defense budget.[6] The real economic cost of the manpower resources which are allocated to defense is thus shifted from taxpayers as a whole to that fraction of youths who are obliged to serve at below competitive rates of pay. This basic inequity of the draft—the hidden tax—was succinctly and eloquently summarized by Professor John K. Galbraith in his testimony before the Senate Armed Services Committee.

"The draft survives principally as a device by which we use compulsion to get young men to serve at less than the market rate of pay. We shift the cost of military service from the well-to-do taxpayer who benefits by lower taxes to the impecunious young draftee. This is a highly regressive arrangement that we would not tolerate in any other area. Presumably, freedom of choice here as elsewhere would be worth paying for."

The magnitude of the inequity is put in perspective by a simple comparison. According to my studies, the hidden tax of the draft in 1964 was conservatively estimated to be $1,680 per year for each draftee and reluctant volunteer. Federal personal income tax payments in 1964 averaged only $633 per adult over 21 years of age and $590 per person over 18 years of age. The typical draftee is thus saddled with a hidden tax that is over twice as high as the federal income tax burden of an individual taxpayer.[7]

ALTERNATIVES TO THE DRAFT

A draft in which only some men are conscripted represents one way of supplying the armed forces with qualified personnel. Two alternatives which were examined in all three studies were universal military training (UMT) and an all-volunteer force.[8] Although UMT achieves a measure of equity (or inequity, in the sense that all serve), it was rejected because the armed forces cannot efficiently utilize all qualified youths reaching draft age. In evaluating the merits of UMT, the Marshall Commission stated that "Changes in the technology of war, resulting in basic changes in military concept and requirements, have eliminated that need [for large land armies]." Some advocates of UMT argue that military service provides indirect benefits to some disadvantaged classes in the form of training and discipline which are partially transferrable to later civilian life. The basic fact is that in the light of future demands for defense, the cost of UMT (even at low military pay) is much too high.

An all-volunteer force has the obvious merit that no one is compelled to serve. All men would have the option of working in the civilian economy or entering the armed forces to insure our national defense. The military would no longer be saddled with the image of an odious occupational pursuit, something that must be done by someone. Pay, living conditions and other supplements would have to be improved to attract enough recruits for desired levels of defense capability. Moreover, if the armed forces had to pay competitive wages, it is more likely that we could attain greater efficiency in the use of manpower resources.

In spite of the many advantages of an all-volunteer force, it has received comparatively little attention. In a 65-page report, the Marshall Commission took only two pages to dismiss the all-volunteer army and to establish the "need" for a draft. Its five reasons for rejecting the voluntary force are examined in some detail below.

Flexibility

In a world fraught with international tensions, it is impossible to forecast with any degree of accuracy the force strengths that will be required to insure our national defense. Faced with such uncertainty, the commission declared, it would be folly to trust our national security to the ability of a professional army to adjust its strength quickly in response to a possible crisis.

The unasked question in this objection is, "What amount of flexibility is required of a professional army?" In the 12 years from 1954 to 1965, the largest year-to-year increase in force strength was 350 thousand men during the Berlin crisis of 1962. A substantial part of that mobilization was accomplished by recalling reserves to active duty.

The recent Vietnamese War escalation from June, 1965, to June, 1966—which raised force strength by 438 thousand men—was accomplished with virtually no reservists recalled to active duty. The present organization of Reserve and National Guard units defies rational explanation. About 1.3 million men are now in a ready, paid drill status. If the reserves were integrated under an overall military manpower policy and if their strength were reduced to 700,000–800,000 men, they could supply the requisite flexibility to meet short-run demands for active duty personnel.

In any case, in the event of an all-out land war requiring force strengths of 4 to 6 million men, Congress always has the power to enact new draft legislation. Finally, it should be remembered that even with machinery for a draft the armed forces cannot induct and train one and one-half million men in a year. A voluntary force of 2.7 million men backed by a truly ready reserve of 700 thousand men could easily raise its strength by 300 to 400 thousand men in a single year.

Cost of an all-volunteer force

The report of the Marshall Commission stated that "an exclusively volunteer system would be expensive although the Department of Defense gives no solid estimate of how much such a system would cost." Actually, the Department of Defense gave a wide range of cost estimates. In his testimony before the House Armed Services Committee in June, 1966, Assistant Secretary of Defense T. D. Morris stated that a voluntary force of 2.65 million men would cost between $4 billion and $17 billion per year. My own estimate of the cost is close to the $4 billion figure, arrived at via the following analysis.

If the draft were abolished with no accompanying changes in pay or other recruitment incentives, the armed forces would lose the annual inputs of draftees and draft-motivated reluctant volunteers. Many youths with unattractive civilian job opportunities and with a desire to try military service (at least for one tour of duty) would still volunteer. Moreover, there is considerable evidence that each true volunteer would remain in service for a longer period. (Surveys of Air Force enlisted men reveal that those who enlist because of the threat of being drafted have substantially lower reenlistment rates.) That the higher pay for an all-volunteer force would also raise reenlistment rates is supported by the experience of proficiency pay for men in critical military occupations. It is also worth noting that the reenlistment rate of Negro soldiers (whose alternative civilian job opportunities are inferior to those of their white counterparts) is 49 per cent, compared to an average of only 22 per cent for all regular Army enlistments. Presently, over half of all Army recruits are either drafted or coerced to enlist by the threat of being drafted. As a consequence, the turnover of Army enlisted personnel under a continued draft is projected to be around 25 per cent per year.

If all recruits were true volunteers, I estimate that the turnover rate could be cut to 17 per cent per year, thereby reducing the demand for new recruits. Even with the lower personnel turnover of a voluntary force, there will be deficits between demands for a desired military level of 2.65 million men and supplies of true volunteers, with the deficit being largest for the Army, the only service which drafted men from 1957 to 1965. Under present conditions, by 1970–75, the Army could expect annual flows of true volunteers of 90 thousand per year. In order to sustain the prescribed force strength (corresponding to a strength of 2.65 million for all four services), an all-volunteer Army would have to attract 144 thousand recruits.

The supply of volunteers could be expanded by various policies including higher base pay, initial enlistment bonuses, guaranteed training programs, or variable terms of service. It was assumed in the Defense study that higher base pay would be the only policy instrument for increasing the supply of enlistment applicants. The responsiveness of supplies of recruits to pay changes was estimated for the defense study.[9] To bridge the projected deficit in Army enlistments, approximately 54 thousand recruits, I estimated that first term pay (over the first three years of service) must be raised by 68 per cent; from $2,500 to $4,200 per year. To prevent inversions in the pay scales (wherein men with four years of service would be earning less than men with fewer years of service), the pay of the career force would also be increased. If the higher pay rates were applied to the entire force of 2.65 million men, the addition to the military payroll budget would be approximately $4 billion per year.

My cost estimate has been criticized as being too low because the demand for recruits was based on the lower turnover of an all-volunteer force. During the transition, more men would have to be recruited (implying higher pay) to replace draft-motivated enlistees as they leave. If, however, the transition were accompanied by declining force strengths, say from 3.2 to 2.7 million men, there would be no transitional difficulties. In an opposing direction, I have neglected many savings resulting from a move to a voluntary force. Lower turnover means that fewer recruits must be trained, producing considerable cost savings since at present there is nearly one trainer for each trainee. Moreover, the higher pay of a volunteer army makes it economical to substitute civilians in many noncombatant positions now staffed by uniformed men, many of whom were drafted or coerced to enlist. The base pay of a new recruit is projected to climb from $100 to $267 per month. It may well be the case that other incentives such as enlistment bonuses or post-service educational benefits could attract recruits at a lower cost. On balance, I am of the opinion that my estimate of $4

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billion for a voluntary force of 2.7 million men is, if anything, on the high side.

The skeptical reader will notice that my estimate agrees with the low end of the Department of Defense estimates; its "best" estimate was $11 billion and its "high" estimate was $17 billion. The "best" estimate implies that the monthly base pay of a buck private would be $375, while the "high" estimate corresponds to base pay of over $500. The total income including the monetary value of room and board would be even higher. These pay totals seem needlessly high if it is remembered that in the years ahead, 1970–1975, only one man in five must be enlisted to sustain an active duty force of 2.7 million men.

Undesirable social consequences

It is alleged that a professional army attracted *only* by financial incentives (the emotional "tag" is a "mercenary" army) could have undesirable social consequences, producing a military class, an all-Negro army, or an army of social misfits. The threat of a politically powerful military clique could be avoided by limiting tours of duty for officers to 12 to 15 years and by maintaining strict civilian control of the Department of Defense. Under present conditions, an all-Negro force is improbable. Even with its lower personnel turnover, a voluntary force must still demand 330 thousand recruits each year for enlisted ranks. Under present physical and academic standards, only 100 thousand to 120 thousand Negroes could become eligible for military service until the poverty problem is alleviated.

It is sometimes asserted that higher pay would attract only the mercenary to the services. To argue that individuals who receive a competitive wage to work in a particular occupation do so *solely* because of its monetary remuneration is surely a gross overstatement. Although we want dedicated teachers and honest policemen, few of us would advocate the use of a draft to staff undermanned police forces or to assure adequate supplies of qualified teachers. The high reenlistment rate of Negroes who have proven to be excellent members of the armed forces is largely due to the fact that the Negroes' economic position is better in the services where they are subjected to virtually no job discrimination. The payment of competitive wages does not imply an army consisting only of greedy men attracted to it by high pay.[10]

Miscellaneous

Two minor objections deserve brief mention. It is said that the armed forces have never been able to meet their manpower needs on a voluntary basis. The one time when a volunteer system was tried, in 1948–1949, the number of volunteers was sufficient to sustain a force of 1.5 million men—an outcome which is cited as a failure of the system. However, the population base from which these men were recruited was only half the size of that which will be available in 1970–1975. We must engage in an active recruitment program and raise the absurdly low levels of pay before we discover whether enough men can be enlisted on a voluntary basis.

A second minor objection is that a professional army is contrary to the American tradition of a citizen militia. In my view of history, our tradition has been one of a professional army in peacetime backed by a potential civilian militia which can be triggered into existence in times of all-out war.

Proponents of the lottery and opponents of the Vietnamese War vociferously insist that the Selective Service draft is highly inequitable. They are, however, fashionably vague about the nature of this inequity. Moreover, the former group objects to the cost of replacing the draft by a voluntary system of military manpower procurement. Yet the budgetary cost of a professional army is nothing more than a reflection of the real cost of the draft.

To sum up, an all-volunteer force is entirely feasible at a budgetary cost of no more than $4 billion a year. A professional, mercenary army is alleged to have undesirable social consequences. When these are explicitly spelled out and studied, some are found to be factually incorrect while others are easily controllable. The question of flexibility is the potential Achilles heel of a professional force. I believe, however, that in the light of probable future military demands, an all-volunteer army can achieve the requisite flexibility to insure our national security. A yearly increment of 438 thousand men to the active duty forces was sufficient to meet the worst crisis which we have experienced in the last 15 years. A voluntary force backed by a truly ready reserve could easily raise its active duty strength by 400 thousand men.[11] Finally, the budgetary cost of an all-volunteer force simply makes explicit what is now implicit and hidden. It is truly unconscionable that the youths who are coerced to serve must also bear the burden of these hidden taxes.[12] Unless we take steps now, the inequity of the draft will become even more acute as the population of draft eligible youths continues to grow and military demands return to their pre-Vietnamese War levels. As a nation, we cannot afford a draft which exacts such a high, albeit a hidden, cost from a minority of youths compelled to serve in the armed forces.

FOOTNOTES

[1] Walter Y. Oi is a member of the Center for Research in Government Policy and Business in the College of Business Administration at the University of Rochester. He has served as a consultant to the Department of Defense and the Institute for Defense Analyses, and has done research and published in the fields of transportation as well as in labor economics.

[2] In April, 1964, a study group was established in the Office of the Secretary of Defense. A summary of its report was presented by Assistant Secretary of Defense T. D. Morris and can be found in *Review of the Administration and Operation of the Selective Service System*. Hearings before the Committee on Armed Services, House of Representatives (June, 1966), Bulletin, No. 75. See especially pp. 9999–10093.

The National Advisory Commission on Selective Service (the Marshall Commission) was established in July, 1966. See its report, *In Pursuit of Equity: Who Serves When Not All Serve?* (Washington: Government Printing Office, 1967).

[3] Alternatives are discussed in *Current History*, August, 1968.

[4] The waging of wars requires both human and material resources. Human resources can be conscripted via a draft, but the Department of Defense continues to purchase material resources on a competitive basis. Congress through its control over appropriations could cut this flow of materials.

[5] Under a lottery, the probability of being drafted would be the same for all qualified youths who do *not* volunteer for military service. In my paper for the Joint Economic Committee of Congress, I argued that the number of volunteers is likely to be smaller under a lottery. Hence, more men would have to be drafted. For details see "The Dubious Need for a Draft" in *Economic Effects of Vietnam Spending*, Report of the Joint Economic Committee (April, 1967), Vol. I, pp. 300–301.

[6] The men on the lowest rungs of the economic ladder (the less educated, physically handicapped and mentally unqualified) also avoid involuntary military service by acquiring IV–F and I–Y deferments. The low earning capacity of this group assures, however, that they would pay few if any taxes.

[7] It is argued that the draftees of today will be the taxpayers of tomorrow. Hence, each generation takes its turn in bearing the hidden tax of compulsory military service. Unfortunately, the draft does not achieve this felicitous redistribution of the burden among generations. Only one-half of the men born in 1938 fulfilled their military service obligation, and only one-third of the youths reaching draft age by 1970–1975 will be asked to serve.

[8] There was, in addition, a third proposed alternative, equivalent national service wherein some youths could discharge their military service obligation by serving in the Peace Corps, VISTA, highway beautification or other "socially desirable" agencies. Two considerations argue against this option. First, who serves in these agencies and who is drafted into the Army? Second, the cost of enrolling two million men each year into these various programs is prohibitively high. If women are also obliged to serve (and some advocates of this option propose this), the cost becomes even higher.

[9] The method of estimating the statistical supply curve is described in an article by S. H. Altman and A. E. Fechter, "The Supply of Military Personnel in the Absence of a Draft," *American Economic Review*, May, 1967, pp. 19–31.

[10] When National Service prevailed in the United Kingdom before 1960, conscripts were paid less than regular volunteers. In 1965, Australia introduced a draft based on a lottery system of selection. I asked a member of the Australian defense establishment if the Australians were going to follow the British system of lower pay for conscripts. He replied in the negative and added, "Why should we tax patriotism?"

[11] On page 14 of the Marshall Commission report, estimates are given of annual enlistment and draft requirements to sustain alternative hypothetical force strengths which range from 2.0 to 3.5 million men. These hypothetical strengths are indicative of Department of Defense estimates of the range of probable future needs. Although my cost estimates apply to a force of 2.7 million, I believe that we can maintain a force of 3.2 million on a voluntary basis and thus cover the range of probable needs.

[12] There is ample evidence that Congress is embarrassed about the absurdly low levels of military pay. Congress has enacted a variety of post-service benefits for veterans, ranging from educational benefits to subsidized life insurance and mortgage guarantees, and medical care at Veterans Hospitals.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate go into executive session to consider two nominations which were reported earlier today and which, I understand, have been cleared all around.

The motion was agreed to and the Senate proceeded to consider executive business.

The VICE PRESIDENT. The clerk will read the nominations.

ASSISTANT SECRETARY OF AGRICULTURE

The legislative clerk read the nomination of Clarence D. Palmby, of Virginia, to be an Assistant Secretary of Agriculture.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

UNDER SECRETARY OF AGRICULTURE

The legislative clerk read the nomination of J. Phil Campbell, of Georgia, to be Under Secretary of Agriculture.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask

unanimous consent that the President be immediately notified of the confirmation of these two nominations.

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 508—INTRODUCTION OF BILL—A NATIONAL FOUNDATION FOR THE SOCIAL SCIENCES

Mr. HARRIS. Mr. President, I introduce, for appropriate reference, a bill and ask that it may be printed in the Record.

Mr. President, late in the 89th Congress, second session, and again at the beginning of the 90th Congress, 20 Senators joined me in cosponsoring this legislation. Now, at the outset of the 91st Congress, there are 32 of us who have associated our names with the bill and many others have indicated their general support. I am privileged to have the following Senators join me in this effort as cosponsors: Mr. Bayh, Mr. Brooke, Mr. Byrd of West Virginia, Mr. Cranston, Mr. Fulbright, Mr. Gravel, Mr. Hart, Mr. Hartke, Mr. Hatfield, Mr. Hughes, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Kennedy, Mr. Magnuson, Mr. Mansfield, Mr. McCarthy, Mr. McGee, Mr. McGovern, Mr. Metcalf, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Pastore, Mr. Percy, Mr. Randolph, Mr. Tydings, Mr. Yarborough, Mr. Young of Ohio, and Mr. Williams of New Jersey.

Mr. President, in again introducing the proposed National Social Science Foundation Act, I should like briefly to explain what this legislation would do, discuss the legislative history of the bill, report on the findings of the extensive hearings on it conducted by the Subcommittee on Government Research and tell why we believe that now is the time to modify the way in which social science research, education, training, and scholarship should be supported by the Federal Government.

The bill declares as national policy that the encouragement and support of research, education, training, and scholarship in the social sciences is a matter of great concern to the Federal Government; it underscores the importance of the social sciences in dealing with the concerns of the Nation; and creates a new instrument to effect a rapidly expanded, yet balanced, program of support which would greatly enhance the status and prestige and assist in the development of such sciences.

The Foundation would be comprised of a board of trustees consisting of 24 prominent citizens from the social science community, both academic and practicing. There would, as well, be a director and a deputy director, appointed by the President with the advice and consent of the Senate.

The Foundation would do no in-house research but would, in keeping with the precedent set by the National Science Foundation and the National Foundation for the Arts and Humanities, underwrite, fund and support academic research, education, and training, in this case, in the fields of political science, economics, psychology, sociology, anthropology, history, law, social statistics, demography, geography, linguistics, communication, international relations, education, and other social sciences. The scope of the program of the Foundation will, therefore, allow for support of the social sciences under the broadest possible definition and will particularly include authority to support disciplines that are now receiving only token Federal funding such as political science, history, and law. Funds would be made available to support the development of institutions as well as to support research projects selected on the basis of individual merit.

The legislative history of the NSSF bill began shortly after March 1, 1966, when the Senate Subcommittee on Government Research, of which I am chairman, received its original authority and initiated, largely because of the repercussions after the public disclosures of Project Camelot and similar foreign area research projects funded by the defense and intelligence agencies, an informal inquiry into the support of such research by Federal agencies. The subcommittee shortly thereafter held a set of hearings on "Federal Support of International Social and Behavioral Research." Seventeen witnesses from the Department of State, the academic community, and professional societies and organizations were asked to identify the problems and evaluate procedures relating to Government support of social science research, particularly foreign area studies.

The conclusions reached by the end of the hearings were that it was necessary to create an alternate source of support not only in order to civilianize foreign area research but to foster the overall development of social science capability. We found that, because of inadequate funds, scholars who desire to conduct foreign area research often seek support from defense and intelligence agencies, or, in many cases, do not accomplish their research. Furthermore, neither the National Science Foundation, nor the other relevant Federal agencies, have been able to sustain the level of funding necessary to underwrite the training and the research of increasing numbers of graduate students and postdoctoral researchers.

On October 12, 1966, I introduced S. 3896, together with 20 cosponsors. No subsequent action was taken during the remainder of the 89th Congress, second session, which had all but expired by that time. An identical bill, S. 836, was reintroduced by me in the Senate early in the 90th Congress, first session, and was again cosponsored by 20 Senators.

The subcommittee held hearings for a total of 12 days during the 90th Congress and published the hearing documents, "National Social Science Foundation," parts I, II, and III. Part I contains testimony of key Government officials, while in parts II and III the witnesses were from universities, professional societies and organizations, and nonprofit and private research institutions. Altogether 54 witnesses appeared before the subcommittee during these hearings.

They served to sharpen the focus on the problem; to give shape and substance to the idea of a new foundation, including several valuable suggestions to amend the bill; and to provide a legislative history concerning the intent of Congress which will be of great relevance and import to the Foundation in the formulation of its policies. Additionally, the hearings made a beginning inventory of the kind of social science research that might be done should additional funds become available.

Three major amendments to the original version of the bill are included in its present form. First, the functions of the Foundation have been expanded to include the promotion and support of education and training in addition to research in the social sciences. Second, an annual assessment of the status and health of the social sciences and the Foundation in the form of a report to the President, transmitted to the Congress, is required. Third, a section which would have permitted the transfer of funds from other agencies to the Foundation has been deleted. The purpose of this section was to allow these agencies to continue to support foreign area research and to "civilianize" control by transferring administrative responsibility to the National Social Science Foundation. However, I believe that the international reputation of the Foundation might possibly be damaged by foreign nations believing that the Foundation would be serving as a conduit for the funds of mission-oriented agencies.

The subcommittee identified several key issues during hearings held over the last two sessions of Congress that would begin to be resolved by the creation of such an independent governmental agency designed to nurture and support social science research, education, and training.

First, the social sciences need more Federal support for research and development. In 1966 the social sciences received only 2.4 percent of all basic research funded by the Federal Government. The estimated obligations for 1967 and 1968 were about the same, 2.5 percent for both years. The portion of Federal support for applied social science research out of the total is not much different—3.5 percent in 1966, 3.6 percent in 1967, 3.7 percent in 1968.

Second, the National Science Foundation has given very little or no support at all to certain methodologies and disciplines within the social sciences. For example, NSF has maintained a decidedly hard—that is, natural—science bias toward its social science program. Those proposals most amenable to the use of the scientific method are much more likely to be funded. While this is understandable for an agency with a natural science orientation, what does not follow is that what is good for the natural and physical sciences is necessarily the best for the social sciences. An adverse consequence is the frequent sacrifice of relevance for rigor and the accumulation of "hard" social data that may well not increase knowledge of the intensifying social problems of our Nation. Also, the National Science Foundation did not start a political science program until 11 years after the beginning of formal support of social science. Incredible as it may seem, law is an even more extreme case. The absence of rigor, in the scientific sense, in these disciplines is a factor contributing to the lack of support afforded them by the Foundation.

The VICE PRESIDENT. The time of the Senator from Oklahoma has expired.

Mr. HARRIS. Mr. President, I ask unanimous consent to proceed for 3 additional minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. HARRIS. Mr. President, third, the social sciences have suffered from insufficient attention to their development, visibility, and prestige, partly because of the low level of Federal funding, the tenuous statutory authority for their encouragement and support by the National Science Foundation and the operating agencies, and the failure to recognize fully the potential importance and significant contribution they can make to the achievement of national goals. A new foundation with specific authority would encourage a quantum leap in funding for the social sciences and revitalize social science research conducted by other Federal agencies.

Fourth, innovative and, perhaps, controversial thinking and research must be encouraged in the social sciences if the Nation expects to meet the challenges of the presssing and growing social problems which face it. The National Science Foundation, with about 90 percent of its basic research budget directed toward the natural sciences, will continue to find it difficult to promote such research in the social sciences. A strong legislative mandate to encourage the support of innovative research will provide the social sciences with the confidence they need and deserve and the authority they must have.

Fifth, interdisciplinary and multidisciplinary research must be conducted on a much greater scale in universities and other research organizations. Many modern problems do not fall neatly within the boundaries of a single discipline. One of the barriers to collaboration and cooperation between the natural and social sciences has, in the past, been the inferior status of the latter. A new Foundation will, by enhancing the status of the social sciences, serve to foster interdisciplinary research and, in the long run, to unify the sciences. At the same time the subcommittee does not conceive of the proposed Foundation becoming the exclusive Federal supporter of social science research. It is intended that all agencies of the Federal Government now supporting social science research, including the National Science Foundation, and the National Foundation for the Arts and Humanities, will continue to support and, indeed, increase their level of support for the social sciences.

Sixth, the Nation cannot adequately confront its myriad social problems without a significant increase in social science knowledge. Social conditions are constantly being altered by rapidly developing science and technology, population growth, the hastening deterioration of urban America made more critical every day by continued outward migration of youth from rural America seeking opportunity in already overburdened cities. We need to learn how and why, for example, discontent and alienation are generated in a society with such a high degree of general affluence and why problems of unemployment and poverty persist despite continually increasing efforts to solve them. Answers to these questions will not come easily but they will come more quickly if support for social science research is sharply increased and if the social sciences are encouraged to probe to the root causes of social problems.

Congress is now, for the first time, comprehensively examining the role of the Federal Government in the support and development of the social sciences but the case for Federal support of the social sciences had not been made as dramatically as it was in the hearings before the Senate Subcommittee on Government Research.

Some argue that the related statistics indicate a proper balance of Federal support for the social and natural sciences and are based on the relative capabilities of each. The subcommittee agrees, however, with Dr. Rensis Likert, director of the Institute of Social Research, University of Michigan, who took the opposite position in our hearings. He said that:

> Such a view is unrealistic in terms of the rapidly increasing number of younger, well-trained social scientists who are prepared to accomplish much or little, depending on the resources we provide for their use.

Dr. Gerald Holton, Department of Physics, Harvard University, underscored this point when, on the basis of a reasonable projection of present trends, he estimated:

> In the next 30 years there will be 10 to 20 times the number of people wanting to do basic research in the social sciences and that they will make a very good case for the meaningful expenditures on the order of 20 to 50 times the amount of 1967 dollars.

Private foundations, although traditionally noted for their support of broader, innovative research, have severely limited funds and cannot keep up with the influx of students and research proposals. The Social Science Research Council, which is almost entirely supported by private foundation funds, for example, can finance only a small percentage of the good research applications they receive. Dr. Austin Ranney, chairman of the Committee on Governmental and Legal Processes, Social Science Research Council, testified that, under a 5-year grant from the Ford Foundation, the council has approximately $60,000 a year to allocate to all research applications under the jurisdiction of his committee and that for the year 1967 they had 53 applications, totaling $590,595, which were considered meritorious and worthy of support.

Even within the social sciences there are "have" and "have not" disciplines and methodologies. Dr. James A. Robinson, director, Mershon Center for Education in National Security and Mershon professor of political science, Ohio State University, identified three approaches to political science research, only one of which is supported by the National Science Foundation:

> Political science may be divided roughly into three parts: non-science, science, and policy. Some of our colleagues do not aspire to science in the narrow meaning of the work and in the usage associated with NSF. The implication of this for political science is that research on norms, science, and policy ought to share in public support for their work on the basis of competence, not on the basis of what is available. Hence, it is regrettable that those concerned with norms are served by one foundation (Humanities), those concerned with science another (NSF), and those concerned with policy none at all.

Creation of the National Social Science Foundation would emphasize that the Federal Government is committed to support all social science disciplines and recognized methodologies on a continuing basis and to provide the social sciences with the recognition they need and deserve. As one argument against a new foundation goes, if no one rocks the boat, the "poor relative" will eventually achieve sufficient status within the existing structure. This position for maintaining the status quo assumes that the social sciences will somehow eventually become the coequals of the natural sciences, which receive the overwhelming preponderance of Federal support. Such gradual equalization by beefing up the social sciences within the National Science Foundation and mission-oriented agencies is not a realistic aspiration nor would it alter in many cases the present reliance of social science on the judgment, understanding, and support of natural and physical scientists. I can find no reason to believe that physical scientists are necessarily endowed with the special insights needed to develop the social sciences, set the priorities, and determine the goals they might validly pursue.

Others have advanced the arguments that a separate social science foundation would encourage the National Science Foundation and the mission-oriented agencies of the Government to decrease support for social science research. The subcommittee disagrees, and experience supports our view. Though the recently created National Foundation for the Arts and Humanities shares overlapping responsibility with the National Science Foundation to support several areas of scholarships, including history and linguistics, during the period these two Foundations have shared such jurisdiction the National Science Foundation has actually increased its support for research in these areas. Moreover, Dr. Leland J. Haworth, Director of the Foundation, testified that it is his intention to continue to increase and expand the Foundation's support for such research. Similar testimony was heard from almost every official who testified on behalf of the mission-oriented agencies of the Federal Government.

Such a "credit-debit" view of Government operations, which maintains that an increase in social science research funds from one agency means a reduction from another, is simplistic and is unsupported by fact or history.

With the passage of this bill, the social sciences will receive a strong statutory base, something they have not had before, and a place in the higher councils of Government. We agree with Dr. Launor Carter, vice president, Systems Development Corp., who testified that:

> Senior members of the social sciences profession (will) be in key positions in Government so that the role and potential contribution of social science can be forcefully presented in administrative councils.

The National Social Science Foundation bill is also designed to encourage the social sciences to develop to their full potential. Dr. Vincent Davis, associate professor, Graduate School of International Studies, University of Denver, testified:

> It is often the case in the social sciences and in all other fields of scholarly endeavor that some one school of thought or approach will become fashionable and, therefore, dominant from time to time. If there were to be only one primary centralized source of research to support, that source would likely be dominated by the prevailing school of thought . . . Diversified sources of support provide a number of places where dissenting minority groups can seek help. Diversified sources, therefore, represent within the scientific and scholarly world a crudely approximate equivalent to the checks and balances provided within our political system by having more than one political party. This is especially important if the social sciences are to produce the kind of "innovative, bold, original, and controversial" thinking that Senator Harris has repeatedly called for.

There is a crucial need for more social science research to close the widening interval between the increased capabilities of science and technology and the ability of society to assimilate it. This, the cultural lag theory of history, was underscored and dramatized by many who wrote articles in the National Economic Review of the January 6, 1969, issue of the New York Times and by several leading spokesmen of the scientific community at the December 1968 meeting of the American Association for the Advancement of Science in Dallas, Tex.

Dr. Joe B. Frantz, professor of history, University of Texas, also stressed this when he testified:

> Now the last thing which we wish to do is to close the floodgate of scientific knowledge, but we have . . . to turn the raging flood into a controlled stream which can be handled and utilized to irrigate and cleanse the minds and spirits of harried men in a pellmell world.

Again and again we hear those concerned about any potential challenge to "conventional wisdom" speaking out against grappling with the root causes and the complexities of our festering social problems. The presence of complexity does not justify inaction but instead offers even more reason to move ahead vigorously and innovatively. The degree of difficulty should not cause us to turn away from attempting better basic understanding of the problems. We have learned from our massive space effort, for example, that the success of an operational program is significantly dependent upon the scope and comprehensiveness of the underlying research activities. As Dr. Ross Stagner, chairman of the Department of Psychology, Wayne State University, has said:

> We have been spending (justifiably) millions of dollars on urban renewal. But we have made little use of the expertise of economists, sociologists, and psychologists with respect to planning for human welfare, not just for buildings. Again let me note that I do not suggest that social scientists should have final jurisdiction as to execution of such programs; I do, however, feel very strongly that the knowledge of social scientists ought to be given much higher consideration than it has. My main point, however, is that we simply have not investigated the problems of urban renewal from the viewpoint of neighborhood unity, of social supports for behavior codes, of communication networks, of leader-follower relations, and a mass of other important factors. There is still so much ignorance, and so much misinformation disguised as "commonsense", that one can hardly be surprised at the unsatisfactory consequences of these programs.

As strong as the case has been for swift passage of this legislation, events in the Congress and elsewhere subsequent to the hearings of the subcommittee have made favorable arguments even more compelling.

A report of the Panel of Defense Social and Behavioral Sciences released in 1967 and calling for, among other things, more emphasis on "peacefare" research, prompted the chairman of the Senate Foreign Relations Committee, the Senator from Arkansas, to engage in an exchange of letters with Dr. John S. Foster, Director, Defense Research and Engineering. In Foster's reply to the letter and in subsequent hearings on the matter he clearly asserted that:

> Some of the work (in the social sciences) which we support would not be required if the information were available or were being developed outside the Department of Defense . . .

In consonance with the above statement Foster also indicated that:

> If other agencies expanded their programs in areas relevant to our needs, we would reconsider our effort.

Obviously, such statements open the way for a viable alternative of support of social science research. But a shift of the funding pattern of social science research does not come about automatically with any degree of permanency without a congressional mandate. Without a mandate the social sciences even may be more vulnerable to criticism and attack than before. The executive branch may not be able to bypass the legislative branch on such a delicate matter.

That a spokesman for the social sciences in the form of a new agency is needed now more than ever before was also demonstrated during the Senate appropriation hearings on the National Science Foundation for fiscal year 1969 when their authority to support the social sciences was questioned in particular with respect to the controversial discipline, political science. As I pointed out earlier, when, as in the case of the social sciences, a very small percentage of an agency's total research budget can threaten the major share of their funds, then the agency's course of action is only natural—support noncontroversial, noninnovative, lackluster and possibly irrelevant research in the social sciences.

Some argue that the act reorganizing the National Science Foundation, which was passed into law last session, significantly enhances the position of the social sciences and dramatically alters the former "permissive but not mandatory" mandate the Foundation had for supporting social science research. I disagree, not with the motives of the very able congressional Members most responsible for the enactment of the legislation, but with the premise upon which the change is based; that is, that the National Science Foundation is the best home for the social sciences.

The reports from both the House and the Senate on the National Science Foundation Act illustrate, I believe, the dilemma a legislator faces when trying to provide for equitable support of the social sciences within the National Science Foundation. Both reports are essentially the same on this point and exemplify the vague mandate the Foundation still has for supporting the social sciences. I quote from the House report:

> The Foundation is enjoined in this bill to give support to the social as well as the physical sciences. The authority for such support already exists, but the bill spells it out more specifically by way of emphasis. The intent of the amendments is by no means to direct a disproportionate amount of total NSF support for the social sciences, but to insure that an adequate effort is made to permit the advancement in other scientific areas which, while still relatively primitive, are extremely important to human welfare.

So the mandate to support the social sciences is not only vague, but the legislative history specifically directs the National Science Foundation not to give "a disproportionate amount" of support. The increasing demands on the social sciences cannot be met by an agency thus limited. Even under the most favorable developments imaginable for the social sciences within the National Science Foundation, it will be many years before the established institutional arrangements between the scientific community and the Federal Government which presently insures that the natural and physical sciences command all but a small share of Federal research money can be modified.

In conclusion, I would ask the question: "Who was the spokesman for the social sciences when the research and development budget was severely cut last year?" The answer is "No one." Who in the Federal Government will be looking out for the best interests of the social sciences during another year of apparently keen competition for funds? No one, unless a separate agency is created.

The extensive congressional interest in the social sciences since the Camelot affair of 1965 has given them more visibility; but, ironically, not the type envisioned in the National Social Science Foundation Act. The social sciences have been gradually moved out from under the protective umbrella of the natural sciences. But they continue to be treated as poor relatives and the absence of a congressional mandate has made it impossible for them to improve their position. Therefore, the key issue is one that must be answered in the near future: Will the social sciences retain their second-class citizenship or will the Congress rise to the occasion and realize that it must enact legislation designed to guarantee a healthy and viable growth of the social sciences on a continuing basis? Such a goal is achievable with the passage of the National Foundation for the Social Sciences Act of 1969.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 508) to provide for the establishment of the National Foundation for the Social Sciences in order to promote research, education, training, and scholarship in such sciences, introduced by Mr. HARRIS, for himself and other Senators, was received, read twice by its title, referred to the Committee on Labor and Public Works, and ordered to be printed in the RECORD, as follows:

S. 508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Foundation for the Social Sciences Act of 1969".

DECLARATION OF PURPOSE

SEC. 2. The Congress hereby finds and declares—

(1) that the encouragement and support of research, education, and training in the social sciences is an appropriate matter of concern to the Federal Government;

(2) that democracy demands knowledge and insight into the problems that man and nations face in interacting one with the other;

(3) that it is necessary and appropriate for the Federal Government to support, complement, assist, and add to programs for the advancement of the development of research, education, and training capability and basic knowledge in the social sciences as a means to increase understanding of our society, and the societies of other nations of the world;

(4) that it is necessary and appropriate for the Federal Government to support, complement, and assist the accomplishment of social science research, education, and training which is undertaken entirely separate from the operating departments and agencies of the United States Government;

(5) that it is necessary and appropriate for the Federal Government to help sustain among social scientists a climate encouraging freedom of thought, imagination, and inquiry based on the democratic belief that the long-range interests of our Nation will best be served by a free and independent academic community;

(6) that leadership cannot rest solely upon superior power, wealth, or technology, but must be solidly founded upon our Nation's ability to maintain leadership in the realm of knowledge and ideas; and

(7) that in order to implement these findings, it is desirable to establish a National Foundation for the Social Sciences as an independent agency of the Government for the purpose of promoting research, education, training, and scholarship in the social sciences.

DEFINITION OF SOCIAL SCIENCES

SEC. 3. As used in this Act, the term "social sciences" includes political science, economics, psychology, sociology, anthropology, history, law, social statistics, demography, geography, linguistics, communication, international relations, education, and other social sciences.

ESTABLISHMENT OF FOUNDATION

SEC. 4. (a) There is hereby established an independent agency to be known as the National Foundation for the Social Sciences (hereinafter referred to as the "Foundation").

(b) The Foundation shall be subject to the supervision and direction of a Board of Trustees (hereinafter referred to as the "Board"), which shall consist of twenty-four members, to be appointed by the President, by and with the advice and consent of the Senate, and from among those individuals of the American public who are recognized for their knowledge of, or experience in, the social sciences or related fields of public affairs, and who, collectively, will provide an appropriate balance of representation among such sciences and fields. In making such appointments, the President is requested to give due consideration to the recommendations for nomination submitted to him by professional organizations or other qualified sources in such sciences and fields.

(c) The term of office of each trustee of the Foundation shall be four years; except that the terms of one-fourth of the trustees first taking office after the enactment of this Act shall expire, as designated by the President at the time of appointment, at the end of each of the first four years. A trustee may not be eligible to serve more than two consecutive terms, but shall be eligible after a lapse of four years from the end of his second term. A vacancy shall be filled only for the unexpired portion of any term. The members of the Board shall receive compensation at the rate of $100 per diem while engaged in the business of the Foundation, pursuant to authorization of the Foundation, and shall be allowed travel expenses as authorized in section 5703 of title 5, United States Code.

(d) The President shall call the first meeting of the trustees of the Foundation, at which the first order of business shall be the election of a chairman and a vice chairman, who shall serve until one year after the date of enactment of this Act. Thereafter, each chairman and vice chairman shall be elected for a term of two years in duration. The vice chairman shall perform the duties of the chairman in his absence. In case a vacancy occurs in the chairmanship or vice chairmanship, the Foundation shall elect an individual from among the trustees to fill such vacancy.

(e) The Board shall meet at least once every six months and at such other times the chairman may determine, but he should also call a meeting at the written request of at least one-third of the members of the Board.

(f) Each member of the Board shall be given notice, by registered mail, certified mail, or telegram to his last known address of record, not less than fifteen days prior to any meeting, of the call of such meeting.

DIRECTOR AND DEPUTY DIRECTOR

SEC. 5. (a) There shall be a Director and a Deputy Director for the Foundation, who shall each be appointed by the President, by and with the advice and consent of the Senate. In such appointments, the President is requested to give due consideration to any recommendations submitted to him by the Board. The Director shall serve as an ex officio, nonvoting trustee of the Foundation. In addition, he shall be the chief executive officer of the Foundation. The Director shall receive compensation at the rate prescribed for level II of the executive schedule under section 5313 of title 5, United States Code, and the Deputy Director shall receive compensation at the rate prescribed for level III of such schedule under section 5314 of such title. Each shall serve for a term of six years, unless previously removed by the President. The Deputy Director shall perform such functions as the Director, with the approval of the Foundation, may prescribe, and be acting Director during the absence or disability of the Director, or in the event of a vacancy in the office of the Director.

(b) The Director shall carry out the programs and policies of the Foundation, and such other functions as the Foundation may delegate to him, consistent with the provisions of this Act.

AUTHORITY OF THE FOUNDATION

SEC. 6. The Foundation is authorized to—

(1) develop and encourage the pursuit of national policies for the promotion of programs of research, education, training and scholarship in the social sciences;

(2) initiate and support research, education, and training programs to strengthen the activities and potential of the United States in the social sciences, and to promote such research in foreign countries, by making arrangements (including grants, contracts, or other arrangements and modifications thereof) with individuals or groups, including other government or international agencies for such purposes;

(3) make grants or other arrangements for scientific research, education, and training to utilize appropriations available therefor in such manner as will, in its discretion, best realize the objectives of (A) strengthening the social science research staffs of private institutions and particularly of institutions of higher learning in the States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions; (B) aiding institutions of higher learning, nonprofit research organizations and foundations, which, if aided, will advance the social science research, education, and training activities and potential of the United States; (C) encouraging social science research by individuals, university faculties, interdisciplinary teams of researchers, nonprofit and foundation researchers, and (D) avoiding the concentration of research grants in any one State or geographic region;

(4) foster the interchange of information in the social sciences by disseminating the results of research projects in such sciences not otherwise published, providing at least annually a listing and description of all projects which are receiving assistance from the Foundation, and maintaining a current register of social scientists; and

(5) conduct a periodic survey of the social sciences, to assess their condition and status and to produce a report that would include recommendations for ways that the Federal Government and the Nation can act to more decisively and effectively develop and exploit the potential of the social sciences.

CORRELATION AND COORDINATION OF PROGRAMS

SEC. 7. (a) The Foundation shall correlate and coordinate programs carried out pursuant to this Act, insofar as practicable, with existing Federal programs and with programs being carried out by other public agencies or private groups and shall develop the programs carried out pursuant to this Act, with due regard to the national interest and the contribution to the purposes of this Act, which can be made by other Federal agencies under existing programs.

(b) In the administration of this Act no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the policy determination, personnel, or curriculum, or the administration or operation of any school or other non-Federal agency, institution, organization, or association.

(c) The Foundation shall be independent of all other agencies of the Executive Branch of the Federal Government except as may be otherwise provided for herein.

INTERNATIONAL COOPERATION AND COORDINATION WITH FOREIGN POLICY

SEC. 8. (a) In carrying out projects pursuant to this Act the Foundation may support international activities in the social sciences, consistent with the purposes of this Act, and the national objectives of the United States.

(b) No project pursuant to this Act shall be carried out in any foreign country (1) until the government of such country has been given notice of such project, and (2) at any time if such government objects to such project.

(c) If, in carrying out the provisions of this Act, any negotiations with the government of a foreign country becomes necessary, such negotiations shall be carried out by the Secretary of State.

PATENT RIGHTS AND FREEDOM OF INFORMATION

SEC. 9. (a) The results of research, supported in whole or in part by the Foundation, shall be made freely available to the public.

(b) The Foundation shall not use any security classification nor may any research, or the results thereof, carried out pursuant to this Act, be placed under any security classification.

ADMINISTRATIVE PROVISIONS

SEC. 10. (a) In addition to any authority vested in it by other provisions of this Act, the Foundation in carrying out its functions shall have the authority—

(1) to prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(2) to receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of the Foundation; and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(3) in the discretion of the Foundation, to receive (and to use, sell, or otherwise dispose of, in accordance with paragraph (2)), money and other property donated, bequeathed, or devised to the Foundation with a condition or restriction, including a condition that the Foundation use other funds of the Foundation for the purposes of the gift;

(4) appoint and fix the compensation of such employees as may be necessary to carry out its functions, define their duties, and supervise and direct their activities;

(5) procure and utilize from time to time, as appropriate, the services of experts and consultants, including panels of experts in accordance with section 3109 of title 5, United States Code;

(6) accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed without compensation;

(7) rent office space in the District of Columbia; and

(8) make any other expenditures necessary to carry out the purposes of this Act.

(b) The Foundation, in carrying out its function, shall not have the authority—

(1) to operate any laboratories, educational facilities or pilot plants of any type;

(2) to contract for any research to be accomplished for its own purposes;

(3) to conduct research on its own, except insofar as it is required to conduct periodic reviews of the condition and status of the social sciences.

(c) It is the intent of the Congress that the Foundation shall not be a research organ, but rather be a sponsor of research.

AUTHORIZATION FOR USE OF PUBLIC LAW 480 FUNDS

SEC. 11. Section 104 of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), is amended (1) by striking out "and" at the end of subsection (j); (2) by striking out the colon at the end of subsection (k) and inserting in lieu thereof "; and", and (3) by adding after subsection (k) a new subsection as follows:

"(1) For supporting projects and providing assistance, in such amounts as may be specified in appropriation Acts, in accordance with the provisions of the National Foundation for the Social Sciences Act of 1969:".

AUTHORIZATION

SEC. 12. (a) For the purpose of carrying out the provisions of this Act, Federal funds are authorized to be appropriated not to exceed $20,000,000 for the fiscal year ending June 30, 1970, and for each succeeding fiscal year plus such amounts as are provided for pursuant to section 11.

(b) Appropriations made pursuant to the authority provided in subsection (a) of this section shall remain available until expended.

Mr. HARRIS. I hope, Mr. President, that with the enactment of this legislation those questions can be answered by the newly created National Social Science Foundation.

Mr. President, I ask unanimous consent that the remarks of the junior Senator from Minnesota (Mr. MONDALE), who is a cosponsor of the bill concerning the National Social Science Foundation, be inserted at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SENATOR WALTER F. MONDALE COSPONSORS NATIONAL SOCIAL SCIENCE FOUNDATION ACT

Mr. President, only months before his tragic death, Dr. Martin Luther King made the following observation about the historic human rights struggle he led:

"One reason some advances were made in the South during the past decade was the discovery by northern whites of the brutal facts of southern segregated life. It was the Negro who educated the nation by dramatizing the evils through nonviolent protest. The social scientist played little or no role in disclosing truth."

Just six months after Dr. King's assassination, in a rather remarkable address on "The Social Responsibilities of Business to Urban America," Mr. David Rockefeller made this statement:

"Direct liaison with academics and intellectuals could help business to identify looming social problems before they reach such proportions that they can be remedied only by expensive and often inefficient 'crash programs'. Advanced thinkers will not always tell us what we want to hear, and social prediction is a chancy art. But let's face an awkward truth: had the businessmen of 20 years ago heeded the voices of sociologists concerned with the lot of the Negro in America, much might have been done to forestall the racial tensions that currently torment the nation. Equally, had business listened more closely to conservationists and ecologists in decades past, we might not now find ourselves waging quite so desperate a battle against pollution."

Those two statements concerning the utility of social research knowledge in coping with the major social and environmental disorders of our time are clearly worlds apart. To some these statements undoubtedly represent extreme judgments; I frankly believe that they also represent the truth. For the fact is that the growing body of social science knowledge developed in recent years by sociologists, psychologists, political scientists, anthropologists, and members of all the other disciplines which comprise modern social science has been applied very unevenly and with mixed results to the process by which public attitudes and policies are formulated in America.

I rise this afternoon, Mr. President, to join in the sponsorship of the legislation which my distinguished colleague and friend, Senator Harris, has just introduced. I am very pleased to do so—principally because I believe its enactment would resolve the seeming paradox between the statements cited above in a most fruitful way.

As Senator Harris recalls, I joined with him in 1967 when his proposal to create a National Foundation for the Social Sciences was first brought to the attention of the Senate. I thought it was an excellent and creative suggestion at the time and today, mindful of the turbulent months through which we have just passed, I am convinced that the creation of such an institution is not only desirable but urgently necessary. I am delighted to once again lend my support to Senator Harris in his efforts to develop a functional, flexible institution designed to stimulate greater progress in all forms of social science research, scholarship and training.

There was a time when the social sciences were held by many to be graceful, humane disciplines eminently suited to cultivating the more noble instincts of man. Though useful in liberal educations, such disciplines were considered of minimal value in making the practical judgments required daily of Government policy-makers. More recently, especially in the years since 1965, members of both the Governmental and academic communities have indicated growing interest in developing a more mutually rewarding relationship. Statistics tell only a small portion of any story, of course, but they are particularly revealing in appraising the growing ties which link the social sciences and the Federal Government. One estimate suggests that in 1961 Federal funds for psychological and social research totalled $95 million while total expenditures for similar activities were set at $333 million in 1968.

Far more impressive than such tremendous increases in the Federal support of the social sciences is the flurry of recent activity aimed at stimulating more reliable social science research and in making use of that knowledge to improve Federal social policies. Senator Harris' introduction of S. 836 in the 90th Congress, the precursor of the bill introduced here today, was one such event which signalled a new age of creativity in the relationship of the social and behavioral sciences and the Federal Government. All who are curious about the present status of the Government—Social Science relationship or of the needs and promises of the social sciences, or of the significance of the work being done in these disciplines today, or of the type of social research which is urgently needed by policymakers, will find informative responses in the Hearings conducted by the Senate Subcommittee on Government Research, chaired by Senator Harris, in 1967. The hearing record on S. 836 is an unusually persuasive document; in my judgment, none who read it can fail to recognize the urgent need which exists for early Congressional approval of Senator Harris' proposal.

On the same day Senator Harris first proposed the National Foundation for the Social Sciences, I introduced legislation in the Senate designed to systematically utilize the findings of the social research generated by such a Foundation in the identification, understanding and resolution of our country's social disorders. That bill, the proposed Full Opportunity Act, would have created a Council of Social Advisers in the Executive Office of the President composed of and staffed by eminent social scientists and charged with the on-going responsibility for keeping the President, the Congress and the country apprised of the progress—or lack of it—being made in the attainment of full social opportunity for every American.

Preparation of the Annual Social Report required by the bill would have necessarily strengthened the bonds between the Federal Government and the social sciences, as would evaluation of the Report by the Joint Congressional Committee on the Social Report created by the bill. I have had Senator Harris' enthusiastic support for this proposal from the day it was introduced and I reintroduced the Full Opportunity Act in the 91st Congress because I sincerely believe that creation of a National Foundation for the

Social Sciences will generate the harder, more reliable social data which a Council of Social Advisers could use to assist the President and the Congress in shaping enlightened, practical policies for combatting America's social shortcomings and for fulfilling her promise.

Subsequent to the introduction of these proposals early in 1967, a variety of as-yet unconnected impulses related to utilization of the social sciences in the policymaking process have appeared: among these are—

The work of the Social Indicators' Panel in the Department of Health, Education, and Welfare culminating in the issuance of a prototype Social Report, as well as similar efforts now underway in a host of private research-oriented foundations;

Increased support of the social and behavioral sciences by the National Science Foundation; and

Intensified efforts by the Department of Defense to seek ways to apply its expertise in social technology to ameliorate problems in education, urban housing and manpower training.

Mr. President, I am greatly encouraged by all of these developments. Yet my encouragement does not diminish my concern about all of the desperate, life-demeaning conditions which Senator Harris and I have spoken about so frequently in the past several months. I believe now—as I believed on February 6, 1967, when both the National Foundation for the Social Sciences Act and the Full Opportunity Act were first introduced in the Senate—that America's hour for making good on her promises is late, but not over. I believe still that the steps Senator Harris has suggested for encouraging and supporting research, scholarship and training in the behavioral and social sciences are well designed and worthy of support. I believe, too, that the creation of a National Social Science Foundation will provide proper recognition for the social sciences at the Federal level of Government, enlarge the applied research effort to meet the burgeoning need for new knowledge on the full range of social and political processes, and promote the widest circulation of new research conclusions.

Similarly, I am today more convinced than ever that we stand very much in need of a formal Federal structure capable of ingesting all available and relevant social research data, examining it with arms-length detachment, and producing a cogent, circumspect, and critical report annually summarizing progress actually being made in providing minimal conditions for the fullest possible development of every individual in America. I will, therefore, continue my efforts to gain approval for the Full Opportunity Act and I am delighted to have Senator Harris' continuing support in this endeavor.

Mr. President, I enthusiastically endorse Senator Harris' proposal to create a National Foundation for the Social Sciences. I urge other members of the Senate who share my concern—and Senator Harris' concern—about present conditions, and my hope—and his—for the future, to join with Senator Harris, myself and other co-authors in the sponsorship of this urgently needed, unusually promising, carefully prepared, and innovative proposal.

S. 492—INTRODUCTION OF BILL—A POSTAL CORPORATION—FOR THE GOOD OF THE NATION

Mr. HANSEN. Mr. President, I introduce, for the good of the Nation, a bill to establish a postal corporation, and for other purposes.

This bill includes measures to provide adequate and uniform postal services, to provide needed equipment and facilities to postal users, to provide adequate facilities and equipment for the use of officers and employees of the Corporation, and to provide employment to individuals on the basis of merit without political consideration.

This bill, in its main intent, was introduced last October in the 90th Congress. I did not at that time introduce that bill with expectations that the Members of Congress would, without long deliberation, rush it into law. The bill was introduced at that time to allow the Members adequate time to study the bill and to weigh its merits for consideration in the 91st Congress.

The economy of our Nation relies heavily on efficiency of the U.S. mail. The work of the Post Office Department is one of the most important influences on every citizen. It would be hard to exaggerate the significance of this influence. Nor can we underestimate the impact of inefficiency in this service to our taxpayers, or to the well-being of the United States. This is an urgent matter, worthy of the full consideration of every Member of the Congress.

The bill I introduce calls for some dramatic changes in the operation of our postal department. I am convinced these changes will improve the service, increase efficiency, and lower unit costs.

I would hope that the 91st Congress will expedite passage of this bill so the big job of renovating the postal system can get underway at the earliest possible time.

A principal section of this bill would take the politics out of the post office. It would provide that the men hired to carry out this important work are hired for their ability to do the work.

Postal reform certainly is not a partisan issue. President Johnson, in his state of the Union message on January 14, 1969, said—and I quote:

> To meet our long-standing commitment to make government as efficient as possible, I believe we should reorganize our postal system along the lines of the Kappel Report.

This bill I offer incorporates the recommendations of the Kappel Commission. That Commission was appointed by President Johnson. Its chairman is a very distinguished American and business leader.

Former Postmaster General Lawrence O'Brien recognized the need for reform of the system. I borrow the following words from Mr. O'Brien:

> By the time a Postmaster General learns something of what his job is all about, he leaves for one reason or another. The department renders a daily service to every American, in good times and in bad, yet it is subject to the ebb and flow of federal budget crises without regard to the continuing need for its service and the growth of its volume.
>
> The rate-making process is horrifying. The research and development investment is laughable. The physical plants are 30 years behind the times. Mechanization is just getting out of its infancy. Personnel policies are substandard and stultifying. Management training is almost non-existent. The 535 members of Congress constitute the board of directors and congressional relations is a major preoccupation of every postal manager. The management changes with the party in power.

It would appear from this analysis by Mr. O'Brien that the mail carrier is the only instrument of the postal system that emerges with its image untarnished. And it is just that the great image of the hard-working and dedicated mail carrier remain. But his great dedication cannot overcome the inadequacies of the outdated system of which he and all of us are victims.

One of the earliest tributes to the postman of which I am aware was recorded by the fifth century, B.C., Greek historian, Herodotus:

> The Persian messengers travel with a velocity which nothing human can equal . . . Neither snow, nor rain, nor heat, nor darkness, are permitted to obstruct their speed.

This tradition carried forth into the frontier days of our nation when the heroic Pony Express was charged with the mission of tying East to West through expeditious delivery of the mail. I recall an old trail song, whose author remains unknown. It goes:

> Through the rain and the sleet, and the snow and the hail,
> They never did stop and they never did fail,
> The pony express, they carried the mail.

This pride of mission, I am proud to say, carries forth in the philosophy of our mail carriers today. Most of us have witnessed our carriers late on a Christmas eve, or early on a Christmas morning—while we are gathered with our families—bringing late packages to gladden the heart of some small child.

Such dedication deserves to be part of a more efficient system. We of the Congress are in a position to create that system. We are at fault if we do not. We owe this to our citizens.

Going to Proverbs, the old friend of the politician, in the Old Testament of the Holy Bible, we find:

> Withhold not good from them to whom it is due, when it is in the power of thine hand to do it.

The members of the National Chamber of Commerce have recognized the importance of a better postal system to the economy of our Nation. This organization has conducted a survey of its membership; the reply to the survey showed overwhelmingly support for establishment of a postal corporation. Members of the U.S. Chamber of Commerce are businessmen who know through experience what is important to the steady flow of business. They have so recognized this importance in the U.S. Post Office.

I do not need to remind you that our new Postmaster General, Winton (Red) Blount, is immediate past president of the Chamber of Commerce. While Mr. Blount has at this time taken no position on this bill, he has made this observation:

> With the help of the Congress, I think we will be able to make significant contributions towards what must be our common goal—a most efficient and effective postal system.

The Chamber of Commerce of the United States is not the first to recognize the importance of efficient postal service to the strength of our Nation. It is one of many, of course. Edward Everett, who lived from 1794 to 1865, had great respect for the mission of the Post Office. In his Mount Vernon Papers, he said:

> When I contemplate the extent to which the moral sentiments, the intelligence, the affections of so many millions of people—sealed up by a sacred charm within the cover of a letter—daily circulate through a coun-

try, I am compelled to regard the Post-Office, next to Christianity, as the right arm of our modern civilization.

Efficient and speedy mail service is of importance to the morale of all our people. More especially, it often is the only tie our men in uniform have with home and family. I have received heavy mail from servicemen—some on the field of battle—and I know all of you have, urging that they be provided a better mail service. I would like to read from a letter sent me by Lt. Col. James E. Banks of the U.S. Air Force, stationed currently in the Philippines:

> As a member of the Armed Forces stationed overseas, I am acutely conscious of the morale value of fast, efficient mail service. Moreover, I observe daily the paralyzing effects on the economy and life of a nation (the Republic of the Philippines) whose postal service cannot guarantee delivery of an ordinary letter across town, let alone from one city to another.
>
> The Commission's recommendations seem sensible and I hope you will see fit to support the legislation.

Colonel Banks was speaking of the situation in Manila. In Washington, D.C., the problem unfortunately is similar in some instances. On January 14, 1969, I received at my office across the street a letter from the Congressional Quarterly Service. According to the postmark, that letter was mailed from 1735 K Street NW., on December 30, 1968.

It has been suggested that Members of Congress do not think fondly of the post office. It is the demon that puts piles of constituent mail on our desks each morning, and we must burn the midnight oil answering these letters. Yet, in the final analysis, we all know that it is through these letters that we are guided to seek to achieve that which the people we represent want and need—and we are thankful for it.

Because we are elected officials, we would not dare the experiment of Napoleon Bonaparte. We recall how Napoleon spent the last years of his life. And it is not farfetched to assume that his experiment contributed toward his ending up on the isle of Elba. The story is that Napoleon directed his aide to leave all his letters unopened for 3 weeks, and then observed with satisfaction how large a part of the correspondence had thus disposed of itself and no longer required an answer.

I would not like to think that I missed receiving a single letter from a constituent because of nondelivery brought about by inadequacies in our postal system.

The East and West Pavilions of the Post Office of Washington, D.C., bear inscriptions which can bring to our minds daily the importance of the U.S. Post Office and the need to seek reform in its operation. The words, from the pen of Charles William Eliot, are these:

> Carrier of news and knowledge
> Instrument of trade and commerce
> Promoter of mutual acquaintance
> Among men and nations and hence
> Of peace and good will.
> Carrier of love and sympathy
> Messenger of friendship
> Consoler of the lonely
> Servant of the scattered family
> Enlarger of the public life.

Mr. President, this bill is introduced on behalf of myself, Mr. FANNIN, Mr. BAKER, Mr. GOLDWATER, Mr. WILLIAMS of Delaware, and Mr. COOK.

I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and analysis will be printed in the RECORD.

The bill (S. 492) to establish a postal corporation, and for other purposes, introduced by Mr. HANSEN, for himself and other Senators, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

S. 492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Postal Corporation Act".

POSTAL SERVICE

SEC. 2. Title 39, United States Code, is amended to read as follows:

"TITLE 39—THE POSTAL SERVICE

"Part	Sec.
"I. The Postal Corporation	101
"II. General	2101
"III. Existing Classes of Mail and Rates	5101

"PART I—THE POSTAL CORPORATION

"Chapter	Sec.
"1. Definitions and Application	101
"3. Establishment and Purposes	301
"5. Board of Directors and Chief Executive Officer	501
"7. Rate-Making	701
"9. Personnel	901
"11. Delivery and Transportation Services	1101
"13. Miscellaneous	1301

"CHAPTER I—DEFINITIONS AND APPLICATION

"Sec.
"101. Definitions.
"102. Application.

"§ 101. Definitions

"As used in this title—

"(1) 'Corporation' means the Postal Corporation;

"(2) 'board' means the board of directors of the Corporation; and

"(3) 'commissioners' means the three rate commissioners of the Corporation.

"§ 102. Application

"This title shall have the same force and effect within Guam as within other possessions of the United States.

"CHAPTER 3—ESTABLISHMENT AND PURPOSES

"Sec.
"301. Establishment.
"302. Purposes.

"§ 301. Establishment

"There is hereby created a body corporate to be known as the Postal Corporation. The Corporation shall have perpetual succession unless dissolved by Act of Congress.

"§ 302. Purposes

"The Corporation shall—

"(1) develop, promote, and provide adequate, efficient and uniform postal services at reasonable and equitable rates and fees;

"(2) provide facilities and equipment which will meet the needs of postal users;

"(3) employ individuals on the basis of merit and without regard to any political consideration; and

"(4) provide adequate facilities and equipment for use by officers and employees of the Corporation in carrying out their duties.

"CHAPTER 5—BOARD OF DIRECTORS AND CHIEF EXECUTIVE OFFICER

"Sec.
"501. Composition; powers; delegation of authority.
"502. Terms of office.
"503. Compensation.
"504. Vacancies; quorum.
"505. Board committees.

"§ 501. Composition; powers; delegation of authority

"(a) The Corporation shall have a board of directors consisting of nine members. Six of the members shall be appointed by the President, by and with the advice and consent of the Senate, and without regard to political affiliation. Such six members shall appoint a seventh member who shall also serve as chairman of the board and as the chief executive officer of the Corporation. The chairman and the six members of the board shall appoint the eighth and ninth members, one of whom shall be designated as the chief operating officer of the Corporation and the other as an officer of the Corporation. The titles and the nature of the duties of the eighth and ninth members shall be determined by all the members of the board.

"(b) The board shall exercise all powers necessary to carry out the purposes, functions, powers, and duties of the Corporation. The board may delegate to any officer, employee, or agency of the Corporation such powers vested in the board or in any other officer or employee of the Corporation as the board deems appropriate.

"§ 502. Terms of office

"(a) The six members of the board appointed by the President pursuant to section 501(a) of this title shall serve as directors for six years except that—

"(1) the terms of the six members first taking office shall expire as designated by the President at the time of appointment, one at the end of one year, one at the end of two years, one at the end of three years, one at the end of four years, one at the end of five years, and one at the end of six years, following their appointments; and

"(2) any such member appointed to fill a vacancy occuring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

"(b) The member serving as chairman of the board and chief executive officer shall serve for such term as the six members of the board appointed by the President shall determine. The eighth and ninth members shall serve for such terms as such six members and the member serving as chairman of the board and chief executive officer shall jointly determine.

"§ 503. Compensation

"The six members of the board appointed by the President shall each receive $5,000 annually plus $300 for each meeting of the board attended, and shall be reimbursed for necessary travel and subsistence expenses incurred in attending such meetings. Such members shall fix the rate of compensation of the member serving as chairman of the board and chief executive officer and of the eighth and ninth members serving as officers of the Corporation.

"§ 504. Vacancies; quorum

"(a) Vacancies in the board, as long as there are five members in office, shall not impair the powers of the board to execute the purposes, functions, and duties of the Corporation.

"(b) Five of the members in office shall constitute a quorum for the transaction of business, except that—

"(1) in the appointment of the member serving as chairman of the board and chief executive officer, three of the six members appointed by the President shall constitute a quorum for such appointment; and

"(2) in the appointment of the eighth or ninth member of the board, serving as an officer of the Corporation, any four members from among the member serving as chairman of the board and chief executive officer and the six members appointed by the President shall constitute a quorum for any such appointment.

"§ 505. Board committees

"The board is authorized to establish such committees of the board, and delegate such powers to any committee, as the board deems appropriate to carry out its functions and duties.

"CHAPTER 7—RATEMAKING

"Sec.
"701. Authority to establish rates; uniformity.
"702. Free and subsidized mail.
"703. Rate manager; responsibility; staff.
"704. Rate commissioners and staff.
"705. Responsibility of rate commissioners.
"706. Adoption of changes.
"707. Complaints.

"§ 701. Authority to estabish rates; uniformity

"(a) Except as otherwise provided in this title, the Corporation shall have authority to establish reasonable classes of mail and reasonable and equitable rates of postage and fees.

"(b) Postal services for each class of mail shall be available throughout the United States. Except as provided in section 702 of this title, the rates of postage and fees for each class shall be uniform.

"§ 702. Free and subsidized mail

"(a) The Congress shall have the sole authority to determine which postal users shall be allowed to send mail of any class free of postage or at rates less than those established by the Corporation for other users of such class. The rates of all users receiving reduced rates shall be established by the Corporation so that the amount of postal revenues received from them, plus the amount received from the postal surcharge provided for in subsection (b) of this section, shall equal the amount of postal revenues that would have been received from users allowed to mail free of charge and at reduced rates if they had not been entitled to free or reduced rates.

"(b) Except for those postal users authorized to mail free of postage or at reduced rates in accordance with the provisions of subsection (a) of this section, the rates of postal users shall be adjusted to include a surcharge to replace revenues lost as the result of free postage and reduced rates authorized in accordance with such subsection. The estimated receipts from such surcharge shall not exceed three percent of the postal revenues estimated to be received, excluding the estimated receipts from the surcharge, from the mail users paying the surcharge.

"§ 703. Rate manager; responsibility; staff

"(a) Within the Corporation there shall be an officer known as the rate manager. He shall have the responsibility for initiating and recommending to the board any changes in (1) rates of postage or fees, (2) classes of postal users, or (3) the rate structure and design.

"(b) The rate manager shall be provided an adequate staff of rate experts, statisticians, economists, engineers, accountants, market analysts, and clerical assistants. He and his staff shall be subject to the general supervision of the board only.

"§ 704. Rate commissioners and staff

"(a) There is hereby established within the Corporation a panel of three rate commissioners appointed by the board. One of the commissioners shall be designated by the board as chief commissioner.

"(b) The Commissioners shall serve for terms of nine years except that—

"(1) the terms of the commissioners first taking office shall expire as designated by the board at the time of appointment, one at the end of three years, one at the end of six years, and one at the end of nine years; following their appointment; and

"(2) any such commissioner appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

"(c) The board shall provide the commissioners with a small professional and clerical staff and facilities appropriate and reasonable to carry out their functions under this chapter. The staff shall be responsible solely to the commissioners.

"(d) The commissioners shall promulgate rules and regulations and establish procedures to carry out their responsibilities under this chapter. Such rules, regulations, and procedures shall not be subject to any change or supervision by the board.

"(e) The chief commissioner shall have the administrative responsibility for assigning the business of the commissioners to the various commissioners and to members of the staff.

"§ 705. Responsibility of rate commissioners

"Any change, recommended by the rate manager and proposed to be adopted by the board, shall be forwarded to the commissioners. They shall have the proposed change published in the Federal Register together with a notice of the time and place of hearings on such change. The commissioners shall thereupon conduct hearings on the change and render an opinion. The opinion, together with the record, shall be referred to the board.

"§ 706. Adoption of changes

"(a) Upon receiving the opinion and record from the commissioners relating to a proposed change, as provided in section 705 of this title, and after careful consideration of the opinion and record, the board may adopt with or without modification any change it deems appropriate.

"(b)(1) Except as provided in subsection (c), the board shall transmit a change adopted by it to both Houses of the Congress on the same day and to each House while it is in session. The change shall become effective at the end of the first period of 60 calendar days of continuous session of the Congress after the date on which the change is transmitted unless, between the date of transmittal and the end of the 60-day period, either House passes a resolution stating in substance that such House does not favor the change.

"(2) The continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 60-day period.

"(3) The proposed change may include a provision that the change shall become effective at a time later than the day on which the change would otherwise become effective.

"(c) Rates adopted by the board for the following postal services, or similar postal services which the Corporation may establish, shall become effective, on such day as may be specified by the board, without submission to the Congress:

"(1) the registry of mail;

"(2) the insurance of mail, or other indemnifications of senders thereof for articles damaged or lost;

"(3) securing a signed receipt upon the delivery of mail and returning such receipt to sender;

"(4) certified mail service;

"(5) collect-on-delivery service;

"(6) special-delivery service;

"(7) special-handling service;

"(8) receipt or certificate showing mailing of registered, insured, certified, collect-on-delivery, and ordinary mail;

"(9) the issue of money orders;

"(10) notice to publisher, addressee, or sender of undeliverable mail, and for notice of change of address;

"(11) for returning undeliverable letters and parcels from the dead letter office to senders;

"(12) the issuance of a permit for prepayment of postage without stamps;

"(13) the entry, re-entry, or additional entry of a periodical publication; and

"(14) the registry of a news agent.

"(d) A change under this section which is effective shall be printed in the Federal Register.

§ 707. Complaints

"Any complaint by a postal user involving the mails, except one involving a change in rates or fees, classes of postal users, or the rate structure and design, shall be referred to the commissioners for their consideration, and they shall hold a hearing if the commissioners deem necessary. The commissioners shall make a report to the board on the complaint, and the board shall take such action on the complaint and report as it deems appropriate. A complaint involving a change in rates or fees, classes of postal users, or the rate structure or design shall be referred to the rate manager for his consideration and shall be considered in accordance with the provisions of sections 703–706 of this title.

"CHAPTER 9—PERSONNEL

"Sec.
"901. Appointment, promotion, and separation.
"902. Nonmanagerial and nonprofessional employees; terms of employment.
"903. Managerial and professional employees; terms of employment.
"904. Armed Forces postal clerks.
"905. Oath of office.
"906. Personnel not to receive fees.
"907. Dual employment and extra duties.

"§ 901. Appointment, promotion, and separation

"The Corporation shall have the power to appoint such officers and employees, including postal inspectors, and to vest them with such powers and duties, as it deems necessary. Such appointments shall be without regard to the provisions of title 5, governing appointments in the competitive service. All appointments, promotions, and separations shall be made on the basis of merit and efficiency, and no political tests or qualifications shall be permitted or considered.

"§ 902. Nonmanagerial and nonprofessional employees; terms of employment

"(a) Rates of pay, hours of employment, employee benefits, and other conditions of employment of nonmanagerial and nonprofessional employees shall be determined by collective bargaining.

"(b) In the event that no agreement is reached through collective bargaining, or a dispute arises out of a collective bargaining agreement or its interpretation, and the parties are unwilling to submit to binding arbitration or other means of reaching a decision which shall be binding, the disagreement or dispute shall be referred to the President. He shall settle the disagreement or dispute in the manner he deems appropriate, and such settlement shall be final and binding on all parties.

"§ 903. Managerial and professional employees; terms of employment

"Rates of pay, hours of employment, benefits, and other conditions of employment of managerial and professional officers and employees shall be determined by the board.

"§ 904. Armed Forces postal clerks

"(a) Upon selection by the Secretaries of the departments concerned, the Corporation may designate Armed Forces postal clerks, and assistant Armed Forces postal clerks, from enlisted personnel of the—

"(1) Army of the United States;

"(2) United States Navy;

"(3) Air Force of the United States;

"(4) United States Marine Corps; and

"(5) United States Coast Guard;

including their reserve components.

"(b) Armed Forces postal clerks and assistant Armed Forces postal clerks designated under authority of subsection (a) of this section shall—

"(1) receive and open all pouches and sacks of mail addressed to the post offices, stations, vessels and installations of the organizations listed in subsection (a) of this section;

"(2) make delivery of the mail;

"(3) receive matter for transmission in the mail;

"(4) receipt for registered mail;

"(5) sell postage stamps;

"(6) make up and dispatch mail; and

"(7) perform any other postal duties that may be authorized by the Corporation in accordance with such regulations as may be prescribed by the appropriate authority of the organizations listed in subsection (a) of this section. "(c) Each clerk or assistant clerk appointed under authority of this section shall—

"(1) take the oath of office prescribed by the Corporation;

"(2) be covered by a bond in such penal sum as the Corporation deems sufficient for the faithful performance of his duties as postal clerk or assistant postal clerk, unless bonding is waived by the Secretary of the department concerned; and

"(3) be amenable in all respects to the discipline of their respective services, except as provided in subsection (d) of this section.

"(d) The commanding officer having jurisdiction over a post office, station, vessel, or installation where Armed Forces postal clerks or assistant Armed Forces postal clerks are stationed shall require them to be governed by the postal laws and the postal regulations. Whenever he deems it necessary a commanding officer may require any assistant Armed-Forces postal clerk to perform the duties of an Armed Forces postal clerk.

"(e) The Secretary of the department concerned may terminate any bond covering any Armed Forces postal clerk or assistant Armed Forces postal clerk without affecting the liability of any person of surety thereunder for losses or shortages occurring prior to such termination.

"(f) The Departments of the Army, Navy, Air Force, and Transportation shall reimburse the Corporation annually in an amount of money equal to—

"(1) funds and the value of other accountable postal stock embezzled by, or lost through the negligence, errors, of defalcations on the part of—

"(A) unbonded Armed Forces postal clerks or assistant Armed Forces postal clerks or persons acting in that capacity; or

"(B) commissioned or warrant officers of the Army, Navy, Air Force, Marine Corps, and Coast Guard who have been designated custodians of postal effects by the appropriate commanding officer; and

"(2) funds expended by the Corporation in payment of claims arising through negligence, errors, losses, or defalcations by persons listed in paragraph (1) of this subsection.

"(g) The Secretaries of the Army, Navy, Air Force, and Transportation shall take action to recover from the persons responsible for the losses or shortages the amounts paid under the provisions of this section.

"§ 905. Oath of office

"Before entering upon their duties, and before receiving any salary, all officers and employees of the Corporation, in addition to any other oath or affirmation required by law, shall respectively take and subscribe the following oath or affirmation:

" 'I, do hereby solemnly swear (or affirm, as the case may be) that I will faithfully perform all the duties required of me and abstain from everything forbidden by the laws in relation to the establishment of post offices and post roads within the United States; and that I will honestly and truly account for and pay over any money belonging to the said United States which may come into my possession or control; and I also further swear (or affirm) that I will support the Constitution of the United States; so help me God.'

"A person authorized to administer oaths by the laws of the United States, including section 2903 of title 5, or of a State or territory, or an officer, civil or military, holding a commission under the United States may administer and certify the oath or affirmation.

"§ 906. Personnel not to receive fees

"An officer or employee of the Corporation may not receive any fee or perquisite from a patron of the Corporation on account of the duties performed by virtue of his appointment, except as authorized by law.

"§ 907. Dual employment and extra duties

"(a) The Corporation may appoint an employee to more than one position and it shall pay compensation at the rate agreed to for each position, without regard to the provisions of sections 5531–5537 of title 5.

"(b) The Corporation, with the consent of the Administrator of General Services, may appoint custodial employees working under the jurisdiction of the General Services Administration at Federal buildings occupied in part by the Corporation to positions in the Corporation to perform postal duties in addition to their regular duties as custodial employees, and it shall pay compensation to them at the rate agreed to without regard to the provisions of sections 5531–5537 of title 5.

"CHAPTER 11—DELIVERY AND TRANSPORTATION SERVICES

"Subchapter I—Delivery

"Sec.
"1101. Free delivery of mail.
"1102. Receiving boxes.

"Subchapter II—Authority to transport mail

"Sec.
"1111. Provisions for carrying the mail.
"1112. Agreements to provide for mail transportation.
"1113. Emergency mail service in Alaska.
"1114. Transportation of mail of adjoining countries through the United States.
"1115. Mails to be carried on United States registered vessels.
"1116. Establishment of post roads.
"1117. Discontinuance of service on post roads.

"Subchapter III—Transportation of mail by railroad

"Sec.
"1121. Definition.
"1122. Service by railroad.
"1123. Authorization of service by railroad.
"1124. Facilities provided by railroads.
"1125. Changes in service.
"1126. Evidence of service.
"1127. Fines and deductions.
"1128. Interstate Commerce Commission to fix rates.
"1129. Procedures.
"1130. Special rates.
"1131. Discrimination in transporting publications.
"1132. Transportation by motor vehicle.
"1133. Special contracts.
"1134. Railroad operations, receipts, and expenditures.

"Subchapter IV—Transportation of mail by air

"Sec.
"1151. Rules and regulations.
"1152. Special arrangement in Alaska.
"1153. Air routes.
"1154. Fines on aircraft carriers transporting the mails.
"1155. Airmail Flyer's Medal of Honor.

"Subchapter V—Transportation by sea

"Sec.
"1171. Sea post service.
"1172. Termination of contracts for foreign transportation.
"1173. Transportation of mail by vessel as freight or express.
"1174. Fines on ocean carriers.

"Subchapter I—Delivery

"§ 1101. Free delivery of mail

"The Corporation shall provide delivery service for the free delivery of mail, as frequently as the public business may require, and serving as nearly as practicable the entire population of the United States.

"§ 1102. Receiving boxes

"(a) When the public convenience requires, the Corporation may provide receiving boxes for the deposit of mail and for the collection of mail deposited therein.

"(b) The Corporation may not place a receiving box inside a building except a railroad station, a public building, or a building which is freely open to the public during business hours. The Corporation may declare that chutes or other devices approved by him which are connected with receiving boxes are part thereof and under the exclusive care and custody of the Corporation.

"Subchapter II—Authority to transport mail

"§ 1111. Provisions for carrying the mail

"(a) The Corporation shall provide for the transportation of mail by land, air, or water as often as it deems proper under the circumstances—

"(1) within, among, and between, the United States, its territories, territories under trusteeship, possessions, the Commonwealth of Puerto Rico, and Armed Forces; and

"(2) between the United States, its territories, territories under trusteeship, possessions, the Commonwealth of Puerto Rico, or its Armed Forces, and any foreign country.

"(b) The Corporation shall provide for the transportation of mail to the courthouse of every county in the United States.

"§ 1112. Agreements to provide for mail transportation

"The Corporation may enter into any agreement it deems appropriate in order to provide necessary domestic or foreign transportation of mail, except that—

"(1) transportation of mail by railroad shall be procured as provided in sections 1121–1134 of this title and otherwise provided by law; and

"(2) transportation of mail by air shall be obtained in accordance with 1151–1155 of this title.

"§ 1113. Emergency mail service in Alaska

"The Corporation may provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as it deems advisable, without advertising therefor, at a total annual cost not exceeding $25,000.

"§ 1114. Transportation of mail of adjoining countries through the United States

"The Corporation, by and with the advice and consent of the President, may make arrangements to allow the mail of countries adjoining the United States to be transported over the territory of the United States from one point in that country to any other point therein, at the expense of the country to which the mail belongs, upon obtaining a like privilege for the transportation of the United States mail through the country to which the privilege is granted. The President or Congress may annul the privilege at any time. The privilege shall terminate one month succeeding the day on which notice of the act of the President or Congress is given to the chief executive or head of the post office department of the country whose privilege is to be annulled.

"§ 1115. Mails to be carried on United States registered vessels

"Mail of the United States shall, insofar as practicable, be carried on vessels of United States registry between ports between which it is lawful under the navigation laws for a vessel not documented under the laws of the United States to carry merchandise.

"§ 1116. Establishment of post roads

"The following are post roads—

"(1) the waters of the United States, during the time the mail is carried thereon;

"(2) railroads or parts of railroads and air routes in operation;

"(3) canals, during the time the mail is carried thereon;

"(4) public roads, highways, and toll roads during the time the mail is carried thereon; and

"(5) letter-carrier routes established for the collection and delivery of mail.

"§ 1117. Discontinuance of service on post roads

"The Corporation may discontinue service on a post road or part thereof when, in its opinion—

"(1) the postal service cannot safely be continued;

"(2) the revenues cannot be collected;

"(3) the laws cannot be maintained; or

"(4) the public interest so requires.

"Subchapter III—Transportation of mail by Railroad

"§ 1121. Definition

"As used in this subchapter, unless otherwise specified, 'railroad' means a railway common carrier, including an electric urban and interurban railway common carrier.

"§ 1122. Service by railroad

"This subchapter applies to mail transportation performed by a railroad by rail or combination of mail and vessel, or by motor vehicle as provided by section 1132 of this title.

"§ 1123. Authorization of service by railroad

"(a) The Corporation may establish railroad mail routes and authorize mail transportation service thereon. The Corporation may transport its equipment and supplies as mail thereon.

"(b) A railroad shall transport mail, including equipment and supplies of the Corporation, offered for transportation by the United States in the manner, under the conditions, and with the service prescribed by the Corporation. It is entitled to receive fair and reasonable compensation for the transportation and services connected therewith.

"(c) The Corporation shall determine the trains upon which mail shall be transported.

"(d) A railroad shall transport with due speed, on any train it operates, such mail, including equipment and supplies of the Corporation, as the Corporation directs.

"(e) A railroad engaged in the transportation of mail shall transport on any train it operates upon exhibiting their credentials and without extra charge therefor—

"(1) persons in charge of the mail when on duty and traveling to and from duty; and

"(2) accredited agents and officers, including postal inspectors, of the Corporation while traveling on official business.

"§ 1124. Facilities provided by railroads

"(a) If the Corporation shall so request, a railroad engaged in the transportation of mail shall provide the following equipment and facilities:

"(1) cars or parts of cars used in the transportation and distribution of mail;

"(2) facilities for protecting and handling mail in its custody;

"(3) station space and rooms for handling, storing, and transfering mail in transit, including the separation thereof by packages for connecting lines, and for distribution of registered mail in transit; and

"(4) when required by the Corporation, offices for employees engaged in postal transportation service at stations in which mail from station boxes may be distributed if additional space is not required therefor.

"(b) Railway post office cars or parts thereof used for mail transportation and distribution must be of such construction, style, length, and character, and must be equipped in such manner as the Corporation requires. They must be constructed, equipped, maintained, heated, lighted, and cleaned by and at the expense of the railroad. The Corporation may not pay for full and apartment railway post office car service unless the car furnished therefor is sound in material and construction, equipped with sanitary drinking water containers and toilet facilities, and regularly and thoroughly cleaned. The Corporation may not accept or pay for service by a full railway post office car unless the car is constructed of steel, steel underframe, or equally indestructible material.

"(c) A railroad shall place cars used for full or apartment railway post office car service in stations at such times before the departure of the trains as the Corporation directs.

"§ 1125. Changes in service

"The Corporation may authorize, according to the need therefor, new or additional mail transportation service by railroad at the rates or compensation fixed pursuant to this subchapter. It may reduce or discontinue service with pro rata reductions in compensation. The Corporation need not pay for additional service which it has not specifically authorized.

"§ 1126. Evidence of service

"A railroad shall submit evidence of the performance of mail transportation service, signed by an authorized official in such form and at such times as the Corporation requires. Mail transportation service is considered that of the railroad performing it regardless of the ownership of the property used by the railroad.

"§ 1127. Fines and deductions

"(a) For refusal to perform mail transportation service required by the Corporation at rates or method of compensation established under this subchapter, the Corporation shall fine—

"(1) an electric urban or interurban railroad, $100; and

"(2) any other railroad, $1,000. Each day of refusal constitutes a separate offense.

"(b) The Corporation shall fine a railroad an amount it deems reasonable for—

"(1) failure or refusal to transport mail, equipment, and supplies on any train it operates when required by the Corporation;

"(2) failure or refusal to furnish cars or apartments in cars for distribution purposes when required by the Corporation;

"(3) failure or refusal to construct, equip, maintain, heat, light, and clean cars or apartments in cars for distribution purposes;

"(4) failure or refusal to furnish appliances for use in case of accident, as required by the Corporation, in cars or apartments in cars used for distribution purposes; or

"(5) other delinquencies in mail transportation and the service connected therewith.

"(c) The Corporation may make deductions from the compensation of a railroad for failure to perform mail transportation service as authorized and, if the failure to perform is due to the fault of the railroad, it may deduct a sum not exceeding three times the compensation applying to such service.

§ 1128. Interstate Commerce Commission to fix rates

"(a) The Interstate Commerce Commission shall determine and fix from time to time the fair and reasonable rates or compensation for the transportation of mail by railroad and the service connected therewith and prescribe the method for computing such rates or compensation. The Commission shall publish its orders stating its determination under this section which shall remain in force until changed by it after notice and hearing.

"(b) For the purpose of determining and fixing rates or compensation under this section, the Commission may make just and reasonable classifications of railroads and, where just and equitable, fix general rates applicable to railroads in the same classification.

"(c) In determining and fixing fair and reasonable rates under this section, the Commission shall consider the relation between the Government and railroads as public service corporations, and the nature of public service as distinguished, if there is a distinction, from the ordinary transportation business of the railroads.

"§ 1129. Procedures

"(a) At any time after six months from the entry of an order stating the Commission's determination under section 1128 of this title, the Corporation or an interested railroad may apply for a re-examination and substantially similar proceedings as have theretofore been had shall be followed with respect to the rates for services covered by the application. At the conclusion of the hearing the Commission shall enter an order stating its determination.

"(b) Except as authorized by sections 1130 and 1133 of this title, the Corporation shall pay a railroad the rates or compensation so determined and fixed for application at such stated times as named in the order.

"(c) The Corporation may file with the Commission a comprehensive plan, stating—

"(1) its requirements for the transportation of mail by railroad;

"(2) the number, equipment, size, and construction of the cars necessary for the transaction of the business;

"(3) the character and speed of the trains which are to carry the various kinds of mail;

"(4) the service, both terminal and en route, which carriers are to render;

"(5) what it believes to be the fair and reasonable rates or compensation for the services required;

"(6) all other information which may be material to the inquiry, but such other information may be filed at any time in the discretion of the Commission.

"(d) When a comprehensive plan is filed, the Commission shall give notice of not less than thirty days to each railroad required by the Corporation to transport mail. A railroad may file its answer at the time fixed by the Commission, but not later than thirty days after the expiration date fixed by the Commission in the notice, and the Commission shall proceed with the hearing.

"§ 1130. Special rates

"(a) Upon petition by the Corporation, the Commission shall determine and fix carload or less-than-carload rates for the transportation of packages not being handled and delivered as high priority mail and of periodical mail. A railroad shall perform the service at the rates so determined when requested to do so and under the conditions prescribed by the Corporation.

"(b) The Corporation may make special arrangements with railroads for the transportation of mail in freight trains at rates not in excess of the usual and just freight rates in accordance with classifications and tariffs filed with or prescribed by the Commission.

"§ 1131. Discrimination in transporting publications

"(a) The Corporation may not transport a publication by freight if this method of mail transportation results in unfair discrimination against the owner of the publication.

"(b) When the owner of a publication required by order of the Corporation to be transported by freight believes that this method of transportation unfairly discriminates against him, he may file a written application with the Corporation for a hearing. Thereafter he shall be given an opportunity for a hearing before the Corporation. Pending final determination no change may be made in the method of transportation of the publication as ordered by the Corporation.

"(c) Prior to the entry of an order stating the Corporation's determination, the Corporation shall cause the testimony in the hearing under this section to be reduced to writing and filed with the Corporation.

"(d) If the Corporation after the hearing determines by order that there is no unfair discrimination, the publisher may, within a period of twenty days after the date of the order, petition the United States Court of

Appeals for the District of Columbia for review of the order, by filing in the court a written petition praying that the order be set aside. The clerk of the court shall transmit a copy of the petition to the Corporation and thereupon the Corporation shall file in the court the record as provided in section 2112 of title 28. Upon the filing of the petition the court shall have jurisdiction to examine, set aside or modify the order of the Corporation.

"(e) The jurisdiction of the United States Court of Appeals for the District of Columbia to affirm, set aside, or modify the orders of the Corporation is exclusive.

"(f) The United States Court of Appeals for the District of Columbia shall give precedence to proceedings under this section over other pending cases and they shall be expedited in every way.

"§ 1132. Transportation by motor vehicle.

"The Corporation may permit a railroad to perform mail transportation by motor vehicle over highways in lieu of service by rail at rates or compensation not exceeding those allowable for similar service by rail.

"§ 1133. Special contracts

"The Corporation may enter into special contracts with railroads. The Corporation may contract to pay lower rates or compensation, or where in its judgment conditions warrant, higher rates or compensation, than those determined and fixed by the Interstate Commerce Commission.

"§ 1134. Railroad operations, receipts, and expenditures

"The Corporation shall request all railroad companies transporting the mails to furnish, under seal, such data relating to the operations, receipts and expenditures of such roads as may, in its judgment, be deemed necessary to enable it to ascertain the cost of mail transportation and the proper compensation to be paid for the same. The Corporation shall, in its annual report to Congress, make such recommendations, founded on the information obtained under this section, as shall, in its opinion, be just and equitable.

"Subchapter IV—Transportation of mail by air

"§ 1151. Rules and regulations

"The Corporation may make such rules, regulations, and orders not inconsistent with sections 1301–1542 of title 49, or any order, rule, or regulation made by the Civil Aeronautics Board thereunder, as may be necessary for the safe and expeditious carriage of mail by aircraft.

"§ 1152. Special arrangement in Alaska

"(a) When in the opinion of the Corporation transportation of mail by aircraft in Alaska is required, and where transportation of mail by aircraft has not been authorized by the Civil Aeronautics Board under sections 1371–1386 of title 49, the Corporation, notwithstanding any other provision of law, may contract for the carriage of any class of mail by aircraft. The transportation of mail under contracts entered into under this section, is not, except for sections 1371(k) and 1386 (b) of title 49 and 'air transportation' as that term is defined in section 1301 of title 49, and the rates of compensation therefor may not be fixed under sections 1301–1542 of title 49. The Corporation shall cancel such a contract upon the issuance by the Board of an authorization under sections 1371–1386 of title 49 to any air carrier to engage in the transportation of mail by aircraft between any of the points named in the contract.

"(b) An air carrier authorized by the Civil Aeronautics Board under sections 1371–1386 of title 49 to engage in the transportation of mail by aircraft in Alaska, may be required by the Corporation to transport, within the limits of the authorization, any class of mail. The Board shall determine and fix the rates of compensation to be paid for the transportation in accordance with the provisions of sections 1301–1542 of title 49.

"§ 1153. Air routes

"(a) The Corporation may contract for the transportation of any class of mail by aircraft upon routes—

"(1) whenever it finds such contract to be in the public interest because of the nature of the terrain or the impracticability or inadequacy of surface transportation; and

"(2) where the cost is reasonably compatible with the service to be performed.

"(b) Prior to seeking any contract, the Corporation shall obtain from the Civil Aeronautics Board a certification that the proposed route does not conflict with the development of air transportation as contemplated under sections 1301–1542 of title 49. Upon receipt of a request from the Corporation for certification, the Board shall—

"(1) promptly publish in the Federal Register and send to such persons as the Board by regulation determines, a notice describing the proposed air route;

"(2) thereafter afford interested persons a reasonable opportunity to submit written data, views, or arguments with or without the opportunity to present them orally;

"(3) consider all relevant matter presented; and

"(4) grant, not less than thirty days after notice, the requested certification upon finding that the proposed route does not conflict with the development of air transportation as contemplated under sections 1301–1542 of title 49. The Board may grant the requested certification upon less notice if it for good cause finds that thirty days advance notice is impracticable, unnecessary, or contrary to the public interest, and incorporates this finding and a brief statement of the reasons therefor in its order granting the certification.

"(c) The Corporation shall cancel a contract made under this section upon the issuance by the Board of an authorization under sections 1371–1386 of title 49 to an air carrier to engage in the transportation of mail by aircraft between any of the points named in the contract.

"(d) Sections 1371–1376, 1380, 1381, and 1385 of title 49 do not apply to the transportation of mail under this section.

"§ 1154. Fines on aircraft carriers transporting the mails

"The Corporation may impose or remit fines on contractors or carriers transporting mail by air on routes extending beyond the borders of the United States for—

"(1) unreasonable or unnecessary delay to mail; and

"(2) other delinquencies in the transportation of the mail.

"§ 1155. Airmail Flyer's Medal of Honor

"The President may present, but not in the name of the Congress, an Airmail Flyer's Medal of Honor, of appropriate design, with accompanying ribbon, to any person who, while serving as a pilot in the airmail service distinguished himself by heroism or extraordinary achievement. The President may not award more than one medal to any one person, but for each additional act or achievement sufficient to justify the award of a medal he may award a bar or other suitable device to be worn as he directs. If the individual who distinguished himself dies before the award is made, the President may present the medal, bar, or other device, to such representative of the deceased as the President designates. A medal, bar, or other device may not be awarded or presented to an individual whose entire service subsequent to the time he distinguished himself has not been honorable.

"Subchapter V—Transportation by sea

"§ 1171. Sea post service

"The Corporation may maintain sea postal service on ocean vessels conveying mail to and from the United States.

"§ 1172. Termination of contracts for foreign transportation

"Contracts for the transportation of mail by vessel between the United States and a foreign port shall be made subject to cancellation by the Corporation, the President, or the Congress.

"§ 1173. Transportation of mail by vessel as freight or express

"(a) The Corporation may require that mail be transported by vessel as freight or express when—

"(1) there is no competition on a water route and the rate of compensation asked is excessive; or

"(2) no proposal is received.

"(b) A common carrier by water that refuses to transport the mail when required to do so under this section shall be fined not more than $500 for each day of refusal.

"§ 1174. Fines on ocean carriers

"The Corporation may impose or remit fines on carriers transporting mail by vessel on routes extending beyond the borders of the United States for—

"(1) unreasonable or unnecessary delay to the mail; and

"(2) other delinquencies in the transportation of the mail.

"CHAPTER 13—MISCELLANEOUS

"Sec.

"1301. Postal Corporation Fund.
"1302. Obligations of Corporation.
"1303. General powers.
"1304. Principal office; venue.
"1305. Taxation.
"1306. Annual report.
"1307. Printing of illustrations of United States stamps.

"§ 1301. Postal Corporation Fund

"(a) There is established within the Treasury of the United States a Postal Corporation Fund which shall be available to the Corporation, without fiscal-year limitation, to carry out the purposes, functions, and powers of this title.

"(b) The Fund shall be credited with—

"(1) postage and fees received from postal services;

"(2) amounts received from notes, debentures, or other obligations issued by the Corporation;

"(3) amounts appropriated for use by the Corporation;

"(4) interest which may be earned on investments of the Fund; and

"(5) receipts from any other sources which may, from time to time, be credited to the Fund.

"(c) If the Corporation determines that the moneys of the Fund are in excess of current needs, it may request the investment of such amounts as it deems advisable by the Secretary of the Treasury in obligations issued or guaranteed by the United States.

"§ 1302. Obligations of Corporation

"(a) The Corporation is authorized to issue such notes, debentures, or other obligations as it determines necessary to carry out the purposes of this title. Such obligations shall not exceed $2,000,000,000 outstanding at any one time. Such obligations shall pledge the full faith and credit of the Corporation, but shall not be obligations of, nor shall payment of the principal thereof or interest thereon be guaranteed by, the United States. The proceeds realized by the Corporation from issuance of obligations and from other sources shall not be subject to apportionment under the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665).

"(b) The obligations of the Corporation shall be in such forms and denominations, shall be sold at such times and in such amounts, shall mature at such time or times not more than fifty years from their respective dates, shall be sold at such prices, shall bear such rates of interest, may be redeemable before maturity at the option of the

Corporation in such manner and at such times and redemption premiums, may be entitled to such relative priorities of claim on the assets of the Corporation with respect to principal and interest payments, and shall be subject to such other terms and conditions as the Corporation may determine. At least fifteen days before selling each issue of obligations hereunder the Corporation shall advise the Secretary of the Treasury of the amount, proposed date of sale, maturities, terms, and conditions and expected rates of interest of the proposed issue in the fullest detail possible and, if the Secretary shall so request, shall consult with him or his designee thereon, but the sale and issuance of such obligations shall not be subject to approval by the Secretary of the Treasury except as to the time of issuance and the maximum rates of interest of the obligations. If the Secretary of the Treasury does not give such approval within seven working days following the date on which he is advised of the proposed sale, the Corporation may issue to the Secretary interim obligations in the amount of the proposed issue, which the Secretary is directed to purchase. If the Corporation determines that a proposed issue cannot be sold on reasonable terms, it may issue to the Secretary interim obligations which the Secretary is authorized to purchase. Notwithstanding the foregoing provisions of this subsection, not more than $500,000,000 in obligations issued by the Corporation to the Secretary shall be outstanding at any one time. They shall mature on or before one year from date of issue, and shall bear interest equal to the average rate (rounded to the nearest one-eighth of a percent) on outstanding marketable obligations of the United States with maturities from dates of issue of one year or less as of the close of the month preceding the issuance of the obligations of the Corporation. If agreement with the Secretary of the Treasury concerning the date of issuance or interest rate of any obligations is not reached within eight months, the Corporation may nevertheless proceed to sell such obligations on any date thereafter without approval by the Secretary in amount sufficient to retire the interim obligations issued to him and such interim obligations shall be retired from the proceeds of such obligations. For the purpose of any purchase of the Corporation's obligations the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the applicable provisions of chapter 12 of title 31 and the purposes for which securities may be issued under such chapter are extended to include any purchase of the Corporation's obligations hereunder.

"(c) The Corporation may—

"(1) sell obligations by negotiation or on the basis of competitive bids, subject to the right, if reserved, to reject all bids;

"(2) designate trustees, registrars, and paying agents in connection with such obligations and the issuance thereof;

"(3) arrange for audits of its accounts and for reports concerning its financial condition and operations by certified public accounting firms (which audits and reports shall be in addition to those required by sections 105 and 106 of the Government Corporation Control Act (31 U.S.C. 850, 851); and

"(4) subject to any covenants contained in any agreements entered into with the purchasers or holders of its obligations, invest the proceeds from the sale of its obligations and other funds under its control in any securities approved for investment of national bank funds and deposit said proceeds and other funds, subject to withdrawal by check or otherwise, in accordance with section 302 of the Government Corporation Control Act (31 U.S.C. 867).

"(d) Obligations issued by the Corporation hereunder shall contain a recital that they are issued pursuant to this section, and such recital shall be conclusive evidence of the regularity of the issuance and sale of such obligations and of their validity.

"(e) Obligations issued by the Corporation shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the United States. The Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the obligations of the Corporation acquired by them under this subsection.

"§ 1303. General powers

"The Corporation shall have the following powers:

"(1) to adopt, alter, and use a corporate seal;

"(2) to adopt, amend, and repeal bylaws, rules, and regulations governing the manner of its operations, organization, and personnel and the performance of the powers and duties granted to or imposed upon it by law;

"(3) to provide for the collection, handling, transportation, delivery, forwarding, returning, holding, and disposing (as undeliverable) of mail;

"(4) except as provided in chapter 27 of this title, to prescribe the manner in which postage is to be paid;

"(5) to determine the need for post offices, postal and training facilities and equipment and to provide such offices, facilities, and equipment;

"(6) to issue postage stamps and other stamped paper, cards, and envelopes as may be necessary;

"(7) to provide philatelic services;

"(8) to establish, change, or abolish registry, insurance, collection-on-delivery, and money order systems, or similar systems;

"(9) establish dead letter offices for the examination and treatment of mail;

"(10) except as otherwise provided, to determine and keep its own system of accounts and the forms and contents of its contracts and other business documents;

"(11) to prepare a budget in the manner the board deems appropriate (and, except as otherwise specifically provided in the Postal Corporation Act, the Government Corporation Control Act, or except for funds to be appropriated to the Corporation, any such budget shall not be required to be submitted to the United States Government, or to be included in the budget of the United States Government);

"(12) to sue and be sued in its corporate name, except that nothing herein shall be construed to exempt the Corporation from the application of sections 517, 547, and 2679 of title 28;

"(13) to have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, or decedent's estates;

"(14) to acquire by purchase, lease, condemnation, or in any other lawful manner, any real or personal property, tangible or intangible, or any interest therein; to hold, maintain, use, and operate the same; to provide services in connection therewith, and to charge therefor; and to sell, lease, or otherwise dispose of the same at such time, in such manner, and to the extent deemed necessary or appropriate by the board for the conduct of the business of the Corporation and to carry out the corporate purposes;

"(15) to construct, operate, lease, and maintain buildings, facilities, and other improvements, on the property transferred to it pursuant to section 6 of the Postal Corporation Act, as may be required to carry out the purposes of this title, and to charge for the use of the foregoing;

"(16) to accept gifts or donations of services or personal property, tangible or intangible, in aid of any of the purposes of the Corporation;

"(17) to obtain the services of experts and consultants on such terms as the Corporation deems appropriate;

"(18) to enter into any contract or other arrangement or modification thereof, with any government, any agency or department of the United States, or with any person, firm, association, or corporation, and such contract or other arrangement, or modification thereof, including a contract, arrangement, or modification providing for the transportation or delivery of the mail, may be entered into without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5);

"(19) to determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to the provisions of this title;

"(20) to make advance, progress, and other payments which the board deems necessary under this title without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);

"(21) to execute, in accordance with its bylaws, rules, and regulations, all instruments necessary or appropriate in the exercise of any of its powers;

"(22) to settle and adjust claims held by the Corporation against other persons or parties and claims by other persons or parties against the Corporation; and

"(23) to take such action as may be necessary to carry out the responsibilities and powers conferred upon the Corporation.

"§ 1304. Principal office; venue

"(a) The principal office of the Corporation shall be in the District of Columbia.

"(b) For purposes of venue in civil actions, the Corporation shall be deemed to be a resident of the District of Columbia.

"§ 1305. Taxation

"The Corporation, its property, assets, income, and obligations (including principal and interest) are exempt from taxation in any manner or form by the United States, a State, or political subdivision thereof, the District of Columbia, or territory or possession of the United States except for estate, inheritance, or gift taxes assessed against obligations of the Corporation.

"§ 1306. Annual report

"The Corporation shall, as soon as practicable, after the end of each corporate fiscal year, make a report in writing for submission to the Congress on its activities during the preceding corporate fiscal year.

"§ 1307. Printing of illustrations of United States stamps

"(a) When requested by the Corporation, the Public Printer shall print as a public document for sale by the Superintendent of Documents, illustrations in black and white or in color of postage stamps of the United States, together with such descriptive, historical, and philatelic information with regard to the stamps as the Corporation deems suitable.

"(b) Notwithstanding the provisions of section 505 of title 44, stereotype or electrotype plates, or duplicates thereof, used in the publications authorized to be printed by this section may not be sold or otherwise disposed of.

"PART II—GENERAL

"Chapter		Sec.
"21.	International agreements	2101
"23.	Private carriage of letters	2301
"25.	Nonmailable matter	2501
"27.	Penalty and franked mail	2701
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"CHAPTER 21—INTERNATIONAL AGREEMENTS

"Sec.

"2101. International postal arrangements.
"2102. International money order exchanges.
"2103. Transportation of international mail by air carriers of the United States.

"§ 2101. International postal arrangements

"(a) For the purpose of making better

postal arrangements with other countries, or to counteract their adverse measures affecting our postal intercourse with them, the Corporation, by and with the advice and consent of the President, may negotiate and conclude postal treaties or conventions, and may reduce or increase the rates of postage or other charges on mail matter conveyed between the United States and other countries. The decisions of the Corporation construing or interpreting the provisions of any treaty or convention which has been or may be negotiated and concluded shall, if approved by the President, be final and conclusive upon all officers of the United States.

"(b) The Corporation shall transmit a copy of each postal convention concluded with other governments to the Secretary of State, who shall furnish a copy of the same to the Public Printer for publication. The Corporation shall revise the printed proof sheets of all such conventions.

"§ 2102. International money-order exchanges

"The Corporation may make arrangements with other governments, with which postal conventions are or may be concluded, for the exchange of sums of money by means of postal orders. It shall fix the rates of exchange.

"§ 2103. Transportation of international mail by air carriers of the United States

"(a) The Corporation may offset against any balances due another country resulting from the transaction of international money order business, or otherwise, amounts due from that country to the United States, or to the United States for the account of air carriers of the United States transporting mail of that country, when—

"(1) the Corporation puts into effect rates of compensation to be charged another country for transportation; and

"(2) the United States is required to collect from another country the amounts owed for transportation for the account of the air carriers.

"(b) When the Corporation has proceeded under authority of subsection (a), it shall—

"(1) give appropriate credit to the country involved;

"(2) pay to the air carrier the portion of the amount so credited which is owed to the air carrier for its services in transporting the mail of the other country; and

"(3) deposit with the Corporation that portion of the amount so credited which is due the United States on its own account.

"(c) The Corporation, from time to time may advance to an air carrier, out of funds available for payment of balances due other countries, the amounts determined by him to be due from another country to an air carrier for the transportation of its mails when—

"(1) collections are to be made by the United States for the account of air carriers; and

"(2) the Corporation determines that the balance of funds available is such that the advances may be made therefrom.

Collection from another country of the amount so advanced shall be made by offset, or otherwise, and the appropriation from which the advance is made shall be reimbursed by the collections made by the United States.

"(d) If the United States is unable to collect from the debtor country an amount paid or advanced to an air carrier within twelve months after payment or advance has been made, the United States may deduct the uncollected amount from any sums owed by it to the air carrier.

"(e) The Corporation shall adopt such accounting procedures as may be necessary to conform to and effect the purposes of this section.

"CHAPTER 23—PRIVATE CARRIAGE OF LETTERS

"Sec.
"2301. Letters carried out of the mail.
"2302. Foreign letters out of the mail.
"2303. Searches authorized.
"2304. Seizing and detaining letters.
"2305. Searching vessels for letters.
"2306. Disposition of seized mail.

"§ 2301. Letters carried out of mail

"(a) A letter may be carried out of the mails when—

"(1) it is enclosed in an envelope;

"(2) the amount of postage which would have been charged on the letter if it had been sent by mail is paid by stamps, or postage meter stamps, on the envelope;

"(3) the envelope is properly addressed;

"(4) the envelope is so sealed that the letter cannot be taken from it without defacing the envelope;

"(5) any stamps on the envelope are canceled in ink by the sender; and

"(6) the date of the letter, of its transmission or receipt by the carrier is endorsed on the envelope in ink.

"(b) Notwithstanding the provisions of subsection (a) of this section, an organization may carry a letter out of the mails when—

"(1) the letter originates in the organization and is to be delivered within the organization; and

"(2) upon application and evidence of the organization, and approval of the application by the commissioners, that the Corporation is unable to provide adequate service for delivery of a letter within the organization.

"(c) Mail carriers and contractors for the transportation of mail may convey, out of the mail, newspapers for sale or distribution to subscribers.

"(d) the Corporation may suspend the operation of any part of subsection (a) of this section upon any mail route where the public interest requires the suspension.

"§ 2302. Foreign letters out of the mails

"(a) Except as provided in section 2301 of this title, the master of a vessel departing from the United States for foreign ports may not receive on board or transport any letter which originated in the United States that—

"(1) has not been regularly received from a United States post office; or

"(2) does not relate to the cargo of the vessel.

"(b) The officer of the port empowered to grant clearances, shall require from the master of such a vessel, as a condition of clearance, an oath that he does not have under his care or control, and will not receive or transport, any letter contrary to the provisions of this section.

"(c) Except as provided in section 1699 of title 18, the master of a vessel arriving at a port of the United States carrying letters not regularly in the mails shall deposit them in the post office at the port of arrival.

"§ 2303. Searches authorized

"The Corporation, by letter of authority filed in the Corporation in advance, may authorize any postal inspector or other officer of the Corporation to make searches for mailable matter transported in violation of law. When the authorized officer has reason to believe that mailable matter transported contrary to law may be found therein, he may open and search any—

"(1) vehicle passing, or having lately passed, from a place at which there is a post office of the United States;

"(2) article being, or having lately been, in the vehicle;

"(3) store or office, other than a dwelling house, used or occupied by a common carrier or transportation company, in which an article may be contained.

"§ 2304. Seizing and detaining letters

"A postal inspector, customs officer, or United States marshal or his deputy, may seize at any time, letters and bags, packets or parcels containing letters which are being carried contrary to law on board any vessel or on any post road. The officer who makes the seizure shall convey the articles seized to be the nearest post office; or by direction of the Corporation or the Secretary of the Treasury, he may detain them until two months after the final determination of all suits and proceedings which may be brought within six months after the seizure against any person for sending or carrying the letters.

"§ 2305. Searching vessels for letters

"A postal inspector, when instructed by the Corporation to make examinations and seizures, and any customs officer without special instructions shall search vessels for letters which may be on board, or which may have been conveyed contrary to law.

"§ 2306. Disposition of seized mail

"Every package or parcel seized by a postal inspector, customs officer, or United States marshal or his deputies, in which a letter is unlawfully concealed, shall be forfeited to the United States. The same proceedings may be used to enforce forfeitures as are authorized in respect of goods, wares, and merchandise forfeited for violation of the revenue laws. Laws for the benefit and protection of customs officers making seizures for violating revenue laws apply to officers making seizures for violating the postal laws.

"CHAPTER 25—NONMAILABLE MATTER

"Sec.
"2501. Nonmailable matter.
"2502. Nonmailable motor vehicle master keys.
"2503. Mail bearing a fictitious name or address.
"2504. Delivery of mail to persons not residents of the place of address.
"2505. False representations; lotteries.
"2506. 'Unlawful' matter.
"2507. Detention of mail for temporary periods.
"2508. Communist political propaganda.
"2509. Prohibition of pandering advertisements in the mails.

"§ 2501. Nonmailable matter.

"(a) Matter, the deposit of which in the mails is punishable under sections 1302, 1341, 1342, 1461, 1463, 1714, 1715, 1716, 1717, or 1718 of title 18, is nonmailable.

"(b) Except as provided in subsections (c) and (d) of this section, nonmailable matter which reaches the office of delivery, or which may be seized or detained for violation of law, shall be disposed of as the Corporation shall direct.

"(c) (1) Matter which—

"(A) exceeds the size and weight limits prescribed by the Corporation for the particular class of mail; or

"(B) is of a character perishable within the period required for transportation and delivery;

is nonmailable.

"(2) Matter made nonmailable by this subsection which by inadvertence reaches the office of destination may be delivered in accordance with its address, if the party addressed furnishes the name and address of the sender. If the person addressed refuses to furnish the information, the package shall be disposed of as the Corporation shall direct.

"(d) Matter otherwise legally acceptable in the mails which—

"(1) is in the form of, and reasonably could be interpreted or construed as, a bill, invoice, or statement of account due; but

"(2) constitutes, in fact, a solicitation for the order by the addressee of goods or services, or both;

is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Corporation directs, unless such matter bears on its face, in conspicuous and legible type in contrast by typography, layout, or color with other printing on its face, in accordance with regulations which the Corporation shall prescribe—

"(A) the following notice: 'This is a solicitation for the order of goods and/or services and not a bill, invoice, or statement of account due. You are not under obligation to make any payments on account of this offer unless you accept this offer.'; or

"(B) in lieu thereof, a notice to the same effect in words which the Corporation may prescribe.

"§ 2502. Nonmailable motor vehicle master keys

"(a) Except as provided in subsection (b) of this section, any motor vehicle master key, any pattern, impression, or mold from which a motor vehicle master key may be made, and any advertisement for the sale of any such key, pattern, impression, or mold, is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Corporation shall direct.

"(b) The Corporation is authorized to make such exemptions from the provisions of subsection (a) of this section as it deems necessary.

"(c) For the purposes of this section, 'motor vehice master key' means any key (other than the key furnished by the manufacturer with the motor vehicle, or the key furnished with a replacement lock, or an exact duplicate of such keys) designed to operate two or more motor vehicle ignition, door, or trunk locks of different combinations.

"§ 2503. Mail bearing a fictitious name or address

"(a) Upon evidence satisfactory to the Corporation that any person is using a fictitious, false or assumed name, title, or address in conducting, promoting, or carrying on or assisting therein, by means of the postal service of the United States, an activity in violation of sections 1302, 1341, and 1342 of title 18, the Corporation may—

"(1) withhold mail so addressed from delivery; and

"(2) require the party claiming the mail to furnish proof to him of the claimant's identity and right to receive the mail.

"(b) The Corporation may issue an order directing that mail, covered by subsection (a), be forwarded to a dead letter office as fictitious matter, or be returned to the senders when the—

"(1) party claiming the mail fails to furnish proof of his identity and right to receive the mail; or

"(2) the Corporation is satisfied that the mail is addressed to a ficititious, false or assumed name, title or address.

"§ 2504. Delivery of mail to persons not residents of the place of address

"Whenever the Corporation is satisfied that letters or parcels sent in the mail are addressed to places not the residence or regular business address of the person for whom they are intended, to enable the person to escape identification, it may deliver the mail only upon identification of the persons so addressed.

"§ 2505. False representations; lotteries

"(a) Upon evidence satisfactory to the Corporation that any person is engaged in conducting a scheme or device for obtaining money or property through the mail by means of false representations, or is engaged in conducting a lottery, gift enterprise, or scheme for the distribution of money or of real or personal property, by lottery, chance, or drawing of any kind, the Corporation may issue an order which—

"(1) directs any postmaster at an office at which registered or certified letters or other letters or mail arrive, addressed to such a person or to his representative, to return such letters or mail to the sender appropriately marked as in violation of this section, if such person, or his representative, is first notified and given reasonable opportunity to be present at the receiving post office to survey such letters or mail before the postmaster returns such letters or mail to the sender; and

"(2) forbids the payment by a postmaster to such a person or his representative of any money order or postal note drawn to the order of either and provide for the return to the remitters of the sum named in the money order or postal note.

"(b) The public advertisement by a person engaged in activities covered by subsection (a) of this section, that remittances may be made by mail to a person named in the advertisement, is prima facie evidence that the latter is the agent or representative of the advertiser for the receipt of remittances on behalf of the advertiser. The Corporation is not precluded from ascertaining the existence of the agency in any other legal way satisfactory to it.

"(c) As used in this section and section 2506 of this title the term 'representative' includes an agent or representative acting as an individual or as a firm, bank, corporation, or association of any kind.

"§ 2506. Unlawful matter

"Upon evidence satisfactory to the Corporation that a person is obtaining or attempting to obtain remittances of money or property of any kind through the mail for an obscene, lewd, lascivious, indecent, filthy, or vile article, matter, thing, device, or substance, or is depositing or causing to be deposited in the United States mail information as to where, how, or from whom the same may be obtained, the Corporation may—

"(1) direct any postmaster at an office at which registered letters or other letters or mail arrive, addressed to such a person or to his representative, to return the registered letters or other letters or mail to the sender marked 'Unlawful'; and

"(2) forbid the payment by a postmaster to such a person or his representative of any money order or postal note drawn to the order of either and provide for the return to the remitters of the sums named in the money orders or postal notes.

"§ 2507. Detention of mail for temporary periods

"(a) In preparation for or during the pendency of proceedings under sections 2505 and 2506 of this title, the United States district court in the district in which the defendant receives his mail shall, upon application therefor by the Corporation and upon a showing of probable cause to believe either such section is being violated, enter a temporary restraining order and preliminary injunction pursuant to rule 65 of the Federal Rules of Civil Procedure directing the detention of the defendant's incoming mail by the postmaster pending the conclusion of the statutory proceedings and any appeal therefrom. The district court may provide in the order that the detained mail be open to examination by the defendant and such mail be delivered as is clearly not connected with the alleged unlawful activity. An action taken by a court hereunder does not affect or determine any fact at issue in the statutory proceedings.

"(b) This section does not apply to mail addressed to publishers of newspapers and other periodical publications, or to mail addressed to the agents of those publishers.

"§ 2508. Communist propaganda

"(a) Mail matter, except sealed letters, which originates or which is printed or otherwise prepared in a foreign country and which is determined by the Secretary of the Treasury pursuant to rules and regulations to be promulgated by him to be 'Communist political propaganda', shall be detained by the Corporation upon its arrival for delivery in the United States, or upon its subsequent deposit in the United States domestic mails, and the addressee shall be notified that such matter has been received and will be delivered only upon the addressee's request, except that such detention shall not be required in the case of any matter which is furnished pursuant to subscription or which is otherwise ascertained by the Corporation to be desired by the addressee. If no request for delivery is made by the addressee within a reasonable time, which shall not exceed sixty days, the matter detained shall be disposed of as the Corporation shall direct.

"(b) For the purposes of this section, the term 'Communist political propaganda' means political propaganda, as defined in section 1 (j) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 (j)), issued by or on behalf of any country with respect to which there is in effect a suspension or withdrawal or tariff concessions pursuant to section 5 of the Trade Agreements Extension Act of 1951 or section 231 of the Trade Expansion Act of 1962, or any country from which any type of foreign assistance is withheld pursuant to section 620(f) of the Foreign Assistance Act of 1961, as amended.

"(c) The provisions of this section shall not be applicable with respect to (1) matter addressed to any United States Government agency, or any public library, or to any college, university, graduate school, or scientific or professional institution for advanced studies, or any official thereof, or (2) material whether or not 'communist political propaganda' addressed for delivery in the United States pursuant to a reciprocal cultural international agreement under which the United States Government mails an equal amount of material for delivery in any country described in subsection (b).

"§ 2509. Prohibition of pandering advertisements in the mails

"(a) Whoever for himself, or by his agents or assigns, mails or causes to be mailed any pandering advertisement which offers for sale matters which the addressee in his sole discretion believes to be erotically arousing or sexually provocative shall be subject to an order of the Corporation to refrain from further mailings of such materials to designated addressees thereof.

"(b) Upon receipt of notice from an addressee that he has received such mail matter, determined by the addressee in his sole discretion to be of the character described in subsection (a) of this section, the Corporation shall issue an order, if requested by the addressee, to the sender thereof, directing the sender and his agents or assigns to refrain from further mailings to the named addressees.

"(c) The order of the Corporation shall expressly prohibit the sender and his agents or assigns from making any further mailings to the designated addressees, effective on the thirtieth calendar day after receipt of the order. The order of the Corporation shall also direct the sender and his agents or assigns to delete immediately the names of the designated addressees from all mailing lists owned or controlled by the sender or his agents or assigns and, further, shall prohibit the sender and his agents or assigns from the sale, rental, exchange, or other transaction involving mailing lists bearing the names of the designated addressees.

"(d) Whenever the Corporation believes that the sender or anyone acting on his behalf has violated or is violating the order given under this section, it shall serve upon the sender, by registered or certified mail, a complaint stating the reasons for its belief and request that any response thereto be filed in writing with the Corporation within fifteen days after the date of such service. If the Corporation, after appropriate hearing if requested by the sender, and without a hearing if such a hearing is not requested, thereafter determines that the order given has been or is being violated, it is authorized to request the Attorney General to make application, and the Attorney General is authorized to make application, to a district court of the United States for an order directing compliance with such notice.

"(e) Any district court of the United States within the jurisdiction of which any mail matter shall have been sent or received in violation of the order provided for by this section shall have jurisdiction, upon application by the Attorney General, to issue an order commanding compliance with such notice. Failure to observe such order may be punished by the court as contempt thereof.

"(f) Receipt of mail matter thirty days or more after the effective date of the order provided for by this section shall create a rebuttable presumption that such mail was sent after such effective date.

"(g) Upon request of any addressee, the order of the Corporation shall include the names of any of his minor children who have not attained their nineteenth birthday, and who reside with the addressee.

"(h) The provisions of subchapter II of chapter 5 (relating to administrative procedure) and chapter 7 (relating to judicial review) of part I of title 5, shall not apply to any provisions of this section.

"(i) For the purposes of this section—

"(1) mail matter, directed to a specific address covered in the order of the Corporation, without designation of a specific addressee thereon, shall be considered as addressed to the person named in the Corporation's order; and

"(2) the term 'children' includes natural children, stepchildren, adopted children, and children who are wards of or in custody of the addressee or who are living with such addressee in a regular parent-child relationship.

"CHAPTER 27—PENALTY AND FRANKED MAIL

"Sec.
"2701. Definitions.
"2702. Penalty mail.
"2703. Endorsements on penalty covers.
"2704. Restrictions on use of penalty mail.
"2705. Accounting for penalty covers.
"2706. Reimbursement for penalty mail service.
"2707. Limit of weight of penalty mail; postage on overweight matter.
"2708. Shipment by most economical means.
"2709. Executive departments to supply information.
"2710. Official correspondence of Vice President and Members of Congress.
"2711. Public documents.
"2712. Congressional Record under frank of Members of Congress.
"2713. Seeds and reports from Department of Agriculture.
"2714. Mailing privilege of former Presidents.
"2715. Lending or permitting use of frank unlawful.
"2716. Reimbursement for franked mailings.
"2717. Correspondence of members of diplomatic corps and consuls of countries of Postal Union of Americas and Spain.
"2718. Franked mail for surviving spouses of Members of Congress.

"§ 2701. Definitions

"As used in this chapter—

" 'penalty mail' means official mail, other than franked mail, which is authorized by law to be transmitted in the mail without prepayment of postage;

" 'penalty cover' means envelopes, wrappers, labels, or cards used to transmit penalty mail;

" 'frank' means the autographic or facsimile signature of persons authorized by sections 2710–2716 and 2718 of this title to transmit matter through the mail without prepayment of postage or other indicia contemplated by sections 733 and 907 of title 44;

" 'franked mail' means mail which is transmitted in the mail under a frank; and

" 'Members of Congress' includes Senators, Representatives, Delegates, and Resident Commissioners.

"§ 2702. Penalty mail

"(a) Subject to the limitations imposed by sections 2704 and 2707 of this title, there may be transmitted as penalty mail—

"(1) official mail of—

"(A) officers of the United States Government other than Members of Congress;

"(B) the Smithsonian Institution;

"(C) the Pan American Union;

"(D) the Pan American Sanitary Bureau;

"(E) the United States Employment Service and the system of employment offices operated by it in conformity with the provisions of sections 49–49c, 49d, 49e–49k of title 29, and all State employment systems which receive funds appropriated under authority of those sections; and

"(F) any college officer or other person connected with the extension department of the college as the Secretary of Agriculture may designate to the Corporation to the extent that the official mail consists of correspondence, bulletins, and reports for the furtherance of the purposes of sections 341–343, 344–348 of title 7;

"(2) mail relating to naturalization to be sent to the Immigration and Naturalization Service by clerks of courts addressed to the Department of Justice or the Immigration and Naturalization Service, or any official thereof;

"(3) mail relating to a collection of statistics, survey or census authorized by title 13 and addressed to the Department of Commerce or a bureau or agency thereof;

"(4) mail of State agriculture experiment stations pursuant to sections 325 and 361f of title 7; and

"(5) articles for copyright deposited with postmasters and addressed to the Register of Copyrights pursuant to section 15 of title 17.

"(b) A department or officer authorized to use penalty covers may enclose them with return address to any person from or through whom official information is desired. The penalty cover may be used only to transmit the official information and endorsements relating thereto.

"(c) This section does not apply to officers who receive a fixed allowance as compensation for their services, including expenses of postage.

"§ 2703. Endorsements on penalty covers

"(a) Except as otherwise provided in this section, penalty covers shall bear, over the words 'Official Business' an endorsement showing the name of the department, bureau or office from which, or officer from whom, it is transmitted. The penalty for the unlawful use of all penalty covers shall be printed thereon.

"(b) The Corporation shall prescribe the endorsement to be placed on covers mailed under paragraph (1)(E), (2), and (3) of section 2702(a) of this title.

"§ 2704. Restrictions on use of penalty mail

"(a) Except as otherwise provided in this section, an officer, executive department or independent establishment of the Government of the United States may not mail, as penalty mail, any article or document unless—

"(1) a request therefor has been previously received by the department or establishment; or

"(2) its mailing is required by law.

"(b) Subsection (a) does not prohibit the mailing, as penalty mail, by an officer, executive department or independent agency of—

"(1) enclosures reasonably related to the subject matter of official correspondence;

"(2) informational releases relating to the census of the United States and authorized by title 13;

"(3) matter concerning the sale of Government securities;

"(4) forms, blanks, and copies of statutes, rules, regulations, instructions, administrative orders, and interpretations necessary in the administration of the department or establishment;

"(5) agricultural bulletins;

"(6) lists of public documents offered for sale by the Superintendent of Documents;

"(7) announcements of the publication of maps, atlases, and statistical and other reports offered for sale by the Federal Power Commission as authorized by section 825k of title 16; or

"(8) articles or documents to educational institutions or public libraries, or to Federal, State, or other public authorities.

"§ 2705. Accounting for penalty covers

"Executive departments and agencies, independent establishments of the Government, and organizations and persons authorized by law to use penalty mail, shall account for all penalty covers through the Corporation as it prescribes.

"§ 2706. Reimbursement for penalty mail service

"(a) Except as provided in subsections (b) and (c) of this section, executive departments and agencies, independent establishments of the Government, and Government corporations concerned shall transfer to the Corporation as postal revenue out of any appropriations or funds available to them, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, as determined by the Corporation, for matter sent in the mails by or to them as penalty mail under authority of section 2702 of this title.

"(b) The Department of Agriculture shall transfer to the Corporation as postal revenues out of any appropriation made to it for that purpose the equivalent amount of postage, as determined by the Corporation, for penalty mailings under paragraphs (1)(F) and (4) of subsection (a) of section 2702 of this title.

"(c) The Library of Congress shall transfer to the Corporation as postal revenues out of any appropriations made to it for that purpose the equivalent amount of postage, as determined by the Corporation, for penalty mailings under paragraph (5) of subsection (a) of section 2702 of this title.

"§ 2707. Limit of weight of penalty mail; postage on over-weight matter

"(a) Penalty mail is restricted to articles not in excess of the weight and size prescribed for that class of mail receiving high priority in handling and delivery, except—

"(1) stamped paper and supplies sold or used by the postal service; and

"(2) books and documents published or circulated by order of Congress when mailed by the Superintendent of Documents.

"(b) A penalty mail article which is—

"(1) over four pounds in weight;

"(2) not in excess of the weight and size prescribed for fourth class matter; and

"(3) otherwise mailable;

is mailable at rates for that class of mail entitled to the lowest priority in handling and delivery, even though it may include written matter and may be sealed. The postage on such an article is payable in the manner prescribed by the Corporation.

"§ 2708. Shipment by most economical means

"Shipments of official matter other than franked mail shall be sent by the most economical means of transportation practicable. The Corporation may refuse to accept official matter for shipment by mail when in its judgment it may be shipped by other means at less expence, or it may provide for its transportation by freight or express, whenever a saving to the Government will result therefrom without detriment to the public service.

"§ 2709. Executive departments to supply information

"Persons and governmental organizations authorized to use penalty mail shall supply all information requested by the Corporation necessary to carry out the provisions of this chapter as soon as practicable after request therefor.

"§ 2710. Official correspondence of Vice President and Members of Congress

"The Vice President, Members and Members-elect of Congress, the Secretary of the Senate, and the Sergeant at Arms of the Senate until the thirtieth day of June following the expiration of their respective terms of office, may send as franked mail—

"(1) matter, not exceeding four pounds in weight, upon official or departmental business, to a Government official; and

"(2) correspondence, not exceeding four ounces in weight, upon official business to any person.

In the event of a vacancy in the office of Secretary of the Senate or Sergeant at Arms of the Senate, any authorized person may exercise this privilege in the officer's name during the period of the vacancy.

"§ 2711. Public documents

"The Vice President, Members of Congress, the Secretary of the Senate, Sergeant at Arms of the Senate, and the Clerk of the House of Representatives, until the thirtieth day of June following the expiration of their respective terms of office, may send and receive as franked mail all public documents printed by order of Congress.

"§ 2712. Congressional Record under frank of Members of Congress

"Members of Congress may send as franked mail the Congressional Record, or any part thereof, or speeches or reports therein contained.

"§ 2713. Seeds and reports from Department of Agriculture

"Seeds and agricultural reports emanating from the Department of Agriculture may be mailed—

"(1) as penalty mail by the Secretary of Agriculture; and

"(2) until the 30th day of June following the expiration of their terms of office as franked mail by Members of Congress.

"§ 2714. Mailing privilege of former Presidents

"A former President may send all his mail within the United States and its territories and possessions as franked mail.

"§ 2715. Lending or permitting use of frank unlawful

"A person entitled to use a frank may not lend it or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association. This section does not apply to any committee composed of Members of Congress.

"§ 2716. Reimbursement for franked mailings

"(a) The postage on mail matter sent and received through the mails under the franking privilege by the Vice President, Members, and Members-elect of Congress, the Secretary of the Senate, Sergeant at Arms of the Senate, and the Clerk of the House of Representatives, including registry fees if registration is required, and postage on correspondence sent by the surviving spouse of a Member under section 2718 of this title, shall be paid by a lump-sum appropriation to the legislative branch for that purpose, and then paid to the Corporation as postal revenue.

"(b) The postage on mail matter sent through the mails under the franking privilege by former Presidents shall be paid by reimbursement of the postal revenues each fiscal year out of the general funds of the Treasury in an amount equivalent to the postage which would otherwise be payable on the mail matter.

"§ 2717. Correspondence of members of diplomatic corps and consuls of countries of Postal Union of Americas and Spain

"Correspondence of the members of the diplomatic corps of the countries of the Postal Union of the Americas and Spain stationed in the United States may be reciprocally transmitted in the domestic mails free of postage, and be entitled to free registration without right to indemnity in case of loss. The same privilege is accorded consuls and vice consuls when they are discharging the function of consuls of countries stationed in the United States, for official correspondence among themselves, and with the Government of the United States.

"§ 2718. Franked mail for surviving spouses of Members of Congress

"Upon the death of a Member of Congress during his term of office, the surviving spouse of such Member may send, for a period not to exceed one hundred and eighty days after his death, as franked mail, correspondence relating to the death of the Member.

"CHAPTER 29—OPENING MAIL

"Sec.
"2901. Opening mail.
"2902. Dead letter treatment of high priority mail.

"§ 2901. Opening mail

"Only an employee opening dead mail by authority of the Corporation, or a person holding a search warrant authorized by law, may open any letter or parcel, entitled to high priority in handling and delivery, which is in the custody of the Corporation.

"§ 2901. Dead letter treatment of high priority mail

"(a) The Corporation shall send mail entitled to high priority in handling and delivery, which cannot be delivered either to the addressee or sender, to a dead letter office. The Corporation shall cause enclosures of value, other than correspondence, to be recorded. When the sender or addressee cannot be identified, it shall hold the letters or parcels for reclamation for a period of one year after which they shall be disposed of as it directs. Letters and parcels without valuable enclosures may be disposed of by it without record and not held for reclamation.

"(b) The Corporation shall return to the senders ordinary dead letters containing $10 or more in cash, and parcels entitled to high priority in handling and delivery which apparently contain matter valued at $10 or more. Any fees incurred shall be collected at the time of delivery.

"PART III—EXISTING CLASSES OF MAIL AND RATES

"Chapter	Sec.
"51. Continuing effect of existing classes and rates	5101
"53. Classes and rates	5301

"CHAPTER 51—CONTINUING EFFECT OF EXISTING CLASSES AND RATES

"Sec.
"5101. Continuing effect.

"§ 5101. Continuing effect.

"The provisions of this part shall remain in effect until changed in accordance with the provisions of part I of this title.

"CHAPTER 53—CLASSES AND RATES

"Subchapter I—first class mail

"Sec.
"5301. Definition.
"5302. Size and weight limits.
"5303. Postage rates on first-class mail.
"5304. Business reply mail.

"Subchapter II—air mail and air parcel post

"Sec.
"5311. Definitions.
"5312. Treatment of air mail.
"5313. Postage rates on air mail.
"5314. Postage on Alaskan mail.
"5315. Size and weight limits.

"Subchapter III—second-class mail and controlled circulation publications

"Second-Class Mail

"Sec.
"5321. Definition.
"5322. Entry as second-class mail.
"5323. Entry of foreign publications.
"5324. Conditions for entry of publications.
"5325. Conditions for entry of publications of certain organizations.
"5326. Conditions for entry of publications of State departments of agriculture.
"5327. Fees for entry and registration.
"5328. Rates of postage; preferred.
"5329. Rates of postage; regular.
"5330. Transient postage rate.
"5331. Separation by mailer of second-class mail.
"5332. Information to be furnished by mailer.
"5333. Permissible marks and enclosures.
"5334. Permissible supplements.
"5335. Marking of advertising matter.
"5336. Affidavits relating to mailings; second-class mail.
"5337. Filing of information relating to publications of the second class.
"5338. Delivery of newspapers by postal transportation service.

"Controlled Circulation Publications

"5345. Definition.
"5346. Rates.

"Subchapter IV—Third-class mail

"Sec.
"5351. Definition.
"5352. Postage rates.
"5353. Permissible marks and enclosures.

"Subchapter V—Fourth-class mail

"Sec.
"5371. Definition.
"5372. Size and weight limitations.
"5373. Postal zones.
"5374. Books, films, and other materials; preferred rates.
"5375. Permissible marks and enclosures.
"5376. Postage rates on parcel post.
"5377. Postage rates on catalogs.
"5378. Reformation of conditions of mailability.
"5379. Air transportation of parcels mailed at or addressed to Armed Forces post offices.

"Supchapter VI—Miscellaneous mail matter

"Sec.
"5391. Keys and other small articles.
"5392. Matter for blind and other handicapped persons.
"5393. Unsealed letters sent by blind or physically handicapped persons.
"5394. Markings.
"5395. Mailing privileges of members of United States Armed Forces and of friendly foreign nations.
"5396. Mailing privileges of members of United States Armed Forces and of friendly foreign nations in Canal Zone.

"Subchapter I—First-class mail

"§ 5301. Definition

"(a) First-class mail consists of mailable (1) postal cards, (2) post cards, (3) matter wholly or partially in writing or typewriting, except as provided in sections 5333, 5353, and 5375 of this title, (4) bills and statements of account, and (5) matter closed against postal inspection.

"(b) A postal card is a card supplied by the Corporation with a postage stamp printed or impressed on it for the transmission of messages, orders, notices and other communications, either printed or written in pencil or ink.

"(c) Post cards are privately printed mailing cards for the transmission of messages. They may not be larger than the size fixed by the Convention of the Universal Postal Union in effect and shall be of approximately the same form, quality and weight as postal cards.

"§ 5302. Size and weight limits

"The maximum size of first-class mail is one hundred inches in length and girth combined and the maximum weight is seventy pounds.

"§ 5303. Postage rates on first-class mail

"(a) Postage on first-class mail is computed separately on each letter or piece of mail. Except as otherwise provided in this section, the rate of postage on first-class mail weighing thirteen ounces or less is 6 cents for each ounce or fraction of an ounce.

"(b) First-class mail weighing more than thirteen ounces shall be mailed at the rates of postage established by section 5313(d) of this title and shall be entitled to the most expeditious handling and transportation practicable.

"(c) The rate of postage for each single postal card and for each portion of a double postal card, including the cost of manufacture, and for each post card and the initial portion of each double post card conforming to section 5301(c) of this title is 5 cents.

"(d) The rate of postage on business reply mail is the regular rate prescribed in this section, together with an additional charge thereon of 2 cents for each piece weighing two ounces or less and 5 cents for each piece weighing more than two ounces. The postage and charge shall be collected on delivery.

"§ 5034. Business reply mail

"The Corporation may accept for transmission in the mails, without prepayment of postage, business reply cards, letters, and business reply envelopes, and any other matter under business reply labels.

"Subchapter II—Air mail and air parcel post

"§ 5311. Definition

"As used in this subchapter—

"(1) 'domestic air mail' means matter bearing postage at the rates of postage prescribed in sections 5313 and 5314 of this title which is mailed within facilities of the Corporation for transporation by air and delivery by the Corporation; and

"(2) 'air parcel post' means domestic air mail or any class weighing in excess of seven ounces.

"§ 5312. Treatment of air mail

"(a) Except with respect to the postage required, domestic air mail, other than air parcel post, shall be treated as first class mail.

"(b) The Corporation shall prescribe the conditions under which air parcel post shall be—

"(1) forwarded or returned to the sender;

"(2) charged with forwarding or return postage; and

"(3) registered, insured, or given C.O.D. service.

"§ 5313. Postage rates on air mail

"(a) Except as provided in section 5314 of this title and subsection (b) of this section, the rate of postage on domestic airmail weighing not more than 7 ounces is 10 cents for each ounce or fraction thereof.

"(b) The rate of postage on each postal card and post card sent as domestic airmail is 8 cents.

"(c) The rate of postage on letters in business reply cards sent as domestic air mail is the regular rate prescribed in subsection (a) or (b) together with an additional charge thereon of 2 cents for each piece weighing 2 ounces or less and 5 cents for each piece weighing more than 2 ounces. The postage and charge shall be collected on delivery.

"(d)(1) The rates of postage on air parcel post are based on the eight zones described in section 5373, or prescribed pursuant to section 5378 of this title, in accordance with the following tables:

	"Zones					
	Local 1, 2, and 3	4	5	6	7	8
Not over 1 lb	$0.80	$0.80	$0.80	$0.80	$0.80	$0.80
Over 1 lb. but not over 1½ lbs	.98	1.02	1.07	1.14	1.18	1.24
Over 1½ lbs. but not over 2 lbs	1.16	1.23	1.34	1.47	1.55	1.68
Over 2 lbs. but not over 2½ lbs	1.40	1.48	1.62	1.79	1.91	2.08
Over 2½ lbs. but not over 3 lbs	1.64	1.73	1.90	2.11	2.27	2.48
Over 3 lbs. but not over 3½ lbs	1.88	1.98	2.18	2.43	2.63	2.88
Over 3½ lbs. but not over 4 lbs	2.12	2.23	2.46	2.75	2.99	3.28
Over 4 lbs. but not over 4½ lbs	2.36	2.48	2.74	3.07	3.35	3.68
Over 4½ lbs. but not over 5 lbs	2.60	2.73	3.02	3.39	3.71	4.08

For each pound or fraction of a pound in excess of five pounds in weight, the additional postage is as follows:

"Zones	Rates
Local and zones 1, 2, and 3	$0.48
Zone 4	.50
Zone 5	.56
Zone 6	.64
Zone 7	.72
Zone 8	.80

"(2) In addition to parcels to which it is otherwise applicable, the eighth zone includes, for purposes of this section only, except as provided by paragraph (3) of this subsection, parcels transported between the United States, its territories and possessions or the Commonwealth of Puerto Rico, and the Canal Zone.

"(3) The rates of postage on air parcel post transported between the United States, its territories and possessions or the Commonwealth of Puerto Rico, and the Canal Zone, and Army, Air Force, and fleet post offices, shall be the applicable zone rates shown in paragraph (1) of this subsection for mail between the place of mailing or delivery within the United States, its territories or possessions or the Commonwealth of Puerto Rico, and the Canal Zone, and the city of the postmaster serving the Army, Air Force, or fleet post office concerned, except that the rate of postage applicable to air parcel post transported directly between (1) Hawaii, Alaska, or the territories and possessions of the United States in the Pacific area, and (2) an Army, Air Force, or fleet post office service by the postmaster at San Francisco, California, or Seattle, Washington, shall be the rate which would be applicable if the parcel were in fact mailed from or delivered to that city, as the case may be.

"(4) There shall be transported by air, between Armed Forces post offices located outside the forty-eight contiguous States of the United States, or between any such Armed Forces post office and the point of embarkation or debarkation within the fifty States of the United States, the territories and possessions of the United States in the Pacific area, the Commonwealth of Puerto Rico, the Virgin Islands or the Canal Zone, on a space available basis, on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 406 of the Federal Aviation Act of 1958 (49 U.S.C. 1376), the following categories of mail matter:

"(A)(i) first-class letter mail (including postal cards and post cards),

"(ii) sound-recorded communications having the character of personal correspondence, and

"(iii) parcels of any class of mail not exceeding five pounds in weight and sixty inches in length and girth combined, which are mailed at or addressed to any such Armed Forces post office;

"(B) second-class publications published once each week or more frequently and featuring principally current news of interest to members of the Armed Forces and the general public which are mailed at or addressed to any such Armed Forces post office (i) in an overseas area designated by the President under section 5395 of this title or (ii) in an isolated, hardship or combat support area overseas, or where adequate surface transportation is not available; and

"(C) parcels of any class of mail exceeding five pounds but not exceeding seventy pounds in weight and not exceeding one hundred inches in length and girth combined, including surface-type official mail, which are mailed at or addressed to any such Armed Forces post office where adequate surface transportation is not available.

Whenever adequate service by scheduled United States air carriers is not available to provide transportation of mail matter by air in accordance with the foregoing provisions of this paragraph, the transportation of such mail matter may be authorized by aircraft other than scheduled United States air carriers. This paragraph shall not affect the operation of section 5395(a) of this title.

"(5) Paragraphs (3) and (4) of this subsection shall be administered under such conditions and regulations as the Corporation and the Secretary of Defense severally may prescribe to carry out their respective functions under such paragraphs.

"(e) Air parcel post of light weight in relation to size is subject to such surcharge as the Corporation determines to be warranted by reason of the extra space and care required in handling and transporting it.

"(f) The Department of Defense shall reimburse the Corporation, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, sums equal to the expenses incurred by the Corporation, as determined by it, in providing air transportation of mail between Armed Forces post offices which are not located within the fifty States of the United States, the territories and possessions of the United States in the Pacific area, the Commonwealth of Puerto Rico, or the Virgin Islands, or between any such Armed Forces post office and the point of embarkation or debarkation within the fifty States, the territories and possessions of the United States in the Pacific area, the Commonwealth of Puerto Rico, or the Virgin Islands.

"§ 5314. Postage on Alaskan air mail

"Notwithstanding the provisions of section 5313 of this title, the Corporation may fix the postage at rates not exceeding 30 cents per ounce or 15 cents per one-half ounce for airmail sent to, from, or within Alaska.

"§ 5315. Size and weight limits

"The maximum size and weight of domestic airmail and air parcel post is 100 inches in length and girth combined and 70 pounds.

"Subchapter III—Second class mail and controlled circulation publications

"Second-Class Mail

"§ 5321. Definition

"Second-class mail embraces newspapers and other periodical publications when entered and mailed in accordance with sections 5322–5327 of this title.

"§ 5322. Entry as second-class mail

"(a) Upon application in the form prescribed by it, the Corporation shall enter as second class mail, at the post Office where the office of publication is maintained, any publication which is entitled under sections 5323–5327 of this title to be classified as second-class mail. A publication entered at one post office may also upon application be entered by the Corporation at another post office.

"(b) The Corporation may revoke the entry of a publication as second class mail whenever it finds, after a hearing, that the publication is no longer entitled to be entered as second class mail.

"(c) The Corporation may not accept for mailing as second class mail any publication having more than 75 percent advertising in more than one-half of its issues during any twelve-month period and it shall revoke its entry. A charge made solely for the publication of transportation schedules, fares, and related information is not considered as advertising under this subsection.

"§ 5323. Entry of foreign publications

"Foreign newspapers and other periodicals of the same general character as domestic publications entered as second class mail may be accepted by the Corporation, on application of the publishers thereof or their agents, for transmission through the mail at the same rates as if published in the United States. This section does not authorize the transmission through the mail of a publication which violates a copyright granted by the United States.

"§ 5324. Conditions for entry of publications

"(a) Generally a mailable periodical publication is entitled to be entered and mailed as second class mail if it—

"(1) is regularly issued at stated intervals as frequently as four times a year and bears a date of issue and is numbered consecutively;

"(2) is issued from a known office of publication;

"(3) is formed of printed sheets;

"(4) is originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or a special industry; and

"(5) has a legitimate list of subscribers.

"(b) For the purpose of this section, the word 'printed' does not include reproduction by the stencil, mimeograph or hectograph processes or reproduction in imitation of typewriting.

"(c) A periodical publication designed primarily for advertising purposes or for free circulation or for circulation at nominal rates is not entitled to be admitted as second class mail under this section.

"§ 5325. Conditions for entry of publications of certain organizations

"(a) Mailable periodical publications meeting the first three conditions of section 5324(a) of this title are entitled to be entered and mailed as second class mail when they do not contain advertising other than that of the publisher and if they are—

"(1) published by a regularly incorporated institution of learning;

"(2) published by a regularly established State institution of learning supported in whole or in part by public taxation;

"(3) a bulletin issued by a State board of health, or a State industrial development agency;

"(4) a bulletin issued by a State conservation or fish and game agency or department;

"(5) a bulletin issued by a State board or department of public charities and corrections;

"(6) published by or under the auspices of a benevolent or fraternal society or order organized under the lodge system and having a bona fide membership of not less than 1,000 persons;

"(7) published by or under the auspices of a trades union;

"(8) published by a strictly professional, literary, historical, or scientific society;

"(9) published by a church or church organization;

"(10) published by any public or nonprofit private elementary or secondary institution of learning or its administrative or governing body; or

"(11) program announcements of guides published by an educational radio or television agency of a State or political subdivision thereof or by a nonprofit educational radio or television station.

"(b) A publication containing advertising of persons other than the publisher but otherwise qualifying under items (6) through (9) of subsection (a) of this section is entitled to be entered and mailed as second class mail if—

"(1) the publication is not designed or published primarily for advertising purposes;

"(2) the publication is originated and published to further the objects and purposes of the publisher;

"(3) the circulation is limited to copies sent to members who pay either as a part of their dues or assessments, or otherwise, not less than 50 percent of the regular subscription price; to other actual subscribers; to exchanges; and 10 percent of the circulation as sample copies.

Individual subscriptions or receipts are not required when members pay for publications, to which this subsection applies, as a part of their dues or assessments.

"§ 5326. Conditions for entry of publications of State departments of agriculture

"A mailable periodical publication issued by a State department of agriculture may be entered and mailed as second class mail if it—

"(1) is issued from a known place of publication;

"(2) is issued at stated intervals as frequently as four times a year;

"(3) is published only for the purpose of furthering the objects of the departments; and

"(4) does not contain advertising matter.

"§ 5327. Fees for entry and registration

"(a) The fees for entry as second class mail are as follows:

"(1) for a publication having a circulation of not more than 2,000 copies, $30.

"(2) for a publication having a circulation of more than 2,000 copies but not more than 5,000 copies, $60;

"(3) for a publication having a circulation of more than 5,000 copies, $120.

"(b) The fee for re-entry of a publication as second class mail on account of change in title, frequency of issue, office of publication or for other reasons is $15. The fee for each additional entry is $15, except that if the additional entry is made within zones 3 to 8, inclusive (determined from the office of publication and entry), of the zones established for purposes of fourth-class mail, such fee shall be $50.

"(c) The fee for registry of a news agent is $25.

"(d) The applicant shall pay the fees fixed by this section at the time of application.

"§ 5328. Rates of postage; preferred

"(a) Except as provided in subsection (b), the rate of postage on publications admitted as second-class mail when addressed for delivery within the county in which they are published and entered is as follows:

"[In cents]

	"Mailed during calendar year 1969	Mailed after Dec. 31, 1969
Rate per pound	1.4	1.5
Minimum charge per piece	.2	.2

"(b) The rate of postage on the following publications admitted as second-class mail when mailed for delivery, within the county in which they are published and entered, by letter carrier at the office of mailing, shall be—

"(1) publications issued more frequently than weekly, one cent a copy;

"(2) publications issued less frequently than weekly—

"(A) weighing two ounces or less, one cent a copy;

"(B) weighing more than two ounces, two cents a copy.

"(c) When copies of a publication are mailed at a post office where it is entered for delivery by letter carrier at a different post office within the delivery limits of which the headquarters or general business office of the publisher is located the rate of postage is—

"(1) the rate that would be applicable if the copies were mailed at the latter post office, or

"(2) the pound rates from the office of mailing if those rates are higher.

"(d)(1) Except as provided in paragraph (2), the rates of postage on publications mailed in accordance with section 5329(a) of this title, of qualified nonprofit organizations, are as follows:

"[In cents]

	"During calendar year 1969	During calendar year 1970	During calendar year 1971	During calendar year 1972	During calendar year 1973 and thereafter
Rate per pound:					
Advertising portion:					
Zones 1 and 2	2.9	3.45	4.0	4.55	5.1
Zone 3	3.3	4.05	4.8	5.55	6.3
Zone 4	4.1	5.25	6.4	7.55	8.7
Zone 5	4.9	6.45	8.0	9.55	11.1
Zone 6	5.2	6.9	8.6	10.3	12.0
Zone 7	5.2	6.9	8.6	10.3	12.0
Zone 8	5.2	6.9	8.6	10.3	12.0
Nonadvertising portion	2.0	2.1	2.1	2.1	2.1
Minimum charge per piece	.15	.2	.2	.2	.2

"(2) The postage on an issue of a publication referred to in paragraph (1), the advertising portion of which does not exceed 10 percent of such issue, shall be computed without regard to the rates applicable to the advertising portion prescribed in such paragraph.

"(e) The postage on classroom publications, mailed in accordance with section 5329 (a) of this title, is 60 percent of the postage computed in accordance with section 5329 (b) of this title.

"(f) The postage shall be 4.2 cents per pound on the advertising portion of publications (1) which are mailed for delivery in zones 1 and 2 in accordance with section 5329 (a) of this title, (2) which are devoted to promoting the science of agriculture, and (3) when the total number of copies of the publications furnished during any twelve-month period to subscribers residing in rural areas consists of at least 70 percent of the total number of copies distributed by any means for any purpose.

"(g) In lieu of the minimum charge per piece prescribed by section 5329 (b) of this title, the minimum charge per piece for publications (other than publications to which subsections (d) and (e) of this section are applicable), when fewer than five thousand copies are mailed outside the county of publication, is 0.7 cent per piece when mailed during the calendar year 1969, and 0.8 cent per piece when mailed thereafter.

"(h) The publisher of a classroom publication, of a publication referred to in subsection (f) of this section, or of a publication of a nonprofit organization, before being entitled to the rates for the publications, shall furnish such proof of qualifications as the Corporation prescribes.

"(i) For the purposes of the application of this section with respect to each publication having original entry at an independent incorporated city, an incorporated city which is situated entirely within a county, or which is situated contiguous to one or more counties in the same State, but which is politically independent of such county or counties, shall be considered to be within and a part of the county with which it is principally contiguous.

"(j) As used in this section—

"(1) 'classroom publication' means a religious, educational, or scientific publication entered as second-class mail and designed specifically for use in classrooms or in religious instruction classes;

"(2) 'a publication of a qualified nonprofit organization' means a publication published by and in the interest of one of the following types of organizations or associations if it is not organized for profit and none of its net income inures to the benefit of any private stockholder or individual; religious, educational, scientific, philanthropic, agricultural, labor, veterans', fraternal, and associations of rural electric cooperatives, program announcements or guides published by an educational radio or television agency of a State or political subdivision thereof or by a nonprofit educational radio or television station, and not to exceed one publication published by the official highway or development agency of a State which meets all of the requirements of section 5324 and which contains no advertising;

"(3) 'zones' means the eight zones described in section 5373, or prescribed pursuant to section 5373, of this title;

"(k) The rates of postage prescribed by subsections (a) and (b) of this section shall apply only to mailings within the county in which the publications have original entry.

"§ 5329. Rates of postage; regular

"(a) Except as provided in sections 5328 and 5330 of this title, the rates of postage set out in this section are applicable to copies of publications entered as second class mail when (1) mailed by the publisher thereof from the post office of publication and entry or other post office where entry is authorized and (2) when mailed by news agents, registered as such under regulations prescribed by the Corporation, to actual subscribers thereto or to other news agents for the purpose of sale and (3) sample copies to the extent of 10 percent of the weight of copies mailed to subscribers during the calendar year.

"(b) Except as otherwise provided in this section and section 5328 of this title, the rates of postage on publications mailed in accordance with subsection (a) are as follows:

"[In cents]

	"Mailed during calendar year 1969	Mailed after Dec. 31, 1969
Rate per pound:		
Advertising portion:		
Zones 1 and 2	4.9	5.2
Zone 3	6.0	6.4
Zone 4	8.3	8.8
Zone 5	10.5	11.1
Zone 6	12.8	13.6
Zone 7	13.7	14.5
Zone 8	16.0	17.0
Nonadvertising portion	3.2	3.4
Minimum charge per piece	1.2	1.3

"(c) For the purpose of this section and section 5328 of this title, the portion of a publication devoted to advertisements shall include all advertisements inserted in the publication and attached permanently thereto.

"(d)(1) Publications mailed in accordance with subsection (a), upon request by the publisher or news agent, may be transported by air on a space-available basis, on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 406 of the Federal Aviation Act of 1958 (49 U.S.C. 1376). The Corporation may authorize the transportation of publications by air pursuant to this subsection only when such transportation does not impede the transportation of airmail, air parcel post, or air transportation of first-class mail on a space-available basis.

"(2) The Corporation shall prescribe from time to time charges to be collected for matter transported by air pursuant to this section. The charges—

"(A) shall be in addition to the payment of lawfully required postage;

"(B) may not be adjusted more frequently than once every two years; and

"(C) when prescribed or adjusted, shall equal, as nearly as practicable, the amount by which the allocated cost incurred by the Corporation for the delivery of such matter by air is in excess of the allocated cost which would have been incurred by the Corporation had such matter been delivered by surface transportation, but the total of such charges and the lawfully required postage shall not be less than 4 cents per piece.

"(e) As used in this section the term 'zones' means the eight zones described in section 5373, or prescribed pursuant to section 5378, of this title.

"§ 5330. Transient postage rate

"The rate of postage on copies of publications having second class entry mailed—

"(1) by persons other than the publishers or registered news agents;

"(2) as sample copies by the publishers in excess of the 10 percent permitted to be mailed at the pound rates; and

"(3) copies mailed by the publishers to persons who may not be included in the required legitimate list of subscribers;

is five cents for the first two ounces and one cent for each additional ounce or fraction thereof. When postage at the rates prescribed for fourth class mail is lower, the latter applies. The rates are computed on each individually addressed copy or package of unaddressed copies.

"§ 5331. Separation by mailer of second-class mail

"The Corporation may require publishers and news agents to separate, make up, and address second-class matter in such manner as it directs in accordance with a 5-digit ZIP code system.

"§ 5332. Information to be furnished by mailer

"With the first mailing of each issue of a publication mailed as second class mail, the publisher shall file a copy of the issue together with a statement containing such information as the Corporation prescribes for determining the postage to be paid.

"§ 5333. Permissible marks and enclosures

"(a) Second class mail may contain no writing, print, or sign thereon or therein, in addition to the original print except—

"(1) the name and address of the person to whom the mail is sent and directions for transmission, delivery, forwarding or return;

"(2) index figures of subscription book either printed or written;

"(3) the printed title of the publication and the place of its publication;

"(4) the printed or written name and address without addition of advertisement of the publisher or sender, or both;

"(5) written or printed words or figures, or both, indicating the date on which the subscription to the matter will end;

"(6) the correction of typographical errors;

"(7) a mark except written or printed words to designate a word or passage to which it is desired to call attention;

"(8) the words 'sample copy' when the matter is sent as such; and

"(9) the words 'marked copy' when the matter contains a marked item or article.

"(b) Publishers and news agents may enclose in their publications receipts and orders for subscriptions.

"(c) This section does not prohibit the insertion in periodicals of advertisements permanently attached thereto.

"(d) In addition to other matter authorized by this section to be contained, enclosed, or inserted in second-class mail, there may be included, in accordance with uniform regulations which the Corporation shall prescribe, on the envelopes, wrappers, and other covers in which copies of publications are mailed, messages and notices of a civic or public-service nature, if no charge is made for the inclusion of such messages and notices on such envelopes, wrappers and covers.

"§ 5334. Permissible supplements

"Publishers may fold a supplement within the regular issue of a publication entered as second-class mail if the supplement is—

"(1) germane to the publication;

"(2) needed to supply matter omitted from the regular issue for want of space, time or greater convenience; and

"(3) issued with the regular issue.

"§ 5335. Marking of advertising matter

"Editorial or other reading matter contained in publications entered as second class mail and for the publication of which a valuable consideration is paid, accepted or promised, shall be marked plainly 'advertisement' by the publisher.

"§ 5336. Affidavits relating to mailings; second class mail

"The Corporation may require when it deems necessary—

"(1) a publisher of a second class publication;

"(2) a news agent who distributed the publication; or

"(3) an employee of the publisher or news agent to make an affidavit in the form prescribed by the Corporation stating that he will not send or knowingly permit to be sent through the mails a copy of the publication without prepayment of postage thereon at the rate prescribed by law.

"§ 5337. Filing of information relating to publications of the second class

"(a) Each owner of a publication having second-class mail privileges under section

5324 of this title shall furnish to the Corporation at least once a year, and such publish in such publication once a year, information in such form and detail and at such time as the Corporation may require respecting—

"(1) the identity of the editor, managing editor, publishers, and owners;

"(2) the identity of the corporation and stockholders thereof, if the publication is owned by a corporation;

"(3) the identity of known bondholders, mortgagees, and other security holders;

"(4) the extent and nature of the circulation of the publication, including, but not limited to, the number of copies distributed, the methods of distribution, and the extent to which such circulation is paid in whole or in part; and

"(5) such other information as he may deem necessary to determine whether the publication meets the standards for second-class mail privileges.

The Corporation shall not require the names of persons owning less than 1 percent of the total amount of stocks, bonds, mortgages, or other securities.

"(b) Each publication having second-class mail privileges under section 5325 (b) of this title shall furnish to the Corporation information in such form and detail, and at such times, as it requires to determine whether the publication continues to qualify thereunder. In addition, the Corporation may require each publication which has second-class mail privileges under section 5325 (a) or 5326 of this title to furnish information, in such form and detail and at such times as it may require, to determine whether the publication continues to qualify thereunder.

"(c) The Corporation shall make appropriate rules and regulations to carry out the purposes of this section, including provision for suspension or revocation of second-class mail privileges for failure to furnish the required information.

"§ 5338. Delivery of newspapers by postal transportation service

"The Corporation may provide by order the terms upon which the Corporation will receive directly from publishers or news agents in charge thereof, packages of newspapers and other periodicals not received from or intended for delivery at any post office and deliver them as directed, if presented and called for at the mail car or steamer.

"Controlled Circulation Publications

"§ 5345. Definition

"Controlled circulation publications are those publications which—

"(1) contain twenty-four pages or more;

"(2) are issued at regular intervals of four or more times a year;

"(3) devote 25 percent or more of their pages to text or reading matter and not more than 75 percent to advertising matter;

"(4) may be circulated free or mainly free; and

"(5) are not owned and controlled by one or several individuals or business concerns and conducted as an auxiliary to and essentially for the advancement of the main business or calling of those who own or control them.

"§ 5346. Rates of postage

"The rates of postage on controlled circulation publications found by the Corporation to meet the definition contained in section 5345 of this title when mailed in the manner prescribed by the Corporation are as follows:

"[In cents]

	"Mailed during calendar year 1969	Mailed after Dec. 31, 1969
Rate per pound	14.5	15.0
Minimum charge per piece	2.9	3.8

"Subchapter IV—Third-class mail

"§ 5351. Definition

"(a) Third class mail consists of mailable matter which is—

"(1) not mailed or required to be mailed as first class mail;

"(2) not entered as second class mail; and

"(3) less than sixteen ounces in weight.

"(b) Circulars, including printed letters which according to internal evidence are being sent in identical terms to several persons, are third class mail. A circular does not lose its character as such when the date and name of the addressee and of the sender are written therein, nor by the correction in writing of mere typographical errors.

"(c) Printed matter within the limit of weight set forth in subsection (a) of this section is third class mail. For the purpose of this subsection, printed matter is paper on which words, letters, characters, figures or images, or any combination thereof, not having the character of actual and personal correspondence, have been reproduced by any process other than handwriting or typewriting.

"§ 5352. Postage rates

"(a) Except as otherwise provided in this section, the postage rates of third-class mail are as follows:

"Type of mailing	Rates (cents)	Unit
(1) Individual piece	6.0	First 2 ounces or fraction thereof.
	2.0	Each additional ounce or fraction thereof.
(2) Bulk mailings under subsection (c) of this section of—		
(A) Books and catalogs of 24 pages or more, seeds, cuttings, bulbs, roots, scions, and plants.	16.0	Each pound or fraction thereof.
(B) Other matter	22.0	Do.
(C) Minimum charge of.	4.0	Per piece.

"In lieu of the minimum charge per piece specified in the foregoing table, a person who mails for himself, or on whose behalf there is a mailing, under subsection (e) of this section, shall pay a minimum charge per piece of 3.8 cents on the first 250,000 pieces mailed during a year. For such purpose, the number of pieces mailed during a year shall be the aggregate of the pieces mailed under item (2) (A), (B), and (C) of the above table.

"(b) Matter mailed in bulk under subsection (e) by qualified nonprofit organizations is subject to a minimum charge for each piece equal to 40 per centum of the minimum charge per piece provided in the table under subsection (a), rounded off to the nearest one-tenth cent.

"(c) The pound rates on matter mailed in bulk under subsection (e) by qualified nonprofit organizations are 50 per centum of the pound rates provided by subsection (a).

"(d) The term 'qualified nonprofit organization' as used in this section means religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal organizations or associations not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual. Before being entitled to the preferential rates set out in this section, the organization or association shall furnish proof of its qualifications to the Corporation.

"(e) Upon payment of a fee of $30 for each calendar year or portion thereof, any person may mail in the manner directed by the Corporation separately addressed, identical pieces of third-class mail in quantities of not less than fifty pounds or of not less than two hundred pieces subject to pound rates of postage applicable to the entire bulk mailed at one time.

"§ 5353. Permissible marks and enclosures

"Only marks and enclosures permissible in the case of fourth-class mail, pursuant to section 5375 of this title, may be placed on or enclosed in third-class mail.

"Subchapter V—Fourth-class mail

"§ 5371. Definition

"Fourth-class mail consists of mailable matter—

"(1) not mailed or required to be mailed as first-class mail;

"(2) within the size and weight limits prescribed for fourth-class mail; and

"(3) not entered as second-class mail.

"§ 5372. Size and weight limitations

"(a) Except as provided in subsection (c), the minimum weight of fourth-class mail is sixteen ounces, and the maximum weight is forty pounds.

"(b) Except as provided in subsection (c), the maximum size of fourth-class mail is—

"(1) seventy-two inches in girth and length combined on matter mailed before July 1, 1970;

"(2) seventy-eight inches in girth and length combined on matter mailed on or after July 1, 1970, but before July 1, 1971; and

"(3) eighty-four inches in girth and length combined on matter mailed on or after July 1, 1971.

"(c) The maximum size on fourth-class mail is one hundred inches in girth and length combined, and the maximum weight is seventy pounds for parcels—

"(1) mailed at, or addressed for delivery at, a second-, third-, or fourth-class post office or on a rural or star route;

"(2) containing baby fowl, live plants, trees, shrubs, or agricultural commodities but not the manufactured products of those commodities;

"(3) consisting of books, films, and other materials mailed under section 5374 of this title;

"(4) addressed to or mailed at any Armed Forces post office outside the fifty States; and

"(5) addressed to or mailed in the Commonwealth of Puerto Rico, the States of Alaska and Hawaii, or a possession of the United States including the Canal Zone and the Trust Territory of the Pacific Islands.

"§ 5373. Postal zones

"(a) For the purposes of fourth-class mail the United States, its possessions, and the Commonwealth of Puerto Rico are divided into units of area thirty minutes square, identical with a quarter of the area formed by the intersecting parallels of latitude and meridians of longitude, represented on postal maps or plans.

"(b) The units of area are the basis of eight postal zones, as follows:

"(1) the first zone includes all territory within the quadrangle in conjunction with every contiguous quadrangle, representing an area having a mean radial distance of approximately fifty miles from the center of a given unit of area.

"(2) the second zone includes all units of area outside the first zone lying in whole or in part within a radius of approximately one hundred and fifty miles from the center of a given unit of area.

"(3) the third zone includes all units of area outside the second zone lying in whole or in part within a radius of approximately three hundred miles from the center of a given unit of area.

"(4) the fourth zone includes all units of area outside the third zone lying in whole or in part within a radius of approximately six hundred miles from the center of a given unit of area.

"(5) the fifth zone includes all units of area outside the fourth zone lying in whole or in part within a radius of approximately one thousand miles from the center of a given unit of area.

"(6) the sixth zone includes all units of area outside the fifth zone lying in whole or in part within a radius of approximately one thousand four hundred miles from the center of a given unit of area.

"(7) the seventh zone includes all units of area outside the sixth zone lying in whole or in part within a radius of approximately one thousand eight hundred miles from the center of a given unit of area.

(8) the eighth zone includes all units of area outside the seventh zone.

"(c) The Corporation shall use units of area containing postal sectional center facilities as the basis of a postal zone as described in subsection (b) of this section. The zone shall be measured from the center of the unit of area containing the dispatching sectional center facility. A post office of mailing and a post office of delivery shall have the same zone relationship as their respective sectional center facilities, but this sentence shall not cause two post offices to be regarded as within the same local zone.

"(d) In addition to the eight zones described in subsections (b) and (c) of this section, there is a local zone as defined by the Corporation from time to time.

"(e) The foregoing provisions of this section are subject to section 5378 of this title.

"§ 5374. Books, films, and other materials; preferred rates

"(a) Except as provided in subsection (b) of this section, the postage rate is 12 cents for the first pound or fraction thereof and 6 cents for each additional pound or fraction thereof, except that the rate now or hereafter prescribed for third- or fourth-class matter shall apply in every case where such rate is lower than the rate prescribed in this subsection on—

"(1) books, including books issued to supplement other books, consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for notations, and containing no advertising matter other than incidental announcements of books;

"(2) 16-millimeter or narrower width films, and catalogs of such films, except when sent to or from commercial theaters;

"(3) printed music, whether in bound form or in sheet form;

"(4) printed objective test materials and accessories thereto used by or in behalf of educational institutions in the testing of ability, aptitude, achievement, interests, and other mental and personal qualities with or without answer, test scores, or identifying information recorded thereon in writing, or by mark;

"(5) sound recordings, including incidental announcements of recordings and guides or scripts prepared solely for use with such recordings;

"(6) playscripts and manuscripts for books, periodicals and music;

"(7) printed educational reference charts, permanently processed for preservation; and

"(8) looseleaf pages, and binders therefor, consisting of medical information for distribution to doctors, hospitals, medical schools, and medical students.

"(b) (1) Matter designated in paragraph (2) of this subsection may be mailed at the regular third or fourth class postage rates or at the rate of 5 cents for the first pound or fraction thereof and 2 cents for each additional pound or fraction thereof when loaned or exchanged (including cooperative processing by libraries) between—

"(A) schools, colleges, or universities;

"(B) public libraries, museums and herbaria, religious, educational, scientific, philanthropic, agricultural, labor, veterans', or fraternal organizations or associations, not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, or between such organizations, and their members, readers or borrowers.

"(2) The materials mailable under the rates prescribed in paragraph (1) of this subsection are—

"(A) books consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for notations and containing no advertising matter other than incidental announcements of books;

"(B) printed music, whether in bound form or in sheet form;

"(C) bound volumes of academic theses in typewritten or other duplicated form;

"(D) periodicals, whether bound or unbound;

"(E) sound recordings;

"(F) other library materials in printed, duplicated or photographic form or in the form of unpublished manuscripts; and

"(G) museum materials, specimens, collections, teaching aids, printed matter, and interpretative materials intended to inform and to further the education work and interests of museums and herbaria.

"(3) Before being entitled to the preferential rates under this subsection, the Corporation may require an organization or association to furnish satisfactory evidence to it that none of the net income inures to the benefit of any private stockholder or individual.

"(c) 16-millimeter or narrower width films, filmstrips, transparencies for projection, slides, microfilms, sound recordings, museum materials, specimens, collections, teaching aids, printed matter, and interpretative materials intended to inform and to further the educational work and interests of museums and herbaria, scientific or mathematical kits, instruments, or other devices and catalogs of those items, and guides or scripts prepared solely for use with such materials may be mailed at the rates prescribed in subsection (b) (1) of this section when sent to or from the institutions, organizations or associations listed in clauses (A) and (B) of subsection (b) (1).

"(d) The limit of weight on parcels mailed under this section is 70 pounds.

"(e) Articles may be mailed under this section in quantities of one thousand or more in a single mailing, as defined by the Corporation, only in the manner directed by it.

"§ 5375. Permissible marks and enclosures

"(a) The sender may not place on or enclose in fourth-class mail marks that have the character of personal correspondence, but the following marks and enclosures may be placed on or in fourth-class mail when space is left on the address side sufficient for a legible address and necessary stamps—

"(1) the sender's name, occupation, and address, preceded by the word 'from', and directions for transmission, delivery, forwarding, or return;

"(2) marks other than by written or printed words to call attention to words or passages in the text;

"(3) correction of typographical errors;

"(4) a simple manuscript dedication or inscription not of the nature of personal correspondence on the blank leaves or cover of a book or other printed matter;

"(5) matter mailable as third-class mail printed on the wrapper, envelope, tag or label;

"(6) marks, numbers, names or letters for the purpose of description printed or written on the wrapper or cover;

"(7) the words 'Please Do Not Open Until Christmas' or words to that effect on the package, wrapper or envelope enclosing the same or on a tag or label attached thereto;

"(8) corrections on proof sheets;

"(9) manuscript accompanying proof sheets;

"(10) matter mailable as third-class mail; and

"(1)) invoices, whether or not also serving as bills, if they relate solely to the matter with which they are mailed.

"(b) There may be enclosed with, attached to, or endorsed upon third- and fourth-class mail, either in writing or otherwise, the instructions and directions for the use thereof.

"§ 5376. Postage rates on parcel post

"(a) Except as otherwise provided in this section and subject to section 5378 of this title, the rates of postage on fourth-class parcel post are based on the zones described in section 5373 of this title in accordance with the following table:

"[Cents per parcel]

"Pounds	Local delivery	Zones						
		1st and 2d	3d	4th	5th	6th	7th	8th
2	40	50	50	55	60	70	75	80
3	40	55	60	65	75	85	95	105
4	45	60	65	75	85	100	119	125
5	45	65	70	80	95	110	130	145
6	45	70	80	90	105	125	145	165
7	50	80	85	100	115	140	160	185
8	50	85	90	105	130	150	175	200
9	55	90	95	115	140	165	190	220
10	55	95	105	120	150	175	210	240
11	55	100	110	130	160	190	225	260
12	60	105	115	135	170	200	240	275
13	60	110	120	145	180	210	255	295
14	65	115	130	150	190	225	270	310
15	65	120	135	160	200	235	285	330
16	65	125	140	165	210	245	300	345
17	70	130	145	175	220	260	315	365
18	70	135	150	180	230	270	330	380
19	75	140	160	190	240	285	345	400
20	75	140	165	195	250	295	360	415
21	75	145	170	205	260	305	375	435
22	80	150	175	210	265	315	390	450
23	80	155	180	215	275	330	405	465
24	85	160	185	220	285	340	415	485
25	85	160	190	230	290	350	430	500
26	85	165	195	235	300	360	445	520
27	90	170	195	240	310	370	460	535
28	90	175	200	250	320	385	475	550
29	95	180	205	255	325	395	485	570
30	95	180	210	260	335	405	500	585
31	95	185	215	265	345	415	515	605
32	100	190	220	275	350	425	530	620
33	100	195	225	280	360	440	545	635
34	100	195	230	285	370	450	555	655
35	105	200	235	290	375	460	570	670
36	105	205	240	300	385	470	585	690
37	110	210	245	305	395	480	600	705
38	110	215	250	310	405	495	615	720
39	110	215	255	320	410	505	625	740
40	115	220	260	325	420	515	640	755
41	115	225	265	330	430	525	655	770

"[Cents per parcel]

'Pounds	Local delivery	Zones						
		1st and 2d	3d	4th	5th	6th	7th	8th
42	115	230	270	353	435	535	670	790
43	120	230	275	345	445	550	685	805
44	120	235	275	350	455	560	695	820
45	125	240	280	355	460	570	710	835
46	125	245	285	365	470	580	725	850
47	125	250	290	370	480	590	740	870
48	130	250	295	375	490	605	755	885
49	130	255	300	380	495	615	765	900
50	130	260	305	390	505	625	780	915
51	135	265	310	395	515	635	795	930
52	135	265	315	400	520	645	805	950
53	140	270	320	405	530	660	820	965
54	140	270	325	410	535	670	835	980
55	140	275	330	420	545	680	845	995
56	145	280	335	425	555	690	860	1,010

"Pounds	Local delivery	Zones						
		1st and 2d	3d	4th	5th	6th	7th	8th
57	145	280	340	430	560	700	870	1,030
58	150	285	345	435	570	715	885	1,045
59	150	290	350	440	575	725	900	1,060
60	150	290	350	450	585	735	910	1,075
61	155	295	355	455	595	745	925	1,090
62	155	300	360	460	600	755	935	1,110
63	155	300	365	465	610	770	950	1,125
64	160	305	370	470	615	780	965	1,140
65	160	305	375	480	625	790	975	1,155
66	165	310	380	485	635	800	990	1,170
67	165	315	385	490	640	810	1,000	1,190
68	165	315	390	495	650	825	1,015	1,205
69	170	320	395	500	655	835	1,030	1,220
70	170	325	400	510	665	845	1,040	1,235

"(b) Subject to section 5378 of this title, parcels weighing less than ten pounds and measuring more than eighty-four inches but not more than one hundred inches in length and girth combined are subject to a minimum postage rate equal to the postage rate for a ten-pound parcel for the zone to which the parcel is addressed.

"(c) Subject to section 5378 of this title, the postage rate on gold mailed within Alaska or from Alaska to other States and possessions of the United States, including the Canal Zone and the Trust Territory of the Pacific Islands, and the Commonwealth of Puerto Rico is 2 cents for each ounce or fraction thereof regardless of zones.

"§ 5377. Postage rates on catalogs

"(a) Subject to section 5378 of this title, the rates of postage on fourth-class catalogs, having twenty-four or more pages at least twenty-two of which are printed and weighing sixteen ounces or more but not exceeding ten pounds, are based on the zones described in section 5373 of this title in accordance with the following table:

"CATALOGS

"[In cents]

"Weight (pounds)	Zones							
	Local	1 and 2	3	4	5	6	7	8
1.5	23	29	30	31	33	35	38	41
2	24	30	32	33	36	39	42	46
2.5	25	32	33	36	39	42	46	51
3	26	33	35	38	42	46	51	57
3.5	27	35	37	40	44	49	55	62
4	28	36	39	42	47	53	59	67
4.5	29	38	41	45	50	56	64	72
5	30	39	42	46	53	60	68	77
6	32	42	46	51	59	67	77	88
7	34	45	50	56	64	74	85	98
8	36	48	53	60	70	81	94	109
9	38	51	57	65	76	88	104	119
10	39	54	60	69	81	95	112	129

"(b) Subject to section 5378 of this title, the rates of postage on catalogs conforming to subsection (a) of this section, when mailed in quantities of not less than three hundred individually addressed pieces at one time and when prepared and mailed in accordance with conditions established by the Corporation consist of a piece rate in addition to a bulk rate per pound, based on the zones described in section 5373 of this title, in accordance with the following table:

"[In cents]

"Zone	Piece rate	Bulk pound rate
Local	17	1.9
1 and 2	21	3.0
3	21	3.6
4	21	4.6
5	21	5.7
6	21	7.1
7	21	8.7
8	22	10.4

"§ 5378. Reformation of conditions of mailability

"(a) Whenever the Corporation finds that, as a continuing situation—

"(1) the acceptance, as fourth-class mail, of mail matter otherwise legally acceptable in the mails is being prevented, or

"(2) the revenue from the fourth-class mail service is less than the cost of such service or that the revenue from such service is greater than the cost thereof, or

"(3) any other condition exists with respect to the fourth-class mail service which is impairing the efficient and economical operation of such service,

by reason of—

"(A) the rates of postage on fourth-class mail (other than the rates prescribed by sections 5346, 5374, and 5391 to 5393, inclusive, of this title), or

"(B) the classification of articles mailable as fourth-class mail, or

"(C) the postal zone structure or the method used in establishing such structure, or

"(D) any other condition of mailability as fourth-class mail (other than size and weight limits),

it shall file with the Interstate Commerce Commission a request to—

"(i) increase or decrease, as he deems advisable, any rate or rates of postage on fourth-class mail (other than the rates prescribed by sections 5346, 5374, and 5391 to 5393, inclusive, of this title), or

"(ii) reform any condition or conditions of mailability within the purview of subparagraphs (B), (C), and (D) of this subsection, or

"(iii) take both such actions.

"(b) The request of the Corporation under subsection (a) of this section for an increase or decrease in any rate or rates of postage or for reformation of any other condition or conditions of mailability, or both, shall be deemed approved on the thirtieth day following the date on which the Corporation files such request with the Interstate Commerce Commission, and shall become effective in accordance with the terms of the request, unless, prior to the expiration of such thirtieth day—

"(1) such request is rejected by the Commission, or

"(2) the Commission orders an investigation of such request.

If final determination by the Commission, on the basis of such investigation, is not made prior to the expiration of the one hundred and eightieth day after the date of the filing of such request with the Commission, such request shall be deemed approved at the close of such one hundred and eightieth day and shall become effective in accordance with its terms.

"§ 5379. Air transportation of parcels mailed at or addressed to Armed Forces post offices

"Any parcel, other than a parcel mailed airmail or as air parcel post, not exceeding thirty pounds in weight and sixty inches in length and girth combined, which is mailed at or addressed to any Armed Forces post office shall be transported by air on a space available basis, on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 406 of the Federal Aviation Act of 1958 (49 U.S.C. 1376), upon payment, in addition to the regular surface rate of postage, of a special fee to be prescribed by the Corporation for such transportation by air. Whenever adequate service by scheduled United States air carriers is not available to provide transportation or mail matter by air in accordance with the foregoing provisions of this section, the transportation of such mail matter may be authorized by aircraft other than scheduled United States air carriers.

"Subchapter VI—miscellaneous mail matter

"§ 5391. Keys and other small articles

"(a) Any person may mail without prepayment of postage a key, identification card, identification tag, or similar identification device, or small article which the Corporation by regulation designates, which bears, contains, or has attached securely thereto—

"(1) a complete, definite, and legible post office address, including any street address or box or route number; and

"(2) a notice directing that it be returned to the address, and guaranteeing the payment, on delivery, of the postage due thereon.

"(b) Postage at the rate of 14 cents for the first two ounces or fraction thereof, and 7 cents for each additional two ounces or fraction thereof, shall be collected on delivery.

"§ 5392. Matter for blind and other handicapped persons

"(a) The matter described in subsection (b) (other than matter mailed under section 5393 of this title) may be mailed free of postage, if—

"(1) the matter is for the use of the blind or other persons who cannot use or read conventionally printed material because of a physical impairment who are certified by competent authority as unable to read normal reading material in accordance with the provisions of the first section of the Act of July 30, 1966 (Public Law 89–522; 80 Stat. 330);

"(2) no charge, or rental, subscription, or other fee, is required for such matter or a charge, or rental, subscription, or other fee is required for such matter not in excess of the cost thereof;

"(3) the matter may be opened by the Corporation for inspection;

"(4) the matter contains no advertising; and

"(5) the matter is mailed subject to size and weight limitations prescribed by the Corporation.

"(b) The free mailing privilege provided by subsection (a) is extended to—

"(1) reading matter and musical scores;

"(2) sound reproductions;

"(3) paper, records, tapes, and other material for the production of reading matter, musical scores, or sound reproductions;

"(4) reproducers or parts thereof, for sound reproductions; and

"(5) Braille writers, typewriters, educational or other materials or devices, or parts thereof, used for writing by, or specifically designed or adapted for use of, a blind person or a person having a physical impairment as described in subsection (a)(1) of this section.

"§ 5393. Unsealed letters sent by blind or physically handicapped persons

"Unsealed letters sent by a blind person or a person having a physical impairment, as described in section 5392(a)(1) of this title, in raised characters or sight-saving type, or in the form of sound recordings, may be mailed free of postage.

"§ 5394. Markings

"All matter relating to blind or other handicapped persons mailed under sections 5392 or 5393 of this title, shall bear the words 'Free Matter for the Blind or Handicapped', or words to that effect specified by the Corporation, in the upper right-hand corner of the address area.

"§ 5395. Mailing privilege of members of United States Armed Forces and of friendly foreign nations

"(a) First-class letter mail, including postal cards and post cards, and sound-recorded communications having the character of personal correspondence shall be carried, at no cost to the sender, in the manner provided by section 5313(d)(5) of this title, when mailed by—

"(1) a member of the Armed Forces of the United States on active duty as defined in sections 101(4) and 101(22) of title 10, and addressed to a place within the delivery limits of a United States post office, if—

"(A) the letter or sound-recorded communication is mailed by the member at an Armed Forces post office which has been established in an overseas area, as designated by the President, where the Armed Forces of the United States are engaged in action against an enemy of the United States, engaged in military operations involving armed conflict with a hostile foreign force, or serving with a friendly foreign force in an armed conflict in which the United States is not a belligerent; or

"(B) the member is hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred as a result of service in an overseas area designated by the President under clause (A); or

"(2) a member of an armed force of a friendly foreign nation at an Armed Forces post office and addressed to a place within the delivery limits of a United States post office, or a post office of the nation in whose armed forces the sender is a member, if—

"(A) the member is accorded free mailiing privileges by his own government;

"(B) the foreign nation extends similar free mailing privileges to a member of the Armed Forces of the United States serving with, or in, a unit under the control of a command of that foreign nation;

"(C) the member is serving with, or in, a unit under the operational control of a command of the Armed Forces of the United States;

"(D) the letter or sound-recorded communication is mailed by the member—

"(i) at an Armed Forces post office which has been in an overseas area, as designated by the President, where the Armed Forces of the United States are engaged in action against an enemy of the United States, engaged in military operations involving armed conflict with a hostile foreign force, or serving with a friendly foreign force in an armed conflict in which the United States is not a belligerent; or

"(ii) While hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred as a result of services in an overseas area designated by the President under clause (D)(i); and

"(E) the nation in whose armed forces the sender is a member has agreed to assume all international postal transportation charges incurred.

"(b) The Department of Defense shall transfer to the Corporation as postal revenue, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, as determined by the Corporation, for matter sent in the mails under authority of subsection (a) of this section.

"(c) Subsections (a) and (b) of this section shall be administered under such conditions, and under such regulations, as the Corporation and the Secretary of Defense jointly may prescribe.

"§ 5396. Mailing privilege of members of United States Armed Forces and of friendly foreign nations in the Canal Zone

"(a) For the purposes of sections 5313(d)(4), 5379, and 5395(a) of this title, each post office in the Canal Zone postal service, to the extent that it provides mail service for members of the United States Armed Forces and of friendly foreign nations, shall be considered to be an Armed Forces post office.

"(b) The Department of Defense shall reimburse the postal service of the Canal Zone, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, and sums equal to the expenses incurred by, the postal service of the Canal Zone, as determined by the Governor of the Canal Zone, for matter sent in the mails, and in providing air transportation of mail, under such sections."

AMENDMENTS TO TITLE 5, UNITED STATES CODE

SEC. 3. (a) Title 5, United States Code, is amended as follows:

(1) section 101 is amended by repealing the line: "The Post Office Department.";

(2) section 305(a) is amended—

(A) by striking out "or" at the end of clause (7);

(B) by striking out the period at the end of clause (8) and inserting in lieu thereof a semicolon and "or"; and

(C) by adding at the end thereof the following new clause:

"(9) the Postal Corporation.";

(3) the introductory matter preceding clause (1) of section 3304a(a) is amended by striking out the phrase "in the postal field service,";

(4) section 4102(a)(1) is amended—

(A) by striking out "or" at the end of clause (B);

(B) by striking out the period at the end of clause (C) and inserting in lieu thereof a semicolon and "or"; and

(C) by adding at the end thereof the following new clause:

"(D) the Postal Corporation.";

(5) section 4301(1) is amended—

(A) by striking out "or" at the end of clause (vi);

(B) by striking out "and" at the end of clause (vii) and inserting in lieu thereof "or"; and

(C) by adding at the end thereof the following new clause:

"(viii) the Postal Corporation; and";

(6) section 4501(1) is amended—

(A) by striking out "or" at the end of clause (i);

(B) by inserting "or" at the end of clause (ii); and

(C) by adding at the end thereof the following new clause:

"(iii) the Postal Corporation;";

(7) section 5102(a)(1) is amended—

(A) by striking out "or" at the end of clause (vii);

(B) by inserting "or" at the end of clause (viii); and

(C) by inserting at the end thereof the following new clause:

"(ix) the Postal Corporation;";

(8) section 5102(c)(1) is hereby repealed;

(9) section 5303(a)(2) is hereby repealed;

(10) the introductory matter preceding clause (1) of section 5304 is amended by striking out the phrase "the provisions of part III of title 39 relating to employees in the postal field service,";

(11) clause (5) of section 5312 is hereby repealed;

(12) clause (3) of section 5314 is hereby repealed;

(13) clauses (21) and (45) of section 5315 are hereby repealed;

(14) section 5316 is amended—

(A) by striking out clauses (37) and (123); and

(B) by adding at the end thereof the following new clause:

"(128) Rate Commissioners, the Postal Corporation (3).";

(15) section 5533(d)(7)(F) is amended to read as follows:

"(F) section 907 of title 39;";

(16) section 5541(2)(vi) is amended to read as follows:

"(vi) an officer or employee of the Postal Corporation;";

(17) section 5581(1) is amended—

(A) by striking out "or" at the end of clause (iii);

(B) by inserting "or" at the end of clause (iv); and

(C) by adding at the end thereof the following new clause:

"(v) the Postal Corporation;";

(18) section 5595(a)(2) is amended—

(A) by striking out "or" at the end of clause (vii);

(B) by redesignating clause (viii) as clause (ix); and

(C) by inserting immediately before redesignated clause (ix), the following new clause:

"(viii) an officer or employee of the Postal Corporation; or";

(19) the last sentence of section 5596(c) is amended by inserting after "Authority" the phrase "or the Postal Corporation";

(20) section 5701(1) is amended—

(A) by striking out "or" at the end of clause (ii);

(B) by inserting "or" at the end of clause (iii); and

(C) by inserting at the end thereof the following new clause:

"(iv) the Postal Corporation;";

(21) section 5721(1) is amended by inserting immediately before the semicolon at

the end thereof the phrase "or the Postal Corporation";

(22) section 5911(a)(2) is amended by inserting immediately before the semicolon at the end thereof the phrase "or the Postal Corporation";

(23) section 5921(2) is amended by inserting immediately after "corporation" at the end thereof the phrase "or the Postal Corporation";

(24) section 6301(2) is amended—

(A) by striking out in clause (ii) the first comma thereof and the phrase "except an hourly employee in the postal field service,";

(B) by striking out "or" in clause (xi);

(C) by striking out the period at the end of clause (xii) and inserting in lieu thereof a semicolon and "or"; and

(D) by adding at the end thereof the following new clause:

"(xiii) an officer or employee of the Postal Corporation.";

(25) section 6323 is amended—

(A) by striking out in subsections (a) and (c) the phrase "a substitute employee in the postal field service" wherever it appears and inserting in lieu thereof the phrase "an officer or employee of the Postal Corporation"; and

(B) by striking out subsections (b) and (d);

(26) section 7101 is amended to read as follows:

"§ 7101. Right to organize; postal employees

"An employee of the Postal Corporation may not be reduced in rank or pay or removed from his position in the Corporation because of—

"(1) membership in an organization of employees of the Corporation having for its objects, among other things, improvements in the working conditions of its members, including hours of work, pay, and leave of absence, and which is not affiliated with an outside organization imposing an obligation on the employees to engage in a strike, or proposing to assist them in a strike, against the United States; or

"(2) presenting, individually or as a member of a group of employees of the Corporation, a grievance to Congress or a Member of Congress.";

(27) section 7901(f) is amended—

(A) by striking out "and" at the end of clause (2);

(B) by striking out the period at the end of clause (3) and inserting in lieu thereof a semicolon and the word "and"; and

(C) by adding at the end thereof the following new clause:

"(4) the Postal Corporation.";

(28) section 8101(1) is amended—

(A) by striking out "or" at the end of clause (iii);

(B) by inserting "or" at the end of clause (iv); and

(C) by adding at the end thereof the following new clause:

"(v) an officer or employee of the Postal Corporation;";

(29) section 8331(1) is amended—

(A) by striking out "or" at the end of clause (viii);

(B) by striking out the period at the end of clause (ix) and inserting in lieu thereof a semicolon and the word "or"; and

(C) by inserting at the end thereof the following new clause:

"(x) an officer or employee of the Postal Corporation."; and

(30) section 8901(1) is amended—

(A) by striking out "or" at the end of clause (iii);

(B) by inserting "or" at the end of clause (iv); and

(C) by adding at the end thereof the following new clause:

"(v) an officer or employee of the Postal Corporation;".

(b) Any officer or employee of the Post Office Department—

(1) occupying a nonmanagerial or nonprofessional position within the Department on the day prior to the effective date of this section;

(2) who is transferred from a position in the Department to a position in the Postal Corporation; and

(3) who was, on the date of transfer, subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement;

shall, as long as his employment with the Corporation continues without a break in continuity of service, continue to be subject to such provisions. Such employment shall be deemed employment by the Government of the United States for the purposes of such provisions. The Corporation shall contribute to the Civil Service Retirement and Disability Fund a sum as provided by section 8334(a) of title 5, United States Code, except that such sum shall be determined by applying to the total basic pay (as defined in section 8331(3) of such title and except as hereinafter provided) paid to the employees of the Corporation who are covered by subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, the percent rate determined annually by the United States Civil Service Commission to be the excess of the total normal cost percent rate of the system provided by such subchapter over the employee deduction rate specified in section 8334(a) of such title. The Corporation shall also pay into the Civil Service Retirement and Disability Fund such portion of the cost of administration of the fund as is determined by the United States Civil Service Commission to be attributable to its employees. Notwithstanding the foregoing provisions, there shall not be considered for the purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, that portion of the basic pay in any one year of any officer or employee of the Corporation which exceeds the basic pay provided for in section 5312 of such title, on the last day of such year.

AMENDMENTS TO TITLE 18, UNITED STATES CODE

SEC. 4. Title 18, United States Code, is amended as follows:

(1) the analysis of chapter 1 is amended by striking out the words "Postal Service" in item 12 and inserting in lieu thereof the words "Postal Corporation";

(2) section 12 is amended to read as follows:

"§ 12. Postal Corporation defined

"The term 'Postal Corporation', as used in this title, includes every officer or employee thereof, whether or not he has taken the oath of office.";

(3) sections 440 and 441 are amended by striking out "Postal Service" and "Post Office Department" wherever they appear and inserting in lieu thereof "Postal Corporation";

(4) section 500 is amended by striking out "Post Office Department" and "Post Office Department of the United States, or" and inserting in lieu thereof "Postal Corporation" and "Postal Corporation, or post office department or corporation", respectively;

(5) section 501 is amended by striking out the phrases "Post Office Department" and "Postmaster General" wherever they appear and inserting in lieu thereof "Postal Corporation";

(6) sections 612 and 876 are amended by striking out the phrase "Post Office Department" wherever it appears and inserting in lieu thereof "Postal Corporation";

(7) section 877 is amended by striking out the phrase "Post Office Department of the United States" wherever it appears and inserting in lieu thereof "Postal Corporation";

(8) section 1114 is amended by striking out "any postal inspector, any postmaster, officer, or employee in the field service of the Post Office Department," and inserting in lieu thereof "any postal inspector of the Postal Corporation, any other officer or employee of the Postal Corporation employed in operations and organization units of the Corporations outside the District of Columbia,";

(9) section 1303 is amended by striking out "a postmaster or other person employed in the Postal Service" and inserting in lieu thereof "an officer or employee of the Postal Corporation";

(10) section 1341 is amended by striking out "Post Office Department" and inserting in lieu thereof "Postal Corporation";

(11) section 1342 is amended by striking out "Post Office Department of the United States" and inserting in lieu thereof "Postal Corporation";

(12) section 1463 is amended by striking out "Postmaster General" and inserting in lieu thereof "Postal Corporation";

(13) section 1696(c) is amended to read as follows:

"(c) This chapter shall not prohibit the conveyance or transmission of letters or packets by private hands without compensation, by special messenger employed for the particular occasion only, or as otherwise permitted by section 2301 of title 39. Except as provided in subsections (b) and (c) of such section, whenever more than 25 such letters or packets are conveyed or transmitted by such special messenger, the requirements of section 2301(a) of title 39 shall be observed as to each piece.";

(14) section 1699 is amended by striking out the phrase "Postmaster General" wherever it appears and inserting in lieu thereof the phrase "Postal Corporation";

(15) section 1700 is amended by striking out "Postal Service" and inserting in lieu thereof "Postal Corporation";

(16) section 1703 is amended—

(A) by striking out the phrase "postmaster or Postal Service employee" wherever it appears and inserting in lieu thereof "Postal Corporation officer or employee"; and

(B) by striking out "Postmaster General" and inserting in lieu thereof "Postal Corporation";

(17) section 1704 is amended by striking out the phrases "Post Office Department" and "Postmaster General" wherever they appear and inserting in lieu thereof "Postal Corporation";

(18) section 1707 is amended by striking out "Post Office Department" and inserting in lieu thereof "Postal Corporation";

(19) section 1709 is amended—

(A) by striking out "postmaster or Postal Service employee" and inserting in lieu thereof "Postal Corporation officer or employee"; and

(B) by striking out the phrases "Postal Service" and "Postmaster General" and inserting in lieu thereof "Postal Corporation";

(20) section 1710 is amended by striking out "postmaster or Postal Service employee" and inserting in lieu thereof "Postal Corporation officer or employee";

(21) section 1711 is amended—

(A) by striking out the phrase "postmaster or Postal Service employee" and inserting in lieu thereof "Postal Corporation officer or employee"; and

(B) by striking out the phrases "Post Office Department" and "Postmaster General" wherever they appear and inserting in lieu thereof "Postal Corporation"; (22) section 1712 is amended—

(A) by striking out "postmaster or Postal Service employee" and inserting in lieu thereof "Postal Corporation officer or employee";

(B) by striking out the phrases "Post Office Department" and "Postal Service" wherever they appear and inserting in lieu thereof "Postal Corporation"; and

(C) by striking out "postmaster or other person" and inserting in lieu thereof "officer or employee";

(23) section 1713 is amended by striking out "a postmaster or other person employed in any branch of the Postal Service" and inserting in lieu thereof "an officer or employee of the Postal Corporation";

(24) section 1715 is amended by striking out the phrases "Postal Service" and "Postmaster General" wherever they appear and inserting in lieu thereof "Postal Corporation";

(25) section 1716 is amended by striking out the phrase "Postmaster General" wherever it appears and inserting in lieu thereof "Postal Corporation";

(26) section 1716A is amended by striking out "4010" and inserting in lieu thereof "2502";

(27) section 1717(b) is amended by striking out "Postal Service of the United States" and inserting in lieu thereof "Postal Corporation";

(28) section 1718 is amended by striking out "Postmaster General" and inserting in lieu thereof "Postal Corporation";

(29) section 1720 is amended by striking out "Postal Service" and inserting in lieu thereof "Postal Corporation";

(30) section 1721 is amended—

(A) by striking out "postmaster or postal service employee" and inserting in lieu thereof "Postal Corporation officer or employee"; and

(B) by striking out the phrase "Post Office Department" wherever it appears and inserting in lieu thereof "Postal Corporation";

(31) section 1722 is amended by striking out "any postmaster or to the Post Office Department or any officer of the Postal Service" and inserting in lieu thereof "the Postal Corporation or officer or employee of the Corporation";

(32) section 1723, 1724, 1725, and 1729 are amended by striking out the phrase "Postmaster General" wherever it appears and inserting in lieu thereof "Postal Corporation";

(33) section 1730 is amended—

(A) by striking out the phrases "Postal Service" and "Postmaster General" wherever they appear and inserting in lieu thereof "Postal Corporation"; and

(B) by striking out "that service" and inserting in lieu thereof "that Corporation";

(34) section 1733 is amended by striking out "4368" and inserting in lieu thereof "5336"; and

(35) section 3061 is amended by striking out "Postmaster General" and "postal service" and inserting in lieu thereof "Postal Corporation".

TRANSFER OF PERSONNEL

Sec. 5. (a) (1) An officer or employee of the Post Office Department occupying a nonmanagerial or nonprofessional position in the Post Office Department on the effective date of this section shall be transferred to the Corporation.

(2) The provisions of title 39, United States Code, relating to rates of pay, hours of employment, employee benefits, and other conditions of employment for any such officer or employee which were in effect immediately prior to the effective date of this section shall continue in effect until otherwise provided by collective bargaining.

(b) An officer or employee of the Post Office Department occupying a managerial or professional position with the Department on the effective date of this section shall not be transferred to a position of employment with the Postal Corporation unless the board of directors of the Corporation so specifically provides.

(c) Any office of or position of the Post Office Department created by law or administratively is hereby abolished on the effective date of this section. No other provision of this Act shall be construed to have abolished the Post Office Department, or any agency thereof, or any office or position under the Department, prior to the effective date of this section.

TRANSFER PROVISIONS

Sec. 6. (a) There are hereby transferred to the Postal Corporation all the functions, powers, and duties of the Postmaster General and the Post Office Department, and the office of Postmaster General and the Post Office Department are abolished.

(b) The assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of the Post Office Department are hereby transferred to the Postal Corporation.

(c) Postal revenues and fees collected on and after the effective date of this section shall be considered assets of the Corporation.

SAVINGS PROVISIONS

Sec. 7. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective—

(A) under any provision of law amended by this Act, or

(B) in the exercise of duties, powers, or functions which are transferred under this Act,

by (i) any department or agency, any functions of which are transferred by this Act, or (ii) any court of competent jurisdiction; and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the board of directors of the Postal Corporation (in the exercise of any authority respectively vested in it by this Act), by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any department or agency (or component thereof), functions of which are transferred by this Act; but such proceedings shall be continued before the Postal Corporation. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the board of directors of the Corporation (in the exercise of any authority respectively vested in it by this Act), by a court of competent jurisdiction, or by operation of law.

(c) (1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the Postal Corporation or such official of the Corporation as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which any provision of this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such department or agency is transferred to the Postal Corporation, or

(B) any function of such department, agency, or officer is transferred to the Corporation,

such suit shall be continued by the Corporation.

(d) The amendment of any statute shall not have the effect to release or extinguish any criminal prosecution, penalty, forfeiture, or liability incurred under such statute, unless the amending Act shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such prosecution, penalty, forfeiture, or liability.

(e) With respect to any function, power, or duty transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any department or agency, officer or office so transferred or functions of which are so transferred shall be deemed to mean the officer or agency of the Corporation in which this Act vests such function after such transfer.

MISCELLANEOUS

Sec. 8. (a) Whenever reference is made in any provision of law (other than this Act), regulation, rule, record, or document to the Post Office Department, the Postal Service, the postal field service, or the field postal service, such reference shall be deemed to be a reference to the Postal Corporation. Any reference to any officer or employee of the Post Office Department, the Postal Service, the postal field service, or the field postal service shall be deemed a reference to the appropriate officer or employee of the Corporation unless the position of such officer or employee has been abolished by this Act.

(b) Section 101 of the Government Corporation Control Act (59 Stat. 597), as amended (31 U.S.C. 346), is amended by inserting "the Postal Corporation;" after "Panama Canal Company;".

RESERVING RIGHT TO AMEND OR REPEAL

Sec. 9. The right to alter, amend, or repeal this Act is expressly declared and reserved, but no such amendment or repeal shall operate to impair the obligation of any contract made by the Postal Corporation, prior to the effective day of such amendment or repeal, under any power conferred by this Act.

APPROPRIATIONS

Sec. 10. (a) There are hereby authorized to be appropriated such sums as may be necessary to establish the Postal Corporation, to provide capital improvements, and to place the Corporation on a self-supporting basis. Any such sum so appropriated shall be available until expended.

(b) Expenses incurred in carrying out the provisions of those sections referred to in section 11(a) of this Act, which are to become effective on the date of enactment of this Act, shall be paid from appropriations and funds available to the Post Office Department.

EFFECTIVE DATE

Sec. 11. (a) Sections 1, 8, 9, 10, and 11 of this Act, and sections 101, 102, 301, 302, 501–505, 703, and 704 of title 39, United States Code, as amended by section 2 of this Act, shall become effective on the date of enactment of this Act.

(b) All other provisions of this Act shall be effective 180 days after the date of enactment of this Act.

The section-by-section analysis of the bill presented by Mr. Hansen, is as follows:

Postal Corporation Act

(A section-by-section analysis of the provisions of the Postal Corporation Act, a bill to establish a Postal Corporation and for other purposes)

Section 2: Section 2 amends Title 39, United States Code, as follows:

PART I. THE POSTAL CORPORATION

Chapter 1 defines the terms used in this title and applies this title within Guam with the same force and effect as within other possessions of the United States.

Chapter 3 provides for the establishment of the Postal Corporation and states the purposes for establishing the Postal Corporation, which include providing adequate and uniform postal services, providing needed equipment and facilities to postal users, providing employment to individuals on the basis of merit without political consideration and providing adequate facilities and equipment for the use of officers and employees of the Corporation.

Chapter 5 provides for a Board of Directors and a Chief Executive Officer. The Board of Directors consists of nine members, six of whom are appointed by the President; the seventh, who shall serve as Chairman of the Board and as Chief Executive Officer of the Corporation, is appointed by those six members; and the eighth and ninth, one of whom shall be the Chief Operating Officer of the Corporation, and the other as an officer of the Corporation, are appointed by the first seven members of the Board. The members shall have six-year terms and shall exercise all powers necessary to carry out the purposes, functions, powers and duties of the Corporation. Five members in office shall constitute a quorum for the transaction of business, and the Board is authorized to establish committees.

Chapter 7 grants authority to the Corporation to establish reasonable classes of mail and reasonable, equitable and uniform rates of postage and fees. Congress can allow certain postal users to send mail of any class free of postage or at rates less than those established by the Corporation for other users of such classes.

The rate shall be determined by the Corporation based on the amount of postal revenues received from such mail, plus the amount received from a postal surcharge (not to exceed three per cent of the postal revenues estimated to be received), and shall equal the amount of the postal revenues that would have been received from users allowed to mail free of charge or reduced rates if they had not been entitled to free or reduced rates.

A rate manager, who is subject to the general supervision of the Board only, is responsible for initiating and recommending to the Board any changes in rates, classes, or the rate structure and design. Three rate commissioners appointed by the Board for terms of nine years shall promulgate rules and regulations and establish procedures (which shall not be subject to any change or supervision by the Board) to give notice, hold hearings and render an opinion on any changes recommended by the rate manager and proposed to be adopted by the Board. Upon receiving the opinion of the rate commissioners, the Board may adopt with or without modifications any change it deems appropriate. With some exceptions, the Board shall transmit the change adopted by it to both Houses of Congress, and the change shall become effective at the end of the first period of 60 days of continuous session of Congress after the date on which the change is transmitted unless, within the 60-day period, either House passes a resolution stating in substance that such House does not favor the change.

A complaint by the postal user involving a change in rates or fees, classes of postal users, or the rate structure or design shall be considered by the rate manager. All other complaints involving the mails shall be considered by the Commissioners. This Chapter will relieve Congress of the responsibility of being intricately involved in the revenue and rate policies of the Postal Corporation, and will allow a smoother and more efficient functioning of the postal system.

Chapter 9 provides a personnel structure for the Corporation. Officers and employees shall be appointed by the Corporation without regard to the provisions of Title 5, governing appointments in the competitive service and all appointments shall be on the basis of merit and without political test or qualifications. The terms of employment of non-managerial and non-professional employees shall be determined by collective bargaining, and the President shall settle any disagreement or dispute in the manner he deems appropriate when a settlement cannot be reached through the bargaining process. The terms of employment of managerial and professional employees will be determined by the Board. This Chapter will allow postal personnel policy to more nearly conform to that of private business and will not require Congress to become involved in such policy. Provision for armed forces postal clerks identical to those under present law are incorporated in this Chapter. Corporation employees will take the same oath now taken by Department employees. The present provisions regarding reception of fees and dual employment and extra duties will apply to the Corporation under the terms of this Act.

Chapter 11 provides for delivery and transportation services. There is a general provision for the free delivery of mail. However, provisions for specific delivery services are not included in order to allow the Corporation more flexibility in determining the best methods to follow. Provisions for receiving boxes are the same as apply to the present postal system. The provisions granting the Corporation authority to transport mail are the same provisions which apply to the present postal service.

Transportation-of-mail-by-railroad provisions of this Act are the same provisions as apply to the present postal service, except for provisions relating to classes of mail, special studies, and the length of special contracts. These provisions were excluded to allow the Corporation to determine for itself the number of classes of mail to be provided, the studies which it may want to make, and the terms of special contracts into which it may want to enter.

Transportation-of-mail-by-air provisions of this Act are the same as provisions regulating the present postal service, except that the Corporation is not required to advertise for bids for the transportation of mail by aircraft. Here again, this exception is designed to give the Corporation freedom to exercise its own business judgment.

The present postal service provisions regarding transportation of mail by sea as included in this Act are limited to authority to maintain a sea post service, termination of contracts for foreign transportation, transportation of mail by vessel as freight or express, and fines on ocean carriers. Other provisions were not incorporated in order to give the Corporation as much freedom as possible to determine the terms of contracts and the procedures for entering into contracts.

Transportation of mail other than by rail, air or sea is not limited by provisions in this Act. This Chapter states that, "The Corporation may enter into any agreement it deems appropriate in order to provide necessary domestic or foreign transportation of mail . . ." This provision is subject only to limitations regarding transportation of mail by railroad and air. Thus the Corporation is allowed the flexibility to provide the most efficient postal service possible under up to date management procedures and based on current business judgments.

Chapter 13 provides for a Postal Corporation Fund, obligations of the Corporation, general powers of the Corporation, principal office and venue, taxation, annual reports, and printing of illustrations of United States stamps. Within the U.S. Treasury, a Postal Corporation Fund is established and available to the Corporation without fiscal-year limitation. The Corporation is granted bonding authority not to exceed $2 billion outstanding at any one time. This provision will aid the Corporation in providing much-needed facilities and equipment. Such obligations are not subject to the approval of the Secretary of the Treasury except as to the time of issuance and the maximum range of interest of the obligations.

If the Secretary does not approve a proposed issue of obligations within seven working days, the Corporation may issue interim obligations to the Secretary in the amount of the proposed issue, and the Secretary is directed to purchase such obligations. The Secretary is also authorized to purchase interim obligations if the Corporation determines that a proposed issue cannot be sold on reasonable terms. Not more than $500 million in obligations issued by the Corporation to the Secretary shall be outstanding at any one time.

If agreement is not reached within eight months concerning the issuance of obligations which the Secretary has not approved, the Corporation may proceed to sell such obligations without approval of the Secretary in amounts sufficient to retire the interim obligations. The Corporation may sell its obligations by negotiation or on the basis of competitive bids subject to the right, if reserved, to reject all bids.

The usual corporate powers are granted to the Postal Corporation. The Corporation can also provide for the handling of the mail; provide for payment of postage, issue postage stamps, etc.; establish change, or abolish registry, insurance, c.o.d., and money order system, or similar systems; establish dead letter offices; except as otherwise provided, keep its own system of accounts and forms and contents of its contracts and other business documents; prepare a budget which shall not be required to be submitted to the United States Government, or be included in the budget of the United States Government; to have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, decedents' estates; and to enter into contracts without advertising as required by 41–U.S.C., 5. These powers are intended to free the postal service from the straitjacket of legislation and bureaucracy and allow it flexibility in meeting the fast-changing needs and demands of the United States postal users.

The Corporation, its property, assets, income and obligations are exempt from taxation by the United States, a State, or political subdivision thereof, the District of Columbia, or territory or possession of the United States, except for estate, inheritance, or gift taxes assessed against obligations of the Corporation. The Corporation shall submit an annual report to Congress and the present provision for printing illustrations of United States stamps applies to the Corporation.

PART II. GENERAL

Chapter 21 authorizes the Corporation to make international postal arrangements, arrange for international money orders, and collect for transportation of international mail from other countries by offsetting amounts due from that country to the United States. These provisions are the same as presently apply to the Post Office Department with the exception that international money orders are not limited to $100 in order not to restrict the Corporation any more than necessary.

Chapter 23 contains provisions regarding the private carriage of letters which are the very same as the provisions presently applying to the Post Office Department.

Chapter 25 is a list of non-mailable matter, and non-mailable matter under this Act includes the same provisions presently applied to the Post Office Department.

Chapter 27 makes the present penalty and frank mail provisions applicable to the Postal Corporation.

Chapter 29 applies the present provisions relating to opening mail and dead letter treatment of high priority to the Postal Corporation. However, specific provisions relating to classes of mail and short paid and undeliverable mail are not included in this Act in order to allow the Postal Corporation latitude in determining the best methods to handle such mail.

PART III. EXISTING CLASSES OF MAIL AND RATES

Chapter 51 provides that the classes and rates in this part shall remain in effect until changed in accordance with the provision of Part I of this Act.

Chapter 53 contains all of the classes and rates which are applicable under the present postal system.

Section 3: Section 3 amends Title 5, United States Code, regarding government operations and employees. This section excludes the Postal Corporation from the provisions of this Title in the same manner in which the Tennessee Valley Authority is excluded. It also provides an executive pay level of V for the Postal Corporation commissioners. In addition, non-managerial and non-professional employees of the Post Office Department, on the effective date of this section, shall be employed by the Corporation without loss of accrued civil service benefits. For purposes of travel and transportation expenses; new appointees, student trainees, and transferred employees; and overseas differentials and allowances; the Postal Corporation is treated as a Government-controlled, rather than a Government-owned, corporation. The provision of Title 5 relating to the right of postal employees to organize will also apply to the Postal Corporation.

Section 4: Section 4 amends Title 18, United States Code, regarding crimes and criminal procedure by replacing the terms referring to the present postal service with appropriate terms referring to the Postal Corporation.

Section 5: Section 5 provides for the transfer of non-managerial and non-professional employees of the Post Office Department to the Postal Corporation on the effective date of this section and for the continuation of terms of employment until otherwise provided by collective bargaining. Managerial or professional employees of the Post Office Department on the effective date of this section are not transferred to the Postal Corporation unless the Board of Directors so specifically provides. The Section abolishes any office or position of the Post Office Department on the effective date of this Section.

Section 6: Section 6 consists of provisions for the transfer of the postal system from the Post Office Department to the Corporation and for abolishment of the office of Postmaster General and the Post Office Department.

Section 7: Section 7 contains the saving provisions of this Act. All orders, determinations, rules, regulations, etc., shall continue in effect until modified, terminated, superseded, set aside, or repealed by the Board of Directors. The Act shall not affect any proceedings pending at the time this Section takes effect, before any department or agency, the functions of which are transferred by this Act; such proceedings shall be continued before the Corporation. Suits commenced prior to the date this section takes effect shall not be affected by this Act and proceedings shall be had in the same manner as if this Act had not been enacted. The enactment of this Act shall not cause the abatement of any suit, action, or other proceeding commenced by or against any officer in his official capacity or any department or agency, functions of which are transferred by this Act. The passage of this Act shall not have the effect to release or extinguish any criminal prosecution, penalty, forfeiture, or liability incurred under statutes amended by this Act. References in other laws to departments or officials transferred will not refer to the Department or officer of the Corporation.

Section 8: Section 8 provides that references to the Post Office Department, the Postal Service, or Postal Field Service shall be references to the Corporation. The Government Corporation Control Act applies to the Postal Corporation.

Section 9: Section 9 expressly declares and preserves the right to alter, amend, or repeal this Act.

Section 10: Section 10 authorizes the appropriations of sums necessary for establishment of the Postal Corporation, for capital improvements, and for the placement of the Corporation on a self-supporting basis. The transition expenses shall be paid from appropriations and funds available to the Post Office Department.

Section 11: Section 11 provides for the effective date of the provisions of this Act.

ORDER OF BUSINESS

Mr. PEARSON. Mr. President, I ask unanimous consent to proceed in the morning hour for a period of 15 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 3—RELATING TO THE NIGERIA-BIAFRA TRAGEDY

Mr. PEARSON. Mr. President, in the brief time I will speak today, perhaps as many as 75 or 100 people will die of starvation in the African villages and countryside that are now ravaged by the war between Nigeria and the breakaway region of Biafra. This cruel conflict, from which neither side can ever emerge as a victor except in the most narrow sense, now threatens to extinguish literally millions of lives by a slow and lingering death that can be avoided only if action is taken quickly. And it can be avoided without directly injecting external political forces into what is essentially an internal dispute.

It is this consideration which has prompted me to submit today a concurrent resolution calling upon the President to act for the conscience of America by doing more to help end the senseless suffering that is the byproduct of this dispute. I am privileged to be joined in this effort by the distinguished junior Senator from Massachusetts (Mr. BROOKE) and 50 of our colleagues. Moreover, this same resolution will be introduced tomorrow in the other body by Representatives MORSE and FRASER, who have been joined in turn by approximately 90 of their colleagues.

It speaks well for the Congress to have so many distinguished legislators from every quarter of the country unite in an attempt to speed help to those in such desperate need. For truly, this is an issue that transcends party, ideology, or geography. It is an issue which summons all who care for the fate of their fellow man, no matter on what remote corner of the globe he may dwell. And it is in this spirit that we who introduce this bill today invite others to join us in this humane crusade. It is our hope that both the Senate and House will deliberate thoroughly, but swiftly—for time is of the essence—and by passing this measure advise the President and the country, and tell the world that we want to bring our material wealth to bear to save lives before it is too late and our consciences are forever seared.

Mr. President, the concurrent resolution we submit today is simple in both construction and purpose. It is designed to shatter the stagnation which thus far has prevented the expanded flow of relief which even the most conservative statistics indicate is needed. And it is with this design in mind that the concurrent resolution urges the President to make available increased amounts of surplus food, relief moneys, noncombat aircraft, and such other vehicles of transportation as may be needed for relief purposes. It further suggests that this relief assistance be made available to the Organization of African Unity, UNICEF, the International Committee of the Red Cross, and such other suitable religious and charitable relief agencies as may be operating in the area with the consent of the responsible authorities. Moreover, this material would be made available after proper requests had been made by the participating agencies.

Finally, the concurrent resolution urges our Government to seek the cooperation of other nations in this humanitarian effort.

Thus, Mr. President, the concurrent resolution is indeed uncomplicated. But because of the critical nature of the challenge and because we bear a heavy responsibility not to urge our Government into precipitous, unwise, or needlessly risky ventures, it deserves careful study and consideration.

Though the humanitarian requirements of the current crisis are obvious, we must use caution lest we overextend ourselves politically, militarily and even economically. It is not our intention, in calling for further relief efforts, to commit our Government to an open-ended aid program for the area for years to come. But neither is it our desire to put a price tag on human lives. Thus, the concurrent resolution envisages a stepup in the amount of food and money provided by the United States without any specified ceiling. It is clear, however, that this measure is aimed at helping resolve the current relief crisis and is not designed to bind us to a massive economic commitment once the threat of mass starvation is ended.

The United States has already given approximately $23.7 million in relief, much of it in the form of Public Law 480 food. The expansion called for by this resolution might mean an eventual commitment of double, triple, or even quadruple this amount. But it is not expected to involve billions over a period of years, as some might fear. Though the crisis may last for many months, it is certainly not going to entail an effort rivaling the Marshall plan. Thus, to those who are concerned lest we overcommit our Treasury, let me say that while I would hope we would continue to help the people of West Africa build a viable society after this war has ended, the purpose of this resolution is not to create a postwar reconstruction program. It is simply to bring help to innocent people who are trapped in a cruel situation and whose needs are urgent. The relief food and money referred to are for this period of immediate need only.

Moreover, Mr. President, while we are speaking of money, let me also point out that the shipment of Public Law 480 food overseas will benefit our agricultural economy by further reducing expensive surpluses.

Another point in connection with the concurrent resolution's reference to money might also be made, for several individuals have asked why the measure did not confine itself solely to food, medicine, and transport. The fact of the matter is that the relief agencies operating in the field need money to further their work. They need it to buy local foods, often preferred by the starvation victims in question, and they need it for warehouse facilities, the hiring of local transport, the purchase of fuel, shipment costs, chartered pilots, and perhaps even for an expansion of airfield or port facilities that would probably be necessitated by an expanded relief program.

Some of the money in question, Mr. President, is available now in the form of standby contingency funds that could be released should the President choose to do so. The rest might have to come from supplemental appropriations that could be made available as detailed requirements were made known. In any event, though an increase in relief spending would be inevitable, it would not be enormous in terms of our current national budget of over $180 billion. And equally important, it would save countless lives and thus make a contribution to humanity that is in the highest tradition of the United States.

As noted earlier, the concurrent resolution also calls for the President to increase significantly the number of aircraft and other vehicles of transportation that might be needed by the relief agencies. The United States recently announced that it was selling, for a minimal fee, eight surplus C–97G Stratofreighters to the church groups and the International Committee of the Red Cross. Four of the planes are to go to the Red Cross, which operates its mercy flights from the island of Fernando Po. and four to the American religious consortium, Joint Church Aid, USA, which operates from the island of Sao Tome.

The sale of these aircraft is an important positive step forward, for it notably improves the ability of these agencies to bring the relief supplies into the heart of the war zone. It is anticipated that these planes will replace the ancient Constellations and DC–6's which have been bearing the airlift burden thus far.

But, Mr. President, much more must be done. Even with the arrival of the C–97G's with their 36,000-pound cargo capacity, it is not expected that relief flights will carry in more than 200 or 250 tons of food a day. As the daily requirements have been estimated from a low of 1,000 tons to a high of 2,500 tons, it is obvious that more planes will be needed. Moreover, the C–97G, I am told, is a difficult plane to maintain. Its engines are complex and on occasion temperamental, and it is a very heavy aircraft with a side-loading cargo door. The C–130, or "Hercules," on the other hand, has a "footprint" weight one-half that of the Stratofreighter, a full-opening cargo hatch, simpler engines to maintain, and can take off and land with roughly 1,000 feet less runway.

In sum, more and better planes are needed. It is hoped the concurrent resolution will give the impetus to provide them.

It will be noted, Mr. President, that the concurrent resolution does not specify the terms under which these cargo aircraft will be provided. Such vagueness is deliberate. Given the variety of planes from which the President may choose, he might wish to donate some, sell others, and lend-lease still more. He is in the best position to determine which aircraft will be provided and the terms that are in the best interests of our country and humanity. The important point is that more and better planes be provided—and be provided soon.

The concurrent resolution also calls for the possible provision of "other vehicles of transportation." This vagueness, too, is deliberate. It is conceivable that sometime in the near future, while the relief crisis is still urgent, agreement may be reached by the disputants to open a water channel or even a land corridor for the transshipment of relief supplies. If this happy situation were to occur, we would want to have made it clear to our Government that we in the Congress would also favor arrangements by which trucks or barges could be made available to take full advantage of such a breakthrough.

Mr. President, the concurrent resolution further suggests that any such equipment, food or money be provided to the Organization of African Unity, UNICEF, the International Committee of the Red Cross, or other suitable religious and charitable relief agencies. The Organization of African Unity—OAU—is the regional body which the independent African states have created to deal with the economic, political and security matters of the continent. It has established a consultative committee of nine members to deal with the current Nigerian-Biafran impasse. A number of attempts to mediate the conflict and reach a negotiated settlement have failed, and as yet the committee has not undertaken a relief role. But this does not necessarily preclude an active and successful OAU-directed aid program. In fact, it would be my hope that the OAU would become more active in this regard. Given the limited resources which the group has at its command, however, such an African-directed humanitarian program is extremely unlikely without significant support such as this concurrent resolution could provide.

Mr. President, by encouraging the OAU to consider a more active relief role, it is not the intent of this concurrent resolution to limit expanded relief efforts solely to this one possible avenue of approach. Other agencies, such as UNICEF and the International Committee of the Red Cross, provide other alternatives which may, in the end, prove more productive. Whether or not this becomes the case is for the Africans and the international relief agencies to determine. Our sole function is that of using our material and logistical capabilities to provide support for those who need it and who choose to avail themselves of it. Both UNICEF and the International Committee of the Red Cross have been quite active in trying to formulate an effective relief program and both have received support from the U.S. Government. Moreover, both have been able to secure some degree of cooperation from the authorities in the areas in which they operate, though there have been some notable lapses on occasion.

But the possibilities for developing or expanding suitable agencies to receive and implement our relief assistance are by no means limited to the ones just discussed. As provided in the resolution, "other suitable religious and charitable relief agencies" in addition to the OAU, UNICEF, and the International Committee of the Red Cross would be eligible to receive support.

Agencies based in the United States and eligible for AID assistance, such as Joint Church Aid, USA, and might now or in the future be operating in the area, would also be included. Thus, the various alternative routes for relief assistance proposed in the resolution are many and not mutually exclusive.

Aid would be given to any eligible group which requested it. In this way the United States could in no way be accused of foisting its assistance on those who might not want it for reasons of their own. Also, the process of submitting a request and outlining a program would serve to more clearly define objectives and avoid frivolous or poorly conceived projects.

Mr. President, one last important point must be considered in examining the intent and ramifications of this proposed program of expanded relief. And that is that the receiving agencies would be expected to be operating with the consent of the responsible authorities concerned. In the case of every group considered above, that is already the case. If these efforts are to be effective, they must have at least some measure of cooperation from the authorities in de facto control of the territories involved. Thus, if the OAU begins a relief program which initially may be restricted to federally controlled areas, it would be anticipated that before asking for the expanded American assistance provided by this resolution it would secure the cooperation of the Lagos authorities for its program. On the other hand, in the case of the Joint Church Aid, USA, operations off Sao Tome into Biafra, at the consent of the Biafran authorities would be desired. And if another agency were operating on both sides of the war zone, then the consent of the authorities of both sides to the conflict would be anticipated.

In considering the ramifications of such a policy it is important to bear in mind that this philosophy is already the operating guide for the American Government. The $23.7 million in aid we have already given to relief groups includes assistance provided to agencies operating without the consent of both disputants, but which are operating with the agreement of the authorities currently in control of the territory concerned. Thus, while the authorities not giving consent to programs being administered in what to them is enemy territory may be perturbed about an expansion of these current efforts, there are no alternatives if the massive starvation is to be halted. The failure of repeated attempts to negotiate a relief land corridor show the kind of delays that could occur should the consent of both disputants be required in each case. And in a crisis which is as urgent as this one, such delays could be fatal to thousands, perhaps millions.

Moreover, Mr. President, because it is not our wish to exacerbate the conflict, it is anticipated that every effort would be made to provide for international inspection of the relief shipments to guarantee the security interests of both sides. Many formal and informal avenues are available to create the mechanism by which such an inspection could take place. The United Nations, the International Committee of the Red Cross, or other suitable vehicles could be developed with both Nigerian and Biafran participation to guard against the Nigerian concern that arms might be smuggled into Biafra along with food, while also protecting the Biafrans against their fear of poisoned relief supplies. The exact formula which may evolve is as yet unknown, but the indications are that both sides are interested in reaching an accommodation, particularly since the fighting has deadlocked and neither side is benefiting decisively by the continuation of large-scale civilian starvation.

Given the good chance of such an accord, plus the fact that the expanded relief envisaged by this resolution is merely an extension of the current policy which has already proved diplomatically workable and thus is not a radical alteration, the formula for official indigenous cooperation proposed in this legislation appears to be the most balanced and effective approach we have available.

Mr. President, the resolution concludes by urging the United States to actively solicit the cooperation of other nations in this expanded humanitarian effort. This final point is truly vital, for it provides a viable alternative to sole reliance upon the United Nations as the framework for an international aid program—a position which brings with it certain avoidable difficulties. It would certainly be our hope that this effort by the United States would succeed in attracting the active support of a number of concerned nations. In this way the pitfalls of formal U.N. consideration of the issue could be skirted, while at the same time the ad hoc relief consortium could provide a workable method for coordinating aid.

In any event, it could create a framework which the United Nations would later find useful should it begin a formal relief effort of its own; and in the final analysis such an ad hoc approach does nothing to prohibit U.N. initiatives by those who wish to pursue them. It merely attempts to guarantee that steps to create an international relief structure will be given impetus regardless of whether or not the U.N. can or will act.

Other factors with regard to the proposal offered today should also be considered. One vital point to bear in mind is that the total thrust of the resolution is to provide a way for relief to be made more effective. It provides an opportunity and nothing more. Whether or not this opportunity is seized and made a reality depends upon the Africans themselves. And this is as it should be, for it is their conflict, not ours, and we have neither an interest nor a desire to become involved in determining the shape of the ultimate settlement they agree upon.

This does not mean that we are not to be concerned with ending armed strife, but it does mean that we cannot be the world's policeman. We certainly have learned the bitter lesson of overinvolvement in other's affairs. Moreover, while it is a dispute which is already unsettling to the African continent and may do more so the longer it drags on, it is not now a threat to the security of the world or the United States.

Given these realities, Mr. President, the resolution was designed to avoid direct U.S. involvement in the dispute. This is not intended to imply that we are or should be indifferent to the social, political, economic, and military factors which have brought about this war and which now prolong it. On the contrary, privately, and with full understanding and compassion for the complexities involved, we should attempt to persuade the two sides to negotiate and compromise their differences rather than continue to rely on the use of force. But the fact remains that the purpose of this resolution is to provide a workable way in which we can fulfill our moral obligations to save innocent lives without direct involvement in the dispute. The actual relief operations, under international supervision and with reasonable opportunities for security safeguards, would be undertaken by the relief agencies with the minimum necessary cooperation of the Africans themselves. In sum, the national as well as the moral interests of the United States would be met by this legislation.

Many Americans deeply concerned about this widening tragedy are in favor of a direct initiative by the United States in the United Nations. This position was mentioned briefly earlier in my remarks, but given the widespread attention which it has received, it merits further examination. As mentioned previously, such an initiative is not precluded by the legislation submitted today, but it is not an integral part of the language of the resolution itself for several reasons.

While I fully sympathize with the concern and emotions which led these individuals to recommend this course of action, as I said last year when the distinguished junior Senator from Massachusetts (Mr. BROOKE) and I first introduced a modified version of the resolution submitted today, I nonetheless disagree with the suggestion—at least for the moment. In my opinion, any such formal recourse to the United Nations, either in the Security Council or in the General Assembly, is fraught with needless risk.

The Africans, for example, have made it quite clear that they wish to find their own solution to this peculiarly African crisis, which raises the important issue of Balkanization for the whole continent. In a meeting of heads of state sponsored by the OAU, the Africans by a vote of 33 to 4 passed a resolution which in part asked members of the United Nations to refrain from interfering in the current Nigerian-Biafran crisis.

It is rumored that it is the French who are responsible, either directly or indirectly, for the recently increased arms shipments to Biafra which have now enabled the former eastern region of Nigeria to fight the Federal forces to a virtual stalemate. On the other side, it is well known that both the British and the Soviets have been equipping the Nigerians with sophisticated weaponry up to and including jet fighters.

Mr. President, we in the United States have not become involved in fueling the fires of war in Nigeria. Thus, we come to the problem with clean hands. But while we all realize that an end to the fighting might begin with a cease-fire, we must recognize reality. And in this case the reality is that three great powers have an interest in the matter and that these interests are likely to block any peace initiatives. The British, fearful of Soviet influence after an end to the fighting, and worried lest Biafran control over the oil-rich eastern region deny them economic access, want a unified Nigeria and at the moment, apparently, are still in favor of full support for the Federal Government's policy of a military solution.

The Soviets, who are trying to expand their influence, particularly among the northern tribes, have an interest in prolonging the turmoil while they stabilize their position.

The French, who also have an interest in Biafran oil, and operating upon the premise that the Biafrans would be more responsive to their wishes in this regard than would the Nigerians, have apparently opted to give covert support to Biafran secession.

Therefore, Mr. President, this convergence of big-power interests favoring a continuation of the fighting, however deplorable, is a reality which we must face. It would doom any Security Council initiatives just as surely as African sensitivity to any organized outside interference would doom any similar suggestions in the General Assembly.

Thus, because it is not in our interests to embarrass and further cripple the reputation of the United Nations by publicly demonstrating its impotence in this crisis, because it is not in our interests to strain our relations with the OAU and its many member states by trying to use the United Nations as a wedge to force a settlement, and because it is not in our interests to further complicate the crisis by the injection of extraneous cold war issues that would inevitably flow from United Nations debate, I submit that it is not in our interests or in the interests of the Nigerians and Biafrans to formally involve the United Nations in this dispute.

I have no easy solution to the political issues which now divide this unhappy land. I fully realize that unlike the proposals for a cease-fire and an arms embargo which have grown in frequency recently, the formula brought forward today does not address itself to methods by which political or military pressures might be generated to bring about a lasting political solution to the crisis. And thus it may be fairly said that the resolution is concerned with only part of the problem. But I submit that if this is so, it is concerning itself with the most important part—the saving of millions of lives which are now threatened.

I see no reason why this important business of saving lives cannot proceed immediately while the ultimately more permanent, but nonetheless immediately more complicated and lengthy process of negotiating a settlement proceeds apace on other fronts.

It would involve a needless hazard to these threatened people to tie our urgent concern with relief to any particular political peace formula. Should it fail or should it be delayed through tedious talks, thousands of people would die who might be saved by an expanded relief effort which could and, I believe, should be mounted independently of any peace proposals.

Mr. President, this is not to say that such an expanded relief program can be mounted in complete diplomatic isolation. Obviously an enlarged program of humanitarian aid with its attendant need for expanded airlift and shipping facilities will involve arrangements that will have political effects. But compared to the amount of agreement necessary under full-fledged peace plans, the diplomatic risks are minimal and any threat to our interests far more remote.

In any event, the few risks entailed in an expansion of our current basic diplomatic position are noble risks, for they would be undertaken in the name of humanity and for a truly altruistic and just cause. When the United States ceases to press for relief programs in crises such as this, then it will cease to represent the ideals we all revere and which we in the Congress have been elected to promote and protect. As President Nixon himself said last year:

> The time is long past for the wringing of hands about what is going on. While America is not the world's policeman, let us at least act as the world's conscience in this matter of life and death for millions. . . . America is not without enormous material wealth and power and ability. There is no better cause in which we might invest that power than in sparing the lives of innocent men and women and children who otherwise are doomed.

Mr. President, I wish to associate myself with these sentiments. Some of the cosponsors of this effort today favor a call for a cease-fire and the imposition of the arms embargo. Others are opposed. Some favor recognition of Biafra and hope she becomes an independent state accepted by Nigeria. Others favor unification of the country under a federal system. While still others would welcome the creation of a confederation with a common foreign and economic policy, though permitting each region to have complete autonomy with regard to its internal military and police forces.

What is more important than their differences over the ultimate solution they might favor, however, is their unanimity in seeking an immediate lessening of the starvation and their joint determination to see the United States do more to bring this humane goal to pass. The need is truly urgent, for with every day's delay more men, women and children—especially children—needlessly die. We simply must meet our humanitarian obligations more fully than we have to date. We can no longer avoid a confrontation with our consciences. The time has come. The time has come today. That time is now.

Mr. President, I ask unanimous consent that the Senate concurrent resolution resolution referred to in my comments be printed in the Record at this point, together with the list of 50 cosponsors joining the Senator from Massachusetts (Mr. Brooke) and myself in this endeavor.

The VICE PRESIDENT. The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution will be printed in the Record, as requested by the Senator from Kansas.

The concurrent resolution (S. Con. Res. 3) relating to the furnishing of relief assistance to persons affected by the Nigerian civil war, submitted by Mr. Pearson (for himself and Senators Brooke, Allott, Bayh, Bellmon, Bennett, Boggs, Byrd of West Virginia, Case, Church, Cooper, Cranston, Curtis, Dole, Eagleton, Fannin, Gravel, Griffin, Gurney, Hansen, Hart, Hartke, Hatfield, Hruska, Hughes, Inouye, Javits, Kennedy, Mathias, McCarthy, McGee, McGovern, Metcalf, Miller, Moss, Murphy, Muskie, Nelson, Parkwood, Pell, Percy, Randolph, Ribicoff, Scott, Schweiker, Spong, Stevens, Talmadge, Thurmond, Tydings, Williams of New Jersey, Young of Ohio), was referred to the Committee on Foreign Relations, as follows:

S. Con. Res. 3

Whereas, reliable reports indicate that there is a tragic loss of life in the Nigerian Civil War, caused by starvation and disease in areas controlled by the Federal Government and under the control of the "Biafran" authorities; and

Whereas, present relief operations are inhibited by poor roads, bad weather, inadequate transport, and the inaccessibility of certain areas to overland supplies; and

Whereas, increased shipments of food and medical supplies are needed to reduce the tragic rate of starvation: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That (1) it is the sense of the Congress that the President should act to increase significantly the amount of surplus food stocks, relief monies, non-combat aircraft, and such other vehicles of transportation as may be necessary for relief purposes; and this relief assistance should be made available to and at the request of the Organization of African Unity, UNICEF, the International Committee of the Red Cross, and such other suitable religious and charitable relief agencies now or hereafter operating in the area with the consent of the responsible authorities; and (2) the Government of the United States should solicit the cooperation of other nations in this humanitarian effort.

Mr. SCOTT. Mr. President, will the distinguished Senator yield?

Mr. PEARSON. I am happy to yield to the Senator from Pennsylvania.

Mr. SCOTT. I congratulate the Senator from Kansas and those who have joined with him in a proposal, entirely eleemosynary in its intent, which recognizes that the great heart of America is enlisted wherever famine, hunger, disease, and tragedy of this sort become pervasive and so burdensome that the local authorities and local governments involved are either unable or in some cases unwilling to meet it.

Therefore, I most heartily commend the distinguished Senator for having brought this matter to the attention of the Senate. The resolution is deserving. As he says, it does not have any military overtone, nor any sense of military involvement, and those who have joined in this sentiment are of differing spirits as to the political or military aspects involved. But I do most heartily commend the Senator.

Mr. PEARSON. I thank the Senator from Pennsylvania.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

The VICE PRESIDENT. The time of the Senator from Kansas has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the distinguished Senator from Kansas may be permitted to proceed for 3 additional minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I wish to join in applauding the distinguished Senator from Kansas and the able Senator from Massachusetts (Mr. Brooke) for having provided the leadership in preparing this concurrent resolution, and I congratulate them on acquiring the great number of sponsors—among whom I am one—who have joined in cosponsoring the resolution.

By the mere fact that it is a Senate concurrent resolution, it is understood that it would not have the force and effect of law, and that it merely expresses the sense of both Houses of Congress. Is that not correct?

Mr. PEARSON. That is correct.

Mr. BYRD of West Virginia. I wish to express my satisfaction that the Senators have included in the verbiage of the resolution the word "noncombat," which is descriptive of the kind of aircraft which would be utilized in this relief effort.

I should like to ask the able Senator if, in his judgment, this does not help to allay the fears that some might have, namely, that otherwise we might be getting into another Vietnam-type situation.

Mr. PEARSON. I may say to the Senator from West Virginia, who made such a great statement on the floor of the

Senate yesterday in regard to this situation, that we sold eight aircraft for about $4,000 to a relief agency, including the International Red Cross. It would be my hope that if additional planes are provided, they likewise would be sold to the relief agencies. They are noncombat aircraft. That is known to all.

In addition, it should be pointed out that these planes will not be flown by American personnel, but by crews engaged by religious, charitable, or relief organizations which are undertaking the flying missions today.

The land area of the region now commonly known as Biafra is landlocked. The Nigerian forces have cut off access to the sea. So the use of aircraft is about the only way in which relief can get to the Biafrans. I am hopeful that other means of transportation may be available in the future.

Mr. BYRD of West Virginia. I have noted in the resolution the words "relief money." Does the Senator from Kansas have any idea as to the amounts of money that may be required?

Mr. PEARSON. I think I indicated in my statement that it is impossible to tell at this time. About $23.7 million of aid has been provided to the International Red Cross, to UNICEF, and to any other agencies that are qualified to receive aid through the contingency fund.

The VICE PRESIDENT. The time of the Senator from Kansas has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Kansas may have 2 additional minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. PEARSON. Some of the aid work is now being done by relief agencies, particularly religious agencies, which are now qualified to receive aid.

Mr. BYRD of West Virginia. I note the absence from the concurrent resolution of any reference to medical supplies. I assume, of course, that such supplies could be included in the term "relief money." Would the Senator like to respond?

Mr. PEARSON. I think it is included in the preamble, in which is indicated a scarcity of food.

Mr. BYRD of West Virginia. Would the Senator from Kansas wish to include those words in the resolving clause?

Mr. PEARSON. I think so, if they are not already there. I do not have the text of the resolution before me now, but those words could be included. They are within the intent of the resolution.

Mr. BYRD of West Virginia. I thank the able Senator. Again I compliment him.

Mr. KENNEDY. Mr. President, I should like to identify myself with the remarks of the distinguished Senator from Kansas. I am a cosponsor of the concurrent resolution.

If I had one additional comment to make, regarding the resolution, it would be that it include reference on the need for a cease-fire or a truce. I think this is really the challenging problem that we face today in the Nigerian-Biafran situation.

I would hope that when the Committee on Foreign Relations deliberates on the resolution, it would consider this. I would hope that a resolution would contain a strong indication that every effort should be expended to try to achieve a truce in that part of the world. I think it is the sense of the Members of this body that we will support the President in every possible effort to achieve peace in that area.

One of the things that always strikes me about the Nigerian-Biafran problem, besides the extraordinary loss in terms of the hundreds of thousands of persons who have actually been starved, is that it really is a great power struggle. Those who have suggested that the United States should not enter into a discussion of the problem or be concerned about it, actually fail to recognize—including many of our African friends—that this is a power struggle among the great powers and that we are so deeply a part of it. That is why I think we have an additional obligation, besides the historical obligation that America represents in terms of humanitarian concern, to realize that we are a part of a power struggle among the British, the French, the Soviet Union, and the United States.

We never impute motives to the Soviet Union, and perhaps we should not do so in this case; but we can understand why a continuation of this kind of struggle does not work to the disadvantage of the Soviet Union in terms of the power struggle in Africa.

The arms that are being supplied by the British and the French, and the lack of action by the United States, I think, put a heavy indictment on the United States for having failed to take a much greater interest in the situation. Those who say that it is strictly an African affair and that we should not be concerned about it, and that the Members of the Senate who are cosponsors of the concurrent resolution should not interfere in the matter, do a distinct disservice not only by failing to recognize the humanitarian needs, but also by failing to realize the other issues that are presented by this problem.

So I commend the Senator from Kansas for bringing this situation again to the attention of the Senate.

The VICE PRESIDENT. The time of the Senator from Massachusetts has expired.

Mr. KENNEDY. Mr. President, I ask unanimous consent that I may proceed for 2 more minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. KENNEDY. I have suggested some procedures and initiatives that could be provided by this Nation and have communicated them to the appropriate responsible authorities in the Government.

I have also suggested that our friends at the United Nations should have our support—those Scandinavian countries and Canada which have made efforts to put the humanitarian problem of Nigeria-Biafra before the United Nations.

The United States should take the initiative in trying to resolve the Nigerian-Biafran situation in some way. We should applaud the efforts of Emperor Haile Selassie, who once again made an effort, just before Christmastime, to achieve a truce in that part of the world. The United States ought to have worked in every degree possible to assist His Majesty and, generally, to pursue a much more aggressive effort to achieve a truce.

Some newspapers, even, have failed to report this problem accurately. But I think that now, through the efforts of the Senator from Kansas (Mr. PEARSON) and other Senators, it has come to the attention of the American people.

I know that President Nixon will receive every degree of support from the Members of this body in exercising to the fullest extent possible, our influence and our good offices to achieve peace.

Mr. President, yesterday in this Chamber, I suggested that I would comment further on the mass starvation resulting from civil war in Nigeria, and I wish to do so briefly at this time.

As those of us who have focused attention on this problem have discovered the American people—across the spectrum of life and ideology—have responded to the suffering with deep compassion. Students at all levels are collecting funds and food in their communities. Organizations are springing up to support the relief efforts of the established voluntary agencies working in the field. Governors and mayors are proclaiming Nigeria-Biafra relief days, and thousands are writing to Members of the Congress and officials in the administration—appealing for help in behalf of the starving millions, and crying out in desperation that individual governments, the combatant leaders in the civil war, and international organizations are not doing more to put an end to the awesome tragedy.

I have shared the distress and humanitarian concern of these citizens for several months. Last spring, in the early stages of the tragedy, I privately encouraged and supported to our own Government and elsewhere, initiatives to organize an effective international relief mission under the auspices of the International Committee of the Red Cross.

A real sense of urgency to move in this direction, or to fully support the makeshift arrangements which finally emerged was nowhere apparent in the councils of governments—largely, I believe, out of deference to the feelings of the federal government in Lagos, and the generally accepted view that federal troops would soon win a military victory, after which massive relief could begin.

But deadlines passed, and this victory never came. The Biafran leadership had skillfully dramatized the plight of the people in its territory to gain political support—including the open encouragement of the French Government, and enough arms through French and other channels to stabilize its position on the battlefield.

Moreover, sporadic efforts to bring about a negotiated settlement of the conflict—as well as to find a workable formula for a more adequate relief operation—met with failure. So the war continued—and so did human suffering—and the death rate steadily climbed. Our Government expressed deep concern for the starving people—on both sides of the battleline. But political considerations outran our responsibility for moral leadership, and our early response to the suffering in terms of humanitarian relief, was lethargic and belated.

It was also inadequate. In fact, for many weeks last fall no significant humanitarian action of any kind was taken. The urgent appeals for help by the relief agencies fell on deaf ears—not only within our own Government, but, with few exceptions, throughout the world community. Recently, however, I believe some progress has been made in bringing greater sensitivity to America's attitudes on relief needs. The most significant step in this direction came in late December with the Government's release of surplus aircraft to the relief agencies to facilitate their delivery of food and medicine into the Biafran enclave where the major difficulty exists.

Solely for humanitarian purposes—and I stress this framework, Mr. President—I have strongly advocated such initiatives on the part of the United States. And, I am extremely hopeful that the welcome shift in our Government's attitude toward the extraordinary human misery resulting from the Nigerian civil war will continue and expand under the new administration.

I fully recognize the inevitable problems and limitations of carrying out an adequate relief mission under conditions of war—including the selfish political pressures from all sides to influence the concern and work of the relief agencies. But as a matter of conscience—and in line with our historic traditions—I believe the United States must do what it can to help implement and support the maximum relief effort possible.

It is unmistakably clear, however—and has been for many months—that while intensified measures to feed a starving people can surely save additional lives, only an early end to the fighting will avert the disaster of total famine for millions, and produce the conditions for a fully effective relief and reconstruction program.

And so the overriding need today is the honoring of a truce by both parties to the conflict, and a negotiated ceasefire monitored by neutral observers. There are roadblocks in pursuing these objectives, but there is much to gain if a successful effort is made. It will cool tempers on all sides. It will blunt the inevitable rancor and bitterness generated by civil war, and hopefully create an atmosphere of mutual respect and good will to permit the settlement of differences at the conference table.

It will provide an opportunity for those governments which so willfully pour arms into the area, and needlessly prolong violence at the expense of innocent millions, to shift their involvement to peaceful concerns and the sending of food and medicine. It will help defuse the dangerous potential of great power confrontation, and head off the threatened involvement of additional governments on both sides. And most importantly, it will open new avenues for the massive relief of civilians and save countless lives. In mid-December, the hopes of all of us were raised in the direction of peace when Ethiopia's Emperor Haile Selassie appealed to the warring leaders of Nigeria to honor a Christmas truce.

His Majesty's initiative was an act of courage and statesmanship—and, given the stalemate on the battlefield and the nightmare of starvation and death, the world had every reason to believe the combatant leaders would heed the Emperor's call for a temporary cessation of hostilities. But the initiative was scuttled—through the intraagency of at least one party to the conflict—and another opportunity to save lives and bring about the process of reconciliation was lost. I am extremely hopeful that new initiatives to end the conflict will soon be taken—before the frustration of military stalemate leads to escalation on the battlefield.

And I believe that the time is long overdue for the United States to assume some leadership in this area. We must move from the role of spectator, simply applauding the initiative of others to one of contributor, actively using our powerful influence to help end the fighting and the misery it brings. Other governments and international bodies—such as the Organization for African Unity, the Commonwealth Secretariat, and the United Nations—have their responsibilities.

But as a responsible world power which has the confidence and good will of both parties to the conflict—and as the only great power not directly involved in the military objectives of either side—the United States has a unique opportunity—indeed, an obligation—to lend its good offices, directly or through others, to bring about reconciliation among the people of a once promising and proud federation.

Some will say the United States should leave such problems alone—have not we learned from Vietnam that we cannot police the world? But I submit to Senators that the choice in Nigeria is not between military intervention and isolation. Rather, it is an active determination to simply pursue our objectives, through political means, for a peaceful world and the well-being of our fellow man. The United States has always found a way to make its weight felt in the affairs of others when our self-interest and national security have been at stake. In the historic tradition of our Nation, I would also hope that we can still exert our powerful influence when great tragedy strikes humanity. And so I make these recommendations:

First, I urge the President to use every tool of diplomatic leadership to help bring peace to Nigeria-Biafra. Let this Nation take immediate steps to achieve a truce on the battlefield—so as to begin the process of reconciliation, including negotiations leading to a political settlement under the auspices of other African governments. And let us also take initiatives to stop the flow of arms to either side. I strongly recommend that the President appoint, as soon as possible, a special presidential representative to facilitate our efforts.

Second, I urge the President, solely, for humanitarian purposes, to continue this Nation's escalation of support for the relief effort in all areas of need, so that the capacities of current relief channels are used to their fullest extent. Nothing should be lacking in the commitment of the United States to help meet the demands of humanity in a truly desperate situation.

This Nation can well afford to release additional aircraft, funds, food, and medicine to save lives in Africa.

Third, I urge the President to seek the cooperation of other governments and the parties to the conflict, in urgently requesting the Secretary General of the United Nations to convene in Geneva as soon as possible an international conference on Nigeria-Biafra relief.

I make this recommendation because of my deep concern that the current and long term emergency relief needs, let alone those needs of reconstruction following the end of hostilities, can never be met through the existing relief mechanism or the political authority which finally assumes effective control of the areas touched by civil war.

A Geneva conference arranged by the Secretary General would, I feel, lend fresh perspective on the possibilities of expanding emergency relief operations, and on the approaches to the eventual task of reconstruction. The conference should include representatives from UNICEF and other specialized agencies, the Organization for African Unity, the parties to the Nigerian civil war, other governments, the private voluntary agencies, the International Committee of the Red Cross, the League of Red Cross societies and National Red Cross societies in Africa.

Through the good offices of the Secretary General, the conference should make an effort to establish, immediately, a new and broader relief mechanism—acceptable to both sides. It should be the function of this body to receive and channel relief contribution; to negotiate mercy agreements between the parties in the civil war, so long as hostilities continue; to supervise relief operations; to involve additional humanitarian agencies, especially National Red Cross societies in Africa; and to strengthen relief corridors into areas of need, including new routes over water and land.

Mr. President, in urging stronger American leadership regarding the situation in Nigeria-Biafra, I express the view of many Senators and millions of America's citizens. I cite no political or economic or treaty obligations to support this view. The mutual concern of America is simply the well-being of people caught in the passion of fratricidal war, the reconciliation of both sides, and the renewal of cooperation and progress among the people of a once promising federation, who have much to contribute to the building of all of Africa.

We are conditioned in the world we have created to accept suffering and injustice—especially in our time when violent conflict and oppression are active in so many areas.

But the newer world we seek will not evolve if we ignore these challenges to leadership, and take comfortable refuge in the mundane patterns and attitudes of the past. And so today, I urge the President to heed the historic role of this Nation, and pursue with determination and compassion, peace and relief in Nigeria-Biafra. Let us act with the help of others in an international humanitarian alliance—because it is right to do so—because it is unconscionable to remain silent—and because the hope of all mankind for a better world will be strengthened.

Mr. PEARSON. Mr. President, I ask unanimous consent to respond to the Senator from Massachusetts for 1 minute.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. PEARSON. I thank the Senator from Massachusetts for his cosponsorship of the proposal. I think he recognized, in joining us, that we were seeking to attack the problem of mass starvation. The Senator from Massachusetts, as I recall, was perhaps the first Senator to speak in the Chamber on this subject. He urged then the implementation of United Nations machinery. We sought in the resolution not to make our proposal a part of the cold war struggle. We sincerely hope that a cease-fire may be accomplished, but we have sought to avoid taking any action that would involve us in a power struggle. The Senator from Massachusetts accurately defines the activities of the French, on the one side, and the Soviet Union, on the other, as a great new influence in Nigeria.

They sought to avoid all that, seeking to provide simply, as the Senator well knows, additional aid to prevent the further starvation of people in that very unhappy land.

Mr. President, I yield the floor.

Mr. BROOKE. Mr. President, the resolution which I submit today, with the distinguished junior Senator from Kansas, has but one aim and purpose—the saving of human lives.

It is a source of some satisfaction to me that we have been joined in this resolution by 50 of our colleagues in the Senate and 90 Members of the House. Yet it is a source of profound dissatisfaction that circumstances make it necessary, once again, to introduce a resolution of this nature and intent.

The war in Nigeria has been in progress for more than a year and a half. Numerous times in the course of these 19 months, it appeared that a negotiated peace was imminent. Each time, the hopes of the contenders in the conflict, and the hopes of the world at large, were stillborn.

As the war has taken its tragic toll, in bloody battles and lingering, silent want, the peoples of the world have raised their voices in clear and strident protest.

Literally thousands of Americans have joined together to raise funds for the homeless and the starving. Foodstuffs and medicines have been collected and dispatched. Letters have poured into the offices of countless public officials. Preachers and teachers, students, wives and workmen have joined in a conscientious effort to meet the needs of the innocent. Their interests and their objectives are an expression of the best that is in Americans—concern, compassion, and care for their fellow men.

But, Mr. President, in the general outpouring of sentiment which has affected the American public, I feel compelled to sound a warning note. In expressing our humanitarian concern, it is imperative that we not misread either the events or the consequences of them. For to do so is to harm, not to help, ourselves and those we would serve. Let us ask ourselves, then, what are the determinable facts of the case now before us, and how can we legitimately seek to influence future policy for good.

Starvation and malnutrition certainly exist, both in Nigeria and in the secessionist state of Biafra, but no one knows exactly how widespread it may be. Reports that 10 million persons are dying for the sake of "one Nigeria" appear grossly—and callously—exaggerated. Likewise, reports carried in many British newspapers to the effect that deaths from starvation amount to no more than two or three a week may be equally unsubstantiated. In the dense bush of equatorial Africa, in the midst of a bitter and fluctuating war, no one can say with any accuracy how many persons live or die. It is this confusion and uncertainty that make it so difficult to arrive at a reasonable estimate of the number of lives affected by the war, and to draw therefrom a general indication of the need.

We do know that Biafra today is not the same region which broke away from Nigeria 19 months ago. In May of 1967, Biafra encompassed the entire eastern region of Nigeria, approximately 30,000 square miles, 14 million people in a multitude of tribes both large and small. Today, Biafra has been reduced to about one-fourth its original area, encompassing only a portion of the former Ibo homeland. The minority areas, for the most part, have been retaken by Federal troops. Most of Biafra's remaining people, totaling perhaps 6 million, are therefore Ibo in origin.

Biafra today is totally surrounded by Nigeria. It shares no common borders with other African states. It has no access to the sea. It is, in fact, a rump state—economically nonviable and politically unstable as long as present geographic conditions prevail. But Biafra is not, as has often been painted, a territory totally dependent upon outside sources of supply. Starvation and hunger exist there. But these conditions are largely products of social instability and the influx of refugees which accompany any wartime situation.

Under normal conditions the territory of Biafra is not incapable of providing for its local population. In fact, the recent harvest is said to have been reasonably good, and most of the people of Biafra are surviving on crops which they themselves produce.

However, relief efforts are still vital to the maintenance of life in the area, and they are far from sufficient to meet the present and future needs of the people they seek to serve. At the present time, the relief agencies are responsible for feeding an estimated 2 million people, or one-third of the population of the area. With the recent cessation of Red Cross flights from Fernando Po, the religious organizations operating out of São Tomé have assumed the massive burden of supplying nearly all the needy people in the area. In addition to the 850,000 persons for whom they originally were caring, these groups now must provide some sustenance to the nearly 1 million persons dependent upon the operations of the International Red Cross. What is more, it is estimated that when the present harvest is consumed, the need will again rise substantially. An estimated 3 million people inside the beseiged eastern region face the risk of starvation in the next few months.

But hunger is not a phenomenon which faces the Biafrans alone. Federal troops have retaken three-quarters of the former eastern state, and within this territory there are also thousands, perhaps millions, of refugees. The Nigerian government, working in cooperation with the Red Cross, has done much to provide these people with the basic requirements of life. Refugee camps have been established, and Red Cross supply trucks have moved into the area, circulating from village to village with medicines and food. In areas where the refugees still fear Federal troops, food is deposited for them in a clearing or on a rise of high ground. By the most recent estimates, however, it is likely that an additional 1.5 million persons will face the risk of starvation in these areas, too, unless relief is substantially increased.

Mr. President, relief is the sole intent of the resolution which we introduce today. We cannot determine a settlement of this war, for that is in the hands of the contenders. We cannot impose a ceasefire, for that, too, can only be decided by the parties directly in conflict. In my considered judgment, the cause of peace and stability in Africa would not be served by recognizing Biafra as a state.

But limited though our diplomatic options are, we possess both the ability and the will to save lives in the midst of strife. Though we cannot end the war, we can end the misery of hunger for hundreds of thousands of people. We can, by making supplies and transport equipment available to the relief agencies in the area, prove the good will of the peoples of the world, and prepare the way for the trust which is essential for a negotiated end to the war.

In the absence of a cessation of hostilities and a clear invitation from the parties involved, we cannot, and should not, undertake to man the relief operations ourselves. To do so would only involve us more deeply in the role we have sought to avoid—that of policeman to the world. To insert our own men and materiel into the relief operation would, furthermore, proportionately weaken the capacity and will of other states and international bodies to deal effectively with need. But we can, and we should, contribute substantially to strengthening their abilities in these areas. To make relief assistance available, on request and for their use, is to use their resources and ours both wisely and well.

Mr. President, the need is there, but so are the limits of our power. The program which we commend to our colleagues today is, to the best of our ability, a realistic response to these two conditions. I commend this course of action to the country, and urge its adoption.

Mr. WILLIAMS of New Jersey. Mr. President, time has run out in Biafra.

The emergency in this troubled eastern region of Nigeria has reached crisis proportions. As recently as 5 months ago, almost 12,000 Biafrans a day were dying of starvation. Most of them were children; 40 percent of them between the ages of two and four. In December, thanks to increased supplies of basic proteins, the death rate dropped to only about three or four thousand a day.

Can we comprehend the tragedy of that fact? Do we know what we are admitting when we take relief that the death rate has dropped to "only" 3,000 a day? There are about 250 children in all the Senate families combined; could we condone a death rate which claimed 12 times the number of our children every day?

Death by starvation is slow, insidious, and awful to contemplate. Imagine Biafran mothers watching their children growing slack, hollow-eyed, stomachs distended in pain. They wait for the first signs of a reddish tinge to the hair—because red hair signals the protein deficiency which means death, or permanent mental damage. When a Biafran child's hair reddens, it is too late for food. Only prayers will help.

This is an outrage offending all of mankind. But not all members of mankind have the capability to end this tragedy even if they had the will. In the United States, we have both. We must have the will to end this actual and spiritual starvation. We must have it before our bodies and souls are blighted with guilt for the Biafran dead. Malraux speaks of dignity as the absence of humiliation. If this is so, then all of mankind's dignity is lessened by the deaths of 90,000 Biafran children every month.

The situation in Biafra is growing worse every day. The borders of the tiny area have been reduced by the steady advance of Federal Nigerian troops, and crop production acreage is only a fraction of what it must be to sustain the people. Carbohydrates will be soon exhausted, if they are not already. When that happens, the Biafran death rate is expected to soar to 25,000 people a day.

These awful conditions were described, eloquently and with deep insight, by Dr. Hermen Middlekoop, a missionary who has worked in Biafra, as he spoke to the International Conference on Biafra conducted by Operation Outrage, Inc., early in 1969. I request unanimous consent that portions of Dr. Middlekoop's remarks be inserted in the Record at the conclusion of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WILLIAMS of New Jersey. Mr. President, 25,000 deaths a day await the people of Biafra unless massive help is sent, and sent soon. Food must get through to the Biafran people, regardless of political protocol or diplomatic maneuvering. Mass inoculations must also be undertaken to prevent epidemics of measles and smallpox from further decimating the famished children of Nigeria.

I am today joining the distinguished Senator from Kansas (Mr. Pearson) and the distinguished Senator from Massachusetts (Mr. Brooke) in offering Senate Concurrent Resolution 3, which expresses the urgent need for Presidential action to aid the Biafrans. This resolution calls on the President to take prompt and comprehensive action to provide supplies and equipment to those relief agencies which are operating in the area, with the approval of both Biafran and Nigerian authorities.

Let the Senate act quickly to stem the tide of starvation in eastern Nigeria. Let our voices be heard on this matter. Unless we do, and unless the President takes strong measures to make this assistance available, the history of our age will bear the mark of shame.

Our valued traditions and ideals command us to protect the inalienable right to life. We cannot endorse starvation as a political tactic by our inaction. How long will we wait to act, until the remaining 10 million people of Biafra have starved to death? Aid must be sent immediately or our consciences must bear the guilt of the 6,000 who will starve today in Nigeria and the prospect of 25,000 per day before long.

Time has run out in Biafra. Now let us act.

Exhibit 1

Excerpts From Dr. Herman Middlekoop's Remarks

I'm speaking to you as a missionary doctor who has worked for six years in Biafra.

The history of this relief work is a remarkable one. It started in despair, one can say, when we started in March, April, May, we had nothing to work with. We saw, before our eyes, the situation deteriorate. In July we had the situation that you had one plane a month and we saw in our clinics the malnutrition rising day by day, numbers of eight hundred, and thousand children on each clinic all over the country, there was no exception, and it didn't need a medical man to put the diagnosis. You simply could walk along the road and see it. It was a depressing sight that forty percent of those children would not live within three weeks. That was the time when six thousand a day were dying, and that started from July.

I would like to say that we are walking on the sharp edge of a razor. The moment this relief decreases, gets less, we are back, within a few weeks in the situation of August. This is only considered from the point of protein supply. We are facing a far greater situation, when the carbohydrates supplies, the local food crops will get less and less and will be finished.

So, within a short period, we will be faced with the seriousness of the problem by which, what we saw in August, will be only child's play. Because at the moment we are flying in about between 120 and 130 tons a night and we might increase it to 200 tons a night within a short period because there are plans in the make to give us bigger aircraft, and that will need more money, lots more money. To give you a figure, if we manage to get the four aircraft which we are aiming at, I think that they are Globemasters we need $1,800,000 for ninety days, that is a huge sum. But we need it and if we don't get it, there will be a catastrophe.

We'll not quibble with figures. That fact that it occurs in an underdeveloped nation, really basically underdeveloped continent among black people, I think is part of the reason that people fail to rise to I think a legitimate concern, a legitimate outcry about this outrage.

Mr. NELSON. Mr. President, whatever the rights and wrongs of the reasons that have led to the civil war in Nigeria, the single objective fact is that there is massive starvation and suffering occurring in Biafra today. The death toll has escalated to staggering proportions and if relief operations are not increased significantly, thousands more will needlessly die.

While I know that the United States has made an effort to supply assistance to international relief organizations to help meet the problem of feeding thousands of innocent victims of this civil war, greater energies must be made in order to stop this tragic loss of human life.

But resolving to commit our resources is just a stop-gap measure. I believe that the United States should exert its influence to call for an international conference on the Nigerian-Biafran problem. Although this civil war involves internal disputes, the fact is that other world powers have exacerbated the conflict. Russia and Great Britain have aided the Federal Government of Nigeria, the French are supplying the Biafrans with arms and technical assistance. It seems to me that the world community should involve itself with this troubled area and seek ways of negotiating a permanent and lasting peace.

Today, I have joined with many of my colleagues in submitting a resolution calling for an American commitment to help reduce the suffering in Biafra. However, if our efforts are to be successful, cooperation from other nations is necessary too. Men of conscience everywhere in the world must also resolve that the continuation of this conflict is absurd, that a cease fire must take place immediately, that shipments of all arms to both sides must be stopped.

I am hopeful that the Congress will speedily enact this resolution and that President Nixon will use the vast resources of our country to meet the crisis existing today in this war torn land.

SENATE RESOLUTION 36—RESOLUTION RELATING TO A PUBLIC ADDRESS SYSTEM IN THE SENATE

Mr. JAVITS. Mr. President, I submit for appropriate reference, on behalf of myself and the Senator from New Mexico (Mr. Anderson), the Senator from Utah (Mr. Bennett), the Senator from Indiana (Mr. Hartke), the Senator from Utah (Mr. Moss), the Senator from California (Mr. Murphy), the Senator from West Virginia (Mr. Randolph), the Senator from Missouri (Mr. Symington), and the Senator from Maine (Mrs. Smith), a resolution which would allow the installation of a public address system in the Senate Chamber. This resolution is similar to one which I first introduced 12 years ago, in 1957. It has been revised to conform with the version which was passed by the Senate as an amendment to the Legislative Reorganization Act in the 90th Congress.

Under the provisions of the 1967 bill, which was passed by the Senate but did not get anywhere in the other body, the majority and minority leaders were authorized to take such action as would be appropriate for the installation and operation of a public address system, and the expenses of installation and operation would be considered in the regular legislative appropriation bill.

Mr. President, I served for 8 years in the House of Representatives, which has a public address system. Often, interesting and vigorous debate on the Senate floor is completely missed by the members of the press and the people in the gallery. Indeed, we have had some rather striking examples of misquotation attributable only to the fact that the members of the press, in the gallery, could not hear what was said on the floor. It is a strange anomaly, and even a little too old fashioned for the Senate itself, that in this age of electronics we should labor under such a disadvantage. Often, Senators crowd down to the well because they cannot hear what is being said about the next day's calendar or what the Presiding Officer is saying.

At each Senator's desk is room for a small microphone, and the controls can be applied easily. For example, the microphone can be placed in the inkwell, which recalls the days of the quill pen. The inkwells, of course, are no longer used.

When I began my service in the Senate, in 1957, as a member of the Committee on Rules and Administration, I tried to bring about this reform. The Rules Committee asked the Architect of the Capitol to look into its feasibility. The staff of the committee made a survey of the then 96 Members and found a considerable number who were interested in the change. However, a considerable number were opposed to any change at all, but principally because of technical difficulties—that is, the thought then that it would result in a great number of unsightly microphones on the desks. In the Senate, we do not speak in the well, but speak at our desks.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. JAVITS. I ask unanimous consent that I be allowed to proceed for 3 additional minutes.

The VICE PRESIDENT. Without objection, it is ordered.

Mr. JAVITS. However, the greatly improved state of the art of electronics and the sensitivity of the microphones and other material today make it possible to deal entirely with the question of taste which will relate to the appearance of the Chamber.

I believe it would be a most helpful step to bring the Senate procedures into modern times. I hope the Rules Committee will give this matter its earliest consideration.

I point out the broad range of cosponsors of the resolution, Mr. President, as indicating that it has caught on and that now there is considerable interest in making this reform.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MANSFIELD. Mr. President, I think I should call to the attention of the Senator and the Senate that this matter was discussed at the initial Democratic caucus this year and that it was the overwhelming sentiment of the caucus that this matter be attended to promptly and action was taken at that caucus to carry out that sentiment.

The caucus instructed me to meet with the distinguished minority leader, to tell him what our action had been, and to state that it was the sense of the caucus that the Rules Committee should meet as expeditiously as possible to consider the studies which had been made by the Sergeant at Arms, under the direction of the joint Senate leadership.

That study is ready. This matter will be discussed in the Rules Committee. I anticipate that action will be taken shortly and that before too long this Chamber will be electronically equipped. The question to which the Senator from New York addresses himself is beyond the stage of advocacy or even decision. It is purely a matter of carrying out the affirmative will of the Senate on this matter.

To further enlighten the Senate, I ask unanimous consent that a brief status report on this matter be included at this point in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Brief Status Report of a Proposed Voice Reinforcement System for the U.S. Senate Chamber

By a joint letter of January 29, 1968, addressed to Senator B. Everett Jordan, Chairman of the Committee on Rules and Administration, from Senator Mike Mansfield, Majority Leader and Senator Everett M. Dirksen, Minority Leader, the Committee was requested to investigate the advisability of a proposed voice reinforcement system for the Senate Chamber.

At a meeting of the Committee on Rules and Administration, held on February 7, 1968, it was unanimously decided that the Architect of the Capitol be authorized to engage the services of an acoustical engineering firm to make an in-depth survey of the practicalities involved in introducing an appropriate sound system in the Senate.

Pursuant to the above authorization, the Architect of the Capitol, by contract, engaged the services of Richard H. Bolt and Robert B. Newman Acoustical Consultants of Cambridge, Massachusetts, for an appropriate analysis and report. This engineering firm made its report in October 1968.

After submission of the report, it was presented to the Sergeant at Arms of the Senate who, on October 28, 1968, referred it to the Committee on Rules and Administration together with a concise summary of its provisions minus some of the technical data.

Senator B. Everett Jordan has announced plans to hold a special meeting of the Committee on Rules and Administration, probably within the next two weeks for consideration of the proposed sound system. At this meeting the Sergeant at Arms of the Senate and acoustical experts provided by the Architect of the Capitol will appear as consultants. It is expected that the Committee will make its recommendations to the Senate shortly thereafter.

Briefly, it is the opinion of the acoustical consultants that a speech reinforcement system can be provided in the Senate which will provide audible, natural, and effective speech reception throughout the entire space. The installation contemplated would include individual desk-mounted microphones and miniaturized loudspeakers for all Members, a complement of microphones and loudspeakers for the Presiding Officer and Senate officials, a removable floor-stand microphone, a complement of loudspeakers for the Official Reporters, and a wide distribution of loudspeakers in the Galleries. The suggested minimum cost of the installation contemplated would be $108,500.00, but more realistically in the neighborhood of $125,000.00.

It is proposed that the installation would be by the staff of the Architect of the Capitol during hours when the Senate is not in session or during periods of recess or adjournment. Hopefully the entire process could be accomplished within one year. This time could perhaps be shortened by removing individual desks on a piecemeal basis for necessary adaptation. At the present time component equipment is on hand and a desk will be provided for demonstration purposes in the immediate future.

As a corollary to the proposed sound system, Senator B. Everett Jordan, in behalf of the Committee on Rules and Administration has announced that the Committee, in due course, intends to give its attention to measures to reduce background noises in the Senate Chamber including the possible construction of combined glass and solid partitions extending around the perimeter of the Senate Galleries.

Mr. JAVITS. I thank the distinguished majority leader, I might tell him that when I was a trial lawyer, there was a famous judge in Delaware who would say to an arguing attorney, "Counselor, if you stop now, I am with you."

So I am very grateful to the majority leader for the intelligence he has just given us.

The VICE PRESIDENT. The resolution will be received and appropriately referred.

The resolution (S. Res. 36) was referred to the Committee on Rules and Administration, as follows:

S. Res. 36

Resolved, That (a) to insure that debates of the Senate may be heard in all parts of the Senate Chamber and in the galleries thereof, the majority and minority leaders are authorized to take such action as may be required for the installation and operation within the Senate Chamber of a suitable electrical public address system, approved by them.

(b) The expenses incurred for the installation and operation of such public address system shall be considered in the legislative appropriation bill.

Mr. MURPHY subsequently said: Mr. President, as a coauthor, I rise in support of the resolution that would authorize the installation of a public address system in the Senate.

In January of 1967, my colleagues will recall that a similar amendment was added by the Senate to the Legislative Reorganization Act, which unfortunately was not acted upon by the House. Last month the Nation proudly witnessed and marveled at the space feats of our Apollo astronauts as man pushed farther out into space. Through modern electronics and technology, not only the people of this country but also the peoples of the world saw and heard them. The world was able to hear and see as the U.S. space team maneuvered in space 240,000 miles away and orbited the moon. We could understand every word they said.

Yet, Mr. President, it is not uncommon for Senators to be unable to hear their colleagues in this Chamber. How often has it been necessary for a Senator to request a fellow Senator to speak louder? How often has it been necessary for a Senator to move nearer a colleague addressing the Senate so that all his words might be heard? How often have we seen members of the press with their heads turned to one side and their hands cupped at their ears straining to hear Senate debate and discussion? How often have constituents, who have traveled many times thousands of miles to visit and see their Government in action, told us how difficult or impossible it was for them to hear?

Mr. President, in 1960, 15 million of our constituents visited Washington, D.C. By 1970, it is anticipated that this number will increase to 24 million yearly, and by 1980, it is expected that 35 million Americans will arrive in the Nation's Capital. Included in this group are more than 750,000 students who each year make a pilgrimage to the Capitol as part of their education in order to learn more about the Federal Government, the Nation's history, and the way the affairs of state are conducted in this Chamber. Too often, after watching the Senate in action, they return home discouraged and disillusioned, in no small part due to the fact that they could not hear and understand the debates.

Mr. President, this is not the impression that I for one want the citizens of California to form regarding the greatest legislative body in the world.

Let me again, say, Mr. President, that it is truly one of the anomalies of our times that science has permitted us the excitement of hearing our astronauts 240,000 miles from the earth, while at the same time we in this Chamber are denied the opportunity to hear our colleagues. Because of our refusal to take advantage of this same science by installing a public address system, we frequently are unable to hear the voices of our colleagues only a short distance away.

There is another point, too, Mr. President, and perhaps I am the logical person to comment on this aspect of the matter, because of the hoarseness I sometimes experience, which makes it more convenient for me to use the amplifying system I am now using.

In my case, I have a certain hoarseness which is the result of an operation several years ago for a cancer near my vocal chords. The operation was a complete success; I have never felt healthier; but at times I still sound like a cross between EVERETT DIRKSEN and my friend Andy Devine. I am sure that this would make it a little more difficult for me to be heard when addressing the Senate, had not my colleagues extended me the courtesy of using this device. However, with my amplifier, I find I can be heard as well and perhaps better than many of my colleagues.

So, Mr. President, because the issues are so great today, it is vital that each Senator hear every word of the debate. It is important that our Nation's press be able to follow the debate and report it factually to our constituents, and certainly it is extremely important that our visitors from all over the country have the courtesy of hearing what is said in the Chamber. Therefore, I urge that the Senate move expeditiously on this resolution, which, in my judgment, would improve the operations of the Senate immeasurably and would add to the comfort, understanding, and efficiency of the Senate.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MURPHY. I yield.

Mr. BYRD of West Virginia. I have not been able to listen to the entire statement of the distinguished Senator, but do I correctly understand that the Senator from California has just spoken on the subject of the installation of a loudspeaking system in the Chamber?

Mr. MURPHY. The Senator is correct.

Mr. BYRD of West Virginia. I should like, if I may—and if the Senator will yield further—to state that the joint leadership in this body wrote a letter to the Senate Committee on Rules and Administration, of which I am a member, in January of 1968, asking that the committee consider the matter of installing microphones in the Senate Chamber. The Rules Committee met in February of 1968 and authorized the Architect of the Capitol to conduct a study of the subject. The Architect of the Capitol proceeded to do this, and it is my understanding that such a study was conducted under contract with Richard H. Bolt and Robert B. Newman, acoustical consultants, located in Cambridge, Mass.

It is also my understanding that the consultants reported to the Architect of the Capitol, who in turn referred the report to the Committee on Rules and Administration on October 28, 1968.

I have been advised that the Chairman of the Rules Committee, the able and distinguished junior Senator from North Carolina (Mr. JORDAN), plans to have a meeting of the Rules Committee immediately following the consideration by that committee of money resolutions which will finance the operations of the various subcommittees of the Senate. I am further advised by the staff of that committee that the full committee will meet very soon to consider those money resolutions.

I just wanted to say this to assure the distinguished Senator from California that it is my judgment, based upon the actions of the Rules Committee thus far and the actions of the leadership—namely, the Senator from Montana (Mr. MANSFIELD) and the Senator from Illinois (Mr. DIRKSEN)—that this system will in all likelihood be installed in the Senate before the year is out. Based on the report conducted by the consultants, it is thought that the cost would be approximately $108,000 to $120,000. I am also advised that it would be necessary to install the equipment at a time when the Senate was not in session.

I compliment the distinguished Senator from California on the statement he made and on the interest he has expressed in this matter.

When I began my service in the Senate 10 years ago, I was opposed to the installation of such a system in the Senate. However, during the past 2 or 3 years—especially during the past 2 years—I have changed my viewpoint in this regard. I have been on the floor of the Senate practically every hour of every day during the past 2 years, and I have sought to encourage decorum in the Senate as much as I could. There have been times when I have asked that the Chamber be cleared of staff aides, Senators' aides, because they had congregated on the floor in large numbers; and on one or two occasions I pointed out that a portion of the gallery was set aside for staff aides. Then it came to my attention that the staff aides could not hear what was being said in the Chamber. So that when their Senators called upon them for advice as to what had occurred, the staff aides were unable to produce the information because they had not been able to hear.

People from all over the country visit the Senate when it is in session, and these people come to hear their Senators. They want to understand the business that is being conducted on the floor of the Senate. I am afraid that many of them, or most of them, leave the Senate without having been able to hear the words that were spoken from the floor.

Many of us on the floor of the Senate are unable to hear. Often we will see a Democratic Senator move to the Republican side of the aisle, or a Republican Senator move to the Democratic side of the aisle in order that the words might be more audible to the ears of the listener. I have reached the conclusion that we should have microphones installed in the Senate. Many of us have served in State legislatures which had microphones. Some of us have served in the House of Representatives where microphones are available, not at each desk, but, nevertheless, available in the well of the Chamber, and at certain positions on the floor.

I have come to the conclusion that this equipment should be installed. I merely wanted to make the RECORD clear that the majority leader and the minority leader, acting in accordance with the instructions laid down in the reorganization bill which was passed by this body a year or two ago and which failed to pass in the other body, have taken action, that the Rules Committee voted thereon, and that the Rules Committee is ready to file its report in connection with the installation of these microphones.

I think we could be hopeful that such microphones would be installed before the end of the year, and that listeners in the galleries, including the press gallery, Senators, and Senators' aides will be able to hear much better what is being said in order to follow the debate better, and that all of this will contribute to a greater decorum in the Chamber of the Senate.

Mr. MURPHY. I thank the distinguished Senator from West Virginia. I would have guessed that after the hours that I know him to have been in the Senate Chamber, the diligence with which he pursues his duty as a Senator, he, as I, would have realized the importance of this equipment.

I am certain that now the people in the galleries can hear me speaking, and I am speaking in a very soft tone of voice. I am certain that now, with improvements in electronics, the speeches of Members of this body could be amplified in such a way that no one would ever know they are listening to amplification. It will make listening easier and be more convenient on the speakers.

Last year, when I first made my suggestion, some Senators said that it might encourage some of our colleagues to make longer speeches. I think the contrary would be true. I think sometimes we are inclined to make longer speeches and that we are repetitious for fear we have not been heard the first time. I think we will shorten the speeches.

Another point that some of my distinguished colleagues have made is that whenever there is an audience, and most of my life has been spent dealing with live audiences, and the audience cannot hear what is being said, they will make their own sound and sometimes those sounds will overcome the sound that is supposed to be the prevailing sound at the time, or the speech being made by the speaker.

As the distinguished Senator has mentioned, on occasion the Chamber has been cleared when it should not have been necessary to clear the Chamber. I am so happy to hear that the committee will act expeditiously and that hopefully we will be able to improve to a certain extent the hearing for the sake of our colleagues and our visitors in the very near future.

I thank the Senator. I yield the floor.

Mr. BYRD of West Virginia. I thank the Senator from California.

THE LONGSHOREMEN'S STRIKE

Mr. JAVITS. Mr. President, the current strike of longshoremen at all east coast and gulf ports has reached the point where it now poses a critical danger to the health and safety of the entire Nation. For a full month, the free flow of goods into and out of our great ports has been stopped, with severe impact, not only in the port areas themselves, but also throughout the Nation—and with a very heavy impact upon the Port of New York, which I specifically represent. The effect of this labor-management controversy reaches deep into the economy.

Yesterday, my colleague from New York (Mr. GOODELL), Gov. Nelson A. Rockefeller, and myself, issued a statement calling attention to this situation. The essence of the statement was that—

> In view of the seriousness of the situation, we have asked President Nixon and Secretary of Labor George Shultz to turn their immediate attention to the longshoremen's strike and to bend every effort to the Federal Government to assist the parties to resolve their differences. We trust that the new administration will give this problem the priority it clearly deserves.

We have also been in personal contact—and that applies to me—with the parties to the dispute in order to emphasize to them the urgent necessity of reaching a prompt settlement; and we have explored the possibility of a return to work in the Port of New York, one area where agreement has been reached. But the difficulty in this situation is that the longshoremen's union feels that it must reach settlements nationally in all ports before it can come back in any port. We have been advised that there is no present possibility of a return to work at any port until agreements have been reached covering all struck ports. Progress has been reported to me, and full settlement may be reached shortly. Needless to say, we who have joined in the statement stand ready to do anything we can to help the parties to reach agreement.

Mr. President (Mr. ALLEN in the chair), the three of us believe in free collective bargaining. Hence, we hope that it will not be necessary for the Federal Government to intervene formally in this dispute. However, it must be recognized that the national interest precludes acceptance of an indefinite standstill in most of the Nation's foreign commerce.

The parties to this dispute bear a heavy responsibility to the entire Nation. The fulfillment of that responsibility requires them to bring this dispute to an end promptly, especially as the road to settlement is clearly marked by the agreement covering New York.

One further point, Mr. President. I am the ranking minority member of the Labor Committee, and this is one of the big areas of difficulty in labor law. There is no recourse, after the Taft-Hartley injunction period has expired, except a law passed by Congress. We almost did that in the airline strike; we did do it in the railroad strikes in 1963 and 1967. In 1967 I had to handle the matter in collaboration with the then Senator from Oregon, Mr. Morse.

This is very harmful to the entire collective bargaining structure. First, we should have law—that is, general law—to deal with these controversies. I have long called for such law and I hope very much we can get it in the next year or two.

So I address this plea to both the longshoremen's union and to the employers: If you want to avoid special legislation, you have to bring this dispute to an end.

I cannot see how we can go very many days more without the matter being thrown into Congress, an action which in the other situations has been deeply resented by the parties in interest. Yet, they brought it on themselves by their failure to make collective bargaining work. I hope we may avoid that sort of decree in this case; but if it cannot be avoided, we shall have to do it, because we cannot allow our foreign trade to be immobilized on account of this strike.

Mr. President, I ask unanimous consent that the statement issued by Senator GOODELL, Governor Rockefeller, and myself yesterday be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

JOINT STATEMENT OF SENATORS JACOB K. JAVITS AND CHARLES E. GOODELL, AND GOV. NELSON A. ROCKEFELLER CONCERNING THE LONGSHOREMEN STRIKE, JANUARY 21, 1969

The current strike of longshoremen at all East Coast and Gulf ports has reached the point where it now poses a critical danger to the health and safety of the entire nation. For a full month the free flow of goods into and out of our great ports has been stopped, with severe impact, not only in the port areas themselves, but throughout the nation, for the effect of this labor-management controversy reaches deep into the economy.

In view of the seriousness of the situation, we have asked President Nixon and Secretary of Labor George Shultz to turn their immediate attention to the longshoremen's strike and to bend every effort of the Federal government to assist the parties to resolve their differences. We trust that the new Administration will give this problem the priority it clearly deserves.

We have also been in personal contact with the parties to the dispute in order to emphasize to them the urgent necessity of reaching a prompt settlement and we have explored the possibility of a return to work in the Port of New York, one area where agreement has been reached. Unfortunately, we have been advised that there is no present possibility of a return to work at any port until agreements have been reached covering all struck ports. However, progress is reported and full settlement covering all struck ports may be reached shortly. Needless to say, each of us stands ready, as we have been throughout this dispute, to assist the parties to reach agreement.

We believe in free collective bargaining. Hence, we hope that it will not be necessary for the Federal government to intervene formally in this dispute. However, it must be recognized that the national interest precludes acceptance of an indefinite standstill in the nation's foreign commerce. The parties to this dispute thus bear a heavy responsibility to the entire nation; the fulfillment of that responsibility requires them to bring this dispute to an end promptly, especially as the road to settlement is clearly marked by the agreement covering New York.

HUMAN RIGHTS: A TIME FOR SERIOUS QUESTIONING

Mr. PROXMIRE. Mr. President, last Monday President Nixon eloquently stated before the world that this Nation is concerned about suffering wherever it exists. He went on to say:

> The peace we seek to win is not victory over any other people, but the peace that comes "with healing in its wings;" with compassion for those who have suffered; with understanding for those who have opposed us; with the opportunity for all the peoples of this Earth to choose their own destiny.

I quote these words, Mr. President, because I think they describe what all of us like to think is the commitment of this country. But for the last 19 years—19 years, Mr. President—this body has failed to act on a convention which would enhance the welfare of the people of the world. Since June 16, 1949, when the President transmitted the Genocide Convention of the Human Rights Conventions to the Senate for ratification, we have stood by in apathy while much of the rest of the world has passed us by.

This sad fact, Mr. President, raises the serious question in the minds of some as to where our commitment really lies. On the issue of human rights we should take stock of ourselves. We say one thing for general consumption but the continued refusal of the U.S. Senate to take positive action is nearly 2 decades in this vital area certainly seems to say something quite different. This leads some who are unaware of our entire effort to question our integrity. But we have raised these doubts by our failure to act. We should now deal with the issue.

Mr. President, the advent of a new administration suggests also for this body a new beginning. I urge the Senate, as I have been doing for the last 2 years, to act to ratify the Human Rights Conventions.

MINORITY MEMBERSHIP OF SELECT COMMITTEE ON SMALL BUSINESS

Mr. DIRKSEN. Mr. President, I submit a resolution, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read, as follows:

S. RES. 53

Resolved, That the Minority Membership of the Select Committee on Small Business for the 91st Congress shall be as follows:

JACOB K. JAVITS, of New York;
PETER H. DOMINICK, of Colorado;
HOWARD H. BAKER, JR., of Tennessee;
MARK O. HATFIELD, of Oregon;
ROBERT DOLE, of Kansas;
MARLOW W. COOK, of Kentucky;
THEODORE STEVENS, of Alaska.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 53) was considered and agreed to.

TRIBUTE TO LYNDON B. JOHNSON

Mr. HARTKE. Mr. President, I want to join in paying tribute to President Johnson this morning.

Nothing will efface from my memory the many kindnesses Lyndon Johnson as majority leader showed me from the first day I set foot in this chamber 10 years and 2 weeks ago. All of us who had the privilege of serving with him in those days will share, I believe, the conviction that history will judge Lyndon Johnson to have been one of the very great leaders in the annals of Congress.

I believe, too, that history will accord him exceptionally high marks for the wealth of humane and progressive legislation he called upon us to enact. His leadership in such areas as education, civil rights, the attack on poverty, and the renewal of our cities will surely earn, as it surely merits, the gratitude of posterity.

Consider only those few areas—and there are many, many others—that I have just mentioned.

In education, under President Johnson's leadership, we moved for the first time in our history toward a comprehensive program of Federal aid to elementary and secondary education, thus laying the foundations for an America in which every child, no matter how poor his family, his community, his State, will have the chance to receive a truly excellent education.

In civil rights, it is surely no exaggeration to say that more progress toward genuine equality has been made during the 5 years of Lyndon Johnson's Presidency than in any other period of our history. In public accommodations, in employment opportunity, in voting rights, in school desegregation, in fair housing, in appointments to high Federal office—in all these and more, President Johnson and the Congress joined in a historically unprecedented partnership for progress.

In the war on poverty, Lyndon Johnson successfully challenged the Nation to undertake its first full-scale assault on the root causes of a condition which America now recognizes as—literally—intolerable. And precisely because it is an assault on root causes and not merely a new form of welfarism, this war—no matter what temporary setbacks or tactical mistakes—will be won.

And in the effort to make our cities—small and large—healthier, safer, more attractive communities in which to live and raise our children, President Johnson's leadership has been simply magnificent. As the distinguished junior Senator from West Virginia stated here last October 10:

> From 1964 with the Urban Mass Transit Act through the historic 1968 Housing and Urban Development Act this Nation witnessed the greatest march of urban progress in our history.

This, too, is a march that must and will continue, thanks in very large measure to the vision of Lyndon B. Johnson.

Mr. President, I could go on in detail for area after area recounting the legislative accomplishments of the past 5 years which owe so much to the inspiring leadership of the man we honor today. But the record is open for all to read, and others here already have spoken eloquently to it.

Let me conclude with this thought. These have been years of historic achievements for America. They have also been years of, at times, almost unbearable anguish. How then will history judge them? I venture to believe that the anguish will prove to have been short-lived, purgative—God willing, even salutary for future policymakers. But the achievements will remain, a legacy and inspiration to generations yet to come. And it is their testimony, not ours, that will be the truest measure of Lyndon B. Johnson's greatness.

RESIGNATION OF WILLIAM C. FOSTER AS DIRECTOR OF U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Mr. PELL. Mr. President, the recent resignation of Mr. William C. Foster as Director of the U.S. Arms Control and Disarmament Agency signals the close of a very distinguished term of service not only to the people of the United States but to all of humanity.

Mr. Foster, as the first Director of the ACDA, has carried with him a faith in arms control as a practical alternative to a dangerous, often futile, and immensely wasteful worldwide race for arms superiority. He has combined this faith with a hard-headed practical realization of the problems that must be overcome to achieve meaningful international agreements to control armaments. In addition, he has represented this country in protracted and difficult international negotiations with a patience, skill, and tact that can only be described as exemplary.

With these qualities and abilities, he has played a very major role in the successful negotiation of arms control agreements that have and are contributing today to the national security of the United States, and, I believe, to the peace of mind of people throughout the world—such agreements as the Nuclear Test Ban Treaty, the Washington-Moscow "hot line," and the Nuclear Nonproliferation Treaty, which I earnestly hope will be ratified by this body at the earliest opportunity.

Mr. President, Bill Foster has not sought public acclaim, but his work has brought him the admiration, respect, and affection of all those who have worked with him. Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Christian Science Monitor, reporting that Mr. Foster has been mentioned as a possible candidate for the Nobel Peace Prize. In this regard, I take pride in being one of those who nominated him for this award. In my judgment, such an honor would be a most appropriate and fitting recognition of his work.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOSTER'S PEACE EFFORTS RECOGNIZED

(By Carlyle Morgan)

GENEVA.—The United States's chief disarmament negotiator, William C. Foster, is being mentioned as a possible candidate for a Nobel Peace Prize.

Mr. Foster played a major role in the negotiations here of the 18-nation Disarmament Committee which culminated in the signing July 1 of the nuclear nonproliferation treaty.

President Johnson has hailed this treaty "the most important international agreement limiting nuclear arms since the nuclear age began."

Credit for such vital achievements as this, as well as the test-ban treaty in 1965, and the hot line Washington-Moscow telephone, is widely shared here and in national capitals.

But Mr. Foster's efforts to control nuclear arms have been more continuous than any other's. He was thinking hard, and from large-scale experience with nuclear problems, years before the disarmament committee's Geneva talks began.

OPPOSITION STRENUOUS

This work of seeking to guarantee future world security often has to be carried on against the wishes of special-interest groups in some of the nations represented here.

For this reason, conference insiders say, "It needs and deserves all the positive recognition it can get."

Mr. Foster has been cited in Britain by the Times as a possible nominee for the Nobel prize. In United Nations circles, too, he is being frequently mentioned for this honor, and also in the Carnegie Foundation for Peace.

Private citizens supporting peace groups have expressed their desire to see him honored in this way. And not least, the prospect of such an award is favored strongly among those who work most closely with him, from his peers to the humbler levels of the staff of assistants.

Some of these latter say they intend to exercise a right which the Nobel Prize committee gives to individuals to propose candidates. They will propose their tall, good-natured, ever-courteous boss.

ADDRESS SIMPLE ENOUGH

"It's easy enough," one of the staff told this writer, "because all you have to do is to address the Nobel Peace Prize Committee, Olso, Norway."

Mr. Foster's part in the nuclear arms-control talks is backed by long experience in dealing with armaments in wartime, and with problems of the aftermath of wars.

A prominent business figure in the United States, he was put in charge of military purchasing for the army in World War II. After the war he canceled $100 billion worth of arms contracts.

Then he went on to administer the Marshall Plan in Europe with David Bruce in the late 1940's and the 1950's. This was Western Europe's postwar defense against an expansive communism.

In diplomatic circles Mr. Foster is often spoken of as perhaps the only other American negotiator worthy to be bracketed with W. Averell Harriman, who is now conducting the American side of the Paris talks on Vietnam.

Mr. Harriman has said that the Paris and the Geneva talks are the world's two most important sets of negotiations for future peace.

Mr. Foster's part in the Geneva talks, however, is much more than that of negotiator. He brings a special creative point of view to the work here, his colleagues say.

While serving as Deputy Defense Secretary in the Korean war he began to feel that it was not so much the existence of large national arsenals that gave nations security as it was their capacity to work out an international balance for their military power. That philosophy, his friends say, has guided him in all his work for arms control since that time.

BACK IN GENEVA

Mr. Foster has now returned from Washington to Geneva for the disarmament committee's summer session, even more acutely aware of the demands of the smaller states for some new sign of progress toward big-power disarmament.

Some of them regard this as a quid pro quo for their agreeing to the treaty banning spread of nuclear weapons. On his arrival here Mr. Foster said that that treaty, "even before it has entered into force, [is] beginning to carry out one of its important functions—that of paving the way for further arms control measures."

He is "very much heartened," he says, "by the expression of willingness on the part of the Soviet Government to discuss mutual limitations on . . . nuclear weapons delivery systems."

He may also be heartened, some of his friends in the conference say, by the international recognition his work here is currently receiving.

"Not just for his own sake, but for the sake of the job we all are trying to do for future world security," they add.

DAVID M. KENNEDY, SECRETARY OF THE TREASURY

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have printed in the body of the Congressional Record a biographical sketch of Secretary of the Treasury, David M. Kennedy, as it was presented to the Senate Finance Committee last week at the time of the hearing on his nomination.

There being no objection, the biographical sketch ordered to be printed in the Record, as follows:

Kennedy, David M., Chairman of the Board of Directors, Continental Illinois National Bank and Trust Company of Chicago; res. 33 Meadowview Drive, Northfield, Ill.; b. Randolph, Utah, July 21, 1905; s. George and Katherine Johnson Kennedy; ed. graduated from Weber College, Ogden, Utah, 1928; George Washington University, Washington, D.C., 1937; Stonier Graduate School of Banking, Rutgers University, New Brunswick, N.J., 1939; holds A.B., M.A., LL.B., and Honorary Doctor of Laws degrees; m. Lenora Bingham, children Marilyn (Mrs. Verl L. Taylor) b. Jan. 4, 1929; Barbara (Mrs. Carl Law) b. Jan. 14, 1931; Carol Joyce (Mrs. Jack Whittle) b. Nov. 14, 1936; and Patricia Lenore (Mrs. Lewis Campbell) b. Nov. 13, 1943.

Employed by the Board of Governors of the Federal Reserve System, Washington, D.C. (technical assistant in the Division of Bank Operations, and economist in the Division of Research and Statistics, assistant chief, Government Securities Section, and assistant to the Chairman of the Board), 1930–46. During World War II, Kennedy played a key role in Treasury finance.

Joined Continental Illinois National Bank and Trust Company of Chicago, Bond Department, Oct., 1946; elected second vice president, Jan. 9, 1948; vice president, Jan. 12, 1951. Resigned as vice president and served as special assistant to the Secretary of the Treasury in Washington, D.C., from Oct. 13, 1953, to Dec. 9, 1954.

During his Treasury service, Kennedy was responsible for management of the Federal debt and worked on a number of related Treasury problems.

Returned to Continental Bank and was elected vice president Dec. 10, 1954. Placed in charge of the Bond Department Jan. 1, 1955. Elected director and president Nov. 26, 1956. Elected Chairman of the Board of Directors and Chief Executive Officer Jan. 9, 1959.

During the past 10 years, the bank has grown from $3.1 billion in resources to more than $6.5 billion. Continental is the largest bank in Chicago and the Midwest, eighth largest in the nation, and fifteenth largest in the world.

Kennedy has expanded the bank's international banking department in anticipation of the great upsurge in Midwestern world trade. The bank has more extensive international banking facilities than any other U.S. bank between the Atlantic and Pacific coasts. In addition to a large Chicago-based international banking staff, it has two Edge Act subsidiaries: Continental Bank International in New York, which has one of the nation's largest foreign exchange trading operations as well as serving customers using East Coast ports; and Chicago-based Continental International Finance Corporation, which meets unique overseas financing problems through loans and equity investments.

The bank has six full-service branches (two in London, and one each in Tokyo, Osaka, Frankfurt, and Paris) as well as representative offices in Geneva, Madrid, Brussels, Milan, Caracas, Mexico City, and Manila. Still more overseas branches and offices are in planning stages. Continental has acquired equity positions in more than 20 overseas financial institutions.

During the Kennedy years, the bank has expanded into major money market operations and is a prime dealer in U.S. securities.

Continental, as a commercial lender, is the largest in Chicago and maintains a vast correspondent banking network with more than 3,000 other banks. During the decade, bank staff has expanded from 4,600 to more than 6,600.

PUBLIC SERVICE ACTIVITIES

As chairman under Mayor Richard J. Daley of the highly-successful Mayor's Committee for the Economic and Cultural Development of Chicago, Kennedy has worked closely with others in the city in Chicago's rebuilding. A leader in the business community, Kennedy has been instrumental in the enlistment of other businessmen in the city's renaissance. Kennedy has served since May 11, 1961 as chairman of the executive board of this city-wide committee. He has also served as chairman of the New Chicago Foundation, publisher of "Chicago" magazine, and as director of the Chicago Foundation for Cultural Development; Chicago Central Area Committee, director since Dec., 1957; Civic Federation, advisory committee, since Jan., 1959; Chicago Council on Foreign Relations, director since June, 1964; Chicago Community Trust, trustees committee, since Jan., 1959; Leadership Council for Metropolitan Opera Communities, council since Aug., 1966; treasurer, appointed Jan. 16, 1967; Chicago Civic Defense Corps, staff service division, appointed April, 1960; Business Committee for the Arts, founding member, Nov. 1967.

In addition, Kennedy has served as director of many Chicago charity drives. He was executive committee chairman from Nov. 19, 1965 to Aug. 1, 1966, of the Citizens Band Committee for Greater Chicago. He is a former trustee of Presbyterian-St. Luke's Hospital, elected April 17, 1957, and serving until November, 1968.

At the state level, Kennedy has been a member of Governor Kerner's Committee for Distinguished Foreign Guests, which was organized in Sept., 1962.

Nationally, Kennedy has rendered valuable service to both Republican and Democratic administrations. He is a registered Republican.

He was appointed Jan. 1, 1968, to the Federal Advisory Council of the Federal Reserve System.

Committee for Economic Development, trustee, elected May, 1964; National Advisory Committee on Government Practices and Policies, appointed Oct. 4, 1965, by the Comptroller of the Currency; National Public Advisory Committee on Regional Economic Development, business subcommittee, appointed by the Secretary of Commerce, Aug., 1967 for two-year term; American Foreign Service Association, associate member, since Aug., 1967; National Committee for Adlai Stevenson Memorial Fund, March, 1966; Navy League of the United States, life member, April, 1962; Robert A. Taft Institute of Government, advisory committee for formation of memorial fund, February, 1960; United Settlement Appeal, sponsoring board.

In 1966 Kennedy served six months by Treasury appointment on the Federal Advisory Committee on Financial Assets.

In 1967 President Johnson appointed Kennedy chairman of the Commission on Budgetary Concepts. The commission's recommendations were completely accepted and have been incorporated totally in the budget to be submitted to Congress early in 1969. This "Kennedy Budget" marks a revolutionary break with past methods and hopefully will ease problems of administration and finance.

Kennedy has accepted special assignments in relaying the U.S. government's policies to financial leaders of other nations. He is a member of the British-American Chamber of Commerce dating back to Dec., 1961.

Council for Latin America; German-American Chamber of Commerce, advisory council, May 22, 1963; International Enterprise Fellowships, advisory committee, May, 1965; Radio Free Europe Fund, Inc., Dec. 2, 1964; Radio New York Worldwide, director, Sept., 1962.

He is a past member of the Franco-American Industrial Liaison Committee, since Nov., 1959.

Kennedy has played an active role in educational affairs. He has been particularly interested in the growth of the University of Chicago, serving (1963–1966) as chairman of the council on the Graduate School of Business. He remains a trustee of the university, having been elected June 13, 1957.

Brigham Young University, chairman of executive committee, development council (established Jan. 19, 1966); DePaul University, board of associates, Oct. 26, 1964; University of Illinois, citizens committee; George Washington University, trustee, appointed June 4, 1966.

Kennedy holds several corporate directorships: Abbott Laboratories, April 11, 1957; Adela Investment Co., S.A., Sept. 30, 1964, a member of the executive committee and one of the original members of this international firm for investments among the developing nations; Commonwealth Edison Company, elected May 19, 1959; Communications Satellite Corporation, Sept. 17, 1964, a director since its original incorporation and an incorporate (since Oct. 1962) by appointment from President John F. Kennedy; Equitable of Iowa, trustee, elected Jan. 23, 1958; International Harvester Company, Nov. 20, 1958; The Pullman Company, Jan. 22, 1961; Swift and Company, Jan. 25, 1962; United States Gypsum Company, May 9, 1962.

Long active in banking asociation work, Kennedy is a leading member of the American Bankers Association. He was formerly a member and chairman of that body's government borrowing committee. This key committee meets regularly in Washington to advise Federal officials on financing operations.

American Institute of Banking, trustee of endowment fund of Chicago chapter, May 7, 1962; Association of Reserve City Bankers, elected member, 1957; Chicago Clearing House Association, chairman, elected Jan. 17, 1967; for a two-year term; Brookings Institution, trustee, 1961; Chamber of Commerce of the U.S.A.; Chicago Association of Commerce and Industry, committee on full employment; National Industrial Conference Board, Dec. 14, 1961; The Newcomen Society of North America; The Savings and Profit Sharing Pension Fund of Sears, Roebuck & Co. Employees, trustee, elected Sept. 22, 1958; Savings Bonds Programs of Treasury Department, Illinois State advisory committee of U.S. savings bonds division, June, 1963; Chicago area industrial savings bonds committee, Feb., 1966; chairman of the banking industry campaign for 1968.

In the past, Kennedy has served on many banking committees.

American Bankers Association, executive council, 1960–1965, committee on government lending policy, subcommittee on debt management of government borrowing committee, committee on legal reserve requirements, resolutions committee, committee on commercial bank monograph: Association of Reserve City Bankers, director and treasurer, 1961–64, committee on international banking (1963); chairman of committee on investment policies (formerly committee on municipal bond underwriting) (1962–65), chairman of special committee on revenue bonds (1965–66), chairman of committee on federal relationships (1958–62); American Institute of Banking, chairman of committee for preparing new textbook on central banking, 1962; Investment Bankers Association, governmental securities committee, 1955–57; Illinois Bankers Association, council of administration, 1958–60; Federal Reserve Bank of Chicago, class A director group 1, 1961–63; Export-Import Bank of Washington, advisory committee, 1962–64; Chicago Clearing House Association, vice chairman, 1965–67.

Long active in the Mormon Church, Kennedy was until 1966 the First Councilor in the Chicago Stake Presidency of his church. For several years he also served as a bishop in Washington, D.C.

He is a member of Nauvoo Restoration, Inc., and served a two-year mission in Great Britain before he graduated from college.

Kennedy has said that "it is hard to evaluate the part religion has played in my business life. Belief in God makes one more interested in others and their problems. To help others, to learn, to grow in life—these are the important things."

SOCIAL MEMBERSHIPS

Illinois St. Andrews Society, life member, since 1963; Union League Club; University Club; Old Elm Club; Glen View Club; Chicago Club; Attic Club; Mid-America Club; Executive Club; Commercial Club, president, May, 1966 to May 1967; Bankers Club; Economic Club.

HONORS

Honorary degrees: Brigham Young University, honorary doctor of laws degree, June 3, 1960; Roosevelt University, honorary doctor of laws degree, June 15, 1964; George Washington University, honorary doctor of laws degree, June 6, 1965; Lake Forest College, honorary degree in humane letters, June 10, 1967.

OTHER AWARDS FROM EDUCATIONAL GROUPS

George Washington University Alumni Association, 1963 Alumni Achievement Award, June 5, 1963; Harvard Business School Association of Chicago, 1965 Business Statesmanship Award, May 10, 1965; Loyola University of Chicago, Founders Day Award, Oct. 31, 1966; University of Utah College of Business, Meritorious Achievement in the Field of Business award, May 19, 1967; Brigham Young University, Ernest L. Wilkinson Medal for extraordinary service to BYU, May 26, 1967.

MISCELLANEOUS HONORS

Illinois Society of Certified Public Accountants, 1963 Public Information Award, June 11, 1963; Junior Chamber of Commerce, Man of the Year Award, March 26, 1963; Chicago Chapter of the Public Relations Society of America, Community Service Award, Nov. 30, 1964; American Marketing Association, Marketing Man of the Year Award, Jan. 15, 1965; Junior Association of Commerce and Industry, nominated for Man of the Year Award in the field of commerce and industry, April 27, 1965; Banking Division of Greater Chicago Committee for State of Israel Bonds, testimonial banquet, Sept. 21, 1966; Illinois St. Andrews Society, Distinguished Citizens Award, Dec. 3, 1966; American Statistical Association, Decision Maker of the Year, March 29, 1968; DePaul University, St. Vincent DePaul Medal, April 26, 1968.

THE PORTSMOUTH NAVAL SHIPYARD

Mr. MUSKIE. Mr. President, I would like to invite the attention of the Senate to a resolution which was recently passed by the Portsmouth Chapter of the Navy League of the United States. In their meeting on Navy Day, October 24, 1968, that group of distinguished former naval officers expressed its conviction that the Portsmouth Naval Shipyard is vital to the defense of the United States.

The resolution is as follows:

> It was moved, seconded and passed unanimously, that the Portsmouth Naval Shipyard be kept open and in operation for the needed defense of our great country, these United States, and that the representatives in Washington be so advised, that this motion be presented before the Congress of these United States and be placed upon the Congressional Record.

THE POPULATION PROBLEM

Mr. TYDINGS. Mr. President, one of the major issues facing President Richard Nixon is the population problem. On the domestic scene he faces the problems of crowded, poverty-ridden inner cities. On the foreign front he faces the ever-increasing gap between the "have" and "have-not" nations. The problems are many, both at home and abroad—and the pessimistic predictions are they will become more unmanageable until the very peace and security of the world will be at stake. The facts are that sustained high population growth rates among the poor in America—and among the "have-not" nations abroad—are a principal factor contributing to the dilemma of poor people everywhere.

Recently, America has realized the impact high population growth rates have on economic and social stability. Under the administrations of President Kennedy and President Johnson the Congress has enacted legislation designed to provide voluntary family planning services in the United States, and to developing countries who request assistance. However, we are still in the initial stages of developing the kind of comprehensive national and international program equal to the need. A great deal more needs to be done before this country can effectively implement a population program.

THE PRESIDENTIAL COMMITTEE

President Johnson, realizing the necessity and importance of more effective administration and long range planning in this vital area of domestic and foreign policy, this year appointed a Presidential Committee on Population and Family Planning to "make a careful review of Federal policies and programs in relation to worldwide and domestic needs," and to define the Federal Government's role and responsibilities. The committee's report is a welcome step forward in establishing a framework for greater American participation in the worldwide fight to reduce the poverty and despair so evident in the world today.

The report is timely in that it calls for a transition from concern and debate to action. Also, it comes at a time when a new administration will soon be leading the country, and a course of action in this area is urgently needed.

REPORT LACKS BALANCE

Unfortunately, after reviewing the committee's recommendations, I believe that the report falls short of stating the needs of this very vital program. The report is dominated by the Department of Health, Education, and Welfare, containing extensive and detailed statements of what HEW intends to do or should do—while not addressing itself equally to the more important question of whether the presently existing administrative structures are designed to take on present and future expanded responsibilities. In fact, the Office of Economic Opportunity has spent more funds—$10 million in fiscal year 1968 directly on family planning services—than HEW. Also, OEO was the first organization to establish a pattern of support for U.S. family planning programs.

Additional evidence of HEW's failure to meet its responsibilities in this area was brought to my attention last year through a report prepared by Dr. Oscar Harkavy, head of the population program at the Ford Foundation, wherein he pointed out shortcomings in the HEW program in the population field. Also, in 1967, I participated in a Senate hearing in which Dr. Philip Lee of the U.S. Public Health Service, and others from HEW were questioned and criticized by Members of Congress for their failure to pursue a population program in a more determined progressive and imaginative manner. In my estimation the report indicates that the committee failed to measure the extent to which HEW has acted or failed to act upon the Harkavy report before proceeding with elaborate recommendations to increase HEW's role in this field.

The committee report was so heavily committed to perpetuating and expanding the existing Federal administrative structures and bureaucracy that it failed to recommend a specific funding level for the AID program, the largest, and along with OEO, by far the most successful population program in the U.S. Government. At present the AID program has the largest family planning budget of any agency, domestic or foreign. Of the $35 million obligated to date, $18 million was for direct assistance to foreign government programs; $7 million went to private nonprofit organizations, such as International Planned Parenthood Federation—IPPF—the Population Council, Inc., the Pathfinder fund; and $6 million was for assistance to U.S. universities to develop population studies centers. AID's assistance to universities presently is to the University of North Carolina, the University of Michigan, and Johns Hopkins University which has already been granted $1.3 million for its excellent population dynamics program.

It appears then that the committee report is sorely lacking in balanced recommendations—pointing out the need for the new administration to carefully examine the entire report and indeed the HEW bureaucracy which would implement it.

THE PEOPLE: FAR AHEAD

The people and the U.S. Congress have long been far ahead of the executive branch in recognizing the importance of population programs. Unless something is done by the new administration, I believe the executive branch and particularly HEW will continue to lag far behind the people and Congress. The new administration has an excellent opportunity to examine the experiences of the past and strike out boldly and imaginatively with a new approach to establishing an effective domestic and foreign population assistance program.

APPEAL TO NIXON ADMINISTRATION

President Nixon has indicated he will emphasize long-range planning in his administration. Nowhere is this needed more urgently than in the population field. I urge the new administration to firmly establish a national population policy. Further, I strongly urge that the administration establish population as a major priority of U.S. foreign policy. Former Defense Secretary Robert McNamara once stated:

> Security is development . . . and without development there can be no security. A developing nation that does not in fact develop, simply cannot remain "secure".

We know the tremendous impact population growth has on economic development. Just look at the countries in Asia, Africa, and Latin America, where population growth rates of 2.5 to 3.5 percent have created severe food shortages and strangled economic growth.

The backward, often subsistence agriculture practiced by the majority of developing nations can no longer support the rapidly burgeoning populations. The impact of severe food shortages is not only malnutrition and high infant mortality, but also loss of savings for capital investment funds, and lack of funds available for vital nonproductive social expenditures such as schools, public works projects, and so forth. All this means no development and without development there is no progress. Without progress you create a climate of social and political unrest so prevalent in today's world.

A SINGLE AGENCY

Therefore, I call upon the new administration to carefully examine the possibility of incorporating under the aegis of a single agency the administration of the several departmental and agency programs. Presently the Agency for International Development, the Department of Health, Education, and Welfare, and the Office of Economic Opportunity are chiefly concerned with family planning programs, and in one form or another the Department of Defense, the Department of Housing and Urban Development, and Department of Interior are also involved. For purposes of effective administration and long-range planning, a coordinating agency, headed by a Cabinet level administrator, may be the most efficient way to carry out the role of the Federal Government in this critically important area.

FOREIGN AID

In addition, I urge the new administration to support, and the 91st Congress to pass legislation that would earmark $100 million for population and family planning programs in the fiscal year 1970 foreign aid authorization.

On the domestic side, I endorse the committee's recommendation to increase Federal support of domestic population and family planning programs; however, I seriously question whether HEW has the capability to take on the additional responsibilities as defined in the report. I strongly recommend that the new administration give serious consideration to consolidating the several programs concerned with the administration of the domestic population program.

In summary, I welcome the committee's report and wholly support the recommendations for an expanded program, both domestic and foreign to make voluntary family planning services widely available, and to help avert the worldwide population crisis that is now upon the human race.

However, bold and imaginative programs will be required in order to effectively carry out U.S. responsibilities in this area.

I urge the new administration to act quickly to accomplish this task.

Mr. President, I ask unanimous consent to include in the RECORD the eight recommendations made by the President's Committee on Population and Family Planning:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1. That the Federal Government rapidly expand family planning programs to make information and services available by 1973 on a voluntary basis to all American women who want but cannot afford them.

This policy will require an increase in the Federal appropriation for domestic family planning services, to be provided on a strictly voluntary basis, from $30 million in the fiscal year 1969 to $150 million in 1973. This is a small price to pay for providing help to an estimated five million women now deprived by poverty and ignorance of the opportunity to plan their families effectively.

2. That the Department of Health, Education, and Welfare and the Office of Economic Opportunity develop specific five-year plans for their population and family planning programs.

The task to be done is so complex that a detailed, long-range plan is essential for translating policy into day-to-day operations. A prospectus for such a plan is presented in the full report.

3. That the Office of Education provide significant assistance to appropriate education agencies in the development of materials on population and family life.

All levels of the educational system stand in need of materials and curricula on the causes and consequences of population change, so that the American people can confront population issues intelligently. Also needed are curricula on family life so that personal decisions about marriage and parenthood can be made responsibly and with adequate information. Federal assistance for local educational programs in these fields should be expanded rapidly to at least $8 million annually.

Beyond this nation's domestic needs, the United States shares with other nations a concern about the world's population problems. Increasing numbers of countries, caught in the crisis of rapid population growth, recognize that their aspirations for a better life may be frustrated without effective population and family planning programs. Assisting such programs is now an integral part of our national commitment to help the developing countries. The Committee therefore recommends:

4. That the United States continue to expand its program of international assistance in population and family planning as rapidly as funds can be properly allocated by the U.S. and effectively utilized by recipient countries and agencies.

Reducing population growth is not a substitute for economic development. And yet in most of the developing countries, a decline in birth rates is necessary if they are to satisfy the reasonable aspirations of their people. Programs in population should continue to have high priority and increasing support as part of general assistance to social and economic development. It is clear now that our expenditures for assistance in this field should grow substantially in the next three to five years; however, the amount and allocation of increase should depend on a continuing review of our efforts in this field and the scale and effectiveness of programs undertaken by the developing countries.

5. That experienced specialists from other countries be invited to serve on advisory groups for both our domestic and international programs.

The American contribution to population programs abroad can only be a small part of their total costs, so it must be allocated through a carefully considered set of priorities to maximize long-term effects. This allocation will be more effective if the Federal Government seeks the advice of experts from other countries, some of which have more experience with large-scale family planning programs than our own country. Americans have served on such advisory groups for other countries; we should seek in return the benefit of similar advice for both our domestic and international programs.

Additional research and a greater supply of trained personnel are essential for both domestic and foreign programs. Larger research programs, especially when combined with the recommended expansion of service programs, will create a demand for qualified personnel and for programs to train them. The Committee therefore recommends:

6. That the newly established Center for Population Research accelerate the Federal Government's research and training programs in both the biological and social sciences and that within two years the Center be expanded into a National Institute for Population Research, established by act of Congress.

The expanded program of biomedical and social science research and training in population supported by the National Institute of Child Health and Human Development and coordinated by its Center for Population Research should rise to $30 million in the fiscal year 1970 and to $100 million in 1971. This level of funding will enable the Center to launch needed programs on improved methods of contraception, basic research on the physiology of reproduction and social science research integral to population problems. The Center should become the focal point within the government for information about population research and training, whether domestic or foreign. Planning should begin now to bring about its transformation into a separate National Institute for Population Research within the next two years.

7. That the Federal Government provide basic support for population studies centers.

Priority should be given to basic support for existing population centers primarily in universities to carry out research and training programs in the biomedical, health and social sciences. Support should also be given to the establishment of additional university centers. Such support will attract scientists, teachers and administrators by assuring them of career opportunities. Basic support for existing and additional centers, including construction, is estimated at an average annual cost of $40 million.

Making family planning available and effective is a principal aim of the actions recommended for immediate consideration, but family planning is only one of the important influences on population change. Population trends are influenced profoundly by many other things—for example, by tax policies, participation of women in the labor force, job and housing opportunities, population mobility, and marriage rates. Unfortunately both knowledge and public information about population trends and policies are limited. The present report, completed in four months, should be supplemented by a more thorough review. The Committee therefore recommends:

8. That Congress authorize and the President appoint a Commission on Population.

Such a Commission should make the American public aware of the economic, educational and social impact of population trends. It should analyze the consequences of alternative U.S. policies in the light of this country's determination to enhance the quality of American life. It should evaluate the progress of this nation's programs and review the extent to which the recommendations of this Committee have been implemented. The Commission could have a major impact in highlighting for the American people the urgency and importance of the population problem.

NOTE.—These proposals have been selected by the Committee as deserving of special emphasis. They are taken from the full report.

SPEECH BY POLICE CHIEF THOMAS J. CAHILL AT FBI ACADEMY GRADUATION EXERCISES

Mr. MURPHY. Mr. President, shortly after the 90th Congress adjourned, a distinguished Californian, Thomas J. Cahill, chief of police in San Francisco, delivered the principal address at the graduation exercises of the 82d session of the FBI National Academy here in Washington. His remarks are as timely today as they were then. They are worthy of the attention of every American concerned about the problems of law enforcement, and I ask unanimous consent to have his speech printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS OF THE HONORABLE THOMAS J. CAHILL

Thank you very much, Director Hoover, for that very fine introduction.

Distinguished guests, ladies and gentlemen, and members of the 82nd graduating class, it is indeed a privilege and a great honor that has been given to me by the Honorable John Edgar Hoover to have a small part in the joy and the deep satisfaction that must come today to the members of this class, their wives and families, their relatives and the friends of law enforcement.

I certainly want to pay tribute to you who have been selected to participate in this great opportunity. This did not just happen. There are many in the field of law enforcement who would like to have this opportunity but have not had that chance.

When you were recommended by your own chief, this was not enough. You were subjected to an intensive investigation into your entire career and your background by the greatest law enforcement agency in the world, the Federal Bureau of Investigation. Some of the prerequisites for your selection were honesty and integrity, without which any of you would be a fraud. You stood the test, and you were accepted by the Federal Bureau of Investigation to come here and to receive the special training you now have. My congratulations to you!

Also, I want to congratulate you for having successfully completed the intense and arduous courses that you had to take here, and you carry away with you a depth and a breadth of knowledge that you did not have before. But I want to say to you that this opportunity also carries with it a great and grave responsibility on your part. Listening to your class President, Chief Howard Earle, who is an old friend of mine, I know that you recognize this responsibility.

Perhaps we should take a look at where we stand today. I stand here before you, first of all a man, a father, a police officer, a Chief of Police and President of the International Association of Chiefs of Police. Despite everything that we see and hear about what is wrong with America, I have full confidence in the youth of our Nation and in this Nation as a whole. We see many young people who are engaging in activities that are a sad commentary on our enlightened society because they are not taking advantage of the privileges of freedom. They are taking license, and some place along the line this has to stop. But I want to say to you that there are also many young people in our American schools today for the purpose of gaining an education that will enable them to succeed in our competitive and complex world. I believe the high ideals of these students will outweigh the disadvantages brought about by those with other ideas, some of whom would destroy our way of life. I am confident that among these young people on the right side and with the right objectives, there is the leadership, there is the dedication, there is the civic-mindedness, and, above all, there is the loyalty that will meet the challenges of our time and make for noble progress in this Nation of ours. As Chief Earle has pointed out, it is certainly encouraging to us in this era that the general public realizes what is happening in the United States, and our citizens understand that they must rise and support law enforcement and put an end to the undue criticisms we have been receiving in large measure. I do not refer to criticism of those in our professions who are wrong, since we do have some such individuals. We are all human, and there are human weaknesses and human failures. However, it is our responsibility as administrators to remove these individuals from the profession, or to properly and adequately discipline them. This is the responsibility we accept.

On the other hand, we cannot—and must not—condemn the vast number of dedicated people in the field of law enforcement today. We should always remember the words of Teddy Roosevelt: "It is not the critic who counts; not the man who points out how the strong man stumbled, or where the doer of a deed could have done better. The credit belongs to the man who is actually in the arena; whose face is marred by dust and sweat and blood; who strives valiantly; who errs and comes short again and again, because there is no effort without error and shortcoming; who does actually strive to do the deeds; who knows the great enthusiasms, the great devotions, who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement; and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who have tasted neither victory nor defeat." Well, certainly this label of "cold and timid souls" can never be applied to law enforcement officers or those in the police service anywhere today, in the United States or in any part of the world, because we are confronted with difficulties and problems and great changes never before known in the history of our profession.

Again, this is a challenge, and it will be met as long as we have men like the representatives in this class here this morning who have dedicated themselves to their profession, who are devoted to enlarging their scope of knowledge, and who will now return to their various jurisdictions to carry out their duties in keeping with this dedication. In view of the caliber of training and the wealth of knowledge that have been imparted to you men by the very capable instructors of the FBI National Academy, it is indeed a real credit to this country to have in the field of law enforcement a man so dedicated to professional training as the Honorable John Edgar Hoover. Over many years he has devoted his time and attention to the security of this Nation. I know of no man who has made a greater contribution to the safety, the security and the progress of this Nation than John Edgar Hoover. And you members of this graduating class have benefited and obtained an elite education from the organization he has so capably headed for such a long period of time. When you return to your communities, you are not going back to the performance of routine police work because this is no longer our path. We are confronted today with persons in society who would destroy in order to obtain what they feel is theirs. Now nobody is more conscious of the rights of individuals and their right to have their fair share in this affluent society than the members of law enforcement. Yet, because we in law enforcement stand as the immediate symbol of the authority with which some of these people are at odds, we, therefore, bear the brunt of their wrath and their attack, which is not good for our Nation. There has to be a change. The rights these people seek will have to be obtained by other means than those being employed today.

Each one of you will be put to the test to perform your duties with a deep understanding of the human aspects of police work today. We are overburdened with tasks and weakened by a lack of sufficient manpower in many areas. We have all the problems of law enforcement as we have known them before in regard to murders, robberies, burglaries, and the other major crimes—only now they are multiplied many times. Then we have all of the problems arising out of the great change that is taking place in the social order. Our communities are changing—with a mobility of people that we have never known before. In crimes there is a viciousness that we have never seen before. In addition, we have the problems of youth as we see them on our college campuses. And we have the problems of rebelling youth as we see them in areas like our own Haight-Ashbury District in San Francisco.

Each one of you must play a very important and a very sensitive role so that we enforce the law and we assure that no citizen's rights are trampled on.

You can have full confidence returning now with the breadth and the depth of the knowledge that is yours from this training and with the full support of the great organization known as the Federal Bureau of Investigation behind you. When you leave here, you are not the same man who came here three months ago. You are a much bigger man in your profession. You have greater responsibilities than ever before—a responsibility now to your own department and a responsibility to the Federal Bureau of Investigation for the knowledge that has been given to you.

You now automatically become members of another organization spread throughout the United States and many parts of the world—the FBI National Academy Associates, all graduates just like you. These men are ready and available for you to contact and work with and I'm sure that your associations will be beneficial.

Your enthusiasm and confidence should be bolstered by the realization that the public is rising to your defense. This great Nation of ours, whose blessings we enjoy, today serves as a reservoir of liberty to which each generation has made its contribution. And I want to say to you that you now have a grave responsibility to make your contribution, and I am sure you will meet the challenge. Each one of you is the promise of an America continuing to grow in the strength of liberty, freedom, justice and true accomplishment.

You citizens in the audience today who are not directly involved in law enforcement, except for your interest and support, have an opportunity to spread throughout this great Nation of ours a realization that we in law enforcement are a thin blue line and that we cannot hold this line alone. You are part of approximately 200 million people in this great United States and we number only approximately 375,000, and therefore we need a tremendous amount of support.

In riding here on the plane I was speaking to a gentleman who is chief of a division of this particular airline, the service division responsible for the care and safety of the planes. He pointed out that the people in the airline industry are extremely competitive in sales, but when it comes to safety they are willing and anxious to pool their resources in every possible way. No secrets are kept when it comes to safety and security. We in the field of law enforcement, no matter what branch we are in, feel the same way. We pool our resources for the protection of the citizens.

In return, I certainly hope that you will start a real movement in this Nation toward solid support for law enforcement so that our mutual efforts may make our operations more efficient for your protection. This is a challenge.

To the news media, I want to say that they too have a tremendous responsibility to gather the news, disseminate that news, and at the same time to be factual. I would hope that they would focus a little more attention on the thousands of instances of outstanding service on the part of police officers throughout the Nation, and perhaps a little less attention on the weaknesses and evils of some of the men who become involved in misconduct. Now I am not saying that we will or that we should cover up anything that is wrong in our own organization because this would not be in keeping with our own code and certainly would not benefit our own organization or the Nation. But I hope that the news media in shaping the thinking and philosophies of our time would give just a little more recognition to the men who day in and day out risk their lives for the protection of all.

To the members of the press, I say that we recognize this has to be a two-way street. We assure you that we will work with you hand in hand. Naturally, there are times when things happen over which we have no control. At times our task entails much more than just "ordinary police work" because at times we find ourselves at war on the streets of our cities. And we are certainly grateful to news media for the coverage and the support they have given to our earnest efforts at such times.

I would be remiss indeed if I did not express my appreciation at this time to the branches of the military services. They have been great. And remember also that we in our efforts are basic to the security of not just our own local jurisdictions but to the State, the Nation and the world as a whole.

To the men, directly in the field of law enforcement, let me say this to you. Upon your shoulders rests the majesty of the law and it is your responsibility to carry it seven feet tall, high above the mist of suspicion, indecision or inaction. You must forge ahead, elevating the standards of law enforcement day by day and carrying out your own duties with a greater degree of excellence than ever before. And in this way, you too, like the great and the Honorable John Edgar Hoover, will write another glorious chapter on law enforcement in the fascinating book of human achievement. This is a challenge to the citizens, the news media, and law enforcement—that includes myself. This is the challenge I leave you. Good luck and God bless you.

FIFTY-FIRST ANNIVERSARY OF UKRAINIAN INDEPENDENCE

Mr. DODD. Mr. President, today, January 22, marks the 51st anniversary of the proclamation of Ukrainian independence and the 50th anniversary of the Act of Union, uniting the western Ukraine with the Ukrainian National Republic.

The Act of Union was solemnly proclaimed on January 22, 1919, in Kiev, in St. Sophia Square, which was thronged with hundreds of thousands of people. It read in part:

> . . . From today on, there shall be united in one Great Ukraine the long separated parts of Ukraine-Galicia, Bukovina, Hungarian and Dnieper Ukraine. The eternal dreams, for which the finest sons of Ukraine lived and died, have been fulfilled. From today on there shall be only one independent Ukrainian National Republic. From today on the Ukrainian people, freed by the mighty upsurge of their own strength, have the opportunity to unite all the endeavors of their sons for the creation of an indivisible, independent Ukrainian State for the good and the welfare of the working people . . .

So strong was the Ukrainian desire for freedom and so overwhelming their unity, that even Lenin was initially compelled to bow to this unity and to accept the Ukrainian nation as a fact of life.

On December 17, 1917, immediately after signing the armistice with the Central Powers, Lenin issued a proclamation officially recognizing the Ukraine as a completely sovereign and independent state. Let me read the words of this proclamation, so that we can better mark the depth of Bolshevik perfidy.

> We, the Soviet of People's Commissars, recognize the Ukrainian National Republic and its right to separate from Russia or to make an agreement with the Russian Republic for federative or other similar mutual relations between them. Everything that touches national rights and the national independence of the Ukrainian people, we, the Soviet of People's Commissars, accept clearly without limitations and unreservedly.

But such was the perfidy of the Bolshevik regime that, having made this categorical statement on the independence of the Ukraine, it immediately presented an ultimatum to the Ukrainian Central Rada charging it with failure to recognize the Soviet government and demanding that it help the Bolsheviks against the anti-Communist units operating in the Don and Kuban regions.

On December 25, only one week after the recognition of Ukrainian independence, Red army units began to pour across the border into the Ukraine.

There ensued a bitter war between the Ukrainian nationalists and the invading army, a war which dragged on until the end of 1920 and which took many hundreds of thousands of lives. The war ended with the Red army triumphant and the Ukrainian people in chains.

The Ukrainians are a people 40 million strong with a proud and ancient culture and with as strong a sense of national identity as can be found anywhere in the world. And their national unity is only the stronger for the fact that they have known the meaning of national oppression over the centuries, and that they have been compelled to fight both against the imperialism of Czarist Russia and against the new Communist imperialism.

Use whatever criterion you will, if there is a people anywhere in this world that is entitled to the right of self-determination, it is the Ukrainian people.

The Soviet Union maintains the pretense that the Ukrainians swoon with affection for the Moscow tyranny and that they have absolutely no desire to separate themselves from the so-called Federation of Soviet Socialist Republics.

If they are so sure of themselves, then I say to the Soviet leaders that the best way to prove their claim to the rest of the world would be to permit the United Nations to conduct a referendum in the Ukraine—yes, and in the rest of the captive nations, too.

Personally I have no doubt about the outcome of such a referendum.

That the Bolshevik terror has not succeeded in suppressing the will to freedom among the Ukrainian people is demonstrated by numerous documents.

Documents concerning the arrest and imprisonment of hundreds of Ukrainian intellectuals have recently reached the West. One of the most eloquent letters emerging from the Ukraine was written by Vyacheslav Chornovil, a 30-year-old literary critic and journalist, who had protested against the imprisonment of other Ukrainian intellectuals. Before he was arrested, he wrote to the head of the Ukrainian Communist Party in these terms:

> You are indifferent to human tragedies, to the demoralizing action of fear which creeps like a cold serpent into many a Ukrainian home. Your only concern allegedly is to see that the law is upheld. Therefore, let us take a look at what is presently going on in the Ukraine, from the point of view of socialist legality. There is ample evidence today from which to draw proper conclusions. I submit my opinions not because I have any hope of alleviating the plight of the individuals who were sentenced and imprisoned. You have taught people not to foster such naive hopes. However, failure to express one's view about what is happening would indicate silent participation in the willful abuse of socialist legality.

It is proper that the Senate of the United States should each year mark this day.

We do so in the first place as an earnest of our opposition to Communist tyranny everywhere.

And we do so in the second place in order to combat an even greater enemy than Communist tyranny: the indifference of free men to the suffering and enslavement of others and the complacency which accepts an injustice, however monstrous, as legitimate and lawful if only it is continued long enough.

That is why each year at this time we urge upon just men everywhere the case of the imprisoned millions of the Ukraine, of their inalienable rights to freedom and independence, and of their determination to regain those rights.

We again serve notice that our people and our Government will never accept their enslavement as a permanent fact of history, and we remind the world that true peace will never be achieved so long as this Communist warfare continues against the people behind the Iron Curtain.

THE NATIONAL PARK SERVICE—A GREAT ASSET TO THE ECONOMY

Mr. NELSON. Mr. President, what many people have been suspecting for a long time about the value of our National Park Service has now been proved by a factual study.

The contents of a study dealing with the economic worth of our great natural heritage recently was released by the Department of Interior.

Dr. Ernst W. Swanson, an eminent economist and now professor emeritus at North Carolina State University, showed that the $102 million appropriation spent on the park system is returned to the people at a rate of 46 to 1, and actually earns $23 on personal income for every man, woman and child in the United States.

The economic benefit is measured by the amount of money 105 million visitors spent in 1967. Actually 140 million visits were paid the parks in that year, but 25 percent of the total was discounted since they were classified as single-day visitors and did not spend substantial amounts as did the other 75 percent. These 105 million generated $6.35 billion in travel expenses; $4.76 billion in personal income; $5.71 billion added to the gross national product; $952 million paid in Federal taxes.

The average park visitor stayed 4 days and spent $15.12 per day.

Dr. Swanson measured the interest rate and the personal income return and estimated that the National Park Service is worth $119 billion—far, far less than has actually been invested in it. The indisputable fact we now realize is that we can afford to spend more and set aside more of these priceless assets for the use and enjoyment of all.

This conservation decade has seen a rejuvenation of our serious quests for open spaces.

Since 1960, attendance at our national park system has increased by over 100 percent from 70 million visitors then to 153 million in 1968.

These parks need little upkeep, surprisingly low investment and development—and they should be left as untouched as possible—and our rapidly expanding population is pressing them into use at fantastically rising rates. More people, more leisure time, more money to spend almost certainly dictates a militant policy on the part of the Congress and the administration to pursue every opportunity we can to keep in perpetuity every one of these natural settings. Time is precious, and land values are consistently escalating faster than we can raise our sights.

Congress and the administrations since 1960 have paid heed to this unprecedented public demand for recreation and wilderness areas. They have set aside 3,800,000 additional acres of land. Over 50 new recreational areas have been added, including national lakeshores, seashores, a national trails system, and a wild and scenic rivers system. In addition, water and air quality standards have been promulgated and over 40 water pollution control conferences have been called to save our interstate waters.

I think that my colleagues would benefit by the reading of a summary of the study which the Department of Interior has released and I ask unanimous consent that documents dealing with it be inserted in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Park System Visitors Poured About $6.35 Billion Into National Economy in 1967

Visitors to the National Park System in 1967 contributed some $6.35 billion to the national economy in travel expenditures, Dr. Ernst W. Swanson, North Carolina State University economist, reported today.

The nation also benefited from this outlay, he said, in the form of an estimated: $4.76 billion in personal income, $5.71 billion added to the Gross National Product, $952 million in Federal taxes.

The estimates are from Dr. Swanson's summary of his "Study of the Impact of National Park System Travel on the National Economy," which he has just completed for the National Park Service. The economist concluded that National Park System travel "contributes far more to the economy dollarwise than has been generally supposed. The $4.76 billion in personal income represents more than $23 for every man, woman and child in the United States."

Dr. Swanson said "the figure is quite sizable as a matter of gain to the nation from assets being preserved for posterity." He said the National Park System gives a "46-to-1 return per dollar of annual appropriation. The total personal income of $4.76 billion from Park System travels is realized on an appropriation of only $102 million, a figure far inadequate for the country's needs."

The $4.76 billion in personal income includes $1.90 billion in direct income and another $2.86 billion in indirect income caused by the chain reaction of spending. Dr. Swanson said that the Gross National Product, "the best measure of national well-being," runs about 1.2 times the national personal income. Thus the personal income derived from Park System travel actually generates some $5.71 billion of the GNP on the conservative assumption that the ratio to GNP is the same as the national ratio.

Using an interest rate of 4 percent and the personal income return of $4.76 billion, the economist estimated the value of National Park System assets at $119 billion. The Federal tax figure is from Treasury Department estimates.

Dr. Swanson estimated, from a number of studies, that the average park visitor spent about $15.12 a day and stayed in the park four days. He estimated that 25 percent of the 140 million park visitors in 1967 were nearby residents, day visitors or otherwise not sufficiently "income-generating" to consider in his study. The remaining 105 million, at $15.12 a day, thus contributed $6.35 billion in travel outlays.

"Until one has traveled to the majority of the national parks," said Dr. Swanson, a wide-ranging visitor to the major parks, "it is difficult to realize how much money is spent by the traveling public.

"To go by car from Washington, D.C., to Grand Canyon National Park will cost two people at least $30 a day or more. With a week or so at the park the vacation will cost them at least $600.

"The demand for recreation has reached heights which a decade ago could only be sketchily foretold," his report said. To the question, "Can we afford mass attendance threatening the very existence of our parks?" he replied: "The National Park System is such a powerful generator of a sizable amount of the national income, that there is no convincing reason why Congress should not provide whatever funds are necessary to guard against such a threat and to maintain, operate and perpetuate these valuable lands and waters."

"These are, indeed, irreplaceable assets that serve us in the understanding of nature, our cultural background, and the beginnings of this nation and of the continent. Dollar signs cannot be attached to knowledge so significant. But the economic value alone justifies our continued care of these assets and emphasizes the great need of increasing, rather than tightening, the funds available for the proper care and maintenance of the National Park System."

Dr. Swanson is professor emeritus of economics at North Carolina State. He served as principal fiscal analyst, Bureau of the Budget, 1941–44, and as economic adviser, Conference of Appalachian Governors, 1963–65, President's Appalachian Regional Committee, 1964–66.

SUMMARY OF A STUDY OF THE IMPACT OF NATIONAL PARK SYSTEM TRAVEL ON THE NATIONAL ECONOMY

(By Dr. Ernst W. Swanson, professor emeritus of economics, North Carolina State University at Raleigh)

The value of the National Park System to Americans is not measurable in strictly monetary terms. But it can be shown that travel to the national parks, monuments, and other areas of the system contributes far more to the economy dollarwise than generally has been supposed.

The park system is of such significance both qualitatively and quantitatively as to occupy a major role in the daily life of a nation undergoing marked social and economic changes. Trips to the National Park System in 1967 benefited the national economy to the following extent: $6.35 billion in travel expenditures which resulted in $4.76 billion in personal income, $5.71 billion added to the Gross National Product, $952 million in Federal taxes.

The $4.76 billion in personal income represents more than $23 for every man, woman and child in the United States. This figure is quite sizeable as a matter of gain to the nation from assets being preserved for posterity. Unlike the mining and the oil industries, for example, which give up non-renewable resources, the National Park System yields its contribution with little or no diminution of its resource values. Wilderness resources are even increasing in value, materially as well as in less tangible ways.

To calculate the economic impact of park system visitors we take these steps:

1. Determine the number of visitors who make major expenditures by staying overnight at or near a park system area. One-day visitors are omitted because we can't make any valid assumption as to their spending behavior. Under presumptions based on studies at major national parks, and a review this past summer by this writer of dozens of park and regional spending patterns, a reasonable "average" figure can be derived. To adjust for day visitors we reduce the total visitations by 25 percent. Thus, transients and double counting may be largely omitted. The truly income-generating park visitors are those who stay overnight and who travel a substantial distance to reach the park. At Yosemite, Sequoia and Kings Canyon national parks, the income-generating visitors may be no more than 55 percent of the total. At Grand Canyon, Rocky Mountain, Grand Teton, Zion, Glacier and other parks 95 percent may be income-generating, based on park studies, park statistics and my review in the summer of 1968.

2. Establish expenditures per person for visitors staying more than a day in the state in which the park is located. From visitor expenditure figures taken in varying years in two states, five national parks and one national seashore, and adjusting them for differences in price levels, we found this average visitor spent about $15.12 per day. From several recent studies, data from the Fred Harvey Company and my own interviews with travel group members, we concluded that 4.0 days is the average length of stay.

3. Thus 75 percent of the total 1967 park system visitation of 140 million gives us 105 million income-generating visitors who spent $15.12 each per day for four days, or a total of $6.35 billion.

4. This figure, however, is total outlay whereas the best measure of the economic impact of visitations is personal income. The $6.35 billion includes most excise and sales taxes, business savings, undistributed profits and expenditures for goods brought into the area. According to the Bureau of Labor Statistics, direct personal income runs about 30 percent of gross outlay. Thus, we find $1.905 billion in direct personal income resulting from park travel. This is the income of merchants, retailers, service station operators, restaurant owners and the employees of all the travel-related bsuinesses.

5. There is indirect personal income as well, however, resulting from the park travelers' outlay. Indirect income is that income resulting from the effects of the spending of the direct income receivers. The service station owner's wife buys an overcoat, for example. The clothier pays his clerks who, in turn, buy groceries. The chain reaction of spending naturally will be greater in a diversified economy such as the Northeast than in a highly specialized area as, say, around Glacier National Park. Economists measure this effect by tracing the use of a dollar over and over. The first spending contributes $1.00 to the money flow but if a family is saving 30 percent, then the amount returned to the flow is $.70. The next time around, assuming the same withholding of 30 percent, 70 percent of the $.70 is returned, or $.49. Next time it's 70 percent of 49 cents or 34.3 cents and so on until nothing is returned to the money flow.

Now, to get some measure of this indirect income, we resort to a variation of the investment multiplier technique used to measure the probable effects of investment. If there is a withholding of 30 percent from the initial dollar spent, we compute a multiplier effect of 3.333 (.30 into 1.0). But evidence from a variety of research studies shows this figure much too high and the rate of withholding as applied to travel-derived income is really about 40 cents on the dollar which produces a multiplier of 2.5.

Studies show that the multiplier varies from as low as 1.12 to 3 or more, depending on the economic complexity and size of the region being studied. The 2.5 figure also is an "in-between" value, based on the findings of the Robert R. Nathan Associates, research groups of the universities of Utah, Colorado, and Wyoming and of Memphis State and Colorado State universities. This figure is an approximation which reflects a balancing out of the highly developed, populous areas with the poorly developed and sparsely populated areas.

In a strict sense, 2.5 is not an average but a judgment based on knowledge of the economic conditions of the National Park System locales. Had we selected a multiplier of 3.0, a figure supported by some writers, we would have obtained a figure of $5.7 billion as the total contribution to direct and indirect personal income of National Park System travelers. Our more realistic multiplier of 2.5, deemed more representative of the nation as a whole, gives us a personal income figure of $4.76 billion contributed by National Park System travel.

If we study the nature of formation of the Gross National Product (the best measure we have of national well-being) we find that GNP runs approximately 1.2 times the national personal income. Thus, the income contribution of National Park System travel gives a figure of $5.71 billion as the amount of GNP generated by National Park System travel.

Another remarkable contribution of the National Park System to the national economy lies in the Federal taxes accruing from park visits. The Treasury Department makes a rough estimate that 20 percent of total personal income goes into Federal taxes. At this rate, travel to the National Park System resulted in $952 million in taxes for the Federal Government in 1967.

Still another graphic indication of the National Park System's economic impact is its 46-to-1 return per dollar of annual appropriation. The total personal income of $4.76 billion from Park System travels is realized on appropriations of only $102 million, a figure far inadequate for the country's needs.

Although the National Park System cannot be evaluated adequately in dollars and cents, we can compute a business-type capitalization based on the personal income contribution from Park System travel. To derive a "market value" of the Service's assets, we multiply the personal income contribution by some factor that reflects the going market rate of interest. We select a 4 percent rate; business firms, facing higher risk conditions, would use a higher rate. On the assumption that the annual income here is a perpetual annuity, we divide 100 by 4 then multiply this factor of 25 by the total personal income contribution. On this basis the value of the National Park System assets may be said to be $119 billion.

Until one has traveled to the majority of the national parks, it is difficult to realize how much money is spent by the travel public. Californians spend about $2 billion a year on vacations; visitors to the state spent $900 million in 1967.

To go by car to Grand Canyon National Park from Washington, D.C., with reasonably priced lodging and meals and as much as 40 cents or more for a gallon of gas, will cost two people $30 a day or more. With a week or so at the park, the vacation will cost two people at least $600. Rentals of campers and travel coaches may be as expensive as lodging at a high-class motor inn at $10 per person.

Residents of some areas derive much of their livelihood from park travel; for those in the Jackson Hole country at Grand Teton National Park, the park is the source of half their living.

The biggest business in Cortez, Colorado, and surrounding Montezuma County is the servicing of travelers to Mesa Verde National Park, Hovenweep National Monument, and Aztec Ruins National Monument. There are 342 motel units, plus a hotel of 50 units—a 25 percent increase in the last five years. Yet, more accommodations are needed. Some 130 to 150 travel parties have been turned away each night during the peak season. About 1,100 travelers are given lodging, leaving some 435 to 525 without accommodations. The daily income from travelers runs as high as $15,000 during the peak season, less than half that in the off season.

The demand for recreation has reached heights which a decade ago could only be sketchily foretold. Can we afford a burden of visitations so immense as to threaten the very existence of our parks and landmarks? To this question there is an answer: Our National Park System is such a powerful generator of a sizeable amount of national income, that there is no convincing reason why Congress should not provide whatever funds are necessary to guard against such a threat and to maintain, operate and perpetuate these valuable lands and waters.

These are, indeed, irreplaceable assets that serve us in the understanding of nature, our cultural background, and the beginnings of this nation and of the continent. They are the sources and stores of history, anthropology, archaeology, zoology, climatology and geology. Dollar signs cannot be attached to knowledge so significant that it can never be found again in another place or time.

Dollar signs can be placed, however, on the economic activities arising from their presence, the values to the nation of the travel outlays and expenditures arising from visits to these assets, even though such figures pale in significance in comparison to the knowledge gained, recreation enjoyed and psychological and spiritual enrichment realized.

UKRAINIAN INDEPENDENCE DAY

Mr. BURDICK. Mr. President, it is on this anniversary of the founding of the Ukrainian National Republic that I ask unanimous consent that the Ukrainian Independence Day Proclamation signed by North Dakota Gov. William Guy be printed at this place in the CONGRESSIONAL RECORD and that the same be a reminder that the spirit for freedom still lives.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

STATE OF NORTH DAKOTA,
Executive Office, Bismarck.

PROCLAMATION

Whereas, on January 22, 1969, Ukrainians in North Dakota and throughout the free world will solemnly observe the 51st anniversary of the proclamation of a free Ukrainian state, and

Whereas, after a defensive war lasting 4 years, the Ukrainian state was destroyed in 1920 and a puppet regime of the Ukrainian Soviet Socialist Republic was installed, later becoming a member state of the Soviet Union, and

Whereas, the once free Ukraine is now no more than a colony of Communist Russia and its vast human and economic resources are being exploited for the purpose of spreading communism, and

Whereas, the United States Congress and the President of the United States of America have recognized the legitimate right of the Ukrainian people to freedom and national independence by respectively enacting and signing the Captive Nations Week Resolutions in July, 1959, which enumerated Ukraine as one of the captive nations enslaved and dominated by Communist Russia, and

Whereas, some 25,000 Americans of Ukrainian descent now living in North Dakota have made significant contributions to both state and nation.

Now, therefore, I, William L. Guy, Governor of the State of North Dakota, Do hereby proclaim Wednesday, January 22, 1969, as "Ukrainian Independence Day" in North Dakota and urge all citizens to demonstrate their sympathy with an understanding of the aspirations of the Ukrainian nation to again achieve its rightful inheritance of freedom and independence.

In witness whereof, I have set my hand and caused the Seal of the Great State of North Dakota to be affixed this 13th day of January, 1969.

WILLIAM L. GUY,
Governor.

Attest:

BEN MEIER,
Secretary of State.

BIAFRAN RELIEF—WORDS TO ACTION

Mr. GOODELL. Mr. President, many voices of concern have been raised over mass starvation in Biafra.

What we are talking about are those ways in which we, as legislators, can alleviate this tragedy. On the one hand, we have the context of civil war in Nigeria; on the other, we have millions of starving people its victims.

While I maintain neutrality in the civil war which rages, starvation knows not neutrality. We must respond. We must help Nigerians who are starving wherever they are.

As I listen to the contentions and countercontentions of Nigerians who support or oppose the rebellion, the memory of the Biafra mercy collection at St. Patrick's comes to mind. The day was January 11. It was a cold day that day, but the thousands of people who came with food, medical supplies, and money for Biafra, did not seem to mind. The words they spoke were few. Few words were necessary.

THE BIAFRA MERCY COLLECTION

I am in a good position to tell this story because it is a story I was very much a part of. When this story wrote itself, I became involved by meeting its author; and listening and responding to his idea.

I. A MAN WITH AN IDEA

Abie Nathan is his name. He is an Israeli who feels very deeply about the world he lives in. I first heard of Abie Nathan last year when he flew his private plane on a peace mission to Cairo and was greeted warmly by the Egyptians. You see, Abie does not think in terms of national boundaries. He believes we all have to live in this world, and that being so, it is better to live in peace.

Last fall Abie had another idea. He was appalled that people could starve to death in a world of plenty. He was horrified that hundreds of thousands of mothers and children had died in a remote part of Africa called Biafra because of a war they did not start and were not fighting. At first Abie felt that his best contribution to help feed the starving Biafrans would be to fly some plane loads of food into the country from the island of São Tomé, where groups such as Caritas and the World Council of Churches were collecting food. Then he felt something more had to be done—something that could both help feed the Biafrans and call attention to their plight so as to arouse the compassion of the world.

Abie knew that he had to have something dramatic with which to focus attention on Biafra. He knew, either instinctively or through experience, that the most powerful force in the world was an idea whose time had come. His idea was, on the surface, simple, and I am sure many told him it was impossible. Abie Nathan wanted to charter a freighter, then have people from many countries fill it with food and send it to São Tomé so it could be flown into Biafra. If the nations of the world—including ours with enormous quantities of food—would not send food to Biafra, the people of the world would. Abie decided to call this the Biafra Christmas Ship. Without going into great detail, suffice it to say, Abie captured the imagination of the people of Holland; they raised enough money to charter the Norwegian freighter, *Forra,* and, loaded with 400 tons of food collected in Holland, Ireland, and England, it set sail for New York on December 21.

II. BIAFRA CHRISTMAS SHIP

Now, it is important to understand something. Abie had no big organization. In fact, he had no organization at all. He was one single solitary man with an idea. When the ship left Amsterdam, to arrive in New York 2 weeks later, Abie had made no plans for obtaining the remaining necessary 3,100 tons of food and medical supplies. The prospect of a ship, arriving in New York City in the midst of a dock strike, with little or no advance attention or organization to prepare people for the job ahead, would undoubtedly discourage an ordinary man. Fortunately, Abie is not ordinary.

A few people knew of the Christmas Ship. There was the young 22-year-old girl who had a job as an assistant editor on a trade publication. She took a leave of absence from her job and began, on her own, to contact church groups and civic organizations in New Jersey and Long Island. So, by the time the ship actually arrived, some people were aware of it.

I met with Abie Nathan about a week before the ship docked. He had flown into New York ahead of its arrival. I immediately decided that the project should be helped. Biafra has been of considerable concern to me since the conflict started, and of deepening anxiety as mass famine spread.

III. BIAFRA CHRISTMAS SHIP COMMITTEE

About the same time, Abie made contact with some people in the communications business—people who either had their own public relations firms, or worked in broadcasting. For if the Christmas Ship were to be filled, people had to know about it. There is a committee—the Biafra Christmas Ship Committee—was formed and I agreed to act as chairman.

We realized that in order to create the kind of attention we wanted, fast, we had to have some medium that would and could reach the people with speed. That, of course, meant radio. We approached radio station WOR, the most-listened-to station in New York. They did not hesitate one minute. They told us they were behind the effort 100 percent, and the very next day they began to broadcast spot announcements. Their interview programs began to tell the story of the starvation in Biafra. And Barry Farber, their kingpin interviewer, devoted an average of 1 hour every night for a week on the subject of the Christmas Ship, asking for donations, asking for volunteers, asking for help of all kinds.

People were beginning to hear about the Christmas Ship. Appeals were made over the air for contributions of space—space where the food could be collected and packed for shipping. Several churches in Manhattan and Queens and New Jersey offered to help. Trucks were given by Bohack's, Avis, and Hertz. People continued to respond.

The mercy collection was to take place on Saturday, January 11, since the ship was to leave Monday evening, January 13. The place suggested was St. Patrick's, a symbol of universal compassion.

I spoke to Archbishop Cooke who immediately gave his approval. Not only that, he said he would like to be present on the steps of St. Patrick's to help us thank New Yorkers who were asked to bring food to the church. I called Mayor Lindsay, Senator JAVITS, Attorney General Lefkowitz, and Members of Congress. Each responded with enthusiasm. I called the wife of President-elect Nixon and extended an invitation to her. Mrs. Nixon gladly said she would come to the rally and join with us in this humanitarian effort.

We began to receive help from many quarters that was totally unsolicited. The Long Island Railroad called and said that they would run a special train through Long Island, making five stops to pick up food to bring to New York for the ship. The Staten Island Ferry put on a special boat to bring the people of Staten Island to New York with their food. A priest called and offered to buy an advertisement in the New York Daily News urging people to come to the rally.

IV. TOGETHER WE ACTED

Saturday, January 11, came. It was extremely cold. Yet, on the steps of the cathedral, people began to assemble early in the morning. And they brought food. By noon, half the steps were filled with food. By early afternoon, the steps were completely packed. The trucks waited along the curb. When one of our guest celebrities asked over the loudspeaker for the people in the crowd to help load the trucks, hundreds of people of all ages, from teenagers to elderly people, picked up packages to carry to the trucks. Their response all day long was truly one of the most beautiful sights I have ever seen.

By the end of the day, we found that over 30 tons of food had been brought to St. Patrick's. The Long Island Railroad train had brought in another 40 tons of food. The Staten Island Ferry brought 20 tons of food. On the sidewalk in front of the cathedral, in just a 3-hour period, people had contributed over $6,000 in cash. Others had brought food to our packing depot, St. Peter's Church on West 20th Street. Well over 150 tons of food had been collected.

But attention did not stop with the collection of food alone. Hundreds of people volunteered to help pack the food at St. Peter's.

I saw a little boy pushing a dolly—bigger than he—loaded with food. Then there was the bearded "old man" who worked all day and all night—just because he believed in the cause. And large numbers of longshoremen joined in the packing effort at St. Peter's and at Bush Terminal, pier 4. Young and old, rich and poor, worked from dawn till dusk and from dusk till dawn. Special appeals went out on all radio stations for special assistance. When twine was needed, at 3 in the morning, the appeal went out on the air, and it was brought to St. Peter's Church. Again, when packing tape was needed, people opened their stores on Sunday to bring tape.

The results in terms of contributed food—and this was, of course, an important part of the project—was fantastic. But more fantastic—or, let us say, as successful, was the attention we received for the tragedy that is Biafra. It was a magnificent display of effective citizen action, mobilized in a short time, and doing something that had not happened during the entire past year of the Biafra crisis. That is, getting people involved.

THEN AND NOW

Mr. President, the mercy collection for Biafra was an action by many Americans touched by the knowledge of starvation in Biafra. They were moved by an awareness that mass death was occurring even as they came to the cathedral with their offerings.

Food for Biafra came that day and for days afterward. It came simply because people cared for the life of others. It is this feeling which transcends the thinking of such less simple issues as why there is a civil war in Nigeria; what are its international political dimensions; when and how will peace come to that troubled land?

There is a lesson in all of this. Widespread famine, mass starvation, wherever it may be on this earth, is an international tragedy. Our people have responded to this tragedy with their own resources and by their own spirit and action. Today, the SS *Forra* relief ship is on its way to São Tomé with more than 3,500 tons of food where it will be airlifted to Biafra. Meanwhile, our people continue with relief plans.

What we can do as Senators is equally pressing. We can seek ways to peace in Nigeria. We can agree that much more can be done through our diplomatic channels to encourage peaceful settlement of the war which causes so much suffering and death. We can urge the President to use his good offices to encourage negotiations toward settlement of the Nigerian conflict. Therein lies the critical next step which must go hand-in-hand with present relief efforts of our people.

UKRAINIAN INDEPENDENCE DAY

Mr. FANNIN. Mr. President, on January 22, we, the citizens of a free and independent nation, have the honor of joining the peoples and descendants of the Ukraine in the anniversary of their independence. It was on this day, just 51 short years ago, that freedom was proclaimed at Kiev. However, this freedom was short lived. By 1920, Red Army troops had again put the courageous Ukrainians under the yoke of subjugation.

There reside in my own State of Arizona many persons of Ukrainian extraction. These industrious and honorable people are proud to be citizens of the United States. Yet, they grieve that their brethren are denied the freedom which they so readily enjoy.

The seed of freedom once planted cannot be destroyed. It may be allowed to flower despite those difficulties and obstructions which may be put in its path. The hearts and minds of Ukrainian citizens both within their native land and in other nations around the world still nourish the thought of regaining independence. On this anniversary, it is well to remember that this spark of freedom still burns and burns brightly.

Therefore, let us pause and reflect on the heroic struggle that these people have waged and are still waging. We express our hope that in the near future these people will again be able to exercise their freedom. In doing so, I am sure we are in a small way helping to sustain and encourage the spirit of freedom among Ukrainian people and among all other captive nations.

EDITORIAL TRIBUTE TO SENATOR DOLE

Mr. PEARSON. Mr. President, my distinguished colleague, Senator Robert Dole, recently received not only a great political victory but a great vote of confidence by the people of Kansas. The career and talents of this young Senator are ably set forth in an editorial by Mr. Henry Jameson of the Abilene Reflector-Chronicle, and I ask unanimous consent, Mr. President, that the above noted article of Friday, January 10, 1969, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Our New Junior Senator

Bob Dole, the new United States Senator from Kansas, is one of those story book American success men who sets a hard pace and will no doubt in due time become a nationally known personality in Washington.

He is honest, conscientious and a hard worker with a genuine Kansas philosophy about matters of government; leaning toward the conservative side but not stamped. He said recently he would follow the same rule he did as a western Kansas Congressman—try to keep abreast of what his constituents back home are thinking on various issues, but not immune to voting the other way if, in his judgment and on the basis of more detailed information at his disposal, he deemed it the best way.

That is what we elect Congressmen and Senators for. It is proper for them to keep a finger on the pulse at home. However, the Congressman or Senator who does not have the ability to make decisions on his own is not the man for the job.

From just about every standpoint it is obvious that Bob Dole has an appeal that pleases both men and women voters. He is tall, dark and handsome and at 45 one of the youngest members of the august Senate body—and perhaps because of a battlefield injury that almost took his life and permanently crippled him, Dole drives himself especially hard. "I am grateful to be here at all and I want to return everything I can," he once commented to this writer.

As a young man in Russell, Dole enrolled at the University of Kansas with plans to become a doctor. He was the rugged athletic type and won his freshman numerals in three sports at KU, football, basketball and track. Along came the war and Dole enlisted. He subsequently became a Second Lieutenant serving as a combat platoon leader in Italy when shell fragments riddled his body.

He was paralyzed and doctors gave him little chance to live. He spent 39 months (more than three years) in hospitals where his fighting spirit won out. He became a guinea pig, one of four patients to receive streptomycin on a trial basis. During his long hospitalization Dole dropped from 194 pounds to 122. But his fighting spirit won out. He recovered, except for one arm which never fully returned as the result of the shoulder having been virtually shot away.

At one of the hospitals Dole met an occupational therapist named Phyllis Holden of Concord, N.H. She took a special interest in her patient, and later became his wife. Back home Dole decided he couldn't make it as a doctor and became interested in law and politics. Unable to use his writing arm, Dole did the studying and his wife did the writing—and that is the way he passed the bar examinations.

He was first elected to the Kansas House of Representatives while still in law school, and then county attorney in his home county of Russell. That was the beginning of a public career that may one day go down in history as surpassing that of Frank Carlson or any other Kansan.

His record in Congress shows a good balance. In his campaign for the Senate, he described the American people as "tired of the same old tired solutions of the Great Society, that all problems can be solved by spending more money." "There's been too much meddling with the economy of our country," he added. "Ignorance and apathy, not socialism or communism, are this country's greatest enemies."

He has a quick wit and once cracked that Washington is comparable to a CCC camp—confusion, consternation and conniving.

UKRAINIAN INDEPENDENCE DAY

Mr. GRIFFIN. Mr. President, the proclamation of independence of Ukrainian National Republic was issued in Kiev, capitol of Ukraine, on January 22, 1918. A year later all the territories of Ukraine were united into one sovereign and independent republic.

The Republic of Ukraine was immediately recognized by a number of governments, including the Soviet Union. However, the long sought independence of this new republic was short-lived. Almost simultaneously with recognition, the Soviet Union declared war on Ukraine and began a large-scale invasion. The Ukrainian people waged a gallant fight in defense of their country, which lasted almost 3 years. But the struggle ended with Soviet occupation and subjugation.

Today, the 51st anniversary of the Proclamation of Independence of the Ukrainian National Republic, and the 50th anniversary of the Act of Union, is celebrated throughout the free world. I am proud to join with fellow citizens of Ukrainian descent in recognizing this anniversary. I commend the determination of these people for keeping the spirit of freedom and self-determination alive through the years.

Let it be known that the people of the United States, who have come from many lands, have not forgotten the Ukrainian people who have been denied their freedom.

TOYNBEE URGES PRIORITY FOR WORLD OCEAN DEVELOPMENT

Mr. PELL. Mr. President, I have long admired the works of Arnold Toynbee and consider him our leading contemporary historian. He is a man who sees events in proper perspective.

In a recent article, Dr. Toynbee commented on the priorities assigned to some of our great human endeavors. He concluded that a very high priority should be assigned to exploring and developing the resources of the oceans and to establishing some kind of regime for the governance of ocean space.

I am delighted that a man with his breadth of knowledge and his wisdom has arrived at these conclusions and holds these views. I ask unanimous consent to have printed in the Record the column by Dr. Toynbee entitled "Earth's Morality Gap" from the Providence Sunday Journal of January 5, 1969.

There being no objection, the column was ordered to be printed in the Record, as follows:

Earth's Morality Gap

(By Arnold Toynbee)

We should be inhuman if we were not thrilled by the moon flight of Apollo 8, but we should be sub-human if we left it at that. This exploit raises, insistently, the fateful question of the order of priorities on our agenda.

The astronauts' courage is on a par with Da Gama's and Columbus'. We rejoice that, like those two discoverers of the New World, the three Americans have come back alive, and have not suffered Magellan's fate. (We do not yet know what scientific information the astronauts have brought back; but we do know that human eyes have never before seen the moon at this close range.) We admire the dedicated cooperativeness of the brave astronauts' "backroom boys" (their number is said to run to six figures). The technology has been as superb as was that of the pyramid builders.

But these two amazing technological achievements raise an identical question: What is our verdict on the uses to which we have been putting the slender surplus product that man has succeeded in wringing out of nature within these last 5,000 years?

TORTURED WORLD

Egypt in the third millenium B.C. and the United States today have each been relatively affluent. Yet, even in the present-day United States, 10 or 20 per cent of the population consists of poverty-stricken squatters in slums. In the present-day world as a whole, only one-third of the rapidly growing population is properly fed. In mankind's grim economic plight, are not pyramid building and moonmanship follies that are also crimes? They are not such heinous crimes as war making, on which all but a small fraction of our surplus has been spent by us since the surplus first occurred about 5,000 years ago.

Yet today the world is being tortured by three simultaneous wars and by industrial strikes, student uproar, and acts of terrorism—all prompted by the bitter experience that, if any human being has a grievance, however just and however urgent, violence (shame to say) is the only means by which the plaintiff can be sure of exhorting his fellow men's attention.

The Russians and Americans have been cordial in congratulating each other on their rival feats of spacemanship, yet their rivalry is a fact, and it is also the cause of the folly. If there had not been two competing political super-powers on this small planet, probably this folly would not have been committed. The institution of local sovereignty, which is the mother of such foolish competitions, is also the mother of war—an institution that has become suicidal since science, applied to technology, has harnessed atomic energy for weal or for woe.

The point has been put, apropos Apollo 8, by President Johnson:

"Whether we stand first in these endeavors matters to our momentary pride, but not to our continuing purpose . . . the race in which we of this generation are determined to be first is the race for peace in this world . . . what really counts is whether we can keep people from dying on the Vietnam battlefield."

"People," not only "Americans." The President has thrust his hand into mankind's "morality gap," and there is no "credibility gap" here.

Since the date of our earliest surviving records of human affairs, there has been a widening gap between mankind's ever increasing technological prowess and the obstinate moral inadequacy of our social performance. Our technological history has been a dazzling "success story;" our moral history—the history of our relations with each other—has, so far, been the story of a shocking failure. This is our "morality gap," and, since 1945, the gap has become wide enough to give room for the broad way—a veritable "throughway"—that "leadeth to destruction."

In his memorable comment on the triumph of Apollo 8, President Johnson has confronted us with the true order of priorities on our agenda. In the atomic age our first priority is to save ourselves from committing the crime and folly of liquidating our species. This will require the subordination of local sovereignties to an effective world government, and this is going to be a much more difficult feat than landing on the moon. Nationalism is our present-day idol, and to discard a false god calls for more than an astronaut's courage in mankind in the mass. This is a revolutionary spiritual enterprise; but we dare not shirk it.

A DEAD END

The date of Apollo 8's happy landing was also the date of China's eighth monitored atmospheric nuclear test in Sinkiang and of the sale of 50 Phantom jet fighter planes to Israel by the United States. The attack on the Israeli airline at Athens airport by two Arab terrorists had been made the day before, and the massive Israeli sabotage of Beirut airport followed a few days later.

Our second priority is to provide, before famine overtakes us, for feeding this planet's future population. We do not yet know the degree to which the population's present magnitude will have multiplied by the unpredictable date at which family planning will have become a universal practice. We only know that, for increasing mankind's food supply, we have no time to lose.

Therefore a massive increase in the production of food is the next objective on mankind's agenda after the avoidance of self-liquidation.

But spacemanship cannot contribute anything to service of this purpose either. The professor of radio astronomy at the University of Cambridge, Sir Martin Ryle, was expressing what seems to be the opinion of all eminent astronomers in his comment—apropos the performance of Apollo 8—on the prospects of spacemanship. He is reported to have said flatly that man would never reach the stars. The nearest star was three light years away, and this would be an impossible distance for manned travel. He saw no future for the colonizing of space.

Spacemanship, then, is a dead end. In spending on it, we are deliberately incurring a dead loss in terms of economics; and we cannot ignore economics in an age in which mankind is going to starve if we squander our inadequate resources instead of doing our utmost to increase them to keep pace with the inevitable increase in our numbers.

But, if spacemanship is moved down to the bottom line of our agenda sheet and if war is deleted from it, what alternative outlet are we to find for explorer's courage, the technician's skill, and the scientist's curiosity? This question has been answered already in Japan. The alternative to war making and to spacemanship is to explore the sea and to develop its potential resources.

Unlike the nearest star, the sea is within man's physical reach. It covers more than two-thirds of the surface of our own planet and it is our greatest reservoir of still intact resources. In the atomic age we are still skimming food from the sea by the paleolithic method of hunting (fishing is another name for hunting in the water). The Japanese (and, I understand, the Americans too) have now made a beginning with farming the sea by cultivating edible seaweed and by breeding and shepherding fish, as we breed and shepherd sheep, instead of hunting fish as we hunt wild animals on land. Presumably by far the greatest part of the planet's still unrifled minerals lie beneath the sea's bottom; yet the getting of submarine coal, mineral oil, and natural gas is still in its infancy.

A VAST FIELD

Here is a vast accessible field for mankind's enterprise, and also a sure guarantee for our race's survival even if our descendants are going to be ten times as numerous as we are today. Even in these numbers, our descendants will not starve, since the quantities of edible fish will have multiplied, in domestication, far more sensationally. A female yellow-tail fish lays about one million eggs in her lifetime, and, in a wild state, three out of the million develop into mature fish that produce eggs or semen in their turn. When the same eggs are fertilized artificially by Japanese sea farmers, and when the brood is nursed and is protected against nonhuman predators, the number that matures is not just three in one million; it is 100,000.

A few hours after the triumphant return of Apollo 8, I was asked, in a transatlantic telephone call, whether I thought this was a turningpoint in mankind's history.

My answer was "No;" but it would have been "Yes" if the day's news had been that mankind had suddenly come to its senses, had subordinated its local states to a sovereign federal world government, and had appropriated the sea and the sea bottom, outside territorial waters, as a patrimony for the whole human race, to be administered and utilized by the world government for the common benefit of mankind.

We have still to reach and pass this true turning-point. A first move in that direction would be for the Soviet Union and the United States to divert to the joint promotion of human welfare the resources that they are now wasting on spacemanship and on armaments. This act would make it practicable to raise the material standard of life for all mankind to the level already attained by 80 per cent of the population of the United States. This would be a turning point indeed, but it cannot be arrived at just by technology, in which we human beings are adept. To exploit, for mankind's benefit, the material resources latent in and beneath the sea will be a more lucrative application of technology than moonmanship; but more technology is not enough. The necessary condition for making technology bear fruit that will be sweet and not bitter is a spiritual change of heart.

"I will give them one heart and I will put a new spirit within you; and I will take the stony heart out of their flesh and will give them an heart of flesh." This spiritual surgery is our crying need. Without it, our new-found virtuosity in transplanting physical organs will be of no avail, and, when we land deftly on the moon, the physical dust and ashes that we shall find there will be an ironical reminder of our unredeemed spiritual barrenness on our mother earth.

THE UNIFORM CREDIT CODE

Mr. HART. Mr. President, the Uniform Credit Code, as we all know, holds a great deal of import for consumers. In view of that, I think it would be beneficial to better understanding if we all had access to background memoranda on the Code prepared by the Consumer Federation of America.

Therefore, I ask unanimous consent that the material be printed at this point in the RECORD.

There being no objection, the memoranda were ordered to be printed in the RECORD, as follows:

DECEMBER 11, 1968.

To: Consumer Federation of America.

From: Benny L. Kass, Task Force Coordinator.

Subject: Uniform Consumer Credit Code.

On December 3, 1968, the Presidents Committee on Consumer Interests (PCCI) issued a Position Statement on the Uniform Consumer Credit Code (UCCC). It is urged that all consumers interested in the proposed Code read this analysis, for it carefully highlights some of the essential elements of the Code. It also attempts to deal with the background of the more important issues and alternatives confronting the National Conference of Commissioners on Uniform State Laws (NCCUSL) in the drafting process.

In the final analysis, the paper attempts to justify the position taken by PCCI that the Code is "an admirable floor for State consumer credit code legislation." Had the PCCI stopped at this point, they no doubt would have received the enthusiastic support of consumers everywhere. The paper continues, however, to encourage qualified consumer endorsement on the grounds that if the Code is not adopted "there is the dangerous possibility that only industry-supported legislation will be adopted by the States."

This is a very real danger. But there is another danger, perhaps more far-reaching than the enactment of an "industry-supported" Code. Consumer-oriented individuals and organizations must not be encouraged to compromise "to achieve a consensus" before they know what they are compromising. The CFA could certainly endorse the UCCC as an "admirable floor." But CFA should make every effort to add to this floor those necessary consumer protections which will fully achieve a balancing of the creditor-debtor relationship. And most certainly where State legislation presently exceeds the floor of the Code, consumers should not relinquish what they have struggled to obtain.

The purpose of this memo, then, is not to rebut the PCCI Position Paper. We should adopt that document as our "admirable floor," and it should be given wide consumer-circulation. But the consumer should be alerted to some of the substantive problem areas of the proposed Code. The consumer should be encouraged—before endorsing the Code—to compare each section of the Code with his own state law, and with stronger consumer protection provisions in other state laws. He should talk with the National Commissioners in his state. He should also take into consideration the power (albeit slowly developing) that the consumer now has in state and federal legislatures. Only after making this careful analysis will the consumer be in a position to decide his course of action.

Consumers should no longer quibble over the extent of their representation in the drafting of the proposed Code. UCCC is today a reality. Our objective and our efforts should now be directed toward strengthening UCCC, wherever possible.

One important footnote must be added to the PCCI position paper. Reference is there made (at p. 13) to the National Legal Aid and Defender Association's recommended support of the UCCC. PCCI states that "the endorsement of the legal aid advocates who confront poverty daily is entitled to great weight." It should be noted that the executive committee of NLADA recently decided that additional study of the Code was needed. Accordingly, NLADA has not officially taken a position on the Code as of this writing.

EXEMPTION OF FEDERAL LAW

The federal Consumer Credit Protection Act (CCPA)—the Truth-in-Lending Law—was not intended to pre-empt state law. Section 123 of that Act specifically provides that state law, "substantially similar" to CCPA can be applied. But this Section requires that there be "adequate provision for enforcement" of that State law. Consumers analyzing the Code must therefore ask whether the enforcement is indeed adequate. The Task Force is presently studying this issue; it is fair to state, however, that since the sanctions and private remedies proposed by the Code may be weak, and since administrative remedies are similarly weakened by the escape clause found in the assurance of discontinuance section (§ 6.109), one could question the adequacy of enforcement.

UCCC RATE CEILINGS

As UCCC points out, the "maximum ceiling rates in the Code are based on the underlying principle that legislation should not attempt to fix consumer rates . . . ." but that "the economic forces of free enterprise and supply and demand should set rates through improved competition within maximum ceilings." Accordingly, UCCC sets fairly high maximum rates; some analysts have even called them exorbitant. The fact of the matter is that no overall judgment can be made. A line-by-line comparison must be made in each and every state with the existing usury and interest statutes.

What is disturbing about the maximum rates prescribed by the Code is its underlying philosophy. In competitive markets, there is no doubt that competition coupled with adequate disclosure will determine the actual rates. Where there is no competition, however, it is safe to speculate that the highest rates would become the prevailing rates. In the inner city markets, we cannot assume that higher maximums would permit more persons to obtain credit from legitimate sources. Truth-in-lending legislation took a long time to enact; the education of the poor to utilize disclosure and comparative shopping will take an even longer time. In the interim, at least, we cannot rely on laissez-faire. The Code's basic commitment to non-regulation of interest rates cannot be acceptable to those who believe that markets selling and lending to poor consumers continue to exist with their fraudulent practices and exorbitant prices because of the absence of competition. It may very well be that we must abandon—temporarily at least—the viewpoint that competition is always the answer to our economic problems.

CONSUMER REMEDIES

The Code does provide consumers with remedial action against erring creditors, and this will certainly be an improvement over the present fragmented state of the law. Concern has been raised, however, that the sanctions and private remedies are too weak to produce any substantial deterrent effect on creditors. The suggestion has been made by Professor John Spanogle, Jr. (University of Maine School of Law) that there is no need for uniformity in the area of "debtor's remedies," and that each state should consider the problems on its own. The Task Force intends to report on this issue in the near future.

LIMITATION ON CREDITORS RIGHTS

1. *Garnishment:* PCCI states that it has been advised "that it is quite problematical" whether either the Code or CCPA will have the effect of weakening stronger state garnishment laws. A careful reading of both measures indicates, however, that where existing state law either prohibits garnishment (Texas and California) or is more restrictive than the 25% limit of the Code (D.C.—10%; Hawaii; Illinois; Missouri; Nebraska; New Jersey—to name a few). The Code would introduce harsher garnishment. (See § 5.104, 5.105, and 5.106 or UCCC; § 303, 305, and especially § 307 or CCPA).

2. *Holder-in-Due-Course:* We fail to understand why the Code refuses to abolish the concept of holder-in-due-course in the retail installment sales area. Additionally, it is easy to express the hope that Alternative A of Section 2.404 (Assignee subject to defenses) will be adopted; but there is the possibility that Alternative B will become law in a good number of states—and this is totally unacceptable to consumers everywhere.

Even if Alternative A is adopted, the consumer's rights "can only be asserted as a matter of defense to or set-off against a claim by the assignee." It would seem that this limitation undercuts the stated theory of the Code that "the financing institution is in a better position to guard against the seller pushing shoddy and substandard goods or services than the buyer who very likely has only a single isolated transaction with the seller." The limitations contained even in Alternative A may very well deprive debtors of the recourse granted them by § 2.403, by relegating debtors to an exclusively defensive position.

3. *Payment of Attorney's Fees:* Here too, the Code presents alternative provisions. Alternative A (§ 2.413) contains a prohibition against payment of attorney's fees by the buyer in a consumer sale; Alternative B allows a ceiling of 15% of the unpaid debt as attorney's fees providing the attorney is not a salaried employee of the creditor. Consumer groups should attempt to persuade their local bar associations of the necessity to adopt Alternative A.

The above discussion is far from complete; nor have all the pros and cons been really carefully thougth out. This is, however, illustrative of the problems of the UCCC. During the coming months, state legislatures will be asked to adopt each and every provision of the proposed Code. It has taken the National Commissioners several years to arrive at the compromise of UCCC. Now those affected by the proposal should at least have some time to study its impact.

The Task Force intends to have a more detailed analysis of the Code in the very near future. The sole purpose of this memo is to alert consumers to the fact that the Code is only a *floor* of protection. Each state is encouraged to build upon this floor, where building is politically possible.

DECEMBER 26, 1968.

To: Consumer Federation of America.
From: Benny L. Kass, Task Force Coordinator (UCCC).
Subject: Garnishment, Balloon Payments, and Holder-in-Due Course.

The task force papers are starting to arrive, and we anticipate completing most (if not all) of the detailed analysis of the Uniform Consumer Credit Code before Consumer Assembly '69, January 29–31.

Insofar as State legislatures begin meeting as early as January 3rd, 1969, it is important to alert consumers and consumer-oriented state legislators to some of the problem areas of the proposed UCCC. Our first memo, dated December 11, 1968, was a general overview of the Code. Attached you will find two memorandums dealing with the specific areas of garnishment and balloon payments. A third, on holder-in-due course will follow next week. The balloon payment memo was prepared by Anthony Roisman, a lawyer who headed up CFA's task force on Truth-in-Lending. The holder-in-due course paper was prepared by Professor Egon Guttman, an acknowledged expert on the Uniform Commercial Code and Professor at the Washington School of Law, American University. The garnishment material was prepared by myself, with the assistance of Anne Draper, an economist for the AFL–CIO.

Our objective in preparing these papers was to highlight the legal problem areas of the Code, and to suggest remedies and amendments. These materials are not in any way intended to be definitive works; we cannot look at each and every State statute as we analyze the Code—nor do we wish to do so. This task must be performed within the State itself. We urge CFA members to use this material in talking with State officials and in making decisions about the Code's adoption locally.

THE BALLOON PAYMENTS PROVISIONS OF THE PROPOSED UNIFORM CONSUMER CREDIT CODE

It is most disturbing that commentators on the Uniform Consumer Credit Code, including many who supposedly are well versed consumer spokesmen, have commended the Code for its elimination of one of the more vicious devices in the arsenal of the unscrupulous merchant—the balloon payment. The sad fact is, however, that the Code only appears to eliminate the balloon payment; in fact it restricts its future utility little.

A balloon payment contract is one which provides for one or more installment payments which are significantly larger than the usual periodic payments called for under the contract. In most cases the balloon payment is the final payment due. The purpose is to hit the unsuspecting purchaser with an unexpectedly large payment and thus force default with the resulting loss not only of the property covered by the contract but also of all payments previously made.

The Code provides (sections 2.405 and 3.402) that With respect to a consumer credit sale (loan), other than one primarily for an agricultural purpose . . . if any scheduled payment is more than twice as large as the average of earlier scheduled payments, the buyer (debtor) has the right to refinance the amount of that payment at the time it is due without penalty. The terms of the refinancing shall be no less favorable to the buyer than the terms of the original sale. These provisions do not apply to the extent that the payment schedule is adjusted to the seasonal or irregular income of the buyer."

Several problems arise at the outset. Why are "agricultural purpose" sales exempted? Is not the farmer to be afforded the same protection as his urban neighbor—especially since there is a seasonal clause at the end of the section?

What is a "scheduled payment?" That term is not defined anywhere in the Code. Could a devious creditor circumvent even the limited protection afforded by that section and through artful contract-drafting supply his own definition to "scheduled payment?" More seriously, could the whole force of the section be avoided by a creditor routinely reciting in its standard adhesion contract "that the payment schedule is adjusted to the seasonal or irregular income of the buyer?"

Assuming that a contract obligates the purchaser to make one payment which is "more than twice as large as the average of earlier scheduled payments," who will advise the purchaser of his right to refinance that payment? The Code imposes no disclosure requirement on the seller: He is free to impose a balloon payment and try to get away with it. Without being apprised of his refinancing rights it is unlikely that the purchaser will resist repossession when he is unable to meet the unexpected higher payment. It must be remembered, the Code does not in any way prohibit balloon payments.

Moreover, the limited protection afforded by the Code applies only where the balloon payment is more "than twice as large as the average of earlier scheduled payments." Thus, a most significant balloon payment could be imposed without any refinancing requirement arising. A purchaser, for example, who assumes the responsibility for monthly payments of $100 each could be hit with up to a $200 final balloon payment and he would have no right to refinance. In authorizing double payments the Code gives the unscrupulous merchant more than enough room to accomplish the devious effects of the balloon payment. If it is appropriate to leave the last of a series of payments of unspecified size to maintain even periodic payments, then the last payment should round-out the total sum without deviating much from earlier payments. Surely enough flexibility would be permitted if any one scheduled payment could deviate by as much as 10 percent from the average of all scheduled payments.

In a recent defense of balloon provisions, a bankers' association stated that balloon payments are a necessary device to protect lenders against the deterioration of credit and against adverse changes in the money market. In other words, the balloon helps guarantee the lender's ability to salvage a bad bargain. As offensive as this justification is, it clearly is inapplicable under the Code's balloon payment provision. It will be remembered that the debtor has the absolute right to require refinancing of the balloon payment at terms "no less favorable" to him than the terms of the original sale.

The presence of the balloon should not, therefore, enable the lender to recoup any greater interest charge than is provided for in the underlying contract. In effect, the Code's refinancing provisions, when exercised, provide for an extension of the contract term.

What, then, is the advantage to the lender? It would appear that he stands to gain only if the buyer fails to exercise his right to demand refinancing, a failure which is likely in view of the absence of any disclosure requirement. We must not lose sight of the fact that our primary concern is for the less sophisticated purchaser; it is he who has been systematically victimized in the past through the use of balloon payments. The Code, by requiring the victim to assert his rights thereunder, adopts a wholly unrealistic protection scheme. The unsophisticated have not succeeded in protecting themselves in the past; there is little reason to expect that they will do better in the future, especially if the unscrupulous merchant is not restricted in his actions or representations.

It is appropriate that we ask several questions before casually assuming the correctness of the Code's approach. Is there any justification for any type of balloon payment? If some degree of flexibility is desirable, should it be so lenient as to permit balloon payments which are twice as large as the average periodic payment? What has been the experience where balloon payments have been prohibited entirely? Has the availability of credit been impaired? What is the Code really driving at in view of the fact that a lender is required to refinance a balloon payment at terms no less favorable than the original contract? Does it really make sense to leave it to the debtor to protect himself?

Before any further praise is heaped upon the drafters of the Code for their "so-called" elimination of balloon payments, it is appropriate that we obtain satisfactory answers to the above questions. Whether or not there is any justification for the balloon payment, it is difficult to see any justification for a compromise that arms the unscrupulous with the means to continue their victimization of the unsophisticated.

SUGGESTED AMENDMENT TO UCCC

On September 19, 1968, S. 2589 passed the Senate of the United States. This bill, introduced by Senator Joseph Tydings (D–Md) provides for the regulation in the District of Columbia of retail installment sales of consumer goods and services. The "balloon payment" clause of S. 2589 (§ 4.103(B)) maintains the same objectives which the UCCC drafters apparently had in mind, but eliminates the objectionable features discussed above.

It is suggested that UCCC sections 2.405 and 3.402 be amended to read as follows:

"No seller or lender or subsequent assignee shall at any time take or receive any retail installment contract or extension or refinancing agreement or loan agreement from a buyer or debtor which contains any schedule of payments under which any one installment, except the downpayment, is not equal or substantially equal to all other installments, excluding the downpayment, or under which the intervals between any consecutive installments differ substantially, except that—

"(a) the intervals for the first installment payment may be longer than the other intervals,

"(b) the final installment payment may be less in amount than the preceding installment payment, and

"(c) where a buyer's livelihood is dependent upon seasonal or intermittent income, the seller and the buyer may agree that one or more installment payments in the schedule of payments may be reduced or deferred."

THE UCCC AND GARNISHMENT

Black's Law Dictionary, the Legal Bible for law student and lawyer alike, defines the noun "garnish" to mean: "In old English law, money paid by a prisoner to his fellow-prisoners on his entrance into prison."[1]

Were the proposed Uniform Consumer Credit Code sections on garnishment enacted, it might have the effect in several states of figuratively reviving this old English law definition—despite the clear intent of the Code drafters to restrict garnishment.

Garnishment of wages has indeed resulted in leaving the debtor in prison—a prison of continuous debt and often loss of employment. The struggle to obtain restrictions on wage garnishment has been a long and extremely difficult one, both at the state and federal levels. Only through the perseverance of Congresswoman Leonor Sullivan (D–Mo) did garnishment restrictions become part of the recently enacted Federal Consumer Credit Protection Act (CCPA), more commonly known as Truth-in-Lending.

In order to understand the problems raised by UCCC, it is necessary to examine the new Federal garnishment laws, which will become effective July 1, 1970. Title III of CCPA is entitled "Restriction on Garnishment" and contains the following sections:

"§ 301. Findings and Purpose.

"§ 302. Definitions.

"§ 303. Restriction on Garnishment.

"(a) limits garnishment to 25% of 'disposable earnings' per week or the excess over $48 (30 times the Federal minimum hourly wage), whichever is less.

"(b) the restrictions in (a) are not applicable to court support orders, bankruptcy court orders under chapter XIII of the Bankruptcy Act (wage earner), and debts due for state or Federal taxes.

"§ 304. Prohibits employers from discharging any employee if his earnings are subjected to garnishment 'for any one indebtedness.'

"§ 305. Authorizes the Secretary of Labor to exempt, by regulation, the restrictions on § 303(a) garnishments in any state which provides 'substantially similar' restrictions by state law.

"§ 306. Designates the Secretary of Labor, acting through the Wage and Hour Division of the Department of Labor, to enforce Title III.

"§ 307. Effect on State Laws.

"This title does not annul, alter, or affect, or exempt any person from complying with, the laws of any State—

"(1) prohibiting garnishments or providing for more limited garnishments than are allowed under this title, or

"(2) prohibiting the discharge of any employee by reason of the fact that his earnings have been subjected to garnishment for more than one indebtedness."

Article 5, Part I of the Uniform Consumer Credit Code contains the following sections on garnishment:

"§ 5.104. Prohibits garnishment (or like proceedings) prior to entry of judgment in an action against a debtor for debt arising from a consumer credit sale, a consumer lease, or a consumer loan.

"§ 5.105. Contains almost identical language to that of § 303(a), CCPA. Only significant differences are:

"(1) CCPA refers to all garnishment proceedings; UCCC limits garnishment to judgments arising from a consumer credit sale, consumer lease, or consumer loan; and

"(2) CCPA limits garnishment to excess over $48 per week; UCCC raises the exemption to $64 per week (40 times the Federal minimum wage).

"§ 5.106. Prohibits an employer from discharging an employee by reason of any garnishment (whether one or more) under a judgment arising from a consumer credit sale, consumer lease, or consumer loan."

The garnishment provisions of the UCCC, standing alone, appear highly desirable for the consumer; in fact, they are probably a little stronger than Title III of CCPA. When one begins to compare these UCCC provisions with state laws, however, it becomes apparent that adoption of UCCC in many states would have the effect of weakening the existing garnishment restrictions. Thus, in many states the Code would provide inferior consumer protection to that provided by Federal and existing state law.

The problem areas are twofold: (1) limitation of the UCCC application, and (2) more restrictive state statutes.

1. *Limitation of UCCC application:* Whereas the garnishment provisions of the UCCC (§ 5.104, § 5.105 and § 5.106) are limited in their application to debts arising out of consumer credit transactions (sales, leases and loans), the garnishment provisions of the new Federal law (CCPA) are generally applicable to all garnishments. If the Code were adopted, the determination of garnishable wages would be governed by two different standards: debts covered by the Code and exempted from the CCPA under § 305, and other debts covered by the CCPA.

Since creditors have the ability to choose their legal remedy—for example a suit in tort rather than in contract on debts arising out of consumer credit transactions—the two different standards would not only permit "forum shopping" by the creditor but could put the consumer at the mercy of the least favorable statute.

Similarly, § 5.106 of the Code forbids an employer from discharging an employee because of a wage garnishment arising out of a consumer credit transaction. The parallel Federal provision, § 304 of CCPA, prohibits discharge for garnishment arising out of any one indebtedness. Thus, where the two different standards apply, an employee garnished three times for consumer credit debts could not be discharged (under UCCC) whereas the employee garnished once for tort and once for a credit debt could lose his job (under CCPA).

It is recognized that in some instances the UCCC provides better protection for the consumer than does CCPA. By amending UCCC to apply to garnishment for *all* indebtedness—rather than consumer credit transactions—this would eliminate application of the double standard and truly provide against the hazards of garnishment.

2. *State Statutes more restrictive than UCCC:* Under the new Federal law, state garnishment laws are pre-empted only to the extent that the federal provision (in Title III) is more favorable to the wage-earner than is the state law. Section 307 specifically does not repeal those state laws prohibiting garnishment or which provide for more limited garnishment than is allowed under Title III.

Thus, for example, garnishment is prohibited in Pennsylvania and Texas, and for all practical purposes is legally nonexistent in Florida, North Carolina, South Carolina and South Dakota. In the District of Columbia, 90% of the first $200 per month is exempt from garnishment; 80% of the next $300, and 50% of the balance due or to become due. In New Jersey, as well as in several other states, 90% of earnings due or to become due is exempt.[2]

Since these states have more restrictive garnishment requirements than CCPA, they would remain in full force in accordance with § 307. Under the Code, however, these state laws would be replaced with the garnishment formula spelled out in § 5.105—i.e. 25% of weekly wages. And the fact that the 25% applies to "disposable earnings" whereas the 10% in state laws usually applies to gross earnings, will not make up the difference.

It is to be noted that in the great majority of states which do permit garnishment of wages (i.e. California, 50% of the preceding 30 days' earnings; Massachusetts, $50 per week; Washington, $35 per week plus $5 per dependent (maximum $50 per week) for a debtor with dependents) enactment of § 5.104 and § 5.106 is clearly desirable. Enactment of § 5.105, while desirable in those states, is repetitive of Federal legislation and thus appears unnecessary.

On balance, the "advantage" of a state obtaining an exemption from the Federal CCPA is more than outweighed by the disadvantages that would result in the form of harsher garnishment provisions in many states. Although the President's Committee on Consumer Interests states that "it is quite problematical" whether either the Code or CCPA will have the effect of weakening stronger state garnishment laws,[3] the analysis above points out that, in fact, the Code would introduce harsher garnishment in many states.

When one reads the Code garnishment provisions, it is clear that they are intended to be a limitation on creditors' remedies; their very location in Article 5 of the Code would indicate this. Thus, the answer to the problems raised in this memo are simple: pick up the formula from § 307 of CCPA, and don't rely on uniformity for the sake of uniformity. The very best consumer protection is, of course, a total prohibition of wage garnishment. (See Pennsylvania Statutes, T.42, § 886; Texas Constitution, Art. 16, § 23; Civil Statutes, Arts. 3832, 3935, 4099.)

If this is not possible, the following alternative is suggested:

(a) sections 5.104 and 5.106 should be enacted in all states where garnishment now exists.

(b) section 5.105 should be rejected in all states which do not permit garnishment, as well as in those states with more favorable base exemptions and/or more restrictive percentage limitations.

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[1] Black's Law Dictionary, 4th ed., West Publishing Co.

[2] For a complete state-by-state breakdown of garnishment laws, see Wage Garnishment Restrictions under Federal and State Laws, issued by U.S. Dept. of Labor, Wage and Labor Standards Administration; July 1, 1968.

[3] Position Statement on the Uniform Consumer Credit Code, issued by the President's Committee on Consumer Interests, December 3, 1968.

(c) To improve Title III of CCPA, state laws should exempt at least 90% of disposable earnings, or a minimum exemption of at least 65 times the Federal minimum wage ($104 per week).

RECOMMENDED ACTION

Section 305 of the Federal Consumer Credit Protection Act authorizes the Secretary of Labor to exempt, by regulation, the restrictions on § 303(a) garnishments in any state which provides "substantially similar" restrictions by state law. It is recommended that letters be written now to Secretary of Labor Willard Wirtz (and after January 20th to Secretary of Labor George Shultz) urging caution in granting any exemption, especially in those states which have more restrictive garnishment laws than CCPA or which prohibit garnishment completely. Although consumers should check their own garnishment statutes carefully, a quick rundown of state laws indicates the following have garnishment laws affording better consumer protection than the new Federal law (this is by no means complete, and accuracy cannot be guaranteed): Alaska, Arkansas, Delaware (New Castle County), District of Columbia, Florida, Hawaii, Kansas, Louisiana, Maryland (not all counties), Massachusetts, Missouri, Nebraska, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, and West Virginia.

SCIENTISTS SHUN ABM

Mr. HART. Mr. President, the Members of the Senate are well aware that there are many in this body—of whom I am one—who are convinced that the plan to build an anti-ballistic-missile system is unwise, unwarranted, and wasteful. There is every indication that citizens throughout the country, as they learn of the proposal and its implications, are in increasing numbers voicing their concern.

An article in the Detroit Free Press of January 11, 1969, tells us that the scientific community, which is virtually unanimous in its opposition to the ABM system, is preparing still more forceable means of making itself heard.

I ask unanimous consent, for the information of others Senators and the public at large, that the Free Press article be inserted in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Scientists Shun ABM

(By Boyce Reinsberger)

There are growing indications that if the Defense Department goes ahead with its plan to build an anti-ballistic missile (ABM) system, a number of key scientists and engineers will refuse to work on the project.

Most scientists who have taken a position on the controversy are opposed to ABMs for political and scientific reasons.

They believe that it is virtually impossible to make an ABM system that cannot easily be foiled and that ABMs would rocket the arms race into a vastly more dangerous international situation.

Most also oppose the government's plan on the ground that the expense, which could easily exceed $50 billion, would deprive programs aimed at solving domestic problems.

Almost no scientists of any stature are on record as supporting the plan. Strongest backing for an ABM system comes only from within the Defense Department.

In several cities where the military plans to install missiles armed with ready-to-fire hydrogen bombs, opposition has been sparked by local scientists and engineers. Their aim has been to inform the public about the dangers and technological flaws inherent in anti-missile missile systems with the hope that pressure could be brought on the Pentagon to drop its plans.

Congressional support for almost anything the military asks, however, is strong and two attempts to delete ABM funds from military appropriations have met resounding defeat in the Senate.

The more pessimistic scientists suspect the plan will go ahead and the political activists among them are now seriously considering a boycott of the project by scientists and engineers.

A first step toward organizing support for a boycott is expected to come in the form of a one-day nationwide strike for peace among the scientific community.

A scientist at M.I.T., where much of the brainpower behind military technology is concentrated, said privately that many of the researchers who are likely to be called upon to work on an ABM system may refuse to cooperate.

Scientific consultants to the military at other major centers such as Cal Tech and the University of Michigan are expected to join in the boycott.

The scientist noted that the nation's research community is today much more sensitive to the moral implications of its military work than it was at the time of the Manhattan Project to develop nuclear weapons.

He added that the work on an atomic bomb, originally begun as a weapon against Nazi Germany, was so highly secret that many of the scientists involved in separate phases of the project were never told the true purpose for their work.

The ABM system, on the other hand, has been well publicized and the scientific community is largely convinced that it would be a disastrous project to undertake.

PUBLIC PARTICIPATION IN HIGHWAY LOCATION AND DESIGN

Mr. COOPER. Mr. President, last fall, following enactment of the Federal-Aid Highway Act of 1968, the Federal Highway Administration issued proposed regulations designed to provide greater public participation and better coordination in planning the location and design of Federal-aid highways. The proposed regulations were in part, at least, a result of the urban highway hearings held by the Senate Committee on Public Works and of the Senate amendment to section 128 of title 23, United States Code, which requires the consideration of social and environmental as well as of economic effects in the public hearings held by the State highway departments.

I support the principle of two hearings on Federal-aid highway projects—the first prior to corridor location, and the second prior to specific location and design—and made my views known to the Department of Transportation, and also in a statement presented to the annual meeting of the American Association of State Highway Officials in Minneapolis on December 3, 1968. I said at that time:

> I am for two hearings. I believe a corridor hearing at an early stage, before the general highway location is fixed, with a later hearing on specific location and design, will be helpful in securing public discussion and better understanding, and in bringing the issues into focus at a time when alternatives may still be open as a practical matter. I think it desirable also to have the assurance proposed in the regulations that there be full coordination with urban planning, and the opportunity at an earlier stage for all interested bodies to comment; that the hearings take place within three years of approval of route location or final design; that greater information be made publicly available; and that State Highway Departments submit to the Bureau of Public Roads a report on the alternatives they have studied together with support for their decision. I believe these steps will contribute to more informed decisions, and help reduce the lack of understanding, frustration and repeated delays which now occur and which otherwise may increase.

Objections were raised to the proposal—principally because of the appeal provision attached to it. While the legal and practical effect of the appeal provision was the subject of dispute, serious concern was expressed that it could change the Federal-State relationship, or shift the responsibility for the determination of highway location and design. The Federal Highway Administration therefore held public hearings in December, at which a great deal of testimony from many witnesses was received.

Last Friday, the two-hearing procedure was issued in final form and adopted by the Federal Highway Administration. I believe the procedure as it has now been issued is a good one, and that it has been improved as a result of the testimony taken and consideration of the concerns that had been expressed. In fact, this development itself illustrates the value of public hearings and wider participation in highway program decisions.

In statements submitted to the Federal Highway Administration, I joined with Senator Randolph, chairman of the Senate Committee on Public Works, in supporting the two-hearing procedure, but urging that the appeal procedure be dropped. I understand that Congressman Kluczynski and Congressman Cramer, the chairman and ranking Republican member, respectively, of the House Subcommittee on Roads, took a similar position. The appeal procedure was omitted, as we suggested.

While the final provision may not and could not wholly meet the conflicting desires of all, I consider it a very hopeful advance, and trust that it will be maintained.

I ask unanimous consent that there be included in the Record, at this point, my letter to Senator Randolph of November 8, my letter of November 21 to the Federal Highway Administration, together with the letter from Senator Randolph, in which I joined, and the release of the Federal Highway Administration announcing the resolution of this matter.

There being no objection, the letters and release ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on Public Works,
Washington, D.C., November 8, 1968.

Hon. Jennings Randolph,
Chairman, Committee on Public Works,
U.S. Senate,
Washington, D.C.

Dear Senator Randolph: I will be attending the North Atlantic Assembly in Brussels next week, and returning to the United Nations after that, so it may be that I will not have a chance to see you during the next two weeks. I did want you to know that I had had an opportunity to examine the proposed regulations calling for a public hearing prior to corridor location as well as before right-of-way acquisition and final design of Federal-aid highways; closer coordination with local bodies and other Federal and State agencies; and consideration of social and environmental as well as economic effects, as required by the Senate amendment to Section 128 of Title 23, USC, contained in the Federal-Aid Highway Act of 1968.

I know that some fears have been expressed that this procedure could delay or even stop highway construction, that there will be appeals for delay in implementing the regulation, and that others will welcome the opportunity for more timely public hearings and broader exchange of information.

It seems to me that the principle of requiring a public hearing at an early stage, before the general highway location is fixed, and of holding a later hearing on specific location and design following the initial decision that a highway is needed and should be built within a general corridor, is a sound one. The separate hearings should be very helpful in securing public discussion and understanding, and of bringing issues before the State Highway Departments at a time when alternatives may still be open as a practical matter.

I think it desirable also to have the assurance proposed in the regulations that there be better coordination with urban planning, and the opportunity at an earlier stage for all interested bodies to comment; that the hearings take place within three years of approval of route location or final design; that greater information be made publicly available; and that State Highway Departments submit to the Bureau of Public Roads a report on alternatives with the reasons for their decision. These steps, it seems to me, move toward amelioration of some of the problems presented in the urban highway hearings held last year by the Senate Committee on Public Works. I believe they will contribute to more informed decisions, and help reduce the lack of understanding, frustration and repeated delays which now occur and otherwise may increase.

I am writing you at this time because I assume that before my return you may wish to be in touch with the Secretary of Transportation or Federal Highway Administrator about this matter. For example, if we are in accord and you should consider writing a letter prior to the November 22 date for comments, I would be glad to join with you in an expression of views supporting the two-hearing principle.

I recognize that State highway officials are used to working with Policy and Procedure Memoranda issued by the Bureau of Public Roads, rather than regulations, and that it is uncertain how much practical difference, if any, there is between the two methods. Further, the precise effect of details of the proposal may be open to question, or depend on their administration or later interpretation. But if the regulations are issued, and should in some respect prove troublesome or unworkable, I assume that the Committee could then hold hearings and provide some guidance for their constructive revision.

With kind regards, I am,

Sincerely yours,

John Sherman Cooper.

U.S. Senate,
Committee on Public Works,
November 21, 1968.

Hon. Lowell K. Bridwell,
Federal Highway Administrator,
Department of Transportation,
Washington, D.C.

Dear Mr. Bridwell: I am in accord with and support the position expressed by Senator Jennings Randolph respecting the proposed regulations for Federal-aid highway public hearings, in his letter to you of November 21, 1968 as Chairman of the Senate Committee on Public Works, on which I serve as the ranking Republican member.

I enclose for your information, and for the record, a copy of my letter of November 8 to Senator Randolph, setting forth my views on the substance of this proposal, and authorizing Senator Randolph, as we are in accord, to submit comments on this matter on my behalf as well as his own.

With respect to the portion of the proposal specifying an appeal procedure, I note that its legal and practical effect is in dispute. Serious concern has been expressed that the provision might change the Federal-State relationship, or shift the responsibility for the determination of highway location and design. While I feel sure such a result is not intended, the appeal provision raises questions apart from the substance of the hearings proposal, and I believe should be separated from it. For that reason, I have been glad to join with Senator Randolph in his request that the appeal procedure be omitted from the proposed regulation.

With kind regards, I am,

Sincerely yours,

John Sherman Cooper.

U.S. Senate,
Committee on Public Works,
Washington, D.C., November 21, 1968.

Hon. Lowell K. Bridwell,
Federal Highway Administrator, Department of Transportation, Washington, D.C.

Dear Mr. Bridwell: In response to the invitation contained in the notice of proposed rule making relating to public hearings, and location and design approval, I am submitting the following comments on behalf of Senator John Sherman Cooper of Kentucky and myself.

We wholeheartedly commend the substance of the proposal requiring a highway corridor hearing and a highway design hearing. While we do not subscribe to all the details of the proposed regulation, we believe the basic content of the document is materially the same as that which you described to the Subcommittee on Roads of the Senate Committee on Public Works during our hearings on urban highway planning, location and design. We believe it is absolutely essential to the proper execution of our national highway program that interested persons be involved as early as possible in the decisions which affect the future of the communities in which they live.

We have received requests to make known to you our views with regard to the proposal. These communications have requested that we explain our position with respect to the regulations so that you might have the benefit of our thinking. It makes little difference to us whether the hearing requirements are published as regulations or whether they are set forth in a policy and procedure memorandum. There are advantages to both forms and it is our understanding that there is little difference in their legal effect. Of course, the regulation does have the advantage of wider public notice than does a policy and procedure memorandum; however, regulations, because of their formality, do not lend themselves to flexible administration. We are certain that you will carefully examine all the comments which you receive with respect to form and respond by adopting what you consider to be the most propitious arrangement.

More importantly, we are concerned with the "appellate" procedure laid out in Section 3.17. It is our strong belief that such procedure will invite unnecessary appeals to the Federal Highway Administration and to the Courts. Highway location decisions are really legislative in nature. This authority has been delegated by the Congress and the legislatures of the respective States to the United States Department of Transportation and the State Highway Departments. Other than to assure that the rules have been fairly applied, there is no contribution which any Federal Court could make to the decisions relating to location and design. Decisions relating to location and design are based on judgment rather than on facts and law and it is our feeling that assuring fairness is the responsibility of both the State and Federal Administrators.

We earnestly request that the final version of the public hearing requirements, however, they may be published, be published without any "appellate" procedure at all. We believe that you, as have your predecessors, review a number of these decisions in line with the basic provisions of Title 23. We believe the decision of the Federal Highway Administrator should be final in all respects unless there is, in fact, a violation of law, in which case normal legal procedures would still pertain.

It is the goal of greater public participation which these rules seek to achieve, and this goal has the support of the Committee on Public Works of the United States Senate. It is a goal which should be achieved as soon as possible. Adjustments of the proposal, as we have suggested, will facilitate the successive implementation of this important matter of public policy.

With warm personal regards,

Truly,

Jennings Randolph,
Chairman.

[From the Federal Highway Administration, Jan. 17, 1969]

Public Participation Procedures Adopted for Road Decisions

New procedures to stimulate public participation in highway location and design decisions were published in the Federal Register today by the Federal Highway Administration of the Department of Transportation.

The procedures, which apply to all Federal-aid highway projects administered by State highway departments, are the culmination of DOT considerations which began with circulation of a draft proposal in October, 1967. A modified proposal was published in the Federal Register on October 23, 1968. Hearings on the proposal were held December 16–20, 1968, in Washington.

Today's issuance of the procedures in final form was signed by Federal Highway Administrator Lowell K. Bridwell and Bureau of Public Roads Director Francis C. Turner.

It directs that State highway agencies provide public opportunity for the following:

Two public hearings on Federal-aid highway projects involving a new road location: creating a "substantially different social, economic or environmental effect" from the present effect, or an essential change in the layout or function of connecting roads or streets affected by the project. (Exceptions to this requirement are granted for low-density secondary roads.) One public hearing will precede route location decisions by the State highway agency. The second will precede design decisions.

A single hearing, combining location and design discussions, on projects not covered by the two-hearing requirements.

It also requires that State highway agencies:

Solicit the views of Federal, State and local resource, recreation, planning, and other bodies in considering the development or improvement of a traffic corridor, and maintain a list upon which any such body may enroll to receive notice of proposed highway projects in the area.

Consider social, economic and environmental factors relevant to the impact of each proposed project.

Give adequate notice of hearings scheduled on a proposed project.

Provide comprehensive information about alternative routes and designs being considered by the State highway agency.

The procedures also specify in detail the manner in which State highway agencies should prepare submissions of route or design proposals for approval of the division engineer of the Bureau of Public Roads. Following the division engineer's action, the procedures require that the State highway agency shall publish a narrative description of the route design as approved by the division engineer.

The procedures differ from the proposals considered at the hearings held by DOT in December, 1968, in that they no longer include a formal provision for appeal of the division engineer's decision to the Federal Highway Administrator. FHWA said in a preamble to the procedures that its "present practice of entertaining informal appeals will continue" pending further consideration of the appeals matter, and that it "intends to solicit suggestions concerning an appellate procedure that will serve to facilitate the ultimate disposition of highway issues without unduly delaying needed highway construction."

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. ALLEN in the chair). Is there further morning business? If not, morning business is closed.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate go into executive session to consider the nominations of Gov. Walter J. Hickel, of Alaska, to be Secretary of the Interior.

The motion was agreed to; and the Senate proceeded to consider executive business.

The VICE PRESIDENT. The clerk will read the nomination.

DEPARTMENT OF THE INTERIOR

The assistant legislative clerk read the nomination of Walter J. Hickel, of Alaska, to be Secretary of the Interior.

Mr. JACKSON obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. JACKSON. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, the Committee on Interior and Insular Affairs, in an action taken Monday morning, January 20, by a vote of 14 to 3, expressed its recommendation that the Senate should advise and consent to the expected nomination of Walter J. Hickel to be Secretary of Interior.

The nomination was not officially before the Committee because the nominations of the new President cannot be presented to the Senate until he has taken the oath of office. In accordance with the precedent of previous transitions, the committee scheduled hearings in anticipation of the nomination coming to the Senate.

The committee held open public hearings on January 15, 16, 17, and 18 at which Mr. Hickel was questioned at length. On the afternoon of January 17, the committee heard Members of Congress and public witnesses who had asked to appear. On January 18, the committee discussed in executive session the financial statement of Mr. Hickel and questioned him further. Also, on January 18, the committee spent part of the day in public session. On the morning of January 20, the committee discussed the anticipated nomination in executive session from 8:45 to 10:30, concluding with the vote announced at the beginning of my remarks.

It has been the policy of the committee to question a nominee concerning his financial affairs in executive session. In this particular case, because of allegations in the press and communications to the committee indicating public suspicions had been aroused, the committee felt it was in the best interest of Mr. Hickel and public confidence in the officers of our Government to release publicly the pertinent information received by the committee in executive session.

Mr. President, permit me to comment first on my understanding of the Senate's constitutional duty to advise and consent with respect to the selection by the President of his cabinet.

The Constitution recognizes three stages in the appointments by the President with the advice and consent of the Senate. First, the nomination of the candidate by the President alone. Second, the assent of the Senate to the appointment of the candidate. Third, the commissioning of the candidate by the President.

Alexander Hamilton, in the Federalist, explained why this procedure was incorporated in the Constitution. He made it clear that the President was not to be relieved of his responsibility for his appointments. The purpose, he said, was to place a check on any spirit of favoritism and to prevent the appointment of "unfit characters from state prejudice, from family connection, from personal attachment, or from a view to popularity."

On the first day of the hearings on this nomination, I noted that—

> History will show that the Senate has accorded the President, particularly a newly-elected President, wide latitude in his choice of those who will serve the country as members of his cabinet. Nevertheless, this Committee and the Senate must meet our constitutional obligations, and therefore, this is not a perfunctory proceeding. At a minimum, I expect it to be an enlightening and educational experience for us all. I hope we will make good use of this opportunity to examine our responsibilities here before the public.

Mr. President, that is from my opening statement made at the beginning of the hearings in connection with the confirmation proceedings of Governor Hickel.

The members of the committee and invited representatives of the Public Works Committee questioned the nominee at great length on many matters. It is my view that the committee's action in recommending that the Senate advise and consent to the Hickel nomination is taken in accordance with our constitutional obligations.

It is my judgment, and I am sure that this is shared by the ranking minority member of the committee, the senior Senator from Colorado, that an adequate hearing record has been made. The length of the proceedings and the scope of the questioning were unusual. But, so were many of the factors surrounding the nomination. The committee tried—and I believe was successful—to be fair to everyone involved throughout the proceedings.

By long established custom—particularly with regard to a newly-elected President—the Senate has followed the practice of giving the President his Cabinet, almost as a matter of course. These are the individuals selected by the President to be his principal advisers. He is responsible for their official acts. The Chief Executive is entitled to exercise wide latitude in their selection.

The Senate is neither required nor entitled to share this responsibility with the President.

We may not agree with the views of those selected by the President. Indeed we must expect there will be some, even considerable, disagreement. Senators may believe that a particular nominee does not meet a standard of qualification of competence that they themselves would set. But it is the President, not the Senate, who must set the standards of qualification and competence for his principal advisers.

Let there be no mistake about it, these are the President's men and he is entitled to have them, barring some flagrant error or abuse of his prerogatives in making his nominations.

In the examination of Mr. Hickel in accordance with the Senate's duties and responsibilities, a majority of the committee found no proper grounds on which to negate the President's choice.

Mr. President, the President of the United States must be responsible and accountable for the administration of the executive branch. We cannot hold him responsible if we deny him his choice of principal advisers for less than overriding cause. It was on this basis, Mr. President, that I voted in committee to recommend that the Senate confirm the nomination of Walter J. Hickel.

As Members of the Senate are aware, a substantial portion of the American public has expressed deep concern over some of the statements which Governor Hickel was reported to have made prior to his appearance before the committee on January 15. Governor Hickel clarified his position on many of these matters and explained his public position on others in testimony to the committee.

Mr. President, I ask unanimous consent that the statement Governor Hickel presented to the committee at the opening of the public hearing on his nomination be printed in full at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF WALTER J. HICKEL, SECRETARY OF THE INTERIOR-DESIGNATE, BEFORE THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. SENATE, JANUARY 15, 1969

Mr. Chairman, Senator Allott, distinguished members of the Senate Interior Committee, and other distinguished Senators:

It is a great honor and privilege to appear before you today.

I understand and respect the purpose of this hearing. We all know that no Department of government has a greater diversity of programs than the Department of the Interior. Rather than go into details on this variety of programs and unnecessarily take the time of the Committee I will seek to cover broad areas of concern, and thus leave time for Committee members to ask such questions as they desire.

I want to assist the Committee in every way I can to build a complete and accurate record here today. I will welcome any discussion with the Committee about Alaskan problems and about my past policies as Governor of Alaska. But, as we discuss those matters, I will distinguish, and I am sure the Committee will do likewise, between the vastly different responsibilities which rest upon a Governor and upon the Secretary of the United States Department of the Interior. As Secretary of the Interior, I will assume major responsibilities for the wise use, management, development, and conservation of our entire nation's natural resources.

I know of no department of our national government which has more varied functions or more important responsibilities. These responsibilities range from people—our Indians, Eskimos and Territorial residents—to minerals, fuels, forests, lands, waters, and even to some responsibilities for the seas surrounding our nation.

Before I go further, I wish I could come before you today and say that I know all the answers to the many problems attendant to these areas. I wish I could say that solutions will come easily. I'm certain that there are many areas which will defy, or certainly challenge, all our ingenuity, and I know that when confirmed, I will need not only the advice and consent of the Senate for the confirmation itself, but I will also need the help of you and other members of Congress for "advice and consent" in the future so that we can attempt to solve the problems in a spirit of constructive cooperation.

Now, let me discuss with you briefly where I think we are in history with respect to our nation's natural resources and where I feel we should be going.

First, I have been aware, and am becoming more informed every day, of the work that is being done in a number of important agencies within the Department of the Interior. These include:

The Bureau of Indian Affairs and Office of Territories with responsibility for improving health, education, housing and with developing local economic opportunities for Indians, Eskimos and Territorial residents;

The establishment of parks and recreation areas for the benefit of the greatest number of people through the National Park Service and Bureau of Outdoor Recreation;

The continued development of water and power projects, under the Federal Reclamation Program and Power Administrations, as well as the need for broad River Basin planning;

The multiple-use management of renewable resources under the Bureau of Land Management;

And, the investigative and research and development efforts of the Fish and Wildlife Service, Geological Survey, Bureau of Mines, and Offices of Saline Water, Water Resources Research, and Marine Resources. I welcome any comments or questions from the Committee into these areas and in no way do I intend to minimize the importance of these vital areas in the Department of the Interior. But to be brief, I will confine my formal statement to three broad areas of national concern. These are:

1. The conservation of wild areas, natural habitats and open space in our country;

2. The enlightened long-range development of the depletable minerals and fuels required in our expanding domestic economy; and

3. Finally, the need for managing our total environment for the greatest benefit to society.

CONSERVATION OF NATURAL RESOURCES

The conservation movement which started with Theodore Roosevelt, at the turn of the century, reached a high point in recent years with the enactment of landmark conservation legislation. What is of equal importance, in my opinion, is the increased awareness of interested and dedicated individuals and groups who have taken it upon themselves to alert the entire country to the need for the wise conservation and utilization of resources. It is people that bring about legislation.

Redwoods, North Cascades, Wild Rivers, Scenic Trails, Wilderness and Recreational Areas, National Seashores, Monuments and Waterways—to name only a few—all received attention and protection because of a dedicated bi-partisan effort by the Congress. The Congress, and more particularly this Committee and its leadership, can be very proud of the legislation they have put on the books. Secretary Stewart L. Udall should be, and I am sure he is, proud of the key role he played in the development of those programs.

Now I believe it should be the duty and responsibility of the new Secretary of the Interior to continue these programs established by the Congress.

I believe we should devote a period of time to the consolidation of the gains that have been made and to a reassessment of our long-range objectives. I think we should explore ways within the Department to make things work better.

Our aim in the future should be prevention instead of reaction to deterioration in the environment. Patch-work conservation will not work. We must anticipate the effects of economic growth and new technology and move now to protect our environment before, and not after, it is destroyed. Fundamental research is an area that has been neglected in recent years, and which will demand an early emphasis. Small dollar outlays for research now will pay big dividends in the future.

In addition, greater emphasis on studies of human population patterns and recreational needs are also needed if we are to prepare for the future. I don't believe we do the concept of wilderness and recreation land preservation any justice if we don't plan now for the impact that man, in dramatically increasing numbers, will have on wilderness areas and open space. Likewise, we don't do the citizens of this country justice if we manage parks and wilderness on an abstract basis and fail to recognize what great benefits these areas can give to individual people and to our society.

NATURAL RESOURCES DEVELOPMENT

Let me turn now to the question of management policies for the depletable minerals and fuels required by a healthy and expanding domestic economy. The Secretary of the Interior has a significant responsibility in the field of natural resource development. Decisions in this field involve vital policy considerations such as national security, balance of payments, conservation of resources, pollution control and abatement, and even relationships with other nations.

The problems involved in these decisions are neither simple nor free from controversy. I will discuss a few items which certain Senators have indicated are of immediate concern to them and which will also be matters of early concern to the incoming Administration.

The first of these items is the Oil Import Program. This Program, established ten years ago during the Eisenhower Administration to protect the national security, has been reviewed and maintained by both the Kennedy and Johnson Administrations. All can see, and the Middle East crises of 1956 and 1957 demonstrated, the need to maintain our self-sufficiency in the production of vital minerals and fuels. I am aware of no suggestion from responsible sources that the Program is not needed to maintain our national security. Indeed, Secretary Udall, in his farewell Press Conference last Thursday, reaffirmed his belief in this Program.

It is the administration of the Oil Import Program that has become controversial. As Governor of Alaska I have, in accord with the obligations of that Office, viewed the Oil Import Program primarily in the context of its effect upon the citizens of Alaska. As Secretary, I will study and consider this and all other problems connected with the Oil Import Program from the standpoint of the national interest.

A study and review of the administration of the Oil Import Program must be conducted in close consultation with a number of other federal offices which are vitally involved in energy policy matters. Among these are the Department of Defense, the Office of Emergency Planning, the Departments of Commerce, State and Treasury, and the President's Office of Science and Technology. All of the agencies will assist in reaching basic decisions on energy policy.

In every event, all decisions I make will be governed by the broad national need and interest.

Another subject which is equally complex is the question of oil shale development. Although I have not had an opportunity to study this question in depth or to receive the advice of national energy policy experts, I believe that we should be prepared to develop oil shale just as soon as it can compete with other sources of liquid fuel in our economy.

This leads me to say that we must emphasize the wise utilization of our domestic minerals and fuels. Such wise utilization and development includes the desirability of giving our citizens the cheapest possible products consistent with national security and balance of payments considerations. Such development must include careful planning to minimize and hopefully avoid adverse impacts on the environment such as air and water pollution, erosion, and unsightly landscapes.

Some domestic industries concerned with the discovery and development of basic mineral resources are badly in need of revitalization. Greater exploration efforts needs to be devoted to the findings of strategic minerals vital to our national security. I will give early attention to these problems, with particular emphasis to revenues which can be returned to federal, state and local governments when domestic resources are properly developed.

THE QUALITY OF OUR ENVIRONMENT

The final area of broad concern that I wish to discuss with you is the absolute necessity to protect the desired quality of our environment. Pollution, loss of open space, crowding, ugliness, the declining biological health of the human environment—these are some of the challenges at home and abroad.

These matters are an inescapable responsibility of national, state and local government. The Department of the Interior must provide leadership and assistance to other government entities in developing proper guidelines for protecting our environment. Better federal coordination must be achieved. The role of state and local governments must be strengthened. New regional approaches must be developed.

We must be willing to look into the future—1980—the year 2000. What type environment do we want? Is it attainable with the resources and technology available to us? The objective is to do today and tomorrow what is possible and to keep our long-range goals constantly in mind.

Congress has, in my judgment, wisely enacted laws establishing programs for assuring the quality of our water and air. These laws call for the states to adopt realistic programs for protecting and enhancing the quality of the environment. The laws properly allow for variations depending upon local conditions and circumstances. I think Congress was wise in adopting this format rather than setting nationwide, uniform, standards.

In my judgment, the Water Quality Act, as amended, is basically a fine tool for helping to manage our environment. However, by developing a better working relationship with the state authorities charged with administration of this program, I believe more progress can be realized.

Our President-elect has set the tone and shown the road for conservation in the Seventies.

He believes that:

". . . The battle for the quality of the American environment is a battle against neglect, mismanagement, poor planning and a piecemeal approach to problems of natural resources.

"It is a battle which will have to be fought on every level of government, not on a catch-as-catch can basis, but on a well thought out strategy of quality which enlists the aid of private industry and private citizens . . .

"Our single goal in this field is the enhancement of the life of every American."

I subscribe to these goals. I believe that with realistic environmental quality programs, adequate financing and strong enforcement of the law, progress will be made in protecting our land, water and air. You may be interested to know that I am the only Governor of the 50 states who has ever seized an ocean-going vessel for dumping oil wastes in coastal waters. They were breaking the pollution laws of the State of Alaska.

I conclude by saying that I suggest no panaceas. I will place early emphasis on performance—on making existing programs work.

I look forward to working together with you for the proper management and wise utilization of our natural resources. I look forward to working with you for the development of new techniques for improved environmental management, so that man will survive in a world that is worth living in.

I am proud to have been asked by Mr. Nixon to serve my country as Secretary of the Interior. I am honored to have the opportunity of appearing here before you today.

I welcome your questions.

Thank you very much.

Mr. JACKSON. Mr. President, the Governor's statement indicates that he recognizes the "vastly different responsibilities which rest upon a Governor and upon the Secretary of the U.S. Department of Interior."

Governor Hickel also said that he believes it is both the duty and the responsibility of the new Secretary of the Interior to continue and faithfully administer the landmark conservation programs which have been established by the Congress over the past 8 years.

A number of people have expressed the concern that the public, the Congress, and the Senate cannot accept his stated views as they were set out in his statement to the committee. It should be clear that if the hearing record means anything, it means that he came before the committee as the nominee of the President to one of the great Cabinet positions in our Government. It was the committee's duty and responsibility to raise the issues and to build the record. The committee did not question his statements where they were clear and unambiguous. The committee accepted his word.

The Members of the Senate will note that there are a number of materials—telegrams, letters and other documents—printed as an appendix to the hearings record. These documents were received and reviewed while the committee was in executive session. Time did not permit the executive session proceedings to be printed for use today. It is being prepared for printing and will be available as soon as possible. The materials in the appendix will be reprinted at the appropriate place in the RECORD.

Among the materials found in the appendix are three letters the committee received from Governor Hickel prior to meeting on Monday morning, January 20. The letters are dated January 19, 1969.

The first letter provides some corrections to materials that had previously been submitted to the committee.

The second letter outlines the requirements the committee established to govern any conflict of interest problems in connection with the disposal and future management of the Governor's assests.

The third lists the assets which the Governor intends to dispose of on assuming the position of Secretary of the Interior. The closing paragraph of the Governor's letter states:

> Any assets located through the continuing efforts of my counsel and accountants will be reported to you and, where appropriate, promptly divested.

Mr. President, I ask unanimous consent that these letters be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JANUARY 19, 1969.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: This is to supplement the statement transmitted to you by my letter of January 12, 1969. In a continuing effort to determine whether I own anything, regardless of its size, that might cause a conflict of interest, I have had my assistants scouring every available record. This search will continue, even beyond my taking office, to insure that nothing is missed. Particularly, the specific information which you have requested, including year-end financial statements, will be furnished. If any divestiture or other remedy is indicated, appropriate steps will be taken.

Referring to the item numbered (15) in the above-mentioned statement, it has been learned that Barrow Realty Corporation owns two, rather than one, commercial buildings in Anchorage. Neither of these is occupied by a federal agency.

The information you requested with respect to the statement of assets contained in the Consolidated balance sheet of Hickel Investment Company and subsidiaries has been furnished to you by telegram from my accountants. It reads:

Hickel Investment Company and subsidiaries, report on examination of consolidated financial statements, year ended December 31, 1967, prepared by Molitor, Doremus and Hanlin, Certified Public Accountants. The "other common stocks" in the amount of $16,091.47 listed in the balance sheet under investments at cost is comprised of the following:

Alaska Pacific Corp	$10, 000. 00
Northern Plaza Development	4, 754. 86
Bush Lanes, Inc	1, 336. 61
Total	16, 091. 47

You will note that the $10,000 common stock in Alaska Pacific Corporation is in addition to the $10,000 common stock owned by Walter J. and Ermalee Hickel in the same corporation. The investment in Northern Plaza Development has been returned because a proposed project was discontinued. The Bush Lanes, Inc. stock was received by the subsidiary, Alaskan Plumbing & Heating Company, Inc., in payment of an account.

With respect to the statement of investments in securities contained in the financial statement for Walter J. and Ermalee Hickel:

Walter J. and Ermalee Hickel, Report on Examination on Balance Sheet, dated December 31, 1967, prepared by Molitor, Doremus and Hanlin, Certified Public Accountants. Investments in securities, common stock, at cost—the miscellaneous item of $2,794.50 is comprised of the following:

Mountain Mining Co	$1, 837. 50
Captain Cook Hotel, Inc	40. 00
Life Insurance Co. of Alaska	17. 00
Cordova Investment Corp	900. 00
Total	2, 794. 50

Other, at cost—The miscellaneous item of $1,201.00 is comprised of the following:

Presbyterian Community Hospital Association, Inc	$1, 000. 00
Fairview Mines	200. 00
American Roofing	1. 00
Total	1, 201. 00

The $1,000 amount in securities of Presbytrian Community Hospital Association, Inc., refers to a bond previously mentioned. I understand that the $200 amount represents an investment in one or two gold placer mining claims located west of Talkeetna, Alaska. The claims were not located by me but for me by one Frank Brink or one Ann Van Dolah of Anchorage, probably more than ten years ago. This claim, together with adjacent claims, owned by eighty (80) other persons, are leased to Ann Van Dolah who, reportedly, has failed to perform annual assessment work, causing a forefeiture of the claims. The $1 stock amount represents a written-down investment of $100 in American Roofing, an Anchorage roofing company. A copy of this telegram has been sent you.

Valley Development Corporation, mentioned in item numbered (17), of my statement transmitted to you on January 12, is not the owner of undeveloped real estate in the Matanuska Valley but a local development corporation formed to cooperate with federal agencies in providing funds for business development in the Matanuska Valley.

It appears that I am one of 78 persons who have equal interests in a 1¼ percent royalty in oil leases owned by Pure Oil Company or its successor, Union Oil Company. The leases were obtained in approximately 1958 and were to expire in 1968. Apparently, because of a two year extension, they have not yet expired. Although originally there was a greater number of acres involved, I understand that the present acreage is either 60,000 acres or 78,000 acres. My interest, which is one seventy-eighth of the 1¼ percent royalty probably has no value.

There has been some confusion concerning the trust arrangement which I made when I became Governor of Alaska. Enclosed is a copy of the trust agreement. At the same time that the agreement was made, I resigned in writing as an officer and director of all corporations. By the trust arrangement my trustee Roger Cremo, in effect replaced my wife and me as shareholders. By voting the corporate stock, providing my personal guarantee in connection with financing, and otherwise, the trustee caused the business to continue.

Your patience and understanding are appreciated.

Sincerely yours,
WALTER J. HICKEL.

JANUARY 19, 1969.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: Based on the decision of your Committee, I have agreed to do the following:

(1) Dispose of assets in accordance with my letter to you of even date.

(2) Refrain entirely from doing any business with, and from making any investment in the securities of any company that does business with the Federal Government.

(3) Execute and deliver such other instruments as may be necessary to effect the purposes of this agreement.

(4) Refrain from divulging to managers, officers, employees, attorneys, and accountants, information concerning the activities of the Department of the Interior.

(5) Provide the persons mentioned in the previous paragraph with instructions to abide by this agreement.

I will be pleased to comply with any further suggestions or requirements that you may have.

Sincerely yours,
WALTER J. HICKEL.

JANUARY 19, 1969.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: Based on the decision of your Committee, I will accomplish the following within a reasonable time and not later than six months after taking office:

(1) My stock in Transamerica Corporation, Alaska Interstate Company, and Wakefield Seafoods, Inc., will be sold.

(2) To the extent that I may have an interest in the placer mining claims and Koslosky Development Company, referred to in my letter to you of January 19, I will sell, quit-claim, or relinquish the same.

(3) Mountain Mining Company will be dissolved and its sole asset distributed to the shareholder, La Vake Renshaw.

In addition to the above, I have under active consideration the divestiture of all assets except undeveloped real estate and those relating to the hotel, motel, and shopping center business.

Any assets located through the continuing efforts of my counsel and accountants will be reported to you and, where appropriate, promptly divested.

Sincerely yours,
WALTER J. HICKEL.

Mr. JACKSON. Mr. President, I believe the unusual attention focused on this nomination by the Senate and by the public is all to the good. It has served to increase public awareness of the vital responsibilities under the jurisdiction of the Department of the Interior which affect the lives of all Americans. These proceedings should be an important contribution to the education and enlightenment of the nominee, the administration, the Senate, and the country.

Mr. President, an editorial in today's New York Times places the issue before the Senate in proper perspective. I ask unanimous consent that the editorial appear in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE HICKEL NOMINATION

The nomination of Walter J. Hickel to be Secretary of the Interior would have been better unmade. Instead of seeking out the best man for this sensitive and onerous position, President Nixon chose a businessman with exactly the wrong kind of background.

It is hard to fault the reasoning of the three members of the Senate Interior Committee who voted against his confirmation. As Senator George McGovern of South Dakota observed, "I believe he is not qualified by understanding, experience and outlook to become the nation's chief conservationist and the major advocate of the American Indian."

But the Senate must also take into account the customary right of an incoming President to choose his own colleagues unless they are demonstrably unfit on grounds of personal character. This is a sound custom worth preserving.

On this basis, Senator Henry Jackson of Washington, chairman of the Interior Committee, and thirteen other members concluded that Mr. Hickel met "the minimum standards for Secretary of the Interior" and voted to confirm him. Unquestionably, this same view will prevail in the full Senate.

Since the protection and perpetuation of the nation's shrinking heritage of natural treasures is so important to every American, the country must hope that the adverse public reaction to Governor Hickel's nomination and the extended committee hearings have furthered his education on conservation issues. He was certainly talking differently at the end of his hearings than he was at his first press conference last month. And the concern many conservationists felt over his appointment must have been borne in on Mr. Hickel with special force by the implications for himself of the controversy which marked the closing days of the Johnson Administration.

His background, particularly his intimacy with oil companies, and his insensitivity to Indian needs, was one factor in the eagerness of outgoing Secretary Udall to protect 7.2 million acres of land in three new national monuments, two of them in Mr. Hickel's own state of Alaska.

If Mr. Udall thought he were yielding office to another convinced conservationist, he would not have been so insistent in trying to beat the Jan. 20 deadline. It is unfortunate that President Johnson did not accept Secretary Udall's advice, thus removing any uncertainty about the significance of these huge tracts. There is nothing in law or tradition which requires that a President defer to members of Congress in exercising his authority to establish national monuments.

Mr. Hickel if he is confirmed could begin to diminish the doubts about his devotion to conservation by working for the protection of the Alaskan lands as well as the Sonoran Desert in Arizona. Deeds as well as lip service are expected of a conservation-minded Secretary of the Interior.

Mr. JACKSON. Mr. President, I yield to the able senior Senator from Colorado (Mr. ALLOTT), the ranking minority member of the committee.

Mr. ALLOTT. Mr. President, I shall speak only briefly and in some general terms with respect to the nomination now pending before the Senate.

I rise to support, without reservation, the distinguished chairman of the Committee on Interior and Insular Affairs and urge that the Senate confirm the nomination of Walter J. Hickel as Secretary of the Interior.

Seldom, if ever, in the time I have been in the Senate—which now numbers 14 years—has the Senate more exhaustively investigated the qualifications, the personal history, the business history, the thought, and the philosophy of a man designated by a President to be a member of his Cabinet. The record is voluminous, although not always relevant.

I congratulate Governor Hickel, the nominee, for his demeanor and his good humor throughout 5 grueling days. He was always candid and he answered the questions to the best of his knowledge.

The prepared statement given by Governor Hickel at the beginning of the hearings has already been inserted in the RECORD by the distinguished chairman of the committee.

Certainly, the Senate cannot ask that a nominee agree with every Senator on every issue. If we put this criterion on the approval of a nominee, no nominee would ever be confirmed.

The former Secretary of the Interior held many views that I did not agree with, and we frequently discussed them in open Senate hearings. I might say we openly tried to reason together. In all candor, I was seldom able to persuade him to my viewpoint, but he was the former President's Secretary of the Interior. As such, and in the full context of the meaning of that phrase, when Secretary Udall's name was presented for nomination, I voted to confirm him. In my view, there was no legitimate ground upon which to base an objection.

After all, the voters had had an opportunity to speak, and they had entrusted the direction of this country to John F. Kennedy. Although the margin by which this decision was made was slim, nevertheless it was the decision of the electorate of this country, made in accordance with our constitutional processes; and the Senate unanimously abided by the decision of the people. In the final analysis, this was a Cabinet post where the nominee would serve at the pleasure of the President. The President would have to account to the people for his administration in the next election, and the Cabinet is essentially his administration.

The situation is the same with the pending nomination. My analysis of the testimony indicates that many of the misimpressions that have been developed are as a result of the Governor's strong stand in the protection of the interests of the State of Alaska as Governor of Alaska; and as Governor of Alaska, the State of Alaska has enjoyed a strong advocate and defender of her interests.

I would like to read just a short portion of the Governor's statement, and this appears in the fourth paragraph of his statement to the committee:

> I would like to assist the committee in every way I can to build a complete and accurate record here today. I will welcome any discussion with the committee about Alaskan problems and about my past policies as Governor of Alaska. But, as we discuss those matters, I will distinguish, and I am sure the committee will do likewise, between the vastly different responsibilities which rest

> upon a Governor and those which rest with the Secretary of the U.S. Department of the Interior. As Secretary of the Interior, I will assume major responsibilities for the wise use, management, development, and conservation of our entire Nation's natural resources.

And in another place, in his candor, he said:

> Now I believe it should be the duty and responsibility of the new Secretary of the Interior to continue these programs—

And he had been referring to various conservation programs—

> established by the Congress.
>
> I believe we should devote a period of time to the consolidation of the gains that have been made and to a reassessment of our long-range objectives. I think we should explore ways within the Department to make things work better.

Now, there is just one other short matter, Mr President, to which I wish to allude at this time. Much of the statements in the press have been based on a statement made at a press conference by Governor Hickel on December 18, but in one sense he has been sort of excerpted to pieces; and I propose to read from that same conference, one page and part of another—this is a transcript of that conference—what he actually said. The question—it does not disclose who asked it—was this:

> Governor, could you again philosophically give us your views on conservation?
>
> Governor HICKEL. Conservation has to do with natural resources. I think that conservation basically is something that has to be taken care of area by area. Obviously where you have larger populations, it's more of a problem, and you must protect this so-called outdoor space. But just to withdraw an area for conservation purposes, a vast area—which you would not have in this part of the country, but say in the West or in my part of the country—and lock it up for no reason, or don't make it available to the general public, or make it so difficult that the general public can't use it, doesn't have any merit in my opinion.

Then I skip a short paragraph, and come to the portion that was criticized:

> I think we have had a policy of conservation just for conservation purposes.

And what everybody seems to have left out, Mr. President, and what is very pertinent to this discussion, is his next sentence:

> That can be done, but I think it has to be done for the greatest utilization for the total American public.

The last part of that remark, unfortunately, has been omitted from most of the press criticism.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. ALLOTT. For a question?

Mr. LONG. Yes.

Mr. ALLOTT. I yield.

Mr. LONG. Would it not be fair to say that what the Governor of Alaska was suggesting at that point is that with regard to resources, the question is how they can be used to the best advantage of the greatest number?

Mr. ALLOTT. I think that is exactly what he did say, and apparently many people have forgotten that we have a multiple-use law, which is actually on the statute books.

Mr. LONG. Is that not pretty much what we are trying to do with many of our conservation programs, to set aside one area as a wilderness area, where it is appropriate to use that area for that purpose, and, where an area should be developed, to develop it?

Mr. ALLOTT. That is entirely true; and I have found, not only in the public discussion but in my personal discussions with the Governor, nothing but sympathetic support for our present existing recreational areas, whether they be seashores, wilderness areas, or whatever they may be. But I find him almost alone, of the people with whom I have been talking, in thinking down the road to 1980 or 2000, as to what the population pressures may be, which will necessarily dictate the conservation policies of this country at that time.

I thank the Senator very much.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. PASTORE. First of all, I compliment the chairman of the committee and the ranking Republican member for their feeling that this is a matter which should be aired publicly, the way we are doing it today. I believe that is in the public interest.

Second, while I do not impugn in any way the integrity and honesty of Governor Hickel, I am concerned, as a New Englander, not only by some of the statements this gentleman has made in pronouncing his own philosophy with regard to the natural resources of this country, but also with some of the actions that he has taken, which are inimical to the interests and the welfare of the people of that large region.

Mr. ALLOTT. What region?

Mr. PASTORE. New England. It might possibly be that the members of the committee are not so familiar with what happens on the Atlantic seaboard, for the simple reason that I do not think there is any member on that committee who comes from a State east of the Mississippi.

Mr. JACKSON. The Senator from Wisconsin (Mr. NELSON) does.

Mr. PASTORE. Senator NELSON? Well, that is not very close to New England.

Mr. JACKSON. He is pretty close to the river.

Mr. PASTORE. Now, where is the lifeblood of our economy? We have had a multitude of problems. A directive was issued during the administration of General Eisenhower, and at that time it was not intended to include residual oil, but through some interpretation residual oil was included, and we have had a bushel of trouble ever since, so much so that when Secretary Udall liberalized the policies in connection with residual oil, which is not being produced in any measure in this country because we are getting into the high octane gases, the saving to New England producers alone was $10 million in 1 year.

We have been talking about the establishment of a free port in Maine in order to alleviate the situation.

I can understand how the Governor of the State of Alaska might not be concerned about what is going on on the other side of the continent. But Alaska went a step further. He has, as the Governor, instituted a suit.

Mr. ALLOTT. That is correct.

Mr. PASTORE. In order to prevent the establishment of this free port in Maine. Now, as the Secretary of the Interior, he is going to become the judge of the very case in which he is a party. Will the Senator from Colorado explain to me the equity and justice and impartiality in this matter when a man who is a party to a suit becomes the judge of the very cause to which he is a party? I cannot reconcile that.

Mr. ALLOTT. Let me answer the Senator's question, if I may.

I should like to read, first——

Mr. COTTON. Mr. President, will the Senator from Colorado speak a little louder? I am interested in this, too, and I cannot hear him.

Mr. ALLOTT. I will do my best. I am operating under the disadvantage of a cold, but I will do my best.

He speaks of this question in his own statement, as follows:

> The first of these items is the oil import program. This program, established 10 years ago during the Eisenhower administration to protect the national security, has been reviewed and maintained by both the Kennedy and Johnson administrations. All can see, and the Middle East crises in 1956 and 1967 demonstrated, the need to maintain our self-sufficiency in the production of vital minerals and fuels. I am aware of no suggestion from responsible sources that the program is not needed to maintain our national security. Indeed, Secretary Udall, in his farewell press conference last Thursday, reaffirmed his belief in this program.
>
> It is the administration of the oil import program that has become controversial. As Governor of Alaska, I have, in accord with the obligations of that office, viewed the oil import program primarily in the context of its effect upon the citizens of Alaska. As Secretary, I will study and consider this and all other problems connected with the oil import program from the standpoint of the national interest.
>
> A study and review of the administration of the oil import program must be conducted in close consultation with a number of other Federal offices which are vitally involved in energy policy matters. Among these are the Department of Defense, the Office of Emergency Planning, the Departments of Commerce, State, and Treasury, and the President's Office of Science and Technology. All of these agencies will assist in reaching basic decisions on energy policy.
>
> In any event, all decisions I make will be governed by the broad national need and interest.

I say to my very good friend, having concluded this quotation, that actually it is the Secretary of Commerce who will have to issue the license for the free port.

Mr. PASTORE. If the Senator will yield at that point——

Mr. ALLOTT. Or for the free trade zone.

Mr. PASTORE. That is right. But the quotas will have to be allocated by the Secretary of the Interior. He is the fellow who will send them the oil or hold it back.

Mr. ALLOTT. The Senator is entirely correct on that point. Let me answer further. I wish to quote now from page 45 of the hearings. In response to a question by Senator MUSKIE, Governor Hickel said:

> Senator, I think you covered it well and I think that if I ever thought it was urgent, I can see now that it is more urgent and I can understand it. [Laughter.]
>
> I think in all fairness I have got to say that there isn't any doubt, Senator, that I will take the broad national picture other than that as you indicated I might have as Governor of Alaska. And as far as it being urgent, if you have an urgent situation, then it requires urgent and prompt action.
>
> I will promise you this, that when confirmed as Secretary of the Interior, I would think at this point one of the first things that we would have to do would be to sit down collectively with your fellow Senators and with this committee and with the executive as such and try to find a solution that is more than apparently there, and I think with that kind of an approach and with that openmindedness that I will give it, it is about as far as I could go in saying what would I do to solve the problem. But I assure you this. We will do something. At this point I couldn't say specifically what. I think it would be wrong of me to do it. It would show that I made a decision without having all of the facts and knowledge before me.

Mr. President, I think Governor Hickel was entirely honest and fair and was entirely right in what he said. I would never think one-tenth as much of him if he had bent down before the committee and made commitments on a matter as complicated as the Machiasport matter, in order to try to gain the votes of members of the committee who, he knew, were in great sympathy with the views of those who favor the Machiasport development.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ALLOTT. Please let me finish. I will yield in a moment.

It is true—and we intend to go into this during the course of the debate—that as Governor of Alaska, Mr. Hickel did institute that suit, because on the north slope of Alaska, in relatively the last few months, vast reserves of oil have been discovered. No one at this moment, I think, can truthfully say how much oil is there. It may be the greatest major oil discovery since the discoveries in the Mideast. No one knows. But it is believed that the reserves are tremendous.

I would say that if as Secretary of the Interior he defended and protected the interests of this country as the record shows he has protected and defended the interests of his State as Governor, I would forever be proud of him as Secretary of the Interior, but I would think less of him if he had done less as Governor of his State.

I yield to the Senator from Rhode Island.

Mr. PASTORE. I believe in the statement of the Senator just as firmly as I believe in the Ten Commandments. But I want to ask the Senator a question. This gentleman became a party to the suit in order to prevent the foreign trade zone in Maine, now he is going to adjudicate this very matter.

I am sure that the Senator will agree that if he came from the State of Rhode Island or any other State in New England, he would have reservations about the nomination. I understand the pronouncements made here that Mr. Hickel will do as well for his country as he did for his own State.

I come from the State of Rhode Island. I am interested in protecting my part of the country, just as he was trying to protect his State at the time he filed the suit.

But the main question is: Can this man be an impartial judge of a matter in which he is already a party?

Mr. ALLOTT. Will the Senator from Rhode Island yield at that point?

Mr. PASTORE. I will take my seat. The Senator from Colorado has the floor.

Mr. ALLOTT. I understand; but I think we ought to make this point clear. I do not mind the Senator questioning me at all.

Mr. PASTORE. I am not quarreling with the Senator; I hope he understands that.

Mr. ALLOTT. If the Senator remembers the suit, the Governor of Alaska was never a party to it; he was only a party as a representative of the State of Alaska. That is the only way the suit was brought. I think this has to be taken in its full context.

Later, perhaps, we shall discuss the situation of an Assistant Secretary of the Interior appointed by President Kennedy. His interests at that time were continued and were quite extensive. Yet we accepted his nomination on its face. As I recall, I moved the confirmation of his nomination. But we shall discuss that situation more fully when we get to it. However, I must say right now that that man, John Kelly, from New Mexico, served a little more than 4 years. My recollection now is—and I have never heard anything to the contrary—that he retained, and perhaps still retains, a direct interest in oil.

He was Assistant Secretary in charge of oil and mineral resources. I have never heard from any person, Republican or Democrat, in business or otherwise, one word of criticism of that man's actions while he was Assistant Secretary of the Interior. He did a fine job.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ALLOTT. No one, perhaps, would like to turn this whole thing over to someone else more than the incoming Secretary of the Interior. The fact is, though, that this problem has existed for a long time. Secretary Udall did not solve it. President Johnson did not solve it. So I cannot see how it will be any worse in the hands of a man who has devoted himself so assiduously to protecting the rights of his own State.

Now I yield to the Senator from Rhode Island.

Mr. PASTORE. The fact is that while Mr. Kelly was the administrator, the situation was much tighter than it was during Secretary Udall's tenure. As has already been stated, when Secretary Udall saw fit to liberalize the quota system on residual oil, we in New England saved $10 million that year. It is true that the quotas have not been so completely abolished as some of us would like to see them abolished; but they have been liberalized in recent years, to be fair. Still, because of the pronouncements of Governor Hickel, and because of the action he took, we may be turning the clock back.

I want the Senator from Colorado and the Senator from Washington to understand that I know that we must grant liberality to the President in his appointing prerogative. I was the Governor of my State, and my State never took any action or brought any suit unless I was a party to it. I hope the Senator from Colorado does not want to leave the impression here that Governor Hickel had nothing at all to do with bringing that suit, because if he was that kind of Governor, I hate to think what kind of Secretary he would make.

Mr. ALLOTT. No; he did not bring the suit personally; he brought it as the representative of the State of Alaska.

Mr. PASTORE. Of course. I make no personal attack on him. He is going to be the Secretary of the Interior. His nomination will be confirmed by the Senate. The Senator from Rhode Island is realistic enough to know that, and understands it. But he would hope that the Senate would understand that we do have problems, and we would hope that the facts we are bringing out today would lead this man to be just and fair. That is what we are striving for. The Senator from Rhode Island wants to leave this clearly in the record: I have never, never, never voted against any nomination made by any President, and I have been a Member of the Senate for—this is my 19th year. I voted, even, for Lewis Strauss for Secretary of Commerce, when many other Senators voted against him. I think I know a little something about giving the benefit of the doubt to the President.

All we are trying to do this afternoon is to present a problem that we have in our own part of the country. All we ask of this man today is that he be fair.

When it comes to the oil situation of this country, all we have to do is to read what he said at the news conference to convince ourselves that he is industry minded and is not consumer minded. If he were to change, he would have to make a turn of 180 degrees. I pray to God he can do so.

Mr. ALLOTT. I am not concerned in the least bit about Governor Hickel's ability; but what the Senator from Rhode Island has to realize is that the State of Alaska is not Rhode Island or Pennsylvania or New York, or any other State in one of the heavily populated areas of the country.

It has been a touch-and-go problem for the State of Alaska to finance itself as a State ever since it came into the Union. In that context, and realizing that over 98 percent of the land is owned by the Federal Government, believe me, one has to be thinking in terms of development.

But let us look at the conservation side of it for the moment. I wish to talk to the Senator about the consumer aspect first, and then I will talk about conservation.

First of all, this man—this is one of the interests that have been criticized so regularly by one of the columnists around this town—with a group of other people put together a company, and he held a minor interest in it, to actually bring natural gas into Anchorage and the Anchorage area. I do not know whether the Senator has lived in a town where he had to depend upon coal alone for fuel. I have.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. PASTORE. As a boy, I had to get up in the morning and crank the stove dry, and then go out and sift the ashes and recoup what I could of unburned coal, and wait for the stove to heat up before I could wash. Then I had to break up the ice in the sink before I could wash. Do not tell me that I do not know about coal.

Mr. ALLOTT. The Senator knows very well that I never said he did not know anything about coal. But I will say this: He never lived in Rhode Island in a community that had no gas service or oil service.

Mr. PASTORE. Does the Senator wish me to answer that, also?

Mr. ALLOTT. And he is not the only person who has risen in the morning and broken the ice in the sink.

The PRESIDING OFFICER. The Chair must ask the occupants of the galleries to be quiet. You are our guests, and order must be maintained. The Chair asks that you kindly observe that rule.

Mr. ALLOTT. If bringing natural gas for homes to an area like Anchorage is not a consumer approach to things, then I do not know what could be consumer oriented. Naturally, he expected a profit, as every other businessman does when he makes an investment, but he also was making a speculation.

I recall that when the first people to do so brought gas into my hometown, it was quite a few years before the distributing company made any profit from it.

I yield to the distinguished Senator from New Hampshire.

Mr. COTTON. I thank the Senator. I wanted the Senator to yield to me for a moment before he got into the general discussion of the consumer and conservation, before we left the matter of Machiasport and a free trade zone in Maine.

The Senator from New Hampshire is equally interested with the distinguished Senator from Rhode Island, the distinguished Senator from Maine, and every New England Senator.

The Senator from New Hampshire knows what a long, hard fight we have had, because years ago, when I was a freshman Senator, I was delegated by the New England Senators, purely in the second spot—we wanted one Democratic Senator and one Republican Senator—to go downtown. It was my privilege to go downtown with Senator John F. Kennedy and appeal to Gordon Gray, in the Defense Mobilization Department, to beg a relaxing of the quotas on residual oil imports for the benefit of New England—way back then.

This is not in the slightest degree a criticism of the late President Kennedy.

As a U.S. Senator, he pleaded for relaxation of residual oil quotas by the Eisenhower administration. As President, Mr. Kennedy viewed the problem from a national, rather than a sectional, standpoint. So, when the New England delegation again pleaded for expanding our residual oil quotas, we received very little more sympathy or action from the Kennedy administration than we did from the Eisenhower administration. I believe Governor Hickel will serve the national interest rather than any special interest as Secretary of the Interior.

Governor Hickel came to my office a few days ago for a talk, and I reminded him that he came to my room in the hotel the night before the vote on statehood for Alaska. I was one of those who had grave doubts about Alaska's statehood. He labored with me for a number of hours, and I think he was largely or partly responsible for the fact that I made up my mind to vote for Alaska's statehood. I reminded him of that. I said: "Now, I think I have a claim on you; and before you are confirmed and before you take your oath of office, I want to get in my word about seeing to it that New England gets a square deal and that you do not prejudice the matter of the free zone, the Machiasport matter, and that under no circumstances are we going to be faced with a tightening of quotas; because, in my opinion, if the oil people had been more sympathetic in the matter of relaxing quotas of oil in the years past, they would not be faced with the Machiasport situation."

I hasten to say that Governor Hickel gave me no assurance. I agree with the Senator from Colorado that if he had, I would have less respect for him. But he did satisfy me, in my office, when I raised these issues, that not only would he not be prejudiced against us, but also, as he said in the hearings, he did recognize the need and would certainly favor something being done and would go just as far as he could, with the national interest in mind. With that assurance, I can vote for his confirmation; because I happen to feel that I could do more with Governor Hickel when the chips are down on Machiasport than I could with some others I can think of who might be in this position.

I wanted to make that clear, and I thank the distinguished Senator from Colorado for giving me the opportunity.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. METCALF. I say to the Senator from Colorado that, as he knows, in committee I voted for the confirmation of Governor Hickel.

Mr. ALLOTT. The Senator is correct.

Mr. METCALF. I shall do my best during this debate to hold to that position—that I believe that Governor Hickel should be confirmed.

But I hope the Senator from Colorado will not point to Governor Hickel's activities as the owner of a franchise for the distribution of natural gas in Anchorage as one of the illustrations of his interest in the consumer, because that franchise is the highest cost franchise of any utility in America. I do not know of any utility that earns more on equity than the franchise for natural gas in Anchorage. I do not know of any utility since the days of Insull that has earned as much as 64 percent on equity capital. The only comparable areas with respect to natural gas rates are the areas in the northeastern parts of the United States, where gas and oil are transported thousands of miles, as compared with the gas rates in the city of Anchorage, where the gas is transported 70 miles.

Mr. ALLOTT. Mr. President, will the Senator add that those rates are not governed in the city of Anchorage by the State of Alaska? I must also point out that his interest was merely 2 percent of the stock.

Mr. METCALF. I am not so sure about that. Governor Hickel testified they were not, but the statement filed by the Alaska Interstate Corp., in which Governor Hickel has 32,000 shares of stock, states they are controlled by the Commission that Governor Hickel appointed.

Mr. ALLOTT. But not the rates in Anchorage.

Mr. METCALF. Not the rates in Anchorage. The rates in Anchorage are not a part of it.

Mr. ALLOTT. That is the distinction.

Mr. METCALF. But Alaska Interstate's earnings are controlled by the Public Service Commission that Governor Hickel appointed, that he did not remember he appointed, that he did not know whether they regulated gas or oil, or how much they were paid. He did not know anything about it.

The Senator and I both know that we try to give the Governor of Alaska broad and comprehensive powers. He has more power than any of the Governors in the so-called lower 48.

This is the thing that bothers me about him. I am bothered by his concern with his consumers in the city of Anchorage, who pay one of the highest gas rates in America, and a company which has the highest return on equity in America at a time when he was Governor and he had supervision of that commission.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. METCALF. I would be delighted to yield if the Senator from Colorado will permit me.

Mr. ALLOTT. Mr. President, I yield to the Senator from Alaska, who, I think, can inform us on this matter better than I.

Mr. STEVENS. Mr. President, I am sure the Senator from Montana recalls the testimony of the Governor, and I would repeat it as a fact for the Senator from Montana, that the actions of the Anchorage Natural Gas Co. reduced the cost of heating for the residents of Anchorage by one-third; that the cost, where there is no gas in Alaska, is as high as 59 cents a gallon for gasoline and 30 cents a gallon for fuel oil. The Anchorage Natural Gas Co. had very little equity capital. To get the 64 percent those who computed the profit figure completely ignored the borrowed capital. If they had considered a fair return on the total investment, it would be making very little money.

In my own home I consume gas from that company, and I can tell Senators of the difference in price for heating my home with gas compared with the price for heating it by oil. I would hope that in days to come we will have natural gas for home fuel consumption available throughout Alaska. Then, perhaps some of this oil from Prudhoe Bay or the Cook Inlet will make possible a price of 10 or 12 cents for a gallon of fuel oil, instead of 30 cents for fuel oil and almost 60 cents for gas.

We are consumer minded. Governor Hickel, when he joined those people who put together the Anchorage Natural Gas Co., pioneered the gas pipeline across Cook Inlet, which has the greatest tides in the United States, excepting only the place in Maine which I cannot remember the name of. The crossing of Cook Inlet with a gas pipeline was an engineering feat. At the time they put that pipeline in they had no idea they could succeed.

We had natural gas; it was not being used. It was the foresight of people like Governor Hickel who have reduced costs to consumers in Alaska. He has demonstrated that he is consumer minded. Anyone who has paid 60 cents for gasoline and 30 cents for fuel oil is going to be interested in solving the problems of New England.

Mr. METCALF. Mr. President, will the Senator yield to me so that I may respond?

Mr. ALLOTT. I yield to the Senator from Montana.

Mr. METCALF. The question is not whether he reduced the price of heating. The question is whether or not the consumers in Anchorage are paying a fair, equitable, and reasonable rate for their gas, and they are paying an exorbitant, outrageous rate for that gas.

Alaska Interstate Corp., in which Governor Hickel owns some 30,000 shares of stock—which he acquired for $140,000 and is going to divest himself of at a price of $850,000 to $900,000—during the 2 years that Governor Hickel was the Governor of Alaska and responsible for the appointment of the Public Service Commission and responsible for the enforcement and regulation of gas rates in Alaska, the stock of Alaska Interstate appreciated fourfold. During that period the price of the stock that Governor Hickel holds appreciated six times. When we require him to divest himself of the stock in Alaska Interstate he is going to make a sixfold profit.

As I said in my prepared speech, "Happiness is Alaska's interest."

But there is a man who is primarily responsible for the appointment of the enforcement agency, the only man responsible for the appointment of that agency, by the action of this Congress because we wanted to make a Governor responsible for the people of his State. We do not have a situation like many other States where members of the agency are elected. This agency is appointed by the Governor. The Governor testified he did not know who he appointed, he did not know how he appointed, and he did not care.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. METCALF. At the same time they are paying the highest rate there.

Mr. ALLOTT. I must interrupt. I think this is completely unfair to say what the Senator just said.

The Senator may finish his sentence.

Mr. METCALF. The people of Anchorage are paying the most exorbitant rate for their gas of all the people in the United States.

Mr. ALLOTT. Mr. President, I think it is unfair to say that the Governor of Alaska does not care. It is a fact that at the time he was asked about the appointment——

Mr. NELSON. Mr. President, I cannot hear the Senator.

Mr. ALLOTT. The Senator can move if he wishes. I am sorry but I am still suffering a little bit from the Hong Kong flu. I will do the best I can but I cannot speak too loudly.

The Senator will recall at the time he was asked this question he had already been subjected to 2 or 3 days of very grueling hearings lasting 5 to 6 hours a day. It is a fact that he just mentally shifted gears and could not recall what he had done on that specific instance at that time. But I do not think it is justified to say he does not care because when we build the record for this case, and we will as we go through the matter, it will show that this man cared more about the people of Alaska, and every type citizen, probably than any one they had ever had or will ever have.

In the newspaper this morning I noticed a story entitled, "Udall Acts on Hawaiian Oil Zone." There is another article entitled "Udall Acts To Give Hawaii an Oil Zone." I imagine this does not make many friends in the upper eastern portion of the country feel too good. I do not pretend to know all of the equities in the Machiasport matter. It is for this exact reason that I think if Governor Hickel, when he was undergoing questioning by the Senator from Maine, and the Senator was very, very insistent and very, very searching in his questioning, would have done what some people fully would have liked to see him do he would have been stultifying himself and he certainly would lose part of my respect.

Mr. METCALF. Mr. President, will the Senator from Colorado yield for 1 minute? I wish to make a brief statement.

Mr. ALLOTT. I yield. If it is brief.

Mr. METCALF. I have no way to know what the Governor of Alaska thought or whether he cared for the consumer or not. I will let the record speak for itself. The record is on page 236 of the hearings where there was an interrogatory about whether or not he knew who he appointed, whether or not he knew whether he had the appointing authority, and whether he knew what term they had and whether they regulated the gas. I will let the record speak for itself. After the noon recess, when I had asked him the question in the morning, he came back and gave—I will not say false, but he gave erroneous information as to the regulatory power of that Commission after he had had a chance to investigate and have his staff advise him.

Mr. ALLOTT. I see that the Senator used certain names there. I do not know where he got them. But I also note that the Senator from Montana was mistaken in the information on which he was questioning the Governor.

Mr. METCALF. I obtained the information from an article published by the University of Alaska and I placed it in the RECORD, as to an investigation of the natural gas regulatory agency in control.

Mr. LONG. Mr. President, will the Senator from Colorado yield at that point?

Mr. ALLOTT. I yield.

Mr. LONG. Would the Secretary of the Interior have any responsibility to determine the rates that gas will be sold for in this country? It is my impression that that would be for the Federal Power Commission to determine; am I not correct?

Mr. ALLOTT. So far as I know, the Secretary of the Interior has no control over it.

Mr. LONG. Let me say to the Senator that I would not want the RECORD to stand as appearing that there is no one against that Machiasport refinery. My impression is that if I were representing the State of Rhode Island, and certainly if I were representing the State of Maine, I would be 1,000 percent for the refinery at Machiasport. But as I am standing here representing the State of Louisiana, I am 1 million percent against the refinery at Machiasport. In other words, it all depends upon what State we represent.

If I were the Governor of Maine and I did not favor the Machiasport refinery, I am sure that I would be unpopular. If I were the Governor of Louisiana and if I did not want to maintain the oil and gas industry which accounts for 40 percent of all employment in my State, I would not be a good Governor of that State. The place one represents tends to determine where one stands upon that question.

There are many people that have something to say about oil and gas. Various Cabinet and sub-Cabinet members have a voice in determining what the production of oil should be, what the capacity should be, and what the general level of oil imports should be. There are people, other than the Secretary of the Interior who have something to say about that. As I understand it, the Secretary of the Interior primarily has a job that has to do with the vast holdings of Federal lands in this country, and when one speaks in terms of ability to hold such a Federal job, can the Senator tell me what State has more Federal land than any other State in the Union?

Mr. ALLOTT. Alaska.

Mr. LONG. Then the man from Alaska who has more knowledge of the problems of his State in dealing with the Federal Government, where Federal lands are concerned, than anyone else in any other State in this Union, should probably have some knowledge of the problems involving Federal lands; and that is the primary responsibility of the Secretary of the Interior, is it not?

Mr. ALLOTT. That is true. I thank the Senator very much for his contribution. What most people really fail to realize is the broad scope of the areas involved in the Department of the Interior.

As I look around this Chamber at my colleagues on the Committee on Interior and Insular Affairs, many of whom have served longer than I have, I am sure that any of us would have been hard put to answer some of the questions asked in specific areas, even though we have served on that committee for a long time.

For example, it has complete control of all minerals and mineral resources; complete control over the Indians; control over the territories of this country; also water and power resources; also all Bureau of Land Management public lands; and, finally, the sixth subcommittee of the main committee deals with recreation and parks.

When we stop to consider the areas of mineral resources, we have the mineral resources themselves, the Bureau of Mines, the oil quotas; and there is the Geological Survey; the cadastral survey, the immensity and the complexity of this one Department is fantastic. I doubt whether the outgoing Secretary of the Interior—and I am not in any sense trying to be derogatory—could have done a better job under the very deep and penetrating questions which were put to Governor Hickel during this time.

Mr. President, just a few more words in conclusion. I had not intended to keep the floor this long, but I am happy to have these opportunities to answer questions, and I am also happy for the contributions of the senior Senator from Alaska and other Senators who have asked questions.

It seems to me that what we get down to here—and I might as well clear up this matter because I think it bears directly on what I am going to say about Governor Hickel—I referred to this earlier because he did do a fine job—I want to clear up the record about John Martin Kelly, who was Assistant Secretary of the Interior for Mineral Resources. He was appointed by President Kennedy. Hearings were held on March 27, 1961. The committee approved him that same day—that same day before hearings were printed—and he was approved by the Senate, the next day. He served until June 30, 1965.

At the time of his appointment, he was a consulting mining engineer and geologist, and an independent oil producer and driller as an individual.

He was president of the Elk Oil Co., a wholly owned family business. This was in addition to being a producer and a driller as an individual. That company was primarily a royalty company. He was mineral adviser to the New Mexico State Land Office.

Mr. Kelly proposed to make a gift of the stock of the Elk Oil Co. to his four minor children. He made Mr. James T. Jennings his personal attorney, the custodian of it for the children, if the court approved. According to the hearing record his own staff did continue to operate his individual business as a producer of oil on State and fee lands—not Federal lands, now—through his staff, but his Federal properties were to be divested.

That is exactly what we have required in this instance. I do not know that this is clear to everyone who may hear it but when we got through confirmation of these people, the committee, at least the Committee on Interior and Insular Affairs, goes through his portfolio and if there are any stocks in there that might possibly result in a conflict of interest, we ask that a man divest himself of these things. We agree unanimously and we never have any difficulty.

Under Mr. Kelly's direction were the Bureau of Mines, the Geological Survey, the Oil Import Administration, the Office of Mineral Exploration, the Office of Coal Research, the Office of Oil and Gas, and the Office of Geography.

Now, I repeat, I use this only as an example of how we have approached this matter and to put it in its proper context, because Mr. Kelly served for 4 years until June 30, 1965, and I have never heard one word of criticism of anything he did.

Thus, what it boils down to is that we cannot pull a man out of a vacuum, one who has never been anything or done anything, and make him Secretary of the Interior.

We have here a Governor of a State, one of the two newest States in the Union who has been, I would say, a fine and great Governor of the State of Alaska.

I propose to talk about some of those things later but eventually, I say this to Senators who believe they are opposed to this: "No matter what criteria you write into the report, no matter whether you agree with the case, as to what you will do with this whole thing, no matter what kind of trust you say a man shall set up for all the property he has, eventually you come down to one thing." That is the integrity of the individual. So I asked myself: Do I have faith in the integrity of this man? I know that his decision on Machiasport is not going to be easy. As the Senator from Louisiana has said, there are probably as many Senators in this body who are opposed to it as there are Senators who are for it.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. MUSKIE. That is exactly the reason why we need a man who will not only be objective and fair, but a man who, once he makes up his mind, if his decision is favorable to New England's case on the merits, has the courage to really fight for that decision.

I know the crunch that comes when the oil industry has made up its mind to achieve an objective. We had understood that this administration—I am talking about the immediately past administration, the Johnson administration—was delegating its authority to the Secretary of the Interior in order to eliminate any suspicion that oil import decisions were biased. We learned, in the closing weeks of that administration, when the crunch came, that the oil industry had the political power and force to get its way.

We do not have that kind of crunch in New England. At least, we could not demonstrate it in those closing weeks, and we were bowled over.

I questioned the nominee. I did not expect him to make a decision on this case in response to my questions, but I was trying to get some feel out of his background, his instincts, his reaction to this problem, which would give me some clue as to whether or not, first, he could make such an objective decision, and, second, whether, if that decision ran counter to the interests of the oil industry, he could support or sustain it.

I did not get any clue. I did not expect it. I hoped I might, but I did not. I think the Governor referred to the New England problem as something needing solution. Well, that does not give much of a clue. He suggested we needed a solution that was not apparent, but we think the solution is pretty apparent. But if he rejects the one that is being considered as one he cannot see, that may be prejudging the matter, perhaps.

He suggested, in response to another question, that we have to use our imaginations to find a solution. Well, we have, for some 8 years, and apparently the solution we came up with does not seem imaginative to him on this kind of exposure.

In all fairness, there is not much clue in his answers. Probably we could not expect them. Probably we could not expect a decision.

So I am left with this decision. Here is a problem of a critical nature to my region.

Mr. ALLOTT. I understand that.

Mr. MUSKIE. We had understood for 8 years, or perhaps 5 years, that we were going to get objective treatment and that if decisions on the merits leaned our way, we could expect that they would be decided on their merits.

January 20 came and went. Frankly, it was not my view that that is the kind of treatment we got. So now I am asking, as a Senator from New England, whether or not, once more, we are going to take the situation on faith, when there is some evidence in the nominee's record that he is oriented in a direction—I am not speaking of orientation in the sense of prejudice; I have no evidence of prejudice—that makes it impossible for him to look at this problem from our point of view; one who, having looked at the problem and having reached a decision, can fight for a decision that runs against his background, his orientation, and the particular pressure of the oil industry. I think that is a lot to ask of a man.

If we confirm him and he is required to go through this problem, can we know what his reaction will be? All I am asking is, do we, for a number of years, in addition to those we have had in the past, just act on faith, against our doubts, to put this decision in the hands of this man?

I have very serious doubts, as I have indicated. I have a statement to make later. I am not impugning the nominee's motives. I am not a member of the Committee on Interior and Insular Affairs. The committee has made no suggestion that the man is dishonest. I have no quarrel with the fight he has made for the interests he has represented or for the interests he has had in the past. I agree with the Senator that we cannot take a man out of a vacuum and put him in office as Secretary of the Interior, but we cannot divorce him from the past.

The Secretary of the Interior, in my judgment, ought to be the No. 1 conservationist for the country, because there is no other place to put him in the Federal Establishment. When I say "No. 1," I mean a man who does not neglect all other considerations, but a man who puts conservation priorities first. Whether a man does, it seems to me, is decided before he is appointed Secretary of the Interior. If he has not had this kind of priority in his mind in the past, he cannot generate it in a few days of hearings before the Interior and Insular Affairs Committee or in a few days of debate on the Senate floor. It is not against a man if he does not have those priorities. Not all Americans are going to be conservationists first, but I say the Secretary of the Interior ought to put conservation first.

Again, we have to take some chances and resolve some doubts. I agree with the Senator's statement that, on any person, whether a Democrat or a Republican is named Secretary of the Interior, we are not going to come up with complete agreement; but I have some doubts about this nomination, and I will make a statement later.

I want the Senate to understand that, as far as I know, Governor Hickel is a man of honesty. As far as I know, he is a man of courage, within the circumstances under which he has had to operate. But when he comes up against the oil industry, he is going to find himself in a circumstance he has never met before. The only way to meet it the way we have is to become a Senator from New England.

Mr. ALLOTT. I thank the Senator, and I sympathize with his position.

I see that Secretary Udall gave Hawaii an oil zone. I expect my feelings would be expressed even a little more strongly if I were a Senator from his portion of the country, particularly his State, if I had read this article, which I ask unanimous consent to be placed in the RECORD, and had not received consideration for my own.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UDALL ACTS TO GIVE HAWAII OIL ZONE

(By Spencer Rich)

Secretary of Interior Stewart L. Udall, the central figure in one of the last great feuds of the Johnson Administration, signed two new oil import quota regulations before leaving office. The action paves the way for foreign oil to enter Hawaii through a trade zone arrangement.

The regulations, which apply to Hawaii and the West Coast, set out rules under which the Hawaiian Independent Refinery, Inc., can build a 30,000-barrel-a-day refinery to bring foreign oil into a foreign trade subzone for which application is pending and then refine and sell it in Hawaii.

The new regulations, announced yesterday were seen by some as a possible precedent for the politically controversial Machiasport, Maine, foreign trade zone refinery favored by New England Congressman as a means to reduce fuel costs in New England.

Normally, material imported into an area designated as a "foreign trade zone" or subzone can only be sold abroad. The oil industry fears that if low-cost foreign oil, refined in foreign trade zones, is allowed to be sold in the United States—even after obtaining an oil import quota—the oil quota system that helps prop up domestic oil prices will eventually be breached.

The Hawaii-West Coast regulations signed by Udall are the first ever setting forth the conditions for import of oil into a foreign trade zone. But before they can be applied, Hawaii must obtain from the Foreign Trade Zones Board (consisting of the Secretaries of Commerce, Treasury, and Defense) approval of its application for the foreign trade subzone in which the refinery would be built.

It was not clear what role Udall's oil order played in the still-sputtering controversy over former President Johnson's failure last weekend to set aside three huge areas of the public lands in Alaska and Arizona as parts of the National Park System. The President, apparently at the last minute, decided not to set aside as "national monuments" 4.1-million and 2.2-million-acre areas in Alaska and a 911,700-acre area in Arizona. He can do this under the 1906 Antiquities Act.

The Interior Department had already announced on Saturday afternoon that the President was acting on these three areas, and Secretary Udall later that day, in a reportedly stormy phone conversation with Mr. Johnson in lieu of a planned face-to-face meeting which didn't come off, offered his resignation.

One source said yesterday that it may have been irritation with Udall's proposed oil order that helped decide President Johnson against the parkland action, which Udall had been pushing for months.

But the Johnson camp countered that Udall may actually have "slipped over" the oil import orders Monday because of anger with the President following their weekend dispute over the park land.

Yesterday Johnson partisans took the offensive, saying it was not presidential pique that led to Mr. Johnson's decision—as some in the Udall camp were implying—but Secretary Udall's failure to pave the way politically on Capitol Hill for the three new monuments.

One source suggested that Udall, in his enthusiasm for creating the new monuments from existing federally owned lands, had underestimated opposition on Capitol Hill. He said the President was furious when at the last moment he learned of the depth of opposition.

Udall, it was understood, discussed the proposed land orders with Senate Interior Chairman Henry Jackson (D-Wash.) and senior House Interior Republican John Saylor (R-Pa.) three to four weeks ago and obtained their backing.

But he did not brief or inform some of the other interested members until late last week, on Thursday or Friday, when he met with the Arizona, Alaska and Utah delegations and informed House Interior Chairman Wayne Aspinall (D-Colo.) of the plans.

But that apparently was too late to be consulting Congressional leaders. It badly ruffled the feathers of some senior Senators and House members. It left Aspinall—in his own words—"dumbfounded, chagrined, completely upset." He has long believed that only Congress should create National Park System units.

Sen. Alan Bible (D-Nev.), the second-ranking Democrat on the Senate Interior Committee, which has jurisdiction over parks, was not advised of the proposals, for example, until late last week. Nor were Arizona's two Senators, Barry Goldwater and Paul Fannin, both Republicans. Fannin said he opposed the land actions in his State.

Sen. Ted Stevens (R-Alaska) also opposed the two massive monuments in his State.

A source close to Mr. Johnson said the President was worried about putting aside areas of such huge size by executive action when it was Congress that would have to appropriate the money. He feared such action might make Congress angry and prejudice the future of the park system.

"The C&O Canal in Washington was the last area put aside through executive action (on Jan. 18, 1961) under the Antiquities Act," this source said. "And it has never received a penny in funds for development in the eight years since because of Aspinall's disagreement with the use of the executive power to set aside the area.

"So in the end, the President eliminated the most controversial, huge areas and approved only four smaller areas" (totaling 384,500 acres in Arizona, Utah and Alaska).

The Udall camp conceded that the President never actually made a final commitment on the three larger areas although it was believed he favored them. But it also denied that Udall flubbed the Congressional liaison, pointing out that "the way LBJ works, you don't brief people until it's set."

"The President was well aware there would be strong Congressional opposition," said one source denying that Udall had misled him on this matter.

Udall himself said yesterday that the major arguments for the two Alaska areas set aside was that this might be the last opportunity to preserve these land areas in their natural state. Alaska, he said, is soon to take over for state use 103 million acres of Federal lands, perhaps including some of the best wild areas.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. ALLOTT. In just a moment.

Mr. MUSKIE. The Senator has put his finger on a troublesome problem. In the Hawaii case, I hope what was done was the establishment of a precedent that will be helpful to us. I suspect Secretary Udall would have done more for us than he did were it not for the pressures that were at work prior to January 20.

The Senator will recall my questions to the Secretary-designate. I said this to him, and, of course, he could not answer it:

> New England has been pressing for a decision before January 20, but the oil industry has been pressing to delay until after January 20, and each side can see that January 20 has been the focal point, because each side assumes, Governor Hickel, that after that date you will be disposed to be favorable to the oil industry and unfavorable to New England.

There is no question but that these two movements had taken place prior to January 20 for this reason. It puts Governor Hickel in an awfully hot spot.

Mr. ALLOTT. Mr. President, will the Senator yield? Let me say something at that point. Does the Senator know of any man in the United States, who would be conceivably qualified for this job, taking into consideration all of the things involved, who is not going to be on the hotspot when this matter comes along for consideration?

The Secretary of the Interior is not going to be the only man who takes part in this decision. The State Department and other agencies, the Office of Emergency Planning, the Commerce Department, and others, will be involved in the matter. But does the Senator know of any man who could go in there and not be on the hotspot, when the matter comes up for decision?

Mr. MUSKIE. The Cabinet level is a hot spot in every Department. That is not the point I make. This is a special hot spot, and a special hot spot especially for a man whose orientation creates additional problems for him.

Mr. ALLOTT. What orientation is the Senator talking about? Does the Senator know—and I want the Senator from Alaska to correct me if I am in error on this—that while Governor Hickel was Governor of Alaska, he raised the oil tax in Alaska from 1 cent to 4 cents? Is that not correct?

Mr. STEVENS. One percent to 4 percent.

Mr. ALLOTT. One percent to 4 percent. As a matter of fact, contrary to what has been said in the papers——

Mr. MUSKIE. The Senator is raising another question.

Mr. ALLOTT. He has received a lot of heat for raising these taxes.

Mr. MUSKIE. Oh, I have no doubt of that. But he is not oriented to New England's problems; he is oriented to a State which has discovered large oil reserves, whose development requires cooperation at the Capitol and cooperation with the existing oil industry in this country.

When they come into a situation, they do so on their terms, and they know how to protect themselves. That is their business. It is not the business of the Secretary of the Interior.

If I had been in his shoes as Governor of Alaska, and if I were nominated to be Secretary of the Interior, I think I would have some doubts as to my ability to be objective in this position, and to be sympathetic and understanding to the problems of a region like New England. Let me state it in that sense.

What I am talking about has nothing to do with the personal integrity of Governor Hickel. It has to do with whether or not, in the light of his experience as Governor of Alaska, the need, as Governor of Alaska, to develop its resources, to explore its oil reserves, to develop them, and to invite into the State the capital and the companies and the management necessary to do that, he can then move into a spot like the office of Secretary of the Interior with all good faith, honesty, and intention, and serve fairly and objectively, when the crunch comes, the interests of a region like New England.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield to the distinguished Senator from Iowa.

Mr. MILLER. Mr. President, the Senator from Maine has expressed his disappointment that Governor Hickel was not able to give a "clue" to his position on the New England problem.

Mr. MUSKIE. I did not express disappointment, may I say, I said I had hoped that he might, and understood when he could not.

Mr. MILLER. Certainly the Senator, having expressed the hope, implied his disappointment that no clue was given. That is the point.

The response to that point, I think, is this: The Senator should have been disappointed if he had given a clue, because then he would have removed the objectivity with which he is supposed to tackle this problem.

Mr. MUSKIE. If the Senator will yield, I said I did not expect him to make a response to my question.

Mr. MILLER. The Senator from Maine said that, but that is not what I am talking about. I am talking about the expression of concern by the Senator from Maine that he had not indicated a "clue," not a response or decision.

Mr. MUSKIE. I asked the question hoping I might get one, not expecting one, and I did not get one. If the Senator wishes to embroider my answer with such words as "disappointment" and the rest of it, that is his privilege, but that is not what I said, and I like to be somewhat precise when I comment upon things as closely related to the integrity and honesty of a man as we are in discussing Governor Hickel. I do not like my impressions of a man, in those circumstances, embroidered with someone else's interpretation of what I said.

I said very precisely that I asked the question hoping I might get a clue, not looking for anything specific, not expecting one, and I did not get one. I leave my observation at that point.

Several Senators addressed the Chair.

Mr. ALLOTT. I yield to the Senator from Iowa.

Mr. MILLER. I ask the Senator from Maine, then, if he did not expect a clue, why has he brought this matter upon the Senate floor in the first place?

Mr. MUSKIE. Would not the Senator expect me to act in the interests of my State, at a hearing in which the nomination of the Secretary of the Interior is considered?

Mr. ALLOTT. Mr. President, I believe I have the floor.

Mr. MILLER. The Senator has yielded to me, I believe.

Mr. ALLOTT. I have the floor.

Mr. MILLER. Will the Senator permit me to continue briefly?

Mr. ALLOTT. Yes, the Senator may continue briefly.

Mr. MILLER. I think it is very important to put this matter in perspective. I share the sympathy of the Senator from Colorado with the problem of the Senator from Maine, but my point is that instead of furnishing a clue, whether it is expected or not, I think that the Secretary-designate was most prudent in not furnishing a clue. If he had, then his objectivity would have been damaged. So I, for one, think it is a good thing that he did not do so.

I should like to mention just one other point.

Mr. MUSKIE. Mr. President, will the Senator from Colorado yield so that I might comment on that just once more?

Mr. ALLOTT. Let me yield to the Senator from Iowa.

Mr. MUSKIE. Mr. President, I would like to add one word, if I may.

Mr. MILLER. Mr. President, I believe the Senator from Colorado yielded to me.

Mr. ALLOTT. Mr. President, I will yield the floor to the Senator from Maine in a moment.

Mr. MUSKIE. No; I have had enough.

Mr. MILLER. Mr. President, there has been a lot of expression of interest over this January 20 date. What has happened to this interest in the last 8 years? Why was there not an equal amount of interest 3 years ago, or 4 years ago? Since I have been in the Senate, and I am sure since everyone has been here, there has existed this perennial oil import problem of New England. Surely a solution will be required, but why must it focus on January 20?

I should think that Governor Hickel would realize that there has been a Democratic administration for 8 years which has not come up with a solution; and common prudence would indicate that he should not risk his objectivity by indicating a clue on how he would propose to solve it. He recognizes that a solution is required, and I think that is as far as he could go.

I thank the Senator from Colorado.

Mr. ALLOTT. I thank the distinguished Senator from Iowa very much.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield to the distinguished Senator from Louisiana.

Mr. LONG. Mr. President, I, for one, would join the Senator, if I correctly understood him, in his view that the question of the Machiasport refinery should not really be decisive, or really should play no part if a Senator is being impartial, in the matter of the confirmation of the appointment of a Secretary of the Interior.

They would have us believe they seek only to provide New England with fuel on the same basis as the rest of the country, as I understand them. My impression, however, is that this is a movement to provide New England with fuel at a cost far below the cost to even the area that has produced such fuel. I have favored the creation of a free trade zone insofar as it would help solve the problem of a depressed area at Machiasport, which is a small seaport city. My objection, however, is that we will lose two jobs in a State like Louisiana for every job they gain at Machiasport.

We in Louisiana not only produce the oil, we refine it; and if they build a big petrochemical complex there, for every job they gain, we will lose one at the place where the refining of the oil has historically and logically been carried out—where they produce it.

While it is true that Machiasport can be regarded as a depressed area in that part of northern Maine, at the same time, if you compare New England to oil-producing areas like Louisiana, east Texas, Mississippi, Arkansas, and Oklahoma, the per capita income in the New England area is twice as high as it is in our area.

So all of these things should be taken into account. I may say that if New England is not satisfied about the matter, then Louisiana has a right to be satisfied, or vice versa. But about all that the man can do, it seems to me, is to do what he said he would do—to study and consider it and take into account every angle when it comes up.

If Senators want to debate that matter, I hope they will look into it as one of many of our problems. It certainly is a major one.

New England may gain 3,000 jobs at the Machiasport refinery. But they should take into account that they do not have quotas.

They may have 3,000 jobs in shipyard areas which would have to be abolished, and those people would have to look for other jobs.

I am talking about problems that affect Louisiana equally. We have many industries that pay good wages, and those jobs will be sacrificed if we want to embark upon a policy of free trade and other policies which some persons would recommend.

Mr. ALLOTT. I thank the Senator from Louisiana. I want to conclude my remarks, but we keep getting into matters which are basically extraneous to the question under discussion.

I have no quarrel with the interest of the distinguished Senator from Maine in this matter. But one thing is certain: We are not going to resolve that matter on the floor of the Senate. We are here to consider the qualifications of a man who has been nominated to be Secretary of the Interior.

Some persons might read implications into certain things that have been said. I do not say that they were said. But I want to inform the Senate that Governor Hickel raised the oil tax in Alaska from 1 percent to 4 percent. I also note in the record that he directed the State to file a $200,000 damage suit against the owners of a 735-foot oil tanker following the arrest of the vessel on the charge of illegal discharge of ballast oil into the waters of Cook Inlet. So this man's record as Governor is fine.

Governor Hickel has shown a great deal of aggressiveness on behalf of his State. As I see it, it all comes down again to one thing: The integrity of the man who takes office. I have referred to one case, because it was so outstanding, and the man who did it was outstanding and did an outstanding job. I fully believe that Governor Hickel can and will do the same kind of job, although he recognized that there are many new problems, including many that we do not know of yet, that we will face in this country, that will come under the Department of the Interior. I think he can solve them, if anybody can.

I yield the floor.

Mr. PROXMIRE. Mr. President, I oppose the nomination of Governor Hickel as Secretary of the Interior. The President should have the right to choose the members of his official family. I would give his nominees the benefit of the doubt.

However, the Constitution gives to the Senate the power, indeed, the duty to advise and consent to the President's Cabinet appointments. Senators have a clear consitutional responsibility to reject a nomination if they conclude the accession of the nominee to office would not serve the public interest.

PRESS CONFERENCE REMARKS

Governor Hickel's remarks at a press conference shortly after he was nominated first awakened my fears that he was not the proper man to assume the vast responsibilities of the Secretary of the Interior. Statements such as he was opposed to "a policy of conservation for conservation's sake," that it was wrong to "lock up lands for no reason or to make it so difficult that the general public could not use them," and that the domestic markets cannot be left "wide open" to imports of foreign oil prompted me to write to Governor Hickel on December 26, 1968—about 4 weeks ago—at President Nixon's New York headquarters to find out what he meant by them. I ask unanimous consent that the text of this letter be printed in the RECORD at the conclusion of my remarks:

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. Mr. President, I have just received a reply from Governor Hickel. As a matter of fact, it came to my office a half hour before the Senate convened today. I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. PROXMIRE. My questions and Governor Hickel's replies are short. I asked Governor Hickel:

> 1. You stated that you were opposed to "a policy of conservation for conservation's sake," that it was wrong to "lock up lands for no reason or to make it so difficult that the general public couldn't use them." Did you mean that you were opposed to the current policy of protecting the wilderness areas under the jurisdiction of the Interior Department? If so, how would you modify it to "unlock lands for public use"?

Governor Hickel replied:

> 1. I support and will seek to effectively administer the Wilderness Act as passed by Congress.

Of course, the nominee will, I am sure, enforce the laws of the land. I would not have expected him to answer the question in any other way. But he was the one who raised the question himself at a press conference after he was named to be Secretary of the Interior. He stated his attitude toward conservation. So I submit that his reply to the first question is just not responsive.

My second question to Governor Hickel was as follows:

> 2. You stated that, although the domestic markets cannot be left "wide open" to imports of foreign oil, the Government cannot protect oil prices "to the point that consumers would be penalized." "It's entirely possible some imports are necessary." Did you mean that you would support policies designed to expand the amount of foreign oil permitted to enter this country in order to bring down consumer prices? Or would you be inclined to restrict further the import of foreign oil?

Governor Hickel responded:

> I will not, at this time, make any specific statements regarding oil import policies.

It was Governor Hickel's specific statement earlier that I was asking him about. I did not ask him to make those initial statements; he made them voluntarily at a press conference. So it would seem to me that if he had any interest in clarifying his position, he should have done so when I afforded him the opportunity to do so. He went on to say:

> In testimony before the Senate Interior Committee, I repeatedly stressed that future policies must be based upon both national security considerations and the needs of the consumer. I have pledged an early study of the administration of the Mandatory Oil Import Program in consultation with the many other federal officials, departments, and agencies which are vitally involved in national energy policy matters.

This is commendable, but he did not clarify the initial statement he made to the press conference.

In the third place, I asked Governor Hickel:

> 3. You stated that a "joint (industry-government) program might be possible" to develop the oil shale reserves owned by the Federal Government. Did you mean that the Government should actively investigate means of economically producing oil from oil shale, holding off leasing these lands until such a process is developed? Or did you mean that the Government should proceed to lease more of these oil shale lands now before it conducts substantial additional investigations?

Mind you, once again, it was Governor Hickel's assertion that a joint industry-government program might be possible to develop oil shale field reserves owned by the Federal Government. His reply to my question reads:

> 3. I have not had an opportunity to study the question of oil shale development in depth or to receive the advice of national energy policy experts. I am told that Secretary Udall has taken several steps in the right direction with respect to oil shale development but that the results of a recent test lease offering were not satisfactory from the government's point of view. I intend to make an early study of the reasons for the failure of that offering.

I submit, once again, that if the distinguished Secretary of the Interior-designate had not had a chance to study the question, he had not had a chance to discuss it with people who have studied the question, his initial impression, which he stated at the press conference when he was Secretary of the Interior-designate is one that should have been clarified by him when he had the chance and the right to do so.

He did not clarify it. He just said he did not know anything about it. He said that—

> I am told that Secretary Udall has taken several steps in the right direction with respect to oil shale development but that the results of a recent test lease offering were not satisfactory from the government's point of view. I intend to make an early study of the reasons for the failure of that offering.

The last question I asked Governor Hickel was this:

> You stated "it will be catastrophic to allow the (oil) quota limitations on foreign oil to be circumvented through the device of (a) foreign trade subzone."

Those were the words of Governor Hickel when he was Secretary of the Interior-designate—

> It will be catastrophic to allow the quota limitations on foreign oil to be circumvented through the device of (a) foreign trade subzone.

It has been brought out very emphatically in the debate that has taken place this afternoon that he, as Secretary of the Interior, would determine whether or not that crude oil would be made available from foreign sources, without which the Machiasport refinery simply could not function.

I asked him:

> Did you mean that you do not intend to evaluate the use of foreign trade zones as a means of helping our national security and economy? It would seem to follow—unless you change your position that you would

> oppose the Machiasport proposal or any similar effort to hold down consumer costs.

Governor Hickel's response:

> While the question of Foreign Trade Zones will not come directly under my jurisdiction when I become confirmed as Secretary of the Interior, I have pledged to give the fuel supply needs of the various regions of the country my early attention. Every study and decision which I may make in the future will certainly be prompted by an effort to help our national security and economy.

Once again, after he was designated as the Secretary of the Interior by the new President, after having made the statement that it would be catastrophic to go ahead with Machiasport, he did not take the opportunity to retract that statement, so I presume it is the statement upon which he stands.

Although I realize that the past 3 weeks have been hectic ones for Governor Hickel, and while I take no personal offense at the lateness of the reply, it does mean that I must rely largely upon the basis of the hearings held by the Interior Committee to form a judgment on this nomination. As usual, those hearings were well and fairly run by the Senator from Washington (Mr. JACKSON).

From the facts brought out at the hearings before the Interior Committee, Governor Hickel's record, while he was Governor, leaves much to be desired. He has continually placed the interests of business before the interests of conservation and of the people. His impulsive actions without regard to the legal limitations on his powers indicate to me an incapacity to handle the vast powers he would possess as Secretary of the Interior. His close connections with the oil industry, his obvious unconcern with conflict of interest, and his lack of understanding of the great conservation problems facing our Nation all lead me to oppose Governor Hickel's nomination.

OIL AND THE INTERIOR DEPARTMENT

Mr. President, it is this, Governor Hickel's close identification with oil, which is the prime reason for my opposition to his appointment. Later in this speech I shall document the particular and principal responsibilities Governor Hickel will have over the oil industry as Secretary of the Interior. The Secretary is the principal defender—must be the principal defender—of the public interest where the oil industry is concerned; and, believe me, where the oil industry is involved, the public needs a defender. Does the evidence suggest that Governor Hickel will be the champion of the public interest when it comes into conflict with oil? I will consider that question in detail.

VAST RESPONSIBILITY FOR RESOURCES

The Secretary of the Interior, of course, also bears a great responsibility for protecting the public's interest in the natural resources of the Nation. The degree and extent of his responsibility is little recognized. One can gain some insight into the extent of these powers by merely listing the titles of his Assistant Secretaries and the offices he and they supervise.

There is an Assistant Secretary for Fish and Wildlife and Parks. Under him are the Commissioner for Fish and Wildlife, the Bureau of Commercial Fisheries, the National Park Service, the Bureau of Sport Fisheries and Wildlife, and the National Fisheries Center and Aquarium.

The Assistant Secretary for Mineral Resources has under him a number of bureaus and offices which are vitally important to the people of the United States if we are to preserve and control our natural resources. These include the Bureau of Mines, the Geological Survey, the Office of Coal Research, the Office of Minerals and Solids Fuels, the Office of Oil and Gas, and the Oil Import Administration.

But this is not all. There are at least three other major areas in the Department of the Interior which affect our natural resources.

There is an Assistant Secretary for Public Land Management. Under him are the Bureau of Indian Affairs, the Bureau of Land Management, the Bureau of Outdoor Recreation, and the Office of the Territories.

JURISDICTION OVER ONE-THIRD OF THE LAND

To give one an idea of how important just one of these offices under merely one of the various Assistant Secretaries is, let me single out the Bureau of Land Management.

According to the U.S. Government Organization Manual:

> The Bureau of Land Management is partially or totally responsible for the administration of mineral resources on about 765 million acres, approximately one-third of the area of the United States. (P. 260.)

The Bureau has exclusive jurisdiction over 453 million acres of this land and also shares the responsibility for managing the mineral resources of the federally owned submerged lands of the Outer Continental Shelf.

As Senators know, the royalties which have come into the Treasury from the oil on the Outer Continental Shelf have now run into the billions of dollars and should bring in billions more. Yet the Bureau of Land Management which controls these vast amounts is only one of dozens of offices and bureaus in the Department of the Interior. It is merely the tip of the iceberg.

The Assistant Secretary for Water and Power Development also has tremendous responsibilities which affect the great natural resources of the United States. Under him are the Bureau of Reclamation, and the Bonneville, Southeastern, Southwestern, Alaska, and Defense Electric Power Administrations.

Finally, there is an Assistant Secretary for Water Pollution Control. He has under his jurisdiction not only deputies for scientific programs and applied science and engineering but also the Federal Water Pollution Control Administration and the Office of Saline Water.

GREAT IMPORTANCE OF NATURAL RESOURCES

I will go into some of these areas in greater detail. But, first, it is important to say something about the importance of our natural resources and the Department of the Interior.

As our country has become more complex, as it has become highly urbanized and mechanized, and as each of us becomes more dependent on the other, things we once took for granted are now of vital importance to all of us.

As our population grows, will we continue to have enough land and resources to feed our people and to fuel our industries unless our land and resources are carefully nurtured and preserved?

We must take action to clean up our streams and prevent smoke and smog from polluting the environment in which the American people live. To preserve the human spirit, to give the American people places where they can rekindle their energies, and to know the land and the water as it was originally created, we need parks and open spaces to which the people can repair.

Because of this, the Secretary of the Interior will have increased responsibilities as time goes on to protect, to preserve, and to conserve our land and our resources from those who would plunder them for narrow gain instead of saving them for future generations of Americans. The Secretary of the Interior must understand all of this if he is to perform his job.

OIL AND GAS

In addition, one area is of special importance to the American people. That is the area of responsibility of the Secretary of the Interior over oil and gas.

I should like to point out to the Senate that the worst scandal this country has ever had was, of course, the Teapot Dome scandal. That scandal was brought about because of the action of the oil industry with a Secretary of the Interior. I believe this is something that every Senator must keep in mind at any time we consider the nomination of a Secretary of the Interior. We should recognize the great pressure, the great incentive, that the oil industry has to use the Secretary of the Interior and his vast powers in order to increase their profit and their opportunity for profit. Believe me, the opportunity is there, in spades.

THE OFFICE OF OIL AND GAS

One of the major Interior Department offices is that of the Office of Oil and Gas. It was established by the Secretary under a Presidential letter in May of 1946. As the Government Organization Manual points out:

> The Office of Oil and Gas was established . . . as the agency in the Federal Government having primary responsibility for leadership and information on petroleum and gas, and to serve as the principal channel of communication with the petroleum and gas industries. (P. 246.)

In addition, Mr. President, under an Executive order of February 14, 1962, it was assigned additional defense planning responsibilities.

Under its charter this office has responsibilities for oil policies both at home and abroad. Domestically it provides the data for establishing and carrying out Government policies and programs for oil and gas. It provides information to agencies about strategic and economic factors affecting the oil and gas industries both at home and abroad. And it provides advice about our international oil policies.

This office prepares the national emergency plans for oil and gas. It takes part with other agencies in the oil and gas activities of international organizations. It is involved in planning programs designed to meet our needs and the needs of our allies under emergency conditions.

It receives advice about the oil and gas industry from a dozen or so important industry advisory committees. It works with the States, with the North Atlantic Treaty Organization, the OECD, with the Economic Commission for Europe, the United States-Canada Joint Emergency Resources Planning Committee, and with the Interstate Oil Compact.

We all know that the interstate Oil Compact Commission, in the name of conservation, controls the amount of the domestic oil production in this country and indirectly maintains the price of oil.

This is a great power and a great authority. It has been said today in debate that the Secretary of the Interior cannot regulate the price of natural gas. However, through the Interstate Oil Compact Commission he has great influence in the amount of domestic oil production in the country and the price of oil.

As the Organization Manual and the Presidential letter setting it up both state, the Office of Oil and Gas is the agency in the Federal Government having primary responsibility for leadership and information on oil and gas.

THE OIL IMPORT ADMINISTRATION

Another major office in the Interior Department is the Oil Import Administration. Under a Presidential proclamation of March 10, 1959, entitled "Adjusting Imports of Petroleum and Petroleum Products Into the United States," the Secretary of the Interior controls the amount of foreign oil which comes into the United States and indirectly the price of oil.

Supposedly, in the interests of national security, it imposes restrictions upon the importation of crude oil, unfinished oils, and finished petroleum products. Here is the power that the Secretary of the Interior will have as far as the Machiasport refinery is concerned because if they are to function, they must get that crude oil over which the Secretary has power.

The Administration allocates imports and issues import licenses. As any one who reads the newspapers knows, these functions affect the cost of living of countless millions of American consumers who either depend on oil and gas for fuel or who pay a price for their fuel which is affected directly by the actions of this office. Not only are individuals affected by its policies but also large sections of this country are affected by what this office does.

This agency has the authority over the importation of oil for foreign trade zones, a subject which has been of much interest lately, especially in connection with the State of Maine's application for a foreign trade zone at Machiasport. This is a responsibility of the Secretary of the Interior.

THE OIL IMPORT APPEALS BOARD

The Oil Import Appeals Board was established by the Secretary of the Interior. He appoints one of its three members. Its major job is to consider petitions by those who are adversely affected by the decisions of the Oil Import Administration operating under regulations issued by the Secretary of the Interior.

OTHER ACTIVITIES AFFECTING OIL AND GAS

There are dozens of other activities under the jurisdiction of the Secretary of the Interior which affect oil and gas. For example, the policies followed by the Bureau of Mines in its fuels research affect oil and gas as it develops new and competing products, does research into such items as oil shale, which would vastly affect the existing oil institutions, or develops methods of reducing the costs of existing fuels.

The jurisdiction which the Secretary has over Indian affairs and Indian lands involves gas and oil. Further, whether public lands, other than Indian lands, are to be opened to development or preserved, and in what manner, involve gas and oil, and is very largely in the discretion, authority, and power of the Secretary of the Interior.

Whether a new national park or national monument is to be designated or whether such an area is to be opened to development affects the gas and oil industry.

As in the past those with vital economic interests at stake will bring great pressure to bear on the Secretary of the Interior to open up lands for leasing and development, oppose preservation and parks, and generally support their narrow interest as opposed to the general public interest.

Amassed on one side are the powerful economic groups, especially oil and gas, with their vast holdings, their dozens of special tax and other privileges, their ability to affect elections, and their power in the councils of the banks and industry and international companies.

On the other side are the ordinary citizens of the United States whose power and influence are diffused, and who are no match for the concentrated influence of the oil and gas corporations.

THE POWER OF THE OIL INTERESTS

Very few people realize just how powerful the oil interests are. They have tax privileges which in extent and amount are almost unbelievable to the ordinary citizen who pays his taxes, does his duty, and supports his country through the payment of a large proportion of the income he earns.

OIL TAX PRIVILEGES

Let me just list some of the tax privileges which the oil industry has. This will help put their power in perspective. I will not list those deductions which are available, and quite properly so, to all industries, such as the ordinary costs of doing business, travel, salaries, and operating expenses. The oil and gas industry gets much more.

First of all, the cost of dry holes is written off completely against the income received from successful drillings.

In the second place, the oil companies can deduct what are known as intangible drilling and development costs. What this does is to allow the big oil companies to "expense" in the first year from 75 to 90 percent of their drilling, development, and exploration costs. This means that they can write off in 1 year, as an expense, items which most companies have to write off over the life of the asset.

I have been told by those who are close to the industry that the intangible drilling and development cost privilege is at least equal and maybe superior in value to the infamous oil depletion allowance. My understanding is that it amounts to at least $2.5 billion a year to the industry.

This is a tax privilege which the oil industry has which most other industries do not have.

Mr. GORE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the Senator from Tennessee who is an expert in these matters and who is a member of the Committee on Finance.

Mr. GORE. I thank the Senator. I find the Senator's remarks very interesting. I wonder if the Senator would mind using a different word when he refers to depletion allowance and say percentage depletion allowance because they get a percentage whether there is actually any depletion or any relationship in the depreciation.

Mr. PROXMIRE. The Senator is correct. It is in a percentage, which is 27½ percent of the gross, up to 50 percent of the net, and they can use it over and over again. A study made a few years ago by the Secretary of the Treasury showed that on the average these wells are not written off once or twice but an average of 18 times. It is like someone in business buying a machine and writing it off on his taxes 18 fold. That is the kind of advantage they have.

Mr. GORE. This is one reason why the percentage depletion allowance actually has no relationship to depletion. It is merely a formula for tax deductions.

Mr. PROXMIRE. The Senator is correct.

The third major tax privilege the oil industry has is the depletion allowance. The oil companies receive a tax deduction equal to 27½ percent of their gross income up to 50 percent of their net income, which is completely free from taxation. The depletion allowance can be used to offset income from sources other than oil. Those who invest in gas and oil often do so in order to reduce their taxes from other sources.

This privilege amounts to over $3 billion a year just for oil and gas alone. Because of it and the other points I have listed, Atlantic Richfield which earned $145 million in 1967 paid not 1 cent in Federal income tax.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. PROXMIRE. Mr. President, I am happy to yield to the distinguished Senator from Iowa, who is also a member of the committee.

Mr. MILLER. Do I understand the Senator to say percentage depletion deductions can be offset against other income?

Mr. PROXMIRE. The Senator is correct.

Mr. MILLER. It is the understanding of the Senator from Iowa that the percentage depletion deduction is only available with respect to oil properties, or the income from oil properties. If I understand the Senator's statement, he has a different understanding.

Mr. PROXMIRE. I certainly do. That was my initial understanding. I thought it was a shocking advantage given to one industry. When I discovered it was applicable to income from other sources, I was particularly unhappy, and it redoubled my determination to do all I could, to reduce it, and to cut it back to about 15 percent.

Mr. MILLER. May I say to the Senator from Wisconsin, who always does his homework very carefully, that I would have to have powerful evidence to the contrary. Before I came to the Senate, I prepared tax returns involving oil operating interests and never have I heard that percentage depletion could be offset against anything except oil production.

Mr. PROXMIRE. I shall be delighted to get the information. I do not happen to have it with me on the floor at the present moment, but I shall be delighted to obtain it and give it to the Senator from Iowa.

Mr. MILLER. Furthermore, as the Senator has accurately pointed out, it cannot exceed 50 percent of net income, and that net income is from the oil property or the oil income and not from other income. This is a technical area of the tax law and I can understand how one could be confused over it.

Mr. PROXMIRE. That is right.

Mr. MILLER. This is particularly true where there has been a great deal of misinformation spread around. I thought I should get this point over, because if what the Senator says is true, it should be fully substantiated for the RECORD.

Mr. PROXMIRE. I thank the Senator.

Mr. President, there is another privilege which the oil and gas industry uses because of its vast holdings in Canada, Mexico, and Venezuela. It is known as the 14-point Western Hemisphere deduction. This deduction is taken after the other deductions and credits are taken. When a final figure for taxable income is arrived at, these companies may then reduce their actual tax rate by 14 points, or from 48 to 34 percent for corporations with income over $25,000. That is another reason why many of our major oil companies pay little or no tax.

Another privilege the oil companies have is that oil royalties paid to foreign areas, especially to the Middle Eastern kings, potentates, sheiks, and rulers, are offset against the taxes they owe at home. This is called the "golden gimmick."

These payments are not treated as expenses or as deductions from income, which would be a proper thing to do. They are treated as taxes paid and are credited dollar for dollar against the actual taxes owed at home by the American corporations. That makes it very convenient, of course. What the foreign country does is to have the royalty equal the taxes which otherwise would be paid. As a result, the big international corporations do not have to pay any Federal tax to the Federal Government at all.

These are among the special tax privileges which the oil and gas companies receive. They are the reason why many companies pay little or no income tax on their earnings.

OIL COMPANIES PAY FEW FEDERAL TAXES

The August 5 issue of Oil Week gave details on the tax payments of 23 of the country's largest oil refiners. With few exceptions, the data gives the Federal and other tax payments from 1962 through 1967.

Only five of these 23 companies paid more than 20 percent of their net income in taxes in any one of the 6 years. The average Federal tax payment in every one of the 6 years for these 23 major oil companies, was less than 10 percent.

Some of the figures are really astounding. In 1967, Texaco paid only 1.9 percent. Standard of California paid 1.2 percent. Marathon paid 2.8 percent.

Look at the figures for Standard of New Jersey, the largest of them all. It had a substantial income ranging from $1.3 billion up to $2.1 billion. From 1962 through 1967 it paid, respectively, 0.6 percent, 4.3 percent, 1.7 percent, 4.9 percent, 6.3 percent, and 7.9 percent.

In the case of Atlantic-Richfield, the figures are truly amazing. In 1965 the two separate companies were merged. In the years 1962–64, Atlantic paid no Federal income tax whatsoever. After the merger, there is no evidence that the new combined company paid a single cent in Federal income taxes. Yet, in this period the company had net income of from $56 million to $145 million.

While Richfield paid nominal taxes in 1962 and 1963, in 1964 it not only paid no taxes but received a Federal income tax credit of $629,000 even though it earned over $26 million that year before taxes.

Mr. President, the lowest tax bracket for individuals is 14 percent. The ordinary taxpayer must wonder why he pays 14, or 16, or 20 percent of his hard earned income to the Federal Government when a company like Richfield paid no taxes whatsoever on $26 million and, in fact, got $629,000 back.

The Secretary of the Treasury, in testimony before the Joint Economic Committee last week, predicted that unless we did eliminate some of the loopholes in our tax laws, we were going to have a real taxpayer revolt on our hands in this country.

These are the powerful economic forces with which a Secretary of the Interior must contend.

Mr. President, I ask unanimous consent that a copy of these figures be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

THE OIL LOBBY

Mr. PROXMIRE. Mr. President, the tax privileges and the problems of import quotas give us only a small understanding of the power and influence of the gas and oil lobby and the interests they have to protect.

The Congressional Quarterly of November 29, 1968, gave some information about the oil and gas lobby which shows how this immensely powerful industry puts pressure on Congress and what it can throw into the battle with the Secretary of the Interior.

The industry includes among its numbers the largest companies in the United States. Even though the industry does not produce military hardware, no less than six of its companies were among the 100 largest defense contractors in fiscal year 1968.

In 1967, the value of the crude oil it produced at the well-head was $9.3 billion. Natural gas at the well-head was worth almost $3 billion. Oil refineries, at a later stage in the processing, shipped products worth over $20 billion annually. Over $1 billion of chemicals and fuels were extracted from the natural gas. The value of the assets owned by the industry were of course many many times greater than the annual production.

As the Congressional Quarterly points out, there are at least eight major lobbying organizations here in Washington whose job it is to look after the interests of gas and oil. It is no reflection on the men involved to say that these organizations hire former key Congressmen to run their organizations. We all know that the most influential and able law firms in Washington represent their interest. And none of us are unaware of the tremendous influence the industry has at election time with their direct and indirect contributions, and their ability to influence the organization, legislation, and the work of the Congress and executive agencies.

Among the great issues over which they contend are the depletion and other tax privileges, the question of import quotas and domestic production quotas, and the leasing and development of our public lands.

I ask unanimous consent that a copy of the Congressional Quarterly article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

SECRETARY MUST WITHSTAND PRESSURE

Mr. PROXMIRE. Mr. President, it is therefore very clear, very clear, Mr. President, that unless the Secretary of the Interior understands how powerful the oil and gas companies are and is willing to defend the public interest against them, the oil and gas industry will have their way at the expense of the American people.

A weak or ordinary man cannot do the job. As Secretary, such a man could not stand the pressures from such powerful groups. He must be an extraordinary man. He must understand these forces. He must have great moral courage. It takes that to defend the land and resources of the people of the United States against oil and gas and other powerful interest groups.

Governor Hickel is neither a weak nor an ordinary man. But he has extraordinarily close ties to the oil industry which has so often been the adversary of the American public interest. The job of the Secretary of the Interior is important because he represents the public in the contest with the oil industry. That is why we are so concerned about it and the man who is nominated to fill it.

Here is a job which has jurisdiction over the great natural resources of our country—our land, our minerals, oil, many of our forests, and our waters, to name a few of them.

It is a job which is subjected to the pressures of the largest and most powerful economic interest groups in the Nation. It demands a man who believes deeply in defending the resources for the benefit of the people and who can resist the pressures of the huge economic interests, especially the oil and gas lobby and their narrow interest.

A LOOK AT THE RECORD

It is a job which must be filled by a man who has the deepest understanding of the word "stewardship." That is what the job is all about.

The question is, from the past record and statements of Governor Hickel: Is he such a man? Or are his record and statements such as to draw into serious question whether he would protect and defend these vast resources—as I have said, over one-third of the land area of the United States—on behalf of the American people?

That is the question.

What is the record of Governor Hickel? What has he said and done? What was his testimony before the Senate Interior Committee? Let us look at the record.

IMPULSIVE ACTION

Under questioning by Senator METCALF, Governor Hickel was unable to remember—as has been brought out—who his commissioners of public utilities were and how they were appointed. It was hard to believe that he could not remember the names of the people whom he appointed, or even that he had appointed them himself. Certainly this raised doubts as to his capacity to administer a department as complex as the Department of the Interior.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield.

Mr. STEVENS. I wonder if the Senator knows that the Governor of Alaska appoints all officers of the State and that a State public service commissioner's job is not a full-time job. Those men meet from time to time to set policy. I do not see how anyone could pull those names out of a hat. How could he remember the names of the members of some 160-odd commissions, all of which comprise at least five members?

Mr. PROXMIRE. I appreciate the response of the Senator from Alaska to my question, but in response to the committee's questions, the Governor ought to know whether he has the power to appoint members of the Public Utilities Commission.

Mr. STEVENS. If the Senator will permit me to discuss this matter a little, I served for 4 years in the State legislature. I could not name them, and I voted every year to confirm them. The Senator ought to see the list. Does the Senator think a man who has been under that tiring questioning for 3 days, and who is not a lawyer, could tell the committee the names and whether or not he had the power to appoint them? That would include the question of whether he appointed them, as he sometimes does, or whether he appointed them with the advice of the legislature, as he sometimes does. I was not surprised. He looked at me and said, "Ted, is that the way it is? I do not recall." Neither did I.

Mr. PROXMIRE. Will the Senator enlighten me as to what the Public Utilities Commission does in his State?

Mr. STEVENS. It is the Public Service Commission. There is no public utilities commission. It regulates rates, but it does not regulate the rates of oil and gas in pipelines.

Mr. PROXMIRE. But it does regulate rates?

Mr. STEVENS. Of utilities outside municipalities in the State of Alaska. There is a continuing body. The members do not meet all the time. There are about three people on the staff, as I recall, who try to do the job.

Mr. PROXMIRE. Let me interrupt at this point to say that I think the Senator from Alaska makes an excellent point, but I think he ought to keep in mind that, as complicated as is the job of the Governor of Alaska, it is nothing, it is a far simpler job, than being Secretary of the Interior. As I pointed out, the Secretary of the Interior will have a very much broader area, and much greater and more complex problems than does the Governor of Alaska. I say that with much respect for the Governor of Alaska and his job there. After all, 160 people are not many. The Department of the Interior will have jurisdiction over many, many more, and its job will be far more complex and over a much more ramified field. So if the Governor does not know whether he would appoint people who regulate outside the cities in Alaska, I think it would raise a question as to his capacity to administer a department as complex and as vast as the Department of the Interior.

Mr. STEVENS. I will only say that I served for some years as Assistant to the Secretary of the Interior and I comprehend very well the duties of the Secretary of the Interior.

Mr. PROXMIRE. But the Senator is not up for appointment. He might have my vote if he were.

Mr. STEVENS. I thank the Senator. I might need some votes for my present position later. I merely say that, having a government as we have in Alaska—and it is unique—the Governor appoints members of boards and commissions, some of whom he appoints without the advice and consent of the legislature and others for whom he must have the approval of the legislature. So to ask the Governor the question that the Senator asked and to get the answer he received showed to me it was a perfectly honest response and that Governor Hickel was trying to tell the committee exactly what he had in mind and to be honest.

Mr. PROXMIRE. I do not have any doubt that it was his honest response. It shows what was in the Governor's mind. But it also raises a question as to whether he had a grasp of the government of Alaska, which is far simpler than the Department of the Interior.

Mr. STEVENS. I do not wish to be personal about this, but I do not remember even the names of the Assistant Secretaries of the Interior who served in the last few years. But the Senator voted for them. I wonder if the Senator could name the Assistant Secretaries of the Interior under Secretary Udall.

Mr. PROXMIRE. Of course not. I did not appoint them.

Mr. STEVENS. But the Senator voted to confirm those nominations.

Mr. PROXMIRE. The Senator knows I could not name all of the Under and Assistant Secretaries under Secretary Udall. He knows that is a completely irrelevant question.

UNFAMILIAR WITH CONSERVATION

Under questioning by Senator McGOVERN, Governor Hickel admitted that he acted impulsively in preventing the Japanese from buying fish from the Kuskokwin fishing cooperative. He agreed that at the time of his action he had no knowledge of any legal basis for his action and that, even today, great doubt exists whether he had any legal power to act. But in the job of Secretary of the Interior, no man can or should act impulsively when the issue of our great natural resources is at stake. No man should act without clear legal authority when the great resources of the people of the United States are involved.

Under questioning by Senator NELSON, my colleague, Governor Hickel admitted that he was not familiar with most of the great conservation issues facing our Nation. Although no one can expect him to be familiar with all the details and minor issues in the Department, the country cannot afford to have in that office a man who is unfamiliar with the very rudiments and basic principles of conservation.

It is the most important conservation position in our Government.

CAN HE STAND UP TO THE OIL INTERESTS?

But the primary reason that I am opposed to Governor Hickel is that he has not shown the capacity or the willingness to stand up to the oil industry which, as we all know, is one of the most powerful groups in our Nation.

Without a strong Secretary of the Interior, willing to do battle to protect our resources, the oil industry will dominate the oil policies of our Government as it has not since the Harding administration.

I certainly hope that Governor Hickel, if confirmed, will prove me wrong; that he will protect our resources and the consumers from the oil industry. But so far he has not shown any inclination to do so.

OPPOSED OWN PARTY NOMINEES

Let me make one thing clear: My opposition is not based on any partisan reason. I would have exactly the same attitude if Hubert Humphrey had been elected and had nominated Governor Hickel for Secretary of the Interior.

OPPOSED GOVERNOR CONNALLY

In fact, in 1961, when President Kennedy nominated Gov. John Connally as Secretary of the Navy, I spoke at some length against the nomination. I cast what I believe was the only vote against his confirmation. I did this for a reason very similar to the primary reason why I oppose Governor Hickel.

As Secretary of the Navy, Governor Connally was the principal purchaser of oil for the armed services. But he was also the executor of the Richardson estate, which at that time represented one of the largest single oil holdings in the world.

OPPOSED JOHN M. KELLY

I also opposed another Kennedy appointment, that of Mr. John M. Kelly to be Assistant Secretary of the Interior for Mineral Resources.

That name has been raised several times by the distinguished ranking minority member of the Committee on Interior and Insular Affairs (Mr. ALLOTT).

Again I believed that Mr. Kelly had ties too close to the oil and gas lobby to resist their pressures on his office. Under him was the Office of Oil and Gas, which has primary responsibility for leadership and information on petroleum and gas.

OPPOSED LAWRENCE J. O'CONNOR

In August 1961, I held the Senate floor for 34½ hours to oppose President Kennedy's nomination of Mr. Lawrence J. O'Connor to the Federal Power Commission. Again, this connection with the oil lobby was my principal reason.

OPPOSED JOE T. DICKERSON

In 1964 I fought the nomination of Mr. Joe T. Dickerson to be the Director of the Interior Department's Office of Oil and Gas, which was under the Assistant Secretary for Mineral Resources which Mr. John M. Kelly filled. That nomination merely compounded the earlier error.

We won that fight when Mr. Dickerson asked Secretary Udall to withdraw his name. We established that Mr. Dickerson's pension plan with Shell Oil Co. included a clause that prevented him from acting against the interests of his former employer. This was a clear conflict of interest.

But equally as important, we should not put oil men in charge of the office in the Federal Government with primary responsibility over the activities of oil and gas.

GOVERNOR HICKEL'S ASSOCIATION WITH OIL

Governor Hickel, as Secretary of the Interior, would have a far more powerful position in relation to the oil industry than any one of the four men I opposed when proposed by my own party.

As Secretary of the Interior, he would make the final decisions on oil policy. But his record as Governor indicates to me that he is unlikely to subordinate the industry's needs to the Nation's needs.

COMPANY ASSOCIATIONS

Governor Hickel has long had an active interest in the oil industry and its related parts. Although he testified that he had no direct interest in the oil industry, he had been chairman of the board of the Anchorage Natural Gas Co. and, while Governor, held stock of the company in trust.

His former company, the Anchorage Natural Gas Co., is totally dependent upon gas supplied from the Kenai Peninsula by the Union and Marathon oil companies. Both of these companies are exploring wide areas of Alaska for oil and both could benefit greatly from favorable actions of the Secretary of the Interior.

As a matter of fact, his former company seems to be doing remarkably well. In the first half of 1966 it made a profit of 64 percent on its equity capital. As Senator METCALF pointed out the average utility is delighted to earn 12 to 13 percent on its equity, but Governor Hickel's former company earned 64 percent. Imagine, 64 percent. The company must have made a very advantageous contract with Union and Marathon oil companies and, apparently, is not passing out on the benefit to the consumers. I should think that any public utilities commission which is doing even a minimal job would have cut down the utilities rate of return long ago. But, according to Governor Hickel, this company is not within the jurisdiction of the State public utilities commission because it only serves the city of Anchorage.

PAST OIL LEASES

Mr. President, this morning's column by Drew Pearson listed an oil lease on Alaskan lands which Governor Hickel held in conjunction with the Colorado Oil & Gas Corp.

I have obtained a copy of that lease, and I ask unanimous consent that it be included in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 5.)

Mr. PROXMIRE. I bring up this lease to the attention of the Senate not to show that Governor Hickel has committed any improprieties, but to show his close connections with the oil industry over a long period of time.

This lease, which was addressed to Governor Hickel in care of the Colorado Oil & Gas Corp., originated in 1956 and did not end until 1963, Colorado Oil & Gas Corp., according to Standard & Poors has a 40 percent interest in 77,000 acres of oil land in Cook Inlet which is one of the largest oil and gas producing areas in Alaska. In addition, it is reputed to be the fourth largest lease holder on the north slope of Alaska, the area of probably the largest oil fields in the world.

I think this lease is further evidence of Governor Hickel's long association with the oil industry. I think this evidence all together brings into question whether he will combat the gigantic power of the oil industry. The Secretary of the Interior must be willing to stand up to them. He has under his jurisdiction the Office of Oil and Gas, vast public lands, and the powers over leasing and development of great areas of natural wealth belonging to all the people. The pressures from the industry on the Secretary to act in their interests rather than the public interest will be constant and demanding. I question whether a man with such close past association with the industry can do the job.

OIL APPOINTEES

I was particularly shocked when I read the testimony that Mr. Hickel named Thomas Kelly as his Commissioner of Natural Resources without ever asking whether Mr. Kelly had disposed of his oil stocks.

Mr. Kelly had been the executive vice president of the Halbouty Oil Co. But Governor Hickel did not ask whether Mr. Kelly had disposed of his oil stocks because the possibility of a conflict of interest did not occur to him as Mr. Kelly was with an independent oil company rather than a major oil company.

As Commissioner of Natural Resources for the State of Alaska, Mr. Kelly was responsible for protecting the State's interest in its dealings with the oil companies. It seems clear from his range of responsibilities that he should not have held any stock in any company which could have benefited from his action. However, it is apparent from Mr. Kelly's own statement that he did not consider this to be a problem. Not only did he retain his stock in various oil companies, but while he was Commissioner he bought stock in the British American Petroleum Corp. This stock represents about one-half of his total stock holdings. British American Petroleum Corp. is one of the leading oil explorers in Alaska and, as Commissioner, Mr. Kelly, according to Governor Hickel, had complete access to their exploration reports.

TRADE ZONE VIEW

As Governor of Alaska, Mr. Hickel sent a telegram to the Foreign Trade Zone Board and, indeed, filed suit against the State of Maine's application for a foreign trade zone at Machiasport. I need not go into detail over the application and its ramifications because it has become a very sensitive issue as the debate has already indicated. But my friends in New England tell me that this is the only way that the consumers in New England can get lower cost home heating oil. The consumers in New England use 20 percent of the home heating oil consumed in this country, yet live in the highest energy cost area of the country and are thus forced to pay higher costs than others for heating their homes.

But neither the overwhelming majority of the oil industry nor Governor Hickel appeared to be concerned with the effects of this action. Of all the 291 refineries in the country not one is located in New England, which consumes 20 percent of all the home heating oil used in the United States. This project would not increase the level of imports which are allowed to come into the country. That is not the issue. The only effect on the imports which come into the country would be that the share of the quota would be smaller for the oil companies which already have them. As it stands now the Federal Government, in essence, grants import tickets worth $1.25 a barrel to refiners, most of whom never actually use the foreign oil, but, in effect, sell the import tickets for a profit. By placing a quota on imports, the effect is to raise the price, which is a subsidy to the industry. This fight is not over the total imports but over which groups will get the quotas.

I do not understand why Governor Hickel is so opposed to the project. I realize that as Governor of Alaska he would try to keep the price of oil up to give the oil companies more incentive to explore and develop the new Alaskan oil finds, but I cannot see any circumstances in which the Alaskan oil could be transported all the way across Canada into New England. In any case, the level of oil imports would remain the same.

This brings me to another aspect of Governor Hickel's background which worries me. That is his unwillingness to protect the consumer from the oil industry. Governor Hickel, as Governor of Alaska, did all that he could to encourage the exploration for oil in Alaska and its exploitation, because he felt this was the quickest way to develop the State's economy. As Secretary of the Interior he would be in a much better position to help the oil industry exploit the oil resources lying under Alaskan soil. Would he, or could he, take the national interest as his primary concern when as Secretary he has the authority and the ability to speed up the economic development of Alaska?

THE YUKON-PORCUPINE LAND

If his actions in regard to the mineral lands north of the Yukon Porcupine line are any indication, I question whether he would do so.

Alaska is bisected from east to west by a line known generally as the Yukon Porcupine line. North of that line under the Alaskan Statehood Act Congress reserved to all the people of the United States the mineral wealth that was known to be present. The only way that the State of Alaska can control any of that land is by permission of the President or his designate, presumably the Secretary of the Interior. Yet among his final acts as Governor, Mr. Hickel designated 3 million acres of land right near the major oil find, which is north of the line, for Alaska. He gave as his reason for choosing this land that he had to make a choice of mineral lands before the time alloted by Congress for the choice ran out. Congress had already extended the time for such choice once, but he had to make the choice in the last few days before the extension ran out. He did not check to find out whether he had the power to make such a choice, but chose to act and hope for the best.

As a matter of fact, he was not altogether clear in his testimony whether he made the choice before or after he became the nominee for Secretary of the Interior. If afterward, then he put himself in the situation where he chose oil lands which were not available to Alaska under the Statehood Act except by the permission of the President or his designate.

Who is the President's designate? That would probably be the Secretary of the Interior. Then, presumably as the President's designate he would approve his own initial choice. This would be in direct conflict with the intent of Congress in key sections of the Statehood Act.

OIL SHALE DEVELOPMENT

Finally, we come to one area that must concern us deeply: Governor Hickel's attitude toward oil shale development. His position on this vital issue is not clear. I wrote him, and as I say, I thought his answer was completely ambiguous.

He told the Senate Interior Committee:

> I think basically oil shale development will come about by two methods. One will be an economic need and the other possibly would be by government direction. And when I stated that it could be possibly a combination of public and private. And I think above all, regardless of who does it, and the minimum the government should do should set the guidelines of how it should be developed, and possibly I don't know at this point whether royalties are set now, or what the guidelines are, but under Federal lands and State lands, as one of just general philosophy I think we definitely have to set the guidelines of how and when it should happen, other than that of economics.

This obviously is a statement that can mean all things to all men. It gives us no concrete information on how these shale lands are to be developed.

Governor Hickel went on to say that if atomic energy were used to create an underground explosion and thus convert oil shale to shale oil underground, the so-called in situ method, the Government would have to have some responsibility because private industry, in the Governor's words, "literally can't do it at all or couldn't do as well." However he went on to say that the last study contemplating a joint industry-Government effort to develop the resource in this way, he understood, "wasn't too favorable."

THE ISSUES ARE IMPORTANT

Many people may ask "Why the big fuss over oil shale? After all, the Secretary of the Interior tried to lease three large tracts and the highest bid he could get was a paltry $250,000, or $199.04 per acre." To many these low bids seem to indicate that the resource is not worth a great deal. But as principle sponsor of the Oil Shale and Multiple Minerals Development Act I can tell you with complete conviction that this is far from the truth.

First we must recognize that the company bidding on tracts recently put up for lease by the Interior Department, the Oil Shale Corp., otherwise known as TOSCO, stated through its President, Hein Koolsbergen, that a geological evaluation carried out by TOSCO "has tended to confirm the existence of oil shale reserves of such quality and extent to justify a larger bonus bid," but that other geological indications "raise serious questions of mineability."

To quote Mr. Koolsbergen further:

> Despite these uncertain conditions and lease-terms, we have made an unconditional bonus bid of $250,000. We acknowledge, however, that if the unfavorable geological conditions can be disproved, and if the indicated reserves are confirmed, a $20 million delayed bonus bid of Tract 2 would not impose any actual cost, in excess of the high cost of royalty payments, on a successful developer. Even at the high royalty rates imposed under the lease, such a leasehold could be commercially developed using the TOSCO system.

Thus it is clear that this land is likely to be worth an enormous amount of money—in my estimation a great deal more than the bonus royalty TOSCO was willing to pay—if such questions as the presence of severe fracturing and the presence of water in the formation above the mineable oil shale could be satisfactorily resolved.

WAITING FOR CHANGE IN ADMINISTRATION

Other reasons have been given for the low bids on this land. For example, many commentators have felt that major oil companies simply believe that they can get the land more cheaply, without difficult conditions attached to the lease agreements, under the Nixon administration, and of course this is precisely where my concern about the views and intentions of Governor Hickel assume great relevance.

For instance the recently proposed lease terms would have required a lessee to produce during the 3 years preceding the 11th anniversary of the lease an average of 25,000 barrels per day of shale oil, in the case of one lease, and 40,000 barrels per day for each of the other two leases.

But why would not big oil lessees want to produce shale oil from leased land? And why are they not producing shale oil from the 300,000 acres, more or less, now in private hands? Chris Welles, a former reporter for Life magazine, who was asked to resign after a story he wrote on oil shale was killed at the last moment, answered the question this way in an article in Harper's magazine:

> A flood of cheap shale oil could drastically weaken the carefully supported price of crude and might, as a respected energy expert put it, make "Texas and Oklahoma start looking like another Appalachia." Given the financial and political muscle of the oil industry—which has managed through import quotas and depletion allowances to keep prices and profits high despite a world crude surplus—this prospect seems remote. But since it is a possibility, the oil industry has hedged its position by doing everything it can to keep the shale below ground. It has more or less dictated the Federal government's do-nothing shale policy. It has either bought or acquired control of most of the privately owned shale land, and at the same time has refused to invest anything more than token amounts in shale research.

If we accept Mr. Welles' argument, it is easy to see why the industry would not be interested in acquiring lease rights in shale-oil land if those rights were accompanied by a duty to develop the land and develop it quickly. Those were the terms of the lease.

The lease terms for the land recently offered also made it crystal clear that environmental and recreation values were to be safeguarded. For instance the lease terms read "overburden, mine waste, spent shale, slimes and other solid or suspended wastes shall be disposed of in accordance with the following requirements." The lease terms then go on to list seven requirements. It is only natural to expect that potential lessees would carefully weigh the possibility of leasing this land under more favorable conditions insofar as conservation requirements are concerned under the Nixon administration, particularly when the Secretary of the Interior-designate has indicated his opposition to conservation for conservation's sake.

Others have said that Secretary Udall

received nonresponsive bids for the three test oil shale leases because recent discoveries of vast crude oil reserves on Alaska's north slope have unsettled the domestic market, thus dictating a cautious approach to other oil investment decisions.

RESERVES WORTH BILLIONS

A third explanation is that the major oil companies, feeling that they already have the technology to develop an oil shale operation, prefer to use that technology on land they already hold, thus avoiding the payment of royalties to and sharing of patents with the Federal Government.

One need only go back to the report of the Oil Shale Advisory Board, a group appointed by Secretary of the Interior Udall to analyze the problems associated with the development of oil shale land and including such pro-industry figures as Orlo Childs and Milo Perkins, to recognize that oil shale land has great value. In the words of that report:

> An area in the heart of the (oil shale) basin of about 350 square miles contains some 600 billion barrels of oil equivalent, and in parts of this area a single 5,120-acre plot—the size of the lease presently provided by the leasing laws—contains as much as 18 billion barrels, an amount equal to nearly 60 percent of the Nation's proved reserves of petroleum.

In May of 1968 the Department of the Interior published a study titled "Prospects for Oil Shale Development." On page 5 a chart listed the known recoverable reserves of shale oil in the United States as 50 billion barrels, and this is oil recoverable at current prices. Undiscovered recoverable resources are listed at 2,000 billion—2 trillion—barrels. A technological advance or breakthrough could obviously be the key that opens a treasure chest of hundreds and hundreds of billions of barrels of shale oil.

These, then, are the reasons why we must not downgrade or underplay the extent and value of the oil shale lands—80 percent of them in the hands of the public. And it is why we must do all we can to see that the land is developed in the public interest, not just for the economic well-being of a few private oil giants.

Perhaps the biggest single natural resource the country has ever had, perhaps its most valuable resource, is estimated today to amount to the equivalent of $25,000 for every one of the 50 million American families, and it belongs at this point to the Federal Government and to the general public.

How will Secretary-designate Hickel handle the oil shale question? Will he protect the public interest, or will he surrender to industry pressures and alienate these precious acres? When one considers this generous treatment of the oil industry in Alaska, and when one considers his past record on conservation, there is very little to lead us to believe that he will be a forceful advocate of the public interest.

SUMMARY

Mr. President, to sum up, the Secretary of the Interior has jurisdiction over billions upon billions of dollars of land and mineral resources which belong to the people of this country. In fact, one-third of the land of the Nation is under his Department.

Included in these vast resources are huge areas where oil and gas are found or produced. Under him is the Office of Oil and Gas, the chief Government agency which deals with the industry.

The oil and gas lobby is the most powerful in the country. Oil companies are the giant corporations in America. They are in the first flight of our defense industries. They have huge tax privileges which they are determined to protect.

They engage in some of the most powerful lobbying activities in the Capitol. Their contributions have a vast influence on elections. They influence legislation in Congress. Their agents bring great pressures on those who determine how our land is to be used, how our mineral resources are tapped, how oil import quotas are determined, and how oil shale is to be developed.

In examining the record and statements of the Secretary-designate of the Department of the Interior, Gov. Walter Hickel, I find an association in the past with the huge oil interests which I think is far too close for the prospective Secretary to have.

I have opposed no less than four nominees from Presidents of my own party who were proposed for positions less powerful and less important as they affect oil and gas than that of the Secretary of the Interior.

I find that because of his closeness to the oil industry Mr. Hickel is not the man for this job. Mr. President, I shall therefore oppose this nomination.

I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, D.C., December 26, 1968.

Gov. WALTER J. HICKEL,
New York, N.Y.

DEAR GOVERNOR HICKEL: I have been disturbed by many newspaper accounts of your position on conservation and on oil imports, both of which programs fall within the responsibility of the Department of the Interior. Some other Senators share my concern that your vision of the Nation's needs may give insufficient concern to the broad public interest.

Before the vote on your appointment as Secretary of the Interior is held in the Senate, explanations of the following statements would be helpful:

1. You stated that you were opposed to "a policy of conservation for conservation's sake", that it was wrong to "lock up lands for no reason or to make it so difficult that the general public couldn't use them." Did you mean that you were opposed to the current policy of protecting the wilderness areas under the jurisdiction of the Interior Department? If so, how would you modify it to "unlock lands for public use"?

2. You stated that, although the domestic markets cannot be left "wide open" to imports of foreign oil, the Government cannot protect oil prices "to the point that consumers would be penalized." "It's entirely possible some imports are necessary." Did you mean that you would support policies designed to expand the amount of foreign oil permitted to enter this country in order to bring down consumer prices? Or would you be inclined to restrict further the import of foreign oil?

3. You stated that a "joint (industry-government) program might be possible" to develop the oil shale reserves owned by the Federal Government. Did you mean that the Government should actively investigate means of economically producing oil from oil shale, holding off leasing these lands until such a process is developed? Or did you mean that the Government should proceed to lease more of these oil shale lands now before it conducts substantial additional investigations?

4. You stated "it will be catastrophic to allow the (oil) quota limitations on foreign oil to be circumvented through the device of (a) foreign trade subzone." Did you mean that you do not intend to evaluate the use of foreign trade zones as a means of helping our national security and economy? It would seem to follow—unless you change your position that you would oppose the Machiasport proposal or any similar effort to held down consumer costs. Is this true?

I am looking forward to hearing from you about the points which I raised and any others which you think might help to clarify your concern for the broad public interest.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

EXHIBIT 2

THE SECRETARY OF THE INTERIOR,
Washington, January 20, 1969.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: Your letter of December 26, 1968, was recently received at the transition office in the Department of the Interior.

I believe that most, if not all, of the areas concerning you in your letter, were dealt with by me in my formal statement to the Senate Interior Committee on January 15th.

For your benefit, I offer the following in response to your four points.

1. I support and will seek to effectively administer the Wilderness Act as passed by Congress.

2. I will not, at this time, make any specific statements regarding oil import policies. In testimony before the Senate Interior Committee, I repeatedly stressed that future policies must be based upon both national security considerations and the needs of the consumer. I have pledged an early study of the administration of the Mandatory Oil Import Program in consultation with the many other federal officials, departments, and agencies which are vitally involved in national energy policy matters.

3. I have not had an opportunity to study the question of oil shale development in depth or to receive the advice of national energy policy experts. I am told that Secretary Udall has taken several steps in the right direction with respect to oil shale development but that the results of a recent test lease offering were not satisfactory from the government's point of view. I intend to make an early study of the reasons for the failure of that offering.

4. While the question of Foreign Trade Zones will not come directly under my jurisdiction when I become confirmed as Secretary of the Interior, I have pledged to give the fuel supply needs of the various regions of the country my early attention. Every study and decision which I may make in the future will certainly be prompted by an effort to help our national security and economy.

If I may be of further assistance to you, please feel free to call upon me.

Sincerely yours,

WALTER J. HICKEL,
Secretary of Interior-designate.

EXHIBIT 3

FEDERAL TAXES OF LARGEST REFINERS

[Dollars in thousands]

	Net income before tax	Federal tax	Percent	Foreign some States' tax	Percent	Profit after tax
Standard (New Jersey):						
1962	$1,271,903	$8,000	0.6	$423,000	33	$840,903
1963	1,584,469	69,000	4.3	496,000	31	1,019,469
1964	1,628,555	29,000	1.7	549,000	33	1,050,555
1965	1,679,675	82,000	4.9	562,000	33	1,035,675
1966	1,830,944	116,000	6.3	624,000	34	1,090,944
1967	2,098,283	166,000	7.9	700,000	33	1,232,283
Gulf:						
1962	488,351	19,389	3.9	128,871	26	340,091
1963	540,065	30,870	5.7	137,842	25	371,353
1964	607,343	52,443	8.6	159,782	26	395,118
1965	655,727	53,559	8.1	174,935	26	427,233
1966	813,868	90,008	11.0	219,098	26.9	504,762
1967	955,968	74,142	7.8	303,539	31.8	578,287
Texaco:						
1962	546,371	13,000	2.3	5,1700,000	9	481,671
1963	615,768	10,250	1.6	58,850	12	545,668
1964	660,761	5,500	.8	77,900	11	577,361
1965	726,198	10,000	1.3	79,500	11	636,698
1966	845,466	32,500	3.8	103,100	12	709,866
1967	892,986	17,500	1.9	121,100	13.5	754,386
Mobil:						
1962	379,339	8,300	2.1	128,700	33	242,339
1963	437,352	23,000	5.2	142,500	32	271,852
1964	464,660	27,700	5.9	142,800	30	294,160
1965	508,016	33,900	6.6	154,000	30	320,116
1966	555,412	23,200	4.4	176,100	31.7	356,112
1967	594,593	26,900	4.5	182,300	30.7	385,393
Standard (California):						
1962	348,181	5,800	1.6	28,600	8	313,781
1963	356,568	2,900	.8	31,600	8	322,068
1964	393,188	8,300	2.1	39,600	10	345,288
1965	455,425	9,000	1.9	55,200	12	391,225
1966	515,118	29,800	5.7	61,300	11.9	424,018
1967	513,067	6,000	1.2	85,400	16.6	421,667
Standard (Indiana):						
1962	168,843	3,105	1.8	3,381	2	162,420
1963	208,022	22,182	10.6	2,748	1	183,092
1964	204,817	8,486	4.1	1,480	.7	194,851
1965	263,098	39,578	15.0	4,248	2	219,272
1966	300,531			49,672		255,869
1967	366,847	74,021	20.2	10,576	2.9	282,250
Shell:						
1962	173,555	7,200	4.1	8,680	5	157,675
1963	211,575	19,100	9.0	12,623	5	179,852
1964	213,575	2,800	1.3	12,585	5	198,190
1965	274,507	26,600	9.6	13,876	5	234,031
1966	313,085	46,100	14.7	11,785	3.7	255,200
1967	342,022	44,940	13.1	12,233	3.6	284,849
Phillips:						
1962	158,320	48,000	30.3	3,365	2	106,955
1963	160,954	52,000	26.2	3,491	2	105,463
1964	152,197	32,229	22.2	4,950	3	115,018
1965	165,876	31,745	19.1	6,415	4	127,716
1966	218,382	59,163	27.0	7,595		151,624
1967	227,766	52,255	22.9	11,496	5.0	164,015
Sunoco:						
1962	73,477	1,065	1.4	3,335	5	69,077
1963	99,665	9,143	9.2	3,157	3	87,365
1964	112,009	8,725	7.7	3,175	2	100,109
1965	142,051	6,865	4.8	39,035	27	96,151
1966	204,632	24,670	12.0	64,330	31.4	45,632
1967	241,362	30,031	12.4	62,369	25.8	148,962
Cities Service:						
1962	84,143	20,773	24.7	3,185	3	60,185
1963	101,976	20,188	21.4	4,283	4	77,505
1964	105,299	19,819	18.9	967	.9	84,513
1965	137,068	31,973	23.3	977	.7	104,118
1966	194,456	51,760	26.7	902	.4	141,794
1967	165,289	32,347	19.6	5,105	3.1	127,837
Union:						
1962	59,421	8,000	13.5	5,500	9	45,921
1963	73,028	13.100	17.7	6,000	8	53,928
1964	87,564	13,300	15.2	7,200	8	67,064
1965	119,214	15,604	13.2	8,840	7	94,770
1966	170,782	18,398	10.7	10,144	5.9	142,240
1967	163,820	10,400	6.3	8,457	5.2	144,963
Sun:						
1962	$66,395	[1]$200	0	$13,400	20	$53,195
1963	79,976	1,300	1.9	17,460	22	61,216
1964	88,577	2,400	2.7	17,670	20	68,507
1965	113,405	10,300	9.0	18,220	16	84,835
1966	131,544	16,600	12.6	14,370	10.9	100,574
1967	146,946	24,700	16.8	13,670	9.3	108,576
Atlantic:						
1962	61,110	0	0	14,844	24	46,266
1963	56,747	0	0	12,734	22	44,013
1964	61,081	0	0	14,005	22	47,076
1965	105,299	0	0	15,188	14	90,111
1966	127,384			13,900	12.7	113,484
1967	145,259			15,254	10.5	130,005
Marathon:						
1962	36,064	[1]2,200	0	205	.5	37,889
1963	50,058	(2)	0	933	2	49,125
1964	63,220	(2)	0	2,844	4	60,376
1965	97,416	(2)	0	37,345	38	60,071
1966	130,927	2,400	1.8	59,700	45.9	68,826
1967	138,520	3,700	2.7	60,962	44.0	73,858
Getty:[3] 1967	132,762	3,687	2.8	10,909	8.2	118,166
Sinclair:						
1962	57,936			10,586	18	47,350
1963	85,731	[1]1,200	0	10,201	12	75,230
1964	66,444	[1]3,119	0	10,827	15	58,736
1965	96,072	4,100	4.4	15,299	15.9	76,673
1966	123,232	13,996	11.3	14,892	12	94,344
1967	130,017	10,585	8.1	24,060	18.5	95,372
Standard (Ohio):						
1962	37,235	9,275	25.0	3,738	10	24,222
1963	54,008	15,225	28.1	4,896	9	33,887
1964	70,252	21,150	30.2	5,334	7	43,768
1965	82,848	26,300	31.7	6,386	8.3	49,712
1966	84,481	21,200	25.0	6,345	7.5	56,936
1967	101,496	29,200	28.8	8,412	8.3	63,884
Sunray DX:						
1962	41,203	3,850	9.3	1,152	3	36,201
1963	48,223	4,321	8.9	1,374	2.9	42,528
1964	34,716	[1]2,407	0	1,330	3.9	35,793
1965	41,445	980	2.3	1,597	3.9	38,868
1966	57,372	10,025	14.9	1,754	3.0	45,593
1967	74,526	17,672	23.7	2,390	3.2	54,464
Ashland:						
1962	24,324	6,201	25.8	2,799	11	15,324
1963	28,769	10,556	37.7	104	.3	18,109
1964	36,385	9,672	26.8	2,977	8	23,735
1965	50,594	15,500	30.6	2,440	5	31,594
1966	69,324	20,830	30.0	5,570	8	42,924
1967	72,212	23,718	32.8	3,952	5.5	44,542
Tidewater:						
1962	35,191	228	.6	2,387	6	32,576
1963	42,795	[1]63	0	3,384	8	39,474
1964	40,508	377	13.7	4,426	11	35,705
1965	60,397	58	.9	3,783	6	56,556
1966	80,542	3,350	4.1	5,301	6.5	71,891
Skelly:						
1962	22,674	1,260	5.7	250	1	21,164
1963	27,479	3,025	7.7	275	4	24,179
1964	26,601	785	1.2	275	2	25,551
1965	39,995	5,625	14.0	375	.9	33,995
1966	42,762	5,300	12.3	[4]500	1.1	36,962
Pure:						
1962	27,680	[1]2,546	0	1,276	4	28,950
1963	28,582	[1]1,212	0	27	.01	29,767
1964	32,282	[1]600	0	164	.5	31,518
Richfield:						
1962	36,615	6,000	16.6	0	0	30,615
1963	29,767	1,300	4.4	773	3	27,894
1964	26,255	[1]629	0	5,249	21	21,455
Total:						
1962	4,198,331	169,492	4.0	838,954	19.9	3,194,770
1963	4,921,577	304,985	6.2	951,255	19.3	3,663 037
1964	5,175,289	235,931	4.5	1,064,540	20.5	3,874,447
1965	5,814,326	403,687	6.9	1,199,659	20.4	4,209,420
1966	6,810.244	585,300	7.6	1,450,358	21.0	4,709,595
1967	7,225,880	637,875	8.8	1,581,034	21.9	5,006,971

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[1] Cr.

[2] Marathon Oil's 10K filing with the SEC doesn't reveal how much Federal income tax Marathon paid in years prior to 1967.

[3] Getty income for 1967 includes companies previously listed as Tidewater and Skelly.

[4] State income tax.

Note: Figures for some companies have been changed from last year's table in Oil Week because of amended filings by refiners where income taxes have been changed due to altered tax status. U.S. income tax figures reported in 10K statement of income files may exclude capital gains on extraordinary items.

EXHIBIT 4

[From the Congressional Quarterly, Nov. 29, 1968]

OIL-GAS INDUSTRY IS POWERFUL LOBBY FORCE

In the array of large and successful lobbies based in Washington, D.C., the oil-gas industry ranks as one of the most effective. Central to its success is the fact that since 1926, it has kept intact the 27.5 percent oil and gas depletion allowance despite constant condemnation and bitter legislative wrangling.

But Congressional staff members who have observed the industry and worked with it have told Congressional Quarterly that preserving the depletion allowance is only a part of the industry's overall effort—the most controversial and visible part. They say the industry is "up to its ears" in a number of other issues, including the establishment of natural gas rates, gas pipeline safety standards, oil import quotas, and many others.

One Congressional staff member described the industry's success by saying that it usually gets what it wants, and occasionally it has to settle for—in the phrase many lobbyists use to describe the successful outcome of a fight—"something we can live with."

But within the industry itself, CQ heard no claims of great success. In interviews with CQ, most spokesmen emphasized their problems—problems with the Federal Power Commission (FPC) over natural gas rates, problems with the Interior Department over oil imports, problems with Congress over establishing an import program, and other difficulties.

This Fact Sheet describes the makeup and the lobbying objectives of the oil-gas industry as well as recounting past legislative battles in which the industry was heavily involved. It is the first in a series of CQ "profiles" on major lobbies.

PROFILE OF THE INDUSTRY

The oil-gas industry has several different segments—the large international oil and gas producing companies, the independent producers, the refiners, the pipelines, the transporters, the wholesalers and the retailers.

Some of these, such as Texaco Inc. and the Gulf Oil Corp. are world-wide operations, producing, refining and distributing all over the world. Some are small, independent firms with a few wells in one or two states, dependent only on sales of crude oil for a viable operation.

Some are independent refiners, with no source of independent supply other than purchases, and no source of distribution except sales to wholesalers. Other independent refiners operate on a large scale, with some of their supply coming from their own sources, and some of their sales made through their own outlets.

But when the transportation companies such as pipelines are added to the segments of the industry, and the retailing aspect is added, the huge size and geographical distribution and economic distribution becomes evident.

Several figures illustrate the size of the industry and its consequent strength. According to the Bureau of Mines, the value of crude oil as drawn from the wellhead in 1967 was $9,375,727,000. The value of natural gas at the wellhead was $2,898,741,000. The value of natural gas liquids, liquid fuels extracted from natural gas, was $1,179,936,000. Shipments from oil refineries were estimated at $20 billion annually. The employment figure given for the oil and gas industry in 1967 was 445,562, and this does not include the distribution of products, only production and refining.

Some of the industry's efforts, such as preserving the depletion allowance, affect the entire industry. Some, such as oil import quotas, pit domestic independent producers against the international oil companies that produce both in the United States and in foreign countries.

Lobbying Structure. The segments of the industry are represented by their own associations in Washington; some big oil companies maintain year-round representation, and there are groups that represent more than one segment. The American Petroleum Institute (API) is considered the umbrella organization, watching over the interests of the entire industry. Powerful lobby groups representing various segments of the industry are the Independent Petroleum Assn. of America, the Independent Natural Gas Assn. of America, the National Oil Jobbers Council, the National Petroleum Refiners Assn., the Assn. of Oil Pipe Lines, the American Gas Assn., the American Public Gas Assn. and various regional associations representing both oil and gas interests. (*For description of groups and names of lobbyists, see box below.*)

The biggest oil companies such as Standard Oil of New Jersey, Standard Oil of California, Gulf and Texaco, and some smaller (but still very large) companies have registered lobbyists in Washington.

These lobbyists work mostly on legislative or administrative agency matters that only affect their company—on matters which would not involve industry-wide problems.

Industry-wide problems, such as pipeline safety, or an occupational safety bill, would be handled by the umbrella association—the American Petroleum Institute or by pressure groups representing general business interests, such as the National Assn. of Manufacturers or the Chamber of Commerce of the United States.

Oil-gas industry companies are influential in both of the latter organizations, and have been effective in mobilizing them to seek the decisions the oil-gas industry wants. Notable examples are the water pollution control and occupational safety bills (S 3206, HR 14816) which were defeated in the 1968 session of Congress after vigorous lobby fights. (*Weekly Report p. 3010*)

It is thought that many persons who work for the industry in Washington do not register as lobbyists. This is due to a loophole in the 1946 Federal Regulation of Lobbying Act, which required persons to file reports of their lobby spending only if they obtain money for the principal purpose of engaging in lobbying of Congress and only if the lobbying involves direct communications with Members of Congress. (*For details of filing, see Weekly Report p. 1753.*)

In 1967, the API filed a report showing that it spent $33,199 for lobbying that year. The Assn. of Oil Pipe Lines reported lobby spending of $1,005 in 1967. The Independent Natural Gas Assn. of America reported it spent nothing for lobbying in 1967. Several individual companies reported lobby spending of relatively small amounts. (*Weekly Report p. 1753*)

Congressional Power: Some critics of the industry have contended that oil "owns" Congress because of its enormous economic power and the fact that it operates in so many different states. The largest oil-gas states are Texas, Louisiana, California, Oklahoma, Wyoming, New Mexico and Kansas, but the industry is significant in others, including Illinois, Mississippi, North Dakota and Arkansas.

The industry states have chairmen of the two powerful Congressional committees which directly affect the oil-gas industry—the tax-writing House Ways and Means and the Senate Finance Committees. Rep. Wilbur D. Mills (D Ark.) is chairman of the Ways and Means panel, and Sen. Russell B. Long (D La.) is chairman of Senate Finance. Staff members on both committees told CQ they could not recall the last time the panels considered reducing the depletion allowance. Lobbyists, who generally shy away from headlines, consider it their greatest success if they can bottle up a bill in committee.

The importance to a big oil-gas state such as Texas of having representation on the Ways and Means Committee can be perceived by the House action July 30 appointing Omar Burleson (D Texas) as a member of that panel. Burleson resigned from the Committee on House Administration, where he was chairman; Foreign Affairs, where he was third-ranking Democrat, and from the Joint Committee on Library (chairman) and Printing (vice chairman), to move to Ways and Means.

An oil-state Member does not have to preside over a committee directly affecting oil and gas to exert influence in the industry's behalf. If he is chairman of another committee, the mere fact of his chairmanship, his power to push a bill in his committee that is sponsored by a friend who supports the depletion allowance, and to sit on a bill sponsored by an enemy of depletion allowance, is of great importance.

Texas has four House chairmanships. Appropriations, Banking and Currency, Veterans' Affairs and Agriculture.

Louisiana has Sen. Allen J. Ellender (D) heading the Agriculture Committee and Sen. J. W. Fulbright heading Foreign Relations. New Mexico has Sen. Clinton P. Anderson (D) heading the Aeronautical and Space Sciences Committee.

Although opponents of the depletion allowance have included such Senate powers as former Sen. Paul H. Douglas (D Ill. 1949–67), it had such potent supporters as former Sen. Robert S. Kerr (D Okla. 1949–63), who was often called "The Uncrowned King of the Senate." Kerr, as second ranking Democrat on the Finance Committee, always kept an eye out for his state's oil interests.

The industry also has Congressional strength through sheer numbers of Senators and Representatives from oil-gas states.

Natural Allies: The oil-gas industry is only one of many enjoying depletion allowances of varying percentages. Coal, clay, aluminum and many others also have percentage depletion allowances. Because of the geographical spread of these minerals across the nation, there is a mutual interest between oil state Senators and Representatives and those from the other mineral states to preserve the depletion allowance system.

Also, many oil and gas companies are diversified owning industries totally unrelated to the parent business and located far from the producing states. This gives the oil-gas companies an opportunity to approach non oil-gas Senators and Representatives from states in which subsidiaries are located, to ask for support of the industry on the basis that what helps the parent company helps the subsidiary.

Industry-Agency Relationships. Much of the work of the trade associations representing the industry and/or its segments is before Federal regulatory agencies. The natural gas segment looks to the Federal Power Commission (FPC), which regulates gas prices. The independent oil producers look to the Interior Department's Oil Import Administration, which controls import quotas. Other segments have direct and important relationships with the multiple agencies which regulate American commerce.

Generally, the attitude among the industry is that the relationship is not good. Spokesmen for segments do not like to openly criticize departments they have to deal with continually. "We've disagreed with some decisions they've made," said one association's spokesman, in a discussion of industry-agency relationships.

A Congressional staff member who works with the industry and the agencies, however, was more explicit. He was particularly critical of the Interior Department, saying it had "turned a deaf ear" to the industry, and "frustrated" the industry's attempts to pursue its goals.

An Interior spokesman acknowledged that controls produce inequities and that "there is no question the program is in need of an overhaul." But he said that the Department is receptive to the presentations of the domestic producers.

"They are afraid we are going to constantly ease up on the quota," he said.

The quota is usually given as 1.1 million barrels a day, excluding residual oil, and is set by Presidential proclamation.

The Interior spokesman also said that Interior has "exceptionally good relationships" with the National Petroleum Council, a governmental body whose membership comes from the industry and advices Interior on petroleum policy, and the Foreign Petroleum Supply Committee, an industry committee with a government-appointed chairman.

Department of Defense. A Defense Department spokesman said the Pentagon is "considered the world's biggest buyer of petroleum products," and keeps a strong watch on all aspects of the industry, both domestic and international. Six oil companies were among the 100 contractors doing the most business with the Defense Department in fiscal 1968: Standard Oil Co. (New Jersey), 25th place; Standard Oil Co. (Calif.), 44th; Texaco Inc., 46th; Asiatic Petroleum Corp. 49th; Mobil Oil Corp., 51st; and Gulf Oil Corp., 78th. (*For list of top 100 contractors, see Weekly Report p. 3181.*)

National Petroleum Council. The National Petroleum Council is a semi-governmental organization set up to provide the Interior Department with information sought by the Department on any matter relating to the petroleum industry. It does not act until it is asked for advice and recommendations by Interior, and its board has the authority to decline to act on a request. A non-council government spokesman described it as "the cushion between government and the industry"

Intra-Industry Relationships. Because the oil-gas industry is not one huge monolith, but rather a complex collection of segments, it sometimes becomes difficult for the segments to work together.

"Everyone is looking at his own problem, not the industry's problem," one Congressional staff member said.

There is even some diversity on the depletion allowance, an objective so important to the industry that it is generally described as having universal support. But a spokesman for the oil jobbers said his segment of the industry believed the big independent production companies use it to subsidize their own marketing operations for oil, and so cut profits for jobbers.

The greatest diversity of view in the industry is over the oil import quota. The big companies, called the "majors," such as Standard Oil of New Jersey, Mobil, Texaco, Gulf and Standard of California, have sought to keep control of the quota in the hands of the Interior Department, where adjustments can be made administratively. The independent domestic producers have sought legislation establishing absolute limitations on the imports.

In a controversy such as this, when two segments of industry confront each other, the usual result is a standoff, because each side has the Congressional power to block the other.

But when segments are not in conflict they support each other, several spokesmen for various oil-gas segments said.

CONTINUING FIGHTS

There are three major controversies which confront the industry continually. One is keeping the 27.5 percent depletion allowance intact. Another is oil import quotas. The third is federal regulation of natural gas prices.

Depletion Allowances. President Truman in 1950 said there was no tax provision "so inequitable" as the "excessive" oil-gas depletion allowance. The industry has maintained it is an offset for the exhaustion of oil and gas and was needed to ensure that companies are encouraged to invest in the risky venture of exploration and development of new oil-gas possibilities.

The depletion allowance allows oil and gas companies to deduct 27.5 percent of gross income from taxable income, providing the deduction does not exceed 50 percent of taxable income. According to Internal Revenue Service preliminary statistics for fiscal 1967, the allowance amounted to $3,053,548,000. Thus if the allowance did not exist, the industry would have had to pay taxes on an additional $3 billion.

The tax benefit actually began as an allowance limited to the recovery of costs, similar to depreciation. In 1926, however, it became a percentage allowance with no relation to costs, and in many cases permitted the kind of tax-free recovery far in excess of costs that prompted Mr. Truman to call it the most inequitable provision of the tax law.

The industry has been capable of mustering its combined vast strength to defeat all attempts to decrease the depletion allowance below 27.5 percent. Sen. William Proxmire (D Wis.), a leader in the fight against the allowance, tried to reduce it in 1967 by an amendment to the Investment Tax bill (HR 6950–PL 90–26), but was defeated by a voice vote. Previous attempts to reduce it were made by amendments to the Revenue Act of 1964 (HR 8363–PL 88–272), but were defeated by Senate roll-call votes of 33–61 and 35–57. (*1967 Almanac p. 297, 1964 Almanac p. 536*)

Industry spokesmen said geography was more important than ideology in organizing forces to support the depletion allowance. For instance, both Texas Senators, Ralph W. Yarborough (D), a liberal, and John G. Tower (R), a conservative, support the allowance. The geographical influence affects many states because the industry operates across a wide area.

The fight shifted to the administrative level in 1968, when the Internal Revenue Service proposed changes that would increase tax receipts an expected $100 million a year. Industry spokesmen have condemned the proposal and are fighting it.

The industry was also watching closely and making its views known as the Administration prepared a final set of recommendations concerning tax refórms, which could include a change in the depletion allowance. (*For background on depreciation allowances see Congress and the Nation p. 402; for an example of how the allowance is computed, see p. 985.*)

Import Quotas. The quota limiting the amount of crude oil imported into the United States is the bulwark of the domestic oil-producing industry. Without it, cheaper foreign crude would flood the country, and domestic producers say they would have to shut down production. So, preserving and strengthening the limits on imported crude is the biggest lobbying objective of the domestic industry.

Imports are regulated by the Interior Department, but the domestic producers want Congress to enact legislation fixing firm limits on imports. The "majors," companies such as Texaco and Gulf, which produce internationally, are opposed to legislation setting firm limits. They want to retain flexibility in the amount of oil that may be brought in. (*Weekly Report p. 1841*).

But according to spokesmen for the majors and for independent producers, both segments of the oil industry oppose proposed "free trade zones" which have been requested so that refineries can be built using imported oil. One request is for a free trade zone, an area where tariffs on imports are not charged, at Machiasport, Me. Occidental Petroleum Co. of Los Angeles planned to build a refinery using 300,000 barrels of imported crude oil a day. A bitter fight between Gulf Coast refining interests and Eastern interests has been going on for months over this request. Late in November, it did not appear that the issue would reach the point where Interior Secretary Stewart L. Udall would make a decision on the oil import request, and it was likely that the resolution of the fight would be in the next administration. (*For background on quotas see Congress and the Nation p. 976, for a story on the Machiasport fight see Weekly Report p. 2862.*)

Natural Gas Price Regulation. From the time of the passage of the Natural Gas Act of 1938 until 1954, the natural gas segment of the oil-gas industry successfully opposed regulation of natural gas prices. Consumer interests historically have sought this regulation, because the price of natural gas at the wellhead determines its ultimate price to the consumer. After a 1954 court decision which authorized the FPC to regulate gas prices the FPC began active regulation. Congressional supporters of the industry regularly introduced legislation exempting the industry from regulation, but big city Congressional representation opposed it, and one has passed. (*For box on 1968 action, see p. 5.*)

The FPC regulated on a company-by-company basis, because of the different production costs at different wells, and this became a monumental task with a huge backlog. In 1960 the FPC started a legal effort to regulate on an area basis, and in 1968 the Supreme Court approved area regulation in the Permian Basin case. (*For background see Congress and the Nation p. 980 and Weekly Report p. 1130.*)

The industry continued to fight the price regulation administratively, in the FPC, and in the Congress, by strongly supporting bills introduced in each Congress to exempt it from regulation.

Although it is able to muster its usual Congressional strength, it is opposed by other powerful blocs, such as mayors' organizations which want low gas prices for the consumers in cities. The legislation also would naturally be opposed by large consumers of natural gas and by competitive sources of power, making the fight an intense battle between powerful interests.

CONCLUSION

President-elect Richard M. Nixon in his campaign book, "Nixon on the Issues," said that he favored the 27.5 percent depletion allowance, so the industry knows the allowance has a friend in the White House.

But it also knows that it has enemies in Congress, and that it can expect to have to continue to fight for the depletion allowance, at least to keep it at its present level.

The oil import quota situation will also require action by the Administration if not by Congress, and the fight over gas price regulation will continue.

It appears that the major issues affecting this huge industry will continue to loom important as the new Administration and the 91st Congress assume the responsibility for directing the Government.

Views of Lobbying Vary

To many people, the words "lobby" and "lobbying" have sinister connotations, i.e., under-handed efforts of a special interest to get something from Congress that benefits the interest and hurts the general public.

Other persons may have mixed feelings about lobbies, depending upon their view of the interests the lobby represents. Sympathizers of the labor movement would not resent the AFL–CIO's lobbying for higher minimum wages and other legislation generally beneficial to labor. Most businessmne would have no qualms about the U.S. Chamber of Commerce's efforts against occupational safety laws.

Oil and gas spokesmen, asked to comment generally about their work, felt they were involved in legitimate efforts to protect an industry that employs hundreds of thousands of people and generates billions of dollars of business.

Lobbyists believe they have a constitutional right to perform their functions. The First Amendment says in part "Congress shall make no law . . . abridging . . . the right of the people . . . to petition the government for a redress of grievances."

Congress did pass the Federal Regulation of Lobbying Act of 1946, requiring any person or group paid to attempt to influence federal legislation to register with the Clerk of the House and the Secretary of the Senate. From 1946 through the 1968 Congressional year, 8,641 lobbyist registrations have been filed.

List of Major Oil-Gas Lobbies—Includes Producers, Refiners, Other Groups

American Petroleum Institute (API), 1101 17th St., N.W., Washington, D.C., Frank N. Ikard, president. Ikard served in Congress (D Texas 1951–61) before joining API as a vice president. He became president in 1963 and continues in that position. Ikard has registered as a lobbyist for API. John H. Bivins is vice president-public affairs.

The membership of API holds about 85 percent of the total production, refining and marketing business volume in the oil-gas industry.

API is considered the oil-gas industry's umbrella organization; it represents all of the segments of the industry. But because it represents all segments, including the "majors" who do not want import quotas fixed in legislation, and the independent producers, who want a fixed quota, it does not act in this area.

It testifies at hearings for the industry, represents the industry before administrative agencies, and serves as the focus for the industry's overall effort in Washington.

Independent Petroleum Assn. of America, (IPAA) Ring Bldg., 18th and M Sts. N.W., Washington. Minor S. Jameson Jr., executive vice president. Jameson was on the Federal Trade Commission staff from 1935 to 1937, and has been an official of the association since 1937. L. Dan Jones is general counsel, and has registered as a lobbyist for the association.

The IPAA was formed to represent independent American oil producers, and about 60 percent of the independent producers belong to the association. Some American independents have grown large enough to produce overseas also, but not in the quantity of the majors.

The independent producers' major effort is to control imports, and it currently is seeking legislation setting firm limits on the amount of oil allowed into the United States from foreign countries.

Independent Natural Gas Assn. of America, 918 16th St. N.W., Washington, former Rep. Walter E. Rogers (D Texas 1951–66), executive director. Rogers at the time he retired from Congress was chairman of the House Subcommittee on Communications and Power, which handles gas pipeline legislation. He registered as lobbyist for 12 pipeline companies in 1967, when the gas pipeline safety bill was in its first year of Congressional action.

All of the major companies are members of the organization, but it has representation on its board from the production and distribution segments of the natural gas industry.

The FPC regulates gas pipelines certification and gas prices, two matters of prime concern to pipeline companies, and the major thrust of the association's effort is to work for favorable decisions for the industry.

A spokesman said that several recent decisions by the FPC on rates of return for producers were considered low by the association. Low rates of return cause slackening of exploration and production, which means less gas through pipelines and less business for the association's members, so the association works for favorable rates of return for the producing companies.

It is interested in legislation providing that the FPC reflect changes in the purchasing power of the dollar in fixing rates for transporting natural gas and in fixing the prices for gas that is being shipped for resale, but it does not speak hopefully of getting such legislation enacted.

National Oil Jobbers Council, 1701 K. St. N.W., Washington, Wilfred H. Hall, executive vice president. Hall has registered as a lobbyist.

The council's membership is made up of independent marketers who buy gasoline and heating oil from refineries and sell the products at the wholesale and retail level. About 75 percent of the nation's 12,000 jobbers are members.

The council watches legislative activity in two major areas—mergers and gasoline prize games. Mergers of big companies are potentially damaging to the jobbers selling the products of a refiner who is being absorbed, because the take-over refiner may not want to continue to do business with the jobbers of the absorbed refiner. Concerning gas station games, a council spokesman said "there is a pretty good size feeling that we don't want them—but we want the option to decide ourselves without federal regulation." (*For a story on gas station game hearings see Weekly Report, p. 1808.*)

The council is also interested in Federal Trade Commission action on mergers and gas games, and on Internal Revenue Service rulings affecting advertising by competing sources of energy, such as homes for sale advertisements which feature all-electric utilities.

It has an interest in import quotas also, and wants enough flexibility maintained so that if an international crisis developed slowing oil shipments to the United States, there would still be alternate supplies available. (This attitude caused its Texas affiliate to withdraw from the council; Texas, center of much oil production, is strongly against imports because of their effect on domestic producers' sales.)

National Petroleum Refiners Assn., 1725 DeSales St. N.W., Washington, Donald O'Hara, executive vice president. O'Hara has previously registered as a lobbyist for API. (Thus, he does not have to register ever again even though he shifts his employment.)

The association is made up of domestic refining companies, and represents about 90 percent of refinery production in the country.

Its major effort involves keeping its membership informed of legislative and administrative developments which affect the industry, and of representing the refiners before committees considering labor and safety legislation.

Because its memberships include major companies which use imported as well as domestic oil, it does not take a position on oil imports. But its board has announced the association's opposition to the proposed refinery in Maine which would import 300,000 barrels of foreign oil daily.

Assn. of Oil Pipe Lines, 1725 K St., N.W., Washington, J. Donald Durand, general counsel. Durand was an attorney in the Treasury Department and the Internal Revenue Service from 1937 to 1942. He has also been with the Air Transport Assn. and the Aerospace Industries Assn. Durand registered as a lobbyist for the pipelines in 1965.

Virtually all oil pipeline companies in the United States belong to the association.

Although the association watches legislation affecting pipelines closely, the major thrust of its work is with regulatory agencies. The Interstate Commerce Commission regulates oil pipelines generally and the Department of Transportation regulates safety aspects.

American Gas Assn., 1725 I St. N.W., Washington, George H. Lawrence, associate director-government relations. Lawrence formerly worked for API, mainly concerning himself with natural gas, and registered as a lobbyist for that group. The American Gas Assn. has lobbyists registered to represent it and was registered itself as a lobbying group.

Approximately 400 private (non-publicly owned) gas companies that sell directly to consumers are members of the association. Several publicly owned gas companies are also members.

Its major thrusts concern keeping watch on and testifying on legislation which affects gas distribution companies, and working with the FPC, which regulates gas prices. It has also recently expanded its effort to promote gas sales to the government.

American Public Gas Assn., 2600 Virginia Ave. N.W., Washington, Charles F. Wheatley Jr., general manager-general counsel. The organization has not registered as a lobbyist and has not employed lobbyists.

Its membership is made up of about 300 municipally owned gas companies.

It is concerned with many of the same issues that affect privately owned gas companies, such as pipeline safety, and keeps a legislative watch and testifies on proposed legislation.

An association spokesman said the public gas group keeps a tighter watch on gas price decisions than the private group, because of the political nature of the relationship between municipally owned companies and the companies' customers, the voting public.

Regional organizations. There are several regional organizations represented in Washington, including the Mid-Continent Oil and Gas Assn. and the Western Oil and Gas Assn. Frank W. Rogers of the Western Oil and Gas Assn. said the associations work on problems peculiar to their region; in his association's case it is oil and gas under public lands.

Campaign Contributions

The oil and gas industry, heavily regulated at every level of government, is considered a major source of contributions to political campaigns. Prominent oil-gas industry individuals are listed frequently as donors of large sums to the political parties.

But because of weak campaign contribution reporting laws, both federal and in most states, there is no accurate figure on the amount of money spent on election campaigns. (CQ's estimate for total contributions made to all political campaigns in 1966 was $120 million. It is generally believed between $200 and $250 million was spent on all of the 1968 campaigns. No estimate could be made on the portion of the total that came from the oil-gas industry, however.)

Usually, contributions are made privately to campaign committees for candidates with views similar to those of the contributing special interest, by officials of firms or by officials representing the special interest as a group. Outwardly, these are considered contributions by individuals, and they seldom come to the public's attention.

Less than a month before the November 1968 elections, however, an incident arose in which a prominent oil-gas state Representative charged that oil company officials had attempted to bribe him by offering him a campaign contribution with a condition attached.

In a statement placed in the *Congressional Record*, House Majority Whip Hale Boggs (D. La.) said officials of Occidental Petroleum Corp. and its subsidiary, Hooker Chemical Co., wanted him to refrain from testifying against Occidental's application to be allowed to build a refinery in Maine and import foreign oil. Occidental immediately denied the charge and its chairman, Armand Hammer, challenged Boggs to disclose the amount of campaign contributions he received from Louisiana oil interests.

Boggs had made the charge first in his office, and so did not have the Congressional immunity from legal action he would have had if he had made the statement on the House floor. He in turn challenged Occidental to sue him for libel or slander. (*Weekly Report p. 2862.*)

The issue is still unresolved. But it served to bring attention to the fact that contributions are made by corporations involved in a heavily regulated industry, and the public seldom finds out about them.

Excess Influence. The industry was involved in lobbying scandals over bribes and campaign contributions twice in the 1950s. In 1956, Sen. Francis Case (R S.D. 1951–62) told the Senate an oil company lawyer had offered him a $2,500 campaign contribution while a vote was pending on a natural gas bill. In 1958 a Texas Republican official invited oil and gas men to a $100 a plate dinner for then Minority Leader Joseph W. Martin Jr. (R Mass. 1925–67), but in the invitation letter said Martin should be supported because he would be needed to deliver Republican votes for an industry-sought natural gas bill. *Congress and the Nation p. 983, 1736.*

Pipeline Safety Bill Was Big Lobby Victory

The most recent major legislative battle fought by the oil-gas industry occurred in 1967 and 1968 during Congressional action on natural gas pipeline safety. The final version of the pipeline safety bill (S 1166—PL 90-481) signed by President Johnson on Aug. 12

showed the strength and lobbying ability of the industry.

As the 90th Congress began moving toward enactment of the pipeline safety, the industry faced a threatening situation. A few years before, on March 4, 1965, a high-pressure transmission line near Natchitoches, La., exploded, killing 17 people and cremating everything combustible in a 13-acre area. At that time there was no federal pipeline safety legislation, and 22 states did not have pipeline safety legislation.

On March 17, 1965, Senate Commerce Committee Chairman Warren G. Magnuson (D Wash.) introduced a bill authorizing the Federal Power Commission (FPC) "to prescribe such standards, rules, regulations, restrictions, conditions, or orders with respect to the construction, extension, operation and maintenance of pipeline transportation facilities of natural gas companies as, in its opinion, are necessary for the promotion of safety."

Hearings were held in 1966, but no legislative action was taken until 1967, when the Senate passed a pipeline safety bill (S 1166) by a 78–0 roll-call vote. Supporters of safety legislation considered it a good bill, the Administration said it was "a good bill" but could be strengthened by adding criminal provisions for violators, and the fact that no votes were cast against it showed the Senate agreed that the bill would achieve its objectives without hurting the industry. (*1967 Almanac, p. 726*)

The industry did not like the bill. However, it recognized the sentiment for it in the Senate and knew there was going to be another arena—the House—where it could fight for the changes it wanted.

After Senate passage, the industry went to work in the House Interstate and Foreign Commerce Committee's Subcommittee on Communications and Power, and succeeded in getting the Subcommittee to amend the Senate bill, incorporating the industry-sought changes. The full Committee accepted them after supporters of strong legislation lost the fight to restore the Senate provisions. (*Weekly Report p. 1189, 2221*)

Several Committee members wrote a letter to *The New York Times* May 3, saying: "In our opinion the bill was essentially gutted at the behest of the gas pipeline lobbies, most of whose proposals were adopted verbatim." Another House Member used the words "industry sell-out" to describe the action. A legislative assistant said industry lobbyists "were in the office day after day, with copies of the amendments they wanted." (*Weekly Report p. 2223*)

The House supporters of strong legislation made a last-ditch fight, but all attempts to amend the bill and strengthen it on the floor were beaten, most by voice votes. The conferees generally followed the House views on pipeline safety, and the industry ended up with a major victory. (*Weekly Report p. 2028*)

After both Houses accepted the conference report, William H. Davidson Jr., a Trans-Continental Gas Co. official and spokesman for the Independent Natural Gas Assn. of America, told CQ he believed the public was protected, the industry could operate under the bill and no excessive lobbying had taken place. "Certainly it isn't altogether what we'd like if we'd sat down and written the bill ourselves," he said. His view of the House changes were that they "improved" the bill.

EXHIBIT 5

12.1 O&G (ACT OF FEBRUARY 25, 1920), SERIAL No. ANCH. 058593

(Case closed)

Walter J. Hickel, c/o Colorado Oil and Gas Corp., Denver Club Building, Denver 2, Colorado.

DESCRIPTION OF LAND

Anchorage 058593 (Non-unitized Lands): Beginning at a point 80.1 miles east and 19 miles south of the NW Corner Sec. 30, T. 21 S., R. 18 E., C.R.M., thence east 1 mile, south 1 mile, west 1 mile, north 1 mile to the point of beginning, which will probably be when surveyed: All Sec. 34; T. 24 S., R. 31 E., C.R.M. Containing 640 acres. Rental $320.00.

ACTION TAKEN

February 1, 1963: Segregated out of unitized lease Anchorage 025122 effective June 12, 1962. Eff. date of base lease is April 1, 1956

April 11, 1963: Lease Terminated, March 31, 1963. Case closed.

March 15, 1965: Case Permanently Transferred to GSA Federal Records Center, Seattle, Washington, April 13, 1964.

Mr. METCALF. Mr. President, there is an established tradition that the Senate will accord a President a free hand in the selection of members of his Cabinet. This is especially true in the event of a change of administration and the selection of a cabinet by a President of a political party different from that which controls the Senate. In the whole history of the country only eight such appointments have been rejected. Four of these occurred in 1843 and 1844 because the Senate desired to embarrass President Tyler and not because of any objection to the candidates for confirmation. In 1939 Harry Hopkins was nominated for Secretary of Commerce. In the debate on his confirmation, Senator Walsh, of Massachusetts, said that the President's nominations to his Cabinet should not be rejected "except for grave and unmistakable disqualifications." In that same debate Senator Glass, of Virginia, said that he disapproved of practically everything that Hopkins had said or done but that the President should have the "widest possible latitude" in his choice of his Cabinet and "if he wants men of the Hopkins type to advise him, I think that he ought to be allowed to select them."

In 1945 there was a controversy over the selection of Henry Wallace to be Secretary of Commerce and Walter Lippmann wrote that to reject a man because a majority of the Senate did not approve him or approve of his ideas would be contrary to well-established constitutional usage and a "usurpation" by the Senate of an Executive function.

The question is not whether or not I would appoint this man to be Secretary of the Interior. I would not, I would reappoint Stewart Udall. Mr. Hickel is President Nixon's choice. If President Nixon wants Governor Hickel to be his Secretary of the Interior, intends to follow his advice and counsel, then he should have him. There is nothing in Governor Hickel's record that shows that he is not an honorable man, a person of integrity. He has been naive in the choice of his assistants, he has been derelict in his duty to the consumers of natural gas in Anchorage, he has made rash and imprudent statements in press conferences that have alarmed conservationists and those who seek preservation of wilderness areas and wildlife and waterfowl areas. But he has explained those statements in detail in the hearings and has propounded a philosophy that should be acceptable to everyone.

Under the guidance of Secretary Udall, the Department of Interior has gained the interest of all the people of America. It should have always been this way. Unfortunately for most of our national history the concerns of the Secretary of Interior have been shrugged off by the East and the South as the concerns of a "western" agency. Thus it was, that only a national scandal involving the exploitation of national resources in heroic proportions would arouse the people of the Nation. An example of that is the Teapot Dome affair. But under the leadership of Secretary Udall and President Johnson and Mrs. Johnson and the last four Congresses, the Department of Interior has become national in scope and in interest. The creation of wilderness areas, seashores areas, recreational sites, the development of water recreation on Bureau of Reclamation lakes, the Land and Water Conservation Act, the drive to bring open land to the East, the concern in preservation of our few remaining wild rivers and the transfer of the administration of the Water Pollution Control Act to the Secretary of Interior have all dramatically demonstrated that the people's resources belong to all the people of the Nation wherever the resources are located or wherever the people live.

It is difficult to follow an act such as that put on by Secretary of Interior Udall in his 8 years in office under two Presidents. It is a high challenge to meet the standards set by your predecessor when you are nominated to succeed the ablest, the most innovative and the most farsighted Secretary that ever served.

That is the problem confronting Mr. Walter J. Hickel, President Nixon's nominee to be his Secretary of the Interior. There is nothing in Walter Hickel's background that indicates that he can meet the challenge of the job to which he has been nominated. He has been a Governor of the largest State in the Union, geographically. He has been a fortunate contractor and speculator in real estate, he has been active as a citizen in working for the development of Alaska, and that is about all. But huge as Alaska is, it is dwarfed by the size of the United States as a whole. Great as are the land and water and timber and mineral resources of Alaska, they are insignificant when compared with the combined resources administered by the Department of the Interior. The scenic wonders, the problems of the Alaska natives, the problems created by increased tourism into natural areas, all of these and more, great as they are in Alaska, are insignificant when measured against similar problems in the entire country.

There is no job that completely trains a man for the varied and gigantic problems presented by the Department of the Interior. However, Governor Hickel's testimony, his statements and his previous actions give an indication of his attitudes that enable us to determine whether or not to vote for his confirmation under the duties imposed by the Constitution upon the Senate to advise and consent in these nominations.

As Governor the nominee was concerned with the administration of the resources of Alaska. Unlike in many older States, the Governor of Alaska has almost complete executive authority and is responsible for the acts of his administration. Therefore, the question as to the men he appointed to office, their conduct in office, and the judgment he used in selecting these men became a part of the consideration of the committee. A great deal was made of the appointment of the oil man, Tom Kelly, as his commissioner of natural resources in charge of, among other things, the issuance of oil leases on State lands. The record does not show any abuse on Mr. Kelly's responsibilities nor any special privilege extended to members of the oil industry.

Governor Hickel testified that he never asked and was not concerned about whether or not Mr. Kelly had oil interests. Such casual and unsophisticated acceptance of a man to administer the people's resources of a great State such as Alaska indicate that the Congress will have to maintain a constant surveillance on appointees. But that is our responsibility in any event for the Under Secretary and Assistant Secretaries.

Mr. President, the gravest concern in my mind about Governor Hickel's qualifications for the office of Secretary of Interior is his casual attitude toward administration of the law.

During the hearing Friday, I pointed out to him that the Anchorage Natural Gas Corp. and Alaska Pipeline Co.—of which he had been board chairman and director respectively, until he became Governor—made an extraordinary return of 64 percent on stockholders' equity during the first half of 1966. The source of that information, which appears in the hearing record—page 223—is the February 1967 issue of the Alaska Review of Business and Economic Conditions, published by the University of Alaska.

In Alaska such regulation of utilities as there is, is by the Alaska Public Service Commission, a three-man board appointed by the Governor. Governor Hickel was asked if he had not failed in his responsibilities to the consumer who he represented as Governor in his failure to have this commission insist on rates for the natural gas users that were more equitable than those enabling the distributing company to earn the biggest return of any utility in America.

The pipeline and the franchise for the distribution of gas in Anchorage are owned by Alaska Interstate, a holding company, whose stock increased fourfold on value during the 2 years Hickel was Governor. This is one of the stocks that Hickel is going to sell.

He responded, after working over the question at the noon recess, as follows:

> I would like to clarify one point. If I may respond to the question asked before lunch and I worked all lunch hour to work it out and give you the facts. It is basically while I was Governor I owned stock in a company that appreciated in value, and could have been benefitted by the exercise or the failure of my exercising the power as Governor or through public agency under my jurisdiction.
>
> I would like to make it real clear that Anchorage Natural Gas received a franchise from the greater Anchorage area by public referendum in 1959, and the utility is not now, never has been under any State control, and during that time, as near as I can figure out today at noon, there has never been an increase in rates in any of its systems. There has been two slight increases of rates in the sale of gas to REA and the sale of gas to the City of Anchorage for power generation.
>
> I only mention this to state very clearly that if any Governor or anyone else wanted even to help that Company, I wouldn't know how, because we have no jurisdiction.

Mr. President, contrary to what Governor Hickel said, the Alaska Public Service Commission does have jurisdiction over the Anchorage Natural Gas Corp. The November 22, 1966, prospectus of Alaska Interstate Co., the holding company which controls Anchorage Natural Gas Corp., Alaska Pipeline and certain other companies, states as follows, on page 28:

> Anchorage (Natural Gas Corporation) is subject to the jurisdiction and regulation by the City Council of the Cities of Anchorage and Soldotna and by the Public Service Commission of the State of Alaska as to rates, rules and regulations and service areas.

Additionally, the form S–1 registration statement of Alaska Interstate Co., filed with the Securities and Exchange Commission on June 4, 1968, states as follows, on page 30:

> The State of Alaska, through its Public Service Commission, regulates public utilities, which term, as presently defined, includes Anchorage (Natural Gas Corporation) . . . as to, among other things, rates.

The fact that the State commission has jurisdiction over gas utilities is further supported by the Alaska Public Service Commission's report to the Senate Subcommittee on Intergovernmental Relations which is summarized in "State Utility Commissions," Senate Document No. 56, 90th Congress, first session.

So, Mr. President, Governor Hickel, while head of the utility, was apparently oblivious of the regulatory laws. This says something about State regulatory laws, which are supposed to protect consumers. And it says something about Governor Hickel's qualifications to learn and abide by the laws of Congress.

And what of the Governor's record, in regard to utility regulatory law, during the period that he was Governor? This was a period during which Alaska Interstate Co. prospered. His stock in the company allegedly had been put in a trust. The record will show that under examination by Senator Moss, Governor Hickel revealed this so-called trust was little more than a power of attorney. Governor Hickel had acquired 32,316 shares for $141,207.50. The price of that stock ranged from 6¾ to 7½ during the first quarter of 1967. It ranged from 15 to 21 during the first quarter of 1968.

Current price is 26 and 29. So the value of the stock increased fourfold during his 2 years as Governor. The value of his portfolio, which he has agreed to sell, has increased sixfold. Happiness is Alaska Interstate.

During this period, when the value of his utility stock was rapidly appreciating, what was he doing, as Governor, to protect the public in Anchorage, to enable it to share the benefits of living close to a fabulous gas field? This return of 64 percent on stockholders' equity during the first half of 1966, to which I have made previous reference, is frankly the highest return I have heard of, for any utility, during recent times. As Governor, he had direct responsibilities for ratepayer protection, because of the jurisdiction of the Alaska Public Service Commission over gas rates of Anchorage Natural Gas. Was he exercising these responsibilities?

Mr. President, at this point, let me turn for the answer to Governor Hickel's testimony, in response to my questions:

> Senator METCALF. How are public service commissioners in Alaska selected, Governor?
>
> Governor HICKEL. I think they are—gee, I should know that. I think they are appointed and are they confirmed by the Senate?
>
> Senator METCALF. The Governor appoints them?
>
> Governor HICKEL. I think that is right. I think there are guidelines, however, how I do that. I can get that information for you again, Senator, but I just don't have it at my fingertips.
>
> Senator METCALF. I have been informed that the Governor appoints the public service commissioners.

Mr. President, we then went on to a discussion of the membership of the regulatory commission. Let me quote again from the hearing record:

> Senator METCALF. It is true that every single active member of the commission at the present time——
>
> Governor HICKEL. Yes.
>
> Senator METCALF.—was appointed by you?
>
> Governor HICKEL. If you have the facts on that and tell me that, yes. I couldn't name the commission members right now.

In summary, Mr. President, the man whom President Nixon has selected as his Secretary of Interior, the former board chairman of a gas utility, testified that the utility was not subject to State regulation, when indeed it was. He was not sure how the State regulators were selected, although indeed he had named them himself. He did not know who they were. Meanwhile, Alaska Interstate of Houston, Tex., and its subsidiaries fare fabulously, while the Anchorage gas consumers pay rates comparable to those in eastern cities, hundreds and hundreds of miles from gas fields. Natural gas should be one item that a family can purchase in Anchorage at far below the price in the lower 48.

I participated in the native claims hearings in Anchorage, Alaska, in 1968. I have been concerned about the fate of the land that the natives claim. Secretary Udall has placed a freeze upon the selection of State land until the native land claims are settled. This would seem to be appropriate. Governor Hickel, as Governor of Alaska, testified vehemently against the land freeze in the hearings held in Anchorage. However, in a series of colloquies with the chairman of the committee, he has unequivocally declared that he will maintain the freeze until the Congress has enacted legislation to recompense the Alaskan natives for land taken or until it expires upon the adjournment of the 91st Congress next year. This agreement both indicates the urgency of congressional action and preserves for a reasonable time the status quo.

One of Governor Hickel's statements in his prepared text before the committee gave me some apprehension. Governor Hickel said:

> I believe that we should devote a period of time to the consolidation of the gains that have been made and to a reassessment of our long range objectives. I think that we should explore ways within the Department to make things work better.

This coupled with his interview that he was not for "conservation for conservation's sake" and that he did not want to "lock up" resources seem to indicate that during the next 4 years we would not be expanding our wilderness areas, making any additions to our national parks nor purchasing any additional land for the waterfowl refuges or game ranges.

However, under a series of questions from Senator Bible and the chairman of the committee, Senator Jackson, Governor Hickel agreed that the program for land acquisition and land set asides for recreation and wilderness purposes was far from complete. As a member of the Migratory Bird Conservation Commission, I asked him about the continuation of the accelerated program for the acquisition of about 3½ million refugee acres, and he agreed that this program should go forward as rapidly as possible.

Dave Brower, probably the leading and one of the most respected spokesmen for preservation of natural areas in America if one such spokesman could be designated, referred to some of the statements that Mr. Hickel had made as Governor and as a private individual relative to the Arctic Game Range. I am in complete accord with Mr. Brower and with the Sierra Club and other national organizations which insist that the Arctic Game Range must be preserved and maintained. I have scant sympathy with those who express the "passenger pigeon syndrome" that because Alaska is so vast and there is so much land, we do not have to worry about its preservation.

Mr. Brower quoted Governor Hickel as follows:

> I believe we can do the things that have to be done there in the intent of the withdrawal and still not lock it up to get the resources that are in the area * * * (Press Conference, December 18, 1968.)
>
> Take the Kenai Moose Refuge. One million acres for the Kenai moose. That is more acres than some of the people down here have. I think it could be smaller. (Native Claims hearings, op. cit., p. 99.)
>
> I can't see any reason why they (the moose) couldn't have the million acres and have it upon the slopes of the Chookat Mountains or the Kenai Range rather than just have the vast areas of wonderful flatlands they have now. (Ibid.)
>
> I would like to tell the Federal Government that we can't live within its laws. (Anchorage Daily Times, March 3, 1968.)
>
> If we lived within the letter of the law, we'd be one big national park. (Anchorage Daily Times, March 3, 1968.)

I asked Mr. Hickel some questions about his attitude toward oil development on the Arctic Game Range, and he promised that he would not open any of that area for oil development unless instructed to do so by Congress—page 210 of the hearings.

Bristol Bay, Cook Inlet and the Izembeck National Wildlife Refuge are some of the most important areas in the world for the propagation and nesting of waterfowl, the home of marine mammals and the site of the world's greatest salmon fisheries. Such an area is extremely sensitive to oil pollution. A thin film of oil can destroy salmon, ducks, and marine mammals. Governor Hickel vetoed an act of the Alaska Legislature restricting oil drilling offshore in these areas. This gave cause for alarm that he would support the development of oil drilling in these areas. This is an especially delicate conflict because the Bristol Bay area is the source of most of the ducks on the Pacific flyway and the States south of Alaska would reap the benefit of wildlife protection whereas the State of Alaska itself would benefit from oil development.

I asked Governor Hickel why he had vetoed the bill. He said:

> The law as passed only had control of pollution on the surface of the water, and so we thought, and I feel very strong on this point, that we must have pollution control not only on the surface but under the water because we had that problem at Cook Inlet. So I requested the fish and game board for such a resolution and they granted it to me. The fish and game board has the power to do that.

I can assure my colleagues that close oversight will be maintained by the Migratory Bird Conservation Commission to insure that Cook Inlet, Bristol Bay, and other important waterfowl, marine mammal and fishing areas will be kept clear of pollution, and that Governor Hickel as Secretary of the Interior keeps his commitments that he will act in the national interest.

Much has been written about this nominee. The cliches that he has used to indicate his approach to the most important domestic position in President Nixon's Cabinet have been unfortunate and ill advised. His testimony at the hearing was much more to the point. There is little use in holding a hearing unless it is the basis for decision. I cannot say that this man who agreed at the hearing to programs in the national interest that he opposed as Governor of Alaska was not telling the truth to the committee. I cannot say that this man chosen by President Nixon to be his advisor in the protection and preservation and management of our natural resources is deceiving the committee. I believe him when he assures me that he will protect the Arctic Game Range, that he will continue to move forward for wild rivers and recreation areas, that the accelerated program of the duck stamp fund acquisition of refuges will not be halted. I believe him when he assures the chairman of the committee, Senator Jackson, that he believes in the perpetuation of our National Park System, and when he assures Senator Bible that his administration will not mark the end of the creation of parks and seashores and recreation areas. Who can tell how a man will grow with the responsibilities of his job? On the record before the committee and before the Senate, Governor Hickel could become one of our best Secretaries and carry forward the policy of Secretary Udall. He could disappoint me and my conservationist friends and fall far short in his promises. These are things that are unpredictable. If Governor Hickel devotes to the job of Secretary of Interior the energy that he has devoted to his real estate and contracting business that enabled him to build a fortune, and appoints knowledgeable and competent assistants to help him carry out his awesome responsibilities, he will do well and earn the accolade even of those who have opposed his confirmation. If he fails to do that, he will have failed President Nixon, he will have broken his word to the committee and he will go down in history with some of his predecessors who have violated the public trust and attain the contempt and obloquy he will deserve. I do not believe Governor Hickel will fail; I shall vote for his confirmation.

Mr. TYDINGS. Mr. President, I rise to inform the Senate that I intend to cast my vote against the confirmation of Gov. Walter J. Hickel, of Alaska, to be the next Secretary of the Interior.

I do this without any consideration of either personality or political partisanship. I do it solely on the belief that by experience and understanding he is not qualified to hold the No. 1 conservation office in the Federal Government.

To vote against a Cabinet choice of a newly elected President is an extremely important vote and I have given considerable time and thought to Governor Hickel's nomination.

Dismayed as many were, by some of his early reported remarks, I welcomed the decision of our Interior and Insular Affairs Committee to hold 3 days of extended hearings on these and other views of the nominee. The hearings brought to light much useful information. And the Governor is to be congratulated for the cooperation which he showed the committee in their efforts to build a complete record.

But the evidence of the hearings suggests to me a basic misunderstanding of the meaning of conservation and a failure to appreciate how we in America have permitted the rape of our natural environment.

I am well aware that upon final consideration, the committee voted to approve the nomination. I regret that I am unable to concur with its view. But there are times when one's personal convictions must override the respected judgment of trusted colleagues and this is one of those times.

I am going to vote against confirmation, Mr. President, for essentially five reasons. Given the importance of the vote today, and my own personal interest in matters affecting the quality of our environment, I would like to discuss these five in some detail.

The first reason is what I take to be the inadequacy of the Governor's experience. As we all know, in the Senate experience counts for a lot and, in this instance, I feel Governor Hickel's is insufficient for the knowledge and decisions required of a modern Secretary of Interior.

Alaska is still a frontier State. With its marvelous abundance of natural resources and its limited number of inhabitants Alaska still lives in a time that passed by "the lower 48" some 60 years ago. Our country today, by and large, however, is an urban Nation with complex and difficult urban problems. Too few parks and open spaces, too much contaminated air, too often polluted waters, and too little consideration of esthetics are familiar problems to most of our Nation's citizens living in the cities, towns, and suburbs. Solution of these problems require new ideas, energetic leadership, and most importantly, a creative and sophisticated understanding of the environment in which they exist.

Governor Hickel's background, however, is unlikely to provide such an understanding.

These problems have not confronted him as Governor of Alaska. He has been concerned with the exploitation of natural resources rather than their conservation. With bringing industry in, rather than watching over them to prevent any natural despoiling. With developing open spaces, not preserving them.

Science magazine has written:

> Despite its abundance of resources (its fish, timber, oil and gas, and magnificent scenery and wildlife), Alaska is still economically undeveloped by camparison with most states among the "lower 48," and the financial resources available to the state government are very limited. And while the state has attracted some settlers who put a high value on conservation, it has attracted many, and they seem the most vocal and politically active—who see themselves as pioneers entitled to the same freedom to exploit resources that western pioneers enjoyed a century ago. Accordingly, proposals such as the one for a $2 billion Rampart Dam hydropower project, which would destroy a major nesting area for waterfowl by flooding the Yukon flats and creating a reservoir larger than Lake Erie, are popular with Alaskans. The Rampart project, though favored by Hickel as well as by other politicians was stymied even before he took office—by an adverse report from the Department of the Interior under Secretary Stewart L. Udall.

This quotation illustrates my concern. The environmental problems facing urban America in the late 1960's and early 1970's are far different than those confronting Alaska. We need as Secretary an individual who is familiar with these problems. Who knows them—and their intricacies and nuances—as long-fought foes, not as newly found opponents.

Simply stated, we need a man whose knowledge and sensitivity to problems of the environment is deep-rooted, long-term, and without question.

I believe that Governor Hickel does not, and probably cannot, fill this requirement.

The second reason involves his close ties with the oil industry. Governor Hickel at one time was chairman of a natural gas company in Anchorage and is listed as such in "Who's Who." Upon becoming Governor, he discharged a nonpartisan, well-respected commissioner of natural resources and appointed in his place a geologist drawn from the executive offices of an oil company. An important supporter of the Governor is head of a major oil company. And finally, as Governor he opposed an increase in the severance tax against oil companies operating in Alaska even though the University of Alaska found in a study that the companies could afford to pay a 10-percent tax on all oil drawn from Alaskan soil.

Now there is nothing wrong with being in the oil business or being associated with the industry. Nor do I mean to suggest in these remarks that the Governor acted with any impropriety. I only mean to question whether it is desirable to have a man with such connections as Secretary of the Interior. The Secretary will have under his administration several million acres of Government-owned oil rich land. And it is the Secretary who determines how, and by whom, at what cost, and if these reservoirs are tapped. He must be a man who can view the oil industry with clarity and objectivity.

Let me give an example of the type of difference I can foresee. According to Science magazine, Governor Hickel asked the Interior Department to grant an application to permit exploratory drilling for oil in the Arctic Wildlife Range, an ecologically fragile area of almost 9 million acres lying east of the Prudhoe Bay oilfield. The Department denied the application. Their policy was, and is, to deny such permits pending a study of the area. Perhaps the range should be developed but if it is a valuable and ecologically fragile area, certainly a thorough examination of the consequences of such action should take place first. This seems to me to be the prudent approach. Yet Governor Hickel was disinclined to do so.

My third reason for casting my vote against the Governor's confirmation as Secretary concerns his attitudes toward water quality standards. During the hearings the Governor indicated that he favored approaching the problem first, through the States with the Federal Government entering the picture only if the States there dragged their feet.

But this is not precisely the approach which has prevented needed progress in our efforts to restore the quality of our waters? By leaving it to the States first our waters have remained polluted. Only Federal action, as illustrated by the Water Quality Act of 1965 and Clean Water Restoration Act of 1966, can do the required job. Only the Federal Government has the money, the talent; and will forge ahead in this field.

Possibly I am misinterpreting the Governor's remarks here. Perhaps his views are closer to mine than they at first appear. Nevertheless, I am certain, based on my service on the Air and Water Pollution Subcommittee, that a strong and dominant Federal role is essential if we are ever to clean up the Nation's rivers and streams.

Mr. President—let me here say in passing that the December 23, 1968, issue of Sports Illustrated mentioned the nomination of Governor Hickel. The magazine quoted Mr. Robert Weeden, president of the Alaska Conservation Society as saying:

> Mr. Hickel is a very strong personality and he could be an effective voice for conservation if he wanted to be. However, if a conflict arose between conservation and economic interests, I think he would definitely favor the economic interest.

The fourth reason involves what has become known as the Kuskokwim Eskimo affair. This has received considerable publicity so I do not intend to recount what happened here. Suffice it to say that the Governor blocked an effort by a small Eskimo cooperative to sell some fish to a Japanese fishing concern and thereby improve its meager lot. The Governor acted overzealously and with shocking insensitivity toward the Eskimos. As Secretary of Interior, he would be in charge of a large number of Eskimos, as well as Indians; the neglected, underprivileged native Americans. We therefore need a man who is genuinely concerned and has a feeling of compassion for these people. Anything less would be an injustice.

The fifth and final reason for opposing Governor Hickel's confirmation revolves around his view of what conservation means in today's complex and difficult world. Despite his performance in the hearings, I am not convinced that one who has come so lately to knowledge about environmental quality truly comprehends the principles and problems involved. Or, for that matter, understands what is really necessary to do in order to restore this quality.

Conservation today means far more than the simple preservation practices of Teddy Roosevelt. In essence, it means that human activities must not be undertaken without regard for their impact on the total environment. And even this is misleading if it suggests that man exists on the environment. Rather, he exists with it. He is part of the system.

And it is a system with every part affecting other parts. No segment is independent of the other. Water quality affects marine life and is itself affected in turn by land use. No part of the environment exists in isolation and a change in one element will greatly affect other elements and possibly disturb the entire system.

Based on my reading of Governor Hickel's testimony, I do not believe that he truly comprehends what conservation in the 1960's and 1970's is all about. I do not think he is fully aware of the problems we face nor of the efforts required to restore the integrity of our environment.

Thus, Mr. President, I cannot in good faith vote for Governor Hickel's confirmation as Secretary of Interior.

I have heard it said that the Senate should respect a newly elected President's prerogative to pick his own team. Further, that we should give them all any benefit of the doubt and a chance to prove themselves in office.

Certainly on the face of it this seems fair.

But two points must be emphasized. The first is that as legislators we have a responsibility to look after the national welfare. This takes precedence over any presidential prerogative. The second is that while it is true that everyone should have a chance to prove themselves in office, the Secretary of the Interior, a Cabinet position, is no job for a beginning student. The people of this country have the right to expect an appointee to be already qualified. The Cabinet is not a school. It is a place where a previously acquired expertise or competence is a minimal requirement. And if this is not available there should at least be no past actions or words indicating the appointee's inexperience and lack of understanding of the fundamental problems and issues involved. The stakes with which we are dealing are far too high.

Some years ago, President John F. Kennedy wrote of our need "to recover the relationship between man and nature and to make sure that the national estate we pass on to our multiplying descendants is green and flourishing." That need is as great today as it was then. The Secretary of the Interior will play a crucial role in fulfilling this need. His is a job of overriding importance to both our country and our citizens. We need a man eminently qualified for the post.

Mr. McGOVERN. Mr. President, I regret the necessity of voting against confirmation of the nomination of Gov. Walter J. Hickel for Secretary of the Interior. I do so only after careful evaluation of his qualifications.

I shall vote against confirmation primarily because I feel that the Governor is not qualified by experience, understanding, or outlook to become the Nation's chief conservationist, and the major advocate of American Indians.

The Secretary of the Interior is the trustee of America's vast resources—land, water, minerals, timber, parks, and wildlife. As such, he presides over most of the factors which will determine the total environment in which future generations of America will live.

It is my judgment that Governor Hickel does not have the background, the philosophy, or the insight to meet this responsibility so essential to the Nation's future.

I am also disturbed with the lack of evidence that Mr. Hickel places sufficient importance on protecting the interest of the Indians and other native Americans who would be under his special jurisdiction.

I have just visited with a man expert in our national forest situation. He tells me that we are confronted with a timber shortage in this Nation in a matter of years, and that the pressures on every timbered area in the Nation, be it national forest, Bureau of Land Management lands, a wilderness area, a game refuge, or even a national park, is going to become increasingly intensive.

There are those who fear that administrators who are utilization oriented, who make their decisions on a crisis-to-crisis basis, will permit the destruction of forests essential not only to sustained yields of wood products, but to recreation and other uses, and even to the regeneration of the air we breath.

There is that danger, but we need more than administrators who will resist exploitation. We must have administrators with the foresight to reforest cutover lands, to plan, and to prepare to meet future needs, and to avoid the crisis which may confront us in years ahead.

Our national record of foresightedness on resources is a thoroughly bad one. We have destroyed and wasted and ignored the consequences of our exploitation as long as we dare, and far longer than we should.

When we have planned, we have generally ignored the plans. We developed a 10-year plan for national forest resources, but with only 2 or 3 years out of the decade left, I am told that we have funded and implemented only a minor fraction of that plan.

This is not Governor Hickel's fault. We are all at fault.

But I think the junior Senator from Wisconsin, Senator NELSON, underlined the situation that now faces us, as it relates to Governor Hickel: We have come to a point in our resources and our environmental history when we must have creative leadership; leadership that fully appreciates the extent of the conservation crisis, leadership that can motivate us to adopt the measures necessary to end the plunder of this planet, leadership with a combination of vision, persuasiveness, and finally the fortitude to fight whatever vested interests obstruct conservation programs with skill and effectiveness.

I am deeply disappointed that the nominee for Secretary of the Interior is not, in my judgment, the philosophically oriented man that I believe our situation absolutely requires.

Governor Hickel has conducted himself as a gentleman before the Senate Interior Committee. He has been courteous to me at all times.

It is rather obvious that he will be confirmed here today, regardless of my vote. He will have my full support in any effort he undertakes to become an effective conservation leader and an effective spokesman for American Indians and other natives.

I earnestly hope that my reservations and doubts about his grasp of the Interior Department's responsibilities will prove groundless and that he will prove to be the leader we so desperately need.

I have introduced a bill to create a White House Council of Resources and Conservation Advisers to the President and Congress—a measure we should have enacted 10 years ago.

I hope the new Secretary will see the great help that such a Council or advisory group, with broad knowledge and experience in resources and environmental fields, can have for him, for the President and Congress and persuade the new administration to support it and thereby give conservation the sort of priority it must have if the drain on our basic resource strength is to be ended and reversed.

In any event, I hope that he will surround himself with capable aides who will help him avoid a crisis-to-crisis administration and direct our resource and conservation programs to the solution of serious resource problems, which otherwise will face our children and their children.

Mr. EAGLETON. Mr. President, the Senate each year is called upon to consider for confirmation thousands of nominations sent to it by the President. In 1968, during the second session of the 90th Congress, President Johnson submitted 50,977 such nominations. The Senate then exercises its responsibility under article II, section 2 of the Constitution, which provides that officers shall be appointed by the President "by and with the advice and consent of the Senate."

Most of these appointees are officers of the armed services, postmasters, career employees of the Foreign Service, Coast Guard, Public Health Service, et cetera. These appointments are routinely passed en bloc.

A small number in areas of greater political and public accountability receive individual scrutiny: the judges, especially the Justices of the Supreme Court; members of boards, commissions, and independent agencies; Cabinet officers and their assistants.

Today we are presented with President Nixon's Cabinet nomination of Alaska Gov. Walter J. Hickel as Secretary of the Interior. This nomination has evoked some public controversy and concern. It has been studied in depth by the Committee on Interior and Insular Affairs.

The debates at the Constitutional Convention of 1787 shed little light on what criteria the Senate should apply in exercising its advice and consent authority. Through almost two centuries of experience in implementing this responsibility, different Senators under different circumstances facing different questions have exercised their prerogatives in different ways.

In studying the historical evolution of this senatorial authority, I am constrained to conclude that a standard or criterion applicable to one category of nominee may not necessarily be the proper standard for another category of nominee.

It is one thing to consider the background and qualifications of a potential Supreme Court Justice to be appointed for life. It is another thing to consider the background and qualifications of an appointee to an independent regulatory agency who will serve independently of the President and often for a fixed term of years. It is still another thing to consider the background and qualifications of an appointee to the Cabinet who operates under the direction of and at the pleasure of the President.

In one of the few books devoted to the advice and consent function, Prof. Joseph P. Harris made these observations:

> The tests applied by the Senate in considering nominations vary widely, depending in part on the character and importance of the office concerned and whether the nomination is one to which the Senate gives individual attention. Well-established custom accords the President wide latitude in the choice of members of his own Cabinet, who are regarded as his chief assistants and advisers (p. 379).
>
> It is appropriate for the Senate to consider the philosophy and general outlook of nominees to high federal offices, particularly to regulatory bodies and to the bench. These offices stand in a different position from that of the heads of executive departments for whose actions the President is responsible (p. 384).
>
> The confirmation of presidential nominations to independent regulatory commissions is always of especial importance, for members of these commissions are regarded as having a special relationship to Congress. The function of the Senate in passing upon the nominations is not limited to the technical qualifications of the nominee and his fitness for the office; it is appropriately concerned with his stand on broad policies and the effect his appointment may have upon the functioning of the commission. Often the character and attitude of the officers who head an agency have as much to do with its policies

> as the legislation under which it operates. The Senate must therefore consider whether a nominee to a regulatory commission is in sympathy with the objectives of the laws which he will be called upon to administer, and whether he will support policies which are agreeable to the majority of the Senate (p. 178). Joseph P. Harris, "The Advice and Consent of the Senate" (University of California Press, 1953).

Professor Harris' observations make sense to me.

A Cabinet appointment is peculiarly personal to the President. A Cabinet officer is designated a particular area of governmental concern in which he acts for the President, he speaks for the President, and if he blunders he does so to the personal embarrassment of the President.

Any President, regardless of party, must be given the widest of possible discretion in designating his Cabinet officers.

Senator David I. Walsh, Democrat, of Massachusetts, said in connection with the nomination by President D. Roosevelt of Harry Hopkins as Secretary of Commerce:

> I think we may agree that the selection of the members of his Cabinet is a peculiarly personal prerogative of the President . . . and we should not withhold confirmation . . . except for grave cause and unmistakable disqualification. CONGRESSIONAL RECORD, 76th Congress, 1st Session (Jan. 18, 1939), p. 559.

Senator Guy M. Gillette, Democrat, of Iowa, said of this same appointment:

> I do not believe that there is any greater burden that can be laid upon human shoulders than the Presidency of the United States . . . He is charged with full responsibility for the executive department. If there is any right upon which he should jealously insist, if there is any right that we should zealously see that he retains, it is the right to name those with whom he is to work in that department, and particularly the official family, who are close to him, and his nearest advisors. I cannot conceive, Mr. President, how we as Senators can in justice to the Chief Executive, deprive the President of that right. There is not a Senator in the Chamber who would not insist on such a right were he President of the United States . . .
>
> One of the last men on earth I would want in my Cabinet is Harry Hopkins. However, the President wants him. He is entitled to him. I think it is absolutely unjust for persons like myself, who harbor resentments, to deprive the President of his right. I shall vote for the confirmation of Harry Hopkins. CONGRESSIONAL RECORD, 76th Congress, 1st Session (Jan. 20, 1939), p. 554.

As I view it, a Senator in deciding whether to accept or reject a Presidential Cabinet appointee must consider the following things from the background and record, both public and private, of the nominee:

First. Is he a man of integrity and high moral character?

Second. Is his background and experience such as to permit him to function suitably in his designated post?

Third. Is he sincerely willing to administer his department and exercise his discretion within the statutory limits spelled out by the various Federal laws affecting his department?

Fourth. Does he retain any financial interest, direct or indirect, which would possibly conflict with the discharge of his duties or compromise his conduct in office?

Fifth. Has he by word or deed done anything so obviously repugnant to the fundamental purpose of his prospective department as to disqualify himself?

Governor Hickel has on occasions made statements regarding conservation which might be labeled by some as impulsive, by others as brash, by others as indiscreet, by others as terribly unwise. He has been in conflict with Alaskan Eskimos—a conflict susceptible to varying interpretations. His original position on the Alaskan "land freeze" was disquieting to some people including myself. The private oil holdings of his appointee as Alaska Commissioner of Natural Resources was something he could well have avoided. To his credit, he has agreed to dispose of any private holdings which the Senate Committee on Interior and Insular Affairs would deem to be in conflict with his new post.

However, in my judgment, these matters, individually and collectively, do not violate the aforementioned criteria which I as a Senator deem applicable to the consideration of a Presidential Cabinet designee.

For those who are sincerely disquieted over this appointment, I recall other times and other nominations when, as it were, the shoe was on the other foot. In 1938 and 1939, as congressional opposition was building to Franklin D. Roosevelt's New Deal, some key Roosevelt Cabinet and sub-Cabinet appointments came in for severe attack—Thurman Arnold as Assistant Attorney General in charge of the Antitrust Division, Harry Hopkins as Secretary of Commerce, Frank Murphy as Attorney General. These men were all challenged, on one pretense of another, for their liberalism and their espousal of Roosevelt's policies. In confirming these appointments, the Senate reasserted the very personal right of a President to select his Cabinet confidants.

President Nixon, within the latitude of the previously mentioned criteria, has the right to place in his intimate governmental family men with whom he is at ease and in whom he has confidence.

The Senate should not deny him that right.

I will vote to confirm Walter J. Hickel as Secretary of the Interior.

Mr. **WILLIAMS** of New Jersey. Mr. President, for the past 8 years, under the guidance of the present Secretary, Stewart Udall, we have established an outstanding record in the field of conservation. Outstanding gains have been made in the areas of water and air pollution and preservation of our natural resources in the fields of minerals, oil, and timber.

In my own State of New Jersey a number of notable gains were made, including the preservation of the Great Swamp as a wilderness area and the Delaware Water Gap National Recreation Area. The latter constitutes a 40,000-acre national recreation area surrounding a 35,000-acre reservoir, all within an hour's drive of the northern New Jersey suburbs and an hour and a half from New York City. More than 30 million Americans live within 100 miles of this priceless recreation area.

President Nixon announced that he would nominate Gov. Walter J. Hickel as the new Secretary of the Interior. Immediately after this announcement the nominee's early statements concerning conservation were appalling indeed.

I am very thankful for the diligent, searching inquiry by both the subcommittee and full Committee on Interior. This investigation suggests that the nominee has now considerably broadened his views on conservation. I am, therefore, with some reluctance and apprehension, going to vote to confirm the nominee. I do this, however, with full confidence that the searchlight of national concern will continue to shine on Governor Hickel after he takes office, by both the Senate Interior Committee, Members of both bodies of Congress, and others interested in continuing the direction set during the past 8 years. One can only contemplate with the deepest apprehension the appointment of a Secretary of the Interior whose point of view might hark back that era when our lands and waters were looked upon as an economic resource to be exploited like any other.

Mr. **ALLEN**. Mr. President, I rise in opposition to the confirmation of the nomination of Governor Hickel to be Secretary of the Interior.

I take very seriously the constitutional role of the U.S. Senate in giving its advise and consent to the nomination of officers of the U.S. Government whose appointments are subject to Senate confirmation.

I am mindful of the fact that the President is entitled to fill Cabinet positions with individuals of his own choosing and who, in his opinion, are best qualified to perform the duties and responsibilities of their respective offices. I think we should give every benefit of the doubt to the President in this particular exercise of his office.

In the case of Governor Hickel however, and in the light of his public statements regarding the mission of the Interior Department, and the information which has been elicited in committee sessions with reference to Governor Hickel's background, I feel that confirmation of his appointment would be contrary to the public interest.

I have been hopeful that the President would withdraw the nomination and send to the Senate the name of another individual to be the custodian of our Nation's natural resources. Since he has not seen fit to do so, however, I am compelled to vote against the confirmation of the nomination of Governor Hickel.

Mr. **MUSKIE**. Mr. President, the nomination of Gov. Walter J. Hickel to be Secretary of the Interior has stirred deep controversy across our country. At this point, however, all indications are that his nomination will be confirmed.

I lean heavily toward the point of view that a President ought to have considerable latitude in selecting his Cabinet, especially at the beginning of his administration. My inclination, therefore, in the case of Governor Hickel has been to try to resolve my doubts in favor of confirmation.

But I am sorry to say that other considerations and concerns have given me pause.

There may well be other positions within President Nixon's administration for which I could vote confirmation for Governor Hickel. He is an able man who has been elected Governor of his State after a successful business career.

But the question I must answer is this: Can I approve his selection as Secretary of the Interior?

On two points I feel compelled to indicate my strong doubts about the wisdom of appointing him to this post.

CONSERVATION

The first point relates to the general question of conservation.

The Secretary of the Interior ought to be the No. 1 conservationist of the country—or at least of the administration. There is no other place in the administration where this role can be effectively filled.

It is no answer to surround the Secretary or to shore him up with conservationists.

Whatever may have been the origins of the Department of the Interior, in recent years that Department has acquired enlarged authority, increased responsibility and the accepted leadership role in the field of conservation. That fact has profoundly influenced the growth of conservation efforts in the past few years. We cannot afford to lose the momentum created under the leadership of Secretary Udall.

As one who has been deeply involved in the development of our national air and water pollution control and abatement policies and programs, and as one who has deep concerns over the broader questions of environmental quality and its impact on our generation and those who follow, I have a strong interest in the President's choice for Secretary of the Interior.

Despite Governor Hickel's assurances in the hearings—and I am sure he made them in good faith—I am not certain that his orientation would insure conservation priorities in the discharge of his responsibilities as Secretary of the Interior.

That uncertainty leads me to question his selection as Secretary of the Interior.

NATIONAL FUELS POLICIES

The second point which raises doubts for me involves the question of our national fuels policies.

It is of vital importance to my State of Maine and to the New England region that we have objective and impartial development and administration of our national fuels policies which give due consideration to the legitimate and urgent needs of our fuel deficit area.

Since my arrival in the Senate, 10 years ago, one of the constant problems of our region has been the adverse impact of the restrictive oil import program initiated in 1957. We had labored long and hard to correct the imbalances in consumer prices and manufacturing costs caused by that program.

We had some success in alleviating part of the problem as it relates to residual fuel oil imports. But there is widespread concern that our needs have not been given consideration in recent weeks with respect to the proposed construction of an oil refinery in a foreign trade zone at Machiasport, Maine. As a consequence, there is extreme sensitivity in Maine and New England about oil import policies in the new administration and their effect on our region.

Again, despite Governor Hickel's assurances, his orientation and experience raise doubts as to whether he can be objective and impartial in making decisions on policies, programs, and projects which in the past he has regarded as injurious to the interests of his own State.

In short, my vote this afternoon is an expression of my doubts on the wisdom of Governor Hickel's appointment as Secretary of the Interior.

I would have preferred to see someone chosen to be Secretary of the Interior who had a different and more favorable orientation on these two matters.

I shall vote against confirmation of Governor Hickel with extreme regret and without partisan motivation.

I have said many times since the election that I will do all I can to cooperate with President Nixon and to give every proper consideration to the problem he faces in assuming leadership of our country. That cooperation and consideration includes the programs and proposals he submits to the Congress.

I meant that and I mean it now. But, on this appointment, I have such strong doubts that I feel I must express those doubts by voting against confirmation of Governor Hickel.

In all fairness to Governor Hickel and his statements on the two points I have raised, I ask unanimous consent that there be included in the RECORD at this point that portion of the transcript of the hearing which covers my colloquy with him.

There being no objection, the portion of the transcript was ordered to be printed in the RECORD, as follows:

THE COLLOQUY BETWEEN SENATOR MUSKIE AND SECRETARY OF THE INTERIOR-DESIGNATE HICKEL

Senator **MUSKIE**. Thank you very much, Senator Jackson.

Governor, I have just two lines of questioning which I hope are not too extensive.

The first has to do with a project in my own State, the proposed foreign trade zone in Maine, the Machiasport project. The second has to do with the water quality standards program.

With respect to the first, in your statement you indicated that you recognized a difference between your obligations as Governor of Alaska and your obligations as Secretary of the Interior with respect to the oil import program. I am sure you do. Yet I wonder if you really focus upon what this could mean in terms of the convictions you have developed over the years as a result of your activities in a State like Alaska, your interest in the development of its oil resources, and your responsibilities as Governor.

In the present administration we who come from fuel deficit areas were assured at the very beginning that all authority with respect to oil imports would be delegated to the Secretary of the Interior in order to insure the impartial and objective implementation of those policies. But in these last days of the administration we are finding that when the crunch comes, when the real crunch comes, that somehow the oil industry's interests prevail over those of our fuel deficit area of New England.

So I think you ought to consider the fact that there is no way for you, as I understand it, to divorce yourself of your responsibilities with respect to the oil import program as there appear to be for the White House. Since you cannot divorce yourself of these responsibilities, we are most sensitive in my area to the question whether when the crunch comes, you are going to be influenced by the points of view you have developed up to this point or by your desire to be objective.

Now, in your statement you said that you recognize that there might have to be some increase in imports with respect to some areas of the country. That statement does not reflect the sense of urgency we in New England feel about this problem.

Senator Brooke has prepared a letter to be signed, and I understand it will be signed, by all 12 New England Senators addressed to the chairman of this committee with reference to this hearing, and I ask, Mr. Chairman, that the full text of the letter be made a part of the record.

The **CHAIRMAN**. Without objection, the full text of the letter will be included at this point.

(The letter referred to follows:)

U.S. SENATE,
Washington, D.C., January 15, 1969.

Hon. HENRY M. JACKSON,
Chairman, Senate Interior Committee,
Washington, D.C.

DEAR SENATOR JACKSON: We are taking the liberty of writing to you in connection with the hearings on the nomination of the Honorable Walter Hickel to be Secretary of the Department of Interior. As you may know, the people and representatives of New England have grown increasingly vocal in their protests over the inequitable effects of the oil import quota program administered by that department.

The adverse impact of that program in the states of our regions is clear and grave. The prices of fuel oil, on which private heating and industrial power are heavily dependent in New England, have been abnormally high. Furthermore, oil supplies have been unnecessarily tight and thus the region has risked emergencies in the course of long and bitter winters.

These conditions are a direct result of the controlled and noncompetitive market in petroleum products, a market with its production base located elsewhere in the country and with little sensitivity to the legitimate needs of our region. During the years the Oil Import Control Program has been in operation, refining capacity on the East Coast as a whole has declined by almost 250,000 barrels per day, while New England has been left without a single refinery. Our states have been effectively cut off from dependable and economical sources of oil and made captive to a program that seriously jeopardizes the well-being of our people and the vitality of our economy. We consider this unjust and intolerable, and the members of the New England delegation are committed to using every power at their command to remedy this situation.

Because the Secretary-designate, if confirmed, will have direct responsibility for the Oil Import Control Program, we consider it proper and, indeed, essential to raise this critical problem with him during these hearings. We believe that the people of New England are entitled to definite assurances from him, first, that he recognizes the urgency of this problem and, second, that he will take action to cope with it.

This action could take a variety of forms. The most immediate and promising course would be to act favorably upon so-called "Proposal A" of the Department of Interior's proposed regulations on the allocation of oil imports for Foreign Trade Zones, if the present Secretary for some reason fails to do so. An application to create such a zone at Machiasport, Maine, is now pending before the Foreign Trade Zones Board and "Proposal A", as published in the Federal Register of December 11, 1968, would make possible a reasonable volume of processing and importation of petroleum products through this zone. Not only would this project provide invaluable relief to New England fuel consumers, but it would be a major contributor to one of the country's most depressed counties.

In addition to the Machiasport proposal, other changes in the Oil Import Control Program should be contemplated, including the possibility of a general increase in imports of foreign oil, a redistribution of quotas to promote competition, and other measures to encourage wider dispersal of refining capacity and supply sources as a means of meeting the demand for fuel in New England and other energy-poor areas. In fact we believe that the justification and operation of the entire Oil Import Control Program should be reviewed.

Because these issues are of central importance to all New England and, in our opinion, to all America, we hope that the Secretary-designate will be prepared to express his support for some action along these lines.

We will be grateful for your cooperation in presenting this statement to the nominee at a suitable point in the hearings, and will be anxious to have his comments on the problems it discusses.

Sincerely yours,

Edward W. Brooke, George Aiken
Norris Cotton, Thomas Dodd, Edward Kennedy, Thomas McIntyre, Edmund Muskie, John Pastore, Claiborne Pell, Winston Prouty, Abraham Ribicoff, Margaret Chase Smith.

Senator Muskie. Now, in part that letter says things like this:

"The adverse impact of that program"—that is, the oil import program—"in the States of our region is clear and grave. The prices of fuel oil on which private heating and industrial power are heavily dependent in New England have been abnormally high. Furthermore, oil supplies have been unnecessarily tight. Thus, the region has risked emergencies in the course of long and bitter winters," a point of view I am sure you understand. Unfortunately we haven't found oil in New England as you have in Alaska.

The letter continues:

"These conditions are a direct result of the controlled and non-competitive markets in petroleum products, a market with its production base located elsewhere in the country and with little sensitivity to the legitimate needs of our region."

Then, the letter says this:

"Because the Secretary-designate, if confirmed, will have direct responsibility for the oil import control program, we consider it proper and indeed essential to raise the critical problem with him during these hearings. We believe that the people of New England are entitled to definite assurances from him, first that he recognizes the urgency of this problem, and second, that he will take action to cope with it."

Now, what the letter requests, in posing those two questions, is something more than the general review and objectivity which you promised. This letter inquires, first, as to whether or not you recognize the problem as being urgent from the point of view of New England, and second, whether you recognize that it calls for action beyond the point of review. And I ask only for an honest answer to both of those questions and then I have a third one on this subject, and then I shall go on to water quality standards.

Governor Hickel. Senator, I think you covered it well and I think that if I ever thought it was urgent, I can see now that it is more urgent and I can understand it. [Laughter.]

I think in all fairness I have got to say that there isn't any doubt, Senator, that I will take the broad national picture other than that as you indicated I might have as Governor of Alaska. And as far as it being urgent, if you have an urgent situation, then it requires urgent and prompt action.

I will promise you this, that when confirmed as Secretary of the Interior, I would think at this point one of the first things that we would have to do would be to sit down collectively with your fellow Senators and with this committee and with the executives as such and try to find a solution that is more than apparently there, and I think with that kind of an approach and with that openmindedness that I will give it, it is about as far as I could go in saying what would I do to solve the problem. But I assure you this. We will do something. At this point I couldn't say specifically what. I think it would be wrong of me to do it. It would show that I made a decision without having all of the facts and knowledge before me.

But I assure you that those facts and that knowledge will be gained as soon as possible upon my assuming the position.

Senator Muskie. Well, now, let's be perfectly frank. This is the time to be frank. We in New England have been pressing for action before January 20. The oil industry has been pressing for delay before January 20 because it is rather widely said that the situation after January 20 will be less favorable to us and more favorable to the oil industry.

Now, obviously this isn't something I have coined to ask you to embarrass you this morning. Clearly, the efforts of New England and of the oil industry focused on January 20 and your accession to the secretaryship of the Interior.

This is going to put in a terrible spot after January 20 and indeed, you may be in the position of having to lean over backward to favor New England against the oil industry in order to avoid any accusation of bias.

Now, what is your reaction to that? [Laughter.]

Governor Hickel. Senator, would you allow me to just be a little humorous at the moment and say I wonder if I couldn't toss this back to the White House like they tossed it to the Interior. I know I can't and I don't want to be facetious.

I would say this, that I would try to recognize the problem of a certain region and still keep the national picture in mind. Now, I won't have to go into the background. You and I both know why the oil import program was brought about and how it became mandatory and the reason it was was for national defense and other things. I think that is still important. I think we should maintain that.

Now, whether we raise the quota, lower the quota, we don't want to lower the quota but if we raise the quota, let us try to do it in such a way that we can generally subscribe to and follow the pattern and the intent of why we had the oil import program, and we might be able to stretch our imagination far enough and come up with a collective idea, and I mean collective, and maybe the whole committee would agree that there you have a special problem. But until I had all those facts and talked to all those people, I don't see how in the world I can go beyond this because my full intention would be to try and solve the problem that some section of America had and yet be fair with the Nation as a whole.

Senator Muskie. Let me ask you a more specific question and then I will turn to my other subject.

If the impact of the oil import quota is to force higher fuel prices upon New England, higher than those paid by any other region, would you consider that an equitable result?

Governor Hickel. I think that would be one of the things that we would have to take into mind and although I realize that there are two elements here, above all, the consumer is one of the most important because the reason that we are in production in anything is for the consumer, and so that would be one of the strong elements of making a decision. But beyond that, Senator, I don't think that I could be expected to say anything any stronger or more affirmatively or more negatively than what I have said.

Senator Muskie. I would not expect you to make decisions here this morning but let me point out something rather unusual about this committee. You will notice, if you look at this committee, that Senator Nelson of Wisconsin is the only Senator on it from any State east of the Mississippi.

Now, this isn't the fault of anybody except perhaps those of us who are Senators from east of the Mississippi who haven't aspired to be seated on this committee, but I think it is true that this committee has developed concerns beyond that of a western committee. I think the Department of Interior has. But it has been in relatively recent years. When you consult with Senators about the oil import policy, I hope you would not limit yourself to consultation only with Senators on this committee. I hope you will also give consideration to those of us from the oil consuming States of the country.

We feel deeply about this in New England. Whenever we try to develop the fuel policy that would be equitable to us, we meet roadblocks. Even when we try to develop our own hydroelectric resource we find other areas of the country unsympathetic for only one reason, to protect their coal resources or their oil resources against the competition of the resources that God gave to us.

Up to now we have tried to solve this problem by being nice fellows. We are no longer so disposed to being nice fellows and I think the new Secretary-designate ought to recognize that that is our attitude at this point and probably will continue to be after January 20.

So we are going to be receptive to the kind of objectivity we have been seeking all these years and that you have promised us this morning.

Now I would like to go on to the question of water quality standards.

You have said form time to time that you applaud the decision of the Congress not to set a uniform national standard of water quality but to try to approach the problem through the initiative of the States.

We took this step deliberately, but when we took it, we recognized that we were opening the door to the foot draggers, to those who feel they have an investment in the status quo, and to those who have less than a feeling of urgency about the need to improve the quality of our waters.

We took this step for two reasons. One, because the problem is so big that we could come to grips with it more effectively if the States would develop viable and progressive policies in this field, and secondly, because obviously water use decisions can be better made by those who are directly involved.

But if this program doesn't work, the pressure for national quality standards is going to escalate.

Now, in the development of these State standards under the leadership of the Secretary of the Interior, there has been a lot of foot dragging, and we are not over the problem yet. I think he is close to it if he hasn't achieved the approval of water quality standards for all States. But, on that score I would like to ask this question first.

Is it your conception that the standards already adopted and approved are the ultimate or do you regard them as the beginning in an escalating and ever-tightening program of water quality improvement?

Governor Hickel. Senator, you put it well. It is exactly as you state it. It is a start. It has to do, as I talked about, with the guidelines that we must seek to look ahead in 1980 or the year 2000. I think it is a start. I think it is possibly the best way to start, try to have the relationship with the States and the Federal Government. Obviously if there are foot draggers and if certain areas degrade the water more than it is obvious that they should, at some point down the road if this upgrading doesn't come about, you really don't have any other choice than to so-call step in and have new guidelines, and that would again be up to Congress and whatever Congress might do, in any respect, to upgrade or do what they might have to do to bring about what you say, then I would enforce it with everything within my power because that is exactly how I feel.

But it is a start. It is not the ultimate. But it is in my opinion the best wisdom that Congress could do at the moment to start along the right—in the right direction.

Senator Muskie. Now, I have debated with myself on whether to ask you this next question but I think that the best course is to ask it.

When you visited me in my office, and I think when you visited other Senators, you were accompanied by Mr. James Watt, who is secretary of the natural resources committee of the Chamber of Commerce of the United States. I should have thought to have asked you this question in my office but frankly, as you know, we were both pressed for time and I didn't think of it.

But the Chamber of Commerce of the United States has been in the forefront of those who have undertaken to challenge the authority of the Secretary of the Interior to require secondary treatment and to adopt what has been referred to as the nondegradation rule.

I think first that I would like for you to comment on the connection, if any, between the fact that Mr. Watt has accompanied you and your views on these two issues, and secondly, to solicit your views on these two issues. Might I say this just to make perfectly clear my own position: I have read the brief that was solicited or that was obtained by the Chamber of Commerce of the United States challenging this authority of the Secretary of the Interior. We have defeated it so far as this administration is concerned, but if the point of view of the Chamber of Commerce of the United States on these two points were to be adopted, in my judgment it would destroy the water quality standards program as it is now established in law. The amusing thing about the brief is it speaks of congressional intent to support its position, but I wrote the law. It is rather an amusing observation on briefs. Would you comment on that?

Governor Hickel. Senator, I met Mr. Watt in a group of maybe five or six different people that I was interviewing. It was in going over just a casual résumé that I found out that he had been an administrative assistant to the Senator from Wyoming, Simpson—I think that is right. I had never met the man before. As far as his being with the chamber of commerce, it didn't even ring a bell one way or the other. And we were short of staff and the distance—it is a long way between here and home, and so he said that he would—he could help guide me around. I told him I wanted to go and meet the various Senators. And it was his just natural willingness to help and probably a simple rapport. [Laughter.]

I think he is a capable person. I think he is a most capable person. I think he is knowledgeable in that—

Senator Muskie. That may be the disturbing thing about it, you know. [Laughter]

Governor Hickel. Well, I'm sorry he didn't come out of your office because I would have taken him, too, because he is quite a guy.

That is the background, my background and knowledge, the reason I had him, and if I could be influenced at levels of this nature, I don't think I would be sitting here today. And as far as any water standards being degraded, I would be the first one to fight that. And I think as you remember my thoughts and some of the things that I did as Governor, when I told you I thought I was the only Governor of any sovereign State that seized a ship in coastal waters and took it to Federal court and won. It gives you a general idea of how I think.

I am not one that wants to even think about going backward. I am too progressive by nature. I think my record will show. So have no fear.

Senator Muskie. Let me ask you a specific question. I know that you and the Secretary of the Interior have correspondence with respect to the nondegradation policy as it applies to Alaska. Do you at this point have any question or any doubt about the validity of the nondegradation policy in its present form?

Governor Hickel. I have none that I know of at this point and I can see no hindrance whatsoever. The actions of Alaska were entirely different in the fact that it covers such a broad area. As I mentioned before, it covers an area nearly as big as the United States in distance, and so some areas do have a different problem than other areas.

It is a very difficult thing. So we look at this case by case. But we have never allowed any, if I might say, pollution such as that mentioned in some newspaper articles where we dumped several thousand tons or millions of gallons of ammonia in a river. I just want to assure you, Senator, that that is not true because that plant isn't even in operation, and the reason for them spending considerable thousands, literally about $200,000 more in money, is to assure the State, and they are doing this through research at the University of Washington and the University of Alaska, to assure the State that what they do meets the standards. We requested that and they have agreed to spend the money. I might say not one——

Senator Allott. Will the Senator from Maine yield for one question?

Senator Muskie. Yes; I would be happy to.

Senator Allott. Along this same general line, I think it is important that it be cleared up. In the Washington Post of January 6, Governor, an article appeared, written by Drew Pearson and Jack Anderson, in which they talked about water standards, and I quote:

"Specifically the Collier Carbon & Chemical Company was still dumping three and a half tons of ammonia into Cook inlet every day from its north Kenai plant and there were no tangible plans for stopping this."

Now, is this the plant that you have referred to that has never operated?

Governor Hickel. That is right, Senator. The plant has never been in operation.

Senator Allott. What would you say as to the veracity of this statement? [Laughter.]

Governor Hickel. It is a sin to tell a lie. [Laughter.]

Senator Allott. Thank you, Senator Muskie.

Senator Muskie. Just one final question to wrap up the water quality issue as far as I am concerned.

You have no plans, then, to change the nondegradation policy or the secondary treatment policy or any of the other guidelines which have been used by the Department of the Interior in the development of water quality standards.

Governor Hickel. That is right, Senator.

Senator Muskie. Now, returning to the Machiasport project, I have one question. The Secretary has had under consideration since the early part of December a change in our oil import policy with respect to the licensing of imports to free trade zones.

I have no idea whether he is likely to make a decision on this between now and January 20. If he does, what are the prospects for the life of that policy after you become Secretary?

Governor Hickel. Senator, I would have to see what decision he would make, first, and how he would approach it before I could even intelligently or from a "guesstimate" standpoint know what I would do. I would appreciate, Senator—I don't know how to answer it because I don't know what he is going to do.

Senator Muskie. Well, the question I guess isn't entirely fair because I had assumed that you read the regulations issued in the early part of December. They offered two alternatives, alternative A and alternative B, to govern this problem. If you haven't read it, obviously you can't react to my question.

Governor Hickel. I haven't read it, Senator. I am sorry.

Senator Muskie. I will limit myself this morning to simply calling your attention to those regulations. If you have a chance, to read them, and I know you are going to be very busy between now and January 20, I would appreciate it if you would communicate your reactions to me. But I understand that you may be too busy.

Governor Hickel. I will do that, Senator. I will try to do that.

The Chairman. Thank you, Senator Muskie.

Mr. MUSKIE. It will be noted that Governor Hickel attempted to give me assurances with respect to both points. My questions relate not to his intentions or his good faith, but to the fact that his experience over the years and his orientation will exert a strong influence on him as he attempts to fulfill his responsibilities in the number one conservation and natural resource policy post in our National Government. That fact makes it difficult for him to overcome my doubts on those two points.

I hope that in registering my doubts in this way I will impress on Governor Hickel and the administration the widespread concern on conservation policy which exists throughout the country and the deep concern on national fuels policy which exist in New England and Maine.

If those concerns do make an impression and Governor Hickel is able to overcome my doubts, then my vote will have achieved its constructive purpose.

Mr. HART. Mr. President, a large number of groups and individuals in Michigan have urged me to vote against the nomination of Walter J. Hickel as Secretary of Interior. This I am very reluctant to do, because I believe that—barring grave questions of integrity and principle—a President has a very strong claim to be permitted to select his official family.

Nevertheless, I want it to be a matter of record that many of us in Michigan have been concerned by statements of Governor Hickel. In our area, water pollution is literally a matter of life and death and we must—without any second thoughts—bring it under control. The expense, heavy though it be, is less than the punishing cost if we fail.

Likewise with respect to conservation. We are a conservation-minded State. We have a great deal of unfinished business in terms of setting aside land for public use and enjoyment. This task is of such proportions that it will require stepped-up activity by local, State, and Federal Government. This is not a moment in which to pause; every month's delay is costly in terms of lost resources.

A third concern is that the new Secretary of the Interior move for development of the oil-rich shale land in the West—in a way to add to the National Treasury without adding to concentration in the oil industry.

These lands contain the greatest deposit of oil in the world—and 80 percent belongs to the Federal Government. For years knowledge on how to get the oil out economically was lacking, but there is evidence that that lack can soon be overcome. In addition, the lands contain other valuable mineral products—nahcolite, a sodium carbonate, and dawsonite, containing alumina.

Secretary Udall responded to a concern growing from the Senate Antitrust and Monopoly Subcommittee oil shale investigation and revised plans to let leases on this land in a manner we thought would have encouraged concentration—and discouraged development.

No bids were accepted after the revised offer of leases by the Department. Thus, Mr. Hickel would find waiting for him the major job of moving development of that oil shale off dead center. Hopefully, in doing so, he will be mindful of the opportunity to serve the consumer by encouraging new competitors—rather than allowing the resources to go to firms already controlling the oil market.

Therefore, Mr. President, I shall vote to consent to the nomination of Mr. Hickel relying on the assurances he has given the Interior Committee that he will follow the path blazed by Secretary Udall, most particularly in vigorous action in the field of water pollution control, and in continuing acquisition of shorelines and other areas awaiting action for their preservation—especially in the Midwest and other heavily populated sections of the country. I want to acknowledge that especially persuasive in reaching this conclusion have been the extensive remarks just made by the able senior Senator from Idaho (Mr. CHURCH). Senator CHURCH, as a ranking member of the Interior Committee, participated in the hearings and committee discussions on this nomination. Conservationists know Senator CHURCH as a sensitive, effective leader in resource protection. His judgment, based on his detailed knowledge of the record, is most persuasive with me.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW—UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, I should like to propound a unanimous-consent request.

First, I ask unanimous consent that when the Senate completes its business this afternoon, it stand in recess until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer and the disposition of the Journal, the time between 11 a.m. and 1 p.m. be equally divided between the majority leader and minority leader, or any Senator whom they may designate, and that the vote on the pending nomination occur not later than 1 p.m.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, reduced to writing, is as follows:

> *Ordered*, That at the conclusion of the prayer and approval of the Journal, the time between 11 a.m. and 1 p.m. on Thursday, January 23, 1969, be equally divided and controlled by the majority and minority leaders, or whoever they may designate, and that the vote on the confirmation of Walter J. Hickel to be Secretary of the Interior occur no later than 1 p.m.

Mr. MANSFIELD. Mr. President, I express the hope that Senators who feel that they may not have enough time under the time limitation tomorrow will continue with this most interesting and worthwhile debate this afternoon.

I also wish to inform the Senate that immediately following the disposition of the Hickel nomination, the Senate will proceed to the consideration of the nomination of Mr. Packard to be Under Secretary of Defense.

Mr. PELL. Mr. President, I do not question the integrity, intelligence, or executive ability of Governor Hickel.

What has troubled me and has concerned many of the residents, Republican and Democratic, of my State, is Governor Hickel's approach to vital questions of natural resource development, conservation, and recreation. This concern has not been completely dissolved by Governor Hickel's reassuring statements in the course of the hearings conducted by the Committee on Interior and Insular Affairs.

Governor Hickel's experience as an Alaskan, I am afraid, has not afforded him a realization of the entirely different problems that confront the highly developed and densely populated regions of this country, such as my own State of Rhode Island.

I think it has been clearly demonstrated during the past few weeks that the Interior Department is no longer an agency of interest and concern only to the western regions of our country.

The Department is now charged with the administration of conservation, recreation, and pollution abatement programs that are of great importance to the urban Northeast. I would much prefer to see at the head of this agency a man whose enthusiasm for these programs is unquestioned.

In addition, the New England States have endured a chronic problem as a fuel-consuming region, and the Interior Department is the administrative agency for the oil import control program. The administrative decisions of the Department are of central importance in determining whether New England and my own State of Rhode Island will continue to be penalized and handicapped by high fuel costs and recurrent threats of fuel shortages. Governor Hickel's views on the oil program are not clear, indeed he has specifically reserved decision, assuring us only that he will decide such questions as an oil import quota for the proposed Machiasport free trade zone in Maine on the basis of the "national interest."

I, for one, do not find that particularly reassuring, for the term "national interest" has been the fuzzy rationale offered for the very existence of the oil import control program initiated in the Eisenhower administration. Too often, in this context, the "national interest" has meant the "oil interests," and New England consumers have paid the bill while the oil interests reaped the benefit.

Mr. CHURCH. Mr. President, after a week of extensive hearings on the qualifications of Gov. Walter J. Hickel to be Secretary of the Interior, I have found no basis in the record on which I can justify a vote against his confirmation.

Tradition allows a new President the Cabinet of his choice, and by practice he is to be given the benefit of the doubt. That custom should be breached only where there is proven cause. Finding none of the magnitude required in the instant case, I shall cast my vote in favor of Governor Hickel's confirmation.

Having said this, however, I feel an obligation to express my concern over this appointment, and to explain why I view it with anxiety and misgiving.

For 8 years now, the country has benefited from the services of a forthright and farsighted Secretary of the Interior. This is not the time to recount the remarkable record of Stewart Udall, but when his stewardship is fully studied and carefully assessed, he may well be remembered as the best Secretary in the history of the office. He set an enviable standard against which future Secretaries will be judged. Mr. Udall leaves big shoes to fill. Though it remains to be seen, I seriously doubt that Governor Hickel will fill them.

Nevertheless, it must be acknowledged that, throughout his appearance before the Interior and Insular Affairs Committee, Governor Hickel proved an able and willing witness. One cannot fault him for lack of frankness or for any failure to be responsive. He conducted himself, during his lengthy interrogation, with unfailing civility and good temper. He sought to cooperate with the committee, made detailed disclosures of his personal holdings, and agreed to abide by the committee's decision, as regards the divestiture of stocks, business enterprises, or other property which, in the opinion of the committee, might constitute a possible conflict of interest.

Moreover, Governor Hickel pledged himself to uphold the conservation objectives of such landmark legislation as the Wilderness Act, the land and water conservation fund and the national wild and scenic rivers bill. He promised to implement and enforce requirements, which meet the criteria of laws recently enacted by Congress, for cleaner air and purer water. If these hearings serve any purpose, then we must accept the witness at his word.

Still, one vainly searches the record for reassurance that Governor Hickel really perceives the breadth of his responsibility to function not only as the country's principal real-estate manager, director of outdoor recreation, protector of wildlife, custodian of mineral wealth, irrigator of arid lands, and generator of public power, but also the importance of his duty to act as public trustee of the whole environment in which we dwell. Nothing in his testimony reveals any sensitivity toward the urgent imperative of leading a vigorous counterattack against the thickening smog that smothers our cities; against the spreading pollution of our rivers and lakes; against the slow but insidious poisoning of life itself from the invisible invasion of insecticides, pesticides, and herbicides which pervade and persist.

Where in the record can one find evidence that Governor Hickel really cares about beautification? If he is disturbed by the lackluster character of our urban life, by the rampant proliferation of hideous billboards along our highways, or by the endless, artless suburban sprawl, he has yet to reveal it in a convincing way. Rather than calling for aggressive action in these vital areas, which bear so directly upon the quality of our environment, the Nixon nominee looks backward to past programs, and asks for nothing more than a "consolidation of gains" and a "reassessment of our long-range objectives."

This stand-still prescription is not enough. The country needs more than a treadmill Secretary of the Interior. The people resent the depressing uglification of their surroundings; they despise the sludge, gunk and crud filling the air; they grow weary of traffic snarls that constipate the streets, of streams that stink, of playgrounds too congested to endure. For a spokesman, the American people need a Secretary who will be their champion, not a custodian.

I would like to believe that Walter J. Hickel might grow in office to become such a champion. This is my hope, but I am obliged to confess that it is not my expectation.

So, I shall vote for Governor Hickel's confirmation with reluctance and grave doubt. In fairness to the nominee, I cannot vote against him on the strength of nothing more than my own foreboding, simply because I apprehend that he will perform poorly. He deserves the chance to prove otherwise. As our former colleague on the committee, Ernest Gruening, himself a great citizen of Alaska, observed while testifying on behalf of the Governor, the nominee has not been favored with a long apprenticeship either on the House Interior Committee, as was Stewart Udall, or within the Department itself, as was Oscar Chapman. Unlike such well-prepared predecessors, this man will have much to learn.

But, on the record of the hearings, I cannot conclude that Walter J. Hickel is unqualified for confirmation as Secretary of the Interior. To preclude him would be to prejudge him. Under such circumstances, President Nixon is entitled to have the man of his choice. For his sake—and that of the American people—I hope we will not live to regret it.

Mr. STEVENS. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield to the Senator from Alaska.

Mr. STEVENS. I want to thank the Senator for his support and wish to tell him that I believe the contribution he made in the hearings was unique, and that the Governor himself has appreciated some of the exchanges he had with the committee.

I think, as time proceeds through the next 4 years, the Senator from Idaho will have a great ally in the new Secretary of the Interior in the fight to preserve the wilderness areas of this country under a system regulated by Congress. That is what we have all fought for over many years with great vigor.

Mr. CHURCH. Mr. President, let me say to the Senator from Alaska that if my apprehension concerning Governor Hickel's actual performance in office is not borne out by subsequent events, I will be the first to say so.

I devoutly hope that he will measure up as Secretary of Interior to the high standards which have been set by Stewart Udall.

Mr. McINTYRE. Mr. President, I oppose the confirmation of the nomination of Gov. Walter J. Hickel as Secretary of the Interior. If the Senate of the United States takes seriously its obligation to advise and consent to Presidential appointments, it must scrutinize such appointments and render a considered judgment based not on press reports or rumors or the emotional atmosphere surrounding this appointment, but on the record Mr. Hickel has made before this body.

Specifically, Mr. Hickel's statements regarding the proposed oil refinery at Machiasport, Maine, have been an unsatisfactory response to the needs and interests of the people of New England. He has made it clear that he firmly supports the present oil import program which, in my judgment, is nothing more than a handout to the oil industry. Mr. Hickel has given only vague assurances that as Secretary of the Interior he would do what he could to see that the fuel needs of the people of New England are met. At the same time, he has opposed the one constructive proposal that would meet those needs.

Mr. Hickel's concept of the public interest seems distorted. The Anchorage Natural Gas Co., of which Mr. Hickel was a part owner, received a 64-percent return on equity, an enormous profit from what is essentially a public utility function, yet Mr. Hickel did not think this unusual or out of keeping with the public interest.

Mr. Hickel was not aware of the fact that his Commissioner of Natural Resources, Thomas Kelly, with jurisdiction over oil leases, held an interest in British American Petroleum Corp. He did not even inquire into the possibility of conflict of interest in such a sensitive post. In the course of the Machiasport proceedings with the Federal Government, this Senator has become very sensitive to the possibilities of conflict of interest. We cannot afford to have a man as Secretary of the Interior who might overlook such possibilities to the detriment of the public interest.

After 5 days of hearings and meetings, the Committee on Interior and Insular Affairs voted that Governor Hickel is qualified for the job of Secretary of the Interior. While I do not question the committee's considered judgment, I still entertain doubts about Governor Hickel's suitability for the post. These doubts center around the potential conflicts of interest that would plague Governor Hickel while in office.

As Governor of the Nation's last frontier, Mr. Hickel took positions on the question of oil imports, conservation of open spaces, and pollution control which suited the needs and aspirations of Alaska. Some of these positions are hostile to the needs of other areas of the country.

I am not satisfied the Governor will be able to overlook his past loyalties and maintain the national outlook that his Cabinet post demands.

Governor Hickel's relations with the oil industry have not been clarified to my satisfaction. As a private land developer and as the Governor of a State anxious for industrial growth, Mr. Hickel took stands on conservation and pollution control that conflict with the needs of an industrial society where open space, clean air, and pure water have become precious commodities.

I must oppose Governor Hickel's nomination because he has not demonstrated to my satisfaction that he, as Secretary of the Interior, will be free from the interests which influenced him in the past.

I imagine that there may well be enough votes in the Senate at this time to approve Governor Hickel's nomination. Nevertheless, I feel it is very important that the Secretary of the Interior-designate realize that his views of national policy, as formed from the viewpoint of the Governor of a single State, will have to undergo substantial modification if he is to represent the national interest.

During the hearings before the Senate Committee on Interior and Insular Affairs, for example, Governor Hickel's introductory statement contained the following comment regarding the oil import program:

> I am aware of no suggestion from responsible sources that the program is not needed to maintain our national security.

Perhaps that quotation simply reflects upon the Governor's general lack of awareness of the issues which he will face in his new job. But I think that the record should be clear that a number of Senators of the United States, whom I believe to be eminently responsible, have suggested that the program is not needed to maintain our national security. At least two members of the Committee on Armed Services have so suggested.

I would think that any Governor of the State of Alaska, aware of the tremendous extent of the oil reserves which have been found in his own State, would suggest that an oil import program is not needed to maintain our national security.

In fact, it seems to me that the principal justification for continuing the oil import program can only be that the American oil industry is so financially shaky that it must be subsidized by the homeowners and industries of the east coast. And yet the annual financial reports of the major oil companies do not support such a conclusion.

That is a primary reason why I shall vote against the confirmation of the nomination of Mr. Hickel tomorrow. I do not believe that the people of the State of New Hampshire should be given a choice between freezing in the winter or subsidizing the oil industry. I believe that the people of my State have a right to expect a Secretary of the Interior to push affirmatively for fuel policies which will give them another alternative in addition to freezing or subsidizing.

As a Senator of the United States, I must be aware of my responsibilities under article II, section 2 of the Constitution, to carefully consider my consent to the nominations of officers of the United States. I have given my careful consideration to this nomination, tempered by my views on the right of a President to have his own choices in the Cabinet. I see my duty as clear; when the time for voting comes, I must vote "no."

Mr. President, there has been widespread fear in northern New England regarding Mr. Hickel's candidacy for the position of Secretary of the Interior; and I ask unanimous consent that the following editorials and comments from newspapers in circulation in New Hampshire be printed in the RECORD:

First, an editorial entitled "Hickel Should Be Rejected," published in the Concord Monitor of January 14, 1969.

Next, a news article entitled "Hickel Choice Unpopular," by Bill Bibber, published in the Boston Herald of January 15, 1969.

An editorial entitled "Hickel: Poor Choice," published in the Boston Globe of recent date.

An editorial entitled "Hickel Seems Far Too Concerned Over Welfare of the Oil Companies," published in the Portsmouth Herald of January 7, 1969.

An editorial entitled "Hickel Has Happy Faculty of Getting All Kinds of People Angry With Him," published in the Portsmouth Herald of January 13, 1969.

There being no objection, the editorials and news articles were ordered to be printed in the RECORD, as follows:

[From the Concord (N.H.) Monitor, Jan. 14, 1969]

HICKEL SHOULD BE REJECTED

The U.S. Senate opens hearings today on President-elect Nixon's designations for posts in his cabinet.

Most of the men he has proposed should have clear sailing. There has been little criticism of Mr. Nixon's selections, with one exception—former Alaska Gov. Walter J. Hickel as Secretary of the Interior.

Hickel is a genial, ebullient and aggressive 49-year-old self-made millionaire whose views on conservation and his links with oil and gas interests already have raised hackles nationwide.

With the nation's natural resources being depleted at an alarming rate, it is questionable at best whether a man of Hickel's inclinations would serve the public interest.

He is anxious to develop oil and mineral finds in Alaska. He already has suggested opposition to the establishment of a foreign trade zone in Maine so that an oil refinery could be built at Machiasport, which would reduce New England fuel costs.

The nation's muscular oil interests are opposed to establishing the foreign trade zone because it would pave the way for importation of foreign crude oil and bite into lucrative domestic markets. New England consumers pay the highest fuel oil prices in the nation.

Hickel's views on air and water pollution also are suspect from a New England standpoint.

He wants to develop industry first and worry about pollution later. At this stage of Alaska's development, some modified version of this attitude may be all right for the nation's largest state, but it doesn't fit elsewhere.

We are opposed to Hickel's confirmation, even though it seems likely that the prevailing attitude in the Senate is that a new President should have the men he chooses, and take the responsibility for their actions.

But Hickel, nice a fellow as he appears to be, is a throwback to Albert B. Fall, Secretary of the Interior under Warren G. Harding, and central figure in the famed Teapot Dome scandal of the 1920s.

It is exasperating that men of Hickel's giveaway inclinations keep cropping up in American public life. He is oriented to special interests, which means concern for the public good is secondary.

Water and air pollution, and the unbridled dissipation of the nation's resources surely are the most pressing problems of our age, surpassing even the chaos of the cities and the plight of the American Negro in importance in our long-range chances of survival.

This is not a matter of partisan politics, but a question of whether public interests should or will prevail over the interests of a few.

We shudder to think what would happen to the nation's vast oil shale deposits in Colorado, Wyoming and Idaho under Hickel who would have jurisdiction over them. His public expressions of comparative unconcern for conservation suggest he would be inclined to shell out these priceless resources to his pals in the oil and gas industries.

Hearings on Hickel's appointment begin tomorrow. A wire, telephone call or even a letter to Sen. Cotton or Sen. McIntyre—or any New England senator—would be in keeping with New England interests.

[From the Boston Herald, Jan. 15, 1969]

HICKEL CHOICE UNPOPULAR

(By Bill Bibber)

The heavy guns of outspoken conservationists will be pointed directly at Gov. Walter J. Hickel of Alaska today when the U.S. Senate starts meeting to discuss confirming his appointment as Secretary of the Interior.

Hickel has become something of a strange quantity because of inappropriate statements about preservation of wild lands.

On Dec. 18, he said he opposed putting Federal lands "under lock and key" to preserve them and said no more land should be allocated for parks and recreation in the East. The latter statement hasn't endeared him to conservationists hereabouts where land is in short supply and the population is growing at a phenomenal rate.

Some Massachusetts conservation organizations especially opposed to Hickel's appointment aren't coming out and saying so for the record but it's understandable. A couple of years ago, the Sierra Club's fight in opposing dams in the Grand Canyon was climaxed when the Internal Revenue Service wiped its name off the list of tax-free organizations.

Chances are Hickel eventually will be confirmed by the Senate but he should be given the message that conservation of resources is one of the most pressing issues in the nation today.

Actually, Hickel could be a good Interior Secretary if he can orient himself to the nation rather than to Alaska alone. His native state consists largely of undeveloped federal lands and the population is about 300,000. The density is .39 persons per square mile which indicates man has yet to affect the environment to any great degree.

President-elect Nixon could do the nation a service by withdrawing Hickel's name and continuing Stewart Udall in the sensitive job. Conservation of natural resources is too important to turn their administration over to a man who has said if water standards are set too high they may slow down the development of industry.

[From the Boston (Mass.) Globe]

HICKEL: POOR CHOICE

President-elect Nixon's choice of Gov. Walter J. Hickel of Alaska as Secretary of the Interior easily ranks as his worst cabinet selection. It could cause him considerable embarrassment if the appointment is confirmed by the Senate.

Friendly to the large oil and gas companies and indifferent to the problems of the Eskimos and Indians in his state, Gov. Hickel is no ardent conservationist.

Sen. George McGovern (D-So. Dakota), a member of the Senate Interior Committee which will consider Hickel's nomination, has stated he may have trouble winning Senate confirmation. Hearings are expected to begin sometime before Mr. Nixon's inauguration, and a vote of the full Senate is anticipated in late January or early February.

Senator McGovern objects to Hickel's views on conservation, while Sen. William Proxmire (D-Wis.) is more specifically disturbed by reports that the Alaska governor opposes "a policy of conservation for conservation's sake."

Hickel is likely to be intensely questioned not only about his views on conservation, but also on oil import quotas, development of publicly owned oil shale lands, and his connections with petroleum and gas interests.

For example, Gov. Hickel is known to oppose the Machiasport, Me., oil refinery project, an undertaking that would result in lower prices for New England fuel users. It is difficult to know how he was able to form an opinion on the merits of the proposal without being privy to all the facts.

His testimony last July before a subcommittee of the House Committee on Interior and Insular Affairs suggests that he is less than sympathetic to the need for wildlife preserves when they conflict with commercial concerns. Testifying on behalf of legislation to withdraw land from a wildlife preserve used as moose grazing land, he said that if the lower levels were taken for private use, the moose could go live on the slopes of the area!

Then there are reports that the governor plans to appoint as his assistant for land management Thomas E. Kelley, presently the Alaskan Commissioner of Natural Resources. Mr. Kelley is the son-in-law of Michael T. Halbouty, head of the Halbouty Alaska Oil Co.

As chief of the Interior Department's Bureau of Land Management, Mr. Kelley would have authority over the leasing of Federally owned lands.

The case against Gov. Hickel is further strengthened by reports that he torpedoed an Eskimo fishing cooperative which would have enabled the members to sell their salmon catch to a Japanese combine at much higher prices than they were receiving from Seattle, Wash., buyers.

The governor reportedly put strong pressure on the Japanese companies not to do business with the Eskimos. The result: the Eskimos are being forced to return to Federal and state relief rolls to survive.

Gov. Hickel's concern about the vast amount of mineral-rich land in Alaska still owned by the Federal government—97 percent of the state's 375-million acres—is certain to interest the Senate Interior Committee.

Stewart Udall, the present interior secretary, has ordered a freeze on the disposition of the land until the century-old dispute over the rights of the native Eskimos, Indians and Aleuts is resolved by Congress.

Gov. Hickel has said of the freeze: "What Udall can do by executive order, I can undo."

One estimate of the Alaskan governor's probable performance as Interior Secretary was proffered recently by a former legislator in that state: "Wally Hickel will never be an Albert Fall"—an appraisal which can hardly be viewed as ecstatic. Mr. Fall, Secretary of the Interior during the Harding administration, was imprisoned for his role in the Teapot Dome oil reserve scandal.

The Senate should vote against Mr. Hickel's confirmation.

[From the Portsmouth (N.H.) Herald, Jan. 7, 1969]

HICKEL SEEMS FAR TOO CONCERNED OVER WELFARE OF THE OIL COMPANIES

For a man who was really an unknown to the people of all states but Alaska, Walter Hickel, President-elect Nixon's choice for secretary of Interior, has attracted a lot of flak.

Not even banker David Kennedy's foot-in-mouth remark about the price of gold has lingered so long in the public mind as Hickel's apparent desire to exploit our national resources rather than conserve.

Hickel didn't get off to a good start with New Englanders anyway when his adamant opposition to the development of Machiasport as foreign trade zone became known.

New England has long realized that the oil it burns in these bitter winter months costs far too much money. When someone comes along with a proposal that might save a little on the heating bills, we're all for it.

That one of world's largest oil fields has been discovered under the tundra of Alaska no doubt has a lot of bearing on Hickel's concern that the big American oil companies keep their markets.

If he were still governor of Alaska, this would be only natural, but he hasn't yet comprehended that the secretary of Interior is supposed to guard the welfare of all 50 states.

It is hoped that Maine's Sen. Edmund S. Muskie will question Hickel closely when he comes before a Senate committee for hearing.

Muskie's national prestige, since the presidential campaigns, is such that his concern over Hickel's philosophy may alert the public.

The kindest thing that can be said about Hickel is that he has demonstrated, so far, a remarkable provincialism.

[From the Portsmouth (N.H.) Herald, Jan. 13, 1969]

HICKEL HAS HAPPY FACULTY OF GETTING ALL KINDS OF PEOPLE ANGRY WITH HIM

Few, if any, Cabinet nominees since "Engine Charlie" Wilson have fomented a blacker thunderstorm of controversy than ex-Gov. Walter Hickel of Alaska, President-elect Nixon's choice for secretary of Interior.

Hickel's first bolt of indiscretion struck at New England's hope that Foreign Trade Zone might be created at the little Maine seaport town of Machiasport. Approval of the petition means that an aggressive young oil company will build a refinery there, ultimately resulting in lower heating costs for sub-Arctic New England.

Maine's plea ran into heavy opposition from American oil companies well entrenched behind the barrier of oil import quotas. And Hickel quickly let it be known that Machiasport would get no more sympathy when he was in Interior than it has under the present administration.

New England's anger would easily have passed unnoticed because of the region's relatively small size, but Hickel unleashed devastating bolt of chain lightning at conservation in general with the remark:

"I think we have had a policy of conservation for conservation's sake. . . ."

He also observed about water pollution: "If you set water standards so high, you might hinder industrial development. . . ."

Coupled with other remarks in a similar vein, Hickel has created strong doubt in the public's mind that he is the man who should be entrusted with care of the nation's great natural resources.

So strong is this feeling in opposition to his confirmation that mail has been pouring into Senate offices by the bagful.

Publicly the President-elect hasn't reacted to the mounting criticism of his nominee, but Hickel's efforts to stave off a grilling by the Senate committee indicate the Nixon people are disturbed.

How successful Hickel has been in buttonholing senators and telling them that he really isn't such a bad fellow will be seen when the vote is taken.

The chances are that he will be confirmed because the Senate usually goes along with a President on his choices for his official family.

However, if Hickel does win confirmation, he can be sure of one thing, a lot of people are going to be watching him.

Mr. STEVENS. Mr. President, I had hoped that the first time I would be able to speak on the floor of this body would be to revere the memory of my good friend, the late Senator E. L. "Bob" Bartlett, whose place I have taken here. That is not the opportunity that is afforded to me today. Therefore, I am going to be short, as I know new Members should be, in my comments concerning some of the items raised by Members of this body regarding the qualifications of our Governor to serve as Secretary of the Interior.

One of the items that has been discussed at length by those who oppose Governor Hickel's confirmation is the subject of the Kuskokwim incident in Alaska. Governor Hickel, acting at the request of the Democratic State senator from that district, refused to assent to an agreement whereby a Japanese freezer ship would purchase fish from a cooperative located in the Kuskokwim area. This followed the traditional pattern of Alaskan feeling concerning purchase of our fish by the Japanese interests when they had not been processed on shore. This is called primary manufacturing.

I have here a letter dated April 26, 1960, from former Governor William A. Egan to the then Special Assistant to the Under Secretary for Fisheries and Wildlife of the Department of State. In this letter the Governor stated:

> Senator Bartlett has informed me of his stand opposing the proposal of a Mr. Herb Borgens to make arrangements with the Taito Corporation of Japan whereby a Japanese reefer would be sent to Bristol Bay, there to operate in conjunction with Japanese collection boats to pick up red salmon which would, presumably, be purchased from American citizens. The ships would be operated by Japanese citizens.
>
> I join Senator Bartlett in most vigorously opposing this proposal which would have the immediate effect of denying American citizens employment in shore-based canneries, upon which most of the residents of that area are dependent for a livelihood.

I do not wish to read the whole text of this letter. I ask unanimous consent that the letter, and the reply, from which I will quote in just a moment, be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER (Mr. SYMINGTON in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. Mr. President, the State Department replied on May 2 and stated:

> For the purposes of the North Pacific Fisheries Convention, the term "fishing vessel" is defined as "any vessel engaged in catching fish or processing or transporting fish loaded on the high seas, or any vessel outfitted for such activities". Thus, to use such Japanese vessels, manned by Japanese nationals, for loading, processing, possessing, or transporting salmon in the Bristol Bay area would involve a violation by Japan of its treaty obligations.

I may add that the Department has not received any communication whatsoever from the Japanese Government regarding this letter sent by the Foreign Affairs Officer, Office of the Special Assistant for Fisheries and Wildlife to the Under Secretary in the Department of State.

I understand that the position of the Department of State has subsequently changed and it now feels that a Japanese vessel coming into the waters of the State of Alaska to purchase salmon in the round would not violate its treaty obligations on the part of Japan.

However, this is the position that Alaskans have adhered to, and this is the position that the Governor of Alaska, Walter J. Hickel, adhered to in supporting the people of the area known as the Bristol Bay, to prevent the Japanese again, in 1968, from sending in a Japanese refrigerator ship to purchase fish from the cooperative, unless that fish had been subject to primary processing on shore in Alaska.

I do believe that there is area for difference of opinion here, but it is not a difference of principle as far as Alaskans are concerned. Our principle is and will remain, I hope, that we favor always onshore activities in connection with our fishing operations, so that our people, our native people who are not fishermen, but are employed in the canneries, will continue to receive the employment they have had over the years.

Several other matters have come up, Mr. President. One of them is an allegation that Walter J. Hickel, by virtue of the fact that there was an oil and gas lease that was listed in the Bureau of Land Management records as "Walter J. Hickel in care of Colorado Oil & Gas Corp., Denver Club Building, Denver, Colo.," had some close connection with Colorado Oil & Gas.

As a practical matter, the lease that has been mentioned in this connection was 640 acres that was excluded from a unit area in Alaska, and that means just this: When that unit was formed, these lands were not considered important enough to include in the unit, and the lands were excluded and generally nonunitized lands; and therefore they were segregated out of that portion of the lease which was in fact subject to the unit.

I have before me the record, which is called the serial sheet, of the Bureau of Land Management, for the case known as Anchorage 0585930. The reference in the newspaper, in a column in the Washington Post, is erroneous, because this is the proper number. It shows that on February 1, 1963, there was segregated out of the unitized lease which was known as Anchorage 025122, effected on June 12, 1962, these 640 acres.

At the time that land was segregated out of the other lease, it was the subject of prior assignment to Colorado Oil & Gas, and this is an action of the Bureau of Land Management—not an action of Walter J. Hickel—to segregate out these lands, and it even notes that the effective date of the basic lease was April 1, 1956.

But I have been extremely disturbed, Mr. President, at the reference and the association that has been drawn by some people between our Governor and the oil and gas industry out of the fact that he has in fact made application for and received two leases. In the whole history of the oil industry in Alaska, he has had two leases. All that shows is that he was not very successful in obtaining oil and gas leases really, because many people have more leases than that without having any connection whatsoever with the oil and gas industry.

I believe that anyone who asserts that these leases which expired 3 years before he even became an active candidate for Governor, disqualify him to hold the position of Secretary of the Interior, is really stretching the facts.

I now have some comments, Mr. President, about the conservation record of Alaska's Governor, Walter J. Hickel.

In the 2 years he has been Governor, he has had a very broad and sound program for conservation development. We have only 275,000 residents in our State, though it represents almost one-fifth of the land mass of the whole United States. Governor Hickel's progressive record in economic development has been balanced with the sound, long-range objective of maintaining the ecology and wildlife as well as the cultural heritage of the native inhabitants of our State.

In our 49th State, he has had the cooperation of civic groups, the Alaska Department of Fish and Game, and Federal agencies including the Bureau of Sport Fisheries and Wildlife, the Bureau of Land Management, and the Forest Service.

Let me state an example. When Governor Hickel took office, Alaska's hair seals were being slaughtered and threatened with extermination. A $3 bounty had been placed on hair seals many years ago. It was used as a supplement to the income of natives who killed the seals for food. It also served as an incentive to decrease the number of seals, which competed with fishermen and damaged fishing nets.

In the early 1960's hair seal coats became popular in Europe. The price of pelts began to rise. Consequently, professional hunters moved in, and in 1959 and 1960, a total of 14,600 hair seals were killed; this jumped to 26,000 in 1964 and 1965, and then to 62,599 in 1965 and 1966.

Concerned about the possible extinction of the hair seal, one of our finest fur-bearing animals, one of his first acts as Governor was to propose legislation to remove the State bounty. His proposal became law in April 1967, and eliminated the bounty on these animals south of Bristol Bay. That lies just north of the Alaskan Peninsula, Mr. President, and is an area hunted by professionals.

At the same time, his policies permitted the bounty to continue to be paid in the far north, where there were native people who maintained themselves on a small source of income, and the seals were also considered predators in that area.

Similarly, the Governor supported legislation to allow the State Board of Fish and Game to designate game management units, whereby bounties could be paid only to persons living within the unit. The bill was enacted and became law in 1968, and eliminated another bounty on an animal population that was rapidly being depleted, the wolverine. The fur from this vanishing animal is sought for parkas, because it has the unique ability to prevent the condensation of moisture around the parka's face piece.

Other accomplishments, I know, will be mentioned by my colleague from Wyoming, but let me just list a few I do not think he has in his listing:

Governor Hickel proposed and secured the enactment of a water pollution law. It fines polluters of our waters up to $25,000. He has, in addition to that, taken the only action taken by any chief executive in this country when he seized the *Rebbeca* and put it under State law, and at the same time filed an action against the owners of the *Rebbeca* in Federal court. This is an action to secure a fine rather than the penalty involved in State law that I mentioned—a fine for the actual pollution of our Cook Inlet.

King salmon runs in my area of Alaska, the Anchorage vicinity, have been restored as a result of closer cooperation between the Fish and Game Department and the U.S. Army at Fort Richardson. These new measures have replenished rivers and streams with fish in Alaska, and I might mention, even the State of Michigan has been benefited by this new program, which was stimulated by our Governor.

Last year alone, we exported 70,000 silver salmon eggs to Michigan to help stock the State's streams with fresh water fish, and help restore the salmon runs in the State of Michigan. The Michigan Legislature, incidentally, unanimously passed a resolution of tribute to our Governor and the State of Alaska, for this gesture on our part to help them restore their fisheries.

Sea otters, which were nearly extinct in 1911, have recently grown in numbers in Alaska under careful State protection, and are now being reestablished throughout the State, and soon we will have a flourishing sea otter industry similar to what we had at the turn of the century.

Governor Hickel also took action against those who were using lethal poisons to help control predators.

Mr. HART. Mr. President, will the Senator yield to me briefly?

Mr. STEVENS. I yield.

Mr. HART. My comment may be inserted, if there is no objection, immediately following the Senator's remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Our able friend from Alaska is correct in the statement he has just made about the thoughtful gesture of the Governor of his State to the State of Michigan. I wish to assure him that I shall vote favorably on the nomination of Governor Hickel, expressing some reservations nonetheless.

Clearly, his eloquence and the evidence that he cites cannot fail to have some influence on those of us familiar with that evidence, and I am very grateful that he has put it in the RECORD.

Mr. STEVENS. I thank the Senator from Michigan.

Mr. President, Governor Hickel has worked for a law to prevent lethal poisons, which are used to help control predators, from being used frequently to kill wild animals which the State seeks to protect, without the prior consent of the Alaska Board of Fish and Game.

In addition, Governor Hickel received national notoriety because he vetoed a bill which would have permitted the controlled hunting of surplus musk oxen, an animal which was nearly extinct but which has had a comeback under State protection. Instead, the Governor instigated transplants to various appropriate habitats so that additional herds could be developed throughout the State. We have great hope that these herds will become one of the new industries of the State of Alaska.

Areas have been bought and developed under Governor Hickel to provide wildlife park areas and recreational facilities, notwithstanding the extensive program being conducted in our State by the Federal Government.

A comprehensive inventory and preservation plan was developed under Governor Hickel to protect the State's unique anthropological artifacts—totem poles in southeastern Alaska.

I have listened with great interest to the remarks of some Senators who expressed concern about our Governor serving in the position to which he has been nominated. As was pointed out to me very carefully by one Senator, I was appointed to this position by Governor Hickel. As a matter of fact, I have at times quipped that it required only one vote for me to be elected to the Senate.

I do believe, however, that his appointment of me to this body is something that demonstrates, so far as I am concerned, Governor Hickel's qualifications to serve as Secretary of the Interior. [Laughter.]

In fact, I had been in the Department of the Interior for years, and the Governor appointed me after he knew that he was to be the Secretary of the Interior. I believe, seriously, that one of the reasons he did so was that he wanted to have a Senator take the position of our late Senator Bob Bartlett, who had been involved in some of the statehood battles and who knew some of the background of these matters in Washington.

I am indebted to our Governor, but I am not obligated to our Governor. I defend him not as his appointee, but as an Alaskan who knows Walter J. Hickel, who knows his ability, his integrity, and his dedication to public service. I commend him to all Senators as a man who will become a great Secretary of the Interior and who will guard his Nation's resources well.

EXHIBIT 1

APRIL 26, 1960.

Mr. WILLIAM C. HERRINGTON,
Special Assistant to the Under Secretary for Fisheries and Wildlife, Department of State, Washington, D.C.

DEAR MR. HERRINGTON: Senator Bartlett has informed me of his stand opposing the proposal of a Mr. Herb Borgens to make arrangements with the Taito Corporation of Japan whereby a Japanese reefer would be sent to Bristol Bay, there to operate in conjunction with Japanese collection boats to pick up red salmon which would, presumably, be purchased from American citizens. The ships would be operated by Japanese citizens.

I join Senator Bartlett in most vigorously opposing this proposal which would have the immediate effect of denying American citizens employment in shore-based canneries, upon which most of the residents of that area are dependent for a livelihood. Alaskans have at all times adopted the policy of opposing the use of refrigerator ships in this business, regardless of the flag under which they might be documented.

A second and more serious result of this proposal, if put into effect, would be to jeopardize the American stand on the policy of abstention with relation to the North Pacific Fisheries Convention. To approve of the operation of foreign freezer ships to purchase fish caught by our citizens could very well result in a Japanese assertion that the fisheries of Bristol Bay were not being utilized to the fullest by our nation. Thereby giving the Japanese grounds for further extension of their operations in that area. As we well know, the economy of the Bristol Bay region has for several years past been most adversely affected by overfishing by the high seas fishery operations of foreign nations.

I sincerely hope that the Department of State's attitude will be one of opposition to the Japanese proposal.

Sincerely,

WILLIAM A. EGAN,
Governor.

MAY 2, 1960.

Hon. WILLIAM A. EGAN,
Governor of Alaska,
Juneau.

DEAR GOVERNOR EGAN: In Mr. Herrington's temporary absence, I wish to thank you for your letter of April 26, 1960 regarding a proposal to send a Japanese refrigerator ship and other Japanese vessels to the Bristol Bay area to collect red salmon from American fishermen.

Aside from the considerations which you mentioned in your letter, implementation of such a project would apparently be in direct contravention of the terms of the International Convention for the High Seas Fisheries of the North Pacific Ocean, 1952. Article IX (1) (a) of the Convention states:

"With regard to a stock of fish from the exploitation of which any Contracting Party has agreed to abstain, the nationals and fishing vessels of such Contracting Party are prohibited from engaging in the exploitation of such stock or fish in waters specified in the Annex, and from landing, processing, possessing, or transporting such fish in such waters."

As you know, Bristol Bay is within the area, described in the Annex to the Convention, in which Japan agreed to abstain from fishing salmon.

For the purposes of the North Pacific Fisheries Convention, the term "fishing vessel" is defined as "any vessel engaged in catching fish or processing or transporting fish loaded on the high seas, or any vessel outfitted for such activities". Thus, to use such Japanese vessels, manned by Japanese nationals, for loading, processing, possessing, or transporting salmon in the Bristol Bay area would involve a violation by Japan of its treaty obligations. I might add that the Department has not received any communication whatever from the Japanese Government regarding this project.

Sincerely yours,

STUART BLOW,
Foreign Affairs Officer, Office of the Special Assistant for Fisheries and Wildlife to the Under Secretary.

Mr. HANSEN. Mr. President, I am happy to join the distinguished senior Senator from the great State of Alaska and to give further endorsement to the nomination of Gov. Walter J. Hickel to be Secretary of the Interior.

It was said earlier today by the distinguished Senator from Maine (Mr. MUSKIE) that the Secretary of the Interior should be a conservationist. I have no argument with that statement; as a matter of fact, I agree with it. I submit that Walter J. Hickel has the endorsement of some very distinguished conservationists in this country. I should like to read into the RECORD a telegram I have received from James B. White, Wyoming Game and Fish Commissioner and president of the Western Association of State Game and Fish Commissioners. Mr. White says:

CHEYENNE, WYO.,
January 13, 1969.

Hon. CLIFFORD P. HANSEN,
U.S. Senator,
Washington, D.C.:

As representative of the Wyoming Game and Fish Commission and president of the Western Association of Game and Fish Commissioners of the 13 Western States I support the confirmation and appointment of Gov. Walter J. Hickel, Alaska, to the Cabinet Post of the Secretary of the Interior. I have very diligently checked Governor Hickel's conservation record and I find it to be sound and in the best interest of conservation. A letter will follow setting forth his recorded activities which dictate my support on his confirmation. (Original to Hon. GALE MCGEE and CLIFFORD HANSEN.)

JAMES B. WHITE,
Wyoming Game and Fish Commissioner and President, Western Association.

Also, I have received the following letter dated January 14, 1969, from James B. White, the letter to which he referred in his telegram:

STATE OF WYOMING GAME
AND FISH COMMISSION,
Cheyenne, January 14, 1969.

Hon. CLIFFORD P. HANSEN,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CLIFF: As per my telegram of January 13th, the following are conservation measures Governor Hickel has initiated or supported:

1. In the face of heavy opposition from hunting interests, Governor Hickel vetoed a bill which would have legalized the hunting of musk oxen. His stand won approval from conservationists across the nation and in England and Scandinavia.

2. Governor Hickel launched a study effort aimed at preserving totem poles in their historic locations throughout southeast Alaska, telling Alaska's Art Council, "It is time for Alaskans to buckle down and preserve what remains in their own state of the magnificent culture of our Southeastern Coastal Indians."

3. Governor Hickel directed the state to file a $200,000 damage suit against the owners of the 735 foot oil tanker Rebecca following the arrest of the vessel on a charge of illegally discharging oil laden ballast into the waters of Cook Inlet.

4. On April 21, 1967, Governor Hickel approved the state's first bill prohibiting pollution of the state's waters. (Ch. 109, SLA 1968). He had pushed hard for passage of such a bill following the arrest of the Rebecca.

5. Governor Hickel signed into law a bill outlawing use of poison in the control of predators unless specific prior consent has been given by the Alaska Board of Fish and Game.

6. Governor Hickel initiated a move for and approved the appropriation of $56,250 from the general fund for purchase of 3,000 acres near Fairbanks for conservation purposes. The property, known as Creamer's Dairy, has been since time immemorial the nesting grounds of a great variety of wildfowl.

7. Governor Hickel backed the transfer of 70,000 silver salmon eggs to the Michigan Department of Conservation resulting in the enormously successful stocking of Lake Michigan with that fighting game fish species.

8. Governor Hickel approved for federal funding the Sandy Beach recreation project on Douglas Island involving grading, drainage, installation of backstop fences, and dugouts, paving of tennis and basketball courts, and picnic and sanitation facilities and acquisition of land.

9. Governor Hickel approved a joint plan involving the Departments of Natural Resources and Health and Welfare for use of inmate crews from the Youth and Adult Authority in restoration and maintenance of state campgrounds, wayside parks and recreational areas.

10. Governor Hickel increased the budget of the Division of Game from $1,060,000 in 1966–67 to $1,797,000 in 1968–69. He increased the budget of the Division of Protection from $990,000 in 1966–67 to $1,329,000 in 1968–69. And he raised the budget of the Sport Fish Division from $578,000 in 1966–67 to $807,000 in 1968–69.

11. At the request of Governor Hickel, General Charles A. Lindberg addressed the fifth state legislature in a special joint session on the subject of conservation. It was the first public speech Lindbergh had made in 10 years.

12. The Alaska Fish and Game Board had been traditionally a 10-man group composed of commercial fishing interests. Governor Hickel changed the composition of the board to five commercial related members and five conservationists-sports related members.

13. Governor Hickel approved plans submitted by the Alaska Department of Fish and Game for replanting sea otter throughout their former range in southeast Alaska. That program was successfully completed this summer.

14. Under Governor Hickel's influence, the Alaska Department of Fish and Game has maintained exemplary relations with federal wildlife management agencies in regards to National Wildlife Refuges and National Wildlife Ranges in Alaska. In addition the Department of Fish and Game has recorded excellent cooperation between State and Federal governments regarding Alaska's programs with the U.S. Fish and Wildlife in the area of the Fisheries Restoration Act.

15. Under Governor Hickel's leadership, the Alaska Department of Fish and Game undertook a joint study with the Bureau of Sport Fisheries and Wildlife on future management and conservation of our game animals

on the Kenai National Moose Range. At Governor Hickel's direction, the Department of Fish and Game assisted the Bureau of Land Management in the classification of certain lands in the public domain for multiple use in an effort to establish programs and procedures for wise planning and use of public lands.

16. At Governor Hickel's direction, the Department of Fish and Game and the Department of Natural Resources agreed that all land disposal actions of the State must contain a wildlife stipulation designed to provide for multiple use of state controlled lands.

17. At Governor Hickel's direction, the Department of Fish and Game extended full cooperation to the Bureau of Sport Fisheries and Wildlife to facilitate the rapid completion of the Fire Lake Hatchery expansion project.

18. The Division of Game of the Department of Fish and Game was directed by Governor Hickel to offer the Bureau of Land Management, the Forest Service, the U.S. Bureau of Sports Fisheries and Wildlife, and the State Department of Natural Resources and Health and Welfare full cooperation in modifying existing agreements for land classification.

19. Governor Hickel directed the Department of Fish and Game to work jointly with the Bureau of Commercial Fisheries in the evaluation of salmon stocks in Cook Inlet.

20. During Governor Hickel's term, the state has hired an assistant recreation planner to gather additional field data and to work with outdoor recreation consultants on various elements of recreation planning. The Parks and Recreation section of the Division of Lands has been directed to completely update its inventory of all outdoor facilities, areas and programs including existing and potential historic sites and landmarks.

21. At Governor Hickel's direction, the Division of Waters and Harbors of the Department of Natural Resources has initiated a recreation capital improvement program aimed at meeting the demand for small boat facilities. The Division has been directed to cooperate fully with the federal agency administering the Federal Land and Water Conservation Fund. Under this program, 14 projects were completed or placed under construction in 1967–68.

22. In the past year, at Governor Hickel's direction, the Department of Highways has contracted for six roadside rest areas and programmed preliminary engineering for 13 others.

23. The Division of Game of the Department of Fish and Game, under Governor Hickel's guidance, has conducted distribution and abundance studies of key game species in the Iliamna Unit. It has begun an effort to catalog all existing trails off the present highway system. It has advised the Alaska State Housing Authority in developing land use plans for the Kenai Borough and the Matanuska-Susitna Borough. It has begun preliminary work toward justifying classification of the Alaska Peninsula by the Bureau of Land Management. And it has met with Forest Service Rangers from throughout Alaska to discuss land use planning and recreation in the 49th State.

24. The Alaska Division of Lands, Park and Recreation Service was directed by Governor Hickel to work with the consulting firm of Cresap, McCormick and Paget to complete a comprehensive outdoor recreation survey by July 1969.

25. Governor Hickel has approved the authority of the Parks and Recreation Division of the Department of Natural Resources to designate and preserve sites with historical significance.

26. Under Governor Hickel's direction, the Parks and Recreation Division is involved in 15 acquisition and development projects funded by grants-in-aid programs.

27. Governor Hickel supported legislation and signed the bill for setting aside the McNeil River as a brown bear sanctuary in perpetuity.

28. Governor Hickel directed the Board of Fish and Game to explore various potential locations for development of a wildlife sanctuary so those visiting Alaska could view wildlife in its natural habitat.

29. At Governor Hickel's direction and under his leadership the first attempts were made to limit the amount of commercial fishing gear that could be used in Alaskan waters.

30. The Natural Resources section of the Republican Platform Committee was headed by Governor Hickel. That section contributed the following pledge to the platform adopted at Miami Beach:

"An expanding population and increasing material wealth require new public concern for the quality of our environment. Our nation must pursue its activities in harmony with the environment. As we develop our natural resources we must be mindful of our priceless heritage of natural beauty".

Elsewhere in the Natural Resources section, the platform document says:

"Additionally, we will work in cooperation with cities and states in acquiring and developing green space—convenient outdoor recreation and conservation areas. We support the creation of additional national parks, wilderness areas, monuments, and outdoor recreation areas at appropriate sites, as well as their continuing improvement, to make them of maximum utility and enjoyment to the public".

31. The Alaska Fish and Game Board, appointed by Governor Hickel, recently eliminated bounty on wolverines and coyotes throughout Alaska and on wolves in many areas of Alaska.

32. Through legislative action under Governor Hickel's direction, the 14,000 acre Chena River Recreation Area was established near Fairbanks.

33. The Department of Natural Resources Capital Improvement budget increased from $933,000 for 1966–67 to $1,235,000 in 1968–69. This included the first appropriation for Historic Preservation activities.

34. The Alaska Outdoor Recreation Council was reorganized to provide for more participation from the private sector and the public.

Respectfully yours,

JAMES B. WHITE,

State Game and Fish Commissioner.

That concludes the letter of Commissioner James B. White.

Mr. President, I yield the floor.

Mr. ALLOTT. Mr. President, I should like to ask the Senator a question.

The Senator from Alaska has enumerated a long list of items relating to the Governor's conservation practices—actually, legislation and actions he has taken with respect to conservation in Alaska. In going through these, I find that they involved the saving of the musk oxen; the saving of the culture of the southeastern coastal Indians; the institution of a damage suit against a shipping line that had polluted the waters of Cook Inlet; the approval of the State's first bill on water pollution—which, incidentally, has now been approved by the Federal Government; the law outlawing the use of poison in the control of predators to save the game of Alaska; an appropriation for 3,000 acres near Fairbanks for conservation purposes, which has been a wildlife refuge for a long time; the transfer of salmon eggs to the State of Michigan; a joint plan involving the departments of natural resources and health and welfare for use of inmate crews from the youth and adult authority in restoration and maintenance of State campgrounds, wayside parks, and recreation areas; the securing of Federal funding for the Sandy Beach recreation project on Douglas Island; increasing the budgets of the division of game and the division of protection and the division of sport fish.

I find, also, that his reputation and his actions up there were of such nature that Col. Charles A. Lindbergh addressed the fifth State legislature and paid him a good deal of credit at that time. In fact, it was the first public speech Lindbergh had made in 10 years, and he did this because he, himself, is a very strong conservationist.

Then I go down the list and I see many other things: The splitting of the fish and game board into two groups, so that not only the commercial fishers were represented, as they had been before, but now the conservation sports group also were represented; the replanting of the sea otters; the fact that all land disposals must contain a wildlife stipulation; the completion of the Fire Lake Hatchery expansion project; the evaluation of salmon stocks in Cook Inlet; the establishment of recreation for small boat facilities, roadside rest areas, outdoor recreation programs.

He approved the authority of the parks and recreation division to preserve sites with historical significance. He also supported legislation and signed the bill to set aside McNeil River as a brown bear sanctuary.

I could go on to other items. One of them was the first attempt, under his leadership, to limit the amount of commercial fishing gear that could be used in Alaskan waters. Others are the wolverine matter to which the Senator has referred, and the historic preservation activities.

I have not read all the items to which the Senator referred, but I believe it would be pretty hard and it would press any Governor of any State to show such an outstanding record in 2 years of conservation of natural resources, preservation of historic sites, preservation of native culture, preservation of game and fish, preservation of waters from a pollution standpoint—and I could go on into several others items.

Does the Senator know of any record which in 2 years could surpass the great record that this Governor of Alaska has made?

Mr. STEVENS. I can respond to the Senator only by telling him that I know of no one who has amassed that record in 2 years, in dealing with a new State with such developing problems, with an area one-fifth the size of the United States, who has maintained the State on its course of development, and in the same time has helped us to preserve our heritage and the wildlife habitat for the entire Nation.

I invite the Senator's attention to the fact that we Alaskans, as taxpayers and as individuals, are shouldering a great deal more of the burden of preserving wildlife habitat than anywhere else in the country. Many of these flyways originate in Alaska, and we are aware of this and want to preserve it.

I believe Governor Hickel has done an outstanding job in his endeavor to protect the natural heritage and the natural resources of Alaska.

I would say to the Senator, in all candor, that those who oppose the confirmation of Walter J. Hickel are not conservationists and are not people who are really interested in preserving our heritage for the use of all Alaskans and for all the other citizens of the United States, but they are people who want to set aside vast areas in some conquest of paper battles.

I believe this is one of the things that led the former President, in the waning hours of his administration, to refuse to sign an order setting aside two places in Alaska as national monuments before Congress had an opportunity to look into the matter and before those of us who represent that State had an opportunity to find out the impact of the proposed orders on the people, the native people, who live in those remote areas.

I have applauded former President Johnson's actions. I objected to the withdrawal before Secretary Udall when he briefed us. I believe that that action of the former President in and of itself demonstrates the battle we have had here.

The people who oppose this nomination are preservationists, not conservationists, and there is a great distinction in my mind; and I know the Senator has a great many thoughts on that.

We in Alaska have long memories, and we remember our friends from statehood days, and the battles on the floor of this body; and we also remember those who are assisting us in this fight. I thank the Senator for his help.

Mr. ALLOTT. I thank the Senator.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. STEVENS. I yield the floor, Mr. President.

Mr. HANSEN. Mr. President, I have sat through the hearings before the Committee on Interior and Insular Affairs in connection with the nomination of Governor Hickel. I have listened closely to the questions asked of him by various members of the committee, including the distinguished Senator from Maine. I have inferred—I think not unfairly—that there is some feeling, some implication, that Governor Hickel might not be able to act objectively in the matter of the suspension of the import oil quota program insofar as an extra allotment for the Machiasport refinery proposal is concerned.

I believe it can be fairly said that throughout this debate the position has been taken by New England generally that they have been at quite a disadvantage compared with the remainder of the country, with the intimation being that their prices have been high or higher than the rest of the country. Because of that general trend, let me provide for the RECORD, if I may, what the facts are.

Mr. President, for November 1968, gasoline prices—and these are retail prices exclusive of tax—for Portland, Maine, Boston, Mass., and Providence, R.I., the average price was 23.4 cents per gallon. For New York, Newark, and Philadelphia, the average price was 24.1 cents per gallon. For Baltimore, Washington, and Atlanta the average price was 23.5 cents per gallon. For Indianapolis, Chicago, and Detroit, the average price was 24.4 cents per gallon. Those are the average prices of gasoline for the month of November 1968.

The Bureau of Labor Standards and Statistics advises that for fuel oil there have been no price increases since September 1968.

The prices reflecting the situation as of September 1968 are as follows: For Boston, the average price of fuel oil was 17.76 cents per gallon. For Baltimore, Buffalo, New York, Philadelphia, and Washington, D.C., the average price was 17.71 cents per gallon. The national average at the same time was 17.56 cents per gallon.

I am certain that Members of the Senate will be interested in seeing what the facts are, and that they certainly will take cognizance of these prices as compared with others throughout significant areas in the country as they make their evaluations of the debate we have had here today. In addition, these facts should be kept in mind as we judge Mr. Hickel's ability, fairness, and impartiality in interpreting his new duties in the administration of the import oil program.

Mr. BROOKE. Mr. President, we are all aware that the nomination before us has presented the most controversial questions of any Cabinet appointment proposed by the President. The Members of this body and the people they represent have become acutely concerned about issues of environmental quality and conservation of natural resources, the issues which constitute the central responsibilities of the Department of Interior. The initial reports of Gov. Walter J. Hickel's views and record on these vital matters served only to arouse the great alarm which has been expressed so vigorously in the weeks since President Nixon announced his choices for the Cabinet. From my own State alone these reports have triggered a flood of several thousand communications in opposition to his confirmation as Secretary of Interior. I must add that this outpouring of opposition was clearly not the kind of organized campaign we often see here in Congress; the letters and wires and calls I have received come from some of our most thoughtful and conscientious citizens, and I believe they represent genuine expressions of individual concern.

Many of the questions regarding Governor Hickel's background and philosophy have been reviewed at length in the extensive hearings before the Committee on Interior and Insular Affairs. In his statements to the committee he has undertaken a decisive commitment to the principles of conservation which have come increasingly to guide our action in this century. Governor Hickel has clarified some of the unfortunate implications of certain of his earlier remarks on the subject. And he has pledged himself to work closely with Congress in devising and administering sensible policies in this field.

The Governor has indicated that he understands the need for continued efforts to expand the national park system and to manage it with a clear view of the needs of present and future generations of Americans. He has said that we must look to the year 2000 and beyond. With that point of view we can all agree. On one point of particular concern to many people, he has stated he will maintain the so-called freeze of Alaskan lands to which native groups have made claim. The committee chairman in turn has declared that he will press for prompt action to deal with these claims in this Congress.

Governor Hickel has also testified that he supports and will pursue the objectives of the central programs which Congress and his predecessors have erected to protect and improve the quality of our natural environment. For example, his testimony endorses the water pollution control efforts which have now begun to gain momentum. By placing his views in the larger context of the antipollution program throughout the country, he has substantially qualified the earlier suggestions that he was reluctant to establish effective water pollution standards for fear that they would hinder industrial development in some areas. He has explicitly accepted the "nondegradation" criterion which is designed to prevent further deterioration in the quality of our waterways.

One question of overriding importance to the people of New England concerns the Secretary-designate's likely action on the oil import control program. As all members of the New England delegation have repeatedly emphasized, this program has created a highly inequitable situation in our region. The other members of the delegation joined me in a letter to the chairman of the Interior Committee, a letter which became the basis for interrogation of Governor Hickel by our esteemed colleague from Maine, Senator MUSKIE. That letter solicited the nominee's comments on the various approaches to relieving New England's fuel problems.

While we did not seek and did not obtain a promise of specific action by the nominee, he did recognize the urgency of the problem and declared that he would take action to deal with it. On this question, as on others, Governor Hickel consistently indicated that the interests of the consumer must come first and that the interests of the producers must be subordinated to this higher value. On this basis we in New England have a right to expect—and do expect—from the new Secretary that, if confirmed, he will act promptly and fairly to correct the damage done by the oil import program to consumers in our region.

On some issues within the Interior Department's jurisdiction, Governor Hickel had previously expressed views at variance with established national policies. His statements to the committee, however, attributed these differences to his special duties as Governor of the unique State of Alaska. He has now dedicated himself to meeting the distinctive responsibilities of the office to which he has been nominated by adopting a truly national perspective, even if this means that he must reverse his earlier positions. And the committee record shows that the charges and complaints against the Governor's past performance on matters of conservation and resources policy were generally exaggerated or misplaced. While he made a number of controversial decisions in these fields, there appear to have been valid grounds for the action he took in many cases. In this connection it is worth noting the strong support which his nomination has among his Alaskan constituents, as reflected in former Senator Ernest Gruening's testimony in his behalf:

> I know him to be a man of integrity and dedication, and I think he will make an excellent Secretary of the Interior.

That judgment, by one who has followed Governor Hickel's career for many years, is entitled to due consideration.

Having studied the hearings thoroughly, I remain deeply troubled about some aspects of this nomination. It is perhaps unfair to expect a Cabinet appointee to have a current and complete knowledge of the programs and policies of the Department he is about to head. That is especially true of such complex matters as those which have now become the focus of the Interior Department's activities. Yet I am disturbed by the nominee's failure to demonstrate a more detailed grasp of his prospective responsibilities.

I wish frankly to state my reservations in this respect. The Governor's integrity and character are not in question. The question concerns his sensitivity to the grave and complicated issues which will be in his province as Secretary of the Interior, and his capacity for grappling with them effectively and comprehensively. On the record as I read it, one can do no more than suspend judgment on these facets of the nominee's qualifications. All the doubts which have been raised have not been resolved and probably cannot be resolved except by the manner in which the Secretary-designate, once in office, actually does his job.

Thus, given the fact that the evidence to Governor Hickel's qualifications for this role is neither conclusive nor fully satisfactory, we should candidly recognize that a fair and final judgment cannot now be made. Under such circumstances the task of the Senate in determining whether to advise and consent to this appointment is extremely difficult. We ought not to be unfair to the man in whom the President has vested such great trust. But neither can we disregard our responsibilities to appraise the man's qualifications to fulfill his public duties. The decision which hangs in the balance here is closer than any of us would like, but it will have to be made as wisely as we can.

After the most careful consideration, I have decided that there is not sufficient basis to reject the President's nominee for this cabinet office. I phrase it precisely as I see it. A vote for confirmation in this case is not an expression of full confidence in the nominee's qualifications. It is a vote to permit the Secretary-designate an opportunity to vindicate the Chief Executive's personal appraisal of his capacity for this high position.

There are several reasons why, on balance, I consider a vote to confirm appropriate in this instance. The first concerns the nature of the Senate's role in regard to Presidential appointees. Especially in regard to a new President with a fresh mandate to direct the executive branch, I believe the Senate should, barring clear evidence of a nominee's unsuitability on grounds of character or integrity, respect the Chief Executive's right to choose associates in whom he has confidence. There is a good reason for this established precedent, and I do not believe there are adequate grounds for violating it in the present situation.

The second major reason for confirming Mr. Hickel stems from the fact that he will be a part of a team which will include men whose experience equips them to help the Secretary-designate overcome potential weaknesses in his direction of the Department. I am thinking particularly of the distinguished conservationist who has been chosen as Under Secretary. As I believe the able minority leader indicated yesterday, and as I had also confirmed in conversations with the White House, Mr. Russell Train will become the second in command of the Department of the Interior. Coupled with Governor Hickel's reputed strengths as an administrator, Mr. Train's excellent understanding of the vast range of problems facing the Department should prove invaluable. I believe he will be immensely helpful in assisting the Secretary-designate to focus on the key questions for decision and action.

A third important factor in support of confirmation lies in the fact that Congress has already established the broad policy directions for the Department of Interior. Governor Hickel has bound himself to follow these directions and to consult regularly with the responsible committees of Congress. There will be ample opportunity for Congress and the public to appraise his performance on a continuing basis, and to insure that the vital interests of which the Interior Department has custody are well served under his stewardship.

Furthermore, I am confident that, considering the serious disputes which have arisen in connection with this nomination, the President will also feel obliged to exercise the most thorough and consistent review of the Department's operations under the Secretary-designate. If any Cabinet member fails to meet the President's expectations, I am sure he will be prepared to make the necessary changes. Thus, I think it greatly misstates the matter to suggest that the country will be in peril if Governor Hickel is confirmed. There are ample safeguards to see that any Secretary meets his responsibilities, and I have no doubt that they will be at work in the coming months.

In summary, I believe that the point has been made. Governor Hickel has been subjected to the most intense scrutiny of any of the President's nominees.

He is fully aware that his every step in office will be watched, both by his critics and by those of us who feel, with absolutely no personal rancor, that he must prove himself by the way in which he executes his impending duties. To overcome the doubts which have been raised about his suitability for the position, the Secretary-designate will have to turn in an exemplary performance. It is probably unfair, but he will in fact have to do a superior job if he is to win over the skeptics. For my part, I am willing to be convinced, and I wish the Secretary-designate every success in the demanding tasks he will now undertake.

Taking all of these considerations into account, I will vote that the Senate advise and consent to the appointment of Walter J. Hickel to be Secretary of the Interior.

Mr. MILLER. Mr. President, in my colloquy with the Senator from Wisconsin (Mr. PROXMIRE) earlier, I emphasized that my understanding of percentage depletion in the case of oil companies is that it is confined to oil income and I questioned the Senator's statement that it could be used as an offset against other income. I invited him to place in the RECORD the authority for his statement.

I wish at this time to place in the RECORD the authority for my position.

Section 611 of the Internal Revenue Code provides:

> In the case of mines, oil and gas wells, other natural deposits, and timber, there shall be allowed as a deduction in computing taxable income a reasonable allowance for depletion . . .; such reasonable allowance in all cases to be made under regulations prescribed by the Secretary or his delegate.

Section 613 of the Internal Revenue Code provides:

> In the case of the mines, wells, and other natural deposits listed in subsection (b), the allowance for depletion under section 611 shall be the percentage, specified in subsection (b), of the gross income from the property . . .

The phrase "gross income from the property" is explained in section 1.613-3 of the income tax regulations issued by the Treasury Department as follows:

> In the case of oil and gas wells, "gross income from the property" . . . means the amount for which the taxpayer sells the oil or gas in the immediate vicinity of the well.

I believe that the foregoing provisions of the Federal tax laws and regulations are clear and specific and very definitely do not provide for the offset of percentage depletion deductions against any income other than oil income, precisely as I advised the Senator from Wisconsin to be the case.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order, that the Senate stand in recess, in executive session, until 11 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 30 minutes p.m.) the Senate took a recess, in executive session, until tomorrow, Thursday, January 23, 1969, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate January 22 (legislative day of January 10), 1969:

DEPARTMENT OF JUSTICE

Richard G. Kleindienst, of Arizona, to be Deputy Attorney General vice Warren Christopher, resigned.

Jerris Leonard, of Wisconsin, to be an Assistant Attorney General vice Stephen J. Pollak.

Richard W. McLaren, of Illinois, to be an Assistant Attorney General vice Edwin M. Zimmerman, resigned.

William H. Rehnquist, of Arizona, to be an Assistant Attorney General vice Frank M. Wozencraft.

William D. Ruckelshaus, of Indiana, to be an Assistant Attorney General vice Edwin L. Weisl, Jr.

Johnnie M. Walters, of South Carolina, to be an Assistant Attorney General vice Mitchell Rogovin.

Will Wilson, of Texas, to be an Assistant Attorney General vice Fred M. Vinson.

DEPARTMENT OF LABOR

Willie J. Usery, Jr., of Georgia, to be an Assistant Secretary of Labor.

COUNCIL OF ECONOMIC ADVISERS

Hendrik S. Houthakker, of Massachusetts, to be a member of the Council of Economic Advisers.

Herbert Stein, of Maryland, to be a member of the Council of Economic Advisers.

COMMODITY CREDIT CORPORATION

The following-named persons to be members of the Board of Directors of the Commodity Credit Corporation:

J. Phil Campbell, of Georgia.
Clarence D. Palmby, of Virginia.

CONFIRMATIONS

Executive nominations confirmed by the Senate, January 22 (legislative day of January 10), 1969:

DEPARTMENT OF AGRICULTURE

J. Phil Campbell, of Georgia, to be Under Secretary of Agriculture.

Clarence D. Palmby, of Virginia, to be an Assistant Secretary of Agriculture.

EXTENSIONS OF REMARKS

DEDICATED TO BEAUTIFICATION

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 22, 1969

Mr. DULSKI. Mr. Speaker, the Post Office Department has issued a beautiful block of four stamps dedicated to the theme of beautification, a program whose prime backer has been our former First Lady, Mrs. Lyndon B. Johnson.

On the first day of sale of the new stamps there was a very heartwarming ceremony at the White House which was attended by the Citizens' Stamp Advisory Committee and a large number of the Nation's leading philatelists.

In an aside during his remarks, Postmaster General Watson acknowledged my own interest in philately and called special attention to the cufflinks which I was wearing containing two of the four new beautification stamps. Mrs. Johnson later asked to see the unusual cufflinks into which any new stamp can be inserted for display.

Following is Mr. Watson's prepared test:

REMARKS BY POSTMASTER GENERAL W. MARVIN WATSON AT THE BEAUTIFICATION STAMPS CEREMONY, THE WHITE HOUSE

This is a very happy occasion for me.

It is a happy occasion because it involves a subject near and dear to the heart of our wonderful First Lady . . . beautification.

It is also a happy occasion because I have the opportunity to thank her for all her efforts in behalf of beautification. And this new series of commemorative stamps is just one more evidence of those efforts.

I believe America will never forget what Mrs. Johnson has done to restore to our country its heritage of beauty.

She has planted seeds in our hearts that will bloom for many years to come.

There is one element of her devotion to beauty that I would like to see reflected in the record.

And that is the enormous amount of energy and work expended by our First Lady in behalf of beautification.

As with anything else worthwhile in America, when you want something, even if you are the First Lady and your office is in the White House, you have to get out and work.

Fortunately, Mrs. Johnson has enormous stores of energy and dedication. She has certainly had to call upon them often during her campaign for beauty.

In pursuance of her goal, she has travelled well over a hundred thousand miles . . . taken care of some 400 letters a day and countless telephone calls.

By her actions she has helped the American public know of new national parks, as well as reminding them of how precious those parks are to all of us.

She is generally given credit for inspiring the landmark Highway Beautification Act of 1965, a law that has helped make driving more enjoyable and less dangerous.

Major oil companies have met with her about beautifying their service stations.

As the result of her example, beautification citizens' committees have been formed all over the country.

Local beautification groups have bloomed everywhere.

Typical was the reaction of a lady in San Jose, California. After seeing the First Lady on television, this lady picked up a trowel, and marched right out and planted a 30-foot bed of iris next to the bus stop.

Her Committee for a More Beautiful Capitol has transformed from disaster areas into urban oases those mini-deserts that we call traffic circles and triangles. They may still confuse drivers, but now at least they don't insult the eye as well.

Mrs. Johnson has always understood the close relationship between beauty of environment and beauty of spirit and action. Great thoughts do not grow well in ugly soil. Twisted are the dreams that root in the asphalt jungle.

I know that the one thing the First Lady does not wish from her efforts is personal praise. I know that her philosophy is one that emphasizes the maximum amount of personal involvement by all our people. She seeks not gratitude but action. And the best way any of us can respond to her vision of a better land is by rolling up our sleeves and doing something to move that vision a little closer to reality.

I take this risk of going against her wish to avoid any credit for herself because I would like her to know how important we all believe her work to be, and how very much we appreciate it.

Planting for the future is one of man's most unselfish acts. And future generations of Americans will thank this great lady for reminding us that we are the caretakers of God's earthly estate, and we must tend it well.

Mrs. Johnson—for all that you have been to us—we thank you.

AWARD TO EDGAR W. HEYL, OF SHARON SPRINGS, KANS.

HON. JAMES B. PEARSON

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Wednesday, January 22, 1969

Mr. PEARSON. Mr. President, Edgar W. Heyl, of Sharon Springs, Kans., has just received one of the 27 Benjamin Franklin Quality Dealer Awards for 1969.

This award given by Mr. Heyl's industry is a manifestation not only of his business ability but is made on the basis of his integrity, industry, and willingness to serve his entire community. His record for civic service includes political offices, youth activities, and safety organizations. This is a significant award made to an outstanding Kansan, and I ask unanimous consent that an article of the Hutchinson News of Sunday, January 12, 1969, be placed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

For Civic and Professional Service: Kansas Automobile Dealer Receives National Award

Sharon Springs.—Edgar W. Heyl of Sharon Springs was named one of 27 national winners of the Benjamin Franklin Quality Dealer Awards for 1969.

The Franklin Awards, which annually honor outstanding automobile dealers, were established in 1960 with the cooperation of the National Automobile Dealers Association and sponsored by The Saturday Evening Post Company.

Heyl, president of Heyl Motor Company, was chosen for the award because of his record as both an automobile dealer and as a leader in civil affairs.

He will be honored at the 1969 national convention of the National Automobile Dealers Association in Houston next month.

DEALER OF YEAR

Heyl was selected Kansas Dealer of the Year and nominated for the national award by the Kansas Motor Car Dealers Association from eight nominees from the association's districts in the state.

Heyl's record of civic service includes political offices, youth activities and safety organizations.

He has served as precinct committeeman, councilman, mayor and sheriff. He sponsored a town basketball and baseball team for many years and provides transportation for students of Sharon Springs High School.

Founder and scout master for the first Boy Scout troop in Sharon Springs, he has participated in the President's Council on Youth Opportunity.

He is a past president of the Kansas Motor Car Dealers Association and of the state Highway 40 Association.

Heyl entered the automobile business in 1922 at the age of 18 as the Overland dealer in Wallace. He was a salesman and later wholesale manager for Roy M. Heath Company from 1937 until the start of World War Two.

He purchased his present dealership late in 1946 and started business Jan. 1, 1947. Heyl sold only Chevrolet until 1949, when he added Oldsmobile. In 1959 he added the American Motors line.

THE URBAN CRISIS—ADDRESS BY HAROLD M. WISELY, PH. D.

HON. MARK HATFIELD

OF OREGON

IN THE SENATE OF THE UNITED STATES

Wednesday, January 22, 1969

Mr. HATFIELD. Mr. President, I ask unanimous consent to have printed in the Record remarks recently made by Dr. Harold M. Wisely, of the Eli Lilly Co., concerning "The Urban Crisis." The Lilly Co. has made a fine contribution toward easing the urban crisis, and I would like to share a report of the company's accomplishment with readers of the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

The Urban Crisis

(Address by Harold M. Wisely, Ph. D., Vice-President, Industrial Relations, Annual Shareholders' Meeting, Eli Lilly and Co.)

Ladies and Gentlemen: I need not tell any of you that our nation, and its major cities in particular, are experiencing deep and challenging problems directly related to the equities in human relations and to the fuller involvement in our economy of all available manpower.

I welcome the opportunity to discuss with you the urban crisis which faces this nation, the challenge it presents to all parts of our society, and the progress that Eli Lilly and Company is making both as an employer and as a part of the community.

The summer of 1967 and the spring of 1968 will perhaps be seen in the future as the beginning time of crisis for the American city and the Negro American. Riots in several of our cities have stirred the emotions and the thoughts of all our people. It has been a time of prosperity, but it has also been a time of frustration, a time of confusion, and a time of violence. The events of the past months have "proven" to the white racists that the civil rights advances of the past decade are wrong. They have "proven" to the black racists that violence and insurrection can be incited among the poor of our cities. These times have left many of the white liberals confused and frustrated by the failures of programs aimed toward helping the people of the ghettos. In like fashion, many of the leaders of the Negro people have been saddened and frustrated.

In this confusion and frustration, one hears views that the way out depends on massive programs aimed at housing, education, and employment. Other people contend that the answer is stricter law enforcement and better riot-control measures. Indeed, all of the social institutions of our society face challenges in these areas if the decay of our cities is to be stopped.

It would appear, however, that the challenge of the urban crisis must take into account the confluence of at least three major problems, particularly as they intertwine and impinge on the Negro in urban society. These three tributaries of urban decay are (1) the problem of the migrant poor, (2) the problem of racial prejudice, and (3) the problem of specialization of the social institutions and depersonalization of human relationships in the urban environment.

Industry, as a key institution of the urban community, is learning that it no longer can say, "We have little concern with education—the schools will take care of that." It no longer can say, "We have little concern for housing, health, and welfare—local government will take care of that." It no longer can say, "We have little concern for the moral tone of the community—that is the job of the church and the courts." The challenge of the city will require leaders and members of all institutions to draw plans and for the opportunities and welfare of all individuals in the community.

THE GREATEST CHALLENGE

This thought leads me to the single greatest challenge—the challenge of recognizing in every person, regardless of station in life, or color, or creed, the need for respect for the individual. From all levels of Negro society, I hear these words: "I want to be seen as a person." "I want to be dealt with as an individual, not as a second-class citizen because of my color or race."

Industry can respond to this challenge—and is doing so. Your company, Eli Lilly and Company, is particularly well situated to respond to this challenge because of its foundation stones, established by the Lilly family and embedded in our ways, is a respect for the individual employee, for the dignity of work, and a concern for the development of people.

This respect has evidenced itself in many ways throughout the history of the company. It was expressed by the adoption of liberal retirement plans and vacation policies for *all* employees (production and office) years ahead of the rest of the industrial community. It was expressed by the removal of time clocks from the plant. It has been expressed through practices of stable employment. It is expressed by a compensation program which provides that a part of each person's pay is related to the overall productivity of the company. It is expressed in the company's Educational Assistance Program, which allows our employees to receive 100-percent reimbursement of tuition in furthering their educational goals, either at the high school or college level, while they are with Lilly.

And, most importantly, we believe that it is expressed by the actions and practices of supervision in recognizing the needs, aspirations, and capabilities of employees and by mutually working together toward achievement of the company's aims.

WHAT HAS LILLY DONE?

You may ask: What has the company done specifically in developing employment opportunities for the Negro? Our attack on this problem has many different dimensions.

Ours is a technically oriented company. Fully one-third of our personnel in the United States fall in the category of the professionally trained, by which we mean chemists, engineers, accountants, pharmacists, librarians, and so forth. We are, therefore, aiming a major effort toward reaching professionally trained Negroes at the college and advanced levels.

This coming school year Lilly recruiters will interview on the campuses of some fifty colleges. Included in these are nineteen colleges and universities predominantly Negro in student attendance. We are also utilizing five professional recruitment groups which specialize in placing professionally educated Negroes.

Eli Lilly and Company was among the first companies to contribute to the College Placement Services in establishing placement offices at Negro schools, so that the Negro college student might be better informed of his opportunities in business and industry. And we will be taking part again this year in a national conference on Negro college placement services. Our participation in the improving of recruitment and placement facilities at colleges and universities will continue.

Additional activities in the area of college relations have included visits of Negro college placement directors to our Indianapolis facilities. Also, we have increased the number of Negro college students participating in our Summer Intern Program, and about 20 percent of the participants in the 1968 program will be Negroes.

The company has contributed financially to a program geared to educating Negro students at the graduate level toward business careers. This program presently includes three Midwestern universities—Indiana University, the University of Wisconsin, and Washington University in St. Louis.

WORKING WITH HIGH SCHOOLS

At the high school level, Lilly people work closely with school authorities in conducting employment-orientation conferences.

Our work at the high school level also involves the company's participation in what is known as the Industrial Cooperative Training Program. Under this program, students who are learning trades or secretarial skills work part-time and go to school part-time. Over the last four years we have hired, at the completion of their schooling, approximately one-half of the students who participated in the program with our company.

Another high school project is the Occupational Information Exchange Program, in which we are presently participating with Crispus Attucks High School, and we are establishing a similar program with Harry E. Wood High School. Our representatives in the crafts, shops, and production areas are visiting these schools to discuss job career opportunities. We are assisting the school counselors in a personal development and informational exchange program.

Several high school teachers and counselors will spend a week or two with our company this summer to learn more in the employment area as it relates to high school students.

A substantial part of the problem involving job opportunities of Negroes centers about those who have not been graduated from high school. The company is presently working with a number of community groups toward the employment of non-high school graduates and the so-called "multiproblem disadvantaged." These community groups include the Board for Fundamental Education, the Voluntary Adviser Corps of the Indianapolis Chamber of Commerce, Martindale Center, the Indianapolis Urban League, Fletcher Place Community Center, the Marion County Welfare Department, and others.

We have made a commitment to the National Alliance of Businessmen to employ seventy-five disadvantaged persons on full-time jobs within the next twelve months.

Promotion from within has long been one of the fundamental strengths of the company's employee relations program. Reinforcement and broadening of our policy and practice in this area have been part of the company's continuing approach to employee development.

Increasing numbers of opportunities are being made available to employees to assist them in furthering their education and gaining new skills. One recent development is the company's utilization of the basic adult education program provided by the Board for Fundamental Education, in which fifty-seven Lilly employees are enrolled.

As the term "fundamental education" implies, the courses are intended to enable individuals to complete grade school, high school, and general study on an accelerated basis while they continue working for the company. This educational improvement serves to increase their potential for increased job responsibilities as well as to develop their personal resources. The B.F.E. program can certainly be of special importance to those members of minority groups and the so-called "disadvantaged" persons who, for some reason, did not go as far as they desired in their formal education.

PROGRAMS PRODUCE RESULTS

You may ask the question, "Are these efforts paying off in providing opportunities?" The answer is "Yes." To give you a statistical analysis would not be possible in the brief period of this report, but perhaps two or three indications would be of value.

Five years ago, more than one-half of the company's Negro employees were in service types of work. Today, with a substantial growth in the number of Negro employees, fewer than one-quarter are in service types of work. Another view of this question can be seen by looking at the increase of personnel who are managers, professionals, salesmen, technicians, craftsmen, and office and clerical personnel. The number of Negroes in these jobs has more than doubled in the last five years.

I mentioned earlier that your management does not believe responsibility stops at the boundary of its plants. Moves have been made to broaden and reinforce our participation in community affairs. Our involvement ranges from the ban of manpower to serve government and civic agencies to financial contributions designed to provide neighborhood improvements and facilities. On the national level, we support the United Negro College Fund, the N.A.A.C.P., and the Urban League.

A Negro employee has been detached from his professional duties in the Lilly personnel department to serve full-time with Mayor Lugar's Greater Indianapolis Progress Committee. Among his duties is chairmanship of this Committee's Task Force to find employment for Negroes in the community. A number of other Lilly associates are working with the Mayor's Task Force, the Indianapolis Urban League, the Chamber of Commerce, and other agencies within the community to facilitate progress in the areas of minority and urban affairs.

During this summer, Lilly will cooperate with Harry E. Wood High School and other public schools in the general vicinity of its McCarty Street and Kentucky Avenue plants to keep school facilities open seven days a week for community recreational activities. Lilly will provide ten employees for this project.

In a very real sense, the company is working toward improvement of a 15-square-block area south of the McCarty Street laboratories. Our plant of the 1970's will cover more than 54 acres and will include several new buildings. I think you can see that Lilly is in the city to stay. Other neighborhood improvement projects are under way near company offices at Meridian and 28th streets and at the Creative Packaging plant on North Capitol Avenue.

THE HOPE FOR TOMORROW

I hope this progress report has conveyed to you the understanding that your company is proceeding with a deep sense of community responsibility and diligence on many fronts.

Recently, a Negro friend of mine talked about his own personal sense of hope in facing the frustrations of today. He said, "Someday, the yesterdays of race relations must end; and someday, the tomorrows of race relations must begin." I can report to you, for the management of Eli Lilly and Company: We have made a real beginning toward tomorrow. With all humility, we shall pursue every course at our command to bring about this fruition of tomorrow so that there will abide among all of us a respect for all individuals, with equal opportunity at work and in the community.

Thank you.

PRESIDENT LYNDON B. JOHNSON

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 16, 1969

Mr. DULSKI. Mr. Speaker, the mark in history which will be given to Lyndon B. Johnson as President of the United States will not be known for some years. The perspective of time is needed to properly evaluate his term in the Nation's highest office.

Those of us who have had the honor and the privilege to work with him while he was at the White House have many pleasant memories. His record is one of accomplishment in many areas.

He was not able to do everything that he would have liked from time to time—but that is only to be expected. His task was enormous, his responsibilities were overwhelming.

President Johnson was a friend of the people of my home city of Buffalo, N.Y. And Buffalonians were friends of his.

He always received a warm welcome during his several visits both as Vice President and as President, and I know from being with him on these occasions that our people held him in high esteem and respected him.

He was very helpful in accomplishing many things for my area.

A major Federal project which he helped me to bring into realization is just now getting underway. That is the much-needed Federal office building in downtown Buffalo. When this building is completed, most of the Federal agencies in Buffalo—except those which have their own specialized facilities—will be under one roof for the first time in many years.

In the work of my Committee on Post Office and Civil Service, which I have had the honor to chair for the past 2 years, President Johnson has always been very generous and considerate with his time and attention, for which I am truly appreciative. With his help and his leadership, we have achieved landmark legislative accomplishments benefiting both the postal service and Federal employees.

Lyndon Johnson leaves behind him an enviable record of public service in the House, in the Senate, and in the White House.

As Mr. Johnson said in closing his state of the Union message to Congress last week:

> I hope it may be said, a hundred years from now, that by working together we helped to make our country more just, more just for all its people—as well as to insure and guarantee the blessings of liberty for all of our posterity.
>
> That is what I hope, but I believe that it will be said that we tried.

As Kenneth Crawford said in his column in Newsweek magazine this week:

> Nothing less than this can be said.

I am confident that Lyndon Johnson will rank high in our Nation's history when future historians cast their verdict.

Mr. Crawford has taken a contemporary look at Mr. Johnson and his critics in his January 27 column in Newsweek. Following is the text:

L. B. J. AND HIS CRITICS

(By Kenneth Crawford)

Lyndon B. Johnson hopes that it will be said of him 100 years from now that he was a President who tried. Nothing less than this can be said. What more can be said and will be said is now disputatious speculation.

History is almost always kinder to a President than his contemporaries have been. In the case of LBJ, it can't possibly be less kind. For his contemporaries, at least those who are most persistently vocal, have been unusually venomous. Former courtiers scorned, like Barbara Howar and Eric Goldman, have marketed kiss-and-tell memoirs. Would-be advisers scorned, like Arthur Schlesinger and Hans Morgenthau, have become a sort of campus clan fighting a blood feud with the man who rejected their line on Vietnam. Journalistic guns have lent them support.

The exertions of Johnson's detractors have been prodigious. Where there is a public discussion, there is Schlesinger exuding distaste for LBJ and putting him down as a politician incapable of understanding the subtleties of foreign affairs. Goldman has gone to the lengths of inventing the "Metro-American," a type nobody from Texas could understand. Richard Goodwin, the political mercenary, has gone Goldman one better. He has invented a whole America that Johnson, among many others, fails to understand. It is a curious place, unhappy with prosperity and desperately in need of more participatory McCarthy campaigns, local autonomy, clubhouses for suburban housewives and a curtailed military establishment. One may wade through this dismal swamp in the Jan. 4 New Yorker.

POISON IVY

Under the influence of these and other heavy thinkers, the ivy-coated citadels of

Eastern learning have become poison ivy to Johnsonites, especially those who are known to have supported his Vietnam commitment. Thus Walt Rostow, LBJ's adviser on national-security affairs, was pointedly not invited to resume his professorial post at the Massachusetts Institute of Technology when his Washington job expired. In fact, intellectualism in some of its more conspicuous precincts has taken on the quality of tolerant spirit one would expect to find only in the John Birch Society.

The thinking of Johnson's severest critics, if it is thought rather than furious prejudice, seems to proceed from two premises: (1) that the cold war is long since over and that the Communists, who have just subjugated Czechoslovakia, rearmed the Arabs and who persist in their effort to club South Vietnam into surrender, are a figment of antique imaginations, and (2) that the U.S. has outgrown its preoccupation with such crass material things as jobs, food, housing, transportation and health.

NEW PERSPECTIVE

If these premises are accepted, Johnson's domestic achievements can be seen in a new perspective—the perspective one gets by looking through the big end of a telescope. They are nice, as far as they go, but they can be taken for granted. Such presumed advances as medical care for the aged, subsidized education, a better deal for the Negro, progress toward elimination of poverty and improvement of environment by decontamination of air and water are seen only as reforms that don't go as far as they should because the war has drained off funding they needed. Anyway, government should address itself to the inner serenity of citizens, not just to such vulgar externals as prosperity, security and comfort.

As for the war, the case for and against seeing it through to an acceptable termination is no longer argued. The critics merely assume that there is no case for. They quite shamelessly employ the demagogic device of calling it, whenever it is mentioned, "senseless, tragic, idiotic," and suggesting that it was started by LBJ to prove his manhood. That he sacrificed his career to bring it to an end is conveniently passed over.

How much impression Johnson's vituperative critics will have on history is problematical, probably not much. How much LBJ will be remembered as the President who pulled his dog's ears and showed off his abdominal scar in public is questionable, too. Historian James MacGregor Burns suggests that "history has a way of siphoning into oblivion the petty and the irrelevant and measuring up the real stature of the man." Some historians, he thinks, will remember Johnson as a man who "suffered criticism because he stuck to the course he believed was right, a man who endured attacks with . . . patience and tolerance." LBJ deserves that much.

THE CONSUMER AND THE FEDERAL TRADE COMMISSION

HON. GAYLORD NELSON

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Wednesday, January 22, 1969

Mr. NELSON. Mr. President, last summer some ambitious and dedicated law students conducted an extensive investigation of the Federal Trade Commission. Recently, they issued a report detailing the results of their inquiry.

Shortly thereafter, Paul Rand Dixon, Chairman of the Federal Trade Commission, issued a reply to the allegations contained in this report.

Needless to say, a great deal of curiosity has been generated because of the widespread publicity given to the study and to Mr. Dixon's reply. Many people have asked to examine this report. Since there is such a widespread interest in this subject, I believe it would be in the public interest to reprint these materials in the RECORD.

Accordingly, I ask unanimous consent that the report entitled "The Consumer and the Federal Trade Commission," along with the statement of the Chairman of the FTC be printed in the Extensions of Remarks of the RECORD.

There being no objection, the report and statement were ordered to be printed in the RECORD, as follows:

THE CONSUMER AND THE FEDERAL TRADE COMMISSION—A CRITIQUE OF THE CONSUMER PROTECTION RECORD OF THE FTC

(By Edward Cox, Robert Fellmeth, John Schulz)

This report is the product of a three-month empirical investigation of the Federal Trade Commission conducted during the summer of 1968 with the assistance of Ralph Nader.

Project members: John Schulz, Director; Judy Areen; Peter Bradford; Edward Cox; Andrew Egendorf; Robert Fellmeth; William Taft, IV.

BIOGRAPHIES OF PROJECT MEMBERS

Judy Areen: AB, 1966, Cornell University. Third-year student at Yale Law School.

Peter Bradford: AB, 1964, LL.B., 1968, Yale University. Special Assistant to Governor of Maine.

Edward Cox: AB, 1968, Princeton University. Pre-architecture and law student at Yale University.

Andrew Egendorf: AB, 1967, Massachusetts Institute of Technology. First-year student, Harvard Law School.

Robert Fellmeth: AB, 1967, Stanford University. Second-year student at Harvard Law School.

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INTRODUCTION

1. Background

As the representative of the American consumer in Washington, Mr. Ralph Nader has recognized the benefits which might accrue to the consumer from a Federal Trade Commission which lived up to its full potential.

In order to determine what this potential is and how the FTC is fulfilling it, Mr. Nader brought together a group of law students to commence a unique study.

Providing their services without pay, seven students worked on the project at varying tasks during last summer. Their personal motivations covered a wide spectrum, but to a certain degree they were all convinced of the need for peaceful change, based on a rigorous and thoughtful examination of our existing institutions in the light of present realities. This they saw as an alternative to the violent means of change advocated by certain of their contemporaries.

They came to Washington at the start of June, 1968, having read the small number of previous reports and featured articles on the Commission. They conducted interviews of selected high-level personnel, simultaneously noting and requesting all possible written reports, memoranda, data sheets, computer programs, and other materials at the FTC useful to such a study. While the limited materials made available by the Commission were being assimilated, other personnel in the Commission were singled out for in-depth interviews. Outside people who had an intimate knowledge of the Commission, either from having been there previously or from daily contact in line with their work were also interviewed. The students made a total of forty internal and twenty-five external interviews. In addition, an undetermined number of informal conversations were held with persons both inside and outside the Commission.

By the end of the summer the vast amount of information collected had been roughly assimilated and categorized. At this point the students recognized that their report in its final form would have to be unlike any report done previously on a government agency. The paradigm of all previous reports had been the law review article which usually ended a longwinded and tiresome discussion of the law and organization of an agency with a recommendation for reshuffling the organization chart. Over the summer the students had come to know the TFC too intimately to ignore the obvious fact that the Commission's troubles stem in great part from specific weaknesses in personnel. The report therefor searches thoroughly into personalities and attitudes of high staff members, since substantive reforms in Commission performance will be impossible to achieve without imaginative top- and middle-leevl leadership.

This report is exclusively the product of the students efforts and its conclusions are entirely their own As such, it is a possible prototype for similar studies of other governmental agencies. It is by no means a final document, but rather should be considered an interim report in a continuing study.

2. The FTC and the consumer: Scope of report

An early section of this report analyzes developments in American society which seem to threaten the already precarious position of the consumer.

The Federal Trade Commission is the major federal government agency for consumer protection.* It is the only agency with a potential for effectively policing business frauds in many parts of the United States where state and local laws are inadequate, and it alone has the potential resources to control the practices of nationwide business empires.

The FTC does not and cannot, however, fulfill its potential at the present time, as the remainder of this report will demonstrate. The toll in consumer abuses which continue to flourish due to the inactivity of the Commission is impossible to calculate. The agency must be reformed immediately.

Because of the pressing need for reform of the FTC in the consumer-protection sphere, this report is devoted entirely to that subject. It does not deal with the equally large and important topic of the FTC's antitrust duties.

3. A brief overview of the FTC and its consumer-protection legislation, and its procedures

The Federal Trade Commission is an independent regulatory agency created in 1914. Its regulatory duties are divided between direct consumer protection and antitrust.

The agency's consumer-protection duties are defined by the Federal Trade Commission Act (FTC Act) and several specialized statutes. The former generally empowers the Commission to prevent "unfair and deceptive acts and practices", § 5, and deals more specifically with such acts and practices in the sale of drugs and other products affecting health. § 12 *et seq.*

The FTC's specific Statutes include the Flammable Fabrics Act (which is important for it deals with practices dangerous to life

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Footnotes at end of speech.

and health) and three statutes[1] regulating the labeling of textiles and furs (much more trivial than the Flammable Fabrics Act).[2]

The Commission's method of regulation is basically preventive; it seeks to discover, stop and generally prevent practices which violate its laws. Paradoxically, while its powers of discovery are broad, its preventive powers are limited.

The FTC's information-gathering powers are set forth in Section 6 of the FTC Act, which empowers the Commission:

"(a) To gather and compile information concerning, and to investigate from time to time, the organization, business, conduct, practices, and management of any corporation engaged in (interstate) commerce, except banks and common carriers . . . and its relation to other corporations and to individuals, associations, and partnerships.

"(b) To require, by general or specific orders corporations . . . or any class of them . . . to file with the Commission in such form as the Commission may prescribe annual or special, or both . . ., reports or answers in writing to specific questions, furnishing to the Commission such information as it may require as to the organizations, business, conduct, practices, management . . . of the respective corporations. . . ."

And Sections 9 and 10 compel compliance with Commission demands for information by providing for civil court enforcement under threat of contempt and for criminal sanctions for failure to respond or false responses.

The only coercive legal enforcement tool generally available[3] to the FTC is the "cease and desist order," which imposes no retroactive sanctions, but merely prohibits future repetition of the sort of conduct against which it is aimed. Once a cease and desist order becomes final (after 60 days or appeal to U.S. Courts of Appeals and Supreme Court), it remains in effect permanently, and any violation may be punished by an action in the Courts of Appeals on behalf of the United States for recovery of "civil penalties" of up to $5,000 per day of violation. FTC Act, Sec. 5(1).

Formal adjudicative proceedings leading to the issuance of cease and desist orders are prescribed by Section 5 of the FTC Act and the Commission's "Rules of Practice for Adjudicative Proceedings." They are begun by the Commission's filing a "complaint"; Section 5(b) directs the Commission to file a complaint "Whenever the Commission shall have reason to believe that any . . . person, partnership or corporation (subject to the FTC Act) has been or is using any . . . unfair or deceptive act or practice in commerce, and if it shall appear to the Commission that a proceeding by it in respect thereof would be *to the interest of the public . . .*"

The "public interest" requirement was written into the statute to enable the Commission to plan its enforcement program free of the requirement that all citizen and merchant complaints be acted upon.

FTC Rules also provide procedures for securing "consent" (non-contested) cease and desist orders without going through the adjudicatory process (hearing, initial decision, appeal, Commission decision) involved in regular cease and desist order cases.

The Federal Trade Commission presently uses several additional enforcement techniques which do not lead to issuance of cease and desist orders (and thus cannot draw on the coercive powers underlying enforcement of cease and desist orders). Two of them are methods for dealing on an "industry-wide" rather than individual basis with practices found upon investigation to be widespread; these are proceedings leading to issuance of "Industry Guides" and "Trade Regulation Rules." Two others are designed to deal with individual merchants: (1) a means by which businessmen can solicit and receive "Advisory Opinions" on proposed courses of business action. (2) procedure for acceptance by FTC of informal "assurances of voluntary compliance" in lieu of cease and desist orders.

The FTC presently employs some 1230 persons, including 473 attorneys and 464 secretarial and clerical employees. These employees are divided between the agency's principal office, located on Pennsylvania Avenue in Washington, D.C., and eleven field offices in Atlanta, Boston, Chicago, Cleveland, Falls Church, Va., (serving Washington, D.C.) Kansas City, Los Angeles, New Orleans, New York, San Francisco and Seattle.

The FTC staff at the principal office is divided into administrative offices and operating bureaus; the latter are structured primarily along "program" rather than "functional" lines, that is, according to statutes or programs administered rather than the kinds of tasks performed by employees (*e.g.*, investigation, litigation, etc.) The major operating Bureaus are those of Deceptive Practices, Economics, Field Operations, Industry Guidance, Restraint of Trade and Textiles and Furs. This report deals with Deceptive Practices, Industry Guidance, and Textiles and Furs, for the most part.

The major administrative offices are those of the Secretary, Program Review Officer, General Counsel, Hearing Examiners and Executive Director (including Office of Administration). This study focuses on the General Counsel Office.

The Commission itself is composed of five members appointed for staggered seven-year terms. It has delegated some of its statutory authority to the Chiefs of various operating bureaus; however, the overall decision-making process of the Commission remains highly centralized, for no powers have been delegated to personnel beyond Assistant Bureau Directors, all of whom are located in the central office.

The Chairman has extensive powers and responsibility in the management of the FTC, for he is its top Administrative Officer. He is thus responsible for hiring and promoting persons on the staff.

THE CRISIS

Throughout the history of our country, the American people have presumptively relied on the forces of the marketplace to determine their economic destiny. American business has traditionally modified its practices in order to take advantage of new technology and new opportunity. But another force in American society—a force of conscience—has opposed the unmoderated exercise of economic power and has sought to keep the new mechanisms and forms of economic power from bypassing the theoretical market checks to deceive, injure or exploit. This force has acted in several ways, including self-regulation by ethical businessmen, the formation of consumer groups exerting power in the marketplace, consumer education movements, and public pressure on government for legal regulation.

Traditionally, the most serious threats to the American public, the most dangerous economic crises, have occurred when changing business practices bypass market pressure and subvert the legitimate operating principles of free enterprise, sometimes becoming in themselves reified symbols of worship. In such a case the resultant system can resemble in practice the monolithic structure of a communist economic system—the economy allied with the state in an impregnable combination. Only by keeping government separate and strong in relation to economic forces, and vice versa, can a balance of power be sustained that will promote a democratic government and a desirable economic system.

As for the worship of the forms of free enterprise, it is always important to prevent an association of specific business practices with the genuine operating principles of free enterprise such that their mere utterance, like magical incantations, dispels legitimate worries and assuages justifiable fears. Such results pose a constant threat to rational analysis and viable adjustments.

Many times in the past America has paid a heavy price before recognizing the futility of worshipping the forms and not the substance of the free market. The growth of trusts in the last century, the impure drug and adulterated food abuses early this century, the Great Depression, these are all examples of dangers which required the intervention of forces outside the market for correction. But many paid the heavy price of injury, poverty or loss before partial corrective action was taken. There is no reason why America should have to pay that kind of price now, and indeed one of the putative characteristics of rational man is an ability to predict the effects of present trends on existing institutions in such a way as to meet change without sacrificing valued elements of those institutions.

Past experience suggests that healthy business competition helps preserve a successful free enterprise economic system. In this age of growing economic concentration, however, it is no longer wise nor efficient for government to rely solely on fostering competition to do the job. Government must now begin to direct its energies towards direct protection of legitimate consumer interests as well. Minimally, this means guaranteeing that consumers obtain adequate and accurate information about products available in the market; it should probably also include some control of types of sales approaches which constitute overpowering appeals to strongly irrational elements of human psychology. And in addition, government must make certain that all consumer products are safe for consumption when reasonably used.

The chief destructive trends in the economy which must be taken into account in planning for consumer protection are the following:

1. The rise of the corporate economy and its accompanying phenomena such as intracorporate tyranny over executives, price leadership, oligopoly or shared monopolies, conglomerate empires, tacit agreements precluding challenge to mutual vested interests, corporate domination of regulator agencies, product fixing, manipulation of credit, and other subtle forms of coercion block new competitors and new ideas.

Where industries have very low cross-elasticity of demand, and where competitors within each industry manufacture products of a similar nature, the consumer will not learn the negative aspects of such products. No manufacturer will advertise against his own product type and no one will advertise against a product that is not competing with his own. This oligopolistic model is a rapidly growing characteristic of the new economy.[4] The result has been a glut of information regarding what are in reality contrived distinctions between identical products, but a dearth on the drawbacks of any particular product type. Cigarette ads have long been the paradigm example. But one rarely ever hears about the disadvantages of mouthwashes (which many dentists say irritate the mucous membranes of the mouth), detergents (most of which now add particles to your clothes rather than remove them, many of which can irritate the skin), cars of all types, drugs of almost every variety, deodorants (which now clog pores to promote the magic of "dryness"), "brightening" toothpastes (which contain abrasives, see appendix 10), diet soft drinks (some of which can harm internal organs), and so on.

2. The communications revolution, including increasing use of nationwide television and the rising cost of access to this public forum. This development has made it possible for businessmen to perpetrate fairly blatant frauds or deceptions, bilking large numbers of people of a small amount in a

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Footnotes at end of speech.

short time without feeling any significant market check. A recent example of this is the chinchilla ads on TV last year (see appendix 14). Another example is the extremely efficient TV chopping and grinding demonstrations by a number of products which are purchased by mail and almost invariably perform in a manner vastly inferior to what is represented. It is indisputable that it is now easier than ever before to reach large numbers of people with more subtle forms of influence.

3. The information explosion, including increasing use of mass data-handling techniques to attack the privacy and autonomy of the consumer. This trend has made possible social-psychological analysis of the various potential markets. Market researchers have divided and subdivided the market along various lines to make possible special appeals to different social groups. Most of these appeals are based on distinctions which have nothing or very little to do with the products themselves, but are associated with them to produce "empathy." Virginia Slims are marketed to appeal to feminists, Camel cigarettes to appeal to he-men. Lark to the suburban set, and so on.

4. The growing sophistication of the science of applied psychology, involving influence by suggestion, subtle deception through image manipulation, and the creation of demand through associations with sex, fear and power fantasies. These advances facilitate subtly effective appeals and unapparent deceptions. Some of these seem ridiculous when directly explained, but nothing testifies more to their effectiveness than their consistent success. Not only do businessmen attempt to utilize the most accomplished psychologists in the academic world to appeal via symbolic ties to the public's fears and frustrations in almost psychotic association attempts, but they experiment increasingly in more direct forms of forced persuasion, as in the micro-second flashes of Aqua Velva lotion or in the hypnotic waving of keys in front of the screen in Washington, D.C. during the Fairfax Plymouth ads with the accompanying deep voice intoning over and over, "you *will* buy a Plymouth at Fairfax motors."

There have traditionally been three major arguments against government entry into the field of advertising. First, is the argument by business interests that the "perfect" or all wise consumer can not be deceived. Second, there are appeals to free speech and subsidiary interests (the desire for imaginative ads, etc.). Third, there is a general feeling by some that the problems are unimportant, unreal, or will go away.

The answer to the first argument is contained in the analysis above of the consumer's plight given contemporary trends. It is worth adding, however, that although corporate giants justify the system and their activities by constant reference to the omniscient consumer, their ads reveal their true estimation of him. Briefly, he is an insecure, sex and attention starved, paranoid neurotic with an attention span of 10 seconds. Even if today's consumer is capable of understanding the complexities of, say, comparative reliability characteristics of standard automotive engines—which industry moguls pretend he is—these moguls will not give him that information. Instead, they prefer to sell sex and power in relation to various phallic symbols, undulating women and potent wild animals.

The second argument is admittedly a valid consideration. There is a competing interest in favor of the free exercise of communications capacity and indeed in favor of diverse and clever ads. But this does not mean that the trends now evolving within our economy do not present questions of the greatest importance. Sadistic appeals by Silva Thins or paranoid appeals by Listerine are not symptoms of a past era, they are precursors of a new one. Further, certain issues presented by the trends above are capable of easier determination. When the question is not irrelevance but deception, that is, the deliberate creation by advertisement of an impression which is actual fact does not represent the performance of the product, there is no substantial claim of competing value. Larceny by deception has been a crime for many years at common law. There is little free speech interest in the right to say "your money or your life," nor is there much in the right to say "if you give me x dollars I'll give you y object," fully intending and subsequently delivering, inferior z object.

The third approach to the problem of deceptive practices is to minimize its importance or duration. But given the evolution of modern society this problem must not be underestimated. It is easy to dismiss the matter because many deceptions are hard to detect. If a false claim is apparent it is ignored and fails. If it is successful it is often not recognized at all. Even when the product is deficient it is often not easy to trace to a specific deception. This is particularly true when the deceptive claim is relative to the products of other competitors with direct comparisons unlikely. How many, for instance, will buy two sets of tires to see if one stops faster as claimed. Finally, it is easy to make small lies of omission or implication which generate great market advantage and attract little attention. It is foolhardy to minimize the effect of these processes, for they can eventually threaten general promotional credibility to the detriment of everyone (but particularly the honest businessman and the consumer).

The increase in deceptive practices in advertising is manifest throughout the trade. It is clearly a rising phenomenon with more current abuses than any single person or group could document fully.

The longstanding practice of relabeling susbtantially old products as "new" with every successive ad campaign has made the term meaningless. Detergents are particularly guilty of this transgression, but so called "new" cars, appliances and other product types are all guilty.

During the first *quarter* of 1968 ten specific products (not corporations) spent over thirty million dollars on TV advertising alone (see appendix 3). Deceptions are widespread among those products most advertised on TV. For example, Salem, Winston and Kool were among the top advertisers over this period, spending almost 10 million between them on TV over three months trying to convince millions of people that death and disease dealing smoke is actually analogous to fresh air, spring, and cool mountain brooks. The current Newport ad repeats the word "refreshing" five times. Another three of the top ten for the first quarter of 1968 were analgesic companies, with Anacin leading the pack with expenditures of over four and one half million. All three ads are blatantly and persistently deceptive: Anacin claiming that two of its magical pills "contain as much of this (unnamed) pain reliever as four of the other (unnamed) extra strength tablets," pointing out, of course, that one shouldn't take four of the other; Bayer advises that "Doctors and public health officials" recommend aspirin when flu strikes as one of three recuperative steps, and that since Bayer is pure aspirin . . .; Bufferin claims to go to work "in half the time" (see appendix 9).

Other ads currently flooding the TV networks which are deserving at least of inquiry are the Dyno dollars, Esso gas station and other game gimmicks implying advantageous odds of winning substantial prizes, the Firestone Tire claim that its wide oval tires are "guaranteed to go through ice, mud and snow or we pay the tow," the Shetland vacuum cleaner test with the machine's suction supposedly drawing a resistant bowling ball up a plastic tube, the mock Ken-L Ration butchers who can't tell the difference between Ken-L Ration and real beef,[5] the Colgate toothpaste claim that it is "unsurpassed" implying superiority, the assertions of Crest ads, the use of government tar statistics by Pall Mall, the Johnson lemon wax demonstration with unnoticeably disparate rags, the new Geritol ads (in open defiance of a rare standing FTC cease and desist order, see section on compliance, p. 49), the Coldpower claim to "germproof," the Bravo wax representation that detergents absolutely can not dull the surface, the Mrs. Filbert's Diet Safe Margarine ad implying that if you can pull 1'' of flesh off the tricep of hubby he is too fat and will therefore die prematurely (unless saved by Mrs. Filbert's of course),[6] the Ultra-Brite sex appeal (brightness) claims and the MacCleans whiteness test (see appendix 10 for ADA preliminary warning), the Goodyear tire "up to double the mileage" polyglas tire ad, and on and on.

THE FAILURES

The statues in front of the FTC building in Washington, D.C. represent the purpose of the agency in the eyes of the sculptor. Their symbolic message is accurate with regard to the founding statute of the Commission, but stands in stark contrast to the recent history of the agency—both in philosophy and in practice. The statues depict an unruly and powerful horse—American business, a danger and a menace unharnessed, being restrained by a strong and determined young man—the FTC. Such a juxtaposition does not in any way represent the performance or the attitude of the prevalent powers in the FTC. The FTC is not young or young thinking, it is not strong nor does it seek to be strong, and it has no desire to restrain. It would rather give the horse its head, only occasionally throwing a small stone at it. Indeed, the Commission does not view American industry as a wild horse at all, but rather as a docile beast who now and then needs guidance, and every so often a mild "whoa."

The responsibilities of the FTC demand that it see business for what it is—a sometimes unruly animal. The lack of such a posture is evident through the attitudes of its present Chairman. In a typical address before a business audience in North Carolina, Mr. Dixon opened his remarks as follows:

"I've come here with the high hope that I can persuade you that the Federal Trade Commission is not socialistic, bureaucratic, damyankee, tool of the devil that may have been pictured to you. Instead, I'd like to convince you that you've got a friend in the FTC—a real friend . . ." "Needed: A Combined Attack," Before Joint Meeting of the Better Business Bureau and Advertising Club, Winston-Salem, North Carolina, Jan. 8, 1968, p. 1.

It is worth noting that even if the FTC vision were a correct one, and even if it were appropriate for the agency, it would still have one difficulty. For if a businessman were to encounter a competitor's practice of any kind that he would rather not engage in, he must either lower himself and engage in it or commit economic suicide. If he complains to the FTC he is going to have to survive in virtuous poverty for years while the case is being litigated and his competitors rake in their fortunes. Such a businessman would not only have to be pure to fit into the FTC mold—but he would have to be either dumb or suicidal. Most American businessmen are neither. They are no more pure, concerned, dumb or suicidal than the FTC is a young, strong force restraining the economy for the public welfare. The statute lies.

This attitude of the Commission, spawned through connections, backscratching arrangements and cronyism, pervades every aspect of FTC activity. When viewed after a cursory examination of FTC public relations, the failures of the FTC reveal one outstanding feature of its operation—its continual

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Footnotes at end of speech.

and consistent violation of its own statute with regard to deceptive practices. The FTC itself is one of the most serious and blatant perpetrators of deceptive advertising in America. It has avoided congressional or other investigation or review for a decade by consistently responding to the vector theory of power—feeding and serving those who would or do threaten it. Substantially, this means feeding and serving big business and congressional interests attached thereto.

For the FTC to work with any effectiveness it is going to have to: (1) detect violations, (2) establish priorities for the most efficient expenditure of enforcement energy, (3) enforce the given laws with energy and speed, (4) acquire effective statutory authority where present authority is insufficient, (5) remain independent from illegitimate interests which could distort, blunt or block enforcement.

1. Failure to detect violations

The assumption discussed above concerning competitor notice of deceptive practices is one of the two more or less exclusive means relied upon by the FTC for the detection of violations. The second is not much more useful, given present economic structure, than the first. The second assumption relied upon by the FTC is "mailbag notice" [7]—reliance for detection primarily on complaints (called by the FTC "applications for complaint") from the aggrieved consumer. These complaints from the public do not provide notice of many problems. Because of product fixing and product complexity, the consumer often doesn't even know he is being deceived. The FTC is not going to receive complaints from a person who is not seriously injured,[8] or who can not trace the difficulty to a particular product, or who does not know of other alternatives, or who does not know what is happening to him either before or after making a purchase, or who perceives the historic futility of appealing to the FTC.

Another fallacy in the mailbag approach can be found in America's ghetto problems. There, as finally shown by the Commission's own study of consumer deception in Washington, D.C. (at the insistence of Senator Magnuson), the system contradicts the Commission's assumptions about deceptive practices. The victims here do not care about the the flood of inferior goods, they are numb through the lack of any higher expectation. If they were to complain they would not know how. They don't have lawyers and they don't know a thing about the FTC.

The mailbag source of complaints is certainly useful, relevant, and can often be indicative of certain types of outright fraud (as in the chinchilla cases). But this source is not sufficient. The FTC must establish vast new means of detection. It must initiate aggressive and intensive investigations, particularly into ghetto areas. It must monitor TV and radio carefully in a general surveillance effort. It must, perhaps, establish FTC investigative teams in every trouble spot, particularly in ghetto areas. It must, perhaps, require pre-submission of certain categories of advertising.[9]

At present, the FTC monitors haphazardly [10] and occasionally, and several sources have confided that the one TV monitoring operation extant (which consisted of several matrons watching the set) was discontinued because they "paid too much attention to the programs" (mostly soap operas) and would leave for snacks, etc. during commercials. It is obvious that there must be alert and extensive monitoring operations with pre-screening by expert engineers, doctors, and other professionals.

It is also obvious that one ghetto investigation, which was rather forced down the Commission's throat will not suffice to remedy ghetto practices. The aluminum siding scandals, magazine sales and cookery rackets, the myriads of get-rich-quick schemes which victimize this group with particular viciousness will not be discovered through talks before trade associations, Washington hearings or mail bag receipts. Distributorship and sales rackets with alleged pyramiding returns, classified sections in magazines filled with lucrative traps and the continuous barrage of false claims and enticements will not be ended without truly aggressive FTC action.

2. Failure to establish priorities

A geographical analysis of the non-textile and fur, non-country of origin cases reveals an interesting territorial aspect in the detection pattern. The survey, a summary of which is reproduced on the next page, was made from all of the FTC's News Summaries from July 1964 to July 1968. Most of the cases are in the suburban vicinity around Washington, with only a few of them relevant to the ghetto area of the capitol.[11] The study shows conclusively that Washington, D.C. receives more than its share of attention. In fact, if the FTC were to spread its activity around by population, Washington, D.C. and vicinity would have to include over 24,000,000 people to justify present concentration. The fact that Washington is so treated is a reflection of two things: the inadequacy of detection measures outside Washington, D.C.[12] and the response to personal problems of Congressmen living in the District or in surrounding suburbs (see discussion of personnel). It is worth noting in this regard that there are several cities in Tennessee which approach Washington in terms of inordinate concentration of attention.

Washington, D.C., vicinity [1]

	Orders [2]
Last half 1964	2
1965	2
1966	6
1967	9
First half 1968	11
Total	30

NOTE.—Sample Size=248. Total % from D.C. vicinity=12.1%.

[1] "Vicinity" is defined as within approximately a thirty mile radius.

[2] Cases are classified according to business location of violator.

Ideally, priorities must be carefully set to help those who need help most. Deceptions and other practices which endanger health and physical safety must come first. The number of persons affected must also be a factor. Practices affecting the poor must be given priority because the poor can afford to lose less. Unconscionable practices engaged in by large corporations must be given great weight, for they have greater potential for harm if unchecked. Most important, the Commission should not proceed in purely random fashion on the basis of complaints received, or on the basis of extraneous motivations—political, geographical, or personal—which distort the criteria of maximum efficiency appropriate to an enforcement policy.

While conducting one of the first studies of the FTC in 1924, Gerard Henderson found a general lack of any system of priorities for case selection: "the Commission is handling too many cases, and it should exercise a greater discretion in selecting those cases which involve questions of public importance. Henderson, *The Federal Trade Commission*, p. 337 (1924). There has never been any argument that the FTC should handle these lesser cases if it could obtain the resources to do so in addition to more momentous problems. But since limited resources are imposed upon it by Congress, it should deal with more important issues. The FTC has not tried vigorously to expand its resources (see section on seeking authority) but, moreover, it has not established an explicit real system of priorities. In addition to its fear of big corporations, its decline in activity and its ineffective enforcement, it is allocating what dwindling energies it has left to the prosecution of the most trivial cases. Its system of priorities, if there is one, is according to the origin of the application for complaint, not according to the importance of the problem. If the source is a favored Congressman (see discussion of personnel) some action is assured. Otherwise, one relies on chance or a personal contact with the agency.

Twenty-five years after the Henderson report, the Task Force of the Hoover Commission made its study. The situation was unchanged: "As the years have progressed, the Commission has become immersed in a multitude of petty problems . . . The Commission has largely become a passive judicial agency, waiting for cases to come up on the docket . . . In the selection of cases for its formal dockets, the Commission has long been guilty of prosecuting trivial and technical offenses and of failing to confine these dockets to cases of public importance." *Hoover Commission Report*, pp. 125, 128 (1949).

More recently, Professor Carl Auerbach conducted an intensive study of the FTC on behalf of the Administrative Conference of the United States. He too observed that "the important question is whether the Commission has a system of priorities by which it is guided in discharging all the tasks entrusted to it by Congress. To date, the answer is no." Auerbach, "The Federal Trade Commission," 48 Minnesota Law Review (1965).

And according to the statistics and all available evidence the answer is still no. Just this year the Commission reconsidered for the third time a case which had occupied over four years of Commission and staff time on the issue of whether or not a watchband chain representing less than 1% of the value of the finished watchband should be explicitly labelled as originating in a foreign country or not. They eventually decided that it should.

What is particularly frustrating about these recurring criticisms is the fact of their persistence for some forty-four years. Still, nothing has been done. In fact, despite numerous specific suggestions, nothing has even been attempted which might improve the situation.

The fact of the present preoccupation with the trivial is reflected in statistics and examples *ad infinitum*. A recent and rather typical reflection of FTC priority failure is found in the 1968 Senate Hearings on appropriations. For some five years the Commission has been mentioning imminent studies of the food market situation. Meanwhile the problem has become more and more critical. Several reports were compiled, none of which seemed to have had any effect. Senator McGee suggested the necessity for a continuous examination or study of the food industry from which concrete and effective action might be taken to correct dangerous trends and rampant practices. The importance the FTC attaches to such an effort relative to its other activities is revealing:

"I agree with you, the Federal Trade Commission was created by Congress to carry on this type of study, but this is something that if we are to carry on, the necessary money should be supplied. For you to say, well, why do you not do it out of what you have—you are going to give us a terrible management problem. At the present time we are receiving some 9,000 complaints per year and we have not as yet dared to say to anyone, 'we are not going to look at your matter, because it is not as important as some of the rest.' We are having difficulty in handling our increasing workload with our available staff.

"I hope you will restore the $225,000 and that you do not overlook our new program to do something about nearly $400 million worth of wool imports into this land." Chairman Dixon before Senate Subcommittee on Independent Offices, pp. 430 (1968).

Footnotes at end of speech.

The fact that Mr. Dixon's statement carries numerous and quite typical misrepresentations, such as the implication that the Congress has failed to supply the money when it really has never been actively sought or requested, the fact that although the applications for complaint are many and increasing, the workload of the Commission, as performance records show clearly, has been decreasing, are matters that will be treated later. What is noteworthy here is the priority allocation given an investigation into a multi-billion dollar industry of necessities which is reaching a crisis stage versus the FTC's favored on-going operation of wool and textile "inspections."[13]

But this is not the only example of wool and textile fixation. FTC preoccupation with these specific laws reflects a theme which ran throughout our study, that is the great importance attached to anything which involves the protection of American business interests. This is not a situation which deserves only condemnation—certainly many of the FTC's legitimate activities, at least theoretically, benefit honest businessmen as well as consumers. But these laws are an ideal "out" for the Commission. They can spend great energy on their enforcement—offending mostly Japanese and other foreign producers, while spending relatively little on deceptive practice transgressions or for that matter restraint of trade activity which offend American big business interests.

The FTC pretense is that Congress specifically requested enforcement in these matters. Of course this is true, just as Congress has called for the enforcement of deceptive practices and restraint of trade. Because these latter issues are more complex and required a more general statute, does not imply that they are less important. Indeed, it is up to the FTC, not Congress, to allocate its own resources in the enforcement of the full panoply of its legal obligations according to some sensible criteria. This does not mean automatic deference to one particular law over another solely on the basis of the timing of the law or on the basis of political or economic friends who might be alienated.

Further, an examination of FTC priority determinations within the textile and fur category reveals a final myopia.

TEXTILE AND FUR BREAKDOWN[1]

	1963		1964		1965		1966		1967	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Wool, fur, and textile	208	90.8	218	70	189	87.7	201	94.4	179	94.2
Flammable fabrics	21	9.2	94	30	54	22.3	12	5.6	11	5.8
Total textile and fur cases	229		312		243		213		190	

[1] For FTC presentation of this breakdown, see 1967 FTC Annual Report, p. 32.

The flammable fabric cases within the Bureau of Textiles and Furs represent the most important category of violation because the protection of life is involved. The statistics above could reflect merely a smaller number of violators in the flammable fabrics area. There are several other factors, however, which give the statistics greater significance. First, there is the small number of civil penalties invoked against flammable fabric violators, despite the potential danger involved. Although the act was passed in *1953*, the first civil penalty action was not brought until *1966* (FTC News Summary, Aug. 8, 1966) and there have been altogether only three civil penalty actions in the field (see section on civil penalties). In addition to this, interviews and conversations with staff and Commission members reveal a lack of concern or a lack of awareness about the need for a higher priority for flammable fabric enforcement *vis-a-vis* wool, fur or textile.[14]

A more explicit example of myopia in this sphere (which also involves collusion and secrecy) is a recent episode concerning a shipment of flammable Japanese rayon. Chairman Dixon cited the assurance of voluntary compliance obtained with regard to this shipment as an example of the advantages of "persuasion" and industry "guidance" before the 1965 House Appropriation Hearings. And indeed the FTC had barred future shipments of the dangerous materials into the country. But the Chairman failed to mention that most of the shipment had already been distributed to clothes manufacturers, and that the staff had strongly recommended to the Commission that the rayon then in the hands of the manufacturers be seized. In fact, the enforcement order or agreement which was the subject of the Chairman's boasting represented a gross and mysterious concession to defense attorney Peyton Ford. Not only is this episode indicative of the callous lack of concern for a matter affecting the fundamental health and safety of the American consumer, but it is an example of the lengths the Chairman will go to protect those interests more dear to his heart, and the brashness with which he will cloak his activities. That rayon is right now on the backs of American men, women and children who are unaware that it is dangerously flammable.

Apart from the failure to attack important problems, the FTC has failed on every aspect of the reasonable priority test described above. It has not focussed on matters which involve physical health and safety, as shown by the above chart and as demonstrated by such failures as the avoidance of any significant action in the area of medical devices. The FTC has not favored the poor or the elderly except for the recent Washington D.C. report. It has not given appropriate attention to the largest companies.

FTC claims of priority planning for the benefit of "those most in need" is a typical example of Commission empty rhetoric. Indeed, the only example the agency can come up with in the annual report of 1967 is that attorneys assigned to the field offices sought out opportunities to address meetings of business and consumer groups to give them a clearer understanding "of the FTC's purpose." 1967 FTC Annual Report, p. 67. The idea is to alert these people of trickery, which the FTC points out hurts the low income people the most. But poverty lawyers in Boston, for example, report virtually no such activity in the ghetto areas. In any case, lower class people are generally not organized into consumer groups. An analysis of the groups addressed by the Commission's Chairman (see section on business collusion) indicates the more likely audiences.

Aside from the wool and textile concentration and the watch chain country-of-origin identification examples above, there are a large number of specific examples of FTC passivity. For while the Commission either ignores or delays requisite enforcement activity against Geritol, analgesics, Firestone, the home improvement frauds, auto warranties, medical devices, the ads mentioned in the first section, and so on, it has spent great sums of manpower and money on the following trivial matters which have been extracted from FTC News Summaries over the past four years:

1. From *News Summary* No. 34, July 3, 1964: "The Federal Trade Commission has ordered Korber Hats Inc., Fall River, Mass., to stop using the word 'Milan' to describe the material of men's straw hats not manufactured in Italy of wheat straw."

2. From *News Summary* No. 25, Nov. 4, 1965: "Parfumerie Lido, Inc., 115 W. 30th St., New York City, is charged in a Federal Trade Commission complaint announced today, with misleading and deceiving the public as to the identity of its toilet preparation." (resemblance to French names).

3. From *News Summary* No. 2, January 26, 1966: "Ogus, Rabinovich & Ogus, Inc., 304 E. 45th St., New York City, has consented to an order forbidding it to falsely invoice and advertise fur products. . . .

"The Commission's complaint charges that the concern has omitted and abbreviated required information on invoices covering various fur products."

4. From *News Summary* No. 19, June 17, 1967: "The Federal Trade Commission has issued a consent order forbidding Adrian Thal, Inc., 345 7th Ave, New York City, a retail furrier. . . .

"They are charged in the FTC's complaint with: omitting and abbreviating required information and setting it forth in improper sequence on labels. Making fictitious pricing and savings claims and omitting required information in newspaper advertisements."

5. From *News Summary* No. 6, Feb. 8, 1968: "The Federal Trade Commission has issued its consent order forbidding Alex Kirschner, a paint and varnish brush manufacturer trading as Kirschner Brush Co., at 58 W. 15th St., New York City. . . .

"The Complaint charges that, contrary to these representations:

"(1) The brushing part of the brushes marked 'Pure Chinese Bristle' is not made entirely of hog bristle imported from China, but is in fact composed of a mixture of bristle and some other material; and

"(2) The brushing part of the brushes marked 'All Pure Bristle' is not made entirely of hog bristle. . . ."

These examples are not extreme but are quite typical of FTC priorities. They were selected almost at random from a larger sample. A study was made based on this sample, a summary of which is reproduced below. The sample consisted of *all* cease and desist orders from July 3, 1964 to June of 1968. These orders were divided into two categories: (1) textile and fur cases (except for flammable fabrics) plus cases which involved country of origin misrepresentations and (2) all other misrepresentations. It is worth noting that the all other misrepresentations category is not in the least devoid of trivia itself, but the first category generally includes only those matters which are unimportant to the American consumer relative to many things happening in American ghettos or, for another example, on nationwide TV.

The "all other deceptive practices" category is already less than half of the total number of orders issued over this four-year period, but the category can be broken down further. The first chart below presents the number and progression of the first two categories and the second chart below attempts to analyze further the "all other" grouping. When dismissals, the selling of re-used golf balls and oil, the use of fake prizes to entice people and mislabeled soldering irons are subtracted, there are only some 188 cases left from the total of 562 formal enforcement actions over these four years. Of these 188, 30, or almost ⅙, are in the Washington D.C. area. The rest of the nation accounts for the other 158. Of the 158 all but about 40 fall into one of six categories.[15] Five of these categories represent real and important, although very specific, deceptive practice problems. The sixth is the rather primitive bait and switch tactic which is of some importance.

Footnotes at end of speech.

ENFORCEMENT ANALYSIS[1]

	Consent orders	C. & D. orders[2]	Textile and fur case or matter involving country-of-origin protection for business interests[3]	All other deceptive practices
Last half of—				
1964	77	28	60	45
1965	75	27	49	53
1966	108	22	58	72
1967	106	32	78	60
Last half of 1968	72	15	41	46
Total	438	124	286	276

[1] Source is all FTC news summaries over the period indicated.

[2] Normally computed from initial decision stage.

[3] Does not include flammable fabrics.

Further analysis of "others"[1]

Total "others"	276
Minus dismissals	31
Minus reused oil and golf balls	11
Minus fake prizes, fake "regular" price tags, mislabeled soldering irons, etc.	46
Subtotal	188

[1] Source is all FTC News Summaries from July 1964 to July 1968.

Of the 188 left of potential importance, 30 are in the vicinity of Washington, D.C.

Of the 158 potentially important matters outside Washington, D.C.:

Flammable fabrics	28
Bait and switch	25
Collection agencies	22
Aluminum siding	19
Chinchillas and insurance	17

But even the statistics regarding these five areas are illusory. The most important category, for example, is probably the home improvement frauds. But the 20 or so cases treated by impotent enforcement procedures have not even scratched the surface. These frauds are so widespread[16] and so severe in their effects that people (usually those who are poor and trying to raise the standard of their home and neighborhood) are virtually robbed of everything they own. Often their house is taken, their wages garnisheed. A number of them commit suicide every year. The effect of the racket on the victim is similar to the impact of the chinchilla frauds (see appendix 14 for sample letters from complainants), but it is much more extensive and the abuses are particularly aggravated throughout America's ghettos. Further, the situation has been getting progressively worse for a number of years. The Commission response to this need, aside from the five or six scattered and toothless[17] orders issued each year as a gesture is contained in the Chairman's response to Senator Magnuson's appeal for action:

"Due to major manpower commitments to the packaging and cigarette programs, the District of Columbia Consumer Protection Project, the automobile warranty and softwood lumber inquiries, bait and switch practices in the sale of frozen food and other promotions, the insurance investigation, and many other efforts reflecting a high degree of public interest, I can give you no assurance that additional personnel can be assigned to attack this swelling workload promptly." Letter from Chairman Dixon to Senator Warren Magnuson, Nov. 28, 1967.

Bait and switch tactics in the sale of frozen foods?

Chairman Dixon's attitude is further amplified later in his response both to the problem and to the suggestions by Commissioner Jones and others that the FTC intensify its enforcement powers for cases of this sort involving personal fraud. Dixon wrote to Senator Magnuson:

"One important factor, constantly on my mind, is that while much of our effort is in the interest of the consumer, the great majority of honest, reliable home contractors in the country are equally deserving of this protection." Letter from Chairman Dixon to Senator Warren Magnuson, Nov. 28, 1967.

The Commission gives much lip service to the final factor in a rational priority system, the size of the company involved in the transgression (see section on misrepresentations). Yet in actual fact the FTC does very little when violations involve larger companies unless those violations are extremely trivial in nature.

The many examples of deceptive ads or at least marginal ads listed in the first section of this report primarily originate with larger companies. A cursory examination of FTC actions reveals the extent of its fear or friendship with big business.

Appendix 4 analyzes the size of all companies on the FTC docket for the first quarter of 1968 in terms of sales, 29 of the 33 companies involved are so small that they are not listed in any major financial directory, which means that their total *assets* are below $500 thousand. Only one company had sales of over $500 million.

The reluctance to go after big companies is often caused by a fear of their vast staffs of brilliant legal manpower. This fear is particularly strong when formal action is envisaged. But there are, in addition, instances of outright pressure from various corporate or legal contacts, often exercised through the Congress.

In a letter dated October 25, 1968 to John Schulz, Chairman Dixon answered a question asking for the size of all deceptive practice respondents in terms of annual sales by admitting that "annual sales are not maintained as general information in deceptive practice matters. This is simply because sales volume is frequently only one of many considerations in assessing the impact of a particular practice." In other words, since this is only one of several elements in a rational priority system, it is not computed at all.

3. *Failure to enforce with present authority*

The Federal Trade Commission's failure to perform its enforcement duties properly under existing law has several aspects. For one thing, there has been a general decline of formal enforcement activity and an unwise shift towards greater reliance on "voluntary" enforcement tools. Even worse, compliance practices have also become almost entirely voluntary. Finally, all enforcement programs are vitiated by excessive delays.

A. Decline of Formal Enforcement Activity

The decline in formal FTC enforcement activity can be traced back to the early 1960's. Since that time, formal activity has not only declined relative to such indicators of need as the GNP, the growth of the advertising industry, and the increase in the number of applications of complaints received, but has declined in absolute numbers. Except for a brief resurgence in 1967, the number of complaints issued by the Bureau of Deceptive Practices has been steadily declining since 1963 (see chart below). This is in the face of unprecedented economic and advertising growth. Such decline is not indicative of increasing compliance with the Commission's laws, for the applications for complaint have been steadily rising.

COMPLAINTS ISSUED BY THE COMMISSION

	Fiscal year					
	1963	1964	1965	1966	1967	Through 3d quarter 1968
Restraint of trade	230	95	26	94	124	11
Deceptive practices	129	129	66	48	108	27
Textiles and furs	72	85	69	52	89	44
Total	431	309	161	194	221	82

Source: FTC annual reports, passim.

Another indication of the increasing passivity of the FTC in the face of increasing consumer, ghetto and advertising problems, is the trend of investigative activity. The number of investigations completed has steadily and sharply declined from 1964 to the present. This is illustrated by the following chart:

COMPLETED INVESTIGATION CASELOAD

	Fiscal year				
	1964	1965	1966	1967	[1] 1968
Restraint of trade	467	729	492	321	139
Deceptive practices	1,090	981	981	737	422
Total	1,557	1,710	1,473	1,058	561

[1] Through 3d quarter.

Source: FTC annual reports, passim.

Finally, FTC passively is reflected in the increasing scoping effect in its enforcement efforts. The intense and increasing scoping phenomenon can be seen in the chart below. The applications for complaint are now in the thousands in the deceptive practices area, (6,399 in 1966 and now approaching 9,000). Yet investigations now cover only one in every *eight or nine* applications for complaint. After subtracting Congressional applications which are rarely ignored, this leaves an even lower ratio for response to applications from the public. Note that this application figure does not include every crank letter but is pre-screened to include only those with apparent relevance and ap-

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Footnotes at end of speech.

propriate jurisdiction. After this elimination not even one in *ten* of the *investigations* results in a cease and desist order. One out of four, however, does result in an assurance of voluntary compliance (see next part of this section for description). Altogether then, about one of every thirty five applications for complaint results in an assurance of voluntary compliance, and approximately one out of every one hundred twenty five applications for complaint results in formal action of any sort.

The chart below also demonstrates the trend of this scoping pattern over time. The direction is self apparent.

DECEPTIVE PRACTICE CASES

	Fiscal year						
	1961	1962	1963	1964	1965	1966	1967
Percent of avowed applications for complaint that are investigated	30	19	25	23	19	14	11
Percent of avowed applications for complaint that result in the issuance or approval of a complaint [1]	8	4	4	6	4	2	3

Source: FTC annual reports, passim.

[1] Not all of these complaints result in the issuance of formal orders.

One qualifying point concerning the scoping trend deserves comment. For the existence of some scoping can indicate a coherent and rational screening system of priorities. Even the existence of such a system, however, would not alter the fact that less was being done relative to apparent need in terms of numbers. In any event, the section above on priorities demonstrates that this explanation is not available to the FTC.

It is true that the numbers referred to in the preceding charts are not in themselves conclusively condemnatory. It is only in combination with the rising need for action, the lack of a priority system, and other factors treated in this report that they reveal the FTC's administrative failure. Chairman Dixon's increasingly frequent criticisms of the "numbers game" are justified in so far as they apply to the fallacy that more prosecutions of insignificant cases represents significant activity. But this does not work in favor of the Commission in light of overall decreasing trends and in light of the other findings of this study.

In 1965 Civil Service Report's evaluation of the Commission's work load substantiates our findings.

"The traditional measure at the Federal Trade Commission has been casework expressed in such terms as numbers of 7 digit investigations initiated (this is a code identification of cases designated for formal investigation), complaints issued, and cases docketed for litigation. *By all of these measures caseload has been declining. Several managers expressed the fear of running out of work.*

"With the changing mission orientation since 1960 there has been a decline in formal cases from 1,931 that year to 1,421 in fiscal year 1964. During this same period, the number of cases docketed for litigation also decreased: from 503 to 49. (Using the same years, employment increased from approximately 700 to 1,150.)

"Despite these caseload and employment trends, the agency expresses itself in dire need of more employees while giving repeated assurances that the employees in the enforcement bureaus are fully occupied, if not with casework, with providing advice and counsel within the framework of the "new approach." Beyond these assurances of management we must also consider the following, in concert with the workload data above, in making a judgment as to whether the Federal Trade Commission has enough, or perhaps too many employees to accomplish its mission:

"(1) On the basis of widespread comments *there appears to be less than full utilization of Hearing Examiners*

"(2) *High officials spoke openly of the rapidly approaching time when there would be no more case work to occupy the staff*

"(3) *Trial Attorneys, as a reflection of this, expressed concern that they would soon be out of work*

"(4) *It has been suggested, in consideration of the above, to abolish the Bureau of Industry Guidance.* This suggestion is perhaps motivated by the apparent paradox that this Bureau was established to provide the kind of advice to industry that the Federal Trade Commission claims is accounting for that part of the time of the staff in the enforcement bureaus not devoted to cases." (emphasis added) *Civil Service Commission Report*, p. 26 (1965).

Since 1965, when this Report was issued, the situation has deteriorated even more (see above and agency's own statistics in appendix 2), even though the strong language of the Report above indicated an already extreme limit had been reached. All of the suggestions of the CSC were ignored.

B. Shift to Voluntary Enforcement

The general decline in formal enforcement activity at the FTC is matched by a shift in emphasis to greater reliance on "voluntary" enforcement tools. This shift is usually rationalized as being the most efficient means of enforcing the law. Nothing could be further from the truth.

The Commission's major individual voluntary enforcement tool, the assurance of voluntary compliance, lacks any sort of formal sanction. A businessman who gives an assurance merely promises (not even under oath) that he will not repeat the specific deceptive practice challenged by the Commission. A new violation generally brings about another assurance . . .

The so-called industry-wide approaches, guides and trade regulation rules, do to some extent reduce the incentive for a number of competing businessmen to engage in common in a particular deceptive practice. But guides and rules themselves are sanctionless making their effectiveness seriously questionable. (For an unscrupulous businessman has an incentive to deceive consumers *even when* his competitors are dealing honestly.) In other words, the use of such methods of enforcement permits commercial wolves to take not only one "free bite" (as is the case even with normal cease and desist orders since even they do not inflict penalties for past offenses) but two or three.

As *actually* administered, the voluntary enforcement tools are even more inadequate. Trade regulation rules and assurances are often poorly drafted, the former sometimes being too broad (nothing more than restatements of the statutory provisions they are supposed to elucidate), the latter too narrow (forbidding only the *specific* deceptive activity found to have occurred, rather than other likely tactics as well). Advisory opinions are frequently based on inadequate background information and tend to share with trade regulation rules the fault of being mere paraphrases of vague statutory language.

The Commission's methods of checking compliance with outstanding guides, rules, assurances and advisory opinions are abysmal. Under the latter (individual) methods, compliance checks are done by requiring compliance reports, thus sharing the flaws of the cease and desist order compliance program to be discussed later in this section.

Compliance with guides and trade regulation rules is policed by broad-gauged (industry-wide) compliance surveys conducted by the smallish staff of the Bureau of Industry Guidance. The problem is that these surveys tend to be interminable and nothing is done about individual violations discovered until a survey is completed.

For example, the Commission promulgated Tire Advertising and Labeling Guides which became effective in July, 1967. Ever since, according to Mr. Thomas Egan, the (single?) FTC staffman handling it, a broad survey has been going on into the advertising claims of some 200 tire brands. Interview, August, 1968. Said Mr. Egan, "no efforts to secure compliance with these Guides will be made until the survey is complete," and he would not dare to venture a guess as to that far distant date.

Mr. Egan made this statement, surprisingly, in response to a project member's queries about a recent Firestone ad claiming that Wide Oval Tires stop "25% quicker." Mr. Egan himself had strongly suggested (although he wouldn't say it explicitly) that such an incomplete comparison is a clear violation of Section 5(b) of the Tire Advertising Guides, which reads in part "Dangling comparatives should not be used."

The FTC's inadequate handling even of its favored voluntary enforcement tools suggests that the Commission's major reason for adopting them was to enable the Commission to take *some* action in areas in which spiralling demands have made it impossible to hold the fire under the relatively more vigorous cease and desist order procedure. It probably also reflects the sort of solicitude towards business interests discovered throughout this study.

C. Inadequate Use of Formal Enforcement Tools

Even Chairman Dixon realizes that a voluntary enforcement program will not work unless backed up by some strict, binding enforcement techniques, for he stated in the 1967 Senate Appropriation Hearings: "Now the follow-through comes. If most accept this (rule or guide), but if one, two or three or four (or . . .?) do not, we must get tough here, because there is no reason to expect the majority to stay in line long if others do not comply."—1967 Senate Appropriations Hearings, p. 476.

The problem is, the Commission does not get tough with those who violate rules and guides. For example, the normal way of dealing with these violations is to ask their perpetrators to submit assurances of voluntary compliance (not even simple cease and desist orders)! Interview with Chief of Compliance Division, Bureau of Industry Guidance, July, 1968. This is completely unjustifiable, since even on the Commission's own terms one major reason for using voluntary enforcement tools is that they inform otherwise innocently ignorant businessmen about the requirements of law.

If a businessman is on notice about the law, his violation should not be dealt with as though it were essentially innocent (which is what the use of an assurance of voluntary compliance implies).

More important is the fact that the Commission's relatively powerful enforcement tools and sanctions are under-used and ill-applied. The remainder of this section will show (1) that the FTC's program of insuring compliance with outstanding cease and desist orders is grossly inadequate; (2) that the Commission makes insufficient use of its maximum enforcement powers—to seek preliminary injunctions and criminal penalties; and (3) that the Commission's explicit enforcement philosophy, exemplified by the above-named patterns of regulation, is erroneous.

The Federal Trade Commission does not have a viable program of checking compliance with cease and desist orders. To begin with, compliance checks are made only of a relatively small number of recent orders. Yet, since cease and desist orders remain valid permanently, they could provide the basis for growing enforcement effectiveness at the FTC. All that would be needed is for the Commission to decide to expand its compliance check program to cover *all* outstanding orders.

As a matter of fact, the FTC recently considered doing just this—and decided against it. In its Budget Justifications for Fiscal 1969, it states that:

"The initiation of a continuing and comprehensive survey of existing orders is *essential to the effective operation of the Commission's compliance program* (!). . .

"(But) despite the value of such a program, funds to initiate it are not being requested at this time, and it will be deferred in favor of projects considered of higher priority (!)" (Emphasis supplied)—FTC Justification of Estimates of Appropriations, Fiscal Year 1969, pp. 95–96.

The second problem with the compliance program is the method of *checking* compliance with outstanding orders, which relies exclusively on requiring respondents to file "compliance reports," reciting that their objectionable practices have been abandoned and that effective steps have been taken to preclude recurrence. Since the accuracy of reports is not independently verified by the FTC and no penalty is threatened or imposed for false reports *per se*, this policing device is so inadequate as to be a sham.

The FTC's methods of dealing with cases of non-compliance are also grossly inadequate, as revealed by analysis of available statistics and by a candid interview with Mr. Barry W. Stanley, Chief of the Division of Compliance of the Bureau of Deceptive Practices. The statutory penalty provided for non-compliance with cease and desist orders is the exaction of "civil penalties" of up to $5,000 per day, FTC Act Sec. 5(1). The Commission invokes this sanction so seldom, however, that it has negligable impact, as the following chart indicates; it also shows that most penalties exacted in the few suits that are brought are relatively small and that there is a strong trend over the last two years against bringing them in any but the textile and fur area.

TOTAL CIVIL PENALTIES, JULY 1964–JULY 1968

News release reference	Area or company	Money damages
Oct. 1, 1964	Vitasafe	$18,000
Oct. 9, 1964	Davidson Vending	5,000
Oct. 14, 1964	Time, Inc.	30,030
Feb. 23, 1965	W. B. Saunders	20,000
Apr. 5, 1965	American Candle Co.	1,500
Apr. 28, 1965	McFadden-Bartell	35,500
Nov. 4, 1965	Chun King	70,000
Dec. 14, 1965	Americana	100,000
Mar. 2, 1966	Wool	30,000
June 4, 1966	Fur	5,000
Aug 8, 1966	Wool	20,000
Do	Flammable fabrics	35,000
Dec. 16, 1966	do	10,000
Feb. 2, 1967	do	12,000
May 6, 1967	Wool	500
May 22, 1968	do	15,000
	Total (16 cases)	416,530

This record must be evaluated in the context of a large number of violations (more or less serious)—Mr. Stanley stated that "hundreds of notations each year" were detected (usually by complaints from the public or competitors) but dealt with "informally." Informal handling, he explained, means approximately, "Go and sin no more"—thus giving the commercial wolf another free bite.

The most blatant current example of this general sort of compliance activity is the much-publicized *Geritol* case, in 1967 after years of "investigation" and litigation, the FTC had ordered the manufacturer of Geritol to stop misrepresenting the product as a generally effective remedy for tiredness. In spite of this order, later affirmed by the Court of Appeals, Geritol's T.V. advertisements have changed little in emphasis, as most viewers will attest. In an unusual departure from normal procedure—based possibly on impatience with the lethargy of compliance division staff, the Commission itself recently held "a public hearing to hear oral argument to determine whether T.V. commercials for Geritol violate its order to 'cease and desist.'" FTC News Release, Oct. 29, 1968. After the hearings, the Commission issued a finding that the Geritol commercials since the order "not only *failed to comply with the order,* but . . . are no less objectionable than the commercials denounced by the Commission when it issued its original order herein." (Emphasis supplied.) FTC News Release, Dec. 13, 1968.

Having discovered a clear violation of an outstanding cease and desist order, did the Commission announce that it would seek "civil penalties" against Geritol's makers? No, it merely warned them to stop "flouting" the order and to file by Jan. 31, 1969 a report showing what steps were being taken to tone down the commercials; the Commission also threatened [sic] to take steps to assure that its orders "do not continue to be flouted by respondents" in case the report is inadequate. One may well ask what lesson other concerns under FTC orders will learn from the highly visible *Geritol* case—no doubt, that they can feel relatively free to violate those orders without fear of strict FTC response.

The administrative picture shows that the enforcement philosophy of the staff chief in charge of compliance with cease and desist orders is seriously misguided. In fact, in interview, Mr. Stanley gave the impression that he conceives of cease and desist orders merely as administrative directives: violations are not a serious matter in themselves; rather all that has to be done is to seek to secure future compliance by gentle persuasion through time.

This view is just plain wrong, for at least two reasons. For one thing, cease and desist orders represent authoritative judgments of the Commission (and often the courts) that a particular practice constitutes a violation of law. As such, they must be viewed as binding proscriptions on repetitions of the same sorts of conduct. To permit respondents to play fast and loose with such orders is to dissipate whatever authority and integrity the Commission possesses as a Governmental agency.

Even more important is the fact that cease and desist orders presently represent the FTC's most potent generally available enforcement tool. For this weapon to be at all effective, however, there must be a belief in respondents and potential respondents that violations will be severely dealt with. The permissive philosophy and practices of the compliance staff produce the opposite belief, and as a result render the Commission's overall enforcement program even more impotent than it might otherwise be.

It is difficult to avoid drawing a pessimistic conclusion from the enforcement attitudes expressed and implied by the actions of the staff leadership in the compliance division—to wit, that these personnel are overly solicitous of the interest of the businessmen at the expense of those of the consumer. This sort of attitude is found elsewhere in Commission enforcement programs, as is discussed in detail above. It suggests that changes in top staff personnel will have to be made if the Commission is to begin to perform its consumer protection tasks properly.

The second flaw in the FTC's formal enforcement program is its serious underutilization of the strongest enforcement weapons it does possess in the especially important areas of food and drug products and flammable fabrics. First, its record is abysmal as far as seeking criminal penalties is concerned: it makes use of this weapon about as frequently as it seeks civil penalties. Thus in fiscal 1967, no criminal cases were brought, one (involving the fur act!) was filed in fiscal 1966 and none in 1965. FTC Annual Reports, 1967, p. 91, 1966, p. 81, 1965, p. 63.

Second, it almost never seeks preliminary injunctions, although empowered to do so under all textile and fur acts as well as the food and drug provisions of the FTC Act.

Section 5(c) of the latter law gives the Commission an additional power analogous to that of seeking preliminary injunctions, which can be invoked when a respondent seeks court reviews of cease and desist orders, to terminate its challenged activities pending the outcome of judicial review. To our knowledge, the Commission has not invoked this power at all in the last several years.

An earlier part of this section suggests that at least one high FTC staff man (the Chief of the Division of Compliance, Bureau of Deceptive Practices) has a seriously misguided enforcement philosophy. Interviews with other Division and Bureau Chiefs reveal that this philosophy positively permeates the top echelons of the Bureaus of Deceptive Practices, Industry Guidance and Textiles and Furs. This poses a serious threat to reform within the agency, and is thus a grave matter.

Even more grave is the fact that a similar view is shared by a majority of the Commissioners themselves. This is indicated by their interview statements, and by innumerable speeches (especially those of the Chairman).

It is further expressed in the following exchange between the majority and Commissioner Elman over his recommendation that the Commission make a legislative proposal to the 90th Congress to centralize the prosecution of consumer fraud in a single federal agency (not the FTC).

Mr. Elman had been concerned with the fact that presently a particular fraud might simultaneously be susceptible to prosecution by the Justice Department, administrative proceedings by the FTC, action by the Post Office, etc. The majority, in purported response (their discussion was actually mostly beside the point), engaged in a general discussion of the relative effectiveness of criminal penalties and Commission's industry-wide and "voluntary" approaches as enforcement tools. In that discussion, the following amazing statement appears:

"One of the great advantages of the FTC's administrative responsibilities to protect the consumer is that the Commission is *not* limited to action involving 'prosecution for consumer frauds' as Commissioner Elman proposes. The needs of consumers go far beyond protection from fraud. Thus the Commission has power to investigate, hold public hearings, issue guides, prepare informational material and take other informal measures to solve a problem confronting consumers. *These powers are far more efficacious than the single power to prosecute after the problem has taken its toll of consumers* even though this power is also an essential element of law enforcement." (Emphasis supplied.) Commission Statement at 3.

This statement contains a tangled mass of misstatements, distortions and half-truths which cannot all be discussed here. What can and must be commented on is the Commission majority's apparent belief that such enforcement efforts as issuing industry guides are more effective than criminal penalties in protecting consumers.

This is simply not true. Properly viewed, the problem is one of general deterrence, that is, of keeping businessmen from perpetrating their first set of frauds. In discussing general deterrence, it is irrelevant to focus on those who have already broken the law at a specific point in time; a regulator's major concern must be to hold the line against those who have not yet broken the rules. It thus misses the point for the Commission to criticize criminal prosecutions because they always take place *after* someone has broken the law. Rather, it should focus on the extent to which such a prosecution will keep other potential violators in line.

This is best demonstrated by a hypothetical example. Assume that businessman A violates the FTC Act. In case I, he is prosecuted and convicted of consumer deception (under an as-yet unwritten amendment to the Act). In case II, the FTC tells him to stop, requiring him only to write a letter saying "I've stopped and won't do it again (= an assurance of voluntary compliance)." Now compare the likely impact of these differential ways of treating A on businessmen B, C, D, etc., who all may be considering a little consumer deception themselves. There is little doubt that the enforcement method used in case I is more effective in keeping the maximum number of businessmen in line.

It thus seems clear that since tough enforcement is much more efficient in its broad impact than a mild, voluntary approach, it is highly irresponsible of the Commission to neglect the former in favor of the latter, while at the same time complaining of inadequate resources. This is especially true since all criminal prosecutions sought by the FTC would actually be carried out by the Justice Department, thus permitting the Commission to tap some of the Justice Department's resources.

In addition to all this, the Commission majority's above statement seems to imply that FTC voluntary enforcement methods, unlike criminal prosecutions, are able to stop deceptive practices before they have a chance to harm consumers.[18] This entire report demonstrates how far such an implication would be from the truth, because of the prevalence of inadequate means of detecting violations and compliance, inordinate delays in acting and lack of publicity.

D. Failure to Enforce Promptly

In deceptive practice cases it is absolutely necessary, due to the enforcement mechanisms of the FTC, to process claims with the utmost speed. The FTC is empowered to enforce its mandate through the issuance of cease and desist orders. The cease and desist orders are not of themselves punitive measures. They are merely notices to advertisers to cease and desist from stated practices. Thus, the FTC enforces its mandate by bringing civil suit against violations of standing cease and desist orders for penalties as specified in the FTC Act. What this means is that if an advertiser engages in a given practice he is subject to FTC action through procedures which give him adequate notice of imminent punitive measures. If the process of seeking cease and desist orders and checking compliance with them is delayed for several years it becomes seriously ineffective. A cease and desist order accompanied by enforcement which takes 3 or 4 years to effect is not going to deter in the slightest a typical ad campaign which by that time has been over for two or three years. Only longstanding practices like the perennial Geritol ad are subject to effective enforcement by this method. Geritol's maker is now flouting a standing cease and desist order and is not being sued under the penalty provisions (see sections of Business Collusion and voluntary assurances).

Following is a chart revealing the average delay factor for deceptive practice cases on the docket in the first quarter of 1968. Note that these cases are minimally contested by the companies. The average number of years from investigation to complaint issuance in deceptive practice cases appears below. This figure alone is over two years. And these are not cases which involve the kind of research and preparation demanded in, say, a restraint of trade case.

DECEPTIVE PRACTICES TIME ANALYSIS

Code:
Violation 1=General.
Violation 2=Insecticide.
Violation 3=Trade mark.
Violation 4=Wool Act.
Violation 6=Fur Act.
Violation 7=Flammable Fabrics Act.
Violation 8=Insurance.
Violation 9=Sec. 12 of FTC Act.
Violation 10=Textile Act.

Time code:
A=Average in years from investigation to complaint issuance.
B=Average in years from the complaint to the start of hearings.
C=Average in years from the start of hearings to the conclusion of evidence.
D=Average in years from the conclusion of evidence to the initial decision.
Total=Average time in years from the investigation to the initial decision.

CHART INCLUDES ALL CASES IN PROCESS DURING THE FIRST 4 MONTHS OF 1968

Violation	Number	Number dismissed	A	B	C	D	Total
1	38	7	2.26	1.56	0.14	0.31	[1] 4.37
2							
3							
4							
5							
6							
7							
8							
9	5	0	3.5	1.3	.17	.33	5.20
10	1	0	4.1				
Total	[2] 38	7	2.26	1.56	.14	.31	4.37

[1] Not sum because some are in stages A, B, C, or D now.
[2] 9's and 10's are also classed as 1's.

The total delay factor averages over 4 years, and this includes only the time from the investigation to the initial decision of the Commission on the issuance of a cease and desist order. There are still further measures available to the company, and some have stretched out litigation over 20 years and more.[19] Until the end of that four year or more stretch, the company can flaunt the FTC. There is no punitive power until after the establishment of the order and very few are going to take seriously the enforcement power of the agency until actual sanctions are imminent.

Even in those areas where deceptive practices are of long standing or where companies are too small to oppose the Commission legally, there are other delay factors built into the Commission's present operation which dull enforcement effectiveness. For after the cease and desist order is established, or the consent order, etc., there is a need to check compliance. Failure to comply beyond this point should result in a civil suit by the Justice Department for statutory penalties. (See section on civil penalties, p. 48, for failure to act in this area.) But here too there are delays in the process of seeking and verifying compliance. Technically, there is a requirement that compliance reports be filed within sixty days by the company demonstrating adherence to the order. But many cases in FTC docket files indicate that long periods of time—often a year or more—elapse between the effective date of cease and desist orders and the date of acceptance of a "satisfactory" compliance report. In a substantial fraction of the cases studied, no compliance report is apparently ever filed.

One of the Commission's indirect enforcement weapons is the power to inquire and investigate. To this end, Congress has granted the Commission broader investigatory powers (See Section 6(b) of the FTC Act) than any other regulatory agency. But here, as with the direct enforcement means, delay minimizes much of this power. The reasons behind this delay are less likely to be sloth, inefficiency or bad law than the delay problems above. They are more likely to involve direct business collusion, with delay serving as a weapon to cloak an issue or problem in secrecy and to avoid action on it. The use of the excuse that something is "under study" for years and years allows the Commission to keep the matter from public scrutiny under an exemption in the Freedom of Information Act while at the same time giving the impression that something is being done or will shortly be done.

The Commission's behavior with regard to automobile advertising, drugs, auto warranties, food and gasoline games, tires, medical devices, and many other problem areas can be traced to purposeful delay to protect certain interests. Some of the delays are necessary, but a clear pattern emerges from an overall examination of the data in conjunction with other findings to be discussed in the section on personnel. There is an announcement of a study into a given area with a target date specified. This is all accompanied by great fanfare and solemn expression of concern. When the due date approaches it is quietly extended and extended again.

An investigation of the deceptive claims of analgesic companies commenced over a decade ago. Appendix 9 traces the history and disposition of the various investigations which have resulted, primarily, in four dismissed complaints after years of tests and years of still continuing deceptive ads (see FTC News Summary of 4-13-65).[20]

The deliberate suppression of the report on auto warranties (see sections on secrecy and on personnel) is another example of delay for political purposes. The report was initiated in 1965 and was only released in late 1968 because Ralph Nader acquired a copy and pre-released it at that time. No one can or would dispute that a report should be divulged to everyone only after it has been completed. But the FTC first submitted the report, confidentially, to industry interests so that they could check the accuracy of certain data without giving consumer groups (e.g. the Consumer's Union) the same opportunity, and then delayed release although the report was in fact in final form.[21] The real reason for the proposed plan for suppression lay in the contents of the report, which was highly critical of GM, Ford and Chrysler. Whether release would have eventually occurred is academic now, but there is little doubt based upon our interviews that Chairman Dixon was determined to suppress the report at least until after the election to avoid alienating Henry Ford II and other business interests who were contributing heavily to Hubert Humphrey's campaign.

The delay and secrecy manipulations with regard to Firestone, in the face of blatant deceptions, are revealed in an exchange of letters concerning two specific ad campaigns.

The first ad campaign by Firestone commenced in the fourth quarter of 1967. It was composed of massive circulation media advertisements headlined by the message: "Raymond C. Firestone Talks About the Safe Tire." The copy went on to say that "On November 10, 1967, the Federal Department of Transportation issued a new set of tire safety standards. Firestone tires already meet or exceed these new tire testing requirements and they have for some time. . . . All Firestone tires have met or exceeded the new testing requirements for years."

A request to Mr. Firestone for substantiation of this statement went unanswered. Letter from Ralph Nader to Raymond C. Firestone, January 1, 1968. Since the advertisement appeared first in most major news magazines in the latter part of 1967, the FTC must have known about it. In case its surveillance was wanting, the Commission

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Footnotes at end of speech.

was notified and a request was made of the Commission to obtain substantiating data from Firestone. Letter from Ralph Nader to Mr. Paul Rand Dixon, February 13, 1968. The argument was made that any company soliciting a customer's trust with such safety claims ought to be ready to back these claims up, especially since a reference to surpassing a specific government standard of safety increases the credibility of the claim. Refusal to produce documentation make such an ad presumptively deceptive. In reply the FTC asked the writer for information showing the ad to be deceptive, instead of using its unique legal powers to obtain substantiation directly from Firestone. Letter from Mr. Paul Rand Dixon to Ralph Nader, February 19, 1968. This is a typical illustration of passivity by the Commission when it is asked to confront a large corporation. Chairman Dixon did say that the Commission had opened an investigational file, but not an inquiry under Sec. 68; the question of an inquiry could not be decided "until an investigation is completed," according to Mr. Dixon. Letter from Mr. Paul Rand Dixon to Ralph Nader, March 26, 1968. An investigational file is automatically opened on receiving a letter of complaint—a classification that permits all such materials to be confidential under the FTC's interpretation of the Freedom of Information Act. The nominalism here is shown conclusively by the total lack of interest by the Commission in pursuing three highly promising avenues: (a) a large number of complaints, regarding Wide Oval Tires, in the possession of Senator Gaylord Nelson; (b) failure of tests by Firestone tires conducted by Electrical Testing Laboratories for the National Bureau of Standards in January 1966; and (c) disclosure that the National Highway Safety Bureau had received results of its safety testing program that showed 8 Firestone tires failing one or more federal safety standards. (New York Times, November 30, 1968). Although knowing of these developments, the FTC *did not even make an inquiry* of any of these sources. The investigation was a fraud.

The second Firestone advertising campaign of deception also began in 1967 and continues to the present time. The ad touts the Wide Oval tire by saying that it "grips better. Starts faster. Corners easier. Runs cooler. Stops 25% quicker." [22] This is a deceptive advertising practice *per se* according to S 5(b) of the FTC's own Tire Advertising Guides, discussed on p. 45.

No investigation is necessary; no substantial allocation of time or funds are required. These ads comprise a national campaign on the part of a very large tire manufacturer via the mass media. The deception is serious, simple and clearly communicated to millions of readers and is effective in inducing purchases of this type of tire. The Commission, therefore, did nothing.

In August, the Commission was urged to act, however belatedly, against this deceptive advertising. Letter from Ralph Nader to Chairman Paul Rand Dixon, August 6, 1968. On August 15, 1968, Chairman Paul Rand Dixon replied that the matter "is receiving consideration You may be assured that such action as may be found warranted by the facts will be taken in the public interest." Letter from Chairman Paul Rand Dixon to Ralph Nader, August 15, 1968. On September 20, 1968, Mr. Nader wrote to Chairman Dixon notifying him that a Ford Motor Co. representative had told the National Highway Safety Bureau (recorded in a transcript) that "The braking capability of the Wide Oval Tire is no greater than that of the standard tire."

Despite years of investigations and industry guides, stretching back to 1936 and extending up to 1966, the Chairman's response to a literal and specified violation is to refer to yet another investigation, thereby excusing the concealment of Firestone's answer to a legitimate citizen inquiry.

It is common to discover that a still pending investigation was used five or six years *ago* to justify inaction then. For instance, there is much activity now about food and gas station gimmick games. They are rather commonly deceptive in several respects, and there are often restraint of trade questions involved as well. Pressure has been building up recently and earlier this year, Rufus Wilson, Chief of the Division of General Trade Restraints, found it necessary to make the standard cooing about another investigation of promotional games in the food and oil industries. Rufus Wilson, memo. on non-agenda matter (Petroleum Report), Feb. 20, 1968. Now, in December, 1968, it appears that a staff report on this subject will finally be made public—a member of the press having secured a copy and reported on it. *Advertising Age,* Dec. 30, 1968, p. 1.

That article reports that the Commission is also finally considering promulgating a trade regulation rule covering these games. Of course, this means it will hold additional hearings, delaying regulation for another substantial period of time. But this is not the first time this has happened. Back in 1963 Joseph Shea, Secretary to the Commission, wrote with regard to file No. 643 7007:

"By letter to William J. Jeffrey, President, Merchandising Marketeers, dated Nov. 15, 1963, the Commission granted an advisory opinion concerning a retail food promotion scheme.

" 'This is to advise that the advisory opinion is rescinded. This course is required in the public interest because the subject matter of that advisory opinion is *currently under investigation* by the Commission.' "

The Federal Trade Commission has always considered lottery type inducements, particularly when deception was involved, as violative of the deceptive practice laws. Michael J. Vitale, Chief of the Division of General Practices of the Bureau of Deceptive Practices has written ". . . the element of consideration need not be present in order for a scheme to be illegal." "The Commission found it sufficient to establish the illegality of the scheme that (the participant's) return would vary greatly with his willingness to take a chance." [23] How then does the Commission rationalize the need to launch continuous and never-ending investigations when the only meaningful obstacle to enforcement (the legal argument that consideration is lacking or that people have to pay directly for a chance) is not at issue? Perhaps the answer can be found in the size of the companies involved in these deceptions. Some of the corporations deceiving via this means include Texas and Esso Oil and large supermarket chains.

Not only have investigations been launched in 1963 and 1968, but when pressure continued to mount from complaining consumers after the 1963 effort faded into an empty void, another investigation was launched in 1966 to fill the gap. (See FTC News Release of Oct. 29, 1966.) In 1967 the Bureau of Economics requested and received authority to use S. 6(b) subpoena power to gather information from the game operations. In March of 1968 the Bureau issued a *preliminary* report which in itself contains enough information to bring immediate action against a dozen game operators.

For quite apart from the fact that almost all the games seem to be deceptive, there are specific games which are patently deceptive even given the legality of any and all gambling. The big promotion "Let's Go to the Races" is a typical example. Quoting from a consumer's letter in the Bureau of Economics as yet unreleased report of March 1968: ". . . which is broadcast over television through all States and in our opinion is a rigged and deception scheme in which the main factor of success exclusively depends upon creation of atmosphere of a false illusion . . . 'Let's Go to the Races' were filmed long time ago in Sunshine Race Track in Florida (which is not even now in existence) . . . Public is unaware also that on tickets which they are getting, the winning horses were already prearranged by the promoters with a chance to win five dollars being about 2,000 to 1." [24]

The facts in this letter have been substantiated through the investigation of this group and the report contains literally hundreds of complaining letters which outline blatant and fraudulent deceptions in nearly every part of the country.

A final note is that Congress has helped the Commission to investigate this problem—Rep. Dingell has held hearings on the use of gasoline promotional games, and in the agency's possible forthcoming staff report, most of this discussion of these games (as opposed to retail grocery store promotions) is based not on FTC data but on Rep. Dingell's hearings. *Advertising Age,* Dec. 30, 1968, p. 8, col. 1.

The story behind the issuance just this year of the FTC report on the misgrading of softwood lumber is yet another indication of the typical delay factors. The Commission admits in its introduction:

"The question of possible misgrading of softwood lumber has confronted the Commission almost continuously since July of 1962. On March 13–15, 1967 (emphasis added), a hearing was held on the subject before the full Commission." *FTC Report on Misgrading of Softwood Lumber,* May 6, 1968, p. 1.

The report here referred to details the administrative history and is a revealing picture of the profound and endless paper shuffling which must precede even the most elementary reports:

"See File No. 632 3104, opened July 24, 1962. This matter led to the establishment of a general file, File No. 652 3319 captioned 'Lumber Grading Agencies and Distributors, Unnamed,' investigations under which resulted in the establishment of two additional files (File Nos. 662 3151 and 662 3154). On October 12, 1966, the Commission approved a proposal by the Bureaus of Industry Guidance and Deceptive Practices to hold a hearing . . ." *Id.* p. 50.

The extensive delays occurring during "investigations" in the matters discussed above involve the Commission's so-called "voluntary" and "industry-wide" enforcement tools (advisory opinions, industry guides, trade regulation rules). Taken together, they indicate that these methods of handling violations are not more effective than the traditional "formal" approach by cease and desist orders. In fact, they may be worse, since the fact of asserted violation is at least made *public* (by issuance of a complaint or consent agreement) when the cease and desist order track is chosen.

4. Failure to seek effective resources and authority

A. The Need

During the last decade, the Federal Trade Commission has done too little too late to improve its enforcement capacity. This section documents its relative failure to seek adequate funds and manpower as well as statutory authority—to carry out its "deceptive practices" enforcement role successfully.

There is little doubt that the Commission needs to multiply its staff and budget many times in order to enforce its consumer-protection statutes adequately. There should be no need to demonstrate, for example, that an agency devoting perhaps half [25] of its total of 1200 staff members and annual budget of a little more than $14,000,000 to consumer protection cannot hope to adequately police the merchandising activities of hundreds of thousands of United States businesses. To take a relatively trivial example, Charles A. Sweeny, until his recent death Program Re-

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Footnotes at end of speech.

view Officer at the FTC, said in an interview that home improvement frauds alone are so widespread that to stop them the FTC would have to spend an amount equal to its *entire* present "deceptive-practices" budget.

Another random statistic which is suggestive of the magnitude of consumer problems is the following figure relating to the incidence of mail fraud in the United States. Speaking at a Seminar on Consumer Protection sponsored by the Los Angeles Federal Executive Board, 17–19 October 1967, p. 58, Mr. C. J. Lerable, a postal inspector from Hollywood stated that "in 1966 the Postal Inspectors conducted investigations which led to 13,000 arrests . . ." (emphasis supplied)

B. Failure To Seek Adequate Manpower and Money

The FTC has failed in two respects to gain the leverage on Congress that would enable it to acquire additional powers and to acquire needed manpower. The first failure is self evident from the findings presented in this report. The FTC has not performed in such a way as to justify a further investment. Too much is likely to be wasted in misplaced priority determinations, and in ineffective enforcement procedures. The second failure is in the FTC's failure to crusade directly with the requisite imagination and vigor for expanded authority and appropriations. The fact that the Commission is quite content to let itself slowly whither into meaningless pontifications, with an occasional grandstand play, is revealed through the appropriations requested over the past decade and through the hearings incident to these requests.

For example, in the 1965 Senate Appropriations Hearings for the FTC, Chairman Dixon analysed the Agency's requests for budget increases as follows:

"This calls for an increase of $1,055,250 over the 1964 appropriations, but more than 80% of this increase will be required by costs over which our agency has only limited control—including $250,000 for a half-year cost of the January 5, 1964 pay raise . . ." 1965 Senate Appropriations Hearings, p. 388.

In other words, although the FTC requested new funds, they were not funds to be applied to expanded enforcement.

Likewise, the Commission's request for 27 new personnel that year did not imply imminent general expansion of consumer-protection—since 25 of the 27 were for the relatively unimportant Bureau of Textiles and Furs. *Id.*

When Senator Magnuson asked Chairman Dixon whether he could get along in the other bureaus without additional manpower, the Chairman replied:

"Well, we would be in the same position we are in on anti-trust, and our workload increases, and we know all we can do is promise we will do the best we can." *Id.*, p. 415.

(Of course, such posturing is not all that the FTC can do—see Recommendations).

The Chairman's passive attitude is consistent. In the 1967 Senate Appropriations Hearings he stated heroically that—

"Although fiscal 1967 is certain to confront the Federal Trade Commission with the heaviest workload in its history, the Commission is determined to tackle it with no increase in staff. . . . Not only are we not asking for additional personnel but we will be required to absorb $80,000 for mandatory within-grade promotions." 1967 Senate Appropriations Hearings, p. 474.

And in 1968, more than one-third of the Agency's requested budget increases was for 26 new employees to carry out new enforcement duties under the Fair Packaging Act (1968 Senate Appropriations Hearings, p. 419), meaning no addition to important existing programs.

It is also necessary to take into account an additional factor when measuring the significance of the FTC requests. A large increase in personnel, say 6% or so every year, would just keep the FTC *even* relative to the GNP, even assuming no new enforcement duties. Actual increases do not even match this low standard, as the following chart illustrates.

Year	Actual appropriation	Actual personnel	Approximate personnel necessary to keep even with GNP (from 1962)[1]
1962	$10,345,000	1,126	
1963	11,472,500	1,178	1,281
1964	12,214,000	1,144	1,351
1965	13,459,107	1,175	1,426
1966	13,500,000	1,145	1,506
1967	14,403,000	1,170	1,581
1968	15,281,000	1,230	1,671

[1] Note that other indexes of appropriate FTC growth, including the merger incidence rate, the growth of advertising, and the receipt of applications from the public for complaint generally far outstrip the GNP in expansion over this 6-year period.

C. Failure To Seek Adequate Legislative Authority

The preceding discussion to some extent foreshadows the final FTC failure discovered in our project: that it has done much too little to seek the expanded statutory powers necessary to run a proper enforcement program in the contemporary economy.

Two basic additional enforcement powers seem to be needed—the power to seek criminal penalties for certain violations and to seek preliminary injunctions in appropriate cases. The former is required because it is necessary to compel widespread compliance with the FTC's consumer-protection statutes. In other words, the threat of criminal penalties multiplies the efficiency of an enforcement agency by what is known in criminal law theory as general deterrence. There are some problems in applying criminal statutes effectively to corporate behavior, but these are not insuperable (for example, a duty can be imposed on corporate officers to learn of and control the activities of their employees). In any case, the level of need is so great, as to require this *sine qua non* of effective enforcement. In fact, the more limited an enforcement agency's resources are, the stronger the argument for criminal penalties, since these produce maximum general deterrence, that is, are the most effective in inducing the greatest number of potential law violators to behave. (This is especially true of highly rational entities like corporations.)

It is particularly important to apply criminal sanctions to dishonest corporate behavior, for it is far more damaging in contemporary America than all the depredations of street crime. Law and order must not stop at the doorstep of these massive and influential institutions.

The fact is, however, that the Commission has failed to press Congress vigorously for broader powers to seek the imposition of criminal penalties for violations of the deceptive practices language of the FTC Act. In fact, the Chairman has recently gone on record specifically as *opposing* such powers, according to testimony given this year on a Senate consumer deception bill sponsored by Senator Magnuson.

The Commission also requires the power to seek preliminary injunctions in appropriate cases. This power is necessary to a respectable enforcement program for two reasons. First, and most important, it is the *only* available means of protecting the interests of the consuming public pending the disposition of a case—which, as will be seen, is likely to be a lengthy affair. Preliminary injunctions, which would be sought in cases in which violations of the FTC Act were relatively blatant, would operate to require any respondent charged with such violations to *terminate* the objectionable practices pending disposition of the case.

The second reason for preliminary injunction power involves delay itself: it is reasonable to assume that fewer respondents will "waste" commission resources by litigational delaying tactics where their major incentive to delay (continued lucrative returns from a challenged practice) is cut off by injunction. Thus, the net effect of a properly administered preliminary injunction power will be to decrease some of the extreme delays of the FTC's present enforcement procedure and at the same time to decrease the Commission's expenses in connection therewith.

Once again, over the last seven years, the Commission has done little to expand its preliminary injunction powers. Its "Legislative Proposals" (published each year in the agency's Annual Report) including no reference at all to such powers in 1961 or 1962, 1963, 1964, 1965 or 1966.[26] Only in 1967, with the winds of consumerism blowing hard, and with goading by the Senate Commerce Committee does the Commission propose legislation which would empower them to "bring suit . . . to enjoin . . . acts or practices [which violate "any law administered by the Commission"]. 1967 Annual Report 75 (Legis. Proposal # 3.) This proposal, and a similar proposal (# 6) of its 1968 Legislative Proposals (FTC, Proposed Legislative Program for the First Session of the 91st Congress, 7) parallel a bill, S. 3065 ("Deceptive Sales Act") introduced by Senator Magnuson in the 90th Congress which would amend the FTC Act to provide power to seek temporary injunctions against the dissemination in commerce of any act or practice which is unfair or deceptive to *consumers*. In other words the FTC was not the moving force behind this legislation. It merely stepped into line where someone else had taken the lead.

The FTC consistently plays the same weak role in pressing for legislation and this is an additional serious flaw in its performace of its duties. To show the inadequacy of the Commission's legislative record over the past seven years, it is sufficient to list the few legislative proposals it *has* made. Additional proof is provided by the infrequency with which Congress has acted on the agency's proposals. The following chart provides this information.

FTC legislative proposals, 1961–68

A. Number of proposals made by year: 1961, 4(2); 1962, 2(1); 1963, 3(1); 1964, 4(1); 1965, 4(1); 1966, 4(1); 1967, 5(3); 1968, 4(4).[27] [28]

B. Nature of Deceptive Practice Proposals and Action Thereon:

Brief description of proposed legislation	Year(s) in which made	Legislation enacted?
1. To empower FTC to issue temporary cease and desist orders (or "temporary restraining orders").	1961, 1962, and 1963	No.
2. To provide for certain disclosures in prescription-drug advertising	1961	No (?)
3. To include flammable blankets within Flammable Fabrics Act[1]	1964, 1965, and 1966	Yes.
4. To empower the FTC to seek preliminary injunctions in case of violation of any law administered by the Commission.	1967, and 1968	No.
5. To provide criminal penalties for violation of FTC Act by "hard core" rackets (later repudiated in testimony by chairman and not recommended in 1968).	1967	No.
6. To amend Cigarette Labeling Act in various ways (including in 1967 a recommendation to ban all cigarette advertising).	1967, and 1968	
7. To support the "Truth in Lending Bill"	1967	Yes.
8. To amend McCarran Insurance Act to give FTC broader jurisdiction over the insurance industry.	1968	
9. To support "cooling off period" legislation covering door-to-door sales	1968	

[1] The Commission itself had earlier interpreted this act not to cover blankets. See discussion below on this incident in the context of interest-group pressure on the agency.

Footnotes at end of speech.

Given the FTC's mandate and massive statutory power to gather information on consumer problems, its petty legislative record is inexcusable. It tends to emphasize minor matters (thus, a recurrent proposal in the middle 60's was to amend the Wool Products Labeling Act to cover productions made from reclaimed wool, e.g., 1966 Annual Report at 43) and to ignore or take no stand on recurrent, pressing problems. Thus, in 1967, the Commission refused to follow Commissioner Elman who would have recommended legislation to deal with problems of drug brands and prices, product warranties, consumer representation and hazardous household products. Separate Statement of Commissioner Elman, 1–5. The Commissioners' reasons for refusing to adopt Commissioner Elman's suggestions were varied, but prominent was one which mimics (probably expresses) top staff excuses for constantly deferred enforcement action (See section on delay)—the claim that much more time is needed to investigate these problems thoroughly. Said the Commissioners of Elman's suggestions:

(1) On drug legislation:

"The Commission is aware that the problems of drug pricing are currently under consideration by Congress. . . . The Commission has not had any opportunity to study the question[s]. . . .

"The Commission cannot at this time reasonably propose to Congress the adoption of legislation on the subjects . . . without accompanying such proposals with careful memorandum analyzing in depth the need for such measures . . . ." Statement by the Commission on its Legislative Proposals 1. (hereinafter "Commission Statement".)

(2) On statutory product warranties:

"The Commission has not included a proposal for legislation on the question of statutory warranties since it is of the view that a specific legislative proposal cannot and should not be put forward until the feasibility of such a statute has been thoroughly considered, . . . The Commission does not have the kind of precise information as to the dimension [sic] of the problem which it needs in order to propose solutions, legislative or otherwise." *Id.* at 2.

Now, in these two cases it is obvious that the Commission's excuses are more transparent than usual, for the Commission *has* been studying these questions! It has had various problems of the drug industry under investigation (at the insistence of Congress) since as early as 1960, as disclosed by Appropriations Hearings, for example, House Independent Office Appropriations, 1960, pp. 301–2; 1963 *Id.* at 956. And as for warranties, at least as far as automobiles are concerned (by far the most significant problem area at the moment), the Commission has been carrying on an investigation since 1965 (FTC News Summary, 1965) and has just issued a 250 page staff report on this problem. While more "precise information" *may* be needed, the Commission's position seems rather disingenuous, to say the least.

(3) Hazardous Household Products:

"On May 31, 1967, the Commission . . . directed its staff to undertake an investigation of electric shock hazards in household electric appliances . . .

"On October 3, 1967 the Commission . . . directed the staff to complete its overall investigation . . . and to report its recommendations to the Commission.

"It would be irresponsible for the Commission, therefore, at this time to make any recommendations. . . .

"The Commission['s] . . . own studies have not yet been completed."

Here, the Commission writing in mid-1968, is obviously right to say that it cannot propose legislation, but it must take responsibility for the failure of its staff promptly to complete important investigations (dangerous electric shocks). This sort of rationalization for Commission non-action, which is a frequent occurrence, is particularly objectionable for it constitutes an attempt to rationalize later failure to act on the basis of *earlier* failures—a sort of puling oneself down by one's own shirt-tails.

TECHNIQUES OF MASKING FAILURE

I. Commission misrepresentations

Given what the project has discovered about dimensions of the Federal Trade Commission's failures, the question arises how the agency has been able to maintain a relatively good public reputation for so long.

The success of the FTC in the obfuscation of its failures can be traced to three factors: (1) the great energy devoted to public relations activity, (2) the use of secrecy, (3) the collusive relations of the FTC with the business and government forces capable of challenge or inquiry.

That a continual torrent of false and misleading public relations emanates from the Commission is a theme which runs throughout the study. This output extends from false claims about detection efficacy, and gross deception about priority policies to misleading statistics about enforcement effectiveness. It is disseminated through various channels, including the numerous speeches made by the Chairman, his testimony at appropriation hearings before Congress (and the budget justifications submitted in connection therewith), Annual Reports, News Summaries and News Releases, and special reports.

The standard devices include declaring all potential problem areas "under study" for years, taking action against a few easy and visible targets in a given problem area, making overly optimistic estimates or "projections" of work to be accomplished in the future, the creation and removal of differing categories of statistical analysis as the need for an improving image requires, and the failure, with certain exceptions, to face facts which might call attention to what is happening in ghetto America or in the advertising offices of corporate giants.

The Annual Reports are a prime example. They outline a glib little world which simply does not exist, discussing certain (generally unimportant) problems which are impliedly the only ones extant, and listing the countermeasures taken to deal with them. They are filled with colorful, and mostly meaningless, pictures and charts, such as a picture of the Better Business Bureau of Orange County (see 1967 Report, p. 69), or a chart from the *Pit and Quarry Handbook* showing "Capacity Concentration in the Portland Cement Industry, 1950 and 1964" (see 1966 Report, p. 49). The 1967 Annual Report devoted 25 pages to printing a list of ancient (mainly pre-World War Two) FTC investigations, but only four pages to consumer deception.

The image put forward by the Commission, and many other facts of its operation, is systematically false. It is, as one official put it, "all puff." The Annual Reports, and indeed all FTC public relations, gloat over the murmuring of such noble phrases as:

"In selecting matters for attention, a high priority is accorded those matters which relate to the basic necessities of life, and to situations in which the impact of false and misleading advertising, or other unfair and deceptive practices, falls with cruelest impact upon those least able to survive the consequences—the elderly and the poor." 1967 FTC Annual Report, p. 17.

And we are assured by the Chairman's testimony in the hearings of the Senate Subcommittee of Independent Offices for 1967 that "with our limited staff I can say to you that we are paying more attention to perhaps the 200 largest corporations in America that control in our basic economy a substantial share of the sales in the various industries." The absurdity of these representations should be clear from the sections above on priorities.

Another misrepresentation involves the FTC compliance monitoring program for advertisements. In a 1962 Advertising Alert (No. 2, Feb. 13, 1962) the FTC states that "The review of written continuities is supplemented by some direct monitoring of broadcasts . . . Attorneys determine whether the Commission Orders to Cease and Desist, and Stipulations, are being violated. Other commercials are analyzed to determine the effectiveness of Trade Practice Rules and the Guides program." The discussion of detection and compliance above reveal the falsity of these representations.

In a typical speech before the Division of Food, Drug and Cosmetic Law of the ABA ("Guidance and Enforcement," Before Division of Food, Drug and Cosmetic Law of the American Bar Association, Montreal, Canada, Aug. 10, 1966, p. 7), Chairman Dixon outlines a rather simplistic picture of the theoretical advantages of the FTC's voluntary enforcement measures. He categorically states that "the Federal Trade Commission has faced up to the realities of its law enforcement job to an extent unprecedented in its 51 years of existence." The Chairman probably knows how ironically true his statement is: The new precedent is not one of dizzy heights but of abysmal depths. The voluntary measures have failed entirely because of a number of fallacious calculations previously discussed in this report, and the formal enforcement measures are declining in number. In addition, the Commission has made more specific claims concerning, for example, its quick dispatch of cases in contrast to the findings herein (see section on delay).

Another representation made by the FTC through Chairman Dixon is its adherance to the principles behind the recent Freedom of Information Act. In a recent letter Chairman Dixon quoted from President Johnson's statement upon signing the Freedom of Information Act on July 4, 1966:

"This legislation springs from one of our most essential principles. A democracy works best when the people have all the information that the security of the Nation permits. No one should be able to pull curtains of secrecy around decisions which can be revealed without injury to the public interest." Letter from Mr. Dixon to Ralph Nader, Sept. 27, 1968.

These sentiments, however, do not seem altogether consistent with subsequent (and prior) FTC behavior, or even with the FTC regulations adopted under the Act. The Moss Congressional Subcommittee on Foreign Operations and Government Information findings, referred to in the section on secrecy as well as other materials contained therein, reveal the hypocrisy of the Commission.

The final misrepresentation indulged in by the Commission through its Chairman concerns the characterization of the Nation's modest organized consumer protection groups and interests. Mr. Dixon loves to view them as wild-eyed zealots threatening the values of federalism and free enterprise. Meanwhile, he sees himself as the chief protector against their nefarious schemes for government control and tyranny.

After listening to one of Mr. Dixon's speeches to a trade association, Sidney Margolius, a respected author and columnist on consumer subjects and a member of the President's National Commission for Product Safety, wrote the following letter which indicates the tenor of the Chairman's attitude toward the groups which should be its allies:

APRIL 5, 1966.

MR. PAUL RAND DIXON,
Federal Trade Commission,
Washington, D.C.

DEAR MR. DIXON: I am dismayed by the speech you gave before the Kansas City Ad Club. I am concerned about your effort to minimize high pressure selling, and to refer to people seeking legal protection against abuses in the marketplace as "zealots", and your claim that it is only a few businessmen who engage in high pressure methods.

In my experience as a reporter on consumer affairs, I don't think it is just the fringe who charge higher prices than necessary and are responsible for many of our problems. In the credit field, very often the high pressure credit sellers are financed by big respectable banks and finance companies. Nor is it the fringe sellers who are charging 18 to 22 percent for revolving credit accounts, and fighting fiercely against the true-interest bill. It is the biggest retailers in the country.

As for deceptive and exaggerated packaging, some of it is practiced by some of the most "reputable" big companies in the country, whatever your word "reputable" means or is worth.

In case you have forgotten your own experience, it is the biggest and best known drug manufacturers who are forcing the public to pay many times the manufacturing cost for vital medicines, and still are despite the Kefauver Drug Amendments. And it is practically all the drug manufacturers, isn't it? Not just a few? And what about the tire jungle? Are all the exaggerated claims and deceptive qualities, etc., just a few manufacturers, or is it practically all the "reputable" ones?

When you speak of "zealots" seeking legislation, do you include Senators Kefauver, Hart, Douglas, Neuberger, Nelson and the dozens of other fine Congressmen trying to help the consumer? Or about whom are you speaking?

I could go on, about whether it's "few" as you maintain, or many. But it seems to me that you could have made your points about "self restraint" without exaggerating about "zealots" for more and bigger government trumpeting the misdeeds of the few as an argument for more central authority".

Sincerely,

SIDNEY MARGOLIUS.

But it is the ghetto dweller whose home has just been lost to a fraudulent aluminum siding swindle who knows what real tyranny is. And it is the American housewife exploited by games, gimmicks and deception who is in need of protection.

The Chairman cannot honestly believe that economic forces are incapable of tyranny, and he undoubtedly realizes that government is the consumer's only viable resort for redress or for relief. Further, it is hard to believe that he is not aware, despite indications to the contrary, that the chief responsibility for these crimes must ultimately be placed on big business, not on the occasional fly-by-night operation attended to by the FTC and the Better Business Bureaus. Drugs, fake promotional games, automobiles, buses, oil depletion allowances and special tax privileges, pollution, pipelines, radiation, contaminated meat and fish, false packaging, dishonest lending practices and many other crucial problem areas of the recent past and of the present involve primarily big corporations.

A more accurate description of the Chairman's motivation is that it is a form of indolence. It is simply easier to ride with the tides of power and to dismiss those who question or suggest action, than to take action against the economic forces so well represented in Washington, D.C. (see section on collusion).

2. *Secrecy*

The members of the FTC investigatory team had a three month opportunity to observe at first hand the operation of the Commission's information policies. They were dealt with as members of the general public—not as litigants, businessmen, members of Congress or representatives of the White House. This section will demonstrate that where such "average citizens" seek information relevant to consumer problems and/or FTC performance of it regulatory duties, the normal agency response is either total secrecy or subtle forms of minimal disclosure.

To begin with, the FTC's official policy regarding confidentiality, set forth in its Rules of Procedure, is in blatant conflict with the recently passed Freedom of Information Act (hereinafter FOI Act). That statute, as members of the press well know, constitutes a clear Congressional command to federal regulatory agencies to disclose to the public *all* but a limited number of kinds of information.[29] Or, as stated in *The Freedom of Information Act, Compilation and Analysis of Departmental Regulations Implementing 5 U.S.C. 552*, 90th Congress, 2nd Session, Committee on Govt. Operations, 1–2 (1968) (hereinafter cited as *Analysis*).

"Through the act the Congress has adopted a philosophy that '*any person*' should have clear access to agency records without having to state a reason for wanting the information . . . the burden of proving withholding to be necessary is placed on the Government agency." (emphasis supplied).

The FOI Act requires all affected agencies to publish in the *Federal Register* regulations implementing the new act and its policy—spelling out each agency's organizational structure and procedures, including specific procedures by which persons can gain access to information.

The *Analysis* evaluates the implementing regulations of the various agencies required to publish them, focusing on "the degree to which they implement the law in accordance with the intent of the Congress." (Analysis 2). It concluded that—

"Most [agencies'] regulations . . . meet the letter and spirit of the law. A few, however, contain languauge showing that arrogant public-information policies still endure in agencies." (Analysis 4).

It found that the FTC regulations are among the latter—and that the agency has given no indication that it is in the process of revising the regulations. Says the *Analysis:*

"In a section entitled 'Released Confidential Information,' the FTC flouts the law by resurrecting from the prior law[30] the phrase 'for good cause shown.' It directs that the requester state in writing and under oath the nature of his interest and the purpose for which the information will be used if the application is granted. The section concludes: 'Upon receipt of such an application the Commission will take action thereon, having due regard to statutory restrictions, its rules and the public interest.' The FTC obviously fails to recognize that the [FOI] act specifically provides that persons requesting information no longer are required to state why they want it. Any information not falling under any of the law's nine categories of exemptions is deemed public information and is to be released without qualification."

This official opinion is supported by the views of competent individuals in the private sector. For example, Mr. Sam Archibald of the Missouri School of Journalism, who has done his own survey of agency regulations under the FOI Act, says those of the FTC are the worst.

Because of their complexity, the Commission's information policies and practices will be analysed in sections.

(a) Public documents. Sec. 4.9 of the Commission's Rules of Practice designates specific documents as "public.", including annual report, descriptions of FTC organization, etc., cease and desist orders, industry guides, "*texts or digests* of *selected* advisory opinions" (emphasis supplied), rules, reports of FTC decisions in adjudicative proceedings (including "initial decisions" of hearing examiners) a record of votes of Commission members on every proceeding, pleadings, motions, orders, transcripts of hearings, exhibits, etc., in adjudicative and court proceedings, *published* staff and Commission reports, agreements containing consent cease and desist orders, news releases, copies of laws, *approved* compliance reports and assurances of voluntary compliance (except where, upon an application showing proper justification, the party filing a compliance report or assurance may have granted his request that it be classified as confidential).

The project found several of the above categories of documents to be less public in practice than on paper. Advisory opinions are never printed in full text, for example. Only digests are made public, with no identifying details or background information. This policy is objectionable, for it precludes effective public criticism of important Commission decisions for under the agency's rules, Sec. 1.3, Advisory Opinions are binding on the Commission until revoked. The Commission keeps secret the identity of applicants for advisory opinions because, it says, guaranteed confidentiality is necessary to "attract" businessmen into the program. Now, there are several responses to this. One is that government must not be allowed to engage in secret lawmaking, especially where, as here, it is possible to take financial or political advantage of secret dealings. And to compound the problem, secrecy prevents members of the public who might seek revocation of an advisory opinion because of its background, contents or lack of compliance there-with from knowing about it. This is particularly serious since the checking on such matters. See section on compliance.

Another response is that no evidence exists that businessmen would make less use of this program if the secrecy were removed. In fact the available evidence points the other way: in the last couple of years, the contents of consent cease and desist orders have for the first time been made public; yet, according to staff interviews, this change in policy had no discernible adverse effect on the number of businessmen electing to proceed by this route. In any case, relatively few advisory opinions[31] are sought by businessmen, and this is for a reason which has nothing to do with secrecy. According to interviews with lawyers who deal frequently with the FTC, most businessmen avoid seeking advisory opinions mainly because they know that the Commission is likely to advise them conservatively.

The FTC frequently explains its reasons for refusing to divulge the identity of and information about applicants in terms of protecting trade secrets, etc. If this were really the case then information should be withheld *only* in cases in which individual business entities seek advice, not where industry-wide trade associations apply for opinions—since presumably trade associations, generally interested in self-regulation, have little need to keep information secret. Project requests, however, for access to full texts of advisory opinions given to trade associations were consistently denied, except that one opinion—given to the National Association of Retail Druggists—was finally made available to us, but only "because we [the Commission] have been informed that the requesting party published [the opinion] in its Journal at the time of issuance." (Letter from Chairman Dixon to John Schulz, October 25, 1968).[32]

The fate of that opinion is instructive of an additional disadvantage of advisory opinion secrecy. Not only was it published in a trade journal, as the Commission stated, but the attorney who obtained it—former FTC Chairman Earl Kintner—shared in the publicity. This experience suggests that FTC advisory opinion secrecy permits recipient attorneys to publicize them selectively as they choose, thus in effect marketing their dealings with government.

Finally, if protection of trade secrets is a central concern of advisory opinion con-

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Footnotes at end of speech.

fidentiality, there should be some sort of statute of limitations on secrecy. There is none, as we were informed by staff in the Division of Advisory Opinions as well as by Washington, D.C.

Assurances of voluntary compliance and compliance reports, while generally available to the public in some sense of the word (we were assured by staff interviewed that very few of these documents are held confidential), in fact provide minimal disclosure of information. The agency achieves minimal disclosure-in-fact of these documents in two ways. First, the only text it permits to be made public is extremely general and conclusory—public assurances of voluntary compliance and compliance reports both contain only language like "X.Y.Z. has ceased to carry on its business in the manner disapproved of and will not do so again." All *detailed* communications from challenged businessmen—the real meat of such cases—are held absolutely confidential (we requested and were refused them by everyone up to and including the Chairman). Second, to say that these texts are made "public" is to stretch the word: a single copy of each is placed in ring-binders in the docket room of the agency's central office building in the Chairman himself.

But no copies are made or distributed to anyone and no news releases on them are issued.[33] In other words, there is little likelihood that the public will ever learn of a businessman's transgression. The handling of these records provides an example of partial secrecy at the FTC. As such, it permits the agency to proclaim (when challenged) that such information is public while effectively keeping it from the general public.

Other examples of partial secrecy at the FTC include consent orders and news releases. Proposed consent orders are made "public" without publicity—a single copy is placed at the central office; they remain public for thirty days. As for News Releases, even where they are issued about deceptive practice cases, for example, they are typically so laced with opaque legalisms that (even in the opinion of members of the trade press in Washington D.C.) it is difficult to extract any usable information from them. If reporters trained in the field can't get the message, how can consumers?

A final example of limited publicity is the Commission's handling of the transcripts of such important "public hearings" as those held earlier this fall on consumer protection. The normal practice (which will be followed in this case too, according to Chairman Dixon) is for the Commission to purchase *one* copy of a hearing transcript and place it in the Docket Room of its central office in Washington D.C.[34] Of course, any interested (affluent) citizen can purchase his own copy of any hearing transcript from Ward & Paul, stenographers, at only 50¢ a page.

(b) Confidential Information, § 4.10 specifies certain rather broad categories of matters specifically deemed confidential by the Commission. These categories are roughly those defined as exemptions in the FOI Act, thus—

"§ 4.11 Confidential Information

"(a) The records of the Commission which are exempt from availability for public inspection . . . include

"(1) Records related solely to the internal personnel rules and practices of the Commission

"(2) Trade secrets and names of customers and commercial or financial information obtained from any person which is customarily privileged or which is expressly received by the Commission in confidence, including . . . reports of compliance and assurances of voluntary compliance classified as confidential pursuant to § 4.9(f); [35]

"(3) Official minutes of Commission meetings;

"(4) Interagency or intra-agency memorandums which would not be available by law to a private party in litigation with the Commission;

"(5) Personnel and medical files and similar files which would constitute a clearly unwarranted invasion of privacy;

"(b) Investigatory files compiled for law enforcement purposes except to the extent available by law to a private party . . .; . . .

"(c) . . . All other records and information of the Commission not clearly identifiable not listed in the current index of the public records of the Commission also constitute a part of its confidential records . . ."

We found that in practice the Commission appeals broadly and woodenly to most of these categories to support non-disclosure of various kinds of documentary information, and that it uses other tactics to avoid disclosure of agency records.

Trade secrets, commercial and financial information, etc.

One example of the use of this category of exemption is discussed above (advisory opinions). A more significant example is the unsuccessful series of attempts made over the last year by Professor Kenneth Culp Davis to secure Commission disclosure of samples of pre-merger clearances issued by the FTC.

Professor Davis' ordeal began in August 1966, when he visited Chairman Dixon and requested "to examine Commission files showing clearances for mergers. . . ." (Letter to Chairman Dixon, Nov. 14, 1966). Mr. Dixon refused, suggesting a request by letter, which Professor Davis obligingly made in November. *Id.* In December, he made a revised request, limited to the files of *"the three latest cases* in which the Commission has granted clearance for merger." (Davis' letter to Dixon, Dec. 22, 1966). On Jan. 13, 1967, Chairman Dixon responded, agreeing to make public only *digests* of pre-merger matters, on the specific analogy of advisory opinions. (Dixon's letter to Davis, Jan. 13, 1967). Professor Davis wrote back immediately expressing his dissatisfaction as a scholar with digests:

"[I]t [publication of digests] does not meet my need to examine the files. You are quite right in saying that I want to know the law and policy of the Commission with respect to such clearances, but such digests clearly will not suffice." Davis letter to Dixon, Jan. 19, 1968.

He then repeated his request, stressing the scholarly nature of his interests: [36]

"My purpose is wholly scholarly. I have absolutely no interest in the kind of business facts a corporation typically wants kept confidential . . .; such facts can be taken out of the files I examine. My lifetime project is to try to understand the administrative process. . . ."

This letter was apparently ignored, and Professor Davis sent two follow-ups in October and one in November, 1967, requesting "permission to examine Commission files showing interpretations made in pre-merger clearances during 1966 and 1967." Davis' letter to Dixon, Oct. 13, 1967. Finally, on Nov. 27, 1967, came the Commission's single-spaced three-page response—denying Professor Davis' request.[37] In this letter, pre-merger clearances have been fully conceptualized as advisory opinions, and the agency goes on record as exceptionally solicitous of information handed over to the agency by persons who approach it voluntarily, thus:

"[P]arties who approach the agency in this posture [*voluntarily*] are entitled to an even greater degree of protection than those against whom it has been necessary to invoke mandatory procedures for no law compels them to come in and make the disclosures they make. Instead they do so of their own free will in order to avail themselves of the services which the agency affords, secure in the knowledge that the secrets which they voluntarily unfold will be held in strictest confidence by the public agency. . . ." Commission letter to Davis, Nov. 27, 1967, 1-2.

But Commissioner Elman disagreed, convincingly, in a separate statement:

"In my view, there is no substantial interest which would be harmed by letting Professor Davis examine these materials. Professor Davis is not asking to see any correspondence or records which the Commission secured under a pledge that they would be kept secret." *Id.* p. 4.

Professor Davis answered on Nov. 29, 1967, citing relevant provisions of the FOI Act and commenting that he intended to bring the matter to the attention of various other governmental agencies if not satisfied with the Commission's handling of the matter. This produced a bristling Commission response dated Dec. 15, 1967, in which Professor Davis' view of the FOI Act was hotly rejected and the following statement appeared:

"In closing, the Commission wishes to add one or two other observations. While it feels that there must somewhere be an end to this dialogue, you may be assured that it is also our desire to have you work with us rather than against us and that the Commission has here evidenced a wish to cooperate with you in every way it properly can. A great number of our top level personnel has spent a great deal of time in making available to you all the information which could be released and the Commission itself has spent an unusual amount of time in considering this individual request because it considered the matter to be important and because it wished to cooperate with you in the work you are doing. But it is evident that cooperation involves considerable give and take on both sides and not the complete capitulation of one side to the other. Certainly, this Commission will not be forced into that sort of cooperation by undisguised threats that request will be made for Congressional action, which are not to be expected from one of your outstanding reputation and which the Commission cannot believe were intended in the manner stated." Commission letter to Davis at 2, Dec. 15, 1967.

Once again, Commissioner Elman disagreed, stating that he "does not regard Professor Davis' letter . . . as carrying any 'threats.' A citizen has the right to bring matters of public concern to the attention of interested committees of Congress. No government agency should feel threatened by such a proposed course of action." *Id.* 3.

Not yet discouraged, Professor Davis sent yet another letter Jan. 2, 1968, focusing on merger files containing no confidential information, and making a new, more limited request:

"I request access to the Commission's pre-merger files to the extent of examining the names of corporations involved in applications for pre-merger clearances, and only to that extent." Davis letter to Dixon, Jan. 2, 1968.

The Chairman's response, Jan. 18, 1968, was another denial, stating, *inter alia:*

"Certainly, the question of disclosure of the names of corporations involved . . . is undoubtedly the most confidential information of all and would be the very last thing the Commission would make public." Dixon letter to Davis, Jan. 18, 1968, at 1.

On February 20, 1968, Professor Davis wrote again, this time appealing to the whole Commission from the Chairman's letter of Jan. 18, 1968, arguing his case in terms of the FOI Act, and requesting only "those papers in the clearance files that are not within one of the nine exemptions to the Information Act."

This approach was equally unsuccessful—on April 30, 1968, the Commission informed the Professor that it had once more denied his request (Commissioner Elman dissenting), emphasizing once again the need to extend confidential treatment of voluntary submissions by businessmen.

Footnotes at end of speech.

At this point, Professor Davis gave up, at least for this year, sadder but wiser about the realities of the administrative process.

INTERAGENCY MEMORANDA

During the course of the summer the project learned that a series of staff memoranda existed providing a rather complete breakdown of applications for complaint received by the FTC (containing such figures as total numbers of complaints received, numbers from various sources [White House, Congress, Federal Agencies, direct submissions to the Commission, etc.], numbers from various categories of applicants [general public, competitors, consumer groups, members of Congress, etc.], numbers by state, by industry sector, by economic region).

Copies of these memos were requested from the administrative officer (Monroe Day) who prepares them; he stated that he had been told not to give us any information. We then approached the Chairman, who denied our request, reciting the "inter-agency memorandum" exemption to the FOI Act. The interviewer responded that these particular memoranda did not seem to contain the sort of information which justifies that exemption (e.g., critical, evaluative comments; notes of plans, tactics, etc.—information which agency personnel would be loathe to include in memos if they were public); these memos, in contrast, contain only objective factual data. The Chairman was unimpressed; woodenly applying the phrase "interagency memoranda" he repeated his refusal.

Copies of these memoranda were eventually made available by Commission action upon the formal request discussed earlier.

The project encountered two other information problems which involve agency memoranda. One was a single case of refusal by the FTC staff and the Chairman to *identify* certain specific documents in the Commission's possession sufficiently to permit a subsequent request for access to them. This sort of ploy is a problem since the FOI Act and FTC rules, above, require disclosure only of "identifiable records." The Attorney General's Memorandum analysing the Act, however, makes it crystal clear that agencies should not try to avoid disclosing documents by refusing to identify them where the requesting party gives a reasonably specific description of what he wants. Says the Memorandum: "This requirement of identification is not to be used as a method of withholding records." *Attorney General's Memorandum, p. 23.* (Quoting Senate Report on the Act, p. 8).

The requirement was so used in this case: since the project could not identify the records in question (certain compliance files the exact form of which was not known), it was not possible to include them in the formal request to the Commission for data, and they have never been disclosed.

The other problem, somewhat related, is really as much a matter of information policy. Briefly, it is that the FTC fails to keep accurate records of its performance. It is thus able to turn down requests for relevant information for the unique reason that it *has no* information on the topics of interest and that to process basic data to produce such information would be either impossible or prohibitively expensive. The project encountered this phenomenon several times, but the clearest example was the Commission's response to certain demands for information made in the formal request submitted to the agency under § 4.11 of its Rules. This request, made September 30, 1968 by letter under oath from Professor John Schulz to Chairman Dixon included the following questions [28] about enforcement costs in the Bureau of Deceptive Practices:

"Question 6: What are the total expenditures which have been allocated to the prosecution (and/or handling) of these matters [deceptive practice matters in litigation, consent settlement, informal disposition, under investigation for guides, etc.] up to the present time?

"Question 7: What is the present status of each of these matters [above] and what additional funds does the Commission anticipate will be required to resolve each of these cases, assuming respondents (participants) exhaust all administrative and judicial remedies?" Letter to Dixon, Sept. 30, 1968, p. 3.

Previous answers indicate that the total number of matters in each category is very small; *e.g.*, 24 cases in litigation, 23 pending consent settlement, 29 pending informal settlement, etc. Yet the Commission's response to questions 6 and 7 was:

"Question 6: The basic information is available from the Commission's Time and Action data. . . . However, in order to compile the information requested, the Commission staff would be required to write at least four computer programs. Several days [!] of machine time would also be required. This would require at least ten man days of work.

"Question 7: The basic information is *not presently available*. Because of the many variables involved, the Commission has not been successful in the past in accurately anticipating total costs." Dixon letter to Schulz, Oct. 25, 1968, pp. 5–6.

It seems that this sort of information should have a high priority because of its usefulness for cost-benefit analysis. Its absence from FTC files is one indication of that agency's failure to utilize cost-benefit techniques.

An even more egregious FTC failure to gather relevant information was disclosed by the Commission's response to Question 5 of our formal request:

"Question 5: What is the size in terms of annual sales of each of the respondents (participants) involved in the matters [listed above]?"

The Commission's response was:

"Annual sales are not maintained as general information in deceptive practice matters. This is simply because sales volume is frequently only one of the many considerations in assessing the impact of a particular practice." Dixon's letter at 5.

Of course, if *no* information is kept, sales would seem to be not one of many factors, but no factor actually. The implications of this have been discussed in the section of this report dealing with FTC failure to establish priorities.

Needless to say, failure to keep adequate files and records is more the responsibility of the staff heads than the Commissioners. In fact, the latter occasionally discover that information in which *they* are interested does not exist or cannot be retrieved due to inadequate record-keeping. For example, in April, 1967, the Commission directed its staff to submit a report on the agency's experience with insurance cases over the last five years setting *inter alia*, "the number of complaints received." Responded the intrepid staff:

"NUMBER OF COMPLAINTS RECEIVED

"The basic information for this item is contained primarily in the closed preliminary correspondence files in the Division of Legal Records. These files are not indexed as to subject matter and include anti-trust as well as deceptive practice matters, general inquiries and other types of letters as well as complaints. Thus, to extract the letters containing complaints regarding insurance would require an individual examination of the entire number filed over the last five years. Figures from the Records Division show that the total number of all closed preliminary files have averaged about 5,000 per year, which amounts to a total of some 25,000 files since January 1, 1962. In addition, there are complaints on insurance, much fewer in number, which are contained in the closed files of the Bureau of Industry Guidance." Memorandum to Commission from William S. Hill, Att'y, Bureau of Deceptive Practices, June 21, 1967, p. 1.

(3) Investigatory Files for Law Enforcement Purposes.

This exemption from the FOI Act is used most by the FTC to cloak its activities in secrecy, for the agency treats *every* kind of investigation as being within the exemption. Thus, for example, whether members of our project requested information concerning matters under preliminary investigation (which are carried on between the time an application for complaint is received from a member of the public and the Commission issues a complaint), under investigation for compliance with outstanding orders, or under investigation leading to issuance of industry guides, etc., the perennial response of the staff and Chairman was, "no disclosure—investigatory files." Now, this interpretation of the FOI Act is so broad as to permit the agency nearly to evade the Act entirely. In addition, since the Commission is free to disclose *even* information exempted from mandatory disclosure, its policy with respect to investigatory files represents a consistent slighting of consumer interests in favor of business interests. When coupled with the fact that some of the longest delays in FTC administrative action occur at the "investigation" stage [See section on delay], the agency's confidential handling of all investigations is highly damaging to thousands of ignorant persons.

3. Collusion with business interests

It would be unrealistic to presume active conspiracy between the FTC and business interests. First, it would be inappropriate because the FTC, unlike the ICC, FPC or FCC, does not have a specific and defined business constituency. Second, such a picture does not conform to the complexities of modern life. It is possible, however, to infer certain conditioning patterns from the sociological facts of Commission and staff life. Commissioners and staff do not live, generally, in university or ghetto environments, but in middle class suburban areas. They associate with other government bureaucrats and come into contact most and are most interested in people who have common concerns and related occupations. This almost necessarily means a great deal of contact with and a great number of friendships with businessmen, other government workers, attorneys and Congressmen. The Commissioners have very little personal contact with the aggrieved consumer. His complaint, if it is expressed at all, takes the form of an impersonal letter.

To some extent their acquaintances among businessmen are responsible for FTC members' reliance on the businessman's presumptive honesty, even in situations where an honest man might falter.

Not only is there close communications and contact among these groups, but there is actual interchange of jobs. Indeed, many of the young attorneys in the Commission staff view their experience as training for later corporate work. Their acquaintances among the staff and Commission serve them well in this capacity and multiply the contact and communications effect discussed above. Recently two other agencies saw their top political officials leave to take high positions in the industries they previously regulated. This is a common phenomenon in Washington and is especially prevalent in the case of the FTC because of the potential power of the Commission in the regulation of business generally.

The attorney plays a crucial role in the acculturation process in Washington. He is the middleman, the cover.[29] Washington law firms specialize in regulatory work and carefully nurture friendships with Commission and staff personnel. Their advantages in accomplishing their mission are immense. They are highly paid and better trained than the FTC attorneys with whom they will deal. They have the attorney-client privilege, in-

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Footnotes at end of speech.

addition to a pervasive tradition of secrecy. They have the advantage of numerous congressional and White House contacts, which they can use by implication to deter or intimidate staff members. They have the advantage, finally, of holding a covey of IOU's which they can call in as the interests of their clients require.

The acculturation process as applied to the FTC is particularly intense. It is common procedure for trade associations to wine and dine influential staff personnel. The Commissioners themselves and particularly the Chairman are not free from the process. The most frightening thing about this situation is the fact that the people involved do not seem to know what is happening, that they do not even know that they are out of touch and even blind to certain elements of society. Chairman Dixon, for example, gives many speeches and is invited to numerous banquets. At one of them recently he opened his speech with a remark that—

"Sometimes I think that Washington is too far from anyplace. That's why I think it's a good idea to get out into the rest of the country to find out first hand what is worrying people, or what they are shrugging off as unimportant." "Help Defend the Advertising Dollar," an address before the Advertising Club of New Orleans, New Orleans, Louisiana, May 16, 1967, p. 1.

But what does "rest of the country" consist of? And what does he learn there that he accepts as "unimportant" and "shrugged off?" The above remark was contained in a speech to an advertising club in New Orleans. Over the past seven years Mr. Dixon has traveled outside Washington a great deal, delivering some 109 formal speeches outside the capitol, but the great majority were delivered to trade associations.[40] Mr. Dixon has carried his culture with him. He has spoken almost *exclusively* to those he associates with generally, businessmen and related legal interests. One doesn't have to ponder much to envision the "unimportant" matters Chairman Dixon has been learning to "shrug off."

In a sense, what happens to the Commissioners and staff is not collusion. Long exposure to an intense process has simply given them a certain perspective based on the inevitable integration of experience with self over time. The FTC, in effect, becomes the very thing it is designed to regulate. The evolution of Commission personality is particularly marked in an agency whose Chairman and core staff have been under constant influence by the regulatory subculture for over seven years. This is two years longer than anyone else has ever served and it is worth noting that Mr. Dixon's appointment does not expire until 1974.

Given this state of affairs, it is not surprising that business interests do not show much respect for the threat of FTC enforcement. Edward Wimmer, Vice President of the National Federation of Independent Business, submitted an affidavit to the Federal Trade Commission [41] on behalf of a gas station owner who had been threatened and heavily pressured by S&H Trading Stamp representatives. Mr. Wimmer wrote: "I know your files are packed with affidavits and other findings similar to this testimony, but it keeps going on and on. Every time I run into a stamp man, he gives us the laugh when we mention that the Federal Trade Commission is going to do something about this 'business'." [42]

The FTC's so-called industry-wide enforcement tools, Industry Guides and Trade Regulation Rules, constitute yet another example in practice of the agency's excessive solicitude for business interests. This is shown both by the theoretical justifications given by the Commission for their use and by its actual enforcement record with them. The theoretical justification given by the FTC staff [43] for preferring to rely on these enforcement tools focuses on "fairness" to businessmen charged with violations of the agency's laws: it would not be fair, so the argument runs, to challenge only one of many businessmen engaging in a particular widespread deception; therefore, an industry-wide approach should be used to stop all violators at the same time. Of course, this view is not without plausibility, but it fails to consider fairness to *consumers* for actual FTC handling of these enforcement tools indicates that they produce poorer results than the agency's "individual" tools, and that therefore in concerning itself with the welfare of a single hypothetical law-breaking businessman the FTC permits him and others to continue to cause damage to thousands of innocent consumers.

The poor performance recorded by the FTC in administering guides and trade regulation rules are documented elsewhere in this report. It includes secrecy and excessive Commission delays in taking action during lengthy investigations and compliance surveys (see section on secrecy and delay).

A final example of FTC "business collusion" again involves its handling of voluntary enforcement techniques. Here, collusion is shown strikingly by the fact that the Commission is sometimes more lenient in regulating businessmen than their own industry self-regulatory groups.

One major case of this startling differential treatment involves the broadcast industry, advertising aspects of which are simultaneously under the jurisdiction of the FTC Act and the Codes of the National Association of Broadcasters (NAB). An official of NAB interviewed on August 21, 1968, informed the project that media advertisers frequently seek advisory opinions from the Commission in order to avoid more stringent NAB Code provisions, arguing that "if the FTC says we can do it, the NAB can't stop us." Other advertisers apply to the FTC for promulgation of industry guides or trade regulation rules, knowing that significant delays will occur before promulgation (during which they resist the NAB Codes on the grounds that the FTC has "taken jurisdiction") and that the ultimate rule or guide will be easier to live with than the industry code.

THE CORE OF THE PROBLEM: PERSONNEL

1. Partisan political activity

The official image of the Federal Trade Commission is, as it should be, that of a non-political agency regulating interstate commerce against anti-competitive and unfair practices in the public interest. In order to insulate the agency from party politics, the original law provided that no more than three Commissioners could be from the same political party. For the same reason the Commissioners' tenures run for seven years at staggered intervals. On the staff level the Hatch Act, 18 U.S.C. Sec. 602 (1964), prohibits the soliciting of political funds by government employees. In addition, the Civil Service Commission forbids party discrimination in hiring policy.

Yet in the case of the present regime at the FTC, the Hatch Act and the Civil Service Law are regarded as mere rhetoric to which lip service is paid publicly, but which are in reality either ignored or circumvented. Most attorneys at the FTC are labelled as either Democrat or Republican and their party affiliation has a definite impact on the positions they are offered. All staff attorneys at the FTC from Bureau Chief [44] to Executive Director hold their positions on appointment from Chairman Dixon who, in effect, may replace them whenever he desires and reduce them from a supergrade to a GS–15. Ideally then, the Chairman rotates the FTC staff in order to place the best men at the top of each operating bureau. When Mr. Dixon became Chairman in 1960, it seems that the "best men" were all Democrats and so any Republican in a high position was offered the choice of either becoming a trial lawyer at the bottom of the organization chart or, of course, resigning from the Commission.

As a result of this extremely partisan policy, fourteen highly experienced career FTC men left the Commission almost immediately. In November of 1961, Advertising Age claimed partisan politics as the major consideration in a reorganization of the FTC and that, as a result the quality of key personnel "ha(d) deteriorated". *Advertising Age,* Nov. 20, 1961, p. 13. In time, most of the other Republicans found it hard to swallow their pride and left. A few able Republicans such as the former Assistant Executive Director, Basil Mezines, and attorney John Walker have stuck it out. For eight years, however, their position as being "out" men, has grown increasingly uncomfortable.

Of the nearly five hundred lawyers working for the Commission only about forty are now Republicans with approximately twenty of these being located in the central office. At the present time only one Republican holds a position of any prominence in the operating bureaus of the FTC: Mr. Charles Moore, who has recently succeeded Sam Williams as Chief of the Bureau of Field Operations. Mr. Moore is a Republican, but in his case there is the extenuating factor of his coming from Johnson City, Tennessee. See p. 110, below. The extreme partisanship of the higher staff combined with the control they wield over the selection and promotion process has made these results inevitable. See p. 120, below.

In addition to permitting his staff to violate both the spirit and the letter of the Civil Service Law in promotion and hiring practices, Chairman Dixon, himself, has violated the Hatch Act. Highly reliable sources at the FTC revealed to this project that until recently Mr. Dixon was notorious for dunning the agency's personnel down to the GS–14 level for political contributions. This group includes approximately one quarter of the more than 450 lawyers working in the central office in Washington. The chief collector of dues used to be Fletcher Cohn who holds the title of Assistant General Counsel for Legislation with a salary of $24,477 per year. Mr. Dixon's reputation with the Democratic fund raisers is reported to be excellent. It is also known in the high echelons of the Commission that Chairman Dixon is openly proud of his fund raising, and well he might be. His methods would make any chairman of an alumni fund raising committee jealous. Members of the staff have testified to receiving solicitation cards from the Democratic National Committee with a code number in the corner which everyone involved knew would indicate to Chairman Dixon who gave and who did not. This outrageous method of solicitation was not well received by those who were being coerced to give against their will. Eventually, the threat of action by the Justice Department under the Hatch Act forced Chairman Dixon to give up this political exploitation of his employees. He now uses more discreet methods to do his political fund raising inside the FTC. Now, for example, he personally asks his subordinates to buy $100-a-plate tickets to Democratic fund raising dinners. Thus Chairman Dixon persists in playing partisan politics, while neglecting his responsibilities as a public servant.

2. The FTC and Congress

Even more destructive for the Commission's sense of purpose and for its non-political image are the Congressional politics which permeate the FTC. Response to Congressional pressures has had a telling effect on possible priorities for action, theoretically set according to the importance of the social issue involved.

Accordingly to Joseph W. Shea, Secretary of the FTC, any letter which comes in to the Commission from a Congressman's office is marked specially with a sticker saying "expedite". The sticker gives the letter a spe-

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Footnotes at end of speech.

cial priority and assures the Congressman of an answer within five days. No distinction is made between letters from complaining constituents which Congressmen routinely "buck" over to the FTC and those from the Congressmen. Approximately 110 letters are received from Congressmen each month with only a few of these originating in the Congressman's office (see appendix 12). Yet all these letters are answered in detail by younger members of the staff for whom this type of busywork is a constant annoyance. As one attorney complained, "A letter comes in from a Congressman and everyone drops whatever they are doing and takes care of it. . . . Great importance is attached by the higher staff to answering these letters fully and properly. . . . How can you do a job with that kind of continual interruption?"

The irony of this situation is, of course, that all matters which the Congressmen deem important are handled by telephone or in person. Such personal contacts are not very difficult to arrange for, as one lawyer in the Bureau of Deceptive Practices stated, "Everyone who wants to go anywhere at the FTC has a political connection," and then quite forthrightly named the Congressman who was his sponsor.

The personal influence of Congressmen begins at the top of the agency. Chairman Dixon was appointed by President Kennedy under heavy pressure from the late Senator Kefauver. The runner-up for the chairmanship, A. Everette MacIntyre, was sponsored by Rep. Wright Patman of Texas. He was given the next available Commissioner's post as a consolation prize. Casual scrutiny of the FTC reveals a number of other political sponsors. One day late last summer this project was fortunate enough to find Mr. William Jibb in his office. (According to reporters who deal with the Office of Information regularly, Mr. Jibb, the Office's Director, is rarely there. From my own experience I have found this to be true. Mr. Wilbur Weaver, Mr. Jibb's assistant, seems to be able to run the office quite capably without apparent aid from Mr. Jibb.) Mr. Jibb insisted on telling me that he had been an old college roommate and political aid to Senator Smathers of Florida.

Other members of the Commission's staff are less talkative about their political connections, which are none the less well known. Take Mr. Joseph W. Shea, for example. He comes from Boston and his official title as stated on his biography reads, "Secretary and Congressional Liaison Officer", although in the Commission telephone book and budget control reports that he is listed simply as "Secretary". His biography also notes that he "came to Washington, D.C., April 19, 1934, under sponsorship of Speaker John W. McCormack as a clerk at $1,000 per annum and attended evening law school." Around the Federal Trade Commission he is known "to be like a son" to the speaker of the House. His biography also notes mysteriously that he "has accrued sick leave of 2,211 hours and maximum annual leave", a piece of information not normally placed in FTC biographies. The 1965 Civil Service Commission study of FTC management practices seemed disturbed by this fact and the unusually high supergrade of GS–16 with a salary of $25,875 occupied by Mr. Shea. Their report stated:

"The Secretary's position was placed in grade GS–16 upon the statements of the Chairman regarding the personal contributions the Secretary has made to the Commission through his highly successful personal contacts outside the Commission. Personal contributions of this nature do not permit their delegation to subordinates in the principal's absence. The other responsibilities of the Secretary—i.e., the preparation of the Minutes and maintaining the official records of the Commission—were not factors influencing the classification of this position." p. 48.

Other officers in high positions at the FTC have political contacts or relations similar to Mr. Shea's. John W. Brookfield, (GS–15, $22,695) the Chief of the Division of Food and Drug Advertising in the Bureau of Deceptive Practices, is the nephew of the former Chairman of the House Rules Committee, Rep. Howard W. Smith. Fletcher Cohn (GS–16, $24,477) is a product of the old Memphis political machine of Boss Crump and was retired to the FTC after failing to win a third term to the Tennessee legislature. According to Richard Harwood of *The Washington Post*, Mr. Cohn is "the FTC's lobbyist and Ambassador to Capitol Hill". *Washington Post*, March 27, 1966, p. E1. Cecil G. Miles (GS–17, $26,960) is a close acquaintance of his fellow Arkansan, Representative Wilbur D. Mills and also Bureau Chief of the Bureau of Restraint of Trade. Michael J. Vitale (GS–16, $24,477) from Newark, N.J. is sponsored by his Congressman, Rep. Rodino, and at the present time is a Division Chief in the Bureau of Deceptive Practices. And the list goes on.

Perhaps the Congressman with the most influence in the decisions of the FTC is Rep. Joe Evins of Tennessee, who is also Chairman of the House Appropriations subcommittee which approves the FTC's budget. As one staff member of the FTC put it, "Ambitious staff attorneys at the FTC who are from Tennessee have to know Joe Evins." Thus, when a political friend, Judge Casto C. Geer, desired a job in Tennessee near his home town, the FTC was obliging and set up an office in Oak Ridge, Tennessee, although the Commission doesn't have offices in such urban areas as Detroit and Philadelphia.

When the FTC wanted an economist for its Division of Economic Evidence, it selected Harrison F. Houghton, the chief economist from Joe Evins' Select Committee on Small Business. Mr. Houghton has subsequently been made Acting Director of the Bureau of Economics.

It would be wrong to say that all congressional pressure is bad. The FTC has reacted to the demands of such men from the Hill as Senator Warren Magnuson and Representative Benjamin Rosenthal, the results being investigations into insurance frauds, home improvement frauds, deceptive auto warranties and deleterious frozen foods. In all these cases, however, the issues were important, pressure was applied openly for the public good, and the FTC should indeed have acted on its own.

Unseen influences from other Congressmen, however, have had other effects. Sometimes they amount simply to the misallocation of scarce resources for a small investigation in a Congressman's home district. In other cases, such as the quiet opening of the Oak Ridge Office to accommodate Rep. Evins' political crony, we have a gross misallocation of public funds. Most horrifying of all, however, were those cases when the influence of a Congressman actually presents a danger to human life. Such was the case with flammable baby blankets when, in the 1950's, Rep. Albert Thomas of Texas was occupying Rep. Joe Evins' present Chairmanship of the House Subcommittee on Appropriations for Independent Agencies. Representative Thomas, on behalf of Texas cotton interests, influenced the Commission to rule that baby blankets were not covered by the flammable fabrics law. Baby blankets, the Commission said, did not qualify as "clothing".

In short the situation has not changed since Richard Harwood writing for the *Washington Post* in 1966 stated:

"The ties between Congressmen and commissioners and between staff members and their political sponsors to Dixon, are proper—including political contributions and other forms of political activity. . . . 'When a man comes to Washington,' (Dixon) says, he doesn't disfranchise himself'."

3. The collective background of the FTC

Party politics and congressional ties have vitiated to a great extent the work which the FTC should be doing. For the most part, however, these problems are only symptomatic of the collective personality of the FTC hierarchy.

During the probusiness days of the Republican administration of the twenties, the FTC, for lack of any other use, became a dumping ground for political patronage. President Roosevelt, recognizing the potential of the FTC tried to reform the Commission's personnel and use it to spearhead his New Deal program. When, however, his attempts to remove the worst of the commissioners was rebuffed by the Supreme Court in the case of *U.S.* v. *Humphrey's Executor*, 55 U.S. 869 (1935), on the ground that a commissioner's position was quasi-judicial, Roosevelt gave up on the FTC and used it to his political advantage by granting it as a political fiefdom to Senator Kenneth McKellar of Tennessee. The fiefdom was managed for McKellar and "Boss" Crump's Memphis political machine by another Tennessean, Commissioner Edwin C. Davis, from 1933 to 1949.[48] Positions were openly given throughout this period on the basis of personal connections and political patronage with Southern Democrats receiving the lion's share.

The Republican years from 1952 to 1960, were lean years for this group at the FTC, but they managed to survive, and, with a Democratic administration and Mr. Dixon's appointment, things were back to normal. Most of the top staff now at the Commission either came during the period of the "Tennessee gang" or are club house friends. As one disgruntled observer stated to a Wall Street Journal reporter five years ago, "The atmosphere of the agency was like a southern county courthouse, and it is again." July 23, 1963, p. 20. From the project's observations the situation has not changed since 1963.

As a result the men who control the FTC are simply incapable of understanding the complex problems and processes of our urban society. A symptomatic problem indicative of this point was revealed by a singularly capable GS–15 at the Commission. He was amazed by his colleagues lack of knowledge of record keeping procedures in large corporations. In addition, interviews with personnel in the records division has revealed that none of the staff has yet recognized the worth of the computer. The 1965 Civil Service Report on the FTC indicated that this problem also existed three years ago. The report suggested that Chairman Dixon's administration "provide for a comprehensive study of the use of the computer in order that it may be brought into full productive use in providing:

"1. Management data essential to manpower control, utilization, and planning.

"2. Program resource data which will result in either increased productivity or reduced manpower requirements." Evaluation of Personnel Management, 1965, p. 9, (Civil Service Report).

Since 1965 no comprehensive study of the sort called for by the Civil Service Commission Report has been instituted by Chairman Dixon.

Priority planning, selection of cases to investigate issuance of complaints, and the tactics and legal weaponry to be used in each case is essentially decided by the staff. Chairman Dixon (Nashville, Tennessee, pop. 170,874) is given by law general responsibility for overseeing and planning the work of the staff. His chief-of-staff is the Executive Director, John Wheelock (Spring City, Tennessee, pop. under 2,500), but the assistant to the Chairman, John Buffington (Castleberry, Alabama, pop. under 2,500) acts as Chairman Dixon's liaison man and watchdog

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for the work of the Executive Director. Beneath Wheelock are the six Bureau Chiefs. The Bureau of Economics is the only operating bureau which does not hire lawyers for substantially all its staff. It is presently headed by Harrison F. Houghton (Des Moines, Iowa, pop. 283,902) whose appointment has already been discussed. See p. 108. The following is a list of the other five bureau chiefs and their native towns:

Cecil G. Miles (Prairie County, Arkansas, pop. of county 10,515) Bureau of Restraint of Trade.

Frank Hale (Madisonville, Texas, pop. under 2,500) Bureau of Deceptive Practices.

Chalmers B. Yarley (Waterloo, South Carolina, pop. 5,417) Bureau of Industry Guidance.

Charles R. Moore (Johnson City, Tennessee, pop. under 2,500) Bureau of Field Offices.

Henry D. Stringer (Winfield, Texas, pop. under 2,500) Bureau of Textiles and Furs.

In addition to the operating bureaus there are two offices consisting entirely of lawyers which are influential in the Commission's policy making process. The Office of the General Counsel is headed by James McI. Henderson (Daingerfield, Texas, pop. 3,133) and the Director of the Office of Hearing Examiners is Luther Edward Creel (Albertville, Alabama, pop. 8,251). Of the thirty-five Assistant Bureau Chiefs and Division Chiefs, only fifteen biographies were available from the Office of Information. Of those fifteen, nine were from a small town southern background. In the field offices a reverse carpetbagger effect has taken place. The Attorney-in-Charge of the Kansas City Office comes from Bowdon, Ga. (pop. under 2,500). The Attorney-in-Charge of the Los Angeles Office transferred there from the Atlanta Office and the Attorney-in-Charge of the San Francisco Office comes from Virginia.

Protection of the Poor Consumer

This common background of policy making personnel perhaps explains why the Commission did not start to police the exploitation of the ghetto poor of the D.C. area until late 1965, and then only because of constant prodding by Sen. Warren Magnuson (Seattle, Washington) and Commissioner Mary Jones (New York, New York). Even the FTC's efforts since 1965 in the D.C. project have been so small and half-hearted that it can only be called a showcase for publicity purposes. One finds in this case another example of what this report labels "scoping", see p. 41. The D.C. Project opened 98 investigations over a period of three years. From these, 27 formal complaints were issued with only 19 final orders being entered. Of the final orders only seven were accepted as adequate with the others still "under investigation" *FTC Report on District of Columbia Consumer Protection Program* P. 1 (1968).

The D.C. project is also an outstanding example of the reluctance of the FTC to use rigorous enforcement penalties. The Commission has the right to penalize up to $5,000 per day for each violation of its final order. Moreover, according to the D.C. report:

> "Of the 15 final orders for which compliance orders have become due, seven reports of compliance have been accepted by the Commission. Four respondents did not submit any compliance reports and three respondents submitted inadequate reports. All seven cases were accordingly sent into the field for investigation. . . .
>
> "The Commission has put itself in a position whereby it can state unequivocally . . . that if violations are going on they are known to the Commission and are under active investigations." *D.C. Report*, p. 12.

However, despite the Commission's knowledge of these violations, it has still failed to issue a single penalty. If the Commission's resources are so limited that it cannot afford to divert more funds to the vital D.C. project, it might at least consider making more effective use of the legal resources it does have.

One major point stressed by the Kerner Commission Report on Civil Disorders was that the ghetto poor justifiably felt that they had been unfairly exploited by local white merchants. (*Report of the National Advisory Commission on Civil Disorders*, Chap. 8; see III, "Exploitation of Disadvantaged Consumers by Retail Merchants." See also *The Dark Side of the Market Place* by Sen. Warren Magnuson and *The Poor Pay More* by David Caplovitz.) This exploitation was also documented by a 1968 report prepared by the FTC's Bureau of Economics.

Sen. Magnuson states the plight of the poor consumer most movingly:

> "Entrapped by devious clauses in contracts and duped by the lies of fast-talking salesmen, many of the victimized poor do not have the faintest notion of what has happened to them; they know only that they have been badgered by bill collectors, lost their jobs, seen their furniture or homes swept away, and that the law is somehow implicated. Worst of all, these poor people are nearly helpless to fight back, for they do not know their rights nor how to exercise them." *The Dark Side of the Market Place*, p. 53.

In the American tradition of despairing debtors, which dates back to Shay's Rebellion in 1787, the ghetto dwellers used violence to attack the source of their frustrations. Thus, during the D.C. riots there were selective firebombings of local merchants and finance companies.[46]

If the FTC had started a vigorous consumer protection program for the D.C. area in 1960 instead of the weak program started in 1965, perhaps a major cause of the D.C. riots would have been removed. Such action, however, would have required social concern, imagination and foresight—the very qualities which are inhibited by limited groups of people suffering from a lack of diversity. A small clique of attorneys with an identical background far removed from the important issues of the day should not have control over an institution with the important responsibilities of the Federal Trade Commission.

The unique common background of the Commission's line personnel in combination with the political nature of the Commission has produced a reluctance on their part to disturb their political friends on the Hill by radical action. Thus both Commissioner Dixon and Commissioner MacIntyre objected to a proposal that the Commission publicize discrimination in housing by investigating deceptive newspaper advertising that covered up discriminatory practices.

Hiring From Minority Groups

Chairman Dixon's attitude in the above case is paralleled by his stance *vis-a-vis* the hiring of minorities. The following data on minority group employment in the FTC comes from the *Study of Minority Group Employment in the Federal Government* which is prepared annually by the Civil Service Commission.

PROPORTION OF NEGROES TO ALL EMPLOYEES—FEDERAL TRADE COMMISSION

[In percent]

	GS 9-18	GS 5-8	GS 1-4
June 1965	0.98 (6/611)	11.0 (33/299)	24.6 (51/207)
June 1966	1.28 (7/547)	9.5 (25/263)	34.5 (69/200)
November 1967	.78 (5/638)	12.0 (33/274)	42.6 (104/244)

Note: Figures in parentheses show number of Negroes out of total of all employees.

As these figures show, the FTC has not been averse to hiring Negroes, but only "in their place," i.e. the lowest GS 1–4 positions. The absence of changes since mid-1965 in the proportion of Negroes in the GS 5–8 levels indicates that Chairman Dixon has not encouraged the promotion of Negroes to supervisory positions. Those in the GS 5–8 grades are trained clerical help, and it would be reasonable to expect hiring on the basis of equal opportunity to produce a proportion of Negroes somewhat higher than one-sixth the proportion of Negroes in the Washington population. The 1965 Civil Service Report on the FTC noted in its summary that one of the conditions in the Commission was that: "The program for equal employment opportunity has not been effectively implemented throughout the agency." *Civil Service Report*, p. 7.

In the same report, the Civil Service Commission argued:

> "Much greater effort must be made to seek out minority group candidates for professional positions. The system of almost total reliance on walk-ins must be replaced with a program of aggressive search if the Federal Trade Commission is to be assured that it is getting its fair share of top quality minority group candidates." *Civil Service Report*, pp. 9–10.

There are currently five Negroes in the GS 9–18 grades for professional employees. One is a librarian, three are attorneys and one is a textile investigator. According to a member of the Office of Personnel who is in a position to know about the FTC's recruiting effort, Chairman Dixon has effectually disobeyed this Civil Service Commission directive. According to this source, Chairman Dixon has no desire to encourage Negroes to join the FTC and as a result no change in recruitment policies *vis-a-vis* minority groups has taken place since 1965. Two years ago an attorney was going to be sent to Howard Law School to do special recruiting, but because of minor disturbances on the campus, decided not to go. Since that attempt the personnel office has justified not visiting Howard Law School by invoking the general rule that they don't send interviewers to any of the D.C. law schools. A major problem is that the FTC has no young Negro attorneys who can be sent to interview Negro law students, but this problem would solve itself if the Commission were to follow the edict of the Civil Service Commission and make a vigorous effort to hire competent Negro lawyers.

The final suggestions of the Civil Service Report are two-fold:

> The FTC should provide:
>
> (a) An intensive educational program to assure full understanding of the equal opportunity program by all personnel.
>
> (b) A positive recruiting program to utilize vacancies which are occurring, in the field in particular, to place qualified clerical and professional candidates in offices which have few or no minority group members on the rolls. p. 11.

As of last fall, three years after the issuance of this report, the FTC had acted on neither provision.

Problems of the Higher Staff

In an article entitled "The Dim Light of Paul Rand Dixon," Milton Viorst concludes about Mr. Dixon:

> "Paul Rand Dixon's chief failure . . . seems to be that he's been with the Federal Trade Commission far too long. Dixon is so accustomed to doing what he's always done that he finds it difficult to conceive of doing anything very different. . . .

Footnotes at end of speech.

"He simply lacks the clarity of conception necessary to give the FTC broad new objectives, as well as the tenacity of spirit needed to build a staff equal to achieving them." *Washingtonian*, Oct. 1968, p. 82.

With this kind of leadership it is not surprising that a large number of the "old timers" have lapsed into a state of lethargy. The Office of the General Counsel epitomizes this problem. Including the General Counsel, there are thirty-two attorneys in the Office. Of these thirty-two, twenty-two hold a GS rank of 15 or higher, which carries a salary of $20,000 to $25,000, primarily because of their long tenure at the Commission. GS–15 is as high as one can go without getting into supergrades. Another five are GS–14's, three are GS–13's, one is a GS–11, and one is a GS–9. The progression, then, is the exact opposite of a normal hierarchy.

The General Counsel, who is in charge of the Office, is James McI. Henderson. He is a Johnson man from Texas, who started his political career clerking for the late Senator Marvin Sheppard of Texas. In better days he occupied a number of significant governmental positions. Now as General Counsel to the FTC, he is frequently absent from his office. In two separate attempts to interview him made by the project, he was not in his office, and his embarrassed secretary could not say when he would be back or whether he was on extended leave, vacation or what. At other times during the summer telephone calls were made to his office producing similar results.

Most young attorneys at the Commission, and a few in high GS levels, are critical of the personnel in the General Counsel's Office. "It is the office of sinecures," one remarked. And another commented, "there is a lot of 'deadwood' on the fifth floor." [47]

Some of the men in the General Counsel's Office are desperately in need of face-saving. One of these is Charles Grandey. When two members of the project went to interview Mr. Grandey in his office, they found him fast asleep on a couch with the sports section of the *Washington Post* covering his head. They woke him up, and he walked to his desk where he propped his chin up with his hands on top of a pile of books. Asked what his work entailed, Mr. Grandey gave a very vague reply. Further inquiries with other FTC attorneys established that he really did very little, his chief occupation being to abstract cases which are pertinent to the Commission's work. His yearly salary is $22,695. He is officially listed in the Commission telephone book as the Assistant General Counsel for Voluntary Compliance, along with the other Assistant General Counsels who head divisions. He is also listed on organization charts in the same manner, but in the confidential Budget Control Reports, he is simply placed along with the Assistants *to* the General Counsel. And just exactly what the Division of Voluntary Compliance does is a mystery which is not solved even by the FTC's *Justification of Estimates of Appropriations for Fiscal Year*, 1968 and 1969, which are presented to Congress. In these tomes the Division of Voluntary Compliance mysteriously disappears and remains unjustified.

The Office of the General Counsel with all its inefficiencies resulting from too many high-ranking staff attorneys is representative of the whole central office of the Commission. Of the 297 attorneys in the central office (there are 156 attorneys in field offices), 34% are GS–15's or higher, 22% are GS–14's, 15% are GS–13's 6% are GS–12's, 10% are GS–11's, 13% are GS–9's.[48] These percentages do not include the Commissioners, the Executive Director, or the Hearing Examiners, all of whom are located in the central office and hold supergrades above GS–15. In short, the FTC is suffering from a bad case of too many chiefs. A constant complaint heard from younger attorneys concerned interference from higher-ups due to overlapping jurisdictions and "their desire to direct, not work."

Here again we find a situation which was vigorously brought to Chairman Dixon's attention by the 1965 Civil Service Report. In the "Summary Evaluation of the Report," the following points are made:

"A number of key positions have overlapping, duplicative, conflicting assignments of duties and responsibilities.

"Positions are assigned grade-influencing duties that are not being performed.

"Attorneys are not assigned work commensurate with their grade level.

"The head of the agency is not meeting those responsibilities placed upon him by the Classification Act of 1949." *Civil Service Report*, p. 7.

Our investigations have shown that in the three years since the Civil Service Report was issued, Chairman Dixon's style of running the FTC has continued to clog the gears of an agency which should be streamlining itself to deal with a growing and complex economy.

4. Hiring of new attorneys

The myth concerning hiring at the Federal Trade Commission is that the best young attorneys are sought and offered appointments. Confidential interviews told a different story. Young attorneys are accepted for various reasons. Some on the merits of their case—grades, extracurricular activities and LSAT scores; but many others are accepted because the interviewers "liked" them, or for old school ties, regional background, or a political endorsement.

The major hurdle for a graduating law student who wishes an appointment is the interview with either the Bureau Chief or an assistant in the bureau he wishes to join. He is, in addition, required to fill out a formal application which asks for school, grades, academic honors, LSAT scores, home state, and pertinent courses he might have taken in law school. But, according to all those concerned in the administration of the admission process, it is the interview which makes or breaks the applicant. From 1958 to 1959 a "rating sheet for attorney applications" was instituted. The rating sheet based offers of appointments on a point system which minimized the effect of the interview. The Bureau Chiefs, however, became very dissatisfied with this system and it was discontinued.[49]

The myth of going after the best available legal talent has been dispelled by Chairman Dixon who has been quoted as saying: "Given a choice between a really bright man, and one who is merely good, take the good man. He'll stay longer." *Advertising Age*, Nov. 20, 1961, p. 113. Chairman Dixon's well-known prejudice against "Ivy League lawyers" is deeply rooted in southern populist tradition, which is the background of the Commission's ruling clique.[50] As a result, graduates of prestigious law schools such as Harvard and Pennsylvania, which have very capable anti-trust professors, do badly at the FTC when compared to law schools such as Kentucky and Tennessee. Over the past two years eleven Harvard graduates from the classes of '67 and '68 applied to the FTC and only four were offered appointments.

From the University of Pennsylvania, only three of nine applicants were given offers, while at Kentucky it was nine out of eleven and at Tennessee six out of sixteen. It is possible, of course, that on an individual basis the applicants from the latter schools were better than those of the former. The fact is, however, that the system is geared to exclude able young law students who are in the middle of their class at high grade law schools. Although LSAT scores, the only common denominator available, are asked for, they are generally ignored in the admission process. This leaves interviews and law school grades as the basis for choosing attorneys.

The attitude of the Bureau Chiefs is such that they prefer attorneys who will not underscore their mediocrity or disturb the work patterns of their bureau. It is easy to eliminate the bright young fellows from national law schools by objecting to them on the basis of their interview and, for a clincher, pointing to their class standing. A typical applicant from a prestigious eastern law school will have a lower class standing than one from the mediocre state law schools, though the former person may be much brighter and better trained. The desire to perpetuate mediocrity goes beyond a phobia of the East. Thus a graduate of Virginia Law School, which has a reputation as a good national law school, is as badly treated as the graduate of the good eastern schools. Of the thirteen Virginia graduates from the '67 and '68 classes who applied to the FTC, only two were accepted.

Sectionalism and school ties do, however, also play an important role in the acceptance policy of the FTC, as the charts and discussion in Appendix 13 (p. 168) demonstrate. These charts were distilled from computerized lists of applicants and offiers of appointment which give home state, law school, LSAT score, and, for 1968 graduates, an honors code number which indicates a combination of class standing and extracurricular activities.

The conclusion drawn from Appendix 13 may be summarized as follows: Despite equal abilities as far as class ranking in law school and law aptitude scores are concerned, graduates from the South have a two to one acceptance rate over graduates from the North and this figure increases to three to one for offers to join one of the bureaus in the Central Washington office. Certain southern states for political reasons have an advantage over other states. Tennessee has an acceptance rate of 52%, while Texas has an acceptance rate of 53%. In addition, a detailed comparison of LSAT scores and honor code numbers (ranks in class) between those applying and those being accepted by the commission, further demonstrates the point made before—that the FTC tends to accept less capable students from inferior schools. School ties also make a big difference in an applicant's chances for success, with George Washington University and the University of Texas fairing unusually well for good law schools.

Situation of the Lower Staff

Thus we find that for the most part the FTC Bureau Chiefs, either consciously or unconsciously, seek their own image among young lawyers. The process of absorption into the hierarchy, however, only begins here. Within four years 80% of the new lawyers leave the FTC. Their reasons for leaving vary from a better paying job to complete disgust with the agency. Altogether the project talked with five young attorneys who had either left or were about to leave the Commission. Three were working for law firms in Washington, one was at the Justice Department and one was getting ready to leave the Commission. A brief conversation was held with a sixth, but he subsequently balked at a full interview fearing recriminations in the form of bad recommendations from the FTC. He too was in the process of quitting the FTC.

All of these attorneys were unanimous in the opinion that the FTC was a discouraging place to work for a young attorney. Most stayed on for the amount of time they did only to finish their "graduate on-the-job training" in anti-trust law and to qualify for good recommendations.

A lawyer who had been at the FTC in the late 1950's and early 1960's stated that the aggressive trial approach of Chairman Kintner was ideal for young lawyers who wanted to take responsibility. He calculated that he had tried 19 cases in his first two and a half years because his boss was a lazy man who liked nothing better than to shift his

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Footnotes at end of speech.

workload onto willing young attorneys. After those exciting first years, however, things slowed down under Dixon's voluntary compliance approach. The younger lawyers "got upset," he said, when the higher-ups started to let cases they had prepared for trial sit around for months without any action. This lawyer stated that he had once prepared a memorandum recommending complaint and that 18 months later it had not left his boss' office.

Another lawyer who had been at the FTC during the same period of transition said that there had been a lot of "espirit de corps" in his bureau (restraint of trade), but that it had diminished by 1963 because so few cases were being tried. He explained that the young trial lawyers love to fight big companies, but that the hierarchy of the FTC normally ends up going after the little guy at the request of Congressmen. Another frequent complaint—the existence of too many chiefs interfering with the real work being done by the young attorneys—has already been mentioned (see p. 119).

An old hand at the Federal Trade Commission stated that there were two kinds of people among the lawyers that decided to make a career of the FTC:

(a) the intelligent, idealistic public servants who also desire a certain degree of security, or

(b) the not so smart lawyers who need the security of the FTC. Most of the career men at the FTC fall into the second category.[51]

An interview with one of the few in the first category showed him to be a frustrated man, working under comparatively inept superiors, and doing his work, now, with more professional pride than idealism.

In the last analysis, the major problem at the FTC is a motivational one. The men who lead the Commission desire only to do the work they have always done in a manner which recalls Samuel Beckett's existential tragedy *Waiting for Godot*. In the meantime, the young attorneys at the bottom languish for want of direction and remind themselves they are there only for a short while to receive a practical legal education.

5. Need for professional personnel other than attoneys

An additional personnel problem at the Commission is its excessive reliance on attorneys to do all the agency's jobs, or, more accurately, its consequent lack of technical competence in other relevant fields.

This problem manifests itself in several ways, only two of which will be discussed here. A prime example involves the Division of Food and Drug Advertising in the Bureau of Deceptive Practices. This division is responsible, *inter alia* for detecting and preventing deception in the advertisement of drug products, yet it is staffed *entirely* by lawyers and has no doctors or scientists to advise it, according to Dr. Barbara Moulton [52] of the Division of Scientific Opinions (the latter division only evaluates claims *referred to it* by the Division of Food and Drug Advertising—it does no monitoring on its own). With such a set-up, it is not surprising that the Division of Food and Drug Advertising is presently operating at a low-level of energy (6 of 21 staff attorneys having left between June, 1966, and June, 1968, according to Division Chief John W. Brookfield) or that it presently does *nothing at all* to enforce the agency's laws in the area of therapeutic *devices* (the statute includes "foods, drugs and *devices*". FTC Act c 12).

A second example of lack of technical expertise and its consequences is the well known "odometer" case, referred to earlier in our discussion of excessive delay. Briefly, the salient feature of the case is that for some thirty years the FTC failed to act, although it knew that automobile odometers (mileage-registering devices) consistently over-registered to the benefit of auto companies (and car rental concerns) and detriment of car owners. It turns out that the major reason for this delay was that the FTC was duped by an excuse perennially put forth by the auto manfacturers: they claimed they *had* to make odometers register high because state highway officials demanded that they make *speed*ometers register high (to diminish actual driving speeds) and that the two were inseparably *connected*. Well, the fact of the matter is that odometer and speedometer are *not* connected, as any mechanical engineer would have known. (Since they work by different mechanisms, the odometer by gears, the speedometer by magnetic induction, it is perfectly feasible to adjust one without affecting the other).

Unfortunately, the FTC did not then have any engineers on its staff, nor does it now. And now, as the complexity of consumer products increases, this sort of technical expertise is needed more than ever. Who on the FTC knows about the complex features of modern automobiles or their accessories? Who about household appliances and their qualities? Who about new construction materials and their properties? Who about electronic computers and their capabilities?

FINDINGS AND RECOMMENDATIONS

1. As disclosed by the preliminary sections of this report, a growing problem faced by the American consumer is industry's increasing use of subtle but extremely powerful psychological appeals in advertisements. It may be that such appeals to strongly irrational forces in the human personality, when coupled with the broad and pervasive impact of modern media of communication, will require some governmental intervention to protect and preserve "rational" consumer choices.

We understand that this is a very difficult subject and that little is known about it. For that very reason, as well as because of its growing importance, the Federal Trade Commission should begin to consider whether sophisticated motivational—research advertising may violate the FTC Act. In doing so, it must grapple with the question whether such advertisements can be classified as either "deceptive" or "unfair" practices.

2. The FTC's present methods of becoming aware of consumer problems are woefully inadequate. It relies almost exclusively on letters of complaint from the public to detect possible violations of its laws, yet cannot obtain monetary satisfaction for injured individuals. As a result, there is little incentive to report deceptions to the Commission. Moreover, since many contemporary deceptive business practices are extremely subtle, victims of them may never know clearly that they have been deceived.

To remedy this situation, the Commission must begin to investigate consumer problems as such, making maximum use of its compulsory information gathering powers. It should, for example, focus its attacks on specific pressing problems by mobilizing task-force-scale efforts similar to the recent "Special Project" in Washington, D.C. In connection therewith, it should hold frequent public hearings, publishing reports based on them, and pressure other government agencies, such as the Departments of Defense and Agriculture, to divulge information of interest to consumers.

The Commission's attorneys must make contact with the people and the problems of the ghetto. Either through the roving task-force approach suggested above, or through the establishment of storefront offices in ghetto areas, the FTC must become visible to disenfranchised America. Commissioners and staff down to the lowest levels must establish contact with the burgeoning grassroots self-help organizations forming in every large city. Talks before trade associations must be deferred in favor of meetings with the poor and exploited where meaningful two way communication can be initiated. Field offices must be relocated, particularly the one in Oak Ridge, Tennessee, and must become centers for aggressive investigations.

The FTC should consider requiring manufacturers, advertisers, and so on of major and/or potentially harmful products to file reports on their products containing data to substantiate claims made about them. This would shift the burden of proving such matters to the businssman—as is already done by the FDA in regulating new drugs.

Simultaneously, the public complaint system itself should be beefed up, perhaps by passing legislation to let injured consumers sue for treble damages using FTC cease and desist orders to establish a *prima facie* case. Massive and pointed consumer education can also help.

3. The FTC still fails to select only important cases for prosecution, exhausting its limited resources in handling trivial cases as it has for more than fifty years. Little can be recommended except that it finally begin to make decisions according to the criteria it claims to use (size of company, seriousness of deception, class and number of consumers affected). Practically, a good start would be to find a hard-hitting replacement for Mr. Charles Sweeney, Program Review Officer, who recently died. The new Program Review Officer should have solid grounding in cost-benefit analysis, computer operation, and should be provided with thorough, honest and intelligently shaped performance statistics (which do not now exist).

4. The Commission fails woefully to enforce its laws properly in the context of its present powers. It relies much too heavily—nearly exclusively—on "voluntary," nonbinding enforcement tools. These cannot be expected to work at all unless backed up by stricter coercive measures, which are almost completely lacking now.

The agency also permits flagrant delays to sap its enforcement program. Both in the administrative handling of formal orders and in the investigative reports, the Commission fails to press forward with dispatch. This means toothless enforcement activity and long periods of inaction with regard to the most pressing problems.

Finally, the FTC fails to perceive and take advantage of the enforcement potential of its most extensive authority—the power to require disclosure of information and publish it in the public interest.

To improve its enforcement program, the Commission must begin by jettisoning its excessive reliance on voluntary means of securing law enforcement. Where these means *are* used, compliance with them must be checked more carefully and enforced more stringently. The coercive enforcement methods available must receive greater emphasis. At present, these powerful tools are almost entirely unused. The Commission must institute more frequent use of civil penalty and suits for preliminary injunctions and criminal penalties under the Flammable Fabrics Act and the food and drug provisions of the FTC Act.

The Commission must begin a program of periodic compliance checks on the entire number of outstanding cease and desist orders and begin to punish non-compliers harshly.

Delays must be routed by marshaling sufficient legal and monetary resources to prosecute cases smartly and by enjoining practices pending disposition of cases. Every matter taken up should be brought to a prompt and clean conclusion; never should announced investigations be allowed to vanish without a murmur.

The threat of prompt, effective and widespread publicity about objectionable corporate behavior must finally be recognized and made use of as a potent enforcement tool. Paradoxically, large corporations are remarkably thin-skinned.

5. The Commission has not vigorously pressed for increased statutory authority either across the board or in specific consumer problem areas. In general, it needs au-

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thority to seek preliminary injunctions and criminal penalties in cases involving S 5 of the FTC Act. It should also seek changes in the Act's language regulating its jurisdiction to make it clear that it has power to deal with intrastate matters. In areas of specific problems the Commission should seek various appropriate enforcement tools on the analogy of the SEC's power to stop stock brokers from trading and the FDA's authority to seize offending drugs in condemnation proceedings.

On a different plane, the FTC should begin to lobby vigorously for the passage of "baby FTC Acts" by individual states in order to increase the total of law enforcement activity for consumer protection.

In pushing for all this necessary new legislation, the Commission should be prepared to utilize its publicity and informational powers to mobilize maximum political support among consumers. And it should not fail to press for the necessary appropriations and manpower to carry out its proper role. An appropriations increase of from eight to nine times the agency's present allotment would constitute a minimum initial target.

6. The FTC makes a fetish of secrecy. It masks from public view much of its regulation of business, preventing evaluation of its performance as well as of business practices involved.

The solutions to this problem must be sought on all levels. The agency's policies regarding confidentially should be changed to conform to the requirements of the Freedom of Information Act. Public logs should be kept of all conferences between businessmen and Commission staff in order to minimize behind-the-scene whitewashing of agency reports and unwholesome coziness between private attorneys and agency staff members.

Public information must be made truly public by general publication and dissemination; news releases must be made more concrete and informative.

In cases of decisons not to take action, the FTC should publish reasons therefor rather than merely quietly shelving possibly important inquiries.

Briefly, the FTC must change its philosophy so as to understand that citizens have as much right to important information as members of Congress and officers of large corporations.

7. There is little doubt as to where the leadership of the Federal Trade Commission resides—it is with Chairman Paul Rand Dixon. Professor Kenneth C. Davis, after surveying the regulatory agencies in person, observed that no other regulatory agency has witnessed such a concentration of *de jure* and *de facto* authority and power as that possessed by Chairman Dixon.

With greater centralization of agency power and authority go commensurately higher levels of responsibility. As the tenure of Mr. Dixon's chairmanship enters its ninth year, more and more of the Commission's problems and defaults are attributable to his failures of leadership and not to the legacy of his predecessors. Unlike his predecessors, Mr. Dixon could have been the beneficiary of the recent upsurge in the consumer movement with its growing constituency at many levels of society, from community organizations in the slums to Congress. Not only has he failed to take advantage of the growing concern for the consumer, but he has chosen to view it skeptically and with not a little disdain. While even the White House has passed him by in delineating new consumer protection horizons, Mr. Dixon has trundled along and institutionalized mediocrity, rationalized a theory of endemic inaction, delay and secrecy, and transformed the agency into the Government's Better Business Bureau. He has managed the not inconsiderable feat of turning the Federal Trade Commission into a patterned and intricate deceptive practice unto itself.

Such accomplishments could not be mismanaged without lieutenants. One of Mr. Dixon's undoubted skills is the alacrity with which he filled the Commission with his cronies. One of the most dismaying attributes of cronyism—especially when it comes from the boss—is that there is no structure of internal criticism that can evaluate the costs. This is not the time to engage in a case by case evaluation of Bureau Chiefs and other high Commission staff. But it is highly appropriate to note that alcoholism, spectacular lassitude and office absenteeism, incompetence by the most modest standards, and lack of commitment to their regulatory missions are rampant at these staff levels. They are well known to the Chairman, who somehow has found that they add to the congenial environment and unquestioned loyalties that surround his office. Even high officials of the Commission, who despair and depict in detail these staff liabilities, shy away from further action out of deference to the Chairman's power. Thus, the FTC is witness to a phenomenon of government that can be described at best as sinecures and at worst as $27,000 a year welfare cases. Thus, at the higher staff levels, where policy direction, courage, and new ideas should proliferate, unproductive overhead and featherbedding prevail as major demoralizing influences that filter down to the fledgling FTC recruit who soon realizes that life's potential is better tapped in other fields.

The public arena for the FTC's flexing of its consumer protection muscle has been growing larger with every passing month—such is the ambience that has flourished in recent years. Yet the Chairman has chosen to dance on the head of a pin and use its perilous perch as the pretext for non-performance. Most of the Commission's weaknesses and misdirection can be laid at the doorstep of the Chairman as the primary "responsible." Seen in the detailed study of his record since 1961 and his rigid and complacent view of his post, Mr. Dixon's chief and perhaps only contribution to the Commission's improvement would be to resign from the agency that he has so degraded and ossified.

His resignation will indicate to the American consumer, who has been deceived, defrauded and ignored for profit by corporations both large and small, that the FTC is prepared to protect his interest as demanded by law.

8. The new Chairman should undertake the formidable task of uprooting the political and regional cronyism which has for years prevented the FTC from achieving its mandate to defend the hapless consumer. The present bureau chiefs must be judged not on the strength of political friends, but in the light of personal abilities and motivations. Those who do not measure up must be replaced without regard for seniority. Concurrently, junior attorneys must be granted easy access to the commissioners in order to prevent the normal channels of communication through the division and bureau chiefs from stifling innovative ideas and vigorous action.

9. To obtain the best available legal talent, changes must be made in the present hiring system. Institutionalized discrimination against the nation's top law schools can be eliminated by a sophisticated system relating class standings with aptitude scores to grade various law schools. In addition, evaluations of anti-trust and consumer law programs should be considered. Middle grade attorneys from at least below the division chief level should conduct all interviews and take an active role in the acceptance process. This will prevent the current major problem—an upper management out of touch with the times seeking its own image and perpetuating its outmoded values. If gradual change is not built into our institutions, violent change will be the inevitable result.

10. The FTC should hire a limited number of engineers, doctors and product experts on a full time basis to supply continual advice to attorneys investigating the complex products and drugs which are the hallmark of modern society. This should be done even if it means reducing the number of attorneys.

11. At a minimum, the FTC must react to the mild criticisms of the Civil Service Commission.[58] As the project report has shown, Chairman Dixon has completely ignored the mandatory provisions of the Civil Service Commission 1965 Report. He has not instituted computer education for his staff. He has not aggressively sought attorneys from minority groups. And he has increased, not decreased, the number of high level attorneys whose jobs do not justify their civil service ranks.

12. This report reveals that the Federal Trade Commission's performance of its regulatory duties has been shockingly poor for the last seven years. Due to the Commission's fetish for secrecy, however, what was discovered is only the visible fraction of what is probably a veritable iceberg of incompetence and mismanagement.

The Federal Trade Commission is much more open to scrutiny by its congressional watch dog committees than by mere citizens. These committees, the Senate Commerce Committee and the House Interstate and Foreign Commerce Committee, should undertake a full scale study of the consumer protection activities of the Commission. Such an investigation should determine in greater depth what can be done to reorient the agency towards its proper role as protector of the American consumer, and to prevent future deviations from that role.

APPENDIX 1

BUDGET ANALYSIS

	1965 actual	1966 actual	1967 actual	1968 requested
Antimonopoly:				
Investigation and litigation	$6,246,000	$5,937,000	$6,258,000	$6,468,000
Economic reports	850,000	955,000	992,000	1,052,000
Trade-practice conferences	170,000	244,000	282,000	297,000
Deceptive practices:				
Investigation and litigation	3,373,000	3,633,000	3,813,000	4,232,000
Conferences	341,000	490,000	564,000	593,000
Textile and fur enforcement	1,209,000	1,272,000	1,283,000	1,375,000
Executive direction	299,000	325,000	338,000	344,000
Administration	779,000	815,000	848,000	864,000
Total	13,410,000	13,671,000	14,378,000	15,225,000
Personnel	11,362,000	11,705,000	12,376,000	13,026,000
Permanent personnel	11,288,000	11,642,000	12,329,000	12,972,000

Footnotes at end of speech.

APPENDIX 2

Informal corrective actions[1]

Fiscal year 1966	3,394
Fiscal year 1967	3,121
Fiscal year 1968 (3d quarter)	2,938

[1] Includes figures in Chart V plus preliminary matters.

Assurances of voluntary compliance accepted in 7-digit cases

Fiscal year 1966	422
Fiscal year 1967	559
Fiscal year 1968 (3d quarter)	360

Cases[1] *disposed of by orders to cease and desist—Contest and consent*

Fiscal year 1966 (3 quarters):	
Consent (C. & D. series)	143
Contest	16
Admissive answers and defaults	2
Total	161
Fiscal year 1967 (3 quarters):	
Consent (C. & D. series)	118
Contest	16
Admissive answers and defaults	5
Total	139
Fiscal year 1968 (3 quarters):	
Consent (C. & D. series)	68
Contest	16
Admissive answers and defaults	2
Total	86

[1] Partial orders excluded accordingly. Also excludes dismissals, declaratory and withdrawals, etc.

Completed investigations—7 digit[1]

Fiscal year 1966:	
Bureau of Restraint of Trade (433)[2]	492
Bureau of Deceptive Practices (636)[2]	795
Bureau of Textiles and Furs (124)[2]	186
Total	1,473
Fiscal year 1967:	
Bureau of Restraint of Trade (254)[2]	321
Bureau of Deceptive Practices (395)[2]	546
Bureau of Textiles and Furs (135)[2]	191
Total	1,058
Fiscal year 1968 (3 quarters):	
Bureau of Restraint of Trade	139
Bureau of Deceptive Practices	318
Bureau of Textiles and Furs	104
Total	561

[1] Also includes investigations completed by Commission approval for complaint but pending consent order negotiation.

[2] Figures in parentheses indicate number of cases for 3 quarters.

FEDERAL TRADE COMMISSION WORKLOAD AND PRODUCTION, BUREAU OF DECEPTIVE PRACTICES (1ST 3 QUARTERS, FISCAL YEAR 1968)

INVESTIGATIONS

Division	Input						Output					
			Other[2]					Closed				
	On hand beginning fiscal year	Initiated during 3 quarters[1] fiscal year 1968	Plus	Minus	Total workload	(+) or (−) from 3 quarters last fiscal year	Investigations approved for complaint action	Voluntary compliance	Other	Total investigations	(+) or (−) from 3 quarters last fiscal year	On hand March 31, 1968
Food and drug advertising	258	64	+3	−31	294	−78	8	[3] 23	47	78	−16	216
General practices	895	207	+34	−47	1,089	−94	21	[3] 65	124	210	−79	879
Special projects	57	47	+40	−5	139	+84	13	4	13	30	+27	109
Total	1,210	318	+77	−83	1,522	−95	42	92	184	[4] 318	−75	[5] 1,204

[1] Source for initiating investigation:

Applications for complaint	221
Advertisement—monitoring program	7
Field office reports (28 with letters of complaint, 41 without letters of complaint)	69
Other	21
Total	318

[2] Transfers, reopenings, etc., affecting workload prior to completion.

[3] Excludes 1 voluntary compliance in case having multiple disposition.

[4] Excludes 9 auxiliary.

[5] Excludes 18 auxiliary.

COMPLAINTS ISSUED (INCLUDING C-SERIES ORDERS)

Division	Input				Output						
							Issued				
	Pending consent negotiation beginning of fiscal year	Approved for negotiation 3 quarters of fiscal year 1968	Total workload	(+) or (−) from 3 quarters of last fiscal year	Withdrawn	Volume compliance	Consent settled (C-series)	Docketed	Total Output	(+) or (−) from 3 quarters of last fiscal year	Pending consent negotiation, Mar. 31, 1968
Food and drug advertising	3	7	10	−6	1		2	2	4	−9	5
General practices	13	21	34	−51	1		9	7	16	−60	17
Special projects	3	13	16	+15			2	5	7	+7	9
Total	19	41	60	−42	2		13	14	27	−62	31

DOCKETED ORDERS ISSUED (SEE WMR 9 FOR C-SERIES ORDERS)

Division	Input					Output								
						Orders to cease and desist								
	Docketed complaints pending beginning of fiscal year[1]	Complaints docketed 3 quarters of fiscal year 1968	Reopened	Total workload	(+) or (−) from 3 quarters of last fiscal year	Consent	Contest	Other[2]	Total	Dismissal orders	Closed	Total docketed orders issued	(+) or (−) from 3 quarters of last fiscal year	Complaints, pending litigation Mar. 31 1968
Food and drug advertising	9	2		11	−9		2		2			2	−4	9
General practices	23	7		30	−15	2	8	2	12	2		14	−2	16
Special projects	2	5		7	+7		1		1			1	+1	6
Total	34	14		48	−17	[3] 2	11	2	[3] 15	2		17	−5	31

[1] Includes complaints, pending litigation, and cases formally reopened by vacating the order.

[2] Includes admissive answers, defaults, etc.

[3] Excludes 2 partial OCD's.

APPENDIX 3

WHO ADVERTISES WHAT

In the first quarter of 1968 sponsors of the following brands spent the most money on TV commercials in the U.S.A.:

1. Anacin tablets	$4, 618, 500
2. Alka-Seltzer	3, 993, 400
3. Salem menthol filters	3, 552, 700
4. Winston filters	3, 321, 600
5. American Telephone & Telegraph	3, 295, 200
6. Bayer aspirin	3, 110, 500
7. Bufferin	2, 929, 500
8. Listerine antiseptic	2, 401, 000
9. Miracle white cleaner	2, 273, 800
10. Kool menthol filters	2, 108, 000

APPENDIX 4

SIZE ANALYSIS—LITIGATED CASES ON DOCKET 1ST 4 MONTHS OF 1968

	Restraint of trade	Deceptive practices	Total
1967 sales over $1,000,000,000	2	0	2
1967 sales, $500,000,000 to $1,000,000,000	3	1	4
1967 sales, $100,000,000 to $500,000,000	8	3	11
1967 sales, $500,000 to $100,000,000	8	0	8
Unlisted or net worth below $500,000	5	33	38

Note: That since this list includes only those companies able to delay enforcement through expensive litigation, it would consist of the largest companies. Those who submit to voluntary compliance, etc. are almost unanimously small.

APPENDIX 5

AGE OF COMPLAINTS PENDING LITIGATION [1] [2]

June 30, 1966, 62 complaints:	
Bureau of Restraint of Trade:	
Less than 2 years (47)[3]	16
2 to 4 years (26)	9
4 to 6 years (12)	4
Over 6 years (15)	5
Bureau of Deceptive Practices:	
Less than 2 years (68)[3]	17
2 to 4 years (24)	6
4 to 6 years (4)	1
Over 6 years (4)	1
Bureau of Textiles and Furs: Less than 2 years (100)[3]	3
June 30, 1967, 63 complaints:	
Bureau of Restraint of Trade:	
Less than 2 years (62)[3]	16
2 to 4 years (19)	5
4 to 6 years (8)	2
Over 6 years (11)	3
Bureau of Deceptive Practices:	
Less than 2 years (82)[3]	28
2 to 4 years (6)	2
4 to 6 years (6)	2
Over 6 years (6)	2
Bureau of Textiles and Furs:	
Less than 2 years (67)[3]	2
2 to 4 years (33)	1
March 31, 1968, 55 complaints:	
Bureau of Restraint of Trade:	
Less than 2 years (52)[3]	12
2 to 4 years (30)	7
4 to 6 years (9)	2
Over 6 years (9)	2
Bureau of Deceptive Practices:	
Less than 2 years (97)[3]	30
2 to 4 years (3)	1
Bureau of Textiles and Furs: Less than 2 years (100)[3]	1

[1] Age is from date Complaint issued or reopened.

[2] Includes Complaints pending litigation and cases formally reopened by vacating the order. (Excludes cases referred for supplemental work.)

[3] Figures in parentheses indicate percent of cases.

AGE OF PENDING 7-DIGIT INVESTIGATIONS [1]

June 30, 1966, 1,978 investigations:	
Bureau of Restraint of Trade:	
Less than 6 months (20)[2]	138
6 months to 1 year (14)	98
1 to 2 years (22)	148
Over 2 years (44)	305
Bureau of Deceptive Practices:	
Less than 6 months (37)[2]	407
6 months to 1 year (23)	248
1 to 2 years (17)	181
Over 2 years (23)	251
Breau of Textiles and Furs:	
Less than 6 months (31)[2]	63
6 months to 1 year (27)	55
1 to 2 years (21)	42
Over 2 years (21)	42
June 30, 1967, 2,120 investigations:	
Bureau of Restraint of Trade:	
Less than 6 months (25)[2]	179
6 months to 1 year (15)	106
1 to 2 years (25)	184
Over 2 years (35)	256
Bureau of Deceptive Practices:	
Less than 6 months (23)[2]	283
6 months to 1 year (25)	306
1 to 2 years (31)	373
Over 2 years (21)	248
Bureau of Textiles and Furs:	
Less than 6 months (42)[2]	77
6 months to 1 year (27)	50
1 to 2 years (22)	41
Over 2 years (9)	17
March 31, 1968, 2,158 investigations:	
Bureau of Restraint of Trade:	
Less than 6 months (13)[2]	94
6 months to 1 year (15)	111
1 to 2 years (33)	251
Over 2 years (39)	296
Bureau of Deceptive Practices:	
Less than 6 months (17)[2]	200
6 months to 1 year (16)	199
1 to 2 years (36)	436
Over 2 years (31)	369
Bureau of Textiles and Furs:	
Less than 6 months (35)[2]	70
6 months to 1 year (28)	57
1 to 2 years (30)	61
Over 2 years (7)	14

[1] Age is from date investigation was scheduled. Excludes the following 7-digit matters: 4 Trade Mark, 1 Export Trade, 93 Industry Guides, 37 Advisory Opinions, 18 Trade Reg. Rules, 37 Auxiliary Matters.

[2] Figures in parentheses indicate percent of cases.

APPENDIX 6

RESTRAINT OF TRADE TIME ANALYSIS—TURNOVER

[Turnover analysis for 4 months of 1968]

	Number disposed of			Number acquired		
	February–March	April	May	February–March	April	May
Violation:						
2	0	0	1 (4.5)	0	0	0
3	0	0	0	0	0	0
5	0	1 (3.0)	1 ([1] 3.2)	0	1	0
7	0	1 (3.3)	0	0	2	0
8	0	0	0	0	0	0
Total	0	2	2	0	[2] 2	0

[1] Before withdrawn.

[2] Actually only 2 were acquired as above because one was designated under both violations 5 and 7.

Note: Numbers in parentheses indicate average age.

DECEPTIVE PRACTICES TIME ANALYSIS—TURNOVER

[Turnover analysis for 4 months of 1968]

Violation	Number disposed of			Number acquired		
	February–March	April	May	February–March	April	May
1	1 (8.5)	3 (3.2)	3 (2.5)	1	1	1
2	0	0	0	0	0	0
3	0	0	0	0	0	0
4	0	0	0	0	0	0
6	0	0	0	0	0	0
7	0	0	0	0	0	0
8	0	0	0	0	0	0
9	0	0	0	0	0	0
10	0	0	0	0	0	0
Total	1	3	3	1	1	1

Note: Numbers in parentheses indicate average age.

APPENDIX 7

STATISTICS ON SIZE OF BUREAUS

	June 1968	June 1966	June 1964
DECEPTIVE PRACTICES			
(1) Office of Director (attorneys)	8	2	3
(2) Division of Special Projects (attorneys)	19	0	
(3) Division of Food and Drug Adv. (attorneys)	15	21	20
(4) Division of General Practices:			
Attorneys	28	29	
General adv			19
General practices			17
(5) Division of Compliance (attorneys)	10	13	10
(6) Division of Scientific Operations:			
Scientific	10	8	8
Medical officers	4		
TEXTILES AND FURS			
(1) Director (attorneys)	2	2	2
(2) Division of Enforcement:			
Attorneys	14	14	14
Textile technologists	2		
(3) Division of Regulation:			
Attorneys	11	9	9
Investigators	2	1	2
Field investigators	42	36	37

	June 1968	June 1966	June 1964
FIELD OPERATIONS			
(1) Office of Director	3	3	3
(2) Atlanta office	10	8	9
(3) Boston office	10	10	10
(4) Chicago office	22	22	24
(5) Cleveland office	6	7	9
(6) Kansas City office	7	6	6
(7) Los Angeles office	9	6	3
(8) New Orleans office	15	15	17
(9) New York office	39	39	42
(10) San Francisco office	7	9	9
(11) Seattle office	8	11	11
(12) Washington, D.C., office	20	17	22
INDUSTRY GUIDANCE			
(1) Office of Director	2	2	2
(2) Industry guides	18	16	17
(3) Advisory opinions	5	6	6
(4) Trade regulation rules	8	10	6
CHIEF, BUREAU OF ECONOMICS			
(1) Office of Director (economists)	9		
(2) Division of Economic Evidence (economists)	18		
(3) Division of Industry Analysis (economists)	22		
(4) Financial statistics (mostly accountants)	15		

APPENDIX 8

DETROIT AGREES: IT'S A WIDE OVAL WORLD

Times have changed since Columbus said the world was round.

It's 1968, and America is fast discovering that the world is oval. Wide Oval. The Wide Oval of Firestone.

Perhaps you've noticed it, too. On the cars coming out of Detroit. How tires are getting wider, lower.

We started it all when we introduced the original Super Sports Wide Oval tire. A totally new kind of tire. Nearly two inches wider than conventional tires. It grips better. Corners easier. Runs cooler. Stops 25% quicker. And it gives your car an all-out look of driving excitement.

It's built with Nylon cord, too. And that gives it maximum strength and safety at sustained high-speed driving.

Sure, others may look like it, but none perform like it.

There's really only one original Wide Oval tire. And Firestone builds it.

The Super Sports Wide Oval tire. Anything less is less.

Nearly two inches wider than your present tire.

Firestone—the safe tire.

APPENDIX 9

FTC INITIATES TRADE REGULATION RULE PROCEEDING COVERING ADVERTISING OF ANALGESICS

The Federal Trade Commission today announced it has initiated a proceeding for the establishment of a trade regulation rule to prevent deceptive advertising of non-prescription analgesic drugs.

Targets of the proposed rule are the following unfair and deceptive advertising practices which the Commission has reason to believe are being used by marketers of these over-the-counter analgesics:

Making effectiveness or safety claims which contradict or exceed statements or directions for use on labels.

Making false claims of comparative speed, strength and duration of relief. ("It appears," the FTC said, "that each of the various analgesic products now offered to the consuming public is effective to essentially the same degree as all other competing products supplying an equivalent quantity of an analgesic ingredient or combination of ingredients").

Attributing beneficial effects to specified ingredients without substantiation or without identifying them by their common or usual names.

In initiating this proceeding, the Commission pointed out that one of its prime duties is protecting "the consuming public from false, misleading, deceptive, or unfair advertising of products, particularly those that may endanger human health or safety."

All interested parties, including the consuming public, are invited to file written views on the proposed rule with the Secretary, Federal Trade Commission, Sixth Street at Pennsylvania Ave., N.W., Washington, D.C. 20580, not later than September 15, 1967. To the extent practicable, 20 copies should be filed of written presentations in excess of two pages.

Following is the text of the proposed rule:

"In connection with the sale or offering for sale of non-prescription systemic analgesic drug preparations, subject to jurisdictional requirements of Section 5 and 12 of the Federal Trade Commission Act, it is an unfair method of competition and/or an unfair or deceptive act or practice to disseminate any advertisement which:

"(1) contains any representation with respect to efficacy or safety which contradicts, or in any manner exceeds, the warnings, statements or directions for use appearing on the label or in the labeling of such product; or

"(2) represents that any analgesic effects resulting from the use of such product are faster, stronger, or longer lasting than those achieved by the use of a competitive product unless the advertiser has established and can demonstrate that a significant difference in such effects exists due to an increased total quantity of analgesic ingredient(s) in the recommended dosage, and this fact is clearly and conspicuously disclosed in the advertisement; or

"(3) represents that any benefit will be derived from the action of any specified ingredient or combination of ingredients unless

"(a) the identity of such ingredient or combination of ingredients is clearly and conspicuously disclosed by its common or usual name(s), and,

"(b) the adevrtiser has established and can demonstrate that each such ingredient or combination of ingredients is efficacious as represented for the purpose for which it is offered when the product is taken in accordance with directions for use."

ANALGESICS INVESTIGATION

The essential questions under study in this investigation are whether there are any significant differences between competitive analgesic pills in the rapidity with which they will provide relief of pain, the degree of such relief they provide and the duration thereof, whether they relieve tension and depression, and whether they cause no gastric upset. The last point is, from a public health standpoint, the most important of all because of strong indications that aspirin, which is the sole ingredient in some, and the major ingredient in all, of these preparations, may so irritate the lining of the stomach as to cause internal bleeding with possible serious consequences.

The Div. of Scientific Opinions began a study around 1958 and it was decided that opinions could not be relied upon in litigation and so a scientific study would have to be made.

Much difficulty was encountered in obtaining the desired clinical studies. Informally, the D of S O tried to make arrangements at high staff levels with the National Institutes of Health whereby that agency would make the clinical studies in their hospitals. The attempt failed for reasons I do not know. The V.A. also declined saying that the questions would have to be brought to a policy level, whatever that means. (In 58 Gwynne lost at the Nat. Inst. of H.; in 59 Kintner lost with the VA) Four university studies were undertaken—Johns Hopkins, B.U., Oklahoma U., Dartmouth.

As of the end of fiscal 64, litigation stood as follows:

7 special orders had been filed, and replies received to all. These included BC Headache Powder & Tablets; Saleto; Nebs; Watkins Acotin Tablets; Bromo-Seltzer; Micrainin; Sal-Fayne

5 orders were prepared but not forwarded pending further discussions with General Counsel. These include Anacin, Duplexin, Painquellizer; Bayer Aspirin & B. A. for Children; Aspergum; Buffered Aspirin formula; 451; Methalgen, Gelpirin

6 cases in which orders will be prepared. Including Bufferin, Excedrin; St. Joseph's; Defencin; SPF; Counterpain; Rexall Buffered Aspirin

In 1961 the Commission issued complaints against the four largest producers of analgesics. The products and dates of complaints were:

March 14—Anacin.
July 25—Bufferin & Excedrin.
March 14—St. Joseph's Aspirin.
March 14—Bayer Aspirin & B. A. for Children.

Answers were filed in each case. On June 25, 1962 the Comm. suspended all cases as no medical evidence was available to substantiate the complaints. Subsequently, and pursuant to a Commission Resolution dated

March 27, 1962 and one dated September 9, 1964, the Division of Food and Drug Advertising, in conjunction with the Div. of Sci. Op. prepared Section 6(b) interrogatories which were served on the above 4 among others. On April 7, 1965 the orders were rescinded and the complaints withdrawn again.

During the entire period 1961–1965 there was substantially no change in the nature of analgesic advertising.

The Johns Hopkins research showed all preparations about equal, except that Anacin & Excedrin produced more gastrointestinal ill effects than Bayer, Bufferin or St. Joseph's. This report was published in the AMA Journal, and Bayer seized upon the results for advertising purposes. (AMAJ of 12/29/62)

Dartmouth study showed all products tested were of equal non-gentleness to the stomach (Bayer, Anacin, Bufferin, B.C. Powder).

B.U. study showed that aspirin and phenacetin had virtually no effect on tension (these are the two ingredients in all of the analgesics; some have only aspirin; perhaps one or two have a third ingredient, I'm not sure).

Oklahoma Study showed no difference among Anacin, Bayer, Bufferin as to speed of relief.

About the end of fiscal 1965 (July 30, 65), a new form of analgesic—the time capsule—hit the market. Studies made by some of the manufacturers showed that this form of the drug was no better than ordinary stuff; it was marketed anyway.

HISTORY OF FAIR PACKAGING AND LABELING ACT

February 3, 1965, S. 985 introduced.

May 25, 1966, Reported w/amendments as S.R. 1186.

June 9, 1966, Passed by Senate 72–9.

October 3, 1966, Passed by House 300–8.

October 6, 1966, Conference asked by Senate.

October 12, 1966, Conference agreed to by House.

October 17, 1966, Conference Report agreed to by House.

October 19, 1966, Conference Report agreed to by Senate.

Executive date: July 1, 1967.

Section 6 of Act describes the required implementation which states that regulations promulgated under sections 4 or 5 of the Act shall be so done pursuant to the provisions of subsections e, f, g of section 701 of the Food, Drug, & Cosmetic Act. There are several differences between the procedure described there and the FTC procedure. On 6/13/67, only two weeks before the Act was to take effect, the FTC published its amended Rules of Practice. (16 CFR 1.1–1.64)

June 27, 1967: Commission published its Section 4 implementation regulations.

During the month allowed for comment, 130 industry letters were received, mostly unfavorable. It was decided to revise.

March 19, 1968: Revised Section 4 implementation published. Also, new division within Decep. Prac. formed to handle FP&LA work.

Extension beyond 30 day minimum denied; these proposals adopted.

An effective date of January 1, 1969 for new label orders.

An effective date of July 1, 1969 for all commodities in commerce.

Both times that orders and complaints were suspended or withdrawn the reason cited was that the field was too large to progress on a case by case basis, and industry guidance must be undertaken. One of the major considerations against case by case litigation was the impracticality of calling the same expert witnesses over and over again. Also it was deemed that since the industry is highly competitive and the trends of it would shift as a whole (e.g., time capsules and the associated bandwagon), industry guidance was more ideally suited to cope with the problem.

In preparation for a TRR hearing, Section 6(b) orders were made which would require all respondents to submit all of the evidence which they would present at a hearing as well as that which they would not—e.g., the Stendin report, unfortunately published in the Journal of New Drugs, Nov-Dec 1964 because such data would better support the Commission's side of things. Such Orders were sent out about Feb. 1966.

This was too much for Bristol-Myers who issued a civil suit against the FTC on Nov. 14, 1967. They had responded to the order as had all the others, but they tried to prevent the TRR proposed on July 6, 1967 from occurring by seeking court relief. They lost of course, but delayed the FTC for another twelve months. The case was settled on June 11, 1968. A copy of the News Release of July 6, 1967 is appended.

APPENDIX 10

[From the Washington (D.C.) Post, Dec. 5, 1968]

ABRASIVE TOOTHPASTE CITED: DENTAL GROUP ISSUES "WHITENER" WARNING

(By Morton Mintz)

The American Dental Association is concerned with the possibility—neither proved nor disproved—that certain "whitener" toothpastes are too abrasive and increase the susceptibility of users to decay.

If there is a risk, it is mainly to persons over 35. That is largely because, in one adult out of four, the gums tend to recede and expose part of the root—the cementum—which is more readily eroded than the enamel.

The new edition of "Accepted Dental Therapeutics," an Association guide that its Council on Dental Therapeutics plans to publish Jan. 1, will advise:

"Highly abrasive products should not be used regularly by individuals having exposed cementum or dentin [the major part of a tooth], or possibly by individuals with restored tooth surfaces of the softer synthetic materials."

WHITEN OR BRIGHTEN BASIS

This caution will appear following a recognition of the "recent tendency to promote dentifrices on the basis of their ability to whiten or brighten teeth. . . .

"Such claims," the Council will say, "appear to relate almost exclusively to the incorporation . . . of harsher abrasive agents. . . ."

The possibility that the "whitener" toothpastes pose "some degree of danger" was raised last summer with publication of a study partially financed by Procter & Gamble in which 43 commercial dentifrices were mechanically brushed on freshly extracted teeth.

The researchers, Drs. George K. Stookey and Joseph G. Muhler of the Indiana University School of Dentistry, rated the following toothpaste brands excessively abrasive: Iodent No. 2, Ipana, Macleans, Plus White, Fact and Ammi-dent Fluoride.

The products were purchased in the year ending in January 1966. Since then, the abrasiveness of Plus White has been reduced, and Ultra-Brite which has garnered nearly 10 per cent of a $350 million market was put on sale.

THOROUGH TESTS URGED

Replying to questions from The Washington Post, the Council said that "one study can never be conclusive" and urged thorough clinical tests.

The Council also said that "no definitive findings are available" as to whether the products in question "are, in fact, harmful" (the makers deny they are), and that dental literature has no adverse reports on one of the brands widely sold in England for almost 40 years.

But, the Council said, it sees "no valid reason" for using a high abrasive dentifrice.

Meanwhile, it is asking the manufacturers for data on abrasiveness.

APPENDIX 11

Last half	Dismissals	Flammable fabrics	Bait and switch
1964	9	0	2
1965	8	5	3
1966	2	6	4
1967	6	9	6
First half: 1968	6	8	10
Total	31	28	25

Last half	Collection agencies	Aluminum siding	Reused oil and golf balls
1964	4	1	5
1965	6	6	1
1966	5	6	2
1967	4	4	1
First half: 1968	3	2	2
Total	22	19	11

APPENDIX 12

APPLICATIONS FOR COMPLAINT FOR THE MONTH OF MAY 1967—TYPE AND SOURCE OF APPLICANT

	March	April	May
Letters of complaint forwarded to Commission by—			
The White House	62	41	27
Members of Congress	117	111	99
Another Federal agency	105	68	56
State agency	63	31	35
Consumer groups	35	12	32
Total	382	263	249
Sent direct to Commission	[1]972	[1]671	[1]533
Total letters	1,354	934	782
Type of applicant:			
General public	1,143	768	602
Competitor	135	105	136
Consumer group	27	21	18
State agency	18	12	9
Commission personnel	15	14	12
Another Federal agency	10	2	3
Members of Congress	6	12	2
Total	1,354	934	782
Letters of complaint	1,168	807	686
Inquiry	186	127	96
Total	1,354	934	782

[1] 186 of March letters, 118 of April letters, and 99 of May were originally received in a field office.

APPLICATIONS FOR COMPLAINT FOR THE MONTHS OF JULY AND AUGUST 1967—TYPE AND SOURCE OF APPLICANT

	July	August
Letters of complaint forwarded to the Commission by:		
The White House	12	35
Members of Congress	90	123
Federal agencies	37	68
State agencies	28	42
Consumer groups	20	41
Sent direct to the Commission	475	566
Total	662	875
Type of applicant:		
General public	503	664
Competitors	122	163
Consumer groups	13	22
State agencies	12	11
Commission personnel	6	6
Federal agencies	2	6
Members of Congress	4	3
White House		
Total	662	875
Letters of complaint	592	772
Inquiry	70	103
	662	875
Letters forwarded from field offices	50	98

APPLICATIONS FOR COMPLAINT FOR THE MONTHS OF FEBRUARY, MARCH, AND APRIL 1968—TYPE AND SOURCE OF APPLICANT

	February	March	April
Letters of complaint forwarded to the Commission by—			
The White House	39	80	67
Members of Congress	82	129	103
Another Federal agency	51	75	86
State agency	39	86	54
Consumer groups	26	36	35
Sent direct to the Commission	533	851	663
Total	770	1,257	1,008
Type of applicant:			
General public	608	1,047	831
Competitors	124	134	121
Consumer groups	16	26	21
State agencies	8	21	13
Commission personnel	10	15	9
Federal agencies	2	4	5
Members of Congress	2	10	5
White House			3
Total	770	1,257	1,008
Letters forwarded from field offices	95	157	141

APPLICATIONS FOR COMPLAINT FOR THE MONTHS OF JULY AND AUGUST 1968—TYPE AND SOURCE OF APPLICANT

	July	August
Letters of complaint forwarded to the Commission by:		
The White House	76	66
Members of Congress	128	96
Federal agencies	43	45
State agencies	38	58
Consumer groups	34	31
Sent direct to Commission	559	615
Total	878	911
Type of applicant:		
General public	750	764
Competitors	90	110
Consumer groups	18	18
State agencies	10	9
Commission personnel	2	2
Federal agencies	4	4
Members of Congress	3	4
White House	1	0
Total	878	911
Letters forwarded from field offices	109	84

PERCENTAGE OF CONSUMER, COMPETITOR, AND OTHER APPLICANTS

July	85.4	12.5	2.1
August	83.9	9.9	6.3

APPENDIX 13

From the aggregate law school class of '68, 454 students applied to the FTC and 105 were given offers of appointment. In the '67 class, 354 applied and 113 offers were tendered. Chart A gives by class for each of four regions—North, South, Midwest, and Far West [54]—three pieces of data. The first column gives the percentage of total applicants applying from that region. The second gives the percentage of total applicants offered appointments and the third the percentage of regional applicants offered appointments. The third column is the most important for it indicates that almost half of the applicants from the South are offered appointments as compared to the less than one quarter of the Northern applicants.

This discrimination is repeated on the level of appointments of older attorneys. In 1967 and 1968, despite criticism from the 1965 Civil Service Report for being too top heavy, the FTC hired 37 attorneys at the GS–12 rank or better [55] and another 68 at the GS–9 and 11 levels. All of these 105 appointments were made from law school classes previous to 1967. Of the 105, 37 were from the North, 40 from the South, 21 from the Midwest, and 7 from the Far West. Chart B further amplifies the accusation inherent in Chart A by showing that more than half of those offers made to Northerners were by field offices, mostly in the North. In contrast, two-thirds of the offers made to Southerners were from the central office in Washington, D.C., where the southern Democrats are firmly in control. Chart C shows for a select state the percentage of applications *from that state* which were given offers. A high acceptance rate of Tennessee applicants is not remarkable considering Joe Evin's influence at the FTC, and the fact that Chairman Dixon and Executive Director Wheelock (who are both from Tennessee) are the final authorities on offers granted. According to sources in the FTC close to the selection process these two men have misused their powers by hiring attorneys who have not gone through the normal application process of submitting law school grades and other pertinent data.

Chart D demonstrates that no significant difference in legal and law school standing exists between northern and southern applicants. For the class of '68, the honors number indicates that both the southern and northern applicants on the average were in the second 25% of their class. While offers were given to men from both sections who on the average ran in the top 25% of the class. Considering that more than twice as many Northeners as Southerners applied to the FTC and, making the safe assumption that the distribution from the mean honor code number to the extremes of the scale was the same for both groups, one would expect twice as many well qualified Northerners applying to the Commission and, consequently, an offer rate approximately equal to the percentage of total applicants applying from that region, i.e., twice as many northerners receiving offers of appointment. These honor figures can be used for comparative purposes only if the law schools from which they apply are equal. The common denominator of LSAT scores, which according to the Educational Testing Service is a good predictor of performance in law school, places the average applicant from both the North and the South together well within the ±30 point margin of error which the Educational Testing Service assigns to its LSAT figures.[56] This reinforces what the honor code number demonstrated by showing an equality of legal aptitude between applicants from both regions.

These mean LSAT scores also prove the point that mediocrity in the FTC tends to seek its own image among applicants. The fact that in three of the four cases ('68 LSAT South, '67 LSAT South, '67 LSAT North) the average LSAT score of the students to whom appointments were offered was lower than the entire applicant group, while the honor number in both cases ('68 honor number South, '68 honor number North) improved substantially from average applicant to the average offered appointment, demonstrates again that less capable students are being accepted from inferior schools. Graduating law students offered appointments have a higher rank in class, but a lower basic aptitude for law because they come from mediocre law schools.

Chart E is indicative of this point. Using eight schools which were selected because they have either a high application rate or a high rate of offers at the FTC, one discovers that those schools whose applicants have the higher LSAT scores, also have the lower honor code numbers, i.e. N.Y.U. (1–7), Georgetown (2–6), and Texas (3–5). Neither is it coincidental that N.Y.U.—a top quality, northern city school with no representatives in the FTC hierarchy—should also have the lowest acceptance rate of 9%, despite the fact that its applicants' high LSAT scores demonstrate more legal talent than the other schools.

Georgetown, because of its proximity to the central bureau and the number of its alumni in the FTC hierarchy, has fared somewhat better with an acceptance rate of 27%. The University of Texas has also done unusually well for a good law school; but here political factors outside the agency explain its success. George Washington University's high rate of 42%, which makes it second only to Kentucky (82%), is explained by the fact that two bureau chiefs, the General Counsel, the assistant to the chairman and a number of division chiefs and assistant bureau chiefs went there. The success of Kentucky (82%) and Tennessee (38%) is explained both by regional ties and their mediocre standing as law schools.

HONORS CODE

(1) Top 10% plus activities.
(2) top 10%.
(3) top 25% plus activities.
(4) top 25%.
(5) top 50% plus activities.
(6) top 50%.
(7) lower 50% plus activities.
(8) lower 50%.
(9) standing-not indicated.
(0) previous graduate.

CHART A

	Percent of total applicants	Percent of total applicants offered appointment	Percent of regional applicants offered appointment
Class of 1967:			
North	43	29	22
South	18	26	47
Midwest	25	30	38
Far West	15	15	33
Total	[1] 101	100	
Class of 1968:			
North	49	35	17
South	17	28	37
Midwest	26	29	25
Far West	8	9	26
Total	100	[1] 101	

[1] Figures do not add to 100 percent due to rounding.

CHART B.—*Classes of 1967 and 1968 combined*

Percent of Applicants Offered Appointments in Field Offices:

North	56
South	33
Midwest	36
Far West	72

CHART C.—*All applicants applying in 1967 and 1968*

Percent of Applicants Offered Appointments for Selected States:

New York	22
Massachusetts	31
Tennessee	52
Texas	53

CHART D

South	Average honor code No.	Size of sample
1968, all applicants	4.2	(49)
1968, offered appointments	3.6	(28)

South	Average LSAT score	Size of sample
1968, all applicants	597	(47)
1968, offered appointments	571	(16)
1967, all applicants	550	(34)
1967, offered appointments	541	(14)

Footnotes at end of speech.

North	Average honor code No.	Size of Sample
1968, all applicants	4.6	(203)
1968, offered appointments	3.5	(35)

North	Average LSAT score	Size of sample
1968, all applicants	574	(143)
1968, offered appointments	596	(22)
1967, all applicants	569	(90)
1967, offered appointments	534	(14)

CHART E

Law schools	Offered appointment	Refused appointment	Total	Percent offered appointment	2-year combined LSAT average of applicants	Size of sample	1968 average honor code number of applicants	Size of sample
(1) New York University	3	31	34	9	612	(19)	4.9	(20)
(2) Georgetown	4	11	15	27	591	(14)	4.7	(6)
(3) Texas	5	9	14	36	588	(3)	4.7	(10)
(4) George Washington University	14	19	33	42	569	(12)	3.9	(18)
(5) St. John's	6	40	46	13	565	(37)	5.8	(28)
(6) Kentucky	9	2	11	82	558	(5)	3.1	(7)
(7) Brooklyn	6	38	44	14	554	(24)	4.0	(17)
(8) University of Tennessee	6	10	16	38	525	(7)	3.9	(13)

APPENDIX 14

ALBANY, N.Y.,
September 5, 1967.

Dr. L. L. HUNTINGTON,
Division West Chinchilla Corp.
Omaha, Nebr.

DEAR DOCTOR: My freezer now contains 9 dead animals. This is discouraging as I am working so hard to eliminate the cause of their deaths. I am averaging 2 deaths a week. The druggist gave me a dog fungus spray to spray around the ranch on a breezy day. I stopped giving the one rack a dust bath because of passing the can from animal to animal. The other rack has individual cans and they still die.

Immunity from mother to baby does not seem to happen either. One mother died and her baby died about 3 weeks later. It forms no pattern that I can pin down. It jumps from tier to tier; from rack to rack. The only statement I can make with positiveness is that the male may be a carrier. He goes from cage to cage but he does not go from tier to tier.

Some of the animals lose a terrific amount of weight; some none at all. Some lose a lot of fur and some none at all.

Some linger for hours; some drop right off. They all appear to eat and enjoy their food; but lose weight nevertheless. All have one thing in common towards the end; an inability to swallow. They will be very limp but conscious; some try to cuddle close to me. All die with their mouths open and the dead ones are usually found trying to get water.

They also have diarrhea.

Sincerely,

——— ———.

WATERVLIET, N.Y.,
April 5, 1968.

FEDERAL TRADE COMMISSION,
30 Church St.,
New York, N.Y.

DEAR MR. SEIDMAN: Information and purchase of my chinchillas was from the telecast by Division West shown on WAST, channel 13. Their representative assured me with 1 male and seven females that I could easily earn up to $6,000 a year; their offspring producing well, right in my cellar. Transactions took place April 6, 1966. After two years of hard work on my part I have received $26 from my investment. With no end of red tape, commissions, etc. too numerous to mention.

Never did they mention fur chewing which laboratory testing from many parts of the world have yet to find any reason. The only solution was they must be destroyed. No medicine or knowledge at Midland Laboratory has aided after many months of testing. Fur chewing, disease and breeding problems is a great loss to chinchilla ranches. All information plainly shows it is impossible to bring in monetary returns to even pay for feed in these circumstances.

Division West stated in the purchase contract of April 1966 that they would prime, pelt and market our animals. The above promise is a serious one as without that service the rancher does not have the facilities or the know how for priming, especially as it requires refrigeration as no persons home can be kept at a temperature of 38–40.

Pelting service of that kind would be $3.95 each by the corporation. October 1967 notices were sent out stating that they could no longer prime the animals as they had no facilities with large and numerous buildings they claim they have. The Central Avenue branch opened for 2 years, just long enough to help the salesmen. All ranchers were left high and dry without a supply depot. Another fact is that the rancher has no way of knowing the value of the pelts. We were told the market price for pelts was $17 to $40. On 8 pelts I have received a return of only $26. The price of the string was $2145.00.

Sincerely,

——— ———.

ILION, N.Y.,
April 19, 1968.

Re Division West Chinchilla Corp., 7230 N. Pershing Drive, Omaha, Nebr.

FEDERAL TRADE COMMISSION,
Washington, D.C.

DEAR SIRS: I have read your announced provisional acceptance of a consent order prohibiting the above company from making misrepresentations in connection with their sale of Chinchillas to the public generally for use in breeding and raising Chinchillas.

I feel that a consent order of this type which is for settlement purposes only, and does not convict the respondents of the violation of the law, is very unfair to the average citizen like myself who has incurred great loss because of this misrepresentation.

I saw the advertisements of this company on television and relying on the statements concerning the quality of the animals sold by them, the breeding rate of the animals and the feasibility of raising them in small quarters at my home, I invested the sum of $2,250.00 which I paid to the above company.

In one year the breeding rate has been half of that represented by the company, and it appears to me that I will sustain a considerable loss.

I believe that for the protection of citizens like myself who have relied on this television advertising, this matter should be prosecuted and conviction obtained.

Very truly yours,

——— ———.

APRIL 20, 1968.

FEDERAL TRADE COMMISSION,
Washington, D.C.

DEAR SIR: I am writing this letter in regards to Consent Order (File No. 662 3377) Concerning Division West Chinchilla Corp. of 7230 N. Pershing Drive, Omaha, Nebraska.

I am a very interested party in this Consent Order. In Sept., 1966, I received my animals from Division West. Not knowing anything about the Chinchilla Industry, I accepted what I was told by the salesman. Everything I was told appears in this Consent Order. In addition to all the false claims that you mentioned, all the animals were supposed to be young virgin animals in the 7–8 month old category. Tattoos in the ears of two of the animals I received put their age at 3 and 5 years old when they were delivered.

Also, the Herd Improvement Males that I have received have been of such poor quality that qualified animal judges have advised strongly against using animals of this poor quality for Herd Improvement.

I would appreciate to hear of any further developments against this Corp. Thank you very much for your time in this matter.

Sincerely yours,

——— ———.

APPENDIX 15

JUDGE GEER'S JOB—A PECULIAR TALE

(By Jerry Landauer)

WASHINGTON.—The Federal Government doesn't care to tell how Judge Casto C. Geer, a courtly gentleman who speaks in the soft accents of his native Tennessee, earns the $17,511 a year it pays him. But his situation symbolizes one of President-elect Nixon's problems in coping with a Democratic Congress come Jan. 20.

Until late 1966 Mr. Geer was the county judge of White County in east middle Tennessee. He handled probates, dealt with juvenile offenders, acted as fiscal agent and presided over the county council—all for $9,100. It was, as successor David Snodgrass remarks, a tough, full-time job more suitable for a younger man; Judge Geer is in his early 60s and he didn't relish the rigors of running for a second eight-year term.

Instead, the judge went looking for other work, and his Congressman and good friend, Joe Evins, learned of his need. Rep. Evins is chairman of the House Appropriations subcommittee that scrutinizes spending plans of all the independent Federal agencies; along with other senior Democrats he will resume the subcommittee chairmanship in the 91st Congress because Mr. Nixon's coattails weren't long enough to pull in a Republican majority.

Among the agencies for which Rep. Evins appropriates salaries is the Federal Trade Commission headed by Paul Rand Dixon, another Tennessean who not only depends on the Evins subcommittee for money but also enjoys the Congressman's friendship. Not surprisingly, Judge Geer soon wound up on the payroll of the FTC's Atlanta office. He began on July 9, 1967, just a few days after the start of a new fiscal year. The $16,946 starting salary was considerably better than White County could afford, and after an automatic Federal civil service raise the judge was earning $17,511.

But Atlanta is uncomfortably far from Judge Geer's native Sparta (pop. 4,510). So, responding to an Evins request for a survey to determine whether the FTC needed a new branch office, Chairman Dixon weighed in with a helpful decision last spring: The agency ought to have a branch office in Oak Ridge (though in cities as big as Philadelphia and Detroit the agency is represented only by investigators for the Bureau of Textiles and Furs). Acting swiftly, the Government leased 380 square feet on North Purdue Avenue for an annual rent of $1,320 and on April 15 Judge Geer moved in as a "trial attorney."

Despite Chairman Dixon's determination of need, there's little chance that work will overwhelm Judge Geer's tiny outpost. For one thing, the agency neglected to announce that it was opening the Oak Ridge branch, so aggrieved consumers presumably will continue directing complaints to the Atlanta regional office or to headquarters in Washington. Indeed, certain Dixon colleagues on the five-member Trade Commission are still unaware of the Oak Ridge branch, and the agency's information specialists didn't know until word trickled up from the supply room.

Nor is it likely that Trial Lawyer Geer will argue many cases in court. Federal judges for the eastern district of Tennessee hold court in Knoxville, Chattanooga, Greeneville and Winchester—but not in Oak Ridge.

Nonetheless, the judge does enjoy a distinction of sorts. He's the only FTC attorney working outside Washington who doesn't come under the agency's Bureau of Field Operations. Or, looking at it another way, he's the only field operative anywhere in the nation for the agency's Bureau of Deceptive Practices.

Superiors find it difficult to define his chores. Bureau Director Frank C. Hale, for one, says he's not quite sure what keeps the judge busy. Could it be an unannounced investigation, or the preparation of a complaint against some consumer-bilking scheme? "Not that I know of," says Mr. Hale, "but I understand there's a good deal of work down there."

Mr. Hale's assessment of the workload may be correct, for it does seem that Judge Geer is constantly on the go; 17 phone calls to Oak Ridge over three days failed to rouse a response either from the judge or from his office mate, Ernest A. Ball, an investigator for the Bureau of Textiles and Furs who went on the FTC payroll three weeks after the branch office opened. (Just as director Hale sounds unsure of Judge Geer's duties, so director Henry D. Stringer of the Bureau of Textiles and Furs seems uncertain about investigator Ball's; "I wouldn't know about that," Mr. Stringer says.)

Still, the episode permits certain conclusions:

Rep. Evins' success as an employment agent may arouse the envy but not the anger even of economy-minded Congressional colleagues. "Remember," says one insider, "Houston didn't have a space center before Albert Thomas' day." Mr. Thomas, predecessor of Mr. Evins as chairman of the House Appropriations subcommittee, steered the $200 million manned spacecraft center to hometown Houston; by comparison, the Oak Ridge office seems trivial.

The so-called Tennessee gang dominates the FTC today no less than in the heyday of Tennessee Democrat Kenneth McKellar, chairman of the Senate Appropriations subcommittee who constantly pestered President Franklin Roosevelt for jobs. FDR obligingly let the Senator install friends at the FTC, presumably because the damage would be minimal. After Estes Kefauver succeeded Mr. McKellar in the Senate, Tennessee's hold hardened; the big favor Tennessean Kefauver wrangled from President Kennedy was Tennessean Dixon's appointment as FTC chairman.

Judge Geer's job and dozens like it in other agencies will likely remain secure in the coming Republican Administration, so long as the jobholders enjoy the benevolent protection of Democratic committee chairmen. In any case, the Oak Ridge outpost seems unlikely to be closed soon, for the Government has farsightedly taken two one-year options to renew the lease.

APPENDIX 16

The project's criticism of the quality of the FTC's performance in the consumer protection area is based on certain assumptions about the agency's proper role in that area demonstrates that for the last quarter century and more Congress has conceived of the FTC primarily as an enforcement agency rather than (as some scholars and one present Commission member have contended) as an information-gathering or advice-giving agency. We will further show that Congress has over the same period laid growing emphasis on protection of *consumer* interests in prescribing the Commission's duties.

The first of the above claims is best established by a review of the history of the agency and its organic statutes.

At the time of its creation in 1914, the FTC was designed primarily to deal with *antitrust* problems—the Federal Trade Commission Act (FTC Act) and the Clayton Act were considered together by Congress as extensive to Sherman Antitrust Act.

And under the FTC Act, Congress intended the FTC to perform *several* functions in connection with antitrust problems. These included data-gathering (with a view to further legislation), informing businessmen (it was thought that the antitrust laws lacked "certainty" and that the FTC could remedy this situation by advising businessmen on the legality of proposed business activities), as well as enforcement. Regarding enforcement, the Act provided specifically that—

"The Commission is hereby empowered and directed to prevent persons, partnerships or corporations . . . from using unfair methods of competition in commerce." Act, § 5(a)(6).

It went on to prescribe a form of procedure for establishing violations, halting them through the issuance of "cease and desist orders" (Act § 5(b).), and enforcing such orders by civil penalties. (Act, § 5(b).)

The structure of the original FTC Act suggests that even at the outset; Congress intended the FTC's *major* responsibility to be that of enforcement, for that power is the first to be mentioned in the Act in Section 5. (Sections 1 through 4 of the Act deal with establishment and staffing of the Commission, definitions, etc.) Other agency powers and functions are enumerated in later sections.

On the basis of the Act's legislative history, however, some commentators have argued that Congress' original intent was to minimize the FTC's enforcement duties in favor of its legislative-investigative and business-advising roles. Some have jumped from that position to an assumption that the agency's *contemporary* enforcement responsibilities should likewise be subordinated to the other functions. Such a view is erroneous as applied to the area of "direct consumer-protection," for it ignores the history of important later amendments to the FTC Act and more recent legislation involving this area. As used in this report, "direct consumer-protection" refers to the responsibility and authority to prevent consumer deception conferred on the FTC by certain key amendments to the Act made in 1938 and expanded by later specialized statutes.

The background and legislative history of the relevant provisions of Wheeler-Lea Act (the 1938 amendments to the FTC Act) demonstrate clearly that Congress intended by it both to involve the FTC in direct consumer protection and to give the agency an important *enforcement* role in that area. In earlier years, the agency had occasionally taken halting steps towards involvement in direct consumer-protection enforcement by treating deception of consumers as one species of the "unfair methods of competition" proscribed in Section 5 of the FTC Act. In the *Raladam* case, however, the Supreme Court had held that evidence of consumer deception *alone* was insufficient to show a violation of the Act. Congressional dissatisfaction with this holding coupled with outrage over and concern with the widespread and dangerous forms of consumer deception practiced during the Great Depression led to the passage of the Wheeler-Lea Act. This background alone suggests that Congress was thereby primarily interested in bringing a new *enforcement* agency—the FTC—into the consumer-protection sphere.

Such a conclusion is reinforced both by the specific provisions added to the FTC Act by the Wheeler-Lea Amendments and by the legislative history of those amendments.

Thus, besides specifying that "deceptive acts and practices" were now outlawed, the Amendments gave the FTC several new *enforcement* powers over certain kinds of deceptions.[57] Likewise, the range of comments made by members of Congress on the bill containing the amendments (and predecessors) make it clear that in this area at least, they intend to place emphasis on enforcement rather than aid to businessmen, etc.

Congress' conception of the FTC as an enforcement agency has continued down to the present day, and is expressed in a series of specialized consumer-protection statutes intended to be enforced by the Flammable Fabrics Act of 1953 provide that the manufacture for sale, sale, importation or transportation in commerce of articles of wearing apparel and fabrics which are "so highly flammable as to be dangerous when worn by individuals" is an "unfair and deceptive act or practice" under the FTC Act. (Flammable Fabrics Act, § 3.) Then, Section 5 of the Flammable Fabrics Act states that it "shall be enforced by the (Federal Trade) Commission under rules, regulations and procedures provided for in the Federal Trade Commission Act," and specifically confers on the FTC the same "jurisdiction, powers and duties" to enforce this act as it has to enforce the FTC Act. (Flammable Fabrics Act, § 5(b).)

The inescapable conclusion to be drawn from an evaluation of legislation affecting the FTC passed in the last 30 years is that Congress has brought its enforcement role to the fore, thus necessarily diminishing its other responsibilities in the context of limited resources.

The very contents of the recent statutes suggests that the Commission's main concern in enforcing them should be the protection of consumers.

The Commission should also focus on consumer interests in the enforcement of the deceptive practice language of the FTC Act, as amended by the Wheeler-Lea Act, for Congress passed the latter law to protect consumers. As stated by Senator Burton K. Wheeler, co-author of the Wheeler-Lea amendments:

"Broadly speaking, this legislation is designed to give the Federal Trade Commission jurisdiction over unfair methods of competition for the protection of competitors. (Emphasis supplied.) Quoted in Testimony of Mr. Leslie V. Dix, Director for Legislative Affairs of the President's Committee on Consumer Interests, before Federal Trade Commission, November 12, 1968, p. 1.

FOOTNOTES

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*See Appendix 16 for legal and historical arguments in favor of the propositions that the FTC has important consumer protection responsibilities and that Congress intended it to be a vigorous enforcement agency.

[1] These are the Wool Products Labeling Act, the Fur Products Labeling Act and the Textile Fiber Products Identification Act.

[2] The FTC also enforces the Truth in Packaging Act, the Insurance Act, etc. The former is not yet fully in effect; the latter, unimportant. Therefore, these statutes will not be considered here.

[3] In food and drug cases and under the textile and fur statutes, the Commission has the additional powers, in theory, to seek preliminary injunctions and even criminal penalties.

[4] Concentration is increasing the most rapidly in the consumer goods industry.

[5] This group, with no butchers among us in any form, had no trouble differentiating.

[6] It is worth noting that at 6'1" and 165 lbs. this author can easily pull 1" and more of flesh from his tricep (underside of upper arm).

[7] See the 1967 Senate Hearings of the Independent Offices Subcommittee, p. 464 for a discussion of this practice.

[8] A consumer will not be motivated to complain about petty frauds (even if on a massive scale) since the FTC has no refund power, and no private civil suit can be based on an FTC order.

[9] According to *Advertising Alert* No. 2, Feb. 12, 1962, the FTC monitored 50,000 scripts from TV and radio pre-submissions. Investigation has revealed this claim to be doubtful at best, but even if true, such monitoring would do little toward the detection of visual deceptions, nor do experts pre-screen copy.

[10] Monitoring brings in only 10% of the investigatory targets of the FTC according to the 1967 Senate Hearings before the Independent Offices Subcommittee, p. 464.

[11] The FTC does have plenary jurisdiction within Washington, D.C. itself, but this does not extend to suburban Virginia or Maryland. Further, those cases in the District generally involve interstate commerce and are thus in the Commission's jurisdiction on that basis.

[12] The 250 staff members at the central office are asked to monitor deceptive practices themselves as they watch TV at home, etc.

[13] These inspections are part of the program of enforcement of specialized textile statutes. With one exception, they prohibit such trivial deceptions as the mislabeling of wool or furs.

[14] "Commissioner MACINTYRE: I wish you could tell us in a letter just what you think we ought to tell Congress in a situation like that about these consumer protection laws such as the Wool Products Labelling Act, the Textile Fiber Identification Act, the Fur Labelling Act, the Flammable Fabrics Act.

"Mr. SCHULZ: I didn't mention that one. I think that is an important one.

"Commissioner MACINTYRE: How do you distinguish it?

"Mr. SCHULZ: Because that deals with physical health.

"Commissioner MACINTYRE: But consumer information you don't care about?

"Mr. SCHULZ: No, I care about it, but I think it is more important in some areas than in others.

"Commissioner MACINTYRE: I thought maybe there was some reason for distinguishing it."

FTC Consumer Hearings, Nov. 12, 1968, Afternoon Session, transcript pages 137–138.

[15] See appendix 11 for breakdown and pattern over time.

[16] "An official of a large lending institution has estimated that there are over 50,000 firms engaged in the sale and installation of residential siding and storm windows." Letter from Chairman Dixon to Senator Warren Magnuson, Nov. 28, 1967. "The Consumer Council's Report lists home improvement fraud as one of the biggest areas of consumer deception today." Commissioner Mary Jones, Non-Agenda Matter Re: Home Improvement Cases, Feb. 8, 1967.

[17] "The home improvement situation is one of these in which the ultimate enjoining of fraudulent practices is not an adequate deterrent to the unethical operator." Letter from Chairman Dixon to Senator Magnuson, Nov. 28, 1967.

[18] To the extent that the statement intends rather to make the different point that fraud laws do not cover all harmful anticonsumer practices, it is of course correct. The answer, however, is not to oppose criminal penalties, but to advocate expanded categories of consumer crime.

[19] Section 5(c) of the FTC Act gives the court power to: "make and enter a decree affirming, modifying or setting aside the order of the Commission, and enforcing the same to the extent that such order is affirmed, and to issue such writing as are ancillary to its jurisdiction or are necessary in its judgment to prevent injury to the public or to competitors *pendente lite.*" Thus, the Commission has the power to petition for an ameliorative order to take effect immediately pending further long drawn appeals. To our knowledge it has made no use of this power in recent years.

[20] For other maneuvering, see FTC News Summaries of 7–7–67 and 11–30–67 as well as appendix 9.

[21] The report, in complete form, was prereleased by Mr. Ralph Nader in an action unrelated to the activities of this investigative group.

[22] See Appendix 8 for illustrative advertising copy placed in the September 2, 1968 issue of Newsweek and many other national news and business magazines over a two-year period.

[23] The source is a memorandum written October 11, 1967 to the Commissioners. The full statement of the Commission's view can be found in Advisory Opinion, Digest No. 45, May 18, 1966, in File No. 663 7049.

[24] From a letter which was susbtantiated by the Bureau's other evidence and published in the "Preliminary Economic Report on the Use of Games of Chance," by the Division of Economic Evidence of the Bureau of Economics, March 1968, p. 20.

[25] For purposes of this comparison, it is interesting to note that one of the FTC's traditional concerns in the area of deceptive practices has been retail *lotteries.* Cf, later discussion of its present endless, actionless study of grocery store and gas station prize games.

[26] The 1961, 1962 and 1963 Reports do include a related but greatly inferior proposal to enact a law giving the Commission power to issue temporary cease and desist orders pending the determination of agency proceedings. Even this proposal is lacking in the next three years' Reports. On the Chairman's wavering support of the 1962 proposal, consider the following statement about it made by him in the 1963 Senate Appropriations Hearings at p. 972. (In answer to a question about delay and consequent harm to business competitors . . .):

"You recall the President endorsed this piece of legislation, not once but twice . . . It is controversial, sir. I think any time any agency or any arm of the Government is cloaked with any kind of temporary injunction powers, it should only be used in the most extraordinary circumstances and with assurance that due process and safeguards are in the law."

[27] Six proposals are claimed in 1968, but two involve statements to the effect that the FTC has "no specific proposals" on a particular topic.

[28] The numbers in parentheses designate proposals involving consumer interests, not including textile and fur matters, with the exception of Flammable Fabrics.

[29] Information which may—but need not—be withheld under the act must fall within one of nine specific exemptions are paralleled in the section of the FTC's Rules covering confidential information. See discussion below.

[30] Technically, the FOI Act is an amendment to Section 30 of the Administrative Procedure Act, which formerly read, in pertinent part (e) . . . matters of official record shall . . . be made available to persons properly and directly concerned except information held confidential *for good cause shown.* (Emphasis supplied)

[31] A grand total of 260 Advisory Opinions were issued between Aug. 1964 and June 25, 1968—or about 65 per year.

[32] This constituted the Commission's reply to the project's formal request for information under Sec. 4.11 of the Commission's Rules. For more on the fate of this request see discussion below.

[33] Except that, in the case of assurances, a release appears every few months which summarizes *very* briefly all assurances accepted in the previous few months. These summaries typically tell only how many assurances have been received—usually 80–90—then give about three very brief examples of problems involved, without identifying any respondent.

[34] In one earlier case, the tire hearings of Jan. 1965, a single additional copy was made available by the agency because of extreme public pressure at 1's Chicago field office. Chairman Dixon refused to print the hearing record, saying that the FTC's contract with Ward & Paul precluded it. This illustrates the Chairman's talent in turning consensual contracts, entered into at his direction, into immutable *force majeure.*

[35] See discussion of these above.

[36] Professor Davis is a foremost authority on administrative law, the author of a four-volume treatise on the subject.

[37] But making available a larger sample of digests and some statistics.

[38] Questions modeled, by the way, on identical questions asked in 1964 of the Commission by Senator Allott about the Bureau of Restraint of Trade; Senator Allott's questions were answered, suggesting both that the Commission's response to our request overstates things a bit and that the FTC does not treat citizens and scholars the same way it treats members of the Senate Committee on Commerce.

[39] See the section above on priorities discussing the attorney role of Peyton Ford, esq. as an example.

[40] Of 109 speeches: trade associations or advertisers=62; antitrust sections of bar associations (pro bus.)=21; universities=8; consumer groups=2; miscellaneous (BBB's, etc.)=16.

[42] This letter, or portions thereof, is reproduced in a recent issue of the *NARD Journal,* in a column entitled "Facts, News, Views."

[43] Interviews with Acting Bureau Chief, Bureau of Industry Guidance, *August,* 1968. This Bureau is responsible for administering the various "voluntary" enforcement tools.

[44] Division chiefs were removed under the cover of a general reorganization of the Commission. A similar reorganization took place in 1952 when the Republican came in, but was initiated and planned from outside the agency. Chairman Dixon, however, was the chief architect of the 1961 reorganization.

[45] Commissioner Davis distinguished himself by his annual gift to Congress of appropriated funds which had not been utilized. This parsimonious spirit and desire to please Congress with economy is a dubious tradition which continues to manifest itself in Chairman Dixon's testimony to Congress for anual appropriations, see p. 66.

[46] This practice was not an exclusive feature of the D.C. riots. According to Sen. Magnuson, "A number of witnesses called before the Governor's Committee investigating the Watts riots did testify that . . . the prime targets of violence . . . were the establishments of merchants who engaged in sharp selling practices." And again, "During the catastrophic Detroit riots in June 1967, arsonists . . . systematically burned stores known to engage in sharp selling and credit practices." *The Dark Side of the Market Place,* p. 57.

[47] The fifth floor houses the entire Office of the General Counsel, Chairman Dixon's office, Commissioner MacIntyre's office, and the office of the Executive Director.

[48] GS–10 rank is not applicable to attorneys.

[49] Much to his credit, the Director of Personnel is again attempting to minimize the effect of the Bureau Chiefs by using mid-level attorneys instead of Bureau Chiefs for a number of the interviews. The Bureau

Chiefs, of course, still have a veto over the offers made for their bureaus, but now it is more difficult for them to raise objections to particular applicants on the basis of an interview. Already, however, a number of the higher-ups at the FTC have objected to this innovation and it will probably go the way of the rating sheet.

[50] The "eastern conspiracy" of bankers and lawyers has played a prominent role in populist demonology. It is unfortunate that the present lethargy of the Commission has drained from its members the intense hatred of monopoly which is one of the good characteristics of southern populism.

[51] According to Robert Sherwood, the Director of Personnel, one of the most important factors in the number of applications to the FTC is the state of the economy. More attorneys apply to the FTC in hard times than in boom times, apparently because of the economic security offered by a government job.

[52] Dr. Moulton's statement is substantiated by FTC Budget Control Records, June 30, 1968, which show all professional personnel in the Division of Food and Drug Advertising (15) to be attorneys, see appendix 15.

[53] Disclosed in this report for the first time publically. See pp. 43, 48, 111, 115, 116, 119 for Civil Service Commission criticisms ignored by Chairman Dixon and his staff.

[54] States included in each category are North: Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, Maryland; South: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, Washington, D.C.; Midwest: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin; Far West: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming. This breakdown of states into regions was picked arbitrarily from a Newsweek regionalization of states for the purposes of indicating possible delegate votes before the National Convention last year.

[55] 19 GS–12's, 9 GS–13's, 5 GS–14's, and 4 GS–15's. This inordinate degree of hiring in senior grades proves that the FTC is not top heavy for the purpose of satisfying the demands of internal ambitious attorneys.

[56] Telephone interview with LSAT Program Director, Oct. 15, 1968.

[57] Thus, the Commission was authorized to seek both criminal penalties and temporary injunctions to prevent deceptive advertising of foods, drugs, and cosmetics. FTC Act, Sections 12, 14, and 15.

STATEMENT OF CHAIRMAN PAUL RAND DIXON

The protection of the consuming public of the United States from fraud and deception is vital to free enterprise and the public interest. I believe strongly in that principle. Most of my adult and professional life, both at the Federal Trade Commission and as a member of the staff of the United States Senate, has been devoted to the study and elimination of trade and consumer abuses.

When I was made Chairman of the Federal Trade Commission in 1961, I found the staff of the Commission to consist of approximately the same number of personnel that comprised the staff in 1938, the year that I joined the Federal Trade Commission as a $2,000 P–1 attorney. Today the Commission has a staff of less than 1,200 members, including professional and clerical personnel. Our mandate from Congress is the widest and most inclusive of all of the independent regulatory bodies. We need the best advice and techniques available to carry out this broad mandate from Congress.

On June 17, 1968, Ralph Nader called on me at my office and informed me that a group of students and recent law school graduates wished to study the activities of the Commission. I welcomed the idea. After some discussion, I informed Mr. Nader that I had no objection to members of the staff being contacted and interviewed so long as it was done on a reasonable basis and that I had no objection to furnishing the group information in our files that was in the public domain. I hoped, and based on what I was told I had every reason to believe, that the result would be a serious, intelligent and impartial survey resulting in informed, conclusive suggestions for improvement. Instead, the study resulted in a hysterical anti-business, diatribe and a scurrilous, untruthful attack on the career personnel of the Commission and an arrogant demand for my resignation. This report emanates from a group with a self-granted license to criticize a respected government agency by the use of a type of invective and "smear technique" that newspapermen inform me is unusual even for Washington.

This Nader group chose the Federal Trade Commission as its target for its 1968 summer vacation "smear" project. As stated in the comment in *The Wall Street Journal* of July 10, 1968, on page 14, if this group is successful in undermining the Federal Trade Commission this year, then other groups of students may make similar raids on other agencies in the future. Mr. Nader is so quoted in this article as follows:

> The crusader has recruited five other students from leading universities, including William Howard Taft IV, great grandson of the Republican president, mainly to investigate what Mr. Nader terms the failure of the Federal Trade Commission to move boldly enough against deceptive business practices. "If this works, man, next summer, more students, more agencies . . ." Mr. Nader vows.

The feel of destructive power gained from vicious attacks is self-stimulating.

On the afternoon of January 2, 1969, I began to receive phone calls from the press and other media requesting my comments on the "Nader report," which obviously had been distributed to them. By letter of the same date, I was requested by the Public Broadcast Laboratory to appear on a half-hour program the night of Sunday, January 5, to reply to the statements in the report. I informed all requesting parties that I had not received a copy of the report and was unable to comment on it until I had been afforded the opportunity of at least reading it. Later that afternoon, I was called by Mr. John Schulz, who stated that a copy of the report had been mailed to me that day and that I should receive it soon.

I made it a point to watch the half-hour program by the Public Broadcast Laboratory, which appeared on TV station WETA at 9:30 p.m. on Sunday night, January 5. At one point the producer saw fit to dub in a previously taped interview with me, which made it appear that I was a part of the program dealing with the report itself. This was not true. At the time of this program I had not as yet even seen the report. When I reached my office on January 6, the promised report had not arrived and as of today, January 7, it still has not arrived. The copy on the basis of which I am now commenting was borrowed for me by the Commission's Information Officer from a member of the news media.

As I see it, ordinary courtesy would require the authors of such a document as this to provide me and the other members of the Commission with a copy of it before releasing it to the press. Since this was not done, I can only conclude that the preparation of this report was not the result of a serious, unbiased study of a group seeking to aid this agency in the performance of its public responsibilities, but was, on the other hand, a deliberate effort to undermine it.

Let's turn to the report itself. Laying aside the monotonous accusatory adverbs and adjectives in the critique, the primary difference between the fundamental position of the Nader group and that of myself is that I believe that the American businessman is basically honest and they believe he is basically dishonest, trying consistently to defraud the American consumer. The group contends that American business, particularly the larger corporations selling directly or indirectly to consumers and using extensive advertising, are engaged in what are, or should be, criminal activities and that the officers of these corporations should be sentenced to terms in federal penitentiaries. On page 68 of the critique, for example, it is stated: "It is particularly important to apply criminal sanctions to dishonest corporate behavior, for it is far more damaging in contemporary America than all the depredations of street crime." In other words, corporation executives are engaged in much more reprehensible conduct than rapist, robbers, muggers, etc. In light of this extreme anti-business bias of these young zealots, it is not surprising that the equitable and reasonable enforcement policies of the Commission would be so enthusiastically and unjustifiably criticized.

Shortly after I became Chairman of the Federal Trade Commission, the Commission turned from its general policy of emphasizing case-by-case adjudication to one seeking broader compliance with the law through new procedures. Experience had taught me that the case-by-case approach standing alone was not appropriate in the 1960's. The problems of regulatory lag and trial by convenience had been noted by the Landis Report and referred to by President Kennedy in his State of the Union message shortly after he assumed office.

The Commission's new procedures contemplated the broad use of guidelines, statements, trade regulation rules and advisory opinions. Also, where warranted, the Commission began to accept assurances of voluntary compliance under the many statutes which it administers. The Commission turned to these new procedures with a belief that by their use justice could be administered more equitably by government. This technique has proved successful. With its limited personnel, the Commission realized that it had to reserve its litigation procedures for use against that small percentage of businessmen in the business community that refused to follow advice.

Running throughout the Nader group report is the repeated reference to the failure of this program and that the Commission is in error in believing that any worthwhile compliance with its laws can result from any procedure other than formal adjudicative trials. In other words, the promise of a businessman cannot be trusted. In a people's government no law is any better than the will of the people to abide by it. I have great faith in the honest businessman of America. I do not think he loves his country any less than do these young zealots.

On pages 58 and 59 of the report, reference is made to the fact that Ralph Nader acquired a copy of a report dealing with automobile warranties and made it public. It is charged that the report was deliberately suppressed. On page 59, the following appears:

> The real reason for the proposed plan for suppression lay in the contents of the report, which was highly critical of GM, Ford and Chrysler. Whether release would have eventually occurred is academic now, but there is little doubt based upon our interviews that Chairman Dixon was determined to suppress the report at least until after the election to avoid alienating Henry Ford II and other business interests who were contributing heavily to Hubert Humphrey's campaign.

This is a false charge and a blatant lie. Such unfounded charges as this would appear to me to be beneath the dignity of Ralph Nader. I think it is high time that the press confront Mr. Nader with this statement and inquire expressly if he agrees with it. If he does, I think somebody in America had better start worrying about Mr. Nader.

The Nader group vigorously contend that because many of the key staff members of the Commission were born in small communities they cannot understand or appreciate the consumer problems of urban America and, therefore, should be replaced. This novel qualification test for those public officials having responsibility for considering the problems of urban America would have disqualified most of the Presidents of the United States, the vast majority of the Members of Congress and at least some of the Justices of the Supreme Court. The suggestion springs both from ignorance and arrogance. In addition, the students overlooked the fact that practically all of these key members of our staff, as well as the Chairman, have been living in urban metropolitan Washington, D.C., since before the students were born.

Nothing galls me more than that section of the Nader group report which accuses me of hiring only high-ranking law students from "mediocre" law schools. For a number of years I have sent to the Deans of all the major law schools and most, if not all, accredited law schools throughout the United States, letters requesting them to encourage their graduating seniors to apply for employment at the Federal Trade Commission. I am proud to say that my efforts in soliciting the many Deans have proved quite successful. The Federal Trade Commission has always had many more applicants than positions available. With rare exception, offers of employment have been made to applicants who graduated in the upper 50% of their class or had other outstanding attributes that made them attractive to the Federal Trade Commission. I have consistently believed any federal establishment is a better agency when its staff membership comes from various sections of the country. The Nader group infers strongly that the hiring practices of the Commission discriminates against "prestigious" law schools. Indirectly, I read in this charge that if a graduating student did not attend one of these schools he is adjudged a second-class lawyer coming from a mediocre school. What arrogance!

The lowest of all blows in the report is the charge on page 114 that "The FTC has not been averse to hiring Negroes, but 'only in their place,' i.e. the lowest GS 1-4 positions." Here are the facts. Since assuming my office as Chairman, I have made a positive effort to attract and hire qualified Negroes for attorney positions and other professional positions. In 1961, I found that there was not one Negro lawyer on the Commission staff. Starting in 1961, I was able, as a result of an internship program at the Commission, to persuade the top-ranking law student at Howard University to accept an appointment as a staff member. Since that time, by the adoption of more aggressive recruitment measurements, I have been able to persuade nine other Negroes to join the staff as attorneys. Five are still so employed. (The Nader report states that the Commission has only three Negro lawyers.) Many other Negroes have been offered appointments, but have generally declined the offers for the stated reason that they had offers which involved working in the civil rights area.

In short, contrary to allegations made in the report, the Federal Trade Commission has been engaged in a continuing positive effort to recruit high quality personnel, including minority group candidates. To those involved in developing and promoting this effort, it is disheartening to read the unfounded allegations made in the Nader group report. The report paints a completely false picture of the Federal Trade Commission's efforts and accomplishments in the areas of recruitment and equal opportunity. This false picture will do untold damage to the Commission's continuing effort in this regard. What a shame to be faced with this problem at this time in the life of America.

The Nader group report contains unfounded false accusations with respect to political influences at the Federal Trade Commission. For instance, the report says that of the nearly 500 attorneys on the staff of the Commission that only about 40 are Republicans. Since assuming office on March 21, 1961, I have borne the responsibility of hiring new attorneys on the Commission's staff. The great majority of the attorneys that have been hired over the period 1961 to date have been graduating seniors from law schools. Under no condition and at no time was anyone connected with this program authorized to inquire into the party affiliation of an applicant. How the Nader group arrives at this mystical figure of 40 Republicans, I do not know. There is nothing in the Federal Trade Commission records to reveal it. It appears to me that this is another charge grossly unfounded.

Throughout the report reference is made to a report of the Civil Service Commission dated June 1965. This report was made by the Civil Service Commission as a part of its regular program of inspecting personnel management in Federal agencies and is considered a part of the internal housekeeping process in the Federal government. Repeatedly in referring to this report, the Nader group charges that the recommendations in the report have been ignored. However, this is absolutely not true. Contrary to the false statements respecting action recommended by the Civil Service Commission, I, in fact, adopted virtually all of the recommendations.

How any group could profess or claim to have made an empirical study of the activities of the Federal Trade Commission and make no mention of at least a single accomplishment by the Commission is beyond me. I shall mention a few.

The Commission's issuance of a Trade Regulation Rule in regard to disclosures of health hazards of cigarette smoking stimulated the enactment of the *Federal Cigarette Labeling and Advertising Act,* P.L. 89–92.

The Commission's proposal to issue guides relating to retail installment selling in the District of Columbia and in interstate commerce, and testimony furnished by the Commission with respect to abuses in credit selling, contributed in large measure to enactment of the *Consumer Credit Protection Act,* sometimes known as the *Truth-in-Lending Act,* P.L. 90–321.

The Commission played a major role in bringing about an enactment of the *Amendments to the Flammable Fabrics Act,* P.L. 90–189, to give the public more adequate protection against flammability of household fabrics.

The Commission was a prime mover in proposing the bill known as the *Deceptive Sales Act of 1968,* S. 3065, which passed the Senate in July 1968. This bill would enable the Commission to obtain a temporary injunction in a United States District Court to halt violations affecting the consumer, pending completion of the administrative proceedings. In 1962, President Kennedy had endorsed passage of legislation which would have permitted the Commission on a proper showing of irreparable harm and injury to have sought temporary injunctions in a United States District Court on all facets of its work.

In consultation with Senator Magnuson, the Commission conducted a pilot project in the District of Columbia to identify the types of deceptive and unfair trade practices that might be preying upon poor people. The results were published in the June 1968 *Report on District of Columbia Consumer Protection Program.* To characterize this effort on the Commission's part as "so small and half-hearted that it could be called a showcase for publicity purposes" is both vain and unrealistic. This very effort at one point required approximately one-third of the appropriations available to the total Deceptive Practices program.

In making this study, the Commission was fully aware that it had many responsibilities for actions in the District of Columbia. It was believed then, and it still is my belief, that the lessons learned from this study are applicable to the various states of the nation which have the responsibility for unfair and deceptive acts occurring in "intrastate" commerce. Even the Nader group recognized the need for changes in the jurisdiction of the Commission if the Commission is to create offices in Detroit and Philadelphia and other cities to assume dual responsibility with the States.

The Commission's economic study of *Installment Credit and Retail Sales Practices of District of Columbia Retailers,* published in 1968, illuminated the problems of retailing in low-income areas. This study gave great impetus to the need for the *Truth-in-Packaging* legislation.

The Commission's economic studies on *Milk and Bread Prices* in 1966, the *Baking Industry* in 1967, and *Games of Chance in Supermarket and Gasoline Retailing* in 1969, as well as earlier reports on *Organization and Competition in Food Retailing, The Structure of Food Manufacturing,* and *Anticompetitive Practices in Gasoline Marketing,* contribute to the general fund of knowledge needed by the Commission, the Congress and interested members of the public in carrying forward and developing an effective trade regulatory program.

The *Economic Revort on Webb-Pomerene Associations* in 1967, will undoubtedly have a significant effect on foreign trade policy.

The report on *Cents-Off Promotions in the Coffee Industry* in 1966, serves as a basis for consideration of regulations which may be issued under the "cents-off" provisions of the *Fair Packaging and Labeling Act.*

The staff report on *Automobile Warranties* forms the basis for public hearings soon to be held wherein the Commission will be determining the need, if any, for a trade regulation rule in this area.

I have felt compelled to mention these few actions on the part of the Commission because I think the public is entitled to know the important role the Commission has played and is playing in the area of consumer protection.

Most of us are producers and sell in some manner our talents and efforts, and all of us are consumers. The one should be in balance with the other. The Commission's role is to guide and advise the producer and, if necessary, to curb deception and to aid in informing the consumer.

I intend to remain at the Commission, consistently seeking better ideas and better techniques and increased efficiency in the operation of the Commission in fulfilling its very important role in protecting the consumer public. I intend to use my efforts to prevent, if I can, the extreme anti-business bias as exemplified by the views of these energetic, but misguided, students from poisoning the operation of the Federal Trade Commission to which I have given so much of my life.

AMBASSADOR W. AVERELL HARRIMAN

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 22, 1969

Mr. DULSKI. Mr. Speaker, a great American quietly concluded a long period of public service this past weekend. He is W. Averell Harriman, retiring from his final assignment as President Johnson's Ambassador to the peace talks in Paris.

Ambassador Harriman has served his country in many ways over the years and has had many troubleshooting assignments for the White House.

He also has served his State well—4 years as an able Governor of our great State of New York.

In troubleshooting and in secondary government roles in general, the average person often does not realize the great dedication and loyalty which is required and which is given by our public servants.

It was indeed gratifying to all of us—and, I am sure, in particular to Ambassador Harriman—that he was able to surmount preliminary obstacles at Paris before he turned over the responsibilities of the negotiations to President Nixon's Ambassador, Henry Cabot Lodge.

As Ambassador Harriman told Ambassador Lodge: "The stage has been set for new and serious talks for a peaceful settlement of the war in Vietnam."

In his report to President Johnson, Ambassador Harriman said:

> I'm happy we were able to keep the train on the track in your administration and are now turning it over to the new administration in a manner in which they can move ahead.

I know that I speak for a host of Americans when I say to Ambassador Harriman: "Thank you, sir, sincerely, for a job well done."

IN TERMS OF 1968 RETURNS: HOW U.S. VOTE PROPOSALS ADD UP

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 22, 1969

Mr. ULLMAN. Mr. Speaker, today I would like to insert in the CONGRESSIONAL RECORD an article which the Associated Press wrote for the Christian Science Monitor on November 26, 1968. Although I think that the argument against a direct popular election of the President is rather weak, I believe this article presents a good analysis of the different approaches being offered as alternatives to our present electoral system. I would like to call these comments to the attention of my colleagues as we begin to seriously consider the numerous proposals which have been made to update our method of electing the President. The article follows:

IN TERMS OF 1968 RETURNS: HOW U.S. VOTE PROPOSALS ADD UP

WASHINGTON.—Richard M. Nixon would have failed to get an Electoral College majority if the presidential election had been held under one of the electoral-reform plans most often suggested.

The President-Elect would have narrowly led Hubert H. Humphrey—but would not have had a majority—if each state's Electoral College votes had been divided proportionately rather than going to one candidate on a winner-take-all basis.

Under some versions of this proposed reform, that plurality would have been sufficient to elect Mr. Nixon. But under others, lack of a majority would have thrown the election to the House of Representatives—an eventuality that most reform plans aim at avoiding.

Mr. Nixon would have won a slight majority if electoral votes had been allocated on a congressional-district basis, another suggested alternative to the Electoral College. But his margin would have been smaller than the majority he actually got under the present system.

These theoretical results were compiled from virtually complete but unofficial election returns.

The other major reform plan would abolish the Electoral College, which has been in use since 1804, and elect the president by direct popular vote. Mr. Nixon also would have won under this system.

Proposals for election reform traditionally spring up in the wake of close elections. Reformers argue that the existing machinery may one day elect a president who is not the popular choice—or may break down entirely and produce no president except after prolonged wheeling and dealing.

With a third major candidate in the field—was George C. Wallace this time—the chances for an indecisive verdict appear to multiply.

AMENDMENT INVOLVED

Hearings are planned by the Senate constitutional revision subcommittee on how to improve the election procedure and eliminate the chance of constitutional crisis. The subcommittee chairman, Sen. Birch Bayh (D) of Indiana, is a leading advocate of direct popular election of the president.

If the present system is to be changed, the Constitution must be amended. That means the Senate and House must each, by two-thirds' vote of its membership, settle on a single reform plan. Then it must be ratified by the legislatures of 38 states.

There are numerous arguments for and against the present Electoral College and each suggested substitute. Even within each broad reform plan there are arguments over how the fine print should read.

Here's a look at each principal system, the characteristics that stir debate about it, and how it would work when the 1968 election results are plugged in.

The existing system: Each state has as many votes in the Electoral College as it has representatives and senators in Congress. The District of Columbia has three. All of a state's votes are cast by electors announced as favorable to the candidate who wins the most popular votes in the state, though only 16 states and the District require their electors to follow the voters' choice. A majority of the electoral votes—270 of 538 this year—is required for election. If there is no majority, the House of Representatives elects the president.

HOW RETURNS WENT

Mr. Nixon won the popular vote in 32 states, giving him 302 electoral votes—a majority. Mr. Humphrey won 13 states and the District of Columbia for 191 electoral votes. Mr. Wallace won five states worth 45 votes.

Despite a better than 3-to-2 electoral edge over Mr. Humphrey, Mr. Nixon won the popular balloting by less than 350,000 votes out of 72 million cast. His 44 percent of the popular vote was good for about 56 percent of the electoral vote; Mr. Humphrey got 43 percent of the popular vote but less than 36 percent of the electoral; Mr. Wallace won 13 percent popular, about 8 percent electoral.

One minor reform plan would require that electoral votes be cast automatically for each state's winner, thus eliminating the chance of a candidate being victimized by electors who refused to go along with the popular choice.

Proportional electoral voting: This proposal would allocate electoral votes in proportion to the popular vote received by each candidate in each state.

Under this plan, Mr. Nixon would have received 234 electoral votes to 224 for Mr. Humphrey and 80 for Mr. Wallace, almost exactly matching his percentage of popular vote and 36 short of an electoral majority.

IMPRECISION NOTED

Proportional distribution lacks precision, particularly in smaller states, if only whole electoral votes—not fractions—are allocated. The mathematics is such that in a two-man race in a state with four electoral votes, one candidate would need nearly 63 percent of the popular vote for the electoral votes to do anything but split 2–2. In Arkansas this year, for example, each candidate would have received 2 of the state's electoral votes even though Mr. Wallace polled 39 percent of the popular vote to 31 percent for Mr. Nixon and 30 percent for Mr. Humphrey.

District electoral voting: The most common form of this proposal would give 1 electoral vote to the popular-vote winner in each congressional district, with a bonus of 2 votes to the statewide winner. The bonus votes preserve the same degree of overweighted representation for small states already contained in the present system.

Mr. Nixon would have carried 225 congressional districts; Mr. Humphrey, 163 plus the District of Columbia; and Mr. Wallace, 47. Adding in the bonus electors for states won would have given Mr. Nixon 289 votes, a majority; Mr. Humphrey, 192; and Mr. Wallace, 57. That is 13 fewer than Mr. Nixon got under the existing system. Mr. Humphrey would have gained 1, Mr. Wallace, 12.

The district system would make little difference from the present method in most small states, where congressional districts cover large areas. In larger and more diversified states, the district plan would more closely recognize these differences, but like the present winner-take-all system the margin of victory would make no difference. A congressional district carried by 1 vote would be worth the same electorally as one carried by 100,000 votes.

Popular voting: Under this plan, the candidate with the most votes would win. The number of states carried would become irrelevant. Some proposals include a runoff election between the top two candidates if no candidate in a field of three or more gets some minimum percentage, such as 40 percent. Mr. Nixon would have won under this plan, since he polled more than 40 percent despite the third-party candidacy of Mr. Wallace.

Some persons suggest that one suspect city or county could swing the entire national vote in an extremely close election, while under any of the Electoral College proposals, one fraud-ridden area can affect only one state. The counterargument is, of course, that an electoral election could hinge on that state.

ILLINOIS STEAL IN 1960

On the other hand, the 8,000 votes some Republicans contend were stolen from Mr. Nixon in the 1960 election in Illinois were enough to give John F. Kennedy that state, but were nowhere nearly enough to swing the entire national popular vote, although Mr. Kennedy's edge of 119,000 votes was one of history's closest.

The biggest problem facing electoral reformers is to agree on one plan. Even with unity, they face a rugged struggle in state legislatures; without unity, it is unlikely any plan could muster enough support to get through Congress.

HOUSE OF REPRESENTATIVES—*Thursday, January 23, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

He that handleth a matter wisely shall find good: and whoso trusteth in the Lord, happy is he.—Proverbs 16: 20.

Almighty and everlasting God, who art always more ready to hear than we are to pray, and are wont to give more than we desire or deserve, pour out upon us an abundance of Thy mercy, cleansing us, forgiving us, and empowering us to do what is right and good for our country and our world.

Grant that what we say with our lips we may believe in our hearts and what we believe in our hearts we may practice with our lives, that in deed and in truth we may be doers of the word and not hearers only. In Thy light may we see life clearly and in Thy straight path may we not stumble. Through Jesus Christ, our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of Monday, January 20, 1969, was read and approved.

RESIGNATION FROM HOUSE OF REPRESENTATIVES

The **SPEAKER** laid before the House the following communication:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 21, 1969.
Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives.

SIR: I beg leave to inform you that I have this day transmitted to the governor of Wisconsin my resignation as a Representative in the Congress of the United States from the 7th district of Wisconsin.

MELVIN R. LAIRD.

RESIGNATION FROM HOUSE OF REPRESENTATIVES

The **SPEAKER** laid before the House the following communication:

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 21, 1969.
Hon. JOHN W. MCCORMACK,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Please consider this my formal resignation from the House of Representatives of the Congress of the United States in which I have served for the past four years as the Member from California's 27th District. This resignation is to be effective at the close of business, January 21, 1969. As you know, the reason for this resignation is that I have accepted the position of the Lieutenant Governor of California.

At this time, I would like to take this opportunity to thank you and all of my colleagues for your kindnesses, for your cooperation, and above all for the privilege of knowing and working in this, the greatest legislative body in the world.

Kindest personal regards.

Sincerely,

ED REINECKE,
Member of Congress.

THE LATE HONORABLE PAUL F. SCHENCK

(Mr. WHALEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WHALEN. Mr. Speaker, it is with very great regret that I rise to inform the House officially of the death of a distinguished former Member of Congress, the Honorable Paul F. Schenck, of Dayton, Ohio.

Congressman Schenck passed away at 2:30 p.m., Saturday, November 30, 1968, in the Miami Valley Hospital, in Dayton. He was 69 years of age. According to his family, death was caused by a heart ailment.

First elected to Congress in a special election in November 1951, Mr. Schenck served continuously for the succeeding 13 years and 2 months. His tenure is the longest on record for the Third Ohio District seat.

Congressman Schenck was a member of the House Interstate and Foreign Commerce Committee, rising to become the second ranking Republican. He made significant contributions during his service on that committee, especially in the development of antipollution legislation, which led to the addition of safeguards on automobile exhausts.

Congressman Schenck also was the ranking Republican on the House Administration Committee and the Standing Subcommittee on Health and Safety. In addition, he was a member of the Joint Committee on Printing and the Joint Committee on the Library.

The late esteemed Speaker of the House of Representatives, the Honorable Sam Rayburn, appointed Congressman Schenck as a member of the Franklin Delano Roosevelt Memorial Commission.

During his last term, he introduced a bill that had special significance for the Dayton area as the home of the Wright brothers and the birthplace of aviation. It was legislation granting a Federal charter to the Aviation Hall of Fame in Dayton, which President Johnson signed into law.

Mr. Schenck was a devoted Representative of the constituents of the Third Congressional District. He had a justly deserved reputation as a Congressman who worked for his people. He was unstinting in his efforts on behalf of all who sought his assistance and is well remembered by literally thousands of people in the Greater Dayton area for this service.

I might add, Mr. Speaker, that the Third Congressional District, during Congressman Schenck's tenure, was one of the most populous in the Nation. At that time, including both Montgomery and Butler Counties.

Before he became a candidate for Congress, Mr. Schenck was a member of the Dayton Board of Education for 9 years. Appointed to fill a vacancy on the board in 1941, he was elected in his own right in 1943 and 1947. During 7 of those 9 years, he served as the board president.

In 1935, Mr. Schenck established a business that bears his name today. It included real estate, general insurance, and mortgage loan services. He was the president of the Dayton Real Estate Board from 1947 through 1949.

Prior to that time, Mr. Schenck was the recreation director for the city of Dayton from 1929 to 1935. He also was a schoolteacher in Dayton for 8 years, serving also as faculty manager of athletics. He was the manager of Southwestern Ohio District basketball tournaments for 22 years.

Congressman Schenck was active in the Boy Scout movement. The various posts he held included scoutmaster, commissioner of Boy Scout Education and assistant Scout camp director. He also participated extensively in civic affairs and on civic committees. During World War II, he was the executive secretary of the Dayton Council for Defense. He was a member of the Grace Methodist Church of Dayton, Mystic Lodge 405, F. & A.M., Scottish Rite and Antioch Shrine.

Born in Miamisburg, Ohio, on April 19, 1899, Mr. Schenck moved to Dayton in 1908. He was a lifelong resident of Montgomery County, Ohio.

He graduated from Steele High School in June of 1917 and attended the University of Wisconsin.

Congressman Schenck is survived by his wife, the former Charlotte A. Rairdon, to whom he had been married for 47 years. Other members of the family include two sons, Richard R. and Thomas F., and five grandchildren.

Mr. Speaker, it was my very great honor to have known Paul Schenck personally and to have worked actively with him in politics. I was directly associated with him most closely during his 1952 campaign for Congress when I acted as his full-time campaign manager. This was immediately prior to my own start in elective office and much of what I learned is in large part the product of that stimulating experience and work with Congressman Schenck.

The Third Ohio District has lost a concerned and dedicated public servant as has the Nation he so deeply loved and for which he labored so long.

May God grant him eternal rest.

Mr. McCULLOCH. Mr. Speaker, will the gentleman yield?

Mr. WHALEN. I am delighted to yield to the distinguished gentleman from Ohio.

Mr. McCULLOCH. Mr. Speaker, I am pleased to join with my colleagues in a tribute to my longtime, good friend, Paul F. Schenck. He was one of the first to recognize and sound the alarm of the dangers of air and water pollution and its damage to the public and its people. Always forward looking in communications of every kind in America, he made a contribution in solving the problems in that field, which will last far beyond the life of any man who served with him in Congress.

In addition, he had long, notable, and constructive service in the public schools of his home community and was long recognized as an authority in that field.

His widow, Charlotte, and the other immediate members of his family have our deep sympathy in the loss of such a husband, father, and friend to so many people.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield to me at this point?

Mr. WHALEN. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, let me reemphasize the observations and comments which have been made by the distinguished gentleman from Ohio (Mr. WHALEN) and the distinguished gentleman from Ohio (Mr. MCCULLOCH).

Those of us who knew Paul and who served with him in the House of Representatives have lost a good friend. He was a most able Member of the House of Representatives. He served his community for an extended period of time, not only in the school system but in many other civic activities. Paul Schenck was not only a friend but one who was a devoted individual to the legislative process and one who had a great allegiance to the legislative branch of our Federal Government.

Mr. Speaker, we regret his passing and I extend to his family my deepest sympathy.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. WHALEN. I yield to the distinguished gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, I commend the gentleman from Ohio (Mr. WHALEN) and thank him for arranging this time for us to pay tribute to the memory of our good friend and former colleague, Paul Schenck, who died November 30, 1968, in Dayton, Ohio.

Paul was one of my congressional classmates. We both were freshman Members of the 82d Congress. Incidentally, there are just 12 of us left in this House. Paul was first elected to fill a vacancy so did not take his seat at the beginning of the 82d but joined us later on during the first session in 1951.

During the years that followed I came to know Paul very well and to have great respect for his ability and diligence. I served with him on the Committee on Interstate and Foreign Commerce during all the time that he was a member of that committee. I know of no person on our committee who was more diligent or attentive to the duties assigned to him. I have personal knowledge of many instances where Paul Schenck's individual work produced legislation of outstanding value.

Here was a man of the highest integrity, a gentleman whose word you could count on any time. As we all know in the legislative process that is most important. Paul Schenck was possessed of an outstanding quality that went far beyond his work on both the Committee on Interstate and Foreign Commerce and the Committee on House Administration, on which he also did an excellent job.

The work Paul Schenck did in Congress cannot be measured in terms of his invaluable service to the Ohio district which he represented, but it was national in scope. He was the kind of man of whom it could truthfully be said, following his election defeat a few years ago, that we lost not only a Member who performed so well but also that this body lost a part of itself.

Mr. Speaker, I extend to his wife and his relatives my deepest sympathy in this loss of so great a man as Paul Schenck.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. WHALEN. I yield to the distinguished minority whip.

Mr. ARENDS. Mr. Speaker, I am deeply distressed to learn of the passing of my good friend and former colleague, Paul Schenck. He represented the Third District of Ohio in six successive Congresses, which in itself bespeaks the high quality of his service.

Paul was a dedicated public servant in the fullest sense of the word. He was keenly interested in our youth. Early in his career he was a high school teacher and took an active part in the Boy Scout movement. For a number of years he was on the board of education in the city of Dayton as well as director of recreation of that city.

Any man active in the field of education and active in all manner of projects for the betterment of our young people cannot be other than a man of compassion, understanding, and love for his fellow man.

Paul will be remembered for the contribution he made during his service in the Congress. He may be well remembered for his outstanding work on the Interstate and Foreign Commerce Committee. But he will be remembered most of all by many of us as a man who sought little for himself but sought much for others. In the final analysis this is the mark of greatness. I express my sympathy to his fine wife and family.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. WHALEN. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I too desire to associate myself with the tributes that have been paid today to a man I consider an outstanding Member of this House, and a fine gentleman of the highest order, and a good friend. I extend to his loved ones my own personal sorrow over his tragic death.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. WHALEN. Mr. Speaker, I yield to my colleague from Ohio.

Mr. DEVINE. Mr. Speaker, I thank the gentleman for yielding, and I would like to commend the gentleman from Dayton, Ohio, for taking this occasion to eulogize a great man, the Honorable Paul F. Schenck, a former Member from the Third Congressional District of Ohio.

Ten years ago, Mr. Speaker, when I came to Congress, I was appointed to the Committee on Interstate and Foreign Commerce, and Paul was our senior member on that committee. I have since replaced him as the second-ranking minority member.

Paul will always be remembered in the Congress as probably the most friendly and actually the jolliest of all Members of the Congress. Paul used to stand behind the rail on this side of the aisle and consult with all of the Congressmen, and I know they all held him in the highest regard.

Paul Schenck took great pride in his attendance record in this body, and rarely did he miss a day. He indeed rendered a great public service to the State of Ohio, and to our Nation as well.

I would like to join with my colleagues in their sorrow at his passing, and to pay tribute to his memory. I also wish to express my greatest sympathy to his wife, Charlotte, and to his family.

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman from Ohio.

Mr. FEIGHAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it was my privilege to know our departed former colleague the Honorable Paul F. Schenck, who served the Third Congressional District of Ohio in this illustrious body for over 13 years.

Paul Schenck and I were not only colleagues, we were office neighbors and we enjoyed a very warm friendship. He worked intelligently and tirelessly, and while he was a friendly and congenial gentleman, he was likewise a serious and conscientious legislator. He justified the confidence his constituents placed in him by rendering the highest caliber of service in this body.

To Mrs. Schenck, his children and his grandchildren, I extend my deep and profound sympathy.

Mr. BETTS. Mr. Speaker, will the gentleman yield?

Mr. WHALEN. I yield to my colleague from Ohio.

Mr. BETTS. Mr. Speaker, I thank the gentleman for yielding, and I, too, would like to join with the gentleman from Ohio in eulogizing the Honorable Paul F. Schenck.

Mr. Speaker, Paul Schenck and I came to Congress together in the 82d Congress and from the day we first met we were close personal and political friends.

Paul was a diligent worker and spent long hours on behalf of his constituents. He constantly worked for the best interests of his district and no Member ever served with more dedication and high purpose in this respect. Furthermore, he was a tireless student of legislation. He was one who always sought the advice and counsel of colleagues so that his own views would be tempered with the thinking of others over the wide range of consideration which wise legislation demands. His remarks on the floor always reflected this careful approach to problems as well as his own solid views on the subject.

The House of Representatives was his great love and he gave it the devotion and respect which marked him as a great public servant. He was a gentleman and a patriotic American whose friendship I shall always cherish. He was a devoted family man who represented the fine and noble qualities which people admire in their public servants.

Mrs. Betts and I were saddened by his passing and extend our sympathy to his wife and family.

Mr. MOSS. Mr. Speaker, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman from California.

Mr. MOSS. Mr. Speaker, I thank the gentleman for yielding, and I too would like to join with my colleagues in paying tribute to the memory of the late Paul F. Schenck, whom I regarded as a friend, and felt privileged to know and work with.

I served for a decade with Paul Schenck on the Committee on Interstate and Foreign Commerce. Paul Schenck was the type of man with whom you could differ, but it was always an impersonal difference of opinion. He was a delightful person, and always added to the enjoyment of any occasion where he was present.

Mr. Speaker, I thank the gentleman for yielding.

Mr. LATTA. Mr. Speaker, I am honored to join with my colleagues in paying special tribute to our esteemed friend and distinguished colleague, the late Paul F. Schenck, who passed away on November 30, 1968. As we pause in our deliberations to honor the memory of the gentleman who so ably represented the Third Congressional District of Ohio for 13 years in this historic Chamber, from 1951 to 1964, we recall the accomplishments of this very able legislator.

Representative Schenck served as a member of the House Committee on Interstate and Foreign Commerce and was credited with development of an antipollution law which forced safeguards on automobile exhausts. He served as a member of the Dayton Board of Education for nearly 10 years, and as president of the Dayton Real Estate Board for 3 years, as well as serving in many capacities in numerous civic activities.

I join my colleagues in extending deepest sympathy to Congressman Schenck's family and assure them he will long remain in our thoughts and prayers.

Mr. PATMAN. Mr. Speaker, it is most fitting and appropriate for the Democratic Members of this House to recognize the fine accomplishments of the Honorable Paul F. Schenck who was one of our most able colleagues from 1951 to 1964. For more than 50 years, Mr. Schenck was particularly noted for his dedication to the noble cause of enhancing the quality of education in general and for his many constructive contributions to enriching the community life of Dayton, Ohio, a city which was always the center of his thoughts. Mr. Schenck was a fine Congressman, resolute in his beliefs, conscientious in the performance of his duties, and deeply aware of the dignity of his office and his responsibilities to his constituents. It is by the earnest labor of men of sincere character such as Mr. Schenck that our Congress has so well bridged the differences of party and been able to unite for the common good of the people.

The demise of Mr. Schenck on the last day of November at the age of 69 is most deeply mourned by all who served with him over the years and by the many thousands who knew and respected his work and solid achievements. I am privileged to join with the present Member from the Third District of Ohio, the Honorable CHARLES W. WHALEN, JR., in honoring the memory of Paul F. Schenck, of Dayton, Ohio.

Mr. PELLY. Mr. Speaker, I rise to join in paying tribute to the life and service of our former colleague, Paul Schenck, who passed away last November in Dayton, Ohio.

When I came to Congress in 1953, Paul Schenck had served one term. He was elected to the 82d Congress and I to the 83d, and I came to know him rather well because we both served on the Committee on Interstate and Foreign Commerce. On account of that association I was to come to recognize his ability and the great contribution he made to important legislation which that great committee reported to the floor of the House.

Meanwhile, since he left Congress in 1964 I have vivid and pleasant recollections of Paul, and which his death brings to mind.

So today, Mr. Speaker, I join the gentleman from Ohio (Mr. WHALEN) and other Members in expressing our deep regret and sense of personal loss at the death of Paul Schenck. He was a fine man and an able legislator who leaves a record that all his friends and family can be proud of.

Mr. CORMAN. Mr. Speaker, I rise to join my colleagues today in honoring a warm and genuine human being who spent much of his life in the service of his fellow man and his country.

I was privileged to serve in the House with Congressman Schenck my first 3 years in the Congress. And, it was a privilege, for I knew him to be a humane and dedicated man, whose singular purpose as a legislator was to bring to his countrymen reforms that would enhance their daily lives and make our Government more responsive to their needs.

Congressman Schenck was among the most outspoken of the early fighters in the battle against air pollution. He firmly believed that the miracles of modern medicine should be available to all our people. He worked for a system of adequate health insurance for the aged. He supported the establishment of clinics for migratory workers. He was concerned with child research and human development and general medical sciences. His concern even reached into motor vehicle safety standards, which was indeed an innovative effort in those years.

Representative Schenck made a lasting contribution in the House to his country, to his State, and to his congressional district. His farsighted efforts in the areas of his interest have proven to be a base on which we are now building solid legislation. His work will not have been in vain, and he will not be forgotten in this House.

Mr. REIFEL. Mr. Speaker, I join with my colleagues in this time of sorrow in the loss of the Honorable Paul F. Schenck.

Paul was among the first of the Members of Congress whom I came to know personally when I came to this body in 1961. He was the type of individual to whom one felt free to turn in seeking advice and guidance.

I maintained a close association with him not only on account of his friendliness but because of his approachability, ready counsel and willingness to be of assistance.

When he did not return to the Congress after 1964, I felt his absence as a personal loss. Now that I shall not see him again the separation is even more distressing and sorrowful.

My heartfelt sympathies go out to his family and to the Ohio delegation. The loss to his family and to his community will leave a void, I am sure, as does his absence from the Congress.

Mr. FRIEDEL. Mr. Speaker, it is but fitting and proper that we pause from our legislative duties to pay our respects to the memory of one of our distinguished former colleagues who on November 30, 1968, passed away to his eternal rest.

I, therefore, wish to associate myself with the remarks of the previous speakers who so eloquently have paid just tribute to the late Paul Fornshell Schenck. It is with a feeling of sadness that I rise to say what is in my heart about this great and good man who graced this historic Chamber from 1951 to 1964 as the able and distinguished U.S. Representative of the important Third Congressional District of the great State of Ohio.

It was in 1953, when I took my seat here, that it was my pleasure to have first met our late former colleague. The fact that he and I were both assigned to the House Interstate and Foreign Commerce Committee brought us closer together and served to establish a genuine friendship between us. It especially was during that committee's hearings and investigations that he brought to full focus his special talents and outstanding ability.

It should be noted that our departed colleague came from Dayton, Ohio, a city that has taken a major part in the development of aviation. That city was the home of the Wright brothers and is also a center of aeronautical research and experimental work. Hence, his assignment to the House Interstate and Foreign Commerce Committee was both logical and beneficial. Nor should it be forgotten that his experience as vice chairman of the Dayton Safety Council was of particular assistance to the committee in its investigations. His knowledge of science was utilized by his community when he taught chemistry in one of its secondary schools.

The civic consciousness and commitment of our late colleague to the cause of education and help for youth can also be gauged from his activities as a member of the board of education of Dayton and as president of that board for 7 years. Small wonder then that Dayton's public school system is exceptionally well planned and among the best in the Nation.

It was, however, here in the Congress of the United States where the late

Congressman Paul F. Schenck achieved national stature. His contributions will long be remembered for they are recorded in the annals of this House.

For us, we will cherish his memory, as a distinguished statesman, an able legislator, an indefatigable worker, and a loyal friend.

To his family, we send our most heartfelt sympathy and feel comforted that his passing is but a prelude to a life everlasting.

Mr. SMITH of California. Mr. Speaker, I would like to join my colleagues in the House of Representatives in paying tribute to our late colleague, the Honorable Paul F. Schenck.

Paul Schenck made substantial contributions to the Congress and the Nation from 1951 to 1964 and was a most able representative of the Third Ohio District.

During our terms together, I found him to always be a gentleman, laboring hard in the interests of America. He shall not be forgotten by those of us who knew him.

Mr. BROWN of Ohio. Mr. Speaker, it is a sad task to speak in memory of former Representative Paul F. Schenck. I always felt very close to Paul throughout the years I knew him, for he and my late father, who served with him here in the House of Representatives for many years, were such good friends and neighbors. His wife, Charlotte, and my mother were also close friends.

During the years he served in the House, Paul was a hard-working and able legislator. He served his constituency diligently and well. He was always on the job and prided himself on his 100-percent voting record.

He was also a kindly man and had many interests and hobbies. He was well-known for his wit and humorous stories.

But most importantly, Americans, now protected by law from gasoline pollution from automobiles, can thank Paul Schenck as the pioneer in this field of legislation.

As a member of the Interstate and Foreign Commerce Committee, he authored the act which bears his name—Public Law 86-493—providing for a 2-year study and report to Congress to determine the effects of gasoline fumes from automobiles on human health. Subsequent to this law, other laws were passed and finally the National Emission Standards Act was included in the Clean Air Act of 1967 making antipollution devices on automobiles mandatory.

Paul's widow and his sons, Dick and Tom, and his five grandchildren can be very proud of him and take consolation in the fact that he served his Nation with distinction.

GENERAL LEAVE

Mr. WHALEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life, character and public service of the late Honorable Paul F. Schenck.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

INAUGURAL ADDRESS OF PRESIDENT NIXON

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I am sure all of us were moved last Monday by the sincerity and simplicity of President Nixon's inaugural address. On this solemn occasion in our Nation's history, now as in the past, the newly chosen Chief Executive of this Republic spoke for all the people, and voiced their continuing as well as current concerns and their noblest aspirations.

President Nixon's primary themes of peace at home and abroad; of spiritual renewal and reconciliation; of freedom and opportunity and justice for all, have kindled new confidence and hope wherever his words were heard. I shall not try to capsule his address, but I commend it to my colleagues for a silent second reading. Not because there are hidden meanings between the lines, as some speeches contain, but because there is so much meaning in the lines themselves, meanings which might have been missed in the chill of the day. It was a warm speech, from a heart that greatly loves America; it was a wise speech, from a mind that has thought deeply about America; and it was a strong speech, drawing its power not from rhetoric or oratorical flourish but from faith in God and his fellow countrymen.

History will rank this inaugural address with those that came before and those that will follow in the context of the times and the achievements of this administration. In my judgment, President Nixon struck the precise chord the whole world was waiting to hear, and I pledge him full support in striving to gain the goals he set forth for all Americans.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

TRIBUTE TO THE CHAPLAIN OF THE U.S. SENATE: FREDERICK BROWN HARRIS

(Mr. McCORMACK was granted permission to extend his remarks at this point in the RECORD.)

Mr. McCORMACK. Mr. Speaker, I know my colleagues in the House share my sentiments concerning the retiring Chaplain of the Senate, Dr. Frederick Brown Harris. He has been, for all of us in both Houses, a continuous source of inspiration and renewed faith during his many years of dedicated ministry to the Congress.

With insight, eloquence, sensitivity, and courage, Reverend Harris has brought consolation for the suffering and sorrowing in times of national tragedy or crisis, calm and reason in the excesses of heated debate, steadfastness in the face of the threats of our enemies, compassion for the downtrodden and oppressed of the world, and faith to uphold us in times of doubt and anxiety.

In our search for strength and wisdom in the conduct of the public affairs of our great Nation, the daily prayers of Dr. Harris have given each Member renewed faith in discharging his responsibilities for the good of all the people, have helped to keep us from indulgent complacency, and have served as constant reminders of the highest and most profound convictions and principles.

Dr. Harris has served as Senate Chaplain continuously since 1942, except for 2 years during the 80th Congress—26 years in all. Ordained in 1912, he was also the full-time minister of Foundry Methodist Church here in Washington for 30 years, until 1955.

Through the years he has been a dedicated spokesman, before audiences and in print, for the protection and preservation of liberty and freedom here and abroad. In sermons, addresses, and articles, he has aroused the admiration and gratitude of millions of citizens whose friends and relatives still suffer slavery and oppression in the captive nations. In moving phrases such as those that follow, he has expressed deepseated convictions on the nature of national and personal freedom:

> We are conscious that this is a world where tyrants still deal in fetters and chains as they attempt to shackle the free spirits of men made in Thy image. We praise Thee for the multitude in every land with whom we are joined, who cherish freedom of body and mind more than life itself.

What American could fail to be profoundly affected by his pleas that—

> In this day of global conflict for the bodies and minds of man, Thou wilt purge and cleanse our own hearts that we may be found worthy to march with the armies of emancipation which bring both liberty and release from the want and woe which beset so many millions of Thy children and grind them into the dust of poverty; that our hearts may be shrines of prayer and our free Nation a bulwark for the oppressed, a flaming beacon of hope whose beams shall battle the darkness in all the world.

I know that all of us in both houses who have received the great comfort of Dr. Harris' spiritual and personal guidance feel a great sense of loss at his departure. He is the gentlest and most generous of human beings, never too busy to come to the aid of those in need who call upon him. He has been a close personal friend to many of us and to our families. As a Member of the Senate once remarked:

> Dr. Harris could be called a nonvoting member of our group who, while elected by no constituency, serves all constituencies.

Through the Members of Congress, who represent nearly every religious creed, his spiritual inspiration has been felt throughout the country.

Yet, spiritual guidance and inspiration are only a part of Dr. Harris' great service and devotion to America. He has been in the forefront of those who have fought to preserve and protect America's great treasure of natural resources, especially in the years before this was generally recognized to be a national trust and obligation. In articles and sermons he declared his conviction that there can be no genuine patriotic consecration without conservation. He declared:

> Every intelligent citizen must be interested in conservation and we must alert and alarm the people of the devastated and desecrated land to stop waste.

He reminded the Nation of the warning from Isaiah 5:8:

> Woe unto them that join house to house, that lay field to field, till there be no place where one may be alone in the midst of the earth.

The Nation owes a debt of gratitude to Dr. Harris for speaking out so courageously against water and air pollution when most Americans were still trying to ignore these unpleasant realities.

Dr. Harris has also rendered invaluable service to his country as both a private and an official emissary in Southeast Asia, because of his long personal friendship with President Syngman Rhee of South Korea. He was the pastor and close friend of President Rhee when the latter was a member of the congregation of Foundry Methodist Church during his years in Washington. As a political exile in Hawaii, Mr. Rhee requested Dr. Harris' companionship and counsel, and later, as a visitor to President Rhee's government, Dr. Harris helped work out some of the misunderstandings which had disturbed relations between the United States and Korea. Today Korea is a strong and independent nation, with a rapidly growing economy and an increasing dedication to the democratic system of government. I cannot help but think something of its nearly miraculous success is due to Dr. Harris.

Congress has not been the only body to benefit from the wisdom and inspiration of Dr. Harris. For many years, in his weekly column in the Washington Star entitled "Spires of the Spirit," he brought the message of the greatness that is America and counseled each of us to raise our sights for the betterment of all. These columns have been collected and published in a volume by the same name that is treasured by all who have read it. Dr. Harris is also in great demand as a speaker, and spends much time traveling throughout the country to fulfill these requests.

For his work through the years, Dr. Harris has received many honors, including four awards from the Freedoms Foundation. The citation on one of these awards sums up the high regard in which he is held by all who have come in contact with him. It reads as follows:

> With esteem and affection to an American whose prayers, sermons, and editorial works have lifted the hearts of multitudes—
>
> With regard and honor to him whose thoughts, far vision, and steadfast faith move all whom he touches to patriotism and love of country—
>
> With matchless service to the cause of free men, he makes known the strength of prayer and iron will in language beautiful in his prayers in the Senate of the United States. Truly one who desires freedom for all under God, and asks nothing for himself.

I believe this citation expresses perfectly the feelings of myself and all my colleagues as we bid farewell to a true and valued friend and wish him health and happiness in his richly earned retirement years.

RETIREMENT OF ROBERT K. WALSH

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, it is with a great deal of personal regret that I call to the attention of the House the fact that my good friend, Robert K. Walsh, one of the veteran reporters of the Washington Evening Star, has retired after nearly 25 years of reporting national affairs on Capitol Hill.

Bob Walsh has been a familiar presence in the House Press Gallery and in the corridors and offices of this building. I know all of his many friends in the House are going to miss him and this is particularly true in my case.

Bob Walsh is an outstanding reporter and an excellent writer with a keen awareness of what is the "big story" in the events of each day. He has been fair. He has been objective. He has been accurate. The Press Gallery of the House of Representatives is blessed with many outstanding newsmen and women. Bob Walsh has been one of the best and we will indeed miss him.

Bob was born in my hometown in what was then McAlester, Indian territory in 1903. He attended the same high school that I attended in McAlester. Bob then attended and graduated from St. Louis University.

He went straight from college into the newspaper business, starting with the old St. Louis Star in 1924. He also worked on the Springfield, Ill., State Journal and the St. Louis Globe Democrat before moving to Providence, R.I., for a long stint—18 years—with the Journal and Evening Bulletin.

Walsh covered the Rhode Island State Legislature and was an editorial writer for 5 years before he transferred to the paper's Washington bureau in 1944.

On April 22, 1946, Bob Walsh joined the Washington Evening Star. On his very first day, he covered the first of many historic events, the death of Chief Justice Harlan F. Stone.

During his first 10 years on the Star, Walsh divided his time between the Supreme Court and the Capitol. And often his days would begin in the office on the rewrite desk, handling routine chores with the same cheerfulness and competence with which he approached the world-shaking events of the day.

He covered Supreme Court cases dealing with school segregation, restaurant segregation, the Rosenberg spy case and Truman's seizure of the steel mills—among others. He covered budgets, tax bills, civil rights annually. He covered the censure of Senator Joseph McCarthy and the House Un-American Activities Committee hearings in the Alger Hiss case.

Mr. Walsh also attended every Republican and Democratic National Convention since 1944. He has been secretary and chairman of the Standing Committee of Correspondents on Capitol Hill. He has been a member of the National Press Club since first coming to Washington in 1944 and is also a member of Sigma Delta Chi and the John Carroll Society in Washington.

Mr. Walsh married the former Anne G. Murphy of Providence on September 8, 1934. They live at 2222 Q Street, Northwest.

Mrs. Albert and I extend to Bob and his lovely wife our very best wishes for a happy and enjoyable retirement. We know he will not forget his old friends on Capitol Hill and hope he will come back to see us often. We certainly shall not forget him.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, although I, from Michigan, cannot claim Bob Walsh was a constituent or a person born in my district or in my State, I can appropriately claim Bob Walsh as a friend. Bob Walsh epitomized objectivity and fairness in his work in the Press Gallery. Bob Walsh was a friend to the legislative branch. He criticized us when we were wrong, but he was glowing in his praise when we were right.

All of us extend to Bob the very best in his retirement. He will be missed. We welcome him back whenever he can find time to join his friends in the Chamber or elsewhere on Capitol Hill.

Mr. ALBERT. I thank the gentleman.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Louisiana.

Mr. BOGGS. I should like to associate myself with the remarks made by the distinguished majority leader and the distinguished minority leader. All of us who have known Bob Walsh for many years might agree immediately upon the use of the word "objective," because Bob Walsh has been objective and fair as well as perceptive in covering the activities of this body particularly. All of us will miss him. I am glad, however, that he is in very good health, and I am sure that he, his wife, and his family will have a very happy retirement.

GENERAL LEAVE TO EXTEND

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the service of Bob Walsh.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

A DECLARATION OF FREEDOM

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on January 23, 1966, just 3 years ago, a group of 1,500 patriotic Cubans living together in exile adopted a "Resolution of Freedom" at the San Carlos Club in Key West, Fla.

I have today introduced a resolution that expresses the sense of the House of Representatives—the Senate concurring—that that noble declaration should be earnestly considered by—and I hope supported by—all Cubans living in exile and all who wish to restore freedom and democratic government to the beautiful isle of Cuba.

Mr. Speaker, the text of the resolution is as follows:

H. CON. RES. 92

Whereas on January 23, 1966, a "Declaration of Freedom" was adopted by 1,500 Cubans in exile meeting in Key West, Florida; and

Whereas this declaration was written at the San Carlos Club from which the great Cuban patriot Jose Marti in 1898 turned the course of history by proclaiming the ideological basis of a free Cuba; and

Whereas Cuba once again has fallen victim to a totalitarian regime as embodied by Castro communism; and

Whereas the "Declaration of Freedom" reads as follows:

"DECLARATION OF FREEDOM

"In the city of Key West, Monroe County, State of Florida, United States of America, we, the Cuban exiles in the United States, in the name of God Almighty, and speaking both for ourselves and the oppressed people in Cuba, the martyr island, do say:

"That on January 1, 1959, the slavery yoke that came from Europe and was extinguished in Cuba at the end of the 19th century, was resumed.

"That those responsible for this high treason to our fatherland and to our people are just a score of traitors who, usurpating the government of the country have been acting as mercenary agents for the Sino-Soviet imperialism, and have surrendered to that imperialism our freedom and our dignity, also betraying the American hemisphere.

"That as a consequence of this high treason, those who are usurpating the power in Cuba (as they were never elected by the people), are imposing a regime of bloodshed, terror and hate without any respect or consideration to the dignity of the human being or the most elementary human rights.

"That in their hunger for power, these traitors, following the pattern of totalitarian regimes, are trying, within Cuba, to separate the family, which is the cornerstone of actual society, and at the same time, are poisoning the minds of the Cuban children and youth, in their hope of extending the length of time for this abominable system.

"That the rule of the law has been wiped out in Cuba, and it has been replaced by the evil will of this score of traitors, who are acting under orders from their masters, the Sino-Soviet imperialists.

"In view of the aforegoing, we declare:

"First, That the actual Cuban regime is guilty of high treason to our fatherland and to the ideals of the freedom revolution which was started on October 10, 1868.

"Second, that this score of traitors who have committed treason against our fatherland, in case they survive the downfall of their regime, will have to respond, even with their lives before the ordinary courts of justice of Cuba.

"Third. That as the noble Cuban people will not ever surrender, because that nation was not born to be slave, we, the Cuban people, hereby make the present declaration of freedom.

"We hereby swear before God Almighty to fight constantly, until death comes to us, to free Cuba from communism.

"The fundamentals of this resolution for freedom are:

"First. God Almighty, above all things, in whom we believe as the essence of life.

"Second. The fatherland, with all of its laws, traditions, customs, and history as a spiritual value, only surpassed by the concept of God.

"Third. The family, as the cornerstone of the human society.

"Fourth. Human rights, for each and every citizen, regardless of race or creed.

"Fifth. The law, as the foundation for the proper development of the human society.

"Sixth. Democratic government, with its three independent branches: Legislative, executive, and judicial.

"Seventh. Representative democracy through the exercise of universal suffrage, periodically, free, and secretive, as the expression of popular sovereignty.

"Eighth. Freedom of worship, freedom of teaching, freedom of the press and free enterprise.

"Ninth. Private property and ownership, as the basic expression of liberty.

"Tenth. The improvement of living conditions for both rural and city working masses, with the just and necessary measures, keeping in mind the legitimate interests of both labor and capital.

"Eleventh. The derogation and eradication of anything which is opposed to the political and religious fundamentals aforementioned, and specifically, the abolition of communism and any other form of totalitarian manifestation.

"Signed and sealed in Key West, Fla., on the 23d day of January, 1966."

Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the House of Representatives that this inspiring declaration should be patriotically considered by all Cubans in exile and by all who wish to end the tyranny of Castroism and communism in Cuba and that the "Declaration of Freedom" should serve to unite those pledged to restoring Cuban liberty and independence, and that it should be the objective of the United States to commend and encourage recognition and respect for the declaration.

UNIFORM CREDIT CODE PROPOSES LEGALIZED USURY

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, this year, proposals to legalize usury will go before the legislatures of 48 of our 50 States.

Through a device known as the Uniform Consumer Credit Code, the lobbies for the banks and the small loan companies are attempting to have a maximum interest rate of 36 percent written into law. In short, the Uniform Code, if adopted, will legalize some of the highest interest rates ever imposed on the American consumer.

Mr. Speaker, when this code was being drafted by the National Conference of Commissioners on Uniform State Laws, the American Bankers Association raised a $75,000 fund to help finance the project. This proposed 36-percent interest rate makes it plain why the banks were so willing and so quick to pay for this project.

The proposed Uniform Consumer Credit Code not only would apply a 36-percent interest rate on small loans and installment purchases, but would allow department stores and others to charge 24 percent on revolving credit. Based on the charges imposed by most major department stores today, this Uniform Consumer Credit Code would mean an immediate increase of 33⅓ percent in the charge to the consumer.

Mr. Speaker, in coming days, I will discuss other parts of the Uniform Consumer Credit Code, but today I want to call attention to what I regard as the foremost evil of this proposed code—legalized usury.

Mr. Speaker, I am convinced that this move to legalize high and usurious interest rates must be stopped. Although this Uniform Code is being proposed to the 48 legislatures which meet this year, the U.S. Congress cannot dodge its responsibility in this area.

Through the passage of the Consumer Credit Protection Act—truth in lending—the 90th Congress wrote a magnificent chapter in the protection of the consumer in the area of credit. The 91st Congress now must make sure that the gains of this act are not wiped out by such things as a legalized interest rate of 36 percent.

I am convinced that we must take a long and hard look into this so-called Uniform Code to determine fully what it means to the consumer; and what it means to the Truth in Lending Act of the 90th Congress. We should determine just how some of these provisions were drafted and we should learn what effect the bankers' $75,000 contribution has had on this project.

CHAIRMAN PATMAN INTRODUCES BILL TO INCREASE SBA LOAN CEILINGS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, today I have introduced a bill that would raise the ceiling on the amount of loans by dollar amount the Small Business Administration may have outstanding.

This bill does not provide money for SBA, but rather places a ceiling on the loans that may be made.

The bill would affect three amendments to the provisions of section 4 (c)(4) of the Small Business Act governing the amount of loans, guarantees, and other obligations or commitments which may be outstanding at any one time in the business loan and investment fund. The first of these amendments would increase from $1,900,000,000 to $2,200,000,000 the amount which may be outstanding from the fund at any one time under sections 7(a), 7(b)(3), 7(e), and 8(a) of this act, and title IV of the Economic Opportunity Act of 1964. The second amendment would increase from $300,000,000 to $500,000,000 the amount which may be outstanding at any one time under title V of the Small Business Investment Act of 1958. The third amendment would increase from $200,000,000 to $300,000,000 the amount which may be outstanding at any one time under title IV of the Economic Opportunity Act of 1964.

The reasons for the proposed increases in the specified limitations are to be found in the legislative history of Public Law 87-550, approved July 25, 1962. The conference report accompanying the bill (S. 2970) which became Public Law 87-550 contains the following declaration of intent:

> The combined increased authorization . . . is intended to meet estimated needs for a 2-year period (fiscal 1963 and 1964) . . . The agreement of the conferees upon this increased authorization was predicated upon their belief that SBA's business loan program should be reviewed at least every 2 years. In order to assure adequate time for consideration, the estimated business loan program needs for SBA for an additional 2 years should be submitted to the new Congress when it convenes in January 1963, and this process then should be repeated as necessary every 2 years as each new Congress convenes in order to provide for an orderly and recurring review of this program by the Congress and to avoid emergency appeals by SBA for additional authorization. (H. Rept. No. 1974, 87th Cong., 2nd Sess.)

In accordance with this expression of intent, a review has been made of the probable requirements of the section 7(a) business loan program through June 30, 1972, based on a straight-line projection of fiscal year 1970 budget estimates for this program. However, the amount of the limitation applicable to this particular program—$1,900,000,000—also limits in addition the maximum outstanding amount for displaced business loans under section 7(b)(3), trade adjustment assistance loans under section 7(e), prime contracting activities under section 8(a) and business loans under title IV of the Economic Opportunity Act of 1964.

Consequently, in order to determine the increased limitation amount adequate to cover the probable requirements for all of the cited activities covered by this one specific limitation, straight-line projections of the 1970 budget estimates through June 30, 1972, have also been made for the programs in addition to section 7(a) business loans, as identified above.

These projections indicate that a limitation of about $2,090,000,000 is needed for the combined activities. In order to provide a reasonable reserve for contingencies, the limitation would be increased from $1,900,000,000 to $2,200,000,000.

The projected amount outstanding at June 30, 1972, for business loans under title IV of the Economic Opportunity Act of 1964, as included in the figure of $2,090,000,000 cited above, is slightly in excess of $253,000,000. Allowing in this instance also a reserve for contingencies, the present limitation of $200,000,000 for title IV loans would be increased to $300,000,000.

Section 4(c)(4) provides a separate limitation of $300,000,000 on the amount of loans, guarantees, and so forth, which may be outstanding at any one time under title V of the Small Business Investment Act of 1958—loans to State and local development companies. The budget estimates for 1970 indicate that this limitation will have been reached prior to June 30 of that year. Accordingly, straight-line projections through June 30, 1972, of probable limitation requirements for these loans have been made also. These projections indicate a need for a limitation of $449 million, without any provision for contingencies. Including a relatively small reserve, the present limitation of $300,000,000 would be increased to $500,000,000.

Section 4(c)(4) provides an additional separate limitation of $450,000,000 on the amount of loans, guarantees, and so forth, which may be outstanding at any one time under title III of the Small Business Investment Act of 1958. Projections have been made of transactions for this program through June 30, 1972, also. These indicate that the current limitation is adequate.

SMALL BUSINESS ADMINISTRATION

ESTIMATED BUSINESS LOAN AND PRIME CONTRACT LIMITATION REQUIREMENTS, FISCAL YEARS 1969–72

[In millions of dollars]

		Budget estimates		Projected	
		Fiscal year 1969	Fiscal year 1970	Fiscal year 1971	Fiscal year 1972
Outstanding loans and commitments, start of year		1,321.6	1,514.9	1,781.3	1,975.8
Plus new loan approvals:					
7(a) business		444.1	578.0	578.0	578.0
Economic opportunity		59.2	82.0	82.0	82.0
Displaced business		43.0	45.0	45.0	45.0
Trade adjustment		1.2			
Total		547.5	705.0	705.0	705.0
Minus repayments and cancellations:					
7(a) business		327.1	397.1	455.0	520.0
Economic opportunity		16.6	25.7	34.1	43.0
Displaced business		10.5	15.8	21.4	27.2
Trade adjustment					
Total		354.2	438.6	510.5	590.2
Outstanding loans and commitments, end of year		1,514.9	1,781.3	1,975.8	2,090.6
Plus contingency reserve				124.2	109.4
Recommended limitation				2,100.0	2,200.0
Memorandum:					
Outstanding by program:	June 30, 1968				
7(a) business	$1,144.8	1,261.8	1,442.7	1,565.7	1,623.7
Economic opportunity	67.4	110.0	166.3	214.2	253.2
Displaced business	104.1	136.6	165.8	189.4	207.2
Trade adjustment		1.2	1.2	1.2	1.2
Sec. 8(a) prime contracts	5.3	5.3	5.3	5.3	5.3

ESTIMATED DEVELOPMENT COMPANY LIMITATION REQUIREMENTS, FISCAL YEARS 1969–72

[In millions of dollars]

	Budget estimates		Projected	
	Fiscal year 1969	Fiscal year 1970	Fiscal year 1971	Fiscal year 1972
Outstanding loans and commitments, start of year	205.8	256.8	322.5	386.6
Plus: New loan approvals	67.0	86.0	86.0	86.0
Minus:				
Loan repayments	10.5	11.2	12.8	14.4
Cancellations	5.5	9.1	9.1	9.1
Total	16.0	20.3	21.9	23.5
Outstanding loans and commitments, end of year	256.8	322.5	386.6	449.1
Plus: Contingency reserve		27.5	38.4	50.9
Recommended limitation		350.0	425.0	500.0

ESTIMATED INVESTMENT COMPANY LIMITATION REQUIREMENTS, FISCAL YEARS 1969–1972

[In millions of dollars]

	Budget estimates		Projected	
	Fiscal year 1969	Fiscal year 1970	Fiscal year 1971	Fiscal year 1972
Outstanding loans and commitments, start of year	276.3	290	290	290
Plus new loan approvals	43.7	40	40	40
Minus repayments and cancellations	30.0	40	40	40
Outstanding loans and commitments, end of year	290.0	290	290	290
Plus contingency reserve			160	160
Recommended limitation			450	450

BANKERS TAKE OVER THE TREASURY DEPARTMENT

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, President Nixon today sent forward the nomination of another banker to be a high official in his administration.

This time it was Dr. Charles Walker, executive vice president of the American Bankers Association, to be Under Secretary of the Treasury. Dr. Walker, of course, is the chief lobbyist for the big banks and, as such, has supported a variety of antipublic legislation through the years.

It is becoming painfully obvious that the Nixon administration is turning the Treasury Department over to the commercial banking industry. This is in total disregard for the vital public functions that must be carried out through the Treasury Department.

First, President Nixon nominates David Kennedy, chairman of the board of the Continental-Illinois National Bank, as Secretary of the Treasury. Now he follows it with the ABA's chief spokesman, and I understand more appointments of this nature are on their way to the Senate.

When the Walker appointment was first mentioned, I protested the proposed nomination in a letter to David Kennedy. Mr. Speaker, I place in the record a copy of this letter:

JANUARY 6, 1969.

Hon. DAVID M. KENNEDY,
Secretary-designate of the Treasury, Care of Mr. John Whitaker, Secretary to the Cabinet, Office of the President-elect, the White House, Washington, D.C.

DEAR MR. KENNEDY: Mr. Bill Timmons, a Deputy Assistant for Congressional Relations to President-Elect Nixon, has very kindly informed me of the fact that the incoming Administration has in mind nominating Dr. Charles E. Walker, Executive Vice President of the American Bankers Association, to the highly important position of Under Secretary of the Treasury. Dr. Walker, as I am sure you know, has for years directed the lobbying activities of what I consider to be, and I think the record will show, the most effective lobby in the United States. In my opinion the record will also show that seldom, if ever, has this lobby operated in the public interest. In the main, its activities as directed by Dr. Walker, have been for the sole purpose of preserving and fostering the growth and benefit of the commercial banks in the United States in general to the detriment of the public.

As Mr. Timmons was informed, it would be my duty, if presented with the opportunity, to oppose the nomination of Dr. Walker for the simple fact that, in my opinion, it would be impossible for him to divorce himself either consciously or unconsciously from his prior position as chief lobbyist for the American Bankers Association in order to carry out the job of Under Secretary of the Treasury as a public servant with the responsibility to operate exclusively in the public interest.

This nomination is, of course, entirely within the discretion of the Executive, subject to confirmation by the Senate, and while I would consider the advisability of making my views known to the Senate Committee with respect to any nominee for such a vital position, the purpose of this letter is to acknowledge and reciprocate the courtesy you have already extended to me in this matter.

Sincerely yours,
WRIGHT PATMAN,
Chairman.

Mr. Speaker, I also place in the RECORD a copy of a news release which I issued earlier today on the Walker appointment:

WASHINGTON, D.C., January 23.—Chairman Wright Patman (D., Tex.) of the House Banking and Currency Committee today charged that the Nixon Administration "has consciously embarked on a campaign to turn the Treasury Department over to the nation's commercial banking industry."

Mr. Patman described the nomination of Dr. Charles E. Walker for Under-Secretary of the Treasury as "incredible and in blatant disregard for the public interest responsibilities of the Department."

"Dr. Walker, Executive Vice-President of the American Bankers Association, has been and is today the Number One lobbyist for the nation's Number One special interest group—the commercial banking industry," Mr. Patman said. "In his role as spokesman for the nation's big banks, Dr. Walker has supported a multitude of anti-public legislation ranging from special tax favors for the banks and big corporations to attempts to gut anti-trust laws."

"Even in a Republican Administration, it seems incredible that the chief spokesman would be installed in office to regulate the very industry for whom he has lobbied. Regardless of one's feelings about the performance of the commercial banking industry, such a situation raises basic questions of ethics and public policy."

Mr. Patman said the seriousness of the Walker appointment was heightened by the fact that the Secretary of the Treasury, David Kennedy, likewise came directly from the commercial banking industry. Kennedy was the chief executive officer of the Continental-Illinois National Bank, the nation's eighth largest bank.

Mr. Patman noted that Dr. Walker had consistently supported higher interest rates including the removal of the ceiling on long-term Government bonds, and had plugged for huge tax cuts for corporations and had consistently sought the imposition of discriminatory taxes on competing financial institutions such as savings and loan associations and mutual savings banks. He also charged that Dr. Walker had "all but wrecked" the college student loan program through the insistence that the banks be guaranteed windfall profits from the program.

"President Nixon is now proposing that Dr. Walker be placed in a position of public trust that will allow him to implement these positions," Mr. Patman said. "The Senate should reject this nomination.

LET THEM KNOW ABOUT TENDERS

(Mr. MONAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONAGAN. Mr. Speaker, I am today introducing a bill to provide for adequate notice to the management of the corporations involved, in the case of certain proposed bids for corporate takeovers.

For the past several years the subject of the conglomerate merger boom has been receiving increasing attention by the press, governmental officials, business spokesmen, and security shareholders. The seemingly unrestrained nature of the boom has raised justifiable alarm in many quarters. Last year, in response to the rising apprehension, Congress took steps to protect the interests of target company shareholders in takeover cases involving cash tender offers.

It is my view that the legislation of last year could be wisely amplified so as to provide further protection to target company shareholders and, no less important, to provide some degree of protection to the management of the target company.

As things now stand in the conglomerate merger field, target company management has a reasonable opportunity to scrutinize and—if deemed necessary—defend against a takeover bid when the merger offer involves an exchange of securities. Not so in the instance of a cash tender bid.

Under legislation enacted in 1968—Public Law 90-439, an act providing for full disclosure of corporate equity ownership of securities—a full disclosure of intentions with regard to the company being taken over must be filed with the Securities and Exchange Commission. But since cash tender offers can be consummated immediately upon the filing, target company management is often given no chance to avail itself of the information provided in the disclosure statement. Target company management is actually rendered defenseless by the secrecy factor which makes cash tender takeovers so advantageous to the bidder and, conversely, so disadvantageous to the bidder and, conversely, so disadvantageous to management.

My bill attempts to redress the balance by providing both the offeror and management an equal opportunity to present their cases to the stockholders of the target company. Disclosure requirements, in my opinion, are very much in the interests of legitimate business and economic stability. In this bill, a period of 30 days is required between the filing of a disclosure statement involving a cash takeover offer and the actual consummation of the offer; that is, the tendering of the shares by the stockholders. A 30-day period will give management sufficient time to study the takeover proposal but—since 30 days is not of excessive duration—will not serve to impair the economic advantages of the intended merger.

OPPOSITION TO PROPOSED SALARY INCREASES FOR MEMBERS OF CONGRESS AND OTHER GOVERNMENT OFFICIALS

(Mr. ANDREWS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS of Alabama. Mr. Speaker, I am unalterably opposed to the proposed salary increases for Members of Congress, as well as for top officials of both the executive and judicial branches of the Federal Government. I strongly opposed and voted against the pay increase bill of 1967 which created the Commission on Executive, Legislative, and Judicial Salaries and which said Commission recommended the salary adjustments. I do not feel that salary increases are economically feasible at this time due to the heavy national debt, and, in addition, I do not believe this is the proper way for Congress to consider salary measures. This should be done through the regular legislative process. Congress should not be given a 30-day time limit to consider a proposal of this importance. Furthermore, the proposal was presented to Congress before the committees had had time to organize.

I am told that the salary recommendations of the Commission will cost the Federal Government an additional $34 million each fiscal year. I cannot in good faith to myself and to my constituents, State and country support a measure that will add $34 million to our already astronomical national debt. Had my votes in the House prevailed through the years, the national budget would be balanced at the present time or at least the Federal debt would be much smaller. Unfortunately, this has not been the case. Therefore, I rise in support of the resolutions that have been introduced in the House of Representatives disapproving the recommendations of the Commission.

According to information I have been furnished, the interest on the national debt in fiscal 1970 will be $16 billion, an unbelievable figure. Charity should begin at home—economy in the Congress.

ESTABLISHMENT OF THE FEDERAL MARITIME ADMINISTRATION AS AN INDEPENDENT AGENCY

(**Mr. ANDERSON** of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of California. Mr. Speaker, I introduce today H.R. 4129, the Federal Maritime Act of 1969. This bill, which amends title II of the Merchant Marine Act of 1936, is similar to the one in the 90th Congress which was favorably reported with amendments by the Committee on Merchant Marine and Fisheries and passed both the House and Senate but was not signed into law.

This bill would take the Federal Maritime Administration out of the Department of Commerce and set it up as an independent Federal maritime agency.

The past history of the maritime industry indicates that the American merchant marine has done better when its affairs were handled by an independent agency than when delegated to a department not primarily concerned with its well-being.

From 1936 to 1950, maritime affairs were in the hands of the U.S. Maritime Commission. During this period the merchant marine enjoyed a period of strength, both in terms of the number of ships in the fleet, and in terms of the percentage of our national cargoes carried by these ships.

The percentage of total U.S. cargoes carried by ships flying the American flag during the prewar years of 1937–40 rose from 26.5 to 30.5 percent. The figure stood at 42.5 percent in 1950 when the existence of the independent Maritime Commission was ended and its functions transferred to the Department of Commerce.

Since the Maritime Commission lost its independence two decades ago, we have seen the virtual disappearance of U.S. shipping in coastal trade. We have seen the decline in passenger trade as a result of tremendous strides in aviation. We have seen bulk cargo emerge as an increasingly important element of our foreign commerce, but we have seen at the same time, the device of "runaway flag" cut sharply into our share of that commerce. We have seen during this period, a surge in our foreign commerce not matched by an equal surge in our merchant fleet. We carry only 8 percent of the waterborne export and import foreign commerce of the United States. We have stood by and watched the United States drop from first position as a merchant maritime power to sixth place. We rank a tired 15th as a merchant shipbuilding nation. The U.S. Maritime Administration reports that as of January 1, 1969, the U.S.S.R. had 12 passenger ships either on order or under construction. The United States had no passenger ships on order or under construction.

The net result is that while the world merchant fleet has increased slightly more than 60 percent in the last 15 years, the fleet flying under the American flag has decreased by slightly more than 24 percent.

Today, the privately owned American merchant marine consists of about only 900 ships, and about three-quarters of these are 20 years of age, or older. In addition, only about 10 percent of these 900 ships have a speed of 20 knots or more. This is a record of neglect.

I do not want to dwell on the past—I am more interested in the future; I am more concerned about the next decades of merchant marine history.

The maritime industry is vital to our national economy in terms of high employment and a healthy balance of payments. It is of equal importance to our national defense and the success of our foreign policy. We must start now to develop a national maritime policy which will build modern and competitive ships in American shipyards, to be registered under the American flag, and to be sailed by American seamen. I believe such a policy of rebuilding our maritime industry can best be developed and administered by a strong, independent agency—one which is not subordinate to any other department of the Government.

REDUCTION OF FEDERAL SPENDING

(**Mr. ABERNETHY** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABERNETHY. Mr. Speaker, last year conservative Republicans and conservative Democrats, including myself, made a genuine and earnest effort to invoke some economies in Government and to reduce the Federal budget. I was among those who voted for every amendment, except one, to reduce Federal spending. And I voted against this because I felt it was without merit.

I had high hopes this spirit of economy would carry over into this session of the Congress. My hopes were leveled considerably this morning when I read a statement made yesterday by our Secretary of the Treasury. After taking the oath of his office, he issued a statement to the effect that it would be "very difficult to cut the budget substantially," and of course, he was speaking of the budget of the outgoing administration as submitted by the then President Johnson.

With all deference, I just do not understand how it is possible for the new Secretary of the Treasury to have determined so quickly that the Johnson budget was so tight and not amenable to substantial reductions. Unless he is a most remarkable person, he just could not have examined this near $200 billion budget close enough in this short period of time and determined for a certainty that it is so tight that it is not subject to substantial cuts.

I hope, Mr. Speaker, that the conservative bloc, made up of Republicans and Democrats, will be as dedicated and aggressive during this Congress and during this administration to reduce Federal spending as it was last year during the Johnson administration.

Please, at least let us wait and see what we can do before we start saying "can't."

NATIONAL PREFERENTIAL PRIMARY ELECTION FOR THE PRESIDENCY AND VICE-PRESIDENCY

(**Mr. MOSS** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOSS. Mr. Speaker, I am today introducing a joint resolution designed to amend the Constitution in order to provide for a national preferential primary election to select candidates for the Presidency and Vice-Presidency.

Additionally, the amendment would provide for a popular vote election of the President and Vice President.

Much has been said concerning the need for reform and change in our current electoral college system. What better way for a democracy to respond to the will of the people than by the adoption of a direct election system?

The legislation is being cosponsored by eight of my colleagues from the State of California: Mr. ANDERSON, Mr. BROWN, Mr. HANNA, Mr. HAWKINS, Mr. LEGGETT, Mr. REES, Mr. ROYBAL, and Mr. WILSON. I know they join me in urging this body to consider legislation in this area at the earliest possible time.

RESOLUTION ON BIAFRA

(**Mr. FRASER** asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. FRASER. Mr. Speaker, today I have joined with 103 other Members in introducing House Concurrent Resolution 97, a bill aimed at helping to alleviate the starvation and suffering brought about by the Nigerian-Biafran war.

The large number of cosponsors is a clear indication, I think, that there is strong support in Congress for expanding American relief efforts to this beleagured area of Africa. The support is bipartisan; joining me in obtaining cosponsors has been the distinguished gentleman from Massachusetts (Mr. MORSE). Similar bipartisan sponsorship is being obtained for a Senate resolution.

In brief, the resolution makes two proposals: First, for the administration to increase significantly the amount of food, money, and nonmilitary transportation vehicles needed for relief; and second, to seek international cooperation in the humanitarian effort.

The words "humanitarian effort" are especially significant, Mr. Speaker, because this resolution has been drafted only for the purpose of fulfilling our humanitarian obligations while avoiding military and political involvement. The conflict is complex and dangerous. Several other major powers already are supporting one side or the other militarily. The United States has, wisely in my opinion, avoided military assistance to either side, and should continue to follow this policy.

However, a clear distinction must be made between the political and military aspects of the situation, on one hand, and the humanitarian aspects, on the other. As the gentleman from Massachusetts (Mr. MORSE) and I pointed out in our letter to Members of the House, the United States has provided more than $22 million and eight aircraft to the relief agencies so far. With only 200 tons a day reaching a people whose minimum relief needs are estimated at 2,000 tons a day, it is obvious that much more must be done. The relief we are proposing would be furnished to the relief agencies operating in the area with the consent of Nigerian and Biafran authorities.

Apart from the rightness or wrongness of either side in the conflict, Mr. Speaker, our Nation should be doing all that it can to prevent the already appalling starvation in Nigeria-Biafra from becoming one of the major disasters of our time. Millions of lives are at stake.

The text of Concurrent Resolution 97 follows:

Whereas reliable reports indicate that there is a tragic loss of life in the Nigerian Civil War caused by starvation and disease in areas controlled by the Federal Government and under the control of the "Biafran" authorities;

Whereas present relief operations are inhibited by poor roads, bad weather, inadequate transport, and the inaccessibility of certain areas to overland supplies; and

Whereas increased shipments of food and medical supplies are needed to reduce the tragic rate of starvation; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress (1) that the President should act to increase significantly the amount of surplus food stocks, relief monies, noncombat aircraft, and such other vehicles of transportation as may be necessary for relief purposes; and this relief assistance should be made available to and at the request of the Organization of African Unity, UNICEF, the International Committee of the Red Cross, and such other suitable religious and charitable relief agencies now or hereafter operating in the area with the consent of the responsible authorities; and (2) the Government of the United States should solicit the cooperation of other nations in this humanitarian effort.

Following are the cosponsors:

Brock Adams, of Washington.
Joseph P. Addabbo, of New York.
John B. Anderson, of Illinois.
Leslie C. Arends, of Illinois.
Thomas L. Ashley, of Ohio.
Edward G. Biester, Jr., of Pennsylvania.
Jonathan M. Bingham, of New York.
John A. Blatnik, of Minnesota.
Edward P. Boland, of Massachusetts.
Richard Bolling, of Missouri.
John Brademas, of Indiana.
William S. Broomfield, of Michigan.
George E. Brown, Jr., of California.
John Buchanan, of Alabama.
Phillip Burton, of California.
Daniel E. Button, of New York.
Shirley Chisholm, of New York.
Barber B. Conable, Jr., of New York.
Silvio O. Conte, of Massachusetts.
John Conyers, Jr., of Michigan.
James C. Corman, of California.
John C. Culver, of Iowa.
Dominick V. Daniels, of New Jersey.
Harold D. Donohue, of Massachusetts.
John J. Duncan, of Tennessee.
Don Edwards, of California.
Marvin L. Esch, of Michigan.
Dante B. Fascell, of Florida.
Hamilton Fish, Jr., of New York.
Thomas S. Foley, of Washington.
Donald M. Fraser, of Minnestota.
Peter Frelinghuysen, Jr., of New Jersey.
Richard Fulton, of Tennessee.
Robert N. Giaimo, of Connecticut.
Jacob H. Gilbert, of New York.
William J. Green, of Pennsylvania.
Gilbert Gude, of Maryland.
Seymour Halpern, of New York.
Lee H. Hamilton, of Indiana.
James M. Hanley, of New York.
Julia Butler Hansen, of Washington.
William D. Hathaway, of Maine.
Ken Hechler, of West Virginia.
Margaret M. Heckler, of Massachusetts.
Floyd V. Hicks, of Washington.
Lawrence J. Hogan, of Maryland.
Frank J. Horton, of New York.
Andrew Jacobs, Jr., of Indiana.
Harold T. Johnson, of California.
Joseph E. Karth, of Minnesota.
Robert W. Kastenmeier, of Wisconsin.
Hastings Keith, of Massachusetts.
Edward I. Koch, of New York.
Donald E. Lukens, of Ohio.
Paul N. McCloskey, Jr., of California.
Joseph M. McDade, of Pennsylvania.
Martin B. McKneally, of New York.
Catherine May, of Washington.
Thomas J. Meskill, of Connecticut.
Abner J. Mikva, of Illinois.
Joseph G. Minish, of New Jersey.
Patsy T. Mink, of Hawaii.
Chester L. Mize, of Kansas.
William S. Moorhead, of Pennsylvania.
Bradford Morse, of Massachusetts.
Charles A. Mosher, of Ohio.
William T. Murphy, of Illinois.
Lucien N. Nedzi, of Michigan.
James G. O'Hara, of Michigan.
Thomas P. O'Neill, Jr., of Massachusetts.
Richard L. Ottinger, of New York.
Claude Pepper, of Florida.
Bertram L. Podell, of New York.
Tom Railsback, of Illinois.
Thomas M. Rees, of California.
Ogden R. Reid, of New York.
Henry S. Reuss, of Wisconsin.
Howard W. Robison, of New York.
Peter W. Rodino, Jr., of New Jersey.
Fred B. Rooney, of Pennsylvania.
Benjamin S. Rosenthal, of New York.
Philip E. Ruppe, of Michigan.
William F. Ryan, of New York.
Fernand St Germain, of Rhode Island.
Herman T. Schneebeli, of Pennsylvania.
Fred Schwengel, of Iowa.
Robert T. Stafford, of Vermont.
William J. Stanton, of Ohio.
Louis Stokes, of OHIO.
Robert Taft, Jr., of Ohio.
Charles M. Teague, of California.
Frank Thompson, Jr., of New Jersey.
Robert O. Tiernan, of Rhode Island.
John V. Tunney, of California.
Morris K. Udall, of Arizona.
Charles A. Vanik, of Ohio.
Jerome R. Waldie, of California.
Lowell P. Weicker, Jr., of Connecticut.
G. William Whitehurst, of Virginia.
Lawrence G. Williams, of Pennsylvania.
Charles H. Wilson, of California.
Lester L. Wolff, of New York.
John W. Wydler, of New York.
Sidney R. Yates, of Illinois.

BIAFRA

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. RYAN. Mr. Speaker, today I am joining over 100 other Members of the House in introducing a concurrent resolution calling upon the President to increase significantly the amount of surplus food stocks and relief moneys to Biafra, as well as the number of airplanes and other vehicles of transportation, to several nonpartisan relief agencies which are presently operating in the area of the conflict. The resolution also urges that the Government of the United States solicit the cooperation of other nations in this humanitarian effort.

During the past several months conditions in Biafra have grown progressively worse. According to statistics released by the International Red Cross, about 12,000 persons in Biafran-controlled regions and about 4,000 in federally controlled areas are starving to death each day. Estimates for the total number of deaths attributable to starvation now range from 1.5 to 2 million people. Each month almost 500,000 people die for lack of adequate nutrition. The horror of these statistics makes clear the gravity of the present situation.

The lack of decisive action by the executive branch in dealing with this critical situation makes it imperative that Congress make its feelings clear to the President. To this date, the United States has provided $20 million and eight aircraft to relief agencies. This aid, according to State Department figures, provides about 100 tons of supplies a day. But the minimum relief needs of the people in this area have been estimated at 3,000 to 6,000 tons per day. The United States can and must do more.

We cannot wait for matters to resolve themselves. Conscience demands that the United States take those steps authorized in our resolution to provide relief to the millions of Biafrans suffering from malnutrition and disease. This relief should include food, medical supplies, and the transportation vehicles necessary to carry out adequate relief programs.

I recognize the complexity of the issues at stake in this conflict. But the humanitarian questions involved demand that immediate steps be taken to rescue millions of people from starvation.

TRIBUTE TO APOLLO 8 CREW

(Mr. BURLISON of Missouri asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BURLISON of Missouri. Mr. Speaker, the accomplishments and auspicious characteristics of our Apollo 8 crew have sundry ramifications. One of these is vividly illustrated by a letter written by the pastor and certain members of the congregation of the Lebanon Baptist Church. A number of these church members live in my district. I insert the letter and names of its subscribers at this point in the RECORD:

> Members and friends of the Lebanon Baptist Church would like to take this opportunity to commend Air Force Col. Frank Borman, Navy Capt. James A. Lovell, Jr. and Air Force Lt. Col. William A. Anders on their recent moon flight. We especially commend Navy Capt. James A. Lovell, Jr. for the very appropriate scripture passages read from the Bible.
>
> Our Church would like to express our appreciation for men of these positions who pray and read scripture voluntarily and of their own free will. There should be more commendations for this rather than criticism.
>
> Mrs. Oliver E. Hayes, Mrs. Ora Parker, Mrs. Mary Pribble, Mrs. Betty Allen, Elbert R. Yarbrough, Sylvester Darby, Mrs. Bess Darby, Mrs. Maxine Spence, Glen Spence, Mrs. Lola Yarbrough, Paul D. McCrorey, Elmer Steffan, Mrs. Mary Steffan, Mrs. Delores McConn, Jeny R. Wiles, Mr. and Mrs. Ray Wiles, Rev. Bill McConn, Aline Myers.

REAR ADM. RICHARD EVELYN BYRD ENSHRINED IN AVIATION HALL OF FAME

(Mr. DANIEL of Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. DANIEL of Virginia. Mr. Speaker, Rear Adm. Richard Evelyn Byrd is the last of what is known as the romantic age of exploration, at least as far as our own planet is concerned.

His great expeditions included the first successful flights over the North Pole on May 9, 1926, and the South Pole on November 29, 1929.

To explorers themselves, he was known as a triple-threat explorer. More to the point he conceived his expeditions and used his tremendous organizational skill and energies to finance and build them. Third, he was the leader in the field.

Perhaps the principal reason for his success was his ability to maintain a perfect blend between his creative visionary nature with his scientific practical nature. Of equal importance was his well-known ability to motivate and lead men. It has been said few, if any men had greater powers of concentration. Admiral Byrd has been known to say:

> We don't take chances, we do take calculated risks.

Preparation was the keystone to his astounding success.

Explorers who have accompanied Admiral Byrd have said:

> No man ever penetrated the Arctic and Antarctic who inspired greater confidence and dedication on the part of his men than did this gallant naval officer.

A cardinal principle of the admiral was his constant concern for the safety and welfare of his men.

His expeditions are of lasting importance because the flights over the poles were only part of his objectives and accomplishments. His explorations contributed enormously to our knowledge of flight and of the scientific nature of our planet earth and the elements which control it.

His life will forever inspire men to lofty goals and his courage, character, and integrity will always strengthen men in their search for knowledge.

As is known to many, Admiral Byrd was the illustrious brother of Virginia's beloved late Senator Harry F. Byrd, and uncle of the now senior Senator from Virginia, Hon. HARRY F. BYRD, JR. I am confident, therefore, that Members of Congress, as well as many others, will be interested in the following account of an additional honor recently bestowed upon Admiral Byrd.

On Tuesday, December 17, 1968, Admiral Byrd was enshrined in the Aviation Hall of Fame. Impressive enshrinement ceremonies were conducted at the Sheraton-Dayton Hotel, in Dayton, Ohio, during which Vice Adm. Thomas F. Connolly, Deputy Chief of Naval Operations, Air, made the following address:

> On behalf of the men and officers of the United States Navy, who valiantly serve this Nation on the sea and in the air, I am personally honored tonight to attend these ceremonies of Aviation's Hall of Fame and particularly to present the achievements of one of America's most distinguished flying explorers and the fifth Naval Aviator to be enshrined by this distinguished body.
>
> Born in Winchester, Virginia, just eighty years ago, his early youth, and in fact his whole life, was filled with a great love of adventure and exploration. Even at the tender age of twelve, he begged his mother so insistently that she consented to his making a trip around the world all by himself. She had thought that after a few days he would become homesick and return. But she was wrong, for he was an adventurous lad and worked his way to the Philippines aboard a steamer. Then he traveled from one Asiatic port city to another, absorbing all that he could before he returned home, three years later.
>
> After entering the United States Naval Academy in 1908, he became greatly interested in the epic tales of Arctic exploration and decided that he would be the one to discover the North Pole. But after Admiral Robert E. Peary's discovery of the Pole in 1909, after spending 23 years in the quest, he then resolved to be the second man to explore that vast uncharted region.
>
> While a Midshipman at the Academy, he distinguished himself in scholastics and athletics. Upon graduation in 1912, he was commissioned an ensign and assigned to battleship duty. While serving aboard the battleship Washington, he twice rescued a man from drowning and received Letters of Commendation from the Secretary of the Navy, and Silver Life Savings Medals from the Treasury Department.
>
> When the United States declared war on Germany in 1917, he helped organize the Navy's Commission on Training Camps. But such service was too confining and before long he secured a transfer to aviation training at Pensacola, Florida. A few months after he was designated Naval Aviator No. 608, he became the Commanding Officer of the U.S. Naval Aviation Forces in Canada, with two stations in Nova Scotia serving as operating bases for Navy seaplanes on submarine patrol over the sea approaches to the North Atlantic.
>
> After the Armistice, he helped the Navy plan the first flight across the Atlantic. While he did not participate in the flight directly, he helped solve the many navigational problems and invented an improved sextant with a bubble level so that the navigators could take celestial sightings without having to also see the horizon. For this, he received a Letter of Commendation. Participating in the historic venture were Commander John Henry Towers and Lieutenant Commander Albert Cushing Read, both enshrinees in Aviation's Hall of Fame. The NC–4 flying boat, under Read's command, completed the epic flight across the Atlantic to Portugal, via the Azores, in May, 1919.
>
> In the early 1920's, our distinguished pioneer went to England to take charge of the new dirigible, the ZR–2, being built there for our Navy. He arrived just after the huge dirigible had taken off on its maiden flight. Disappointed at first, he was suddenly stunned when the news was flashed that the ZR–2 had exploded in mid-air and all but one of the crew were killed.
>
> After completing advanced studies in aerial navigation in England, Admiral Moffett asked him to help plan a flight by the Navy's dirigible, the "Shenandoah," from Alaska over the North Pole to the island of Spitsbergen. It was a fantastic personal challenge, but unfortunately President Coolidge canceled the project.
>
> Now his interest in the Arctic was fully reawakened and he began planning a flight of his own over the North Pole. But before he could complete his plans, the Navy placed him in command of an eight-man Naval Aviation Arctic Unit that was to accompany a privately sponsored expedition to explore the sea and air approaches to the North Pole.
>
> Let us turn now to the filmed story of the adventures that followed. (Eight minute film was then shown.)
>
> When World War II broke upon the Nation, he was called to active duty and took part in special missions in the Pacific and European Theaters. He carried out these important and exacting missions with untiring energy, unusual foresight and a high order of professional ability, for which he received a Letter of Commendation With Ribbon from the Secretary of the Navy, as well as the Legion of Merit with a Gold Star.
>
> With the war behind him, he helped the Navy plan "Operation Highjump," a massive expedition to Antarctica involving 4,000 men, 13 ships, numerous aircraft, and even an aircraft carrier and two aircraft tenders. The expedition operated in three separate groups and their explorations encircled the entire continent. A vast number of photographs documenting the nature of Antarctica and a great wealth of data in a number of scientific fields were obtained. He again flew over the South Pole, unseen since his flight over it in 1929, and dropped the United Nations flag at the site. "Operation Highjump" was a challenging project for him to lead and our Navy personnel received invaluable training and our ships underwent rigorous cold weather testing. Also, the political task of consolidating and extending our sovereignty over the largest practical area of the Antarctic Continent was completed.
>
> In the years that followed, he became the founding chairman of the Iron Curtain Refugee Committee of the International Rescue Committee, assisting escapees from communist tyranny. He also was co-chairman of Operation Brotherhood, giving assistance to the anti-communist government of South Vietnam. Both of these activities were highly commended by the President and Department of State.
>
> In 1955 he headed a new Antarctic expedition, "Operation Deep Freeze," and was in

charge of the United States Antarctic Programs, reporting and making recommendations to the Secretary of Defense on all political, scientific, legislative, and all operational activities pertaining to our Nation's interests. He arrived in Antarctica in December, 1955, and established two bases in preparation for our participation in the International Geophysical Year 1957–1959. Before he returned home in 1956, much new territory had been explored by air and the Navy Task Force had arrived to carry out additional explorations.

In recognition of his very great achievements and many contributions to polar science and geographic explorations, as well as his humanitarian contributions to the world, the Secretary of Defense awarded him the Medal of Freedom in 1957.

Thus came to an end an active career of unparalleled experiences in the last remaining unconquered regions of our world. His was an unique contribution to international scientific understanding and good will, consistent with promoting our Nation's interests in both polar regions. His was a lifetime of service which encompassed unequalled exploits of skill and daring in the air, including flights across the North and South Poles and five historic expeditions to Antarctica. His was a service in the highest traditions of a naval officer and of a citizen of our great Nation. His legacy to all of the peoples of the world will be remembered as long as man has the individual will to challenge the unknown—and the personal spirit to extend his pioneering deeds in the air—and now into space.

Rise now in his honor as we enshrine Rear Admiral Richard Evelyn Byrd into Aviation's Hall of Fame. (Portrait of Admiral Byrd was then unveiled, followed by presentation of Award Plaque.)

Ladies and Gentlemen, here to accept this honor on Admiral Byrd's behalf is his daughter, Mrs. William A. Clarke, Jr. of Swarthmore, Pennsylvania.

Mr. Speaker, following the introduction by Vice Admiral Connolly, a brief response, on behalf of her mother and her brother and sisters, was made by Mrs. Clarke.

TRIBUTE TO SPEAKER McCORMACK

(Mr. JONES of Alabama asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include an editorial.)

Mr. JONES of Alabama. Mr. Speaker, the Florence Times-Tri-Cities Daily, published in Florence, Ala., has printed an editorial commenting on the election of the Speaker of the House of Representatives.

The editor, Mr. Louis Eckl, has long been an astute observer of Government affairs and a positive force for proper development of northwest Alabama and surrounding regions.

I want to include the editorial in my remarks at this point so that all of my colleagues can share its thoughts:

House Retains TVA Friend

A stanch friend of TVA, John W. McCormack of Massachusetts, has been re-elected Speaker of the U.S. House of Representatives.

Throughout his long service in the Congress, Speaker McCormack has been unfailing in his support for water resources development in this and other sections of the nation.

Although a city dweller, he understands the farm problems of an area like North Alabama. He is aware of the interdependence of the various sections of the country. He supports the people who walk behind the plows and drive the tractors to produce the food and fiber for the increasing urban population.

It is said that Speaker McCormack is patient, tolerant, and considerate of all the Members of the Congress. He is acquainted with the needs of all the people of this nation and alert to the nuances of the problems involved in their solution.

All these factors make of him a great parliamentarian. But probably more important to us is his willingness to receive Members of Congress to discuss legislation—its progress and its hopes. Speaker McCormack is a man who is not given to impulse and hasty action. All his moves are marked by high purpose.

He is among the most devout of Catholics, yet he has always maintained a Protestant as Chaplain in the House of Representatives.

Our own Congressman Bob Jones has remarked: "We have a great patriot and noble legislator in Speaker McCormack. He has an understanding and compassion for our problems of the South."

ACTION URGED TO END BIAFRAN CRISIS

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, I should like to join with my colleagues who are urging further action upon our country with respect to what it should do in Biafra. We are facing there a situation which is no less than genocide, and one which warrants our sending, not military aid, but food, medical assistance, and joining with other countries which wish to assist in preventing further deaths.

I do not intend to pass judgment on the political morality of the civil war. For this internal problem, a settlement must be reached between the parties immediately concerned. Unilateral involvement by the United States could only serve as the vehicle for another Vietnam—a situation we clearly do not want to create again.

My concern is not for the political nor for the military. My distress is for the moral and the humanitarian.

The stark facts are almost beyond full comprehension: An estimated 2 million have died of starvation. The remaining Biafran population of 4 to 6 million face daily the problem of famine. The dimensions of this tragedy cannot easily be judged in this day of mass measurement. The holocaust can only be compared to the genocide in Germany when 6 million Jews were slaughtered and the genocide in Armenia, when 1 million Armenians were destroyed by the Turks.

How long can we stand aside while judgments are sought as to the efficacy of action? How much guilt can humanity bear until we are moved to help?

The U.S. Government has provided some $22.5 million in relief assistance of surplus food, medical supplies, and technical equipment to the International Red Cross and the Joint Church Aid Group. Some 2 to 2½ million Biafrans are receiving relief through the airlift operations of these organizations. The Red Cross is feeding another million in Nigeria. Since the terrible famine of last fall, the death rate has decreased somewhat with the harvest and the improved airlift operation, but February through April will be another crisis period of famine.

About two and a half weeks ago I had the pleasure and privilege of joining with the junior and senior Senators from New York and the Archbishop of New York, Archbishop Cooke, and Mrs. Nixon, on the steps of St. Patrick's Cathedral in New York City, to urge further assistance. Food and medical supplies were gathered on this day of public giving to load on the Biafra Christmas ship.

Food and transportation facilities are badly needed to combat further starvation. However, the events of recent weeks, with the limits imposed by the Guinean Government on flights, have severely hampered airlift operations. The International Red Cross has not been able to fly into Biafra for the last 10 days. Food is being used by both sides for political purposes, and its supply is tied in to the questions of the civil war.

Disaster of this magnitude transcends the political boundaries of either Nigeria or Biafra. Through the offices of the United Nations, we must with other nations bring pressure to bear and terminate the fighting to allow shipments of food and other badly needed supplies.

Vast numbers of human lives are hanging in the balance, dependent in large measure on pressures and actions beyond their control. The situation demands action, and time is of the essence.

THE FUTURE OF U.S. PUBLIC DIPLOMACY—IV

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, last week, on January 15, 16, and 17, I placed in the Congressional Record some information relating to a recent report of my subcommittee—the Subcommittee on International Organizations and Movements of the Committee on Foreign Affairs—entitled "The Future of United States Public Diplomacy."

On the first day, I described the purpose of our report and inserted in the Record its findings and recommendations.

On the second day, I listed the names of some 80 distinguished Americans—leaders of business and industry, executives of foundations and voluntary organizations, and academic specialists—who endorsed our subcommittee's call for a thorough review of our Government's overseas information programs.

On the third day, I quoted some of those leaders' reactions to our report—reactions which stressed the timeliness of our findings and the importance of our recommendations for a more effective implementation of our Nation's foreign policy.

Today I should like to place in the Record a few articles from American newspapers, commenting on the issues discussed in our report, and on its findings and recommendations.

Mr. Speaker, the proper handling of information activities—at home and abroad—by our Government, is of deep concern to all thinking Americans. Our Government should be one of the strongest champions of freedom of information. At the same time, it should adapt its methodology—its information policies and programs—to the realities of our day: realities which are shaped largely by the ongoing revolution in communication technology.

We feel, and many persons in this country and abroad agree, that our Government has not responded fully and effectively to the challenge and the opportunity brought to us by the communication revolution.

It is for this reason that we have urged, and continue to urge, a thorough, systematic overhaul of our overseas information activities by a competent, high-ranking body appointed for that purpose by the President of the United States.

Mr. Speaker, the articles which I mentioned follow:

[From the Milwaukee (Wis.) Journal, Dec. 22, 1968]

U.S. Image Termed at a 50-Year Low

Washington, D.C.—World attitudes toward the United States are at a 50 year low, with many foreigners considering it "a violent, lawless, overbearing, even a sick society," a congressional subcommittee reported Saturday.

Even so, the nation still enjoys wide global popularity, the report of the house foreign affairs subcommittee added. It gathered testimony from experts in compiling the study.

The panel, headed by Rep. Dante Fascell (D-Fla.), said there was general agreement that the United States must push harder to set its domestic house in order.

"People abroad judge us on the basis of what we do rather than of what we say," is declared.

Basically, the report said, the United States needs a "propaganda of action"—maintenance of civil order, effective gun control legislation, "a serious attempt to persuade the mass media to stop making violence attractive."

The subcommittee also called for "a thorough, systematic reappraisal of the entire information policy of the United States government . . . preferably by a bipartisan commission of outstanding national leaders and experts in communication and in the social sciences."

GREATEST IMPACT

The Vietnam war has had the greatest impact on public opinion abroad, the subcommittee said, but the race problem, crime and lawlessness also contributed heavily and the most devastating impact . . . came from the assassinations of Sen. Robert F. Kennedy and Dr. Martin Luther King, Jr."

The report said: "Overseas opinion surveys indicated widespread misunderstanding and confusion about our purpose in Vietnam—and that United States actions in that country are strongly, at times passionately, disliked."

Such attitudes are found in countries which depend on the United States for protection against Communist agression, the report continued. It cited polls in four western European countries that favored United States withdrawal from Vietnam even at the cost of a possible Communist takeover.

The next most important factor in worsening the American image, the report said, was race relations.

"Foreign observers who looked upon the Americans as friendly, generous, open-minded and progressive people, were profoundly shocked by the exposure of the conditons in American urban ghettos, by the massive Negro riots of the last three years, and by the specter of continuing racial conflicts in this country," it said.

The condemnation of crime and lawlessness in America derived, in part, the subcommittee said, from "other people's stereotyped conception of our national characteristics; from American movies, radio and television, and from violence in our streets."

In spite of the slump in international esteem, the report said:

"The United States has been and probably still remains the most popular major power in the history of the world, particularly when compared to foreign public attitudes toward the Soviet Union and Red China."

It said polls showed respect for the strength and technical accomplishments of this country, its intellectual and artistic achievements and the steadfastness of its foreign policy. Pollsters were told that foreigners would rather side with the United States than any other world power.

"According to polls cited in this document," the report went on, "the things which other free nations admire most about the United States are this country's generous idealism, willingness to help acceptance of the burdens of world power and desire to do good to others."

Foreign aid and the peace corps showed up as big contributors to a positive image.

The report summed up: "Ambivalence appears to be the keynote of popular attitudes toward the United States; we are both loved and hated, admired and envied, resented and emulated, rebelled against and followed."

Witnesses generally agreed that "the United States information agency is urgently in need of new directions, new dimensions, new duties and new emphases." The report continued:

"It is astonishing in some respects how little the United States government has done over the years to adjust its overseas information policy and operations to the new realities in international relations, realities fashioned largely by the ongoing revolution in communication technology."

[From the Washington (D.C.) Sunday Star, Dec. 22, 1968]

U.S. Image Called Dimmer

(By Edmond LeBreton)

World attitudes toward the United States are at a 50-year low, with many foreigners considering it "a violent, lawless, overbearing, even a sick society," a congressional subcommittee reported yesterday.

Even so, the nation still enjoys wide global popularity, the report added.

A House Foreign Affairs subcommittee summed up views of witnesses in these terms. It said also there was general agreement the United States must push harder to set its domestic house in order; "People abroad judge us on the basis of what we do rather than of what we say."

CALLS FOR REAPPRAISAL

But the subcommittee, on its own, called for "a thorough, systematic reappraisal of the entire information policy of the U.S. government . . . preferably by a bipartisan commission of outstanding national leaders and experts in communication and in the social sciences."

Subcommittee Chairman Dante B. Fascell, D-Fla., said more than 40 leaders in communications, commerce, industry, foundations and educational institutions, who were shown advance copies of the report, endorsed the idea of a bipartisan commission—which would be appointed by President-elect Richard M. Nixon to review U.S. overseas information programs.

CONFUSION ON WAR

The subcommittee said it found that the Vietnam war has had the greatest impact on public opinion abroad, but the race problem and crime and lawlessness also contributed heavily and "the most devastating impact . . . came from the assassinations of Sen. Robert F. Kennedy and Dr. Martin Luther King."

The report said "Overseas opinion surveys indicate widespread misunderstanding and confusion about our purpose in Vietnam—and that U.S. actions in that country are strongly, at times passionately, disliked."

The next most important factor in worsening the American image, the report said, was race relations:

"Foreign observers who looked upon the Americans as friendly, generous, open-minded and progressive people, were profoundly shocked by the exposure of the conditions in American urban ghettos, by the massive Negro riots of the past three years, and by the specter of continuing racial conflicts in this country."

In spite of the slump in international esteem, the report said, "The United States has been and probably still remains the most popular major power in the history of the world, particularly when compared to foreign public attitudes toward the Soviet Union and Red China."

It said polls showed respect for the strength and technical accomplishments of this country, its intellectual and artistic achievements and the steadfastness of its foreign policy. Pollsters were told people would rather side with the United States than any other world power.

"According to polls cited in this document," the report said: "the things which other free nations admire most about our United States are this country's generous idealism, willingness to help, acceptance of the burdens of world power and desire to do good to others."

Foreign aid and the Peace Corps showed up as big contributors to a positive image.

[From the New York Times, Dec. 22, 1968]

U.S. Image Abroad Hit by House Panel

Washington, December 21.—A Congressional panel expressed concern today over America's deteriorating image overseas, and supported more Government action to combat racial and other domestic problems.

A report by a foreign affairs subcommittee of the House of Representatives also urged a bipartisan committee be set up to reappraise thoroughly and systematically United States Government information programs.

The recommendations were made in a report entitled "Winning the Cold War: the U.S. Ideological Offensive" by the Subcommittee on International Organizations and Movements.

The panel held hearings in July during which a number of public opinion poll experts testified that the United States image overseas had deteriorated largely because of racial and other problems at home and the involvement in the war in Vietnam.

The report said the United States should "accept the fact that foreign policy begins with domestic conduct."

[From the Christian Science Monitor, Dec. 31, 1968]

U.S. Image Studied

Washington.—A House Foreign Affairs subcommittee—reporting America's image abroad at a 50-year low—has called for a systematic reappraisal of the government's entire information policy.

Many foreigners consider this country "a violent, lawless, overbearing, even a sick society," said a subcommittee report, even though America still enjoys wide global popularity.

The report said opinion surveys overseas showed United States Vietnam actions often confuse and sometimes repel many foreigners, that race and crime problems shock them, and that "the most devastating impact" came from the assassinations of Sen. Robert F.

Kennedy and the Rev. Dr. Martin Luther King, Jr.

The subcommittee proposed reappraisal of United States information policy by a bipartisan commission of experts and suggested among other things more personal contact abroad and better training of United States information personnel.

[From Broadcasting, Jan. 6, 1969]

STANTON BACKS REPORT URGING REVIEW OF USIA

CBS Inc. President Frank Stanton is one of 56 national business, foundation and education leaders who last week endorsed a congressional recommendation to reappraise the U.S. Information Agency (Broadcasting, April 1, 1968).

The recommendation emanated from the House Foreign Affairs Subcommittee on International Organizations and Movements, headed by Representative Daniel B. Fascell (D-Fla.). It was embodied in a report on "The Future of U.S. Public Diplomacy" released December 22 by the subcommittee.

The 175-page report calls attention to the recent deterioration of the "U.S. image abroad" and suggests that a thorough reappraisal of U.S. overseas information programs would be the logical first step in any effective remedy for that situation.

Dr. Stanton said of the report: "Your draft report is a most comprehensive document, and a truly amazing record to have been compiled in so short a time. I concur not only readily but eagerly to the conclusions set forth and hope they gain widespread currency among those who must deal with our country's public diplomacy in the future." Dr. Stanton is head of the U.S. Advisory Commission on Information.

APPRECIATION FOR SERVICES OF CAPITOL EMPLOYEES IN CONNECTION WITH INAUGURATION DAY

(Mr. RIVERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. RIVERS. Mr. Speaker, this inauguration drew one of the largest crowds ever to assemble in Washington. In my 29 years it was the largest crowd I have seen at an inauguration.

As a consequence, there were many hundreds of thousands of visitors and many functions being carried on on Capitol Hill. I asked the Superintendent of Restaurants just to find out what was done.

I think a word of appreciation should be extended to those employees who took care of the requests of Democrats as well as Republicans. In the Cannon Building there were 30 special services in offices, in Longworth there were 35, and in Rayburn there were 37 special services, as well as two banquets catered in Rayburn Building, and six special functions in the Capitol, all of which required many thousands of extra hours of service. Some of the employees worked all day Sunday and Sunday night, and they did an outstanding job. The Superintendent of the buildings did so also.

I, for one, and on behalf of Members, if they will permit me, extend a word of thanks to these people.

At this point, Mr. Speaker, I include a letter which I received from the assistant manager of the House restaurant:

U.S. HOUSE OF REPRESENTATIVES
RESTAURANTS, U.S. CAPITOL,
Washington, D.C., January 21, 1969.

Hon. L. MENDEL RIVERS,
House of Representatives,
Washington, D.C.

DEAR MR. RIVERS: In reference to our conversation this morning, we performed the following special services for the Congressmen on Inauguration Day:

C.H.O.B.	29 Room Service.
L.H.O.B.	35 Room Service.
R.H.O.B.	37 Room Service.
Rayburn Catering	2 Banquets.
Capitol	6 Special Functions requiring help in serving.

All of this service would not have been possible without planning and foresight of our very able and dedicated General Manager, Mr. Kermit A. Cowan. One of the most important steps in preparing for the Inauguration was the printed rules and instructions sent to each Member concerning items we were preparing and delivering to the offices.

Also, without the full cooperation and hard work of the management and employees of each unit, none of the above would have been possible. Many long hours have been put in by all concerned in the past week preparing for this important event.

Another person who was very cooperative and showed much interest in seeing that Members and guests were well taken care of was Mr. Ridgell. He was very nice to loan us some of his help to use in delivering and cleaning up.

We also owe thanks to the Superior Coffee Company who flew in 28 coffee urns and Standard Brand Coffee who loaned us 10 coffee urns. A very special thanks to Mr. Ray Turek of Standard Brand Coffee who spent 7–8 hours of his own time in making coffee for us.

Sincerely yours,
JOHN L. DAMM,
Assistant Manager.

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. Mr. Speaker, I commend the gentleman for expressing this word of appreciation, and I join him in commending the employees of Capitol Hill.

I would like to add also that the police force did a grand job.

Mr. RIVERS. Mr. Speaker, I include them too. Also, the chairman of the program committee, who had jurisdiction over this, did a grand job. These people all did a good job. I know a word of thanks will encourage all of them.

SOLVING THE PROBLEMS OF CRIME IN THE DISTRICT OF COLUMBIA

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, I am today introducing legislation which I believe will go a long way in solving the problems of crime in the District of Columbia.

This legislation has one principal objective: to bring the accused to trial as quickly as possible without jeopardizing his right to constitutional defenses and without jeopardizing the right of the prosecution to properly present its case against the accused.

To realize this goal of swift and judicious trials will require manpower, and additional manpower will cost money.

However, I firmly believe that the lives that will be saved from death and bodily injury, and the property loss that will be prevented is certainly worth the price.

The simple fact which confronts us is that there is not sufficient manpower in our judicial force here in the District of Columbia to deal properly with the crime situation.

We have undertaken to employ more law enforcement officers and this is most welcome and necessary. But, making more arrests is only part of the solution. We must be able to deal properly with these defendants in our courts and this we are not now able to do.

I have supported the strengthening of the law enforcement in the District, but this is not enough.

In the 90th Congress I introduced legislation to permit a judge to consider a defendant's potential danger to the community in determining whether to admit the person to bail.

I have again introduced this bill in the 91st Congress, H.R. 335, but this legislation, when passed, and I believe it will be, will not be enough.

We must move swiftly to clear our criminal court dockets of the backlog of cases, many of which have been 18 months awaiting trial.

The legislation which I am introducing today would do the following:

First, authorize an additional 10 judges for the U.S. District Court for the District of Columbia. It is this court which tries all felonies in the District of Columbia.

At the present time, there are 15 U.S. district judges authorized for the District of Columbia, and a backlog of cases going back well into 1967.

This is not justice, neither to the accused nor to society.

The estimated cost of these 10 more judges and the necessary supporting clerks, probation officers, and physical plant is $800,000.

Second, this legislation would increase the authorized appropriation ceiling for the District of Columbia Bail Agency from $130,000 to $350,000. This would enable the bail agency to properly enforce strict release conditions which are not now being imposed by the courts because they cannot be enforced. This increase in the authorization would enable the bail agency to increase its present staff of 13 full-time personnel to 35, and would enable the Agency to perform many more necessary functions such as: First, investigation and the furnishing of information to the court before bail restrictions are set; second, proper supervision of the accused, and, third, proper notice to the accused concerning his time for appearance in court.

Third, in a separate appropriation bill, I ask that the Congress act immediately to appropriate $264,000 to hire 22 additional assistant U.S. attorneys for the District of Columbia for the balance of the present fiscal year to strengthen the posture of criminal prosecution.

At present there are approximately

1.6 assistant U.S. attorneys for every criminal judge on the U.S. district court. This means each attorney has approximately 35 minutes to prepare for each case in court. As a result, many defense motions are granted to defense counsel simply because the prosecution has not had time to prepare its cases.

The appropriation bill that I am introducing would increase this attorney to judge ratio to the necessary 3.5 for the current complement of the U.S. district court, and I would hope that the Congress, in its consideration of the 1970 budget would see fit to again increase the number of assistant U.S. attorneys when the number of judges is increased.

The final bill that I am introducing would provide for a mandatory penalty of 5 years for anyone who uses a deadly or dangerous weapon in the commission of a crime in the District of Columbia. The present law provides only that a judge may impose such an additional penalty. I do not feel that this is sufficient, hence I offer this bill to make such a penalty mandatory.

I strongly urge my colleagues to join me in this attack on crime in the District of Columbia, in order to make the residents and the millions of visitors safe.

SUPPLEMENTAL APPROPRIATIONS FOR THE BILINGUAL EDUCATION ACT

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record.)

Mr. RYAN. Mr. Speaker, since the Bilingual Education Act was first authorized in the 90th Congress, the Department of Health, Education, and Welfare has lacked adequate funds to implement the objectives of the program. The administration's fiscal year 1969 budget request was cut by 75 percent from $30 million to $7.5 million. As an original sponsor of this legislation I am concerned about the fact that HEW has not yet approved any application under this program.

HEW's Office of Education has informed me that 310 preliminary applications for grants were received by the cutoff date of December 20. After both an in-house review by HEW and a nongovernmental review by a selected panel of experts in this field, those preliminary applications showing most promise will be approved for formal application and funding by early summer. However, the response of educators and interested parties throughout the country has been such that the Office of Education will be forced to disapprove many promising and necessary programs to aid our Spanish-speaking population.

The 310 preliminary applications represent a total request of $40.4 million compared to an appropriation by Congress of only $7.5 million for fiscal year 1969. These same applications project a total budgetary cost of $46.9 million for fiscal year 1970 and a 5-year total cost for the time period 1969–73 of $237.9 million. The figures show that there is a widespread demand for the bilingual education program. The National Education Association has urged, "that the full $30 million authorized by Congress be appropriated to implement the Bilingual Education Act, with emphasis on preschool education."

With such a demand as well as a large need for this program, I have introduced legislation to provide supplemental appropriations of $22.5 million for fiscal year 1969—H.R. 2793—and an appropriation level of $40 million for fiscal year 1970—H.R. 2794.

The Bilingual Education Act is a particularly tragic example of a desperately needed domestic program that has been doomed by the warped state of our national priorities. In the United States there are over 2 million schoolchildren who lack a command of even basic English. For a majority, their first language is Spanish. The bilingual education program is a program of compensatory education for both youth and adults to overcome the language handicaps which persons of limited English-speaking ability face in a society where the majority speak only English. For these people, language is a discriminatory barrier—for an inability to use the English language affects opportunities for educational attainment, and ultimately, the employability of the person. Unless we take prompt action to insure equality of opportunity for all Americans, including their ability to communicate with and understand one another, we cannot expect to achieve a humane, just, and equitable society. An individual, at this time in our history, is disadvantaged from the offset, if he is not able to speak the English language. The end result for such individuals often is under- and unemployment and poverty.

The bilingual education program provides a broad range of activities including research and pilot projects for improved techniques for the teaching of English, adult education programs, closer ties between home and school, and special training programs to prepare qualified persons to become teachers in bilingual education endeavors. In addition, the bilingual program stresses the importance of the history and culture of the minority participant. The program is designed to "impart to students a knowledge of the history and culture associated with their language" so that they will grow to appreciate their own heritage and realize its contributions.

Economic indicators, such as education and income levels, demonstrate that Spanish-speaking Americans are severely handicapped by present language barriers. A good example of this is in New York City, which has a Spanish-speaking population of three-fourths of 1 million and is the largest language minority in New York. The exclusive use of English in public schools presents the Puerto Rican child with an enormous handicap. Children who have spent their early years speaking Spanish are thrown, usually totally uninitiated, into a kindergarten or first grade, where all communication is in English. These children may suffer, as a result, a combination of reactions, all with detrimental implications.

In New York City, the board of education has found that fewer than 10 percent of Puerto Rican third graders were reading up to their grade level in 1966. Three out of 10 were already at least a year and a half behind the average level of attainment of their fellow students. By the eighth grade, reading disability had increased to such a degree that as many as two-thirds of the Puerto Rican children at the eighth grade level were more than 3 years behind. When one realizes that in New York City, 46 percent of the Puerto Rican population is under 20 years of age, the tremendous impact the bilingual education program could have on these Spanish-speaking children is clear.

Unless Congress acts promptly to fully and adequately fund the Bilingual Education Act, many Spanish-speaking children will grow into adult life with a serious language handicap which will ultimately impair their economic potential and their ability to function in a society where English is the predominant language. This program will do much to equalize the opportunity for achievement of the non-English-speaking student both in the classroom and in the employment market.

I urge immediate action to increase the appropriation for the Bilingual Education Act for fiscal year 1969 by $22.5 million to the level authorized by Congress and the 1970 fiscal year appropriation to its full authorization level of $40 million.

SECTION 236 INTEREST RATE REDUCTION PROGRAM URGED FOR EXISTING STATE AND MUNICIPALLY FINANCED HOUSING

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record.)

Mr. RYAN. Mr. Speaker, today 11 Members of the House have joined me in cosponsoring legislation which would make the section 236 interest subsidy and rent supplement benefits of the Housing and Urban Development Act of 1968 available to existing State or locally financed middle-income housing projects. Those Members joining me include Representatives Mario Biaggi, of New York; John Conyers, of Michigan; Leonard Farbstein, of New York; Joseph Gaydos, of Pennsylvania; Seymour Halpern, of New York; Henry Helstoski, of New Jersey; Charles Joelson, of New Jersey; Edward Koch, of New York; Richard McCarthy, of New York; Robert Nix, of Pennsylvania; and Benjamin Rosenthal, of New York.

This legislation is offered as an extension of my amendments which were included last year in the Housing and Urban Development Act of 1968, which made interest subsidies and rent supplements available to State and municipally financed housing approved for such programs prior to construction or rehabilitation; the bill is idential to H.R. 49 which I introduced on the opening day of the 91st Congress. State and municipally financed housing projects completed before the enactment of the 1968 act are currently ineligible to apply for the reduction in interest rate down to 1 percent provided by section 236 and rent supplements.

Seven States—New York, Connecticut, Illinois, Massachusetts, Michigan, New

Jersey, and Pennsylvania—have programs which would benefit from this legislation. The purpose is to provide relief to State and local programs which have recently been severely undercut by spiraling interest rates. High interest rates have resulted in increased mortgage interest rates, carrying charges, and rents for publicly assisted middle-income housing programs. The consequences for many middle-income New York City families have been alarming. Rents in new Mitchell-Lama projects have recently been approved for as much as $48 per room per month, or $144 per month for a one-bedroom apartment.

Under the Mitchell-Lama program New York State floats bonds, the proceeds of which may be lent to sponsors of middle-income housing at the current rate of 5.7 percent. In order to borrow funds from the program, a sponsor has to agree to limit his rate of return on the housing facility. The abatement of real estate taxes has also helped to keep costs down.

New York City has a similar program for which average costs have risen steadily from $26 per room in 1961 to $38 per room in 1968. Last April New York City approved increases in carrying charges in 26 middle-income Mitchell-Lama projects; on August 22, 1968, 16 more projects experienced increases. In several middle-income projects increases in costs have led to conflicts between residents of the projects and city officials. In November of 1968 the city of New York took steps to foreclose mortgages on 14 cooperative apartment facilities housing 9,269 families who had refused to pay the 5- to 15-percent increase in charges ordered by the city last April. Thirteen of those cooperatives are now involved in litigation initiated by the city against them.

If relief is not promptly provided to housing programs currently threatened by skyrocketing interest rates, thousands of families may be forced to vacate their apartments. If middle-income families are to continue to live in New York City and other central cities, the cost of housing must remain within their financial ability.

Our bill makes limited-profit State and locally financed projects eligible for the interest rate reductions now authorized by section 236 of the Housing and Urban Development Act of 1968. For those projects approved for Federal assistance, it would help to keep carrying charges and rents at levels commensurate with the incomes of the tenants.

An important advantage of this proposal is that it would cost the Federal Government less to subsidize the interest rate on a Mitchell-Lama housing project down to 1 percent than to subsidize a privately financed project down to an interest rate of 1 percent interest. This is because interest rates for the Mitchell-Lima program are already at levels which are lower than the regular market rate. The Mitchell-Lama interest rate is 5.7 percent compared to a privately financed 7.5-percent market loan. Since the State does not finance the interest rate—but simply offers a below-market interest return to the holders of its bonds—the Federal subsidy would not constitute a "second subsidy."

When the Housing and Urban Development Act of 1968 was approved, it was hoped that the subsidies on market interest rates provided for in section 236 would stimulate the construction of more middle-income housing. Unfortunately, the Congress appropriated only $25 million for this program, which was $50 million less than the sum of $75 million authorized by the act.

Even if a fuller amount of money had been appropriated to carry out section 236, however, this would not have brought relief to existing State and locally financed programs which, because they were completed before the enactment of the act, are not eligible to apply for interest subsidies provided by that section. The aim of our bill is to allow these existing housing projects to apply for the relief they need to keep rents, carrying charges and interest rates within the reach of the middle-income residents whom the projects are designed to serve. It does little good to construct new projects if facilities already in existence cannot maintain costs that are commensurate with the means of their tenants.

Mr. Speaker, there is no problem in our cities today that is more acute than the continuing shortage of adequate housing. The bill I have introduced would bring relief to middle-income projects that may otherwise be unable to prevent costs from reaching untenable levels. If middle-income families are to remain in our central cities, the cost of housing must be kept within their reach.

THE SPECIAL MILK PROGRAM SHOULD BE CONTINUED

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. RYAN. Mr. Speaker, the President's budget recommends the termination of the special milk program, authorized under the Child Nutrition Act of 1966, at the end of this fiscal year. In the proposed budget for fiscal year 1970, only $14.7 million is requested by the Department of Agriculture compared to a $104 million appropriation for fiscal year 1969. The Department of Agriculture maintains that the special milk program is no longer needed because of the expansion of other programs such as school lunch, child nutrition, and special food service programs.

The special milk program was intended to increase the consumption of milk by schoolchildren at both the elementary and high school levels. It is available to child-care centers, summer camps, and similar nonprofit institutions. Under the provisions of the program letters of credit from the Federal Government are issued to State agencies to reimburse districts or institutions for a part of the cost of the fluid milk consumed. On the average, a student pays 3 to 4 cents for a half-pint carton of milk rather than the unsubsidized price of 6½ to 7 cents. In school districts, where there is a special need, the milk program provides for the entire cost of the milk consumed by children.

State agencies administer the program except in those circumstances where a State agency has not assumed responsibility for the program or where it is prohibited by law from disbursing funds for the milk program. In such cases, the program is directly administered by the localities. There are presently about 8,000 such cases.

The special milk program is now being utilized in some 96,000 schools throughout the country. In 1968 over 3.1 billion half-pints of milk were served to an estimated 17 million children.

The special milk program should make it possible for children from all walks of life to have a daily consumption of milk which is important for their growth and vitality.

It is regrettable that in some States it has been denied to some schoolchildren because of racial considerations. I have repeatedly urged the Department of Agriculture to enforce title VI of the Civil Rights Act of 1964 with respect to school milk and lunch programs.

The phasing out of this program will leave many children now benefiting from it without the nutrition which it provides. A hardship will be created by discontinuing this program which Congress should not countenance. Instead of reducing the budget level from $104 to $14.7 million, Congress should insist that the special milk program be funded at a level commensurate with the need.

DESALINATION PLANT FOR ISRAEL

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, eight Members of Congress have today joined me in sponsoring legislation to provide assistance to Israel in the design, development, and construction of a dual purpose electrical power and desalination plant.

Those Members cosponsoring the bill are Representative JOSEPH ADDABBO, of New York; Representative PHILLIP BURTON, of California; Representative JAMES CORMAN, of California; Representative ROBERT GIAIMO, of Connecticut; Representative HENRY HELSTOSKI, of New Jersey; Representative JAMES SCHEUER, of New York; Representative LIONEL VAN DEERLIN, of California, and Representative LESTER WOLFF, of New York.

Under the provisions of the bill, the Secretary of the Interior would be authorized to enter into an agreement with the Government of Israel to share the cost of constructing a desalination plant which is capable of producing 100 to 150 million gallons of fresh water and 300,000 to 400,000 kilowatts of electricity daily. This legislation is identical to H.R. 587 which I introduced on January 3, the opening day of the 91st Congress. I had previously introduced this proposal in the first session of the last Congress.

On January 19, Premier Levi Eshkol told the Israeli public that President Johnson had asked Congress to help Israel build the desalination plant which she so badly needs. As one who has long advocated U.S. aid to Israel for the construction of such a plant, I am pleased that the Johnson administration asked

Congress to support this project. The draft bill which the Department of Interior, on behalf of the President, sent to Congress on January 17 is similar to my bill. As Assistant Secretary of Interior Max Edwards pointed out in his January 17 letter to the President of the Senate and the Speaker of the House of Representatives, the project, in addition to being "vital to Israel in terms of water supply and power," gives the United States an "opportunity to improve and advance science and technology in the field of saline water conversion and to contribute materially to the development of low-cost desalination processes."

Assistant Secretary Edwards goes on to urge the early enactment of legislation which would give the Secretary of the Interior authority to enter into a formal agreement with Israel to construct a desalination plant.

New incremental sources of water, as Assistant Secretary Edwards notes, "must be made available by the mid-1970's," if Israel is to maintain her industrial and economic growth. A desalination plant would make it possible for Israel to cultivate large portions of arid desert land which cannot now be utilized. The usable land and jobs that would be created by such a plant would make a significant contribution to the stability of the entire Middle East.

Mr. Speaker, the opportunity this bill presents to aid Israel in the development of water resources and the possibilities which the project holds for developing our technical ability to produce large amounts of fresh water at low cost lead me to believe that the development of a desalination plant in Israel should receive a high priority from Congress.

I hope that the Nixon administration will support the decision of the Johnson administration by also urging the Congress to authorize U.S. participation in this project.

THE ACTUAL DEFICIT FOR FISCAL YEAR 1970

(Mr. MARSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARSH. Mr. Speaker, I take the floor at this time to point out that the actual budget for the operation of the Federal Government, as proposed by the outgoing administration, in fiscal year 1970, does not have a surplus, but actually is in deficit by over $6 billion, according to the figures contained in budget documents of both the Bureau of the Budget and the Department of the Treasury.

It is overlooked that the Federal Government within the last 2 years went to a new budget concept which lumps together the tax revenues of the Federal Government with the trust fund receipts, which are largely social security funds, and run, in total, in excess of $40 billion, and the surplus of receipts over expenditures are valid only if the trust fund receipts are included.

Under the old administrative budget, which showed the operation of the Federal agencies and their programs, and the general tax revenues for these expenditures, we are in the red by $6,800 million dollars. In fact, it is planned that in order to make up this deficit, that funds will be borrowed from the trust funds by the Department of the Treasury.

The deficit figure that I cite above is clearly stated in the documents accompanying the budget sent to Capitol Hill, and may be found on page 20 in the "Special Analysis of the Budget" prepared by the Bureau of the Budget in cooperation with the Department of the Treasury and the former administration.

This figure of a deficit of $6,800 million is contingent on continuing the surtax, which is expected to yield about $9 billion. If the surtax is not continued, the budget deficit will be nearly $16 billion. The budget figures of the outgoing administration are also conditioned on passing the postal rate increase. If this does not occur, you can add $519 million more in the red.

Shortly over a week ago on the 15th day of January, the distinguished chairman of the Appropriations Committee, the gentleman from Texas (Mr. Mahon), took the floor to point out to Members substantially what I have just said, and I refer to his remarks on page 731 of the Congressional Record for January 15.

The gentleman from Texas (Mr. Mahon) has pointed out that the true budgetary problem, as it affects the Federal Government in its normal operating procedures, must include a full understanding of the trust fund income and outgo.

He further emphasized that the figures contained in the proposed budget are based on a number of conditions and legislative contingencies, even to obtain the most favorable picture of our financial situation. For example, it is conditioned on extending the excise taxes, and if this does not occur, you can add another half a billion dollars to the deficit.

Also a condition is adopting certain user charges for aviation, waterways, highways, and other user charges which, if they are not adopted, will make the deficit climb $410 million more.

Not only are there these contingencies that relate to collection of revenues which, if not implemented, will cause the deficit to soar, but the new budget for fiscal year 1970 has certain legislative contingencies that require the adoption of legislation that relates to programs which, if not enacted by the 91st Congress, will cause further fiscal and financial woes.

It should be noted that these budgetary figures that I have mentioned are contained in the proposed budget presented to Capitol Hill by the outgoing administration and at this time, it is impossible to determine what changes the incoming administration will make.

In all events, instead of patting ourselves on the back about the so-called surplus, we are going to have to dig deeper in our pocket.

SUPPLEMENTARY EDUCATIONAL PROGRAMS IN DAY CARE CENTERS

(Mrs. MINK asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. MINK. Mr. Speaker, I have today reintroduced a bill to provide Federal assistance to improve the education service in public and private nonprofit child day care centers. My bill is cosponsored by 50 of my colleagues, and others have indicated a willingness to join the sponsorship.

This bill was introduced in the 90th Congress as H.R. 10572, and extensive hearings were held on it.

My bill would provide funds for supplementing educational programs for preschool children who spend the day in child care centers, many of which now furnish primarily only custodial care. Most of these preschool children do not qualify for assistance under existing Federal programs because the income of their parents is greater than the criteria established for these programs. This gives rise to the same old familiar situation in which the parents earn too much to qualify for current programs, but not enough to provide their children with really meaningful preschool educational opportunities. And so the children end up spending 2 or 3 years, or more, in a kind of educational limbo where their physical needs are attended and their safety assured, but where they make no educational headway at all. We all know now that these early years could be productive years, not only for the child, but for society as well. The good habits of learning, implanted during these highly formative years would greatly enhance the child's later academic life to the benefit of everyone.

The Congress has already recognized the validity of this educational concept and the need of children in this age bracket. We did so by authorizing funds for Operation Headstart and by enacting the historic Elementary and Secondary Education Act of 1965. Those two programs are great programs as far as they go. But there is a gap between them—a kind of no man's land where millions of our children now simply wait, marking time—and wasting time—until their formal education can proceed a few years hence.

My bill, Mr. Speaker, would begin to close that gap and begin to provide for these children, their first lessons in learning. The funds authorized in my bill, Mr. Speaker, would enable many of these day care centers to become more than mere establishments for group baby-sitting: they would be able to upgrade their services to provide for these children, the first steps in basic education. A child's future is shaped by his early experiences and we must not overlook these young children already in day care centers.

The employment of mothers in our economy is increasing and that trend can be expected to continue. There are more than 26 million working mothers in our country right now and more than 2 million of them have children under 3 years of age. As more and more mothers take up jobs, the number of children in day care centers will increase; and since they will already be in the centers they can easily be reached with such educational services as will be provided by my bill.

This bill will not provide educational

opportunities for all our preschool children, and not even for all our preschool children who are now in day care centers. It will be but a beginning—and now is a good time to begin.

My bill, which is entitled "Preschool Centers Supplementary Education Act" would authorize for fiscal 1970 and each succeeding fiscal year, $300,000,000 to make grants available to the States. States participating in the program will designate a State agency broadly representative of these public and private child care centers and submit to the commissioner of education a State plan for participation. Priorities shall be given to centers with children in greatest need of such programs and which best demonstrate that they can achieve the objectives of this act, while still leaving maximum flexibility for the development of State plans and standards. These centers and groups to qualify must first be approved by State licensing agencies for safety and sanitary conditions and the projects they submit to the Commission must be approved by the designated State agency created under this act.

I urge my colleagues to support this bill and to urge its enactment in the present session of Congress for the thousands of youngsters whom this bill will help.

THE FEDERAL GOVERNMENT'S REMAINING JOB IN EDUCATION

(Mr. MEEDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MEEDS. Mr. Speaker, throughout American history, individuals have brought their creative talents and personal skills to bear in advancing the social goals of this country.

In the field of education, the departing U.S. Commissioner of Education, Harold Howe II, and the Deputy Assistant Secretary of Legislation, Department of Health, Education, and Welfare, Dr. Samuel Halperin, have contributed much to quality education. Their thought on the future direction and unfulfilled goals which this country should consider are interesting and very useful and merit the attention of any of us who are concerned about continuing the advances we have made in education over the past 5 years.

Both of these individuals were instrumental in shaping the initial education legislation now on the books, laws which are now advancing the course of education all across this country. I would like to call the attention of my colleagues to this tape-recorded conversation between these two individuals, which follows:

THE FEDERAL GOVERNMENT'S REMAINING JOB IN EDUCATION

(Transcript of a tape-recorded conversation, on July 31, 1968, between Dr. Samuel Halperin, Deputy Assistant Secretary for Legislation, Department of Health, Education, and Welfare; and U.S. Commissioner of Education, Harold Howe II.)

Mr. HALPERIN. Looking at the legislative authorities of the U.S. Office of Education as of August 1968 we see that this Federal agency is empowered to spend, if appropriated, some $8 billion annually under programs covering virtually every area of education. These authorizations affect, in a major way, higher education, educational research, elementary and secondary education, teacher training, vocational education, education of the handicapped, adult education, student financial aid, community services, library programs, and many other areas. Thus, it is no exaggeration to say that, with only slight modifications, the programs now on the statute books could address virtually any education problem in our society.

Except possibly in the education of the handicapped, these Federal undertakings are not what might be called general support programs. Instead they tend to be, in varying degrees, of a categorical nature. That is to say, the Congress has agreed upon particular national educational priorities which call for Federal resources and has enacted programs accordingly.

Mr. HOWE. It seems to me that the priority that most clearly reflects the educational thrust of the Johnson Administration has been the focus on disadvantaged people and on using education as the instrument to solve the problems of disadvantaged people. And I think the programs that you have been describing can be seen, in very large proportion, in that context.

The funds that have been appropriated for support of these programs are by no means adequate to do the job, nor has there been adequate time to complete that job. But a very effective start has been made, and it seems to me that there is need now for two major new directions in Federal education programs.

One of these directions can be suggested by the word "consolidation"—some kind of pulling together of existing programs so that they relate better to each other; so that they have more flexibility; so that they are more convenient for the people who use them; so that administrative problems that arise from multiple application forms, filing deadlines, and that kind of thing are simplified. Both administrative and legislative action are needed so that efforts in teacher training, for instance, are related to the efforts of local school districts in educating disadvantaged children and so that curricular reform and other measures by school districts to serve those children are reflected in the teacher training programs of the colleges and universities.

I think there is the possibility of bringing about more efficient combinations of these Federal programs. In saying this I do not mean to suggest that the relative degree of disorder which exists is anybody's fault. It has developed historically, growing out of the mechanisms by which the Congress enacts programs and the manner by which an administration formulates and proposes them. Apparently there are those who imagine that this disorderly picture justifies criticism of the Congress or the Administration. I don't feel that way about it at all. Rather, it is the natural result of historical development.

The second point I would make in regard to the Federal activities of the future has to do with the organization of the Federal establishment in education itself. The Johnson Administration, in introducing all these new programs, has introduced them across the board in the Federal Government. You find them in the Office of Economic Opportunity, in the Labor Department, in aspects of the Model Cities Program related to education, in the Arts and Humanities Endowments, in the National Science Foundation, in the Appalachia programs, in a whole variety of agencies. Whereas the Federal Government has looked at the complexities of transportation and organized a new Department to deal with them or the problems of the cities and organized the new Department of Housing and Urban Development, education has simply mushroomed all over the Government. It seems to me that one of the major tasks for the future is an organizational housecleaning and re-ordering of the Federal role in education.

There are many proposals around, and one of them is that there be a Cabinet-level Department of Education. Another is that the education function in HEW be escalated by the establishment in the Department of an Under Secretary for Education. Personally, I would lean toward the former.

Mr. HALPERIN. It seems to me that one can't do a very adequate job on the first problem—in the area of consolidation and coordination—without paying attention to the second. You can cut down the number of categorical grant programs, perhaps, and you can simplify forms. But you cannot ordinarily get any consistent, Government-wide policies for, let's say, fellowships or stipends, or for the Federal matching share for the construction of facilities, or for the problems of campus planning, without some rather fundamental changes. University administrators today are beside themselves trying to put together campuses with funds from NIH, the Office of Education, National Science Foundation, NASA, HUD, and so on. Therefore, I put a very high priority on a major reorganization across-the-board—not merely an elevation of the Office of Education, but a broad restructuring of Federal education enterprises in order to get at the problems of individual program improvements and consolidations.

It is important to note that the Federal budget for education has tripled under President Johnson to a current level of over $12 billion. Only about $3.7 billion of that sum is administered by the U.S. Office of Education. Therefore, I do not think you can get a really effective Federal policy in the field of education—one which maximizes the benefits of Federal investments for the recipients and for the Nation as a whole—unless you can coordinate both the planning and operations of the thirty or so major Federal agencies that now operate literally hundreds of education programs with little or no collaboration or communication among them.

Mr. HOWE. I think this is an important point, and I would add as a footnote that I don't believe you are advocating (nor would I) that all of the programs of all these various agencies be pulled together into a single Department of Education. I would foresee instead the development of an across-the-board planning capability that brings about some inter-relationship of these programs; so that when decisions affecting educational institutions are made unilaterally in NASA or the Atomic Energy Commission there is a knowledge about what other agencies are doing about the same matters.

A good example of this point is found in graduate fellowships. Last year several agencies had independent budgets for fellowships and dealt independently with the Bureau of the Budget on the matter. When their decisions were added to the decisions of other agencies acting independently in the same fashion, the result was severe impact on the colleges that none of the individual agencies intended.

Mr. HALPERIN. We should add, of course, that Congress legislates in the same relatively isolated and piecemeal fashion. For example, the cuts made by the Space Committee in fellowship and building programs in the educational area were not known to most of the Members of the Congress who preside over the Department of Defense's programs in the field of education, or to the Members of the Education and Labor Committee or the Labor and Public Welfare Committee who legislate in related areas.

Thus, there is a cumulative effect on the Nation's campuses, brought about not with malice and certainly not with forethought—a cumulative and unforeseen effect produced by a lack of knowledge of what other people are doing and lack of overall policy and legislative cohesion.

I certainly do not favor gathering every education-related program together under a common agency. I do advocate a very careful study, followed by relatively swift Executive and Congressional action, of ways to pull together the major programs whose essential function is the strengthening and support of educational institutions, as distinct from the mission-oriented tasks that every Federal agency must necessarily carry out.

In this reorganization that we are both talking about one should look at education broadly. We are looking at manpower and we are looking at training of various types. We are also involved with overall science policy and with the humanities and the arts. We must consider education in a very catholic sense.

I would also add to your two top priority issues for future attention a third. In my mind, it is the third in time as well as in importance, but it needs to be looked at—and planned for.

As I said at the outset, our programs today are of a categorical nature. And while we want some pulling together and some greater simplification and a greater flexibility for these programs, we also have to ask ourselves about the extent to which the Federal role should ultimately be supplemented to include some sort of institutional aid in both higher education and in elementary and secondary education—institutional aid with relatively few Federal priorities, recognizing that educational costs are spiraling, recognizing that there is a limit to the fiscal capacity of the States and local communities that perhaps has not yet been reached but that is an increasing burden in both a political and an economic sense? Should the Federal Government do something in these areas to provide across-the-board aid?

Mr. Howe. It seems to me we ought to address this broad topic you have introduced separately for elementary and secondary education on the one hand and higher education on the other.

Let's talk for a minute about elementary and secondary education.

Historically, there has been a sort of unsuccessful reach for some form of general aid to elementary and secondary education. A number of Presidents have brought this up. A number of Senators and Congressman from time to time have proposed bills, some of which have even passed one House of the Congress. But general aid has always foundered either on grounds of fear of Federal control or on anxieties about church-state relations, or both.

Mr. Halperin. Plus some related issues such as integration and the question of interstate equalization. The timing of any particular program may make a difference, too. Witness the fact that once upon a time you could get a great deal of support for classroom construction *per se*. Today, with the new militancy in the teaching profession, enthusiasm for general aid differs greatly among different educational groups. A school construction program, once viewed as "general aid" in most people's eyes, is clearly less acceptable today than it was just ten or fifteen years ago.

Mr. Howe. The reason, of course, is simply that the militant teaching profession would want to be sure that any major new funding included the possibility of raising salaries with Federal funds—something which is not supported by existing programs.

But you introduced an idea that needs to be discussed in the context of general aid to elementary and secondary education, and that is the idea of equalization.

There is quite a bit of equalization in existing programs, particularly Title I of the Elementary and Secondary Education Act. It is not a major effect in terms of redressing balances; it just reaches in that direction.

Mr. Halperin. Nor was it a major intention in that legislation.

Mr. Howe. That is of course true, but I think we still confront the fact that pre-pupil support in our more fortunate States—our more industrialized States, our States with higher levels of production and higher levels of employment and higher levels of income—that per-pupil expenditures there are more than double those in the poorer States.

Mr. Halperin. To be specific, the latest figures we have indicate a per pupil expenditure of $413 in Mississippi and $1,125 in New York.

Mr. Howe. Close to triple. Those figures, of course, include existing Federal expenditures in both places. Without Federal funds the disparity would be even greater.

Such a difference by itself creates a lack of equal educational opportunity in places where expenditures are lower. And yet the youngsters in the low-expenditure States are citizens of the United States just as the children from the more affluent States are.

One of the general principles that the Johnson Administration has pushed into the Nation's thinking has been the idea that there should be equality of educational opportunity for citizens of the United States regardless of where they happen to be born and where they happen to live. And this disparity in expenditure denies that equality.

So it seems to me that any general aid program which may emerge has to run the political hazard of not providing much support in some places in order to provide a great deal of support in others. That is what equalization is all about. Obviously some kind of compromise will be necessary in a general aid program—a compromise that brings some support to all places but that redresses, at least in part, the imbalance we have been discussing.

I think also that a Federal program of general aid with an equalization feature in it cannot achieve its objectives if, within the States, Federal money is distributed through traditional channels in such a way as to deny pupils who happen to live in the central city the kind of special and additional compensatory support necessary to make their education successful. The Federal Government must concern itself not just with the distribution of Federal funds among the States but also with the way in which these funds are, in turn, distributed by the States.

Mr. Halperin. I certainly agree that we need not only inter-State equalization but also intra-State equalization. The Carnegie-funded Syracuse studies and others indicate that existing State equalization programs are worefully inadequate. To use Federal resources in the future merely to compound the injury would be an ironic climax to the excellent progress that has been made in education in recent years.

Besides inter-State equalization and intra-State equalization there is a third consideration I should like to add. It is the notion of somehow designing a Federal program in such a way that it would act as an incentive to greater State and local effort. This, of course, is an idea which has been around a long time. And yet it seems to me that we have to do more about it. The Intergovernmental Advisory Committee on Government Relations indicates that there is untapped fiscal capacity in the States and localities. I would hope we could design a general aid program to act as an incentive to tap these resources in return for larger amounts of relatively unfettered Federal funds.

This whole general aid approach is, of course, fraught not only with the political difficulties you mentioned but, it seems to me, with the possibility that we may have a new outbreak of bitter church-state conflict. The Johnson Administration, legislating on what some people have called the "child benefit" or the "public trustee" theory—in which all funds have flowed directly only to public schools—has avoided church-state confrontations by the corollary principle that non-public school students were entitled to certain types of benefits. This system of getting Federal funds to all pupils, both public and private, opened a new era of interfaith and inter-school cooperation. But this principle applies most easily to categorical programs directed by the Congress to particular purposes over and above the normal programs which schools provide.

When one talks about "general aid"—and if one wants to avoid religious and inter-community strife—it is politically necessary to find a way to assure that some benefits—even if they are not always proportional or equitable—continue to flow to all the children in the community, regardless of whether the school they attend is public or private.

It is particularly difficult to accomplish this in a general aid bill because under such a program it is not feasible to maintain control over how the funds shall be spent—for books, for instance, or for equipment or for other programs in which non-public school children can participate. If, for example, the bulk of general aid funds flow, as intended, into teachers' salaries, it is difficult to see how private school students' interests can be served or protected.

Mr. Howe. I quite agree, and I think that another qualification that needs to be made is that some people see general aid as the only form or the ideal form which Federal support of the schools should take. And it seems to me that this view is wrong—that while general aid should round out the picture of Federal aid, the rest of the picture should also remain. The broad categorical programs which address themselves to a whole variety of particular objectives which may not be met or even approached by the schools unless these categorical programs remain in place are in my view a first priority for Federal support.

So I think that in the future those who are designing general aid need to be very careful not to damage the categorical programs but to continue them at adequate levels and to move to general aid only in a budget which will allow the continuation of the categorical programs as general aid gets started.

Mr. Halperin. There are other reservations that need to be borne in mind in the design of a general aid program. Certainly we are painfully aware that many people look upon general aid not only as a convenient way to avoid the dictates of the Civil Rights Act of 1964 but also as a means to avoid having to come to grips with the problem of racial imbalance, particularly in our northern cities.

I don't really believe that we can design a general aid program that in and of itself does away with racial imbalance. To try to do so would involve a contradiction in terms. Unless one assumes that the money flowing to the recipients will generally be used for good purposes and good effects one shouldn't go in the direction of a general aid bill at all.

To get at the problems of racial imbalance, desegregation and genuine integration will probably require new types of categorical programs—or at least new provisions in existing categorical programs—which offer an incentive, a bonus or "carrot" if you will, for those school systems and those communities that wish voluntarily to move in the direction of true racial and economic integration.

Mr. Howe. In line with this, it seems to me that a program for school construction, which we don't have at the present time except in a very small way through the School Assistance for Federally Affected Areas Program, could have an element of general aid in it and yet also contain some of the characteristics you have just outlined.

A program for school construction could apply to all school districts in the country, but include provision for payments to school districts with very special problems, such as those in the big cities or those that are rurally isolated. Similiarly, such a new program could also place a premium on cooperation between, or among, several school districts, thereby introducing the possibility of a city cooperating with the suburbs around it to develop certain kinds of specialized facilities. Or as another option, regular school facilities which would have the effect of reducing racial isolation could be given premium levels of Federal support.

This kind of program would be tough to handle politically, but if it had a broad general component of a percentage of payment toward construction costs and then additional percentages of payments where these important public purposes are met, it would at the same time help all school districts and give special help where special needs exist and where there is a willingness to attack the problems the Kerner Commission has identified.

Mr. HALPERIN. I'd like to return to an earlier thought. We introduced this general aid discussion as a kind of third priority, or something to be done at a later stage.

In my view, the most important thing this Nation should do in the next several years is to put realistic and substantially greater funding into existing programs at the same time that we make them broader and more flexible and seek to consolidate them.

It seems to me that in the absence of sizable amounts of new money we can expect some erosion of these programs. Many school districts do not benefit substantially from the programs now, and for what they do get they have to go through a great deal of what they call "red tape and bureaucracy." Such grievances are intolerable when the payoff is relatively small. When these grievances are cumulated, I think there is a very real chance that regardless of the Administration in power, there will be a tendency on the part of the Congress and the political electorate to wipe out such programs and to replace them with some sort of undirected, block-grant or non-criteria-laden program.

Thus, I was particularly glad to hear your point about the necessity for general aid as a supplement to, rather than a replacement of, existing programs. In the short run, this requires a commitment to appropriate much more money, since an essentially *status quo* operation is not politically viable.

Moreover, it isn't viable in an educational sense either. We cannot really expect to reach and teach the disadvantaged, for example, under Title I of ESEA with only a little more than $100 per-pupil per year, which is about what we are spending today. We cannot really hope to make much of a dent in the high school dropout problem—thirty percent of our youth, a million young people a year—with the less than $10 million for an anti-dropout program which was appropriated by the Congress. We cannot really reach many of the young people who need to go on to post-secondary education with as few as seventy thousand Educational Opportunity Grants a year.

Everything we have been talking about has to be done on a substantially larger scale, both in order to have integrity in the programs and also to find out if they will truly work. At present we just don't really know. It is going to take time, but it is also going to take a substantially larger investment simultaneously.

Mr. HOWE. I thoroughly agree with the need for a substantially larger investment. And, being a realist, I am aware that a substantially larger investment in education on the domestic scene is going to be in competition, direct competition, with a whole galaxy of other important domestic causes. People today are expecting a great deal more from their government than they once did. They want greater effort toward control of the environment: conservation, air pollution, water resource management, and the like. They want government help in transportation and in housing and in the replanning and rebuilding of the cities. And they want it in education. And each of these has its own claim on new dollars that the American taxpayer may be willing to give to his government to serve him..

This means that education is going to be in tough competition. I think that education will meet that competition to the degree that it is able to make a strong case for success in what it is doing.

This in turn argues strongly for the investment of funds in research, for effective dissemination of existing knowledge, and for effective evaluation of the programs that we have. And, therefore, as perhaps a first priority in the investment of any new funds, I would seek funds for those activities and for beginning to get a feedback from them. I believe that over time that feedback will build the confidence which will bring additional funds into major areas of service such as those under Title I of the Elementary and Secondary Education Act.

And I believe that right now, by any reasonable measurement, the funding for research and demonstration and evalution in education by the Federal Government is minimal.

Mr. HALPERIN. Educational research and development, dissemination, and evaluation would be among my major priorities, too. I would like to follow up on your first priority in educational research by saying that I think in the years ahead a Federal goal should be stated as a percentage of our education budget.

We have all been talking in recent years—with justification, I think—about insufficient educational research. At the present time of the $12 billion spent by the Federal Government in education, substantially less than one percent is for educational research and related efforts. Of the Office of Education budget, only about 2.5 percent goes into educational research. I would like to suggest to an incoming Administration that, for the reasons you have stated so well, we ought to set a national goal of ten percent of our education budget for research, development, and evaluation; a goal to be reached in stages over, let's say, five years.

My second suggestion for a priority for investment of new funds is the whole area of teacher training, and inservice training broadly conceived to include the subprofessional aides, the administrators, the school board members, the supervisors, the directors—all of the policy-makers in the field of education. Obviously, people are the core of any system, and this is true in education as well as elsewhere.

The largest single professional group in the United States today is that encompassed by the field of education—almost 3 million persons. Yet we are training or retraining only a small fraction of these people each year. There is a tremendous turnover because of retirement and new job opportunities outside education. It seems to me that we ought to put a large investment into the teacher training area in the years ahead. And to hazard a goal or a target, I would suggest that we ought to aim at retraining ten percent of our teaching force annually. I think the current training level is about one to two percent through the various Federal programs. States and localities are unable to expand their commitments to the retraining of teachers because of the tremendous pressures for salary increases. But unless there is adequate retraining, the across-the-board salary increases may not be justified. So I think it's a reasonable goal to state specifically on the part of the Federal Government that we aim—through sabbaticals, fellowships, institutes, and other training programs—to provide ten percent of our teaching force with some kind of educational experience each year.

Mr. HOWE. That makes very good sense. And of course one of the great achievements of the Johnson Administration is the Education Professions Development Act, which provides most of the authority needed to do the job you have described, although one or two amendments might well be added to it. For example, school board members are not now included, contrary to the original suggestion by the Administration. Elements of added flexibility of this kind could advantageously be placed in this Act.

But the basic legislation is excellent. It has a very nice balance in it. It creates a Federal role, it creates a State role, and it addresses itself to a local school district role in the training of people to serve education, a desirable element omitted in previous legislation. A big window has been opened by this legislation, and there are all sorts of opportunities as a result.

I think one of the major administrative responsibilities of the Office of Education in the years ahead will involve making imaginative use of this new authority.

Mr. HALPERIN. With regard to your last comment on the imaginative use of that authority, it's interesting to note that most of us are very proud of the Teacher Corps. We feel that it has great promise and that the program should be expanded substantially.

But under the Education Professions Development Act many new kinds of "teachers' corps" are possible—new types of teacher training and retraining efforts. Thus, I hope that they will be generously funded in the years ahead.

I would like to add a footnote to an earlier point you made about dissemination: I feel very strongly—and many Members of the Congress do as well—that in this huge country of ours, with 21,000 operating school districts and more than 2,000 colleges, many, many things are going on right now that are effective, that are promising, that are adaptable by others. But communications in a country as large as ours are terribly difficult. I would hope that special efforts would be made in the years ahead to disseminate widely to the taxpaying public—to the lay policymakers, as well as to the professionals—the results of programs at all levels of education. We certainly have the authority to do this both in our new legislation and under the general charter establishing the Office of Education in 1867.

Mr. HOWE. The dissemination function includes a wide variety of activities, and not the least of them are the processes of letting the people know, of developing markets, of demonstration. Education hasn't thought this way enough.

Mr. HALPERIN. Possibly there might be an activity somewhat analogous to the system of agricultural experiment stations, and particularly to the work of the county agents. We of course have the regional educational laboratories, but it may be that we need to look more carefully at dissemination models that would reach all over the country, using non-educators and sub-professionals, as well as the more traditional groups.

Mr. HOWE. And now to give this conversation a balance I don't think it has at this point, let's have some general discussion about higher education. I think of one or two observations that can be made. First of all, higher education activity is widely dispersed throughout the Federal Government and therefore needs to be examined in the light of our earlier conversation about the need for planning capacity to get at the problem of impact of the many separate Federal programs on individual institutions.

Secondly, I'd say that the types of assistance provided by the Federal Government to higher education tend, to some degree, to be less change-oriented than the types of assistance the Federal Government provides to elementary and secondary education. Our scholarship grants, work-study funds, and similar support measures do help a different type of student to get into the higher educational institutions than the traditional college student from the upper economic stratum.

But programs like these, and the programs which build buildings, and those which promote research activity in our educational institutions—and these are the major components of support: buildings, research, and student aid—don't address themselves much at all to institutional change. We can speculate that perhaps it is because neither the Federal Government nor indeed other agencies have thought about this very much—or at least done much about it—that students around the country are themselves seeking institutional change in a variety of ways.

There are some small programs that do reach for change. Title III of the Higher Education Act could be described as addressing itself to improving quality and to bringing about institutional change. But I think the broad generalization still holds.

So I think it would be constructive if those people responsible for the future Federal role in education would explore something analogous to Title III of the Elementary and Secondary Education Act for higher education, a foundation-like function addressed to change, addressed to picking up the bright ideas that have surfaced in the world of higher education and giving them some backing from Federal sources.

That type of activity has been carried out in our society more commonly by private sources than by public sources, largely through foundations. And I think there is a promising Federal role here.

Then there is the whole broad question of what should be the shape of any general or operational aid to higher education. Higher education institutions are facing increasing unit costs. It costs more money to educate each student in every college every year. This is largely a function of rising faculty salaries, but other costs as well.

Mr. HALPERIN. And obviously enrollments are going to double.

Mr. HOWE. Enrollments are going up while this increasing cost is impinging on the institutions. And many of them are in deep trouble.

We don't know the exact dimension of this trouble. One of the constructive moves directed by President Johnson is a study to devise a long-range plan for the financing of higher education. None of us knows what will emerge from that. But obviously a major job for a future Administration is that of picking up the results of this study and doing something constructive with them. And I suspect that one of the results of the study may be some suggestion about how the Federal Government could encourage more private and State support for higher education and, at the same time, make a contribution to the operational costs of running a college or university. My own inclination is to suggest that the Federal Government give a priority to increases in student aid programs so that segments of the society now denied a higher education can have increased hope of receiving one. If the Government does this, then the way to provide operating aid to institutions might be to give an unrestricted grant for every student on a Federally supported scholarship. We do this already for graduate fellowships, and I think it would work in four-year colleges and community colleges.

Mr. HALPERIN. The difficulties that beset general aid in the elementary and secondary area, of course, are to at least some degree also present in the higher education area. To be sure you don't have the church-state issue to the same extent. But there is a tendency on the part of many policy-makers, both in and out of the Congress, to want to control the results of Federal aid. We can't have this. If we believe in the ability and the know-how of the institution, then we just have to go ahead and authorize some general aid at whatever time that is fiscally feasible, regardless of opposition from those who fear that general aid in any form, at any level, means "money down a rat hole," or other pejorative expressions. I do think this notion runs counter to the concept of grants for innovation.

Perhaps in the years ahead we must try to find an increased or new role for the Federal Government that couples the encouragement of innovation with an appropriate response to the increasing outcry of the institutions for operating money.

Mr. HOWE. I think there is a very good analogy hereto what we were saying about elementary and secondary education. We were saying there that the categorical programs should grow and should continue to be supported when general aid comes in. I think we ought to say exactly the same thing about higher education. Student aid programs should grow and continue. The programs that support special research of particular interest to the Federal Government ought to grow and continue. But at the same time, the Federal Government in the future needs to think about the problems of the institutions as such.

By and large the Federal Government has tended to look at the institution from the point of view of what purposes it can accomplish for the Government without worrying too much about what happens to the health of the institution while it is serving Federal ends.

Uncle Sam makes it possible for a lot more people in the United States to get a higher education, because that's a significant national objective. And we back a variety of specialties because they are needed either by the Federal Government or by the economy, or by some aspect of public service in the States and localities. But we have not thought enough about the capacity of the institution to keep its balance while doing all these things to serve important national objectives. It is into that picture that I would put the problem of operating costs of these institutions and the capacity to at least stay alive and healthy while picking up these categorical aid programs that the Federal Government provides.

Mr. HALPERIN. While we're talking about what might lie ahead for higher education, I wonder if your priorities and your sense of timing would match mine.

I would say that in the next couple of years, as more funds—hopefully—become available, my own set of priorities would emphasize continuing the thrust of the Johnson Administration to ensure equality of educational opportunity, particularly for minority groups and for the poor, regardless of their race.

I think that this can be stated in a kind of a declaration of rights: that any student of ability should be enabled to go on to the post-secondary institution of his choice, whether a technical institute or a business school or a college. And I think the goal ought to be stated in terms of some numbers. For example, for an additional one billion dollars a year we can help an additional two million students—the equivalent of some forty percent of those now enrolled in college—to go on to further education after high school.

I think that's the kind of a statement of a goal that we need. That would be my first priority.

Mr. HOWE. Yes, I fully agree. And, of course one must take into account the fact that higher education today is, to a degree, a segregated enterprise. Most of our high quality institutions have a relatively small proportion of minority group people in them, and there is an important job to do in somehow achieving throughout the higher education spectrum a better representation of minority group people.

Mr. HALPERIN. Speaking further about higher education, I would say that either simultaneously or as the next priority we ought to give attention to more adequate funding of some of our broader categorical programs, for example, the programs to improve college library and instructional resources. This is one way that you get at quality. This is one way you can change the institution. At the same time you exercise some Congressional discretion as to where the funds go.

I also think the Federal Government should do something special for graduate education. This is the fastest growing part of higher learning, and it's also the most expensive part. Here again, we do have on the statute books in a variety of Federal agencies the necessary tools, but we do not now have the funding in institutional aid or institutional development programs or institutional excellence programs—they are called different things in NASA and NSF and NIH. Hopefully, we will have a new program in the Office of Education under the pending Higher Education Amendments of 1968*. Particularly through the fellowship programs, with their accompanying cost-of-education allowances, we have an ideal mechanism to help graduate education simply by raising these allowances. Through these two mechanisms it seems to me we can do a great deal to help the graduate schools meet their financial crisis.

Mr. HOWE. Let me point out that some thinking has already developed about increasing the cost-of-education allowances. Many agencies have had a part in that thinking. It's ready to move. All that is necessary, really, is a planning move by the Bureau of the Budget to standardize these cost-of-education allowances at a higher level. And it could be done in many ways. For example, it could be phased in over a period of three, four, or five years by adding $500 a year to the allowance, which now runs around $2,500, and build it up to $3,500. In this fashion, an institution could get some funds for its own development as it takes in a graduate student but that can happen only if the amount is raised appreciably.

It's pretty important to point out that in the graduate schools, which indeed have the special problems you outline, the cost of education of an individual graduate student may run as high as $10,000.

Mr. HALPERIN. Perhaps five to ten times that of an undergraduate.

Mr. HOWE. Yes. So when an institution takes in a graduate student with Federal support and gets a $2,500 cost-of-education allowance, it may be losing as much as $7,500 on the deal.

Let's turn to other areas and consider the education of the handicapped, and then perhaps vocational education, which I think needs considerable discussion here.

Why don't you start with the handicapped?

Mr. HALPERIN. In the area of the handicapped we not only have a host of programs, but one particular program—Title VI of the Elementary and Secondary Education Act—which is, it seems to me, almost a true "general aid" program. It provides funds to the States to support the operating costs of virtually any educational service or program for the handicapped. One might therefore conclude that it would be possible to build upon existing authority to design programs that would reach particular target groups—for example, the deaf-blind or the multiply-handicapped.

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*Since enacted as Title X of the Higher Education Act; see Public Law 90–575, October 16, 1968.

Here, too, we ought to state an over-all goal for the next five to ten years, for example, that we will reach and teach and provide the necessary ancillary services to all of the handicapped children of the Nation.

One-tenth of all of our children are estimated to be physically or mentally handicapped and to need some sort of special attention. Yet, we are serving only about two million of these children today. Three million are not served at all. And among the two million who are receiving some sort of special service, the adequacy of service obviously leaves much to be desired.

So I would say that here again a useful device for the next Administration would be to set a specific numerical goal. Under the Johnson Administration we made fantastic progress in getting started in each and every one of these areas. Now I think we have to measure our objective and pace ourselves so that we are sure to reach it.

Mr. Howe. Yes, not only has the Johnson Administration gotten some very effective legislation in place for the benefit of the handicapped, but it has also moved forward on funding for this legislation in very tight budget years, when money was hard to find because of all sorts of national commitments. There has been a significant move percentage-wise in what has happened in our appropriations for handicapped legislation.

The budget of the Office of Education in moving from Fiscal '68 to '69 has reflected close to a 50 percent increase in the money being made available for education of the handicapped. And although as we approach our Fiscal '70 budget we are not talking about that large an increase, we are nevertheless talking about some increase while the '70 budget for the Office of Education as a whole may remain rather stable or even decrease.

I would mention another point, too, which relates not just to the handicapped but more broadly to our earlier conversation about elementary-secondary education. That is the very great achievement of this Administration in getting the idea of early childhood education generally accepted around the country. The Head Start program supervised by the Office of Economic Opportunity and the focus of Title I of the Elementary and Secondary Education Act on early childhood education, as well as the Follow Through Program, are all evidence of this.

Mr. Halperin. And the various Day Care Programs, under Social Security and welfare legislation, too.

Mr. Howe. Right. These efforts have awakened people and gotten them ready to move. There is now a real opportunity for a much broader program of early childhood education. What we know about children—about the way they grow and develop and achieve success in school—indicates that this is an eminently sensible move.

I bring this up in the context of the handicapped because I think that an effective move in early childhood education may lead to much earlier identification of physical and mental handicaps and a much higher percentage of solutions to those problems. The result in the long haul may be lower levels of investment in the handicapped if early identification and diagnosis and early treatment can be developed through Federal initiative working with States and localities.

I would tie early childhood education, first of all, to the disadvantaged population; secondly, to this notion of early identification of handicaps and thirdly, to service of the entire population. I think that future Administrations are in a firm position to move in these directions as a result of what has already been accomplished.

Let me add, finally, that adequate services to handicapped children (as well as to the disadvantaged) depend absolutely on categorical programs. There is little likelihood that general aid programs will help these children. Future planners of the education role of the Federal Government must keep this in mind.

Mr. Halperin. To go on now to a new subject—vocational education—this is the area in which the Federal Government was doing most before the advent of the Johnson Administration. The momentum was continued and, in 1963, important steps were taken to modernize and update vocational education programs. Since 1963 there has been a substantial increase in vocational enrollments. Now, in 1968, the Congress of the United States is about to pass the most far-reaching reworking, expansion and extension of vocational education in our Nation's history.[1]

Nevertheless, I would suggest that by and large we have been something less than completely sympathetic to the needs of our young people in this area.

We have been so strongly oriented to the colleges and to the disadvantaged very young in recent years that we have tended to understate the needs of the four-fifths of our young people who do not graduate from college, and the three-fifths of our young people who never see the inside of a college.

We know that vocational education has been and can be a dumping ground for young people. It can be a dead-end street. The new legislation brought into being under the Johnson Administration, and some of the funding which has begun to flow since 1964, does indeed provide substantial opportunities to make a meaningful bridge between the school and the first job, to bring industry and business into a partnership with the schools so that our young people will have a realistic understanding of the world of work outside of the classroom.

I would hope that using the new legislation, possibly with further developments in the area of guidance and counseling, we would move with more vigor in vocational and technical education. In other areas I have suggested a goal; I will suggest one here, too: We have about 7.5 million people enrolled in vocational education today. I think it is entirely realistic as well as important to suggest that in 1975 or so we should have tripled these enrollments—about 21 or 22 million Americans of all age groups in vocational and occupational education. This is going to require several billion dollars more than we are now putting into the enterprise. But considering the importance of the labor force in the growth of the American economy I can think of few better investments.

Mr. Howe. I would like to make several comments on vocational education. I quite agree that the levels of investment need to be very much changed, as you suggest. But as they are changed I am concerned lest the United States develop two entirely separate systems of education, one labeled as vocational and the other labeled as the regular or general system of education.

It seems to me that both in legislation and in administration of the new Act that you cite, efforts have to be made to avoid this separateness. I think there should be an infusion of a major vocational component into the normal high school and junior high school education programs across the country and that the new money that comes into vocational education ought to encourage the pulling together of vocational education with the usual public school system rather than increasing their separateness.

I would also pick up your point about the wider involvement of business and industry and in finding ways to give them an input into the affairs of vocational education. I think it is really the job of industry and business to define the skills that are needed. That is where the people are going to be employed. And I don't see enough back and forth between industry and business and the world of education.

One of the problems we confront and that future Administrations will confront is that of somehow crossing this gap. Whenever we bring before the Congress proposals for allowing Federal grants to flow to business and industry for purposes of training teachers—for training them right within business and industry so that they will know what they should teach their students that will be pertinent to the jobs youngsters will have available to them—we run into a roadblock.

We find that a number of educational organizations are, as a matter of principle, opposed to Federal grants to private industry for purposes of this training function or for purposes of curriculum development, or really for purposes of any kind of constructive interaction. And I think a future Administration has got to find a way to persuade people that such arrangements are not a threat to the public schools in any sense but rather comprise an added resource to the public schools. The new vocational legislation as now written opens the door between business and education. I hope that it passes and that future administrations make vigorous use of it.

Third, I think we ought to use this conversation about vocational education to register our general concern for the community college and junior college. The fact that such institutions are in part avenues to the later years of college and the baccalaureate degree must be put against the fact you mentioned earlier that only twenty percent of the people are now getting this degree. In short, the communtiy college has open to it a role that goes far beyond being a half-way house to a four-year institution.

The two-year institution is the most rapidly growing component of the higher education spectrum in terms of new institutions being built and of the numbers of students going into post-secondary education.

Yet there are gaps in the Federal support of community colleges. I think the new Vocational Education Amendments of 1968 offer real opportunity to fill those gaps; so it is possible that with adequate funding we may have almost all the legislation we need.

The Higher Education Facilities Act offers opportunities for supporting the construction aspects of those new community colleges.

So far, however, we have neglected the curricular development side and teacher training aspects of community college operations. We have the legislation to do both these things, but we don't have the funds, and we don't have the leadership at the present. It seems to me that additional funds for vocational education over the next five years ought to be so planned and administered that they take account of those gaps and needs.

Mr. Halperin. I'm glad that you touched on the community college question because I think there is a bridge there to contemporary politics which can help win public acceptance for increased Federal aid to education.

There is at this moment in history what can only be regarded as an unfortunate tendency on the part of many people to reject Federal programs on the grounds that they are allegedly aimed only at the poor or the black or the neglected. And we hear grumblings like, "What do you have to do to get some of your own Federal money back from your Government?" I think Federal support, while it must necessarily give priority to the disadvantaged—regardless of whether that disadvantage is physical or mental or racial or educational or cultural—should also aim at making it clear that the Federal education programs are intended for all of the people of the country.

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[1] See Vocational Education Amendments of 1968, Public Law 90–576, October 16, 1968.

It seems to me that vocational and technical education, particularly with a community of junior college component, touches a deep-rooted desire of the American people: better education for their youngsters as a path to a better job and a better economic future. If we build a closer alliance between our vocational and technical programs and the junior and community college movement, we will go a long way toward overcoming what I detect as a disaffection on the part of some members of the taxpaying public with programs they feel are not benefitting them. Apparently they either do not see their children as being candidates for the full baccalaureate degree or they do not see their children benefitting from programs addressed to the educationally and culturally disadvantaged. The community college-technical school movement can bridge this gap.

Mr. Howe. I would add that higher levels of literacy are going to become an increasing requirement for vocational education. There is thus some likelihood that the production of those higher levels of literacy will increasingly become the job of the secondary schools and that this will tend to thrust a larger proportion of the vocational education component onto the community colleges.

I hope if that happens that those who are devising the new programs in these colleges, and those who are devising support for them on the Federal side, will keep in mind the need for flexibility. The great thing about the community college now is that it hasn't solidified. It can be all kinds of things at the same time. It can offer six-week courses to develop a very special skill. It can take in a person who needs literacy training and give him that, if he's an adult or if he has finished high school or if he has dropped out of high school. It can offer a specific two-year program leading to an intermediate degree.

There is a tendency among community colleges to see as the basic measurement of excellence the movement of a very high proportion of their graduates into four-year institutions. It seems to me that we need to help the community colleges to develop a concept of excellence in other sorts of services and to take pride in them; so that we avoid the danger that is now so evident among some community colleges of wanting to lose their identity as vocational and technical training places and transform themselves into four-year colleges. I suppose after they were four-year colleges for a period of years they would want a graduate school.

While I think we need well-planned, high-quality, widely-available services at the graduate level, we certainly don't need every community college to follow that course. We are going to need in the years ahead the service of a growing number of community colleges to a major proportion of the population.

I believe that the most recent prognosis I saw was something to the effect that in 1975 about 75 percent of the population would be graduating from high school.

Mr. Halperin. We're at about 71 percent now.

Mr. Howe. We may be up to 80 or so by 1975. That means a very great demand for these new community colleges. That prospect raises the question of whether in the future the Federal Government won't have to find a more flexible method than it now has for helping institutions to get started.

Most of our legislation today is written to provide aid only to higher education institutions that already exist. This stipulation is, in fact, set in law by the Congress. Institutions either have to have received accreditation or provisional accreditation of some carefully defined kind. In any case, there are relatively few Federal resources to help the people lacking a vocational and technical college to get one established. They have to do it entirely on their own initiative, with their own resources. And frequently the places where such services are particularly needed have insufficient economic base to do the job.

Mr. Halperin. That point suggests another to me, namely, that we really do not now have a planning capability or a program that would enable us to know when, for example, support ought to be extended to an emerging new community college or emerging new graduate school because there was a genuine need or when, alternatively, the availability of Federal funds would merely proliferate programs, produce non-economic institutions, and cater to particular community whims which may not be soundly based in educational terms.

We hear a great deal, for example, about the desire of virtually any community of any size to have its own community college for reasons of "civic pride." That may be a caricature and exaggeration, but it is no exaggeration to say that at the present time we we have no mechanisms for deciding when scarce Federal funds ought to go to an institution and when they should not.

Mr. Howe. We have reviewed the major aspects of the Federal role in education in our earlier conversation about elementary and secondary education and the relationship of categorical programs to general aid, then in our subsequent conversation about higher education in that same relationship, and then in these special thrusts into vocational education and education of the handicapped. One area we have missed is the very broad one, which, for want of a better phrase, I will call adult education, but which isn't really that. It's the idea that Americans in this complex society will need increasingly to be engaged in education all their lives.

The Federal Government is already involved in the support of a variety of enterprises which contribute to lifelong education opportunity. Contributions now made by the Federal Government include major support to public libraries and support for the development of a new kind of non-commercial or public broadcasting system which will be an education device although not institutionally based.

It occurs to me that the museums of the country are really in this same category, and have not captured major attention from the Federal Government. The President addressed a letter not long ago to the Council for the Arts and Humanities asking that group to advise him on what the Federal role might be in relation to museums. And I think one of the opportunities before the Federal Government in the years immediately ahead is to respond to the report that will be forthcoming shortly about this matter.

There are, of course, some very specific programs directed at adult literacy and the decreasing but still large proportion of adults who don't have adequate basic literacy to undertake vocational or other programs that will get them started.

I think the Federal Government at this point has moved in this area by bits and pieces rather than thinking about it as a total package.

Mr. Halperin. What might be called an Adult Opportunity Act has been suggested in this connection—something that would tie together the continuing needs for new forms of education, cultural development, recreation, and that would enhance the cultural literacy of our population.

The concept takes in some of the elements you mentioned, with possibly a specific recommendation for some sort of research and development institute that would push information science, communications science, ways to handle the information explosion, better non-commercial television, and library services of all types, particularly library services that would reach into homes and into disadvantaged neighborhoods.

It could also include mid-career development—ways in which the adult could change his job with appropriate training, possibly under a broadened Manpower Development and Training Act or some other type of adult education.

It could take in specialized needs, such as those of the housewife who has raised her children and wants to return to the labor force (not necessarily into education, where we now have the Education Professions Development Act, but somewhere else), some way that she can get the necessary retraining or continuing adult education; the needs of the retired, of senior citizens, of people who have finished one career as business executives or as Army officers and who need special resources and programs to help with the start of a new career.

Obviously, this is quite a major area. Thus far, we have inched into it. We now need to step up the pace considerably.

Another dimension of this subject occurs to me. We do have the program of adult basic literacy, of course. But to my way of thinking, we have not done what we should have done. We still have 23 million Americans with less than an eighth grade education. We have eleven million functional illiterates with less than a sixth grade education. And we are spending under $50 million a year on this particular social and economic problem. We ought to expand that commitment many fold.

Ultimately, we ought to look also at the sixty million or so Americans without a high school education. While they may not occupy the same priority as some of the things we've been talking about today, in developing a rounded picture we should ask ourselves whether high school equivalency programs and various other specialized opportunities might not be made available to this population, not only to bring about more gainful employment, but for personal satisfaction, for creative adjustment to society, for more satisfying relationships with their fellowman.

Mr. Howe. To touch on another point in this look to the future and the job that remains to be done, I would raise the problem of the distribution of educational resources in the U.S.A. Although States are increasingly doing a more effective job of planning for new educational services in places where these are in short supply, it occurs to me that there are opportunities for the Federal Government to be of assistance in a number of different ways.

We know that more and more people are moving toward metropolitan centers and will continue to do so in the years ahead. Yet, the costs of providing such people with adequate educational services are much higher at all levels than are the costs in rural and suburban areas. One typical result is that we are getting more colleges in those places where there are fewer people while we confront a shortage of post-secondary education services in the cities, where land and buildings are expensive and operating costs higher.

Shouldn't the Federal Government devise a program to pay a larger percentage of central city construction costs than the percentage it pays outside the city? Shouldn't the Federal Government find the means to help new institutions get started in the places where the great concentrations of people are to be found?

These concentrations of people do not pose problems just for the States. More and more, the metropolis cuts across State boundaries. The economic and social pressures which cause the migrations that in turn create the metropolis are far beyond State control.

There clearly seems to be a need for the Federal role to include a planning and financing component to help meet the educational challenges created by these migrations. Some Federal programs, such as Title I of the Elementary and Secondary Education Act of 1965, already have this effect. But more remains to be done at all levels of education.

Finally let me mention a couple of items that have not been a part of our conversation but that must be kept on the agenda for the future:

(1) Forward funding—The Federal Government's fiscal cycle is badly out of phase with the planning cycle of the schools. As a result, States and school districts do not learn what appropriations they will actually get until long after they have had to make commitments for the use of the appropriations. If someone were to start out to design a system for the maximum inconvenience of the schools, he might well come up with the arrangement we now have. Forward funding, under which the President and Congress would consider funding of Elementary-Secondary programs a full year ahead, would solve this problem. Many higher education programs now have this arrangement. All education programs should have it.

(2) International Education—One of the failures of the past few years has been the inability of the administration to get Congressional backing for the International Education Act. This Act, growing from the President's Smithsonian speech of September 1965, holds great hope for improved training of all sorts of specialists vitally needed by American Government and by business—specialists with knowledge of language, economics, government, health, education, engineering, and a variety of other fields as they apply to the problems of particular parts of the world in which the United States has national interests. The study now underway at the direction of the Appropriations Committee may lead the way to favorable action in the future. The Act must be kept alive, and appropriations for it should be a high priority matter.

(3) Education in special fields—Particularly in health and in conservation, the years ahead will see major new manpower needs. Medical education requires a complete restudy to make it more efficient. New specialities will develop related to control of the environment. The Federal Government must take its share of responsibility in these areas of education.

A DAY OF PRAYER FOR OUR NEW PRESIDENT

(Mr. JOELSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. JOELSON. Mr. Speaker, I am pleased to read to my colleagues an editorial from the front page of the Morning News, which is published in Paterson, N.J., in the congressional district which I represent.

I think that the recommendations of the editorial merit our favorable consideration, and that Mr. Harry B. Haines, the publisher of the newspaper, and Mr. Abe J. Greene, the associate editor, are to be congratulated for initiating this movement which can unify our Nation behind our new President.

Due to the fact that congressional committees are not yet fully organized, it will unfortunately not be possible for a resolution to clear both Houses of Congress in the early days of the Presidency of Richard M. Nixon. However, it is my earnest hope that congressional leaders of both parties will unite in urging a national day of prayer for Divine guidance for our new President in the difficult and dangerous decisions with which he will be faced in the days and years ahead.

The editorial follows:

> America has a new President, chosen by its people. From this day on, he will speak for us in one voice. President Nixon is committed to a speedy peace and an end to the division among our own people. He has asked all Americans to pray for him, to work with him to achieve the goals ahead. Together, there is no task too great that Americans cannot achieve.
>
> But, we need strength and character and resolve and we need Divine assistance in the difficult days ahead. We propose that Congress immediately proclaim next Sunday as a national day of prayer for strength and guidance for the new President to achieve his laudable goals. In every home, in every church and synagogue in the land, let our prayers rise to the heavens towards a new era in the world.
>
> Let us pray!

THE 51ST ANNIVERSARY OF THE RESTORATION OF UKRAINIAN INDEPENDENCE

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, January 22, 1969, is the 51st anniversary of the restoration of Ukrainian independence. I rise to speak in commemoration of those great people whose fatherland remains occupied by the Soviet Union.

I will not concentrate on the reasons why Ukraine decided to break with Russia, for they are too numerous. History tells us that for the 300 years of the Ukraine an opportunity to throw off the Pereyaslaw in 1658—the Russians continuously violated the treaty, occupied Ukraine militarily, exploited her economically and even forbade the Ukrainians to speak their own language in their own country.

Collapse of czarist Russia, in 1917, gave Ukraine an opportunity to throw off the Russian yoke, and renew her full independence.

> When in the course of human events it becomes necessary for one people to dissolve the political bonds which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of Nature and of Nature's God entitled them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

These words, which were spoken in Philadelphia on July 4, 1776, were repeated by the leaders of the Ukrainian Nation on January 22, 1918, in Kiev, capital of the Ukraine, when Ukraine decided to dissolve her political bands with her arch-oppressor—Russia.

However, the imperialistic Russian Bolsheviks unleashed their hordes on the Ukraine, and after 4 years of bloody struggle, reimposed an iron-fisted military rule which exists up to today. But, Ukrainians have never given up in their fight to regain freedom from Russian occupancy:

In 1932–33, the Russians introduced compulsory collectivization of Ukrainian farms. Revolt broke out and as a result, 7 million Ukrainian farmers were systematically liquidated in 1 year by artificial famine imposed by the Russians as a retaliation.

In 1937–38, hundreds of thousands of Ukrainian intelligentsia were arrested and executed for their membership in the Association of Liberation of the Ukraine. As late as 1943, in Wynnytzia, central Ukraine, over 30,000 victims of this purge were exhumed from mass graves.

In 1941, when Hitler attacked the Soviet Union, Ukrainian leaders issued in Lviv—Lemberg—on June 30 a proclamation declaring Ukraine an independent state. Thousands of Ukrainians in the Red army surrendered to the Germans. Some pro-Soviet historians consider this a brilliant Nazi operation; however, those who fully understand those developments know that this was a refusal of the Ukrainians to fight for Stalin and his regime.

Even though the Iron Curtain does not permit the free press to report about the present situation in the Ukraine, free men the world over know that the struggle of the Ukrainian people with the Russian occupancy goes on and on.

Only recently, stories of unrest in the Ukraine and mass arrests and trials of Ukrainian writers and intellectuals reached us in the West.

Mr. Speaker, I am sure that there are some in this Chamber who would ask this question: "What is our concern with the situation in the Ukraine?"

For us Americans, Ukraine is not only a moral issue of the first magnitude, which we cannot any more ignore, but we must also realize that a free independent Ukraine could prove a valuable asset to the United States and the free world.

Needless to say, the present deplorable international situation is a direct result of our lack of understanding of the Russian issue and our misguided approach toward the Soviet Union, which must be reexamined.

I am wondering if it ever occurred to the architects of our foreign policy that during 25 years of the cold war with the Soviet Union, in which we have sacrificed over 100,000 boys, with over a quarter of a million more wounded, not one Russian died in Korea or Vietnam? Could anyone consider this an accomplishment for our side?

I hope that in this changing world, where our own approach also must be changed, all those who swallowed the party line that the Russians were mellowing are "cured" by the recent Soviet military invasion of Czechoslovakia, and continued suppression of the Czech people.

I am wondering—why free elections and freedom for South Vietnam and not for Ukraine—or other nations enslaved by the Russians? Why do we continue to use a deadly wrong and bankrupt policy toward the Soviet Union? Why not adopt a positive role to weaken this monstrous Soviet Union, who continues its goal to overthrow our Government by force; who continues war during peace by supporting riots, insurrection, and lawlessness in our country and throughout the world?

I do not advocate any preventive war or any military adventure, but there are peaceful weapons; that is, encouraging the aspiration to independence of the nations enslaved by the Russians, and self-determination for the minorities under Russian imperialism.

Mr. Speaker, I am sending a memorandum to our Department of State with a request to put on the agenda of the United Nations the issue of existing slavery in this world's last colonial empire—the Soviet Union.

I am also requesting the Department of State to prepare a resolution which requests the right of self-determination, free election in the Ukraine and other nations, enslaved by the Russians, which elections should be supervised by the United Nations. There is already a unanimous resolution of the U.S. Congress from July 1959, which supports the aspirations of all nations, enslaved by Communist Russia and China.

On this January 22, 1969, the 51st anniversary of the restoration of Ukrainian independence, we salute you, brave Ukraine. You have paid perhaps the heaviest price to be free, and we pray with you for that day when you, too, will join the great family of free nations.

I take this stand because your liberty is our liberty.

WE DISCOURAGE PRODUCTIVITY AND JOBS

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HALL. Mr. Speaker, as is usual at the beginning of a new Congress or new administration, there is much talk of tax reform. We are quite aware of the inequities that occur in the taxation of individuals, but we seem hesitant to discuss the inequities of corporate taxation. The corporations are the convenient "impersonal whipping boys" of our economy. Closer examination reveals that the ownership of these legal entities represents the savings and investments of over 24 million Americans. This ownership group is larger than the combined union membership, and includes many therein.

Mr. Henry Hazlitt, the noted economist, in a thought-provoking analysis, describes the unfairness of present corporate taxation and its effects upon the economy. This article appeared in the January 1969 issue of the Freeman, and is entitled "How We Discourage Investment."

Mr. Speaker, under unanimous consent, I insert this poignant, but short article in the RECORD:

HOW WE DISCOURAGE INVESTMENT

(By Henry Hazlitt)

Personal income tax rates that rise to the level of 77 per cent obviously discourage incentives, investment, and production. But no politician raises the point for fear he will be accused of defending the rich.

What is probably an even greater discouragement to new investment and increased production is the present income tax rate of 52.8 per cent on corporations. Yet this gets even less criticism than high personal income taxes. Nobody wants to defend the corporations. They are everybody's whipping boy. And yet they are the key productive element on which the nation's income, wealth, and economic growth depend.

There was at least some awareness of this until recent years. When the tax on corporation income was first imposed in 1913 it was at the very cautious rate of 1 per cent. It never got above 15 per cent until 1937. In the midst of World War II it was still only 40 per cent. It did not get to 52 per cent until 1952.

Today such a rate is taken for granted. Yet most of those who approve of it, and even suggest it could be a little higher, are the very people who have been complaining most loudly in recent years about the country's disappointing rate of economic growth.

The present average tax on all corporations is about 45 per cent. On successful corporations of any size, however, the average rate is close to 52 per cent. Broadly speaking, therefore, when anybody contemplates a new corporate investment, he will not make it unless the investment promises to yield before taxes at least twice as much as the return he would consider worthwhile. If, for example, a man would not consider a new investment worthwhile unless it promised a 10 per cent average annual return on his capital outlay, it would have to promise a return of 20 per cent on that outlay before taxes.

What is at least as important as reducing the incentive to investment is that the present corporate income tax reduces the funds available for investment. In the second quarter of 1968, according to estimate of the Department of Commerce, U.S. corporations were earning total profits before taxes at an annual rate of $92 billion. Out of this their corporate tax liability was $41 billion. This reduced their profits after taxes to $50.7 billion. Out of this sum, in turn, $24.4 billion was paid out in dividends while $26.3 billion was retained in undistributed profits.

This last figure represents the corporations' own reinvestment in working capital, inventories, improvement, new plant, and equipment. If there had been no corporate tax whatever, and there had been the same proportionate distribution of profits between dividends and reinvestment, the amount of money reinvested would have been $47 billion instead of $26 billion—about $21 billion, or 80 per cent, more a year.

By discouraging and retarding investment in new machinery and plant, the 52.8 per cent marginal corporation income tax shields existing obsolescent capacity from the competition of the new, modern and efficient plant and equipment that would otherwise come into existence, or come into existence much sooner.

It is obvious that a corporation income tax in the neighborhood of 50 per cent must drastically reduce both the incentive and the funds for new investment, and therefore for the consequent increase in jobs, productivity, real wages, and economic growth that the politicians are always calling for. By striking so directly against new investment, in fact, the present high corporate income tax slows down economic growth more effectively than almost any other type of tax.

ORGANIZATIONAL MEETING OF UNITED STATES GROUP TO INTERPARLIAMENTARY UNION

(Mr. PIRNIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PIRNIE. Mr. Speaker, as President of the United States Group to the Interparliamentary Union I wish to advise my colleagues that the organizational meeting of the group for the 91st Congress will take place on Wednesday, January 29, 1969, in Senate reception room S-207, commencing at 10 a.m. One of the principal items on our agenda will be the election of officers. All Members of the House are welcome to participate.

RETENTION OF JUDGE ADVOCATES AND LAW SPECIALIST OFFICERS IN THE ARMED SERVICES

(Mr. PIRNIE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PIRNIE. Mr. Speaker, I have today introduced legislation authorizing professional pay and a continuation bonus for judge advocates in the uniformed services. The intent of the bill is to provide retention incentives for service legal officers similar to those presently received by doctors, dentists, and veterinarians in the Armed Forces.

The retention rate of legal officers by our services is now dangerously low and the situation will continue to deteriorate unless prompt action is taken to make legal careers in the military more financially acceptable. My bill is designed to do just that by providing a monthly professional pay allowance based on rank and a variable continuation bonus which the officer could earn by continuation in the service past his initial obligation and after he becomes eligible for voluntary retirement with pay.

Specifically, the legislation provides:

First. Retention incentives as follows: $50 per month through grade O-3—captain; $150 per month for grades O-4 and O-5—major and lieutenant colonel; $200 per month for grades O-6 and above—full colonel and above.

Second, a continuation bonus payable at the rate of 2 months' basic pay for each year for which the judge advocate agrees to remain in active service beyond any then outstanding active duty service obligation or service commitment. The contract would be for a minimum of 3 additional years and a maximum of 6 years. Judge advocates would be eligible for this bonus on two occasions; First, upon the completion of 4 years' active service; and second, at the time when they become eligible for voluntary retirement with pay. A provision is included which would allow the judge advocate to receive the bonus either at the beginning of the period or to have it prorated.

It should be noted that the problem plagues all the uniformed services and shows no sign of diminishing in the absence of affirmative proposals.

The seriousness of the retention problem was highlighted in a feature article contained in the April 8, 1967, edition of the Journal of the Armed Forces entitled "Career Legal Billets Go Begging."

At the outset, Journal Editor Lou Stockstill placed the problem in proper perspective:

> The armed forces are having a tough time filling "lawyer" billets in their career ranks.
>
> As a result, much of the legal workload of the Services is being handled by young and relatively un-tried officers whose diplomas still smell of wet ink.
>
> In response to a Journal survey, all four Services say the problem is not one of obtaining sufficient numbers of law specialists and judge advocates—but of keeping them. The turnover rate is extremely high and the retention rate is very low.

In the intervening year and a half since the Journal article, the retention problem has worsened.

For example, within the Army during the 14-year period from 1951 through 1964, of the 3,020 military lawyers who entered active duty, only 380 remained as of 1968. This represents an overall retention rate of 12½ percent. Since 1960, in the Navy, the number of career lawyers has steadily declined to the point where the situation is now critical. As recently as last October, the Navy had only 38 regular lieutenants out of some 630 lawyers on active duty. This amounts to an average yearly retention of 12 lawyers per year. To assure experienced lawyers in the overall career structure, the Navy must retain 30 lawyers in each year group. Without remedial action, it is anticipated that by July 1972, 75 percent of all uniformed Navy lawyers will have had less than 5 years' legal military experience.

The situation in the Air Force is likewise distressing. Since 1956 that service has been able to retain only 19 percent of its judge advocates, including recallees. If the recallees are excluded, the percentage drops to 14 percent. The Air Force estimates that between 40 and 45 percent retention is necessary to maintain the JAG Department at the desired level.

The situation I have just outlined demands and deserves our immediate attention, but it is important to realize that one further relevant factor must also be considered. During the past session, we passed and the President signed into law the Military Justice Act of 1968—a landmark proposal which extends to service personnel the right-to-counsel safeguards which the Supreme Court in recent years has granted to criminal defendants in civilian courts. In addition, this new law requires the services to provide qualified and experienced lawyers as military judges in trials by special and general courts-martial. The four services estimate they will need approximately 700 additional military lawyers in order to meet this requirement.

It is, therefore, imperative that Congress take steps to insure a higher lawyer retention rate in the Armed Forces. To do otherwise is to forsake the high standard of military justice we have long set. Last session, we affirmed our commitment to our men in uniform that they be afforded the same legal protection that our courts extend to civilians. We cannot now deny them the means of obtaining those safeguards through our failure to provide experienced and qualified military lawyers.

My bill should enable the armed services to substantially increase their lawyer retention rate thereby improving significantly the quality of legal advice and military justice in the services. The Judge Advocates Association and the American Bar Association have approved this type of legislation in the past. I am confident that it will have the support of this body.

TAX REFORM

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, as we get down to the serious business of government now that the ceremony has been completed, I want to express a very specific hope for the 91st Congress: that it earnestly seek and achieve a comprehensive tax reform. The recent history of reform efforts here has not been a happy one. It was a disappointment that the 90th Congress did not achieve either election reform or any degree of congressional reorganization.

For some time it has been the tacit and explicit assumption by both taxpayers and Congressmen that one of the first orders of business by our tax writers in this new Congress would be sweeping income-tax review leading to reform. Congress had directed that President Johnson submit recommendations for reform last month under the terms of the surtax-spending cut legislation we passed in June. That President, for reasons that are not clear to me, did not make his recommendations public, although presumably the new administration has access to them and will be studying them.

I am not pushing for any tax panacea, or for any special type of reform, but I do not want to see this opportunity slip away from us for any reason. While I regret that the last administration did not pursue tax reform more vigorously, I believe a comprehensive set of recommendations developed by the Treasury Department is in existence and can form the basis for study and action by the 91st Congress. We should make this a matter of high priority, because nothing is more basic to the relation of the Government to the productive citizens of our country than the equity of our tax system. As our economy has changed, the equities have changed; a thorough review is again necessary.

A BILL TO BAN ANY STATE FROM LEVYING INCOME TAXES ON NONRESIDENTS

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, I have introduced a bill which would prohibit any State from levying income taxes on nonresidents of the State.

My purpose in doing this is to strike down by means of legislation a decision by the Washington State Supreme Court making residents of the State of Washington liable for Alaska State taxes on income earned in Alaska.

This litigation has been in the courts for a long time and Alaska is now demanding back tax from 1960.

Most of the victims of this discrimination are maritime personnel who earn their living on ships that serve Alaska.

When the Alaska Statehood Act was enacted by the Congress of the United States, in the hearings and in the debate, full assurance was given that under the Constitution of the new State of Alaska, there would be no discrimination against nonresidents because much of the nature of employment in Alaska is seasonal.

But, now that promise is overlooked and persons living in the State of Washington who have no property or derive no benefits from the tax, who have no children in Alaskan schools must pay tribute as seamen because their source of income does business in Alaska.

This taxing of nonresidents is taxation without representation and works a tremendous hardship on the families of a few U.S. citizens who are unfortunate enough to earn their living with business concerns which serve Alaska.

Mr. Speaker, the courts have opened up a Pandora's box and the precedent is such that the American citizen anywhere in the United States will be in danger of having his earnings subject to taxation in two or even more States.

I hope my colleagues will join me in support of this important legislation.

BIAFRAN STARVATION

(Mr. MORSE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, I am introducing a resolution today calling for a significant increase in U.S. relief efforts to stop the tragic starvation that has already taken the lives of thousands of innocent civilians in the Nigerian-Biafran conflict.

As early as August 1967 I warned that the military conflict in Nigeria had become a problem of significant international dimension that demanded our serious attention. Since then the situation has worsened, not only in political and military complexity, but especially in terms of the continuing human tragedy which is growing increasingly serious each day.

It has become clear that neither unilateral efforts, nor the regional efforts of the Organization of African Unity, have been sufficient to end the political stalemate and halt the growing threat of starvation, but our world organization, the General Assembly of the United Nations, has been kept from taking up its proper humanitarian role by the military-political involvement of a number of its members.

The political-military situation is a complex and dangerous one. It will take the continuing and careful efforts of the entire international community to work out the effective settlement that is necessary, and is far beyond the realm of a single resolution. It is because the humanitarian problem—the lives of thousands more innocent men, women, and children—cannot wait, however, that I am introducing this resolution today. The text is as follows:

H. CON. RES. 97

Whereas reliable reports indicate that there is a tragic loss of life in the Nigerian Civil War caused by starvation and disease in areas controlled by the Federal Government and under the control of the "Biafran" authorities; and

Whereas present relief operations are inhibited by poor roads, bad weather, inadequate transport, and the inaccessibility of certain areas to overland supplies; and

Whereas increased shipments of food and medical supplies are needed to reduce the tragic rate of starvation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress—

(1) that the President should act to increase significantly the amount of surplus food stocks, relief moneys, noncombat aircraft, and such other vehicles of transportation as may be necessary for relief purposes; and that this relief assistance should be made available to and at the request of the

Organization of African Unity, UNICEF, the International Committee of the Red Cross, and such other suitable religious and charitable relief agencies now or hereafter operating in the area with the consent of the responsible authorities; and

(2) that the Government of the United States should solicit the cooperation of other nations in this humanitarian effort.

Over 100 Members of the House have indicated their support in this endeavor to Congressman Don Fraser and myself, as chief sponsors of this resolution in the House. It is our hope that, through this action, the United States can work toward fulfilling its humanitarian obligations while avoiding the diplomatic and military pitfalls of direct involvement in the war itself, and the cold war polemics that paralyze more effective action by the U.N.

I am pleased to announce that 52 Members of the Senate joined an identical resolution introduced into that body yesterday.

The House sponsors of the bill include:

Brock Adams, Democrat, of Washington.
Joseph P. Addabbo, Democrat, of New York.
John B. Anderson, Republican, of Illinois.
Leslie C. Arends, Republican, of Illinois.
Thomas L. Ashley, Democrat, of Ohio.
Edward G. Biester, Jr., Republican, of Pennsylvania.
Jonathan B. Bingham, Democrat, of New York.
John A. Blatnik, Democrat, of Minnesota.
Edward P. Boland, Democrat, of Massachusetts.
Richard Bolling, Democrat, of Missouri.
John Brademas, Democrat, of Indiana.
William S. Broomfield, Republican, of Michigan.
George E. Brown, Jr., Democrat, of California.
John Buchanan, Republican, of Alabama.
Phillip Burton, Democrat, of California.
Daniel E. Button, Republican, of New York.
Shirley Chisholm, Democrat, of New York.
Barber B. Conable, Jr., Republican, of New York.
Silvio O. Conte, Republican, of Massachusetts.
John Conyers, Jr., Democrat, of Michigan.
James C. Corman, Democrat, of California.
John C. Culver, Democrat, of Iowa.
Dominick V. Daniels, Democrat, of New Jersey.
Harold D. Donohue, Democrat, of Massachusetts.
John J. Duncan, Republican, of Tennessee.
Don Edwards, Democrat, of California.
Jack Edwards, Republican, of Alabama.
Marvin L. Esch, Republican, of Michigan.
Dante B. Fascell, Democrat, of Florida.
Hamilton Fish, Jr., Republican, of New York.
Thomas S. Foley, Democrat, of Washington.
Donald M. Fraser, Democrat, of Minnesota.
Peter H. B. Frelinghuysen, Republican, of New Jersey.
Richard Fulton, Democrat, of Tennessee.
Robert N. Giaimo, Democrat, of Connecticut.
Jacob H. Gilbert, Democrat, of New York.
William J. Green, Democrat, of Pennsylvania.
Gilbert Gude, Republican, of Maryland.
Seymour Halpern, Republican, of New York.
Lee H. Hamilton, Democrat, of Indiana.
James M. Hanley, Democrat, of New York.
Julia Butler Hansen, Democrat, of Washington.
William D. Hathaway, Democrat, of Maine.
Ken Hechler, Democrat, of West Virginia.
Margaret M. Heckler, Republican, of Massachusetts.
Floyd V. Hicks, Democrat, of Washington.
Lawrence J. Hogan, Republican, of Maryland.
Frank Horton, Republican, of New York.
Andrew Jacobs, Jr., Democrat, of Indiana.
Harold T. Johnson, Democrat, of California.
Joseph E. Karth, Democrat, of Minnesota.
Robert W. Kastenmeier, Democrat, of Wisconsin.
Hastings Keith, Republican, of Massachusetts.
Edward I. Koch, Democrat, of New York.
Donald E. Lukens, Republican, of Ohio.
Paul N. McCloskey, Jr., Republican, of California.
Joseph M. McDade, Republican, of Pennsylvania.
Martin B. McKneally, Republican, of New York.
Catherine May, Republican, of Washington.
Thomas J. Meskill, Republican, of Connecticut.
Abner J. Mikva, Democrat, of Illinois.
Joseph G. Minish, Democrat, of New Jersey.
Patsy T. Mink, Democrat, of Hawaii.
Chester L. Mize, Republican, of Kansas.
William S. Moorhead, Democrat, of Pennsylvania.
F. Bradford Morse, Republican, of Massachusetts.
Charles A. Mosher, Republican, of Ohio.
William T. Murphy, Democrat, of Illinois.
Lucien N. Nedzi, Democrat, of Michigan.
James G. O'Hara, Democrat, of Michigan.
Thomas P. O'Neill, Jr., Democrat, of Massachusetts.
Richard L. Ottinger, Democrat, of New York.
Claude Pepper, Democrat, of Florida.
Bertram L. Podell, Democrat, of New York.
Tom Railsback, Republican, of Illinois.
Thomas M. Rees, Democrat, of California.
Ogden R. Reid, Republican, of New York.
Henry S. Reuss, Democrat, of Wisconsin.
Howard W. Robison, Republican, of New York.
Peter W. Rodino, Jr., Democrat, of New Jersey.
Fred B. Rooney, Democrat, of Pennsylvania.
Benjamin S. Rosenthal, Democrat, of New York.
Philip E. Ruppe, Republican, of Michigan.
William F. Ryan, Democrat, of New York.
Fernand J. St Germain, Democrat, of Rhode Island.
Herman T. Schneebeli, Republican, of Pennsylvania.
Fred Schwengel, Republican, of Iowa.
Robert T. Stafford, Republican, of Vermont.
J. William Stanton, Republican, of Ohio.
Louis Stokes, Democrat, of Ohio.
Robert Taft, Jr., Republican, of Ohio.
Charles M. Teague, Republican, of California.
Frank Thompson, Jr., Democrat, of New Jersey.
Robert O. Tiernan, Democrat, of Rhode Island.
John V. Tunney, Democrat, of California.
Morris K. Udall, Democrat, of Arizona.
Charles A. Vanik, Democrat, of Ohio.
Jerome R. Waldie, Democrat, of California.
Lowell P. Weicker, Jr., Republican, of Connecticut.
G. William Whitehurst, Republican, of Virginia.
Lawrence G. Williams, Republican, of Pennsylvania.
Charles H. Wilson, Democrat, of California.
Lester L. Wolff, Democrat, of New York.
John W. Wydler, Republican, of New York.
Sidney R. Yates, Democrat, of Illinois.

UKRAINIAN INDEPENDENCE

(Mr. MESKILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MESKILL. Mr. Speaker, the Ukrainian people form one of the oldest and largest of the Slavic ethnic groups. They are known as one of the most peace loving and industrious peoples in Eastern Europe, but for centuries they have not been allowed to live in peace, nor have they been permitted to reap much benefit from their hard work. The reason for this misfortune is that, except for the short but happy 2-year period of independence in 1918–20, the Ukrainian people have been suffering under the alien Russian yoke for more than three centuries.

Up to the mid-17th century the Ukrainians were able to overcome and survive the onslaughts of invading Asiatic hordes. Then in the year 1654 the Ukrainian leaders signed a compact with the Russian czar by which they meant to unite the two countries. Soon Ukrainian leaders learned that they were tricked into a trap. Before long the wily autocrat of Russia succeeded in nullifying the terms of this compact and put an end to the Ukraine's independence. Nearly all of Ukraine's subsequent misfortunes seem to have stemmed from the deliberate misrepresentation of the terms of that compact by the Russians.

For some 250 years Ukrainians lived and worked under the oppressive yoke of the czars, but when the czarist regime in Russia was overthrown, the Ukrainians felt free and proclaimed their national independence on January 22, 1918. But the new state thus born was surrounded by foes, all of them prepared to pounce upon it and put an end to its existence. That cruel task was performed by the Red Army in 1920; the country was invaded and overrun, and its independence shattered. Thenceforth the Ukraine was incorporated into the Soviet Union and so it remains to this day. There Communist totalitarian tyranny reigns supreme and some 42 million Ukrainians are suffering under the grinding steamroller of the Kremlin. But the irrepressible free spirit of the Ukrainian refuses to be chained, and the people still long for their richly deserved freedom. On the observance of their 51st Independence Day let us all hope and pray for their eventual freedom and national independence.

RECENT DELIVERY OF SUPER-PLUSH GULFSTREAM II PRIVATE EXECUTIVE JET TRANSPORT TO THE U.S. COAST GUARD

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. THOMPSON of Georgia. Mr. Speaker, it would be interesting to observe the pronouncements of the press were the Congress to appropriate approximately $3,000,000 for a superplush "Flying Palace" executive jet aircraft to be used for travel of its Members. Obviously the chairman of the Armed Services Committee, Mr. Rivers, could very well use this aircraft, as could the Speaker and other Members of Congress. However, the Congress has been very concerned about the expenses of running the Government and certainly has not authorized or contemplated the authorization of such an exorbitant expenditure for plush executive travel of its Members.

Yet, Mr. Speaker, the U.S. Coast Guard, whose mission is to protect our shores and save lives, has recently had delivered a superplush Gulfstream II private executive jet transport.

It is interesting to note, Mr. Speaker, that the cost of the interior furnishings of this flying palace, as provided in the original contract price was $162,181, enough money to build 10 $16,000 family dwellings. Yet, I was absolutely appalled to find that even $162,181 was not enough money to make the interior of the aircraft plush enough for the Coast Guard and Department of Transportation Federal employees who will be traveling in the aircraft. They felt it necessary to increase the spending for the interior of the airplane by an additional $41,848. This super-plush executive jet airplane with its original super-plush interior costing $162,181 was modified, at the Coast Guard's request for an additional $41,848 to provide more luxuries and the following changes in the interior of the airplane for the comfort of our DOT and Coast Guard executives:

First. Improved cabin and lavatory lighting.

Second. Relocated radio operator position from the cabin to the cockpit area.

Third. Added flight attendant seat to the galley area.

Fourth. Increased soundproofing material under the plush carpet.

Fifth. Improved the quality of materials on the bulkheads for better appearance and soundproofing.

Sixth. Increased carpet weight to improve appearance and soundproofing.

Seventh. Changed seating from one swivel and five nonswivel single 19-inch and three double 19-inch seats to six swivel single 21-inch seats and two double 21-inch seats and a two-place divan.

Eighth. Added one conference table and two foldout desks.

Ninth. Removed partition between forward four single berthable seats to provide more privacy.

What a waste of our taxpayers' money. I am absolutely appalled that our Government employees who will use this airplane would have the gall to spend an additional $41,848 after $162,181 was already spent on the interior furnishings, according to the GAO report.

In summary, inasmuch as DOT and the Coast Guard are so vitally interested in safety, it is curious to note that the money totaling $2,876,000 spent for this one airplane could provide installation landing systems for approximately 20 airports, or control towers at approximately six airports, or bright tube displays on control towers radar displays at approximately 85 locations, or approximately 115 visual approach slope indicators to provide visual glide slope guide for jets on runways not equipped with instrument landing systems or backup systems to insure service in high density areas when failures occur in power supply, radar and communications equipment, or air terminal area automation with alpha-numeric displays and associated equipment, or terminal area radar for approximately five airports—terminal area radar could probably have prevented the mid-air collision which cost the life of the Secretary of the Navy recently.

Mr. Speaker, if the Coast Guard and DOT are truly concerned in protecting and saving lives, perhaps they should not have such great concern for the physical comfort and luxury of their traveling executives in their own super-plush private jet liner but more concern about safety aids.

I include, in full, the General Accounting Office report to me confirming the above information:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., January 6, 1969.

HON. FLETCHER THOMPSON,
House of Representatives.

DEAR MR. THOMPSON: As requested in your letter of October 11, 1968, the General Accounting Office has obtained information regarding (1) the purchase of a Gulfstream II "super-plush" executive jet transport aircraft by the Department of Transportation (DOT) and (2) executive aircraft owned by all agencies of DOT and based at Washington National Airport. You also stated in your letter that an evaluation of DOT's air transportation needs is warranted. We agree with your conclusion and, as discussed with your administrative assistant, Mr. Richard A. Ashworth, we will make an evaluation of DOT's air transportation needs at the earliest practicable time.

With regard to the purchase of the Gulfstream II, on April 3, 1968, the U.S. Coast Guard awarded a contract to the Grumman Aircraft Engineering Corporation, Bethpage, Long Island, New York, for the purchase of a long-range jet transport aircraft, Grumman Model G–1159, to be used primarily for executive transportation. The total contract price, as amended, is $2,876,486. According to the contract specifications, the aircraft was designed for the transportation of 12 passengers and a crew of four. At the time of our review, the aircraft was with a subcontractor—Atlantic Aviation Corporation, Wilmington, Delaware—for interior and exterior finishing and was scheduled for delivery to the Coast Guard in December 1968.

With regard to the interior of the aircraft, the April 1968 contract price included $162,181 for furnishings and their installation. Subsequent to the award of the contract, the Coast Guard revised the specifications for the interior of the aircraft. The revision resulted in increasing the contract price by $41,848. According to information furnished to us by the Coast Guard, these changes (1) "*** improved the cabin materials and hardware quality and arrangement so as to provide a functional interior of acceptable corporate aircraft quality and appearance" and (2) were made because the "*** originally proposed interior was considered to be functionally inadequate and austere for this type aircraft and its intended mission." The nature of the changes is shown in enclosure I. The original specifications for the flight deck and cabin accommodations and the interior lighting are shown in enclosure II. Subsequent revisions made to these specifications are shown in enclosure III.

The Coast Guard currently has three aircraft based at Washington National Airport—two Martin 4–0–4's and a Grumman Gulfstream I. Coast Guard officials have informed us that the primary mission of these aircraft is for executive travel. In addition, we have been informed that these aircraft are used for flight training needed to support this mission. The following schedule shows flight hours recorded for the three aircraft during fiscal year 1968.

	Executive travel	Flight training	Total
Grumman Gulfstream I	549	191	740
Martin 4–0–4 (2 aircraft)	806	420	1, 226

Coast Guard officials have estimated that the Gulfstream II, which will eventually replace the two Martin 4-0-4's, will be flown about 800 hours annually. In justifying the procurement of the Gulfstream II during fiscal year 1968 appropriation hearings, Coast Guard officials stated that one modern turbine-powered aircraft instead of two 15-year-old aircraft would meet the agency's requirements for executive transport at a substantial increase in efficiency.

In addition to the three aircraft owned by the Coast Guard, the Federal Aviation Administration (FAA) operates nine aircraft based at its Hangar 6 facility at Washington National Airport. Eight of these aircraft are owned by agencies of DOT and the other aircraft is leased. FAA classifies these aircraft as job performance aircraft and considers, as job performance time, flight time expended in the following categories:

1. *Mission accomplishment.*—Flights in support of assigned agency programs and missions, i.e., air traffic evaluation, airport inspections, flights to scenes of accidents, etc.

2. *Pilot proficiency.*—Aircraft transition, and time utilized for preparation and accomplishment of annual and semiannual checks, performed in job performance aircraft.

3. *FAA programs familiarization.*—Administrative and similar flights for accomplishment of FAA programs.

4. *Flight test.*—Job performance aircraft only.

An FAA official informed us that any flight time for administrative travel would be recorded as program familiarization (item 3 above). The following schedule shows, for fiscal year 1968, flight time recorded in FAA's records as program familiarization and total flight time for each aircraft. We did not analyze the flight time recorded as program familiarization.

Aircraft type	Flight hours		Program of program familiarization flight hours to total
	Program familiarization	Total	
Lockheed Jetstar 1329	313.7	515.5	61
Grumman G-159	244.7	677.3	36
Douglas DC-3	299.6	535.4	56
Beechcraft BE-90	158.1	364.2	43
Beechcraft BE-55 [1]	525.8	1,203.6	44
Beechcraft BE-80 [1]	609.2	1,380.8	44
Piper PA 32-260 [2]	29.2	214.9	14

[1] Includes 2 aircraft.

[2] Aircraft leased in February 1968.

We visited FAA's facility at Washington National Airport and found that four of the nine aircraft based at Hangar 6 were on various missions. The four aircraft which were not at the hangar during our visit included: (1) the Lockheed Jetstar 1329, being used by the Secretary of Transportation to attend the 24th annual meeting of the International Air Transportation Association in Munich, Germany, (2) the Douglas DC-3, being used for a program familiarization flight to Atlantic City, New Jersey, (3) a Beechcraft BE-80, being used for an annual flight check of an FAA pilot, and (4) the Piper PA 32-260, being used for a program familiarization flight to Hagerstown and Frederick, Maryland.

We trust that the information presented herewith will serve your purpose. We plan to make no further distribution of this report unless copies are specifically requested, and then we shall make distribution only after your agreement has been obtained or public announcement has been made by you concerning the contents of the report.

Sincerely yours,

ELMER B. STAATS,
Comptroller General
of the United States.

CHANGES TO INTERIOR OF AIRCRAFT

1. Improved cabin and lavatory lighting.

2. Relocated radio operator position from the cabin to the cockpit area.

3. Added flight attendant seat to galley area.

4. Added increased soundproofing material under carpet.

5. Improved quality material on bulkheads to improve appearance and soundproofing.

6. Increased carpet weight and quality to improve appearance and soundproofing.

7. Changed seating from one swivel and five nonswivel single 19-inch and three double 19-inch seats to six swivel single 21-inch and two double 21-inch seats and a two place divan.

8. Added one conference table and two fold-out-type desks.

9. Added removable partition between forward four single berthable seats to provide some privacy.

NOTE.—The above information was furnished by the U.S. Coast Guard.

ORIGINAL SPECIFICATIONS FOR INTERIOR LIGHTING AND FLIGHT DECK AND CABIN ACCOMMODATIONS

7.9 Interior Lighting: Space and power provisions for interior lighting and emergency lighting shall be provided.

(a) Entrance, Companionway and Life Raft Compartment Lights: A dome light shall be located in the companionway headlining. Three lights shall be located in the step risers of the main entrance air stair door. Lighting shall be provided in the life raft stowage compartment. The battery-operated exit light over the main entrance door shall be utilized. An aisle light shall be installed at the top of the main entry stairs.

(b) Main Cabin Lights: Reading lights shall be provided for each passenger place and the radio/navigator station. Indirect lighting, including controls with a dimming feature, shall be provided throughout the cabin. A flush down light shall be installed over the fold-down desk. Passenger ordinance lights (Fasten Seat Belts, No Smoking and Oxygen) shall be installed adjacent to each passenger place. A chime shall be added to the tone generator system to sound when the signs are activated. Impact exit lights shall be installed over each escape window and over the forward cabin door. Additional exit lighting shall be provided throughout the cabin, in accordance with attached Grumman drawing 1159F207 P. Adequate work lights shall be provided for the radio/navigator console. A light shall also be installed in the aft clothes compartment.

(c) Galley Lights: Adequate work lighting shall be provided in the galley.

(d) Lavatory Lights: A dome light shall be installed in the headliner. "Return to Seat" and "No Smoking" warning lights shall be installed above the vanity counter. Lights shall also be mounted on each side of the vanity.

(e) Baggage Compartment Light: An explosion-proof, protected dome light shall be installed in the headlining.

(f) Night Lights: Four near floor level aisle lights shall be distributed throughout the aircraft.

(g) Switches: Switches and controls for all lights shall be conveniently located.

13 FLIGHT DECK AND CABIN ACCOMMODATIONS

13.1 Flight Compartment: The flight compartment shall include a full complement of instruments and controls necessary to permit full operation of the aircraft by either pilot or copilot. See Section 12. Two fresh air outlets, two glass holders and two ash trays shall also be installed.

(a) Soundproofing and Installation: The flight compartment shall be soundproofed and insulated in accordance with attached Grumman Gulfstream II General Outfitting Specification No. AE-159-I-21. Briefly, this specification calls for an anti-vibration sound damping foam, which shall be applied to the inside surface of the skin. Fiberglass insulation panels, enclosed in vinyl-coated nylon material, shall be installed over the sound damping foam, completely filling all the bays in the cockpit. An inner sandwich acoustic liner, consisting of Scottfelt, fiberglass and Coustifab, shall be installed on the inboard side of all bell frames.

(b) Materials: Materials used to finish the cockpit interior shall be chosen for their durability and ease of maintenance, with weight also a major consideration, and shall conform to appropriate F.A.A. regulations. Sample color schemes and finish materials shall be submitted to the United States Coast Guard for approval.

(c) Headliner: A fabric-backed vinyl material shall be installed in panels in a manner facilitating removal for maintenance.

(d) Side Walls: A fabric-backed vinyl material shall be installed in panels below the windows and on the side walls. The panels shall be easily removable for maintenance.

(e) Floor Covering: A lightweight, vinyl-covered, aircraft-type floor covering (Durug or equivalent) shall be installed throughout the flight compartment along with a one-eighth inch foam underpad. The covering shall be removable independent of the seats.

(f) Night Curtain: A sliding night curtain shall be installed behind the cockpit entryway.

13.1.1 Crew Seats: The crew seats shall be covered with a soft, wear-resistant material, fabricated and installed in accordance with appropriate F.A.A. regulations.

13.1.2 Restraint System: The pilot and copilot seat shall be equipped with a restraint system consisting of a safety belt, shoulder harness and a harness reel with a control. The safety belt shall be adjustable and equipped with a quick-release-type buckle.

13.1.3 Crew Station Consoles: The equipment installed in the flight compartment is listed in Section 12 and arranged in accordance with Grumman drawing 1159F208 P.

13.1.4 Jump Seat: One jump seat, approved for take-off and landing, shall be installed under the radio rack just aft of the cockpit. A color-coordinated safety belt shall also be provided.

13.2 Lighting

13.2.1 Flight Compartment Lighting: Engine instruments shall be integrally lit with white natural lights. Edge light panels shall use white lighting. Instrument panel flood lighting shall be white. There shall be no direct glare and all controls shall be arranged for crew convenience.

13.2.2 Instrument Lighting: All primary engine instruments shall be integrally lit with white natural lights. The controls for these lights shall be installed in the forward sloping portion of the side consoles.

13.2.3 Instrument Panel Flood Lighting: The secondary illumination for the instrument panel shall be provided by a series of light fixtures installed in the glareshield. These lights shall be white and shall have individual controls for the pilot and copilot.

13.2.4 Edge Light Panels: The overhead control panels, the glareshield panel and the center console panel shall be white edge lighted. Controls for these lights shall be located on the side console control panels.

13.2.5 Map Light: A white adjustable map light shall be provided for each pilot. It shall be mounted on a flexible shaft located on the outboard window ledge.

13.2.6 Spare Lamps: A spare lamp container shall be provided and shall contain an adequate supply of spare lamps.

13.3 Main Cabin: The cabin interior shall be completed and arranged in accordance with Grumman drawing 1159F207 P. The materials used to finish the interior shall be chosen for durability and ease of maintenance, with weight also a major consideration, and shall conform to appropriate F.A.A.

regulations. Sample color scheme and finish materials shall be submitted to the United States Coast Guard for approval. All materials which do not inherently meet F.A.A. fireproofing requirements shall receive a permanent-type fireproofing treatment.

(a) Basic Construction Materials: All bulkheads, doors and cabinetry shall be fabricated from lightweight balsa core or aluminum honeycomb sandwich panels. The use of sheet metal screws shall not be permitted, unless approved by the customer.

(b) General Trim: Fine hardwoods, and anodized aluminum shall be used for trim. Silver, gold satin finish anodizing, plating, natural stainless steel or paint may be used as required.

(c) Bulkhead Coverings: A decorative treatment utilizing soft materials such as cork or padded fabrics shall be used on the bulkheads to provide supplementary soundproofing.

(d) Furniture Finish: All surfaces shall be $\frac{1}{32}$'' thick aircraft weight formica or equivalent. All molding and other wood parts shall be solid, fine hardwoods to match the predominant wood-grained formica.

(e) Soundproofing and Insulation: The main cabin area shall be soundproofed and insulated in accordance with Grumman Gulfstream II Specification No. AE–159–I–21, except that Coustifab (lead vinyl material) shall not be installed under the rug.

13.3.1 Passenger Area: The passenger area shall be arranged in accordance with Grumman drawing 1159F207 P and completed as follows.

(a) Headliner: A fabric-backed vinyl material shall be installed throughout the entire passenger area. The headliner in the entrance and companionway shall be installed in a transverse manner, either separate from, or attached to, the acoustic inner liner.

The headliner covering the overhead radio rack terminal panels shall be removable for easy access to the terminals.

The headliner in the cabin shall be installed in a longitudinal manner, extending from just above the duct on one side to the same point on the opposite side. The headlining material in the cabin area shall be installed separately and shall not include the inner liner. It shall be installed with typical aircraft extruded snap-in molding isolated from the aircraft structure. The overhead exhaust ducts shall be covered with identical material used in the cabin headlining.

(b) Side Wall: A fabric-backed vinyl material, similar to that installed in the headlining, may be installed on all side wall surfaces. The installation may be separate from, or attached to, the acoustic inner liner.

(c) Dado: A fabric-backed vinyl material similar to that described above shall be installed in the cabin. This installation may be separate from, or attached to, the acoustic inner liner. If the installation requires a hard-backed surface, these panels shall then be isolated from the aircraft structure.

(d) Floor Covering: A lightweight aircraft-type carpet (one half pound per sq. ft. max.) shall be installed in the airplane with provisions for removal independent of the seats. Three-eighths inch thick polyurethane foam shall be used as underpadding. The carpet may be retained by Velcro tape. Cutouts around all cabin blow out covers shall also be installed.

(e) Main Entrance: An acoustic folding door shall be installed, closing off the main entrance stair. This door shall be installed so as to preclude acoustic leaks along the sides, top, and bottom. Jacking fittings shall be stowed on the side of the air stair.

(f) Radio Rack Cover Panel: A radio rack cover panel shall be installed to close off the radio rack equipment. The panel shall be removable or shall be easy to open for the purpose of servicing the electronic equipment.

(g) Mid-Relay Compartment: The mid-relay compartment shall encompass that portion of the fuselage on the left side of the cabin between stations 169 and 181. A door shall enclose this area and swing aft. A portable oxygen bottle shall be stowed on the aft bulkhead.

(h) Survival Equipment Stowage Compartment: The survival equipment stowage compartment shall encompass that portion of the fuselage on the left side of the cabin between stations 181 and 202. Stowage and tie down provisions only shall be supplied for a life raft (19'' diameter, 36'' long) in the lower portion of the compartment. A shelf shall be installed above the life raft for stowing life vests for passengers and crew. A separate door with a positive latch shall be installed to prevent shifting of life jackets. A folding-type door shall close off this area from the aisle. The forward cabin door shall be located on the forward bulkhead of the compartment. The door will hinge on the right side and shall open forward. The door shall incorporate a lock and decompression blow out features. A portable oxygen bottle and a water fire extinguisher shall be installed on the aft side of the compartment.

(i) Radio/Navigator Station: The radio/navigator station encompasses that portion of the fuselage on the right side of the cabin between stations 181 and 221. The equipment therein shall be installed in a console against the forward cabin bulkhead on the right side. This equipment is listed in Appendix A and Section 12. Space and power for an ASR 32 teletypewriter and necessary controls shall be provided.

An intercommunication system shall be provided.

Space provisions and the necessary controls and indicators shall be provided for Loran. This equipment shall be covered with a ridged surface which folds down providing an 18 x 24 inch desk top. The teletypewriter shall be stowed forward of this surface and shall slide aft when required.

A 12 x 18 x 24-inch stowage space for books, charts and the like shall be provided below the desk surface. Additional stowage space for charts, maps, a cup holder, and an ash tray, shall be provided in an outboard console.

Provisions for instruments, controls, switches and circuit breakers shall be installed in the upper portion of the console. A pull-out drawer shall be installed on the lower inboard side of this console, near the floor. This drawer, when closed, shall be positively locked. It shall open into the aisle for easy access to a tool box attached to the lower portion of the drawer itself.

The radio/navigator seat shall be installed to allow proper operation of all controls, switches and instruments.

(j) Desk: A desk cabinet fabricated of the same materials specified in paragraph 13.3 (d), shall be installed just aft of the radio/navigator station on the right side, and shall be fabricated into a partition separating the two stations. The desk shall be of the pull-out type (providing a smooth surface of 18 x 24 inches), sliding into the cabinet when not in use. It shall include an ash tray and cup holder. A telephone shall also be incorporated at the radio/navigation station.

(k) Console Table: One console table shall be installed between the first and second windows on the left side of the cabin. The table shall be the pull out-type, sliding into a console when not in use. Incorporated in the console top shall be an ash tray and a cup holder for each occupant.

(l) Seating:

Swivel Seat: One upholstered swivel chair shall be installed behind the desk. It shall be capable of tracking fore and aft, and reclining. Both arm rests shall be made to stow into the seat cushion. A plug-in head rest and a seat belt shall also be incorporated.

Fixed Crew Seat: One single, fixed upholstered seat shall be installed behind the radio/navigator console. This chair shall have a maximum recline of 15° and both arm rests shall be capable of stowing into the seat cushions. A plug-in head rest, combination seat belt and adjustable shoulder harness shall also be installed. Both the shoulder harness and seat belt shall be locked into position by a single buckle attachment.

Aft Facing Seat: One upholstered, single aft-facing seat shall be installed in the forward end of the cabin, left hand side, adjacent to the first window. This chair shall have reclining features and both arm rests shall be capable of stowing into the seat cushion. A plug-in head rest and a matching seat belt shall also be provided.

Forward Facing Seat: Four single, forward-facing, upholstered seats shall be installed as shown on Grumman drawing 1159F207 P. These seats shall be fixed and shall have reclining features. All arm rests shall be capable of stowing into the seat cushion. Plug-in head rests and a matching seat belt shall also be provided with each chair. The single seats located on the right hand side, adjacent to the third and fourth windows, shall also have a folding food tray incorporated in the aft portion of the seat back. The seat adjacent to the third window shall be supplied with a food tray which will plug into the forward portion of the arm rests.

Double Seats: Three double forward-facing, upholstered seats shall be installed as shown on Grumman drawing 1159F207P. All these seats shall be fixed and shall have reclining features. All arm rests shall be capable of stowing into the seat cushion and shall be equipped with ash trays. Plug-in head rests and matching seat belt shall also be provided for each passenger place. The seats adjacent to the third and fourth windows shall have folding food trays incorporated in the aft portion of the seat back. The seat adjacent to the third window shall also be supplied with food trays which will plug into the forward portion of the arm rest.

All seats shall be approved for take-off and landing, and shall meet all F.A.A. requirements. The weight of these seats shall not exceed the weights spelled out in paragraph #3.

(m) Passenger Coat Closet: A coat closet shall encompass that portion of the fuselage on the right hand side of the cabin between station 458¾ and station 500¾. A removable shelf shall be installed in the upper portion of this compartment. Suspended from this shelf shall be a lightweight coat rod. An adequate number of quality coat hangers and adequate hat space shall be provided. A lightweight pull curtain shall be installed on the aisle side of the coat closet.

(n) Carry-on Baggage: A compartment for carry-on baggage shall encompass that portion of the fuselage on the left hand side of the cabin between stations 500¾ and 539¾. One shelf and retention netting shall also be provided. Two 114 cu. ft. passenger oxygen bottles shall be installed under the shelf of this compartment.

(o) Hand Rail: A hand rail shall be installed as part of a valance panel, and located just above the cabin windows. It shall run the entire length of the cabin on each side of the passenger area. The valance shall house recessed cold air outlets, reading lights, passenger oxygen stowage bins and the individual passenger ordinance lights. The valance shall also conceal the cabin indirect lighting and the top curtain track. Emergency exit lights and emergency exit instructions shall also be incorporated in this valance over each of the four exit windows.

(p) Window Curtains and Shades: Fixed window curtains shall be installed between all cabin windows. Tinted roll-up window shades shall also be installed to cover each cabin window.

(q) Window Frames: Window frames shall

be installed at each cabin window and shall be acuostically treated in accordance with Grumman Gulfstream Outfitting Spec AE-159–I–21.

(r) Aft Cabin Bulkhead: A lightweight honeycomb bulkhead door shall be installed at station 458¾. This door shall incorporate a lock and decompression blow out feature. The door shall be hinged on the left hand side and swing aft. A partition shall be fabricated forward of this bulkhead on the right side to stow the tow bar.

(s) First Aid Kits: A first aid kit shall be provided adjacent to the jump seat.

13.3.2 Galley: An "L" shaped step-in galley shall encompass that portion of the fuselage on the cabin between station 458¾ and station 500¾. This galley shall be equipped to serve hot or cold meals to 12 passengers and a crew of four.

(a) Liquid Containers: Two hot or cold one-gallon capacity tanks shall be included.

(b) Oven: One six-tray warming oven with thermostatic controls shall be installed.

(c) Hot Cups: Two hot cups shall be installed with typical timer controls.

(d) Tray Carriers: Dinner service trays, plastic dishes and stainless steel tableware shall also be provided for 16 passengers.

(e) Ice Container: One ice container shall be installed. It shall be self-contained and removable from the aircraft for servicing.

(f) Paper Cup and Towel Dispenser: One paper cup and towel dispenser shall be provided.

(g) Storage Area: Adequate drawers and shelves shall be provided for miscellaneous galley supplies.

(h) Sink and Drain: A sink, which can be manually drained overboard, shall be provided in the counter top.

(i) Control Panel: A control panel shall be installed for all component controls in the galley.

13.3.2 Lavatory: The lavatory shall encompass that portion of the fuselage on the right hand side of the cabin between 500¾ and the factory-installed bulkhead at station 539¾. A door shall be hinged on the forward end of this compartment and shall swing inboard.

(a) Toilet: A single flush-type chemical toilet shall be installed. This unit shall include a cover and a shroud and be easily removable for servicing. A vent to the overboard exhaust system shall be provided.

(b) Water Tanks: Two one-gallon capacity water tanks shall be provided and connected by flexible plumbing to a faucet assembly on the counter and over the sink.

(c) Sink and Drain: A sink, which can be manually drained overboard, shall be provided in the counter surface.

(d) Paper Dispensers: Papel Towel and self-contained toilet paper dispensers shall be provided.

(e) Trash Containers: One self-contained trash container with a spring-loaded access door shall be built into the vanity cabinet.

(f) Vanity Cabinet: A vanity cabinet and counter shall be installed in the lavatory. It shall contain the sink, paper and towel dispenser and the trash container and shall have adequate storage provisions for miscellaneous lavatory supplies. An oxygen mask stowage bin, a self-contained ash tray and a 28-volt electric razor and outlet shall also be provided.

(g) Mirror: A lightweight mirror shall be installed.

13.4 Baggage Compartment: The baggage compartment encompasses that portion of the fuselage between the bulkhead at station 539¾ and the pressure dome. It shall be finished in wear-resistant materials. A door shall be installed at station 539¾, opening hinging on the left hand side and swinging aft. Tie-down cargo provisions shall be installed in the floor. The floor shall be covered with a vinyl coated fabric such as Durug or its equivalent. A smoke detector system, comprised of an electrically-actuated air evacuation motor, shall be plumbed to an eyeball air outlet above the pilot's head in the cockpit. A circuit breaker for this system shall also be installed in the cockpit. Overnight engine plugs and an engine pressure oiler shall also be provided.

REVISIONS TO SPECIFICATIONS

Preface

Following herein are amendments to the Grumman Model 1159 Detail Specification for the United States Coast Guard Long Range Transport, designated LRT–1, dated February, 1968. Each paragraph supersedes an identically-numbered paragraph in the basic specification or represents an item to be specifically added or deleted at the request of the U.S. Coast Guard. At no time are changes to be made unless specified in this addendum or the revisions thereto.

7.9 *Interior Lighting:* Lighting shall be provided as follows:

(a) Entrance and Companionway: An entrance light directed at the floor is located on the bulkhead inside the boarding door. A dome light shall be located in the companionway headliner. Three (3) step lights shall be installed in the airstair door. The battery-operated exit light over the main entrance door shall be utilized.

(b) Main Cabin Lights: Indirect incandescent lights shall be installed behind the service duct panels on both sides of the aircraft. These are controlled by a switch which allows off, low, or high intensity. Separate controls shall be installed for lighting the foremost cabin compartment. Fluorescent lights shall be installed in the galley, lavatory, and the afts decks. Passenger reading lights shall be provided at each passenger place. Passenger warning lights with chime (FASTEN SEAT BELTS and NO SMOKING) shall be located on the forward and aft bulkheads. These fixtures shall also include exit lights. Battery-operated, impact-actuated exit lights shall be located over each escape window and door. A flush spotlight shall also be provided over the conference table.

(c) Galley Lights: Adequate work lighting shall be provided in the galley.

(d) Lavatory Lights: Fluorescent lights shall be located on each side of the lavatory. A "Return to Seat" warning light shall be installed above the vanity cabinet.

(e) Baggage Compartment Light: An explosion-proof, protected dome light shall be installed in the headlining.

(f) Night Lights: Four (4) blue tinted night lights shall be distributed throughout the aircraft.

(g) Switches: Switches and controls for all lights shall be conveniently located, and shall be identified with a placard or engraving.

(h) Desk: Fluorescent lighting shall be provided for the desk.

13.0 FLIGHT DECK AND CABIN ACCOMMODATIONS

13.1.4 *Jump Seats:* Two jump seats shall be installed, one under the radio rack just aft of the cockpit, and one immediately behind the aft cabin bulkhead, left hand side. These seats shall be approved for take-off and landing. A fold out work table and chart stowage space shall be installed convenient to the operator at the forward jump seat.

13.3 *Main Cabin:* The cabin interior shall be completed and arranged in accordance with Grumman drawing 1159F217P "A". The materials used to finish the interior shall be chosen for durability and ease of maintenance, with weight also a major consideration, and shall conform to appropriate F.A.A. regulations. Sample color scheme and finish materials shall be submitted to the United States Coast Guard for approval. All materials which do not inherently meet F.A.A. fireproofing requirements shall receive a permanent-type fireproofing treatment. Burn test results on all material used shall be submitted to the customer.

(a) Basic Construction Materials: All bulkheads, doors and cabinetry shall be fabricated of lightweight materials equivalent in weight to honeycomb sandwich panels. One-quarter and one-half inch thickness shall be used as required, reinforced where necessary. The use of sheet metal screws shall be permitted only by approval of the customer.

(b) General Trim: Fine hardwoods and anodized aluminum shall be used for trim. Silver, gold satin finish anodizing, plating, natural stainless steel or paint may be used as required.

(c) Bulkhead Coverings: A decorative treatment utilizing wood-grained formica, as selected by the customer, shall be used on the bulkheads to provide supplementary soundproofing. Decorative emblems of the Department of Transportation and the U.S. Coast Guard shall be installed on either side of the bulkhead, as determined by protocol. Sample emblems shall be submitted. A decorative, twelve-hour clock shall be installed on the forward cabin bulkhead L. H. side. Provisions for a crew name plate shall be made on the R. H. bulkhead.

(d) Furniture Finish: All surfaces shall be 1/32'' thick aircraft weight formica or equivalent. All molding and other wood parts shall be solid, fine hardwoods to match the predominant wood-grained formica.

(e) Soundproofing and Insulation: The main cabin area shall be soundproofed and insulated in accordance with Grumman Gulfstream II General Outfitting Specification No. AE–159–I–21, except that Coustifab (lead vinyl material) shall be installed under the rug between Stations 204 and 459 only.

13.3.1 *Passenger Area:* The passenger area shall be arranged in accordance with Grumman drawing 1159F217P "A" and completed as follows.

(a) Headliner: A fabric-backed vinyl material shall be installed throughout the entire passenger area. The headliner in the entrance and companionway shall be installed in a transverse manner, either separate from, or attached to, the acoustic inner liner. The headliner covering the overhead radio rack terminal panels shall be removable for easy access to the terminals. The headliner in the cabin shall be installed in a longitudinal manner, extending from just above the duct on one side to the same point on the other side. The headlining material in the cabin area shall be installed separately and shall not include the inner liner. It shall be installed with typical aircraft extruded snap-in molding isolated from the aircraft structure. The overhead exhaust ducts shall be covered with identical material used in the cabin headlining.

(b) Side Wall: A fabric-backed vinyl material, similar to that installed in the headlining, may be installed on all side wall surfaces. The installation may be separate from, or attached to, the acoustic inner liner.

(c) Dado: A fabric-backed vinyl material, similar to that described above, shall be installed in the cabin. This installation may be separate from, or attached to, the acoustic inner liner. If the installation requires a hard-backed surface, these panels shall then be isolated from the aircraft structure.

(d) Floor Covering: A lightweight aircraft-type carpet (¾ pound per sq. ft. max.) shall be installed in the airplane with provisions for removal independent of the seats. Three-eighth inch thick polyurethane foam shall be used as underpadding. The carpet may be retained by Velcro tape. Cutouts around all cabin blow out covers shall also be installed.

(e) Main Entrance: An acoustic folding door shall be installed, closing off the main entrance stair. This door shall be installed so as to preclude acoustic leaks along the sides, top, and bottom. Jacking fittings shall be stowed on the side of the air stair.

(f) Radio Rack Cover Panel: A radio rack cover panel shall be installed to close off the radio rack equipment. The panel shall be easy to open for the purpose of servicing the electronic equipment.

(g) Mid-Relay Compartment: The mid-relay compartment shall encompass that portion of the fuselage on the left side of the cabin between Stations 169 and 181. The same acoustic folding door used to close off the main entrance shall be used to close off this compartment. A portable oxygen bottle shall be stowed in this compartment on the bulkhead at Station 181.

(h) Storage and Coat Closets: Two areas shall be provided as closets. They shall be located between the bulkhead at Stations 181 and 204. The closet on the left hand side shall have a removable coat rack to enable the area to be used for survival equipment on overwater flights; mounting provisions only for three seven man rafts (P/N MR–7) shall be installed. A water fire extinguisher shall be installed on the aft side of this compartment.

(i) Seating: Seats shall be provided for a maximum of twelve (12) passengers and four (4) crew members as follows:

(1) Single Swivel Seats: Six (6) single swivel seats shall be provided in the cabin, four forward and two aft. They shall be manufactured by Custom Products and shall have recline and swivel provisions. The forward four-seat arrangement shall provide sleeping accommodations for two passengers, one on either side of the cabin. To accomplish this, the seats at Station 272½ shall be capable of tracking forward and aft with full berthable recline. The two seats aft in the cabin shall also be capable of tracking forward and aft and shall recline, though not to a berthable position.

(2) Double Seats: Two (2) double seats shall be installed, one forward-facing and one aft-facing. These seats shall be styled in the same manner as the swivel seats, and manufactured by Custom Products. They shall include recline provisions and removable, adjustable head rests.

(3) Divan: A two-place divan shall be installed on the right hand side opposite the conference table and shall be approved for take-off and landing. The consoles on both sides of this divan shall be an integral part of this installation. Stowage provisions for blankets shall be made under the divan.

All seats shall be upholstered with materials selected by the customer. The fabrication of this installation shall also be approved by the customer. All seats shall be approved for take-off and landing, and shall meet all F.A.A. requirements. Mounting and space provisions for life jackets (P/N AV–2A) shall be installed under each seat convenient to all passengers.

(j) Hand Rail: A hand rail shall be installed as part of a valance panel, and located just above the cabin windows. It shall run the entire length of the cabin on each side of the passenger area. The valance shall house recessed cold air outlets, reading lights, call buttons, and passenger oxygen stowage bins. The valance shall also conceal the cabin indirect lighting and the top curtain track. Emergency exit lights and emergency exit instructions shall also be incorporated in this valance over each of the four exit windows.

(k) Window Curtains and Shades: Typical pleated and lined curtains mounted top and bottom with nylon anchor tabs shall be fabricated and installed between each window. Tabs shall be snap mounted for ease of removal. A second set of curtains shall also be furnished by the Distributor. Each main cabin window shall be equipped with one roll-up shade. The shades shall be infinitely adjustable from full open to full closed, and when open shall be retractable to a concealed position. The shades shall be installed so that the soundproofing installation shall not be compromised.

(l) Window Frames: Window frames shall be installed at each cabin window and shall be acoustically treated in accordance with Grumman Gulfstream II Outfitting Specification No. AE–159–I–21, and shall be so installed as to preclude acoustic leaks.

(m) Aft Cabin Bulkhead: A lightweight honeycomb bulkhead door shall be installed at Station 458¾. This door shall incorporate a lock and decompression blow out feature. The door shall be hinged on the right hand side swing aft.

(n) First Aid Kits: A first aid kit shall be provided adjacent to the aft jump seat.

(o) Folding Tables: Two (2) folding tables shall be installed between the two sets of forward single seats. These tables shall pivot to a vertical recessed position against the dado when not in use.

(p) Fold Out Desks: Two (2) fold out desks shall be installed against the aft bulkhead. The writing surface shall pivot to a vertical position against the bulkhead when not in use. A side shelf, recessed in the dado, shall be incorporated. A fluorescent light shall flood the writing surface when in use. A handset shall be located in the right hand desk side console. A control panel, containing switches for the cabin indirect lights and a tape volume control, shall be installed in the left hand desk unit.

(q) Conference Table: One conference table shall be installed on the left side of the aircraft between the two double seats. Folding leaves shall permit easy access to the inboard and outboard seats. The underside of the leaves shall be especially padded so that the table will remain in place upon take-off and landing. Two glassholders and one ash tray shall be installed on both the inboard and outboard ends of the table. The surface of the table shall be finished with a decorative panel. A special formed leg shall be installed to support the inboard end of the table.

(r) Utility Cabinets: Utility cabinets shall be provided fore and aft of the two-place divan and shall form the enclosure for the divan. The forward section of the cabinet shall include storage drawers. The storage drawer shall be supplied with a lock and key. The aft cabinet shall include provisions for storage of liquid refreshments, soft drinks, glasses, ice and utensils and miscellaneous supplies. Access shall be through lift-up, slide-back lids. This cabinet shall also be supplied with a lock and key.

(s) Magazine Racks: Two (2) magazine racks shall be installed, one on each side below the second window.

(t) Ashtrays/Glassholders: Ashtrays and glassholders shall be conveniently located for each single seat; for double-seat occupants, they shall be installed in the conference table.

(u) Cabin Partition: A partition shall be installed at Station 297 between the four forward swivel seats and the grouping of double seats at the conference table. The lower portion of this partition shall be fixed to the aircraft and shall contain provisions for two (2) waste containers. The upper portion shall be a removable opaque decorative panel. A tight fitting curtain shall be installed over the opening.

13.3.2 Galley: An "L" shaped step-in galley shall encompass that portion of the fuselage on the cabin between Station 458¾ and Station 501¾ R. H. side. This galley shall be equipped to serve hot or cold meals to 12 passengers and a crew of four. All equipment required for galley service shall be located within this compartment unless otherwise specified.

Items (a) through (l) remain as in the Detail Specification.

13.3.3 Lavatory: The lavatory shall encompass that portion of the fuselage between 50/3/4 and the factory-installed bulkhead at Station 539¾. A door shall be hinged on the right-hand side of this compartment and shall swing aft. All equipment for the lavatory shall be located in this compartment unless otherwise specified.

(a) Toilet: A single flush-type chemical toilet shall be installed. This unit shall include a padded cover and a shroud, and shall have overboard service capabilities. A vent to the overboard exhaust system shall be provided.

(b) Water Tanks: Two one-gallon capacity water tanks shall be provided and connected by flexible plumbing to a faucet assembly on the counter and over the sink.

(c) Sink and Drain: A sink, which can be manually drained overboard shall be provided in the counter surface.

(d) Paper Dispensers: Paper towel and self-contained toilet paper dispensers shall be provided.

(e) Trash Containers: One self-contained trash container with a spring-loaded access door shall be built into the vanity cabinet.

(f) Vanity Cabinet: A vanity cabinet and counter shall be installed in the lavatory. It shall contain the sink, paper and towel dispenser and the trash container and shall have adequate storage provisions for miscellaneous lavatory supplies. An oxygen mask stowage bin, a self-contained ash tray and a 60-cycle AC razor and outlet shall also be provided.

(g) Mirror: A lightweight mirror shall be installed.

13.4 Baggage Compartment: The baggage compartment encompasses that portion of the fuselage between the bulkhead at Station 539¾ and the pressure dome. It shall be finished in wear-resistant materials such as rug. A door shall be installed at Station 539¾, hinging on the right hand side and swinging aft. Two shelves shall be installed, one against the pressure dome, the other on the right hand side extending from Station 539¾ back to the aftmost shelf. These shelves shall be approximately 18″ from the floor. The outboard shelf shall be made removable for stowage of large equipment. A one-piece retention net shall be installed to contain all baggage. This net and attaching hardware shall be easily removable, and shall be capable of withstanding the required loads. The floor shall be covered with a vinyl coated fabric such as Durug or its equivalent. A smoke detector system, comprised of an electrically-actuated air evacuation motor, shall be plumbed to an eyeball air outlet above the pilot's head in the cockpit. A circuit breaker for this system shall also be installed in the cockpit. Overnight engine plugs and an engine pressure oiler shall also be provided.

PERSONS OVER 65 DESERVE UNLIMITED MEDICAL AND DRUG EXPENSE DEDUCTIONS

(Mr. TALCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALCOTT. Mr. Speaker, the spiraling cost of medical care, including drugs, hospital care, and doctor bills, hits elderly and retired persons especially hard. Their incomes are fixed and do not increase with the cost of living to meet rising medical costs.

Under present law, only those medical expenses which exceed 3 percent of a taxpayer's adjusted gross income, plus 50 percent of health insurance premiums up to $150, are deductible expenses. Only those drug costs which exceed 1 percent of a taxpayer's adjusted gross income are included in determining the 3-percent medical care deductible expenses.

Persons over 65 previously could deduct all medical and drug expenses, but the law was changed by the 89th Congress to impose the 3- and 1-percent floors on persons over 65, just as they apply to persons under 65.

I am today introducing a bill which would restore to persons over 65, the unlimited medical and drug deduction. The bill would also permit a taxpayer, under 65, who pays medical or drug bills for his dependent parents or spouse over 65, the same unlimited deduction for these items to be granted persons over 65.

Mr. Speaker, the persons over 65 who have contributed immeasurably toward making our country the great and bountiful Nation it is, deserve this tax relief. I urge my colleagues to support this measure and give it early approval.

CURBING THE CENSUS BUREAU

(Mr. KLEPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEPPE. Mr. Speaker, I have joined with my colleague from Ohio (Mr. BETTS) in sponsoring legislation to curb the prying eye of the Census Bureau. I want to commend the gentleman for the fight that he has led so well against the all-inclusive census form Americans will face next year.

Mr. Speaker, the proposed census form that all Americans will face in 1970 is long. It is detailed. It is complex. It is all encompassing. Worst of all, answering is mandatory.

The proposed census questionnaire contains 67 categories and some 120 questions—all requiring answers under the threat of fine or imprisonment. The bill I have introduced repeals the jail sentence entirely and also removes the $100 fine from all but six categories of questions. Those categories—requiring answers under threat of fine—are the following: First, name and address; second, relationship to head of household; third, sex; fourth, date of birth; fifth, marital status; and sixth, visitors in home at the time of census.

Wading through the latest informational copy of the U.S. census makes me bristle. If I am merely to give my name and address and other vital information such as sex and date of birth—I do not mind in the least. But when I am told in a national census that I am forced, under threat of fine or imprisonment, to answer with whom I share my shower—that, Mr. Speaker, dampens my whole outlook.

When the census form, which to my way of thinking is basically a survey of the American home and its occupants, takes on the gargantuan proportions of an epistle requiring a great deal of time to go through, I think the emphasis has become misdirected. The American people are not going to have the interest or patience to answer the numerous and complex questions asked. I do not think either the type of questions asked on the census form, or their number, justifies making nonanswering a crime subject to fine and imprisonment. Questions relating to the value of the property, the equipment in the home and the appliances, do nothing but clutter the important and vital questions a census is supposed to answer.

If questions other than those six categories named in my bill are going to be asked, such as with whom I share my shower, how I enter my home, and where I lived in October of 1962, they should appear on a separate form and should be voluntary. If the Government, research organizations, and the academicians want a complete sociological survey done, let it be done at the convenience of the American dweller and not under force of law requiring a mandatory answer.

Plans for the 1970 decennial census are now being finalized, and the Census Bureau officials have ruled out changes in the form. This attitude forces the Congress to assert its hand in revising and reforming the mandatory features of the census form. I, for one, hope that when Census Day U.S.A.—April 1, 1970—rolls around, Americans will not be forced under threat of law to submit to these extensive questions. The progress of this legislation last session, when the Senate passed a bill repealing the jail sentence penalty on all questions, speaks well for the outlook of this bill. But Congress must act with dispatch to assure that the mandatory nature of the questions, on all but the six listed categories, will be removed.

I hope Congress will give this legislation early consideration.

THE NIXON INAUGURAL ADDRESS

(Mr. MACGREGOR asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. MACGREGOR. Mr. Speaker, the inauguration of President Richard M. Nixon last Monday noon provided a most inspiring hour for all Americans. The quiet eloquence of our new President's address was the highlight of the historic ceremony. As the Minneapolis Tribune commented on Tuesday:

> The address was a spendid way for the 37th President to begin his administration. With peace at home and abroad its central theme, the speech reflected the idealism and spirit of conciliation Mr. Nixon has said he hopes to impart to the presidency.

The Minneapolis Star for January 21 reads:

> He was deliberately low keyed, refraining from the soaring promises which too often in the past have laid the foundations for future disappointments. There are limits to what the government can do, he said, and by saying this he should have laid to rest the fantasies of those Americans who believe miracles can be accomplished in Washington.
>
> And with his calm delivery, and his reference to a "fever of words," President Nixon attempted to quiet the loud and angry shouting of protesters and dissenters.

Mr. Speaker, the St. Paul Pioneer Press on Tuesday concluded its laudatory editorial on President Nixon's inaugural address with these words:

> How wonderful it could be—for a change—if we could meet some of these problems as exciting challenges, if we could become a rational society, if we could replace some of the present grimness with something close to an era of good feeling. As our new President suggested, we have the means; the will is there to be expressed; the heart of America is good.

Mr. Speaker, I ask unanimous consent that these three editorials be printed in full at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The editorials are as follows:

[From the Minneapolis Tribune, Jan. 21, 1969]

PRESIDENT NIXON: THE BEGINNING

The soft-spoken and eloquent inaugural address of Richard M. Nixon Monday was a splendid way for the 37th President to begin his administration. With peace at home and abroad its central theme, the speech reflected the idealism and spirit of conciliation Mr. Nixon has said he hopes to impart to the presidency. Absent were the slogans and catch phrases so common to his past speeches.

In his "summons to greatness," Mr. Nixon offered some pledges and challenges to the American people:

A pledge to give the highest priority to the cause of international peace.

A pledge to press urgently forward in pursuit of "full employment, better housing, excellence in education, in rebuilding our cities and improving our rural areas, in protesting our environment and enhancing the quality of life."

A pledge that government will listen "to the injured voices, the anxious voices, the voices that have despaired of being heard."

A challenge to Americans to listen more and shout less.

A challenge to Americans, individually, to reach out to their neighbors, "helping, caring, doing."

A challenge to Americans "to give life to what is in the law, to ensure at last that as all are born equal in dignity before God, all are born equal in dignity before man."

But the ideals and "the better angles of our nature" to which Mr. Nixon referred must also be translated, on many occasions in the next four years, into specific proposals to Congress and into specific executive decisions. It is one thing to talk of a willingness "to reduce the burden of arms"; it will be quite another to override the demands and pressures of the Pentagon and its allies in Congress and the military-industrial establishment of which Gen. Eisenhower warned in his farewell message. It is one thing to talk of "black and white together, as one nation"; it will be another matter to fund enforcement of anti-discrimination laws or to do away with the causes of ghettos.

To questions like these, another four years remain for Mr. Nixon to give his answers. Right now it is enough to say that our new President has begun well.

[From the Minneapolis Star, Jan. 21, 1969]

RICHARD NIXON'S INAUGURAL

The transition has been completed. The President-elect is now the President. And with the change has come a change in the tone and pace of the nation's leadership.

Richard Nixon set that tone in his inaugural address. He was deliberately low keyed, refraining from the soaring promises which too often in the past have laid the foundations for future disappointments. There are limits to what the government can do, he said, and by saving this he should have laid to rest the fantasies of those Americans who believe miracles can be accomplished in Washington.

And with his calm delivery, and his reference to a "fever of words," President Nixon attempted to quiet the loud and angry shouting of protesters and dissenters. There will be more listening to the voices of anguish and despair in his administration, he promised, and less "inflated rhetoric." This would be a welcome change from a period when too many voices have been raised—angry, unreasonable, empty voices—and too few people have really been listening.

The President will be a "listener," too, in the field of foreign affairs, he indicated. He called for open lines of communication to the rest of the world, hinting he would be willing to talk, and listen, to all nations. But as if to calm those who fear for the nation's safety, he pledged that the United States will be "as strong as we need to be for as long as we need to be."

It was, as Robert Finch, his long-time associate and Cabinet appointee, remarked, "pure Nixon." It was a pragmatic, deliberate inaugural message, with none of the emotional appeals characteristic of the Kennedy and Johnson speeches on the same occasion. That may be what the nation needs at this moment in history—a period of calmness that will permit the healing of wounds and an end to divisiveness.

[From the St. Paul Pioneer Press, Jan. 21, 1969]

THE HEART OF AMERICA

That was the voice of the moderate, somewhat dismayed but hopeful and well-intentioned American heard throughout the nation Monday. That's what he is like. In a day of putting great emphasis on telling it like it is, and doing this with a throbbing-veined incoherence that betrays the intent, President Richard M. Nixon told it like it is and how it ought to be with a quiet eloquence that America—most of it—has been longing to hear.

In his short inaugural address, shielded by bullet-proof glass, the District of Columbia aswarm with police and other assorted security guards, the new President seemed determined to lay out a course toward a revival of "goodness, decency, love (and) kindness," the sort of thing that can't be legislated.

As homey as mom's apple pie? Well don't knock it until we've tried it for a while. Nixon used a particularly apt example to contrast the deflated spirit of today with that of a few generations ago.

"Standing in this same place a third of a century ago," Nixon said, "Franklin Delano Roosevelt addressed a nation ravaged by depression and gripped in fear. He could say in surveying the nation's troubles: 'They concern, thank God, only material things.'

"Our crisis today is the reverse.

"We have found ourselves rich in goods, but ragged in spirit; reaching with magnificent precision for the moon, but falling into raucous discord here on earth."

On the other hand, he wasn't giving up. "No people has ever been so close to the achievement of a just and abundant society, or so possessed of the will to achieve it."

And its achievement needn't be a grim task, he said, but could, instead, be "a high adventure—one as rich as humanity itself, and exciting as the times we live in."

Strangely, though the two men are at opposites on many matters of policy, one could almost imagine Hubert Humphrey reaching out with a similar plea to America. Particularly this:

"We have endured a long night of the American spirit. But as our eyes catch the dimness of the first rays of dawn, let us not curse the remaining dark. Let us gather the light."

Humphrey was bombed, of course, (not by Nixon) when he announced his candidacy last year, for suggesting that there was goodness in America and that its problems could be confronted with joy and verve. It has been the style to promote the notion that the nation is rotten. Such, in fact, is considered chic. If Nixon can succeed in turning this about, if he can cool down a country getting slightly unhinged, he will have earned a place as a great President, for the country does not need healing.

We have suffered, as he said, from a fever of words, from inflated rhetoric, from angry rhetoric that fans discontents into hatreds, this last passing these days as a thing called "dialogue."

"We cannot learn from one another," Nixon said, "until we stop shouting at one another—until we speak quietly enough so that our words can be heard as well as our voices."

Very good. Very difficult. The problems, such as an unwanted war, inflation, well-intended social programs that are administrative nightmares, poverty, the increasing racial polarization, remain.

But how wonderful it could be—for a change—if we could meet some of these problems as exciting challenges, if we could become a rational society, if we could replace some of the present grimness with something close to an era of good feeling. As our new President suggested, we have the means; the will is there to be expressed; the heart of America is good.

PROGRESS IN VIETNAM

(Mr. EDWARDS of Alabama asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, last week the newspapers and the outgoing Johnson administration in Washington conveyed definite optimism over what appears to be progress toward peaceful settlement of the Vietnam war.

And certainly all the world is happy that the Paris negotiators finally decided what kind of seating arrangement they could accept.

But last May when the Paris talks started, and again a few days before the November election, the hopes of Americans and the world were raised to high levels.

The impression was given that peace might be achieved soon. These hopes of course, gradually proved to be unrealistic. It would be a mistake to let the same thing happen again now.

It seems to me that the main message of the American people when they went to the polls last November was that they wanted a change in the way Washington is handling the Vietnam war.

The voters said, in effect, "We have taken the Government's word that the war is justified, and have given it enormous support. But we are not satisfied that enough is being done to get an honorable settlement. Maybe an early peace is not possible, but we have a right to know more about the plans for peace, and a right to know that progress is being made."

I very much hope that President Nixon will give the country greater satisfaction in this regard. It is very important that he do so.

We should know, for example, why during 1968 no fewer than 67 ships flying the British flag carried cargoes to North Vietnam. England ought to be able to bring a stop to this after all these years, or else the American people should know the reason why she cannot.

We should also end the official silence on the Russian ships and supplies going to Hanoi and the fact that the North Vietnam war effort is highly dependent on Russia's help.

Maybe there is little we could do to stop it, but to ignore it is to give tacit approval to a vital fact that by itself prolongs the war.

Washington should highlight this Russian supply program vigorously and often. We should inject it as an issue in the peace negotiations. I believe this would help to clear the air all the way around the world.

We should also coordinate our military activity in the field in Vietnam with the diplomatic effort at Paris. The other side can be made to want peace a little more if we plan our military action with that in mind.

Our operations to this time do not seem to have recognized that. In fact, they may have done just the opposite. Some people feel Hanoi will move faster at the peace table if we announce troop withdrawals. All the evidence I have points in the other direction.

We also have to remember that the Saigon government, whatever imperfections it may have, is not only our ally but is our main hope as the foundation for non-Communist stability in South Vietnam.

One of Hanoi's basic tactics, in fact perhaps her best hope, is to drive a wedge between Washington and Saigon. They know if they can succeed they could win their objectives whatever happens on the battlefield.

Therefore Washington officials cannot openly criticize Saigon.

We also have to keep a proper perspective on what we are trying to do in Vietnam. We seek no new colonies, no new real estate to put under the American flag. We do not even want guaranteed markets or permanent military bases.

We certainly do not want a country so devastated that it can survive only with massive American aid over a long period of time.

Mr. Speaker, all we want and need to do is demonstrate to the Communists that they cannot attack their neighbors and get by with it. We want an end to Communist terrorism and subversion in South Vietnam and in Laos so the people are not forced against their free will under the control of Hanoi.

We need to show that Hanoi cannot succeed with armed aggression. And when we do it will be in the interests of free people everywhere.

THE SO-CALLED PEACE PROTESTERS

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, the young people who over these past few days engaged in protests in connection with the inaugural are apparently very angry at what they feel is the stifling of dissent.

They wish to make their expression in opposition to what they feel is oppression of individual freedom, repression of free political organization, and the use of force in maintaining an unjust Government in power.

On the same day these people staged what they called a "counterinaugural" in Washington, a 21-year-old Czechoslovak student died in Prague as the result of his own act protesting the political controls gradually being tightened in his country by its neighbor, the Soviet Union.

This young man, and a second young Czechoslovak who made the same kind of ultimate protest yesterday, and many thousands of their colleagues, know a great deal more about the stifling of dissent than those who demonstrated here in Washington.

I want to suggest, and I believe many of our colleagues in this Chamber will agree with me, that young Americans who really want to highlight political oppression will turn their attention to Czechoslovakia today.

If, for example, they should organize a rally or other meeting to bring the tragic Czechoslovak issue to public attention, and to pay honor to students and young workers who today are seeing their high hopes for greater freedom going down the drain—if they want to fight oppression where it exists in greatest measure—I am convinced they will have the enthusiastic support of many in this Government, and perhaps in this Chamber.

When the Russian tanks thundered into Czechoslovakia last August to put down the meager and hesitating steps of the Prague government toward political independence, we heard only muted reference to it from those in this country who profess such a deep commitment to this same cause.

That was in August, and today we hear nothing at all from these people. It is just as though Czechoslovakia had never happened.

Mr. Speaker, the cause of freedom of dissent is an important cause in which all of us have a vital stake. That cause, and all that it means, is being fought out today in Czechoslovakia, in East Germany, in Poland, and Rumania, and other oppressed countries where people are struggling against almost impossible odds for a measure of freedom.

Let those who believe in freedom of dissent stand up to fight oppression where it really exists, and I will give that effort my full support. But what we witnessed this past weekend from the so-called peace protesters was revolting.

HOUSE SCHOLARS GALLERY

(Mr. **SCHWENGEL** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHWENGEL. Mr. Speaker, in the 90th Congress I introduced a resolution which provided for the setting aside of 12 spaces in the Visitors Gallery for the use of certain scholars studying the operation of the Congress. As I pointed out at the time I introduced the resolution, many of the courses taught on our campuses fall short in their effort to familiarize the students with the functions and the operations of the Congress. This is not the fault of the faculty, but rather due to the absence of resource material which adequately deals with the operation of the Congress, particularly with respect to floor action.

It is encouraging to note the beginning of change in this respect, with a marked increase in the number of scholars studying the Congress. Also, there has been a good deal more acceptance of and cooperation with the scholars by the Members.

However, there is one significant problem area for the scholars, and that is the absence of adequate facilities for them to view the floor actions in the House.

Under present provisions they are required to abide by the same rules as the general public in the Visitors Galleries. This means, of course, that they are not allowed to take notes, and during the peak visitor season, they are rotated out of the gallery every so often. This is obviously very disruptive of any scholarly study of the floor actions in the House.

The resolution which I previously introduced and which I am reintroducing today offers a simple, inexpensive solution to this problem. The resolution would change the rules of the House to set aside 12 seats in the gallery for the use of scholars. The Speaker, with the aid of an advisory committee of political scientists would screen the applicants desiring to use these seats. The resolution does not call for the expenditure of any funds to implement its provisions.

This resolution will cost us nothing and it will be an effective method by which we can correct the present inequity. It is high time that Congress again became more aware of the need for a closer relationship with the academic community. This resolution will increase the interest of our scholars and make it much easier for them to better understand the legislative process and write more accurately and adequately about Congress.

In the past we have been too slow to recognize, and more important, make use of the talents of our political scientists and other scholars in this area. When we are struggling along in this modern age with 18th-century legislative machinery, we could well afford to have some of the scholars take very close looks at our operations and procedures. This resolution comes as close to "getting something for nothing" as we will ever come. I urge you to give your most serious consideration and support to this resolution.

ORPHANS EDUCATIONAL ASSISTANCE ACT

(Mr. **BLACKBURN** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKBURN. Mr. Speaker, it is my privilege today to reintroduce the Orphan's Educational Assistance Act. This measure provides funds for the higher education of the children of civilians who are killed while assigned overseas as a result of war, insurgency, mob violence, or similar hostile action. As you are aware, the children of military personnel killed while overseas are covered under the War Orphans Educational Assistance Act. I feel that it is only fair that the children of civilian personnel who die in service to their country receive the same benefits as military personnel who die in the line of duty.

This entire matter was originally brought to my attention by one of my constituents. She informed me that her husband was one of the first civilians to be killed in Vietnam. The gentleman was a safety officer attached to the Agency for International Development who was training South Vietnamese police forces. While out on patrol in November of 1960, he was killed in an ambush. Presently, her two children are approaching college age, and, as a widow, she is finding it very difficult to finance the continuing education of her children.

In light of the fact that only 28 civilians have been killed in Vietnam, and of this number 10 were killed during the Tet offensive, I feel that no great cost for the Federal Government would be involved. Furthermore, this measure would cover civilians who could possibly be killed because of mob violence or similar hostile action in a foreign country where they serve as technical advisers or Embassy personnel.

When I introduced this measure during the last session, I had wide bipartisan support. Again, this time I find that many of my colleagues from both sides of the aisle are joining me in introducing this measure. The cosponsors of the bill are Congressmen HUNT, BROWN of Michigan, CARTER, TIERNAN, WHITEHURST, DENNY, QUIE, HORTON, EDWARDS, LUKENS, WILLIAMS, BUCHANAN, ADDABBO, WOLFF, PERKINS, FARBSTEIN, POLLOCK, HALPERN, SCHWENGEL, BINGHAM, BROWN of California, HELSTOSKI, OTTINGER, BUSH, FULTON of Pennsylvania, BROWN of Ohio, GRAY, PODELL, PRICE of Texas, RYAN, MCCLOSKEY, and Congresswoman HANSEN of Washington.

Today, I am calling upon the chairman of the Post Office and Civil Service Committee to immediately investigate this matter. I hope that the House will be able to consider this bill in the near future.

SMALL BUSINESS COMMUNITY NEEDS HELP

(Mr. McCULLOCH asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and to include extraneous material.)

Mr. McCULLOCH. Mr. Speaker, the small business community needs help. The small business that is marketing its product in interstate commerce is plagued with multiple, conflicting, and overlapping tax laws.

The Congress has recognized the problem. The Congress has studied the problem. The Congress now must complete its task.

Seldom is the need for legislation as thoroughly documented as this. Four volumes of hearings and a four-volume report eloquently argue the case for congressional action. Last year, the House agreed—agreed overwhelmingly, by a vote of 284 to 89—to place reasonable limits on interstate taxation.

But time ran out, and the work of the Special Subcommittee on Interstate Taxation never became law.

Lest 8 years of thorough study and the overwhelming endorsement by the House all be in vain, I am reintroducing and cosponsoring the interstate tax bill together with the chairman of the Committee on the Judiciary and 12 other members of that committee. The fact that seven members of both parties have joined together to cosponsor this legislation is one more proof that this legislation has always enjoyed strong bipartisan support.

Moreover, I am glad to report that the junior Senator from Maryland, CHARLES McC. MATHIAS, JR., has today introduced identical legislation in the other body. He was an undaunted champion of the interstate taxation bill in this body and it is comforting to see him continue his efforts in the other body.

I will not attempt at this time to explain the intricacies of the problem. But I will try to bring into focus the overall picture.

At present, each taxing jurisdiction is seeking to reach beyond its own boundaries and impose its own nationwide tax system.

That system cannot be enforced. At the most, such interstate enforcement is erratic. The results are unfair and harsh.

The small businesses are not complying with the tax laws of jurisdictions outside of those in which the businesses are actually located. And why? Because it is impossible for small businesses to comply with that complex maze of tax laws and continue doing business.

Thus the interstate tax bill tells the States that they are no longer permitted to collect taxes that they are not in fact collecting. The States will not lose revenue but the businesses will be certain of their tax fate.

On May 21, 1968, Mr. Willis introduced a summary of the study of the Special Subcommittee on Interstate Taxation showing that the States would not lose revenues through the enactment of this legislation, which was H.R. 2158 in the 90th Congress. I again offer those facts here:

Effects of H.R. 2158 on State Revenues

Following is a summary of the estimated effects of H.R. 2158 on the relevant taxes of each of the states. The estimate for each tax is described as a percentage of gain or loss of the state's total revenues from all of its taxes. The estimates are based on an evaluation of: data on revenue described in Chapters 16, 19, 29, 32 and 36 of the four-volume study published by the Committee; data on compliance and enforcement described in Chapters 10, 24, 31 and 36; hearings held in 1961, 1962, and 1966; on subsequent correspondence with officials in some states, and on the most recent publications of the Bureau of the Census.

In the Income Tax area it is assumed that each state will apply the formula in Title II of H.R. 2158 to all of the corporations covered by that title.

In the Sales and Use Tax area a number of states will realize insignificant losses. However, for purpose of comparison and evaluation, 0.23% of sales and use tax revenues is considered to be the maximum loss possible. This figure is based on a study conducted by California's tax officials, and on their anticipated loss for the first year under current business practices. Since California has the most extensive administrative facilities, and maintains large audit staffs in other states, the relative loss to California would obviously be greater by far than that of the other states—most of which currently maintain no auditing staffs beyond their own borders, and do not have a vigorous enforcement program comparable to that of California.

In evaluating the "losses" set forth in the following estimates, it should be kept in mind that no consideration has been given to the increases in revenues realized as a result of the economic growth which will be stimulated by the removal of the trade barriers currently impeding interstate commerce. Likewise, no consideration is given to increases in state revenues realized as a result of the greater ease of enforcement and compliance which will be obtained under the uniform standards established by H.R. 2158.

ALABAMA

Corporate income tax: Insignificant loss of substantially less than 0.01%.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.08%.

ALASKA

Corporate income tax: 0.12% loss.

Gross receipts tax: No significant loss.

ARIZONA

Corporate income tax: 0.07% loss.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.09%.

ARKANSAS

Corporate income tax: 0.06%.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.08%.

CALIFORNIA

Corporate income tax: Insignificant loss of substantially less than 0.01%.

Sales and use tax: 0.07% loss.

COLORADO

Corporate income tax: 0.07% gain.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.07%.

CONNECTICUT

Corporate income tax: 0.13% gain.

Sales and use tax: No significant loss.

DELAWARE

Corporate income tax: 0.3% gain.

Gross receipts tax: No significant loss.

FLORIDA

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.08%.

GEORGIA

Corporate income tax: No significant effect.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.09%.

HAWAII

Corporate income tax: Insignificant loss of substantially less than 0.01%.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.1%.

Gross receipts tax: No significant loss.

IDAHO

Corporate income tax: No effect.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.08%.

ILLINOIS

Capital stock tax: No significant effect.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.1%.

INDIANA

Corporate income tax: 0.08% gain.

Sales and use tax: No significant loss.

Gross receipts tax: No significant loss.

IOWA

Corporate income tax: 0.18% loss.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.07%.

KANSAS

Corporate income tax: 0.02% loss.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.08%.

KENTUCKY

Corporate income tax: Insignificant loss of substantially less than 0.01%.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.07%.

LOUISIANA

Corporate income tax: Insignificant gain.

Capital stock tax: No significant effect.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.05%.

Gross recepits tax: No significant effect.

MAINE

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.09%.

MARYLAND

Corporate income tax: Insignificant gain.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.05%.

MASSACHUSETTS

Corporate income tax: 0.04% loss.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.04%.

MICHIGAN

Corporate income: No significant loss.

Capital stock tax: Insignificant gain.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.1%.

MINNESOTA

Corporate income tax: 0.08% loss.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.06%.

MISSISSIPPI

Corporate income tax: 0.02% loss.

Capital stock tax: Insignificant gain.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.09%.

MISSOURI

Corporate income tax: 0.05% loss.

Capital stock tax: Insignificant gain.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.09%.

MONTANA

Corporate income tax: 0.06% loss.

NEBRASKA

Corporate income tax: No significant loss.

Sales and use tax: No significant loss.

NEVADA

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.06%.

NEW HAMPSHIRE

This State does not impose any of the taxes covered by H.R. 2158.

NEW JERSEY

Corporate income tax: 0.06% gain.

Capital stock tax: No significant effect.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.06%.

NEW MEXICO

Corporate income tax: 0.01% loss.

Capital stock tax: No significant effect.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.08%.

NEW YORK

Corporate income tax: 0.1% loss.

Sales and use tax: No significant loss.

NORTH CAROLINA

Corporate income tax: Loss of substantially less than 0.01%.

Capital stock: No significant effect.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.05%.

NORTH DAKOTA

Corporate income tax: 0.04% loss.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.06%.

OHIO

Capital stock tax: Insignificant gain.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.07%.

OKLAHOMA

Corporate income tax: Loss of substantially less than 0.01%.

Capital stock tax: No significant effect.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.05%.

OREGON

Corporate income tax: 0.01% loss.

PENNSYLVANIA

Corporate income tax: Insignificant gain of less than 0.01%.

Capital stock tax: No significant effect.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.08%.

RHODE ISLAND

Corporate income tax: 0.03% loss.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.07%.

SOUTH CAROLINA

Corporate income tax: Insignificant gain.

Capital stock tax: No significant effect.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.07%.

SOUTH DAKOTA

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.08%.

TENNESSEE

Corporate income tax: 0.02% loss.

Capital stock tax: No significant effect.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.09%.

TEXAS

Capital stock tax: 0.25% gain.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.05%.

UTAH

Corporate income tax: Insignificant gain of less than 0.01%.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.07%.

VERMONT

Corporate income tax: 0.06% gain.

VIRGINIA

Corporate income tax: 0.01% loss.

Capital stock tax: No significant effect.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.1%.

WASHINGTON

Sales and use tax: No significant loss; maximum possible loss cannot exceed 1.01%.

Gross receipts tax; No significant loss.

WEST VIRGINIA

Corporate income tax: No effect.

Sales and use tax; No significant loss; maximum possible loss cannot exceed 0.05%.

Gross receipts tax: No significant loss.

WISCONSIN

Corporate income tax: No significant effect.

Sales and use tax: No loss.

WYOMING

Sales and use tax: No significant loss; maxiumm possible loss cannot exceed 0.07%.

The threat of tax laws which are impossible to obey does impose a burden on interstate commerce. But since no particular tax law is itself unconstitutional, the remedy must be legislative, not judicial. Congress is expressly empowered by the Constitution to regulate interstate commerce. It alone can overview the problem of multiple and conflicting State taxation and legislate to preserve the American common market.

ADJOURNMENT TO MONDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

JANUARY 18, 1969.

The Honorable the SPEAKER,
House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives from the President of the United States, received in the Clerk's Office at 6:15 p.m. on Friday, January 17, 1969, and said to contain a message from the President wherein he transmits the first annual report of the Corporation for Public Broadcasting.

FIRST ANNUAL REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce.

To the Congress of the United States:

I am pleased to transmit to the Congress, as required by law, the First Annual Report of the Corporation for Public Broadcasting.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *January 17, 1969.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House:

JANUARY 18, 1969.

The Honorable the SPEAKER,
House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives from the President of the United States, received in the Clerk's Office at 6:15 p.m. on Friday, January 17, 1969, and said to contain a message from the President wherein he transmits the first annual report on national housing goals, as required by the Housing and Urban Development Act of 1968.

FIRST ANNUAL REPORT ON NATIONAL HOUSING GOALS, HOUSING AND URBAN DEVELOPMENT ACT OF 1968—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-63)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency and ordered to be printed.

To the Congress of the United States:

I am transmitting today the first annual report on National Housing Goals, as required by the Housing and Urban Development Act of 1968.

That Act affirmed the national goal of "a decent home and a suitable living environment for every American family." It determined that this goal can be achieved by constructing or rehabilitating 26 million housing units in the next decade, 6 million of which will be for low- and moderate-income families.

This report lays out a plan for housing production to meet this goal. It also identifies the potential problems that may be faced in the coming year.

—It notes the sensitivity of residential building to credit conditions.

—It reviews the long-run need for adequate labor, land and materials to maintain an increasing level of construction.

The housing goals of the 1968 Act are firm national commitments. I urge the Congress, State and local officials, and concerned individuals to give careful consideration to this report.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *January 17, 1969.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House:

JANUARY 18, 1969.

The Honorable the SPEAKER,
House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives from the President of the United States, received in the Clerk's Office at 6:15 p.m. on Friday, January 17, 1969, and said to contain a Message from the President wherein he transmits the 1966 and 1967 annual reports of the Department of Housing and Urban Development.

TRANSMITTING 1966-67 ANNUAL REPORTS OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-60)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency and ordered to be printed with illustrations:

To the Congress of the United States:

I am pleased to transmit the 1966 and 1967 Annual Reports of the Department of Housing and Urban Development.

The Reports record a number of important events in both years. They were momentous years in legislative enactments as well as in progress toward providing decent housing for all Americans and in the efforts to improve the quality of urban life.

In 1966, Congress enacted the legislation authorizing the Model Cities Program, one of the most important legislative events in the long chronology of Federal actions aimed at curing the physical and human blight in the Nation's urban areas.

During the period, the programs administered by the Department were continuing at an accelerated rate, while at the same time HUD was seeking and finding new directions and redirections in its programs.

We have developed good housing programs spanning the whole range of American economic life—from FHA insurance for moderate income families to rent supplements and low-rent public housing for the poorest families. Urban renewal programs are rebuilding vast sections of our cities. Programs are available and working for whole metropolitan areas to improve transportation and planning, to preserve and create open spaces, to install water and sewer systems.

The Nation can be proud of the beginning steps that have been taken in these past few years to deal with the serious problems of our urban areas. I commend these reports to your attention.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *January 17, 1969.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House:

JANUARY 18, 1969.

The Honorable the SPEAKER,
House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives from the President of the United States, received in the Clerk's Office at 6:15 p.m. on Friday, January 17, 1969, and said to contain a Message from the President wherein he transmits the sixth annual report on activities and accomplishments under the Communications Satellite Act of 1962.

SIXTH ANNUAL REPORT OF ACTIVITIES AND ACCOMPLISHMENTS UNDER COMMUNICATIONS SATELLITE ACT OF 1962—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-61)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed with illustrations:

To the Congress of the United States:

Under section 404 of the Communications Satellite Act of 1962, I hereby transmit the sixth annual report on this program.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *January 17, 1969.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

JANUARY 20, 1969.

The Honorable the SPEAKER,
House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives from the President of the United States, received in the Clerk's Office at 3:15 p.m. on Sunday, January 19, 1969, and said to contain a Message from the President wherein he transmits the fifth annual report on the status of the National Wilderness Preservation System.

FIFTH ANNUAL REPORT ON STATUS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-58)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations:

To the Congress of the United States:

I am pleased to transmit to the Congress the Fifth Annual Report on the status of the National Wilderness Preservation System.

Wilderness is at the heart of America's heritage. It has had immeasurable impact on our nation's character, and on those who made its history. Its beauty and majesty have enriched the nation's spirit.

Forty-three years ago, conservationist Aldo Leopold said:

> Wilderness certainly can not be built at will, like a city park or a tennis court . . . Neither can a wilderness be grown like timber, because it is something more than trees . . . if we want wilderness, we must foresee our want and preserve the proper areas against the encroachment of inimical uses.

In 1964, Congress recognized this need and established 54 National Forest areas as the nucleus of he National Wilderness Preservation System.

During the 90th Congress, I submitted recommendations for 30 additions to the System. Action was completed on four of these during the last year. Another was added in connection with legislation for Washington's North Cascades. Altogether, some 800,000 acres were placed under the permanent protection of the Wilderness Act.

I am now sending to the Congress 13 additional wilderness proposals. One would designate about 323,000 acres within the Ashley and Wasatch National Forests of Utah as the High Uintas Wilderness. The remaining 12 proposals would create wilderness areas within several different wildlife refuges. I am also transmitting the results of Interior Department review of the Bear River Wilderness proposal. The Secretary of the Interior does not recommend wilderness status for this area, and I concur in that recommendation.

I urge early and favorable action on the new proposals as well as on those I submitted previously.

The future character of America depends on what constructive actions we take today. We can destroy our country by neglect, just as surely as we can save its great, God-given beauty by showing true concern.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *January 18, 1969.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

JANUARY 20, 1969.

The Honorable the SPEAKER,
House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives from the President of the United States, received in the Clerk's Office at 3:15 p.m. on Sunday, January 19, 1969, and said to contain a Message from the President wherein he transmits the third annual report of the National Endowment for the Humanities.

THIRD ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

To the Congress of the United States:

I am pleased to transmit to the Congress this Third Annual Report of the National Endowment for the Humanities.

The Report describes the many ways in which the Endowment, though in operation for only three years, is helping scholars extend the knowledge and wisdom needed for human understanding, and helping teachers develop better ways of making the humanities meaningful to their students. The Report shows that in Fiscal Year 1968 the Endowment supported the Humanities with grants to individuals and institutions in 44 States and the District of Columbia.

I commend this Report to the Congress, with satisfaction that a real beginning has been made in increasing Americans' awareness of their priceless cultural heritage.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *January 18, 1969.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

JANUARY 20, 1969.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives from the President of the United States, received in the Clerk's Office at 3:15 p.m. on Sunday, January 19, 1969, and said to contain a Message from the President wherein he transmits the annual report of the Appalachian Regional Commission for fiscal year 1968.

Sincerely,

W. PAT JENNINGS,
Clerk U.S. House of Representatives.

ANNUAL REPORT OF THE APPALACHIAN REGIONAL COMMISSION FOR FISCAL YEAR 1968—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-59)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Public Works and ordered to be printed with illustrations:

To the Congress of the United States:

I am pleased to transmit to the Congress the Annual Report of the Appalachian Regional Commission for Fiscal Year 1968.

This marks the halfway point in a six-year development program intended to close the economic gap between the Appalachian Region and the rest of the Nation.

In many ways the Appalachian program has been an experiment. At the end of this third year, it is possible to say that that experiment has proven itself successful—even if it is not possible to fully measure the impact of all its provisions.

Throughout the mountains and valleys of the thirteen Appalachian States, the three-year results of this program are highly visible—not only on the landscape but in the new hopes of its people.

There are 116.5 miles of new highways completed, with another 357.4 miles under construction—drastically reducing isolation and opening up new opportunities to the people of the region.

There are 36 new or expanded airports, assuring many communities of the commercial and developmental advantages of the air age.

More than 160 vocational education schools are training thousands of students who might have been dropouts—giving them modern skills to secure employment.

Over 170 new or improved hospitals and health facilities are providing modern health care to a people who have long been denied the basic health service which most Americans have taken for granted.

There are 127 institutions of higher education which have been assisted—and they are on the way to giving the best education possible to the young people of Appalachia.

All this and more—libraries, low and moderate income housing projects, educational television stations, water and sewer systems: hundreds of separate projects are at work to reclaim lives and enhance the land that was ravaged by erosion, strip mining, underground mine fires and floods.

The story of Appalachia is a story of growing hope.

I hope the 91st Congress will continue and strengthen the Appalachian Program.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *January 18, 1969.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The **SPEAKER** laid before the House the following communication from the Clerk of the House of Representatives:

JANUARY 20, 1969.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives from the President of the United States, received in the Clerk's Office at 8:45 a.m. on Monday, January 20, 1969, and said to contain the Manpower Report of the President.

Sincerely,

W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

MANPOWER REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-62)

The **SPEAKER** laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor and ordered to be printed with illustrations:

To the Congress of the United States:

It is with great pride that I submit this, the final Manpower Report of my Presidency. It describes the most favorable employment record in many years and the policies and programs that have made this progress possible. It also sets forth the agenda for further improvements in the use of the Nation's manpower and for continued economic prosperity.

This Report records the Nation's ability and continuing progress to meet one of the most basic needs of its people and represents a valid gauge of the Nation's essential strength.

The overriding significance of the Report is found in its concern for people, the most precious resource of this Nation—teenagers with futures to build, men and women with families to feed and house and educate, elderly citizens with productive years still ahead.

I commend this Report to your careful attention as the profile of America at work today. It is a record of promises made, of achievements and of hopes aroused. A new sense of dignity, a new chance for fulfillment, a new vision of the future have touched the lives of many millions because of what these pages tell.

Although there is ample cause for satisfaction in this Report, there is none for complacency. What we have accomplished helps to describe the dimensions of what is still undone. But those achievements, incomplete as they are, also serve to show us what *can* be done.

With a strong economy as the lifeline, special manpower programs—those we have tried and those still to be tested in the years ahead—can help men and women whom the economy would otherwise by-pass.

The road we are on is a long one. But the milestones we have already passed tell us it is the right road.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *January 19, 1969.*

PARLIAMENTARY INQUIRY

Mr. **GROSS**. Mr. Speaker, a parliamentary inquiry.

The **SPEAKER**. The gentleman will state it.

Mr. **GROSS**. Mr. Speaker, can the Speaker tell us whether the President's economic report to the Nation has been filed and, if so, when?

The **SPEAKER**. In response to the inquiry, the Chair will state that the report has been received, and it has been referred to the Joint Economic Committee on January 16.

Mr. **GROSS**. Mr. Speaker, I thank the Chair.

JAMES P. B. DUFFY

The **SPEAKER**. Under a previous order of the House, the gentleman from New York (Mr. HORTON) is recognized for 30 minutes.

Mr. **HORTON**. Mr. Speaker, I want to take a few moments of our colleagues' time to recall and honor the service of a former distinguished Member of the House of Representatives.

James P. B. Duffy, who served in the 74th Congress as Representative from Rochester, N.Y., passed away earlier this month.

Jim Duffy was not a nationally known figure, in politics or government, but, perhaps more than any other man, he exemplified very real dedication to public service to the people of his community.

He died on January 8, at the age of 90, after a long, active, and useful life—useful to the legal profession, the community and his church. His list of unselfish services included 28 years on the Rochester School Board, a term in Congress, service as a New York State Supreme Court justice, as a member of the New York State Alcoholic Beverage Control Board, and the New York State Probate Commission.

He served in active trusteeships with the Rochester Chamber of Commerce for 52 years, the Rochester Community Chest for 35 years, the Rochester Chapter American Red Cross for more than 20 years, the Rochester Savings Bank for 30 years, and St. Patrick's Roman Catholic Church for 49 years.

In 1966, he received from the New York State Bar Association its distinguished service award.

His unselfish life represented the highest traditions of the legal profession and his example in public life as well as in his busy private law practice has been a constant source of inspiration to his brother lawyers and to the bench.

The Monroe County Bar Association expressed to me sorrow at the loss of one of its most distinguished, active, and loyal members.

Duffy, a bachelor, had made his home in the now closed Manger Hotel, on Clinton Avenue, South, in Rochester. He became a St. Anne's Home resident several months ago.

He was a member of the law firm of Duffy, Kaelber, Neville, & Juroe which he joined after being graduated from Harvard Law School in 1904.

Judge Duffy was a Democratic Congressman from 1934 to 1936 and a member of the State supreme court in 1937.

At the time of his death he was a member of the board of directors of the Automobile Club of Rochester and was a past president of the club.

He was a founder of the United Charity which later became Family Services of Rochester. He received his bachelor of arts degree from Georgetown University.

He served as a director and legal adviser of the local American Red Cross chapter for 10 years and was a commissioner of the Rochester Museum and Science Center.

Duffy is survived by a brother, J. Paul Duffy of Waterloo, N.Y., and a number of nephews and nieces.

A tribute to our late colleague appeared in a Brighton-Pittsford, New York Post editorial January 16. I would like to share it with my colleagues:

JAMES P. B. DUFFY

In an age of the anti-hero, an age in which we seem to see nothing except feet of clay on everything and everyone, the life of the late James P. B. Duffy has particular meaning, especially for youth.

Mr. Duffy, who died last week at 90, was, in a sense, a member of the established order in this metropolitan area. For many years he performed distinguished service as head of the Rochester School Board. He also served as a Congressman and as a Supreme Court justice, and he held a multitude of civic posts.

But if anyone were to suggest that these positions and responsibilities removed him from a warm and human concern for his fellow man, they just didn't know Jim Duffy.

What an unending amount of warmth and sensitivity this wonderful man had! What a desire to know what troubled and concerned other people, and what determination to do whatever he could to make their lives happier. What unreservedly honest a respect he had for every human being who crossed his path. And what never-failing grace and courtesy.

Can anyone remember an instance in which this man acted out of meanness, or bitterness, or selfishness? The answer, as true and clear as a church chime, is of course, no.

The word saint in our modern age is pretty square and old-fashioned. But as surely as the sun rises so did we have one among us during the 90 years that this remarkable man lived in Monroe County.

In a troubled time, in which everyone is blaming everyone else for the ills of society, we could learn much from Judge Duffy, if we would only take the time to learn the lessons he taught us so unassumingly.

Mr. Speaker, I am pleased to yield to my fellow New Yorker, Mr. CELLER, the senior Member of this House, who joins with me in paying honor to Mr. Duffy.

Mr. CELLER. Mr. Speaker, I remember well our former colleague, James P. B. Duffy, of Rochester, N.Y., who served with me on the Judiciary Committee while he was in the House of Representatives.

He was a dedicated public servant, both in and out of office, and devoted much of his life to humanitarian endeavors. He leaves a good and honorable name.

I join his many friends in extending to his family my sincere sympathy and condolences in their bereavement.

HALT NORTH VIETNAM AID

The SPEAKER. Under a previous order of the House, the gentleman from New Mexico (Mr. FOREMAN) is recognized for 30 minutes.

(Mr. FOREMAN asked and was given permission to revise and extend his remarks.)

Mr. FOREMAN. Mr. Speaker, on November 14, 1967, the Foreign Assistance Act of 1961 was amended by Public Law 90–137. Section 620 of that law states:

No loans, credits, guaranties, or grants or other assistance shall be furnished under this or any other Act, and no sales shall be made under the Agricultural Trade Development and Assistance Act of 1954, to any country which sells or furnishes to North Vietnam, or which permits ships or aircraft under its registry to transport to or from North Vietnam, any equipment, materials, or commodities, so long as the regime in North Vietnam gives support to hostilities in South Vietnam.

The intent of Congress is clear in the Foreign Assistance Act, as amended. Yet, since November 1967, a total of 164 ships flying the flags of free-world countries have delivered goods to North Vietnam. All the while, of course, the war rages on. In the same 14 months, nearly 16,000 Americans have died in the hostilities, and, according to information furnished me by the Department of Defense, approximately 100,000 of our men have been wounded.

So long as hostilities in Vietnam continue, so long as Americans are fighting and dying in a foreign land, it is immoral—it is unconscionable—and it is un-American not to use every available means to stop vital supplies from reaching the enemy, and flowing through channels provided by countries receiving American tax dollars in aid and grants. That is why I am today introducing a concurrent resolution which calls upon our President to immediately halt all U.S. aid and trade with countries assisting North Vietnam.

I introduce this resolution—in addition to it being just plain, good commonsense—because even though the law has been on the books since November 14, 1967, it has not been effectively implemented to bring the flow of goods and supplies to the enemy to a halt.

Mr. Speaker, I appreciate the fact that a bipartisan group of our colleagues in this body have seen fit to join me in the introduction of this resolution. I include the resolution, and a listing of our colleagues joining me in the sponsoring of this resolution, at this point in the CONGRESSIONAL RECORD:

H. CON RES. 89

(Mr. Foreman (for himself, Mr. Baring, Mr. Derwinski, Mr. Lukens, Mr. Haley, Mr. Whitehurst, Mr. Collins, Mr. Grover, Mr. Smith of California, Mr. Watson, Mr. Lujan, Mr. Fisher, Mr. Waggonner, Mr. Price of Texas, Mr. Utt, Mr. Frey, Mr. Rhodes, Mr. Gross, Mr. Dowdy, Mr. Camp, Mr. Lipscomb, Mr. Dickinson, Mr. Kuykendall, Mr. King, Mr. Hunt, Mr. Hall, Mr. Sebelius, Mr. Landgrebe, and Mr. Langen.)

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President of the United States shall abide by the Foreign Assistance Act of 1961, Sec. 620 (n), as amended by Public Law 90–137, and shall immediately terminate loans, credits, guaranties, or grants or other assistance under this or any other Act to any country which sells or furnishes to North Vietnam or which permits ships or aircraft under its registry to transport to or from North Vietnam, any equipment, materials, or commodities, or by any means gives any form of assistance to North Vietnam.

GENERAL LEAVE

Mr. FOREMAN. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days to submit their remarks in the RECORD in support of this resolution.

The SPEAKER pro tempore (Mr. CORMAN). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

THE THREAT OF CONTINUED RELIANCE ON FOREIGN MEDICAL GRADUATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. CAHILL) is recognized for 20 minutes.

Mr. CAHILL. Mr. Speaker, today we are confronted with a crisis of fundamental importance to the health and well-being of every American. The need for greatly increased medical services and manpower to provide the highest quality medical care for every person commands our immediate attention. Between now and 1975, it is estimated that there will be an increase of approximately 25 percent in the demand for physicians' services. Population growth, changes in the age-sex distribution, urbanization, migration, rising levels of income, increased education, and medicare account for this tremendous increase.

The crisis America faces today is an overwhelming shortage of competent medical manpower to cope with increased demand for health care services. In simple terms, the number of highly qualified physicians available has not kept pace with the greatly increased needs. Based on figures available in 1960, the President's Commission on the Health Needs of the Nation indicated that if the entire country were to enjoy the high-quality medical services that it so desperately needs, almost 60,000 additional physicians must be found. However, knowledgeable estimates of the present medical manpower shortage indicate that in 1969 our Nation remains with a deficit of over 50,000 medical doctors.

The supply of physicians is augmented in two main ways: graduates of American medical schools and alien doctors admitted to this country to practice medicine. In recent years around 7,500 American medical students have graduated each year. In addition, over 2,000 foreign medical graduates have been added to the medical professions here each year. The American Medical Association indicates that in 1965, 11,474 interns and residents serving in approved hospitals in the United States were graduates of foreign medical schools. As such, these doctors account for 28% of all interns and residents employed in approved hospitals.

Even more startling is the fact that in fiscal year 1967, for the first time, the number of foreign medical graduate immigrants plus medical exchange admissions—approximately 8,000—exceeded the number of U.S. medical graduates—approximately 7,600.

Alien medical doctors enter this country in one of three ways. Physicians admitted to this country for permanent residence from the Eastern Hemisphere enter pursuant to section 203(a)(3) of the Immigration and Nationality Act. This section accords a third preference immigrant visa to certain qualified immigrants of exceptional ability in the sciences whose presence in this country will substantially benefit the welfare of the United States. Also, a labor certificate averring the absence of sufficient, able, willing, and qualified doctors in the place of the alien's intended employment is required by section 212(a)(14). At the present time, alien doctors from the Eastern Hemisphere must wait at least 15 months time between the time their third preference petition is approved and the time their immigrant visa is issued.

Alien doctors entering the United States for permanent residence from the Western Hemisphere are admitted as "special immigrants" under section 201(a)(27). A "special immigrant" physician is also required to obtain a labor certification under section 212(2)(14). Currently, alien doctors from the Western Hemisphere experience a delay of approximately 2 months between the time their petition is approved and their immigration visa is issued.

In addition, temporary H-1, H-2, and J-1 visas for workers of distinguished merit and ability, workers performing services unavailable to the United States, and exchange visitors, are available under sections 101(a)(15)(H)(i), 101(a)(15)(ii), and 101(a)(15)(J), respectively. The temporary stay, envisioned by these visas, can be lengthened into permanent residence through an informal administrative practice of the Immigration and Naturalization Service. Under the logic of the immigration and nationality law, while a visitor, holding a temporary visa is in this country, he may not apply for permanent immigration visa because, the Service feels, such activities would be inconsistent with the purposes of his entry. However, medical doctors, in the United States for temporary purposes, are permitted to file a petition for a third preference visa and remain here until their quota number is reached. Presumably, this informal procedure would be available even if the doctor entered the country illegally.

In my judgment, this country's reliance on foreign medical graduates to fill the partial vacuum of medical manpower is a shortsighted, inadequate policy with dangerous ramifications for all of us. Tremendous risks are readily apparent from our continued reliance on these medical doctors. In the first place, the continued supply of the doctors is uncertain. Second, employment of these physicians represents a staggering manpower drain on foreign, and particularly, underdeveloped nations who, perhaps to an even greater extent, need medical personnel to provide health services. Moreover, continued reliance on foreign medical graduates could decisively undercut the effect of the millions of dollars of foreign aid which we annually provide these developing nations.

Another disturbing feature of this policy is the inferior quality of the medical and health services provided American citizens in American hospitals by these foreign medical graduates. In a comprehensive study recently completed by the American Medical Association, foreign medical graduates serving here as interns and residents were compared with their American counterparts. The physicians were evaluated in 15 main areas: acclimatization; discipline; general duties; history-taking; physical examination; basic medical sciences; doctor-patient relationship; doctor-staff relationship; personal relationship; libraries; supervision; learning processes; independent learning; teaching staff and house staff; potential for medical practice. The results were startling: whether viewed collectively or individually, the foreign medical graduate intern or resident manifests a level of professional knowledge and competence significantly below graduates of American medical schools. The only exception was in the ability to make effective use of the library where the foreign medical graduates were rated approximately equal to American graduates. Particularly in the four crucial areas of professional competence—knowledge of basic medical sciences; effect on hospital teaching staff; capacity for independent learning; and potential as practicing physicians—the great inferiority of foreign medical school graduates is manifest. In effect, they rated poorest in the most important aspects of medical knowledge critical for their development as physicians and for the service they render to the patients they encounter.

I am further convinced that another consequence of our reliance on foreign medical graduates has been to detract from the ability of our Nation's medical schools to produce practicing physicians. In short, by permitting our health care system to draw upon foreign medical manpower, medical schools in the United States have been relieved of public and government demands for an increase in the production of U.S. medical graduates. In the absence of such demands, it appears that U.S. medical schools have oriented their operations largely toward pursuit of Federal research grants. Paradoxically, the AMA and many schools have defended their preoccupation with research by the argument that intensive scientific research is necessary to maintain high caliber and quality standards of medical education.

Thus we are confronted with a terrible dilemma. We have a great shortage of well trained physicians. We have adopted a stopgap procedure of employing alien doctors to partially fill this vacuum. But experience has shown that these doctors have not and cannot give the public the quality of medical service which is desperately needed and expected. Moreover, it appears that this policy has actually deterred domestic production of medical graduates. In short, our stopgap procedure has been a failure with grave implications for the future if the practice is continued.

Mr. Speaker, in my judgment, we cannot permit perpetuation of the low grade medical care provided by these doctors, nor can we permit our Nations' medical schools to neglect their function of educating trained physicians. It is time to rethink our shortsighted schemes and formulate policies to insure long-term attainment of the high quality of medical care that we need. We should expand our present medical school facilities and enrollment to insure a ready reservoir of competent medical talent to meet the challenge of our ever increasing health needs. We must reevaluate the dangerous priorities accorded medical research in the perspective of the present threatening medical manpower shortage.

In the interim, I am convinced we should immediately stop the entry of foreign physicians into this country unless we can guarantee that they have the minimum standards of quality and potential that we expect of our own physicians. To implement this policy I urge that foreign medical doctors be admitted for permanent residence and ultimate citizenship only after they have passed an examination designed to indicate that they have the equivalent quality training and potential of graduates of medical schools in this country.

As recently pointed out by President Johnson's Advisory Commission on Health Manpower, the fundamental criterion of professional qualification in this country is graduation from an accredited medical school. Since it would be impracticable and costly to establish a system of accrediting foreign medical schools, no similar mechanism exists for evaluating the professional qualifications of foreign medical graduates.

However, at present, foreign medical graduates are required to pass a standard examination administered by the Educational Council on Foreign Medical Graduates, a body designated by representative groups within organized medicine, in order to become eligible for hospital training or for State licensure. I would emphasize:

First. That passage of this examination is not a prerequisite to issuance of an immigrant visa;

Second. That the examination is not sufficiently difficult to insure the American public of adequate quality medical care.

As reported by the President's Advisory Commission:

> Those who administer the examination consider it to be easier than that of the National Board (which must be taken by United States graduates). The quality of preparation of foreign medical graduates seeking to come to the United States is indicated by their scores on the Educational Council on Foreign Medical Graduates examination. On examinations which were passed by ninety-eight percent of United States graduates, only forty percent of the foreign medical graduates achieved a passing score. Furthermore, the scores of those who did pass were clustered just above the passing mark rather than spread out through higher scores like those of United States graduates.

I would therefore urge admission under immigration laws based on successful completion of an examination which will more adequately reflect whether a visa applicant has the equivalent quality training of U.S. medical schools.

I would further advise that I have today introduced legislation that makes issuance of an immigration visa to foreign medical doctors contingent upon satisfactory completion of such an examination.

In accordance with recommendations of President Johnson's Advisory Committee the examination is to be administered and formulated by the National Board of Medical Examiners. However, under my bill the Secretary of Labor would be authorized to waive this requirement where, because of their distinguished prior experience, aliens manifest sufficient competence to practice medicine in the United States.

In my judgment, this legislation is absolutely necessary to reverse a trend which has continued to shortchange our Nation's health and medical service needs.

MICHIGAN'S HOLLAND CHRISTIAN BAND PERFORMED MAGNIFICENTLY IN INAUGURAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. VANDER JAGT) is recognized for 40 minutes.

Mr. VANDER JAGT. Mr. Speaker, the performance of the Holland Christian High School Band from my Ninth Congressional District in the inauguration parade was magnificent.

Each band member reflected the goodness, decency, and unselfishness of a strong young America that will take up the torch of greatness to carry our Nation toward new glory in the challenging future.

I join the State of Michigan, the city of Holland, parents, schoolmates, and all those associated with the band in saluting the young musicians not only for their personal conduct but for a flawless performance as they marched into history along Pennsylvania Avenue on Inauguration Day, 1969.

In a heartwarming and swift response to the need for financing the band's trip, the community of Holland raised an estimated $15,000.

Henry P. Vander Linde, band director, expressed the gratitude of the band and others in this special message on the eve of the Washington trip:

> The trip to the Inaugural Parade in Washington, D.C., is not only a great honor, but also a great responsibility. Many hours of planning, work, and money have gone into making this trip possible. Therefore, we should reward this with our very best effort and conduct.
>
> We are now in the attention of the entire state as their representatives, and they expect from us the best.
>
> It has been the desire of the Planning Committee and the Band and Orchestra Parents to make this historic occasion an unforgettable educational and musical experience. We are deeply indebted to every committee member, contributor, and worker on this project. The cooperation of the School Board, Administration, faculty, student body, parents, and community has been overwhelming. Their concern and prayers are with you.
>
> Use this opportunity to be a witness of Christian Education and the best qualities of Christian citizenship.

The choice of Holland Christian High School Band to represent Michigan in the inaugural parade was a cooperative effort. I worked closely with the Michigan Republican State central committee and George Romney, Governor at the time and now Secretary of Housing and Urban Development.

The five-day journey was much more than a trip to Washington for the band. It was an action-packed, interesting, and lively experience.

En route to the Capital, the band visited Gettysburg for a tour of the historic battlefields.

Upon arriving in Washington at midafternoon on January 18, I welcomed the band in the House Chambers before taking them on a tour of the Capital, including a visit to the suite of Speaker JOHN MCCORMACK, whose staff was most helpful in arranging to permit the young visitors from Michigan a view of his personal office. It was a wonderful experience for the high school students, whose interest in government was deepened because of seeing the Speaker's office and much of the Capitol.

With members of my staff acting as guides, the buses toured Washington, including the Washington Monument, Lincoln Memorial, Jefferson Memorial, and the downtown area.

Midway during the tour the band saw motion pictures of the Apollo 8 flight to the moon. The Science and Astronautics Committee, of which I am a member, through its staff helped arrange the showing of the film in the Rayburn Building. Capt. Robert Freitag, field director for the manned space program of the NASA organization, was directly responsible for obtaining the film. He made an excellent speech to the band, which was applauded with youthful enthusiasm.

On January 19, the band traveled to Annapolis to attend chapel with the midshipmen. After dinner in a fine restaurant overlooking the Severn River, band members were taken on escorted tours of the area by members of the Annapolis Historical Society. A vesper service in the Reformed Presbyterian Church of Annapolis concluded a very special day for the visitors from Holland.

On Inauguration Day while the band was preparing for the parade, chaperones were guests for luncheon in my Longworth Building office. Also, they were my guests at the inaugural ceremonies.

Radio, television, and newspaper coverage of the band's trip was outstanding.

Holland radio stations carried many broadcasts prior to the band's departure and during the Washington trip.

Time-Life Broadcast in Washington recorded the band's tour of the Capitol for the televising next day.

The Holland Sentinel published page 1 stories of the band's activities in Washington with photographs.

A copy of one of the Sentinel's pretrip stories follows:

> ### CHRISTIAN BAND GETS PARADE RULES
>
> Complete parade instructions for the Holland Christian High School band which will be Michigan's music entry in the Inaugural parade for President-Elect Richard M. Nixon on Jan. 20 were received today by Henry P. Vander Linde, director.
>
> The 75-page instruction packet was prepared by the Department of the Army, headquarters military district of Washington which is in charge of arrangements, along with crowd control and medical supervision.
>
> Holland Christian's 141 piece band will march early in the fifth division of the parade which is slated to get underway at 2 p.m. (EST). The order of march for the fifth division is headed by the United States Navy Commander and Staff, along with the U.S. Navy band. Following in order are the floats of Maine and Missouri, along with their bands. Then follows the Missouri and Arkansas units just ahead of the Holland Christian band. Following is the Michigan float and the units from Florida, Texas, Iowa, Wisconsin, Minnesota, Kansas and West Virginia to round out the fifth division.
>
> The first division includes, parade personnel and marshalls, President and Mrs. Nixon, Vice President and Mrs. Spiro Agnew, Chief Justice and Mrs. Earl Warren, Senator and Mrs. Everett Dirksen, Congressman and Mrs. Gerald Ford of Michigan, former President and Mrs. Dwight Eisenhower and other party officials. Members of the new Cabinet and their wives complete the first division, along with the governors of the various states.
>
> Then follows the one band and one float from each of the 50 states, marching in the order in which the states were admitted to the Union. The lone exceptions are the states of California and Maryland who will head the other states in honor of the new President and Vice President.
>
> Vander Linde said that parade instructions call for all bands to maintain a cadence which will assure forward movement of 100 yards per minute. Bands must maintain their original formation throughout the parade and special formations are prohibited in the Inaugural parade.
>
> Bands must maintain a formation such that the width will not exceed 17 yards and the overall length of the unit will not exceed 24 ranks. Vander Linde has done some shuffling of his 141 piece outfit in rehearsals in the new Christian High gym and reported that the Christian band will march 16 ranks including the majorettes, color bearers and drum major.
>
> All bands will play while passing the Presidential reviewing stand in front of the White House. The Maroon band director reported that the local band will play, "The Victors," fight song of the University of Michigan while passing in review.
>
> Only Armed Forces bands will render "Honors" in front of the Presidential stand. "Honors" consists of four ruffles and flourishes followed by appropriate military music.
>
> The parade route will extend from the Capitol to the White House.
>
> Plans call for the Holland Christian band to leave for Washington on Friday Jan. 17 and return home immediately following the parade with scheduled arrival at noon on Tuesday Jan. 21.

The Grand Rapids Press published a full page picture-text story the week before the band came to Washington. Text matter of the story follows:

> ### NIXON INAUGURAL EAGERLY AWAITED—HOLLAND CHRISTIAN BAND HITS A HIGH NOTE
>
> (By Bob Burns)
>
> HOLLAND.—It was 29 degrees and the rain landing in front of the Civic Center on West 8th Street was coating the pavement with a sheet of ice.
>
> Inside the building, all kinds of empty musical instruments cases were on the floor near the entrance.
>
> Then you could see Henry VanderLinde in a maroon jacket. He would take a few steps along the aisle above the basketball floor, stop and comment:
>
> "I'm not pleased with this at all."
>
> Then he would strut and say:
>
> "March into the rhythm. Da-Da-Da Da Da—then come back in."
>
> #### BAND PLAYS ON
>
> He would take a few more steps.
>
> "You've got to be together," his voice would boom. "Okay, let's try 'The Victors' again."
>
> Then the Holland Christian High School Maroon Marching Band blared away while VanderLinde, the director, looked and listened for more minor flaws.
>
> The reason for practice during Christmas vacation is the band will represent the state at President-elect Richard M. Nixon's inaugural parade Jan. 20 in Washington, D.C.
>
> "We started at 8 this morning and there's still plenty of work to do," VanderLinde said.
>
> Suddenly the music stopped.
>
> "You drummers had a little fiasco there," VanderLinde yelled in the direction of the 141-piece maroon-and-white clad band.

"One-two, now the chord. Now the last chord. Now, that's a good, full sound.

"Okay, let's try 'March America.'"

The band sounded off again.

After more pacing and more comments, VanderLinde said:

"At ease. Rest. Don't move out of place!"

VanderLinde, who was elected band director of the year in Michigan last January, took time out himself to talk about how the band became the only one selected to represent Michigan at the inaugural.

"It's really a long story," he said. "It started when the band played at a cracker-barrel rally several weeks ago. It was suggested to U.S. Rep. Guy Vander Jagt (R-Cadillac) that it would be an honor if the band could march at the inaugural.

"Finally, on Dec. 10, the school got a phone call. We had two hours to accept or reject the invitation, but the superintendent of schools, Mark VanderArk, made the decision to go. It was announced that night at a basketball game."

CAMPAIGN IS ON

In the last 19 days, a campaign has been waged to finance the trip for a party of 164 including chaperones.

"We need more than $10,000," VanderLinde said.

VanderLinde, who has been director of instrumental music in the Holland Christian schools for 18 years, is proud of the record his bands have achieved. "We have established a good reputation in state music festivals," he said. "Last year we were the only band given a unanimous rating by four judges in the festival."

VanderLinde is a strong believer of pride, spirit and loyalty. "Any boy or girl who has these qualities has the key to success," he said.

After talking with several band members, it is obvious that VanderLinde is a popular director.

Mary VanderHooning, a junior clarinet player, said, "Going to Washington will be a great experience for the band and an honor for Mr. VanderLinde and Holland." Mary said she is looking forward to "seeing everything" in the nation's capital.

Kris DeGraaf, a junior majorette, echoed Mary's sentiments about the band and the director. "He really deserves it," Kris said. "I've never been there before and I'm really looking forward to the trip, especially a chance to see President Nixon."

Tom Vreeman, only a sophomore but the fellow who will lead the band as drum major, is confident everything will turn out just fine. "I'm a little nervous," he said. "But we can handle it. All of us need a little more practice, but the nice thing is that everyone is willing to work. They listen to the director and I know everyone is going to do a good job."

Like Kris, Tom said he's anxious to see the next president. "And I'd like to see the monuments, too," he said.

PRESIDENT OF BAND

Steve VanderPloeg, a senior trombone player and president of the band, thinks the trip will be a good thing for the students and the school. "I hope I can see Arlington Cemetery and the Pentagon," he said.

Sue Hulst, a senior who plays the tenor saxophone and is the band librarian, also hopes to visit Arlington. "My sister's husband guards the Tomb of the Unknown Soldier," she said. Sue, who lives in East Saugatuck, said she hopes "we can represent Michigan as well as any other band could. That's why I don't mind practicing during Christmas vacation."

Ron Klynstra, a senior who resides in Zeeland and plays the tuba, may be a little more anxious to make the trip than most. "I've never been out of the state," he said. "It's a wondeful opportunity. I'm proud to go."

Hilda Berghoef, secretary of the band and a senior clarinet player, has a long list of places to visit during the four-day trip. "Let's see," she said, "there's the Pentagon, White House, Smithsonian Institution, Capitol and Lincoln Memorial. It's great, just great that this happened."

Randy Vogelzang, a junior coronet player, thinks the trip will be very educational. "There's the Capitol—just so much to see," he said.

Fred Sterenberg, a senior baritone player, said, "I haven't really thought much about the trip. But the visit to Gettysburg should be a lot of fun."

Craig VanderBie, a junior bass drummer, still can't get over being part of the band that was selected by Gov. Romney and Elly Peterson, state GOP chairman.

PICKED OVER UM

"When you realize that only a few high school bands in the country will be there and that we were picked over the University of Michigan band then it becomes more like a once-in-a-lifetime thing," he said. "And how often do you get to see a president inaugurated?"

Nancy Hietbrink, a junior trombone player, said, "It's more fun than Christmas. What else can I say?"

Sue Tinholt, a junior majorette, said she hasn't thought about too much other than seeing President Nixon.

"I'm just going to get in as much practice with the baton as I can," she said.

It was now a little past 10 a.m. and the last of the band members left the building carefully stepping over the ice.

During the parade, the band was seen by an international television audience as the musicians marched past the White House reviewing stand with President Nixon and others in his official party applauding the outstanding performance.

I have sent letters of appreciation to each band member. One of them follows:

Your band is a source of great pride for all of us. Congratulations for your performance in Washington during the Inauguration of President Richard M. Nixon.

I have spoken my praise in the House of Representatives. My comment is printed in the enclosed copy of THE CONGRESSIONAL RECORD, which you may want to keep as a memento of your trip.

The pictures were taken, as you may recall, in the Capital during our brief, but interesting, tour of the building.

We enjoyed your visit, your wonderful music and marching and the opportunity to be of service.

My staff and I thank you for your thoughtfulness in your gifts of honorary band member certificates and the wooden shoes.

Thank you for representing Michigan and your home city in a manner that brought applause and praise wherever the band appeared.

A letter thanking Mark Vander Ark, school superintendent, which I wrote follows:

Recall that President Nixon in his inaugural address said: "We see the hope of tomorrow in the youth of today."

Thanks to the dedication, hard work, imagination and skill of educators like yourself, the "hope" Mr. Nixon spoke of is stronger and brighter.

You brought a wonderful group of young people to Washington. They captured the hearts of everyone they met. The training and education they have received under your guidance were reflected in their attitudes, performance and personal conduct.

Thank you for all the help you gave my staff. We are very grateful for your cooperation and assistance.

It was a special pleasure to see you and the other adults who made the journey to Washington, which we hope was a pleasant and unforgettable one.

To express my appreciation to the nearly 500 members of the Band Parent Organization, I sent each one of them the following letter:

DEAR HOLLAND CHRISTIAN HIGH SCHOOL BAND PARENT: Time does not allow me to send personal letters to each of many hundreds of you. So, please accept my apology for using this form of communication.

I thought you might like to have this copy of the page in the CONGRESSIONAL RECORD on which my remarks praising the band for its outstanding performance in Washington were printed.

Thanks to hard work and support, the band had the backing it needed to make the trip. I congratulate you for a wonderful contribution.

I include herewith a list of the names of the talented young musicians who represented Michigan in the 1969 Inaugural Parade:

HOLLAND CHRISTIAN HIGH SCHOOL BAND PERSONNEL ROSTER 1969

FLUTE

Nancy Ribbens, Peggy Ribbens, Arlyn Dozeman, Bonnie Keen, Gayle Kamer, Marilyn Ver Hoef, Marcia Vander Ploeg, Nancy Todd, Mary Deur, Nancy Sikkel, Pat Hoffmeyer, Sandi Smith, Jane Voss, Audrey Raak, Kathy Plaggemars, Marcia Schout, Mary Overweg, Gretchen Otten, Linda Coornbos, Sandy Ter Horst, Evonne De Frell, Gwen Rypma, Lisa Vander Poppen, Luanne Vanden Bosch, Sheryl Van Kampen, Sara Vander Kolk, Evonne Deur, Peggy Vander Kool, Eileen Dozeman, Sandy Hop.

OBOE

Gay Kaashoek (Banner), Sheryl Huizenga (Banner), Phyllis Van Noord (Bells), Sally Wyngarden (Bells).

CLARINET

Bill Swieringa, Hilda Berghoef, Mary Vander Hooning, Evelyn Vander Kolk, Glenna Vander Bie, Helen Fredricks, Helen Dykstra, Vonnie Hekman, Linda Rooks, Linda Ter Horst, Nancy Ten Harmsel, Nancy Yff, Diane Kiekover, Sue Frieswyk, Ken Bos, Pate Brouwer, Wm. De Waard, Wanda Grotenhuis, Ena Berghoef, Bev Molder, Margo Van Slot, Sue Frens, Mark Van Zanten, Cherie Raterink, Charlene Rotman, Joan Manting, Mary Medema, Karen Den Bleyker.

BASSOON

Dawn Boerman (Cymbals).

ALTO CLARINET

Mary Peeks.

BASS CLARINET

Dorothy Hoekstra, Craig Wieringa.

CONTRA BASS CLARINET

Jeanne Boeve (Clarinet).

ALTO SAXOPHONE

Linda Oetman, Laurel Louwsma, Sheryl Deur, Beth Brinks, Bob Steenwyk, Rich Mosher, Pam Meyaard, Brian Boeve.

BARITONE SAXOPHONE

Curt Mans, Kirk Vander Ploeg.

CORNETS

Randy Vogelzang, Tim Leep, Terry Slenk, Glenn Homkes, Doug Zoerhoff, Steve Oostdyk, Dan Holwerda, Rick Kiekintveld, Rex Kiekintveld, Marge Gritter, Sally Brinks, Tom Smith, Rusty Michmerhuizen, Dan Boerman, Steve Brieve, Doug Nienhuis, Pete Hoekstra, Randy Schrotenboer, Chuck Tubergan.

TENOR SAXOPHONE

Sue Hulst, Maxine Ten Harmsel.

HORNS

Joann Houseward, Cal Vanden Brink, Ken Visser, Carl Bergman, Jack Heyboer, Chuck Steenstra.

TROMBONES

Steve Vander Ploeg, Bob Nienhuis, Dan Gritter, Nancy Hietbrink, Len Vogelzang, Roy Navis, Sam Greydanus, Tom Swieringa, Tom Vreeman, Ken Schierbeek, Tom Hoeksema.

BARITONES

Dave Den Ouden, Fred Sterenberg, Paul Keeps, (T.C.), Gary Schutten (T.C.), Jerry Phillips (T.C.), Mark Genzink, Rick Slenk, Joe Zwier, Brad Stephenson.

BASSES

Ron Klynstra, Mark Van Reken, Steve Hekman, Jim Vanderby, Cory Knoll.

STRING BASS

Jane Vreeman (Bells).

PERCUSSION

Rich Postma (Snare Drum), Mary Brouwer (Cymbals), Larry Klein (Snare Drum), Wayne Hop (Bass Drum), Jerry Hamberg (Snare Drum), Nancy Bartels (Bells), Craig Vander Bie (Bass Drum).

MAJORETTES

Peggy Van Wyke, Anita De Nooyer, Betty Kamer, Sue Tinholt, Kris De Graaf.

DRUM MAJOR

Tom Vreeman.

Accompanying the band was the following entourage of school officials, parents, staff, and specialists, all of whom are to be congratulated for their work:

SCHOOL BOARD

Rev. and Mrs. Steenstra, Mr. and Mrs. Jack Vannette, Mr. and Mrs. Kon Marcus.

ADMINISTRATION

Mr. Ray Holwerda, Mr. Mark Vander Ark.

BAND PARENTS

Mr. and Mrs. Jerry Van Noord, Dr. and Mrs. Frieswyk, Mrs. Elsie Teusink.

STAFF

Mr. Hero Bratt, Mrs. Marie Kruithof, Mr. Art Tuls.

SPECIALISTS

Mr. Don Stolts (Vander Jagt liaison), Mr. Art Wyma (moving pictures), Miss Kathryn Fredericks (treasurer), Mr. and Mrs. Clare Pott (news coverage), Mr. Gus Vanden Berge (photography), Mr. and Mrs. Henry Vander Linde (director).

In conclusion, Mr. Speaker, I quote from the inaugural speech of President Nixon:

> What has to be done, has to be done by government and people together or it will not be done at all . . . with the people we can do everything.
>
> To match the magnitude of our tasks, we need the energies of our people . . . we can build a great cathedral of the spirit—each of us raising it one stone at a time, as he reaches out to his neighbor, helping, caring, doing.

It was this spirit, Mr. Speaker, that came to Washington with the Holland Christian High School Band. It was the energy of those at home who helped make the trip possible.

Holland has a slogan, Mr. Speaker, that seems especially appropriate in saluting the band. According to the slogan:

> Half the fun of having something wonderful is sharing it with others.

ELIMINATE FARM TAX ADVANTAGES TO WEALTHY NONFARMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. CULVER) is recognized for 15 minutes.

Mr. CULVER. Mr. Speaker, I am today introducing legislation in the House of Representatives to eliminate the tax advantages which benefit wealthy nonfarmers who enter farm loss operations to offset their nonfarm income.

Five of my colleagues in the House have joined me in sponsoring the measure—Mr. BINGHAM, Mr. EVANS of Colorado, Mr. HAMILTON, Mr. MCCARTHY, and Mr. REUSS.

The bill is similar to H.R. 19916 which we cosponsored in the 90th Congress, and identical to the measure which was introduced yesterday in the other body by a bipartisan group under the chief sponsorship of Senator METCALF, who has assembled extensive and convincing evidence as to the abuses which our present tax laws allow in this area.

Our existing tax structure encourages wealthy nonfarmers to invest in farm loss operations for the tax advantages they receive, and in doing so they distort the agricultural economy, at the expense of legitimate farmers and the average taxpayer. Not only do they bid up the price of farmland beyond that which would normally prevail, but they force the genuine farmer to compete in the marketplace with owners who may consider a farm profit unnecessary for their purposes.

The bill is written to assure that legitimate farmers are not penalized, even though many of them may be forced to hold jobs in town to supplement their farm income. A ceiling has been established which will permit farm losses to be offset in full against nonfarm income up to $15,000, for those whose nonfarm income does not exceed that amount. Taxpayers with higher nonfarm income may still use farm losses to offset that income, but at an amount reduced dollar for dollar for income over $15,000.

In addition, the bill contains carryover and carryback provisions which would be available to absorb large onetime losses, allowing losses to be offset against farm income for the prior 3 years and the subsequent 5 years.

In no event does the legislation prevent the deduction of farm losses as they relate to taxes and interest, since these are generally deductible whether or not they are attributable to income-producing activity. Nor does it include casualty losses or losses from drought, since these are clearly beyond the control of the farmer.

The limitation on farm loss deductions would not apply to the taxpayer who is willing to follow accounting rules which apply generally to other taxpayers; that is, if he uses inventories in determining taxable income and treats as capital items—subject to depreciation in most cases—all expenditures which are properly treated as capital items rather than treating them as expenses fully deductible in the current year.

Mr. Speaker, since this legislation was first introduced in the 90th Congress, it has gained steady support. The major farm organizations—the National Farmers Union, the National Farmers Organization, the American Farm Bureau, and the National Grange—all have endorsed the principles of the bill.

A seminar of more than 500 farm and church leaders from 30 States, meeting in Des Moines earlier this month, recommended passage of the legislation.

Both the Department of Agriculture and the Department of the Treasury have cited the need for this type of corrective action.

The Treasury Department has presented an analysis of internal revenue statistics which demonstrates the clear predominance of farm losses over farm gains among high-bracket taxpayers with income from other sources.

They found that in 1965, for example, taxpayers with income below $50,000 reported farm profits over farm losses at a ratio of 5 to 2. In the income bracket from $50,000 to $500,000 profits and losses were in an approximate 1-to-1 ratio. But among taxpayers with adjusted gross income over $500,000, the losses reported were 7 times greater than profits from farm operations.

At the request of Senator METCALF, the Joint Committee on Internal Revenue Service has prepared a table which gives further evidence of the extent of the problem. With unanimous consent I place this table at this point in the RECORD:

NET FARM LOSS, NUMBER OF RETURNS AND AVERAGE NET FARM LOSS, BY AGI CLASS, TAXABLE RETURNS, 1964, 1965, AND 1966

AGI classes (thousands)	1964			1965			1966		
	Number of returns	Net loss (thousands)	Average loss	Number of returns	Net loss (thousands)	Average loss	Number of returns	Net loss (thousands)	Average loss
$0 to $5	222,910	$236,049	$1,059	197,762	$203,526	$1,029	171,410	$167,024	$974
$5 to $10	314,346	340,867	1,084	319,741	334,943	1,048	324,312	349,196	1,077
$10 to $15	70,351	112,499	1,599	79,564	123,177	1,548	104,509	142,655	1,365
$15 to $20	17,969	48,817	2,717	23,843	60,292	2,529	31,667	35,370	2,230
$20 to $50	29,394	152,693	5,195	30,380	133,187	4,384	36,861	154,263	4,185
$50 to $100	6,865	63,526	9,254	7,424	76,852	10,352	8,863	76,402	8,620
$100 to $500[1]	2,546	53,608	21,056	2,874	54,872	19,093	[1] 3,241	[1] 60,789	[1] 18,756
$500 to $1,000	145	5,295	36,517	170	6,625	38,971	193	7,566	39,202
$1,000 and over	76	4,500	59,211	103	7,630	74,078	88	3,555	40,398

[1] Greater detail available for 1966:

AGI classes (thousands)	Number of returns	Net loss (thousands)	Average loss
$100 to $200	2,350	$36,202	$15,448
$200 to $500	891	24,487	27,483

In other words, in 1966, the average farm losses reported by 88 millionaires were in excess of $40,000—that is seven times as much as the average Iowa farmer earned in total net income last year.

Last year, the Departments of Agriculture and Treasury submitted to the Senate Finance Committee their comments on an earlier version of this legislation, introduced by Senator Metcalf as S. 2613 and by me as H.R. 17478.

Both Departments cited the need for the legislation, but each suggested changes to better carry out the purpose of the bill. Those changes have been incorporated into the measure which I am introducing today.

Because the departmental comments offer further insight into the problem and additional explanation of the legislation, with unanimous consent I include them at this point in the Record:

Treasury Department,
Washington, D.C., July 11, 1968.

Hon. Russell B. Long,
Chairman, Committee on Finance,
U.S. Senate,
Washington, D.C.

Dear Mr. Chairman: This responds to your request for the Treasury Department's views on S. 2613, a bill "To amend the Internal Revenue Code of 1954 to provide that farming losses incurred by persons who are not bona fide farmers may not be used to offset nonfarm income", as it would be amended by Amendment No. 529. I note that S. 3443, while differing in many respects, is designed to deal with the same subject and has been referred to your Committee.

The objective of S. 2613 is to eliminate the provisions which presently grant high bracket taxpayers substantial tax benefits from the operation of certain types of farms on a part-time basis. These taxpayers, whose primary economic activity is other than farming, carry on limited farming activities such as citrus farming or cattle raising. By electing the special farm accounting rules—which were developed to ease the bookkeeping chores for ordinary farmers—these high bracket taxpayers show farm "tax losses" which are not true economic losses. These "tax losses" are then deducted from their other income resulting in large tax savings. Moreover, these "tax losses" frequently represent the cost of creating a farm asset (i.e., the cost of raising a breeding herd) which will ultimately be sold and the proceeds (including the part representing a recoupment of the previously deducted expenses) taxed only at lower capital gains rates. Thus, deductions are set off against ordinary income, while the sale price of the resulting assets represents capital gain. The essence of the bill is to deny high bracket part-time farmers the ability to use the generous farm tax accounting rules to reduce taxes on their non-farm income.

When a taxpayer purchases and operates a farm for tax purposes, it inevitably leads to a distortion of the farm economy. The tax benefits allow an individual to operate a farm at an economic breakeven or even a loss and still realize a profit. For example, for a top bracket taxpayer, where a deduction is associated with eventual capital gains income, each $1.00 of deduction means an immediate tax savings of 70 cents to be offset in the future by only 25 cents of tax. This cannot help but result in a distortion of the farm economy, especially for the ordinary farmer who depends on his farm to produce the income needed to support him and his family.

This distortion may be evidenced in various ways: For one, the attractive farm tax benefits available to wealthy persons have caused them to bid up the price of farm land beyond that which would prevail in a normal farm economy. Furthermore, because of the present tax rules, the ordinary farmer must compete in the market place with these wealthy farm owners who may consider a farm profit—in the economic sense—unnecessary for their purposes. Statistics show a clear predominance of farm losses over farm gains among high-bracket taxpayers with income from other sources.

The Treasury Department supports the objective of S. 2613, but suggests certain modifications in its operation. There is attached a memorandum which, in more detail, describe the problem involved, the reasons for the Treasury's position and its recommended changes.

The Bureau of the Budget has advised the Treasury Department that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely yours,

Stanley S Surrey,
Assistant Secretary.

An Analysis of S. 2613 and the Farm Loss Problem

The objective of S. 2613 is to remove certain unjustified tax benefits available to high bracket taxpayers whose primary economic activity is other than farming through the operation of cattle and other farming activities on a part-time basis. This memorandum describes the general tax problem involved; and then discusses the remedy offered by S. 2613.[1]

The Treasury Department supports the objectives of S. 2613, but suggests certain modifications in its operation.

1. GENERAL BACKGROUND

Methods of accounting—There are two principal methods of accounting used in reporting business income for tax purposes. In general, those businesses which do not involve the production or sale of merchandise may use the cash method. Under it, income is reported when received in cash or its equivalent, and expenses are deducted when paid in cash or its equivalent.

On the other hand, in businesses where the production or sale of merchandise is a significant factor, income can be properly reflected only if the costs of the merchandise are deducted in the accounting period in which the income from its sale is realized. This is accomplished by recording costs when incurred and sales when made, and including in inventory those costs attributable to unsold goods on hand at year's end. Deduction of the costs included in inventory must be deferred until the goods to which they relate are sold and is not permitted when the costs are incurred. Thus, under this method of accounting, income from sales of inventory and the costs of producing or purchasing such inventory are matched in the same accounting period thereby properly reflecting income.

Farmers, however, have been excepted from these general rules. Even in those cases where inventories are a material factor, they have historically been permitted to use the cash accounting method and ignore their year-end inventories of crops, cattle, etc. This has resulted in an inaccurate reflection of their annual income since expenditures are fully deducted in the year incurred, notwithstanding the fact that the assets produced by those expenditures (inventories) are not sold, and the income not reported, until a later year.

Capitalization of costs.—Farmers are also permitted another liberal tax accounting rule. In most businesses, the cost of constructing an asset (including maintenance of the asset prior to its being used in the business) is a capital expenditure which may not be deducted as incurred but may be recovered only by depreciation over the useful life of the asset. In this manner, the cost of the asset is matched with the income earned by the asset. Farmers, however, have been permitted to deduct some admittedly capital costs as they are incurred. For example, a citrus grove may not bear a commercial crop until 6 or 7 years after it has been planted. Yet, the farmer may elect to deduct as incurred all costs of raising the grove to a producing state even though such expenditures are capital in nature. Similarly, the capital nature of expenditures associated with the raising of livestock held for breeding may be ignored and the expenditures may be deducted currently. These premature deductions frequently result in artificial tax losses.

The problem.—These liberal deviations from good accounting practices were permitted for farm operation in order to spare the ordinary farmer the bookkeeping chores associated with inventories and accrual accounting.

However, many high bracket taxpayers, whose primary economic activity is other than farming, carry on limited farming activities such as citrus farming or cattle raising. By electing the special farm accounting rules which allow premature deductions, many of these high bracket taxpayers show farm losses which are not true economic losses. These "tax losses" are then deducted from their other high bracket income resulting in large tax savings. Moreover, these "tax losses" which arise from deductions taken because of capital costs or inventory costs usually thus represent an investment in farm assets rather than funds actually lost. This investment quite often will ultimately be sold and taxed only at low capital gains rates. Thus, deductions are set off against ordinary income, while the sale price of the resulting assets represents capital gain. The gain is usually the entire sales price since the full cost of creating the asset has previously been deducted against ordinary income.

Examples.—Under the present rules, if the taxpayer has chosen not to capitalize raising costs and also does not use an inventory method of accounting, he may deduct as incurred all the expenses of raising a breeding herd. These include breeding fees, costs of feed, and other expenses attributable to the growth of the herd. During the development of the herd, there is relatively little income realized to offset these expenses with the result that "tax losses" are incurred which may be used to offset the taxpayer's nonfarm income. When the herd has reached its optimum size, a taxpayer seeking the maximum tax savings will sell the entire herd. If he does, he may report the entire proceeds of the sale as capital gain.

The dollars and cents value of this tax treatment can readily be seen through a simple example. Assume that the expenses of raising the herd are $200,000. If the taxpayer is in the top tax bracket, the current deduction of these expenses will produce a tax savings of $140,000. On the sale of the herd, however, the entire sales price, including the $200,000 representing the recovery of these expenses, will be taxable only at the 25 percent capital gains rate. The capital gains tax on $200,000 is $50,000; or less than half the tax savings realized in the earlier years. Thus, the taxpayer in this situation would realize a $90,000 tax profit from a transaction which economically is merely a break-even.

In the typical situation, the taxpayer will then begin the entire cycle again by starting a new breeding herd which produces more losses and which is later sold at capital gains rates.

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[1] The sponsor of S. 2613 has also offered Amendment No. 529. The proposed amendment is a minor technical change which does not affect the substance of the bill. The amendment has been considered in this analysis.

Similar advantages are available to one who develops citrus groves, fruit orchards, vineyards, and similar ventures. These assets require several years to mature; however, the development costs, such as the costs of water, fertilizer, cultivation, pruning, and spraying may be deducted as incurred and before the venture produces any income. When the operation has reached the stage where it is ready to begin producing on a profitable basis, the orchard, grove, or vineyard is frequently sold in a transaction which qualifies for the lower capital gains tax rates. Meanwhile, the expenses incurred in the years prior to the sale have been used to create "tax losses" which have been offset against high-bracket ordinary income from other occupations.

Effect of tax benefits on farm economy.—When a taxpayer purchases and operates a farm for tax purposes, it leads to a distortion of the farm economy. The tax benefits allow an individual to operate a farm at an economic breakeven or even loss and still realize a profit. For example for a top bracket taxpayer where a deduction is associated with eventual capital gains income each $1.00 of deduction means an immediate tax savings of 70 cents to be offset in the future by only 25 cents of tax. This cannot help but result in a distortion of the farm economy especially for the ordinary farmer who depends on his farm to produce the income needed to support him and his family.

This distortion may be evidenced in various ways: For one the attractive farm tax benefits available to wealthy persons have caused them to bid up the price of farm land beyond that which would prevail in a normal farm economy. Furthermore because of the present tax rules the ordinary farmer must compete in the market place with these wealthy farm owners who may consider a farm profit—in the economic sense—unnecessary for their purposes.

Scope of the problem.—Statistics show a clear predominance of farm losses over farm gains among high-bracket taxpayers with income from other sources. The simplest statistics are: In 1965 among taxpayers with less than $50,000 of adjusted gross income, total farm profits were $5.1 billion and total farm losses were $1.7 billion; about a five-to-two ratio of *profits* to losses. Among taxpayers with adjusted gross income between $50,000 and $500,000, profits and losses were in an approximate one-to-one ratio. However, among taxpayers with adjusted gross income over $500,000, total farm profits were $2 million and total farm losses were $14 million, a more than seven-to-one ratio in the other direction—that is, *losses* to profits.

Conclusion.—These data demonstrate the scope and seriousness of the problem. The fact is that our tax laws have spawned artificial tax profits and have distorted the farm economy. S. 2613 is one avenue to a solution to this problem. The Treasury Department supports its objectives and the general approach it takes. The bill does, however, present certain operational problems discussed below. Where appropriate, we have suggested an alternative to overcome the difficulty.

2. AN ANALYSIS OF S. 2613

The essence of the bill is to deny wealthy part-time farmers the ability to use the generous farm accounting rules to reduce taxes on their non-farm income. To accomplish this, the bill would add a new section to the Internal Revenue Code which, in the case of taxpayers who are not "bona fide farmers" [2] as defined in the bill, would disallow as an offset to other income in any taxable year, the excess of all deductions attributable to the business of farming over the aggregate gross income derived from the business of farming in that year.

A bona fide farmer is defined as an individual (A) whose principal business activity is the carrying on of farming operations or (B) who is engaged in the business of farming as the principal source of his livelihood or (C) who is the spouse of an individual who falls under (A) or (B). A corporation would be considered a bona fide farmer if 80 percent or more of its stock were owned by individuals who are also bona fide farmers.

Definitional problems.—The bill thus would limit the tax benefits of farm losses to a defined group. In the Treasury Department's opinion, this approach will lead to administrative difficulty because the meanings of the defining phrases such as "principal business activity" and "principal source of livelihood" are not susceptible of precise definition, and therefore, will inevitably lead to much controversy and perhaps litigation.

As an alternative, we suggest placing a ceiling on the amount of nonfarm income which could be offset by farm losses in any one year. If there were excess farm losses, they could be carried backward and forward to offset farm income, but no other income, of other years. If part of a taxpayer's income for a year consists of capital gains, his carryover of excess farm deductions would be reduced by the excluded half of his capital gains income. No matter what the source of the nonfarm income, excess farm deductions arising from the special farm tax accounting rules would not be permitted to offset it. On the other hand, the ordinary farmer incurring a loss would be protected under this approach in two ways: First, by allowing a limited deduction for farm losses, an ordinary farmer who must take part time or seasonal employment to supplement his income in a poor year in his farm operations would not be deprived of his farm loss deductions. Second, the carryover and carryback provisions would be available to absorb large one-time losses. In other words, the provision would, in operation, only affect taxpayers with relatively large amounts of nonfarm income, that is, individuals who do not have to depend on their farm income for their livelihood.

Corporate farms.—In his floor statement Senator Metcalf, the bill's author, noted that corporations were moving into farming at an increasing rate. While he was disturbed by this trend, he did not propose to prohibit corporate farming in this bill. Instead, the purpose was to "eliminate the possibility of corporations getting Federal tax rewards for engaging in loss operations in the farming field." The bill would achieve this goal by denying corporations the right to offset nonfarm income with farm losses unless 80 percent or more of the corporation's stock is held by bona fide farmers. CONGRESSIONAL RECORD, volume 113, part 23, page 30702.

The Treasury Department defers to the Department of Agriculture on the question of the desirability of corporate farming. However, whatever the decision on that matter, the corporate provisions in the bill do not appear to represent an effective approach to the issue. On the one hand they would deny the tax benefits of a farm loss on the basis of the make-up of the shareholders and not the nature of the corporation's activities. Thus, the farm loss abuse would still be available to a limited group of individuals who are able to arrange their farming and non-farming business so as to qualify as "farmers" based on their non-corporate activities although they would not be based on both their corporate and non-corporate activities. For example, if a taxpayer has two farming operations, but is primarily engaged in a non-farming business, he would not be entitled to deduct any farm losses (or, under the Treasury alternatives, only a limited amount). However, by transferring his non-farm business and one farm operation to a corporation and retaining the other farm business, he would qualify as a farmer since his only remaining business activity is farming. As a result, his corporation would be excused from the farm loss limitations. This result seems clearly inconsistent with the purpose of the bill.

On the other hand, as a discouragement to corporate farming, the provisions would affect only loss operations and not profitable ones which likewise seems somewhat inconsistent. Thus, it does not appear that a proposal concerning "tax losses" is an appropriate vehicle for dealing with the general issues of corporate farming. It is therefore suggested that, in lieu of the corporate rules in the bill, corporations be covered in the same manner as individual farmers and farms run by a partnership.

Capital gains.—Under the bill, a taxpayer would be permitted to measure the amount of his allowable farm expense deductions for a taxable year by the full amount of any long-term capital gains for that year arising from sales of farm assets although, in fact, he receives a deduction equal to 50 percent of these gains in computing his income subject to tax. Thus, in this situation, the taxpayer will in effect receive a double deduction against his capital gain farm income. This is an important problem because of the special capital gain treatment allowed on the sale of farm assets such as draft and breeding livestock, and citrus groves. This problem could be solved by providing for an adjustment that would limit the measure of allowable farm deductions to the taxable one-half of capital gains.

Special treatment for certain losses and expenses.—On the other hand, it would seem appropriate to except some kinds of farm expenses from the disallowance provisions. One category of farm expenses would include taxes and interest which are generally deductible whether or not they are attributable to an income producing activity. A second category would include casualty and abandonment losses and expenses and losses arising from drought. These events are generally not in the taxpayer's control and disallowance of the loss or expense could create an undue hardship to the taxpayer since they may be catastrophic. These same expenses and losses are now excluded from the operation of section 270 which excludes losses in connection with a hobby operation.

Scope of the bill.—As noted at the outset, the farm loss problems at which the bill is aimed arise from the use of accounting methods which do not properly match income and expenses, such as the failure to use an inventory method where goods on hand at year end are a significant factor. Consequently, there would seem to be no reason to subject a taxpayer who adopts a proper method of accounting and capitalizes expenses to the restrictive rules of this bill. There is, in fact, a positive advantage in encouraging the adoption of sound accounting practices. Therefore, we recommend that the scope of this bill be limited to those taxpayers who, with respect to their farming operations, do not elect to use inventories and to capitalize all expenditures which should be capitalized under generally recognized tax accounting principles.

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As indicated, these are not changes that go to the heart of the bill. We thoroughly agree with its objective and general approach. Our suggestions are generally to improve its efficiency.

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[2] Taxpayers who were not bona fide farmers when a farming enterprise was acquired but who became bona fide farmers by the end of the second taxable year following the year of acquisition would qualify as such from the time of acquisition. There are also exceptions for a farming enterprise acquired from a decedent, acquired by foreclosure, or acquired in the ordinary course of carrying on the trade or business or buying or selling real property.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., July 5, 1968.

Hon. RUSSELL B. LONG,
Chairman, Committee on Finance,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request of November 2, 1967, for a report on S. 2613, a bill "To amend the Internal Revenue Code of 1954 to provide that farming losses incurred by persons who are not qualified farmers may not be used to offset nonfarm income;" to your request of February 19, 1968, for a report on Amendment No. 529, a technical amendment to S. 2613; to your request on May 9, 1968, for a report on S. 3443; and to your request of June 20, 1968, for a report on Amendment 853 to S. 3443. S. 3443 has purposes similar to S. 2613 but differs in some of the details.

These bills are designed to capture some of the taxes avoided by some individuals with sizeable income from sources other than agriculture, who operate farm enterprises at a loss and deduct farm losses from their income from other sources. It would accomplish this objective by providing that taxpayers engaged in the business of farming, but who did not have farming as their principal business activity as defined in the law, could deduct farm expenses only to the extent of their gross farm income.

The Department of Agriculture is certainly in agreement with the objectives of these bills. We believe that there are serious problems in the area of the tax treatment of farm income, and that these problems can be remedied. However, we feel that certain modifications in these bills would help to achieve their objectives more effectively, and at the same time would minimize other potential problems.

Perhaps the most important problem under these bills would be the effect on low-income farmers. Many of these farmers also hold nonfarm jobs, and off-farm income is often their most important source of livelihood. Under the proposed legislation, it would appear that these farmers would not be permitted to offset farm losses against income from their nonfarm jobs in years in which they lost money on the farm. Such a provision would have serious effects on present efforts to ameliorate rural poverty.

We believe the objectives of this bill could be accomplished more effectively if certain modifications were made. We recommend placing a reasonable ceiling on the amount of nonfarm income which could be offset by farm losses in any one year. If there were excess farm losses, they could be carried backward and forward to offset farm income, but no other income, of other years. Thus, no matter what the source of the nonfarm income, excess farm deductions arising from the special farm tax accounting rules would not be permitted to offset it. The ordinary farmer incurring a loss would be protected under this approach in two ways: First, by allowing a limited deduction for farm losses, an ordinary farmer who must take part-time or seasonal employment to supplement his income would not be deprived of his farm loss deductions. Second, the carryover and carryback provisions would be available to absorb large one-time losses. In other words, the provisions would, in operation, affect only taxpayers with relatively large amounts of nonfarm income, that is, individuals who do not have to depend on their farm income for an adequate living standard.

It would seem appropriate, however, to exclude from the definition of farm losses some kinds of farm expenses. One group of such expenses would include taxes and interest, which are generally deductible whether or not they are attributable to an income-producing activity. A second group would include casualty and abandonment losses and expenses and losses arising from drought. These events are generally not in the taxpayer's control and disallowance of the loss or expense could create an undue hardship for the taxpayer. These same losses and expenses are now excluded from the operation of Section 270, which excludes losses in connection with a hobby operation.

The special position of farm losses for tax purposes which this bill is designed to change arise from the use of cash accounting procedures by individuals and corporations with large incomes from nonfarm sources who also engage in farming. The cash accounting method does not properly match income and expenses for these firms and individuals. For example, the failure to use an inventory method where goods on hand at a year's end are of considerable value can significantly overstate losses. However, the present farm tax advantages do not apply to a taxpayer who adopts an accrual method of accounting and capitalizes expenses. Therefore, we recommend that the scope of this bill be limited to those taxpayers who elect to use the cash accounting procedures.

This Department is now studying the problem of corporation activity in agriculture, with the objective of obtaining better information on both its extent and its probable effects. We do not believe, however, that it is necessary to wait for the completion of this study to recommend modifications in the tax treatment of corporations engaged in farming. Simple equity would seem to us to dictate that corporations be covered under this proposed legislation in the same manner as are individual farmers and farms run by a partnership. To do otherwise would be to open up new possibilities for tax avoidance through changes in legal form of organization, and raise the danger of attendant problems of distortions in our economic organization due solely to attempts to claim tax advantages.

This Department is informed that the Treasury Department is making similar recommendations with respect to changes in the language of S. 2613. We strongly urge passage of legislation which eliminates existing "farm tax havens" for individuals and corporations with substantial nonfarm incomes.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary.

Mr. Speaker, I urge my colleagues in the House to join in sponsoring this legislation, and, with unanimous consent, place it at this point in the RECORD:

H.R. 4257

A bill to amend the Internal Revenue Code of 1954 so as to limit the amount of deductions attributable to the business of farming which may be used to offset nonfarm income

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items not deductible) is amended by adding at the end thereof the following new section:

"SEC. 277. LIMITATION ON DEDUCTIONS ATTRIBUTABLE TO FARMING.

"(a) GENERAL RULE.—In the case of a taxpayer engaged in the business of farming, the deductions attributable to such business which, but for this section, would be allowable under this chapter for the taxable year shall not exceed the sum of—

"(1) the adjusted farm gross income for the taxable year, and

"(2) the higher of—

"(A) the amount of the special deductions (as defined in subsection (d)(3)) allowable for the taxable year, or

"(B) $15,000 ($7,500 in the case of a married individual filing a separate return), reduced by the amount by which the taxpayer's adjusted gross income (taxable income in the case of a corporation) for the taxable year attributable to all sources other than the business of farming (determined before the application of this section) exceeds $15,000 ($7,500 in the case of a married individual filing a separate return).

"(b) EXCEPTION FOR TAXPAYERS USING CERTAIN ACCOUNTING RULES.—

"(1) IN GENERAL.—Subsection (a) shall not apply to a taxpayer who has filed a statement, which is effective for the taxable year, that—

"(A) he is using, and will use, a method of accounting in computing taxable income from the business of farming which uses inventories in determining income and deductions for the taxable year, and

"(B) he is charging, and will charge, to capital account all expenditures paid or incurred in the business of farming which are properly chargeable to capital account (including such expenditures which the taxpayer may, under this chapter or regulations prescribed thereunder, otherwise treat or elect to treat as expenditures which are not chargeable to capital account).

"(2) TIME, MANNER, AND EFFECT OF STATEMENT.—A statement under paragraph (1) for any taxable year shall be filed within the time prescribed by law (including extensions thereof) for filing the return for such taxable year, and shall be made and filed in such manner as the Secretary or his delegate shall prescribe by regulations. Such statement shall be binding on the taxpayer, and be effective, for such taxable year and for all subsequent taxable years and may not be revoked except with the consent of the Secretary or his delegate.

"(3) CHANGE OF METHOD OF ACCOUNTING, ETC.—If, in connection with a statement under paragraph (1), a taxpayer changes his method of accounting in computing taxable income or changes a method of treating expenditures chargeable to capital account, such change shall be treated as having been made with the consent of the Secretary or his delegate and, in the case of a change in method of accounting, shall be treated as a change not initiated by the taxpayer.

"(c) CARRYBACK AND CARRYOVER OF DISALLOWED FARM OPERATING LOSSES.—

"(1) IN GENERAL.—The disallowed farm operating loss for any taxable year (hereinafter referred to as the 'loss year') shall be—

"(A) a disallowed farm operating loss carryback to each of the 3 taxable years preceding the loss year, and

"(B) a disallowed farm operating loss carryover to each of the 5 taxable years following the loss year, and (subject to the limitations contained in paragraph (2)) shall be allowed as a deduction for such years, under regulations prescribed by the Secretary or his delegate, in a manner consistent with the allowance of the net operating loss deduction under section 172.

"(2) LIMITATIONS.—

"(A) IN GENERAL.—The deduction under paragraph (1) for any taxable year for disallowed farm operating loss carrybacks and carryovers to such taxable year shall not exceed the taxpayers' net farm income for such taxable year.

"(B) CARRYBACKS.—The deduction under paragraph (1) for any taxable year for disallowed farm operating loss carrybacks to such taxable year shall not be allowable to the extent it would increase or produce a net operating loss (as defined in section 172(c)) for such taxable year.

"(3) TREATMENT AS NET OPERATING LOSS CARRYBACK.—Except as provided in regulations prescribed by the Secretary or his delegate, a disallowed farm operating loss carryback shall, for purposes of this title, be treated in the same manner as a net operating loss carryback.

"(d) Definitions.—For purposes of this section—

"(1) Adjusted farm gross income.—The term 'adjusted farm gross income' means, with respect to any taxable year, the gross income derived from the business of farming for such taxable year (including recognized gains derived from sales, exchanges, or involuntary conversions of farm property), reduced, in the case of a taxpayer other than a corporation, by an amount equal to 50 percent of the lower of—

"(A) the amount (if any) by which the recognized gains on sales, exchanges, or involuntary conversions of farm property which under section 1231(a) are treated as gains from sales or exchanges of capital assets held for more than 6 months exceed the recognized losses on sales, exchanges, or involuntary conversions of farm property which under section 1231(a) are treated as losses from sales or exchanges of capital assets held for more than 6 months, or

"(B) the amount (if any) by which the recognized gains described in section 1231 (a) exceed the recognized losses described in such section.

"(2) Net farm income.—The term 'net farm income' means, with respect to any taxable year, the gross income derived from the business of farming for such taxable year (including recognized gains derived from sales, exchanges, or involuntary conversions of farm property), reduced by the sum of—

"(A) the deductions allowable under this chapter (other than by subsection (c) of this section) for such taxable year which are attributable to such business, and

"(B) in the case of a taxpayer other than a corporation, an amount equal to 50 percent of the amount described in subparagraph (A) or (B) of paragraph (1), whichever is lower.

"(3) Special deductions.—The term 'special deductions' means the deductions allowable under this chapter which are paid or incurred in the business of farming and which are attributable to—

"(A) taxes,

"(B) interest,

"(C) the abandonment or theft of farm property, or losses of farm property arising from fire, storm, or other casualty,

"(D) losses and expenses directly attributable to drought, and

"(E) recognized losses from sales, exchanges, and involuntary conversions of farm property.

"(4) Farm property.—The term 'farm property' means property which is used in the business of farming and which is property used in the trade or business within the meaning of paragraph (1), (3), or (4) of section 1231 (b) (determined without regard to the period for which held).

"(5) Disallowed farm operating loss.—The term 'disallowed farm operating loss' means, with respect to any taxable year, the amount disallowed as deductions under subsection (a) for such taxable year, reduced, in the case of a taxpayer other than a corporation, by an amount equal to 50 percent of the amount described in subparagraph (A) or (B) of paragraph (1), whichever is lower.

"(e) Special Rules.—For purposes of this section—

"(1) Business of farming.—A taxpayer shall be treated as engaged in the business of farming for any taxable year if—

"(A) any deduction is allowable under section 162 or 167 for any expense paid or incurred by the taxpayer with respect to farming, or with respect to any farm property held by the taxpayer, or

"(B) any deduction would (but for this paragraph) otherwise be allowable to the taxpayer under section 212 or 167 for any expense paid or incurred with respect to farming, or with respect to property held for the production of income which is used in farming.

For purposes of this paragraph, farming does not include the raising of timber. In the case of a taxpayer who is engaged in the business of farming for any taxable year by reason of subparagraph (B), property held for the production of income which is used in farming shall, for purposes of this chapter, be treated as property used in such business.

"(2) Income and deductions.—The determination of whether any item of income is derived from the business of farming and whether any deduction is attributable to the business of farming shall be made under regulations prescribed by the Secretary or his delegate, but no deduction allowable under section 1202 (relating to deduction for capital gains) shall be attributable to such business.

"(3) Controlled group of corporations.—If two or more corporations which—

"(A) are component members of a controlled group of corporations (as defined in section 1563) on a December 31, and

"(B) have not filed a statement under subsection (b) which is effective for the taxable year which includes such December 31.

each have deductions attributable to the business of farming (before the application of subsection (a)) in excess of its gross income derived from such business for its taxable year which includes such December 31, then, in applying subsection (a) for such taxable year, the $15,000 amount specified in paragraph (2) (B) of such subsection shall be reduced for each such corporation to an amount which bears the same ratio to $15,000 as the excess of such deductions over such gross income of such corporation bears to the aggregate excess of such deductions over such gross income of all such corporations.

"(4) Partnerships.—A business of farming carried on by a partnership shall be treated as carried on by the members of such partnership in proportion to their interest in such partnership. To the extent that income and deductions attributable to a business of farming are treated under the preceding sentence as income and deductions of members of a partnership, such income and deductions shall, for purposes of this chapter, not be taken into account by the partnership.

"(5) Two or more businesses.—If a taxpayer is engaged in two or more businesses of farming, such businesses shall be treated as a single business.

"(6) Related integrated businesses.—If a taxpayer is engaged in the business of farming and is also engaged in one or more businesses which are directly related to his business of farming and are conducted on an integrated basis with his business of farming, the taxpayer may elect to treat all such businesses as a single business engaged in the business of farming. An election under this paragraph shall be made in such manner, at such time, and subject to such conditions as the Secretary or his delegate may prescribe by regulations.

"(7) Subchapter S corporations and their shareholders.—

"For special treatment of electing small business corporations which do not file statements under subsection (b) and of the shareholders of such corporations, see section 1379.

"(f) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

Sec. 2. (a) The table of sections for part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new item:

"Sec. 277. Limitation on deductions attributable to farming."

(b) Section 172(l) of such Code is amended by adding at the end thereof the following new paragraph:

"(3) For limitations on deductions attributable to farming and special treatment of disallowed farm operating losses, see section 277."

(c) Section 381(c) of such Code is amended by adding at the end thereof the following new paragraph:

"(24) Farm operating loss carryovers.—The acquiring corporation shall take into account, under regulations prescribed by the Secretary or his delegate, the disallowed farm operating loss carryovers under section 277 of the distributor or transferor corporation."

(d) (1) Subchapter S of such Code is amended by adding at the end thereof the following new section:

"Sec. 1379. Electing Small Business Corporations Engaged in Business of Farming.

"(a, Separate Application to Farming Income and Deductions.—Under regulations prescribed by the Secretary or his delegate, an electing small business corporation which is engaged in the business of farming during its taxable year (other than a corporation which has filed a statement under section 277(b) which is effective for such taxable year), and the shareholders of such corporation, shall apply the provisions of sections 1373 through 1378, separately with respect to—

"(1) income derived from the business of farming by such corporation and deductions attributable to such business, and

"(2) all other income and deductions of such corporation. In computing the taxable income and undistributed taxable income, or net operating loss, of such corporation with respect to the business of farming, no deduction otherwise allowable under this chapter shall be disallowed to such corporation under section 277.

"(b) Shareholders Treated as Engaged in Business of Farming, Etc.—For purposes of section 277—

"(1) each shareholder of an electing small business corporation to which subsection (a) applies shall be treated as engaged in the business of farming,

"(2) the undistributed taxable income of such corporation which is included in the gross income of such shareholder under section 1373 and is attributable to income and deductions referred to in subsection (a) (1), and dividends received which are attributable to such income and deductions and are distributed out of earnings and profits of the taxable year as specified in section 316 (a) (2), shall be treated as income derived from the business of farming by such shareholder, and

"(3) the deduction allowable (before the application of section 277) to such shareholder under section 1374 as his portion of such corporation's net operating loss attributable to income and deductions referred to in subsection (a) (1) shall be treated as a deduction attributable to the business of farming.

"(c) Special Rules of Section 277(e) Applicable.—For purposes of this section, the special rules set forth in section 277(e) shall apply."

(2) The table of sections for subchapter S of such Code is amended by adding at the end thereof the following new item:

"Sec. 1379. Electing small business corporations engaged in business of farming."

Sec. 3. The amendments made by this Act shall apply to taxable years beginning after the date of the enactment of this Act, except that for purposes of applying section

277(c) of the Internal Revenue Code of 1954 (as added by the first section of this Act) with respect to disallowed farm operating losses of any taxpayer for taxable years beginning after such date—

(1) such amendments shall also apply to the 3 taxable years of such taxpayer preceding the first taxable year beginning after such date, and

(2) in the case of a taxpayer to whom section 1379(b) of such Code (as added by section 2(d) of this Act) applies for any of his first 3 taxable years beginning after such date, section 1379 of such Code shall apply with respect to the electing small business corporation of which such taxpayer is a shareholder for the 3 taxable years preceding each such taxable year of such taxpayer, but only with respect to any such preceding taxable year for which the corporation was an electing small business corporation.

WILBUR COHEN AND THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. COHELAN) is recognized for 15 minutes.

Mr. COHELAN. Mr. Speaker, Secretary Wilbur Cohen this month completed 34 years of association with the Department of Health, Education, and Welfare and its predecessor agencies. It is fitting that he capped this outstanding record by serving as Secretary of this great Department, which so intimately touches our lives in so many important ways.

Those of us who have, over the years, watched the development of our social security system, of it medicare supplement, of Federal aid to education, and of our Federal welfare programs, know how significantly Wilbur Cohen has contributed to their formulation. His understanding of the problems in these areas, his sensitivity to the proper Federal role in meeting the needs, and his awareness of ways to secure the necessary Federal, State, and local cooperation—all of these have been vital factors in helping us meet our health, education, and welfare responsibilities to the people of our Nation.

Just prior to his departure, Secretary Cohen submitted to President Johnson the annual report of the Department for fiscal year 1968. This summary, together with the Secretary's recommendations for future action, deserve our careful attention. Some of us may not agree with all of the recommendations, but it will be hard not to agree with most of them. But in any case, I salute Wilbur Cohen's dedicated service to his country and I applaud his imaginative determination to seek new solutions for old and persisting problems.

With your permission, Mr. Speaker, I attach the first three sections of Secretary Cohen's report, including that on health, "The Last Health Hurdles," and urge their careful review by my colleagues. It is my intention to present the final sections—on education, welfare, and the financing of these programs—to the House next week.

The first three sections of the report follow:

ANNUAL REPORT OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, FISCAL YEAR 1968

SECRETARY'S INTRODUCTION

THE SECRETARY OF
HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., January 14, 1969.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: I transmit herewith, in accordance with law, the Annual Report of the Department of Health, Education, and Welfare for the fiscal year ending June 30, 1968.

The Report describes the major programs and activities of the Department and outlines some of the major recent accomplishments. It also touches on some of the important challenges which lie ahead.

With this report I complete 34 years of close association with the Department and its predecessor agencies. I have tried to summarize my experiences and observations in the initial section of the Report. I wish to acknowledge the strong support you have given to the work of the Department and the leadership you have shown in expanding the capacity of the Department to assist in improving the health, education, social security, and welfare of the American people.

There is much we have done in the last eight years; there is much yet to be done.

I have appreciated the honor you bestowed upon me in making it possible to have the responsibility of directing the work of this great Department this last year.

Sincerely,

WILBUR J. COHEN,
Secretary.

I—THE STEWARDSHIP

The Secretary of Health, Education, and Welfare holds a demanding, versatile, important, exciting and intensely human job. His is a splendidly rich and gratifying stewardship.

He is the only national official paid by all the people whose full-time job is to guard and strengthen the people's health, education and social opportunities. His Department handles the major portion of Federal grants-in-aid funds for social programs. He administers the largest insurance program in the world. So the shape, direction and style of Department programs in many ways set the course for State, local and non-governmental agencies.

The health, education, and welfare of the American people has become big—and urgent—business. As our Nation grows and expands, every sign points to its becoming bigger and more urgent business still.

In 1968 about $163 billion, or roughly 20 percent of our Nation's entire gross national product, went for health, education and social services. These were not, of course, all Federal dollars, but a mix of State, local, Federal and private funds. The Secretary of Health, Education, and Welfare is not charged with responsibility for all these funds and the programs they make possible. Far from it—HEW expenditures represent somewhat less than a quarter of our total national social effort in these fields. A large and growing population, and ever more complex social forces will—and should—combine to make this figure go up in the coming decade.

The Secretary is necessarily concerned with large, sensitive issues of public policy. The Constitution gives major policy responsibility to the President and to the Congress. The Congress is the Board of Directors of the Health, Education, and Welfare Corporation; the President is Chairman of the Board; the Secretary of Health, Education, and Welfare is the Executive Officer. Congress takes action by enacting laws. New needs constantly demand new laws; old laws constantly require repeal or change; programs demand efficient imaginative and dynamic administration. To achieve such administration, the Secretary of Health, Education, and Welfare must review and approve budgets, allocations, priorities. He must approve and issue innumerable reports and recommendations on topics ranging from prescription drugs, to smoking, to the desegregation of schools, to the payments made to people in need.

What's more, the Secretary must listen, must talk, and must consult about emerging national needs—with the President and with other Cabinet members, with the Director of the Budget, Civil Service Commission Chairman and members of Congress of both political parties. He must necessarily argue for increased appropriations because no budget is ever adequate to meet all the health, education, and welfare needs of a great and growing Nation. Many men and women, many young people concerned with social problems bring him their views. For him they are a valuable source of fresh approaches to existing problems, and a way of identifying emerging ones. His door and his mind must never be closed to new ideas, new priorities, new approaches.

As head of the Department which accounts for the largest part of the domestic budget, the HEW Secretary is one of the Nation's chief communicators. He must tell his fellow Americans about everyday health, education, and welfare problems—how to halt danger to their health—or how to improve their children's schooling—or how to restrain rising medical costs. They don't always listen—but they must have the chance to have the facts the Government obtains through their taxes. So the Secretary must be able to read and digest innumerable reports, memos, newspapers, and magazines, testify repeatedly before Congressional committees, answer all kinds of questions in letters, testimony and press conferences, propose new solutions to problems that have been with us since biblical times, and in general report to the American people he serves on his stewardship.

No one can fill this stewardship according to a public administration text.

The Secretary must see and react to physicians, scientists, and other men and women rendering brilliant service to mankind. He also sees and reacts to the narrow jealousies of professional groups as they vent their parochial views on large and important issues. He watches the efforts of Congress as it works hard to meet national needs. He also watches Congressional conflicts or misunderstandings which may delay action on programs and money affecting the very life blood of his Department—and of all Americans.

He must be deeply concerned with the pages of statistics he receives regularly reflecting gaps in the Nation's medical care, education, social security, and welfare. He must be just as deeply concerned with the pen and ink letter on lined paper from the sick man, the student or teacher, the retired widow, and the mother with six children on welfare. They write him when they do not receive help elsewhere.

Urgent telephone calls and letters from Governors and Mayors and business and labor leaders give the Secretary their needs and views. At the same time he hears each day from a husband who wants to know how to pay for his wife's medical bill, from a mother whose child has been in a dispute with school authorities, and from parents and husbands or wives who want their loved ones to enter the Clinical Center at Bethesda, in a last effort to save their lives. Sometimes these calls come to him in the middle of the night; his telephone never stops ringing.

The clock ticks fast in the United States—and at the Department of Health, Education, and Welfare. Every day almost 10,000 babies are born, over 10,000 young persons turn 21, and over 4,000 men and women cross the mysterious line labeled "age 65." There are over 5,000 marriages and about 1,500 divorces. Each month the mail brings a social security check to over 24 million people and a welfare payment to 8,500,000 persons.

On an average day over 5,000 die, including over 200 infants. Almost 9 million persons are sick or disabled—2 million of them confined to hospitals or nursing homes. On an average weekday some 57 million boys and girls go to class in schools or colleges.

Every one of these people and every one of these events is of concern to the Secretary of Health, Education, and Welfare.

There have been seven Secretaries of Health, Education, and Welfare. I have served the shortest period—less than one year. But I have watched, and studied, and participated in the programs of this Department for over 34 years. When I first reported for duty in 1934, I was paid $1,540 a year. I have worked under five Presidents—Roosevelt, Truman, Eisenhower, Kennedy and Johnson—with different programs and different styles, or ways, of achieving these programs.

This report then, attempts to distill and bring together some of the results of this experience, some of the conclusions reached and recommendations arrived at. It is submitted with humility, and with full respect for the complexities and demands of public office in a Democratic society. It is submitted in partial repayment of the opportunity to have learned, and to have participated in the leadership of this society.

II—IS HEW MANAGEABLE?

In the early days of the Republic, the settlers hungered for the great freedoms—to speak, to think, to write as they pleased. This brought about a society unmatched in ability to learn, and to earn. Today, we strive to add to individual freedom by creating fuller opportunities in which it can be exercised.

The mission of this Department is the creation of these fuller opportunities for individual Americans. This mission calls for a unified approach to the problems of individuals, individual families, and individual neighborhoods. You cannot consider a child's health apart from his education, you cannot further a family's welfare apart from its health—or education. Fragmenting the Department would only fragment its capability to deal with whole human problems.

Most of the vastly expanded health, educational and welfare services that are now provided by government—Federal, State and local—are designed to supplement and to strengthen the family. Government now provides the education services that each family once provided for itself—and government provides infinitely richer and better education. Government provides a wide variety of health services—health education, health research, the elimination of pollution, the construction of hospitals, the administration of Medicare—and thus greatly adds to what each family can buy for itself. And government provides that security of income—either through social security or public assistance—that assures the welfare of the family. The family is the basis of American society and its well being is the central objective of government social programs.

Still, from time to time, outstanding leaders in Congress or the different professions tell us that the Department of Health, Education, and Welfare is unmanageable and should be "broken up."

Broken up how? A separate, cabinet Department of Education has its ardent advocates. So does a cabinet Department of Health, a Department of Human Conservation, and a Department of Consumer Protection.

I do not share the view that the Department should be broken up.

Those who would split HEW into separate parts feel their field of interest—education or health—is so vital to the national interest that it deserves more visibility and prestige. They want to have a voice in the highest councils of government. But if cabinet offices of narrower compass were created, each with its separate constituencies, the President would have to do work now performed by the HEW Secretary—balancing priorities, weighing alternatives, and making decisions about various programs for people. This would add burdens to an already overburdened Presidency.

If more cabinet offices were set up, the President would have more top officials reporting to him, and would have to add more staff in the White House to deal with them and coordinate their views and problems. Anonymous staff in the President's office or the Bureau of the Budget—no matter how able or how experienced—should not be and cannot be responsible to the Congress and the public for major policy decisions. So it might eventually become necessary to elect an Executive Vice President to work directly with Cabinet members and other high ranking officials in the administration of domestic programs.

Those who argue for a Departmental umbrella covering more, not less, territory, stress that HEW's interests range far and wide. I think suggestions for a Department of Human Conservation—or something like it—are valid and should be carefully considered. The Department of Health, Education, and Welfare—often referred to as the Department of the People—should in any case operate in a larger orbit of total concern for human needs.

We must beware of endless quests for different, cleaner separations and neater classifications for the formidable problems of human welfare. The trouble is that such problems do not yield to easy compartmentalization. They won't go away just because you put them in a separate box on a new organization chart. Like executive departments and agencies, Congressional committees find it harder and harder to maintain jurisdictional niceties when they are considering health and welfare legislation.

Scope, size, diversity

To support the view that the Department of Health, Education, and Welfare is unmanageable, one would have to argue that the General Motors Corporation is unmanageable, or that the Governors of New York and California cannot possibly manage their states.

The operations of the Department of Health, Education, and Welfare compare favorably with those of any large enterprise, public or private. Social security is administered as efficiently as any private insurance company. The National Institutes of Health fund difficult research as efficiently as any business or university. The Rehabilitation Service has a return of $35 for every $1 it spends on a rehabilitated person.

It is not the size or number of products of an institution which makes it manageable or unmanageable. It is the lack of common purpose. It is the lack of competent staff. It is the lack of intelligent, able leadership. It is the lack of flexibility. It is the lack of a constant flow of new ideas and people willing to change, to experiment, to try new ways.

The Department of Health, Education, and Welfare has a unifying purpose, and has a cohesive concept pulling its several parts toward a common end—improving the quality of life for all Americans, increasing their options and so their freedom.

The Department has able and dedicated staff: including a Nobel Prize winning geneticist; a half-dozen Rockefeller Public Service Award winners; and innumerable winners of other national awards. There is no doubt that as their programs grow, HEW's personnel can handle increased responsibilities. I do not believe there is any substantial merit in the argument that the scope, size, or diversity of the Department make it unmanageable. But the Secretary and his staff need additional help to lead and manage HEW effectively. I recommend:

That the Secretary of Health, Education, and Welfare be selected by the President from among men and women who do not intend to seek other elective public office or judicial appointment. The decision-making responsibility for health, education, and welfare (including such matters as civil rights) is so important that it should not be based even in part upon possible impact on the Secretary's political future.

That the Secretary of Health, Education, and Welfare not be a professional specialist in one of the fields of the Department's work. He should be a well-informed generalist who does not lean toward any individual specialty or group.

That the Secretary have enough staff assistants so that he can realistically carry out his important responsibilities. The Secretary's capability was much improved with the addition of three Assistant Secretaries in 1965. But the Department's top management is still inadequate. The Department needs:

Three Under Secretaries to deal with substantive program matters in health, in education and in social opportunities.

A new Under Secretary for Management, skilled in managing large enterprise, who should be a permanent career official. He would give the Department continuing managerial competence through political transitions. The present position of Under Secretary should be retained to provide the Secretary with a top level assistant and to aid him in handling policy matters.

Two more Assistant Secretaries: one for Public Affairs; another for International Programs.

That the Congress substantially increase the salary scale for senior personnel if the Department is to attract and retain qualified and able scientists, physicians, actuaries and administrators. Since these men and women can get much higher incomes outside of government (often for jobs with much less responsibility), the Department cannot compete fairly for them in the economic marketplace. This is an urgent need.

The need for flexibility

The Secretary must be able to organize and run his own shop.

Every Secretary faces pressure from organized groups outside the Federal establishment. If there is a special unit in the Department which deals with its concerns, that pressure group usually wants to raise the unit up the status ladder, to report directly to the Secretary or an Assistant Secretary. Children's groups want the Children's Bureau reporting to the Secretary, and senior citizens want the same for the Administration on Aging. Mental health advocates have urged that the Secretary move the National Institute of Mental Health out of the Health Services and Mental Health Administration, to report directly to the Assistant Secretary for Health and Scientific Affairs. This internal competition is based on the notion that the more "visible" a unit, the more money it will get from Congress, and the more time and attention it will get from the Secretary.

All these proposals have merit within their individual narrow domains. But no group of professionals, or advocates of any one program—no matter how worthy—should be able to freeze HEW's structure. If he is to do his job, the Secretary must be able to organize the whole Department so it can work in coordinated, effective and balanced ways, in the entire public interest. After all, the Secretary's decisions are subject to review and revision by the President, the courts, the press, and various committees of both Houses of Congress—legislative, investigative, and appropriations.

Public policy should not be determined by a bureaucratic pecking order. Priorities should be set by the Secretary, the President, and the Congress in terms of national needs. Substituting administrative rigidity for flexibility hampers the Department's ability to deal with changing situations as they arise.

Just as the Secretary should not have his organizational hands tied by outside pressure groups, so he must not be tied lock, stock and barrel by the legislative branch. Over 200 specific limitations and directions on spending in the HEW appropriation act this year limit his discretion. Many more such directions in committee reports and legislative history of debates limit it further. Some directions specifically concern minor details, others broadly delegate policy decisions.

Congress must always have the last say. Realistically, the Executive Branch of Government must share with the Legislative Branch the broad responsibility for directing programs. But the very least that Congress could do to make this sharing process work is to give the Secretary needed flexibility to meet changed circumstances, emergencies, or new priorities.

What's more, the Secretary himself must not have his hands tied by his own bureaucracy. He must be able to continue strengthening the Department's regional offices—out where the people are. The nine regional HEW directors serve as his personal representatives in the communities where Americans live, and where their problems proliferate. Regional offices should have more authority and more responsibility for decison-making, more power to earmark funds, and to make certain grants and contracts for vital projects. Our best men in Washington should take pride in accepting assignments in the field. A field command is regarded as an asset to the career of any army officer, and a post abroad is an asset to any diplomat. So work in the field should be the mark of a well-rounded HEW employee.

Therefore, I recommend:

That the Secretary have authority to organize and reorganize the Department internally from time to time. In doing so, he would aim for efficiency, economy and efficacy. He should not be stymied by organizational entities required by existing laws—the 1912 laws relating to the Children's Bureau, for instance, or the 1965 law relating to the Administration on Aging.

The return of the Elementary and Secondary Education program to regional decentralization, and more regional staff of all kinds so that the regional offices can work closely with city and State officials, empowered to help them strengthen grass roots government.

Legislation which would authorize the Secretary to use up to $25 million of unexpended appropriations under existing laws to meet needs which are not specifically provided for in the Appropriation Act, and which arise from emergencies, or changing circumstances. Instead of 200 appropriation items, there should be no more than 100 groupings—leaving both the Congress its proper role in money matters and more flexibility for the Secretary.

Relationships with the Office of Economic Opportunity

The Office of Economic Opportunity has pioneered with a number of bold and important anti-poverty programs. Now good management and efficient administration demand that those poverty programs that have been tested and proved should be tied in more closely with ongoing programs in the Cabinet Departments. This is the only way they can enter into and affect our systems of government.

As administrator of the Nation's largest anti-poverty programs, the Department of Health, Education, and Welfare will naturally fall heir to many OEO programs. Therefore, I recommend:

That Head Start be administered along with the day care programs administered by the Children's Bureau; that the Neighborhood Health Services and family planning services be administered along with the health activities in HEW; and that OEO programs for senior citizens be put in HEW's Administration on Aging.

That OEO remain as an overall unit watching and reporting on all programs affecting the poor, starting new programs and initiating new approaches. It should get out of the day-to-day business of running large-scale programs.

Model cities

The Model Cities program, administered by the Department of Housing and Urban Development, has become an important and effective part of our anti-poverty efforts. Under it neighborhood residents have joined with city officials in planning to improve their destinies. State, regional and national officials have helped. In Washington, a genuine and strong Model Cities interdepartmental effort is underway. This effort should be strengthened. The Model Cities program offers great promise for progress in our inner cities.

Minor thoughts about major relationships

No report of this size and nature could possibly cover all HEW's managerial problems. Just as the Department does not cause all of these problems, so they are not all within its ability to resolve.

Some of the kinks in the HEW-Congressional relationship could be ironed out by reorganization of the Congress itself—no means task. Expansion and improvement of Congressional committee staff, for instance, could improve HEW programs.

Many shorthanded Committees allow members and staff to charge their official travel to the Department's budget. The Congress should avoid this practice, which may result in troublesome obligations. Congressional committees should have sufficient travel funds and should observe normal accounting practices.

The Congressional practice of announcing the release of Department grants to the public usually works out reasonably well. Occasionally, a senior member, or important Committee member with special influence gets a jump on his colleagues—or "scoops." This may simply annoy his colleagues. Or in the case of politically evenly divided State delegations, or future rivals for political office, it may result in disputes which the Department cannot handle to the satisfaction of all concerned.

Members of Congress who vote Federal funds should be able to get some of the credit for those projects they make possible. Sole credit should not go to those of our fellow citizens who are always wailing about Federal expenditures and supposed Federal waste, but support strongly the Federal appropriations and expenditures which help their narrow constituency, their favorite interest group, or their special purpose program. Therefore, I recommend:

That the announcement of every construction grant and every project financed even in part by Federal funds, should show the public conspicuously that this is so, and that when the project is underway, the public continue to be informed that it is operating because of Federal financing.

HEW cannot move to strengthen the hands of its masters in the Congress. But it can and must move to strengthen hands in State and local government, if it is to meet rising expectations and demands for social services.

That State and local governments throughout the country vary widely is a truism. That they are often weak is a harsh, but fair generalization. City after city finds that because it is completely dependent on the property tax as a source of revenue, it has not the funds to pay for its children's schooling, or to meet its welfare bill. State and city governments have not historically been able to attract and hold enough highly qualified people. The administration of health and welfare programs by many state departments in many states makes for fragmented service delivery.

The grants-in-aid mechanism has given the Department a tool to use in working toward solutions to national problems, while maintaining a valuable dispersion of national power. But only solid capable State and local governments can assure the gains made by the HEW programs of the past years. Without city and State organizations capable of guiding social planning operations, HEW programs will fail. Therefore, I recommend:

That new forms of financing be developed to free local communities from their reliance on the outmoded, inefficient and unproductive property tax. The property tax should be reduced and eventually eliminated as a basis for financing education and local government services.

That HEW—working through its regional offices—give cities more help in breaking down artificial barriers to dealing with air and water pollution, or waste disposal on a regional basis.

That HEW build on a constructive practice already begun: helping State and local government recruit and keep highly qualified staff.

Modernization of State and local civil service laws to provide more flexible procedures for selecting able people and to assure greater opportunities for poor and disadvantaged men and women.

That State agencies be reorganized to group their activities in a more rational and coordinated way with special consideration to a single State health and welfare agency such as those in Wisconsin, Utah, and California.

The revision and strengthening of the State merit personnel standards established by Congress in 1939 in the Social Security Act in the light of recent experience and new needs. Further consideration should be given to the recommendations in the Report of the Secretary's Advisory Committee on Merit System Standards which reported in January 1969, to the Secretary. For instance, employment opportunities for culturally, economically, educationally and physically disadvantaged people should be expanded in State and local programs. Educational requirements should be reviewed and revised to permit State and local agencies to employ creative and innovative men and women.

III—THE LAST HEALTH HURDLES

In the past two or three years our Nation has emerged from a necessary—a pioneering—period of concentration on medical research. Looking up, bemused, from our microscopes, we have found great numbers of eager, waiting patients.

As a Nation, we have realized that medical research is a first step only, and gone on to apply ourselves to the difficult task of delivering the results of that research to people. We have realized, too, that good medical care depends not only on scientific knowledge, but on trained men and women, up-to-date hospitals and clinics, sound planning and organization, and proper financing.

Every one of these elements has been strengthened, and we have arrived at the point where large numbers of Americans can indeed get good health care. Yet the HEW Secretary spends a great portion of his time pondering and dealing with the complexities of modern health problems, technological, social and economic: The more people there are, the longer people live, the more income they earn, and the more they know about the astounding possibilities medicine offers, the more their demand for high quality health care. They will not be satisfied with run-of-the-mill care when society can produce the best. The woman with a kidney disease who watches someone else being treated with an artificial kidney on her television screen will not face death without recourse, nor will her family. The man who reads about heart surgery over his morning coffee will not deny it to his child because he can't afford it. He feels the best health care is not a luxury, but a right.

As demanded for such "best" health care rises, so does the pressure on our understaffed hospitals and clinics, on our doctors and nurses. Trained health workers are in short supply. Medical costs spiral. The Nation invests more than $50 billion—six percent of its gross national product—on health each year, but it doesn't get a high enough return. What's more, only an infinitesimal fraction of this investment goes toward improving the way our whole system of health care works.

It will not be easy to leap such health hurdles; we may have to climb over them slowly. Current needs point in separate, but overlapping directions. While sustaining and increasing efforts in basic medical and biological research, we must improve methods of delivering and paying for health care. And while we perfect essential programs for the elderly, we must emphasize the neglected needs of children—in health care as in other fields. We must take every possible step to hold down health care costs, including enlarging incentives for efficiency. We must remove obstacles to the efficient use of health resources.

Medicare—medicaid

Medicare has lifted a crushing financial burden from the backs of older people and their families. No longer do our older men and women have to delay vital medical attention; no longer do families have to pauperize themselves to get it. Without interfering with the doctor-patient relationship, without burdensome administrative machinery, Medicare is working well and helping to raise the quality of all health care. For this Secretary, who argued its case so long, the proven success of Medicare has been a source of great personal satisfaction. I recommend:

That Medicare now be extended to totally disabled people, no matter what their age. The disabled are faced with the same problem as the aged: heavy medical expenses at a time when their income and earning power are very low. Permanently and totally disabled social security beneficiaries can be included in the Medicare program on a sound basis.

That the doctor bill part of Medicare be put on the same social insurance pre-payment basis as the hospital part. This would make it unnecessary for older and disabled men and women to pay $4.00 a month for medical insurance out of their retirement incomes.

That at least part of the cost of prescription drugs, which can be unusually heavy for an older or disabled person be covered under Medicare.

That a reasonable cost range for all drugs should be used in all federally supported programs.

The crushing burden of sickness falls most heavily on the poor, who can least afford it, and who suffer it more frequently and more severely than other groups. Poverty helps cause ill health; ill health helps cause poverty. Medicaid, which became law in 1965, has made a start at helping to break the cycle of poverty and ill health among 8 million Americans.

It has also been the tip of the iceberg opening our eyes to the terrible need for health care among the poor. We must not precipitately restrict the program because the costs have been more than were estimated. There have been a number of problems in the administration of the Medicaid program. To ascertain their scope and implications I arranged for public hearings to be held in nine major cities on the Medicaid program. I have transmitted the record of these hearings to the Congress. I urge they be studied carefully before taking action. Based on my review of these hearings I recommend:

That Medicaid be amended to increase its coverage substantially, so that all who need, but cannot afford, decent health care may have it.

That the recommendations of the National Advisory Committee on Medical Assistance for the revision of Medicaid be followed to tighten up the program, moderate increased costs, and prevent lax operation in some States.

That health insurance coverage be expanded to reduce the need for Medicaid.

The cost of illness

Most Americans carry some form of voluntary insurance, covering at least a part of hospital care. Medicare has substantially increased this coverage, Medicaid has helped the indigent. Still, long-run serious illness with all its high—and rapidly rising—costs, can spell economic disaster for the millions of persons who are not covered, and for those who are inadequately covered.

All American families should be free from fear of such disaster. They should be financially protected against catastrophic illness, and should be able to afford revolutionary and expensive treatments. The economic risks of illness should be spread further through comprehensive insurance protection.

One way in which this could be achieved is through comprehensive health insurance legislation covering all persons who work and their families. Employers and employees would be required to contribute to such comprehensive insurance protection. If the Nation decided to take a Federal-State approach to this problem, the Federal Government could levy a national payroll tax, against which a State would receive a 90 percent offset if it had an approved State health insurance plan. The Federal Government would establish standards for such State plans. Unemployed and non-employed men and women would be covered with Federal aid.

American families should not have to pay exorbitant prices for comprehensive protection. The Nation could save additional amounts if those for whom hospital treatment is not mandatory were treated at home, or in nursing homes, or through periodic visits to their doctors' offices. It has been estimated that if the average cost of general hospitals could be brought down by only 10 percent, savings would total almost $1 billion each year—and $3 billion by 1975.

In order to find ways to reduce unnecessary medical costs I have appointed an Advisory Council on Health Protection and Disease Prevention. This Council will study the problem of preventing disease and disability and make recommendations to the Secretary. This should be an important step in conserving scarce resources preventing the unnecessary utilization of medical services.

The Social Security Amendments of 1967 provide for experiments to assure the fiscal health of the hospital system and at the same time to give purchasers of services full value for their dollars. The Amendments of 1967 provide for experiments with "incentives for economy while maintaining or improving quality in the provision of health services" in connection with reimbursement under such programs as Medicare. Most hospitals and hospital groups are eligible to submit proposals for incentive reimbursement experimental plans.

Therefore, I recommend:

That a Commission on Health Care Insurance, consisting of distinguished representatives of the consuming public, the health professions, and insurance carriers be appointed to recommend the precise form of comprehensive protection against the economic burdens of catastrophic illness which would result in all persons being covered on an economical and efficient basis.

That while this Commission is completing its study, most of the available private, as well as public, insurance coverage be broadened to provide coverage for a full range of preventive, ambulatory, and diagnostic care, and to cover such health problems as alcoholism or mental illness. If public and private third party payers fully covered preventive and diagnostic services (like outpatient services), patients would use less costly health resources outside of hospitals more and the long-run costs of Medicaid would be reduced.

That hospital incentives to reward efficiency without compromising medical care be rapidly expanded. Once effective means of controlling hospital costs have been demonstrated, they could be extended in Medicare, Medicaid, and Maternal and Child Health Programs. Successful businesses must provide high quality services at the lowest reasonable costs. We should help our hospitals do the same.

That physicians and hospitals should voluntarily restrain price increases in order to avoid restrictive controls.

Kiddicare; family planning

In the next ten years, the Nation must place as much emphasis on the health needs of its children as it put in the last decade on the needs of its older people.

Thousands of women in low-income groups do not now have adequate access to comprehensive health services. Tragic results include great numbers of unwanted children—of mentally retarded children—of children with avoidable physical and emotional defects. Competent pre-natal care and competent health care during the earliest part of life can mean the prevention and control of many crippling handicaps. So the case for fuller child health opportunities does not rest alone on present comfort, or hardship, or even damage to the human spirit. It rests on possible irreparable, physical damage to the brain and body. I recommend:

That comprehensive pre-natal care be extended to all women of low-income families, so that, as far as possible, all children be born well.

That family planning be included as a part of comprehensive health care to these women so that every child is born a wanted child. Family planning should no longer be the quiet privilege of the well to do. It must be an integral part of our efforts to reduce poverty, raise educational levels and so give people great freedom of choice. Out of about 5 million medically indigent women who want family planning services, only 500,000 now receive such services. About 450,000 large families would no longer be poor if they had only three children to support.

That medical care for all children in low-income families be provided during the first year of life, placing special emphasis on nutrition, on the prevention or early correction of crippling disabilities and on dental care. Once this program—which we call "Kiddicare"—is established, that it be stretched over a five-year period, so that the children covered would be assured of medical care until they reach the age of six.

That the health activities of the Children's Bureau and the Medicaid program be transferred to the Public Health Service and coordinated with the Neighborhood Health Centers and Family Planning programs to assure unified delivery and financing of medical services.

Nutrition and health

It is intolerable that there is even one hungry child in America. We have the ability to wipe out hunger and malnutrition, but we have not yet demonstrated the will.

We are only beginning to discover how widespread malnutrition is among the poor, the aged, the sick, and the young. But we know enough to say forthrightly that there is malnutrition in the United States, and that it is highly correlated with poverty. We know that food assistance programs do not reach some 14 million of the 22 million poor, and that even when communities have such programs, local administrative barriers often prevent food and funds from reaching those who need them most.

Poverty is the basic, underlying cause of hunger; the changes I have recommended in the social security and welfare systems would go far toward alleviating it. But we need to go beyond this, and even beyond the nutrition problems of the poor. We need to know a great deal more about general relationships between nutrition and health, and the broadest considerations of human development.

Responsibility for nutrition activities has been fragmented throughout the Government: within the Department of Health, Education, and Welfare, within the Executive Branch of the Federal Government, and within the Congress. Within the Department, I have directed the establishment of a new interdepartmental committee to coordinate at least HEW's nutrition programs.

In 1946, the Nation adopted a new goal: the creation of maximum possible employment. It is now time to establish the elimination of malnutrition as a national goal. To further that end, I recommend:

That the Congress enact legislation declaring the eradication of malnutrition to be a national responsibility, and giving appropriate officials in the Executive Branch the authority and responsibility to carry out this mandate.

The creation of a Federal Interagency Nutrition Council, headed by the Secretary of Health, Education, and Welfare, to outline national policies in all areas of nutrition and to coordinate the activities of the individual departments and agencies.

The creation of the Human Nutrition Administration within the Department of Health, Education, and Welfare, with responsibility for research and evaluation, and expanded and revised food stamp and food distribution programs, including school feeding and other relevant medical-nutrition programs.

That this new Human Nutrition Administration distribute food stamps on a nationwide basis, with eligibility based upon family income determined by the Social Security Administration's national poverty standards, rather than local welfare standards.

Mental health and mental retardation

The record of the past years in dealing with the tragedy of mental illness is one of great achievement and great promise. Measured in terms of dollars, we are investing about $367 million this year in the field of mental health as compared to $68 million ten years ago. Measured in terms of accomplishments, we can look to a record of expansion in research, the training of skilled manpower, and the development of a new approach to treatment through community mental health centers. I recommend:

That we accelerate our research effort to provide better understanding of mental illness, how it can be prevented and treated.

That we redouble our efforts to provide the trained personnel needed in the fight against mental illness.

That we seek to reach the goal of 500 community mental health centers in operation by 1972.

That we explore methods of providing expert examination of school age children to discover those who may fall victim to mental or emotional illness, so that they can receive needed counseling and treatment at the earliest possible time.

That HEW encourage industry to intensify its efforts to hire mentally retarded as well as other handicapped men and women; that it encourage its fellow government agencies to adopt similar employment policies.

The way services are delivered

Comprehensive group practice—particularly group practice with pre-payment—has proven to be an efficient way of delivering health care. In such plans groups of physicians, working together within the framework of our private health system, can see up to ⅓ more patients, and these patients can get individual care of high quality for 20 to 30 percent less cost. As the President's Advisory Commission on Health Manpower has pointed out, such organizations reduce the use of our overtaxed hospitals and make more efficient use of health personnel.

Other new organizations and reorganization of health services have shown that they can promote good medical care at low prices. *"New Careers"* programs—training men and women who haven't had enough education or other advantages, for health occupations—offer great promise. In such programs, the poor skillfully fill needed jobs, benefiting themselves and our whole society.

Neighborhood health centers offer a full range of services right in the communities where people live. Some of the hospital outpatient departments now serving as "family doctors" to our inner cities are pioneering in offering comprehensive *family-centered care* instead of impersonal, episodic, emergency treatment.

Whole communities, under the national Partnership for Health program, have intensified their *health service planning*. They are beginning to answer questions like how many hospital and nursing home beds they need—or what steps they must take to clean their water supplies—or what rural health needs have priority, far better than Washington officials could.

Therefore, I recommend:

That financial incentives be offered to encourage the development of prepaid group practice groups, expanded community hospital outpatient services, and other plans offering promise of greater efficiency, more comprehensive service and the like; and that the reimbursement policies of public and private insurers reflect the increased efficiencies of such providers.

That overly restrictive State laws now impeding the use of new kinds of health manpower be substantially revised so we can properly use the talents of technicians and aides in medicine, dentistry, nursing, and pharmacy.

That Federal help be focused on our big cities' urgent need for construction and rehabilitation of medical facilities, whether they be built as central complexes or in the neighborhoods; and that comprehensive State planning be required as a condition for Federal aid, with priority given a full range of inpatient, outpatient and extended care services serving large numbers of people.

That the programs to combat alcoholism be intensified and expanded.

Cigarettes and health

Five years after the American people received their first official warning on smoking and health, cigarette consumption in the United States had dropped by over one billion cigarettes in 1968. Though we number two million more adults, we have increased evidence that more and more adults are giving up smoking and fewer teenagers are taking it up. Still, smoking, a grave problem in 1964, is graver today. To some extent it can be said that cigarette smoking has canceled many of the health gains made in recent years.

Deaths and diseases associated with cigarette smoking continue to rise. In 1964 there were nearly 46,000 deaths from lung cancer; this year there will be over 59,000. Five years ago emphysema and chronic bronchitis killed 20,000 Americans; twice that number will die this year of these respiratory diseases. Cigarette smoking contributes to coronary heart disease: in 1964 there were 545,000 deaths from this disease; in 1959 the number is expected to be 590,000. What's more, the Nation's workers who smoke cigarettes spend over a third more time away from the job because of illness than those who do not smoke.

Three main obstacles bar our way to reducing the number of persons now smoking, encouraging young people not to start and urging those who continue the habit to use less hazardous cigarettes and less hazardous ways of smoking.

One is economic, involving public revenues, agricultural income, and industrial profits. A second is social acceptability of cigarette smoking and its near addictive hold on many people. A third is the posture of those who insist that the health hazards of cigarette smoking have not been proved, despite the evidence.

Public education, news coverage of smoking and health developments, anti-smoking messages on radio and television, increased concern and activity by health professionals, and health education in schools—all these reduce cigarette smoking. But although the Public Health Service has a total annual budget of $2.8 billion, only about $2 million goes for cigarette smoking behavioral research and education.

Last July, I submitted to Congress a report on the Health Consequences of Smoking, as required by the Federal Cigarette Labeling and Advertising Act of 1965. The report confirmed or strengthened the conclusions of two previous reports published by the Department in 1964 and in 1967. With the 1968 report, I sent four recommendations to strengthen the Department's program. These are included in the following recommendations I now submit:

That the warning statement required by the Federal Cigarette Labeling and Advertising Act be strengthened, as recommended in 1967 by the Federal Trade Commission to become: " 'Warning' Cigarette Smoking Is Dangerous to Health and May Cause Death from Cancer and Other Diseases." This warning should be moved from the side of the package to the front and the back of the package, and the text should be clearly legible, and should be required to accompany all cigarette advertisements, including those on television, radio, and the press.

That levels of "tar" and nicotine in cigarette smoke be published on cigarette packages, on cigarette vending machines, and in all advertisements. Authorization should be given to add other harmful agents to this listing.

That formal liaison between the government and the tobacco industry, begun by the HEW Secretary in 1968, be supported. It is essential to strengthen such cooperation to deal with the smoking and health problem.

That increased appropriations be made to support research, both basic and behavioral. We must learn more about what elements in tobacco cause harmful effects on human health and how; we must at the same time learn more about why people smoke, how those who want help may be helped to resist the habit, and we must work toward the discovery of a non-hazardous cigarette.

That increased appropriations be made to broaden and expand programs of public information and education. Special efforts are needed to take advantage of improved methods of teaching children about the effects of smoking. The Department should support the training of classroom teachers and the preparation of teaching materials to accomplish this.

That Federal taxes on cigarettes be substantially increased and made uniform throughout the Nation. When the national economy suffers excess illness, disability, work loss and premature death among cigarette smokers, surely a greater use of Federal taxing authority is justified, to help finance necessary research and educational programs.

Intensified research on service delivery

In every health program we undertake, we should intensify research on the delivery of services. It is useless to learn the results of cigarette smoking, or to find a new vaccine or surgical technique, if people can't learn about and use them. Research discoveries in the laboratory, until they are applied, save mice, not men.

A Nation which can invent machines to keep a man alive can invent ways of getting man and machine together—and keeping them together as long as necessary. A Nation which knows how to treat alcoholics, or narcotic addicts, can devise ways of getting that treatment to those who need it. A Nation on its way to the moon can overcome the barriers to good health care suffered by the woman who must, to get a doctor, walk five to ten blocks to the nearest bus line—then change buses and pay two or three fares to get to the hospital—then sit for hours in a clinic waiting (and sometimes forego a day's pay).

Failure to deliver services resulting in isolation, the absence of hospitals and clinics—impersonal scattered services, ignorance and lack of understanding of preventive measures, of symptoms and available treatments—misuse and underuse of our resources—and above all high costs—these are the health hurdles before us now.

UNCLOUDED VISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. Staggers) is recognized for 5 minutes.

Mr. STAGGERS. Mr. Speaker, the current condition of strife, discord, and confusion afflicting our Nation is the subject of countless highly publicized and highly paid commentators and columnists. Their assessments, their diagnoses, and their prescriptions fill the big city newspapers and get prime time on TV networks. Each has a different view of the situation, and each has a pet idea on which he harps. It might even be surmised that he would prefer to have the country go to the dogs if his own predictions do not come to pass. Myopia is a word which denotes unclear vision. Our commentators may suffer from it.

As has happened in so much of our past, we need to get out of the dust of the city if we want to see clearly. In my opinion, a rural editor, R. H. Ralston, Sr., of the Buckhannon Record, Buckhannon, W. Va., has no dust in his eyes. He rejects all complicated explanations and excuses, and points his finger at the real and only solution to our problems. I believe, Mr. Speaker, it will do us all good to read what he says:

Do We Know What We Want?

The principal thing that may be said of 1968 is that it was not a particularly felicitous year. It was a year of tragedy, strife, confusion and contradiction. We had continuing prosperity for most people—accompanied by growing domestic dissension. In Vietnam, U.S. observers spoke optimistically about the military situation. At the same time, the patience of the American public with the war appeared to come to an end. For better or for worse, this country's armed opposition to communism in Southeast Asia may be terminated in the not-too-distant future.

It will seem to many, in looking back over the past year, that much of our trouble stems from a confusion of philosophies and labels—a confusion that has existed for a long time, but in 1968 reached a climax. The confusion is well typified in the career of Mr. Johnson as President. He went into office with the near unanimous support of the people. He carried out his pledge. An unprecedented wave of social legislation became law. Untold billions of federal dollars have been committed to programs of health and welfare, education, urban rehabilitation, a broad war on poverty and environmental improvement. All of these things have been produced under the label of liberalism. In fact, liberalism has become nearly synonymous with the outpouring of governmental tax funds and broad expansion of government powers. This in itself is perhaps the most confusing and contradictory phenomenon of our times. Historically, liberalism is the antithesis of authoritarian government.

Many reasons have been given for Mr. Johnson's eclipse in popularity, of which the Vietnam war ranks high. Yet, he brought into full flower the highly popular philosophy of government responsibility for solving social and economic problems. Some call it the welfare state. There is no reason to doubt that Mr. Johnson was sincerely striving to give the people what they thought they wanted. Measured by legislation, he was largely successful. Logically, he should have looked forward to tranquility and strong support. Instead, he got riots. Before the end of his first full term as an elected President of the United States, he fell so low in popular esteem he was compelled to announce that he would not be a candidate for reelection.

It is difficult to believe the Vietnam war is wholly accountable for the quick reversal of Mr. Johnson's political fortunes. His misfortune—if it may be called that—could be a symptom of national confusion in a day when love of country is considered juvenile by many, patriotism corny, and Presidents are chosen on the strength of their ability to keep everybody happy. The decline in Mr. Johnson's popularity accelerated when the cost, both in inflation and taxes, of the government's increasing dominance began to be felt.

As a new President prepares to take office, we hear a great deal about the task before him of "bringing the country together." Judgment is being withheld until people can see how he performs. Perhaps it might be well in the coming months for the people to look inward and judge themselves. Our country will become what the people make it. Unless we are ready to accept a dictatorship, we should cease expecting the President of the United States to be all things to all men. He is a fellow citizen filling one of the world's toughest and most dangerous jobs.

In the long run, the President can but reflect the philosophy and purpose of the people. We should not ask the new President to perform like a monkey on a stick. We should ask, what is our philosophy? Do we believe in a government of laws? Do we believe in local initiative? Do we believe in the responsibilities, as well as the rights and liberties of the individual? Do we believe in the American system? The future of the country depends on our answers to these questions. The man in the White House cannot answer them for us. Nineteen hundred and sixty-nine may prove to be a year of testing of people, not a President—people who sadly need a renewed sense of purpose based on the ideals and principles of self-government.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Vanik, on January 27 and January 28, on account of official business.

Mr. Pelly, for the week of January 27, on account of official business.

Mr. Buchanan (at the request of Mr. Gerald R. Ford), from January 21, 1969, through February 2, 1969, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Foreman, for 30 minutes, today; to revise and extend his remarks and to include a concurrent resolution.

(The following Members (at the request of Mr. Horton) and to revise and extend their remarks and include extraneous matter:)

Mr. Cahill, for 20 minutes, today.

Mr. Vander Jagt, for 40 minutes, today.

Mr. Belcher, for 1 hour, on January 29.

Mr. Horton, for 1 hour, on January 30.

(The following Members (at the request of Mr. Chappell) and to revise and extend their remarks and include extraneous matter:)

Mr. Culver, for 15 minutes, today.

Mr. Cohelan, for 15 minutes, today.

Mr. Staggers, for 5 minutes, today.

Mr. Bingham, for 60 minutes, on January 28, 1969.

EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

Mr. Joelson.

Mr. Anderson of Illinois and to include extraneous matter.

(The following Members (at the request of Mr. Hutchinson) and to include extraneous matter:)

Mr. Conte.

Mr. Broomfield.

Mr. Findley in two instances.

Mr. Winn in two instances.

Mr. Gubser.

Mr. Morse in two instances.

Mr. Esch.

Mr. Ashbrook in two instances.

Mr. Whalen.

Mr. Nelsen in two instances.

Mr. Mize.

Mr. Cahill.

Mr. Goodling.

Mr. Weicker.

Mr. Button.

Mr. Steiger of Wisconsin in two instances.

Mr. Kleppe.

Mr. Del Clawson.

Mr. Carter.

Mr. Bob Wilson in two instances.

Mr. Miller of Ohio.

Mrs. Dwyer in three instances.

Mr. Horton in five instances.

Mr. Arends.

Mr. Zwach.

Mr. Shriver.

Mr. Hosmer in two instances.

Mr. Langen.

Mr. Davis of Wisconsin in two instances.

Mr. Bow in three instances.

Mr. Kuykendall.

Mr. Anderson of Illinois.

Mr. WYMAN in three instances.

Mr. STEIGER of Arizona.

(The following Members (at the request of Mr. CHAPPELL) to revise and extend their remarks and include extraneous matter:)

Mr. EVANS of Colorado.

Mr. RIVERS in two instances.

Mr. GONZALEZ in three instances.

Mr. HAMILTON in 10 instances.

Mr. OTTINGER.

Mr. MATSUNAGA in two instances.

Mr. WILLIAM D. FORD in two instances.

Mr. BINGHAM in three instances.

Mr. HENDERSON in four instances.

Mr. TEAGUE of Texas in 12 instances.

Mr. RODINO.

Mr. OLSEN in three instances.

Mr. ANNUNZIO in two instances.

Mr. JACOBS in two instances.

Mr. EVINS of Tennessee in two instances.

Mr. FRASER in four instances.

Mr. REES in two instances.

Mr. DADDARIO in five instances.

Mr. O'NEILL of Massachusetts in two instances.

Mr. THOMPSON of New Jersey in two instances.

Mr. ROONEY of New York.

Mr. GILBERT in three instances.

Mr. ST. ONGE.

Mr. ASHLEY in two instances.

Mr. DANIELS of New Jersey in two instances.

Mr. RARICK in four instances.

Mr. FRIEDEL.

Mr. BENNETT.

Mr. BOLAND in four instances.

Mr. FEIGHAN in five instances.

Mr. HUNGATE.

Mr. NICHOLS in four instances.

Mr. MOORHEAD in two instances.

Mr. MIKVA in three instances.

Mr. UDALL in two instances.

Mr. DULSKI in two instances.

Mr. ROGERS of Florida in five instances.

Mr. HAMILTON in two instances.

Mr. ZABLOCKI in two instances.

ADJOURNMENT

Mr. CHAPPELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 9 minutes p.m.) under its previous order, the House adjourned until Monday, January 27, 1969 at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

381. A communication from the President of the United States, transmitting a proposed budget amendment for the fiscal year 1970 (H. Doc. No. 91-65); to the Committee on Appropriations and ordered to be printed.

382. A letter from the adjutant general, Veterans of Foreign Wars of the United States, transmitting a copy of the proceedings of the 69th national convention held in Detroit, Mich., August 18-23, 1968, pursuant to the provisions of Public Law 88-224 (H. Doc. No. 91-64); to the Committee on Armed Services and ordered to be printed with illustrations.

383. A letter from the Secretary of Agriculture, transmitting the first annual report on operations under the Food Stamp Act of 1964, pursuant to the provisions of Public Law 90-552; to the Committee on Agriculture.

384. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for insured operating loans, including loans to low-income farmers and ranchers, and for other purposes; to the Committee on Agriculture.

385. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report listing appropriations which have been apportioned on a basis which indicates a necessity for supplemental estimates of appropriations, pursuant to the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 664); to the Committee on Appropriations.

386. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Health, Education, and Welfare for grants to States for maintenance payments for the fiscal year 1969, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

387. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Health, Education, and Welfare for grants to States for medical assistance for the fiscal year 1969, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

388. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report of a need for an additional supplemental estimate of appropriation for the Department of Agriculture, Forest Service, for the fiscal year 1969; to the Committee on Appropriations.

389. A letter from the Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act (sec. 3679, Revised Statutes); to the Committee on Appropriations.

390. A letter from the Assistant Secretary for Administration, Department of Agriculture, transmitting a report on a violation of section 3679 of the Revised Statutes, as amended; to the Committee on Appropriations.

391. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting a proposal to transfer the submarine *Drum* (AGSS-228) to the U.S.S. *Alabama* Battleship Commission, pursuant to title 10, United States Code, section 7308(c); to the Committee on Armed Services.

392. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to carry out the recommendations of the Joint Commission on the Coinage; to the Committee on Banking and Currency.

393. A letter from the Secretary, Export-Import Bank of the United States, transmitting a report relative to the export expansion facility program for the quarter ending December 31, 1968, pursuant to the provisions of Public Law 90-390; to the Committee on Banking and Currency.

394. A letter from the Commissioner, government of the District of Columbia, transmitting a draft of proposed legislation to amend the act entitled "An act to regulate the employment of minors in the District of Columbia," approved May 29, 1928; to the Committee on District of Columbia.

395. A letter from the Assistant to the Commissioner, the District of Columbia, transmitting a draft of proposed legislation to amend the act entitled "An act to regulate the hours of employment and safeguard the health of female employees in the District of Columbia," approved February 24, 1914; to the Committee on the District of Columbia.

396. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of a study of Federal programs regarding educational activities aimed at improved international understanding and cooperation, pursuant to the provisions of Public Law 90-132; to the Committee on Education and Labor.

397. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend and improve programs of assistance for education, and for other purposes; to the Committee on Education and Labor.

398. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend, strengthen, and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

399. A letter from the Chairman and Vice Chairman, President's National Advisory Council on Supplementary Centers and Services, transmitting the first report of the Council for 1968, pursuant to the provisions of section 309(c) of the 1967 amendments to the Elementary and Secondary Education Act of 1965; to the Committee on Education and Labor.

400. A letter from the Acting Administrator, Agency for International Development, Department of State, transmitting an amendment to the draft of proposed legislation entitled, "Foreign Assistance Act of 1969"; to the Committee on Foreign Affairs.

401. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of disposal of excess property in foreign countries for calendar year 1968, pursuant to the provisions of section 404 of the Federal Property and Administrative Services Act of 1949; to the Committee on Government Operations.

402. A letter from the Comptroller General of the United States, transmitting a review of Washington internal audit activities of the Agency for International Development; to the Committee on Government Operations.

403. A letter from the Comptroller General of the United States, transmitting a review of financing of community facilities by the Department of Housing and Urban Development; to the Committee on Government Operations.

404. A letter from the Comptroller General of the United States, transmitting a report on need for improvements in the automated central payroll system of the Department of Health, Education, and Welfare; to the Committee on Government Operations.

405. A letter from the Secretary of the Interior, transmitting a summary of 1968 activities in the desalting of sea or brackish waters, pursuant to the provisions of Public Law 82-448; to the Committee on Interior and Insular Affairs.

406. A letter from the Secretary of the Interior, transmitting a copy of the Bonneville Power Administration's annual report for fiscal year 1968, including a consolidated financial statement, pursuant to the provisions of Public Law 89-448; to the Committee on Interior and Insular Affairs.

407. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes; to the Committee on Interior and Insular Affairs.

408. A letter from the Assistant Secretary of the Interior, transmitting the first annual report of the Alaska Power Administration for fiscal year 1968; to the Committee on Interior and Insular Affairs.

409. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to approve an order of the

Secretary of the Interior canceling irrigation charges against non-Indian-owned lands under the Modoc Point unit of the Klamath Indian irrigation project, Oregon; to the Committee on Interior and Insular Affairs.

410. A letter from the Acting Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for passenger carrying service for the public on Lake Mead, Lake Mead National Recreation Area, Ariz. and Nev., for a period of approximately 10 years, pursuant to the provisions of 67 Stat. 271, as amended by 70 Stat. 543; to the Committee on Interior and Insular Affairs.

411. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend the duration of the Solid Waste Disposal Act and the Clean Air Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

412. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to provide for a U.S. Compendium of Drugs; to provide for a uniform system of coding for the identification of prescription drugs and provide for related label information; to provide for records and reports on experience with respect to articles subject to the act, for improved factory inspection authority, and for authority to require production of evidence; to assure the safety, reliability, and effectiveness of medical devices; and for other purposes; to the Committee on Interstate and Foreign Commerce.

413. A letter from the Secretary of Health, Education, and Welfare transmitting a draft of proposed legislation to amend the Public Health Service Act and related laws to extend and improve the provisions relating to comprehensive health planning and public health services, the construction of hospitals and other medical facilities, and the construction and operation of mental health and mental retardation facilities, to assist in the development of group practice plans providing comprehensive health care, to assist in providing safe drinking water, to improve the provisions relating to advisory councils, and for other purposes; to the Committee on Interstate and Foreign Commerce.

414. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Public Health Service Act to improve the provisions relating to assistance to medical libraries and related facilities in the field of health communications, and for other purposes; to the Committee on Interstate and Foreign Commerce.

415. A letter from the Secretary of Health, Education, and Welfare, transmitting the second report on progress in the national effort to prevent and control air pollution, pursuant to the provisions of section 306 of Public Law 90–148; to the Committee on Interstate and Foreign Commerce.

416. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on measures being taken by Federal agencies to control the emission of air pollutants from Federal facilities, pursuant to the provisions of title I, section 111(b), of Public Law 90–148; to the Committee on Interstate and Foreign Commerce.

417. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on the control of aircraft engine emissions, pursuant to the provisions of title II, section 211(b) of Public Law 90–148; to the Committee on Interstate and Foreign Commerce.

418. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize the Secretary of Transportation to arm his employees, and for other purposes; to the Committee on Interstate and Foreign Commerce.

419. A letter from the Chairman, Civil Aeronautics Board, transmitting a draft of proposed legislation to amend section 406(b) of the Federal Aviation Act of 1958 to make certain air carriers ineligible for subsidy payments; to the Committee on Interstate and Foreign Commerce.

420. A letter from the Chairman, Federal Power Commission, transmitting a report of a study relative to the massive Northeast power failure of November 9 and 10, 1965; to the Committee on Interstate and Foreign Commerce.

421. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation authorizing the Secretary of the Interior to provide for the commemoration of the 100th anniversary of the establishment of Yellowstone National Park, and for other purposes; to the Committee on the Judiciary.

422. A letter from the Comptroller General of the United States, transmitting a draft of proposed legislation to authorize the Comptroller General of the United States to administratively settle tort claims arising in foreign countries; to the Committee on the Judiciary.

423. A letter from the Acting Comptroller General of the United States, transmitting a report and recommendation concerning the claim of the American Journal of Nursing, New York, N.Y., against the United States, pursuant to 45 Stat. 413; to the Committee on the Judiciary.

424. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to unify and consolidate the rules for navigation on the waters of the United States; to the Committee on Merchant Marine and Fisheries.

425. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to prevent the importation of endangered species of fish or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes; to the Committee on Merchant Marine and Fisheries.

426. A letter from the Secretary of the Interior, transmitting a report on the national requirements and costs of meeting the water quality standards and the economic impact of such expenditures on affected units of government, pursuant to the provisions of section 16(a) of the Federal Water Pollution Control Act; to the Committee on Public Works.

427. A letter from the Secretary of Transportation, transmitting the 1969 annual report on highway relocation assistance, pursuant to the provisions of section 33 of the Federal-Aid Highway Act of 1968; to the Committee on Public Works.

428. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

429. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Social Security Act to provide for the determination of drug costs under the medicare, medicaid, and child health programs, and for other purposes; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ANDERSON of Tennessee: Committee on Rules. H. Res. 21. Resolution to authorize the Committee on Interior and Insular Affairs to make investigations into any matter within its jurisdiction, and for other purposes; with amendment (Rept. No. 91–5). Referred to the House Calendar.

Mr. ANDERSON of Tennessee: Committee on Rules. H. Res. 47. Resolution to authorize the Committee on Veterans' Affairs to conduct an investigation and study with respect to certain matters within its jurisdiction; with amendment (Rept. No. 91–6). Referred to the House Calendar.

Mr. ANDERSON of Tennessee: Committee on Rules. H. Res. 66. Resolution creating a select committee to conduct studies and investigations of the problems of small business. (Rept. No. 91–7). Referred to the House Calendar.

Mr. ANDERSON of Tennessee: Committee on Rules. H. Res. 76. Resolution to authorize the Committee on the District of Columbia to conduct an investigation and study of the organization, management, operation, and administration of departments and agencies of the government of the District of Columbia; with amendment (Rept. No. 91–8). Referred to the House Calendar.

Mr. ANDERSON of Tennessee: Committee on Rules. H. Res. 93. Resolution authorizing the Committee on the Judiciary to conduct studies and investigations relating to certain matters within its jurisdiction; with amendment (Rept. No. 91–9). Referred to the House Calendar.

Mr. ANDERSON of Tennessee: Committee on Rules. H. Res. 105. Resolution authorizing the Committee on Armed Services to conduct a full and complete investigation and study of all matters relating to procurement by the Department of Defense, personnel of such Department, laws administered by such Department, use of funds by such Department, and scientific research in support of the armed services (Rept. No. 91–10). Referred to the House Calendar.

Mr. ANDERSON of Tennessee: Committee on Rules. H. Res. 116. Resolution authorizing the Committee on Interstate and Foreign Commerce to make studies and investigations within its jurisdiction (Rept. No. 91–11). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 4128. A bill to provide for a national cemetery in Duval County, Fla.; to the committee on Veterans' Affairs.

By Mr. ANDERSON of California:

H.R. 4129. A bill to amend title II of the Merchant Marine Act, 1936, to create an independent Federal Maritime Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BERRY:

H.R. 4130. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Mitchell unit, Missouri River Basin project, South Dakota, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BOLAND:

H.R. 4131. Voluntary Military Service Act; to the Committee on Rules.

By Mr. CAHILL:

H.R. 4132. A bill, the threat of continued reliance of foreign medical graduates; to the Committee on the Judiciary.

By Mr. CARTER:

H.R. 4133. A bill to provide for the appointment of additional district judges for the eastern and western districts of Kentucky; to the Committee on the Judiciary.

By Mr. CASEY:

H.R. 4134. A bill prohibiting the use in the District of Columbia of firearms in the commission of certain crimes; to the Committee on the District of Columbia.

H.R. 4135. A bill to amend the Immigration and Nationality Act to authorize, in the national interest, restrictions on travel by nationals of the United States in certain designated areas of the world; to the Committee on the Judiciary.

H.R. 4136. A bill that section 481(a) of the Internal Revenue Code of 1954 be amended; to the Committee on Ways and Means.

H.R. 4137. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer a deduction from gross income for expenses paid by him for the education of any of his dependents at an institution of higher learning; to the Committee on Ways and Means.

H.R. 4138. A bill to amend the Internal Revenue Code of 1954 to authorize an incentive tax credit allowable with respect to facilities to control water and air pollution, to encourage the construction of such facilities, and to permit the amortization of the cost of constructing such facilities within a period of from 1 to 5 years; to the Committee on Ways and Means.

H.R. 4139. A bill to amend the Internal Revenue Code of 1954 to increase the amount allowed as a child-care deduction, and to eliminate the income ceiling on eligibility for such deduction; to the Committee on Ways and Means.

By Mr. CLARK:

H.R. 4140. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. CONABLE:

H.R. 4141. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under criminal penalty in the decennial censuses of population, unemployment, and housing; to restrict the application of the criminal penalty of fines, and eliminate the criminal penalty of imprisonment, in connection with censuses under such title generally; and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DAWSON:

H.R. 4142. A bill to amend section 5724(e) of title 5, United States Code, with respect to the payment of travel and transportation expenses of civilian employees who transfer from one agency to another after satisfactorily completing an agreed period of service outside the continental United States; to the Committee on Government Operations.

By Mr. DICKINSON:

H.R. 4143. A bill to amend the Internal Revenue Code of 1954 to increase the maximum amount of living expenses which may be deducted for income tax purposes by a Member of Congress; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 4144. A bill to provide Federal assistance to States for establishing and strengthening consumer protection programs; to the Committee on Interstate and Foreign Commerce.

By Mr. EDMONDSON:

H.R. 4145. A bill to provide for the disposition of estates of intestate members of the Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma dying without heirs; to the Committee on Interior and Insular Affairs.

By Mr. EDWARDS of Alabama:

H.R. 4146. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemption of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. EDWARDS of California:

H.R. 4147. A bill to amend section 2(3), section 8c(2), and section 8c(6)(1) of the Agricultural Marketing Agreement Act of 1937, as amended; to the Committee on Agriculture.

By Mr. FALLON (by request):

H.R. 4148. A bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

By Mr. FLOOD:

H.R. 4149. A bill to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes; to the Committee on Education and Labor.

By Mr. FRELINGHUYSEN:

H.R. 4150. A bill to establish a National Commission on Libraries and Informative Science; to the Committee on Education and Labor.

H.R. 4151. A bill to amend the Internal Revenue Code of 1954 to provide a 30-percent credit against the individual income tax for amounts paid as tuition or fees to certain public and private institutions of higher education; to the Committee on Ways and Means.

By Mr. GARMATZ:

H.R. 4152. A bill to authorize appropriations for certain maritime programs of the Department of Commerce; to the Committee on Merchant Marine and Fisheries.

H.R. 4153. A bill to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard; to the Committee on Merchant Marine and Fisheries.

H.R. 4154. A bill to provide for the licensing of personnel on certain vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. GILBERT:

H.R. 4155. A bill to amend section 2401 of title 28 of the United States Code to toll the running of the statute of limitations against tort claims of persons under legal disability or beyond the seas at the time their claims accrue; to the Committee on the Judiciary.

By Mr. GRIFFIN:

H.R. 4156. A bill to amend chapter 44 of title 18, United States Code, to exempt ammunition from Federal regulation under the Gun Control Act of 1968; to the Committee on the Judiciary.

H.R. 4157. A bill to revise the quota-control system on the importation of certain meat and meat products; to the Committee on Ways and Means.

H.R. 4158. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. HALL:

H.R. 4159. A bill to provide for the free entry of limestone imported to be used in the manufacture of chemical and industrial lime; to the Committee on Ways and Means.

By Mr. HAMILTON (for himself, Mr. Halpern, Mr. Hathaway, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Hicks, Mr. Horton, Mr. Karth, Mr. Koch, Mr. Kyros, Mr. Long of Maryland, Mr. McCarthy, Mr. Matsunaga, Mr. Mikva, Mr. Murphy of Illinois, Mr. Nedzi, Mr. Pepper, Mr. Podell, Mr. Reid of New York, Mr. Riegle, Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mr. St. Onge, Mr. Schwengel, and Mr. Steiger of Wisconsin):

H.R. 4160. A bill to enable citizens of the United States who change their residences to vote in presidential elections, and for other purposes; to the Committee on House Administration.

By Mr. HELSTOSKI:

H.R. 4161. A bill to assure every American working man and woman, without exception, a minimum wage of $2 an hour, and for other purposes; to the Committee on Education and Labor.

H.R. 4162. A bill to authorize the Legislative Reference Service to make use of automatic data processing techniques and equipment in the performance of its functions; to the Committee on House Administration.

H.R. 4163. A bill to prohibit certain tampering with speedometers on motor vehicles used in commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4164. A bill to amend the Nurse Training Act of 1964 to provide for increased assistance to hospital diploma schools of nursing; to the Committee on Interstate and Foreign Commerce.

H.R. 4165. A bill to protect consumers, homebuilders, building material suppliers, lumber manufacturers, and others against false grade marking of lumber, to promote interstate commerce in lumber, to strengthen the standards program of the lumber industry, and to promote the general welfare; to the Committee on Interstate and Foreign Commerce.

H.R. 4166. A bill to provide compensation for totally disabled local firemen or survivors of local firemen killed or disabled while performing their duties in an area of civil disorder; to the Committee on the Judiciary.

H.R. 4167. A bill to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4168. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. HOSMER:

H.R. 4169. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. JOELSON:

H.R. 4170. A bill to repeal percentage depletion; to the Committee on Ways and Means.

H.R. 4171. A bill to amend the Internal Revenue Code of 1954 to provide that the credit for foreign taxes shall not be allowed in the case of oil royalties paid in any form to a foreign government; to the Committee on Ways and Means.

By Mr. KASTENMEIER (for himself, Mr. Reuss, and Mr. Zablocki):

H.R. 4172. A bill to authorize the Secretary of the Interior to provide additional financial assistance for development and operation costs of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LIPSCOMB:

H.R. 4173. A bill to provide for the issuance of a special postage stamp to commemorate the 200th anniversary of the San Gabriel Mission; to the Committee on Post Office and Civil Service.

H.R. 4174. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption for a taxpayer or spouse who has had a laryngectomy; to the Committee on Ways and Means.

H.R. 4175. A bill to amend the Internal Revenue Code of 1954 to allow an incentive tax credit for a part of the cost of constructing or otherwise providing facilities for the control of water or air pollution, and to permit the amortization of such cost within a period of from 1 to 5 years; to the Committee on Ways and Means.

H.R. 4176. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

H.R. 4177. A bill to provide for the establishment of a Commission on Federal Taxation; to the Committee on Ways and Means.

By Mr. McCULLOCH (for himself, Mr. Celler, Mr. Donohue, Mr. Edwards of California, Mr. Feighan, Mr. Jacobs, Mr. Kastenmeier, Mr. MacGregor, Mr. Meskill, Mr. Railsback, Mr. Sandman, Mr. Smith of New York, Mr. St. Onge, and Mr. Wiggins):

H.R. 4178. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. McMILLAN:

H.R. 4179. A bill to authorize the acquisition, training, and maintenance of dogs to be used in law enforcement in the District of Columbia; to the Committee on the District of Columbia.

H.R. 4180. A bill to authorize banks, savings and loan associations, and other regulated lenders in the District of Columbia to charge or deduct interest in advance on loans to be repaid in installments; to the Committee on the District of Columbia.

H.R. 4181. A bill to amend title 12, District of Columbia Code, to provide a limitation of actions for actions arising out of death or injury caused by a defective or unsafe improvement to real property; to the Committee on the District of Columbia.

H.R. 4182. A bill to authorize voluntary admission of patients to the District of Columbia institution providing care, education, and treatment of mentally retarded persons; to the Committee on the District of Columbia.

H.R. 4183. A bill to provide that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such officer or member after his retirement may qualify for survivor benefits; to the Committee on the District of Columbia.

H.R. 4184. A bill to equalize the retirement benefits for officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia who are retired for permanent total disability; to the Committee on the District of Columbia.

H.R. 4185. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 4186. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. MEEDS:

H.R. 4187. A bill to authorize the purchase, sale, exchange, mortgage, and long-term leasing of land by the Tulalip Tribes of Washington; to the Committee on Interior and Insular Affairs.

By Mr. MILLER of California:

H.R. 4188. A bill to authorize appropriations for fiscal years 1970, 1971, and 1972 to carry out the metric system study; to the Committee on Science and Astronautics.

By Mr. MILLER of Ohio (for himself and Mr. Fish):

H.R. 4189. A bill to amend chapter 207 of title 18 of the United States Code to authorize conditional pretrial release or pretrial detention of certain persons who have been charged with noncapital offenses, and for other purposes; to the Committee on the Judiciary.

By Mrs. MINK (for herself, Mr. Aspinall, Mr. Brown of California, Mr. Byrne of Pennsylvania, Mr. Daniels of New Jersey, Mr. Dent, Mr. William D. Ford, Mr. Gilbert, Mr. Hanley, Mr. Matsunaga, Mr. Moorhead, Mr. Moss, Mr. O'Neill of Massachusetts, Mr. Perkins, Mr. Ryan, Mr. Scheuer, Mr. Zablocki, Mr. Feighan, Mr. Whitehurst, Mr. Halpern, Mr. Leggett, Mr. Hathaway, Mr. Johnson of California, Mr. Charles H. Wilson, and Mr. Farbstein):

H.R. 4190. A bill to provide Federal assistance to improve the educational services in public and private nonprofit child day care centers; to the Committee on Education and Labor.

By Mrs. MINK (for herself, Mr. Conte, Mr. Friedel, Mr. Rooney of Pennsylvania, Mrs. Hansen of Washington, Mr. Wolff, Mr. Carey, Mr. Burke of Massachusetts, Mr. Mikva, Mr. Koch, Mr. Corman, Mr. Boland, Mr. Miller of California, Mr. Burton of California, Mr. Hicks, Mr. Meeds, Mr. Hawkins, Mr. Fraser, Mr. Jacobs, Mr. Powell, Mr. Adams, Mr. Edwards of California, Mr. Thompson of New Jersey, Mr. Dingell and Mr. Howard):

H.R. 4191. A bill to provide Federal assistance to improve the educational services in public and private nonprofit child day care centers; to the Committee on Education and Labor.

By Mr. O'KONSKI:

H.R. 4192. A bill to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes; to the Committee on Agriculture.

H.R. 4193. A bill to amend title 5, United States Code, to provide a minimum civil service retirement annuity of $100 a month, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4194. A bill to amend title II of the Social Security Act to provide a minimum primary benefit of $100 a month (with corresponding increases in the benefits payable to certain uninsured or insufficiently insured individuals); to the Committee on Ways and Means.

By Mr. OLSEN:

H.R. 4195. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Jefferson-Whitehall unit, Missouri River Basin project, Montana, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PATTEN:

H.R. 4196. A bill to amend the Internal Revenue Code of 1954 to restore to individuals who have attained the age of 65 the right to deduct all expenses for their medical care, and for other purposes; to the Committee on Ways and Means.

H.R. 4197. A bill to amend title II of the Social Security Act to increase from $1,680 to $2,400 the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. PELLY:

H.R. 4198. A bill to prohibit any State from levying income taxes on nonresidents of the State; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 4199. A bill to amend the Railroad Retirement Act of 1937 so as to increase the amount of the annuities payable thereunder to widows and widowers; to the Committee on Interstate and Foreign Commerce.

By Mr. PODELL:

H.R. 4200. A bill to disarm lawless persons and assist State and Federal enforcement agencies in preventing and solving gun crimes by requiring registration of all firearms and licenses for purchase and possession of firearms and ammunition; and to encourage responsible State firearms laws, and for other purposes; to the Committee on the Judiciary.

H.R. 4201. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. REUSS:

H.R. 4202. A bill to provide for the control of the alewife and other fish and aquatic animals in the waters of the Great Lakes which affect adversely the ecological balance of the Great Lakes; to the Committee on Merchant Marine and Fisheries.

By Mr. ROBERTS:

H.R. 4203. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:

H.R. 4204. A bill to amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS of Florida:

H.R. 4205. A bill to increase the authorization for appropriations for the District of Columbia Bail Agency; to the Committee on the District of Columbia.

H.R. 4206. A bill to increase the penalty applicable to the commission of a crime of violence in the District of Columbia when armed with a dangerous or deadly weapon; to the Committee on the District of Columbia.

By Mr. ROONEY of Pennsylvania (for himself and Mr. Charles H. Wilson):

H.R. 4207. A bill to provide that Flag Day shall be a legal public holiday; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.R. 4208. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. ST. ONGE:

H.R. 4209. A bill to encourage the creation of original ornamental designs of useful articles by protecting the authors of such designs for a limited time against unauthorized copying; to the Committee on the Judiciary.

By Mr. SISK:

H.R. 4210. A bill to authorize a Federal contribution for the effectuation of a transit development program for the National Capital region, and to further the objectives of the National Capital Transportation Act of 1965 (79 Stat. 663) and Public Law 89–774 (80 Stat. 1324); to the Committee on the District of Columbia.

By Mr. SKUBITZ:

H.R. 4211. A bill to amend the Public Health Service Act to provide for the establishment of a National Lung Institute; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS:

H.R. 4212. A bill to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the Corporation for Public Broadcasting; to the Committee on Interstate and Foreign Commerce.

H.R. 4213. A bill to amend the Federal Trade Commission Act by providing for temporary injunctions or restraining orders for certain violations of that Act; to the Committee on Interstate and Foreign Commerce.

H.R. 4214. A bill to amend the Communications Satellite Act of 1962 with respect to the election of the board of directors of the Communications Satellite Corporation; to the Committee on Interstate and Foreign Commerce.

By Mr. TALCOTT:

H.R. 4215. A bill to amend the Internal Revenue Code of 1954 to restore the provisions permitting the deduction, without regard to the 3-percent and 1-percent floors, of medical expenses incurred for the care of individuals 65 years of age and over; to the Committee on Ways and Means.

By Mr. TEAGUE of California:

H.R. 4216. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. WYMAN:

H.R. 4217. A bill to consent to the New Hampshire-Vermont Interstate School Compact; to the Committee on the Judiciary.

By Mr. YATRON:

H.R. 4218. A bill to amend title II of the Social Security Act to eliminate the reduction in disability insurance benefits which is presently required in the case of an individual receiving workmen's compensation benefits; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 4219. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. ANDREWS of North Dakota:

H.R. 4220. A bill to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their market for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer; to the Committee on Agriculture.

By Mr. BARRETT:

H.R. 4221. A bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on the Judiciary.

By Mr. BATTIN:

H.R. 4222. A bill to amend the Internal Revenue Code of 1954 regarding credits and payments in the case of certain use of gasoline and lubricating oil; to the Committee on Ways and Means.

By Mr. BELCHER:

H.R. 4223. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4224. A bill to name the authorized lock and dam No. 18 on the Verdigris River in Oklahoma and the lake created thereby for Newt Graham; to the Committee on Public Works.

By Mr. BENNETT:

H.R. 4225. A bill to amend title 10, United States Code, to confer jurisdiction on U.S. district courts to try certain civilians who are or have been connected with the Armed Forces; to the Committee on Armed Services.

By Mr. BERRY:

H.R. 4226. A bill to declare that certain federally owned land is held by the United States in trust for the Cheyenne River Sioux Tribe of the Cheyenne River Indian Reservation; to the Committee on Interior and Insular Affairs.

By Mr. BLACKBURN (for himself, Mr. Hunt, Mr. Brown of Michigan, Mr. Carter, Mr. Tiernan, Mr. Whitehurst, Mr. Denney, Mr. Quie, Mr. Horton, Mr. Edwards of Alabama, Mr. Lukens, Mr. Williams, Mr. Buchanan, Mr. Addabbo, Mr. Wolff, Mr. Perkins, Mr. Farbstein, Mr. Pollock, Mr. Halpern, Mr. Schwengel, and Mrs. Hansen of Washington):

H.R. 4227. A bill to provide educational assistance to children of civilian employees of the United States killed abroad as a result of war, insurgency, mob violence, or similar hostile action; to the Committee on Post Office and Civil Service.

By Mr. BLACKBURN (for himself, Mr. Bingham, Mr. Brown of California, Mr. Helstoski, Mr. Ottinger, Mr. Bush, Mr. Fulton of Pennsylvania, Mr. Brown of Ohio, Mr. Gray, Mr. Podell, Mr. Price of Texas, Mr. Ryan, and Mr. McCloskey):

H.R. 4228. A bill to provide educational assistance to children of civilian employees of the United States killed abroad as a result of war, insurgency, mob violence, or similar hostile action; to the Committee on Post Office and Civil Service.

By Mr. BOGGS:

H.R. 4229. A bill to continue for a temporary period the existing suspension of duty on heptanoic acid; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia (for himself, Mr. Poff, Mr. Scott, Mr. Wampler, Mr. Whitehurst, Mr. Abbitt, Mr. Downing, Mr. Marsh, Mr. Satterfield, and Mr. Daniel of Virginia):

H.R. 4230. A bill to revise certain taxing authority of the State of Virginia with respect to Washington National Airport; to the Committee on the District of Columbia.

By Mr. BROOMFIELD:

H.R. 4231. A bill to amend the Internal Revenue Code of 1954 to provide for deduction of certain education expenses of teachers; to the Committee on Ways and Means.

H.R. 4232. A bill to amend the Internal Revenue Code of 1954 to allow an incentive tax credit for a part of the cost of constructing or otherwise providing facilities for the control of water or air pollution, and to permit the amortization of such cost within a period of from 1 to 5 years; to the Committee on Ways and Means.

H.R. 4233. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

H.R. 4234. A bill to amend the Internal Revenue Code of 1954 so as to allow an additional income tax exemption for a dependent who is mentally retarded; to the Committee on Ways and Means.

H.R. 4235. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

H.R. 4236. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

H.R. 4237. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted without deductions from benefits thereunder; to the Committee on Ways and Means.

H.R. 4238. A bill to amend title II of the Social Security Act to increase the amount of outside income which a widow who has minor children, and is entitled to mother's insurance benefits, may earn without suffering deductions from the benefits to which she is entitled thereunder; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts:

H.R. 4239. A bill to amend item 802.30, Tariff Schedules of the United States, so as to prevent payment of multiple customs duties by U.S. owners of racehorses purchased outside of the United States; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. Corman, Mr. Burton of California, Mr. Edwards of California, Mr. Mikva, Mrs. Hansen of Washington, Mr. Jacobs, Mr. Stokes, Mr. Tiernan, Mrs. Chisholm, Mr. Koch, Mr. Boland, and Mr. Karth):

H.R. 4240. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself and Mr. Corman):

H.R. 4241. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 4242. A bill to amend the Federal Regulation of Lobbying Act, and for other purposes; to the Committee on the Judiciary.

H.R. 4243. A bill to authorize appropriations for the Civil Rights Commission; to the Committee on the Judiciary.

H.R. 4244. A bill to amend section 576 of title 5, United States Code, pertaining to the Administrative Conference of the United States, to remove the statutory ceiling on appropriations; to the Committee on the Judiciary.

H.R. 4245. A bill to amend title 18, United States Code, relating to conflicts of interest, with respect to the members of the District of Columbia Council; to the Committee on the Judiciary.

H.R. 4246. A bill to discontinue the annual report to Congress as to the administrative settlement of personal property claims of military personnel and civilian employees; to the Committee on the Judiciary.

H.R. 4247. A bill to amend section 2734 of title 10, United States Code, to authorize the Secretary concerned to make partial payments on certain claims which are certified to Congress; to the Committee on the Judiciary.

H.R. 4248. A bill to amend title 5, United States Code, to authorize civilians employed by the Department of Defense to administer oaths while conducting official investigations; to the Committee on the Judiciary.

H.R. 4249. A bill to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices; to the Committee on the Judiciary.

By Mr. CELLER (for himself, Mr. Barrett, Mr. Blatnik, Mr. Conyers, Mr. Corman, Mr. Donohue, Mr. William D. Ford, Mr. Fulton of Tennessee, Mr. Hungate, Mr. Jacobs, Mr. Kluczynski, Mr. Mikva, Mr. Mollohan, Mr. Philbin, Mr. Rogers of Colorado, Mr. Rogers of Florida, Mr. Ryan, and Mr. Stokes):

H.R. 4250. A bill to amend title II of the Merchant Marine Act, 1936, to create an independent Federal Maritime Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CLARK:

H.R. 4251. A bill for the elimination of health dangers to coal miners resulting from the inhalation of coal dust; to the Committee on Education and Labor.

By Mr. CLEVELAND:

H.R. 4252. A bill to amend title II of the Social Security Act to increase from $1,680 and $2,400 (or $3,600 in the case of a widow with minor children) the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 4253. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

H.R. 4254. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4255. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

H.R. 4256. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CULVER (for himself, Mr. Bingham, Mr. Evans of Colorado, Mr. Hamilton, Mr. McCarthy, and Mr. Reuss):

H.R. 4257. A bill to amend the Internal Revenue Code of 1954 so as to limit the amount of deductions attributable to the business of farming which may be used to offset nonfarm income; to the Committee on Ways and Means.

By Mr. DENNEY:

H.R. 4258. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

By Mr. DIGGS:

H.R. 4259. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 4260. A bill to restrict the shipment of unsolicited credit cards in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. DUNCAN:

H.R. 4261. A bill to enable citizens of the United States who change their residences to vote in presidential elections, and for other purposes; to the Committee on House Administration.

By Mr. ERLENBORN:

H.R. 4262. A bill to amend the act entitled "An Act requiring contracts for the construction, alteration, and repair of any public building or public work of the United States to be accompanied by a performance bond protecting the United States and by an additional bond for the protection of persons furnishing material and labor for the construction, alteration, or repair of said public buildings or public work," approved August 24, 1935 (49 Stat. 793); to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 4263. A bill to amend titles 10 and 37, United States Code, to provide career incentives for certain professionally trained officers of the Armed Forces; to the Committee on Armed Services.

H.R. 4264. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. GILBERT:

H.R. 4265. A bill to amend the Tariff Schedules of the United States with respect to the classification of certain parts for fuel injection pumps for compression-ignition engines; to the Committee on Ways and Means.

By Mr. GRAY:

H.R. 4266. A bill to require congressional approval before a license may be granted for the construction of any facility for the commercial generation of electricity from nuclear energy; to the Joint Committee on Atomic Energy.

By Mr. GRAY (for himself and Mr. Corman):

H.R. 4267. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mrs. GRIFFITHS:

H.R. 4268. A bill to amend the Internal Revenue Code fo 1954 to provide that any unmarried person who maintains his or her own home shall be entitled to be taxed at the rate provided for the head of a household; to the Committee on Ways and Means.

By Mr. GUBSER:

H.R. 4269. A bill to amend title 39, United States Code, to provide that third-class bulk mail matter be presented for mailing, at the expense of the sender, at the post office of delivery or, if presented for mailing at the post office at the point of origin, be subject to fourth-class mail rates in addition to third class bulk mail rates; to the Committee on Post Office and Civil Service.

By Mr. HAWKINS:

H.R. 4270. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

H.R. 4271. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

H.R. 4272. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. HOSMER:

H.R. 4273. A bill to permit retired personnel of the Armed Forces to receive benefits under chapter 81 of title 5, United States Code, relating to compensation of Federal employees for work injuries; to the Committee on Education and Labor.

By Mr. JONES of North Carolina:

H.R. 4274. A bill to authorize the filling of vacant positions in the National Park Service; to the Committee on Ways and Means.

By Mr. KASTENMEIER:

H.R. 4275. A bill to designate certain lands in the Seney, Huron Islands, and Michigan Islands National Wildlife Refuges in Michigan, the Gravel Island and Green Bay National Wildlife Refuges in Wisconsin, and the Moosehorn National Wildlife Refuge in Maine, as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. KYL:

H.R. 4276. A bill to retrocede a portion of the District of Columbia to the State of Maryland; to the Committee on the District of Columbia.

By Mr. LANDRUM:

H.R. 4277. A bill to amend the Appalachian Regional Development Act of 1965 to extend its coverage to certain additional counties; to the Committee on Public Works.

By Mr. LATTA:

H.R. 4278. A bill to abolish the Commission on Executive, Legislative, and Judicial Salaries established by section 225 of the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McFALL:

H.R. 4279. A bill to provide for the establishment of a national cemetery within the boundaries of the San Luis unit of the Central Valley project (California); to the Committee on Veterans' Affairs.

By Mr. MATSUNAGA:

H.R. 4280. A bill to provide increases in annuities paid under the Civil Service Retirement Act, matching wage and salary increases paid to employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MEEDS:

H.R. 4281. A bill to amend title 39, United States Code, to provide for the refusal by the the addressee and return to the sender of third-class bulk mail at a charge to the sender prescribed by the Postmaster General; to the Committee on Post Office and Civil Service.

By Mr. MESKILL:

H.R. 4282. A bill to make certain additional uninsured individuals eligible for hospital insurance benefits; to the Committee on Ways and Means.

By Mr MILLER of California:

H.R. 4283. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes; to the Committee on Science and Astronautics.

H.R. 4284. A bill to authorize appropriations to carry out the Standard Reference Data Act; to the Committee on Science and Astronautics.

By Mr. MONAGAN:

H.R. 4285. A bill providing for adequate notice to the management of the corporations involved in the case of certain proposed bids for corporate takeovers; to the Committee on Interstate and Foreign Commerce.

By Mr. NEDZI:

H.R. 4286. A bill to amend section 273 of title 10, United States Code, to provide that members of the Armed Forces who are members of the Senate or House of Representatives of the United States shall be transferred to the inactive status of the Standby Reserve under certain conditions; to the Committee on Armed Services.

H.R. 4287. A bill to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4288. A bill to amend the Social Security Act to provide that women who are 62 years of age or over and are eligible for cash social security (or railroad retirement) benefits shall also be eligible for hospital insurance benefits (and supplementary medical insurance benefits); to the Committee on Ways and Means.

By Mr. NEDZI:

H.R. 4289. A bill to amend title II of the Social Security Act to provide minimum monthly benefits thereunder at age 72 for all uninsured individuals, without regard to the time at which such age is attained; to the Committee on Ways and Means.

By Mr. NELSEN (for himself, Mr. Fraser, Mr. O'Konski, Mr. Winn, and Mr. Zwach):

H.R. 4290. A bill to provide for the election of a delegate from the District of Columbia to the House of Representatives, and for other purposes; to the Committee on the District of Columbia.

By Mr. PATMAN:

H.R. 4291. A bill to amend the Small Business Act, and for other purpose; to the Committee on Banking and Currency.

H.R. 4292. A bill to authorize additional appropriations to the Small Business Administration for economic opportunity management assistance and for other purposes; to the Committee on Banking and Currency.

By Mr. PATMAN (for himself and Mr. Ashley):

H.R. 4293. A bill to provide for continuation of authority for regulation of exports; to the Committee on Banking and Currency.

By Mr. PERKINS:

H.R. 4294. A bill to assure safe and healthful working conditions for working men and women; to assist the States to participate in efforts to assure such working conditions; to provide for research, information, education, and training in the field of occupational safety and health; and for other purposes; to the Committee on Education and Labor.

By Mr. PERKINS (for himself, Mr. Flood, Mr. Saylor, Mr. Yatron, Mr.

Slack, Mr. Olsen, Mr. Kee, Mr. Morgan, Mr. Dent, Mr. Wampler, Mr. Clark, Mr. Price of Illinois, Mr. Gray, Mr. Moorhead, and Mr. Staggers):

H.R. 4295. A bill for the elimination of health dangers to coal miners resulting from the inhalation of coal dust; to the Committee on Education and Labor.

By Mr. PIRNIE:

H.R. 4296. A bill to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces; to the Committee on Armed Services.

By Mr. POFF:

H.R. 4297. A bill to amend the act of November 8, 1966; to the Committee on the Judiciary.

H.R. 4298. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. POLLOCK:

H.R. 4299. A bill to provide for the payment or reimbursement, on a one-time basis, of the expenses incurred by a Member of the House of Representatives for the round-trip transportation of his dependents and household effects between his home State and Washington, D.C.; to the Committee on House Administration.

By Mr. RHODES:

H.R. 4300. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4301. A bill to amend the Internal Revenue Code of 1954 to exclude from income certain reimbursing expenses; to the Committee on Ways and Means.

By Mr. ROGERS of Colorado:

H.R. 4302. A bill to amend title 28 of the United States Code, section 753, to authorize payment by the United States of fees charged by court reporters for furnishing certain transcripts in proceedings under the Criminal Justice Act; to the Committee on the Judiciary.

By Mr. ROGERS of Florida:

H.R. 4303. A bill making appropriations for an additional number of assistant U.S. attorneys for the District of Columbia; to the Committee on Appropriations.

H.R. 4304. A bill to increase the number of district judges for the U.S. District Court for the District of Columbia; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 4305. A bill to amend the Supplemental Appropriation Act, 1969, to increase to the full authorized amount the maximum annual interest reduction payments which may be contracted for through the fiscal year 1969 under section 236 of the National Housing Act; to the Committee on Appropriations.

H.R. 4306. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. RYAN (for himself, Mr. Addabbo, Mr. Burton of California, Mr. Corman, Mr. Giaimo, Mr. Helstoski, Mr. Scheuer, Mr. Van Deerlin, and Mr. Wolff):

H.R. 4307. A bill to authorize participation by the United States in the construction of a dual-purpose electrical power generation and desalting plant in Israel; to the Committee on Foreign Affairs.

By Mr. RYAN (for himself, Mr. Biaggi, Mr. Conyers, Mr. Farbstein, Mr. Gaydos, Mr. Halpern, Mr. Helstoski, Mr. Joelson, Mr. Koch, Mr. McCarthy, Mr. Nix, and Mr. Rosenthal):

H.R. 4308. A bill to authorize assistance under the FHA section 236 program and the rent supplement program with respect to qualified rental and cooperative housing projects financed with aid under State or local programs even though construction or rehabilitation was completed prior to approval for such assistance; to the Committee on Banking and Currency.

By Mr. SISK:

H.R. 4309. A bill to provide for the establishment of a national cemetery within the boundaries of the San Luis unit of the Central Valley project (California); to the Committee on Veterans' Affairs.

By Mr. STEIGER of Arizona:

H.R. 4310. A bill to amend section 3 of the act of July 23, 1955 (ch. 375, 69 Stat. 368); to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of California (by request):

H.R. 4311. A bill to amend title 5, United States Code, to provide for the reclassification of employees of Federal agencies in positions of nursing assistant who are licensed as practical nurses, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. THOMPSON of Georgia (for himself, Mr. Eshleman, Mr. Blackburn, Mr. Pollock, Mr. Rarick, and Mr. Utt):

H.R. 4312. A bill to permit American citizens to hold gold when there is no requirement that gold reserves be held against currency in circulation, and for other purposes; to the Committee on Banking and Currency.

By Mr. THOMPSON of New Jersey:

H.R. 4313. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey (for himself, Mr. Perkins, Mr. Pucinski, Mr. Daniels of New Jersey, Mr. Brademas, Mr. O'Hara, Mr. Carey, Mr. Hawkins, Mr. William D. Ford, Mr. Hathaway, Mrs. Mink, Mr. Scheuer, Mr. Meeds, Mr. Reid of New York, Mr. Erlenborn, Mr. Dellenback, and Mr. Steiger of Wisconsin):

H.R. 4314. A bill to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child care centers for preschool and school-age dependents of employees; to the Committee on Education and Labor.

By Mr. VIGORITO:

H.R. 4315. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. WHALLEY:

H.R. 4316. A bill to amend title 10, United States Code to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 4317. A bill to create a catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

H.R. 4318. A bill to provide for orderly trade in iron ore, iron and steel mill products; to the Committee on Ways and Means.

By Mr. WHITE:

H.R. 4319. A bill to authorize the Secretary of the Interior to provide for rehabilitation of the distribution system, Red Bluff project, Texas; to the Committee on Interior and Insular Affairs.

By Mr. BATTIN:

H.J. Res. 278. Joint resolution creating a Federal Committee on Nuclear Development to review and reevaluate the existing civilian nuclear program of the United States; to the Joint Committee on Atomic Energy.

By Mr. BUSH:

H.J. Res. 279. Joint resolution directing the Secretary of Labor to make recommendations to Congress to increase employment opportunity for young people and the handicapped; to the Committee on Education and Labor.

By Mr. CASEY:

H.J. Res. 280. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

H.J. Res. 281. Joint resolution proposing an amendment to the Constitution of the United States to grant to the Congress the power to establish uniform laws for the loss of nationality and citizenship; to the Committee on the Judiciary.

By Mr. CELLER:

H.J. Res. 282. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. CORMAN:

H.J. Res. 283. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. FLOOD:

H.J. Res. 284. Joint resolution to create a regional agency by intergovernmental compact for the planning, conservation, utilization, development, management, and control of the water and related natural resources of Susquehanna River Basin, for the improvement of navigation, reduction of flood damage, reduction and control of surface subsidence, regulation of water quality, control of pollution, development of water supply, hydroelectric energy, fish and wildlife habitat, and public recreational facilities, and other purposes, and defining the functions, powers, and duties of such agency; to the Committee on the Judiciary.

H.J. Res. 285. Joint resolution creating a Federal Committee on Nuclear Development to review and reevaluate the existing civilian nuclear program of the United States; to the Joint Committee on Atomic Energy.

By Mr. FLOOD (by request):

H.J. Res. 286. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. GOODLING:

H.J. Res. 287. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. GRAY:

H.J. Res. 288. Joint resolution creating a Federal Committee on Nuclear Development to review and reevaluate the existing civilian nuclear program of the United States; to the Joint Committee on Atomic Energy.

By Mr. HELSTOSKI:

H.J. Res. 289. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. HOSMER:

H.J. Res. 290. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

H.J. Res. 291. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. MOSS (for himself, Mr. Anderson of California, Mr. Brown of California, Mr. Hanna, Mr. Hawkins, Mr. Leggett, Mr. Rees, Mr. Roybal, and Mr. Charles H. Wilson):

H.J. Res. 292. Joint resolution proposing and amendment to the Constitution of the United States to provide for a national preferential primary election to select candidates for the office of the President and Vice President and to provide for the election of the President and Vice President by the popular vote of the people of the United States; to the Committee on the Judiciary.

By Mr. NELSEN (for himself, Mr. Broyhill of Virginia, Mr. O'Konski, Mr. Winn, and Mr. Zwach):

H.J. Res. 293. Joint resolution proposing an amendment to the Constitution of the United States providing for representation in the Congress for the District constituting the seat of government of the United States; to the Committee on the Judiciary.

By Mr. PEPPER:

H.J. Res. 294. Joint resolution commending the Cuban "Declaration of Freedom"; to the Committee on Foreign Affairs.

By Mr. MOORHEAD:

H.J. Res. 295. Joint resolution creating a Federal Committee on Nuclear Development to review and reevaluate the existing civilian nuclear program of the United States; to the Joint Committee on Atomic Energy.

By Mr. STAGGERS:

H.J. Res. 296. Joint resolution creating a Federal Committee on Nuclear Development to review and reevaluate the existing civilian nuclear program of the United States; to the Joint Committee on Atomic Energy.

By Mr. TEAGUE of Texas:

H.J. Res. 297. Joint resolution proposing an amendment to the Constitution of the United States relating to the qualifications and tenure in office of Federal judges; to the Committee on the Judiciary.

By Mr. DINGELL:

H.J. Res. 298. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of President and Vice President; to the Committee on the Judiciary.

By Mr. FOREMAN (for himself, Mr. Hall, Mr. Sebelius, Mr. Landgrebe, and Mr. Langen):

H. Con. Res. 89. Concurrent resolution expressing the sense of the Congress that aid to and trade with any country which extends any aid or assistance to North Vietnam shall be prohibited; to the Committee on Foreign Affairs.

By Mr. FOREMAN (for himself, Mr. Baring, Mr. Derwinski, Mr. Lukens, Mr. Haley, Mr. Whitehurst, Mr. Collins, Mr. Grover, Mr. Smith of California, Mr. Watson, Mr. Lujan, Mr. Fisher, Mr. Waggonner, Mr. Price of Texas, Mr. Utt, Mr. Frey, Mr. Rhodes, Mr. Gross, Mr. Dowdy, Mr. Camp, Mr. Lipscomb, Mr. Dickinson, Mr. Kuykendall, Mr. King, and Mr. Hunt):

H. Con. Res. 90. Concurrent resolution expressing the sense of the Congress that aid to and trade with any country which extends any aid or assistance to North Vietnam shall be prohibited; to the Committee on Foreign Affairs.

By Mr. MILLS:

H. Con. Res. 91. Concurrent resolution expressing the opposition of the Congress to the proposed consumption taxes of the European Economic Community on oilseed products; to the Committee on Ways and Means.

By Mr. PEPPER:

H. Con. Res. 92. Concurrent resolution expressing the sense of the Congress with respect to the elimination of the Castro-Communist regime of Cuba; to the Committee on Foreign Affairs.

By Mr. SISK:

H. Con. Res. 93. Concurrent resolution calling upon the President to implement the foreign economic policy of the United States by terminating controls on foreign direct investments; to the Committee on Foreign Affairs.

By Mr. STEIGER of Arizona:

H. Con. Res. 94. Concurrent resolution to amend the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

By Mr. TEAGUE of Texas:

H. Con. Res. 95. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs; to the Committee on House Administration.

By Mr. MORSE (for himself, Mr. Adams, Mr. Addabbo, Mr. Anderson of Illinois, Mr. Arends, Mr. Ashley, Mr. Biester, Mr. Bingham, Mr. Blatnik, Mr. Boland, Mr. Bolling, Mr. Brademas, Mr. Brown of California, Mr. Buchanan, Mr. Burton of California, Mr. Button, Mrs. Chisholm, Mr. Conable, Mr. Conte, Mr. Conyers, Mr. Corman, Mr. Culver, Mr. Daniels of New Jersey, Mr. Donohue, and Mr. Duncan):

H. Con. Res. 96, a resolution expressing the sense of the Congress relating to the furnishing of relief assistance to persons affected by the Nigerian Civil War; to the Committee on Foreign Affairs.

By Mr. FRASER (for himself, Mr. Edwards of California, Mr. Esch, Mr. Fascell, Mr. Fish, Mr. Foley, Mr. Frelinghuysen, Mr. Fulton of Tennessee, Mr. Giaimo, Mr. Gilbert, Mr. Green of Pennsylvania, Mr. Gude, Mr. Halpern, Mr. Hamilton, Mr. Hanley, Mrs. Hansen of Washington, Mr. Hathaway, Mr. Hechler of West Virginia, Mrs. Heckler of Massachusetts, Mr. Hicks, Mr. Hogan, Mr. Horton, Mr. Jacobs, Mr. Johnson of California, and Mr. Karth):

H. Con. Res. 97. Concurrent resolution expressing the sense of the Congress to the furnishing of relief assistance to persons affected by the Nigerian Civil War; to the Committee on Foreign Affairs.

By Mr. MORSE (for himself, Mr. Kastenmeier, Mr. Keith, Mr. Koch, Mr. Lukens, Mr. McCloskey, Mr. McDade, Mr. McKneally, Mrs. May, Mr. Meskill, Mr. Mikva, Mr. Minish, Mrs. Mink, Mr. Mize, Mr. Moorhead, Mr. Mosher, Mr. Murphy of Illinois, Mr. Nedzi, Mr. O'Hara, Mr. O'Neill of Massachusetts, Mr. Ottinger, Mr. Pepper, Mr. Podell, Mr. Railsback, and Mr. Rees):

H. Con. Res. 98. Concurrent resolution expressing the sense of the Congress relating to the furnishing of relief assistance to persons affected by the Nigerian Civil War; to the Committee on Foreign Affairs.

By Mr. FRASER (for himself, Mr. Reid of New York, Mr. Reuss, Mr. Robison, Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mr. Ruppe, Mr. Ryan, Mr. St Germain, Mr. Schneebeli, Mr. Schwengel, Mr. Stafford, Mr. Stanton, Mr. Stokes, Mr. Taft, Mr. Teague of California, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Tunney, Mr. Udall, Mr. Waldie, Mr. Weicker, Mr. Whitehurst, Mr. Williams, and Mr. Charles H. Wilson):

H. Con. Res. 99. Concurrent resolution expressing the sense of the Congress relating to the furnishing of relief assistance to persons affected by the Nigerian Civil War; to the Committee on Foreign Affairs.

By Mr. MORSE (for himself, Mr. Wolff, Mr. Wydler, Mr. Yates, Mr. Rodino, Mr. Vanik, Mr. Broomfield, and Mr. Edwards of Alabama):

H. Con. Res. 100. Concurrent resolution expressing the sense of the Congress relating to the furnishing of relief assistance to persons affected by the Nigerian Civil War; to the Committee on Foreign Affairs.

By Mr. DUNCAN:

H. Res. 144. A resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

By Mr. FISHER:

H. Res. 145. A resolution disapproving the recommendations of the President relative to the rates of pay of certain Federal officials; to the Committee on Post Office and Civil Service.

By Mr. HENDERSON:

H. Res. 146. A resolution providing for the consideration of House Resolution 136, a resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Rules.

By Mr. LATTA:

H. Res. 147. A resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

By Mr. McMILLAN:

H. Res. 148. A resolution providing funds for the Committee on the District of Columbia; to the Committee on House Administration.

By Mr. NELSEN:

H. Res. 149. A resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

By Mr. NELSEN (for himself and Mr. Langen, and Mr. Zwach):

H. Res. 150. A resolution relative to consideration of House Resolution 133; to the Committee on Rules.

By Mr. NIX:

H. Res. 151. A resolution to amend rules X, XI, and XIII of the Rules of the House of Representatives; to the Committee on Rules.

By Mr. PATMAN:

H. Res. 152. A resolution authorizing the Committee on Banking and Currency to conduct full and complete investigations and studies of all matters within its jurisdiction under the rules of the House or the laws of the United States; to the Committee on Rules.

By Mr. ROGERS of Florida:

H. Res. 153. A resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

By Mr. SCHWENGEL:

H. Res. 154. A resolution amending the Rules of the House of Representatives to set aside a portion of the gallery for the use of scholars engaged in studies of the House of Representatives; to the Committee on Rules.

By Mr. ZWACH (for himself, Mr. Nelsen, and Mr. Langen:

H. Res. 155. A resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 4320. A bill for the relief of Filomena and Marie Alferi; to the Committee on the Judiciary.

H.R. 4321. A bill for the relief of Carmelo Bari; to the Committee on the Judiciary.

H.R. 4322. A bill for the relief of Francesco Biondo; to the Committee on the Judiciary.

H.R. 4323. A bill for the relief of Lucia and Domenico Cortina; to the Committee on the Judiciary.

H.R. 4324. A bill for the relief of Domenico DiPalo; to the Committee on the Judiciary.

H.R. 4325. A bill for the relief of Filippo and Lilla Galletta and minor child, Antonina Galletta; to the Committee on the Judiciary.

H.R. 4326. A bill for the relief of Domenica Girgenti; to the Committee on the Judiciary.

H.R. 4327. A bill for the relief of Gianni and Rosa Girgenti and minor children, Madalena and Vincensa Girgenti; to the Committee on the Judiciary.

H.R. 4328. A bill for the relief of Maria Rosa Girgenti; to the Committee on the Judiciary.

H.R. 4329. A bill for the relief of Mary Roberts McFeely; to the Committee on the Judiciary.

H.R. 4330. A bill for the relief of Suzanne Pantaleo; to the Committee on the Judiciary.

H.R. 4331. A bill for the relief of Domenico Pezzano; to the Committee on the Judiciary.

H.R. 4332. A bill for the relief of Roslyn Piper; to the Committee on the Judiciary.

H.R. 4333. A bill for the relief of Andrea Ribaudo; to the Committee on the Judiciary.

H.R. 4334. A bill for the relief of Giovanna Salvo; to the Committee on the Judiciary.

H.R. 4335. A bill for the relief of Antonio Sguera (also known as Tony Galante); to the Committee on the Judiciary.

H.R. 4336. A bill for the relief of Filippa and Giovanni Valchiusa; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois:

H.R. 4337. A bill for the relief of Domenico Lo Brano; to the Committee on the Judiciary.

H.R. 4338. A bill for the relief of Giuseppe Noto; to the Committee on the Judiciary.

By Mr. BARRETT:

H.R. 4339. A bill for the relief of Nunzia Platinia; to the Committee on the Judiciary.

H.R. 4340. A bill for the relief of Domenico Sbraccia; to the Committee on the Judiciary.

By Mr. BATES:

H.R. 4341. A bill for the relief of Maria LoCicero Shone; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 4342. A bill for the relief of Giuseppe Aiello; to the Committee on the Judiciary.

H.R. 4343. A bill for the relief of Emanuel Alaimo; to the Committee on the Judiciary.

H.R. 4344. A bill for the relief of Dr. Araceli R. Ancajas; to the Committee on the Judiciary.

H.R. 4345. A bill for the relief of Giuseppina Angeloti, also known as Giuseppina Angeloti Dall 'Agnul; to the Committee on the Judiciary.

H.R. 4346. A bill for the relief of Vito Barone; to the Committee on the Judiciary.

H.R. 4347. A bill for the relief of Carlo Bassanini; to the Committee on the Judiciary.

H.R. 4348. A bill for the relief of Antonio Beninati; to the Committee on the Judiciary.

H.R. 4349. A bill for the relief of Walter V. Biagiolini; to the Committee on the Judiciary.

H.R. 4350. A bill for the relief of Salvatore Bonavolonta and his wife Maria Bonavolonta, to the Committee on the Judiciary.

H.R. 4351. A bill for the relief of Pietro Cacciatore; to the Committee on the Judiciary.

H.R. 4352. A bill for the relief of Natale Cangialosi; to the Committee on the Judiciary.

H.R. 4353. A bill for the relief of Stephen O. K. Chen and Ching Nun Ho; to the Committee on the Judiciary.

H.R. 4354. A bill for the relief of Nicola Cianci; to the Committee on the Judiciary.

H.R. 4355. A bill for the relief of Antonino Como; to the Committee on the Judiciary.

H.R. 4356. A bill for the relief of Angelo Conteduca and his wife Marianna Conteduca; to the Committee on the Judiciary.

H.R. 4357. A bill for the relief of Guiseppe Antonio Correnti and his wife Francesca Di Gregorio Correnti; to the Committee on the Judiciary.

H.R. 4358. A bill for the relief of Carmine D'Apruzzo; to the Committee on the Judiciary.

H.R. 4359. A bill for the relief of Giuseppe Di Froscia; to the Committee on the Judiciary.

H.R. 4360. A bill for the relief of Giovanni Di Maggio; to the Committee on the Judiciary.

H.R. 4361. A bill for the relief of Salvatore Favella; to the Committee on the Judiciary.

H.R. 4362. A bill for the relief of Luciano Ferrarello; to the Committee on the Judiciary.

H.R. 4363. A bill for the relief of Antonio Ferraro; to the Committee on the Judiciary.

H.R. 4364. A bill for the relief of Giuseppe Fico; to the Committee on the Judiciary.

H.R. 4365. A bill for the relief of certain Filipino nurses; to the Committee on the Judiciary.

H.R. 4366. A bill for the relief of Maria Garbaz and her daughter Nathalie Garbaz; to the Committee on the Judiciary.

H.R. 4367. A bill for the relief of George Georgiadis; to the Committee on the Judiciary.

H.R. 4368. A bill for the relief of Mario Gesuale; to the Committee on the Judiciary.

H.R. 4369. A bill for the relief of Brenda Gill; to the Committee on the Judiciary.

H.R. 4370. A bill for the relief of Vincenzo Grassadonia; to the Committee on the Judiciary.

H.R. 4371. A bill for the relief of Francesco Guglieri; to the Committee on the Judiciary.

H.R. 4372. A bill for the relief of Dr. Erol Gursel, his wife, Sevgi Gursel, and their daughter, Sumru Gursel; to the Committee on the Judiciary.

H.R. 4373. A bill for the relief of Giuseppe Iacona; to the Committee on the Judiciary.

H.R. 4374. A bill for the relief of Miss Delia Itro; to the Committee on the Judiciary.

H.R. 4375. A bill for the relief of Gina Iurato; to the Committee on the Judiciary.

H.R. 4376. A bill for the relief of Dionisia C. Japco; to the Committee on the Judiciary.

H.R. 4377. A bill for the relief of Masahiko Kuromoto; to the Committee on the Judiciary.

H.R. 4378. A bill for the relief of Sister Angelina Landolfi; to the Committee on the Judiciary.

H.R. 4379. A bill for the relief of Benedetta Larca; to the Committee on the Judiciary.

H.R. 4380. A bill for the relief of Antonino La Spesa; to the Committee on the Judiciary.

H.R. 4381. A bill for the relief of Choon Ja Lee; to the Committee on the Judiciary.

H.R. 4382. A bill for the relief of Pao Kung Lee; to the Committee on the Judiciary.

H.R. 4383. A bill for the relief of Miss Santosh I. Magon; to the Committee on the Judiciary.

H.R. 4384. A bill for the relief of Calogero Mannino; to the Committee on the Judiciary.

H.R. 4385. A bill for the relief of Cosimo Marchesano; to the Committee on the Judiciary.

H.R. 4386. A bill for the relief of Giorgios Markopoulos; to the Committee on the Judiciary.

H.R. 4387. A bill for the relief of John Markopoulos; to the Committee on the Judiciary.

H.R. 4388. A bill for the relief of Daniele Marmo and his wife, Anna Marmo; to the Committee on the Judiciary.

H.R. 4389. A bill for the relief of Amor Nazareno Marquez; to the Committee on the Judiciary.

H.R. 4390. A bill for the relief of Raffaele Mazzariello and his wife, Teresa Mazzariello; to the Committee on the Judiciary.

H.R. 4391. A bill for the relief of Remedios De Guzman Mislang; to the Committee on the Judiciary.

H.R. 4392. A bill for the relief of George Niskopoulos and Amalia Niskopoulos; to the Committee on the Judiciary.

H.R. 4393. A bill for the relief of certain nurses; to the Committee on the Judiciary.

H.R. 4394. A bill for the relief of Nunzio Occhipinti; to the Committee on the Judiciary.

H.R. 4395. A bill for the relief of Alessandro Panella; to the Committee on the Judiciary.

H.R. 4396. A bill for the relief of Filippo Passantino; to the Committee on the Judiciary.

H.R. 4397. A bill for the relief of Benedetto Pezzino; to the Committee on the Judiciary.

H.R. 4398. A bill for the relief of Antonino Raccuglia; to the Committee on the Judiciary.

H.R. 4399. A bill for the relief of Franco Rinaldi; to the Committee on the Judiciary.

H.R. 4400. A bill for the relief of Angela Antonia Rizzo; to the Committee on the Judiciary.

H.R. 4401. A bill for the relief of Gaetano Rizzo; to the Committee on the Judiciary.

H.R. 4402. A bill for the relief of Giuseppe Rizzo, Angela Rizzo, Vincenzo Rizzo and Antonio Rizzo; to the Committee on the Judiciary.

H.R. 4403. A bill for the relief of Joe Mendes Robalo; to the Committee on the Judiciary.

H.R. 4404. A bill for the relief of Salvatore Rubino; to the Committee on the Judiciary.

H.R. 4405. A bill for the relief of Salvatore Rusotto; to the Committee on the Judiciary.

H.R. 4406. A bill for the relief of Guiseppe Sereno and Orsola Mannino Sereno; to the Committee on the Judiciary.

H.R. 4407. A bill for the relief of Keh-Hsin Shen; to the Committee on the Judiciary.

H.R. 4408. A bill for the relief of Maria Antonietta Storino; to the Committee on the Judiciary.

H.R. 4409. A bill for the relief of Perlita S. Tagle; to the Committee on the Judiciary.

H.R. 4410. A bill for the relief of Lidia Tagliaferro; to the Committee on the Judiciary.

H.R. 4411. A bill for the relief of William Tsarouchis; to the Committee on the Judiciary.

H.R. 4412. A bill for the relief of Miss Lucia Varon; to the Committee on the Judiciary.

H.R. 4413. A bill for the relief of Gino Volpi; to the Committee on the Judiciary.

H.R. 4414. A bill for the relief of Ionnis Yakalos; to the Committee on the Judiciary.

H.R. 4415. A bill for the relief of Miss Maria Aida Yap; to the Committee on the Judiciary.

H.R. 4416. A bill for the relief of Ancilla Zeni; to the Committee on the Judiciary.

H.R. 4417. A bill for the relief of Lillo Zicari; to the Committee on the Judiciary.

H.R. 4418. A bill for the relief of Giovanni Lo Zito; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 4419. A bill for the relief of Raghunath Deshpande; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 4420. A bill for the relief of Helene Albilia; to the Committee on the Judiciary.

H.R. 4421. A bill for the relief of Francesco Ambrosio; to the Committee on the Judiciary.

H.R. 4422. A bill for the relief of Ferruccio Bertulli; to the Committee on the Judiciary.

H.R. 4423. A bill for the relief of Michael Bono; to the Committee on the Judiciary.

H.R. 4424. A bill for the relief of Calogero Caruso and Salvatore Caruso; to the Committee on the Judiciary.

H.R. 4425. A bill for the relief of Francesco Castello; to the Committee on the Judiciary.

H.R. 4426. A bill for the relief of Filippo Carrito; to the Committee on the Judiciary.

H.R. 4427. A bill for the relief of Filippo Ciaravino; to the Committee on the Judiciary.

H.R. 4428. A bill for the relief of Agatina D'Aloisio; to the Committee on the Judiciary.

H.R. 4429. A bill for the relief of Leonardo DiMaria; to the Committee on the Judiciary.

H.R. 4430. A bill for the relief of Francesco Di Stefano; to the Committee on the Judiciary.

H.R. 4431. A bill for the relief of Pietro Filippazzo; to the Committee on the Judiciary.

H.R. 4432. A bill for the relief of Francesco Fiordilino; to the Committee on the Judiciary.

H.R. 4433. A bill for the relief of Salvatore Lamendola; to the Committee on the Judiciary.

H.R. 4434. A bill for the relief of Salvatore Leone; to the Committee on the Judiciary.

H.R. 4435. A bill for the relief of Giuseppe Mannino; to the Committee on the Judiciary.

H.R. 4436. A bill for the relief of Domenico Musso; to the Committee on the Judiciary.

H.R. 4437. A bill for the relief of Pietro Pepe; to the Committee on the Judiciary.

H.R. 4438. A bill for the relief of Joseph Pirrone; to the Committee on the Judiciary.

H.R. 4439. A bill for the relief of Carmelo Pistone; to the Committee on the Judiciary.

H.R. 4440. A bill for the relief of Graziano Randazzo; to the Committee on the Judiciary.

H.R. 4441. A bill for the relief of Ignacio Sutera; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 4442. A bill for the relief of Carmine Corrado; to the Committee on the Judiciary.

H.R. 4443. A bill for the relief of Nello Giarelli, Rosa Cafagno Giarelli, Marcel Giarelli, and Isabel Giarelli; to the Committee on the Judiciary.

H.R. 4444. A bill for the relief of Marcello Mallegni, his wife, Lea Nieves Mallegni, their son, Marcello Mauro Mallegni, and their son, Dante Alberto Mallegni; to the Committee on the Judiciary.

H.R. 4445. A bill for the relief of Ubalda Mazzacani and Giorgio Mazzacani; to the Committee on the Judiciary.

H.R. 4446. A bill for the relief of Giacomo F. Pettito; to the Committee on the Judiciary.

H.R. 4447. A bill for the relief of Ross F. Sage; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 4448. A bill for the relief of Roshan Rohani; to the Committee on the Judiciary.

By Mr. CASEY:

H.R. 4449. A bill for the relief of Fahim Nimri; to the Committee on the Judiciary.

H.R. 4450. A bill for the relief of George W. Payne and Jo Nan Payne; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 4451. A bill for the relief of Wain Yoke Fong, Siu Jane (Fung) Fong, and Vincent Fong; to the Committee on the Judiciary.

H.R. 4452. A bill for the relief of Anastase Politopoulos; to the Committee on the Judiciary.

H.R. 4453. A bill for the relief of Giovanni Salvatore Surdo; to the Committee on the Judiciary.

By Mrs. CHISHOLM:

H.R. 4454. A bill for the relief of Calvin Williams; to the Committee on the Judiciary.

By Mr. CLANCY:

H.R. 4455. A bill for the relief of Dr. Sophocles Sakellariou; to the Committee on the Judiciary.

By Mr. CONABLE:

H.R. 4456. A bill for the relief of Matteo Scaduto; to the Committee on the Judiciary.

By Mr. CRAMER (by request):

H.R. 4457. A bill for the relief of Francesco Giuliani; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 4458. A bill for the relief of Victor Naar; to the Committee on the Judiciary.

H.R. 4459. A bill for the relief of Giuseppe Parisi, Carmine Parisi, Rita Leanor Parisi, and Franco Nicholas Parisi; to the Committee on the Judiciary.

By Mr. DELANEY (by request):

H.R. 4460. A bill for the relief of Benjamin Marcel Shalom, Andree Shalom, Marietta Shalom, and Silvana Shalom; to the Committee on the Judiciary.

H.R. 4461. A bill for the relief of Maria and Andreas Tselos; to the Committee on the Judiciary.

By Mr. DIGGS:

H.R. 4462. A bill for the relief of Miss Avelina Enriquez; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 4463. A bill for the relief of Francis X. Tuson; to the Committee on the Judiciary.

By Mrs. DWYER:

H.R. 4464. A bill for the relief of Dr. Gopal Das; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 4465. A bill for the relief of Janice Bowman; to the Committee on the Judiciary.

H.R. 4466. A bill for the relief of Giuseppe Caruso; to the Committee on the Judiciary.

H.R. 4467. A bill for the relief of Vincenzo Di Martino; to the Committee on the Judiciary.

H.R. 4468. A bill for the relief of Joseph Perez; to the Committee on the Judiciary.

By Mr. FASCELL:

H.R. 4469. A bill for the relief of Sabastiano Bella and Elena Bella; to the Committee on the Judiciary.

H.R. 4470. A bill for the relief of the Cuban Truck & Equipment Co., its heirs and assigns; to the Committee on the Judiciary.

H.R. 4471. A bill for the relief of Chung Suk Kim; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 4472. A bill for the relief of Maj. John E. Doran, USAF; to the Committee on the Judiciary.

By Mr. GIAIMO:

H.R. 4473. A bill for the relief of Salvatore Cascone; to the Committee on the Judiciary.

H.R. 4474. A bill for the relief of Ciro DeFlora; to the Committee on the Judiciary.

H.R. 4475. A bill for the relief of Carmine Serleti; to the Committee on the Judiciary.

By Mr. GILBERT:

H.R. 4476. A bill for the relief of Giuseppe Cannata; to the Committee on the Judiciary.

H.R. 4477. A bill for the relief of Mrs. Ismay Paulina Mack; to the Committee on the Judiciary.

H.R. 4478. A bill for the relief of George Philpotts; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 4479. A bill for the relief of Raymond P. Guzman; to the Committee on the Judiciary.

By Mr. GOODLING:

H.R. 4480. A bill for the relief of John W. Watson, a minor; to the Committee on the Judiciary.

By Mrs. HANSEN of Washington:

H.R. 4481. A bill for the relief of Harold Gilbertson, Raymond Nelson, Lawrence Powell, Marvin Holland, Erling Ellison, Haakon Pederson, Marvel Blix, all of Cathlamet, Wash., and Charles F. Gann, of Westport, Oreg.; to the Committee on the Judiciary.

By Mr. HAWKINS:

H.R. 4482. A bill for the relief of Sang Yong Kim; to the Committee on the Judiciary.

H.R. 4483. A bill for the relief of Jose Martin Ruano; to the Committee on the Judiciary.

By Mr. HECHLER of West Virginia:

H.R. 4484. A bill for the relief of Dr. Pedro Jara Obregon and his wife, Raquel Arceno Obregon; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts:

H.R. 4485. A bill for the relief of Dr. Pablo Cordero; to the Committee on the Judiciary.

H.R. 4486. A bill for the relief of Rosa P. Goncalves; to the Committee on the Judiciary.

H.R. 4487. A bill for the relief of Royden P. Goodwin, his wife, Mavia J. Goodwin, and his children, Donna and Cheryl Goodwin; to the Committee on the Judiciary.

H.R. 4488. A bill for the relief of Caerina Frattoletto Petitto; to the Committee on the Judiciary.

H.R. 4489. A bill for the relief of Alberico Suriano; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 4490. A bill for the relief of Meheri Amiri; to the Committee on the Judiciary.

H.R. 4491. A bill for the relief of Dr. and Mrs. Ahmad Farhoody; to the Committee on the Judiciary.

H.R. 4492. A bill for the relief of Dr. Mirjam Mathe; to the Committee on the Judiciary.

By Mr. HICKS:

H.R. 4493. A bill for the relief of Maria Irene Bascio and her son, Richard Francesco Bascio; to the Committee on the Judiciary.

By Mr. JOELSON:

H.R. 4494. A bill for the relief of Carmelo Intili; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 4495. A bill for the relief of Dr. and Mrs. Manuel A. Cacdac; to the Committee on the Judiciary.

H.R. 4496. A bill for the relief of Dr. Ivan Dimich and his wife, Dr. Alexandra Bajsanski Dimich; to the Committee on the Judiciary.

H.R. 4497. A bill for the relief of Dr. Lourdes T. M. Rao; to the Committee on the Judiciary.

H.R. 4498. A bill for the relief of Branka Mardessich and Sonia S. Silvani; to the Committee on the Judiciary.

H.R. 4499. A bill for the relief of Konstantinos Skanavis; to the Committee on the Judiciary.

H.R. 4500. A bill for the relief of Peter Wenzke; to the Committee on the Judiciary.

H.R. 4501. A bill for the relief of Victoria Wong; to the Committee on the Judiciary.

By Mr. LOWENSTEIN:

H.R. 4502. A bill for the relief of Madona Cudjoe; to the Committee on the Judiciary.

By Mr. McKNEALLY:

H.R. 4503. A bill for the relief of Onofrio Binanti and Mrs. Rosa Binanti; to the Committee on the Judiciary.

By Mr. McMILLAN:

H.R. 4504. A bill to incorporate the Paralyzed Veterans of America; to the Committee on the District of Columbia.

By Mr. MAHON:

H.R. 4505. A bill for the relief of Paul Joseph Harph; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 4506. A bill for the relief of Mrs. Goze Nakama; to the Committee on the Judiciary.

By Mr. MESKILL:

H.R. 4507. A bill for the relief of Franciszek Malinowski; to the Committee on the Judiciary.

H.R. 4508. A bill for the relief of Ricardo Musci, his wife Carmela Arton Musci, and their daughter Giovanna Musci; to the Committee on the Judiciary.

H.R. 4509. A bill for the relief of Mark and Michael Myszka; to the Committee on the Judiciary.

By Mr. MINISH:

H.R. 4510. A bill for the relief of Antonio Ruocco; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 4511. A bill for the relief of Crisologo Redondo Campos; to the Committee on the Judiciary.

By Mr. MONAGAN:

H.R. 4512. A bill for the relief of Mr. and Mrs. Joseph D. Hilbert; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 4513. A bill for the relief of Rocco DeCiantis; to the Committee on the Judiciary.

H.R. 4514. A bill for the relief of Benedetto Dimaggio; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 4515. A bill for the relief of Vincenzo Argiro, his wife, Anna Maria Argiro, and their minor children, Natalino Argiro, Aldo Argiro, and Concetta Argiro; to the Committee on the Judiciary.

H.R. 4516. A bill for the relief of Maria La Valle Arrigo; to the Committee on the Judiciary.

H.R. 4517. A bill for the relief of Eulogio Navasca Bayna, and his wife, Ligaya Nicanor Bayna; to the Committee on the Judiciary.

H.R. 4518. A bill for the relief of Raquel Fainsztein; to the Committee on the Judiciary.

H.R. 4519. A bill for the relief of Dr. Giorgio Ingargiola; to the Committee on the Judiciary.

H.R. 4520. A bill for the relief of Clifton Oliver Johnson; to the Committee on the Judiciary.

H.R. 4521. A bill for the relief of Rosalinda Misagal; to the Committee on the Judiciary.

H.R. 4522. A bill for the relief of Patrocino Morales and his wife, Divina Morales; to the Committee on the Judiciary.

H.R. 4523. A bill for the relief of Gaetano Nazzareno Pellicciotta and his wife, Teresa Pellicciotta; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 4524. A bill for the relief of Philip D. Jang; to the Committee on the Judiciary.

H.R. 4525. A bill for the relief of Kam Oy Jung; to the Committee on the Judiciary.

H.R. 4526. A bill for the relief of Henry Louie; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 4527. A bill for the relief of Milton Sang; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 4528. A bill for the relief of Antonio Arena, his wife, Anna Arena, and their daughter, Anna Nicoletta Arena; to the Committee on the Judiciary.

H.R. 4529. A bill for the relief of Gaetano Favuzza and his wife, Tommasa Favuzza; to the Committee on the Judiciary.

H.R. 4530. A bill for the relief of Mariano Scavuzzo; to the Committee on the Judiciary.

H.R. 4531. A bill for the relief of Amnon Kahane and his wife, Galia (Paritski) Kahane, and their two minor sons, Hillel Kahane and Lior Kahane; to the Committee on the Judiciary.

H.R. 4532. A bill for the relief of Giovanni Tavano and his wife, Natalina Tavano; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 4533. A bill for the relief of Dimitrios P. Tassios; to the Committee on the Judiciary.

By Mr. ROONEY of New York:

H.R. 4534. A bill for the relief of Angelo DiStefano; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.R. 4535. A bill for the relief of Herbert Chan, Szeto Wing Ha Chan, and son, Frank Chan; to the Committee on the Judiciary.

H.R. 4536. A bill for the relief of Mrs. Ana Horvat and children, Josephine and Ksenija Horvat; to the Committee on the Judiciary.

H.R. 4537. A bill for the relief of Efstathios (Stephen) Kaunoupios; to the Committee on the Judiciary.

H.R. 4538. A bill for the relief of Michael F. Mouzakis; to the Committee on the Judiciary.

H.R. 4539. A bill for the relief of Dr. Angelo Zosa; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 4540. A bill for the relief of Nicola and Maria Lerario, Vincenza Lerario Favia and Luigi Lerario; to the Committee on the Judiciary.

H.R. 4541. A bill for the relief of Mrs. Helena Wojcik; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 4542. A bill for the relief of Estrella B. Viray; to the Committee on the Judiciary.

By Mr. ST. ONGE:

H.R. 4543. A bill for the relief of Vuong Thi Bick Tuan; to the Committee on the Judiciary.

By Mr. SANDMAN:

H.R. 4544. A bill for the relief of Fortunato Armindo Arias-Maldonado; to the Committee on the Judiciary.

H.R. 4545. A bill for the relief of Francesco Costanzo; to the Committee on the Judiciary.

H.R. 4546. A bill for the relief of Anna Del Baglivo; to the Committee on the Judiciary.

H.R. 4547. A bill for the relief of Pietro and Gabriella Bianco; to the Committee on the Judiciary.

H.R. 4548. A bill for the relief of Michele Bovenzi; to the Committee on the Judiciary.

H.R. 4549. A bill for the relief of Dr. Paulino A. Claridades and Dr. Lydia A. Claridades; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 4550. A bill for the relief of Henry Joseph Condron; to the Committee on the Judiciary.

By Mrs. SULLIVAN:

H.R. 4551. A bill for the relief of Dr. Delfina M. Iballo; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 4552. A bill for the relief of Carl Aiello; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas:

H.R. 4553. A bill for the relief of A. J. Fredrickson; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.R. 4554. A bill for the relief of Dr. Sin San Yang; to the Committee on the Judiciary.

By Mr. VAN DEERLIN:

H.R. 4555. A bill for the relief of Mrs. Tullio Zanella Cacioppo; to the Committee on the Judiciary.

H.R. 4556. A bill for the relief of Mihalj Mesaros, his wife, Rozalija, his daughter, Lioija, and his son, Robert; to the Committee on the Judiciary.

By Mr. VANIK:

H.R. 4557. A bill for the relief of Peh-An Chang; to the Committee on the Judiciary.

By Mr. WHALLEY:

H.R. 4558. A bill for the relief of Gordon Pak Man Gartner-Chan; to the Committee on the Judiciary.

H.R. 4559. A bill for the relief of Rosa Marigliano; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 4560. A bill for the relief of Sa Cha Bae; to the Committee on the Judiciary.

By Mr. WYMAN:

H.R. 4561. A bill for the relief of the estate of Capt. John N. Laycock, U.S. Navy (retired); to the Committee on the Judiciary.

H.R. 4562. A bill for the relief of Cosimo Damiano Ranauru; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

32. By the SPEAKER: Petition of Jesse Earl Brown, Atlanta, Ga., relative to redress of grievances; to the Committee on the Judiciary.

33. Also, petition of Henry Stoner, Portland, Oreg., relative to the right to petition; to the Committee on the Judiciary.

34. Also, petition of Arlie K. Rudel, Sterling, Colo., relative to salary increases; to the Committee on Post Office and Civil Service.

SENATE—*Thursday, January 23, 1969*

(Legislative day of Friday, January 10, 1969)

The Senate met in executive session at 11 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who has made and preserved us a nation, prosper the consultations of these Thy servants for the honor, safety, and welfare of this Nation and all mankind. Keep us from easy discouragement or weariness, from giving up or giving in too soon.

Grant us this day the grace which is generous, the determination which is steadfast in decision, the perseverance which endures in all that is good and pure and true.

Through Jesus Christ, our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, January 22, 1969, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

DEPARTMENT OF THE INTERIOR

The Senate resumed the consideration of the nomination of Walter J. Hickel, of Alaska, to be Secretary of the Interior.

Mr. MANSFIELD. Mr. President, I turn over the time allotted to me to the distinguished Senator from Utah (Mr. Moss).

Mr. MOSS. Mr. President, I understand that we are now operating on controlled time.

The ACTING PRESIDENT pro tempore. The Senator is correct. How much time does the Senator yield?

Mr. MOSS. I yield myself 15 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 15 minutes.

Mr. MOSS. Before I begin, I should like to suggest the absence of a quorum, in order to let absent Senators know that we have started this discussion.

The ACTING PRESIDENT pro tempore. To whom is the time to be charged?

Mr. MOSS. To my time.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MOSS. Mr. President, yesterday the Senate engaged in what I consider a historic debate concerning the qualifications of a nominee of the President of the United States to assume the office of Secretary of the Interior. I listened attentively to the debate because, as a member of the Committee on Interior and Insular Affairs, I heard the testimony of the nominee and others before that committee, and I asked some questions during the hearings; and I thought I had better listen to the comments of my colleagues on the floor. I heard most of the debate that took place yesterday, and I have had an opportunity to scan the RECORD this morning to fill myself in on portions I did not hear because of my absence from the Chamber for a time. Today we are beginning the final discussion, because we have agreed to controlled time.

I believe we all agree that this matter should be disposed of without further delay. If Governor Hickel's nomination is to be confirmed, certainly he should get on with the job and there should not be a hiatus. In some ways, it is regrettable that we must have any delay at all. On the other hand, I believe the tenor of the speeches in the Senate and the information divulged during the hearings before the committee indicate that some very grave doubts remain about the qualifications of the nominee.

I wish to say, in advance, that my doubts have never centered on the integrity, the honesty, or the innate ability of Governor Hickel. My questions have arisen simply as to his philosophy and his understanding of the position he is about to assume—if he is confirmed by the Senate—and stems from the fact that in his responses, he did not exhibit to me what I felt was a comprehension of the position he had to take over and the position he would have to maintain. What I heard yesterday did not change my mind, so I shall vote today in the Senate, as I did in the committee, against confirmation of the nomination of Governor Walter J. Hickel to be Secretary of the Interior.

I do this with some regrets, because, as was said frequently in the Chamber yesterday, a President, particularly an incoming President, should have wide latitude in the selection of the members of his Cabinet. As a general proposition, I support this view. The President selects those who are to work with him and under his direction. He must depend upon them to do certain things, and ultimately he will take the responsibility for the acts of his Cabinet members. As a former President once said, "The buck stops here," speaking of the President's office; and certainly the President will assume the ultimate responsibility for acts that are taken by Cabinet members. Therefore, he should be given very wide latitude in his selection. But this does not detract from the constitutional obligation of the Senate to examine his nominations with care. If we simply rubberstamp through every name the President submits, then the words of the Constitution are a futility, and we simply are shadowboxing.

Consequently, I have given much thought and attention to the 4 days of testimony at the hearings and the previous statements that have been made by Governor Hickel, together with the debate in the Senate yesterday, and it is my considered opinion that the nominee does not now possess the needed qualifications for this office. Let me stress again that I do not question his integrity. My opposition is neither personal nor political, but is based solely on the questions of what I consider national interest.

For example, time and again before our committee Governor Hickel assured the committee that he would do what the committee wanted done in relation to many decisions he would have to make as Secretary of the Interior. Of course, this is reassuring to the committee to a degree, because we all feel that we know what should be done, and we are all flattered to be consulted and to be told that the Secretary would not move without consulting the committee.

But I submit that it raises a question as to just what the assurance given by Governor Hickel can mean. First, he is a member of the President's Cabinet, and he is not always free to do what the committee wants, even if he wants to do so. He is, after all, the President's man. His loyalty must be to the President who appointed him. Moreover, his decisions must be submitted to the Bureau of the Budget in most instances. They certainly have to be submitted to the White House or some arm of the President before they can be submitted to Congress if they are decisions that come within the purview of Congress.

The policies of this administration concerning conservation and natural resources are not yet clear, and under these conditions Governor Hickel's assurance may mean very little. I refer to his assurance of submitting to the committee matters that will come up for him to decide.

The Committee on Interior and Insular Affairs speaks for the Congress only to a limited degree, and on some issues it may be impossible for the Secretary to determine what Congress wants. The committee itself may be divided. Most committees do have divisions within the committee. By saying that a proposition is going to be submitted to the committee, is it meant that the proposition is to be submitted only to the chairman or to the entire committee? If it means the entire committee, it is going to be a consensus decision as to what the committee wants to do, when the committee itself might be divided; and it might stretch out for a long period of time trying to get an answer or a consensus from the committee.

In the hearings and discussions on the nomination of Governor Hickel the views of the House Committee on Interior and Insular Affairs have not been heard. We must remember that Governor Hickel appeared only before the Senate committee. This is so because only the Senate is involved in the confirmation of Cabinet appointments and consequently this procedure was inevitable. However, the views of the House committee are of as great importance as those of the Senate committee in establishing the position of Congress on conservation and resource development.

Beyond these considerations, in the view of Congress any Secretary of the Interior must take a position and initiate action on many highly controversial questions. In some substantial segments of the community Congress may be strongly opposed to any view he takes, no matter which side of the issue he comes out on.

Moreover, environmental problems become more complex and of more significance with every passing year. As the Senate knows, I do not believe we are keeping pace with the momentum of resource deterioration imposed by our expanding population and our mounting production of goods. That is why I advocate substantial changes in the organization of the Federal departments which manage resources. We are falling behind in the development of water resources. We have failed thus far to appropriate enough money to construct water pollution abatement works at a rate that will clear up our contaminated lakes and streams. Examples of this kind could be multiplied almost endlessly.

The vital interests of this Nation require a redoubled effort, wisely to develop and conserve actual resources upon which life itself, as well as the prosperity of the United States, depends.

Believing Governor Hickel to be a man of integrity and ability, it nevertheless is my firm conviction that President Nixon should have made use of his talents in a position to which he was more fitted by experience and by viewpoint. However, the question is before us, the nomination has been made, and, therefore, it must be measured by the position he would hold as Secretary of the Interior.

One thing that troubled me in committee, which I do not believe was discussed on the floor of the Senate yesterday. I would like to point out in emphasizing my point that I did not think that Governor Hickel had a real comprehension of the magnitude or philosophy of the position he is to undertake. This was brought out by the questions I asked him about his trust agreement.

As the Governor of Alaska, he entered into what he called a trust in regard to his personal assets in the State of Alaska. That trust, he said, was still in effect until he terminated his duties as Governor of Alaska. He, of course, stated before the committee that he would place in trust his assets while he is Secretary of the Interior, if he is confirmed. However, our examination of Governor Hickel in committee indicated that what he called a trust in Alaska was not a trust at all. It was really a power of attorney and the manager for his properties and he consulted on it at regular intervals, or maybe it was irregular intervals; but he consulted with his trustee who was really the manager of his property. He intervened at times with respect to decisions on what should be done, and in so doing his trust amounted to simply a convenience for someone else to have some of the managerial duties.

Governor Hickel responded that he understood that the trust he would enter into, assuming he becomes Secretary of the Interior, would exclude him from managerial decisions and, indeed, his trust would be irrevocable during the term of his office and during that period of time he could not make any decisions as to his personal assets.

The PRESIDING OFFICER (Mr. Gravel in the chair). The time of the Senator has expired.

Mr. MOSS. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. MOSS. Mr. President, it seems to me and, of course, we assume, that what Governor Hickel responded will be the case. He will enter into an irrevocable trust. He will not be involved in the management of the property. But the fact that he set up and had a trust as Governor, showed that he understood what was required of a public officer; but it indicated to me that he did not have a conception of what he would have to do with his assets if he became Secretary of the Interior.

The committee has gone into this matter. He made an agreement to divest himself of certain interests that might present a conflict of interest as Secretary of the Interior; but it will mean an entirely different situation to Governor Hickel if he becomes Secretary of the Interior. It underlines again to me his lack of understanding and appreciation that he, as Secretary of the Interior, and a member of the President's Cabinet, is the prime officer of the United States charged with the management of our natural resources. This means the preservation of our environment. During the last 6 to 10 years in this country there has come a great awakening in this area. We must look to the Secretary of the Interior to be a militant guardian of the environment. He must understand that the problems he faced in Alaska, while they are relevant, are now multiplied many, many fold because this new position takes in the entire United States, and it also takes in the heavily populated areas of our country and the areas now suffering the greatest impairment of the environment that must be restored.

In so doing he must be a strong leader because, of course, the economic pressures and the pressures of past precedents for utilizing, despoiling, and grabbing various of our natural resources for economic reasons not be concerned with preservation of the purity of our air, water and lands, bear very strongly against policies he must follow as Secretary of the Interior.

Let me say, finally, that I think Governor Hickel may well develop into a good Secretary of the Interior. I certainly hope that he will. If he is confirmed by the Senate today, as it would appear that he will be, then I want to cooperate in every way with him that I can. I certainly hope that no one feels there is any trace of personal animosity in the position I felt I must take. I hope that he will grow into the job, as many men do. He is a man of ability. He made a great mark in the business field before he became Governor of the State of Alaska. Perhaps, as he assumes this obligation, he will come to this realization, but on the present basis of the record, I must cast my vote against confirmation of Governor Hickel to be Secretary of the Interior.

Mr. ALLOTT. Mr. President, I yield 3 minutes to the Senator from North Dakota (Mr. Young).

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 3 minutes.

Mr. YOUNG of North Dakota. Mr. President, I have been following quite closely the rather lengthy questioning of Gov. Walter Hickel, with reference to the confirmation of his nomination as Secretary of the Interior. In view of the objections made by some groups and individuals, this questioning was appropriate.

I can find nothing in these hearings, however, that would in any way disqualify him, or cause me to oppose his confirmation. As a businessman and Governor of Alaska, Governor Hickel has demonstrated that he is an able, conscientious, and highly competent person. Since Alaska is the biggest State in the Union, with most of the same problems that he will encounter as Secretary of the Interior, I think he is uniquely qualified for this high position.

Alaska has many Indians, Eskimos, and Aleuts. I know of nothing in Governor Hickel's record, in working with these people, and helping them, that is adverse in any way.

Alaska has a huge amount of Government-owned land. Oftentimes this presents problems, and especially in the case of Alaska in its development as a State.

Governor Hickel's intimate knowledge of Alaska, with its vast forests, rich with wildlife, and its tremendous mineral deposits and recreational resources of all kinds, particularly qualifies him for this important assignment as Secretary of the Interior.

Mr. President, I have visited with Governor Hickel and I find him to be very personable, intelligent, and the kind of a person I believe the people of this country would like to work with as Secretary of the Interior.

Mr. President, for these and many other reasons, I will vote to confirm the nomination of Gov. Walter Hickel as Secretary of the Interior.

Mr. JACKSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Washington will state it.

Mr. JACKSON. Who controls the time supporting this nomination?

The PRESIDING OFFICER. The Senator from Colorado (Mr. Allott) and the Senator from Utah (Mr. Moss).

Mr. JACKSON. I thank the Chair.

Mr. MOSS. Mr. President, I yield 5 minutes to the Senator from Indiana (Mr. Hartke).

The PRESIDING OFFICER. The Senator from Indiana is recognized for 5 minutes.

Mr. HARTKE. Mr. President, the Senate recognizes that conservation, water, and wildlife areas are legitimate objectives of the Department of the Interior.

I personally will continue to cooperate with President Nixon whenever I believe he is acting in the best interests of all the people. To that end, I have voted to confirm the 11 members of his Cabinet, and have just returned from the Finance Committee where I voted to endorse two of his sub-Cabinet members for the Treasury Department.

However, frankly, I cannot support Governor Hickel for the position of Secretary of the Interior, I believe that he would be miscast as Secretary of the Interior. The Secretary of the Interior must lead in the field of conservation. That duty may not be included in the Secretary's job description, but leadership in the field of conservation has rested with the Interior Secretary. Governor Hickel does not appear, on the record, so far, to have what I would call the "conservation spirit."

His conflicting statements cause me to wonder just what he does believe about conservation. Shortly after he was nominated, he spoke out against "locking up public lands for any special purposes," and he was critical of the conservation policies which we have pushed forward in a bipartisan spirit in the Senate.

He said he thought "we had a policy of conservation just for conservation purposes." But, in his apparent eagerness to gain Senate approval, Governor Hickel has now reversed himself on many of his earlier statements. His unclear position causes me to wonder whether he favors development that will benefit all the people and not just a few. The development and control of the natural resources of the whole Nation will have a major effect on the future of this country and to the future of my State of Indiana.

Mr. President, the Secretary of the Interior must take a look at the Great Lakes region, the Wabash River, the Ohio River, and the wooded areas that must be developed for the benefit of all citizens of Indiana. I believe that finally we have given conservation the attention it requires. To maintain the momentum of the conservation movement, we need a true conservationist as Secretary of the Interior. Governor Hickel is not that man.

This country seems to have developed

a massive capacity for doing things in the nature of promoting the materialistic part of life. We Americans have promoted the mass movement for loving mother which is, of course, promoted by the sellers of gifts. We also have the mass movement for the appreciation of dad. We have another mass movement for remembering the dead. We have the movement for cleanup week, where everyone buys paint and lumber. We have garden planting week with all sorts of advertisements from people who want to sell shrubbery. We have special weeks for careful driving—even though we are still killing in excess of 50,000 Americans every year. All we have done, it seems to me, is to add to the barrenness of life, instead of developing a life of enthusiasm for the beauty there is in life.

I believe that we must add sweetness, warmth, and grace to our national life, and try to make it more fluid, instead of taking off the glow, as though America were interested only in the material side of life. As Americans we should have real love of beauty and of nature and its many blessings.

Mr. President, I believe that Governor Hickel would be miscast for this part. It would be much better to find someone else who can take such a role and get America rolling in its totality in the field of conservation.

Mr. President, it is with some hesitancy that I would want to oppose any Presidential nomination. I do intend to oppose the nomination, but I would have preferred that the President nominated someone else to this position.

Mr. JACKSON. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. JACKSON. Mr. President, to clarify the record, I want to point out that the committee did not require Governor Hickel to enter into an irrevocable trust or any other type of trust for the management of his assets. The committee requirements are set out in his letter of January 19, 1969, to the committee. I shall read it into the Record, even though it was placed in the Record yesterday. For the purpose of clarification, I think it should be repeated.

> Dear Senator Jackson: Based on the decision of your Committee, I will accomplish the following within a reasonable time and not later than six months after taking office:
>
> (1) My stock in Transamerica Corporation, Alaska Interstate Company, and Wakefield Seafoods, Inc., will be sold.
>
> (2) To the extent that I may have an interest in the placer mining claims and Koslosky Development Company, referred to in my letter to you of January 19, I will sell, quit-claim, or relinquish the same.
>
> (3) Mountain Mining Company will be dissolved and its sole asset distributed to the shareholder, La Vake Renshaw.
>
> In addition to the above, I have under active consideration the divestiture of all assets except undeveloped real estate and those relating to the hotel, motel, and shopping center business.
>
> Any assets located through the continuing efforts of my counsel and accountants will be reported to you and, where appropriate, promptly divested.
>
> Sincerely yours,
>
> Walter J. Hickel.

The point is, Mr. President, all that the committee asked was that he undertake the necessary steps to implement the policy decisions of the committee on real and potential conflict-of-interest problems. This he agreed to, in accordance with his letter. That can be done either by a trust arrangement, by a management contract, or by other appropriate arrangement, but there was no requirement of an irrevocable trust. I do not think the terminology has any magic in it. The point we were making was that, to protect the public interest and to protect his own integrity as Secretary of the Interior, he should undertake the steps just referred to in the letter.

I believe we have gone further in connection with this nomination than we have gone in connection with any other nomination that I can recall in recent history.

One other observation in connection with the trust agreement Governor Hickel entered into when he became Governor: It should be pointed out that, under Alaska law, such an arrangement was not required by law. One can argue about what constitutes a trust agreement, or a power of attorney. But I am not concerned about definitions. The point is, he was not required to enter into a trust agreement. He, nevertheless, did enter into an agreement to divorce himself from the operations of his business, and he had a lot of business. I think that point is paramount in this debate and discussion. I say it in fairness to Governor Hickel.

I want to conclude by saying that, as chairman of the committee, I can report that he has complied fully and in good faith, as far as the committee is concerned, with every suggestion and every request we made in connection with any matter relating to a possible or potential conflict of interest.

Mr. MOSS. Mr. President, I yield myself 3 minutes on this point.

I am sure the chairman of the committee made it clear that it was not a mandatory requirement of the committee that Governor Hickel put in trust his assets, but the Governor himself volunteered. I would like to read just two of his answers to the questions I asked during the hearing.

I said:

> Getting back to the trust that you proposed to set up, if confirmed as the Secretary of the Interior, is it your understanding that this would be a genuine trust, in which you would really have no power at all to intervene in any of the affairs of the trust?
>
> Governor Hickel. I understand.
>
> Senator Moss. It is irrevocable during the period that you hold office, and that your trustee makes all of the decisions without any reference to you?
>
> Governor Hickel. Yes; I understand that. Sure, if it is the wish of the committee for me to sell whatever they want me to sell, or make the kind of a trust that is going to have to be acceptable to you, and whatever that is, I will do it.

So the Governor himself had said that he had had a trust as Governor and that he was going to have his affairs in trust while he was Secretary of the Interior. What we explored was whether it would be the kind of trust in which he would not intervene and would not have control of his property and assets, as he was able to do with the kind of trust he had while he was Governor of Alaska.

Mr. ALLOTT. Mr. President, I yield myself such time as I may need.

I again want to bring all of these things in context. I call the attention of the junior Senator from Utah (Mr. Moss) to the fact that he was a member of the Interior and Insular Affairs Committee at the time of the confirmation of Mr. Kelly's nomination. I have raised this matter only to bring the whole subject matter within perspective, because Mr. Kelly did act as Assistant Secretary for Minerals. I state again, as I have on at least a dozen occasions, he performed that job with credit to himself, to the Government and to his State. The Senator from Utah voted to confirm Mr. Kelly.

As appears on page 4 of the hearings, I asked Mr. Kelly this question:

> Senator Allott. Now, you have stated that it is your intention to continue to operate your business as a driller—at least operate a drilling and exploration business with respect to State owned—leases that you own which are leased from the State of New Mexico?
>
> Mr. Kelly. I operate as an individual mainly, Senator, and my holdings include State, Federal, and fee lands. I will dispose of my holdings on Federal lands, and will continue the operations of the holdings on State and fee lands.
>
> My staff in New Mexico will continue to operate those holdings as they are doing now.

The other end of his business he put into a trust. He conveyed his stock in Elk Oil Co., to his minor children, and appointed as guardian thereof his own personal attorney, a Mr. Jennings.

We questioned him. The whole questioning of Mr. Kelly and the whole hearing occupied less than 11 pages. I think I would like to read into the Record one thing said at that time, which appears on page 10:

> Senator Allott. I think we have a typical example of a situation which arises. If Mr. Kelly came up here for appointment he would probably have to come up here under one of two situations, either having a minimum of background which would very doubtfully qualify him, or come up as he does with a wealth of background which undoubtedly qualifies him. And we all are interested in this question of interest and conflict of interest. I suppose the point could be made that the custodian of the Elk Oil Co. stock is his personal attorney. I do not regard the matter in this way. I do not think that the Congress can enact laws which are going to keep dishonest men from avoiding the law and taking advantage of the law. I personally feel that he takes this office with the idea that he is going to do it in an objective and fair way. But it seems to me that the best criteria that the Congress can take with respect to these people is that, having divested themselves of the main interest to the best of their ability, that then we hold them to the strictest standards of their office. I am sure that Mr. Kelly will do so, and I am sure that he knows that this is the attitude of the committee.

Now, Mr. President, I think we have here a similar situation. The distinguished chairman of the committee has covered it very fully. Governor Hickel has filed with the committee, and we have had an opportunity to examine, not only the trust agreement that he had while he was Governor—which he was not obliged to make, but in which he turned over the management of his business to trustees—but we have the proposed agreements in this case.

Mr. President, unless some Senator should seek to invoke the rule—I hope none will—I wish to continue a few moments longer.

As I have looked at this matter, I believe the reasons people have given for their opposition fall into three categories:

Some say that he does not understand conservation. I think the remarks of the distinguished senior Senator from Alaska yesterday, and the information placed in the Record, show that on the contrary, he has a greater sense of conservation and preservation of natural resources than almost anyone I can think of. Surely any State would be proud to have had a Governor who had exerted the efforts that he has to protect its natural resources. I shall not review those efforts again, because they are all in the Record.

Second, he has been described as having had ties too close to the oil and gas interests to be objective.

Let us put this to rest once and for all. In the Pearson column, it was alleged that Mr. Robert O. Anderson paid a visit to Mr. Nixon, I believe at the Hotel Pierre in New York, urging the appointment of Mr. Hickel, and that he was seen coming down the service elevator of the hotel.

There is a telegram in the hearing record at page 177 from Mr. Anderson, addressed to me, furnished at my request, in which he stated as follows:

> Confirming our conversation of this afternoon regarding certain allegations in Drew Pearson's column of December 23, 1968 and subsequently, I wish to confirm my statement that these allegations are completely without fact.
>
> I have not seen or talked to President-Elect Nixon since the November election, and am completely mystified about how such a statement could have been made. Mrs. Anderson and I have an apartment in New York at the Hotel Pierre, and I can only assume that there has been some confusion regarding identity. Furthermore, I am not given to riding freight elevators.
>
> Best wishes.
>
> Robert O. Anderson.

To clear this matter more fully, he has never been engaged in the oil business as such. He did have some oil leases. Those were all terminated before he was Governor of Alaska. His interests in those all expired before he became Governor, and the only interest that he has now, which is a very remote one, and of which he has agreed to divest himself, is the Koslosky overriding royalty of 1¼ percent. He has one seventy-eighth of 1¼ percent, and of this he has agreed, before the commitee, to divest himself. I might add, that this is not a producing property and never has been.

In an attempt to squelch once and for all these continuous and repeated statements, which are made without any basis in fact, I ask unanimous consent to have printed in the Record a list of all of the activities in this area to which he has been a party.

There being no objection, the list was ordered to be printed in the Record, as follows:

Walter J. Hickel, Hickel Investments, and Ermalee Hickel Oil Leases or Applications

State of Alaska lands: One non-competitive, lottery-type lease covering 4 sections, 2560 acres, issued May 1, 1962, terminated May 1, 1965, due to nonpayment of rental.

Federal Lands in Alaska: One lease was issued on April 11, 1956 (A-025122), a portion of that lease was segregated and a new lease was issued on June 12, 1962, (A-058593)—both the original and the segregated lease were terminated on March 31, 1963.

Lease Applications: Ermalee Hickel filed lease offer A-030906 on 1,385 acres on July 28, 1955. The application was rejected and file closed on October 17, 1955.

Hickel Investment Co. filed 17 oil and gas offers (A-060211, 13, 14, A-060370-378, A-060391-395) on Sept. 30, Oct. 24, and Oct. 28, 1963. All these applications were withdrawn Jan. 8, 1964 without leases being issued. These were top-filings, and were substituted with Hickel filings as an individual on Nov. 19, 1963.

Walter J. Hickel filed 23 applications A-060487-509 on Nov. 19, 1963—these top-filed all, or the majority of the Hickel Investment Co. filings listed above, and were in themselves top-filings on existing leases. When the Tallman case was decided as to the validity of the existing leases on the Kenai Moose Range all these offers were withdrawn on June 23, 1965, and the case was closed.

Mr. ALLOTT. The Anchorage Natural Gas Co., which he helped organize, with other entrepreneurs, is nothing but a distribution company. They bought gas and distributed it within the city of Anchorage and the Anchorage area. Later, that company was merged with the company which had a pipeline to distribute the gas there, and also a pipeline to transport oil to private companies.

The only conflict of interest that could possibly arise here is that some time the rights-of-way for the pipeline over public lands could again come up for renewal; and because of that possibility, he has agreed to divest himself completely of this asset. But it must be clear by now that this does not constitute connection with an oil company. If it is a connection with an oil company to have purchased its products, then everybody who buys gas or oil from an oil company has close ties to the oil business.

Third, I wish to say this: He would not be pressured into making a commitment with regard to the Machiasport free trade zone proposal. I can understand why some in the East would be concerned about that. But I say, Mr. President, that I would think much less of him if he were to commit himself on such an important matter, when he has not had access to the files of the Department of the Interior, when the outgoing administration which, according to one of the Senator's statements yesterday, has had this matter under consideration for 5 years, refused to grant it. I am proud of Governor Hickel for refusing to commit himself on this matter, because, in my opinion, if he had done so before he had access to all the facts, and before consultation with all the other departments of the Government which are involved in the matter, he would have been stultifying himself.

The questioning in committee on this matter was not exactly easy. To withstand the tremendous pressure brought upon him under these circumstances, in my opinion, is eloquent evidence that here is a man who will be able to stand up against the pressures of special interest groups, and it indicates to me that he will require that all factors have been analyzed and carefully weighed, to insure that the national interest will be preserved.

Referring again to the Machiasport matter, I say it is common knowledge, from the newspapers, that one particular oil company stands to gain tremendously, economically, from this proposal. The stock of that oil company has been subjected to some violent gyrations during the last year or so, for obvious reasons.

Mr. President, I ask unanimous consent to have printed in the Record in behalf of the Senator from Kentucky (Mr. Cooper) a statement he has prepared relative to this matter.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Cooper in Support of the Honorable Walter J. Hickel To Be Secretary of the Interior

I shall be unavoidably absent on Thursday, January 23 when the vote on the confirmation of Governor Walter J. Hickel of Alaska to be Secretary of Interior is scheduled to take place.

I make this statement to announce that if I were present, I would vote for the confirmation of Governor Hickel.

I am deeply interested in conservation, and I am pleased that Governor Hickel has pledged himself to use his office to conserve the nation's resources and to support conservation programs that are now in operation.

Mr. ALLOTT. Mr. President, I reserve the remainder of my time.

Mr. MOSS. Mr. President, I yield 25 minutes to the distinguished junior Senator from Wisconsin.

Mr. NELSON. Mr. President, my opposition to the confirmation of the nomination of Governor Hickel is based upon my conviction that he does not have the background, the depth of understanding, or that kind of view about the cause of conservation in its broadest sense which is so urgently necessary at this stage in our history.

Mr. Hickel is quite obviously a man of ability and has demonstrated his qualities of leadership and dedication both in business and in politics. During the 4 days of hearings, he came through as a man of good will and conviction, no doubt well qualified to hold many high positions, but, in my opinion, not this one.

I have commented on my impression of his obvious attributes as a successful man, because I do not intend my remarks to be interpreted as reflecting upon him. They do not.

The views and understanding of the status of our resources and the quality of our environment may very well be representative of a majority in Congress and outside it, but that certainly is not good enough for the Secretary of the Interior, who is the single most important custodian of our resources and who bears the responsibility of being the Nation's philosophical spokesman and spiritual leader in this cause.

In this position, as in many others, successful, creative leadership requires special knowledge of the subject, a special sensitivity to its vast ramifications, and a deep involvement in it.

A careful perusal of Governor Hickel's general observations in the past and his testimony at the hearings compels one to the conclusion that he does not appreciate his truly colossal responsibilty as the chief conservationist for the Nation. World-renowned ecologists, biologists, naturalists, and scientists from every other discipline are alarmed by the rapidly accelerating deterioration of our environment. Every thoughtful conservationist shares this alarm. They are not alarmed at man's activities threatening to destroy his habitat and that of most other living creatures but that he, in fact, has already done irreparable damage, and that our most urgent current business is to stay the trend and then to reverse it.

In the long pull, no other matter before us is as important. We hope we might banish the bomb, wipe out poverty, and achieve peace in the world, but that will avail us little if we so degrade our environment that living in it is hardly worth while. We are moving rapidly on a course toward that end now, and the obvious elements of approaching disaster are all around for anyone to see if he wants to look.

There is a glimmering of hope that man will abate his assault on the natural scheme of things if he understands what he is doing. That understanding can come only from education, which itself comes from strong and thoughtful leadership.

We have had that leadership under Mr. Udall and two Presidents for the past 8 years. Mr. Udall, I think, has been the greatest conservationist ever to serve as Secretary of the Interior. There is now a stirring in the conservation movement and a momentum to it that must not be lost. The thrust and drive it needs can come only from a Secretary who has this cause as his foremost concern and senses the urgency of it all. It is not likely that anyone can grasp this issue in its entirety and advance it effectively who has not been deeply involved and committed in the past.

This, I think, is what is at stake. This is the heart of the matter. It is far too important for us to risk a gamble on the kind of leadership we shall have.

Mr. President, as I have said, the status of the environment in its broadest sense is the classic contemporary issue that confronts us now and will confront us, I think, for all time to come: what man is doing to his environment and that of all other creatures. To lead the Nation on this issue is the most profound and fundamental responsibility of the Secretary of the Interior. In my judgment, it is abundantly clear from the testimony that Mr. Hickel's grounding in this area is simply inadequate. As I have said previously, this is not a reflection on him as an individual, but it is a fatal flaw in his qualifications to manage the duties of the Secretary, who is the major conservationist in this country. As a matter of fact, there is no necessary reason why Mr. Hickel as an individual should have any special expertise in this area, particularly since his adult life has been spent in Alaska, where the problem is less visible than it is elsewhere.

I questioned Mr. Hickel for 2 hours solely on the issues that confront us on the environmental front. At the conclusion of 2 hours of questioning and exploration of Governor Hickel's views on specific conservation projects and different elements in the environmental crisis, I wanted him to have the opportunity to give us his philosophy about the whole area of man and his environment. So I shall quote my question and his answer from pages 174 and 175 of the hearings. I began by saying:

> The final question I would like to ask you to comment on is this: The leading scientists in the field of ecology and biology particularly and in almost every other discipline, have been warning us now for several years that due to a vast number of intrusions of man on nature, whether it is pollution aspects and so forth, that this country is directly, specifically, this country and the world, specifically and quite rapidly heading toward what many of them describe as simply an environmental disaster.
>
> I think any study of what we are doing will tell us that, whether it is a study of what we have done to the water or to the air or what we have done to animals and what we have done to insects and creatures with pesticides and herbicides in the soil.
>
> So just to understand some of your philosophy as Secretary of Interior, I would like to have you direct yourself to that. Over the past 8 years, I think one of the critically important things that Secretary Udall did was to provide an imaginative leadership as a spokesman, addressing himself to the whole total environmental question.
>
> We are on our way, I think, to destroying all the oceans of the world. You don't have to destroy them where they are 10 miles deep or 20 miles deep. All you have to do is destroy all the estuaries in the bay, we are doing that off every city, and you destroy a major portion, the productivity of that vast body of water.
>
> Every knowledgeable scientist is alarmed. He is not mildly alarmed. He is alarmed.
>
> I just wonder if you would sort of give us your concepts, your philosophy, your ideas about the breadth and depth of this environmental problem, what you think about it, what is involved in it, what kind of leadership you would give as a spokesman for the most important position in this country respecting this problem, so that I would understand better your feelings and philosophy.

It was my intention to give him the opportunity to range as broadly as he pleased, so that we would understand the philosophy of the chief custodian of our resources and what he viewed as the crucial environmental problems that confront us, and what he would do about it. His answer was, I think, totally insufficient. Let me read it.

> Governor HICKEL. Thank you, Senator, I am not at all deeply versed in the subject you are talking about. I know the problems. I know the problems, for example, like the State of Florida. I know somewhat the problems of the areas in California. Obviously I know the problems that we have in the thousands of miles of coastline in Alaska.
>
> I think it is a real problem, especially in the great bays where the estuaries are located. I think beyond that I would say that one of the things we should push for the most is for advanced research and knowledge of the potential not only of our oceans but more specifically our continental shelves.
>
> I think in there lies the real salvation of feeding the underdeveloped nations of the world and the hunger of the world, and I think we are doing a great job along those lines, but I don't think we are moving fast enough.
>
> The reason we aren't moving is for a very basic, simple reason, because we didn't have to, and that is generally the thing that motivates a system such as ours.
>
> But I think that we are going to have to, as leaders in government, press the idea that it is important, and that the time has come when we are going to solve the problems of underdeveloped and hungry people of the world, we are going to have to explore the idea where are we going to get this food and how is it going to be replenished.
>
> I think a great deal of that solution will come out of not only the vast oceans, but more specifically the continental shelves around the earth.
>
> Senator NELSON. Is that the total you have to say about the whole environmental problem?
>
> Governor HICKEL. I guess I could keep on talking. I have the general philosophy of the problem, and I have a feel for and want to do something about it.

Mr. President, without any disrespect at all to Mr. Hickel, the answer speaks for itself. He is not equipped to handle this responsibility, because in his history and background he has not been deeply involved in it.

If that question had been asked of Secretary Udall or of any well-informed conservationist who recognizes the environmental disaster that is impending, he would have answered easily for an hour or two hours on what was involved in the crisis and what we must do to confront it. The answer indicates that Governor Hickel did not really have the necessary understanding to respond in depth to the question. As I have said, I do not intend that as a reflection. There is no necessary reason why he should, if he were not nominated to be Secretary of the Interior.

What should he have said, at least in some kind of summary of his philosophy and views? Should he not have addressed himself to what is happening in the atmosphere, in the water, in the soil? Should he not have expressed himself as to what wilderness is all about and why we need to protect and preserve it? Should he not have talked about the recreation space we need, the scenic beauty, and the whole vast ecological complex—the relationship of all living creatures to their environment and their mutual reaction to each other? That is what his responsibility is—to understand it, to see what is happening, and to provide leadership to stop this impending disaster in our environment.

Should he not have said something about the air, when he was given the chance to talk about the environmental crisis; the fact that there are two scientific reports to the President, one in 1963 and one in 1965, which discuss this serious matter and which point out that if we continuing polluting the atmosphere at the accelerating pace we are now polluting it, within a half-century or so we will probably change the climate on earth?

Should he not address himself to what

it means to the whole environment to see—every year—an estimated 500,000 tons of hydrocarbons from auto exhaust pouring into all the oceans of the world, with no scientific studies and no understanding of how we may create a chain reaction in the oceans that will destroy the entire ecological balance there? Should he not, as the chief conservationist, be aware of that?

Should he not have addressed himself to the question of water, when he had a chance to do so, and what would be done about the accelerating degradation of our lakes and water courses? Should he not have recognized, if he is going to be the chief custodian of our resources, that we are using 350 to 400 billion gallons of water a day; that we have available only 600 billion gallons; that we will be using that much in 1980; that we will be using twice the national supply in the year 2000—32 years from now; and that unless we proceed with deliberate and great speed, we will have contaminated and destroyed all the fresh water in America, on the surface and in the underground aquifers? It is a dramatic and crucial question to this country and water is his jurisdiction as Secretary of the Interior.

Should he not have said something about pesticides and herbicides? He thought, when I asked him that—I should get the quotation—something to the effect that if research demonstrated that these slow-degrading herbicides and pesticides were creating damage, something should be done about it. Every conservationist in the world, every ecologist, every entymologist, every scientist, every thoughtful person who has looked at the situation, recognizes that we are contaminating the total atmosphere. Publications after publications have been warning us for years. DDT alone permeates the whole atmosphere of the world and contaminates almost all its creatures. We find it in the fatty tissue of the Adele penguin in the Antarctic, in the fatty tissue of deer, and in human beings. The bald eagle is now being sterilized because of the accumulation of DDT in the fatty tissue, because he is at the end of the food chain, where he accumulates vast amounts of it. It is found in the fatty tissue of fish and inhibiting his capacity to reproduce. It has reached critical levels in Lake Michigan. It is polluting almost everything everywhere. DDT and other pesticides may very well create an ecological imbalance all over the world, the likes of which nobody can predict. Should he not have addressed himself to this issue?

In heaven's name, how can we afford to have the chief conservationist of the United States without a really comprehensive understanding of the biologic implications of this kind of pollutant in the atmosphere? Somebody has to lead that fight. How can anyone lead that fight who is not well grounded on the issue and its implications?

He did not say anything about the effect on any of the animals or other living creatures—or the soil—or the insects, of the indiscriminate use of these dangerous, slow-degrading pesticides.

We could talk for quite a while on the things that were not covered by Mr. Hickel. Although I believe he is a very fine gentleman, from everything I know and have seen about him—he would make a fine Secretary of some other Department. I think he is qualified in many ways—the fact is that he is not qualified to lead this fight. That is the major responsibility of the Secretary of the Interior, and it is a great and serious responsibility.

We have spent years, conservationists have, trying to arouse the public to what they are doing to themselves and all other living creatures. Finally, President Johnson, Secretary of the Interior Udall, and President Kennedy started alerting the public. A stirring is underway in the conservation cause, and a momentum is underway. This country cannot afford to have a man who is not prepared to be the spokesman and the leader of this confrontation. That is why I shall vote against the confirmation of the nomination of Mr. Hickel.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. NELSON. I yield to the Senator from California.

Mr. CRANSTON. Mr. President, I read with particular interest the material on page 174 of the hearings. In my State, there are scientists who speak the same things the Senator has recounted about the great fear that human life will be threatened soon if air pollution, water pollution, and other intrusions upon nature are not halted.

I was startled by the Governor's response to the Senator's question as to his attitude toward human environment and what is happening to it. The Senator was charitable enough to say that perhaps Governor Hickel did not understand the question. I wonder if at any point it is shown that he understood the problem because this matter lies at the foundation of the responsibility of the Department of the Interior, and this is the matter threatening not only the people of my State, or the people from the State of Wisconsin, but the people of every State and nation on this earth.

Mr. NELSON. After listening to 4 days of hearings I had the feeling that he is and has been a successful businessman, a successful political leader, and a fine gentleman. I wish to make that clear. However, I have the feeling, from the answers given in 2 hours of questioning I addressed to him, and his answers to other questions, that he does not have the broad conception or understanding of what is involved in the environmental crisis which is the crucial responsibility of that Department.

We do not have to worry about reclamation. That is a program in which there has been jurisdiction since 1932 or 1933. However, we have to worry about leadership in this new area, which is really old, because of the accelerated and growing threat. He did not have that understanding, and I consider that to be a fatal flaw in a Secretary of the Interior.

Mr. MOSS. Mr. President, I reserve the remainder of my time.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 37 minutes remaining.

Mr. ALLOTT. Mr. President, how much time is there remaining on the other side?

The PRESIDING OFFICER. The Senator from Utah has 11 minutes remaining.

Who yields time?

Mr. MOSS. Mr. President, I would like to reserve the remainder of my time.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be not charged to either side.

The PRESIDING OFFICER. Is there objection?

Mr. ALLOTT. Mr. President, reserving the right to object, I suggest that the request be modified to provide that the time for the quorum call be taken equally from each side.

Mr. MOSS. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered; and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I yield myself such time as I require.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. JACKSON. Mr. President, the able Senator from Maryland (Mr. MATHIAS) has a question he wishes to propound to the chairman of the Committee on Interior and Insular Affairs, and I yield for that purpose.

Mr. MATHIAS. I thank the Senator very much for yielding to me.

Before I propound the question, I should like to comment that I think the chairman of the Committee on Interior and Insular Affairs and members of the committee have rendered a great service in connection with this nomination.

Candidly, I think that we cannot deny there have been many reverberations in the course of the hearings, but I think that the chairman of the committee and its members have helped to bring into a better perspective the questions which have been presented and have produced a calmer climate in which we can consider them.

Of course, I am cognizant of the fact that most of the charges seem to have been answered to the satisfaction of the overwhelming majority of the members of the committee, and I think that is a helpful thing. But, in the interest of those of us who have been working in the field of conservation for many years, I should like to propound this question:

Will not the Committee on Interior and Insular Affairs have the continuing congressional function of oversight in the area of conservation in the years that will follow this particular action of the Senate?

Mr. JACKSON. The Senator from Maryland is correct. One of the subcommittees of the Committee on Interior and Insular Affairs is the Subcommittee on Legislative Oversight which is presided over by the junior Senator from Washington. Other members are the Senator from New Mexico (Mr. Anderson), and the able and distinguished senior Senator from Colorado (Mr. Allott), who is the ranking minority member on the committee. These three Senators constitute the Subcommittee on Legislative Oversight. The subcommittee has been in existence for some time.

I might also observe that some time ago, as a matter of fact last fall, the chairman of the Committee on Interior and Insular Affairs advised the Secretary of the Interior by letter that he would like to have the Secretary and his Assistant Secretaries participate in what would amount to posture hearings, to review the work of the Department: where it is going, the objectives and goals of the various existing programs, the policies and alternatives for dealing with identified problems, and the decisionmaking process by which future problems are identified and programs developed to deal with these problems.

These hearings were scheduled for February.

In this connection, let me read into the Record from page 246 of the hearings. I raised the same point with Governor Hickel:

> The Chairman. One last matter. Governor, on page 3 of your statement you said:
>
> "I believe we should devote a period of time to the consolidation of the gains that have been made through a reassessment of our long-range objectives. I think we should explore ways within the Department to make things work better."
>
> You may be interested in knowing that last fall I requested the Department of Interior to prepare a report which sets forth the objectives of the Department and the issues which it will face in the years ahead. I had anticipated that the full committee would hold a hearing on this subject sometime in February. At the hearing we would receive testimony concerning the problems and alternatives which we face in conservation and natural resource areas.
>
> At this hearing I would expect to obtain testimony from you, your assistant secretaries and your office and the Bureau heads. I have asked the staff, Governor, to prepare a copy of my letter to Secretary Udall and the accompanying memorandum on these proposed hearings for your use. In short they will be posture hearings.
>
> Now, we may not be able to have it right in the month of February, it may be in March, but I am sure that you would lend your full cooperation, would you not, to this effort?
>
> Governor Hickel. I will do that. Could I ask one question?
>
> The Chairman. Yes. We will supply the letter.
>
> Governor Hickel. Thank you. It has already been requested of the Department and they are working on it?

Mr. President, I think this speaks for itself.

Point No. 1 is that the committee adopted the policy of legislative oversight when the subcommittee was set up about 3 years ago. This subcommittee will continue.

Point No. 2 is that last fall we thought the time had come when we should schedule posture hearings. This had nothing to do with Governor Hickel. We were not predicting the election of a Republican President. But I may say that the hearing has been scheduled. He understands this, and he has given his full acquiescence. The committee will, I will say to my good friend from Maryland, certainly keep in close touch with the activities of the Department. We have the explicit assurance of Governor Hickel's cooperation. He has indicated his wholehearted cooperation in this regard.

Mr. ALLOTT. Mr. President, will the Senator from Washington yield for a question?

Mr. JACKSON. I yield.

Mr. ALLOTT. In the last days, is it not true that there are those who have, on the floor, criticized the Governor for his willingness to cooperate with committees of Congress? I think the answer that the distinguished chairman has given hits the question which the Senator from Maryland has asked right on the head. We have, and we have had for many years, such a legislative oversight committee and it will be continued.

The PRESIDING OFFICER. The time of the Senator from Washington has expired.

Mr. ALLOTT. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 1 minute.

Mr. ALLOTT. But, speaking personally, I am very happy to learn that we will be consulted more on policy in the Department of the Interior, I think we should have been in more recent years, because I feel that there are areas where the Secretary has gone ahead and taken steps which perhaps the committees of House and Senate should have been consulted on or even have enacted legislation on.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, as in legislative session, that there be a brief period for the transaction of routine morning business not to extend beyond 10 minutes to 1 o'clock p.m. today; that the discussion then revert to the pending nomination of Governor Hickel; and that the vote on the nomination occur at 1 p.m. today—with the 10 minutes to be equally divided between the two sides, and that there be a 3-minute limitation on statements during the transaction of routine morning business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

NATIONAL COUNCIL OF CHURCHES PUBLICATION DISCUSSES DEPARTMENT OF PEACE BILL

Mr. HARTKE. Mr. President, last September 11, Senator Hatfield, Senator Randolph, and Senator Yarborough joined me in introducing S. 4019, a bill to establish a Cabinet-level Department of Peace.

Earlier, before a Democratic National Committee panel on the 1968 party platform, I urged the adoption of such a measure, which was first proposed in 1793 by Dr. Benjamin Rush, a signer of the Declaration of Independence. Chairman of the panel was the distinguished Senator from West Virginia (Mr. Randolph), who has himself introduced legislation in the same vein both while a Member of the other body and since coming to the Senate. I am happy that he is one of those who joined me in offering the bill last year, at his own request.

Representative Seymour Halpern, of New York, introduced a parallel bill, H.R. 19050, in the House, where he was joined by a considerable number of cosponsors. Both he and I anticipate offering again on February 6 a revised version of the measure, which has aroused a tremendously widespread interest throughout the Nation.

That interest has been evinced by scores of individuals, many of whom have written to me asking for copies of the statement I offered in explanation and comment on the bill. Frequently the demand has been for quantities to be used in small study groups, or sometimes for distribution to entire congregations. Perhaps this is partly due to the widespread notice of the bill in church publications. Catholic Press Features distributed an article about it which appeared in diocesan papers throughout the country; Baptist Public Affairs sent a lengthy story to editors and officials of the Southern Baptist Convention; the Episcopal journal, The Churchman, gave editorial support in its December issue; the newsletter service of Charles A. Wells, Between the Lines, featured the Secretary of Peace proposal in headlines of both its November 15 and December 15 issues. The pastor of the world's largest Quaker congregation, Dr. E. Ezra Ellis, of Whittier, Calif., preached a World Order Sunday sermon on the idea, after which more than 100 parishioners signed telegrams appealing to candidates of both parties—then in the midst of their campaign—to make a Department of Peace one of their goals.

I could continue at some length to recite other developments across the country, such as the concern of many peace groups of stature, or the response of political scientists who see the possibilities much as does Dr. Frederick L. Shumann:

> Much can be said in favor of making a Department of Peace the liaison agency between the USA and all of the *multilateral* international organizations, leaving to the State Department and the Foreign Service the conduct of *bilateral* negotiations with other Governments.

Dr. Shumann, emeritus Woodrow Wilson Professor of Government at Williams College and now teaching at Portland State College in Oregon, has prepared a 28-page study of the matter under the title, "Why a Secretary of Peace," which is being published in pamphlet form this week. A copy of this little booklet will go shortly to each Member of the Senate in support of the new bill, which will be offered on February 6.

I want to speak at this time only of the great concern and interest being shown within the churches, and particularly the denominational departments of international affairs. Those affiliated with the National Council of Churches, for instance, last week spent most of the morning in a quarterly meeting at New York discussing the details of the bill, its merits and problems, and asking questions of a member of my staff, whom they had invited to be present.

Actually, the Hartke-Halpern bill makes the broadest of appeal to all religions, Democrats and Republicans, rich and poor, old and young. In this sense, it is an opportunity for all of us to help "bring us together," a now famous phrase.

I am delighted that Senator Mark Hatfield is the chief cosponsor of the Department of Peace bill in the Senate, and that he has been called upon to speak about it to interested groups. I am heartened by the emphasis upon peace offered us in the inaugural address of President Nixon, when he offered a "sacred commitment" to the Nation of his office, energies, and wisdom "to the cause of peace among nations."

I now ask unanimous consent, Mr. President, that there may appear at this point in the Congressional Record the article appearing in the current—January 15—issue of Tempo, a publication of the National Council of Churches, written by Dr. Allan Parrent, its department of international affairs program director in Washington, entitled "The Department of Peace," appearing in the regularly featured page, Washington Comment.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Department of Peace

(By Allan M. Parrent)

It was not too many years ago that the United States had a War Department. In the post-World War II reorganization of our military bureaucracy the old War Department became part of our present Department of Defense, now reportedly administering the third largest budget in the world (after the U.S. and U.S.S.R. national budgets). One unit of this military behemoth, the Strategic Air Command, even has as its motto, "Peace is our profession." Without denigrating the need for an adequate national defense in a world wracked by the rivalries, suspicions, and jealousies of nationalism, it is obvious that peace is not the primary purpose of any military establishment. While the absence of war may be a by-product, and a desirable one as far as it goes, of an adequate structure of national defense, there is a qualitative difference between the absence of war and peace which must be properly understood. (What is "adequate" is another matter which cannot be treated here.)

While government has an obligation to provide for the protection of its people, it also has the obligation to foster the development of peace and actively to seek reconciliation among nations to the degree that this is possible in the context of existing international relationships. There is at present no government department working full-time at fulfilling this obligation.

Political realism does not require us to look upon the international power struggle as a constant unreceptive to melioration. It does not require us gloomily to assume the inevitability of the customary, some of the cold-war-bound realists to the contrary notwithstanding. In fact, for the Christian who supports nuclear deterrence as morally defensible, there surely must be a qualification which says that the chief purpose of such deterrence is to buy time to work for peaceful alternatives. To do less would be legitimate grounds for questioning his credibility as both a Christian and a citizen of the nuclear age.

THE PROPOSAL

All of this is a prelude to a discussion of a proposal to establish a Department of Peace in the U.S. government headed by a secretary of cabinet rank, the purpose of which would be "to promote the cause and advancement of peace both in this nation and throughout the world." The bill to establish a Department of Peace was introduced in the 90th Congress by Senator Vance Hartke (D., Ind.) on September 11, 1968, with Senators Mark Hatfield (R., Ore.) and Ralph Yarborough (D., Tex.) as co-sponsors. A similar bill was introduced in the House by Representative Seymour Halpern (R., N.Y.) with 21 co-sponsors. The bill is to be re-introduced in the 91st Congress on February 10, 1969. It is expected that there will be about 20 Senate co-sponsors and 50 to 60 House co-sponsors.

The Secretary of Peace would advise the President regarding the progress of peace, develop appropriate policies and programs designed to foster this progress, and encourage coordinated planning in this effort among the nations. There is a hope that this would extend the philosophy of checks and balances to the area of foreign affairs and separate traditional responsibilities of several present departments from the new responsibilities for peace in a nuclear age. There is also a belief that such a development would provide some creative tension in our foreign policy administration similar to that experienced as a result of the creation of separate departments for commerce and labor.

BASIC PROVISIONS

The provisions of the bill can be briefly summarized. Title I would establish the Department and broadly define its duties. It would transfer to the Department of Peace the following existing agencies: Agency for International Development, Peace Corps, Arms Control and Disarmament Agency, International Agricultural Development Service of the Department of Agriculture, and certain functions of the Commerce Department's Bureau of International Commerce. Title II would transfer the Export-Import bank to the new department. This provision is absent from the House version of the bill. Title III would establish an International Peace Institute, in some respects for a parallel to our service academies, which would prepare citizens for service in positions or programs related to the promotion of international understanding and peace. Title IV provides for the establishment of a "Peace by Investment Corporation," an idea which has been proposed independently. It would encourage an expanded flow of private capital investment from the U.S. into economically sound enterprises in the underdeveloped world. The corporation would also hopefully enlarge the number of private investors engaging in international investment, gradually reduce the need for U.S. public investment and grants overseas, and direct a higher portion of the flow of U.S. capital abroad into underdeveloped areas. Title V would establish a Joint Committee on Peace in the Congress similar to the Joint Committee on Atomic Energy.

COORDINATING EFFORTS FOR PEACE

Basically the whole idea, which incidentally is by no means a new one, having first been suggested in 1799, is to give focus, visibility, and power to those now disparate elements of our society and our government concerned with what is really the world's number one priority—peace. Most of its functions are already authorized by Congress, but dispersed among several agencies with varying degrees of weakness. All of these functions, it is maintained, could be operated more effectively as part of an integrated whole than as a separate entity, and the total impact would certainly be stronger than the combined impact of the separate parts. As Senator Hartke points out, if we need new Departments of Transportation and Urban Development, because of the proliferation of independent but related efforts in those areas, we certainly need the concentrated positive efforts such as a Department of Peace could command.

The bill itself is by no means fixed and firm. Detailed hearings on it could very well result in some major changes in its contents. One criticism has already been aimed at Title IV and its Peace by Investment Corporation. Some of the criteria for an investment program, it is felt, might militate against investments in essential projects, such as hospitals, universities, etc., which might not be as "economically sound" or potentially profitable as other less essential projects. Others have asked for clarification on the proposed department's relationship to multilateral bodies, especially the United Nations. Still others question the political wisdom of creating a peace agency independent of the traditional political and military agencies to which its substance is so inextricably bound.

Nevertheless, if the deeper realism which understands with Pope Paul that "development is peace" is ever to be manifested in action, it is clear that peace must be given priority in deed as well as in word and that this must be reflected in some fashion by the way our government organizes and implements its efforts in this direction. A first step in doing this might very well be to put a Department of Peace on a par with the Departments of State and Defense and to recognize that economic aid, technical assistance, increased trade, and arms control all have an essential unity of purpose. That purpose is peace, and its attainment will be very closely related to the degree to which we all recognize that real national security depends at least as much on development and arms limitation as it does on vast defense establishments and new weapons systems. The extent of that recognition may be measured in some degree by the success of present efforts to get the idea of a Department of Peace included in the Nixon inaugural address.

"THE SUMMER OF DISSENT," MICRONESIAN REPORTER, FOURTH QUARTER, 1969

Mr. ALLOTT. Mr. President, as Senators are aware, the Trust Territory of the Pacific Islands, consisting of the Caroline and Marshall Islands and all of the Marianas except Guam, is administered by the United States under a trusteeship agreement with the Security Council of the United Nations.

The islands which form the portion of the trust territory within the jurisdiction of the U.S. trusteeship agreement lie in three major archipelagoes to the north of the Equator in the Western Pacific. Although the land area involved totals less than 700 square miles, it is scattered over almost 3 million square miles of open ocean. Prior to the execution of the trusteeship agreement its 90,000 inhabitants were governed by the Japanese nation as a League of Nations mandate between World War I and World War II. After the islands were converted into important military bases by the Japanese, they were captured after a series of historic, bloody engagements by Allied forces during World War II. Following the conclusion of the treaty between the United States and Japan, the Japanese colonialist and military personnel were returned to Japan.

The trusteeship between the United Nations and the United States was approved by the President under authority granted by the Congress in July of 1947.

The terms of the agreement (61 Stat. 3301) grant responsibility to the United States to provide "full powers of administration, legislation, and jurisdiction" over the former Japanese-administered territory and obligates the United States to provide certain basic responsibilities. Along with a basic responsibility to promote the economic, social, health, and educational advancement among the inhabitants of the trust territory, there is a specific mandate in this agreement that the United States is to foster the development of such political institutions as are suited to the trust territory and promote the development of the inhabitants of the trust territory toward self-government or independence.

U.S. authority is vested in a High Commissioner, who is presently appointed by the Secretary of the Interior. The High Commissioner's legislative authority was granted to the Congress of Micronesia on the first day of its session in 1965, although the High Commissioner retains veto power over measures passed by the Congress of Micronesia.

Under the trusteeship agreement, the United States has undertaken certain educational, social, political, and economic efforts to assist the people of the territory. Whether the United States has fulfilled all of its obligations and dispatched with reasonable success its various responsibilities under the provisions of the trusteeship agreements is, of course, open to serious conjecture. I have long had a deep interest in the affairs of the Trust Territory of the Pacific Islands through my period of service on the Senate Interior and Insular Affairs Committee. I know that this interest has been shared by others on our committee, including the distinguished chairman of the Subcommittee on Territories and Insular Affairs (Mr. BURDICK), as well as the distinguished majority leader, both of whom took an active role in the introduction of certain legislation during the last session of Congress dealing with the affairs of the trust territory.

Because, Mr. President, I believe that too many Members of Congress are not entirely familiar with the political changes which are now occurring within Micronesia, I should like to insert into the CONGRESSIONAL RECORD a very interesting article which recently came to my attention, entitled "Summer of Dissent," as published in the Micronesian Reporter for the fourth quarter of 1968. This article, I believe, graphically illustrates the ferment of political ideas and aspirations which now animate the unique political arena in Micronesia. I particularly commend a reading of this article to those Members of Congress who are vitally concerned, as I am, that the best efforts of the United States must be exerted to assure everyone that this country is properly discharging its responsibilities under the Trusteeship Agreement with the United Nations.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SUMMER OF DISSENT

(By Marjorie Smith)

From the moment some of the Marshallese delegates stepped off a plane at Saipan's Kobler Field on the Fourth of July and announced "Independence is the only answer to Micronesia's land problems," it was clear: The 1968 session of the Congress of Micronesia was going to be different from those of the past.

And different it was. Perhaps it was only a matter of degree, for Amata Kabua has always been critical of the Trust Territory administration, just as Franc Nuuan and Isaac Lanwi have always clowned in the Senate and the Ponapeans have consistently come up with provocative comments on sides to questions everyone else had overlooked.

But there was about this Congress a stimulating sense of energy and change. Some of the members termed it "The resurgent Congress" but the phrase seems not quite accurate. Rising and surging the Congress was, but it was not resurging, for the Congress has never fallen back, the tide has never ebbed.

It was just a dozen years ago that thirteen Micronesians convened in Guam for the first meeting in history between leaders of the various districts. Four members of the present Congress were there—Amata Kabua, Namu Hermios and Petrus Mailo as members of "The Inter-District Advisory Council" and Soukichy Fritz as an interpreter. They heard the American department heads explain, probably for the first time, the functions of the various government agencies. And they heard the territory's acting High Commissioner, Delmas H. Nucker, say, "I have been asked by the United Nations each of the last two years when I appeared before the Trusteeship Council when we were going to have a territorial legislature. I will be very honest with you people and tell you what I told the United Nations, that I did not know when we would be ready for it, because I wanted to be sure that our municipal governments were functioning and when they were chartered and were the best we could make them, and our district governments were running right and serving the people—then I would be ready to talk about having a congress for all."

Ready or not, from the day those thirteen Micronesians met in Guam, Micronesia has been caught up in a tidal wave that is the inevitable result of a decision probably never consciously made: to teach American-style democracy to Micronesians.

The wave was slow in building and for years the rising political awareness, the sense of power and confidence that comes with the teaching "All men are created equal and have equal rights", was barely perceptible. But lately the waters of progress and change have rushed in upon Micronesia more swiftly. With the creation by the Secretary of Interior in 1964 of the Congress of Micronesia, forces were gathered for a powerful wave that crested this summer in Saipan. But it is not the last wave. The lovers of the status quo, the comfortable, the wearers of white pith helmets and the keepers of anthropological zoos should beware: in Micronesia, the surf is up.

It had long been recognized that the fourth session of the Congress would be one of transition. According to Secretary of Interior Stewart Udall's Order No. 2882 which created the Congress, during the first four years Micronesians in high-level positions in the administration could also serve in the Congress. Beginning with the fifth session, however, each man would have to make a choice between the security, the relatively good pay of a career in the executive branch, and the uncertainties and relative poverty of continued congressional service.

There had long been concern about a mass exodus from the Congress in its fifth year. The Congress had attracted a remarkable collection of young, well-educated leaders. But most observers believed that few of these men could afford to give up their government jobs. Then came an amendment to the secretarial order providing for annual salaries of $3500 for members of congress. With this money to be paid by the U.S. Congress, the members of the Congress of Micronesia began to quietly discuss supplemental expense accounts which they might allow themselves from their own funds, and the worriers reversed themselves, beginning to fret about a mass exodus of outstanding Micronesians from the administrative branch.

Before the secretarial amendments ever arrived in Saipan, the congress of transition was making itself known as the congress of dissent. For some members, perhaps, the decision had already been made to remain in the Congress no matter what the financial hardships. For others, the choice was yet to be faced. Yet no one seemed inclined to soften his views or defend the administration just because he worked for it and might want to continue doing so. When support of an administration official or program was heard in the Congress, it came as a voice of reason or logic and not as appeasement of an employer.

There was Eminent Domain, always spoken of in capital letters. There was the remarkable territory-wide scholarship bill passed in lieu of pork barrel capital improvements for individual districts. There were the critical speeches resounding through the halls of Congress, wafting down over startled American officials who were forced to realize that they no longer occupy the highest point in Saipan, geographically or politically.

What all the issues and all the criticism came down to was the simple fact that in at least one of its stated aims, the American administration has done a thorough job in Micronesia: It has succeeded in instilling respect for and belief in the democratic processes.

The eminent domain issue has been with the Congress since its creation. The existing law allows the government almost unlimited power to take private land for public use. The administration and the Congress agree that this power must be limited. They are unable to agree on how.

In 1966, Senator Kabua introduced an eminent domain bill which the Congress passed. The High Commissioner vetoed it. In 1967, the administration submitted its proposal on the subject. The Congress amended it extensively so that it came out almost the same as their 1966 version, and passed it. The High Commissioner failed to approve it.

In 1968, the Congress tackled the matter from several angles. First, they voted to override the High Commissioner's veto on the 1967 bill. Then, because there was considerable disagreement as to whether the Congress could override a pocket veto or whether there had been a pocket veto, the Congress introduced and passed, before the first twenty days of the session were up, a bill identical to the 1967 version. Finally, the Congress passed a bill repealing the existing eminent domain statutes.

The High Commissioner vetoed the 1968 bill while Congress was still in session, so there is no question but that the veto could be overridden next summer if the Congress should decide to do so. The High Commissioner acknowledged receipt of the override bill, but said it was still his opinion that there had been no veto, so there could be no override. However, he forwarded the matter to the Secretary of Interior to obtain his interpretation on the question. At this writing, the administration had not yet taken action on the bill repealing the existing eminent domain law.

Land is Micronesia's scarcest resource and its most precious—precious not only because of its scarcity but because of the role it plays in traditional cultural patterns. The American administration has acknowledged this fact and has protected the land for Micronesians by providing that non-Micronesians cannot own land.

Then what is the fight on eminent domain about? Military use of Micronesia's land. For although the American government recognizes the value of the land to the people, it also considers Micronesia's 700 square miles as land of strategic value to the free world. Americans died by the thousands fighting for these islands twenty-four years ago. The islands were crucial then, and they are evidently considered even more crucial now in the protection of America's interests in the far Pacific and in the protection of the continental United States.

Members of the Congress of Micronesia are willing to grant that a number of Americans employed by the Trust Territory government have worked through the years with the idealistic aim of improving the lot of the Micronesians. But Micronesian leaders also know that the reason the United States has been in Micronesia all these years has been for the safety of the United States, not out of altruistic impulses to help an underdeveloped country.

Acceptance of this fact is not recent. Micronesians are realists and are natural political scientists—life within the confines of island society necessitates such qualities. But this summer it became clear to the Americans in Micronesia for the first time that Micronesians understand why the United States is here. And this understanding has given the Micronesians confidence. This summer for the first time, they faced the Americans as equals instead of as wards asking for favors.

The eminent domain issue is simple. The Congress insists that it be consulted in all cases where Micronesian land is taken for U.S. military use. The administration for a time, ducked behind a trite "That is not a legislative function"—possibly an irrelevant comment in a situation where the legislative branch is the only branch of government elected by the people. But toward the end of the summer, the administration came closer to admitting the truth and said that the eminent domain controls proposed by the Congress would be in conflict with the trusteeship agreement. In other words, it isn't that decision on taking land for military purposes are not a legislative function—they are not a Department of Interior function. Decisions to veto an eminent domain bill are not made in Saipan or in the Interior Department. They are dictated by the Departments of Defense and State.

All right, say the dissenting congressmen. Amend the trusteeship agreement. The land is ours and we have a right to say how it shall be used.

And who, one might ask, gave the members of the Congress the idea that they have this right? America did, in its highly successful sales job of the democratic system.

Money is always a matter of concern in legislative bodies and the Congress of Micronesia is no exception. Members of the Congress asked which of the revenues generated in Micronesia are theirs to appropriate and which must be returned to the administration. They asked to be given more voice on how the money appropriated for the Trust Territory by the U.S. Congress is to be spent. And they agonized over how to spend the money that is theirs to spend.

Their decision on this problem was one of the most dramatic moments in a congressional session that was never dull. After taking care of operating expenses and a number of other obligations like the Social Security system, the Congress was left with about $280,000. This is all it had to spend on projects and capital improvement requests from the various districts totalled at least a million and a half.

The Congress took a courageous, unexpected step. In an election year, the members agreed to forgo capital improvement projects in the home districts. Instead the money would go into a scholarship fund, to be administered by a newly-organized Congress of Micronesia scholarship board. And the scholarship money was to be used to train Micronesians in skills and professions considered necessary by the congressional board. The congressmen made it clear that they do not always agree with the priorities set by the existing executive scholarship board.

The question of priorities came up again and again in the highly critical speeches that were heard in the Congress during the summer.

The congressmen expressed doubts about the low priority they feel is being given by the administration to agricultural development. They were just as dubious about the apparent intention of the administration to concentrate on tourism as the principal means of economic development in Micronesia.

The congressmen questioned other government priorities in spending particularly where capital improvements are concerned. They were not convinced that the administration had always chosen the best places to make improvements, and some members complained that too much attention was given to making life comfortable for Americans in the territory. The dramatic plans for Saipan's recovery from the effects of Typhoon Jean drew criticism from delegates from less developed districts.

Congressmen were critical of administration personnel. In some cases, they singled out individuals and questioned whether they were doing their jobs properly. In general, they expressed disappointment with the attitude of administration personnel toward the Congress, and with the preparedness of administration representatives who testified before them.

But what almost all the excitement in Saipan this summer really revolved around is the question of Micronesia's political future.

What the congressmen were saying when they repassed the eminent domain bill over the High Commissioner's veto was: The people know what is theirs and what they want. What they were saying when they appropriated $200,000 for scholarships and created their own scholarship board to administer the fund was: We know what our people need and we know best how to get it. And what they were saying in exactly so many words in a number of speeches and informal remarks was: We know what our people need better than any outsider can know.

It is not a very long step from knowing what the people want and saying "They shall have it." And from there an even shorter step leads to the word "independence."

Americans who grew up firmly believing in the American revolution, believing that colonialism was bad and revolution good, should not be shocked to hear the word, although it was seldom heard in Micronesia until very recently. And Americans should not be too startled to find themselves wearing the black hats in this particular melodrama.

The self confidence exhibited by the Congress this summer was an important aspect of the new respectability of independence as a spoken word. "For years we have been told that we can never be independent because we have no resources," said the congressmen—Amata Kabua and Atlan Anien from the Marshalls, Franc Nuuan from Yap, Lazarus Salii from Palau, Bailey Olter, Hirosi Ismael and Daro Weital from Ponape. But this is not true, they insist. "Our marine resources alone are completely untapped!" Nuuan says. "Our agricultural potential has been ignored and underdeveloped," Weital and Ismael shout. "Our manpower resources are our greatest asset," says Olter and Salii. And in their quiet, Marshallese voices, reminiscent at weirdly appropriate times of the sinister tones of Peter Lorre, Kabua and Anien say, "Our strategic location alone can support us."

Someone, somewhere told the Marshallese that the United States is paying a hundred million dollars annually for lease of military bases in Spain. Perhaps it is not possible to find out if this is true. But the Marshallese are saying "If we were an independent country, the United States would have to pay rental on her bases at Eniwetok and Kwajalein." An independent Micronesia could be run very nicely on a hundred million dollars a year, the Marshallese hint, and there is always the simple truth that it is much easier to get money from the United States Congress for defense needs than for Department of Interior projects.

At first the word independence hung there heavily in the air after the Marshallese had uttered it, and everyone stared at it with some awe—just as three years or so ago the politicians of Guam stared, mouths agape, when a prominent "statesider" unexpectedly remarked "Of course statehood is the only equitable status Guam can aspire to." In Guam, the word "statehood" hovered awhile and then settled over the island and suddenly politicians all over were saying "And we mustn't discount statehood as a possibility," where before they had mouthed a ritual "Of course, statehood is out of the question."

So it was in Micronesia. The word independence buzzed around the heads of the Marshalls delegation for awhile and then suddenly there it was on the other side of the territory, and Palauans were saying in their intense, late-night discussion tones, "We could support an independent Micronesia on the lease money from Babelthuap."

At a press conference at one point during the summer, High Commissioner Norwood hastened to point out the danger of basing an economy strictly on military spending. It fluctuates a great deal, he noted, and of course everyone in the world hopes that eventually no military bases will be needed.

And Micronesian leaders nodded wisely and said to themselves that until the oil runs out in Kuwait and until the phosphate is gone from Nauru those tiny countries enjoy the world's highest per capita incomes—and invest much of it for slimmer days.

It is difficult for an observer to know how many, if any, of the members of the Congress actually take independence seriously as Micronesia's political destiny. The important point is that they have the confidence to say the word, to use the ideal as a bargaining point in any discussions of future status. Just about a year ago, some American officials raised eyebrows at the nerve the Congress of Micronesia had shown in setting up its own political status commission when the President of the United States had clearly announced his intention to establish such a commission. This summer, some members of the Congress were expressing their indignation that the United States Congress and the President should consider establishing a commission without consulting Micronesians for advice, without including Micronesia on the membership roll.

The Congress of Micronesia extended the life of its political status commission for another year, emphasizing that the commission's assignment in the area of political education, hardly touched upon during its first year, must be accomplished this year.

But perhaps the members of the Congress took the first step in the political education process when they pronounced the forbidden word "independence." They got Micronesia's attention. Now all of the other alternatives can be discussed and explained.

The congressional session of 1968 started a debate on a territory-wide scale. It is unlikely that the discussion could be stopped now, even if anyone wanted to stop it.

The Congress is young, All but eight of the 33 members of the Congress are in their thirties. Six are in their forties, the Marshalls' Dr. Lanwi is 50 and Micronesia's elder statesman, Chief Petrus Mailo of Truk is 65.

The congressmen are well educated. Twenty-six of the members have had either college work or medical training. Seven of these men have bachelor's degrees and two have associate degrees. There are five medical officers in the Congress, graduates of training programs at the Fiji School of Medicine, Guam Naval Medical School and special courses in the Philippines and Hawaii. Senator Tosiwo Nakayama of Truk missed the '68 session of Congress because he was in Hawaii completing work on his bachelor's degree.

The congressmen, despite their youth, are politically experienced. All but ten of them have served in their district legislatures. Four of the college degrees are in political science.

The congressmen are well traveled. Twenty of the thirty-three have toured the continental United States. Another seven have traveled to Hawaii or other parts of the Pacific. Seven have also toured the Orient, and one (Nakayama) has traveled in Europe.

The congressmen have good jobs. Of the 24 members of the Congress employed by the Trust Territory government, twenty are on the "C" or professional scale, with salaries ranging from $2800 to $6000. Other members are employed by district legislatures, community action agencies and private business.

What are some of the individuals like in this group of young men?

Perhaps the member who had the greatest impact on this Congress is Senator Bailey Olter of Ponape. Olter was the author of the scholarship bill, the dreamer of the great dream that politicians facing an election in November could afford to sacrifice capital improvement projects for their home districts in favor of an idealistic attempt to influence the future of their country by providing for training its youth.

Energetic and exuberant, Olter attracts followers. He served as Senate vice president during the first two years of the Congress and has been chairman of the Senate Ways and Means Committee for the past two sessions. His infectious gaiety outside the halls of Congress contrasts with the gentle politeness that is characteristic of many men from Ponape. In the Senate, he is often the calm voice of reason, sturdy before waves of emotional rhetoric.

The fact that Olter was able to persuade almost every other member of the Congress to vote with him on the scholarship bill is testimony to his leadership abilities. If the bill is signed into law, and if the Congress can administer a successful scholarship program, it will still be may years before the results of Olter's dream can be seen. It took courage to dream, it took confidence in the future.

Another influential member of the Congress is Political Status Commission Chairman Lazarus Salii. Where Ponapean Olter exhibits some of the boisterous characteristics of the stereotyped Palauan, Palauan Salii is quiet, thoughtful, often enigmatic.

Salii has been dubbed by some American officials who have worked with him as "sure to be Micronesia's first elected High Commissioner." Other American officials see him as a dangerous man who should be watched. It is difficult to see in the calm face, the wide, innocent eyes, either the leader or the subversive. But in conversation, it is impossible to overlook the brilliance of the man.

"You criticize America for its fatness, its mercenary attitude, its excesses," he tells a grumbling Peace Corps Volunteer. "I want you to explain to me how a country with so many bad ideas and attitudes can support such an idealistic luxury as a Peace Corps? Tell me what it does right."

But he, too, can be quick with criticism for America. "There is a danger," he told the Congress the night it adjourned, "that ballots for Micronesia's plebiscite will be printed in Washington . . . it is humanly impossible for non-Micronesians to determine what is best for Micronesians."

Though he heads the influential status commission, Salii has had his upsets in the Congress. He served as floor leader of the House during the first two sessions of the Congress. In 1967, Ponape's Ambilos Iehsi, a freshman representative, was elected to the post, to Salii's surprise and dismay.

Since then, Salii has used a needle when effective and a baseball bat when necessary to keep the administration aware throughout the session that Micronesians, if they don't yet know what they want, at least reserve the right to say no to what they don't want.

Amata Kabua is another enigma. Exhorting the virtues of democracy, the rights of the people, he is one of the highest ranking of the royal Iroij and sternly defends the traditional Marshallese system of land ownership, one of the least democratic systems ever invented. And while he indignantly denounces the Trust Territory government for failing to develop the economy of the islands, he has, from time to time accepted government aid in rescuing his business interests from financial ruin.

Soft spoken and calm, he wields an obvious influence over three of the four Marshallese in the House. And he is a power to be reckoned with in the Senate where he serves as floor leader.

Tradition's most important representative in the Congress is Truk's Chief Petrus Mailo, mayor of Moen, president of the Truk Trading Company. He is vice-speaker of the House of Representatives and the only member of the Congress who uses an interpreter. He sits sometimes for days, patiently listening to the proceedings (legend insists that he understands most English when he hears it, even if he doesn't speak it), grunting occasionally to signal to his aide that he needs a translation.

When he decides to speak on an issue, the entire house listens intently. The guttural Trukese comes rumbling forth from his lips. Then calmly, never blinking, he waits while the English version is presented. Then the rumble begins again.

Chief Petrus does not really want to be in the Congress. At his age, it is an exhausting six weeks work, and with his language handicap, it must be rather frustrating at times. The fact that in spite of this he is in the Congress and is probably the strongest vote of confidence the concept of a united Micronesia could receive.

In 1966, Chief Petrus insisted that he was going to concentrate on running Moen and the trading company—he would not be a candidate for Congress. Trukese colleagues in Congress were alarmed. If Chief Petrus didn't run for re-election after serving in the Congress for its first two years, they were afraid the Congress would lose status in the eyes of the people of Truk. "Chief Petrus went to Saipan for two sessions," people would say, "and he decided this Congress of Micronesia isn't really worth the trouble." It took the others a long time to persuade Chief Petrus that his continued participation was essential to the reputation of the Congress in Truk, but just before the deadline for filing of candidacy, he relented and was, of course, almost unanimously reelected.

If Chief Petrus' belief in the Congress of Micronesia is an important tribute to its ideals, so is Olympio Borja's—on a very different plane.

Borja represents the Marianas in the Senate and like his slightly schizophrenic constituency, he is a study in contradictions. Warm and loquacious, he looks more like an Italian restaurateur than an island politician. He is, on one hand, Chamorro, involved in the identity search of his people, looking toward Guam for leadership and inspiration, totally committed to a future connection with the United States.

And on the other hand, he is a Micronesian, exposed these four years to the dreams of Amata Kabua and Bailey Olter and Lazarus Salii. He is too intelligent to accept the traditional Chamorro view of the people from the Carolines and Marshalls as primitive savages. He sees the follies of his people, but they are his people after all, and he knows their capabilities, and how history has complicated life for them.

And so he defends against the sarcasm of his fellow senators his resolution asking that Micronesians be allowed to enlist in the U.S. military. And he goes to Japan with some of Saipan's outspoken leaders to ask for aid after Typhoon Jean. And he faces another election knowing that "Reunification with Guam" may very well be the cry of the winner this year in the Marianas, but unable to believe in it after four years in the heady atmosphere of the Congress of Micronesia. And his fellow senators sigh wearily when he begins one of his interminable speeches. But they elected him to represent them next year at the United Nations.

The faces, the personalities in the congress of dissent are varied. There are the hard workers. In the House they include Speaker Bethwel Henry, quiet, thoughtful, the politest of all considerate Ponapeans, his sense of humor easing occasional difficult moments; Ponape's prodigy, Floor Leader Ambilos Iehsi, inevitable cigarette clenched firmly in his teeth, energetically keeping the proceedings in motion; Luke Tman, the handsome Japanese-Palauan adopted by a Yapese clan, worried about his position as a congressman and as a headquarters official and about the conflicts of interest inherent in his heritage; Benjamin Manglona, young and sincere, struggling to represent an anomaly known as Rota which, having once been a district cannot accept sub-district status; and Joab Sigrah of Kusaie, quietly pleading for some attention to the problems of his long-neglected island. There are the Trukese—tough, stocky Raymond Setik, kept out of Congress this year after an automobile accident (it is interesting to wonder how Bailey Olter's scholarship bill would have fared had Setik been chairing the House Appropriations Committee throughout the session); cheerful Chutomu Nimwes, the "giant Micronesian" who will represent the House at the United Nations next year; Mitaro Danis trying to straighten out Micronesia's tangled land problems; Soukichy Fritz, studying for hours the technical language in the small bills many others would prefer to ignore. And Palau's Jacob Sawaichi, looking pleasantly inscrutable and absolutely immoveable.

And there were the loud ones. Ponape's Daro Weital, sophisticated, pouncing upon opportunities to use his gift of rhetoric: Ekpap Silk, anxious in his role as representative of the Marshall's anti-Kabua faction: Manuel Muna of Saipan and Polycarp Basilius of Palau, frequently the petulant voices of regionalism, redeemed by flashes of humor.

The Senate, too, had its loud dissidents, led this year by Ponape's Dr. Hirosi Ismael (see interview, page 3) who saw another side to almost every question and brought it forcefully to light. The conscientious Trukese in the House had their counterpart in Andon Amaraich in the Senate. Amaraich seems always serious, reflecting the careful conservatism of his constituents, a quiet voice of reason when debates get overheated. A certain air of solemnity also characterized the front of the chamber where Palau's John Ngiraked presided, taking his responsibilities very seriously, grave in his comments, careful in his parliamentary rulings, an almost conservative contrast to Palau's other senator, David Ramarui who is more aggressive, sometimes demanding.

And then there is Yap's Senator Franc Nuuan known for his antics on the floor of the Senate. He is a traditional Yapese, he is a modern businessman; he can be charming and open, he can be almost orientally inscrutable.

"Whenever a resolution is referred to my committee," he confided one night at the Royal Taga bar, "I go through it and take out all those clauses that begin 'whereas.' We have too much to do in thirty days. We don't have time for the whereases."

Nuuan has always been a dedicated opponent of minor resolutions, maintaining that while the Congress' power to legislate is limited, it has unlimited power to communicate through resolutions. But, he says, the power of resolutions can be easily diluted, if too many of them are adopted.

"What do we need the whereases for, anyway?" he asked. "If it is a good resolution, it doesn't need much justification. You can say: Resolved that Kusaie should have an airstrip because it has four thousand people and doesn't have an airstrip. Why do you need whereases about jutting peaks and glimmering bays? And if it is a stupid resolution, all those whereases only make it stupider."

During a discussion in the Senate one morning on a commendatory resolution, Nuuan asked, "Mr. President, may I be permitted to speak some nonsense?" The senators good-naturedly allowed him to continue. "Mr. President, we have too much to do in 30 days," Nuuan said. "I therefore move that next year, in the fifth session, we don't have any resolutions."

In a stage whisper, he said to his sometime partner in clowning, Dr. Lanwi, "You second it."

Lanwi grinned. "No, I'm sorry. Nonsense I don't second."

And then during the last days of the session, it was Nuuan who pushed for quick adoption of a resolution that would have asked President Johnson to establish in his office an advisor on Micronesia. Texas Millionaire Fred Cox had come to Saipan and suggested the resolution. Some of the senators were dubious and speculated that Fox had his eye on the appointment if the job was created.

"My colleagues have suspicious minds," said Nuuan, preparing another wad of betel nut, pepper leaf and powdered lime and smiling blandly as the Senate decided to refer the resolution to the Political Status Commission.

And American observers puzzled over Nuuan's interest in the resolution, just as they puzzled all summer over the statements, the contradictions, the actions and the decisions of the congress of dissent, the voices of a new democracy.

HUMAN RIGHTS: THE PASSING OF THE HUMAN RIGHTS YEAR

Mr. PROXMIRE. Mr. President, 1968 was the International Year for Human Rights. In this year, as in the preceding 18 years, the U.S. Senate has failed to ratify the human rights conventions, although even the President in that period has urged the Senate to do so.

Mr. President, I call the attention of the Senate to a letter which appeared in the December 29 issue of the New York Times. It was written by Mr. Bruno V. Bitker, a member of the President's Committee for the Observance of the Human Rights Year. Mr. Bitko calls attention to a recent statement by President Nixon.

Mr. President, I ask unanimous consent that this letter be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 29, 1968]

HUMAN RIGHTS TREATIES

To the EDITOR: Your editorial of Dec. 15 "Negligence on Human Rights" was a forceful reminder that at the end of International Year for Human Rights the United States remains a laggard in failing to ratify human rights treaties.

It is almost unbelievable that in the very year we celebrate the twentieth anniversary of the Universal Declaration of Human Rights we have neglected to remove the twenty-year-old Genocide Treaty from the deep freeze where it was stored many years ago by the Senate Foreign Relations Committee. Commenting on that committee's position, Chairman Fulbright wrote that "there appears to be no reason why these treaties should not receive further study. As you know, any treaty tabled can be taken off the table at a later date." That time is now. There are hopeful signs, too, that the American Bar Association may take a more forward-looking position in this regard.

On United Nations Day President-elect Richard M. Nixon sent a message to the President's Commission for the Observance of Human Rights Year. He said: "The struggles that divide the world today center on questions of human rights. It is America's role and responsibility, as the brightest beacon of freedom, so to conduct itself as to provide an example that will truly light the world."

This is the philosophical basis for our ratifying these treaties. It would help restore America's position as a world leader in this field if Mr. Nixon will call for promptly putting these concepts into treaty form.

BRUNO V. BITKER,
Member, the President's Committee for the Observance of Human Rights Year 1968.

WASHINGTON, *December 17, 1968.*

Mr. PROXMIRE. Mr. President, once again I call on the Foreign Relations Committee to report these treaties to the Senate, some of which, as I have said, have been pending since 1949.

APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair, pursuant to 67 Statutes 328 and 70 Statutes 966, appoints the Senator from Oklahoma (Mr. BELLMON) to the Senate Office Building Commission, in lieu of the Senator from Kentucky, Mr. Morton, retired.

The Chair, pursuant to the provisions of 42 United States Code 2251, appoints the Senator from New Hampshire (Mr. COTTON) to the Joint Committee on Atomic Energy, in lieu of the Senator from Iowa, Mr. Hickenlooper, retired.

The Chair, in accordance with Senate Resolution 281 of the 90th Congress, appoints the Senator from Rhode Island (Mr. PELL) to the Select Committee To Study the Unmet Basic Needs Among the People of the United States, in lieu of the Senator from Wisconsin (Mr. NELSON), resigned.

REPORT OF COMPTROLLER GENERAL

The PRESIDING OFFICER (Mr. GRAVEL in the chair) laid before the Senate a letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on compilation of General Accounting Office findings and recommendations for improving government operations, fiscal year 1968 which, with an accompanying report was referred to the Committee on Government Operations.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Elliot L. Richardson, of Massachusetts, to be Under Secretary of State; and

Richard F. Pedersen, of California, to be Counselor of the Department of State.

By Mr. HOLLAND (for Mr. ELLENDER), from the Committee on Agriculture and Forestry:

J. Phil Campbell, of Georgia, and Clarence D. Palmby, of Virginia, to be members of the Board of Directors of the Commodity Credit Corporation.

By Mr. LONG from the Committee on Finance:

Charls E. Walker, of Connecticut, to be Under Secretary of the Treasury; and

Paul A. Volcker, of New Jersey, to be Under Secretary of the Treasury for Monetary Affairs.

Mr. THURMOND. Mr. President, from the Committee on Armed Services I report favorably the nominations of 129 flag and general officers in the Army, Navy, and Air Force. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered placed on the Executive Calendar, are as follows:

Col. William Henry Moncrief, Jr., Army of the United States (lieutenant colonel, Medical Corps, U.S. Army), and Col. Thomas Joseph Whelan, Jr., Army of the United States (lieutenant colonel, Medical Corps, U.S. Army) for temporary appointment in the Army of the United States in the grade of brigadier general;

Vice Adm. Rufus L. Taylor, U.S. Navy, for appointment to the grade of vice admiral on the retired list;

Rear Adm. George M. Davis, Jr., Medical Corps, U.S. Navy, for appointment as Chief of the Bureau of Medicine and Surgery;

Vice Adm., Robert B. Brown, Medical Corps, U.S. Navy, for appointment to the grade of vice admiral on the retired list;

Vice Adm. George G. Burkley, Medical Corps, U.S. Navy (retired), for permanent appointment to the grade of vice admiral on the retired list;

Rear Adm. William P. Mack, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Gen. Robert William Porter, Jr., Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general;

Lt. Gen. George Robinson Mather, Army of the United States (major general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President, in the grade of general while so serving;

Maj. Gen. Chester Lee Johnson, Army of the United States (brigadier general, U.S. Army), and sundry other officers, for appointment in the Regular Army of the United States in the rank of major general;

Maj. Gen. Paul T. Cooper, U.S. Air Force.

(brigadier general, Regular Air Force), and sundry other officers, for appointment in the Regular Air Force, in the grade of major general;

Brig. Gen. Robert L. Cardenas, U.S. Air Force, (Colonel, Regular Air Force), and sundry other officers, for appointment in the Regular Air Force, in the grade of brigadier general;

Brig. Gen. Anthony T. Shtogren, Regular Air Force, and sundry other officers, to temporary appointment in the U.S. Air Force, in the grade of major general;

Gen. Theodore William Parker, Army of the United States (major general, U.S. Army), to be placed on the retired list the grade of general; and

Lt. Gen. Joseph R. Holzapple (major general, Regular Air Force), U.S. Air Force, to be assigned to positions of importance and responsibility designated by the President in the grade of general.

Mr. THURMOND. Mr. President, in addition, I report favorably 1,118 appointments in the Army in grade of major and below, 647 appointments in the Air Force in grade of major and below, and 7,287 promotions in the Navy in grade of captain and below. Since these names have already been printed in the Congressional Record, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations ordered to lie on the desk are as follows:

Daniel H. Spoor, and sundry other persons, for appointment in the Regular Air Force;

Edward F. Abbey, and sundry other officers, for appointment in the Regular Air Force;

William W. Bancroft, Jr., and sundry other distinguished graduates of the Air Force officer training school, for appointment in the Regular Air Force;

Joseph P. Madden, and sundry other persons, for appointment in the Regular Army;

Bernard L. Stewart, and sundry other persons, for appointment in the Regular Army of the United States;

Denis F. Ausflug, and sundry other distinguished military students, for appointment in the Regular Army of the United States;

Robert D. Galloway, scholarship student, for appointment in the Regular Army of the United States;

John P. Abbott, and sundry other cadets, U.S. Military Academy, for appointment in the Regular Army of the United States; and

William B. Anderson, and sundry other officers, for promotion in the U.S. Navy.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. ELLENDER (by request):

S. 568. A bill to repeal certain acts relating to exportation of tobacco plants and seed, naval stores; and wool; to the Committee on Agriculture and Forestry.

By Mr. TOWER:

S. 569. A bill for the relief of Peder Monsen; and

S. 570. A bill for the relief of Valerie I. Bloom; to the Committee on the Judiciary.

By Mr. HOLLAND:

S. 571. A bill for the relief of Dr. Diego Aguilar Aranda;

S. 572. A bill for the relief of Dr. Cesar Baro Esteva; and

S. 573. A bill for the relief of Dr. Jose R. Guerra; to the Committee on the Judiciary.

By Mr. JACKSON (by request):

S. 574. A bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Jackson when he introduced the above bill, which appear under a separate heading.)

By Mr. JACKSON (for himself and Mr. Hansen) (by request):

S. 575. A bill to amend authority of the Secretary of the Interior under the act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Jackson when he introduced the above bill, which appear under a separate heading.)

By Mr. JAVITS (for himself and Mr. Goodell):

S. 576. A bill to amend the Public Health Service Act to extend for 1 additional year the authorization of project grants for rat control; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Javits when he introduced the above bill, which appear under a separate heading.)

By Mr. RANDOLPH:

S. 577. A bill for the relief of Nenita L. Laguna; to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 578. A bill to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations; to the Committee on Post Office and Civil Service.

By Mr. McINTYRE:

S. 579. A bill for the relief of Dr. Farzin Davachi; to the Committee on the Judiciary.

By Mr. YARBOROUGH:

S. 580. A bill to authorize the Secretary of the Interior to provide for rehabilitation of the distribution system, Red Bluff project, Texas; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Yarborough when he introduced the above bill, which appear under a separate heading.)

By Mr. MOSS:

S. 581. A bill to amend the Mineral Leasing Act of February 25, 1920, as amended; and

S. 582. A bill to amend the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920 (41 Stat. 437; 30 U.S.C. 181); to the Committee on Interior and Insular Affairs.

By Mr. MOSS (for himself, Mr. Bayh, Mr. Bennett, Mr. Bible, Mr. Burdick, Mr. Cannon, Mr. Case, Mr. Cooper, Mr. Curtis, Mr. Dodd, Mr. Eastland, Mr. Ervin, Mr. Goldwater, Mr. Gore, Mr. Harris, Mr. Hart, Mr. Hruska, Mr. Hughes, Mr. Inouye, Mr. Javits, Mr. Magnuson, Mr. McGee, Mr. Metcalf, Mr. Mondale, Mr. Montoya, Mr. Muskie, Mr. Pearson, Mr. Pell, Mr. Prouty, Mr. Randolph, Mr. Stevens, Mr. Talmadge, Mr. Tydings, Mr. Williams of New Jersey, Mr. Yarborough, and Mr. Young of Ohio):

S. 583. A bill to provide for the flying of the American flag over the remains of the United States ship *Utah* in honor of the heroic men who were entombed in her hull on December 7, 1941; to the Committee on Armed Services.

(See the remarks of Mr. Moss when he introduced the above bill, which appear under a separate heading.)

By Mr. RANDOLPH:

S. 584. A bill for the relief of Dominto Lamadriz; to the Committee on the Judiciary.

By Mr. FANNIN (for himself and Mr. Goldwater):

S. 585. A bill to provide for the appointment of an additional district judge for the District of Arizona; to the Committee on the Judiciary.

(See the remarks of Mr. Fannin when he introduced the above bill, which appear under a separate heading.)

By Mr. TALMADGE:

S. 586. A bill for the relief of Nguyen Van Hue; to the Committee on the Judiciary.

By Mr. METCALF:

S. 587. A bill to allow the Sierra Club to retain its status as a tax-exempt organization until its right to this status has been adjudicated; to the Committee on Finance.

By Mr. MUNDT:

S. 588. A bill to give farmers an additional month in which to meet the requirement of filing a declaration of estimated tax by filing an income tax return for the taxable year for which the declaration is required; to the Committee on Finance.

By Mr. TYDINGS:

S. 589. A bill for the relief of Dr. Tze Duen Chan, his wife, Shen Fen Chan, and minor daughter, Karen Chan;

S. 590. A bill for the relief of Dr. Palem S. Rao, his wife, and their two minor children;

S. 591. A bill for the relief of Guiseppe Carlo Loproto;

S. 592. A bill for the relief of Mario Simoes Da Foneca;

S. 593. A bill for the relief of Ivonna Napolitano;

S. 594. A bill for the relief of Alisa Ramati;

S. 595. A bill for the relief of Dr. Joseph J. Jeffries;

S. 596. A bill for the relief of Dr. Emmanuel Mendoza Maniago;

S. 597. A bill for the relief of Dr. Parviz Sahandy;

S. 598. A bill for the relief of Dr. Robert H. R. Haslam;

S. 599. A bill for the relief of Azucena de Borja;

S. 600. A bill for the relief of Myung Hi Kim;

S. 601. A bill for the relief of Fermina Marinas; and

S. 602. A bill for the relief of Ruggero Curzi, his wife, Maria Curzi, and their three children, Oscar Curzi, Fabio Curzi, and Loredana Curzi; to the Committee on the Judiciary.

By Mr. NELSON:

S. 603. A bill for the relief of Mr. Olusegun Adewale Oduko; and

S. 604. A bill for the relief of Mrs. Priscilla Jordan and Mrs. Nandipha Jordan Henderson; to the Committee on the Judiciary.

By Mr. DOMINICK (for himself, Mr. Allott, Mr. Hansen, Mr. Bennett, Mr. Fannin, Mr. Goldwater, Mr. Hatfield, Mr. McGee, Mr. Murphy, and Mr. Packwood):

S. 605. A bill for the relief of certain individuals; to the Committee on the Judiciary.

By Mr. MUNDT:

S. 606. A bill to declare that certain federally owned land is held by the United States in trust for the Cheyenne River Sioux Tribe of the Cheyenne River Indian Reservation; to the Committee on Interior and Insular Affairs.

By Mr. SCOTT:

S.J. Res. 25. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of the President and Vice President; to the Committee on the Judiciary.

(See the remarks of Mr. Scott when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. JACKSON:

S.J. Res. 26. Joint resolution to provide for the development of the Eisenhower National Historic Site at Gettysburg, Pa., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GOLDWATER:

S.J. Res. 27. Joint resolution to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations; to the Committee on Commerce.

By Mr. GOLDWATER (for himself, Mr. Aiken, Mr. Allott, Mr. Anderson, Mr. Bayh, Mr. Bible, Mr. Burdick, Mr. Cotton, Mr. Cranston, Mr. Curtis, Mr. Dodd, Mr. Dole, Mr. Eagleton, Mr. Ellender, Mr. Ervin, Mr. Fannin, Mr. Fong, Mr. Gravel, Mr. Harris, Mr. Hartke, Mr. Hatfield, Mr. Hollings, Mr. Holland, Mr. Hruska, Mr. Hughes, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Jordan of North Carolina, Mr. Long, Mr. Magnuson, Mr. Mansfield, Mr. Mathias, Mr. McCarthy, Mr. McClellan, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Miller, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Packwood, Mr. Pearson, Mr. Pell, Mr. Prouty, Mr. Randolph, Mr. Ribicoff, Mr. Saxbe, Mr. Scott, Mrs. Smith, Mr. Sparkman, Mr. Spong, Mr. Stevens, Mr. Symington, Mr. Talmadge, Mr. Thurmond, Mr. Tower, Mr. Tydings, Mr. Yarborough, Mr. Young of North Dakota and Mr. Young of Ohio):

S.J. Res. 28. Joint resolution providing for renaming the Central Arizona Project as the Carl Hayden Project; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Goldwater when he introduced the above resolution, which appear under a separate heading.)

S. 574—INTRODUCTION OF BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ENGAGE IN FEASIBILITY INVESTIGATIONS OF CERTAIN WATER RESOURCE DEVELOPMENTS

Mr. JACKSON. Mr. President, I introduce, for appropriate reference, a bill which has been recommended by the Department of the Interior to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments.

I ask unanimous consent that the executive communication, including the text of the bill, and an explanation of its provisions be set forth at this point in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, letter, and explanation will be printed in the Record.

The bill (S. 574) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments, introduced by Mr. Jackson, by request, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to engage in feasibility studies of the following proposals:

1. Missouri River Basin project, Oregon Trail division, Corn Creek unit, in south-central Goshen County, in the vicinity of Hawk Springs, Wyoming;
2. Missouri River Basin project, Longs Peak division, Front Range unit, in Cache la Poudre River and St. Vrain Creek basins and adjacent areas in the general vicinity of Boulder, Colorado;
3. Missouri River Basin project, Upper Republican division, Armel unit, on the South Fork of the Republican River in the vicinity of Hale, Colorado.

The letter and explanation presented by Mr. Jackson are as follows:

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C., January 18, 1969.

Hon. Hubert H. Humphrey,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed is a draft of a proposed bill "To authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments." Authorization of feasibility studies as proposed by this bill is required by section 8 of the Federal Water Project Recreation Act of July 9, 1965 (79 Stat. 217; 16 U.S.C. 4601–19).

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The bill would authorize the Secretary of the Interior to engage in feasibility studies of three potential reclamation projects. Completed reconnaissance studies for each of the developments indicate that they are economically desirable, financially justified, and enjoy good local support. Feasibility studies are warranted. The Department proposes to undertake those studies as soon as the study authorization is available and the work can be fitted into the Bureau of Reclamation's planning program.

Supplementary statements of information of the three projects and justification for seeking feasibility study authority are enclosed.

The effects of the potential projects on water quality, recreation, fish and wildlife, historic, scenic, archeologic and aesthetic values will be considered fully in the feasibility studies authorized.

The Bureau of the Budget has advised, by letter of January 15, 1969, that this proposed legislation is in accord with the Administration's program.

Sincerely yours,

Harry R. Anderson,
Assistant Secretary of the Interior.

Enclosures:

Missouri River Basin Project, Oregon Trail Division, Corn Creek Unit, Wyoming

Location: In south-central Goshen County in the vicinity of Hawk Springs, Wyoming.

Project Data: (Grayrocks Unit Reconnaissance Report, April 1965).

Total estimated cost	$17,838,000
Adjustments[1]	73,000
Total to be allocated	17,911,000
Allocations Irrigation, 20.505 acres	17,911,000

[1] Future year capacity provisions $48,000 and transitional development $25,000.

Benefit-cost ratio: 1.17 to 1.0.

Description: The principal features of this Unit would be the Corn Creek Dam and Reservoir, a diversion dam and a system of pumping plants, canals, and laterals. The Unit would provide a full water supply for 11,000 acres of land and supplemental water for 9,505 acres now being irrigated but receiving an entirely inadequate supply. The plan also involves rehabilitation of some existing facilities.

Status: A reconnaissance report was completed in April 1965 which indicated that, while the Unit was somewhat marginal, this development is needed to bolster an economically-depressed farming area and that detailed studies to firm up the plan and evaluate fully the economic justification for the development are justified. There is also a possibility the Glendo inundated water rights can be used as a source of water for this Unit. This would improve the economic feasibility of the development and will be considered in more detail in the feasibility study.

Justification: The primary problem of this agricultural area is uncertainty of precipitation. The precipitation pattern is cyclical with frequent drought that results in depletion of the livestock-carrying capacities of the ranges. The nature of the watersheds and insufficient storage capacities of existing reservoirs too often result in low water yield for irrigation. For example, the three existing irrigation districts have combined facilities for storing 25,265 acre-feet of water from Horse Creek and Bean Creek. This storage provided an estimated average of 0.56 acre-feet of water per acre at the farm headgates over the critical 1952–1962 period. This is far short of quantities needed for irrigated farming operations. The resultant reduction in agricultural income has had an adverse effect upon the farmers and other landowners. The nearby town of Torrington and other small towns in the area that are almost entirely dependent upon the prosperity of agriculture have also suffered as a result.

Local Interest: This investigation is strongly supported by the local people and the State of Wyoming. The local interests have formed the Corn Creek Reservoir Association which is supporting the project actively. Members of the association consist of representatives of the three private irrigation districts in the Corn Creek area and Goshen Irrigation District and new landowners. Petitions have been obtained which show that 90 percent of the owners of presently-irrigated land and 94 percent of owners of the new land area are highly in favor of proceeding with the feasibility study. Filings have been made with the State Engineer for storage water rights in Corn Creek Reservoir.

Missouri River Basin Project, Longs Peak Division, Front Range Unit, Colorado

Location: In the Cache la Poudre River and St. Vrain Creek basins and adjacent areas in the general vicinity of Boulder, Colorado.

Project Data: (Reconnaissance data of 1966 for Cache la Poudre area and 1967 for St. Vrain area).

	St. Vrain area	Cache la Poudre area
Total estimated costs	$42,990,000	$27,980,000
Adjustments	[1] 2,586,000	[1] 1,661,000
Total to be allocated	45,576,000	29,641,000
Allocations:		
Municipal and industrial water	39,136,000	25,136,000
Flood control, fish and wildlife and recreation	6,440,000	4,505,000
Total	45,576,000	29,641,000
Average annual yield, acre-feet	36,000	21,000
Average annual cost per acre-foot[2]	$46	$52

[1] Interest during construction.
[2] At reservoir.

Description: This project would develop the water resource potential of the Cache la Poudre River and St. Vrain Creek basins and adjacent areas to provide municipal and industrial water for the cities of Boulder, Estes Park, Fort Collins, Longmont, Loveland, and other communities located along the front range of the east slope of the Rocky Mountains. On the basis of reconnaissance findings, the plan under consideration would involve a multipurpose dam and reservoir on the South Park of the St. Vrain Creek at the Coffintop site just above the town of Lyons and enlargement of the existing Union Reservoir on St. Vrain Creek. It also would require construction of a multipurpose dam and reservoir on the Cache la Poudre River at the Idywilde site about 45 miles northwest of Fort Collins, Colorado. Both reservoirs would provide substantial flood control, recreation, and fish and wildlife enhancement benefits. Alternative reservoir sites would be evaluated in more detail and consideration would be given to the possible integration with the existing Colorado-Big Thompson project which serves this same general area.

Status: Completed reconnaissance studies of both the St. Vrain area and the Cache la Poudre area indicate that, on the basis of available data, municipal and industrial water can be made available at less cost to the cities than some of the developments now being undertaken by the cities themselves and that detailed studies are justified. Because of the common service area, both developments should be studied concurrently.

Justification: During the 20 years between 1940 and 1960, urban population more than doubled in principal towns and cities situated on the high plains adjacent to the Front Range on the eastern slope of Colorado. Since the 1960 census, estimates have indicated similar population increases with an even greater rate of increase in some areas. These rapid population gains have placed increasing demands on water for municipal and industrial use and will exert still greater demands in the future. Reconnaissance studies show that, in order to meet the projected future municipal needs of the cities of Boulder, Estes Park, Fort Collins, Longmont, and Loveland, all feasible potential means of augmenting their present water supplies will have to be developed. Indications are that supplemental water will be needed from outside the South Platte River Basin to meet demands by 1995. Because of the physical and legal problems involved in attaining full development, feasibility studies shoud be initiated as early as possible to determine the most economic and desirable order of development for keeping pace with the water needs of the Front Range communities.

Local Interest: Meetings with consulting engineers and representatives of the interested communities have indicated that the costs for water supplies which the communities are currently developing are greater in some cases than those proposed in Bureau of Reclamation plans. For this reason, the various communities along the Front Range, including Boulder, Estes Park, Fort Collins, Greeley, Longmont, and Loveland have united in urging the Bureau to continue the studies of full utilization of east slope water sources. The Colorado Water Conservation Board has indicated interest in the Bureau undertaking the study. The cities and the State of Colorado contributed $15,000 to expedite a reconnaissance study of the St. Vrain unit.

Missouri River Basin Project, Upper Republican Division, Armel Unit, Colorado

Location: On the south Fork on the Republican River in Yuma County in the vicinity of Hale, Colorado.

Project Data: (Definite Plan Report of 1954 revised to reflect current prices and benefits).

Total estimated cost [1]	$19,411,000
Adjustments	----------
Total to be allocated [1]	19,411,000
Allocations:	
Irrigation—7,750 acres	6,411,000
Flood control	10,215,000
Fish and wildlife	968,000
Recreation	1,817,000
Total	19,411,000

[1] Includes costs $13,303,600 associated with existing Bonny Dam and Reservoir.

Benefits cost ratio: 1.50 to 1.0.

Description: The unit includes the existing Bonny Dam and Reservoir and would provide for the construction of the Armel Canal and Pumping Plant to lift and supply irrigation water to tablelands north and east of the dam, and a distribution system of laterals and drains. Approximately 7,000 acres of land in the Armel area would be furnished a water supply for irrigation. The 750 acres of irrigated lands under the Hale Ditch would continue to be furnished a regulated water supply.

Status: The St. Francis unit was authorized by the Flood Control Act of 1944. Bonny Dam and Reservoir were constructed in advance of the finalization of irrigation plans as an emergency flood control measure. Construction was completed in 1951. A definite plan report relating to the irrigation features of the unit was completed in April 1954. Construction of the irrigation facilities was deferred because of a lack of interest in irrigation. Recently the farmers in the Armel area have indicated strong support for proceeding with the irrigation development as soon as possible. Passage of Public Law 88–442 required that all units of the Missouri River Basin not under construction as of the date of that Act be reauthorized by Congress. Therefore, feasibility study authorization is needed to bring the plans up to date and prepare a report for congressional consideration of construction authorization.

Justification: The unit is located in a predominantly agricultural area. Although dryland farming produces abundantly with adequate moisture, intermittent droughts and poor distribution of rainfall have impaired the agricultural economy and resulted in economic instability and insecurity. The lack of rainfall in recent years has been especially destructive to farm operations. Use of the available water supply in Bonny Reservoir would permit diversification of farm operations and balanced livestock programs and encourage the adoption of recommended soil conservation and farm management practices. Through irrigation, the local economy would be stabilized at a higher and more rewarding level.

Local Interest: Development of ground water and changing agricultural economics of Yuma County, Colorado, in the past few years have stimulated a growing interest in irrigation. Farmers in the Armel area invited Bureau officials to attend meetings for the purpose of obtaining information on the steps that would need to be taken to form an irrigation district. An eight-man steering committee has been formed to represent the group in promotion of the project. Local interest is so strong that there are more landowners interested in irrigation than there is water supply. The Colorado Water Conservation Board has also indicated its strong support for feasibility studies on the unit.

S. 575—INTRODUCTION OF BILL TO ENCOURAGE TRAVEL IN THE UNITED STATES

Mr. JACKSON. Mr. President, I introduce, for appropriate reference, a bill which has been recommended by the Department of the Interior to amend authority of the Secretary of the Interior under the act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes.

I ask unanimous consent that the executive communication explaining the provisions of this proposed legislation be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 575) to amend authority of the Secretary of the Interior under the act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes, introduced by Mr. JACKSON (for himself and Mr. HANSEN), by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter presented by Mr. JACKSON is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., January 16, 1969.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill, "To amend authority of the Secretary of the Interior under the Act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes."

We recommend that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The Act of July 19, 1940, authorizes the Secretary of the Interior, through the National Park Service, to encourage, promote, and develop travel within the United States. It authorizes the annual appropriation of not more than $100,000 to carry out the purposes of the Act: "To encourage, promote, and develop travel within the United States, its Territories and possessions, providing such activities do not compete with the activities of private agencies; and to administer all existing travel promotion functions of the Department of the Interior through such Service."

The enclosed bill would provide appropriation authorization for such sums as may be required.

The 1940 Travel Act was a culmination of the travel promotion activities of the National Park Service, which began with its establishment in 1916. Funds were appropriated for travel activities in 1942 and 1943, and after being interrupted by World War II, in fiscal years 1948, 1949, and 1950, before being again interrupted by hostilities in Korea, and the necessity for reduced appropriations as a result thereof. With the launching of the Discover America program, at Vice President Humphrey's request, the National Park Service developed a travel information program for Washington as a model city program.

In January 1968, President Johnson's Industry-Government Special Task Force on Travel strongly recommended the National Park Service exercise its general authority under the 1940 Act as a means of achieving a truly national domestic travel promotion program. To accomplish this, the Service reprogramed $30,000 in fiscal year 1968 and $100,000 in the present fiscal year, establishing a Division of Tourism to direct the program.

The Secretary of the Interior has assigned leadership and coordination responsibilities for the Department's tourist development to the Assistant Secretary for Fish and Wildlife and Parks, and Marine Resources and has established within the National Park Service an Assistant Director for Travel and Information Service. The National Park Service can be particularly effective in the field of travel promotion. The national parks, monuments, historic sites, and recreation areas serve to "generate" travel and tourism, and this activity inevitably involves adjacent areas, sites, facilities, cities and other recreation areas. The program has great economic importance to domestic travel and to travel to the United States from foreign countries. But, such a program can also contribute understanding, appreciating, and perpetuating our Nation's cultural and natural heritage.

It is increasingly evident, however, that the existing ceiling of $100,000 prevents the carrying out of a promotion program of sufficient scope to meet the national needs of today. Within the National Park System alone, there were but 16,000,000 visits in 1940, against 140,000,000 in 1967. In 1967 over 112 million visits were recorded on lands administered by other bureaus and offices of the Department of the Interior. The Bureaus of Land Management, Indian Affairs, Outdoor Recreation, Sport Fisheries and Wildlife, and Reclamation, and the Office of Territories are all deeply involved in tourism. A countrywide travel promotion program reflecting all of the Department's interests cannot be effectively developed within the existing ceiling. The President's 1970 budget provides $225,000 for this program. Subject to fiscal constraints, larger amounts would be requested in future years to fully implement the program.

Development of a national program would require a professional and expanded approach to marketing and advertising as well as education and information. Full use would be made of modern means of communication: publications, traveling exhibits, films, posters, and the use of radio and television. While the National Park Service would cooperate with the United States Travel Service and develop materials and programs in multilanguages to encourage and support foreign visitors, the National Park Service program would be restricted to within the United States, and not overlap the overseas activities of the Travel Service. The National Park Service would consult with the United States Travel Service to insure full coordination of the two programs and to avoid duplication of effort. Even on the expanded scale, the projected program would be only a catalyst, insofar as the private travel sector is concerned, and would in no way compete with private agencies.

By letter dated January 16, 1969, the Bureau of the Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely yours,

Max N. Edwards,
Assistant Secretary of the Interior.

S. 576—INTRODUCTION OF BILL RELATING TO EXTENSION OF RAT CONTROL PROGRAM

Mr. JAVITS. Mr. President, I introduce for myself and the Senator from New York (Mr. Goodell), a bill to authorize $20 million for rat control programs in fiscal year 1970. This measure extends the rat control programs instituted under the Partnership for Health Amendments of 1967, Public Law 90–174.

In September of 1967, the House of Representatives, in considering the Partnership for Health Amendments of 1967, added $20 million for each of fiscal year 1968 and fiscal year 1969 to the authorization for State project grants for the purpose of rat control. However, this additional sum was not added for fiscal year 1970, the final year of authorization in this law. I am therefore introducing for myself and my colleague from New York, Senator Goodell, a measure to correct this situation, increasing from $80 million to $100 million the authorization for Project Grants for Health Services Development under the Partnership for Health Act, with the understanding, as in 1967, that this increased sum will be used for rat control.

In the light of the estimated $1 billion damage annually incurred by rats in the United States, this $20 million additional authorization is a prudent investment. It is a modest proportion of the more than $3 billion spent annually to dispose of the millions of tons of garbage and trash which harbor rats.

Rats are both an urban and rural problem. While thought of widely as a problem principally affecting the slum dweller, recent press reports of a large colony of rats infesting an exclusive block of Park Avenue in New York City bring home the realization that the rat problem belongs to us all. As one citizen was quoted as saying:

> The idea of rats crawling around on children in the ghetto really hits home when you see them on Park Avenue.

There are 10 rodent-associated diseases carried by rats, of which the plague is the best known. Fortunately, all these afflictions are presently under control. However, rat bite, a problem associated primarily with heavy urbanization, continues to take a tragic toll, both recorded and unrecorded, in slum areas, especially among infants and young children. The poor who are obliged to live in rat-infested areas are perhaps the most seriously concerned for, as the National Commission on Civil Disorders pointed out in a memorandum to me, sanitation in the slums is a question uppermost in the minds of the urban poor.

It is my intention that the Committee on Labor and Public Welfare give prompt consideration to this legislation so that it might be enacted into law prior to congressional approval of the 1970 budget.

Mr. President, I do not wish to sound severe, but the subject of rats has turned out to be no laughing matter, either here or in the other body.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 576) to amend the Public Health Service Act to extend for one additional year the authorization of project grants for rat control, introduced by Mr. Javits (for himself and Mr. Goodell), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 580—INTRODUCTION OF BILL FOR REHABILITATION OF THE RED BLUFF, TEX., IRRIGATION PROJECT

Mr. YARBOROUGH. Mr. President, today I am introducing a bill designed to restore the economic stability and productivity in a significant area of my home State by rehabilitating the Red Bluff irrigation project on the Pecos River in west Texas.

The rehabilitation would provide a dependable water supply for irrigating approximately 22,000 acres of semiarid land in the Pecos Basin of Texas and upgrade the economy of four counties—Pecos, Reeves, Loving, and Ward.

The bill authorizes the Interior Department to rehabilitate, reconstruct, repair, and replace existing works of the Red Bluff Water Power Control District, and to acquire lands and interests in lands and other properties as necessary for such purposes in conformity with a 1965 plan of the Bureau of Reclamation.

The bill provides that the Secretary shall not proceed with construction until it is determined that the project benefits from the proposed rehabilitation will exceed project costs, and until a contract with the irrigation district, providing for repayment of construction costs has been arranged. Since it is considered as a rescue project, however, the bill provides that the district repay, over a 50-year period, "such portion of the cost as is within the repayment ability of the organization, as determined by the Secretary of the Interior."

Mr. President, this bill is of great significance to the four counties mentioned above. They are all situated in the Pecos River Basin and have traditionally made use of the Pecos River for irrigation. Development in the area has relied on the oasis created from the river and 40 years ago, there were many small farms sustaining their crops from irrigation.

Yet, the situation has deteriorated due to a lack of a dependable source of water and an assured quality of the water. The situation is a human one—it is not a matter of acre-feet of water but of the livelihood of the people in the area. These are a hard working people, willing to work for and cooperate in support of this project. They are also willing to participate financially in as much of the project as they can.

Because of the great necessity, the willingness of the people in the area, and the theoretical soundness of the project, I am today introducing this bill in the Senate, as Congressman Richard White is in the House, and ask unanimous consent that it be printed in full at the close of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 580) to authorize the Secretary of the Interior to provide for rehabilitation of the distribution system, Red Bluff project, Texas, introduced by Mr. Yarborough, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of providing a dependable water supply for the irrigation of approximately twenty-two thousand acres of semiarid lands

in the Pecos River Basin, Texas, and for economic redevelopment in Reeves, Loving, Pecos, and Ward Counties, Texas, the Secretary of the Interior is authorized to rehabilitate, reconstruct, repair, and replace existing works of the Red Bluff Water Power Control District, and to acquire lands and interests in lands or other property as may be necessary or proper for such purposes, all in substantial conformity with the plan for rehabilitation of the distribution system, Red Bluff project, Texas, prepared by personnel of the Bureau of Reclamation, on May 21, 1965. The Secretary is also authorized to rehabilitate, repair, and reconstruct existing laterals and drains needed for the effective and economic operation of the project and to build additional laterals and drains therefor, only if he determines that the Red Bluff Water Power Control District is unable to obtain reasonable non-Federal financing to perform said work.

SEC. 2. The Secretary shall not proceed with construction of this project until the Secretary determines that the project benefits from the proposed construction and rehabilitation will exceed project costs, and he has adequate assurance in the form of a contract or contracts with an organization established under the laws of Texas and having powers satisfactory to the Secretary including the power to tax all real property within its boundaries (1) that such organization will operate and maintain all works authorized by this Act in accordance with standards for operation and maintenance as established by the Bureau of Reclamation; (2) that said organization will operate such works and distribute water conveyed thereby under regulations requiring that water users supplied by means of such works use sound irrigation practices for lands within the service area of said organization; (3) that said organization will return to the United States during a fifty-year period from the date of completion of the works authorized by this Act, and under terms and conditions satisfactory to the Secretary, such portion of the cost of constructing such works as is within the repayment ability of said organization, as determined by the Secretary; and (4) that costs properly allocable to irrigation, as determined by the Secretary, which are in excess of those contracted to be returned pursuant to this section shall be nonreimbursable.

SEC. 3. Nothing contained in this Act shall be construed so as to abrogate, amend, modify, or be in conflict with any provision of the Pecos River compact.

SEC. 4. The facilities constructed under the authority of this Act, except as otherwise provided herein, shall be operated and maintained in accordance with appropriate provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388) and Acts amendatory thereof or supplementary thereto: *Provided*, That the excess-land provisions contained therein shall not be applicable to lands or to the ownership of lands which receive water from the works authorized by this Act: *Provided further*, That in lieu of the acreage limitations contained therein, all contracts for irrigation water supply from works authorized by this Act shall include provisions requiring that such water supply shall be used on lands determined by the organization mentioned in section 2 above to be free draining and capable of productive irrigation: *And provided further*, That no landowner shall receive from works authorized by this Act a water supply greater in quantity than that reasonably necessary to irrigate one hundred and sixty acres of such land.

SEC. 5. There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be required to carry out the purposes of this Act.

S. 583—INTRODUCTION OF BILL RELATING TO THE U.S.S. "UTAH"

Mr. MOSS. Mr. President, a handsome monument has been erected over the hulk of the U.S.S. *Arizona* in honor of the 1,102 men who died in the Japanese attack on Pearl Harbor, and the colors are flown there every day.

But almost no recognition has been given to the 54 other officers and men who lost their lives in the Japanese attack on Pearl Harbor, who lie entombed in the U.S.S. *Utah*, only a mile or two from the *Arizona*. The resting place of the dead in the *Utah* is marked by only a small plaque on the deck of that ship fully visible in the harbor.

The men of the U.S.S. *Utah* deserve recognition. I am, therefore, introducing today, for myself and Senators BAYH, BENNETT, BIBLE, BURDICK, CANNON, CASE, COOPER, CURTIS, DODD, EASTLAND, ERVIN, GOLDWATER, GORE, HARRIS, HART, HRUSKA, HUGHES, INOUYE, JAVITS, MAGNUSON, MCGEE, METCALF, MONDALE, MONTOYA, MUSKIE, PEARSON, PELL, PROUTY, RANDOLPH, STEVENS, TALMADGE, TYDINGS, WILLIAMS of New Jersey, YARBOROUGH, and YOUNG of Ohio, a bill directing the Secretary of the Navy to erect a flagpole over the hulk of the U.S.S. *Utah*, on which the colors will be raised and lowered each day.

I introduced similar bills in the 88th, 89th, and 90th Congresses. Each bill has been cosponsored by more than a third of the Members of the U.S. Senate. So far no hearings have been held by the Senate Armed Services Committee. I have reason to hope that in the 91st Congress hearings will be held on this bill and it will be passed. The dead of the U.S.S. *Utah* have been too long neglected.

Many States—and certainly every area of the country—has one or more of its boys listed among the *Utah* dead. Of the 54 men whose bodies were not found or identified, 13 gave California as their home State; 11, Texas; three each Illinois, Iowa, Washington State, and New York; two each Colorado, Missouri, Virginia, and Massachusetts; one each Kentucky, Arkansas, Minnesota, Louisiana, Michigan, Oregon, Ohio, Nebraska, and one who did not list his home. His record, however, showed he was born in Iowa. Another man was a native of the Philippine Islands. Many men showed next of kin in States other than their home at the time of enlistment, so there is hardly a State which is not touched in some way by the ghostly hands of those entombed in the U.S.S. *Utah*.

We all salute these men who gave their lives for us, and we should demonstrate our gratitude by seeing that a flag is flown over their watery grave. Next December will be the 27th anniversary of Pearl Harbor. There must be no further delay on the U.S.S. *Utah* bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 583) to provide for the flying of the American flag over the remains of the U.S.S. *Utah* in honor of the heroic men who were entombed in her hull on December 7, 1941, introduced by Mr. MOSS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Armed Services.

S. 585—INTRODUCTION OF BILL RELATING TO APPOINTMENT OF AN ADDITIONAL DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

Mr. FANNIN. Mr. President, on behalf of myself and Mr. GOLDWATER, I introduce, for appropriate reference, a bill to provide for the creation of one additional judgeship position in Arizona.

The Judicial Conference of the United States released last fall the committee's recommendations and I note that the Conference determined on the basis of their thorough review that an additional judgeship was needed. These recommendations were based on an examination of statistics and an analysis of the dockets of the court.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 585) to provide for the appointment of an additional district judge for the district of Arizona, introduced by Mr. FANNIN for himself and Mr. GOLDWATER), was received, read twice by its title, and referred to the Committee on the Judiciary.

SENATE JOINT RESOLUTION 25—INTRODUCTION OF JOINT RESOLUTION RELATING TO ELECTORAL REFORM

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, a joint resolution proposing an amendment to the Constitution of the United States providing for the election of the President and Vice President.

It is hardly necessary to remind the Senate of the grave constitutional crisis which almost became a reality just 2 months ago. The chaos which would have followed might have sounded the deathknell for our tradition of government by the people. The lesson learned from the harrowing experience is simple enough: electoral college reform must be realized without further delay.

My proposal is a modified version of the so-called district plan. Under this version, the office of elector is abolished, thus doing away with the dangerous arbitrariness of casting votes. The recent Senate vote dealing with the faithless elector, Dr. Bailey of North Carolina, who was pledged to Richard Nixon but cast his vote instead for George Wallace, highlighted one of the weaknesses of the electoral college system.

The allocation of electoral votes by congressional district, however, is retained under my plan. I believe that this method of electing the President and Vice President will do more than any other proposal yet put forth to maintain our federal system of government.

The mechanics of my plan follow an orderly pattern. A presidential ticket winning a plurality of a State's popular vote would win two electoral votes, corresponding to that State's representation in the U.S. Senate. The ticket would also win one additional electoral vote for each congressional district which it carried by plurality. Under this proposal, as under the present system, the total number of electoral votes from each State would equal the number of Members in the U.S. House of Representatives and the U.S. Senate from that State.

The presidential ticket receiving a majority of the total number of electoral votes cast would be elected. If no presidential ticket obtained a majority, Congress in joint session would select a President and Vice President from the top three tickets.

I believe that my proposal offers an improvement on the present system. For one thing, it will end this problem of the disenfranchised voter by doing away with the winner-take-all method. It will tend to strengthen the two-party system, the real bulwark of our Government, by encouraging the minority party in currently one-party States. More importantly, it will not enhance the chances of splinter parties because they could have little hope of diverting more than a few electoral votes from one major party candidate.

The time is ripe for electoral reform. What we witnessed in the 1968 presidential campaign need not ever happen again. The Congress of the United States owes it to the people it serves to correct this most antiquated structure of government.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 25) proposing an amendment to the Constitution of the United States providing for the election of the President and Vice President, introduced by Mr. Scott, was received, read twice by its title, and referred to the Committee on the Judiciary.

SENATE JOINT RESOLUTION 28—INTRODUCTION OF JOINT RESOLUTION PROVIDING FOR RENAMING THE CENTRAL ARIZONA PROJECT AS THE CARL HAYDEN PROJECT

Mr. GOLDWATER. Mr. President, I rise to introduce a joint resolution that provides for the renaming of the central Arizona project as the Carl Hayden project. I introduce this measure on behalf of myself and 62 other Senators.

Mr. President, Carl Hayden has served with distinction in the U.S. Congress for the unsurpassed period of 57 years, including 42 years of consecutive service in the Senate of the United States.

Carl Hayden has dedicated his lifework to public service, having been elected treasurer of Maricopa County, Ariz., in 1904 and sheriff of such county in 1906 and 1908, and having served as a Member of Congress from the State of Arizona since its admission into the Union, first as a Member of the House of Representatives from February 19, 1912, to March 3, 1927, and then as a Member of the Senate from March 4, 1927, to January 3, 1969.

As the result of his vision and ability, and his unrelenting efforts for a period of two decades in participation with the other Members of Congress from Arizona, Carl Hayden was successful in bringing about the enactment in 1968 of legislation authorizing the central Arizona project.

It is fitting and proper that a suitable monument be dedicated in tribute to Carl Hayden and in recognition of his unique contributions.

Therefore, I, along with 62 other Senators, ask that it be resolved in the Senate and in the House of Representatives that the Colorado River Basin project be amended by striking out "central Arizona project" at each place that it appears in such act and inserting in lieu thereof at each such place "Carl Hayden project."

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. HOLLAND. Mr. President, I ask that the Senator permit me to join as a cosponsor on that particular proposal.

Mr. GOLDWATER. I am very happy to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, I make the same request.

Mr. GOLDWATER. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, in connection with this proposal I submit the names of the cosponsors. I ask unanimous consent that there be printed after the joint resolution an article which appeared in the Los Angeles Times West magazine of January 5, written by Nick Thimmesch, entitled "Carl Hayden."

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and article will be printed in the Record.

The joint resolution (S.J. Res. 28) providing for renaming the central Arizona project as the Carl Hayden project, introduced by Mr. Goldwater, for himself and Senators Aiken, Allott, Anderson, Bayh, Bible, Burdick, Cotton, Cranston, Curtis, Dodd, Dole, Eagleton, Ellender, Ervin, Fannin, Fong, Gravel, Harris, Hartke, Hatfield, Hollings, Holland, Hruska, Hughes, Inouye, Jackson, Javits, Jordan of North Carolina, Long, Magnuson, Mansfield, Mathias, McCarthy, McClellan, McGovern, McIntyre, Metcalf, Miller, Montoya, Moss, Muskie, Nelson, Packwood, Pearson, Pell, Prouty, Randolph, Ribicoff, Saxbe, Scott, Smith, Sparkman, Spong, Stevens, Symington, Talmadge, Thurmond, Tower, Tydings, Yarborough, Young of North Dakota, and Young of Ohio, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S.J. Res. 28

Whereas Carl Hayden has served with distinction in the United States Congress for the unsurpassed period of fifty-seven years, including forty-two years of consecutive service in the Senate of the United States; and

Whereas Carl Hayden has dedicated his lifework to public service, having been elected treasurer of Maricopa County, Arizona, in 1904 and sheriff of such county in 1906 and 1908, and having served as a Member of Congress from the State of Arizona since its admission into the Union, first as a Member of the House of Representatives from February 19, 1912, to March 3, 1927, and then as a Member of the Senate from March 4, 1927 to January 3, 1969; and

Whereas, as the result of his vision and ability, and his unrelenting efforts for a period of two decades in participation with the other members of Congress from Arizona, Carl Hayden was successful in bringing about the enactment in 1968 of legislation authorizing the Central Arizona Project; and

Whereas, it is fitting and proper that a suitable monument be dedicated in tribute to Carl Hayden and in recognition of his unique contributions: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Colorado River Basin Project Act is amended by striking out "Central Arizona Project" at each place that it appears in such Act and inserting in lieu thereof at each such place the following: "Carl Hayden Project".

Sec. 2. In addition to the amendments made by the first section of this joint resolution, any designation or reference to the Central Arizona Project (described by section 301 of the Colorado River Basin Project Act) in any other law, map, regulation, document, record, or other paper of the United States shall be held to designate or refer to such project as the "Carl Hayden Project".

The article, presented by Mr. Goldwater, is as follows:

[From the Los Angeles Times West magazine, Jan. 5, 1969]

Carl Hayden—After 57 Years, the Senate's Last Frontiersman Goes Home

(By Nick Thimmesch)

He is a bent, withered figure now, who is shuttled between his apartment in the Methodist Building and his Senate office a block and a half away. When his infirmities command, his chauffeured Lincoln Continental takes him to Bethesda Naval Hospital for rest and care. At 91, Carl Hayden, 57 years on Capitol Hill, is the senators' senator. He is finishing his last days of official duties for his beloved Arizona and the United States as well.

Hayden has witnessed the great burgeoning of his country. When he was born in 1877, the U.S. population was one fourth of what it is now. The Civil War was a fresh memory, but ahead were the Spanish American War, World Wars I and II, and the Cold War with its Koreas and Vietnams. The first airplane hadn't been flown, the first gasoline engine hadn't turned, the electric streetcar and automobile hadn't moved, movies and radio were yet to be experienced and creations like penicillin and atomic energy were generations away. Even on Capitol Hill, where silver hair and seniority are commonplace, Hayden's age is spoken of in superlatives. He almost seems to belong there with the statues of early American heroes, the quill pens, and the antiquarian practice of sprinkling sand on freshly inked documents.

There is a plan to fly him to Phoenix and install him in a six-room town house near the Shalimar Golf Course. Those who look after him say he would be happy in that greensward setting. "He wants to get back to Arizona," says his nephew Hayden C. Hayden, 47, owner of the century-old Hayden Flour Mills at Tempe. "He wants to work on his memoirs and the history of Arizona. He'll have his housekeeper with him. Even though most of his old friends are gone, there are still a few around in their seventies. He's done his job and wants to come home."

There is something incongruous, however, to think of Hayden, a man who spent the first third of his life in frontier Arizona and the rest in the halls of Congress, sitting in a tidy room, with its wall-to-wall carpeting, enveloped by contemporary concrete at Shalimar.

A few years ago the late President John F. Kennedy, in a testimonial dinner for Hayden, said: "Every federal program which has contributed to the West—irrigation, power and reclamation—bears his mark. And the great federal highway program which binds this country together, which permits this state to be competitive east and west, north and south—this in large measure is his creation."

The Hayden record shows that he introduced bills to construct railroads; that he was the sponsor in 1919 of the 19th amendment to the Constitution, extending the right of suffrage to women; that he sponsored and managed the House bill to establish Grand Canyon National Park; that he was co-sponsor of the bill to create the Coolidge Dam; that it was the Hayden-Cartwright Bill which provided for the beginning of the interstate highway system; that he co-sponsored the first bill to authorize the Colorado River storage project; and that he sponsored and guided through the Senate the now celebrated and quite tardy Central Arizona Project. As chairman of the Senate Committee on Appropriations, Hayden held the purse strings on billions of federal dollars. No matter what other committees do, there is no meaningful action on any legislation until the Appropriations Committee has its turn. Hayden had to wait until he was 80 years old before he assumed this vast power. Additionally, he has been President Pro Tempore of the Senate since 1957, which means he was third in line for the Presidency, after the Vice President and the Speaker of the House.

He was born the son of a Connecticut Yankee who had migrated West after teaching school in Indiana and Kentucky and who later became a trader along the Santa Fe Trail. Charles T. Hayden established a store near Tubac, Arizona, in 1856 and went on to become probate judge of Pima County in 1864. Early advertisements had him promising four months delivery of shipments from Cincinnati, although the Hayden wagon trains usually took eight months. When the Confederates invaded New Mexico, Hayden had to reroute merchandise by shipping it around Cape Horn to San Francisco and then into Arizona by mule trains.

The Hayden log is rich with entries about Indian attacks at Whiskey Gulch, of employees murdered by Apache raiders and considerable financial trouble.

A Tucson newspaper in March of 1872 had the following item: "Last Tuesday's stage carried away Judge C. T. Hayden for New York via Ehrenberg and San Francisco. Also M. Goldwater and Internal Revenue Collecter Thomas Cordes for Prescott."

"M. Goldwater" was "Big Mike" Goldwater, grandfather of Senator Barry Goldwater. Big Mike, who was one of 22 children of a Polish-Jewish innkeeper, and his brother, Joseph, came to the Arizona Territory after gold was discovered at La Paz, on the Colorado River in 1862.

As the military gradually moved into the territory of Arizona, Hayden and the Goldwater brothers competed for government contracts to provide wheat and feed grain to the army in Prescott. Phoenix became known as a farming center and consequently became the most stable community in the territory. Frontiersmen usually married late in life and both Charles Hayden and Big Mike were in their fifties when they took wives. Eventually the Haydens and the Goldwaters located near Phoenix, the Haydens building a flour mill at Tempe, then known as Hayden's Landing, and the Goldwaters locating in the village of Phoenix. Big Mike's eldest son, Morris, actually owned farm land adjacent to Hayden's mill. Morris, at age 20, had opened the first Goldwater store in Phoenix in 1872. A few years later Morris helped organize the Arizona Democratic Party and became known as a conservative Jeffersonian Democrat. He served as mayor of Prescott for 22 years. He died in 1939 at 87. He had been on the frontier since he was 16. His younger brother, Baron, who had lived in San Francisco, was more urbane when he came to Phoenix in 1895 to manage the Goldwater store there. He was the father of Barry Goldwater.

The Goldwaters were effective merchants, had the first passenger elevator of any department store in Arizona, featured home delivery, and established buying offices in New York City. The Haydens were not having comparable business success. But early newspaper accounts describe the grand parties that Charles T. Hayden threw at his ranch near Hayden's Mill, occasionally with dancing until four a.m. "Lavish benevolence," said one newspaper of Hayden entertaining.

The Arizona *Citizen* of October 13 carried this item: "Born—at Hayden's Ferry, Maricopa County, Arizona, October the 2nd, 1877, to the wife of Judge Charles Trumbull Hayden, a son. We are advised that this newcomer weighed nine pounds and ten ounces at his birth. Judge Hayden is a very enterprising citizen, and we congratulate him on this among his other successes generally."

Young Carl Hayden's boyhood was a rather adventurous one as his father believed in allowing his son to travel freely. In 1890, when Carl was 13, he was taken to Washington to see the last parade of the Grand Army of the Republic. Carl Hayden recalls that he climbed up one of the gateposts in front of the White House to watch the old Union veterans pass by.

His father even allowed him to travel alone. Carl made a horseback trip into Grand Canyon when he was 14, went alone to Mexico City for sightseeing, and in 1893, when he was 16, took the train to Chicago where he visited the World's Fair. When friends of the Haydens expressed indignation over this freedom given to Carl, his father replied: "If he can't take care of himself at this age it's high time he was learning."

Most of young Carl's life, however, was spent around the Hayden farm located on a bluff over the Salt River at Tempe. The setting was actually quite rural with fields of corn, pumpkins and alfalfa. Though Hayden's mother was attacked by a drunken Indian on July 16, 1880, Phoenix was not a site for Indian fighting. However, young Hayden heard many stories about Apaches on the warpath from his father. One writer in Arizona claims that C. T. Hayden was even known for taking scalps.

After graduating from high school he went to the Tempe Normal School, which his father had founded and which is a present campus of the Arizona State University. In 1896, he enrolled in Stanford University to study economics. It was here that he met "the most beautiful girl that ever lived," Nan Downing, a student of English literature. They were married on February 14, 1908, honeymooned in Grand Canyon, and for 57 years Hayden carried a photo of her, taken when she was 27. He called her "Pal" and she called him "Bug." At Stanford, Hayden, who had been a rather spindly young man, gained weight and made the football team as a lineman. He befriended another young student, Herbert Hoover, and took part in politics for the first time by being defeated in a class election.

After his father died in 1900, Carl Hayden learned of the bad financial state of the family business. But C. T. Hayden, an outgoing man, left a different legacy. He had been so popular that at one point both Republican and Democratic parties claimed him, though he had served as a Democratic member of the Tempe City Council.

So, the Hayden name was good enough for young Carl to use as an entry to politics. "Hayden went into politics because his dad died broke," says his onetime administrative assistant Paul Roca. "In those days you could make a good living as a public official." Young Carl was easily elected to the Tempe town council in 1902, as treasurer of Maricopa County in 1904, and to sheriff of that county in 1906.

Hayden admits that he didn't fit the stereotype of the frontier sheriff. "I never shot at anyone and nobody ever shot at me," he once confessed. "About the nearest I ever came to shooting was the day I identified a horse thief who was supposed to be badly wanted in Utah, Colorado and Wyoming.

"I found him standing at a bar. I stuck my gun in his back, took his pistol away from him. To give me time to notify law officers in the other states the justice of the peace put him in jail for ten days on a concealed weapons charge. They weren't interested enough to come and get him, so I turned him loose at the end of ten days. I told him that as long as he didn't steal any horses in Arizona it was all right with me."

Another time Hayden was called to pursue two train robbers who had escaped on horseback. Hayden sent Indian scouts after the scoundrels. For himself, he commandeered an Apperson Jackrabbit, an automobile of the times. With the galloping Indians and chugging Apperson Jackrabbit in pursuit, the train robbers didn't have a chance and were quickly collared. This was a rare episode, however. Most of Hayden's work was collecting fees from the local bars, gambling establishments and houses of prostitution. His pay as sheriff was a percentage of these fees.

Hayden had never planned on a political career, but, as it often happens, he was swept into politics by a confluence of separate events. He had become a popular sheriff, and no one in Phoenix, which was then a city of 10,000, knew more people than Hayden. He was also an unusual sheriff. Besides his peaceful approaches to the law, he drew attention because of his distaste for hangings. It had been the lot of Arizona sheriffs to conduct the rope rituals. Hayden, who didn't like this grisly duty, made the first recommendations to the then territorial legislature that the executions be conducted by the warden of the state prison rather than by sheriffs.

He also developed a reputation in the Arizona National Guard. In 1904 he was asked by the territorial governor to become a captain in that state's lagging guard. Hayden agreed, traveled the state and made more friends.

By 1911, Arizona was moving rapidly towards statehood. In February of that year, an overwhelming majority of the 15,489 voters who turned out approved a new state constitution. A December date was set for the election of a governor, two senators, and one congressman, all of whom would take office when Arizona became a state in February, 1912. About 80 percent of the state's 210,000 people lived in rural areas. Indians wearing only loin-cloths were a common sight, roads were primitive, and it would be 14 years before the main line of the Southern Pacific Railroad would traverse the state. Phoenix, a farm center, contrasted with the rest of Arizona. Its newspapers advertised: "Scott's emulsion for the thin, feeble and underfed . . . be an Indian giver, give a Navajo blanket . . . see *The Clansman* at the Elks Theater Friday . . . View the new Chalmers car . . . Don't miss the Vanity Fair girls in *Red Rose* at the Elks Theater."

Arizona, though ruled by a Republican territorial governor, was a Democratic state with a Southern coloration. Republicans were considered carpetbaggers. If a man wanted to get ahead in politics, he had to be a Democrat. The Haydens had been Democrats, Carl even expressing Free Soil sentiments and support for William Jennings Bryan. He was at Camp Perry, Ohio, with the guard at the national rifle matches when he decided, in the summer of 1911, to run for Arizona's sole congressional seat.

He campaigned in the old style, of course; visited all his guard friends across the state, as well as all the county courthouses and sheriff offices, and concluded his campaign with a rally in Phoenix. On December 9, 1911, three days before the election, the Arizona *Gazette* told how "600 persons, all the Airdrome would hold, turned out for that popular townsman Carl Hayden." In the state count, Hayden got 11,556 votes and his Republican opponent, Jack Williams, of Tombstone, received 8,485. Women and Indians didn't vote then and this accounts for the relatively small turnout.

From then on, Hayden's only real competition came in the Democratic primaries. His majorities ranged as high as five to one.

In Washington, Hayden became known as a "service congressman," diligently answering constituents' mail, sending out all manner of government publications and packets of flower and vegetable seeds. The problems of Arizona concerned water, cattle, military bases, grazing rights, Indian reservations, mining, federal lands, roads and post offices—all seemingly routine stuff today, but vital to Arizonans then.

In early 1922, representatives of Arizona and six other western state governments met to discuss the division of the Colorado River water. The states devised a plan to divide this water and signed what is known as the Colorado River Compact. The only state legislature refusing to ratify the compact was Arizona's and this resulted when Governor Hunt, a contentious fellow, campaigned in 1922 on a pledge to block this ratification. Hayden was a man slow to anger but he was angry over this one. He went before the legislature himself and pleaded that the compact be ratified. When his wishes weren't followed, he vowed never again to go before a legislature on any subject. It wasn't until 1944 that Arizona finally ratified the compact, and the current Central Arizona Project is an outgrowth of that ratification. The 22-year delay is largely explained by the continuing and acrimonius squabble over the Colorado River between California and Arizona.

By 1926, Carl Hayden's name was so sure a shot in politics that he easily won the senatorial primary. He campaigned the state, as he had for Congress, described his Democrats as a "militant and united party," and attacked California's stand on the Colorado River and Hoover Dam as "customary selfishness," thus endearing himself to Arizonans. As the campaign progressed, Hayden seemed the favorite over his Republican incumbent opponent, Senator Ralph H. Cameron.

Scarcely a week before the election, however, Cameron suddenly made the startling charge that Hayden has been the benefactor of a $100,000 slush fund from the copper interests. Cameron urged voters to listen to radio station KFAD and "hear the old fighter give some of the hot shots on slush funds." A quick Senate investigation, however, revealed that the slush fund accusation was a flop. Democrats immediately countered that Cameron himself has a slush fund in 1920.

Meanwhile advertisements richly proclaimed Hayden as ". . . the Arizona stalwart champion, the worthy son of a noble sire," and cited his votes for veterans pensions, inheritance taxes and increases in wages for postal employees. Hayden swamped Cameron 25,918 to 17,980 votes and began a career in the U.S. Senate which was to span 42 years.

As a senator, Hayden rarely got his dander up. He followed a philosophy of: "To get along you must go along." Once, when California Senator Thomas Kuchel became quite angry during a Senate Appropriations Committee hearing over what he thought was Hayden's high-handed handling of the Central Arizona Project question he demanded: "What kind of government is this?" Hayden replied softly: "It's the will of the majority."

To look over Hayden's record it is hard to find a time when he ever had what even could approach a crisis. He got into a fix in 1932 because he had voted for prohibition, against repeal, and he had also voted against a veterans bonus. In the primary that year his opponent passed the word that Hayden was a slacker in World War I, was against veterans and was for prohibition. In those days there was no more powerful organization in Arizona than the American Legion. Hayden went before the state convention of the Legion, was roundly booed, finally attacked the scurrilous circulars and declared: "I want to face my accuser. I voted for the war, the appropriations, and the draft, I enlisted myself and I admit I was against a bonus because I think the country is close to bankruptcy and we can't afford it." Hayden left the platform with a look of anger on his face. He won that 1932 primary easily and in the fall defeated his Republican opponent by a score of 74,000 votes to 35,000. It wasn't until 1962 that Hayden encountered any difficulty in a Senate campaign.

Indeed, a consensus formed around him. "Carl was everybody's boy," says an old Arizona politician. "All organized groups, business, labor, the miners, the farmers, the ranchers—all were for him, all contributed to his campaign." He had become *the* Arizona senator.

Carl Hayden worked on Capitol Hill for 57 years but was often uncelebrated because he was, as Harry Truman once said, "the silent senator." Hayden's first speech in the House of Representatives was a plea for appropriations to fight forest fires in Arizona. When he sat down a fellow congressman said to him: "You just had to talk. Every word that you said was taken down by that reporter. It will be printed in the Congressional Record and you can never get it out. There are two kinds of congressmen—showhorses and workhorses. If you want to get your name in the newspaper be a showhorse, but if you want to gain the respect of your colleagues, keep quiet, be a workhorse and speak only when you have the facts."

Hayden followed that advice to the letter. He rarely spoke from the floor, and instead of invoking the privilege of sitting in the front row in the Senate he sat in the third row from the back. A Senate colleague once said admiringly: "Carl could walk through fresh snow and never leave tracks." As the years went on, Hayden, who once stood better than six feet tall, shrank to five feet, nine inches, and became the stooped, hardworking elf of the Senate, particularly as chairman of the Senate Appropriations Committee. He described his function: "It is my job to look over the budget and provide money to carry on. If I put my time in making speeches I couldn't attend to business. That's all." When a young Massachusetts senator named John F. Kennedy arrived in the Senate, he tried to strike up a conversation with Hayden by asking him the difference between the modern Senate and the Senate of 30 years before. Hayden looked at young Kennedy, chewed on his cigar and said: "Young men didn't talk so much then." Kennedy left somewhat chastised, but fondly recalled the story years later at Hayden's 50th anniversary dinner.

There are hallmarks to the Hayden style. Hayden firmly believed in the filibuster, using that device to protect Arizona. Another noted hallmark was Hayden's almost gentle use of his power. One senator claims that Hayden could have swung the initial Atomic Energy Commission installation to Arizona rather than allowing it to be located at Los Alamos, New Mexico. Hayden was always a party regular and could be counted on for his swing vote, though his voting record was generally liberal.

But Hayden would not make advance commitments to legislative proposals. "I must use my own judgment when the time comes for a vote," he explained.

Hayden was glad to lose one to win two, and over the years this can mean a respectable number of victories. The utter patience which Hayden demonstrated on the Central Arizona Project is the best evidence of this trait. It wasn't until September 30, 1968, that President Johnson signed the $1.3 billion Colorado River-Central Arizona Project bill which in effect left Hayden in the envious position of being a senator who had seen all of his announced goals realized. At the signing, Johnson recalled that when he was waiting to be sworn in as a senator in 1949 Senator Hayden "propositioned me about the Central Arizona Project."

In recent years, the doddering figure of Hayden on Capitol Hill caused many to privately question his competence. But Hayden was a deceptive old fellow. Those who attended Senate Appropriations Committee meetings often perceived him to be on the verge of falling asleep when suddenly Hayden would raise his head and pop a question like: "How come you spent that $3 million up last year?" Any inquiry on water resources immediately alerted him to the edge of his chair.

The Haydens lived in virtual seclusion for many years in apartment 504 in the Methodist Building opposite the Supreme Court and were seldom seen at receptions. They had no children. Hayden's wife suffered a severe stroke in 1941, when she was 68, and was an invalid until her death in 1961. Senator Barry Goldwater was one of the most grief-stricken of the mourners. She had been cared for by Miss Frances Doll, who still serves as nurse and housekeeper to Hayden, and plans to return to Arizona with him.

Friends say that Hayden bore his sorrow very well, but the year worsened when he ran into a bad run of poor health. First he contracted a stubborn flu, then a debilitating intestinal condition. For a while in early 1962, it appeared he wouldn't be able to run for his Senate seat again. He did, but in the fall the rumor spread through Arizona that the 85-year-old Senator had died and the name on the ballot represented a man no longer with us. On the Saturday before that 1962 election it was necessary for Hayden to stop the rumors by getting out of his bed at the Bethesda Naval Hospital to hold a press conference for Washington newsmen, who quickly wrote stories attesting to the fact that Hayden was not well but was alive. Hayden won that 1962 election by a count of 189,287 to 155,526, a small margin for him.

Yet when Hayden was around Capitol Hill, he was always quite visible. He insisted on eating in the Senate cafeteria, favoring a lunch of a hot dog, bean soup, a glass of milk and then a cup of half cream, half coffee. He usually had a cigar in his mouth and used his cane to wave people onto elevators. His aides report that the senator, as a pedestrian, experienced a number of near misses from speeding cars on Capitol Hill in the past couple of years. In 1965 he had another succession of illnesses which nearly finished him. Antibiotics produced what was described as the worst case of hives ever seen in Bethesda Naval Hospital. He also suffered from a severe loss of hearing. Yet he survived, called for his favorite bourbon, and greeted senators way past social security age, with "All right, Sonny." He could boast that he had all his teeth, save two, and though he was stooped, his legs, heavily muscled from many miles of walking as a boy in Arizona, remained strong.

On his 86th birthday, Hayden wrote to an old friend that shared his October 2 birthday, then-retired Francis Green who was 96 that day. The letter read: "To Ted Green, my warmest wishes, tendered with the natural respect that one has for his elders. Although your birthday added to mine make us jointly only five years younger than the United States of America, friendship observes no such measure of time. Like the ancient sun dial, we have counted none but fair hours. Carl Hayden." Green lived until 1966, when he was 98 years old.

Over the years, Hayden served a constituency made up largely of ranchers, miners and farmers. But a great change was going on in the United States and Arizona as well. The old constituency which had reelected and reelected Hayden diminished in importance in Arizona as hundreds of thousands of new people came to the state in the postwar period. These people thought sentimentally of Hayden as the old Senator in Washington, but not as an activist working for them. It was not remarkable in 1961 when a private survey showed that Hayden's identification factor had been greatly reduced. On the direction of Roy Elson, his administrative assistant, Hayden hired his first press secretary and issued his first newsletter. The long, quiet, service of Carl Hayden was suddenly advertised far and wide. The line was that Hayden was the man Arizonans turned to for service, not the junior senator, Barry Goldwater, who seemed preoccupied with great issues.

Arizona had been solidly Democratic until the emergence of Goldwater. The "new people" in Arizona were attracted increasingly to Republican candidates who promised lower taxes, budget cuts, and less federal regulation. By 1968, Carl Hayden had become a curiosity. When reporters asked him, "Are you going to run again, Senator?" he answered: "Why not? The polls look pretty good. They say I could beat him (Goldwater)." Goldwater was anxious to get back to the Senate, but it gave him fits to think of running against Hayden, whom he liked very much. Hayden, because of his health, probably couldn't have campaigned anyway. "Barry would have had to run against photographs." said one Republican official. A John Kraft poll taken in January of '68 showed Hayden edging Goldwater 46 to 42 percent with 12 percent undecided. The same poll showed Goldwater comfortably beating Elson if Elson were to be the nominee. If Hayden were to win in the fall of '68 at the age of 91 it would only be because of sentiment. But there was a strong possibility that Goldwater would win and thus humiliate him in the last years of his life. The word spread that Hayden would announce his retirement.

On May 6, 1968, Hayden was led into the Appropriations Committe chamber jammed with senators, Capitol Hill staffers and a sizable group of Arizonans who live in Washington. Just before Hayden read his statement, President Johnson arrived to present him with a pair of walnut bookends.

Hayden's voice was sad and faltering. "Among the other things that 56 years in the House and Senate have taught me is that contemporary events need contemporary men," he said. "Time actually makes specialists of us all. When a house is built there is a moment for the foundation, another for the walls, the roof and so on. Arizona's foundation includes vast highways, adequate electric power and abundant water. These foundations have been laid. It is time now for a building crew to report so I have decided to retire from office at the close of my term this year." Then, as the flashbulbs popped, Hayden burst into tears, as did nearly everyone in the room.

Hayden came back to Arizona once in 1968. The occasion was to campaign loyally but briefly for Roy Elson who was soundly defeated by Goldwater in the November election. Since then, Hayden has spent much time in Bethesda hospital where he is suffering from his old foe, the flu. When he feels up to it, he stops by his senate office, modest in size and graced with one of the few spittoons remaining on Capitol Hill. On his desk is a motto: "Before you complain about America, remember it's the only place where people don't want to move to another country." Pictures of Franklin Delano Roosevelt, Bernard Baruch and Harry Truman are on the walls, but Hayden's office is remarkably devoid of the usual trophies that senators acquire. His fellow Arizona senator, Paul Fannin, wants to name the Central Arizona Project the Hayden Project, but Hayden resists this move and says: "No man should have a monument for at least 25 years after his death."

Hayden's last legislative effort was the Palo Verde Irrigation Bill, a fairly minor proposal, but it was vetoed by President Johnson on November 2, 1968. One colleague said, "Johnson could have signed it for Carl, since it was his last."

The last months have not been good. There is muttering in Arizona that the senator's lame duck office doesn't tend to its business the way it used to. His staffers evade questions about the old man and give the impression that the string is long played out. Hayden is still loved and respected but many remark that Elson, 37, who has been with Hayden since 1952, is a wheeler-dealer. (Elson was twice defeated in Senate campaigns; both Fannin and Goldwater beat him.)

Some debate what Carl should do. Ben Cole, Washington Bureau Chief for the Arizona *Republic,* who has known Hayden for many years, wants Congress to create an office "called President Pro Tempore Emeritus or Dean Emeritus of Congress" and install Hayden. He argues that Hayden's $26,000 pension would offset any salary involved. It is true that Hayden probably has more friends on Capitol Hill and at Bethesda Naval Hospital than he does back in Phoenix. But Elson expects Hayden to return to Arizona to work on his collection of 600 volumes of Arizona books he has acquired over the years. "I think I'll have a lot of fun there," Hayden recently told Ben Avery, an old friend.

There are several Hayden nephews and grand nephews in Arizona but none shows an interest in politics. Harry Rosensweig, a member of an Arizona pioneer family and chairman of the Arizona Republican Party, says Arizona is changing and growing so fast that famous names like Hayden and Goldwater in themselves aren't a guarantee of political success. Goldwater's sons Mike and Barry Jr., live in California but are often mentioned as future prospects in Arizona politics. The Goldwaters somehow are attuned to the new Arizona, now 80 percent urban but increasingly conservative. The only Democratic national office holder left in Arizona is Congressman Morris Udall of Tucson, and Republicans are steadily taking over the state offices.

The ranchers, farmers and miners are still there, as are the Indians, who now are subjects of private sector antipoverty programs which have some of them making electronic equipment and Straus Levis instead of blankets. But most Arizonans now live in urban sprawls with miles and miles of neon signs inviting mass consumption and a city life style.

The efficient roads, the dams, the irrigation projects, the expensive military bases, and the Central Arizona Project stand as monuments to Carl Hayden, the monument of Capitol Hill. He lasted 42 years in the Senate, seven more than the runnerup in longevity, Senator Kenneth McKellar of Tennessee. Hayden's total time in Congress, 57 years, is six more than Congressman Carl Vinson of Georgia recorded. Neither Arizona nor this impulsive nation will ever have another like him. The lives of Carl Hayden and his father span nearly three fourths of the nation's history, a fact which most Arizonans don't know or have forgotten.

ADDITIONAL COSPONSORS OF BILLS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Hawaii (Mr. Fong) be added as a cosponsor of the bill (S. 406) to amend the Federal Property and Administrative Services Act of 1949.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Vermont (Mr. Prouty) be added as a cosponsor of the bill (S. 269), the Hospital Modernization and Improvement Act of 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Hawaii (Mr. Fong), the Senator from Indiana (Mr. Hartke), and the Senator from Rhode Island (Mr. Pell) be added as cosponsors of the bill (S. 5), the Full Opportunity Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METCALF. Mr. President, I ask unanimous consent that, at its next printing, the names of the senior Senator from Texas (Mr. Yarborough) and the junior Senator from Ohio (Mr. Saxbe) be added as cosponsors of the bill (S. 500) to amend the Internal Revenue Code of 1954 so as to limit the amount of deductions attributable to the business of farming which may be used to offset nonfarm income.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS, SENATE CONCURRENT RESOLUTION 3

Mr. PEARSON. Mr. President, I ask unanimous consent that, at its next printing, the names of the distinguished senior Senator from Rhode Island (Mr. Pastore) and the distinguished junior Senator from Ohio (Mr. Saxbe) be added as cosponsors of the concurrent resolution (S. Con. Res. 3) relating to the furnishing of relief assistance to persons affected by the Nigerian Civil War.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 56—RESOLUTION TO MAKE A STUDY OF ALL MATTERS WITHIN THE JURISDICTION OF THE COMMITTEE ON ARMED SERVICES—REPORT OF A COMMITTEE

Mr. STENNIS, from the Committee on Armed Services, reported an original resolution (S. Res. 56); which was referred to the Committee on Rules and Administration, as follows:

S. Res. 56

Resolved, That the Committee on Armed Services, or any duly authorized subcommittee thereof, is authorized under sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) common defense generally;

(2) the Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force generally;

(3) soldiers' and sailors' homes;

(4) pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces;

(5) selective service;

(6) size and composition of the Army, Navy, and Air Force;

(7) forts, arsenals, military reservations, and navy yards;

(8) ammunition depots;

(9) maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone;

(10) conservation, development, and use of naval petroleum and oil shale reserves;

(11) strategic and critical materials necessary for the common defense; and

(12) aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

SEC. 2. For the purpose of this resolution, the committee, from February 1, 1969, to January 31, 1970, inclusive, is authorized to (1) make such expenditures as it deems advisable; (2) employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The expenses of the committee under this resolution, which shall not exceed $225,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 57—RESOLUTION AUTHORIZING THE SELECT COMMITTEE ON SMALL BUSINESS TO MAKE A COMPLETE STUDY OF THE PROBLEMS OF SMALL AND INDEPENDENT BUSINESSES

Mr. BIBLE (for himself and Mr. JAVITS) submitted the following resolution (S. Res. 57); which was referred to the Committee on Banking and Currency:

S. RES. 57

Resolved, That the Select Committee on Small Business, in carrying out the duties imposed upon it by S. Res. 58, Eighty-first Congress, agreed to February 20, 1950, as amended and supplemented, is authorized to examine, investigate, and make a complete study of the problems of American small and independent business and to make recommendations concerning those problems to the appropriate legislative committees of the Senate.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1969, to January 31, 1970, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $145,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

DEPARTMENT OF THE INTERIOR

The Senate in executive session, resumed the consideration of the nomination of Walter J. Hickel, to be Secretary of the Interior.

Mr. JORDAN of Idaho. Mr. President, as a member of the Senate Interior and Insular Affairs Committee, it has been my privilege to take part in the recently concluded hearings on the nomination of Gov. Walter Hickel, of Alaska, to be Secretary of the Interior. My vote today for his confirmation reflects my confidence in this man's suitability for this position. We have had more than ample time to determine his qualifications and he has provided honest and forthright answers to all questions.

He has rightfully stressed the vastly different responsibilities which rest upon a Governor and those which rest with the Secretary of the Interior. He has assured us that he will assume major responsibilities for the wise use, management, development, and conservation of our Nation's natural resources and I for one have every reason to believe that Governor Hickel will devote his outstanding energy to the best interests of our Nation's natural resources.

Moreover, I believe his proven ability as an organizer and administrator will insure the selection of able and dedicated experts as assistants in the several areas under his jurisdiction as Secretary of Interior.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE NOMINATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of certain nominations favorably reported unanimously by various committees earlier in the day.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

DEPARTMENT OF STATE

The legislative clerk read the nomination, reported earlier today by the Committee on Foreign Relations, of Richard F. Pedersen, of California, to be counselor of the Department of State.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination, reported earlier today by the Committee on Foreign Relations, of Elliot L. Richardson, of Massachusetts, to be Under Secretary of State.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COMMODITY CREDIT CORPORATION

The legislative clerk read the nominations, reported earlier today by the Committee on Agriculture and Forestry, of J. Phil Campbell, of Georgia, and Clarence D. Palmby, of Virginia, to be members of the Board of Directors of the Commodity Credit Corporation.

The PRESIDING OFFICER. Without objection, the nominations are confirmed.

Mr. MANSFIELD. Mr. President, I move that the President be notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR

The PRESIDING OFFICER. In accordance with the previous unanimous-consent agreement, the time remaining on the nomination of Walter J. Hickel to be Secretary of the Interior is to be equally divided. Who yields time?

Mr. ALLOTT. Mr. President, I yield 3 minutes to the distinguished senior Senator from Alaska (Mr. STEVENS).

Mr. STEVENS. I thank the Presiding Officer. I am reminded of some old times, when the present Presiding Officer of the Senate sat in the chair of our Alaska State Legislature. I think Alaska is the only State in the Union that has three Senators on the floor of the U.S. Senate today, and, of course, my reference is to the presence on the floor of our former colleague, Senator Gruening.

Mr. President, I wish, on behalf of the people of Alaska and of our Governor, to thank the members of the Committee on Interior and Insular Affairs for their dedication and attention to the hearings concerned with his nomination. I thank especially the Senator from our neighboring State, the Senator from Washington (Mr. JACKSON), for his fairness in conducting the hearings, and his insistence that every single rumor or half truth that was raised about our Governor should be fully covered in those hearings.

The staff of the committee, both minority and majority, worked long and hard hours during the past weekend. We are grateful that the printed record of the hearings contains the answers to all the allegations that were made. That is in the public interest.

All of us have received many letters and telegrams concerning this nomination. I have received a great many, but I would not seek to burden the RECORD of the proceedings with all of them. Three or four of them are, I think, significant.

First, I invite the attention of the Senate to a letter from the Alaska Sport Fish and Game Institute, Anchorage, Alaska, signed by one of the persons who organized the Alaska Sport Fish and Game Institute for the State of Alaska. He is a good friend of the Presiding Officer (Mr. Gravel) and of myself, having served in the legislature with us. He has written a moving letter to the distinguished Senator from Colorado (Mr. Allott) concerning our Governor and his abilities in the field of conservation. It is the type of letter that should be called to the attention of the Senate because the Alaska Sport Fish and Game Institute speaks for the 50,000 residents of our State who hold hunting and fishing licenses and who support the institute. The letter, signed by Ken Brady, reads, in part:

> The qualities we speak of are not just those of intelligence, integrity, capacity for hard work, public speaking ability, loyalty—Wally Hickel has all of these but he has something more, Wally has ideas plus the energy and contagious enthusiasm to sell those ideas to others.

Mr. President, I am most pleased that we are approaching the vote on the nomination. Again, I wish to say to the Members of the Senate that Walter J. Hickel is a man of dedication, of integrity, and of ability.

He has the capability to become one of the greatest Secretaries of the Interior that our country has ever had.

Mr. President, I ask unanimous consent that the letters and telegrams be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Alaska Sport Fish and
Game Institute,
Anchorage, Alaska, January 9, 1969.

Hon. Gordon Allott,
U.S. Senate Office Building,
Washington, D.C.

Dear Senator Allott: Rarely during these troubled times for America, do we find men who possess those qualities of leadership and character so necessary if we are to remain a great nation.

The qualities we speak of are not just those of intelligence, integrity, capacity for hard work, public speaking ability, loyalty—Wally Hickel has all of these but he has something more. Wally has ideas plus the energy and contagious enthusiasm to sell those ideas to others.

Wally Hickel has the determination and tenacity of a championship boxer (which he was in younger days.) You can't help but notice this in your committee hearings with him.

We have polled the officers and directors of the Alaska Sport Fish and Game Institute and because of his consistent record as a conservationist they are unanimous in endorsing Governor Hickel for Secretary of Interior. We urge you to support him for that position.

We feel we are speaking for 50,000 sports fishermen and hunters in Alaska as well as sportsmen throughout the United States. We cannot and must not let men of Wally Hickel's caliber go to waste.

May God Bless You and Guide You.

Ken Brady.

Matanuska Valley Sportsmen,
Palmer, Alaska, January 8, 1969.

Senator Henry M. Jackson,
Chairman, Senate Interior and Insular Affairs Committee, Senate Office Building, Washington, D.C.

Dear Senator Jackson: We support without reservation our Governor Walter J. Hickel for Secretary of the Interior.

Perhaps the greatest problem confronting conservation in the United States is settlement of the Native land claims in Alaska. More public land is involved here in one chunk than will ever be available again for public use. We find Governor Hickel is aware of this and has expressed his concern many times in public. We express our greatest confidence in Walter J. Hickel's ability to aid in the solution of this land claim equitably for all citizens of the United States.

Our club of course has had differences of opinion in the conservation field with our Governor. The most important of these served to point up a weakness in our State Constitution as regards our Fish and Game management. We now may take steps to correct this and think the disagreement beneficial.

Our feeling for our State of Alaska is: This is our home and our opportunity to fish and hunt and to enjoy the outdoors is one we wish to pass on to our children. Our best chance of doing this is with a man who also regards this State as home.

In no case do we find those of opposite thinking than ours to present a better man for the United States than Walter J. Hickel.

Yours truly,

Noel W. Woods,
President.

Anchorage, Alaska,
January 7, 1969.

Hon. Henry M. Jackson,
U.S. Senate,
Washington, D.C.

Sir: I hereby support Walter J. Hickel for the appointment of Secretary of the Interior and recommend his confirmation to this post.

Governor Hickel has endeavored to broaden conservation measures in fish and game and in natural resources:

1. Requested the Board of Fish and Game to make a study of game observation areas for public use and proposed management.
2. Readily endorsed programs which gives precedent of renewal resource programs first priority in management and use over nonrenewable resource.
3. Supports development programs but not at the loss of beauty of natural landscape or natural use of streams or waters.
4. Requires access areas to lakes, streams and area of public land. This is undoubtedly one of the greatest achievements in state land use and management that any state has ever conceived.
5. Actively pursued transplant of muskoxen to original habitat in the arctic regions.
6. Commercial fishing gear control to assure orderly harvest, to broaden biological management, to enhance proper escapement, and to protect stocks.
7. As Governor, appointed five sportsmen and five commercial fishermen to the Board of Fish and Game. This is the first time there has been a balanced board since statehood eight years ago.
8. There is no doubt that Governor Hickel is a conservationist—a protectorate—a wise user of natural resources. A man whose ambitions have not jeopardized the perpetual use of natural habitat and is continually seeking progress programs to meet the times and desires of the people of this Nation.

I am sure that if anyone has investigated the accomplishments and directions that Walter J. Hickel has supported during his public career, they too would endorse his position and would support his appointment.

Yours very truly,

Frank Cook.

Fallbrook, Calif.,
January 14, 1969.

Theodore F. Stevens,
Senate Office Building,
Washington, D.C.:

The appointment of Walter J. Hickel, Governor of Alaska, as Secretary of Department of Interior certainly warrants the approval by Committee on Interior and Insular Affairs and its recommendation for confirmation by the U.S. Senate. Having worked with him on projects of territorial, State, and national scope I have been impressed with his knowledgeable approach to all problems. I was appointed to the Alaska Purchase Centennial Commission by former Alaska Governor, William A. Egan, and served to the completion of the project, for the last 2 years under Gov. Walter J. Hickel. He has done an outstanding job as our Governor and can be depended upon to do as well in the new appointment.

Arthur F. Waldron,
Member, Trustees of Alaska Methodist University.

Fairbanks Native Associations,
Fairbanks, Alaska, January 12, 1969.

Senator Ted Stevens,
Senate Office Building,
Washington, D.C.:

The Fairbanks Native Association unequivocally endorses Gov. Walter J. Hickel for the post of Secretary of Interior in the Cabinet of President Richard Nixon. We feel this would be in the best interest of Alaska and the Nation. Governor Hickel is an Alaskan. As Alaskans we feel that he has made great strides toward understanding and attempting to solve problems facing the people of Alaska, particularly in the fields of education and native land rights. We feel that as Secretary of Interior Governor Hickel will continue to work toward solving these problems.

Gerald Ivey,
President.

Juneau, Alaska,
January 14, 1969.

Hon. Ted Stevens.
Senate Office Building,
Washington, D.C.:

Am sending today the following wire to Senator Jackson, chairman, Interior Committee: "As an Alaskan-born lifelong Democrat and former Alaska legislator I wish most emphatically to endorse Walter Hickel as Secretary of Interior. A review of Governor Hickel's highly successful business background viewed in the light of the tremendous strides in virtually every field that Alaska has made in only 2 short years under his administration indicates that the United States can also benefit under his dynamic and informed leadership. One of Governor Hickel's outstanding virtues is his most obvious ability to create a highly qualified cohesive working team and in this area, in particular, he should be most welcome in the Nation's administrative branch. Any unbiased consideration of Governor Hickel's activities the past 2 years will show nothing to support the unjust criticisms that extremists have made in recent weeks. I join with those who know Walter Hickel's qualifications best in urging his confirmation as Interior Secretary."

Curtis G. Shattuck.

Mr. MOSS. Mr. President, I yield myself 5 minutes.

We have now come to the time when the Senate will vote as to whether to advise and consent to the nomination of Gov. Walter J. Hickel to be Secretary of the Interior. I wish to stress again that the Senate has exercised its constitutional function in this debate on the nomination that has been submitted to the Senate by the President. I believe the Senate has performed a historic duty, one that devolves upon us, and one which sometimes seems to fall into disuse when we routinely advise and consent to nominations. I think that the reason why we have had such a lengthy debate this time, both in committee and on the floor of the Senate, is that there is great public concern about the position of Secretary of the Interior, and second, about the person who will hold that position.

The debate, I believe, has been directed in the main, at least, to the qualifications, based upon an appreciation of the position that Governor Hickel is about to assume. Certainly so far as I am concerned, and I believe so far as concerns other Senators to whom I have listened, who will vote in the negative, we have not questioned the personal integrity, honesty, or fitness of Governor Hickel as a man to hold this position. Our objections have been centered on his lack of background and understanding of the very important position that he will assume, although I think it is certain that his nomination will be confirmed when the roll is called. For that reason, I wish to say again, as I said earlier, that I do hope that Governor Hickel will develop into an outstanding Secretary of the Interior. I hope that he will grow with the job.

I believe that he must grow if he is to become a successful and competent leader as Secretary of the Interior. He will follow one of the great conservationists of this country, a man who has made his mark as Secretary of the Interior and has set in motion the great movement toward conservation and preservation of the environment and an awareness of our surroundings. Governor Hickel will be expected to carry on where former Secretary Udall left off. I pay a high compliment to former Secretary Udall and express the hope that Governor Hickel will follow in his footsteps and will give us the leadership that is needed.

I say again that I shall be glad to cooperate with Governor Hickel when he becomes Secretary of the Interior. I feel certain that this is true of the other Senators who feel duty bound by their conscience and by the record as it exists to cast negative votes to indicate that we do not believe that the right man was selected in the first instance, a man who has not had contact with and does not have an appreciation of the problems that are inherent in the department of natural resources of this country.

Our natural resources are the basis of our whole existence on this fine globe. When we saw the television programs showing the astronauts looking back to our world floating in space, with the clouds over it, with a little bit of green and some blue on it, we then realized what a really small globe we occupied and how dependent we are upon the resources of that fine globe. That means our seas, our lakes, our streams, our soil, our air, and all the rest of the environment in which we live.

The Secretary of the Interior is the man who must give us leadership in preserving that environment. I think that Governor Hickel is not equipped at this time to do that; therefore, I must cast my vote against his nomination.

The PRESIDING OFFICER. The Senator from Colorado controls the remaining time.

Mr. ALLOTT. Mr. President, the distinguished chairman of the Committee on Interior and Insular Affairs (Mr. JACKSON) desires to speak before the debate on the nomination is closed, so my statement will be short and concise.

First, all the controversy that has occurred, much of which, I think, is unjustified entirely, should cause anyone who will take the trouble to read the record and read Governor Hickel's statement before the committee to resolve the question completely in his favor. There is no question that certain interests in the country have tried to foment a major crisis over the nomination. For that reason, I wish particularly to thank the distinguished Senator from Washington, the chairman of the committee, for his fairness and impartiality during all of the hearings, and for his constant attempt to make the record of the hearings complete and full in every respect and to be certain that the rights of the nominee were respected, as well as the rights of those who desired to be heard.

I wish to add one other statement; then in the minute or so remaining I will yield to the distinguished chairman.

I wish to extend my thanks to all the members of the committee and also to the members of the staff for all of the hard work they performed during the consideration of the nomination. They worked day and night throughout the weekend, and deserve recognition for doing so.

I now yield to the distinguished Senator from Washington.

Mr. JACKSON. Mr. President, for the benefit of my colleagues, may I say that we held open, public hearings for 3½ days, all day long, on this nomination. Governor Hickel was responsive to the questions at all times.

I have tried throughout to be a fair and impartial judge. I am convinced that in confirming his nomination, we will have met our constitutional responsibilities. He, in turn, has met the constitutional requirements that should be given consideration by the Senate before we act on the nomination.

I said the following in my statement yesterday when the Senate began consideration of this nomination:

> Mr. President, permit me to comment first on my understanding of the Senate's constitutional duty to advise and consent with respect to the selection by the President of his Cabinet.
>
> The Constitution recognizes three stages in the appointments by the President with the advice and consent of the Senate. First, the "nomination" of the candidate by the President alone. Second, the assent of the Senate to the "appointment" of the candidate. Third, the "commissioning" of the candidate by the President.
>
> Alexander Hamilton in the Federalist, explained why this procedure was incorporated in the Constitution. He made it clear that the President was not to be relieved of his responsibility for his appointments. The purpose, he said, was to place a check on any spirit of favoritism and to prevent the appointment of "Unfit characters from state prejudice, from family connection, from personal, attachment, or from a view to popularity."
>
> On the first day of the hearings on this nomination, I noted that:
>
> History will show that the Senate has accorded the President, particularly a newly elected President, wide latitude in his choice of those who will serve the country as members of his Cabinet. Nevertheless, this committee and the Senate must meet our constitutional obligations, and therefore, this is not a perfunctory proceeding. At a minimum, I expect it to be an enlightening and educational experience for us all. I hope we will make good use of this opportunity to examine our responsibilities here before the public.
>
> The members of the committee and invited representatives of the Public Works Committee questioned the nominee at great length on many matters. It is my view that the committee's action in recommending that the Senate advise and consent to the Hickel nomination is taken in accordance with our constitutional obligations.
>
> It is my judgment, and I am sure that this is shared by the ranking minority member of the committee, the senior Senator from Colorado, that an adequate hearing record has been made. The length of the proceedings and the scope of the questioning was unusual. But, so were many of the factors surrounding the nomination. The committee tried—and I believe was successful—to be fair to everyone involved throughout the proceedings.
>
> By long established custom—particularly with regard to a newly elected President—the Senate has followed the practice of giving the President his Cabinet, almost as a matter of course. These are the individuals selected by the President to be his principal advisers. He is responsible for their official acts. The Chief Executive is entitled to exercise wide latitude in their selection.
>
> The Senate is neither required nor entitled to share this responsibility with the President.
>
> We may not agree with the views of those selected by the President. Indeed we must expect there will be some, even considerable, disagreement. Senators may believe that a particular nominee does not meet a standard of qualification or competence that they themselves would set. But it is the President, not the Senate, who must set the standards of qualification and competence for his principal advisers.
>
> Let there be no mistake about it, these are the President's men and he is entitled to have them, barring some flagrant error or abuse of his prerogatives in making his nominations.
>
> In the examination of Mr. Hickel in accordance with the Senate's duties and responsibilities, a majority of the committee found no proper grounds on which to negate the President's choice.
>
> Mr. President, the President of the United States must be responsible and accountable for the administration of the executive branch. We cannot hold him responsible if we deny him his choice of principal advisors for less than overriding cause. It was on this basis, Mr. President, that I voted in committee to recommend that the Senate confirm the nomination of Walter J. Hickel.

I could not in conscience on the basis of the record before us vote against his nomination. I have no hesitancy in urging my colleagues to confirm his nomination.

Mr. President, I ask for the yeas and nays on the nomination.

The yeas and nays were ordered.

Mr. HARRIS. Mr. President, I have studied carefully the record of the Senate Interior Committee concerning the nomination of the Honorable Walter Hickel to be Secretary of the Interior. I have listened to and read the subsequent debate and discussion on this matter in the Senate.

I commend the distinguished chairman, Senator Jackson, and all the members of the committee for the thorough examination of Governor Hickel's qualifications to be Secretary of the Interior. The committee carried out completely its duty to examine Mr. Hickel's record and to inform the Senate of his qualifications, and I appreciate the committee's diligence and complete objectivity in its proceedings on the matter of Governor Hickel's confirmation.

I have received a great amount of mail regarding this nomination. All of it—both from Oklahoma and throughout the country—has been running about 95 percent against Senate confirmation of Mr. Hickel.

Among other things, I am worried about this nominee's views concerning conservation and air and water pollution, subjects of increasing seriousness and importance to us all. I will not burden the Record with all of the communications and telegrams I have received from people who are also concerned about these subjects and Mr. Hickel's views on them. I do, however, ask unanimous consent that a representative sampling of them be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Tulsa, Okla.,
January 20, 1969.

Senator Fred Harris,
U.S. Senate Office Building,
Washington, D.C.:

We urge you to vote against the appointment of Walter Hickel as Secretary of Interior. Errors made in the use or misuse of natural resources, wilderness, wildlife, not to mention the lives of Indians and Eskimos, are often not reversible. Judging from Mr. Hickel's background and his own public statements regarding pollution and conservation we cannot believe he would serve the best interest of America.

Mr. Keith Gildersleeve.
Mrs. Lois Briggs.

Oklahoma City, Okla.

Senator Fred R. Harris,
Senate Office Building,
Washington, D.C.:

Urge vote against confirmation Hickel. Past performance and anti-conservation attitude inconsistent with appointment.

L. P. Eliel.

Oklahoma City, Okla.,
January 20, 1969.

Senator Fred Harris,
Senate Office Building,
Washington, D.C.:

Strongly urge you to vote against confirmation of Walter Hickel as Interior Secretary. This man by his actions and words has made it clear that he does not believe in nor support the conservation needs of our country.

Robert H. Furman, M.D.

Canton, Okla.,
January 20, 1969.

Senator Fred Harris,
Senate Office Building,
Washington, D.C.:

Urge you oppose confirmation of Hickel as Secretary of Interior.

Mr. and Mrs. C. Roy Haw.

Cushing, Okla.,
January 14, 1969.

Senator Fred Harris,
Senate Office Building,
Washington, D.C.:

Strongly urge you oppose confirmation of Hickel for Secretary of Interior. Letter follows. Attn. Dennis Brezino.

Mrs. Desmond Isted.

Tulsa, Okla.,
January 20, 1969.

Senator Fred R. Harris,
Senate Office Building,
Washington, D.C.:

We oppose consent to nomination of Walter Hickel as Secretary of Interior.

Mr. and Mrs. Hugh Selman.

Oklahoma City, Okla.,
January 20, 1969.

Senator Fred R. Harris,
Senate Office Building,
Washington, D.C.:

Walter J. Hickel's ideas concerning exploitation natural resources is contrary to country's long range interests.

Grant R. Kilpatrick.
Neal D. Kilpatrick.
Kitty Goodwin King.
Helen A. Buckley.

Tulsa, Okla.,
January 20, 1969.

Senator Fred Harris,
Senate Office Building,
Washington, D.C.:

Urge you oppose Hickel's appointment. His opposition to conservation principles makes him unfit for job.

Mr. and Mrs. Lionel Cohen.

Tulsa, Okla.,
January 16, 1969.

Sir: I am depending on you to vote against the appointment of Gov. Walter Hickel as Secretary of the Interior.

Respectfully,
Florence O. Buettner.

Norman, Okla.,
January 17, 1969.

Hon. Fred R. Harris,
U.S. Senate,
Washington, D.C.

Dear Senator Harris: We are very uneasy about the possible appointment of Governor Hickel as Secretary of the Interior. Our natural resources, especially our wilderness, cannot be restored by legislation once it is destroyed. Please do not endanger these treasures for future generations by approving an Interior Secretary whose intentions are unclear. We must have a man who, while trying to be reasonable, realizes that too much conservation is better than too little.

Sincerely yours,
Mr. and Mrs. William C. Bumgarner.

Norman, Okla.,
January 15, 1969.

Senator Fred Harris.

Dear Sir: I have read a great deal about Gov. Walter J. Hickel, and I don't think it is to the best interest of the American people for him to become Secretary of Interior. He seems to be more interested in industry, which causes more pollution to air and water, than conservation.

The affluent American people are indifferent to the waste of our natural resources, especially the forests which provide the material for paper. If we don't reverse the trend, in a few years, we shall all be smothered in a sea of discarded paper.

Respectfully,
Mary Langthorp.

Tulsa, Okla.,
January 17, 1969.

Hon. Fred Harris,
Senate Office Building,
Washington, D.C.

Dear Senator Harris: It appears that The Honorable Walter J. Hickel should not be confirmed as Secretary of the Interior. It rather definitely appears that this man is the worst possible choice, and the worst choice for Secretary of the Interior that the country has ever been confronted with.

I hope you will give this matter your top attention, knowing, of course, that you know the importance of the position of the Secretary of the Interior.

Yours very truly,
Warren L. McConnico,
Attorney at Law.

Dear Sir: I was shocked to hear the views of Gov. Hickel of Alaska, Nixon's appointment for Sec. of Interior, on pollution. For the sake of the survival of our planet, *please oppose* his appointment.

Mrs. N. Runge,
Norman, Okla.

Muskogee, Okla.,
January 20, 1969.

Fred Harris,
U.S. Senator,
Senate Office Building,
Washington, D.C.

Dear Senator Harris: It is my opinion that a recent article written by columnists Drew Pearson and Jack Anderson titled "New Secretary Of Interior No Friend To Eskimos and Indians" represents, in the absence of the columnists being guilty of libel, an indictment against the character of Governor Hickel.

Because of my interest in human welfare and, indeed, the total welfare of our nation, it is my hope that you and other members of the Senate will make an in depth study of Governor Walter Hickel's qualifications to serve in the best interests of our nation as Secretary of the Interior before making a confirmation decision.

I believe our nation has reached a point in time where it is incumbent upon all national leaders to be above reproach in the process of demonstrating appropriate feelings, actions and interests for the welfare of *all* Americans. I believe further that this will do much to eliminate the detrimental inconsistencies which have been injected into our democracy for so long by self-centered, incompetent and bigoted people placed in leadership positions.

Your interest in and consideration of my plea will be very much appreciated.

Respectfully,
Tommy Jackson.

Norman, Okla.,
January 17, 1969.

Hon. Fred Harris,
U.S. Senator,
Senate Office Building,
Washington, D.C.

Dear Senator Harris: I am very much disturbed by the appointment of a Secretary of the Interior who will have jurisdiction over much of which is not now administered under the "Multiple Use Concept". Land in National Parks, and land upon which our wildlife is sustained.

There is a definite difference in his philosophical thinking of the Wildlife Act and our National Park System.

I would appreciate very much your thinking regarding his qualifications before he is presented for confirmation.

Any comment to me personally, I would appreciate.

Sincerely,

S. Don Wilson.

Reference: His interview with Washington Post December 19, 1968, and his comments.

Prague, Okla.,
January 17, 1969.

U.S. Senator Fred Harris.

Dear Sir: I am asking you to take a good look & Study of Walter Hickel before you vote to confirm him as Secy. of The Interior.

Yours truly,

Ernest Sala.

Mr. HARRIS. Mr. President, Senators know of my long-standing and continuing interest in improving the lives of American Indians and Eskimos. There is much apprehensiveness about Mr. Hickel's attitudes on this subject. For example, I ask unanimous consent that one of several letters I have received from American Indians may be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Ardmore, Okla.,
January 15, 1969.

Hon. Fred R. Harris,
U.S. Senate,
Washington, D.C.

Dear Senator: I am one half blood Chickasaw Indian, Borned in Pickens County, Now Love County Oklahoma. Year 1891.

I know quite a number of Indians in The Chickasaw and Choctaw Nation and have talked to a number of them.

We have a very good program started in the Indian Country and just started good, we would hate to see it changed up.

We are all interested in The Secretary of the Interior and I have not found that is one Indian satisfied with the appointment of the man that the President Elect is trying to put in office.

Would like to see some one that will help carry on this program that is well under way.

Yours truly,

Samuel L. Wallace.

Mr. HARRIS. Mr. President, all other things being satisfactory, I basically believe that a President should be able to choose his own Cabinet. But, if the constitutional "advice and consent" powers of the Senate are to be effective, Senators must exercise their careful and individual judgment of each nomination. Thus, though I assume this nomination will be confirmed by the Senate, I must vote against it in order to express my concerns and the concerns of so many people who have contacted me, hoping that as Mr. Hickel takes on these new responsibilities he may do so with due regard for the views which have been voiced on these and other subjects within his jurisdiction.

Mr. CRANSTON. Mr. President, a stirring, eloquent message came to me a few days ago from a San Diego scientist. He wrote:

> I am a geologist who has a great appreciation for clear skies and untracked wilderness. I would like to pass this heritage on to my sons.
>
> I realize that this nation has a great need to develop its natural resources. But I believe that can be done without significantly disturbing the balance of nature or laying waste to our vanishing wilderness areas.

He expressed what he called his "considerable concern" over the nomination of Governor Hickel.

I share his concern. So do thousands of other conservationist-minded Californians who have communicated to me by letters, telegrams, phone calls, and personal visits urging me to vote against confirmation of Governor Hickel.

I was concerned when Governor Hickel's nomination was first announced. But I withheld final judgment until the Senate Interior and Insular Affairs Committee had concluded its hearings.

I spent last night reading the extensive transcripts of those hearings. My doubts about Mr. Hickel's appointment have been multiplied, rather than reduced, and my concern has been compounded.

I have reluctantly concluded that Governor Hickel is not qualified for the position to which he has been named. He lacks the experience, the interest, or the outlook of a strongly devoted conservationist.

And, as a San Mateo couple wired me:

> California, even more than the rest of the United States, needs a strongly devoted conservationist for Secretary of Interior.

Governor Hickel is, from all accounts, a successful businessman and an able administrator. He could, in my opinion, fill admirably any of a number of top governmental positions. But not that of the Nation's No. 1 conservationist, the people's trustee for the total environment whose Cabinet post, to quote a San Francisco constituent, "affects the future health and well-being of every American citizen."

As a man and wife in Manhattan Beach pointed out:

> His past record and current statements, do not make clear that he would manage the nation's limited natural resources in the best interest of all Americans. All of us have the right to unpolluted atmosphere, lakes and streams.

I am deeply convinced that immediate, wholehearted, and dedicated efforts are essential if we are to protect our unique heritages of land and water. It is the legitimate right of future generations that they find their heritage preserved rather than irrevocably ruined and despoiled.

The fear of the irrevocable damage that might be done our natural resources by an insensitive Secretary runs through many messages that have come to me. This is most perceptively stated in a telegram from a man in Atherton. He warns:

> Except at enormous costs and over a long time, the destruction of natural resources is usually irreversible.

I agree.

A felled redwood cannot be righted and restored to life. A vanishing species cannot be revived once it is made extinct. It takes years to cleanse polluted waters. In some places in our Nation the air may never again be fresh.

Once our beaches, our lakes, our mountains, our wildernesses have been opened to commercial development, they can never be fully restored to their natural state and their legacy of beauty is forever lost.

It is important to note, and I am not at all sure Governor Hickel really understands this, that the preservation of our natural environment is not simply an esthetic concern. Serious scientists have suggested that the ecological imbalance caused by human mismanagement of our environment may threaten the very survival of the human species.

A Secretary of the Interior must clearly perceive the enormity of the environmental problem mankind faces. Yet it is in that very area that Governor Hickel appears most unprepared.

Last Thursday, in response to a thoughtful question by the distinguished Senator from Wisconsin about the Governor's philosophy on the environmental problem, Governor Hickel made a hesitant uncertain response about oceanic research that convinced me that he has no clear understanding of the meaning of ecology.

The question was clear and precise. It provided an excellent opportunity for a potential Interior Secretary to rally the American people for a crucial struggle against the smudge and smog, poisons and industrial wastes, pollutants and exploitations that are befouling and despoiling our good earth for generations to come. Instead, Governor Hickel talked about research in growing food on the Continental Shelf—a vital matter, but a quite different one.

I am afraid that Governor Hickel, as Secretary of the Interior, would be tempted to remove the reins from unlimited private exploitation of our natural resources.

I do not suggest that he would do so in order to further his own interests. I do not charge him with that. Rather, I fear he would tend to favor freer commercial exploitation in the belief that doing so would further the national interest.

That is the view, I believe, that constitutes the danger he would bring to his office and to our Nation.

I must vote against Governor Hickel's confirmation. I do so regretfully. I regret having to vote against a man personally selected by President Nixon, whom I wish well.

There are many conservationists in the Republican Party, like Thomas Kuchel and Rogers Morton, who are eminently qualified for the post of Secretary of the Interior and whom I could have enthusiastically supported.

I have supported all the other nominations that President Nixon has placed before the Senate. But I cannot approve Mr. Hickel.

I agree with a lady in Palo Alto who says simply that "he does not understand the job."

If he becomes Secretary of the Interior, I pray that he proves me wrong.

Mr. SPONG. Mr. President, on the basis of the record compiled by the Senate Committee on the Interior, it is my intention, with reservations, to vote for the confirmation of the Honorable Walter J. Hickel as Secretary of the Interior.

I earlier expressed my concern over Governor Hickel's nomination because of the implications of statements he made on conservation and water pollution during a press conference on December 18, 1968. During the committee hearings, however, he pledged support of the 1966 Water Quality Act, and asserted there is an absolute necessity to protect the desired quality of our environment. He also endorsed the Wilderness Act and the Wild Rivers Act.

As for his earlier statement that he was opposed to conservation solely for the sake of conservation, he explained at the hearings that he was referring primarily to Alaska. He said millions of board feet of timber there were rotting for not being harvested. In addition, he has agreed to dispose of certain stocks, and to instruct the trustees of his family owned businesses to refrain from doing business with the Federal Government. Moreover, he has in mind the appointment of a leading conservationist—reportedly Mr. Russell Train, president of the Conservation Foundation—to be Under Secretary of the Department of the Interior.

Governor Hickel's unfortunate earlier statements perhaps stem from the fact that his home State, largely undeveloped, has not been the victim of the environmental pollution problems which are becoming so critical in the more populous areas of the United States. I hope the nominee now recognizes the necessity of coming to grips with these problems, and that the Department of the Interior will continue to exert vigorous leadership in this area of national concern.

In considering nominees for the Cabinet, one must recognize that the President is entitled to every favorable presumption. As was pointed out yesterday, there is an established tradition that the Senate will accord a President a free hand in the selection of members of his Cabinet. Only eight such appointments have been rejected by the Senate in the Nation's history.

The committee, headed by the able and distinguished Senator from Washington, is to be commended for its thorough examination of the nominee and his qualifications. I am prepared to accept the committee's judgment in this matter, with the hope that Governor Hickel will familiarize himself quickly with the extent of environmental pollution, and take affirmative action to abate it.

Mr. BAYH. Mr. President, after carefully examining the record of the hearings held by the Senate Committee on Interior and Insular Affairs on the nomination of Gov. Walter J. Hickel, of Alaska, to be Secretary of the Interior, I have decided to support the recommendation of a majority of the members that the nomination be confirmed. Because of various questions which have been raised, both in the public press and in the committee, about the wisdom and even the propriety of this choice, it has been difficult to arrive at a decision in this matter. In view of the significance of this appointment, let me set forth briefly the reasons why I believe the Senate should approve the nomination.

Both long-existing custom and sound administrative practice uphold the view that the President of the United States should be allowed wide discretion in choosing his chief subordinate officers. Only on very rare occasions has the Senate questioned the freedom of the President to name without opposition the heads of the executive departments. This is especially true with respect to nominations submitted by a new incoming President. There is much to be said in favor of permitting a new administration, entrusted recently by the electorate with the responsibilities of office, to translate expressed public will into positive action through top leadership of its own designation.

On the other hand, in carrying out its constitutional power to "advise and consent," the Senate has a clear mandate to examine thoroughly the qualifications of any candidate submitted by the President for its consideration. In exercising this duty, the Senate must carefully and impartially evaluate all available evidence about the nominee, both favorable and otherwise. Certainly if there is positive proof that an individual has definite character deficiencies or a past record which would indicate beyond doubt his unfitness for a post of high responsibility, the Senate should reject such a nomination.

No Senator would ever knowingly give his consent to an appointee who had been proven guilty of serious offenses against the state or his fellow man. In this particular instance, however, despite numerous charges which have appeared in print and elsewhere, the testimony presented to the committee and the responses to numerous questions have not convinced me that the nominee has conducted himself in a manner which would merit rejection by the Senate in light of the overriding precedent of permitting the President wide latitude in choosing those he desires to serve in his administration.

Some have raised serious objections which appear to be based solely on the attitudes, knowledge, experience and understanding of the candidate. While I agree that the Secretary of the Interior should be a man who fully comprehends the priority which the Nation must place on protecting and preserving our natural resources, the hearings provide no preponderant evidence demonstrating conclusively that Mr. Hickel would be remiss in carrying out this responsibility if it were entrusted to him. More importantly, final authority and responsibility for exercising the discretionary powers vested in the Secretary must rest in the Presidency itself. Any major policy, decision or regulation emanating from the Secretary must bear the imprint and approval of the Chief Executive, and credit or blame for these policy determinations will inevitably fall on the shoulders of the administration itself.

I do not minimize the tremendous importance of the tasks confronting the man who will head the Department of Interior. As the chief conservator of our vast store of natural resources, administrator of millions of acres of public lands, supervisor of our national parks and monuments, and director of relations with Indian Americans, the new Secretary will undoubtedly exert considerable influence over policies which will affect the welfare of the Nation for generations to come. In all candor, there are certain activities and attitudes which have been attributed to the perspective nominee which concern me greatly. In light of my particular concern relative to the entire matter of conservation and natural resources, it would have seemed wiser to have appointed a Secretary of the Interior with abundant past experience and an enthusiastic commitment to this cause. However, this decision rests with the new President.

I have discussed this matter with the distinguished chairman of the Senate Interior and Insular Affairs Committee and I am convinced that this committee will keep a close eye on the future activities of the new Secretary of the Interior. As a Senator from the State of Indiana, I intend to conduct a similar vigil personally. The problems confronting my State and our Nation involving both air and water pollution, the conservation of our natural resources and our unique natural habitats are of such extreme importance to a Nation that is rapidly increasing in population density that no one in the Congress of the United States can relax this vigil for even a moment.

Mr. FANNIN. Mr. President, over the past 2 weeks, there has been much debate over the confirmation of Walter J. Hickel as Secretary of the Interior. Out of this debate has emerged the picture of a man deeply committed to the conservation of our natural resources. His statement before the Interior Committee, coupled with his answers to the questions posed by the members, evidences a capacity to deal openly, candidly, and objectively with the problems of the Department of the Interior. He evaded no questions. He cooperated fully with the chairman and committee members. Although interrogated at times on subjects totally irrelevant to his qualifications, Governor Hickel nevertheless cooperated fully.

As so ably stated by our distinguished chairman, Senator JACKSON:

> The President is entitled to have the men he has nominated for his cabinet barring some flagrant error or abuse of his prerogatives in making the nominations . . . A majority of the committee found no proper grounds on which to negate the President's choice.

Governor Hickel has evidenced those qualifications essential to the successful administration of our established national programs. His accomplishments in the field of conservation are outstanding, as will be apparent from an examination of his record. This record amply shows his efforts to promote the efficient use of natural resources, the assurance of adequate resource development in order to meet the requirements of the future and, of prime importance, the discouragement of wasteful exploitation of our natural resources.

Additionally, his record reflects his awareness of the need for the orderly development of recreational facilities, having instituted where feasible programs for immediate use while considering the long-range needs of a comprehensive program. His achievements in the preservation and protection of fish and wildlife are exemplary. In short, Mr. President, Governor Hickel has demonstrated through his outstanding achievements — accomplished in cooperation with the private sector, his own State government, and the Federal Government—his thorough understanding of the problems and programs entrusted to the Department of the Interior. I strongly urge the Senate to approve the nomination of this highly qualified appointee.

Mr. ALLOTT subsequently said: Mr. President, during the debate on the nomination of Walter J. Hickel as Secretary of the Interior, I mentioned former Assistant Secretary of the Interior for Mineral Resources, John M. Kelly. I stated that, according to the record, Mr. Kelly had been confirmed with the understanding that he would make a gift of his stock in the Elk Oil Co., a wholly owned family company, to his four minor children, and that he would continue to operate his producing properties on State and private land through his staff. I also indicated that he intended to divest himself of his Federal leases.

I repeat, I mentioned Mr. Kelly's situation only by way of an example of how the Interior Committee has approached this matter in the past. I have never heard from any person, Republican or Democrat, in business or otherwise, one word of criticism of Mr. Kelly's performance in office. He was a credit to that office and to the Department of the Interior.

Last Friday afternoon, Mr. Kelly visited the chairman and me, and advised us that he had divested himself of all of his holdings and operations as an independent oil producer within 90 days of taking office. I was not aware of this change in his plans. Mr. Kelly furnished to the chairman and me a letter which sets forth the situation as it existed.

Mr. President, in order that the record might be clear on the matter, I ask unanimous consent to have printed in the RECORD a letter dated January 24, 1969, from John M. Kelly to Chairman JACKSON, of the Committee on Interior and Insular Affairs, and a letter from Mr. Kelly dated January 24, 1969, addressed to myself.

There being no objections, the letters were ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
January 24, 1969.

Hon. HENRY M. JACKSON,
Chairman, Senate Interior Committee,
Washington, D.C.

DEAR SENATOR JACKSON: When the Senate on January 22, 1969 was considering the nomination of Gov. Walter J. Hickel of Alaska to be the Secretary of the Interior the Congressional Record shows that Senator Allott of Colorado discussed the situation of an Assistant Secretary of the Interior appointed by President Kennedy. I was that Assistant Secretary.

I would like to say that I appreciate the kind remarks made by Senator Allott when he stated,

"He was Assistant Secretary in charge of oil and mineral resources. I have never heard from any person, Republican or Democrat, in business or otherwise, one word of criticism of that man's actions while he was Assistant Secretary of the Interior. He did a fine job.

"At the time of his appointment, he was a consulting mining engineer and geologist, and an independent oil producer and driller as an individual. He was President of the Elk Oil Company, a wholly owned family business. This was in addition to being a producer and a driller as an individual. That company was primarily a royalty company. He was mineral adviser to the New Mexico State Land Office. Mr. Kelly proposed to make a gift of the stock of the Elk Oil Co., to his four minor children. He made Mr. James T. Jennings, his personal attorney, the custodian of it for the children, if the court approved. According to the hearing record his own staff did continue to operate his individual business as a producer of oil on State and fee lands—not Federal lands, now—through his staff, but his Federal properties were to be divested. That is exactly what we have required in this instance. I do not know that this is clear to everyone who may hear it but when we got through confirmation of these people, the committee, at least the Committee on Interior and Insular Affairs, goes through his portfolio and if there are any stocks in there that might possibly result in a conflict of interest, we ask that a man divest himself of these things. We agree unanimously and we never have any difficulty. Under Mr. Kelly's direction were the Bureau of Mines, the Geological Survey, the Oil Import Administration, the Office of Mineral Exploration, the Office of Coal Research, the Office of Oil and Gas, and the Office of Geography. Now, I repeat, I use this only as an example of how we have approached this matter and to put it in its proper context, because Mr. Kelly served for 4 years until June 30, 1965, and I have never heard one word of criticism of anything he did."

However, I believe that I should clarify to the Committee on Interior and Insular Affairs and to Senator Allott the full extent of my divestiture of personal and corporate interests when I assumed the Office of Assistant Secretary of the Interior.

Senator Allott is correct in saying that the Committee approved and the Senate confirmed my nomination with the understanding that I would sell my holdings of oil and mining company's stock and that Mrs. Kelly and I would make a gift to our minor children of all of our interest in the Elk Oil Company, a wholly owned family corporation. The corporate stock sales were made within a short period of time. With reference to Elk Oil Co., our stock interest was given to an irrevocable trust created for our four minor children and the trust then elected Mr. Jennings as President and Executive Officer of the Corporation. Neither Mrs. Kelly nor myself have held any stock or other type of ownership interest in the Elk Oil Company since June 1961 through this date.

With reference to the statement made in my nomination hearing on March 27, 1961 that I would dispose of, by sale, all my holdings and operations on Federal leases but that I would continue the ownership of my holdings on State and fee lands as an independent operator, said operations to be carried on by my superintendent and staff in New Mexico.

After my confirmation, Senator Anderson, who was the Chairman of the Committee at that time, and I discussed the procedures that I should follow in making my divestitures. With particular reference to my holdings and operations as an independent oil producer, he suggested that I divest myself completely, by sale, of all of my operations irrespective of the mineral ownership of the land, be it Federal, State or fee. He stated that this would remove all possible claims or doubts that could be made against decisions that I would be called upon to make as the Assistant Secretary for Mineral Resources of the Department of the Interior. I agreed to follow this good advice and sold, within ninety days, all of my oil and gas holdings and operations.

During the period that I served as Assistant Secretary for Mineral Resources of the Department of the Interior, I did not hold, own or apply for or operate any oil, gas or mineral lease on Federal, State or any other type of lands. Nor did I purchase stock or hold interests in companies that operated in the mineral areas.

I will appreciate your placing this letter into the official record of the Committee and the Senate in order that the record will show that the references to my ownership of securities or personal operations that could have possibly resulted in a conflict of interest were fully satisfied by my complete divestiture of these holdings.

Respectfully,

JOHN M. KELLY.

WASHINGTON, D.C.,
January 24, 1969.

Hon. GORDON ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLOTT: I am sending the enclosed letter to Senator Jackson, Chairman of the Senate Interior Committee with the request that it be placed in the CONGRESSIONAL RECORD. I feel that this letter fully clarifies the dispositions that I made at the time I took office of holdings that could have possibly resulted in a conflict of interest.

I wish to thank you for the kind remarks that you made about my performance as Assistant Secretary of the Interior.

Sincerely yours,

JOHN M. KELLY.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the nomination of Walter J. Hickel to be Secretary of the Interior? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE (when his name was called). On this vote I have a pair with the Senator from Mississippi (Mr. EASTLAND). If he were present, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withhold my vote.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the distinguished minority leader, the Senator from Illinois (Mr. DIRKSEN). If he were present, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withhold my vote.

Mr. METCALF (when his name was called). On this vote I have a pair with the Senator from Connecticut (Mr. RIBICOFF). If he were present, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

On this vote, the Senator from Missouri (Mr. EAGLETON) is paired with the Senator from Minnesota (Mr. MONDALE). If present and voting, the Senator from Missouri would vote "yea," and the Senator from Minnesota would vote "nay."

Mr. SCOTT. I announce that the Senator from Kentucky (Mr. COOPER) is absent on official business, and, if present and voting, would vote "yea."

The Senator from Illinois (Mr. DIRKSEN) is necessarily absent, and his pair has been previously announced.

The result was announced—yeas 73, nays 16, as follows:

[No. 12 Ex.]

YEAS—73

Aiken
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cotton
Curtis
Dodd
Dole
Dominick
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Goodell
Gore
Gravel
Griffin
Gurney
Hansen
Hart
Hatfield
Holland
Hollings
Hruska
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Mathias
McClellan
McGee
Miller
Mundt
Murphy
Packwood
Pearson
Percy
Prouty
Randolph
Russell
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.

NAYS—16

Allen
Cranston
Harris
Hartke
Kennedy
McCarthy
McGovern
McIntyre
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Tydings
Young, Ohio

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Inouye, against.
Mansfield, against.
Metcalf, for.

NOT VOTING—8

Cooper
Dirksen
Eagleton
Eastland
Magnuson
Mondale
Montoya
Ribicoff

So the nomination was confirmed.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ALLOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JACKSON. Mr. President, I ask that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, there are two nominations at the desk from the Committee on Finance. I ask that both nominations, which were reported earlier today, be considered en bloc because they are both from the Committee on Finance.

The PRESIDING OFFICER. The nominations will be stated.

DEPARTMENT OF THE TREASURY

The assistant legislative clerk read the nomination of Paul A. Volcker, of New Jersey, to be Under Secretary of the Treasury for Monetary Affairs; and the nomination of Charls E. Walker, of Connecticut, to be Under Secretary of the Treasury.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, because of the strain on some Members of the Senate today on other matters, I ask unanimous consent that, as in legislative session, there be a period for the transaction of routine morning business, not to exceed 30 minutes, and that at the conclusion of that time, or before if there is no further morning business, we turn in executive session to the consideration of the nomination of Mr. Packard to be Deputy Secretary of Defense.

The PRESIDING OFFICER (Mr. McINTYRE in the chair). Without objection, it is so ordered.

PEACE GUN KILLS INOCULATION PAINS

Mr. JAVITS. Mr. President, I should like to bring to the attention of my colleagues an article published in the New York Times which describes the tremendous contribution made by Dr. Robert A. Hingson to world health. Dr. Hingson is the ingenious man who invented a "gun for peace," a jet injector which is a gun-like device that will administer to people throughout the world inoculations against epidemic diseases. By helping to prevent diseases which ravage men both physically and mentally, Dr. Hingson has made a historic contribution to world peace and well-being.

I ask unanimous consent to have printed in the RECORD the article entitled, " 'Peace Gun' Kills Inoculation Pains," published in the New York Times on October 6, 1968.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"PEACE GUN" KILLS INOCULATION PAINS—JET INJECTOR CAN ADMINISTER VACCINES WITHOUT NEEDLE

In Nicaragua it is called "pistola de la paz," in Nigeria "ibon alafia" and in India it is known as "shanti ki banduk."

Translated, the words all mean "gun of peace," or the jet injector, which is a gun-like device that administers painless injections without needles.

For the last five years, the jet injector has been used increasingly in the worldwide battle against epidemic diseases. Millions are being inoculated every day against smallpox, malaria, polio, tuberculosis and other diseases.

Last year, the World Health Organization and the United States Agency for International Development began an eight-year joint campaign to vaccinate 1.5 billion people throughout the world against smallpox using jet injectors.

The man behind the gun's development is Dr. Robert A. Hingson, a 55-year-old tall, soft-spoken Alabamian.

OIL ENTERS HAND

In 1938, when Dr. Hingson was an intern at the United States Marine Hospital on Staten Island, he came across an odd case. A seaman suffered from a badly swollen hand, which, when lanced, produced about a tablespoon of black liquid. Dr. Hingson found that oil had entered the man's hand as a result of his having held a high-pressure hose that must have had a tiny leak.

He recalled a principle in France in 1868, that a needle could be eliminated through the use of a high velocity spring system. By 1946, he had, with the help of engineers, developed the first working model of a jet injector.

The gun is entirely spring-powered, and operates somewhat like an automobile jack. The spring is compressed, creating two tons of pressure per square inch. When the spring is released, air is pushed out rapidly, like a piston.

If vaccine and a plunger are put inside the "jack" and ejected through a tiny hole, the vaccine will enter the body, forming a little puddle beneath the skin. Since the hole is the size of a mosquito's nose, the pressure is reduced enough, to about 11 grams, just piercing the skin, although the jets can be adjusted to shoot vaccine into muscle tissue as well.

MIXED WITH ANESTHETIC

The entire process is so rapid that it is painless. The vaccine enters the body at a speed of 700 miles an hour. Sometimes an anesthetic can be mixed with the vaccine so that even a sleeping baby would not feel the inoculation.

In 1958 Dr. Hingson realized the jet injectors could be used for mass immunization projects. He and a group of volunteer doctors, supported by several religious organizations, formed what soon became known as The Brother's Brother Foundation, with headquarters in Cleveland and Pittsburgh.

Since its inception, the Foundation has vaccinated over 6 million people throughout the world. The doctors donate their time and pay their own transportation costs. Drug companies often donate or sell vaccines at half price. All their operating funds are from donations and money from speeches given by the 200 doctors of the organization.

Dr. Hingson's group was the first to discover that, by using jet injectors, vaccines may be diluted and still be effective.

DOSES ALWAYS UNIFORM

"Millions of viruses are injected in a shot," he explained, " but only one needs to take. With needles, doses vary too much to dilute safely. With the gun, doses are always uniform."

By diluting his vaccines, Dr. Hingson said, he can stretch each dollar's worth of vaccine ten times.

The peace guns cost from $120 for a small hand model to $1,300 for motor types in the United States, Dr. Hingson said, but are sold for a little less in France, Sweden and Britain where they are also manufactured.

The larger models were designed with motors so that doctors would not get blisters from vaccinating thousands of people in one day. Also, the larger guns can be fitted with bottles or tanks to hold up to one million doses of vaccine.

The Brother's Brother Foundation is now operating primarily in Central America, Dr. Hingson explained, because it is in "our own backyard."

Dr. Hingson, who is presently taking up a new post as professor of anesthesiology and public health at the University of Pittsburgh School of Medicine, is also well known for developing a technique for painless childbirth in the early 1940's.

A BRIDGE TO RUSSIA'S JEWS

Mr. JAVITS. Mr. President, a small but significant breach was made in the Iron Curtain which has cut off the nearly 3 million Soviet Jews from their brethren abroad, when the chief rabbi of Moscow, Rabbi Yehuda Leib Levin, visited the United States.

This was the first visit of a Soviet Jewish rabbi to the United States since the Russian Revolution 50 years ago, although the Soviets had permitted representatives of other religious faiths to visit this Nation on several occasions.

Rabbi Arthur Schneier, the distin-

guished spiritual leader of the Park East Synagogue in New York City, has written a perceptive article on Rabbi Levin's visit to the United States, which was published in the December 24, 1968, issue of Look. I ask unanimous consent that this article be printed in the Record, coupled with the hope, as Rabbi Schneier states in his article, that a new time for the Soviet people of the Jewish faith may be at hand.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Bridge to Russia's Jews

(By Rabbi Arthur Schneier)

The visit this year of Rabbi Yehuda Leib Levin, the Chief Rabbi of Moscow, to the United States signals the beginning of a new day, the opening of two-way communications between the world's largest Jewish communities. Until now, the Russian Jewish community of the Soviet Union has been isolated from us. If visits like this continue, these contacts can lead to a general improvement in the lives of three million Soviet Jews.

When I visited the Soviet Union in 1966 as the head of the interfaith Appeal of Conscience Foundation, to meet with Christian and Jewish religious leaders, I found the Jews there lacking many privileges given the Russian Orthodox and the Baptists. When I went back last year, I found things a bit improved for Russian Jews. Matzah was available, 10,000 prayer books were being printed, and fears that a Stalin-Khrushchev repression might recur had abated.

I consider Rabbi Levin's visit significant because, for the first time in 50 years, a rabbi was permitted to leave the Soviet Union with the blessings of the Russian Government. Although churchmen had traveled abroad, no rabbi had done so since the Russian Revolution.

Rabbi Levin is the spiritual leader of Moscow's Central Synagogue and the only rabbi for Moscow's 500,000 Jews. Since Jewish communities in the Soviet Union function independently, Rabbi Levin could only speak for the Central Synagogue. He did point out, however, that he "shared the aspirations" of Soviet Jews, who are considered not only as a religious group but also as one of the country's 120 nationalities.

At first, his visit to the U.S. evoked considerable confusion. Some people thought that the Rabbi was just a carrier of Soviet propaganda. When he first arrived, Rabbi Levin addressed a meeting at Hunter College in New York. He told his audience that there was no anti-Semitism in the Soviet Union. Some of his listeners jeered and booed. This patriarch of 74 was crushed by the hostile reaction.

Rabbi Levin is not a tool of the Soviet Government. Anti-Semitism as such is outlawed by the Soviet Constitution. We are not dealing here with classical anti-Semitism. The problem of Soviet Jewry is really one of forced assimilation. The Soviet Union is a society in which, for 50 years, no one under 18 has been permitted to receive any religious instruction. For several generations, young Jews have had no exposure to Judaism or the Hebrew language. Still, they have not lost their Jewish identity. On last October 15, for the celebration of Simchas Torah, thousands of young men and women joyfully sang and danced in the Central Synagogue and on Archipov Street. They came there to show that they were Jews.

After the Hunter College incident, our Appeal of Conscience Foundation tried to introduce Rabbi Levin to every sector of religious life in America. He visited synagogues, religious schools and seminaries. It was a revelation for him to meet hundreds of young rabbis and girls and boys studying the Torah. It made an unforgettable impression on him, as did the interfaith cooperation he saw between Christian and Jewish clergymen.

Here, we take Sunday schools and religious schools for granted. They don't exist in the Soviet Union. Rabbi Levin was overwhelmed by our vibrant Jewish life, and hoped that someday this vitality could exist in the Soviet Union.

What impressed me most about this man was his compassion and humility. He said to me, "All the honors and all the warm accolades I received are not tributes to me personally. They are really an expression of friendship to the Jews of the Soviet Union extended through me." This is the great significance of the Rabbi's visit: He is the bridge, the link, between the Jews of Russia and their coreligionists abroad; there is no one else.

His visit was a breakthrough, but it does not solve the basic problems of religious Jews in the Soviet Union. The most serious of these is the lack of religious education, the lack of facilities for the training of religious leaders. One must know Hebrew to study the Bible and the Talmud. A boy or girl at the age of 18 cannot be expected to start from scratch. The Jewish way of life can be achieved only through education, and the Hebrew language is the bond that ties one Jew to another, as Latin has done for Catholics. Judaism in the Soviet Union may soon find itself without leadership. A lack of rabbis in training remains the most distressing problem for Soviet Jewry. The average age of the surviving rabbis is about 70. If Judaism is to endure in the U.S.S.R., the government will have to permit Jewish children to study their religion and the Hebrew language.

Both Christian and Jewish religious groups in the United States and in the Soviet Union have a common tie: the belief of God. Through this bond, a better relationship could be established between the American people and the Russian people. We are told there are 50 million believers in the Soviet Union and only 12 million Communists. And among Americans, there is wide identification with the major faiths in the Soviet Union. If we can use this vast resource to build a bridge, it would certainly be extremely helpful in terms of Soviet-American relations.

The Soviet Government has encouraged contact among Christian religious leaders. It permitted the Russian Orthodox Church to take an active role in the World Council of Churches, and encouraged Soviet Catholics to participate in Vatican II. It has done such things as a response to the influence and the effectiveness that religious leaders have in the West. The goodwill resulting from Rabbi Levin's visit to the United States is important to the Soviet regime.

To build on his visit, the government might permit Jewish children to study Hebrew and religious subjects and thus ensure leadership for the future. The establishment of a centralized Jewish community organization, similar to those of the Russian Orthodox and Baptist, would also strengthen the viability of Jewish life.

Another step often mentioned would be to allow Soviet Jews to emigrate to Israel. After Premier Kosygin's announcement permitting the reunion of families separated by World War II, thousands of Jews left Russia for Israel. This policy stopped after the Six Day War, when the U.S.S.R. broke diplomatic relations with Israel.

Many Soviet Jews are still greatly interested in being reunited with their families abroad. I would hope that purely on humanitarian grounds, after the hardship of long years of separation, their departure would be facilitated.

What is terribly important is to make sure that the Jews who want to remain in the Soviet Union have an authentic Jewish life. An organized Jewish community would not be unusual for a Communist society. A Jewish community flourishes in Communist Hungary today.

It is important to have a dialogue between coreligionists in different parts of the world, particularly between Soviet Jewry and American Jewry. We could strengthen each other in many ways. Rabbi Levin has by now reported to Moscow's Jewish community on the great development of Jews in America. American Jews can have the satisfaction of helping to keep alive spiritually a great segment of our people. Maybe we can actually serve as a conduit for better relations between the two countries.

We hope that Rabbi Levin's visit opened the door for future visits to America by Russian Jews, that a new time is at hand and that this was the real beginning. The impact of his visit will be measured in the months and years ahead. It is an historic moment.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Mr. RANDOLPH. Mr. President, the Record of January 16, 1969, page 1038, indicates that I introduced S. 355, the Federal Coal Mine Health and Safety Act of 1969, a bill to improve the health and safety conditions of persons working in the coal mining industry of the United States. I made brief comments thereon. At page 1039, the Record reflects that S. 355 was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The Record of January 21, 1969, at page 1312, reports, under the heading, "Federal Coal Mine Health and Safety Act of 1969," that a letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to improve the health and safety conditions of persons working in the coal mining industry—with accompanying papers—was referred to the Committee on Interior and Insular Affairs.

Mr. President, inasmuch as the bill (S. 355) which I introduced is that to which the Assistant Secretary of the Interior referred in his letter, and inasmuch as that measure was referred to the Committee on Labor and Public Welfare, I ask unanimous consent that the letter by Assistant Secretary J. Cordell Moore explaining and supporting it be printed in the Record at this point and that a copy be referred also to the Committee on Labor and Public Welfare. It is entirely agreeable that the original letter be a matter of record in the Committee on Interior and Insular Affairs.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Department of the Interior,
Washington, D.C., January 14, 1969.

Hon. Hubert H. Humphrey,
Speaker of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed is a draft of a proposed bill, "To improve the health and safety conditions of persons working in the coal mining industry of the United States."

We recommend that the proposed bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

Last September the President proposed a new Federal Code Mine Health and Safety Act. Since then, the tragedy at Farmington, West Virginia, occurred and claimed the lives of 78 coal miners, leaving deep and lasting wounds on their families and friends. This tragedy served to dramatize and bring to the attention of the nation the health and safety conditions in the coal mines of this country.

After the November 20 tragedy we began to re-evaluate the September legislative proposal and our performance in the field of coal mine health and safety. Every pertinent resource in this Department—technical as well as legal—has been enlisted in a sustained and intensive effort to answer a single question: What can be done to guarantee a safe and healthful working environment to the men who mine our coal?

Our approaches to this question have been along two principal lines. First, we have sought to determine whether we are doing everything possible under present law. Second, we have closely scrutinized the strong mine health and safety measure proposed last September to see what further refinements are possible.

We are also considering what additional measures, other than legislation, would provide reliable insurance against the perils faced daily by our coal miners.

In the first of these approaches we have ordered several changes in Federal inspection procedures under the existing law which are as follows:

(1) The Bureau of Mines will increase sharply the number of "spot" inspections—where an inspector looks only at part of a mine. Last year, less than 200 spot inspections were made. Next year, there will be at least 1,000 of them, in addition to the continuing series of complete regular inspections.

(2) Advance notice of inspections, regular or otherwise, will not be given by the Bureau to mine operators or labor under any circumstances. Until now we have permitted advance calls to determine whether the mine would be working on the date of the inspection. This practice will be terminated.

Incidentally, the Coal Mine Inspector's Manual also is undergoing the closest kind of scrutiny and is being revised wherever necessary to assure full and effective discharge of all Bureau responsibilities under the law and to reflect the increased emphasis laid out here.

(3) The Bureau will make special inspections of any coal mine on receiving a complaint of a violation of a Federal health or safety standard from a union representative, from the mine safety committee, or from a minimum of three mine employees. In addition, we will guarantee that the source of the complaint will be kept confidential.

(4) The frequency with which tests for methane must be made in order for a mine operator to be in compliance with the existing Act will be stipulated.

(5) The Bureau will require that every operator of an underground coal mine submit for the Director's approval a roof control plan covering all haulageways and roadways.

(6) Notices will be issued in the case of every violation, even if a violation is corrected immediately in the inspector's presence, while the inspector is still underground.

(7) Improperly rock-dusted coal and accumulations of methane in excess of 1.5 percent in the active underground working places of a mine are significant ingredients of a mine explosion and the presence of either or both of such conditions creats a danger of an explosion occurring before these conditions can be eliminated. Accordingly, in gassy underground coal mines where there are accumulations of coal dust not rock-dusted as required by the Act, or accumulations of methane in excess of 1.5 percent in the active underground working place, we are issuing withdrawal orders because the existence of either condition creates an imminent danger of a mine explosion.

We believe that more vigorous enforcement of the present Act, inadequate as it is, is essential to improve as effectively as we now can the day-to-day safety and health of coal miners and to minimize the possibility of another mine disaster like the one at Farmington.

I turn now to the new legislative proposal.

In 1952, 42 years after the public outcry at the wanton sacrifice of human life in the underground coal mine industry led to the establishment of the Bureau of Mines, the Federal Government took its first timorous and hesitant step away from voluntarism in the effort to prevent major mine disasters.

The hesitant, indeed the almost apologetic, manner in which the Federal Government entered the field of enforcing mine safety standards is illustrated by the fact that the 1952 Act was designed to control the occurrence of major disasters only—those which, as the legislative history observes, take the lives of five or more miners in a single accident. The non-disaster type of safety as well as the entire field of health were not only not covered; the intention to do so was expressly disavowed! And this, in the face of the fact that major disasters even then accounted for not more than 10 percent of the fatalities in underground coal mining. The causes of 90 percent of the fatalities in coal mining as well as the entire field of health were left where Congress found them in 1952—outside the scope of the Federal law.

Nothing more graphically illustrates the limited nature of the Federal concern with mine safety under the present law than the example cited by the then House Committee reporting out the 1952 legislation—that of "permissible equipment." The only concern that the Bureau of Mines was to have with "permissible equipment" was to determine whether its design, construction, and operation were such that it would not cause a mine explosion or a mine fire. The report stressed the fact that the legislation it was reporting out did not require the equipment to be designed or maintained with regard to the health and safety of the operator or the men working around the equipment. The Federal law, the report underscored, would not protect the operator or the men from, and these are direct quotes, "the lack of, or inadequacy of, guards or protective devices."

With the 10 percent of coal mining fatalities with which the law did concern itself, the House report in 1952 found that the basic causes were few and that they could and should be eliminated. The report expressly found that the means of eliminating these disasters were well known and that the costs were not at all prohibitive.

In the sixteen years that have elapsed since 1952, two facts have become all too clear:

(1) While there have been substantial reductions in major disasters, the Congress' expectation that they could and should be eliminated has not been realized. In the 20 years immediately preceding passage of the 1952 Act, the nation suffered 88 coal mine disasters that claimed more than 1,600 lives. In the more than 16 years since passage of the Act, we have suffered 24 major disasters with a total death toll of 309, until Farmington which added 78 more. This is progress, but hardly the type to shout about.

(2) The great mass of non-disaster type fatalities and the health hazards of underground coal mining continue unabated as there are no tools in the Federal inspector's hands to combat them.

We contend that the American people no longer are willing to accept the inevitability of injury, disease, and death as a price that we must pay for coal. We also contend that the American people will support strong legislation which may seem drastic in comparison to what is now on the books, but which is necessary to improve substantially the worker's health and safety.

That was the President's purpose last September when he proposed a new Federal Coal Mine Health and Safety Act. His aim then, as now, was to provide the best assurance possible for curbing the accidents that claim miners' lives by ones, twos, and threes; to control more effectively the conditions that give rise to coal miner's pneumoconiosis; and at the same time, to reduce disaster-type accidents to as nearly zero as is possible.

Briefly the major features of the bill are as follows:

(1) *Mandatory Health Standards.*—The proposal would for the first time provide authority for the Secretary to promulgate by regulation mandatory health standards for underground coal mines. The standards would be based on criteria developed by the Secretary of Health, Education, and Welfare.

In addition, the proposal for the first time would establish an interim mandatory dust standard for such mines. The standard was developed by the Secretary of Health, Education, and Welfare and published last month. It requires that all underground mines must reduce respirable dust concentrations in the active underground working places to achieve, as soon as technically feasible, an interim mandatory health standard of 3.0 milligrams of dust per cubic meter of air. The Secretary of the Interior would publish a compliance schedule 60 days after enactment. At this time it is our thinking that the first step in the schedule would be to require that all underground coal mines meet a standard of 4.5 milligrams of respirable dust per cubic meter of air not later than one year after enactment. The need for such an interim standard is clearly demonstrated.

(2) *Flexibility.*—The present Federal Coal Mine Safety Act, as you know, prescribes in great detail mandatory safety standards for underground coal mines but does not permit any modifications of the standards by the Secretary in response to technological changes in coal extraction and to the occurrence of new mining hazards. Also it does not permit us to change the standards by regulation if we find that they are unworkable or difficult to administer. The only way that these changes can be accomplished is through an Act of Congress which is a procedure that does not lend itself to providing expeditiously the needed responses to health and safety conditions in a dynamic industry.

We are sure that the Congress will be the first to admit that it is not equipped to develop adequate and effective mandatory health and safety standards for any industry. This is a procedure that should be left to regulations issued in accordance with congressionally established procedures. As far back as 1938 with passage of the Federal Food, Drug, and Cosmetic Act, Congress recognized the necessity for this type of flexibility of response. That Act gave the agency responsible for its administration the freedom to develop and promulgate health and safety standards and to revise old ones as the need became apparent in accordance with prescribed procedures established by Congress. This need for such flexibility in the age of rapid technological change has been acknowledged time and again by Congress during the past decade in other measures such as the Aviation Act of 1958, the Water Quality Act of 1965, the National Traffic and Motor Vehicle Act of 1966, the Federal Metal and Nonmetallic Safety Act of 1966, the Clean Air Act of 1967, the Natural Gas Pipeline Act of 1968 and the Radiation Control for Health and Safety Act of 1968.

The enclosed proposal would provide this flexibility by authorizing the Secretary to promulgate by regulation mandatory health and safety standards applicable to coal mines subject to the Act. The standards would be developed in consultation with other Federal agencies, representatives of the States, representatives of the coal mine operators and coal mine workers, and other interested persons and organizations and such advisory committees as the Secretary may appoint. The standards would be developed by taking into account available scientific data and experience gained under previous health and safety standards. The rule-making provision of section 553 of title 5 of the United States Code would apply to the promulgation of these standards.

(3) *Non-Disaster Type Accidents*—A major

thrust of the proposal is its provisions for coping with causes of the many fatal and nonfatal injuries that do not constitute major disasters. The present Act is aimed primarily, as we have already stated, at the so-called "major disasters"—that is, accidents resulting in death to five persons or more. Consequently, its standards have not enabled us to require the practices and procedures that would avoid the many accidents that kill or seriously injure coal mine workers by the ones, two, or threes. According to our figures for 1968, 203 of the 290 fatalities were recorded in the "accident" rather than the "disaster" category. In other words, nearly two and a half times as many coal miners died last year in roof-fall, haulage, or other accidents than in the catastrophic type accidents that occurred at Farmington.

The enclosed proposal would require publication of standards providing practices and procedures to prevent these types of accidents and would authorize withdrawals either where an imminent danger occurs, that is, where the existence of conditions or practices in a coal mine could reasonably be expected to cause death or serious physical harm before such conditions or practices can be abated, or where there is a failure to abate a violation of a standard within a reasonable time.

(4) *Surface Coal Mine*—The proposed legislation would be applicable to health and safety conditions to surface coal mines such as strip and auger mines which now supply over one-third of our domestic coal produced and account roughly for 12 percent of the fatal and nonfatal injuries in the coal mining industry.

(5) *Interim Safety Standards*—In addition to authorizing the issuance of mandatory standards by regulation, the proposal sets forth a series of interim safety standards, many of which are in present law. They will remain in effect until modified or superseded by later regulation of the Secretary. These standards include a number of changes which we believe are essential to reduce substantially the fatal and nonfatal accidents occurring in the industry today. Many of these have been developed to cope with a particular type of fatal accident that has already been experienced in a mine. Some were included at the specific suggestion of management or labor, or both. We believe all are technically sound and workable.

(6) *Gassy and Nongassy Mines*—The proposal would remove the differences in the interim safety standards between gassy and nongassy mines. All underground coal mines would be subject to the same standards because all such mines are potentially gassy.

In the last 16 years there have been 52 ignitions or explosions in nongassy coal mines killing 27 and injuring 54 (see enclosed Table B). The number of active coal mines which were operated as nongassy were classed gassy after 15 years is 26, while 131 mines were operated nongassy for a period up to 5 years (see enclosed Table C).

At this point, let me make it unmistakably clear that while all authority under this proposal would be vested in the Secretary as in the case of other Acts administered by this Department, it will be delegated to the Bureau of Mines which will be responsible for the day-to-day administration of the Act, just as is done today.

A more detailed statement of the provisions of this legislation is enclosed for your convenience.

We strongly urge the early enactment of this important health and safety legislation so we can begin immediately to better cope with the problems associated with the coal mining industry. Enactment of this proposal would replace a law that was called inadequate by President Truman at the time of its passage—and has been proved inadequate during the years it has been in effect—with legislation that can go a long way toward giving the coal miner his right to a safer and more healthful work environment.

By letter dated January 14, 1969, the Bureau of the Budget advised that this legislative proposal is in accord with the program of the President.

Sincerely yours,

J. CORDELL MOORE,
Assistant Secretary of the Interior.

THE SECRETARY OF TRANSPORTATION

Mr. PEARSON. Mr. President, the Kansas Contractors Association, by unanimous agreement, has adopted a resolution commending President Nixon's choice of Governor Volpe for Secretary of Transportation. This expression of support, I feel, indicates that Secretary Volpe's qualifications and experience makes his selection an excellent one. I am hopeful that through the new Secretary's leadership, government and industry can work together toward solving the Nation's mounting transportation problems.

I ask unanimous consent that the contractors resolution be placed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas, Richard M. Nixon will be inaugurated as President of the United States on January 20, 1969; and

Whereas, President-elect Nixon has selected Governor John A. Volpe of Massachusetts to serve as Secretary of the Department of Transportation; and

Whereas, Secretary-Designate Volpe is a contractor, served as the first Federal Highway Administrator during the Eisenhower Administration, is a past national president of the Associated General Contractors, is well-known to many members of the Kansas Contractors Association and is familiar with the problems of the construction industry in general and the highway program in particular; Now, therefore, be it

Resolved, that we, the Kansas Contractors Association in this our 46th Annual Meeting, highly commend President-elect Nixon for his selection of Governor Volpe to this important post, being confident that his judgment, knowledge and experience will be used to resolve the confusion and delay which has characterized the Federal government's policies regarding the Federal Aid Highway Program in recent months; that the excellent relations between the Federal government and the states which have existed throughout the life of the highway program will be continued and strengthened, and that the Department of Transportation and most especially the office of the Federal Highway Administrator, will return forthwith to that area of endeavor in which it can best serve, the building of highways for the benefit of all of the people in every area of the United States; be it further

Resolved, That a copy of this resolution be sent to President-elect Nixon, Secretary-Designate Volpe, members of the Kansas Congressional delegation and that it be reproduced in an early issue of "The Construction Bulletin."

CLAUDE M. RHOADES,
President.

Attest:

K. W. COMFORT,
Secretary-Manager.

DICTATOR FRANCO'S DEMANDS

Mr. YOUNG of Ohio. Mr. President, the administration is now negotiating for a renewal of air and naval base rights in Spain under circumstances describable only as extortion undertaken by the government of the Spanish dictator, General Franco. These bases are part of the NATO defense system. I have visited American naval and air bases in Spain and conferred with our officials there and with top officers of our Air Force and Navy. Without doubt, these bases are completely unnecessary as far as the defense of the United States is concerned. They are of no benefit to us whatever. Nevertheless, we have offered the Spanish dictator, Franco, more than $250 million to permit us to retain them for 5 more years. Franco is demanding $1 billion. In other words, Franco feels that the United States should pay him for the privilege of protecting Spain. How outrageous?

Millions of liberty-loving Spaniards regard our tremendous aid to Franco as the most powerful factor in keeping this dictator in power. The United States is damaging itself in world opinion by continuing to prop up his regime. To allow our country to be blackmailed by him must not be tolerated. We should state definitely that if Franco is willing to contribute to his country's defense by providing bases for American warships and warplanes, that is agreeable to us. Let it be clear that we will not pay bribes. If this is not agreeable to him, we should close our bases there and get out as soon as possible. Our Government, in aiding, financially, dictators such as Franco of Spain, Duvalier of Haiti, those Fascist colonels in Greece, and those dictatorial Fascist generals who overthrew the duly elected governments of Brazil and the Argentine Republic has undertaken a mistaken and dangerous policy if for no other reason that in the end the people of those countries will kick those dictators out.

INADEQUATE FUNDING FOR HANDICAPPED CHILDREN

Mr. PROUTY. Mr. President, last week I spoke briefly about the inadequacy of former President Johnson's budget requests for the national defense student loan program. Now, I would like to bring to the attention of Congress and the Nation additional shortcomings in the budget estimates for assistance to handicapped children.

For a number of years, Mr. President, I have been concerned about the lack of assistance provided for the education of children who have physical and mental disabilities. There are in the United States over 7 million of these children who need special attention and facilities in order to learn. Recently we have been successful in enacting legislation which established within the Office of Education a Bureau of Education for the Handicapped. In addition, authorizations have been made under other acts for research and demonstration projects and for the training of professional personnel.

Some progress has been made. One-third of the handicapped children in the country are being given assistance, and some 35,000 teachers have been specially trained during the past 10 years. However, there are some 4 million children currently without aid and there is a need for 300,000 teachers to instruct them.

We do not need additional legislation at the moment, Mr. President. We do not need higher authorizations. What we do need, however, are funds to make the programs already on the books operational. The Johnson lameduck budget is shockingly inadequate in this regard. The requests for the bureau of the handicapped are only $6 million more than was appropriated for fiscal year 1969. More appalling is the fact that four of the key programs have been held to the present level of funding.

Public Law 85-926, has been the main vehicle by which teachers were trained to assist the handicapped. However, the grants awarded have been mainly on the graduate level. This has meant that lower echelons of teachers who come into contact with handicapped children have not had extensive opportunities for training. The bureau of the handicapped is attempting to remedy this situation by reprograming some of its appropriated funds into prototype programs which will attempt to increase the manpower training potential. Although Congress authorized $55 million for Public Law 85-926, funding has been held to the 1969 level of $29.7 million. This means that the prototype programs may have to be canceled and that some existing training grants cannot be extended.

Another serious shortcoming in the budget proposals is the maintenance of the present level of funding for title VI of ESEA. Under this program grants-in-aid are provided to the States to assist them in initiating and expanding special education services. By authorizing $200 million for this program, Congress made a commitment to the States. The Johnson budget which requests a paltry $29.25 million—15 percent of the authorization—represents a major failure of the Government to meet Congress commitment to these handicapped children. The other two programs which have been held to the 1969 level of funding are the educational media and training and research in education programs.

Mr. President, we cannot allow our efforts in this field to diminish for lack of funds. We must recognize the continuing needs of these handicapped children and request additional appropriations so that the present level of assistance can be maintained and some additional progress can be made.

COMMENDATION FOR DISTRICT OF COLUMBIA POLICE

Mr. MURPHY. Mr. President, it has been all too often that police forces throughout the Nation have been criticized for the manner in which they have attempted to uphold the laws and maintain order. But it is seldom that these men charged with the responsibility of protecting the welfare of our people are praised for exemplary performance.

At the inauguration of President Nixon we witnessed the actions of a police force that is truly committed to preserving order under law. The Metropolitan Police force of the District of Columbia reacted to an incendiary situation sparked by a band of alienated demonstrators with a sense of calm. Whatever personal anger they may have held was subdued by their careful handling of those who would desire to destroy the entire framework of our democratic form of government without thought of what to build in its stead.

A Washington Post editorial yesterday rightly termed the actions of some of the counter-inaugural demonstrators as "vandalism and violence." As this editorial stated:

> It should be remembered that the protection of the right to dissent, indispensable to a free society, can best be preserved by a recognition that it entails the expression of ideas, not an overriding of the rights of others.

The Nation's Capital—so plagued by crime and violence—is lucky, indeed, to have a police force that recognized its responsibility and planned and acted effectively and properly with forbearance and restraint. Its members are deserving of commendation.

POVERTY AND HUMAN RESOURCES

Mr. GOODELL. Mr. President, I wish to call the attention of my distinguished colleagues to an article by Sar A. Levitan, which will appear in the 1969 January–February issue of Poverty and Human Resources.

Dr. Levitan, a renowned professor at the Center for Manpower Policy Studies of George Washington University, and a close personal friend, is well known for his study and examination of the various proposals and programs to eliminate poverty. His most recent article on this subject includes a thoughtful and astute analysis of the community self-determination bill.

Although I do not always agree with Dr. Levitan's ideas and recommendations, I am certain that "Community Self-Determination and Entrepreneurship: Their Problems and Limitations," will contribute substantially to the current dialog on poverty programs; programs in which I have a keen interest.

I am pleased to ask unanimous consent that this excellent article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Community Self-Determination and Entrepreneurship: Their Promises and Limitations*

(By Sar A. Levitan, Center for Manpower Policy Studies, the George Washington University)

The welfare programs inaugurated by the Great Society have helped to reduce sharply the incidence of poverty, and to alleviate conditions for those who remain poor. Admittedly, the reduction of poverty was a product of labor shortages, more the result of the Vietnam war than Great Society programs. Nonetheless, new federal programs have helped absorb labor slack, and have established institutions which bear promise for the further reduction of poverty. Included among the major potential and actual accomplishments of the recent antipoverty efforts are:

Establishment of birth control aids to help reduce the number of unwanted children, and the poverty which often accompanies them;

Establishment of preschool facilities for poor children as a headstart in their educational pursuits;

Development of a health delivery system in poor neighborhoods;

Protection of the legal rights of the poor through the establishment of legal service offices;

Helping poor youth achieve a college sheepskin, a sure way to escape poverty.

NEW PANACEAS AND APPROACHES

No claim is made that the poor, or the nation for that matter, are getting their money's worth from all the Great Society efforts. But from the vast experimentation of the past few years, we have learned some important lessons and have established institutions which have great potential in helping the needy. The present danger is that as the record of the Great Society is closed, these lessons may be discarded. It is extravagant to expect that the propensity for seeking instant solutions to complicated age-old problems will diminish or disappear. Such solutions are already filling the air. The allure of these panaceas lies basically in the general disillusionment with existing and past welfare programs and the specific dissatisfaction of Negroes and other minority groups. There is a pervasive feeling that "big government" has failed and the resulting belief that the private sector could succeed in alleviating poverty. The new proposals in the antipoverty war thus focus on the need for nongovernmental and decentralized decision making.

In this context, decentralization has its advantages. When decisions are made closer to the conditions that they affect, greater adaptation, flexibility and responsiveness to needs can be expected. Decentralization may also lead to increased initiative, responsibility, and effort as a result of meaningful participation in decision making.

Though the case for decentralization is clear, it is sometimes overstated. The romantic notion that localized decision making is more responsive to the "public interest" is not always borne out. Historically, "grass roots democracy" has often permitted the most vicious disregard of local minorities. Moreover, centralization is necessary to effect quick large-scale transfers of resources from one use to another. Finally, given the shortage of trained personnel to administer welfare and related programs, centralization may be the most efficient way of utilizing limited resources.

The general direction of new proposals is towards private and decentralized decision making. Two major elements are involved in these proposals: The first aims at the involvement of the business sector in the war on poverty, letting the individual business firms make employment and location decisions with government structuring the market framework rather than actively participating. Business involvement has been encouraged by the Great Society. Reimbursements to employers for providing on-the-job training were included as part of the 1962 MDTA. Used sparingly at first, OJT was given increasing prominence. By 1967, direct payments to employers for training and retraining disadvantaged workers had become a major aspect of the antipoverty programs.

The new panacea frequently advanced to induce business to locate in slum areas or to hire, train and retrain the nation's poor is the use of tax incentives. Of course, tax policies have been used in the past to achieve socially desired ends, and it might be possible to design tax incentives to combat poverty. It must be realized, however, that such schemes are at best limited in application and cannot effectively replace the current antipoverty programs. As Senator Charles E.

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* To appear in *Poverty and Human Resources*, January-February, 1969.

Goodell of New York stated: "I think we will delude ourselves and delude the people if we think that any kind of private enterprise programs will be a substitute for direct public programs." Tax incentives, according to Senator Goodell, may be used as a supplement, not a substitute, for existing antipoverty programs. Senator Goodell's point applies to many proposals which, though advertised as panaceas, are in fact limited-purpose components of a comprehensive welfare program.

The second element permeating the proposals to decentralize decision making aims at giving the poor a greater voice in their affairs. This had antecedents in the Great Society with the CAP program under the EOA and other legislation. CAP gave local agencies control over the delivery of a wide range of welfare and manpower services. But the new thrust towards decentralization seeks control over the sources of funding as well as the expenditure of these funds.

One of the new "solutions" to combat poverty and cure the ills of the ghetto would make capitalists of the poor. According to this argument, if capital ownership were more equally distributed, wage earners would have a second income, consumption would increase, stimulating production and generating profits which would in turn facilitate further growth of the economy. The trick is to convert wage earners into collectors of dividends. According to the proponents of the second income scheme, their goal can be achieved by establishing investment trusts to purchase capital for employees with money loaned by the government. The income from capital would be used to repay these loans, and corporate taxes would be eliminated to stimulate increased dividends. Control over the sources of wealth would thus be broadly spread; and the government would no longer have to redistribute a large part of the income from capital for welfare payments. But if corporate taxes are cut and transfer payments reduced in proportion, then the "second income" will merely replace government redistribution and there will be no increase in aggregate demand. Unless the total income pie grows, the "second income" scheme would lead only to the redistribution of wealth and not its growth; without growth, the scheme is clearly confiscatory. Other proposals included in the plan are also open to question, especially the basic assumptions as to the relative importance of capital income, the distribution of capital ownership, and the blithe acceptance of the redistribution multiplier. But these "details" do not seem to bother the proponents of the second income or dim the glamour of the scheme which surprisingly has received considerable attention. A recent study by the prestigious Congressional Joint Economic Committee included the second income proposal as one alternative for income maintenance in the years ahead.

It would seem clear, then, that the attempt to find a total solution to the problems of poverty either in the involvement of the business sector or in the increased economic independence of the individual cannot be successful. Neither tax incentives nor a second income can replace the range of present antipoverty efforts.

The search for a panacea has thus been forced into another direction, one which hopes to achieve both the involvement of business and the economic independence of the poor. Advocates of such plans envision ghetto residents achieving equality with other Americans through ownership and operational control of profit-making ghetto enterprises. By creating an indigenous business leadership class, spreading personal interest in the success of local enterprises over a wider base, and binding community development to the profits of community businesses, black entrepreneurship is intended as a curative for discontent and as a key to solving ghetto problems. President-elect Richard M. Nixon stated the case for black capitalism early in 1968 in a much-publicized campaign address, "Bridges to Human Dignity":

"Philosophies, wars, power structures, all have turned historically on the basic questions of ownership—who owns the means of production, who owns land—for the simple reason that with *ownership* goes power, prestige, security, the right to decide and to choose . . .

"For a long time, we . . . have been talking about preservation of the private enterprise system, about enlisting private enterprise in the solution of our great social problems, about profits as the great motive power of our fantastically productive economy. What many of the black militants now are saying, in effect, is this: 'We believe you, and now we want a chance to apply those same principles in our own communities.'

"Our reply should not be to reject this request, but to seize upon it—and to respond to it.

"The ghettos of our cities will be remade—lastingly remade—when the people in them have the will, the power, the resources and the skills to remake them."

If the solution to the ghetto problems requires the full participation of minority groups in the business sector, there is a long road ahead. While Negroes constitute 11 percent of the population, they own or operate less than one percent of the nation's five million private businesses. Only 3.5 percent of the non-whites in the labor force are managers, officials, or proprietors compared with 14.2 percent of the white labor force. One out of every 40 whites is a proprietor, but only one out of every one thousand Negroes is a proprietor, and typically he operates a marginal business.

To increase Negro entrepreneurship, a wide variety of programs has been proposed, ranging from traditional loans to small businessmen to plans for numerous incentives for business to locate in ghetto areas and to turn the enterprises over to their residents. The proposal which has received the widest attention is the Community Self-Determination Act of 1968. Though no hearings were held in the 90th Congress, the bill received broad bipartisan support and was sponsored by more than a third of all Senators. Drafted initially by Roy Innis of CORE and Gar Alperovitz of the Kennedy Institute of Politics at Harvard, it was first introduced by four Republican Congressmen—Charles E. Goodell (since appointed Senator), Thomas B. Curtis, William B. Widnall and Robert Taft, Jr. Scores of Representatives have since joined in sponsoring this bill. In the Senate, the major sponsors were Republicans Jacob K. Javits of New York and Charles H. Percy of Illinois and Democrats Gaylord Nelson of Wisconsin and Fred R. Harris of Oklahoma. Outside Congress, support for the bill came from diverse quarters ranging from traditional conservatives to radical militants.

COMMUNITY SELF-DETERMINATION BILL

The announced purpose of the Community Self-Determination Act is to give ghetto residents control over their own destiny by "securing gainful employment, achieving the ownership and control of the resources of their community, expanding opportunity, stability, and self determination," thus giving them power to shape their communities' economic and other activities. As envisioned by the sponsors of the bill, the goal of self-determination is two-fold. First, Negroes must have the right to own and manage their own businesses; to be producers, distributors, and entrepreneurs as well as workers and consumers. Second, the ghetto residents themselves must be able to control social services. Those involved must have the prerogative of identifying and ministering to their needs in education, welfare, and community planning. Governmental programs, it is argued, can no longer reintegrate the slums into the mainstream of American life. It is the people themselves who must be given a voice, a chance to regain their pride and to help themselves.

1. Community development corporations

To this end the bill provides not only for new tax regulations, but for the creation of new institutions, including neighborhood organizations and banking facilities. Central to the design is the establishment of locally organized and controlled Community Development Corporations, chartered by a National Community Corporation Certification Board (NCCCB) and owned by at least ten percent of the residents of the area. Community Development Corporations could be established in any contiguous area, urban or rural, with 5,000 to 300,000 residents over the age of 16, in which the median income or the employment level fell below national norms. Stock in the corporation would be sold at $5.00 per share or an equivalent amount of "sweat equity," each member receiving one vote regardless of his holdings.

The corporation's functions would be: 1) provision of neighborhood welfare services such as basic education, child welfare, preschool training, health care and consumer education; 2) ownership of stock in, and support of, business ventures within the area; 3) ownership or management of community housing; 4) planning of neighborhood renewal and development; 5) representation of community interests in areas of public policy; and 6) encouragement of business, labor, religious, and other organizational participation in community projects.

Management of the corporation would be in the hands of a nine-member board of directors, elected by the shareholders. CDC's business enterprises would be separated from its social functions by the establishment of a Business Management Board, elected by the CDC directors and responsible for corporation-owned or supported businesses.

Initially, the CDCs would be funded by federal grants matching the value of the stock sold (including sweat equity) at the time of charter. Later, additional revenue would come from community services provided on a contract basis to governmental or private agencies, and from profits on CDC-owned businesses. In addition, grants for some types of business ventures would be available from the Small Business Administration.

2. Banking facilities

To provide the banking and technical services essential to CDC success, the bill authorizes the creation of Community Development Banks (CDBs) organized by CDCs and chartered by the NCCCB. The special banks would offer consumer credit to CDC shareholders and would provide loans to local businesses, cooperatives, subsidiaries, and outside corporations which have entered into development agreements with the CDCs. The banks' functions would be limited to the CDC areas, with priority given to CDC members' needs.

The banks' capital would come from the sale of stock. With appropriations from Congress, U.S. Treasury funds would be made available for purchase of non-voting, non-dividend paying stock. Other non-voting stock paying up to six percent dividends would be issued to buyers outside the federal government. The only voting stock would be held by the individual CDCs, but this controlling stock would pay no dividends. It is contemplated that the Treasury contribution would serve as seed capital. Further expansion of capital would be achieved by the sale to the public of income bonds on a 20 to 1 ratio.

Another provision of the bill would establish a National Community Development Bank (NCDB), patterned in large part on the Domestic Development Bank proposed by Senator Javits and 19 other Republican

Senators in 1967. Its purposes would be to function as a secondary financial institution and source of technical and managerial expertise for individual CDBs, to provide banking services in poverty areas where no CDB is established.

Anticipating widespread CDC activity, the designers of the community self-development concept propose to capitalize the NCDB with $2 billion in non-voting, non-dividend paying stock purchased by the U.S. Treasury. The legislation also authorizes the sale of up to $2 billion in voting and dividend paying stock to agents other than the federal government, including local CDBs.

3. Tax carrots

The government's role as catalyst in the community self-determination plan is defined in the tax amendments section of the bill. Since the aim of the act is to direct business profits into social service programs and to enlist the private sector in support of ghetto economic development, liberalized tax treatment is afforded individual CDCs and outside corporations entering into "turnkey" agreements with them. Under such agreements, private corporations in return for tax benefits would contract to establish plants in CDC areas, provide training for CDC management personnel, and eventually turn over ownership and management of the facility to the CDC or its members.

Under the proposed tax plan, the CDC and each of its subsidiaries would pay the flat rate of 22 percent on income under $25,000 and 48 percent on income over $25,000, compared with 28 and 54 percent (including surtax) paid by corporations. Dividends paid to the CDC by its subsidiaries would be tax free, while subsidiaries of profitmaking corporations pay income tax on 15 percent of the dividends paid to the parent corporation. Further, for corporations wholly owned by a CDC or an employee trust, income tax could be reduced according to a scale based on indices of poverty within the area.

Additional tax incentives are offered to outside corporations locating within the CDC area. 1) A firm would have the option of rapid amortization of turnkey plants, based on poverty indices in the area. 2) To equalize these gains, the tax benefits accruing from investment credits would normally be subject to greater taxes on the sale of the facilities. If, however, the facilities are sold to a CDC these recapture provisions would be waived. 3) In order to assure continuing investment in CDC enterprises, the usual capital gains tax imposed upon the seller of a business would be eliminated if the proceeds of the sale were reinvested in a CDC business or a CDB. 4) Like investment credits, the benefits of rapid amortization are subject to tax recapture provisions upon the sale of the facility. Under the amendments, however, these taxes would be limited to the profits of the sale that are not re-invested in CDC enterprise. 5) Turnkey contractors could claim an additional 10 percent deduction for wages of CDC members employed at the facility. This tax credit recognizes that investment in human skills should be given at least comparable tax advantage to investment in machinery, and was initially embodied in the Human Investment Act proposed by a majority of Republicans in the 90th Congress. 6) To promote sustained technical and managerial help to CDC businesses, a further tax incentive would be granted to turnkey contractors equal to 15 percent of the profits of a facility sold to a CDC and continuing for five years after the sale.

The tax treatment of turnkey contractors offers potent inducement to corporations to establish ghetto plants, train community residents in all phases of its operation, and finally transfer ownership of the company to community hands.

WILL IT WORK

The above summary of the 180-page Community Self-Development bill suggests that the proposed legislation attempts a comprehensive, unified approach to a vast array of problems. It is designed to arrest rural migration to metropolitan areas and to curb "colonial exploitation," to use a favorite slogan of militant supporters. The bill also promises to foster employment and economic growth within poverty areas. But possibly most important is the claim that the bill provides to poor a new stake in American affluence and a new voice in local policy. As Noah Webster said: "Let the people have property and they will have power."

Few would object to such noble goals, but it is important to recall that no lesser claims were made for the Economic Opportunity Act and other legislation. The question is whether the multi-pronged approach of the Community Self-Development bill offers the proper medicine for the ills of the American ghetto. The broad support garnered by the proposal is impressive, but it is no guarantee of the bill's soundness. The diverse support of the Community Self-Determination bill may be a product of initial enthusiasm for an appealing idea which has been effectively sold by its sponsors, rather than a consensus based on full understanding of the bill's provisions and implications. Reminiscent of the blind men and the elephant, varying groups of supporters may find some parts of the bill attractive but oppose others. Indeed, the sponsors of the bill have already indicated that their proposal will undergo major changes before it will be reintroduced in the 91st Congress. To conservatives, the bill holds out the promise of proving "savings" in welfare payments, while liberal supporters see the community self-determination approach as an added weapon in the arsenal of existing welfare programs. To others, the main attraction of the bill centers about its goal of developing independent political institutions in the ghetto. It may very well happen that much of the bill's support will disappear when the proposals are fully clarified and the issues explained.

Indeed, the very foundation of the bill which promises self-determination for ghetto residents in their economic and social institutions may be questioned. Initially, at least, CDCs will have to depend for operating funds upon federal largesse. Since local contributions can be in the form of "sweat equity," it is probably that in many cases CDC members will contribute little in hard cash, if the Community Action Program's experience with in-kind contribution is any indication. There is no guarantee that Congress would be more kindly disposed toward controversial activities undertaken by CDCs than it has been toward similar community action projects. Thus, there is room to question whether the CDC approach can offer community self-determination. Doubts have also been expressed as to whether the geographic areas to be encompassed by the CDCs are viable economic or political units.

The underlying philosophy of the bill is based on a primitive application of mercantile and protectionist concepts. Some proponents claim that the root problem of the ghetto is the excess of imports over exports. The solution offered through black enterprise is that if the businesses in the community were owned by residents, the dollars flowing into these businesses would remain in the ghetto, having a multiplier effect on the "Ghetto National Product." Such claims are largely rhetoric. The size of the income increment is not likely to be large, since ghetto businesses will still be marginal whether owned by blacks or whites, and the multiplier may be negligible. Also, the tax incentives offered to businesses to turn over enterprises to CDCs may be more helpful to the stockholders of the corporations than to the residents of the ghettos.

There is no guarantee, and in fact little likelihood, that once a resident of the ghetto collects enough green power he would stay there; on the contrary, he would be likely to move out. Also, the bulk of consumer needs will be met by national, brand-name goods, since ghetto residents are just as susceptible to advertisement as anyone else and just as desirous of quality goods. Finally, the whole concept of isolating the ghetto market may actually be harmful. An isolated ghetto market must rely on its own limited resources, while an integrated market can gain all the benefits which come from trade. Thus local ownership and control of economic resources may not be entirely beneficial. If common exploitation is a major grievance of ghetto dwellers, will this situation be improved by Negro ownership? Moreover will employment problems be absorbed more by establishing local enterprise than by retraining and public works projects? Will the demands of black enterprise conflict with those of black labor?

Perhaps the most crucial assumption of the bill is that the ghettos are homogeneous. While many ghetto residents share the common ills of discrimination, it does not follow that CDCs will enjoy an advantage over existing institutions and organizations in setting up and implementing priorities. Inevitably, as in other communities, conflicts will arise among the several ghetto interest groups. Given the broad goals of CDCs, friction is bound to arise between supporters of economic development and those who would emphasize service goals. For instance, industrialization in the ghetto has already been resisted in several cases despite its economic benefits because ghetto dwellers are no more anxious than the average suburbanite to have a factory next door. It is possible that the "public interest" of an area might be less efficiently served in some cases by local decision making than by more centralized methods. The record of utopian socialism is not one to encourage excessive hope for the future of CDCs.

The presumption of the ultimate viability of ghetto business is also open to question. It seems obvious that profit opportunities in poverty areas have already been explored by outside business. An expansion of enterprise embracing black ownership might only decrease the already slim profit margin. A measure advocated by some proponents of the community self-determination plan to provide geographical monopolies to CDCs, and thus allow assured markets, was not included in the bill—possibly because it could not muster political support and because it would disrupt economic activity. Few supporters remain who favor imposition of tariff walls within the United States. If CDCs prove a success, it is likely that outside business will enter and compete.

It is difficult to imagine that profits generated by CDC business could provide sufficient funds to finance needed community services, or even result in substantial economic development. Even with tax credits it is probable that some form of continued subsidy will be necessary to sustain CDCs as responsive and powerful forces within the community.

Finally, there is the uncertain claim that the organizational, managerial, and technical skills essential to CDC success lie untapped within the ghetto. Profitable economic development ventures, it goes without saying, require a high level of technical and organizational competence. In the past it might have been argued that discrimination prevented the utilization of existing ghetto talent. No such claims can be made today with the intense competition for Negro and other minority groups' executive and administrative personnel. Additional opportunities opened by CDCs are likely to spread thin the available talent and to intensify competition for their services. Furthermore, community self-determination attempts to link together diverse functions under one decision making unit, and from a purely pragmatic point of view, it is difficult to conceive of any single management unit skilled in the arts of banking, investment, production, and public service. The difficulties of applying corporate systems analysis to ghetto problems indicates that even skilled managements cannot solve such diverse problems.

EMPIRICAL EVIDENCE

As behooves true believers, advocates of community self-development and black entrepreneurship have not been deterred by the conceptual flaws of their proposal. They rely upon faith buttressed by successful anecdotes in making their case. Projects do exist which are analogous to the proposed CDCs, but there have been few substantive evaluations. Certainly there is not enough evidence to make a conclusive prediction about the success of the CDC approach.

Nonetheless, the popularity of the concept among diverse groups and interests is undeniable. Federal agencies, private corporations and philanthropic organizations have backed projects embodying various aspects of the community self-development approach. Even the list of federal agencies that have funded Negro community enterprises ranges from the Department of Agriculture's staid Farmers Home Administration to new Community Action Programs in the Office of Economic Opportunity. Private corporations which have underwritten ghetto enterprises or subsidiaries include IBM, Xerox, Eastman Kodak, Aerojet General and many more. Among philanthropical organizations, the Ford Foundation has taken the leadership in funding Negro entrepreneurship.

The government-funded projects have a variety of aims including job creation, promotion of economic self-dependence, civic improvement, management counseling, and training. Because most of these projects are pioneer efforts, a great deal of energy has been expended on defining the jurisdiction and legitimate activities of the enterprises. Whether similar obstacles would impede CDC activities remains to be seen. More significant, however, is emerging evidence that most of the federally-funded enterprises require continued direct grants or indirect subsidies through low interest rates. Viability and profitability are essential to the CDCs if they are to serve any purpose, and projects already funded by the government indicate that the one-shot approach of the Community Self-Determination bill is not a realistic objective.

The wide publicity accorded to the private business efforts in ghetto areas is more a reflection of successful public relations campaigns than of commitment of resources. Limited experience would indicate that, while ghetto residents have shown a strong desire to exercise a voice in corporate policy, this interest has not extended to the purchase of stock when opportunities were offered. This should not be surprising: profit-sharing plans have not taken the country by storm in other areas, and there is no reason why they should be a success in ghettos. In most cases, the branch plants opened by giant corporations in ghettos act as suppliers and are guaranteed a market by the parent corporations. The relevance of this experience to a national community self-development program is therefore limited. The incentives offered under the proposed bill may be adequate to encourage corporations to locate branch plants in slum areas and may indeed be generous. Tax incentives aimed at aiding designated areas may be a double-edged sword. The aid offered to residents in one area may be detrimental to residents of contiguous or more remote areas.

The third group of existing projects includes those funded by self-help groups, occasionally with foundation assistance. The major problem of these enterprises is lack of resources. The experiments may be interesting and the experience heart-warming, but the limited funds are hardly adequate to restructure life in American slums.

EVERY LITTLE BIT HELPS

The review of the problems inherent in the community self-determination approach and its accompanying emphasis on the development of entrepreneurship is intended not to negate the idea but rather to suggest its limitations. The empirical evidence, limited as it is, indicates the obstacles the program is likely to encounter. It is clear that the proposed Community Self-Determination bill is not a magic solution to the vast problems of the ghetto, or even a substitute for old-fashioned welfare programs. Neither decentralization of decision making nor creation of black entrepreneurs is the entire requirement for ghetto improvement: while these elements are crucial ingredients of a minority group's self-esteem, the size of the resource commitment is of greater importance than whether administration is centralized or decentralized. Profits account for only one-eighth of national income, and dividends amount to only about one-third of total profits. If Negroes were to get one-tenth of all dividends, assuming that they receive none now, this redistribution of resources would amount to about .4 percent of our national income and affluent Negroes are likely to get the bulk of these additional resources. This would obviously not eradicate poverty among Negroes.

Diverse options and programs will be needed if Negroes and members of other minority groups are to get their full measure of equality. This will require not only Negro doctors, politicians and executives, but also black shopkeepers and corporate stockholders. However, ownership of a retail store is not likely to surpass a corporate executive position in social status or economic security. Economic and social equality of Negroes will therefore depend upon the providing of opportunity and the elimination of discrimination.

In the continuing attack on poverty and discrimination, black entrepreneurship and self-determination will assume an increasingly important position. This analysis suggests, however, that despite its useful ideas, the community self-determination approach should be conceived as an experimental program. The approach is sound as long as it is kept in its proper place, to pardon the expression.

COMMENDATION FOR NEWS MEDIA

Mr. MURPHY. Mr. President, I rise today to comment briefly on the press of our Nation and the system of government to which, at one and the same time, it owes its existence and grants its immeasurable strength.

My remarks are prompted by this morning's reports that a would-be assassin fired on Russian cosmonauts in Moscow.

While the Russian news media maintained a controlled, embarrassed silence about the incident, the Western press began reporting the scanty details available, and it was not until hours later that the Soviet Foreign Ministry confirmed some of the details about the matter.

Contrast this, I urge you, with the live and complete coverage given here in Washington on Monday to the outrageous behavior of the demonstrators who hurled missiles at the President's car and taunted our law-enforcement officers with obscenities and hostile actions.

I fear that there are times when some naive people in this country forget the differences which these incidents exemplify so well, and blandly lose sight of the fact that the Soviet news network is the world's most tight-reined, insidious propaganda machine.

Mr. President, this week's incidents here in Washington and in Moscow, which I have mentioned, are a stark and timely reminder of the care we must exercise in assessing Soviet news reports distributed through media reluctant to report even such matters as plane crashes and Russian crime statistics.

It is also a powerful reminder of how blessed we are to enjoy the many benefits which flow from a free press.

While on the subject, Mr. President, I would like to mention that I have in the past been critical of some of our news media for the disproportionate amount of time and space they have devoted to some of the publicity-seeking antics of the small minority within our Nation who purposely test the limits of the right to proper dissent.

I now commend those newsmen who obviously tried so earnestly, and succeeded, in putting the dissenters' inauguration-period escapades into their proper perspective.

Widespread coverage was given to the missile throwing on Pennsylvania Avenue and the subsequent disorder along nearby streets, of course, but it was noticeable that many conscientious newsmen took great pains to point out that the demonstrators were but a small, disruptive group whose actions were reported only because they contrasted so vividly with the general pervading tone of the period.

To those newsmen who exhibited such a sense of responsibility in this matter, Mr. President, I offer my gratitude and my praise.

It is to you, ladies and gentlemen, who are insuring that the press of this Nation will, indeed, remain free.

It is you who make the American press stand out today as the symbol of journalistic responsibility and independence as we reflect on the news blackout which originally surrounded the assassination attempt on the cosmonauts.

TRIBUTE TO THE LATE H. ALEXANDER WALKER, OF HAWAII

Mr. FONG. Mr. President, it is with deep sadness that I deliver this eulogy to the later Henry Alexander Walker, a distinguished business and civic leader of Hawaii who passed away in Honolulu on January 14.

Eighty-three years of age at the time of his death last week, Mr. Walker had given a full lifetime to the growth and development of his native Hawaii.

He was among the great builders of the Hawaiian sugar industry. He contributed significantly to the high standing and international reputation which the industry enjoys today.

He also gave outstanding service in two world wars, served as a volunteer leader in community health work, and became a world-famous orchid grower.

Mr. Walker was born in Honolulu on February 19, 1885, the son of John Smith and Jane McIntyre Walker. He was the youngest in a family of 10 children.

He was educated at Punahou Academy in Honolulu and Harvard University.

During the First World War, Mr. Walker distinguished himself in Red Cross service. In 1918 he volunteered for medical service in Siberia and spent the fall and winter months in the subzero Russian weather.

He was in charge of relief trains running from Vladivostok to the interior. He also commanded a Red Cross relief ship which traveled almost 20,000 miles around the globe to return a boatload of Czech soldiers to their home.

Mr. Walker started his long business career with two short-term jobs, one as a clerk in the Bank of Hawaii, and another as a salesman for a Boston investment business.

Returning to Hawaii in 1920, he became assistant secretary of the Hawaiian Sugar Planters Association. He later was to serve four terms as president of the HSPA.

In 1928 he joined American Factors, of which he became president and general manager 6 years later. He was Amfac's president from 1933 to 1950, and its chairman of the board from 1950 to 1960, when he retired.

He also served as president of Pioneer Mill Co., Koloa Sugar Co., Lihue Plantation Co., Makee Sugar Co., and Waimea Sugar Mill Co., and was a director of Matson Navigation Co.

During World War II he was volunteer director of the office of food control in Hawaii and later was director of the material and supplies division.

Mr. Walker also took an active interest in community welfare. He served for 18 years as chairman of the board of hospitals which administered the Hansen's Disease Settlement at Kalaupapa, Molokai.

Mr. Walker's home at 2616 Pali Highway in Honolulu, near the scene of his birth, long has been an island showplace. His mother was one of the first persons in Hawaii to raise orchids. The Walker family is renowned for the beautiful and rare orchids grown in their garden.

For more than 20 years the family orchid gardens have been opened annually as a benefit project for Stratford Hall in Virginia, birthplace of Gen. Robert E. Lee, and also for the benefit of the Outdoor Circle on Oahu.

Mr. Walker was a friend of many national leaders, including Secretaries of State John Foster Dulles and Dean Rusk. When in Hawaii, these visitors often stayed at the Walker beach home in Laie Oahu.

Mr. Walker is survived by his widow, Mrs. H. A.—Una Craig—Walker; a son, H. A. Walker, Jr., president of Amfac; two daughters, Mrs. C. E. S.—Ann Bishop—Burns, and Mrs. Percy A.—Virginia—Lilly, wife of a Navy captain in Japan; 10 grandchildren, and five great-grandchildren.

Hawaii has lost a most valuable citizen who will be sorely missed by all who had the good fortune to know him over the years.

Mrs. Fong and I join the people of Hawaii in paying tribute to the late Mr. Walker and his life of service and dedication to his nation and island community.

We extend our heartfelt sympathy and sorrowful aloha to his charming and gracious wife Una and to all the members of his family.

FOR DIRECT ELECTION OF PRESIDENT AND VICE PRESIDENT AND ABOLITION OF ARCHAIC ELECTORAL COLLEGE

Mr. YOUNG of Ohio. Mr. President, except for George Wallace's failure last November to carry several States he had counted on, the presidential election would have been thrown into the House of Representatives and the vice presidential into the Senate. This threat of a deadlocked, or bargained, electoral college should never be permitted to occur again.

Congress should give top priority to election reform including choosing our President and Vice President by direct vote of the people with the constitutional amendment providing that in event no candidate receives 40 percent of the total vote there will be a runoff election.

The acute interest in electoral reform evidenced after every close election fades rapidly in the period between elections. Waning public interest has helped perpetuate for too many years the cumbersome and unreasonable system under which we Americans choose our President and Vice President. The Congress should take immediate action to bring about real electoral reform. To accomplish this by 1972, no time should be lost.

Many years ago, as Congressman-at-Large from Ohio, I urged the abolition of the electoral college system and that it be replaced by the direct election of the President and the Vice President. Many other Members of Congress have done likewise over the years. Now, it appears that there is a real possibility that this vitally needed reform may soon be implemented—that its day has come.

Senators and Representatives are elected directly by the citizens of their States or congressional districts. It is ironic, then, that the Chief Executive of the Nation, the man who holds the greatest responsibility for the lives and welfare of all our citizens, is not directly chosen by those citizens, but rather by the electoral college, an anachronism in this space age.

The electoral college was originally established to assure the election of high-caliber men to the Presidency, to give greater electoral strength to the Southern States where slaves could not vote but where each slave was counted as three-fifths of a vote, and to prevent voters from clannishly supporting candidates from their own States. As the party system has developed, none of these reasons remain valid. In his book, "Paths to the Present," historian Arthur M. Schlesinger put it:

> What demoted the electoral college from a deliberative body to a puppet show was the rise of political parties. As people began taking sides on public questions, they were unwilling to leave the crucial choice of the Chief Executive to a sort of lottery. Instead, each party publicly announced its slate of electors and the candidate they would support. This usurpation of the elector's functions, though peaceably achieved, amounted to a coup d'etat. It was an amendment of the written Constitution by the unwritten constitution. The electors, while retaining the legal status of independence, became henceforth hardly more than men in livery taking orders from their parties.

The delegates to the Constitutional Convention—the Founding Fathers—were, for the most part, definitely opposed to electing the President by direct popular vote, agreeing with George Mason, of Virginia, that—

> It were as unnatural to refer the choice of a proper character for Chief Magistrate to the people, as it would be to refer a trial of colors to a blind man.

The delegates to the Convention—for the most part conservative New England merchants and southern landholders—distrusted the ability of the average citizen of that day to decide questions of such gravity. Moreover, the discussions at the Convention revealed that the delegates did not believe that it was possible for a voter in one State to know anything about the ability or character of public men in the other States scattered along our 1,500-mile shoreline.

Today, when our population is almost 100-percent literate; when all Americans have the advantage of an elementary and secondary education and millions more the advantage of a higher education; when television and radio bring candidates into every living room of the Nation; when the distance from Washington, D.C., to San Francisco, Calif., can be covered in less time than it took to travel from Washington to Baltimore at the time of the Constitutional Convention, it is absurd to maintain a vestigial reminder of an era in which the people were not fully trusted to choose their President. If George Washington, James Madison, Benjamin Franklin, John Hancock, and other patriots who helped draft the Constitution of our country were alive today, they would not know this country. We live in a different world. Transportation and comunication over thousands of miles is nearly instantaneous. We live in a new space age of change and challenge. The electoral college system no longer has any place in our Republic.

When the Supreme Court handed down the one-man, one-vote rule on the reapportioning of State legislatures and on congressional redistricting, the first major step was made toward modernizing our electoral system.

It is now high time for the Congress to take the next logical step and make the vote of every citizen count equally in the election of a President and Vice President.

The present electoral college system is riddled with real and potential evils. It permits the votes of the citizens of smaller States to weigh more heavily than those of citizens of our more populous States. At the same time, it permits outsize power to be given to third parties and minority groups in the larger States where often very few popular votes can shift all the electoral votes of a State from one candidate to another.

Furthermore, it allows the possibility of the election of a President who did not receive a plurality of the total votes cast throughout the Nation. Three times in our history there have actually been cases in which a President was elected who received a smaller number of votes than the number received by his closest opponent: John Quincy Adams in 1824, over Jackson; Rutherford B. Hayes in 1876, over Tilden; and Benjamin Harrison in 1888, over Cleveland. In the first case, the minority President was chosen by the House of Representatives; in the other two, by a majority vote of the electoral college.

Also, under the present system there is no guarantee in many States that the electors will cast their vote for the presidential candidate who receives a majority of the votes in a particular State.

This was vividly pointed out in the last presidential election when an elector from North Carolina pledged to cast his vote for Richard Nixon disregarded that pledge and cast his vote for George Wallace.

In establishing further electoral reform, we should provide that at least in Federal elections absentee ballots, including those of absentees in the armed services, should be counted the same time as other votes. There is no reason whatever why the results of close elections involving Federal officials should be held in abeyance, sometimes for many days, pending the counting of absentee ballots. The Congress should also relax equal time restrictions for television and radio to avoid the present situation where candidates of minor parties garnering only a few thousand votes can discourage radio and television network officials from granting adequate time to major party candidates. Americans should have full opportunity to see and to hear major candidates for high public office.

Citizens who desire to contribute to the campaign funds of either party or to individual candidates should be permitted to claim a $100 contribution as tax exempt, the same as charitable contributions. Accomplishing this would help eliminate advantages favoring millionaire candidates for congressional and other offices. A reasonable maximum limit must be provided regarding expenditures made by a candidate and members of his family.

Also, in providing meaningful electoral reform, 18-year-olds should be given the right to vote.

In addition, further consideration should be given to providing for national party primaries to select candidates for President and Vice President. The conventions, meant to be deliberative bodies, have become circuses where the real desires of the rank and file of each political party are frequently ignored. Woodrow Wilson said 55 years ago:

> There ought never to be another presidential nominating convention . . . the nominations should be made directly by the people at the polls.

Mr. President, every citizen should have an equal voice in the selection of the President. The only way to assure this is by direct election of the President and Vice President. Public sentiment for this is growing. As the American Bar Association's commission on electoral college reform concluded:

> The electoral college method of electing a President of the United States is archaic, undemocratic, complex, ambiguous, indirect and dangerous. . . . While there may be no perfect method of electing a President, we believe that direct nationwide popular vote is the best of all possible methods.

Mr. President, I am happy to be a cosponsor of the Senate joint resolution introduced by the distinguished junior Senator from Indiana (Mr. BAYH) to amend the Constitution to provide for the direct election of the President and Vice President. The time is long past due for this essential reform, and I am hopeful that this proposed Constitutional Amendment will be approved by the Congress early in this session, so that it may be ratified by the States before the next presidential election.

COMMITTEE MEETING DURING SENATE SESSION

Mr. JACKSON. Mr. President, I ask unanimous consent that the Subcommittee on Constitutional Rights of the Committee on the Judiciary be authorized to meet during the session of the Senate today. This has been cleared on both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

TOO MANY GENERALS AND ADMIRALS IN THE PENTAGON

Mr. YOUNG of Ohio. Mr. President, there are a total of 1,346 generals and admirals in our Armed Forces—442 generals in the Air Force, 521 in the Army, 76 in the Marine Corps, and 307 admirals in our Navy. Of this tremendous total, 263 have individual offices and staffs in the Pentagon, and 215 more have the same arduous service elsewhere in the Washington area. A grand total of 478, or approximately 40 percent of all the generals and admirals of our far-flung armed services, are enjoying armchair service and golf in Washington or in neighboring Virginia close by the Army-Navy Country Club.

This is just another manifestation of the fact that our Military Establishment has become overloaded with top brass and the staffs and clerks, analysts, chauffeurs, and all the other accouterments that accrue to generals and admirals.

Recently I received a very thoughtful letter from a leading attorney in central Ohio, a friend of mine who is a member of that Grand Old Party of which I am not a member. This outstanding lawyer served in the Navy during the Korean war and was stationed for a time in Washington, D.C. He wrote me as follows:

> When I was stationed in Washington, D.C., it always amused me to see Cadillacs drive up with Army Colonels and usually they were Colonels with satchels attached to their wrists going into the Internal Revenue Office or some other office across the street from my office in Washington, D.C. And many of us used to comment that there would be eight or ten Cadillacs, one right after another, all with Army Colonels with brief cases chained to their wrists and our comment was why so many from the same location, wouldn't it be possible for one to handle all the courier services, as far as the messages were concerned.

Mr. President, it appears that the same situation holds true today. In fact, on many days I know personally that 12 or more shiny limousines leave the Pentagon, in the mornings, one immediately following the other, each with one colonel with one briefcase seated majestically behind the driver. This always looks silly, and it involves an unnecessary waste of public money. A halt must be made to the continuing growth of the immense bureaucracy in the Defense Department. The Military Establishment must return to the basic concept of fighting instead of the present situation in South Vietnam with 450,000 soldiers engulfed in paperwork, drafting diagrams, writing messages, running errands for officers and performing various and diverse other noncombat activities, leaving fewer than 85,000 GIs and officers engaged in combat activities.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

DEPARTMENT OF DEFENSE

The VICE PRESIDENT. Under the preceding order, the Senate will resume the consideration of executive business, to consider the nomination of David Packard, of California, to be Deputy Secretary of Defense.

The Chair recognizes the Senator from Mississippi.

Mr. STENNIS. Mr. President, what is the pending business before the Senate?

The VICE PRESIDENT. The nomination will be stated.

The legislative clerk read the nomination of David Packard, of California, to be Deputy Secretary of Defense.

Mr. STENNIS. I thank the Chair.

Mr. President, the Committee on Armed Services went fully into the question of the nomination of Mr. David Packard for Deputy Secretary of Defense. The office itself is not an ordinary office; it has extraordinary duties, far-reaching powers, and a great multitude of decisions that come before it every year. I say that with emphasis, because I think that even though the office is that of Deputy Secretary of Defense, more matters pass through the Department of Defense itself than pass through a great many other departments, and a great deal of the work is handled by the Deputy Secretary of Defense.

The Committee on Armed Services, in a complete and exhaustive hearing, went very carefully over the major phases of the question of conflict of interest or the possibility of conflict of interest. We had an almost full attendance of the committee, and the two members who were necessarily out of town, later attended an executive meeting of the committee that lasted some 2 hours, most of the time on this nomination, the time being consumed by allowing every member to give full expression to the points involved and his version as to the conclusions.

At the end of that time, when nothing further was to be said, the nomination was approved by the Committee on Armed Services by a unanimous vote. I think that is significant, because these were an involved set of facts. We felt that we had all the facts, and at the end of our consideration there was a ready conclusion.

I do not think there was any reluctance on the part of any Senator. Members of the committee who said at first that they felt quite skeptical—and I was partly skeptical myself—in the end were entirely willing to approve the nomination, considering all the circumstances. I say that with emphasis.

I did not know the man personally or in connection with the position to which he was nominated, but I was highly impressed by Mr. Packard. I was impressed, indeed, with his readiness to disclose and frankly discuss everything. His attitude was one of humility, which does not always come from the chemicals of material success. We who listened to him were well impressed by him. He was not the type who was trying to impress us, either. Some men, it can readily be seen, are trying to impress their listeners.

Mr. President, may we have order at the desk? I think that when one is trying to present a matter to the Senate, he is entitled to do so without having someone talk so loud that his voice can readily be heard.

The VICE PRESIDENT. The Senate will be in order.

Mr. STENNIS. I was impressed, too, by the fact that this gentleman, with his partner, built his own business. It was not a case in which a man having some type of management skill was brought in and elected by a board of directors. Mr. Packard and his partner started with about $500 in capital. They were engaged in a new enterprise that was based partly on radar. Many of us remember the tremendous growth of radar. The product of Mr. Packard's firm is testing instruments. They developed their products across the board in the early days of electronics, and its growth proved to be rapid. The business is competitive, and the company is bound to have extraordinary skill in management. Mr. Packard told me—and I think the record shows this—that the company largely plowed back its profits for a long time. The business is a creation of these men themselves.

I have already described Mr. Packard's attitude before the committee. I am not here to praise anyone, but it is a fact that he conducted himself with humility.

We received testimony from men who have known him, men he did not bring here to testify, and they gave him the highest kind of recommendation. If I may call one of them by name, he is the distinguished Senator from California (Mr. CRANSTON), who has just entered the Senate for the first time. He has known Mr. Packard for many years.

That was a part of the influence. Some things have to be accepted on faith, and these testimonials were a part of the influences that built up that wall of faith in my mind.

I note that the competitors did not directly or indirectly bring in any information or send any protest to the committee.

With that as a background, the Committee on Armed Services wrestled with this matter as it has many times in the past. There is not an adequate statute on the subject, Mr. President. It is quite a challenge to Congress to try to draw one. The committee has had a general rule on it, and I desire to mention some other cases, to start with, and to make a distinction.

Sixteen years ago this month, the nomination of Mr. Wilson—I do not make any unfavorable comparison at all—was before the same committee. He was the president of General Motors Corp. Nothing was said about a trust in that case. Nothing was offered to the committee. But we found that General Motors was No. 1 on the list of 100 prime contractors for the preceding 24 months and had more than $5.5 billion worth of contracts over a 2-year period with the Department of Defense. The Korean war was still in progress. So, having, no alternative, we asked Mr. Wilson to sell his stock, and he did so.

Later—8 years ago—Mr. McNamara came before the committee, and he had stock of the Ford Motor Co. The trust idea had crept in, and he offered a proposed trust, quite different from this one, but it was not accepted, and Mr. McNamara sold his stock.

Now we have the pending nomination. Mr. Packard owns stock in the Hewlett-Packard Corp., which has a present market value of approximately $300 million, perhaps a little less. He is disposing of all the other stock he owns in companies doing business with the Department of Defense. It is not a great amount compared with the Hewlett-Packard stock, although it is a large amount, in my mind—approximately $2 million.

The committee, with the exception of the trust feature, is adhering to the general rule it has, that anyone coming in who has holdings in any company that has contracts totaling $10,000 or more with the Defense Department, excluding regulated public utilities, will have to dispose of those holdings. That is still the rule of the committee, and it is being followed in this instance.

So that brought the matter up to the question of whether or not this gentleman should be told, "If you sell your stock, we will not consider it any further." Now, why should he not sell his stock? His and his wife's stock together is about 30 percent of all the stock in this company. The undisputed testimony shows that the sale of that much stock would break the market, so to speak, and very adversely affect the value of the stock in innocent hands; that it could not be done without injuring innocent people, perhaps very substantially; and that it could adversely affect the company. So it was a matter of either going into the trust feature or saying to him, "We will not consider you any further," which would mean that all others in his category would be declared ineligible for a position such as this.

The man apparently has the very talent that we would like to see in that position, as would the President and Mr. Laird. If we make the declaration I have mentioned, not only would it disqualify him, but also, it would disqualify a great class as being ineligible on its face. So the matter was worth further consideration, to see if anything could be done.

If any Senator wishes to reject the idea of a trust altogether, he should vote against confirmation.

We went into the concept of a trust, and we have one that we think is sufficient. The trust is of this nature: He would sign an instrument that would provide that he would put this stock in trust; all the income from it would go to certain designated beneficiaries during the life of the trust, which must continue for 2 years and would continue beyond that time until he is no longer in the office he is holding. Furthermore, the instrument would provide that all of the increased value of the corpus of the stock would also go to charitable beneficiaries. That approach is well known in the business world and by the Internal Revenue Service and among the charitable and educational institutions of the country.

We have a listing of them in our files, that is, the percentage that each is to draw as to the income, but we did not put the percentages into the public record. That information is in the copy of the hearings which is on the desk of each Senator—a listing of the trust beneficiaries. The trustees of that trust would be selected separate and apart from the company or anyone affiliated with Mr. Packard. It was finally agreed that the Bank of America would be the trustee. Mr. Packard has no connection with that institution and never has had.

Another question that arose was the method of determining the amount of the increase in the value of the stock from the time he went into office to the time he left office. We were given then a simple formula which I think everyone readily understands, including the average person on the street. We start off with the average of the price on the New York Stock Exchange for the 5 days preceding the beginning of the trust, and we wind up with the average price for the 5 days immediately after the trust is terminated. If the value is greater at the end than at the beginning, an amount of that stock equal to the increase will be given to the charitable charities. The remainder of it will be returned to Mr. Packard and his wife. If it is lower than it was at the beginning, he gets back all the shares of stock, but at the lesser value.

We considered the feature that if the stock got into trouble and was about to lose value, it might be a temptation to Mr. Packard to do something to bolster it, to do something as Deputy Secretary of Defense to bolster the value of that stock—the volume of business perhaps would bolster the value—and thereby keep it from being less valuable when he got it back than when he turned it over.

We decided clearly, all of us, that even though that was a possibility, it was very, very, remote that such a thing would happen in this gentleman's case. If a Senator wishes to reject totally the man, he should vote against him on that one point alone. This involves some faith in the man. I know that all the members of the committee who voted on this matter understood that. I do not know of any vote that was cast on the ground that the President has nominated this man and the President is entitled to have whom he chooses. I do not believe that was the spirit of our committee at all. We will be on the spot with regard to this matter.

We have to live with it, at least more closely than any other Members of the Senate. We expect to follow it up. I think that in most cases, if we are going to get talent capable of representing the Government at the counsel table in contests with some of the finest and best talent in all of this Nation, we are going to have to reach over and get someone who knows the subject matter and knows what he is doing. Otherwise, he will be a figment, regardless of how good his counsel may be. I have felt that way for many years. Year after year of service on the committee has made me broaden my views, in this troublesome matter that we must pass on over and over again without any statutory guidelines and with no firm law.

Each case has to stand on its own bottom, and that is what this matter had to stand on.

A part of the test is the character of the man and the circumstances surrounding the matter. It does not stand on one fact; it stands on all of the facts. That is the spirit in which the matter is approved and that is the spirit in which it is presented to the Senate.

Therefore, in order to reach out and save that business or that stock from going down, he had to contradict everything that has been learned about him in these hearings which extend over a lifelong active career. His life has not been limited to business, but he has an interest in people. I think his record shows that. So all that he built up in the way of a good name he would have to abandon and liquidate and throw overboard as the price of holding office. That is what I believe.

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from New Hampshire, who made a real contribution in the discussion of this matter in committee.

Mr. McINTYRE. I was interested in the statements of our distinguished chairman, particularly as they concern the trust agreement which was brought out in the hearings, in which it was stated he could insulate himself with this agreement from the prices of the stocks going up. As the Senator said, he could not insulate the prices from going down. I would like to read from page 65 of the hearings where Mr. Packard's answer to my question appears.

Mr. STENNIS. I am glad to yield to the Senator for that purpose.

Mr. McINTYRE. The question asked was:

> Can you comment on this dilemma that you can insulate yourself from the price going up, and you cannot insulate yourself from that price going down?
>
> Mr. PACKARD. Senator McIntyre, that perhaps does pose a hypothetical problem, and of course I think it is necessary to think about these things, because indeed it could go down as well as go up.
>
> I can say to you I think quite honestly and quite sincerely, that I would be much more interested in getting the same number of shares back as I put in, and I wouldn't care what they were worth. I do not see that I would have any interest in the monetary value, if I simply got all the shares back, so I do not think I have really any concern on that matter.

Mr. STENNIS. I thank the Senator. That is a contribution to the debate and the Senator from New Hampshire made effective contributions in committee as well.

Mr. President, I have two other points; then I shall yield the floor.

First, I wish to illustrate that we must have someone who knows what he is doing. The other day a contract was let involving a new plane for the Navy. The contract finally went to Grumman, whoever that is. They are in New York. The contract could eventually total $5 billion. It may not go that high, or it may go higher. We do not know yet how many of those planes we will buy or how they will run. Therefore, we have to have someone who is not an amateur.

There is another aspect about that matter. This company does not create special products for the Department of Defense. This company does not build planes or ships. They are in the general business of making testing instruments. They sold a good deal of goods to the Department of Defense last year. They sold $34 million worth of goods out of total worldwide sales of $280 million.

They sell also to prime contractors on a competitive basis. Grumman would be one of these prime contractors to which I refer. Those companies compete and they all have to buy testing machines. I was amazed at the number of machines they have to have. But so far as direct contracts with the Government are concerned, many of those are out in the field, and the company deals with the contracting officer out there and he never comes to the Pentagon.

Many times they deal with "off the shelf products." Sometimes they get into a larger contract and they sell to the Army, Navy, or Air Force, for instance, a great quantity of goods at a lesser price, but it is delivered in 30 to 60 days, almost off the shelf, and that happens sometimes even in the case of large orders.

We found, so far as qualifying as big contractors for the Department of Defense is concerned, that it really did not work out that way.

Mr. President, I submit this nomination on behalf of the committee with the unanimous vote behind it of every member. Not only of those Senators who are present; but every member passed on it and gave an active proxy, and most of them were there when we voted.

Mrs. SMITH. Mr. President, I received a letter today from a man in Michigan taking issue with the statement that I made at the hearing on the Packard nomination—the statement that I assumed Mr. Packard was an honest man. The writer said that Mr. Packard must be dishonest because of the wealth that he had accumulated—that he could have accumulated it only through dishonesty and manipulation.

Mr. President, have we come to the point where wealth or poverty is the determinant of the honesty or integrity of a person? I do not think so and I certainly cannot accept such a concept.

The Packard nomination, in my opinion, illustrates the lack of realism in the conflict-of-interest law and the almost impossible application of that law.

I do assume that Mr. Packard is an honest man. Certainly no evidence to the contrary was presented to the committee.

I do not think that his holdings will make him a dishonest Deputy Secretary of Defense any more than his proposal on the handling of his holdings will make him any more honest.

I shall vote for his confirmation and hope the Senate will approve his nomination.

Mr. GORE. Mr. President, confirmation of Mr. Packard, who holds a substantial interest in a corporation which, according to the distinguished chairman of the committee, had direct contracts last year totaling $34 million with the very agency to which Mr. Packard has been nominated as Deputy Secretary, constitutes a conflict of interest as plain as the nose on your face.

This is not to question the honesty and integrity of Mr. Packard. That is not the question. It is not to allege or even to suspect wrongdoing. That is not the case.

In dealing with the question of conflict of interest, in considering the nomination of an appointee to a high Government position, we are not dealing with wrongdoing. We are dealing with public confidence. We are dealing with appearances. We are dealing with circumstances which, conceivably, could constitute a conflict on the part of the official between his personal interest and the public interest on the one hand, or circumstances which, on the other, would give rise to suspicion and loss of confidence on the part of the people.

Now, my dear friend and neighbor, the distinguished and able junior Senator from Mississippi, presented his case in an eloquent manner, but in a manner which dramatizes the issue. He said that he was favorably impressed by Mr. Packard, and that the heart of the case is faith in the man.

Mr. President, to the senior Senator from Tennessee, that is not the case and should not be the case. This morning, before the Finance Committee, there came two nominees for sub-Cabinet positions; namely, Dr. Charls Walker and Mr. Paul A. Volcker, nominated by President Nixon to be Under Secretaries of the Treasury.

Both men came before the committee and presented their financial statements. Both pledged to dispose of the small holdings they had which might present a conflict of interest. One nominee had a few thousand dollars, and I think the other nominee might have had property amounting to a few hundred dollars which might have constituted a conflict of interest.

Well, Mr. President, we did not lack any confidence in these men. But shall we adopt the standard here that a nominee who has contracts in the amount of $10,000 must absolve himself of possible conflict, but a man with such an impressive fortune as to have control over a corporation with $34 million worth of contracts with the agency in which he is to be second in rank does not have to have the rule applied to him?

Mr. MURPHY. Mr. President, will the Senator from Tennessee yield?

Mr. GORE. In just a moment. I should like to develop my point first.

Mr. President, my train of thought has been temporarily interrupted, but I come back to fundamentals. I have never been much given to Bible quotations on the political platform, but two come to mind now.

In the Sermon on the Mount, Christ said, "No man can serve two masters."

I remind my able friend from Mississippi that in another passage in the Bible, we are admonished to "Abstain from all appearance of evil."

Mr. President, shall we have a precedent which applies only to businessmen? I wrote down some of the praiseworthy remarks the distinguished chairman made about Mr. Packard, and I could endorse all of them so far as my knowledge of Mr. Packard goes, but I could have said the same thing about Mr. McNamara.

Someone estimated in my hearing yesterday that if Mr. McNamara had not been required to meet the precedents of the Senate with respect to conflict of interest, each of his children today would be worth $1 million more.

I ask you, Mr. President, is this a government of men or a government of laws? Do we have principles, do we have precedents, or do we not?

The notion that every tub must stand on its own bottom means, if it means anything, that we are abandoning precedent. No longer will there be a precedent with which all appointees to high positions in the Department of Defense must comply. Every tub must stand on its own bottom. There are no precedents. If this confirmation goes through, we will have abandoned the principle of requiring men nominated to high positions to meet the conflict of interest safeguards which the Senate has traditionally required.

The able Senator from Mississippi pointed to the paucity of statutory law in this field. He is correct. There are but few statutory guide posts. Our whole society is built, in large part, upon precedent, practice, and a moral code of ethics. Our moral indices come in rich part from the Judeo-Christian ethics, from the Greeks, from the Romans, and from the common law of Great Britain.

Plato, in constructing his republic, would have provided that the philosopher-kings divest themselves of all private economic interests. But in order that they could show their qualifications to lead the people, he would have required them to operate in the marketplace to demonstrate their capacity. But once they became philosopher-kings Plato would have had them divest themselves of all their economic interests.

So you see, Mr. President, the principle with which we deal here is not new with us. Indeed, our Founding Fathers wrestled with this problem; and I believe it was in the very first Congress that convened under the Constitution that Congress enacted a law that the Secretary of the Treasury could not own Government bonds. So, since the beginning of our Republic through today, we have been dealing with this problem of a conflict of interest, or a possible conflict of interest, between the personal interests of a public official on the one hand and the public interest, on the other, subject to the action of that public official.

I do not know why it should be repeated that Mr. Packard's integrity and honesty are not questioned. It should not be necessary. Neither should it be necessary to say that this issue does not relate to the size of Mr. Packard's holdings, whether they be $300 million, $30 million, $3 million, or $30,000. Other nominees have complied with the precedents. The Senate is asked here to make an exception, to abandon the precedent in favor of this confirmation.

What would be the consequences? I do not suspect any dishonesty would flow, but I would expect the public confidence in the Defense Department to be shaken. Oh, Mr. President, every Member of this body is concerned with the alienation of the young, with their doubts of the efficacy of our system, suspicions and lack of trust in Government. I am sorry that there is this sharp alienation and disenchantment. Action such as proposed here will fan that distrust.

To the man in the street there might be an interpretation of this set of circumstances somewhat different from that given by Members of this body. Someone said to me yesterday, in the vernacular of the common man, "Do the best you can," he said. "Do not let this man trade with himself with our money." Well, this has a connotation which I do not endorse, but it illustrates the shock to public confidence by the appointment of men and confirmation of men to high executive positions with a conflict of interest as plain as the nose on one's face. Here we have a prima facie case inherent in the circumstances.

Mr. President, I would not know how to cite a segment of American industry or business which is so sensitively attuned to the programs of armament and disarmament, with complicated, sophisticated weapons systems, as the electronics industry. Is there anyone in the Chamber who can name an industry whose fortunes, whose profits and losses, whose future, whose value are so keenly tied to the multi-billion-dollar defense program as the electronics industry? I do not know of any. No one has been able to cite me one.

How can this man, as honorable and fine and able as he is, make a decision, if any, make a contribution to a decision or the adoption of a policy, if any, without its having a vital effect upon the prosperity, upon the fortune, upon the value of stock in electronics corporations? His is one of the largest, and his holdings one of the largest in one of the largest.

Let me add that this is not to say he would give preference to his own interests; but one must shun the appearance of evil; and public officials, like Caesar's wife, must be above suspicion if confidence in government and the honesty of government are to be sustained. And without public confidence in government, our system of popular government is not feasible.

There are three material factors that would be in the sharpest of conflict of interest. One would be the appreciation in the value of stock as a result of actions, decisions, contracts, timing of contracts. Another would be the loss of value or the maintenance of value. The third would be the time element.

Now suppose that Mr. Packard, after confirmation, considers and makes a decision, or contributes to a decision, on the question of deployment of antiballistic missiles. Surely, a subject so important as this would require the attention of so able a man as the Deputy Secretary. Can anyone say that this would not have a very great effect upon the value of electronics stock?

When would the economic effect be felt? Within the term of the proposed trust, or might it be 5 years from now, or 10 years from now?

This seems to me to illustrate a prima facie conflict of interest. The Senate must not permit it. It must not establish or permit to be established such a precedent. If we do so, we can never again require a big man to meet the test. I think it is just that serious.

I had not intended to discuss the terms of the trust, but since the very able and distinguished chairman of the committee referred to the terms of the trust, I think I must briefly allude to it.

This is not a complicated trust. Indeed, it is so simple that the same purpose might be accomplished by a letter addressed to his bookkeeper or his treasurer. Much has been said recently about the value of a blind trust, the kind of trust that insulates the settlor from knowing the contents of his portfolio, the value of his portfolio, or the action of his trustee with respect to the portfolio.

No such attributes are contained in this instrument of trust. Indeed, the trustee is forbidden to buy or sell. The settlor knows what he puts in the trust. He knows how many shares of stock there are. The trustee is forbidden to sell any. He does not have to be informed by the trustee of the value of his stock; it is quoted and sold on the New York Stock Exchange every day, and he can read it in the morning paper and the afternoon paper.

How does this insulate the official from the knowledge of his interest? How does this place upon the trustee any action contrary to the will of the settlor? The answer is negative.

It is true that the trustee is directed—and, so far as I can find from the trust as printed in the record of the hearings, this is the sole ministerial direction that affects values or the size of the portfolio—to transfer to some agency, some organization, either in existence or to be created and later to be designated, a sufficient amount of stock to equal the appreciation in value, if any, of the corpus of the trust during the term of the trust.

Mr. President, this does not remove the conflict of interest. This is a generous offer, to have the earnings of the trust during the term of the trust go to charitable organizations, and any appreciation in value transferred to some unknown foundation or organization. But what of the other factors? What of the economic impact on the value of electronics stocks 5, 10, 15, or 20 years from now, if the Department of Defense, the President, and Congress decide upon the recommendation of the Department of Defense to launch upon a multibillion-dollar deployment of antiballistic missiles? And what of the conflict of interest involved in the possible loss of value of the stock in case a decision is made to reduce the level of weaponry, and not to deploy ballistic missiles, but to decide upon a program of disarmament?

I shall not go further into the trust. It is a simple trust, a so-called bookkeeping trust, that does not remove the conflict of interest in any way whatsoever. So we come back to the question posed by the able senior Senator from Mississippi: whether Mr. Packard shall be confirmed because he made a favorable impression upon the committee, because he is a man in whom we can place faith. That, the able Senator said, is the heart of the question. I do not accept that view. I would not think that is the test. The test is whether or not, by this confirmation, we create and approve a conflict of interest which is clear on its face, when we confirm as Deputy Secretary of the Department of Defense a man who has substantial holdings in a corporation with $34 million in contracts with the Department. The conflict of interest is immediately real, and promises to obtain throughout this man's tenure of office. It is a serious question before the Senate.

I close by saying that we have not found a satisfactory answer to this problem throughout the history of our Republic, and the problem has been with us throughout our history. Congress should address itself to legislation in this field, with respect to members of the legislative branch as well as of the executive branch. But the fact that we have not found an answer, the fact that we have found no satisfactory solution to this problem, should not mean that we abandon the only precedents of value that we have built up. I think we should require all members of the Cabinet and members of the sub-Cabinet, regardless of the size of their holdings, to meet the safeguards against conflict of interest. The public interest requires it, public confidence being so essential to the efficacy of our system of popular government.

Mr. DOMINICK. Mr. President, I shall take only a brief moment. I had the opportunity to listen to the Senator from Tennessee the other day when he spoke on this problem, and I have listened to him today. I have also read the transcripts of all the hearings, although I was unable to participate in the first ones; and I have the great pleasure of being able to say that the distinguished nominee was born and educated in Colorado before he moved to California.

Furthermore, two of his company's plants are in my State. I happen to know Mr. Hewlett, of Hewlett-Packard, rather well. I do not know Mr. Packard as well. I have had the opportunity of going through the Hewlett-Packard plants in Colorado. They are more or less the same as the plants in other areas of the country.

What I think has been totally overlooked in the process of this debate, particularly by the Senator from Tennessee, is that it is not a unique system which this company is making specifically for the Department of Defense. They are off-the-shelf items that are used for manufacturing purposes in many commercial operations as well as by the Department of Defense. In many instances, they are sold as a part of their operating material to contractors who have bid on defense contracts. They are sometimes sold directly to the Department of Defense as a part of its ability to check on the operations of its contractors and to determine whether its own defense work is going properly.

We could, of course, insist that Mr. Packard sell all of his stock. If we did so insist, we would not get Mr. Packard to serve, because, as he has testified in the hearings, that would have an extremely adverse effect on many persons who, in complete innocence and in total good faith, have bought shares of this company.

I think, frankly, that Mr. Packard has gone one step beyond any possible charge of trying to advantage the company or himself through financial holdings. He has gone to the extent not only of showing that he has insulated himself from any income while his trust is in existence, but he has also said that he will take a loss, but not an increase in principal, and that any increase in trust value will be distributed to charitable beneficiaries when the trust is terminated. So the very best thing that could happen to him would be that the value of the stock would hold even. Nobody knows whether that will happen without his management ability as a part of the company. Nobody knows now or can forecast what the future of the electronics industry may be. However, this is a very fine company, so we can hope for its success. But if there is any gamble, it is a gamble that the stock will go down, and Mr. Packard is willing to assume that risk all by himself. So the monetary deal has been insulated.

I listened with great interest to the Senator from Tennessee, and I think he has touched on some points which should be of concern to all of us. As to the question of what is a conflict of interest, there are some Members of the Senate—and I am sure there are members of the executive department—who still own farms on which they grow agricultural products. When Senators vote on an agricultural matter, is that a conflict of interest? If they have sold all their holdings and vote on the question, they still have the same background which they had on the subject. Are they therefore disqualified from voting on a particular measure? We could go on and on.

I am a lawyer, or used to be a lawyer. I have not practiced a bit of law—and I am not a member of any firm—since I came to Congress. But I am a lawyer. When a legal matter comes up, a matter in which I have had some past experience, whatever it may be—and I am not talking about a client now—am I disqualified from voting because of a peculiar knowledge that I may have on the particular subject?

We can say the same of almost any field of endeavor.

A short slogan, which we all have heard—I suppose I should not be promoting a product—is: "You can take Salem out of the country, but you can't take the country out of Salem," or whatever the words are. That is exactly what I am talking about in terms of the total concept of conflict of interest.

We cannot talk about conflict of interest solely in terms of money or solely in terms of fixed holdings. Yet that seems to be, almost automatically, the point that everyone brings up.

In this particular instance, Mr. Packard has developed his own company. He has built up his own company. If he were required to sell $300 million of stock, and did so, and then were nominated and cleared himself completely, he would still feel friendly toward the Hewlett-Packard Co., even without having any financial interest. That would be bound to happen. That would not mean that he was dishonest. It would not mean that he was doing anything wrong. It would simply mean that these feelings had grown up, had built up, and were naturally a part of one's background and experience. Such experience and background are helpful in doing a job well. I should say they are factors that ought to be considered on the plus side, not on the negative side.

So I take great pleasure in saying that, so far as I am concerned, Mr. Packard has demonstrated enormous administrative ability, good business judgment, and total and complete insulation from any monetary benefit that he could gain from the company which he developed, while he is conducting the tremendous job of Deputy Secretary of Defense, and that he is in all respects a person whom we need in our governmental system, a person who I personally believe will be a tower of strength in the development of policies and programs and in the administration of the Department of Defense.

Mr. BYRD of Virginia. Mr. President, this is a nomination on which I have found it difficult to make a decision. When the name of Mr. Packard was announced a month or so ago, I was pretty well convinced that I could not vote for his confirmation. The distinguished and able Senator from Tennessee (Mr. GORE) put into words far more eloquently than could I, the problems that this nomination raises. I take seriously the conflict of interest laws. I think it is important that we follow, as much as we can, the precedents and procedures.

I read the testimony of the hearings when Mr. Wilson was nominated to be Secretary of Defense in 1953. I read the record of the committee proceedings when Mr. McNamara was nominated to be Secretary of Defense in 1961. Those two cases are not identical with what we are discussing today.

When the committee met last week to consider the nomination of Mr. Packard, only three of us, as I recall, expressed concern in regard to it. At that time, I had not concluded just how I would cast my vote. So I think there is a great deal to be said in behalf of the argument which has just been made by the Senator from Tennessee.

But in considering the entire picture, in considering the problem which the Senate faces, in considering the problems which a Chief Executive faces in attempting to bring into Government men of ability, men of experience, and men who can effectively and ably handle the vast amount of public moneys that Congress appropriates, it seems to me that not only must we seek to safeguard the public interest by avoiding conflicts of interest on the part of administrators, but also we must be reasonable in not placing impossible barriers to bringing into Government service men who have the capacity, the experience, and the ability to ably administer the affairs of Government.

The distinguished Senator from Mississippi was greatly impressed with Mr. Packard, as was I. Obviously, Mr. Packard is a man of great ability. If I am able to judge individuals, he obviously is a man of the highest integrity. But that in itself, as the distinguished Senator from Tennessee has pointed out, does not necessarily resolve the conflict-of-interest problem. Mr. Packard has, I believe, to every reasonable degree, solved that problem himself. He apparently is a very frank individual.

I recall the news accounts the day after he was nominated, and I assume he was quoted accurately. The news reports quoted him as saying:

> I have an almost impossible conflict of interest.

But Mr. Packard then set out to resolve that conflict of interest. And how did he do it? He took the total amount of his Hewlett-Packard stock, valued at approximately $300 million, and put it into a trust. From that trust he will receive not one penny of income during the entire time he serves as Deputy Secretary of Defense. Furthermore, if that stock should appreciate in value during the period of time he serves as Deputy Secretary of Defense, all the appreciated value of that stock will be distributed to a number of charitable institutions.

So Mr. Packard has sought to resolve this conflict of interest problem by saying that the roughly $700,000 that he would be entitled to each year as dividends from that stock will go not to him, while he is Deputy Secretary of Defense, but will be distributed to charitable and educational organizations. He said, further, that should the value of that stock appreciate, that, too, will go to charitable and educational organizations. So it seems to me that he has taken every reasonable precaution to prevent any public charge that he can in any way gain from his position as Deputy Secretary of Defense.

Mr. GORE. Mr. President, will the able Senator yield?

Mr. BYRD of Virginia. I should like to complete one sentence.

As for public confidence, it seems to me that if people are reasonable, they will not hold open to contempt a man who has put himself in the position of sacrificing all his income from this stock and all possible gain from an increase in its value by giving that increase in value to charity; he cannot gain, that there is no way he can gain, from his position as Deputy Secretary of Defense.

I have heard some persons question why a person would give up an income of $700,000 a year to accept a public position at about $40,000.

Some are cynical enough to feel there must be a hidden motive.

Well, having been in public life for many years, sometimes I am a bit cynical, too.

But I am convinced that there are a great many persons in our wonderful country who want to make a contribution to their fellow citizens without any desire for reward—other than the satisfaction of doing a good job.

I think Mr. Packard is such a man—and Mrs. Packard such a woman, because she, too, is making a great financial sacrifice by her husband accepting public service.

I now yield to the Senator from Tennessee.

Mr. GORE. If the circumstance with respect to the stock in the Hewlett-Packard Corp., is sufficient to meet the conflict-of-interest problem with respect to so good a man as Mr. Packard, why did the committee feel it desirable or necessary that the same good man dispose of some $2 or $3 million of holdings in other corporations?

Mr. BYRD of Virginia. I believe the committee properly required that the other stocks that he owned, totaling $2,100,000, in other companies which have business with the Defense Department, should be disposed of.

I cannot speak for the committee; I do not pretend to speak for the committee. I speak only for myself. But, as a member of the committee, I would very much prefer that Mr. Packard dispose of the Hewlett-Packard stock. Obviously, that cannot be done. There is no way in which he can dispose of $300 million of Hewlett-Packard stock without very severely handicapping a great number of innocent individuals, many of whom are employees of his company, who have bought stock as workmen in that company. Of course, the stock is listed on the stock exchange, and there are many public owners scattered throughout the Nation.

The Senator from Tennessee does have a point, and that is what has concerned me about this matter and has made it very difficult for me to make up my mind. The Senator has a point in that neither the committee nor the Senate, if it acts affirmatively on the nomination, will be adhering strictly to what has been done in the past. I might say this, however, and I am taking this from memory. I observe the committee counsel on the floor; and if I am in error about this, I hope he will correct me. As I recall, at the time that Mr. McNamara's nomination was presented for confirmation, a law was on the statute books, which subsequently was repealed, which made that case somewhat different from the case with which we are faced today.

Be that as it may, we must make a decision, it seems to me, as to whether we are going to adhere strictly to precedent, and I would prefer that we do so. But if we do that, we will eliminate from Government service an individual whom the President and the new Secretary of Defense feel can make a great contribution as Deputy Secretary of Defense.

So in considering all the factors involved in this case, I have concluded that I shall give the benefit of the doubt to the President, to the Secretary of Defense, and to Mr. Packard. I will not permit this, so far as my one vote is concerned, to be a precedent for other cases that might come before the Senate, but I expect to vote affirmatively for confirmation of the nomination of Mr. Packard.

Mr. PERCY. Mr. President, I first wish to commend the Senator from Virginia for the careful thought he obviously has given to this matter and for the thoughtful judgment he has rendered on this subject. I know it will be instructive to the Senate.

Mr. STENNIS. Mr. President, will the Senator yield to me briefly?

Mr. PERCY. I yield.

Mr. STENNIS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STENNIS. I thank the Senator for yielding.

Mr. PERCY. Mr. President, I also wish to commend my distinguished colleague, the Senator from Tennessee, for the very great public service that he has performed during the course of the hearings and here on the floor during these confirmation proceedings. He has fought for and protected the public interest. He has made all of us keenly aware of the complexity of these problems. I think he has improved, for a long time to come, the procedures that we will be following the questions that will be put to potential public servants, and the judgments we will make in future such proceedings.

Mr. GORE. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. GORE. Mr. President, I am grateful to my able and distinguished colleague. I also thank the distinguished Senator from Virginia for his generous references.

Mr. PERCY. Mr. President, my own conclusion has been comparable to that of the Senator from Virginia.

I have not been able to find a slide rule that we could use. I have not been able to find a "go" or "no go" gauge to which we could subject an individual to determine whether or not he meets the test of conflict of interest. If the regulations, laws, and precedents were so clear that we would all understand them ahead of time, we would not have to have as extensive hearings or confirmation proceedings. Mr. Packard obviously never would have been asked to serve, if it was clear cut that he could not serve if asked.

So we are asked to sit in judgment. We are asked to weigh all of the evidence. We are asked to look at the laws, regulations, and precedents, and then, as individuals in the best judgment we personally can render, to come to a conclusion as to whether it is in the public interest that a nominee—in this case, Mr. Packard—be confirmed.

I suppose in theory we should be totally divorced of any conflict of interest ourselves, as the distinguished Senator from Tennessee pointed out. However, as we know, it is very difficult to have any issue presented to us where some of us have not had prior knowledge, or a prior position, brought about as a result of personal holdings, public experience, friendships, or whatever it may be.

I must say in this case I find myself in a rather unusual situation. I find myself sitting in judgment on a man who for years was a competitor of mine in business.

I cannot tell the Senate how many hours of sleep I have lost at night or how many conferences I have held during the day because of the efficiency and the effectiveness of the competition of Hewlett-Packard against the Bell & Howell Co.

One-half of the business of one of our major divisions—a division that I was instrumental in recommending our company acquire in California—is directly competitive with Hewlett-Packard. Although I have divested myself of one-half of my Bell & Howell holdings and I have arranged to have my investments managed by an independent investment company with instructions to avoid investments that conflict with my Senate duties, I must say I am faced with an unusual situation.

Should I disqualify myself from rendering a judgment on this nomination?

I cannot decide how anyone would interpret my vote in this case. If I were to vote "no" on confirmation, by some stretch of the imagination it might be said that I voted in that way because I do not want Hewlett-Packard to benefit, if indeed it could, or would, benefit by this appointment.

If I should vote "yea" I could be said to be saying in effect that I would like Mr. Packard out of Hewlett-Packard because it will make them less competitive and my own holdings might be made more worthwhile. So how does one resolve such "conflicts" in this particular case?

I think that really my responsibility and the responsibility of all Senators is to render the best judgment we possibly can. I have no more interest in the Bell & Howell Co. than I have as a stockholder in many other companies. But are we to say everyone in this body who owns Hewlett-Packard stock, or whose wives and children own it, should not vote because of that ownership? Should anyone who holds stock in any company that is competitive with Hewlett-Packard abstain? As a practical matter, we probably do own stock in some competitive companies and perhaps some Senators would not even know about the nature of the competition of the particular business as against Hewlett-Packard.

Therefore, I think we come back to the decision that we now have to make. We do have certain standards which have been articulated in a fine manner by the Senator from Tennessee. The distinguished Senator from Tennessee clarified many points for us.

But I think the matter boils down to this: On what kind of man are we rendering judgment? Do the circumstances in this particular situation warrant our making an exception to a precedent we have tried to have before, that a nominee must divest himself of all stocks?

With respect to the exception, I read the statement by Mr. Packard in his testimony. I went over to sit in on his hearings before the Committee on Armed Services. He made the statement that "it is not practicable for us to sell that stock; that is, 3,550,000 shares."

I asked myself whether this statement is correct. Can I assume I know enough? Therefore, I called one of the largest and most sophisticated brokerage houses and underwriters on Wall Street, headed by a man who was an adviser to the past three or four Secretaries of the Treasury, and a company that I would think would be very interested in handling the matter if there were a secondary offering. I put the question: Is that statement right? He considered it and said that in his judgment it is absolutely sound. They said that this market could not absorb that much stock. It would depress the value of the stock by millions and millions of dollars; it would injure every stockholder and every employee in that company who owns stock. They think it an eminently accurate statement of the situation.

Then, I tried to look at the nature of this business from what I know of the company. Mr. Packard said in his statement:

> The Company manufactures a broad line of electronic measuring instruments, all of which have been developed in the Company's own laboratories with company funds and all of which are sold as standard catalog articles at published prices. About 30,000 customers in a world-wide market are served each year.

The committee confirmed this statement. In other words, Hewlett-Packard is not a company that is set up to create and develop military products only for the military. It is true that the Government buys some of these products, and they buy a great many of them. However, for the most part their customers are 30,000 independent customers, among whom are the largest universities in the world and the largest companies in the world.

These products are sold by highly sophisticated technical people. They are purchased by highly sophisticated technical people. The prices are set in the competitive market place. The Government does not set those prices. The Government, through renegotiation, takes back any excess profit, but the proceeds are essentially set by the most hardheaded and shrewdest men in American business. So this is a different case than a company dependent upon research and development funds from the U.S. Government, or a company that was developing products for the Government which were later sold in byproduct form to private industry. This situation is quite the other way around. The Government benefits by having a company in this field selling to industry as a whole and I can assure the Senate that there are many other companies in the field.

This particular industry, Mr. President, is one of the most highly competitive businesses I have ever been in. The profit margins, because of the efficiency of Hewlett-Packard and other companies, are lower in this area than we would have liked to have seen it when I was head of the company 5 years ago. It was strictly because of skill, ability, and know-how.

Mr. President, I would like to add that Mr. Packard has divested himself of all other stocks, as he rightfully should, in a total amount exceeding $2,000,000. As has been so ably pointed out by the distinguished Senator from Colorado, and the distinguished Senator from Virginia, he has done everything conceivable to protect the public interest. So I say, it really gets back to the question of the man.

A statement was made by the distinguished Senator from Tennessee in which he said that if we confirmed this appointment, confidence would be destroyed in the process of confirmation. I cannot quote exactly what the Senator said, but I believe that is essentially what he said.

I wonder, confidence destroyed where? In the business community? Mr. Packard is a member of the business council and is known to the top industrialists of this country. He is highly respected by his peers in that field.

My own judgment would be that their confidence in our process of confirmation would be destroyed if we did not confirm his nomination simply because of this one consideration.

Labor? He has an outstanding labor record. He is highly thought of by the labor leaders of this country. I am sure they would be concerned if we did not act.

With the scientific community; would confidence be dissipated if we confirmed his nomination? I would say it would be the other way around. Within the educational and scientific community, Mr. Packard has the reputation of being one of the most competent men in the world, let alone in the United States of America.

I believe that the general public admires a successful man, particularly a successful man who, though he has accumulated a great deal of material wealth, gives the impression to all those who know him that he really could not care less about that. He is more interested in accomplishment, in devoting his time and energies to educational institutions—and now to government—

and to those things which will make his country better and stronger.

Thus, we have an eminently successful man, a great administrator, one of the most brilliant and creative men in America today, a problem-solver, who has been nominated to go into one of the most sophisticated and complicated businesses we have in government. He is a man who, I believe, can think through the kind of problems we face in setting priorities for the defense of the free world and the United States of America, and yet who understands the most sophisticated weapons systems.

He brings to the Defense Department a body of knowledge perhaps unparalleled in an industrialist coming into Government. He is a man who all his life has been able to set priorities and insure that whatever he was connected with—a company or an educational institution—will get the most value for the money spent. He is a man remarked by everyone I know who has known him and I have known him myself for years—for his integrity, to the extent that he could not conceivably be questioned by any of us.

I cannot imagine Mr. Packard's permitting a decision ever to be made, or ever making a decision, that would in any respect benefit directly or indirectly him or any member of his family.

(At this point, Mr. Hughes took the chair as Presiding Officer.)

Mr. GORE. Mr. President, will the Senator from Illinois yield?

Mr. PERCY. I am delighted to yield to the Senator from Tennessee with pleasure.

Mr. GORE. I share the Senator's high estimate of Mr. Packard, based upon every bit of information that has come to me. I do not know him personally, but because of statements in this regard, a number of people have volunteered their impressions. Nothing has been unfavorable. Thus, I share the high esteem of the Senator from Illinois for Mr. Packard.

However, I believe I said that confirmation, as I saw it, with a prima facie conflict of interest appearing, would shake confidence not destroy it. If I said "destroy," I should not have used that word, because that has a totality about it which I did not wish to imply. I believe, however, I said that it would shake confidence.

The distinguished senior Senator from Michigan (Mr. Hart), who has had to leave to catch a plane, asked me if I would call to the attention of the Senate a very pertinent colloquy on this point at another committee hearing, and I wonder whether the Senator from Illinois would be willing to have me do that now.

Mr. PERCY. I would be very happy to have the Senator do so.

Mr. GORE. This is with regard to the committee hearing on the confirmation of Governor Volpe.

The colloquy is as follows:

Senator Cotton. Governor, I glanced over your list of holdings and securities that you submitted to the Committee, consistent with the policy of the Committee having this in advance, and without being critical, let me ask you: Have you contemplated any arrangement of putting in trust or anything, such as Secretary Stans has resorted to?

Governor Volpe. I believe that because my stock was in a construction firm which I founded and because buildings are visible pieces of property that can be seen as they are erected, it was necessary not only to avoid a conflict of interest insofar as the law is concerned but the spirit of the law as well. Therefore, I felt the manner in which it ought to be done would be through the sale of my stock completely. I hesitated to do this because it is a firm I founded myself. But I felt the only way that it could be done, without any shadow or possibility or appearance of conflict of interest, was to sell that stock, and I have arranged for the sale of my stock back to the corporation as provided for in our bylaws.

The Senator from Michigan (Mr. Hart) then entered the colloquy, as follows:

Senator Hart. Governor, congratulations, good wishes. I had not really intended to get into this conflict except to ask the clarifying question of the earlier witness, because however you approach it, it is an unsatisfactory situation. But I was struck as you described the reasoning that persuaded you to sell your construction company's stock, sell it rather than put it in trust. You felt since you had founded it and since the product was visible—buildings—you just felt it was better to sell, that it would avoid a conflict of interest.

At some other hearing I read about it in the paper, there is another distinguished American who is confronted with the same problem. He founded a business, his products are tangible, a substantial quantity are purchased by the government, but he concludes that he should not sell, and chiefly because of the devastating consequences of dumping all that stock on the market. Most people apparently agree that he need not sell.

How do you distinguish your situation from his?

Governor Volpe. Well, first of all, I would distinguish it in this way, that although mine is a substantial construction operation, there is no comparison between the amount of money involved in my situation and the amount of money involved in the situation to which I believe your are referring: on the order of $300 million. That is what I remember by way of a figure, 300 to 1.

Mr. President, thus, if a man has $1 million, we apply the rule, but if he has $300 million, we apply another rule, or none at all.

Mr. PERCY. If I may reply to that statement, there are two very basic differences here.

The first is that Governor Volpe was confirmed to be the Secretary of a department. He will be the top man, the final decisionmaker in the area of responsibility for that department.

In this case, we are asked to confirm a man who will be the second man, who will have over him a superior who can reverse any decision and who is, as we know, one of the most sophisticated and knowledgeable men in this particular area that he could be dealing with.

The second thing is that Mr. Volpe was able to sell his stock very easily. Apparently, the company just purchased it. It could be done, and it was done.

In this case before us, it is entirely different. We know the nominee's holdings cannot be sold. The company does not have $300 million to buy back Mr. Packard's stock, and the market could not be asked to absorb it without a break in price that would constitute a very great hardship for tens of thousands of people—trusts, widows, whatever it may be, that own the stock of this company. The public would be asked to take the punishment for no reason but a forced action or arbitrary request of the Government, and because of a potential conflict of interest which many of us feel does not exist in the first instance. So I do believe the case is entirely different.

Mr. President, it is for these reasons that I support, and intend to vote for the confirmation. I believe we have benefited greatly by bringing out some of the complexities of the situation. But again, it is a matter of individual judgment on this man and this situation, and I think the evidence is overwhelmingly in favor of confirmation.

Mr. MURPHY obtained the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MURPHY. I yield.

Mr. MANSFIELD Mr. President, I ask unanimous consent that there be a time limitation of 30 minutes on the pending nomination, the time to be equally divided between the distinguished Senator from Mississippi (Mr. Stennis) and the distinguished senior Senator from Tennessee (Mr. Gore), the vote to take place not later than 4 o'clock.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. STENNIS. Mr. President, will the Senator from California yield?

Mr. MURPHY. I yield.

Mr. STENNIS. How much time does the Senator want?

Mr. MURPHY. Probably 2 or 3 minutes. I believe I have been very patient. I have been in the Chamber——

Mr. STENNIS. I yield 5 minutes to the Senator from California.

Mr. MURPHY. I will take only 3 minutes.

Mr. President, I should like to congratulate my esteemed colleague from Illinois for his presentation of this matter. I am pleased to rise in support of the nomination.

Mr. Packard comes from my State, California. In examining his qualifications, his background and capabilities, some of us there were alerted and asked to do all the research and all the studies that we could.

I am pleased to say that never in my life have I heard a man receive such a glowing recommendation from all areas, from scholastic groups, industrial groups, and civic groups. No one, in my knowledge, would have the qualifications that are attributed to this man.

I heard, on three occasions, close friends, close associates, and competitors say, "I do not care what job you gave Mr. Packard to do; chances are he would do it better than anyone else."

We have spent some time talking about the amount of money he has accumulated. I think it is exciting, I think it is in keeping with American tradition, particularly when we understand that he started the business in a garage with a capitalization of less than $600.

He does not build any weapons. He does not build any weapons systems. He is not to be compared with Secretary McNamara, whose company did build hardware, and great amounts of it, or Secretary Wilson, whose company did build hardware. Mr. Packard's company builds an instrument that is used in measuring components of electronics; and apparently it is one of the best of its kind. It is off the shelf. It is not built especially for the Government. It is not dependent upon Government contracts.

As a matter of fact, during the testimony he said something that I was very pleased to hear—that he would be in favor of competitive contracts, that a contract should go to the company that could deliver the best product at the lowest price in the fastest period of time, rather than negotiated contracts. My experience with negotiated contracts leads me to go along with that point.

However, I sincerely hope that my colleagues will understand, as I believe the majority of the committee understood, that this man has done everything possible, with the very best advice, so that in no way can he benefit from any decision he might make in this government position; and if there is damage done from other influences to his company, he is not particularly worried about that. He is a man whose public service in California and across the Nation is well known, and he is taking this job at great detriment to himself and his future. He is doing it because he wants to give the very best service he can to the country. I think the President of the United States is to be complimented on having a man of such generous spirit and a man of such great capability and a man who demands such respect.

I do not think any of my colleagues will have to worry about that after this long and distinguished public career, they would have to be concerned about Mr. Packard's being guilty of something that might lead them to believe there was a conflict of interest.

I will endorse the nomination and vote for it enthusiastically.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from New Hampshire (Mr. McIntyre.)

Mr. McINTYRE. Mr. President, as a member of the Armed Services Committee, I must admit to certain reservations that I had as we approached the hearings on Mr. Packard. At that time, I was involved in a committee of my own, in which I felt that a conflict of interest was actually hurting my cause. As I concluded the hearings 2 or 3 days later, I found that three elements have brought me around so I can support this nomination.

The first is a peculiar one. Perhaps it is one the distinguished Senator from Tennessee (Mr. Gore) would not appreciate. But I think it is on the very size, $300 million, represented in the stock that Mr. Packard owns. There is a certain amount of integrity and insulation in the amount itself. For instance, the dividends from that stock will amount to some $720,000 annually. These dividends, under the trust, will be distributed, either annually or semiannually, to those named the beneficiaries. But witness, if you will, that Mr. Packard, from that $720,000, over a 4-year span, would have received nearly $3 million, which he is writing off to begin with. So that I found, on the size of his holdings, the conflict of interest we seem to be worried about sort of dissipated and fell apart. I think his answer was truthful. It is hard for me to conceive of being worth $300 million.

I asked him: "Would you be worried if your stock went down two points? That means you would lose $6 million."

His answer was: "That would not worry me a bit. If it did worry me, I would not be interested in this business of doing other things."

So I was impressed by the fact that, with Mr. Packard's $300 million, Mr. Packard's concern for it long had advanced beyond the concern of the man who had made his $1 million and was looking for $5 million.

As the Senator from Illinois pointed out, there is a particular factor involved, and that is the narrowness from which the Hewlett-Packard Co. operates. It is strange to say "narrow" when one thinks of $34 million of Government contracts, but it is off the shelf. It is not a component part of a missile, tank, or submarine.

As we approach the overall problem, we find, which has been admitted in the debate today, that we have very little statutory guidance on the conflict of interest problems, and it seems to me each committee sets its own standards.

I think, too, as the Senator from Virginia does, that if we followed the logical conclusion of the Senator from Tennessee, we would find that what he seeks is complete divestment, as in the McNamara case, of the stock.

That means that this man becomes ineligible, and I do not believe, with the problems that the Defense Department has today, that we can afford, as a nation, to declare ineligible for office men of the successful type of Mr. Packard.

I, too, agree that we should, as a body, do something about the conflict of interest problem.

With that, Mr. President, I close by saying that I support the nomination of Mr. Packard.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, as a member of the Armed Services Committee, it was my pleasure to sit and listen to the testimony given by Mr. Packard. I was extremely impressed with his testimony, as I have been with the man himself for many long years. I rise at this point, not to reiterate what has been said about the trust, because I think it is one of the safest ones that I have seen in the years I have been here and in my new freshmen term; but I wish to comment on one thing Mr. Packard did that I think we in Congress might well emulate: he included not only a statement of his own holdings, but a statement of the holdings of his wife.

This conflict of interest problem is something we are beginning to learn we do not know very much about. I do not believe it is encompassed in how much money or how much stock you own in General Motors, Smith & Co., Ford, or any other firm. I think if a man is basically honest, he is going to remain basically honest.

I have looked at the new conflict of interest rules for this body and the House of Representatives, and it amazes me that we file only for ourselves. My wife happens to be a woman of means. Certainly what is of interest to her is of interest to me. My children own stocks. My brother owns stocks, and my sister as well; and yet I do not have to file for them. I would suggest that we might take to heart the example of Mr. Packard, and follow through on it.

But, Mr. President, during the course of the testimony which our chairman so ably handled, one thing was brought out that impressed me more than anything else. For the last 8 years, if there has been a place in this country where there has been a real lessening of morale, it has been in the Pentagon. In fact, it got so bad over there that morale just did not exist. I have had a number of friends in the military services who have resigned rather than put up with what they have had to put up with for the last 8 years over there.

Mr. Packard made it a point to bring out what I think is the most important factor in any business: the people who work for it. They are not figures in a ledger, or punches on a tape; they are people, the most important factor to the success of any business. For that reason, I would recommend a man going into the Pentagon, after what they have put up with for 8 long years, who will listen to people who have something to offer, and not go off half-cocked on his own, with the advice of some half wornout computer.

Mr. President, I merely wished to point out that the emphasis Mr. Packard has placed on people is, to me, one of the most important facets of this matter.

Mr. PROXMIRE and Mr. ALLOTT addressed the Chair.

Mr. STENNIS. I yield 3 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. GORE. Mr. President, I yield my remaining time to the Senator from Mississippi.

Mr. STENNIS. Very well.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, I simply want to add something to this debate which I could not refrain from adding, because I can add something that no one else in Congress can add. David Packard was born in the same town that I was: Pueblo, Colo. When this young lawyer who now stands before you got out of law school, it was David Packard's father, Sperry Packard, who gave the young man a place in his office and gave him some business to get started, so that he could pay off his school debts.

Sperry Packard was one of the finest men I have ever known in my life. He was not only a man of scrupulous integrity; he was also a very capable and brilliant lawyer. Knowing him as I knew him very well, for a year, in my association there in that office—never a formal association—I know what kind of stock Dave Packard came from.

But more than that, I knew Dave Packard as a high school student. I knew his sister Ann. I knew his mother. In fact, in the spring of 1930, I used to go out in the field with Dave Packard in an attempt to help him with the hurdles, which he was then running.

Having known him, and having known his family, although my acquaintance with him since then has been only sporadic, I could not let this moment pass without saying that, having known him and his background, having known what he did at Stanford, and what he has done since, I would be most remiss, Mr. President, if I did not contribute this little personal picture of Dave Packard as I know him.

Mr. STENNIS. Mr. President, if any Senator wishes to speak, the Senator from Tennessee has yielded me his time.

Mr. MANSFIELD. Does the Senator intend to conclude the debate?

Mr. STENNIS. No; the Senator from Tennessee will. I have just a few words.

Mr. President, may I inquire what amount of time remains on each side?

The PRESIDING OFFICER. The Senator from Mississippi has used all of his time. There are 12½ minutes remaining on the other side.

Mr. STENNIS. Does the Chair understand that that time has been yielded to me?

The PRESIDING OFFICER. Yes.

Mr. STENNIS. I now yield to the Senator from Wisconsin for a question.

Mr. PROXMIRE. Mr. President, I ask the distinguished chairman of the committee about this claim which has been made over and over again on the floor and in the press, that if Mr. Packard is required to dispose of his holdings in Hewlett-Packard, it will greatly depress the stock of the company, and result in sacrifice not only on his part, but on the part of many stockholders.

I ask the chairman whether this has been explored with investment banking firms, and whether their advice has been secured about it.

It is my understanding that a large investment banking syndicate could dispose of 3 million or 5 million shares, or any amount of stock, over a period of several weeks, in the event they were asked to do so, and if the company whose stock is being sold is an established firm, with strong earnings and so forth, there might be a limited sacrifice, but not the kind of catastrophe which would occur if a man went to the market and said, "I am selling 3 million shares for whatever it will bring."

I am informed that it could be done by the investment banking syndicate with each member taking a limited amount, and being able to sell it at a point or 2 or 3 points below the market. Perhaps I am wrong on that, but I should like to know what the result would be, and whether or not this point has been explored with investment banking firms.

Mr. STENNIS. I am glad to answer the Senator's question.

This transaction would involve $300 million in value of stock, and 30 percent of the total stock of the company. We are advised, including advice by investment firms, that it could and would have a very depressing effect, and could have a very abrupt and almost disastrous effect upon the value of the stock. Depending on how long a time was taken, of course, it could be stretched away out, perhaps; or there might be enough resources in those houses, so that if they were to combine for that purpose, they could doubtless absorb the stock. But that is so far beyond the realm of reason and practice that I believe, as a practical matter, it is undoubtedly true that such an action would result in a great sacrifice on the part of innocent stockholders. It was something that the committee backed off from taking on, even if Mr. Packard had agreed to do so.

Mr. PROXMIRE. I might say that the Hewlett-Packard Co. is going to suffer a severe sacrifice anyway, because Mr. Packard is a remarkably successful leader of this firm, and the loss of his leadership undoubtedly will have an adverse effect on the company.

Mr. STENNIS. It already has.

Mr. PROXMIRE. I thank the Senator.

Mr. STENNIS. The Senator from Illinois (Mr. PERCY) had this question on his mind, too, and he made some independent inquiries.

(Mr. PERCY subsequently made the following statement, which is printed here by unanimous consent.)

Mr. PERCY. Mr. President, following my previous remarks, the distinguished Senator from Wisconsin asked a question pertinent to those remarks and I regret I was not in the Chamber at that time. I have since given him the answer and he has suggested that I make the statement for the RECORD.

The question he asked relates to the statement made by Mr. Packard before the Committee on Armed Services, that it was not practicable to sell his Hewlett-Packard stock, and whether his position is verified by expert advice.

Mr. President, I wish to say to the distinguished Senator that in order to verify this statement and make certain that it could be validated by proper authority, I contacted an outstanding investment banking firm in Washington, an outstanding firm in Philadelphia, and two of the largest firms in New York City. The composite of their judgment was that from a practical standpoint Mr. Packard's statement is absolutely fundamentally sound.

The rationale is as follows: If 3 million shares of Hewlett-Packard stock were placed on the market in a secondary offering the question would immediately go through the minds of stockholders of Hewlett-Packard, including banks, trusts, and other organizations: What is going to happen to the price of this stock?

They might decide that there is going to be a depression in the price, with one-third of the stock becoming available, and they might decide to sell their stock. Certainly demand would have already slackened; there would not be many buyers, with the prospect of some three million shares immediately becoming available. Therefore, the price immediately would begin to erode and the question would become: At what point will the floor be reached?

In such a situation, no investment company could or would set a fixed price to buy 3 million shares of the stock with the price steadily going down.

The judgment of the most outstanding authorities I could go to—the last as recently as 1 hour ago on the telephone—is that this statement is absolutely fundamentally sound and they would support it in every respect.

Mr. STENNIS. Mr. President, I have a very few minutes in which to conclude. I thank the Senator from Tennessee (Mr. GORE) for yielding time to me in this way. I shall certainly not use all his time.

I appreciate very much the fine presentation that he made of his viewpoint. He is always a formidable debater, and is not given to idle language or idle points. He brought the question into sharp focus and ably presented his views.

The question has been raised by the Senator from Tennessee: Why did not the committee require Mr. Packard to dispose of the other stock, meaning the stock of the company that had contracts with the Department of Defense? It was salable and we required him to comply with that ruling to the extent that the stock was salable, just as we have required anyone else to do so.

Mr. GORE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Tennessee.

Mr. GORE. I am not an authority, of course, on the operations of the stock market and the marketing of securities. I think, however, for the benefit of the RECORD, I should say that some persons who are knowledgeable in the field, and upon whose expertise I have reason to rely, have told me that the stock could be handled through an underwriting agency within a reasonable time, with no serious or adverse consequences to the corporation. I do not know. But since the point had been made, I sought answers to it, and I was told by persons whom I have found to be reliable that it could be done.

Mr. STENNIS. The committee's information on that point was to the contrary.

I failed to point out that former Secretary McNamara, who held the office of Secretary of Defense for almost 8 years, and former Secretary Clifford, of the Department of Defense, as well as Mr. Nitze, said that during their periods of office no matter involving Hewlett-Packard had come to their attention. In other words, no decision concerning this company's affairs had come before them. That confirms the fact that such contracts are made at field level or by Army procurement agencies or by an Air Force or another agency, wherever it might be.

Furthermore, the new Secretary of Defense, Mr. Laird, assured us that he would take the responsibility of making certain that no matter involving Hewlett-Packard would ever go to Mr. Packard so long as Mr. Packard was Deputy Secretary of Defense. Of course, Mr. Packard made the same pledge, that he would see to it that such matters did not reach him, either.

One thing more. I did say that faith in Mr. Packard—at least, some faith—went to the heart of the matter. Of course, I had already outlined all the other safeguards about the trust agreement and the precautions that had been put around it, until it got down, in the final analysis, to the point where it was necessary to have some faith in the man, and that faith went to the heart of the matter. I still feel that way.

One other point: Mr. Packard impressed me. I was skeptical about the nomination when I was called about it before the holidays. One thing that cleared up my mind is that he was not a coached witness. He spoke with spontaneity, firmness, and conviction. He was speaking from his heart and his mind, and he knew the answers. There was no hedging, there was no preparation.

Mr. GORE. Mr. President, will the Senator yield?

Mr. STENNIS. I gladly yield.

Mr. GORE. I find it of some significance that Secretary Laird felt it advisable to tell the committee that he would issue an order that no matter affecting the Hewlett-Packard Co. would reach Mr. Packard. I do not know how Mr. Packard, as Deputy Secretary, could make decisions with respect to policy, deployment of arms, armament programs, and the further sophistication of the weapons system without its having an effect upon the electronics issue. This in itself exemplifies the existence of a conflict of interest, which we are asked to approve.

Obviously, with the unanimous support of the committee, with the recommendation of a new President, with the grace which all of us wish to extend to him, and with the flexibility we would like to accord him in the selection of his team, there is no chance to prevent the confirmation of the nomination at this point.

I should like to close by calling upon Congress to consider this debate and to let the issue on this conflict dramatize the note for a serious attack upon conflict of interest, a practice which is growing bigger and bigger in our industrialized society.

Mr. STENNIS. Mr. President, I yield 1 minute to the distinguished Senator from Arizona.

Mr. GOLDWATER. Mr. President, earlier I commented that we hear much talk about conflict of interest without knowing much about it. We tend to associate it with nominations. I read from the Wall Streeet Journal of today an interesting report, without making any charges. The headline is:

> Illinois Central Road Names as President Alan Boyd, Former Transportation Agency Chief.

The article contains the following sentence:

> The Department of Transportation earlier this month announced a $25.2 million grant for a replacement of cars in the Illinois Central's 40-year-old commuter fleet.

Also, the article states that Mr. Boyd's salary will be $75,000 a year.

Is this a conflict of interest, or is it not? I do not think it is. But it is demonstrative of what we have been arguing about. We really do not know much about the field of conflict of interest.

Mr. President, I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ILLINOIS CENTRAL ROAD NAMES AS PRESIDENT ALAN BOYD, FORMER TRANSPORTATION AGENCY CHIEF

CHICAGO.—Alan S. Boyd, President Johnson's Secretary of Transportation from the time the Department of Transportation was created until President Nixon's inauguration Monday, was elected president of the Illinois Central Railroad, chief subsidiary of Illinois Central Industries Inc.

The announcement, which surprised many members of the transportation industry, was made at a press conference and luncheon for Illinois Central shippers in Pittsburgh.

Mr. Boyd succeeds William B. Johnson as president of the railroad, with Mr. Johnson continuing as chairman and chief executive officer. He also remains chairman and president of Illinois Central Industries.

Employment of the 46-year-old Mr. Boyd is probably the most significant of a long series of major personnel changes Mr. Johnson has made since he left the presidency of Railway Express Agency Inc. to head the Illinois Central in 1966.

In the past two years he has assembled a management team that many competitors concede may be the industry's most capable. Instead of using the traditional rail industry technique of promoting from within, he has obtained a number of key executives by hiring top talent from other railroads and industries.

BOYD'S RESPONSIBILITIES

In making the announcement, Mr. Johnson indicated Mr. Boyd will head this management team and have responsibility for all the day-to-day operations of the railroad. Mr. Johnson, 50, said he expects to divide his time between railroad and holding-company duties. Sources close to Illinois Central believe Mr. Johnson eventually will relinquish his post with the railroad to devote full time to affairs of the parent holding company.

Mr. Boyd's starting salary will be $75,000 plus deferred compensation of $20,000 annually and options not yet worked out. Mr. Johnson said Mr. Boyd will assume his position April 1 after a vacation.

In his position with Illinois Central, Mr. Boyd can be expected to be of considerable help because of his expert "inside" knowledge of the complexities of Government regulation of all forms of transportation.

The Illinois Central currently is engaged in several major efforts requiring Government approval. The most significant is an application before the Interstate Commerce Commission seeking to merge with the Gulf, Mobile & Ohio Railroad. The merger would combine the 6,700-mile, 14-state Illinois Central system with the 2,700-mile, seven-state GM&O. Main routes of both roads run from Chicago directly south to the Gulf Coast; the Illinois Central also runs from Chicago to Omaha, and the GM&O from Chicago to Kansas City, Mo.

"SOUGHT BY MANY OTHERS"

Mr. Johnson noted that Mr. Boyd's services "have been sought by many others" because of his experience and qualifications, and said his decision to come to the Illinois Central should "reaffirm and hearten those who believe that railroads in general and Illinois Central in particular have important and productive work to do for the U.S. economy in the years ahead."

During his time in Washington, Mr. Boyd has been regarded as an outspoken advocate of increased cooperation among all types of transportation, repeatedly urging an end to antagonisms among the various modes. "We need to face the fact that, as we do not send dentists into court or send lawyers to fill teeth, neither should we send aircraft to do the work of trains, cars to do the work of buses, or buses to do the work of rail transit," he said.

In the press conference announcing his election, Mr. Boyd predicted there will be changes in public policies that tend to impair intermodal activity.

CITES NEEDS OF RAILROADS

He also said there has been too much regulation of the railroad industry, and the whole subject should be reviewed. Railroads have been "hamstrung" by regulations, and the industry needs more competition and freedom to compete, he said.

Asked if he blamed Government regulation more than railroad managements for the industry's ills, Mr. Boyd said the industry had enough trouble for everyone to share in spreading the responsibility.

He predicted Mr. Boyd would "provide outstanding leadership," and be "increasingly valuable" to Illinois Central as the time approaches "when the public interest demands more and more of the benefits that can be generated by intermodal operations."

Mr. Boyd said he believes a Government policy setting forth overall guidelines for railroad mergers is needed in place of the "case-by-case" approach utilized in the past. That approach, he said, has failed to recognize the "national picture."

He said Government subsidies are necessary for commuter railroad operations and possibly for longer-haul passenger runs in cases where public demand for the service exists but it can't be met on a profitable basis. The Department of Transportation earlier this month announced a $25.2 million grant for replacement of cars in the Illinois Central's 40-year-old commuter fleet.

Mr. Boyd also said he had a strong interest in improving overall railroad industry service and increasing freight car utilization. "It does little good for one railroad to break its back providing good service and then have a car delayed three or four days at a junction point," he said.

His lack of committed positions in the field of labor-management relations should help in that currently critical area for the railroads, he said.

ONCE SERVED ON CAB

Mr. Boyd was sworn in as the first Transportation Secretary in January 1967 and the department formally came into being in April of that year. Previously, he had been Under Secretary of Commerce for transportation, a member and chairman of the Civil Aeronautics Board and chairman of the Florida Railroad and Public Utilities Commission.

In Washington, the trim, tall former lawyer and military pilot was known for his candid, witty and bold style. With the possible exception of the railroads, he managed through his policy proposals and their implementation to antagonize every mode of transportation at some time or other as he went about organizing the new department, which now numbers 95,000 employes and has a $6 billion budget. "It may be that the bicycle makers are the only ones not mad at him," it was said.

At Illinois Central he will run a railroad with annual revenue in excess of $300 million and some 20,500 employes. In facing up to his new tasks, he jokingly said he recognized one immediate problem: "As a former Government official, I'll have difficulty operating with the same sense of modesty I've seen in most railroad presidents."

Mr. STENNIS. Mr. President, I thank the distinguished Senator from Tennessee for his unfailing courtesy, and I commend him for his presentation.

I yield the floor. I believe that all time has expired.

The PRESIDING OFFICER. One minute remains.

Mr. STENNIS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is, Will the Senate advise and consent to the nomination of David Packard to be Deputy Secretary of Defense? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of Virginia. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that, if present and voting, the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Kentucky (Mr. COOPER) is absent on official business.

The Senator from Nebraska (Mr. CURTIS), the Senator from Illinois (Mr. DIRKSEN), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

If present and voting, the Senator from Kentucky (Mr. COOPER), the Senator from Nebraska (Mr. CURTIS), the Senator from Illinois (Mr. DIRKSEN), and the Senator from Oregon (Mr. HATFIELD) would each vote "yea."

The result was announced—yeas 82 nays 1, as follows:

[No. 13 Ex.]

YEAS—82

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cotton
Cranston
Dodd
Dole
Dominick
Ellender
Ervin
Fannin
Fong
Goldwater
Goodell
Griffin
Gurney
Hansen
Harris
Hartke
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mundt
Murphy
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Russell
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—1

Gore

NOT VOTING—17

Cooper
Curtis
Dirksen
Eagleton
Eastland
Fulbright
Gravel
Hart
Hatfield
Magnuson
McCarthy
Mondale
Montoya
Moss
Muskie
Ribicoff
Tydings

So the nomination was confirmed.

Mr. SCOTT. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

AMENDMENT OF RULE XXII

The PRESIDING OFFICER. The Chair lays before the Senate the pending business, which will be stated.

The BILL CLERK. A motion to proceed to consider Senate Resolution 11, to amend rule XXII of the Standing Rules of the Senate.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States withdrawing sundry nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

(For withdrawals this day received, see the end of Senate proceedings.)

THE TRANSPACIFIC AIR ROUTE CASE

Mr. GRIFFIN. Mr. President, on April 16, 1968, a veteran professional hearing examiner for the Civil Aeronautics Board, Mr. Robert L. Park, issued his recommendations in the $500 million transpacific air route case.

Based upon the merits of the case, Park proposed new routes for Eastern, Northwest, Pan American, TWA, United, Western, and Flying Tiger airlines.

Park recommended no additional routes for Braniff, American, and Continental.

The hearing examiner's recommendations were generally applauded. For example, the New York Times of April 17, 1968, carried this evaluation by Evert Clark:

> Mr. Park's proposals brought many surprises to the airline industry. They also brought the frequent observation that politics appeared not to have been involved in his recommendations, despite intensive competition for the routes.
>
> There was considerable speculation here (in Washington) that the case is so complex and Mr. Park's recommendations so thorough that neither the Board nor the President is likely to alter them drastically.

As it turned out, that prediction in the New York Times proved to be inaccurate.

Under established procedures, a hearing examiner's proposed decision in a case is subject to review by the CAB, which is politically appointed. Of course, the CAB has authority to overturn or completely revise an examiner's recommendations.

In addition, the President of the United States has authority, based upon his foreign policy responsibilities, to review any international phase of such a case, and to rule independently thereon.

On December 19, 1968, about a month before President Johnson would leave office, the CAB and the President issued their decision in the air route case.

As a result, Examiner Park's recommendations were drastically revised. Braniff, Continental, and American Airlines—which were excluded by the examiner—received important and very valuable air route assignments. Eastern Airlines, which had been included in the examiner's awards, was excluded completely in the revision.

Needless to say, this represented a sharp and significant reversal of conclusions reached by Examiner Park.

Not surprisingly, the new decision by the White House and the CAB has generated considerable controversy and discussion in the airline industry and in the press.

Writing in the Sunday, January 19, 1969, issue of the New York Times, on the first page of the financial section, Robert E. Bedingfield said:

> The consensus of the airline industry on the Civil Aeronautics Board's decision last month in the Trans-Pacific route case is that the Board made the wrong awards to the wrong people for the wrong reasons. . . .

Later on, in the same article, Mr. Bedingfield wrote:

> The favors shown Braniff and Continental were considered in both the industry and in Wall Street to be politically inspired. Airline Newsletter, a publication circulated among airline executives, observed: "As expected, President Johnson seems to have made an effort to reward his friends, or to appear to have done so."

In the January 20, 1969, issue of the Washington Post, Richard Halloran wrote:

> The Johnson Administration tried hard to have the case neatly settled before it left office but instead it will be leaving the incoming administration a problem that could confront it with some painful decisions during its early days.
>
> The outgoing Administration, however, will have considerable lingering influence. C.A.B. Chairman John Crooker, reappointed chairman by President Johnson . . . is not expected to resign his post.
>
> Crooker, a Houston lawyer, has been a long-time personal friend and campaign fund raiser for President Johnson.

It will be recalled that Mr. Crooker was first appointed to the CAB last spring to fill out an unexpired term. Then, in midsummer, he was reappointed by President Johnson, and was confirmed by the Senate on August 2, 1968, for a 6-year term which would not begin until January 1, 1969. Crooker's reappointment and confirmation came some 5 months before his old term expired.

In the January 22, 1969, issue of the Washington Post, Columnists Rowland Evans and Robert Novak wrote:

> Depending on favorable Government decisions for their very survival, airlines hire men of political influence—"rainmakers" in the industry's jargon.

Later on, Mr. Evans and Mr. Novak said:

> The airlines with the highest percentage of such rainmakers—Braniff, Continental and American—won highly lucrative routes from the highly political C.A.B. . . .
>
> The C.A.B. increased Braniff's route mileage by 200 percent in the trans-Pacific case and the concurrent Caribbean-South American case. LBJ cronies Troy Post and Jimmy Ling control Braniff; the company's payroll includes LBJ insiders Walter Jenkins and Cliff Carter.
>
> The list of rainmakers for other airlines benefitting from the C.A.B. decision after being ignored by the examiner reads like a Who's Who of the Great Society. LBJ intimate Warren Woodward is a vice president of American; ex-Johnson aides Horace Busby and Jake Jacobsen are on American's payroll. Continental is represented in Washington by (former) Secretary of Defense Clark Clifford's law firm; LBJ inside Lloyd Hand is closely connected with Continental.

Mr. President, the transpacific air route case has been under consideration for more than a decade.

In 1959, President Eisenhower requested the CAB to undertake a review of the Pacific route complex. The CAB responded and reached a decision in December 1960. On January 18, 1961—only 2 days before leaving office—President Eisenhower, for reasons of foreign policy, disapproved the CAB's recommendations on the international phase and suggested that the Board and the new administration reconsider the matter.

It is noteworthy that President Eisenhower welcomed reconsideration of the case by the Kennedy administration.

At the present time, under established procedures, the parties to this case have until tomorrow, January 24, to file petitions for reconsideration.

I know that the factors which must be taken into account in a case like this are highly complex. I would not suggest that a review by the Nixon administration should take very long.

But I strongly suggest that this case should be carefully reviewed by the new administration before any award of these multimillion-dollar air routes is made final.

The doubts about this decision suggested in the press are serious, and should not be lightly dismissed.

Therefore, in view of the widespread controversy which surrounds this case, and because of the importance of making sure that such a decision is based on the public interest, I am calling upon the new administration to stay further proceedings pending a careful but expeditious review.

Mr. President, in connection with these remarks, I ask unanimous consent to have the various articles to which I have referred printed in full in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 17, 1968]

CAB EXAMINER URGES EXPANDING PACIFIC FLIGHTS—VAST ROUTE OVERHAUL WOULD ADMIT EASTERN, TWA, AND WESTERN TO AREA

(By Evert Clark)

WASHINGTON, April 16.—A vast expansion of airline service to Hawaii, the South Pacific and the Orient was recommended today by a Civil Aeronautics Board examiner.

Urging the first overhaul of Pacific route structures in 20 years, Robert L. Park proposed that Eastern Air Lines, Trans World Airlines and Western Air Lines be admitted to the rapidly expanding Pacific market.

The new candidates would join Pan American, Northwest and United. Those three lines would be granted some new or improved routes. In addition, Flying Tiger would become the first American cargo line with Pacific authority, on a five-year experimental basis.

[The C.A.B. examiner's finding stirred mixed reaction from the carriers, ranging from severe criticism by those not recommended for new routes to approval from those suggested for additional routes. On the New York Stock Exchange, shares in the recommended airlines registered gains.]

FIRST MAJOR STEP

One effect of today's proposal would be to make Pan American and T.W.A. true round-the-world carriers of the American flag. T.W.A. now flies east from California to Hong Kong but no farther. Pan Am basically has no domestic route network but recently got interim permission to link its West Coast terminals with New York.

The recommendation is the first major step in the biggest case in C.A.B. history. It must be reviewed by the board itself—perhaps by mid-June—and then by the President.

Mr. Park's recommendation would increase competition in almost every area of the Pacific and give many inland and East Coast cities direct service to Hawaii and beyond.

New and improved services proposed today would begin early in the nineteen-seventies. Six foreign-flag carriers now compete against the three American carriers in the Pacific.

The importance of the so-called Transpacific Route Investigation was reflected in this statement by Mr. Park:

"One cannot peruse the facts in this record without being deeply impressed by the nature and extent of the involvement of this nation in the Pacific. From every point of view—defense, economic, trade, tourism—the interests of the United States are being drawn inexorably toward the countries of the Pacific basin."

Seventy-two parties have introduced evidence in the case and a transcript of 9,421 pages has been compiled from the 68 days of hearings held here and in Honolulu last year. Altogether, 18 airlines—two of which merged during the hearings—sought new or improved routes.

Mr. Park's proposals brought many surprises to the airline industry. They also brought the frequent observation that politics appeared not to have been involved in his recommendations, despite the intensive competition for the routes.

American, Continental and Braniff, considered particularly strong contenders, got no new routes. Eastern got virtually everything it had asked for. United got none of the flights beyond Hawaii that it had sought. Pan American and Northwest, the predominant Pacific carriers, were given more competition on their prime routes than many had expected.

There was considerable speculation here that the case is so complex and Mr. Park's recommendations so thorough that neither the board nor the President is likely to alter them drastically.

ACTION BY EISENHOWER

On the other hand, some observers recalled that just before he left office in January, 1961, President Eisenhower in effect threw out several years of C.A.B. work on revision of Pacific routes and told the board to restudy the case at some time well in the future. The current review is the first since his rejection.

Mr. Park's proposals essentially eliminate West Coast cities as the prime gateways to the Pacific. They would open the West, Midwest, South, South-Central and Eastern areas to direct flights, some of them nonstop.

His recommendations include:

Eastern Air Lines—Flights from 11 mainland points to the South Pacific, making it Pan American competitor there. The points are Boston, New York-Newark, Philadelphia, Washington-Baltimore, Chicago, St. Louis, Dallas-Fort Worth, Houston, New Orleans, Atlanta and Miami. Eastern would have to overfly the West Coast via Hawaii or go by way of Mexico City and Acapulco. It could serve Tahiti, American Samoa, Fiji Islands, New Zealand and Australia.

Western—Two new routes between Anchorage, Alaska and Hawaii and between Minneapolis-St. Paul, Denver, Phoenix, San Diego, Los Angeles-Long Beach and San Francisco-Oakland and Hawaii.

Pan American—Flights to the Orient from New York-Newark and Seattle-Tacoma, Portland, San Diego, Los Angeles-Long Beach and San Francisco-Oakland. Also, a new route from New York-Newark via Fairbanks, Alaska, to Japan to give Northwest its first competition on this route. For its South Pacific routes, Pan Am could now serve New York-Newark, Seattle-Tacoma, Portland and San Diego. San Diego also would be added as a Pan Am gateway to Hawaii.

Northwest—Flights from eight new mainland points to the Orient. The points are Boston, New York-Newark, Washington-Baltimore, Philadelphia, Cleveland, Detroit, Chicago and Minneapolis-St. Paul. Also service to Hawaii as part of the Orient route. Northwest also could carry local traffic from the mainland to Hawaii.

United—Nonstop service between Hawaii and 11 new mainland points: Boston, New York-Newark, Buffalo-Niagara Falls, Philadelphia, Pittsburgh, Washington-Baltimore, Cleveland, Detroit, Chicago, Kansas City and Denver.

Flying Tiger—A five-year certificate to carry mail and cargo only from 10 mainland points to Hawaii and from these points to the Orient.

[From the New York Times, Jan. 19, 1969]

PACIFIC AIR ROUTE AWARDS: PLUMS MAY PROVE BITTER

(By Robert E. Bedingfield)

The consensus of the airline industry on the Civil Aeronautics Board's decision last month in the Trans-Pacific route case is that the board made the wrong awards to the wrong people for the wrong reasons—and that the plums it sought to distribute might prove impossible to pluck.

That applies particularly to the international awards. The related domestic awards, announced earlier this month, were also criticized, but not so warmly. The C. A. B. invited anyone aggrieved to file protests by next Friday, and many acceptances of the invitation were predicted.

The criticisms were subdued. In a regulated industry the profits from saying out loud the regulators must be out of their minds are hard to come by. One of the few persons who seemed really pleased with the awards was Robert Six, president of Continental Airlines.

His company was given permission to operate between Chicago, Kansas City, Denver, Phoenix and Los Angeles to Honolulu and Hilo. In addition, it received the right to try to crack the near monopoly of Pan American and a three-line British alliance on air travel to Australia and New Zealand.

A ROSY VIEW

Mr. Six, almost alone, buys the C. A. B.'s rosy view of travel to the lands down under and the islands in between. He said: "The traveler has been virtually every place except the South Pacific. He will love Australia and New Zealand, because the people speak English and like Americans."

Trans World Airlines, in the route decision, won its long-sought, around-the-world route. It had been restricted to stopping at Hong Kong. Even so. T. W. A. can cross the Pacific only by the longer route touching Hawaii and Okinawa, and is specifically forbidden to serve Tokyo. Moreover, it must use the lesser airports of Ontario and Long Beach in the Los Angeles area, rather than the Los Angeles International Airport.

One critic of the decision remarked: "The C. A. B. seems to have forgotten that it is still dragging its feet on letting T. W. A. land and take off from Ontario and Long Beach in another case."

Northwest was granted authority to add New York, Newark, Philadelphia, Washington's Dulles Airport, Cleveland, Detroit, Chicago and Minneapolis-St. Paul as mainland starting points for its Great Circle route via Anchorage, Alaska. It now has just Seattle and Tacoma. Feeder flights must start from satellite fields in both Los Angeles and San Francisco. It also was granted a Central Pacific route via Hawaii from the domestic points listed.

In the board's international route decisions—those have to be approved by the President, to make sure foreign relations are weighed in the decision—Braniff Airways was authorized to serve Hawaii, but only via Mexico City and Acapulco, from its domestic terminals at Miami, Atlanta, St. Louis, New Orleans, Dallas and Houston. In the subsequent domestic decision—where the C. A. B. has the last word—Braniff got a nonstop route to Hawaii from those terminals.

In the domestic phase of the findings, Continental and Western Air Lines were given routes between the mainland and Hawaii, and expansion of the existing United Airlines service was approved.

To show the confusion that can be created by the divided responsibility for decisions, American was granted a domestic mainland-Hawaii route, but only for passengers intending to go on to Japan—after President Johnson had vetoed the board's decision that American might fly to Japan.

The President said that allowing a third carrier to join Pan American and Northwest in competition for traffic on the Tokyo run "is not at this time in the national interest." The President did urge that American be allowed to serve Hawaii without restriction.

TWO TRIBUNALS

Two commissioners, John Crooker Jr., the chairman, and G. Joseph Minetti, urged that the restrictions be lifted, but the majority of the commission let the meaningless permission stand.

One surprise to the industry was the board's failure to give anything to Eastern Airlines, after the hearing examiner, Robert L. Park, had favored Eastern for the routes that were given instead to Continental.

When all the petitioners line up Friday to ask for changes—and even Mr. Six has some requests to make, happy as he professes himself to be—they will be, in reality, addressing two tribunals. The board itself can affirm or revise the domestic rulings; if the international decisions are changed, that will be the work of President Nixon.

It would set a precedent if President Nixon upset any such decision of a preceding President, but Wall Street observers feel such a precedent would be a healthy one.

"We aren't privy to what knowledge the State Department had," one analyst of airline securities said. "The Japanese had been put on notice that a third carrier might be allowed to fly to Japan. I don't blame the Japanese for kicking, but I don't see why the State Department had to simply cave in."

Other analysts agreed that not only Japan, but many other countries, have a favored line, like Japan Air Lines, which is looked upon as a quasi-government enterprise.

"If we are going to cave in every time a national airline wants to get tough," an industry spokesman said, "it will be hard on the privately owned United States airlines, because they can all get tough if it pays off."

Aviation Week & Space Technology, a trade publication, made the same point, that the conflict between the C. A. B.'s mandate to foster air commerce and the State Department's concern for "public service as a tool of diplomacy" could only interrupt healthy route expansions in other areas.

PUBLICATION QUOTED

The favors shown Braniff and Continental were considered in both the industry and in Wall Street to be politically inspired. Airline Newsletter, a publication circulated among airline executives, observed: "As expected, President Johnson seems to have made an effort to reward his friends, or to appear to have done so."

"It was obviously a political decision," a bank analyst said. "Continental and Braniff, handling military traffic, did everything they could to butter up the Government. We were surprised that they weren't favored over Eastern in the examiner's report as well as in the decision."

As far as Continental's new routes to the South Seas and Micronesia are concerned, financial circles generally contend that the harvest Mr. Six expects is a long way off, notwithstanding the C. A. B.'s rosy estimates of potential increased traffic. Moreover, some analysts pointed out, Continental still doesn't have landing rights, and those can take a long time to get.

It is believed that obtaining landing rights, particularly in the Philippines and Japan, may prove troublesome in the case of Flying Tiger. In approving the C. A. B.'s decision to grant this all-cargo carrier a route between the United States mainland and the Orient, President Johnson said he had "serious reservation concerning the advisability of the award."

He said he would allow the board's decision to stand, since the route would be experimental, on a non-subsidy basis and limited to a five-year period. For years the Philippines have severely restricted Pan American and Northwest, both of which now serve the islands.

In the South Pacific, meanwhile, there were less than 200,000 trips from the United States in 1967, and this included Australia and New Zealand. Competing for the business were Pan American, Qantas (the Australian-owned line), Air New Zealand, British Overseas Airways, UTA (an affiliate of Air France) and a Canadian line.

REQUESTS CUT

When Pan American asked permission to make 12 flights a week to Australia instead of seven, and six a week to New Zealand instead of three, it was held to nine and four a week respectively. Now Continental will further divide the available traffic.

When Examiner Park made his report on trans-Pacific routings, he estimated that in 1970 the total United States-Orient market would be between 1.4 million and 1.5 million trips. The board, in remarks with its decisions, raised the 1970 estimate to 1.6 million passages, citing "more recent data." Industry spokesmen generally said they could not imagine what those data might be.

The C. A. B. observed that traffic to the Orient from the Pacific Northwest and California had been growing in recent years at about 20 per cent a year and intimated that this rate of growth was expected to continue.

One industry source commented that while traffic had been growing at a rate of 19 per cent a year for several years ended in 1967, the 1967–68 growth was less than 10 per cent from the larger base created by previous increases.

As part of the justification for feeding new competition into the Pacific market, the board cited the persistent high fares, which, it said, Pan American and Northwest had shown little indication to reduce.

The fares are high. One way from New York to New Zealand for $610, and $1,172-round trip, are not calculated to lure the 21-day vacation trade. Neither are $479 one-way, $922 round-trip to Tokyo—and that's in the off season. Peak fares are $499 one-way and $960 round-trip.

Analysts point out that reducing fares on international routes is not something that can be done by the United States airlines, with or without C. A. B. urging. Such fares are set by consultations of the members of the International Air Transport Association, and the I.A.T.A. of late has been more eager to raise fares than to lower them.

[From the Washington Post, Jan. 20, 1969]

AIRLINE STORM RUMBLING OVER PACIFIC ROUTE DECISIONS

(By Richard Halloran)

A flock of disgruntled airlines, including some of the most powerful, are trying to blow the controversial Transpacific air route case wide open.

Resentment is rumbling among the carriers over recent Civil Aeronautics Board and Presidential decisions and what the carriers consider the politics-ridden, sloppy way in which the case was handled.

Spokesmen for the airlines have been cautious and circumspect in public statements but privately they make clear their dissatisfactions and their intent to have the decisions overturned if they possibly can.

The Johnson Administration tried hard to have the case neatly settled before it left office but instead will be leaving the incoming Administration a problem that could confront it with some painful decisions during its early days.

INFLUENCE LINGERS

The outgoing Administration, however, will have considerable lingering influence. CAB Chairman John Crooker, reappointed chairman by President Johnson on Dec. 31 for a one-year term, is not expected to resign his post on Jan. 20.

Crooker, a Houston lawyer, has been a longtime personal friend and campaign fund raiser for President Johnson.

CAB sources said Crooker plans to stay on at least until the Transpacific case is concluded, possibly for the entire year. Although protocol usually requires the chairman of a regulatory commission to resign with the change of Administration, some former CAB chairmen have set a precedent of not resigning.

President-elect Nixon, according to his aides, is quite aware of the timing and scope of the controversy. But they doubt the new President will insert himself into it and will concern himself with it only if it comes to him for a decision.

Airline industry sources, however, said a "common effort" is being made to get the new President to look at the case. CAB officials said the new President will have every right to review its international aspects because the international and domestic route patterns are so closely interrelated, as the CAB has pointed out repeatedly, this could bring Nixon's influence into the domestic portion.

At issue is a vast new pattern of lucrative airline routes from America throughout the Pacific islands to the Orient and Australia. Once the pattern is set, it is not likely to be changed much for many years.

Thus, the route case is important not only now but far into the future when Transpacific travel increases with bigger, faster jets and more affluent travelers who want to range farther from home.

The Transpacific case is unusual, beyond its size and complexity, because the CAB and President Johnson have left an opening that gives dissatisfied carriers a point of attack.

APPARENT SLIPUP

In an apparent slipup between the Board and the White House, decisions on American Airline's routes were left unresolved when the case rulings were made public.

The immediate problem started on Nov. 18, when the CAB recommended to President Johnson that American * * * part of an overall revision of trans-Pacific routes.

The CAB, insiders, say, was reasonably sure the President would approve because at least six of his former aides are now associated with American. Moreover, Secretary of Commerce C. R. Smith is a former president of American.

The Japanese, however, protested strongly to the State Department that Japan did not favor having another U.S. airline besides Pan American and Northwest flying to Tokyo.

The Japanese government, which owns controlling interest in Japan Air Lines, did not want more competition for JAL. The Transpacific route is by far JAL's biggest money-maker and, in effect, subsidizes other routes flown for prestige by the Japanese flag carrier.

President Johnson, in a letter dated Dec. 17, told the CAB that "foreign policy considerations" caused him to disapprove the route award to American.

CAUGHT BY SURPRISE

The CAB, caught by surprise, published its rulings on the international portions of the case Dec. 19. It withheld its findings on the domestic phase, primarily the coveted routes to Hawaii, until it could consider revisions forced by the President's disapproval of American's Tokyo route.

CAB originally recommended that American be permitted to fly to Hawaii and on to Tokyo but not to Hawaii and turnaround back to the mainland.

The President's action meant that American could get to Hawaii but couldn't fly back.

CAB's withholding its domestic route rulings, however, touched off a roar among the carriers. Delta, Western, and National, later backed partially by Eastern, demanded that the CAB release its domestic findings immediately.

They contended that everyone should know all of the findings before they could decide what appeals for reconsideration they could make to the Board. This, in turn, touched off an argument within the Board.

LEFT UP IN AIR

Chairman Crooker and member G. Joseph Minetti argued that the American route question should be settled before the domestic findings were published. But they lost and the Board voted to issue domestic decisions Jan. 4, leaving American still up in the air.

CAB also set Jan. 24, four days after Mr. Nixon's inauguration, as the deadline for receiving petitions for reconsideration in both the international and domestic phases of the case. For 10 days after that, the Board will receive counter-arguments and then make its decision.

The CAB is confronted with at least four alternatives, with pressures coming from all over to rejigger the whole route pattern it has established.

One is simply to take away American's Hawaii route altogether and rule the case closed. A second would give American the right to fly to Hawaii and back to the mainland.

MORE TROUBLESOME

The two others are more troublesome for the Board. It could give the American route to another carrier that already has rights to fly through Hawaii to the Orient. Or it could retain American's right to fly to Hawaii but designate another terminal in the Pacific to which it must fly before turning around.

No matter what the CAB rules, it may be faced with a * * * test * * * in a ruling that is the Board's exclusive jurisdiction.

The President has complete and final say over international routes. The Board can only recommend. But the President has no authority over domestic awards.

When he disapproved CAB's recommendation on American's Tokyo route, the President said in the letter to Chairman Crooker: "I hope the Board will give consideration to amending the domestic award to American Airlines so as to enable it to serve Hawaii without long-haul restrictions."

Some carriers, privately, contend that the President's statement can be construed as interference in the Board's business. Crooker was obviously embarrassed by it and took pains to divert charges of interference.

In a dissent to issuing the domestic phase rulings, in which he was joined by Minetti, they said: "We are fully cognizant of the line of demarcation between the President's responsibilities and the Board's . . . in the area of interstate air transportation, it is exclusively the Board's . . . we do not regard the President's request for further consideration of American's mainland-Hawaii route as an attempt on his part to enter into the area of our statutory jurisdiction."

OPEN TO ACCUSATIONS

American is also in a ticklish position, for if the Board now gives it a Hawaii route, it will be open to accusations of Presidential favoritism. A spokesman for the airline declined any comment on that point.

The Transportation case, clearly the largest before the CAB in two decades, opened in February, 1967 with hearings before examiner Robert L. Park. Before Park concluded the hearings in June that year, 433 witnesses submitted testimony, 18 airlines asked for routes, dozens of municipal authorities and other interested parties presented their points of view.

Park's recommendations to the CAB were, in the main, that:

Trans World Airlines became the second U.S. round-the-world carrier, extending its service from the U.S. through Hawaii and Guam to Tokyo and then to join up with its Southeast Asia service in Hong Kong.

Eastern Airlines be put into competition with Pan American in the South Pacific, flying from 11 Eastern and Midwestern cities to Hawaii without passing through the California gateways. Eastern would be permitted to fly beyond Hawaii to Tahiti, Samoa, Fiji, New Zealand, and Australia.

Pan American, serving the Orient through Hawaii, be given a great circle route through Alaska to Japan. Northwest, flying to Japan over the great circle, would be granted a Hawaii-Central Pacific route to Asia. These awards would put the two carriers in direct competition.

United Airlines, already flying the California-Hawaii route, be given 12 Eastern and Midwestern cities from which it could fly to Hawaii non-stop. Western Airlines would get two new routes to Hawaii from Western cities and from Anchorage, Alaska.

The CAB, while accepting many of Park's basic principles for a new route pattern, drastically revised his recommended carriers. The major changes included:

Taking TWA out of Tokyo and giving it a route from Hong Kong through Taiwan and Okinawa to Guam and Hawaii—a route the Board admitted is weak. One member called it anemic. The Hawaii-Japan segment, the most profitable in the Pacific, was given to American, represented by President Johnson's ex-aides.

Taking the South Pacific route from Eastern and giving it to Continental, a line in which former presidential press secretary Pierre Salinger once served as a vice president. The Board also overruled Park's recommendation that Eastern serve Hawaii through Mexico City. It gave that route to Braniff, which has headquarters in President Johnson's home state of Texas, even though Braniff had not actively argued that it wanted the route.

Former White House aides Walter Jenkins and Ivan Sinclair are now executives with Braniff.

Taking away from Pan American the additional West Coast gateway cities that the examiner recommended to make it more competitive with Northwest. But the Board retained the recommendation that Northwest, which has headquarters in Vice President Humphrey's home town of Minneapolis, be given additional interior cities from which to fly to the Orient.

The Board's deliberations over Park's recommendations are not on the public record. But some clues about the arguments can be gleaned from the dissents attached to the CAB's findings.

TWO CONCUR TOTALLY

Only Crooker and Minetti concurred totally in the final result. Vice Chairman Robert T. Murphy criticized the elimination of TWA from Tokyo, the principal traffic point in the Orient, and pointed out that the route pattern has three carriers flying from Hawaii to Guam and Okinawa.

John G. Adams agreed with Murphy, contending that TWA's experience in Asia made it a more logical choice for Tokyo. But he agreed with the majority in the selection of Continental over Eastern for the South Pacific route.

Whitney Gilliland dissented from the entire decision. He would have chosen Eastern over Continental for part of the Hawaii route. More important, he said, he did not agree with the increase in number of carriers and argued that the same services could have been achieved without breaking up the routes among carriers.

After the CAB recommendations went to President Johnson, the White House intended to have its decisions out in time to close the case before the new Administration took over.

But there was a miscalculation. Christmas and New Year's Day do not count in the 30 days for reconsideration, which spilled the case over into the Nixon Administration. The uproar over splitting the domestic and international decisions and the sudden move to repair that threw the case even further into the new Administration.

Most airlines will wait until the Jan. 24 deadline to file their petitions for reconsideration. But many have already given indications of what they plan to do.

American says it will definitely ask that the confusion over its Hawaii run be resolved. A spokesman said it has not decided whether to ask the Board to recommend a new ruling on the Hawaii-Japan segment to the new President.

TWA says it has not decided whether to file a petition. But a spokesman said that with President Nixon having a shot at the question, they find the situation "interesting."

TO ASK RECONSIDERATION

Delta which got nothing, says it will ask for reconsideration on the domestic phase, to Hawaii, and possibly in the international, to Japan, which it originally wanted.

Eastern, which also got nothing, will petition for reconsideration on both phases, hoping to get into Hawaii and on to the South Pacific.

Pan American says it will definitely appeal the domestic decision, seeking authority to fly from interior U.S. cities to Hawaii and beyond, as Northwest will be permitted to do.

It may also seek reconsideration on the international phase.

Northwest says it is satisfied and probably will not petition on the international runs but hasn't decided on the domestic phase.

United spokesmen had no comment on their plans.

Braniff says it is "extremely pleased" but has not decided whether to appeal for more. Continental also said it is "very pleased" but will ask for more terminal cities on the mainland from which to fly to Hawaii and the South Pacific.

Western appeared happiest of all. It put out a press release last week saying it was "elated" with its awards.

[From the Washington Post, Jan. 22, 1969]

NIXON LOOKING AT AIRLINES' HIRING OF INFLUENTIAL GOVERNMENT AIDES

(By Rowland Evans and Robert Novak)

Clouds of suspicion overhandging the half-billion-dollar Transpacific air route case will increase if the aide to former President Johnson who worked on the case becomes, as now seems probable, Washington lawyer for an airline that benefited from the case.

W. DeVier Pierson, Mr. Johnson's staffer in the stormy case, is a well-regarded young Oklahoman with a spotless record as assistant White House counsel. He would not be breaking any conflict-of-interest statute by working for the airline, and the ethical considerations are foggy.

Yet, a regulator quickly joining the well-paid ranks of the regulated typifies the syndrome of regulated industries generally and the aviation industry in particular. Depending on favorable Government decisions for their very survival, airlines hire men of political influence—"rainmakers" in the industry's jargon.

Coincidence or not, companies with the heaviest concentration of rainmakers won handsome prizes in the Transpacific case.

Thus, weeks before his inauguration, President Nixon was looking quietly and closely at not only the Transpacific case (which he must now review), but also at the whole regulatory process and its rainmaker syndrome.

At stake in that case are new air routes to Hawaii and beyond to the Orient worth $500 million in annual revenue. In an industry where more companies are ailing than healthy, the Transpacific case's final outcome could mean life or death to some airlines. Since the case opened June 15, 1965, airline payrolls have been loaded with rainmakers.

Indeed, the industry late last year was reaching into the White House so deeply that some key aides barred themselves from reviewing international aspects of the Civil Aeronautics Board's (CAB) decision—the President's constitutional responsibility in the case.

Joseph Califano, Mr. Johnson's general handyman, disqualified himself because he was joining a law firm representing Braniff International in Washington. So did White House Counsel Harry McPherson, who is joining a Washington law firm representing Northwest Airlines. The job was handled entirely by McPherson's deputy: DeVier Pierson.

By the fall of 1968, prior to Mr. Johnson's decision in the Transpacific case, airlines were also eyeing Pierson for post-Government legal service. But, Pierson told us, he refused to talk to anybody until after President Johnson's decisions were announced Dec. 19.

Since then, he has been sounded out by Continental Airlines, which fared very well indeed in the Transpacific case. However, he is more likely to join a Washington law firm representing Trans World Airlines (which did fairly well in the case) and handle the TWA account there. Pierson told us he would not represent any airline in connection with the Transpacific case, which is prohibited by law anyway, but did not forever bar himself from doing airline business in private life.

Here, then, is a delicate conflict-of-interest question. If Pierson does now represent TWA, his work in the White House on the Transpacific case will be considered suspect, probably unfairly. Moreover, if the Transpacific case is reopened by Mr. Nixon, there will be whispered questions about whether Pierson as TWA's Washington counsel is completely keeping out of intrafirm discussions of this vital case.

Actually Califano, McPherson, and Pierson are the more being suspect of the rainmaker syndrome. Most airlines seek out political operators. The airlines with the highest percentage of such rainmakers—Braniff, Continental, and American—won highly lucrative routes from the highly political CAB. These three airlines had been given absolutely nothing in new routes by the CAB examiner's recommendation made after months of hearings and deliberations.

The CAB increased Braniff's route mileage by 200 per cent in the Transpacific case and the concurrent Caribbean-South America case. LBJ cronies Troy Post and Jimmy Ling control Braniff; the company's payrolls include LBJ insiders Walter Jenkins and Cliff Carter.

The list of rainmakers for other airlines benefitting from the CAB decision after being ignored by the examiner reads like a who's who of the Great Society. LBJ intimate Warren Woodward is a vice president of American; ex-Johnson aides Horace Busby and Jake Jacobsen are on American's payroll. Continental is represented in Washington by Secretary of Defense Clark Clifford's law firm; LBJ insider Lloyd Hand is closely connected with Continental.

These Democratic rainmakers may well be considerably less effective in Mr. Nixon's Washington, but politically astute airline companies have Republican rainmakers as well. That's one reason why Mr. Nixon, as he considers his inherited Transpacific mess, may decide the whole potentially corruptive system needs immediate reform.

DELAYS AT WASHINGTON NATIONAL AIRPORT

Mr. SPONG. Mr. President, according to the Washington Post this morning, the former Vice President, Mr. Humphrey, was delayed 3 hours leaving Washington National Airport Tuesday. As a result, he had to cancel some of his schedule in Cleveland so he would not be late for a speaking engagement.

The experience prompted Mr. Humphrey to describe the situation at Washington National as almost intolerable. He told a Cleveland press conference, according to the Post, that the airport here is trying to do a job too large for its size and facilities. The news report says Mr. Humphrey said something would have to be done to move more traffic to Dulles International Airport. He said he thought it was a shame that Dulles, which represents a great investment of taxpayers' dollars, was used so little.

Mr. President, while I regret any inconvenience Mr. Humphrey may have experienced, I am pleased that he has called attention again to the congestion that exists at National Airport and the need to shift a greater amount of National's traffic to Dulles.

Approximately 18 months ago the Civil Aeronautics Board initiated an investigation of congestion at Washington National to determine whether a greater use of the airports in the Washington area, including Dulles and Friendship, would help relieve the situation. I testified at the opening session to urge CAB action to bring about a greater use of Dulles. There was hope in the beginning that the CAB could bring about an informal agreement among the airlines to shift some of their flights to Dulles, but that has not come to pass. It now appears that if this investigation is to produce any meaningful results, the CAB will have to hold time-consuming, formal hearings before amending any existing airline certificates to require that service to Washington be furnished through Dulles.

Many Senators will recall the congested conditions at major airports in the eastern portion of the Nation last summer. That situation prompted the Federal Aviation Administration to propose rules to curtail use of certain designated high-density airports, including Washington National. I appeared at the FAA hearing, too, with the suggestion that greater use of Dulles would help relieve some of the problem at National. The FAA's proposed regulations have created a considerable controversy and there has been no positive action on the National situation from this quarter to date.

I have said repeatedly that the existence of the two federally owned airports in the vicinity of the Nation's Capital with such an imbalance of traffic as there is between National and Dulles defies any logical explanation. The most recent figures available show that more than 9 million passengers utilized National during the first 11 months of 1968 compared with only 1.6 million at Dulles.

Mr. President, again I regret the delay Mr. Humphrey experienced. I regret delay for any air traveler. Congestion at airports is a growing national problem, but there is less excuse for it here than perhaps at any other major city, and I hope the responsible Federal agencies will find a prompt solution to this intolerable situation.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPOTLIGHT ON SENATOR MARGARET CHASE SMITH

Mr. AIKEN. Mr. President, I hold in my hand a small, attractive magazine called "City East, a Magazine for New Yorkers."

One section of this magazine is called "Senatorial Spotlight." This month it features a biography—or a little more than a biography, a very complimentary article—on Senator MARGARET CHASE SMITH, of Maine. I ask unanimous consent that the article entitled "Senatorial Spotlight," written by George Douth, and published in City East for January 1969, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATORIAL SPOTLIGHT

(By George Douth)

Senator Margaret Chase Smith has always spoken out in the councils of the Senate for the strongest possible national defense—and for a firm foreign policy to match it.

As ranking Republican on the Space Committee, the Armed Services Committee, its Preparedness Investigating Subcommittee and its Central Intelligence Subcommittee; third ranking on the Appropriations Committee and second ranking on its Department of Defense Subcommittee, she exercises an influence over the whole range of national defense. No other woman has ever equaled her position of power in the United States Senate.

As a member of a subcommittee on congested areas of the Committee on Naval Affairs in the House of Representatives, she traveled throughout the country in 1943 to find the cause of bottlenecks in the Navy's war effort. It is one of the very few if not the only subcommittee that earned a Presidential Unit Citation, which was given to it by President Franklin D. Roosevelt.

When the long, hard months of subcommittee work were over Mrs. Smith found herself deeply committed to the cause of bettering national defense. The absorbing interest has continued ever since. She served on the House Naval Affairs and Armed Services Committees until her election to the Senate in 1948.

THE ARMED FORCES AND RESERVE AFFAIRS

She has been a pioneer in some important legislative landmarks for the Reserve and she takes more pride in these pioneering achievements than in banner headline battles won.

She introduced the first Reserve retirement law in 1943 and the first bill to provide drill pay for Reservists.

She introduced the legislation to provide equal death and disability coverage for Reserves on active duty—it became known as the Smith Act.

She also introduced legislation that eventually led to the executive order setting up the Reserve forces medal.

In addition to these pioneering efforts, Mrs. Smith helped write the Reserve Officer Personnel Act and much other important military legislation. She was one of the first supporters of retired pay recomputation after 1958 and fought harder for it than anyone else in the Senate.

Senator Smith has worked to improve the quality of the Reserve by making sure that those who get the important promotions earn them. She carefully reviews the records of promotion nominees—particularly those to flag rank—and has repeatedly blocked unworthy nominations. It has led her into some rousing scraps. On at least one occasion she even challenged the powerful members of her own committee in a floor fight—over the promotion of a major to a brigadier general in the National Guard, to match his appointment as adjutant general. She lost the battle but she won the war. She got the Armed Services Committee to set a firm policy that it would never approve more than a one-grade promotion at a time. The action came after she had blocked two-grade jumps for five new state adjutants.

This characteristic preparation for battle was well displayed in the Jimmy Stewart affair when, the Senator objected to the famous actor's nomination for promotion to brigadier general in the Air Force Reserve. Her grounds for opposition were partly because Stewart had not taken the annual Reserve training; largely, however, because she did not believe that he was qualified for the important post scheduled for him in the event of mobilization: Chief of Staff of the Strategic Air Command's Fifteenth Air Force.

The Air Force sent General Emmett O'Donnell to testify on behalf of Jimmy Stewart as nominee. The General did poorly. He did not have his facts in hand, and Senator Smith did. Adroit in handling documented data, imperturbable and precise, she formulated questions that cut through to the very bone, and the General soon was caught with his feathers down. In fact, the record of the hearing looked so bad when it got back to the Air Force that it was given what the White House called "clarification" for the permanent record. Clarified O'Donnell was a far cry from the confused O'Donnell of the hearing.

Altogether, Mrs. Smith thought the nomination was an unconscionable business, and other senators agreed with her when it reached the Senate floor, Stewart's promotion was not approved, although it was backed by a resounding majority of the Armed Services Committee.

Stewart's promotion came up again and this time he had done his training. Senator Smith voted in his favor—but only after the Pentagon assured her that, in the event of active duty, Stewart would be in public relations and not in the other more critical job.

Senator Smith has served as a Lieutenant Colonel in the Air Force Reserve. As the acknowledged Champion of Reserve legislation in Congress, she has been cited for her service by the Air Reserve Association, the National Guard Association and the Reserve Affairs Association.

MORALE OF THE MILITARY

According to the Senator, Pentagon policies on the Reserve since mid-December 1964 have resulted in undermining and weakening the Reserve. The attempt to push the illegal proposed merger of the Reserve and National Guard—without legislation—down the throat of the Congress was blocked.

Senator Smith remarked:

"Had the proposed plan gone through, the Army Reserve would have ceased to exist as an organization having any units since all units would have been assigned to the Army National Guard. Even though the Congress fortunately blocked this tragic proposal, the proposal nevertheless not only undermined the morale of the Reserve but put the Reserve organization and training in disastrous limbo for far too long. The harmful results still linger."

Not only did Congress prevent the merger, but permanent legislation was enacted into law to preclude any future merger since the Army Reserve must consist in part of units organized to serve as such.

The Senator has emphasized the need for legislation with a system provided for by permanent law under which Congress through the authorizing committees will annually review and authorize the strengths of the Selected Reserve of each of our Reserve components.

One important piece of women's legislation Senator Smith originated was the bill providing Regular status for nurses.

In 1957, the Air Force asked her to come on active duty and make a study of why technically trained men were leaving the service. The Air Force felt, quite correctly it turned out, that men would talk more freely to her than they would to their senior officers. Mrs. Smith spent a month on active duty, conducted over 300 interviews with all ranks from full general to airman, and wrote a 101 page report.

"I never worked so hard in my life", she said, recalling the assignment recently.

She found that lack of recognition, what the professionals call "physche income", was the important reason for people leaving the service, even more important than pay.

The Senator was impressed with the mature thinking of service people. She found that present income was not as important to most as what they could expect in the future, the income and attainment they could aspire to. Interestingly enough, the finding of the Cordiner Committee that drafted the 1958 pay act confirmed her report.

RESEARCH AND DEVELOPMENT CAPABILITY

In Senator Smith's judgment, during the Johnson Administration, there has been a serious deterioration of the strength of our national security and defense resulting from a destructive two-fold policy and theory of (a) cost effectiveness and (b) scaling down our military capability toward nothing more than parity with Russia on the theory that such parity would result in stalemate and that stalemate would result in peace. The disastrous results of this policy and theory are evident from our weakened position around the world.

The Senator has cautioned against any narrow and shortsighted emphasis on any single defense system. Instead she urged emphasis on priority for research and development because she is convinced that the foremost power and leadership will be achieved not by that nation which possesses the greatest resources, natural, military or industrial, but rather by the nation which possesses the greatest research and development capability.

The Senator has stressed that the space program is not merely a race to beat Russia to landing a man on the moon. It is not only a moon program. Instead, it is designed for the security of our country, the exploration of our universe, and the various spin-off benefits that now—not just tomorrow—provide for improvement in our health and enjoyment of daily living.

Margaret Chase Smith, daughter of George Emery and Carrie (Murry) Chase, was born in Skowhegan, Maine, December 14, 1897. She attended Skowhegan public schools and graduated from Skowhegan high school in 1916.

WOMAN AT THE HELM

Mrs. Smith was a school teacher; a telephone and woolen company executive, and a circulation manager of the hometown weekly owned by Clyde H. Smith.

The pivotal event in her life was her marriage to Clyde Smith, May 14, 1930. She served on the Republican State Committee from 1930–36, before coming to Washington with her husband. In 1937 when her husband came to Congress, she became his Congressional secretary (he didn't like the idea but she talked him into it). As such, she soon learned her way around and was drawn rapidly into the very center of the political maelstrom. After three years Clyde Smith died of a heart attack. Knowing himself to be dying—indeed on the day before he died—he appealed to the electorate to put his wife into his office.

Mrs. Smith embarked on her successful political career in June 1940, when she became a member of the United States House of Representatives from the Second Congressional District of Maine. Margaret Chase Smith served in the United States House of Representatives from 1940–49.

In 1948 she went for broke. Vision and courage being substituted for wealth, Margaret Chase Smith dropped her seat in the House and gambled everything on the Senate. If she had lost she would have been just a young lady back in Skowhegan again.

The gamble succeeded so well that Mrs. Smith won out in the primaries with more votes than all of three masculine opponents combined.

Near the beginning of this campaign she slipped on ice and broke her arm. She was off speaking again as soon as the bone was set, actually making two speeches on the very day of the accident. During most of that campaign she carried her arm in a sling.

However, her alertness of mind enabled Mrs. Smith to break ground and plant herself firmly in the U.S. Senate.

In 1948, she was elected to the Senate by the highest percentage majority and the greatest total vote majority in the history of Maine. In 1954, when she was re-elected to a second full six-year term in the Senate, she was the top vote-getter of all candidates for all offices—and in the primary she set a new record for the total number of votes received in a contested primary.

In 1960, when she was re-elected to a third full six-year term in the Senate, for the third successive time she was a top vote-getter. Senator Smith was re-elected in 1966 for the term ending January 3, 1973.

She is the only woman to ever have been elected to four full terms in the United States Senate. She is the first woman to have been placed in nomination for President at a national convention of a major political party. In the final ballot at the 1964 Republican National Convention, she received the second highest number of votes.

Senator Smith is the only woman to serve in both houses of Congress.

The Senator insists upon the normal prerogatives of seniority, insists upon taking equal responsibility and never shirking a job, and at the same time insists upon not taking any prerogatives that would not be due a male senator of equal seniority. All politicians love the spotlight and there are opportunities where a woman could take the spotlight away from more senior colleagues; Mrs. Smith avoids any hint of such maneuvering.

One of the things that grew out of this conscious effort at balance between being a lady and being a lawmaker is the wearing of a rose, which has become Senator Smith's trademark. She wears a fresh one every day. (In summer she grows her own. In winter three are delivered to her office twice a week by a Capital Hill florist: they cost her 35 cents each.) For years Mrs. Smith wore suits on the floor of Congress so as not to overemphasize the feminine aspect. To soften the severity of the suits she began to wear a rose. Now, she wears one with everything.

DECLARATION OF CONSCIENCE

Senator Smith never calls a spade a garden implement. She says what she thinks in plain English and if she thinks someone is wrong she tells them so with unforgettable clarity.

Some remarks she made one time on U.S. military power in relation to Russia might have caused former Soviet Premier Nikita S. Khrushchev to call her "the devil in the guise of a woman."

Senator Smith is not given to frequent orations, knows how to keep her own counsel and speaks only when she has something to say. Bowdoin College noted this quality in conferring the honorary degree of Doctor of Laws upon her in 1952. The citation reads, "She is a woman of common sense, good judgment and brevity of speech."

One of her rare Senate speeches came in 1950 and is known as Margaret Chase Smith's Declaration of Conscience.

It was at a time when the late Senator Joseph R. McCarthy was making headlines with his charges that the government was being infiltrated by Communists. Senator Smith declared that it was high time to stop character assassination behind the cloak of Congressional immunity.

"The American people," she said, "are sick and tired of seeing innocent people smeared and guilty people whitewashed." She said that Democrats and Republicans alike were "playing directly into the Communist design to confuse, divide and conquer." She wanted a Republican victory, but she "didn't want to see the Republican Party ride to political victory on the four horsemen of calumny—fear, ignorance, bigotry, and smear."

She made no mention of McCarthy, although he was the obvious target of accusation. This Declaration of Conscience made a profound stir both in and out of Congress.

On the international scene the Senator has made extensive trips throughout the world from 1944 through 1961. Very few people have conferred with as many leaders of nations throughout the world as has Mrs. Smith.

In Senator Smith's judgment, the defense of the nation is not alone a matter of military force. It depends also upon foreign policies realistic in concept and unflinching in spirit.

ORDERS FOR RECESS UNTIL 12 O'CLOCK NOON TOMORROW, 12 O'CLOCK NOON MONDAY, JANUARY 27, AND 12 O'CLOCK NOON TUESDAY, JANUARY 28, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask unanimous consent that when the Senate completes its business tomorrow, it stand in recess until 12 o'clock noon Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. And that when the Senate completes its business on Monday, it stand in recess until 12 o'clock noon Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 12 noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 33 minutes p.m.) the Senate took a recess until tomorrow, **Friday, January 24, 1969, at 12 meridian.**

NOMINATIONS

Executive nominations received by the Senate January 23 (legislative day of January 10), 1969:

DEPARTMENT OF THE TREASURY

Charls E. Walker, of Connecticut, to be Under Secretary of the Treasury.

Paul A. Volcker, of New Jersey, to be Under Secretary of the Treasury for Monetary Affairs.

DEPARTMENT OF DEFENSE

Barry James Shillito, of Ohio, to be an Assistant Secretary of Defense.

U.S. INFORMATION AGENCY

Frank J. Shakespeare, Jr., of Connecticut, to be Director of the U.S. Information Agency.

CONFIRMATIONS

Executive nominations confirmed by the Senate, January 23 (legislative day of January 10), 1969:

DEPARTMENT OF STATE

Elliot L. Richardson, of Massachusetts, to be Under Secretary of State.

Richard F. Pedersen, of California, to be Counselor of the Department of State.

COMMODITY CREDIT CORPORATION

The following-named persons to be members of the Board of Directors of the Commodity Credit Corporation:

J. Phil Campbell, of Georgia.

Clarence D. Palmby, of Virginia.

DEPARTMENT OF THE INTERIOR

Walter J. Hickel, of Alaska to be Secretary of the Interior.

DEPARTMENT OF THE TREASURY

Charls E. Walker, of Connecticut, to be Under Secretary of the Treasury.

Paul A. Volcker, of New Jersey, to be Under Secretary of the Treasury for Monetary Affairs.

DEPARTMENT OF DEFENSE

David Packard, of California, to be Deputy Secretary of Defense.

WITHDRAWALS

Executive nominations withdrawn from the Senate January 23 (legislative day of January 10), 1969:

INDIAN CLAIMS COMMISSION

Theodore R. McKeldin, of Maryland, to be a Commissioner of the Indian Claims Commission, which was sent to the Senate on January 9, 1969.

U.S. CIRCUIT JUDGE

Harold Barefoot Sanders, Jr., of Texas, to be U.S. circuit judge, District of Columbia Circuit, vice Charles Fahy, retired, which was sent to the Senate on January 9, 1969.

U.S. DISTRICT JUDGES

David G. Bress, of the District of Columbia, to be U.S. district judge for the District of Columbia, vice Joseph C. McGarraghy, retired, which was sent to the Senate on January 9, 1969.

Cecil F. Poole, of California, to be U.S. district judge for the northern district of California, which was sent to the Senate on January 9, 1969.

William M. Byrne, Jr., of California, to be U.S. district judge for the central district of California, vice Peirson M. Hall, retired, which was sent to the Senate on January 9, 1969.

DISTRICT COURT OF GUAM

James P. Alger, of Utah, to be judge of the District Court of Guam for the term of 8 years, vice Paul D. Shriver, resigning, which was sent to the Senate on January 9, 1969.

COMMISSION ON CIVIL RIGHTS

Hector P. Garcia, of Texas, to be a member of the Commission on Civil Rights, which was sent to the Senate on January 9, 1969.

LAW ENFORCEMENT ASSISTANCE

Patrick V. Murphy, of New York, to be Administrator of Law Enforcement Assistance, which was sent to the Senate on January 9, 1969.

Wesley A. Pomeroy, of California, to be an Associate Administrator of Law Enforcement Assistance, which was sent to the Senate on January 9, 1969.

Ralph G. H. Siu, of Hawaii, to be an Associate Administrator of Law Enforcement Assistance, which was sent to the Senate on January 9, 1969.

BOARD OF PAROLE

Emory P. Roberts, of Maryland, to be a member of the Board of Parole for the term expiring September 30, 1974, vice James A. Carr, Jr., which was sent to the Senate on January 16, 1969.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

William Hill Brown III, of Pennsylvania, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1973, which was sent to the Senate on January 9, 1969.

DIPLOMATIC AND FOREIGN SERVICE

Albert W. Sherer, Jr., of Illinois, a Foreign Service officer of class 1, to be Ambassador

Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea, which was sent to the Senate on January 9, 1969.

Robert W. Komer, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Turkey, which was sent to the Senate on January 9, 1969.

POSTMASTERS

All the postmaster nominations still pending in the Senate which were submitted to the Senate since the 91st Congress convened and prior to January 21, 1969.

EXTENSIONS OF REMARKS

CONSUMER EDUCATION IN THE SCHOOLS

HON. JOSEPH D. TYDINGS

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Thursday, January 23, 1969

Mr. TYDINGS. Mr. President, the District of Columbia school system, in cooperation with the neighborhood legal services program of the Office of Economic Opportunity, is innovating a consumer education program which I feel should serve as an example to be followed by other communities across the Nation.

The basis of the program is a law course being offered to the elementary and junior high students in the 30 schools in the District. The course, "You and the Law—Rights and Responsibilities," is designed to teach youngsters the rudiments of the law so that they will know when creditors are taking advantage of them. The children, in turn, will have sufficient background in credit buying to be able to give advice when their parents purchase goods on credit.

An article describing the program appeared in the January 7 edition of the Washington, D.C. News. I would like to share it with my colleagues, and therefore ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHILDREN TO LEARN LAW TO HELP PARENTS

D.C. schools and Neighborhood Legal Services will try to keep Washington parents from being gyped in credit buying and home purchases by giving their children a basic course in law.

Lawyers and school officials hope the 1,500 elementary and junior high students in 30 schools who take the "You and the Law—Rights and Responsibilities" course will remember what they have learned when their parents decide to buy a house or a car. Juvenile and family law as well as Constitutional safeguards also will be covered.

The law program is scheduled to start in February and March with Neighborhood Legal Services lawyers supervising what is to be taught.

Beginning today teachers are undergoing two days of orientation for the course.

A similar program has been carried on informally for three years in 11 Southeast sixth grade classes by Dr. Katherine Nutterville, an 80-year-old VISTA voluteer assigned to Neighborhood Legal Services.

The expanded law course has no specific curriculum, said Mrs. Irene Rich, program coordinator. If it is successful, parents, teachers and students may write a permanent curriculum over the summer, she said.

Under the pilot program, each class will pick a problem people in its neighborhood will face and learn how to solve it. "For example it might be how to buy a television," Mrs. Rich said.

The 30 schools carrying the program include two from the affluent area west of Rock Creek Park.

CONGRESSMAN OTTINGER DISCUSSES "CHALLENGE FOR TODAY: A LIVABLE CITY"

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 22, 1969

Mr. DULSKI. Mr. Speaker, the first anniversary meeting of the New York State Association of City Councils was held last weekend in my home city of Buffalo, N.Y.

As a former member of Buffalo's common council, I am well acquainted with the problems faced by our cities today, and I am very much interested in the success of this organization. Together, through this organization, members of the city council of our cities in the Empire State may be able to help each other and, at the same time, to work collectively to deal with these problems.

The new State association is restricted to cities outside Metropolitan New York City of 30,000 or more population.

One of the main speakers at the Buffalo meeting was my colleague, the gentleman from New York (Mr. OTTINGER). Following is the text of his remarks:

CHALLENGE FOR TODAY: A "LIVEABLE" CITY

(Address by Congressman RICHARD L. OTTINGER before the New York State Association of City Councils, Buffalo, N.Y., January 17, 1969)

I am pleased and honored to join with you at this first anniversary meeting of the New York State Association of City Councils. Your membership has one of the most challenging—and, potentially, one of the most legislative responsibilities in the country today.

The formation of this Association is a welcome advance toward strengthening the role of local officials in meeting the great new challenges of urban—and suburban—America today.

The constituency you represent now comprises the overwhelming majority of our people—*and* our national problems. To a very great extent, the future of this country is going to depend on our effectiveness in resolving these problems and creating a liveable and economically viable economy.

It is my conviction that an essential ingredient in any resolution will be to strengthen and enlarge the powers and the responsibilities of the people who are most responsive to the needs of our urban population, the local officials. This is the reason that I am so enthusiastic about the formation of this Association and the role it can play.

Let's take a simple problem: transportation. If the metropolitan complex is going to work it needs a fast, efficient system for moving people around.

A modern highway system is essential to a strong and growing national economy, but experience and reason both combine to prove that automobiles and highways aren't the answer to the city's transportation problem.

I am reminded of a remark that New York Traffic Commissioner Wylie made at his final press conference upon his retirement. He was asked whether he had any answer to Manhattan's traffic congestion. He thought for a while and then said, yes he did, and he thought maybe it was the only answer. "Make all the north-south streets one way going north and in 24 hours it would be Westchester's problem."

As a Westchester representative, I can't say I'm too enthusiastic about that idea, but I do recognize a strong element of truth in it.

The answer to urban and suburban traffic congestion is to get the cars off the city streets and the only way to do that is to offer people a better way to get around.

Every local official recognizes this and would give high priority to mass transit if he could.

But the local official has relatively little power under the present system and is dependent upon the mercies of the state.

In 1967, we New Yorkers authorized a $2½ billion transportation bond issue which was to be the panacea for our transportation problems. Today, two years later, we've made virtually no progress, and what we have done has been going in the wrong direction.

Of the $523 million in bonds and notes that have been issued, 90 per cent has gone for new highways. Barely 10 per cent has been committed to the kind of mass transportation that is really needed by the new urban suburban civilization we live in today, and almost all of that has gone to make up the deficit without improving service on the fast deteriorating Long Island Railroad.

From every corner of the State, citizens are protesting against the depredations of new highways. Here in Buffalo, it is the Kenmore Expressway. In my own district, it is the Hudson River Expressway. I know there are citizens who have a suspicion that the State's answer to difficult problems is to pave them! But the State officials who have the authority are not listening, are not responsive to the real needs.

This attitude that "big brother knows best" is reflected in almost every State program affecting our cities.

In 1968, Governor Rockefeller introduced his proposal for dealing with the problem of our inner cities. What he called for was not a program of State aid to help our cities act to resolve their own individual and unique core city problems. No. He called for an Urban Development Corporation with the power to condemn private or municipal property and then build what ever the corporation thinks is a necessary project for the city. Of course, local officials can participate in hearings and present plans, modifications and alternatives, but any of you who have participated in Transportation Department hearings know how effective that is.

We are trying to approach the problems of the new urban-suburban society with governmental tools designed for a world we have left behind. The answer is not to grant unlimited powers to the State. The State must be held to strict standards which will assure full participation in planning and execution of projects to the officials who are directly responsive to the people who make up our new social structure; to give a meaningful say to the mayors and managers, the councilmen, aldermen and supervisors—and through adequate hearing provisions, to the people affected. There must also be adequate provision for court review to hold the State to the specified standards.

One result of this present course is that we have focused a disproportionate amount of time and resources on bricks and mortar solutions to the urban problem and far too little on another aspect that is quite as important in the long run—the question of whether we will be able to create a liveable environment.

By "liveable" I don't mean just pleasant, I mean an environment that is capable of supporting healthy human life.

No social institution devised by man has ever imposed a greater demand on our natural resources than our cities, and none has ever assaulted those resources so mercilessly.

I'm not talking just about the traditional resources such as timber, wildlife and minerals, I mean such resources as land, air and water.

For example, it seems hard to conceive that we could ever use all of the fresh water available to us—especially sitting here in Buffalo next to Lake Erie, a potential resource that can be measured in cubic miles. Hard to believe? Yes. But the official report of the Federal Water Resources Council proves that we are within thirty years of doing just that. The Council reported that, by the year 2010, the demand for fresh water in this nation will match the total available supply. After that, the demand will grow while the supply remains fixed.

This isn't a problem for the distant future. Over half the people alive today can expect to be alive when we pass that point of no return and children and grandchildren alive today can expect to live well beyond it.

Here in the northeast, the tremendous concentrations of people and the continuing deterioration of resources confronts us with an even more imminent crisis. In spite of the fact that we are a water rich area, we will reach our finite limit within ten years.

To meet this challenge, we must begin immediately to take the steps necessary to conserve and expand our supply. How long will it take to clean up Lake Erie? Where will the people of Buffalo go for the 150 to 200 million gallons of water they draw from the lake each day if we fail to reverse the present pollution?

We have waited far too long to begin the battle to abate pollution. We must accelerate this effort. But we must also start planning for recycling and reuse of water, for desalination and the other creative efforts that are essential to expand our water supply.

You who are faced with dealing with the real sources of pollution, the inadequate municipal sewer systems and antiquated treatment plants, know what a monumental task we face just in pollution abatement alone. I am sure that you are also very much aware of how halting and inadequate our progress has been to date.

In 1965, the people of this State authorized a $1 billion Clean Water bond issue. As of today, less than $50 million of that has been issued for treatment plants. We aren't even catching up on the problem.

Furthermore, there's good evidence that the direction we are now taking will fall far short of the mark. We have to have treatment plants, of course. But sewage treated to the presently acceptable level is a form of pollution itself. It returns to the water poor in oxygen and high in the kind of nutrients that encourage the growth of algae. Unless we take our sewage one step further and restore "life" to the water, we will end up with a new type of pollution at least serious as the type we are trying to eradicate.

In dealing with each of the threats to our environment—filthy air, polluted water, refuse, noise—we have to recognize that the environment is a very complex and interrelated system. Everything we do can have a significant impact on other crucial environmental factors—often an adverse impact.

Take those highways I was discussing earlier. Do you realize that highway construction has a significant impact on water resources? Seems hard to believe, but it does.

One of our most important water resources is the acquifer, the underground supply. This is continually replenished by rain seeping into the ground—or it would be except that more and more of the rain water doesn't get into the ground. It falls on highways and pavements or other run-off areas, it collected in storm sewers, carried directly into rivers and then lost, irretrievably lost in the ocean.

How much water do we lose that way? Well, major U.S. highways alone cost us well over 335 billion gallons a year and the highways that are planned for the next 30 years will cost another 1.5 *trillion*.

Planning adequately to protect our environmental resources from exhaustion, to keep the waste products of our new urban civilization from destroying us, is a very complex and important job. It has to be started right now. I believe that those who are most directly concerned, the local officials, must provide the impetus and play a key role in the actual planning and action.

Now, as you know, the power to plan is circumscribed by the power to pay, and the power to pay is subject to the power to tax. Unless the local official is given greater access to greater financial resources, his increased role in planning will not be effective.

Yet, the tax resources of our cities are actually shrinking, and alternatives are largely pre-empted by the State and Federal governments.

Here in Buffalo, for example, *one-third* of the real property is tax exempt. This includes the property of seven railroads, which was removed from the city's roles by the State's Railroad Relief Act, and the campuses of the two State universities. To varying degrees the same diminution in tax resource is true in each of the cities you represent.

This imposes intolerable fiscal limitation upon our urban areas.

Mayor Lindsay has again renewed his plea for Urbanaid under which the State would share income tax revenue with metropolitan governments. Some such mechanism is essential if we are to be successful in restoring to the cities effective control and direction of their own programs without further adding to the already oppressive burden of local taxation.

To the extent the State directly undertakes urban projects, much more of a voice must be given to the people affected and their local representatives.

The agenda facing you as individual legislators and as members of this organization is tremendous. What is needed is a broad revision in our political structure, the establishment of a whole new set of priorities and responsibilities.

But as big and demanding as the job is, it is one that must be done.

It is no more nor less than adaptation for survival.

Now, for the first time, as a result of our increase in population and our technological progress, we are touching the finite borders of our environment. However, unlike other species, we have a unique ability to control that environment and an almost limitless capacity for adaption—if we act.

The actions that we take now affect not only the future of this nation, but utimately the very continuance of civilization.

GILBERT LEGISLATION FOR HANDICAPPED PERSONS

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. GILBERT. Mr. Speaker, I am reintroducing legislation to permit handicapped persons to claim income tax deductions of $600 for disability and $600 for transportation to and from their place of employment. My bill would also grant a similar tax deduction for a handicapped spouse.

The bill rigorously defines and limits the degree of disability which would entitle recipients to this benefit. I propose the measure not simply because it is humanitarian but because it makes sound economic sense.

Handicapped taxpayers frequently have greater expenses than nonhandicapped taxpayers. They may need special clothes, special tools, special medical apparatus to enable them to work. Giving them an extra tax deduction encourages them to keep at their jobs. It offers them an incentive for being productive, helps to keep them from dependency on their families or on the welfare rolls.

Similarly, handicapped persons normally cannot get to work by the standard means of transit. Often they cannot ride buses and trains but need taxis. Or they have to drive specially made cars. By offering a tax deduction for transportation, it saves their wages for personal use and provides extra encouragement for continuing work.

I regard our tax structure as medieval in failing to recognize the importance of extending special benefits to the handicapped. I am convinced that the Federal Treasury would be more than repaid for these leniencies—while enabling handicapped persons to retain their independence and self-esteem.

Mr. Speaker, much of the inspiration for the legislation comes from the wonderful work done in my district by the Ruth Kirzon Group for Handicapped Children, a volunteer organization dedicated to helping disabled young people. The women who serve so selflessly in this group are an example to the Federal Government.

I will request immediate hearings on this legislation, Mr. Speaker, in the hope that it can become policy for taxpayers in the current year.

OPPOSITION TO PAY RAISE

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. NICHOLS. Mr. Speaker, the President's budget which was submitted to the Congress on January 15 contained a proposal to raise the salaries of the top officials of the executive, legislative, and judicial branches of the Government. Unless the Congress takes some action within 30 days, the raises become effective automatically under provisions of Public Law 90–206.

Two years ago when the proposal for a Presidential commission to study and recommend salaries came before the Congress, I opposed it. I am still opposed to any commission or any other small group of people not directly responsible to the people having the power to raise salaries.

A recent national poll showed that the American public's respect for the Congress has fallen to a new low. The principal reasons for the lack of trust in Congress are actions such as those being taken on these salary increases. The Commission was designed purposely to insure a raise for Congressmen and other top Federal officials without the Congress having to go on record as voting for or against the raises. It is no wonder the public does not trust the Congress.

Now, I am not going to be hypocritical about this matter. I can use the additional salary which is being proposed. I have extra expenses just like every other Member of the Congress. While maintaining a home for my family in Sylacauga, I also have to have a place to live in the Washington area. One of my daughters is in college this year, and another goes next year.

Aside for my personal expenses, I imagine I send as many flowers, buy as many complimentary ads, donate to as many charities, and entertain as many constituents as most of the Members of this House do. And unlike many here, I have no law practice and no family business to supplement my congressional salary. So I make no bones about the fact that I could use the raise.

But there are two reasons why I oppose these substantial salary increases. First, I oppose them on the basis that our country is being confronted with a financial crisis. The 90th Congress raised taxes under the guise of fighting inflation. Now we are being told that the 10-percent surtax will have to be extended past the date it was scheduled to end. I opposed the original tax, and I am sure I will oppose the extension of it. But I cannot understand how the Members of Congress can say to the taxpayers, "We must take away some of your money to prevent you from spending it and increasing the inflationary trend in the country," while at the same time increasing their own salary and their own spending power by 40 percent.

Second, I oppose the method by which the increase is being proposed. As I have already said, I voted against the creation of the Commission to study salaries. If Members of Congress feel that they and other Federal officials deserve this increase, then let them publicly express their feelings by debating this matter on the floor of the House and then let us have a record vote on this issue. I frankly do not believe Congress deserves a raise until it exhibits some fiscal responsibility in handling the taxpayers' money.

It is not my intention to embarrass anyone on this matter. Every Member of this House must live with his own conscience and must answer to his own constituents. I certainly do not intend to go to my people and say simply that I would have voted against the raise, but the 30 days passed and no vote was taken. I want them to know, and I want my colleagues to know, that I did all I could to defeat this raise. I am joining with several other colleagues in introducing a resolution which would void the salary increases as proposed by the President. It is my hope that the Post Office and Civil Service Committee will agree to bring this resolution to the floor for a vote. Then if the House still sees fit to approve the raises by a record vote against my resolution, the House will at least have acted with honor and not by underhanded methods.

Even if it disapproves the President's proposal, the Congress could still act on salary increases through regular legislative procedure. I would even support smaller increases for some of those Federal officials covered by the report. But if salaries are going to be raised, let the Congress do it responsibly and not through devious methods.

Finally, I want to anticipate the argument of one of our colleagues who reportedly will have forms available whereby any Member can refuse the raise if it does become law. I feel that I am as valuable to my district as any other Member of Congress is to his, and I expect to receive the same compensation as any other Member. If a majority of the Members of this Congress feel that a raise is due, then I certainly am not going to waive my right to receive the same pay as they do. And, quite honestly, I believe the people of my district would think their Congressman was stupid to refuse a raise just because his opposition to it had failed.

H. Res. —

Resolved, That the House of Representatives hereby disapproves all of the recommendations of the President of the United States, with respect to the rates of pay of offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of section 225(f) of the Federal Salary Act of 1967 (81 Stat. 643; Public Law 90-206), transmitted by the President to the Congress in the budget for the fiscal year ending June 30, 1970.

NO ACADEMIC GHETTOS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, several days ago Mr. Roy Wilkins, of the National Association for the Advancement of Colored People, spoke out against the actions of a small but vocal minority within the Negro community who are trying to force our colleges and universities to be run on an apartheid basis. Recognizing the current struggle for leadership within the Negro community, I personally respect the courage and integrity displayed by Mr. Wilkins in issuing his statement.

In his inaugural address, President Nixon called upon the American people to stop shouting at each other so that they could begin listening to each other in the quest for racial justice within our society. I believe that Mr. Wilkins' attempt to put an end to some of the racially motivated shouting on our Nation's campuses is a good step in that direction, and I personally commend him for his action.

On January 15, the New York Times gave editorial endorsement to Mr. Wilkins' remarks in an editorial entitled "No Academic Ghettos." I enter this editorial into the Record at this point so that my fellow colleagues will have the opportunity to read it should it not already have been brought to their attention:

No Academic Ghettos

Roy Wilkins has shown characteristic courage in calling on black college students to abandon their self-destructive campaign for Negro separatism on the nation's campuses. But even more to the point is Mr. Wilkins's attempt to stem the spineless retreat by many white administrators and faculty members under separatist pressure from a radical and immature minority among Negro undergraduates. Those who stand ready to rationalize the irresponsible demands for all-black courses, departments, dormitories and campus subdivisions are in obvious need of the warning by the executive director of the National Association for the Advancement of Colored People that they may face court actions challenging the establishment of "what are, patently, Jim Crow schools."

The disease of what can only be described as a militant black withdrawal into campus ghettos is spreading too rapidly to be taken lightly. It has led to virtual warfare at San Francisco State College and other California institutions.

It is the underlying cause of disruption at Brandeis University and at Swarthmore as well as the skirmishes at Queens College. It has led to the cancellation under fire of a dramatic presentation at Yale. And increasingly, as was the case at a recent student-faculty conference on the future of Columbia University, it has resulted in refusal by Negro students to participate in exactly the kind of concerned colloquy that alone can lead to full equality of the races in the academic community.

White bigots have long poisoned the nation's policies and practices through propagation of the myth that Negroes really prefer to stand apart. This is not the time to replace a pathological lie with a pathological ideology. Mr. Wilkins's proud warning against a return to "the lonely and dispiriting confines" of separatism's "demeaning prison" must be heeded by black and white alike.

PROPOSED ELIMINATION OF MILK PROGRAM IMPERILS NATION'S NUTRITION EFFORTS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, the outgoing administration, in its budget proposals for fiscal 1970, has seen fit to seek a reordering of priorities in the Nation's food programs and the termination of the special school milk program. At a time when we are accumulating an ever-increasing body of knowledge indicating severe problems of hunger and malnutrition, the Congress has been asked to eliminate one of our most efficient and effective nutrition programs. More importantly, perhaps, is the fact that this action was taken apparently without the knowledge of the impact of existing programs or the dimension of the malnutrition problem.

All of the evidence accumulated in recent months indicates that present food supplement programs are totally inadequate, not just because of insufficient funding, but also because the programs have been administered in such a way as to exclude large numbers of people most in need of help. In addition, a check of the record reveals substantial confusion on the part of executive agencies responsible for the programs. Spokesmen for the Department of Agriculture have repeatedly expressed their belief in the value of phasing out the commodity distribution program to needy families and replacing it with the food stamp program. And yet the new budget proposes an increase in funding for the commodity program approximately twice that proposed for the food stamp program.

The desire to increase the Federal effort in the school lunch programs is commendable, but this action is to be taken at the expense of the special milk program, and the net impact of the recommended changes will be a substantial reduction in the nutritional benefits provided for the Nation's schoolchildren.

In 1968, and again in 1969, approximately $103.5 million was appropriated, providing some 3 billion half pints of milk annually. The budget proposed for 1970 provides for no new appropriation; with some $14.7 million carried over from prior years, the program will be carried on at a sharply reduced rate and then phased out entirely.

The Department of Agriculture and the recently departed administration have argued that this elimination of the milk progress is justified on the grounds that other nutrition programs for children are being greatly expanded, so that a larger portion of the Nation's young people will receive lunches through the school lunch program. They also suggest, that the transfer of funds will not result in any reduction in the amount of milk actually consumed because each new lunch provided for in the budget will include milk. I find, using information from the budget, that this is not the case; indeed that the elimination of the milk program coupled with the increase in the lunch and breakfast programs will actually reduce the amount of milk consumed by approximately 2 billion half pints annually. Once the $14.7 million remaining in the milk fund is expended, the consumption of milk by the Nation's schoolchildren will be cut back even more sharply.

It has been estimated that some 66 percent of the 51 million schoolchildren have benefited from the milk program. Only 44 percent will benefit from the school lunch, special assistance, and breakfast programs after they are expanded. Approximately 94,500 schools and institutions have participated in the milk program. Under the proposed expanded nutrition programs only 82,000 schools will be included.

I am unable to comprehend the reasoning behind the changes in the proposed budget. The national nutrition survey now underway under the auspices of the Department of Health, Education, and Welfare points to severe problems of malnourishment, especially among younger age groups. Other studies, in particular "Their Daily Bread: A Study of the National School Lunch Program," have pointed up the inadequacies of our present efforts:

(1) Of 50 million public elementary and secondary school children, only about 18 million participate in the National School Lunch Program. Two out of three children do not participate.

(2) Of 50 million school children, fewer than two million, just under four per cent, are able to get a free or reduced price school lunch.

(3) Whether or not a child is eligible for a free lunch is determined not by any universally accepted formula, but by local decisions about administration and financing which may or may not have anything to do with the need of the individual child. And generally speaking, the greater the need of the children from a poor neighborhood, the less the community is able to meet it.

With respect to the special milk program, "Their Daily Bread" reported the following:

(1) The great majority of schools in the communities surveyed are included in the special milk program.

(2) The federal government reimburses more than half the cost of the first pint of milk served with lunch and slightly more on every half pint served after that. This means that out of what the children pay on the balance, plus special reimbursement based on the number of half pints served free, there is enough money to serve milk free to needy children—a far higher percentage than receive a free lunch.

From these two factors alone, it is easy to see that the milk program is working well.

In spite of all of these findings, and in spite of the fact that elimination of the milk program will reduce the nutritional services provided our schoolchildren, the authors of the new budget have asked us to abdicate our responsibilities and accept their suggested priorities for Federal nutritional efforts. I, for one, am not prepared to support these recommendations. In the past I have worked actively for basic improvements in programs designed to insure the fulfillment of the nutritional needs of every American. I intend to support such efforts this year, including the expansion and upgrading of the school lunch program.

Nonetheless, until such time as the responsible executive agencies can guarantee that all of the Nation's schoolchildren, and in particular those living in poverty, will receive nutritionally adequate and nourishing meals, no effort should be made to eliminate already proven programs designed to provide badly needed dietary supplements. Specifically, no action should be taken that will reduce the milk consumption of the Nation's children by some 2 billion half pints annually, I am confident that the Congress and the new administration will see fit to restore and hopefully increase the appropriations for so necessary and desirable a program.

INAUGURAL ADDRESS OF RICHARD BUELL OGILVIE, 37TH GOVERNOR OF ILLINOIS, SPRINGFIELD, ILL., JANUARY 13, 1969

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. ARENDS. Mr. Speaker, on Monday, January 13, Richard Buell Ogilvie was inaugurated as the 37th Governor of my beloved State of Illinois. He has had a distinguished career of public service. He has already proven himself to be not only a man of vision, but a man who gets things done.

Under leave to revise and extend my remarks I am inserting in the RECORD his truly admirable inaugural address. It will stand as a classic among inaugural addresses, not only for its eloquence, but for the truisms it expresses of the problems of our times, our common goals and for its inspirational appeal for their achievement by a united effort. While recognizing we are faced with the "challenge of change" our Governor reminds us that there are certain basic principles and traditions that do not change and to which we should adhere.

I predict Governor Ogilvie will prove to be one of the greatest Governors in the history of the great State of Illinois.

The inaugural address follows:

INAUGURAL ADDRESS OF RICHARD BUELL OGILVIE, 37TH GOVERNOR OF ILLINOIS, SPRINGFIELD, ILL., JANUARY 13, 1969

Governor Shapiro, fellow citizens of Illinois: We are gathered here today in the city of Lincoln in a time of paradox, a time that embraces the best and the worst.

We are plagued by a war, by poverty and ignorance, and by increasing violence and crimes against our people.

Yet the words of Theodore Roosevelt still ring true that "no people on earth have more cause to be thankful than ours. We are the heirs of the ages."

For it is true that more Americans than ever before are sharing an unparalleled material prosperity. We are sharing freedom under a unique government which has survived nobly while kingdoms and dictatorships and even other republics have toppled.

And, as seldom before, Americans are exercising a right vital to our way of life—the right to criticize ourselves and our conduct of our government.

Voices are raised in dissent and protest, and there is a crisis of alienation among us.

Within the boundaries which respect the rights of others, the voices must be heard. For there is much to learn to build a better land for all.

But lawless conduct beyond these bounds tears down; it does not build. And it strikes at the foundation of this unique government which is part of our spiritual heritage.

The black man, the youth and the philosopher who protest are demanding change, and they confront our conscience the way slavery, the sweatshops and other hypocrisy of earlier times' stirred Americans.

Change of all kinds envelops us, and change itself sometimes seems to be the only certainty we have. The challenge of change is to harness it to bring man into harmony and balance with himself and his world.

Because of scientific change, we can defy age and disease and the heavens. We can fly into space, yet often it takes longer to cross our cities. We can build miraculous computing machines, yet we are balked in our attempt to bring education to all our children. Our minds form concepts of limitless extent, yet we must grope to find solutions to crime.

We should recognize that there is another certainty besides change—the unchanging basis of our unity, our institutions and our common beliefs: And that is our commitment to an America which Judge Learned Hand said may never be "except as the conscience and courage of Americans create it."

This unchanging belief and hope is the root of the present crisis of dissent and alienation.

We can't stand prosperity—when too many are still poor. We cannot fully accept the explosion of knowledge—when it pushes some ever higher and others into deepening ignorance. We are uncomfortable at the gap between what we believe and what we have achieved.

But none of us should forget that we share common traditions and common aspirations, and we shall share a common fate.

We are gathered here today in affirmation of this unity and this common faith in our capacity to achieve our highest aims under self-government.

The occasion of our gathering is timeless and familiar, but the challenge is ever new. It is a time, as President Wilson said, when "men's hopes call upon us to say what we will do."

I am proud to stand before you as your governor. And I am deeply conscious of the demands on the office of governor to serve with equal devotion the hopes of Cairo and Chicago, of young and old, of black and white.

As we begin this new administration in Illinois, let us bow to the past and to those who time of service has ended. Let us look to the future, too, but above all, let us commit ourselves to the present—and to present action.

None of us can predict with certainty the full nature or extent of the problems we will face in the next four years. But we can establish how we will perform.

We can determine now the nature of our conduct, the quality of our response, and the character of our stewardship.

We shall hold no objective more important than to mobilize the full force of this state government against poverty and ignorance.

For these are the twin scourges of our society. They are the roots of crime and of the decay of our cities.

In this effort, we shall take the initiative—searching our problems and solutions, rather than waiting to react when situations have become crises.

As a vital part of our concern for social problems, we shall move to exploit our economic potential for the benefit of all the people, and in so doing we shall improve our already prestigious economic position among the states.

Further, we shall preserve and restore our natural resources. For we are seemingly at war not only with ourselves, but also with nature. We have the power to destroy nature, and we have already done so to an alarming degree. This process must be stopped—in fact, rolled back.

We are not content to stop short of that America which our conscience and courage can create. And our expectations are ever rising.

We expect more of life, and we expect more of government, both for ourselves and for the less fortunate. With your support, this new administration can match its efforts to our collective expectations.

Our goal is simply this: To enlarge the opportunities and satisfactions of life in Illinois.

Bearing this in mind, let us work together, putting aside partisanship in a common effort to achieve common goals.

Let our actions be based always on respect for individual dignity.

Let us re-dedicate ourselves to individual opportunity and to individual responsibility, the great human developers.

For our part, we in this new administration pledge to be responsive to the needs and the will of the people. Our purpose must be to serve.

We pledge to create effective checks on official arbitrariness and abuses.

We pledge to operate this administration in a spirit of full disclosure, assuring public access to public information.

And we pledge to work for diffusion of official power and responsibility so that state and local governments—the governments closest to the people—can succeed in partnership with the federal government.

In state government itself, self-discipline and innovation must go hand in hand.

State government must be reorganized to become a management tool for accomplishment. It must be sharpened to become the agent for constructive change instead of the custodian of an accumulation of separate and unresponsive agencies and programs.

There is no use in shuffling the boxes around on an organization chart if Illinois begs in Washington and quarrels with its own cities.

We must have a strict system of priorities under annual budget controls that will help us do our most important jobs well, while letting other tasks wait their turn.

We have sought—and continue to seek—men in government who are devoted to work, animated by principle, and committed to success.

They must find better ways of doing the traditional jobs of state government, and they must have the perception to recognize new needs and goals.

All of us must discipline ourselves so that we can work effectively with all sections of the state, to avoid bickering our way into stalemate.

We are going to think not in terms of human misery, but in terms of increasing the potential for human happiness.

We are going to attempt to turn life's dead-end streets into new avenues of opportunity.

Our prisons and mental hospitals must not be ends in themselves, but rather they must be means to repair and renew human lives.

Above all, we must put an end to the historic split between Chicago and the rest of the state. This dichotomy has cost us dearly in wasted bitterness and squandered effort.

More than ever before, the different parts of Illinois, like the different parts of the nation, are united in their interdependence. No single section can stand apart from the rest. We are all Illinoisans together, and together we must make progress in the cities, in the suburbs, in the towns, and on the farms.

All our goals, in short, must be positive—to heal where there is hurt, to rebuild where there is damage, to succeed where we have failed.

In the days ahead, we have one special and immense opportunity. And that is to create a new constitution that will help us achieve present and future goals.

The constitutional convention can write a new document that will live and grow, and will provide a rational basis for fair taxation and fiscal responsibility. No other task before us will demand such a moratorium on partisanship and such an exercise in citizen involvement.

In the convention, in new legislation, in all our acts and thinking, we must work together. We must stay together.

And now, on this day of dedication, I ask you all to join in a new partnership for Illinois.

We ask more of government, more of life itself. And we must give more of ourselves for what we seek. This is the sacrifice demanded for success.

For myself, I ask for your prayers. For Illinois, I ask for your time, your talent, your ideas, and, yes, your criticism.

All of us meeting here today might well remember Lincoln's admonition to a clergyman who said he hoped the Lord would be "on our side."

Lincoln replied: "The Lord is always on the side of the right. But it is my constant anxiety and prayer that I and this nation should be on the Lord's side."

So let it be for us today. For what each of us will do will be judged by our consciences and our Maker.

The final judgment will be the sum of each of our days—of what we did, or did not do, day by day.

Together we can seek the best we believe in for Illinois. This is our land, and the people shall prevail. This is our America that Carl Sandburg called—

> "Seeker and finder,
> Yet ever more seeker
> Than finder, ever seeking its way
> Amid storm and dream."

And now, confident in our dream and in our abilities, let us seek the Illinois of tomorrow. Together, we will not fail.

DEDICATION OF CENTURY II IN WICHITA, KANS.

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. SHRIVER. Mr. Speaker, the people of Wichita, Kans., on January 11, 1969, dedicated and opened a new civic center known as Century II. It was my pleasure to be present at the dedicatory ceremonies for this magnificent new public facility.

Wichita citizens voted in 1961 to build a library and civic center and approved a $15 million bond issue to achieve their objectives. Their affirmative action has culminated in the opening of a center which will enrich and enhance education, culture, the arts, and entertainment throughout Kansas.

I hope that many of my colleagues in the Congress will have an opportunity in the future to visit Century II in Wichita.

Under the leave to extend my remarks in the RECORD, I include excerpts of the dedication address by Mr. Robert Gadberry, vice president of the 4th National Bank and Trust Co. of Wichita. His remarks follow:

DEDICATION ADDRESS BY ROBERT GADBERRY, CENTURY II, WICHITA, KANS., JAN. 11, 1969

Carl Sandburg, who has captured so well the spirit of America and the hopes of man, reflects with considerable insight in *Remembrance Rock*, "God made man a changer. He can change himself into a fish and dive deep and stay under water unafraid of any sea animals. He can change himself into a bird and travel farther with heavier cargo, wider wings, fiercer claws and beak than any bird. *God must have wanted man to be a changer.* Else God wouldn't have put that awful unrest in him."

Apollo 8's recent lunar excursion was successful not because man sought to prove the Buck Rogers comic strips of my generation to be prophetic; the mission was not undertaken just because it would be prestigious in the struggle for supremacy with any other world power; billions were not gulped into a program of such magnitude because we hoped to reap direct dividends from such a national investment. It was none of these. This exciting space chapter which we have witnessed was not economic, it was not essential, it was little understood by most of us. Neither was it the clever or careless caprice of a few. Rather, it was dreamed and dared—and done—*because man is a changer.*

Man's reach is not limited to what lies above or below the earthly plane. In fact, so much more is changed every day, in each new generation, right where we are. Russell Conwell's famous "Acres of Diamonds" told the poignant story of man searching endlessly in unfamiliar and unfriendly places—digging for diamonds that were not there. Failing, the digger returned like a Prodigal Son, beaten and begging, only to find acres of diamonds in his own backyard.

This is a moment of realization, of digging, of reverent reaching for a new dimension in our corporate and cultural life, for the changing nature of mankind has unearthed new acres of diamonds in our own backyard. Yes, Man is a changer. And this time, men of Wichita have changed not alone the skyline of a city, but here in Century II men have changed the matrix for our new-found capacity for commerce and culture, for architecture and art.

Our vision may be somewhat dimmed for we Americans have an insatiable appetite for the spectacular, for things of size and speed. We grow dizzy here today with the recitation of the immensity of this new "Wonder of the West."

Our master of ceremonies, Carl Bell, related to me that during those hurried and harried days of preparing preliminary figures for the bond proposal—in the crosscurrent of public pros and cons—one enthusiastic supporter called to insist that "it should be large enough to house both national political conventions at the same time." This, I think, would not be, as the poet wrote, "a consummation to be devoutly wished," however commendable his public spirited insistence on both adequacy and bipartisanship in planning.

Incidentally, that was but one voice from many choruses that rose in the community. Agreement was not automatic. Size, location, financing, services, the color of the dome—all these were the subject of much debate. But cultural interests, civic leaders, the Chamber of Commerce, a progressive City Commission formed a catalyst and a city, heeding the wisdom of an Old Testament proverb, "Where there is no vision—the people perish" voted on May 23, 1961, to build a new library and civic center.

Even the most optimistic had their doubts. Industrial layoffs and a dragging economy should have exerted a negative pressure. A community that was less than enchanted with its immersion in the needed but less artistic demands of schools and sewers, roads and reservoirs, could hardly be expected to vote fifteen million dollars for a library and Civic Center. But man is a changer! And men wanted to erase the Forum and construct in its place that which we proudly dedicate today—Century II.

This is historic ground in this site. Here is the original homestead of Wm. Greiffenstein, once called "The Father of Wichita." In the emerging peace of the frontier at Wichita's birth, it is said that Indians frequently pitched their tepees in Greiffenstein's yard. The latter platted Wichita. His original homestead on the banks of the Arkansas was bought for the city in 1890 for the sum of $6,000. The purpose was not for building a convention hall. That may have been the far vision of a few but the near look was to commercial needs. The land was bought for an open market where wagon hay could be bought and sold and for truck gardeners to sell their produce.

Enabling legislation in 1909 gave the City of Wichita the power to vote bonds for an auditorium and market house. Bonds in the amount of $150,000 were voted, a contract let in March, 1910, and just ten months later, January 25, 1911, the Forum was finished.

The Forum—in 1911—ranked ninth in the United States in seating capacity. So, our forbears were changers, too, and their visions were viable.

Fifty-five years to the day—January 25, 1966—groundbreaking ceremonies for Century II were held. Blueprints for the new became the death knell for the old. Savages of destruction without ceremony or sentiment demolished the Forum, insensitive to the memory of circuses, conventions, concerts, exhibits, sporting events and religious services it had hosted. No fragments of the Forum remain like the worn and ragged remnants of the Seven Wonders of the ancient world, the Temple of Diana or the Colossus of Rhodes. Even the remains of those wonders would be less noteworthy if they did not remind us of the eternal soul of a culture and a civilization.

So it will be with Century II! However well constructed; however unique its design; however adequate to the physical demands, its promise is not in brick and mortar. Its great value is not in the economic bargain it represents at $18 per square foot. Other cities have spent two and three times that square foot cost for like space. Parenthetically, I should add, the architect estimates this $12,600,000 project would cost 25% more if it were bid today.

And we cannot measure her worth on the basis of whatever modest assessment is required to supplement her direct revenues. None of these is the yardstick by which we measure the greatness of Century II for vision and culture, whatever their importance and influence, are difficult to measure.

We do not just dedicate a building today—we discover new purpose. It is not so important that five thousand may gather here to witness some sporting event. It is important that we teach our children and each new generation of the contribution of competition in a free enterprise society. And to see that sportsmanship is a companion to the competitive spirit of America. It is not important how many may gather here in convention. But how essential it is that we provide physically for the meeting of men who can assemble here in the mutual exchange of ideas, the vitality of a free society.

Exhibition Hall is not a matter of square footage but it will be the parade ground of man's unending genius for the new and the better.

It is not the number of concerts or recitals performed here that is important. But how thrilling it is to contemplate how a gently-drawn bow across the strings of some singing instrument might inspire some boy or girl to musical excellence. Numberless are those who because of the grandeur of music will be inspired to seek a perfection in whatever they profess or practice.

And the visual arts—which I would hope could be developed here by the citizens of Wichita—might display again the rewards of human expression. Or the drama of the Theatre may awaken in others some new hope for solution to the tormenting problems of each succeeding generation.

Aldous Huxley in "Ends and Means" said, "The finest works of art are precious among other reasons because they make it possible for us to know if only imperfectly and for a little while what it actually feels like to think subtly and feel nobly."

Here—in Century II—we can feel noble. Men will walk here with pride and purpose. Men will laugh and men will cry here. We will convene in great numbers; compete in smaller numbers. All of this because there were men of vision who built a building we call Century II. It is ours, but belongs more to generations that will follow. They will share with us the exhilaration we sense in the genius of builders and the expression of artists.

Wm. Faulkner, writing "A Fable" said, "Man will survive because he has that in him which will endure even beyond the ultimate worthless tideless rock, freezing slowly in the last red and heatless sunset, because already the next star in the blue immensity of space will be already clamorous with the uproar of his debarkation, his puny and inexhaustible voice still talking, still planning; and there too after the last ding dong of doom has rung and died there will still be one sound more: his voice, planning still to build something higher and faster and louder; more efficient and louder and faster than ever before."

We hear that voice and we glimpse that vision because man is a changer.

What wonders have been wrought in that change! Change that takes the shape of Century II, but change that will mould the dynamic and creative soul of a city.

ONE MAN'S RECOLLECTIONS ABOUT NIXON FAMILY

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. GOODLING. Mr. Speaker, now that Richard Milhous Nixon is our President, all of us are keenly interested in his background.

I am proud to say that President Nixon's mother and father were once residents of my congressional district, and the President paid his parents frequent visits.

Mr. Harry McLaughlin, a noted reporter from my congressional district, has had the good fortune of visiting the Nixon home, and he has written a very interesting account of his association with the Nixon family. This article appears in the January 19, 1969, issue of the Sunday Harrisburg Patriot, entitled "One Man's Recollections About Nixon Family."

Because Mr. McLaughlin's piece presents some interesting highlights on the family of President Richard Milhous Nixon, I insert it into the CONGRESSIONAL RECORD and commend it to the attention of my colleagues:

ONE MAN'S RECOLLECTIONS ABOUT NIXON FAMILY

(By Harry McLaughlin)

Tomorrow, Richard Milhous Nixon becomes the nation's 37th president.

His inaugural address more than likely will reflect his ideas and feelings toward his fellow man, and to those who know him well, it will come as little surprise if he mentions, at least briefly, his family training as a boy and young man.

He might even reflect upon the influence of his mother and father on his outlook of life. He comes from a closely-knit family, and that will be evidenced at the inaugural events. On hand for this historic day will be 179 relatives of the President-elect and of his wife, Pat.

Nixon's loyalty for family also extends to friends, new or old. He figures loyalty and friendship is a two-way street, and it isn't something that changes with election disappointments or victories.

He learned that lesson from his mother and father, Mrs. Hannah Milhous Nixon and Francis (Frank) Nixon. Their friends and neighbors of Menges Mills, York County, will attest to this attribute.

The elder Nixons, who died several years ago in California after selling their York farm, never forgot the Menges Mills postmaster and his wife, the Carl Stambaughs; or the Donald Sterners, and his mother, Mrs. Florence Sterner, or this writer's family. Neither did the president-elect or his family.

My memories of Mrs. Nixon, whom I affectionately called "Mother Nixon," are quite vivid. She was a modest, religious, soft-spoken woman, who in her own quiet way, accomplished what she set out to do.

I met the president's mother in the early 1950's at the Menges Mills farm in the first of a dozen or more sessions, all professionally arranged in my role as a newspaperman. I appreciated her trust in me because at the time, her "Richard" (as she always referred to him) was under strong political criticism from some national newspaper reporters and columnists, especially Drew Pearson.

"I won't say anything that could hurt Richard," Mrs. Nixon repeated frequently. However, one sensed she was deeply "hurt" by published unflattering remarks about the family. The then U.S. senator's mother could not allow herself to be quoted.

When Nixon was elected vice president in 1952, after a hectic campaign involving his personal financial situation, his mother took the late York photographer, Bob Motter, and me, on a personal tour of the Nixon home in Washington, to refute certain Pearson remarks. We were in the company of Mrs. Florence Sterner, who then was her Menges Mills constant companion and "dear friend."

Photographer Motter and I were the only newsmen permitted into the Nixon home upon the vice president-elect's return to Washington from California after the 1952 election, and we were present only because of "Mother Nixon's" invitation. The exclusive photo shown in this column was taken by Motter only minutes after Mr. and Mrs. Nixon arrived home that historic November, 1952, day to rejoin his mother and daughters.

He and Pat were greeted by their daughters, Julie and Patricia; his mother, and Mrs. Sterner, Motter and this writer, inside the residence.

To the surprise of the Sterner family, the Stambaughs, to Motter, to the McLaughlins, "Mother Nixon" arranged inaugural invitations, and the "red carpet" treatment was extended to each of us that year.

The Stambaughs and Sterners were also "extra special" friends of other members of the Nixon family. The elder Mrs. Sterner spent many evenings with the elder Nixons, and usually they argued the merits of President Truman's administration.

Carl Stambaugh, a Democrat, who was postmaster during the seven-year stay of the Nixons in Menges Mills, also owned and operated the community store which was frequented daily by members of the distinguished family.

"Tricia and Julie like the ice cream cones, and they usually ate the ice cream while sitting on the front steps of the store. The farm was only a little more than a mile from the store, a good walk for them. Mother Nixon was baby-sitter for the vice-president's girls while he and Pat traveled around the world, and especially during the two vice presidential campaigns. The elder Nixons moved east after Richard was elected a congressman in 1947 to be near him, the postmaster recalled.

The president-elect's younger brother, Edward, graduated from West York High School in 1948 and was the York County high school high jump champion in his senior year. Last fall, he returned for a campaign visit to the farm and to the school, and laughingly discussed his track talents with his coach, C. C. Richards, who is still a teacher at the high school.

Edward also spent a lot of his leisure time at the Menges Mills store, Stambaugh said.

When the president-elect spent weekends and summer vacations at the farm, he often used the Stambaugh store telephone because the York Telephone and Telegraph Co. had refused to install one at the farm because of installation technicalities.

In 1957, "Mother Nixon" again informed her son's staff that she wanted the Sterners, Stambaughs, and the McLaughlins, to be her guests at the inauguration. We all expressed surprise, of course, but we were pleased, needless to say.

I recall my most serious interview with the mother of the 37th president came during the period when it appeared that her son might be removed from the 1952 ticket because of extensive criticism.

"How do you feel about the criticism?" I asked her. "They are unfair," she answered. Could she be quoted for publication? "I'd better check with his staff first," she said.

Permission was granted by Nixon's staff and her historic remarks proved to be a real "scoop." She later sent the famous "my son" telegram to Gen. Eisenhower.

"Mother Nixon" was a fine writer of letters, and they always were done in longhand. Those addressed to the McLaughlins are now secure in a downtown bank safe deposit box, along with personal notes and letters from the president-elect and members of his staff.

Although both elder Nixons have died, members of the presidential family continue to honor her memory in relation to York County.

The Stambaughs, who suffered a Christmas Eve tragedy when their son and daughter-in-law were killed in the ill-fated Bradford airplane crash, earlier decided to reject a Nixon inaugural invitation. When another Nixon brother, Donald, telephoned from Washington and urged them to attend, they accepted. Edward also insisted.

"I remember you telling Mother and me in 1961 during a visit to the farm that Richard would be elected president some day," Edward told Postmaster Stambaugh.

The Stambaughs will be housed with the Nixon family, and their 179 relatives, in a Washington hotel, and attend all the events, including the ball, with the entire Nixon clan.

The Nixon family is also responsible for "special" invitations extended to the Sterners, the Sterling Myers family (now owners of the former Nixon farm), and the McLaughlin family, including my daughter, Mrs. Donna Bieda, a Windsor Manor Elementary School teacher. Our first indication of a personal non-political Nixon invitation came in a Dec. 12 letter from Miss Rose Mary Woods, a long-time friend.

INCENTIVES TO LOCATE RURAL INDUSTRIES

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. ZWACH. Mr. Speaker, I am introducing a bill today which I believe provides the cornerstone for the application of the treatment of the many wounds that our cities and Nation are presently suffering. Those are the severe problems of masses of people living in our cities and whose numbers and needs overtax the facilities for education, for recreation, for jobs, for transportation, for garbage collection, and for mass transportation; and finally, the breakdown of the maintenance of both mental and moral structures. This bill is one designed to provide an incentive for the location of new plants and industries in the less congested parts of our Nation.

Both parties, during this past campaign noted the real need for the maintenance of people in our countryside areas. Both parties have then suggested the need for this type of congressional dictate.

Very simply, this bill gives authority and encouragement to private enterprise to build new industries in cities of under 10,000 and to train and employ people who are less advantaged now, or may not have found a satisfactory method of providing for the needs of their families or responsibilities.

I would like to convey to you my deep concern and interest in this matter as the logical partial solution to the whole array of crises that are facing our Nation today. I urge your consideration and early action on this bill.

A TRIBUTE TO THE FREEDOM LOVING UKRAINIAN PEOPLE

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. WEICKER. Mr. Speaker, I feel it fitting to pay tribute to all freedom loving Ukrainian people both here and abroad.

The Ukrainian Americans who have contributed so much to the growth, development, and culture of the United States, are dedicated to seeing the restoration of freedom and national statehood to their homeland, the Ukraine and other captive nations whose people are oppressed under the domination of the Soviet Union.

Yesterday marked the 51st anniversary of the Proclamation of Freedom and Independence of the Ukrainian Republic and the 50th anniversary of the Act of Union which united the Western Ukraine with the Ukrainian National Republic.

A half century ago thousands of persons thronged St. Sophia Square in Kiev to hear the Act of Union read.

It was a momentous day as the act stated:

> From today on, there shall be united in one great Ukraine the long separated parts of Ukraine-Galicia, Bukovina, Hungarian and Dnieper Ukraine. The eternal dreams, for which the finest sons of Ukraine lived and died, have been fulfilled. From today on there shall be only one independent Ukrainian National Republic. From today on the Ukrainian people, freed by the mighty upsurge of their own strength, have the opportunity to unite all the endeavors of their sons for the creation of an indivisible, independent Ukrainian State for the good and the welfare of the working people.

The freedom and unity in the Ukraine was short lived however, as Russia and Poland stepped in and easily overcame the new nation. By 1920 the independent Ukrainian state was completely in the hands of its enemies.

Since this time, the Ukraine has been under Communist yoke but within the hearts of its people here and abroad the love of liberty and freedom is strong.

Because of this love of liberty and desire for freedom the Ukrainian people have paid a high price. There have been mass deportations of Ukrainians to Siberia, intellectuals have been abused and jailed, there have been mass trials and then ruthless persecution of suspected Ukrainian leaders. But despite cruelty and systematic genocide by the Soviet oppressors, the spark of freedom still smolders in the hearts of Ukrainian patriots.

It is appropriate that on this day, we who live in this great United States that is dedicated to the principles of justice, liberty, and freedom, remember and honor the courageous people of the Ukraine. May their goal of independence, unity, and freedom someday be achieved.

BRIGHTER ON THE FARM FRONT

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. MIZE. Mr. Speaker, Kansas is a leader among States in agricultural exports. Her produce joins that of other States in promoting a consistent balance-of-payments surplus in commodity exchange of about $1 billion per year.

In fiscal 1968, Kansas was sixth among the States, providing $296 million in commodities for sale abroad. Nationwide our farmers and ranchers produced $6.3 billion in commodities for export, over $4.7 billion of which was marketed commercially.

If the Nation cannot proceed without this cushion of hard currency sales, so also is Kansas dependent upon the continued availability of markets and production potential. In Kansas, agribusiness generates over $5 billion in business activity annually, from an investment base of some $8.2 billion.

As we begin substantive deliberations this year, it is incumbent upon the Congress to insure continued expansion of agricultural exports through programs such as Public Law 480, commonly called food for peace. The foundations so carefully constructed in past years must serve as a base for future market development.

The trend is upward, and this trend was dramatized by a recent editorial appearing in the Topeka Daily Capital. Because agribusiness is crucial to the economy of all America today, and instrumental in our hopes for an improved balance-of-payments position tomorrow, I know the editorial will be of interest and comfort to my colleagues. I therefore insert it in the RECORD at this point:

[From the Topeka (Kans.) Daily Capital, Jan. 15, 1969]

BRIGHTER ON FARM FRONT

A forecast that potential exports of Kansas farm products could markedly increase the next few years was cheering news.

Dr. Paul L. Kelley, head of Kansas State University's economics department, told the Kansas State Board of Agriculture U.S. farm exports could double from $6 billion to $12 billion or more before 1980.

Exports of feed grains, one of Kansas' major crops, could be helped by sales to nations of Western Europe and Japan, together with sales to emerging nations, he said.

A major factor in prices farmers in Kansas and elsewhere might receive from exports will be the type of trading policies the United States develops in the decade ahead.

If these policies are realistic and based on the need to bolster our agricultural economy as well as to aid nations abroad they will be instrumental in providing greater farm income in Kansas.

Although farm prices have been discouragingly low in recent months, additional and growing foreign markets could be of great help in making them rise.

Dr. Kelley also was optimistic about domestic market prospects and forecast that one of the most important factors affecting Kansans could be rising beef production in the state.

He predicted a "vast new beef belt in the next decade" with production possibly doubling by 1978, together with a 30 per cent increase in Kansas hog production by 1980.

Although the number of Kansas farmers has sharply declined in recent years, agriculture still is a major source of income in the state, as modern techniques are used to produce more and more food.

The welfare of Kansas is to great extent dependent upon farmers and stockmen receiving good prices for their products. That the prospect looks better is heartening.

REPRESENTATIVE IN CONGRESS FOR THE DISTRICT OF COLUMBIA

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. NELSEN. Mr. Speaker, I am today introducing a joint resolution proposing an amendment to the Constitution of the United States providing for a voting representative for the District of Columbia in the U.S. Congress.

I have served for 10 years in Congress as a friend of the District on the House District Committee, and I could not be more certain that it is the full right of the citizens of Washington, D.C., to have elected representation in the Congress, especially in the consideration of such fundamental matters as taxation, and other matters that have such a direct impact on their daily lives. Nothing should prevent the election of such a representative in the Congress. It is a question of right and an action which is long overdue.

I, for one would welcome this new member with great enthusiasm, not only because he rightfully belongs in the Congress, but because I believe he would be of tremendous assistance to the Congress when it deliberates on District affairs. He would provide for the citizens of the District a strong voice in the House. He would be intimately aware of the many problems affecting the 800,000 citizens of the District of Columbia. He would provide close, regular and continuing liaison between the Congress and the local community. He would have a knowledgeable voice in presenting to the Congress the District's position on such vital areas as taxation and school needs. Most of all he would have a vote.

I am fully aware that the constitutional status of the District is unlike that of the 50 States and the territories in a number of respects, the most fundamental difference being that it is established by the Constitution as the permanent seat of the Federal Government and subject to continuing congressional control. The Federal interest must be paramount and inviolable. Nonetheless, there still is no justifiable reason that I know of why the District taxpayers should not have direct congressional representation in the Congress over such vital issues that affect their daily lives.

Realizing, of course, that the constitutional amending process is a lengthy one, and in order that the District might have an interim voice while awaiting the ratification by the States of the proposed amendment, I am also introducing a bill which would provide the District with a nonvoting Delegate to the House. This Delegate would fill the void and serve as the District's voice in Congress during the amending process. This provision would, of course, require only a law. My bill would provide for the election of this nonvoting Delegate by the residents of the District of Columbia and require that he be appointed to serve on the House District Committee.

I urge my colleagues on the Judiciary and District Committees to rapidly move on this much needed legislation in order that the citizens of the District of Columbia may obtain their voice in Congress at the earliest possible time.

JUDGE ANTHONY C. MITCHELL, EMINENT NEW JERSEY JURIST, RETIRES

HON. WILLIAM T. CAHILL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. CAHILL. Mr. Speaker, on Tuesday evening of this week the Camden County Bar Association sponsored a testimonial dinner at the Cherry Hill Inn, Camden County, N.J., in honor of Judge Anthony C. Mitchell, recently retired from the bench. The dinner was attended by more members of the bar than any similar occasion in the history of the Camden County Bar Association. The attendance was in itself a tribute to Judge Mitchell and a very real expression of the affection, admiration, and esteem in which he is held by all members of the bar. Affectionately and popularly known as "Tony," Judge Mitchell has earned the respect of not only the lawyers of south Jersey, but of the entire State of New Jersey. His later success, as a member of the New Jersey bench, was indicated in his youth and early manhood.

Judge Anthony C. Mitchell was born in Clinton, Mass., on August 8, 1898, and received his preliminary education in that city. He attended Holy Cross College in Worcester, Mass., and received his A.B. degree in 1920, graduating magna cum laude.

He left his native State and decided to teach school for a few years. In the mid-1920's he moved to Merchantville and became active in the real estate business for several years.

Subsequently, he attended Rutgers Law School, and received his LL.B. degree in 1934. He served his clerkship with the late Judge Samuel M. Shay in Camden, N.J., and was admitted to the bar in 1935 and became a counsellor-at-law in 1939. He commenced the practice of law in association with Firmin Michel & John Penn in Camden, N.J.

During World War I Judge Mitchell served in the U.S. Navy.

During his time as a legal practitioner he served the public in many capacities for a number of years, including first assistant prosecutor of Camden County, county treasurer of Camden County, president of the New Jersey State Board of Tax Appeals, and in 1956 he was appointed a county court judge of Camden County. During his judgeship he presided over many publicized criminal cases, and was one of the outstanding criminal judges in south Jersey. The judge retired from the bench in August of 1968.

Before Judge Mitchell's appointment to the bench, he also served as attorney for a number of municipalities in Camden County and their agencies.

He is married to the former Rose Mary Smith, of Johnstown, Pa., and resides with his family at 209 West Maple Avenue, Merchantville, N.J. They have three children: Ann, a schoolteacher in the Merchantville schools; Thomas, who is completing his last year at Dickinson School of Law, and Carol, who is a student at Hood College.

Mr. Speaker, the Member of this House now addressing this body is of a different political party than was Judge Mitchell before his appointment to the county court. This Member of Congress found himself in many campaigns opposing candidates supported by Tony Mitchell while he was active in politics. We debated the issues head to head in many campaigns. We opposed each other in the courtroom when Tony was a prosecuting attorney and I was the defense attorney. I have appeared before Judge Mitchell during his years on the bench. In some of the cases I was successful; in others I was unsuccessful.

During all our years of association and during all our experiences I have always found Tony Mitchell the same—forthright, frank, honest, courageous. Tony Mitchell called a spade a spade; you always knew where you stood with Tony.

Added to his many other qualities is a great sense of humor and the ability to "take it as well as hand it out." The bar, the bench, the citizens of Camden County are richer as a result of Tony Mitchell. All of us regret his retirement. All of us who know him expect to see continued constructive activity for many years from Tony Mitchell. All of us pray that he will enjoy good health so that we in turn may enjoy his friendship in the years ahead.

Mr. Speaker, I know I speak for every member of the south Jersey bar and every citizen of south Jersey when I say to Tony Mitchell, "Congratulations on your lifetime of service to your community and your State. You have our best wishes for great happiness and continued good health in the years ahead."

REMEMBERING UKRAINIAN INDEPENDENCE

HON. CHARLES S. JOELSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. JOELSON. Mr. Speaker, I am pleased to insert in the CONGRESSIONAL RECORD an article which appeared in the Herald-News of January 15, 1969, in the congressional district which I represent. It shows that the glorious days of Ukrainian independence are not forgotten. I am sure that we all join Father Orestes Iwaniuk and the parishioners of St. Mary's Ukrainian Orthodox Church of Clifton in the fervent hope and prayer that the people of the Ukraine will live again under freedom.

The article follows:

CLIFTON CHURCH TO MARK 51ST ANNIVERSARY OF INDEPENDENCE OF UKRAINE ON JANUARY 22

CLIFTON.—St. Mary's Ukrainian Orthodox Church, 73–81 Washington Ave., will celebrate the 51st anniversary of the independence of The Ukraine at a Mass at 10 a.m. next Wednesday.

The celebrant is the Rt. Rev. Orestes Iwaniuk, archmandrite and pastor of the church.

Facts about the Ukraine have been given by Father Iwaniuk, as follows:

"In the central part of Europe is located a beautiful sunny and fertile land called The Ukraine. Geographically, The Ukraine represents an area of over 250,000 square miles. The Ukrainian ethnographical territory stretches from the Carpathian mountains in the west to the River Don and the foothills of the Caucasus in the east. In the west, The Ukraine borders on Rumania, Hungary, Czechoslovakia and Poland; to the north on Byelorussia; to the east on Russia and the peoples of the Caucasus. In the south, her long and well-developed coast on the Black Sea gives her access to the Mediterranean. Great Ukraine with its capital at Kiev; Western Ukraine with its capital at Lvov; Carpatho-Ukraine with its capital at Uzhorod, and Basarabia, and Bukovina with its capital at Czernivcy.

"The population of The Ukraine is over 55 million, of whom 50 million are Greek Orthodox and five million, Greek Catholic. The Ukraine is one of Europe's richest and industrially most developed countries. The Ukraine, still known as the grainery of Europe, has become the breadbasket and sugarbowl of the Muscovite empire.

"In 1917, with the overthrow of the Czarist regime, the Ukrainians who for centuries had been desperately fighting the Russian domination over their country, took the chance and hoisted their banner of freedom. They proceeded to form a Ukrainian National Republic.

"On Jan. 22, 1919, all the Ukrainian territories joined together and proclaimed a free and independent Democratic Republic of the Ukrainian people. But the Russian Bolshevik government in Moscow declared war on The Ukraine, and the superior forces of the Red Army invaded The Ukraine in 1920.

RUTHLESS TERROR

"The years of the new Soviet regime in The Ukraine were marked by ruthless terror on the part of the occupying troops. The purges and large-scale deportations were conducted under the personal supervision of the highest Communist officials. They schemed to eliminate the Ukrainian separation and anti-Communist attitude by the mass killing of the Ukrainian people. They deliberately staged the famine which took eight million Ukrainian lives in 1932–33.

"They must be held responsible for this terrible genocide, the barbarous destruction of Ukrainian learning, science and religion, the forced collectivization, the persecutions of millions of innocent and peace-loving Ukrainian workers, peasants and intellectuals.

"Both Ukrainian orthodox and Catholic churches were destroyed. Metropolitans, bishops and clergy-priests were imprisoned, subjected to forced labor or killed.

"A country with a distinct culture and political history, The Ukraine has developed under strong western influences. It is not and has never been an organic part of Russia, but is conquered land whose people have been subjected to a government imposed and controlled by Muscovite rulers, old and new.

"During the last world war, the Ukrainians organized the Underground Ukrainian Insurgent Army which started fighting both the Nazis and the Bolsheviks in order to regain freedom for The Ukraine. Even today, 20 years after the defeat of Germany, the Ukrainian people are still fighting against the Moscow troops and against the Soviet rulers.

"The emblem of the Ukrainian national state is the Trident, The Ukrainian national colors are blue and yellow. On Jan. 22, the Ukrainian people in the U.S., Canada, Great Britain, Australia, Germany, France and other countries will celebrate the anniversary of the Ukrainian National Republic."

AIMED TO DISCREDIT

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. DEL CLAWSON. Mr. Speaker, an editorial which appeared on January 19, 1969, in the Herald-American and Call-Enterprise, a semiweekly newspaper serving the 23d District of California, seems to have touched upon the focal point in the controversy over the appointment of Walter J. Hickel as Secretary of the Interior. Under leave to extend my remarks in the CONGRESSIONAL RECORD I want to bring this discussion to the attention of my colleagues in the House of Representatives. The column follows:

CURRENT COMMENT: AIMED TO DISCREDIT

(By Warren Butler)

There is a despicable campaign in progress to discredit Governor Walter J. Hickel of Alaska as he prepares to answer the summons of President-elect Nixon to take office as the new Secretary of the Interior of the United States. The underhanded character of the campaign is clearly indicated by a cartoon in the St. Louis Post-Dispatch which depicts Governor Hickel smoking and tossing a lighted match in the forest as the well known Smokey Bear looks on. Were the cartoon published depicting a private citizen not involved in any public position it would be clearly libelous as no such incident took place. It is pointedly designed to hold the man up to personal ridicule and public contempt.

Were it not for the fact that Governor Hickel already held a public office and faced the inquiry of the United States Senate prior to a vote on his confirmation to the new office such a cartoon would not be a privileged publication and no newspaper would dare to touch it.

DEVELOPMENT ADVOCATE

All this campaign has been based on an alleged remark from Hickel that there has been too much conservation for conservation's sake. The fact is that Hickel has been an ardent advocate of the development of Alaska's natural resources in opposition to those who want to keep it a complete wilderness. As a builder by experience he knows what development can do for people in giving them employment and strengthening the country economically.

His views have made him the target of a strange political combination. One is the so-called New Left which supposedly champions the cause of the little people with small incomes. The other group, while they call themselves conservationists, are more accurately described as preservationists and they consist mostly of the rich and super rich individuals. They are laughingly described by many people as the "deep breathers".

GOOD PROTESTORS

These are the people who regularly shout protests about water conservation projects regardless of whether anyone needs the water or not. They particularly oppose hydroelectric power projects regardless of the benefits to people generally that are involved. They say that atomic power should be developed instead and then they oppose the sites proposed to be used for atomic reactors.

Hickel has been a target of attack by these people because he favors development of the gigantic north slope of Alaska which is the center of a concentration of some of the richest natural resources in the world including vast oil deposits. The area is now devoted mainly to hunting by Eskimos and white men rich enough to do their hunting by airplanes at an estimated cost of $2500 per polar bear.

One can have considerable sympathy for the Eskimos who have had this area to hunt in for centuries. But the needs of the vast population of this planet in our times hardly justifies this kind of preservation.

REAL CONSERVATION

Genuine conservation makes sense. It was a great advance in this country when the laws were so designed as to make it worthwhile to replace forests with new growth and the policy is beginning to pay off economically. We are making much progress in providing for restoration of land after strip mining. We have a big soil conservation program, not to return it to a state of nature but to make properly feasible its continued use to produce for all of us.

One of the very great problems of our economy is to develop oil resources in this country to furnish employment to American citizens and to keep vast imports (that could upset our economy) within reasonable limits. Making these oil resources available also gives us reassurance in case we are attacked by an enemy, as any modern war floats on a sea of oil.

Natural resource development here in the west is of special importance as without it we can have little additional development and what civilization we do have could wither and die away.

Of course we want to curb pollution of air and water and no sensible person loves beer can litter. But to have the good life it is essential that we develop our resources in a sensible manner. And the recreation that nature's bounty makes possible should be enjoyed by all, not just a few rich men. Instead of permitting a few people to fish in the wilderness we need the modern fish hatcheries that permit millions to enjoy this sport. The needs of people must be met. Otherwise we are just kidding ourselves.

Let's give the new Secretary of the Interior a chance to prove himself.

UKRAINIAN NATIONAL REPUBLIC MARKS 51ST ANNIVERSARY

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. **KLEPPE**. Mr. Speaker, the military invasion and occupation of Czechoslovakia by military forces of the Soviet Union represents another bloodstained chapter in the long and continuing record of Communist aggression against the forces of freedom everywhere. As we reflect upon the present plight of Czechoslovakia, I believe it is especially appropriate to bring to the attention of the world again the ordeal of the people of the Ukraine who have been the victims of Soviet oppression for more than half a century. They will not rest until they have regained their freedom.

I include as a part of my remarks, the following letter which I received from Dr. Anthony Zukowsky of Steele, N. Dak., president of the North Dakota branch of the Ukrainian Congress Committee of America, Inc.:

January 22nd will mark the 51st Anniversary of the Proclamation of Independence of the Ukrainian National Republic and the Golden Anniversary of the Act of Union, whereby all Ukrainian lands were united into one independent and sovereign state of Ukrainian Nation. The Independence of Ukraine was proclaimed in Kiev, the capitol of Ukraine on January 22nd 1918 and the Act of Union took place one year later, on January 22nd 1919, also in Kiev.

The Ukrainian National Republic was recognized by a number of foreign Governments including that of Soviet Russia. The latter, however, almost simultaneously with the recognition, declared war and began a large scale invasion of Ukraine. For almost 3½ years the Ukrainian people waged a gallant struggle in defense of their country, alone and unaided. The free Ukraine was subdued to a puppet regime of the Soviet Socialistic Republic.

The freedom loving people of Ukraine have not acepted the Soviet-Russian domination and have been fighting for the re-establishment of their independence by all means accessible to them for the past 50 years.

During World War II the Ukrainian people organized a powerful underground resistance movement known as the Ukrainian Partisan Army (UPA) which fought not only against the Nazi regime but against the Soviets as well. Stalin and Khrushchev unleased a bloody persecution and reprisals against the Ukrainian people in the late 1940's. Relentless and harsh persecution of the Ukrainians continued after the death of Stalin and after the ouster of Khrushchev from the top leadership in the Kremlin. The Brezhnev-Kosygin leadership is bent on keeping the Soviet-Russian Empire intact by persecution and deportation of Ukrainian youth and Ukrainian intellectuals. Over 200 young Ukrainian University professors, poets, writers, scientists, lawyers, literary critics and radio-TV commentators were arrested recently on charges of anti-Soviet propaganda. Recently the International and U.S. Press has been providing a vast amount of documentation on the suppression of the Ukrainian culture.

Briefly the Kremlin rule in Ukraine can be described as follows: Exploitation of Ukraine's economic resources for the benefit of Moscow and its imperialistic ventures in Asia, Africa, and Latin American. Genocide and systematic deportation of Ukrainians to central Asia. Arrest and trials of Ukrainian patriots defending freedom of their country. Terror and assassination of Ukrainian leaders outside the Ukraine. Persecution of all religions in Ukraine. Enforced Russification, aiming at the cultural and linguistic genocide of the Ukrainian people.

All the available evidence of the western observers shows that the ever-increasing tempo of repression has failed to intimidate the Ukrainian people and the Russian leadership in the Kremlin feared that Ukraine would actively support the liberal movement of their satellite country of Czechoslovakia. Since the Kremlin leaders were convinced the liberal ideas of Czechoslovakia would help the Ukrainian liberals and other Captive Nations.

Both the U.S. Congress and the President of the United States have expressed their concern over the captive non-Russian nations in the USSR by enacting the "Captive Nations Week Resolution" in July 1959.

The Ukrainian-American community in our state and in the whole United States will observe the forthcoming fifty-first Anniversary of the Ukrainian Independence and the 50th Anniversary of the Act of Union in fitting and solemn celebration.

Therefore, since it is almost 75 years that Ukrainians came to our state and made a substantial contribution to its development, we kindly request that you attend the ceremonies in commemoration of this anniversary and make your statement on that day. This anniversary provides an appropriate occasion not only for the U.S. Government and American people but the free world to demonstrate their sympathy and understanding of the aspiration of the Ukrainian people.

We extend our sincere thanks and appreciation for the favorable response in the past on this and other matters and we hope you will continue to help the Ukrainian Nation.

THE NUKES ARE IN HOT WATER

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. **CARTER**. Mr. Speaker, in the January 20 issue of Sports Illustrated, there appeared an article which, from the viewpoint of a conservationist, described the impact that nuclear powerplants have on surrounding bodies of water and the animal and plant life therein.

Although one does not have to agree with everything the author asserts and implies, I think it is of value because it is well written and is indicative of the growing body of literature dealing with man and his environment and natural resources.

In short, it is a focus for both utility executives and conservationists to begin a rational discussion of what might be a tremendous problem in the future.

At this point, Mr. Speaker, I would like to have the article inserted in the RECORD, as follows:

THE NUKES ARE IN HOT WATER

(NOTE.—Utility companies are going full steam ahead on the construction of nuclear plants, but the threat of thermal pollution may force a cooling-off period.)

(By Robert H. Boyle)

What literally may become the "hottest" conservation fight in the history of the U.S. has begun. The fight is over nuclear power plants and the damage they can inflict on the natural environment. The opponents are the Atomic Energy Commission and utilities versus aroused fishermen, sailors, swimmers, homeowners and a growing number of scientists. More than 100 nuclear plants are on the drawing boards, and before the fight (or war, to use a more appropriate term) is over, almost every major lake and river and stretches of Atlantic, Gulf and Pacific coasts are likely to become battlegrounds.

There are several objections to nuclear plants, but the immediate uproar is over thermal pollution caused by hot-water discharges from the plants. In order to compete economically with so-called fossil-fueled plants, which are fired by coal, oil or gas, nuclear plants must be of much larger capacity. Despite their size, they are not as efficient as fossil-fueled plants in utilizing the steam heat produced, and they thus require enormous amounts of water to cool the waste heat. In consequence, the plants are being built next to natural bodies of water, thus assuring a continuous flow. The water is passed through a condenser where it becomes anywhere from 11° to 25° Fahrenheit hotter from absorbing the waste heat, and it is then shot back into the body of water from which it came. A one-million-kilowatt nuclear plant, typical of those being planned, requires 850,000 gallons of water a minute for cooling, and in the course of a day this means that almost 1.2 billion gallons of water will be drawn in, heated and spewed out again. That is quite a lot of water. To give an idea, a nuclear plant only half the size now being built at Vernon, Vt. will use more than half the minimal flow of the Connecticut River. With nuclear plants proliferating, estimates are that by 1980 the power industry will require one-sixth of the total freshwater flow from the entire U.S. landmass for cooling. If one sets aside high spring flows, the industry will be using about one-half the flow during the other three seasons of the year.

Thermal pollution from a single nuclear plant can do all sorts of damage to the receiving waters. For instance, thermal pollution decreases the dissolved oxygen content, increases the toxicity of pollutants, makes water turbid (which prevents adequate sunlight penetration), spurs the growth of noxious blue-green algae (the stink of it literally can peel the paint off nearby houses), increases the metabolic rates of fish and other organisms, changes their behavior or interferes with their reproductive cycles, and often kills them outright.

Every species has its own fatal temperature, and fish which are virtually unable to regulate their body heat, live within relatively narrow temperature spans as compared to man or other mammals. Even if a fish is able to survive in water a few degrees below the lethal temperature, it may not be able to thrive because its functions are impaired. In addition to the dangers posed by the hot-water discharge, there are other problems. Small fish or eggs or other organisms can be sucked up the intake pipe and given a fast trip through a condenser, where they are cooked or battered to death. According to a study by Dr. Joseph A. Mihurksy of the Chesapeake Biological Laboratory, up to 95% of the organisms that passed through a power plant on the Patuxent estuary in Maryland died. A plant near a fish spawning or nursery ground could be deadly. Moreover, in order to keep the pipes and condensers from becoming fouled by barnacles and mussels, plant personnel periodically clean them out with acids, detergents or chemicals such as chlorine. These powerful biocides are then flushed into the receiving waters. In salt or brackish water, heavy metals corroded from the condenser are a problem. Copper concentrations can turn shellfish green and make them unfit for consumption.

Given the nature, threat and extent of thermal pollution, one might expect that the appropriate state or federal agencies concerned with water quality or wildlife would be attempting to cope with the problem by insisting that all nuclear plants be provided with cooling devices (to simplify, a closed-circuit system similar to an automobile radiator would suffice) that would offer no thermal, physical or chemical damage to aquatic life.

But for the most part, this is not the case. The Federal Water Pollution Control Administration in the Department of the Interior cannot even attempt to take any action until after a plant has been built, damage inflicted and a protest mounted. In an effort to remedy this, the FWPCA is now in the midst of a bureaucratic wrangle with the Atomic Energy Commission, which licenses all nuclear plants. The FWPCA wants the AEC to deal with thermal pollution during licensing hearings, but the AEC absolutely refuses to do this on the grounds that it lacks statutory jurisdiction. The AEC maintains that it has jurisdiction over radiological hazards only, and if fish are dying from thermal pollution or if a river or bay is rank from algal blooms caused by hot water, well, it is just too bad, but there is nothing the commission can do. This attitude has seemed unreasonable to many persons, including Senator Edmund Muskie, whose Senate Subcommittee on Air and Water Pollution has held extensive hearings on thermal pollution. But the AEC is a power unto itself and not about to be moved. Indeed, it has been said that although Glenn Seaborg, the chairman of the AEC, won a Nobel Prize in chemistry for finding that the impact of neutrons on uranium produces plutonium, he has yet to discover hot water. Alleged lack of jurisdiction aside, the AEC apparently is not interested in preventing thermal pollution because, in the words of Harold Price, its director of regulations, this "would impose a burden on the nuclear that is not imposed on the conventional power plants." Since Price's statement, the Federal Power Commission, which has the say-so over fossil-fueled plants, has taken thermal pollution into account, but the AEC attitude remains the same. If the AEC seems strangely solicitous of the financial investment that power companies would have to make (about 5% to 10% of total construction cost) to stop nuclear plants from frying fish or cooking waterways wholesale, it is worth noting that for years the commission has served as a training ground for utility personnel.

The power companies themselves usually refuse to recognize that thermal pollution exists. In fact, the very term thermal pollution is avoided these days by power officials, who use instead more benign terminology, such as "thermal addition" or "thermal enrichment." As McGregor Smith, chairman of the board of the Florida Power & Light Company, which is planning two reactors on Biscayne Bay, told the Muskie subcommittee with some heat (if that is the word): "The term 'thermal pollution' is so misleading and so injurious to the development of nuclear power that, for the good of the country and the public, it should be discarded. A better, more meaningful and fairer term would be 'thermal effect.' "

On other occasions, power officials have denied that thermal effect/addition/enrichment/pollution defile waterways. This was the case with Melvin D. Engle, chief mechanical engineer for the Pennsylvania Power & Light Company, who wrote an article, *Condensing Water—How Does It Affect the River?*, which appeared in the January 1961 issue of *Mechanical Engineering*. The gist of the article, which dealt with the company's Martins Creek plant, a large, coal-fired plant on the Delaware River, was that "power plants are good neighbors," because a study conducted for the company by the Lehigh University Institute of Research under the direction of Dr. F. J. Trembley revealed "no harmful effects to fish or plant life." A copy of this article was submitted to the Muskie subcommittee last year by Tor Kolflat, a partner in Sargent & Lundy, a Chicago engineering firm which has designed many of the nation's private utility plants, after he testified to substantiate a point about the Delaware. What Kolflat did not produce, as was later made evident by Professor Frank Parker of Vanderbilt University, was another article in the May 1961 issue of *Mechanical Engineering*, by the Lehigh scientists involved in the Martins Creek study. They charged Engle with misstatements that "contradict research findings as reported to the company, or which present 'facts' not established by the research, or which are misleading because of omission or distortion of parts of the data." For instance, Engle wrote there were "no fish kills" from the hot water discharged, but the Lehigh scientists pointed out, "This contradicts the research findings of fish kills in the heated water the river as well as in the effluent canal, as given in three different progress reports. These reports included direct observations of fish in the river actually seen dying with symptoms known to be associated with heat death."

Given the intransigence of the AEC and the utilities which the commission is supposed to police in the public interest, it is no wonder that opponents of thermal pollution have become angry. One of the fiercest battles has been fought in the northwest, where six nuclear plants are planned for the Columbia River, the first a one-million-kilowatt nuke to be built by Portland General Electric Company at Rainier, Oreg., near the mouth of the river where the fishing is still good. Originally, the Columbia was a surging cold-water river, but in the past 30 years it has become a quiet staircase of dammed warmwater lagoons.

To many fishermen, the nuclear plant at Rainier promised to be the straw that would break the Columbia's back. The Washington State Sportsmen's Council immediately launched a program of resistance to the nuke. Last spring when E. C. Itschner, a vice-president of Portland General Electric, said that the hot water discharged from the nuclear plant would raise the river temperature only three-tenths of 1°, L. H. Mabbott, then president of the council, branded the statement "a fairy tale." Mabbott pointed out that the plant would be on a tidal stretch of the Columbia, and instead of moving down and out the hot water would slosh back and forth, putting a thermal plug near the mouth of the river.

In September, Dr. Richard W. Van Driel, the new president of the Washington State Sportsmen's Council, denounced Portland General Electric for issuing bids for construction of the Rainier plant "without permit or license of any kind or plans for the protection of aquatic resources." Dr. Van Driel noted, "The public has a right to know what the plans are for disposition of the heat from these huge plants before licenses are issued and before financial commitments are made."

Three months ago Portland General Electric announced it would install a cooling system at its Rainier plant. Says Dr. Van Driel: "We're not relaxing one bit. We've still got to be on guard. We won't let the pressure off."

Three thousand miles to the east a savage fight rages over nuclear plants not far from New York City. Despite localized heavy loads of organic pollution,, many northeastern rivers and estuaries still support immense stocks of fish. Knock out one or two key estuaries and goodby fish. For instance, the striped bass spawned in the Hudson River eventually spend part of their adult lives on the north Jersey coast down to Barnegat Bay and in Long Island Sound, administered by the states of New York and Connecticut. Thus, nuclear plants on the Hudson, the Jersey shore or one either side of the Sound may imperil bass, the most sought-after fish in the region, and as of now unchecked nukes are in operation or under consideration in all three areas.

The Hudson, the basic source of supply, is the most endangered, and it offers the classic case in nuclear fish kills to prove the point. In the fall of 1962 a relatively tiny nuclear plant (265,000 kilowatts) began operation at Indian Point, a former park, on the river 40 miles above the Battery. This Consolidated Edison Company plant fronts on important grounds for both young stripers hatched upriver and for mature bass that migrate from the coast to spend the winter before spawning in the spring. During the first six months of operation, the Indian Point Plant killed tons upon tons of fish.

Although an attorney for Con Ed later admitted to a congressional committee investigating the kill that "the Indian Point thing was bad, there is no question about it," the company was not required to pay any indemnity—the standard fine for a private citizen is $27.50 or more for each fish—and soon applied to the AEC for a license to build a larger plant next door to the first. This plant will be completed next year, and a third one next to the others is scheduled for operation in 1971. When all three units are in operation, they will shoot back 2.1 million gallons of water a minute into the Hudson at a temperature 16.4° hotter than the river. Con Ed also has plans for a fourth unit near Indian Point, and last spring the company announced it was going to put more nukes at unspoiled Montrose Point two miles south of Indian Point. This came as a surprise to the Catholic Kolping Society, which owns a 52-acre estate there and had no idea of selling, even though the Con Ed blueprint called for this land to serve as the heart of the project. It probably also came as a surprise to Chairman Charles Luce, who, only a month earlier, had written a stockholder that Con Ed could not put another nuke on the river, because it would "heat the waters of the Hudson too much." The Kolping Society has since refused offers from Con Ed to pack up and get out, and Con Ed has threatened to institute condemnation proceedings.

Besides Indian and Montrose Points, other nukes are rumored for this stretch of the Hudson, which would boost the total number to eight or nine, easily the greatest single concentration of plants in the world.

When directors of the Hudson River Fishermen's Association met with Con Ed officials last May to point out that hot-water discharges from proposed nuclear plants would violate state standards for tidal saltwater, Arthur Pearson, a senior engineer for Con Ed, said that the utility was going to get the state to classify the lower Hudson as a freshwater stream. This was apparently too much even for state officials, who now are simply trying to rejigger temperature standards to benefit all the utilities.

Long Island Sound is also in for a rash of plants. The United Illuminating Company of Bridgeport has a plant at Millstone Point, Conn. that will begin operation in a year, while the Connecticut Yankee nuke at Haddam Neck, 20 miles up the Connecticut River from the Sound, has been operating since 1967. Last Aug. 8, *The Middletown* (Conn.) *Press* reported that a party of canoeists going down the Connecticut had taken temperatures of 97° near the plant while 1,000 yards upstream the water temperature was only 72°.

The United Illuminating Company plans a huge nuke in Westport, Conn. on wild Cockenoe Island, a short distance offshore from the Westport town beach and the largest public beach in Norwalk. United Illuminating does not even serve the Westport-Norwalk area, and the company was not very illuminating about purchasing the island, keeping its ownership secret for more than a year. Public outcry has induced State Representative Edwin Green of Westport to introduce a bill in the state assembly, which, if passed, will amend the present law and give a town's power of condemnation priority over a utility company's right of eminent domain.

On the other side of the Sound, Long Island Lighting Company is planning two nukes at Shoreham, and the company is also seeking to acquire a site on Lloyd Neck, where a local organization, the Lloyd Harbor Study Group, composed largely of energetic housewives, is ready to do battle. On the western end of the Sound, Con Edison recently acquired David's Island from the city of New Rochelle. Four one-million-kilowatt reactors are to go there with no cooling devices, because, as a Con Ed executive erroneously says, "the water in Long Island Sound is changed daily by tides." The city fathers are immensely proud of the deal because of the tax revenues they claim New Rochelle will reap, but opposition has developed in the form of two new organizations, Citizens for a Second Look and the Long Island Sound Association, which Dom Pirone, who fishes for striped bass in both the Hudson and the Sound, helped to organize. The Long Island Sound Association is not only attempting to coordinate all nuclear opposition on the Sound but has joined forces with the Hudson River Fishermen's Association and other groups outside the area, including the Citizens Committee to Save Cayuga Lake in upstate New York.

The Cayuga Lake fight is interesting because it pits a utility, the New York State Electric and Gas Corporation, not against housewives, however energetic they may be, but against a bristling platoon of Cornell faculty. The controversy started last winter when a local paper reported that the utility company was planning to put a nuke to be called the Bell Station on the east shore of Cayuga, 16 miles north of Ithaca. The Bell Station was to be an 830,000-kilowatt plant, and to cool the condenser, the plant would take in and shoot back 750 million gallons of water a day 25° hotter than the bottom temperature of the lake. Dean Arnold, a research fellow in biology at Cornell, called the company to ask for more information, and he was told, "We are not in the habit of discussing our plans with the public." That was enough to fuel indignation at Cornell.

The Citizens Committee to Save Cayuga was formed and responded in a number of ways. Most importantly perhaps, it had 17 Cornell scientists, led by Dr. A. W. Eipper, prepare a paper to state the case against the plant. The paper, "Thermal Pollution of Cayuga Lake by a Proposed Power Plant," points out that Cayuga, like the other four Finger Lakes, is very deep and cold. From top to bottom, it is stratified into warm and cold layers during the summer and mixes throughout the winter when it turns over. During the turnover, dissolved oxygen in the upper layer is imparted to the colder bottom layer, and the bottom-dwelling species, such as lake trout, are able to live only because of this once-a-year replenishment of oxygen. The Bell nuke, however, would draw cold water from 100 feet below lake level, heat it and then discharge it at the surface. This would be ecologically disastrous to the life forms naturally acclimated to Cayuga. For one, it would upset the oxygen mixing cycle so that the lake trout would be hard put to survive, and for another it probably would turn Cayuga into a floating salad bowl of weeds and algae. In sucking up water from near the bottom, the plant would ingest nutrients that are inert from lack of sunlight. But spewed out and released into the upper layers, these nutrients—nitrates and phosphates—would become active fertilizers for plant growth. Four towns use the lake for drinking water, and blue-green algae, which imparts a disgusting taste to water, could only be eliminated at great cost. If need be, the committee is preparing to go to court to stop the utility from fouling the lake.

Any court case brought in New York State to prevent a utility from thermally polluting waters is likely to prompt the state itself to appear on the side of the polluter. The present state administration is nuclear happy, more so than any other state in the Union. A resident of Washington State who objects to thermal pollution only has to do battle against a weak state water-pollution agency and the AEC, but a New Yorker is forced to fight both the AEC and the State Atomic and Space Development Authority, a newly created bureaucracy that has so much muscle it makes the AEC look like a 97-pound weakling. This authority came into powerful existence last May when Governor Nelson A. Rockefeller, a firm believer in nukes for reasons not yet clear, pushed a bill through the closing session of the state legislature. The governor is an overwhelming figure in the state, not only by virtue of his office, but because he is the major contributor to state election campaigns, and he underwrites individual candidates as well. When Rockefeller says a bill is a must, he gets a quick response. No public hearings were held on the bill; indeed, it was just about impossible for an outsider to find a copy. The bill went through in record time; some legislators have since privately admitted that they did not even bother to read its provisions. Briefly, the bill gives the atomic authority immense powers and specifically charges it with "the maximum development and use of atomic energy. . . ." It is to have enormous sums of money at its command to subsidize both public and private plants. It has the power to condemn any lands in the state. Moreover, the authority is not subject to any of the state public service or conservation laws. In the language of the bill, all such laws are "deemed to be superseded," and should any provision of these laws seem to be in conflict with the authority this provision shall be "deemed to be superseded, modified or repealed as the case may require."

As a result of the power industry's refusal to recognize thermal pollution, a number of persons who were originally willing to live with nuclear power have begun to raise other questions. And with good reason. For instance, David Lilienthal, the first chairman of the AEC, expressed grave reservations in his book, *Change, Hope, and the Bomb,* about the potential hazards posed by nuclear plants. Then there is the Scientists' Institute for Public Information, which has shown serious concern for insufficient safeguards and the emission of pollutants during normal plant operation. SIPI's membership includes some of the most distinguished and respected names in science. The purpose of SIPI, which has its headquarters in Manhattan, is to provide scientific information to the lay citizen who is interested in nuclear energy and environmental contamination. SIPI publishes a magazine, *Scientist and Citizen,* where articles have dealt with the release of various radioactive pollutants such as Krypton 85 and Iodine 131 from nuclear plants, and the effect such emissions may have, say, on the human body. Indeed, the whole frightening problem posed by nuclear plants is succinctly dealt with in a new book, *The Careless Atom,* by Sheldon Novick, associate editor of *Scientist and Citizen*. Last September, several members of SIPI, including Dr. Barry Commoner, director of the Center for the Biology of Natural Systems at Washington University, appeared at a conference at Stratton Mountain, Vt., sponsored by the Conservation Society of Southern Vermont, on the subject of nuclear power and the environment. The Federal Power Commission, the Fish and Wildlife Service and state and local agencies sent representatives to speak at this dispassionate, coolly clinical forum, but the AEC, which had been invited to attend, refused.

All the protests against the nukes have not been without effect on the federal level. Senator Edward Kennedy of Massachusetts plans to reintroduce a bill in the current session of the Senate which would call for a two-year moratorium on nuclear plant construction. During this period, siting studies would be conducted, a thoughtful overall policy made on power requirements and hazards eliminated. Representative Richard Ottinger of New York will introduce a similar measure in the House.

Curiously, the power industry couldn't seem to care less. It's still full steam ahead. A recent article in *Nuclear News,* a trade publication, made a joke out of thermal pollution. A supposed ecologist was quoted as saying. "Who says a shift in wildlife balance is bad? If an accidental 5° rise will kill salmon in the Columbia, why not a 20° rise—on purpose—to create an Amazonlike home for species of greater importance? Angelfish bring far more per pound than salmon. What sportsman would settle for trout when he could catch piranha?"

Quips like this do not prompt laugh-ins by fishermen or other concerned citizens, but it is surprising that in its search for suitable tropical fish to replace salmon *Nuclear News* did not mention the leaf fish (*Monocirrhus polyacanthus*), which will eat only living fish and demands seven meals a day. As the late A. J. Liebling wrote more than 30 years ago after observing the leaf fish in the New York Aquarium, "It has a profile like a public utility executive and an appetite to match."

SOUTHERN CALIFORNIA ACRO TEAM

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. HOSMER. Mr. Speaker, California is justifiably proud of its record in both amateur and professional sports. We have provided more major league baseball players than any other State. We have more professional athletic teams in all sports than any other State. And I suspect that some enterprising sportswriter might well prove that if California had been competing as an independent nation in the Mexico City Olympics, it might have defeated every other country except, perhaps, the Soviet Union.

And Long Beach, Calif., is probably the most sports- and recreation-minded city in that sports- and recreation-minded State. Long Beach played host to the 1968 Olympic trials in the aquatic sports and gymnastics, building the $3.7 million, 3,000-seat Belmont Plaza Olympic pool especially for the swim trials.

One of the newest championship additions to the athletic picture in Long Beach is the southern California acro team, a group of 40 girls aged 5 to 22 who comprise the outstanding women's gymnastics team in the United States.

They call themselves the Scats and they are coached by Bud Marquette, former national and Olympic coach. In addition to being the 1968 junior and senior national champions, the Scats placed two girls on the 1968 U.S. Olympic team—Wendy Cluff and Cathy Rigby. Through their efforts, the U.S. team placed higher in the all-around category than ever before in U.S. Olympic history.

This remarkable group of young ladies has been invited to compete in the United States in the World Gymnaestrada at Basel, Switzerland. In order to finance the trip, they are attempting to raise $35,000 through private, tax-deductible donations.

This is an outstanding group, and its record of 112 victories and only two defeats indicates it will be a creditable representative for the United States at Basel. I am certain all my colleagues will join me in wishing the Scats every success in their fundraising drive and at the Gymnaestrada competition in Switzerland.

A DISGRACE

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. KUYKENDALL. Mr. Speaker, at long last the disciples of violence and confusion in this country have exposed themselves fully to the American people. The actions of the self-styled pacifists, champions of the poor, and crusaders for a new order last weekend during the ceremonies to inaugurate a new President have shown that they are not interested in solutions but in conflict. They have made it clear that their objective is revolution and the destruction of America. They want to put an end to everybody's freedom but theirs. They have made it clear that they have no constructive goals, but want to deprive others of what most of us have honestly earned through sweat and toil.

Many Members of this body pleaded with the Attorney General and the Secretary of the Interior not to issue the permit for such a demonstration. Ensuing events proved that those of us who took this stand were right.

The actions of the dissidents over the weekend were disgusting in the eyes of the Nation and the world. For the first time since they have become the focal point of national news the public was made aware of their obscenities, and they stopped at nothing.

They besmirched the parade route with their foul mouths until mothers held their hands over the ears of their children to save some shred of respectability for a solemn and sacred occasion. In their depraved madness they tried to disrupt various events by vicious acts of sabotage and by throwing manure at decent people honoring a great moment and a new President. They painted Vietcong slogans across the front of Constitution Hall. They threw tacks across the public highway to endanger property and safety. They attempted to tear down the American flag; and in fact, did burn a number of flags.

Thank God, their excesses have at last exposed them for what they are—brutal, vicious, depraved apostles of the worst type of society akin to that espoused by the Fascists, the Nazis and the Communists.

I hope, Mr. Speaker, the message has now been made clear to the Members of Congress, to our courts, and to our law-enforcement agencies. America wants no part of these stormtroopers and that, henceforth, there will be no negotiations for permits to destroy our sacred institutions, no tolerance of criminal acts in the name of free expression.

Legitimate dissent will always be protected in our country, but from this day forward let us serve notice that those who engage in treason and anarchy will be dealt with as traitors and anarchists.

The following editorial from the Washington Evening Star of January 22, states the case clearly against coddling these criminals.

A DISGRACE

For the first time in our memory the lunatic fringe tried with some success this week to disrupt the inauguration of a President of the United States.

They didn't quite get to President Nixon. But the automobile in which he was riding with his wife was the target of a dozen or more missiles thrown by about 400 of those so-called "demonstrators" who had assembled near Fourteenth street and Pennsylvania avenue. Despite the presence of police, National Guardsmen and paratroopers, the hoodlums shouted obscenities and made obscene gestures toward the President and Mrs. Nixon. At that point, it appears, there were no arrests.

Later on, 82 arrests were made. This was after these "demonstrators," about 1,000 in all, had split up into gangs and taken to the streets. To screams of "kill the pig," they knocked down and beat a policeman. Stones, some as big as paving blocks, were hurled at police cars, breaking windshields and denting car bodies. Windows in several establishments, including St. John's Church, were broken. Then came more attempts to bait the police with obscenities and gestures. And most of this within a block or so of the White House.

As the police moved in several "youths" shouted: "It's just like Chicago," which it wasn't. Police, doubtless under orders, were notably restrained, a fact attested by the minor and relatively few injuries inflicted.

This, however, is beside the point. Police restraint is a good thing after the street fighting starts. No one would urge that these hoods should have been mercilessly beaten. But the fact remains that their performance was an outrage.

The right of protest and of peaceable assembly is one thing. Violence is something else again. And violence ought to be choked off at the very outset. The authorities knew, for the most part, who the potential troublemakers were and where they were. They should have been rounded up and taken away before, not after, they got out of hand.

To have done this, of course, would have brought forth anguished cries about violated constitutional rights. But there is another right at stake here—the right of a newly-chosen President to be inaugurated in the Nation's Capital without becoming the intended target of crackpot violence. If we are going to temporize with this sort of thing, if the lunatic fringe is to get the kid-glove treatment, the threat to future inaugurals surely will increase.

A GREAT AMERICAN DIES

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. STEIGER of Arizona. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following column written in tribute to a great American, Mr. Virg Hill, who just died. As a reporter and columnist for an Arizona newspaper, his articles on government and politics were astute and always worth reading and mulling over. We shall all miss him. The column follows:

A GREAT AMERICAN DIES

Virg Hill will not write of the Arizona political scene again. Arizona will be poorer for his passing. Virg had the unique ability to write something positive about the worst of us and to see the merits of both sides of all issues. He had an uncanny knack of getting through the verbiage and pomposity that inundates all political issues and to come up with the issue unadorned.

His keen wit and articulate but gentle

needle made him much in demand for public speaking, a capability not found in many journalists.

How many political figures in Arizona have sought his council will never be known, for he was not one to boast of his influence. I know that all those that did receive an honest and forthright appraisal and any confidences were respected in a manner that is almost certainly unmatched in the history of political journalism.

His approach was genuinely nonpartisan, his concern was genuinely Arizona and his method was all Hill.

His comparison of Arizona and Kansas politics were a delight.

If all representatives of the media had Virg Hill's ability and honor, this would be a better world.

STATEMENT BY HON. DOMINICK V. DANIELS, OF NEW JERSEY, ON H.R. 766

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. DANIELS of New Jersey. Mr. Speaker, I have introduced H.R. 766, to amend title 39, United States Code, to provide an established workweek, a new system of overtime compensation and night work differential for postal field service employees, and for other purposes. I take this time to explain my bill and request my colleagues to favorably consider this legislation.

Well over 3 years have passed since the Congress enacted Public Law 89-301 which most of us assumed and certainly hoped would end, once and for all, the archaic post office practice of giving our dedicated postal employees compensatory time off in lieu of overtime.

Indeed, it was my understanding that this law was further designed to establish a basic Monday through Friday workweek—most of the time, for most employees.

In other words, we passed a law to stabilize, insofar as possible, the working conditions in the Nation's post offices and, in particular, to insure reasonable overtime pay beyond the normal 40-hour workweek consistent with prevailing practices in the private sector throughout the Nation.

Public Law 89-301 has failed of its purpose, and has done so on a continuing and coast-to-coast basis. Not only do thousands of postal clerks feel disillusioned, but their morale has also suffered. Under the circumstances it is not surprising that we hear so much these days of inefficiency and unrest among the rank and file of postal employees.

As a matter of fact, it may interest my colleagues in the House to know that one postal union—the United Federation of Postal Clerks, AFL-CIO—has brought action in the Federal courts of the District of Columbia seeking a ruling by the courts interpreting the law and a halt to the Department's alleged violations of its provisions. At the moment, an appeal by the union is pending in the U.S. District Court of Appeals here in Washington.

This is not a new issue. More than 3 years ago, I introduced legislation which, had it been enacted, would have ended most of this controversial rescheduling of career annual rate regular postal clerks and other employees. Unfortunately, Senate amendments to this version had to be accepted in the closing hours of the first session of the 89th Congress if we were to have any law at all.

Again in the 90th Congress, I introduce H.R. 5407 as an amendment to Public Law 89-301 when it was already evident that additional legislative action was needed to enforce the principles of the law. Unfortunately, this legislation died with the 90th Congress.

On the opening day of the 91st Congress, I again introduced new legislation to achieve these old but still worthy objectives. That bill is H.R. 766 and, in my judgment, it deserves the prompt and serious consideration of the Congress.

Simply stated, H.R. 766 would achieve these ends:

First. It would estabiish beyond all challenge a basic, permanent, Monday-through-Friday workweek in the postal service composed of five 8-hour days with overtime pay for all employees who work in excess of 8 hours in any one day.

Second. It would require payment of 150 percent of basic hourly pay—that is time and one-half—for all work in excess of 8 hours in 1 day and for work on Saturdays.

Third. It would require payment of 200 percent of basic hourly rates—that is double time—for work on Sundays and legal holidays. It further provides for 250 percent of basic hourly day pay for work on Christmas Day.

Finally, I have included in H.R. 766 something new, something not included in the previous versions, and yet again something that is long overdue—some 40 years overdue, I might add.

A final provision of my bill would increase from 10 to 20 percent the night differential paid to postal employees who work between the hours of 6 p.m. and 6 a.m.

I say this increment for the men and women who move the mails during the long, lonely hours of the night is overdue—for the 10-percent night differential was enacted by the 70th Congress back in May 1928, more than 40 years ago.

Surely times have changed sufficiently in 40 years of our history to warrant a more generous scale of pay for those dedicated employees—most of them family men—whose duties require them to apply their talents in the dark reaches of the night to the all-important job of keeping the mails moving.

We hear and read a great deal these days about the need for better postal service, for improved management techniques, for automation, and all the rest of it. I submit that a few simple changes, such as I have outlined and such as are embodied in H.R. 766, would go a long way toward achieving the renewed dedication and the pride of craftsmanship that are the principle keystones of any human enterprise and lacking which no human institution—including the postal service—can hope to fulfill its mission.

PRESIDENT NIXON'S POLICY FOR RURAL AMERICA

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. EVINS of Tennessee. Mr. Speaker, President Nixon said in a recent article that today's rural problems are the urban problems of tomorrow. It is most encouraging as the new President takes office to know that he believes in equal opportunity for rural America.

President Nixon made this observation in the article which appeared in the magazine Rural America:

> We are beginning to see that what we call the urban problem has its roots in our rural areas. What I here purpose is that we deal with this problem at its source, instead of attacking it only at the point of its great visibility.

This has been my belief and philosophy for many years and I am delighted to learn of the strong position which President Nixon has taken on the matter of rural development.

In this connection I am placing in the RECORD the article from Rural America. The article follows:

EQUAL OPPORTUNITY—OUR POLICY FOR RURAL AMERICA

We are beginning to see that what we call the urban problem has its roots in our rural areas. What I here propose is that we deal with this problem at its source, instead of attacking it only at the point of its greatest visibility.

"Ill fares the land, to hastening ills a prey . . ." was written of the English countryside nearly 200 years ago. But it might be written of rural America today.

Our rural areas are being depleted of people. Since 1960 the farm population has been declining at an annual rate of about 6 percent. From 1960 to 1967 the farm population declined by 4,818,000. The Department of Agriculture anticipates further out-migration.

This out-migration from our small towns and rural areas is largely the result of an agricultural revolution. Inadequate and unwise farm policies have contributed to the trend. Witness the lowest wheat prices in 26 years. Our farm population has fallen from 18 percent of the total population two decades ago to about 5 percent today.

What becomes of these people? Most of them move into our great cities. Without necessarily desiring it and almost by default, we are becoming an urban society. Seventy percent of our people now cluster in cities that cover one percent of our land. If present trends continue unchecked, by the year 2000, 80 percent of our people will be living in urban areas and most of them will be crammed into five super metropolitan areas.

By generating a kind of "urban crush," this creates problems in the cities to which they go. By de-populating the countryside, this creates problems in the rural areas and small towns.

But move they must, if there are no nearby jobs.

Seemingly, almost everything has conspired to prevent the creation of jobs in rural areas:

Federal farm programs have cut our cotton crop to 10 million acres, compared with 43 million acres before the programs begin. Tobacco acreage is now only half as great as 35 years ago.

Local communities have not had the resources, the services and utilities needed to attract industry.

Industry, which has been urban-minded, has not sufficiently sought to decentralize.

The rural labor force lacks the wide range of federal employment services available to urban workers.

Education policies have discriminated against the poorer areas. For example, the Elementary and Secondary Education Act of 1965 provides more than twice as much help per pupil to the counties ranking *highest* on the index of rural well-being as it does those ranking *lowest* ($350 as against $157). (Manpower Report of the President, April 1967, Page 116.)

WE MUST EXPAND OPPORTUNITY

Today's rural problems are the urban problems of tomorrow. The American people want a better balance between the rural and the urban sectors. There should be expanded opportunity for those who wish to live in the country to find decent work there, to have access to good education and health services, and to pursue a way of living that gives diversity and balance to our economy.

What the American people really want and will work for, they can have. We are not the helpless objects of blind economic forces; we are capable of shaping our own future.

The future vitality of our small towns and rural areas depends largely on sound planning. Our states and localities should make a greater effort to develop land use plans based on the community's available human and natural resources. This is an essential first step to diversify and to strengthen the economic base of our rural areas.

IMAGINATION AND PLANNING

Imaginative and comprehensive land use plans will open the way to the location of new industries in small towns and rural areas. Local, state and national tax policies can also provide realistic and effective economic incentives to attract industry. Improved transportation facilities, better schools, and more extensive public utilities in rural areas will also serve the same goal. The Federal Government can help in a very direct way by placing more emphasis on the dispersal of Government contracts to small towns and rural areas wherever possible.

An essential ingredient for broadening the economic base of small towns and rural communities is an improvement in the skills and education of the rural citizen. This creates an economic inducement to industry as well as a wider economic opportunity for the individual. In practice, it means better education of all kinds, at all levels: elementary, secondary and advanced; vocational technical and academic; continuing education for adults, apprenticeship, retraining and all the rest. It means on-the-job training as proposed in the Republican-sponsored "Human Investment Act."

What is here proposed is not a blueprint for the economy, with a certain calculated number of people on farms or a carefully computed balance between rural and urban areas. Rather, I propose that we redress the imbalance in education and opportunity which has worked to the disadvantage of the rural areas and threatens to make America predominantly urban.

To undertake the actions I propose does not introduce a rural bias; rather, it would overcome the neglect that has contributed to rural deterioration that in turn has contributed to the urban bias, largely unintended, that has been allowed to develop. I propose that we provide the equality of opportunity which will give our people a chance to develop the kind of society they want. If this is done, we can safely leave with the people themselves the decision as to the balance between rural and urban living.

OPPOSITION TO THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARY RECOMMENDATIONS

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. FLOWERS. Mr. Speaker, I oppose the executive, legislative, and judicial salary recommendations made by the President in the budget for the fiscal year ending June 30, 1970. Further, I add my support to the resolutions disapproving these recommendations.

My opposition is based upon principle and conscience, and not upon the amount of the increases, even though this also appears to be exorbitant. It should be noted that the 90th Congress last year approved the act creating the Commission whose report to the President formed the basis for the President's recommendations. It is my firm opinion that the 90th Congress acted unwisely and perhaps in the fringe of constitutional permissibility in establishing the Commission to which we have referred. By its action, the 90th Congress abdicated the responsibility given to the Congress under the Constitution to fix the salary of its own Members as well as salaries in the other branches of Government. The Commission was composed of leading citizens and their findings reflecting a present imbalance between Government and industry salaries are no doubt justified. However, this is not the issue.

This Nation of ours is going through a period of great inflation. The Secretary of the Treasury has even talked in terms of the desirability of unemployment increases as a means of controlling this inflation. It does not behoove the Congress to allow a raise of its own pay and the pay of other elected and appointed governmental officials in this time of spiraling inflation. Indeed, the Congress should provide leadership and example to Americans everywhere. Henry Clay once said:

> Government is a trust, and the officers of the Government are trustees and both the trust and trustees are created for the benefit of the people.

This trust, in which we all participate, takes the form of a solemn contract of obligation between the Congressman—or other elected official—and those who have elected him to that office. When a man seeks public office, he should know full well what the pay and emoluments of that office are. By offering himself for election, he is agreeing to serve for that stipulated sum during the term to which he is elected. It is, in my judgment, a breach of trust with the people to increase the pay and the emoluments during a term covered by the most recent election. If pay is to be increased, let the increase begin 2 years from now in order that the trust not be violated.

Under the present circumstances created by the 90th Congress, no action is required on the part of this 91st Congress in order for the President's recommendations to take effect, but, as for me, I stand in opposition to the same and will support the resolutions of disapproval in this House.

THE LABOR-MANAGEMENT TRUST FUNDS FOR SCHOLARSHIPS AND DAY CARE CENTERS

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. THOMPSON of New Jersey. Mr. Speaker, I am today introducing legislation to amend section 302(c) of the Labor-Management Relations Act to permit employer contributions to jointly-administered trust funds voluntarily established to finance educational scholarships for employees and their dependents, or to finance day-care centers for the young children of employees. I am pleased to report that 16 of my colleagues, from both sides of the aisle, have joined me in sponsoring this measure. An identical bill was passed by the House with broad bipartisan support in the closing days of the 90th Congress.

Section 302 of the LMRA prohibits payments by employers to employee representatives for purposes other than those set forth in section 302(c). Section 302's broad prohibition was enacted to prevent bribery, collusion, and other corrupt practices; it was not designed to outlaw labor-management cooperation for laudable ends, where adequate safeguards exist. Therefore, the Congress has approved in section 302(c) several exceptions to 302's general prohibition, including payments to funds for medical care, pension, vacation, and other programs. The legislation introduced today will add a seventh exception to section 302's prohibition, and will thus validate employer contributions to joint trust funds established to finance educational scholarships or child-care centers for the benefit of employees and their dependents. I should stress that this bill would not require such contributions, and would not require the establishment of such trust funds. Further, the bill specifically sets forth that no employer or labor organization shall be required to bargain about the establishment of these funds.

In my judgment, the merits of this bill are clear. It would encourage voluntary participation by the private sector of our economy in meeting two urgent needs: The financing of advanced education for the children of working parents, and providing adequate day-care centers for the young children of working mothers. It will help meet these needs not by appropriating Federal moneys, but rather by enlisting the wealth and creativity of our private enterprise system.

It is my hope that it will be possible to enact this bill into law with all reasonable speed. I believe it is an extremely constructive measure, which promises benefits to employers, employees, and to the Nation.

NEW BLACK UNITY: DR. KING HOLIDAY

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. MIKVA. Mr. Speaker, on January 16, 1969, I introduced a bill, H.R. 3807, to designate January 15, the birthday of Martin Luther King, Jr., a national legal holiday. In doing so I joined the gentleman from Michigan (Mr. CONYERS) and several Members of the Senate including Senator BROOKE of Massachusetts. Support for this well-deserved tribute to a great national leader has been growing, not only in my own State of Illinois, but throughout the Nation. An article which recently appeared in the Chicago Daily News indicates the extent to which this proposal has the support of blacks, both militants and nonmilitants, in the Chicago area. I wish to include this article in the RECORD as an indication of the united and growing support for the Martin Luther King, Jr., national holiday idea.

Support for the January 15 legal holiday proposal is coming, moreover, Mr. Speaker, not only from blacks but from all segments of the community. This is because it is recognized that to honor Martin Luther King, Jr., is not only to honor a black man, although black he was, nor is it only to honor a great leader in the nonviolent civil rights movement in America, although the preeminent leader of that movement Dr. King indisputably was. Rather, the designation of Martin Luther King, Jr.'s, birthday as a national legal holiday would be a recognition of the greatness of this man as a dedicated and compassionate human being, as an inspired and inspiring leader of men, and as an apostle, in the truest sense of the word, of the cause of peace. The establishment of a Martin Luther King, Jr., national holiday would, in short, Mr. Speaker, indicate that this Nation has reached a point at which it can, without reference to a man's creed or the color of his skin, honor greatness where greatness is shown, recognize leadership where leadership has been so inspiringly exercised, and pay tribute to restraint, compassion and a sense of moral justice when those qualities are so sorely needed in this Nation.

Recently, Mr. Speaker, I was advised that the Woodlawn Business Men's Association, an active, and integrated, Chicago businessmen's group, voted its support for the Martin Luther King, Jr., birthday-holiday proposal. Mr. Marshall Stern, president of the association, informed me on January 17, 1969, that the association had passed and sent to me and to the Southern Christian Leadership Conference the following resolution:

> The Woodlawn Business Men's Association resolves that we are in favor of January 15th, the birthday of Martin Luther King, Jr., being designated as a national legal holiday.

It is my great pleasure, Mr. Speaker, to include this resolution at this point in the RECORD, for I feel that it demonstrates far more eloquently than I could the support from both whites and blacks for the proposal to honor Dr. King's memory.

Another example of the meaning which a Martin Luther King, Jr., national holiday would have to citizens of all ages is the number of letters from younger members of my district urging this action upon the Congress. The significance of Dr. King's ideals to millions of Americans was forcefully brought home to me by the simple words of one young constituent:

> He was fighting for our country too. I think that he was the first to talk about nonviolence.

These two essential thoughts which Dr. King symbolizes in the minds of so many Americans—the struggle to build a better nation and the attempt to do it by peaceful means—are part of the reason that I have sponsored this legislation.

Yesterday I received a letter from Rev. Calvin S. Morris, associate director of the Southern Christian Leadership Conference's Operation Breadbasket. Operation Breadbasket, Mr. Speaker, is the outstanding example I have seen of self-help efforts among black Chicagoans. Reverend Morris sent to me petitions signed by members of the Southwestern Baptist Church, 8640 South Michigan Avenue, in Chicago. These petitions, addressed to the President and the Congress, urge that legislation to establish Martin Luther King's birthday as a national legal holiday—legislation such as I introduced last week—be passed. The petitions are signed by close to 75 petitioners, many of them residents of my district, the Second Congressional District of Illinois. Here is yet another example of the strong and growing support for the Martin Luther King, Jr., national holiday proposal.

The support which I have described here, Mr. Speaker, comes from groups ranging from the Catholic Interracial Council to the Concerned Transit Workers of Chicago. In this time of growing racial tension and distrust, no action by the Congress would provide more tangible evidence of our concern for the cause of peaceful improvement of race relations, and of our respect for nonviolent efforts by blacks themselves to erase the last vestiges of the cruel and shameful policies of segregation and discrimination, than the designation of a Martin Luther King, Jr., national legal holiday.

The newspaper article referred to follows:

[From the Chicago (Ill.) Daily News, Jan. 15, 1969]

NEW BLACK UNITY: DR. KING HOLIDAY

(By L. F. Palmer, Jr.)

The declaration of Dr. Martin Luther King Jr.'s birthday as a holiday by several black groups is an indication of the current mood of blacks and of a growing unity in the freedom movement.

The Rev. Jesse Jackson, national director of Operation Breadbasket, Monday called for black people to stay away from work or school Wednesday to mark the birthday of the man who introduced nonviolence as a weapon in the Negro's struggle for freedom.

The young minister said both President-elect Richard M. Nixon and the Congress have been asked to declare January 15 a national holiday in honor of Dr. King. The same request has been made locally to Mayor Richard J. Daley.

"But we don't need permission from downtown," Mr. Jackson said. "All we need is a commitment to our own needs."

Cooperating with the Southern Christian Leadership Conference, the parent organization of Operation Breadbasket, are some 15 organizations.

Significantly, they include the same groups that banded together to provide support to the Rev. George Clements and the Rev. Rollins Lambert in the controversy over John Cardinal Cody's naming of a black pastor to St. Dorothy's Roman Catholic parish.

This is a confederation with degrees of militancy spanning the spectrum. By joining in a second project, the organizations are giving clear indications of a unity move.

According to the latest public school head count, announced last November, there are 306,848 black pupils attending the city's public schools. This is 52.9 percent of the total. How many will observe the holiday cannot be predicted.

There are 7,467 black teachers in the city system, about a third of the total. Among the groups supporting the Wednesday holiday is the Teachers Division of Operation Breadbasket.

The Chicago Urban League estimates that there are 400,000 to 450,000 black workers in the Chicago area.

Mr. Jackson said the Rev. Ralph Abernathy, who succeeded Dr. King as president of SCLC, issued the call for a national holiday.

According to Mr. Jackson, Nixon has not "given his position" on a King holiday.

"We have asked the administration to enter into a coalition with us and we will wait until shortly after Mr. Nixon's inaugural," Mr. Jackson said.

"But we have decided we will be free, not according to the administration's time table but according to our own."

The black holiday also will be marked by a memorial service at Fellowship Baptist Church, 45th Place and Princeton, at 11 a.m.

The groups sponsoring the Wednesday holiday, aside from Operation Breadbasket, are the Afro-American Fireman's League, the Afro-American Patrolman's League, the Black Consortium, Black Panther Party, Black Priests Caucus Catholic Interracial Council and Chicago Conference of Laymen.

Also, Committee for One Society, Concerned Black Catholics, Concerned Transit Workers, St. Dorothy Parish Council, Inner City Priests Council, Martin Luther King Laymen's League, Black P Stone Nation, and Jobs Now.

OVERWHELMING MAJORITY OF SMALL BUSINESSMEN IN NATION SUPPORT RURAL TAX INCENTIVE BILL

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. EVINS of Tennessee. Mr. Speaker, on the opening day of the 91st Congress—January 3 last—I introduced H.R. 799, a bill to encourage rural development through tax incentives for industrial and commercial development.

As one who has fought through the years for increased emphasis on rural development, it is encouraging to note that the importance of building a stronger rural America has been endorsed by a poll of the membership of the National Federation of Independent Business, Inc., an organization representing more than a quarter million small businessmen.

In a news release the Federation reports that a recent poll showed that two-thirds of the Nation's small businessmen favor the tax incentive principle for rural development.

Because of the interest of my colleagues and the Nation generally in this subject, I am placing the news release of the National Federation of Independent Business in the RECORD.

The release follows:

[From the National Federation of Independent Business, Inc., San Mateo, Calif., and Washington, D.C.]

(NOTE.—The Brief Facts: The scarcity of employment opportunities in rural and small town areas and the concentration of industry into crowded metropolitan centers are twin problems reflecting economic imbalance in the United States. One Congressional plan to stimulate location of new enterprises in "small town America" would provide tax incentives for businesses which establish new facilities in underdeveloped areas, providing that at least 20 new jobs are created. This tax incentive approach is favored by 63 percent of the independent business owners polled by the National Federation of Independent Business, and opposed by 31 percent with 6 percent undecided.)

THE RELEASE

A tax incentive program to induce economic expansion of rural and small-town America could prove a most effective solution to the twin problems of rural stagnation and urban over-concentration. More effective, perhaps, than massive government spending programs.

That's the prevailing opinion among the nation's independent business proprietors, revealed in a poll by the National Federation of Independent Business. Sixty-three percent of the businessmen endorse a Congressional proposal to give special tax treatment to firms which, when expanding, choose to put their new plants or offices in non-urban areas.

These businessmen see it as a no-expenditure approach to the problem of economic imbalance which is creating, on the one hand, "a rural wasteland" and on the other, "an urban slum".

Nationally, 31 percent of the proprietors oppose the plan and 6 percent are undecided.

In Tennessee, 66 percent approve the idea, 28 percent dissent, and 6 percent have no firm opinion. Federation membership is 263,149.

The proposal first made by Representative Joe L. Evins of Tennessee, Chairman of the House Small Business Committee, following committee hearings in 1967 has been reintroduced by him in the current session. Business owners then favored it by a 2–1 margin.

Its major provisions are a 7 percent tax credit for machinery and equipment costs (in addition to the present 7 percent investment tax credit now in effect) and quick amortization of real estate expenses for companies when they establish branch operations in "small town America", provided that at least 20 new jobs are created. Tax allowances for training new workers from the immediate area are also included.

Representative Evins believes this would help de-centralize the U.S. economy, which has crowded 70 percent of the population into little more than 1 percent of the land area.

He—and the businessmen—are concerned with the continued exodus of young people from small towns to large cities. The Economic Development Administration has said the continued migration of job-seekers results from "the push of poor rural conditions rather than the pull of urban economic opportunities."

For every 177 rural youths reaching working age, the Department of Agriculture has said, there are only 100 new jobs. More than half a million non-farm jobs need to be created in rural areas each year to halt the farm-to-city migration, experts say.

The rural job development program pushed by Representative Evins received bipartisan support late in the 90th Congress, and it fits in with President Nixon's view that tax incentives to private enterprise can be an effective means of achieving social and economic goals. The additional seven percent tax credit on equipment plus the "tax recovery" of real estate costs in five years would be strong incentives for any expanding company.

Few of the independent businessmen who support the plan would be likely to qualify for its tax benefits, which would go mostly to big business. However, those in "small-town America" would gain indirectly by the location of new enterprises in their communities.

In view of the depressed farm prices during a period of inflation, the National Federation of Independent Business believes the rural-aid bill should receive prompt attention from the 91st Congress.

State tabulation follows:

STATE BREAKDOWN FIGURES—ENACT LEGISLATION TO ALLOW A 7-PERCENT TAX CREDIT TO ENCOURAGE REDEVELOPMENT OF RURAL AREAS

State	Percent in favor	Percent against	Percent undecided
Alabama	67	27	6
Alaska	70	27	3
Arizona	57	37	6
Arkansas	69	28	3
California	57	37	6
Colorado	66	29	5
Connecticut	57	36	7
Delaware	57	40	3
Florida	61	33	6
Georgia	72	25	3
Hawaii	68	29	3
Idaho	66	29	5
Illinois	60	34	6
Indiana	60	34	6
Iowa	69	25	6
Kansas	68	27	5
Kentucky	55	39	6
Louisiana	68	25	7
Maine	62	30	8
Maryland	63	31	6
Massachusetts	59	33	8
Michigan	60	34	6
Minnesota	72	22	6
Mississippi	70	24	6
Missouri	67	27	6
Montana	60	34	6
Nebraska	75	22	3
Nevada	62	31	7
New Hampshire	63	34	3
New Jersey	60	34	6
New Mexico	68	28	4
New York	64	31	5
North Carolina	61	34	5
North Dakota	76	18	6
Ohio	58	36	6
Oklahoma	70	26	4
Oregon	54	38	8
Pennsylvania	63	32	5
Rhode Island	56	44	....
South Carolina	64	31	5
South Dakota	73	24	3
Tennessee	66	28	6
Texas	63	32	5
Utah	66	26	8
Vermont	62	33	5
Virginia	67	26	7
Washington	61	33	6
Washington, D.C	55	36	9
West Virginia	60	26	14
Wisconsin	61	33	6
Wyoming	69	27	4

GILBERT FULL OPPORTUNITY ACT

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. GILBERT. Mr. Speaker, one of the lessons we have learned in recent years is that this society cannot cure poverty, slums, and illiteracy by gimmickry. There are apparently no tricks for dealing adequately with the problems that have been building in our country for decades, perhaps even centuries. Our new President suggests that "black capitalism" may be a panacea, but it is obviously only one facet of a massive, multipronged attack which is necessary to correct our deficiencies. I cannot overemphasize that it will take a great deal of money and a great deal of energy to achieve a decent, just society. But I, for one, am determined to set nothing less as a goal. For that reason, I join with the distinguished gentleman from Michigan (Mr. CONYERS) and others of my colleagues in sponsoring with enthusiasm the Full Opportunity Act of 1969.

Mr. Speaker, this act proposes to spend some $30 billion a year to cure our domestic ills. On an absolute scale, this is a prodigious amount. But it is a fraction of our military budget. It is less than we spent on the Vietnam war in its peak years. It is a small percentage of the gross national income. And it is, in my view, an enormous bargain in the perspective of the magnitude of our country's domestic problems.

The measure proposes to create 3 million subprofessional public service jobs in schools, hospitals, law enforcement and recreation through Federal grants to governmental and nonprofit agencies. Let me emphasize that these are not make-work jobs. We need workers, even semiskilled workers, in our schools, hospitals, police forces and recreation departments. This will be the kind of program that, on one hand, meets the needs of the unemployed and, on the other, performs the kind of social services the country desperately requires.

This measure also proposes constructing one million low and moderate income housing units a year for the next 10 years. It also proposes extending the fair housing laws to cover every unit of housing in the Nation.

The Full Opportunity Act of 1969 also would funnel important sums of money into the schools of the ghettos, to compensate for the educational and domestic deficiencies from which so many talented and worthy young people in our slums suffer. The act would also provide substantial student loans for post high school education, whether college, technical or vocational.

The bill would raise the minimum wage to a level of $2 an hour and set an annual floor on family income of $4,000 a year. It would extend and provide rigorous enforcement of equal opportunity laws in employment. It would thus channel energies into productive work, without discrimination, and would see to it, at the same time, that every family in America is adequately provided for.

Mr. Speaker, the Full Opportunity Act has within it a plan for national rehabilitation in 10 years. It has a schedule of expenditures which, in some instances would grow, in others decrease, depending on the program. For instance, the primary school program would go from $1 billion to $5 billion annually between now and 1979. The employment program would decrease, over the same period, from $16 billion to zero.

I am cosponsoring this legislation, Mr. Speaker, not as an idealistic gesture but as a realistic means of correcting the Nation's unhappy social condition. I suspect that some of my colleagues will be tempted to dismiss it out of hand as too ambitious, but I say that they will be ill advised to do so. This is a program equal to the demand, not in excess of it at all. I urge my colleagues, whatever their political persuasion, to examine this as a practical measure. I think they will find that it is good, basic, unfrivolous, important legislation.

END OF WAR BRINGS POSSIBILITY OF SECOND HOSPITAL SHIP "HOPE"

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. HAMILTON. Mr. Speaker, the hospital ship S.S. *Hope* has been at work for almost 9 years now, quietly but effectively helping to raise the level of health in developing nations. In this time, more than 1,300 volunteer U.S. medical personnel have brought self-help teaching and treatment programs to hundreds of thousands of people on four continents.

Now there appears to be an opportunity to provide for a second *Hope*. This possibility is discussed in a recent editorial from the New Albany (Ind.) Tribune which I commend to the attention of my colleagues:

[From the New Albany (Ind.) Tribune, Dec. 6, 1968]

NEW HOPE FOR S.S. "HOPE"

Hopes are riding on the outcome of peace negotiations in Paris. Hope will be buoyed in a very literal sense should the snail's-pace talks eventually result in an end to the war in Vietnam.

This is project Hope, the nonprofit, nongovernment organization founded in 1958 to help raise the level of medical education in developing nations.

The project's famed hospital ship, the S.S. *Hope*, is on loan from the Navy, where it was called the USS *Consolation* Since its christening in 1960, the S.S. *Hope* has conducted programs in Indonesia, South Vietnam, Peru, Ecuador, Guinea, Nicaragua and Colombia. It is currently halfway through a 10-month medical teaching and treatment mission to Ceylon.

Project Hope now seeks to add a second ship and has received word from the Defense Department that it "would look with favor upon a request for an additional hospital ship after the cessation of hostilities in the Far East." Presumably, it would be one of the Navy hospital ships now in service in Vietnam.

The need for a second ship is underscored by the fact that the project has on hand invitations from 24 nations for a visit of the S.S. *Hope*.

At the rate of one country per ship per year, even a fleet of *Hope*'s would have its work cut out for it.

BENNETT INTRODUCES MILITARY JUSTICE REFORM LEGISLATION

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. BENNETT. Mr. Speaker, in 1968 the Congress passed the first military justice reform legislation in 18 years. I was proud to be the sponsor of this law, 90-632.

While we successfully enacted into law this first revision in military justice since 1950, bringing a modern and more equitable statute to the military services, there are several other provisions which need to be included in the present law and for which I have been working for many years.

Today, I am introducing a bill to give Federal courts jurisdiction to try persons who are or have been connected with the Armed Forces when their discharge or civilian status allows them to escape prosecution for crimes they committed while under military control.

This bill, for example, would allow a trial for embezzlement, committed abroad, which would otherwise be impossible because of a discharge from the service.

Also, today there is no American court, military or civil, that has jurisdiction to try American dependents or civilian employees for serious crime committed abroad. This bill would provide that any person serving with, employed by, or accompanying the Armed Forces outside the United States, who commits a crime specified in the Uniform Code of Military Justice, shall be tried in the U.S. district court where found or first brought. The statute of limitations for noncapital crimes would be 3 years, with maximum sentences being those authorized for the same offense under the Uniform Code of Military Justice.

Soon after World War II several incidents of serious crimes by former military personnel were discovered, but the perpetrators of these crimes were determined to be immune from trial because they were no longer subject to court-martial or American civil court jurisdiction. To attempt to remedy this the Congress enacted article 3 of the Uniform Code of Military Justice.

The need for enacting this bill I am now introducing is brought about by the Supreme Court's decision in the now famous case of Toth against Quarles, where the Court held courts-martial jurisdiction over ex-servicemen, as provided for in article 3 of the Uniform Code of Military Justice was unconstitutional. However, the Court did not preclude authorization of jurisdiction to the Federal district courts, and the provisions of title II of the bill would permit trial to take place in an American tribunal, where every constitutional safeguard would be guaranteed. In those cases where the alleged crime occurred abroad, the necessity of delivering or extraditing the accused for trial by a foreign government would be considerably less, since an American court would hereafter by this bill have jurisdiction to try the accused for the misconduct.

A copy of the bill follows:

A bill to amend title 10, United States Code, to confer jurisdiction on United States district courts to try certain civilians who are or have been connected with the Armed Forces

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 803 (article 3) of title 10, United States Code, is amended to read as follows:

"(a) Subject to section 843 of this title (article 43), any person not subject to trial by court-martial who is charged with having committed, while in a status in which he was subject to trial by court-martial, an offense against this chapter punishable by confinement for five years or more, and who, while in such status, was not tried for such offense may be tried upon indictment for such offense—

"(1) in the United States district court for any judicial district in which any act or omission constituting an element of such offense was committed, if such offense was committed in the United States, or

"(2) in the United States district court for the judicial district in which such person is found or into which he is first brought, if such offense was committed outside the United States or on the high seas.

No person may be tried in any district court for any such offense if (1) the offense is one for which such person could not be tried by court-martial without his consent if he were in a status subject to trial by court-martial, or (2) such person has been previously tried in a State court for substantially the same offense. For the purpose of all proceedings for or ancillary to the trial of any person for any such offense in any district court of the United States, such offense shall be considered to be an offense prohibited by and punishable under the provisions of title 18, United States Code."

SEC. 2. Title 10, United States Code, is amended by adding after chapter 47 a new chapter as follows:

"Chapter 48.—TRIAL OF CERTAIN PERSONS WHO ACCOMPANY THE ARMED FORCES OUTSIDE THE UNITED STATES

"Sec.

"951. Persons subject to trial; jurisdiction of United States district courts; offenses for which persons may be tried.

"952. Statute of limitations; maximum punishment; general provisions.

"§ 951. Persons subject to trial; jurisdiction of United States district courts; offenses for which persons may be tried

"(a) Any citizen, national, or other person owing allegiance to the United States who commit any offense referred to in subsection (b) of this section while serving with, employed by, or accompanying the armed forces outside the United States shall be guilty of an offense against the United States and shall be tried for such offense in the United States district court for the judicial district in which such person is found or into which he is first brought.

"(b) The offenses for which any person described in subsection (a) of this section may be tried in a United States district court are those offenses specified in—

"(1) sections 877 through 881 of this title (articles 77–81) insofar as such sections relate to offenses referred to in clauses (2) through (5) of this subsection;

"(2) section 882 of this title (article 82);

"(3) sections 907 through 911 of this title (articles 107–111);

"(4) sections 913, 914, and 916 of this title (articles 113, 114, and 116); and

"(5) section 934 of this title (article 134) to the extent of crimes and offenses not capital.

"§ 952. Statute of limitations; maximum punishment; general provisions

"(a) An indictment may be found at any time without limitation with respect to any offenses referred to in section 951(b) of this title for which the death penalty may be imposed. Except as provided in section 843 (f) of this title (articles 43(f)), no person shall be prosecuted, tried, or punished under this chapter for any offense, not capital, unless the indictment is found or the information is instituted within three years next after such offense shall have been committed. No person may be tried under this chapter for any offense if such person has been tried for substantially the same offense in a foreign country pursuant to a treaty or agreement to which the United States is a party.

"(b) The maximum punishment which may be imposed in the case of any person tried for an offense pursuant to this chapter shall be the same as that applicable to persons subject to trial by court-martial for the same offense, but the provisions of chapter 47 of this title relating to the forfeiture of pay and allowances shall not be applicable in the case of any person tried under authority of this chapter.

"(c) Any offense for which a person is indicted and tried under authority of this chapter shall, for the purpose of all proceedings for or ancillary to the trial of such person, be considered to be an offense prohibited by and punishable under the provisions of title 18, United States Code.

"(d) Nothing in this chapter shall be construed as depriving courts-martial, military commissions, provost courts, or other military tribunals of concurrent jurisdiction with respect to offenders or offenses that by statute or law of war may be tried by courts-martial, military commissions, provost courts, or military tribunals.

"(e) As used in this chapter, the term 'outside the United States' means outside the several States, Commonwealth of Puerto Rico, Virgin Islands, Canal Zone, and the special maritime and territorial jurisdiction of the United States."

SEC. 3. (a) The table of chapters at the beginning of title 10, United States Code, is amended by inserting immediately below

"47. Uniform Code of Military Justice___ 801"

the following:

"48. Trial of Certain Persons Who Accompany the Armed Forces Outside the United States__________ 951".

"(b) The table of chapters preceding chapter 31 of title 10, United States Code, is amended by inserting immediately below

"47. Uniform Code of Military Justice___ 801"

the following:

"48. Trial of Certain Persons Who Accompany the Armed Forces Outside the United States__________ 951".

SEC. 4. This Act shall become effective sixty days after enactment.

ON BEHALF OF INTERNATIONAL UNDERSTANDING

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. JOHNSON of California. Mr. Speaker, some 13 years ago, the faculty and the student body of Chico State College and the people of the city of Chico, Calif., decided to convert into positive action a conviction that true international understanding among the peoples of the world is the only way to real peace.

They recognized that while understanding between governments is important, it cannot be accomplished without understanding among peoples and in order to bring this about many individuals and community groups must accept the responsibility of furthering the cause of international understanding through individual efforts. The program developed in Chico should stand as a shining example of what can be accomplished in a small college community.

Thirteen years ago the General Douglas MacArthur Scholarship was established by the community to assist young students from foreign lands to continue their education in the United States. This education includes both formal studies at Chico State College, and just as important the education in the American way of life through what one of its most ardent supporters, Bill Lee, of the Chico Enterprise Record describes as a "hand-in-hand experience of friendship, understanding, and cooperation."

This has been accomplished only through the dedicated and untiring cooperation of many, many people. Without minimizing the efforts of all these people, it is appropriate, however, to make special mention of the contributions of Editor Lee, the Chico Enterprise Record and its publisher, Mr. A. M. Bramwell.

Mr. Speaker, I would like to commend this progressive community newspaper, its publisher, and its editor for its civic-minded contributions to this all-important cause of world peace. I know the community shares my views on their efforts.

A few days ago one of Bill Lee's outstanding editorials concluded:

> Both the college and the community can be proud of and grateful for the work it is doing.

Let me add that the Nation can be proud of this community dedication to a better, more peaceful world.

At this time, Mr. Speaker, I insert in the CONGRESSIONAL RECORD Mr. Lee's editorial reviewing the 13-year history of the General Douglas MacArthur Scholarship program, an editorial entitled appropriately: "On Behalf of International Understanding":

ON BEHALF OF INTERNATIONAL UNDERSTANDING

Since its inception in 1955, the General Douglas MacArthur Scholarship program at Chico State College has become one of the most promising enhancements of international understanding in the realm of American higher education.

Admittedly, the MacArthur program is small indeed when measured on the vast financial yardsticks employed by huge foundations such as those based on the Ford and Rockefeller fortunes.

But from the standpoint of proportionate impact, the giants in the field might well take a back seat to the local MacArthur Foundation.

For example, in its brief 13-year existence, MacArthur Scholarship awards have assisted dozens of youngsters from foreign lands in furthering their education here. A partial listing includes students from Hong Kong, Thailand, Tanzania, Jordan, Iran, the Azores, Nigeria, Japan, Korea, Taiwan (Formosa), India and Indonesia.

Yet the geographical scope and the amount of money involved are not the main distinguishing characteristics of the MacArthur Scholarship program. The unique nature of the program makes its awards—in the minds of recipients—mean a great deal more than mere financial assistance. Rather, through personal association with the campus and off-campus volunteers who play key rolls in the MacArthur program, the youngsters from foreign lands undergo a "hand-in-hand" experience of friendship, understanding and cooperation.

This important relationship is, of course, impossible of attainment by the huge, depersonalized national and government foundation with their salaried executives and staffs.

Significantly, the MacArthur Scholarship program enables the foreign students to become participants in—rather than wards of—the local campus and lay community. And this, in the final analysis, is what international understanding and cooperation is all about.

Included in the MacArthur program here are a number of activities of campus and community involvement. For example, an open-to-the-public International Dinner is held each year on or near the Jan. 26 birthday anniversary of the late Douglas MacArthur. The dinner is a popular one (last year's crowd exceeded 250) and acquaintances established during the dinner and program often lead to long-standing relationships which extend into the realms of friendship and correspondence years after the foreign students have returned to their distant lands.

A second feature is the annual selection of a "Most World-Minded Student." Picked from outside the ranks of foreign students themselves, the person receiving this honor is a young American who by his high interest and volunteer activities has contributed to the international spirit on the local campus.

At the present time, the MacArthur Scholarship Foundation is setting in motion another outstanding feature—selection of a "Most World-Minded Citizen" from among the ranks of adults in the college's geographical service area.

The award will be a permanent trophy to be kept on display at Chico State. It will be engraved with the name of each year's winner. A smaller trophy will be awarded personally to the honoree.

Any organization, club or service group in the area may nominate citizens for the award. Thus far, Mrs. B. W. Shaper and Mrs. Sidney W. (Rita) Shnayer, both of Chico, and Fred Butterbaugh, a Paradise teacher, have been nominated.

The nomination period will close Dec. 31. Thus, organizations intending to participate should act with dispatch. Information and nomination papers may be obtained by contacting Fayette Brown, chairman of the committee, in care of the MacArthur Scholarship Foundation at Chico State College.

The "Most World-Minded Citizen" award will be a new and important feature of the scholarship program—and a significant honor of its annual dinner.

The award will be based on the same principles as the scholarship program itself—international understanding, cooperation and peace. These factors pay special homage to the closing decade of General MacArthur's long life—the period during which he dedicated himself to the cause of peace and to the establishment of a free and democratic form of government for the people of Japan, the nation he had helped defeat.

In summary, the General Douglas MacArthur Scholarship program and its related activities add up to a powerful instrument for international understanding and cooperation. Both the college and the community can be proud of and grateful for the work it is doing.

SOME ESSENTIAL FACTS ABOUT CALIFORNIA—THE NO. 1 AGRICULTURE STATE

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. TALCOTT. Mr. Speaker, recently at a dinner here in Washington, given by the Agriculture Council of California to honor the California congressional delegation, Robert McInturf, president, made some dramatic revelations regarding the condition of agriculture in California. I insert a portion of Mr. McInturf's remarks which should be known and understood by every Member of the Congress.

His remarks are timely and pertinent to the attempted boycott of California table grapes in some eastern cities. Some shaggy, indolent students and some fuzzy-thinking clergymen, who have never seen a grape grow or worked a day in their lives, are maligning an industry which provides the highest wages, the best working and living conditions of any grape pickers in the world, and trying to deprive people of one of the most delicious, delightful, and nutritious foods. I hope some of these social marauders will read the following facts and then ask themselves if they are really trying to strike against and boycott the right people, at the right place, at the right time. Most reasonable, knowledgeable persons think not. Remarks mentioned above follow:

REMARKS MADE BY ROBERT MCINTURF, PRESIDENT OF THE AGRICULTURAL COUNCIL OF CALIFORNIA, AT A DINNER JANUARY 14, 1969, HONORING THE CALIFORNIA CONGRESSIONAL DELEGATION

The Agricultural Council of California, representing some 70 major agricultural cooperatives with approximately 100,000 farmer members throughout our state, is this year celebrating their 50th Anniversary of service to California agriculture. Although most of the Council's activities fall in the field of legislation, education and public relations within our State, they have found it necessary the past few years to also represent California Cooperatives and agriculture on a national basis. We want to thank each member of the California Delegation for their cooperation when we have called on them here in Washington.

Your dinner here tonight was made up entirely of products grown and marketed cooperatively in California. These are but a few of the 230 crops that are grown commercially in our state, and that have made it the number one agricultural state in the nation. Our number one industry, agriculture, accounts for in excess of four billion dollars gross income annually with one-third of this amount being marketed through our agricultural cooperatives.

We feel that the strength of our cooperatives in California has contributed significantly to the fact that only five of our 230 crops receive federal subsidies and the income from such subsidies accounts for less than two percent of our annual farm income.

It is interesting to note that while California agriculture continues to contribute over nine percent of the total gross farm income for the nation, its share of the net farm income has declined over the past ten years from nine and one-half percent to six percent. This means, of course, that the cost-price squeeze has been felt more keenly by farmers in our state than in any other state of the nation.

California farm workers enjoy the highest average farm wages with greater benefits than anywhere in the country, yet harassment of farm labor has been more acute in our state than in all other states combined. Although, we would like to be paying even higher farm wages, we have not yet figured a way to automatically add on 15 percent to the price of our commodity to supplement the wages of our employees, as is the case with many restaurants and was the case with this dinner served tonight. California agriculture, with its wide diversity of crops has problems that are unique to our state. Legislation that would put California at a competitive disadvantage with other parts of the country could have a serious effect on the economy of our state.

The next few years will be critical ones for agriculture. Our industry has made this the best fed nation in this World, with the consumer spending a smaller percentage of his spendable dollar for food each year, in fact, a decline from 26 percent twenty years ago to 17 percent today. Agriculture can afford this subsidization of consumers only if its farmers, too, share in the fruits of their efforts.

PRESCHOOL CENTERS SUPPLEMENTARY EDUCATION ACT

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. FEIGHAN. Mr. Speaker, together with Congresswoman MINK and several other distinguished colleagues, I have today introduced two bills which afford vast educational opportunities to both child and teacher. The first of these two measures provides Federal funds for improving the education service in public and private nonprofit child day care centers.

Under this legislation, day care centers, which now furnish primarily custodial care, would be expanded and equipped to provide a basic educational foundation for preschool children. This is essentially the function of the Headstart program, which has operated with increasing success since its inception 5 years ago. This measure would supplement Headstart by extending the opportunities for preschool education to those children not presently eligible because the income of their parents is greater than the limitation imposed by the Federal Government.

So many of our young people today are hampered in their ability to learn simply because they have not received a good foundation at the preschool level. Education is the cornerstone of advancement in our society, and although this legislation would not reach every one of our children, it would grant increased opportunities to many more of our youngsters.

Entitled the "Preschool Centers Supplementary Education Act," the bill would authorize $300,000,000 yearly for distribution to the participating States who in turn would allocate the funds to child day care centers selected by a designated State agency.

At the other end of the spectrum, I have introduced a bill to provide funds for the continuing education of our professional teachers in the elementary and secondary levels through the establishment of study grants to selected teachers on sabbatical leave from their classrooms. With the tremendous strides made in elementary, secondary, and graduate education in recent years, it is only appropriate that progressive programs be made available to our Nation's teachers. Unfortunately circumstances often tend to impede our educators from continuing their quest for learning. This bill encourages experienced teachers to supplement their education and practical classroom experience by providing them with a 12-month paid sabbatical grant once every 7 years.

As you know, Mr. Speaker, I have vigorously supported educational assistance on all levels and I firmly believe that we should extend this assistance to our teachers. It is essential that our educators have ample opportunity to profit from the continuous innovations in teaching curriculum and methodology and the rapid changes occurring in all areas of learning. When our teachers profit, our students profit, and our country reaps the largest profit of all.

GONZALEZ REINTRODUCES BILLS TO CURB WAR PROFITEERING

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. GONZALEZ. Mr. Speaker, last week I reintroduced two pieces of legislation which are greatly needed to better protect our tax dollar from war profiteering. I am pleased that joining me as a cosponsor of these bills is my colleague from California, Mr. GEORGE E. BROWN, JR.

Few American citizens in this day and age give second thoughts to announcements that their Government is spending millions of dollars for another piece of military hardware. Most assume this is what it costs to keep our defenses strong. But such an assumption is probably false. The 40-plus billions of tax dollars that are being awarded for prime military contracts is what the Government pays for military hardware, by no means what it costs to produce that hardware. The truth is we have little idea how much it costs defense contractors to supply goods and services; we only know how much we are paying. It is the position of Adm. Hyman Rickover, who built our nuclear Navy, that the Defense Department is generally paying more to the domestic contractor than his legitimate costs and a fair profit would warrant.

Perhaps the most disturbing question I have encountered in trying to determine the true costs of defense hardware is whether the Department of Defense has the will to get value received for tax dollars spent. The Department of Defense sticks to a shaky position that profits on defense contracts are declining—even with the Vietnam buildup and even to the point that crucially important defense suppliers are going broke.

That the Defense Department would blithely continue to hold this position flies in the face of our historic experience with wartime defense buying. All documentation shows that American defense contractors always make higher profits during the chaos and rush of wartime than they make in peacetime.

Specifically, Department of Defense officials are ignoring the best available evidence that profits on Vietnam procurement are rising significantly. The latest bit of evidence lies in the report issued last month by the Renegotiation Board that they are experiencing an "exceptional upswing" in potential cases of excessive profits on Government contracts.

For the Department of Defense to admit that profits are rising would be to admit increased opportunities for profiteering, and would require at least entertaining the idea that procurement controls should be improved.

If the Deparment of Defense would say "we can't be bothered" by how much war profiteering exists, it would be most refreshing. But "unconcern" does not seem a very accurate description. It appears that certain defense officials are actively suppressing evidence of profiteering. John M. McGee, for example, was a petroleum inspector in Thailand until he claimed that the United Sates lost in theft at least 5.5 million gallons of petroleum products in 1967 due to bribery, forgery and Government laxity. He was transferred, although the General Accounting Office has substantiated his charges.

I stated that the Department of Defense is ignoring the best available evidence that profiteering is increasing. I do not claim that all studies are ignored by the Department of Defense, however. Those studies which discount rising profits are cited, no matter how suspect or solitary they may be.

Nor do I claim that the studies and examples I have pointed to time and time again are anything more than the best available evidence. They are not conclusive, for the simple reason that nobody in or out of Government can say with authority what profits are being made on defense work. Meaningful figures have never been gathered. On half the defense contracts, no cost or profit data on the completed contract is required. And data from those types of contracts which require realized cost and profit figures are not reliable, to my mind, for they are susceptible to a variety of accounting tricks by those who might wish to disguise profits as costs.

I am reintroducing my resolution which would establish a special House committee to conduct a full and complete investigation of our military procurement. I do so because many dark recesses abound. It is impossible to determine just how much profiteering is going on. I believe the indications of increased profiteering are clear calls for creditable information. We must know the extent and methods of profiteering before we can prescribe a cure. It is my personal belief that the individual examples of profiteering which have surfaced are just the tips of icebergs—that the bulk of profiteering is still hidden below chilling waters.

I am also reintroducing my bill to strengthen the Renegotiation Board. It is the same bill I sponsored in the 90th Congress. Although Congress extended the Renegotiation Act last year, my bill still remains valid, for we only tightened renegotiation in one minor instance. It was a significant instance, however, if only symbolically. It was the first time since renegotiation was established under the present Board in 1951 that Congress had not restricted and debilitated the powers of the Board in amending its charter. Also, the Board was extended for 3 years, instead of the usual two.

However, the Board should be made permanent, as my bill provides. The reasons are simple:

First. As the only independent agency which is single mindedly patrolling defense profits, it is doing a vital job efficiently and effectively. In the last fiscal year, the Board affected the return to the Treasury of $39 million in excessive profits on Government contracts on total operating expenses of $2.6 million.

Second. The Board will always have a job to do. It is doubtful that the defense budget will ever drop below $70 billion a year. We have all heard reports of the weapons systems which are jammed up in the pipeline waiting for a drop in the involvement in Vietnam to release funds for them.

My bill would also restore the Renegotiation Board to its Korean war strength in 5 years. This would be recognition that we have been spending more on Vietnam than we did in the most expensive Korean year. I am confident the Board would be no less effective in rooting out excessive profits with restored, expanded jurisdiction. I explained my amendments in detail last year. For anyone who is interested, I am requesting unanimous consent that a list of my remarks on this subject be included at the end of this statement.

Admiral Rickover believes the activities of the Renegotiation Board should be further strengthened and expanded beyond the scope of my bill. He suggests that the Board review every contract over $100,000 on a contract by contract basis, and that instead of lumping together all a contractor's work for fiscal year renegotiation, that groupings of sales with similar cost and profit requirements be renegotiated together.

Here is an example of the situation Admiral Rickover seeks to prevent. One of the Nation's largest defense contractors negotiated for a propulsion turbine for an aircraft carrier. The company demanded profits of 25 percent of the contract, although they had agreed to profits of 10 percent on an earlier turbine. Also, they claimed their costs would nearly double in the 6 years from the first contract. But in violation of the law, the company refused to certify that their cost estimates were "accurate, complete, and current." In effect, they refused to say their cost estimates were honest, or whether the costs were inflated in order to hide extra profits above and beyond the 25 percent written into the contract. Because the company was really the sole source supplier of an engine needed to power a ship for Vietnam, an Assistant Secretary of the Navy was forced to sign a waiver of the cost certification provision of the Truth in Negotiations Act. To me, this is just a sophisticated type of extortion.

This company is home free with an undetermined profit from the taxpayer. No law can touch them. The company is large enough that it must submit for renegotiation on a total, fiscal year basis. But this only means the company will use the low profit it makes on the millions of electrical components it sells to the Government to mask the millions in profits it made on the turbine. Admiral Rickover proposes to renegotiate large contracts by themselves, and not lump mass produced switches with custom turbines.

I endorse the Rickover proposals, but I am not introducing them as legislation. I do not believe they have a chance of enactment at present. I could only get a minor part of my more modest changes accepted last year when the charter of the Renegotiation Board had to be extended. I do not detect sufficient interest, in an off year, for any strengthening of renegotiation. Further, the sharp departure from fiscal year renegotiation would in itself stir up controversy. These are the realities as I see them, cruel as they may be to the American taxpayer.

It is difficult to gain support for the Board. Fiscal year renegotiation and the statutory requirements of determining what constitutes excessive profits cannot be explained in a few words. Also, the legal structures that a filing with the Board be as strictly confidential as an income tax report mean that few examples of the Board's work are evident. Only in those few cases when a contractor appeals a Board determination to the U.S. Tax Court have details on their work become known, and only in relation to contracts awarded years earlier.

The Board is so generally unappreciated that it is understaffed. Failure of Congress to give the Board an exemption from the Revenue Expenditure and Control Act of 1968 means the Board will have fewer employees to police an increasing workload of Vietnam contracts.

I believe it is a tragedy that renegotiation languishes. The Board is an independent agency free from any taint of collusion with privileged contractors and free from self-serving denials that no profiteering exists. In addition, the Board is imminently fair to the contractors, for those who have appealed the amount of the Board's determination of excessive profits amount to less than 3 percent of the total who file.

I am reintroducing my bill to strengthen the Renegotiation Board in the belief it is fully capable of efficiently protecting more of the taxpayers' dollars from profiteering.

Mr. Speaker, in addition to the list of my remarks on profiteering, under unanimous consent I include here an article on the Renegotiation Board by Mr. William Wyant of the St. Louis Post-Dispatch.

REMARKS OF U.S. REPRESENTATIVE HENRY B. GONZALEZ IN THE DAILY CONGRESSIONAL RECORD CONCERNING THE RENEGOTIATION BOARD, AND WAR PROFITEERING

1968

Mar. 14, page 5513; Sep. 28, page 23218ff.

1967

Jan. 17, page H273ff; Sep. 14, page H11962ff; Oct. 10, page H13191; Oct. 11, page H13319; Oct. 12, page H13363; Oct. 17, page H13546ff.

Oct. 18, page H13671; Oct. 19, page H13739; Oct. 20, page H13773; Nov. 30, page H16122ff; Dec. 11, page H16663ff.

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Jan. 16, Cleveland Plain Dealer Favors Gonzalez Renegotiation Bill, H72–H76.

Jan. 22, Congressmen Vanik and Feighan Introduce Gonzalez Renegotiation Bill, H195–H199.

Jan. 31, Cleveland Plain-Dealer Urges Hearings On Gonzalez Renegotiation Bill, H672.

Feb. 21, Bill To Strengthen Renegotiation Board, H1274–H1275.

Mar. 12, Renegotiation Board Hearings, H1853–H1857.

Apr. 9, Future Of Renegotiation Board, H2716–H2718.

Apr. 29, Admiral Rickover Endorses the Renegotiation Board, E3480–E3481.

May 8, Debate on Renegotiation Board appropriations, H3499.

May 10, The Nation's Press Reports On The Renegotiation Board, E4074–E4077.

May 27, Debate on H.R. 17324 amending the Renegotiation Act, H4288–H4289, H4292–H4296.

May 28, Gonzalez Calls For Special Committee To Investigate War Profiteering, H4369–H4372.

June 4, Debate on H.R. 17268 amending the Defense Production Act, H4509, H4511–H4515.

June 19, Gonzalez Testifies On War Profits And The Defense Production Act, E5608–E5609.

July 16, Alarm About War Profiteering, H6763–H6764.

July 22, The GAO On Excessive Profit Determinations Of The Renegotiation Board, H7197–H7202.

Aug. 2, Gonzalez Refutes Secretary Of Defense On War Profiteering, H8162–H8165.

Aug. 29, Praise for Representative Charles Vanik's Fight to Curb War Profiteering, E7605–E7606; Growing Threat Of Our Military-Industrial Complex, E7617–E7622.

Sept. 5, Defense Profits: Are They Declining or Rising?, E7709–E7710.

[From the St. Louis Post-Dispatch, Dec. 4, 1968]

CLAMOR GROWS FOR DAMPER ON PROFITS ON WAR GOODS

(By William K. Wyant Jr.)

WASHINGTON, December 4.—Lawrence E. Hartwig, chairman of the Renegotiation Board, is a mild-mannered lawyer from Michigan who has been laboring since 1951 to keep contractors from gorging themselves at the federal honey-pot.

Hartwig's board, which has the task of slicing excessive profits from defense and other contracts, has been so starved by Congress and kicked around by industry that it could be called the Oliver Twist of Government agencies.

With a heavy load of Vietnam war procurement coming up for review, Hartwig has only 175 persons on his team. He has managed to pry loose authority to hire 27 more. However, in 1953, at the time of the Korean war, the board had 742 members.

Yet defense contract awards reflecting Vietnam sailed past the peak for South Korea in fiscal 1967, reaching 44.6 billion dollars against 43.6 for 1952, the highest Korean year. For fiscal 1968, ended last summer, the figure was 43.8, a slight drop but still higher than the Korean maximum.

Hartwig, a 62-year-old Phi Beta Kappa member who plays golf when he gets a chance, was glad to get the extra 27 and a $400,000 budget increase this year, bringing the board up to $3,000,000. In 1953 and 1954, the budget was above $5,000,000 annually but that was before Congress clipped the board's wings.

It is expected that as the big Vietnam spending comes home to roost—the build-up started in 1965 and there is a time lag of about two years—Hartwig will seek a substantial increase in force and more money for the 1970 period.

As things are, the backlog of unfinished negotiation cases has increased ominously. The carry-over in fiscal 1966, before Vietnam, was only 464 cases. In 1967 it jumped to 678 and in 1968, just ended, to 938. The estimate for the current year is 1263.

Hartwig, who has been with the Government since the early 1940's was named to the Renegotiation Board by President Harry S. Truman when it was organized after the outbreak of the Korean War. President John F. Kennedy designated him chairman in 1961.

The board is charged with reviewing the "reasonableness" of costs and profits not only in defense contracts but those of the Maritime Administration, the Federal Maritime Administration, the Federal Maritime Board, the General Services Administration, the National Aeronautics and Space Administration, and the Federal Aviation Administration.

There is no rule of thumb for what is reasonable. Contractors whose renegotiable sales in the fiscal year total $1,000,000 or more must file reports, much in the way they file annual returns with the Internal Revenue Service.

More than 80 per cent of the filings are quickly cleared as satisfactory. In fiscal 1968 the board had 4552 filings and assigned 827 cases to its two regional boards for further investigation. If a contractor disagrees with a finding of excessive profits, he may go to the United States Tax Court for relief.

Hartwig prefers the gentlemanly, reasonable approach. It is a matter of pride with him that the board is able to work out agreements with contractors most of the time. In 1968, for example, the board got agreement in 27 of its 46 excessive profits cases and had to issue a unilateral order in only 19. The orders become final if the contractors do not go to court.

The board blew the whistle on $23,069,148 in excessive profits in fiscal 1968, compared with $15,980,214 the previous year, but under federal law—just as in the case of the Internal Revenue Service—the names of the companies that will have to pay up are not disclosed unless they choose to make a legal fight.

The Renegotiation Board determined that McDonnell Aircraft Corp. of St. Louis, now McDonnell Douglas Corp., realized excessive profits of $8,000,000 in 1965. McDonnell challenged the finding in court, and for that reason the issue became public knowledge.

From 1953 through 1968, the board made determinations of excessive profits totaling $975,505,785. Of that total, $682,230,000—or about 70 per cent—was recouped by agreement and orders had to be issued on $286,980,000.

Hartwig has pointed out that the board has had to issue only 399 orders to recoup from contractors, and only 152 of those went to the Tax Court. Through last June 30, the court had disposed of 120 of the 152 appeals. The board's decision was upheld in 72 cases, revised upward in six, and scaled down in 42.

Not only has the board been getting back about $18 for each dollar it spends, through its own redeterminations, but the voluntary refunds and voluntary price reductions reported by contractors in connection with renegotiation proceedings have brought savings estimated at more than 1.3 billion dollars.

These statistics have been cited as eloquent testimony of the board's effectiveness and its tendency to use reason in dealing with industry. However, the board's recoupments in recent years have been less than one tenth of 1 per cent of renegotiable sales to the Government.

Over the years, the Renegotiation Board has been enfeebled by congressional actions that diminished its jurisdiction and authority. Congress has not been willing to make the board a permanent agency, even though renegotiation statutes go back to World War II, during which more than 11 billion dollars in excess profits was salvaged.

Hartwig pressed this year for "indefinite" status, avoiding the word "permanent." Congress extended the act for three years only. The trouble with this is that it exposes the agency to attack when its lease on life is up for renewal, and makes it tougher to recruit high-quality personnel.

Again in 1956—an evil year for the board—Congress raised the "floor" under which the board cannot look for unreasonable profits to $1,000,000. It was originally $250,000 and had been raised to $500,000 in 1954. The purpose of raising the floor ostensibly was to help small business.

What has done more than anything else to pare the board's size has been the successive elevations in the "floor" and the broadening by Congress, in 1956 and other years, of the act's provisions making "standard commercial articles" exempt from renegotiation.

Hartwig tried to get the commercial exemptions eliminated this year and did manage to have the restrictions eased. These exempt transactions, which the board cannot look at, amount to several billions a year and have escalated more than a billion dollars in the Vietnam period.

A veteran public servant who has managed to survive under four Presidents and now has a fifth coming up, Hartwig is not the type who leads cavalry charges. He is a thoughtful man who reads Justice Oliver Wendell Holmes and Lafcadio Hearn. He tries to do the best he can with the legislation he has.

Champions of a stronger Renegotiation Board and a tougher environment for war profiteers are getting louder. Among them are Senator William Proxmire (Dem.), Wisconsin, Representative Henry B. Gonzalez (Dem.), Texas, and V. Adm. Hyman G. Rickover.

These critics are challenging Secretary of Defense Clark M. Clifford's statement that profits on defense procurement have gone down rather than up. The fact is, Rickover says, that profits have gone up by 25 per cent and accounting methods are so loose "we simply don't know what we are doing."

There is increasing clamor that nothing short of a full-scale congressional inquiry will get the answers and bring needed action. A World War II B–17 bomber cost $218,000 and its modern counterpart costs $7,000,000. A World War II attack submarine cost $4,700,000, its 1968 sequel costs $77,000,000.

In a defense complex where $1,000,000 is chicken feed, such escalation of costs promotes an uneasy feeling that there is a great deal more waste, mismanagement and chicanery than has come to light.

MR. MAGEE'S THOUGHTS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. JACOBS. Mr. Speaker, I would like to bring to the attention of my colleagues the views of Mr. Eugene Magee, of Indianapolis, Ind. I believe Mr. Magee's thoughts contain a great deal of merit and would be of interest to all Members:

DECEMBER 7, 1968.

Hon. ANDREW JACOBS, Jr.,
Washington, D.C.

DEAR CONGRESSMAN: I listened intently to your television presentation to an answer to youth education and development and I think you are on the right path. However, I feel you are overlooking the real cause of our youth problems.

Did it ever occur to you that the greatest means of education to our youth has been withheld from them, with our modern methods of production.

In Europe and in early America we have or had no juvenile delinquency, because the son played around his father's work bench and by the time he was 18 years old, he knew his father's trade and was filling his father's shoes. He had a purpose in life and would improve on it.

Today, a man goes to work in a factory. When he enters the factory grounds at the gate, the son is separated from the father and his association and education that his father could give him stops there. The son goes his way without purpose and see what we are paying for that separation.

I am aware that insurance companies' policies frown on such practices, and have a tremendous force on companies to keep people off their grounds, not employed by them, but is it going to solve the youth problem?

I would like to hear from you about the number of carpenters, that run small shops, where the sons can frequent, that have delinquency problems or any tradesman that can work with his son.

We are losing our greatest motive for education "show the old man I can do a better job than he can," that challenge is in youth and we are losing it. Let's get rid of that fence around a factory.

Eugene J. Magee,
Indianapolis, Ind.

STARVATION IN NIGERIA

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. BINGHAM. Mr. Speaker, I have today joined with a number of my colleagues in the House and Senate in cosponsoring a resolution which calls for a significant increase in the American contribution to efforts directed at saving lives presently threatened by starvation in Nigeria.

Like many other people in this country and around the world, I have watched the civil strife in Nigeria with a growing sense of horror and disbelief: horror at the rising death toll from starvation, variously estimated as high as 12,000 a day; and disbelief at the seeming callousness of the leaders of both Nigeria and Biafra and of a number of other governments which have either remained indifferent to the extent of human suffering or, in some cases, have actively fanned the flames of war. For authorities in Nigeria and Biafra, mass hunger has too often been viewed first and foremost as a military or political weapon rather than a human tragedy. For the principal arms suppliers to both sides—the Soviet Union and the United Kingdom for Nigeria and France for Biafra—political interests have taken priority over concern for the fate of the Biafran people. And for the United States—potentially perhaps the most powerful influence for peace in this conflict—political niceties have at times been put ahead of saving lives.

It is true that the United States has scrupulously refrained from furnishing arms to either side. It is also true that our Government has appealed publicly and privately to both sides to resolve their differences through peaceful negotiation. And it is also true that the American contribution to relief efforts already exceeds $26 million, represents about two-thirds of the global total, and was recently expanded further by the provision of eight additional planes to be used in airlifting food to the Biafran people. These are all praiseworthy actions. Yet in the face of continuing civil war and a steadily growing death toll from starvation, can we in good conscience argue that we have done all that should have been done?

Mr. Speaker, I fully appreciate the complexity of the political problems involved in this tragic situation. This is, after all, a civil war, in which there is a natural, and recently reinforced, reluctance to intervene in any way. It is a conflict for which the appropriate regional organization, the Organization of African Unity, has been attempting to find a peaceful settlement. And, of course, leaders on both sides of the struggle have put an incredible series of obstacles in the path of those who have sought to offer humanitarian assistance. The Nigerians have balked at air delivery of needed foodstuffs, fearing that an airlift would provide cover for greater arms deliveries to their Biafran foes. And Biafran leaders have objected to deliveries by land, fearing that Nigerian armies would follow relief convoys or that the foodstuffs themselves might be poisoned.

In these circumstances, it has been all too easy to find excuses for not taking action, excuses which are valid but totally insufficient in the face of the Nigerian tragedy. Concerned lest even humanitarian aid influence the outcome of this internal conflict, we went through months of labyrinthine negotiations on relief procedures while uncounted thousands of Biafrans, mostly children, died of starvation or were permanently crippled by deficiency diseases. Fearful of causing offense to the Nigerians, or the Biafrans, or the OAU, or the British, we have refrained from bringing the immense moral and political pressure of the United States to bear on the contending parties and their external backers in an effort to secure a negotiated end of the slaughter.

Mr. Speaker, I for one do not believe that we have met our full responsibility in dealing with the tragedy of Nigeria and Biafra. It is for that reason that I welcome, and wholeheartedly join, this initiative by my colleagues to stimulate a prompt and substantial increase in U.S. efforts to ameliorate the suffering caused by hunger in this troubled land. It is for that same reason that I hope this country will, in the days immediately ahead, apply its formidable persuasive powers to the Nigerian and Biafran leaders and to the nations still fueling the conflict with fresh supplies of arms, and will urge upon them the human necessity of bringing this terrible war to a swift and peaceful conclusion.

Mr. Speaker, I insert in the Record at this point the text of the resolution which has been introduced today:

H. Con. Res. 97

Whereas reliable reports indicate that there is a tragic loss of life in the Nigerian Civil War caused by starvation and disease in areas controlled by the Federal Government and under the control of the "Biafran" authorities;

Whereas present relief operations are inhibited by poor roads, bad weather, inadequate transport, and the inaccessibility of certain areas to overland supplies; and

Whereas increased shipments of food and medical supplies are needed to reduce the tragic rate of starvation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (1) it is the sense of the Congress that the President should act to increase significantly the amount of surplus food stocks and relief moneys as well as the number of aircraft and other vehicles of transportation as may be necessary for relief purposes to the Organization of African Unity, the International Committee of the Red Cross, or other suitable religious and charitable relief agencies now or hereafter operating in the area with the consent of the responsible authorities; and this material should be made available at the request of the participating agencies; and (2) the Government of the United States should solicit the cooperation of other nations in this humanitarian effort.

DO NOT ELIMINATE YOUTH FARES ON NATION'S AIRLINES

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. OLSEN. Mr. Speaker, it was reported in the Washington Post yesterday that Civil Aeronautics Board Examiner Arthur S. Present has issued a decision eliminating youth fares on the Nation's airlines. In my opinion, this is a bad decision that will benefit no one. I urge my colleagues in the Congress to join with me in seeking CAB action to rescind Examiner Present's decision.

For the information of my colleagues, I include my letter to Board Chairman John H. Crooker, Jr., in the Record at this point:

Congress of the United States,
House of Representatives,
Washington, D.C., January 22, 1969.

Mr. John H. Crooker,
Chairman, Civil Aeronautics Board,
Universal Building, Washington, D.C.

Dear Chairman Crooker: Oliver Wendell Holmes said, "Prudence and justice are the compatible format necessary to formulate any dictate of society."

I write to you today to voice my strong objection to Examiner Arthur S. Present's decision regarding airline youth fares. I request that this ruling be reviewed and urge that it be reversed. This decision is not prudent justice, but justice run wild.

Mr. Present's charge that low cost fares for young persons discriminates against passengers over 21 fails to give proper consideration to the important fact that these young people are flying on a "space available" basis—if they did not purchase half-fare tickets, the seats would go vacant.

Prudent justice in this situation, in my opinion, would be influenced by the fact that most passengers over 21 are restricted by personal demands or schedule from flying space available; that a change to include all age groups in the standby fares would mean havoc for the reservation system; that the revenue loss resulting from elimination of the existing regulations could mean increased fares for all passengers; and that present youth fares contribute substantially to the cause of education.

The youth fare seems to me to have been a bright spot in a world that generally discriminates against young people. Insurance rates are twice as high for the individual 20 or 24 years old even if he is the safest driver in the Nation. (Statistics, you might say, justify higher rates because this category of drivers is accident prone. I submit statistics would also bear out my contention that people under 21 are less able to afford air travel. Is this not comparable justification for lower air fares *on a standby basis?*)

Persons under 21 cannot vote; persons under 25 cannot serve in the Congress; persons under 62 cannot receive Social Security retirement benefits; persons under 35 cannot be President of the United States; persons over 21 cannot enter our military academies; persons over 18 cannot serve as pages in the U.S. Congress. In each of these examples, certain age discrimination factors are involved.

I do not argue that all of these regulations should be changed. There are prudent considerations to support some of them. I do argue that there is equally prudent support for retention of the student fares.

We must, as a Nation, do all we can to encourage young people to educate themselves. Our government has acted in the last ten years to improve our education system and has spent billions of dollars in this cause. On the local level, all of us have seen examples of special prices to encourage young people to attend cultural events. The special youth fare has been an important factor in allowing young people to travel to institutions of higher learning. They also enable them to travel home more frequently to be with their families.

Further, travel alone is a form of education and I am certain many thousands of young Americans—students and non-students—have been enabled by the youth fare to see much more of their country. Surely, thousands have come to their Nation's capital who would otherwise have been unable to do so.

I ask you: What does prudence dictate in this decision?

Does it not tell us that thousands of our young people will once again turn to hitchhiking—a practice both illegal and dangerous?

Does it not tell us that young people will choose to crowd inadequate vehicles for exhausting trips on already overcrowded highways, straining their reflexes and health to make long trips as quickly as possible to reduce expenses?

Does it not tell us that Examiner Present's decision will be of benefit to no one?

Our young citizens have benefited from the current fares, and it has not been at the expense of adult, full-fare passengers because space available seats are empty seats.

Finally, strict, imprudent application of the non-discrimination ruling would threaten half-fare tickets for youngsters between 2 and 12 years of age (reservations can be made for these tickets), for military personnel, and for several other special fare categories now properly and prudently provided by our airlines.

With best regards, I am,

Sincerely yours,

ARNOLD OLSEN,
Member of Congress.

THE 18-YEAR-OLD VOTE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. FRASER. Mr. Speaker, last week I introduced a constitutional amendment to lower the voting age to 18.

My reason was primarily my faith in the education and maturity of our young people. But I am increasingly impressed by another factor—their political sophistication.

In Minnesota several young peoples' organizations—including the Young Democrats, College Republicans, Teenage Republicans, Minneosta Student Association, and Student Minneosta Education Association—have formed the Coalition for Lowering the Voting Age. The coalition is actively lobbying at the State legislature and with congressional delegation for State and Federal constitutional amendments lowering the voting age to 18.

I would like to give my encouragement and praise to the members of the coalition. They are demonstrating responsible citizenship.

The executive board of the coalition includes Gerry Sikorski, Sue Kline, Eileen Lach, and Bob Vorpahl from the Young Democrats, Jack Stone, John Tschohl, and Andee Ottum from the College Republicans, Paul Fogelberg from the Teenage Republicans, Wayne Gilbert from the Minneosta Student Association, and Michael Pehler from the Student Minneosta Education Association.

Recently the Minneapolis Star gave editorial encouragement to the coalition. I enter that editorial at this point in the RECORD.

LOWER THE VOTING AGE?

Organization of a bipartisan Coalition for Lowering the Voting Age, which met with Gov. LeVander and which intends to lobby for a constitutional amendment to give Minnesota 18-year-olds the right to vote, is perhaps the best argument for the change.

It illustrates the growing political maturity, involvement, and skill among young people. The young adults who met with LeVander were, from all accounts, a credit to their parents, their schools and their state. As a matter of fact, youthful participation is a major aspect of today's politics, from extreme right to extreme left.

There are many socio-economic reasons for this, but the older generation can take pride at least in one, and that is the fact that education has improved. So apart from the maturing social and psychological factors that stem from the nonacademic world these days, the high school graduate has a chance for education that prepares him to be a responsible citizen. Whether he is headed for college or not—and it should be remembered that a majority of high school graduates do not go to college—high school graduation is the practical dividing point as far as the average 18-year-old is concerned. Draft eligibility, of course, may account for part of this psychological reaction.

The judgment about the relation between "maturity" and age has to be arbitrary, of course. Some people, we fear, never seem to grow up. There is, however, nothing magic about age 21 as such in the law, or in fact. Depending upon the subject matter and the level of government involved, age limitations vary all over the lot.

NOT YOURS TO GIVE

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. NICHOLS. Mr. Speaker, a constituent of mine recently sent me an article which I believe every Member of this House will want to read. Our country is facing a financial crisis. Inflation is increasing. Taxes have been raised and we are being asked to extend the surtax. We have before us a budget of nearly $200 billion. As we prepare to collect taxes and then spend those tax dollars, I think every Member should read this story from the life of Congressman David Crockett.

The article follows:

NOT YOURS TO GIVE

(NOTE.—From *The Life of Colonel David Crockett*, compiled by Edward S. Ellis (Philadelphia: Porter & Coates, 1884).)

One day in the House of Representatives, a bill was taken up appropriating money for the benefit of a widow of a distinguished naval officer. Several beautiful speeches had been made in its support. The Speaker was just about to put the question when Crockett arose:

"Mr. Speaker—I have as much respect for the memory of the deceased, and as much sympathy for the sufferings of the living, if suffering there be, as any man in this House, but we must not permit our respect for the dead or our sympathy for a part of the living to lead us into an act of injustice to the balance of the living. I will not go into an argument to prove that Congress has no power to appropriate this money as an act of charity. Every member upon this floor knows it. We have the right, as individuals, to give away as much of our own money as we please in charity; but as members of Congress we have no right so to appropriate a dollar of the public money. Some eloquent appeals have been made to us upon the ground that it is a debt due the deceased. Mr. Speaker, the deceased lived long after the close of the war; he was in office to the day of his death, and I have never heard that the government was in arrears to him.

"Every man in this House knows it is not a debt. We cannot, without the grossest corruption, appropriate this money as the payment of a debt. We have not the semblance of authority to appropriate it as a charity. Mr. Speaker, I have said we have the right to give as much money of our own as we please. I am the poorest man on this floor. I cannot vote for this bill, but I will give one week's pay to the object, and if every member of Congress will do the same, it will amount to more than the bill asks."

He took his seat. Nobody replied. The bill was put upon its passage, and instead of passing unanimously, as was generally supposed, and as, no doubt, it would, but for that speech, it received but few votes, and, of course, was lost.

Later, when asked by a friend why he had opposed the appropriation, Crockett gave this explanation:

"Several years ago I was one evening standing on the steps of the Capitol with some other members of Congress, when our attention was attracted by a great light over in Georgetown. It was evidently a large fire. We jumped into a hack and drove over as fast as we could. In spite of all that could be done, many houses were burned and many families made houseless, and, besides, some of them had lost all but the clothes they had on. The weather was very cold, and when I saw so many women and children suffering, I felt that something ought to be done for them. The next morning a bill was introduced appropriating $20,000 for their relief. We put aside all other business and rushed it through as soon as it could be done.

"The next summer, when it began to be time to think about the election, I concluded I would take a scout around among the boys of my district. I had no opposition there, but, as the election was some time off, I did not know what might turn up. When riding one day in a part of my district in which I was more of a stranger than any other, I saw a man in a field plowing and coming toward the road. I gauged my gait so that we should meet as he came to the fence. As he came up, I spoke to the man. He replied politely, but, as I thought, rather coldly.

"I began: 'Well, friend, I am one of those unfortunate beings called candidates, and—'

" 'Yes, I know you; you are Colonel Crockett. I have seen you once before, and voted for you the last time you were elected. I suppose you are out electioneering now, but you had better not waste your time or mine. I shall not vote for you again.'

"This was a sockdolager . . . I begged him to tell me what was the matter.

" 'Well, Colonel, it is hardly worth-while to waste time or words upon it. I do not see how it can be mended, but you gave a vote last winter which shows that either you have not capacity to understand the Constitution, or that you are wanting in the honesty and firmness to be guided by it. In either case you are not the man to represent me. But I beg your pardon for expressing it in that way. I did not intend to avail myself of the privilege of the constituent to speak plainly to a candidate for the purpose of insulting or wounding you. I intend by it only to say that your understanding of the Constitution is very different from mine; and I will say to you what, but for my rudeness, I should not have said, that I believe you to be honest. . . . But an understanding of the Constitution different from mine I cannot overlook, because the Constitution, to be worth anything, must be held sacred, and rigidly observed in all its provisions. The man who wields power and misinterprets it is the more dangerous the more honest he is.'

" 'I admit the truth of all you say, but there must be some mistake about it, for I do not remember that I gave any vote last winter upon any constitutional question.'

" 'No, Colonel, there's no mistake. Though I live here in the backwoods and seldom go from home, I take the papers from Washington and read very carefully all the proceedings of Congress. My papers say that last winter you voted for a bill to appropriate $20,000 to some sufferers by a fire in Georgetown. Is that true?'

" 'Well, my friend, I may as well own up. You have got me there. But certainly nobody will complain that a great and rich country like ours should give the insignificant sum of $20,000 to relieve its suffering women and children, particularly with a full and overflowing Treasury, and I am sure, if you had been there, you would have done just as I did.'

" 'It is not the amount, Colonel, that I complain of; it is the principle. In the first place, the government ought to have in the Treasury no more than enough for its legitimate purposes. But that has nothing to do with the question. The power of collecting and disbursing money at pleasure is the most dangerous power that can be intrusted to man, particularly under our system of collecting revenue by a tariff, which reaches every man in the country, no matter how poor he may be, and the poorer he is the more he pays in proportion to his means. What is worse, it presses upon him without his knowledge where the weight centers, for there is not a man in the United States who can ever guess how much he pays to the government. So you see, that while you are contributing to relieve one, you are drawing it from thousands who are even worse off than he. If you had the right to give anything, the amount was simply a matter of discretion with you, and you had as much right to give $20,000,000 as $20,000. If you have the right to give to one, you have the right to give to all; and, as the Constitution neither defines charity nor stipulates the amount, you are at liberty to give to any and everything which you may believe, or profess to believe, is a charity, and to any amount you may think proper. You will very easily perceive what a wide door this would open for fraud and corruption and favoritism, on the one hand, and for robbing the people on the other. No, Colonel, Congress has no right to give charity. Individual members may give as much of their own money as they please, but they have no right to touch a dollar of the public money for that purpose. If twice as many houses had been burned in this county as in Georgetown, neither you nor any other member of Congress would have thought of appropriating a dollar for our relief. There are about two hundred and forty members of Congress. If they had shown their sympathy for the sufferers by contributing each one week's pay, it would have made over $13,000. There are plenty of wealthy men in and around Washington who could have given $20,000 without depriving themselves of even a luxury of life. The congressmen chose to keep their own money, which, if reports be true, some of them spend not very creditably; and the people about Washington, no doubt, applauded you for relieving them from the necessity of giving by giving what was not yours to give. The people have delegated to Congress, by the Constitution, the power to do certain things. To do these, it is authorized to collect and pay moneys, and for nothing else. Everything beyond this is usurpation, and a violation of the Constitution.

" 'So you see, Colonel, you have violated the Constitution in what I consider a vital point. It is a precedent fraught with danger to the country, for when Congress once begins to stretch its power beyond the limits of the Constitution, there is no limit to it, and no security for the people. I have no doubt you acted honestly, but that does not make it any better, except as far as you are personally concerned, and you see that I cannot vote for you.'

"I tell you I felt streaked. I saw if I should have opposition, and this man should go to talking, he would set others to talking, and in that district I was a gone fawn-skin. I could not answer him, and the fact is, I was so fully convinced that he was right, I did not want to. But I must satisfy him, and I said to him:

" 'Well, my friend, you hit the nail upon the head when you said I had not sense enough to understand the Constitution. I intended to be guided by it, and thought I had studied it fully. I have heard many speeches in Congress about the powers of Congress, but what you have said here at your plow has got more hard, sound sense in it than all the fine speeches I ever heard. If I had ever taken the view of it that you have, I would have put my head into the fire before I would have given that vote; and if you will forgive me and vote for me again, if I ever vote for another unconstitutional law I wish I may be shot.'

"He laughingly replied: 'Yes, Colonel, you have sworn to that once before, but I will trust you again upon one condition. You say that you are convinced that your vote was wrong. Your acknowledgement of it will do more good than beating you for it. If, as you go around the district, you will tell people about this vote, and that you are satisfied it was wrong, I will not only vote for you, but will do what I can to keep down opposition, and, perhaps, I may exert some little influence in that way.'

" 'If I don't,' said I, 'I wish I may be shot; and to convince you that I am in earnest in what I say I will come back this way in a week or ten days, and if you will get up a gathering of the people, I will make a speech to them. Get up a barbecue, and I will pay for it.'

" 'No, Colonel, we are not rich people in this section, but we have plenty of provisions to contribute for a barbecue, and some to spare for those who have none. The push of crops will be over in a few days, and we can then afford a day for a barbecue. This is Thursday; I will see to getting it up on Saturday week. Come to my house on Friday, and we will go together, and I promise you a very respectable crowd to see and hear you.'

" 'Well, I will be here. But one thing more before I say good-by. I must know your name.'

" 'My name is Bunce.'

" 'Not Horatio Bunce?'

" 'Yes.'

" 'Well, Mr. Bunce, I never saw you before, though you say you have seen me, but I know you very well. I am glad I have met you, and very proud that I may hope to have you for my friend.'

" 'It was one of the luckiest hits of my life that I met him. He mingled but little with the public, but was widely known for his remarkable intelligence and incorruptible integrity, and for a heart brimful and running over with kindness and benevolence, which showed themselves not only in words but in acts. He was the oracle of the whole country around him, and his fame had extended far beyond the circle of his immediate acquaintance. Though I had never met him before, I had heard much of him, and but for this meeting it is very likely I should have had opposition, and had been beaten. One thing is very certain, no man could now stand up in that district under such a vote.

"At the appointed time I was at his house, having told our conversation to every crowd I had met, and to every man I stayed all night with, and I found that it gave the people an interest and a confidence in me stronger than I had ever seen manifested before.

"Though I was considerably fatigued when I reached his house, and, under ordinary circumstances, should have gone early to bed, I kept him up until midnight, talking about the principles and affairs of government, and got more real, true knowledge of them than I had got all my life before.

"I have known and seen much of him since, for I respect him—no, that is not the word—I reverence and love him more than any living man, and I go to see him two or three times every year; and I will tell you, sir, if every one who professes to be a Christian lived and acted and enjoyed it as he does, the religion of Christ would take the world by storm.

"But to return to my story. The next morning we went to the barbecue, and, to my surprise, found about a thousand men there. I met a good many whom I had not known before, and they and my friend introduced me around until I had got pretty well acquainted—at least, they all knew me.

"In due time notice was given that I would speak to them. They gathered up around a stand that had been erected. I opened my speech by saying:

" 'Fellow-citizens—I present myself before you today feeling like a new man. My eyes have lately been opened to truths which ignorance or prejudice, or both, had heretofore hidden from my view. I feel that I can today offer you the ability to render you more valuable service than I have ever been able to render before. I am here today more for the purpose of acknowledging my error than to seek your votes. That I should make this acknowledgment is due to myself as well as to you. Whether you will vote for me is a matter for your consideration only.'

"I went on to tell them about the fire and my vote for the appropriation and then told them why I was satisfied it was wrong. I closed by saying:

" 'And now, fellow-citizens, it remains only for me to tell you that the most of the speech you have listened to with so much interest was simply a repetition of the arguments by which your neighbor, Mr. Bunce, convinced me of my error.

" 'It is the best speech I ever made in my life, but he is entitled to the credit for it. And now I hope he is satisfied with his convert and that he will get up here and tell you so.'

"He came upon the stand and said:

" 'Fellow-citizens—It affords me great pleasure to comply with the request of Colonel Crockett. I have always considered him a thoroughly honest man, and I am satisfied that he will faithfully perform all that he has promised you today.'

"He went down, and there went up from that crowd such a shout for Davy Crockett as his name never called forth before.

"I am not much given to tears, but I was taken with a choking then and felt some big drops rolling down my cheeks. And I tell you now that the remembrance of those few words spoken by such a man, and the honest, hearty shout they produced, is worth more to me than all the honors I have received and all the reputation I have ever made, or ever shall make, as a member of Congress.

"Now, sir," concluded Crockett, "you know why I made that speech yesterday.

"There is one thing now to which I will call your attention. You remember that I supposed to give a week's pay. There are in that House many very wealthy men—men who think nothing of spending a week's pay, or a dozen of them, for a dinner or a wine party when they have something to accomplish by it. Some of those same men made beautiful speeches upon the great debt of gratitude which the country owed the deceased—a debt which could not be paid by money—and the insignificance and worthlessness of money, particularly so insignificant a sum as $10,000, when weighed against the honor of the nation. Yet not one of them responded to my proposition. Money with them is nothing but trash when it is to come out of the people. But it is the one great thing for which most of them are striving, and many of them sacrifice honor, integrity, and justice to obtain it."

SPECIAL HEBREW PRAYER SERVICE FOR "PUEBLO" CREWMEMBERS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. BOB WILSON. Mr. Speaker, I wish to call the attention of the Congress to the special Hebrew prayer service of deliverance conducted in San Diego by Naval Chaplain Garson Goodman for the U.S.S. *Pueblo* crewmembers of the Jewish faith.

It is ironic that the two Jewish sailors, Seaman Steven Paul Ellis and Communications Technician Steven Jay Robin, were reportedly fearful during their captivity of their Communist captors taking notice of their religion because of the current intensification of anti-Semitism in the Communist nations. The men were not able to display the "mezzuzah," a small parchment scroll contained in a religious medallion worn around one's neck as some Christians wear the cross as a symbol of their faith. The first request made by these men on the arrival in San Diego was for the symbol of their faith.

Mr. Speaker, it would appear that not only were various other basic human rights denied the crewmembers of the *Pueblo* but such a climate of fear existed that religious expression of the Jewish sailors was inhibited.

Chaplain Goodman is to be commended for conducting the appropriate services in welcoming these men at a time when he was stricken with influenza and had to leave his sickbed.

REGAINING CONTROL OF THE SCHOOLS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. ASHBROOK. Mr. Speaker, the New York Daily News of today, January 23, ran a short editorial concerning the crisis of schools in New York City which could well be a foretaste of things to come in other cities. The editorial reads:

TRUE LIFE HORROR TALE

Beatings in the hallways, assaults on teachers and students, terrorism in the classroom. These, according to a report released Tuesday by the High School Principals Association of New York City, are as common a part of school life nowadays as reading, writing and arithmetic.

The principals blame militants, radicals and general hell-raisers for this sad state of affairs, and they fault the Board of Education for not curbing the troublemakers.

The board, according to the principals, has been more interested in keeping reports of disorders and worse from reaching the public eye. If so, the board did no more than the principals themselves in sweeping the unpleasantness under the rug until it became unmanageable.

Nonetheless, all parties owe it to the city and the students to act vigorously now and reassert their control over the schools.

On the same day, January 23, the Christian Science Monitor carried an article by Peter C. Stuart, entitled, "Turmoil in Schools Drives Out Teachers," which began with this lead:

> The black-power and student-power tugs-of-war testing many American urban public schools are driving out teachers and administrators in alarming numbers—and scaring off potential recruits.

Accompanying the article was a graph of teacher resignations and retirements from 1964 through 1968 with this caption:

> More than 1,800 New York teachers resigned last year. Another 800 retired, many early. Strikes, harassment, and the issue of neighborhood control of schools are cited among the causes. The teacher drain has hit other city school systems around the nation as well. And replacements are becoming increasingly hard to find.

Perhaps the example of New York City is not a truly representative one as the issue of decentralization has been an abrasive problem for some time. However, as the article indicates, other areas are experiencing difficulties in recruiting and keeping trained teaching personnel.

Here again, it would seem that the destructive permissive philosophy which permeates other segments of our society is, in the field of education, working against our best interests. Here again, as in other fields, a firm hand in enforcing the law is basic to the alleviation of this problem. Both school and municipal authorities will have to crack down hard if our public school systems are to serve their educational functions.

I include the article "Turmoil in Schools Drives Out Teachers," from the Christian Science Monitor of January 23, 1969, in the RECORD at this point:

RESIGNATIONS CLIMB IN NEW YORK—TURMOIL IN SCHOOLS DRIVES OUT TEACHERS

(By Peter C. Stuart)

NEW YORK.—The black-power and student-power tugs-of-war testing many American urban public schools are driving out teachers and administrators in alarming numbers—and scaring off potential recruits.

Unless peace is restored, some educators warn, critical shortages of qualified personnel may follow in the years ahead.

The problem is most pronounced in New York, hardest hit by school strife. But similar troubles in other major American cities suggest a problem of national dimensions.

Some school officials tend to soft-pedal the existence of any such problem. But others in the field, particularly leaders of school-employee unions, discuss it freely—and in urgent terms.

EXODUS GREW IN 1963

In New York, resignations and retirements of teachers and administrators jumped sharply in 1968 compared with the previous five years, reports the Council of Supervisory Associations, the school administrators' union. Resignations climbed more than 50 percent during embattled 1968 alone. Retirements—many of them early retirements—rose more than 20 percent.

Nationally, the exodus of experienced school personnel from troubled urban schools has become "a very difficult problem," according to George W. Jones, director of the National Education Association's Task Force for Urban Education.

Hard evidence is scarce, he explained, because people often do not disclose why they resign or retire. But the "feeling" that emerges in city after city is that teachers and administrators increasingly want to escape the social tensions at many urban schools, he said.

Besides New York, he said, the problem has surfaced in such cities as Washington, Detroit, and St. Louis.

In Philadelphia, Frank Sullivan, president of the teachers' union, said "community hostility toward teachers" is one reason why 5,200 vacancies opened during a recent 20-month period in the school system's staff of 12,500 teachers.

Two cases in New York indicate the kinds of pressures to which urban educators sometimes are subjected:

Julius Nislow, white principal of an elementary school in a predominantly black section of Brooklyn, last fall was blocked from his school by racial extremists. He and his family were threatened by letter. He went on "sick leave," then was reassigned to board-of-education headquarters.

Isidore S. Rosenman, white principal of Boys' High School in Brooklyn, was harassed by black students who provoked turmoil at the school. He, too, accepted a transfer to board-of-education headquarters.

The supervisors' union figures a total of 48 administrators have been reassigned by the board of education in this manner. Others have taken extended leaves of absence.

Teachers and administrators who resign often take jobs in the quieter suburban schools of Long Island, Westchester County, or New Jersey. But most leave the field of education entirely, according to spokesmen for the supervisors' union.

STEP-UP FORECAST

"We're losing some of our bright, young people," reported Walter J. Degnan, president of the Council of Supervisory Associations. "They won't put up with the pressures and harassment. Militants tell them not to come back and say they'll take care of them if they do."

He warned that the manpower drain would accelerate if the State Legislature approves a citywide decentralization proposal which would transfer most hiring authority to neighborhood and school districts and abolish citywide qualifying examinations.

Mr. Degnan was asked if he foresaw critical personnel shortages.

"Worse than that," he replied. "This situation will destroy the public school system if it is allowed to continue. Furthermore, cities like Chicago, Philadelphia, and Detroit will follow if we fall."

Dan Sanders, press spokesman for New York's United Federation of Teachers, said the sharp rise in resignations and retirements has been accompanied by rank-and-file demands for easing retirement eligibility. He attributed it all to "unsafe" schools "filled with conflict."

"Recruiting is a problem, too," he said. "We're able to solve it temporarily by hiring young men looking for the draft exemption. But after the war is over, it will become a real problem."

COMPLEX GOVERNMENT DEMANDS STREAMLINING

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 16, 1969

Mr. HUNGATE. Mr. Speaker, it is a privilege for me to join with 155 Members of this Chamber in sponsoring H.R. 3856, the Executive Reorganization and Management Improvement Act, and with 165 Members of the House in sponsoring H.R. 3861, the Program Information Act.

These two bills represent an effort to streamline and modernize government at all levels—a goal worthy of our attention at this period in history.

We have become a nation of 200 million people, but the individual has become an overwhelmed and sometimes forgotten member of our national operation.

As our problems and the challenges which confront our Nation grow more complex, our system of local, State, and Federal Government has grown more complex—at times a maze of redtape and regulations which can only be confronted by experts.

State and local governments, as well as public and private organizations, have turned to these "experts" for guidance in approaching the Federal bureaucracy. Lately, we have heard State and local governments criticized for developing bureaucracies which challenge the Federal Government in complexity.

At the present time there are more than 1,000 Federal aid programs—how many more no one seems able to accurately define.

The duplication, the lack of efficiency, and the amount of administrative waste are bemoaned but remain unchallenged.

The two bills which I have cosponsored would first, require annual publication of a catalog of all Federal programs and require the President to submit to the Congress recommendations for streamlining and simplifying these programs; and second, establish a Hoover-type commission to evaluate Federal programs, their effectiveness and the feasibility of proposed alternative or additional programs.

Mr. Speaker, in a time of unlimited problems and limited financial sources, we must strive for efficiency in Government. We must also rely more on the resourcefulness of State and local governments to meet these challenges.

These bills are designed not only to modernize and simplify the Federal bureaucracy but to make it easier for local government to assume more of the burden of domestic programs. This can be done by closing the "information gap" on Federal assistance programs and by making these programs more efficient and more effective.

UKRAINIAN INDEPENDENCE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. ANNUNZIO. Mr. Speaker, yesterday, January 22, marked the 51st anniversary of Ukrainian independence. On January 22, 1918, a national council at Kiev bravely declared the Ukraine to be a free and independent republic.

The spirit of nationalism demonstrated by the Ukrainians on that historic occasion has prevailed time and time again during the ensuing years, and to this day, despite the cloud of communism which hangs over the Ukraine, these courageous people remain true to the principle of self-determination.

In 1776, America declared her right to determine her destiny, and then proceeded to fight a long and wearisome war to preserve and protect that privilege.

Today we are involved in a difficult struggle in Vietnam. Our young fighting men in the Armed Forces, as well as those of us back home who support them, are engaged in this conflict because we firmly believe in the conviction that all peoples have the right to determine the government that leads them.

We were truly fortunate, for we won our struggle for independence and today we enjoy the fruits of liberty and self-determination. But we have never forgotten the sacrifices we made to achieve our national purpose, and now our hearts go out to the gallant Ukrainians who seek to achieve the self-same goal which we claimed as our inherent right almost two centuries ago.

In my own Seventh Congressional District of Illinois, as well as all over the United States, thousands upon thousands of Ukrainian Americans have joined together in commemorating the 51st anniversary of Ukrainian independence. We are fortunate to have these wonderful people among our citizens, and it is, therefore, with great pride that I join my colleagues in the House of Representatives in observing Ukrainian Independence Day.

I congratulate the Ukrainians on their steadfast efforts to regain their freedom and express my profound hope for peaceful liberation of the Ukrainian people.

WHAT THE NAVAL AIR RESERVE LEARNED FROM THE 1968 CALLUP

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. RIVERS. Mr. Speaker, I would like at this time to call to the attention of the Members of the House a short and important article by Rear Adm. W. S. Guest, U.S. Navy, commander, Naval Air Reserve, concerning the experiences during the 1968 call to active duty of Naval air reservists.

The Members will recall that we heard a great deal of criticism at the time concerning preparedness of reserve units and the attitude of individual reservists. Unfortunately, as happens in such cases, equipment and personnel problems were blown out of all proportions. In regards to the Naval Air Reserve, Admiral Guest's article sets the record straight, and the Naval Reserve Association has performed a valuable public service in publishing the article. The article appeared in the NRA News for January 1969. I particularly call the attention of the Members to the fact that of the 600 reservists called, only 17 applied for delay or deferment, and of these only three were actually granted.

The article follows:

One year ago this month, six Selected Naval Air Reserve squadrons were called to active duty.

Nine months later they were released.

During that time there were complaints and misinformation spread about the Naval Air Reserve. There were also some very important lessons learned. I'd like to discuss them here so that NRA members will be fully informed of the facts concerning this partial mobilization and thus be able to answer intelligently any criticisms they may hear from those who are uninformed about the matter.

The most important lesson learned by this call-up is that first-line aircraft and weapons systems are the key to having a fully-effective Naval Air Reserve. In any foreseeable contingency, as proven in past call-ups, immediate response is an all-important factor. There may not be enough time after recall to produce new aircraft and equipment. Therefore, the Naval Air Reserve must, on a continuing basis, be outfitted with aircraft that are capable of starting fleet operations in a matter of hours or a few days.

This would correct the current situation wherein our attack and fighter jet squadrons do not right now have first-line aircraft which could be used in combat, such as in Vietnam.

At the time of the January recall, the Navy with its austere inventory of aircraft, wasn't in a very good position to outfit recalled Reserve squadrons with first-line aircraft equipped with advanced weapons systems. But any contention that the Navy was not prepared to absorb the six squadrons is erroneous. It would be illogical to say that our Navy, with its heavy commitments worldwide, was unable to use additional squadrons gainfully. But the fact remains that *extra* attack and fighter aircraft just didn't exist in the fleet. So our Reserve squadrons had to await re-programming of fleet inventories to provide them with the types of VA/VF aircraft considered suitable for use in the current combat environment.

A magazine article in September, which

was inserted in the Congressional Record, charged that "not only were Ready Reserves . . . not ready in terms of planes, equipment and training for immediate deployment, most of the units didn't have enough men to fill all its necessary jobs."

To this I must answer that at the time of the call-up, the Naval Air Reserve was manned at 100 percent of the total strength authorized by the Department of Defense. We were at the approved maximum "drill pay ceiling" set by DoD, which gave us 29,400 officers and enlisted men in 362 aviation units. However, the total wartime complement for these 362 units was 37,000. This meant that all units were level-manned at about 80 percent in order to give the most training to all Air Reservists authorized under this ceiling.

In the event of a partial mobilization, the plan—as executed in the Korean and Berlin call-ups—was to flesh out recalled squadrons to 100 percent strength by assigning additional people from other Selected Air Reserve units. However—and here's a point not many outsiders realize—in last year's call-up, involuntary recall of "individuals" *was not authorized*. Thus, we had to fill the specified quadrons with active-duty personnel and/or with volunteers from other Reserve units.

This shouldn't happen again, because we have now reorganized our Naval Air Reserve units. Squadrons, which if called to operate as integral units (fully manned with personnel and hardware) are now priority manned at or near 100 percent of fleet complement. Since we still have a drill-pay ceiling, this priority manning has had to be done at the expense of the so-called augmenting units (those which go to fleet units without equipment to bring them up to wartime personnel strength).

This doesn't, as you might deduce, detract from the importance of the augmentation units. The mobilization requirements for augmentation units still exist and are a "hard requirement" for the fleet. If, in a future recall, personnel only are needed, and in the meantime all augmenting units haven't been fully manned, we will have two alternatives:

(1) Based on "on-board" count, recall the number of augmenting units needed to meet the personnel requirements, or

(2) Recall hardware squadrons without their aircraft and equipment as the situation demands.

This same magazine article also charged that "the Navy, in activating the Reservists, took no notice of individual capabilities and talents that were not service acquired." It said that college graduates were doing blue collar jobs, business executives were doing janitorial duties, and a "stockbroker was night-guarding sleeping airplanes."

To this I say that certainly it's true in civilian life many Reservists hold positions of greater importance and prestige than in their Reserve assignments. This must not be looked upon as a discredit to the Reserve, but rather as reflecting the fact that the Naval Air Reserve attracts such highly qualified people—all of whom voluntarily drill in their particular assignments. Reservists, of their own choosing, participate at the level at which they are qualified militarily, irregardless of how affluent or talented they are in civilian life. Many of them, in the last call-up and now still in the Naval Air Reserve, are aware that they are qualified to seek officer status, but have chosen to enlist instead. The many college graduates who have elected to serve in an enlisted status are promoted in accordance with their abilities and their desires for increased responsibilities.

The facts don't substantiate another allegation that a lot of men applied for hardship discharges. Of the 600 Reservists recalled, only 17 applied for delay or deferment, and of these only three were actually delayed or deferred. Only one of the three was released to inactive duty after recall and the other two were delayed for just enough time to allow their graduation from college. One of these two was being processed for an officer program and needed to finish college to qualify.

The 15 who were denied deferment had not informed the Navy, before the call-up, of any hardship. Screening of the Reserve is a continuous process and no one is kept on the rolls if it is known that circumstances could be a cause for release after being mobilized.

Closely related to manpower and equipment matters was the concern over morale. Alleged poor morale of recalled squadrons because they were kept at home stations for too long a period is only partially true and is misleading. Generally speaking, morale is rarely adversely affected because people are kept home, and the six squadrons were certainly no exception to this rule. However, it is understandable that some of the Reservists felt that since they were recalled to active duty in such haste they should have been shipped out faster. Delays such as this can only be avoided in future call-ups if squadrons are fully manned, fully equipped, and fully trained so they can be inserted immediately into fleet rotation schedules with other active squadrons.

There was also the published charge that the call-up may have meant the finish of the Naval Reserve program.

This, of course, is ridiculous.

The crux of an effective Reserve gets back to the first part of this article regarding equipment. If we want a Reserve that is fully effective, then we must be willing to provide it with the kind of equipment needed in the event of a recall.

With first-line equipment, our Naval Air Reserve will be able to respond to a call-up as a true force in being—immediately usable. Without proper equipment, it can only provide partial training which will have to be completed by the fleet after recall.

The Naval Air Reserve Force encompasses almost the entire spectrum of fleet air operations; it is composed of all types of aviation units—ASW, transport, attack and fighter tactical units, plus aircraft maintenance, air intelligence, operational control and analysis support units. The degree of modernity of aircraft now in use by the tactical forces varies. The ASW elements, which comprise about 40 percent of the total Naval Air Reserve Force, now have aircraft comparable to fleet aircraft and this is reflected in their much greater readiness for use in the fleet.

VP squadrons, which fly P2Hs and P2Es, are ready for practically immediate employment in the fleet. Carrier-based ASW squadrons and helicopter squadrons which fly S2D/Es and SH3As, respectively, would be ready for employment after a short period involving completion of carrier landing qualifications.

The P2 Neptunes are being phased out of fleet ASW squadrons and are being replaced by P3 Orions. In the Naval Air Reserve we have only a token training program in the Orions, but hopefully, we'll be getting these planes in the not too distant future. Our transport squadrons, although flying antiquated C54 and C118 aircraft, are ready immediately for logistic support of the fleet within the capabilities of these obsolescent transports.

In closing, I want to say that I believe that the current international situation justifies equipping our Naval Air Reserve components with first-line aircraft and fleet-type weapons systems. This would provide two essential defense assets: (1) a strategic Reserve aircraft "pool" to offset fleet combat losses during the time required to obtain authority and to manufacture replacement aircraft, and (2) truly ready combat squadrons almost instantly capable of augmenting fleet aviation when needed.

CONGRESSIONAL DELAY OF POSTAL POLICY IMPLEMENTATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. HAMILTON. Mr. Speaker, a few days ago H.R. 2783 was introduced which, if enacted, will delay implementation of congressional policy governing implementation of special rate fourth-class mail postal regulations from January 15 to July 1.

I regret, of course, that Congress must involve itself in the timing of the application of the conditions of mailing. It is only one more example of the jungle of restrictions which surround postal management today. Hopefully, Congress will soon enact H.R. 1382, a bill to establish a Postal Service Corporation, which would retain for Congress its policy-making role, but allow the postal manager to bring unfettered management leadership to the task of delivering the mail.

But, as of today, we must deal with the postal system as it is, and that requires that the Congress involve itself in these matters.

My review of the action proposed by the Postmaster General convinces me that it reflects the clear intent of Congress as required by the expenditure reduction provisions of the Revenue and Control Act, and under the specific authority granted to the Postmaster General in section 108(a)(6) of the Postal Revenue and Federal Salary Act of 1967—Public Law 90-206, approved December 16, 1967.

This section added the following new provisions to section 4554 of title 39 of the United States Code—the section governing special rate fourth-class mail:

> (e) Articles may be mailed under this section in quantities of one thousand or more in a single mailing, as defined by the Postmaster General, only in the manner directed by him.

On June 29, 1968, the Post Office Department published a notice of proposed rulemaking to implement section 4554(e). The proposal would have required, first, effective October 1, 1968, that identical pieces mailed in quantities of 1,000 or more be sorted and sacked to the first three digits of the ZIP code; and, second, effective January 15, 1969, that all pieces—whether identical or not—included in a mailing of 1,000 or more bear the full ZIP code and be sorted and sacked by three-digit ZIP code areas.

Thereafter, the book publishing and record industry raised objections to the second-stage requirement. Accordingly, to meet these objections as far as possible without losing the financial and operating savings envisioned by the proposal, the Department, in finally adopting the regulations on August 9, 1968, modified the second stage by making a number of concessions to the fourth-class mailers concerned.

As adopted, the regulations, rather than requiring nonidentical pieces to be sorted and sacked to three-digit ZIP code areas, now ask only that they be sorted and sacked to States. In addition, mailers will not be required to merge the nonidentical pieces with identical pieces as initially proposed.

Articles in the special rate fourth-class category contribute greatly to the Department's expenditures and add considerably to those postal costs which must be met from general tax revenues. For example, the 1967 cost ascertainment report shows total volume of these mailings as 239,347,000 pieces producing $63,138,000 revenue. The apportioned costs are shown as $143,756,000. Thus, cost coverage is only 43.9 percent The taxpayers lose $80,618,000 annually, of which amount this regulation is designed to recapture but $4,044,555. In other words, after this regulation is fully effective the taxpayers will still be subsidizing this category of mail in the sum of $76.6 million annually. This is a heavy subsidy by the taxpayer, indeed.

I recognize, as does the Post Office Department, that determination of the postal rate structure still is the prerogative and the responsibility of the Congress. In carrying out that responsibility Congress passed Public Law 90–206 containing the enabling legislative clause giving the Postmaster General the authority to prescribe the detailed conditions for mailing. Recognizing that the cost-revenue relationship for what it is, the Postmaster General would be remiss in not implementing section 108 of Public Law 90–206.

The proposed regulations which H.R. 2783 is directed at delaying represent a modest approach to an improvement of the cost coverages on this class of mail. The plain fact is, as earlier stated, that the total program to reduce operating costs by an estimated $4,044,555, when measured against the fourth-class revenue deficit of over $80,000,000 is a modest attempt, indeed, at cost reduction.

The Postmaster General has previously informed both the House and Senate Committees on Post Office and Civil Service that he did not feel he would be properly discharging his responsibilities if he delayed implementation of these new regulations.

It has been stated that the Postmaster General has been unresponsive to congressional and mailer representations regarding the impact of the January 15 regulations. Respectfully, Mr. Speaker, I should point out that responses have been made by the Department. By letter dated August 3, 1968, the Postmaster General informed the Subcommittee on Postal Rates that based upon its representations, as well as those of affected mailers, he had decided to dramatically lessen the impact of the final regulations he was publishing as contrasted to the regulations proposed in the initial notice.

The proposed regulation as now published is considerably less stringent, less costly, and more easily conformed to than that originally contemplated. The change was twofold. First, it eliminated the requirement that nonidentical pieces be merged with identical pieces. Second, it reduced the sorting requirements for nonidentical pieces from a three-digit ZIP code area sort to a much less sophisticated State sort.

It has also been represented that the Postmaster General has not fully considered industry proposals, the principal ones of which, in return for deletion of the January 15, 1969, second step, would have increased the daily mailing provision from 1,000 to 5,000 pieces with the industry willing to presort and sack mailings in excess of 5,000 pieces to the full five-digit ZIP code areas effective October 1, 1968.

I am informed that the industry proposal was carefully considered by the Postmaster General and his staff before publication of the final rules on August 9, 1968.

The Postmaster General could not accept the industry proposal for several reasons. First, it was not consistent with the basic law, Public Law 90–206, which provided that single mailings of 1,000 or more pieces should conform to the Postmaster General's rules defining the conditions of mailing.

The 5,000-piece minimum requirement would have eliminated the majority of the users of this category from any premailing requirements, thus shifting the burden to a minority of users.

Second, the overall cost reduction to the Department would not have been as great.

It appears to me that the Postmaster General is fully warranted in implementing these new regulations in view of congressional concern about the Post Office Department annual deficit. In fact, it is his duty to do so. I also feel that the Postmaster General has been responsive to congressional and mailer representations on this issue; he has made a significant modification of the proposal which is now much less stringent on mailers while at the same time enabling the Department to realize a significant portion of the cost reduction anticipated by his earlier proposal. The Postmaster General would not be discharging his responsibilities to the taxpayers if he delayed the effective date.

Mr. Speaker, H.R. 2783 would delay postal regulations which went into effect on October 1, 1968, and with which a substantial part of the industry is already complying. The sponsor of H.R. 2783 has stated that only three companies have obtained preliminary injunctions from Federal district judges suspending implementation of those regulations while another six or seven companies have filed requests for such preliminary injunctions. All other mailers affected by the regulations are complying. Inasmuch as these firms have made arrangements to comply, I see no reason to request the Postmaster General to rescind the regulations.

Mr. Speaker, during the second session of the 90th Congress the Committee on Post Office and Civil Service of the House of Representatives reported out a bill whose provisions were very similar to those incorporated in H.R. 2783. I might add that, although this bill was reported by the committee, neither the House of Representatives nor the U.S. Senate saw fit to take any further action in conjunction with the Postmaster General's implementation of the regulations. In view of the serious revenue-cost deficiency of fourth-class mail, I urge that the Postmaster General be fully supported in his efforts to comply with the clear intent of Congress by implementing section 4554(e) of title 39, United States Code.

NOTHING SACRED

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. ASHBROOK. Mr. Speaker, I am sure that most of those TV viewers who saw the American soldier felled by a rock and the pelting of President Nixon's limousine with objects as it proceeded along Pennsylvania Avenue during the inauguration parade were infuriated by this sick form of dissent. Yet the same elements which participated in the riot at the Democratic Convention in Chicago in August were present in Washington for the inauguration, and, as was to be expected, a number of them were arrested for assulting policemen and carrying dangerous weapons. The National Mobilization Committee to End the War in Vietnam—NMC—had prepared in advance for the ceremonies and had been successful in obtaining permission to use Federal grounds for their assemblage.

The Chicago Tribune of January 22 featured an extensive article by Ronald Koziol of the Tribune's Washington office which describes the program of disruption carried out by these radical groups.

It goes without saying that the American public has long been fed up with the coddling of these radical groups who abuse the right of free speech and assembly, among other things. These exponents of anarchy and revolution must be publicized for what they are so that their future programs of disruption can be thwarted by lawful citizens and their officials in every town and city in the Nation.

The detailed article, "Cop Goading Works Again at Inaugural," by Ronald Koziol is useful in placing on the record the latest excesses of these groups, and for this reason I place it in the RECORD at this point:

COP GOADING WORKS AGAIN AT INAUGURAL

(By Ronald Koziol)

WASHINGTON, January 21.—Radical leaders of anti-war groups achieved what they set out to do here during President Nixon's inauguration—disrupt, confuse, and battle the police, investigators conceded today. And, in the end, Washington police reacted much as Chicago police did during the Democratic convention in August.

The three days of counter-inaugural skirmishes resulted in 109 arrests, at least four police confrontations, and 30 reported injuries to police and demonstrators.

The charges against those arrested ranged from assaulting policemen to carrying dangerous weapons.

SAME LEADERS INVOLVED

Investigators, in their day-after evaluations, noted striking similarities between the disruptive tactics at the inauguration and the disorders which occurred during the Democratic convention.

Both disorders were organized and planned by leaders of the National Mobilization Committee to End the War in Viet Nam [N. M. C.]. These included David Dellinger and Rennie Davis, who set up offices and spent two months in Washington laying the groundwork. In Chicago, N. M. C. leaders planned for six months.

On Sunday, the N. M. C. declared that it was no longer handling planning and was stepping out of the picture "because there were certain people making plans to disrupt."

OFFERS NO RESTRAINTS

This was the same tactic employed by the N. M. C. in Chicago, where the radical leaders disassociated themselves from the disorders after the violent confrontation in front of the Conrad Hilton hotel.

However, it was the N. M. C. which openly enlisted the support, both in Chicago and Washington, of the militant yippies and scores of other violence-prone anti-war demonstrators.

Davis was observed by police at the scene of one of the confrontations yesterday during the inaugural parade. At no time did he make any attempt to dissuade the mob, nor was he close enough to risk being hit by police clubs.

Investigators pointed out that the N.M.C. again supplied the planning and financial aid and the militants supplied the street troops needed to confront police and embarrass local and federal officials.

One of the most active groups here for the demonstrations was the Ohio chapter of the Students for a Democratic Society. Two weeks ago The Tribune disclosed S.D.S. plans to battle police and force the presence of troops at the inauguration.

ADVISE ON TACTICS

On Friday, an underground militant newspaper called for action to take place on the north side of Pennsylvania avenue because "on the south side there was no place to run if the going gets good."

Police noted that the yippies and many Ohio S.D.S. members were in the forefront of confrontations. As in Chicago only a few Negroes took part in the disorders.

National guard and federal troops in full battle gear had been placed in reserve and were used to contain the activities of the protesters.

An elite group of Washington policemen, all volunteers and known as the civil disorder unit, used their three-foot long riot sticks willingly to club demonstrators along the Pennsylvania avenue parade route and later at the scene of a 40-minute battle a block from the White House.

TROOPER HIT BY ROCK

The protesters still managed to hurl rocks, sticks, eggs, cherry bombs, and two paint-filled bottles at the Presidential cavalcade. All missed their mark, but a trooper from the 82d airborne division was injured when he was struck on the head by a rock.

As in Chicago, Washington police finally reacted with swinging clubs. The first encounter came when 100 policemen were given the order to move the demonstrators away from a rope lining the street. The police waded into the first four rows, driving their clubs into demonstrators abdomens, and clubbing others on the head. All of the protesters in the first few rows wore army or football helmets.

CARRIED TO SQUADROL

Some protesters who resisted or did not move fast enough were clubbed and carried to a waiting police squadrol, just as in Chicago. The scene was repeated in the second battle near the White House, with police swinging clubs as they charged the demonstrators in an effort to disperse them.

Prior to that confrontation, the unkempt demonstrators had fired a continuous stream of verbal abuse at the police lines. Shouts of "police are pigs", and "remember Chicago" were repeated over and over. These were the mildest yells.

The same four-letter words used by demonstrators in Chicago were repeated here with the names of Nixon and Agnew substituted for Johnson, Humphrey, and Daley.

Because of tight security and the fact that the parade route was completely roped off along the edge of the sidewalk, the demonstrators' confrontations with police occurred several blocks away from television cameras. In Chicago, stationary cameras were set up outside of the Conrad Hilton.

Inclement weather and mid-year examinations in colleges played a major role in keeping down the size of the demonstrators to slightly more than 5,000. This peak was reached Sunday during a counter-inaugural parade. The rainy weather also forced cancellation of several planned demonstrations.

CALL FOR ACTION

A factional split was noted on Sunday when a group of howling yippies and other militants started their own parade while Dellinger was addressing 3,000 persons in a tent near the Washington monument. One yippie said, "We're tired of hearing speeches and we'll find our own action." This they did as a battle ensued at the end of the march when the mob disobeyed police orders.

Washington authorities are still trying to pinpoint the source of financial backing for the demonstrations. The huge tent cost the N. M. C. more than $10,000, it was learned, plus the cost of insurance, loud-speakers, office space, and printing materials.

As in Chicago, local authorities will get stuck with the bill to restore the tent site area. The N. M. C. was not required to post a restoration bond. The city of Chicago had to restore an entire one-block section of Grant park across from the Hilton with new sod after the August disorders.

NEW BOOK DEPICTS LIFE IN THE MIDDLE SOUTH

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. BOB WILSON. Mr. Speaker, I take this time to commend a recently published book, "The Great Blue Heron," by Mary E. Wadlington, which depicts life with its stark tragedies, failures, and injustices. The background, in the Middle South, without the romanticism of the Old South or the vulgarity and profanities of the so-called New Left, is accurate. "The Great Blue Heron," written in simple pure English, quietly and effectively tells the story of one man's effort to achieve justice for his black and poor white brothers.

The characters are real, haunting, and unforgettable. This book presents no cure-all, no false optimism, but points the only way to achieve justice.

Lawyers, judges, academic personnel, and public library readers have read and enjoyed this book, as have my wife and I. I commend it to all those who hope that law and order may be established in our country. It represents the real source of our troubles: brutality, the child of ignorance.

A LINCOLN-SCAPEGOAT WILDERNESS FOR MONTANA

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. OLSEN. Mr. Speaker, I am pleased to introduce a bill today to establish a Lincoln-Scapegoat Wilderness for Montana.

For more than half a century, citizens of Montana and the Nation have been aware of the need to protect an especially fragile and beautiful area of national forest wild land astraddle the Continental Divide in west central Montana. The Lincoln back country and Scapegoat Mountain area have been a source of attraction ever since the Lewis and Clark Expedition, fur trappers, and hunters came upon the region many years ago. Since the middle 1800's, several generations of Montana citizens and others have used and enjoyed the Lincoln-Scapegoat country as wilderness. Yet, as part of the general national forest system, the area has received no special protective classification. Only its rugged inaccessibility and lack of significant timber and other commodity resources have saved its magnificent and primeval qualities from development.

In 1963, the Forest Service announced plans to develop the area for timber production and intensive recreational use. The Montana Wilderness Association, the Montana Wildlife Federation, the Montana Fish and Game Department, businessmen, ranchers, and many others urged that this irreplaceable area be given wilderness protection.

Last year, a public hearing was held in Montana on a bill cosponsored by Senators Lee Metcalf and Mike Mansfield to establish the area as wilderness and place it in the national wilderness preservation system. Mr. Speaker, this measure received overwhelming support by citizens from all parts of Montana and the Nation. It was strongly endorsed by conservationists, ranchers, businessmen, and professional natural resource educators.

Montana's Gov. Forrest Anderson, as well as former Gov. Tim Babcock, voiced enthusiastic support for this proposal. My colleague from the eastern district of Montana, Representative James Battin, testified in favor of it and has introduced similar legislation in this Congress. So the legislation truly has widespread bipartisan support.

The Lincoln-Scapegoat area consists of approximately 240,000 acres of incomparable mountain wild country contiguous on the southeast to the Bob Marshall Wilderness. It is located some 60 miles northwest of Helena, near the recreational community of Lincoln.

Exquisite natural scenes of high mountain snowfields, rushing streams, tranquil lakes, and narrow valleys carpeted with wildflowers characterize the area. Scapegoat and Red Mountains, both of which rise above 9,000 feet, are scenically spectacular.

Signs of man's activity are extremely rare. With the exception of a few ranger cabins and limited foot and horseback trails, the Lincoln-Scapegoat area is completely undeveloped and wild. It is one of America's finest examples of undedicated pristine wilderness.

The area has a long history of wilderness use for horseback riding, hiking, backpacking, camping, sightseeing, hunting, and fishing. Recreational use ranges from family camping and hiking in the lower areas to horseback packtrips and backpacking outings into the rugged high country. Several State and national conservation organizations conduct annual trips into the area, which supports a significant guiding and outfitting industry.

A rich variety of wildlife makes the area especially attractive to recreationists. Bighorn sheep, mountain goats, grizzly bear, and moose inhabit these mountains, along with elk, deer, black bear, and cougar. This is one of the few remaining haunts of the endangered grizzly bear within the lower 48 States. The noble grizzly needs wilderness to survive. Other wildlife includes the wolverine, ptarmigan, bald eagle, and Montana grayling. Here, also, on the headwaters of both the Columbia and Missouri Rivers, is found one of the principal natural sources of the endangered native cutthroat. The area furnishes high-quality wilderness hunting in season and unexcelled oportunities to observe and study wildlife in undisturbed natural surroundings.

Most of the area is at alpine and subalpine elevations. Five small wilderness rivers—the East Fork, North Fork, and Landers Fork of the Blackfoot, as well as the headwaters of the Dearborn and the South Fork of the Sun River—flow through the area. Slopes are steep, and the glacial soils are shallow and fragile. Wilderness designation would protect critical watershed values.

Mineral explorations to date indicate that the mineral potential of the area is not significant. There is no grazing of domestic livestock, other than recreational stock, in the area encompassed by this legislation. No private lands are located within the proposed wilderness. No water development plans pertain to it. The merchantable timber in the area is poor in quantity and quality. Most of it consists of lodgepole pine—a low-quality lumber species which occurs throughout millions of acres in nearby roaded areas of the national forests. Roading, logging, and development of this area for intensive recreational purposes would not contribute to best possible land use and is not justified when the higher wilderness values of the area are considered. Many campgrounds and other sites for developed recreation are found nearby, outside the proposed wilderness.

I am personally acquainted with the Lincoln-Scapegoat area, and I believe that such wild beauty spots should be protected and preserved in accordance with the national forest multiple-use principle which provides for the management of appropriate areas for wilderness purposes.

A Lincoln-Scapegoat Wilderness is the best way to assure protection and wise use of this magnificent area for all Montana citizens and their many visitors. To achieve these objectives, I urge prompt enactment of my bill.

A GREAT FIRST LADY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. TEAGUE of Texas. Mr. Speaker, there are many Members of the House, I am sure, who share the great admiration of Lady Bird Johnson with me and feel that she has been one, if not the finest of our First Ladies. I now also know that at least one columnist also shared that feeling, Mr. James J. Kilpatrick, whose editorial in a recent issue of the Washington Post will show:

A STIRRUP CUP FOR LADY BIRD

(By James J. Kilpatrick)

There are times of hello and good-bye in our town. Up on Capitol Hill, the new Congress has convened and the old-timers have vanished. Down the avenue, the Democratic exodus continues. It is impossible to voice all the farewells a reporter might wish to put in words, but there's one in particular that ought to be made—to Mrs. Claudia Alta Taylor Johnson. She's been a great First Lady.

Just a few days ago, Mrs. Johnson wound up her fortieth trip "to discover America." In 96 hours, she covered 6,000 miles. It was enough to exhaust the Campfire Girls of the press who hike the trails behind her, but Lady Bird came through, as she always does, with the old smile going strong.

In the past five years, she's traveled at least 200,000 miles. She's gone down the Rio Grande in a rubber raft, and gone up the Utah mountains by cable car. She has called on slum dwellers, hillbillies, and Indian tribes. If she has missed a single historic shrine or national park, the oversight has been accidental, not deliberate. In cowgirl hat, checkered shirt and muddy boots, she's won the West all over again.

These indefatigable travels have caused her to be compared with the late Eleanor Roosevelt. Mrs. R., as everyone recalls, was forever turning up in the coal mines of West Virginia and Ohio, or bounding around the dust bowls of Oklahoma and the work camps of California. But Eleanor Roosevelt was a tough old hen, stringy and chewy and full of gristle; she numbered her enemies by the thousands. Lady Bird Johnson has numbered mostly friends.

Bess Truman and Mamie Eisenhower surely were assets to their husbands. So was Jackie Kennedy, after her glamorous fashion. Yet we are likely to remember Lady Bird longer and more pleasantly than all the others of recent time. In the political sense, she had perfect pitch; her greatest gift was to hit the right note.

Last January she was hostess at a White House luncheon set up to launch a "women's crusade against crime in the streets." To speak the truth, it was more of a charade than a crusade; it was a social affair—white gloves, cream cheese and rabbit food—and subject to the same rules of good manners that apply to such occasions everywhere.

Eartha Kitt, the Negro singer, was among the invited guests. Good manners were the last thing on her mind. With deliberate, insulting rudeness, she launched into an attack on the war in Vietnam. Then she undertook to educate Mrs. Johnson in the use of narcotics.

"If you don't know what 'pot' is," she snarled at her hostess, "it's marijuana."

Mrs. Johnson kept her cool. She had tears in her eyes and a tremble in her fingers, but she never stood taller as First Lady of the land. In a dozen well-chosen sentences, she voiced her conviction that the war ought not to be permitted to keep us from trying to do those things here at home that would create "a happier and a better land." Then she went on with the luncheon.

To be sure, not all her efforts have been crowned with laurels. In their anxiety to please Mrs. Johnson, highway beautifiers have wasted a fortune in planting dinky little bushes in impossible clumps along the interstate system. Yet she has so identified herself with the beauty of America that a bench-sitter in Williamsburg recently was amused to overhear a mother scolding a negligent child: "If you throw any more candy-wrappers on the walk, I'll tell Mrs. Johnson!"

The first new issue of postage stamps in 1969 doubtless will be known to collectors as the "Lady Bird" issue. As specimens of the philatelic art, the stamps are not much; but in their exhortation to plant for more beautiful cities, highways, parks and streets, the stamps will provide a pleasant farewell to a good and gracious lady. She has a respectful stirrup cup coming as she rides on back to the ranch.

CENSORSHIP OF FREE SPEECH—UNESCO

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. RARICK. Mr. Speaker, the United Nations operation known as the Educational, Scientific, and Cultural Organization has now set itself up as a censorship bureau for world thought control. UNESCO would disarm words.

As the voice for a few tribal states and minority conscious groups they would prostitute education—undertake a book-burning episode by rewriting language and speech—reminiscent of the Bolshevik brainwashing techniques.

What an intellectual jungle these international directors must wander in. Could it be they distrust man so intensely they would develop a phobia that civilization is bad? Wonder what those who fear free speech and self-expression will do with Shakespeare—rewrite it or burn it?

And U.S. taxpayers contribute $9,085,000 per year from their paychecks for this prejudicial undertaking?

And the source of this progressive program—Chief Fafunwa of Nigeria. They have no prejudice in Nigeria—they exterminate them.

Mr. Speaker, under unanimous consent I submit a censorship report on UNESCO from the Christian Science Monitor for January 18, 1969, for inclusion in the CONGRESSIONAL RECORD, as follows:

UNESCO DENOUNCES "SLURS" IN LANGUAGE

UNITED NATIONS, N.Y.—Watch your language, there. You might be committing racial prejudice without knowing it.

This, in effect, is the thrust of a recent report of the UN Educational, Scientific, and Cultural Organization.

UNESCO delegates meeting in Paris to discuss how to combat racial prejudice agreed that a special precision and prudence are called for from all persons making extensive use of language for communication.

It aimed its report particularly at teachers, authors, publishers of textbooks, and other teaching materials, and those concerned with the mass media.

UNESCO advised such prudence in the use of terminology employed to describe people of differing ethnic, religious, or other groups, especially formerly colonized peoples.

The UNESCO report telescopes in on more than a dozen words which violate the new norms of unprejudicial language.

Take, for instance, the terms "tribe," "native," "savage," "primitive," "jungle," "pagan," "kaffir," "bushman," "backward," "underdeveloped," "uncivilized," "vernacular," "Negro," "colored," and "race."

RECOMMENDATIONS OUTLINED

The report stressed that such terms were "so charged with emotive potential that their use, with or without conscious pejorative intent, to describe or characterize certain ethnic, social, or religious groups generally provoked an adverse reaction on the part of these groups."

The report recommended, for instance, that:

The word "inhabitant" should be used in preference to the word "native."

The term "pagan" should not be applied to religions: Religions should be specified by name.

The word "savanna" or "wooded savanna" would be preferable to the word "jungle."

It was recommended that the use of all "contemptuous, unjust, or inadequate words be discontinued in reference to racial or societal matters."

The UNESCO report agreed that "much of the current terminology used with reference to 'race' questions was a heritage of a colonial past and often perpetuated feelings of superiority and prejudice."

COLONIALIST TINGE CITED

Many of the terms, the report said, "because of their colonialist origin, carry overtones of racial superiority vis-a-vis the one-time colonies. These terms could implant the seeds of racialism in the minds of former colonizing peoples; in any event, they offend the susceptibilities of peoples who were once colonized."

The report acknowledged that it would be difficult to dispense entirely with such terms as "race" or "tribe," which are part of current scientific terminology. "But they should be used correctly," it said.

Much of the report was excerpted from a speech given in Paris by A. Babs Fafunwa of Nigeria.

Mr. Fafunwa said that prior to the 15th century and before the beginning of intensive proselytization and colonization, there was little reference to racial discrimination in text materials.

MISSIONARY EFFECT DESCRIBED

Mr. Fafunwa said that "the early Christian missionaries in their naïveté believed that theirs was a 'civilizing' mission; that the 'noble savages' or the 'warring tribesmen' of Africa and Asia needed Christ if they were to be uplifted from their 'primitiveness.'

"The colonial powers on the other hand had to justify their action by claiming that the 'natives' were too 'primitive' to rule themselves, and they had to be 'brought up' gradually and systematically before they could reach a stage of self-government and perhaps 'self-determination.'"

Mr. Fafunwa, citing the shorter Oxford English dictionary, said that the word "tribe" is defined as "a group of persons forming a community and claiming descent from a common ancestor"; and as "a race of people; now applied especially to a primary aggregate of people in a primitive or barbarous condition under a headman or chief."

"TRIBE" USAGE LESSENS

Mr. Fafunwa said it is interesting to note that the word tribe is mainly used nowadays to describe African ethnic groups. He said it used to cover groups in "Asia and other non-European communities, but since most of the Asian countries became independent between 1947 and 1954, the word gradually disappeared from the textbooks and journals, thanks to the UNESCO effort in this direction."

He commented with some feeling: "How an ethnic group with 2 or 10 million people in East or West Africa, with a parliamentary government, can be described as a tribe and not the Irish, the Scot, the Welsh, the French, or the English, still baffles the non-European."

Both Mr. Fafunwa's and UNESCO's long-range recommendations are that UNESCO, to combat prejudice and racial discrimination in text materials:

Hold regional or international conferences of authors and publishers for the improvement of textbooks, journals, magazines, and other teaching and information materials.

Encourage learned societies in history, geography, civics, anthropology, and sociology to devote a portion of their conference programs to discussions on "bias in text materials."

Sponsor a conference of religious leaders—Christians, Muslims, Buddhists, Bahais, etc.—to discuss the religious aspects of prejudice.

They recommended also that UNESCO should assume full leadership in ensuring that such words as they referred to are eliminated from text materials and learned journals.

Mr. Fafunwa commented that "we, the people of the world, cannot afford to ignore the epithets that tend to divide us into dangerous warring factions."

NEW YORK STATE BAR ASSOCIATION ENDORSES ATLANTIC UNION RESOLUTION

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. FINDLEY. Mr. Speaker, the committee on Federal legislation of the New York State Bar Association has enthusiastically endorsed House Concurrent Resolution 48 of the 90th Congress calling for a U.S. delegation to discuss with representatives of other free nations possibilities of future political union. This resolution was reported out of the House Foreign Affairs Committee last year but did not come before the floor because of the rush toward adjournment. Because of this milestone in support for the Atlantic Union Resolution, I include the recommendation of the New York State Bar Association at this point in my remarks:

REPORT ON RESOLUTION CALLING FOR U.S. DELEGATION TO CONFER WITH OTHER FREE NATIONS CONCERNING FUTURE STEPS TOWARD UNITY

During the 90th Congress, the House Foreign Affairs Committee approved by an overwhelming vote a resolution (H. Con. Res. 48, 90th Congress) calling for a United States delegation to discuss with representatives of other free nations possibilities of future union. H. Rep. No. 1656, 90th Cong. 2d Sess. (1968). Because the proposal has received strong Committee approval in the House, we believe it appropriate to address our comments concerning it to the 91st Congress. We believe that the proposal for such exploration, although bold, is sound and merits approval.

The concept has received endorsement of such diverse leaders as Richard M. Nixon, Hubert H. Humphrey, Eugene J. McCarthy, Robert F. Kennedy, Dwight D. Eisenhower, Barry Goldwater and Nelson Rockefeller.

The basis for the concept is the recognition expressed by former Secretary of State Christian A. Herter that greater than national problems require greater than national solutions.

Our concern as lawyers is with the legal structure which will permit this nation to meet its large responsibilities in the most effective manner.

The resolution approved by the House Committee would not commit this country to anything. It would merely give express Congressional approval to exploration of the possibilities of a future Atlantic federation or wider union of free peoples. Although the resolution is drafted in Atlantic terms, we see nothing in it which would preclude inclusion of other free peoples in the discussions proposed or in any resulting union. Likewise, we see nothing in the resolution to preclude consultation with non-governmental as well as governmental representatives from other free nations.

The tragedy in Czechoslovakia in August, 1968, has lent new poignancy to careful exploration of these possibilities. Although the House Committee acted even before the invasion, the Committee on Federal Legislation of the New York County Lawyers' Association considered the matter immediately thereafter and unanimously approved the House Committee's action. CONGRESSIONAL RECORD, volume 114, part 21, page 28104. Their report termed the need for such consultations "beyond dispute" and noted that a precedent existed in Public Law 86–719, 74 Stat. 818, enacted September 7, 1960, which authorized participation of leading citizens in an international convention of citizens from the North Atlantic Treaty countries.

The need for such exploration is emphasized by currency crises and the need for cooperation for aiding developing nations, aside from such shocks as the Czech tragedy.

We accordingly recommend favorable consideration of the House Committee recommendations of the 90th Congress on the part of the 91st Congress.

Respectfully submitted.

COMMITTEE ON FEDERAL LEGISLATION,
Richard A. Givens, *Chairman;* Anthony P. Marshall, *Secretary;* Leslie H. Arps, Harold Baer, Jr., Mark K. Benenson, Edward S. Blackstone, Vincent L. Broderick, Mason O. Damon, David M. Dorsen, John T. Elfin, Robert B. Fiske, Jr., Lawrence W. Keepnews, Norman Kellar, Herbert C. Miller, George W. Meyers, Jr., Bernard Nussbaum, Robert Patterson, Jr., Arthur C. Stever, Jr.

RESCINDING FEDERAL PAY HIKES

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. LANGEN. Mr. Speaker, I am today joining with a number of colleagues in the introduction of two House resolutions aimed at stopping former President Johnson's proposed pay increases for Members of Congress and other high-ranking Government officials.

The first resolution would disapprove the proposed increase and the second resolution is aimed at moving the bill from the House Post Office and Civil Service Committee so that floor action can be taken.

These pay increases should be postponed until such time as we have brought the budget into balance and have stopped inflation. It simply is not in the best interest of the Nation that Congress should encourage pay hikes at this particular time. To sanction such proposals would further aggravate both the budget and our overall fiscal position.

SUPPLEMENTARY EDUCATIONAL PROGRAMS IN DAY CARE CENTERS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. MIKVA. Mr. Speaker, I rise to support Mrs. Mink's bill to provide Federal assistance to improve child care in public and private nonprofit day-care centers. Recent research by medical authorities and psychologists has demonstrated the importance of salutary influences on children even in their earliest years. Often it appears that characteristics and traits which prove to be decisive in later life are first developed before the age of 4 years. Thus it is imperative that young children have available to them from the very start the kinds of beneficial experiences and influences which will help them develop into creative, contributing citizens.

It is significant, Mr. Speaker, that other countries sometimes provide child-care facilities which far surpass those here in the United States—the richest Nation on earth. In Israel, for example, early day-care facilities are maintained which match, and often even exceed, the educational opportunities which are available to a child in his own home. Such facilities demonstrate an awareness of the importance of early child care which offers both understanding and stimulation. In America we should be able to provide no less for our young citizens.

As Mrs. Mink points out, there is a serious gap in our present educational assistance programs—a gap which may well undercut the other Federal assistance efforts by handicapping certain children to the point that they can never fully benefit from later educational opportunities which become available to them. For this reason, this proposal for pre-Headstart assistance to working mothers is absolutely indispensable to the efficient functioning of other Federal educational assistance programs. The $300 million which we authorize in this bill is in reality an investment in America's future which will pay handsome dividends in the years ahead. The investment is one which we cannot afford to forgo.

I enthusiastically support Mrs. Mink's proposal, and urge my colleagues to do so as well.

HON. WILLIAM S. MOORHEAD LAUDS RETURN OF RADIO GENIUS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. MOORHEAD. Mr. Speaker, comic genius is a rare and highly prized gift which few of us can claim but millions thrill to when it is employed by a talented professional entertainer.

This prize—the ability to make people laugh—is especially valuable today when people just seem too busy "doing their thing" to take a few moments out to chuckle.

The good people of my district in Pittsburgh, and those for many miles around the "Steel City," had numerous occasions to be cheerful when Regis Cordic, one of the best professional wits, was daily broadcasting his madcap early morning show from Pittsburgh's KDKA radio.

Rege Cordic for 22 years, 11 of them on KDKA, was the companion of thousands of Pittsburgh businessmen driving to work and housewives at home as he and a menagerie of radio characters daily ran through a dozen zany episodes—not a few of which were rather perceptively aimed at the Democratic administration who controlled the city.

In 1965, Mr. Cordic left Pittsburgh for Los Angeles where he further developed his talents in the movies, on television and radio, and with his own firm which made product commercials for those latter two mediums.

I am happy to note that next month, after 3 years too many, Mr. Cordic will return to Pittsburgh with a new Sunday radio program.

Mr. Harold V. Cohen, drama critic for the Pittsburgh Post-Gazette, in one of his recent columns, heralds the return of this creative showman to my city. I would like to bring this article to the attention of my fellow Congressmen:

CORDIC RETURNING TO RADIO HERE, ON WTAE, EVERY SUNDAY VIA TAPE

The merriest of Merry Christmases to one and all this morning, and good news, too. Santa Claus is dropping something extra special into Pa Pitt's stocking, a return to the air waves here of that Merry Madman of the Microphone, Rege Cordic.

That's right, Rege Cordic. The bearded gentleman, in whose craniological complex, roaming restlessly somewhere, lies lunacy, has just signed with WTAE-Radio to do a four-hour show, via tape from his present headquarters in Los Angeles, every Sunday, 9 a.m. to 1 p.m., beginning the middle of February.

The deal was finally closed only yesterday after weeks of negotiations between Franklin C. Snyder, the Hearst Broadcasting Company's Pittsburgh chief, and Arnold D. Wilner, Mr. Cordic's longtime local attorney.

To give the show a flying send-off, Mr. Cordic will be heading back home around the end of January to do the first pair of programs live from the WTAE-Radio studios. They'll probably be aired on February 9 and 16.

By long-distance telephone from his home in Santa Monica, Calif., Mr. Cordic said "It will be strictly a Pittsburgh-oriented show, much the same as the show I was doing when I departed the Golden Triangle three years ago, with the old title, too, only a word added: 'Cordic and Co. West.' "

The founder, chairman of the board, president, secretary, treasurer and sergeant-at-arms of Cordic and Co. will revive a number of his most celebrated characters, Omicron, Louie the Garbage Man, Mr. Rouquefort Q. LaFarge and Mr. Murchison, among others; plans to feature interviews with Pittsburghers who have made good in Hollywood ("I have already contacted people like Henry Mancini, Regis Toomey, Gene Kelly and Frank Gorshin") and use them in sketches as well; will feature all of his old electronic gimmicks and novelties; comment on the foibles of the Pittsburgh community and spin a few records as well.

"In other words," Mr. Cordic went on, "it'll be, with the barest of exceptions, exactly as we left it."

To keep him abreast of what is happening here, he has engaged Bob McCully, the local gagman and sketch writer, to supply him with city-slanted material, and he has also signed a practically charter member of Cordic and Co., Pittsburgh's Karl Hardman, to come aboard, too.

Mr. Cordic intends to do a lot of taping with Mr. Hardman during his stay in Pittsburgh and, occasionally, Mr. Hardman will fly to the Coast to augment the Cordic-Hardman stockpile of skits.

And out in Hollywood, Mr. Cordic has lined up for Cordic and Co. West several actors who worked with him on KNX, the Columbia Broadcasting Company's affiliate in Los Angeles, for two years. He named a few of them: Pat Harrington Jr., Artie Johnson (the "Verree Interesting" character on Rowan and Martin's "Laugh-In"), Paul Winchell and Hal (The Greatest Gildersleeve) Peary.

Rege Cordic hasn't been heard regularly on local radio since December, 1965, when he left KDKA after 11 years to go with KNX in Los Angeles (he had joined the Westinghouse station here in 1954 after 11 years with WWSW). He remained with the coast operation until the end of 1967 when KNX switched to an all-news format.

Mr. Cordic emphasized that he plans to remain permanently on the West Coast but would probably come to Pittsburgh from time to time to do Cordic and Co. West live "just to stay privy to what's going on around the town so we can keep the program local and topical."

Since leaving KNX, he has done considerable commercial work, played roles in many television shows, including "The Flying Nun," "The Monkees" and "The Outcasts," and just recently went into business with Steve Allen under the corporate name of The Great American Commercial Company, organized to produce television and radio commercials for national and local accounts.

Mr. Cordic and Mr. Allen have two other partners in this enterprise, Dave Pollock and Elias Davis, writers for the Steve Allen Show who have been loaned out to script the new Glen Campbell television hour while the Allen program is on a 13-week hiatus.

In addition, Rege is working with Eddie Albert on a different kind of radio program that Mr. Albert has in mind for syndication, and the head of Cordic and Co. also is being pitched in Hollywood to head a new teevee game show that will be produced by Chuck Barris, who already has "The Dating Game," "The Newly-wed Game" and "Operation Entertainment" going for him.

"A funny thing, how I got together with Barris," Rege chuckled over the horn from his home in Santa Monica, "he heard I was out here and looked me up.

"And told me I had been responsible for changing the course of his life. Seems Chuck had graduated from college as an engineer and early in the 50s joined the training program of the U.S. Steel Company at its Homestead Works.

"He said he used to listen to me, when I was on WWSW, driving to work every morning and after a couple of months decided that what I was doing was what he wanted to do, too, so he chucked his job in Homestead, went to New York and got into broadcasting."

WTAE–Radio is mapping a big promotion campaign for the return of Cordic and Co. to Pittsburgh and the return, of course, of The Cordic and Co. Research Laboratory which had been saving mankind for so long hereabouts with such items as Crudleigh, a car with an adjustable middle to suit the driver's mood; Old Frothingslosh, "the pale, stale ale so light the foam is on the bottom" and "Better Things for Better Living Through Chicanery."

And so, before long now, over the kilocycles which have known him so intimately for so long, will be heard again the gentleman of whom it was said in this space just half a decade ago:

"Down through nearly a score of years, over the air waves, on rostrum and dais, in the world of commerce brew-mastering the pale, stale ale of Old Frothingslosh, Rege Cordic has clearly demonstrated that the convolutions of his mind are lubricated by madness—a wonderfully comic madness everybody within the sound of his mellifluous voice, the baritone of a bull-frog in the full moon of the mating season, has long been grateful for."

And will be, every Sunday morning, grateful for again.

CRIMES

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. MILLER of Ohio. Mr. Speaker, today I submitted a bill to amend chapter 207 of title 18 of the United States Code to authorize conditional pretrial release or pretrial detention of certain persons who have been charged with noncapital offenses, and for other purposes.

The increase in crime rates has been such that it is demanding the attention of the entire Nation, and specifically of the Congress. Too many crimes are being committed by hard-core repeat offenders. Trial backlogs are growing longer, and with the requirement of the Bail Reform Act of 1966, that persons charged with crimes must be released prior to trial, and whereunder courts are not permitted to take the safety of the community into consideration in setting the terms of such release, crimes committed while on pretrial release have become a significant problem.

Prosecutors, police officials, trial judges, grand juries, and citizens are demanding our courts be provided with the authority to detain dangerous persons charged with crimes.

The measure introduced today would permit Federal courts to take into consideration the likelihood of the defendant's danger to the community in setting conditions of pretrial release. When no such condition of release will assure safety to the community and when the defendant is charged with certain specified crimes involving violence, weapons, and narcotics, then the court is empowered to detain the defendant prior to trial.

In cases where defendants, charged with Federal crimes, are on pretrial release and commit an additional offense while on such release, then courts may order detention if the defendant's continued release would pose a danger to the community.

This measure contains safeguards for the individual in that all detention orders are subject to review in 24 hours and immediate appeal thereafter.

Also this measure would strengthen the penalty provision of the Bail Act in cases where defendants are released and fail to appear for subsequent court proceedings.

I believe these changes, along with others contained in the measure submitted today, could be a long step toward a return to law and order.

HUGH SPARROW: RETIRED

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. NICHOLS. Mr. Speaker, before the people of my district honored me by sending me to the Congress, I spent two terms in the Alabama Legislature. Every State capitol has its legends and its institutions. The Birmingham News had a reporter who became both a legend and an institution at the Alabama Capitol. Hugh Sparrow covered his first session of the legislature in 1921 and every one after that until he retired just recently. I know that when the legislature convenes later this year, Hugh Sparrow will be missed. I would like to place in the RECORD an article about Mr. Sparrow which appeared in the Sunday section of the Montgomery Advertiser this past week:

HUGH SPARROW: RETIRED

(By Walter Massey)

Forty-seven years ago, a young police reporter had just started out on his beat when his editor called him back to the newspaper office.

"I want you to go to Montgomery," the editor said.

And so the young reporter left his home in Birmingham and travelled to Montgomery to cover the Legislature for The Birmingham News.

His editors were pleased with the young man's stories, so they didn't call him back home. He became a political reporter and stayed in the Capitol.

Over the years, he developed a keen eye in looking out for the public interest. He learned the state's bookkeeping system and knew how to trace misplaced state funds.

He became convinced the public didn't have much voice in the state's business—but he wrote about the floggings in the state prisons and the practice was stopped. He wrote about the need for competitive bid laws and a bill was passed. He exposed the sale of pardons and paroles; the traffic in quickie-divorces; give-away sales of state timber rights; and the leasing of a state park to a private company for next to nothing.

He was threatened, but he didn't yield to the bullying.

He was denied access to state records, but he got his information anyway.

He endured—to become undisputed dean of the Capitol reporters . . . an institution unto himself.

Then, last month, Hugh Sparrow, that reporter of reporters, retired.

Gov. Albert Brewer interrupted his press conference on Dec. 11 to pay tribute to Sparrow.

"Mr. Sparrow has dedicated his efforts to keeping the citizens of Alabama keenly aware of the inner workings of government, both on the state and local level," the Governor said.

Then, by official proclamation, the Governor set aside that day as "Hugh Wilson Sparrow Day" in Alabama, and he presented a metal plaque which can now be seen on the door of the Capitol's press room, named in honor of Sparrow by the Legislature in 1966.

During his career, Sparrow was recognized three times by the Legislature for outstanding reporting.

He received various other awards for excellence in journalism, including the Green Eyeshade Award of Sigma Delta Chi, the professional fraternity of journalism.

It was in 1921 that Hugh Sparrow covered his first session of the Legislature.

Musing on the years from then to the present, Sparrow spoke of his love for Alabama and the interest with which he has watched it grow.

"When I first came to the Capitol, there was no grass on the Capitol grounds," he recalled. "They were rutted and covered with weeds.

"It really was Goat Hill then," continued Sparrow. "Now, there are lawns and shrubs and it's really pretty.

"The tax total then was less than $1 million," he said. "This year it's up to about half a billion. If the state keeps growing like it has in the past, it will really be a whopper."

Sparrow recalled his big stories. One was about a Jefferson County murder, which solved the crime and led to the execution of the killer. A part of the episode was the killer's attempt to keep the only witness from testifying by marrying her. Sparrow caught the deception in advance during a routine check of marriage licenses in the Court House. Although the wife couldn't legally be forced to testify against her husband by trial time she agreed to do it voluntarily.

While substantiating reports of unmerciful floggings at Kilby Prison in 1948, Sparrow encountered the wrath of a prison official who had barred him from the "official" flogging records.

The man met him in a hall and said, "I ought to cut your throat."

"I don't pay attention to threats," Sparrow said, remembering the incident. "It's the man who doesn't threat that I worry about."

Another big story that Sparrow dug up, he decided not to report.

It concerned a constitutional amendment that was up for a vote and would have given more money to Birmingham schools.

"Some sob sisters," Sparrow said, "wrote stories about how the city would go broke without the bond issue. And it got defeated."

Not convinced that the city was lacking in funds, Sparrow started digging into the books.

"I found out the city had two bookkeeping systems," he stated. "I got to looking and found $1 million not accounted for. The comptroller of the schools said I was right. So I gave them a chance to make it right and I didn't write a story about it."

Sparrow comes from a newspaper family. His father, John Sparrow, with four associates founded the Birmingham Ledger. It lasted for 25 years, until just after World War I.

Then, the Birmingham News found itself short on newsprint and bought out the Ledger because it had a good newsprint contract.

Sparrow also has a sister who is the society editor of the New Orleans Daily State, and another who is the wife of the managing editor of the New Orleans Times-Picayune.

Even though he is retired now, after a long and eventful career in journalism, Sparrow well remembers the first story which carried his by-line. He was a high school correspondent and very proud of his handiwork.

"I showed it to my father," Sparrow said. "He took one look at it and said, 'Well, I see you split an infinitive.' "

Sparrow said the most effective lobbying tactic he has seen was when an association of Mobile ship pilots got navigation laws changed by sending a burley seaman to Montgomery during the depression with a trunk full of red liquor.

"You just couldn't get red liquor during the depression," Sparrow said.

CONGRESS LOOKS AT THE ELECTORAL COLLEGE

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. **DAVIS** of Wisconsin. Mr. Speaker, since my early days in Congress, more than 20 years ago, I have been interested in reform of the electoral college.

In this Congress I have introduced House Joint Resolution 194, and in response to the invitation of the Honorable Emanuel Celler, chairman of the House Committee on the Judiciary, I plan to appear in support of that resolution for reform of the electoral college before the Judiciary Committee on February 6.

I include herein a brief article which I have prepared for publication in the Gavel, the monthly publication of the Milwaukee Bar Association:

Congress Looks at the Electoral College

The third party Presidential candidacy of George Wallace, creating the spectres of finagling of the Electoral College and certain delay of months in the selection of the President before agreement by 26 state delegations in the House of Representatives, has rekindled the flame of reform in our Electoral College. The case of the faithless North Carolina elector[1] has added fuel to that flame.

There are Members of Congress who resist the thought of change. They aver that the present system has successfully withstood the test of almost two centuries. They assert the validity of the compromise compact with the smaller states, which induced them to support the conversion from loose confederation to Federal Republic. They "look at the record" of only three "minority" Presidents, and only two incidents, in the first half century of our Republic where the election of the President fell into the House of Representatives. They allege that the "winner take all" unit system in the Electoral College discourages splinter parties. In short, the defenders of the present system refer to the existing Electoral College as an element of stability in our Federal Republic.

However, the recognition of the potential for shenanigans, both in the Electoral College and in the House of Representatives, the disadvantages, if not the dangers, of uncertainty and delay[2] in the formal election of the President, has broadened the base of support for change.

There are four general reform proposals under current discussion: (1) The direct national popular vote. This proposal is frequently coupled with provision for a nation-wide primary for Presidential and Vice Presidential candidates. (2) The district plan which would retain the electoral vote concept with electors chosen in each Congressional District, and in addition, two at large for each state. (3) The automatic electoral vote plan which would abolish the office of elector, but retain the electoral votes of each state, on a unit basis, as now provided. (4) The proportional plan, which would divide the electoral votes within each state in accordance with the number of popular votes received, to the nearest thousandth.

Objectively, one cannot be unaware of the points of strength and weakness in all of these general proposals. On balance, I have favored the proportional plan and have sponsored joint resolutions proposing this plan with minor modifications, since the 81st Congress.

From a practical point of view, the proportional plan probably has the best likelihood, among the proposed reforms of adoption. It would provide the basic advantage of substantially reflecting the will of the individual voters without threatening the power of the states to regulate suffrage requirements. In campaign concepts, it would result in more nation-wide compaigning, as opposed to the concentration on a few of the larger "swing" states.

While, like most essential compromises, the proportional plan has its detractors, both from those who would change everything and those who would change nothing, I look upon the proportional plan as practical politically, something that can be accomplished, and something that would avoid the major pitfalls of the present system and the prospective pitfalls of each of the three alternate reform proposals above mentioned.

FOOTNOTES

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[1] Dr. Lloyd W. Bailey, a North Carolina elector, pledged to the Nixon-Agnew ticket, actually cast his vote, in the Electoral College, for the Wallace-LeMay ticket. In the counting of the electoral votes in the Joint Session of Congress on January 6, 1969 this North Carolina elector's vote was challenged. In separate proceedings in Senate and House, Mr. Bailey's defecting vote was sustained. Congressional Record, pages 145–173; 196–247.

[2] The 1968 Electoral College did not meet in the state capitols until December 6. The counting of the electoral votes did not occur until January 6, 1969. If no candidate had received a majority in the Electoral College; then, it should be recalled, the election of the President would not have been by majority vote *of the Members* of the House of Representatives, but rather by the majority vote of *26 separate state delegations* in the House of Representatives. It is hardly conceivable that a President could have been elected in the House prior to the scheduled inauguration date. Meantime, the Senate would have proceeded to the election of the Vice President, who would have become Acting President until such time as the House, under these trying circumstances, could have reached a decision.

[3] H.J. Res. 51 (1949); H.J. Res. 194 (1969). (Reference not indicated in text.)

RUTH KIRZON GROUP FOR HANDICAPPED CHILDREN

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. GILBERT. Mr. Speaker, I want to call the attention of my colleagues to the wonderful work done in my district by the Ruth Kirzon Group for Handicapped Children, an organization of women volunteers who give their services selflessly to young people suffering from physical or emotional disabilities.

The Ruth Kirzon Group was organized in 1946. Today it has 400 members, who work with no compensation whatever and do not even have the assistance of a paid staff.

The Ruth Kirzon Group has a visiting children's service. Members go into the homes of severely handicapped children and spend time with them, giving them comfort, helping them to laugh. They take the children out in groups for a day in the country, for a picnic or boat ride, or for the joys of a circus or a rodeo. They take children to movies, planetariums, or the theater. They introduce these handicapped young people to opportunities they have perhaps never had in their lives. They bring these children out of the shells in which many of them live and expose them to the outside world.

Members of the Ruth Kirzon Group go into the hospitals of New York, where they read to and play with the children, conduct birthday parties, give them toys and present to them such entertainment as musicians, puppeteers and magicians. They have performed these services at the following hospitals: Blythedale Convalescent Home, Coney Island Hospital, Cumberland Hospital, Fordham Hospital, Jacobi Hospital, Joint Disease Hospital, Jewish Memorial Hospital, Morrisania Hospital, and Special Surgery Hospital.

In 1950, the Ruth Kirzon Group established a scholarship committee, to enable talented high school graduates to go on to higher education, despite their physical or emotional handicaps. The scholarships have assisted in maintenance, books, equipment, transportation, and tuition for young people. The group is proud that, among its scholarship recipients, there are now doctors, lawyers, accountants, speech therapists, engineers, journalists, and commercial artists. The group also encourages scholarly achievement by making special awards to handicapped young people who graduate with distinction in their class at high school.

May I also note that the Ruth Kirzon Group sends more than 100 children each summer to a specialized summer camp for handicapped young people, for periods of not less than 3 weeks. Under proper supervision, the children learn to play ball, swim, and participate in other activities, though hobbled by crutches or confined in wheelchairs. The group has also provided therapeutic swimming pools, special equipment, and made other major physical contributions to its summer program for handicapped children.

Mr. Speaker, it is largely out of the inspiration of the Ruth Kirzon Group for Handicapped Children that I have introduced legislation to give special tax benefits to handicapped persons. My aim, like that of these selfless women, is not simply charitable, but to give independence, strength and self-esteem to the handicapped, so they too can be a useful part of our society. I urge my colleagues to consider this legislation sympathetically, keeping close to their hearts the lesson of service and decency to the handicapped that the Ruth Kirzon group has offered us.

PROTECTING OUR CONSUMER'S INTERESTS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. HORTON. Mr. Speaker, never before has a nation been so indebted to its businessmen as America. Their initiative and drive has made our economy the greatest in the world.

The American businessman of 1969 is more sophisticated and more community conscious than ever before. The American buyer is more discerning. Yet, on the shadowy fringes of the business world lurk an unscrupulous few preying on the unwary buyer.

Fraud in the marketplace has become one of the most important issues in the 91st Congress.

It is to these dishonest few that I direct the consumer legislation package I am introducing today, Mr. Speaker, in the hope that the States will be provided with sufficient leadership and assistance to fully enforce their civil consumer codes.

TIMES HAVE CHANGED

My object is not to impose a federally controlled consumer protection program, but to leave the task of consumer protection where it belongs—in the States.

When this country was young, we were a nation of farms, small towns, and growing, closely knit cities. There was a personal relationship between the seller and buyer in everyday commerce.

Instead of going to the blacksmith, the corner grocer, or the miller, we now deal with complicated products and marketing organizations where the manufacturer may be thousands of miles away from his customer.

In this 20th century, commerce is impersonal, complex, and technical. When the consumer encounters fraud and indifference in the marketplace, he has little or no recourse to satisfactory adjudication, even when he has been cheated.

ESTABLISHES CONSUMER PROTECTION OFFICE

The legislation I offer today would move the States into an active role of consumer protection by channeling funds to them for the establishment of a consumer protection office and a plan to license and regulate fair business practices.

The object of this proposal is to weed out those in the business community who thrive on deception and intimidation and to provide consumer affairs regulations at the local level.

Under the provisions of my bill, individual grants up to 50 percent of the State's consumer protection plan would be allowed. However, no State could obtain more than an amount determined by the ration of its own population to the population of all the States.

STATES QUALIFY FOR GRANTS

In order to qualify for these grants, the States would have to submit to the Secretary of Commerce for approval a plan to provide a consumer protection office within the State to deal with dishonest practices and a plan for programs to license or otherwise regulate business activities.

The bill's regulatory activities include, but are not limited to, household appliance repairmen, home movers, travel agents, and home improvement contractors. Industries with a history of consumer abuses would also be covered under these regulations.

The thrust of these regulations is aimed at false advertising and failure to perform work or services as represented for which the consumer was billed.

CONSUMER EDUCATION PROGRAMS

An important highlight of this consumer protection program is the authorization of State consumer education programs and the recommendation that courses be established within the curriculum of public schools. This would give consumers an awareness of today's problems and it would give tomorrow's consumer the understanding to deal intelligently in the marketplace.

Practices such as inflated pricing, "deceptive" giveaways, bait and switch, and other forms of false advertising which might cause people to sign contracts for unwanted and unneeded merchandise are also within the scope of this act.

Penalties are established for bogus contests, fictitious bargains, misrepresentation of guarantees, and other tactics to bilk the public.

LICENSING PROGRAMS

Finally, the bill authorizes licensing programs by which the States would establish uniform standards with which all home appliance repairmen, motor vehicle repairmen and similar service tradesmen would have to comply.

Mr. Speaker, consumer credit codes vary from State to State, and there are no effective laws to stop unscrupulous tradesmen even when they are discovered. The legal machinery may drag on for 2 or 3 years before a violator can be ordered to cease and desist.

The consumer protection office within the attorney general's office in New York City, through mediation and court action, returned $766,486.42 to the public in money, goods, and/or services in 1967 alone when individuals submitted complaints about unfair consumer practices.

MORTGAGE FRAUDS

The home-improvement industry is a $15 billion annual enterprise. In the shadowy fringes of this beneficial service swim a sea of home-improvement sharks who prey on the poor, the elderly, and the ignorant.

Many an unwary customer has found himself victim of the home-improvement shark. Lured with false and deceptive offers of attractive home repairs, the victim finds he has paid too much, received inferior work and material, and worst of all has sometimes unknowingly mortgaged his home in the bargain.

Once in the hands of the home-improvement sharks, these home mortgages are usually sold to a holder in due course for a quick profit. The loan company that bought the note, disclaiming any prior knowledge of the home improvement contract, can then forclose, forcing the unbelieving victim and his family to lose the home they had only wanted to improve.

COST OF DECEPTION

Shoddy and deceptive business practices such as this cost the American consumer between $500 million and $1 billion yearly according to the National Better Business Bureau.

Mr. Speaker, I feel my bill provides the means for the State to curb abuses and fraud in commerce. By stimulating State efforts with grants, the Federal funds we provide can have a far greater impact than if we tried to implement such a program in any other way.

This legislation offers the public the safeguards to deal with confidence in the marketplace. Equitable laws, State enforcement and a national program of consumer education are the keys to protecting our consumers interests.

By enacting this legislation, we would not be pointing the finger at any particular kind of business. What we would be doing is removing the unjust scorn on legitimate businesses by weeding out those who try to bilk the public.

RESOLUTION TO INCREASE RELIEF TO BIAFRA

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. DANIELS of New Jersey. Mr. Speaker, I am proud to cosponsor a House resolution to increase U.S. relief to Biafra, and at the outset of my remarks I would like to pay tribute to the two distinguished Members of this House who have taken the lead in enlisting bipartisan support for this measure. The distinguished gentleman from Minnesota (Mr. FRASER) and the distinguished gentleman from Massachusetts (Mr. MORSE). These two men deserve the gratitude of the Nation for their efforts in behalf of the desperate members of the Ibo Tribe of Biafra who stand threatened with annihilation as a result of the Nigerian civil war.

Mr. Speaker, the resolution which we have introduced today calls upon President Nixon to do all he can to increase the amount of food and other supplies which we are sending to Biafra. Further, it calls upon the Government of the United

States to do all it can to enlist the support of all nations in aiding the starving people of Biafra.

As I stand here on the floor of the House of Representatives, Mr. Speaker, I am speaking not just for myself or for those Members who are moved by basic humanitarian motives. I speak not just for those who elected me. The people of the 14th Congressional District of New Jersey who by the way, have sent hundreds of messages to me indicating their support of Biafran relief, I speak for all the people of this Nation, Republicans as well as Democrats, liberals and conservatives, northerners, and southerners.

The cause of Biafra has touched the heartstrings of this Nation. Americans have always been generous to those who have known misfortune. Once again this Nation has responded, its people have spoken. Now the Government must rise to the occasion.

Mr. Speaker, I urge prompt approval of this resolution which bears the names of almost 100 Members of this House.

ANNUAL BUDGET ANALYSIS

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. BOW. Mr. Speaker, the annual budget analysis by Eugene F. Rinta is being made public tomorrow, and I wish to extend it in the RECORD for the enlightenment and consideration of Members.

Mr. Rinta is an acknowledged expert on budget problems, and his summary and comments will be of great value.

The analysis follows:

THE FEDERAL BUDGET FOR 1970—A BRIEF ANALYSIS OF ITS HIGHLIGHTS

THE BUDGET PICTURE IN BRIEF—SELECTED YEARS 1960-70

Fiscal years	(Billions) 1960	1965	1967	1968	1969	1970
Receipts	$92.4	$116.8	$149.6	$153.7	$186.1	$198.7
Outlays	92.2	118.4	158.4	178.9	183.7	195.3
Surplus (+) or deficit (−)	+0.2	−1.6	−8.8	−25.2	+2.4	+3.4
New spending authority [1]	(2)	(2)	182.6	190.6	194.6	210.1
Obligations incurred [1]	(2)	(2)	168.2	181.8	189.2	202.0
Federal debt—end of year	290.8	323.1	341.3	369.7	365.2	371.5
Portion held by public	237.1	261.6	267.5	290.6	276.6	272.6

[1] Figures not available prior to 1967 under unified budget concept.

(2) Not applicable.

The table shows in condensed form the fiscal record of the Federal Government for the decade beginning with the last full fiscal year (1960) for which the Eisenhower Administration was responsible through the Johnson Administration's last year (1969) of primary responsibility. It also includes the totals of the budget plan that Mr. Johnson has recommended to Congress for the coming fiscal year, 1970.

This last Johnson budget will, of course, be subject to revision by the new Nixon Administration when it has had an opportunity to develop its own fiscal program for 1970. But the dimensions of the 1970 budget are in large measure the result of actions taken by the Johnson Administration and Congress over the last few years, so the area of discretion for the new Administration will be relatively small in its first budget year. Consequently, this Johnson budget will remain the basic budget plan for 1970 even though being subject to revisions by President Nixon through administrative action and in recommendations to Congress.

Analysis of the Johnson fiscal program for 1970 as the terminal budget of the current decade points up the following facts:

1. The planned $195.3 billion outlays in 1970 represents an increase of 112% over the 1960 total of $92.2 billion. It is an increase of 65% in the five years since 1965 when outlays were $118.4 billion while the 1965 total was an increase of only 28% over 1960 spending.

2. Rising national defense costs, including Vietnam, accounts for 35% of the $103.1 billion spending increase since 1960, interest accounts for 7%, and other nondefense spending accounts for 58% of the increase. Of the spending increase of $76.9 billion since 1965, 42% is due to increased defense spending, 7% to higher interest costs, and 51% to growth in nondefense programs.

3. The rate of spending growth, averaging $20 billion a year from 1965 to 1968, has been sharply reduced to a $5 billion increase in 1969 over 1968. This reduced rate of growth resulted primarily from a leveling off of Vietnam costs and spending restraints imposed by Congress in the last session. A renewal of more rapid growth, however, is proposed by Mr. Johnson for 1970 with a budgeted increase of $11.6 billion over 1969. Of that increase, only $0.5 billion is in defense costs and $0.8 billion is for interest. The remaining $10.3 billion is for expansion of nondefense spending.

4. Receipts rose almost as rapidly as outlays from 1960 to 1965 with the result being a modest deficit of $1.6 billion in 1965 as compared to a slight surplus of $0.2 billion in 1960. During the next three years, however, outlays rose far more rapidly than receipts with the result being three successively larger deficits aggregating $37.8 billion for the three years. The combination of sharply higher revenues and a smaller increase in spending resulting from the increased taxes and spending restraints imposed by Congress last year makes possible an estimated surplus of $2.4 billion in 1969.

5. Despite the proposed increase of $11.6 billion in outlays, another surplus of $3.4 billion is budgeted for 1970. This would be made possible by a $12.6 billion increase in receipts over 1969 which is largely based on extension of the 10% surtax and certain excise tax rates which are scheduled for reduction and on enactment of legislation which would produce $2.4 billion additional receipts from payroll taxes and user charges.

6. Proposed new spending authority and, of even more significance, estimated obligations to be incurred in 1970 substantially exceed planned 1970 outlays, as they have in all recent years. With obligations incurred exceeding outlays in the three years 1967–69 alone by over $18 billion and by almost $7 billion in the 1970 budget plans, large future increases are being built into the spending stream.

COMPARISON OF SPENDING BY FUNCTION FOR 1970 AND PRIOR YEARS

The purposes for which President Johnson recommends outlays of $195.3 billion in the 1970 fiscal year beginning next July are shown in the table that follows. For comparative purposes the table shows the expenditures for the same functions in the current year and in 1965 and 1960. The table also shows by functions the new spending authority proposed for 1970. In addition to amounts by major functional categories, the table includes amounts in parentheses for large sub-categories in which significant changes occur. The major category amounts are net figures after deduction for offsetting receipts.

[In millions]

	Outlays: Actual, 1960	Actual, 1965	Estimated, 1969	Planned, 1970	Proposed new spending authority, 1970
National defense	$45,908	$49,578	$80,999	$81,542	$82,986
Department of Defense	(41,479)	(45,973)	(77,790)	(78,471)	(80,238)
International affairs and finance	3,054	4,340	3,938	3,755	4,342
Economic assistance and food	(2,849)	(3,893)	(3,564)	(3,390)	(3,997)
Space research and technology	401	5,091	4,247	3,947	3,758
Agriculture and agricultural resources	3,322	4,807	5,448	5,181	5,720
Farm income stabilization	(2,222)	(3,234)	(4,509)	(3,921)	(4,361)
Natural resources	1,019	2,063	1,898	1,891	1,708
Commerce and transportation	4,774	7,364	8,048	8,969	10,364
Air transportation	(568)	(875)	(1,144)	(1,332)	(1,308)
Ground transportation	(2,984)	(4,092)	(4,327)	(5,081)	(6,087)
Community development and housing	971	288	2,313	2,772	3,694
Concentrated community development	(—)	(51)	(732)	(1,216)	(1,509)
Community environment	(105)	(331)	(801)	(984)	(1,128)
Low and moderate income housing	(145)	(81)	(935)	(1,131)	(704)
Education and manpower	1,282	2,509	7,165	7,887	7,967
Elementary and secondary education	(327)	(478)	(2,182)	(2,373)	(2,371)
Higher education	(261)	(413)	(1,368)	(1,366)	(1,047)
Manpower training	(4)	(336)	(1,511)	(1,685)	(1,920)
Health and welfare	18,734	27,209	48,839	54,966	64,814
Health programs	(761)	(1,747)	(11,379)	(12,958)	(13,647)
Income security payments	(17,659)	(25,111)	(36,275)	(40,497)	(49,583)
Social and individual services	(317)	(547)	(1,188)	(1,514)	(1,586)
Veterans' benefits and services	5,426	5,722	7,692	7,724	7,939
Interest	8,299	10,357	15,171	15,958	15,958
General Government	1,334	2,276	2,948	3,275	3,312
Allowance for pay increases				2,800	2,800
Allowance for contingencies			100	350	500
Undistributed intragovernmental transactions	−2,296	−3,174	−5,105	−5,745	−5,745
Total	92,230	118,431	183,701	195,272	210,116

ANALYSIS OF MAJOR CHANGES IN SPENDING

A comparison of budgeted outlays in 1970 with current estimates for 1969 shows a net overall increase of $11.6 billion. In comparison with 1960, which was the last full budget year of the Eisenhower Administration, the

$195.3 billion 1970 spending total is up $103 billion, or 112%. In relation to the Johnson Administration's first full budget year, 1965, outlays proposed for 1970 are up $76.8 billion, or 65%.

National defense spending rose moderately from $45.9 billion in 1960 to $49.6 billion in 1965. Then defense costs rose rapidly during the next three years to $80.5 billion in 1968 where they leveled off with further increases of $0.5 billion expected in both 1969 and 1970. The request of $83.0 billion new spending authority for 1970 indicates somewhat higher outlays ahead unless Vietnam costs can be reduced materially. Vietnam outlays are estimated at $25.4 billion in 1970 as compared to $28.8 billion in 1969 and $26.5 billion in 1968. The new spending authority request for Vietnam operations in 1970 is $23.0 billion.

Interest costs have been rising substantially in recent years because of both a rapidly rising debt and unusually high interest rates. Net interest costs, after deducting interest received by the Treasury, are estimated at $16.0 billion in 1970 as compared to $15.2 billion in 1969, $10.4 billion in 1965, and $8.3 billion in 1960. Interest on the public debt will cost an estimated $16.8 billion in 1970. This compares with $16.0 billion in 1969, $11.3 billion in 1965, and $9.2 billion in 1960. Over the five-year period from 1965 through 1970 the increase in cost of interest on the public debt will be $5.5 billion, or 48%.

International affairs, including foreign economic aid programs, will cost an estimated $3.8 billion in 1970. This is $0.2 billion less than in 1969 and $0.9 billion less than in 1968. In fact it is the smallest total in this category since 1961. An upturn after 1970 is contemplated, however, because the new spending authority request is $4.3 billion as compared to $3.4 billion approved by Congress for 1969.

Domestic nondefense programs (excluding interest) account for the remainder of the budget except for the major part of a $2.8 billion allowance for civilian and military pay increases scheduled to become effective July 1, 1969. Assuming that about $1.0 billion of the scheduled pay increases are applicable to domestic nondefense programs, the 1970 total of outlays for these programs will be $98.0 billion. This is an increase of $9.3 billion over 1969. In comparison with 1965, planned 1970 outlays for domestic nondefense programs are up $40.6 billion, or 71%, in five years. The increase since 1960 is $60.7 billion and 163%.

(NOTE.—The above comparisons of outlays do not include any estimated functional allocation of the amounts of undistributed intragovernmental transactions. These amounts include government contributions for employee retirement and interest received by trust funds which are deducted from program expenditures in determining net budget outlays under the unified budget concept.)

The growth of domestic nondefense spending in the major functional categories is shown in the following table. For comparative purposes the table also shows the growth in defense, interest, and international programs.

Outlays by function	Increase (billions) 1960 to 1965	Increase (billions) 1965 to 1970	Percentage increase 1960 to 1965	Percentage increase 1965 to 1970
Space research and technology	$4.7	−$1.1	1,170	−22
Agriculture programs	1.5	.4	45	8
Natural resources	1.0	−.2	102	−8
Commerce and transportation	2.6	1.6	54	22
Community development and housing	−.7	2.5	−70	863
Education and manpower	1.2	5.4	96	214
Health and welfare	$8.5	$27.8	45	102
Veterans programs	.3	2.0	5	35
General government	.9	1.0	71	44
Total domestic nondefense	20.1	[1]40.6	54	[1]71
National defense	3.7	32.0	8	64
Interest, net	2.1	5.6	25	54
International programs	1.3	−.6	42	−13

[1] Includes for 1970 $1,000,000,000 allowance for pay increases and $350,000,000 allowance for contingencies.

Following are some of the more significant increases in individual nondefense programs from current estimates for 1969 to budgeted amounts for 1970:

Federal funds	Increases in 1970—millions: Outlays	Increases in 1970—millions: Appropriations
Airports and air traffic control	$194	$340
Model cities programs	465	438
Elementary and secondary education	191	−85
Manpower training	174	439
Health services and mental health	145	111
National Institutes of Health	202	90
Public assistance grants	407	294
Medicaid grants	631	661
Rehabilitation program grants	140	195
Social services and administration	138	136
Law enforcement assistance	172	237
Veterans readjustment benefits	109	118
Total of above items	2,968	2,974
TRUST FUNDS		
Old-age and survivors insurance	2,497	4,543
Disability insurance	297	599
Health insurance	629	53
Highway programs	857	506
Total of above trust fund items	4,280	5,701

In addition to the above program increases for 1970, a very costly item will be pay increases for Federal civilian and military personnel scheduled under existing law to become effective July 1, 1969. The total cost of these pay raises is estimated in the budget at $2.8 billion. This amount represents a 7% increase for both civilian and military personnel. About $1.75 billion will be given civilian employees and $1.05 billion to the military.

RENEWED SPENDING GROWTH AFTER 1969 RESTRAINT

In enacting the Revenue and Expenditure Control Act of 1968 (P.L. 90–364), Congress provided that budget outlays in 1969 would have to be held to a level at least $6 billion below the budget estimate of $186.1 billion and that new spending authority would have to be held at least $10 billion below the $201.7 billion proposed in the budget. Exceptions to these budget control provisions were made for Vietnam war costs and for several major "uncontrollable" programs. Thus, while outlays and spending authority for the excepted activities could exceed the budget estimates, the remaining budget items would have to be reduced $6 billion in outlays and $10 billion in new spending authority below the original budget estimates.

The Congress itself met the required $10 billion reduction in new spending authority by cutting 1969 appropriation requests in excess of that amount in the individual appropriation bills. According to the President's 1970 Budget Message, the $6 billion reduction in 1969 outlays will also be met through the combined efforts of Congress and the Executive Branch. Programs exempted from P.L. 90–364 show net increases above the original 1969 budget estimates of $6.0 billion in outlays and $6.1 billion in spending authority. If spending restraints had not been imposed by Congress and applied by the Administration, the current estimates of 1969 outlays would be $189.7 billion instead of $183.7 billion and spending authority would be in excess of $204.6 billion instead of $194.6 billion.

With the spending restraints imposed for 1969, outlays in 1969 are expected to exceed the 1968 total by only $4.8 billion and new spending authority will be only $4.0 billion above 1968. But the 1970 budget calls for increases over 1969 in the amounts of $11.6 billion in outlays and $15.5 billion in new spending authority. Renewed expenditure growth is also indicated by the substantial excess of obligations incurred, as well as new spending authority, over actual outlays in 1970 as in each of the last several years. Following are the figures for the four years beginning with 1967:

[In billions]

Fiscal year	New spending authority	Obligations incurred	Outlays
1967 actual	$182.6	$168.2	$158.4
1968 actual	190.6	181.8	178.9
1969 estimates	194.6	189.2	183.7
1970 estimates	210.1	202.0	195.3
Total	777.9	741.2	716.3

While deobligation of spending commitments already made does occasionally occur through change of plans and cancellation of contracts, in general the obligation of appropriations inevitably leads to outlays of cash. Availability of new spending authority does not so definitely imply its commitment to expenditure. But the fact that obligations incurred in the four years through 1970 exceed the outlays in those years by $25 billion is a clear indication that there is being built into the spending stream substantial growth ahead which will be difficult to stop. Settlement of the Vietnam conflict offers the best hope, but even then large reductions in outlays will not be immediate.

THE TAX PROPOSALS IN THE BUDGET

The principal revenue proposal in the budget calls for extension to June 30, 1970 of the 10% income tax surcharge on individuals and corporations which is scheduled to expire June 30, 1969. This would provide $9.0 billion of additional revenues in 1970. Other revenue proposals, and the amounts they would produce in 1970, call for:

Delaying until January 1, 1971, instead of January 1, 1970, the reduction to 5% in the current 7% excise tax rate on automobiles and the 10% rate on telephone services to produce $0.5 billion revenues.

Raising the OASDI and health insurance taxable income base from $7,800 to $9,000 and increasing the combined tax rate on employers and employees from 9.6% to 10.4%, effective January 1, 1970, for a revenue increase of $1.7 billion.

Enacting additional user charges, primarily highway and aviation, to produce $0.4 billion new revenues.

Quarterly rather than annual collection of the Federal unemployment insurance tax to provide one-time additional revenues of $0.3 billion.

SURPLUS IN 1970 BUT STILL AN INCREASE IN DEBT

After eight consecutive deficits since 1960, a surplus of $2.4 billion is anticipated for 1969 and another surplus of $3.4 billion is budgeted for 1970. The eight deficits in the years 1961 through 1968 totaled $60.6 billion under the unified budget concept which includes trust fund operations as well as regular Federal fund accounts. During these same eight years the Federal debt rose by $78.9 billion from $290.8 billion at the end of 1960 to $369.7 billion at the end of 1968.

The fact that debt grew $78.9 billion while deficits totaled $18.3 billion less can be explained in part by increases in agency debt, such as TVA revenue bond issues, which are not used to finance budget deficits. The main reason for the difference, however, is the fact that Treasury debt changes are primarily caused by deficits and surpluses in Federal fund transactions rather than by total transactions in the unified budget. This is illustrated by changes in the Federal debt in 1969 and 1970.

Gross Federal debt is expected to drop by $4.5 billion in 1969 from $369.7 billion to $365.2 billion. But this reduction will be more than accounted for by elimination from Federal debt of $10.9 billion debt obligations of three mixed ownership financing agencies converted to complete private ownership in 1969. Treasury debt, however, will rise by $4.9 billion in 1969 from $345.3 billion to $350.2 billion despite a budget surplus of $2.4 billion. This increase in Treasury debt is due to the fact that a deficit of almost $7 billion is expected in the Federal fund accounts.

Even though a surplus of $3.4 billion is budgeted for 1970, gross Federal Debt is expected to rise by $6.3 billion in 1970, with Treasury debt rising $7.2 billion and agency debt dropping $0.9 billion. The primary explanation for the debt increase is the fact that Federal fund operations in 1970 are expected to result in a deficit of $6.8 billion.

The budget surpluses in 1969 and 1970, despite deficits of $7.0 billion and $6.8 billion in Federal fund operations, are made possible because of excesses of estimated receipts over outlays in the dedicated trust funds in the amounts of $9.4 billion in 1969 and $10.2 billion in 1970. But the Congress as well as the new Nixon Administration should bear in mind that these trust fund surpluses are not available for general expenditure purposes other than as loans from the respective trust funds. And they should remember in their consideration of the 1970 budget that, while the unified budget shows surpluses for both 1969 and 1970, the general revenue and expenditure accounts still show large deficits for these years. These are facts which are not in the 1970 Budget Message or readily apparent in the budget document although they are in the official supplementary Special Analyses to the budget.

EUGENE F. RINTA,
Research Director.

THE NIXON CABINET

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. WINN. Mr. Speaker, Mr. Russell K. Berg, an outstanding labor leader and international president of the Boilermakers-Blacksmiths Union has presented one of the most objective and penetrating analyses of the Nixon Cabinet that has come to my attention in recent weeks. I present here, for the interest of my colleagues, Mr. Berg's comments:

COMMENTS BY RUSSELL K. BERG

President-elect Nixon's choice of cabinet members fit the qualifications Mr. Nixon has established for the top officials in his administration—proficient men conspicuously lacking in the kind of glamour that marked the Eisenhower and Kennedy administrations.

His choice of William Pierce Rogers as secretary of state, the supreme cabinet job, is a positive sign that Mr. Nixon is going to run the government not through glittering experts with high reputations in their fields but through trusted old friends, some of them long-time cronies, whose loyalties to him are beyond question.

Rogers goes to the State Department with two advantages: An intimacy with the President that no secretary of state has had in at least half a century; and a lawyer's approach to foreign policy. Rogers is well-known from his days as President Eisenhower's attorney general and highly-regarded.

Another theme Mr. Nixon's major cabinet choices reflect is that they are not tied to policies of the past.

There is, finally, one other Nixon characteristic that his choice of top cabinet aides illuminates: His refusal to take chances with outsiders he doesn't know well or who might have the slightest taint of divided loyalty.

With Rogers and Nixon's secretary of defense Rep. Melvin Laird, at the top and an old-friend, Robert Finch, nailing down the key domestic affairs cabinet post, Nixon will be surrounded by loyal intimates.

Thus, Nixon, promises to bring the most personalized administration to Washington that the town has seen since Franklin Roosevelt's second administration.

It has been said that Nixon has always been uneasy with strangers, that he has never been comfortable outside his small circle of intimates. Thus, he is simply bringing the whole circle to Washington with him to make out of it what has all the earmarks of a good cabinet.

It would seem that what Mr. Nixon has done is to pick a cabinet in which certain members will be policymakers and others will be administrators who will carry out the policies laid down by the President and some of the special advisers he will have at his elbow.

For instance, it seems to be a known fact that Rogers is not a foreign-policy expert. But he is a good administrator and, as a former head of the Department of Justice, he knows a great deal about the organization problems inside a big government department.

George P. Shultz, Nixon's choice for Secretary of Labor, has had practical experience as co-chairman of the Armour Automation Commission which should prove particularly helpful in meeting the serious problems of manpower retraining, technological unemployment and job opportunities.

Constitutionally, cabinet members are "principal officers . . . of the executive department and public ministers" appointed by the President. But historically and as a matter of practical government, the cabinet is whatever the President wants to make it.

Richard M. Nixon seems to have chosen a body of individualistic, capable men as his advisers in the numerous and important fields of executive responsibility. Most are relatively unknown to the public. Within a matter of months the American people will know some of their names very well.

They will be directly involved with the prospects of war and peace in Vietnam and elsewhere; the general foreign policy of the United States and the multitude of domestic issues and decisions that confront the nation. They will, we hope, offer fresh approaches to old problems. Inevitably they will make mistakes, and Congress and various interests and groups about the country will become rapidly disenchanted with some of them.

But every President shapes his own administration. And it is our impression that Richard Nixon will be a strong President and firm authority within the limits of that powerful office. White House advisers, along with formal members of the cabinet, may play important roles. Mr. Nixon says he wants an interchange of ideas and opinions. But final decisions, and properly so, will be made by the man who holds the ultimate responsibility.

Time will tell the influence these men who make up the President's cabinet will exert on the quality of life in the nation and on events that affect the future of the world.

DR. LUTHER HOLCOMB

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. TEAGUE of Texas. Mr. Speaker, it would be superfluous for me to say that there are many fine Texans holding positions of import in Washington, as all of my colleagues are well aware of this. One of these, however, is my good friend, Dr. Luther Holcomb, Vice Chairman of the Equal Employment Opportunity Commission.

Recently, Mr. Louis C. Harris, writing for the Augusta Chronicle, did a very commendable job in bringing Dr. Holcomb to the attention of his readers. Under leave to extend my remarks, I wish to include this article:

NOT ALL BUREAUCRATS ARE BAD

(By Louis C. Harris)

We have a regrettable tendency, those of us who do not always subscribe to the nostrums concocted in Washington as cures for what supposedly ails us, to regard all bureaucrats as impractical meddlers striving to extract sunbeams from cucumbers.

But such is not the case. In fact, I can now say that one of my very good friends is a bureaucrat!

The gentleman to whom I refer is Dr. Luther Holcomb, the vice chairman of the Equal Employment Opportunity Commission whom I came to know for the first time in Athens last year when he spoke on a program of the Georgia Press Institute.

An ordained minister who originally hailed from Texas, Luther Holcomb is one man for sure who has not permitted his role in national affairs to wrap one with his ideals, principles, his sense of humor, nor his concept of fair play.

But because the mark of Washington was upon him, I recall how surprised some of us were when, hearing Dr. Holcomb for the first time, we received an altogether rational and unemotional approach toward achieving equal employment opportunities for men everywhere.

It was with a large measure of delight—and with no surprise at all—that I read another of Luther Holcomb's speeches the other day after receiving a copy from Stan Smith, the general manager of the American Newspaper Publishers Association and, coincidentally, a former Chronicle staffer.

Stan sent along the speech to various newspaper editors around the country because it had to do, primarily, with the EEOC's ruling in connection with the use of sex labels in classified ads. To eliminate any semblance of "discrimination" in advertising, EEOC said newspapers must no longer list ads under "male" and "female" classifications. Luther Holcomb dissented.

He contended that in such advertising the newspaper is not doing the hiring, but is simply providing a service to the advertiser. Thus, he said, EEOC has no jurisdiction, in the first place. By the same token, he argued, the classification of ads under the heading of male and female is a time-saver for those seeking jobs, as well as for those seeking employes. Havoc will result, he pointed out, if personnel departments are besieged with male applicants unwittingly applying for jobs modeling feminine apparel, or with female applicants for the position of locker room attendant at a men's gymnasium.

As thoroughly in accord as one might expect me to be with Dr. Holcomb's premises, I found far more impressive what he had to say, later on in his talk, as he offered his audience "some observations on issues pertinent to the times."

"Despite America's seemingly infinite capacity for growth and flexibility," he said, "the truth is that our society as now organized has been stretched taut . . . America is 'supercharged.' 'Hyperemotionalism' is on the rise. As a nation, as a people we are capable of creating the greatest good for the greatest number, but we are also capable through self-deception of bringing chaos upon our society." Then he said:

"The time of divisiveness is over. It is now our solemn obligation to stand united and occupy ourselves with the fundamentals and imperatives of the transition to a new adminstration . . .

"Our new President-elect is aware of the gravity of our social cleavages, but he alone cannot restore unity. Although he has been chosen to lead our nation, the people must cooperate by following. We must learn to respect each other despite our diversities and to trust each other despite our differences . . . I believe every American should commit himself to unite in spirit with the President."

As for the job he holds, Dr. Holcomb explained that the original concept of Title VII of the Civil Rights Act, which created EEOC, "was to acknowledge the existence of job discrimination, to make the public aware of it, and by elimination of job discrimination to give minority groups the 'opportunity to achieve' that is uniquely American. It was never intended," he added, "that Title VII become a permanent part of the functions of the federal system . . .

Said Dr. Holcomb: "The private enterprise system is the backbone of America. American business is known for its creative and progressive techniques, and those innovative methods must be put to use in eradicating discrimination in employment opportunity.

"Likewise," said he, "government must seek a common-sense, down-to-earth approach to problem-solving at every level. Past bureaucratic methods must be alleviated. Government and business, working together, must develop an equitable way to include minorities in every aspect of American opportunity. A revolution of responsibility on the part of all Americans—including minorities—must occur.

Just as I said, Luther Holcomb is an unusual bureaucrat. We need more like him.

INDEPENDENCE OF THE UKRAINE

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. ESCH. Mr. Speaker, 50 years ago on January 22, 1918, the Ukrainian Central Rada proclaimed the independence of the Ukraine from Russia. This monumental act could occur only because of the unremitting efforts of the Ukrainian people to retain their sovereignty. This was no easy task. These courageous people, plagued by war and internal strife, were subjected to hardships of great severity at the hands of the Russians. Still they worked and fought together, and with the Russians greatly weakened by the revolution of 1917, the Ukrainans seized this opportunity to declare their freedom.

At this time, the Moscow government recognized the independence of the Ukraine, but the Russians later chose to ignore their commitment. The Ukrainians were subjected to acts of military aggression and subversion which brought to an end their short-lived freedom. They were the victims of harsh treatment. Millions died of starvation in an attempt to resist Soviet collectivization of their farms. Ukrainian youth were shipped off to remote areas of the Soviet Union, and religious persecution was devastating.

Even in the face of such severe adversity, these gallant people have not lost their sense of nationalism. They have continually resisted Soviet domination.

I, along with the millions of people of the world dedicated to freedom and the democratic way of life, want to commemorate the 50th anniversary of the Ukrainian independence. May we here in a country dedicated to these ideals never cease to be thankful for the privilege of inheriting these rights and pledge to do our utmost to extend these rights to countries not as fortunate as ours.

ANNIVERSARY OF UKRAINE INDEPENDENCE

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. ST. ONGE. Mr. Speaker, January 22 marked the 50th anniversary of the union of the Ukraine, and the 51st anniversary of the proclamation of the free and independent Ukrainian Republic.

The Act of Union stated the aspirations of the Ukrainian people in stirring prose, a part of which is quoted below:

> From today on there shall be only one independent Ukrainian National Republic. From today on the Ukrainian people, freed by the mighty upsurge of their own strength, have the opportunity to unite all the endeavors of their sons for the creation of an indivisible, independent Ukrainian State for the good and the welfare of the working people.

Tragically these dreams went unfulfilled for, as even former Premier Khrushchev admitted in 1956, Stalin planned the total annihilation of the Ukrainian people because of their opposition and resistance to Russian communism. This persecution continues to the present day with a program for the systematic dismemberment of the Ukrainian nation, and the suppression of its people and culture.

History has clearly demonstrated that no people can indefinitely be denied their right to self-determination, without this leading to the eventual destruction of the oppressor. Let us hope that the Soviet Union is wise enough to heed this lesson and permit the natural union of the Ukrainian nation, containing as it does a common language, culture, and people. By doing so the Russians will not only be recognizing the legitimate right of the Ukrainian people to their own sovereignty, but will also assist in the maintenance of its own stability. In addition, it would also herald a welcome departure, in the eyes of the world, away from Russia's present role as the chief practitioner of imperiocolonialism.

In the meantime, let us never forget the suffering of the brave Ukrainian people and the heroic sacrifices made in their quest for liberty and freedom. By keeping alive the flame of hope for eventual independence we will be offering the most significant commemoration of these important anniversaries.

IRISH IMMIGRATION: A FAIR AND REALISTIC SOLUTION TO THE PROBLEM

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. RODINO. Mr. Speaker, on January 6 I reintroduced legislation—H.R. 2118—which I submitted in the 90th Congress to resolve the problem of immigration from Ireland and other Western European nations that has developed following full implementation of the Immigration and Nationality Act Amendments of 1965 on July 1, 1968.

I firmly believe that present U.S. immigration policy, established by the 1965 act, is just and realistic. It is a policy founded on three basic principles: Reuniting families, giving preference to those who will contribute to our expanding society, and offering asylum to refugees.

With approval of the 1965 act Congress eliminated the last vestige of the odious national origins quota system as a basis for the selection of immigrants to the United States. That discriminatory system recognized neither passage of time nor the dignity of the individual. It was conceived during an era of unrealistic fear of immigration accentuated by a period of economic uneasiness. The immigration quotas which it established based on place of birth were designed to serve a twofold purpose: To restrict numerically the volume of immigration into the United States and to select immigrants in such a way as to preserve the balance between the various ethnic elements in the American population.

The system, however, was highly unsatisfactory from every viewpoint. In the first place, it failed to maintain the ethnic balance of the American population as it was designed and intended, since the nations favored with high quotas left them largely unused. In fact, statistics establish that only one of every three immigrants since World War II actually was admitted to the United States as a quota immigrant.

Most repugnant, too, was the system's built-in discrimination and lack of imagination which is antithetical to the very concepts of freedom and equality for which the United States stands. As the late President Kennedy said, in submitting a special immigration message to Congress to accomplish needed reforms:

> The enactment of this legislation will not resolve all our important problems in the field of immigration. It will, however, provide a sound basis upon which we can build in developing an immigration law that serves the national interest and reflects in every detail the principles of equality and human dignity to which our Nation subscribed.

But despite the fundamental equity of our immigration policy, it is a fact that the 1965 act created unintended problems and inequities. One of the most serious is the drop in immigration from Ireland and other Western European nations which were traditional sources of immigration to the United States.

The difficulty developed as a result of the 3-year phaseout period before the 1965 act became fully effective. During this period unused quota numbers were put in an immigration pool. However, no part of annual quotas was deducted, so countries such as Ireland found it easier to make use of their great abundance of nonpreference numbers and as a consequence there was no buildup of priorities under the preferences. Thus, for those countries there was, in effect, business as usual under the national origins system during the phaseout period. But by guaranteeing that countries such as Ireland, Germany, and Great Britain would not be disadvantaged by quota deductions during the phaseout period, the law only served to place them at a disadvantage after July 1, 1968.

Mr. Speaker, I believe the bill I have introduced represents a fair and flexible response to this problem that will, at the same time, avoid any retrogressive move in the direction of national origins favoritism and thereby negate the objectives of the 1965 act.

Under H.R. 2118, which has been cosponsored by my distinguished colleague from Pennsylvania (Mr. EILBERG), 50 percent of the unused visa numbers from fiscal year 1968 would be reserved in a pool for use by the President to alleviate undue hardships such as in the Irish immigration situation. Furthermore, the bill provides that the remainder of the numbers not reserved may be reallocated on a first-come, first-served basis to those preference categories which are presently oversubscribed. The bill, therefore, will accomplish two objectives:

First. Permit Irish immigrants to continue to come to the United States during its proposed 2-year operation; and

Second. Eliminate some of the backlog in the preference categories, thus allowing Ireland and other countries of Western Europe to compete favorably for visa numbers.

Statistics clearly indicate that my bill should resolve the problem. For example, during the phaseout period—December 1, 1965 to July 1, 1968—Ireland had an annual quota of 17,756 visa numbers. Yet the total of visas issued, conditional entries and adjustments of status for immigrants born in Ireland was only 3,188 in fiscal year 1966, 2,816 in fiscal year 1967 and 3,916 in fiscal year 1968. It is evident that heretofore Irish immigration has not been limited by a lack of visa numbers. However, the very fact that the Irish did not have to wait for visas in the past resulted in the situation now with no Irish on the preference waiting lists.

My bill will remedy this defect, and will I am sure provide an ample number of visa numbers since Irish immigration has in fact decreased, as evidenced by the statistics on immigration during the phaseout period. It is a feasible, fair, and realistic solution to the problem and will not breach the policy of the 1965 act which established an annual ceiling of 170,000 on immigration from the Eastern Hemisphere and a per country limitation of 20,000.

Mr. Speaker, there is a tradition of Irish immigration to the United States, and we all recognize the magnificent role of citizens of Irish heritage in building this great Nation. The hardship felt by the Irish who are turned away without visas is immense, and it is a matter of special concern to me to remove the obstacle created by the 1965 act. I intend to seek early consideration of this legislation, for I feel it is timely, necessary and will provide relief from the inequity that has developed.

A TRIBUTE TO WILLIAM C. FOSTER

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. FRASER. Mr. Speaker, William C. Foster, Director of the U.S. Arms Control and Disarmament Agency, resigned a few days ago after more than 7 years of distinguished service in the cause of peace. No one has understood better than Bill Foster that the most urgent and important concern facing all people is putting an end to the arms race. With modern arsenals, man has the frightening power to destroy himself and his physical environment quickly and effortlessly. Yet Bill Foster takes his leave with many milestones on the road to peace rightfully credited to his leadership.

In 1958, Mr. Foster was appointed an adviser to the Secretary of State on arms control policies. Later that year he was selected to head the U.S. delegation to the Geneva Technical Conference on the Problem of Surprise Attack. His experience in Geneva led him to recommend the establishment of a full-time organized effort in the arms control field, a recommendation that came to fruition in 1961 with the establishment of ACDA. Bill Foster was the natural choice to head the new agency.

Seldom has a new undertaking of such importance had the fortune to be headed at its most crucial period by so able a leader. A former Under Secretary of Commerce, Administrator of the Marshall plan, Deputy Secretary of Defense and Presidential adviser, Bill Foster had earned the respect of Government leaders. As an industrial executive, he had been president of a steel products company, president of a national chemists' association, and chairman of a nuclear energy corporation.

With his business and Government expertise, Bill Foster was the right man to bring arms control and disarmament considerations into focus on national security matters. His efforts have brought us to realize that we cannot rest our policies on the deceptive foundation of military might alone. Under his leadership the Agency has put its stamp on arms control agreements that enhance our safety and security.

Mr. Foster has distinguished himself in the arduous task of international negotiations. As chief U.S. representative to the Eighteen Nation Disarmament Conference in Geneva and as delegate to the United Nations, Bill Foster is to be commended for his accomplishments. The Limited Test Ban Treaty, the Washington-Moscow "hot line," the Outer Space Treaty and the Nonproliferation Treaty owe much to his efforts. The Nonproliferation Treaty alone took 4 years to negotiate. It is unlikely that the treaty would have been concluded without Mr. Foster's convictions and patience.

As a congressional adviser to the Geneva Disarmament Conference and as a member of the Foreign Affairs Committee, I have known and admired Bill Foster. One could go on at greater length reciting his accomplishments and his credentials. But his personal qualities also merit attention and go far to explain the attainment of such a distinguished career. He is a man of warmth and charm, of dignity and humility, of integrity and commitment. Because of Bill Foster's dedication to peace, his able leadership of his Agency, and his remarkable qualities as a negotiator, our loss on his retirement is severe. We extend to him our best wishes for the future.

UKRAINIAN NATIONAL INDEPENDENCE

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. BROOMFIELD. Mr. Speaker, January 22 marks the 51st anniversary of the Ukrainian independence. On this date in 1918 the newly created Ukrainian Government was among the first to declare its independence from the Russian empire. We note with sadness that this independence was short lived as the greatly outnumbered Ukrainians were quickly conquered anew by the new Communist regime in Russia.

A Communist tyranny even more oppressive than the czarist regimes settled over this unfortunate land. Many of the people made their escape to more hospitable lands but their love for their homeland has never been abandoned. Their sincere desire to see their nation again free has never diminished.

Ukraine is the largest non-Russian nation in both Eastern Europe and the Soviet Union empire. For more than five decades the Ukrainian people, both in captive Soviet Russia and in the free world have kept alive their dream of independence.

Today, I am happy to join with my colleagues in a fervent wish that the Ukrainian homeland may again see the light of freedom from tyranny and oppression.

HAWAII CITIZENS RESPOND MAGNIFICENTLY TO PLEAS FOR BLOOD IN WAKE OF "ENTERPRISE" FIRE

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. MATSUNAGA. Mr. Speaker, there were many heroes aboard the aircraft carrier U.S.S. *Enterprise* on Tuesday, January 14, when the mammoth nuclear-powered ship, while on her way to a fourth tour in Vietnam waters, was rocked by explosions as fire swept across her flight deck.

This naval disaster was the worst to occur in central Pacific waters in recent years. When the call for blood donors to help the injured of the *Enterprise* reached Hawaii, the response of the citizens of the Island State was overwhelming. Within 2 hours after the appeal, the shortage at the blood bank of Hawaii was wiped out as citizens from every walk of life lined up to give blood.

As the Honolulu Star-Bulletin so aptly commented:

> It represents more than just a transfusion of blood. It's a transfusion of spirit.

I know that my colleagues and the readers of the RECORD would wish to join with me in paying tribute to the spirit of the people of Hawaii for their heroic response to the call for help for the injured of the *Enterprise*.

I submit for the RECORD a report of the incident by Janos Gereben, from the January 15, 1969, issue of the Honolulu Star-Bulletin:

TRAGEDY ON "ENTERPRISE" BRINGS FLOOD OF DONORS

(By Janos Gereben)

The Blood Bank of Hawaii announced two months ago that it is "low on all types of blood, particularly the A's and O's."

Yesterday, in a matter of two hours, that shortage was wiped out and today Honolulu is one of the very few cities in the world with a sufficient supply of whole blood.

When Tripler Hospital put out the call at 9:30 a.m. for blood donors to help the injured of the Enterprise, the people of Honolulu responded with unhesitating action seldom seen in peacetime.

"Everybody came," said Sgt. Ralph Yoder of the Tripler information office.

"Businessmen, military dependents, guys driving down the street and hearing the appeal, airmen who just finished a 24-hour work shift, our own patients, newsmen covering the story."

By 11:30 a.m., would-be donors, estimated at 1,000, created a traffic jam on the freeways near the access road to Tripler and the hospital's blood bank called off its appeal, suggesting that the Queen's Medical Center Blood Bank be used.

Queen's was jammed, too, by this time. Normally operating from noon on Tuesdays, the Blood bank there called in its whole staff of 30 and started working at 10:30 a.m.

Edwin E. Harris, administrator of the Blood Bank, said about 200 donors were processed ("all we could handle"), and hundreds advised to come back or make appointments.

About 350 donors were processed at Tripler and the information office there said, "We are squared away; all our immediate needs are filled."

But Harris at Queen's stressed that the need will continue for days and perhaps weeks.

Whole blood, unlike plasma, cannot be stored beyond 21 days and the wounded of the Enterprise will continue to need blood.

Harris announced that the Blood Bank at Queen's will be open 8 a.m. to 4 p.m. on weekdays, except on Tuesdays when it operates noon to 8:30.

He asked prospective donors to call for an appointment at 536–7771.

RELIEF FOR NIGERIA-BIAFRA

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. ASHLEY. Mr. Speaker, unless we act quickly and with a sense of utmost urgency, the Nigeria-Biafra Civil War will soon leave as many as 25,000 people a day dead of starvation. This cruel conflict, from which neither side can emerge as a meaningful victor, now threatens to end millions of lives by slow and lingering suffering and death.

It is for this reason that I am joining today with 89 of my colleagues in sponsorship of a concurrent resolution calling upon the President to do more to stop the senseless suffering that is stemming from this dispute. This is an issue which unites and summons us all who care for their fellowmen, and it is in this spirit that we call others to join us.

Mr. Speaker, the concurrent resolution urges the President to make available increased amounts of surplus food, relief moneys, noncombat aircraft, and such other vehicles of transport as may be needed for relief purposes. It further expresses the sense of Congress that this relief assistance be made available to the Organization of African Unity, UNICEF, the International Committee of the Red Cross, and such other suitable religious and charitable relief agencies as may be operating in the area with the consent of the responsible authorities. Finally, the resolution urges our Government to seek the cooperation of other nations in this humanitarian effort.

The United States has already given about $23.7 million in relief, much of it in the form of Public Law 480 food. Our Government also recently announced that it was selling, for a minimal fee, eight surplus C–97G Stratofreighters to the church groups and the International Committee of the Red Cross. Four of the planes are to go to the American religious consortium, Joint Church Aid, U.S.A., and four to the Red Cross. The sale of these aircraft is an important forward step. However, much more must be done. With this additional cargo capacity, relief flights will not be able to carry in more than 250 tons a day, while the daily amount needed has been estimated from 1,000 to 2,500 tons. It is obvious that more planes are needed.

Mr. Speaker, the resolution also calls for the provision of "other vehicles of transportation." It is possible that, while the relief crisis is still urgent, agreement may be reached by the disputants to open a water channel or a land corridor for the transshipment of relief supplies. We are making it clear to our Government that we in the Congress also favor arrangements by which barges or trucks could be made available to take full advantage of such a breakthrough.

Mr. Speaker, the resolution concludes by urging our Government to solicit the cooperation of other nations in this humanitarian effort. It was designed to avoid direct U.S. involvement in the dispute. This does not imply that we should be indifferent to the factors which brought about this war and which now prolong it. On the contrary, we should make the utmost use of our diplomatic channels in African capitals and in London, Paris, the U.N., and elsewhere, to persuade the two sides to negotiate and compromise rather than continue to rely on the use of force. But the purpose of this resolution is to fulfill our moral obligation to save innocent lives. The relief operations could be undertaken by the relief agencies with the minimum necessary cooperation of the Africans themselves.

Mr. Speaker, Great Britain, France, and the Soviet Union are already directly involved in the supply of arms to one side or the other and this convergence of big powers fosters a continuation of the fighting. There is no easy solution to the internal and external issues which are working to divide this suffering land. This resolution does not indicate ways by which political or military pressures might bring about a cease-fire or an arms embargo or a lasting political solution. Yet I see no reason why the morally imperative action to save lives cannot progress swiftly while the lengthy and complex work for a negotiated settlement is pursued through other channels. With every day's delay, more men, women, and children—especially children—are dying needlessly. We must meet our humanitarian obligations.

Mr. Speaker, I urge action without delay.

AMEND THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. KOCH. Mr. Speaker, today I am pleased to join as a cosponsor on Mr. RYAN's bill amending the Housing and Urban Development Act of 1968. It would make interest subsidy and rent supplement benefits available to existing State and municipally financed low- and middle-income housing. Under the present law, housing programs completed before the 1968 act are ineligible for these benefits. These programs, seriously affected by rising interest and rents, would find relief under the proposed amendment.

Rent increases are a major issue with

my constituents in the 17th Congressional District and the residents throughout New York City. I am concerned not only over the plight of those caught in the rent squeeze, but also in the relentless exodus of the city's middle-class residents to the suburbs—a condition for which rising rents are largely responsible. These are people the city can ill afford to lose, yet 1 million of them have left the city for the suburbs in the last decade.

The adoption of this amendment is one measure that seeks to deal with the critical problem of rising rents in New York City. The relief provided for the existing housing programs will aid many tenants when enacted.

UKRAINIAN INDEPENDENCE DAY

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. BUTTON. Mr. Speaker, 51 years ago on January 22, 1918, millions of Ukrainians savored the joys of independence and freedom that our forefathers felt after our own Revolution. The dreams that were realized on that glorious day in 1918 were soon dashed with the Soviet expansion of 1920 which followed the Russian Bolshevik revolution. Since that time 45 million people have been isolated from the free world. They are deprived of the basic freedoms which we hold so dear. We who know freedom observe this 51st anniversary of their Independence Day with the hope that they again will know freedom.

Mr. Speaker, it is my pleasure to share with my colleagues a letter from two of the officers of the Troy, N.Y., branch of the Ukrainian Congress Committee of America, which has many members in my district. This letter demonstrates that we in America and free men everywhere will never forget and never cease to work for the renewed independence of the gallant people of the Ukraine.

The letter follows:

UKRAINIAN CONGRESS
COMMITTEE OF AMERICA,
Troy, N.Y., January 17, 1969.

Hon. DANIEL BUTTON,
U.S. Congressman:

January 22, 1969 will mark the 51st Anniversary of the proclamation of Independence of Ukraine, and the 50th Anniversary of the Act of Union, whereby all Ukrainian ethnic lands were united into one independent and sovereign state of the Ukrainian nation. The independence of Ukraine was proclaimed in Kiev, the capital of Ukraine, on January 22, 1918, and the Act of Union took Place a year later, on January 22, 1919, also in Kiev.

The young Ukrainian democratic republic was immediately recognized by a number of foreign governments, including that of Soviet Russia. The latter, however, almost simultaneously with recognition, began a large-scale invasion of Ukraine. By 1920, Ukraine, alone and unaided, succumbed to the superior forces of Communist Russia, and in 1923 had become a part of the Soviet Union.

The Freedom loving people of Ukraine have not accepted Soviet Russian domination and have been fighting for the re-establishment of their independence by all means at their disposal.

During World War II the Ukrainians organized a powerful underground resistance movement, known as the Ukrainian Insurgent Army (UPA), which fought not only against the Nazi regime, but against the Soviet Russian occupation as well.

Bloody and relentless persecution of Ukrainians continued after the death of Stalin, and it continues now under the Brezhnev-Kosygin duumvirate.

Sincerely yours,
JOHN BAYLEK,
Chairman-President.
RUSSELL KOLODY,
Secretary.

CLEAR THE DECKS FOR COMPETITION

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. FINDLEY. Mr. Speaker, an eloquent and needed appeal to the Government in behalf of the American farmer to "clear the decks for competition" was issued by the distinguished president of the American Farm Bureau Federation. Speaking at the recent annual meeting of the federation, Mr. Charles B. Shuman lashed out at import protection including the present system of payments to farmers and predicted that U.S. farm exports can be doubled. Mr. Shuman has long been a courageous and effective champion of the disciplines of the marketplace and a critic of Government-imposed disciplines. Here are his words:

THE UNITED STATES CAN DOUBLE EXPORTS

It is entirely feasible to double agricultural export sales in the next four to five years. The objective of the proposed new agricultural trade expansion legislation should be to make it possible for farm export sales to increase to the ten billion dollar level. This can be done if the State Department and the Office of the Special Representative for Trade negotiations are instructed to begin immediate negotiations with any or all free nations on either a multilateral or unilateral basis.

Our negotiators must be prepared to demand reciprocal action. If the United States is to continue to permit the importation of automobiles, chemicals, wine and steel from the European Common Market, we must be assured of access to European markets for our farm products. In order to pursue this hard-nosed bargaining policy successfully, it will be necessary for Congress to discontinue direct subsidy payments to farmers.

These payments are recognized by foreign nations as a form of export subsidy. For example, the direct payments to wheat farmers are a substitute for fair market prices and have the effect of stimulating excess production which is subsequently dumped on world markets by the Commodity Credit Corporation.

If we want to trade we must be willing to end export dumping programs. U.S. farmers must compete in the world market on an equitable basis. Only then can we demand similar action by other nations. We must also be willing to resist demands for import barriers to protect a growing list of agricultural and industrial products which have been meeting increased competition from foreign producers.

Trade is a two way street. Our foreign customers must not be denied the opportunity to earn dollars to pay for our products or be provoked into retaliatory restrictions. Agriculture has far more to gain from trade expansion than from protectionism.

However, there are occasions when imports will threaten an industry or an important segment of agriculture. The present trade expansion legislation provides for escape clause action by the President after investigation and a finding of damage by the Tariff Commission. The procedures provided for this protective action should be improved so that it will not be as difficult to obtain relief when producers of any important commodity are threatened with unfair import competition.

Subsidies and restrictions on competitors do not strengthen, they weaken. Competition is the way to grow strong—the way to greater profits. The temporary advantage of a subsidy or of import protection is rapidly lost as the protected industry sinks deeper into the ruts of complacency, inefficiency and obsolescence. Tariff or quota protections cannot guarantee continued sales because consumers will look for substitute products.

There are hundreds of examples of industries that have floundered and lost much of their business while basking in the temporary comfort of subsidies or import protection. U.S. farmers, if given the opportunity, can compete successfully in the world market for practically any commodity adapted to our conditions. It is time to clear the decks for competition—not to add further restrictions.

UKRAINIAN INDEPENDENCE

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. BOW. Mr. Speaker, the good citizens of Ukrainian descent in my congressional district will celebrate this weekend the 51st anniversary of the establishment of the Ukrainian National Republic in Kiev and the 50th anniversary of the Proclamation of Unification of all Ukrainian lands under the new government.

As all of us know, these historic events, offering such great promise of freedom, independence, and cultural advancement, were soon overshadowed by the Soviet conquest of the Ukraine. Many years of captivity under the repressive rule of Moscow have followed and millions of Ukrainian people have fled the Communist world.

In a recent letter to me, Wasyl Juskiw, secretary of the Canton branch of the Ukrainian Congress Committee of America, expressed the situation clearly and simply in these few words:

> Ukrainians have a saying that "you can break the body but the spirit lives on." The main purpose of commemorating Ukrainian Independence Day is to keep alive this spirit of freedom and to focus the attention of all Americans on the fact that the Soviet Union from its inception was, and to this date is, a prison of many nations held in totalitarian captivity, the most recent example being Czechoslovakia.
>
> All the captive nations, to the present day, are aspiring to freedom and independence. Ukraine is one of these captive nations.

The Canton ceremonies observing this anniversary will be conducted in St. Nicholas Ukrainian Catholic Church Sunday evening. The Honorable Stanley Cmich, mayor of Canton, has proclaimed January 26 as Ukrainian Day.

I join with my friends of Ukrainian descent and all Cantonians in the prayer that the Communist oppression of the Ukraine may soon be lifted and that the hopes and aspirations of 50 years ago may be revived in a new birth of freedom and independence for the people of this sad land.

RECENT EVENTS IN THE MIDDLE EAST

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. DADDARIO. Mr. Speaker, the recent events in the Middle East have concerned us as the tension has grown and the United Nations has sought a solution. Many people in my district have written me to express their concern and to urge the expression of true American feelings. One of them has called to my attention the attached column, written by Barney Laschever, formerly of the Hartford Times, which he believes sets in perspective matters which my constituent has found reported and editorialized in a distressing fashion. I offer Mr. Laschever's column for the RECORD, as follows:

SEPARATE RULES FOR ISRAEL?

(By Barnett D. Laschever)

How pervasive, and how true, is the belief held by most Jews that there are two sets of rules in the world—one for them, and one for everyone else?

When others fight wars, the winner is in fact the winner and imposes the peace. Three times the world, through the United Nations, has imposed cease-fires that have denied Israel the opportunity to obtain a true peace.

Terrorist attacks from three fronts, and even in foreign airports, are greeted by a unanimous silence from the world community.

But retaliatory raids are over-reaction, and the Jews are acting like Nazis.

The Jews are compared with the Nazis because they try to fight a war as it should be fought—quickly and decisively—to save lives on both sides. Unlike America, Israel cannot afford the luxury of a prolonged war.

Is it not the epitome of hypocrisy for nations and people whose histories are successions of hard reactions to guerrillas to condemn Israel now? One rule for us, one for the Israelis?

One highly-placed American diplomat put it this way: The Israelis should be condemned, he said, for using official uniformed troops to respond to an "isolated" act of terrorism by only two guerrillas.

To the Israeli engineer killed on the El Al plane at Athens, it doesn't matter. He is no less dead than if the fatal bullets had been fired from the gun of a uniformed Arab soldier.

Was it over-reaction when the United States sent uniformed soldiers into Vietnam to quell Viet Cong guerrilla terrorists, and kept pouring in troops until the North Vietnamese regulars entered the fight?

Item: At the end of World War II, the Greek government sent uniformed soldiers against guerrilla terrorists in the northern part of that country.

Item: In Malaya, the British fought guerrillas with uniformed Gurkhas and other members of its armed forces.

Item: In the fading days of the British Empire, Britain used uniformed soldiers against Indian terrorists.

Go back a few years. A couple of drunken American soldiers were imprisoned by the Mexicans. American Marines were landed in Vera Cruz.

Pancho Villa and his guerrillas roamed across the Texas border. General Pershing was dispatched with the American Army.

Whether over-reaction, and it certainly was that, will lead to peace in the Middle East is a question no one can answer.

But the Israeli is remembering bitterly that walking into gas chambers also has no future.

"But why attack Beirut?" the world has cried, "peace-loving Lebanon whose government long has been controlled by Christians!" Much has been made of the Christian influence in Lebanon—by people who forget that Jews have historically fared worse at the hands of Christians than from the Arabs. More important, the guerrillas from their headquarters in Lebanon have themselves announced that the enemy was to be attacked wherever he could be found—not just in Israel.

So be it, say the Israelis.

King Hussein has said: "We are all commandos."

Israel has no land communications with anyone. No cars, trucks, trains, buses flow across its borders. To stab at its only remaining lifelines to the world—its shipping and airlines—is to aim at Israel's jugular vein. How do you react to a slash at your jugular?

The raid was ill-advised. But in their frustration and anger, and in their fear, the Israelis struck.

How naive they were, however, to think that the world would applaud because they only smashed up machinery without taking Arab lives.

They forget that Machiavelli many hundreds of years ago noted that you can kill a man's father and he will be angry with you but he will forgive you. Take or destroy his property, however, and you have made an enemy for life.

Let those who are so quick with their condemnation come up with constructive ways to settle this chronic crisis. Let them also remember that the Arabs, with their vast lands and populations, can afford to lose many wars.

The Israelis can lose only once.

MICHAEL ASSOCIATES,
Hartford, Conn., January 14, 1969.

EMILIO Q. DADDARIO,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR "MIM:" Having just returned with Mrs. Goldman from a tour of Israel, have been taking particular note of all the discussions, news reports and editorials regarding Israel and their Neighbouring Countries.

Not only have I found these news reports and editorials distressing and one sided. I have also found our own action in condemning Israel in the U.N. very unworthy of the Standards of our great Country, as to fair play, and trustworthiness.

I would advise all those who condemn Israel, to visit the Memorial for Six Million. There they will finally realize why Israel can not afford to lose Two and a Half Million more Jews to be destroyed, together perhaps with more millions throughout the world.

I am taking the liberty of enclosing a Column by Bernard D. Laschever which appeared on the editorial page of The Hartford Times, Sunday, January 12, 1969.

I Believe that Mr. Laschever, aptly spells out the case for all the Peoples of Israel, and why the Jewry of the World are so concerned in this, thus request that you read and place same into The Congressional Record, so as to bring to the attention of our legislators.

I would also at this time, send my thanks, for the magnificent calendar, which I received from your office, I am with personal regards,

Respectfully yours,
M. MICHAEL GOLDMAN.

JANUARY 14, 1969.

Mr. BERNARD D. LASCHEVER,
Sunday Editor, Hartford Times,
Hartford, Conn.

DEAR MR. LASCHEVER: Thank you for your column of Sunday, January 12, 1969. I was most impressed with same.

Enclosed you will find a letter to our own "Mim" Daddario with whom I am personally acquainted and hold in very high esteem.

I do hope that I have not overstepped my bounds by being presumptive in requesting Congressman Daddario to place same in The Congressional Record.

Very truly yours,
M. MICHAEL GOLDMAN.

DEMANDS OF THE COMMON DREAM AND COMMON ASPIRATIONS OF NORTH AND SOUTH AMERICA

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. MORSE. Mr. Speaker, as a longtime student of Latin America, a member of the Foreign Affairs Inter-American Subcommittee and a Representative from the Commonwealth of Massachusetts, it is an especial privilege and a double source of pleasure for me to call to the attention of my colleagues the address of Minister Jorge de Sá Almeida, Chargé d'Affaires of Brazil, at the decoration ceremony to honor Ambassador John Moors Cabot, of Massachusetts, former U.S. Ambassador to Brazil.

Ambassador Cabot was presented the Grand Cross of the National Order of the "Cruzeiro do Sul," the highest decoration conferred upon foreigners by the Brazilian Government.

As Minister Almeida so eloquently and aptly stated, the "common aspirations" and "common dream" that North and South America share "demand honest interpreters, men of good will, and wisdom to make them understood," and both he and Ambassador Cabot are two of the finest of this type.

The address follows:

ADDRESS BY MINISTER JORGE DE SÁ ALMEIDA, CHARGÉ D'AFFAIRES OF BRAZIL A.I. ON THE DECORATION CEREMONY OF AMBASSADOR JOHN MOORS CABOT, HELD AT THE BRAZILIAN EMBASSY JANUARY 13, 1969

(NOTE—Ambassador Cabot has served twice in Brazil and received the "Grã-Cruz" of the Southern Cross Order, the highest decoration conferred upon foreigners by the Brazilian Government.)

My dear Ambassador Cabot: It is for me both an honor and a great pleasure to present to you the Grand Cross of the National Order of the "Cruzeiro do Sul", the image of that same constellation which you have so often seen in the southern skies in your many years of distinguished service in several countries of this Hemisphere.

You have written that America is our common destiny, and you have followed, step after successful step, that destiny since the early beginnings of your career as Vice Consul in Callao, and Third Secretary in the

Dominican Republic, through assignments in Mexico, Guatemala, Argentina and Colombia, all the way to becoming a well known and esteemed Ambassador to Brazil, a well rounded diplomat knowledgeable in inter-American affairs. Coming from the North of this country, which your ancestors helped to discover and settle your diplomatic destiny has associated you with the south of this Continent.

We Brazilians were most fortunate in the choice you made of the main field of your activities, since you have twice held posts among us, as Second Secretary, in 1932, and as Ambassador, in 1961, a "double blessing", which as the bard wrote is a "double joy." We in South America have many things in common with you, in North America, including a destiny. You are well aware that those common aspirations and that common American dream demand honest interpreters, men of good will and wisdom to make them understood.

Allow me to say that it is mainly owing to the dedication and unceasing efforts of men such as you—and of such as many honoring us with their presence here, today—that the Inter-American System entered the present phase of sound mutuality and practical financial and economic cooperation, and left, hopefully for good, the past when South and North America lived in blissful reciprocal ignorance, and could afford the luxury in the old Victorian style, of passing occasional self-gratifying moral judgments on each other. Together, we now face realities, such as trends in international trade, questions of market integration; self-supporting development, rates of "per capita" growth—and last but not least the need to strive in common for our common dignity of Americans, of men of this New World which we all want to call our own. North and South America have by now learnt to live together and to respect each other, and indeed to respect their differences of approach, of language, of domestic political evolution.

You understand us so well, Mr. Ambassador. I am, for that reason, glad you were teaching in the famous Fletcher School of International Affairs, thus giving the benefit of your experience to a younger generation. Diplomats should become either teachers or writers, for they acquire so much knowledge in the day-to-day business of their trade, while they have so often to keep silent, even if they may, in good Ambassadorial ways, find comfort in the precious line of Virgil "Felix qui potuit rerum cognoscere causas." Fortunately you have been both a writer and a teacher, and we wish you well in these exciting activities for which you will now have more time.

For you, Mr. Ambassador, this Cross of the interpreter, of the diplomat, of the man who has bridged the gulf between two cultures, is a Cross you have in a way borne with gallantry all the time since your early days as Vice Consul in Callao. It will, I trust, rest lightly on your shoulders. May it bring you luck in all your endeavors as that Northern Star which led your ancestors to the discovery of a New World, as new and full of hope as that of the Cosmic Space which is now being revealed to us by your heroic fellow-countrymen.

TOP-LEVEL FEDERAL SALARY INCREASES SHOULD BE DISAPPROVED

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. NELSEN. Mr. Speaker, I am today joining with other colleagues in sponsoring two House resolutions designed to bring about House defeat of the increased pay recommndations proposed by former President Johnson.

The only way these unjustified salary increases can be defeated at this point is through a House vote. My bills are designed to assure that this vote occurs.

While some claim that salary adjustments are justified, I maintain that this action would surely trigger another inflationary round that the country cannot stand. Congress should set a responsible example, and avoid the inflationary merry-go-round that already has everybody dizzy.

Since formal House disapproval is the only action now possible to stop the raises which otherwise become effective February 15, it is hoped quick action on these resolutions will be forthcoming.

AMBASSADOR YOST, THE U.N. AND WORLD PEACE

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. ZABLOCKI. Mr. Speaker, President Nixon's selection of Ambassador Charles W. Yost as the permanent United States representative in the United Nations has been widely applauded by Americans of all ranks and persuasions who share the belief that the world organization is an important instrument of world peace.

An interesting article about Ambassador Yost's outlook on the United Nations, and his outstanding qualifications for his new job, appeared recently in the Milwaukee Journal.

Written by Attorney Bruno V. Bitker of Milwaukee, the article contains some valuable insights into Ambassador Yost's prognosis about the future course of world affairs. For this reason, I am inserting it into the RECORD.

Attorney Bitker is a recognized and respected specialist on matters involving the U.N. He has served for 9 years as chairman of the Wisconsin Governor's Committee for the United Nations and has met Ambassador Yost on a number of occasions in that period. Most recently, he was a member of the U.S. Commission on the International Human Rights Year 1968.

The article follows:

[From the Milwaukee Journal, Jan. 12, 1969]

AMBASSADOR YOST'S ADVANCED IDEAS ON THE U.N.

(By Bruno V. Bitker)

One of the real surprises among the cabinet and key advisers selected by President-Elect Nixon was Charles W. Yost as chief ambassador to the United Nations.

Yost's predecessors have been for the most part men of considerable national prominence. Many of them, such as Henry Cabot Lodge, Adlai Stevenson, and Arthur Goldberg, had political followings. Yost, although highly respected in the world of diplomacy, cannot be said to have either public prominence or a political base.

Although usually identified as a Democrat—he did act as an adviser on international affairs to Hubert Humphrey—it would be more accurate to describe him as nonpolitical. Until his resignation in 1966 as second in command at the United States mission to the UN, he was a widely experienced career officer in the foreign service.

One reason for surprise at his selection emanates from the advanced and innovative ideas set forth in what he has written since becoming senior research fellow with the Council on Foreign Relations in New York city. Some of his ideas in the area of international relations are not those usually associated with President-Elect Nixon.

In his book, "The Insecurity of Nations," published last winter, Yost states forcefully his concepts of what the United Nations could and should be, in order to be an effective force in peace keeping. Both in his book and in recent magazine articles. Yost emphasizes his main thesis: That only if all nations submerge their national interests in the interests of all mankind can there be security for any nation. Thus he says:

"The primary cause of the insecurity of nations persists—the very attribute on which nations pride themselves most—their sovereign independence, their 'sacred egoism,' their insubordination to any interest broader or higher than their own. The tragic character of their condition lies, moreover, in their habitual failure to understand what their own interests really are, to recognize that the interests of all are in the modern world so bound together that those of one nation cannot be served over the long run without all being served, that those of one nation cannot be imperiled without all being imperiled."

"There will never be security for nations and peoples until there exists some impartial and effective international authority," he writes, "expressing man's best instincts and common interests, designed and empowered to keep the peace, restrain aggressive governments, control national armaments, negotiate and enforce peaceful settlements, facilitate peaceful change, and assist new states to develop and modernize.

"The nature of the modern world is such that it will not tolerate a pax Romana, pax Britannica, pax Sovietica or pax Americana. Peace-keeping, if it is not in practice to become war-making, is a task that henceforth has to be performed collectively."

In reference to the theory of the value of regional organizations in assuring world peace, he notes that:

"Nor are regional organizations any more generously endowed with power by their members. The Organization of American States has a relatively long tradtion, but neither the United States nor the other 20 republics are willing to confide to the organization the right to intervene or to forbid intervention, the right to determine levels of economic assistance or standards of social and political performance."

To those who insist that the hopes for peace through subordination of nationalistic fears or ambitions are pure fantasies, he says:

"The revival and re-enforcement of the United Nations no doubt seems, and at the moment may be, Utopian. The point to be made again and again, to be hammered unmercifully into our proud hard, silly heads, is that the attempt to achieve the security of nations by national means under modern circumstances is still more Utopian."

This is a positive assertion of where American security lies. But it remains to be seen whether this expresses the philosophy of the Nixon administration. It also remains to be seen whether Yost will be freer to act in the United Nations than have some of his predecessors.

It remains to be seen, too, whether the inclusion of the UN ambassador in cabinet meetings will in fact elevate the post to one of near equality with the secretary of state in inner White House councils. The practice of including the ambassador in such meetings was initiated by President Eisenhower with respect to the then ambassador, Henry Cabot Lodge.

RELATION TO PRESIDENT

It is now an established custom on paper. But its practical effect is uncertain. A particular ambassador may enjoy a relationship with the president so close that he feels free to telephone directly to the White House from the UN's New York headquarters without going through the office of the secretary of state or the department's bureau of international organizations. Undoubtedly Lodge enjoyed that relationship with President Eisenhower. Ambassador Goldberg reportedly had a similar direct line to President Johnson.

There does not appear at the outset to be such a close personal bond between Yost and Nixon. But Yost is a man of quiet manner who seems to play down the personal approach. It is possible that his reticence could produce better results than have the more dramatic efforts of some of his predecessors. It should be noted, too, that as a career diplomat Yost is known and highly regarded by the "establishment" within the state department.

The anomaly whereby the UN ambassadorial post ranks a seat at the cabinet table has raised problems. On the one hand it has indicated to the world that the president of the United States recognizes the special importance of the United Nations. But if one examines the bureaucratic chart of the department, the UN ambassador is not only under the secretary of state, but his direct contact with the department, in theory, is at least two steps down the line. He deals with the assistant secretary of state for international affairs, who in turn is responsible to the undersecretary of state.

All of this has resulted in confusion, and on occasions, created resentments between officials who previously have been on amicable terms. It has stimulated much discussion on the proper role of a chief ambassador to the UN.

Yost's long experience in operating through recognized lines of authority may help smooth over some rough spots which have disturbed other ambassadors. The result could be most constructive in influencing the foreign policies of the United States. The effectiveness of the UN ambassador should not be measured by whether he is an intimate of the president or on close terms with cabinet members, but by what he accomplishes through the United Nations.

For years the United States has taken a negative position on the admission of Communist China into the United Nations. It is an issue bound to arise again in 1969. This is what Yost has said on this question:

"She should be invited without delay, and without regard for her current disorders, into the United Nations, and into all other appropriate international organizations. Initially, she will no doubt refuse; she will prove, when she does come in, a most prickly and disruptive partner. . . . The stakes in this case, however, are too high to permit or excuse boggling by the rest of the world. . . . Both China's sobriety and its friendship are essential to world order."

NIXON-YOST ACCORD?

But when Nixon introduced his new UN ambassador at a press conference he indicated no enthusiastic belief that the UN could mediate between the United States and the USSR, nor did he express any hope that the superpowers would even submit significant decisions to the UN affecting their respective vital interests. One wonders whether his future policies will be in harmony with the ideas of Ambassador Yost, who says:

"If mankind is to continue to prosper, perhaps even to survive to the end of this century, there is going to have to be a rather rapid assimilation of nation-states into a more coherent and functional international system."

It may be true that the world is still reluctant to support a stable international order that would exclude war as a way of settling international disputes. But the grinding necessity of the times may force the world to do what needs to be done. Yost has pointed the way.

COMMENTARY ON THE CURRENT REBELLION OF SOME OF OUR YOUTH

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. DERWINSKI. Mr. Speaker, it was with great interest that I noted the commentary on the current rebellion of some of our youth as analyzed by Rev. John B. Sheerin, C.S.P., in the January 10 New Word, the official Catholic newspaper of the Archdiocese of Chicago.

The article was especially intriguing since Father Sheerin generally inclines to the liberal point of view. This is obviously a thought provoking article.

Under unanimous consent I submit the article for inclusion in the CONGRESSIONAL RECORD, as follows:

SUM AND SUBSTANCE—YOUNG REBELS COULD BECOME OLD TYRANTS

(By John B. Sheerin, C.S.P.)

The youth revolt was probably the biggest news event of 1968 except for Apollo 8's moon voyage. Much as we sympathize with many of the young rebels' protests against the Establishment, there is one angle of the phenomenon that makes us all a bit uneasy.

There is a little tyrant in every rebel and today's campus rebels may turn out to be tomorrow's tinhorn dictators. Rebellion seems to spawn authoritarianism, and the rebel of one generation too often becomes the tyrant of the next.

This was brought home to me vividly by an article in the Times Literary Supplement, (London, Dec. 26.) The subject of the article was Rousseau, architect of the French Revolution, and the title was "The Dictatorial Libertarian."

It was Rousseau who lamented that "man is born free but is everywhere in chains" and he urged a return to the pristine state of the noble savage, unfettered by governmental laws and the customary restrictions of civilization. Rousseau was a living paradox, the rebel in him constantly being dominated by the dictator.

He wailed that the King was the enemy of freedom but somehow managed to look upon the high-handed Republican magistrate as the friend of freedom.

The writer of the Times article shows that Rousseau believed that no man should have a master in any shape or form, and yet he found no difficulty in his writings in advocating the subjection of religion to the State.

Moreover, he felt that this religion, a form of civil religion, must be vigorously enforced: anyone who does not accept it must be banished, and anyone who apostatizes from this civil religion is to be put to death "for he has committed the greatest crime."

The Times writer quotes a Rousseau expert as saying that the French philosopher was a rebel and yet had within him the attributes of the tyrant.

He aspired to harden himself against anything that smacked of submission or effeminacy. "It is conceivable that this fear of femininity is the primary factor that shaped . . . the authoritarian element in his personality."

So too with conscience. He extolled conscience in one of his earlier works, saying that the voice of conscience within the individual is infallible "since conscience never deceives us." But in a later volume, he insisted that the General Will of the community was supreme above individual conscience.

It reminds us of the SDS rioters at Columbia who claimed a right in conscience to use violence but denied to the police the same right of conscience. In one work he extolled Natural Law as "that holy and imprescriptible law which speaks to the heart and reason of man." Then he turned around and pronounced in all solemnity that the only competent interpreter of Natural Law is the State.

In his early days, Rousseau loved the theater but time marched on and the great libertarian wanted to banish the theater. In one of his writings, he condemned theaters as temples of luxury and vice.

His dislike for femininity probably dated back to his childhood when one of his female guardians used to spank him but this fear drove him to extreme lengths. The young rebel who crusaded for freedom eventually advocated that the nation preserve its masculinity by stern military discipline, militant civil religion and Spartan living.

Today the Establishment needs reform, and some of the protests of the young rebels among us are most laudable, especially their protests against the American involvement in the Vietnam war. But I confess I feel a bit uncomfortable when the young rebels attempt to pull down everything overnight.

It is one thing to disturb the equanimity of a few old fogies in Congress who are still living in the age of McKinley. It is something else again to burn American flags, destroy property, shout obscenity and parade in the nude.

Rebels who declare war on civilized society today, too soon become the strong-armed law-and-order Fuehrers of tomorrow.

CONQUEST, WAR, FAMINE, AND DEATH DEFY RELIEF IN BIAFRA

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. HORTON. Mr. Speaker, the Four Horsemen of the Apocalypse are ravaging a land called Biafra. Mesmerized by the political and military factors interwoven in this tragedy, the U.S. Government has wisely avoided politico-military involvement in Biafra by channeling relief support to this land through international relief agencies which are presently supplying an inadequate lifeline of food and medical supplies to Biafrans by air.

The toll of millions of innocent victims in the Nigerian-Biafran war from famine and malnutrition is well known. The 200 tons of food reaching Biafra every day is simply not enough to meet the minimum relief needs of a people who need 10 times that amount to survive.

Today I am cosponsoring a concurrent resolution with like-minded colleagues in the House who believe that the United States must bring more relief to those in need, and bring it without directly involving this country in the war itself.

Our resolution expresses the sense of Congress that the President should act to increase significantly food stocks, relief money, medical supplies, and aircraft and other vehicles needed for relief purposes by the Organization of African Unity, the International Committee of the Red Cross, or other religious and charitable relief agencies operating in the area.

It is my hope that we can fulfill our humanitarian obligations and at the same time avoid diplomatic and military pitfalls of direct involvement in cold war polemics.

Astute observers the world over point out that those nations which are most vulnerable to takeover by Communist and totalitarian or military regimes are those whose people suffer from hunger, from a lack of education and from general hopelessness concerning their condition.

Hunger, unlike other responsibilities of government, cannot await long and drawn out deliberations before action is taken.

We, here in America, are faced with a moral obligation to do all we can to prevent this appalling starvation in Biafra and Nigeria from becoming the major disaster of our times.

Mr. Speaker, in closing I would like to pay special tribute to all those across the Nation who responded to the plight of the starving people of Biafra. In particular, I would like to call attention to a group of concerned citizens in Rochester, N.Y., who were among the first to raise their voices in concern by forming a group called "Emergency Relief for Biafrans."

These concerned Americans, and all those like them, serve as the conscience of a nation. Let us respond with positive action on this resolution and help drive the Four Horsemen from Biafra.

THIS GIFTED AGE

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. WHALEN. Mr. Speaker, it is a distinct pleasure for me to insert in the CONGRESSIONAL RECORD, and thereby bring to the attention of my colleagues, the inaugural address, "This Gifted Age," of Dr. Brage Golding, the first president of Wright State University, of Dayton, Ohio.

I had the honor of sponsoring the act of the Ohio General Assembly which established the university in 1965. I believe it is indicative of the university's promising future that a man of Dr. Golding's capabilities and stature was chosen to lead it through the extremely important early years.

President Golding came to Wright State from a career that has combined academic, administrative, and industrial experience. He has been director of research for the Lilly Varnish Co., and professor and head of the school of chemical engineering at Purdue University, the latter position he held from 1959 until 1966, when he accepted the presidency of Wright State.

Because of his interest in improving engineering education and to better understand its changing character throughout the world, he participated in the first Inter-American Congress of Chemical Engineering Education in Puerto Rico, and subsequently spent 3 months visiting many of the major universities of the United Kingdom and the continent to meet with European innovators in engineering education.

Dr. Golding's inaugural address bespeaks his longstanding commitment to higher education and his realization of the unique role of the urban university today. Therefore, Mr. Speaker, I am indeed pleased to insert President Golding's address at this point in the RECORD:

THIS GIFTED AGE

Upon this gifted age in its dark hour, Rains from the sky a meteoric shower Of facts . . . they lie unquestioned, uncombined.

Distinguished guests, Teachers and students of the University, Ladies and Gentlemen: Those three lines from Sonnet 137 by Edna St. Vincent Millay contain the central theme of the events of this week at this University. At this time and in this place there could be no more eloquent theme.

We observe today a singular occasion: the inauguration of the first president of a new university. The significance of this occasion lies not in the inauguration itself but in the dedication of a new university; a university that is automatically a contemporary one—so far as its students are concerned. Our future lies in the fact that we have a unique opportunity to brighten this dark hour, to examine the shower of facts, and to permit this gifted age to become a reality for our students.

My purpose today is to examine the task ahead and to determine the role of Wright State as a new university facing the future in especially dramatic circumstances. Such a new institution, born here and now, must be sensitive to the problems and opportunities of the future or it will have failed before it has begun!

To determine our place in the educational spectrum, a brief history of higher education in the United States is in order. Of course, it all started with Harvard. Harvard's first graduating class in 1655 contained eleven students, nine of whom were prepared for the ministry. Until the middle of the nineteenth century, higher education was confined to the affluent and privileged few. Education was limited to the liberal arts and the ministry. The prime movers of higher education were the religious institutions, and little contribution was made by government until the nineteenth century. There were a few exceptions: the state of New Jersey supported Rutgers in 1766, and before the end of that century other state supported universities had been formed in Georgia, North Carolina, Vermont and Tennessee.

In the early nineteenth century, education was still concentrated in the liberal arts and the ministry. Not until 1822 was a professional school of medicine established at the University of Vermont. Law schools then appeared at Georgia and North Carolina; dentistry at Maryland; and engineering and law at Alabama, all prior to 1860. The professional schools were beginning to make significant inroads in the liberal arts schools. Well into the nineteenth century, higher education continued to be almost entirely the prerogative of the small upper social and economic stratum of the country.

The Civil War marked a point of change in higher education. The Morrill Act was adopted by Congress in 1862, requiring that the proceeds from the sale of certain state lands and landscript be invested, the yield from these investments to be used by *each* state—and I quote in part from Section 4 of the Morrill Act, ". . . To the endowment, support and maintenance of at least one college where the leading object shall be . . . to teach such branches of learning as are related to agriculture and the mechanic arts . . . in order to promote the liberal and practical education of the industrial classes . . ."

The progressive legislation had an immediate effect. Iowa, which just four years before had chartered its own college, was the first to accept the land grant conditions and become a participant.

Vermont also joined the program that first year. By 1865, Massachusetts had split its land grant between two institutions: the already established but private Massachusetts Institute of Technology and a new Massachusetts Agricultural College. By 1900, land grants had been assigned to 26 state universities.

Thus, the state universities were here at the beginning of this century. Who were the students? The practicability of higher education had been clear to the farsighted legislators who sponsored the Morrill Act, but it had not reached the masses of the working population. Higher education now was becoming available to the upper middle class, but even these were a more or less privileged minority.

Only during and after World War I did the colleges and universities begin to develop the curricula and student bodies which interacted to provide America with the basis for the finest system of practical education beyond the high school in the world. Indeed, their success has exceeded all expectations. Since the time of the second World War and the advent of the G.I. Bill of Rights, virtually any person who had the ambition and ability, theoretically at least, could go to college and attain a degree. This is not to say that there was equality of opportunity throughout the land, but the means were there for many of those who chose to take advantage of them. The unparalleled success of the land grant colleges was provided primarily by the streaming of the *middle class* to school, particularly when science and technology had developed sufficiently to demonstrate the advantages of a college education as a passport to a better life.

With the advantage of hindsight, we can see that the history of American higher education moved through two major evolutions prior to World War II, in terms of types of institutions, kind of education offered, and clientele served by the program. In the early period the emphasis was classical, the institutions were small and private for the most part, and the student bodies were distinctly upper-class. In the second period, with public resources involved on a fairly large scale, the undertaking became larger; the subject matter came to include the professions, agriculture, and the so-called mechanic arts; and the middle classes of the towns and farms of the nation began to go to college.

Now we are entering the third evolutionary stage in American higher education. The populace has been moving rapidly into the cities, and the universities' eternal task of accumulating, creating, and dispensing human knowledge must necessarily be done now in an urban context. More important, the commitment to universal access to higher education now is taken seriously; the urban masses of people from all social and economic levels are being invited to participate—and are expecting to participate—and the new economy, in fact, is *requiring* them to participate. In a new university, at this point in time, we must think carefully about our role and our methods in the years ahead.

First, we should consider for a moment the basic obligations of any American college or university, so that we might then reconsider those obligations in the light of these modern, revolutionary conditions. All institutions of higher education share the goals of achieving excellence in teaching, research, and public service. Note the words on the great seal of this University: *Ad Docendum, Investigandum, Serviendum.*

Concerning excellence in teaching and the complementary learning process, I shall limit myself to one observation: that man can successfully realize his full potential and cope with the great problems of mankind only after he has attained some insights into the nature of his physical, social, and moral environment; and some knowledge of values, institutions, principles, facts; and of rational inquiry and analysis. The faculty of a university provides the key to the attainment of such insight, knowledge, inquiry, and analysis. Only through the expertise of the faculty will the student be able to approach the limits of his abilities.

It is therefore essential that all students be exposed to a wide range of disciplines, to opportunities for living and working with others, to avenues for self-development, and to means for communicating well with others.

Concerning research: to advance the frontiers of knowledge in our respective disciplines and professions in a scholarly obligation; to strengthen the capacity of man to accommodate successfully to the new challenges of a world of revolutionary change is mandatory. A university has an objectivity and an impartiality toward knowledge development which is unique in our society. We must, to operate successfully, operate in a free environment—subject only to the rigorous demands of truth. No tests of practicability can be imposed on research—nor on course work, I might add.

As to public service, I endorse this characteristically American university objective—that we assist private and public institutions, locally and nationally—to the extent feasible and compatible with scholarship and impartiality—in discovering the factual bases for economic, scientific, and social policy. I believe this objective to be particularly appropriate to a primarily urban university. Moreover, I believe the university itself—as an entity comprised of more than the sum of its individuals—should actively engage in public service when such engagement can contribute to man's realization of his intellectual potential.

Let us now examine the role of the contemporary public *urban* university. Such a university can and must do for today's urban society what land grant colleges have done for the agricultural society of a century ago—by facing the demands of the multitudes to whom a higher education has, heretofore, not been available and extending to them for the first time the educational and economic advantages so long desired.

In the face of the urgencies of this revolutionary time, there is a tendency to confuse the role of the university itself with the roles of the individuals within it. The university itself is a legal entity, a body corporate, a community. It is a place for widely differing individual pursuits. The university itself, as a legal entity, has *one* role; the individuals within it quite properly have *various* other roles to play. I have some convictions about what the university itself in our time should and should not be, in order that its wealth of individuals may more effectively and more freely do the things that individuals should do.

The urban university must be *responsive* to, but not *subject* to, society's needs. Too much frenetic effort spent in trying to solve, by direct action, every urgent short-range problem of the larger community dissipates the energies and subverts the true function of the university.

There are many things that a university should *not* be: the university is *not,* as many would have it, merely a place where its various members can withdraw from the world to pursue their own interests. As Dr. Morris Abram, president of Brandeis University, so well stated at his inauguration earlier this month, a university is *not* a church or political party. It does not itself vote. It is, however, filled with people who think, vote, and participate in every level of life. While all members of the community should feel free to speak out on subjects of interest or concern, the university itself must not be partisan. It must not become a monolithic, ideological vested interest. (A partisan institution is hospitable only to those who support its tenets—it cannot be pluralistic—it cannot be a community—and it will not long be a residence for scholars.)

Further, I believe it is not the function of the university to duplicate the experiences which can better be acquired in the outside world—in the hospitals, the ghettos, the home, the religious institutions, the office or factory—although many activists today would have it so. Such activists have asked whether four years spent in school acquiring what they term non-relevant knowledge is a waste of time—whether the time might be more usefully spent in attacking the ills of the world immediately and directly.

The answer lies, I believe, in the understanding of what a university can and cannot do best. A university is not a social-action agency; it is not a tool or servant of some governmental or political interest in the pursuit of selected social or economic ends—no matter how deserving they might be. The best capability of a university, and of its people, is in the achievement of *understanding* of various scientific, social, or political ends—not in the achieving of those ends as such. It follows, then, that the members of the university should understand that the primary purpose of this place is the achievement of *knowledge* and *understanding;* and that each in his turn, as an individual citizen or as one of a group of citizens, has every right and freedom to apply his understanding by participation in the various *other* institutions organized for direct action. Some of the recent university crises have arisen because the individual has confused his own freedom and commitment with those of the university and has tried to draw his university, with all of its other equally valid commitments, along some narrow ideological channel in which he happens to believe. Through a better common understanding of what a university is *not,* it seems to me that we can have a freer environment within the university for the individual.

I have spoken at some length of what a contemporary urban university should *not* be. What, then, *should* it be? The University, or any educational facility for that matter, exists as it does because it has been found to be the most convenient and efficient organization for transmitting knowledge and skills, and, more important, for teaching the student the rational approach to thinking, within some minimum period of time. Since the university obviously cannot teach all that needs to be known to man in just a few years, its programs should be flexible, yet must be sufficiently structured to insure that the student obtain a successively more sophisticated comprehension of his course of study.

A further and vital function of a university must be to open the minds of our students, young and old, and by means of dispassionate inquiry reduce the social, religious, and ethnic prejudices and bigotry acquired over a period of years.

The benefits issuing from a university are not unilaterally directed to the student. The faculty member, the administrator, and the community are also the beneficiaries of the university's sphere of influence.

In the urban university, the social scientist can study real, as well as theoretical, problems of public concern. The professional educator is able to see school growth and management problems at first hand—such as having 1,500 unexpected students enroll as happened to us this fall. The engineer and scientist can relate to the dramatic developments of industrial technology and work with the city's industrial and research facilities.

Because investigation, experimentation, confirmation of fact, testing, and evaluation are particularly suited to the university scholar, the community is afforded an expanding source of competence and talent from which to draw in the solution of its problems.

The university can be and *should* be a center of continuing education. Belatedly the nation is discovering that people can and *should* go on learning throughout life. Already this university and many others are carrying on this kind of education enthusiastically and on such a scale that a truly great proportion of our efforts is not for the earning of the magical degree but for the purpose of enabling a sensible adult to learn something that he believes he should learn.

The university can also create within its sphere of influence a climate in which the arts can flourish . . . not only by broadening the base of interest and participation, but, as important, by maintaining and insisting upon high quality in the creative arts.

I have given you some of the history of education; we have explored the role of universities in general, and of a public urban university in particular. Now what about Wright State and its future?

This University is contemporary, automatically. The physical plant is completely new. The "now" student attends Wright State. Therefore, the future of this University depends essentially upon our faculty. Will they be contemporary? Unshackled? Freed from academic rigor mortis? They must—and I know they will. Our uniqueness *must* spring from the realization that here and now we have an opportunity to brighten this dark hour and make this gifted age a reality for our students.

But, if we are so concerned with our contemporary status why then this traditional ceremony in medieval garb? This is to remind us that the future is a reflection of the past, and that academic progress in modern times still requires the traditional search for the truth; facts before action; thought before speech; and due consideration for the rights of others—all of these being the hallmarks of a scholar of today as well as yesterday.

From these scholars, these professors, each student must acquire a personal philosophy which makes him aware of his own individuality and importance as well as that of his fellow man.

From these scholars, these professors—and I intend to contribute with them—our students must become inspired to realize their full potentials, thus giving to the future the gift of this gifted age.

MEDAL OF HONOR

HON. FRANK E. EVANS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. EVANS of Colorado. Mr. Speaker, on January 16 President Johnson presented the Medal of Honor to four of the Nation's newest heroes of the Vietnam conflict at a formal White House ceremony. One of these men who received the country's greatest measure of intrinsic recognition is S. Sgt. Drew D. Dix, U.S. Army, of Pueblo, Colo. Sergeant Dix's wife, Betty, and their two sons, Dennis and Kevin, reside with the Sergeant's parents, Mr. and Mrs. Harold L. Dix, at 2910 Country Club Drive, Pueblo, Colo. Sergeant Dix is now stationed with the 6th Special Forces Group, Fort Bragg, N.C. His father, a retired Army Reserve captain, works at the CF&I Steel Corp. in Pueblo.

I was proud to accompany this outstanding soldier and his family at the White House ceremony where a grateful Nation bestowed its highest honor upon him. The incredible exploits of Sergeant Dix epitomize the highest measure of devotion to the precepts of honor, duty, country to which the Army is dedicated. His heroic actions certainly represent conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty—the official citation reads as follows:

Staff Sergeant Drew D. Dix distinguished himself by exceptional heroism on 31 January and 1 February 1968 while serving as a unit advisor in Chau Phu, Chau Doc Province, Republic of Vietnam. Two heavily armed Viet Cong battalions attacked the Province capital city of Chau Phu on 31 January 1968, resulting in the complete breakdown and fragmentation of the defenses of the city. Sergeant Dix, with a patrol of Vietnamese soldiers, was recalled to assist in the defense of Chau Phu. Learning that a nurse was trapped in a house near the center of the city, Sergeant Dix organized a relief force, successfullly rescued the nurse, and returned her to the safety of the Tactical Operations Center. Being informed of other trapped civilians within the city, Sergeant Dix voluntarily led another force to rescue eight civilian employees located in a building which was under heavy mortar and small arm fire. Sergeant Dix then returned to the center of the city. Upon approaching a building, he was subjected to intense automatic rifle and machine gun fire from an unknown number of Viet Cong. He personally assaulted the building, killing six Viet Cong, and rescuing two Filipinos. The following day Sergeant Dix, still on his own volition, assembled a 20 man force and though under intense enemy fire cleared the Viet Cong out of the hotel, theater, and other adjacent buildings within the city. During this portion of the attack, Army Republic of Vietnam soldiers, inspired by the heroism and success of Sergeant Dix, rallied and commenced firing upon the Viet Cong. Sergeant Dix captured 20 prisoners including a high ranking Viet Cong official. He then attacked enemy troops who had entered the residence of the Deputy Province Chief and was successful in rescuing the official's wife and children. Sergeant Dix's personal heroic actions resulted in 14 confirmed Viet Cong killed in action and possibly 25 more, the capture of 20 prisoners, 15 weapons, and the rescue of the 14 United States and Free World civilians. The heroism of Sergeant Dix was in the highest tradition and reflects great credit upon the United States Army.

DANIEL PATRICK MOYNIHAN

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. BINGHAM. Mr. Speaker, those of us who have known Daniel Patrick Moynihan over the years will be watching with interest to see how he fares in the new administration, what he will say, and what he will be able to accomplish. From his past record, it seems doubtful that he will be able to maintain the "passion for anonymity" that used to be associated with White House aides. Indeed, it would be a crying shame if this colorful and irreverent personality were to become an indistinguishable part of a gray and solemn assemblage of talent.

I take considerable pride in the fact that Pat Moynihan has achieved the distinction of being the only man selected for a post close to the seat of power by Presidents Kennedy and Nixon, for I was largely responsible for Pat Moynihan's first undertaking a government job—as assistant to the secretary to the Governor in Albany, N.Y., in 1955. A friendly and fair portrayal of this remarkable man was contained in the "T. R. B." column in a recent New Republic. The article follows:

T. R. B. FROM WASHINGTON

PAT AMONG THE MINNOWS

If you dropped a goldfish into a tankful of minnows it would be as conspicuous as Daniel Patrick Moynihan is likely to be in months ahead. In the school of drab lawyers, bankers and real estate promoters that Richard Nixon is assembling for his official family, Pat Moynihan is a startling oddity.

Just the thought of the admirable Irishman in this congregation of cool fish boggles the mind. Washington will be a livelier place while it lasts, and he has taken a two-year leave of absence as director of the Harvard-MIT Joint Center for Urban Studies. Some think the stay will be considerably shorter. Mr. Moynihan observes himself that his first task is to "shut up." That feat itself is one to come running to watch and as contrary to Nature as its opposite would be, to hear a giraffe, for instance (without vocal cords), speak.

Pat Moynihan is a passionate reformer, and a crusader for the poor. He also carries controversy as a boy carries a kite. Some men are born with the gentle art of self-publicity. Teddy Roosevelt was; Mayor LaGuardia was. Mr. Moynihan could recite "Mary had a little lamb" in Central Park and would probably be charged by somebody with inciting a riot. As Assistant Secretary of Labor he got out a report showing the decay of Negro families due to the poverty that grinds many ghetto units into the mold of matriarchy. It looked all right; it sounded compassionate; Lyndon Johnson drew on it in a celebrated speech at Howard University, June, 1965. And then all hell broke loose.

Negroes charged that it was patronizing. Southern newspapers denounced its reform proposals. The Social Worker Establishment saw its dogma challenged. Eager-beaver liberals with short fuses called him a racist.

Tall, blue-eyed, chubby-cheeked urbanologist Pat Moynihan reacted with the hurt feelings of a small child whose fingers have been slapped for trying to help. The Johnson Administration gave him the same mean look that the little boy got who said the Emperor had on no clothes.

He appeared before Americans for Democratic Action in 1967 (of whose board he was a member) to say "liberals must somehow overcome the curious condescension which takes the form of sticking up for and explaining away anything, however outrageous, which Negroes, individually and collectively, might do." Another storm! Bemused conservatives canonized him; militant leftists called him a Judas. And gregarious, mercurial, slum-born Moynihan, the man who said tragically after the Kennedy assassination, "you're not Irish if you don't know your heart's meant to be broken," went on to higher and livelier things.

THE POOR NEED MONEY

For example, he wrote a chapter for the paperback book, *Republican Papers* (1968), edited by Defense Secretary-designate Melvin Laird. And he said things that would crisp the hair of many Republicans. Primarily he argued that what the poor need most is money. Not social theories. Not make-up classes or political organization. The poor must have jobs and government should be the employer of last resort; he said there must be some sort of federal income maintenance and that "the best known way is through a family (or children's) allowance."

This is the man Mr. Nixon has picked to head a Cabinet-level Council on Urban Affairs, which is supposed to be the counterpart on the domestic side of the one Henry A. Kissinger will head on foreign affairs.

In a way there is a kind of logic about it. Mr. Moynihan doubtless feels he eschews controversy. After all, how did *he* know, when his publishers picked next month to bring out his new book that he would then be in the sub-cabinet? The book's title is mild, too, isn't it?—*Maximum Feasible Understanding*. It paraphrases the current welfare law requiring the poor to have "maximum feasible participation" in community councils. With a forthcoming book like that who needs to speak?

Like Mr. Nixon, Pat Moynihan believes there is over-centralization in the poverty program; that there is a place for profit-making in harnessing industry to slum relief; that some theorists have been less interested in the poor than in their own nostrums. But after that it is hard to see how Mr. Nixon will go along with the deeper Moynihan credo.

FAMILY ALLOWANCES

The family allowance (Canada's "baby bonus") would cost an estimated $9 billion a year. Nobody knows how much government job guarantees would cost. What will the self-confident, self-made businessmen in the Nixon cabinet feel about the declaration that "what is needed now is a strategy of *income equalization*" (his italics) or that social restlessness will continue "until the incomes of the poor are brought up to average levels"?

Mr. Moynihan will tell the Republicans that the US is the only industrial democracy without a family allowance, that it devotes the lowest percentage of Gross National Product to social welfare of any Western democracy, and that the biggest Republican liability is that the "party became associated with unemployment in the mind of the electorate."

One's jaw drops over Moynihan's seeming

capacity to goad all groups while remaining one of the nicest men around—the John Birch founder has just warned Nixon against him and he has infuriated many liberals; his report on Negro families irked Lyndon Johnson, militant Negroes, Southern whites and welfare dogmatists—a high score for one try! Even as Mr. Nixon introduced him in New York over TV there was a funny scene as the irrepressible Pat intervened several times.

Let's see, he ought to appeal to clan feeling of fellow Irish; but no, in a magazine article last year he backed birth control and tactfully declared "a conspicuous streak of this kind of feeling (race prejudice) is to be found among a certain type of Catholic preoccupied with problems of contraception and dirty magazines to a point injurious to spiritual life."

This is a goldfish to watch in the Washington minnow tank.

REPRESENTATIVE GILBERT GUDE PRESENTS LEGISLATIVE AGENDA FOR THE DISTRICT OF COLUMBIA

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. WINN. Mr. Speaker, I would like to take this opportunity to call your attention to an example of the deep interest and work which one of my colleagues devotes to the District of Columbia in his membership on the House District Committee.

The gentleman from Maryland (Mr. Gude) has written to President Richard M. Nixon suggesting a legislative agenda for the District which the chief executive could present to Congress "without delay." Especially concerned about the crime situation here in Washington the gentleman from Maryland (Mr. Gude) has taken the recommendations of the President's Commission on Crime in the District of Columbia, as well as those of other groups such as the District of Columbia Bar Association, and done considerable research of the various efforts at implementation here in the District.

We on the House District Committee are pleased that the Congress has responded in several cases; but, as Mr. Gude points out, there is extensive "unfinished business" which challenges us and the government and citizens of the District, if we are to wage a coordinated, effective war on crime.

The complete text of Mr. Gude's letter follows:

Congress of the United States,
House of Representatives,
Washington, D.C., January 14, 1969.

President-elect Richard M. Nixon,
Washington, D.C.

Dear Mr. President Elect: With the commencement of the 91st Congress, I have been giving considerable thought to the continuing role of Congress in the District of Columbia, and feel that I would like to outline my ideas and my interest in working with you in building a greater and better Federal City. More than ever before, we on the House District Committee must face our responsibility in District affairs. We in Congress represent the Nation, and must represent and act on the Nation's concern over her Capital.

During my first term in the Congress as a member of the House District Committee, I have striven to delve deeply into the machinations, both organizational and human, of our 7th largest city. Representing a Washington Metropolitan area constituency, I feel it imperative that the suburbanite, who is undeniably affected by them, be cognizant of and involved in urban problems if we are to make headway in our cities. The District is no exception.

In the up-coming two years of the 91st Congress, I feel we have the machinery for progress. I strongly and actively stressed the importance of Reorganization Plan #3 last session as a member of the House Government Operations Committee and have been pleased with the changes it was designed to, and did, make toward a more representative government. I myself have joined with concerned District citizens and officials to testify before the City Council regarding District affairs. I have on numerous occasions conferred with District officials on such crucial matters as improvement of police protection, riot reinsurance for District businesses, juvenile problems, consumer affairs, and improvement of the court system. I am convinced that Members of Congress and citizens of the District will be pleased as certain areas of rule making are transferred from Congress to the City Council, such as in the case of the air pollution law enacted last year. A closer working relationship between Congress and the District of Columbia is imperative for a better attack against the District's problems.

As recommended by the Kerner Commission, there must be more citizen participation in the District's policy making, rather than in reaction to it. I actively supported the direct election of the school board, I have co-sponsored in the House a measure to provide for voting representation here in Congress for District residents and plan to reintroduce such a measure. Feeling that this is the next essential step, I pressed in Miami to have this important proposal included in the Republican platform.

As you are well aware, the focus of attention on problems of the Metropolitan area and all across the country is on the crime situation. Citizens of the area are indeed grateful that your Administration will make this high on your list of priorities following January 20.

Many citizens through many public and private institutions have been grappling with the problem with growing concern over the recent years. A landmark point in their efforts was made by the publication of the President's Commission on Crime in the District of Columbia's Report in December 1966. This Report, as well as other proposals such as recommendations of the D.C. Bar Association, have given a good point of departure to combat crime and a yardstick to measure progress.

Although every recommendation has not had broad acceptance, there are certain items which, because of their nature and general acceptance, I hope will become priority items on a legislative agenda for the District which you could present to the 91st Congress without delay.

The legal community and the public in general are seriously concerned about crimes committed by those on bail awaiting trial. As a result, several Congressmen have introduced legislation to amend the Bail Reform Act; we are also awaiting the completion and recommendations of the Hart Committee of the Judicial Conference as well as the outcome of the Senate hearings commencing January 21. Therefore, a law to detain for quick trial those arrestees who would with some certainty commit crimes if released, is a priority item for your legislative recommendations. However, this is really only a beginning for a comprehensive anti-crime legislative agenda.

Measures are needed within the Court system which would serve to reduce materially the time between apprehension and disposition of an offender, which now takes an average of 9½ months. More Assistant U.S. Attorneys and judges are gravely needed to eliminate the present backlog of felony cases in the U.S. District Court. I feel that the Administration should back additional funds for attorneys and support measures to employ visiting judges from other jurisdictions to take care of the backlog. Legislation should be enacted to provide for more judges on the D.C. Court of General Sessions and the Juvenile Court for this same purpose.

There should be legislation to transfer non-support and paternity cases from the Juvenile Court, in order that Juvenile judges may concentrate on juvenile offenders. The lack of integration and the ineffectiveness of the entire juvenile system was severely criticized by the Commission. This crucial area in the crime war, that of juvenile crime, should receive much emphasis.

In order to provide for an increasingly professional police force, there should be legislation for educational pay incentives for force members who receive professional training at the college level in the expanding fields of law enforcement and police administration.

In addition to these specific items, there should be new priorities in funding. For instance, an already appointed committee to study possible revisions in the D.C. Criminal Code provided for in the D.C. Crime Bill has not been funded.

Your Administration's support of funding salary increases and additional personnel in the rehabilitation area is critical if the above items of legislation are to be effective. Unless the quality and number of personnel at facilities, such as the Receiving Home, Junior Village, the Juvenile Facilities at Laurel, and the Detention Centers, are improved and increased, all of the additional efforts that we invest into the police and the courts will be lost. Counselors, cottage matrons and masters, probation officers, and other rehabilitative personnel are as vital a link in the legal machinery as the policeman and the judge.

I would also hope that the necessary, long-overdue funds to create a new Receiving Home would be stressed. In addition, only by funding separate facilities to care for neglected juveniles and juveniles involved in non-support cases will we separate all the unfortunate young people from those accused of delinquency. This is just one aspect of the dismally neglected area of crime *prevention*, explored and deplored by the Crime Commission.

In the area of rehabilitation, we must face the fact that the narcotics problem is highly correlated to criminal activity. Expanded support is needed for those facilities which provide comprehensive treatment to the narcotics addict and restore him from his anti-social role to a productive role in society. The District's need in the narcotics addiction field I find is identical to that of other areas in the country and emphasizes the similarity of the Nation's metropolitan problems.

The present D.C. drug addiction treatment facility is devoting some effort to preventive action, but this aspect, the staff realizes, is woefully inadequate. The science of curing drug addiction is at such a point that money invested in preventive education will yield results a thousand fold greater in terms of preventing human misery and crime.

Although this agenda of urgent items of unfinished business in the crime war is extensive, we can point to accomplishments of the 90th Congress and other activities which show that many are at work in our crime war here in the District. During the last two years, Congress passed legislation to increase the salaries of law enforcement officers, judges, and teachers. The police force is legislated to be at its strongest, and such an objective must be reached. We were successful in obtaining two more judges to sit on the D.C. Court of General Sessions, but this increase did not achieve the quality of strength that several of my colleagues and I advocated the bench should attain.

Some of the activity in response to the Crime Commission's Report is in the realm of research and study and unfortunately the results of such activity may not be felt for some years. A comprehensive management study of the District Court system was begun in July 1968 by the Judicial Conference which will take two to three years. A data system is being coordinated by the Mayor's Office of Crime Analysis to integrate information to follow an individual from arrest through rehabilitation programs. Progress reports of the implementation of the Commission's recommendations are being researched by the various agencies affected and submitted to the Crime Analysis Office. The Department of Corrections has been doing this every two months.

The economic life of the city has been put in jeopardy by the continuing delays, often pure obstructionism, in developing a balanced regional transportation system of freeways and rapid rail transit. A considerable amount of statesmanship and enlightened leadership will be required to overcome past obstacles to development of this badly needed transportation system for the National Capital region.

The Washington Metropolitan area I view as the Nation in microcosm. The above efforts are in essence what is needed in all of our urban centers. The crisis and the challenge faces all of us.

Mr. President-elect, I have great hopes for "District Day" during the 91st Congress. But confronted with daily reports of increasing instances of crime, we cannot rest on our accomplishments of the past. The continuing research efforts must be supported, given the complexity of the problems we face. But we must take every realistic, substantive action now.

The job of Congress, the District Government, and area citizens is without a doubt a prodigious one. But as I embark upon my second term as a Representative and a District Committee member, I will continue to enlarge my knowledge of the District and accordingly increase my effective activity. I am anxious to work with you in every way possible to make our Federal City—and our Metropolitan Region—a model for the Nation in every respect.

Sincerely,

GILBERT GUDE.

CUBAN CRISIS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. JACOBS. Mr. Speaker, the following remarks were made by Theodore Sorensen at Ferdinand, Ind., on January 13, 1969:

Dean Acheson is right when he claims we were lucky in the Cuban crisis. His proposals to bomb the missile sites were discussed thoroughly. Our biggest luck was not taking his advice.

AVIATION SAFETY: A STEP BACKWARD

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. OTTINGER. Mr. Speaker, for more than a year I have urged the Federal Aviation Administration to require that all aircraft be equipped with crash locator beacons. The Armed Forces have been using these small, inexpensive, lifesaving devices for several years, and more than a thousand flightcrews downed in Vietnam have been saved because their aircraft were equipped with locators.

Last year, the FAA took what I hailed then as a modest, but important step forward when it issued an advance notice of proposed rulemaking which would have required pilots to carry crash locator beacons on flights over hazardous terrain.

Just recently, the FAA, with no notice to interested Members of Congress, quietly withdrew the proposed regulation. I have been told that it will not even reconsider the rule for at least a year.

In my view, this is simply unconscionable. The FAA knows how effective crash locator beacons are. The agency even conducted a successful test of this equipment over terrain where the Olen family of Oregon died of exposure and starvation, despite intensive search efforts, weeks after their light plane crashed.

The proof is overwhelming that crash locator beacons can save lives. With faster aircraft carrying vastly increased passenger loads about to come into service, we can overlook no feasible step to improve safety standards. And let us not overlook the fact that air search and rescue missions are costing this Nation upward of $60 million each year—largely because of the time spent in pinpointing the location of downed aircraft by methods made obsolete a decade ago.

Mr. Speaker, I offer for insertion in the RECORD a letter from me to David Thomas, Acting Administrator of the FAA, urging reconsideration of the agency's policy regarding crash locators, and an article from a recent issue of the AOPA Pilot, describing successful tests of this equipment—tests in which the FAA participated:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 20, 1969.

Hon. DAVID THOMAS,
Acting Administrator,
Federal Aviation Administration,
Washington, D.C.

DEAR MR. THOMAS: I was shocked and disappointed to learn that the Federal Aviation Administration has withdrawn its advance notice of proposed rule-making with respect to the carrying of crash locator beacons on flights over hazardous terrain.

As you know, for more than a year I have urged the FAA to make this equipment mandatory for all flights, by all aircraft. You are aware that the armed forces have been using crash locator beacons with marked success in Vietnam and a recent test in which the FAA participated demonstrated their effectiveness in civilian use.

We are currently spending about $60 million a year on search and rescue missions for downed pilots and passengers. Officials in charge of those operations have repeatedly told me that it is their opinion that lives have been endangered and lost because of long delays in pinpointing the locations of downed aircraft.

In my view, there simply is no excuse for further delay on the FAA's part in requiring crash locator beacons for aircraft certification. The cost to aircraft owners is no longer too great; anyone capable of purchasing and maintaining a piece of equipment selling for upwards of $10,000 should be able to bear an additional $100 or $200 burden designed to save his life and the lives of those who may accompany him.

I believe that FAA can and should handle this administratively. However, I am fully prepared to introduce legislation directing the FAA to require crash locator beacons in order for aircraft to receive certification. Continued timidity in this area will make the FAA responsible for the unnecessary loss of lives.

Sincerely,

RICHARD L. OTTINGER,
Member of Congress.

GET LOST!

(By Don Downie)

(NOTE.—Pilot instructed to fly away and find good hiding place for Cessna 150 in crash-locator beacon exercise. The most inaccessible landing place he could find is located without too much difficulty by plane using regular VHF equipment.)

The FAA told us to "get lost!"

Garrett Corporation asked that we get lost—but well!

So we got lost, not once but twice in three days. Both times were located in a remarkably short period of time; once by a single aircraft from the Nevada Civil Air Patrol, the second time by an FAA DC–3. On the second exercise, it took "the Friendlies'" ubiquitous DC–3 just 17 minutes to zero in and fly the 64 statute miles from Las Vegas, Nev., to our unannounced landing on the dirt strip at Pierce Ferry, at the mouth of the Grand Canyon in Arizona.

These two exercises in search and rescue—with emphasis on the rescue—took place out of the Las Vegas (LAS) International Airport. Our aircraft, a Cessna 150, N50215, was probably the most sought-after small plane that had done down (intentionally) for a long time. This Cessna trainer was strictly stock except for a four-pound Garrett-AiResearch "Downed Aircraft Locator Beacon" installed in the fin. This unit has an impact switch that would turn it on no matter what happened.

Fortunately, we were working on a practice exercise in airborne hide-and-seek that didn't require flying into the side of a mountain to make the problem work. But we did have a problem: "get lost." A group of perhaps 10 of us outlined "the ground rules" (and flight rules, too) in the Thunderbird Motel on the evening preceding the first flight.

As the discussion developed, Rollin Cooper (AOPA 9782), a consultant for Garrett in the beacon business, took no more than 10 minutes to explain the basic electronic search procedure to CAP Pilot L. K. Dixon, who flew the next day in a Beech *Travel Air* with observer Dick Case (AOPA 129529). FAA Western Region crews were on hand to monitor the exercise while my daughter, Dana, and I were target for the next day in the 150.

Essentially, the location system called for climbing as high as possible along the suspected area of the missing airplane until the first tone of the locator beacon was heard. "Then drop in altitude until the signal vanishes," explained Rollin Cooper. "When you lose the signal, circle back in a climb to where you lost contact. Then turn 90° either to the right or left and drop down again in altitude. When the signal disappears, climb back up and do it again. This random type of search pattern requires no special VHF-DF equipment, just the standard VHF receiver."

That's all the briefing our single search crew had. The next day it took Dixon and Case an hour to pick up the first signal from our beacon and less than an hour and a half more to come streaking in over the top of us. During this search, they had covered most of the northern half of Arizona.

During our briefing, we outlined our "lost airplane" project as being up to 45° off-course. Sometimes people get way out beyond that. So, we proposed a flight from LAS to PHX (Phoenix). After the meeting broke up, Dana and I unfolded the sectional charts and played a preflight game of cat-and-mouse. First we marked out the on-course route from LAS to PHX. Then we angled a line 45° to either side of course. Dirty pool? Not really. If this electronic rescue system would work, let's really find out.

After considerable doodling, we looked at the tiny dirt strip at Tuweep, seven miles north of the Grand Canyon and 118 statute miles 67 degrees northeast of LAS. Here we played a little dirty pool in an effort to find out for sure whether or not this system would really work. Tuweep is 39° north of the regular V105 airway to Phoenix via Prescott, but it's actually 53° north of a directline course.

Neither of us had ever landed at Tuweep before, but it turned out to be an ideal location for a missing-aircraft search. The little dirt strip showed on the sectional chart as 3,400 feet of dirt at an elevation of 4,675 feet, deep in a box canyon with 7,700-foot Mt. Emma, 7,840-foot Mt. Logan and 8,034-foot Mt. Trumbull ringing it to the west. A slightly lower range of unnamed hills obstructed beacon signals to the east.

Having something less than complete faith in all "black boxes," standard search and rescue capabilities and the ever-present possibility of landing way out in the "boondocks" with a blown tire, dead battery or whatever, we penned a hasty description of our proposed destination and put it in a double-sealed envelope. Just in case the dirt strip proved too soft or eroded, we added an alternate landing on one of the isolated dirt roads south of the Grand Canyon near a ranch called Frazier Well.

This double-sealed "flight plan" went to the FAA's veteran Public Affairs man Gene Kropf, who had a bad cold and was planning to monitor our "exercise" from a ground station near Boulder City. I picked up the letter, still unopened, much, much later the next afternoon.

The next morning we arrived at Las Vegas International (McCarran), pre flighted N50215 and inspected the four-pound Garrett installation mounted in the fin. Cooper explained that the impact switch, set for 5 G's, would trigger the system automatically, but that merely inserting a dime in the slot of the beacon and turning the head would activate the two-channel 243 mHz and 121.5 mHz emergency frequencies. For purposes of this test, the Garrett beacon was crystal-controlled to 121.0 mHz and 242 mHz. To obtain additional "mileage" from the test program, we carried a small, portable "Life Pak" (see Pilot, Nov. 1968) beacon set on 121.6. Both systems worked perfectly.

We took off, headed out "on course" and then drifted far to the north over the fascinating, forebodingly rugged terrain east of the entrance to the Grand Canyon. Unless you could touch down safely on a sand bar in the bottom of the canyon, walking out would be quite a problem.

The CAP Beech *Travel Air* took off from the North Las Vegas Airport an hour and a half after we were airborne. This timing gave us sufficient time to explore the area around Tuweep, look at the single narrow road leading down toward the flight strip and decide not to try a landing off the airport. There wasn't that much reason to inject realism into the problem.

We circled Tuweep and the Department of Land Management building nearby. The open-topped hangar showed a *Super Cub* tied down inside and the windsock was right down the soft strip. Shortly after we taxied back and parked beside the hangar, we turned on the fin-mounted Garrett beacon and erected the "Life Pak" atop one corner of the weatherbeaten hangar. Soon veteran Grand Canyon resident John Riffey (AOPA 121210) drove up. He's lived in the backwoods of the Grand Canyon most of his life and learned to fly because he couldn't see enough of the country from horseback or jeep. He looked over our new 150 with both interest and suspicion.

We explained what we were doing and Riffey commented, "You picked a good spot. We don't have many visitors here and the hills all around are going to make you hard to find. However, we did have a couple of fellows spend the night two weeks ago when they ran out of daylight."

Reluctantly, Riffey excused himself, explaining that he had to drive to St. George, Utah.

After the dust of the Riffeys' car had settled, we sat in the sunshine and admired the miles and miles of solitude. Occasionally, we'd turn on the receiver in N50215 and monitor both frequencies to make sure that both frequencies were on the air. They were. We counted the contrails of at least 30 jet airliners in the next two hours. and finally quit counting. Had any one of these jets been carrying a single crystal-controlled receiver tuned to the emergency frequency, we would have been "found" under actual conditions in minutes.

After participating in these search and rescue exercises, it is one reporter's opinion that the popularity and effectiveness of the entire crash locator beacon system will never approach its full potential until the airliners, just like commercial ocean-going vessels, are required by the FCC to guard the international distress frequency. [See Feb. 1968 Pilot.] Just four high-flying passenger transports could monitor the entire continental United States in less than five hours.

Electronic development engineers estimate that an "idiot light" 121.5 mHz emergency receiver would weight perhaps one pound, draw just a few watts of power and cost considerably less than $1,000 when manufactured to exacting airline specifications in the volume of 2,500 required to equip the entire domestic airline fleet in this country. Once this "idiot light" came on, all the airline crew need do would be to tune any receiver to 121.5, verify the signal and relay this information to the nearest FAA/FSS, giving their exact position. A second call should be made when the signal was lost. These two calls would alert rescue forces that an emergency existed long before a flight plan—if filed—was overdue. The airline report would also begin to locate the position of the downed beacon. Additional reports from high-flying jets would further narrow the search area, all this within a short period of time.

Without exception, every airline captain and corporate jet pilot that I've asked about this system has commented, "We have too much radio now. If this receiver can be installed with a light so that we don't have to listen to it all the time, there should be no objections."

However, managers of the "big brothers in the sky" don't seem to be interested in helping other birdmen. The powerful Airline Transport Association has gone on record as opposing the addition of this simple lifesaver in the jet cockpit.

The ATA policy, as stated to FAA officials by William B. Becker, assistant vice president for operations, is:

"The airlines are of the unanimous opinion that they can find no justification to alter their position as expressed in the ATA comments on FAA advanced Notice 68-4. The airlines are still of the opinion that because of the technical difficulties involved and the extensive equipment changes required, implementation of new equipment to automatically monitor crash locator beacons triggered by general aviation aircraft would not be justifiable. As always, the airlines stand ready, when requested in a given situation, to offer Good Samaritan service by monitoring emergency frequencies of 121.5 mHz and to relay any resulting information to appropriate agencies."

The basic emergency frequency listening watch is firmly established at sea. Yet it's not even off the ground in aviation.

Garrett's approach to the problem has been a two-frequency transmitter that broadcasts simultaneously on both the civilian (121.5) and the military (243) frequency. Every military aircraft radio delivered since World War II has a built-in guard on 243 mHz, according to Rollin Cooper. When an emergency signal is on the air, the distinctive oscillating distress signal comes into the pilot's headset regardless of what frequency he is monitoring at the time.

Back at Tuweep, we looked at our watches and relaxed in the sun. The silence was so loud it was noticeable.

As the moments ticked by, Dana and I discussed "what if . . ." We decided that we'd inspect John Riffey's house and spend the night there, if necessary. After all, there was no reason to louse up a good search exercise. And, if we weren't found that day, our "insurance letter" would bring someone over the following day. However, this was our first exposure to the potential of a locator beacon and we were understandably skeptical. But as it turned out, all this really wasn't necessary.

After we'd been on the ground for two hours and 45 minutes, we heard the reassuring roar of the CAP *Travel Air* and the ship streaked in at low altitude from over the Grand Canyon. There was no question about it, we'd been tracked down by electronics, not "eye-balled."

"N-215, we have you in sight," was L. K. Dixon's call as he circled overhead. Actually, the CAP pilot sounded tired. He should have been! In his 2½-hour high-altitude search, he had covered virtually all of Northern Arizona and the fringes of three other adjoining states.

During debriefing, search pilot Dixon commented, "Even though we had been somewhat misled by the pilots of the 'lost' airplane, we picked up an initial signal after an hour of flying at 10,000 feet. This signal lasted only a few seconds and we backtracked to pick it up again. It took us an hour and a half to finally find the Cessna, using nothing but standard VHF receivers. We would have found the ship somewhat sooner if we had made our initial track to the south of the proposed course where a number of good landing spots were available down the Sacramento Valley of Arizona, the Big Sandy River or Chino Creek."

A certain VHF "bounce" from the beacon's signal off the walls of the hills surrounding Tuweep nearly doubled the time it would have taken normally to pinpoint the ship. Dixon flew a box pattern twice around our immediate area before coming in from the open end of the narrow dead-end canyon. However, the fact that one search airplane, using only regulation communications equipment, was able to find us at all, and particularly in 2½ hours, was most impressive. The locator beacon system works—but good! Actually, both the Garrett and the smaller "Life Pak" gave clear, easily identifiable line-of-sight signals. We could have been located in any kind of flyable weather.

Monitoring this exercise was one of the FAA's 80 DC–3's that fly regularly on the airways to monitor the accuracy of all nav/aids. Each of these aircraft had a VHF signal meter and all will be equipped with VHF–DF equipment by mid-summer, eliminating the time-consuming trial-and-error system now used as standard equipment.

The FAA's sensitive electronic equipment picked up our signals from 16,500 feet, miles away near Kingman, Ariz. However, the FAA's function on this particular exercise was to monitor the signal, not to "bird dog" the search airplane to our location. On a different test two days later, the FAA's N–14 demonstrated the efficiency of airborne VHF–DF equipment and found us again in just 17 minutes.

The second get-lost flight was an even more unpredictable problem. This time the copilot was my wife, Ruth, and the problem was to take off from LAS and fly "anywhere." There was no announced destination, just "get lost," and let the FAA's airborne DF equipment find us.

Just to be sneaky, and because we'd had a good look at the route two days earlier, we took the Cessna back along the same course toward Tuweep. Our flight was to the 2,600-foot-long dirt strip at Pierce Ferry that sits atop a 2,941-foot mesa at the mouth of the Grand Canyon 64 statute miles east of LAS. From the time we landed, taxied into the shade of the one Joshua tree near the airport and turned the two beacons on, it was just 17 minutes until FAA Pilot L.C. Whallon wheeled in over the canyon. The DC-3 had been circling over LAS at 10,000 feet when the beacons came on the air.

In our continuing effort to be sneaky, we'd taken along a surplus camouflage cloth to cover part of the airplane. Actually, this cloth covering was purely "window dressing" since the electronic signal from either beacon was all that the "Gooney Bird" needed to track directly to us.

We had planned something entirely new on this flight: an air-to-air intercept. As far as our crew could find out, this was the first time such an exercise had been attempted with a civilian beacon. N–14 was scheduled to go out on a random course while we took off from Pierce Ferry. The "Life Pak" was placed inside the cockpit of the 150 with its antenna as nearly vertical as possible between the front seats.

Once we were airborne, N–14 headed south and we headed north. Still being sneaky, we flew behind a couple of hills before climbing to 8,000 feet, just to give the search plane an intermittent signal. With the beacons on in flight, we found out one thing very promptly. It's almost impossible to read radio calls in the cockpit because of the "bleed off" from the beacons back to the aircraft's receiver. It's logical, because the aircraft receiver was almost sitting atop two transmitting beacons.

On any actual VHF/DF air-to-air intercept using a beacon signal, pilots of the search airplane will have to assume that the "lost pilot" isn't going to be able to hear instructions very well because of the distinctive, irritating signal. At the end of an hour in the air, there were two 150 pilots with headaches and jumpy nerves.

However, the air-to-air intercept was completely successful. N–14 tracked us down quickly and slowly pulled up alongside. Did you ever try to fly formation between a DC–3 and a Cessna 150? Most interesting! FAA pilot Whallon eased in off our right wing with his gear down and half flaps. We had a solid 90 m.p.h. indicated at 8,000 feet and still had a little power reserve.

An understandable confusion probably exists in most pilots' minds, including this reporter's, regarding the great difference in cost of various locator beacons. You can purchase 121.5 and 243 beacons the size of a pack of cigarettes from $69.95 upward. The "Life Pak" that we carried retails for $219. Garrett's basic two-channel system is $485 including dual antennas. Installation and battery options can run this total from $540 to as much as $800.

The great variation in cost, according to electronic engineers, depends upon the type and capacity of batteries used.

Operating in the relatively warm temperatures near the Grand Canyon, FAA Electronic Engineer Harman reported a clear signal from the tiny "Life Pak" with its .225 of a watt power output at a distance of 86 miles.

So, you pay your money and take your choice.

Following our LAS exercise, the beacon and fin were removed from N50215. As the first winter snows collected on the Klamath Mountains along the California-Oregon border, this same beacon was "planted" on the ground within three miles of the tragic Olen crash. Two FAA DC-3's were able to pinpoint the beacon above a solid overcast in 7 and 15 minutes with a group of press representatives aboard.

The following day the beacon was relocated slightly and a regular CAP search mission was flown by five planes of the San Jose squadron. The briefing assumed an aircraft departing from Medford, Ore., southbound and last reported over the Fort Jones VOR. The three fastest aircraft were sent to Fort Jones and made a parallel sweep 20 miles apart south along the airway. The two slower aircraft were sent south to search the flat country of the Sacramento Valley.

Again the weather was broken to overcast and the beacon was "planted" in a box canyon 23 statute miles on the 277° radial from the Redding VOR. This was again in the immediate vicinity of the Olen crash. All three aircraft searching from the north identified the beacon and located the area within four miles; one from an on-top "fix" and the other two visually within a mile while flying beneath the weather and circling around the snow-capped ridges. Both aircraft flying north heard the signal and one of these was able to establish a definite "fix" in the area. None of the CAP aircraft was equipped with VHF-DF equipment. Orientation was similar to the exercise flown in LAS once the highest signal strength of the beacon was identified. During this exercise, the beacon was turned on for 2½ hours.

The FAA's VHF-DF-equipped N-10 was in the air when the beacons were first turned on, and orbited the site atop the overcast within ten minutes.

As both an airborne and groundbound "guinea pig" for locator beacons, take it from this reporter that the system works—and well! In these days of electronic technology, it is something more than archaic to have to blunder around with a team of from five to 50 airplanes that frequently find the downed aircraft—if at all—after it's too late to do any good. In a recent 12-month period, reports show that search was initiated for 254 downed aircraft carrying 801 people. Fifty-eight of these people were never located and six people lost their lives in search effort.

Add the one, simple, inexpensive ingredient of 121.5 distress watch receivers in all high-flying turbine aircraft and it suddenly becomes practical for those of us who fly "little airplanes" to purchase some sort of an emergency beacon.

Carry the system a logical step farther. Is there any reason why this listening watch system couldn't be carried on to international jet carriers? Then we'd have worldwide rescue—not just search and rescue.

SOUTH HADLEY, MASS., MARCHING BAND LAUDED FOR PERFORMANCE IN INAUGURAL PARADE

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. BOLAND. Mr. Speaker, the South Hadley, Mass., High School band represented the Commonwealth of Massachusetts in the inaugural parade through downtown Washington this week. Known as the Marching Tigers, the 121-member band performed with remarkable flair and precision. National television correspondents reviewing the inaugural parade cited the South Hadley band's striking performance. Established several years ago with a mere handful of young musicians, the Marching Tigers has since become one of the Nation's outstanding amateur musical groups. I know my colleagues from Massachusetts join me in congratulating the band for its performance Monday.

The Holyoke, Mass., Transcript-Telegram this week published two articles on the band's trip to Washington and its participation in the parade:

South Hadley School Band's Performance Is Praised

The South Hadley High School "Marching Tigers" band arrived home yesterday noon, after a nation-wide television debut in Monday's Presidential Inauguration Parade.

The band's 121 members and six chaperones started out from Washington, D.C. at 5 a.m. this morning, traveling in a three-bus caravan. According to William Cox, Peter Pan Bus Lines dispatcher, the band changed its departure schedule from midnight to 5 a.m. to allow for sight-seeing and rest.

A bus-load of the band members' parents arrived back in South Hadley at 4:30 a.m. today.

David W. Lewis, assistant principal of South Hadley High School, today praised the band's performance as "excellent." He noted that the Nixons, whose daughter Julie has visited the high school, flashed wide smiles as the Commonwealth's official band passed in review.

Sporting their colorful uniforms and led by four young ladies carrying the South Hadley High School banner, the Tiger Marching Hundred marched past the Presidential reviewing stand shortly before 4 p.m.

Area television viewers heard the commentator's remark about the band's growth and progress in recent years.

Asst. Principal Lewis said the band's appearance was "quite impressive." He said parents and friends of the band would greet the young musicians upon their return to the high school today.

Classes at South Hadley High School were let out at noon Monday to allow students to watch the Tiger Marching Hundred on television. The band members were excused from classes today, pending recovery from an exhausting but rewarding adventure.

South Hadley Band Represents Massachusetts in Parade

(By Jo An Sanborn)

Washington, D.C.—It was cold and blustery along the Inaugural Parade Route in the Capital today as 121 band members from the South Hadley High School Marching Tigers moved into their assembly point at 1:05 in the Capitol area. Yesterday at noon the band, plus six chaperones left the school grounds by bus and arrived in Alexandria, Va., at 8:40 p.m. They are pictured here, just prior to leaving for Washington as they receive final instructions from South Hadley band director Roger W. Farnsworth.

Five students, who were bus sick were recovered today and the full complement will march in the Parade which began at 2. The South Hadley contingent was in the eighth division about the middle of the parade. The bandsmen reported to Bolling Air Force this morning and were army bused from there to the parade staging area. Earlier this morning the group went to Arlington Cemetery to see the grave of the late President Kennedy. They were due to leave Alexandria about midnight tonight. Sightseeing tours were arranged for the group after the parade. William Bernstein, a South Hadley student photographer for the school newspaper, the Spotlight, had clearance to take pictures of the band as it paraded.

Mr. Speaker, I also include in the RECORD copies of three letters outlining the band's history of accomplishments and its selection as the Massachusetts representative in the inaugural parade.

TOWN OF SOUTH HADLEY,
OFFICE OF SELECTMEN,
South Hadley, Mass., December 12, 1968.
Hon. EDWARD P. BOLAND,
House of Representatives,
Washington, D.C.

DEAR EDDIE: We have contacted Mr. Donald Lynch, Head Co-ordinator for the Presidential Inaugural Parade, at the Governor's Office and asked him to consider the South Hadley High School Tiger Marching Hundred when planning his program.

Listed below are some of the band's achievements:

First place in the March 1968 Holyoke St. Patrick's Day Parade for outstanding band.

First prize against thirteen (13) other bands in New England Fall Foliage Festival held in North Adam, October 6, 1968.

Bronze Trophy, third place—competed against ten (10) championship bands in Eastern United States who were asked to perform.

Performed at half time at Boston Patriot's football game on national T.V.

Band received highest possible rating at Music Festival in May, hosted in South Hadley.

We would appreciate your assistance in recommending that the South Hadley band be a participant in the parade.

Very truly yours,
ALAN K. ROOT,
Chairman, Board of Selectmen.

THE 1969 PRESIDENTIAL INAUGURAL COMMITTEE, COMMONWEALTH OF MASSACHUSETTS,
Boston, Mass., December 18, 1968.
Hon. EDWARD P. BOLAND,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BOLAND: This is to inform you that the South Hadley High School Band has been chosen by the Massachusetts Inaugural Committee to represent the Commonwealth of Massachusetts in Washington, D.C. in the 1969 Inaugural Parade.

The Executive Committee considered many qualified bands from throughout the Commonwealth before making a final decision. Heartiest congratulations are due to the students of South Hadley High School as well as the very interested members of the South Hadley Community.

Your interest in behalf of the Tiger Marching Hundred Band is appreciated by the Executive Committee.

Sincerely,
RICHARD P. MILIANO,
Executive Director.

SOUTH HADLEY HIGH SCHOOL
MARCHING AND CONCERT BANDS,
South Hadley, Mass., December 18, 1968.
Hon. EDWARD P. BOLAND,
House of Representatives,
Washington, D.C.

DEAR SIR: As you already know, the South Hadley Tiger Marching Hundred has been named Massachusetts' representatives to the Presidential Inaugural Parade. We wish to express our appreciation to you for your help in obtaining a part in the Parade as the official band to represent Massachusetts.

Our performance on January 20, 1969 will show you how thankful we are for your assistance.

Sincerely yours,
ROGER W. FARNSWORTH.

STANLEY DILLER TO BE HONORED AT ACHIEVEMENT AWARD DINNER

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. REES. Mr. Speaker, on Sunday evening, January 26, 1969, the Samuel A. Fryer Yavneh Hebrew Academy of Los Angeles will hold its achievement award dinner to honor Stanley Diller, who has been its dedicated president since 1962.

Yavneh is a full day school with facilities for 1,000, which offers religious and secular studies to elementary school students. Mr. Diller has been widely acclaimed for his crucial role in raising the necessary funds for the construction of Yavneh's attractive new school building.

Diller, who is the owner of Diller Floor Covering Co. and the Stanley Diller Enterprises, has been in the United States since 1947. Prior to that he had been held for several years in a Nazi concentration camp.

Diller is a board member of Shaarei Tefilah Congregation; Sabras Bond Committee; Sportsmen's Club of the City of Hope; American Jewish Committee; Torath Emeth Academy; Yeshiva of Lakewood, N.J.; B'nai Yitzchok Congregation of New York, and Rambam Torah Institute. He is treasurer of College Yeshiva of Trzebin, Jerusalem, and Congregation Mogen Abraham. He was named "Man of the Year" in 1967 by the Young Israel of Los Angeles. He and his wife Dorothy, who has been a great inspiration to him in his many community-related activities, are the parents of four children: Arthur, Michael, Sheryl and Brigette.

Also, I wish to commend the following four outstanding community leaders who are the cochairmen of this event:

Mark Boyar, builder and developer of the city of Lakewood, Calif., and past chairman of the United Jewish Welfare Fund, had been appointed by Governor Brown to the positions of parks commissioner and director of the rapid transit district here in Los Angeles. He has throughout his professional life devoted himself tirelessly to his community and to California.

Nathan Shapell, housing development genius and community leader, hailed for his role in the construction at Temple Beth Am—of which he is a past president—of the Memorial Wall in memory of the 6 million Jewish martyrs.

Stanley Black, leading west coast developer of office buildings; president of the Westwood Shrine Club—the youngest in its history—active in many charitable activities, including Vista Del Mar, City of Hope, Los Angeles Home for the Aged, and United Jewish Welfare Fund.

Eliot B. Feldman, prominent attorney and civic leader.

I should like also to congratulate the academy's deans, Rabbi Osher Zilberstein and Rabbi William Spigelman, for their efforts in behalf of the students and the community.

Yavneh's executive board includes Abraham Spiegel, Jack Nagel, Sanford Deutsch, Leo Presser, and Frank Horny.

Senator ALAN CRANSTON, District Attorney Evelle Younger, Mayor Sam Yorty, and myself are among the honorary cochairmen of the dinner.

THE ANNIVERSARY OF THE 1863 POLISH INSURRECTION

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. ROONEY of New York. Mr. Speaker, I am proud to remind my colleagues of a historic date of special significance to our great body of Polish-Americans who yesterday celebrated the anniversary of the 1863 Polish Insurrection.

At a time when this Nation was sadly divided and engaged in a war pitting brother against brother and State against State to eradicate slavery, youthful Polish patriots fought valiantly month after month to manifest opposition to the untenable educational and political reforms ordered by the all-powerful Czar Alexander II upon the people of Poland.

These young insurrectionists employed guerrilla warfare tactics from hideouts established throughout the country. Their persistence and their bravery succeeded in the establishment of a secret national government in Warsaw. But when the czar decided to employ his mighty military establishment to eradicate those in opposition to his rule, he easily crushed the movement and instituted a reign of terror and repression. Poland was made a vassal province under Russian rule.

January 22, Mr. Chairman, should remind all Americans that in spite of adversity, in spite of generation after generation of oppressive domination by Russian czars and Russian Reds the people of Poland still covet freedom and the precious rights involved in self-determination.

This anniversary should remind us too of the importance of the upsurge of a proud people's demands for independence which has been manifested in Poland in recent months. Because of our deep bonds of friendship and kinship with the people of Poland we should extend the maximum of material and moral support for their efforts to throw off the shackles of enforced servitude to the Soviet Union and the puppet slave masters installed over them by the Kremlin.

It is a privilege to share in the observance of this historic date with our fine Polish-American organizations. May their relatives and friends in Poland be made aware of the depth of our affection and real concern for them.

RESOLUTIONS FROM THE SENATE OF THE COMMONWEALTH OF MASSACHUSETTS

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. O'NEILL of Massachusetts. Mr. Speaker, it is my privilege to present resolutions urging the President of the United States to order an immediate increase in the discriminatory allocation of barrels of imported No. 2 fuel oil to New England and to establish an oil refinery at Machiasport, Maine, passed by the Senate of the Commonwealth of Massachusetts.

Mr. Speaker, we have spoken in behalf of this project many times. We have testified before the Foreign Trade Zones Board and before Senator McINTYRE's committee. This project is greatly needed and entirely justified. The New England region has had critical and dangerous shortages of home fuel oil. We can not allow this to continue. The Machiasport project would solve not only this great problem, but would contribute to the local, regional, and national good.

It is such an excellent project that my surprise was as great as my dismay that it was not approved immediately.

I now submit the resolutions of the Senate of the Commonwealth of Massachusetts. I hope that they are effective for gaining approval of the Machiasport project:

MASSACHUSETTS SENATE RESOLUTION

Resolution urging the President of the United States to order an immediate increase in the discriminatory allocation of barrels of imported No. 2 fuel oil to New England and to establish an oil refinery at Machiasport, Maine

Whereas the consumers of home heating oil in the Commonwealth, as well as those of the other New England states, have been discriminated against for the past decade because of stringent quotas relating to the imports of No. 2 fuel oil; and

Whereas according to the Massachusetts Consumers' Council the consumers of Massachusetts are overcharged forty-two million dollars annually because of the imposition of such quotas under the Eisenhower Administration; and

Whereas said Consumers' Council and the New England Council consistently presented the facts of such discriminatory policies before the appropriate federal bodies; and

Whereas there has been no decision to rescind the executive order establishing such quotas; and

Whereas Secretary of the Interior Stewart Udall has reportedly indicated a willingness to recommend an allocation of 30,000 barrels a day of imported No. 2 fuel oil to New England; and

Whereas the proposed Foreign Trade Zone in Portland, Maine could help to correct the inequities occasioned by the No. 2 fuel oil quota discrimination, by allowing an additional allocation of 90,000 to 101,000 barrels of No. 2 imported fuel oil; and

Whereas the establishment and operation of an oil refinery as Machiasport, Maine would relieve the shortage of No. 2 fuel oil for the consumers of heating oil in the Commonwealth in peak heating seasons and retard price increases of this necessity of life; Now, therefore, be it

Resolved, That the Massachusetts Senate respectfully urges President Johnson to direct the Secretary of the Interior and Secretary of Commerce to implement forthwith the Udall recommendations relative to the allocation of imported No. 2 fuel oil to New England; And be it further

Resolved, That the Massachusetts Senate supports the efforts of Senator Kennedy and other members of the Massachusetts Congressional delegation to gain approval of the application by the Maine Port Authority to establish, operate and maintain a general-purpose foreign trade zone in Portland, Maine and a subzone for the purpose of oil refining in Machiasport, Maine; And be it further

Resolved, That copies of these resolutions be forwarded by the Secretary of State to the President of the United States, the presiding officer of each branch of the Congress and to the members thereof from the Commonwealth.

Senate, adopted, January 15, 1969.

NORMAN L. PIDGEON,
Clerk.

Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

HON. J. FRANK WILSON, JUDGE AND MEMBER OF CONGRESS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. TEAGUE of Texas. Mr. Speaker, I have just learned of the passing of one of our former colleagues, the Honorable J. Frank Wilson, of Dallas, Tex., on October 13, 1968.

Frank Wilson served as a Member of the Texas delegation in the Congress from 1947 through 1955 with distinction. He was a fine Member and had a rare sense of humor that touched all with whom he came in contact. He was actually a constituent of mine, having been born in Corsicana, Tex., and educated in the public school system there. He attended several military schools in Texas and graduated from Baylor University Law School in 1923. He was admitted to the bar that same year and engaged in law practice in Dallas. He had a long tenure of public service having been chairman of the Dallas County Democratic Executive Committee from 1942 to 1945, was a delegate to the Democratic convention in 1936 and was district judge of the Criminal District Court of Texas in 1943 and 1944. He served as a Member of Congress from the 80th to the 83d Congress from which he resigned to accept a judgeship on the Criminal District Court No. 1 of Dallas.

His presence in the legal community of Dallas will be sorely missed as was his presence here in the Congress when he departed. He was truly a public servant and will be well remembered by his many friends.

CONFIDENT DETROIT PUTTING ITS MONEY ON THE MINICAR

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. BINGHAM. Mr. Speaker, Members may recall that, on August 19 and 26, 1965, I inserted in the CONGRESSIONAL RECORD copies of letters I had exchanged with the four leading American automobile manufacturers. The letters dealt with my proposal that the American automobile industry challenge the predominance of European manufacturers in the production of subcompact cars, which were capturing a substantial—and growing—segment of the U.S. market. I had suggested at that time that such action by the American industry could have several significant benefits for our country: lessening the balance-of-payments drain caused by purchase of European-made automobiles; creating additional employment opportunities in the United States; and helping to ease highway congestion and urban traffic jams by progressively reducing the average size of American cars.

Replies from the American automobile industry, however, laid such stress on the obstacles to production of subcompact cars that I was led to fear for the competitive spirit traditionally displayed by American business. Market potential was insufficient, we were told; Americans were looking for less austere transportation; costs of tooling up for a subcompact would be quite prohibitive; and the combination of American compacts and subcompacts manufactured by American subsidiaries abroad were presented as an adequate response to existing demand. Thus, no new initiatives were foreseen in this field. The competitive spirit, if not moribund, was certainly flagging.

It is with this background in mind that I will greet with special pleasure the appearance in April of the first Maverick, Ford Motor Co's initial entry in the subcompact sweepstakes, as I will greet with similar delight the subsequent debuts of its competitors. For these new models represent the realization of the suggestions which I put forth three and a half years ago, with their promise of benefits for all Americans, and at the same time bring welcome reassurance that the competitive spirit of American industry has regained its normal vigor.

I insert, at this point in the RECORD, a recent New York Times article describing the new cars:

CONFIDENT DETROIT PUTTING ITS MONEY ON THE MINICAR

(By Jerry M. Flint)

DETROIT.—Will car sales go up or down?

What will Senate investigators and Ralph Nader uncover next?

Will Bunkie sock it to Ed?

These are some of Detroit's questions for 1969. But perhaps the biggest question—regarding the timing and scope of the automobile industry's response to competition from abroad and climbing costs at home—is answered.

The small-car revolution begins officially in April when the Ford Motor Company shows its new Maverick, a sleek two-door vehicle that is a few inches shorter than the traditional compact car, using Ford's smallest six-cylinder engine. In the fall the American Motors Corporation will show its smaller car, also several inches shorter than the compacts.

THE SECOND STAGE

The second stage of the revolution arrives in the summer of 1970, when the General Motors Corporation brings out its tinier XP–887 with a new four-cylinder engine.

Ford is developing a second small car, rear-engined, to match the G.M. Minimodel.

The Chrysler Corporation is working to adapt its French and English small-car designs for American production. American Motors is developing a luxury small car three and a half feet high.

These small and minicars are more than new models aimed at pleasing the whims of buyers. They are more than vehicles designed to win back sales from the foreigners. They embody the pride of Detroit's executives, their belief that they can outdesign and outproduce anyone in the world.

They are gambling hundreds of millions of dollars that their stylists, engineers and technology can lead the high-wage, high-profit American auto industry to victory over low-wage, low-profit foreign competition.

If Detroit loses, the automobile industry could go the way of textiles, depending on Government production for survival, but there is a scent of success in Detroit.

"Why not wait for a Maverick?" a Ford executive advised a friend.

The friend did not buy the Japanese import and is waiting.

"DRIPPING WATER"

A G.M. vice president wants the new minicar body for a Pontiac sportscar and says he will be "dripping water" on the heads of his bosses until he gets it. Translation: The new small body must be a winner if Pontiac wants it.

Detroit's revolution may be coming just in time. Last year, 9.6 million cars were sold, a record, compared with 8.3 million sales in 1967 and the old mark 9.3 million, in 1965. But one million of the car sales last year were imports, mostly from Germany, Japan and England. The import flood meant no sales or production or profit for the combined American industry.

The new small American cars, with more power and room than the imports, are to carry price tags in the $2,000 range, not far from the imports. How can Detroit hold the prices down?

For one, it has cheapened the new cars. The rear side windows of the Maverick do not roll down, they push out, saving the cost of the window mechanisms.

For another industry is seeking technological breakthroughs to speed production. G.M. engineers say they plan to roll the XP–887 off the lines at 100 an hour, almost twice the speed of the ordinary United States car line.

The new small cars may affect the 1969 sales outlook. The auto company's own predictions call for a mild downturn. Henry Ford 2d, Ford's chairman, said that 1969 would be a "normal" year, with 9.4 million car sales, down 2 per cent from 1968's record.

James M. Roche, General Motors chairman, talked of "continuing the high-level volume" and 9.3 to 9.5 million car sales. Roy D. Chapin Jr., American Motors chairman, predicted a "flattening out" and 9.2 to 9.4 million sales. Chrysler says that 1969 will match last year's record.

SALES INFLATED

"Everything still looks strong, there's no sign of any letdown," said Virgil Boyd, the company's president.

But if the new Ford and American Motors small cars can chop several hundred thousand sales from the import total and slide them to the American side, the industry could match or improve on 1968.

Why do most auto executives expect a slowup this year?

One reason is merely a feeling that the boom "can't go on," plus their experience showing that record years are often followed by declines.

Also, General Motors figures that 1968 sales were inflated by about 200,000 cars, which would have come in 1967 but for strikes. Thus, the company says, its estimate for 1969 is still in line with its projections for steady growth.

In addition, the rate of economic growth is expected to slow, with personal income and employment gains slackening because of tighter credit, the Government's spending lid and the effects of the income tax surcharge, particularly in the second quarter, when 1968 tax bills come due.

However, auto officials concede that they are still puzzled by the size of the 1967 boom, which not even Ford, the most bullish, predicted.

"I just didn't believe the third quarter," said one Big Three analyst who had told his car divisions that a slowdown was coming. "I haven't gone back to them."

The boom is credited now to faster-than-expected economic growth, plus sharp price cutting by dealers in the summer.

The possibilities for a strong showing, particularly in the last half of 1969, are bolstered by expectations that the Government's spending lid will be lifted, along with the possibilities of peace.

"With a combination of favorable developments, including a ceasefire in Vietnam, accompanied by some demobilization of the military forces, sales for the year could go above 9.6 million units," Lynn A. Townsend, Chrysler's chairman, said.

Some analysts believe they have been regularly underestimating the long-term growth of the economy and that the surcharge will hurt car demand. The expectation sales also is only a guess.

The four auto companies have scheduled 2,400,000 first-quarter car assemblies, up from 2,320,000 built last year. Most of the increase comes from General Motors, which lost production because of strikes early last year.

Ford's schedule is down from the year before, when the company was catching up with its strike losses. The schedule can be cut back if sales slacken—some overtime has already been cut from January—but the projected pace is at boom level.

One question about the industry's long-term outlook—the effect of new mass transit systems to end car-caused congestion—is considered answered in Detroit, although most officials will not say so publicly.

FUTURE HELD BRIGHT

One Detroit executive said:

"Listen, America is irrevocably on wheels. It can't get off. The other forms of transportation, excepting air are dying off."

Detroit's engineers say they can meet the air-pollution standards set by the Government. Whether the standards lead to a reduction in air pollution may be questionable, but the industry apparently has a big say in setting the standards.

The most serious attack in 1969 is expected to come from an investigation of car warranty and service problems by Senator Philip A. Hart, Democrat of Michigan.

The personalities of the industry's giants, General Motors and Ford, are also undergoing change, sharpened by the rivalry between Semon (Bunkie) Knudsen, Ford's president and a former G.M. officer, and Edward N. Cole, the General Motors president.

Mr. Cole was elected president of General Motors late in 1966; Mr. Knudsen, the son of a General Motors president then quit and moved to Ford.

Little is heard about far-out items such as the electric car.

Despite a host of innovations in the last decade—the best-selling compact, the first intermediate-size car, the luxury model standard-size car, the first and best-selling sporty cars—Ford has not been able to increase its share of the market. Even the 1969 models have not led to the increase in the market share that Ford had expected.

General Motors seems to be making a serious effort to appear as a friendly giant, rather than the cold, impersonal monolith that sent detectives to spy on the auto industry's chief critic, Ralph Nader.

Mr. Cole and his boss, James Roche, are personable men who seem able to talk easily to newsmen or Senators.

At Chrysler, car sales and profits keep going up. Some executives are unhappy with what they consider to be the lack of innovation and conservative approach shown by Mr. Townsend, with his tendency to move up men with accounting backgrounds.

American Motors turned huge losses into a small profit in 1968, paid off its debts and showed a retail sales gain.

WE'RE OLD FASHIONED—STILL HONOR THE FLAG

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. DERWINSKI. Mr. Speaker, this week we witnessed the dramatic inauguration of the President of the United States and we saw evidence of the great spirit and faith of our country.

Coinciding with this memorable and historic occasion, I noted with great interest an editorial in the January 16 edition of the Southwest Messenger Press, a chain of community newspapers serving southwest suburban Cook County, which presented a timely and succinct commentary honoring the American flag. It follows:

We're Old Fashioned—Still Honor the Flag

An interesting little pamphlet, issued by one of the country's larger life insurance companies, tells the story of the flag of the United States. In describing the birth of the Stars and Stripes, it quotes George Washington: "We take the star from Heaven, the red from our Mother Country, separating it by white stripes, thus showing that we have separated from her, and the white stripes shall go down to posterity representing liberty."

According to the pamphlet, nearly a year passed after the signing of the Declaration of Independence before anything was done relative to the establishment of a national flag. But on June 14, 1777, the American Congress adopted the following resolution: "Resolved, That the flag of the thirteen United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new constellation." There is a story that the American flag was first flown on July 4, 1777, when it was hoisted by Captain John Paul Jones over the war vessel Ranger. In the years since then, the original thirteen stars have been added to many times as new states joined the Union.

In commenting on his growth, the pamphlet says, "Now it waves majestically over forty-eight States, extending across the continent; and flies over islands of the Atlantic and Pacific, and other outlying possessions. More than one hundred and thirty million people owe it allegiance, a vast assemblage composed of nearly every race in the world, but all united by one bond of loyalty and devotion to the Flag which symbolizes Liberty."

Yes, the figures are a little out of date The pamphlet was written more than forty years ago. In these days of strife and defamation of the flag, it is a wonder that we do not see the story of the American flag in print more often—or is it too old-fashioned?

STUDENTS FOR A DEMOCRATIC SOCIETY—SDS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. RARICK. Mr. Speaker, many awakened Americans are concerned over the undisciplined little army of professional students known as SDS.

Many ask: "Is SDS an agency of the Communist Party, U.S.A. or of any splinter group?" "Does SDS have international ties?" "What is its relationship with other radical and subversive groups?" "Has SDS peaked or is it still growing in membership?" and "How is it financed?"

The Alabama Legislative Commission To Preserve the Peace—in the absence of other State or Federal reports—has rendered a comprehensive report to inform the American people.

I feel the report is of interest to all our colleagues and place it at this point in my remarks:

SPECIAL REPORT: CAMPUS UNREST—STUDENTS FOR A DEMOCRATIC SOCIETY

(By the Alabama Legislative Commission to Preserve the Peace)

In the scheme of things on the left, how important and how dangerous is the group of student radicals who operate under the label of Students for a Democratic Society?

This question cannot be considered merely academically in view of the overt violence and revolutionary tactics employed by this group and its followers. In addition to the overt acts by the SDS and its allies, the often stated philosophies and aims of this group take it out of the area of harmless protest. We must, then, examine it not as a student protest movement but as a present and potential threat to our society and its institutions—even as a threat to the very existence of our government.

Because this group has been, and is, operating in the State of Alabama and is now seeking to extend its influence into all college, and even high school, student bodies, this Commission has attempted to examine it from the inside as well as from the outside.

We are aware of the fact that Students for a Democratic Society has often been described as communist controlled but that no agency of government, state or federal, has made an official citation as to its status.

For the sake of clarity in this report, we shall examine the following questions:

I. Is Students for a Democratic Society an agency of the Communist Party, U.S.A., or of any recognizable communist splinter group?

II. Does SDS have international communist ties?

III. What is the relationship between SDS and other radical and subversive domestic groups?

IV. Has SDS reached its zenith of influence—or is it still growing?

V. How is SDS funded?

I. SDS—IS IT A COMMUNIST ORGANIZATION?

Students for a Democratic Society traces its heritage to the radical Socialist group, League for Industrial Democracy. Its predecessor was the student arm of LID in the 1940's and became known as Student League for Industrial Democracy (SLID). SLID was taken over by the young communist movement and ended in 1948. SDS emerged 10 years later.

The parent organization, LID, is not a communist front by pure definition. Organized by ten Socialists and Marxists in 1905, it quickly became the harbour for intellectual radicals. As an organization, it has often fought bitterly against communist party-line politics. On the other hand it has a consistent record of more than half a century of supporting most major social and economic aims of the Communist Party. Many LID members rose to high places in government, education, journalism and literature while remaining faithful supporters of LID's brand of radical socialism. These include such names as Columnist, Walter Lippmann; Labor leader, Walter Reuther; Socialist leader, Norman Thomas, and many others.

Also noted among the membership of LID are many of the most noted Communist Party liners such as Jay Lovestone, former Communist organizer (now defected); Francis J. McConnell, former Methodist Bishop and identified party functionary; Babette Deutch, poet and Marxist; Communist, Frederick Vanderbilt Field, along with scores of others who fit into the same category.

It was not until 1921 that LID changed its name from Intercollegiate Socialist Society. It was done, according to LID leaders at that time, because they thought the American public would be more tolerant of an organization with the word "democracy" in its name than it would with a socialist designation.

Basis for citation

1. Students for a Democratic Society adopted a non-exclusion policy when it broke away from LID, which was to say they would not exclude communists from their ranks. (New Left Notes, April, 1964)

2. SDS participated in a conference in Chicago in May, 1967, to organize action against the war in Vietnam. Participating in this conference with SDS, were the Student Mobilization Committee, the Communist Party, the Socialist Workers Party, the Young Socialists Alliance and the W.E.B. Duboise Clubs. (Report to Appropriations Sub-Committee, U.S. House of Representatives, May, 1968, by J. Edgar Hoover, Director, FBI.)

3. Fred Davis, of SDS, was a speaker at demonstrations before the Lincoln Memorial in Washington, Oct. 21, 1967, which preceded the march on the Pentagon. This march turned into a violent confrontation with military guards. Communists and radicals participated in the assault on the Pentagon, and communist literature was distributed in the crowd. Hoover, said some 125 known communist party members, some of them of high rank, participated in the action.

4. Communist Party leader, Gus Hall, described SDS as a "group we have not going for us." (Speech by Gus Hall to 1968 party convention)

5. In his report above referred to, Mr. Hoover said SDS was infiltrated by communists. In a separate report he said it was financially supported in part by the communist party.

6. SDS has openly advocated violence in overthrowing our social institutions and the government itself.

7. It has encouraged resistance to the draft and has attempted to prevent the arrest of soldiers who have gone AWOL. It publishes a draft guide in which it suggested feigning homosexuality as a draft-dodging technique. (Chicago Tribune, October 17, 1965.)

8. SDS has advocated the repeal of anti-communist laws; abolition of the House Committee on Un-American Activities; recognition of Cuba; unilateral disarmament by the United States; and admission of Red China to the United Nations. (AP report, May, 1966. May 7, 1966.)

9. SDS has formed an alliance with Progressive Labor Party, left radical communist splinter group. (report of 1968 SDS convention)

10. SDS sponsored the speech by Paul Boutelle, Socialist Workers Party candidate for president, at the University of Oklahoma. (Militant, October 30, 1967)

11. At an organizational meeting in the home of a professor of a Birmingham, Alabama college in August of 1965, Claude Williams, veteran communist party member, was active as an organizer of the SDS chapter. The meeting was held off campus. (Report by the Alabama Legislative Commission to Preserve the Peace)

12. SDS leaders called for action to "destroy the myth of American democracy" on October 14, 1968. (U.S. News & World Report, October 28, 1968)

13. SDS led riots that closed the campus of Columbia University in May, 1968 and again in September, 1968; aided in the closing of San Francisco College, November, 1968; seized and held a building at City College of New York, where they cut fire hoses, rifled and burned files and tried to keep federal and state officials from arresting a soldier who was AWOL (press reports, including National Guardian, November 16, 1968).

14. SDS called for student strike nationwide to protest national election on November 5, 1968. They used the slogan "No Class Today, No Ruling Class Tomorrow". (National Guardian, Nov. 16, 1968.)

15. According to reports from government investigating agencies at least 35 members of Students for a Democratic Society have traveled to Cuba, most of them illegally, during the past year. One of its leaders, Tom Hayden, made an unauthorized trip to Hanoi in 1967 and conferred with Ho Chi Minh. He was accompanied by Communist party ideologist, Dr. Herbert Aptheker.

16. Phillip Abbott Luce, former member of the Communist Progressive Labor Party, testified in May, 1968, that SDS gives open support to guerrilla warfare in the United States. In his testimony he recited the following quotes attributed to SDS officials:

"We are working to build a guerrilla force in an urban environment . . . We are actively organizing sedition." (Gregory Calvert, SDS National Secretary)

"Urban guerrillas are the only realistic alternative at this time to electoral politics or mass armed resistance." (Tom Hayden, former SDS President)

"We are getting ready for the revolution . . ." (Dee Jackson, Assistant National Secretary, SDS.)

We could further point out that SDS claims chapters at some 100 colleges and an unknown number of high schools, claims a membership of some 35,000, with 6,000 dues payers. In the call for disruption of the Presidential Election, SDS was able to get from a few hundred to several thousand students to demonstrate at colleges across the nation, according to the National Guardian.

The activities of SDS are given broad coverage by all elements of the communist press, including The World (formerly The Worker) People's World; National Guardian; Militant, and even the Cuban communist organ Gramma.

The heroes of SDS include Fidel Castro, Mao Tse Tung, Ho Chi Minh, Che Guevara and, of course, Karl Marx. It has threatened to create terror on campuses all over the nation and even tried co-ordinating a world wide revolutionary student movement. SDS leaders have been quoted as saying they would create "many Columbias".

SDS was active in a leadership role in the Chicago riots that virtually wrecked the Democratic Convention. Its former president, Tom Hayden, was one of those arrested. Police reported the presence of a number of known communist leaders in the riots in Chicago. (Special report by Intelligence Dept., Chicago Police)

Some of the SDS 'intellectuals' such as Carl Davidson, have continued to write SDS position papers while contributing to communist publications. Davidson, while he was an active official of SDS in 1966 wrote a paper called "Toward Student Syndicalism." In that paper he outlined how demands should be made on school authorities and if met, how greater demands should be made until authorities were forced to deny them. These denials would then become "issues" around which demonstrations could be held and radical organizing encouraged. Davidson's paper was a blueprint for campus subversion and he even advocated the setting up of "student soviets" on the campuses. Today he is a writer for the Communist publication, National Guardian.

We agree with J. Edgar Hoover when he warns that it would be an error to simply label SDS and the rest of the "new left" as communists. It goes beyond political structure. Mr. Hoover said:

"The mood of this movement, which is best typified by its primary spokesman, the Students for a Democratic Society is a mood of disillusionment, pessimism and alienation. At the center of the movement is an almost passionate desire to destroy, to annihilate, to tear down. If anything definite can be said about the Students for a Democratic Society, it is that it can be called anarchistic . . ."

II. DOES SDS HAVE INTERNATIONAL COMMUNIST TIES?

As pointed out above, SDS has developed close ties with Cuba, and with Hanoi.

Last spring the SDS chapter at Columbia University, under its leader, Mark Rudd, hosted Communist student groups for a 3 day conference. The conference was attended by communist student groups from seven countries, including France, Italy, Germany, and Mexico. (Widner Report, SDS, August 1968)

III. TIES WITH OTHER SUBVERSIVE AND RADICAL GROUPS

The SDS ties with Progressive Labor and the Communist Party have been pointed out above. It also maintains an intimate relationship with Southern Student Organizing Committee (SSOC) and Student Non-Violent Co-ordinating Committee. Both of these groups advocate the same violent tactics and revolutionary aims as does SDS. (SSOC publication PREP, 1965). It acts openly and jointly with avowed and identified communist groups.

IV. IS SDS INFLUENCE GROWING?

It is difficult to estimate the growth rate, or potential growth, of SDS. This is due partly to the proliferation of "single action" groups with more or less the same base as SDS.

It is significant that SDS has announced that it is setting up M.D.S., Movement for a Democratic Society, for the stated purpose of bringing off-campus radicals into the revolutionary struggle. MDS was announced in a release from SDS in early 1967. Since that time MDS has become a reality. It now publishes the MDS Newsletter from New Orleans. This publication claims MDS has entered the field of labor agitation and is receiving help from SDS college and high school groups, from SNCC and Progressive Labor.

The MDS Newsletter of November, 1968, recommends articles in Challenge the official publication of Progressive Labor. (MDS Newsletter, November, 1968)

Progressive Labor and SDS have joined to sponsor a group to be known as SLAP (Student Labor Action Project). Admittedly, this was blueprinted by Progressive Labor. (ibid) SLAP explained its aims at an SDS-Progressive Labor Meeting this year in Boulder, North Carolina:

"Exploitation of the workers is the basis of this imperialist society! Students are also victimized both materially and intellectually by the same system that exploits and oppresses working people. Thus, there exists the basis for a common fight . . . We must develop a class approach, build support for the working class in all struggles, defeat anti-working class ideas, support workers' struggles, and launch anti-ruling class battles that covertly link workers and students in fighting their common enemy." (Ibid)

The growth of SDS, and its coalitions, is indicated unless there are strong forces set in motion against it.

V. HOW IS SDS FINANCED?

As we have already pointed out, SDS is receiving financial help from the Communists, according to J. Edgar Hoover. Through the sale of publications and membership dues, SDS realizes what would appear to be a small percentage of the money it spends. For special projects, such as the demonstrations in Chicago, and the assault on the Pentagon, SDS advertises for funds in such communist publications as The World and National Guardian.

In some cases, SDS has sought funds from foundations which support radical causes. It is not known whether they have actually received any such funds. The travel to Cuba project was one in which some SDS leaders said they were seeking foundation help.

FINDINGS OF THIS COMMISSION

We conclude from the foregoing evidence that Students for a Democratic Society has as its aim the overthrow, by violence and subversion, of the institutions of our society and our government; that its aim is identical with that of the Communist Party, U.S.A., and the various splinter communist groups; that it has actively and overtly conspired with known communist groups in this purpose and has attempted, and is attempting, to prosecute this course of action.

We further conclude that Students for a Democratic Society has received, and is receiving, aid and financial support, knowingly, from communist groups; that it is under substantial direction and control of one or more communist groups.

Based on its demonstrated ability to move and motivate masses of students on a large number of campuses across the nation, we find that SDS has demonstrated itself to be more than a passive threat.

Great institutions, such as Columbia, CCNY, University of Wisconsin, University of Michigan and scores of others, have discovered that you can't deal with SDS as merely another student protest, or social action group. Some of these institutions have banned SDS as a recognized student organization. This has been at both Columbia and CCNY, following serious acts of violence, destruction of property and intimidation of students, faculty and administrative officials.

While recognizing the absence of political structure at this point, we, nevertheless, conclude that Students for a Democratic Society should be considered a dangerous, radical organization which poses a threat that is equal to that of a structured communist entity.

In considering the total effect of the SDS and the new left, we cannot overlook the accompanying phenomenon on the campuses where it has exerted its greatest influence. Radical student action has been accompanied by an alarming increase in drug use, and a moral decline.

When rebellious students were forcefully removed from administrative offices at Columbia, President Grayson Kirk, expressed shocked disbelief at the evidences of drug use and sexual promiscuity that had gone on. In addition, the students had smeared the area with human excrement, cut fire hoses, destroyed records and displayed posters of Karl Marx, Castro, Che Guevera and other communist "heroes." (Report from Young Americans for Freedom at Columbia).

The rise of the student left is accompanied in virtually every case by the emergence of "under ground newspapers." These usually carry the theme of rebellion; are anti-establishment, lionize the left, and use a profusion of pornography and four letter words.

It is reasonable to assume from the evidence that rebellion of the type exemplified by SDS feeds on itself, and the by-products are predictable.

It is immaterial which comes first. Whether drug use follows rebellion, or rebellion follows drug use is as relevant as the classic "chicken or egg" debate.

Whether underground publications merely mirror a situation, or promote it, is not as important as the fact that the elements are homogeneous.

In this regard, this commission must point out that underground publications are common today on nearly all college campuses in Alabama. Underground papers are advertised in all communist publications. Some of these are produced on campuses and some are independently produced.

Drug abuse is growing on some campuses in our state and the increasing threat cannot be ignored. We feel, at this time, these are more in the nature of warning symptoms than of a full-blown disease.

The growing alliance of campus radical groups, with off-campus organizations, will pose a growing problem in the future. This is especially true where single-purpose movements such as SLAP employ their energies and talents in the field of labor agitation.

We doubt that name calling at this point would serve any useful purpose. For this reason we are not including in this report the names of faculty and instructors who are known to be encouraging student protest-type organizations. Further investigation will be required to complete the list and to verify reports now in our hands. We realize that every precaution should be taken to prevent injury to individuals and institutions. However, our decision not to use names of individuals or institutions at tihs time may be subject to change in light of future events.

We cannot overlook the important role in student rebellion that is played by adult, professional people who declare their committment against the institutions which employ them and the state which helps to finance those institutions. We do not, as a legislative creature, presume to suggest what steps should be taken to insure our educational institutions against such intellectual erosion from within and to insulate the students against the influences of faculty activists who counsel rebellion. In light of the rising tide of student revolts—many causing great loss in money, time and prestige to the institutions so victimized—we respectfully suggest that this problem must be addressed by the proper authorities. The files and facilities of this commission are, of course, open to authorized agencies in this regard.

We conclude from the evidence before us that we cannot realistically expect a lessen-

ing of student unrest within the near or intermediate future. We feel, conversely, that the forces now in motion will serve to feed a growing militancy in this field.

This commission is fully aware of the problems of intelligence that is posed, and the need for close liaison with local school administrators and civil authorities in areas that are affected or will be affected. Within the limits of our capabilities, we are undertaking this task.

Under the legislative mandate of this commission we respectfully recommend that Students for a Democratic Society, and any group under whatever name is an alter-ego of SDS, be denied administrative recognition as a student organization at any state supported institution.

Senator John H. Hawkins, Jr.,
Chairman.
Representative Ira D. Pruitt,
Vice Chairman.
Senator James S. Clark,
Representative W. M. Collins,
Representative Robert C. Gafford,
C. Edwin Strickland, *Staff Director.*

[From the Washington Post, Jan. 20, 1969]

Clashes Erupt After March

More than 6000 New Left demonstrators staged a lusty counter-inaugural parade down Pennsylvania Avenue yesterday amid cries for an end to the Vietnam war, racism, and capitalism.

Less than an hour after the parade, club-swinging Park police on horseback clashed with bands of demonstrators who were heckling guests going to a reception for Vice President-elect Spiro T. Agnew at the Smithsonian Museum of History and Technology on the Mall.

At least 22 persons were arrested during the day, three of them during the museum melee, the rest as the parade came to a close at the east end of the Mall.

As demonstrators were cleared from in front of the museum a number of officers were pelted and two were hospitalized. Allen Sullivan and David Lennox were reported in satisfactory condition at Washington Hospital Center.

George Washington Hospital reported five demonstrators were treated and released.

The police action started when about 1000 demonstrators blocked the Madison Drive entrance to the museum. Some were throwing mud and dirt at arriving guests.

Eight mounted policemen and several patrolmen waded into the crowd, forcing it south across the Mall.

The demonstrators screamed obscenities and threw sticks and mud at the police. A few flicked burning cigarettes and firecrackers at the police horses.

Officers clubbed at least a dozen demonstrators and attempted to catch several who had climbed trees.

After about 90 minutes, when full darkness had fallen, the situation became a standoff. The demonstrators gradually withdrew.

Earlier, at about 4 p.m., demonstrators spread tacks and nails on the pavement at 15th Street and Independence Avenue, causing several flat tires and a brief traffic tie-up. A police escort bringing President-elect Nixon into town from Andrews Air Force Base had to be rerouted.

The counter-inaugural parade went off smoothly, and scuffles between demonstrators and police and between demonstrators and march marshals erupted only near the end of the route.

Fifteen men and three women were arrested at 3d Street on the Mall when police said they refused police orders to keep to the west side of the street and move on. Several marchers threw mud at police.

When ordered to move, the demonstrators linked arms and stood their ground. There was little violence during the arrests.

The protesters came in a wild assortment of clothes, masks and body paint. They carried everything from billowing banners to symbolic coffins and toy machine guns.

The counter-inaugural activities started with a rally at 1:30 p.m. in a huge circus tent at 15th Street and Independence Avenue sw. After several speeches, during which some demonstrators shouted their impatience with the speakers and eagerness to "go into the streets," the parade got under way.

It went north up 15th Street, turned east on Pennsylvania, then south on 3d Street and ended in front of the Department of Health, Education and Welfare Building at 4th Street and Independence Avenue sw.

There, demonstrators fought among themselves for control of a flagpole. Some wanted the American flag at the top pulled down. Others wanted it to stay up.

A dozen persons grappled with each other for control of the pole as hundreds watched and cheered. March marshals and Philip Hirschkop, a lawyer for the protest organization, tried to persuade demonstrators to leave the flag alone.

Finally, police arrived and took control of the pole. After demonstrators dispersed, police lowered the flag themselves.

From that point, large bands of demonstrators drifted toward the Museum of History and Technology when someone announced on a bullhorn that the Agnew reception was taking place there.

An anonymous leaflet distributed earlier in the day also urged demonstrators to go to the museum "while the fat cats are reveling."

David Dellinger, chairman of the National Mobilization Committee to end the war in Vietnam tried to deter demonstrators by announcing on a bullhorn that there were no further activities planned until the counter-inaugural "ball at 7 p.m. in the circus tent.

Most went to the tent or dispersed elsewhere, but about 1000 went on to the museum where they clashed with police.

Earlier, during the parade, most participants followed the Mobilization instructions for an orderly march. Only small clusters of Yippies and other persons calling themselves "crazy-asses" occasionally strayed from the line of march or tried to disrupt traffic. Mobilization marshals ran along the march line endeavoring to keep order.

At the pre-march rally, Dellinger set the note for the day.

"There is a lot of confusion here . . ." he said, "but one thing's for damned sure. We know why we're here—to stop that war. We're here to do our part to liberate the black man, and we're here not only to liberate Saigon but Washington."

Other speakers at the crowded rally were Tom Melville, the ousted Maryknoll priest convicted of destroying Selective Service records in Baltimore; James Johnson, one of three Fort Hood, Tex., soldiers imprisoned in 1966 for refusing to go to Vietnam; Maralyn Webb, who spoke for the "Women's Liberation Movement"; and two active duty servicemen, Jesus Cruz and Derrick Alexander.

Singer Phil Ochs regaled the crowd with caustic antiestablishment songs.

The speakers condemned the war in Vietnam and what they called American imperialism, racism and militarism. Several said capitalism lies at the root of America's problems and should be eradicated.

"Free enterprise is the right of the powerful to oppress the weak," said Melville.

Later, as the protesters marched down Pennsylvania Avenue, they flashed V-for-victory signs to passers-by and urged them to join. Some did.

As they passed the Justice Department buildings, hundreds raised their fists and shouted "Sieg Heil, Sieg Heil."

About two dozen young men, some in uniform, who said they were active duty military servicemen, headed the parade. Vietcong, anarchist and other flags streamed over the heads of the paraders.

Members of the Rapid Transit Guerrilla Communications Theatre, some wearing white-face, marched to the lugubrious beat of a drum, humming "America" and acting out the horrors of civilian death in Vietnam.

The crowd was mostly young, mostly white. It included Yippies, hippies, clergymen, housewives, Democrats, Socialists, students and drifters.

In addition to police, Justice Department officials and Secret Servicemen warily watched the parade.

Two staff members of the President's Commission on Violence also were on hand to observe.

The counter-inaugural "ball" at the circus tent finished up yesterday's activities. An estimated 8000 persons jammed the tent inside and surrounded it eight and ten deep outside.

Loud rock music played while a light show spun across the tent's ceiling. The tent was extremely crowded and the ground became a sea of mud.

The ball was late starting after the generator for the lighting system broke down. District Fire Department officials helped restore power.

Protesters plan to observe today's Nixon-Agnew Inaugural parade from four points along Pennsylvania Avenue.

They have 100 bleacher seats at 11th and 15th Streets and will stand on the north sidewalks at 12th and 15th Streets. Mobilization leaders say no disruption is planned.

Arrested for disorderly conduct were Thomas Wodetzki, 27, New York City; John Portela, 20, Vergennes, Vt.; Robert J. Cross, 24, 1701 East-West hwy.; Henes A. Medina, 22, New York City; George B. Spears, 20, Glen Ellyn, Ill.; David J. McLaury, 21, Jackson, Mich.; Leslie H. Bayless, 23, 7421 Blair rd. nw.; Gerald J. Sheehan, 21, Irvington, N.J.; George B. Gibeaut, 21, Warrenville, Ohio; Paul H. Kelton, 21, Columbus, Ohio; Ben R. Augusten, 21, Baltimore; James L. Sauer, 23, Three Rivers, Mich.; Anthony Settanni, 21, Upper Darby, Pa.; Mary Anne Jackson, 20, Salem, Ohio; Linda Evans, 21, Fort Dodge, Iowa; Sharon Lee Post, 19, Hampton, Ohio.

Charged with destroying government property was David A. Sugarman, 24, New York City. Charged with violation of police lines were Terry Noble, 32, New York City and Robert Johnson, 23, Ypsilanti, Mich. Charged with depositing trash was James P. Padgett, 23, Silver Spring. Charged with a pedestrian violation was Michael Hyman, 18, Elmont, Long Island. Charged with carrying a dangerous weapon, a night stick, was Glenn Cohen, 21, New Castle, Pa.

[From the Washington (D.C.) Evening Star, Jan. 20, 1969]

Protesters and Police Clash Briefly

(By Barry Kalb)

A day-long series of "counter inaugural" protest activities flared into disorder briefly yesterday at a Smithsonian Institution reception for Vice President-elect Spiro T. Agnew as mounted policemen charged into a crowd of about 1,500 amid a shower of debris hurled by demonstrators.

The melee outside the Museum of History and Technology in early evening was the worst incident of a day that saw some 6,000 protesters from various New Left groups stage a "wrong way" counter-inaugural parade down Pennsylvania Avenue, led by about 50 active-duty servicemen.

The parade was basically orderly but there were several minor scuffles with police. During the day police said, 19 persons—16 men and 3 women—were arrested and charged with disorderly conduct. Two U.S. Park Policemen were treated for injuries at the Washington Hospital Center and released.

As the parade broke up in front of the National Aeronautics and Space Administration headquarters at 600 Independence Ave. SW, about a quarter of the crowd walked across the Mall to the Agnew reception that was beginning about 5 p.m.

For about half an hour, protesters crowded around the Mall entrance to the museum, jeering arriving guests and throwing debris at some who had to walk through the ranks of the dissidents to get to the ceremony. There were no reports of injuries.

Then, the scene suddenly became a mass of running protesters, swinging billy clubs and mounted policemen charging into the crowd as slats, torn from park trash disposal baskets, were hurled by the protesters.

The disorder was triggered when clods of dirt and other objects were tossed at police, and shouts of "Pig" and "Sieg Heil" began to fill the area.

One officer ordered two men in a tree to come down, then began clubbing one as he hung from a branch. One protester, blood streaming down his face, was treated for an inch-long gash in his scalp.

"I don't know who hit me," he said calmly, "I was hit from behind."

Among the policemen injured was Park Police Deputy Chief A. D. Beye, who was struck with a board.

DARK BRINGS STALEMATE

As it became dark and increasingly colder, police and protesters faced off in a stalemate for about 45 minutes.

Then the crowd began to thin and people drifted off toward the counter-inaugural tent, at 15th Street and Independence Avenue, for the evening "ball."

The dissidents' day began with a 90-minute rally in the tent, erected by the sponsoring National Mobilization Committee to End the War in Vietnam. Permission for the protest activities and a site for the tent was given late in the week by the federal government, with the proviso that the tent come down this morning.

Kathleen Cleaver, wife of Black Panther Eldridge Cleaver, did not show up as announced, and the rally was short, as such events go.

After folk-singer Phil Ochs performed several numbers, Mobilization chairman David Dellinger announced "just one more speaker, a wounded GI who got out of his hospital bed to come here."

The crowd in the tent, which a moment earlier had been shouting to get on with the march, suddenly fell silent as Derrick Alexander, a 25-year-old soldier from Florida, walked to the microphone.

Alexander's right arm is missing. He has a deep scar in his forehead running back across his scalp. Both are the result of wounds he received in Vietnam, he said.

He laughed self-consciously and told the audience that he wasn't accustomed to speaking before crowds. But nobody said a word as he told them, "I represent a relatively new contingent of the peace movement . . . men in uniforms themselves."

After he was wounded, he said, "I decided my mission was to do whatever is humanly possible to end the war." Alexander said his father is a Navy captain now assigned to the Gulf of Tonkin, off Vietnam.

HALTING, NOISY MARCH

The march, which stretched for blocks past sparse Sunday crowds, was halting and noisy, with leaders constantly stopping the line to close up ranks.

Marchers momentarily surrounded a police patrol wagon on 3rd Street NW, prompting Deputy Chief Raymond Pyles to call for reinforcements, and about 10 marchers were arrested near the end of the march at 6th and Independence Ave. SW.

A weird confrontation between different factions of the crowd took place in front of the NASA building.

As marchers poured into the courtyard in front of the building, one ultra-militant group surrounded the flagpole and began to shout for the American flag to be pulled down. But after tugging by opposing groups, it was left up.

The ball, which was held up when organizers ran out of fuel for their diesel generator to heat their tent and were rescued by fuel supplied by the District, was loud, swinging and jampacked.

The scheduled climax of the ball was the "in-hog-uration," the swearing in of a pig.

DISRUPTION HINTED

About 200 of the more extreme protesters gathered this morning at Franklin Park, K Street between 13th and 14th Sts. NW, to plan activities concerning the parade.

While they gave no details, speakers intimated that there would be some sort of attempted disruption.

One helmeted young man said, "The Mobilization Against the War in Vietnam people are going to be along the route. All we have to do is get together and think alike and we can lead them, because they don't know what they're doing." The groups represented at the park included Students for a Democratic Society and Youths Against War and Fascism.

Capt. Theodore Zanders of the District police spoke with the protesters briefly and explained to them that police would assist them in getting to the parade route if they caused no trouble. But he also warned that police would be on the lookout and they would be promptly arrested for any infractions of the law.

Two arrests did occur when youths apparently grappled for possession of a Viet Cong flag.

[From the Washington Post, Jan. 21, 1969]

SOME 250,000 APPLAUD PARADE—PROTESTERS CLASH WITH POLICE—CAR PELTED

Young protesters hurled sticks and other debris at President Nixon's limousine as it passed along the Pennsylvania Avenue Inaugural parade route yesterday.

No damage was done. The car was closed along that part of the route.

A half hour later, hundreds of demonstrators rampaged through downtown streets, stoning police, breaking store windows and blocking traffic. At least 81 persons were arrested and 12 persons injured.

The violence erupted after the National Mobilization Committee to End the War in Vietnam, which had planned an elaborate but orderly three-day counter-inauguration here, lost control over about 1000 of the protesters.

These dissidents, largely leaderless but including militant members of Students for a Democratic Society (SDS) and Youth Against War and Fascism, were already disgruntled with Sunday's counter-inaugural march and were looking for more adventurous action.

They gathered in Franklin Park at 14th and I Streets nw. at noon yesterday to map an independent action. After bickering over routes and tactics, they began streaming south on 14th Street nw. toward Pennsylvania Avenue.

Led by a man bearing a Vietcong flag, the demonstrators wore helmets, goggles, gas masks and a wild assortment of clothes.

Police halted the demonstrators briefly at 14th and Pennsylvania, but through an agreement worked out in part by Philip Hirschkop, Mobilization attorney, they were allowed to stand in one major group at 13½ Street and two smaller groups at 12th and 15th.

While waiting for the Nixon entourage, they taunted the police facing them along the avenue. Behind the police, tense authorities ordered in a supporting line of 82d Airborne paratroopers with their arms linked and rifle-bearing D.C. National Guardsmen in battle fatigues.

OBSCENE GESTURES

The demonstrators screamed obscene and irreverent slogans about Mr. Nixon and made obscene gestures.

In the crowd, scores of small American flags were burned.

"Hey, hey, Ho Chi Minh, the NLF is going to win," the dissidents shouted over and over. "The next war—revolution."

There were several pushing matches between officers and the front line of demonstrators as the police tried to keep them from pressing against the fiber glass-covered steel cable along the avenue.

At 2:57 p.m., the Nixon limousine passed. It was showered with a dozen to two dozen missiles—sticks, stones, empty drink cans and what appeared to be cherry bombs, none of which exploded.

A heavy stick struck a paratrooper in the head. Companions helped him from the scene.

Secret Service agents, their faces anxious, hovered around the slow-moving presidential car. Agents on the running-boards batted down several of the missiles.

The black limousine slowed momentarily, then sped up past the jeering crowd. Mr. Nixon's back was turned to the demonstrators. He waved to spectators on the south side of the Avenue.

The demonstrators continued shouting at the new Cabinet members-designate as they passed after Mr. Nixon. Of all the dignitaries, only Chief Justice Earl Warren was cheered.

"Walter Hickel (Interior Secretary-designate) is a tree," some shouted. "He's going to turn Alaska into a motel."

LEAVE ROUTE

Then minutes after the President passed, the crowd began to lead north on 14th Street away from the Inaugural route.

At 14th and G sts. nw., several youth suddenly began shouting, "Into the streets . . . the streets belong to the people."

In an instant, hundreds swarmed into the intersection, bellowing war whoops and running north.

In the minutes that followed, a pitched battle occurred between police and demonstrators on H Street at Lafayette Park. Youths pelted police and cars with stones and tried to occupy the street. Officers cleared it with motorcycles and squad cars.

One policeman was set upon by a howling crowd of about 35 persons at 15th and H Streets.

"LET'S GET HIM"

They surrounded Officer W. E. Larman, shouting "Pig" and "Let's get him." The officer held up his hands in a beseeching gesture as the crowd closed in on him.

He lunged at one of the demonstrators and then they swarmed over him. "Kill the pig!" youths shouted. They struck and kicked. The officer struck and kicked back.

Four more officers arrived and waded into the crowd, their clubs flailing. The youths dispersed and moved toward Lafayette Park. Larman was not seriously injured.

Rocks, some of them large paving stones, rained down on the police cars, smashing windows and denting the bodies.

At one point, a crowd of about 30 demonstrators surrounded an isolated patrol car with two officers inside. They kicked and beat on it. As they attempted to rock it, the driver spun away in a screech of rubber, barely missing some of the protesters.

A phalanx of three-wheeled motorcycle officers moved down H Street along the park, clearing demonstrators. One youth hurled a wire-bound bundle of newspapers under a cycle. Generally, the officers remained in or on their vehicles and did not use their clubs.

Helmeted foot patrolmen soon arrived. Youths threw several trash barrels into the streets. One youth was tackled by officers. A brief melee followed in which a dozen officers clubbed and kicked at demonstrators. A young man and a girl were knocked into bushes at the Veterans Administration building.

A number of demonstrators left the scene with bleeding heads, but officers had directed most of their blows at the protesters' bodies.

The crowd scattered and ran north up 16th Street and east toward 14th Street. They smashed windows at A. C. Houghton & Son, 1418 H st., the National Housing Center, 1625 L st., the Security Bank, 1510 K st., the Gramercy Inn, 1616 Rhode Island ave., and St. John's Church on Lafayette Square, which other demonstrators had been using as a sanctuary.

Although splintered into small groups, the youths periodically threw bottles and stones at passing police cars.

Two main groups reformed as dark began to fall. The smaller group gathered at Scott Circle, then dispersed toward Dupont Circle.

The other group, numbering several hundred, gathered in McPherson Square. Demonstrators talked among themselves for a while, then began walking in a zig-zag pattern northwest from 15th and K Streets to Dupont Circle. From there, they went south on Connecticut Avenue, then west on M Street and, as night fell, began dispersing at 21st and M Streets.

[From the Washington (D.C.) Evening Star, Jan. 21, 1969]

NIXON CAR PELTED, 82 ARRESTED IN PARADE INCIDENTS

(NOTE.—This story was written by John Fialka from reports by Barry Kalb, John Mathews, Nancy Beckham, Duncan Spencer, Paul Delaney, Kenneth Ikenberry, Harvey Kabaker and Alvin Lorman.)

A fast-moving series of confrontations between police and a group of "New Left" demonstrators spread chaos and snarled downtown traffic yesterday shortly after the start of the Inaugural parade.

A total of 82 persons were arrested, police said, including five women and eight juveniles, as a result of incidents during and after the parade.

Most of the incidents occurred after President Nixon's car met a barrage of missiles and obscene taunts as it passed a crowd of youths massed behind police lines at 14th Street and Pennsylvania Avenue NW.

As homemade smoke bombs, sticks, small rocks, pennies and wadded-up newspapers flew at his closed car from a crowd of about 400 youths, Nixon continued to smile and wave, while Secret Service agents rushed frantically between him and the crowd.

Police, rifle-carrying National Guardsmen and paratroopers pressed against the crowd in a double line as they continued to boo and curse members of Nixon's Cabinet who rode by in separate cars behind the President's limousine.

"Let's go to the White House!" someone shouted as the group began to disperse. Shortly after 3 p.m. a loose, disorganized crowd of youths began moving north on 13th and 14th Streets and then west on H Street and New York Avenue to Lafayette Square.

Dressed mostly in denims, fatigues and other hippie garb, the group included a number of the more radical "New Left" groups, including the Students for a Democratic Society and the Coalition for an Anti-Imperialist Movement (COAIM).

Many of the youths wore helmets and several self-styled "medics" accompanied them. Although several youths shouted, "It's just like Chicago!" to reporters during the events that followed, a check of parade aid stations and area hospitals revealed only 15 minor injuries resulting from police-demonstrator incidents.

The injured included one policeman complaining of chest pains and a paratrooper who was hit on the nose by a flying object as the President's car passed the crowd.

"Judging from the small amount of injuries we saw, I think the police used very intelligent restraint," said Dr. Fred C. Heath, deputy director of the D.C. Health Department, who helped coordinate work of the first-aid stations along the parade route.

As the crowd of youths began to converge on Lafayette Park from the parade route, a policeman was seen standing alone in the street near Vermont and I streets.

"He was just standing there as the crowd approached and suddenly he was engulfed. Then I saw him go down, struggling with several from the crowd," an observer said.

At this point a busful of policemen from the Civil Disturbance Unit, parked nearby, emptied. CDU men tore into the crowd, swinging their sticks. The fallen officer was rescued, apparently unhurt.

For about a minute afterward, police officers struck repeatedly at the crowd raising their sticks above their heads. A woman, dressed in a long, white "medic" gown, was clubbed on the head by one officer. Blood flowed down her face as she fell to the ground.

Prevented by police from entering Lafayette Park, the crowd massed for about five minutes in front of St. John's Episcopal Church. Youths pelted officers with rocks and pebbles they collected from a garden area along the side of the church, located across M Street from the park.

POLICE, CROWD CONVERGE

It was 3:25 p.m. A call sounded on the police radio for all available squad cars in the Northwest section of the city to converge on 16th and I and 15th and K Streets as the crowd, pushed by growing numbers of police, moved north.

Several smaller groups of youths fanned out in different directions, pursued by police. Squad cars with lights flashing veered in and out of traffic-clogged streets as a crowd of about 300 demonstrators formed on McPherson Square at 15th and I Streets.

Officers stood quietly along the sides of the square as the youths, a number of bystanders and reporters milled about. Two men climbed to the top of the statue of Gen. McPherson and attached a blue pennant with the word "Peace" to his horse's maine.

For about 10 minutes, there was relative calm. Elements of the crowd seemed about to break up when a young girl wearing a red hat and two other youths began running through the crowd to 15th and I.

"It's a game! Follow us. C'mon, it's a game!" she shouted. Within a minute about 150 youths were running with her. They ran down the middle of the street, around the corner into the 1400 block of I Street where they ran smack into a squad of surprised CDU officers who were getting out of their cars.

SWEARING GIRLS ARRESTED

The crowd suddenly reversed, running back through the park. Several police units began sweeping through the park. In front of the Home Federal Savings & Loan Association at 15th and K Streets, a reporter saw several policemen chasing a crowd, prodding with their clubs those who didn't move fast enough.

A girl turned around and pushed back. A second girl joined her, and they stood, screaming hate and obscenities at the police.

After a momentary standoff, an officer reached for the first girl. She fought back. Several officers wrestled with her and then carried her through the crowd to a waiting wagon. The second girl joined the fray and she, too, was arrested.

Although no clubs were used, officers were seen to strike the girls with their fists before putting them in the wagon.

Several other youths, enraged by the incident, struck policemen and were arrested. "Nonviolence! Peace! a young man shouted as police and the crowd faced each other. A girl shouted an obscenity at him several times. "If you don't want to struggle, go home."

By 4:10 p.m., police had cleared the crowd from McPherson Square. The next 90 minutes were filled with minor incidents in the area between the park and Connecticut Avenue.

A rock shattered a squad car's windshield near the square. Several store windows were smashed. Asst. Chief Jerry Wilson arrived near the square and ordered his men to begin breaking up small groups leaving the area.

Wilson ordered CDU officers to begin making arrests for jaywalking. At Scott Circle, Wilson saw one youth ignore a "Don't Walk" sign.

"You see that sign?" Wilson shouted and grabbed him by the shoulder. As a motorcycle patrolman was taking the youth toward a wagon, Wilson arrested another demonstrator for ignoring the same sign.

BADGES MISSING

Some policemen were seen without their badges. One of them, Deputy Chief Raymond S. Pyles, head of the Special Operations Division, said a demonstrator had grabbed his.

Some of his men, he said, removed theirs because they were afraid of losing them. He said he had asked officers to replace their badges whenever he saw one missing.

At 18th and M Streets a reporter saw a demonstrator shout an obscenity at an approaching policeman who wore no badge. The officer clubbed the youth across the back and arrested him.

Demonstrators, riot-helmeted CDU officers and well-dressed parade watchers on their way home all converged on Connecticut Avenue at about the same time, 5 p.m.

A phalanx of officers stood in front of one group of youths at Connecticut and Rhode Island Avenues as parade watchers, coming from the opposite direction, filtered through unimpeded.

Tourists and demonstrators stared at each other. Police began to unscramble a monumental traffic jam as the last groups of demonstrators began to break up around 22nd Street and New Hampshire Avenue.

About 50 youths marched to the quadrangle at George Washington University. As a park policeman and a National Guard sergeant approached them, one of the youths shouted that they were on "private property." The two walked away.

DISCLAIM CONNECTION

Although David Dellinger and other officials of the National Mobilization Committee to End the War in Vietnam disclaimed any connection with or responsibility for the group causing the disorders, Carl Rogers, a member of the Vietnam Veterans for Peace, charged that Dellinger and the others knew what would happen.

"I told Dellinger this would happen and that he would have to appeal to the kids. But he said that would be abdicating his responsibility. What happened is certainly not what the majority wanted," said Rogers.

Rogers and other leaders said that early Monday morning, members of the SDS and other more militant groups attempted to take over the Mobilization's offices of 1029 Vermont Avenue NW. Police were called and the SDS left without further incidents, they said.

MEMORIAL TO GEORGE V. DiPALAZZO

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. CONTE. Mr. Speaker, with a deep personal grief, I inform my colleagues of the death of George V. DiPalazzo of Pittsfield, Mass. I do so not only to note the loss of a very dear friend, but also to pay tribute to an outstanding labor leader and dedicated public servant.

No words could better express my affection and regard for George than those I spoke at a testimonial in his honor, held only 2 months before his untimely passing.

At this time, therefore, I would like to insert those remarks in the RECORD, along with an obituary from the Berkshire Eagle, of January 20, 1969, and an editorial from the same newspaper, which appeared on January 21, 1969:

REMARKS OF HON. SILVIO O. CONTE, AT THE GEORGE DIPALAZZO TESTIMONIAL, NOVEMBER 16, 1968, PITTSFIELD, MASS.

It is a double pleasure for me to be here tonight as we honor an outstanding citizen. It is a pleasure, first, because the guest of honor at this testimonial dinner is an old and good friend of mine; and, second, because looking back on George DiPalazzo's distinguished career recalls enjoyable memories of my own.

You know, my career and George's have many things in common. The threads of our lives have crossed often over the years.

George and I were born in the same year—but on different sides of the Atlantic. Although both our families lived in Pittsfield, George's folks were on vacation in the old country at the time—and that was probably the longest vacation George ever had. He didn't come to America until he was five years old.

I still remember George from our Pittsfield Vocational High School days. I can remember the difficulties which faced graduates then—and how lucky both of us felt to land jobs at the Pittsfield GE. George became an apprentice tool-maker; I worked as a machinist.

When the war came, George took to the air with the Army Air Corps; I drove a bulldozer for the Seabees. And when peace returned, we each settled down to a career. In different forms, both his career and mine turned out to involve a lot of running—for one elective office or another—and a lot of good old-fashioned politicking.

In '47 George won his first office—that of shop steward in Local 255—the first step of what was to become a highly successful career as a union leader. He later became chief steward, and in 1964, he claimed the only full-time post of the local union, that of business agent.

The confidence which his fellow workers feel in him is reflected every time they go to the polls. In election after election, George has scored high. As one who knows a little about politics myself, I can tell you that George DiPalazzo's wide base of support, his organization, and most important, his record of achievement and service—are enough to make any professional politician envious.

I think I know the key to George's success. He revealed it just a couple of months ago, when he spoke at the dedication of the local's new headquarters building. Recalling the contrast between the comfortable new quarters and the union's first home, George said this: "I hope we never forget our early orange crate days, because a good local union needs dedicated members and officers more than it needs an expensive building."

When he said that, George put his finger on what makes any group strong—whether it be a union, a company, a government, or an entire society. The answer is *people*—and the successful man in any endeavor is the one who never forgets the *human* side of life's problems and promises. How especially important this is in an age of machines—and you here in Pittsfield know plenty about machines, especially GE ones! George may have spent his life around machines, but he's never forgotten about the men who operate them. George's concern with the human side is a tribute to his sense of values.

George has been much, much more than an elected official. He has been a concerned and compassionate friend to all of us and to the organization for which he has given so much: his union. George is a union man in the highest and truest sense of that term.

He is completely dedicated to the principles of the labor movement—and if you don't want to take my word for it, go over to the library, and ask how many books on labor and unionism have at one time or another been checked out to George V. DiPalazzo.

Yes, George has always done his homework—and that's why the easy-going, friendly guy you know turns into a tiger at the grievance board or bargaining table. He has led his local through many a scrape. Never afraid to take up the . . . when occasion demands, he is never reluctant to cast them aside when goodwill and good faith prevail.

George is truly a man for all seasons.

I have no doubt that George DiPalazzo could have chosen to apply his talents to any number of fields. Had he cared more about his own fortunes and less about ours, he might be a wealthier man right now.

Had he cared more about advancing his own reputation and less about the union's he might be more widely known around this country. But that sense of values I spoke about earlier—the sense of values which George developed back in the days of the orange crates—has never deserted him.

He has remained a man to whom the human aspect of things has always been foremost. I think, therefore, that he will appreciate and agree with this sentiment which another fine American expressed once. Listen to these words: "I have no other ambition so great as that of being truly esteemed by my fellow men, by rendering myself worthy of their esteem."

George, I suspect that your greatest ambition has been the same as Abraham Lincoln's was in 1832—to win the esteem of your fellow men.

This dinner tonight is the outward expression and proof that your greatest ambition has been completely fulfilled.

In closing, let me say this: as a longtime friend and admirer of George DiPalazzo and a one-time member of Local 255, I would be more than a bit disturbed if I thought that George were going to leave the labor movement completely. I'm confident, however, that his great talents will always be available.

It is no secret that the union wants and needs men of George's caliber and experience, not only on the local level but on regional and national levels, too.

George, I think I can speak for all of us when I say that *we* haven't forgotten the days of the orange crates either. None of us has forgotten or will forget the enormous contribution you have made to your fellow workers, your community, and your land.

[From the Berkshire (Mass.) Eagle, Jan. 20, 1969]

GEORGE DIPALAZZO DIES—UNION, COMMUNITY LEADER

George V. DiPalazzo of 5 Arch St., business agent of IUE Local 255, the union for production and maintenance workers at General Electric Co. plants in Pittsfield, died yesterday at his home after a five-month illness. He was 47.

As business agent of the 5,000-member union, Mr. DiPalazzo headed one of the largest locals in the GE chain and the largest local union in Western Massachusetts.

He was Pittsfield's most respected labor leader and one of organized labor's most active civic workers. Civic, labor and industry officials today lauded his efforts for his union and community.

MANY TRIBUTES

Albert F. Litano, president of Local 255, issued the following statement: "Local 255 has lost one of the most militant and dedicated officers in its history. He will be missed by all of our members. May I, on behalf of the members of Local 255, extend our deepest sympathy to his wife and children."

Mayor Donald G. Butler: Pittsfield has lost its most respected citizen . . . Few men in our city's history have been so generous with their time, knowledge and devotion in their effort to make Pittsfield a better place in which to live. The mere fact that George was associated with a particular undertaking usually spelled success for the project. In spite of the tremendous respect in which he was held, he was most humble to the very end. The legacy which he has left to our city will probably never be matched, because men such as George just don't exist any more. Although his life was cut off in the midst of its usefulness, the remembrance of his virtues shall last until time shall be no more."

Richard L. Reinhardt, manager of relations and utilities for GE: "The death of George DiPalazzo is a loss to his family, to the union movement he served, to our community, and to his many friends here at GE and elsewhere. He was hardworking, honest and sincere. His approach was businesslike and thoughtful no matter what the cause. He will be missed by this community and by those of us who knew and respected him."

Arthur G. Melikan, GE union relations manager: "In every respect he was a man of high integrity and high purpose. He was a dedicated union leader and a true representative of the union membership. In my many years of association with him, I have always found him sincere and fair. We will miss him."

W. Rankin Furey, president, Urban Coalition: "I was shocked by George's death. I had hoped against hope for his recovery. As vice president of the Urban Coalition, we have missed him sorely in recent weeks. His loss will be serious, almost irreplaceable. For as a union leader, he was forward thinking and very sympathetic with all the problems of poverty and the underprivileged and racial and ethnic minority groups."

During the 13 years he had been a major officer of Local 255, Mr. DiPalazzo became one of the most important members of the IUE's contract negotiating committee with GE.

He announced last June that he would not seek re-election in the union's biennial election next spring. Although he did not announce his plans at that time, it was generally expected that he would stay in the union movement, probably with the IUE's GE Conference Board in New York.

Mr. DiPalazzo was born in Italy and came here at the age of 5. He graduated from Pittsfield High School in 1938, returned to take the vocational machine-shop course for two years, and joined GE in 1940 as an apprentice toolmaker. During World War II, he served in the Army Air Corps.

He joined Local 255 when he started with GE, was elected a shop steward in 1947 and held office in the local since then. In 1955 he was elected chief shop steward, the third ranking office in the local, and held that position until 1964 when he won the office of business agent, filling the vacancy created by the death of Arthur J. LaBlue.

In recent years, Mr. DiPalazzo had become one of the civic leaders of the community, serving as a trustee of Berkshire Community College and only last year being elected a vice president of the Pittsfield Urban Coalition.

WORKED FOR THE POOR

He had strong feelings about organized labor's social responsibilities to the community, especially to the poor, and made several unsuccessful attempts last year to have Local 255 participate more fully in the antipoverty program by donating use of its Woodlawn Avenue headquarters for one year to a neighborhood antipoverty agency.

In what was to be his final speech as a union leader, he formally dedicated the new IUE Local 255 hall on Tyler Street by renewing his call for union members and the union organization to work for the poor.

He urged the members to notice the "persistence of poverty in our land of plenty." And, sharing the blame for not being able to involve Local 255 more actively in the war against poverty, Mr. DiPalazzo said: "Unfortunately, we have not been able to convince many of our members to agree that we should use more of our financial and manpower resources to help out in these problems. If our leadership has failed, then we must redouble our efforts to communicate these ideas and programs."

His last public talk was Nov. 17 when an overflow crowd of more than 500 jammed the Itam Lodge for a testimonial dinner.

Under Mr. DiPalazzo's direction, Local 255 in 1966 developed a strong program of communications to its members during national contract negotiations with GE. Mr. DiPalazzo, who was a member of the national negotiations committee, contacted his office daily during the New York negotiations and dictated information for a daily bulletin.

ACTIVE IN CHURCH

In addition to his union and civic activities, Mr. DiPalazzo was one of the most active laymen in the affairs of his church, All Souls' Chapel in Lakewood. He was a former chairman of the Catholic Charities Drive in the church and belonged to the Holy Name Society.

He had been a director of Hillcrest Hospital, a member of the Berkshire Community College Advisory Board, a member of the Panel for Environmental Studies at Williams College and the Berkshire Mental Health Association, and a director of United Community Services.

Mr. DiPalazzo is survived by his wife, the former Anne Tosetti; two sons, James A., 17, and John G., 7; and a brother, Robert A. of Pittsfield.

Friends may call at the Bencivenga Funeral Home tonight from 7 to 9 and tomorrow from 2 to 4 and 7 to 9. The funeral will be Wednesday at 9 a.m. at All Souls' Chapel. The family has requested that in lieu of flowers, donations be made to All Souls' Chapel.

[From the Berkshire (Mass.) Eagle, Jan. 21, 1969]

GEORGE V. DIPALAZZO

As should have been clear from yesterday's tributes by union spokesmen, GE executives and civic leaders, George V. DiPalazzo was a very special labor leader indeed.

He was a highly respected business agent of IUE Local 255, the largest local union in Western Massachusetts. A conscientious worker, he knew union affairs through and through. When he attended a meeting, he came armed with facts. When he spoke, quietly but firmly, people listened.

This was not just because he told members what they wanted to hear. George DiPalazzo had high hopes for what the labor movement could achieve. When members failed to live up to those high hopes, he said so.

He carried the same concern into civic affairs. In many cities it is common practice to put a labor representative on civic agencies to round them out and convey the impression, at least, of spokesmen from all walks of life. But anyone who appointed George DiPalazzo got a working representative, not a figurehead. When he agreed to serve on a committee, he accepted the responsibilities that went with the appointment.

With a man of such sensitivity, it perhaps was natural that there should be disappointments. He suffered one such last year when he failed to persuade Local 255 members to approve his recommendation that the union's old headquarters on Woodlawn Avenue be given over to HOPE, the anti-poverty agency for the Morningside section. Characteristically, he shouldered the blame for what he considered the union's reluctance to fight for help for the poor and justice for the oppressed.

For as a student of organized labor, he took the long view. He understood how unionism had grown from its weak, fragmented beginnings into the powerful economic and political force of today; and he was worried by signs of complacency, reaction and racial discrimination within the movement.

Last September at the dedication of Local 255's new headquarters, he referred to the local's first headquarters above the Palace Theatre, where orange crates served as chairs.

"I hope we never forget our early orange-crate days," he said, "because a good local union needs dedicated members and officers more than it needs an expensive building."

George DiPalazzo knew what a union needs, and he knew that too dedicated and enlightened labor leaders are very rare. Today, sadly for all of us, there is one less.

JEFFERSON-WHITEHALL UNIT LEGISLATION

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. OLSEN. Mr. Speaker, today I am introducing legislation providing for construction of the Jefferson-Whitehall unit in western Montana. Because of the growing need for an adequate water supply for future Americans, I want to take this opportunity to share a few thoughts about the problems we face in the area of water conservation and the ways in which this project will help to alleviate our situation.

As I look upon the ravaged wastelands of this Nation, its polluted water streams, and the millions of acres that might be brought under cultivation, I am reminded of an early 19th century poet's lines concerning an ancient king whose crumbling statue and shattered visage looked out on nothing. For Shelly truly captured the spirit of that king's barren arrogance when he wrote:

> Nothing beside remains. Round the decay of that colossal wreck, boundless and bare the long and level sands stretch far away.

His dreams, if he had any, came to nothing. How different from the inspiring features of our great leaders carved in the granite of Mount Rushmore in South Dakota. These likenesses of Washington, Jefferson, Lincoln, and Teddy Roosevelt can only serve to remind us of their leadership and their compassion for their contemporaries and for all future generations.

Their dreams left us a blueprint for action. Not only did they expand the boundaries of America, they were also responsible for programs of conservation and reclamation that have resulted in the harnessing of our streams and the conversion of millions of acres of wilderness and arid land to fertile plains. Their example should give us strength as we face three major crises in our country today—population, food, and water. And water is the determining factor, for without this commodity, all else will wither and die.

I need not remind this body that a world population of 1 billion has tripled since the beginning of this century; that by the year 2000 another 3 billion will be added to the population now on earth.

In America, our current population of 190 million people will have expanded to 245 million by 1980 and will be approaching 400 million by the year 2000.

In the West, our population will grow from its present 45 million to more than 110 million by the beginning of the next century.

We can expect our food requirements to double, and our demand for water to triple before the turn of the century.

The President's Science Advisory Committee report on "The World Food Problem" reflects the challenge of these crises, when it stated in its report:

> The scale, severity, and duration of the world food problem are so great that a massive, long-range, innovative effort unprecedented in human history will be required to master it.

And to quote from Senator Moss' recent book, "The Water Crisis":

> Major Powell's dictum—that land use is limited by water availability—applies to the modern West as much as to the one he explored. Irrigation may give way proportionately to industry use of water, but population growth alone requires large additional supplies. For recreation, for agriculture, for industry, or just for personal use, water remains the key to a West of full value to the Nation.

I agree with his further observation that this Nation cannot permit its narrow margin of reserve in water supplies; that water management of the future must put people beyond nature's caprice.

Today we must think boldly and undertake projects to guarantee future generations an adequate water supply. Montanans and other westerners can see at first hand the fish and wildlife contributions made by a reclamation project in Washington's Columbia Basin development. Here water from the Columbia River has developed not only a rich irrigated area of a half million acres, but, in addition, it has developed scores of fishing and hunting areas where virtually no such facilities existed before. These areas contributed 1.7 million days of visitor use by sportsmen during 1966, and added 25 percent to the fish and wildlife harvest of the State.

Also in Washington, they can see the plans for the recently authorized Touchet division of the Bureau af Reclamation's Walla Walla project. Here water storage has been provided for minimum flows in 90 miles of the Touchet and Walla Walla Rivers, which will help restore runs of Coho and Chinook salmon which have been virtually extinct in these streams. These and other fishery benefits constitute 51 percent of the potential contributions of the project.

The great West alternately faces periods of severe flooding and severe drought. Floods inundate vast acres of land; leaving havoc and destruction in their wake. Periods of extreme drought parch the land and impair both agriculture and tourism, two of the West's principal industries.

But even between these two extremes, the West remains today largely a semiarid region, dependent on an uncertain nature. Thus, westerners who are guiding the growth of their area are determined that water, their most valuable resource, shall be conserved and utilized not only for human consumption, but also for adding value to wasteland by irrigation.

In our efforts to keep pace with the water demands of our great West, we have, since the Reclamation Act of 1902, maintained an effective partnership between State and Federal Governments. This has resulted in the building of dams, reservoirs, and distribution facilities over the past 50 or 60 years. It has also involved the planning of badly needed current facilities.

One project that has been under study for the past four decades by both the State of Montana and the Bureau of Reclamation is the Jefferson-Whitehall unit. In southwestern Montana the water resources of the upper tributaries of the Missouri are, for the most part, generally confined to eroded channels or steep-walled valleys that are remote from potential areas of use, and frequently rather inaccessible. A complex development plan is necessary to get some of this water out of its channels and transported to areas of actual or potential need and at the same time to retain enough water in the streams to sustain fish and wildlife.

Most of the streams involved are valuable for fishing, but Montanans prefer to use their beautiful streams for both fishing and water supply. Now that the studies have been completed, the Bureau of Reclamation has tentatively proposed a plan of development that will provide flood control protection, bolster the economy of a population-declining three-county area, and at the same time, provide improved fishing and wildlife opportunities for residents and visitors.

Now just what does the Jefferson-Whitehall unit propose to do for southwestern Montana?

First of all, it would create storage facilities for spring flood runoffs which, uncontrolled, can erode stream channels, make flowing streams turgid and roily, and cause damage to homes, roads, and agricultural lands. This project would bring flood control benefits estimated at $360,000 annually.

After the excess flows are stored, the water will be made available for multiple beneficial uses in a large area of western Montana. These potential uses include the irrigation of cropland, fish and wildlife enhancement, and public recreation. This pattern of converting a wasted resource to beneficial use has been applied in the arid and semiarid West for the past century, making large expanses of desertland green and living, creating economic prosperity in the irrigated cases and making increased fishing and water-oriented recreation possible for many thousands of residents and visitors every year.

The irrigation water from this proposed Montana project would be delivered to some 64,000 acres of fertile land in Madison, Jefferson, Silver Bow, Broadwater, and Lewis and Clark Counties, generally adjacent to the Big Hole, Jefferson, and Missouri Rivers and Canyon Ferry Lake. Nearly a third of this acreage is presently irrigated with an inadequate supply of water from tributaries of the Jefferson and Missouri Rivers. The rest is largely dry-farmed wheatlands, where seasonal and cyclical vagaries of the weather make farming uncertain and economically hazardous. Hence, the production of nearly a half million acres of surplus wheat will be replaced by feed grains, beets, potatoes, and livestock production.

Between 1950 and 1960, the total population of Broadwater, Jefferson, and Madison Counties decreased by approximately 5 percent, while the rural farm population in these counties declined by 37 percent. We can ill afford this loss.

Besides stabilizing and diversifying the farm production of this declining area, the Jefferson-Whitehall project would provide new economic opportunities in project area communities, both during the 10-year construction period and afterward. New farming opportunities would be created for about 135 farm families and about 80 farm laborers. Jobs in service and trade establishments would be created for about 200 persons, making a total population increase of about 1,200 people in the five-county area. This extra population and business activity would generate nearly $3 million annually in increased spendable income, and produce about $675,000 annually in Federal, State, and local tax revenue.

These project purposes would be achieved by the constructing of the proposed Reichle Dam and Reservoir on the Big Hole River; the offstream Milligan Dam and Reservoir, two diversion dams, the Jefferson and Townsend canals, more than 400 miles of supply and lateral canals, and necessary drainage works. Reichle Dam and Reservoir would be the principal storage and regulatory facility, with a storage capacity of 530,700 acre-feet of water. In addition to valuable flood control benefits, this reservoir would yield annually some 350,000 acre-feet of water—13.3 billion gallons—for irrigation, as well as recreation, and fish and wildlife sanctuaries.

Access roads, sanitation, parking, picnicking, camping, and boat launching facilities at Reichle and Milligan Reservoirs will be built at an investment cost of approximately $1 million, according to a National Park Service plan. Reichle Reservoir alone would provide about 10 square miles of boating, water skiing, and lake fishing, and 32 miles of shoreline.

I have urged the construction of the Jefferson-Whitehall project because it not only benefits the State of Montana but, more important, it is a link in the chain of many conservation projects that must be undertaken if the West is going to prove a suitable place for the masses in the next few years.

Where will 100 million additional people live? Should we not provide a suitable countryside for them, if they prefer the rural areas? Or are we going to repeat the mistake of forcing our masses into overcrowded cities? I believe our people should have a right of choice, and knowing westerners, it is not difficult for me to foresee their decisions to inhibit the more wide-open areas.

This Nation was founded on the inalienable right of our citizens to life and those common pursuits necessary to sustain life. This will call for millions of additional fruitful acres, for only in such manner can we provide abundant communities for future generations. The time has arrived for action.

We honor the wisdom of our great forebearers when we extend the work they inspired. Let us get on with the grand design before it is too late. Knowing what lies ahead, we should make no little plans.

AKRON, OHIO: PROPOSITION 14 REVISITED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. RARICK. Mr. Speaker, the U.S. Supreme Court has again shown its distrust of the people by denying them the right to govern themselves. By an 8-to-1 decision, the Court struck down a municipal charter amendment which prohibited the Akron city fathers from enacting an open housing statute unless it was first approved by a majority of the voters. The amendment further provided that a majority of the voters could in an election change the law.

Certainly the Akron charter amendment did not sound like some sinister plot to deny human dignity. To the contrary, it sounded more like an expression of self-determination by a self-governing people.

This same Court has often rendered opinions, talking of our citizens' having a guaranteed right to vote; but in their opinion they have again held that the voting right exists only if the people vote in such a manner as to please the unelected Federal judges. If, on the other hand, the people do not vote in accordance with the judges' social philosophy, their votes are to be merely thrown out as unconstitutional under some theory of bias or prejudice. In the final essence, only the judges' votes count—and their votes count more and are not equal to the peoples'. This can but be California's "Proposition 14" revisited.

Where under any theory of law or reason can the U.S. Supreme Court derive authority to deny American citizens the right to vote?

Some advocate home rule for the District of Columbia so its citizens can govern themselves by majority vote. Would home rule for the District give them an equal opportunity for self-government as is enjoyed by the citizens of Akron, Ohio—minority rule by nine unelected Judges?

Some shriek "constitutional crisis," and would demand hasty action to abolish the electoral college on a theory that they would be giving the people a popular vote for the Presidency. If there is a crisis today, it is not with the constitution, but with the Federal courts—judges who refuse to limit their powers and subdue their personal feelings.

Certainly even Federal judges can be as unfaithful to their oath as an unfaithful elector.

Mr. Speaker, there will be many versions and interpretations of the Akron housing opinion. I include a complete text of the Supreme Court opinion following my remarks:

[No. 63.—October Term, 1968]

Nellie Hunter, Appellant, *v.* Edward O. Erickson, Mayor of City of Akron, et al.

(On appeal from the Supreme Court of Ohio, January 20, 1969.)

Mr. Justice White delivered the opinion of the Court.

The question in this case is whether the City of Akron, Ohio, has denied its Negro citizen Nellie Hunter the equal protection of its laws by amending the city charter to prevent the city council from implementing any ordinance dealing with racial, religious, or ancestral discrimination in housing without the approval of the majority of the voters of Akron.

The Akron City Council in 1964 enacted a fair housing ordinance premised on a recognition of the social and economic losses to society which flow from substandard, ghetto housing and its tendency to breed discrimination and segregation contrary to the policy of the city to "assure equal opportunity to all persons to live in decent housing facilities regardless of race, color, religion, ancestry or national origin." Akron Ordinance No. 873–1964 § 1. A Commission on Equal Opportunity in Housing was established by the ordinance in the office of the Mayor to enforce the antidiscrimination sections of the ordinance through conciliation or persuasion if possible, but if not then "through such order as the facts warrant," based upon a hearing at which witnesses may be subpoenaed, and entitled to enforcement in the courts. Akron Ordinance No. 873–1964, as amended by Akron Ordinance No. 926–1964.

Seeking to invoke this machinery which had been established by the city for her benefit, Nellie Hunter addressed a complaint to the Commission asserting that a real estate agent had come to show her a list of houses for sale, but that on meeting Miss Hunter the agent "stated that she could not show me any of the houses on the list she had prepared for me because all of the owners had specified they did not wish their houses shown to Negroes." Miss Hunter's affidavit met with the reply that the fair housing ordinance was unavailable to her because the city charter had been amended to provide:

"Any ordinance enacted by the Council of The City of Akron which regulates the use, sale, advertisements, transfer, listing assignment, lease, sublease or financing of real property of any kind or of any interest therein on the basis of race, color, religion, national origin or ancestry must first be approved by a majority of the electors voting on the question at a regular or general election before said ordinance shall be effective. Any such ordinance in effect at the time of the adoption of this section shall cease to be effective until approved by the electors as provided herein." Akron City Charter § 137.

The proposal for the charter amendment had been placed on the ballot at a general election upon petition of more than 10% of Akron's voters, and the amendment had been duly passed by a majority.

Petitioner then brought an action in the Ohio courts on behalf of the municipality, herself, and all others similarly situated, to obtain a writ of mandamus requiring the Mayor to convene the Commission and to require the Commission and the Director of Law to enforce the fair housing ordinance and process her complaint. The trial court initially held the enforcement provisions of the fair housing ordinance invalid under state law, but the Supreme Court of Ohio reversed, *State ex rel. Hunter* v. *Erickson*, 6 Ohio St. 2d 130, 216 N. E. 2d 371 (1966). On remand, the trial court held that the fair housing ordinance was rendered ineffective by the charter amendment, and the Supreme Court of Ohio affirmed, holding that the charter amendment was not repugnant to the Equal Protection Clause of the Constitution.

Akron contends that this case has been rendered moot by the passage of the Civil Rights Act of 1968, Pub. L. 90–284, 82 Stat. 73, the decision of this Court in *Jones* v. *Alfred H. Mayer Co.*, 392 U.S. 409 (1968), and the passage of an Ohio Act of October 30, 1965, Ohio Rev. Code, Tit. 41, c. 4112. It is true that each of these events is related to open housing, but none of the legislation involved was intended to pre-empt local housing ordinances or provide rights and remedies which are effective substitutes for the Akron law.

The 1968 Civil Rights Act specifically preserves and defers to local fair housing laws,[1] and the 1866 Civil Rights Act[2] considered in *Jones* should be read together with the later statute on the same subject, *United States* v. *Stewart*, 311 U.S. 60, 64–65 (1940); *Talbot* v. *Seeman*, 1 Cranch 1, 34–35 (1801), so as not to pre-empt the local legislation which the far more detailed Act of 1968 so explicitly preserves. If the Ohio statute mooted the case, surely the Ohio Supreme Court would have so held when the validity of the Akron ordinance was twice before it after the Ohio statute was passed. Moreover, the sections of the Ohio law which are crucial here apply only to "commercial housing," and on any reading we can imagine do not apply to Miss Hunter's case,[3] though the Akron ordinance does. Finally, the case cannot be considered moot since the Akron ordinance provides an enforcement mechanism unmatched by either state or federal legislation. Unlike state or federal programs, the Akron ordinance brings local people together for conciliation and persuasion by and before a local tribunal. It is to precisely this sort of very localized solution to which Congress meant to defer. We therefore reject the contention that this case is moot.

Akron argues that this case is unlike *Reitman* v. *Mulkey*, 387 U.S. 369 (1967) in that here the city charter declares no right to discriminate in housing, authorizes and encourages no housing discrimination, and places no ban on the enactment of fair housing ordinances. But we need not rest on *Reitman* to decide this case. Here, unlike *Reitman*, there was an explicitly racial classification treating racial housing matters differently from other racial and housing matters.

By adding § 137 to its Charter the City of Akron, which unquestionably wields state power,[4] not only suspended the operation of the existing ordinance forbidding housing discrimination, but required the approval of the electors before any future ordinance could take effect.[5] Section 137 thus drew a distinction between those groups seeking the law's protection against racial, religious, or ancestral discriminations in the sale and rental of real estate and those who sought to regulate real property transactions in the pursuit of other ends. Those who sought, or would benefit from, most ordinances regulating the real property market remained subject to the general rule: the ordinance would become effective 30 days after passage by the City Council, or immediately if passed as an emergency measure, and would be subject to referendum only if 10% of the electors so requested by filing a proper and timely petition.[6] Passage by the Council sufficed unless the electors themselves invoked the general referendum provisions of the City Charter. But for those who sought protection against racial bias, the approval of the City Council was not enough. A referendum was required by charter at a general or regular election, without any provision for use of the expedited special election ordinarily available. The Akron Charter obviously made it substantially more difficult to secure enactment of ordinances subject to § 137.

Only laws to end housing discrimination based on "race, color, religion, national origin or ancestry" must run § 137's gauntlet. It is true that the section draws no distinctions among racial and religious groups. Negroes and whites, Jews and Catholics are all subject to the same requirements if there is housing discrimination against them which they wish to end. But § 137 nevertheless disadvantages those who would benefit from laws barring racial, religious, or ancestral discriminations as against those who would bar other discriminations or who would otherwise regulate the real estate market in their favor. The automatic referendum system does not reach housing discrimination on sexual or political grounds, or against those with children or dogs, nor does it affect tenants seeking more heat or better maintenance from landlords, nor those seeking rent control, urban renewal, public housing, or new building codes.

Moreover, although the law on its face treats Negro and white, Jew and gentile in an identical manner, the reality is that the law's impact falls on the minority. The majority needs no protection against discrimination and if it did, a referendum might be bothersome but no more than that. Like the law requiring specification of candidates' race on the ballot, *Anderson* v. *Martin*, 375 U. S. 399 (1964), § 137 places special burdens on racial minorities within the governmental process. This is no more permissible than denying them the vote, on an equal basis with others. Cf. *Gomillion* v. *Lightfoot*, 364 U. S. 339 (1960); *Reynolds* v. *Sims*, 377 U. S. 533 (1964); *Avery* v. *Midland County*, 390 U. S. 474 (1968). The preamble to the open housing ordinance which was suspended by § 137 recited that the population of Akron consists of "people of different race, color, religion, ancestry or national origin, many of whom live in circumscribed and segregated areas, under sub-standard, unhealthful, unsafe, unsanitary and overcrowded conditions, because of discrimination in the sale, lease, rental and financing of housing." Such was the situation in Akron. It is against this background that the referendum required by § 137 must be assessed.

Because the core of the Fourteenth Amendment is the prevention of meaningful and unjustified official distinctions based on race, *Slaughter-House Cases*, 16 Wall. 36, 71 (1873); *Strauder* v. *West Virginia*, 100 U. S. 303, 307–308 (1880); *Ex parte Virginia*, 100 U. S. 339, 344–345 (1880); *McLaughlin* v. *Florida*, 379 U. S. 184, 192 (1964); *Loving* v. *Virginia*, 388 U. S. 1, 10 (1968), racial classifications are "constitutionally suspect," *Bolling* v. *Sharpe*, 347 U. S. 497, 499 (1954), subject to the "most rigid scrutiny," *Korematsu* v. *United States*, 323 U. S. 214, 216 (1944). They "bear a far heavier burden of justification" than other classifications, *McLaughlin* v. *Florida*, 379 U. S. 184, 194 (1964).

We are unimpressed with any of the State's justifications for its discrimination. Characterizing it simply as a public decision to move slowly in the delicate area of race relations emphasizes the impact and burden of § 137, but does not justify it. The amendment was unnecesary either to implement a decision to go slowly or to allow the people of Akron to participate in that decision.[7] Likewise, insisting that a State may distribute legislative power as it desires and that the people may retain for themselves the power over certain subjects may generally be true, but these principles furnish no justification for a legislative structure which

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Footnotes at end of speech.

otherwise would violate the Fourteenth Amendment. Nor does the implementation of this change through popular referendum immunize it. *Lucas* v. *Colorado General Assembly*, 377 U.S. 713, 736–737 (1964). The sovereignty of the people is itself subject to those constitutional limitations which have been duly adopted and remain unrepealed. Even though Akron might have proceeded by majority vote at town meeting on all its municipal legislation, it has instead chosen a more complex system. Having done so, the State may no more disadvantage any particular group by making it more difficult to enact legislation in its behalf than it may dilute any person's vote or give any group a smaller representation than another of comparable size. Cf. *Reynolds* v. *Sims*, 377 U.S. 533 (1964); *Avery* v. *Midland County*, 390 U.S. 474 (1968).

We hold that § 137 discriminates against minorities, and constitutes a real substantial, and invidious denial of the equal protection of the laws.

Reversed.

Mr. JUSTICE HARLAN, whom Mr. JUSTICE STEWART joins, concurring.

At the outset, I think it well to sketch my constitutional approach to state statues which structure the internal governmental process and which are challenged under the Equal Protection Clause of the Fourteenth Amendment. For Equal Protection purposes, I believe that laws which define the powers of political institutions fall into two classes. First, a statute may have the clear purpose of making it more difficult for racial and religious minorities to further their political aims. Like any other statute which is discriminatory on its face, such a law cannot be permitted to stand unless it can be supported by state interests of the most weighty and substantial kind. *McLaughlin* v. *Florida*, 379 U.S. 184, 192 (1964).

Most laws which define the structure of political institutions, however, fall into a second class. They are designed with the aim of providing a just framework within which the diverse political groups in our society may fairly compete and are not enacted with the purpose of assisting one particular group in its struggle with its political opponents. Consider, for example, Akron's procedure which requires that almost any ordinance be submitted to a general referendum if 10% of the electorate signs an appropriate petition.[*] This rule obviously does not have the purpose of protecting one particular group to the detriment of all others. It will sometimes operate in favor of one faction; sometimes in favor of another. Akron has adopted the referendum system because its citizens believe that whenever an action of the City Council raises the emotional opposition of *any* significant group in the community, the people should have a right to decide the matter directly. Statutes of this type, which are grounded upon general democratic principle, do not violate the Equal Protection Clause simply because they occasionally operate to disadvantage Negro political interests. If a governmental institution is to be fair, one group cannot always be expected to win. If the Council's Fair Housing legislation were defeated at a referendum, Negroes would undoubtedly lose an important political battle, but they would not thereby be denied Equal Protection.

This same analysis applies to other institutions of government which are even more solidly rooted in our history than is the referendum. The existence of a bicameral legislature or an executive veto may on occasion make it more difficult for minorities to achieve favorable legislation; nevertheless, they may not be attacked on Equal Protection grounds since they are founded on neutral principles. Similarly, the rule which makes it relatively difficult to amend a state constitution is commonly justified on the theory that constitutional provisions should be more thoroughly scrutinized and more soberly considered than are simple statutory enactments. Here, too, Negroes may stand to gain by the rule if a Fair Housing law is made part of the constitution, or they may lose if the constitution adopts a position of strict neutrality on the question. See *Reitman* v. *Mulkey*, 387 U.S. 369, 389 (1967) (Dissenting opinion of HARLAN, J.). But even if Negroes are obliged to undertake the arduous task of amending the state constitution, they are not thereby denied Equal Protection. For the rule making constitutional amendment difficult is grounded in neutral principle.

In the case before us, however, the city of Akron has not attempted to allocate governmental power on the basis of any general principle. Here, we have a provision that has the clear purpose of making it more difficult for certain racial and religious minorities to achieve legislation that is in their interest. Since the Charter Amendment is discriminatory on its face, Akron must "bear a far heavier burden of justification" than is required in the normal case. *McLaughlin* v. *Florida*, 379 U.S. 184, 194 (1964). And Akron has failed to sustain this burden. The City's principal argument in support of the Charter Amendment relies on the undisputed fact that Fair Housing legislation may often be expected to raise the passions of the community to their highest pitch. It was not necessary, however, to pass this amendment in order to assure that particularly sensitive issues will ultimately be decided by the general electorate. Akron has already provided a procedure which is grounded in neutral principle, that requires a general referendum on this issue if 10% of the voters insist. If the prospect of Fair Housing legislation really arouses passionate opposition, the voters will have the final say. Consequently, the Charter Amendment will have its real impact only when fair housing does *not* arouse extraordinary controversy. This being the case, I can perceive no legitimate state interest which in any degree vindicates the action taken by the City here.

As I read the Court's opinion to be entirely consistent with the basic principles which I believe control this case, I join in it.

Mr. JUSTICE BLACK, dissenting.

Section 10, Art. I, of the Constitution provides, among other things, that "No State shall . . . pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts . . ." But there is no constitutional provision anywhere which bars any State from repealing any law on any subject at any time it pleases. Although the Court denies the fact, I read its opinion as holding that a city that "wields state power" is barred from repealing an existing ordinance that forbids discrimination in the sale, lease, or financing of real property "on the basis of race, color, religion, national origin or ancestry . . ." The result of what the Court does is precisely as though it had commanded the State by mandamus or injunction to keep on its books and enforce what the Court favors as a fair housing law.

The Court purports to find its power to forbid the city to repeal its laws in the provision of the Fourteenth Amendment forbidding a State to "deny to any person within its jurisdiction the equal protection of the laws." For some time I have been filing my protests against the Court's use of the Due Process Clause to strike down state laws that shock the Court's conscience, offend the Court's sense of what it considers to be "fair" or "fundamental" or "arbitrary" or "contrary to the beliefs of the English-speaking people." I now protest just as vigorously against use of the Equal Protection Clause to bar States from repealing laws that the Court wants the States to retain. Of course the Court under the ruling of *Marbury* v. *Madison*, 1 Cranch 137 (1803), has power to invalidate state laws that discriminate on account of race. But it does not have power to put roadblocks to prevent States from repealing these laws. Here, I think the Court needs to control itself, and not, as it is doing, encroach on the States' powers to repeal its old laws when it decides to do so.

Another argument used by the Court supposed to support its holding is that we have in a number of our cases supported the right to vote without discrimination. And we have. But in no one of them have we held that a State is without power to repeal its own laws when convinced by experience that a law is not serving a useful purpose. Moreover, it is the Court's opinion here that casts aspersions upon the right of citizens to vote. I say that for this reason. Akron's repealing law here held unconstitutional, provides that an ordinance in the fair housing field in Akron "must first be approved by a majority of the electors voting on the question at a regular or general election before said ordinance shall be effective." The Court uses this granted right of the people to vote on this important legislation as a key argument for holding that the repealer denies equal protection to Negroes. Just consider that for a moment. In this Government, which we boast is "of the people, for the people and by the people," conditioning the enactment of a law on a majority vote of the people condemns that law as unconstitutional in the eyes of the Court! There may have been other state laws held unconstitutional in the past on grounds that they are equally as fallacious and undemocratic as those the Court relies on today, but if so I do not recall such cases at the moment. It is time, I think, to recall that the Equal Protection Clause does not empower this Court to decide what state ordinances or laws a State may repeal. I would not strike down this repealing ordinance.

FOOTNOTES

[1] Nothing in the federal statute is to be construed "to invalidate or limit any law of a State or political subdivision of a State" giving similar housing rights, and deference is to be given to local enforcement. Civil Rights Act of 1968, Tit. VIII, §§ 815, 810(c), 82 Stat. 73, 89, 86.

[2] "All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property." C. 31, § 1, 14 Stat. 27, as amended, 42 U.S.C. § 1982.

[3] The Ohio statute makes it unlawful for "any person" to "[r]efuse to sell . . . or otherwise deny or withhold *commercial* housing from any person because of the race [or] color" of the prospective owner. 41 Ohio Rev. Code §§ 4112.02(H) and 4112.02(H) (1) (1965) (emphasis added). "Commercial housing" is defined to exclude "any personal residence offered for sale or rent by the owner or by his broker, salesman, agent, or employee." 41 Ohio Rev. Code § 4112.01(K) (1965). The statute makes it unlawful to "[p]rint, publish, or circulate any statement or advertisement relating to the sale [of a] . . . personal residence . . . which indicates any preference, limitation, specification, or discrimination based upon race. . . ." Since Miss Hunter does not seek commercial housing, or complain of the affront to her sensibilities of hearing a "circulated" statement (if the Ohio statute goes that far) she cannot obtain the relief she seeks under the Ohio statute.

[4] See, *e.g.*, *Evans* v. *Newton*, 382 U.S. 296 (1966); *Burton* v. *Wilmington Parking Authority*, 365 U.S. 715 (1961); *Shelley* v. *Kraemer*, 334 U.S. 1 (1948).

[5] Thus we do not hold that mere repeal of an existing ordinance violates the Fourteenth Amendment.

[6] Ordinances may be initiated through a petition signed by 7% of the voters, and the city charter may be amended or measures enacted by the council repealed through a

referendum which may be obtained on petition of 10% of the voters.

[7] The people of Akron had the power to initiate legislation, or to review council decisions, even before § 137. See n. 6, *supra*. The procedural prerequisites for this popular action are perfectly reasonable, as the gathering of 10% of the voters' signatures in the course of passing § 137 illustrates.

[8] Section 25 of Akron's City Charter exempts the following ordinances from the referendum procedure:

"(a) Annual appropriation ordinances. (b) Ordinances or resolutions providing for the approval or disapproval of appointments or removals made by Council. (c) Actions by Council on the approval of official bonds. (d) Ordinances or resolutions providing for the submission of any proposition to the vote of the electors. (e) Ordinances providing for street improvements petitioned for by owners of a majority of the feet front of the property benefited and to be specially assessed for the cost thereof."

It is not suggested that any of these exceptions were made with the purpose of disadvantaging Negro political interests.

I'M FOR THE UPPER DOG

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. TEAGUE of Texas. Mr. Speaker, during the recent adjournment of the Congress a friend of mine forwarded to me a copy of a speech given by a Rotarian at an annual conference in April of 1968 which I felt I should share with my colleagues in the House. It follows:

I'M FOR THE UPPER DOG

(An address given by Bob Choate, Elyria Rotary Club, at the noon luncheon, April 20, 1968)

I suspect that most of you in this room are not too different from me. You've had ten, twenty, thirty, perhaps 40 years in Rotary. You're a Rotarian because you believe in what the organization stands for, and life has taught you that the Four-Way Test is just good business.

You've been active in Boy Scouts, in the YMCA, in the Chamber of Commerce, in the hospital, in your church. You've manned the kettles at Christmas time for the Salvation Army, and you've worked on the War on Poverty Committee in your community.

You've been, and you are "Joe Good Citizen."

And so have I, but I'm having some second thoughts.

I'm still for the YMCA, the Salvation Army, the Center for Sightless, the March of Dimes, and I shall continue to work for them to the best of my ability—with qualifications.

I am going to have to look at the recipients of my efforts and my money, and say, "Just a minute buddy, what have *you* done for *me* today?"

Let me hasten to make myself clear. I do not expect the boy being helped by my Big Brother membership in the YMCA to come mow my lawn, or even buy his shirt in my store.

I don't expect the school drop out that I am trying to help through my involvement in the War on Poverty to come around to my shop and offer to sweep the floor or wash the windows.

I'm not looking for the gal whom the Salvation Army saw through her period of motherhood, to show up at our house and offer to do the dishes. Far from it.

What I want is that boy from the YMCA Summer Camp, who got in free so far as he was concerned, and the high school drop out who got a second chance under the War on Poverty program, and the unwed mother whose burden in part was accepted by the Salvation Army, to look around and say,

"Thank God for America."

I don't want them to thank me, and I don't want them to do anything for me. I do want them to take a good hard look, and to realize that, underprivileged they may be; unfortunate they may be; abused they may be; none-the-less, no other nation under the face of the sun has tried to rectify wrongs as has this one. No other nation has poured out its heart and soul in the doctrine of the second chance as have we. No other nation has given so much and asked so little in return.

And only one thing makes this possible. You.

You, the upper dog.

You the privileged.

You the fortunate.

You who worked 16 hours a day when it was necessary and gambled your life and your earnings that you could be a success.

You, who accepted the burden of the community and on top of every other obligation that was piled on your shoulders, willingly took on one more. You, the upper dog. I'm for you.

I was deeply distraught and still am at the godless, senseless, brutal slaying of Dr. Martin Luther King. I am irrevocably opposed to these men, white or black, who think problems can be solved by threats, by reprisals, by murder, by revenge.

Whether or not I agree with Martin Luther King is of no consequence. He had the right to life, liberty, and the pursuit, not of happiness, but of an inspired goal. The fool who cut him down deserves no mercy from society.

But with all of this goes a corollary. I am fed up to the gills with the publicity given the H. Rap Browns, the Leroy Jones, the Adam Clayton Powells, the draft card burners, the acid heads and all their ilk, be they green, blue, black, white, or just plain yellow.

I am sick of the false aura of grandeur that we have permitted these people to assume through the medium of excess publicity.

I'll be a whole lot more impressed with their civil liberties when I see them being more civil and taking fewer liberties.

Every time one of these public bleeders climbs up on his soap box and berates the United States, our laws, our courts, our enforcement, our economy, he is doing it with my money.

My taxes make it possible for him to exist without visible means of support.

My obedience to the law makes it possible for him to flaunt it.

The willingness of others to serve under arms makes this country safe for him to point with scorn and burn his draft card.

I hold no brief for wrong in high places. I subscribe wholeheartedly to the doctrine of change. I know that growth is one of the inexorable laws of life. Grow or die.

But, I do not subscribe for one moment to the theory that every cockeyed nut, confused in economics, bewildered in politics, and pinked by "pie in the sky" has the right to tear down the government under which we live by whatever means he may see fit.

I don't believe that the man who never met a payroll can tell me how to meet mine. I have a growing suspicion that, in all too many instances, the proverbial under dog is content and happy with his lot. He willingly assumes the title "inferior" as an easy escape from responsibility. He capitalizes on "under dog" to his benefit and your detriment. I'm for the upper dog.

I have no quarrel with the wild-eyed as such. Society needs them. Much of progress is the result of men who cannot stay within conventional bounds. What in one generation is anarchy, in the next is looked back upon as the first stirrings of advance. Fine. I buy all of that.

What I do not buy is making a hero out of every stumble bum that comes down the pike waving his own particular flag and to hell with everything else.

Some of this "everything else" means a great deal to me. That I can read, or study, or work, as I wish; that I can worship or refuse to; that I can vote for or against without coercion; that I am the beneficiary of generations who found this "everything else" to be worth struggling and dying for. These mean a great deal to me.

So I'm middle class, I'm bourgeois, one of the unenlightened. Fine. Just quit using my money. You make your way on your own and let me do the same. You be for the under dog.

As for me, I'm for the upper dog. As President Upton said, "I'm for the one who sets out to do something and does it."

"I'm for the one who recognizes the problems at hand and endeavors to deal with them."

"I'm for the one who isn't blaming someone else for his failings."

"I'm for the one who doesn't consider it 'square' to wonder what more he can do, instead of how little."

Whether privileged or under privileged, each of us must be judged on what he does with what he has.

This nation was founded in justice, in tolerance, in honesty, in understanding, in faith, in work. We live by law, or we die for lack of it.

I'm for the man who subscribes to this. I'm for the upper dog.

I'm for you.

INEQUITABLE IMMIGRATION SITUATIONS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. KOCH. Mr. Speaker, on January 16, I was pleased to join with my distinguished colleague from New York (Mr. RYAN), in cosponsoring legislation to correct the inequitable immigration situations arising from the 1965 Immigration and Nationality Act.

With the transition from a quota to a preference system, countries which have traditionally contributed large numbers of immigrants are now experiencing a decline of overwhelming proportions. The country hardest hit by the revision is Ireland, which averaged 7,000 immigrants annually prior to the change. In 1965 and 1966, this rate dropped to nearly 25 percent and the full impact of the act reduced this figure even further.

Under the provisions of the bill, any country whose immigration has dropped below 75 percent of its yearly average during the 10-year base period 1956–65, would be allocated additional spaces sufficient to raise its total to this 75 percent figure. The annual allotment would not exceed 10,000, and countries whose immigration rate increased would not be affected. It is estimated that in about 10 years, the preference system should equalize sufficiently so as not to require this emergency measure.

SENATE—*Friday, January 24, 1969*

(Legislative day of Friday, January 10, 1969)

The Senate met at 12 meridian, on the expiration of the recess, and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are hid: cleanse the thoughts of our hearts by the inspiration of Thy holy spirit, that we may perfectly love Thee and worthily magnify Thy holy name.

Accept, O Lord, this day the love of our hearts, the thoughts of our minds, the speech of our lips, and the service of our hands that when evening comes we may have the knowledge of some good work completed, duty faithfully fulfilled, and the serenity of soul which is Thy gift to those who follow Thee in spirit and in truth.

In Thy holy name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, January 23, 1969, be approved.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Foreign Relations.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of executive business, for the purpose of considering nominations on the calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The VICE PRESIDENT. The nominations on the Executive Calendar will be stated.

U.S. AIR FORCE

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

U.S. ARMY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—AIR FORCE, ARMY, AND NAVY

The assistant legislative clerk proceeded to read sundry nominations in the Air Force, the Army, and the Navy, which had been placed on the Secretary's desk.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. KENNEDY. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

CLARK CLIFFORD—AMERICA'S FUTURE

Mr. SYMINGTON. Mr. President, an article by Henry Gemmill in today's Wall Street Journal, "Henry Kissinger Looms as Dominant Adviser in Foreign Policy Field," includes the following:

> When Clark Clifford became Lyndon Johnson's Secretary of Defense, he was clearly identified as a powerful Presidential crony and a mighty Vietnam hawk. Then, as he grappled with facts of the war, he found his own mind changing; he became the ardent peace-seeker who swayed the President slowly and partially, while suffering erosion of his intimacy with the President.

After less than a year as Secretary of Defense, Mr. Clifford has now retired, in typical quiet fashion, to private life.

Some day, when the truth is written about this period in our history, the contribution of this superb public servant will become known; and it will be clear that no citizen of recent years has made a greater contribution to the welfare of his country.

Clifford not only had the vision, but also the courage, to work to bring this tragic war to an end; and the recent commencement of substantive talks in Paris would seem a fitting reward for his efforts.

It is my belief that he would have also had the wisdom and the courage to choose only those weapons systems actually necessary for the security of the well-being of this Nation.

Those of us who know him, know also that he would have been sure to satisfy himself that the threats presented as justification for the tens of billions of dollars needed for certain new weapons systems were real threats; and his subsequent decisions would have made more dollars available to handle those problems at home which must be faced in many fields if the well-being of our Nation is to continue.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield.

Mr. KENNEDY. Mr. President, I wish to associate myself with the comments of the distinguished Senator from Missouri.

I know of the great respect that President John Kennedy had for the distinguished former Secretary of Defense, Mr. Clark Clifford. Mr. Clifford was charged with the responsibility, in 1960, for making recommendations to President Kennedy with regard to the transition from President Eisenhower's administration to that of President Kennedy.

I share the confidence and respect that President Kennedy had for Mr. Clifford. All the members of our family have enjoyed a very warm personal relationship with the Secretary. Not only is he respected as an individual, but I believe that all Americans realize that he has served our country with great distinction and great credit.

As one who at times has expressed reservations about policy, and who also has made some suggestions, together with many other people, about trying to seek a just and lasting peace in Southeast Asia, I believe Secretary Clifford has worked in a most extraordinary way toward peace, and I think all America is in his debt.

I commend the Senator from Missouri in bringing this matter to the attention of the Senate, and once again, let me say that I wish to associate myself with them.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to the distinguished majority leader; but before doing so, I thank the able assistant majority leader for his kind and constructive remarks about the accomplishments of a great public servant.

I know Mr. Clifford will be especially grateful for the remarks of the assistant majority leader because of the former's devotion to President Kennedy and because of the stature the assistant majority leader has in this body and in the country.

I yield to the able majority leader.

Mr. **MANSFIELD**. Mr. President, I wish to join the assistant majority leader in extolling the record made by Secretary of Defense Clark Clifford during the months that he occupied that most prestigious, difficult, and demanding office.

I think I can speak on a firsthand basis and say that Secretary Clifford had a great deal to do in keeping the war in Vietnam from expanding into Cambodia, Laos, and perhaps North Vietnam; that he conducted the affairs of his office with distinction, dignity, and understanding; and that, in my opinion, despite the short duration of his tenure, he will go down as one of the great Secretaries of Defense.

I commend the Senator from Missouri for the statement he has made this morning.

Mr. **SYMINGTON**. I thank the able majority leader and know that Mr. Clifford, who has left the service of his Government, will be very grateful that these leaders of the Senate have expressed their approval of his tenure of office in this fashion.

Mr. President, I note an editorial in the Washington Star of this afternoon, entitled "Clifford's Valediction." The first paragraph of that editorial reads as follows:

> There is a three-course dinner for thought in Clark Clifford's first and final "posture" statement on the Pentagon's view of the world military situation. The interest is compounded by the Soviet offer for disarmament negotiations that greeted the Nixon administration as it assumed office.

The last paragraph of the editorial reads:

> Both nations need relief from the economic burden of another upward spiral of the arms race. The world needs some lifting of the oppressive nuclear cloud that presently covers its horizon. This period of change and of renewed beginning may be the best opportunity for real progress.

Mr. President, all thoughtful Americans would agree with those observations. I ask unanimous consent that the editorial in question be inserted in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CLIFFORD'S VALEDICTION

There is a three-course dinner for thought in Clark Clifford's first and final "posture" statement on the Pentagon's view of the world military situation. The interest is compounded by the Soviet offer for disarmament negotiations that greeted the Nixon administration as it assumed office.

By the end of 1969, Clifford said, the U.S. missile superiority will have eroded. The Soviets will have caught up. Both sides will have more than 1,000 ICBMs, ready to fire from protected, underground shelters. In addition, he said, the USSR is "moving vigorously" to catch the United States in sea-based missiles.

It was not Clifford's purpose to throw a scare into the American public with his revelation that the missile gap is closing.

The outgoing secretary's point was that the United States and Russia both have a hard choice to make. They must either move into a new and limitless round of arms development. Or they can try to negotiate a limit to the costly and deadly madness.

The Soviets have greeted the new administration with an offer to talk about all aspects of disarmament, including intercontinental missiles and anti-missile systems. "When the Nixon government is ready to sit down at the negotiating table, we are ready," a Kremlin spokesman said.

There should be no delay. The first order of business should be the prompt ratification of the non-proliferation treaty. And as soon as it can possibly be arranged, the United States should press, with all appropriate caution, for full-scale arms talks with the Soviets.

Both nations need relief from the economic burden of another upward spiral of the arms race. The world needs some lifting of the oppressive nuclear cloud that presently covers its horizon. This period of change and of renewed beginning may be the best opportunity for real progress.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. **KENNEDY**. Mr. President, I ask unanimous consent that a brief period be allowed for the transaction of routine morning business today, with a limitation of 3 minutes on statements therein.

The **VICE PRESIDENT**. Without objection, it is so ordered.

LET US HOPE FOR THE BEST

Mr. **YOUNG** of Ohio. Mr. President, obviously President Nixon made a mistake in nominating Gov. Walter Hickel of Alaska to be Secretary of the Interior. Secretary Hickel would probably have been confirmed without question had he been nominated to almost any other Cabinet post, for example, Secretary of Transportation or Secretary of Commerce. Also, President Nixon's appointment of Henry Cabot Lodge to leadership in the peace discussions proceeding in Paris, replacing Averell Harriman, appeared somewhat startling. Lodge, as U.S. Ambassador to Saigon, was an outspoken exponent of bringing in hundreds of thousands of more men of our Armed Forces in addition to the hundreds of thousands already there. Furthermore, he has all along favored escalation and more bombing of north Vietnam and even favored bombing the populated cities of Haiphong and Hanoi.

Ambassador Lodge throughout recent years has invariably catered to Vice President Ky and has, in fact, yielded deference and devotion to this tinhorn, self-appointed air marshal of the South Vietnam Air Force and has been subservient to him at all times throughout recent years—in fact, recent months. I talked personally with Vice President Ky during my 3-week factfinding visit in South Vietnam, Thailand, and Laos. I take a dim view of this fellow who said Adolf Hitler was his hero. Except for our CIA and Armed Forces in Vietnam, he would not hold his present office.

Apparently, Averell Harriman who is a great diplomat and an accomplished negotiator was very close to achieving a ceasefire and an armistice in Vietnam and had accomplished an agreement that the National Liberation Front of South Vietnam, whose soldiers are termed the VC, was to have full representation at the peace conference table in Paris the same as the present Saigon militarist regime. The arrangement finally agreed to was that the NLF, or VC, the United States, the Saigon militarist government representatives and the Hanoi delegates were to be seated around the huge round table which would be unmarked by symbols. Preliminary negotiations, quarrels, Ky's denunciation of Defense Secretary Clark Clifford, Ky's insulting remarks when he left Paris in a huff suggesting the United States get out of Vietnam—all are now behind us due to Ambassador Harriman's patience and diplomacy.

In that regard, Mr. President, Clark Clifford was a great Secretary of Defense. I join with my colleagues who a few minutes ago lauded his fine record as Secretary of Defense—a record he established in a short period of time in that high office.

Mr. President, in the short time that Clark Clifford served as Secretary of Defense he made a fine record.

Delegates of Hanoi, Saigon, the VC or National Liberation Front and the United States are now ready to negotiate on substantive matters and to bring an end to the fighting, bombing, and terrorism in Vietnam and achieve an armistice and cease-fire.

Unless Ambassador Lodge has drastically changed his expressed views made in recent months, there is reason now to fear the worst—that instead of deescalating the war and halting the bombing both north and south of the 17th parallel the war will proceed more bitterly. Let us hope that Henry Cabot Lodge has changed his tune and outlook. Otherwise his appointment appears to be a catastrophe.

Also, let us hold our judgments in reserve regarding the appointments of Representative Melvin R. Laird as Secretary of Defense, and David Packard as Under Secretary of Defense. I voted in favor of their confirmation in the Committee on Armed Services and in the Senate.

Unfortunately, but very definitely, these two men appear to be exponents of all the policies favored by the huge military-industrial complex against which President Eisenhower warned the American people in his final statement to the American people before leaving the White House.

Secretary of Defense Melvin R. Laird has been an outstanding Representative in the Congress. He is personable and tactful, a man of integrity and achievement in private and public life. Also, he is extremely knowledgeable. Let us hope, therefore, that as Secretary of Defense he will at all times manifest his determination in dealing with the generals of our Joint Chiefs of Staff to uphold the sacred principles written in the Constitution of the United States that in our Nation civilian authority must always be supreme over the military and over military authority.

COMMITTEE MEETING DURING SENATE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Constitutional Amendments of the Committee on the Judiciary be permitted to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

AMBASSADOR HENRY CABOT LODGE

Mr. SCOTT. Mr. President, I have known Ambassador and former Senator Henry Cabot Lodge for more than 20 years, and I would like to observe that his services in the Armed Forces with the Tank Corps in North Africa, his services in the Senate, and his services as an Ambassador have been marked by distinction and by loyalty to the administration which he served without respect to party.

While it is legitimate that men may dissent regarding the policies to be pursued in Asia, I think it remains clear that Ambassador Lodge loyally and faithfully carried out the policies of the Johnson administration. By being asked to return from his post as Ambassador to West Germany to take an important and leading part in the Paris talks, which we hope will lead to peaceful solutions, Ambassador Lodge can be expected once more to loyally and faithfully carry out the policies of the Nixon administration. These policies may in some areas agree and in some areas disagree with the policies of the Johnson administration regarding the Asian war. But whatever happens I am sure we have in Ambassador Lodge a most distinguished, a highly competent, and much-respected public servant.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may be permitted to proceed for 10 minutes in the morning hour.

The VICE PRESIDENT. Without objection, it is so ordered.

NIXON ECONOMIC ADVICE OFF TO A GOOD START

Mr. PROXMIRE. Mr. President, one of the favorite guessing games around the country these days revolves around the question of what kind of economic policy the new Nixon administration will pursue. Will it act swiftly and decisively to stem inflation? Will it put a high priority on continued economic growth? How sensitive will it be to an increase in unemployment? And, how decisively will it act to stop such an increase if it begins to grow? Assuming inflation continues and unemployment also begins to develop, which problem will receive the principal attention?

Every Member of Congress knows that these could be the big political questions as well as the major economic questions for this administration and for the country in the next few years.

For this reason the views of Chairman Paul McCracken, of the Council of Economic Advisers, and President Nixon's principal economic adviser, take on special importance.

Mr. McCracken and his Council, together with the rest of the Nixon administration's first economic team, will come before the Joint Economic Committee next month for a number of days of comprehensive interrogation.

This morning's New York Times provides an interesting preview of the kind of economic advice Mr. McCracken will be giving President Nixon. The Times interrogated Mr. McCracken at length and publishes excerpts from its interrogation in today's edition.

Frankly, I was impressed by the responses of Chairman McCracken. It is clear that he will counsel a moderate and thoughtful approach to our economic problems. He opposes sudden, drastic action by the Government to counteract changes in statistical series that may be temporary. He favors a gradual approach that will bring price inflation under control without stemming economic growth and without a substantial increase in unemployment.

Of course, this general intention of Mr. McCracken may not be the policy President Nixon chooses to follow. And if he does follow it, the execution may be inept.

But, on the basis of this interview, it is my conclusion, Mr. President, that Chairman McCracken and the new President may be off to a good economic start.

Certainly all of us wish them well. The well-being of all Americans as well as the national strength and power of this country depend on our economic success.

I ask unanimous consent that the article in this morning's New York Times reporting the McCracken interview be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

McCRACKEN HAILS ECONOMY'S TREND—CALLS SURPLUS IN JOHNSON'S FINAL BUDGET RIGHT MOVE TO HELP CONTROL INFLATION

(By Eileen Shanahan)

WASHINGTON, January 23.—The man who will head President Nixon's Council of Economic Advisors believes that the basic economic policy of the Government—after some serious mistakes—has been left heading in the right direction by the Johnson Administration.

Paul W. McCracken, who will officially become council chairman as soon as his nomination is approved by the Senate, expressed this view in an interview with staff members of The New York Times.

The interview took place in the Washington office of the Times on Jan. 9. Mr. McCracken last Tuesday authorized the publication of his remarks.

Although the interview took place before the publication of President Johnson's final budget which projected a surplus of $3.4-billion, Mr. McCracken cited a surplus of about that size as the proper one for the budget in the coming fiscal year.

Mr. McCracken said that such a budget surplus was the right policy to begin bringing inflation under control if it was coupled with the proper degree of credit restraint on the part of the Federal Reserve System.

Mr. McCracken described the proper Federal Reserve posture as a "lesser rate of monetary expansion" than prevailed in 1968, but "not contraction."

He said that monetary policy appeared to be on this course but that he was not certain it could be kept there and that the situation must be watched.

Even if the Federal Reserve were to pursue what he believed to be wrong policies, he does not believe it should be denied its traditional independence from Administration control, Mr. McCracken said. At least, he added, this is what he has believed in recent years.

Mr. McCracken, who served as a member of the Council of Economic Advisers from 1956 to 1959 and has just left an economics professorship at the University of Michigan, said that his views on this issue "shift a bit, depending upon whether I am an academic or in Washington."

"Back in the mid-fifties," he said, "I began to think that the Federal Reserve ought to be under the Administration. As I look back over the last 10 years, I find the mistakes have not been inherent in the organizational structure.

"The Administration and the Federal Reserve, I think, have to be in close communication. They have to be in a position to explain what they are doing, and the Administration has to be in a position to explain what it thinks ought to be done."

KEY PROBLEMS GIVEN

Mr. McCracken said that he believed the most important economic problems before the nation were bringing inflation under control without causing unacceptably high levels of unemployment, bringing the balance of international payments more securely into surplus and "bringing the disadvantaged groups into the mainstream of national life."

He warned, however, against what he called "economic hypochondriacs"—Government officials with excessive concern over every small "wiggle" in the business statistics, and attempts to offset such small trends. That kind of policy, he said, can produce a "careening course" for the economy.

On other issues, Mr. McCracken said:

"Interest rates do not have to be so high as they are now, although he sees forces in the economy that will tend to keep them somewhat higher than their long-term historical levels. Among these forces are the enormous demand for capital from the housing industry to support a needed level of home construction of one and three-quarter million to two million annually in the near future.

"President Kennedy's proposal to give the President authority to change tax rates with narrow limits—for purposes of stimulating or restraining the economy—is politically impractical. But he finds interesting an idea recently put forth by his colleague-to-be on the council, Herbert Stein, that the President should annually recommend a tax surcharge, which might be either negative or positive and Congress should then review and act on the recommendation."

Mr. McCracken sees the period ahead as a difficult one for economic policy, in part because he thinks it is harder to cope with inflation than with the underemployment that the Democrats faced when they came into office in 1961.

He said, in fact, that he believes there may be some sort of "malevolent law" that puts Republicans in power at times "when it is hard to be a hero."

INTERVIEW EXCERPTS

Q. How do you feel about the particular visibility of the council during the Johnson

Administration, namely its confrontations with industry on pricing situations?

A. I think it might be as well to see less of that. I have never been persuaded myself of the anti-inflationary productivity per man hour of high-level people spending their time on telephones.

Q. You are not sure of the value of the private arm-twisting then, as well as the public denunciations?

A. I realize at times you get drawn into these things. But in general I think high-level man hours might better be spent on matters more fundamental to the problem. It is very easy when you see a price or wage adjustment to say that the people who made those decisions are responsible for the inflation—without raising the question as to what created the environment which produced those decisions.

Q. What do you think of the wage-price guideposts?

A. The difficulty is that when you start really to need the guideposts, then you are not sure what the arithmetic is. Take this past year. The price level has gone up 4 to 5 per cent. Should Washington say wage rates now ought to go up 8 per cent, 5 per cent, 5 per cent for the price rise and 3 per cent for real? But nobody will say that.

[President Johnson's] Cabinet Committee on Price Stability suggested rolling it back part way, taking account of just part of the price increase. But what does this mean to a specific union or a specific company?

CHIEF ECONOMIC PROBLEMS

Q. What do you view as the chief economic problems that you should assign top priority to as you come to Washington?

A. One is the problem of how you cool down this inflationary economy without at the same time tripping off unacceptably high levels of unemployment. In other words, if the only thing we want to do is cool off the inflation, it could be done. But our social tolerances on unemployment are narrow.

Q. Is there a tolerable level of unemployment?

A. I think the tolerable level is probably zero. That is, so long as there is unemployment, this is going to be an issue because there is unfinished business here. On the other hand, I don't think there is any steady-state relationship between the price level and unemployment.

I do find myself impressed, however, with this—that [from 1958] to about 1965, the rise in the price level was minimal and we got some decline in unemployment. But after 1965, the successive reductions in unemployment per point rise of the cost of living index have been rather small.

Q. That suggests that you begin getting real inflation when you begin getting below 4 per cent unemployment.

A. Our experience this time would suggest that somewhere in that zone, price-cost pressures intensify.

Q. We are now at the lowest point of unemployment since the Korean war, 3.3 per cent. Doesn't that give you some room to let it rise a little bit without causing some grave social problem and a huge political outcry?

A. I am no expert in the political dimensions of these matters. I suspect if the unemployment rate rose from 3.3 per cent up toward 4, there would be political flak. At the same time, the inflationary situation has become rather serious in this country.

Getting back to your original question, another problem is the external problem, the balance of payments. The overheated domestic economy has also played a major role in the deterioration of our external payments.

You look at the relationship between the rate of increase in imports and the rate of increase in gross national product and you will find that at about the 5 to 6 per cent rate of increase for the gross national product, which is, roughly a kind of noninflationary rate, you get about the same rate of increase in imports. But you let the rate of increase in G.N.P. go up to 8 to 10 per cent and the "normal" relationship is to have imports rising at the rate of 15 to 18 per cent per year.

There is no mystery about it, of course. In a large economy where imports are fairly small, if you overheat the domestic economy, the spillover of demand creates a high leverage on imports.

FURTHER FISCAL ACTIONS

The third major problem is, of course, the whole continuing problem of bringing the disadvantaged groups in the population more into the mainstream of national life.

Q. Do you favor any further fiscal or monetary actions at this time to cope with inflation and excessive demand, or should we be patient?

A. I would say that, looking at 1968, monetary policy clearly has been too expansionist particularly after the tax increase. We presumably took the fiscal [tax] action to try to cool off the economy and then the turn in monetary policy tended to neutralize this.

Q. Are we now seeing a classic pattern of swinging back too sharply to restrain, policies that could throw the economy into reverse?

A. That is a key question. It must be watched.

Q. It could be, you say?

A. It could be, but that has not yet developed.

Q. What would be the signs that would tell you—early—that there had been too sharp a swing toward tightness?

A. Well, certainly one would be the rate of monetary and bank credit expansion.

Q. Do you mean if it dropped to zero or something like that?

A. That would be too severe.

Q. Have you seen any signs, as yet, that the Federal Reserve is tending to throw us into reverse?

A. No, and I am sure this is not their intention.

Q. On inflation. Let's assume that the Federal Reserve continues a policy of moderate expansion in money and credit—though less than we had for so long—and assume the budget is in balance, which it is. Would you expect that combination alone to cool inflation off?

A. Yes, I would.

Q. And presumably without and abrupt rise in the unemployment rate?

A. I think without an abrupt rise. At least, I would be hopeful that we could effect a fairly smooth transition. This is a sticky thing.

BALANCED BUDGET

It is tempting to say we shall cool down inflation without any rise in unemployment. And, obviously, so long as there are people unemployed we have unfinished business here. But I think we cannot confidently say that we can deal with this inflationary problem without affecting unemployment.

Q. You suggest that the present budgetary and emerging monetary policy looks pretty good. Am I right in assuming that barring a major change in the war situation, a balanced budget should be continued in fiscal '70?

A. Yes.

Q. What about a surplus, and, if so, of what size for '70?

A. When I say a balanced budget, obviously I don't mean one with a zero surplus. I am talking about expenditures being essentially covered by revenues. But I don't see any reason in this context to go deliberately for a huge surplus.

Q. You are really talking about a zero range surplus—from a deficit of $2-billion to a surplus of $2-billion?

A. Something like that, if we were just dealing with the domestic problem. But we have the international payments matter, and there you start getting into things that have symbolic importance. For that reason, I would like to move the zone up to a surplus of $2-billion, or something like that.

The international problem is pertinent on the large surplus, too. Theoretically, at least, if you run a large surplus, you are liable to find yourself with fairly low interest rates. But low interest rates could produce trouble.

Q. A capital outflow?

A. Yes. Of course, if we had some kind of serious decline in the stock market, you could have the same problem.

Q. Because of what?

A. Because there have been substantial foreign purchases of stocks. This is why the apparently improved balance-of-payments situation is a heavily cosmetic situation. If this improvement were occurring because we were improving our trade balance, then one could be more sanguine.

Q. If the policies now in effect work as you expect them to, and the cooling-off process occurs, shouldn't the trade balance improve, too?

A. It ought to.

Q. What should be the objective on the balance of payments?

A. I think there would be a great therapy to be had from our running a surplus for a while. It doesn't have to be a large one. It would be very helpful if we could demonstrate that if it is necessary, we can run a surplus.

Q. For a year or two.

A. Yes.

Q. Beyond that, do you share the widely held view that a deficit of the order of $1-billion, after you have achieved this demonstration effect, is probably tolerable?

A. Probably.

THE RIGHT POSTURE

Q. Granted that you think inflation is an urgent problem, do you envision any need for action early in the new Administration? You suggested before we were rather in the right posture now.

A. We are getting on the right course now. If we can keep the revenue-producing capacity of the tax system in close line with Government expenditures and if we can stay on a course of lesser rates of monetary expansion—not contraction, but lesser rates of expansion—I think then we ought to be able to work ourselves out of this inflation.

Q. If you found, later on, that the fiscal and monetary actions already taken are on the way to causing an excessive slowdown in the economy, what steps should be taken then?

A. Well, I never have been impressed with the quick turnaround capability of economic policy instruments. Therefore, it is important not to get into a situation where you have to try to pull that off. The trouble is, if you try to pull it off, what you are apt to have is an over-correction the other way. Then you will start getting the policy itself producing a careening course for the economy. As I survey history, I find myself increasingly impressed with the proportion of economic instability that can be attributed to the erratic course of policy.

Q. The logical deduction from what you're saying is that you just shouldn't get too nervous over small squiggles in economic activity.

A. That is probably a good way to put it. We have been to some extent, I think, economic hypochondriacs. You get a wiggle in a statistic, statistically within the error of tolerance of the data, and everyone runs to get the thermometer.

Q. Is it not possible to argue that the past eight years of uninterrupted prosperity—a record the Nixon Administration is going to find hard to beat—may have resulted from the willingness to move fast against any sign of economic illness?

A. You are not going to get any speeches from me that the last eight years have been all bad. It has been, in many ways, a very remarkable performance. There isn't any question about that.

Now there have been a couple of major factors which have been helpful. Some of the major changes in defense spending came at a time that helped keep the economic expansion going. And while the disinflation of the late fifties was overdone, I would very much rather have come in as chairman of the council in 1961 than now, when we have become concerned about inflation.

IMPACT OF TRUCE

In fact, I think there is some kind of malevolent law about the rhythm of political life that puts some of us here when it is hard to be a hero.

Q. What about the impact of an end to the Vietnam war? Would you address yourself to the opportunities and dangers of that?

A. Well, of course, they are fundamentally opportunities. As one looks at our experience in other transition periods. I don't see why we need to be very apprehensive about what might happen in the interlude. The transition problem is far less, relative to the size of the whole economy, than in the post-Korean period. Of course, the jobs that are curtailed may be in one state and the expanding industries across the country. You have a problem of meshing these two.

Q. If the current rate of inflation is too much, what is the tolerable level?

A. I think we have to feel our way along here. We don't really have much experience in trying to cool an economy in orderly fashion. We slammed on the brakes in 1957, but, of course, we got substantial slack in the economy. I wouldn't attach a figure as to what our objective ought to be at any point in time, any more than I would really attach a figure as to what our objective ought to be for unemployment. In both cases, we want them as low as possible.

But over the next two or three years, we certainly ought to be slowing down significantly the rate of price inflation so that we don't get the increases factored into wage and price decisions.

Q. To do that, you'd have to cut the recent rate of inflation in half, at least?

A. I suspect so, yes.

HUMAN RIGHTS: LET US LOOK FORWARD

Mr. PROXMIRE. Mr. President, on April 22 of last year, the Secretary General of the United Nations gave an eloquent speech in Teheran in which he emphasized the important bearing that the human rights conventions have on the life of mankind. In this speech he reminded us that violence breeds violence and fear is self-generating. This is a simple truth which we should all consider.

Today, Mr. President, we live in an era where violence and fear and mistrust can grow to the most dangerous proportions if allowed to do so. Increased tensions among nations and the resulting international arms race are striking examples of this terrible tendency. Every day the stakes grow higher as the peoples of the world find ever more deadly ways of waging war.

Mr. President, we have the opportunity now, in this Chamber, to make a simple yet vitally important statement to the world, that we as a nation are concerned about the welfare of all peoples, by ratifying the human rights conventions. The conventions highlight issues which are as important to our domestic welfare and physical security as they are idealistic and humane. We have the opportunity at this time to do this much to combat fear, mistrust, and suspicion.

When we consider our children, Mr. President, and the generations yet to come, this opportunity becomes a solemn obligation.

The human rights conventions await our ratification. They have been waiting on the Senate of the United States for almost 20 years.

NELSON SPEECH, NEW YORK TIMES EDITORIAL HIGHLIGHT SIGNIFICANCE OF HICKEL NOMINATION

Mr. PROXMIRE. Mr. President, among the statements, editorials, and speeches over the confirmation of Gov. Walter J. Hickel for Secretary of the Interior, two stand out. They do so because of their penetrating insights into the real significance of that nomination and its broader meaning for the country and, indeed, for posterity.

I refer to the speech which my colleague from Wisconsin, Mr. Nelson, delivered in the Senate yesterday, and the editorial in the New York Times this morning. They complement each other in both thought and depth of understanding.

They point out that what is at stake is the environment in which human beings live. As my colleague said:

> World-renowned ecologists, biologists, naturalists, and scientists are alarmed by the rapidly accelerating deterioration of our environment.

And the New York Times editorialized, in a reference to a warning given by the Sierra Club:

> In the United States alone oxygen-producing greenery is being paved over at the rate of a million acres a year. The oceans have become the dumping grounds for a half-million substances which may destroy the plankton essential to photosynthesis. And new factories, homes, autos and jet airplanes have multiplied the rate at which oxygen is replaced by carbon dioxide and carbon monoxide.

Senator Nelson warned that no matter should concern us more than the environment in which we live. As he said:

> In the long pull, no other matter before us is as important. We hope we might banish the bomb, wipe out poverty, and achieve peace in the world, but that will avail us little if we so degrade our environment that living in it is hardly worthwhile.

Mr. President, I urge that those who read the Record should return to ponder the eloquent statement of my colleague yesterday and to consider the significance of the New York Times editorial today.

I ask unanimous consent that the latter be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Tinkering With Nature's Order

The Senate did the expected in confirming Walter J. Hickel yesterday, but it also placed the new Secretary of the Interior on warning that he will be closely scrutinized in the conduct of his office. The sixteen votes cast against him included those of virtually every Democratic Senator with a national following. These leaders of the opposition are aware, if Mr. Hickel is not, that conservation is now a powerful political force and that the public expects strong, constructive leadership to protect mankind's threatened environment.

Warnings about the dangers to the environment multiply on every side. An eminent New York scientist testified at a hearing in Madison, Wis., last week that pollution of the environment by DDT has reached the level of "great worldwide damage." The evidence has become overwhelming that effective pesticides of much lower general toxicity are now available and that use of DDT should be outlawed.

An even grimmer warning comes from the Sierra Club, which points out that in the United States alone oxygen-producing greenery is being paved over at the rate of a million acres a year. The oceans have become the dumping grounds for a half-million substances that may destroy the plankton essential to photosynthesis. And new factories, homes, autos and jet airplanes have multiplied the rate at which oxygen is replaced by carbon dioxide and carbon monoxide.

"Tinkering with the natural order of things is a dangerous business." the Sierra Club warns, adding that if "we should so alter our environment that we rid it of ingredients we need for life, then we will merely pass the way of other life forms that have become extinct for one reason or another."

Twenty scientists and conservationists appointed have flashed yet another danger signal. In their report they declare that man's survival in a world worth living in is in jeopardy.

The Nixon task force urges him to appoint a Presidential Special Assistant for Environmental Affairs, thus providing a focal point for responsibility in a badly fragmented field. It also recommends that the President's Council on Recreation and Natural Beauty be reconstituted as the Council on Environment, with a new special assistant as its executive secretary. The report asks that antipollution programs be made effective through adequate financing, which they have not thus far received; that the role of industry and state and local governments be strengthened and that new regional approaches be developed.

It is time to stop playing Russian roulette with man's destiny in an environment he can debase or radically alter—often with irreparable damage.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

Reports on Reapportionment of an Appropriation

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Health, Education, and Welfare for "Grants to States for medical assistance" for the fiscal year 1969, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of the Interior for "Resources management," Bureau of Indian Affairs, for the fiscal year 1969, has been apportioned on a basis which indicates a need for a supplemental estimate of appropriation; to the Committee on Appropriations.

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Health, Education, and Welfare for "Grants to States for Maintenance Payments" for the fiscal year 1969, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriations in the Department of Health, Education, and Welfare, to meet certain pay increases, for the fiscal year 1969, have been apportioned on a basis which indicates a necessity for supplemental estimates of appropriations; to the Committee on Appropriations.

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation for the Department of Agriculture for "Forest protection and utilization," Forest Service, for the fiscal year 1969, has been apportioned on a basis indicating a need for a supplemental estimate of appropriations; to the Committee on Appropriations.

Approval of Loan to M. & A. Electric Power Cooperative, Poplar Bluff, Mo.

A letter from the Administrator, U.S. Department of Agriculture, Rural Electrification Administration, transmitting, pursuant to law, information on the approval of a loan to the M. & A. Electric Power Cooperative of Poplar Bluff, Mo., for the financing of certain transmission facilities (with an accompanying paper); to the Committee on Appropriations.

Proposed Uniform Allowances to Certain Persons

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 37, United States Code, to provide for the payment of uniform allowances to certain persons originally appointed, temporarily or permanently, as commissioned or warrant officers in a regular component of the Armed Forces (with an accompanying paper); to the Committee on Armed Services.

Proposed Increase in Number of Flag Officers Who May Serve on Certain Selection Boards

A letter from the Secretary of the Navy, transmitting in a draft of proposed legislation to authorize an increase in the number of flag officers who may serve on certain selection boards in the Navy, and in the number of officers of the Naval Reserve and Marine Corps Reserve who are eligible to serve on selection boards considering Reserves for promotion (with an accompanying paper); to the Committee on Armed Services.

Proposed Transfer of Submarine "Drum" to U.S.S. "Alabama" Battleship Commission

A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting, pursuant to law, a notice of the proposed transfer of the submarine *Drum* to the U.S.S. *Alabama* Battleship Commission; to the Committee on Armed Services.

Reports of Export-Import Bank of the United States

A letter from the Secretary, Export-Import Bank of the United States, reporting, pursuant to law, the amount of Export-Import Bank insurance and guarantees issued in November 1968 in connection with United States exports to Yugoslavia; to the Committee on Banking and Currency.

A letter from the Secretary, Export-Import Bank of the United States, transmitting, pursuant to law, a report of the actions taken by the Bank under the act during the quarter ending December 31, 1968 (with an accompanying report); to the Committee on Banking and Currency.

International Decade of Ocean Exploration

A letter from the Executive Office of the President, National Council on Marine Resources and Engineering Development, Committee on Marine Research Education and Facilities, for the information of the Senate, a proposed plan for implementation of the program involving increased utilization of research submersibles; to the Committee on Commerce.

Proposed Amendment of Uniform Time Act

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases (with an accompanying paper); to the Committee on Commerce.

Proposed Amendment of Federal Trade Commission Act

A letter from the Chairman, Federal Trade Commission, transmitting a draft of proposed legislation to amend the Federal Trade Commission Act, as amended, by providing for temporary injunctions or restraining orders for certain violations of that act (with an accompanying paper); to the Committee on Commerce.

Amendments to Regulation Governing Numbering of Undocumented Vessels

A letter from the Secretary of Transportation, transmitting a certified copy of the amendments to the regulations governing the numbering of undocumented vessels (primarily recreational craft), promulgated by the Commandant, U.S. Coast Guard (with an accompanying paper); to the Committee on Commerce.

Proposed Regulation of Hours of Employment and Safeguarding the Health of Female Employees in the District of Columbia

A letter from the Assistant to the Commissioner, Executive Office, government of the District of Columbia, transmitting a draft proposed legislation to amend the Act entitled "An act to regulate the hours of employment and safeguard the health of female employees in the District of Columbia," approved February 24, 1914 (with an accompanying paper); to the Committee on the District of Columbia.

Proposed Regulation of Employment of Minors in the District of Columbia

A letter from the Assistant to the Commissioner, Executive Office, government of the District of Columbia, transmitting a draft proposed legislation to amend the Act entitled "An act to regulate the employment of minors in the District of Columbia," approved May 29, 1928 (with an accompanying paper); to the Committee on the District of Columbia.

Report of the Secretary of the Treasury

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report on the combined statement of receipts, expenditures and balances of the U.S. Government for the fiscal year ended June 30, 1968 (with an accompanying report); to the Committee on Finance.

Congressional Financial Effectiveness

A letter from the Secretary of the Treasury, transmitting a notice of intention to submit for the information of the Congress, a paper entitled "Congressional Financial Effectiveness"; to the Committee on Finance.

Report of U.S. Tariff Commission

A letter from the Chairman, U.S. Tariff Commission, transmitting, pursuant to law, a report of the Commission for the fiscal year ended June 30, 1968 (with an accompanying report); to the Committee on Finance.

Proposed Medical Cost Control Act of 1969

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Social Security Act to provide for the determination of drug costs under the medicare, medicaid, and child health programs, and for other purposes (with an accompanying paper); to the Committee on Finance.

United States-Mexico Commission for Border Development and Friendship

A letter from the Chairman, U.S. Section, United States-Mexico Commission for Border Development and Friendship, transmitting a draft of proposed legislation to establish the United States Section of the United States-Mexico Commission for Border Development and Friendship, and for other purposes (with accompanying papers); to the Committee on Foreign Relations.

Report of General Services Administration

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a report of the Administration for the fiscal year ended June 30, 1968 (with an accompanying report); to the Committee on Government Operations.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of financing of community facilities by the Department of Housing and Urban Development, dated January 17, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for improvements in the automated central payroll system of the Department of Health, Education, and Welfare, dated January 17, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of Washington internal audit activities of the Agency for International Development, dated January 17, 1969 (with an accompanying report); to the Committee on Government Operations.

Proposed Joint Funding Simplification Act of 1969

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a draft of proposed legislation to provide temporary authority to expedite procedures for consideration and approval of projects drawing upon more than one Federal assistance program, to simplify requirements for the operation of those projects, and for other purposes (with an accompanying paper); to the Committee on Government Operations.

Report of Activities in the Desalting of Sea and Brackish Waters

A letter from the Secretary of the Interior, reporting, pursuant to law, on the summary of 1968 activities in the desalting of sea and brackish waters, together with recommendations for future legislation; to the Committee on Interior and Insular Affairs.

Proposed Concession Contract, Glen Canyon National Recreation Area, Arizona and Utah

A letter from the Acting Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract in the Glen Canyon National Recreation Area, Arizona and Utah (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report of Administrative Conference of the United States

A letter from the Chairman, Administrative Conference of the United States, transmitting, pursuant to law, an interim report of the Conference, dated January 15, 1969 (with an accompanying report); to the Committee on the Judiciary.

Report of the Secretary of the Interior on Employee Claims

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report covering all employee claims of the Department in the fiscal year 1968 (with an accompanying report); to the Committee on the Judiciary.

Report of Comptroller General of the United States Concerning Claim of the American Journal of Nursing

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, his report and recommendation concerning the claim of the American Journal of Nursing, New York, N.Y., against the United States (with an accompanying report); to the Committee on the Judiciary.

Report of Subversive Activities Control Board

A letter from the Chairman, Subversive Activities Control Board, transmitting, pursuant to law, a report of the Board covering the 6-month period ended December 31, 1968 (with an accompanying report); to the Committee on the Judiciary.

Report on Audit of Accounts of the Future Farmers of America

A letter from the chairman, board of directors, Future Farmers of America, transmitting, pursuant to law, a report on the audit of their accounts as of June 30, 1968 (with an accompanying report); to the Committee on the Judiciary.

Proposed Settlement of Tort Claims Arising in Foreign Countries

A letter from the Comptroller General of the United States, transmitting a draft of proposed legislation to authorize the Comptroller General of the United States to administratively settle tort claims arising in foreign countries (with an accompanying paper); to the Committee on the Judiciary.

Proposed Continuation of Programs Authorized Under Economic Opportunity Act of 1964

A letter from the Acting Director, Office of Economic Opportunity, transmitting a draft of proposed legislation to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964 (with accompanying papers); to the Committee on Labor and Public Welfare.

Drug Information and Consumer Protection Amendments of 1969

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to provide for a U.S. Compendium of Drugs; to provide for a uniform system of coding for the identification of prescription drugs and provide for related label information; to provide for records and reports on experience with respect to articles subject to the act, for improved factory inspection authority, and for authority to require production of evidence; to assure the safety, reliability, and effectiveness of medical devices; and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

Proposed Medical Library and Health Communications Assistance Amendments of 1969

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Public Health Service Act to improve the provisions relating to assistance to medical libraries and related facilities in the field of health communications, and for other purposes (with an accompanying paper); to the Committee on Labor and Public Welfare.

Proposed Education Amendments of 1969

A letter from the Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend and improve programs of assistance for education and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

Proposed Community Health Services and Comprehensive Health Planning Amendments of 1969

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Public Health Service Act and related laws to extend and improve the provisions relating to comprehensive health planning and public health services, the construction of hospitals and other medical facilities, and the construction and operation of mental health and mental retardation facilities, to assist in the development of group practice plans providing comprehensive health care, to assist in providing safe drinking water, to improve the provisions relating to advisory councils, and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

Report of Civil Service Commission on Positions in Grades GS-18, GS-17, and GS-16

A letter from the Chairman, U.S. Civil Service Commission, transmitting, pursuant to law, a report on Commission employees in grades GS-18, GS-17, and GS-16 (with an accompanying report); to the Committee on Post Office and Civil Service.

Report on Highway Relocation Assistance

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on highway relocation assistance, dated January 15, 1969 (with an accompanying report); to the Committee on Public Works.

Proposed Non-Federal Operation of Small Boat Harbors

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to provide for non-Federal operation and maintenance of recreational small boat harbors constructed by the United States (with an accompanying paper); to the Committee on Public Works.

Proposed Environmental Health Improvement Amendments of 1969

A letter from the Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend the duration of the Solid Waste Disposal Act and the Clean Air Act, and for other purposes (with an accompanying paper); to the Committee on Public Works.

Civil Works Projects of the Corps of Engineers

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend section 313 of the act approved October 27, 1965, as amended (82 Stat. 735) (with an accompanying paper); to the Committee on Public Works.

Report on the Feasibility of a Mid-America Center, Smithsonian Institution at Hot Springs, Ark.

A letter from the Secretary, Smithsonian Institution, transmitting a report on the feasibility of a Mid-America Center of the Smithsonian Institution to be situated at Hot Springs, Ark. (with an accompanying report); to the Committee on Rules and Administration.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. METCALF (for himself, Mr. AIKEN, Mr. DODD, Mr. HART, Mr. KENNEDY, Mr. MANSFIELD, Mr. MCGOVERN, Mr. NELSON, Mr. TYDINGS, Mr. YARBOROUGH, and Mr. YOUNG of Ohio):

S. 607 A bill to establish an independent agency to be known as the United States Office of Utility Consumers' Counsel to represent the interests of the Federal Government and the consumers of the Nation before Federal and State regulatory agencies with respect to matters pertaining to certain electric, gas, telephone, and telegraph utilities; to amend section 201 of the Federal Property and Administrative Services Act pertaining to proceedings before Federal and State regulatory agencies; to provide grants and other Federal assistance to State and local governments for the establishment and operation of utility consumers' counsels; to provide Federal grants to universities and other nonprofit organizations for the study and collection of information relating to utility consumer matters; to improve methods for obtaining and disseminating information with respect to the operations of utility companies of interest to the Federal Government and other consumers; and for other purposes; to the Committee on Government Operations.

(See the remarks of Mr. METCALF when he introduced the above bill, which appear under a separate heading.)

By Mr. PEARSON:

S. 608. A bill to create a temporary National Aviation Planning Commission in order to improve national planning in aviation; to the Committee on Commerce.

(See the remarks of Mr. PEARSON when he introduced the above bill, which appear under a separate heading.)

By Mr. DOLE:

S. 609. A bill for the relief of Dr. Mohamed Taher Ahmed Fouad; to the Committee on the Judiciary.

By Mr. HOLLAND:

S. 610. A bill for the relief of the Cuban Truck & Equipment Co., its heirs and assigns; to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 611. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on Finance.

By Mr. PROXMIRE (for himself, Mr. MCGOVERN, Mr. MUNDT, Mr. NELSON, Mr. YOUNG of North Dakota, and Mr. CHURCH):

S. 612. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. PROXMIRE when he introduced the above bill, which appear under a separate heading.)

By Mr. PROXMIRE:

S. 613. A bill for the relief of Ramona Pacho;

S. 614. A bill for the relief of Francis Charles Miller (Franz Canto);

S. 615. A bill for the relief of Alexandros Marlis; and

S. 616. A bill for the relief of Robyn Mary Reimer; to the Committee on the Judiciary.

By Mr. TOWER:

S. 617. A bill for the relief of Ulrich Otten (also known as Heinz Erhardt Nass) and his wife Elke Otten; and

S. 618. A bill for the relief of Michael Wunderwald; to the Committee on the Judiciary.

By Mr. DOMINICK:

S. 619. A bill for the relief of CPO James G. Dole, U.S. Navy; and

S. 620. A bill for the relief of Richard Vigil; to the Committee on the Judiciary.

By Mr. NELSON:

S. 621. A bill to provide for the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Nelson when he introduced the above bill, which appear under a separate heading.)

By Mr. JORDAN of Idaho (for himself and Mr. Church):

S. 622. A bill for the relief of certain individuals; to the Committee on the Judiciary.

(See the remarks of Mr. Jordan of Idaho when he introduced the above bill, which appear under a separate heading.)

By Mr. ERVIN:

S. 623. A bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution; to the Committee on the Judiciary.

(See the remarks of Mr. Ervin when he introduced the above bill, which appear under a separate heading.)

By Mr. JACKSON (for himself, Mr. Tydings, and Mr. Nelson):

S. 624. A bill to establish the Potomac National River in the States of Maryland, Virginia, and West Virginia, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Jackson when he introduced the above bill, which appear under a separate heading.)

By Mr. BYRD of West Virginia:

S. 625. A bill to amend the Internal Revenue Code of 1954 to increase the amount of credit allowable for investment in property used to protect the health of miners; to the Committee on Finance.

By Mr. FONG:

S. 626. A bill for the relief of William Phillips;

S. 627. A bill for the relief of Melicio Ulep; and

S. 628. A bill for the relief of Koon Chew Ho; to the Committee on the Judiciary.

By Mr. BIBLE (for himself, Mr. Jackson, Mr. Anderson, Mr. Jordan of Idaho, Mr. Moss, Mr. Burdick, Mr. Nelson, Mr. McGovern, Mr. Allott, Mr. Mansfield, Mr. Metcalf, Mr. Stevens, Mr. Church, Mr. Hansen, Mr. Fannin, and Mr. Holland):

S.J. Res. 29. Joint resolution authorizing the Secretary of the Interior to provide for the commemoration of the 100th anniversary of the establishment of Yellowstone National Park, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. Bible when he introduced the above joint resolution, which appear under a separate heading.)

S. 607—INTRODUCTION OF BILL RELATING TO THE FACTS AND A VOICE FOR UTILITY CONSUMERS

Mr. METCALF. Mr. President, on behalf of the senior Senator from Vermont (Mr. Aiken), the senior Senator from Connecticut (Mr. Dodd), the senior Senator from Michigan (Mr. Hart), the senior Senator from Massachusetts (Mr. Kennedy), the senior Senator from Montana (Mr. Mansfield), the junior Senator from South Dakota (Mr. McGovern), the junior Senator from Wisconsin (Mr. Nelson), the senior Senator from Maryland (Mr. Tydings), the senior Senator from Texas (Mr. Yarborough), the senior Senator from Ohio (Mr. Young), and myself, I introduce, for appropriate reference, the Intergovernmental Consumers' Counsel Act of 1969, a bill designed to modernize the regulation of the major electric, gas, telephone, and telegraph utilities.

This bill is designed to provide utility consumers with rights declared to be theirs in the Presidential consumer messages of 1962, 1964, and 1968—the right to be informed and the right to be heard. It would strengthen State regulation by providing regulators with information needed by them to carry out the large tasks assigned them by legislators. It would provide consumers with competent counsel before commissions and courts.

The bill has four principal objectives:

First. To require utilities to report to regulatory bodies information which is pertinent to regulation and to understanding of utility rates and procedures;

Second. To require the Federal Power Commission and the Federal Communications Commission to report this information to Congress and the public in a timely and convenient manner, using automatic data processing to the fullest extent possible;

Third. To establish, at the Federal, State, and local levels, offices of Utility Consumers' Council, to represent the interest of utility consumers before regulatory commissions and courts, and

Fourth. To establish a grant program to finance study of regulatory matters.

On February 6, 1968, I introduced a bill, S. 2933, almost identical to the legislation introduced today. My detailed statement on the legislation appears in the Congressional Record, volume 114, part 2, pages 2208 to 2213 of that date. On April 30, 1968, I placed in the Record comments on the bill which I had received from State regulatory officials and political scientists. These comments appear in the Congressional Record, volume 114, part 9, pages 10984 to 10988. Additional comment appears in the Congressional Record, volume 114, part 10, pages 12667 and 12668.

Mr. President, it is time for the Congress to recognize the fact that most regulation of our essential monopoly industries is mythical. The myth of regulation is perpetuated by the industries themselves, at the customers' expense, through their advertising and public relations programs. When regulation is actually attempted, the utilities' research, presentations, and consultants are financed from customer-paid operating expenses. The public pays. However, no provision is made, through either the tax or rate structure, for similar presentation of the public's case. The utilities do not want that, and their view prevails.

Nor indeed is the most basic information needed by regulators available on a uniform basis.

> Ask any investor to name the single most important item of financial information about a company—

Said a New York Times article on January 6, 1969—

> and he will probably reply that it is how much the company earns for each share of stock outstanding.

I invite any Member of this body to attempt to find a reference from any commission, State or Federal, or the well-stocked Library of Congress, or any other source, which will show, on a comparative basis, and for a recent year, this return on stockholders' equity for the natural gas and telephone industries. And I invite anyone to try to find a similar comparison of interest costs on long-term debt among the gas and telephone industries—or the electric utilities. To read utility trade literature, one would suppose those interest costs are up to around 7 percent. The president of Stone & Webster, a utility service corporation, wrote in the December 19, 1968, issue of Public Utilities Fortnightly, that "money costs are 6½ to 7 percent." Interest rates have been high recently. However, most utility debt carries a much lower service charge. For electric utilities the rates averages only 4 percent. Because of this low-debt service cost, the average return on common equity for electric utilities has risen steadily through the years until it is now at a record high of 12.8 percent. But Stone & Webster and the companies it represents talk about 7 percent; actual average costs are not available on a company-by-company basis; the presentations that would destroy utility myths are not made and the public which we, Mr. President, are supposed to represent, mutters and pays what the utilities bill them.

In recent days we have heard direct testimony on the myth of utility regulation. When Secretary Hickel was before the Senate Interior Committee I questioned him about regulation of Anchorage Natural Gas Corp., of which he had been board chairman prior to becoming Governor of Alaska 2 years ago. After studying the matter during our luncheon break he stated—as reported on page 235 of the hearings—that Anchorage Natural Gas "is not now, never has been under any State control. If any Governor or anyone else wanted even to help that company, I wouldn't know how, because we have no jurisdiction." The fact is that Anchorage Natural Gas Corp. was under regulation of the State public service commission when he was board chairman. It was under regulation of the commission when he was Governor. Alaska Interstate, the holding company of which Anchorage Natural Gas is a subsidiary, reported that regulatory responsibility to the Securities and Exchange Commission in 1966 and 1968. The Alaska Public Service Commission reported that regulatory responsibility to the Senate Subcommittee on Intergovernmental Relations. But the head of the regulated company was unaware of the regulation.

After he changed hats, served as Governor, and appointed to the regulatory commission members whose names he could not recall, he was still unaware of the fact that the company he had headed was under regulation by the State administration he had headed. No wonder the citizens of Anchorage, living about 60 miles from a great natural gas field, have been outrageously overcharged for natural gas by a company which earned 64 percent return on its stockholders' equity.

In State after State, the utilities dominate the State commissions that are supposed to regulate them.

> The DPU (Department of Public Utilities) Overpowered by Companies, Neglected by State—Utilities Have Too Much Pull, Too Much Cash—

States the headline on Richard J. Connolly's article in the January 6, 1969, Boston Globe.

> Regulatory agencies at all levels of government often become so close to the organizations they were created to police that they become ineffective—

The Globe said editorially 2 days later—

> . . . The efficacy of the DPU is further limited by a lack of staff and sufficient funds to attract qualified professionals.

"Can the State Change Its Outdated System of Regulating Utilities?" is the headline over Irvin Becker's article in the January 12, 1969, Providence Journal. Mr. Becker documents how utilities in Rhode Island, Connecticut, Maine, and Massachusetts are earning well over the "allowed" rate of return. He reports "it is difficult to find a major rate-setting decision in the area since 1958"—11 years ago. He found the utility experts working for the utility companies, not for the public, and the university community—which used to furnish scholarship and leadership for the public in this field—unconcerned.

The Des Moines Register, which in its January 16, 1969, editorial referred to the legislation I am today introducing as "measured in dollars, the most important consumer protection bill being urged in Congress," told how the uniform disclosure provisions of my bill, along with the provision for consumer counsel, would greatly simplify the task of the Iowa Commission. John Millhone of the Register's editorial page staff reported that in Iowa's recent case concerning the makeup of a utility rate base the public "spent nearly four times more arguing for higher water bills than it spent arguing against them." This resulted from the usual practice of allowing utilties to include as operating expenses all rate case costs, while sharply limiting the amount of tax money available to finance the public's side of the case. Iowa, where the public was outspent only 4 to 1, is luckier than most States in this respect. I am personally familiar with cases where there was not a dollar of tax money available to fight massive customer-financed presentations by utilities. Experts made the public's presentation with assurances of payment from contributed funds later. The contributions did not come in. The experts received small recompense. Such situations do nothing to encourage the few public-minded utility experts to continue representation of the ratepayers' interests.

Mr. President, the public has the right to know how public service corporations spend the funds collected from ratepayers. This country has the technology to see that the information is provided.

Recently the Federal Power Commission proposed that electric and gas utilities report in detail their expenditures for professional fees—legal services, advertising, public relations, consulting and the like. The utilities ran to the Budget Bureau's Advisory Council on Federal Reports and complained that this reporting would be burdensome and costly. This was despite the fact that most utilities have sophisticated third-generation computer systems, and that utility trade literature is filled with accounts of modern information storage and retrieval systems which make reporting of such information simple.

I asked the chief accountant of a $100 million municipal electric system whether he would have any difficulty in reporting such expenditures in detail. He said that he would not, that it would cost nothing to report such expenditures, and that his computer equipment was only of the second generation.

The central point here is that utilities do not want to report some of their expenditures because, if they did, and the political or nonoperating nature of the expenditures became known, regulators might not allow these expenditures to be included in the operating expenses.

Utility corporations have special responsibilities because they have been granted special privilege by government. Indeed, utilities have more of the characteristics of government than they have of the free enterprise businesses with which they seek to identify. Utilities have boundaries, as States and nations do. They have the right of eminent domain, one of the most powerful rights of government. They are empowered to require public payments through rates, just as the State replenishes its funds through taxes. Like governments, and unlike private enterprise, the utilities do not go broke. They simply adjust the taxes—rates—or increase the debt.

Unlike government, though, utility corporations are not responsible to an electorate. Regulation is supposed to substitute for that absence of public control of a public service corporation. It is to make that regulation meaningful rather than mythical that my colleagues and I today introduce the Utility Consumers' Counsel Act of 1969.

This legislation comes within the jurisdiction of one of the principal committees of this body, the Committee on Government Operations. Our distinguished majority leader, who is a cosponsor of this legislation, pointed out earlier this month:

> If the institutions of our government are to be at all responsive to the needs of our society and of the people, it is this Committee—the Committee on Government Operations—that will have the primary obligation to make them so.

The bill which we today introduce is indeed designed to make the institutions of our Government responsive to unmet needs and it is my hope that the committee will begin consideration of the bill at an early date.

Mr. President, I ask unanimous consent to insert in the RECORD immediately following these remarks the newspaper articles to which I have referred, and a more detailed description of the legislation and justification for it.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the Providence (R.I.) Sunday Journal, Jan. 12, 1969]

CAN THE STATE CHANGE ITS OUTDATED SYSTEM OF REGULATING UTILITIES?

(By Irwin Becker)

The election of Frank Licht as governor presents the state with a rare opportunity to overhaul its outdated utilities regulation system.

Mr. Licht made the subject of utilities one of his major campaign issues as he urged a three-member, non-partisan commission to replace the current administrator.

Despite the move toward reform, the central question remains: Can a regulatory agency on the state level cope with a problem that is regional and national in scope?

The local division of public utilities has said that it is understaffed, poorly paid and encumbered with reviewing the activities of more than 60 firms ranging in size from small taxi companies to large electric power complexes.

In the hodgepodge of hearings and decisions that crowd the agency's schedule, it is not unusual for more time to be spent on deciding whether to restore telephone service after bookie raids than in reviewing the accounts of the multi-million-dollar telephone company operations.

The system is further weakened by the advantage enjoyed by the large utilities which, with customer money, can afford the best talent to argue persuasively for higher rates that the public will have to pay.

COMPANIES STRONG

Many feel that the utilities division, as in many other states, is so poorly equipped that the utilities companies are able, in effect, to dictate the manner and the terms under which they are supposedly regulated.

"In many states, it is regulation of the customer, not of the utility," Sen. Lee Metcalf of Montana, a strong critic of the electric power industry, has argued in numerous speeches.

The status of the electric companies is central to any discussion of controlling the utilities and this is especially so in New England, where electric rates are the nation's highest.

Utility regulation consists basically of determining a reasonable profit for the risk-free, government protected industry. The exact amount differs in each case, but the Federal Power Commission and most state commissions have agreed that slightly more than a six per cent return is reasonable enough.

The FPC, when it computes the "overcharge" or "difference" earned by the power companies, uses the six per cent figure to establish a fair rate of return.

NOT ENFORCED

In 1967, the average rate of return set by the states was 6.14 per cent, which is a percentage based on a utility's plant investment and other economic factors.

But significantly, the states have not enforced their own profit limits and the major investor-owned electric companies earned an actual profit last year that averaged 7.44 per cent.

Some firms, operating in southern and western states, achieved a return on their investment of more than 15 per cent, which is higher than most competitive and risk corporations earn.

The difference between the established and actual returns or profits is only 1.30 per cent but the loss to customers runs into billions of dollars.

For example, a company that has a one-billion-dollar investment would get 10-million dollars less in revenues if its profit ratio dropped one per cent.

The Consumer Federation of America estimated that if the average cost for a kilowatt hour fell one-tenth of a cent this year, residential users would have saved 1.3-billion-dollars.

CEILING IGNORED

In New England, the regulatory gap is not as severe as in Texas, which has no utilities agency, but it is still a serious problem. Hardly any of the states in this region have initiated rate cases. The important issues of control of atomic energy and reliability of electric power are decided out of view and control of the states.

It is difficult to find a major rate-setting decision in the area since 1958. For some reason, there were rate hearings throughout the region in the 1957–58 period. The last utility rate cases in Rhode Island, concerning New England Telephone & Telegraph Co. and Narragansett Electric, were in 1957.

During this lapse of state control, the power industry ignored the rate ceilings and compiled record profits.

In Massachusetts, the rate of return for Boston Edison was set at 5.7 per cent in 1958. According to the FPC, the Boston firm earned 7.75 per cent in 1966.

In Maine, the profit margin of the Central Maine Power Co. was established at 5.75 per cent. Its current income return is 6.56 per cent.

In Connecticut, the three power companies—Connecticut Light and Power, Hartford Electric Light and United Illuminating—earned an average return of nearly 7.40 per cent.

EIGHT PERCENT

In the Providence area, Blackstone Valley Electric and Newport Electric are making returns of close to eight per cent. The FPC calculated that if those two firms had been held to returns of six per cent their customers would have been saved an "overcharge" of about $600,000 in 1966.

Last year, in a review of corporate profits, the First National City Bank in New York estimated that all utilities have twice the return on their net worth than has the volatile transportation industry.

The electric companies offer several arguments in their defense. They claim the cost of money is constantly increasing, that they face competition from gas and oil interests, that they need high profits to attract investors and, that unlike municipal companies or federal projects, they pay a large amount of income taxes.

Further, the companies contend that the cost of electricity is decreasing all the time and they are making heavy investments in modern nuclear equipment so that the cost will go down even faster.

But industry critics maintain that the electric industry's contentions are phantom objections when they are viewed closely.

The cost of money argument is one instance. The industry contends that the cost of borrowing for investment is over six per cent and that this should be used to decide a fair rate of return.

The critics note that while the prime rate is now about six and a half per cent, what complaint did the industry have when the interest rates were half that 10 years ago. Would the utilities have reduced their profit margins to three per cent? They ask.

In addition, the cost of money is misleading, the critics observe. The real cost of money to a utility is the long-term interest it must pay on its bonded debt which comprises more than half its capitalization.

The latest annual FPC report states: "The average interest rate on the companies long-term debt reached a record high of four per cent in 1967." The report continues:

TAX MONEY CITED

"Much of the present debt capital of the stronger electric utilities was obtained in the 1946–56 decade when borrowing rates considerably below four per cent were prevalent."

On the question of competition, observers believe that the electric companies, the nation's largest industry in terms of value, has advantages over its rivals.

Because of excess profits, the critics assert, the electric firms can cut their prices, provide customer bonuses and absorb the loss without materially affecting their profits.

One of the electric companies' most potent arguments in terms of public relations has been their insistence that they are taxpayers like everyone else and that their tax money is vital to the operation of municipal governments.

The misunderstanding on electric company taxes is based on the confusion of who is paying the money—the utility or the customer.

Several favorable tax amendments in recent years have reduced the percentage of revenues the electric industry pays in federal taxes from 14.7 per cent in 1965 to 11.6 per cent in 1967. In many cases, the savings have not been passed on to customers.

Utilities include taxes in their operating expenses and these expenses are met by collecting the levy from customers. As Senator Metcalf has charged:

"Utilities are not taxpayers. They are tax collectors. When utility taxes are decreased, as they have been frequently, many utilities do not automatically reduce rates. They thus become tax keepers."

Dr. Horace M. Gray, emeritus professor of economics at the University of Illinois, quoted in the Congressional Record, maintains that the electric industry will profit from the recently imposed 10 per cent surtax.

PROFITS SEEN

He argues that the industry will have to pay $400,000 on the new charge but will probably collect twice that amount and pocket the difference.

Income and tax figures since the surtax went into effect are not available to affirm or contest the professor's remarks.

The cost of electricity to consumers has indeed gone down since World War I. The cost per kilowatt in 1967 dropped three cents to $2.31 but the average annual bill increased $5 to $120. That hike is attributed to the increased usage by each family.

The challenge of cheap federal power and the government's 2-million-dollar research investment in nuclear power has revolutionized power production. The electric industry is planning a huge outlay in the next 10 years to construct about 66 nuclear plants with a capacity of 51.5 million kilowatts.

Again, rush of the companies' into nuclear generation has riled the critics. They contend that the public paid for the development of the new power, but that the control over nuclear energy is being "handed over" to private industry.

Moreover, the critics charge that the cooperatives and the municipally owned companies, which provide 14 per cent of the power needs in New England, are being excluded from sharing equitably in the distribution and profits of the new energy source.

PROBLEMS LISTED

Thus the advent of nuclear power, the growing tendency toward regional mergers and the inability of the separate states to control the wealthy power companies cast a grave doubt over the efficacy of the proposed reorganization of utilities regulation in Rhode Island.

Dennis J. Roberts II, nephew of the former governor who is working on a utilities report for Governor Licht admits there are difficulties to overcome if a revamped system is to be effective.

He said the initial plan on reforming the utilities division included a three-member panel with overlapping terms filled with "apolitical" appointees.

The commission should be "judicial" in nature and have the use of experts, Mr. Roberts said. He said that there is sufficient legislation now for a utilities commission to carry on its work.

He added that "some thought has been given to regionalizing or setting up a compact." Mr. Roberts said there does not seem to be any liaison among the utility divisions in New England, many of which are dealing with different offshoots of the same companies.

The new commission, he asserted, should be aggressive in its regulatory mission. You can do quite a bit under the present law," he remarked, but very little had been done with the current setup.

"I don't think there has been a hearing of the (state's) own volition in 10 years. This is not a way to regulate utilities," he said.

He conceded, however, that a new regulatory system will run into the "very real problem" of money. "Good solid people would have to take a substantial cut in pay," he explained.

Another handicap is that utility experts are all working for the utility companies, and the universities do not have specialists who are concerned about the power monopolies.

Essentially, Mr. Roberts said, the state must settle the "question of priorities" and determine if it is "willing to spend the money" that would have to be taken from other programs.

COUNSEL URGED

Another attempt at reform is just getting started in Massachusetts, where the Consumers' Council has assailed the electric companies with overcharging Bay State residents a total of 41 million dollars last year.

The charge was made by Dr. Edward R. Willett, council chairman, who said the council would sponsor legislation assessing gas and electric companies for funds to study rate systems and make competitive bidding mandatory in certain contracts.

A council spokesman suggested that provisions of the FPC law allow an investigation of a region's utility problems if the state agencies in the area request a probe.

Another change the council favors is the appointment of a utilities counsel, who would work with the regulatory commission and represent the public in rate cases.

Maryland is the only state with a utilities counsel and efforts at the federal level to provide funds for the position have been defeated in Congress.

The Utility Consumer Counsel Bill, introduced by Senator Metcalf, required the reporting of additional financial information by the utilities, including stock ownership and stock option plans.

The bill would have made federal funds available for up to 75 per cent of the cost of establishing utility counsels in cities with more than 100,000 population and at state and national levels.

The legislation contained a provision to start a grant program for a continuing study of regulatory issues. The money for the new programs would have come from the utilities, which were to be taxed at the rate of one-tenth of one per cent of their operating revenues.

Senator Metcalf maintained it was fair for the utilities to pay for their own regulation since the government paid four-billion of the industry's annual 40 billion dollars in revenues.

[From the Des Moines (Iowa) Register, Jan. 16, 1969]

For Better Utility Regulation

Measured in dollars, the most important consumer protection bill being urged in Congress is a proposal by Senator Lee Metcalf (Dem., Mont.) to modernize the regulation of rates charged by major electric, gas, telephone and telegraph utilities.

Metcalf, relying on Federal Power Commission statistics, said the common stock return of major electric utilities has risen from about 7 per cent prior to World War II, to 10 per cent in the postwar period, to 11 per cent in 1960 and exceeding 12 per cent for the first time in 1965.

He said state agencies cannot effectively regulate utility rates.

Metcalf's proposal would:

Require major, privately-owned utilities to report accounting and ownership information necessary for the effective regulation of their rates and for the public understanding of their operations.

Require the FPC and Federal Communications Commission to make this information public quickly and fully.

Establish at federal, state, and local levels, offices of utility consumers' counsel to represent the interests of utility customers before regulatory bodies.

Finance studies of utility regulation matters.

The federal government has an interest in the proposal as a customer of utility services, as well as a protector of business and residential users. Its annual utility bill runs to $4 billion, roughly one-tenth of the utilities' total revenue. Metcalf estimates that a 1 per cent reduction in this federal government utility bill would offset the $40 million cost of his bill. Of course, most of the savings he foresees would go to individuals and businesses.

The bill's disclosure provisions simply would require a utility to make easily available that information—plant costs, revenues, expenditures, cost of capital, etc.—which are necessary to fairly judge its return.

A recent report by a committee of the Investment Bankers Association shows why this is necessary. The report said that utility accounting practices show "a greater lack of comparability than at any time since 1933." This holds some advantages for a utility. A regulatory agency must go through the costly and difficult chore of untangling a utility's books if it undertakes a rate case. This is one reason why there are so few rate cases.

With standardized accounting procedures and data stored on computers, you could push a button and find out a utility's rate base and rate of return. The senator's suggestion for utility consumers' counsel would help assure that someone would push the button.

The proposal would not submit utilities to any rate controls which do not now theoretically exist. By reason of their monopoly positions and their captive business and residential customers, utilities long have been subject to public regulation. Metcalf is merely proposing that this theory be put into practice.

[From the Des Moines (Iowa) Register, Jan. 16, 1969]

Iowa Outspent by Utilities in Rate Battles

(By John Millhone)

The out-gunned attempt by state agencies to regulate utility rates is well illustrated by the experience of the Iowa Commerce Commission. (See accompanying editorial.)

The Legislature in 1963 gave the commission regulatory authority over the rates charged by privately-owned utilities. Prior to that, rate regulation was left to municipalities, which had had little success in mustering the experts necessary to challenge rate levels.

In 1967, the Legislature increased the annual advance to the commission's utilities division from $350,000 to $450,000. The division is self-supporting, relying on end-of-the-year assessments against the regulated utilities. But this annual advance limits the size of its yearly budget.

The Legislature two years ago also authorized the spending of $50,000 to hire outside consultants in the commission's first and only major rate case. It challenged a rate increase by the Davenport Water Co., a subsidiary of the huge American Water Works Co.

MAKING A START

Iowa is making only an encouraging start in an uphill battle. The state thus far has spent some $96,000 on the Davenport case, according to commission executive secretary E. B. Storey. The company's estimated cost of preparing and presenting its case was $375,000.

The commission allowed this company expense in computing what was a fair return to the water company. In a simplified sense, then, the public, as business and residential water bill payers, spent nearly four times more arguing for higher water bills than it spent arguing against them.

This disparity is continuing now that Davenport Water has appealed the commission's order to the Scott County District Court and will continue if, as expected, the case goes to the Iowa Supreme Court.

An additional feature of this court appeal, as the issues presently are drawn, weighs in favor of the utility company.

In its order, the commission had to pick its way through a maze of questions as it decided for the first time how Iowa would measure a fair rate of return for a utility. Some of its judgments favored water bill payers; some favored the water company.

VALUES OF FACILITIES

The utility appealed the commission's order because in its principal decision, the commission chose original cost less depreciation, as the method of figuring the base value of the utility's facilities, rather than the "fair value" method which would have allowed higher rates and a higher return.

The company now is asking the court to upset this and other commission decisions which ran against it.

The cities of Davenport and Bettendorf, which intervened in the hearing, have resisted the company's appeal, but they have not entered arguments asking the court to reverse those commission decisions which ran against water users.

The amounts involved are not small.

The commission, for instance, allowed a 11.5 per cent return on the common stock equity of the company. At the hearing, its staff witness, after studying the operations of eight water utilities, testified that a fair return would be in the range of 9 to 10 per cent.

The staff argued that there was a deficiency of $600,000 in the reserve set aside for depreciation, because the company used unrealistically low depreciation schedules. The staff said this resulted in book value of the property higher than it should be, giving an inflated rate base for the company. The staff said the $600,000 should be subtracted from the property value, that is, the rate base.

SIDED WITH COMPANY

The commission allowed this depreciation reserve deficiency, although it urged the company to correct it.

In a myriad of other decisions, involving hundreds of thousands of dollars, the commission also sided with the company.

As the case now stands, these decisions, which if overturned would mean lower water bills for Davenport and Bettendorf business and residential users, are not being challenged.

The situation is analogous to a basketball game where the judgments of the referees are questioned. If a tape of the contest is replayed and one side can challenge all the calls which went against it, so should the other side.

This Iowa experience shows the potential value of the bill by Senator Lee Metcalf (Dem., Mont.) to modernize utility rate regulation. The uniform disclosure provisions of his bill would greatly simplify the task of the Iowa commission. His proposed utility consumer counsels would assure that in rate cases, the voice of the consumer is heard.

[From the Boston (Mass.) Globe, Jan. 8, 1969]

Regulating the Regulator

The Massachusetts Department of Public Utilities, by its manifest inability to regulate efficiently the agencies within its sphere, has called attention to its own need for regulation.

Years overdue is the announcement that the entire operations of the D.P.U. will be scrutinized by the House Committee on Government Regulations, whose chairman promises that the agency will be made to protect more effectively the interests of the consumer.

Today the D.P.U. commission will meet in executive session to discuss the recent power failures which affected 250,000 persons in 30 communities. Members of the House Committee will, however, be present. While the so-called open meeting law seems not to preclude the D.P.U. from meeting privately, sessions such as these should be open to the public.

A separate legislative probe into the speed with which the Boston Edison Co. responded to the two recent power blackouts will be conducted by the legislative commission studying the generation, distribution and cost of electricity. There is a larger question, too.

Regulatory agencies at all levels of government often become so close to the organizations they were created to police that they become at best ineffective. This is part of the problem in the functional paralysis of the D.P.U.

Also in question are the professional qualifications of the seven commissioners who administer the agency. The chairman, 61-year-old Helen Ross, occupies her position primarily because she was a long-term confidential secretary to ex-Gov. John Volpe. None of the others has any specialized training in the field of utilities.

The efficacy of the D.P.U. is further limited by a lack of staff and sufficient funds to attract qualified professionals. Moreover, lengthy Civil Service requirements—it sometimes takes one year to fill a job—are discouraging to applicants.

Chairman MacLean should assure that his legislative committee examines every facet of the D.P.U. and reshapes it into an effective agency with an adequate budget, which will truly place first the public interest.

[From the Boston (Mass.) Globe, Jan. 6, 1969]

DPU Overpowered by Companies, Neglected by State—Utilities Have Too Much Pull, Too Much Cash

(By Richard J. Connolly)

Is the Massachusetts consumer adequately protected by his Public Utilities Department?

The question drew a smile from the career employee of the DPU. He had been around long enough to know the answer.

"The companies," he said, "have too many resources and too much influence with the commissioners.

"They all wears halos, although they are green around the edges at times," he said of the utilities.

The Massachusetts DPU, he explained, has neither the time nor resources to properly investigate the utilities, which prepare their cases with the consumers' dollars.

Few consumers have the time or confidence to appear before the DPU to oppose the utilities.

The magnitude of the electric industry alone and the extent of the power failures in the past week or so should show the inability of the DPU to keep close tabs on utility operations and delve into the cause of the blackouts without relying on the reports of the utilities.

The DPU's chief accountant, Harold F. Bertolucci, serves as a good example of the lack of sufficient personnel and the dedication of some DPU employees who are underpaid and overworked. He earns $11,752 annually, a figure he could double in private industry.

A DPU employee for 22 years, he is a registered public accountant, holds a Boston

University degree in accounting, a master's in both economics and law and is a member of the bar.

Bertolucci supervises the examination and audit of accounting returns and schedules filed by companies under the DPU's jurisdiction.

Among them:

Sixteen railroads, 10 street railways, six phone companies, 26 gas firms, 14 electric companies, 2599 motor carriers of property, 816 security brokers and investment trusts, 63 water companies, 78 motor bus lines, 40 municipal light plants, 530 regular route common carriers, 7013 irregular route common carriers and 7422 interstate licensed carriers.

He specializes in the systems of accounts used by all of those firms. He must be familiar with administrative law and with the type of equipment used by the utilities as well as their financing methods.

Bertolucci's duties are important to the protection of the consumer. He prepares drafts of decisions and rulings issued by the DPU concerning fiscal and rate cases.

TWO EMPLOYEES

With all this responsibility and with a primary function in the establishment of utility rate schedules. Bertolucci has only two employees in his office—another accountant and a woman who handles clerical work.

When the other man is in the field and the woman is sick or on vacation, Bertolucci must eat his lunch at his desk. He cannot go out because nobody is available to answer the telephone.

John W. Coughlin, who has been with the DPU for nearly 20 years, is director of the division of telephone and telegraph utilities. His task is to direct the investigation of complaints about telephone and telegraph service and to examine equipment to make sure it meets DPU requirements.

His job requires a thorough knowledge of laws and regulations relating to telephone and telegraph services, of rate structures and of the mechanical operation of telephone and telegraph equipment.

LACK OF YOUTH

Coughlin has no clerical help. He must write the division's letters. He must keep one inspector in the office each day to answer the telephone, handle complaints and assist with the office duties.

DPU Chairman Helen P. Ross also lacks clerical help. She shares a confidential secretary with six other commissioners and two lawyers. On a recent night, Miss Ross wrote 22 letters at home.

Staff and sufficient funds are needed. But the biggest deficiency is in youth. Much of the personnel is a product of the depression years. They have talent but are aging. Of six engineers, the youngest is 53.

The salary structure is unattractive. Even if young talent could be recruited (there is no recruitment program) Civil Service procedures discourage applicants.

"It may take a whole year to fill a job," one division head noted.

"If you try to fill the job temporarily, you're liable to get a politician who is worthless. If you get someone who can do a good job, he can get bumped by a veteran or a disabled veteran," he said.

"This department, like others in the state, is in real trouble," he continued. "Talented young men and women are not coming into state service because they can make more money in private industry."

Numbers are not the only answer. Because of the complexity of its task and the need to regulate highly technical industries, the DPU must have knowledgeable personnel.

The Massachusetts DPU, like other state regulatory agencies, has failed to use data processing methods, unlike the utility firms it is empowered to regulate.

Rate bases, income and rates of return are checked. But, in the opinion of one DPU official, the analysis of statistical data and comparisons are the exception. Not enough attention is paid to the cost of a utility's operation.

U.S. Sen. Lee Metcalf of Montana, long a critic of investor-owned utilities, which he refers to as the "I.O.U.'s", says that state regulatory commissions are one of the most important—yet most neglected—parts of government.

Metcalf has reminded state commissions that they must keep the public informed of utility operations and must protect the consumer who cannot purchase power, water or telephone service in the open market.

EXTRAVAGANCE?

"Commissions should probe into the financial figures of the utilities to find where the money goes, whether there is extravagance, whether the public is overcharged, whether the consumer's dollar is used for political purposes or endeavors which the consumer does not favor."

Sen. Metcalf has said of some regulatory commissions:

"Responsible for the protection of the public interest in many and diverse fields, but lacking the staff and funds with which to exercise their responsibility, some commissions are able to do little more than accept and approve what is put before them by the hundreds of companies under their jurisdiction.

"Thus most rate changes are initiated by the utilities and simply approved by the commissions, which are not equipped to inquire into the reasonableness of the rates. . . . Consumers are paying dearly for the regulation that protects and benefits the investor-owned utilities at the expense of their regulated customers."

In the opinion of Sen. Metcalf, the electric consumer, for example, is caught in a vicious circle.

"He cannot obtain adequate rate reductions because many regulatory commissions do not have the staff nor inclination to reduce rates, due to the political and propaganda activities of the utilities, which are designed to prevent adequate rate reductons," Metcalf said.

Past and present DPU commissioners in Massachusetts have not been especially active on Beacon Hill in efforts to obtain more money, power, and staff to do a better job.

Even if they were, they would encounter opposition, not openly, of course, from the most powerful lobby on The Hill—that of the private utilities.

By neglecting the DPU, by not giving it enough tax dollars to do an adequate job, by not demanding tip-top efficiency, the public has cheated itself as a taxpayer and consumer.

UTILITY CONSUMERS' COUNSEL ACT OF 1969

Mr. METCALF. Mr. President, the Utility Consumers' Counsel Act will not work hardship on any utility. It is designed to provide utility consumers the tools with which to obtain fair rates. It will also provide an opportunity for substantial savings by the Federal Government, which is the largest consumer of utility services in the country, paying annually a utility bill of some $4 billion. That is roughly one-tenth of the utilities' revenue.

The bill would authorize—in addition to whatever relatively small additional sums would be needed by the Federal Power Commission and the Federal Communications Commission—an annual appropriation equal to one-tenth of 1 percent—0.001—of the aggregate annual gross operating revenue of the major electric, gas, telephone, and telegraph utilities. Their revenue approximates $40 billion annually. Therefore, the current appropriation ceiling in the bill would be about $40 million.

As can readily be seen, a mere 1-percent reduction of the Federal Government's annual utility bill would save an amount equal to the authorized appropriation of $40 million.

The principal beneficiaries of the bill, however, would be the residential consumers and businesses which often have had no voice before the ratemaking commissions.

The bill would not apply to utilities that are owned or controlled by the customers they serve or by the public. Consumers ordinarily do not overcharge themselves. If a customer-owned system did increase rates unduly the customers have remedies—change the management or the policies. These remedies are not available to the customers of investor-owned utilities. Nor would the bill apply to the small investor-owned utilities. It would apply only to those IOU's with annual gross operating revenues of $1 million or more.

Four major points are covered by this proposed legislation:

1. UTILITY REPORTING

The computers and information storage and retrieval systems developed during recent years can vastly simplify and speed up what now are costly, time-consuming and cumbersome regulatory proceedings. It is presently impossible, in most cases, to determine from public records who owns utilities, who works for them, and where some of their money goes.

It is difficult to compare the performance of one utility with that of another. Utility accounting practices are "completely inadequate" and show "a greater lack of comparability than at any time since 1933," according to a committee of the Investment Bankers Association.

It is difficult, if not impossible, to evaluate the degree to which power company stock option plans dilute equity of ordinary stockholders and result in loss of capital available to the utility.

It is difficult, in some cases impossible, to find out the size and makeup of a utility's rate base, upon which earnings and thus rates are based. This situation is analogous to that of a taxpayer who could not find out the assessed value of his property. He would be indignant, and properly so.

Mr. President, the electric utility industry portrays itself as strictly regulated and closely watched. "Big Brother—the Federal Government—keeps a steady eye on the fishbowl called the electric utility industry," according to the January 22, 1968, issue of Electrical World. The Southern Co., an electric utility holding company, stated in its 1966 annual report that it and its subsidiaries "Are compelled to operate in a 'fish-bowl' with their every corporate activity subject to scrutiny by regulatory authorities." Industrial News Review, a canned editorial service financed in part by power companies, recently sent thousands of newspapers a free editorial stating that "A power company lives in a gigantic goldfish bowl, the size of the territory it serves." A power company's every act, continued the editorial "is subject to public observation and local, State, or Federal regulation." The electric utilities have claimed, in national advertisements, that they "answer any question you may have quickly, without making a Federal case of it." I wish that were true. It is not true. There is no truth-in-utility-advertising law and none is here proposed, although a case could be made for such legislation.

The bill would correct at least some of the deficiencies in the utility reporting system, remove some of the opaque covering on the fishbowls. It would, in sum, simply require that the utilities do what they say they do about informing the public and regulatory bodies about themselves.

2. FEDERAL COMMISSION REPORTING

The bill would require the Federal Power Commission and Federal Communications Commission to make readily available to the public, on at least an annual basis, various information about each electric, gas, telephone, and telegraph utility. Some of the information is already reported by the utilities, but is not conveniently available to the public. Under this bill the Commissions would be authorized to prescribe regulations necessary to obtain the additional data.

The FPC has taken some good beginning steps in this regard. "Statistics of Electric Utilities in the United States, Privately Owned" includes the return on common stock equity of each major electric utility. The average return on common stock equity in 1967 was 12.8 percent, having risen from about 7 percent prior to World War II, to 10 percent in the postwar period, to 11 percent in 1960, and exceeding 12 percent, for the first time, in 1965.

The bill would require reporting of information on the components of each utility's rate base. The components of a rate base are all important. Revenue, and thus rates, are based on the value assigned the rate base.

In a majority of the States the method of rate base valuation is the depreciated original cost of the plant. In about a dozen States the fair value of the rate base is used. In addition, in some States various other items are included in the rate base—accumulated tax deferrals, allowance for working capital, construction work in progress, contributions in aid of construction, customers' advances, materials and supplies, plant acquisition, adjustments and plant held for future use.

In Vermont and Nevada, for example, the State commissions use the depreciated original cost rate base. The only other item included is an allowance for working capital, according to Senate Document 56, "State Utility Commissions," issued in 1967 by the Senate Subcommittee on Intergovernmental Relations.

In contrast, Mississippi, which uses the fair value rate base, permits allowance for working capital, construction work in progress, contributions in aid of construction, customers' advances, and material and supplies—although these amounts are reduced by accruals flowing from customers' payments—and appears to have included accumulated tax deferrals in the rate base as well.

Obviously, any given rate of return on a Mississippi-style rate base is going to produce substantially more revenue than the same rate of return would produce on a Vermont or Nevada rate base.

In some States regulators themselves, as well as the public, have difficulty finding out the actual value of the rate base. The bill would require that the major components of the rate base, and their dollar value, be reported. The bill would in no way diminish regulatory responsibilities of the State commissions or increase regulatory responsibilities of Federal Commissions in respect to rate base or any other matter. It would spread on the public record some basic information on which intelligent regulatory judgments can be based. As Commissioner Carver of the Federal Power Commission has observed:

> Firm regulation can succeed as well by concentration on the components of the rate base as on control of profits.

The makeup of a utility rate base is especially important in that whenever an additional item is included in it, the rate of return is decreased. If, for example, a utility has a $1 billion rate base and $96 million in net operating revenue annually, the rate of return would be 9.6 percent. If a regulatory commission can be persuaded that an additional $200 million should be included in the rate base, bringing the total to $1.2 billion, the $96 million in net operating revenue would represent a rate of return of only 8 percent.

When a utility can get the rate base increased, and the rate of return therefore decreased, it can better argue that its rates should not be decreased but, indeed, perhaps should be higher.

The economic importance of rate base components was illustrated by the FCC's September 14, 1967, modification of its July 5, 1967, decision in the American Telephone & Telegraph rate case. In its July decision the FCC found that a rate of return in the 7 to 7.5 percent range was reasonable for Bell's interstate operations. In its September modification the FCC reaffirmed its finding that a rate of return of 7 to 7.5 percent was reasonable. However, the Commission decided that construction work in progress—amounting to $544 million—should be included in the rate base. This modification permits Bell to earn annually an additional $40 million.

I will cite one other example, from my own State of Montana. The State regulatory commission, which is bound by statute to the fair value rate base concept, reported to the Senate Intergovernmental Relations Subcommittee that Montana Power Co. had an allowed rate of return of 5.33 percent. Montana Power actually has a rate of return of 10.66 percent, on a depreciated original cost rate base, and a return on common stock equity of 16.4 percent, according to the Federal Power Commission.

The bill would require annual publication of the difference between what each utility earns and what it would have earned at a 6-percent rate of return on a depreciated original cost rate base. The purpose of this requirement is to permit the Congress, regulators, and the public to make meaningful comparisons on a standard basis.

The rate or return allowed by State utility commissions averages about 6 percent—6.14 percent in the case of electric utilities, 6.32 percent in the case of gas utilities, 6.25 percent in the case of telephone and water utilities, according to the State commissions' reports to the Subcommittee on Intergovernmental Relations that are summarized in Senate Document 56, 90th Congress, first session. Some of those State commissions compute that rate of return on a fair value rate base and include various items in the rate base. But the majority of those commissions use a depreciated original cost rate base, as the Federal commissions do.

It is also pertinent here to point out that the Federal Power Commission, in granting hydroelectric power licenses, has long used a standard of 6-percent return on net investment. Although net investment and depreciated original cost rate base are not identical they are not far apart. In Docket R–297, the FPC concluded that the fair return on net investment should be one and one-half times the weighted average embedded cost of long-term debt, or 6 percent, whichever is higher. This formula adds a flexibility that would benefit a utility whose long-term debt costs are above the 4-percent average.

The bill would in no way change the earnings structure or the regulatory responsibilities. It would simply make conveniently available information upon which sound regulatory judgments can be based.

Officers and directors of utilities who are officers and directors of other corporations would have their corporate connections published annually, under the terms of the bill. In this connection I am reminded of a newspaper advertisement a few years ago by Guaranty Trust Co., of New York, on behalf of the investor-owned electric utilities, attacking consumers of public power. The ad did not mention that investor-owned companies are among the principal consumers of publicly generated power. The chairman of the board of Guaranty Trust was also board chairman of Duke Power Co. The bank's trustees included four officials of Consolidated Edison. One of the bank's directors was an official of Public Service Electric & Gas.

I believe information on such tieups should be readily available. I believe it would help the Federal Power Commission enforce section 305(b) of the Federal Power Act, which reads:

> It shall be unlawful for any person to hold the position of officer or director of more than one public utility or to hold the position of officer or director of a public utility and the position of officer or director of any bank, trust company, banking association, or firm that is authorized by law to underwrite or participate in the marketing of securities of a public utility, or officer or director of any company supplying electrical equipment to such public utility, unless the holding of such positions shall have been authorized by order of the Commission, upon due showing in form and manner prescribed

> by the Commission, that neither public nor private interests will be adversely affected thereby.

The bill would require publication of information on utility stock option plans. Regulators and parties to rate cases could thus receive some indication of the amount of compensation realized by option beneficiaries. They could also determine the extent to which additional capital would have to be raised in order to compensate for capital foregone through sale of stock to optionees at below-market prices. The information would be sufficient also for ordinary stockholders to estimate how much their equity has been diluted through exercise of options by insiders.

The bill would provide for publication of the name and address of the beneficial owners of 1 percent or more of the stock in each utility. At present most utility stock is listed by street names; that is, investment firms. In the majority of electric utilities every single vote at the annual meetings and elections is cast by management, by proxy. If a stockholder or group of stockholders want to solicit votes for a nonmanagement candidate for the board of directors, or against a stock option plan, they are stymied. They cannot find out who the real owners are.

Certainly the real owners are not the home State folks whose pictures adorn utility advertisements, and whose total holdings are a tiny fraction of the total outstanding stock.

Nor can a city or small company find out who controls a big utility which seeks to purchase their local powerplant. The experience of the city fathers of Holyoke, Mass., in 1964, illustrates the problem. Holyoke Water Power Co., was trying to buy their municipal electric plant. City officials wanted to know who they were dealing with. One investment firm said it held Holyoke Water Power stock for 12 clients, including one in Switzerland, one in France, and a foreign bank. The firm would not provide further details. Merrill Lynch, Pierce, Fenner, & Smith, Inc., was less informative but more specific:

> Firm policy prevents us from divulging the names and addresses of clients for whom we are holding securities.

Said Merrill Lynch:

> The only way we may provide such information is upon receipt of a duly authorized and executed court order, spelling out the terms of the request.

This provision of the bill is sharply limited but of considerable importance. It will provide, in addition to the benefits previously mentioned, an opportunity to determine the extent to which control of the energy and communications industries are concentrated or diffused.

The entire regulatory system rests on the accounts. Our technology is now such that the data on which utility regulation is based, including the information which would be obtained under this bill, can be stored in data banks and readily printed out for regulators, the Congress, the public. Development of comprehensive computerized information systems are underway among utilities, the Federal Power Commission and the Federal Communications Commission. Only two State commissions, California and Wisconsin, make significant use of automatic data processing in the regulatory process. Were the FPC and FCC truly to become data banks their information could be of considerable value to understaffed, inadequately equipped State commissions.

I gather from the literature of the utility industries that the cost of developing comprehensive utility information systems is surprisingly small, providing the systems are properly planned. I believe the Federal commissions should move ahead faster in development of their computerized systems. The bill would authorize and direct the two commissions to make full use of automatic data processing, to the end that the information upon which rate adjustments can be made would be received in a timely and understandable manner.

Essential of course to sound regulation in this era is an integrated information program in which the utility can readily respond to what the regulatory commission asks, rather than simply report what the utility wants told. In line with announced industry policy to answer any question quickly a utility computer tape ought not to stutter if asked by a commission machine to print out the company's owners, optionees or overcharge.

3. UTILITY CONSUMER COUNSEL

The bill establishes as an independent agency a U.S. Office of Utility Consumers' Counsel. He and his staff would be empowered to represent the Federal Government and the public before Federal and State commissions and courts. The bill would transfer from the General Services Administration to the Office of Utility Consumers' Counsel responsibility for procurement of electric, gas, telephone, and telegraph service from investor-owned corporations whose annual revenues exceed $1 million.

The bill would make available to the States grants of up to 75 percent of the cost of State Officers of Utility Consumers' Counsel. This grant-in-aid program would also be available to local jurisdictions or combinations of jurisdictions with a total population of at least 100,000 persons.

Mr. President, most of us are familiar with the formidable presentations which utility companies can make before regulatory commissions, with their batteries of experts who are paid for by the customers through the rate structure. We are familiar too with the fact that the public viewpoint, the consumers' viewpoint, is not adequately presented.

I have been impressed by the editorials on this point, in State after State, during the past 2 years. Here are excerpts from some of them:

Said the Providence Journal:

> Time and again, Rhode Island consumers have seen how impressively the utility interests can mobilize its economists, engineers and accountants in a massive presentation of data to support a rate case. Too frequently, the public utilities administrator has all he can do simply to understand a case, let alone to act as arbiter between company and public interests. Too frequently, State administrators, knowing that company versions of its investment, income, depreciation, and expenses as rate base elements *should* be items of controversy, simply must pass over these items for lack of experts who can challenge the company.

The Oklahoma Corporation Commission has been investigated by a State senate committee, following revelation of cash gifts by a gas utility to members and staff of the commission. The Tulsa Tribune, commenting on the State investigation, noted a disturbing paradox:

> The commission has awesome powers to regulate transportation and utility rates, oil and gas production; but it has extremely limited means to obtain the information required for the just and equitable discharge of these powers.
>
> Confronted with batteries of corporation attorneys arguing for rate increases, the commission has had only the services of its underpaid, political-patronage staff.
>
> Ostensibly elected by the people—although the voters rarely have shown any interest in their selection—members of the commission have had to rely for campaign funds on those who have vested interests in decisions made by the commission. Yet this commision is cast in the role of prosecutor, judge and jury in cases vitally affecting the life of every Oklahoman.

In New York a "veil of secrecy"—in the words of the New York Times—was placed around the report on the Consolidated Edison Co. that was made for the city by a private consultant.

Said the Times:

> The long, dismal record of confrontations between the city and Con Ed shows that the company has invariably been able to persuade the (New York Public Service) Commission that its position is the right one.
>
> The P.S.C. has gone along with Con Ed mainly because it lacks the qualifications or the disposition to do anything else. Its four members—all Republicans—are undistinguished politicians who have been rewarded for their loyalty and long years of party service. They have no special expertise in the field of rate regulation and they cannot cope with the formidable and sophisticated appeals for increases made by Con Ed. On a few occasions they have found it politic to delay action, but in the long run they have always yielded.

A similar situation prevails in Arkansas, according to the Blytheville Courier News. Noting that the Arkansas Public Service Commission has not had a rate case before it in over 10 years, it said:

> This has been the old Arkansas way of doing things in relation to business in the state: the industry to be regulated (and it does not begin and end with utilities) has the strongest hand in regulation.
>
> In short, the consumer in Arkansas has not had the benefit of the protection due him under the law because of the obvious political influence brought to bear in state government, as such government relates to regulation.

In Massachusetts, a probe of utility rates, suggested by the distinguished junior Senator from Massachusetts, Mr. EDWARD KENNEDY, and the Massachusets Consumer Council, was heartily endorsed by the Boston Herald-Travler, the Boston Morning Globe, the North Adam Transcript, and the Malden News.

The Transcript noted that the Massachusetts Department of Public Utilities did not seem interested in the investigation. The Herald-Traveler observed that a full rate case would be out of the question with the DPU's present staff, which included but three accountants assigned to checking the accuracy of financial statements filed by all the electric, gas, railway, bus, telephone, and telegraph companies in the State.

The common thread of editorial comment, except for that flowing from canned editorial factories financed by the utilities themselves, is that most State utility commissions are not doing their assigned job of protecting the public interest. In some cases they do not appear enthusiastic about doing their job. In other cases, they are simply not equipped to do it, having been given much to do by the State legislatures, and little to do with.

One of the three States that has a utility consumers' counsel is Maryland. There, in 1963, the counsel to the public service commission resigned after trying to regulate more than 200 utilities with a small budget and a staff dwarfed by row upon row of experts retained by the utilities. In 1967, the chairman of the Maryland Public Service Commission termed the office of people's counsel, which is what the office is called there, "absolutely indispensable to the successful operation of the public service commission law."

Under the terms of our bill a grant for an Office of Utility Consumers' Counsel could go to a State regulatory commission such as Maryland's. If, for some reason, the regulatory commission in a State did not want to be associated with the Utility Consumers' Counsel, another agency of the State, perhaps the attorney general's office could apply for the grant. If State officials decided not to participate in the program, or if there was interest in action before the legislature next convenes, local government or governments could apply for a grant, as long as the application represented at least 100,000 persons. And in any event, the U.S. Office of Utility Consumers' Counsel would be authorized to appear before commissions and courts, Federal and State, on behalf of the public as well as the Federal Government.

4. GRANTS FOR STUDIES OF UTILITY REGULATION

The bill authorizes grants to universities and nonprofit organizations for studies of utility regulation. The bill directs the Utility Consumers' Counsel to prepare model utility laws. Studies of regulatory laws leading to preparation of the model laws could be made through the grants to universities and nonprofit organizations.

These sections of the bill are designed to provide funds with no strings attached for needed studies of regulatory matters. From the time that Samuel Insull helped the Illinois Legislature write utility laws early in this century until modern-day utilities helped the Iowa Legislature write utility laws in 1963, the regulated industries have been much more concerned with utility legislation than the public has. No major foundation, and to the best of my knowledge no minor foundation, supports studies of utility regulation. What little academic attention is paid to regulation is all too frequently endowed by the utilities themselves, whether at the summer seminars for professors at the Foundation for Economic Education at Irvington-on-Hudson in New York, or at the Institute of Public Utilities at Michigan State University.

The Federal Government has all kinds of pamphlets and booklets designed to inform consumers about everything except of their largest expenses of all, utility bills. Consumer Information, published by the Superintendent of Documents, lists hundreds of publications available to the wise consumer. Only one—Typical Electric Bills—lists any utility charges, and it includes nothing at all about how the regulatory system works. Uncle Sam's consumer information program is as devoid of practical assistance for utility consumers as was the otherwise admirable Department of Agriculture Yearbook in 1965, "Consumers All."

I have seen a rather chilling movie, prepared by the power companies and financed unknowingly by their customers, which purports to show how we in Congress are stifling the utilities by voting a little money for Rural Electrification Administration loans. I have never seen or heard, though, of any movie or visual presentation which explains how the regulatory system actually works.

Therefore, it is my hope that through this bill universities and scholars can be encouraged to inquire into the state of the art of regulation. Remarkable changes are underway in both the communications and energy fields. The cost of moving a telephone message by high-capacity microwave relay towers is 1 percent of the cost, 30 years ago, of moving the message by conventional telephone line. Average costs of electricity per kilowatt-hour are trending steadily downward. During the past 10 years electric utilities, despite increasing profits, have had to collect less and less, in proportion to their earnings, for the Federal Government. As a percentage of revenue, Federal tax collections by power companies decreased from 14.7 percent in 1955 to 11.7 percent in 1965. The field for fruitful and needed research and study is broad.

Large utility companies have more political power than the Governor and legislature together in some States. The overcharges will continue, and will grow, unless national attention is focused on the problem and unless a program for removal of the overcharges is developed.

In my view the Intergovernmental Utility Consumers' Act provides a logical framework for removing overcharges and modernizing regulation. I commend the bill to my colleagues on both sides of the aisle, to my former colleagues in the House of Representatives, and to the administration.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 607) to establish an independent agency to be known as the United States Office of Utility Consumers' Counsel to represent the interests of the Federal Government and the consumers of the Nation before Federal and State regulatory agencies with respect to matters pertaining to certain electric, gas, telephone, and telegraph utilities; to amend section 201 of the Federal Property and Administrative Services Act pertaining to proceedings before Federal and State regulatory agencies; to provide grants and other Federal assistance to State and local governments for the establishment and operation of utility consumers' counsels; to provide Federal grants to universities and other nonprofit organizations for the study and collection of information relating to utility consumer matters; to improve methods for obtaining and disseminating information with respect to the operations of utility companies of interest to the Federal Government and other consumers; and for other purposes, introduced by Mr. METCALF (for himself and other Senators), was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intergovernmental Utility Consumers' Counsel Act of 1969."

DEFINITIONS

SEC. 2. As used in this Act—

(a) The term "Federal agency" means any department, agency, or instrumentality, including any wholly owned Government corporation, of the executive branch of Government.

(b) The term "State" means any State of the United States, any territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or political subdivision, department, agency or instrumentality of any of them, but does not include the Panama Canal Zone.

(c) The term "utility" means any privately owned corporation (other than a cooperative) which (1) provides electric, gas, telephone, or telegraph service to the public, (2) has an annual gross operating revenue in excess of $1,000,000, and (3) is a public utility as defined in part II of the Federal Power Act, a natural gas company as defined in the Natural Gas Act, or a common carrier as defined in the Communications Act of 1934.

(d) The term "utility service" means any service provided for the public by a utility.

TITLE I—UTILITY CONSUMERS' COUNSEL

ESTABLISHMENT OF OFFICE

SEC. 101. (a) There is hereby established within the executive branch of the Government an independent agency to be known as the United States Office of Utility Consumers' Counsel (referred to hereinafter as the "Office"). The Office shall be headed by a Consumers' Counsel (referred to hereinafter as the "Counsel"), who shall be appointed for a term of five years by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate provided for level two of the Executive Schedule.

(b) The Counsel may—

(1) promulgate such rules and regulations as may be required to carry out the functions of the Office; and

(2) delegate to any other officer or employee of the Office authority for the performance of any duty imposed, or the exercise of any power conferred, upon the Counsel by this Act, and any reference herein to the Counsel shall include his duly authorized delegate or delegates.

PERSONNEL AND POWERS OF THE OFFICE

SEC. 102. (a) The Counsel shall appoint and fix the compensation of such personnel as he determines to be required for the performance of the functions of the Office.

(b) In the performance of the functions of the Office, the Counsel is authorized—

(1) to obtain the service of experts and consultants in accordance with section 3109 of title 5 of the United States Code;

(2) to appoint such advisory committees as the Counsel may determine to be necessary or desirable for the effective performance of the functions of the Office;

(3) to designate representatives to serve on such committees as the Counsel may determine to be necessary or desirable to maintain effective liaison with Federal agencies and with departments, agencies, and instrumentalities of the States which are engaged in activities related to the functions of the Office; and

(4) to use the services, personnel, and facilities of Federal and State agencies, with their consent, with or without reimbursement therefor as determined by them.

(c) Upon request made by the Counsel, each Federal agency is authorized and directed—

(1) to make its services, personnel, and facilities available to the greatest practicable extent to the Office in the performance of its functions; and

(2) subject to provisions of law and regulations relating to the classification of information in the interest of national defense, to furnish to the Office such information, suggestions, estimates, and statistics as the Counsel may determine to be necessary or desirable for the performance of the functions of the Office.

REPRESENTATION OF PUBLIC INTEREST

SEC. 103. (a) Whenever there is pending in or before any Federal or State agency or court any investigation, hearing, or other proceeding which may, in the opinion of the Counsel, affect the economic interests of consumers of utility services within the United States, the Counsel may intervene and, pursuant to that agency's or court's rules of practice and procedure, may enter an appearance in that proceeding for the purpose of representing the interests of such consumers.

(b) Upon any such intervention, the Counsel shall present to the agency or court, subject to the rules of practice and procedure thereof, such evidence, briefs, and arguments as he shall determine to be necessary for the effective representation of the economic interests of such consumers. The Counsel or any other officer or employee of the Office designated by the Counsel for such purpose, shall be entitled to enter an appearance before any Federal agency without other compliance with any requirement for admission to practice before such agency for the purpose of representing the Office in any proceeding.

REPRESENTATION OF FEDERAL GOVERNMENT INTERESTS

SEC. 104. (a) The Counsel shall represent the interests of Federal agencies in proceedings before Federal and State regulatory agencies and courts relating to rates and tariffs, and in negotiations with utilities, for the procurement of utility services, except that the Secretary of Defense may from time to time, and unless the President shall otherwise direct, exempt the National Military Establishment from the provisions of this section whenever he determines such exemptions to be in the best interests of national security.

(b) The Counsel shall provide the services described in subsection (a) to agencies of any other branch of the Federal Government, mixed ownership corporations (as defined in the Government Corporation Control Act), or the District of Columbia, upon its request.

(c) The functions of the Administrator of General Services under section 201(a)(4) of the Federal Property and Administrative Services Act of 1949, relating to representing Federal agencies in proceedings before Federal and State regulatory agencies, are transferred to the Counsel, insofar as such functions involve utilities as defined in this Act.

(d) All officers, employees, property, obligations, commitments, records and unexpended balances of appropriations, allocations, and other funds (available or to be made available) which are determined by the Director of the Bureau of the Budget to relate primarily to the functions transferred pursuant to paragraph (c) are transferred to the Office.

(e) Section 201(a)(4) of the Federal Property and Administrative Services Act of 1949 is amended by inserting before the semicolon at the end thereof a comma and the following: "except as provided in the Intergovernmental Utility Consumers' Counsel Act of 1968."

(f) Any action being carried out by the Administrator of General Services prior to the effective date of this section as part of the functions transferred to the Counsel under subsection (c) may be continued by the Counsel.

(g) This section shall become effective on the ninetieth day following the date of enactment of this Act.

PUBLIC INFORMATION AND REPORTS

SEC. 105. (a) The Counsel from time to time shall compile and disseminate to the public, through such publications and other means as he determines to be appropriate, such information as he considers to be necessary or desirable for the protection of the economic interests of consumers of utility services.

(b) In January of each year, the Counsel shall transmit to the Congress a report containing (1) a full and complete description of the activities of the Office during the preceding calendar year, (2) a discussion of matters currently affecting the economic interests of such consumers, and (3) his recommendations for the solution of any problems adversely affecting those interests.

(c) The Counsel shall transmit to the President from time to time such recommendations for proposed legislation as the Counsel may consider to be necessary or desirable for the adequate protection of the economic interests of such consumers.

GRANTS TO STATE AND LOCAL GOVERNMENTS

SEC. 106. (a) The Counsel is authorized to make grants to any State or local government, or combination of such governments, that serve a population of one hundred thousand or more persons, for up to 75 per centum of the cost of establishing and carrying out the functions of an Office of Utility Consumers' Counsel, providing such Consumers' Counsel is invested with essentially the same general powers and functions set forth in sections 101, 102, and 103 of this Act, except as such requirements may be waived by the Counsel.

(b) A grant authorized by subsection (a) of this section may be made on application to the Counsel at such time or times and containing such information as the Counsel may prescribe.

GRANTS TO NONPROFIT ORGANIZATIONS AND UNIVERSITIES

SEC. 107. The Counsel is authorized to make grants to colleges, universities, and other nonprofit organizations for the purpose of making studies and reports, and the collecting and dissemination of information, relating to Federal and State laws, regulations, and decisions affecting consumers in the fields of energy and communications.

TECHNICAL ASSISTANCE TO STATE AND LOCAL GOVERNMENT

SEC. 108. The Counsel may furnish technical advice and assistance, including information, on request to any State or local government, college, university or other nonprofit organization for the purpose of establishing and carrying out any program of utility consumer interest within the general purposes of this Act. The Counsel may accept payments, in whole or in part, for the costs of furnishing such assistance. All such payments shall be credited to the appropriation made for the purposes of this section.

REPORTING REQUIREMENTS

SEC. 109. A State, or local government office, college, university, or other nonprofit organization receiving a grant under this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal funds and the operation of the approved program or projects as the Counsel may require, and shall keep and make available such records as may be required by the Counsel for the verification of such reports and evaluations.

REVIEW AND AUDIT

SEC. 110. The Counsel and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of a grant recipient that are pertinent to the grant received.

TERMINATION OF GRANTS

SEC. 111. Whenever the Counsel, after giving reasonable notice and opportunity for hearing to a grant recipient under this Act, finds—

(1) that the program or project for which such grant was made has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or project there is failure to comply substantially with any such provision:

the Counsel shall notify such recipient of his findings and no further payments may be made to such recipient by the Counsel until he is satisfied that such noncompliance has been, or will promptly be, corrected. However, the Counsel may authorize the continuance of payments with respect to any projects pursuant to this Act which are being carried out by such recipient and which are not involved in the noncompliance.

MODEL LAWS

SEC. 112. The Counsel shall make a full and complete investigation and study for the purpose of—

(1) preparing a comparison and analysis of State and Federal laws regulating utilities; and

(2) preparing model laws and recommendations for regulation of such utilities.

The results of such investigation and study shall be reported to the President, the Congress, and the Governor of each State as soon as practicable.

APPROPRIATIONS AUTHORIZED

SEC. 113. There are authorized to be appropriated annually for the purposes of this title an amount equal to one-tenth of 1 per centum of the aggregate annual gross operating revenues of all utilities.

SAVING PROVISION

SEC. 114. Nothing contained in the Act shall be construed to alter, modify, or impair any other provision of law, or to prevent or impair the administration or enforcement of any other provision of law, except as specifically amended or to the extent that it is inconsistent with this Act.

TITLE II—PUBLIC INFORMATION WITH RESPECT TO CERTAIN UTILITIES

SEC. 201. (a) The Federal Power Commission with respect to utilities subject to its jurisdiction and the Federal Communications Commission with respect to utilities subject to its jurisdiction shall determine the information required pursuant to subsection (b) with respect to each such utility and shall publish such information at least annually in reports prepared for and made readily available to the public, especially in the service area of each such utility.

(b) The information to be made available pursuant to this section with respect to each such utility shall include, insofar as practicable, comparable data for previous years and national averages and shall include—

(1) annual earnings stated as a rate of return on a depreciated average original cost rate base and pursuant to other accounting principles and practices of the relevant Federal commission;

(2) annual earnings in dollars as determined pursuant to clause (1);

(3) the dollar difference between amounts determined pursuant to clause (2) and the annual earnings if the utility earned 6 per centum rate of return on the rate base determined pursuant to clause (1);

(4) capital structure stated as percentage of capitalization obtained from long-term debit, preferred stock, common stock and earned surplus;

(5) average rate of interest on long-term debt;

(6) rate of return on average common stock equity;

(7) yearend yield on common stock (annual common dividend divided by yearend market price);

(8) dividend on preferred stock;

(9) yearend preferred dividend yield (annual preferred dividend divided by yearend market price of preferred stock);

(10) yearend earnings price ratio (earnings per share divided by yearend price per share);

(11) the names and addresses of the one hundred principal stockholders including, in those cases where voting stock is held by a party other than the beneficial owner, the name and address of each beneficial owner of 1 per centum or more of the voting stock in the corporation;

(12) the name and address of each officer and director and his annual income from the utility and its parent or subsidiary corporations, if any;

(13) the names and addresses of other corporations of which such officers and directors are also officers or directors;

(14) the names of directors, if any, who were not nominated by the management of the utility;

(15) terms of restricted stock option plans available to officers, directors and employees (not to include plans available to all employees on equal terms) and including name, title, salary and retirement benefits of each person to whom stock options have been granted, number of options each has exercised, date on which options were exercised, option price of the stock and market price of the stock when options were exercised;

(16) all payments included in any account for rate, management, construction, engineering, research, financial, valuation, legal, accounting, purchasing, advertising, labor relations, public relations, professional and other consultative services rendered under written or oral arrangements by any corporation, partnership, individual (other than for services as an employee) or organization of any kind, including legislative services;

(17) policy with respect to deposits of customers and service connection charges, if required;

(18) rate of interest charged customers by the utility, stated as simple annual interest;

(19) rate base valuation and components of the utility's rate base, as determined by the State commission having jurisdiction, expressed in dollar amounts, and including amount permitted in rate base in each of the following categories: accumulated tax deferrals, allowance for working capital, construction work in progress, customers' advances, materials and supplies, plant acquisition adjustment, and plant held for future use;

(20) rate base valuation and components of the utility's rate base, as determined by the Federal commission having jurisdiction, expressed in dollar amounts;

(21) dollar difference in each category and in sum, between the rate base as computed pursuant to clauses (19) and (20);

(22) terms of franchises or certificates of convenience and necessity; and

(23) with respect to contracts for purchase of coal, the following information: sales company, producing company, producing mine, tonnage, price f.o.b. at mine, transportation cost, total cost at plant, cost per ton;

(24) a summary of terms of pooling, interconnection and exchange agreements;

(25) such other information as the appropriate Federal commission determines to be in the public interest.

Such information shall be determined on a fiscal or calendar year basis as may be appropriate and shall be reported as soon as practicable after the termination of such year.

(c) The Federal Power Commission and the Federal Communications Commission are each authorized to establish such regulations as may be necessary to obtain information needed for the purposes of this section and the violation of such regulations shall be deemed to be a violation of regulations pursuant to the Federal Power Act, with respect to the utilities subject to such Act, the Natural Gas Act, with respect to utilities subject to such Act, or the Communications Act of 1934, with respect to utilities subject to such Act, respectively.

AUTOMATIC DATA PROCESSING

SEC. 202. The Federal Power Commission and Federal Communications Commission are hereby authorized and directed to make full use of automatic data processing in preparing the information required under this Act and other Acts to which they are subject, to the end that Federal and State regulatory bodies, the Congress, the United States Office of Utility Consumers' Counsel, such State and local offices of consumers' counsel as may be established with assistance under this Act, and the public shall receive in a timely and understandable manner information upon which rate adjustments can be made. Such Federal commissions are hereby directed to include in their annual reports accounts of their progress toward full use of automatic data processing.

APPROPRIATIONS AUTHORIZED

SEC. 203. There are authorized to be appropriated such amounts as may be necessary for the purposes of this title.

S. 608—INTRODUCTION OF BILL TO CREATE A TEMPORARY NATIONAL AVIATION PLANNING COMMISSION

Mr. PEARSON. Mr. President, today I introduce a bill which would create a National Aviation Planning Commission. I originally sought to implement this concept through legislation in the 90th Congress, early in 1967. This proposal was endorsed by President Nixon in his presidential campaign and is supported by individuals and organizations in government and industry, alike. My purpose is to place this concept of a planning agency into legislative form and to give it legislative authority. As anyone closely in touch with aviation affairs knows, there is no central unit charged with the responsibility to lay out plans for the development of a national air travel system or to establish a comprehensive air transportation policy. This failure is a critical flaw in our present national policies toward aviation affairs.

The necessity for the creation of a planning commission has been brought to the fore by the dynamic expansion of the aviation industry. Over the past decade, as our GNP has moved ahead at a rate of approximately 8 percent annually, the air transportation industry has expanded at a rate of nearly 40 percent. In the past 5 years, the number of passengers riding air carriers has more than doubled, and current projections indicate that these numbers will triple within the next decade. General aviation is probably the most accelerated aviation growth industry today as approximately 25 general aviation aircraft enter into operation each day. Air cargo and air taxi operations—new aviation industries which have in recent years sprung to life—are providing lively competition for the transportation dollar. All these facts indicate that the air transportation industry has developed into a healthy and mature segment of our national economy in its brief 50-year evolution.

While the public demand for a modern air transportation system has grown at a dramatic rate, our political and social institutions have not responded to these demands. Aviation technology is advancing rapidly and changing radically; however, modern government has not been able to keep up with these advances.

Evidence of this fact can be seen all around us. Air travel is commonly characterized by congestion—congestion in the air and on the ground. Our major airports are the focus of this congestion; they are jammed. Ticket counters are overcrowded; baggage is slow; runways are lined; and ground connections—usually not coordinated—are many times impossible. This problem is a crisis of convenience and a crisis of confidence; moreover, it is developing into a crisis of safety. But the real and harmful result is that these problems are beginning to place restraints upon the individual citizen, his mobility and choice of mobility, upon the aviation industry, its future growth prospects, and upon the future development of our national air transportation system.

It is not fair to say that a lack of planning on a national scale is the sole cause of the current condition of our air travel system, but it has played a major role. We were simply not ready for the dynamic growth in the aviation industry and the advances in aviation technology. No one or hardly anyone was looking to the future, for the pressures of the present were too pressing.

One major reason why there is no coordinated, comprehensive planning activity on a national scale is the dispersion of authority throughout the Nation for decisionmaking in aviation affairs. There are three distinct dimensions in this division of power. For instance, on the Federal level primary responsibility is divided among the Civil Aeronautics Board, the Department of Transportation, and the Federal Aviation Administration. Secondary responsibility at the Federal level for technologically oriented research and development activities rests in our national aeronautics and space and military programs. The second dimension is the clear, yet uncoordinated, division of authority among the local, State, and National Governments. And third, there is a complex intermix between policymaking by those public agencies and decisions by private individuals in the aviation industry. The problem is that there is a lack of communication between these various points of decision; there are simply few formal or established channels of communication to be utilized. And this lacking points out the need for a national planning operation to act as a clearinghouse to communicate and evaluate information and ideas regarding future aviation affairs.

Let me now outline what I feel are some of the deficient areas of planning for aviation affairs:

First. Development of facilities for organizing a clearinghouse of information, ideas, and opinions regarding present and future aviation problems. Such an operation would provide channels for the collection and dissemination of such material and would have the resources necessary to analyze and evaluate this material.

Second. Development of a unit to look beyond technological advances and systematize research and development activities regarding the social and economic impact of aviation technology. Particular areas of impact to be examined are the entrance of jumbo jets and supersonic transport into our national air travel system; minimizing congestion problems through maximizing the utilization of present facilities with more efficient scheduling; and the integration and meshing of the air transportation system with the other various modes of transportation.

Third. Development of a central unit to process and analyze the developments evolving from the technological research activities of our national space and aeronautics and military aviation programs. There must be coordinated planning in order that new developments may have broad civil aviation applications.

Fourth. Development of realistic demand forecasts for scheduled passenger and cargo services, as well as for nonscheduled private, corporate and charter services on an international, national, regional, area and community basis.

Fifth. Development of a national scheduled air service pattern suitable to meet the present and future economic and social needs of the Nation. An important aspect of this is the contribution to the development of an adequate international air service pattern also.

Sixth. Development of realistic parameters within which air vehicles should be designed to be economically viable and technically compatible with the support systems that can be reasonably provided in the time frame appropriate to the forecast needs, and socially acceptable in the environment within which they must operate.

Seventh. Development of an aviation facilities plan, both technical and economic, suitable to provide the airways and ground facilities necessary to assure an orderly development of aviation growth and consistent with the economic and social needs and the compatibility of the air vehicles.

Eighth. Development of administrative mechanisms by which air transportation and other transportation modes can be suitably coordinated to assure the effective fulfillment of the Nation's transportation needs, including a comprehensive research and statistics program.

The gaps in aviation are now being recognized by air transportation officials. Within the last 6 months the Secretary of Transportation has formed an advisory committee to examine the requirements of an air traffic control system for the 1980's. The Chairman of the Civil Aeronautics Board recently announced that the CAB would solicit information concerning "what is being done, or planned, to handle air passengers between the airport and city center." The FAA has organized for next month the first annual National Aviation System Planning Review Conference to provide a public forum for the discussion of plans and policies in FAA's major program areas. These planning efforts on the part of national air transportation officials are laudable, but they are partial efforts. I think they simply provide further evidence of the need for an ongoing, overall national planning activity. What is needed is a continuous, comprehensive, planning operation which can confront and prepare for the problems facing aviation in the years ahead.

Mr. President, I know there are differences of opinion on how to attack the inadequacies in aviation planning inherent in our present national governmental structure. I could introduce legislation which would implement my own feelings regarding such inadequacies. However, I feel the best way of obtaining a solution to our aviation planning problem is to have a number of interested officials, interested parties, and recognized experts make a full investigation and study of the problem and make recommendations as to how it might be solved. To do this, I am introducing legislation which would create a National Aviation Planning Commission. This Commission would be composed of the Assistant Secretary of Transportation for Policy Development; the Administrator of the Federal Aviation Administration; the Chairman of the Civil Aeronautics Board; the Deputy Associate Administrator for Aeronautics of the National Aeronautics and Space Administration; the Assistant Secretary of Housing and Urban Development for Metropolitan Development, and 10 other persons appointed by the Secretary of Transportation. These latter 10 individuals would be selected from the various aviation industries, Federal Government agencies related to the aviation industry, and other persons having special knowledge and experience with respect to aviation.

This Commission would be charged with the responsibility for analyzing and determining the inadequacies regarding aviation planning in the Federal Government and outlining the functions necessary to supplant these inadequacies. Finally, the Commission would recommend the organizational changes necessary to carry out such planning functions. A report of these recommendations could then be made to the Congress through the Secretary of Transportation.

Tomorrow's air transportation problems can be monumental or, because of today's planning, they can be inconsequential. I sincerely hope that this bill to establish a National Aviation Planning Commission will receive hearings and a thorough study. I hope that in 10 years we may be able to say that we recognized the problems, we foresaw a future crisis, and we avoided it by a continuing program of coordinated planning.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the Record.

The VICE PRESIDENT. The bill will be appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 608) to create a temporary National Aviation Planning Commission in order to improve national planning in aviation, introduced by Mr. Pearson, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "National Aviation Planning Commission Act of 1969."

DECLARATION OF PURPOSE

Sec. 2. The Congress hereby finds that the existing national air transportation system within the United States is rapidly becoming inadequate to meet the present and future needs of such system; that there is a need, beyond that provided under existing laws, for coordination and overall planning assistance in all aspects of aviation in order to develop and maintain such a system; and that there is a primary responsibility in the Federal Government to provide the necessary coordination and cooperation with state and local governments and other elements in the field of aviation in order to provide necessary planning to meet the needs of such system. It is therefore the purpose of this Act to provide for a study and recommendations with respect to the best means of providing for such planning on a permanent basis.

NATIONAL AVIATION PLANNING COMMISSION

Sec. 3. (a) The Secretary of Transportation shall establish a National Aviation Planning Commission consisting of the Assistant Secretary of Transportation for Policy Development, the Administrator of the Federal Aviation Agency, the Chairman of the Civil Aeronautics Board, the Deputy Associate Administrator for Aeronautics of the National Aeronautics and Space Administration, Assistant Secretary of Housing and Urban Development for Metropolitan Development, and not more than ten other members appointed by the Secretary, who represent the aviation industry (including air transportation and local public airports for the purpose of this section) or Government agencies affecting such industry or have special knowledge and experience or qualifications with respect to aviation. The Assistant Secretary of Transportation shall serve as chairman of the commission.

(b) Such commission shall make a full investigation and study into the planning activities of Federal agencies in the field of aviation for the purpose of:

(1) Analyzing and determining the inadequacies of aviation planning in the Federal Government and the specific areas of aviation planning for which the Federal Government has no current authority or is ill-equipped to plan and program adequately;

(2) Outlining the functions necessary to supplant these inadequacies in aviation planning; and

(3) Recommending the necessary legislation or other action to carry out such functions.

(c) Members of such commission who are not regular full-time employees of the United States, shall, while serving on the business of the commission, be entitled to receive compensation at rates fixed by the Secretary of Transportation, but not exceeding $100 per day, including travel time; and, while so serving away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

(d) The Secretary of Transportation shall engage such technical assistance as may be required to carry out the functions of such commission, and the Secretary shall, in addition, make available to the commission such secretarial, clerical, and other assistance and such pertinent data prepared by the Department of Transportation as the commission may require to carry out its functions.

(e) In carrying out its functions pursuant to this section, such commission may utilize the services and facilities of any agency of the Federal Government, in accordance with agreements between the Secretary of Transportation and the head of such agency.

(f) Such commission shall complete such investigation and study and make a report thereon, not later than one year after the date of enactment of this Act, to the Secretary of Transportation. Not later than thirty days after receiving such report the Secretary shall forward it, together with his recommendations, to the President and the Congress. Such report shall include a review of the commission's activities pursuant to this Act and the commission's recommendations determined pursuant to subsection (b).

(g) Such commission shall cease to exist thirty days after the submission of such report to the Congress.

(h) There are authorized to be appropriated such amounts, not in excess of $———, as may be necessary to carry out the provisions of this Act.

S. 312—INTRODUCTION OF DAIRY IMPORT CONTROL ACT OF 1969

Mr. PROXMIRE. Mr. President, I rise today, to introduce, on behalf of myself and Senators McGovern, Mundt, Nelson, and Young of North Dakota, legislation to permanently stem the tide of dairy imports into the United States.

This proposal would set dairy imports at the 1961–65 average level of 844 million pounds. It would permit imports to share in any growth in domestic production. It would give the President the power to authorize additional imports if he felt they were in the national interest with the proviso that whenever domestic market prices were less than parity the Secretary of Agriculture would have to purchase an amount of domestic dairy products corresponding to the amount authorized to be imported by presidential order. Finally it would make it clear that products such as industrial casein, candy and bakery goods are not to be considered for the purposes of the quota.

Under existing law the President has authority, in accordance with section 22 of the Agricultural Adjustment Act of 1933, to curtail imports that—

> Render ineffective, or materially interfere with, any . . . program or operation undertaken by the Department of Agriculture.

This authority has been used four times in the past 2 years to curtail imports that have threatened the stability of our dairy price support program. But the mere fact that it has been found necessary to issue four proclamations in 2 years testifies to the ineffectiveness of section 22 controls.

Let us take a brief look at the history of these attempts to control imports. In the early 1960's butter imports into this country were under effective control when imports of butteroil started to undermine the domestic dairy industry. As soon as a quota was placed on this product importers promptly concocted a butterfat-sugar mixture called exylone. Exylone imports were barred subsequently by a regulation applying to mixtures containing 45 percent or more of butterfat. Almost immediately junex, containing 44 percent butterfat, started to pour into the country.

Mr. CHURCH. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. CHURCH. I wonder would the Senator from Wisconsin be good enough to add my name as a cosponsor of his bill.

Mr. PROXMIRE. I would be delighted to do so, and, Mr. President, I ask unanimous consent that the name of the distinguished Senator from Idaho (Mr. Church) be added as a cosponsor to the bill.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, perhaps the greatest dairy import crisis occurred in 1967 when a flood of Colby cheese and junex-type mixtures threatened to wreck our domestic price support program. By the time section 22 hearings had been held before the Tariff Commission, the Commission's recommendations had been formulated and forwarded to the President, the Secretary of Agriculture had made his recommendations, and the President had acted, imports had skyrocketed to a level of 2.9 billion pounds from a mere 900 million pounds in 1965. This import explosion had cost the American taxpayer an estimated $131,177,198—money expended by the Agriculture Department under the dairy price support program to buy up surplus American products driven out of the marketplace by imports.

There was a general feeling in the latter part of 1967 that this Presidential proclamation took care of the import problem in a decisive manner—that it rendered passage of the Dairy Import Act unnecessary. However some of us were dubious. And again in 1968 the President was forced to issue two emergency proclamations to deal with imports of such diverse products as condensed and evaporated milk as well as Edam, Gouda, Swiss, Gruyere, and Emmenthaier cheeses. The latest Presidential proclamation, issued just a few weeks added chocolate crumb to this list, although the import level fixed for this product was, unfortunately, not low enough to prevent the major domestic manufacturer of milk crumb from beginning negotiations for the liquidation of his business.

The VICE PRESIDENT. The time of the Senator from Wisconsin has expired.

Mr. PROXMIRE. Mr. President, I ask unanimous consent to proceed for 3 additional minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. PROXMIRE. This, then, is the the spotty history of section 22 controls—controls that have all too often demonstrated their inadequacy. I believe that it is clear enough that the only effective protection against the disruption of our domestic dairy market economy by imports is a hard and fast system such as that created by the bill I am introducing today.

But how about the consumer? Is he not forced to pay more for domestic dairy products because of foreign imports? Far from it. I have already pointed out the immense costs placed upon our Government, and thus the taxpayer—the consumer—by dairy imports that displace domestic production, which then has to be purchased under our price support program. We must also recognize, however, that fluid milk, the most important product of the dairy industry, is an unusually perishable commodity. If imports destroy domestic markets and drive domestic producers out of the dairy industry we will soon find that we are paying a very high price indeed for the fluid milk produced by the few dairy farmers remaining. For demand will outstrip supply and fluid milk cannot economically be imported.

But how about the importance of free trade? Does not this cut against protecting our domestic dairy industry, even if that free market means our children may have to be satisfied with imported powdered milk? Not if we look at the facts. For the international dairy market is far from free. A great many competitive dairy products imported into this country has been subsidized by the country of origin.

Here are some examples:

The August 26, 1968, issue of Foreign Agriculture indicates that common export subsidy rates for dairy products fixed by the European Economic Community amount to 60.33 cents per pound of butter, 17.24 cents per pound of Gruyere cheese, and 19.05 cents per pound of dry whole milk.

In summation then, this legislation would help to maintain a healthy domestic dairy industry free from subsidized import competition, save domestic price support dollars—dollars that ultimately come from the taxpayer—insure a continued supply of nature's perfect food, fluid milk, to our sons and daughters, and inject some long needed certainty into the dairy import picture by making unnecessary a continual resetting of quotas through section 22 of the Agricultural Adjustment Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 612) to regulate imports of milk and dairy products, and for other purposes, introduced by Mr. PROXMIRE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Dairy Import Act."

SEC. 2. No imports of dairy products shall be admitted into the United States for consumption for any food use except pursuant to authorizations issued by the Secretary of Agriculture in accordance with the provisions of this Act.

SEC. 3. No authorizations for imports of dairy products shall be issued by the Secretary which would result in total imports for consumption for any food use in any calendar year of butterfat, nonfat milk solids, casein, or caseinates, in any form, in excess of the respective total average annual quantities thereof which were admitted for consumption for any food use during the five calendar years 1961 through 1965.

SEC. 4. In the event that total annual domestic consumption of milk and milk products in any calendar year shall be greater or less than the average annual domestic consumption of milk and milk products during the five calendar years 1961 through 1965, the volume of imports of butterfat, nonfat milk solids, casein, and caseinates, in any form, authorized under this Act shall be increased or decreased for such calendar year by corresponding percentages. For the purpose of this Act, the Secretary may estimate such total annual domestic consumption and shall reflect adjustments of such estimates in the level of imports authorized in subsequent periods. In computing or estimating such annual domestic consumption under this Act, milk and milk products used in surplus disposal or in distribution programs sponsored by the Federal Government or any agency thereof shall be excluded.

SEC. 5. The President may permit, if he finds such action is required by overriding economic or national security interests of the United States, additional quantities of imports. Additional imports permitted under this section shall be admitted for consumption under special authorization issued by the Secretary. No additional imports shall be admitted for consumption under this section at a time when prices received by dairy farmers for milk on a national average as determined by the Secretary are at a level less than parity, unless the Secretary shall, at the time such imports are authorized, remove from the domestic market, in addition to and separate from other price support purchases and operations, a corresponding quantity of dairy products. The cost of removing such dairy products from the domestic market shall be separately reported and shall not be charged to any agricultural program.

SEC. 6. "Dairy products" for the purpose of this Act includes (1) all forms of milk and dairy products, butterfat, nonfat milk solids and any combination or mixture thereof; (2) any article, compound, or mixture containing 5 per centum or more of butter fat, or nonfat milk solids, or any combination of the two; and (3) casein, caseinates, and other derivatives of milk, butterfat, or nonfat milk solids, if imported commercially for any food use.

"Dairy products" for the purpose of this Act does not include (1) industrial casein, industrial caseinates, or any other industrial product, not to be used in any form for any food use, or as an ingredient of food; or (2) articles not normally considered to be dairy products, such as candy, bakery goods, and other similar articles, provided neither the butterfat, nonfat milk solids, casein, or caseinates, in any form, in any such article is commercially extractable or capable of being used commercially as a replacement or substitute for such ingredients in the manufacture of any food product.

SEC. 7. The Secretary may prescribe such rules and regulations as he deems necessary for the effective administration of this Act.

SEC. 8. Nothing contained in this Act shall be construed to repeal section 22 of the Agricultural Adjustment Act or any import limitation now in effect or hereafter established thereunder; but the respective total annual quantitative limitations on imports of butterfat, nonfat milk solids, casein, or caseinates, in any form, for any food use, prescribed by this Act shall prevail, and all imports authorized under said section 22 or any other law shall be included in computing such totals.

Mr. HOLLAND. Mr. President, will the Senator yield, on my time?

Mr. President, may I have 3 minutes for a colloquy with the Senator?

The VICE PRESIDENT. The Senator's time has expired.

Mr. HOLLAND. May I have 3 minutes to develop the same subject?

Mr. PROXMIRE. Mr. President, I am delighted to yield to the distinguished Senator from Florida, who is the ranking member of the Committee on Agriculture and Forestry and who for many years has been chairman of the Agriculture Subcommittee of the Committee on Appropriations.

Mr. HOLLAND. Mr. President, I wanted to say that while I shall do everything in my power to speed hearings on the bill which the Senator has introduced, I want the RECORD to show that, as we have faced problems of imported agricultural commodities, it is my feeling that the President who just left office the other day was very quick to respond to the needs of the dairy industry. I think the RECORD should show that his four Executive orders, issued in the effort to protect the local dairy industry, were issued quickly and were helpful and effective.

I am sorry that, from what the Senator says, they have not given as much aid to the dairy producers as it was thought they would give, but I think the RECORD should show clearly that the retiring President has been very helpful to the dairy industry and has answered promptly and helpfully each time that we have taken this cause to him.

Mr. PROXMIRE. May I say to the distinguished senior Senator from Florida that his point is excellent. I perhaps did not put enough emphasis on it. I did say in my remarks that the President acted, but I should emphasize that he deserves a great deal of credit, that he did help the dairy industry by his Executive orders, particularly the one in 1967.

Mr. HOLLAND. Mr. President, I yield the floor.

S. 621—INTRODUCTION OF BILL TO PROVIDE FOR THE ESTABLISHMENT OF THE APOSTLE ISLANDS NATIONAL LAKESHORE, WISCONSIN

Mr. NELSON. Mr. President, I introduce, for appropriate reference, a bill to establish an Apostle Islands National Lakeshore. This measure, when passed, will preserve for all time the beautiful heritage of the unspoiled islands and shoreline of Lake Superior's romantic archipelago.

I first introduced an Apostle Islands bill in the 89th Congress. After suitable revisions the bill was again introduced in the 90th Congress where it was favorably reported by the Interior Committee to the Senate and passed unanimously. The bill I introduce today has been approved and recommended by both the Interior Department and the Bureau of the Budget.

Early consideration in this Congress will assure sufficient time for full consideration by both bodies, and final passage will cause a 40-year-old dream to come true.

The proposed national lakeshore is an important step forward in forging another link in the priceless chain of national parks, scenic and wild waterways, and national forests now being created in the Great Lakes region.

With exceptions in the State of Alaska, our glorious natural resources have dwindled to a slim memory. White, gushing streams, free of the taint of man-invoked pollutants no longer exist in any reasonable quantity. Now they are visited as an exotic curiosity rather than as a commonplace occurrence.

Unplowed prairie lands bounding with freedom loving wildlife remain only in severely limited acreage and are treated as national geographic oddities.

Our Great Lakes one by one are becoming open cesspools for municipal and industrial refuse and as garbage dumps by outlaw ships plying their once unsullied waters.

We are only now beginning to wake up to the tragic fact that for the most part our sins against the land are almost irreversible. It is yet too early to tell whether recently enacted programs will ever be able to reclaim our land and water so they can be used by all of America's citizens.

CONSERVATION DECADE

To the everlasting credit of the Congresses and administrations since 1960, we are at least beginning to make inroads on our conservation requirements and recreation needs.

By act of Congress or Presidential edict, over 3,850,000 acres of land have been set aside for the national park system.

Since 1960 the public has used the national parks at an increasing, staggering rate. Use since that year has more than doubled, from 70 million visitors then to 153 million last year.

Congress, in this conservation decade, has set aside 59 new areas for our national park system.

Paying heed to the necessity to reclaim

a heritage belonging to everybody, we now have six new national seashores, four national parks, two national lakeshores, four national monuments, five recreational areas, the beginning of a national trails system, the creation of a wild and scenic rivers system, water quality standards for the States to stop the fouling of our precious water, and inroads on air pollution by passage of the Air Quality Act.

In addition, we now have a new Bureau of Outdoor Recreation in the Interior Department, money being spent to set aside through the land and water conservation fund of 1964, and the establishment of a national wilderness preservation system.

Where we have the opportunities we should seize them immediately. We can still save the remaining few of our immensely valuable assets.

The creation of a national lakeshore encompassing the Apostle Islands and some of the nearby lakeshore has been dreamed about, talked about, planned and replanned, and is now ready for the final step.

Conservationists over the decades have recognized the value of these jewels in the crown of Wisconsin. Even though we have been on this road for almost four decades, enthusiasm has not diminished one whit.

The achievement of this natural wonder into a chain of scenic marvels has been one of my major legislative goals since I was Governor of Wisconsin from 1958 to 1962, and as a Senator since then.

The time has come to act and act we must if we are to save the area forever from the developer or the despoiler.

This proposed bill would now place in perpetuity the labor of love of literally thousands of conservationists and recreation seekers. In addition, the spur to the growth of this economically hapless region would be a tremendous boost.

HISTORY OF THE PROJECT

In 1930, the 71st Congress authorized the Secretary of the Interior to look into the advisability of establishing an Apostle Islands National Park in Wisconsin. The committee report said:

> The vast area within (mid-America) is entirely without national park facilities. It comprises all of the heavily populated Middle Western States, with millions of nature-thirsty citizens in need of the advantages of a national park as easily accessible as one among the Apostle Islands would be. . . . . For outstanding scenic beauty of its particular type, the Apostle Islands group is unsurpassed.

Between 1930 and 1962, little was accomplished. The depths of the depression and the height of the crisis of World War II commanded the attention of the legislators and those who could make the crucial decisions. Nevertheless, interest never subsided and the glow of the idea still remained uppermost in the minds and hearts of the young and oldtimers who remembered the talk about the park.

In 1963, interest was again rekindled when President Kennedy made a conservation tour of the United States. The President agreed to land at Ashland, Wis., and to fly over the islands. During his stop, obviously impressed by the magnificence of the scenery and warmed by the greeting extended him by the inhabitants of America's northland, he said:

> Lake Superior, the Apostle Islands, the Bad River area, are all unique. They are worth improving for the benefit of sportsmen and tourists. . . . In fact, the entire northern Great Lakes area, with its vast inland seas, its 27,000 lakes, and its thousands of streams, is a central and significant part of the fresh water assets of this country, and we must act to preserve these assets.

Soon after, Secretary of the Interior Udall appointed a special task force which made a comprehensive study of the region and provided expertise for the initial Apostle Islands bill. In September 1965, I introduced this bill.

In February 1966 President Johnson, in his conservation message to the Congress, asked that the study and planning for the Apostle Islands National Lakeshore be completed at an early date.

The following year on January 30, 1967, President Johnson's conservation message to Congress outlined a plan to preserve our priceless natural assets.

However, on this occasion, President Johnson raised the Apostle Islands project from the planning and study stage to the action level. He listed it in his top four priorities for national park acquisitions for the 90th Congress, and recommended that Congress:

> Establish the Apostle Islands National Lakeshore in Wisconsin, to add a superb string of islands to our national seashore system.

Endorsed by the President himself, it represented not just a park for Wisconsin and Minnesota and Michigan, but a superb monument to our national heritage.

Propelled by the endorsement of the President and his special task force, the Senate Interior Committee held public hearings in the region and Washington where 250 witnesses overwhelmingly supported the bill. It soon reported the bill favorably to the Senate where it was passed unanimously on August 21, 1967. Senator JACKSON, chairman of the Interior Committee, in his legislative summary of the first session of the 90th Congress, reported to the Senate:

> The 21 islands in Lake Superior, the 30-mile long strip of shoreline in the Red Cliffs area, and the unique marsh and sloughs which make up the three units of the Lakeshore should provide some 50 million people living in the Midwest with a superlative unit of the National Park System.

By the end of the second session of the 90th Congress, a mountain of support had been built up for passage of the measure. The three Republican Governors of Wisconsin, Minnesota, and Michigan wired the House Interior Committee on September 4, 1968, of their support for the passage of the bill.

Governor Knowles, Governor LeVander, and Governor Romney stated in their telegram that:

> The Upper Great Lakes Regional Commission reaffirms its support for the establishment of the Apostle Islands National Lakeshore under Resolution No. 12 dated the 28th day of August, 1967 and submitted to the chairman. The bill has the endorsement of the Wisconsin delegation and is strongly supported by numerous conservation, business, and civic interests throughout the state.

And so now we have come almost full circle. A final endorsement by the Congress manifested by passage through both Houses will add another battle streamer to our conservation colors.

ECONOMIC POTENTIAL IMPORTANT

An eminent economist from the University of Wisconsin, Prof. I. V. Fine, did an intensely thorough study of the proposed project. He found that after the area had been fully developed almost 1 million visits per year would be paid the area by tourists and nature lovers who would generate about $7 million in new consumer spending. In addition, the Interior Department estimated that the lakeshore would employ 21 persons full-time and 50 part-time adding an annual payroll of $350,000. The study also showed that the project would generate 363 new jobs.

Naturally some private land would be lost to the tax rolls, but this would amount to less than $12,000. The commercial development, however, and payrolls and tourist spending would far outweigh the initial loss to the tax rolls.

The benefits would be many and varied. There are about 50 million Americans living within a single day's drive of the area. For years the Bad River Indians and the Red Cliff Indians living in the area have existed on what is left of the economy. They will be able to seize new opportunities both inside and outside the boundaries of the park in terms of new jobs and new business starts and expansions.

The Apostle Islands area is situated almost in the geographical center of the 119-county area of the Upper Great Lakes Regional Commission. The Commission, set up by Congress under the Public Works and Economic Development Act of 1965, is designed to spur the economic growth of this underdeveloped northland. The Apostle Islands project can be the progenitor of substantial economic spinoff and the pyramiding of the park's seed money. And the beauty of it is that the money provided by the Federal Government is secured by the real estate it buys for the project. There is no financial giveaway. There is an exchange of real values.

Besides being in the center of the Regional Commission area, the lakeshore is also located in the center of economically depressed EDA counties—where out-migration is critical. In six immediately adjacent EDA counties, it is estimated that the population will decrease by almost 20 percent during the two decade period ending 1980—unless orderly development goes forward.

Included in the boundaries of the proposed lakeshore is a 10,000 acre wild rice marsh, one of the few remaining productive marshes left in Wisconsin and the Nation. Here the Indians harvest this cash crop much as they did centuries ago, and it still forms the base for a substantial portion of their economy. Proper control and insured rights by the Chippewa Indians to harvest this wild rice is part of the proposed act.

The area roughly encompassed by the

119 counties of the Great Lakes Regional Commission has seen periods of dizzying prosperity and severe economic depression. Originally it was rich with great resources of thick forests of towering pines and tough hardwoods, high-grade iron mines, immense numbers of firm-fleshed lake trout, and small but efficient farms.

Timber interests cut the trees without thought of the future and destroyed the area's most valuable resource. The high-grade ores were exhausted, and mining became marginal. The lamprey eel ruined the lake trout fishery and the commercial fishermen no longer set sail every day to harvest those unique game and commercial fish. The marginal productive farms went the way of most small farms and the short growing season discouraged all but a few of the remaining large, mechanized entrepreneurs.

The future looks brighter with new methods of planting and cutting timber taking the place of the ruinous clear cutting. Lampreys have been controlled and the planting of coho salmon is giving the area a double-barreled approach to commercial and game fishing. And taconite ore is being studied in the hopes that iron mining can again become an integral part of the economic backbone.

The hope for the northland, however, remains with the development of the tourism potential. Here we have clean air, free of pollen and dust, free of smoke and smog; crystal-clear water where you can see to the bottom of the streams and the lakes and not see refuse when you do look. And miles of unlived-on land where a man can draw a breath and commune with his spirit.

Here we have untilled and uncleared land available to future generations to develop while their fathers and mothers are trying with little apparent success to join the 70 percent of the Nation now jammed onto 1 percent of the land.

A reversal of this flow and relief of the crisis occurring in our cities depends in no small measure on our ability to attract people back to the land.

UNSURPASSED BEAUTY

The proposed Apostle Islands National Lakeshore would be made up of 57,500 acres consisting of three separate entities.

One section would include 21 of the 22 islands making up the archipelago off the Bayfield Peninsula. Madeline Island—the biggest island—is not included because of its advanced stage of commercial and residential development. Also included in the project is a strip of land along the Bayfield Peninsula shoreline one-fourth to one-half mile wide and 30 miles long. This is referred to as the Red Cliff unit. The third component is the 10,370-acre section called the Bad River-Kakagon Sloughs.

The 21 islands are uninhabited formations of rugged beauty, consisting of rock outcroppings covered with clay, sand and stone deposited by the glaciers millions of years ago. Time and erosion has stamped its imprimatur of nature at work. Pines and hardwoods cover the islands dropping their leaves and needles so that a blanket of soft carpeting muffles the hikers' footsteps.

Miles and miles of shoreline, no two alike, provide havens where campers and latter-day explorers can tie up and scale the majestically rising brownstone cliffs or hike the sandy beaches with their mysterious inlets and coves.

The National Park Service would lay out new hiking trails and existing ones would be improved. But the theme is to leave the area as untouched, unspoiled and undisturbed as possible. There would be minimal docking facilities at certain deepwater locations, and simple campsites, fireplaces and toilet facilities on certain islands adaptable to campers' needs.

The entire project will provide a wide variety of unique natural settings for amateur and professional students of nature—the geologist and the collector of pretty stones, the ornithologist and the robin watcher, the fully equipped week-long camper and the casual sunbather.

A person who wants to explore by car would be able to traverse the Red Cliff 30-mile-long unit where the shoreline is heavily laced with coves and caverns and rock formations edged with bogs and sloughs and protected by dense growths of hardy northern trees. Here a scenic road would be built to accommodate the automotive explorer, and the spectacular views of the shore and islands would be reward enough for any jaded tourist. Seven areas, plus numerous scenic overlooks, would be developed for camping, boating, fishing, swimming and hiking.

The 10,370-acre slough is nature as it has always been. Undisturbed through the ages, including miles of navigable channels, this marsh is covered with wild rice, heath, and alder thickets and heavily populated with deer, bear, otter, and 240 species of birds. Fishing is excellent. This area would be conservatively dotted with parking areas, nature study trails, observation towers, and primitive camping sites. But the balance of nature would be zealously protected so that the delicate system now being administered by nature would not become endangered.

RECREATION DEMAND BOOMING

Public outcry for recreation facilities becomes increasingly louder each year. Public participation in outdoor recreation has increased by 51 percent since 1960. Estimates are that by the year 2000 we will see a 400-percent increase.

In 1967 the National Park Service reported an increase in use of 11.5 percent over the previous year. The biggest jumps in use were recorded by the four national seashores where attendance increased by 33.3 percent over the same period.

Rapid development of land areas is going on at such an accelerated rate that valuable sites are being lost forever.

The sound of the hammer and saw is everywhere. The axe is clearing the land for commercial and residential use at such dizzying speed that prime park sites are being lost forever. Unique areas, valuable only for recreation, should be saved now while the opportunity exists. In conservation there is no tomorrow.

OVERWHELMING SUPPORT

Two Presidents, three Governors, and the Senate have endorsed this project. The Wisconsin congressional delegation as well as others from adjoining states support the project. Secretary of the Interior Udall is for it.

During the Senate hearings in Ashland, Wis., and here in Washington, 250 witnesses spoke in favor of it.

Endorsements have been received by about 150 regional, labor, farm, civic, governmental, business and conservation organizations.

The county boards of the two counties involved—Ashland and Bayfield—as well as the county board from adjacent Iron County, and the city councils of Ashland, Bayfield, and Washburn have all testified in favor of the project.

The Wisconsin Department of Natural Resources has endorsed the bill.

Members of the House Interior Committee who heard testimony last year commented favorably on the bill. Congressman SAYLOR, of Pennsylvania, said:

> I want to say to you three (Nelson, O'Konski, and Kastenmeier) that this, in my opinion, is one of the finest projects that we have ever had presented to us.

Congressman SKUBITZ, of Kansas, commented:

> I want to join my colleague, Mr. SAYLOR, in saying that this is the best prepared presentation we have had in a long while . . . It seems to me this is the sort of project we ought to move in on quickly.

And Mr. O'KONSKI, the distinguished Congressman of the 10th District of Wisconsin in which the Apostle Islands are located, stated:

> This project is the utmost importance to my district * * *

Time is critically important. Land values are soaring in anticipation of speculative profits. We have little time to grab hold of our priceless, irreplaceable natural resources.

A noted English historian once wrote that:

> The need to preserve natural beauty is not merely a question of preserving holiday grounds for masses of people—

But also—

> a matter of preserving a main source of spiritual well-being and inspiration, on which our ancestors thrived and which we are in danger of losing forever.

He also said:

> We are literally children of the earth, and removed from her our spirit withers or runs to various forms of insanity. Unless we can refresh ourselves at least by intermittent contact with nature, we go awry.

But our own great American poet, Walt Whitman, stated it for all of us when he said that a mountain or a scenic vista on the Great Plains "awakes those grandest and sublest emotions in the human soul."

I urge the Congress to speedily enact this bill to create an Apostle Islands National Lakeshore.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 621) to provide for the

establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes, introduced by Mr. Nelson, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) for the purpose of conserving and developing for the benefit, inspiration, and use of the public certain islands, shorelines, beaches, sandspits, and other natural and historical features within Ashland and Bayfield Counties, Wisconsin, which make up a significant portion of the diminishing shoreline and archipelago environments of the Great Lakes region and which possess high values to the Nation as examples of unspoiled areas of great natural beauty; and

(2) For the purposes of encouraging and enhancing the development and utilization of this region as an important center of public recreation activities, and particularly to encourage participation in the accomplishment of such purposes by the Bad River Band and the Red Cliff Band of the Lake Superior Chippewa Indians of Wisconsin (hereinafter referred to as the "Bad River Band" and the "Red Cliff Band") the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish and administer the Apostle Islands National Lakeshore (hereinafter referred to as the "lakeshore").

(b) The lakeshore shall comprise those islands, waters, and portions of mainland within Ashland and Bayfield Counties, Wisconsin, as generally depicted on a map identified as "Boundary Maps—Proposed Apostle Islands National Lakeshore, NL–AI–7100B, sheets 1, 2, and 3," dated 1965, revised February 1967. Said map shall be on file and available for public inspection in the offices of the National Park Service.

(c) As soon as practicable after acquisition by the Secretary of an acreage within the boundaries of the lakeshore which in his opinion can be administered efficiently for the purposes of this Act, he shall establish the lakeshore by publication of notice thereof in the Federal Register.

Sec. 2. (a) Within the boundaries of the lakeshore, the Secretary is authorized to acquire lands and interests therein by donation, purchase with donated or appropriated funds, or exchange. Any property or interests therein owned by the State of Wisconsin or any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within the boundaries of the lakeshore may, with the concurrence of the agency having custody thereof, be transferred, without transfer of funds, to the administrative jurisdiction of the Secretary for the purposes of the lakeshore.

(b) Lands or interests therein within the boundaries of the lakeshore that are held by the United States in trust for the Bad River Band or the Red Cliff Band may be acquired by the Secretary only with the concurrence of the beneficial owner. The Secretary may agree to pay the purchase price either in a lump sum or in installments which in the aggregate equal the purchase price plus interest on unpaid balances.

(c) In order to provide substitute lands for the Bad River Band and the Red Cliff Band or for individual Indians of said bands in cases where their lands are acquired for the lakeshore, the Secretary may, from funds made available to him by such band or individual Indian, acquire by negotiated purchase any lands or interests therein outside of the boundaries of the lakeshore: *Provided,* That title to such lands shall be held by the United States in trust for the band or the individual Indians involved.

(d) In exercising his authority to acquire by negotiated purchase any land within the boundaries of the lakeshore that is held in trust or in a restricted status for individual Indians, the Secretary may, in cases where a particular tract of land is so held for more than one Indian, acquire such land without the consent of all of the beneficial owners if the acquisition is agreed to by the owners of not less than a 50 per centum interest in any land where ten or fewer persons own undivided interests or by the owners of not less than a 25 per centum interest in any land where eleven or more persons own undivided interests. The Secretary may represent for the purpose of this subsection any Indian owner who is a minor or who is non compos mentis, and, after giving such notice of the proposed acquisition as he deems sufficient to inform interested parties, the Secretary may represent any Indian owner who cannot be located, and he may execute any title documents necessary to convey a marketable and recordable title to the land.

(e) In exercising his authority to acquire property within the boundaries of the lakeshore by exchange, the Secretary may accept title to any non-Federal property therein, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction in the State of Wisconsin which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(f) In order to facilitate the acquisition by exchange of the lands within the boundaries of the lakeshore that are held by the United States in trust for the Bad River Band or the Red Cliff Band or held in trust or in a restricted status for individual Indians of said bands, the Secretary may acquire by negotiated purchase, lands, or interests therein, outside of the lakeshore boundaries. Lands so acquired may be exchanged for such Indian lands. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

Sec. 3. (a) With the exception of not more than eighty acres of land in the Red Cliff Creek area that the Secretary determines are necessary for an administrative site, visitor center, and related facilities, any owner or owners, including beneficial owners (hereinafter in this section referred to as "owner") of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, whichever is the later. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(b) A right of use and occupancy retained pursuant to this section may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential or for agricultural purposes, and upon tender to the holder of a right an amount equal to the fair market value, as of the date of the tender, of what portion of the right which remains unexpired on the date of termination.

(c) The term "improved property", as used in this section, shall mean a detached, noncommercial residential dwelling, the construction of which was begun before January 1, 1967 (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

Sec. 4. (a) The Bad River Band and the Red Cliff Band, notwithstanding the provisions of section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), may enter into leases with the Secretary for lands beneficially owned by the Bad River Band or the Red Cliff Band for a term of not to exceed ninety-nine years, and shall grant the Secretary the option of renewing the lease for as long as the lands are used as part of the lakeshore.

(b) Notwithstanding any other provision of law, improvements and structures needed for development and administration of the lakeshore may be constructed on lands leased pursuant to this section.

Sec. 5. Within the portions of the Bad River and Red Cliff Indian Reservations that are included in the lakeshore, recognized members of the Bad River and Red Cliff Bands shall be—

(a) permitted to traverse such areas in order to hunt, fish, trap, boat, or gather wild rice or to obtain access to their homes or businesses: *Provided,* That in order to preserve and interpret the historic, scenic, cultural, and other outdoor features and attractions within the lakeshore the Secretary may prescribe regulations under which the area can be traversed;

(b) granted the first right of refusal to purchase any timber at fair market value if the Secretary determines that the harvesting or removal of timber is necessary or desirable;

(c) granted, to the extent practicable, a preferential privilege of providing such visitor accommodations and services, including guide services, as the Secretary deems are desirable: *Provided,* That such a preferential privilege will not be granted unless the visitor accommodations and services meet such standards as the Secretary may prescribe;

(d) granted employment preference for construction or maintenance work or for other work in connection with the lakeshore for which they are qualified; and

(e) encouraged to produce and sell handicraft objects under the supervision of the Secretary.

Sec. 6. The Secretary shall, to the extent that appropriated funds and personnel are available, provide consultative or advisory assistance to the Bad River and Red Cliff Bands with respect to planning facilities or developments upon their tribal lands which are outside of the boundaries of the lakeshore.

Sec. 7. Subject to such regulations as the Secretary may prescribe, the recognized members of the Bad River and Red Cliff Bands may use without charge any docking facilities within the lakeshore that are operated directly by the Secretary.

Sec. 8. (a) The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the lakeshore in accordance with the appropriate laws of Wisconsin and the United States to the extent applicable, except that he may designate zones where, and establish periods when, no hunting, trapping, or fishing shall be permitted for reasons of public safety administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting, trapping, and fishing activities.

(b) Except for such regulations as the Secretary may issue under authority of this Act, nothing in this Act shall affect the existing rights of members of the Bad River Band or Red Cliff Band to hunt, fish, trap, or to gather wild rice, and the Secretary shall grant to such Indians the same rights with respect to lands acquired by him within the portions of the lakeshore that are applicable within the Bad River and Red Cliff Indian Reservations.

Sec. 9. The lakeshore shall be administered, protected, and developed in accordance with the provisions of the Act of August 25, 1916, (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented; and the Act of April 9, 1924 (43 Stat. 90; 16 U.S.C. 8a et seq.), as amended, except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of the Act.

Sec. 10. (a) In the administration, protection, and development of the lakeshore, the Secretary shall adopt and implement, and may from time to time revise, a land and water use management plan which shall include specific provision for—

(1) protection of scenic, scientific, historic, geological, and archeological features contributing to public education, inspiration, and enjoyment;

(2) development of facilities to provide the benefits of public recreation and a scenic shoreline drive on the Bayfield Peninsula;

(3) preservation of the unique flora and fauna and the physiographic and geologic conditions now prevailing on the Apostle Islands within the lakeshore: *Provided*, That the Secretary may provide for the public enjoyment and understanding of the unique natural, historic, scientific, and archeological features of the Apostle Islands through the establishment of such trails, observation points, exhibits, and services as he may deem desirable; and

(4) preservation and enhancement of the unique characteristics of the Kakagon River and Bad River Sloughs.

(b) With respect to the portion of the lakeshore located within the boundaries of the Bad River Indian Reservation such land and water use management plan shall provide for—

(1) public enjoyment and understanding of the unique natural, historic, and scientific features through the establishment of such roads, trails, observation points, exhibits, and services as the Secretary may deem desirable; and

(2) public use and enjoyment areas that the Secretary considers especially adaptable for viewing wildlife: *Provided*, That no development or plan for the convenience of visitors shall be undertaken in such portion of the lakeshore if it would be incompatible with the preservation of the unique flora and fauna or the present physiographic conditions.

Sec. 11. Section 1 of the Act of August 9, 1955, (69 Stat. 539), as amended (25 U.S.C. 415), is hereby further amended by inserting the words "the Bad River Reservation, the Red Cliff Reservation," after the words "the Pyramid Lake Reservation,".

Sec. 12. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

S. 622—INTRODUCTION OF BILL RELATING TO RELIEF OF BASQUE SHEEPHERDERS

Mr. JORDAN of Idaho. Mr. President, on behalf of myself and my colleague (Mr. CHURCH), I introduce, for appropriate reference, a bill for the relief of 57 Basque sheepherders now in Idaho who desire to become permanent residents of the United States. Idaho has been blessed with one of the largest Basque settlements in the United States. These people have proven themselves to be good citizens and hard working, contributing greatly not only to the sheep industry, where their occupational skills are applauded throughout the world, but also to the general economy of the State. Their interests over the years have expanded and diversified. Their industry and leadership in public life, in banking and other business pursuits are well known and acknowledged, especially by Idahoans. We are glad to have the individuals listed in this bill in Idaho. We need them and welcome the opportunity to make them permanent residents. We therefore urge your support and encourage the passage of this bill.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 622) for the relief of certain individuals, introduced by Mr. JORDAN of Idaho (for himself and Mr. CHURCH), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 623—INTRODUCTION OF FEDERAL CONSTITUTIONAL CONVENTION AMENDMENT ACT

Mr. ERVIN. Mr. President, I introduce for appropriate reference, a bill to establish procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, upon application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution.

This bill is a revision of S. 2307 of the 90th Congress, a bill which I introduced on August 17, 1967. The earlier bill was submitted in an effort to clarify some of the confusion that developed when it was suddenly realized that a total of 32 States had petitioned the Congress for a constitutional convention to consider amendments pertaining to the reapportionment decisions of the Supreme Court.

When the Nation discovered that there lacked only two of the petitions from two-thirds of the States necessary for the calling of the first National Constitutional Convention since 1787, the first reaction was that the country faced the worst constitutional crisis since the Civil War. Voices were heard suggesting that the proposed convention would be a constitutional nightmare, that a runaway convention could abolish the Bill of Rights, repeal the income tax, provide for an elected Supreme Court, and that other horrible consequences were in store for the country if a convention were held. It was even suggested that Congress ignore its constitutional obligation by refusing to call a convention should the two additional petitions be submitted.

Second, sober thoughts have since recognized these extraordinary reactions were the product partly of surprise and partly of opposition to the substantive changes sought by the State petitions. Nonetheless, it is generally recognized that virtually no precedent exists to guide the States and the Congress in answering the complex and sensitive questions involved in implementing this part of article V of the Constitution.

S. 2307 was introduced in an effort to provide answers to these difficult questions. The bill was referred to the Senate Judiciary Subcommittee on Separation of Powers, and hearings were held in October 1967. The hearings have since been published, together with an extensive appendix containing all of the pertinent precedent and commentary available on the subject.

Following the hearings, the bill was revised in a number of respects and submitted to subcommittee members for approval. Understandably, some members of the subcommittee have had reservations about particularly controversial provisions of the revised bill. It is my hope that these problems can be worked out and that the Senate will have an opportunity to consider the legislation in the first part of the 91st Congress.

Briefly, the major changes between this bill and its predecessor, S. 2307, are as follows:

First. S. 2307 provided that in petitioning Congress, the States would proceed in accordance with whatever procedures their respective legislatures provided for that purpose. Procedural questions that might arise would be determined by the legislatures themselves.

The amended bill provides that the States are to use the same procedure for adopting petitions as they use for the passage of statutes of general application, but without the necessity of signature by the Governor. Questions arising as to the procedure would be finally determined by Congress.

These changes were made because of the diversity and confusion that exists in the States as to the proper procedure to be used in adopting petitions to Congress. The specification of a procedure which is familiar, easy to follow, and fairly uniform among the States will eliminate the possibility of problems arising as to the validity of petitions, and provide an easy rule for resolving any problem which should arise. Congress, to which is given the responsibility for receiving the petitions and issuing the convention call, is the proper body to make the preliminary determination that the necessary preconditions have been met.

Second. The amended bill provides that the receipt of a petition by Congress is to be announced on the floor of both Houses, and that copies of the petition are to be sent to each Member of Congress as they are received by the presiding officers. This is to insure that individual Members are apprised of the petitions as they are received.

Third. The original bill provided that petitions are to remain effective for 6 years. At the hearings some witnesses contended for a 7-year period, others for a 2- or even 1-year period. The 4-year period is a compromise between these positions. It gives sufficient opportunity for States to consider whether to join in a petition movement, yet is not too brief a period so that it would be a practical impossibility ever to get 34 petitions.

Fourth. The original bill provided for delegates to the convention in the same number as each State has Representatives in the House, each appointed or elected as the State legislature would provide. The amended bill provides for election of delegates from each congressional district, with two additional delegates elected statewide. This change serves to make the convention a more accurate reflection of the wishes of the people. Similarly, the amended bill provides for individual voting by each delegate, rather than by unit vote from each State, as was originally provided in S. 2307.

Fifth. In response to testimony at the hearings, the bill now provides that Congress may disapprove a proposed amendment only on the ground that substantial procedural irregularities occurred at the convention or that the amendment pertains to a subject different from that described in the resolution calling the convention. The amended bill still precludes the Congress from disapproving a proposed amendment on the ground that it disagrees with the substance of the amendment.

Mr. President, I ask unanimous consent that a copy of the bill and an article written by me for the March 1968 Michigan Law Review entitled "Proposed Legislation To Implement the Convention Method of Amending the Constitution" be printed at the conclusion of my remarks. This article describes in full details the provisions of the amended legislation.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, from all outward signs, it appears that the State movement for a constitutional convention on reapportionment has slowed considerably. Outward appearances, however, may be deceptive. The coming period of State legislative activity may yet produce two additional petitions, thus bringing into being the "constitutional crisis" so much talked of 18 months ago. Even if this is not considered a very real likelihood, then certainly recollection of the consternation caused by the original 32 petitions should be sufficient reason for Congress to provide in advance for possible future efforts to use the convention form of proposing amendments. This is an ideal time for Congress to act: memories are still fresh, and yet the receding likelihood of a convention on the specific issue of reapportionment provides an opportunity to fashion legislation free of the partisanship of that particular issue.

Although I am a partisan on reapportionment, I have endeavored to draft this bill so that it presents even-handed and fair answers to the problems inherent in calling a constitutional convention. The revised bill gives adequate guidance to the States on the form petitions should take; it recognizes the role the Constitution gives to Congress in implementing article V, yet properly limits that role in accordance with the purpose of the article. The bill seeks to make the convention route no harder and no easier than the more familiar congressional joint resolution method of proposing amendments. This is in keeping with the intention of the 1787 Convention, which put both procedures in the Constitution and considered both of them valid means for effecting changes in the basic document.

The convention method of proposing amendments was included in the Constitution as part of a compromise between those who sought to give the National Congress the initiative in changing the Constitution and those who wished the initiative to be in the States. In the compromise that became article V both routes are equal in dignity. While it is well known that the convention method has never yet been employed as a means of proposing amendments, this is not to say that it has not been important in the past or may not again be important in the future. It was the threat of a State call for a constitutional convention to propose an amendment for direct election of Senators that forced the Senate finally to agree to pass the necessary resolution which it had refused for years. Only after some 31 States had adopted over 70 petitions calling for a convention to propose such an amendment that the Senate became convinced it had better accede to popular pressures.

Our historical experience with the amendment process demonstrates that neither the congressional-resolution method nor the State-petition method is necessarily the province of one particular school of political philosophy. Both are possible ways of adjusting the Constitution to the needs of modern circumstance. Implementing legislation of the type I have introduced is necessary to make viable the State-petition alternative. In an age in which so many seem enamored of new and radical ways to accomplish change, this is an opportunity to provide for orderly change through a constitutionally prescribed method. I sincerely hope that early progress can be made on the legislation.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and article will be printed in the RECORD, as requested.

The bill (S. 623) to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution, introduced by Mr. ERVIN, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 623

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Constitutional Convention Amendment Act."

APPLICATIONS FOR CONSTITUTIONAL CONVENTION

SEC. 2. The legislature of a State, in making application to the Congress for a constitutional convention under article V of the Constitution of the United States, shall adopt a resolution pursuant to this Act stating, in substance, that the legislature requests the calling of a convention for the purpose of proposing one or more amendments to the Constitution of the United States and stating the nature of the amendment or amendments to be proposed.

APPLICATION PROCEDURE

SEC. 3. (a) For the purpose of adopting or rescinding a resolution pursuant to section 2, the State legislature shall follow the rules of procedure that govern the enactment of a statute by that legislature, but without the need for approval of the legislature's action by the governor of the State.

(b) Questions concerning the State legislative procedure and the validity of the adoption of a State resolution cognizable under this Act shall be determinable by the Congress of the United States and its decisions thereon shall be binding on all others, including State and Federal courts.

TRANSMITTAL OF APPLICATIONS

SEC. 4. (a) Within thirty days after the adoption by the legislature of a State of a resolution to apply for the calling of a constitutional convention, the secretary of state of the State, or if there be no such officer, the person who is charged by the State law with such function, shall transmit to the Congress of the United States two copies of the application, one addressed to the President of the Senate, and one to the Speaker of the House of Representatives.

(b) Each copy of the application so made by any State shall contain—

(1) the title of the resolution,

(2) the exact text of the resolution, signed by the presiding officer of each house of the State legislature, and

(3) the date on which the legislature adopted the resolution; and shall be accompanied by a certificate of the secretary of state of the State, or such other person as is charged by the State law with such function, certifying that the application accurately sets forth the text of the resolution.

(c) Within ten days after receipt of a copy of any such application, the President of the Senate and Speaker of the House of Representatives shall report to the House of which he is presiding officer, identifying the State making application, the subject of the application, and the number of States then having made application on such subject. The President of the Senate and Speaker of the House of Representatives shall cause copies of such application to be sent to the presiding officer of each House of the legislature of every other State and to each member of the Senate and House of Representatives of the Congress of the United States.

EFFECTIVE PERIOD OF APPLICATION

SEC. 5. (a) An application submitted to the Congress by a State pursuant to this Act, unless sooner rescinded by the State legislature, shall remain effective for four calendar years after the date it is received by the Congress, except that whenever the Congress determines that within a period of four calendar years two-thirds or more of the several States have each submitted a valid application calling for a constitutional convention on the same subject all such applications shall remain in effect until the Congress has taken action on a concurrent resolution, pursuant to section 8, calling for a constitutional convention.

(b) A State may rescind its application calling for a constitutional convention by adopting and transmitting to the Congress a resolution of rescission in conformity with the procedure specified in sections 3 and 4, except that no such rescission shall be effective as to any valid application made for a constitutional convention upon any subject after the date on which two-thirds or more of the State legislatures have valid applications pending before the Congress seeking amendments on the same subject.

(c) Questions concerning the rescission of a State's application shall be determined solely by the Congress of the United States and its decisions shall be binding on all others, including State and Federal courts.

CALLING OF A CONSTITUTIONAL CONVENTION

SEC. 6. (a) It shall be the duty of the Secretary of the Senate and the Clerk of the House of Representatives to maintain a record of all applications received by the

President of the Senate and Speaker of the House of Representatives from States for the calling of a constitutional convention upon each subject. Whenever the Secretary or the Clerk has reason to believe that valid applications made by two-thirds or more of the States with respect to the same subject are in effect, he shall so report in writing to the officer to whom those applications were transmitted, and such officer thereupon shall announce upon the floor of the House of which he is an officer the substance of such report. It shall be the duty of such House to determine whether the recitation contained in any such report is correct. If either House of the Congress determines, upon a consideration of any such report or of a concurrent resolution agreed to by the other House of the Congress, that there are in effect valid applications made by two-thirds or more of the States for the calling of a constitutional convention upon the same subject, it shall be the duty of that House to agree to a concurrent resolution calling for the convening of a Federal constitutional convention upon that subject. Each such concurrent resolution shall (1) designate the place and time of meeting of the convention, and (2) set forth the nature of the amendment or amendments for the consideration of which the convention is called. A copy of each such concurrent resolution agreed to by both Houses of the Congress shall be transmitted forthwith to the presiding officer of each house of the legislature of each State.

(b) The convention shall be convened not later than one year after the adoption of the resolution.

DELEGATES

Sec. 7. (a) A convention called under this Act shall be composed of as many delegates from each State as it is entitled to Senators and Representatives in Congress. In each State two delegates shall be elected at large and one delegate shall be elected from each congressional district in the manner provided by State law. Any vacancy occurring in a State delegation shall be filled by appointment of the Governor of that State.

(b) The secretary of state of each State, or, if there be no such officer, the person charged by State law to perform such function shall certify to the Vice President of the United States the name of each delegate elected or appointed by the Governor pursuant to this section.

(c) Delegates shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at a session of the convention, and in going to and returning from the same; and for any speech or debate in the convention they shall not be questioned in any other place.

(d) Each delegate shall receive compensation for each day of service and shall be compensated for traveling and related expenses. Provision shall be made therefor in the concurrent resolution calling the convention. The convention shall fix the compensation of employees of the convention.

CONVENING THE CONVENTION

Sec. 8. (a) The Vice President of the United States shall convene the constitutional convention. He shall administer the oath of office of the delegates to the convention and shall preside until the delegates elect a presiding officer who shall preside thereafter. Before taking his seat each delegate shall subscribe to an oath by which he shall be committed during the conduct of the convention to refrain from proposing or casting his vote in favor of any proposed amendment to the Constitution of the United States relating to any subject matter which is not named or described in the concurrent resolution of the Congress by which the convention was called. Upon the election of permanent officers of the convention, the names of such officers shall be transmitted to the President of the Senate and the Speaker of the House of Representatives by the elected presiding officer of the convention. Further proceedings of the convention shall be conducted in accordance with such rules, not inconsistent with this Act, as the convention may adopt.

(b) The Congress shall appropriate moneys for the payment of all expenses of the convention.

(c) The Administrator of General Services shall provide such facilities, and each executive department and agency shall provide such information, as the convention may require, upon written request made by the elected presiding officer of the convention.

PROCEDURES OF THE CONVENTION

Sec. 9. (a) In voting on any question before the convention, including the proposal of amendments, each delegate shall have one vote.

(b) The convention shall keep a daily verbatim record of its proceedings and publish the same. The vote of the delegates on any question shall be entered on the record.

(c) The convention shall terminate its proceedings within one year after the date of its first meeting unless the period is extended by the Congress by concurrent resolution.

(d) Within thirty days after the termination of the proceedings of the convention, the presiding officer shall transmit to the Archivist of the United States all records of official proceedings of the convention.

PROPOSAL OF AMENDMENTS

Sec. 10. (a) Except as provided in subsection (b) of this section, a convention called under this Act may propose amendments to the Constitution by a vote of a majority of the total number of delegates to the convention.

(b) No convention called under this Act may propose any amendment or amendments of a general nature different from that stated in the concurrent resolution calling the convention. Questions arising under this subsection shall be determined solely by the Congress of the United States and its decisions shall be binding on all others, including State and Federal courts.

APPROVAL BY THE CONGRESS AND TRANSMITTAL TO THE STATES FOR RATIFICATION

Sec. 11. (a) The presiding officer of the convention shall, within thirty days after the termination of its proceedings, submit the exact text of any amendment or amendments agreed upon by the convention to the Congress.

(b) (1) Whenever a constitutional convention called under this Act has transmitted to the Congress a proposed amendment to the Constitution, the President of the Senate and the Speaker of the House of Representatives, acting jointly, shall transmit such amendment to the Administrator of General Services upon the expiration of the first period of ninety days of continuous session of the Congress following the date of receipt of such amendment unless within that period both Houses of the Congress have agreed to (A) a concurrent resolution directing the earlier transmission of such amendment to the Administrator of General Services and specifying in accordance with article V of the Constitution the manner in which such amendment shall be ratified, or (B) a concurrent resolution stating that the Congress disapproves the submission of such proposed amendment to the States because such proposed amendment relates to or includes a subject matter which differs from or was not included among the subjects named or described in the concurrent resolution of the Congress by which the convention was called, or because the procedures followed by the Convention in proposing the amendment were not in substantial conformity with the provisions of this Act. No measure agreed to by the Congress which expresses disapproval of any such proposed amendment for any other reason, or without a statement of any reason, shall relieve the President of the Senate and the Speaker of the House of Representatives of the obligation imposed upon them by the first sentence of this paragraph.

(2) For the purposes of paragraph (1) of this subsection, (A) the continuity of a session of the Congress shall be broken only by an adjournment of the Congress sine die, and (B) the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the period of ninety days.

(c) Upon receipt of any such proposed amendment to the Constitution, the Administrator shall transmit forthwith to each of the several States a duly certified copy thereof, a copy of any concurrent resolution agreed to by both Houses of the Congress which prescribes the time within which and the manner in which such amendment shall be ratified, and a copy of this Act.

RATIFICATION OF PROPOSED AMENDMENTS

Sec. 12. (a) Any amendment proposed by the convention and submitted to the States in accordance with the provisions of this Act shall be valid for all intents and purposes as part of the Constitution of the United States when duly ratified by three-fourths of the States in the manner and within the time specified.

(b) Acts of ratification shall be by convention or by State legislative action as the Congress may direct or as specified in subsection (c) of this section. For the purpose of ratifying proposed amendments transmitted to the States pursuant to this Act the State legislatures shall adopt their own rules of procedure. Any State action ratifying a proposed amendment to the Constitution shall be valid without the assent of the Governor of the State.

(c) Except as otherwise prescribed by concurrent resolution of the Congress, any proposed amendment to the Constitution shall become valid when ratified by the legislatures of three-fourths of the several States within seven years from the date of the submission thereof to the States, or within such other period of time as may be prescribed by such proposed amendment.

(d) The secretary of state of the State, or if there be no such officer, the person who is charged by State law with such function, shall transmit a certified copy of the State action ratifying any proposed amendment to the Administrator of General Services.

RECISION OF RATIFICATIONS

Sec. 13. (a) Any State may rescind its ratification of a proposed amendment by the same processes by which it ratified the proposed amendment, except that no State may rescind when there are existing valid ratifications of such amendment by three-fourths of the States.

(b) Any State may ratify a proposed amendment even though it previously may have rejected the same proposal.

(c) Questions concerning State ratification or rejection of amendments proposed to the Constitution of the United States, shall be determined solely by the Congress of the United States, and its decisions shall be binding on all others, including State and Federal courts.

PROCLAMATION OF CONSTITUTIONAL AMENDMENTS

Sec. 14. The Administrator of General Services, when three-fourths of the several States have ratified a proposed amendment to the Constitution of the United States, shall issue a proclamation that the amend-

ment is a part of the Constitution of the United States.

EFFECTIVE DATE OF AMENDMENTS

SEC. 15. An amendment proposed to the Constitution of the United States shall be effective from the date specified therein or, if no date is specified, then on the date on which the last State necessary to constitute three-fourths of the States of the United States, as provided for in article V, has ratified the same.

The article presented by Mr. ERVIN is as follows:

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PROPOSED LEGISLATION TO IMPLEMENT THE CONVENTION METHOD OF AMENDING THE CONSTITUTION

(By Senator SAM J. ERVIN, Jr.*)

I. INTRODUCTION

Article V of the Constitution of the United States[1] provides that constitutional amendments may be proposed in either of two ways—by two-thirds of both houses of the Congress or by a convention called by the Congress in response to the applications of two-thirds of the state legislatures. Although the framers of the Constitution evidently contemplated that the two methods of initiating amendments would operate as parallel procedures, neither superior to the other, this has not been the case historically. Each of the twenty-five constitutional amendments ratified to date was proposed by the Congress under the first alternative. As a result, although the mechanics and limitations of congressional power under the first alternative are generally understood, very little exists in the way of precedent or learning relating to the unused alternative method in article V. This became distressingly clear recently, following the disclosure that thirty-two state legislatures had, in one form or another, petitioned the Congress to call a convention to propose a constitutional amendment permitting states to apportion their legislatures on the basis of some standard other than the Supreme Court's "one man-one vote" requirements. The scant information and considerable misinformation and even outright ignorance displayed on the subject of constitutional amendment, both within the Congress and outside of it—and particularly the dangerous precedents threatened by acceptance of some of the constitutional misconceptions put forth—prompted me to introduce in the Senate a legislative proposal designed to implement the convention amendment provision in article V. This article will discuss that provision of the Constitution, the major questions involved in its implementation, and the answers to those questions supplied by the provisions of the bill, Senate Bill No. 2307.[2]

II. BACKGROUND

On March 26, 1962, the United States Supreme Court, in the landmark case of *Baker* v. *Carr*,[3] held that state legislative apportionment is subject to judicial review in federal courts, thus overruling a long line of earlier decisions to the contrary. Two years later, on June 15, 1964, in *Reynolds* v. *Sims*,[4] the controversial "one man-one vote" decision, the Court held that the equal protection clause of the fourteenth amendment requires that both houses of bicameral state legislatures be apportioned on a population basis.

The two decisions evoked a storm of controversy. In the Congress, dissatisfaction with the Court's intrusion into the hitherto nonjustifiable political thicket resulted in attempts in both houses to reverse the rulings by legislation or constitutional amendment. On August 19, 1964, the House of Representatives passed a bill introduced by Representative Tuck of Virginia which would have stripped federal district courts of jurisdiction over state apportionment cases and denied the Supreme Court appellate jurisdiction over such cases. The Senate declined to invoke that extreme remedy, passing instead a "sense of Congress" resolution that the state leigslatures should be given time to reapportion before the federal judiciary intervened further. In both 1965 and 1966, however, a majority of the Senate voted to propose the so-called "Dirksen amendment" to the Constitution, which would permit a state to apportion one house of its bicameral legislature on some standard other than population. But the amendment failed both times to get the required two-thirds vote, failing fifty-seven to thirty-nine in 1965 and fifty-five to thirty-eight in 1966.

A more extraordinary effect of the rulings in *Baker* v. *Carr* and *Reynolds* v. *Sims* was the activity generated in the state legislatures designed to reverse the Court's rulings by means of a constitutional amendment proposed by a convention convened under the second clause of article V. In December 1962, following *Baker* v. *Carr*, the Council of State Governments, at its Sixteenth Biennial General Assembly of the States, recommended that the state legislatures petition the Congress for a constitutional convention to propose three amendments, including an amendment to accomplish essentially the same purpose as the Tuck bill, that is, the denial to federal courts of original and appellate jurisdiction over state legislative apportionment cases. In response to this call, twelve state petitions were sent to the Congress during 1963 requesting a constitutional convention to propose such an amendment.[5] Although this was the largest number of petitions on the same subject ever received by the Congress in any one year, the total was far below the required thirty-four, and their receipt caused no excitement in the Congress and attracted no public attention.

In December 1964, following the decision in *Reynolds* v. *Sims*, the Seventeenth Biennial General Assembly of the States recommended that the state legislatures petition the Congress to convene a constitutional convention to propose an amendment along the lines of the Dirksen amendment, permitting the states to apportion one house of a bicameral legislature on some standard other than population. The response to this call was even greater than in 1963. Twenty-two states submitted constitutional convention petitions to Congress during the Eighty-ninth Congress (1965 and 1966) and four more during the first session of the Ninetieth Congress (1967). If one counted the petitions adopted by four other states, questionable in regard to their proper receipt by Congress,[6] this brought the total number of state petitions on the subject of state legislative apportionment to thirty-two.

At this point, March 1967, the situation attracted the first attention in the press. A *New York Times* story on March 18, 1967,[7] reported that only two more petitions were necessary to invoke the convention amendment procedure. The immediate reaction was a rash of newspaper editorials and articles, almost uniformly critical of the effort to obtain a convention, and a flurry of speeches on the subject in the Congress. Whether favorable or unfavorable to the efforts by the states, all of these press items and all of the congressional speeches had one common denominator. They all bore the obvious imprint of the authors' feelings about the merits of state legislative apportionment. Those newspapers that had editorially supported the Supreme Court's decisions now decried the states' "back-door assault on the Constitution."[8] Those newspapers that had criticized one man-one vote now applauded the effort by the state legislatures to overrule the new principle by constitutional amendment. Much more disturbing to me was the fact that many of my colleagues in the Senate seemed to be influenced more by their views on the reapportionment issue than by concern for the need to answer objectively some of the perplexing constitutional questions raised by the states' action. Those Senators who had been critical of the "one man-one vote" decision and were eager to undo it now expressed the conviction that the Congress was obligated to call a convention when thirty-four petitions were on hand and that it had little power to judge the validity of state petitions. Those senators who agreed with the Supreme Court's ruling were now contending that some or all of the petitions were invalid for a variety of reasons and should be discounted, and that, in any case, Congress did not have to call a convention if it did not wish to. Most distressing of all was the apparent readiness of everyone to concede that any convention, once convened, would be unlimited in the scope of its authority and empowered to run rampant over the Constitution, proposing any amendment or amendments that happened to strike its fancy. That interpretation, supported neither by logic nor constitutional history, served the convenience of both sides in the apportionment controversy. Those who did not want to call a convention that might propose a reapportionment amendment pointed out that an open convention would surely be a constitutional nightmare. Opponents of one man-one vote cited the horrors of an open convention as an additional reason for proposal of a reapportionment amendment by the Congress.

My conviction was that the constitutional questions involved were far more important than the reapportionment issue that had brought them to light, and that they should receive more orderly and objective consideration than they had so far been accorded. Certainly it would be grossly unfortunate if the partisanship over state legislative apportionment—and I am admittedly a partisan on that issue—should be allowed to distort an attempt at clarification of the amendment process, which in the long run must command a higher obligation and duty than any single issue that might be the subject of that process. Any congressional action on this subject would be a precedent for the future, and the unseemly squabble that had already erupted was to me a certain indication that only bad precedents could result from an effort to settle questions of procedure under article V simultaneously with the presentation of a substantive issue by two-thirds of the states. Although it is not easy to anticipate all of the problems that may develop in the convention amendment process, nor to deal with those problems wisely in the abstract, I nevertheless felt that the wisest course would be to consider and enact permanent legislation to implement the convention amendment provision in article V.

I introduced S. 2307 on August 17, 1967. In my statement accompanying introduction, I stressed that I was not committed to the provisions of the bill as then drafted. I was convinced only of the necessity for action on the subject, action that might forestall a congressional choice between chaos on the one hand and refusal to abide the commands of article V on the other. Open hearings on the bill were held on October 30 and 31, 1967, before the Senate Subcommittee on Separation of Powers. The testimony revealed deficiencies in the bill and suggested modifications and additions. As a result, I have subsequently amended the bill in several respects. In discussing specific questions raised by the bill, I shall describe the relevant provision of the original draft and note the amendments made since the hearings.

Footnotes at end of article.

III. QUESTIONS RAISED BY THE BILL

Before going to specific issues and matters of detail, it seems appropriate to discuss briefly two threshold problems posed by the bill: whether the Congress has the power to enact such legislation, and, if it does, what policy considerations should guide it in exercising such power.

I have no doubt that the Congress has the power to legislate about the process of amendment by convention. The Congress is made the agency for calling the convention, and it is hard to see why the Congress should have been involved in this alternative method of proposal at all unless it was expected to determine such questions as when sufficient appropriate applications had been received and to provide for the membership and procedures of the convention and for review and ratification of its proposals. Obviously the fifty state legislatures cannot themselves legislate on this subject. The constitutional convention cannot do so for it must first be brought into being. All that is left, therefore, is the Congress, which, in respect to this and other issues not specifically settled by the Constitution, has the residual power to legislate on matters that require uniform settlement. Add to this the weight of such decisions as *Coleman v. Miller*,[9] to the effect that questions arising in the amending process are nonjusticiable political questions exclusively in the congressional domain, and the conclusion seems inescapable that the Congress has plenary power to legislate on the subject of amendment by convention and to settle every point not actually settled by article V of the Constitution itself.

With respect to the second problem, within what general policy limitations that power should be exercised, I think the Congress should be extremely careful to close as few doors as possible. Any legislation on this subject will be what might be called "quasi-organic" legislation; in England it would be recognized as a constitutional statute. When dealing with such a measure, it is wise to bear in mind Marshall's well-worn aphorism that it is a Constitution we are expounding and not get involved in "an unwise attempt to provide, by immutable rules, for exigencies which, if foreseen at all, must [be] seen dimly, and which can best be provided for as they occur."[10] This approach is reflected at several points in the bill, notably in its failure to try to anticipate and enumerate the various grounds on which Congress might justifiably rule a state petition invalid, and its failure to prescribe rigid rules of procedure for the convention. In addition, I think the Congress, in exercising its power under article V, should bear in mind that the Framers meant the convention method of amendment to be an attainable means of constitutional change. This legislation can be drawn so as to place as many hurdles as possible in the way of effective use of the process; or it can be drawn in a manner that will make such a process a possible, however improbable, method of amendment. The first alternative would be a flagrant disavowal of the clear language and intended function of article V. I have assumed that the Congress will wish to take the second road, and the bill is drawn with that principle in mind.

A. Open or limited convention?

Perhaps the most important issue raised by the bill is the question of the power of the Congress to limit the scope and authority of a convention convened under article V in accordance with the desires of the states as set forth in their applications. This was, as I have noted, one of the issues that most troubled me when I first heard of the efforts by the states to call a convention.

It has been argued that the subject matter of a convention convened under article V cannot be limited, since a constitutional convention is a premier assembly of the people, exercising all the power that the people themselves possess, and therefore supreme to all other governmental branches or agencies. Certainly, according to this argument, the states may not themselves, in their applications, dictate limitations on the convention's deliberations. They may not require the Congress to submit to the convention a given text of an amendment, nor even a single subject or idea. For the convention must be free to "propose" amendments, which suggests the freedom to canvass matters afresh and to weigh all possibilities and alternatives rather than ratify a single text or idea. The states may in their applications specify the amendment or amendments they would hope the convention would propose. But once the Congress calls the convention, those specifications would not control its deliberations. The convention could not be restricted to the consideration of certain topics and forbidden to consider certain other topics, nor could it be forbidden to write a new constitution if it should choose to do so.

I will concede that such an interpretation can be wrenched from article V—but only through a mechanical and literal reading of the words of the article, totally removed from the context of their promulgation and history. My reading of the debates on article V at the Philadelphia Convention and the other historical materials bearing on the intended function of the amendment process[11] leads me to the opposite conclusion. As I understand the debates, the Founders were concerned, first, that they not place the new government in the same straitjacket that inhibited the Confederation, unable to change fundamental law without the consent of every state. The amendment process, rather a novelty for the time, was therefore included in the Constitution itself. Second, the final form of article V was dictated by a major compromise between those delegates who would utilize the state legislatures as the sole means of initiating amendments and those who would lodge that power exclusively in the national legislature. The forces at the convention that sought to limit the power of originating amendments to the states were at first dominant. The original Virginia Plan, first approved by the convention, excluded the national legislature from participation in the amendment process. On reconsideration, the forces that would limit the power of origination of amendments to the national legislature became prevalent. The arguments on both sides were persuasive: the improprieties or excesses of power in the national government would not likely be corrected except by state initiative, while improprieties by the state governments or deficiencies in national power would not likely be corrected except by national initiative. In the spirit that typified the 1787 Convention, the result was acceptance of a Madison compromise proposal which read, as the final article was to read, in terms of alternative methods.

It is clear that neither of the two methods of amendment was expected by the Framers to be superior to the other or easier of accomplishment. There is certainly no indication that the national legislature was intended to promote individual amendments while the state legislatures were to be concerned with more extensive revisions. On the contrary, there is strong evidence that what the members of the convention were concerned with in both cases was the power to make specific amendments. They did not appear to anticipate a need for a general revision of the Constitution. And certainly this was understandable, in light of the difficulties that they had in finding the compromises to satisfy the divergent interests needed for ratification of their efforts. Provision in article V for two exceptions to the amendment power[12] underlines the notion that the convention anticipated specific amendment or amendments rather than general revision. For it is doubtful that these exceptions could have been expected to control a later general revision.

This construction is supported by references to the amendment process in the *Federalist Papers*. In *Federalist No. 43*, James Madison explained the need and function of article V as follows:

"That useful alterations will be suggested by experience, could not but be foreseen. It was requisite therefore that a mode for introducing them should be provided. The mode preferred by the Convention seems to be stamped with every mark of propriety. It guards equally against that extreme facility which would render the Constitution too mutable; and that extreme difficulty which might perpetuate its discovered faults. It moreover equally enables the general and the state governments to originate the amendment of errors as they may be pointed out by the experience on one side or on the other."

Hamilton, in *Federalist No. 85*, was even more emphatic in pointing out the possibility of specific as well as general amendment of the Constitution on the initiative of the state legislatures:

"But every amendment to the constitution, if once established, would be a single proposition, and might be brought forward singly. There would then be no necessity for management or compromise, in relation to any other point, no giving nor taking. The will of the requisite number would at once bring the matter to a decisive issue. And consequently whenever nine or rather ten states, were united in the desire of a particular amendment, that amendment must infallibly take place."

Apart from being inconsistent with the language and history of article V, the contention that any constitutional convention must be a wide open one is neither a practicable nor a desirable one. If the subject matter of amendments were to be left entirely to the convention, it would be hard to expect the states to call for a convention in the absence of a general discontent with the existing constitutional system. This construction would effectively destroy the power of the states to originate the amendment of errors pointed out by experience, as Madison expected them to do. Alternatively, under that construction, applications for a limited convention deriving in some states from a dissatisfaction with the school desegregation cases, in others because of the school prayer cases, and in still others by reason of objection ot the *Miranda* rule, could all be combined to make up the requisite two-thirds of the states needed to meet the requirements of article V. I find it hard to believe that this is the type of consensus that was thought to be appropriate to calling for a convention. For if such disparate demands were sufficient, all the applications to date—and there are a large number of them—should be added up to see whether, in what is considered an appropriate span of time, two-thirds of the states have made demands for a constitutional convention to propose amendments, no matter the cause for applications or the specifications contained in them. Moreover, once such a convention were convened, it could refuse to consider any of the problems or subjects specified in the states' applications, and instead propose amendments on other subjects or rewrite the Constitution in a manner unacceptable to any of the applicant states.

My construction of article V, with reference to the initiation of the amendment procedure by the state legislatures, is consistent with the literal language of the article as well as its history, and is more desirable and practicable than the alternative construction. As I see it, the intention of article V was to place the power of initiation of amendments in the state legislatures. The

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Footnotes at end of article.

function of the convention was to provide a mechanism for effectuating this initiative. The role of the states in filing their applications would be to identify the problem or problems that they believed to call for resolution by way of amendment. The role of the convention that would be called by reason of such action by the states would then be to decide whether the problem called for correction by constitutional amendment and, if so, to frame the amendment itself and propose it for ratification as provided in article V. The bill carries out this intention in keeping not only with the letter but also with the spirit of article V.

The bill provides that state petitions to the Congress which request the calling of a convention under article V shall state the nature of the amendment or amendments to be proposed by such convention. Upon receipt of valid applications from two-thirds or more of the states requesting a convention on the same subject or subjects, the Congress is required to call a convention by concurrent resolution, specifying in the resolution the nature of the amendment or amendments for the consideration of which the convention is being called. The convention may not propose amendments on other subjects and, if it does, the Congress may refuse to submit them to the states for ratification.

Under these provisions, the states could not require the Congress to submit to a convention a given text of an amendment, demanding an up or down vote on it alone. But they could require the Congress to submit a single subject or problem, demanding action on it alone. They could not, however, define the subject so narrowly as to deprive the convention of all deliberative freedom. To use the reapportionment issue as an example, the states could not require the Congress to call a convention to accept or reject the exact text of the reapportionment amendment recommended by the Council of State Governments, for then the convention would be merely a ratifying body. But they could properly petition for a convention to consider the propriety of proposing a constitutional amendment to deal with the reapportionment problems raised by the Supreme Court decisions, defining those problems in specific terms. The convention would then be confined to that subject, but it would be free to consider the propriety of proposing any amendment and the form the amendment should take—that of the Dirksen proposal, the Tuck proposal, or some other form. To take another example, those states which might desire a convention to deal with the *Escobedo-Miranda* issue could phrase their petitions generally in terms of the problem of federal control over the criminal processes of the states. The convention would then be confined to that subject, but would nevertheless have great deliberative freedom to canvass all possible solutions and propose whatever amendment or amendments it deemed appropriate to respond to the problems identified by the states.

I am convinced that these provisions of the bill fully accord with the mandate of article V, its history, and intended function.

B. May Congress refuse to call a convention?

Perhaps the next most important question raised by the bill is whether the Congress has any discretion to refuse to call a convention in the face of appropriate applications from a sufficient number of states.

Article V states that Congress "shall" call a convention upon the applications of the legislatures of two-thirds of the states. I have absolutely no doubt that the article is peremptory and that the duty is mandatory, leaving no discretion to the Congress to review the wisdom of the state applications. Certainly this is the more desirable construction, consonant with the intended arrangement of article V as described in the preceding section of this article. The founders included the convention alternative in the amending article to enable the states to initiate constitutional reform in the event the national legislature refused to do so. To concede to the Congress any discretion to consider the wisdom and necessity of a particular convention call would in effect destroy the role of the states.

The comments of both Madison and Hamilton, subsequent to the 1787 Convention, sustain this construction. In a letter on the subject, Madison observed that the question concerning the calling of a convention "will not belong to the Federal Legislature. If two-thirds of the states apply for one, Congress cannot refuse to call it: if not, the other mode of amendments must be pursued."[13] Hamilton, in the *Federalist No. 85*, stated:

"By the fifth article of the plan the congress will be *obliged*, 'on the application of the legislatures of two-thirds of the states, (which at present amounts to nine) to call a convention for proposing amendments, which *shall be valid* to all intents and purposes, as part of the constitution, when ratified by the legislatures of three-fourths of the states, or by conventions in three-fourths thereof.' The words of this article are preemptory. The congress '*shall* call a convention,' Nothing in this particular is left to the discretion."

It has been argued forcefully that, notwithstanding the language of article V, the Congress need not call a convention if it does not wish to do so, and that, in any event no legislation such as this can commit a future Congress to call a convention against its judgment. This argument is based on the premise that although article V provides that Congress "shall" call a convention if enough states apply, this word may be interpreted to mean "may" for all practical purposes, since the courts are not apt to try to enforce the obligation if Congress wishes to evade it. I cannot accept such a flagrant disregard of clear language and purpose.

Although it may be true that no legislation by one Congress can bind a subsequent Congress to vote for a convention, and that the courts will not intervene, it is my strong feeling that the bill should recognize the fact that the Congress has a strict constitutional duty to call a convention if a sufficient number of proper applications are received. The bill does this by providing that it shall be the duty of both houses to agree to a concurrent resolution calling a convention whenever it shall be determined that two-thirds of the state legislatures have properly petitioned for a convention to propose an amendment or amendments on the same subject. Concededly, the Congress cannot be forced by the courts or by the provisions of this bill to vote for a particular convention. However, every member has taken an oath to support the Constitution, and I cannot believe a majority of the Congress will choose to ignore its clear obligation. I would hope, moreover, that this bill will facilitate the path to congressional action by underlining the obligation of the Congress to act.

C. Sufficiency of State applications

Assuming the Congress may not weigh the wisdom and necessity of state applications requesting the calling of a constitutional convention, does it have the power to judge the validity of state applications and state legislative procedures adopting such applications? Clearly the Congress has some such power. The fact alone that Congress is made the agency for convening the convention upon the receipt of the requisite number of state applications suggests that it must exercise some power to judge the validity of those applications. The impotence or withdrawal of the courts underlines the necessity for lodging some such power in the Congress. The relevant question, then, concerns the extent of that power.

It has been contended that Congress must have broad powers to judge the validity of state applications and that such power must include the authority to look beyond the content of an application, and its formal compliance with article V, to the legislative procedures followed in adopting the application. The counterargument is that to grant Congress the power to reject applications, particularly if that power is not carefully circumscribed, would be to supply it with a means of avoiding altogether the obligation to call a convention. The result would be that the Congress could arbitrarily reject all applications on subjects it did not consider appropriate for amendment, leaving us in effect with only one amendment process.

In drafting the bill I was mainly concerned with limiting the power of the Congress to frustrate the initiative of the states, particularly since the debate on the Senate floor at that time indicated that some Senators were inclined to seize on any slight irregularity in a petition as a basis for not counting it. My bill, as introduced, therefore set forth only requirements as to the content of state applications, leaving questions of legislative procedure for determination solely by the individual states, with their decisions made binding on the Congress and the courts. However, I think the hearing amply demonstrated the danger of disabling the Congress from reviewing the procedural validity of state petitions. In general, state legislatures ought to be masters of their own procedures. But this is a federal function that they would be performing, and the Congress should retain some power uniformity to settle the questions of irregularity that might arise. The bill has therefore been amended to remove the disability of the Congress to review legislative procedures. Under the amended bill, Congress would retain broad powers in this respect, indeterminate and unforeseeable in nature, but to be exercised, I would hope, rarely and with restraint.

It might be well to say something at this point on a question that is much debated: whether a legislature that has been held to be malapportioned, or that is under a decree requiring it to reapportion and perhaps qualifying its powers in some measure before reapportionment, can validly pass a resolution for a constitutional convention. I should think in general that it could, unless an outstanding decree forbids it to do so, either specifically or by mention of some analogous forbidden function. To open to congressional review the question of the propriety of state legislative composition would be to open a Pandora's box of constitutional doubts about the validity even of the fourteenth amendment.

However, the bill does not expressly answer this question. This is one of the many questions of irregularity on which the Congress will have to work its will should the question be squarely presented in the form of thirty-four state applications including some passed by malapportioned legislatures.

One further important point should be mentioned. Most of the states obviously do not now understand their role in designating subjects or problems for resolution by amendment, and many of them do not even know where to send their applications. By setting forth the formal requirements with respect to content of state applications and designating the congressional officers to whom they must be transmitted, the bill furnishes guidance to the state on these questions and promises to avert in the future some of the problems that have arisen in the current effort to convene a convention. The bill also requires that all applications received by the Congress be printed in the *Congressional Record* and that copies be sent to all members of Congress and to the legislature of each of the other states. In this

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way, the element of congressional surprise can be eliminated, and each state can be given prompt and full opportunity to join in any call for a convention in which it concurs.

D. The role of State governors

The argument has been made that a state application for a constitutional convention must be approved by both the legislature and the governor of the state to be effective. This argument rests on the claim that article V intended state participation in the process to involve the whole legislative process of the state as defined in the state constitution. I do not agree with that argument. We do not have here any question about the exercise of the lawmaking process by a state legislature in combination with whatever executive participation might be called for by state law. We have rather a question of heeding the voice of the people of a state in expressing the possible need for a change in the fundamental document. It seems clear to me that the Founders properly viewed the state legislatures as the sole representative of the people on such a matter, since the executive veto, a carryover from the requirement of royal assent, was not regarded as the expression of popular opinion at the time of the 1787 Convention. And, to resort to the kind of literalism invoked by others as appropriate for construction of other provisions of article V, the language of the article definitely asserts that the appropriate applications are to come from "the Legislatures."

Closely analogous court decisions support this interpretation. The Supreme Court in *Hawke* v. *Smith, No. 1* [14] interpreted the term "legislatures" in the ratification clause of article V to mean the representative lawmaking bodies of the states, since ratification of a constitutional amendment "is not an act of legislation within the proper sense of the words." [15] Certainly the term "legislature" should have the same meaning in both the application clause and the ratification clause of article V. Further support is found in the decision in *Hollingsworth* v. *Virginia*,[16] in which the Court held that a constitutional amendment approved for proposal to the states by a two-thirds vote of Congress need not be submitted to the President for his signature or veto.

The bill therefore provides specifically that a state application need not be approved by the state's governor in order to be effective.

E. May a State rescind its application?

The question of whether a state should be allowed to rescind an application previously forwarded to the Congress is another of the political questions to which the courts have not supplied answers and presumably cannot. The Supreme Court has held that questions concerning the rescission of prior ratifications or rejections of amendments proposed by the Congress are determinable solely by Congress.[17] Presumably, then, the question of rescission of an application for a convention is also political and nonjusticiable. Although the Congress has previously taken the position that a state may not rescind its prior ratification of an amendment, it has taken no position concerning recission of applications. My strong conviction is that rescission should be permitted. Since a two-thirds consensus among the states at some point in time is necessary in order for the Congress to call a convention, the Congress should consider whether there has been a change of mind among some states that have earlier applied. Moreover, an application is not a final action, since it serves merely to initiate a convention, and does not commit even the applicant state to any substantive amendment that might eventually be proposed.

The bill therefore provides that a state may rescind at any time before its application is included among an accumulation of applications from two-thirds of the states, at which time the obligation of the Congress to call a convention becomes fixed. Incidentally, the bill also provides that a state may rescind its prior ratification of an amendment proposed by the convention up until the time there are existing valid ratifications by three-fourths of the states, and that a state may change its mind and ratify a proposed amendment that it previously has rejected.

F. How long does an application remain valid?

Another much debated point concerning state applications for a constitutional convention is timing. In order to be effective to mandate the Congress to act, within how long a period must applications be received from two-thirds of the state legislatures? Article V is silent on this question, and neither the Congress nor the courts has supplied an answer.

The Congress and the courts have agreed that constitutional amendments proposed by the Congress and submitted to the states for ratification can properly remain valid for ratification for a period of seven years. It has been felt that there should be a "reasonably contemporaneous" expression by three-fourths of the states that an amendment is acceptable in order for the Congress to conclude that a concensus in favor of the amendment exists among the people, and that ratification within a seven-year period satisfies this requirement.[18] Presumably, the same principle should govern the application stage of the constitutional amendment process. If so, the Congress would not be required, nor empowered, to call a convention unless it received "relatively contemporaneous" valid applications from the necessary number of states. This rule seems sensible. The Constitution contemplates a concurrent desire for a convention on the part of the legislatures of a sufficient number of states, and such a concurrent desire can scarcely be said to exist, or to reflect in each state the will of the people, if too long a period of time has passed from the date of enactment of the first application to the date of enactment of the last. It is true that legislatures are free under the bill to change their minds and rescind their applications; but the passage of a repealer is a different and more difficult political act than the defeat, starting fresh, of an application calling for a constitutional convention. The fact, therefore, that a legislature has not rescinded an application calling for a convention is an insufficient indication that the state in question, after the passage of a long period of time, still favors the calling of a convention.

What, then, is a proper period during which tendered applications are sufficiently contemporaneous to be counted together? Some Senators and scholars have suggested that two years, the lifetime of a Congress, would be a reasonable period. Others have suggested that petitions should remain valid for a generation. My feeling when I drafted the bill was that six years would be a reasonable compromise. However, the hearings revealed a general disposition among the witnesses to agree on a four-year period. Since this would be long enough to afford ample opportunity to all the state legislatures to join in the call for a convention—particularly in view of the requirement in the bill that all other states be given immediate notice of any application received by the Congress—I have concluded that a four-year period is preferable.

The bill has therefore been amended to provide that an application shall remain valid for four years after reecipt by the Congress unless sooner rescinded. The bill also provides that rescission must be accomplished by means of the same legislative procedures followed in adopting the application in question, and that the Congress retains power to judge the validity of those proceedings.

G. Calling the convention

The bill provides that the Secretary of the Senate and the Clerk of the House of Representatives shall keep a record of the number of state applications received, according to subject matter. Whenever two-thirds of the states have submitted applications on the same subject or subjects, the presiding officer of each house shall be notified and shall announce the same on the floor. Each house is left free to adopt its own rules for determining the validity of the applications, presumably by reference to a committee followed by floor action. Once a determination has been made that there are valid applications from two-thirds or more of the state legislatures on the same subject or subjects, each house must agree to a concurrent resolution providing for the convening of a constitutional convention on such subject or subjects. The concurrent resolution would designate the place and time of meeting of the convention, set forth the nature of the amendment or amendments the convention is empowered to consider and propose, and provide for such other things as the provision of funds to pay the expenses of the convention and to compensate the delegates. The convention would be required to be convened not later than one year after adoption of the resolution.

As introduced, the bill required the Congress to designate in the concurrent resolution convening a convention the manner in which any amendments proposed by the convention must be ratified by the states and the period within which they must be ratified or deemed inoperative. Testimony at the hearings suggested that these determinations might properly be influenced by the nature of the amendments proposed and that they should therefore not be required to be made at the time the convention is called. For example, certain proposed amendments might call for ratification by state conventions rather than state legislatures, and certain circumstances might indicate a shorter or longer period than usual during which ratification should take place. The Congress should be able to make those decisions after it has the convention's proposals. The bill therefore has been amended to so provide.

H. Selection and apportionment of delegates

The bill as introduced provided that each state should have as many delegates as it is entitled to representatives in Congress, to be elected or appointed as provided by state law. However, the hearings revealed a general feeling that the national interest is too closely affected to permit each state to decide how its delegates to a national constitutional convention shall be elected, or indeed, appointed. For this reason, the bill has been amended to require that delegates be elected—not appointed—and that they be elected by the same constituency that elects the states' representatives in Congress. Under the amended bill, each state will be entitled to as many delegates as it is entitled to Senators and Representatives in Congress. Two delegates in each state will be elected at large and one delegate will be elected from each congressional district in the manner provided by state law. Vacancies in a state's delegation will be filled by appointment of the governor.

I. Convention procedure and voting

The bill provides that the Vice President of the United States shall convene the constitutional convention, administer the oath of office of the delegates and preside until a presiding officer is elected. The presiding officer will then preside over the election of other officers and thereafter. Further proceedings of the convention will be in accord-

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ance with rules adopted by the convention. A daily record of all convention proceedings, including the votes of delegates, shall be kept, and shall be transmitted to the Archivist of the United States within thirty days after the convention terminates. The convention must terminate its proceedings within one year of its opening unless the period is extended by the Congress by concurrent resolution.

As introduced, the bill provided that each state should have one vote on all matters before the convention, including the proposal of amendments. This was decided upon in deference to the method followed in the 1787 Convention rather than from a conviction that this would be the necessarily proper procedure in conventions called under article V. On the basis of the testimony presented at the hearings, I have decided that unit voting would not be appropriate for such conventions. The reasons for unit voting in the 1787 Convention were peculiar to the background against which that convention worked and are not valid today. Moreover, the states, as units, will have equal say in the ratification process. It seems appropriate, therefore, to recognize the interests of majority rule in the method of proposing amendments. Hence, the bill has been amended to provide that each state delegate shall have one vote so that the voting strength of each state will be in proportion to its population.

Finally, the bill provides that amendments may be proposed by the convention by a vote of a majority of the total number of delegates to the convention. The alternative would be to impose a two-thirds voting requirement analogous to the requirements for congressional proposal of amendments. However, article V does not call for this, and I think that such a requirement would place an undue and unnecessary obstacle in the way of effective utilization of the convention amendment process.

J. Ratification of proposed amendments

The bill provides that any amendment proposed by the convention must be transmitted to the Congress within the thirty days after the convention terminates its proceedings. The Congress must then transmit the proposed amendment to the Administrator of General Services for submission to the states. However, the Congress may, by concurrent resolution, refuse to approve an amendment for submission to the states for ratification, on the grounds of procedural irregularities in the convention or failure of the amendment to conform to the limitations on subject matter imposed by the Congress in the concurrent resolution calling the convention. The intent is to provide a means of remedying a refusal by the convention to abide by the limitations on its authority to amend the Constitution. Of course, unlimited power in the Congress to refuse to submit proposed amendments for ratification would destroy the independence of the second alternative amending process. Therefore, the Congress is explicitly forbidden to refuse to submit a proposed amendment for ratification because of doubts about the merits of its substantive provisions. The power is reserved for use only with respect to amendments outside the scope of the convention's authority or in the case of serious procedural irregularities.

Ratification by the states must be by state legislative action or convention, as the Congress may direct, and within the time period specified by the Congress. The Congress retains the power to review the validity of ratification procedures. As noted earlier, any state may rescind its prior ratification of an amendment by the same processes by which it ratified it, except that no state may rescind after that amendment has been validly ratified by three-fourths of the states. When three-fourths of the states have ratified a proposed amendment, the Administrator of General Services shall issue a proclamation that the amendment is a part of the Constitution, effective from the date of the last necessary ratification.

IV. CONCLUSION

There is some evidence that the current effort to require the Congress to call a convention to propose a reapportionment amendment has failed and that the danger of a constitutional crisis has passed. The two additional applications needed to bring the total to thirty-four have not been received and there is a strong likelihood that some applicant states will rescind their applications. Even if this is the case, however, the need for legislation to implement article V remains. There may well be other attempts to utilize the convention amendment process and, in the absence of legislation, the same unanswered questions will return to plague us. The legislation therefore is still timely, and the Congress may now have the opportunity to deal with the sensitive constitutional issues objectively, uninfluenced by competing views on state apportionment or any other substantive issue.

Some have argued that the convention method of amendment is an anomaly in the law, out of step with modern notions of majority rule and the relationship between the states and the federal government. If so, that part of article V should be stricken from the Constitution by the appropriate amendment process. It should not, however, be undermined by erecting every possible barrier in the way of its effective use. Such a course would be a disavowal of the clear language and history of article V. The Constitution made the amendment process difficult, and properly so. It certainly was not the intention of the original Convention to make it impossible. Nor is it possible to conclude that the Founders intended that amendments originating in the states should have so much harder a time of it than those proposed by Congress. As I have pointed out, that issue was fought out in 1787 Convention and resolved in favor of two originating sources, both difficult of achievement, but neither impossible and neither more difficult than the other. My bill seeks to preserve the symmetry of article V by implementing the convention alternative so as to make it a practicable but not easy method of constitutional amendment.

APPENDIX

S. 2307

A bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Constitution Convention Amendment Act".

APPLICATION FOR CONSTITUTIONAL CONVENTION

SEC. 2. The legislature of a State, in making application to the Congress for a constitutional convention under article V of the Constitution of the United States, shall adopt a resolution pursuant to this Act stating, in substance, that the legislature requests the calling of a convention for the purpose of proposing one or more amendments to the Constitution of the United States and stating the nature of the amendment or amendments to be proposed.

APPLICATION PROCEDURE

SEC. 3. (a) For the purpose of adopting or rescinding a resolution pursuant to section 2, the State legislature shall follow the rules of procedure that govern the enactment of a statute by that legislature, but without the need for approval of the legislature's action by the Governor of the State.

(b) Questions concerning the State legislative procedure and the validity of the adoption of a State resolution cognizable under this Act shall be determinable by the Congress of the United States and its decisions thereon shall be binding on all others, including State and Federal courts.

TRANSMITTAL OF APPLICATIONS

SEC. 4. (a) Within thirty days after the adoption by the legislature of a State of a resolution to apply for the calling of a constitutional convention, the secretary of state of the State, or if there be no such officer, the person who is charged by the State law with such function, shall transmit to the Congress of the United States two copies of the application, one addressed to the President of the Senate, and one to the Speaker of the House of Representatives.

(b) Each copy of the application so made by any State shall contain—

(1) the title of the resolution,

(2) the exact text of the resolution, signed by the presiding officer of each house of the State legislature, and

(3) the date on which the legislature adopted the resolution; and shall be accompanied by a certificate of the secretary of state of the State, or such other person as is charged by the State law with such function, certifying that the application accurately sets forth the text of the resolution.

(c) Within ten days after receipt of a copy of any such application, the President of the Senate and Speaker of the House of Representatives shall report to the House of which he is presiding officer, identifying the State making application, the subject of the application, and the number of States then having made application on such subject. The President of the Senate and Speaker of the House of Representatives shall cause copies of such application to be sent to the presiding officer of each House of the legislature of every other State and to each member of the Senate and House of Representatives of the Congress of the United States.

EFFECTIVE PERIOD OF APPLICATIONS

SEC. 5. (a) An application submitted to the Congress by a State pursuant to this Act, unless sooner rescinded by the State legislature, shall remain effective for four calendar years after the date it is received by the Congress, except that whenever the Congress determines that within a period of four calendar years two-thirds or more of the several States have each submitted a valid application calling for a constitutional convention on the same subject all such applications shall remain in effect until the Congress has taken action on a concurrent resolution, pursuant to section 8, calling for a constitutional convention.

(b) A State may rescind its application calling for a constitutional convention by adopting and transmitting to the Congress a resolution of rescission in conformity with the procedure specified in sections 3 and 4, except that no such rescission shall be effective as to any valid application made for a constitutional convention upon any subject after the date on which two-thirds or more of the State legislatures have valid applications pending before the Congress seeking amendments on the same subject.

(c) Questions concerning the rescission of a State's application shall be determined solely by the Congress of the United States and its decisions shall be binding on all others, including State and Federal courts.

CALLING OF A CONSTITUTIONAL CONVENTION

SEC. 6(a) It shall be the duty of the Secretary of the Senate and the Clerk of the House of Representatives to maintain a record of all applications received by the President of the Senate and Speaker of the House of Representatives from States for the calling of a constitutional convention upon each subject. Whenever the Secretary or the Clerk has reason to believe that valid applications made by two-thirds or more of the States with respect to the same subject are in effect, he shall so report in writing to the officer to whom those applications were transmitted, and such officer thereupon shall announce upon the floor of the House of which he is an officer the substance of such report. Pursuant to such rules as such House may adopt, it shall be the duty of such House to determine whether the recitation contained in any such report is correct. If either House of the Congress determines, upon a consideration of any such report or of a concurrent resolution agreed to by the other House of the Congress, that there are in effect valid applications made by two-thirds or more of the States for the calling of a constitutional convention upon the same subject, it shall be the duty of that House to agree to a concurrent resolution calling for the convening of a Federal constitutional convention upon that subject. Each such concurrent resolution shall (1) designate the place and time of meeting of the convention; (2) set forth the nature of the amendment or amendments for the consideration of which the convention is called; and (3) authorize the appropriation of moneys for the payment of all expenses of the convention, including the compensation of delegates and employees. A copy of each such concurrent resolution agreed to by both Houses of the Congress shall be transmitted forthwith to the presiding officer of each House of the Legislature of each State.

(b) The convention shall be convened not later than one year after the adoption of the resolution.

DELEGATES

SEC. 7(a) A convention called under this Act shall be composed of as many delegates from each State as it is entitled to Senators and Representatives in Congress. In each State two delegates shall be elected at large and one delegate shall be elected from each Congressional district in the manner provided by State law. Any vacancy occurring in a State delegation shall be filled by appointment of the Governor of that State.

(b) The secretary of state of each State, or, if there be no such officer, the person charged by State law to perform such function shall certify to the Vice President of the United States the name of each delegate elected or appointed by the Governor pursuant to this section.

(c) Delegates shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at a session of the convention, and in going to and returning from the same; and for any speech or debate in the convention they shall not be questioned in any other place.

(d) Each delegate shall receive compensation for each day of service and shall be compensated for traveling and related expenses. Provision shall be made therefore in the concurrent resolution calling the convention. The convention shall fix the compensation of employees of the convention.

CONVENING THE CONVENTION

SEC. 8(a) The Vice President of the United States shall convene the constitutional convention. He shall administer the oath of office of the delegates to the convention and shall preside until the delegates elect a presiding officer who shall preside thereafter. Before taking his seat each delegate shall subscribe an oath not to attempt to change or alter any section, clause or article of the Constitution or propose additions thereto except in conformity with the concurrent resolution calling the convention. Upon the election of permanent officers of the convention, the names of such officers shall be transmitted to the President of the Senate and the Speaker of the House of Representatives by the elected presiding officer of the convention. Further proceedings of the convention shall be conducted in accordance with such rules, not inconsistent with this Act, as the convention may adopt.

(b) The Congress shall appropriate moneys for the payment of all expenses of the convention.

(c) Under such regulations as the President shall prescribe, the Administrator of General Services shall provide such facilities, and each executive department and agency shall provide such information, as the convention may require, upon written request made by the elected presiding officer of the convention.

PROCEDURES OF THE CONVENTION

SEC. 9(a) In voting on any question before the convention, including the proposal of amendments, each delegate shall have one vote.

(b) The convention shall keep a daily verbatim record of its proceedings and publish the same. The votes of the delegates on any question shall be entered on the record.

(c) The convention shall terminate its proceedings within one year after the date of its first meeting unless the period is extended by the Congress by concurrent resolution.

(d) Within thirty days after the termination of the proceedings of the convention, the presiding officer shall transmit to the Archivist of the United States all records of official proceedings of the convention.

PROPOSALS OF AMENDMENTS

SEC. 10(a) Except as provided in subsection (b) of this section, a convention called under this Act may propose amendments to the Constitution by a vote of a majority of the total number of delegates to the convention.

(b) No convention called under this Act may propose any amendment or amendments of a general nature different from that stated in the concurrent resolution calling the convention. Questions arising under this subsection shall be determined solely by the Congress of the United States and its decisions shall be binding on all others, including state and Federal courts.

APPROVAL BY THE CONGRESS AND TRANSMITTAL TO THE STATES FOR RATIFICATION

SEC. 11(a) The presiding officer of the convention shall, within thirty days after the termination of its proceedings, submit the exact text of any amendment or amendments agreed upon by the convention to the Congress for approval and transmittal to the several States for their ratification.

(b) The Congress, before the expiration of the first period of three months of continuous session following receipt of any proposed amendment, shall, by concurrent resolution, transmit such proposed amendment to the States for ratification, prescribing the time within which such amendment shall be ratified or deemed inoperative and the manner in which such amendment shall be ratified in accordance with Article V of the Constitution: *Provided*, That, within such period, the Congress may, by concurrent resolution, disapprove the submission of the proposed amendment to the States for ratification on the ground that its general nature is different from that stated in the concurrent resolution calling the convention or that the proposal of the amendment by the convention was not in conformity with the provisions of this Act: *Provided* further, that the Congress shall not disapprove the submission of a proposed amendment for ratification by the States because of its substantive provisions.

(c) If, upon the expiration of the period prescribed in the preceding subsection, the Congress has not adopted a concurrent resolution transmitting or disapproving the transmittal of a proposed amendment to the States for ratification, the President of the Senate and the Speaker of the House of Representatives, acting jointly, shall transmit such proposed amendment to the Administrator of General Services for submission to the States. The Administrator of General Services shall transmit exact copies of the same, together with his certification thereof, to the legislatures of the several States.

RATIFICATION OF PROPOSED AMENDMENTS

SEC. 12(a) Any amendment proposed by the convention and submitted to the States in accordance with the provisions of this Act shall be valid for all intents and purposes as part of the Constitution of the United States when duly ratified by three-fourths of the States in the manner and within the time specified.

(b) Acts of ratification shall be by convention or by State legislative action as the Congress may direct or as specified in subsection (c) of this section. For the purpose of ratifying proposed amendments transmitted to the States pursuant to this Act the State legislatures shall adopt their own rules of procedure. Any State action ratifying a proposed amendment to the Constitution shall be valid without the assent of the Governor of the State.

(c) Any proposed amendment transmitted to the States pursuant to the provisions of section 11(c) of this Act shall be ratified by the legislatures of three-fourths of the several States within seven years of the date of transmittal or be deemed inoperative.

(d) The secretary of state of the State, or if there be no such officer, the person who is charged by State law with such function, shall transmit a certified copy of the State action ratifying any proposed amendment to the Administrator of General Services.

RESCISSION OF RATIFICATION

SEC. 13(a) Any State may rescind its ratification of a proposed amendment by the same processes by which it ratified the proposed amendment, except that no State may rescind when there are existing valid ratifications of such amendment by three-fourths of the States.

(b) Any State may ratify a proposed amendment even though it previously may have rejected the same proposal.

(c) Questions concerning State ratification or rejection of amendments proposed to the Constitution of the United States shall be determined solely by the Congress of the United States, and its decisions shall be binding on all others, including State and Federal courts.

PROCLAMATION OF CONSTITUTIONAL AMENDMENTS

SEC. 14. The Administrator of General Services, when three-fourths of the several States have ratified a proposed amendment to the Constitution of the United States, shall issue a proclamation that the amendment is a part of the Constitution of the United States.

EFFECTIVE DATE OF AMENDMENTS

SEC. 15. An amendment proposed to the Constitution of the United States shall be effective from the date specified therein or, if no date is specified, then on the date on which the last State necessary to constitute three-fourths of the States of the United States, as provided for in article V, has ratified the same.

FOOTNOTES

*United States Senator from North Carolina.—Ed.

[1] The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three fourths

of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

[2] The text of the bill, as amended, is set forth as an appendix to this Article. As of this writing, the amended bill has not been approved by the Committee on the Judiciary. The reported bill may include additional amendments.

[3] 369 U.S. 186 (1962).

[4] 377 U.S. 533 (1964).

[5] Copies of the applications referred to herein are on file in the offices of the Committees on the Judiciary of the United States Senate and House of Representatives.

[6] New Hampshire, Colorado, Utah, and Georgia have adopted applications, but copies are not on file with the Senate and House Judiciary Committees.

[7] The New York Times, March 18, 1967 (city ed.), at 1, col. 6.

[8] Editorial, The Washington Post, March 21, 1967, at A-10, col. 1.

[9] 307 U.S. 433 (1939).

[10] McCulloch v. Maryland, 17 U.S. (4 Wheat.) 316, 407, 415 (1819).

[11] *E.g.*, Legislative Reference Serv., Library of Congress, The Constitution of the United States of America: Analysis and Interpretation, S. Doc. No. 39, 88th Cong., 1st Sess. 135–36 (1964); The Federalist Nos. 43 & 85 (J. Cooke ed. 1961); L. Orfield, Amending the Federal Constitution (1942); The Records of the Federal Convention of 1787 (M. Farrand ed. 1937). The relevant excerpts from these and other sources are printed as an appendix to the *Hearings on the Federal Constitutional Convention Before the Subcomm. on Separation of Powers of the Senate Comm. on the Judiciary*, United States Senate, Oct. 30 and 31, 1967.

[12] *See* the text of art. V quoted in note 1 *supra*.

[13] U.S. Bureau of Rolls and Library, Documentary History of the Constitution of the United States of America V, 141, 143, *quoting* Madison's letter to Mr. Eve, dated Jan. 2, 1789.

[14] 253 U.S. 221 (1920).

[15] *Id.* at 229.

[16] 3 U.S. (3 Dall.) 378 (1798).

[17] Coleman v. Miller, 307 U.S. 433, 448–49 (1939).

[18] Dillon v. Gloss, 256 U.S. 368 (1921).

S. 624—INTRODUCTION OF A BILL TO PROVIDE FOR THE ESTABLISHMENT OF THE POTOMAC NATIONAL RIVER IN THE STATES OF MARYLAND, VIRGINIA, AND WEST VIRGINIA, AND FOR OTHER PURPOSES

Mr. JACKSON. Mr. President, I introduce for appropriate reference, on behalf of myself, Mr. Tydings, and Mr. Nelson, a bill to provide for the establishment of the Potomac National River in the States of Maryland, Virginia, and West Virginia.

This bill was originally introduced in the second session of the 90th Congress as S. 3157, but received no hearings.

Mr. President, the great civilizations of the world have grown up under the influence of major rivers. The early permanent settlements on our own continent were situated near the estuaries of our rivers and the earliest efforts of our forebears to explore and inhabit a vast wilderness were made fruitful by the river systems extending inland.

Today we are not so completely constrained by the river valleys. Technology has provided new means of transportation. But the great rivers remain essential to our way of life and they sustain many of our largest cities. A vast amount of commerce is still carried on our waterways. We are dependent upon the water supplied by our streams, and hydroelectric power provides an important part of the Nation's energy. All of these uses have been of major concern to the Congress over the years and remain of vital importance today.

Recently, however, a new value has been recognized in the Nation's rivers. They have been used by the public for recreational purposes, of course, for decades. The desirability of a river and its banks for fishing, hunting, boating, and simply for the esthetic value which water can add to the national beauty of a landscape have long been reflected in property values.

But the rivers have been exploited. Their banks have been crowded by industrial development and unsightly trash, and their waters have been polluted with chemicals that destroy plants and wildlife. Today, in the vicinity of the large metropolitan areas, the great rivers are almost totally inaccessible to the public. Their banks are occupied with industrial development and dumps. Where a few miles of the banks are yet unspoiled, they are frequently in high-value residential areas closed to public use. Even a boater on the river itself cannot escape the trash, the smell, and the blighted view.

With the establishment last year of a national wild and scenic rivers system, however, the Congress acted to rectify this long neglect and to strike a balance in this country between the harnessing of rivers for our material wants and the preservation of values which can serve spiritual and recreational needs. In addition, certain rivers of special importance have been proposed or, like the Ozark National Scenic Riverways in Missouri, established as part of the national park system. The Allagash in Maine was established as a State wilderness waterway; indeed, many States are now moving forward with their own scenic rivers studies and protection progam.

Of all the streams in America that are of national significance, the one most truly deserving of the title, "The Nation's River," is our Potomac, flowing past the National Capital. Much of the spectrum of American tradition and history, past and current, is associated with its valley. It is one of the most beautiful major rivers in the East and more than 90 percent of its banks are still forested or farmed. The variety of the river's environment and its location near the major eastern magalopolis give it enormous potential for outdoor recreation in an urbanizing region where recreational opportunities are sorely needed. The analogy has been aptly drawn that the Potomac can be the Rock Creek Park of the magalopolis that will soon spread across this part of the Nation. The river is now within easy reach of more than 8 million Americans, and that number is expected to exceed 13 million within the next 40 years. Many of these citizens are or will be city dwellers whose recreational opportunities are all too limited, and for whom access to the outdoors is difficult. It is significant to note, therefore, that much of the proposed national river area is joined to urban centers by existing railways, as well as reached by major highways, and could be made readily accessible through mass transit facilities.

One of the principal recommendations of the recently completed "Potomac River Basin Study," closely coordinated with the Potomac Basin States, is to establish a Potomac National River. This would sheath the main stem of the Potomac in recreational green open space from Washington, D.C., to Cumberland, Md., a distance of 195 miles. The Department of the Interior's official report on the Potomac has pointed out that—

> It has unique majesty and beauty and both historic and symbolic associations that warrant a special degree of protection for it, and warrant also the assurance of the kind of public appreciation and enjoyment the park sheath would permit.

Such protection for the Potomac is urgent, for there is imminent danger that unplanned development could result in fragmentation of the remaining pastoral environment and loss of the opportunity for public recreation to incompatible private residential and industrial uses. Yet the concept of a national river is not a "nature and history only" approach to environmental conservation that would throttle or limit healthy industrial and residential growth in the valley. It is, rather, a call for wise Potomac planning that would keep the lifeline of the Potomac riverscape a permanent central asset on which surrounding communities can depend to keep the valley a good and pleasant place to work and live. Already the attractions of the river—even a river view—are so sought after that Washington apartments affording a view of the waterfront cost thousands of dollars more than equally comfortable quarters on the opposite side of the same building. Already, the Federal Government has gone to great effort and expense through easements to preserve the Potomac riverscape as a permanent public asset for the Washington area. Without planning and protection that anticipate area growth and recreational demands, the entire riverscape will be consumed and scarred as, in fact, is already happening.

The Potomac, though it be of national significance, is not suggested as a unilateral Federal undertaking, but rather a cooperative venture, with the States, counties, and municipalities along the river taking as large a role as possible in the acquisition and administration of riverside lands for conservation and recreational purposes. The national river proposal is thoroughly compatible both with the letter and the spirit of the Potomac River Basin compact proposal soon to be considered by State legislatures in the basin and then by the Congress. That proposed compact recognizes the interdependence of water and related land resources and the need to coordinate and regulate the use of both for a wholesome total environment. Compact deliberations will take a long time, and time is running out for insuring the Potomac scenery, recreation, and orderly development.

We must act now if the integrity and usefulness of these resources are to be freed from jeopardy.

Moreover, it can serve as a model for safeguarding other important river resources throughout the Nation.

Heretofore, conservation efforts along the Potomac have been limited and piecemeal, although historically, they began long ago. The first meeting to discuss and plan for the Potomac was convened at Mount Vernon by George Washington. In the original Capital City design by Pierre L'Enfant, he recognized the need for the preservation of scenic beauty, and other open spaces as a prerequisite rather than an afterthought of good environmental planning.

The recently completed Potomac study and its recommended establishment as a national river have greatly broadened the concepts for Potomac planning, conservation, and development; and our vision of what a riverscape, protected and developed as a permanent scenic and recreational asset, can mean to the Nation, and do for the future of this region. We see now that the need is far larger, the opportunity far greater than preserving a historic canal alone, though that is a principal historic resource, protection and restoration of which is of high priority in national river administration. We see that we cannot address ourselves merely to the protection of one bank, but must regard the total riverscape as a unity if it is to retain its charm and beauty and serve the people adequately.

Furthermore, we should adopt conservation measures for the Potomac which can best serve the overall planning objectives and life styles of the Potomac Valley. That is why a national river, in reality a type of national recreation area, is suggested rather than the more restrictive policies of land management which park status connotes. Even the recently enacted legislation to establish a National System of Wild and Scenic Rivers would not suffice in providing for the large scale recreation needs and multiuse anticipated along the Nation's rivers.

The national river concept includes joint action by all levels of government. With its use of scenic easements and other less-than-fee ownership of land, it also involves the private sector in residential, commercial, and even industrial development in and adjoining the national river lands, under controls that would assure access to the river but keep developments in harmony with natural, historical, and recreational values. Management as a recreation area also will assure the greatest flexibility in providing for all types of outdoor recreation appropriate to the river area, including hunting, a cherished tradition in the valley.

For much of the length of this national river, only a narrow band of riverside land and islands need be purchased outright. At key locations, such as river bends, tributary confluences, places of exceptional historic or natural value, and other sites important for recreation, additional lands would be acquired for protection and appropriate development.

Included in the national river, but with its integrity preserved and structures restored, would be the existing Chesapeake and Ohio Canal, now a national monument and the principal historic feature along the Potomac. The canal towpath as well as a riverside route in Virginia are recommended to become part of the proposed Potomac Heritage Trail. Also, portions of two proposed parkways—the Allegheny and George Washington Country Parkways—could be accommodated within the exterior boundaries suggested for the national river.

In all, the proposed Potomac National River would comprise approximately 67,000 acres of land, nearly 11,000 acres of which are already in public ownership. It is estimated that at least a fourth of the privately owned land in the proposal could be preserved by means of less-than-fee interests in the land—scenic easements and the like. Much other land recommended for purchase could be leased back under appropriate controls for private uses. These approaches to Potomac conservation, plus the liberal use of life tenancy agreements and special efforts to perpetuate and encourage the agricultural uses traditional along the Potomac, should do much to allay fears that national river establishment might disrupt present patterns of life in the valley.

The river would provide the setting for wholesome and attractive growth in the Potomac Valley. When fully developed, there would be some 57 public-use centers along the river, including scores of natural and historical sites, numerous boat launching points, hundreds of miles of foot and bridle trails, as well as picnicking and camping facilities for many thousands of people—those who arrive by automobile or public conveyance, and those traveling up and down the river by trail or canoe.

Private businesses would provide most lodging, food and other essential services, either outside the national river or on private lands within it. Interpretive and educational programs would imaginatively attempt to convey an understanding of the river's character and history. In fact, the Potomac is envisioned as a major resource with which to build meaningful environmental education programs and centers with the aid of State and county school systems.

In its treatment of the riverscape and in the design of facilities, the national river would serve to demonstrate how residential, commercial, and industrial development in the basin can proceed in harmony with the processes and amenities of nature, perpetuating them for continuing enjoyment rather than consuming them for the exigencies of the moment.

The national river establishment must of course insure the integrity of the historic C. & O. Canal. It must be phased so as to complement and not disrupt the lives of present residents. It must assure access to the river for water and other utility purposes, so that scenic beauty, recreation and economic development can successfully coexist in the Potomac Valley. It must respect the variety of recreational resources along the river which make this opportunity such an exciting and important one.

A Potomac National River can be to millions of Americans—those who live along it or in neighboring cities, and those who visit it from afar—a vacation place, a classroom for environmental understanding and wise community planning, an avenue of serene natural beauty, a walkway through American history. It can help to establish the principle that our outstanding riverscapes are not merely real estate to exploit but, rather, natural resources for generations to enjoy under wise trusteeship. What we do for the Potomac, good or bad, successfully or otherwise, will influence the Nation's treatment of rivers elsewhere, ultimately conserving or impoverishing our American environment.

> For the basin's present inhabitants this handsome river with its varied and wooded shores is a great blessing—

An interim report pointed out during the Potomac study—

> Future inhabitants will have been badly cheated if it does not remain the same.

PROVISIONS OF THE BILL

The proposed Potomac National River will include approximately 67,000 acres of land bordering the river from the National Capital Park lands in the District of Columbia and Arlington County, Va., to Cumberland, Md., a distance of 195 miles. The bill provides that the Secretary of the Interior may acquire lands, waters and interests, including scenic easements, by donation, purchase with donated or appropriated funds, or exchange.

This land will be devoted to a variety of recreational uses including fishing and hunting (in suitable areas) without excluding the compatible use of the river by industry and commerce. The lands within the Chesapeake and Ohio Canal National Monument and other vital riverside lands and islands will be managed as part of the Potomac National River.

The concept of the Potomac National River, as reflected in the enclosed bill, stresses the need for close cooperation among Federal, State, and local governments, and private organizations and individuals. The Secretary of the Interior will assist and encourage these bodies in adopting and enforcing adequate master plans and zoning ordinances which will promote the use and development of private property within and adjacent to the proposed national river for recreational uses. Funds allocated to the State under the amended Land and Water Conservation Fund Act of 1968 shall be available for such planning, acquisition, and development.

The proposal recognizes the desire of some established residents to continue to live within the national river boundaries for a period of time. Except for property that the Secretary determines is necessary for administration and preservation purposes and for public use, the proposal permits any owners of improved property acquired by the Secretary to retain, as a condition to such acquisition, a right of use and occupancy for noncommercial residential purposes or for agricultural purposes, for a life term or for a fixed term of not more than 25 years. The bill provides that, except as specifically authorized by the Congress, the Federal Power Commission shall not authorize the construction, operation, or maintenance within the Potomac National River of any dam or other project works under the Federal Power Act.

The proposal would establish a nine-member advisory commission composed of representatives of the three affected States and the District of Columbia, and one member appointed by the Secretary from the general public. The Commission would be temporary and would terminate 10 years after the date of enactment of the bill or upon the establishment of a more permanent body by or with the approval of Congress. The interim commission would advise the Secretary on the development of the national river.

Land acquisition costs for the national river are expected to be $65.5 million based on a 1967 appraisal.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 624) to establish the Potomac National River in the States of Maryland, Virginia, and West Virginia, and for other purposes, introduced by Mr. JACKSON (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

SENATE JOINT RESOLUTION 29—JOINT RESOLUTION RELATING TO COMMEMORATION OF THE 100TH ANNIVERSARY OF THE ESTABLISHMENT OF YELLOWSTONE NATIONAL PARK

Mr. BIBLE. Mr. President, on behalf of myself and Senators JACKSON, ANDERSON, JORDAN of Idaho, MOSS, BURDICK, NELSON, MCGOVERN, ALLOTT, METCALF, STEVENS, CHURCH, HANSEN, and FANNIN, I introduce a joint resolution authorizing the Secretary of the Interior to provide for the commemoration of the 100th anniversary of the establishment of Yellowstone National Park, and for other purposes.

By the act of March 1, 1872 (17 Stat. 32), the Congress established the first national park in the world—Yellowstone. The national park concept originated in this act which recognized the need to preserve public land of great natural beauty and wonderment in perpetuity for the enjoyment of future generations.

To commemorate the 100th anniversary of the beginning of the national park movement, the resolution requests the President to issue a proclamation designating 1972 as "National Park Centennial Year." To plan the centennial activities, the joint resolution establishes a 15-member special commission, composed of four Members from the Senate, four Members from the House of Representatives, the Secretary of the Interior, and six nongovernmental members appointed by the President from among persons having outstanding knowledge and experience in the fields of natural and historical resource preservation and public recreation.

The national park concept is a unique American contribution to world culture. Since the establishment of the first national park at Yellowstone, the United States has developed a national park system which comprises 258 separate areas and which constitutes a vast repository of our natural and historical heritage. Following our lead, some 80 nations of the world have likewise developed their own national park systems.

We believe therefore, it is appropriate to designate the 100th year following the establishment of Yellowstone National Park as "National Park Centennial Year." Since 1872 was also the beginning of a worldwide movement for national parks, we believe it is fitting that representatives of other nations be invited to participate in the National Park Centennial. The appropriate vehicle for bringing together the knowledge and experience of all nations in this field would be, in our opinion, a World Conference on National Parks, to be held at Yellowstone and Grand Teton National Parks in 1972.

The Special Commission to be established under the joint resolution will prepare and execute the plans for the commemoration of the 100th anniversary of the establishment of the world's first national park, and will provide host services for the World Conference on National Parks in 1972. In carrying out its functions, we expect that the commission will develop and maintain special exhibitions on the national park system throughout the Nation, undertake important studies of the system for publication and distribution to schools and libraries, and encourage the development of nationwide and worldwide educational programs to promote the national park concept.

Mr. President, I ask that the measure be referred to the appropriate committee.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred.

The joint resolution (S. J. Res. 29) authorizing the Secretary of the Interior to provide for the commemoration of the 100th anniversary of the establishment of Yellowstone National Park, and for other purposes, introduced by Mr. BIBLE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. BIBLE. Mr. President, I ask unanimous consent to add the names of the distinguished majority leader (Mr. MANSFIELD) and the distinguished senior Senator from Florida (Mr. HOLLAND) as cosponsors.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Nevada (Mr. CANNON) and the Senator from New York (Mr. JAVITS) be added as cosponsors of the bill (S. 406) a bill to amend the Federal Property and Administrative Services Act.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I ask unanimous consent that, at its next printing, the name of the distinguished junior Senator from California (Mr. CRANSTON) be added as a cosponsor of the bill (S. 503) to provide for meeting the manpower needs of the Armed Forces of the United States.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Nevada (Mr. CANNON) be added as a cosponsor of the joint resolution (S.J. Res. 28) providing for renaming the central Arizona project as the Carl Hayden project.

Mr. BIBLE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. BIBLE. I think I am already on that particular measure. If not, will the Senator ask unanimous consent that my name be added as a cosponsor?

Mr. GOLDWATER. Mr. President, I ask unanimous consent to add the name of the Senator from Nevada as a cosponsor, if necessary, but I think he is already on it.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from South Carolina (Mr. THURMOND) be added as a cosponsor of the joint resolution (S.J. Res. 2), proposing an amendment to the Constitution of the United States providing for the election of President and Vice President.

The VICE PRESIDENT. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 4—CONCURRENT RESOLUTION TO PREVENT TERMINATION OF FEDERAL FUNDS DURING SCHOOL YEAR

Mr. ERVIN. Mr. President, on behalf of myself and Senator JORDAN of North Carolina, I submit today a concurrent resolution setting forth the sense of Congress that no school funds administered by the Commissioner of Education shall be terminated under the authority of title VI of the 1964 Civil Rights Act after the beginning of the school year.

In order to avoid a great hardship to children of both races, Mr. President, the Department of Health, Education, and Welfare should be prohibited from terminating school funds in the middle of the school year. Great hardships result to school districts when their Federal funds are terminated after teachers have been hired and programs instituted in reliance on the receipt of Federal funds for the entire year. The school lunch programs often have to be abolished and many teachers and school employees have to be released and programs stopped. There is no doubt that the termination of these Federal funds during the school year have a tremendous impact upon the entire local community.

We hope that Congress will agree with us that it is much better to terminate the funds at the end of the school year, thus allowing the summer months for negotiations with the Department of Health, Education, and Welfare, prior to the absolute cutoff of funds before the fall term.

I ask unanimous consent that my proposed concurrent resolution be appropriately referred and that a copy of it be printed at this point in the body of the RECORD.

The VICE PRESIDENT. The concurrent resolution will be received and appropriately referred; and, under the rule, the concurrent resolution will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 4) was referred to the Committee on Labor and Public Welfare, as follows:

S. CON. RES. 4

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that in any case in which a State or local educational agency has filed an application for financial assistance for elementary or secondary education for any fiscal year under the provisions of any Act administered by the Commissioner of Education, the Commissioner shall not, after the beginning in such fiscal year of such agency's school year, terminate or refuse to grant such assistance under the authority of title VI of the Civil Rights Act of 1964.

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTION

Mr. PEARSON. Mr. President, I ask unanimous consent that, at its next printing, the names of the distinguished Senator from Texas (Mr. YARBOROUGH), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Oklahoma (Mr. HARRIS) be added as cosponsors of the concurrent resolution (S. Con. Res. 3), relating to the furnishing of relief assistance to persons affected by the Nigerian civil war.

The VICE PRESIDENT. Without objection, it is so ordered.

SENATE RESOLUTION 58—RESOLUTION TO CREATE A STANDING COMMITTEE ON VETERANS' AFFAIRS—FOR THE VETERANS' ADMINISTRATION

Mr. SCOTT. Mr. President, for too many years now, proposed legislation affecting this Nation's veterans has been subject to constant shuffling among various subcommittees of several Senate committees. This is a haphazard method of dealing with measures vital to the well-being of our veterans. It is about time that we faced up to the many problems inherent in the present system of handling veterans' proposals and adopted a new way to deal more effectively with them.

Therefore, I submit for appropriate reference a resolution to create a standing Senate Committee on Veterans' Affairs. This proposal is neither new nor revolutionary. It has been brought before the Senate many times in the past. In fact, I was a sponsor of Senate Resolution 8 during the 90th Congress, a resolution which never reached the floor for consideration. The measure I am now introducing is identical to the previous resolution.

Such a proposal has had the support of every major veterans' organization, and its adoption would create no great problems. As chairman of the Human Needs Subcommittee of the 1968 Republican Platform Committee, I received testimony from, among others, William E. Galbraith, the then National Commander of the American Legion, who urged the passage of this measure. Commander Galbraith said that the creation of such a committee "would insure that all veterans' legislation in the Senate received expert and prompt attention." I heartily concur with that opinion, and I urge my fellow Senators to act swiftly and favorably on this proposal.

The VICE PRESIDENT. The resolution will be received and appropriately referred; and, under the rule, the resolution will be printed in the RECORD.

The resolution (S. Res. 58) was referred to the Committee on Rules and Administration, as follows:

S. RES. 58

Resolved, That rule XXV of the Standing Rules of the Senate (relating to standing committees) is amended by—

(1) striking out subparagraphs 10 through 13 in paragraph (h) of section (1);

(2) striking out subparagraphs 16 through 19 in paragraph (l), section (1); and

(3) inserting in section (1) after paragraph (p) the following new paragraph:

"(q) Committee on Veterans' Affairs, to consist of nine Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Veterans' measures, generally.

"2. Pensions of all the wars of the United States, general and special.

"3. Life insurance issued by the Government on account of service in the Armed Forces.

"4. Compensation of veterans.

"5. Vocational rehabilitation and education of veterans.

"6. Veterans' hospitals, medical care, and treatment of veterans.

"7. Soldiers' and sailors' civil relief.

"8. Readjustment of servicemen to civil life."

SEC. 2. Section 4 of rule XXV of the Standing Rules of the Senate is amended by striking out "and Committee on Aeronautical and Space Sciences" and inserting in lieu thereof "Committee on Aeronautical and Space Sciences; and Committee on Veterans' Affairs".

SEC. 3. Section 6(a) of rule XVI of the Standing Rules of the Senate (relating to the designation of ex officio members of the Committee on Appropriations), is amended by adding at the end of the tabulation contained therein the following new item:

"Committee on Veterans' Affairs____For the Veterans' Administration."

SEC. 4. The Committee on Veterans' Affairs shall as promptly as feasible after its appointment and organization confer with the Committee on Finance and the Committee on Labor and Public Welfare for the purpose of determining what disposition should be made of proposed legislation, messages, petitions, memorials, and other matters theretofore previously referred to the Committee on Finance and the Committee on Labor and Public Welfare, which are within the jurisdiction of the Committee on Veterans' Affairs.

SENATE RESOLUTION 59—RESOLUTION TO PROVIDE ADDITIONAL FUNDS FOR THE COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES—REPORT OF A COMMITTEE

Mr. ANDERSON, from the Committee on Aeronautical and Space Sciences, reported an original resolution (S. Res. 59); which was referred to the Committee on Rules and Administration, as follows:

S. RES. 59

Resolved, That the Committee on Aeronautical and Space Sciences, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the aeronautical and space activities of departments and agencies of the United States, including such activities peculiar to or primarily associated with the development of weapons systems or military operations.

SEC. 2. (a) For the purposes of this resolution the committee is authorized, from February 1, 1969, through January 31, 1970, inclusive, to (1) make such expenditures as it deems advisable, (2) employ upon a temporary basis and fix the compensation of technical, clerical, and other assistants and consultants, and (3) with the prior consent of the head of the department or agency of the Government concerned and the Committee on Rules and Administration, utilize the reimbursable services, information, facilities, and personnel of any department or agency of the Government.

(b) The minority is authorized to select one person for appointment as an assistant or consultant, and the person so selected shall be appointed. No assistant or consultant may receive compensation at an annual gross rate which exceeds by more than $2,400 the annual gross rate of compensation of any person so selected by the minority.

SEC. 3. The committee shall report its findings, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1970.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $40,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

S. 467—COAL MINE HEALTH ACT, INTRODUCED BY SENATOR RANDOLPH AT UNITED MINE WORKERS' REQUEST

Mr. RANDOLPH. Mr. President, this is to refute those critics of the United Mine Workers of America and of the leadership of that international union—critics who falsely claim that the men who work in the coal mines lack for adequate union attention to their health and safety needs. They are in error. History will not support such allegations; neither will current events.

On January 16, 1969, I introduced S. 355, the Bureau of Mines legislative proposals to improve the health and safety conditions of persons working in the coal mining industry of the United States. I introduced those legislative proposals in three titles—the first relating to administration and penalties, the second to coal mine safety, and the third embracing provisions for interim health standards for underground mines. At the time of introduction, I expressed the view that separate bills, rather than separate titles of a single bill, might have been preferable to deal with coal mine safety and occupational health. This view has since been supported informally by representatives of coal industry management and of the United Mine Workers.

In fact, the president of the UMWA, W. A. "Tony" Boyle, and his legislative assistants went beyond merely hoping that the subjects of coal mine safety and occupational health of coal miners would be considered carefully, and separately, if need be for that procedure.

According to information I received from UMWA officials, they favor the principles of the administrative provisions and most of the safety section of S. 355, but differ substantially with its provisions as relate to penalties and in the area of health under title III.

Accordingly, knowing that I declared several months ago for a careful reevaluation of coal mine safety statutes and for a fresh look at occupational health aspects of underground coal mining, President Boyle requested that I consider introducing the United Mine Workers' proposed Coal Mine Health Act, a bill for the elimination of health dangers to coal miners resulting from the inhalation of coal dust. Because I believe that the occupational health of coal miners is a vital area for legislative consideration, and because I know that the Bureau of Mines recommendations in S. 355 are for interim health standards for underground mines, I readily agreed to introduce the UMWA recommendations for a permanent program dedicated to the elimination of health dangers to miners. The UMWA-supported measure was introduced by me on January 21, 1969, and is S. 67 in this 91st Congress. It is a comprehensive proposal for the abatement of dust conditions in the interest of "elimination of health dangers to miners." I believe in the principles of S. 467, just as I do with respect to S. 355, but I feel that I must keep a degree of flexibility on their provisions in some particulars until we have heard testimony and can study the record of hearings which I believe will be scheduled to begin sometime after mid-February, and possibly as late as mid-March, in the Committee on Labor and Public Welfare, on which I am the ranking majority member.

I have been working with the UMWA for over three decades on coal mine safety legislation, and the officials of that organization know of the problems and difficulties encountered in the practical application of the legislative processes as measures of this nature work their way through those processes. Even reporting bills in the industrial health and safety area from committees oftentimes becomes a real chore. The first Coal Mine Safety Act of any substance to pass the Congress required the use of a discharge petition, which I well remember having sponsored in the House of Representatives while a Member of that body. And, as Bob Howes of the UMWA organization recalled in a recent conversation, we had difficulty keeping signatures on that petition. There was opposition to our achieving the required number.

It has always been my experience in working with UMWA officials in this legislative area to know that they, like all of us, must keep in mind the coal miners' payrolls as well as their health and safety.

Closing coal mines and destroying payrolls constitute the easy way to clear away problems of safety and those relating to the occupational health hazards. That, however, is not the practical way—any more than is the closing of chemical plants or the shutting down of electric generating plants as air or water pollution control expedients. The search always must be for the feasible alternatives to complete closure and to the payroll cutoff. In this search for ways to continue operations, production, marketing, and payrolls while, at the same time, developing adequate safety procedures and requirements and feasible abatement of occupational health hazard conditions, we know that there will be encountered controversy over legislative provisions.

Mr. President, officials and representatives of the United Mine Workers—men like President Tony Boyle, Vice President George Titler, and their assistants—must not be accused of lacking in zeal and effort on behalf of their coal miner members because this is not a fact. There are no more devoted men to the causes of safety and health—and payrolls—of their members than Tony Boyle and George Titler and their associates and assistants. S. 467—the proposed Coal Mine Health Act—which I have introduced at their request, is but one of the very real manifestations of their fidelity to the men who work in the coal mines.

IN PRAISE OF WILLIAM C. FOSTER

Mr. PERCY. Mr. President, on December 31, 1968, a distinguished citizen quietly stepped down from a post he had held for over 7 years. This citizen was William C. Foster, Director of the U.S. Arms Control and Disarmament Agency.

A recent editorial in the Washington Star, paid tribute to Bill Foster, and noted that he should be remembered for helping to make the pursuit of international arms controls an acceptable activity in the eyes of most Americans. The editorial pointed out that, when Congress was considering the establishment of the Agency in 1961, certain fears were expressed but, according to the Star:

> Happily, Foster's solid Republican credentials and known anticommunism were such that Congress eventually was willing to approve the creation of ACDA.

Bill Foster's credentials extend, of course, beyond partisan considerations. His Government career has included, in addition to being Director of the Arms Control and Disarmament Agency, such posts as Under Secretary of Commerce, Administrator of the Marshall plan, and Deputy Secretary of Defense.

Some of his contributions in the national security field are little known. In 1957, for example, President Eisenhower brought together a blue-ribbon panel of distinguished citizens, under the chairmanship of H. Rowan Gaither, Jr., with Mr. Foster as cochairman. Their task was to review all the information available to determine as closely as possible the dimensions of the Communist bloc's capability to launch an attack on America, and the ability of America to deter or withstand an attack. The panel became known as the "Gaither Panel," and Bill Foster's involvement as cochairman of this important group was little noted.

No sooner had the exhaustive work of the Gaither Panel been completed than Secretary of Defense McElroy named Mr. Foster, Nelson Rockefeller, then chairman of the Joint Chiefs of Staff Nathan F. Twining, and former JCS Chairmen Omar Bradley and Arthur W. Radford, to be consultants on reorganization of the Pentagon.

Almost concurrently Mr. Foster served as one of the Secretary of State's advisers on arms control policy.

In October 1958, he was chosen to head the U.S. delegation to the Technical Conference on the Problem of Surprise Attack, which the Soviet Union had unexpectedly agreed to attend in Geneva. The conference proved abortive, but the experience yielded an important lesson: the need for broad political and technical expertise in disarmament negotiations. In reporting on the conference to the Senate Disarmament Subcommittee, Mr. Foster said such expertise could be obtained only "by hard work and deep thought and putting together competent people to work—not on a part-time basis but on a full-time basis." His evaluation presaged the creation of the U.S. Arms Control and Disarmament Agency.

This Agency has, over the past 7 years, come of age. As the Washington Star editorial put it:

> Foster has been able to attract an elite corps of scientists, soldiers, and diplomats to do the agency's important work—which demands a high degree of sophistication in the foreign affairs areas as well as technical expertise in the disarmament field. ACDA is now a tried and proven instrument for the carrying out of United States policy.

I first knew Bill Foster as a highly respected businessman. Since then, Bill Foster has received many commendations for his distinguished public service, but I know he received his greatest inner satisfaction and fulfillment from his work in arms control.

For his foresight and dedication in the pursuit of arms control as an instrument of national security policy, William C. Foster deserves the gratitude of the entire country.

TRIBUTE TO PRESIDENT JOHNSON

Mr. CRANSTON. Mr. President, I will always regret that I entered the Senate after Lyndon Johnson left it, and that he is leaving the White House and Washington to return to his native Texas so soon after I have come to Capitol Hill.

I have long admired from afar his great abilities and so much that he has done. I would have relished an opportunity to work closely with him in the pursuit of a better nation and a better world.

That is not to suggest that I did not have my areas of disagreement with Lyndon Johnson, for, of course I did—particularly over our country's role in Vietnam.

But I do not qualify, I do not in any way limit, my respect and admiration for the President Lyndon Johnson has been and the man he will always be.

The contributions of his Presidency will be imperishable in civil rights, voting rights, educational aid, model cities, medicare, rent supplements, control of water pollution, immigration reform, job training, and general and specific governmental concern for the well-being of all its people.

Imperishable, too, will be the impression he made on those people by his concern, his dedication, his humanity, his steadfastness, his grit, his guts.

A man whose heart was dedicated to peace, he was betrayed by an unwanted war.

ELECTORAL COLLEGE REFORM

Mr. ALLEN. Mr. President, the October 1968 issue of the Alabama Lawyer contains an interesting article entitled "An Analysis of Electoral College Reform," written by Hon. J. Edward Thornton.

The author, senior member of the firm of Thornton & McGowin, Mobile, Ala., is a graduate of Mississippi College, A.B. 1928, and Harvard University, LL. B. 1933, and was admitted to the bar of Alabama, 1934, and Massachusetts, 1936. He was assistant general counsel, Alabama State Department of Revenue, 1939–45; assistant circuit solicitor, Jefferson County, Ala., 1936–39; justice, Special Supreme Court of Alabama, 1967; 1968, member, house of delegates and State delegate for Alabama, American Bar Association, 1958–59; president, Mobile Bar Association, 1955; president, Alabama State bar, 1963. He is a member of American Law Institute and a fellow, American Bar Foundation.

Fifteen of Mr. Thornton's articles and addresses have been published in the Alabama Lawyer. He has also contributed articles to the Alabama Law Review. "Balancing Various Community Interests: Should This Be Part of the Judicial Function?" was published in ABA Journal, June 1949.

Since the issue of electoral college reform is being considered by the Senate, I believe that Mr. Thornton's article will furnish much valuable information to Members of the Senate and that his analysis of some of the proposals that have been suggested will aid the Senate in its consideration of this issue.

I ask unanimous consent to place the text of Mr. Thornton's article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN ANALYSIS OF ELECTORAL COLLEGE REFORM

(By J. Edward Thornton)

I

Suppose there were no united States, only the several States. Suppose the fifty States were now engaged in uniting into a United States. Suppose they all believed that governmental power should be separated so that policy be determined only by the legislature, that it be carried out only by the executive, and the judicial power be limited to "cases" and "controversies" only. Suppose that a single executive is decided upon to carry out the policy determined by Congress as construed and interpreted by the courts. The question then comes up before the Constitutional Convention of these fifty States, who should elect this executive, remembering all the time that the Constitution will limit his activities to carrying out Federal policy with such exceptions as those contained in Sections 2, 3, and 4 of Article II of the present Federal Constitution? The three most obvious alternatives are that the appointment be made by (1) the States, (2) the Congress, or (3) the people. Which should it be? Before answering this, several matters should be considered.

1. Elected officials from justices of the peace, up or down, are beholden unto those who select them, whether the selector is the governor, the legislature or the voters. If federal policy as fixed by Congress is to be administered by a chief executive, who is elected by the masses, that executive will not be obligated to the States or Congress. Would a President beholden to the masses enforce the laws fearlessly against White majorities, or Protestant majorities, or Catholic majorities or whatever majorities there are?

2. For Congress to select the person to carry out the policy fixed by Congress violates the principle of separation of powers, for if the President is selected by Congress, Congress will determine how the policy Congress fixes will be enforced or unenforced. This would never do because of the premises set for this hypothetical case of the Constitutional Convention for the fifty States.

3. Direct popular election of chief executive officers has never been used in any confederation, such as the United Nations, the League of Nations, the European Common Market, the American Bar Association, the American Medical Association, and so on. In fact, it is hard to find any federation where the chief executive officer has been chosen by popular vote.

4. It would be the States which would be giving up a portion of their sovereignty to gain the advantages of union, not the people. Since the States would be doing the negotiating, it would seem that they would be the ones most likely to demand a *quid pro quo* for such union.

5. Who would be most interested in seeing that the federal policy was being faithfully executed, the States or the masses? Congress might be interested in seeing that its policy be carried out, but what interest would the masses have in this? And if no one in a position of influence has any interest in seeing that the system is carried out, how long will the system last?

Bearing these facts in mind, we return to the hypothetical Constitutional Convention seeking to determine how to select a chief executive. Since the American Bar Association is now engaged in advising the States on constitutional issues, such as Amendment XXV, no doubt this Convention would call on the American Bar Association. Unfortunately, the Report of the Commission on Electoral College Reform contained in the March, 1967, issue of the *American Bar Association Journal* will not shed much light on the issue before this hypothetical Constitutional Convention. Nor would President-Elect Gossett's article in the December, 1967, issue of the *Journal* assist.

But isn't this hypothetical issue the very one which should have a very clear and positive answer before the American Bar Association or anyone else starts tinkering with the machinery of government which, after all, has brought us along for nearly 200 years? Before engaging in remedial action we should know precisely what the remedy is.

If there is a case for having the President of these United States selected by the people rather than the States, it hasn't been adequately made yet. But it would seem that this is crucial before any action be taken to change the system.

That the system set out in the Federal Constitution does not completely embody either of these alternatives does not excuse us from having *an* answer to these questions, even if the answer is that neither of these methods should be used to select the chief executive officer of this nation. We always need to know in which direction we ought to be going, even if we are not going that way. ◀

Historically, it seems the consensus was that the States should select the President, and it is not without significance that the one plan with the least support was the present plan by the American Bar Association. Of course, the more heavily populated States in the Convention in 1787 refused to be reduced to the strength of less heavily populated States in selecting the chief executive. And it was on this issue that ultimately Benjamin Franklin, of all members of the Convention, suggested that the subsequent meetings be opened with prayer. But they never abandoned the idea that the selection of the President was to be made by the States. The compromise was that in this process the strength of these big States be reduced and the strength of the smaller States be increased by the number of electors which was fixed at the number of representatives in the Senate and House in Congress.

Before abandoning completely this idea that the States select the chief executive, an answer ought to be made to the question, should we?

II

The Report of the A.B.A. Commission on Electoral College Reform states:

"In summary, direct election of the President would be in harmony with the prevailing philosophy of one person, one vote."

It should hardly be necessary now to remind members of the legal profession that merely because a Justice of the Supreme Court of the United States makes an assertion, this does not make it so, nor does it make it right. This is also true of assertions by A.B.A. Commissions. Therefore, with a majority of the States about to amend the Federal Constitution in regard to the one man, one vote rule, it might well be said that such a philosophy is hardly "prevailing." But even if it were, it still would be wrong and not necessarily applicable to the election of the President.

History gives us only two illustrations of efforts at universal suffrage, namely ancient Greece and during the French Revolution, and both of these failed. Can it now be made to work here by the *ipse dixit* of a few judges?

Furthermore, the idea of spreading political power among the illiterates, [*Cf. Katzenbach* v. *Morgan*, 384 U.S. 641 (1966)] the paupers, [See, *Harper* v. *Virginia*, 383 U.S. 663 (1966)] and now possibly the criminals, the Communists and the insane, is sheer nonsense. One head is not as good as any other head particularly when one of them is, say, a Justice of the Supreme Court, or a Dean of a Law School. To cancel out their votes with the illiterates doesn't show maturity. It shows insanity.

If all heads are equal in electing men to govern us, why all the bother for *public* education? Public education assumes a need for improvement of the public for the public. But if voting belongs to the un-improved as well as the improved, it seems to remove the incentive for society to improve the illiterate. If public education aims solely at increasing the income of the pupils, why should all society join in paying for it? Why shouldn't the pupil pay for his own education, if the education is solely for his benefit? Assuming otherwise cannot be rational, much less right or just.

Furthermore, it assumes that a civic virtue and possibly a duty, has become a right. Exhaustive research in history and jurisprudence is not necessary to establish that voting has always been a privilege. Only in opinions by Justices of the United States Supreme Court can a different reading of history be found. And to find that in 1868 the States delegated away their rights to quality voters is not only a misreading of history, it is a misreading of the Constitution.

If voting is now a right, how about jury service? Do I have a right guaranteed by the Constitution to serve on the jury? And if I can serve on the jury, can a mere litigant or attorney peremptorily challenge my right to serve, and if they cannot, may I select the cases I choose to hear? So, is paying taxes a right? If so, can I determine the amount? Can the government now interfere with my right to pay taxes by assigning an arbitrary amount as my share?

This proliferation of "rights" found in the Constitution by Justices of the Supreme Court simply must be brought to a stop. The "right" to counsel has been extended to everyone, everywhere, in all types of cases. But now Justice Douglas has found in *Hackin v. Arizona,* 389 U.S. 143 (1967) a "right" to non-counsel. And, of course, the Justices have found in the Constitution a "right to possess and peddle pornography, [See *Smith v. Cal.,* 361 U.S. 147 (1959)] which has blown up to such proportions that the Justices themselves no longer know what is contained in the "right." [See *Redrup v. New York,* 386 U.S. 767 1967).]

The newly discovered constitutional "right of association" [nowhere explicitly provided. *Cf.* Black's dissent in *Griswold v. Conn.* 381 U.S. 479, 509 (1965) concerning a constitutional "right of privacy" which he could not find in the Constitution] now prohibits States from protecting their citizens from unauthorized practice of law. See *N.A.A.C.P. v. Button,* 371 U.S. 415 (1963); *Railroad Trainmen v. Va.,* 377 U.S. 1 (1964); *UMW v. Ill. Bar Assn.,* 389 U.S. 217 (1967), Justice Black can find this "right" in the words in the Constitution!

Obviously the Court is not vindicating the Constitution in these absurd decisions; it is cheapening the Constitution so that the Constitution must get protection from the Court if it is to remain as our charter of government.

This one man-one vote "right" is such an absurdity. For the organized Bar to support and implement this sort of stupidity does not make it less stupid. Hence, if the best reason for scrapping the electoral college is this one man-one vote right, then no change in the electoral college is indicated.

III

It has been asserted by President-Elect Gossett that actually the electoral college was merely a temporary stop-gap to get the Constitution adopted, and now in this "age of speedy transportation, instantaneous communication and high literacy" the need for such a broad power of attorney by the voter to the elector is gone, hence, the voter should re-claim his right to select the President directly.

Of course, this premise is patently unsound historically. The Electoral College was a compromise, but it was not temporary. But even if it were, it does not follow that today is the time for this change, or that this is the change called for. If we do assume, however, that this is indicated, then we become the bald-headed peddler of hair restorer. If the individual vote is now to elect the chief executive of these United States, why does the American Bar Association utilize an indirect method of election for its President? What is there about the American Bar Association which makes the selection of its chief executive officer so different from the selection of a President for these United States?

IV

It shouldn't be assumed that the A.B.A. Plan is the only change proposed for the electoral college. It has been attacked several times. Among the proposed changes were those by the Southland Committee in 1878, the Lea Amendment proposed in 1928, and the Lodge-Gossett Plan proposed in 1948.

Interesting enough, however, this is the first time it has been seriously suggested that the President be elected by direct popular vote. Andrew Jackson recommended it in five of his messages to Congress. But no one else has seriously advanced it. The question naturally arises why it took the A.B.A. in 1967 to discover this system. If there is so much merit to it, why has it been so late in being advanced?

The Lodge-Gossett Plan of apportioning electoral votes to popular votes to two decimal places within the States has been by far the most popular plan advocated. This means that in Alabama, where there are now 10 electoral votes, they would be apportioned to the popular vote. Thus, if one candidate got 400,000 votes out of 700,000 votes cast, the candidate would get 4/7 of 10 electoral votes. The other candidate would get 3/7 of 10 electoral votes.

The trouble with this system is that it is complicated to compute, but worse than that, it gives most unexpected results. Under it, Nixon would have been elected over Kennedy in 1960 with 265.31 electoral votes to 264.12 for Kennedy. Furthermore, though Garfield had a greater popular vote than Hancock in 1880, under this plan Hancock would have been elected. So Bryan would have been elected over McKinley in 1896, though McKinley had 51% of the popular votes over 46.7% for Bryan. Even the election of 1924 changes complexion under this plan.

All of this goes to show that we should look before we leap into constitutional changes, even when advocated by the A.B.A.

V

It must be remembered that the present system for selecting the President was not worked out as the best or most logical plan possible. It was a compromise, and an obviously awkward and sometimes illogical system. But it was the only plan which had sufficient support to get the Constitution adopted. Hence, to engage in finding flaws in the present system now is not particularly brilliant. It wasn't thought to be flawless by those who created it. It was just the best that could be had under the circumstances.

1. When, however, criticism is made of the system, it should be valid. For example, the Commission criticizes the present system as containing a "winner-take-all feature which totally suppresses at an intermediate stage all minority votes cast in a state." Just how much less than all should the winner take? If the winner gets 50% plus one of the votes, does he serve 50% plus one day (or week or month)? There simply cannot be but one winner in an election and when the winner reaches that point (whether it is a ¾ or ⅔ or some other majority) he wins, and he has to take all when he wins.

The idea that the losing minority votes are *suppressed* is a strange observation. Who suppressed the minority votes? Those voting for the loser were a minority. They voted for their candidate and their preference was registered. Those voting for the winner, the majority, registered their preference. Every vote is counted. None are suppressed. But only the majority can win, and the minority must lose. That this process somehow *suppresses* votes, is a queer way to use words.

If there is any idea lurking here that minorities, say, in Alabama, are to be added to minorities, say in New York, and thereby become majorities, this will create chaos. In fact, it could be said that unless there are minorities in elections, there can be no majorities, and if there can be no majorities, there can be no winners. Therefore, we must create minorities in order that the majorities may be majorities and thereby give effect to the votes for the winners. How far should this sort of verbalizing be carried?

In every election there must be a majority and there must be a minority. The minority may be "right" and they may have our sympathy, but it is still a minority and nothing can be done about it. Hence, to complain about the winner taking all in the present system is without merit.

2. There is another complaint of the present system which is not valid. It is objected that in many States where Democrats and Republicans are about evenly matched, a small minority such as Negroes, or others, can and do control the electoral vote from that State. Hence, it is objected that this minority control the election in that State. Therefore, it is argued the system should be scrapped. However, this is a rather superficial view of the election process. 50% plus one wins all elections controlled by majority vote. Which vote won the election? The one at the top, or the one at the bottom? The answer is, both votes won it, along with all the other votes. The only way to beat this system is to devise a system where 50% plus 1 does not win. To say that a minority won this election is to overlook the facts in the election. Suppose there are 49% Republicans and 49% Democrats, and 2% uncommitted. To say that 1% plus 1 of the uncommitted won the election is to overlook the 49%.

Furthermore, this sort of minority control would be true under the A.B.A. Plan. Suppose that out of 70,000,000 qualified voters there are 34,000,000 Democrats and 34,000,000 Republicans. This would make 1,000,001 votes controlling. Hence, would the candidates campaign only for these votes? If this premise is sound, this minority would govern the selection of a President.

3. It is also objected that since Alaska is sparsely populated, and cast only 67,259 votes in 1964 for 3 electoral votes, or some 22,000 popular votes per electoral vote, and Arkansas cast some 560,000 for 6 electoral votes, or some 90,000 popular votes per electoral vote, this present system gives popular votes in Alaska higher electoral count than in Arkansas, and somehow this is unfair. The idea is that one vote in Alaska should have the same weight for President as one vote in Arkansas. This, it is believed, is the real basis of the proposed change.

The fact of the matter is that the heavily populated States simply cannot stand having their power diluted by the Electoral College. But it was just this whittling down of the supposed power of the heavily populated States which made the adoption of the Constitution possible by the Constitutional Convention in 1787 and the adoption thereof by the less heavily populated States. Of course, Virginia (747,610 population), Pennsylvania (434,373), North Carolina (393,751), and the other States with larger populations, thought they should have more power than the less populated States, and they did not relish sharing this supposed power of numbers with the other States, but that simply was the price for these United States. Now to destroy this equalization of power would constitute a failure of consideration for the adoption of the Constitution by the other States. The complaint by the heavily populated States that the Electoral College denied them the influence they felt that their heavy populations warranted was true, but the exchange was negotiated fairly and squarely, and for the heavily populated States to reverse this now will very simply constitute a welching on the agreement made to achieve this Union.

VI

Finally, this A.B.A. Plan simply will not sell, at least to the less populated States. These States joined up with the heavily populated States only by having two Senators for each State, plus the Electoral College for selecting the President. That this gave the less populated States greater power in national affairs than their population might justify was precisely what was planned. This was the intention of the parties. A view at some figures today will show just how successful the plan was in accomplishing what was intended.

Alabama has approximately 2% of the voting strength in the Electoral College. New York has 8%, or four times Alabama's power in electing a President. But in 1964, the popular vote in Alabama was less than .9% of the total popular vote for President throughout the country. New York's popular vote was 10.2% of the vote cast throughout the country, or over ten times Alabama's vote. Alabama would hardly want to make that trade.

The figures on a few more States will also be enlightening.

States	Electoral vote	Percent of total electoral vote	Popular vote (in thousands)	Percent of popular vote
Alabama	10	2.0	689	0.9
Alaska	3	.56	67	.095
Arizona	5	1.0	480	.6
Arkansas	6	1.1	560	.8
Delaware	3	.56	201	.2
District of Columbia	3	.56	198	.2
Georgia	12	2.2	1,139	1.6
Hawaii	4	.74	207	.2
Idaho	4	.74	292	.4
Louisiana	10	2.0	896	1.2
Maine	4	.74	380	.5
Mississippi	7	1.3	409	.5
Montana	4	.74	278	.3
Nebraska	5	1.0	584	.8
Nevada	3	.56	135	.1
New Hampshire	4	.74	288	.4
New Mexico	4	.74	327	.4
North Carolina	13	2.4	1,424	2.0
North Dakota	4	.74	258	.3
Rhode Island	4	.74	390	.5
South Carolina	8	1.5	524	.7
Utah	4	.74	401	.5
Vermont	3	.56	162	.2
Virginia	12	2.2	1,042	1.4
Wyoming	3	.56	142	.2
Total	142		11,471	

The significance of this table is that it presents the voting strength of almost half of the States. The electoral vote from these amounts to 26% of all the votes cast in the Electoral College. But their popular vote was only 16% of the popular vote cast in 1964. Hence, the heavily populated States were not stripped of all the power inherent in their numbers. They still have 84% of the popular vote, and they have 74% of the electoral vote. Is that so bad that the less populous States must add to the strength of the heavily populated States?

Actually, it would seem that this is a fair compromise between overwhelming the less populous States with numbers and permitting the less populous States power in excess of the number of their inhabitants. Without this compromise the less populous States will lose all voice in selecting a President. If a candidate got all 11,000,000 votes in this almost 50% of the States, he would not have a majority of the popular or electoral votes. But if the A.B.A. Plan is adopted, a candidate would be foolish to campaign in these States. He must get a substantial number of the 84% of the votes in the other 25 States to win. He will campaign where those votes are, and it will be to the majorities in those States to whom the candidate will be beholden.

Why must the A.B.A. mount a campaign to crush even further half of the States in this Union?

TV STATEMENTS BY SENATOR BYRD OF WEST VIRGINIA, ON PEACE TALKS, MINE SAFETY, AND FILIBUSTER DEBATE, JANUARY 21, 1969

Mr. BYRD of West Virginia. Mr. President, on January 22, 1969, I made statements for television regarding the Paris peace talks, a coal mine safety bill which I have introduced, and the debate on Senate rule XXII.

I ask unanimous consent that the transcript of these statements be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

PARIS PEACE TALKS

I am hopeful that we are going to see some real progress at the peace talks in Paris, and I am encouraged by the indications that the Nixon administration is taking a firm approach toward the negotiations. I believe that the United States is negotiating from a position of military strength and that President Johnson in his last months in office paved the way for a settlement. The aggressive intentions of North Viet Nam have been severely thwarted by our military actions, and Hanoi knows full well that the United States possesses the full capabilities to resume, at any time, whatever military action is needed. I hope that we will not have to do that, and I don't believe that we will. South Viet Nam, because of our actions in helping its people, has become much stronger than it was, much more able to carry its fair share of its own burden. And I believe that if we continue to be determined and firm in dealing with Hanoi we shall see real progress toward a peaceful settlement in Southeast Asia.

COAL MINE SAFETY

Action is needed to reduce the tragedies which continue to occur in the coal mines of West Virginia and other states. This problem must be approached sensibly by all parties concerned and without any punitive aims in mind. I have introduced a bill which would allow a federal income tax credit to companies installing coal safety equipment and I hope that committee action will be favorable. The bill which I have introduced would give companies an added incentive to install such things as dust control systems which could reduce the danger of explosions and such diseases as black lung. I favor the tax credit approach because there are some small companies that cannot afford the cost of the equipment that would be necessary. We don't want to put any coal companies out of operation, because our state and other mining states need the jobs and the payrolls. On the other hand, an enlightened society can no longer afford to tolerate the loss of life and the loss of health that can result from working in the coal mines.

SENATE DEBATE ON THE FILIBUSTER

There is more than one side to this thing of ending the so-called filibuster in the Senate. Free debate prevented the passage of a bill in 1937 to pack the Supreme Court with members who would do the President's bidding. Free debate prevented the passage of legislation in 1946 to draft members of railway labor unions into the United States Army, and if there had been unlimited debate in the German Reichstag, it might have been possible to prevent the enactment of the Enabling Act which gave all power in Germany to Adolf Hitler. The majority today may be the minority tomorrow, and the right of unlimited debate is a valuable right for the protection of the small states and minorities, to check a ruthless majority. And it is particularly crucial to the protection, the endurance, and the lasting genius of our Republican form of government. What is needed in the Congress today is seldom greater speed, but always more thorough consideration in lawmaking. I am against the efforts to amend Rule 22 because I have seen how gag rule works when cloture is invoked. I am against gag rule. I am for free debate.

BONDING PROBLEMS OF BLACK CONTRACTORS

Mr. BAYH. Mr. President, during the past year, I have become increasingly aware of a problem which faces minority building contractors and, particularly the small black contractors. Numerous discussions with such contractors in Indiana and other States as well, have made it clear to me the great difficulty these men have in obtaining construction performance bonds. It is an important problem and merits close attention as we move to face the challenges of 1969.

The plight of the black contractor is especially relevant to the great dialog concerning our urban problems and rejuvenation of our inner cities. At a recent meeting in Philadelphia, sponsored by the NAACP, black contractors from 13 States gathered to organize the Afro-American Builders Corp. The difficulties of obtaining bonding to qualify for bidding on public works contracts was discussed. It was brought out that, ironically, black contractors are seldom able to bid successfully for demolition contracts to remove residential and commercial structures in areas of high black concentration which are slated for such public works as redevelopment or highway construction.

Public works contracts generally require a bond as a prerequisite to obtaining the contract. Nationally, according to the American Insurance Association, such contracts involve about $15 billion a year. There is, in addition, approximately $12 billion of bonded private work and $48 billion of normally unbonded work.

Millions of public dollars and increasingly large amounts of private capital are being committed to urban renewal and redevelopment. Related programs of manpower development and skilled apprenticeship training have been funded under public and private auspices. Unfortunately, very little of the money spent has found its way into the pockets of workers and businessmen in the black community. It is at best inconsistent to extol the virtures and potential of "black capitalism" and at the same time not provide black contractors with the capacity to compete effectively within the construction industry. The black contractor can be a key factor in reversing the dollar vacuum in the black community which has been created by generations of unequal access to competitive enterprise.

The Housing and Urban Development Act of 1968—Public Law 90–448, section 3—does provide, "to the greatest extent feasible," for the inclusion of area residents and businessmen in training, employment, and contracts for work performed in specified programs. The intent of the legislation clearly is to insure indigenous participation but the knotty problem of bonding and equity requirements still exist. We must find a way to provide these black contractors, who have the performance capability, with assistance to meet the necessary bonding and equity requirements normal to the industry. I believe that their participation in programs of urban development is crucial and an important step toward increasing their importance to our economy.

Berkeley G. Burrell, president of the National Business League, an organization of black businessmen founded in 1900 by Booker T. Washington, suggested an approach to the problem in testimony before the Subcommittee on Housing and Urban Affairs of the Senate Committee on Banking and Currency during hearings on proposed housing legislation for 1968. Mr. Burrell stated:

> One avenue would be the establishment of a Small Builders Development Fund. . . . Such a fund can and should provide for direct bid performance and/or lien and completion bonds, and should underwrite or reinsure bonds written by others. It should also be enabled to make direct "seed" capital loans to builders who are technically qualified but economically ineligible to participate in the reconstruction of the inner city. Unless some such method is devised, few if any of our people will participate meaningfully in the remaking of their own physical environment.

Mr. Burrell's proposal merits serious consideration.

The black contractor is seeking the opportunity to be totally competitive. It is he more than any other black businessman, who has the potential for playing a vital role in the rebuilding of our inner cities and providing needed employment opportunities for residents of the affected areas.

I ask unanimous consent to have printed in the RECORD a very timely and informative article written by Mr. Vincent Cohen, staff writer for the Washington Post, which appeared in the Tuesday, January 21, 1969, issue and deals with specific problems facing black contractors.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BUILDING BOND PREJUDICE CITED

(By Vincent Cohen)

John Davies was awarded a $9000 Navy contract for subcontracting work at the David Taylor Model Basin in Maryland last year. The general contractor required him to submit a corporate surety bond for the work. Davies is black.

He applied to more than a dozen bonding companies. He was turned down by all of them, although he had completed jobs larger than $9000 without a bond. The contract was taken from him and offered to the second choice, a white contractor who got a bond—and the job.

The problem faced by John Davies is similar to the problems of 8000 minority contractors around the Nation.

They find it virtually impossible to get bonded and without bonds they cannot compete for what they feel is their fair share of the $100 billion spent in construction each year.

The obstacles facing contractors like Davies are rooted not only in the normal problems of business but in traditional patterns of discrimination and in what black contractors feel is unfairness on the part of the bonding companies.

They form a vicious circle from which, until recently, there was no way out.

A construction bond is a guarantee to the owner of a project that a contractor can do the job well and that he can finish it. If the contractor fails, the company that issued the bond is liable for any damage or inconvenience incurred by the owner.

Surety companies say they use three criteria in judging whether to bond a contractor: capability, character and credit. Surety association statements like the following, minority contractors contend, show there is a fourth "C"—color.

"As contractors, Negroes and other American minorities lack the necessary management and technical skills, experience and financial capacity. As a result, they operate at a low level of efficiency, organization and profitability."

This assertion came in an American Insurance Association statement to the Small Business Administration Construction Task Force, Sept. 10, 1968.

Davies and other members of the Washington Area Contractors Organization, a group of black contractors, say generalizations like the Association's statement show prejudice against them by the surety companies. The companies say the problem lies in the inability of minority contractors to fulfill adequately the three "C's."

The greatest problem, according to David Q. Cohen, spokesman for the surety industry, is the first "C"—capability.

Only in recent years has a handful of blacks and other nonwhites penetrated construction union ranks. This exclusion has cut them off from training that has proved valuable to white contractors.

Even with the absence of this training, contractors like Davies get jobs and complete them successfully. But Davies admits organized training for minority noncontractors and construction workers is badly needed.

Davies and other WACO members say bonding company judgments of contractor character are "subjective, to say the least." Surety companies admit their decisions are subjective. But they say each contractor must be considered in light of the job for which he wants the bond and of his record. They have issued repeated statements to SBA denying that race is a factor in their deliberations.

Cohen and others involved in bonding say past business dealings and on-the-job attitudes are the main points considered.

The credit criterion boils down to one thing: can a contractor get enough unrestricted cash to do the job and protect himself and the owner in case of unforeseen problems?

The assets of most minority contractors are limited to the capital they have saved from their construction work. Surety companies look on most loans against personal or company assets as liabilities, even if they temporarily put cash in the company account.

Many of the larger well-connected white contractors have made use of the funds of friends and family. Minority contractors are hard put to find such resources.

Black contractors, like Davies, feel that surety companies and government officers who require 100 per cent of the bid price of a job in ready liquid assets are unfair.

From 10 per cent to one-third of a project's price is usually needed to complete the first part of the job. After this, the contractor receives the first draw on the contract payment from the owner.

The problems of the minority contractor are now being studied by private and government agencies.

The Small Business Administration has developed an 18-city program called Action Construction Teams. The NAACP recently announced an organization called the Afro-American Builders Corporation already involving 1200 contractors in 20 cities.

In Washington, the Washington Area Contractors Association and Uptown Progress, a group of black mid-city businessmen planning for urban renewal, have plans for breaking the bonding wall.

The working model is the General and Specialty Contractors Association, Inc., of Oakland, Calif.

This group received a $300,000 grant from the Ford Foundation last year to develop programs to upgrade minority contractors and solve the bonding problem.

The resulting program provides working capital loans for member contractors.

GSCA also offers management training for contractors who may have construction ability but not business management know-how. Construction employe training is also given.

GSCA also helps its contractors bid on jobs and fill out bonding applications. Surety companies say faulty applications account for many bond rejections.

When the bond is obtained, GSCA advisers assist the contractor in construction performance. GSCA accountants help with the books and GSCA lawyers advise on legal matters.

After the member contractor completes a job, GSCA, advisers urge him to move immediately to a higher-priced project. When he reaches $2.5-million jobs, he is on his own.

Surety company executives, bond officials, community leaders and white contractors in the Oakland area sit on GSCA's board and assist in program development and implementation.

N. G. Tademy, a black GSCA contractor, advanced his job range from about $130,000 to more than $300,000 in the first six months of GSCA's operation.

Davies and other minority contractors say they need the large and profitable government jobs to grow. But the government has very stringent bonding requirements on all jobs over $200,000.

However, the Federal requirement for neighborhood company participation in the redevelopment of cities may force big white contractors to take in minority group members as partners to get part of the redevelopment money.

With billions to be spent on construction in 1969, contractors like John Davies now have some hope of moving up instead of around in a circle.

SALUTE TO CULVER

Mr. HARTKE. Mr. President, the Presidential inauguration of January 20, 1969, was visited by some of our country's finest young people. They came with their band directors and school chaperons from all over the Nation to help commemorate an historic occasion. Among them was a group of 95 young men from Indiana's Culver Military Academy. They were members of the Black Horse Troop of Culver, the largest military equestrian unit in the United States. It was Culver's sixth appearance in a Presidential inaugural parade and once again these young men conducted themselves in a most exemplary manner, gaining favorable comment from all with whom they came in contact and adding new luster to the great names of Culver. Let me add that it was my personal pleasure to be with the Culver men and their young lady guests at a dance here in Washington. I can report that they conduct themselves as gentlemen not only when they are on parade but on social occasions as well.

These young men are a vital part of the bright hope for America's future, and I am pleased to take this opportunity to offer this salute to them and to Culver Academy's tradition of excellence which they so admirably represent.

JUNIOR LEADERS OF AMERICA

Mr. McGOVERN. Mr. President, some months ago, on May 13, 1968, I brought to the Senate's attention a remarkable youth program called Junior Leaders of America, which was being operated and funded locally in Yankton, S. Dak. This program was initiated by a student of Yankton College, of Richfield, Ohio, in his effort to meet youth recreation needs in the city of Yankton.

It is my pleasure to report the progress of Junior Leaders of America, up to date, and further explain this unique concept of recreation for elementary children.

The concept, which Mr. Tom Osborne advanced, is new and its value has been quickly grasped by people at State and even national levels whose business it is to know what leadership is and how it can be developed through this kind of program—reaching children early in recreation which attracts every young person.

Officials of the Greater South Dakota Association and our Industrial Development Association—IDEA—have made trips to visit with Osborne about expansion of his idea; Gov. Frank Farrar gave Osborne a lengthy taped commentary for the radio; he has been given national attention on a network news commentary.

Both Senator MUNDT and I have spoken to the Junior Leaders of America in Yankton on the basics of leadership, and on our roles in that regard.

Newspapers as distant as New York, Ohio, and Indiana have given descriptions of this program's beginning and conception. The local success of this concept of city recreation for elementary schoolchildren has been reflected at such distant points as Richfield, Ohio; Rock Springs, Wyo.; Oxford, Ohio; Pendleton, Ind.; Vancouver, Wash. Officials in these places have made inquiries relative to initiating Junior Leaders of America programs in their towns and cities.

Meetings have been held with various industrial leaders in South Dakota to arrange for the presentation of the program. Spearheading the industrial movement is Mr. Mark Bolluyt, executive of Dale Electronics, Inc., in Yankton.

Mr. Whayne Moore, district manager of the Chamber of Commerce of the United States, endorsed Junior Leaders as an "exciting and imaginative concept for building the leadership of tomorrow."

Another person who is closely associated with this project, program, and concept of Junior Leaders of America is Mrs. Dale Bruget, society editor for the Yankton Press & Dakotan. Mrs. Bruget is recognized for her dedication to causes and many interests, as well as Junior Leaders of America. Her ability to recognize ideas and ideals and to make them realities is reflected in Junior Leaders of America. In her capacity as a journalist for the past 30 years she has been the promoter of many projects which have benefited her city, State, and country.

The Junior Leaders of America concept is a study in the basic requirements of our American society. It is a very basic, necessary and vital approach to city recreation programs for youth, embracing the ideas and goals of many administrators and their views of youth recreation.

Being preparatory in nature, the Junior Leaders concept uses citywide recreation and athletic activities for children as a means for development rather than an end in itself.

It attempts to embrace four concerns of our American system: leadership, citizenship, responsibility, and followship. It attempts, through its approach to recreational activities, to put these to work through the action of the young people within, during, and throughout the entire Junior Leaders program.

This approach to city recreation for children embraces the trial and error method of learning these vitally important basics of the American system. Too often young people are expected to understand and use, flawlessly, these basics of social order when they never before have had contact with them. In light of this, Junior Leaders serves as a positive checkpoint for every city bringing young people together through a common media they all enjoy, and in this positive atmosphere teaching them to accept the basics of leadership and followship and allowing each and every one of them to lead, direct, teach and discipline their own peers. In contrast to this, we see the law enforcers in cities dealing with child after child who has used his one and only chance to fail in our social order. He must be dealt with by our courts. The Junior Leader is encouraged to try again, and again, and learn to identify with responsible authority, which is there to understand and respect him. Two areas of this program are particularly outstanding and will more fully illustrate this program's dynamics and positive teaching approach in the area of city recreation for children.

The first is personal encounter. This is an action experience through which the young person is brought into personal contact with various officials of his city, State, and country. These officials represent the senior leaders and seek to identify with the Junior Leaders in a positive atmosphere by relating their concept of leadership and the basics of our society.

As this program selects children to be leaders for each day's activities, the children are taught how to teach each activity to their peers, thus making them more fully independent as they conduct their own city recreation program. This requires each young person to assume full responsibility as he communicates in his own words the activity he has studied and learned under the direction of adult supervisors.

Yankton's Junior Leaders program has had from 600 to 1,000 participants out of a population of 12,000 people. No attempt has been made to recruit participants—the children have responded naturally and with real enthusiasm.

The program—especially its development as a voluntary college student endeavor and its teaching approach has won the respect and admiration of the entire community of Yankton.

The success of Junior Leaders of America in Yankton shows that a need is being met, and inquiries received from elsewhere indicate a similar need in other localities.

Tom Osborne is presently seeking funds in the interest of establishing a 1-year feasibility study to expand the program. During the 12-month study period, directors of Junior Leaders of America propose to conduct the Yankton citywide recreation program as a working model; polish the local program and project its functions to larger scope; investigate various areas involved with program expansion; study potential developments such as personnel training workshops; the building of a national headquarters which would serve as a hub for all regional national programs, training centers for directors, planning center for continuing advancement of the concept, and sources of Junior Leaders equipment and materials. This 1-year period of study and investigation is seen as a laboratory for the perfection and proving of the Junior Leaders of America program.

SUPPORT BY THE CATHOLIC PRESS FOR A DEPARTMENT OF PEACE

Mr. HARTKE. Mr. President, yesterday I spoke of the spontaneous reaction which has taken place throughout the country in support of the Hartke-Halpern proposal for a Cabinet-level Department of Peace. Introduction of the bills on a bipartisan basis, with both Republicans and Democrats cosponsoring in both Houses, took place last September.

The developments of which I spoke yesterday—interest by individuals, organizations, professors of government, churches, the press, and broadcast media—have comprised the largest response in my experience to a bill introduced late in the session with no action expected until after its reintroduction. This, Mr. HALPERN and I plan to do on February 6.

At the close of my statement yesterday, I placed in the RECORD by unanimous consent the text of an article titled "The Department of Peace," written by Dr. Allen Parrent, international affairs program director in Washington for the National Council of Churches. The text was from the Protestant organization's twice-monthly magazine Tempo.

Today I wish to share some of the response the bill has met with in the Catholic press, particularly due to the distribution of a feature article on the topic by Catholic Press Features of Bellerose, N.Y. The editor of CPF, J. D. Nicola, called my office shortly after the bill appeared. His subsequent article appeared in Catholic papers with a circulation in excess of half a million. One result was a considerable number of letters from Catholic clergy and presumably, while not identifiable in themselves, laymen as well, seeking copies of the bill or additional information. Among the papers which ran the Catholic Press Features story were the following, of which I have received tear sheets: The LaCrosse, Wis., Times Review; the Rockford, Ill., Observer; the Fresno Central California Register; the Winona, Minn., Courier; the San Francisco Monitor; the Burlington, Vt., Catholic Tribune; the Lake Shore, Erie Diocese, Visitor; the Springfield, Mo., Mirror; the Oakland Catholic Voice; the Portland, Maine, Church World; and the Milwaukee Catholic Herald Citizen.

It is most likely there were others, perhaps a significant number of others, which did not come to attention. Many of those named gave front page space to the story, and at least one, the Milwaukee paper, gave support through an editorial as well.

Mr. President, I ask unanimous consent that the Catholic Press Features article referred to may appear in the CONGRESSIONAL RECORD as printed in the papers named above, together with the editorial by Father Thomas R. Leahy in the Milwaukee Catholic Herald Citizen.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the Milwaukee Catholic Herald Citizen, Nov. 1, 1968]

PROPOSED IN CONGRESS: DEPARTMENT, ACADEMY OF PEACE

(By J. D. Nicola)

WASHINGTON, Bellerose, N.Y.—A governmental Department of Peace and a national Peace Academy—frequently suggested by religious groups in the U.S.—have been officially proposed in the Senate and the House of Representatives.

A bill for both a Peace Department and a Peace Academy comparable to the Army, Navy and Air Force academies was introduced in the Senate by Sen. Vance Hartke, a Democrat from Indiana, and in the House by Rep. Seymour Halpern, a Republican from New York.

In introducing his bill, titled the "Department of Peace Act," Senator Hartke announced that it was being co-sponsored by himself, Republican Sen. Mark Hatfield of Oregon and Democratic Sen. Ralph Yarborough of Texas as evidence of the bill's bipartisan support.

He said that although a federal Department of Peace had been proposed as far back as the time of the Founding Fathers and although similar proposals died in committee over the years, "here is a sound idea which has had to wait until the climate of opinion is ripe. Now, I believe, its time has come."

A national Peace Academy, where men and women could study the "science of peace," was suggested at the national convention of the Christian Family Movement two summers ago and has since become a CFM cause, with members being asked to write their Congressmen and Senators urging support for such a proposal.

The Hartke Senate bill—and its counterpart in the House—proposes the establishment of a federal Department of Peace, to be headed by a Secretary of Peace, and whose primary "function and purpose will be to promote the cause and advancement of peace both in this Nation and throughout the world," according to Hartke's bill.

The bill would put under the new department's control such existing agencies as the Peace Corps, the Arms Control and Disarmament Agency, the Agency for International Development and the International Agricultural Development Service.

But most importantly, the Department of Peace would establish an "International Peace Institute," whose purpose would be "to prepare citizens of the United States for service in positions or programs relating to the field of promoting international understanding and peace."

At the institute, special emphasis would be placed on studies which "will best prepare students for leadership in the nonviolent resolution of international conflicts and in the promotion of international understanding and peace," according to the bill.

Senator Hartke suggested that the curriculum might include such subjects as "the means of relieving world hunger through the exchange of international agricultural advancements, oceanography and marine biology. The peaceful uses of atomic energy worldwide should be of prime consideration in the establishment of curricula."

"In many respects, the Peace Institute is a parallel to the service academies," Senator Hartke told his Senate colleagues in introducing the bill. "We now train at special institutions—West Point, Annapolis, and in Colorado—for leadership in the three branches of military service; certainly it is fully as logical to establish a small institution to train for peace."

He said creation by the U.S. Government of a separate Department of Peace would give stature and recognition, "wholehearted and unabashed," to the nation's desire for peace. Also, he said, waging peace requires as much planning and organization as waging war:

"Goodwill of itself can do nothing. It needs organization, leadership, the application of brain and ingenuity, of technology and morality, on a scale such as we have never before attempted. . . . If we have needed a Department of Transportation and a Department of Urban Development because of the proliferation of independent but related efforts in their field and because the times demand it, then how much more we need the concentrated and positive efforts a Department of Peace such as this could command."

The Christian Family Movement got involved with the national Peace Academy idea as a result of the campaign waged by Mr. and Mrs. Dan Lucey, national CFM committee members from Oakland, Calif., whose own "Committee for a National Peace Academy" has drawn considerable press coverage and editorial support from such Catholic publications as *Ave Maria* magazine and *The Catholic Voice*, newspaper of the Oakland diocese.

The Luceys, parents of nine children, started their campaign in 1966, after a visit to the Air Force Academy at Colorado Springs, Colo. Why always "military" academies, they wondered, and why do all the nation's shrines commemorate military heroes and events? Where, in a country dedicated to peace, were the shrines and symbols honoring peace?

From that, the Lucey's Peace Academy idea grew, with appearances on West Coast radio programs, a newsletter, a prized endorsement from Sen. Robert F. Kennedy, and an invitation to present their ideas to the Christian Family Movement convention at Notre Dame in the summer of 1967.

(When Martin Luther King was assassinated, the CFM president couple, Pat and Patty Crowley, sent a telegram to President Johnson suggesting that a National Peace Academy be erected in his honor.)

The Luceys have even proposed a curriculum for teaching the "fine arts of peace," including such subjects as "Economics and Peace," "Literature and Peace," "Migration and Peace."

"Some day we may be faced with peace," Lucey, a post office employee, remarks, "Who will work it out? The generals the men trained in war," he answers, noting that even when the President visits other countries on a peace mission, he is accompanied by a retinue of military aides.

Praising the Lucey's Peace Academy proposal, *Ave Maria* saw the academy as "the academic counterpart of the Peace Corps, and the assemblage of the finest faculty in the world would insure a continuity on a graduate level as well for Peace Corps returnees who wish to pursue their work on behalf of mankind."

Oakland's *Catholic Voice* has described the Peace Academy idea as one that "can affect the whole world.

"However . . . the idea of a national Peace Academy will not even receive the hearing it deserves without massive public support—both in the form of discussion and by writing to the President and Congressmen urging that meaningful consideration be given this valuable area."

[From the Milwaukee Catholic Herald Citizen, Nov. 1, 1968]

A DEPARTMENT AND ACADEMY FOR PEACE

(By Father Thomas R. Leahy)

Some readers will recall the time when the top federal secretariat for external security was called the War department. More recently that name has been changed to the Department of Defense, certainly a less bellicose nomenclature.

The feature page of this issue highlights an article on the establishment of a proposed cabinet-level Department for Peace and also a national Peace academy.

No, these proposals have nothing directly to do with the current conflict in Vietnam. Neither do they stem from war protesters at home or abroad.

But why should there not be a positive and forthright advocacy for these proposed new national agencies? The question bears further consideration.

If the president's cabinet includes such functionary posts as secretaries for transportation and the post office, why logically should there not be a similar top-level secretariat for the promotion of world peace, which perhaps is just as desirable as getting the mail through on time?

Actually these two fascinating proposals were introduced as bipartisan bills during the recent session of the Congress. Democratic Sen. Vance Hartke of Indiana, joined by Republican Sen. Mark Hatfield of Oregon and Democratic Sen. Ralph Yarborough of Texas, introduced such a bill in the Senate. Similar legislation was proposed in the House by Republican Rep. Seymour Halpern of New York.

Neither bill got very far, unfortunately, but there's always another chance when the new House and Senate are seated in 1969.

The United States already has seen fit to establish at least four national service academies: at West Point (army), Annapolis (navy), New Haven (coast guard) and Colorado Springs (air force).

Now if these excellent training establishments exist for the fine art of war, it might also be logical to introduce a national academy for peace, a subject which Pope John hailed as that "exalted task," in his authoritative encyclical, Peace on Earth.

As has often been said (but soon forgotten), peace is not just the absence of war; rather it is the prevailing presence of truth, justice, love and freedom.

The Hartke bill would have put under the proposed Peace department's control such existing agencies as the well-proved Peace corps, the Arms Control and Disarmament agency, the Agency for International Development and the International Agricultural Development service.

Besides the cabinet post and peace department, the late bills also called for the establishment of an academy or institute which, on a much smaller basis than the other national service academies, would train America's finest young men and women in the fine art of peace, certainly a practical national goal.

Presumably, candidates for the proposed peace academy would be subject to the same investigation and appointment procedures as now exist for West Point and the others.

> Nothing will promote the creation of a Department and an Academy for Peace but massive support from public opinion. This of course means expressed public opinion through letters, telegrams and phone calls to your Senator and Congressman or their successors to be elected shortly.
>
> Christ said, quoting the customary Hebrew farewell, "Peace I bequeath to you, my own peace I give you . . ." Perhaps this bequeathed peace is the earthly kind that men of good will must attain by their own striving, persistence and creativity.

HOPE FOR CONTINUED PROGRESS

Mr. BYRD of West Virginia. Mr. President, the editorial in the Washington Post today entitled "Mr. Hickel's Opportunity" expresses what many Members of the Congress and many citizens probably feel about the new Secretary of the Interior.

The editorial makes the point that a new President is entitled to name his Cabinet, and that, I believe, is a valid contention. It also makes the point, which I believe is valid, and perhaps more significant, that Mr. Hickel is now on notice that there is concern in Congress and in the country generally as to how he proposes to go about meeting his responsibilities in such matters as conservation, water and air pollution and so on.

I voted to confirm Mr. Hickel, for I believe that a President should be allowed to surround himself with the men of his choice, unless there are serious and substantive reasons for denying him this right.

The Senate Interior Committee reported Mr. Hickel's name favorably by a vote of 14 to 3 after thorough hearings and careful questioning of Mr. Hickel, and it was the feeling of the majority of the committee that the nominee had clarified, to the satisfaction of most members, the questions which had been raised by Mr. Hickel's off-the-cuff remarks made at a press conference some time ago. Statements by Mr. Hickel at that press conference were the cause of much concern on the part of many citizens who are interested in good conservation practices.

I think the Post's editorial puts the matter into good perspective. I would add that I hope the new Secretary takes advantage of the opportunity that has now been given him to continue the progress that predecessors have made in the areas that affect the lives of so many Americans.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Mr. Hickel's Opportunity

> The Senate's confirmation of Walter J. Hickel to be Secretary of the Interior had been taken for granted because of the strong feeling that selection of a Cabinet is the President's responsibility. The Senate would not have been justified in refusing to confirm the President's nominee in the absence of any scandal, official misconduct or evidence of gross unfitness for the job. No such showing has been made.
>
> The hearings and the debate in the Senate brought to light, however, a good deal of concern about Governor Hickel's concept of the job assigned to him. Is he really a conservationist at heart? Can he put aside his big-business leanings in the past in order to administer the difficult oil-import quota system in the public interest? Will he be sensitive to the water-quality problems of the big cities? Will he be genuinely interested in protecting and expanding the wilderness system and the country's national parks and recreation centers?
>
> At least the debate over Governor Hickel's nomination has served to alert him to the sense of national concern about these problems: He is on notice that the country will expect much from his department over the next four years. From this viewpoint we think the debate has been salutary. It is a good example of how a democracy functions to help its officials meet the public demands upon them.
>
> Governor Hickel responded to the ordeal of public scrutiny with a large measure of flexibility. His willingness to maintain the freeze on public lands in Alaska so that the present Congress can pass upon native claims (contrary to the views he had expressed as Governor) suggests that he is capable of shifting to a national horizon. Similarly his stance in regard to the cleaning up of polluted rivers appears to have broadened along with his new responsibilities.
>
> Being a man of great energy and an executive of known ability, Mr. Hickel could prove to be a great Secretary of the Interior. It will depend upon how he applies himself to his vast responsibility for improving our living environment from this point on. Now that he knows how Congress and the country feel about clean rivers and lakes, pure air to breathe, green space for enjoyment and fair administration of the country's great natural resources, we hope that he will give the kind of leadership that is required for continued progress.

CONCLUSION OF MORNING BUSINESS

The VICE PRESIDENT. Is there further morning business? If not, morning business is closed.

AMENDMENT OF RULE XXII

The VICE PRESIDENT. The Chair lays before the Senate the pending question, which will be stated by the clerk.

The Bill Clerk. The motion of Mr. Hart to proceed to consider the resolution (S. Res. 11) to amend rule XXII of the Standing Rules of the Senate.

The Senate resumed the consideration of the motion.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, when I introduced Senate Resolution 11, on January 9 of this year, in the welcome company of its cosponsor, my worthy Republican colleague, Mr. Pearson, I emphasized the very temperate nature of the change we proposed in the rules.

I said:

> Let me stress that by amending Rule XXII to provide that three-fifths, rather than two-thirds, of those Senators present and voting may invoke cloture, we would work no rash or radical change. This proposal is a modest one, moderate in its purpose and reach. It is anything but a "gag rule." It would not alter the essential character of the Senate as a deliberative body. It would not undermine nor even jeopardize the opportunity for extended debate.
>
> Indeed, the real issue we face is quite the reverse. The long history of the filibuster has shown that Rule XXII, as presently written, places undue power in the hands of the few; the requirement that two-thirds of the Senators voting must concur before debate can be limited, raises a nearly-insurmountable barrier in the procedural path of even a substantial majority. The present filibuster rule is too formidable.

Proof of this fact is to be found in the history of the Senate itself. Since 1919, 44 attempts have been made in the Senate to limit debate by invoking cloture under the two-thirds rule. Only eight of these have proved successful. The figures speak for themselves. When the Senate, in 44 attempts over a period of half a century, has managed to limit debate on only eight occasions, it should be obvious that the present rule is too strict.

I foresee a time, Mr. President, when this country is beset by a grave crisis which calls for legislative action in the Senate, and we find ourselves unable to respond, held fast in the grip of rule XXII. Our paralysis will then occasion a public uproar of such proportions that we shall see the cloture rule swiftly swept away. All the hallowed habits of the Senate will then be cast aside, and a real "gag" rule will be instated here. In short, Mr. President, I fear that the very Senators who now defend rule XXII with such rigidity, may then be proven their own worst enemies, having themselves insisted upon the retention of the very rule that precipitates the one eventuality they most dread, the destruction of the Senate as a unique institution among parliaments, where the right to extended debate lies strongly fortified in its rules.

Modifying rule XXII by reducing from two-thirds to three-fifths the number of Senators present and voting required to limit debate, would reduce the chances of such a downfall from ever occurring. Morever, the three-fifths rule, which I believe a substantial majority in the Senate favors, would rest upon a consensus so strong that it would, in truth, form a better shield against the eventual adoption of majority cloture, than the rule in its present form.

For these reasons, I believe that the best interests of the Senate would be served if a majority were permitted to pass judgment on the three-fifths proposal. For 12 days now, we have been debating whether or not to take up the proposal and debate it on its merits. Surely the time has come for the Senate to bring the debate on this preliminary motion to a close. Accordingly, under the provisions of paragraph II of rule XXII of the Standing Rules of the Senate, I send to the desk a motion signed by myself and 34 other colleagues to bring to a close the debate on the motion to proceed to the consideration of Senate Resolution 11, and ask that it be read.

The VICE PRESIDENT. The motion will be stated.

The assistant legislative clerk read, as follows:

MOTION FOR CLOTURE

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to proceed to the consideration of Senate Resolution 11, a resolution amending the Standing Rules of the Senate.

FRANK CHURCH, GEORGE MCGOVERN, PHILIP A. HART, JENNINGS RANDOLPH, FRANK E. MOSS, QUENTIN BURDICK, EDMUND S. MUSKIE, CLAIBORNE PELL, GAYLORD NELSON, WILLIAM PROXMIRE, JAMES B. PEARSON, CLIFFORD P. CASE, CHARLES GOODELL, EDWARD KENNEDY, VANCE HARTKE, CLINTON ANDERSON, HARRISON A. WILLIAMS, JACOB JAVITS, EDWARD W. BROOKE, HAROLD E. HUGHES, JOSEPH D. TYDINGS, JOHN O. PASTORE, LEE METCALF, STEPHEN M. YOUNG, MIKE MANSFIELD, STUART SYMINGTON, ALBERT GORE, THOMAS J. DODD, THOMAS J. MCINTYRE, FRED R. HARRIS, MARK O. HATFIELD, HENRY M. JACKSON, HUGH SCOTT, HIRAM L. FONG, EUGENE MCCARTHY.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield to the distinguished Senator from Kansas (Mr. PEARSON), with whom, may I say, it has been a pleasure to work during the past 12 days. I want him to know how much I appreciate his cooperation and assistance.

Mr. PEARSON. I thank the Senator.

I wish to associate myself with the statement made by the distinguished Senator from Idaho. This rule, created out of necessity in 1917, is one that has been modified on a number of occasions, by precedent and by action of the Senate itself. Amendments in 1949 and again in 1957 come to mind, all designed to make this a more usable instrument in the proper conduct of the public business in this Chamber.

We live in times really very much different than even a decade ago, when this rule was last modified. Critical issues and problems surge upon us, not in sequence, but all at the same time, often demanding almost immediate action—action which touches upon almost every aspect of American life, and the issues of war and peace.

I hope this proposal can be considered. As the Senator from Idaho accurately states, we have been debating for 12 days a motion even to consider the resolution to make this change—I think a reasonable change—to three-fifths or 60 percent of the Senators present.

I ask the Senator from Idaho, whether, under the procedures we now follow, under rule XXII, it would take two-thirds of the Senators present and voting to cut off the debate at this time. Is that correct?

Mr. CHURCH. That is correct. As the Senator knows, the constitutional question was posed to the Senate itself a few days ago, as to whether or not, in the judgment of the Senate, a majority is sufficient, at the commencement of a Congress, to limit debate. The Senate voted that it was not, and I think, for purposes of the 91st Congress, that question has been settled.

Of course, the constitutional issue can—and in all likelihood will—be raised again at the commencement of the next Congress. It is evident that the trend is in the direction of establishing this constitutional proposition.

Mr. PEARSON. On Tuesday next, it will require two-thirds of the Senators present and voting to limit debate on this matter?

Mr. CHURCH. Yes; this cloture motion is brought within the rule, and it will take two-thirds to invoke cloture.

Mr. PEARSON. But if we reach the point of being able to consider the resolution itself, what vote would be required to agree to the resolution?

Mr. CHURCH. Then a majority could decide, if the Senate is permitted to vote on the merits.

Mr. PEARSON. I thank the Senator.

Mr. CHURCH. I should like to make one further observation.

In 1967, when the constitutional question of the right of the majority to act on changing the rules at the commencement of a new Congress was presented, the vote to sustain that proposition was 37 to 61. This time, when the vote was taken, the result was 45 to 53. The Senate has come within eight votes of establishing the proposition that, under the Constitution, the majority has the right to act.

I, as one Senator, would prefer not to have to go through that door; but so long as it is the strategy of those who defend rule XXII to prevent even a substantial majority of Senators from passing judgment on a modification so temperate as that which is now proposed, then we are left with no alternative but to seek entry through the constitutional door.

History is on our side. My plea to those who defend rule XXII is to look back upon the trend; to look ahead toward the likelihood that a majority will avail themselves of that door sometime in the near future; and then to consider how preferable it would be to come to a settlement with respect to rule XXII of the kind here proposed. I think that such a settlement would rest upon a consensus in this body so strong that we would not see the day when majority cloture would again loom as a serious possibility.

Those are the two alternatives. I would hope that it might prove possible for us to move ahead with the debate on the merits of the issue, and then to have a majority decide upon the three-fifths proposal.

Mr. PEARSON. I thank the Senator.

Mr. HOLLAND. Mr. President, this effort has taken a decidedly different direction from that which it took when the resolution was submitted. I shall not weary the Senate by quoting at length the colloquies that took place in the beginning. The two Senators will recall that from the very beginning it was made clear that those who submitted the resolution, and other Senators, as well, regarded the resolution as timely because they were of the feeling that majority cloture on the limited question of changing the rules could be voted upon and accomplished at the beginning of each Congress. It was not accomplished, and my distinguished friends have made it very clear that they recognize that it was not accomplished, and that for this Congress the rule now is that unless there be a two-thirds vote for cloture, cloture cannot be invoked. I so understood my distinguished friend from Idaho, and I so understood my distinguished friend from Kansas.

I call attention to that fact because that makes it quite clear that it is not necessary to bring up such a resolution as this in the opening hours of a Congress, but that it is instead possible and, I think, desirable and wise to bring up this question in the regular way as a resolution to be studied by the appropriate committee, on which hearings should be held and on which the matter will effectively come to the Senate floor for discussion. Such a course has been followed many times since this particular Senator became a Member of the Senate, in the last 22 years or more. In each instance, the matter was regarded as one for negotiation. In two instances, the negotiated change was worked out. In each instance, a negotiated change was accomplished which was very meaningful.

The last change was accomplished in 1959, according to my recollection, and was accomplished upon a negotiated settlement reached by the entire leadership on both sides of the aisle. The RECORD will show that the then distinguished majority leader, Mr. Johnson, and the distinguished minority leader (Mr. DIRKSEN) were joined by all the other members of the leadership. My recollection is that the Senator from Montana (Mr. MANSFIELD) was the whip on the Democratic side at that time, and that he joined in that negotiated settlement. My recollection is that the distinguished former Senator from Arizona, Mr. Hayden, who was the President pro tempore, joined in a negotiated settlement. My recollection is that, in addition, Senator DIRKSEN was joined by his two distinguished colleagues as of that time, who made up the whole Republican leadership. They were the Senator from Massachusetts, Mr. Saltonstall, no longer a Member of the Senate, and the Senator from New Hampshire, Mr. Bridges, unfortunately no longer among us. The change in the rule adopted at that time was by a vote of 72 Senators. It was regarded as a satisfactory solution of this problem by the leadership on both sides and by 72 Senators who, by their votes, approved it.

I think I should again remark that one of the Senators among the 72 who joined was the then Senator from Minnesota, Mr. Humphrey, who for some reason satisfactory to himself and, I am sure, to his conscience—because he is a man of conscience—took a different position and ruled in a different way in the Senate a few days ago when this question came on for a ruling. The Senator from Idaho (Mr. CHURCH) has correctly stated that the ruling by the then Vice President was appealed from and that the Senate refused to sustain the Vice President's ruling, thus disposing of the constitutional question and, incidentally, disposing of it without debate. Thus, there is no longer the urge for a hurried settlement, a settlement not studied by committees, not negotiated by the leadership on both sides, not testified to by Senators who have had long experience in this field.

So I suggest to my distinguished friends that I think they will not find it too difficult to have this matter referred to the appropriate committee, studied, and reported to the Senate. If, as they say, there is large sentiment for a change from a two-thirds to a three-fifths affirmative vote requirement, I suspect that proposal, or something like it, can be worked out.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield.

Mr. CHURCH. I hope that the forecast the Senator makes will prove to be the case; but earlier in this debate I placed in the RECORD a history of attempts to alter rule XXII since 1959, when repeated reference of proposed changes to committee resulted in no action. Again and again, we have been told, "If you will only take the normal route, it will be possible to bring this matter to the Senate and have the Senate settle it." But this has not proved to be the case. Even animals are supposed to learn by experience. We must bring this issue to the Senate at the commencement of its session, because the normal procedures have repeatedly failed to produce results.

Mr. HOLLAND. I thank the Senator for his comment. I invite his attention to the fact that it is quite obvious that there is not complete agreement in the Senate, even on the part of those who want a change, as to whether this particular suggested change is appropriate, because I find on my desk an amendment prepared by the distinguished Senator from Iowa (Mr. MILLER) which is very meaningful. I suspect that my friends have seen it. No doubt other amendments will be offered in committee.

The point I am making, Mr. President—and I am pleading now a matter already pleaded in extenso by my distinguished friends—is that we have many new Members of the Senate. We have 16 new Members who have never voted on this question heretofore. I am sure they have convictions. I am sure they will have convictions after they have heard this question properly discussed in committee.

The leadership on both sides of the aisle is new. I am looking at the distinguished whip on this side of the aisle, who has just assumed that position. Another Senator, who is new in the leadership, has just assumed the similar position on the minority side.

My understanding is that there are other changes in the leadership on the Republican side, and I am sorry that I am not completely familiar with them, as to the personnel who are presiding over the conference and over the policy committee.

There are changes, and my observation in the past has been that when there are changes, there are sure to be differences of opinion that did not exist before.

Mr. President, my feeling is that there was some reason for the precipitous action of my distinguished friends when they thought that the Senate might rule, as the Senate did not rule, that majority cloture was available at the beginning of the Congress on this particular question to change the rule. I see no such justification at this time.

May I say to my distinguished friends that I should like to place in the RECORD a few observations, without seeking to debate this question at length, because I understand that numerous Senators wish to leave for the weekend. I have no desire to detain them, and I am sure that my friends who have an opposite position on this resolution are agreeable on this point, because I have discussed the matter with some of them.

One thing I wish to repeat, because it should be repeated over and over again, is that rule XXII is a rule of limitation of debate—the first time in its history that the Senate has had such a rule. I am familiar with the discussion about the previous question rule from 1789 to 1805. I think all the authorities show that that was not the previous question rule as we now know it; and there was no limitation of debate by Standing Rule of the Senate from the time it came into existence until this rule was adopted in 1917—and I think properly adopted, because there had been abuse of unlimited debate.

So this is a rule of limitation, and it has been twice changed in my own brief service in the Senate—as I have said, of some 22 years plus—both times in such a way as to liberalize the rule or to make it more effective in the event limitation was required. I shall not go into the details of those changes, because all Senators know what they were. I am certain that Senators will agree that they were liberalizing changes and that they were entered into as a result of negotiations; and even many of us who strongly and steadfastly support rule XXII supported the liberalized rules. I was one who did so in 1959.

Further, I want it again shown in the RECORD, so far as the Senator from Florida is concerned, that he regards this rule as a two-edged sword. He has voted twice for cloture in appropriate cases, in his own judgment and under his own conscience. He would stand ready to do so again. He thinks the Senate needs a rule for limitation of debate. He thinks the abuses which prevailed prior to 1917 justify such a rule. But he does feel that there is a regular way to go at this.

The fact that our distinguished friends have changed direction so clearly in their effort, as shown by the remarks of the Senator from Idaho a few minutes ago, indicates very clearly that here is a case now for regular handling under the appropriate Senate rules.

My second point is that, while it sounds very formidable to say that 44 times the rule of cloture has been sought to be invoked but it has been successfully invoked only eight times, is true, of course. The Senator from Idaho has never made a misstatement on the floor which I have ever heard, and I am sure he knows that I seek to make no misstatement. But the fact is that these 44 times do not represent 44 different cases or causes. I have not tried to develop how many causes there were, but there were a great many less than 44. Last year, for example, there were four attempts at cloture, the last of which was successful, in the debate upon the then pending civil rights bill, which had as its principal feature the open housing provision.

The fact is that all four of those votes were on the one bill, and the result of the failure of cloture in the first three attempts was to make that bill in each instance a little more tolerable, a little more moderate. The Senators who were Members then will recall that the final action of the Senate was taken then upon a substitute bill—again, a negotiated bill—offered, as I recall, by the distinguished Senator from Illinois (Mr. DIRKSEN) after all the debate had taken place and after cloture had failed three times.

I have made this point, Mr. President, because, instead of 44 separate causes, there were a great many fewer, and the RECORD will establish how many. My guess is approximately 30, but the list is in the debate. The other day I placed it in the RECORD and the RECORD will show how many different cases there were. In eight instances cloture was accomplished.

The third point I wish to mention is this: I do not believe there is any basis whatever, except the desire for liberalization of the rule, to hit upon three-fifths instead of two-thirds. I have looked rather diligently, but heretofore in vain, for any three-fifths precedent anywhere in the rules of the Senate, in the rules of the House, in Jefferson's Manual, in the Constitution, and elsewhere.

In the original Constitution were seven instances in which the two-thirds rule was laid down for action in cases regarded as serious. Four such incidents have been imposed by amendments to the Constitution, making 11 in all. In 11 instances, therefore, the Constitution as it now stands has provisions requiring a two-thirds vote. In no instance do I find a provision for a three-fifths vote.

Furthermore, aside from the Constitution and aside from the Standing Rules of the Senate, my information is that the Senate, itself, more than 100 years ago adopted the two-thirds rule by its practice as applicable to an attempt to waive or suspend the rules. That rule is there; we are governed by it; everybody knows it is there; yet, it is not found among the Standing Rules of the Senate. Two-thirds, therefore, has been constitutionally and by our own practice set up as the standard required when action that is regarded as peculiarly meaningful, and perhaps peculiarly severe, is to be taken. I want the RECORD to show that at this time.

In closing, I wish again to state what I said at the beginning. Any justification for trying to hurry this matter through without study, and thereby invite the great raft of amendments that might be offered on the floor, has now ceased to exist because, as shown by the debate in the very beginning, it was the conscientious belief of Senators offering the resolution that a majority vote of the Senate could accomplish cloture at this stage of the Congress and in this particular kind of an effort.

That is behind us, so where is the justification now for passage upon this measure without any hearings, without any effort in negotiation, and without any chance for new Members—many of whom served in the House of Representatives and who have full acquaintance with the House rules and procedures under the House rules—to state their views and make their convictions known?

Mr. President, I shall not attempt to further argue the matter in extenso today but I did wish to make these few observations.

I am glad to yield to the Senator from Idaho.

Mr. CHURCH. Mr. President, if the Senator from Florida has completed his remarks, I would like to make a few observations in the form of a short rebuttal to the argument presented by the distinguished Senator from Florida.

Mr. HOLLAND. I am glad to yield to the Senator from Idaho.

Mr. CHURCH. Mr. President, it is true that the Constitution establishes a requirement for a two-thirds vote for certain purposes. For example, a two-thirds vote is required for the ratification of treaties, and a similar vote is needed for the adoption of constitutional amendments. But, in the context of this debate, the important thing to remember is that the Constitution does not require a two-thirds vote for changing Senate rules. Article I, section 5 of the Constitution prescribes that each House may make its rules, and the precedents, through the years, have been to the effect that this means that the rules may be made and changed by majority vote. Indeed, that has been the practice whenever it has been possible to reach a vote in the Senate on rule changes.

Now, the Senator from Florida argues, in his usual persuasive manner, that we ought to follow the regular procedure. I have pointed out to him the number of times we have attempted to do that since 1959. Always we come back to the same parliamentary situation that now confronts us. It matters not whether the proposal is routed through the committee or whether it comes directly to the Senate at the commencement of a session, we end up in the same place. A filibuster is undertaken to preserve the filibuster rule, the result being that unless two-thirds of the Senate votes to invoke cloture, it is not possible for a majority, even though it may be a very substantial majority, to work its will.

Mr. HOLLAND. Mr. President, will the Senator yield at that point?

Mr. CHURCH. I would be happy to yield to the Senator but first, I wish to complete my thought.

Mr. President, it is because of this experience that proponents of a change in the filibuster rule have been forced to raise, at the commencement of each new Congress, the constitutional provision which, in our judgment, entitles the majority to limit debate on a proposal to change the rules.

I think one day, given the present trend, there will come a majority to the Senate which will seize upon its constitutional right to act. It is true this majority has been unwilling to do that, but as the Senator knows, this is a transient matter. There will come a time, in my judgment, when a majority in the Senate, having been frustrated again and again by filibusters to preserve untouched the filibuster rule, and having thus been prevented from changing it, will uphold the proposition of the right of the majority under the Constitution to act at the commencement of a new Congress.

As I have already said, I would prefer that the proposed modification of rule XXII might be achieved in a different manner. However, whether the proposal goes to a committee or whether it comes directly to the Senate at the commencement of the session, we end up in the same position. We either have to secure a two-thirds vote to invoke cloture in order to limit debate, or we have to abandon the effort. That mounting frustration will lead to the time when the very constitutional principle so adamantly opposed by the distinguished Senator from Florida will in fact be established here. Then, I would agree, the way will have been opened for the eventual adoption of a majority cloture rule.

So we again petition the Senate, after 12 days of debate on the motion to take up, conscious of the fact that no debate is more familiar to the Members, no issue better known. Even for those who come here for the first time, 12 days of debate on a motion to take up, so that the Senate can then proceed to debate the proposed change on its merits, ought to be sufficient to acquaint them with the arguments involved.

I do not know whether it is possible to secure a two-thirds vote on the motion on Tuesday. I hope it is, because that would then pave the way for the consideration of a change in the ordinary manner, in the regular way, which I would certainly prefer. But if it does not happen, I can plead with the distinguished Senator from Florida: Look at the votes; look at the trend. If one will do that, it will be apparent that the majority is moving in the direction of seizing hold of the constitutional principle, and it is being forced in this direction by those who have chosen to adopt such a rigid position in regard to rule XXII as it presently exists.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. HOLLAND. Does not the Senator realize that part of the liberalizations accomplished here of the 1917 rule were accomplished without the constitutional rule having been referred to, and instead were accomplished by negotiation?

Mr. CHURCH. I am aware of that fact and also of the peculiar circumstances that surrounded those negotiations.

If there were any indication that such a negotiation were possible today, I would favor it; but I have seen none. In fact, it is apparent that, at the moment, there is no willingness really to negotiate any further modification of rule XXII. If there were, that is the route I would prefer. There being no such indication, it seems to me apparent that we have to follow the course we are following.

Mr. HOLLAND. Does not the Senator recall from the record and what has been said in this very debate that the Senator from Florida himself, as long as 20 years ago, strongly recommended that the cloture rule be changed so as to include a provision exempting important defense matters from the ordinary cloture rule and allowing the Senate to come to grips with them without prolonged debate? The Senator recalls that, does he not?

Mr. CHURCH. I do, indeed.

Mr. HOLLAND. Other Senators have ideas that should be incorporated and listened to. Under the kind of proceedings we have now in the Senate none of those procedures can be worked out because all of these things have to be worked out with great care and great finesse, as the Senator knows.

In the two negotiations which ended, each of them resulted in very meaningful liberalization of the former rule. Such negotiations did take place so as to permit Senators to have a meeting of the minds on what the new wording should be. This proposal does not allow any such meeting of the minds.

Mr. PEARSON. Mr. President, would the Senator from Idaho yield so that I may ask a question of the distinguished Senator from Florida?

Mr. CHURCH. I yield.

Mr. PEARSON. Did I correctly understand the Senator to say that the past two modifications, in 1959 and in 1949, were both by virtue of agreement?

Mr. HOLLAND. Yes, that is correct. The first was the one in which the motion to take up became subject to cloture as well as the substantive business. That was a very great liberalization of the rule. The Senator from Florida was one of those who sat in the negotiations which brought out that change.

Mr. PEARSON. My real question is: Has that always been the case? Has the Senate ever acted under its procedures to modify it, or has it virtually always been by negotiation?

Mr. HOLLAND. The only two changes in the 1917 rule that the Senator from Florida knows about were the result of long and difficult negotiations, and then on polishing the wording over and over again so as to mean exactly what we were trying to work out. While the Senator from Florida was not here, of course, in 1917, he understood that the original rule followed such a course of long negotiation, because it was such a radical departure from the unlimited debate practices of the Senate which had prevailed prior to that time.

Just to close on that point, the Senator from Florida believes that that is the way to bring 100 "prima donnas" together to sing a common tune. He does not know of any other way to accomplish it, but to have Senators work with each other and with their leadership on both sides of the aisle in trying to accomplish given objectives. It has been done in the two instances to which I referred.

Mr. PEARSON. The Senator from Florida is an able lawyer. I share with him the knowledge of the necessity and

the convenience of negotiation. What struck me about the Senator's statement was that the two modifications always come by virtue of negotiation and agreement. I am wondering whether there ever was a case where the Senate under its own rules can modify its rules. That would appear to me further to strengthen the argument that we need some modification, that the Senate, under its normal procedures and under its normal work, can act in this particular way.

Mr. HOLLAND. If the Senator means by his remarks that both modifications were not accomplished by invoking cloture, he is correct. But if the Senator means that the modifications were not accomplished by a regular working out of the amendments, first in committee, then by negotiation between the leaders, then by debate on the floor, and finally by majority vote of the Senate, he is wrong, because that is the way they were accomplished—completely under the rules. The Senator from Florida knows of no case when anyone was attempting to invoke cloture against efforts to amend the rules, except this instant case. It has always been worked out by agreement, after considerable discussion—and it has been difficult discussion—but it has brought results.

Perhaps the Senator from Kansas and the Senator from Idaho are a good deal younger than the Senator from Florida and maybe they seek more immediate relief from conditions which they think are burdensome. But I want to say to them that I have found that resort to the negotiation process in the Senate is the one which brings results. I have also found that to be true in a lifetime of practice of the law. Anything that attempts to shut off debate and tell Senators representing sovereign States, "You cannot speak but one hour from now on," is not apt to bring about a meeting of the minds which I think the Senators from Kansas and Idaho sincerely desire.

I do not question their motives at all. I know that they are bothered about this situation. What I am questioning is their procedure. I think it is an unhappy procedure and will not bring the results which they wish. It may leave a worse hardening of positions than if they had followed the customary routine of the Senate.

Mr. ALLEN. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield to the Senator from Alabama.

Mr. ALLEN. I thank the Senator. In order that it may be crystal clear to the new Senator from Alabama, I should like to get the present position of the Senator from Idaho firmly in mind.

As the Senator from Alabama understands it, the Senator from Idaho has contended from the beginning of this session that at the beginning of each session of Congress, a majority of Senators could amend the rules so that a majority would be allowed to vote, so that a majority could cut off debate.

I should like to ask the Senator from Idaho whether he now feels that the beginning of the 91st Congress has now ended, that we are well into the 91st Congress, and that all the Senate rules of the 90th Congress have now become the rules of the 91st Congress; and that rule XXII, in its entirety, is now in full force and effect in the Senate; is that the Senator's present position?

Mr. CHURCH. Let me respond by saying that the Senator frames his question in a way which makes the answer exceedingly difficult.

The Senator from Idaho does not know when the beginning of the 91st Congress ends, but the former Vice President of the United States ruled that 51 Senators, having voted to invoke cloture, cloture was invoked, basing that rule upon the constitutional proposition that a majority had the right to limit debate at the commencement of a new session. An appeal was taken from the ruling of the Vice President and the Senate failed to sustain the Vice President in his ruling.

Accordingly, it is the position of the senior Senator from Idaho that a majority of the Senate has decided against the Vice President's ruling, and that this decision must be binding, or, at least, should be binding, for the remainder of the 91st Congress.

Having said that, however, let me stress that the present majority of the Senate cannot, in my judgment, bind future majorities. The constitutional proposition, in all likelihood, will be again presented at the start of the next Congress for the new majority to pass upon.

Mr. ALLEN. In other words, the Senator from Idaho reserves the right to make that contention at the start of the 92d Congress?

Mr. CHURCH. If it is necessary to do so, in order to permit a majority of the Senate to work its will upon the matter of the cloture rule. As long as the majority is denied that right, through application of the rule itself, then I think there is no alternative but to continue to argue the constitutional proposition. I would anticipate, under those circumstances, that the proposition would be raised again at the commencement of the next Congress.

Mr. ALLEN. Does the Senator from Idaho concede that rule XXII is in full force and effect, as having not been changed by the Senate?

Mr. CHURCH. The Senator is correct, and this motion is being offered under rule XXII in its entirety.

Mr. PEARSON. And in addition thereto, Mr. President, if the Senator will yield, the Senator will recall the unanimous-consent agreement that no rights were waived with respect to the right of any Senator to offer to amend any rule at the beginning of the session.

Mr. HOLLAND. That is correct, and no one is trying to diminish any right that accrued at the beginning of the Congress. The only thing that has changed anything is the vote itself. I think the Senator from Idaho has stated the situation, and other Senators have stated it this morning. The questions of the Senator from Alabama have brought out the matter again—that the Senate having taken the position it has in overruling the former Vice President's ruling, the matter is settled for this Congress, and rule XXII, as well as section 2 of rule XXXII, are now in full force and effect. I see the Senator from Idaho nodding. I think we are all in accord on that at this time.

Mr. CHURCH. Mr. President, I yield the floor.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS TO MONDAY, JANUARY 27, 1969

Mr. KENNEDY. Mr. President, in accordance with the order of yesterday, I move that the Senate stand in recess until 12 o'clock noon Monday.

The motion was agreed to; and (at 1 o'clock and 35 minutes p.m.) the Senate took a recess until Monday, January 27, 1969, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 24 (legislative day of January 10), 1969:

INTERNATIONAL MONETARY FUND

David M. Kennedy, of Illinois, to be U.S. Governor of the International Monetary Fund for a term of 5 years; U.S. Governor of the International Bank for Reconstruction and Development for a term of 5 years; and a Governor of the Inter-American Development Bank for a term of 5 years and until his successor has been appointed.

ASIAN DEVELOPMENT BANK

David M. Kennedy, of Illinois, to be U.S. Governor of the Asian Development Bank.

INTERNATIONAL MONETARY FUND

U. Alexis Johnson, of California, to be U.S. Alternate Governor of the International Monetary Fund for a term of 5 years and U.S. Alernate Governor of the International Bank for Reconstruction and Development for a term of 5 years.

CONFIRMATIONS

Executive nominations confirmed by the Senate, January 24 (legislative day of January 10), 1969:

IN THE AIR FORCE

Lt. Gen. Joseph R. Holzapple, FR1897 (major general, Regular Air Force), U.S. Air Force, to be assigned to positions of importance and responsibility designated by the President in the grade of general, under the provisions of section 8066, title 10, of the United States Code.

The following-named officers for appointment in the Regular Air Force, to the grades indicated, under the provisions of chapter 835, title 10, of the United States Code.

To be major generals

Maj. Gen. Paul T. Cooper, FR4861 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Robert H. McCutcheon, FR4150 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Ernest C. Hardin, Jr., FR8211 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Chesley G. Peterson, FR9383 (brigadier general, Regular Air Force, U.S. Air Force.

Maj. Gen. John L. Locke, FR4042 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Kenneth C. Dempster, FR4633 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. John M. McNabb, FR5037 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. John L. Martin, Jr., FR7556 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Lee V. Gossick, FR8679 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. William H. Reddell, FR8874 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Richard D. Reinbold, FR8927 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. William C. Garland, FR8934 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. David C. Jones, FR9887 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Russell E. Dougherty, FR9985 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Roland A. Campbell, FR4535 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Paul K. Carlton, FR8693 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. George M. Johnson, Jr., FR8810 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Joseph R. DeLuca, FR33749 (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Jammie M. Philpott, FR13694 (brigadier general, Regular Air Force), U.S. Air Force.

To be brigadier generals

Brig. Gen. Robert L. Cardenas, FR5056 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. James S. Cheney, FR8336 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William S. Chairsell, FR8501 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Paul R. Stoney, FR9083 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. James F. Kirkendall, FR9092 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Chester J. Butcher, FR9846 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert J. Holbury, FR9893 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. DeWitt R. Searles, FR9907 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Frank M. Madsen, Jr., FR9991 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William R. MacDonald, FR10019, (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Felix M. Rogers, FR10067 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Albert R. Shirley, Jr., FR10106 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. James M. Keck, FR10122 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robin Olds, FR10128 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Ernest T. Cragg, FR10152 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John R. Kullman, FR10171 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William W. Snavely, FR10177 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Dale S. Sweat, FR10190 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Joseph H. Belser, FR9604 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John H. Buckner, FR9753 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Charles W. Lenfest, FR9760 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William E. Bryan, Jr., FR9888 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Leo W. Lewis, FR9914 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Albert J. Bowley, FR10101 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Douglas T. Nelson, FR11124 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. David S. Chamberlain, FR19927 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Archie S. Mayes, FR33267 (colonel, Regular Air Force, U.S. Air Force.

Brig. Gen. Leslie W. Bray, Jr., FR18136 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert V. Spencer, FR13230 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Earl L. Johnson, FR33837 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Richard M. Hoban, FR23658 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John B. Kidd, FR34076 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. James A. Shannon, FR14510 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Joseph G. Wilson, FR15284 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. George J. Keegan, Jr., FR15333 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. George H. McKee, FR15663 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert N. Ginsburgh, FR18108 (colonel, Regular Air Force), U.S. Air Force.

Maj. Gen. William G. Moore, Jr., FR34534 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Donald E. Stout, FR16198 (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John C. Giraudo, FR16296 colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Harold F. Funsch, FR19181 (colonel, Regular Air Force, Medical), U.S. Air Force.

The following-named officers for temporary appointment in the U.S. Air Force, under the provisions of chapter 839, title 10, of the United States Code:

To be major generals

Brig. Gen. Anthony T. Shtogren, FR4956, Regular Air Force.

Brig. Gen. Thomas H. Crouch, FR19192, Regular Air Force, Medical.

Brig. Gen. Robert L. Petit, FR5213, Regular Air Force.

Brig. Gen. Robert J. Gibbons, FR3978, Regular Air Force.

Brig. Gen. Clifford J. Kronauer, Jr., FR7750, Regular Air Force.

Brig. Gen. John W. Kline, FR 5084, Regular Air Force.

Brig. Gen. David I. Liebman, FR5164, Regular Air Force.

Brig. Gen. George V. Williams, FR7733, Regular Air Force.

Brig. Gen. Francis W. Nye, FR8418, Regular Air Force.

Brig. Gen. James F. Kirkendall, FR9092, Regular Air Force.

Brig. Gen. Rockly Triantafellu, FR9504, Regular Air Force.

Brig. Gen. William V. McBride, FR10077, Regular Air Force.

Brig. Gen. Russell K. Pierce, Jr., FR18118, Regular Air Force.

Brig. Gen. William P. McBride, FR4179, Regular Air Force.

Brig. Gen. Timothy J. Dacey, Jr., FR4631, Regular Air Force.

Brig. Gen. William S. Harrell, FR5240, Regular Air Force.

Brig. Gen. Franklin A. Nichols, FR4809, Regular Air Force.

Brig. Gen. Joe T. Scepansky, FR7879, Regular Air Force.

Brig. Gen. Paul R. Stoney, FR9083, Regular Air Force.

Brig. Gen. Kenneth W. Schultz, FR9096, Regular Air Force.

Brig. Gen. George J. Eade, FR9515, Regular Air Force.

Brig. Gen. William F. Pitts, FR9796, Regular Air Force.

Brig. Gen. Louis L. Wilson, Jr., FR9803, Regular Air Force.

Brig. Gen. Carlos M. Talbott, FR9853, Regular Air Force.

Brig. Gen. Felix M. Rogers, FR10067, Regular Air Force.

Brig. Gen. William W. Snavely, FR10177, Regular Air Force.

Brig. Gen. Carl W. Stapleton, FR8893, Regular Air Force.

Brig. Gen. Albert J. Bowley, FR10101, Regular Air Force.

Brig. Gen. Augustus M. Hendry, Jr., FR8645, Regular Air Force.

Brig. Gen. Rene G. DuPont, FR11836, Regular Air Force.

Brig. Gen. Donavon F. Smith, RA14577, Regular Air Force.

Brig. Gen. Dale S. Sweat, FR10190, Regular Air Force.

Brig. Gen. George J. Keegan, Jr., FR15333, Regular Air Force.

IN THE ARMY

Gen. Theodore William Parker, O18369, Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general, under the provisions of title 10, United States Code, section 3962.

Gen. Robert William Porter, Jr., O18048, Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general, under the provisions of title 10, United States Code, section 3962.

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be general

Lt. Gen. George Robinson Mather, O18696, Army of the United States (major general, U.S. Army).

The following-named Medical Corps officers for temporary appointment in the Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

To be brigadier generals, Medical Corps

Col. William Henry Moncrief, Jr., O37637, Army of the United States (lieutenant colonel, Medical Corps, U.S. Army).

Col. Thomas Joseph Whelan, Jr., O59531, Army of the United States (lieutenant colonel, Medical Corps, U.S. Army).

The following-named officers for appointment in the Regular Army of the United States, to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3307:

To be major generals

Maj. Gen. Chester Lee Johnson, O20681, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Walter Edward Lotz, Jr., O21090, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Frank Wade Norris, O21110, Army of the United States (brigadier general, U.S. Army).

Lt. Gen. William Raymond Peers, O21366, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Robert Riis Ploger, O21760, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Walter Evans Brinker, O21776, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Phillip Buford Davidson, Jr., O21969, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Edward Paul Smith, O22063, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Stephen Wheeler Downey, Jr., O22649, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Patrick Francis Cassidy, O32809, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Robert Ray Williams, O22962,

Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Henry Augustine Miley, Jr. O22993, Army of the United States (brigadier general, U.S. Army).

Lt. Gen. Donald Vivian Bennett, O23001, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. John MacNair Wright, Jr., O23057, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Leland George Cagwin, O23200, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Richard Thomas Cassidy, O23213, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. John Milton Hightower, O23531, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Charles Pershing Brown, O23544, Army of the United States (brigadier general, U.S. Army).

Lt. Gen. William Bradford Rosson, O23556, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Willard Pearson, O44466, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Charles Marsden Duke, O21753, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Charles Martin Gettys, O44181, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Wendell John Coats, O22964, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Roland Merrill Gleszer, O23278, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Charles Thompson Horner, Jr., O23530, Army of the United States (brigadier general, U.S. Army).

IN THE NAVY

Vice Adm. Rufus L. Taylor, U.S. Navy, for appointment to the grade of vice admiral on the retired list, in accordance with the provisions of title 10, United States Code, section 5233.

Rear Adm. George M. Davis, Jr., Medical Corps, U.S. Navy, for appointment as Chief of the Bureau of Medicine and Surgery for a term of 4 years, in accordance with the provisions of title 10, United States Code, section 5137(a).

Vice Adm. Robert B. Brown, Medical Corps, U.S. Navy, for appointment to the grade of vice admiral on the retired list, in accordance with the provisions of title 10, United States Code, section 5133(b)

Vice Adm. George G. Burkley, Medical Corps, U.S. Navy (retired), for permanent appointment to the grade of vice admiral on the retired list, pursuant to article II, section 2, clause 2, of the Constitution.

Rear Adm. William P. Mack, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

IN THE AIR FORCE

The nominations beginning Daniel H. Spoor, to be major, and ending Karl E. Zukaitis, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 10, 1969.

IN THE ARMY

The nominations beginning Joseph P. Madden, to be captain, and ending Alexander M. Zupsich, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 15, 1969.

IN THE NAVY

The nominations beginning William B. Anderson, Jr., to be captain, and ending Kathleen A. Hammel, to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 16, 1969; and

Donald W. Stauffer to be lieutenant commander while serving as leader of the U.S. Navy Band, which nomination was received by the Senate and appeared in the CONGRESSIONAL RECORD on January 10, 1969.

EXTENSIONS OF REMARKS

EPISCOPAL BISHOP HARRY S. KENNEDY RETIRES AFTER 25 YEARS OF SERVICE IN HAWAII

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. MATSUNAGA. Mr. Speaker, with the retirement of Harry Sherbourne Kennedy, Episcopal bishop of Honolulu, the official career of the great spiritual leader of the diocese of Hawaii has come to an end. At a testimonial luncheon held earlier this month at the Ilikai Hotel in Honolulu, over 800 friends and members of his congregation turned out to pay tribute to the retiring bishop and to wish him "Godspeed."

It has been said that "the sun never sets on Bishop Kennedy," and during the past 25 years his mission of service has encompassed not only Hawaii, but American Samoa, Okinawa, Wake, Midway, Guam, the Philippines, Taiwan, and Thailand.

His deep regard for his diocese is reflected in the complete transformation of St. Andrew's Cathedral, the seat of the island's Episcopal community, during the last two and a half decades. More than 24 new church buildings as well as 90 chapels, educational halls and rectories were constructed during his tenure. Bishop Kennedy, once referred to as a "building bishop," has added more than buildings to his diocese. Since he came to Hawaii in 1945, he has ordained 93 deacons and priests, enlarging the cathedral's diocese from 19 to 68 clergy.

With characteristic wit, Bishop Kennedy once said that a bishop has to be a combination architect, lawyer, interior decorator, and diplomat. The island bishop has been this and much, much, more. The imprint of his lifetime of service to his fellow man will long be felt in the vast area where he devoted so much of his time and talent.

It is inspiring to note also that since the beginning of his mission in Hawaii as the head of Hawaii's Episcopal congregation, Bishop Kennedy has always been on call to offer spiritual guidance to military men in the Pacific. He was on Okinawa with Gen. Joseph Stillwell when Gen. Douglas MacArthur arrived to begin peace negotiations with Japan. In recent years the bishop has made numerous trips to Vietnam, several times coming under direct enemy fire, in order to be with our U.S. fighting men.

The Island State is indeed grateful for the dedicated service of this great American churchman, and I know that my colleagues would wish to join me in extending to him and Mrs. Kennedy all good wishes for continued health and happiness together during their leisure years.

I am pleased to submit for the CONGRESSIONAL RECORD a very interesting feature article on Bishop Kennedy, by Honolulu Star-Bulletin reporter Ligaya Fruto, which appeared on Wednesday, January 1, 1969:

BISHOP KENNEDY RETIRES AFTER 25 YEARS IN ISLES

(By Ligaya Fruto)

A churchman once said that the sun never sets on Harry S. Kennedy.

Episcopalians of the Diocese of Hawaii, which includes American Samoa, Wake, Midway, Guam, and Okinawa, may know the pall of sunset as the Rt. Rev. Kennedy retires today from his post of episcopacy.

He has also "covered" the Philippines, Taiwan, and Thailand.

Bishop Kennedy's 25 years in Hawaii has been described as a building episcopacy. During his tenure, the St. Andrew's Cathedral had been refurbished and completed; 24 new church buildings, six chapels, 23 parish halls, 21 educational buildings (not including those of the Priory, Seabury Hall, Iolani and the Academy) and 40 rectories had been constructed.

More than buildings had been added to the diocese. The bishop has ordained 93 deacons and priests, and today there are 68 active clergy—seven retired—compared with the 19 he found when he first came here in 1945. He has welcomed 18 new congregations.

His diocese covers such a large area that he once jokingly told a Texas audience that compared to his diocese, Texas was peanuts.

Harry Sherbourne Kennedy was born Aug. 21, 1901, in Brooklyn, N.Y., the second son and youngest of the five children of Mr. and Mrs. David E. Kennedy. His family crossed the Hudson when Harry was still an infant to settle in New Jersey, where his father worked as a hotel manager.

He went to schools in New Jersey, earning a letter in football, but between his high school and his college years in Colorado State at Greeley during a three-year hiatus he worked in the freight claim section of Pennsylvania Railroad to augment the family income when his father died.

He earned another football letter when he played end in Rocky Mountain Conference football, then went on to work for a divinity degree from St. John's Theological College, a seminary supported by the Western bishops to train priests for the West.

Kennedy was made a deacon in 1925, ordained a priest in 1926, and married Katharine Jane Kittel of Greeley in 1927.

His service in missions in the West—including riding a circuit of seven missions in San Luis Valley and a plural cure in Colorado Springs, plus an Army chaplaincy—forecast with some accuracy what would eventually be the lot of the young man who took the "Go West . . ." injunction too literally.

Kennedy was an Army chaplain on leave from Grace Church in Colorado Springs when he was elected on the first ballot during the 54 General Convention of Episcopal bishops to head the See of Honolulu.

It was three days before the 42-year-old

Kennedy learned of his election, and some days more before he would believe it.

For one thing, his sons were not impressed. David, then 11, thought his father was not fat enough to be a bishop. Paul, 9, said his father was not old enough.

The most devastating comment came from the oldest, Bruce, then 14. "You don't know enough," he told his father.

The bishop remarked later that what conceit the Army could not knock out of him his sons would.

Kennedy was consecrated at Grace Church on Jan. 11, 1944, and young Paul asked to be excused from class to attend his father's "crucifixion." Happily, Paul was no prophet, and his father, through the grace of God, became the sixth Episcopal bishop of Honolulu.

The new bishop recalls his arrival to his new post with some wryness. "After 11 days of wartime convoy zigzagging," he said, "I got to Honolulu on Feb. 25, 1944. The curfew was in effect and the streets were empty. There was no one to meet me, and the only transportation I could get was in a jeep with a major who offered the 'father' a lift.

"I hold him I wanted to go to the cathedral, so he took me to the Cathedral of Our Lady of Peace."

The pictures he had seen of his cathedral did not look like the Fort Street one, so Kennedy asked to be taken to another cathedral, if there was one. The major remembered St. Andrew's and this time deposited the new bishop to the Diocesan House on Queen Emma Square.

The first thing that greeted the young prelate was a huge sign: KAPU. The ladies of the parish had newly painted the floor of what then looked like a third-rate boarding house and had put up the sign to allow the paint to dry.

The bishop spent his first two nights in his new parish at the Halekulani Hotel.

After those first days, nothing was KAPU for the bishop. He was named by Adm. Chester W. Nimitz as military bishop of the Pacific, and thus started a series of trips to the Far East that Bishop Kennedy no longer cares to count.

"I have been in four plane crashes," he said, "in Manila, Okinawa, Japan and Wake. I was beginning to worry that passengers in the planes I was in might look on me as a jinx."

Those who haven't heard of Bishop Kennedy's plans to do some writing and help other bishops here and elsewhere after his retirement believe that he could make good use of his retirement time by signing up for a lecture tour.

"That fellow could make $2,000 an evening as a public speaker," declared a man who had heard him speak in 1952.

His fund of anecdotes ought to make stand-up comedians envious. One day on Okinawa, he recalled, after raising some money for an X-ray machine, he and his coworkers sat down on the floor of a house for a celebration party.

He noticed a dog lingering behind him, evidently displeased at being shooed off. He remarked to a small boy who obviously owned the dog, "Your dog doesn't seem to like me."

"He doesn't," the boy retorted. "You're eating out of his dish."

The Kennedys' five sons have followed in their father's footsteps: Bruce is a priest in San Francisco; David, rector of St. Peter's Church in Honolulu; Brother Paul is in Guatemala.

The twins, Joel and Mark, are also in church work preparation. Joel is with a signal battalion in Vietnam as chaplain's assistant, and Mark is at Trinity College in Connecticut.

The bishop and his wife will divide their time between Honolulu and Colorado Springs. Their Hawaii friends have gotten an apartment for them at 1001 Wilder Avenue, and they have a mountain home in Colorado.

The Honolulu diocese is seeking independence from the Mainland convention, and if it gets it, the local clergy will elect their own bishop. This may not happen for another year and a half or two, Bishop Kennedy says.

In the meantime, Bishop E. Lani Hanchett, suffragan bishop, will be in charge of diocesan matters.

THIRD ANNIVERSARY OF CUBAN EXILES' DECLARATION OF FREEDOM

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. FASCELL. Mr. Speaker, 3 years ago today a dedicated band of Cuban exiles reaffirmed their faith in the principles of liberty and justice with a historic Declaration of Freedom.

On that day, 1,500 proud Cubans gathered in the city of Key West, Fla., at the historic Club San Carlos. It was particularly fitting that the declaration should be set forth from the balcony of the club, for it was from this same location in 1892 that the Cuban patriot José Marti proclaimed Cuba's independence from Spain. The 1,500 who met in Key West 3 years ago were motivated by the same spirit and patriotism which motivated José Marti and his followers three-quarters of a century ago.

The actions of both groups were in keeping with the spirit and traditions of our forefathers when they met at Independence Hall to proclaim their love of freedom with the Declaration of Independence.

The present-day pilgrims of liberty have committed themselves to fight constantly until their homeland is once again free from the yoke of Castro communism. Now is the time for the people of the United States and for free men all over the world to pledge their support to these brave people in their efforts to drive tyranny from their island home and restore Cuba to its people as a free Cuba.

Mr. Speaker, on this third anniversary, I would once again like to bring the Declaration of Freedom to the attention of our colleagues:

DECLARATION OF FREEDOM

In the City of Key West, Monroe County, State of Florida, United States of America, we, the Cuban exiles in the United States, in the name of God Almighty, and speaking both for ourselves and the oppressed people in Cuba, the Martyr Island, do say:

That on January 1st, 1959, the slavery yoke that came from Europe and was extinguished in Cuba at the end of the 19th century, was resumed.

That those responsible for this high treason to our Fatherland and to our People are just a score of traitors who, usurpating the Government of the Country have been acting as mercenary agents for the Sino-Soviet imperialism, and have surrendered to that imperialism our Freedom and our Dignity, also betraying the American Hemisphere.

That as a consequence of this high treason, those who are usurpating the Power in Cuba (as they were never elected by the People), are imposing a regime of bloodshed, terror and hate without any respect or consideration to the dignity of the human being or the most elementary human rights.

That in their hunger for Power, these traitors, following the pattern of totalitarian regimes, are trying, within Cuba, to separate the Family, which is the cornerstone of actual society, and at the same time, are poisoning the minds of the Cuban children and youth, in their hope of extending the length of time for this abominable system.

That the rule of the Law has been wiped out in Cuba, and it has been replaced by the evil will of this score of traitors, who are acting under orders from their masters, the Sino-Soviet imperialists.

In view of the aforegoing, we declare:

First: That the actual Cuban regime is guilty of high treason to our Fatherland and to the ideals of the Freedom Revolution which was started on October 10th, 1868.

Second: That this score of traitors who have committed treason against our Fatherland, in case they survive the downfall of their regime, will have to respond, even with their lives before the Ordinary Courts of Justice of Cuba.

Third: That as the Noble Cuban People will not ever surrender, because that Nation was not born to be slave, we, the Cuban People, hereby make the present declaration of freedom.

We hereby swear before God Almighty to fight constantly, until death comes to us, to free Cuba from communism.

The fundamentals of this Revolution for Freedom are:

First: God Almighty, above all things, in Whom we believe as the essence of Life.

Second: The Fatherland, with all of its Laws, tradition, customs and history as a spiritual value, only surpassed by the concept of God.

Third: The Family, as the cornerstone of the Human Society.

Fourth: Human Rights, for each and every citizen, regardless of race or creed.

Fifth: The Law, as the foundation for the proper development of the Human Society.

Sixth: Democratic Government, with its three independent branches: Legislative, Executive and Judicial.

Seventh: Representative Democracy, through the exercise of Universal Suffrage, Periodically, Free and Secretive, as the expression of Popular Sovereignty.

Eighth: Freedom of Worship, Freedom of Teaching, Freedom of the Press and Free Enterprise.

Ninth; Private Property and Ownership, as the basic expression of Liberty.

Tenth: The improvement of living conditions for both rural and city working masses, with the just and necessary measures, keeping in mind the legitimate interests of both Labor and Capital.

Eleventh: The derogation and eradication of anything which is opposed to the political and religious fundamentals aforementioned, and specifically, the abolition of Communism and any other form of totalitarian manifestation.

Signed and sealed in Key West, Florida, on the 23rd day of January, 1966.

TRIBUTE TO HON. PAUL F. SCHENCK

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. RHODES. Mr. Speaker, I should like to join my colleagues in our final tribute to Hon. Paul F. Schenck, whose able service in the House of Representatives for 13 years entitled him to the gratitude and admiration of his constituents, and the warm friendship of his colleagues on both sides of the aisle. Although the Nation mourns his passing, he will be long remembered and beloved by his fellow Americans, to whom he bequeathed so much of everlasting value in the beneficial legislation which he helped to enact.

Paul Schenck was a blithe spirit who always made the darkest days much brighter. He was a great storyteller, and not only edified his colleagues on the floor with his anecdotes, but especially livened up the Republican cloakroom. Even so, when it came time for serious business, no one was more intent or dedicated to doing a good job than was Paul Schenck. He was a very popular Member of the House.

Mrs. Rhodes and I wish to express our deepest sympathy to Mrs. Schenck.

HOUSE OF REPRESENTATIVES—*Monday, January 27, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Thou wilt show me the path of life: in Thy presence is fulness of joy.—Psalm 16: 11.

Our Heavenly Father, we pray that Thou wilt fill this sacred moment with the reality of Thy presence. Restore our souls, refresh our spirits, and reinvigorate our bodies that we may be made ready for the responsibilities of this day.

Grant unto us sincerity that we may persistently seek the things that endure, refusing those which perish, and that, amid things vanishing and deceptive, we may see the truth steadily, follow the light faithfully, and grow ever richer in that love which is the life of men.

We pray for those nations sitting around the peace table. Lead them into the ways of justice and truth and establish among them that peace which is the fruit of righteousness.

We meet this day with sadness in our hearts as we remember our beloved colleague who walks with us no more. We thank Thee for his life of public service and pray that the comfort of Thy presence may abide in the hearts of all who loved him and worked with him.

In the spirit of love, we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, January 23, 1969, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Vice President, pursuant to title 42, United States Code, section 2251, appointed Mr. COTTON as a member of the Joint Committee on Atomic Energy in lieu of Mr. Hickenlooper, retired from the Senate.

The message also announced that the Vice President, pursuant to title 20, United States Code, section 43, appointed Mr. FULBRIGHT a member, on the part of the Senate, of the Board of Regents of the Smithsonian Institution.

BANKERS' TAKEOVER OF TREASURY—A NATIONAL DISGRACE

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, President Nixon's decision to give the commercial banking industry full run of the Treasury Department is a national disgrace.

To date, the new President has named the three top policy men at the Department—the Secretary and the two Under Secretaries. Each came directly from the commercial banking industry—an industry which is affected day to day by the decisions made in the Treasury Department.

Here are the three:

Secretary of the Treasury—David Kennedy, chairman of the Continental Illinois National Bank of Chicago, and a man who has been a leading executive in the banking industry for decades.

Under Secretary of the Treasury—Charls E. Walker, for 8 years the leading spokesman and the chief lobbyist for the American Bankers Association.

Under Secretary for Monetary Affairs—Paul A. Volcker, vice president of the Chase Manhattan National Bank of New York, the Nation's second largest commercial bank.

Not since the days of President Hoover and his infamous Secretary of the Treasury, Andrew Mellon, has Washington been flooded with so many bankers in official policymaking positions. I am sure that someday this Congress and the American people will learn why President Nixon felt so compelled to reward the banks and their lobbyists.

Surely, the new President realizes that the policies and the day-to-day decisions of the Treasury Department vitally affect the welfare of the entire Nation and of each of our 200 million citizens. It is not intended to be a play toy of the banking industry.

Mr. Speaker, the installation of these three bankers in top policy jobs at the Treasury Department represents a clear conflict with the public interest functions of the Department. This is true regardless of whether these men have disposed of their bank stock and severed other direct connections with the industry.

It remains a fact that these men come from years of experience in the banking industry and that they bring with them all the prejudices and the attitudes of this industry. It is impossible for them to divorce themselves from the friends and contacts and, most importantly, the philosophy gained from their leading roles with commercial banks.

In Sunday's Washington Post, Hobart Rowen discussed the problems of conflict of interest regarding another Nixon appointee, David Packard, who was appointed Deputy Secretary of Defense after a long career in defense-oriented industries. Here is what Mr. Rowen had to say:

> The public shouldn't have to trust to luck or the extra sensibilities of a man in high office. The matter of principle, it seems to me, remains clear: whatever his talents, Mr. Packard shouldn't have been taken out of the defense industry and placed in a position where he has to make judgments on expansion of the defense establishment.

Of course, Mr. Rowen is right and what he has to say about Mr. Packard applies, with much greater impact, on the appointments of David Kennedy, Charls Walker, and Paul Volcker to the Treasury.

Like Mr. Packard in the Defense Department, these three bankers will now be in a position to influence the policies which so vitally affect their former employers. Nearly every function of the Treasury Department affects commercial banks, their profits and their scope of operation.

The Treasury, of course, handles the Federal Government's debt management and sells massive sums of Government securities to commercial banks. The Treasury is the source of Federal tax policy, an item which has consumed a major part of the banking lobby's time and effort in recent years. The commercial banks also are the depository for so-called tax-and-loan accounts maintained by the Treasury Department. And the Treasury Department originates policies which affect the international activities of U.S. banks, something that is of vital importance to the big banks. Over all, the Secretary of Treasury is in a position to influence economic and monetary policy which bears directly on the operations of the commercial banks.

The list of areas where the Treasury Department has a close relationship with banking and monetary policy could fill pages. The dangers of having the banking industry run the Treasury Department are obvious.

Mr. Speaker, the function of exploring the qualifications of these men, of course, falls to the Senate in the confirmation process. This is the Senate's prerogative, but, I deeply regret that my colleagues in that body did not more fully explore this question.

This is particularly true in the case of Charls E. Walker, who has made no secret of his activities as the chief spokesman and the No. 1 lobbyist for the American Bankers Association. Yet, the Senate set what one national publication described as a "speed record" in approving his nomination as the Under Secretary.

Dr. Walker will now be in a position to implement the very policies for which he has lobbied the Treasury Department and the Congress for so many years. As my colleagues know, Dr. Walker and his lobbyists have been to Capitol Hill often, seeking special tax favors for the big banks and allied corporations. The Walker lobbyists have spent time, money, and much effort to wipe out major sections of the antitrust laws. They have lobbied hard for higher interest rates and for the removal of statutory interest ceilings on Government bonds. Within the past year, Dr. Walker all but wrecked the college student loan program through his demands that the banks be allowed windfall profits from this program.

Mr. Speaker, this list of lobbying activities is long and I will not mention all of the incidents here today. However, let me say, that it has been Dr. Walker's job to carry forward the positions of the American Bankers Association and the big banks which dominate this lobbying operation.

And I say, Mr. Speaker, that the interests of the U.S. Treasury Department and the Federal Government are not the same as those of the American Bankers Association.

Mr. Speaker, I do not ask my colleagues to take my word for Dr. Walker's political and lobbying activities. Instead, I refer them to sources within the banking industry itself. They confirm Dr. Walker's role beyond question.

Let me quote from the January 23 issue of the American Banker, a daily publication which faithfully reflects the industry's viewpoint:

> Within the banking industry and among Washington observers there is near-unanimous agreement that Mr. Walker's major contribution to the industry during his tenure was the strengthening of banking's political position.
>
> He made the membership more aware of political forces. Under his guidance, the ABA Washington office was transformed from a mini-lobby into a well-staffed, well-heeled activist political apparatus.
>
> When Mr. Walker took over the ABA, the Washington office consisted of about 13 staffers and secretaries, and only one registered lobbyist. In fact, the Washington bureau at that time considered itself primarily an educational and service organization.
>
> Now the office has a complement of about 35, including six registered lobbyists. Mr. Walker is also listed as an active lobbyist on the House clerk's records.

After lauding Dr. Walker further, the article goes on to say:

> Now ABA lobbyists move among the Congress and Treasury officials, personally keeping tabs on events. The ABA also helps initiate and enact legislation.

And now the American Bankers Association can brag further that it not only lobbies with the Treasury but that it also runs the Department.

Mr. Speaker, there simply is no question that the American Bankers Association has been, and is today, one of the most blatant, hard driving, and determined special-interest lobbies operating in Washington. It has become a fantastic force and I am amazed that even a Republican President would consider giving this lobby a policymaking desk.

Mr. Speaker, we are not talking about a telephone booth lobbying operation, we are talking about the biggest of the bigtime lobbyists when we mention Dr. Walker. And I quote further from the American Banker article:

> Friend and foe concede that Mr. Walker has lifted the ABA lobby to the point where it is a force to be reckoned with on all legislative issues affecting financial institutions.
>
> Said one lobbyist who has opposed the ABA on many issues: "Charlie brought them from the bottom of the league right up there to title contention."
>
> A former ABA staffer put it another way in describing the broadening of the ABA's presence in Washington.
>
> "In the old days," he said, "I don't ever remember seeing in the newspaper that anyone feared the American Bankers Association lobby. Now this seems to be injected into almost every debate on the Hill."

Mr. Speaker, quite obviously the banking industry and the American Bankers Association feel that they have the Congress of the United States on the run. Let me quote again from the story on Dr. Walker:

> In the old days, I don't ever remember seeing in the newspaper that anyone feared the American Bankers Association lobby. Now this seems to be injected into almost every debate on the Hill.

Mr. Speaker, perhaps it was this concept of a Washington frightened by the bankers' lobby that led President Nixon to believe that he could appoint the ABA's chief lobbyist without a murmur from the Congress or the press.

NIXON ADMINISTRATION HITS HOMEOWNERS WITH HIGH INTEREST RATES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the suspense ended early. And after waiting only 5 days, the Nixon administration has made its first big move to raise interest rates.

Mr. Speaker, I refer to the action of the Secretary of Housing and Urban Development, George Romney, in raising interest rates on FHA- and VA-insured mortgages. In the case of FHA, the ininterest rates was pegged at 8 percent, including one-half of 1 percent for a mandatory insurance fee. The rate for VA housing will now be 7½ percent.

Mr. Speaker, these are the alltime records for interest rates on FHA and VA mortgages which are fully guaranteed by the Federal Government. Few of us in the Congress ever thought we would see the day when the Government would back 8-percent interest rates for homeowners.

It is a sad day for the American people.

Secretary Romney's decision, taken after only 5 days in office, will price hundreds of thousands of lower and moderate income families out of the housing market. For other homeowners, the interest rate increase means a tremendous jump in the price of homes and in the amount of downpayment required.

Secretary Romney has made a grievous mistake in this action.

Mr. Speaker, the announcement of this fantastic increase on FHA and VA mortgages came late Friday afternoon, apparently timed to minimize adverse reaction.

For some reason, the announcement was followed by statements in news stories indicating Secretary Romney's decision would somehow make more money available for housing. Several major newspapers and other news media carried statements of this nature.

Apparently, these claims appalled even Secretary Romney and in Sunday's Washington Post, he was quoted as conceding that the interest rate increases "would mean a reduction in the number of homes built."

Secretary Romney's belated statement is, of course, correct—the interest rate increase will reduce homebuilding. And the reductions will come first for the people who need housing the most—the low-income and moderate-income families.

Mr. Speaker, the use of high interest rates to stimulate the purchase of FHA and VA mortgages has been disproved time and time again. And it is extremely unfortunate that Secretary Romney fell for this gimmick. Once again, there has been talk that the interest rate increase will diminish the number of discount points charged on VA and FHA home mortgages.

Here, again, we know that high interest rates will not remove these points. What happens, invariably, is that the points decline temporarily and then quickly move back up to their previous levels. So what we end up with are high interest rates and high discount points.

Secretary Romney's ill-advised action undoubtedly will also bring up conventional home mortgage rates. In fact, Secretary Romney raised the FHA rate more than three-quarters of 1 percent above the going nationwide average for conventional mortgages.

Figures released by the Federal Home Loan Bank Board on Friday—the same day as the Romney increase—showed that the conventional mortgage loans were going at 7.23 percent. In many cities, they were substantially below this figure.

Mr. Speaker, there are many strange aspects to this sudden decision to raise interest rates and I hope that Secretary Romney will have an early opportunity to give the Congress a full explanation.

Mr. Speaker, I issued a release on Saturday, January 25, which more fully explains my position on this latest increase in home mortgage rates. I place a copy of this release in the RECORD:

> WASHINGTON, D.C., January 25.—Chairman Wright Patman of the House Banking and Currency Committee today charged that the Nixon Administration had leveled a possibly fatal blow at low and moderate income housing by raising interest rates to 8% on fully-guaranteed FHA mortgages.
>
> "It is significant that the first major decision of the Nixon Administration is to raise interest rates for homeowners," Mr. Patman said. "It is regretable that Secretary of Housing and Urban Development, George Romney, who has been in office five days, did not investigate the nation's housing programs and needs before he took this drastic action."
>
> Mr. Patman said the country is now reaping the results of legislation which passed in the second session of the 90th Congress giving the Secretary of Housing and Urban Development discretionary power over interest rates on FHA mortgages.

"We now see what this authority means when it is in inexperienced hands and when it is carried out by an Administration heavily dominated by bankers and economists who follow high interest, tight money philosophies," Mr. Patman said. "It is obvious that the Congress must regain statutory control over these interest rates. It is shameful that the Congress gave away this power temporarily in the 90th Congress and left the American consumer unprotected."

Mr. Patman said the action by Secretary Romney is a direct slap at the newly-formed Presidential Commission on Mortgage Credit. Mr. Patman is a member of the Commission.

"The Commission has already met twice and is in the process of launching a comprehensive study into the question of mortgage credit and interest rates," he said. "Despite knowledge of this work, Secretary Romney has decided to jump the gun and slap this interest rate increase on the homeowner before the facts are assembled."

Mr. Patman said he was particularly disturbed by public statements claiming that an interest rate increase would result in more housing and that the so-called discount points would be eliminated.

"These are the oldest and the most fallacious arguments that could be used in support of this unnecessary interest rate increase," he charged. "There is absolutely no evidence that high interest rates bring more housing. It is a fact, undisputed by any housing economist, that interest rate increases price the lower income groups out of the housing market."

Mr. Patman said that a reduction in the "points" would be only temporary and "very slight at the best." "In past interest rate increases, the points have declined for a few months and then skyrocketed back to their high levels again. And this will happen again with the Nixon Administration's increase."

Mr. Patman said the implication by Secretary Romney that the 8% interest rate was needed because of money market conditions was totally inaccurate.

"Actually, Secretary Romney's 8% interest rate will place FHA mortgages substantially above conventional rates now existing throughout the country," he charged. Mr. Patman cited the latest release of the Federal Home Loan Bank Board which listed the effective interest rate on conventional mortgage loans at 7.23%—more than three-quarters of a per cent lower than Secretary Romney's 8% rate on FHA mortgages.

Mr. Patman cited city-by-city figures on conventional mortgages as listed by the Home Loan Bank Board: Atlanta, 7.48%; Baltimore, 6.94%; Boston, 6.83%; Chicago, 7.02%; Cleveland, 6.85%; Dallas, 7.60%; New York, 7.23%; and Philadelphia, 6.86%.

"Secretary Romney's decision, of course, will have the effect of pulling all of these conventional rates up as well as the FHA rate," the Banking and Currency Committee Chairman said.

Mr. Patman said that the increase, in addition to pricing low and moderate income people out of the housing market, would put a severe strain on funds available for the subsidized Federal housing programs for the poor.

Under many of the current low income housing programs, the Congress appropriates funds to subsidize all interest charges above one per cent. Under the new increase, the Congress will now be required to appropriate the difference between one per cent and eight per cent interest charged for housing constructed under these programs.

"There is only so much money available for these programs, and this new increase in interest rates will reduce substantially the number of housing units that can be built," he said. "In other words, the available funds will go for increased interest rates and not for additional units."

Mr. Patman said this latest increase means that there has been a rise of 25% in interest charges on FHA mortgages in less than a year. "A year ago, the FHA mortgage rate stood at 6½%, meaning that the average homeowner paid $126 a month on a $20,000 mortgage. Now, under this Romney increase, the homeowner will be paying 8% interest, or $146 a month on the same $20,000 mortgage—an increase of $20 a month.

SUPPLEMENTAL APPROPRIATIONS FOR NEEDED HOUSING PROGRAMS

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, there is no more urgent priority facing Congress than the crisis of housing and jobs in our cities. With the passage of the Housing and Urban Development Act of 1968, Congress showed signs of recognizing this crisis, but then Congress failed to provide full appropriations for the rent supplement program, the section 235 homeownership and section 236 rental assistance programs for lower income families, and the model cities and urban renewal program. If our cities are to be renewed, then adequate financial resources must be devoted to the task.

The Housing and Urban Development Act of 1968 proposed a goal for the next decade of the construction and rehabilitation of 6 million housing units for low- and moderate-income families. The 1968 act states:

> The Congress finds that the supply of the Nation's housing is not increasing rapidly enough to meet the national housing goal, established in the Housing Act of 1949, of the "realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family." The Congress reaffirms this national housing goal and determines that it can be substantially achieved within the next decade by the construction or rehabilitation of twenty-six million housing units, six million of these for low- and moderate-income families.

The President's National Advisory Commission on Civil Disorders also recommended the annual construction of 600,000 units of low- and moderate-income housing. Yet President Johnson in the first annual report on the Nation's housing goals had to modify the fiscal year 1969 and fiscal year 1970 production goals to reflect the fact that Congress did not appropriate the full authorization for fiscal year 1969.

Today some 7.8 million American families cannot afford to pay for decent, standard housing. The December 11, 1968, report of the President's Committee on Urban Housing points out that the private marketplace will not solve their housing problem:

> We concluded that new and foreseeable technological breakthroughs in housing production will not by themselves bring decent shelter within economic reach of the millions of house-poor families in the predictable future. To bridge the gap between the marketplace costs for standard housing and the price that lower-income families can afford to pay, appropriations of Federal subsidies are essential and must be substantially increased.

The task before us is clear. In the first year of the 10-year housing goal, we have already fallen behind. Therefore, I have introduced a number of supplemental appropriation bills to insure that for fiscal year 1969 the original budget requests are fulfilled, so that at least we can move steadily toward the goal of the 6 million units of new or rehabilitated housing in the next decade.

H.R. 4305, which I have introduced, would make a supplemental appropriation of $50 million for fiscal year 1969 to the Department of Housing and Urban Development to carry out the low-income rental and cooperative housing programs administered under section 236 of the 1968 Housing and Urban Development Act. The supplemental appropriation requested in my bill represents the difference between the amount authorized by Congress for fiscal year 1969—$75 million—and the amount appropriated—$25 million.

If the section 236 rental program were funded for this fiscal year at its full authorization level of $75 million, it should produce 99,000 to 120,000 units instead of 33,000 to 40,000 at a funding level of $25 million. The 1968 act envisioned a total of 720,000 units to be funded over the 3-year authorization period.

Section 236 assistance benefits reduce the market interest rate—which includes principal, interest, and cost of insurance premium—to an amount that would be required if the mortgage bore an interest rate of 1 percent. The tenant pays no more than 25 percent of his income per month for rent.

The President's National Advisory Commission on Civil Disorders called for a massive attack on slum housing and the establishment of an ownership supplement program to make homeownership possible for low-income families. Section 235 of the Housing and Urban Development Act of 1968 and my bill H.R. 51, the Cooperative Rehabilitation Act, will help to meet this need.

My bill, H.R. 4602, provides a supplemental appropriation for the section 235 homeownership for lower-income families program. The homeownership program enables lower-income families to achieve homeownership through subsidy payments based upon the difference between 20 percent of the homeowner's income and the monthly mortgage payment. The 3-year authorization for the section 235 program in the 1968 Housing and Urban Development Act proposed a production goal of 500,000 units. The 1968 Housing and Urban Development Act authorized $75 million for this program for fiscal year 1969, but Congress appropriated only $25 million. The difference between the authorization and the appropriation means that 33,000 rather than 100,000 units can be funded under this program for this fiscal year.

I have also introduced legislation (H.R. 3840) to provide supplemental appropriations for the rent supplement program for fiscal year 1969. Each year the rent supplement program has been starved for funds, and each year its supporters have had to fight valiantly to help it stay alive. The administration's fiscal year 1969 budget request was cut by over 50 percent from $65 million to $30 million. This drastic reduction has already had an effect on the operations of the program. Within the next 50 days the Department of Housing and Urban Development's authority to enter into contracts for annual rent supplement payments will have been exhausted. H.R. 3840 would increase the annual rent supplement payments which may be contracted for through fiscal year 1969 by $35 million. This $35 million increase in contract authority will produce 35,000 additional units of rent supplement housing and will help insure reaching the 10-year goal of 6 million housing units for persons of low and moderate income.

As yet, the rent supplement program has hardly made a dent in the critical need of our urban population for low-income housing. The program is the private sector complement to the low-rent housing program and allows private enterprise to take a direct hand in meeting the housing needs of our low-income population living in substandard housing. Under the program the tenant pays 25 percent of his monthly income for rent. The Federal Government pays an amount equal to the difference between 25 percent of the tenant's monthly income and the total monthly market rent. But if the rent supplement program is to gain more momentum in tackling the needs of low-income housing, it must have the $35 million increase in contract authorization for fiscal year 1969.

Another bill, H.R. 602, would remove the existing dollar limit on the amount of annual contributions which may be contracted for by the Department of Housing and Urban Development to assist rental public housing. The Housing and Urban Development Act of 1968 proposed a production goal of 375,000 units over a period of 3 years. Given the great need as reflected in large waiting lists such as in New York City where 135,000 applications for public housing are pending, this production goal is not sufficient.

Although rent supplements and interest reduction payments are imaginative and important programs, the fact is that public housing remains the only effective way to reach low-income families in our larger cities. The Department of Housing and Urban Development should gauge the public housing program not by a statutory contract authority limitation but by generated demand for the program and the number of applications received. Through fiscal year 1969, HUD has contract authority to make annual contributions payments in the amount of $654.25 million and $804.5 million through fiscal year 1970. However, the annual contributions payments through the current fiscal year will actually amount to $366 million—$350 million already appropriated for fiscal year 1969 plus $16 million supplemental requested by President Johnson—which represents a cumulative total of 755,564 units under annual contributions payments in the public housing program. It is to be noted that the Housing Act of 1949 called for the construction of 810,000 units of public housing over 6 years.

The vast discrepancy between contract authorization and actual contributions shows how the low income public housing program has failed thousands of low-income persons who live in substandard housing. Congress should immediately express to the Department of Housing and Urban Development its dissatisfaction with the progress of the public housing program. Past experience raises a serious question as to whether or not the public housing program can deliver its share of the 10-year national goals for low- and moderate-income housing. In fiscal year 1969 it is estimated that at most only 75,000 additional units of public housing will actually be completed throughout the country. This is totally inadequate, especially in view of the fact that Congress has provided the necessary contract authority.

I have also introduced legislation to increase the amount of appropriations for the urban renewal program, both in model city neighborhoods and the overall program. H.R. 4603 would increase the appropriations for urban renewal in the model cities program for use in fiscal year 1969 from $312.5 million to $350 million. H.R. 4604 would increase the appropriations for the urban renewal program, appropriated in the Independent Offices and Department of Housing and Urban Development Appropriations Act of 1968, to be utilized in fiscal year 1970 from $750 million to the full authorization level of $1.4 billion.

The supplemental appropriation of $650 million for use in fiscal year 1970, which would cover urban renewal projects, demonstration programs, code enforcement programs, demolition grants, relocation grants, community renewal programs, and the neighborhood development program is necessary to meet the existing and prospective demands for urban renewal assistance throughout the country. Presently, there is a large backlog of applications which must be funded to renew our cities, rid them of slums and blighting influences, and serve to meet the 10-year national housing goals. One of the priorities upon which HUD approves urban renewal applications is that projects conserve and expand the housing supply for low- and moderate-income families. Furthermore, the 1968 Housing and Urban Development Act requires that a majority of units in future residentially redeveloped projects must be for low- and moderate-income families and persons, with 20 percent specifically earmarked for low-income persons. The urban renewal program, therefore, is an essential part of the 1968 act's goal of a decent and safe dwelling unit for every American by 1978. The average construction of new units in urban renewal projects has averaged 92,123 units for the past 5 years and 173,403 units on the average have been committed annually. These figures should increase substantially in the next 2 to 3 years, due to recent congressional and administrative stipulations.

As one of the essential components of the model cities program is a "substantial increase in the supply of standard housing of low and moderate cost," as well as "the maximum opportunities for employing residents of the area in all phases of the program and enlarged opportunities for work and training," the supplemental funds for model cities will help to insure jobs in housing as well as to increase the supply of low- and moderate-income housing to meet the national housing goal.

Another aspect of my housing package is H.R. 49—and H.R. 4308, an identical bill with cosponsors—to authorize assistance under the section 236 program and the rent supplement program to qualified rental and cooperative housing projects financed with aid under State and local programs even though construction or rehabilitation was completed prior to approval for such assistance. The purpose is to provide relief to State and local programs which have recently been severely undercut by spiraling interest rates. Higher interest rates for such projects result in increased rents for publicly assisted middle-income housing programs such as in New York City where Mitchell-Lama project rents and operating costs have risen steadily and are forcing middle-income families to move out of the central city. This bill would also assist in the provision of additional units to meet the national goal because it would cost the Federal Government less to subsidize the interest rate on a Mitchell-Lama housing project down to 1 percent than to subsidize a privately financed project down to an interest rate of 1 percent.

I have also joined in cosponsoring with Congressman CONYERS the Full Opportunity Act, H.R. 3338, which provides that:

> The Federal government must annually for the next ten years assist the financing of an additional one million housing units for low and moderate-income families in order that every American family will have the opportunity to obtain adequate housing.

Annually, for 10 years, this act provides for 300,000 additional public housing units, 200,000 additional units under the rent supplement program, 150,000 additional units of section 236 housing, 100,000 additional units of section 235 homeownership housing, and 150,000 additional rehabilitated housing units, and other housing tools. The Full Opportunity Act would also provide for HUD to make grants or loans for financial and technical assistance to sponsors of low- and moderate-income housing and eliminates the ability of local communities to prevent rent supplement and 221(d)(3) housing by not adopting a workable program for community improvement.

The legislation which I have introduced, providing supplemental appropriations for this fiscal year for section 235, section 236, rent supplements, and urban renewal and the related legislation for increased production of low- and moderate-income housing through public housing, extension of section 236 and rent supplement benefits to State and locally financed housing, and the Full Opportunity Act, is urgently needed. With the passage of the 1968 Housing and Urban Development Act committing this country to the 10-year goal of 6 million units of additional low- and moderate-income housing, the 90th Congress must take the necessary steps to ensure that this goal does not remain an empty promise but becomes an actuality.

Legislation to increase the appropriations for housing programs in this fiscal year not only will increase the volume of low- and moderate-income housing but also provide opportunities for new jobs for minority residents in the constructions of such housing. A massive housing program combined with job-creation program has been urged by the National Committee for a Confrontation with Congress, a grassroots group in New York City, which has called upon the Congress to extend to the ghetto the same concern for housing that Congress did 20 years ago when it promoted the suburban housing boom through FHA and VA loan programs.

In the 90th Congress I was cosponsor of legislation called the Jobs-in-Housing Act of 1968, which recognized the value to be derived from creating tens of thousands of new well-paying construction jobs while at the same time rebuilding our central cities. Recognizing the explicit connection between more jobs and more housing, the National Committee for a Confrontation with Congress spent many hours with Members of Congress promoting jobs-in-housing and succeeded in their efforts by having Congress adopt section 3 of the Housing and Urban Development Act of 1968. This jobs-in-housing provision will be of enormous benefit to low and moderate income urban residents, for it applies to the supplemental appropriation bills I have introduced for sections 235 and 236, public housing and rent supplements. Section 3 states:

> The Secretary of Housing and Urban Development shall require, in consultation with the Secretary of Labor, that to the greatest extent feasible opportunities for training and employment arising in connection with the planning, construction, rehabilitation, and operation of housing assisted under such programs be given to lower income persons residing in the area of such housing.

Supplemental appropriations will provide expanded opportunities to minority groups and contractors in the planning and construction of low- and moderate-income housing. The lack of jobs and slum housing are two interlocked manifestations of poverty. The unemployed, who are seeking, not handouts, but decently paid jobs, could be employed in the very task of rebuilding their neighborhoods.

Another bill, H.R. 649, is also related to the question of jobs and housing. It deals with the problem of minority group contractors who are unable to obtain bonding. It would authorize the Small Business Administration to indemnify corporate sureties on bonds covering contracts of sound small business concerns and would help minority contractors to satisfy certain legal requirements in order to participate in the construction of low- and moderate-income housing—thus providing job opportunities and minority entrepreneurship in the housing area.

In the last Congress I drafted and introduced the Cooperative Rehabilitation Act—H.R. 51 of the 91st Congress—which would make it possible for low income tenants to acquire and rehabilitate buildings, turning them into cooperatives.

It is the duty and responsibility of this Congress to insure that the Housing and Urban Development Act of 1968, unlike its predecessors, achieves the goal first set forth in the Housing Act of 1949—"the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family." It has been over 20 years since Congress stated that goal. It is now time for Congress finally to fulfill that promise and free millions of ill-housed Americans from the evils of slum housing.

APPROVAL OF PRESIDENT'S ACTION IN AIRLINE CASES

(Mr. FLYNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FLYNT. Mr. Speaker, I wish to express my strong approval of the action taken by President Nixon in rescinding the order of the Civil Aeronautics Board in the transpacific route cases.

While it has been true in the past that international route cases have been decided near the end of an administration, no decision has ever been surrounded by so many reports, rumors, charges, and countercharges as have filled the air and the press following the announcement of the decision in the transpacific route case.

Some of these reports and charges were so serious that they could not be ignored. The only effective and appropriate way that the more serious of these charges could be proved or disproved was by the action which President Nixon took on January 24, 1969.

Many air carriers had filed administrative requests for reconsideration. They included successful and unsuccessful applicants for transpacific routes, so that the demands for reconsideration were not based solely on disappointment with the awards.

Many Members of Congress, Democrats and Republicans alike, and possibly about equal numerically, submitted formal requests to the President to recall and review the transpacific decision. This demonstrates that the congressional interest in this matter was bipartisan.

The President's action was one with which no one can find fault. The air carrier industry and the users of commercial aviation should applaud the courage and forthrightness which President Nixon displayed in this matter.

No harm can come from the action with which President Nixon recalled and rescinded the transpacific order. It precludes nothing. If the order and decision were properly arrived at, both can be reinstated. If they were improperly arrived at, they can be corrected.

This was probably the single most significant action taken by the President of the United States during his first week in office. It was an appropriate one and one which meets with near universal approval of all Americans.

FIX AND UPDATE U.S. INCOME TAX

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include an editorial.)

Mr. FEIGHAN. Mr. Speaker, a very timely and thought provoking editorial appeared in the Cleveland Plain Dealer on Thursday, January 23, 1969. I have sent a copy of this editorial, entitled "Fix and Update U.S. Income Tax," to the distinguished chairman of the Ways and Means Committee for consideration by him and the members of the committee. This editorial is well worthy of the reading and consideration of other Members of the House:

Fix and Update U.S. Income Tax

There are at least two things drastically wrong with the federal income tax. This Congress should correct them.

First: Loopholes and allowances are open to oil well owners and to some million-dollar-a-year men. But the common man with his common income cannot find and use those dodges.

Second: The old income tax return is as out of date as Aunt Ellas's antimacassars. There has been a massive upward march of incomes and prices, but the $1,000 ceiling on standard deductions and the $600 personal exemption have stood still.

In 1950 almost every taxpayer could use the simple 10% standard deduction. It made filling out an income tax return simple.

But in those days 94% of all families, approximately, earned less than $10,000. So the $1,000 ceiling affected only 6% of the families.

Today about one-fourth of all families are up to $10,000. What's more, a much larger part of family income today has to be spent on deductibles. The average home's real estate taxes and mortgage interest in Cleveland very nearly reach the $1,000 mark, and rising hospitalization, charities and union dues compel the rank and file taxpayer to sweat through itemizing his deductions.

The $600 personal exemption, once related to food, clothes and housing cost, is now below federal poverty standards for any average urban family.

On the opposite end, many congressmen have rapped at wealthy individuals and corporations which pour their investment money into tax-free municipal and government bonds.

They have also questioned the fairness of tax exempt philanthropic foundations, which a wealthy patriarch can use to dodge inheritance taxes, and as a sanctuary for securities intended for his heirs.

Every special loophole for some clubby little group should be peered into and probably plugged. And for the ordinary man, surely a more up-to-date set of rules and a simpler tax form would win Congress a host of friends.

THE "PUEBLO" INQUIRY

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record.)

Mr. SIKES. Mr. Speaker, no one is on trial for the *Pueblo* incident, but the inquiry now being conducted by the Navy has convinced a great many people that the *Pueblo*'s captain and crew actually are being tried. There are many unanswered questions about the *Pueblo* incident, and the whole subject is a touchy one. The United States lost enormous prestige when the ship was surrendered and the crew not released for nearly a year. The method in which their release was obtained was salt in an open wound.

The fact that the *Pueblo*'s crew is back is, of course, a source of great satisfaction. But the indignities which were inflicted upon them, including the death of one, rankle in the minds of the American people. Now some very important questions which have long remained unanswered are coming to the surface. The *Pueblo* carried no self-destruct mechanisms to protect highly advanced communications equipment and codes. When the ship was surrendered, all of this fell into Russian hands via the North Koreans. It has been assumed that our information-gathering electronic equipment is more advanced than that of the Russians. Whether or not that is true, they now know everything we know in this field.

Of major importance is the fact that the U.S. Government still has taken no productive action to obtain the return of the ship and its equipment or reimbursement for the ship and to obtain indemnity for the death, wounds, and suffering of the crew and their families.

No one has satisfactorily explained the failure to send help to the *Pueblo* before she actually fell into Communist hands. The *Pueblo* case is not one which can be swept under the rug and forgotten. Congress will want to take a hand in bringing all the facts to the surface before blame is fixed for the loss of the *Pueblo* and the indignities to its crew. Appropriate steps also must be taken to insure there will be no repetition of a situation where an American ship is left defenseless in any waters. It is equally essential that proper equipment be installed to insure that communications vessels be fully equipped with destructive devices for the protection of classified materials and equipment.

Proud American traditions are at stake. We do not beg our way out of trouble.

EDITORIAL COMMENDS SPEAKER CHOICE

(Mr. JONES of Alabama asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include an editorial.)

Mr. JONES of Alabama. Mr. Speaker, the House of Representatives has been commended by an editorial printed in the Decatur, Ala., Daily for the selection of the Honorable JOHN W. MCCORMACK as Speaker for the 91st Congress.

For years, the editor and publisher of the Decatur Daily, Mr. Barrett Shelton, Sr., has been associated with progress and growth of the thriving Tennessee Valley area through his newspaper and in his personal civic endeavors.

I am pleased to associate myself with the editorial comments about Speaker MCCORMACK and I include the editorial at this point in my remarks so that all of my colleagues can share these thoughts:

MR. MCCORMACK WILL BE REMEMBERED AS GREAT

The House of Representatives made an admirable choice in the selection of the Honorable John W. McCormack of Massachusetts as Speaker for the 91st Congress.

Speaker McCormack, through his many years of service to the nation, has established an enviable record for fair play and consideration of all the divergent issues which meet in the Congress.

On the occasion of his recent election to the speakership, rare tribute was paid to him by the Honorable Gerald R. Ford, the minority leader. Mr. Ford was the Republican candidate for the speakership. After the election, Congressman Ford told of his regrets at losing and said, "But, it is an even sterner test of statesmanship and character to be magnanimous and gracious in victory—and for whatever comfort and consolation it may be to any of my colleagues I can testify that the distinguished gentleman from Massachusetts has always been magnanimous and gracious to me—every time I have tried to take his gavel from him in the American political arena."

Our nation faces many tasks of considerable complexity as we lay the groundwork to meet the technological demands and requirements of the 21st Century. No one is more dedicated to this task than Speaker McCormack. He has proved this with his leadership of the Congress in recent years when unparalleled amounts of new legislation have been formulated to serve the people of this country.

His open and friendly manner and his willingness to counsel and advise have made him a legend in his own time among members of the Congress. He is the very embodiment of all that is great about our representative form of government.

The story is told that Speaker McCormack once confided in a fellow member that "rather than being known as a great man, I would prefer to be known as a good man, if I had a choice."

In our opinion, Speaker McCormack will have his wish. He will be known as a good man, and he will be known as one of the great speakers of all times.

NATIONAL PRIORITIES AND THE NATIONAL BUDGET

(Mr. BROWN of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROWN of California. Mr. Speaker, over the past year or so, the term "national priorities" has taken on new popularity here in Washington. Pressing social problems, demands for maintaining a costly military operation in Southeast Asia, exploration and exploitation of natural resources, the thrust toward placing men on the moon—the argument goes that all programs, all issues, must be put into some broad perspective, then evaluated according to a prejudged order of priority.

Of course, what we term "national priorities" today is, in reality, nothing other than that old debate of guns and butter—the tradeoffs between sets of competing needs. The theory itself is simple and blunt: given limited resources, what must be sacrificed to reach a chosen objective?

President Johnson's recent budget message spotlights the new attention given "priorities." According to the President, "the composition of the budget reveals much about the Nation's priorities."

To gage by the budget he presented Congress, if Mr. Johnson's statement is indeed true, I feel that the Nation is continuing to head down a tragic, extremely costly path. I do not concur that America's paramount national goal should be one of further military buildup, of an increase in military hardware, and of the pursuit of a debilitating, wasteful war in Southeast Asia.

If there is one thing that President Johnson's budget does not reflect, it is a real ordering of priorities. The budget may show priorities, but they are priorities of power, not priorities of need.

Unfortunately, as much as President Johnson hopes his budget represents an accurate presentation of national priorities, I think that he is wrong. Priorities ranked on the basis of lobby or monetary strength of special interests always get distorted. It has become a cliche to note that poor people—both here in America and abroad—carry less clout with Congress than do powerful industrial and military blocs, but that cliche holds as a good rationale behind the "priorities" of the fiscal 1970 budget.

For example, what concept of priority can make rational the assignment by the General Accounting Office of only five auditors for over $40 billion of military negotiated contracts while, at the same time, putting between 70 and 80 auditors at work analyzing poverty programs.

In a true sense, the budget does not adhere to the very meaning of priorities. Instead of rating programs by individual merit, they are lumped together under functional headings, so that it becomes impossible to carry on any across-the-board analysis. Congress' experience last year in the expenditure control controversy bears testimony to this fact. Many vulnerable and sensitive programs—mainly in the poverty and urban areas—got sliced disproportionately to older, more established, but also often less valuable programs. In the end, I am sure we shall see Congress finding it necessary to go right back into the very areas it cut drastically, and often to revive discontinued programs and to get them underway again, with resultant total costs that are more than were saved by the original cutbacks.

The fiscal 1970 budget is the second budget document prepared in accordance with recommendations by the President's Commission on Budget Concepts—which was headed by the incoming Treasury Secretary, David M. Kennedy. The new unified accounting system has certainly contributed to better understanding of the total budget. But, in content, the budget remains little more than a confusing catalog of hundreds of programs which differ significantly in value.

I suggest that either Congress or the new administration give deep thought to the problem of offering a national budget which will present a true ordering of "national priorities"—a budget which will take into account the question of evaluating alternative budget strategies. Such a budget would show long-range and short-term benefits and costs associated with various program mixes.

Congress would be greatly assisted by a priority based budget. For example, at midyear we will be faced with the income tax surcharge issue once again. Already, the Budget Bureau and the Council of Economic Advisers have constructed a series of projections depicting different outcomes relative to passage of the surtax. These scenarios indicate that if the surtax is not extended, and war costs run at current levels, we will be in for continuing inflationary pressures and a budget deficit. However, surtax extension would lead to a budget surplus, and inflation would be stymied.

These scenarios sound simple. They are simple. They also are misleading. Much fundamental analysis is not present. During last year's tax debate, I voted against the surcharge because I felt it to be the major finance mechanism for the Vietnam military operations. This year, I will vote against extension on the same grounds.

The Johnson administration succeeded in convincing Congress it was possible to have both more guns and more butter. Nevertheless, resources are limited, and we only fool ourselves if we think we can get everything we want without paying a dear price.

Last year's price was expenditure controls. What will this year's price be? Will it be stricter expenditure control—control applied to most programs while at the same time defense costs keep spiraling up?

The question should not be how large a budget deficit and how much inflation we are willing to accept in lieu of surtax extension. Instead, we should inquire what is the real cost of higher and higher defense allocations—in terms of inflation from resource dislocations, in lower economic growth, in unemployment, in foregone education and training, in balance-of-payments deficits, in poor housing and medical care, in festering cities, in a polluted environment.

The fiscal 1970 budget is barely below the $200 billion level. It took the Nation from 1786 until 1962 to reach the $100 billion budget, but it's only taken us since 1962 to get from $100 billion to $200 billion. And, the national defense budget requested for fiscal 1970 is larger itself than were total budget expenditures in fiscal 1957.

This appetite of the military which literally ingests all incremental budget funds does not appear to be diminishing. During the past 3 years, rising Vietnam costs have cut into two other defense areas—inventories and research and development. Now, with Vietnam expenditures settling down, overall military outlays, other than in Southeast Asia, will climb $4.1 billion, and budget requests for inventory and research and development are mounting, with the estimated rise in research funds of nearly $1 billion.

No sensible person argues against a reasonable national defense posture for this country. But little justification exists for the burgeoning size of our military budget. Indeed, there is good evidence that major reductions in the defense budget could be made, and, in the end, we would have an even more effective national defense system. Without doubt we would have a vastly increased national security, for additional weaponry frequently decreases security.

Last summer, Congressional Quarterly reported that approximately $10.8 billion could be cut from the defense budget "while retaining or even improving the current level of the Nation's defense." None of the Congressional Quarterly recommended cutbacks directly involved Vietnam operations; on the other hand, most of the areas where reductions were called for already presented 'significant question marks for many policymakers.

It was probably too much to hope that defense planners would have looked seriously at the Congressional Quarterly report before drawing up the fiscal 1970 budget requests. If they did, it does not show in their new spending proposals. When the budget came out, I made my own comparison between the Congressional Quarterly recommendations and proposed budget outlays for 1970. The results, tabulated in the following chart, indicate that in the areas that Congressional Quarterly noted that reductions of $10.8 billion could be achieved, the new budget asks for a net increase of over $1.7 billion:

[In millions of dollars]

Item	CQ recommended cut	Fiscal 1970 budget change
Anti-ballistic-missile system	2,950	[1] +1,000
Bomber defense system		
Surface-to-air missiles		
Manpower:		
Army	2,200	+200
Navy	900	−400
Air Force	675	+12
Marines	400	+400
Total	4,175	+212
Tactical aircraft:		
Army	510	+309
Navy	635	+85
Air Force	700	−56
Total	1,845	+338
Antisub carrier forces	400	−40
Attack carrier forces	360	+380
Fast deployment logistic ships	500	−137
Manned Orbiting Laboratory	600	−17
Total	10,800	+1,736

[1] Approximately.

When the Congressional Quarterly report was published last year, I argued that even the $10.8 billion cut was conservative, and that a total approaching $20 billion could be sliced from the defense budget without sacrificing military efficiency. I remain firm in that belief, and I will act accordingly.

Additional analysis substantiating the Congressional Quarterly report was brought forth yesterday in an article by Bernard D. Nossiter for the Washington Post. Nossiter tells of a clandestine study which showed utterly dismaying performance in recent military weapons systems—systems which cost over $40 billion during the past 15 years. The story follows:

WEAPONS SYSTEMS: A STORY OF FAILURE

(By Bernard D. Nossiter)

The complex electronic gadgetry at the heart of new warplanes and missiles generally works only a fraction of the time that its builders had promised.

The performance of the multi-billion-dollar weapons systems started in the 1950's was bad; those of the 1960's are worse.

The Pentagon appears to be giving the highest profits to the poorer performers in the aerospace industry.

These are the conclusions of an abstruse 41-page paper now circulating in Government and academic circles. The document, a copy of which has been made available to the Washington Post, is believed to be the first systematic effort to measure how well or ill the Pentagon's expensive weapons perform.

Its author is a key Government official with access to secret data and responsibility for examining the costs of the Pentagon's complex ventures. He and his agency cannot be identified here.

His paper, entitled "Improving the Acquisition Process for High Risk Military Electronics Systems," aims at bringing down the costs and bettering the dismal performance of weapons. It does not discuss a question that might occur to others: if these weapons behave so badly, why is the money being spent at all?

For security reasons, many of the planes and missiles examined are not identified by name.

The paper first examined 13 major aircraft and missile programs, all with "sophisticated" electronic systems, built for the Air Force and the Navy beginning in 1955, at a cost of $40 billion.

Of the 13, only four, costing $3 billion, could be relied upon to perform at more than 75 per cent of their specifications. Five others, costing $13 billion, were rated as "poor" performers, breaking down 25 per cent more often than promised or worse. Two more systems, costing $10 billion, were dropped within three years because of "low reliability." The last two, the B–70 bomber and the Skybolt missile, worked so badly they were canceled outright after an outlay of $2 billion.

LOSES FURTHER LUSTER

The paper sums up: "Less than 40 per cent of the effort produced systems with acceptable electronic performance—an uninspiring record that loses further luster when cost overruns and schedule delays are also evaluated."

The paper measures "reliability" in this context: The electronic core of a modern plane or missile consists essentially of three devices. One is a computer that is supposed to improve the navigation and automatically control the fire of the vehicle's weapons and explosives. Another is a radar that spots enemy planes and targets. The third is a gyroscope that keeps the plane or missile on a steady course.

When the Pentagon buys a new gadget, its contract with the aerospace company calls for a specified "mean time between failure of the electronic system." In lay language, this is the average number of continuous hours that the systems will work.

In a hypothetical contract for a new jet bomber, Universal Avionics will sell the Air Force on its new * * * by promising that the three crucial electronic elements will operate continuously for at least 50 hours without a breakdown, in the reliability measures used in the paper described here, the plane is said to meet 100 per cent of the performance standards, if, in fact, its gadgetry did run 50 consecutive hours. However, if a key element breaks down every twelve and a half hours, it gets a rate of 25 per cent; every 25 hours, 50 per cent and so on. Should a system operate with a breakdown interval of 62.5 hours—a phenomenon that happens rarely—its reliability is rated at 125 per cent.

TEST FOR THE PILOT

Quite obviously, the more frequent the breakdown, the more the pilot of a plane has to rely on his wit and imagination to navigate, find targets and fly a steady course. Over-frequent breakdowns in a missile can render it worthless as an instrument of destruction.

Curiously enough, as the paper demonstrates, the Pentagon and the aerospace industry apparently learned * * * the systems of the 1960s are even worse.

The document first looks at the performance record of the electronic systems in 12 important programs begun in the 1950s. As the accompanying chart shows, all but four missiles can be identified by name without breaching security.

Of the 12, only five perform up to standard or better; one breaks down 25 per cent more frequently than promised; four fall twice as often and two break down four times as frequently as the specifications allow.

The document discusses some of the good and bad performers in this group. It observes that the F–102, the Delta wing interceptor for the Air Defense Command, was bedevilled by an unsatisfactory fire control system. Its first had to be replaced; the next was also unsatisfactory, and an extensive, two-year program to modify the device was then undertaken.

SIDEWINDER DID WELL

In contrast, the Sidewinder, a heat sensing missile, performed very well. The study attributes this to the fact that the missile was developed a leisurely fashion, without a "crash" schedule, and that several contractors were brought in to compete for key components.

The paper next examines eleven principal systems of the 1960s. These cannot be identified beyond a letter designation.

Thus, in the chart, A1 is the first version of a plane or missile; A2 is the second version, possibly one for a sister service; A3 is the third version and so on. B1 is the first version of an entirely different system; so are C1, D1 and E1.

To make the best possible case for the Pentagon and its contractors, this survey does not include two systems costing $2 billion that performed so badly they were killed off. The eleven systems of the 1960s evaluated here account for more than half of those begun in the most recent decade and their electronic hearts cost well in excess of $100 million each.

Of the eleven systems, only two perform to standard. One breaks down 25 per cent more rapidly than promised; two break down twice as fast and six, four time as fast.

As a group, the eleven average a breakdown more than twice as fast as the specifications demand. Oddly enough, the first version of the system designated as "A" met the standard. But the same unidentified contractor produced three succeeding versions that fail on the average more than three times as often as they should. All these successors, the paper observes, were ordered on a "pressure cooker" basis, on crash schedules.

HIGHEST REWARDS

The paper also examines the relationship between contractors' profits and performance, and suggests that, contrary to what might be expected, some of the most inefficient firms doing business with the Pentagon earn the highest rewards.

The second chart looks at profits, aftertax returns as a percentage of investment, the only valid basis for determining profitability, for the ten years from 1957 through 1966. During the decade, the aerospace firms managed to earn consistently more than American industry as a whole, piling up nine dollars (or billions of dollars) in profits for every eight garnered by companies not doing business with the Pentagon.

Even more peculiar is the brilliant earnings record of two of the biggest contractors, North American and General Dynamics. Both except for a brief period when General Dynamics tried its hand at some civilian business, made profits far above the industrial average and generally in excess of their colleagues in aerospace.

During the ten years, North American did all but two per cent of its business with the Government. The study reports that it produced one highly successful plane in the mid-50s, another system that met performance specifications, one that was canceled and four that broke down four times as frequently as promised. Nevertheless, the company's profits were 40 per cent above those of the aerospace industry and 50 per cent above the average for all industries.

NONE MEASURES UP

General Dynamics had, as the chart shows, a much more uneven profits record. But its years of disaster and even losses were those when it ventured into the economically colder climate of the civilian world to produce a commercial jet airliner. Having learned its lesson, it retreated to the warmer regions of defense procurement and, in recent years, has netted more than the industry average. It has compiled this happy earnings score, the study observes, despite the fact that none of the seven weapons systems it built for the Pentagon "measured up to expectations." Its most notorious failure is the F–111 swing-wing fighter-bomber.

As a final touch, the study notes that complex electronic systems typically cost 200 to 300 per cent more than the Pentagon expects and generally are turned out two years later than promised. But both of these phenomena have been examined so frequently by specialists in the field that the paper does not dwell on them.

HOW MUCH PROTECTION?

These findings raise some serious questions. Perhaps the most important is how much protection the United States is getting for the tens of billions of dollars invested in expensive weaponry. Another is whether the whole process should be turned off and improvements made in the existing devices. Secretaries of Defense have repeatedly assured the Nation that present weaponry guarantees the destruction of any Nation that attacks the United States.

The document under study here, however, takes a different line, one aimed at getting less costly weapons that measure up to the promised performance.

It blames the dismal record on several factors. One is the relentless search for newer and more complicated electronic "systems." The aerospace contractor has an obvious vested interest in promoting "breakthrough" gadgetry. This is the way he gets new, and clearly profitable business.

CLOSE CORRELATION SHOWN

But the study asks, do the services need it? Since the Air Force and the Navy almost always accept a plane or a missile that performs at a fraction of its promised standard, it would appear from an exclusively military standpoint that a device of a much lower order of performance fits the Nation's defense needs.

The document also shows a close correlation between "crash" programs and poor performance. Thus, it proposes more realistic schedules. If a weapon is wanted in short order, five years or less, the study recommends that its electronic gadgetry be limited to familiar items.

If the Pentagon wants something that makes a "technical breakthrough," it should allow a minimum development period of five to seven years, it is pointed out.

Another factor in poor performance, the study says, is the absence of competition for new systems after the initial designs are accepted. Typically, the Pentagon requires five or so aerospace firms to bid on its original proposal. But typically, it selects one winner on the basis of blueprint papers. The study says that the military could save more money and get a better product if it financed two competitors to build prototypes after the design stage. Such a technique was followed, it recalls, with the F–4, a supersonic Navy interceptor. Even though the F–4 employed both a new radar and a new computer, it performed up to the promised standard.

At first glance, such a technique might seem like throwing good money after dubious dollars. But the study contends that if two aerospace competitors are forced to build and fly prototypes before they win the big prize—the contract to produce a series of planes or missiles—they will be under a genuine incentive to be efficient, hold costs down and make things that work.

Mr. Speaker, recent economic performance indicates the rashness of attempting to achieve simultaneously more guns and more butter. Real growth has been rising, but at a decreasing rate. Unprecedented prosperity is rapidly being eroded by spiraling inflation. And the price for easing inflationary pressures is that of an increase in unemployment—an increase primarily felt by low income, marginal workers. Hobart Rowen vividly illustrates the current situation in his column published in the January 19, 1969, Washington Post, which follows:

Nuclear Arms Race

(By Hobart Rowen)

With this year's Budget document and Economic Report, an era comes to an end. This was the period of the "New Economics," dominated by reliance on fiscal policy—that is, changes in tax and expenditure programs to offset ups and downs in the private economy.

It was the era of Walter Heller and David Bell, Kermit Gordon and Charles Schultze, Gardner Ackley and James Tobin, Arthur Okun and Charles Zwick.

In their eight years, as Okun's swan song Economic Report said this week, there has been an "unparalleled prosperity." But it is a record tainted, as the Report concedes, by continuing poverty for 22 million persons, and an uncomfortable inflation for all.

The grand design of the New Economics came apart at the seams in 1965, when Mr. Johnson decided that he could fight a major war in Southeast Asia without raising taxes.

It couldn't be done, as almost all of his own advisers told him. But LBJ's 1965 insistence (amended much too late) that the U.S. could have "guns and butter" is at the root of the present-day inflation. Mr. Johnson's bitter denunciation of Congress as the villain is a transparent attempt to re-write history.

The mistakes of 1965 are behind us. But there may be in the making a parallel and equally portentous decision—and this one has been shielded by the tiny surpluses shown in the 1969 and 1970 budget projections.

In summary, President Johnson has substantially quickened the pace of the nuclear arms race in his new Budget, but it hasn't gotten through to the public because spending for Vietnam shows a reduction for the first time.

The over-all Pentagon budget, therefore, is only fractionally increased. But within the grand total, non-Vietnam spending programs are up by $4 billion, a good part of the increase being for the Poseidon—the sophisticated missile that can carry up to 10 hydrogen bombs, each of which can be ticketed for a separate city, and for the Sentinel antiballistic missile system.

Still another "strategic" weapons increase stems from the Johnson Administration decision to let the Navy embark on construction of a whole new class of nuclear attack submarines, a multi-billion plunge spread over the next several years. This puts the Nation on the track to more than 100 nuclear attack subs.

The implication of all this, it seems to me, is clear. All of the nice theorizing by the Post-War Planning Committee (as published in the Economic Report) on what to do with the money saved on Vietnam is a fruitless exercise if the Pentagon gobbles all of it up.

Former Budget Director Charles L. Schultze warned in a Washington Post article January 12 that this might happen in a Nixon Administration. What the Johnson Budget suggests, I believe, is that the pressure from the military to "make up" for the budget program it "loses" at the Vietnam peace table has already begun.

It would probably be over-stating it to say that the Johnson budget bureau had let the military budget slip out of its control. But this could happen in the next round.

Coming up for discussion early in the Nixon Administration will be vastly stepped-up ABM expenditures; a manned bomber program; an undersea launch program; and a brand-new advanced nuclear missile. The Navy shipbuilding program, already putting enormous pressure on shipyards, could balloon upwards.

During the closing stages of the campaign, Mr. Nixon made clear that he believed that our military forces had to be built up. Defense Secretary Melvin Laird has more recently echoed this sentiment.

The economic implications are staggering. A new arms race (surely, the Russians will not be content to cut their weapon output while we boost ours) means either a continuance of high taxes to pay the freight (to prevent a repetition of the mid-1965 mistakes) or a continued neglect of the pressing problems of the cities. Or, an uncontrollable inflation.

Paul McCracken, as he moves into Arthur Okun's chair at CEA, and Robert Mayo, as he slides into Zwick's hot seat at the Budget Bureau, have their work cut out for them. I wish them a lot of luck, which they'll need.

Mr. Speaker, significant, far-reaching congressional attention is imperative to control the ever-expanding grasp of the military complex. I suggest immediate action in three specific areas:

First. The defense budget must undergo severe paring. Congressional Quarterly pointed out where more than $10 billion could be cut without impeding national security. In addition, there can be major reductions made in many of our graft-producing commitments to South Vietnam, in the overall military aid program, and in other controversial ventures such as the newest of our flying boondoggles, the C–5 supertransport.

Second. Current military practices need revision to eliminate undue profiteering and wastage by defense contractors. Again, a prime example is the C–5 which will probably end up costing around $5 billion—about twice as much as originally projected.

Two weeks ago, I joined my colleague the gentleman from Texas (Mr. GONZALEZ) in an effort to prevent future excess profiteering through a bill calling for expansion of Renegotiation Board activities and a resolution which would create a special committee to conduct an investigation and study of procurement and construction for the national defense and national space programs.

Third. Revised military manpower programs must be enacted. In his budget message, President Johnson requested that a fair and impartial random selective service be established. I agree with Mr. Johnson that Congress should move quickly to institute such a system. But I accept the improved system only as a stopgap. A shift in total manpower concepts is needed, and, once again, I will soon introduce legislation to provide for the early transition to a full voluntary military manpower procurement system.

Congressional examination of just the three areas I have mentioned will be of great value. National security and national priorities are highly interrelated. Danger exists when so-called defense demands engulf all other programs. Unfortunately, this has been too evident over the past 3 years. There is little inspiring in the new administration which causes me to think that improvement is imminent. And, yet, our dilemma, if left unchanged, will grow even more serious and tragic. The stakes in the arms race game are too high to let the situation fester. Security is not just an American problem, it is global, and the outcome of any current military expenditure decisions will have an effect on the entire human race.

IT IS TIME TO REVIEW THE INCOME TAX STRUCTURE

(Mr. FASCELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, most of the Federal income tax forms for reporting last year's incomes have now been delivered, and we taxpayers will soon have to face up to wrestling with the income tax rules and regulations, and with the complications of the tax return forms.

Over the past several years, as chairman of the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations, I have directed the subcommittee staff in various efforts to obtain simplification of income tax forms and procedures, with the twin objectives of making the tax collection process less expensive to the Government and, of equal importance, trying to make it easier for taxpayers to comply with the income tax laws.

The Internal Revenue Service has taken a real interest in these objectives, and some of its forms have been improved, as have some of its procedures. The big hurdle to greater simplification, however, is the fact that over the years there have been written into the income tax laws a great number of special deductions, credits, exclusions, exemptions, and preferential rates. The total of such special income tax treatment has complicated the income tax forms and procedures to the extent that they present severe difficulties to the average taxpayer.

They also result in harsh inequities in the sharing of the overall tax burden. In recent testimony before the Joint Economic Committee, then Secretary of the Treasury Joseph W. Barr very forcefully made that point. For example, he alluded to the fact that in 1967 there were 155 Federal income tax returns which reported adjusted gross incomes of over $200,000 but on which there was not one cent of Federal income tax due. Twenty-one of these showed incomes of over a million dollars each, and yet none paid any income tax. Tens of millions of middle-class families and individuals, however—those with incomes between $7,000 and $20,000—had to pay taxes based upon the full ordinary rate with no advantage from special tax benefits that have been written into the laws.

This middle-income group pays over one-half of the total individual income taxes that are collected, a highly disproportionate burden to that borne by many who should be in the upper brackets. The incongruous result is that this middle class of taxpayers bears its share of the full tax load, and then some. Their tax burden is increased because they must also contribute to the support of the upper-income groups who pay little or no taxes because of the preferences granted in the law. And on top of it all, the 10-percent surtax.

The inequities in the law, according to Secretary Barr, may bring about a middle-class revolt against income taxes—"not because of the amount of taxes they must pay but because certain provisions of the tax laws unfairly lighten the burdens of others who can afford to pay." He said that not only are they concerned; they are angered about the high-income recipients who escape their fair share of the income tax burden.

Most of the provisions which cause inequities were put into the law to achieve some social or economic objective; standing alone, each undoubtedly seemed to possess some special merit when it was adopted by the Congress. Too often, however, they have constituted "loopholes" through which those who are well able to carry their fair share of the tax burden have escaped doing so.

All of this points to the need for a careful study by the Congress of the whole income tax structure. Undoubtedly there are valid reasons for retaining some provisions which may seem to afford preferential treatment to some taxpayers, but they should be reexamined to make sure that that is the case. The primary goal in revising the laws should be fairness, with the accent on balancing the equities for all taxpayers across the board. A predicate for such a general review of tax laws has been laid in the work that has been done at the Treasury Department over the last 2 years on tax reform proposals. This would also be a wonderful opportunity to simplify all the paper work that has to be done in reporting incomes and in computing the taxes due.

An excellent summary of Secretary Barr's testimony appeared in the Wall Street Journal on January 20, 1969, which I am bringing to the attention of all Members by inserting in the RECORD at this point:

TREASURY CHIEF WARNS OF TAXPAYER REVOLT, CITES $50 BILLION A YEAR IN PREFERENCES

WASHINGTON.—Warning that a middle-class "taxpayer revolt" might lie ahead, Treasury Secretary Barr disclosed a department study singling out some $50 billion a year in tax preferences under current laws.

In stressing the immensity of revenue losses because of existing special tax benefits, Mr. Barr appeared to be seeking to stir support for the Treasury's forthcoming reform proposals as well as striving to stiffen resistance to the additional tax incentives promised by President-elect Richard Nixon.

Testifying before the Congressional Joint Economic Committee, Mr. Barr asserted the revolt "will come not from the poor, but from the tens of millions of middle-class families and individuals with incomes of $7,000 to $20,000." Such citizens are "angered," Mr. Barr said, about wealthier persons who "pay little or no Federal income taxes" because they can take better advantage of special legal provisions. The existence of the 10% income-tax surcharge, he added, has "made many taxpayers more aware of the inequities in our present tax system."

The extreme cases, Mr. Barr said, are indicated by the 155 tax returns in 1967 that showed incomes above $200,000 with no Federal income tax liability, including 21 from persons whose incomes exceeded $1 million each. Major reforms to improve the fairness and simplicity of the tax laws are needed, he argued, because "public confidence in our income-tax system is threatened."

STILL-SECRET PACKAGE

A proposal to assure that wealthy persons pay some tax even if all their income is from such tax-exempt sources as interest or municipal bonds is considered a likely part of the Treasury's still-secret package of reform ideas. Mr. Barr said an agreement had been worked out for the House Ways and Means Committee to obtain a copy of the reform study from Treasury Secretary-designate David M. Kennedy, and then to make the contents public, presumably within a week or two.

In the meantime, Mr. Barr released a study based on Assistant Treasury Secretary Stanley S. Surrey's concept of "tax expenditures," which is intended to show that deductions, exemptions and the like, which reduce revenue have the same impact on the Government's budget as a dollar of spending to achieve the same purpose. In some cases, Mr. Barr said, these tax expenditures surpass the amounts spent by the Government on related programs.

The most costly category of tax expenditures, the report showed, is in the health and welfare field, where estimated revenue losses of $19.5 billion would equal 36% of Federal spending planned in these areas for the fiscal year starting next July 1. Among the items included are $2.2 billion of revenue loss through permitting deductions for charitable contributions, $10 million through the extra exemption for blind persons, $3 billion through exclusion of private employers' pension contributions and $1.5 billion in medical expense deductions.

GRADUAL END TO PREFERENCES

The Treasury isn't expected to ask that anywhere near all the tax benefit that it has identified be ended, of course. And aides emphasize that many of its proposals will provide for a gradual rather than an abrupt end to preferences.

One likely target is the "multiple surtax exemption" which permits the first $25,000 profit of each corporation to be taxed at a 22% rate compared with the regular rate of 48%. Treasury strategists are understood to want this rate limited to small businesses and will likely seek some way to keep large corporations from attaining it for each of many separately incorporated subsidiaries. The total tax drain through this provision the study shows, is about $1.8 billion a year.

This and other tax benefits in the commerce and transportation area, the department figures, will cost the Government about $9.7 billion in the next fiscal year, or $700 million more than budgeted spending in these fields. Among the other tax expenditures in the grouping, the report shows, are $2.3 billion for the 7% equipment-investment credit, $500 million in excess depreciation on buildings, $600 million in excess bad debt reserves of financial institutions, and $1.3 billion through deductibility of interest on consumer debt.

NOT SURE OF AMOUNT

Allowing the oil, gas and other "extractive" industries to use percentage depletion methods deprives the Treasury of about $1.3 billion a year, the department stated. This is the sum the Treasury figures it would collect if depletion deduction were limited to actual costs rather than to flat percentages of gross income. The highest percentage depletion allowed is 27.5% for oil and gas; although this has long been a target of liberal criticism, the Treasury isn't expected to request any major change in this practice.

The reduced rate of tax on capital gains is costly, too, the Treasury says, but added that the matter is so complex it isn't sure whether the sum is nearer to $5.5 billion or to $8.5 billion a year. Generally, gains from the sale of capital assets—such as common stocks—are taxed at a rate no higher than 25%, provided the assets were held more than six months.

One aspect of this treatment known to anger Treasury planners is that if the owner of a stock that has risen in value dies, the gains tax doesn't apply to the appreciation which would have been taxable if the property were sold just before death. The heirs who receive such appreciated property are taxed, if they later sell it, only on the further gain during the time they owned it, the Treasury said, so that "appreciation on assets held until death is never" subjected to the income tax. However, the value of an estate, including any such capital gains, is subject to Federal inheritance taxes.

At current captial gains rates, it said, this practice costs the Government $2.5 billion annually. If such income were taxed at regular rates, it added, the cost works out to $4 billion.

Among many other deeply entrenched tax preferences cited, with their annual costs to the Treasury, were these: Exemption of interest on municipal bonds and deduction by homeowners of local property taxes, $1.8 billion each; exclusion of certain veterans' pensions, $700 million; exclusion of employer-paid premiums on group life insurance and medical insurance, and employer payments for medical care, $1.5 billion; exclusion of interest on the savings element of regular life insurance policies, $900 million; the additional personal exemption and other features favoring the elderly, $2.3 billion, and home-mortgage interest deductions, $1.9 billion.

In other tax developments, Mr. Barr spoke favorably of suggestions that the U.S. create a system of border taxes on imports and rebates on exports, and the Treasury formally asked Congress to extend for two years past its July 31 expiration the interest-equilization tax on Americans' purchases of foreign securities from foreigners.

THE FUTURE OF U.S. PUBLIC DIPLOMACY—V

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I am taking the floor this morning to call to the attention of my colleagues in the House, and to place in the Record, a series of editorial comments on my subcommittee's report on "The Future of U.S. Public Diplomacy."

Released on December 22, 1968, that report has received considerable attention from the American mass media.

It was the subject of news stories or editorial comments in such newspapers as the New York Times, the Washington Post, the Evening Star, the Christian Science Monitor, the Los Angeles Times, the Boston Globe, the Milwaukee Journal, and many others.

It would take too much space to insert all of those comments in the Congressional Record. I have, however, selected a few and I would like to commend them to the attention of my colleagues and of the appropriate officials of the new administration.

Our subcommittee's call for a thorough review of our Government's overseas information activities by a competent, nonpartisan group has met with overwhelming support, not only in the media, but also in our various functional communities: business, education, philanthropic activities, and others.

The editorials speak for themselves, as follows:

[From the Boston Globe, Jan. 9, 1969]

FOR A NEW FOREIGN POLICY—I

Even before the administration of President-elect Richard M. Nixon takes over Jan. 20, it is already clear that the foreign policy of the United States is in deep trouble, so deep indeed as to suggest that its continued failure is certain unless its direction is changed.

We are not lacking for straws to indicate which way the wind is blowing. The most prominent, of course, is our Vietnam policy and the lack of progress in the Paris talks. But there are plenty more.

One such straw was the capture by North Korea a year ago of the USS Pueblo and its crew—which surely would have been a casus belli in days long gone by—and the crew's release last month, after almost a year's imprisonment and brutal treatment, under the circumstances of an already repudiated apology from the United States that made many think of Alice in Wonderland.

Still another straw bent over in the wind only last week when the Philippines' Carlos P. Romulo resumed office as Foreign Secretary and announced a drastic switch in the foreign policy of a country that has been traditionally friendly toward us.

The United States, he said, was no longer dependable as an ally, and the need of both American bases and the Philippines' military alliance with us must now be questioned. The basic reason for this change, he said, was that "After Vietnam, I do not think the American people will ever again consent to involving their troops in Asia." Most Americans would surely say "Amen" to that.

But perhaps Mr. Romulo's most important statement was that in both Cuba and Vietnam the United States had been unable to use its super-strength (a fact that Gen. Charles de Gaulle used in October 1962 to change France's foreign policy).

"After World War II," said Mr. Romulo, "we thought in terms of the bipolarization of the two superpowers, the United States and Russia. . . . Now . . . the big power polarization has been fragmented, and the giants cannot use the strength of giants."

It could be argued that Mr. Romulo spoke for only one relatively small country. But the disquieting fact is that his opinion is shared in almost every other country on earth.

Only last month, after lengthy hearings, a subcommittee of the House Committee on Foreign Affairs issued a 175-page report on "The Future of United States Public Diplomacy." Of our image abroad it said "The U.S. reputation has become tarnished during recent years. Public attitudes toward our country are now reported to be at a 50-year low. Fewer people abroad consider the United States as their best friend . . . And fewer have trust and confidence in the ability of the United States to provide wise and steady leadership in the current world upheaval."

The nation needs, then, both to ask itself why this has happened and, with a new administration taking over, to make the changes that are necessary. They will be discussed in a later editorial.

[From the Boston Globe, Jan. 11, 1969]

FOR A NEW FOREIGN POLICY—II

Why has the foreign policy of the United States become so ineffective? The recent report of a subcommittee of the House Committee on Foreign Affairs says that "three factors are generally credited with responsibility" for the low esteem in which our country is held abroad.

It said they are "(1) the Vietnam war; (2) our race problem; and (3) crime and lawlessness. Of the three, Vietnam has had the greatest impact on public opinion abroad . . . U.S. withdrawal from Vietnam is urged even in countries which have depended on this country to protect them against Communist aggression. A recent poll conducted in four leading countries of Western Europe revealed that an absolute majority . . . favored that course—regardless of a possible Communist takeover in Vietnam."

The report was concerned more with our image abroad than with our policy itself, its hearings having been held on "Winning the Cold War: the U.S. Ideological Offensive." Thus circumscribed, it could point only to surface indications in urging repair of our "image." It said we should "accept the fact that foreign policy begins with domestic conduct," and that we must learn to listen to others abroad and to speak more effectively to them.

Yet in its recommendations it made a point, albeit for a limited purpose of strengthening the U.S. Information Agency, that shows the path to a far more significant needed change in our policy.

The report said: "There are four main channels of foreign affairs: diplomacy, trade, communications—and force. The first three are complementary, the fourth an alternative. Today, the United States spends 95 percent of the resources devoted to foreign affairs through the fourth channel; only 5 percent through the other three. Isn't it about time to start changing that ratio?"

This last question is important, and not merely because expending more of our resources on diplomacy, trade and communications is the good idea that it is. The question is important because it throws light on what is wrong with our foreign policy and on how it should be changed.

Our foreign policy, like that of every large nation, has in the past been based implicitly on force. This may have been valid enough in an historical period when superior force could carry the day, although at the cost of wars that became ever larger and more gory. But something has happened in this nuclear age that has changed all that.

For among the long accepted, "immutable'" natural laws that have had to be changed along with the advent of the theory of relativity and the splitting of the atom is the law that physical force counts for everything.

Only the wisest of men perceive today that events have repealed this law. It is true, but hard for most men to understand, that the nuclear armaments that cost so many billions and were supposed to guarantee invincible superiority have, without even being used after Nagasaki, canceled each other out of the picture. All that remained was for the nuclear emperor to be told he had no clothes on, and that is now being done.

Thus we have Jerome Wiesner, provost of M.I.T. and former science adviser to Presidents Kennedy and Johnson, and Adam Yarmolinsky, former assistant to the Secretary of Defense and now a Harvard professor, arguing in the current issue of "War/Peace Report" that with second strike capability there is no such thing as nuclear superiority, and that in consequence, even limited wars between the superpowers are no more practical than nuclear wars.

The question of how the makers of our foreign policy can adapt to this relativistic and truly revolutionary change will be discussed in a later and concluding editorial.

[From the Los Angeles Times, Dec. 24, 1968]

CONGRESS STUDY OF U.S. "IMAGE" URGED

Ironically, as the North Koreans sought to extract maximum propaganda value from their release of the Pueblo crew, certain congressmen were broaching a plan for a bipartisan look at the U.S. "image" abroad.

The two matters are purely coincident, of course, but their juxtaposition brings up a fundamental question:

To what degree should a world power like the United States concern itself with that ephemeral thing called "image?"

We are a nation of 200 million citizens, only a relative few of whom are politicians. It is nice to be loved by our global neighbors. But it is not essential either to our well-being as a republic, or to the fulfillment of our mission as a civilized country.

The House Foreign Affairs subcommittee wants mainly to assess the U.S. Information Agency, its policies and procedures, to ascertain whether the USIA is doing its best to enhance our popularity abroad.

Rightly, the House group notes that we spend 95 cents for force, and the hardware of force, compared with 5 cents for diplomacy, trade and communications out of each dollar spent on foreign affairs.

To be respected should be the real concern of our national leaders. If we can achieve popularity during the course of fulfilling our Free World mission, so much the better. But popularity is not the goal.

Any analysis of the USIA, therefore, must concern itself with whether that agency is making our mission clear. Both the inquiry, and the USIA, will be immeasurably assisted if our national purpose is understood at home—before we strive to clarify it abroad.

That seems a prime task for the incoming Nixon Administration.

[From the Cleveland (Ohio) Plain Dealer, Jan. 14, 1969]

IMPROVE U.S. PUBLIC DIPLOMACY

Leaders in the executive and legislative branches of the federal government should give early and earnest attention to the report on "The Future of United States Public Diplomacy" made three weeks ago by a House foreign affairs subcommittee.

As of right now, that future does not appear bright. The tarnished condition of the American image abroad reflects the dull state of U.S. public diplomacy. The foreign affairs subcommittee concludes that something must be done about it.

Unlike high-level, striped-pants diplomacy, public diplomacy relates to the practices of communicating directly with the peoples of other countries, of seeking their understanding and of cultivating their opinions. In a world constantly made smaller by improvements in communications technology, skill in public diplomacy is required of a world power that wants to retain its position of leadership.

The House subcommittee based its assessment of the poor state of U.S. public diplomacy on testimony from a broad representation of experts in communications and diplomacy. In reaching its conclusions the subcommittee drew heavily upon the most recent report from the U.S. Advisory Commission on Information, which exercises a watchdog function over the operations of the U.S. Information Agency.

Three of the questions posed by the commission concerning USIA's mission are especially pertinent to the larger question of how to advance the art of U.S. public diplomacy. They are:

Should USIA have a hand in information dispersal for government agencies beyond the Department of State? Should USIA be more than an arm of foreign policy? Should USIA play a role in influence of policy as well as its execution?

Toward improvement of U.S. public diplomacy, the House subcommittee recommends that a thorough, systematic reappraisal of the entire information policy of the government be undertaken—preferably by a bipartisan commission of outstanding national leaders and experts in communication and in the social sciences. It calls for wholehearted support for the project from the executive and legislative branches of government.

The call should be heeded.

"NEW BUDGET CONCEPT" AND OBSERVATIONS THEREON

(Mr. MARSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARSH. Mr. Speaker, last Thursday, I took the floor of the House to point out that the actual operating budget for the Federal Government for fiscal year 1970 was in deficit by nearly $7 billion, according to the figures presented by the outgoing administration and contained in documents accompanying the budget.

As I mentioned at that time, the surplus that was shown occurs in the "New Budget Concept," which includes in the gross receipts of the Federal Government the sums collected in the trust funds, such as social security.

I realize that the statement that the budget is actually in deficit does surprise many people, and there may be others who point to the "New Budget Concept" to refute what I said. However, let me point out to the membership this further observation: Unless there are substantial reductions in the spending proposed in the budget presented to the Congress by the outgoing administration, or unless there is some unexpected contingency by way of windfall that would reduce this spending, my information is that it will be necessary, later this year, for the Treasury to request legislation to increase the national debt limit, even if the 10 percent tax surcharge is extended.

In support of what I have just said, about increasing the national debt limit, I quote to the membership a statement contained in President Johnson's budget message of January 15 of this year, and appearing on page 26 of the publication, "The Budget of the United States Government," wherein it is stated:

> It may be necessary, therefore, within the next few months, to revise the present debt limit. Even if this does not prove necessary at that time, the need for such action will, in all probability, arise next fall, when budget receipts will be seasonally low.

Mr. Speaker, if the budget is in balance with a surplus, why, then, would it be necessary to increase the national debt?

THE FARMERS HOME ADMINISTRATION'S INSURED LOAN PROGRAM FOR WATER AND SEWER SYSTEMS

(Mr. SKUBITZ asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, today I have introduced legislation which I hope will permit the Farmers Home Administration's insured loan program for water and sewer systems to function again as the Congress intended.

The Congress, in its wisdom, created this program to assist rural communities in providing adequate water systems and sanitary sewer systems. This program provides for grants, direct loans, and insured loans from the Farmers Home Administration of the Department of Agriculture.

However, Mr. Speaker, in July of 1966, the Treasury Department put a virtual stop to the insured loan portion of this program on the grounds that the private investors in local government bonds did not have to pay Federal income tax on the revenue received on the bonds they purchased. This exemption is provided by our Federal Income Tax Statutes. The Treasury Department has taken the position that the insured loan program has given an unwarranted tax break to these investors who generally are in the high income tax bracket in the first place.

Mr. Speaker, whether we agree with the Treasury Department's position or not, the fact is that the small community water and sewer program has been dealt a cruel and harsh blow. There are 30,000 of these small rural communities which desperately need financial help to construct a water system, and there are some 40,000 that urgently require waste disposal systems. Something must be done quickly to revive this vital FHA-insured loan program.

My bill would let the Farmers Home Administration buy tax-exempt bonds from small towns or public districts at interest rates not to exceed 5 percent. FHA then would resell these loans to private lenders, who would receive the higher insured loan interest rate from the Farmers Home Administration. The bonds would retain their tax-exempt form; but under separate agreements with the Farmers Home Administration insuring their investments, the private lenders would agree to pay income tax on their interest received from FHA.

In practical effect at the U.S. Treasury, there would be no net outlay by the Government. The difference between FHA's interest received from the local public body, and its interest paid to the private lender, would be offset by the lender's Federal income tax payments. In fact, the following figures, based on insured loan interest rates in force this fiscal year, show that the Government could more than offset its initial deficit:

First. FHA would collect 5 percent interest from the local public body. This would amount to $5 million on every $100 million of rural water and sewer system financing.

Second. FHA would pay an estimated 6 percent interest to a private investor for funds to cover the loan. Temporarily this would incur a net deficit of $1 million for every $100 million of financing.

Third. Assuming, as has the Treasury Department, that private lenders on the average would be in the 50-percent income tax bracket, lenders would pay $3 million income tax on the $6 million of interest earned from investments totaling $100 million. This tax would be $2 million more than FHA's deficit from the first two transactions described above.

Fourth. The Government thus would net $2 million a year on every $100 million worth of such financing accomplished through the Farmers Home Administration.

Mr. Speaker, I hope that the Congress will act on my bill at the earliest possible date. In the period between December 1967 and December 1968, the Farmers Home Administration rejected approximately 3,100 applications for financial help for water and sewer systems. These 3,100 applications involved requests for approximately $600 million in loans and $300 million in grants—almost a billion dollars.

In my State of Kansas alone, 49 water system applications, requesting about $6.3 million were rejected because of insufficient funds during that 1-year period. Sixteen sewer applications, requesting about $1.1 million suffered an identical fate.

Mr. Speaker, one of the best things that has ever happened in rural America was the extension of electricity to our farms made possible by the Rural Electrification Act of 1936. In 1935 much of the Nation's rural areas did not have central station electric service and fewer than 11 percent of our farms had this type of service. Today, over 98 percent of rural America enjoys the benefits of electrical service. Rural electrification has helped to preserve rural America.

Mr. Speaker, rural America desperately needs to have adequate water and sewer systems. Unless the financial avenues are open to the thousands of communities that need new water and sewer systems, I fear that the end result will be the desolation of these communities and an ever-increasing exodus of their residents to our already overcrowded metropolitan areas.

Mr. Speaker, the citizens of rural America are entitled to good water and sewer systems the same as their friends in the city. This insured loan program is not a giveaway program—it makes loans which must be paid back. The Farmers Home Administration has an outstanding record in this program. Losses as a result of the insured loan program are minute indeed.

Mr. Speaker, the legislation which I have introduced is of vital importance to the well-being of thousands of our fellow citizens in rural America.

TOP-LEVEL PAY INCREASES SHOULD BE DISAPPROVED

(Mr. FOREMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOREMAN. Mr. Speaker, today I am introducing two House resolutions designed to bring about the rejection and defeat of the increased pay recommendations proposed by former President Johnson for Members of Congress and the top officials of the executive and judicial departments.

The first resolution reads as follows:

> *Resolved,* That the House of Representatives hereby disapproves all of the recommendations of the President of the United States, with respect to the rates of pay of offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of section 225(f) of the Federal Salary Act of 1967 (81 Stat. 643; Public Law 90–206), transmitted by the President to the Congress in the budget for the fiscal year ending June 30, 1970.

I introduce this resolution so that the Members of this House of Representatives may be allowed the forthright opportunity of expression to totally and completely reject this unwise, unnecessary and costly bill—particularly at this most crucial time of high defense, domestic, and other necessary spending.

At a time when the taxpayers are being socked in the pocketbook for an additional 10-percent surtax charge to pay the bill for the outrageously high cost of government, it is unreal and unconscionable to propose these pay increases.

We have asked the people across America to tighten their belts, we have asked the unions to relax their demands for higher wage increases and benefits, we have asked the suppliers and manufacturers to hold the line on prices—all this we have asked in order to try to hold down the dangerously increasing upward inflationary spiral in this country.

I respectfully suggest that it is our solemn, undeniable responsibility to set forth the example ourselves, gentlemen. We should set the example that we will, indeed, practice what we preach—the example of holding the purse strings tight against unnecessary spending, so that we can work toward a restoration of economic stability in this troubled land of ours.

Because I have doubt that the House Post Office and Civil Service Committee will favorably report my first resolution to the House floor for a recorded vote, I am also now introducing a second resolution, which I trust will go to the Committee on Rules, for the purpose of bringing the first resolution directly from the Civil Service Committee to the floor for a vote.

The second resolution reads as follows:

> *Resolved,* That immediately upon the adoption of this resolution, the resolution (H. Res. 133) to disapprove the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970, hereby is taken from the Committee on Post Office and Civil Service, and the same is hereby agreed to.

THE PRESIDENTIAL SALARY INCREASE

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKUBITZ. Mr. Speaker, on January 6, 1969, this body enacted legislation increasing the salary of the President of the United States from $100,000 to $200,000. No hearings were held on this proposal. I do not recall that any of the candidates for this high office complained about the President's salary. I am sure that each of them knew what the position paid before they announced their candidacy. I have no knowledge that President Nixon urged this legislation. Efforts to secure a rollcall vote were defeated, hence the record does not show how Members would have voted if given an opportunity.

At this time, every Member knew that this was a prelude for a 39-percent increase for Members of Congress, judges, Cabinet members, and other high echelon officials in the Government. Whether increases in salary are justifiable or merited is not the question. At a time when we should bend our efforts to stop inflation, it ill behooves this body to vote a 39-percent increase in salary for itself; a 50-percent increase for the President, and comparable increases to all executive and judicial officials, and then ask labor to hold the line.

On January 16, I introduced H.R. 139 for myself and the gentleman from New Jersey (Mr. Hunt) which if adopted would disapprove all of the recommendations submitted by President Johnson with respect to salary increases.

The Members of this body should be willing to get "on the line." The people are entitled to know how their chosen representatives voted.

NO COMMIES IN NATION'S DEFENSE PLANTS

(Mr. QUILLEN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. QUILLEN. Mr. Speaker, I have reintroduced my joint resolution to prohibit Communists from working in the Nation's defense facilities.

This resolution, which I first introduced in December 1967, proposes an amendment to the Constitution of the United States which would authorize Congress to "establish conditions of employment in any facility which Congress determines is essential to the national defense."

A Supreme Court decision in December 1967 struck down the portion of the Subversive Activities Control Act of 1950 which prohibited the employment of members of Communist-action groups in defense facilities.

The Court held in its 6-to-2 decision that the statute is an unconstitutional abridgement of the right of association protected by the first amendment, and opened the doors for the hiring of Communists and those who would advocate the overthrow of our Government in defense facilities.

I am still outraged by the Court's action, and I am more determined to overrule this deplorable decision. I am going to do everything in my power to accomplish this either by statute or by the constitutional amendment route.

I have asked the best legal brains in Washington to come up with some very tight legislation which would stand up under court tests. At the same time, I feel that my constitutional amendment will get something rolling in this session.

My resolution clearly states:

Now, therefore, be it

Resolved, that . . . Notwithstanding the provisions of the first article of amendment to the Constitution of the United States, or any other provision of this Constitution, Congress shall have the power to establish, by law, conditions of employment in any facility which Congress determines is essential to the national security, including, but not limited to, the condition that no person shall be employed in such a facility who becomes or remains a member of any organization which advocates, advises, or teaches that the Government of the United States or of any State, District, territory, or possession thereof (including any political subdivision therein) should be overthrown or destroyed by force or violence.

I feel that the language of this amendment will make it clear once and for all that Congress does have the authority to establish these conditions of employment.

My resolution was referred to the House Judiciary Committee but no action was taken during the last session of the Congress, but I am hopeful that prompt action will be taken in this session.

It is shocking to me to realize that this resolution floundered in the committee for 1 whole year while at the same time our men are dying fighting Communists in North Vietnam, while at the same time we throw out the red carpet to them in defense facilities here in the United States.

I am including the text of my resolution at this point in the Record in the hope that my colleagues will follow suit and introduce the same measure:

H.J. Res. —

Joint resolution proposing an amendment to the Constitution of the United States relating to employment of subversives in defense facilities

Whereas in the Subversive Activities Control Act of 1950 Congress found that there exists an international Communist movement which by treachery, deceit, espionage, and sabotage seeks to overthrow existing governments; that this movement operates in the United States through foreign dominated Communist-action organizations; that these organizations are made up of rigidly disciplined adherents operating in secrecy and employing espionage and sabotage tactics in form and manner evasive of existing law;

Whereas Congress further found that the security of the United States required the exclusion of Communist-action organization members from employment in defense facilities and provided for means of preventing and punishing such action;

Whereas the Supreme Court of the United States in the case of United States against Eugene Frank Robel has virtually destroyed the right of the United States to protect itself from these activities; and

Whereas the right of association, a judicial construction not mentioned in the Constitution, should not be used as the basis for overriding the national security: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by Congress:

"Article —

"Notwithstanding the provisions of the first article of amendment to the Constitution of the United States, or any other provision of this Constitution, Congress shall have the power to establish, by law, conditions of employment in any facility which Congress determines is essential to the national security, including, but not limited to, the condition that no person shall be employed in such a facility who becomes or remains a member of any organization which advocates, advises, or teaches that the Government of the United States or of any State, District, territory, or possession thereof (including any political subdivision therein should be overthrown or destroyed by force or violence."

ONE OF THE BEST WAYS TO FIGHT INFLATION AND PLUG TAX LOOPHOLES: REPEAL THE 7-PERCENT INVESTMENT TAX CREDIT

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, I call for the prompt repeal of the 7-percent investment tax credit.

Both the outgoing and incoming administrations have set forth their intention to impose a continuation of the 10-percent-tax surcharge for the year beginning July 1, 1969, calculated to raise $9 billion of revenue. The stated purpose is to fight inflation.

If the administration is looking for an aspect of the tax structure to change in order to fight inflation, it would do much better to zero in on the 7-percent investment tax credit. The 7-percent investment tax credit currently causes a budgetary loss—and hence an increased deficit—of some $3 billion annually. It concentrates inflationary spending power on precisely that portion of the economy that is already most overheated—the capital goods sector. And, having stimulated inflation in the capital goods sector in the first place, it creates a second round of inflation by causing business to hasten to invest before inflation drives up capital goods prices even further.

Nor is this all. In order to damp down the inflation caused in considerable part by the investment tax credit, the country's monetary authorities are currently engaged in a policy of restricting money and credit and raising interest rates. The purpose of the tight money policy is to slow inflation, mainly in the capital goods sector. Unfortunately, tight money and high interest rates fall upon the just and unjust alike. The business firm that overinvests in capital equipment may have to pay high interest rates, but it is bountifully subsidized by the Government through the investment tax credit, and is thus largely insulated from the effects of interest rate increases. Meanwhile, the three segments of the economy that suffer most from tight money and high interest—the housing industry, State and local government, and small business have no investment tax credit to rescue them from the effects of tight money and high interest rates.

Let us now examine in detail the origin, nature and effects of the investment tax credit, and why it should be repealed.

Throughout the Economic Report of the President, filed in mid-January by the outgoing administration, there is repeated emphasis on the need to take such steps as are necessary to bring the present inflation under control. The President said, and I quote:

> The immediate task in 1969 is to make a decisive step toward price stability. (p. 9)

At another point he said:

> The challenge to fiscal and monetary policies this year is difficult indeed. Enough re-

> straint must be provided to permit a cooling off of the economy and a waning of inflationary forces. But the restraint must also be tempered to ensure continued economic growth. We must adopt a carefully balanced program that curbs inflation and preserves prosperity. (p. 7)

Secretary of the Treasury David M. Kennedy, last week, likewise called for "decisive action, because inflation is undermining both the foundation of our prosperity and our balance-of-payments position."

I am not at all surprised to be told that there is still much work to be done if we are to bring inflation under control. Last July, speaking before this House on the subject of inflation, I said:

> Nor can we lightly assume that the torrent of price boosts will come to a quick end as a result of the recent enactment of a combination tax increase and spending reduction. There is an almost universal view among experts that the present inflation will continue for as much as another year or two. Indeed, many claim that it will not even begin to slow down seriously for another six months or more. . . .
>
> Changes in prices are somewhat like a fever in the human body—both are signals that the organism is out of balance. Both maladies can be cured, but only if there is a correct diagnosis as to the cause and if the right medicine to deal with that cause is administered in time.

Subsequent events have amply borne out expectations of last July. The cooling off of the inflationary fever has been slow to get underway. In part our problem may well be that the fiscal package has not been the best balanced package that we could have designed to attack the inflation. To the extent that there was a very rapid rise in Government expenditures and a substantial budget deficit that helped trigger the inflation, the package of restraints encompassed in the Revenue and Expenditure Control Act of 1968 operated in the correct direction.

INVESTMENT HAS OUTRUN CAPACITY TO CONSUME

But a big part of the inflation also comes from the excessive rates of investment, which have been generating a steady increase in idle industrial capacity. According to figures compiled by the Research Division of the Federal Reserve System, manufacturers, who had been operating at 90 percent or more of capacity during 1966, were down to 83.4 percent 2 years later in the third quarter of 1968. This, despite an increase over the 2 years of 12 percent in real output. Furthermore, the ratio of business spending on plant and equipment to the gross national product has been running over 10 percent in recent years—a level much higher than history would indicate could be sustained over a long period without serious consequences.

Yet, although there is evidence of a mounting tide of idle industrial capacity, surveys of business intentions suggest an increase between 1968 and 1969 of between 6 and 8 percent in spending on new plant and equipment. There is every evidence that business is going to continue to invest at a high rate because of the high cash flow generated by such devices as the 7-percent investment credit and the accelerated depreciation, compounded by the resulting inflation, which is encouraging them to invest now rather than to wait.

Tax policy should aim at reducing the incentives to continue excess investment when this investment is generating excess capacity and encouraging inflation at one and the same time. Yet the 7-percent tax credit remains in the tax law, apparently sacrosanct. It will be recalled that 2 years ago we experimented for a brief time with a suspension of the investment tax credit, but at the slightest evidence of a slowing down of the economy we repealed the suspension.

The experience with the investment tax credit have amply borne out the warnings made as early as 1961 by the Joint Economic Committee. The committee pointed to the probable destabilizing effects of the investment tax credit and urge caution in its enactment. The committee's cautions were disregarded, and this may explain part of our unfortunate experiences since then with inflation and instability. I will refresh your minds with a few quotes from the earlier comments of the Joint Economic Committee with regard to this tax.

In 1961, in its report on the President's January 1961 Economic Report, the Joint Economic Committee commented in part as follows:

> The administration has recommended that the increased revenue from all of the above proposals be offset by granting a tax benefit to business investment. The principal objective of this tax benefit is to stimulate modernization and expansion of plant and equipment. This Committee has frequently indicated the desirability of improving and increasing our private capital, and we believe that expanded private investment is an important national objective. At the same time, however, it is necessary to assess as fully as possible the economic consequences which will stem from the use of the proposed tax-reduction device. (p. 34)
>
> Additional investment is desirable because it can raise productivity and lower costs. If these lower costs are translated into lower prices, consumers can be benefited and total demand for goods and services can be expected to increase. However, the principal inducement to expansion of capital must be the prospect of increased demand for products which capital produces. It may be that a tax incentive to a faster rate of investment will have relatively little stimulus to investment unless final consumer demand failed to keep pace with capacity expansions in the 1955–57 period, as a result of which the Federal Reserve adopted policies to constrain the investment "boom" of that period. (pp. 34–35)
>
> In connection with countercyclical policies, the proposal may tend to accentuate fluctuations in business activity. Investment normally increases in periods of rapid economic expansion. In these periods, therefore, the investment tax credit would provide a greater tax reduction than it would in recessions. These greater tax reductions would occur precisely when we might wish Government revenues to rise, in order to offset inflationary pressures. Also, in an expansion period, the Federal Reserve System may adopt a policy of high interest rates to curb investment, at the same time that the tax structure is providing the greatest stimulus to investment. This was a matter of concern to many observers of the 1956–57 and 1959–60 periods, after the adoption of accelerated depreciation methods in 1954.

In its 1962 annual report to the Congress on the President's Economic Report, the Joint Economic Committee commented on the then proposed 7 percent investment tax credit as follows:

> However, we are concerned about the cyclical features of the proposal. It is well known that investment tends to be high in boom periods and low in recessions. The effect of an investment credit will be, therefore, to lower Government revenues in times when revenues should be rising to curb inflationary pressures, and to make Federal revenues relatively higher in recession periods, when Government receipts should be reduced. Moreover, the investment credit will tend to accentuate the instability of investment by encouraging overinvestment in boom periods. This, in turn, may actually retard growth rates. For example, there was a very substantial increase in the rate of investment immediately after the adoption in 1954 of the accelerated methods of depreciation for tax purposes. However, as the report of the Council of Economic Advisers points out, capital stock for the entire period from 1954 to 1960 actually grew at a lower rate than it did in the pre-1954. (p. 43)

An economic analysis of the investment credit will, I am convinced, prove that it contributes to instability in the long term as well as in the short; that it may very well encourage the export of capital; and that it encourages inflationary potentials of the economy whenever the economy tends to approach high employment levels as in recent years.

CHARACTERISTICS OF THE INVESTMENT TAX CREDIT

From the standpoint of economic analysis, the salient features of the investment tax credit are: First, a taxpayer earns the right to claim a tax credit by making an investment; second, the credit is equal to 7 percent of the value of each installation of eligible equipment; third, the investment credit is available only on certain types of equipment—section 38 items—not on all types and not on structures; fourth, the amount of credit that can be claimed in any one year is equal to $25,000, plus not more than 25 percent of the taxpayer's liabilities for the particular year; fifth, unused tax credits in any particular year may be carried back 3 years and forward 5 years; and, sixth, the credit is earned in the year in which the equipment is installed and put in service.

Economic analysis of the effects of the investment tax credit rests on either or both of the two ways through which it is assumed to encourage investment: First, financing of capital outlays is facilitated by the effect of the investment tax credit in bringing about increases in the after-tax internal flows of funds to business firms; and, second, the incentive to investment in new equipment is increased because the tax credit raises the prospective after-tax yield on new capital projects. Although the analysis may proceed in terms of either of these approaches, any thoroughgoing analysis must take both into account.

CORPORATIONS HAVE ADEQUATE FUNDS FOR INVESTMENT WITHOUT THE CREDIT

The first or available-funds approach to the investment tax credit assumes that investment in new equipment has been less than would be desirable from the standpoint of productivity and economic growth, and that this resulted from an inadequate flow of funds to business to finance additional investment. The truth is that under prosperous conditions the cash flows generated out of current business operations—profits after taxes, plus depreciation allowances—have been fully adequate to finance a high enough level of investment. Indeed, the experience of the mid-1950's indicates that these cash flows were large enough to enable industry to create excess capacity. For example, as you well know, the rate of use of capacity in the 1950's reached its peak in late 1955 and declined in the ensuing 2 years, during which investment remained high and gross national product continued to increase in real terms, though slowly—See "Measures of Productive Capacity," hearings before the Subcommittee on Economic Statistics, May 1962.

Furthermore, a staff memorandum prepared in connection with the committee's hearings in August 1962, on the "State of the Economy and Policies for Full Employment" concluded that the corporate cash flow had been, if anything, high by historical standards, and that the ratio of corporate cash flow to gross national product would be quite high at any time the economy were growing vigorously and resources were being used about in line with optimum full employment conditions. This detailed econometric analysis indicated that when corporate cash flows seemed inadequate, it was because the economy was operating below its potential and/or was growing very slowly. The formula derived in that study showed that about 22 percent of any shortfall of actual gross national product below the full employment potential output would show up in reduced corporate cash flows.

This study was based on relationships prevailing from 1929 to 1950, excluding the war years. It therefore did not take into consideration the accelerated depreciation provisions of the 1964 revision in the Tax Code, nor the more recent revisions in depreciation provisions from 1961 on, and the enactment of the investment tax credit. These more recent provisions obviously produce a cash flow well in excess of what was historically available under preceding provisions. The study, therefore, noted that cash flows began to run above those computed from the formula from 1955 on—See pages 687 and 965, and following pages of the hearings.

In these same hearings in August 1962, the Secretary of the Treasury submitted a Treasury statement which reads in part as follows:

> Treasury analyses indicate that, in general, corporate expansion and modernization of productive facilities have not been restricted by any inadequacy in the availability of funds. For most individual businesses and industries there has been a steady growth of funds available from internal sources, particularly from rising depreciation allowances. (p. 680).
>
> I think from the point of view of cash flow, it is probably quite correct to say that business as a whole has not been suffering. * * * But I think it is a perfectly fair statement to say that there is a very real belief among business executives that there is a profit squeeze, and that they have not had adequate profits on sales. And that does affect investment decisions. * * * Now, this belief may not be entirely accurate, but whether it is accurate or not, it is there, and it is affecting corporate action. (p. 690).

INCREASED CAPITAL FLOWS INDUCE FOREIGN INVESTMENT

Before turning to the incentive argument, we must make clear that whether or not there is any shortage of funds for investment, the granting of additional funds via the investment tax credit will have an effect on business policy. Exactly what effect it will have is difficult to predict. Clearly, part of the effect would be via stimulating additional investments, particularly in large firms where availability of funds plays a significant role in the number of marginal projects that is passed up to top managements for consideration.

Part of the effect, however, may well have been to add to the rising outflow of capital into foreign investments by private enterprise. To the extent that the foreign investment formed the outlet for these additional funds, the granting of the investment credit would be a factor in the continuation of the deficits in the U.S. balance of payments and the progressive reduction in our gold reserves. Thus repeal of the credit in the long run will improve the balance of payments.

Finally, the increase in internal flow via the credit might reduce the demand for funds from the banking system for working capital. If we examine the experience of the banking system since the credit was enacted, this latter seems a dubious interpretation. The growth of demand for bank loans has been larger, not smaller than could be accounted for by general business conditions. Though no one can say with certainty, it seems likely that the major effect of the increased flow of funds has been either to increase investment at home or to increase the outflow of funds to investment abroad, the latter effect being a definite detriment to the balance of payments.

EXTRA INVESTMENTS INDUCED BY THE CREDIT TEND TO BE MARGINAL

If we accept the evidence of what facts are available and the judgment of the Treasury, any virtues the investment credit has as a stimulus to investment must come largely from its incentive effect via an increase in the after-tax rate of return on new projects. The Joint Economic Committee in its 1962 report on the President's Economic Report considered this possibility and presented evidence indicating that the rate of return in recent years was at the time of enactment of the investment tax credit hardly inadequate by historical standards and, if so, its low level must be due to the high rate of unemployment of labor and capital, rather than any decline in profit margins per se. But as the Secretary of the Treasury pointed out in 1962, the argument in favor of the investment credit was not solely or largely on grounds that the rate of return was inadequate, but on grounds that business thought it was inadequate. We might interpret the device, therefore, as an exercise in industrial psychology, rather than as a response to real economic forces.

Whatever interpretation one takes, however, we must remember in analyzing its economic effects that this tax device raises the after-tax rate of return on all eligible investments without regard to their quality.

This carries a grave question with it. What kind of project is it that businesses are now encouraged to invest in that they are not ready and willing to invest in the absence of the investment tax credit?

If one assumes that businessmen are reasonably intelligent and rational in their business decisions, they must invest in the best paying projects first, and then proceed down the list of available items toward the least desirable. This must mean that in the absence of the investment tax credit businessmen first take up the desirable, well-paying investment projects, continuing down the list until they arrive close to the margin. Here there are questions as to whether each added project will pay an acceptable rate of return after taxes. Thus the investment tax credit tends to encourage businessmen to lower margins of acceptability and to invest in less desirable assets.

In brief, the incentive effect of the investment tax credit encourages private enterprise to invest in projects which it should not be investing in, either from the standpoint of its own long-term rate of return on its invested capital or from the social standpoint of promoting a high productivity economy and rapid economic growth. If this is the case, then clearly the law is encouraging businessmen to do something which they should not do either from the standpoint of general economic policy of the country as a whole or from their own self-interest. One may well wonder whether in this case the Government is doing business a favor, or is leading it astray.

THE TAX CREDIT IS AFFIRMATIVELY HARMFUL, IN THAT IT ENCOURAGES INFLATIONARY PRESSURES AT FULL EMPLOYMENT

Thus, on analysis, the alleged benefits of the tax credit vanish into thin air. Funds for investment are adequate without it; and the extra investment it induces, if any, tends to be investment in marginal ventures. But the tax credit is not merely a wasteful $3 billion a year loophole.

It is affirmatively harmful. As the Joint Economic Committee pointed out in 1962, the tax credit causes the business cycle to be more violent—something the Employment Act was designed to prevent in the interest of all Americans in economic growth.

Ironically, the tax credit is antibusiness in the long run.

Business, in its own self-interest, ought to be actively campaigning for the elimination of the investment tax credit. It is such a sound principle that business profits depend on two major factors external to the individual business firm. These are the speed with which the national economy is expanding and, secondly, the rate at which the Nation is using its productive resources, of labor and capital. An economy marked by sharp, large, and frequent business cycles will have a slower average growth rate, with a lower average rate of return on capital, than an economy that maintains a somewhat faster growth rate by suppressing business cycles.

Commonsense can tell us why the investment tax credit actually hurts business profits. Profits can go only so high at the peak of a business cycle, since there are limits on availability of resources to produce goods and services for sale. Therefore, there are limits on how fast the economy can grow. At the cyclical peaks, costs of using marginal resources rise rapidly, and there is more or less a rough, though somewhat elastic, ceiling on profit rates at full employment. A mere look at any chart of corporate profits will show these effects in high employment years. On the other hand, in a recession profits can drop, not merely to zero, but into the zone of actual loss. In a word, there is a great deal more latitude for changes in profits on the down side than on the up side during the course of the cycle.

It must be true, therefore, that the sharper, larger, more frequent the business cycles the country experiences, the more often profits will be below their peak possibility. Hence, over the course of the cycle, the average rate of return is likely to be lower than if the cycle were smoothed out. But the investment tax credit is inherently procyclical, and it must be reckoned as lowering the rate of return on capital in the long run.

The procyclical character of the investment tax credit derives from two aspects of its practical operation. First, any such device is much more likely to encourage business to try to make additional investments in periods of high employment of labor and capital than when the rate of use of resources is low. The literature has many studies of this relationship between the rate of operations and investment. In the case of the investment tax credit, there is an additional feature; namely, that the credit earned in a given year can be claimed only to the extent of $25,000, plus 25 percent of tax liabilities. It must be obvious that business firms can claim more of the credit at cycle peaks, when tax liabilities are high, than at cycle troughs and, other things being equal, they have a greater incentive to use the device up to the limit provided by law in prosperity, though not in recession.

It is also true that a dominant anticyclical device of American policy is the great cyclical swings in corporate tax liabilities. The marginal rate of tax on corporate profits has been about 50 percent in recent decades, and corporate after-tax profits themselves are highly volatile—rising and falling much more sharply than output or sales. For example, from calendar 1957 to calendar 1958, corporate tax liabilities declined by 10 percent, while gross national product in current dollars rose by $6 billion, or something over 1½ percent. As was pointed out earlier, even a slowdown in the rate of expansion may stop the rise in corporate profits or cause them to decline. The net effect of high marginal tax rates and the great volatility of corporate profits is to produce very large swings in Government revenues—raising them sharply in prosperity or inflation and reducing them sharply whenever business conditions weaken.

This process tends to keep private incomes more stable than they would otherwise be and transfers the instability to the public sector; namely, the Federal Government. This functioning of the stabilizing effect of the corporate profits tax is completely automatic, and requires no deliberate countercyclical action by the President or the Congress. It is, therefore, one of our best, most automatic, and rapid acting stabilizers. But the investment tax credit tends to weaken this, reducing the Government's revenue relatively more at business cycle peaks than at business cycle troughs. To the extent that the automatic stabilizer is thus weakened, either the Government must make a more aggressive use of deliberate, discretionary policies requiring formal action by the President and the Congress, or must allow larger and more frequent fluctuations than would otherwise be the case. As was pointed out above, this would have the effect eventually of reducing the long-term rate of return on capital. This would appear to be the opposite effect of that which the Treasury had in mind when it recommended adoption of the investment tax credit.

Summing up, it seems fair to suggest that both the logic and the evidence point to the investment tax credit's promoting more investment at business cycle peaks than would otherwise be the case, while at the same time weakening the automatic response of the corporate income tax to changing business conditions. The result is likely to be a procyclical effect combined with a lower average rate of return on capital in the long run. In addition, such a policy in the long run may well produce less economic growth than a less procyclical operation.

It may be that the only way to avoid the undesirable effects of this tax device is through secular inflation at a substantial rate—perhaps at least 4 or 5 percent a year, as has happened in the 1965–68 period. This latter exit from the dilemma would hardly seem consistent with the objectives of the Employment Act, which the Joint Economic Committee has always regarded as calling for stable prices.

A POLICY FOR 1969: REPEAL THE INVESTMENT TAX CREDIT

At a time when the rate of inflation exceeds 4 percent a year—and by some measures it is approaching 5 percent per year—why continue a device whose sole economic rationale is that it will worsen inflation in the short run, and will reduce the rate of employment and the rate of investment and capital in the long run. Essentially the 7-percent credit attempts—and succeeds—in persuading business to create an unbalancing economic situation. We are subsidizing business to create excessive investment demands at a time when, to restrain inflation, we are imposing restrictions on consumers, in the housing industry, and on the social programs of Federal, State, and local governments.

The tax investment credit at the present time costs the Federal Government some $2.3 billion in lost revenue under the corporate income tax, and $0.5 billion under the individual income tax—this makes a total of close to $3 billion.

One of the first and most urgent steps of tax reform is to repeal this tax, reducing the inflationary potential in the economy and returning the decisions about investment to the normal influence of the marketplace, divorcing them from the less resonable and inflexible pressures of congressional directive. The very least this would accomplish would be to reinforce other fiscal measures that are slowing down the rate of inflation. More, it would by itself make it possible for us to reduce by one-third the size of the surtax when it is extended for another year during this session of the Congress.

The sound course is to repeal the investment tax credit device at once. In the next few days I intend to introduce a comprehensive loophole-plugging tax reform package that will include such a repeal.

SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. Reuss, for 30 minutes, today; to revise and extend his remarks and include extraneous material.

EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

Mr. Jones of Alabama and to include extraneous material.

(The following Members (at the request of Mr. Devine) to extend their remarks and include extraneous matter in the Extensions of Remarks of the Record:)

Mr. Byrnes of Wisconsin.
Mr. Derwinski in two instances.
Mr. Quillen in four instances.
Mr. Cederberg.
Mr. Brown of Ohio.
Mr. Ashbrook in two instances.
Mr. Wyman in three instances.
Mr. Minshall.
Mr. Horton in two instances.
Mr. Kuykendall.
Mr. Skubitz.
Mr. Harvey.
Mr. Cleveland in two instances.
Mr. Conte.
Mr. Poff.

(The following Members (at the request of Mr. Albert) and to include extraneous matter:)

Mr. O'Hara in two instances.
Mr. Brademas in six instances.
Mr. Hamilton in 10 instances.
Mr. Diggs in three instances.
Mr. Nix in two instances.
Mr. Jacobs.
Mr. Baring.
Mr. Abbitt.
Mr. McCarthy in three instances.
Mr. Garmatz.
Mr. Giaimo.
Mr. Boland in two instances.
Mr. Howard.
Mr. Rarick in four instances.
Mr. Burke of Massachusetts in two instances.

THE LATE HONORABLE ROBERT A. EVERETT

Mr. EVINS of Tennessee. Mr. Speaker, it is my sad duty to announce to the House today the passing of our beloved friend and colleague, Congressman Robert A. Everett, of the Eighth Congressional District of Tennessee.

Congressman Everett passed away early Sunday morning, January 26, at the Veterans' Administration hospital in Nashville, following an illness of several months duration.

Our colleague had returned to the 91st Congress, and we were hopeful of his recovery. However, he reentered the hospital a few days ago for further care and treatment.

I was deeply saddened to learn of the untimely passing of our genial friend from Tennessee, "Fats" Everett, as he was affectionately known.

Funeral services will be at 2 p.m., Tuesday in Union City, Tenn.

He was a giant among men—not only physically but in legislative ability and dedication to the public interest. He possessed a wonderful good humor and cheery disposition—these were his trademark.

He will be greatly missed in the Halls of Congress and by his host of friends everywhere.

On this sad occasion I wish to convey this expression of our deepest sympathy to Congressman Everett's mother to whom he was devoted.

The Clerk read the resolution, as follows:

H. Res. 156

Resolved, That the House has heard with profound sorrow of the death of the Honorable Robert A. Everett, a Representative from the State of Tennessee.

Resolved, That a committee of fourteen Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

The SPEAKER. The Chair appoints as members of the committee to attend the funeral the following members on the part of the House: Mr. Evins of Tennessee, Mr. Brock, Mr. Fulton of Tennessee, Mr. Quillen, Mr. Anderson of Tennessee, Mr. Duncan, Mr. Blanton, Mr. Kuykendall, Mr. Rivers, Mr. Fallon, Mr. Teague of Texas, Mr. Jones of Alabama, Mr. Stubblefield, and Mr. Slack.

The Clerk will report the remaining resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 12 o'clock and 13 minutes p.m.), the House adjourned until tomorrow, Tuesday, January 28, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

430. A letter from the Chairman, U.S. Advisory Commission on International Educational and Cultural Affairs, transmitting the Sixth Annual Report of the Advisory Commission, pursuant to section 107 of Public Law 87–256 (H. Doc. No. 91–66); to the Committee on Foreign Affairs and ordered to be printed.

431. A letter from the Chairman, U.S. Advisory Commission on International Educational and Cultural Affairs, transmitting a special report relative to the use of U.S.-owned excess foreign currencies, pursuant to section 107 of Public Law 87–256 (H. Doc. No. 91–67); to the Committee on Foreign Affairs and ordered to be printed.

432. A letter from the Secretary of the Air Force, transmitting the semiannual experimental, development, test, and research procurement action report for calendar year 1968, pursuant to the provisions of 10 U.S.C. 2357; to the Committee on Armed Services.

433. A letter from the Secretary of the Army, transmitting a report on the progress of the Army Reserve Officers' Training Corps flight instruction program for calendar year 1968, pursuant to 10 U.S.C. 2110; to the Committee on Armed Services.

434. A letter from the Director of Civil Defense, Department of the Army, transmitting the report of Federal contributions program equipment and facilities for the quarter ending December 31, 1968, pursuant to the provisions of subsection 201(i) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

435. A letter from the president, Georgetown Barge, Dock, Elevator & Railway Co., transmitting the annual report of the company, pursuant to the provisions of section 5 of the Act of Incorporation; to the Committee on the District of Columbia.

436. A letter from the Chairman, National Advisory Council on the Education of Disadvantaged Children, transmitting the fourth annual report on the Council; to the Committee on Education and Labor.

437. A letter from the Secretary of the Treasury, transmitting the combined statement of receipts, expenditures, and balances of the U.S. Government for the fiscal year ended June 30, 1968, pursuant to the provisions of 31 U.S.C. 1964 ed., supp. II, sec. 1029, and 31 U.S.C. 66b; to the Committee on Government Operations.

438. A letter from the Secretary of the Interior, transmitting the fourth annual report of activities and accomplishments in cooperative water resources research and training pursuant to the Water Resources Research Act of 1964, as amended; to the Committee on Interior and Insular Affairs.

439. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found to be admissible to the United States under the provisions of section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

440. A letter from the Chairman, Railroad Retirement Board, transmitting a report on positions in grades GS–16, GS–17, and GS–18 in the Railroad Retirement Board during calendar year 1968, pursuant to the provisions of 5 U.S.C. 5114(a); to the Committee on Post Office and Civil Service.

441. A letter from the Acting Federal cochairman and the State cochairman, Upper Great Lakes Regional Commission, transmitting the annual report of the commission, pursuant to the provisions of section 510 of the Public Works and Economic Development Act of 1965, as amended; to the Committee on Public Works.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 4563. A bill to amend the National Labor Relations Act, as amended, to amend the definition of "employee" to include certain agricultural employees, and to permit certain provisions in agreements between agricultural employers and employees; to the Committee on Education and Labor.

H.R. 4564. A bill to mobilize and utilize the scientific and engineering manpower of the Nation to employ systems analysis and systems engineering to help to fully employ the Nation's manpower resources to solve national problems; to the Committee on Government Operations.

H.R. 4565. A bill to establish a sonic boom damage fund to provide for the payment of damages caused by sonic booms; to the Committee on the Judiciary.

H.R. 4566. A bill to amend section 312 of the Immigration and Nationality Act to exempt certain additional persons from the requirements as to understanding the English language before their naturalization as citizens of the United States; to the Committee on the Judiciary.

H.R. 4567. A bill to amend title 38 of the United States Code to provide a monthly clothing allowance to certain veterans who, because of a service-connected disability, regularly wear a prosthetic appliance or appliances which causes exceptional wear or tear of clothing; to the Committee on Veterans' Affairs.

H.R. 4568. A bill to amend the public assistance provisions of the Social Security Act to assure all recipients of such assistance (in conjunction with recent social security benefit increases) an average increase of $7.50 in the total amount of their income from such assistance and other sources; to the Committee on Ways and Means.

H.R. 4569. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 4570. A bill to amend title XIX of the Social Security Act to make it clear that a person is qualified to provide services under the medical assistance program if he is licensed by the State where the services are performed; to the Committee on Ways and Means.

By Mr. BYRNE of Pennsylvania:

H.R. 4571. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

H.R. 4572. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 4573. A bill to amend the act of November 8, 1966; to the Committee on the Judiciary.

H.R. 4574. A bill to provide for the admission to the United States of certain inhabitants of the Bonin Islands; to the Committee on the Judiciary.

By Mr. CLARK:

H.R. 4575. A bill to increase the personal income tax exemption of a taxpayer and the additional exemption for his spouse from $600 to $1,000, and to increase the exemption for a dependent from $600 to $1,000; to the Committee on Ways and Means.

By Mr. DONOHUE:

H.R. 4576. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. FEIGHAN:

H.R. 4577. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 4578. A bill to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs; to the Committee on Public Works.

By Mrs. GRIFFITHS:

H.R. 4579. A bill to amend title II of the Social Security Act to permit the payment of regular widower's insurance benefits (actuarially reduced the same as widow's benefits) at age 60, and to eliminate the special dependency requirement for entitlement to widower's insurance benefits; to the Committee on Ways and Means.

By Mr. HAWKINS:

H.R. 4580. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. HAYS:

H.R. 4581. A bill to amend section 3543(f) of title 39, United States Code, to increase the mileage allowance paid to rural carriers for equipment maintenance from 12 to 15 cents per mile; to the Committee on Post Office and Civil Service.

By Mr. HORTON:

H.R. 4582. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

H.R. 4583. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas having high proportions of persons with low incomes, and for other purposes; to the Committee on Ways and Means.

H.R. 4584. A bill to provide a comprehensive national manpower policy, to improve the Manpower Development and Training Act of 1962, to authorize a community service employment program, and for other purposes; to the Committee on Ways and Means.

By Mr. HOWARD:

H.R. 4585. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 4586. A bill to provide for the redistribution of unused quota numbers; to the Committee on the Judiciary.

By Mr. JOHNSON of California (for himself and Mr. Baring):

H.R. 4587. A bill to declare that the United States holds in trust for the Washoe Tribe of Indians certain lands in Alpine County, Calif.; to the Committee on Interior and Insular Affairs.

By Mr. JOHNSON of California (for himself and Mr. McFall):

H.R. 4588. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the initial phase of the east side division, Central Valley project, California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KEE:

H.R. 4589. A bill to amend section 8(b) (4) of the National Labor Relations Act, as amended, with respect to strike at the sites of construction projects; to the Committee on Education and Labor.

By Mr. McKNEALLY:

H.R. 4590. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MINISH:

H.R. 4591. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 4592. A bill to amend title 5, United States Code, to correct certain inequities with respect to the details of civilian employees of executive agencies, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4593. A bill to amend title 5, United States Code, to provide that a retiring employee or Member may elect to receive a full annuity without annuity for the surviving spouse only on submission to the Civil Service Commission of evidence of the knowledge of the spouse of such election; to the Committee on Post Office and Civil Service.

H.R. 4594. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. PATMAN:

H.R. 4595. A bill to amend title II of the Social Security Act to increase from 22 to 24 the age at which an individual otherwise qualified for child's insurance benefits on the basis of school attendance can no longer be entitled to such benefits; to the Committee on Ways and Means.

By Mr. RANDALL:

H. R. 4596. A bill to amend the Uniform Time Act of 1966 in order to change the period during which daylight saving time shall be in effect in the United States to the period from Memorial Day to Labor Day of each year; to the Committee on Interstate and Foreign Commerce.

H.R. 4597. A bill to amend title 38, United States Code, to relieve certain persons from filing the annual income questionnaire in connection with non-service-connected pensions; to the Committee on Veterans' Affairs.

H.R. 4598. A bill to amend title 38 of the United States Code so as to extend to veterans of Mexican border hostilities the same benefits enjoyed by veterans of periods of war; to the Committee on Veterans' Affairs.

By Mr. ROBISON (for himself, Mr. Bates, Mr. Clancy, Mr. Devine, Mr. Donohue, Mr. Friedel, Mr. Karth, Mr. Macdonald of Massachusetts, Mr. Shriver, Mr. Thompson of New Jersey, Mr. Vander Jagt, Mr. Waldie, Mr. Williams, and Mr. Wright):

H.R. 4599. A bill to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corp. and its subsidiaries to other Government departments; to the Committee on Government Operations.

By Mr. ROGERS of Colorado:

H.R. 4600. A bill to amend the act entitled "An Act to incorporate the National Education Association of the United States", approved June 30, 1906 (34 Stat. 804); to the Committee on the Judiciary.

By Mr. ROGERS of Florida:

H.R. 4601. A bill to extend the executive reorganization provisions of title 5, United States Code, for an additional 2 years, and for other purposes; to the Committee on Government Operations.

By Mr. RYAN:

H.R. 4602. A bill to amend the Supplemental Appropriation Act, 1969, to increase to the full authorized amount the maximum annual homeownership assistance payments which may be contracted for through the fiscal year 1969 under section 235 of the National Housing Act; to the Committee on Appropriations.

H.R. 4603. A bill to amend the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1969, to increase to the full authorized amount the special appropriation for urban renewal projects within model cities for the fiscal year 1969; to the Committee on Appropriations.

H.R. 4604. A bill to amend the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1969, to increase to the full authorized amount the regular appropriation for grants under the urban renewal program for the fiscal year 1970; to the Committee on Appropriations.

By Mr. SCHEUER (for himself and Mr. Bush):

H.R. 4605. A bill to amend the Tariff Act of 1930 and the United States Code to remove the prohibitions against importing, transporting, and mailing in the U.S. mails articles for preventing conception, and advertisements with respect to such articles; to the Committee on Ways and Means.

By Mr. SCHEUER (for himself and Mr. Fulton of Tennessee):

H.R. 4606. A bill to amend title 38, United States Code, to permit for 1 year the granting of national service life insurance to certain veterans heretofore ineligible for such insurance; to the Committee on Veterans' Affairs.

By Mr. SKUBITZ:

H.R. 4607. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to make interest income on water and waste disposal loans sold out of the agricultural credit insurance fund subject to Federal income taxes, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of California:

H.R. 4608. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. TAYLOR:

H.R. 4609. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

By Mr. TEAGUE of Texas:

H.R. 4610. A bill to raise the Veterans' Administration to the status of an executive department of the Government to be known as the Department of Veterans' Affairs; to the Committee on Government Operations.

H.R. 4611. A bill to amend title 38 of the United States Code to provide that the effective date of reduction or discontinuance of pension by reason of the death of a dependent shall be the last day of the sixth month following the month in which such death occurred; to the Committee on Veterans' Affairs.

H.R. 4612. A bill to amend title 38 of the United States Code to provide eligibility for Vietnam era veterans for one episode of treatment for all noncompensable dental disabilities found to be present within 1 year after discharge from service in the Armed Forces; to the Committee on Veterans' Affairs.

H.R. 4613. A bill to amend title 38, United States Code, to repeal the restrictions on dependency and indemnity compensation payments in cases involving inservice waiver of Government life insurance premiums; to the Committee on Veterans' Affairs.

H.R. 4614. A bill to amend title 38, United States Code, to liberalize the provisions relating to death and disability pension, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4615. A bill to amend chapter 39 of title 38, United States Code, to increase the assistance payable by the Administrator of Veterans' Affairs toward the purchase price of specially equipped automobiles for disabled veterans; to the Committee on Veterans' Affairs.

H.R. 4616. A bill to amend title 38, United States Code, with respect to the manner of determining annual income for pension purposes of certain persons who are entitled to annuities under the Railroad Retirement Act of 1937, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4617. A bill to amend section 411 of title 38, United States Code, to provide additional dependency and indemnity compensation payments to widows with one or more children; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas (by request):

H.R. 4618. A bill to amend title 38 of the United States Code so as to permit the Administrator of Veterans' Affairs to enter into contracts for the provision of health services for certain veterans and certain dependents and survivors of veterans; to the Committee on Veterans' Affairs.

H.R. 4619. A bill to amend title 38 of the United States Code to increase the amount of servicemen's group life insurance which may be carried by members of the uniformed services; to the Committee on Veterans' Affairs.

H.R. 4620. A bill to liberalize the oath requirement for hospitalization of veterans; to the Committee on Veterans' Affairs.

H.R. 4621. A bill to increase dependency and indemnity compensation to widows who are in need of regular aid and attendance; to the Committee on Veterans' Affairs.

H.R. 4622. A bill to amend section 110 of title 38, United States Code, to insure preservation of all disability compensation evaluations in effect for 20 or more years; to the Committee on Veterans' Affairs.

H.R. 4623. A bill to amend title 38 of the United States Code to provide cost-of-living increases in monthly dependency and indemnity compensation payments to widows of veterans; to the Committee on Veterans' Affairs.

By Mr. ULLMAN:

H.R. 4624. A bill to approve an order of the Secretary of the Interior canceling irrigation charges against non-Indian-owned lands under the Modoc Point unit of the Klamath Indian irrigation project, Oregon; to the Committee on Interior and Insular Affairs.

By Mr. WAGGONNER:

H.R. 4625. A bill to authorize the release of 100,000 short tons of lead from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

H.R. 4626. A bill to create a catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

H.R. 4627. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4628. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

H.R. 4629. A bill to provide for orderly trade in iron and steel mill products; to the Committee on Ways and Means.

By Mr. WATSON:

H.R. 4630. A bill to amend title 39, United States Code, with respect to the mailing of certain publications of State departments of agriculture as second-class mail; to the Committee on Post Office and Civil Service.

By Mr. WYATT:

H.R. 4631. A bill to amend title 38 of the United States Code to provide that monthly social security benefit payments shall not be considered as income in determining eligibility for pensions under that title; to the Committee on Veterans' Affairs.

By Mr. BIESTER:

H.J. Res. 299. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of President and Vice President; to the Committee on the Judiciary.

By Mr. DENT:

H.J. Res. 300. Joint resolution creating a Federal Committee on Nuclear Development to review and reevaluate the existing civilian nuclear program of the United States; to the Joint Committee on Atomic Energy.

By Mr. HARVEY:

H.J. Res. 301. Joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on factors other than population; to the Committee on the Judiciary.

By Mr. HAYS:

H.J. Res. 302. Joint resolution creating a Federal Committee on Nuclear Development to review and reevaluate the existing civilian nuclear program in the United States; to the Joint Committee on Atomic Energy.

By Mr. KEE:

H.J. Res. 303. Joint resolution creating a Federal Committee on Nuclear Development to review and reevaluate the existing civilian nuclear program of the United States; to the Joint Committee on Atomic Energy.

By Mr. ERLENBORN:

H. Con. Res. 101. Concurrent resolution expressing the sense of the Congress relating to the furnishing of relief assistance to persons affected by the Nigerian civil war; to the Committee on Foreign Affairs.

By Mr. KING:

H. Con. Res. 102. Concurrent resolution proposing the recognition of the village of Whitehall, Washington County, N.Y., as the birthplace of the U.S. Navy; to the Committee on the Judiciary.

By Mr. BROWN of California:

H. Res. 157. Resolution to establish a Select Committee on Technology and the Human Environment; to the Committee on Rules.

By Mr. FOREMAN:

H. Res. 158. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

H. Res. 159. Resolution relative to consideration of House Resolution 158; to the Committee on Rules.

By Mr. SCHEUER:

H. Res. 160. Resolution to amend the Rules of the House of Representatives with respect to the procedures of committees of the House; to the Committee on Rules.

H. Res. 161. Resolution authorizing the part-time or temporary employment of not more than two additional employees in the district office of each Member of the House of Representatives and the Resident Commissioner from Puerto Rico; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRETT:

H.R. 4632. A bill for the relief of Fausto D'Angelo; to the Committee on the Judiciary.

H.R. 4633. A bill for the relief of Luisa Pietrangelo; to the Committee on the Judiciary.

By Mr. BERRY:

H.R. 4634. A bill for the relief of Lawrence Brink and Violet Nitschke; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 4635. A bill for the relief of George Adom; to the Committee on the Judiciary.

H.R. 4636. A bill for the relief of Tullio Luigi Bellardini; to the Committee on the Judiciary.

H.R. 4637. A bill for the relief of Enrico Bruschi, Giovanna Bruschi, Lorena Bruschi, and Antonella Bruschi; to the Committee on the Judiciary.

H.R. 4638. A bill for the relief of Maria Cardinali; to the Committee on the Judiciary.

H.R. 4639. A bill for the relief of Santina Cortese; to the Committee on the Judiciary.

H.R. 4640. A bill for the relief of Camillo Criscuolo; to the Committee on the Judiciary.

H.R. 4641. A bill for the relief of Luigina DiGulielmo; to the Committee on the Judiciary.

H.R. 4642. A bill for the relief of Giampiero Federico; to the Committee on the Judiciary.

H.R. 4643. A bill for the relief of Filippo Gambino and daughter, Maria A. Gambino; to the Committee on the Judiciary.

H.R. 4644. A bill for the relief of Vito Giannola, his wife, Rosa Giannola, and their son, Salvatore Giannola; to the Committee on the Judiciary.

H.R. 4645. A bill for the relief of Ernesto Gugliara; to the Committee on the Judiciary.

H.R. 4646. A bill for the relief of Rudolfo Jackson; to the Committee on the Judiciary.

H.R. 4647. A bill for the relief of Calogera La Rocca, Antonino La Rocco, and Vincenza La Rocca; to the Committee on the Judiciary.

H.R. 4648. A bill for the relief of Sabato Longobardi; to the Committee on the Judiciary.

H.R. 4649. A bill for the relief of Raimondo Marullo; to the Committee on the Judiciary.

H.R. 4650. A bill for the relief of Vittorio Perniciaro, his wife, Marie Francesca Perniciaro, and their daughter, Patrizia Perniciaro; to the Committee on the Judiciary.

H.R. 4651. A bill for the relief of Antonio Regalbuto, his wife, Maria Regalbuto, and their son, Domenico Regalbuto; to the Committee on the Judiciary.

H.R. 4652. A bill for the relief of Sabato Ruberto; to the Committee on the Judiciary.

H.R. 4653. A bill for the relief of Antonio Taourmina; to the Committee on the Judiciary.

H.R. 4654. A bill for the relief of Savino Tota; to the Committee on the Judiciary.

H.R. 4655. A bill for the relief of Domenico Trimarchi; to the Committee on the Judiciary.

H.R. 4656. A bill for the relief of Dr. Takashi Wakamori; to the Committee on the Judiciary.

H.R. 4657. A bill for the relief of Vincenzo Zomparelli; to the Committee on the Judiciary.

By Mr. BOLLING:

H.R. 4658. A bill for the relief of Bernard L. Coulter; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 4659. A bill for the relief of Mariano and Rosa Liga; to the Committee on the Judiciary.

By Mr. BROWN of California:

H.R. 4660. A bill for the relief of Jesus Hernandez-Rocha; to the Committee on the Judiciary.

H.R. 4661. A bill for the relief of Sook Cha Kim; to the Committee on the Judiciary.

H.R. 4662. A bill for the relief of Angela Maria Narici; to the Committee on the Judiciary.

H.R. 4663. A bill for the relief of Yerk Fei Sze; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 4664. A bill for the relief of Mario

Guarracino; to the Committee on the Judiciary.

H.R. 4665. A bill for the relief of Clinton M. Hoose; to the Committee on the Judiciary.

H.R. 4666. A bill for the relief of Maged I. Rifaat; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 4667. A bill for the relief of Rogelio Gutierrez; to the Committee on the Judiciary.

By Mr. BYRNE of Pennsylvania:

H.R. 4668. A bill for the relief of Flavia Merlino; to the Committee on the Judiciary.

H.R. 4669. A bill for the relief of Ohannes Hashas; to the Committee on the Judiciary.

By Mr. CLARK:

H.R. 4670. A bill for the relief of Ok Yon (Mrs. Charles G.) Kirsch; to the Committee on the Judiciary.

By Mr. CLEVELAND:

H.R. 4671. A bill for the relief of Chin-Hsia Pan; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 4672. A bill for the relief of Mrs. Evelyn M. McGrath; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 4673. A bill for the relief of Mrs. Aiko Azuma Taylor; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 4674. A bill for the relief of Zosima Marasigan Phojanakong, also known as Zosima Marasigan Arceco; to the Committee on the Judiciary.

H.R. 4675. A bill for the relief of Vincenzo, Anna Rosa, and Giuseppe Bozzi; to the Committee on the Judiciary.

H.R. 4676. A bill for the relief of Marie Louise Elizabeth Varona Espiritu; to the Committee on the Judiciary.

H.R. 4677. A bill for the relief of Dorothy Yin-Chu Fung; to the Committee on the Judiciary.

H.R. 4678. A bill for the relief of Giuseppe Geraci; to the Committee on the Judiciary.

H.R. 4679. A bill for the relief of Ionie I. Lino; to the Committee on the Judiciary.

By Mr. FISH:

H.R. 4680. A bill for the relief of Helen Andreakos; to the Committee on the Judiciary.

H.R. 4681. A bill for the relief of Aspacia Aspoulis; to the Committee on the Judiciary.

H.R. 4682. A bill for the relief of Federico Barbuto; to the Committee on the Judiciary.

H.R. 4683. A bill for the relief of Abraham J. Braum; to the Committee on the Judiciary.

H.R. 4684. A bill for the relief of Luis Richardo Britos; to the Committee on the Judiciary.

H.R. 4685. A bill for the relief of Aurora Floresca; to the Committee on the Judiciary.

H.R. 4686. A bill for the relief of Jesus Joselito Floresca; to the Committee on the Judiciary.

H.R. 4687. A bill for the relief of Dr. Jesus L. Floresca; to the Committee on the Judiciary.

H.R. 4688. A bill for the relief of Thomas A. Geary; to the Committee on the Judiciary.

H.R. 4689. A bill for the relief of Kalavati Gupta; to the Committee on the Judiciary.

H.R. 4690. A bill for the relief of Dr. Jose Martin Hipolito; to the Committee on the Judiciary.

H.R. 4691. A bill for the relief of Alberto Rogue Jarmi; to the Committee on the Judiciary.

H.R. 4692. A bill for the relief of Mehmet Tahir Kaplan and Sevim Alton Kaplan; to the Committee on the Judiciary.

H.R. 4693. A bill for the relief of Anastasia Kokinis; to the Committee on the Judiciary.

H.R. 4694. A bill for the relief of Neoklis Alkiviades Meimaris; to the Committee on the Judiciary.

H.R. 4695. A bill for the relief of Alicia Miyagui; to the Committee on the Judiciary.

H.R. 4696. A bill for the relief of Edgardo Jorge Munoz; to the Committee on the Judiciary.

H.R. 4697. A bill for the relief of Jong Kil Park; to the Committee on the Judiciary.

H.R. 4698. A bill for the relief of Giovanni Rossi; to the Committee on the Judiciary.

H.R. 4699. A bill for the relief of Rosalia Tria Tirona (Sister Mary Pia); to the Committee on the Judiciary.

H.R. 4700. A bill for the relief of Sean Tyrrell; to the Committee on the Judiciary.

H.R. 4701. A bill for ther relief of Johanna Hermine Schwarz Verbeek; to the Committee on the Judiciary.

H.R. 4702. A bill for the relief of Albert Wangke Ferdinand Winter; to the Committee on the Judiciary.

H.R. 4703. A bill for the relief of Longin Wroclawski; to the Committee on the Judiciary.

H.R. 4704. A bill for the relief of Shih-Lo Yeh; to the Committee on the Judiciary.

H.R. 4705. A bill for the relief of Dr. Mehmet Kemal Yillar; to the Committee on the Judiciary.

By Mr. FRASER:

H.R. 4706. A bill for the relief of Dudu Uygur; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.R. 4707. A bill for the relief of Cesare Tambellini; to the Committee on the Judiciary.

By Mr. GALLAGHER:

H.R. 4708. A bill for the relief of Roberto Cerbone; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 4709. A bill for the relief of Pamella Bernadette Nelson; to the Committee on the Judiciary.

By Mr. HAYS:

H.R. 4710. A bill for the relief of Adilia Monteiro Carcia; to the Committee on the Judiciary.

By Mr. HOGAN:

H.R. 4711. A bill for the relief of Giuseppe Cavallo; to the Committee on the Judiciary.

By Mr. HOWARD:

H.R. 4712. A bill for the relief of Louise Gorna; to the Committee on the Judiciary.

By Mr. JARMAN:

H.R. 4713. A bill for the relief of Yvonne Maria Juster Canavarro; to the Committee on the Judiciary.

By Mr. KEE:

H.R. 4714. A bill for the relief of Mrs. Luisa Cangiano, and her three children, Roberto, Rosario, and Rita; to the Committee on the Judiciary.

H.R. 4715. A bill for the relief of Vito Delisi; to the Committee on the Judiciary.

H.R. 4716. A bill for the relief of Francesco Meigliore; to the Committee on the Judiciary.

H.R. 4717. A bill for the relief of Milanino Pastore; to the Committee on the Judiciary.

H.R. 4718. A bill for the relief of Flaviano Sellaro; to the Committee on the Judiciary.

H.R. 4719. A bill for the relief of Leonardo Taormina; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 4720. A bill for the relief of Maria Rosa Martins; to the Committee on the Judiciary.

By Mr. KING:

H.R. 4721. A bill for the relief of Itzhaq Feldman; to the Committee on the Judiciary.

H.R. 4722. A bill for the relief of Walter J. O'Grady; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 4723. A bill for the relief of Elaine Wilson; to the Committee on the Judiciary.

By Mr. MOORHEAD:

H.R. 4724. A bill for the relief of Peppino Campus; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 4725. A bill for the relief of Lorna Leonie Davis; to the Committee on the Judiciary.

H.R. 4726. A bill for the relief of Filippo Musumeci; to the Committee on the Judiciary.

H.R. 4727. A bill for the relief of Santa Nicolosi; to the Committee on the Judiciary.

H.R. 4728. A bill for the relief of Guiseppe Signorello; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 4729. A bill for the relief of Winfield Henry; to the Committee on the Judiciary.

H.R. 4730. A bill for the relief of Angel Orris Amado Rocha; to the Committee on the Judiciary.

H.R. 4731. A bill for the relief of Gilan Tehranchi; to the Committee on the Judiciary.

By Mr. PHILBIN:

H.R. 4732. A bill for the relief of Dino Cucci; to the Committee on the Judiciary.

H.R. 4733. A bill for the relief of Pasquale Antonio Frisoli; to the Committee on the Judiciary.

H.R. 4734. A bill for the relief of Pietro Ratta; to the Committee on the Judiciary.

H.R. 4735. A bill for the relief of Guiseppina Rigoli; to the Committee on the Judiciary.

H.R. 4736. A bill for the relief of Miss Emilia Salerno; to the Committee on the Judiciary.

H.R. 4737. A bill for the relief of Rosa Vitale; to the Committee on the Judiciary.

Br. Mr. POWELL:

H.R. 4738. A bill for the relief of Oliver Thompson; to the Committee on the Judiciary.

By Mr. PRYOR of Arkansas:

H.R. 4739. A bill for the relief of the Vladimiro Canulla family (Vladimiro, Romana Bardella, Marco Valerio, and Paolo); to the Committee on the Judiciary.

By Mr. RIEGLE:

H.R. 4740. A bill for the relief of Chi Ho An; to the Committee on the Judiciary.

H.R. 4741. A bill for the relief of Dr. Minoo Bomanshaw Chinoy, and his wife, Jeroo Minoo Chinoy; to the Committee on the Judiciary.

H.R. 4742. A bill for the relief of Peter William Craine; to the Committee on the Judiciary.

H.R. 4743. A bill for the relief of Dr. Ismail Dimililer; to the Committee on the Judiciary.

H.R. 4744. A bill for the relief of Mrs. Ezra L. Cross; to the Committee on the Judiciary.

H.R. 4745. A bill for the relief of Dr. Philipe Figuracion; to the Committee on the Judiciary.

H.R. 4746. A bill for the relief of Peter Jean Heusser, and his wife, Francine Croke Heusser; to the Committee on the Judiciary.

H.R. 4747. A bill for the relief of Waldemar E. Kunstmann; to the Committee on the Judiciary.

H.R. 4748. A bill for the relief of Dr. Frederick Sia Lim, and his wife, Chua Huay Ching Lim; to the Committee on the Judiciary.

H.R. 4749. A bill for the relief of Giuseppe Palozzolo; to the Committee on the Judiciary.

H.R. 4750. A bill for the relief of Dr. Lolita L. Rana; to the Committee on the Judiciary.

H.R. 4751. A bill for the relief of Dr. Rameshehadra C. Shah; to the Committee on the Judiciary.

H.R. 4752. A bill for the relief of Dr. Vicente T. Uy; to the Committee on the Judiciary.

H.R. 4753. A bill for the relief of Dr. Ismael D. Yanga, Jr.; to the Committee on the Judiciary.

By Mr. RONAN:

H.R. 4754. A bill for the relief of Michele Cetrangolo; to the Committee on the Judiciary.

H.R. 4755. A bill for the relief of Peter Karonis; to the Committee on the Judiciary.

H.R. 4756. A bill for the relief of Zaven O. Kodjayan; to the Committee on the Judiciary.

H.R. 4757. A bill for the relief of Weronika Marek; to the Committee on the Judiciary.

H.R. 4758. A bill for the relief of Guiseppe Vitale; to the Committee on the Judiciary.

H.R. 4759. A bill for the relief of Salvatore Vitale; to the Committee on the Judiciary.

By Mr. ROONEY of New York:

H.R. 4760. A bill for the relief of Rafael Antonio Pappa, his wife, Clotielde Consuelo Teresa Burastero de Pappa, and their children, Alejandra Andrea, Gabriela Araceli, Sergio Javier, and Fabian Rafael Pappa; to the Committee on the Judiciary.

By Mr. ST. ONGE:

H.R. 4761. A bill for the relief of Dennis J. Relyea; to the Committee on the Judiciary.

By Mr. SANDMAN:

H.R. 4762. A bill for the relief of Charles J. Culligan; to the Committee on the Judiciary.

H.R. 4763. A bill for the relief of Fillippo D'Agostino; to the Committee on the Judiciary.

H.R. 4764. A bill for the relief of Mario Errera; to the Committee on the Judiciary.

H.R. 4765. A bill for the relief of Vita Fodera; to the Committee on the Judiciary.

H.R. 4766. A bill for the relief of Eugene P. Horton, Remilda Horton, and James Horton; to the Committee on the Judiciary.

H.R. 4767. A bill for the relief of Dr. Somsak Pappawuiat; to the Committee on the Judiciary.

H.R. 4768. A bill for the relief of Cecilia Pelaez; to the Committee on the Judiciary.

H.R. 4769. A bill for the relief of Francesco Somma; to the Committee on the Judiciary.

H.R. 4770. A bill for the relief of Basile and Palagia Stavroupoulos; to the Committee on the Judiciary.

H.R. 4771. A bill for the relief of Ioannis Stoubos; to the Committee on the Judiciary.

H.R. 4772. A bill for the relief of Giuseppe Trimarchi; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 4773. A bill for the relief of Elhau Malik and his wife Claire; to the Committee on the Judiciary.

H.R. 4774. A bill for the relief of Tomasa Rivera; to the Committee on the Judiciary.

By Mr. SMITH of Iowa:

H.R. 4775. A bill for the relief of Giuseppe Andreano; to the Committee on the Judiciary.

H.R. 4776. A bill for the relief of Salvatore Cusimano; to the Committee on the Judiciary.

H.R. 4777. A bill for the relief of Guido Fenu; to the Committee on the Judiciary.

H.R. 4778. A bill for the relief of Dr. Violeta Poblacion; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.R. 4779. A bill for the relief of Giuseppa Cordaro; to the Committee on the Judiciary.

By Mr. VANDER JAGT:

H.R. 4780. A bill for the relief of Shirouych Makaremi; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

35. By the SPEAKER: Petition of Henry Stoner, Portland, Oreg., relative to the Armed Forces; to the Committee on Armed Services.

36. Also, petition of Gordon Levon Dollar, Springfield, Mo., relative to redress of grievances; to the Committee on the Judiciary.

37. Also, petition of Benjamin L. Ehrlich, Chicago, Ill., relative to redress of grievances; to the Committee on the Judiciary.

38. Also, petition of Charles B. Lucas, Oxon Hill, Md., relative to redress of grievances; to the Committee on the Judiciary.

39. Also, petition of William B. Coleman, Jacksonville, Fla., relative to the Committee on Un-American Activities; to the Committee on Rules.

SENATE—*Monday, January 27, 1969*

(Legislative day of Friday, January 10, 1969)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Everliving God, unto whom in all ages men have lifted up their hearts in prayer, grant to all of us in this place a sense of the sacredness of every task, that while we work we may worship, while we think we may pray, while we speak we may witness for Thee, that serving here we may serve our Nation and serving our Nation we may serve all mankind. Receive now, O Lord, the dedication of our lives which we offer to Thee this day.

In Thy holy name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Friday, January 24, 1969, be approved.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a brief period be allowed for the transaction of routine morning business, with statements therein limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

MAN IN THE NEWS: SENATOR FRED HARRIS

Mr. MANSFIELD. Mr. President, some days ago, the Democratic National Committee met and selected a new national chairman. The man selected was one of our colleagues, Fred Harris, the senior Senator from Okahoma.

I am delighted with his appointment, because if anyone can occupy a position in the Senate and do an outstanding job as the national chairman for our party as well, it is Senator Harris. I assure him that he will have the full cooperation and understanding of the Senate leadership in the efforts he undertakes to strengthen the party, to invigorate it, and to bring about a better understanding with the younger people of this Nation.

Mr. President, I ask unanimous consent to have printed at this point in the Record the transcript of the first TV appearance by Senator Harris as national chairman, on "Face the Nation," January 19, 1969, as well as an article about Senator Harris and his lovely wife, LaDonna, entitled "Man in the News: Fred Harris Riding Herd on Democrats," published in the New York Post of Saturday, January 25, 1969.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Post, Jan. 25, 1969]

Man in the News: Fred Harris Riding Herd on Democrats

(By Warren Hoge)

Washington.—Only one thing was missing in the Humphrey command headquarters in Minneapolis' Leamington Hotel early election night.

The three television sets were in place. Telephones linked the suite with key lieutenants. The co-chairman of the Democratic Presidential nominee's campaign, Minnesota Sen. Walter Mondale, and his aides were there and a burly friend of the Senator's chauffeur stood at the door to keep out unwanted guests.

Still awaited was the other half of the campaign leadership, Sen. Fred Harris of Oklahoma.

Suddenly there was a commotion in the hallway. A short, somewhat overweight young man with shiny black hair parted razor-straight down the middle was trying to convince the bouncer that he was a U.S. Senator. It wasn't until Mondale came to the door and vouched for him that Sen. Harris was admitted.

In addition to being co-chairman of Humphrey's campaign, Harris had also been an activist member of the Kerner Commission on Civil Disorders and a frequently mentioned possibility for the Democratic Vice Presidential nomination.

Now, at 38, he is the chairman of the Democratic National Committee.

If all that wasn't immediately apparent to the doorkeeper that night, it's understandable.

Harris is a shirtsleeves and feet-on-the-desk type, a man with no time or taste for the excessive formality of traditional Senatorial demeanor.

While others suited up for convention strategy conferences in Chicago last August, Harris came out in turtlenecks, slacks and loafers. On other mornings, he often used to stroll over to the McLean, Va. home of his neighbor and friend, the late Robert Kennedy, dressed in bathrobe and slippers.

His 37-year-old wife LaDonna, who is half-Indian, and he prefer picnics and backyard cookouts to the Capital's entertainment institution—the candle-lit dinner party.

Behind this easy-going style lurk a drive and an ambition second to none in Washington. A look at his quest for the National Committee chairmanship and his first acts in office yield a telling view of the Harris method.

First, he cleared his credentials with the headliners in the party—Humphrey, Sens. Muskie, Kennedy, Mansfield and McGovern and House Speaker McCormack. (He couldn't get through to Eugene McCarthy.)

Then he personally telephoned all 110 members of the National Committee to see if they had any questions about his qualifications for the job or his plans for the party.

The day after his Jan. 14 election by the committee, Harris summoned all the committee employes and made it clear that his own earnestness was to be the model of the performance he expected from each of them.

He told them he wanted on his desk the next day a memo from each listing past experiences, present duties, attitudes about the current thrust of the committee's work, suggestions for the future and any complaints about their jobs.

He ordered them to memorize the names of all 110 committee members and of all Democratic Representatives, Senators and Governors. If any of these officials writes the committee, Harris directed, an answer should be in the mail within 24 hours.

And he demanded a promise from the staff that none of them would get involved in the jockeying for the party's 1972 Presidential nomination.

With that warning, he intended to dispel the fears of some who saw in his selection a bid to hold the party for Humphrey until 1972. "That's just not true," Harris said when asked in an interview about those allegations. "I want the party to keep open the options for anybody to run for President."

A second source of concern among some Democrats was a feeling that as a Senator he would not be able to devote the time needed to rebuild the sagging party structure and to pay off the $8 million debt incurred for the 1968 Presidential race.

Harris answers this by arguing that the time he gave last year to writing a book "Alarms and Excursions," a report on his work for the Riot Commission, directing Humphrey's race and serving on the Kerner Commission he will give this year solely to the committee chairmanship.

Harris learned to work hard at an early age. Born Nov. 13, 1930, the son of a Southwestern Oklahoma farmer, he was baling hay at the age of five.

Harris' mother earned money during the Depression years of the Senator's childhood by working alternately as a domestic, field hand, chicken plucker, laundry worker, cotton picker and store clerk.

His father had been a day laborer, mule skinner, cotton picker, migrant farm worker, mechanic, bus driver, trucker, cattle buyer, owner of a custom wheat harvesting outfit and a farmer and cattleman.

As a youth, Harris maintained this eclectic tradition, doing a variety of odd jobs around town and following the wheat harvest to North Dakota nine summers in a row. At 12, he decided he had to learn a trade, and he set out to become a printer.

It was an upbringing scarred by poverty; "depending on the need or my mood," Harris now reflects, it was "either terribly deprived or richly educational."

He received both undergraduate and law degrees from the University of Oklahoma where he made his first political mark as an official of the Young Democratic Club.

He had married his high-school sweetheart, LaDonna Crawford, during his first year at the University. They spent his college years together in a trailer the school provided for married students.

LaDonna, daughter of an Irish father and a Comanche mother, was virtually raised by her Indian grandparents after her own parents were divorced.

After graduation, Harris set up a law practice in Lawton and immediately ran for the State House of Representatives. He lost. Then he ran for the state Senate. He won, taking his seat at age 25.

In January, 1963, the veteran U.S. Senator from Oklahoma, Robert Kerr, died. The state's Democratic Governor, J. Howard Edmondson, resigned and had his lieutenant governor appoint him to the vacant post in Washington.

Harris set his sights on the seat and soon began an 18-month campaign through every hamlet of the state. It took two upsets to get him to Washington. First he overturned Edmondson's bid in a three-way Democratic primary. Then he overcame monumental odds and defeated Republican Bud Wilkinson, Oklahoma University's legendary football coach and a revered man throughout the state.

That election was for the two remaining years of the Kerr-Edmondson term and then in 1966 he won the seat for a full term in his own right.

In Washington, Harris performed a remarkable tight-wire act, becoming friendly with President Johnson, Sen. Robert Kennedy and Vice President Humphrey simultaneously.

In 1967 he recommended in a Senate speech that a "Special Commission on Civil Strife" be created to probe urban riots. Soon he received a call from the White House endorsing the idea and appointing him to the panel, named the National Advisory Commission on Civil Disorders.

On the Presidential commission, Harris and Mayor Lindsay quickly became the aggressive ones. They toured ghetto areas together, and later, when the White House tried to shelve their final report, they were the two commissioners most vocal in their insistence that its recommendations be adopted as national policy.

He also pushed hard for the section ascribing much of the blame for riot-breeding situations to white racism. "Racism," he told the NAACP 1968 convention in Atlantic City, "is the number one mental problem in America.

Known as an "egghead" in college, Harris has directed his intellectual interests at the history and problems of the American Indian. Both he and his wife are amateur anthropologists and go on digging expenditions together. He is also an authority on Oklahoma's Indians. One out of four American Indians live there.

The Harrises both speak Comanche and all three of their children, Kathryn, 19, Bryon, 10 and Laura, 7, are enrolled members of the Comanche tribe. A fifth member of the family in their eyes is Mary Jackmon, a Negro woman from Lawton, who has worked for them since the Senator was an Oklahoma lawyer. Her sister, Stella, is the Senator's receptionist in his Capitol Hill office.

Their seven-room white brick house in McLean is decorated in bright colors. Many of its paintings depict Oklahoma scenes.

Married more than half their lives, they are inseparable. His first act as Democratic National Chairman was to introduce her to its members. He even took her into President Johnson's Oval office for his very first audience with the Chief Executive. She lives his life as earnestly as he does.

Though something of a celebrity in Washington and a catch for Capital hostesses now, Harris is not likely to foresake his Oklahoma habits. A Southwestern twang colors the resonant timbre of his speaking voice and that part in the middle of his hair has stayed there despite the complaints of his friends.

One day recently Harris took an early morning stroll through the feedlots with his father on the farm in Lawton. Then he boarded a plane and flew to Washington.

Later that afternoon, a friend confides, he glanced at his feet and noted proudly that he was striding the carpeted floor of the U.S. Senate with traces of Lawton manure still on his shoes.

"FACE THE NATION," CBS TELEVISION NETWORK, CBS RADIO NETWORK, JANUARY 19, 1969, WASHINGTON, D.C.

Guest: Senator Fred R. Harris (D., Okla.) Chairman, Democratic National Committee.

Reporters: John Hart, CBS news; David Broder, the Washington Post; David Schoumacher, CBS news.

Producers: Sylvia Westerman and Prentiss Childs.

Mr. HART. Senator Harris, tomorrow you Democrats turn the White House over to the one man you Democrats thought could unify you. If Richard Nixon could not bring unity to your party, how do you, as the new Chairman, propose to do it?

Senator HARRIS. Well, I think the primary thing is that we have to help people become more aware of the tremendous problems which this country faces and how it is in their own self interest for us to meet those problems.

ANNOUNCER. From CBS Washington, in color, "Face the Nation," a spontaneous and unrehearsed news interview with the new Chairman of the Democratic National Committee, Senator Fred Harris, of Oklahoma. Senator Harris will be questioned by CBS News Correspondent David Schoumacher, David Broder, National Political Reporter of The Washington Post, and CBS News Correspondent John Hart.

Mr. HART. Senator Harris, what will you do to offer participation to the disconnected elements of the Democratic Party?

Senator HARRIS. Well, I think, first of all, we've got to really want to do that. I do. I think that is the mandate of the party, and I said, when I accepted the election, that we wanted to make this an open party, with the widest possible participation in all its processes, and made fully democratic. And, under the mandate of the convention, I will be appointing very soon a Commission on Party Structure and Delegate Selection, which I hope will give us recommendations for step-by-step ways that may be done.

Mr. BRODER. Senator, the man who led the fight for opening up the party structure at the convention, as you know, is Senator Harold Hughes, of Iowa. Are you going to let him follow through as Chairman of the commission?

Senator HARRIS. I haven't made any decisions about the chairmanship, or members, either one, because, for example, I have just mailed out, oh, I think something like four or five hundred letters to officeholders, party leaders, people who have shown an interest in this subject, and others, asking for their recommendations. I do want the widest possible participation in this party, and I want that much participation also in the selection. Harold Hughes is exactly the kind of man, it seems to me, that we will want on this commission.

Mr. SCHOUMACHER. Well, if you are going to have credibility in your desire for reform, aren't you almost going to be forced to select someone that was not identified with the Humphrey campaign, someone that was either connected with Robert Kennedy's campaign or Eugene McCarthy's?

Senator Harris. I think there are some good guys, you know, who were connected with the Humphrey campaign, myself, but also I—let me just say that criteria for the appointment to that commission, I think I can say very quickly—and I have said it to everybody, both before and after my election—number one, I want people who believe in the mandate. I do. I think we've got to make this party more democratic, as the convention has directed us to do it, and so people who go on that should also believe that. Secondly, I want the commission to be credible, that is, I don't want people to just look at it and say, "Oh, well, that group isn't going to do anything." Thirdly, I want it to be of people of really sound judgment, who will really work at it. For example, I come down on the side of decentralization of schools in New York City but, as we have seen, that is easier said than done. So I am not just interested in a group that will restate the principle, that is, we want a more democratic party, but people who will really work at making that come to pass. Fourthly, I want people who are representative of the various elements in the party.

Mr. Hart. Senator Harris, Robert Kennedy won the Indiana primary and yet the votes of Indiana went to, let's say, Hubert Humphrey, the party establishment. Eugene McCarthy won the Pennsylvania primary and, yet, with yourself prominently involved, those votes of Pennsylvania went to the establishment, again. Do you want to see that happen again? How are you going to insure that primary votes are translated into delegate votes?

Senator Harris. Well, as you recall, after the Indiana primary Senator Kennedy, unfortunately, was assassinated and wasn't, therefore—their votes couldn't, therefore, later be cast for him, so the party itself had to decide what it was going to do. In Pennsylvania, I believe, Senator McCarthy ran—I don't remember whether he was unopposed altogether or not, but I do know that Hubert Humphrey was prevented from being in that primary. I think the convention has given us a mandate that we've got to follow. It is one which I believe in. And that is that in every possible way, by primaries, by open conventions, by whatever, when we select the delegates who will select our nominee in 1972, that ought to represent the popular will of the Democratic Party at that moment.

Mr. Broder. Senator, there are some people who would take it one step further and just get rid of the national convention and let the people choose the candidate directly. How do you feel about that?

Senator Harris. I don't know. I have misgivings about a primary because of the tremendous money that would be involved for everybody to have to run in every state. I think the primaries serve a very useful purpose, the ones we already have, and perhaps others that will be added, because I think it gives the party a chance to see whether or not a man can really appeal to the people themselves. I am not sure that we will want to throw it out altogether and go to a direct primary. There have been suggestions for that, and that will be considered in the Congress itself. But I would hope that this commission, which I will appoint, under the convention mandate, will consider that as well as other suggestions.

Mr. Hart. Senator Harris, you speak of wanting credibility for your reform commission; what about the committee itself, which met this week and, in rhetoric at least, condemned the Georgia party for selecting rather than electing its officials, and then went ahead and seated those selected, autocratically selected officials? Is there a credibility problem there?

Senator Harris. Let me just say, first, that that was decided, of course, before I was elected. It was a committee which was appointed by my predecessor, as chairman, but it was a rather good committee, I thought. Mayor Doorley, of Providence, Rhode Island, was the Chairman, a young, bright Democratic leader, I think one of our better young Democratic leaders in the country. The way I understood it—I was not present when the Credentials Committee report was made, that was, as I say, before I was elected—as I understand it, there are some legal problems about the Georgia law, and so forth. But I talked afterwards to the two, the committeeman and woman, who were seated, and they promised me they would go back to Georgia and try to comply with what is the obvious requirement of the convention. And we are going to try to see that that is done.

Mr. Schoumacher. We are just about swimming in committees and commissions and councils, let's talk about the Democratic National Policy Council.

Senator Harris. Right.

Mr. Schoumacher. How much success are you going to have with that idea of a legislative advisory committee, a policy advisory committee with the opposition, apparently, of Senator Mansfield, the majority leader?

Senator Harris. Let me say first that, when I called Senator Mansfield and asked him about whether or not he would approve of my selection as Chairman of the Democratic Party, he said, "I am enthusiastic about it," and, he said, "You can quote me." And when I called Speaker McCormack about it, interestingly enough, he mentioned the same word. He said, "I am enthusiastic about it, and you can quote me." I also had a very good visit with Senator Kennedy in advance, and he gave me his pledge of approval and support. Carl Albert, of Oklahoma, the majority leader in the House, urged me to take this and, obviously, I am in close working relationship with him. I was for the Democratic Policy Council because I want this to be a party which is the loyal opposition. I don't agree with Benjamin Disraeli that the business of the opposition is to oppose. I think that we shouldn't oppose just for the sake of opposition, but we have a responsibility which we can't evade on the great moral issues of our time—peace, race and poverty—and I think we have got to speak out and help lead this country, and especially is that so because now we are also in control of the House and Senate, despite the fact that the Republicans elected their man to the White House.

Mr. Broder. Well, Senator——

Senator Harris. Well, that is why I wanted the Policy Committee and I think, therefore, it is an asset to be in the Senate, to enjoy the close working relationship with those leaders, and I believe we can avoid the kind of split we had, as I understand it, back during the Eisenhower administration, between the Democratic National Committee, on the one hand, and the Congress, on the other.

Mr. Broder. You don't expect Senator Mansfield and Speaker McCormack to join this policy council, do you?

Senator Harris. I don't know. I just really hadn't thought about that. The words of the resolution call for the appointment of congressional leaders, party leaders, officials around the country of stature, and so forth, and I would hope that people that we could put on this council and who would head up task forces under it, would be Cabinet quality people, the kind of people who would really work at staying abreast of these issues and the kind of people who could be called before committees to testify on the matters as they come up and offer constructive alternatives.

Mr. Schoumacher. Will Hubert Humphrey be the chairman of this council?

Senator Harris. I don't know. We really haven't discussed that. I haven't thought about it at all, and I would want to—you know, I haven't really thought about who will be on any of these, and I don't intend to until we have had an opportunity to receive the recommendations from people all over the country, which I have solicited.

Mr. Hart. Senator, could we talk about specific plans that you have in mind for involving these disaffected sections of the party——

Senator Harris. Yes.

Mr. Hart. —at the grass roots?

Senator Harris. Well, first of all, I intend to appoint a youth commission, a youth participation commission very soon, and that is a matter which I have been very much interested in. I introduced last year a bill called the Youth Participation Act, to involve young people in decision-making in government at all levels, and it is a bill which I worked out in conjunction with a lot of really bright kids all over this country. There is a chapter in the book I wrote last year, "Alarms and Hopes," on this very subject, the subject of youth, and their alienation and their feeling that there isn't sufficient outlets for their energies and ideas and idealism, and I think that is right. I think we need to take them in. Well, first of all, we are going to believe in taking them in. This task force is going to go out looking for ways that they can participate in the decision-making processes of the party itself, participate—

Mr. Hart. Do you have any ideas on that, at this point, on how they can participate?

Senator Harris. I think, for example, that all these commissions and committees I appoint ought to have some of these really bright young kids on them, and that is what I intend to do, to just start right off with that kind of participation. Furthermore, I am asking——

Mr. Schoumacher. Are these going to be Young Democrat kind of bright young kids or are these going to be bright young kids?

Senator Harris. Bright young kids and bright Young Democrats also.

Mr. Schoumacher. Which is going to get me a lot of letters from the Young Democrats.

Senator Harris. Well, what we are going to have to do, also, is go out and say that you are not going to have to sign in blood that you will vote for every one of our nominees or say that you are going to dedicate the rest of your life to politics, in order to be able to participate in our party and to participate in the issues, discussion of the issues. But one more thing, which I am really very excited about, is this: I want the Democratic Party to offer an opportunity to young people, to women, to everybody, a chance not just to say something about social ills but to do something about them. I want to see us offer technical assistance, encouragement, stimulation for people to begin tutoring programs and programs like that, to do something right now in a non-Federal, private way, even though we are not in the White House.

Mr. Hart, Senator, we have some questions on that and we will ask you those in a moment.

Mr. Hart. Senator Harris, you are talking about a government in exile, a shadow government. How are you going to operate these ambitious programs for involving all of these varied people, in great numbers, and pay off $10 to $12 to $15 million, and get your $1.5 to $2 million a year just to run the committee, and fund these other activities?

Senator Harris. Well, I think they are really compatible. I think that, for example, if you are just a party doing nothing but raising money, you find money much harder to raise. What I want to do is to have so many activities going, that are really worthwhile, on the issues and on doing things and on allowing everybody to take part in it, speaking out on the things that we think are really vital to the future of this country, that we will be a party that people will want to participate in. Some will want to participate with money, if they have it; some will want to participate with time, and some with both. But we are going to try to broaden the base of the financial contributors in this party, and I think we will be able to do that, if we are doing things.

Mr. HART. Well, let me re-ask that question: You are in debt. You owe a lot of money. How are you going to do these other things?

Senator HARRIS. We will just do them, because I think people want those sort of things to be done by this party. And, in addition to that, of course, our contributors know that if they—that is, the people that we presently owe—that if they demanded their money this very moment, of course, we just wouldn't be able to do anything at all, and we would have a far harder time raising the money. Now, they have been very, very good and very forbearing about being willing to take their money over some period, and we are going to have a great many activities on fund-raising, but that is not going to be our only activity.

Mr. SCHOUMACHER. Senator, the conservatives in Congress generally expect a liberal legislative program to be submitted this year. Will there be one?

Senator HARRIS. Submitted by the President, do you mean, or——

Mr. SCHOUMACHER. Not only by the President, but I am speaking of by liberal Democrats.

Senator HARRIS. Well, we have—our platform adopted in Chicago, I think, on domestic issues, particularly, is a very good platform. For example, it endorses the findings and recommendations of the Kerner Commission. And I will be hopeful that bills will be introduced to help carry out that platform. Our platform of 1964 virtually is enacted now, and I think even though we are not in the White House we are in control of the Congress and we have a very serious responsibility to try to carry out this platform we adopted in Chicago.

Mr. SCHOUMACHER. How much in control of the Congress are you? Hasn't the Conservative Republican-Southern Democrat coalition taken back over, particularly in view of this latest rules fight that you lost?

Senator HARRIS. Well, men are still individuals and each has his own responsibility, to discharge his responsibility as he sees fit, and so we haven't any kind of whip over anybody. We haven't any way to control anybody. The Democratic National Committee couldn't possibly dominate the Congress, if it wanted to, and the Congress shouldn't dominate the Democratic National Committee. But I think we can work far closer together than we have in the past, and I think the country will benefit from it.

Mr. HART. In an administration which seems to be talking about rationalizing existing laws rather than bringing in new laws, will the Congress dominate the government over the next four years?

Senator HARRIS. Well, I hope that—you know, it is not so much a question of who dominates who—I hope we will move on these programs. For example, we are spending now about $3 billion on education. One of them—there are several kinds of programs—we have such a great indebtedness for President Johnson, who led us really to move on some of these massive kind of domestic problems we have. Well, here you just look ahead at the children coming on who were born a little time after the Korean War, and you will see that, even with present programs, that is going to cost $11 billion, just because of increased kids in school and in college, and so forth. Well, now, you can't stand still because our population is growing, urbanization continues. All of these problems are there and they are not going away and they are not getting smaller. Now, whether you are a Republican or a Democrat, you are an American first, and you have to worry about these things because America is not going to be the kind of country that you and I want it to be unless we face up to these problems courageously and unless we move to meet——

Mr. HART. Is that the tone you read in the Nixon administration, a standstill?

Senator HARRIS. Well, I don't feel responsible for the Nixon administration, you know, but I do feel responsible for offering constructive alternatives. If he doesn't offer plans to meet these problems, then it seems to me that, in conjunction with the Congress, the Democratic Party and its leaders have to offer constructive alternatives and give the people a chance to debate and discuss these things and decide them.

Mr. BRODER. Senator, what is your constructive alternative for the antipoverty program, which even President Johnson said maybe needs to be overhauled? Are you going to try to fight to save that agency as a separate agency?

Senator HARRIS. Well, I don't know about the separate agency. I personally would like to see it, because I think it is a good yardstick for other agencies which in the past sometimes sort of sat back and waited until somebody came in with a problem instead of going out looking for problems and going out giving people a chance to have a voice in a solution to their own problems, which I like. So I would like to see the agency continue, but one way or another you are going to have to continue the program because the problems are there. As a matter of fact, what I am particularly interested in is what we said in the Kerner Commission report, adopted in the Democratic Platform, and that is a very greatly increased public and private job program and job training program, because I think that is the number one thing we could do, if we were just going to do one thing, because to help people have a job and the training to do the job so that they can provide for themselves.

Mr. SCHOUMACHER. Senator, does organized labor, do labor leaders have too much influence in the Democratic Party?

Senator HARRIS. I don't think so. I think that they have an influence, just like every other group or group of individuals does. And, so far as I know, they don't have any inordinate influence.

Mr. SCHOUMACHER. Well, now, several times a week there will be a circular come out announcing some meeting of the new Democratic coalition in one state or another, several hundred, five hundred, a thousand people getting together to talk over party problems. And several weeks ago Vice President Humphrey met secretly with some labor leaders in the backwoods of Maryland to talk over party affairs. Just where really is it at in the Democratic Party?

Senator HARRIS. Well, I don't know what you're talking about, but where it's at is everybody—our party is open to everybody who believes in the democratic processes and we will offer a forum to people who believe in the democratic processes and who are Democrats who want to come in and voice their opinions and take part in our party. And, you know, if you would look at my appointment list, you will see that I meet with all types of people, and I am interested in doing that and I am going out looking for them.

Mr. SCHOUMACHER. We have, perhaps, concentrated too much on your problems to the left of the center of the Democratic Party. What about to the right, and particularly in the South? How are you going to balance these needs, as you see them, in the party and in the country, versus the defections that the Democrats are running to in the South?

Senator HARRIS. Well, let me say, first on issues, the platform in Chicago is binding on the Democratic Party. It was adopted at our convention. I support it. So on issues, such as race issues, we have a platform, and it is one which I have supported and helped draft. Insofar as participation in the party is concerned, in the southern states, it has got to be just like in any other state, and you have got to follow the political—the democratic processes, it mustn't be racist, it mustn't exclude people because of race or for any other reason. If they believe in the democratic processes, and if they are a registered Democrat, why, they have got to be allowed to take part in the democratic selection of their party officials and individually of their delegates. Now, that's the mandate of the convention. It happens to be one I believe in. Even if I didn't believe in it, I would have to carry it out because I have no alternative.

Mr. HART. Senator, you talk about politicians now, what about the voters of the South which made Richard Nixon President this time, how do you get them back?

Senator HARRIS. I think that what you have to do is to—something I hope we will do, as a party, something I tried to do last year, in writing a book. I thought about my dad, who lived on a farm down in southwestern Oklahoma. He comes originally from Mississippi. And what you have to say to him is that, you know, your life is very much bound up with what is going on in Detroit, or what is going on in Chicago, or somewhere else. I think Benjamin Franklin was—I think one problem about us liberals is that we try to get people to do things simply because we preach to them. Well, I think people ought to do the right thing because it is right, but I also believe that Benjamin Franklin was right when he said, "If you would persuade, you must first appeal to interest rather than intellect." And so I think what we have to say to a guy like my dad is that it is in your interest to recognize these problems, and it is in your interest to see that they are solved. In that way, I think, we can make an appeal, as a party. But solutions sound nutty to people who don't think there are any problems, and I think there are a lot of people in the country who either don't know that these problems exist or don't realize how serious some of these problems are, the problems of urbanization, for example, now, with 70 per cent of our people living on only 2 per cent or less of the land, and we have had to spread that awareness. That is the reason why I am interested in this action program, to get people involved. If you get involved in tutoring some child, for example, in a black ghetto, or wherever, in a white rural poverty area, if you get involved, then you begin to see these problems. Then you see—you know how serious they are.

Mr. HART. Is that what the Democratic Party is going to do?

Senator HARRIS. That is what I hope we'll do.

Mr. BRODER. But, Senator, the reality is that you lost every southern state except Texas. In many of them your ticket finished third, it didn't even finish second. How do you really expect to make the Democratic Party, as long as it adheres to the principles that you are talking about, palatable to the south?

Senator HARRIS. In the first place, why should the South, why should people who live in the South be all that different from people who live in the North? If we do our duty, if we help build a really democratic and representative party, and if we do our duty in helping spread the awareness of the problems which face this country—they are not just problems of Oklahoma, they are not just problems of Washington, D.C., they are problems of Mississippi and Alabama, and so forth. And I think we have to do what we ought to do, anyway, and that is build—and now perhaps for the first time, really—a National Democratic Party.

Mr. Hart. Senator, it sounds as if, in talking about an open party in the South, you're putting your hopes a great deal on a lot of new and newly registered black voters in the South.

Senator Harris. Yes, that's true, of course——

Mr. Hart. But there aren't enough of them to return the South to you.

Senator Harris. Well, there are a great many more black people there. In Mississippi, for example, the party which is headed by Dr. Henry, is the Democratic Party of Mississippi. It is about half black and about half white. I suppose it is about like the ratio of——

Mr. Hart. In August was the Democratic Party.

Senator Harris. Well, it is the Democratic Party there. It is the one recognized by the convention. It followed—it was the only party which followed the processes which the convention had in 1964——

Mr. Schoumacher. What would happen to you if you had people like John Stennis and Richard Russell and a large part of your congressional delegates suddenly go over and help the Republicans organize a Congress in the future?

Senator Harris. Well, you know, that would be an individual decision of theirs. I don't expect it. But may I say, nevertheless, what we have to do is laid down in the mandate of our convention. Our processes must be democratic and our platform is as adopted in Chicago. I suppose that.

Mr. Broder. Senator, let me change the subject, if I can. Do you consider that Senator Kennedy can have that 1972 nomination if he wants it?

Senator Harris. I don't have any business even considering that. What I have said all along, both before and after my election as Chairman of this party, is that we ought to preserve the options of everybody who wants to run for President of the United States or any other office, if they want. What I want to do is build a party they will be proud to inherit, whoever gets the nomination.

Mr. Hart. Senator Harris, as prime minister of this shadow-type government, what major role do you foresee for yourself in the next, 1972 campaign?

Senator Harris. Oh, in 1972 I plan to run for reelection, right now, to the United States Senate, in Oklahoma. I don't want to bind myself even to do that for sure, four years away. But I am not looking to run for——

Mr. Hart. You are not binding yourself for reelection in Oklahoma?

Senator Harris. No, because it is four years from now. Right now I would say yes, I probably will, but I am not looking to run for national office.

Mr. Schoumacher. Does the law permit you to run for both President and the Senate in Oklahoma?

Senator Harris. I wouldn't think so.

Mr. Hart. Thank you very much, Senator Harris, for being here to "Face the Nation."

Announcer. Today, on "Face the Nation," Senator Fred Harris, of Oklahoma, the new Chairman of the Democratic National Committee, was interviewed by CBS News Correspondent David Schoumacher, David Broder, National Political Reporter of The Washington Post, and CBS News Correspondent John Hart. Next week, another prominent figure in the news will Face the Nation. "Face the Nation" was recorded yesterday at CBS Washington.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

WEAPONS SYSTEMS: A STORY OF ALLEGED FAILURE

Mr. SYMINGTON. Mr. President, in the Washington Post of Sunday, January 26, is a story by Mr. Bernard D. Nossiter, "Weapon Systems: A Story of Failure—Pentagon Gadgetry Failure Found High in Fifties, Higher in Sixties."

The article includes some charts which I hope anyone interested in the subject will examine. Unfortunately, the charts cannot be reproduced in the Record.

As a result of this article, I would hope there would be more understanding of why some of us suggested during the last session that this Government continue with research and development on the new ABM system, but not place orders for its production. The proposed ABM system is far more complicated than any of the systems referred to in this article.

As Members of the Senate know, over a period of years I have been protesting the "gadgetry" aspect of our current defense procurement as against the obtaining of workable hardware.

I would hope the "abstruse" article in question, now that much of it has been made a matter of public record, will be made available to the proper committees of Congress.

I ask unanimous consent that the article in question be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Weapons Systems: A Story of Failure

(By Bernard D. Nossiter)

[Charts and graphs referred to not printed in the Record.]

The complex electronic gadgetry at the heart of new warplanes and missiles generally works only a fraction of the time that its builders had promised.

The performance of the multi-billion-dollar weapons systems started in the 1950s was bad; those of the 1960s are worse.

The Pentagon appears to be giving the highest profits to the poorer performers in the aerospace industry.

These are the conclusions of an abstruse 41-page paper now circulating in Government and academic circles. The document, a copy of which has been made available to The Washington Post, is believed to be the first systematic effort to measure how well or ill the Pentagon's expensive weapons perform.

Its author is a key Government official with access to secret data and responsibility for examining the costs of the Pentagon's complex ventures. He and his agency cannot be identified here.

His paper, entitled "Improving the Acquisition Process for High Risk Military Electronics Systems," aims at bringing down the costs and bettering the dismal performance of weapons. It does not discuss a question that might occur to others: if these weapons behave so badly, why is the money being spent at all?

For security reasons, many of the planes and missiles examined are not identified by name.

The paper first examined 13 major aircraft and missile programs, all with "sophisticated" electronic systems, built for the Air Force and the Navy beginning in 1955, at a cost of $40 billion.

Of the 13, only four, costing $5 billion, could be relied upon to perform at more than 75 per cent of their specifications. Five others, costing $13 billion, were rated as "poor" performers, breaking down 25 per cent more often than promised or worse. Two more systems, costing $10 billion, were dropped within three years because of "low reliability." The last two, the B–70 bomber and the Skybolt missile, worked so badly they were canceled outright after an outlay of $2 billion.

LOSES FURTHER LUSTER

The paper sums up: "Less than 40 per cent of the effort produced systems with acceptable electronic performance—an uninspiring record that loses further luster when cost overruns and schedule delays are also evaluated."

The paper measures "reliability" in this context. The electronic core of a modern plane or missile consists essentially of three devices. One is a computer that is supposed to improve the navigation and automatically control the fire of the vehicle's weapons and explosives. Another is a radar that spots enemy planes and targets. The third is a gyroscope that keeps the plane or missile on a steady course.

When the Pentagon buys a new gadget, its contract with the aerospace company calls for a specified "mean time between failure of the electronic system." In lay language, this is the average number of continuous hours that the systems will work.

In a hypothetical contract for a new jet bomber, Universal Avionics will sell the Air Force on its new * * * by promising that the three crucial electronic elements will operate continuously for at least 50 hours without a breakdown. In the reliability measures used in the paper described here, the plane is said to meet 100 per cent of the performance standards, if, in fact, its gadgetry did run 50 consecutive hours. However, if a key element breaks down every twelve and a half hours, it gets a rating of 25 per cent; every 25 hours, 50 per cent and so on. Should a system operate with a breakdown interval of 62.5 hours—a phenomenon that happens rarely—its reliability is rated at 125 per cent.

TEST FOR THE PILOT

Quite obviously, the more frequent the breakdown, the more the pilot of a plane has to rely on his wit and imagination to navigate, find targets and fly a steady course. Over-frequent breakdowns in a missile can render it worthless as an instrument of destruction.

Curiously enough, as the paper demonstrates, the Pentagon and the aerospace industry apparently learned * * * the systems of the 1960s are even worse.

The document first looks at the performance record of the electronic systems in 12 important programs begun in the 1950s. As the accompanying chart shows, all but four missiles can be identified by name without breaching security.

Of the 12, only five perform up to standard or better; one breaks down 25 per cent more frequently than promised; four fail twice as often and two break down four times as frequently as the specifications allow.

The document discusses some of the good and bad performers in this group. It observes that the F–102, the Delta wing interceptor for the Air Defense Command, was bedevilled by an unsatisfactory fire control system. Its first had to be replaced; the next was also unsatisfactory, and an extension two-year program to modify the device was then undertaken.

SIDEWINDER DID WELL

In contrast, the Sidewinder, a heat sensing missile, performed very well. The study attributes this to the fact that the missile was developed in a leisurely fashion, without a "crash" schedule, and that several contractors were brought in to compete for key components.

The paper next examines eleven principal systems of the 1960s. These cannot be identified beyond a letter designation.

Thus, in the chart, A1 is the first version of a plane or missile; A2 is the second version, possibly one for a sister service; A3 is the third version and so on. B1 is the first version of an entirely different system; so are C1, D1 and E1.

To make the best possible case for the Pentagon and its contractors, this survey does not include two systems costing $2 billion that performed so badly they were killed off. The eleven systems of the 1960s evaluated here account for more than half of those begun in the most recent decade and their electronic hearts cost well in excess of $100 million each.

Of the eleven systems, only two perform to standard. One breaks down 25 per cent more rapidly than promised; two break down twice as fast and six, four times as fast.

As a group, the eleven average a breakdown more than twice as fast as the specifications demand. Oddly enough, the first version of the system designated as "A" met the standard. But the same unidentified contractor produced three succeeding versions that fail on the average more than three times as often as they should. All these successors, the paper observes, were ordered on a "pressure cooker" basis, on crash schedules.

HIGHEST REWARDS

The paper also examines the relationship between contractors' profits and performance, and suggests that, contrary to what might be expected, some of the most inefficient firms doing business with the Pentagon earn the highest rewards.

The second chart looks at profits, after-tax returns as a percentage of investment, the only valid basis for determining profitability, for the ten years from 1957 through 1966. During the decade, the aerospace firms managed to earn consistently more than American industry as a whole, piling up nine dollars or (billions of dollars) in profits for every eight garnered by companies not doing business with the Pentagon.

Even more peculiar is the brilliant earnings record of two of the biggest contractors, North American and General Dynamics. Both, except for a brief period when General Dynamics tried its hand at some civilian business, made profits far above the industrial average and generally in excess of their colleagues in aerospace.

During the ten years, North American did all but two per cent of its business with the Government. The study reports that it produced one highly successful plane in the mid-50s, another system that met performance specifications, one that was canceled and four that broke down four times as frequently as promised. Nevertheless, the company's profits were 40 per cent above those of the aerospace industry and 50 per cent above the average for all industries.

NONE MEASURES UP

General Dynamics had, as the chart shows, a much more uneven profits record. But its years of disaster and even losses were those when it ventured into the economically colder climate of the civilian world to produce a commercial jet airliner. Having learned its lesson, it retreated to the warmer regions of defense procurement and, in recent years, has netted more than the industry average. It has compiled this happy earnings score, the study observes, despite the fact that none of the seven weapons systems it built for the Pentagon "measured up to expectations." Its most notorious failure is the F-111 swing-wing fighter-bomber.

As a final touch, the study notes that complex electronic systems typically cost 200 to 300 per cent more than the Pentagon expects and generally are turned out two years later than promised. But both of these phenomena have been examined so frequently by specialists in the field that the paper does not dwell on them. .

HOW MUCH PROTECTION?

These findings raise some serious questions. Perhaps the most important is how much protection the United States is getting for the tens of billions of dollars invested in expensive weaponry. Another is whether the whole process should be turned off and improvements made in the existing devices. Secretaries of Defense have repeatedly assured the Nation that present weaponry guarantees the destruction of any Nation that attacks the United States.

The document under study here, however, takes a different line, one aimed at getting less costly weapons that measure up to the promised performance.

It blames the dismal record on several factors. One is the relentless search for newer and more complicated electronic "systems." The aerospace contractor has an obvious vested interest in promoting "breakthrough" gadgetry. This is the way he gets new, and clearly profitable business.

CLOSE CORRELATION SHOWN

But the study asks, do the services need it? Since the Air Force and the Navy almost always accept a plane or a missile that performs at a fraction of its promised standard, it would appear from an exclusively military standpoint that a device of a much lower order of performance fits the Nation's defense needs.

The document also shows a close correlation between "crash" programs and poor performance. Thus, it proposes more realistic schedules. If a weapon is wanted in short order, five years or less, the study recommends that its electronic gadgetry be limited to familiar items.

If the Pentagon wants something that makes a "technical breakthrough," it should allow a minimum development period of five to seven years, it is pointed out.

Another factor in poor performance, the study says, is the absence of competition for new systems after the initial designs are accepted. Typically, the Pentagon requires five or so aerospace firms to bid on its original proposal. But typically, it selects one winner on the basis of blueprint papers. The study says that the military could save more money and get a better product if it financed two competitors to build prototypes after the design stage. Such a technique was followed, it recalls, with the F-4, a supersonic Navy interceptor. Even though the F-4 employed both a new radar and a new computer, it performed up to the promised standard.

At first glance, such a technique might seem like throwing good money after dubious dollars. But the study contends that if two aerospace competitors are forced to build and fly prototypes before they win the big prize—the contract to produce a series of planes or missiles—they will be under a genuine incentive to be efficient, hold costs down and make things that work.

GOOD WILL TOWARD MEN

Mr. ERVIN. Mr. President, during the recent Christmas season, the Rocky Mount, N.C., Telegram, published an editorial, on December 31, 1968, entitled "Where Good Will Really Counted."

In order that all Americans might read of the spirit of good will that prevailed in the case of little Margie Elizabeth Ingram, I ask unanimous consent that the editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Where Good Will Really Counted

The story of little five-year-old Margie Elizabeth Ingram is one to warm the cockles of the heart and make the old familiar words about "goodwill toward men" more meaningful.

Margie was severely burned the Saturday before Christmas and was immediately placed in Park View Hospital. But with third-degree burns over 40 per cent of her body, she needed specialized treatment, the kind available in the burns institutes in various cities.

Shriners of the Rocky Mount Shrine Club and Sudan Temple arranged a room for her in the Cincinnati Shriner's Burns Institute and arranged transportation through the helping hands of Rep. L. H. Fountain and the Surgeon General's office in Washington. An Air Force plane was made available at Seymour Johnson Air Base in Goldsboro.

Weather prevented landing in Cincinnati so she was placed in the Shriner's Burns Institute in Boston where she is getting the best care available.

Officials at the Boston Institute say her condition is good despite the widespread burns. Rocky Mount citizens will be joined by countless others across the country who read the story on the national wire services in pulling for the child to make a complete recovery.

At the same time, we all heartily commend those who were actively involved in arranging such fine care for Margie—the Shriners, Rep. Fountain, the Surgeon General's office, the Air Force, the countless unnamed citizens here who pitched in when help was so desperately needed. In this, our season of "good will" it was given a special meaning for Margie Ingram at a time when she needed it most.

PRESIDENTIAL CONTROL OVER INDEPENDENT ADMINISTRATIVE AGENCIES

Mr. ERVIN. Mr. President, during the past year, the Subcommittee on Separation of Powers has been studying various constitutional issues involving the independent administrative and regulatory agencies. Our concern to date has been primarily with the relations between the agencies and Congress. The subcommittee has examined the problem of agency adherence to legislative policy and the various techniques by which Congress can better insure that its legislative will is followed. As part of this inquiry, we have also examined the extent to which the courts perform a policy oversight function.

The relationships between the agencies and Congress and the courts are, however, only two-thirds of the picture. The remaining aspect involves the relationship between the agencies and the President. Although we may popularly regard the administrative agencies as part of the executive branch, they were not created as arms of the executive departments, nor are they intended to act as such. The agencies are creatures of Congress legislative power, particularly its authority over interstate commerce. They were created to perform a large part of the regulatory function which Congress, as a practical matter, could not. Their regulatory functions and the policies they administer are determined by Congress, and it is to Congress that they are ultimately responsible.

The "independent" part of their descriptive title refers primarily to independence from the policy and partisanship of the President and his administration. Congress sought to achieve continuity in the functioning of the agencies regardless of changes in control of the executive branch. Such is the theory. In practice, however, there are a variety of methods by which the agencies are kept more or less within the influence, if not the control, of the President and his administration. In a speech delivered January 16 before the Capitol Hill chapter of the Federal Bar Association, Commissioner Everette MacIntyre of the Federal Trade Commission sketched some of the devices by which, potentially or actually, the President can exercise influence over the agencies, and to some indefinite extent make them conform to his policies and programs.

As Commissioner MacIntyre related, these devices are in part the unintended byproducts of attempts to improve the operations of the agencies. In other respects, they are the result of a very understandable desire to reduce friction between the executive department and the agencies and eliminate conflict between the economic policies of the President and the activities of the agencies.

The subcommittee intends to explore further this aspect of the administrative agencies system, which Commissioner MacIntyre has so well described. I ask unanimous consent that his speech, "Regulator Independence: Factual or Fanciful," be printed in the RECORD at this point.

There being no objection, this speech was ordered to be printed in the RECORD, as follows:

REGULATORY INDEPENDENCE: FACTUAL OR FANCIFUL?

(Remarks by Everette MacIntyre, Commissioner, Federal Trade Commission, before Capitol Hill Chapter, Federal Bar Association, Washington, D.C., January 1, 1969)

I. INTRODUCTION

Congress, in the exercise of its prerogatives pursuant to Article 1, Section 8 of the Constitution, which empowers it "to regulate commerce with foreign nations, and among the several states, and with the Indian tribes," by 1885 felt the necessity for the regulation of commerce by some other method than had previously been the case. It faced up to this problem with the full realization that it would not be able to deal with all the requisite details by way of direct legislation from one detail to another. It also realized that under the doctrine of separation of powers it would not be proper to delegate the function of filling in all legislative details to either the judiciary or the executive branch of the government. It therefore determined upon a course of creating, as arms of the Congress, independent regulatory agents to whom would be delegated a limited amount of legislating authority —namely, filling in of legislative detail within a broad framework of congressional standards and declarations of policy. An example of such a delegation is Section 5 of the Federal Trade Commission Act, which provides that "unfair methods of competition" are unlawful. In such situations there was left to the independent regulatory agent, as an arm of Congress—in this instance the Federal Trade Commission—the delegated authority and power to fill in and implement the necessary legislative details to establish the precise meaning of the phrase "unfair methods of competition." This was to be established by quasi-judicial action through the process of judicial inclusion and exclusion and by the quasi-legislative process, including rulemaking proceedings. The Supreme Court has recognized the propriety of congressional delegation to an independent regulatory agent serving as an arm of Congress. But it is equally clear that it would not only be improper but unconstitutional to attempt delegation to the same degree to the executive or, for that matter, to the judiciary.[1]

This is not to say, of course, that Congress may not properly delegate some regulatory authority to the executive. But under constitutional theories such delegation requires a great deal more specificity than is required for "an arm of Congress." This distinction, however, has been steadily eroded, be it by accident or design.

With the advent and growth of the railroads after the Civil War and improved methods of communication, commercial intercourse between the states mushroomed and Congress could hardly be expected to concern itself with the day-to-day aspects of regulating this commerce. Accordingly, Congress delegated a goodly part of its authority to different bodies as the need arose and depending upon the particular function involved. The independent regulatory agency was but one method used by Congress to achieve a particular end. This method of regulation was to be through the reach of an arm of Congress outside of the control of the executive. With this approach Congress chanced upon a method of regulation unique and untried at that time but upon which it was to place increasing reliance in the fulfillment of its constitutional mandate.

Parenthetically, I should note that whenever regulatory independence is discussed it should be understood that it refers to independence from the executive or executive departments. It does not refer to absolute independence; the agencies are arms of Congress, are responsible to Congress and subject to the oversight of Congress.

Since the creation of the first federal independent regulatory agency in 1897—the Interstate Commerce Commission—and the last of the original seven [2] independent regulatory agencies—the Civil Aeronautics Board in 1938—there has been an almost endless stream of legislative and judicial expression affecting every phase of these agencies' operations. The purpose of this paper is to review and analyze some of these legislative and judicial developments which relate to the concept of the "independence" of these agencies, with particular reference to the Federal Trade Commission. At the outset it should be noted that the Federal Trade Commission differs from other independent agencies with respect to the subject matter of regulation; whereas other independent agencies have a particular industry assigned to them, the Federal Trade Commission is charged with regulating that vast array of American business not otherwise the subject of special federal regulation. This gives additional meaning and importance to the theory of independence as applicable to the Federal Trade Commission.[3]

Every time the administration changes we frequently experience calls for a reorganization, if not an actual reorganization, during which the theory of the independence of the regulatory agency is debated with renewed vigor. It is hoped that the following comments will contribute some useful information to this debate.

II. HISTORY AND THEORY OF INDEPENDENCE

The legislative history of the Federal Trade Commission Act, as well as that of any of the other commissions, leaves little doubt of Congress' intent insofar as it pertains to the Commission's independence from control of the executive. More specifically, Congress expressed the desire to create a commission which in the performance of its functions would be independent from the executive branch of the government. For instance, prior to the creation of the Commission, its powers of investigation resided with its predecessor—the Bureau of Corporations of the Department of Commerce. This investigatory power was taken from a department under the control of the executive and "given to this non-partisan body."[4] Expressions of congressional intent on this point are surprisingly explicit and articulate. As a matter of fact, no other single topic concerning the new commission received such extensive comment. It was, perhaps, most succinctly stated by Senator Newlands, Chairman of the Senate's Committee on Interstate Commerce, who introduced the original bill, when he explained the need for independence from the executive branch in the following way:

"The need has long been felt for an administrative board which would act in these matters in aid of the enforcement of the Sherman antitrust law, which would have precedents and traditions and a continuous policy and would be free from the effect of such changing incumbency as has in the nature of things characterized the administration of the Attorney General's office." (Sen. Newlands, 51 Cong. Rec. 10,376.)[5]

The desire for impartial regulation not dictated by political considerations and the recognized, as well as demonstrated, need for a continuous policy of regulation prompted the care which Congress bestowed upon this particular part of the Act. And aside from specific congressional intent, the theory of independence as it concerns the Federal Trade Commission has proven merit over and beyond that of other regulatory agencies. For example, the Commission and the Department of Justice's Antitrust Division have concurrent jurisdiction over a variety of practices. The benefits of such concurrent jurisdiction can be readily observed. The Department, as a general matter, has traditionally concerned itself almost exclusively with hard-core and clear-cut cases. The Commission, on the other hand, has been more willing to move into the gray areas, as indeed was one of the purposes of its creation, *i.e.*, to fill the interstices of the Clayton Act. Thus, enforcement of Section 7 of the Clayton Act [6] in the area of conglomerate mergers by the Commission has been more innovative and imaginative. Therein the Commission is able to rely to a considerable extent on the economic expertise available to it. Similarly, the brunt of enforcement activity under the Robinson-Patman Act has been borne by the Commission. There can be little doubt that concurrent jurisdiction by an independent regulatory agency and a department of the executive has resulted in more effective and successful law enforcement than exclusive jurisdiction by one governmental body could have provided.

It should also be recalled that with the passage of the Federal Trade Commission Act and the Clayton Act Congress expressed its continuing concern with economic concentration. At the same time, Congress is, of course, continuously aware of governmental concentration. Certainly if the generalization of concern with centralized pow-

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er has any validity at all it applies equally to governmental as well as economic concentration.

III. DEVELOPMENTS BEARING ON INDEPENDENCE

An analysis of a number of congressional actions ultimately affecting regulatory independence shows that not infrequently there was only a very general congressional intent, with no clear recognition of the effect such legislative endeavors would have upon regulatory independence. For example, of the plethora of statutes enacted solely for housekeeping purposes, many of them subsequently proved to have considerable impact upon the substantive work of an agency. What Congress intended to be an administrative statute, where it was deemed necessary to give the chief executive certain authority in the interest of economy, efficiency and the orderly conduct of government, developed into a means of executive control over substantive programs of an agency unforeseen and inconsistent with congressional intent.

1. The Budget and Accounting Act of 1921

The first act passed by Congress which adversely affected the independence of regulatory agencies was the Budget and Accounting Act of 1921.[7] The Act specified that henceforth the budgets and requests for appropriations of all governmental units, with the exception of the legislative and executive units, shall be submitted to the Bureau of the Budget, created by the Act.[8] These budgets and requests for appropriations would be included in the nation's budget the President submits to Congress each year.

Congressional debate indicates that passage of the Act reflected increasing concern over governmental economy, occasioned by the fact that 1918 was the first year since the end of the Civil War in which the United States experienced a budgetary deficit. To remedy this situation it would ". . . be necessary to wipe out duplications in the Government service, to eliminate inefficiency and to stop unnecessary work."[9] The motives prompting passage of this Act can hardly be questioned. The question which remains is whether Congress intended to effect regulatory independence to the degree the Act subsequently would, and, if not, how this could have been avoided.

In practice, the Act resulted in a degree of control over substantive programs of the agency which were certainly not envisioned by the Congress when it passed what it considered to be a statute dealing with administrative detail. An agency's proposed appropriations request is reviewed by the Bureau of the Budget, which follows policies and priorities established by the President and not necessarily by the Congress. To the extent they coincide, the congressional intent will be fulfilled; to the extent they differ, congressional intent will, of necessity, take a back seat. What was intended as a purely housekeeping measure not infrequently has become an instrument of control over policy. Perhaps a better solution would have been to have budgets and requests for appropriations submitted to the Bureau of the Budget for review but at the same time permit independent agencies to submit copies of such requests directly to the Congress. This, however, the Act expressly prohibits.[10] Such a practice would at least enable Congress to obtain a greater knowledge of the agencies' positions.[11]

2. The Judges Act of 1925

The next development affecting the independence of regulatory agencies was the passage of the Judges Act of 1925.[12] The purpose of this Act was to collect in one statute the provisions of the law relating to appellate jurisdiction of the Supreme Court. At the same time, the Act sought to reduce this jurisdiction due to the backlog of cases before the Court.[13] This was accomplished by the simple expedient of broadening the Court's jurisdiction to issue writs of certiorari, *i.e.*, increasing the Court's discretion as to the cases it will hear.[14] At the same time, however, Congress (it is not clear whether through inadvertence or design) altered the then-existing practice whereunder the Federal Trade Commission prepared its own requests for write of certiorari and argued its own cases before the Supreme Court. At that time, by leave of the Attorney General (who neither had the staff nor the inclination to do otherwise), the two then-existing agencies—the ICC and the FTC—argued their own cases before the Supreme Court.[15] With respect to the Interstate Commerce Commission, the practice was codified in 1913,[16] and reaffirmed by the Judges Act of 1925. At the same time, how-ever, it was denied to the Federal Trade Commission by implication and now all independent agencies, with the exception of the Interstate Commerce Commission, do not ask the Supreme Court to grant a writ of certiorari directly but channel their requests through the Attorney General.

The importance of this development cannot be overstated and will be demonstrated in more detail in a subsequent section. Suffice it to say at this point that conflicts as to the type of case in which certiorari should be sought are inevitable. Equally inevitable is the fact that any such conflict is resolved by and in favor of the Attorney General, since he has the final word. The extent to which an agency can find a responsive ear with the Attorney General will largely depend upon the extent to which its own views coincide with his. It goes without saying that frequently they do not coincide, in which case the agency is denied the chance to seek Supreme Court review of what may be an important decision. In such cases the Attorney General substitutes his judgment for that of the agency, which seems to be diametrically opposed to what Congress had in mind. Control over litigation is the most important aspect of independence, which must be considered severely handicapped if it is in the hands of someone other than the agency.

3. Central clearance of legislative proposals—1930

Sometime during the mid-1930s the practice originated of submitting legislative proposals to the Congress via the Bureau of the Budget. This policy was originated by Franklin D. Roosevelt and has been continued to this day, although there does not appear to be any statutory authority for it. As a matter of fact, with respect to the Federal Trade Commission, it appears to be directly contrary to the mandate contained in Section 6(f) of the Federal Trade Commission Act—that the Commission, together with annual and special reports to Congress, shall submit recommendations for additional legislation to Congress. In addition, when the Commission is requested to report on specific legislative proposals, such reports must be cleared by the Bureau of the Budget before being submitted to the appropriate congressional committee. At the Bureau of the Budget such reports and legislative recommendations must receive clearance in terms of substance, *i.e.*, they are again reviewed in light of the President's policy objectives.[17] This practice clearly constitutes a significant departure from the theory of independence insofar as it may deprive Congress of the benefit of the views of its agencies.

4. The Federal Reports Act of 1942

Passage of the Federal Reports Act of 1942 [18] accorded to the Bureau of the Budget another important right of review and control over the activities of regulatory agencies. Curiously enough, as is often the case, the Act was passed under circumstances and for reasons considerably different from those in which it would be used.

It will be recalled that passage of the Federal Reports Act was occasioned by the proliferation of governmental questionnaires and requests for information and other forms which were the direct result of the activities of the Office of Price Administration. The nation was literally engulfed in a blizzard of paperwork concerning rationing, output, prices, and any other conceivable type of information, both private and public.

E.g., for the purpose of ensuring successful prosecution of the war, the OPA required literally hundreds of thousands of questionnaires be filled out by farmers and housekeepers who needed a few gallons of oil for lighting and other purposes around their homes. For this purpose, however, it proved not only unnecessary but was much resented by the many citizens who were required to wait their places in long lines at various post offices throughout the country for a determination whether the questionnaires were properly filled out and their requests indeed necessary.[19]

The Act provides that requests for information originating with any governmental agency[20] and directed to more than nine respondents must receive clearance by the Bureau of the Budget. Requests for such clearance must be accompanied by a detailed explanation of the questionnaire, such as technicalities of implementation, manner of selecting the respondents, whether the information is to be collected by mail or personal interview, etc., etc. In addition, the request must be justified in depth. This would include a statement why the information is sought and how it will be used; why the particular number of respondents and not less has been selected; how much time it will take a respondent to answer the questionnaire, etc., etc. In ruling upon such requests the Bureau of the Budget must also be satisfied that this is the only practical method of getting the necessary information and that it is not available through some other governmental or more readily accessible private source.[21]

The power of review within the Bureau of the Budget extends so far as to permit forbidding collection of all or a part of the information sought. In case of the traditionally used questionnaire, for example, the Bureau of the Budget may withhold clearance for its issuance altogether or it may strike certain questions—a matter entirely within its discretion.

Congress, in its haste to pass this bill, however, did not heed the warning of those questioning its extent, although this point was the subject of considerable debate.[22] Specifically, some members of Congress felt that while the bill was ostensibly aimed at the elimination of unnecessary and presumably duplicate reports the way it was phrased gave the Director of the Bureau of the Budget a good deal more control over the collection of information than was necessary under the circumstances and perhaps even intended by Congress had it considered all the ramifications of the bill.[23] As it turned out, the Act permits the Bureau of the Budget to exercise a good deal of control over the investigative functions of the independent agencies. With respect to the Federal Trade Commission this represents a drastic departure from the theory of its creation. One of the Commission's most important functions arises out of the mandate to investigate and publicize business conditions harmful to the continued good health of the economy and to do so independently and outside of the control of the executive. Any control over its ability to investigate or a substantive review of the information it seeks will naturally adversely affect the independence of the Commission.

There is no doubt that the purpose for

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which the Act was conceived—to cut costs to the government and to avoid unnecessary harassment of citizens and businesses—has considerable merit. If, however, it becomes an instrument of control over some types of investigations, specifically those of independent regulatory agencies—and this in fact has occurred—it would appear that the authority the Act vests in the Bureau of the Budget needs to be reexamined.

5. The Hoover Commission and the Landis Report

In 1947 the Hoover Commission[24] was organized to study and make its report on, along with recommendations, governmental operations, with particular emphasis on efficiency in the operation of government. One recommendation included in the Hoover Commission report,[25] which was adopted later and which was to have a far-reaching impact upon the independence of regulatory agencies, concerned the position of chairmen for these agencies. In the interest of efficiency and to "enable the President to obtain a sympathetic hearing of broader consideration of national policy which he feels the Commission should take into account,"[26] the Hoover Commission recommended that the chairman of an agency should be appointed by the President and should be given more administrative authority over his agency. It will be recalled that up to that time, with the exception of the Federal Communications Commission, whose organic statute provides for the appointment of its chairman by the President, the agencies selected their chairmen from among their members. Generally the chairman of an agency would be selected by the members of such an agency on an annual basis and he constituted little more than a *primus inter pares*. In addition, the agencies themselves would decide how to handle intra-agency administrative detail. Under the reorganization of 1950, however, the chairman had the authority (1) to appoint and supervise personnel,[27] (2) to distribute the workload among such personnel, and (3) to determine the use and expenditure of funds. The reason assigned to this drastic departure from previous practice was that it would relieve the commissioners from burdensome administrative chores such as ruling upon the salaries of the char force and thereby free them to devote their energies to the substantive aspects of the commission's work.

The impact of these plans, once they were implemented, was profound.[28] Inasmuch as the chairman holds his post at the pleasure of the President, it becomes unlikely for him to pursue a policy alien or contrary to that of the Chief Executive if he is to retain his post. Since the chairman is responsible for the selection of personnel, the assignment of the workload and the use of the agency's funds, it is difficult to see how an agency, even if a majority of its members wish to do so, may pursue a course independent from the wishes and desires of the then current administration. As a practical matter there would appear to be no conflict if the policies of the Executive are the same as those of the Congress; should those be different, however, it will become readily apparent that independence from executive control has been materially weakened.

Those members of Congress who had the opportunity to study the proposal recognized, of course, that any gains in efficiency which might result would be at a sacrifice in independence. As a result, Senator Edwin C. Johnson from Colorado introduced a resolution for disapproval[29] of the proposals on the ground that they were contrary to the "long established congressional policy that regulatory agencies must be independent and directly responsible to Congress."[30] Interestingly enough, the resolution carried only with respect to the Interstate Commerce Commission and the Federal Communications Commission, and in those instances only because it was vigorously supported by the industries regulated by these commissions and their bars.[31]

The Landis Report of 1960[32] covered similar ground and also voiced its concern about efficiency in government. The recommended cure for whatever bureaucratic blunders or loss of efficiency might have occurred was again greater control by the executive. With respect to the Federal Trade Commission the report states:

"Here, as in the case of the Interstate Commerce Commission, the Civil Aeronautics Board and the Securities Exchange Commission, the powers of the Chairman should be increased and the Commission's authority to delegate decision-making implemented by Presidential Action under the Reorganization Act."[33]

Quite revealing is the reason given for the necessity of these changes. As the report states, the Federal Trade Commission must, due to its limited resources, exercise a great deal of discretion as to the trade practices it will investigate and must concentrate on specific areas. This, according to Landis, 'involves an issue of policy of which the Executive should not only be aware but which should be keyed to whatever over-all program is then the Administration's prime concern. The responsibility for concentration on a particular area should be the responsibility of the Executive and not the Federal Trade Commission."[34] Under this theory, the Executive, alternatively, would be able *not* to concentrate on a particular area. Acceptance of this theory would inevitably lead to precisely the circumstances the establishment of the independent agencies was supposed to preclude—*executive* control over the regulatory scheme. By the same token, however, the report, in a curiously candid comment, states that "[t]here has also been too much of the morale-shattering practice of permitting executive interference in the disposition of causes and controversies delegated to the agencies for decision."[35] No doubt there is a direct relationship between the extent of "morale-shattering executive interference" and the degree to which, over the years, we have veered from the original congressional intent concerning regulatory independence. As a matter of fact, such interference is invited for the very reasons assigned to the need for greater executive control.

The recommendation with respect to the Federal Trade Commission contained in the report became the Reorganization Plan No. 4 of 1961.[36] The plan substantially broadened the Chairman's authority, particularly with respect to the assignment of workload among the Commission personnel as well as among the individual Commissioners. The importance of this authority in the Chairman's office cannot be underestimated.

6. Federal Trade Commission v. *Guignon*

The most far-reaching recent development affecting the Federal Trade Commission's independence is the Eighth Circuit's 1967 decision in *Federal Trade Commission* v. *Guignon*.[37] In that case the court, in a two-to-one decision, held that the Commission does not have the authority to institute court proceedings to enforce its subpoenas. The Commission had, of course, for 53 years, instituted subpoena enforcement proceedings under Section 9 of the Federal Trade Commission Act, which states that "in case of disobedience to a subpoena the Commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence." The court stated the issue to be "whether the Federal Trade Commission, acting under § 9 of the Federal Trade Commission Act . . . may, without the aid or consent of the Attorney General of the United States, seek enforcement of its own subpoenas in the Federal District Courts."[38] In reaching its decision to deny the Commission enforcement of its own subpoenas the majority considered not only the briefs and arguments of the parties but also a brief *amicus curiae* submitted by the Department of Justice at the invitation of the court. In that brief, the Department took the position that Section 9 did not authorize the practice which the Commission has followed since its creation, and argued that the Department should conduct and control proceedings to enforce Commission subpoenas.

Until the Department took that position and the court agreed with it, it had been accepted practice that the Commission did, indeed, have the authority to enforce its own subpoenas, and this has never been questioned. Now, however, the Commission must apply to the Attorney General for enforcement of its subpoenas, notwithstanding the fact that Section 9 of the Act appears to be abundantly clear on this point. This is evidenced by the enforcement provision relating to subpoenas and that relating to the enforcement of orders. Subpoena enforcement may be sought by the Commission whereas its orders are enforced by application to the Attorney General. In addition, the theory of independence and congressional intention amply demonstrate the necessity for this authority. One of the most important aspects of the Commission's functions and duties is the ability to investigate through the issuance of subpoenas. It has repeatedly been recognized that it is in this area that Congress intended the Commission to have the greatest possible degree of independence from control by the executive. In *Humphrey's Executor*,[39] the Court stated that the Commission's "duties are performed without executive leave and, in the contemplation of the statute, must be free from executive control."[40]

In the *Guignon* case, the court repeated a previously made mistake;[41] it confused those provisions of the Federal Trade Commission Act relating to mandamus, *i.e.*, enforcement of orders, and that relating to enforcement of subpoenas. In addition, this decision brings into sharp focus the problems presented by the inability of the Commission to request the Supreme Court to grant writs of certiorari. In *Guignon*, the Commission is faced with a decision which is against the interest of the Commission but which is supported by the Department of Justice. In order to seek certiorari, however, the Commission had to obtain the support of the Attorney General, which in this case was not achieved. It is certainly open to question whether this result was intended by Congress when it established independent agencies.

V. CONCLUSION

These are some of the outstanding developments which demonstrate that regulatory independence is rapidly becoming more fanciful than factual. Congressional intent was clear from the outset that the quasi-legislative and quasi-judicial regulatory agencies were to be independent and free from the influence, direction or oversight of the executive department. Moreover, the above noted reasons for this—the quasi-legislative service as an arm of the Congress and continuity in effectuation of public policy as declared in the broad outlines of the law—are as valid today as in 1897, more than 70 years ago. I tend to believe that many of the congressional actions undertaken in the interest of orderly and efficient operation of government, which subsequently adversely affected regulatory independence, were accidental rather than a conscious and deliberate effort to limit such regulatory independence. Academic considerations aside, however, the fact remains that when Congress assigned these regulatory tasks to independent agencies it did so because it expected its mandate, as evidenced by the organic acts, to be carried out by a vigorous and effective enforcement policy.

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This policy was intended to be continuous and irrespective of the changing political fortunes dictating White House occupancy. To the extent we have deviated from this intent the resulting diffusion of control has taken its inevitable toll in regulatory efficiency. For example, this situation has undoubtedly had a deleterious impact on antitrust enforcement activities by the Federal Trade Commission as well as the activities of other agencies. To varying degrees, therefore, erosion of independence has at the same time undermined the agencies' effectiveness. It is ironic that the loss of efficiency should be, at least in part, the result of precisely those statutes designed to foster the orderly and efficient conduct of government. Perhaps, then, the public interest has and may continue to suffer loss of efficiency instead of capturing that illusive objective if there should be continuing erosion of effective congressional oversight instead of oversight by others.

FOOTNOTES

[1] *A.L.A. Schechter Poultry Corp.* v. *U.S.*, 295 U.S. 495 (1935); *Humphrey's Executor* v. *U.S.*, 295 U.S. 602 (1935).

[2] ICC—1887, FTC—1914, FPC—1920, SEC—1933, FCC—1934, NLRB—1935, CAB—1938.

[3] For example, the argument advanced—that executive control of an agency at the same time protects it from unwanted control by the industry it regulates—is not particularly relevant with respect to the Federal Trade Commission.

[4] 51 Cong. Rec. 8841. The opinion was also expressed that if the Bureau of Corporations could be converted into an independent commission, more complete knowledge about corporations engaged in commerce could be gathered.

[5] In the House of Representatives Mr. Morgan expressed these views:

"And instead of giving additional power to the Attorney General we should, as the gentleman from Maryland [Mr. Covington] said this afternoon, create a great, independent, non-partisan commission, independent of the President, independent of Cabinet officers, removed so far as possible from partisan politics, that would command the respect and confidence of all parties and of all the people of the Nation. . . . What I say is not particularly applicable to the present Attorney General or the administration in power. Whatever we do in regulating business should be removed as far as possible from political influence.

"It will be far safer to place this power in the hands of a great independent commission that will go on while administrations may change. That is one reason why I believe in having all these matters placed, so far as they can be, in the hands of a commission, taking these business matters out of politics." (51 Cong. Rec. 8857).

In an article entitled "Constitutionality of Investigations by the Federal Trade Commission," 28 Column. L. Rev. 708, 728 n. 56 (1928), Milton Handler pointed out that:

"The opposition to the Covington bill came not from those who thought the bill went too far but that it did not go far enough. . . . There was singular agreement as to the wisdom of establishing an independent, nonpartisan fact-finding body, and no attempt was made to reduce the broad inquisitional powers discussed in the text [of Handler's article]."

[6] See, for example, *F.T.C.* v. *Procter & Gamble,* 386 U.S. 568 (1967); and *General Foods* v. *F.T.C.,* 386 F.2d 936 (3d Cir. 1967), *cert. denied,* — U.S. — (1968).

[7] 42 Stat. 20; 31 U.S.C.A. 1. Passage of the Act failed the previous year, interestingly enough, due to a dispute over the presidential removal power of the proposed Budget Bureau's director. 61 Cong. Rec. 980.

[8] 31 U.S.C.A. 16.

[9] 61 Cong. Rec. 980.

[10] Budget and appropriations requests may only be transmitted to Congress upon the specific request of either house thereof. 31 U.S.C.A. 15.

[11] It is interesting to note that after passage of the Act some of the independent agencies apparently took the position that it did not apply to them. This, however, was made clear in a 1939 amendment restating applicability of the Act to include "any independent regulatory commission or board." 53 Stat. 565. See also "Government Organization," H. Rep. 2033, 75th Cong., 3d Sess., p. 15 (1938).

[12] 43 Stat. 936.

[13] Henry Pringle, *The Life and Time of William Howard Taft* (New York 1939 (two vols.)), p. 992, *et seq.*

[14] 66 Cong. Rec. 2752.

[15] The authority to argue cases in which the United States is interested before the Supreme Court rests with the Attorney General. 28 U.S.C.A. 518 (1968). For example, the first Federal Trade Commission case to reach the Supreme Court—*F.T.C.* v. *Gratz,* 253 U.S. 421 (1920)—was argued by the Commissioner whose term I am succeeding—Huston Thompson. As a matter of fact, there was widespread belief at the time that the fact that a Commissioner argued the case may have cost the Commission the decision.

[16] Urgent Deficiencies Appropriations Act of 1913, 38 Stat. 208.

[17] "The Organization and Procedures of the Federal Regulatory Commissions and Agencies and Their Effect on Small Business," H. Rep. No. 2967, 84th Cong., 2d Sess., p. 91 (1956).

[18] 56 Stat. 1078; 44 U.S.C.A. 421 (1968).

[19] Speaking about OPA reports and questionnaires, Congressman Patman stated:

"If the gentleman had heard the testimony that has been presented before the Committee on Small Business of the House, he would be very anxious to have this bill passed without 1 hour's delay. The people are up in arms about these useless reports and unnecessary questionnaires. They are irritated by them and they are irritated at the Congress because the Congress will not do something about it." 88 Cong. Rec. 9121.

[20] Some of the supervisory agencies and the Bureau of Internal Revenue are exempted. See Bowman, "Results Achieved by the Federal Reports Act," 7 Bus. and Gov't Rev. 5 (U. of Missouri 1966).

[21] Bowman, *supra* note 20.

[22] 88 Cong. Rec. 9159–9166.

[23] The following is an excerpt of one of the comments during the debate of the bill:

"Mr. SMITH of Ohio. Mr. Speaker, reserving the right to object, there is a good deal more to this bill than merely the elimination of unnecessary reports. Under section 2 (d) it seems to me you are vesting a lot of authority and power in the Director of the Budget.

"Upon the request of any party having a substantial interest or upon his own motion, the Director is authorized within his discretion to make a determination as to whether or not the collection of any information by any Federal agency is necessary for the proper performance of the functions of such agency or any other proper purpose.

"Certainly a considerable amount of information being collected by various governmental agencies is being so collected by direction of the Congress in response to specific legislation. Are we to infer that the Director of the Budget is to have final authority and power to set aside any legislation which the Congress has passed directing the collection of information?" Cong. Rec. 9159.

[24] The Commission on Organization of the Executive Branch of the Government received its name "Hoover Commission" because it was chaired by ex-President Hoover.

[25] Report on the Organization of the Independent Regulatory Commissions, March 3, 1949.

[26] Task Force on Regulatory Commissions, Appendix N, p. 32 (January 1949). (Prepared for the Commission on Organization of the Executive Branch of the Government.

[27] With the exception of appointments to the largest organizational units within an agency, which would require approval of a majority of commissioners.

[28] These plans were labeled in the following manner: Reorganization Plan No. 8, FTC; Reorganization Plan No. 9, FPC; Reorganization Plan No. 10, SEC; and Reorganization Plan No. 13, CAB. 5 U.S.C. 133–Z–15 (1964).

[29] Under the Reorganization Act of 1945 (59 Stat. 613), the President was given the authority for a specific time period to submit reorganization plans to the Congress. To prevent such a plan from going into effect, a concurrent resolution was necessary by the two Houses, stating that the Congress does not favor the reorganization plan. This time period has since been periodically extended but permitted to expire as of 1968.

[30] Hearings Before the Senate Committee on Expenditures in the Executive Departments, 81st Cong., 2d Sess. (1950), S. Res. 253, 254, 255 and 256, pp. 13–17.

[31] It is questionable whether it is desirable that a regulated industry become the champion and protector of the independence of its regulatory agency.

[32] Report on Regulatory Agencies to the President-Elect, James M. Landis, December 1960.

[33] *Id.* at 48.

[34] *Id.* at 52.

[35] *Id.* at 36.

[36] Reorganization Plans 1 (SEC), 2 (FCC), and 5 (NLRB) were disapproved by the House of Representatives. 5 U.S.C. 133–Z–15 (1964).

[37] *F.T.C.* v. *Guignon,* 261 F. Supp. 215 (E.D. Mo. 1967), *aff'd,* 390 F.2d 323 (8th Cir. 1968).

[38] 390 F.2d at 324.

[39] *Humphrey's Executor* v. *United States,* 295 U.S. 602 (1935).

[40] *Id.* at

[41] *F.T.C.* v. *Claire Furnace Co.,* 274 U.S. 160 (1927).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT OF FEDERAL CROP INSURANCE CORPORATION

A letter from the Secretary of Agriculture, transmitting, pursuant to law, a report of the Federal Crop Insurance Corporation, dated 1968 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT OF RURAL ELECTRIFICATION ADMINISTRATION

A letter from the Secretary of Agriculture, transmitting, pursuant to law, a report covering the activities of the Rural Electrification Administration for the fiscal year 1968 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT OF OVEROBLIGATION OF AN APPROPRIATION

A letter from the Secretary of Defense, transmitting, pursuant to law, an overobligation of an appropriation (with an accompanying report and papers); to the Committee on Appropriations.

Report of Office of Civil Defense

A letter from the Director of Civil Defense, Office of the Secretary of the Army, Department of the Army, transmitting, pursuant to law, a report on the Federal Contributions Program Equipment and Facilities for the quarter ending December 31, 1968 (with an accompanying report); to the Committee on Armed Services.

Report on Army Reserve Officers' Training Corps Flight Instruction Program

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on the progress of the Army Reserve Officers' Training Corps flight instruction program, for the calendar year ended December 31, 1968 (with an accompanying report); to the Committee on Armed Services.

Report of Proposed Additional Facilities Projects, Army National Guard

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting, pursuant to law, a report on the location, nature, and estimated cost of certain additional facilities projects proposed to be undertaken for the Army National Guard (with an accompanying report); to the Committee on Armed Services.

Report of Director of Selective Service

A letter from the Director, Selective Service System, transmitting, pursuant to law, a report of the System for the period from January 1, 1968 to June 30, 1968 (with an accompanying report); to the Committee on Armed Services.

Report on Department of Defense Procurement From Small and Other Business Firms

A letter from the Assistant Secretary of Defense (Installations and Logistics) transmitting, pursuant to law, a report on the Department's procurement from small or other business firms, for the period July-October 1968 (with an accompanying report); to the Committee on Banking and Currency.

Report of Secretary of Housing and Urban Development

A letter from the Secretary of Housing and Urban Development, reporting, pursuant to law, on the progress of the Department in developing a plan for an insurance program to help homeowners in meeting mortgage payments; to the Committee on Banking and Currency.

Proposed Legislation Pertaining to Importation and Interstate Shipment of Certain Species of Fish or Wildlife

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to prevent the importation of endangered species of fish or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes (with an accompanying paper); to the Committee on Commerce.

Proposed Educational Television and Radio Amendments of 1969

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and provisions relating to support of the Corporation for Public Broadcasting (with an accompanying paper); to the Committee on Commerce.

Proposed Legislation Making Certain Air Carriers Ineligible for Subsidy Payments

A letter from the Chairman, Civil Aeronautics Board, transmitting a draft of proposed legislation to amend section 406(b) of the Federal Aviation Act of 1958 to make certain air carriers ineligible for subsidy payments (with accompanying papers); to the Committee on Commerce.

Report on the Use of U.S. Owned Foreign Currencies

A letter from the Chairman, the U.S. Advisory Commission on International Educational and Cultural Affairs, transmitting, pursuant to law, a report on the use of U.S. owned foreign currencies (with an accompanying report); to the Committee on Foreign Relations.

Report of the U.S. Advisory Commission on International Education and Cultural Affairs

A letter from the Chairman, the U.S. Advisory Commission on International Educational and Cultural Affairs, transmitting, pursuant to law, the sixth annual report of the Advisory Commission, dated January 21, 1969 (with an accompanying report); to the Committee on Foreign Relations.

Report on Disposal of Foreign Excess Property

A letter from the General Manager, Atomic Energy Commission, reporting, pursuant to law, on the disposal of foreign excess property, during the fiscal year 1968; to the Committee on Government Operations.

Proposed Concession Contract for the South Rim of the Grand Canyon National Park, Ariz.

A letter from the Acting Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a copy of a proposed concession contract for the South Rim of the Grand Canyon National Park, Ariz. (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report of the Alaska Power Administration

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, the first annual report of the Alaska Power Administration for fiscal year ending June 30, 1968 (with an accompanying report); to the Committee on Interior and Insular Affairs.

Order Canceling Certain Irrigation Construction Charges

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, an order canceling certain irrigation construction charges against non-Indian owned lands within the Modoc Point unit of the Klamath Indian irrigation project, Oregon (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Cancellation of Certain Irrigation Charges

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to approve an order of the Secretary of the Interior canceling irrigation charges against non-Indian owned lands under the Modoc Point unit of the Klamath Indian irrigation project, Oregon (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Proposed Concession Contract, National Capital Region, National Park Service

A letter from the Acting Deputy Assistant Secretary of the Interior, transmitting a proposed amendment to a concession contract for the National Capital Region, National Park Service (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Report of Secretary of the Interior on Accomplishments in Cooperative Water Resources Research and Training

A letter from the Secretary of the Interior, reporting, pursuant to law, on activities and accomplishments in cooperative water resources research and training; to the Committee on Interior and Insular Affairs.

Report of Office of Coal Research

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report of the Office of Coal Research, for the calendar year 1968 (with an accompanying report); to the Committee on Interior and Insular Affairs.

Admission Into the United States of Certain Defector Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain alien defectors (with accompanying papers); to the Committee on the Judiciary.

Proposed Commemoration of the 100th Anniversary of the Establishment of Yellowstone National Park

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation authorizing the Secretary of the Interior to provide for the commemoration of the 100th anniversary of the establishment of Yellowstone National Park, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

Report on Medicare

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on medicare (with an accompanying report); to the Committee on Finance.

Report of Railroad Retirement Board

A letter from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, a report of the Board for the calendar year 1968 (with an accompanying report); to the Committee on Post Office and Civil Service.

Proposed Bill To Merge First-Class Mail and Airmail Into a Single Class of Mail Service

A letter from the Postmaster General, transmitting a draft of proposed legislation to merge first-class mail and airmail into a single class of mail service (with accompanying papers); to the Committee on Post Office and Civil Service.

Report of Cost of Clean Water and Its Economic Impact

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report on the cost of clean water and its economic impact (with an accompanying report); to the Committee on Public Works.

Proposed Amendments to the Federal Water Pollution Control Act

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the Federal Water Pollution Control Act, as amended, and for other purposes (with an accompanying paper); to the Committee on Public Works.

Report on the Cost of Carrying Out the Federal Water Pollution Control Act

A letter from the Secretary of the Interior, transmitting, pursuant to law, the second annual report on the cost of carrying out the Federal Water Pollution Control Act (with an accompanying report); to the Committee on Public Works.

Proposed Amendments of Atomic Energy Act of 1954

A letter from the Chairman, Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value and abolish the distinction between commercial licenses for facilities and certain research and development licenses for facilities and for other purposes (with accompanying papers); to the Joint Committee on Atomic Energy.

An letter from the Chairman, Atomic Energy Commission, transmitting a draft of proposed legislation to amend section 11 of the Atomic Energy Act of 1954, as amended (with accompanying papers); to the Joint Committee on Atomic Energy.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency, without amendment:

S. Res. 57. Resolution authorizing the Select Committee on Small Business to make a complete study of the problems of small and independent businesses (Rept. No. 91-3); referred to the Committee on Rules and Administration.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. HANSEN:

S. 629. A bill to authorize the Secretary of the Interior to engage in a feasibility investigation for the modification of Buffalo Bill Dam; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Hansen when he introduced the above bill, which appear under a separate heading.)

By Mr. TOWER:

S. 630. A bill to provide for the appointment of an advisory committee to recommend improvements in and simplification of Federal tax return forms and procedures; to the Committee on Finance.

(See the remarks of Mr. Tower when he introduced the above bill, which appear under a separate heading.)

By Mr. DOLE:

S. 631. A bill for the relief of Dr. Elsaid Abel Ghani Ashour; to the Committee on the Judiciary.

By Mr. PROUTY:

S. 632. A bill for the relief of Raymond C. Melvin; to the Committee on the Judiciary.

(See the remarks of Mr. Prouty when he introduced the above bill, which appear under a separate heading.)

By Mr. MATHIAS:

S. 633. A bill for the relief of Adriana Bernardis;

S. 634. A bill for the relief of Rev. Dr. Christopher Stephen Mann;

S. 635. A bill for the relief of Dr. Joel Malabrigo;

S. 636. A bill for the relief of Dr. Fausto Q. Aquino, Jr.;

S. 637. A bill for the relief of Dr. Angelita A. Topacio;

S. 638. A bill for the relief of Minas Kritharis; and

S. 639. A bill for the relief of Dr. Istvan Kuhn; to the Committee on the Judiciary.

By Mr. CASE:

S. 640. A bill to establish the Sandy Hook National Seashore in the State of New Jersey; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Case when he introduced the above bill, which appear under a separate heading.)

By Mr. ERVIN:

S. 641. A bill to amend the Consolidated Farmers Home Administration Act of 1961 in order to permit borrowers obtaining loans under such act to employ attorneys of their own choice to perform necessary legal services in connection with such loans; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. Ervin when he introduced the above bill, which appear under a separate heading.)

By Mr. BYRD of West Virginia:

S. 642. A bill to make it a Federal offense, to assassinate, kidnap, or assault a Member of Congress or a Member-of-Congress-elect; and

S. 643. A bill for the relief of Ruperto Evangelista Perez; to the Committee on the Judiciary.

By Mr. PROXMIRE (for himself and Mr. McGovern):

S. 644. A bill to provide a special milk program for children; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. Proxmire when he introduced the above bill, which appear under a separate heading.)

By Mr. HART:

S. 645. A bill for the relief of Man Jak Cheung (Ting Ping Woo); and

S. 646. A bill for the relief of Joan Sara; to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 647. A bill for the relief of Severino Manni; and

S. 648. A bill for the relief of Ernesto Alunday; to the Committee on the Judiciary.

By Mr. MONDALE:

S. 649. A bill for the relief of Mrs. Margarita Gutierrez De Cespedes; to the Committee on the Judiciary.

By Mr. HRUSKA (for himself and Mr. Ervin):

S. 650. A bill to amend section 3006A of title 18, United States Code, relating to representation of indigent defendants; to the Committee on the Judiciary.

(See the remarks of Mr. Hruska when he introduced the above bill, which appear under a separate heading.)

By Mr. SPARKMAN:

S. 651. A bill to provide for the conveyance of certain public land held under color of title to Mrs. Jessie L. Gaines of Mobile, Ala.; to the Committee on Interior and Insular Affairs.

By Mr. CURTIS (for himself and Mr. Hruska):

S. 652. A bill for the relief of Filadelfo Fracica; to the Committee on the Judiciary.

By Mrs. SMITH:

S. 653. A bill for the relief of Guvenc Alpander; to the Committee on the Judiciary.

By Mr. CANNON:

S. 654. A bill to enable the citizens of the United States who change their residences to vote in presidential elections, and for other purposes; to the Committee on Rules and Administration.

(See the remarks of Mr. Cannon when he introduced the above bill, which appear under a separate heading.)

By Mr. RIBICOFF:

S. 655. A bill for the relief of Raul das Dores Roberto and Maria Inocencia de Sousa Roberto;

S. 656. A bill for the relief of Corazon Halili Lomotan; and

S. 657. A bill for the relief of Gaetano D'Andria; to the Committee on the Judiciary.

S. 658. A bill to amend section 815 of the Internal Revenue Code with regard to certain distributions of the stock of wholly owned corporations; to the Committee on Finance.

By Mr. NELSON:

S. 659. A bill for the relief of Sui King Yu, Yuk Shui Chan, Man Wa Yeung, Sui Kwong Wong, Kam Woon Leung, Chun Piu Yung, Ping Ying Choi, Lun Sang Wong, Muk Kan Yip, Wai Yung Lau, Ngan Lung, Chau, King Hung Chu, Shu Yau Chan, Chuen Chan, Mau Hing Chan, Au Ming, Ng Man Hung and Leung Ah Fong; and

S. 660. A bill for the relief of Fu Ken Hung; to the Committee on the Judiciary.

S. 661. A bill to provide an improved and enforceable procedure for the notification of defects in tires; to the Committee on Commerce.

(See the remarks of Mr. Nelson when he introduced the last above-mentioned bill, which appear under separate heading.)

By Mr. TYDINGS:

S. 662. A bill for the relief of Vasilios Cypriotis;

S. 663. A bill for the relief of Bechu Banerjea, his wife Pushpalata Banerjea, and their children, Binapani, Sukla, Jaya, and Tarak;

S. 664. A bill for the relief of Dr. Ataullah Moshayedi;

S. 665. A bill for the relief of Safia Talibi Naz;

S. 666. A bill for the relief of Ioannis Karaoulanis;

S. 667. A bill for the relief of Dr. Glocrito G. Sagisi; and

S. 668. A bill for the relief of Georgios J. Kornias; to the Committee on the Judiciary.

By Mr. METCALF:

S. 669. A bill to extend the provisions of certain laws relating to housing and urban development to the Trust Territory of the Pacific Islands; to the Committee on Banking and Currency.

S. 670. A bill to amend the Act of September 2, 1937, to provide for a program of Federal financial assistance to establish hunter safety programs in the several States, and for other purposes; and

S. 671. A bill to prevent the importation of endangered species of fish or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes; to the Committee on Commerce.

By Mr. RANDOLPH:

S. 672. A bill for the relief of Charles Richard Scott; to the Committee on the Judiciary.

By Mr. BENNETT:

S. 673. A bill for the relief of Concepcion Quezada Mota; to the Committee on the Judiciary.

By Mr. WILLIAMS of New Jersey:

S. 674. A bill to amend section 13a of the Interstate Commerce Act, relating to the discontinuance or change of certain operations or services of common carriers by rail, in order to require the Interstate Commerce Commission to give full consideration to all financial assistance available before permitting any such discontinuance or change; to the Committee on Commerce.

S. 675. A bill to prohibit federally insured banks from voting their own stock and to provide for cumulative voting in federally insured banks; and

S. 676. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes; to the Committee on Banking and Currency.

S. 677. A bill for the relief of Guiseppe Tamburro;

S. 678. A bill for the relief of Francisco Renigio Fabre Solino (Frank R. S. Fabre);

S. 679. A bill for the relief of George Zaharias;

S. 680. A bill for the relief of Christodoulos Anagnostou;

S. 681. A bill for the relief of Silvestro D'Urso;

S. 682. A bill for the relief of Rene E. Montero;

S. 683. A bill for the relief of Diamantino Ferreira Pereira;

S. 684. A bill for the relief of Hon Chun Eng;

S. 685. A bill for the relief of Tino Cattabiani, Caterina Cattabiani (nee Papurello), and Pier Maria Cattabiani;

S. 686. A bill for the relief of Juan Antonio Lopez;

S. 687. A bill for the relief of Antonino Garoffolo;

S. 688. A bill for the relief of Carmela La-Galia;

S. 689. A bill for the relief of Michele Lombardi;

S. 690. A bill for the relief of Chong Pil Lee;

S. 691. A bill for the relief of Virgilio Cibellis, Gelsimina Cibellis, and Mauro Cibellis;

S. 692. A bill for the relief of Kostas Parlapanides;

S. 693. A bill for the relief of Antonio and Rosa Malatesta; and

S. 694. A bill for the relief of Hon Yiu Fong; to the Committee on the Judiciary.

(See the remarks of Mr. Williams of New Jersey when he introduced the first two above bills, which appear under separate headings.)

By Mr. BYRD of West Virginia:

S.J. Res. 30. Joint resolution to amend the Constitution to provide for the direct election of the President and the Vice President of the United States; to the Committee on the Judiciary.

By Mrs. SMITH:

S.J. Res. 31. Joint resolution proposing an amendment to the Constitution of the United States providing for nomination of candidates for President and Vice President, and for election of such candidates by popular vote; to the Committee on the Judiciary.

By Mr. CANNON:

S.J. Res. 32. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; and

S.J. Res. 33. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of the President and the Vice President of the United States; to the Committee on the Judiciary.

(See the remarks of Mr. Cannon when he introduced the above joint resolutions, which appear under separate headings.)

S. 629—INTRODUCTION OF BILL RELATING TO THE MODIFICATION OF THE BUFFALO BILL DAM

Mr. HANSEN. Mr. President, I introduce, for appropriate reference, a bill to authorize the Secretary of the Interior to engage in a feasibility investigation for the modification of the Buffalo Bill Dam.

In a recently released reconnaissance study, the Bureau of Reclamation found that Buffalo Bill Dam is incapable of containing or passing safely the probable flood that might enter the reservoir without overtopping the dam and damaging the structure. This information is the result of a study utilizing the latest meteorologic and hydrologic data and reevaluating the spillway capacities of older dams.

The Buffalo Bill Dam is located on the Shoshone River about 5 miles west of the city of Cody, Wyo., and is one of the first dams built under the Reclamation Act of 1902. The fact that a dam incapable of handling a probable flood is located a short distance upstream of the city of Cody is cause for concern.

Three alternatives have been offered to solve this problem. The first plan is to enlarge the spillway to allow the safe passage of a probable flood that might enter the reservoir. The second plan would raise the dam without enlarging the spillway. This plan would enable the dam to contain a probable flood; however, this proposal would cause conditions which might be detrimental to the spillway tunnel to the extent that the left abutment of the dam would be in danger. No additional conservation storage would result under either of these plans.

The final alternative contemplates enlarging the spillway tunnel in combination with raising the dam. This proposal would provide additional surcharge in the reservoir, together with additional conservation storage for a multiplicity of uses.

In addition to alleviating flood dangers, this third proposal, by increasing the conservation capacity of Buffalo Bill Reservoir, would provide additional water for irrigation, power production, and municipal and industrial supply, as well as enhancing the downstream fishery, providing opportunity for increased recreation potential, and making possible some control of water quality for downstream water users.

The multiple-use development which would be made possible by increasing the conservation capacity of the dam would add greatly to the economic development of Wyoming. The State would have a greater number of options for the use of Big Horn River system waters. The Wyoming Natural Resource Board, anticipating the possible future need for water in this area, has expressed interest in 50,000 to 100,000 acre-feet of storage water from the enlarged Buffalo Bill Reservoir for municipal and industrial supply.

A comparison of the benefits and costs shows that there is economic justification for each proposed plan with selected functions.

Because of the need to correct the unsafe spillway conditions of Buffalo Bill Dam, it is urgent that a detailed study be made and a plan be selected as soon as possible.

I urge the Senate to act quickly on this measure authorizing a feasibility investigation for the modification of Buffalo Bill Dam.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 629) to authorize the Secretary of the Interior to engage in a feasibility investigation for the modification of Buffalo Bill Dam, introduced by Mr. Hansen, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 630—INTRODUCTION OF BILL RELATING TO THE SIMPLIFICATION AND IMPROVEMENT OF THE METHOD OF COLLECTING THE FEDERAL INCOME TAX

Mr. TOWER. Mr. President, the time of year is with us again for filing our income tax return forms. It has become more apparent to me than ever before the burden that the American taxpayer is under in trying to fill out this form to the satisfaction of the Internal Revenue Service. Often crrors are made in this process by people, who are not trying to mislead the IRS, but who honestly do not know how to fill out the form properly due to its complexity. I certainly know how these people feel; not being an accountant myself, I find it extremely difficult.

In order that we may have some hope of correcting this ever-increasing burden, I introduce today a measure which would provide for the establishment of a commission to recommend improvements in and simplification of Federal tax return forms and procedures. This Commission would be appointed by the Secretary of the Treasury and would act in an advisory capacity only; however, I think that it is imperative that we begin as quickly as possible to correct the glaring problems of this procedure that affect in some way or another almost every American.

The Commission itself shall consist of nine members well versed in the problems involved: there shall be tax lawyers and accountants who know how the forms and procedures work; it shall also have a representative taxpayer who can present views on the difficulties confronting them; and also there shall be representatives of the Government who know its needs. The duties of the Commission shall be to recommend simplification of the current forms used by the IRS. We have form 1040A at the current time, which shows what can be done if the proper climate is created by form simplification.

In closing, Mr. President, this Commission can be a service to us all, for we all must pay taxes. I do not expect any overnight miracles, but if the Commission is able to reduce our burden in this matter, it shall have performed splendidly.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 630) to provide for the appointment of an advisory committee to recommend improvements in and simplification of Federal tax return forms and procedures, introduced by Mr. Tower, was received, read twice by its title, and referred to the Committee on Finance.

S. 632—INTRODUCTION OF BILL FOR THE RELIEF OF RAYMOND C. MELVIN

Mr. PROUTY. Mr. President, I introduce, for appropriate reference, a bill for the relief of a young constituent of mine, Raymond C. Melvin.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 632) for the relief of Raymond C. Melvin, introduced by Mr. Prouty, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 640—INTRODUCTION OF BILL TO ESTABLISH THE SANDY HOOK NATIONAL SEASHORE, N.J.

Mr. CASE. Mr. President, I introduce, for appropriate reference, a bill to create the Sandy Hook National Seashore recreation area.

Sandy Hook, a peninsula bounded by the Atlantic Ocean on one side and Sandy Hook Bay on the other, consists of 1,634 acres. From 1846 until approximately 7 years ago the entire complex was a military reservation known as Fort Hancock. However, in early 1962 it was determined that the entire acreage was no longer needed for military purposes and the Department of the Army leased 745 acres to the State of New Jersey for a recreation area. This became known as the Sandy Hook State Park.

I was, of course, happy to support and work for the establishment of this State park.

In January 1967, the Department of Defense announced that it would turn approximately 1,200 acres of land at Sandy Hook, including 745 acres that comprise the present State park, over to the General Services Adminsitration for disposal. A recent check with the Department indicates that it anticipates reporting the approximately 1,200 acres as surplus no later than August of this year.

Enactment of my bill will authorize the Department of the Interior to take possession of this acreage, operate and maintain it for recreational purposes, and place in New Jersey its first national seashore recreation area.

The New York metropolitan region will be completely urbanized within 30 to 40 years. Even now, open space and recreation facilities fall far short of the needs of the region's population. The little open space that is left is truly a "precious little."

The New York Metropolitan Regional Council and the Regional Plan Association assessed the need for open space in a recent report, "The Race for Open Space," the fourth and final report of their park, recreation, and open space project. This report recommended that the present 189,000 acres of public parks in the metropolitan region be expanded to 736,000 and that the total open space be expanded from 600 square miles to 1,700 square miles. The report also suggested criteria for choosing lands to be acquired, pointing out that swimming and beach use rank first in public preference in recreation; picnicking is second, and walking and nature study third.

Ocean frontage within the metropolitan region totals 150 miles, of which 71 miles are suitable for mass recreation and conservation. Most of this frontage lies in New York State, and is not easily available to the people of northern New Jersey. The western part of the region's suitable ocean frontage lies mainly in Monmouth County, N.J. Of the county's 27.2 miles of recreation frontage, 8.8 miles are held privately and 6.7 miles are held by the military. The remaining 11.7 miles are publicly owned and, for the most part, are either already fully used or are unusable because of pollution.

Thus, Sandy Hook is the sole practicable potential public recreation area left to serve the people of urban north Jersey. In addition, its colorful history and interesting geological and natural features give it potential for a varied recreational experience not found elsewhere in the region west of the Hudson.

Unlike the establishment of the Cape Cod National Seashore, Mass., as part of the national park system, inclusion of Sandy Hook in the national park system will not require appropriation of millions of dollars to acquire privately owned lands. The land at Sandy Hook is already owned by the Federal Government.

The present State park is one of the most popular recreation areas along the New Jersey coast—providing swimming, nature walks, sunbathing, and some of the best fishing around. It is so popular that on many weekends during the summer months the gates to the park must be closed as early as 10:30 in the morning, depriving thousands of would-be visitors of its use.

As the report, "Sandy Hook, A Study of Alternatives," prepared by the National Park Service and the Bureau of Outdoor Recreation, points out:

> Sandy Hook's recreation resources are . . . outstanding and should be preserved. Its 6 miles of uninterrupted Atlantic oceanfront and wide sand beaches provide a maximum opportunity for developing mass water-oriented recreation. These beaches, imaginatively planned, will provide varied and vitally needed water-oriented recreation for the massive urban population in the western half of the region. Even though swimming and sunbathing will dominate their use, they will also be ideal for hiking, beachcombing, and some of the best surf fishing in the State.
>
> Inland from the beaches a series of relatively unaltered dunes, interspersed with fresh and salt water marshes, plus 7½ miles of bay shoreline will provide the opportunity for supporting activities, such as hiking and nature study. Primarily the value of the natural resource is educational, in that the student or visitor is afforded a favorable field for the study of plant succession.

Since I introduced this bill in the 89th Congress, I am glad to report that the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments at its 59th meeting endorsed the proposal to establish the Sandy Hook National Seashore as a unit of the national park system.

And on January 15 of this year then Secretary of the Interior, Stewart L. Udall, stated that he endorses enactment of legislation to establish a national seashore at Sandy Hook.

It is my strong hope that the Senate Interior and Insular Affairs Committee will hold prompt hearings on my bill so that the full Senate will have an early opportunity to pass the legislation.

The use of Sandy Hook for any purpose other than a recreation area would be unconscionable, for it is a national heritage and should remain in public possession.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 640) to establish the Sandy Hook National Seashore in the State of New Jersey, introduced by Mr. CASE, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 641—INTRODUCTION OF BILL TO AMEND THE CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

Mr. ERVIN. Mr. President, I introduce, for appropriate reference, a bill to amend the Consolidated Farmers Home Administration Act of 1961 in order to permit borrowers obtaining loans under such act to employ attorneys of their own choice to perform any necessary legal services in connection with such loans.

I should like to observe that in my opinion any act which deprives individuals of the right to select their own counsel, as this act does, is certainly incompatible with the theory that we have a free country. No government agency should direct an individual as to what lawyer he can or must retain to perform services for him.

I ask that the bill be appropriately referred, and I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed at this point in the RECORD.

The bill (S. 641) to amend the Consolidated Farmers Home Administration Act of 1961 in order to permit borrowers obtaining loans under such act to employ attorneys of their own choice to perform necessary legal services in connection with such loans, introduced by Mr. ERVIN, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 336 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1986) is amended (1) by inserting "(a)" immediately before "No officer" in the first sentence thereof; and (2) by adding a new subsection as follows:

"(b) Any person making application for a loan under this Act may employ any attorney of his choice to provide him with the legal services necessary in obtaining such loan if such attorney is a member in good standing of the bar of the highest court of the State in which the loan applicant resides. In any case involving the purchase of land the loan applicant may employ any title insurance company of his choice to provide him with necessary legal services if such title company is licensed to perform such services in the State in which the land to be purchased is located."

SEC. 2. The amendment made by the first section of this Act shall be effective in the case of all persons who make application for loans under the Consolidated Farmers Home Administration Act of 1961 on or after the date of enactment of this Act.

S. 644—INTRODUCTION OF BILL RELATING TO EXTENSION OF SPECIAL MILK PROGRAM FOR CHILDREN

Mr. PROXMIRE. Mr. President, I introduce, on behalf of myself, the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Wisconsin (Mr. NELSON), a bill to extend and expand the special milk program for schoolchildren. The bill increases the amount provided for in the Child Nutrition Act of 1966 from $120 million for fiscal 1970 to $125 million for that year. The proposal also makes the program a permanent one, thus extending it beyond the present June 1970 expiration date. The bill will increase authorized funding to $130 million in fiscal 1971 and $135 million in fiscal 1972 and thereafter. And finally the legislation makes it crystal clear that the program is to be administered in the same manner as it is currently being handled.

This last point is particularly significant in view of the proposal made in the President's budget to eliminate the school milk program by melting it into the child nutrition and special food assistance programs. Although the budget indicates that increased milk consumption in these two programs will substantially offset the decline resulting from the elimination of the special milk program to my mind no convincing evidence exists that this is, indeed, a sound judgment.

Since the Agricultural Act of 1954 provided for the use of Commodity Credit Corporation funds to increase the consumption of fluid milk by schoolchildren the school milk program has been one of the most successful efforts the Federal Government has ever made to improve the nutrition of our sons and daughters. Periodic attempts to reduce or eliminate the program, the most recent being a 1966 attempt to slash the program by 80 percent, have failed ignominiously.

The program has been successful for two reasons. First and foremost it has supplied billions of half pints of milk—nature's perfect food—each year over and above the milk sold as part of the type A lunch under the school lunch program. Thus it has provided an invaluable supplement to the noonday meal provided by the school lunch program. The midmorning "milk break" filled many empty stomachs long before the school breakfast program was conceived.

Second, it has put Federal funds to work to feed the young as an alternative to the use of tax dollars to buy up surplus milk for storage in powdered form. For the school milk program has taken substantial portions of fluid milk off the market that the Federal Government otherwise would have had to buy and store under our price support program. Consumption under the program has typically represented approximately 2½ percent of fluid milk consumption in the United States.

To submerge this success story of a program by making it a subsidiary of the school lunch and other special programs would be to make it an unwanted stepchild. Certainly it would be far far easier to sharply slash school milk expenditures that were an unidentified part of a general nutrition effort than it would be to make deep cuts in the existing school milk program. Furthermore I am convinced that the young of our Nation, especially those with serious nutritional deficiencies, need more, not less, fluid milk.

Finally, Mr. President, I must add that it is a special source of joy to me to have my colleague from South Dakota, Senator McGovern, as a sponsor of this bill. We are all familiar with the marvelous work that his Select Committee on Nutrition and Human Needs is doing to analyze and find solutions to the problems of hunger and malnutrition in this land of ours. It gives me a particular sense of confidence to know that a man with his deep experience with the needs of the hungry in the United States and abroad has chosen to associate himself with me in the introduction of this legislation.

I ask unanimous consent that the bill to expand and extend the special milk program for schoolchildren be printed in the Record.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record, in accordance with the request of the Senator from Wisconsin.

The bill (S. 644) to provide a special milk program for children, introduced by Mr. Proxmire (for himself and Mr. McGovern), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the Record, as follows:

S. 644

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Child Nutrition Act of 1966 is amended to read as follows:

"Sec. 3. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1970, not to exceed $125,000,000; for the fiscal year ending June 30, 1971, not to exceed $130,000,000; and for each succeeding fiscal year, not to exceed $135,000,000, to enable the Secretary of Agriculture, under such rules and regulations as he may deem in the public interest, to encourage consumption of fluid milk by children in the United States in (1) nonprofit schools of high school grade and under, and (2) nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children. For the purposes of this section 'United States' means the fifty States and the District of Columbia. The Secretary shall administer the special milk program provided for by this section to the maximum extent practicable in the same manner as he administered the special milk program provided for by Public Law 89–642, as amended, during the fiscal year ending June 30, 1969."

S. 654—INTRODUCTION OF BILL ENTITLED "THE RESIDENCY VOTING ACT OF 1969"

Mr. CANNON. Mr. President, I introduce, for appropriate reference, a bill entitled "The Residency Voting Act of 1969."

I first introduced this bill as S. 1881 on May 25, 1967. Hearings were held by the Subcommittee on Privileges and Elections, at which time the Honorable Fred Vinson, Assistant Attorney General, representatives of American citizens residing abroad, and various committees seeking improvements in the residence requirements for voting, testified or submitted statements in support of the bill.

In essence, the bill provides that no citizen of the United States who is otherwise qualified to vote in any election shall be denied the right to vote for the Offices of President and Vice President if he establishes residence in a new State not later than the first day of September next preceding the date of an election, and, further, no citizen of the United States who is otherwise qualified to vote by absentee ballot in any election shall be denied the right to vote for President and Vice President because of any requirement of registration that does not include a provision for absentee registration.

Mr. President, the citizens of the United States are highly mobile, and it is not uncommon for them to be sent to countries all over the world representing American industry, educational institutions, and other social institutions. The Bureau of the Census has estimated that up to 20 or 25 percent of the citizens of this country are in a state of transition. During the presidential election year of 1964 witnesses stated that as many as 8 million citizens were denied the privilege of voting either because they moved into a new State too late to comply with the residency qualifications or because they were unable to register by absentee procedures.

Several States have under the Constitution the right to establish qualifications of voters, including residence requirements and procedures for absentee voting. It is quite understandable that the States would claim certain reservations concerning the right of any citizens to vote in local elections on the ground that new citizens would have insuffiicent knowledge of local issues and local candidates to draw meaningful conclusions. However, mass media communication, especially TV, carry to all corners of the earth complete information concerning the national issues, the candidates for President and Vice President, and the problems facing the Nation at home and abroad. No matter where in the world a citizen may temporarily be residing, he has at least been well informed on the programs and policies of each candidate seeking the office of President. He ought not to be denied the voting franchise because of some antiquated residence requirement or absentee voting requirement.

The committee again this year will hold hearings, and it is hoped that those hearings will produce sufficient interest to demonstrate the need for the adoption of this bill so as to extend to all American citizens the right to vote at least for President and Vice President beginning in 1972.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 654) to enable the citizens of the United States who change their residences to vote in presidential elections, and for other purposes, introduced by Mr. Cannon, was received, read twice by its title, and referred to the Committee on Rules and Administration.

S. 661—INTRODUCTION OF BILL TO RECALL DEFECTIVE TIRES

Mr. NELSON. Mr. President, I introduce, for appropriate reference, a bill to direct the Secretary of Transportation to develop a procedure for the recall of defectively manufactured tires.

The bill would amend the National Traffic Safety Act to require the Secretary of Transportation, within 6 months, to develop procedures under which the tire manufacturers would notify every tire purchaser of potential defects in his tires. The notification—by certified mail—would explain the nature of the suspected defect and an evaluation of the safety hazard as well as measures to be taken to correct the defect.

In effect, this bill would simply extend the existing recall provision of the Traffic Safety Act which now applies only to the automobile manufacturer, to the tire manufacturer.

The tire industry—like every modern manufacturing process—experiences continuous problems with quality control. And as a result, a number of defective tires are reaching the marketplace, and we know that this number is very much larger than any figures reveal. In reply to a questionnaire I sent to all tire manufacturers in August 1967, six companies replied that they have recalled a total of more than 125,200 tires in the last 7 years for inspection of defects.

Despite the fact that defective tires are reaching the consumer, there has never been a systematic recall of such tires from the consumer. In all cases related, the tires were recalled from warehouses or dealers.

Because most tire companies have no system for keeping track of their product after it leaves the factory, they contend that it is impossible for them to locate the owners of defective tires.

The consumer is clearly not being reached under the present system.

Since I first introduced this tire recall bill in November, 1967, many incidents have reconfirmed the need for this legislation.

First, it became apparent last winter that untold thousands of defective Firestone wide oval tires were on the roads. The sidewalls of the tires cracked and split severely at very low mileage, creating a significant safety hazard. Also, the tires had unusually rapid tread wear. In private, Firestone admitted to this problem and changed the design of this tire, but no recall was ever carried out.

Second, my office continues to receive, as it has since 1964 when I introduced the first tire safety standards bill in the Senate, a stream of letters from consumers whose original equipment and replacement tires are failing at uncommonly low mileage. The number of multiple failures of tires on new cars is also shocking.

And finally, the obvious need for the recall provision for defective automobiles—under which more than 5 million cars have been recalled in the past 2 years—helped convince officials in the Department of Transportation and in the office of the President's special assistant for consumer affairs that motorists deserved the same protection from defective tires that they were receiving from defective autos. Both the Department of Transportation and the President's special assistant for consumer affairs, Miss Furness, endorsed the tire recall bill in the last session of Congress.

All these incidents help to dramatize the need for a recall system for defective tires. Yet the need and urgency for a systematic procedure was brought into even sharper focus by two events in the last week.

On January 19, Mohawk Tire and Rubber Co. of Akron, Ohio, announced the recall of approximately 10,000 of their tires to check for a manufacturing defect that could cause blowouts. The company urged all owners of Mohawk tires by the trade name of Airflo in size 7.35 x 14 purchased since last February 1 to return to their dealers immediately and have the tire replaced at no charge.

To my knowledge, this is the first recall of defective tires at the user level in the history of the tire industry. I want to commend Mohawk for their safety-conscious action and urge their colleagues in the industry to heed Mohawk's example.

It is hoped that all the suspect tires will be exchanged speedily before injury comes to any of their owners. But because the company keeps no record of the tires after they are sold to the dealers, they must rely on the public news media to spread the word to the individual users. So it is foolhardy to expect Mohawk's recall attempt to be more than 50 percent effective.

The bill I have introduced today will establish a system for identifying each tire and keeping track of it from the manufacturer to the dealer to the user. Then, when recall is necessary, the manufacturer can reach the individual user directly and recall can be carried out with maximum efficiency. Certainly in this computer age, this is not an awesome task.

It is particularly urgent that this bill be passed quickly. For we know that the 10,000 Mohawk Airflo tires represent only a small fraction of the total number of defective or substandard tires on the roads.

It is now apparent that literally millions of tires now on sale to the public by major tire manufacturers have failed to meet the safety standards established under the National Traffic and Motor Vehicle Safety Act of 1966.

In the past 5 months, dozens of failures of the tire standards have been reported to the Department of Transportation by their contractors who are testing for compliance with the standards. Nine major tire companies including the top four producers who account for about 75 percent of total passenger tire production are involved.

The exact number of tires involved is not known at the moment. However, one Department of Transportation spokesman estimated that perhaps as many as two-thirds of all new tires sold had serious and potentially hazardous defects.

Yesterday, I released a letter to Secretary of Transportation John Volpe, listing all the tires that do not meet the Federal standards, and urging him to proceed to institute legal action against the tire companies who are violating the law, to inform the public in as comprehensive a manner as possible about the suspect tires, and to work with the tire companies to recall all the faulty tires and replace them. I ask unanimous consent that a copy of that letter and a list of the tires be printed in the Record at the conclusion of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NELSON. It is very clear that Congress must act immediately to establish a workable recall procedure for defective tires—a system which will protect the motorist and will put the responsibility for defective tires squarely with the tire manufacturer where it legally and rightfully belongs.

I ask unanimous consent that the bill be printed in the Record at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 661) to provide an improved and enforceable procedure for the notification of defects in tires, introduced by Mr. Nelson, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 661

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the National Traffic and Motor Vehicle Safety Act of 1966 is amended by adding at the end thereof the following new section:

"Sec. 206. (a) In addition to the requirements of section 113 of this Act, relating to notification of defects, not later than six months after the enactment of this section, the Secretary shall establish procedures under which every manufacturer of tires shall be required to furnish notification of any defect in any tire produced by such manufacturer which the manufacturer determines, in good faith, relates to motor vehicle safety, to the last purchaser of such tire known to the manufacturer, within a reasonable time after such manufacturer has discovered such defect.

"(b) The procedures established pursuant to this section shall provide—

"(1) a method of notice to each tire manufacturer of the names and addresses of the purchasers of the tires of such manufacturer;

"(2) for notification (A) by certified mail to tire purchasers other than dealers of tire manufacturers to whom tires were delivered, (B) by certified mail or other more expeditious means to dealers of tire manufacturers to whom tires were delivered, and (C) by such other means as the Secretary deems will assist in carrying out the purposes of this Act; and

"(3) coordination of the requirements of this section with the requirements of section 113 of this Act so as to avoid unnecessary duplication of notification of tire defects while assuring the greatest probability of notification to the user of a tire as to a defect therein as soon as possible.

"(c) The notification required by this section shall contain a clear description of such defect, an evaluation of the risk to traffic safety reasonably related to such defect, and a statement of the measures to be taken to repair such defect or to replace, if necessary, any tire with such a defect.

"(d) Every manufacturer of tires shall furnish to the Secretary a true or representative copy of all notices, bulletins, and other communications to the dealers of such manufacturer or purchasers of tires of such manufacturer regarding any defect in such tires sold or serviced by such dealer. The Secretary shall disclose so much of the information contained in such notice to the public as he deems will assist in carrying out the purposes of this Act, but he shall not disclose any information which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code unless he determines that it is necessary to carry out the purposes of this Act.

"(e) If through testing, inspection, investigation, or research carried out pursuant to this title, or examination of reports pursuant to subsection (d) of this section, or otherwise, the Secretary determines that tires of any class or description—

"(1) do not comply with an applicable Federal motor vehicle safety standard prescribed pursuant to this Act; or

"(2) contain a defect which relates to motor vehicle safety;

then he shall immediately notify the manufacturer of tires of such class or description of such defect or failure to comply. The notice shall contain the findings of the Secretary and shall include all information upon which the findings are based. The Secretary shall afford such manufacturer an opportunity to present his views and evidence in support thereof, to establish that there is no failure of compliance or that the alleged defect does not affect motor vehicle safety. If after such presentation by the manufacturer the Secretary determines that tires of such class or description do not comply with applicable Federal motor vehicle safety standards, or contain a defect which relates to motor vehicle safety, the Secretary shall direct the manufacturer to furnish the notification specified in subsection (c) of this section to the purchaser of any such tire as provided in subsections (a) and (b) of this section.

"(f) For the purpose of this section the term 'manufacturer of tires' includes the retreader in the case of retreaded tires."

SEC. 2. Section 108(a)(4) of the National Traffic and Motor Vehicle Safety Act of 1966 is amended by inserting "or section 206" immediately after "section 113".

EXHIBIT 1

Hon. JOHN VOLPE,
Secretary, Department of Transportation,
Washington, D.C.

DEAR MR. SECRETARY: I want to bring to your attention what I consider to be a serious violation of the National Traffic and Motor Safety Act of 1966 which is threatening the safety of millions of Americans.

Under Section 1 of the Act, the Department of Transportation has established minimum tire safety standards. The first standards went into effect in January, 1968. However, I am informed that a substantial number of tires now on sale to the public by major tire manufacturers have failed to meet these standards, and that these manufacturers therefore are in violation of the law.

In the past five months, dozens of failures of the tire standards have been reported to the Department of Transportation by their contractors who are testing for compliance with the standards. Nine major tire companies, including the top four producers who account for about 75 per cent of the total passenger tire production, are involved. I enclose a list of tires reported to the Department of Transportation as having failed to meet the official standards.

I do not know the exact number of tires involved. One Department of Transportation spokesman estimated in mid-December that perhaps an many at two-thirds of all new tires sold had serious and potentially hazardous defects.

In any case, it is safe to say that there are literally millions of faulty tires on the roads today which are a clear and present danger to millions of unsuspecting American motorists.

Under Sec. 109(a) of the Act, any manufacturer who manufacturers or sells tires not conforming to the federal standards is subject to a civil penalty of up to $1,000 for each violation. In all cases listed above, the tire companies assured the Department of Transportation that their tires met or exceeded the federal standards and were therefore eligible to receive the Department's certification. This process of self-certification has been necessary in the past because the National Highway Safety Bureau has not had the funds nor the personnel and equipment to establish more than a spot testing program. They simply could not test and certify each tire themselves.

I urge you to take steps immediately to institute legal action against those who are violating the law, to inform the public in as comprehensive manner as possible about the suspect tires, and to work with the tire companies to recall all the faulty tires and replace them.

This serious situation provides a good opportunity to take a close look at the effectiveness of the tire standards program and in this connection I would like to make several suggestions to you concerning the program.

First, it seems obvious that the process of self-certification, whereby the tire companies certify that their tires meet federal standards, is not workable. If the tire standards program is to have any meaning at all, the National Highway Safety Bureau must be able to conduct a full-scale testing program where they can test every brand of every tire manufacturer who applies for the government's certification of approval. Without this ability, the government is not able to enforce its own standards. And to establish this kind of testing program, the Bureau needs funds for testing wheels and personnel which I hope you will request from the Congress.

Secondly, the recall of about 10,000 of their tires announced last Sunday by Mohawk Tire and Rubber Company demonstrates the need for a systematic procedure for recalling defective tires. I do want to commend Mohawk for their safety-conscious action. This is the first time in the history of the tire industry that tires have actually been recalled from users (as well as from dealers). However, as Mohawk said in their announcement, they do not have any records of where these faulty tires are and they must rely on the public news media to spread this information. This is obviously not an efficient system. It is doubtful that the recall can be more than 50 percent effective.

I am reintroducing in the Senate tomorrow a bill to establish a system for identifying each tire and keeping track of it from the manufacturer to the dealer to the user. Then, when recall is necessary, the manufacturer can reach the individual user directly and recall can be carried out with maximum efficiency. In effect, the bill would simply extend the recall provision of the National Traffic and Motor Vehicle Safety Act which now applies only to automobile manufacturers, to the tire manufacturers. The Department of Transportation and the President's Special Assistant for Consumer Affairs endorsed the bill in the last session of Congress, and I am hopeful that you will lend your firm support to the bill to assure speedy congressional action in this session.

And finally, I think the Department of Transportation should establish a firm policy that recall announcements be made by the Department in Washington to assure the broadest press coverage and dissemination to the public. This is information that is of vital public interest. The Mohawk recall incident is a good example of the need for broad press coverage. The effectiveness of the campaign rests solely on the press getting the information to the public. However, the Mohawk announcement was made in Akron, and none of the major newspapers in Washington and New York, at least received a copy of the news release from the company. I hope you will take whatever action is necessary to assure that these announcements henceforth come from the Department.

Sincerely yours,
GAYLORD NELSON,
U.S. Senator.

Enclosure.

Tire manufacturer	Brand name and size	Test	Date of failure
Firestone	Delux Champion, 6.50x13	High speed and dimension	September 1968.
	Champion, 6.50x13	Endurance	Do.
	Delux Champion, 6.95x14	Strength	Do.
	Safety Champion, 7.35x14	do	August 1968.
	Delux Champion, 8.55x14	Labeling standard	September 1968.
	Super Sport Wide Oval, F70x14	Dimension	Do.
	"500," 8.15x15	Endurance	Do.
	Super Sport Wide Oval, H70x15	Dimension	June 1968.
B. F. Goodrich	Silvertown 660, 6.50x13	High speed and strength	October 1968.
	Silvertown 660, 6.95x14	High speed	Do.
	Silvertown 770, 7.00x13	do	August 1968.
	Silvertown 770, 7.35x14	do	Do.
	Silvertown 660, 8.25x14	do	October 1968.
	Silvertown 660, 8.55x14	do	Do.
Goodyear	Power Cushion, 6.50x13	Endurance and high pseed	Do.
	Power Cushion, 7.00x13	Strength	Do.
	Power Cushion, 7.75x14	do	Do.
	Power Cushion, 7.75x15	Endurance	September 1968.
	Safety All Weather, 7.75x15	Dimension	October 1968.
	Power Cushion, 8.45x15	High speed and dimension	September 1968.
General	Safety Jet, 7.00x13	Endurance	August 1968.
	General Jet, 8.15x15	do	October 1968.
	Safety Jet, 9.00x15	Endurance and strength	August 1968.
Uniroyal	Laredo, 6.50x13	High speed	September 1968.
	Laredo, 7.35x14	Dimension	August 1968.
	Tiger Paw, 8.55x14	Endurance	Do.
Dunlop	C. T., 6.50x13	Endurance and strength	August-September, 1968.
	Gold Seal, 7.75x14	High speed	August 1968.
Mansfield	Premium, 7.75x14	do	November 1968.
	Premium, 895/900x15	Endurance	Do.
Mohawk	Airflo, 7.35x14	do	July-August, 1968.
	Bonanza, 8.55x14	do	July 1968.
Armstrong	Premium Coronet, 7.35x14	High speed	August 1968.

S. 674—INTRODUCTION OF COMMUTER ASSISTANCE ACT OF 1969

Mr. WILLIAMS of New Jersey. Mr. President, I am today introducing the Commuter Assistance Act of 1969, legislation which will bring increased financial assistance to the Nation's hard-pressed commuter transportation systems—systems more than ever needed where urban sprawl has become urban crisis.

The gradual strangulation and atrophy of our urban transportation systems has been an important factor in the creation of that crisis. The problems that would arise from the failure to build a transportation system equal to the needs of giant city areas were foreseen long before our cities reached the serious—almost desperate—condition they are now in. Since coming to the Senate in 1958, I have worked for sound programs of Federal assistance for modern transportation networks for our ever-growing cities. We have made important progress. The Mass Transportation Act of 1964 was a major step forward, and in its 4 years of operation, has produced fine results. Without the assistance provided by this program, there is no question that vital commuter operations in cities like New

York, Boston, and Philadelphia would have ceased entirely. It has given impetus to the construction of new and modern systems in San Francisco, Cleveland, and Chicago. The long campaign for the passage of this act made people aware that for the city of today, an efficient transportation system was not merely a convenience, but an absolute necessity. But given the need, the amount of money being spent on a key part of our cities' life and growth is pitifully small. There are $4.5 billion available for highway construction, but only $175 million for mass transit. Former Transportation Secretary Boyd described well the absurdity of this disproportion when he said:

> We've got a bucketful of money for highways, and only a medicine dropperful for the rest.

We do not now have and never will have a balanced transportation system as long as this cockeyed imbalance in the spending of public funds exist.

Sound planning and sensible public policy call for spending money for transportation more equitably and where the most results for the tax dollar are achieved. We can build highways and airports from now until kingdom come without helping the commuter. The commuter clearly can not fly to work, and driving becomes a dangerous daily journey in pursuit of a probably nonexistent parking place. Instead of solving the traffic problem, we are wasting more valuable land to create ever larger traffic jams.

In an era when we are sending men to look at the dark side of the moon, it may seem an anachronism to talk about the railroads as a key part of modern transportation. But it has been pointed out that "a single passenger track can handle as many people in peak hours as a mile of expressway 20 lanes wide. A tax dollar can buy up to 20 times as much rail transportation as it can when it is spent on urban highways."

Linked with good bus service, the railroad is the most effective means of mass transportation. Railroads have one other decided advantage—not only do railroads use less land areas than sprawling highways, they are already there. By using existing rights-of-way to their fullest for transportation, we can avoid serious human problems created by putting new freeways into already overcrowded cities.

Mr. President, commuters depend on and will continue to use good railroad commuter service. In 1967, commuters constituted 67 percent of all passengers carried by railroads. These commuters paid $143.8 million to ride to and from work, and railroads with commuter service carried almost 200 million revenue passengers. Clearly, the end of commuter service would be a transportation disaster. In New York, for example, we have frequent lessons on the importance of commuter service everytime the Long Island Railroad, which carries 80,000 people a day, is shut down. They are unfortunate and negative lessons, but one picture of a traffic jam on the Long Island Expressway says more than a thousand words on why we must have good mass transportation.

Now that the Penn Central Railroad has taken the New Haven Railroad, it will carry about 138,000 people a day into Philadelphia, New York, New Jersey, and Boston, and 40,000 people a day go from New Jersey into Manhattan. It would be impossible to build a highway system large enough to handle that number of people if they were added to the rush-hour traffic jams already existing.

One myth that the mass transportation program has laid to rest is that people do not want to use mass transportation systems. Figures show that where good and efficient service is provided, it will be used. In the Philadelphia area, for example, the total number of commuting passengers rose 34 percent from 1962 to 1967—from 13.6 to 18.2 million. In northern New Jersey, passenger volume rose 6 percent in 1967 once the Aldene Plan was in effect. The Grand Trunk Railroad, serving the suburbs of Detroit, increased its passenger volume by 25 percent in 1967. Cleveland's recently begun high-speed service from downtown to Hopkins Airport, shows every sign of being a great success.

The taxpaying public certainly knows the importance of good commuter transportation, and will back spending with their votes. The voters of New York in 1967 authorized a $2.5 billion bond issue to revitalize the State's transportation systems. In the last election, the voters of New Jersey overwhelmingly approved a $640 million transportation bond issue. This is tangible evidence of the importance taxpaying Americans give to good transportation. All across the country there has been a consistent effort by States and local governments to improve existing commuter systems or, as San Francisco is doing, to build new ones from the ground up.

Mr. President, in the last session of Congress, I chaired hearings of the Housing Subcommittee of the Committee on Banking and Currency on the effects of railroad mergers on commuter transportation.

The subcommittee heard from an impressive array of witnesses from Government and the railroad industry. These hearings gave us a chance to review the entire commuter situation. On several points, there was almost unanimous agreement. Commuter transportation is an absolute necessity. As Mr. Owen Clarke, vice president of the C. & O./B. & O. put it:

> Urban transportation in the large cities can only be looked upon as a public service. It is analogous to police and fire protection, the construction and maintenance of highways and waterlines, and the operation of schools.

Second, privately owned railroads—even given the new financial strength brought by the recent series of mergers—cannot and will not operate deficit-ridden service. In agreeing to take over the Erie Lackawanna, Delaware & Hudson, Boston & Maine, the Reading, and the Central of New Jersey as a condition of their mergers, the C. & O. and the Norfolk & Western told the ICC it would take these ailing railroads only if the problem of commuter losses were solved.

Finally, all agreed that more Federal assistance was needed. Now, I know my colleagues have been told that more Federal assistance is the solution to the myriad problems which the Nation faces. But the ludicrously small amount of money we are spending now for mass transportation gives the argument force.

One solution which has worked well when tried by State and local transportation authorities is an operating subsidy. Since 1959, the State of New Jersey has spent $60 million for operating subsidies. Operating subsidies now keep good commuter service going into Boston and Philadelphia. There is nothing new or novel about the idea. The railroad industry recognizes that it does have a responsibility to the riding public, but asks that the public provide some support for the public service they provide. There is some question as to whether the railroads are doing all they financially can, but they cannot be expected to bear the entire expense of deficit-ridden commuter operations. But working with State and local transportation agencies, they can maintain and improve service.

Mr. President, a substantial portion of my remarks has been devoted to commuter trains. I have placed emphasis on the railroads only because they are already dangerously close to the eve of extinction, and not because the bus companies find themselves in a financially enviable position. Last year alone, for example, D.C. Transit, right here in the Nation's Capital, was granted a total of three fare increases. Each increase has been accompanied by a decrease in riders. Most of these lost riders turn to automobiles as their alternative form of transportation. This simply aggravates the already serious situation the community faces in coping with automobile and traffic problems. Furthermore, the segment of the community most dependent upon public transportation—the low-income group—is the group least able to pay the increases, and therefore, the most affected by the increased fares. It is my strong belief that commuter lines of all types, including buses, must be maintained in order to insure the continuing prosperity and well-being of the millions of people all over the country whose daily routine is so dependent on them.

The Mass Transportation Act provides capital grants for the construction or improvement of transportation systems. We must increase the appropriations for this program, which has never been funded at the level authorized by the Congress. At the same time, we should make money available to State and local transportation authorities to keep existing service going through operating subsidies. This is what the Commuter Assistance Act will do. It will provide Federal funds for operating subsidies over a limited period of time to aid those local agencies which are already doing more than their share in paying the transportation bill.

The bill is not intended to set up a program of permanent subsidies. An operating subsidy grant would have a 10-year limitation, although individual grants could be extended for another 5 years. During this period of time, we can hope that the necessary program of capital investment will be carried out which will put commuter transportation on a paying basis.

Under the provisions of the legislation I am introducing today, the Secretary of the Department of Transportation would make these grants on a two-third, one-third matching basis, not to the operating applicant itself, but to a public transportation authority which has broad responsibilities for maintenance of commuter transportation and upon whose contribution the ratio is based.

In operation, a State or independent public body with transportation responsibilities, will submit to the Department of Transportation a complete, long-term program setting out a limited period of time in which its operating deficits must be met and a comprehensive schedule for capital improvements. I am hopeful that this legislation will also stimulate creation of the broad regional transportation authorities which have proven so successful in dealing with the complex and interrelated problems of planning transportation for a particular metropolitan region.

As a companion measure, I am also introducing an amendment to the Interstate Commerce Act which will make it more difficult for railroads to eliminate passenger service, unless they have exhausted all possibilities for public assistance open to them.

Instead of allowing abandonment of service on the grounds it currently does, which are mostly financial, the Interstate Commerce Commission must first require that a carrier has made good-faith efforts to take full advantage of the provisions of the commuter service bill. In short, we will give all possible help to keep the railroads in business, but we will not tolerate their just walking out of the picture because that is the simple way out.

Similar legislation is being introduced in the House by my colleague of New Jersey, Representative JAMES HOWARD. Congressman HOWARD is well aware of the need for more assistance to commuter transportation systems, and he has worked hard to improve transportation facilities for residents of his district.

Mr. President, I hope that the new administration will pay close attention to this legislation. Under a Democratic administration, the importance of good urban transportation was recognized; a sensible program of assistance was begun with the Mass Transportation Act. The Commuter Assistance Act will give the Secretary of Transportation a new instrument for the improvement and continuation of good commuter service. It relies on a principle about which we have heard much from the Republicans—cooperation between private enterprise and State, local, and Federal governments in solving public problems. I hope that Transportation Secretary Volpe, who, as Governor of Massachusetts, should have learned the importance of urban transportation to the Greater Boston area, will give his support to increased aid and realize that highways alone cannot do the job. Good mass transportation by rail and bus is a vital part of a balanced national transportation system. We can rightly ask the present administration to carry forward the record of progress built by the Kennedy-Johnson administrations in the field of mass transportation.

Mr. President, I ask unanimous consent that the text of the bill I am introducing today be printed in the RECORD following my remarks.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 674) to amend section 13a of the Interstate Commerce Act, relating to the discontinuance or change of certain operations or services of common carriers by rail, in order to require the Interstate Commerce Commission to give full consideration to all financial assistance available before permitting any such discontinuance or change, introduced by Mr. WILLIAMS of New Jersey, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13a(1) of the Interstate Commerce Act (49 U.S.C. 13a(1)) is amended by inserting after "If, after hearing in such investigation," the following: "including full consideration of any financial assistance available pursuant to the Urban Mass Transportation Act of 1964 or any other law for the purpose of continuing such operation or service and the efforts of such carrier or carriers to obtain such assistance,".

SEC. 2. Section 13a(2) of the Interstate Commerce Act (49 U.S.C. 13a(2)) is amended by inserting after "The Commission may grant such authority only after full hearing" a comma and the following: "including full consideration of any financial assistance available pursuant to the Urban Mass Transportation Act of 1964 or any other law for the purpose of continuing such operation or service and the efforts of such carrier or carriers to obtain such assistance,".

S. 675—INTRODUCTION OF BILL RELATING TO CORPORATE DEMOCRACY FOR BANKS

Mr. WILLIAMS of New Jersey. Mr. President, I introduce a bill to strengthen the Federal Deposit Insurance Corporation and to provide for added corporate democracy in bank stock ownership.

This legislation provides for cumulative voting rights for shareholders in all federally insured banks. By cumulative voting, a group of minority shareholders would be able to vote their stock together and possibly elect at least one member to their bank's board of directors—insuring at least some minority representation in policy determinations.

This procedure is presently required in the voting of national bank stock. Certainly, such established democratic procedures which have worked so well in the past should be made applicable to State banks. Cumulative voting for the election of directors is an essential ingredient of corporate democracy and for the protection of the rights of minority stockholders. Its benefits should be extended throughout our banking system.

This bill would also add further safeguards to the Federal deposit insurance program. Under its provisions, federally insured banks would be prohibited from voting their own capital stock, or any such stock held in the bank's trust department. The right of banks to vote their own stock plus shares held in trust, coupled with the lack of cumulative voting, has had the effect of perpetuating entrenched management, thus disfranchising minority shareholders.

In some instances, shareholders' meetings have become meaningless rituals, with minority shareholders having little or no say in the bank's affairs. Surely such a situation does not bring confidence to our banking system. The democratic election of bank directors required under this bill's provisions will provide meaningful safeguards and added public confidence in our Nation's banks.

I ask unanimous consent that the bill be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 675) to prohibit federally insured banks from voting their own stock and to provide for cumulative voting in federally insured banks, introduced by Mr. WILLIAMS of New Jersey, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 675

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Federal Deposit Insurance Act is amended by adding the following new sections at the end:

"SEC. 21. No insured bank may directly or indirectly exercise or control the exercise of the voting rights of its capital stock.

"SEC. 22. In all elections of directors, each shareholder of any insured bank shall have the right to vote the number of shares owned by him for as many persons as there are directors to be elected, or to cumulate such shares and give one candidate as many votes as the number of directors multiplied by the number of his shares shall equal, or to distribute them on the same principle among as many candidates as he shall think fit."

SEC. 2. The first sentence of section 5144 of the Revised Statutes (12 U.S.C. 61) is amended by striking "(2)" and all that follows in such sentence and inserting "and (2) any exercise of voting rights shall be consistent with the requirements imposed by section 21 of the Federal Deposit Insurance Act."

SENATE JOINT RESOLUTION 32—INTRODUCTION OF JOINT RESOLUTION RELATING TO CONSTITUTIONAL AMENDMENT TO PERMIT VOTING BY 18-YEAR-OLDS

Mr. CANNON. Mr. President, I introduce, for appropriate reference, a resolution proposing a constitutional amendment to permit voting by 18-year-old citizens.

Efforts to lower the voting age to 18 have been frustrated in the past due largely to the narrow perspective of our older citizens. Eighteen-year-olds have been looked upon only as teenagers without the mature judgment to cast a vote responsibly.

It was universally accepted that 21 was the age of maturity, of emancipation and the beginning of reliable accountability. Times have changed, Mr. President. Today 18-year-old citizens can own property, draw wills, purchase firearms, be sued, or otherwise be held liable for their acts.

In most States they are no longer held to be juveniles. They have a military obligation and acquit themselves with honor and courage. Millions of them have worked intelligently and industrially in the Peace Corps, poverty programs, educational projects, and in political campaigns.

Four States—Alaska, Georgia, Hawaii, and Kentucky—already have changed their laws to permit voting by citizens less than 21 years of age. Almost 7 percent of our total population consists of persons between 18 and 21.

Today the great preponderance of 18-year-olds are high school graduates. Their education is superior to the requirements set by those States which demand that citizens pass a literacy test to determine eligibility for voting.

Eighteen is the beginning of adult life, not 21. Young married couples put themselves through college or work together to establish responsible positions in the community.

Let us hope, Mr. President, that the 91st Congress will accept this new challenge from the youth of our Nation with pride and help them to obtain the voting franchise.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 32) proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older, introduced by Mr. CANNON, was received, read twice by its title, and referred to the Committee on the Judiciary.

SENATE JOINT RESOLUTION 33—INTRODUCTION OF JOINT RESOLUTION PROPOSING A CONSTITUTIONAL AMENDMENT PROVIDING FOR THE ELECTION OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. CANNON. Mr. President, I introduce, for appropriate reference, a joint resolution proposing a constitutional amendment providing for the election of the President and Vice President.

Mr. President, the debate which took place on the floor of both Houses of the Congress on January 6, 1969, involving the counting of electoral votes proves that, first, presidential electors are free agents and could, if the spirit moved them, cast their votes for Snoopy for President—and from the number of bumper stickers I saw advocating his candidacy, I would say that would be a real possibility; second, electors who are not legally bound to vote in accordance with the wishes of the people of a given State could thwart and frustrate all of the citizens of that State; and, third, the presidential elector under our present system is not an officer charged with responsibility, serves no useful purpose, and ought to be removed entirely from the process of choosing the President and Vice President of the United States.

However, I believe in the constitutional provisions allotting to each State a certain number of electoral votes in accordance with the total number of Senators and Representatives.

Each State has two Senators serving all of the people of the State plus one or more Representatives depending upon the population of the State. Proportional representation guarantees each State a weighted vote in the Congress of the United States. Consequently, the electoral votes should be retained.

The provisions of my joint resolution are in keeping with the wishes of the drafters of the Constitution except for the abolition of presidential electors who could no longer perform the functions intended by the original drafters of the Constitution.

The population of our Nation is too large today for an elector to be able to exercise the peculiar personal choice of candidates for President and Vice President that was intended at the latter part of the 18th century.

Millions of voters now have the right to expect that their votes will be honored in choosing the country's two highest officers. This resolution, therefore, abolishes the presidential elector but not the electoral vote.

Following the casting of votes by all of the people on election day, the lists of all persons for whom votes were cast on election day for the offices of President and Vice President, the responsible election official for each State, and the District of Columbia would transmit all that information to the President of the Senate.

Thereafter, the President of the Senate at a joint session of the Congress, would open all certificates and count the votes.

Each person for whom votes were cast for President in each State and the District of Columbia would be credited with such proportion of the electoral votes as he received of the total vote cast by the electors of that State for President. In making computations, fractional numbers less than one one-thousandth would be disregarded.

The person having the largest number of electoral votes for President would be President if he received at least 40 percent of the total electoral vote. If no person received 40 percent of the electoral vote or if two persons received an identical number of such votes which is at least 40 percent of the total electoral vote, then from the persons having the two greatest numbers of electoral votes the Senate and House, in joint session, would choose by ballot the President. A majority of the votes of the combined membership would be necessary for a choice.

The same procedures would apply to the choosing of a Vice President.

Mr. President, a great many different proposed amendments have been introduced in the past and will, I am sure, be offered this year.

In my opinion, however, the electoral votes should be preserved but cast not on a winner take all basis, as is done under the existing law, but on a proportional basis in accordance with the votes cast by our American citizens.

My bill preserves the historical structure of the Constitution, yet eliminates the "unfaithful elector" and fairly distributes the electoral votes to reflect in a truly democratic manner the wishes of the voters.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 33) proposing an amendment to the Constitution of the United States providing for the election of the President and the Vice President of the United States, introduced by Mr. CANNON, was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF BILLS

Mr. AIKEN. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from New Mexico (Mr. ANDERSON) be added as a cosponsor of the bill (S. 111) to amend title XVIII of the Social Security Act so as to provide a more uniform, orderly, and economical method for the payment for physicians' services under the supplementary medical insurance program for the aged established by part B of such title.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. PEARSON. Mr. President, when I introduced the Rural Job Development Act of 1969 (S. 15) on January 15, 1969, I was particularly pleased to have the senior Senator from South Dakota (Mr. MUNDT) joining as one of the 36 cosponsors of the bill. Thus, I was distressed to learn later that due to error Senator MUNDT was not listed in the official record as a cosponsor. Therefore, Mr. President, I ask unanimous consent at this time that Senator MUNDT be added as a cosponsor at the next printing of S. 15.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. METCALF. Mr. President, I ask unanimous consent that, at its next printing, the name of the junior Senator from Nevada (Mr. CANNON) be added as a cosponsor of the bill (S. 500) to amend the Internal Revenue Code of 1954 so as to limit the amount of deductions attributable to the business of farming which may be used to offset nonfarm income.

The VICE PRESIDENT. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 5—CONCURRENT RESOLUTION TO PRINT ADDITIONAL COPIES OF HEARINGS ON THE NOMINATION OF WALTER J. HICKEL, TO BE SECRETARY OF THE INTERIOR

Mr. JACKSON submitted the following concurrent resolution (S. Con. Res. 5); which was referred to the Committee on Rules and Administration:

S. CON. RES. 5

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Interior and Insular Affairs five thousand additional copies of the hearings entitled "The Nomination of Governor Walter J. Hickel, of Alaska, to be Secretary of the Interior" held January 15–18, 1969.

SENATE CONCURRENT RESOLUTION 6—CONCURRENT RESOLUTION RELATING TO THE ADJOURNMENT OF CONGRESS

Mrs. SMITH submitted the following concurrent resolution (S. Con. Res. 6); which was referred to the Committee on Rules and Administration:

S. Con. Res. 6

Resolved by the Senate (the House of Representatives concurring), That section 132 of the Legislative Reorganization Act of 1946 is amended to read as follows:

"Sec. 132. (a) Effective with the first session of the Ninety-first Congress, in each even-numbered year in which the two Houses have not adjourned sine die by August 15, they shall stand adjourned on that date, or on the next preceding day of session, until 12 o'clock meridian on November 15 in that year, or the following Monday if November 15 falls on Saturday or Sunday; and in each odd-numbered year in which the two Houses have not adjourned sine die by August 1, they shall stand adjourned on that date, or on the next preceding day of session, until 12 o'clock meridian on November 1 in that year, or the following Monday if November 1 falls on Saturday or Sunday.

"(b) The consent of the respective Houses is hereby given to an adjournment of the other for the period specified in subsection (a)."

SENATE RESOLUTION 60—RESOLUTION AUTHORIZING THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO INVESTIGATE CERTAIN MATTERS WITHIN ITS JURISDICTION—REPORT OF A COMMITTEE

Mr. JACKSON, from the Committee on Interior and Insular Affairs, reported the following original resolution (S. Res. 60); which was referred to the Committee on Rules and Administration:

S. Res. 60

Resolved, That the Committee on Interior and Insular Affairs, or any duly authorized subcommittee thereof, is authorized under sections 134(a), and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the jurisdiction of the Committee on Interior and Insular Affairs, including national parks and recreation areas; Indian affairs; irrigation and reclamation; water and power resources; minerals, materials, and fuels; public lands; environmental studies; and territories and insular affairs.

Sec. 2. Pursuant to its authority under section 134(a) of the Legislative Reorganization Act of 1946, as amended, the committee is authorized to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, documents, and to take such testimony on matters within its jurisdiction as it deems advisable.

Sec. 3. For the purposes of this resolution the committee, from February 1, 1969, to January 31, 1970, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 4. Expenses of the committee under this resolution, which shall not exceed $160,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 61—RESOLUTION TO CREATE A SPECIAL COMMITTEE ON FILM CLASSIFICATION

Mrs. SMITH submitted the following resolution (S. Res. 61); which was referred to the Committee on Commerce:

S. Res. 61

Resolved, That there is hereby created a special committee to be known as the Committee on Film Classification and to consist of five Senators appointed by the Vice President of whom not more than three shall be members of the majority party.

Sec. 2. It shall be the duty of such committee to study and survey by means of research and investigation all of the problems of film classifications as they have appeared or may appear both in this country and elsewhere throughout the world, and to obtain all of the facts possible in relation thereto which would not only be of public interest but which would aid the Congress in enacting remedial legislation contemplating limitations upon the exhibition of certain motion pictures to minors, and to report to the Senate at the earliest practical date but not later than January 31, 1970, the result of such studies and surveys. No proposed legislation shall be referred to such committee and such committee shall not have the power to report by bill or otherwise have legislative jurisdiction.

Sec. 3. Said committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the session, recesses, and adjourned periods of the Senate, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures, not to exceed $25,000 as it deems advisable.

Sec. 4. A majority of the members of the committee, or any subcommittee thereof, shall constitute a quorum for the transaction of business, except that a lesser number, to be fixed by the committee, shall constitute a quorum for the purpose of taking testimony.

Sec. 5. For the purposes of this resolution the committee is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SENATE RESOLUTION 62—RESOLUTION RELATING TO THE DEATH OF REPRESENTATIVE ROBERT A. EVERETT, OF TENNESSEE

Mr. BAKER (for himself and Mr. Gore) submitted a resolution (S. Res. 62) relative to the death of Representative Robert A. Everett, of Tennessee, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. Baker, which appears under a separate heading.)

SENATE RESOLUTION 63—RESOLUTION AUTHORIZING THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE TO MAKE CERTAIN INVESTIGATIONS—REPORT OF A COMMITTEE (S. REPT. NO. 91-4)

Mr. McGEE, from the Committee on Post Office and Civil Service, reported an original resolution (S. Res. 63); and submitted a report thereon, which report was ordered to be printed, and the resolution was referred to the Committee on Rules and Administration, as follows:

S. Res. 63

Resolved, That the Committee on Post Office and Civil Service, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate to examine, investigate, and conduct such studies as may be deemed necessary with respect to any and all aspects of—

(1) the postal service, including studies of mechanization, modernization, personnel policies, utilization of manpower, hours, wages, work schedules, and management techniques, designed to improve postal service in the United States;

(2) the Federal civil service, including retirement, life and health insurance, and general consideration of legislation to improve the quality of Federal employment and Federal personnel policies and practices; and

(3) committee jurisdiction concerning the census and the collection of statistics.

Sec. 2. For the purposes of this resolution the committee, from February 1, 1969, until January 31, 1970, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ on a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments and agencies concerned and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1970.

Sec. 4. Expenses of the committee under this resolution, which shall not exceed $250,000, shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 64—RESOLUTION TO PROVIDE FOR A STUDY OF MATTERS PERTAINING TO THE FOREIGN POLICY OF THE UNITED STATES—REPORT OF A COMMITTEE

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported the following original resolution (S. Res.

64); which was referred to the Committee on Rules and Administration:

S. RES. 64

Resolved, That the Committee on Foreign Relations, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make complete studies of any and all matters pertaining to the foreign policies of the United States and their administration.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1969, to January 31, 1970, inclusive, is authorized (1) to make such expenditures; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants; (3) to hold such hearings to take such testimony, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, and to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; and (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government, as the committee deems advisable.

SEC. 3. In the conduct of its studies the committee may use the experience, knowledge, and advice of private organizations, schools, institutions, and individuals in its discretion, and it is authorized to divide the work of the studies among such individuals, groups, and institutions as it may deem appropriate, and may enter into contracts for this purpose.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $275,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 65—RESOLUTION TO AUTHORIZE THE SENATE TO RESPOND TO OFFICIAL INVITATIONS RECEIVED FROM FOREIGN GOVERNMENTS OR PARLIAMENTARY BODIES AND ASSOCIATIONS—REPORT OF A COMMITTEE

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported the following original resolution (S. Res. 65); which was referred to the Committee on Rules and Administration:

S. RES. 65

Resolved, That the President of the Senate is authorized to appoint as members of official Senate delegations such Members of the Senate as may be necessary to respond to invitations received officially from foreign governments or parliamentary bodies and associations (including the Commonwealth Parliamentary Association) during the Ninety-first Congress, and to designate the chairman of said delegations.

SEC. 2. (a) The expenses of the delegations, including staff members designated by the chairmen to assist said delegations, shall not exceed $25,000 for each such delegation, and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairmen of said delegations.

(b) The expenses of each delegation shall include such special expenses as the chairman may deem appropriate to carry out this resolution, including reimbursements to agencies for compensation of employees detailed to each delegation and expenses incurred in connection with providing appropriate hospitality to foreign delegates.

(c) Each member or employee of each delegation shall receive subsistence expenses in an amount not to exceed the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954, as amended by Public Law 88-633, approved October 7, 1964.

TRIBUTE TO LYNDON BAINES JOHNSON

Mr. MANSFIELD. Mr. President, the Senator from Washington (Mr. MAGNUSON) has prepared a tribute to President Johnson. In his absence from the Senate today, I ask unanimous consent that his statement may be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MAGNUSON

In paying tribute to President Johnson, I join my colleagues, not as a historian, but as a friend who will miss the warmth and companionship of this great man.

In the thirty-two years since Lyndon Johnson and I stood together and were sworn in as freshman Congressmen, I have had the privilege of working with him almost daily, and of sharing some of his rare moments of leisure.

During this time, Lyndon Johnson has impressed upon me the qualities he brought to American politics: immense energy, passionate commitment, and enormous personal strength.

These qualities marked President Johnson as a truly big man. His departure leaves a special void for us and for the Nation.

We will miss him.

THE PORTSMOUTH NAVAL SHIPYARD

Mrs. SMITH. Mr. President, the members of the Navy League of the United States, Portsmouth chapter, at their annual Navy Day meeting on October 24, 1968, passed the following resolution:

It was moved, seconded and passed unanimously, that the Portsmouth Naval Shipyard be kept open and in operation for the needed defense of our great country, these United States, and that the representatives in Washington be so advised, that this motion be presented before the Congress of these United States and be placed upon the Congressional Record.

In response to the language of this resolution and to the request of Rear Adm. George E. Peterson, president of the Portsmouth chapter, I have thus read the resolution into the CONGRESSIONAL RECORD and presented this motion before the Congress of the United States.

EQUAL EMPLOYMENT OPPORTUNITY IN FEDERAL-AID HIGHWAY WORK

Mr. RANDOLPH. Mr. President, on Friday, January 17, the Subcommittee on Roads of the Committee on Public Works concluded a series of hearings reviewing the implementation of the equal employment opportunity provisions enacted as part of the Federal-Aid Highway Act of 1968. This comment is in the nature of an interim report on those hearings and the manner in which the law is being administered.

The timing of our hearings, begun so soon after the 91st Congress convened, highlights the intense interest of the members of the Committee on Public Works in this subject. Our purpose is to assure that the objectives sought by the Congress and the actual implementation of the EEO program are not lost in an overly complicated and unresponsive administration of the statutory requirement that employment in highway construction be open to all persons without regard to race, color, creed, or national origin. The language of section 22 of the Federal-Aid Highway Act of 1968 emphasizes the need that opportunity for employment be accorded to all qualified applicants.

The hearings were undertaken in an effort to make certain that at the beginning of the implementation of this law no situation develops which could make it impossible or unnecessarily difficult to carry out the Federal-aid highway program. During the months since Congress adjourned we received repeated complaints that the proposed method of implementation was so uncertain that it was difficult to achieve the established goal and, as a result, the construction program was being unduly delayed. As a concomitant result, employment in highway work was being severely curtailed. The hearings brought out with clarity and without question the high commitment of most of the people concerned with the highway program to the principles underlying the equal employment opportunity provision. With equal clarity it was established that, as with all new programs, there is a wide difference of opinion as to how this worthy goal could best be achieved.

The committee heard 29 witnesses representing those engaged in the construction industry, persons and agencies seeking employment opportunities, and officials responsible for administering the program at the State level and in the Federal Highway Administration.

So that there is no misunderstanding, I reemphasize that all the witnesses acknowledged, without question or condition, the propriety of the equal employment opportunity policy. All the witnesses stated clearly for the record that they wanted to assist in making the program succeed.

The staff of the Committee on Public Works, at the direction of the members of the committee and under my supervision, is reviewing the record in detail to ascertain the facts and circumstances surrounding the program at this time. In the meantime, it is my understanding that a number of the parties to the problem have begun to meet to see if they can arrive at a workable method of implementing the program.

Pending the development of our committee report on the hearings and pending the outcome of on-going meetings, the members of the Committee on Public Works, individually, are seeking to assist wherever and however they can. It is my intention to convene a conference of Federal and State officials, representatives of the highway construction industry, labor union executives, and the leaders of private organizations interested in making equal employment opportunity a reality. The purpose will be to move this program from the arena of public discussion to day-to-day implementation as early as possible.

I commend our witnesses for their valuable contributions to a better understanding of the problem. And I acknowledge the plea for assistance made to us by the 21 contractor witnesses who wish to fulfill their obligations as enlightened employers while, at the same time, carrying out their responsibilities in the national highway construction program. I am impressed with the reservoir of good will and high purpose which the testimony revealed. It is my hope that the solutions we hopefully will achieve will provide guidelines for other Federal agencies likewise struggling with the implementation of equal employment program objectives.

TRIBUTE TO LYNDON BAINES JOHNSON

Mr. COTTON. Mr. President, I wish to join my colleagues on both sides of the aisle in words of appreciation to our former President, Lyndon Johnson.

When I came to the House of Representatives, he was still a Member of that body, though he shortly moved to the Senate. Like others here I served with him during his entire career as majority leader. I doubt if, in the history of this body, there has ever been a more skillful and adroit leader. Some Senators have claimed that he handled the Senate as a chess player moves his pawns about the board. That, of course, is exaggerated. He always reminded me more of a football coach pacing up and down the sidelines, calling his players from the field and whispering in their ear with his arm across their shoulders, or sending in new ones with a slap on their back.

I sometimes wonder if, when he became President, he was a bit baffled and bewildered because he could not move millions at home and foreign nations into line by the same tactics. He made a good stab at it, however, and might have succeeded in thawing the cold war and making strides toward peace at home and abroad had it not been for the tragedy of Vietnam.

In his own words, he "tried." No President ever tried harder. No President ever worked harder. No President has been more devoted to the welfare of his country and mankind. We who served with him here in the Senate knew this. Though some of us disagreed with him at times, we never questioned his ability or doubted his dedication.

He came to the Presidency under tragic circumstances. We will always remember how well he conducted himself following the events in Dallas. He was fated to meet with unusual difficulties. He gave of himself unstintingly, and history may well accord him laurels as it has other Presidents who seemed to struggle vainly in times of stress.

We owe him our gratitude. We owe him our prayers for a long and happy life.

PLANNING-PROGRAMING-BUDGETING—PPB

Mr. JACKSON. Mr. President, the Subcommittee on National Security and International Operations has been making a nonpartisan study of the planning-programing-budgeting system—PPBS—in the national security area.

In its study, the subcommittee has sought to get the basic issues relating to the use of program budgeting and systems analysis methods out in the open, to encourage, to the extent possible, a sound estimate of their worth.

The subcommittee solicited the views of eminent authorities, published studies and memorandums on the issues of the inquiry, and held a series of hearings during which informed witnesses testified from their differing perspectives. These hearings and our subcommittee publications have found a wide audience in this country and abroad among government officials, in business circles, and in colleges, universities, and research centers.

Drawing on this testimony and counsel, the subcommittee staff has made certain interim comments on the application of program budgeting and analysis in national security affairs.

Mr. President, I ask unanimous consent to have printed in the RECORD the substance of these staff comments.

There being no objection, the staff comments were ordered to be printed in the RECORD, as follows:

PLANNING-PROGRAMING-BUDGETING—INTERIM OBSERVATIONS

(From a study submitted by the Subcommittee on National Security and International Operations to the Committee on Government Operations, U.S. Senate, December 2, 1968)

The quest for national security is not the work of a year or a decade. It is an unending task—and in a world in which technologies and expectations are changing rapidly and in which our Nation faces powerful and unpredictable adversaries, it is a task where mistakes in policy can ill be afforded. Procedures and arrangements that were scarcely adequate even for a simpler and safer time will not necessarily do, and those whom we place in positions of responsibility need better help than ever before.

As one step in the continuing effort to improve our national policy processes, President Johnson decided in August 1965 that a Planning-Programing-Budgeting System (PPBS) should be introduced throughout the Executive Branch, along the lines of the system introduced into the Department of Defense starting in 1961.

Stripped of the technical verbiage which characterizes the imperialism of specialists in all fields, PPBS is an effort to help policymakers make better policies.

A key element is the *program budget*, that is, a budget which links the goals the policy-maker hopes to accomplish to the expenditures by which he proposes to meet these goals. In theory, a program budget would display not only initial, first-year costs but also full costs over the life of the proposed program, or at least over a period of several years.

A second key element in the PPB approach is analysis, and, in particular, an art-form known as *systems analysis* that attempts to provide the policy-maker with a comprehensive and orderly measure of the advantages and disadvantages of alternative means of accomplishing a given end, relying heavily on quantitative data.

It is still too early to reach definitive judgments on the contributions program budgeting and systems analysis can make to the improvement of the national policy process. It is not too early, however, to derive some lessons from DOD experience and from the initial experiments with PPB in other departments and agencies concerned with defense and foreign policy.

Drawing on the testimony and counsel presented to the subcommittee, the following observations seem appropriate at this time:

One: PPB is a tool. Like any tool, it can be useful in experienced hands—and dangerous in unqualified and injudicious hands.

It is *not* a device by which a policy-maker can safely delegate his decisions to subordinates, advisers, and consultants, in the belief that the system will produce "scientific" (and therefore unassailable) solutions. Given Ptolemaic assumptions, a computer will produce geocentric conclusions. The analyses generated by the PPB approach involve conjectures or assumptions of critical importance. A responsible decisionmaker will want to make or assess these conjectures for himself—and no responsible analyst would have it any other way.

Two: Modern management techniques have obviously come to the Department of Defense to stay. Without them the direction of the world's largest single enterprise would impose impossible burdens on its chief.

The law puts the Secretary of Defense in charge of his Department. It does not tell him how to take charge. To be chief in more than name, he must see to it that key policy issues and key conflicts of judgment among Indians in and out of uniform are presented to him in intelligible form.

Military requirements will continue to exceed the resources a President and a Congress will be prepared to provide: hard choices are inevitable, and the use of cost-benefit criteria will help a Secretary on certain of these choices.

Historically, program budgeting has been applied mainly, and most successfully, in decisions that are chiefly budgetary. Though many decisions in the Defense Department are not primarily matters of resource allocation, the defense budget is so large that the scope for skillful budgetary practice is considerable.

Moreover, for a Secretary of Defense the budgetary process can provide a powerful means of exercising his general authority over defense policy. As Thomas Schelling emphasized to the subcommittee:

"Some people have more instinct than others, or better training than others, for using the purse strings as a technique of management and a source of authority . . . but almost anyone concerned with administration sooner or later discovers that control of budgetary requests and disbursements is a powerful source of more general control."

The programming-budgeting system as introduced and developed in the McNamara tenure has already been adjusted and modified, and further changes will be made as future Secretaries of Defense bring their unique talents and styles of operation to the Department.

For example, a Secretary may wish to retain the program-budget approach and the capability it provides for control of those matters on which he wishes to act, yet decentralize many detailed decisions that were brought to a predecessor. Another Secretary may also rely less on a central systems analysis staff as strong and sophisticated centers of analysis develop in other elements of DOD.

Three: PPB was extended to all major federal departments and agencies in August 1965 without a period of selective experimentation and testing in non-defense departments and agencies. At that time, some BOB officials argued for a step-by-step approach, and with the advantage of hindsight it is now apparent that this advice was wise.

The top management of some agencies, such as AID, was ready for PPB. For many years, in preparing foreign aid budgets, AID had been trying to relate American assistance more closely to country development programs looking several years ahead and to economic aid available from international agencies and other outside sources. In principle, program budgeting should be able to contribute to an improvement of economic assistance programs, for AID is engaged in the kind of resource allocation problems suited to this approach. As William S. Gaud, Administrator of AID, told the subcommittee: ". . . in August 1965, when President Johnson announced Government-wide adoption of the PPB system, the directive came to AID not as a shock, but as a fillip. In fact it was a confirmation of what we were already doing."

Top management in some other agencies, however, was not persuaded that PPB was well suited for their tasks. Yet for PPBS to work there must be a responsible person or body that wants this tool to help provide the organized data and arguments on which to base a decision. Thomas Schelling expressed it this way:

"PPBS works best for an aggressive master; and where there is no master . . . the value of PPBS is likely to be modest and, depending on the people, may even be negative."

Even for some willing and interested consumers it was difficult to learn what PPB could do for them and how to comply with the requirements set by BOB. As Frederick Mosher put it to the subcommittee:

"Clearly, in most areas of federal activity, the Defense model of PPBS could be helpful only in peripheral ways. Most would have to develop their own blueprints, adapted to their own subject matter, their own power structure, their own environment, and their own culture."

Furthermore, there had been little or no preparatory work in the foreign policy field (or most domestic fields) in any way comparable to the decade of study and experience at the RAND Corporation and elsewhere that provided techniques and trained analysts for the application of PPB to defense problems.

Whatever the reasons may be, the exaggerated hopes of some that PPB would enable the Executive Branch to identify national goals with precision, determine which goals are most urgent, and measure exactly the costs and benefits of alternative policies, have died away.

Four: In the application of PPB, it is important to take careful account of the special circumstances and needs of different agencies and not to force all into the same Procrustean bed.

While the new techniques may be mutually supporting in some cases, a caution is in order. As Charles Hitch has said: ". . . We are not dealing here with a matter of either/or. There is an infinity of degrees. Not only may one introduce a program budget without systems analysis or vice versa, but each may be used in limited areas or ways, and sometimes quite productively."

Inflexibility could be the *rigor mortis* of PPB.

It is encouraging that PPB requirements have become more elastic since 1965:

Initially, federal agencies were required to submit comprehensive five year projections of all their programs; this unrealistic demand was changed in 1967 to require such projections *only* for programs already approved.

By all accounts, the elaborate and stereotyped BOB requirements for "program memoranda" on matters small and large, peripheral and central, back-burner and front, tended to produce archives of superficial and uninteresting papers—unread by busy officials, who do, on the whole, try to make good use of their time. In 1968 it was decided to require agencies to prepare "program memoranda" not for all "program categories" but *only* for programs within which major policy issues have been identified.

Confusion and unnecessary work for both agency and BOB staffs resulted from the two-track system of budget presentations, one geared to program budgeting and the other to conventional appropriation categories. In 1968 agencies were encouraged to make adjustments that would assist in integrating program and appropriations structure, where this could be done without impairing the usefulness of the program budget format for Executive Branch program decisions.

The effort to impose a PPB structure on State's budget was suspended in 1967 (except in connection with international educational and cultural exchange programs) and has not been resumed. The hard decisions in foreign affairs are laden with value judgments that elude quantification and are typically little affected by the constraints of State's own budget.

Adaptation, experimentation and selectivity are now on the PPB menu.

Five: A major issue today as in the past is how best to generate more coherence in the planning and operations of the several departments and agencies in the field of foreign affairs.

Would the installation of an interagency foreign affairs program budget be a promising way to extend and strengthen the authority of the Secretary of State over the conduct of foreign affairs? Is this what a President and his Secretary of State want? And is this what Congress wants? Would the expected advantages of central direction and control justify the move away from the real, or fancied, advantages of the decentralized initiative and responsibility of agencies like USIA, AID, the Peace Corps, the Department of the Treasury, and others?

Considering the complexities and ambiguities of these issues, it is not surprising that the Bureau of the Budget and the Department of State have been, to use the words of BOB Director Charles Zwick, "moving forward pragmatically and deliberately."

Interesting experimental efforts underway include:

The ongoing CASP project (County Analysis and Strategy Paper), which is being tried in State's Bureau of Latin American Affairs and which attempts to relate, systematically and explicitly, our policies and programs to our objectives, country by country, throughout the region;

An interagency effort, sponsored by the State-chaired Senior Interdepartmental Group (SIG), to develop a model foreign affairs program budget for one country; and

Participation by the SIG in the review of programs and budgets of agencies with overseas responsibilities.

Six: Nowhere is the need for improved policy analysis more critical than in foreign affairs.

Given the fashionableness of quantitative analysis and the magic aura surrounding the computer, it is unfortunately the case that some analysts are tempted to employ quantitative methods where they are clearly inappropriate, may introduce distortions, and can do positive harm.

Policy analysis need not be dominated by methods that risk short-changing, ignoring, or misreading non-quantifiable costs and benefits. But it sometimes is; some people seem to believe there is safety in numbers. The good foreign affairs analyst has of course always attempted an "advantage-disadvantage" (as contrasted to a "cost-benefit") analysis of alternative policies for pursuing foreign policy goals.

It may be that a concerted effort by the Department of State would reveal methodological insights and techniques that could improve foreign policy analysis. For example, much might be gained if the Department of State worked out arrangements with a few universities and organizations like RAND where pioneer work in policy analysis is underway. Promising officers could be assigned to these centers for training and experience in a variety of analytical techniques, as a means of seeking new skills that might add to the Department's capabilities.

Seven: Members of Congress clearly have not welcomed all the implications of PPB.

Under our Constitution, Congress is responsible for the authorization of programs and the appropriation of funds. Congress is obviously concerned when an Executive Branch official steers away from careful analysis of his pet projects. James Schlesinger posed the issue in these words for the subcommittee:

"Will the decisionmaker tolerate analysis—even when it is his own hobby horses which are under scrutiny?

"How many hobby horses are there?

"Are they off limits to the analysts?"

It would be helpful for the Executive Branch to provide Congress with more high quality studies in support of program proposals. Provided that the needs of security can be satisfied, and experience suggests that they can be, an independent evaluation by Congress of the rationale for key programs should make a net contribution to the quality of our national policy process. Members of Congress would, of course, look at supporting studies skeptically, since they are well aware that figures can be used to mislead as well as to clarify. Analyses are bound to vary in quality, some are designed more to support a preconception than to challenge it, and critical assumptions will often be hidden or unstated.

Meanwhile, Congress needs to increase the capabilities of its own committees and their professional staffs for the analysis of policy problems, and to take better advantage of consultants and other sources of advice and counsel to improve its contributions to the decisions on which the safety and welfare of the nation depend.

FREE PRESS, FAIR TRIAL

Mrs. SMITH. Mr. President, Col. G. O. Ashley, U.S. Air Force, retired, has written a very succinct and perceptive paper on the conflict between the press and the courts, known as the free-press, fair-trial issue.

Having written an article on this subject myself for the American Bar Association Journal, I have a keen interest in this subject. In addition to such interest, as a former member of the press, both with a weekly newspaper and as a nationally syndicated columnist and as a successful plaintiff in a libel suit, I find his paper to be very cogent.

I invited the attention of all Members of this body to it and I ask unanimous consent that it be placed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

FREE-PRESS, FAIR-TRIAL

(By G. O. Ashley)

It is awkward with the typography we own to give equal billing to the vain protagonists in a dispute now evident. An overprint is possible, which has both press and trial on a same line: as Press. Notice how clearly the "r" stands out. Let it stand for reason, and let us apply that to the present dispute.

The dispute now over billing, and adjectives, may demean us, if it goes on much more. We have been caught up in a verbal harangue. It is time we undid the parts of the dispute about "free press" and "fair trial" that we are able to undo. For signs exist in the present dispute that it has become one of "which of the two shall prevail" over the other. Reflectively, we know neither may safely or should prevail. For they are two legs of a tripod of social sense and reason. If effective media do not inform the people, from whom jurys are drawn, then the jury system of the law could become a charade of ignorance. Thus, hear this from one of the people, sided now neither way, above.

It would be prudent for us to notice now that most of the verbal trouble lies in the modify words. The two adjectives, "free" and "fair," were put on the key words once as a poetry. They were put on also as expressive of a noble goal, toward which there ought to be honest striving. At a time, the people indorsed tacitly both modifyers, from seeing their advantage in the ultimate of each. Now the people see a wrangle of words.

Much of the present bellicosity has developed because one side or the other is condemning the other for not having achieved more, toward its noble striving. A time has come then for both the pot and the kettle to desist from calling each other black, lest the people who have an interest in the dispute become supplied with so much defamation of both they lose confidence at the tarnish of each.

Two examples of many in public domain ought to make a point about the snide level comments have come to, from both sides. ANPA said of legal jargon, "It must be remembered that technical criminal charges often, absent counsel, appraise neither the accused nor the public of the crime alleged." If true, that does not flatter the law, the national level of learning helped by the press, or an educational system that might have instilled more language wisdom. From the law, by Prof. Barron, we find . . . "Thus, we are presented with the anomaly that the protagonist of the "absolute" view of free speech has helped fashion a protective doctrine of greatest utility to the owners and operators of the mass communications industry." Neither example may be said to be soothing or complimentary, surely.

It does not engender sensible dispute if we drop adjectives and speak of the "press," by itself. The literate among us know straightaway what the subject is about. We know straightaway of the arrangement of men and facilities and investment and tradition of it. We know of the requirement for profit and effectiveness, since today the press is one of four important media. And the same knowledge comes to us directly if the subject is a "trial." We know of its adversary nature, of its troubles with interpretation, and its tradition.

It is only when one puts the present adjectives on—free and fair—that the present petulant and snappish conflicts of meaning and intention begin. We all know that some of the press, ennobled as it may be in its striving to be fully "free," has not been always so. And it is only when we put the other adjective on trial that we are aware some trials have fallen short of their ennobling goal of being fully "fair."

The peevishness of the present dispute has been noted. Some lawyers have taken to billing placement, insisting on the order in print "fair trial-free press." Some journalists want it the other way around. Publications by each side show this present nitpickery.

This is construed by some of the people as a sign this matter has come down to a carping stage, an effort at some trivial one-upmanship, and that the lofty principles have been lost sight of. So it could be useful to note that the adjectives at issue could stand to have three things said about them.

As noble goals, they served awhile. There is now evidence they are becoming misused.

They could be retired as words without loss or harm. Retired, they may become refurbished of better meaning, for a later more fit usage.

Other constituted words do fit as well, which if used might extract some of the venom from present disputes.

We have the liberty, if we will it, to go forward once more thinking together using words from our mutual Constitution. We may take from it the more potentially useful adjectives, for our next effort on noble striving by both sides, in which an admiring public then might join. We would clearly tolerate no dampening of the earnest desire for perfection of form, either of the press or of trials or of ourselves.

And if seen correctly as desirable, adjectives from the Constitution do not preclude this. If seen correctly, their use could sponsor a new surge of nobility, to replace the quibble of committees and study groups and ad hoc et cetera there is now.

From the Constitution, we notice the motive word for the press in Amendment I is "abridging." So let's begin striving now for a more "unabridged press," one hopefully not even abridged by itself, from a lack of talent.

And of the courts and trials and the law, Amendment V makes it clear that trials should strive to become a "due process." So we could begin striving now for a more full and due process, a process prepared and eager to submit itself to inquiry from any source at any time, from it being so sure its process has been a due one, and fitting, that no injury could fault it. Using "unabridged press" and "due process trial" is wholly constitutional, for those of that emphasis. Both may inspire men poetically, and stimulate men toward perfection, as the mind of man may conceive any words having that capability. And they may unhook us in a timely way from the two other adjectives that have helped to create polarization and bad-naming of other's motives.

Now it remains to be seen if there are enough well-meaning men among us. An alternative has been offered, now.

MAYOR ROLL OF DISTRICT HEIGHTS, MD.

Mr. TYDINGS. Mr. President, in an article published on January 2, 1969, the Washington Post paid tribute to one of Maryland's outstanding mayors—Mayor E. Michael Roll, of District Heights. Because the article, written by Peter Osnos, will serve as an example of the kind of dedication it takes to be a good mayor, I request that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HAS 275 MEETINGS A YEAR

(By Peter Osnos)

Emmett Michael Roll, the genial mayor of District Heights and newly-elected president of the Maryland Municipal League, is the consummate civic activist. By his own calculation, 65-year-old "Mike" Roll attends upwards of 275 meetings a year, despite the fact that he has a full time job as a sales representative with the Humble Oil Co.

"He would rather go to a meeting than do almost anything else," Malinda Roll said recently, "About the only day we stay home is Christmas."

Roll, who sports a patriotic red, white and blue hankerchief in his breast pocket and a Lions Club 20-year perfect attendance pin in his lapel, beamed broadly in agreement.

Since moving to District Heights from Washington in 1941, Roll has served six terms as mayor and two terms as a city commissioner. He has been president of the Prince George's Municipal Association, president of the District Heights P-TA and president of the Prince George's Board of Trade.

He has also been vice president of the District Heights Citizens Association, director of the Prince George's Chamber of Commerce, lay adviser to the County Community College, judge of elections and chairman of several committees in the Prince George's Democratic Club Inc. And this is only a partial list.

Now, at an age when a man could reasonably be expected to start to run down, Mike Roll, with characteristic zeal, has taken on the important job of president of Maryland's Municipal League.

The League, made up of more than 90 percent of Maryland's towns and cities, represents the interests of the municipalities in the State's legislative councils. It also offers technical assistance in such things as the drafting of ordinances and acts of liaison for the communities through meetings and conventions.

In Maryland, the function of the municipalities is limited by law and the strength of the local County government. The problems of the municipality are the fundamental ones of trash collection and street repairs. The more complex responsibilities of zoning and planning, schools and the courts belong to the counties.

Inevitably, rivalries develop in services where there is overlap, police protection and recreation, for example.

As far as the County government is concerned, Mike Roll has a more precise relationship to it than his fellow mayors. County Commissioner Chairman Francis J. Aluisi is Roll's brother-in-law and neighbor. In 1964, when Roll made an unsuccessful bid for the Democratic nomination for Congress, Aluisi, then a relative unknown in County politics, was campaign manager.

Having a brother-in-law in the top job in Maryland's Municipal League shouldn't hinder Aluisi's stated intention of improving cooperation between the County government and the municipalities—from marginal Upper Marlboro to exploding Bowie.

Now ⅔ of the County's estimated 630,000 residents live in unincorporated areas and rely on a central government which has grown ever larger.

In the past, tensions between County and local leaders developed over division of responsibilities. But both sides have become more sophisticated about their relative capacities and relations have improved.

Roll, whose disposition is relentlessly positive, anticipates no difficulties working with the County. His chief concern is that the municipalities are reaching the outer limits of their expansion possibilities and could use some additional land—and taxpaying citizens.

The Vice Chairman of the Commissioners, Francis B. Francois, however, thinks the municipalities should remain small. "In a County like this," Francois said, "the most important role of the municipality is to give the residents a feeling of local identity and a vehicle for electing representatives to deal with County and state officials."

In effect, said Francois, the municipality is a legally constituted citizens association."

Roll, understandably, sees his positions as something grander than the representative of a citizens association. He views himself as the overseer of almost 9000 inhabitants of District Heights—"the president of the corporation," was the way he put it; "father of his people," suggested a District Heights resident.

Mike Roll is extravagantly proud of District Heights and especially of its municipal center built in 1962.

Roll's small, stocky frame veritably soars from room to room as he ushers a visitor through the building. For each passer-by there is a greeting, often by name. There can be no doubt: the mayor of District Heights and the president of the Maryland Municipal League revels in his duties.

THE CRISIS IN THE POSTAL SYSTEM

Mr. BAKER. Mr. President, I have today written to Mr. Winton M. Blount, the new and distinguished Postmaster General of the United States, with respect to what I believe is a crisis in our postal system. I think that now is an appropriate time for me, a Republican, to speak on a matter about which I feel very strongly—the removal of the postal system from the political structure.

I have written to the Postmaster General as follows:

> I feel that postal service in America is in crisis, and I have publicly expressed my support for an extensive overhaul and re-

vision of the postal system, including its removal from politics completely.

My letter continues in part:

> I am perfectly willing, indeed I would be most pleased, to see postal appointments in Tennessee made on a non-political, nonpartisan basis, but rather on the basis of merit and qualifications.
>
> I think it only fair to point out that I believe such a plan should not operate to freeze a pre-existing partisan political situation, nor should it be designed to create a new one, but rather to preserve and protect the efficiency of the system by the creation of a non-partisan postal service.

INAUGURAL ADDRESS BY THE GOVERNOR OF DELAWARE

Mr. BOGGS. Mr. President, on January 21, 1969, Russell W. Peterson became Governor of the State of Delaware. In his eloquent inaugural address he revealed to the people his "people oriented" philosophy of government.

Mr. President, I ask unanimous consent that the text of his address and an editorial in the Wilmington Morning News of January 23, 1969, praising him, be placed in the RECORD; and I commend its reading to my colleagues.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TEXT OF GOV. RUSSELL W. PETERSON'S INAUGURAL ADDRESS

I become your governor with humility, with pride, and with confidence in the future of our state and its people.

The humility stems from the knowledge that I am today assuming the mantle of tremendous responsibility, greater than ever before in my life.

The pride comes with the realization that you have chosen me as your governor in what undoubtedly is one of the most trying periods of our lifetimes.

And the confidence is rooted not in my own abilities, but in my faith in the greatest natural resource Delaware has—its people.

I will not during these brief remarks discuss specifics of programs to be offered by my administration. That will come later in addresses to the General Assembly.

BROAD OBJECTIVES, PHILOSOPHY

Instead, I want to discuss broad objectives and philosophy upon which my administration will be based.

We aspire to many goals, but one rises above all others. Unity. Without unity, we can have no real strength, no lasting progress.

Unity. A word. An approach. A philosophy. The dictionary calls it a "condition of harmony."

As we look over our state today—ideologically splintered and emotionally scarred—there is no unity. People are divided. There is unrest. There is suspicion. There is fear.

What can be done about it? There is very little that I can do. But there is no limit to what we can do.

MUST WORK AT UNITY

Yes, we can have unity. Not by just wishing for it. Not by just talking about it. But by doing something about it. By working at it. By living it.

Each of us must become actively involved in creating the climate that leads to unity—the climate based on brotherhood, respect for individual human dignity and faith in the other ideals upon which this nation was founded.

Our disunity today results from our failure to observe these ideals, our failure to realize that every individual—regardless of social or economic status—must have not only the opportunity but the incentive to progress towards a worthy goal.

When one sees the turmoil wracking this nation, it's obvious that this failure is not limited to Delaware.

PROBLEMS SOLVABLE

I firmly believe that people, working together, can solve virtually any problem. I dedicate my administration to seeking such cooperation and unity not only from individuals but from all segments of community life—government, business, labor, citizens' groups, social and religious agencies and private foundations.

With such support, we can form a dynamic partnership for progress that can be especially potent in Delaware, a state of only half a million people with an abundance of human and physical resources.

I firmly believe that Delaware has the potential to become a model state, to set an example for the nation.

MICROCOSM OF NATIONS

Delaware is much more than just a small piece in the great mosaic of America. We are in many respects a microcosm of this great country, a little America with bits of its strengths and weaknesses, its problems and potential.

We have its rural and urban areas, its industries and its farms, its northern traditions and its southern traditions, and its people of every race, color and creed and every economic and educational level.

We have its problems—mounting fear and frustration, rising crime, soaring costs, persistent poverty and dangerous social prejudices and conflict.

The major difference is that Delaware is small enough to make a noticeable impact in solving its problems. A dollar wisely spent in Delaware will have much greater results than one wisely spent in a large state. One individual's talent in Delaware can yield significantly more results than one person's efforts in a larger state.

OPPORTUNITY GOLDEN

So here in Delaware we have a golden opportunity. There is no shortage of ideas or talent or dedicated people in this state. We have tremendous talents, tremendous human resources, but they have been weakened and wasted by our inability to put these resources to work on common objectives.

Once that is done, we can find solutions to our problems. We can show the nation how to attack poverty, how to reduce crime, how to change a welfare system into an incentive system, how to bring more efficiency and economy into government.

And in the process, we can show America how to build a better life, a better future for all of its citizens.

But we must face this future with realism. Glowing promises that dim and die merely build new frustrations.

So I do not say that the road ahead will be smooth. I do not say we will solve all our problems. There will be disappointments and failures. I offer no panacea, no quick solution. Because there is none.

IDEALISM, REALITY

We must seek the same meld of idealism and reality that is reflected in a quotation I read about brotherhood. "Brotherhood," it said, "is in essence a hope on the road—the long road—to fulfillment. To claim it to be already a full-grown fact is to be guilty of hypocrisy. To admit it to be always a fiction is to be guilty of cynicism. Let us avoid both."

This meld of idealism and reality is the middle road we must travel.

It will be difficult, but it can be done. It must be done.

There are those today who would tear down our American system of government because it is not perfect. There are those who would use the principle of law and order as a weapon of repression and persecution, and those who would distort our right to dissent into the right to destroy.

REJECT EXTREMES

We must reject both extremes, because they are dangerous and degrading both to our people and their traditions. Our American system has worked for 80 per cent of our people. Admittedly, it has failed for the other 20 percent.

It does not have to be so. Our system can—indeed it must—be made to work for all of the people.

There are those who would have us believe that the black man is the enemy of our society. The real enemy is that man—black or white or whatever his race—who would destroy our society, who would destroy the successes as well as the failures of the free enterprise system.

We must recognize these people, and we must reject them. And we must reject all those other elements—indifference, petty politics, fear, cynicism—that divide the people and dissipate their power.

HOPE IS NEEDED

We need to provide hope—hope for the fulfillment of the American dream that each person can move forward to a better tomorrow.

We can reach this fulfillment not by tearing down America, but by building on the great foundation it provides—a democratic system based on justice under law and powered by free enterprise.

This is America. It offers the best hope for the disadvantaged of today just as it did for the disadvantaged millions of yesterday.

Destroy it? No! We must strike from this giant of a nation the shackles of prejudice and ignorance and fear that threaten to dwarf its potential. Nurture it with your faith and confidence, with your talents and ideals, with yourselves. Protect it.

And you will find that our America will provide the justice, the opportunity and the human dignity so desperately needed by those yet to realize its full benefits.

DISADVANTAGED HERE

The only natural resource we have that is large enough to cope with the problems of the disadvantaged is the disadvantaged themselves. We can unlock this potential with the same keys that have been used since this nation was founded—a voice in our joint affairs, justice under law, freedom of enterprise. And then they will take care of themselves.

With this will come fulfillment and hope and an end to many of the frustrations that lead men to strike out at their fellow men.

The power of people helped build this nation into the greatest in the world. This same power can make Delaware the greatest state in the nation.

We must create in Delaware a climate that recognizes the intrinsic worth of every individual, that protects not only his physical being, but his self-respect and dignity, that has no room for the concepts of second-class citizens or second-rate ideals, that realizes the joining of hands is an empty gesture unless there is also a joining of hearts and wills, that proclaims faith in, not fear of, our fellow man and the democratic process.

AMERICAN DREAM

Let's commit Delaware to fulfillment of the American dream. This then is our charge, our challenge—and our opportunity.

I need, I want, I ask for the commitment of each Delawarean. I challenge you to embark on this long, difficult and exacting journey.

I challenge you to give more of yourself to the community, and you will reap a hundredfold return from the blessings of brotherhood and fulfillment.

For my part, I commit every ounce of energy and talent that I possess.

With your help, and with God's help, we shall succeed.

[From the Wilmington (Del.) Morning News, Jan. 23, 1969]

People-Oriented Man Takes Over

There is a new and well-founded awareness in the state that Delaware has a modern man for all seasons in Russell W. Peterson as governor. Clearly he seems equipped for the office in the world of today.

This is a man who drove himself out of a Depression boyhood high into industrial science and administration and now addresses himself, in his maturity, to the problems and challenges and opportunities of Delaware in 1969. One need only point to the sweeping reform of the state's correctional system as an evidence of the kind of goals he sets for himself in civic effort. He is the man who went into every corner of the state and stirred a movement that got results in the Legislative Hall.

It is no surprise that Gov. Peterson's inaugural address is deeply people-oriented. His spirit and his idealism both show in this sentence: "We can show the nation how to attack poverty, how to reduce crime, how to change a welfare system into an incentive system, how to bring more efficiency and economy into government." He sees Delaware as "a state of only half a million people with an abundance of human and physical resources," awaiting new catalytic action for abating disunity and fears among the people and providing opportunities for those who have seen too many closed doors.

If the Peterson inaugural address was devoted almost entirely to the social problems attributable to poverty, crime, and attendant ills, the weeks ahead are sure to show him getting down to work on many issues. His position papers of the campaign are now up for action. Just how will he propose to put incentives into the welfare system for the benefit of people? Education from kindergarten on up will be a special interest along with improvements in corrections and mental health, to name a few targets.

Mr. Peterson's gifts for communicating with other people are sure to serve him well. His placing Mrs. Arva Jackson in his Wilmington office as an assistant for urban affairs suggests the wisdom of further expansion of the executive branch up here.

It should not be necessary to await a new state office building in Wilmington for doing here what (for example) the Maryland government has done in Baltimore. The new "complex" of state offices in or near Baltimore is the base for the agencies in the fields of education, welfare, highways, state police, motor vehicles, taxation, corrections, and public health. Traditionally, Annapolis remains the base for the governor, the legislature, and a few agencies including those for natural resources and recreation. For the best of reasons, most of the year-round state governmental services are headquartered in metropolitan Maryland—where most of the people are.

Meanwhile Delaware is so small a state that better communications between Gov. Peterson and the people, wherever they live, can be expected to shape up fast enough. Those who know the man's caliber, his intensity of thought and action, will testify he was in earnest when he said Tuesday at Dover: "I firmly believe that Delaware has the potential to become a model state, to set an example for the nation."

The new governor deserves the chance to try to help make that kind of dream approach reality.

THE USE AND ABUSE OF STATISTICS

Mr. JACKSON. Mr. President, the Subcommittee on National Security and International Operations has recently conducted a major inquiry into the planning-programing-budgeting system in the national security area. In its hearings, studies, and reports the subcommittee has explored the hazards as well as the opportunities in the use of quantitative methods of analysis, including the danger that statistics and numbers will be used by Government officials to distort issues and to mislead.

In this connection, I should like to call to the attention of the Congress a particularly able discussion of the misuse of statistics by Government officials. This article is authored by Arthur M. Ross, who served as Commissioner of Labor Statistics from 1965 until 1968, and is now vice president for State relations and planning at the University of Michigan.

Mr. Ross' analysis appeared in the first issue of the new magazine entitled the Washington Monthly, February 1969.

I ask unanimous consent that the article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Data Game

(By Arthur M. Ross)

I

Three years in Washington taught me that men of integrity, brains, and diligence can have an alarming capacity for self-deception.

The reason is quite clear:

The issues which lodge themselves in Washington are generally vast, ambiguous, intractable—the indissoluble residue of history. In dealing with such complexities, high federal officials must commit themselves, decide, and act. Because they must risk their reputations and self-esteem—and often millions of dollars or thousands of lives besides—their psychic need for certainties may lead them, all too easily, into deluding themselves. A man of exceptional courage can look ambiguity in the face and still maintain his capacity for action. But a man with only commonplace courage will demand clear and certain guideposts; if they are lacking, he may discern them in mirages.

We in the general public, for our part, want to believe that men in government act on the basis of objective, ascertainable verities. We like to think that these men always base their decisions on a rational array of relevant facts. If a bad decision is made, we prefer to believe that it derived from an improper weighing of hard facts, rather than from an insufficiency of such facts or, worse still, from instinct. Our desire to believe that each action is based on a clear-eyed appraisal of facts is by no means limited to the way we view the government. When we are medical patients, we do not want to know how often we are treated on an experimental basis; when we are clients, we do not want our lawyers telling us that our case could go either way; when we are parishioners, we do not want our ministers airing whatever doctrinal misgivings they may have. We want the doctor's bedside manner, the lawyer's grave self-assurance, and the clergyman's outward serenity to minimize whatever anxieties may be stirring within us.

Although most such men project infallibility in their workaday professional lives, they frequently ventilate their doubts with wives and colleagues. Government leaders, on the other hand, are not able to detach themselves from their official utterances to the same extent. Such qualities as combativeness, assertiveness, "ego-involvement"—almost prerequisites for public life—are rarely combined with skepticism. The official, like the voter, has a need to believe. Credibility gap notwithstanding, his hazard is not so much that he will knowingly fool the public; it is, far more often, that he will fool himself.

In an earlier era, federal officials could delude themselves about society through ideology, dogmatism, and bombast. But politics and government have now entered the Age of Science. Today it is the seemingly neutral instruments of statistics and systems analysis which organize the chaos of society into some intelligible pattern. It is because these instruments allow fallible man to interpret them that the federal administrator carries within him the seeds of his own delusion.

II

There are many jokes on the subject of crooked statistics. A current one in Washington is that "It's hardly worthwhile to lie any more without statistics." When I was sworn in as Commissioner during the middle Johnson years, William F. Buckley, Jr., observed that I might not have enough muscle "to cope with a President and Administration that have shown no compunction when it comes to controlling or suppressing facts." Buckley suggested that a Bureau of Labor Statistics which would move a decimal point to the right or left might be very helpful in bolstering the poverty program.

Actually there is nothing dishonest about government statistics. To my knowledge, no suggestions are made that facts be suppressed or decimal points moved. The distortions are more subtle and do not lend themselves to cops-and-robbers reporting. The real problem is not in the statistics themselves but in their subsequent careers.

If you are measuring the number of cows in Nevada, nothing more is reported or implied than what has been counted: 6,000,000 cows. A cow exists in a state of nature and is directly observable. But suppose you administer an intelligence test to a group of children. The test is one thing, a mechanical instrument; intelligence is something else altogether, an abstraction devised by psychologists. While the scores of a test can be calculated, that which is measured remains an abstraction. Educators have been learning the painful lesson that great care must be used in drawing inferences from one to another.

When government officials call for statistics, they seldom want anything as palpable as the cows of Nevada. They want measures of inflation, or poverty, or hard-core unemployment, or criminal activity, or American prestige abroad, or the progress of the Vietnam war. These are man-made concepts, *socially defined*. It is man who invents the categories; it is man who decides to characterize them in terms of one or two measurable dimensions. But as in the case of I.Q. tests, the people who read government statistics—the press, the public, and the officials—are prone to regard partial or statistical truths as objective realities.

Thus shadow is confused with substance. Essentially this is how public officials deceive themselves with statistics of impeccable quality. The officials are vulnerable because they are searching desperately for ways to clarify and simplify the protean problems of government. Statistics enable them to do this at the cost of heroic oversimplification: one or two dimensions, which happen to be measurable, serve to symbolize an elusive, many-sided phenomenon.

The trouble is that the unmeasured, or unmeasurable, aspects of a problem may be vastly more important than those which have been, or can be, measured. And even with measurements that are known to reflect on the core of a problem, the rate of change in the United States has become so swift that "good" statistics, intelligently used in decision-making, may be rendered irrelevant or obsolete by the time action results from an official's decision.

These margins for misjudgment are not always stressed to the policy-maker. Attracted by the appearance of objectivity and precision, he keeps his eye fixed on charts and tables which may be incomplete, obsolete, or both. Eventually he may come to believe that poverty really is a condition of having less than the current cutoff point of $3,335 in annual income; that full employment really is a situation where the national unemployment rate is four per cent or less; and that Vietnam really is a matter of body counts and kill ratios.

III

The official definition of poverty serves as a good example of how a misleading statistical concept can have mischievous results.

When eradiction of poverty became a leading national goal it made sense for the government to seek a unit of measure that would define the size of the job and permit us to chart the amount of progress. The unit of measure, arrived at by the Council of Economic Advisers in 1964, decreed that a family of four was in poverty if its annual income was below $3,000 and that a single person was in poverty if his income was below $1,500. According to Professor Richard Tobin of Yale, a former member of the Council:

"No detailed scientific justification was, or could be, offered for these round numbers. But few would deny that people with so little money were poor, and the one-fifth of the nation so described were not so many as to make the problem seem unmanageable."

What do we learn from this arbitrary definition of poverty? For one thing, that there is less poverty in America than ever before. The proportion of poor families has fallen from 18.4 per cent in 1959 to 10.6 per cent in 1967, the last year for which statistics are currently available. In the case of Negroes, improvement has been even more dramatic: 49.6 per cent of Negro families were poor in 1959; only 30.6 in 1967. Moreover, the Office of Economic Opportunity has said that the complete abolition of poverty is possible by the year 1976.

With the poverty problem ostensibly marching toward statistical victory, it is small wonder that the government bristled when it was confronted by claims of widespread hunger and malnutrition in the United States or that the Secretary of Agriculture joined the rural county commissioners in contending that there was plenty of food for all. Nor is it surprising that the government was caught unawares by the rising hostility and violence of urban Negroes.

What is wrong with the poverty concept? A "poverty line" based on annual income, while a useful statistic for many purposes, is a simplistic boundary for separating the non-poor from what most of us mean by "the poor"—i.e., those who are left out of things in a generally affluent society. Poverty is the sense of failure and despair eating at a man who cannot make the grade (and who knows that his family knows it). Poverty is lack of opportunity for adequate housing, whether or not a family finds itself on the right or wrong side of the poverty line. Poverty is lack of access to good schools, good medical care, good police protection, and the other community services, attentions, and courtesies that society has come to expect.

The poverty line, then, is an economic indicator that often masquerades as a social indicator. It is reliable and accurate in telling us what percentage of the population has more than x amount of purchasing power and what percentage has less. As a gauge for "poverty," however, it is gross at best; inadequate and misleading at worst.

The poverty line made its debut in 1964. In the five years since then, it has won a place in our culture as an accurate boundary between the non-poor and the poor. It has sometimes been extended—at least by implication—to serve as a dividing line between the content and the discontent.

Perhaps an example from my own experience will illustrate the fatuous lengths to which poverty statistics can be carried. In the fall of 1967, the White House asked the Bureau of Labor Statistics to join with the Bureau of the Census in producing a report on the economic and social conditions of Negroes. We issued a workmanlike, well-balanced, but undistinguished, report. The White House received it with what struck me as excessive enthusiasm and then flooded the mails with thousands of copies.

Last spring, when I was preparing to leave the government, the White House asked us to "bring the report up to date." This time I sensed a determined effort to persuade Negroes that they had never had it so good. On the ground that not enough time had passed since the original document came out, I declined to participate in the study. However, last July, shortly after my departure, an updated version of the earlier report appeared. According to the introduction, most of the figures showed "important gains in the level of living for Negroes in the United States." The *pièce de résistance* was the dramatic statement that—on the basis of the poverty-line definition—"most non-white families in poverty areas of large cities are not poor."

Think about it for a minute. "Poverty areas of large cities" are the worst 25 per cent of census tracts in metropolitan areas of 250,000 or more: the slums. The conditions of Negroes in slums are worse than those of whites. Yet the government solemnly reported the statement above. The only logical inference to be drawn from it is that most of the Negroes in the slums of America's large cities are reasonably well off and, if one chooses to infer further, content.

Another feature of the poverty line that tends to keep poor people in a statistical isolation ward is its unswerving constancy. Although the poverty line is adjusted regularly to reflect price changes, its cut-off point remains static from year to year; that is, the line is always drawn at a virtually fixed amount of purchasing power. But poverty is relative and getting "more relative" all the time. Rising aspirations at the bottom of our economy and rising affluence at the middle tend to make a static poverty line misleading, even if it is viewed primarily as an economic indicator. Some additional statistics may illuminate this. In 1950, the median family income in the United States was only fractionally higher than the family income at the poverty line (as reconstructed from the 1964 definition). By 1959, the ratio was 2:1; by 1966, it was 2.5:1; and by 1976, when the war on poverty is due for statistical victory, median income will be three times as great as the poverty cutoff.

Poverty is also highly subjective. Our cave-dwelling ancestors did not feel impoverished, broke as they were; nor do people in certain foreign countries where most family incomes fall far below our magical boundary line. Poverty, then, is as much a feeling of deprivation (a social fact) as it is deprivation itself (an economic fact). Although statistics, wisely used, can help to delineate poverty, the federal administrator must remember that poverty is to be found in the eye—or in this case, perhaps, the psyche—of the beholder.

These are the kinds of things statisticians seldom point out.

IV

A number of people have been asking lately: how can unemployment constitute a major domestic social problem at a time when we have full employment?

The answer is that full employment is another statistical concept that has developed a large capacity for misinterpretation. Like the poverty-line measurement, full employment is an economic measure susceptible to misuse or misreading as a social weathervane. In short, full employment does not mean everyone who wants a job has one. And here again, social changes and accelerating expectations have rendered the old measure incomplete.

Full employment, as officially defined, is a national unemployment rate of four per cent or less. What this means is that the national unemployment rate, whatever it may be at a given time, is always a statistical fact, whereas the term "full employment" is always an abstraction drawn from a policy judgment. The concept of full employment, designed by economists to serve as a distant early warning on the state of the economy, developed from an attempt to prevent a recurrence of the economic stagnation of the 1930's.

When the unemployment rate is four per cent or less—that is, when we have "full employment"—we know that we are not in a recession or depression. We also know that most married men with substantial training or experience, even those who are black, have jobs. But even in times of full employment, there is bound to be considerable unemployment among women, teenagers, single men, and people with little education or training. This has always been true. But now, with social aspirations swiftly on the rise, four per cent is less valid as an indicator of the general welfare than it used to be, although its value as an economic index may not have diminished much. It is partly for this reason that many believe full employment should be pegged at an unemployment rate of three per cent or less.

Today the demand is for decent, rewarding jobs with a promising future. Yet in figuring the employment rate, *all* jobs still count: part-time jobs, casual and intermittent jobs, dead-end jobs, menial and degrading jobs. It cannot be denied that exaggerated hopes have been stimulated and that some job-seekers make unrealistic demands. Nor can we expect the government to guarantee everyone a job to his liking. It seems clear, however, that an element of quality, as well as quantity, has been irreversibly imported into the way we regard the economy and society. When social changes proceed as rapidly as they have over the past decade, cultural lag prevents such venerable statistical concepts as full employment from catching up to the times.

V

Is it a coincidence that the most elaborately measured war in American history has also been our least successful?

I do not think so.

For many months we were "winning" the war, steadily and inexorably. All the statistics told us so: the body counts, the kill ratios, the bombing toll, the infiltration estimates, the captured documents, the pacification figures.

Gradually it became obvious that we were not winning and that the abuse of statistics had contributed directly and substantially to the strategy, tactics, and outcome. Some of the statistics are now conceded to have been pulled out of the air, and some were done violence through palpably absurd interpretation (for example, the claim that 2,000,000 refugees had "voted for freedom with their feet"). Perhaps the major error in the conduct of the war was that key decisions were based too heavily on those kinds of military activity which could be counted, calculated, and computerized.

Had this calculus of measurable elements not yielded such voluminous and comforting food for thought, it would have been impossible to disregard so flagrantly all the nagging, contrary "gut" factors which could not be computerized. Science, despite its wonders, has not yet put history, ideology, religion, color, colonialism, nationalism, sectionalism, or cynicism on the computer. Since these could not be quantified, they received little, if any, weight in the equations. Or the briefings.

George Romney was by no means the only high official to be brainwashed in Saigon. Dozens of powerful Congressmen and Senators made tours of inspection, sat in on top-secret briefings, and came home with their misgivings allayed.

By coincidence, a technical assignment took me to Vietnam at the end of June, 1967, only a few days before Secretary McNamara's final visit to Saigon. In preparation for the trip I read all the serious accounts of the war that I could lay my hands on. After I reached Saigon, the American authorities arranged dress rehearsals of briefings prepared for McNamara.

Three solid days of briefings, replete with maps and statistics, left me convinced that I was learning little about the true state and nature of the war. I began ducking out of the Embassy to chat with correspondents from *The New York Times, The Washington Post,* and *Newsweek,* all of whom were in considerable disfavor at the time. These were the "grunts"—working reporters who lacked easy access to inside information and had to rely on horse-and-buggy methods of covering the war. Nonetheless, they had one distinct advantage: they could see what was going on. In their view, the war was going badly militarily, no matter what the battle statistics had to say.

Then too, there was "the other war"—the hearts-and-minds struggle known as Revolutionary Development in its current incarnation. As in the military side of the war, subjective and unscientific methods of appraisal had been left far behind. In Saigon I was introduced to the wonders of a computerized data bank known as the Hamlet Evaluation System and operated by Robert Komer, the former White House assistant who had been put in charge of "the other war." Each of thousands of hamlets had received one of six security designations. The designation for each hamlet evolved from about 15 criteria, each of which, in turn, had been measured on a quantitative scale.

I remember having been struck by the fact that the progress of pacification had never before been charted so scientifically. It seemed to me, however, that the criteria had little to do with hearts and minds and even less to do with Revolutionary Development. Since the whole thrust of our intervention was counterrevolutionary and since economic and political development was impossible under the circumstances, this almost had to be the case. While the information fed into the computer may have been narrowly factual, the inferences that resulted were wholly insupportable. And yet it was understandable that President Johnson and others in his Administration were impressed, halfway around the world from Saigon, by the progress Komer reported right up to the eve of the Tet offensive.

VI

If such statistical concepts as the poverty line, full employment, and body counts have caused misinterpretation in the past, so have the full-blown analytical systems that are based on quantitative data. The most widely used of these in the government is the Planning-Programming-Budgeting System, known familiarly, if not lovingly, as PPBS.

PPBS, briefly stated, is a system of planning whereby each individual agency or department is required to identify the specific goals of its programs, discuss the alternative ways in which those goals might be achieved, and then quantify the results of the programs it is pursuing. It imposes upon each agency a requirement for disciplined thinking that did not exist before, and it is clearly a more useful way of looking at governmental expenditures than was the old line-item basis (personnel, supplies and materials, travel, etc.). Because PPBS had been widely and efficiently used in the Department of Defense under Secretary McNamara, President Johnson ordered that it be installed throughout the government in 1966.

But here, as in the world of statistics, there are subtle and treacherous pitfalls: faulty assumptions, the downgrading or distortion of matters which cannot be quantified, and the fatal error of supposing that technical procedures can eliminate the agony of decision.

Its inherent dangers have been recognized by two of the foremost scholars in the field of national security. Dr. Thomas C. Schelling of Harvard University has warned that PPBS is a procedure "whose worth depends on the skill and wisdom of the people who use it" and that "quantitative data can be subtly made prominent to the detriment of important qualitative considerations." Dr. James R. Schlesinger, director of strategic studies at the RAND Corporation, has emphasized that "analysis is not a scientific procedure for reaching decisions which avoids intuitive elements, but rather a mechanism for sharpening the intuitions of the decision-maker."

As PPBS spread throughout the government, most agencies found that their most difficult task was the attempt to quantify the benefits of its programs. The danger was and is that the areas which do not lend themselves to accurate measurement—who can quantify the benefits of diplomacy, national parks, education?—will be regarded as less important than those areas which do.

VII

When Wilbur J. Cohen was Secretary of Health, Education and Welfare, he once said that the chief statistician of HEW and his staff "do more to determine HEW programs than all the other officials in the Department."

Was he kidding? Maybe he was, and then again maybe he wasn't. In either case, his statement dramatizes the fact that statistics carry great weight in determining government policies and programs.

I myself find it amazing, and sometimes frightening, to observe the extraordinary prestige of statistics both inside and outside of the government. For a recent example of its national pervasiveness, we need go back only as far as the recent Presidential campaign, in which the Gallup and Harris polls played such a decisive role in shaping the candidates' respective strategies that their role in determining the outcome clearly exceeded that in any previous Presidential campaign.

Within the government, statistics in the '60's have reached such a pinnacle that men of affairs often become known by the statistics they keep. Until the last two years or so of his Administration, President Johnson's imposition of the latest popularity polls upon his visitors was a mark of his style. John F. Kennedy's attack on the Eisenhower Administration in 1960 centered on statistical comparisons of economic growth and missile stockpiles. President Nixon's discussions of law and order during the recent campaign rarely failed to mention statistics concerning the increase in crime.

When I emerged from the obscurity of academic life to become U.S. Commissioner of Labor Statistics, I was startled to discover that I was good copy because I issued the figures on inflation and unemployment. To the amusement of my colleagues and the gratification of my wife, I was often described as "the Nation's leading expert" on subjects about which I knew little.

I did discover, however, that positivism has triumphed in statistics, as it has in other sciences, so that statistics consists of technical procedures quite independent of content or purpose. I found that most government statisticians are principally concerned with techniques, which have greatly improved in recent decades. But their outlook is often too narrow to encompass the larger role of numbers in public life. Like horses who obediently pull a wagon over a cliff, they exercise great skill in producing numbers but have little sophistication concerning their use and misuse. Although statisticians like to think that they are constantly warning policy-makers against misuse, what they usually warn them about is the limited sample or the possible range of error, rather than the one-dimensional quality of the statistics themselves.

What I have said in these few pages may strike the reader as anti-statistical and anti-intellectual, but that is not my intent. I strongly believe that leaders need every available aid to understanding the murk and chaos of life. My concern is not with science, but with the abuse of science. It is human ignorance, indolence, and incuriosity which permit statistical data to be perceived as objective verities rather than as the shadowy hints and clues they most often are.

We need more and better statistics in order to illuminate our problems more fully. But we must remember that statistics, indispensable as they are and improved as they may become, cannot substitute for the intuitive feel of a problem resulting from firsthand exposure. Shoe leather and the human mind will always be needed more than statistics when complex and qualitative judgments must be made. So will leaders who can confront ambiguity without heading for the nearest statistical escape hatch.

THE "PUEBLO" INQUIRY

Mr. CURTIS. Mr. President, I rise to pay tribute to a great American and a distinguished son of Nebraska. I refer to Comdr. Lloyd Bucher of the ill-fated U.S.S. *Pueblo*.

Nebraskans are proud of Commander Bucher for his years of distinguished service to his country. We point with pride that Commander Bucher grew up and graduated from high school at Father Flanagan's Home for Boys at Omaha, Nebr., and that later he graduated from the University of Nebraska. His rise to a place of responsibility is in the noblest of American traditions.

For some days, Commander Bucher has been giving forthright testimony. The fact that no help was sent to him is just as historically true as the fact that the *Pueblo* was seized. I suggest that Commander Bucher not be harshly judged by Monday morning quarterbacks who were so silent and inactive on the fateful day—January 23, 1968—when the *Pueblo* was attacked, chased, fired upon, and seized by Communist vessels.

I am sure that Commander Bucher wants to be helpful, not only now but also in the future, in cooperating with various agencies of our Government. But I do point out the great suffering that this man already has endured, and I would express the hope that he not unnecessarily be subjected to repetitious congressional or other investigations.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE REPORTS SCHOOL DESEGREGATION PROGRESS

Mr. HART. Mr. President, the Office for Civil Rights of the Department of Health, Education, and Welfare recently reported a significant increase in the desegregation of formerly dual school systems in 11 Southern States. The percentage increase—from about 14 percent in September 1967 to more than 20 percent a year later—may not seem particularly impressive unless one looks behind the statistics.

A brief summary of what has happened in the area of school desegregation will illustrate what I mean. In 1963, 9 years after the Supreme Court had declared that dual, racially-segregated school systems were unconstitutional, 1 percent of the Negro students in the Southern States attended school with whites. School segregation—unconstitutional separation of youngsters by race—was widespread, the decision of the

Supreme Court to the contrary notwithstanding. In 1964, the Congress enacted the Civil Rights Act with its prohibition in title VI against using Federal funds to assist programs which discriminate on the basis of race, color, or national origin. Title VI was implemented on a small scale at HEW in 1965 and provided with the appropriations needed for a larger staff a year later.

In September 1968, little more than 3 years after the implementation of the title VI program at HEW, the school desegregation figure in the 11 Southern States stood at 20 percent. And in school systems desegregating under plans negotiated to meet the requirements of title VI, the figure was higher—25.6 percent.

In other words, Mr. President, the school desegregation figure between 1954, the year of the landmark Brown decision, and 1963, the year before the enactment of the Civil Rights Act, rose to only 1 percent. In the next 5 years, it increased 20 times that figure. This is significant progress and a credit to the administration of a difficult program by HEW's Office for Civil Rights.

I should point out, Mr. President, that the statistics on desegregation for last September represent for the most part only progress toward the goal of an end to the dual racially segregated school system. The Office for Civil Rights program requires that districts, which formerly assigned students and faculty on the basis of race, adopt desegregation plans ending the dual system in most cases by September 1969 or—at the latest—September 1970 in cases where there are legitimate administrative reasons why the 1969 deadline cannot be met. September of this year should see another substantial increase in school desegregation in the Southern States.

Mr. President, for the information of readers of the CONGRESSIONAL RECORD, I ask that the school desegregation press release issued recently by HEW's Office for Civil Rights be included as part of my remarks at this point in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF THE SECRETARY,
Washington, D.C., January 16, 1969.

Preliminary analysis of the 1968 data on school desegregation in the 11 Deep South States shows that 20.3 percent of the 2.5 million Negro students in these districts or a total of 518,607 Negro children are attending schools with white children. (Table 1) This figure compares with 13.9 percent for the 1967–68 school year.

At the same time, the data reveals that in the school districts desegregating under the requirements of Title VI of the Civil Rights Act of 1964, 25.6 percent of the one million Negro children in those districts or 272,281 are attending schools with white children.

The overall desegregation figure, 20.3 percent, includes districts desegregating under court orders as well as those desegregating under voluntary plans.

The voluntary plans under which the districts are desegregating have been developed locally and have been submitted to the Office for Civil Rights of the Department of Health, Education, and Welfare.

The 25.6 percent figure, contained in survey data released today by the Office for Civil Rights, HEW's Title VI compliance agency, compares with the 19 percent or 202,794 Negro children reported in desegregated schools in the same districts during the 1967–68 school year. The districts are in the following States: **Arkansas, Florida,** Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas and Virginia.

All of the school districts in the 11th Deep South State, Alabama, are desegregating under court order.

A comparison of the voluntary plan desegregation progress in the 10 Deep South States for 1966–67, 1967–68 and 1968–69 is shown in Table 2. A desegregated school is defined, as in 1967–68, as one attended by minority group children in which at least 50 percent of the students are white.

TABLE 1.—PUPIL DESEGREGATION IN 11 SOUTHERN STATES, ALL DISTRICTS REPORTING, FALL 1968

State	Number of districts reporting	Enrollment		Desegregation [1]	
		Total	Negro	Number of Negro students	Percent of Negro students
Alabama	89	588,639	204,365	15,039	7.4
Arkansas	173	376,470	94,791	22,048	23.3
Florida	57	1,160,644	282,226	67,961	24.1
Georgia	144	883,287	268,044	38,196	14.2
Louisiana	50	774,140	299,152	26,354	8.8
Mississippi	100	398,725	193,602	13,839	7.1
North Carolina	143	1,120,602	330,449	92,028	27.8
South Carolina	76	486,509	196,203	29,198	14.9
Tennessee	120	843,525	140,287	34,098	24.3
Texas	501	2,264,881	306,648	119,259	38.9
Virginia	115	992,047	236,023	60,587	25.7
Total	[2] 1,568	9,889,469	2,551,790	518,607	20.3

[1] The Office for Civil Rights estimates that the data on which the 1968 preliminary analysis is based accounts for 85 percent of the estimated 11,677,684 public school students in the 11 Southern States.

[2] Includes all districts with total enrollment over 3,000 students and a sampling of districts with less than 3,000 students enrolled.

TABLE 2.—PUPIL DESEGREGATION IN 10 SOUTHERN STATES (3-YEAR COMPARISON), VOLUNTARY PLAN DISTRICTS [1]

State and year	Number of districts reporting	Enrollment		Desegregation [2]	
		Total	Negro	Number of Negro students	Percent of Negro students
Arkansas:					
1966	99	173,130	73,545	6,058	8.2
1967	124	217,378	82,215	13,821	16.8
1968	97	179,755	66,199	14,417	21.8
Florida:					
1966	47	296,344	81,917	11,018	13.5
1967	41	264,273	76,226	14,213	18.6
1968	42	297,726	78,772	25,253	32.1
Georgia:					
1966	114	543,254	149,117	11,081	7.4
1967	125	588,291	141,208	19,128	13.5
1968	115	567,991	146,739	26,975	18.4
Louisiana:					
1966	3	20,482	4,301	454	10.6
1967	3	19,502	3,853	623	16.2
1968	3	20,351	4,168	1,001	24.0
Mississippi:					
1966	34	133,234	52,459	2,200	4.2
1967	35	150,058	59,898	3,768	6.3
1968	40	161,588	65,322	7,842	12.0
North Carolina:					
1966	102	774,225	244,770	31,339	12.8
1967	97	836,452	243,081	40,236	16.6
1968	90	724,322	232,896	63,554	27.3
South Carolina:					
1966	72	467,868	180,922	9,433	5.2
1967	57	349,835	143,975	10,257	7.1
1968	70	459,043	182,987	28,207	15.4
Tennessee:					
1966	40	171,802	23,466	7,699	32.8
1967	43	160,457	30,223	11,550	38.2
1968	31	155,674	25,240	12,051	47.7
Texas:					
1966	334	886,046	166,341	47,936	28.8
1967	323	989,704	177,798	63,008	35.4
1968	177	850,013	142,071	62,374	43.9
Virginia:					
1966	50	371,386	107,311	18,410	17.2
1967	54	431,799	117,148	26,190	22.4
1968	53	370,799	119,676	30,607	25.6
Total:					
1966	895	3,837,771	1,033,693	145,628	14.1
1967	902	4,007,749	1,075,625	202,794	18.9
1968	718	3,787,262	1,064,070	272,281	25.6

[1] The Office for Civil Rights estimates that the data on which the 1968 preliminary analysis is based accounts for 86 percent of the estimated 10,846,023 public school students in the 10 Southern States. (All districts in the State of Alabama are under Federal court order to desegregate.)

[2] For 1966, a desegregated school was defined as one which had 5 percent or more white enrollment. For 1967 and 1968 this definition was changed to schools which had 50 percent or more white enrollment.

Preliminary analysis also showed that:

1. Desegregation progress in Deep South school districts desegregating under court orders was sharply below the voluntary plan desegregation figure. Data from court order districts showed that only 11.5 percent or 149,000 of the Negro students in those districts are attending school with white children. (Table 3.)

2. In those school districts in the 10 Deep South States which have submitted forms certifying they have eliminated their dual systems (Form 441), 51.6 percent of the Negro students are attending schools with white children.

These preliminary figures account for approximately 85 percent of the students attending schools in the 11 Deep South States. The reports were to be completed and returned to HEW by October 15, but school districts which account for approximately 15 percent of the students in these States failed to return reports or returned incomplete information.

The only large system which has not yet reported data is Dallas, Texas. Dallas is under court order.

A breakdown of the extent of school desegregation in the 11 Deep South States for all types of school districts (voluntary plan, 441, court order) is shown in Table 4.

TABLE 3.—PUPIL DESEGREGATION IN 11 SOUTHERN STATES (2-YEAR COMPARISON), COURT ORDER DISTRICTS [1]

State and year	Number of districts reporting	Enrollment		Desegregation [2]	
		Total	Negro	Number of Negro students	Percent of Negro students
Alabama:					
1967	113	690, 393	232, 021	12, 528	5. 4
1968	89	588, 639	204, 365	15, 039	7. 4
Arkansas:					
1967	10	60, 055	20, 426	3, 516	17. 2
1968	10	61, 503	21, 427	3, 629	16. 9
Florida:					
1967	16	766, 494	164, 894	30, 507	18. 5
1968	12	617, 412	143, 881	31, 149	21. 6
Georgia:					
1967	4	163, 121	83, 564	5, 730	6. 9
1968	10	251, 367	114, 169	8, 966	7. 9
Louisiana:					
1967	43	644, 041	255, 784	16, 771	6. 6
1968	47	753, 789	294, 984	25, 353	8. 6
Mississippi:					
1967	36	131, 176	78, 998	2, 405	3. 0
1968	55	226, 811	126, 002	5, 408	4. 3
North Carolina:					
1967	14	186, 697	59, 041	10, 496	17. 8
1968	18	214 199	71, 807	17, 286	24. 1
South Carolina:					
1967	2	14, 549	6, 473	401	6. 2
1968	6	27, 466	13, 216	991	7. 5
Tennessee:					
1967	25	365, 166	124, 571	11, 365	9. 1
1968	19	302, 125	100, 992	9, 495	9. 4
Texas:					
1967	13	445, 928	124, 903	12, 163	9. 7
1968	11	429, 178	116, 836	18, 975	16. 2
Virginia:					
1967	22	240, 653	96, 681	12, 961	13. 4
1968	20	215, 699	91, 381	12, 709	13. 9
Total:					
1967	300	3, 708, 273	2, 273, 127	118, 843	9. 5
1968	297	3, 688, 188	1, 299, 060	149, 000	11. 5

[1] The Office for Civil Rights estimates that the data on which the 1968 preliminary analysis is based accounts for 85 percent of the estimated 11,677,684 public school students in the 11 Southern States.

[2] For 1966, a desegregated school was defined as one which had 5 percent or more white enrollment. For 1967 and 1968 this definition was changed to schools which had 50 percent or more white enrollment.

TABLE 4.—PUPIL DESEGREGATION IN 11 SOUTHERN STATES, TOTALS BY CATEGORY, FALL 1968

Category	Number of districts reporting	Enrollment		Desegregation [1]	
		Total	Negro	Number of Negro students	Percent Negro students
Voluntary plan	718	3, 787, 262	1, 964, 070	272, 281	25. 6
441's [2]	553	2, 414, 019	188, 660	97, 326	51. 6
Court orders	297	3, 688, 188	1, 299, 060	149, 000	11. 5
Total	[3] 1, 568	9, 889, 469	2, 551, 790	518, 607	20. 3

[1] For purposes of this fall 1968 tabulation, Negro students are considered to be enrolled in a desegregated school only when the white population of that school is at least 50 percent.

[2] Includes all districts with total enrollment over 3,000 students and a sampling of districts with less than 3,000 students enrolled.

[3] The Office of Civil Rights estimates that the date on which the 1968 preliminary analysis is based accounts for 85 percent of the estimated 11,677,684 public school students in the 11 Southern States.

INTERGOVERNMENTAL PERSONNEL ACT OF 1969

Mr. **SCOTT**. Mr. President, I am pleased to be a cosponsor of S. 11, the Intergovernmental Personnel Act of 1969, which was introduced on January 15 by the distinguished junior Senator from Maine (Mr. MUSKIE).

If we are going to cope successfully with the problems of our cities, the initiative for positive action is going to have to come from the States and the communities themselves. Fortunately, steps are being taken to strengthen the capacity of the States and localities to act. The Intergovernmental Cooperation Act of 1968, which I cosponsored, is now on the statute books. I hope Congress will act this year on my bill, which I shall reintroduce shortly, to encourage the ability of States and local governments to plan comprehensively for the development of their human, physical, and economic resources. None of this legislation will be of value, however, unless the quality of State and local government personnel is upgraded. That is the objective of the Intergovernmental Personnel Act.

In a recent letter to me, Donald C. Stone, the distinguished dean of the Graduate School of Public and International Affairs of the University of Pittsburgh, offered some useful comments on the Intergovernmental Personnel Act. I ask unanimous consent that this letter and an earlier statement on the legislation by Dean Stone be printed at this point in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF PITTSBURGH, GRADUATE SCHOOL OF PUBLIC AND INTERNATIONAL AFFAIRS,
Pittsburgh, Pa., January 9, 1969.

Senator HUGH SCOTT,
U.S. Senate,
Committee on Commerce,
Washington, D.C.

DEAR SENATOR SCOTT: Thank you for writing about the draft of the Intergovernmental Personnel Act of 1969. I am pleased to have the opportunity to comment on it.

1. In my view, the bill represents a most resourceful and constructive effort to strengthen the recruitment, training, and development of state and local government personnel. The development of greater understanding and competence on the part of federal, state, and local officials who increasingly deal with common tasks entailed in the administration of our domestic programs is one of the most crucial needs to make the federal systems function effectively. The proposed bill would make a substantial contribution to this objective, and I hope you will co-sponsor it with Senator Muskie.

2. While the provisions of the bill have been modified since the hearings were held on its predecessor version, S. 3408, I believe the statement that I submitted at that time is relevant in respect to the new draft. A copy is enclosed.

3. The Intergovernmental Personnel is a fine companion to the education for the Public Service Act passed by the last Congress. The provisions of the two have been well integrated. I hope that you will also help encourage appropriations to implement that Act. No legislation, no matter how meritorious, can accomplish anything if there are no appropriations.

4. In respect to the Intergovernmental Personnel Act, some state and local organizations have feared federal encroachment and the possibility that the U.S. Civil Service Commission might apply limiting procedures on State and local governments. I have no fear of this. The federal civil service system has been modernized and made extremely flexible, reflecting advanced personnel practices in industry as well as government. The paralyzing practices are those currently incorporated in many state and city civil service provisions. Much of this so-called civil service reform legislation was designed to provide detailed procedures for the recruitment and retention of employees, often in a manner that prevented enlistment of the most competent persons. The elimination of incompetence was made difficult or impossible.

5. In any event, Title II of the Intergovernmental Personnel Bill keeps the initiative

and responsibility for state and local policy and practice in the hands of state and local officials, but places a high premium on their formulating a positive plan of action if they hope to secure grant funds. This is the right way to do it.

6. I consider Title III—Training and developing state and local employees, to be very important. An enormous amount of training is needed for such emplyees to develop both adequate understanding of the problems and tasks entailed in serving an urban society as well as to produce skills and technical competences presently required for which no training has been available. In general, the provisions are good. Section 304 doesn't mention the utilization of universities and other educational agencies for training purposes. Section 305 dealing with grants to other organizations does not mention universities, although they would be covered by sub-item (b)-(3) where reference is made to nonprofit organizations. The major universities with a public service orientation need to expand greatly their nondegree in-service training programs as well as academic work, for public service. This will not get done unless federal, state, and local agencies insist on it and make funds available to help cover additional costs.

7. The establishment of government service fellowships under Section 306 is one of the most important provisions of the bill. Cities and most states will not take the initiative to assign employees for graduate professional work like the federal government and business establishments do unless they are given some inducement. The provision for the federal government to reimburse one-fourth of the salary of each fellow is just about the right amount of inducement. Subsection (a)-(3) of 306 provides for a payment to the educational institution in which a fellow enrolls of $3,000 per academic year. This would cover most of the cost of education beyond that provided by tuition if the academic year is defined as the equivalent of two semesters. Under some present federal fellowship programs, universities which provide two semesters or two terms of academic work in a twelve-month period are treated far more favorably than those on an accelerated three or four-term basis in which a year and a half or a year and a quarter of academic work is done in a twelve-month period.

8. Title IV dealing with mobility of federal, state, and local employees provides a most resourceful and imaginative way to maintain fair treatment and to avoid a tendency for a one-way movement of persons from local and state government to the federal level on a permanent basis.

9. The text under Section 506 dealing with the distribution of grants warrants some caution. While the aim should be to stimulate initiative in the improvement of personnel systems and training programs in all states, many states do not have a substantial enough population to support high quality and varied educational and training programs. Cooperation among such states and utilization of institutions in larger states that have adequate programs will need to be relied upon.

10. The amount of funds authorized for the next three years is minimal. When one considers the enormous range of administrative, professional, and technical fields to be covered and compares this with the amount of funds the U.S. government is putting into education and training in such fields as agriculture, science, medicine, public health, and space exploration, the figures seem very modest. The main need, however, is to get started.

I hope these comments are useful to you.

Sincerely yours,

DONALD C. STONE,
Dean.

STATEMENT FOR THE SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

(By Donald C. Stone)

Enactment of legislation along the lines of S. 3408 to improve the quality of personnel responsible for public services at state and local levels is most critically needed. Such a program would contribute in many important ways to the achievement of the society and conditions of life in this country to which our citizens aspire.

In this statement I wish (1) to stress the critical need for measures to upgrade and strengthen present personnel systems, (2) to comment on several aspects of S. 3408, (3) to assess the adequacy of certain related legislation, and (4) to outline categories of public service personnel for which federal educational assistance is long overdue.

I make these comments from the background of the experience of the Graduate School of Public and International Affairs of the University of Pittsburgh, the main functions of which are to provide pre-service education and in-service training for public service personnel at local, state, and national levels, and to conduct research and advisory assistance to improve the quality of public service. Having devoted most of my years to the improvement of municipal, state, and federal administration as an official, consultant, researcher, and teacher, I naturally have a very special interest in the purposes of S. 3408.

URGENCY OF IMPROVING THE QUALITY OF PUBLIC SERVICE PERSONNEL

Action contemplated in S. 3408 has become critical because rapid urbanization under the impetus of technological developments is changing the character of our society and the role of government in relation to it. While we have become a highly urbanized society, our administrative arrangements and personnel practices are mostly designed for a previous era. The character of public services and facilities now required are radically different from those of earlier generations, and changes of equal magnitude can be foreseen in the future.

The administrative structures of local and state government and the capabilities of public services have lagged far behind the challenge of these changes. Part of the problem relates to the outmoded character of local government systems, but even without changing these systems, major advances can be made in the quality of public service administration by modernizing internal management in local and state governments and by administrative measures to link local, state, and federal agencies in effective cooperative endeavors. S. 3408 would facilitate such cooperation and enhance the quality of public service administrative functions as they affect the quality of life in communities, cities, and metropolitan areas throughout the nation.

Many cities, a few counties, and a number of states have made noteworthy progress in applying modern methods of management, resource and program planning, personnel methods, budgeting, and technical practice in their efforts to provide the kind of public services and facilities essential for modern urban life. The federal government has made striking progress in the quality of its administration and personnel since World War II. However, it is interesting to note that the more capable the public official or the governmental organization may be, the greater is the recognition given to its shortcomings and to the dearth of professionally educated personnel for the complex tasks of modern public service.

Having worked on the improvement of local, state, and federal administration for many years, I can testify that an enormous gap exists between the quality of personnel and the effectiveness of public service as now practiced in comparison to what is readily achievable by the application of modern management standards. To the extent that we fail to take measures to close this gap, we are wasteful of hard-to-come-by resources and are compounding problems for future generations. The failure to secure a dollar's worth of service for a dollar of public expenditure because of inept and inefficient performance by personnel is just as much a waste as outright corruption and political patronage. The failure to apply effective systems of classifying, recruiting, training, promoting, and evaluating performance of public service personnel is a major cause of such waste.

The strength of this nation lies largely in its urban industrial might. Our posture abroad, our demonstration of the effectiveness of democracy, as well as our economic and social well-being require that we parallel our genius in scientific, industrial, agricultural, and medical fields with equivalent attention to public management.

Urban local governments have been the stepchildren of our governmental system. State governments were designed to serve a rural society and most of them have been controlled by legislators and administrative organizations whose interests were focused primarily upon rural life and small communities. Until recently, the development of effective structures and administration for local governments has been of little interest to many state and federal legislators.

Finding that local government reform was blocked by disinterest at the state level and by inappropriate and outmoded constitutional and legislative provisions, I early became the advocate of home rule for municipalities. While the citizens of cities and counties do need to have authority to develop local government organization and administration under a broad authorization of state legislation, the early idea of home rule is not applicable to modern society. In urbanized society the primary role of a state government and of the federal government is to foster policies, programs, arrangements, and conditions which create a dynamic, effective, livable society. Thus the federal, state, and local governments all share in the same objective. There must be partnership all along the line.

S. 3408 represents application of the partnership principle at the most crucial point, namely cooperation and mutual support among the federal, state, and local governments in improving the quality of personnel to carry out functions in which all three kinds of government share a concern and responsibility. I hope that the Subcommittee on Intergovernmental Relations will unanimously recommend S. 3408 and that the Congress will enact it. Its principles of cooperation and mutual assistance will be contagious for many other areas where there must also be close partnership between local, state, and federal administration. Only with this kind of partnership can our federal system be adequate to cope with the almost overwhelmingly complex and critical changes that are taking place in our urbanizing society.

S. 3408 WELL DRAFTED

I have examined in detail the provisions of S. 3408. It is extremely well drafted. While refinements could be made, the essential features of the Bill in my view are well designed. Cooperative and constructive relationships between the federal, state, and local governments are conceived in a flexible and effective manner. The principle of federal assistance for improving administrative practice and initiating programs of personnel modernization incorporated in the Bill is compelling.

The Bill appears to have drawn well on the lessons we have learned in the conduct of grant-in-aid programs. It recognizes that apathy, ignorance, as well as inadequate financial resources at state and local levels can be surmounted only with the inducement of financial assistance. Since a viable urban society is a national concern, it is essential that the Congress and federal agencies take initiative in encouraging and assisting state and local governments in fulfilling their sectors of national responsibilities.

In many states progressive cities are better managed and have higher quality personnel than their state governments. The state governments are modernizing, but in some cases it may be a long time before the states will have either much interest in or competence to foster management improvement in their municipalities. Under a dynamic federalism, our national government must of necessity be concerned with the quality of local government administration as well as with that of the states. It must not let national obectives and responsibilities be destroyed by inept state administrations when progressive municipalities in such states wish to keep in step with the nation. Thus the provisions in S. 3408 which authorize local governments to submit plans directly to the federal government when the states do not act are highly desirable. Indeed they are crucial.

ADEQUACY OF RELATED LEGISLATION

As emphasized by the statement of Senator Muskie in introducing S. 3408, the bill is primarily concerned with training within the service after appointment, not with education for public service prior to appointment. His statement mentions the hope that "Title I of the Higher Education Act of 1965 will resolve some of the problems in this area," and also makes reference to the potential of Title VIII of the Housing Act of 1964.

Title I of the Higher Education Act is little more than a blind stab to do something about communities. Most states are not organized in a manner that enables provisions of the Act to be effectively implemented. Departments of education which in many states have been assigned the administration of the Act are not competent to deal with overall community and municipal problems. Their staffs know very little about city, county, and state administration, about present programs, or the potential of universities in providing public service education. A review of what is happening under Title I of the Higher Education Act is discouraging. Moreover, the fellowship provisions of the Act are not focused on critical urban professional fields. Whenever legislation is put in the hands of persons who are ignorant or disinterested, the purposes of the legislative body are inevitably thwarted.

Title VIII of the Housing Act of 1964 could be very beneficial to the purposes of S. 3408, but it has not been implemented because of the denial of appropriations. While conceived in too limited a framework, this Title has considerable possibilities. Moreover, it is the responsibility of a federal department which is concerned with the broad development of urban communities.

Recognizing that as much progress as possible should be made under both the Higher Education Act and the Housing Act, new legislation is essential to focus upon the many gaps in the range of categories of personnel of crucial urgency to local, state, and federal agencies in serving an urban society. President Johnson's Princeton speech emphasizes the character of the problem, and many of us in public service education are heartened that studies are under way to cope with it. Since the problem involves intergovernmental relations, I trust that the Subcommittee on Intergovernmental Relations will give sustained attention to it.

CRITICAL CATEGORIES OF PERSONNEL

A major deficiency in the Higher Education Act, in the Housing Act, and in most other federal approaches to this problem of developing qualified personnel for public service in an urban society is the failure to take into account the variety of categories of personnel and the kind of professional education needed, both pre-service and in-service. To illustrate how federal, state, county, municipal, and private agencies all are involved in providing the functions and facilities of an urban area, I have prepared the attached chart on "The Community Organization Complex." Two-thirds of our national population now live in such community complexes. The upper portion of the chart illustrates the interplay of official and voluntary agency leadership as well as the diversity of government and voluntary organizations immediately responsible for urban affairs. The central city structure is duplicated to a considerable extent in the satellite communities and in the county or counties of the region. State and federal agencies not only provide significant services to the same areas, but increasingly are involved as partners in a variety of financial and administrative arrangements.

The functions depicted in the boxes on the chart comprise those which are especially crucial to achieving the attributes of the Great Society in urban complexes. Most of them require cooperation among federal, state and local administrations.

Only fragmentary university education has been developed to prepare qualified personnel to administer most of the principal functions shown on this chart. For some fields no significant graduate educational programs exist. The cultural lag in modernizing university education to fulfill the needs of urban public service is enormous.

During the past few years the Graduate School of Public and International Affairs has made three surveys of this problem. The most recent resulted in the preparation of a handbook on "Career and Educational Opportunities in the Urban Professions." Under separate cover I am sending a sufficient number of copies of this handbook to be provided to the members of the Subcommittee on Intergovernmental Relations. The purpose of the handbook is to interpret to college and university instructors, placement officers, students, and other appropriate persons the challenging career opportunities in 19 major fields of public service. University programs to prepare personnel for each field are listed as are fellowship resources.

The most important fact revealed by the handbook is the fragmentary character of educational programs for most of the 19 urban fields. These fields are as follows:

Urban public administration.
Administrative staff officers.
City and regional planning.
Urban renewal and community development.
Housing administration.
Community action and opportunity development.
Industrial-economic development.
Public Works engineering and administration.
Urban traffic and transportation: engineering, planning, and administration.
Administration of law, safety, and justice.
Social service and welfare administration.
Employment-social security, administration.
Community recreation and park administration.
Public health administration.
Hospital administration.
Education planning and administration.
Public library service.
Culture and the arts.
Research and teaching in urban affairs.

Professional education for a few of these 19 fields has been nationally fostered and accorded some financial support, notably public health, social welfare, and education administration. However, most have been overlooked or ignored by government and by educational philanthropy. No federal legislation recognizes the scope and diversity of these professional fields and the need for fostering university programs, for providing fellowships, and for establishing in-service training to supply the manpower requirements.

The enactment and implementation of S. 3408 would result in immediate upgrading of federal, state, and local personnel already engaged in many of these 19 fields. Since the majority of employees in most fields have not had professional education initially, the deficit of properly trained personnel is enormous. Thus the long-term objectives of S. 3408 cannot be fulfilled without a vast expansion in pre-service education to enable channeling a new generation of young men and women into these fields of service to fill vacancies. Moreover, there will not be suitable professional schools to carry out in-service training needs under S. 3408 unless the federal government provides financial assistance to assure the establishment of such schools for both pre-service and in-service education. Continuing education for physicians would not amount to much if there were no medical schools. Similarly, efforts to provide mid-career course work in such fields as urban administration, public works, or industrial-economic development will be ineffective unless professional schools are created with qualified instructors, research programs to prepare teaching materials and supporting assistance for university resources.

Many universities are ready to establish new programs or expand present ones to meet this national need, but they lack funds. Universities respond to the demands of society as reflected by financial inducements, public and private. The federal government has appreciated this in the fields of science, agriculture, and health. The stakes in filling this educational (and research) vacuum in public service professions are no less crucial. They consist of achieving in the United States a tolerable urban-industrial society for 150 to 200 million urban dwellers during this century.

I do not know how many university centers of education are needed for these various functions. In the field of public works in which my School is about to launch a graduate program jointly with the School of Engineering and the Graduate School of Public Health, we believe a minimum of 25 comprehensive university programs will be needed, and that civil engineering departments generally should give more attention to urban applications and to public administration.

We have found at the University of Pittsburgh that many mutual benefits and economies derive from engaging in a number of related professional fields. For example, the new public works curriculum will be greatly strengthened by the companion programs of the Graduate School of Public and International Affairs in Public Administration, Urban and Regional Planning, Urban Development and Renewal, Urban Management, Metropolitan Studies, and Economic and Social Development. These in turn are advantaged by the availability of expert staff and courses in the Schools of Public Health, Business, Social Work, Education, Law, and Engineering, and such departments as Economics, Political Science, Geography, and Sociology.

Thus the aim of the federal government should be to foster a network of universities which are committed to education, research, and services in most of the 19 fields listed above. Only comprehensive universities which feature graduate and professional education are capable of doing this.

The simplest way the federal government can foster professional education in deficient fields is to provide fellowships to enable qualified persons to secure the requisite education, and also to allocate to the university attended a supplement to help finance its educational costs. This supplement should be at least $1000 for an academic term or semester of study. The availability of such supplements will encourage universities to expand or initiate new programs, and to secure additional resources. Such a system also avoids involving the government in making grants-in-aid for operation. This is the principle used by NDEA, Merit, and numerous other fellowship programs, although in many cases the supplement is insufficient.

Two additional elements are important in cooperative endeavors to upgrade public service personnel and to modernize structures and methods of administration: (1) professional associations of public officials and (2) foundations.

Much has already been achieved in federal-state-local coordination through functional associations which enlist officials of all levels. Examples of these are the American Public Works Association, the American Public Welfare Association, the Public Personnel Association, the American Society of Planning Officials, the National Association of Housing and Redevelopment Officials, and many others. They need to foster programs of professional education as well as assist in carrying out the provisions of S. 3408.

Foundations are essential initiators of new programs and demonstrations. By cooperating with universities and professional associations, they can help create prestigious professional education programs which will point the way for other universities and pave the road for federal support.

CONCLUSION

The enactment of S. 3408 is thus strongly advocated. It will help greatly to strengthen our Federal system of government. It will foster public administration at the municipal and county levels capable of discharging the leadership and operational responsibilities required for local self-government and for achieving effective partnership with State and Federal governments.

But the implementation of S. 3408 will be seriously handicapped without the establishment by universities of programs or schools of professional education in the major public service fields. Otherwise there will not be qualified places in which to conduct the more advanced and difficult training contemplated under S. 3408, nor will the necessary network of professional schools be created to recruit and prepare the best of the Nation's youth for Federal, State, and local government service.

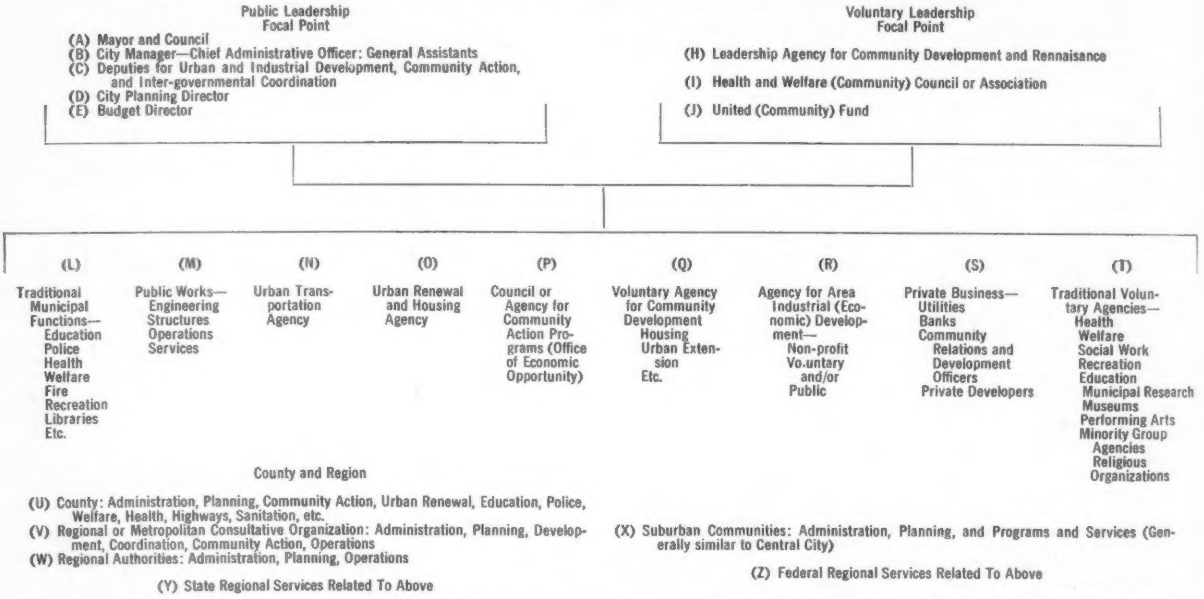
S. 3408 will stimulate Federal, State, and local action to improve personnel administration and to support in-service training. Additional legislation is needed to enable universities to provide the educational and research underpinning on which high standards of personnel and performance in the public service professions must ultimately rest.

Finally, major revisions in the organization and administrative systems of local government are essential. The present apparatus was designed for a rural—and, from a technological standpoint, a primitive—society. A glance at the attached Community Organization Complex Chart makes it abundantly clear that the achievement of efficient urban administration and of effective partnership among local, State, and Federal organizations requires wide-scale local government modernization.

The Committee on Economic Development (CED) has recently issued a policy statement entitled "Modernizing Local Government." This report prepared by the CED's Committee for Improvement of Management in Government under the chairmanship of the Honorable Marion Folsom provides a practical handbook for such modernization. Federal, State, and local governments all have roles to play in creating a better system. Intergovernmental cooperation is essential. The report is thus an important one for the consideration of the Subcommittee on Intergovernmental Relations.

APPENDIX A

THE COMMUNITY ORGANIZATION COMPLEX—FEATURING AGENCIES ESPECIALLY RESPONSIBLE FOR COMMUNITY AND REGIONAL DEVELOPMENT AND ACTION


Public Leadership Focal Point
(A) Mayor and Council
(B) City Manager—Chief Administrative Officer: General Assistants
(C) Deputies for Urban and Industrial Development, Community Action, and Inter-governmental Coordination
(D) City Planning Director
(E) Budget Director
Voluntary Leadership Focal Point
(H) Leadership Agency for Community Development and Rennaisance
(I) Health and Welfare (Community) Council or Association
(J) United (Community) Fund
(L) Traditional Municipal Functions— Education Police Health Welfare Fire Recreation Libraries Etc.
(M) Public Works— Engineering Structures Operations Services
(N) Urban Transportation Agency
(O) Urban Renewal and Housing Agency
(P) Council or Agency for Community Action Programs (Office of Economic Opportunity)
(Q) Voluntary Agency for Community Development Housing Urban Extension Etc.
(R) Agency for Area Industrial (Economic) Development— Non-profit Vo.untary and/or Public
(S) Private Business— Utilities Banks Community Relations and Development Officers Private Developers
(T) Traditional Voluntary Agencies— Health Welfare Social Work Recreation Education Municipal Research Museums Performing Arts Minority Group Agencies Religious Organizations
County and Region
(U) County: Administration, Planning, Community Action, Urban Renewal, Education, Police, Welfare, Health, Highways, Sanitation, etc.
(V) Regional or Metropolitan Consultative Organization: Administration, Planning, Development, Coordination, Community Action, Operations
(W) Regional Authorities: Administration, Planning, Operations
(X) Suburban Communities: Administration, Planning, and Programs and Services (Generally similar to Central City)
(Y) State Regional Services Related To Above
(Z) Federal Regional Services Related To Above

Source: Graduate School of Public and International Affairs, University of Pittsburgh.

DIRECT ELECTION OF PRESIDENT AND VICE PRESIDENT

Mr. RIBICOFF. Mr. President, I have joined my distinguished colleague from Indiana, Senator BAYH, in sponsoring a joint resolution to amend the Constitution by providing for the direct popular election of the President and Vice President.

The events of 1968 have shown us the dangers and pitfalls of the present electoral system. Now, with almost 4 years before the next presidential election, and without the attendant pressures of an election year, we must act to correct the weaknesses and inequities in the system.

The most overriding weakness is the continued existence of the electoral college. This institution is an anachronism that reflects a basic mistrust in the ability of the American voter to decide who should be President. Its very existence violates the spirit of our democracy.

The American voter needs no assistance in selecting a President. He needs no agent to cast his ballot. Throughout our Nation our citizens vote directly for selectmen, county officials, Congressmen, Senators, and Governors. It is ironic and demeaning to our society that the American voter cannot cast his ballot directly for the two highest offices in the land.

The recent memory of a duly chosen elector who disregarded clear public mandate to cast his vote for someone other than the choice of his State is a blot on our election system. We can no longer condone this loophole in our democracy.

Numerous suggestions have been put forward to revise the present system. But the only meaningful change is an amendment to abolish the concept of electoral votes completely. The only votes that should count in our Nation's most important election are those cast directly by the individual voter.

An amendment providing for direct

popular election will avoid the possibility of a President being elected on the basis of fewer votes than his opponent. Our Nation can no longer tolerate the inconsistency in our system that allows a candidate to win over an opponent who has more votes.

Recent analyses have proven that the electoral college system discriminates against the voters of some States. Because most States count all of its electoral votes in the column of the candidate with a plurality, the voters in States with large electoral blocs have more power to decisively affect the outcome of a national election.

This simply is not fair. We in Congress have made great strides in enlarging the franchise and protecting the right to vote. We ought to take a further step and insure that this power of the ballot is an equal power. By amending the Constitution in favor of direct popular election of the President we can give life to this belief in fairness.

HICKENLOOPER SAYS FAREWELL—ARTICLE BY CLARK MOLLENHOFF

Mr. MILLER. Mr. President, on January 3, my senior colleague from Iowa, Bourke B. Hickenlooper, voluntarily bowed out of a distinguished career of public service—24 years in the Senate, 2 years as Governor of Iowa, 4 years as Lieutenant Governor, and 4 years as a State representative.

In these 34 years, Senator Hickenlooper gave his State and the Nation dedicated, principled, hard-working service. "Service Above Self" was his motto, and it was only natural that personal integrity was his reputation.

A firm believer in the constitutional institutions and safeguards of our Government, he sought progress for our people on a sound and lasting basis. He believed strongly in the preservation of States rights consistent with the exercise by the States of their responsibilities, and he felt keenly about the excessive concentration of power in Washington to the detriment of the viability of the States.

His Senate career spanned the administration of five Presidents, and he was often called upon by these leaders of our country for his wise and well-informed counsel. He well understood that compromise is the art of the legislative process, but fundamental principles of good government were not within his area of compromise.

As ranking Republican on the Senate Foreign Relations Committee, he constantly devoted his energies to the search for a just and lasting peace within the family of nations. At the same time, this was carefully balanced by his recognition that the security of our country must never be compromised. He was not one to take the hard line of belligerence, but, rather, the firm line of straightforward commonsense.

On January 2, the distinguished Washington reporter for the Des Moines Register, Clark Mollenhoff, wrote a fitting summation of the public life of the man known far and wide as "Hickenlooper of Iowa." I ask unanimous consent that the article, entitled "Hickenlooper Says 'Farewell,'" be placed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HICKENLOOPER SAYS FAREWELL: ONLY ONE IOWAN HAS SERVED LONGER IN THE U.S. SENATE

(By Clark Mollenhoff)

WASHINGTON, D.C.—The cavernous gray office safe is empty and the walls of the fifth floor office are stripped bare of the mementos of 24 years Bourke B. Hickenlooper served in the United States Senate.

Today the 72-year-old Iowa player will bow out of the Senate after nearly a quarter of a century in which "Hickenlooper of Iowa" was recognized in Washington and throughout the world.

He is a little heavier and somewhat slower moving than he was 15 or 20 years ago, but there is remarkably little change in the face or the demeanor of the man who has served longer than any other political figure in the last half-century. Only former Senator William B. Allison, a Republican who served from 1873 to 1908, served longer than Hickenlooper.

STARTED IN 1934

When he relinquishes his seat today to Senator-elect Harold Hughes, a Democrat, Hickenlooper will end a public career that started when he was elected to the Iowa House in 1934.

Although Hickenlooper, the third ranking Republican in the Senate, made a decision not to seek re-election because of a possible tough Republican primary fight, he has found it easy to reconcile himself to the philosophy that it was wise to retire.

His time in office spanned the administrations of five presidents—from Franklin D. Roosevelt through Lyndon B. Johnosn—and he was intimately acquainted with Iowa-born President Herbert Clark Hoover and President-elect Richard M. Nixon.

Although the late Senator Brian McMahon (Dem., Conn.) has the technical title of the first chairman of the Joint Congressional Committee on Atomic Energy, McMahon never actually served as chairman in late 1946, and it was Hickenlooper who headed that important congressional body in January, 1947, as the first active chairman in the dawn of the nuclear age. He has continued as a senior member of that committee in the 22 years it has been in existence.

It has been a period of controversy, with triumps and a few stinging defeats. He was allied with Gen. Leslie R. Groves, head of the Manhattan Project, in pushing for further nuclear developments in the period immediately following the explosion of the first atomic bombs.

Later, Hickenlooper was allied with other congressional leaders in forcing the Navy to promote Hyman Rickover from captain to rear admiral and from rear admiral to vice-admiral.

NUCLEAR POWER

Rickover, a tough, bright and outspoken advocate of nuclear power for submarines and surface vessels, periodically found himself in bitter battles with the "battleship admirals" and political civilians at the Pentagon.

Rickover has periodically paid tribute to Senator Hickenlooper as a leader in Congress in forcing the executive branch to move forward with the nuclear submarine program and later the nuclear surface ship program.

While Hickenlooper's role in the development of nuclear power was of historic significance, his role in the foreign affairs field was even more important in recent years.

The boy who was born and reared in the little town of Blockton, Ia., toured more than 65 countries and talked with presidents, prime ministers, and kings in his role as ranking Republicans on the Senate Foreign Relations Committee.

If Blockton had been any more than five miles from the Missouri border, it is doubtful if Bourke Hickenlooper could have claimed to have been out of Iowa until he was 20 years of age.

He was 20 when he made his first long trip to Richmond, Va., where he attended a national convention of his University of Iowa college fraternity, Sigma Phi Epsilon.

On the same trip he made his first visit to Washington, and the son of a small town hardware merchant kept traveling. After receiving his bachelor of science degree he joined the Army as a second lieutenant, and in 1917 went to France with a field artillery unit.

PRACTICED LAW

After graduating from law school in 1922, Bourke practiced law in Cedar Rapids until 1934 when he was elected to the Iowa House. Two two-year terms in the Iowa House were followed by two terms as lieutenant-governor, and one term as governor before he was elected to the Senate in 1944.

Although he is regarded as a conservative Republican, Hickenlooper pushed the first aid to dependent children program through Iowa at a time when the Hawkeye state was one of only two states without ADC programs.

In the Senate, Hickenlooper has regarded himself as "for social programs that can be properly administered and do not create dependency."

In recent years he has been distressed by "the lack of standards and the lack of safeguards" in the laws providing for foreign aid and for a broad range of poverty programs.

He said he has "never been opposed to social programs that will actually help people get on their feet."

"I do oppose these open-ended giveaway programs that have no standards and are an invitation to mismanagement and corruption," Hickenlooper said "It is bad government."

AGAINST FRAUD

It is on the same basis that Senator Hickenlooper said he has periodically questioned the amount of foreign aid or the laws under which foreign aid was being administered. While he usually ended up voting in favor of foreign aid, his objections were "based on the need for better management and more safeguards against frauds."

In his period of time in the Senate, he has most resented "the oversimplification" by various groups in analyzing votes in Congress. "Votes against poverty programs or other social programs are too often pictured as votes against poor people when in fact those votes are an attempt to get some common sense into a program so poor people will be benefitted," Hickenlooper explained.

In the same manner, Hickenlooper said votes against foreign aid are too often characterized as "a return to isolationism and a retreat from world responsibility, when in fact it is simply an effort to get better management into these programs."

In Senator Hickenlooper's first years in the Senate, the great bipartisan figure was the late Senator Arthur Vandenberg, a Michigan Republican, who was an important figure in getting Republican support for President Truman's first foreign aid program, the Marshall Plan.

In more recent years, Hickenlooper has been regarded as "Kennedy's Vandenberg" and later as "Johnson's Vandenberg."

Because of opposition of the Vietnam War by Foreign Relations Committee Chairman J. William Fulbright (Dem., Ark.), Hickenlooper was often the strongest supporter that either Kennedy or Johnson had on the committee.

NO PATSY

It was a title that Senator Hickenlooper wore uneasily, for he was wary of being the Republican patsy for a Democratic administration. He managed to handle it with just enough wariness that he was usually able to give the Democratic administration support against the most vociferous doves without relinquishing his right to criticize.

Hickenlooper's periodic rose garden walks with President Kennedy were an important part of American foreign policy in the 1961–63 period. The personal relationship was excellent and Hickenlooper "trusted his (Kennedy's) motivations and liked him as a person."

"I had some serious reservations about his maturity and his judgment from time to time, but I never doubted his good intentions," Hickenlooper said.

President Johnson has been another case. While Hickenlooper has given general support to the stated aims of the administration in Vietnam, he has been constantly wary of fast political dealings.

Even as he criticized the "unrealistic doves" of the Senate, Senator Hickenlooper has usually voiced his own sharp differences with the Johnson administration on the manner in which the war was being fought.

BOMB PAUSE

One of the most disappointing aspects of the Johnson administration's performance was in the period immediately prior to the election, Hickenlooper related last week.

Hickenlooper said that while there were numerous rumors of a possible bombing pause just before the election, he received a call from an unnamed high figure in the Johnson administration assuring him there would be no bombing pause.

Hickenlooper said he had some reservations about the assurances at the time, but since there was no way to effectively challenge such a private assurance merely accepted it with "thanks."

"The announcement of the bombing pause a few days later did not surprise me, but it certainly did disappoint me to find such misrepresentations being made by high level spokesmen on such an important matter," Hickenlooper said.

Hickenlooper said, "There is no point in identifying the man at this time." At the proper time, he expects to try to make available more details of the unwritten story of his years in Washington.

Dozens of cartons of Hickenlooper's papers have been sent to the Herbert Hoover Library at West Branch, Ia., where they will be available for examination by students and authors interested in the early years of the Atomic Energy program and the tumultuous story of foreign affairs in the period since World War II.

Senator Hickenlooper finished the last bit of discarding of papers from his desk late Tuesday, and tossed aside two copies of a small brown covered history of "Mormontown"—the early name of Blockton.

NO MENTION

The little history was printed in 1961 at the time of the centennial for the little Taylor County village. It contained no note on the boy from Blockton who served as Iowa's governor and U.S. senator.

There was only one small picture of a teenage boy and a huge black setter dog captioned simply, "Bourke B. Hickenlooper and his dog."

Hickenlooper is saving the two small centennial pamphlets for his two children, not because they tell any great story about their father but to demonstrate "it takes quite a bit to impress some of the folks down there in Blockton."

Senator Hickenlooper who will have a pension of more than $20,000 a year has had a number of offers to join law firms in Iowa and Washington, but has made no decision on the future. Mrs. Verna Hickenlooper has a serious heart condition that in recent weeks has confined her to her bedroom.

Hickenlooper said he will delay any decision on whether to remain in Washington or return to Iowa until after Mrs. Hickenlooper's health has improved.

LET THERE BE NO MORE "PUEBLOS"

Mr. YOUNG of Ohio. Mr. President, it is of utmost importance that President Nixon, as Commander in Chief of the Armed Forces of the United States, direct a complete separation of the operation of our spy or intelligence collecting ships from the U.S. Navy, even to the extent of honorably discharging enlisted men, and encouraging some officers to resign from the Navy.

The *Pueblo* operation was a disgrace from the outset to the moment that Commander Bucher without offering even a show of resistance suffered the North Korean boarding party from a small North Korean naval vessel to back against our armed naval vessel and board and capture it without any resistance whatever. During 2 hours of harassment preceding that, Commander Bucher never even had the covers removed from the ship's .50-caliber guns, nor did he proceed out to sea away from about 13 miles off the coast of North Korea at full speed.

The first lesson that officials of the executive branch of our Government must take to heart from this is that we must without delay completely separate the operations of all our intelligence collecting factories, such as the sister ships to the *Pueblo* and others, from the U.S. Navy. The Soviet Union has at this time more than 100 spy or intelligence collecting vessels. They are in evidence at practically all times off the coast of the United States and wherever and whenever on the seven seas U.S. warships are maneuvering, engaging in target practice or mock combat maneuvers. The spy ships of the Soviet Union are disguised as fishing trawlers. Many, probably most of them, have no fish nets whatever nor other strictly fishing equipment. All of them are equipped with radar and highly sensitive detection devices for underwater surveillance as well as listening-in devices. They are everywhere in evidence.

At the time of the *Pueblo's* capture, Soviet trawlers were operating beyond our 3-mile limit off Norfolk, Charleston, Guantanamo Naval Base, Cuba, and various ocean areas off our Pacific coast from San Diego to the Alaskan waters. If the commanding officers of these Russian trawlers, so-called, are in fact officers of the Navy of the Soviet Union that is entirely unofficial and secret. We must follow the example of the Soviet Union. Our 10 or more intelligence collecting, or spy, ships must be commanded and staffed with officers and crew being civilians and paid by the Central Intelligence Agency as civilians. True, the commanders and executive officers and most of the seamen would undoubtedly be men whose past records as officers and enlisted men of our Navy have been excellent, during their period of former service in our Navy.

Director Helms of the CIA, replete with a sad record of blunders such as the U2 affair and the poorly planned Bay of Pigs operation, must bear the responsibility for the disgraceful *Pueblo* disaster. It is evident that this was an unnecessary and an ill-timed operation from the outset. He and the admirals of our Navy are to be condemned for this risky intelligence collecting operation just outside the 12-mile limit back and forth along the coast of North Korea at a time when we were so heavily involved in a major war in Vietnam and Thailand. It is evident not only that it was ill timed but poorly planned.

As a Member of the Armed Services Committee of the Senate, I am asking for a complete investigation of this entire affair from its inception to the disgraceful moment that a commanding officer of an armed U.S. naval warship suffered his ship to be boarded and captured without firing a shot, without making even a show of resistance and without even removing the covers from the .50-caliber guns on the forward deck of the *Pueblo* and in plain view of the officers and men of the small boats of the North Korean Navy surrounding the *Pueblo* and threatening its officers and men.

There must be an investigation of this sordid affair. There are so many unanswered questions. Why, for example, should an American ship engaged solely on a CIA operation be commanded by a U.S. Naval Reserve commander then on active duty? Spying is and always has been an operation conducted by either civilians or by men who are ostensibly acting as civilians and have been separated from duties as army or naval officers. Furthermore, we have a duty to ascertain from the admirals of the U.S. Navy the reason for their failure in misinforming the Armed Services Committee of the Senate as to the facts surrounding the mission and the capture of the *Pueblo*.

Last year at 2:30 p.m. on Tuesday afternoons we on the Armed Services Committee of the Senate listened sometimes for as long as nearly 2 hours to highly secret intelligence briefings, usually made by officers of our armed services. Following the capture of the *Pueblo*, in one of these highly secret briefings I recall the officer telling the fact, or at least he alleged his statements to be facts, that only one of the 83 officers and men aboard the *Pueblo* was killed. He stated that in destroying highly secret and classified material and instruments an explosion blew off the leg of this one crewmember. He later died.

Now Commander Bucher testifies that small arms fire from the North Koreans mortally wounded this crewmember. We must have the facts. Otherwise, what reliance can we place on such briefings? My conclusion is that this briefing regarding the *Pueblo* involved a waste of our time. It was inaccurate in my judgment on many counts. Even the chart displayed on the screen referred to the U.S. warship *"Pubelo"*.

Now, many citizens write that Commander Bucher should be awarded a medal. A medal for what? Let us think of John Paul Jones, Decatur, Preble, and Capt. James Lawrence, of the 44-gun American frigate *Chesapeake,* mortally wounded when his frigate was boarded by officers and men of the English 44-gun frigate *Shannon* outside of Boston oceanfront in 1813 at a time when he was valiantly seeking to repel the British boarding party. The last words of Captain Lawrence as he was carried below deck mortally wounded were, "Don't give up the ship."

During the War Between the States and down through World War II, no warship of our Navy was ever captured or sunk or scuttled without a fight. Furthermore, of thousands of Americans imprisoned and on numerous occasions tortured by the Japanese in World War II, following the death march from Bataan, and elsewhere, no one, but no one, ever knew of an officer of our Armed Forces or of an American civilian taken captive signing a confession or statement denouncing his country.

North Korea has a nonaggression treaty with the Soviet Union. According to the provisions of this treaty the Soviet Union is obligated to send its armed forces to the aid of North Korea in event another nation attacks that country. This nonaggression treaty is similar to that our Nation has with West Germany. The fact that North Korea indulged in more than twice as many intrusions into the demilitarized zone in 1967 than during the previous year was an insufficient reason for CIA officials to undertake this risky surveillance operation by the *Pueblo* along the North Korean coast for more than 10 days and nights at a time our Nation was heavily involved with more than half a million of our Armed Forces in and off the shores of Vietnam and Thailand. In drifting with the engines off the CIA technicians on board the *Pueblo* could no doubt better intercept the messages and radio communications, and the closer the *Pueblo* was to the shore the more information could more easily be obtained. In this period of our radio silence it was assumed and hoped at the Pentagon and at the CIA offices that orders not to intrude further than 13 miles off shore had been followed. North Korean authorities claimed the *Pueblo* had intruded into their territorial waters and on some occasions was but 5 or 6 miles from the nearest North Korean island.

It is certain that both the United States and the Soviet Union will continue to employ spy ships. In view of the *Pueblo* blunder, our Nation must devise a new policy for handling any future incidents like that of the *Pueblo*. Spying is a risky business. The risks ought to be well considered in advance.

There must be no more *Pueblo* incidents. The Congress and President Nixon should give priority to straightening out and reforming our Central Intelligence Agency and its spying operations. Commencing with President Eisenhower there has been a pattern of CIA blunders, humiliating to our Presidents and to the American people. Will President Nixon be the next to be afflicted by some horrendous CIA blunder? Let there be no more *Pueblos*.

CONFLICT-OF-INTEREST RULES SHOULD BE REVIEWED

Mr. MATHIAS. Mr. President, the current transfer of power from one administration and one group of Cabinet officers to another has reopened discussion of the complicated question of conflicts of interest. Several cases have spurred us to reassess the current ways of insuring that the private interests of a high government official will not have an improper influence on his decisions in matters of public policy.

In the case of men entering Cabinet posts, stringent rules have been applied, as a condition of confirmation, to preclude potential conflicts of interest. These nominees have opened their personal accounts to close public and congressional scrutiny, and have been required either to divest themselves of certain holdings, or to place their funds in blind trusts for the duration of their public service.

In the case of men leaving the Government for private posts, we are now confronted with the difficult case of the Department of Transportation's approval of a $25.2 million mass transit grant to the Illinois Central Railroad shortly before the former Secretary of Transportation left that office to become president of the Illinois Central. In this instance, Secretary Boyd did refuse to become involved in that application, precisely to avoid any conflict-of-interest possibilities. But his action, while well motivated, left only the unsatisfactory alternative that he effectively abdicated his departmental responsibility to review the largest single mass transit grant made to date by DOT. Secretary Volpe has properly initiated a full review of this case.

These events have emphasized the size of the challenge we face in trying to make more sense out of a tangled and often grey area of policy. Our task is made more difficult by the human factors involved, such as the fact that Cabinet officers and other high officials have to earn a living and feed their families after they end their Government service, and must become job seekers as their terms expire.

In my judgment, we should review the current laws, enacted in 1962, governing the business activities of former public officials and those who, while still in office, are considering private offers. For example, we should consider legislation to require that any relevant employment offer made to an official with jurisdiction over any case, application or contract award should be made part of the public record of that matter.

This would be similar to proposals long pending to include in the public record of every case before an administrative agency a full report on all written and oral communications about the case from Members of Congress and all other outside parties.

Other amendments might be in order as well.

Second, we should develop more clear and consistent standards for incoming officials. This month various committees have required one step for one nominee and a different course for another, depending on the size of the holdings involved and the degree of concentration of one's capital in a given industry. More consistent rules would be helpful both to this body and to all individual citizens who will have to measure the financial impact of possible Government service in the future.

Finally, the current cases raise questions reaching beyond the executive branch. As Joseph R. L. Sterne pointed out in an excellent article in this morning's Baltimore Sun, we are operating under a double standard, since there is no requirement for public disclosure of outside income and holdings by Senators, much less any rule requiring us to divest ourselves of any holdings which might raise conflict-of-interest questions.

I have discussed in the past the importance of removing this double standard, and of giving the public the facts on which to weigh any potential or apparent conflict of interest on the part of Members of Congress as well as executive officers of the Government. Last year Mrs. Mathias and I made full public disclosure of our own assets and the sources and amounts of our outside income during my entire period of service in the other body. I intend to bring this public report up to date this year, and will also press for legislation to strengthen the Senate rules by requiring public disclosure by all Senators.

Mr. President, this is a field in which there are no easy answers, and only hard thought can produce sound policies. I hope that the appropriate committees will take up these problems without delay.

I ask unanimous consent to include in the Record at this point the article from today's Baltimore Sun which I referred to above.

There being no objection, the article was ordered to be printed in the Record, as follows:

Senate Double Standard Reveals Itself Once Again

(By Joseph R. L. Sterne)

Washington, January 26.—The Senate's double standard was showing once again during the ritual leading to last week's confirmation of the Nixon Cabinet and the new deputy defense secretary.

Executive branch officials, one after the other, paraded before Senate committees to discuss how they planned to divest themselves to certain holdings or to establish trusts in order to avoid conflict of interest.

NO SUCH REQUIREMENTS

Sitting in judgment were lawmakers who have imposed no such requirements on themselves.

The new Senate ethics code will require senators to file public statements listing campaign contributions they have received for the first time this year. By May 15, they will also have to file with the comptroller general—but not for public scrutiny—copies of their income tax returns and lists of their assets and liabilities.

But there was never any serious move during last March's debate on the new ethics code to require the divestiture of holdings that might arouse conflict-of-interest questions.

MOST IMPORTANT REASON

And given the present mood of the Senate, no such move is in prospect.

Perhaps the most important reason for this state of affairs is the sincerely held belief in some Senate circles that a double standard is justified.

A senator has to answer for his conduct in primary and general elections, it is argued, while members of the executive branch face no such cleansing process.

Legislators, with rare exceptions, are confined to the establishment of broad, general policy, while administrators have a direct control over the awarding of contracts.

And there is a theory that the whole legislative process quite rightly involves an interplay of conflict among geographical areas and economic groups from which a lawmaker cannot and should not stand apart.

KERR AND WILLIAMS

The late Senator Robert S. Kerr (D., Okla.), one of the most powerful Senate operators in modern times, felt no compunction about voting for oil-depletion allowances despite his own large oil holdings. He figured the people in his oil-rich state wanted the depletion allowance and believed his holdings would make him fight zealously for them.

The opposite of the coin is represented in Senator John J. Williams (R., Del.), a self-appointed watchdog of ethics in government, who will not accept any federal agriculture benefits for his farm even though he does not object to his colleagues obtaining subsidies on the same basis as the ordinary citizen.

Although there have been a few rare appeals to force senators to divest themselves of holdings in a manner comparable to requirements for Cabinet officials, there has been a growing demand for mandatory disclosure of financial assets.

During last year's ethics debate, for example, a proposal to require public statements failed by a vote of only 40 to 44.

MORSE SPOKE OUT

One of the blunter attacks on the present secrecy was made at that time by former Senator Wayne Morse (D., Ore.).

"The Congress continues to be the one branch of the federal government where public confidence in honesty and ethical practices has never been firmly earned and probably not deserved," Mr. Morse declared. "It is the fault of the Congress itself."

"We have written statutes to codify ethical practices in the executive civil service, and among the judiciary. But we have neither statutes nor codes for standards of Congress in which the public can have any confidence.

"It would be impractical to apply the same statutes to Congress as apply to the civil service, since there is no tenure in Congress . . . but there is one protection which we continue to deny the public. It is the knowledge upon which to pass the judgment of public opinion."

Countering these arguments was the observation by Senator Karl E. Mundt (R., S.D.) that not even presidential appointees have to disclose their financial position publicly. They merely have to file confidential memoranda with the Civil Service Commission and the Senate committees dealing with their confirmation.

Senator Everett M. Dirksen (R., Ill.) frequently told newsmen during that period that he did not favor public disclosure because he had not sought public office "in order to become a second-class citizen."

One reason for the obvious Senate embarrassment over "conflict of interest" lies perhaps in the phrase itself.

CONFLICTS OF ATTITUDE

It literally evokes an image of a senator casting a vote or using his office for his personal financial gain, but in actual political use, it has been applied rather carelessly to much less reprehensible conduct.

For in addition to literal conflicts of interest, government by its very nature provokes conflicts of obligation and conflicts of attitude.

The conflict of obligation can be seen when senators promote projects that are helpful to their constitutents (or some of their constituents) but may be contrary to the national interest.

The conflict of attitude deals with the inclinations or training of public officials. If a man is a liberal or a conservative, a businessman or a farmer, a conservationist or a cold warrior, his attitudes may be regarded in hostile quarters as contrary to public interest.

The last conflict was very much in evidence during Senate consideration of three controversial Nixon appointees—Walter J. Hickel, the Secretary of the Interior; David Packard, the Deputy Secretary of Defense, and David M. Kennedy, the Secretary of the Treasury.

Mr. Hickel quickly eliminated personal financial conflict of interest in his case by promising to divest of certain holdings—particularly a $1 million investment in natural gas pipelines—in whatever way the Senate Interior Committee might direct.

But he aroused controversy in his attitude toward conservation.

"I am afraid that Governor Hickel as Secretary of the Interior, would be tempted to remove the reins from unlimited private exploitation of our natural resources," declared Senator Alan Cranston, (D., Calif.).

"I do not suggest that he would do so in order to further his own interests. . . . Rather, I fear he would tend to favor freer commercial exploitation in the belief that doing so would further the national interest."

Similarly in the David Kennedy case, most personal financial questions were removed when the Treasury Secretary agreed to get rid of most of his holdings in the Continental Illinois National Bank.

This, however, failed to relieve misgivings in some Senate quarters that Mr. Kennedy, because of his background, would be overly concerned with the banking industry itself.

Senator Albert Gore's lone vote against David Packard was based on his belief that there was a financial conflict of interest in the decision to permit the deputy defense secretary to retain—in a trust he will not control—a $300 million investment in the electronic company he founded.

Yet the Tennessee Senator publicly, and other senators privately, questioned whether a man whose whole life had been spent in the "military-industrial complex" could bring a broad, dispassionate attitude to the Pentagon.

In dealing with other Nixon appointees, Senate committees continued to apply stringent rules.

LITTLE MENTION

William P. Rogers, the Secretary of State, was told to sell his shares in Flying Tigers Airlines, an overseas freight-hauling company. John A. Volpe, the Secretary of Transportation, sold his interest in the construction company he founded. Maurice H. Stans, the Secretary of Commerce, placed his investment portfolio in the hands of a "blind trust." George Romney, the Secretary of Housing and Urban Development, continued the trust arrangements he set up as Governor of Michigan.

And so it went, with hardly a senator mentioning the double to be their own judge in handling their own financial affairs.

Senator Charles H. Percy (R. Ill.) said he had lost "many hours of sleep" wondering if he should vote on the Packard nomination since Mr. Packard headed a firm competitive to Mr. Percy's old company, Bell & Howell.

But Senator Percy never raised the question of whether he should divest himself of his Bell & Howell holdings before voting on defense appropriations that are at least of indirect benefit to that company.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The VICE PRESIDENT. Is there further morning business? If not, morning business is closed.

AMENDMENT OF RULE XXII

The VICE PRESIDENT. The Chair lays before the Senate the pending business, which will be stated.

The Bill Clerk. A motion to proceed to consider Senate Resolution 11, to amend rule XXII of the Standing Rules of the Senate.

The VICE PRESIDENT. without objection, the Senate will resume the consideration of the motion to proceed to the consideration of the resolution.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, without losing my right to the floor.

The VICE PRESIDENT. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. President, the winds of change are blowing throughout the world, throughout the Nation, and throughout this Senate. We will face up to this fact, recognize it, or be blown away by it.

Change is in the air, and we cannot avoid it much less ignore it. New voices are being heard and they will and should be listened to. If they are not then I warn the Senate that in time—in my opinion, a short time—the principle of majority rule to invoke cloture—which I do not favor—will become a fact and the basic character of the Senate as a deliberative body, and I stress the word "deliberative," will be a thing of the past. If that happens, and it can and will happen unless some of us change our rigid positions, this institution, unique among all the parliamentary bodies of the world, protected to a degree from the public pressures of the moment, will be changed fundamentally and in a way detrimental to the best interests of the Republic and the Senate.

Last week the vote was 45 to 53 on the appeal from the cloture ruling which was made by the former President of the Senate, Mr. Humphrey. On the basis of 100 Members voting, it would seem that the Senate was not more than five votes away from sustaining the chair. As compared with the last test on this issue, the vote represents a probable increase of eight in favor of a rules change by majority vote at the outset of the session. When a similar maneuver was attempted in 1967, the vote was 37 to 61.

In my judgment, a majority procedure to bring the issue of rule XXII to a vote has gained favor because of a certain rigidity of attitude which still exists in the Senate on the question of cloture. It exists notwithstanding the fact that two-thirds cloture has been invoked four times in the past 8 years and without calamity in the Senate. On the contrary, these four actions have helped to keep the Senate attuned to national needs.

It seems to me that if Senators would view cloture for what it is, a sensible procedural method for bringing discussion to an orderly close in 100 hours at a reasonable point in a prolonged debate, then the present rule XXII would not have to be changed at all. The two-thirds requirement for cloture would then perform the legitimate function of delaying a vote until—not a bare majority—but a substantial part of the

Senate's membership was satisfied that the issue was fully understood and was prepared to vote one way or the other. At the same time the two-thirds requirement would be sufficient to prevent a determined minority from interposing for years on end a Senate rule between a Senate majority and the Constitutional duty of the Senate to make its contribution to the resolution of the issues which confront the Nation.

In my judgment, legislative questions which generate great emotion throughout the country and which affect the fundamental structure of our society should be resolved only after a widespread and prolonged educational campaign. Extensive consideration serves not only to test the rightness of a proposed change but also to provide to those who feel most strongly about the status quo a full airing of their viewpoint. In that sense, extended debate in the Senate contributes usefully to stopping ill-advised and precipitous action even as it educates and cushions adjustments of attitudes to essential change.

Regrettably, some have not always seen cloture as a rational procedural device of this kind. Senators have been known to become emotional about this procedure, to castigate it as something evil and to refuse under almost any circumstances and on any issue to consider voting affirmatively for what has been termed by some great stretch of imagination "a gag rule." Even on such issues as repeal of the one-man, one-vote decision and the prayer amendment, wherein some Members may have favored the substantive issue, the ingrained resistance to the procedure has been such as to inhibit them from voting for cloture in order to bring about a vote. This position may be consistent but consistency is not necessarily a virtue if it denies the functional use of about the only orderly means of moving legitimate business in the Senate, long, long after an exhaustive debate has assured that the issue is fully understood. Carried to the extreme, a refusal by a substantial body of Members to vote for cloture even when such a vote would accord with their position on the substantive issue tends to reduce the Senate to a debating society and it might well precipitate in time a drastic reordering of the constitutional structure of the Government.

The present cloture rule, in theory, permits one-third of the Senate to delay action of the whole Senate. In my judgment that is not an inappropriate procedure. A concerned minority of such size on profound issues should be given great latitude so that the matter at stake may be clarified through exhaustive discussion—in some instances, even from one session to the next. However, the practical effect of a rigidity of attitude which regards cloture—even two-thirds cloture—as some sort of inadmissible evil, often makes it possible for far fewer than one-third of the Senate's membership to prevent a vote on substance. Indeed, a score of determined Members or even fewer can tie up the Senate, not for weeks, not for months, but indefinitely. And I will say, as I have said for years, there is no remedy for this situation in around-the-clock sessions or any other kind of parliamentary buffoonery or quackery. The only rational remedy under the present rules remains the procedure of cloture.

In my judgment, it is the factor of rigid opposition to cloture in all forms which has done much to bring the requirement of a two-thirds vote greatly into question. It has led many Members to consider, as a remedy, a three-fifths cloture or even a majority cloture. As one who has favored modification to three-fifths, it seems to me that unless the present rigidity gives way it is only a matter of time until rule XXII will be changed. Unless the stereotyped view of cloture as some form of "gag" is replaced by its acceptance as a rational procedure, a drastic action such as "moving the previous question" on a basic rule change may well be the response of a Presiding Officer of the Senate and a majority of the Members. If rule XXII is changed in this fashion—in desperation, one might say—the consequence could ultimately be to reduce the requirement for cloture, not to three-fifths but to a simple majority which would appear to me to be ill-advised. The alternative, as I see it, is to recognize promptly the trend of increasing discomfort in the Senate with rule XXII as it now stands. At this time, a compromise might well be worked out which would permit the adoption of a three-fifths rule in this session. That, I would suggest, might be a sensible way out of the present dilemma in which a majority of the Senate apparently desires a three-fifths cloture rule, but is reluctant, as I have been, to take the route of a presidential ruling and a simple majority at the outset of the session to achieve it.

I must add that I have discussed a possible compromise along these lines with various Senators on both sides of the aisle and I regret to say that the results to date have been negligible. Therefore, in the light of the practical situation which confronts the Senate at this time, it is, as it should be, the responsibility of each Senator to make his own decision and to express it in the vote which will occur tomorrow on cloture.

Mr. President, I ask unanimous consent to have printed in the Record a statement I made on cloture on January 18, 1967, at the time the distinguished Senator from South Dakota (Mr. McGovern) had a motion pending.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Mike Mansfield, January 18, 1967

Mr. President, the motion of the Senator from South Dakota (Mr. McGovern) demands cloture by a simple majority; it thereby denies the continuing nature of this body. It is imperative that all of us clearly understand the full implications of this issue. It has much more significance than a direct and easy way to extricate the Senate from the parliamentary maze in which it finds itself now and at the beginning of each new Congress. The questions posed by this motion reach to the very heart of the Senate as an institution.

The underlying question is the motion to proceed to the consideration of S. Res. 6, a resolution to change rule XXII to require three-fifths of those present and voting, instead of the present two-thirds, to close debate. I have always favored this proposition—not because I believe that there is anything magical about the choice of three-fifths but because I feel it draws an equitable balance while still protecting the rights of a minority position in the Senate.

I very strongly urged this change in the past. I must admit, however, that with the achievement of the Civil Rights Acts of 1964 and 1965 a great deal of the urgency for this change has been removed. Nevertheless, I still feel that a three-fifths rule would strike a proper balance between the present two-thirds requirement and a more far-reaching proposal. The present three-fifths resolution would preserve the essential nature of the Senate as an institution and its adoption should put to rest the biennial parliamentary parlor games which open each new Congress.

But the urgency or even wisdom of adopting the three-fifths resolution does not justify a path of destruction to the Senate as an institution and its vital importance in our scheme of government. And this, in my opinion, is what the present motion to invoke cloture by simple majority would do. The proponents would disregard the Rules which have governed the Senate over the years simply by stating that the rules do not exist; that until the rules are changed to their liking and in the manner they choose, the Senate is confined to oblivion. They insist that their position is right and any means used is therefore proper. I cannot agree!

This biennial dispute for a change in the Rules has brought to issue the question of the Senate as a continuing body. The consent is really symbolic of the notion of the Senate in our scheme of government.

Numerous reasons are given to support the continuity of the Senate: the fact that two-thirds of its members carry forward from one Congress to the next; the fact that committees of the Senate meet even after sine die adjournment of a Congress; the fact that States themselves by their own laws require the filling of vacancies in this chamber even after sine die adjournment; the fact that the Senate itself by an overwhelming vote in 1959 attested to the continuation of the rules from one Congress to the next—and 47 members who voted for that proposal are still serving in this chamber. But these reasons, though compelling, have not resolved the issue. They do demonstrate, however, that the Senate as an institution is very different from the House, that its function in our scheme of government is distinct and unique. What should be considered is whether the motion at hand—the motion for simple majority cloture—would destroy the character of the Senate as a parliamentary body.

Our consideration should be directed therefore to the destructive effect the pending procedure would have upon these distinct and historical features which distinguish the Senate as an institution.

First of all, the motion to cut off debate immediately has never been used in the Senate. This fact does not in itself make the motion improper, but it does justify questioning why the Senate has never before chosen to cut off debate in this manner. If a simple majority votes to sustain the availability of this motion at this time, it necessarily means that henceforth *on any issue, at any time,* and during any *future session* of *any Congress* a simple majority, with a cooperative presiding officer, can accomplish any end they desire without regard to existing rules of process and without consideration or regard to the viewpoint of any minority position.

Unquestionably, majority rule is basic and vital to our democracy. And a simple majority should and does decide the merits of virtually every issue raised in this body—including a change in our rules. But that is not the question here; the question is whether the simple majority can cut off debate in the United States Senate. And because of the earnest zeal of the advocates for a change—and their frustration in facing a prolonged debate, they insist that in this case debate must be shut off by a simple majority so that a majority rightfully can accomplish a proper change.

I think the issues are distinct. I simply feel the protection of the minority transcends any rule change, however desirable, if attempted in this manner.

The issue of limiting debate in this body is one of such monumental importance that it reaches, in my opinion, to the very essence of the Senate as an institution. I believe it compels a decision by more than a majority. I believe it ranks with other fundamental issues which by their very nature are elevated to a level above the dictates of a majority. This is not a novel concept. This is not heresy! Our Constitution itself specifies that nine distinct issues shall require more than a majority for adoption. The Constitution of the United States is not undemocratic!

In other words, I consider the issue of whether a Senator representing his State has spoken long enough to be of such transcendent scope that it should be decided by more than a bare majority vote. I believe this is vital for the protection of any and every minority—for the protection of every State large or small—it should not be taken from either.

It has been suggested in this debate that the majority should decide the relative importance of this issue and the sufficiency of the debate—not the minority. But giving this choice to the minority has one redeeming feature—the minority can never impose its changes on the majority. The minority can but say to the majority—you are going about it in the wrong way—the need for a change may exist but your solution is defective. This negative power of a minority plays a critical role in our scheme of government.

As a practical matter, our everyday experience in this chamber shows how the last minute shift of two or three votes changes a majority. Far be it from any of us to admit these last minute changes are not proper and in response to valid and sincere argument on the merits. But when the issue itself concerns each member's right to continue to urge in debate valid and sincere arguments for or against the merits of a proposal, I feel the issue so vital as to warrant a Senate endorsement based on a less tenuous foundation than a single vote margin.

In 1964 a great majority of the present members debated and resolved one of the most comprehensive pieces of legislation enacted in this century, on an issue which generated deep emotion and conflicting conviction. The distinguished occupant of the Chair, the Vice President, played an essential and leading role in that great debate on the Civil Rights Act of 1964. You will recall that the debate proceeded on this Senate floor 83 days. I cannot help but wonder what would have been the result if a majority could have imposed cloture on that debate. I know it could have been accomplished in a month or less. I doubt very much if the bill would have been nearly as comprehensive. I do not believe that this law's observance today would be nearly as uniform, nearly as great a source of pride for all Americans without that debate. The Senate then demonstrated its unique and distinct character. The conflicting convictions were expressed in an atmosphere of open and free debate where the result was not a foregone conclusion.

Attention was focused on this body as the safety valve for an emotionally charged issue in our scheme of government. The country as a whole regarded the Senate as the one institution that would test for all, the urgency and propriety of that measure. The fact that the law is now fully observed in all parts of our country attests abundantly to the vital service performed in this chamber. After all, any law is only as good as its observance. I think the Senate as an institution should continue to play this critical role on issues of this nature, when emotions are so highly charged. It provides the only forum where calmness, coolness and reflection may be demanded of even a majority. The experience of 1964 and 1965 removes, in my opinion, a great deal of the sting for the urgency of a change in Rule XXII. I do not mean to say that a change to three-fifths would not strike a more equitable balance and still preserve the institution of the Senate in our governmental system. At the same time, there is basis for belief that such a limited proposal would assuage the demands for further change. However, I do not agree that the basic nature of the Senate should be destroyed in reaching the end. I urge each member to consider carefully the implications of his vote. I urge you strongly to vote against the anticipated motion to table the point of order.

Mr. HART. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. HART. I want to express my appreciation to the distinguished majority leader for the thoughtful comments he has just made.

The Senator from Montana is not given to extreme remarks, nor does he paint scare pictures. The counsel he has voiced is sound. Our colleagues should—as I know they will—give thoughtful consideration to his recommendation.

With him, I hope that we will be permitted tomorrow, as a result of the cloture vote, to take up consideration of modification to three-fifths of rule XXII.

Constant denial of the majority's efforts even to take up for debate a moderate rules-change proposal could result in and be the reason ultimately that this Chamber adopt a much sharper, a lower formula.

The suggestion the Senator from Montana has just made should appeal to a very great majority of Senators on both sides of the aisle. I only wish that he had been able to report more optimistically on his efforts to achieve the compromise.

I thank him very much for his efforts and for the concern and leadership he has demonstrated.

Mr. MANSFIELD. I thank the Senator. I too, wish that I had been more successful; but I was being quite conservative when I used the word "negligible" in trying to tell the Senate the results of my efforts among various Senators and with various groups.

Mr. HOLLAND. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. Mr. President, I appreciate the moderate tone which has been employed by the distinguished majority leader. There is one little correction I should like to make in the last paragraph of his remarks. The 37-to-61 vote of last year was not upon a change from two-thirds to three-fifths, but upon a motion made by the distinguished Senator from South Dakota (Mr. McGovern) to apply the previous question to the debates then going on, which is a very different matter.

Second, I should like to remind the distinguished Senator from Montana that the last time we made a substantial change and liberalization of rule XXII—which, after all, is a rule of limitation and not a filibuster rule as some term it—it was done upon a meeting of the minds of the leadership on both sides of the aisle, of which the distinguished Senator from Montana was a part at that time.

The Senator will recall that the final effort which was successful at that time, not following a cloture vote but by agreement of 72 Members of the Senate, when led by their leadership, was based upon a negotiation which the Record shows was led on the Democratic side at that time by the majority leader, Mr. Johnson of Texas; by the then majority whip, Mr. Mansfield of Montana; by the then President pro tempore, Mr. Hayden of Arizona; and which was led on the minority side by the then minority leader, Mr. Dirksen; and by the two other Republican leaders in the Senate at that time, Mr. Saltonstall of Massachusetts and Mr. Bridges of New Hampshire.

Having made that statement, again I remind the Senator that it was after long and careful negotiations, first as to the substance of what should be in that rewritten rule, and second upon long polishing of the wording of that rewritten rule, that the action was taken which I have just described.

I had hoped that we would find a tendency toward leadership on both sides which would lead to some such course this time.

I invite the attention of the distinguished majority leader to the fact that already, even though we have not taken up Senate Resolution 11, there is one amendment to that resolution which has been offered by the distinguished Senator from Iowa (Mr. Miller), calling for a certain percentage vote as a minimum in both parties, on both sides of the aisle.

I ask unanimous consent to have the amendment printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

> Strike out the third paragraph of section 2 and substitute in place thereof the following: "And if that question shall be decided in the affirmative by three-fifths of the Senators present and voting and also by a majority of the Senators affiliated with each of the two major political parties present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of."

Mr. HOLLAND. I should also like to remind the majority leader that the Senator from Florida has suggested and strongly recommended for some 20 years now, amendments which would take the important matter of national defense out from under the present provisions of the cloture rule and permit a much speedier reaching of such a question, in the event there came a long discussion on any such matter of great importance to the national defense.

I think other amendments will be offered. I have reason to think so, because I have heard of them. It seems to me, then, quite clearly, that this is a matter which ought to go to committee and follow the regular procedure of the Senate, and which ought to be given a chance to be worked out by the leadership on both sides.

I personally have been grateful for the attitude of the Senator from Montana, who has not only stated his desire to bow to the winds of change, so he called them, from time to time, but also, as he has stated his feeling, that it would be a real tragedy—I do not think he used that word—for us to get around to the matter of closing debate by a mere majority vote. I have so understood the Senator's view in many remarks, both on the floor and off the floor.

I think he would be the ideal person to head up such a matter of negotiation while this measure was pending in the appropriate committee.

I simply suggest to him that there may not be as great a change in the feeling of the Senate as he may think, because the vote he referred to as taking place in 1967 was on the motion to invoke the previous question. Insofar as the Senator from Florida has knowledge, there has never been such a motion made before, in modern times, and it certainly was not a motion to adopt a three-fifths vote instead of a two-thirds vote.

I thank the Senator for yielding.

Mr. MANSFIELD. Well, the distinguished senior Senator from Florida is basically correct in what he says, but the substance of the vote 2 years ago was, I think, the same as it was earlier this year. To me, the trend has been toward a majority vote to invoke cloture; and I do not favor, and will not favor, a majority vote on that basis. I do think three-fifths of those present and voting is a reasonable safeguard. I think it allows a reasonable amount of flexibility. I am encouraged by the remarks made by the distinguished Senator that, if the leadership would get together, it might be possible to work out something along those lines. I hope I am not putting words in the Senator's mouth, but I am referring to the general trend which I think he indicated in his remarks.

So I am indebted to him for his fairness, his understanding, and his statesmanlike approach to this particular question, a question which I know he feels very strongly about, and a feeling which I can understand thoroughly.

Mr. HOLLAND. I thank the Senator; and if he will allow me to make one more statement very briefly, the Senator knows that during many years of his membership in the Senate and of the membership of the Senator from Florida, the membership in one party, on one side of the aisle, has been approximately two-thirds of the entire membership—for long years, as I recall it, over three-fifths. I would never want to see any cloture by which one party could, by the exertion of the brutal force of its membership, whether that party were on the other side or on this side, by compulsion force legislation into enactment, because I think that would bring about partisanship here in a way that has never been brought in; and I am afraid that a three-fifths rule would permit just such action. I thank the Senator for yielding.

Mr. MANSFIELD. The Senator has a valid point; but while we may have had a large majority, I point out that it was only a majority on paper, and we never had the unity which a party is expected to have.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from Idaho.

Mr. CHURCH. Mr. President, first of all, I want to thank the distinguished majority leader for his statement and the leadership he brings to this question.

A few days ago the Senate voted, by a vote of 51 to 47, to limit debate on a motion to take up consideration of Senate Resolution 11. I think a fair interpretation of that vote is that it indicates a majority of Senators favor adoption of the three-fifths rule. Indeed, because of the habit of some Senators always to vote against cloture, regardless of the issue, the probabilities are that a very substantial majority of the Senate favors a three-fifths rule. Yet we are unable to get a vote on the merits of that question. We are now entering the third week of debate on the motion to take up for consideration the three-fifths rule so that we can then proceed to debate it on its merits. This is extremely frustrating to the majority who feel that the best interests of the Senate would be served by a modification of rule XXII.

I understand how deeply the majority leader and others feel, who oppose the constitutional proposition that it lies within the power of a majority, at the commencement of a new Congress, to alter the rules; but for 10 years we have been trying to modify rule XXII by going the regular route, and every time we end up right back where we are now, in a situation where a filibuster is itself employed to prevent any modification of the filibuster rule.

It does not matter whether the proposal goes first to committee or whether it comes directly to the Senate at the beginning of a session. Ten years demonstrate that, in the end, we have a filibuster to face. That is why those who believe the rule should be modified have been forced to raise the constitutional proposition.

I concur wholeheartedly in what the distinguished majority leader has said. The trend indicates that a frustrated majority, growing in numbers, and repeatedly denied the opportunity to work its will, is moving in the direction of adopting the constitutional proposition that it lies within the power of the majority to act at the commencement of a new Congress.

As I have said before in this debate, I would prefer that we not go through that constitutional door, but those who presently defend rule XXII by resort to filibuster give us no alternative.

So, Mr. President, I would hope that the appeal of our distinguished majority leader is given thoughtful and deliberate consideration. Perhaps it could lead to a negotiated settlement of this question. I hope so. But under the existing circumstances we can do no other but try to invoke cloture within the rule, try to secure a two-thirds vote tomorrow, so we can then proceed to debate the merits of the proposed change. That is the purpose of our filing the cloture petition, and I hope that two-thirds of the present membership will join to close debate on this preliminary motion so we can then proceed, within the rules, to consider the proposition before us.

Again I commend the distinguished majority leader for his leadership and initiative in trying to cut the Gordian knot. No one has the interests of the Senate more at heart than Senator MANSFIELD, and I think all Members of the Senate should take heed of what he has said today.

Mr. MANSFIELD. I thank the Senator.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from Kansas.

Mr. PEARSON. On behalf of the minority who hold a common view with the statement the distinguished majority leader has made today, I want to say that I think he offers wise counsel to the Senate. He is speaking really of the trend of tomorrow. I appreciate his leadership in this issue, as in all others, and commend the statement which he has made today.

Mr. MANSFIELD. I thank the Senator.

THE NIXON RECORD

Mr. AIKEN. Mr. President, I had intended to speak this morning on the failures of the Nixon administration; of how, after a week in office, we still have crime in the streets; of how the war in Asia is still continuing, in spite of the fact that many people expected that it would have stopped before now; of how there are lots of people who are still poverty stricken in this country; and of how the housing program is nowhere near completed.

After a week in office, he has had plenty of time to do all these things, according to some folks' advice.

I found, on getting the paper yesterday morning, that Mr. Art Buchwald had in some way found out about my contemplated speech and incorporated it in his column. So wanting to show the President up, the least I can do is ask to have the article printed in the RECORD. Therefore, I ask unanimous consent to have printed in the RECORD the article entitled "The First 5½ Days: Nixon Fails To Solve Problems During His First Week in Office," written by Art Buchwald, and published in the Washington Post of Sunday, January 26, 1969.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FIRST 5½ DAYS: NIXON FAILS TO SOLVE PROBLEMS DURING HIS FIRST WEEK

(By Art Buchwald)

Richard Nixon has now been President of the United States for 5½ days, and so it is not too early for historians to judge what kind of President he has been.

So far, the Nixon Administration has failed to make any gains in the fight against crime. If anything, the crime rate has gone up since he has been in the White House, and when historians write about his first 5½ days, they will have to say that Mr. Nixon was unable to solve law and order, the No. 1 problem in the country.

As far as the economy goes, President Nixon has not been able to bring about any great tax reforms during his first week in office. But here he cannot be held solely to blame. A recalcitrant Democratic Congress has been sitting on its hands since Tuesday and has refused to take up any of Mr. Nixon's legislation.

The peace talks have been moving at a snail's pace in Paris and many Americans are disappointed that they may go on another week. It was hoped that when Mr. Nixon moved into the White House we'd have a peace treaty with the North Vietnamese by Friday.

Also, President Nixon's promise to improve relations with the Soviet Union has yet to bear fruit. Critics of the Nixon Administration feel something should have been started by now, and the big question they are asking is: "How much time does he need to get the ball rolling?"

We are no nearer the moon today than we were when Mr. Nixon was sworn in on Monday.

This has many people concerned, as it was hoped that we would have an American on the moon as soon as a Republican President took office.

When historians write their books about President Nixon's first week in office, they will also point out that he was unable to resolve the Middle East crisis by Sunday. People close to President Nixon say this was one of his biggest disappointments, because he wanted to get that part of the world settled so he could go on to other things.

Other areas where the Nixon Administration has failed are Latin America, Biafra and San Francisco State. Defenders of the Administration said that Mr. Nixon would turn his attention to these problems in his second week. But opponents of the Nixon policies say he's had enough time to get them resolved already.

On the plus side, Mr. Nixon's relations with the press have been excellent, and no President has been treated as well during his first 5½ days in office.

While his legislative record, so far, leaves much to be desired, when the history of these first 5½ days is written, no one will say that Mr. Nixon didn't try.

Mysterious, pragmatic, a loner, devoted to his family, a man who came back from the ashes of defeat, Richard Nixon will go down during his first week as a strong President seeking to heal the wounds of a nation wracked with fear and despair.

With only 1455½ days to go in his term, the President can do little more now than tidy up the things he started in his first 5½ days.

The question people are now asking is whether Richard Nixon will run again, or whether he is fed up with the job that has made so many demands on him. Those who know him well say that he believes he has a mission and despite the disappointment of the first 5½ days, he likes the job and is thriving in it.

"Perhaps," said an aide, "after a couple of weeks he may think otherwise. But I can assure you that if he had his first 5½ days to do all over again, Dick Nixon wouldn't have done anything differently."

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I be permitted to proceed for 5 minutes, notwithstanding the relevancy rule.

The VICE PRESIDENT. Morning business has been concluded.

Mr. PROXMIRE. I understand that morning business has been concluded. I ask unanimous consent to be permitted to proceed for 5 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

SENATOR ELLENDER—A MAN WITH THE COURAGE TO DOUBT

Mr. PROXMIRE. Mr. President, too often men accept without question—without even a doubt—the half truths and stereotyped characterizations of people and places that enjoy the widest vogue. It is a very rare man indeed—even within the Congress of the United States—who has the honesty and the courage to question the "common wisdom" and to do the hard work required to formulate his own answers.

Senator ALLEN ELLENDER, of Louisiana, is such a man. For years he has questioned the blind judgment accepted by most of his fellow citizens and impassionately—even hysterically—defended by some that Russia and the United States must forever be deadly enemies and that, therefore, all the accoutrements of cold war—such as NATO, Europe's latter day maginot line, and our own enormous defense establishment—must be lavishly nourished no matter what the cost to other more peaceful objectives.

Senator ELLENDER, since 1955, has visited the Soviet Union five times. Though he is 78, he has done the grueling work during those visits that he felt he needed to do to thoroughly educate himself about the Soviets—and he has arrived at his own tough-minded conclusions, as an excellent article, written by Stephen S. Rosenfeld, in today's Washington Post makes clear. As a result, he has become one of the Senate's most determined exponents of Soviet-American detente. To adhere to that position takes courage.

> Already some demands for his (Ellender's) recall have come from Louisiana—

The Post article says. Nevertheless, true to his convictions, Senator ELLENDER persists.

> His current program—

The Post article states—

> is to publicize his new gospel as widely as he can, to work over the Defense Department budget from his Appropriations outpost, and to return to Russia after he is 80 years old.

I truly wish him well.

I commend the Post article to the attention of other Senators, and ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WOULD YOU BELIEVE AN EXPERT ON RUSSIA?

(By Stephen S. Rosenfeld)

You arrive at Sen. Allen Ellender's door, or most people do, knowing only that he is a little eccentric even by the standards of the United States Senate, that he is a Louisiana Democrat and something of a gourmet, and that he is a very big figure in agriculture matters as Chairman of the Senate Agriculture Committee. Would you believe that this bantam of a man, with the flamboyant gestures and insistent voice, is also a very serious, self-made authority on Soviet affairs? That he has been a regular visitor to the Soviet Union? And that in the process of this self-education, he has abandoned his old, familiar cold war reflexes and has become one of the Senate's most earnest exponents of Soviet-American *detente?*

It's true, all of it, and whether you agree with the Ellender view of the Soviet Union, you cannot be other than impressed by the effort he has put into his rather lonely and largely unnoticed exploration of a subject that seems, on its face, to have very little connection with parity or acreage allotments or all the other things that Agriculture Committee Chairmen are supposed to be thinking about.

Five times since 1955 the 78-year-old Senator has visited the Soviet Union, most recently for 53 days last fall. Equipped with his expertise in agriculture and, he says, with objectivity, unencumbered by any escorts save an American Embassy interpreter, he has found his Russian sojourns truly broadening and productive of insights unavailable to men who stay at home.

Ellender is disappointed that up to now his foreign-policy views—documented in reports to the Senate and in books—have not been taken seriously. He shrugs at the suggestion that his reports may be too long and unfocused, or too naive. He sees nothing funny in remarks that others have found funny ("the canals in Venice are filled with water"). "I can't command the attention of the press," he says. "I've been in public life 53 years but I'm kind of timid about getting up every day and saying the same thing, the way some do."

No matter. Ellender declares he'll go "all out" this year, from his position on the Appropriations subcommittee that handles defense (he's not on Foreign Relations or Armed Services) to "prevent us from spending one dime to further strengthen NATO." He counts on support from as many as two thirds of his fellow Senators in pursuit of that goal.

Through Russia's Stalin years, says Ellender, he voted obediently for whatever funds the Pentagon sought, accepting its rationale that the funds were essential for defense. "I always thought Defense was honest and sincere and knew what it was talking about," he says. "I don't want to be misunderstood. Stalin did much to make our people fearful. We felt in danger."

But, he says, "I often wondered, why in hell don't we get together with the Russians. I found it strange there was so much trouble and friction in coming together." He dates the start of his awakening from his first trip to Russia, in 1955. "I went to Minsk, Orel, Odessa, Volgograd. The damage there from the Germans was (here Ellender thrashes his fists helplessly) useless, wanton. If only you were to *see* it. I don't blame the Russian people at all for fearing the Germans."

"So help me God, if I had understood at the time that the Administration had decided after the war to embrace Germany and Japan, then I would not have consented. With the knowledge I gained visiting Russia, I found those people are just like we are, especially in Siberia, where the people reminded me of our own pioneers in the West, identical. They told me how much they liked Americans. They asked, why do you surround us with a ring of steel, Japan, Okinawa, Philippines, North Africa, West Europe, air bases all around. My answer was: to defend. I didn't know any better. Congress blindly follows the military. That's why I voted as I did."

He used to believe—as he fears Defense Secretary Melvin Laird still does—that "the United States had to speak from strength, all that stuff. I didn't know any better. But we have spent *110 billion dollars* to isolate Russia and today Russia is stronger than ever, she's mighty. Anything that widens differences between us and the Russians, I'm against. That is why I have opposed the extension of NATO. I'm telling you right now, the biggest mistake we ever made was not to take de Gaulle's advice and move out of Europe. We say we want peace but we rearm. We ought to be honest. We have got to be, to dispel the fear of the Russian people."

If there was one moment of truth for Ellender, it came one time at Yalta when he emerged from a building into a waiting crowd of a thousand Russians. "They looked at my clothing, stroked my suit, they were amazed. They asked if anybody in America could buy such a suit. I said, of course, as long as you had the money. I saw the time was ripe for a realistic exchange program so that the Russian people could learn about us—to get them excited, make them envious."

"Look what happened after Khrushchev came here (in 1959). He went back and started the incentive system. It was first applied to wearing apparel. The shelves were full of unsold stuff, nobody wanted it, but that's been changed. The leaders do it because the people demand it. Khrushchev was the only leader who tried to respond to the will of the people. What he started is what's now giving the current leaders so much trouble."

Ellender doesn't dwell much on Czechoslovakia. He views the Czech striving for liberalization as an extension of similar and ongoing efforts in Russia. And he treats the Soviet invasion as a serious but not disabling embarrassment to the cause of East-West detente.

He is really more concerned to get Americans to judge the Russians by no harsher terms than those they apply to themselves. For instance, of the 1962 Cuban missile crisis, he says, "I'm surprised the Soviets didn't do it earlier. We'd surrounded *them* for 15 years. It looked as though the only place there are angels outside heaven is the U.S." In Russia's moves to put a fleet into the Mediterranean, Ellender sees merely an initiative balancing our own.

A man of fine rages, Ellender has got one for the State Department as well as the Pentagon, and this episode—related here only from his point of view—perhaps sums it up. One needs to know only that the Department generally feels fatigued by Ellender's requests for services on his travels.

Arriving in Moscow in 1955, Ellender found that none of his customary requests ("that thick") for appointments had been made. The then-Ambassador, Charles E. Bohlen, told him he was on "strict instructions not to help," the Senator recalls. So Ellender requested and received, by cable, State Department permission to make his own appointments. Old Moscow hand Bohlen warned him he was wasting his time.

At one point Ellender asked Bohlen if he could use the ambassador's phone to call the Foreign Ministry for appointments. Bohlen declined. Ellender went to a pay station and phoned himself. The answerer spoke only Russian but soon an English-speaking voice came on. Ellender asked for Politburo appointments and was informed that, of the top men, only Anastas Mikoyan was available. Fine, said Ellender. The voice told him to wait in the booth for a callback and, in less than half an hour of waiting, the voice did call back with a Mikoyan appointment the next day.

Ellender spent the intervening time visiting farms. The next day, with American diplomat John Guthrie in tow, he visited the Kremlin and passed on to Mikoyan the complaints he had heard on the farms. Mikoyan didn't know too much about farming, Ellender recalls. They talked for two hours and Mikoyan said he could see anything he wanted the next time he came.

In the car, Guthrie said he'd learned more in those two hours than in his whole tour to that point. Ellender said: "The trouble with you goddam diplomats is, you have a chip on your shoulder. You see something good in Russia and you pass it over, you see something bad and you criticize. My approach was objective and that's why Mikoyan helped me."

And at the Embassy, Ellender says, he told the Ambassador: "Mr. Bohlen, you've been here a long time and in your book the only good Russian is a dead Russian. Goodbye."

Guthrie's and Bohlen's reactions are not a part of Ellender's record. But his own judgments very much are. The Senator is quite aware that, as a peace advocate, he is casting himself in what is—for a senior Senator and member of the Senate "club"—a strange role. Already some demands for his recall have come from Louisiana. Ellender is undeterred. His current program is to publicize his new gospel as widely as he can, to work over the Defense Department budget from his Appropriations outpost, and to return to Russia after he is 80 years old.

"I talked to an engineer at a big aluminum plant outside Irkutsk," he says, positively vibrating with admiration for a technical achievement he discovered there, "and do you know . . . *That* opened my eyes."

HUMAN RIGHTS: TO UNITE THE PRACTICAL AND THE IDEAL

Mr. PROXMIRE. Mr. President, once again I rise to urge the Senate to begin serious consideration of the human rights conventions, which for so long have been pending ratification by this body.

Not long ago, I ran across a statement made by Theodore Roosevelt. I was struck by the application it has to our present situation regarding human rights. His statement was this:

> From the very beginning, our people have markedly combined practical capacity for affairs with power of devotion to an ideal. The lack of either quality would have rendered the possession of the other of small value.

Mr. President, we would do well to consider seriously this thought, not just because it was said by a great American leader, but because the history of nations proves that it is true. Where practical capacity for affairs alone has been the guiding principle, men have usually been very busy, but they often have been running without vision or direction. On the other hand, the power of devotion to an ideal has proved to be surprisingly powerless wherever it has been separated from human affairs.

I submit, Mr. President, that in the case of human rights, we should prove that we can unite the practical with the ideal. We hear a great deal in this Chamber about our humane interests and concerns as a nation, and these are not empty phrases. I think we as a people really do know something of compassion and real concern, but there comes the time when a nation—as is the case of an individual—must act on its beliefs. The time for our action, Mr. President, has been with us for some time now in the area of human rights, but there is still time.

In terms of the three major conventions, we should be acting to officially condemn genocide and forced labor and to support full and equal political rights for women. There is principle involved in these three areas which we have supported since the founding of this country. We must now act in accordance with our words if our integrity is to warrant continued trust at home and throughout the world.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. HRUSKA. Mr. President, I ask unanimous consent that I be permitted to proceed without reference to the rule of germaneness.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 650—INTRODUCTION OF BILL RELATING TO AMENDMENTS TO THE CRIMINAL JUSTICE ACT OF 1964

Mr. HRUSKA. Mr. President, in October of last year, I introduced a bill, S. 4182, entitled, Amendments to the Criminal Justice Act of 1964, which embodied the recommendations of the Judicial Conference of the United States. Since the bill was introduced late in the second session, the 90th Congress was unable to act upon it. Therefore, today I introduce for the consideration of the 91st Congress the same bill, S. 650, similarly entitled.

The purpose of the Criminal Justice Act was to make more effective the constitutional guarantee of right to counsel in criminal cases arising in the Federal courts. Three years have now passed since the bill was enacted, and the experience gained in implementing and using the act has demonstrated the need for refinements and changes.

I am most pleased to announce that this bill is being cosponsored by the distinguished and capable Senator from North Carolina (Mr. ERVIN). As early as 1961, Mr. ERVIN, the chairman of the Constitutional Rights Subcommittee of the Committee on the Judiciary, joined me as a cosponsor of legislation that eventually became the Criminal Justice Act of 1964.

At the time the Senate accepted the final conference version of this landmark legislation, I observed:

> The case for this legislation is easy to state: we are a nation dedicated to the precept of equal justice for all. Experience has abundantly demonstrated that, if this rule of law will hold out more than an illusion of justice for the indigent, we must have the means to insure adequate representation than the bill before us provides.

The road leading to Federal financial assistance for indigent defendants was a long and arduous one. Its beginnings can be traced to a 1937 report of the Judicial Conference of the United States which recommended public defense assistance for indigent defendants in some districts with a high volume of criminal cases. The debate over a public defender system raged for years in the House and the Senate. In 1949, the Senate Judiciary Committee reported a defense bill without the public defender provision.

Beginning in 1961, I introduced a total of four bills concerned with providing counsel to indigents. Utilizing recommendations of the Allen Committee approved by the Attorney General, in 1963, I introduced S. 1057, which became the Criminal Justice Act of 1964. I was most fortunate to be joined in my efforts by the Senator from New Hampshire (Mr. COTTON), the Senator from North Carolina (Mr. ERVIN), and the then junior Senator from New York, Mr. Keating. The assistance of these distinguished Senators was invaluable in achieving the ultimate passage of the legislation.

However difficult the legislative progress of advances such as the Criminal Justice Act of 1964, passage was only the beginning. The practical problems of implementation and supervision determine the success or failure of any legislation.

Mr. President, the sixth amendment of the Federal Constitution assures the right of assistance of counsel in criminal cases. Whatever its antecedents, the language now protects anyone standing before the bar of criminal justice from being proceeded against without the appointment of counsel, when counsel is requested and the defendant himself is not able to retain counsel because of insufficient means. Unquestionably, an enormous number of individuals accused of crime have in the past found themselves in that position. The Criminal Justice Act was a serious attempt to remedy any inadequacies of representation which may have developed through the court-appointed, noncompensated system of defense counsel which grew up because of the high rate of indigency among defendants in Federal criminal courts.

The right of counsel, however, is an area of constitutional law that has gone through profound change in recent years. Some of the need for amending the basic act arises from interpretations of the sixth amendment by the Supreme Court of the United States.

Since the enactment of the Criminal Justice Act, the Supreme Court has held that the similarities between probation revocation and criminal trials require extending the right of counsel to probation proceedings—*Mempa* v. *Rhay*, 389 U.S. 128 (1967). Also, the Supreme Court has decided the cases of *Miranda* v. *Arizona*, 384 U.S. 436 (1966), and *United States* v. *Wade*, 338 U.S. 218 (1967), in which the right to counsel was defined as beginning shortly after a suspect is taken into custody but before his first appearance before the court or commissioner.

The amendments which are proposed today provide for the extension of the compensation provisions of the act to fill these serious gaps between right of counsel and availability of the resources and assistance under the existing act.

Mr. President, at this point I wish to compliment the Federal judiciary for its response to the challenge posed by the initial passage of this legislation. Our judiciary is characterized by intelligence, dedication, and hard work. Anticipating the passage of the bill, an Ad Hoc Committee To Develop Rules, Procedures, and Guidelines for Assigned Counsel System of the Judicial Conference was organized in March 1964. A permanent committee to implement the Criminal Justice Act of 1964 went to work in October 1964.

The efforts of the committee and the experience of the courts, predictably, have shown areas where improvements in the law are needed. A report entitled "The Criminal Justice Act in the Federal District Courts" was prepared for the committee by Dallin H. Oaks, professor of law, University of Chicago Law School. It is a survey representing 6 months of research and provides an excellent basis for review of the operations of the Criminal Justice Act.

After receiving numerous requests for improvement and after studying the Oaks report, the Committee To Implement the Criminal Justice Act made a number of recommendations to the judicial conference for changes in the law. The recommendations were approved by the conference during its September meeting last year. It is these recommendations that I am introducing as S. 650.

Briefly, the bill would bring within the purview of the act probation revocation proceedings; they would provide for the possibility of compensation to counsel appointed from the approved panel who may have represented a defendant after arrest but prior to arraignment; they would specifically include defender organizations as well as legal aid agencies and would provide for compensation to counsel for representation in ancillary matters appropriate to the proceedings. Furthermore, these amendments would increase the rate of compensation in the light of present price structure without altering the basic principle of the act that the rates should not be compensatory in the normal sense. They would also increase the maximum amount which may be paid for representation by assigned counsel; they would include the cost of transcripts authorized by the court as a reimbursable expense; and they would provide a different standard for excessive payments approved by the chief judge of a circuit. They propose the extension of the excess-payment provision to appellate proceedings and the use of expert services, and they would provide compensation to assigned counsel when a full-scale evidentiary hearing is required in connection with representation in habeas corpus and section 2255 matters which are technically civil proceedings and thus not covered at the present time by the statute.

I have attempted to play an active role in the war on crime—a war which will be intensified under the leadership of President Nixon and his Attorney General. Effective law enforcement is a priority need of our Nation. And under our Constitution it is to be fair law enforcement. The amendments proposed by the Senator from North Carolina (Mr. ERVIN) and me are a necessary part of efficient and fair law enforcement.

We can say this in good conscience because of the processing that has been done by the Committee of the Judicial Conference and also because the official approval of the proposals by the Judicial Conference itself.

Mr. President, to aid in the understanding and analysis of the bill, I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

DISCUSSION OF THE PROPOSED AMENDMENTS

Mr. HRUSKA. At this time, Mr. President, I should like to discuss the proposed amendments to the Criminal Justice Act of 1964. This analysis was prepared by the Judicial Conference Committee To Implement the Criminal Justice Act.

The Criminal Justice Act was signed by the President on August 20, 1964, and became effective 1 year later. In the year prior to the effective date, each district court and each circuit court was required to devise a plan for furnishing and compensating attorneys to represent defendants financially unable to obtain an adequate defense in criminal cases. Thus, at present, a little more than 3 years of experience in the operation of the Criminal Justice Act have been gained. The proposed amendments are the results of suggestions received from judges and lawyers, from the Office of Criminal Justice of the Department of Justice, and as a result of a study made by Prof. Dallin Oaks of the University of Chicago School of Law under the auspices of the National Defender project of the National Legal Aid and Defender Association and the Center for Studies in Criminal Justice of the University of Chicago Law School.

Many of these same organizations and persons, had attacked this problem in the years preceding the passage of the parent act, and because of their efforts it became a well-balanced and a well-considered piece of legislation.

The Oaks' report praised the administration of the act but took note of several shortcomings and variations of practice in the working of the Criminal Justice Act. To remedy the problems identified in his report, Professor Oaks suggested a number of administrative changes and several statutory amendments, all of which have been carefully considered by the Judicial Conference Committee To Implement the Criminal Justice Act and by the subcommittee specifically appointed for this purpose. Each of the proposed changes is discussed herein in the sequence in which the change occurs in the act. The text of the Oaks' report and pertinent parts of the Judicial Conference recommendation will be published soon by the Committee on the Judiciary.

1. PROBATION REVOCATION PROCEEDINGS

The committee recommends that the plans for representation of defendants financially unable to obtain an adequate defense be authorized to cover probation revocation proceedings. When the act became effective, there was a divergence of opinion among some Federal judges as to whether the act could be considered to cover representation at such proceedings. The matter was submitted to the Comptroller General, who on June 13, 1966, ruled that the "inherent differences between probation revocation proceedings and criminal trials militated against permitting Criminal Justice Act payments for the former"—45 Decisions of the Comptroller General 780, No. B-156932. Since that time, the Supreme Court has held unanimously that the similarities between probation revocation and criminal trials require extending the right to counsel to probation proceedings—*Mempa* v. *Rhay*, 389 U.S. 128 (1967). This opinion vitiates the rationale of the Comptroller General's decision, and the committee believes that amending the act expressly to include compensation for representation at probation revocation proceedings would serve a salutary purpose by encouraging quality representation at such proceedings.

2. REPRESENTATION PRIOR TO ARRAIGNMENT

Since the enactment of the Criminal Justice Act, the Supreme Court has decided the cases of *Miranda* v. *Arizona*, 384 U.S. 436 (1966), and *United States* v. *Wade*, 388 U.S. 218 (1967), in which the constitutional right to counsel was defined as beginning shortly after a suspect is taken into custody but before his first appearance before the court or commissioner. Thus, there is now a gap between the point at which the defendant is now entitled to counsel and the point at which counsel may receive a fee under the act. It is now proposed to amend the act to provide that representation furnished by a member of the attorney panel prior to the defendant's first appearance before the court or commissioner may be compensated under the Criminal Justice Act if the attorney is subsequently appointed. Compensation for this early representation would be within the discretion of the court, and in no event would an attorney be paid who was not subsequently appointed by a judicial officer. Only attorneys whose names are on the panel provided for by the plan of the district would, of course, be eligible for appointment. The extension of the plan to cover appointments under subsection (g) will be discussed herein in connection with a consideration of the proposed subsection (g).

3. REPRESENTATION BY ATTORNEYS FURNISHED BY A DEFENDER ORGANIZATION

Instances have arisen in which private defender organizations have been appointed pursuant to plans adopted in some of the districts. The rationale behind this authorization has been that the act as originally drafted used the words "legal aid agency" and that a defender organization can be considered to come within this category. The committee is of the view that it would be wiser in amending the act specifically to include a provision for representation by attorneys furnished by a defender organization. In so doing, however, the committee recommends that all plans require some representation by private attorneys but that the plans may, in addition, include representation by attorneys furnished by a bar association, a legal aid agency, or a defender organization. In certain judicial districts, defender organizations have been established and are working successfully. In many instances, these have been funded by the National Legal Aid and Defender Association, but it is expected that the funds will run out in the course of the next year. In some instances, bar associations are endeavoring to secure the necessary funds to keep these organizations in operation, and the committee believes it important to encourage this trend. Amendment of the statute expressly to include representation by defender organizations might serve as an encouragement and stimulus in this direction.

4. AMENDMENT OF SUBSECTION (b)

The amendment proposed in subsection (b) under caption "Appointment of Counsel" is to provide that the appointment may be retroactive as to any representation furnished pursuant to the plan prior to the appointment of counsel. This is in implementation of, and designed to carry out, the proposal for amendment of subsection (a) discussed in (2) above.

5. DURATION OF APPOINTMENT

The committee recommends that subsection (c) be amended so as to provide not only that a defendant should be represented at every stage of the proceedings from his initial appearance before the U.S. commissioner or court through appeal but also that he be represented in ancillary matters appropriate to the proceedings. This recommendation is based on experience during the past 3 years in which appointed counsel have sought through mandamus or other proceedings which are technically civil in nature to further the interests of the defendant. In some instances district judges have even written opinions authorizing payment to appointed counsel when they were of the view that such proceedings were appropriate and in the best interests of the defendant. The administrative office has, however, had to refuse payment in such instances.

Professor Oaks in his report recommends that the act be expanded to include ancillary proceedings "such as mandamus or habeas corpus undertaken in the course of obtaining discovery or other advantages needed in the defense of the criminal case." It should be noted that the recommendation of the committee to include ancillary matters also contains the phrase "appropriate to the proceedings." This leaves in the trial judge the necessary discretion to prevent any abuse of the use of ancillary proceedings by appointed counsel.

6. INCREASED PAYMENTS TO COUNSEL

The committee recommends that the act be amended to permit the payment of assigned counsel at a rate not exceeding $20 per hour for the time expended in court or before a U.S. commissioner and $15 an hour for time reasonably expended out of court. This is in place of the present rate of $15 per hour for court time and $10 per hour for out of court time. This proposed change is in conformity with all recommendations which have been made to the committee. It is believed to provide a more realistic compensation rate in light of the current price structure without altering the basic principle of the act, that the rates should not be compensatory in the normal sense.

At the same time the committee recommends that the maximum which may be paid for representation in a felony case be raised from $500 to $1,000 and in a misdemeanor from $300 to $400 for trial in the district court. The committee points out that there is little likelihood of abuse in raising these maximum fees inasmuch as the average payment per case in 1967 was only $126. On the other hand, the increased maximum is believed necessary, both because of the proposed change in the hourly rates and to avoid a large number of submissions to the chief judge of the circuit for protracted representation in cases in which a fee in the range of $500 to $1,000 has seemed just and equitable.

The committee at the same time recommends that in appellate proceedings the ceiling be raised from $500 to $750 in a felony case and from $300 to $400 in a case involving only a misdemeanor on appeal. The committee recommends further that in connection with representation on a post-trial motion made after the entry of judgment in the district court or in a probation revocation proceeding or for representation under proposed subsection (g)—"Discretionary Appointments"—discussed below, the compensation in either the district court or in an appellate court should not exceed $250.

Mr. President, I think it should be obvious from the pay scales that have been provided in the act that they are very minimum, indeed, and inadequate in terms of fees which would be charged normally in practice. It was the theory of the parent act disclosed in the reports and in the debate prior to passage of that act in 1964 that legal services for indigent defendants is in the nature of public service, and that it falls within the duty of various attorneys called upon to serve to make that contribution to our system of criminal justice.

The committee also recommends that the costs of transcripts authorized by the court be included as a reimbursable expense on the part of assigned counsel. This recommendation is made in the interests of administration of the act in situations, for example, in which counsel appointed after a commissioner's hearing wishes a transcript of the commissioner's hearing. In such a situation, it is far simpler, administratively, to have the court direct the preparation of the transcript and to have counsel make the necessary expenditure for the transcript as a reimbursable cost. It is recommended that the courts be given the authority to authorize such expenditures.

The committee points out further that changing the present rate structure is particularly important to legal aid and defender organizations who devote full time to appointed cases. The National Defender project's experience, for example, indicates that an office relying solely on Criminal Justice Act fees is bound to run in the red. Raising the hourly rates, as recommended, would add stability to the financial structure of a defender organization and reduce the need for supplemental grants.

Mr. President, this is highly necessary in my opinion. Certainly such a basic right as proper legal representation to indigent defendants should not be dependent upon the suffrance of private organizations for supplemental funds for defender organizations. We should have an assurance of payment of these necessary court costs and the cost of transcripts.

7. EXCESS PAYMENT

The statute, at present, provides that payment in excess of the limits stipulated in the statute may be made if the district court certifies that such payment is necessary to provide "fair compensation for protracted representation." The amount of the excess payment must be approved by the chief judge of the circuit. This provision has given rise to opinions by the chief judges of several of the circuits concerning the standard of "fair compensation for protracted representation." The Oaks report, for example, describes it as "by far the most litigated provision of the act." Courts have generally interpreted the term "protracted representation" as allowing additional compensation only in cases involving many extra days of courtroom representation.

The amendment now proposed would establish alternative bases for awarding excess compensation. It could be granted if either "extended" or "complex" representation were rendered. The amount of time spent out of court could be taken into account. Furthermore, it is proposed that this clause be extended both to appellate representation which is not now covered and to payment for services other than counsel. Such services would cover testimony of medical experts, psychiatric experts, ballistic experts, handwriting experts, or other witnesses of that nature. In each instance judicial discretion would govern the awards and in the case of district court representation excess compensation could not be awarded without the certification of the district court judge and the approval of the chief judge of the circuit. In this connection, it is noted that chief judges of the circuits have normally in the past, and they would be expected to continue, required a memorandum of explanation by the district judge as to why, in his opinion, excess compensation is warranted in a given case.

8. NEW TRIAL

Because there has been some confusion among the district courts on the question as to whether an order granting a new trial should be deemed to initiate a new case, the Committee believes that the statute should be explicit on this point and provide that for purposes of compensation and other payments authorized by the Criminal Justice Act, an order by a court granting a new trial shall be deemed to initiate a new case. This would be true whether new counsel were appointed or whether the same counsel were retained by the court for the purposes of a new trial. This amendment would be applicable whether the second trial resulted from a hung jury, a successful motion for a new trial, or a remand from an appellate court.

9. APPELLATE FILING FEE

At present, counsel appointed under the Criminal Justice Act must obtain a judicial determination of in forma pauperis status for his client in order to avoid paying appellate filing fees. This is unnecessary work in view of the fact that the defendant has already been found to be financially unable to afford counsel under the Criminal Justice Act standard. Accordingly, the committee recommends that if a defendant for whom counsel is appointed under the Criminal Justice Act appeals or petitions the Supreme Court for a writ of certiorari, he may do so without prepayment of fees and costs or security therefor and without the filing of the in forma pauperis affidavit now required by section 1915(a) of title 28, United States Code.

10. EXPERT SERVICES

Subsection (e) of the Criminal Justice Act provides for investigative, expert or other services deemed necessary to an adequate defense of a defendant financially unable to obtain such services. The Oaks' report recommends increased maximum payment under this subsection, modification of the prior authorization requirement and extension of the excess compensation provision to payments made under this subsection.

The committee recommends that subsection (e) be amended so that counsel appointed under the Act may obtain services which do not exceed $150 and expenses reasonably incurred without prior authorization of the court. As stated earlier, the Committee also favors the extension of the excess payment provision to services rendered under the provisions of this subsection. The committee notes that the courts have been extremely judicious in permitting utilization of subsection (e), and, accordingly, permitting excess payments with the approval of the chief judge of the circuit not only is believed to to be equitable, but is expected not to result in any undue burden upon the Government.

11. DISCRETIONARY APPOINTMENTS

Proposed subsection (g) captioned "Discretionary Appointments" is an entirely new proposal. Although there is neither a constitutional nor a statutory right to counsel in a proceeding filed under 28 U.S.C., sections 2241, 2254, or 2255, the practice in most districts is to appoint counsel if the prisoner demonstrates a prima facie case. The decision to appoint counsel is entirely discretionary but once an appointment is made, the court has no way of compensating counsel. Professor Oaks in his survey found overwhelming sentiment on the part of the Federal judiciary in favor of compensation in collateral attack proceedings. Nearly two-thirds of U.S. attorneys shared this view as to Federal prisoners. It is recognized that these prisoners frequently present difficult issues of law and fact. Your committee believes that in situations where a full-scale evidentiary hearing is required by a Federal judge and counsel is appointed to represent the defendant in such a hearing, the interests of fairness require that some payment should be made to counsel within the discretion of the court. The committee believes that the maximum payment in such a situation should be $250. This is in conformance with its recommendation of a $250 maximum for representation in connection with post-trial motions made after the entry of judgment in the district court or in probation revocation proceedings. In order to prevent any abuse of discretionary authority, the committee believes that the statute should provide for payment to assigned counsel in such situations only if the court makes a determination that the interests of justice require that appointed counsel should be compensated.

Mr. President, that covers each of the amendments contained in the proposed measure which was introduced earlier today. They are presented in chronological order. There undoubtedly will be more discussion on each of the amendments. Furthermore, I am considering additional amendments to the proposed act which will involve the use of public defenders as such. Such amendments would authorize full-time public defenders where the volume of business warrants it, and there are several heavily backlogged districts in the country which need full-time public defenders. Also part-time public defenders could be authorized, where the volume is not great enough for full-time men. Additional proposals should go into the problem of furnishing such a public defender with assistants and a suitable staff.

Legislation of this kind has had great difficulty in passing the Congress in the past. For years, the measure made little, in fact sometimes no progress, because of antipathy on the part of many Members of Congress to the concept of a public defender. It was feared that it might grow into a vast bureaucracy which would not be warranted by the volume of criminal litigation and that there would be a tendency to award full-time public defender position in every district regardless of volume. Therefore, the act as passed in 1964 and enacted into law discarded entirely that concept and went to the idea of attorney panels.

It is the belief of some who have observed this approach in the present law that it is not doing justice to the ultimate objectives of the legislation and that there are many instances in which the quality of the representation for indigent dependents is not the highest order, or even of an acceptably high order. They feel the need of public defenders to fulfill the purpose of the 1964 act.

I believe that, if care is taken in the drawing of the bill there would be sufficient protection against abuse; that there would not be any too much "harness for the horse." It would, on the other hand, serve to alleviate the situation in those districts where the criminal caseload and the backlog is so great. One of the great shortcomings of the present system is the delay in the trial.

Mr. President, this approach is under the study of this Senator, and his staff, and of other Senators. Prior to hearings on the bill introduced today, such a proposal may also be introduced, so that it can be considered during the course of those hearings.

It is my hope that the Judiciary Committee will undertake hearings on this bill soon. Certainly, with the recommendations of the committee appointed by the Judicial Conference and by the official approval of these amendments by the Judicial Conference, there is sufficient foundation for such early and serious consideration by both Houses of Congress.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 650) to amend section 3006A of title 18, United States Code, relating to representation of indigent defendants, introduced by Mr. HRUSKA (for himself and Mr. ERVIN), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (a) of section 3006A of title 18, United States Code, is amended to read as follows:

"(a) Choice of Plan.—Each United States district court, with the approval of the judicial council of the circuit, shall place in operation throughout the district a plan for furnishing representation for defendants financially unable to obtain an adequate defense charged with felonies, misdemeanors other than petty offenses as defined in section 1 of this title, or violations of probation. Each plan shall also contain a provision for furnishing representation where necessary for persons under arrest, and as provided under subsection (g). Representation under each plan shall include counsel and investigative, expert, and other services necessary to an adequate defense. The provision for counsel under each plan shall include representation by private attorneys, and in addition may include one or both of the following:

"(1) representation by attorneys furnished by a bar association, or a legal aid agency; or

"(2) representation by attorneys furnished by a defender organization.

Prior to approving the plan for a district, the judicial council of the circuit shall supplement the plan with provisions for representation on appeal. Consistent with the provisions of this section, the district court may modify a plan at any time with the approval of the judicial council of the circuit; it shall modify the plan when directed by the judicial council of the circuit. The district court shall notify the Administrative Office of the United States Courts of modifications in its plans.".

(b) Subsection (b) of such section is amended by inserting immediately before the third sentence the following new sentence: "Such appointment may be retroactive as to any representation furnished pursuant to the plan prior to the appointment.".

Subsection (c) of such section is amended—

(1) by inserting, immediately before the period at the end of the first sentence, a comma and the following "including ancillary matters appropriate to the proceedings"; and

(2) by striking out in the second sentence the phrase "he may terminate" and insert in lieu thereof "the court may terminate".

(d) Subsection (d) of such section is amended to read as follows:

"(d) PAYMENT FOR REPRESENTATION.—Any attorney appointed pursuant to this section, or a bar association, legal aid agency, or defender organization which made the attorney available for appointment, shall, at the conclusion of the representation or any segment thereof, be compensated at a rate not exceeding $20 per hour for time expended in court or before a United States commissioner, and $15 per hour for time reasonably expended out of court, and shall be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the court. A separate claim for compensation and reimbursement shall be made to the district court for representation before the United States commissioner or that court, and to each appellate court before which the attorney represented the defendant. Each claim shall be supported by a written statement specifying the time expended, services rendered, and expenses incurred while the case was pending before the United States commissioner or court, and the compensation and reimbursement applied for or received in the same case from any other source. The court shall, in each instance, fix the compensation and reimbursement to be paid to the attorney, bar association, legal aid agency, or defender organization. For representation of a defendant before the United States commissioner and the district court, the compensation to be paid to an attorney, a bar association, legal aid agency, or defender organization for the services of an attorney, shall not exceed $1,000 in a case in which one or more felonies are charged, and $400 in a case in which only misdemeanors are charged. For representation of a defendant in an appellate court, the compensation to be paid to an attorney, a bar association, legal aid agency, or defender organization, for the services of an attorney, shall not exceed $750 in a felony case and $400 in a case involving only misdemeanors. For representation in connection with a posttrial motion made after the entry of judgment in the district court or in a probation revocation proceeding or for representation provided under subsection (g) the compensation to be paid either in the district court or an appellate court to an appointed attorney shall not exceed $250. Payment in excess of any limit, except the hourly rate, stated in this subsection may be made for extended or complex representation but only if the court in which the representation was rendered certifies that the amount of the excess payment is necessary to provide fair compensation, and if, in the case of district court certification, the payment is approved by the chief judge of the circuit. For purposes of compensation and other payments authorized by this section, an order by a court granting a new trial shall be deemed to initiate a new case. If a defendant for whom counsel is appointed under this section, appeals or petitions the Supreme Court for a writ of certiorari, he may do so without prepayment of fees and costs or security therefor and without filing the affidavit required by section 1915(a) of title 28.

(e) Subsection (e) of such section is amended—

(1) by striking out the third sentence and inserting in lieu thereof the following: "Counsel appointed under this section may, however, obtain investigative, expert, or other services without prior authorization but subject to later review by the court. The total cost of services obtained without prior authorization may not exceed $150 and expenses reasonably incurred."; and

(2) by inserting before the period at the end of the last sentence a comma and the following: "unless payment in excess of that limit is certified by the district court as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the chief judge of the circuit".

(f) The first sentence of subsection (f) of such section is amended to read as follows:

"(f) RECEIPT OF OTHER PAYMENTS.—Whenever the court finds that funds are available for payment from or on behalf of a defendant or other person for whom counsel may be appointed under subsection (g), the court may authorize or direct that such funds be paid to the appointed attorney, to the bar association, legal aid agency, or defender organization, which made the attorney available for appointment, to any person or organization authorized pursuant to subsection (e) to render investigative, expert, or other services, or the court for deposit in the Treasury as a reimbursement to the appropriation, current at the time of payment, to carry out the provisions of this section.".

(g) Subsections (g), (h), and (i) of such section are redesignated as subsections (h), (i), and (j), respectively, and the following new subsection (g) is inserted before subsection (h) as redesignated by this subsection:

"(g) DISCRETIONARY APPOINTMENTS.—An attorney may, in the discretion of the court, be appointed pursuant to the district or circuit plan to represent a material witness in custody or a person who has filed for relief under sections 2241, 2254, or 2255 of title 28, but only if the court determines that the interests of justice so require and that the witness or person is financially unable to obtain adequate representation. An attorney appointed pursuant to this subsection may be compensated as specified in subsection (d) and may obtain services under the provisions of subsection (e).".

Mr. HRUSKA. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR RANDOLPH RECEIVES CONSENT TO BE ABSENT FROM THE SESSION OF THE SENATE TOMORROW

Mr. RANDOLPH. Mr. President, a very cherished friend of Mrs. Randolph and I, will be buried tomorrow in Richmond, Va. I wish to attend the services for our dear friend. I, therefore, ask unanimous consent to be absent from the session of the Senate tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEAVE OF ABSENCE

Mr. BAKER. Mr. President, the junior Senator from Tennessee respectfully asks leave of the Senate and of the Chair to be excused on tomorrow, to attend the funeral of our late colleague in the House of Representatives, ROBERT A. EVERETT.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF RULE XXII

The Senate resumed the consideration of the motion of the Senator from Michigan (Mr. HART) to proceed to consider the resolution (S. Res. 11) to amend rule XXII of the Standing Rules of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. TALMADGE. Mr. President, it has become virtually ritualistic for the Senate, every 2 years with the opening of each new session of Congress, to be compelled to defend its rules.

These are rules that have served the Senate long and well—in fact, for 180 years, since the first session of the Senate.

These are rules that preserve and protect the identity and the integrity of the Senate as a forum of the States.

These are rules that give meaning to our Constitution and our Government as intended by our Founding Fathers.

These are rules that distinguish the U.S. Senate as the greatest deliberative body in the world.

The Senate is in fact a unique legislative body. The great barrister Gladstone once called the Senate "the most remarkable of all the inventions of modern politics." It is the only legislative body in the world composed of representatives from sovereign governments which cannot be deprived of equal representation without their own consent.

It is inscribed on the New Senate Office Building that—

> The Senate is the living symbol of the union of the States.

The Senate actually and literally was created as a council of States, almost 200 years ago, and it sits today as a council of the individual, sovereign States.

Because of rules under which the Senate has operated—and particularly that rule that provides for freedom of debate, this body is recognized as the guardian of the rights of the minority. In our Government with its intricate system of checks and balances, the U.S. Senate stands alone as the principal champion for the protection of the minority against the unbridled power of an unrestrained majority.

Chaos would reign in any government or society where the potential tyranny of the majority is not strongly circumscribed. We were told by Alexander Hamilton that a state of anarchy exists, even in nature, where the weak is not secure against the strong.

Such security was intended by our Founding Fathers. They were well aware, as we should be today, that the excesses of democracy can be as offensive as totalitarianism itself.

They were also well aware that the strong are not always strong, and that the weak are not always weak. One of the great truths that we would do well to always keep in mind is the fact that majorities and minorities are not permanent. Today's majority may be tomorrow's minority, and vice versa.

The rules of this Senate act as a safeguard against the power of a simple majority of one to trample mercilessly over the minority.

Standing rule XXII of the Senate gives force and substance to the guarantee that the minority has a right to be heard, and that it need not fear being summarily run down and gagged, or made the whipping boy for abuse by a majority of one.

The fact that we have extended debate and freedom of discussion in the U.S. Senate gives assurance to all of the people of this great country, and to every State however large or small, that the voice of reason will be heard and not rendered mute by rampant emotionalism that may happen to sweep the country at any given time.

Rule XXII gives strength and meaning to the concept, as intended by our Founding Fathers, that the U.S. Senate is not just an appendage of the House of Representatives. The Senate is of course only one part of one of the three branches of our Government. It is nonetheless unique in its role as a forum of the States and as a protector of minority rights.

There are many characteristics of the Senate, and the Senate has many duties that distinguish it from the House of Representatives.

The Senate sits as a judicial body in impeachment proceedings.

It exercises quasi-executive functions in regard to the treatymaking power.

The Senate must give its advice and consent to all appointments of the executive. The Senate is a repository of the States in the Central Government.

Perhaps no one can better describe the role of the U.S. Senate in our federal form of government than the distinguished columnist, William S. White, in his famous book, "Citadel, the Story of the U.S. Senate." Said White:

> The Senate, therefore, may be seen as a uniquely Constitutional place in that it is here and here alone, outside the courts—to which access is not always easy—that the minority will again and again be defended against the majority's most passionate will.
>
> This is a large part of the whole meaning of the institution. Deliberately it puts Rhode Island, in terms of power, on equal footing with Illinois. Deliberately by its tradition and practices of substantially unlimited debate, it rarely closes the door to any idea, however wrong, until all that can possibly be said has been said, and said again. The price, sometimes, is high. The time killing, sometimes, seems intolerable and dangerous. The license, sometimes, seems endless: but he who silences the cruel and irresponsible men today may in the same way be silenced tomorrow.

Mr. President, I recall, several years ago, reading William L. Shirer's famous book, "The Rise and Fall of the Third Reich." The thing that impressed me most about that book was his relation concerning the so-called Enabling Act, by which Adolf Hitler became dictator of Germany.

Hitler was appointed Prime Minister of Germany in a perfectly legal and lawful way by the President of Germany, who happened to be, at that time, Von Hindenburg. Hitler had a substantial majority in the German Parliament, though he was not completely unopposed. The parliament convened, and Hitler sent the delegates the so-called Enabling Act. The act gave Hitler the power to amend the German Constitution at will by executive decree.

The Enabling Act gave Hitler the power to levy and spend revenues at will by decree. The Enabling Act gave Hitler the power to make such treaties with such foreign countries as he saw fit. All that was encompassed in an act that was pending before the German Parliament. There was a substantial number of opponents of that particular Enabling Act, but there was no rule of free speech in the German Reichstag. So the Enabling Act was passed. Adolf Hitler that day became the dictator of Germany, and it took countless lives to stamp out the tyranny of his dictatorship.

So I say, Mr. President, that any Senator who has a desire to quench free speech in the U.S. Senate should remember that lesson quite well.

Also, we have seen examples in our own Senate. As I recall, it was during the Korean war that the railway labor unions had a nationwide strike. President Truman was in office at the time. Naturally, he was indignant to be confronted with a nationwide rail strike at a time when war was in progress in Korea. President Truman lost his good judgment and sent to the House of Representatives a bill authorizing him to draft into the U.S. Army all the striking members of the railroad unions. The other body did not even have hearings. The bill was railroaded through the House by an overwhelming majority, with only a handful of dissenting votes.

The bill came to the Senate the same day. In this body at the time was a Senator named Robert Taft. He was not considered to be a friend of organized labor. But he did not want to see an injustice done. Under the rules of the Senate, he blocked the passage of that bill until reason could assert itself. The bill was not passed.

Countless instances like that could be recited. I hope the Members of this body will give deep consideration to situations of that kind before they tamper with the rules of the Senate.

I do not believe that any reasonable or responsible Member of the Senate would alter or weaken or dilute the important part played by the Senate in our Government. I do not believe that any Member of the Senate would so destroy and render impotent the Senate of the United States.

The Senate has demonstrated, time and time again, that it has no such intention. The Senate has repeatedly turned aside ill-advised, unwarranted attempts to destroy freedom of debate that would render this body an ineffective, useless arm of Congress.

It ought to be exceedingly clear by now that Members of the Senate intend to keep faith with posterity, and will not surrender their prerogatives or relinquish their responsibilities as meant by the Founding Fathers, as defined in the Constitution, and as embodied in the rules which govern the operations of the Senate.

I would hope that by now we would have had an end to these assaults upon the rules of the Senate. I am of the opinion that such attacks constitute more than mere efforts to abolish free debate in the Senate, although this in itself is deplorable enough. I contend that this matter goes to the very heart of our Government. It strikes the very vitals of representative government. It aims a body blow to the States as political entities. It would, in effect, literally change our form of government and undermine our system of checks and balances.

I am confident that the Senate will once again measure up to its responsibilities and will reject this attempt to destroy the Senate as a guardian of liberty and a champion of the States and minority rights and will continue to be a body that gives continuity and stability to our Government.

Alexander Hamilton, writing in the Federalist papers, pointed to "the necessity of some stable institution in the Government." He cautioned that no government would long be respected without possessing a portion of order and stability. Such is the purpose of the Senate. Such is the responsibility of the Senate that we are being asked today to surrender. Hamilton also made this appraisal, as progress was being made toward forming a new government:

> We are now forming a republican government. Real liberty is neither found in despotism nor in the extremes of democracy, but in moderate government.

Such moderate influence on the excessiveness of democracy and a potential tyranny of a majority of one is found in the Senate.

This is what we are being asked to do here, in the alleged name of permitting a majority to work its will.

Mr. President, I submit that it was never intended—not by our Founding Fathers, and not by the Constitution—that a majority of one should run roughshod over the minority. All of us here today, and all who follow, will sorely regret it if the time ever comes when an arrogant majority can work its will in this Senate by crushing all opposition in its path.

I have been very impressed by the warning issued by the late Honorable Eugene Millikin, the able and eloquent Senator from Colorado, whom I know the Senate has heard on many occasions. It bears repeating today:

> If my country were confronted with the possible choice of surrendering all of the individual rights of its citizens under our Constitution save one to be selected by it, I would unhesitatingly counsel the preservation of the right of free speech, for so long as this right remains unimpaired all other rights, if lost, may be regained.

I am well aware of the age-old proposition of what happens when the will of the majority collides with the right of the minority. To my way of thinking, which shall prevail is not the most important consideration. I hold that of overriding importance is that truth and justice shall always prevail.

Let me again invoke the wisdom of the late Senator from Colorado, who went straight to the heart of the issue:

> It should never be forgotten, I respectfully suggest, that the rules of a legislative body in a country which understands, appreciates, and desires to conserve the principles of human freedom are adopted not to enhance or render unshakable the power of the majority of its members, but rather to protect those in the minority . . . The rights of the minority have not been imposed by a minority; they have been freely granted by majorities which realize the fact that majorities are not always right, that there is an inherent tendency in majorities to oppress minorities.

Mr. President (Mr. Cannon in the chair), there are those who would have us believe that the Senate is powerless to act in the face of its rules, and particularly rule XXII. The history of the Senate and its great record clearly refutes any such contention.

I wonder if the advocates of gag rule in the Senate really subscribe to the doctrine that the Senate, as presently constituted and governed by its rules, is useless and impotent or incapable of action? Do they really believe that a minority can truly hamstring a Senate that is determined to enact legislation in the best interests of the Nation?

The Senator from Georgia does not believe these things. He has faith in the strength, the courage, and the integrity of every man and woman who sits in this Chamber.

When the Senate wants to act, and when enough Members of this body so desire, it will act. It has been proven beyond any doubt that when the Senate sincerely and conscientiously wants to do something, neither rule XXII nor any other rule stands in its way.

The present cloture provisions in no way paralyze the legislative functions of the Senate. We have more than ample demonstration of the fact that the Senate can act and will act when it so determines.

On four occasions since just 1962, the Senate has shown its determination to act under the cloture provisions of rule XXII.

In 1962, the Senate invoked cloture on the communications satellite bill by a vote of 63 to 27.

In 1964, the Senate invoked cloture on the Civil Rights Act by a vote of 71 to 29.

In 1965, the Senate invoked cloture on the Voting Rights Act by a vote of 70 to 30.

And again just last year, the Senate invoked cloture on the Open Housing Act by a vote of 65 to 32.

One of the most used and overworked arguments of proponents of destroying time-honored rules of the Senate is that the rules stand in the way of the enactment of civil rights legislation. This argument is totally without substance, as we have seen on three major occasions in just the past 4 years.

But aside from this fact, it is my judgment that the rules of the Senate which allow free and open debate and intensive, lengthy study of major issues, far transcend the mere enactment of a bill, whether it be in the area of so-called civil rights legislation or in any other area.

Freedom of debate is an integral part of the Senate's assigned constitutional role, and it is in no way a party or sectional device.

It has been employed by Senators on both sides of the ideological and political fence, both conservative and liberal.

Legislative matters that have run through the whole thread of American life, that relate to virtually every conceivable facet of human endeavor, have been exposed to full debate in the Senate.

No one can rightly say that the results have been evil or that the country has suffered. In fact, the benefits of freedom of debate have far outweighed whatever instances there may have been in which the privilege may have been abused.

Free debate in the Senate is the greatest safeguard we have against hidden defects—either calculated or unintentional—that might result in unfairness, discrimination, or special privileges for a favored few.

Many, many outstanding examples could be cited of the benefits of freedom of debate in the Senate. History is replete with occasions when extended debate in the Senate served our Nation well.

For 83 days the Senate debated the 1964 Civil Rights Act. Many significant and considerable objections were raised to this far-reaching legislation on constitutional grounds.

There were those who thought this bill should have been passed by the Senate with little more than a token examination of its merits and demerits.

But there was extended debate, and for a period of some 7 to 8 weeks, this bill was carefully scrutinized by Members of the Senate—on both sides of the issue.

As a result, many of the flaws were exposed, and some of them were corrected.

In one major amendment to the bill, the Senate approved provisions to entitle defendants in criminal contempt cases arising under the act to trial by jury.

As unconscionable as it may appear to Senators today, now that the heat of the battle has subsided, trial by jury—one of the dearest rights of all Americans—was omitted from the punitive provisions of this legislation. But, because of the extended debate, and to the everlasting credit of the Senate, this grievous shortcoming was rectified.

The distinguished columnist Arthur Krock, now retired, had an excellent analysis of this action by the Senate in the June 11, 1964, edition of the New York Times. Wrote Mr. Krock:

> The Senate filibuster, now emphatically terminated by the first invocation in history of closure of debate on equal rights legislation, made possible the exposure and limitation of some of the sumptuary powers granted to the Federal Government in the text approved by the House. The most important check was the requirement of jury trials in the Federal courts for citizens cited in criminal contempt on a judge's finding that they committed acts of discrimination forbidden in the pending measure. (Since this no where defines the general offense, the definition is left to the Federal judiciary.)
>
> Had it not been for the Senate filibuster the American people would have remained unaware that the very judges who made findings of criminal contempt in enforcing compulsions for a revolutionary change in the social and economic structure of the nation could unilaterally deny to defendants the hard won Anglo-Saxon privilege of trial by jury.

Mr. HOLLAND. Mr. President, will the Senator yield at that point?

Mr. TALMADGE. I am delighted to yield to my distinguished friend, the senior Senator from Florida.

Mr. HOLLAND. Does not the Senator recall in the very matter he just referred to—the striking from that particular bill then pending of the requirement that the judges try the criminal contempt cases, and requiring that those cases be tried by a jury instead—that effort was led by the distinguished Senator from Wyoming, Mr. O'Mahoney, a great constitutional lawyer, who stood in this Chamber and argued with tremendous force and successfully that one of the inherent rights of American citizens would be lost if it were not required that there be a jury trial held in such cases?

Mr. TALMADGE. I do, indeed. The distinguished Senator from Wyoming made a brilliant speech.

I now return to Mr. Krock's analysis:

> And the grave issue presented would not have been effectively projected into the public consciousness if the House measure had been rammed through the Senate without change.

In bringing forth the jury trial amendment, the lengthy debate over the 1964 bill was in keeping with one of the finest traditions of the Senate as guardian of minority rights—in this particular case, the ultimate minority, the minority of one.

Nonetheless, though he be only a minority of one, the right of a defendant in a criminal proceeding to have a trial by a jury of his peers is a cornerstone of a just society and it is fundamental to Anglo-Saxon jurisprudence.

Mr. President, I hope those who so vehemently advocate majority rule in the Senate will never come to the conclusion that there should be majority rule in connection with juries. Most jurisdictions in the United States require unanimous vote by a jury before a defendant can be convicted. If the time ever comes when these same proponents of majority rule want to have majority rule in jury cases, whereby a person could be executed or imprisoned by a vote of 7 to 5 of a jury, we will see the jails and penitentiaries of this country filled with innocent people.

Mr. President, I desire now to deal with, and dismiss the outrageous proposal that the Senate is not a continuing body.

Again, let us turn to the Federalist Papers which shed important historical light on that subject.

For instance, Hamilton in letter 62 stressed that the Senate is more than just an appendage of the House. He alluded to the qualifications required of Senators and the nature of the senatorial trust as distinguished from membership in the lower branch. He wrote of the Senate with great wisdom:

> The mutability in the public councils, arising from a rapid succession of new members, however qualified they may be, points out, in the strongest manner, the necessity of some stable institution in the government.
>
> The internal effects of a mutable policy are calamitous. It poisons the blessings of liberty itself . . .
>
> The want of confidence in the public councils, damps every useful undertaking; the success and profit of which may depend on a continuance of existing arrangements. . . .
>
> No government, any more than an individual, will long be respected, without possessing a portion of law and stability.

Commenting further along that same line in letter 63 on the permanence of the Senate as a continuing institution, Hamilton said:

> The objects of government may be divided into two general classes; the one depending on measures which have singly an immediate and sensible operation; the other depending on a succession of well chosen and well connected measures, which have gradual and perhaps unobserved operation. The importance of the latter description to the collective and permanent welfare of every country, needs no explanation. . . .
>
> An assembly (the House of Representatives) elected for so short a term (two years) as to be unable to provide more than one to two links in a chain of measures, on which the general welfare may essentially depend, ought not to be answerable for the final result, any more than a steward or tenant, engaged for one year, could be justly made to answer for plans or improvements, which could not be accomplished in less than half a dozen years.
>
> The proper remedy for this defect, must be an additional body in the legislative department, which, having sufficient permanency to provide for such objects as require a continued attention, and a train of measures, may be justly and effectually answerable for the attainment of those objects.

Now, Mr. President, those words adequately describe the role of the Senate and prove beyond all doubt that the deliberate intent of the framers of our Government to create it as a continuing body.

Let us listen further to Hamilton's words from the same letter:

> As the cool and deliberate sense of the community ought in all governments, and actually will in all free governments, ultimately prevail over the views of its rulers; so there are particular moments in public affairs, when the people, stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be the most ready to lament and condemn. In these critical moments, how salutary will be the interference of some temperate and respectable body of citizens, in order to check the misguided career, and to suspend the blow meditated by the people against themselves, until reason, justice and truth, can regain their authority over the public mind?

We do not have to wonder, Mr. President, of what time he spoke. This is that hour.

I read further from letter 62 which emphasizes that the Senate is more than an "Upper House":

> I am not unaware of the circumstances which distinguish the American from other popular governments, ancient as well as modern. . . . Many of the defects, as we have seen, which can only be supplied by a senatorial institution, are common to a numerous assembly frequently elected by the people, and to the people themselves. . . . The people can never wilfully betray their own interests; but they may possibly be betrayed in the hands of one body of men that where the concurrence of separate and dissimilar bodies is required in every public act.

We must not forget, Mr. President, that our Constitution might very likely have been rejected had it not been for the explanations of its true meanings as set forth in the Federalist.

And to completely nail down the permanency of the Senate as an institution, here is the incontrovertible answer of John Jay in letter 64 of the Federalist:

> It was wise, therefore, in the convention to provide, not only that the power of making treaties should be committed to able and honest men, but also that they should continue in place a sufficient time to become perfectly acquainted with our national concerns, and to form and introduce a system for the management of them. The duration prescribed, is such as will give them an opportunity of greatly extending their political information, and of rendering their accumulating experience more and more beneficial to their country.
>
> Nor has the convention discovered less prudence in providing for the frequent elections of senators in such a way, as to obviate the inconvenience of periodically transferring these great affairs entirely to new men—for, by leaving a considerable residue of the old ones in place, uniformity and order, as well as a constant succession of official information will be preserved.

Mr. President, the system "formed and introduced" in the Senate to manage and resolve grave issues of national concern has served the country well.

The tragic inconvenience of periodic upheaval in this institution of the government has been prevented and "uniformity and order" have been insured.

How has this been done?

There can be only one answer in the light of history.

That is that the Senate has functioned through wise and just rules which have withstood the tortuous test of time. And the guarantee of free debate for all its Members is the most important of them.

We have seen from the quotations I have read from the Federalist that the Senate is not just an "Upper House" of Congress.

Mr. President, the issue of whether the Senate is a continuing body was laid to rest in 1959, 10 years ago. At that time, the Senate voted overwhelmingly—72 to 22—to affirm the continuity of this body. In so voting, the Senate added the following language to rule XXXII:

> The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.

Senators felt at that time that this body had acted decisively—once and for all—to end biennial agitations at the beginning of each Congress. Members of the Senate at that time had every reason to fully understand the full significance of that vote. In his final summation on the amendment to rule XXXII, the distinguished majority leader of the 86th Congress made it infinitely clear. That majority leader went on to preside over the Senate as Vice President of the United States and now occupies the White House as President of the United States.

A decade ago Majority Leader Lyndon B. Johnson explained the importance of the rule XXXII provision in the following language:

> This resolution would write into the rules a simple statement affirming what seems no longer to be at issue. Namely, that the rules of the Senate shall continue in force, at all times, except as amended by the Senate.
>
> This preserves, indisputably, the character of the Senate as the one continuing body in our policy-making process.
>
> It precludes the involvement of the Senate in the obstruction that would occur—or could occur—if, at the beginning of each Congress, a minority might attempt to force protracted debate on the adoption of each Senate rule individually.

Mr. President, those who argue that the Senate is not a continuing body go against the spirit and the clear intent of the Founding Fathers. They fly in the face of irrefutable arguments propounded by Alexander Hamilton, James Madison, and John Jay and their eloquent Federalist Papers dissertations on the new Constitution and the assigned roles of the three branches of Government.

We cannot so lightly dismiss historical precedent. The Senate, as viewed by Hamilton, is a body possessing great firmness. It should "hold its authority by a tenure of considerable duration," in order to safeguard the Government from "the impulse of sudden and violent passion."

This then is the mission of the Senate of the United States. It has been so since its organization April 4, 1789. Never since then has there been a time when the Senate as an organized body has not been available to the President's call or in accordance with the terms of its adjournment, for the transaction of public business.

The Senate has been recognized as a continuing body by the Supreme Court of the United States. In 1926, in the case of *McGrain* v. *Daugherty*, (273 U.S. 135), the Court held:

> The rule may be the same with the House of Representatives whose members are all elected for the period of a single Congress; but it cannot well be the same with the Senate, which is a continuing body whose members are elected for a term of six years and so divided into classes that the seats of one-third only become vacant at the end of each Congress, two-thirds always continuing into the next Congress, save as vacancies may occur through death or resignation.

Mr. President, we have historical precedent after precedent. We have determinations by the Supreme Court. We have actions by the Senate itself over many years that have reinforced the nature of this body as a continuing legislative organization. It is inconceivable to me how, for session after session of Congress, there are unrelenting attempts to put the Senate in a straitjacket of gag rule and banish forever free and open debate from this Chamber. I submit that if legislative history means anything, if our checks-and-balances system of government is to remain in full force, if we are to preserve the integrity of the Senate, I suggest that we are confronted here with more than just a mere modification of the rules of the Senate.

This goes to the very heart of our Government.

It would destroy the best aspects of the federal-national system and substitute therefore the worst aspects of a national system, making big government bigger and even less responsive to the will of the people. This is not just a constructive evolution of our governmental processes.

It is nothing less than revolution.

When the day comes that gag rule prevails in the Senate, it will mark the beginning of the end of our republican form of government, as we know it today.

So I hope that the Senate will vote down the motion for cloture, and that we will lay at rest once and for all the issue as to whether or not a group of men can change the rules of the Senate at will at the beginning of each Congress, when we have had decisions of the Supreme Court, we have had precedents of 180 years, we have had the ruling of every Presiding Officer of the Senate for the last 180 years, save one.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to the distinguished Senator from Florida.

Mr. HOLLAND. I thank the Senator. I rose simply to congratulate the Senator from Georgia upon his scholarly speech. I think he has made it very clear, from legal citations, from historic precedents, that the Senate is a continuing body; that the Senate is the custodian of stability in our national structure; that our Senate has itself again and again stated that such is the case; that the Supreme Court of the United States has upheld our continuing character and quality. I think the Senator has made a very material contribution to this debate, for which I thank him.

May I ask him one question?

Mr. TALMADGE. First let me thank my distinguished friend and neighbor, who, by his long service in this body, has distinguished himself, this body, his State, and the Nation. He is one of the outstanding historians and constitutional lawyers in the Senate, and one of the more able Members in this body on the Senate rules, and a compliment of the type he has made is deeply appreciated by the Senator from Georgia.

Mr. HOLLAND. After the Senator has floored me with such a warm compliment, I have almost forgotten what I wanted to ask him, but I think I can recall it; but I thank him for his compliment, which is wholly unmerited.

My question was this: If it were determined that, at the beginning of each Congress, the Senate, by a mere majority vote—and that was attempted at the beginning of this very debate a few days ago—rule XXII can be changed or modified or repealed or substituted, is not that same conclusion correct as to every other rule of the Senate?

Mr. TALMADGE. Certainly, not only in the beginning of the Congress, but any day of the Congress.

Mr. HOLLAND. Simply speaking now of the beginning of a Congress, can the Senator imagine anything that would make the Senate more unstable rather than stable, and more impermanent rather than continuing, than to have a mere majority of the moment clothed with the authority, at the beginning of every Congress, to completely rewrite the rules of the Senate? Would not that be inviting chaos instead of stability?

Mr. TALMADGE. Of course it would. It would destroy the Senate as a continuing and stabilizing influence on the Government of the United States. In fact, I think if a majority can change the rules at the beginning of a Congress, which they allege is a constitutional right, and I hasten to point out that the Constitution is in effect not only in the beginning of the Congress; the Constitution is in effect today, tomorrow, or forever, until we change it; and if a majority of the Senate can change the rules of the Senate by a mere majority of one, it can change the rules any day, whenever the majority thought it had the advantage of a majority of one at that time. I think it would transform the Senate into a situation similar to that which exists on some of our more disorderly college campuses at the present time.

Mr. HOLLAND. I certainly agree with the Senator. I repeat that I think he has made a fine contribution to this question and thank him for it.

Mr. TALMADGE. I am grateful to my colleague.

Mr. President, I yield the floor.

Mr. COTTON. Mr. President, I am not going to detain the Senate but a few moments, but each time that the Senate has—usually at the beginning of a new Congress—grappled with the question of amending rule XXII, I have briefly stated my views and the reasons for them. As a matter of record and without undue repetition, I want to state them briefly and informally today, because, of course, tomorrow we shall be voting on the motion for cloture.

I have never been able to comprehend the anxiety of so many Members of the Senate to constantly want to dilute rule XXII, to move from a two-thirds of a constitutional majority to a two-thirds of a quorum present and voting, and then, as is suggested now, to move to three-fifths, which is obviously just a step along the line, because the windup is inevitably that the path leads to cloture by a bare majority of Senators present and voting.

Mr. President, it was my privilege, as a young man, to serve on the staff of Senator George H. Moses, of New Hampshire, who was President pro tempore for some 8 years, and who was, in my opinion, one of the greatest parliamentarians who ever served in this body. I think he was in a class with the present distinguished President pro tempore, than which no higher compliment can be paid to any man.

It was my job as a young man to review and prepare material, under Senator Moses' direction, for a speech that he made then—and that was back in the 1920's—in defense of rule XXII.

At that time it was my duty, and part of my work as a research worker in his office, to go back over the years. That was before civil rights had become as pressing a matter as it has become in recent years, before it commanded the attention and caused the controversy it has in recent years.

Research revealed that between 1841, when, I believe, Henry Clay made the first attempt to change the rules, and 1924, shortly after World War I, there had been some 19 filibusters, so-called prolonged debates which were rather clearly filibusters, in the Senate. I believe with one exception, the Force bill, every one of them had to do with preserving the resources of the Republic. It was a time when Senators were exceedingly careful and jealous about public expenditures and public taxation. I think such a time is coming again, very shortly.

We faced then, as we do now, in certain degree, the necessity of preventing the overriding of minorities in the Senate as a necessary protection both to the great, large States of the Union, and to the very small States of the Union, and the comparatively small ones, such as I represent.

It is apparent without saying that a State the size of New Hampshire, or of the State represented by my distinguished friend the Senator from Rhode Island, or of Wyoming or Delaware or West Virginia, has no protection in the House of Representatives from a measure which might be, unintentionally perhaps, unjust, and work a hardship on the smaller States; because my State has two Members in the House of Representatives, and the State of New York has more than two score, of course.

So it is not very difficult to call attention to the fact—and this is not a matter of States' rights as such; it is a matter of a time that may arrive for any man in the Senate who represents a State of small population: the hour may come when, in defense of the vital welfare of his own people, a Senator needs to be able to stay the hand of rapid and headlong legislation long enough to make his cause known, and to secure a sound and fairminded Senate—and I have never served in any other kind of a Senate than those that were fairminded, if the issues were clearly laid down—to secure protection for his small State.

But by the same token, Mr. President, Senators who represent the great States of New York, California, Illinois, and the other huge States of the Union might think twice before they take steps to weaken rule XXII, because I believe it was less than 4 years ago that it was revealed by the Tax Foundation—and I think it has been corroborated since—that at that time, six States in the Union paid more than half of all the Federal taxes in this great country. Six great States; and those six States obviously had but 12 Senators in this body.

In an hour such as this, when all thoughtful people are concerned with public expenditures, with inflation, with the rising debt, with the obligations that are being laid upon us, and with the inevitable increase of taxes, even beyond the heavy burden that we now face, the time well might come when the six most powerful and richest States in this Union could suffer as grave an injustice as any small State, because of their stake in the financing of the United States of America, with only 12 Senators, if you please, to represent them.

This no one can foresee. Senators will note that I am now discussing subjects that have no relation whatsoever to the question of civil rights. It has come to a point where, almost universally, if you talk about cloture or talk about debate in the Senate, or use the word "filibuster," in speaking with any citizen, he instantly begins to talk about racial relations and the question of civil rights. But a decade from now—and we pray that this will happen—we may find that the problem of racial relations and the problem of civil rights have gone into history, as crises that have been met and reasonably resolved and solved by our Republic. But, a decade from now, Mr. President, we may find some other menace, some other highly sensitive and controversial issue, upon which it will be necessary to have a deliberative Senate, so that hasty and thoughtless action may not take place, to the detriment of the security, the safety, and the solvency of the American Republic.

I have only a few more words to say. In the years that I have served in the Senate, I have voted consistently against undue dilution of rule XXII. I intend to continue to vote that way. But by the same token, it has been my feeling that it was my duty, after any controversial matter had been debated and thrashed out a sufficient length of time—and I mean when the debate goes into days and days and weeks, and has been thoroughly aired, and the issues have been thoroughly advertised to all the people of this country—to vote for cloture. One reason that I have done so is this: It has been my opinion that those who consistently, blindly say, "No, there shall be no cloture voted" are at the same time hastening the day and aiding those who seek to dilute and weaken rule XXII; because if cloture is never invoked, after a prolonged period of debate, then we are demonstrating that there is merit in the arguments of those who wish to weaken rule XXII.

Mr. President, there is the exception of a debate that has been started in the closing days or hours of a Congress. I well recall one that concerned the pollution of one of the Great Lakes. I recall some other measures that were not laid before the Senate or did not become the business of the Senate until only a few days, sometimes only a few hours, before adjournment. In those cases, by what is known by some as a filibuster, by others as prolonged debate, depending on one's point of view on the particular question, legislation has been held up—held up until the next session of Congress.

I do not know of any irreparable damage that was done to the country by holding up those measures.

As regards lengthy debates or so-called filibusters that have taken place in the 14 years I have served as a Member of this body, I do not know of a single measure that was ever stopped in those 14 years. I have known of measures that were amended before the Senate voted upon them. I have known of some second thoughts, some modifying, some softening, or, as our great friend and great Senator, the recent President of the United States, Lyndon Johnson, would say, a reasoning together, that took place because of the prolonged debate.

But I have voted for cloture. I voted for cloture in the case of one bill that I was opposed to and that I voted against on the rollcall. But I voted for cloture, knowing that there were enough votes to pass it. I did so after many weeks and when I felt that it was time that the Senate had the opportunity to work its will on the measure. But I have not known of any important measure, or any measure, in the years I have been here that did not finally reach a vote, if the debate took place at any reasonable time during the session. I think that that will continue to be the case.

Therefore, I would feel, frankly, that if rule XXII were diluted, I would be more reluctant to vote for cloture on individual measures. I feel a sense of duty to vote for cloture at the proper time on measures, so long as rule XXII is left intact.

One more point. When we talk about rule XXII, we talk about prolonged debate. We talk about the need for cloture. But there is one thing that we tend to forget. If rule XXII is to be revised, it should be revised in more than just the situation that is contained in the present proposal. The first time I ever voted for cloture, and we began the procedure in the period after cloture had been invoked, I felt very keenly that one title of the omnibus civil rights bill worked a grave injustice and authorized such a naked use of Federal power that I felt it was extremely dangerous. I could not vote for a bill that contained that particular title. I had before the Senate an amendment to delete the title.

When cloture is voted, every Senator knows that only those amendments that are at the desk, and in the exact form in which they are at the desk, can be voted upon and that no other amendment can be offered in the absence of unanimous consent.

What happened? I had earlier offered my amendment. The amendment was narrowly defeated. Two Senators said to me, "If you will revise your amendment so that it does not go quite so far in the matter of this title, those who have said they are opposed to it, will vote for it."

I sought to offer the same amendment, slightly revised, after cloture had been voted, and the majority leader, as it was perfectly proper for him to do, objected. It could not even be considered.

So only those amendments that are at the desk, and in the exact form in which they are at the desk, can possibly be considered after cloture has been invoked.

This does not refer to the rule that each Senator may have only 1 hour after cloture has been invoked. That is a good rule. The rule that he may not assign his 1 hour to another Senator is a good rule. But the rule that he may not offer an amendment to an amendment within that hour, or use the time within that hour, or even offer an amendment when his time has expired, and there can be no debate, is, in my opinion, an oppressive rule. It means that cloture, when it has been invoked, has the effect of freezing, in a sense, the measure before the Senate, and makes it impossible to consider amendments that would earlier have been considered in the absence of prolonged debate.

There are many other reasons. Many masterly arguments against cloture have been advanced on the floor of the Senate.

The Senator from New Hampshire served in the House and has a vivid recollection of the handling of appropriation measures in that body. When I was a member of the House Committee on Appropriations, bills providing literally billions of dollars came before the House under a rule that allowed 40 minutes to each side. I trust I do not violate the rules, because I do not criticize the House, but the House, because of its size, does have to have a rule of unanimous consent. Under unanimous consent, we have committeed the same sin in the Senate, but it can be blocked by one Member.

However, the day has come for us to consider the need to make certain that this Republic is strong in its military protection.

The time has come when we must weigh with care the huge bills that come to the Senate as a matter of course, providing billions and billions of dollars in appropriations. As a member of the Committee on Appropriations—and I have been as remiss, I fear, as any other Senator—I do not want to see the situation arise in which we can spend this country into bankruptcy or into insolvency or into galloping inflation that takes the bread out of the mouths of our people, until the Senate has had an opportunity to weigh the details.

The time has gone by—and I hope that the Appropriations Committee and every other Senator will feel the time has gone by—when we can deal with these huge lump appropriations without bringing out on the floor many of the details that often have been overlooked.

I have seen the Senate argue all day over a few thousand dollars or $1 or $2 million, and then the next day pass a bill providing for $7, $8, $15, or $20 billion, without any real knowledge of its details.

These are things we must think of, and these are the reasons why this Senator will vote against the modification of rule XXII.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. HOLLAND. Mr. President, I thank the Senator warmly for his exceedingly constructive, exceedingly cautious, and exceedingly commonsense approach to this subject. I believe he has made a very great contribution to this debate, and I thank him for it.

Mr. COTTON. I thank the Senator from Florida.

PRESIDENT NIXON'S INAUGURAL ADDRESS

Mr. BAKER. Mr. President, a few days ago this Nation witnessed the inauguration of its 37th President. In his inaugural address, Richard Nixon promised no neatly defined solutions. He offered only realism and avoidance of quick or easy answers.

Two recurring themes emerged from the inaugural address of President Nixon—peace abroad and unity at home. He spoke of the crisis in America:

> We have found ourselves rich in goods, but ragged in spirit; reaching with magnificent precision for the moon but falling into raucous discord on earth.
>
> We are caught in war, wanting peace. We are torn by division, wanting unity. We see around us empty lives, wanting fulfillment. We see tasks that need doing, waiting for hands to do them.
>
> To a crisis of the spirit, we need an answer of the spirit.
>
> And to find that answer, we need only look within ourselves.

President Nixon also expressed his hope for a united Nation, one in which every man can share fully in the shaping of his destiny. He said:

> No man can be fully free while his neighbor is not. To go forward at all is to go forward together.

He has asked that we learn to speak quietly enough so that our words can be heard as well as our voices. And he has promised that the Government will listen in new ways to the anguish and despair of the people who have not been heard before.

He noted that our greatest need now is to reach beyond Government to enlist the help of committed and concerned citizens across this continent.

Mr. President, President Nixon has on many occasions spoken of politics being the art of the possible and of seeking through intelligent effort to expand the bounds of that which is possible. In these aims every American should stand behind him and the pledges he made in his inaugural address.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. ROBERT A. EVERETT, late a Representative from the State of Tennessee, and transmitted the resolutions of the House thereon.

DEATH OF REPRESENTATIVE ROBERT A. EVERETT, OF TENNESSEE

Mr. BAKER. Mr. President, on behalf of myself and my colleague (Mr. GORE), I send to the desk a resolution and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

S. RES. 62

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. Robert A. Everett, late a Representative from the State of Tennessee.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now recess.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 62) was considered and unanimously agreed to.

The PRESIDING OFFICER. The Chair appoints the Senators from Tennessee (Mr. GORE and Mr. BAKER) to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Mr. BAKER. Mr. President, ROBERT A. "FATS" EVERETT was first elected to the U.S. House of Representatives in 1958 to fill the unexpired term of Congressman Jere Cooper. Prior to that time, he had been an administrative assistant to Senator Tom Stewart and later to Gov. Gordon Browning. He had also served as executive secretary of the Tennessee County Services Association.

After his election, he served in the Congress with my father, Howard H. Baker. Following my election to this body, I came to know well and to admire "FATS" EVERETT, and I had a profound respect for him.

No one served more ably or had a keener knowledge of that which was best for his people than did "FATS" EVERETT. No one enjoyed more the business of the representation of people. This Congress and the citizens of the Eighth District will miss him.

RECESS

Mr. KENNEDY. Mr. President, in accordance with the order of Thursday, January 23, 1969, pursuant to the last resolving clause of Senate Resolution 62, and as a further mark of respect to the memory of the late Representative EVERETT, I move that the Senate now stand in recess until 12 o'clock noon tomorrow.

The motion was unanimously agreed to; and (at 3 o'clock and 7 minutes p.m.) the Senate took a recess until tomorrow, Tuesday, January 28, 1969, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 27 (legislative day of January 10), 1969:

HOUSING AND URBAN DEVELOPMENT

Richard C. Van Dusen, of Michigan, to be Under Secretary of Housing and Urban Development.

Floyd H. Hyde, of California, to be an Assistant Secretary of Housing and Urban Development.

Samuel C. Jackson, of the District of Columbia, to be an Assistant Secretary of Housing and Urban Development.

Samuel J. Simmons, of Michigan, to be an Assistant Secretary of Housing and Urban Development.

Sherman Unger, of Ohio, to be General Counsel of the Department of Housing and Urban Development.

REA

David A. Hamil, of Colorado, to be Administrator of the Rural Electrification Administration for a term of 10 years.

IN THE AIR FORCE

The following-named officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10 of the United States Code:

To be brigadier generals

Col. Fred A. Heimstra, FR19637, Regular Air Force, medical.

Col. Paul P. Douglas, Jr., FR8073, Regular Air Force.

Col. James O. Frankosky, FR9758, Regular Air Force.

Col. Victor N. Cabas, FR12162, Regular Air Force.

Col. Kendall S. Young, FR36493 (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. William A. Jack, FR10074, Regular Air Force.

Col. Ernest F. John, FR10075, Regular Air Force.

Col. Ralph J. Hallenbeck, FR10170, Regular Air Force.

Col. Quintino J. Serenati, FR29857, Regular Air Force, medical.

Col. Harold L. Price, FR50358, Regular Air Force.

Col. Woodard E. Davis, Jr., FR33914, Regular Air Force.

Col. Ray M. Cole, FR15568, Regular Air Force.

Col. Michael C. McCarthy, FR9721, Regular Air Force.

Col. Jessup D. Lowe, FR9807, Regular Air Force.

Col. Donald A. Gaylord, FR10003, Regular Air Force.

Col. Vernon R. Turner, FR10145, Regular Air Force.

Col. Edgar H. Underwood, Jr., FR19262, Regular Air Force, Medical.

Col. Coleman O. Williams, Jr., FR9709, Regular Air Force.

Col. Leslie J. Westberg, FR35854, Regular Air Force.

Col. George K. Sykes, FR9763, Regular Air Force.

Col. Wendell L. Bevan, Jr., FR9780, Regular Air Force.

Col. William P. Comstock, FR37182 (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Richard C. Catledge, FR9951, Regular Air Force.

Col. Madison M. McBrayer, FR33355, Regular Air Force.

Col. William H. Holt, FR35483, Regular Air Force.

Col. James H. Watkins, FR10104, Regular Air Force.

Col. Warren D. Johnson, FR14367, Regular Air Force.

Col. Paul C. Watson, FR14603, Regular Air Force.

Col. Maxwell W. Steel, Jr., FR19275, Regular Air Force, Medical.

Col. Jack K. Gamble, FR14026, Regular Air Force.

Col. William C. Fullilove, FR15853, Regular Air Force.

Col. Charles E. Yeager, FR16076, Regular Air Force.

Col. Harold R. Vague, FR22991, Regular Air Force.

Col. Paul G. Galentine, Jr., FR14734, Regular Air Force.

Col. Foster L. Smith, FR15882, Regular Air Force.

Col. Thomas P. Coleman, FR13283, Regular Air Force.

Col. Homer K. Hansen, FR14983, Regular Air Force.

Col. Peter R. DeLonga, FR15567, Regular Air Force.

Col. Clifford W. Hargrove, FR10038, Regular Air Force.

Col. Samuel M. Thomasson, FR20025, Regular Air Force.

Col. Robert E. Huyser, FR35502, Regular Air Force.

Col. William J. Evans, FR17355 (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Thomas W. Morgan, FR13964, Regular Air Force.

Col. William R. Goade, FR14552, Regular Air Force.

Col. Charles I. Bennett, Jr., FR16442, Regular Air Force.

Col. Otis E. Winn, FR10013, Regular Air Force.

Col. Woodrow A. Abbott, FR12763, Regular Air Force.

Col. James R. Pugh, Jr., FR13711, Regular Air Force.

Col. Robert P. Lukeman, FR14156, Regular Air Force.

Col. James L. Price, FR34018, Regular Air Force.

Col. John W. Roberts, FR15280, Regular Air Force.

Col. Brian S. Gunderson, FR50308, Regular Air Force.

Col. Geoffrey Cheadle, FR15830, Regular Air Force.

Col. Floyd H. Trogdon, FR16737, Regular Air Force.

Col. Devol Brett, FR17000, Regular Air Force.

Col. Paul F. Patch, FR35545, Regular Air Force.

Col. Harold E. Collins, FR17200, Regular Air Force.

Col. Benjamin N. Bellis, FR17330 (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Salvador E. Felices, FR17377 (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Richard G. Cross, Jr., FR14492, Regular Air Force.

Col. Lew Allen, Jr., FR17342 (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Martin G. Colladay, FR17344 (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Charles C. Pattillo, FR23720 (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Billie J. McGarvey, FR16176, Regular Air Force.

Col. James D. Hughes, FR17468 (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. James R. Allen, FR17789 (major, Regular Air Force) U.S. Air Force.

Col. Robert E. Pursley, FR18516 (major, Regular Air Force) U.S. Air Force.

EXTENSIONS OF REMARKS

MAN OF THE SOUTH

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Monday, January 27, 1969

Mr. TALMADGE. Mr. President, each year a "Man of the South" is honored by Col. Hubert F. Lee in his Dixie Business magazine, published in Atlanta, Ga. Colonel Lee has just celebrated his 40th anniversary as editor and founder of this fine publication.

The award this year goes to Solon Brinton Turman, Man of the South for 1968, for his outstanding accomplishments in the shipping industry, and for his many contributions to the South and the entire Nation.

I wish to bring to the attention of the Senate an announcement of Mr. Turman's selection for this honor, as well as a biographical article by Colonel Lee, and I ask unanimous consent that this material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOLON B. TURMAN, NEW ORLEANS SHIPPING EXECUTIVE, IS MAN OF THE SOUTH FOR 1968

Solon Brinton Turman, of New Orleans, a leader of the United States Shipping industry, has been named Man of the South for 1968, it was announced today by Colonel Hubert F. Lee, Editor and Publisher of Dixie Business, of Atlanta, which has sponsored the selection since 1946.

Colonel Lee pointed out that the award is made to the man selected from the 200 American business leaders who have been named to the South's Hall of Fame, and the decision is based on an annual poll.

Letters, ballots, petitions and resolutions urging Mr. Turman's selection were received, Colonel Lee said, from throughout the United States and from countries around the world. The flood of votes in Mr. Turman's behalf started pouring in shortly after the nominees were announced.

Mr. Turman, a Director and Chairman of the Executive Committee of Lykes Corporation and Lykes Bros. Steamship Co., Inc., is the senior ranking member of the Lykes family which founded the vast Lykes enterprises that have contributed greatly to the development of the south.

Mr. Turman this year observes his 50th anniversary with the Lykes organization. In addition to his active role in the Lykes world-wide shipping operation, he is also active in the many other Lykes interests which include cattle ranches in Florida and Texas; meat packing plants in Florida and Georgia, citrus groves and citrus concentrate plants in Florida; insurance companies in Florida, Georgia and North Carolina, banking in Florida and electronic firms in Louisiana, Florida and Georgia.

In addition to his active role in the many Lykes businesses, Mr. Turman also serves as a Director of the Hibernia National Bank in New Orleans; Chairman of the Board of Gulf and South American Steamship Co., Inc., member of The Business Council, and only recently concluded a 24-year term as Director of the Illinois Central Railroad.

A native of Florida and a resident of New Orleans since 1930, Mr. Turman is the son of the late Solon B. Turman and the late Miss Tillie Lykes. He attended Virginia Military Institute and the University of Virginia and his career with the Lykes enterprises dates back to 1919.

He became a Director of Lykes in 1925; a Vice President in 1930; Executive Vice President in 1943, and served as President from 1951 until 1962 when he was elected Chairman and Chief Executive Officer, a post he held until 1967 when he elected to step down.

In world business circles he is recognized as one of the foremost authorities on shipping and he has served his company, his southland and his nation with distinction, making major contributions to all three.

In 1949, he received the French Medal of Commercial Merit and in 1952 was made an honorary member of the Louisiana Chapter of Beta Gamma Sigma, the nation's leading national honorary scholastic fraternity. In 1957 he was named Louisiana's Maritime Man of the Year, and in 1961 he won twin-honors as the recipient of the American Legion's American Merchant Marine Achievement Award, presented to him by the late President John F. Kennedy, and the same year was given the Vice Admiral Jerry Land Medal, the highest honor paid to a non-technical person by the American Society of Naval Architects and Marine Engineers.

The individual's responsible for Mr. Turman winning the Man of the South honor, and Colonel Lee, "reads like a 'Who's Who' in American and international business. All of them had one thing in common—Solon Turman earned the honor for his distinguished service to the South over a lifetime."

SOUTH'S HALL OF FAME FOR THE LIVING

(By Hubert F. Lee)

With the publication of this issue of Dixie Business, another Southerner joins the ranks of the "Hall of Fame for the Living," the honor group from which the "Man of the South" is named each year.

He is Solon Turman, of New Orleans, a member of the Internationally-known Lykes family of Florida and truly one of the outstanding leaders of international commerce during a period of many years.

Mr. Turman is Chairman of the Executive Committee of the Board of Directors of Lykes Bros. Steamship Co., Inc., perhaps the best known of all the vast Lykes holdings in shipping, cattle, citrus, meat packing, insurance, banking and electronics.

Solon Turman is the son of the late Miss Tillie Lykes, whose seven brothers founded the Lykes shipping empire at the turn of the century. Turman joined the venturesome Lykes brothers just as soon as he left school in 1919, and he has devoted a lifetime to the South and particularly to one of the most aggressive roles in behalf of the American Merchant Marine.

His uncle, the late Joseph T. Lykes, Sr., was honored as the "Man of the South" for 1960 at a dinner in Tampa, Florida, December 7, 1960. Mr. Lykes was named to the South's "Hall of Fame for the Living" honor group in 1952.

In keeping with Lykes family and Lykes company policy, Mr. Turman underwent an extensive training program and learned shipping from the bottom up, and he earned every promotion he ever received. Greater responsibility became his with the passing of each year and he assumed the presidency of the world-wide Lykes organization in 1951.

He played a major role in steering the Lykes shipping team through World War II, when it contributed a principal share to the allied success.

He was again in a major role putting together a tough-to-beat postwar organization that saw the Lykes colors rise to the top of the industry.

He was at the helm as the company plunged into the nation's greatest single shipbuilding venture—complete replacement of the Lykes fleet at a cost in excess of a half billion dollars—now reaching another important phase with 33 new ships contributing a major share to the U.S. balance of payments, to the nation's efforts in Southeast Asia and to the strength of the great American Merchant Marine.

In 1967, Solon Turman elected to step down as Chairman and Chief Executive Officer of Lykes. He continues to play a vital role in the Lykes operations and holds numerous other top level positions with other Lykes companies. He is also a director of the Illinois Central Railroad and the Hibernia National Bank of New Orleans.

In 1957 he was Lousiana's "Maritime Man of the Year."

In 1961 the American Legion gave him their "American Merchant Marine Achievement Award."

In the same year he was given the Admiral Jerry Land Medal, the highest honor bestowed on a non-technical person by the Society of Naval Architects and Marine Engineers.

I see a marked difference in the careers of men who own a company and build it into greatness and "management men" who are responsible to a board of directors.

None of the Horatio Alger figures I have known have worked harder and burned the midnight oil longer than the Solon Turmans during the half century I have been a writer.

Solon Turman and his late uncles, the seven Lykes brothers, are in the same class with James B. "Buck" Duke, Robert Dollar, Thomas A. Edison, Alexander Graham Bell, John H. Patterson, Cyrus H. McCormick, Henry Ford, Daniel Guggenheim, J. P. Morgan, John D. Rockefeller and stalwarts of the old school.

This honor by Dixie Business—modest though it may be—is given only to those who have earned it. Great men like Solon Turman.

THOMASITE TEACHER HONORED BY PRESIDENT OF THE PHILIPPINES

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. JONES of Alabama. Mr. Speaker, this House last year approved H.R. 970 to extend our greetings to the Congress of the Philippines in commemoration of the arrival of the Thomasite teachers.

More than 66 years ago these volunteer American teachers are credited with establishing public education in the Philippines.

The last known survivor of this original group of 508 teachers is Mr. Henry H. Balch, who later distinguished himself in the Foreign Service of our Nation.

Mr. Balch, a 91-year-old resident of Huntsville in the Eighth Congressional District of Alabama came to Washington recently to receive honors from the Philippine Government for his service to the young people of the Philippines.

He was presented the Sikatuna Award—the highest civilian decoration the Philippine Government can give—for his work among the people of these islands.

So that all of my colleagues can know of the high regard which these Thomasite teachers are held by the people of the Philippines, I wish to include as part of my remarks the remarks by Ambassador Salvador P. Lopez on the presentation of the Order of Sikatuna to Mr. Henry Balch and the citation of the President of the Philippines.

The remarks follow:

TRIBUTE TO THE THOMASITES

(Remarks by Ambassador Salvador P. Lopez on the presentation of the Order of Sikatuna to Mr. Henry Balch)

In the Sikatuna Award, the highest civilian decoration that the Philippine Government can give, on Mr. Henry H. Balch, we honor him for his years of service to the youth of the Philippines at a critical time in our history. In particular, we honor him for what he did for the young people of Tayabas and the love he bore them.

Through him, we honor the Thomasites—that hardy band of pioneers who dared to venture into strange land, to live and work among a people whom their nation had just subdued in war.

And in honoring them, we pay tribute to America, to the American record of education in the Philippines. It is a record unsurpassed in the annuals of colonialism, a shining record which we consider to be the most valuable legacy bequested to us by American rule.

For the work of Henry Balch and the Thomasites represented the best side of the American character—its altruism, its dedication, its humanity. And the public school system which they established throughout the country was the most beneficent and the most effective expression of American colonial policy in the Philippines. It is to the work of Henry Balch and the Thomasites and of those who followed them that we largely owe that part of our culture which is distinctively American, those qualities which, for good or ill, will remain stamped on the Filipino soul for a long time to come. It is these elements which constitute to this day the strongest bond between our two nations.

It is for this, no less than for the many personal ties which they established during their years of service in the Philippines, that Henry Balch and the rest of the Thomasites will always be remembered in our country. As for the Americans of today, they too owe a debt of gratitude to the Thomasites, who were in truth the first Peace Corps volunteers in American history.

The citation reads as follows:

CITATION

The President of the Philippines hereby confers the Order of Sikatuna (Rank of Datu) upon Mr. Henry Balch of Huntsville, Alabama, U.S.A., for his wholehearted response to the call of service as evidenced by his voluntary enlistment in the group of teachers who came to the Philippines from America to bring for the first time to this country the beneficences of popular education;

For his generosity of spirit, open mind, and compassionate approach to the work at hand, which characterized the adventure-in-teaching that the Thomasites found in the Philippines;

For the genuine gift of knowledge he has brought to his students which laid the basis for the wider education of the generations of Filipinos who came after;

For his own quick and deep acceptance of the Filipinos and the Philippines, to this day a people and country that enjoy a special place in his memories and in his heart;

This award is given to Henry Balch, teacher, benefactor, friend and brother to the Filipinos.

Done in the City of Manila on this 18th day of July in the year of our Lord nineteen hundred and sixty-eight.

By the President:

F. E. MARCOS.

PHILADELPHIA SHOWS WAY TO EASE NEGROES' PLIGHT

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, January 27, 1969

Mr. SCOTT. Mr. President, last week, Bruce Biossat wrote a commentary on the persistent though not always glamorous efforts of Philadelphia toward lessening its urban problems. As he implies, many of the steps taken are not giant steps, but the march goes forward and is headed in the right direction.

I ask unanimous consent that Mr. Biossat's article, "Philadelphia Shows Way To Ease Negroes' Plight," which appeared in the Hazleton Standard Speaker of January 22, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PHILADELPHIA SHOWS WAY TO EASE NEGROES' PLIGHT

WASHINGTON.—Cracks of hopeful daylight can be found here and there in a troubled urban racial situation which many observers of the nation's black community insist on painting in hopelessly gloomy tones.

These small bits of optimism appear at a fortuitous moment, for investigative disclosures of fraud and inefficiency in the massive New York City poverty-welfare complex are seen as having struck a hard blow against such programs—despite the argument that they ease tensions in the seething ghetto communities.

Fortunately for the nation, through all the tumult and the shouting from black militants on the one hand and rightist whites who would repress blacks on the other, a hardy band of both whites and blacks keeps hacking away pragmatically at real problems and helping to produce at least partial answers.

Typical of this band is Andrew Freeman of Philadelphia's Urban League, a soft-spoken but highly determined man who for years has been fighting for practical gains for the black community and getting some of them, while his more militant brethren have been shouting for the millennium tomorrow and achieving virtually nothing.

Measured on the scale of practical advances, Freeman saw 1968 in Philadelphia as a year of more promise than a quick tour of the black ghetto might suggest. And he says he is "very optimistic" that 1969 will be a good deal better.

In the employment field, it may shake some of those who believe that federally sponsored programs are inevitably doomed to failure to hear that on-the-job training efforts under U.S. Department of Labor guidance have been the most successful in Philadelphia.

Figures for 1968 are not yet complete, but may well exceed 1967. Nearly 3,000 blacks trained under this program were at work—and the so-called "job retention" rate ranged impressively between 85 and 93 per cent.

Most disappointing in 1968 was the failure to arouse a proper sense of urgency among the potential employers of black trainees. The phenomenon is curious, since several years ago this reporter, examining the Philadelphia economic scene, found hopeful stirrings among many top industrialists.

Another extremely difficult problem is the often crushing indifference of hard core unemployed blacks to the job appeals made. The discipline of regular work is painfully foreign to men with a long history of idleness and its freedom—empty though that may be.

Nevertheless, men like Freeman never give up fighting for the small victories on the job, school and housing fronts which, when pieced together over the years, mark real advances.

Notwithstanding earlier discouragements, he is confident more business employers are going to get the message in 1969 and hire black trainees or help train them as they work. The National Alliance of Businessmen has made job pledges which may be fulfilled better this year than last. The Urban Coalition, not too productive in Philadelphia so far, is still eyed hopefully.

Pragmatic black leaders are impressed by Mark Shedd, city school superintendent, whom they put down as a concerned man. This does not mean the city has made huge strides toward solving its racial school problems. As in other urban centers, tensions erupt in violence from time to time: busing is protested by irate whites, and integration on a big scale is still heavily opposed by them.

The school system needs more money, more community support. It is still judged poor overall, and worse rather than better in black sectors. Yet a note of hope is being struck.

Even housing prospects look more promising. A 1968 U.S. law providing subsidies that will allow one per cent mortgage charges for low-income buyers opens up a market for blighted but basically sound dwellings which can be reconditioned. Poor blacks may be buying.

BROCKTON ART CENTER-FULLER MEMORIAL

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. BURKE of Massachusetts. Mr. Speaker, I am very proud to bring to the attention of the Members of the House of Representatives the formal opening of the magnificent new Brockton Art Center-Fuller Memorial, which took place on January 15, 1969. This art center was made possible through the generosity of the late Myron L. Fuller, who established trust funds for the museum and by the donations of land, funds, and effort to interested Brockton and South Shore persons.

Among the distinguished guests at the opening of the Brockton Art Center were: Mr. and Mrs. Charles A. Fuller, Mr. and Mrs. Myron F. Fuller, Miss Alice Aksarlian of Buenos Aires, Argentina, Mr. and Mrs. James S. Ames III of North Easton, Mr. and Mrs. Edward Bernat, Dr. and Mrs. Gerard Burke of Brockton, who represented Congressman James A. BURKE, Mr. and Mrs. Nicholas Campanelli, Mr. and Mrs. Walter C. Dunbar Jr., of South Easton, Mr. Kevin P. Gillette, Mrs. Mason Dix Harris, Mr. Robert W. Higgens, Mr. and Mrs. E. Bradford Keith, Mr. and Mrs. Bernard S. Lazarus, Mr. and Mrs. Paul N. Lampos, Mr. and Mrs. Edward E. Lyons of Hanover, Mrs. Daniel J. McEachern, Mr. and Mrs. John Merian, Mr. and Mrs. Richard J. O'Connell, Mr. and Mrs. Ralph E. Trower, and Attorney John Clark Wheatley.

I include the enclosed news items which cover the art center opening:

[From the Brockton (Mass.) Enterprise, Jan. 16, 1969]

THE BROCKTON ART CENTER-FULLER MEMORIAL

An important and historic event has been taking place this week in the history of this city and area—the opening of the Brockton Art Center-Fuller Memorial.

We are living in an age where culture is playing more and more of a part in our lives, as it should.

Now, with this handsome and splendidly equipped art center ready for use, this area is fortunate to be able to share in its many and varied programs.

When plans were first made for building the art center, those involved in the project knew they had a task on their hands.

But they were, and are, a dedicated group and their dedication paid off.

We congratulate them.

This city and area can be proud that it has the only art museum on the South Shore, made possible by a bequest in the will of the late Myron Fuller and others who contributed financially and with generous measures of their time and talents.

PRESS CORPS PREVIEWS BROCKTON ART CENTER

The beautiful and spacious Brockton Art Center-Fuller Memorial was unveiled for the first time Tuesday night at a press preview for local and Boston newspaper writers and radio and television broadcasters. The opening exhibition, entitled "Three Centuries of New England Art," of rare and priceless loan items from New England museums was warmly received by the group.

Out-of-town guests were brought to this city in a colorful London double-decker bus which provided rush hour drivers on the Southeast Expressway with a novel sight.

The spacious galleries of the new center, adjacent to Upper Porter Pond on Oak St., were acclaimed by all of the visitors. The center, in addition to three galleries, includes three studios for art classes, a library-lounge, tearoom, two administrative areas, three storage rooms, a carpenter shop and a receiving area.

The main gallery will serve alternately as a lecture hall and an exhibition gallery.

The center was made possible under the trust funds established by the late Myron L. Fuller, internationally known geologist and hydrologist, and son of Albert H. Fuller, founder of the Enterprise-Times.

Land for the center was donated by Paul Lampos, president of Wood-Hu Kitchens; Edward Bernat, vice president of Garland Knitting Mills; Campanelli Brothers of Braintree and the Enterprise Publishing Co., while a generous gift from Isaac S. Kibrick was used for site development and the lagoon was donated by Max Coffman, president of Mammoth Mart.

Land for the center was exchanged with the D. W. Field Park through the co-operation of city and state officials.

Members of the Board of Trustees were on hand to greet the visitors, including Kenneth E. Sampson, chairman; Merton B. Tarlow, treasurer; Charles A. Fuller and Edwin A. Nelson, with the fifth member, Isaac S. Kibrick, being on vacation. Also present were committee chairmen: Bernard S. Lazarus, charter membership, finance and personnel; Ann G. McEachern, school planning; Dorothy H. Trower, Ladies' Committee, and Ralph E. Trower, publicity.

Pointing out the features of the museum was Edouard DuBuron, director, and Marlene A. Thayer, secretary, along with Paul L. Bacon, business manager. Music during the evening was provided in the main gallery-auditorium by Miss Doris H. Tirrell at the organ and Walter R. Lendh at the concert grand. Both instruments are being loaned to the art center by the Baldwin Piano and Organ Studios of Brockton.

Guests were treated to cocktails and a light buffet served in the ground-level foyer, adjacent to the gallery-auditorium. Assisting with guide and hostess duties were members of the Ladies' Committee including:

Mrs. Frank Cross and Mrs. Robert Earle, both of Sharon, co-chairmen; Miss Edith Sprague, Randolph; Mrs. Norman Smith, Holbrook; Mrs. John Farmer, Pembroke; Mrs. John A. Colocousis and Mrs. George Tasho, Brockton; Mrs. Achor B. Campbell, Jr., and Mrs. John Blomstrom, both of Stoughton; Mrs. Thomas Strange Whitman; Mrs. Lawrence Huller, Brockton.

The museum was designed by J. Timothy Anderson and Associates, Inc., and constructed by Eaton and Associates, Inc. A brochure on the pictures being displayed and on the museum was presented to each guest.

The museum will open its doors to the public on Friday from 10 A.M. to 10 P.M. The building will be open weekdays from 10 A.M. to 5 P.M. and Sundays from 1:30 to 5:30 P.M. after the opening day.

A series of special events has been planned, the first of which will be a lecture Feb. 5.

PLANS FINALIZED BY TRUSTEES FOR OPENING OF ART CENTER

Meeting this week at the new Brockton Art Center—Fuller Memorial, members of the Board of Trustees put the finishing touches to plans for the long-awaited formal opening of the South Shore's only art museum on Tuesday, Wednesday, Thursday and Friday.

The meeting was held in the museum library, where a bright, cheery fire burned in the fireplace. Outside, visible through the large glass windows, children skated on Upper Porter's Pond, which borders the museum on the east.

Chairman of the trustees, Kenneth E. Sampson, presided, and members were delighted with the museum's handsome new publication, the creation of Ralph E. Trower, publicity director. The book is, in fact, a catelog of all paintings and art pieces to be part of the first exhibit, with commentaries by Charles Morgan of Amherst and Bartlett Hayes of Andover, both distinguished art authorities.

The magnificent exhibit which the museum will house for the opening consists of New England art from New England museums from the 18th, 19th and 20th Centuries. Collections are now being hung in the several galleries where guests will be greeted at the openings next week.

On Tuesday evening, from 5 to 7, there will be a press preview, to which members of the communications media from the South Shore and Boston are invited. Boston guests will make the trip to Brockton aboard a London bus which has been chartered for the occasion.

The museum's formal black tie opening is planned for Wednesday evening from 8 to 11 for charter members, heads of museums and state and city officials.

Then, on Thursday evening, a special opening will be held for those holding regular museum membership, as well as many of the living artists whose works are presented in the exhibit. This evening, from 8 to 11, is informal.

On Friday evening, the museum will be open to the general public with visitors to be asked for a non-member admission fee of $1.

On all evenings champagne will be served along with finger delicacies. Background music will be provided on Baldwin organ and concert grand piano by Miss Doris Tirrell and Walter Lendh.

Tentative hours during which the museum will be open are Tuesdays through Fridays, 10 A.M. to 5 P.M.; Sundays, 1 to 6 P.M. The museum will be closed on Mondays.

Art Center Opening Is Held

(By Bettina Kyper)

The formal opening Wednesday evening of the magnificent new Brockton Art Center-Fuller Memorial was a glittering affair with an assembly of charter members from the South Shore enjoying the exhibit of priceless New England Art from the 18th, 19th and 20th centuries in the four galleries and in the spacious foyers.

Situated on a picturesque 18-acre site on Oak St., adjacent to Upper Porter Pond, the two-level museum complex is of traditional New England design on the outside, while the interior is one of the most functionally modern museums creating a subtle blending of the old and the new.

It is through the generosity of the late Myron L. Fuller who established Trust Funds for the museum, and by the donations of lands, funds and effort of interested Brockton and South Shore persons that the museum was made possible.

Mr. Fuller was brother of the late Charles L. Fulller, Daily Enterprise publisher, and uncle of the present co-publishers. Albert W. Fuller and Charles A. Fuller, Mr. and Mrs. Albert W. Fuller were unable to attend the museum opening because of Mr. Fuller's illness.

The first art exhibit consists mainly of regional canvases and sculpture loaned by the Addison Gallery of American Art. Phillips Academy; Amherst College, Bowdoin College Museum of Art, Chrysler Art Museum, Colby College Art Museum, DeCordova Museum, Fitchburg Art Museum, Fogg Art Museum, Harvard University, Massachusetts Historical Society.

Museum of Art, Rhode Island School of Design; Museum of Fine Arts, Boston; Museum of Fine Arts, Springfield; New Britain Museum of American Art; Portland Museum of Art; Rhode Island Historical Society, Rose Art Museum, Brandeis University; Saint-Gaudens National Historic Site, Windsor, Vt.; Smith College Museum of Art, Sterling and Francine Clark Art Institute, Williamstown; University of New Hampshire, Scudder Gallery; Wadsworth Antheneum, Hartford, Conn.; Worcester Art Museum and Yale University Art Gallery.

Artists represented are: Albert Alcalay, Washington Allston, David Aronson, Milton Avery, Joseph Badger, Edward Mitchell Bannister, Herbert Barnett, Harris Barron, Ros Barron, Leonard Baskin, George Bellows, Joseph Blackburn, Hyman Bloom, Varujan Boghosian, Horace Bundy, Joseph Goodhue Chandler, Frederick Edwin Church, James Goodwyn Clonney, George H. Cohen, Charles Octavious Cole, John Singleton Copley, Gardner Cox, Jan Cox, Joseph DeMartini, Alfred Duca, Asher B. Durand.

Also, Ralph Earl, Robert Engman, Robert Eshoo, Robert Feke, Erastus Salisbury Field, Howard Gibbs, Kahlil Gibran, Sante Graziani, John Greenwood, Ernst Halberstadt, Robert Hamilton, Chester Harding, William Hart, Marsden Hartley, Childe Hassam, Martin Johnson Heade, Fanny Hillsmith, Winslow Homer.

Edward Hopper, William Morris Hunt, Jim Huntington, Eastman Johnson, Rockwell Kent, Gyorgy Kepes, Karl Knaths, Lawrence Kupferman, John La Farge, Fitz Hugh Lane, John Laurent, Jack Levine, William Manning, John Marin, George Marinko, Michael Mazur, Richard Merkin, Basaldella Mirko, Robert S. Neuman, Kenneth Noland, Maxfield Parrish, Gabor Peterdi, Marianna Pineda.

Also, Arthur Polonsky, Maurice Prendergast, William M. Prior, John Quidor, Augustus Saint-Gaudens, John Singer Sargent, Edward Savage, Henry Schnakenberg, William Sharp, Mitchell Siporin, John Smibert, Maurice Sterne, Donald Stoltenberg, Gilbert Stuart, Jane Stuart, Edmund C. Tarbell, Abbott Handerson Thayer, Harold Tovish, Hugh Townley, John Trumbull, Dwight W. Tryon, Jack Wolfe and Karl Zerbe.

Arrangements for the selections of three centuries of New England art were made by Edouard Du Buron, director of the Brockton Art Center.

A red carpet provided a touch of warm welcome for the guests as they entered the museum crossing over the entry bridge.

The lovely gowns of the ladies in a melange of color became more vivid against the stark white of the gallery walls. The ladies showed varying preferences in evening clothes from the long formals, the short semiformals, mini-skirt formals, theater suits, coat and dress ensembles and the very fashionable formal pants suits.

Background music created a pleasant atmosphere in the main gallery-auditorium played by Miss Doris H. Tirrell at the organ and Walter R. Lendh at the piano. Both instruments were loaned to the museum by the Baldwin Piano and Organ Studies of Brockton.

In this main gallery were the contemporary art works which seemed to pique the curiosity of many guests as they viewed the collection with both interest and challenge.

This gallery, which will serve both as a lecture ball and exhibition area, has a functional stage platform draped with black and gold curtains.

As guests moved through the museum's spacious areas—main galleries, art class studios, library-lounge, tearoom, where a fire burned cheerfully in the fireplace; the completely equipped kitchen, the administration areas, and the several connecting foyer passages—they sipped champagne served from buffet tables set with fresh flowers and lighted candles.

Mrs. Ralph E. Trower, general chairman of the museum's Ladies' Committee, was hostess for Wednesday evening's opening. Her assistants included Mrs. John R. Wheatley, Mrs. Merton B. Tarlow, Mrs. Manuel Alter, Mrs. E. Bradford Keith, Mrs. George O. Jenkins, Mrs. Wayne E. Clark, Mrs. John S. Chase, Mrs. Simon Geilich, Mrs. Alfred L. Duncombe, Mrs. A. Sladen Reynolds, Mrs. Edward E. Lyons, Mrs. Myron F. Fuller, Mrs. Charles N. Fuller, Mrs. Daniel J. McEachern, Mrs. Edward Kirby and Mrs. Fred Armor.

Also assisting the guests during the evening were members of Stonehill College's Key Club, who volunteered their services for the first time for an affair off the college campus.

Tonight the museum will be open to an invitation affair for those holding regular memberships. On Friday, there will be a public opening from 10 in the morning until 10 in the evening.

The museum, at the present time, has a membership of approximately 1,600 members, to whom all facilities and programs are available. The first post-opening event at the museum is planned for Feb. 5 when Bartlett H. Hayes, Jr., director of the Addison Gallery of American Art at Phillips-Andover Academy, will lecture on "The Cow and the Electronic Eye—Three Centuries of Artistic Symbols in New England."

There is much more to come, including the opening of the art class school, for which arrangements are now nearly completed.

Thus Brockton's new art center, a cultural contribution to the community and the South Shore's only art museum, becomes a reality, to serve and inform and to encourage and develop knowledge and appreciation of the fine arts.

BLACK BRAIN DRAIN

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. DIGGS. Mr. Speaker, under leave to extend my remarks in the RECORD, I insert the following article from the winter 1968 issue of Columbia Forum:

Black Brain Drain

(By Vincent Harding)[1]

A basic component of the malaise now experienced in the black urban north is the conviction in the ghettos that they are scheduled for increasingly traumatic visits from the white economic, political, and academic establishments. Many black community organizers, intellectuals, and revolutionaries share the conviction that these intrusions may (whatever their possibly benign intentions) have the effect of robbing the black communities of those painfully developed strengths which grew there in spite of—sometimes because of—America's shameful treatment. Indeed these incursions have already begun, in a form frighteningly reminiscent of some of the most questionable actions on the overseas "development" scene.

The political forces are competing with both business and academe for the most vigorous, creative black leaders, resulting in a "brain drain" no less significant than the one we see internationally, and causing many sober black persons to believe that the same institutions that helped for more than a century to create, maintain, and degrade the northern black urban world are now turning to rape it of all that is distinctive, all that holds potential power for the realization of new black humanity. That this is done in the name of liberalism does not lessen the shock or blunt the bitter edge.

The view from the south is distressingly similar. For when we look at the world of the southern Negro campuses (a fascinating variant of the black northern ghetto) it is starkly evident that the basic elements of our black suspicion and fear are no different. It appears that the same white academic institutions that helped to create the often tragic shortcomings of the black colleges have entered into and are speedily intensifying what may be a deadly relationship to us. We have already gone through—and generally rejected—the stage of being "adopted" by patronizing, white, northern "big brothers." Now, the most evident manifestations of the struggle and suspicion appear to be in the realm of competition for students and faculty personnel. Here, a process which has been developing since 1954, was heightened by the urban explosions of 1964–67, and finally brought to some kind of apogee by the death of Martin Luther King Jr.

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[1] Vincent Harding, who received an M.A. degree from the Graduate School of Journalism of Columbia University and a Ph.D. degree in history from the University of Chicago, is chairman of the department of history at Spelman College in Atlanta, Georgia.

Now, every black Ph.D. who has had his name mentioned twice, or who has published in the slightest review is beseiged by northern, as well as southern, white institutions—most often in response to the militant, urgent, and often threatening demands of their black students. So black faculty members, especially those in the arts and social sciences (and this is where I am centering my concern) are being mercilessly tempted by offers of greatly increased salaries, prestige, and opportunities for research and publication. Many of the faculty persons who appear most attractive to the white schools are the very ones whose strengths are most urgently needed here at "home" in the southern black institutions.

In the realm of student recruiting, the same general situation prevails. Northern white schools in search of black types visit not only Harlem, Chicago, Detroit, St. Louis, Los Angeles, and many other northern communties; they now move relentlessly through Raleigh, Charleston, Atlanta, Birmingham, and New Orleans as well. Their goal, of course, is to get the best black students they can find (this is not meant to deny the existence of those few so-called "high-risk" experiments, of course). In essence, this means that they enter the heartland of the black schools' potential resources, and are able to offer excellent students more money, more prestige of a certain kind, and promises of better graduate school and placement opportunities. So the process of cultural deracination continues apace, and its cloak is "integration."

What shall we do at such an impasse? I should like to suggest four rather concrete, if modest, proposals which may offer some first steps beyond the destructiveness that appears to be the present tendency in the relations between black and white institutions of higher learning:

1. Where faculty recruitment is concerned, we simply do not have now a sufficient supply of black faculty persons at the minimum level of competence to supply the demands of black and white institutions. (To speak of "minimum level" is, of course, to say nothing of the black-conscious, articulate, militant, scholar-teachers demanded by the various Afro-American student groups on white campuses!)

Therefore, all purposes might be served in a more logical and less internecine manner if in this strange interregnum white institutions established more visiting professorships in Afro-American studies and attempted less outright recruitment of black faculty from the black schools. Such professorships might require the faculty person to be present for a semester or a year. He would be asked to teach no more than one course and to deliver a number of public lectures. He could do whatever consulting he was gifted and inclined to do on subjects of curriculum or other matters.

In this way, the black faculty presence could be made available. Until there are more such persons, it would surely be token, but at the same time it would provide the visitor a greater opportunity for research and writing than is usually available on black campuses. Depending, of course, on his personality, he could—even in a limited way—render invaluable service to the black students as well as to the larger campus. Perhaps of greatest importance is the fact that the black professor's services could be secured without forcing his own institution to suffer a permanent loss.

2. On undergraduate student recruitment policy it should be possible to work out an arrangement between a black and a white institution to this effect: With funds obtained by the white school for financial aid, black students anywhere could be approached by individuals or a team that represented the two schools. They would be told that the money could be used for their expenses to attend—for instance—Carleton or Clark. Moreover, the agreement could include the stipulation that they spend a year as exchange students at the partner institution of the one chosen.

Here again, black-conscious students—like their faculty counterparts—would be relieved of some of the pressure presented by substantial sums of money appearing in white hands. Besides, both institutions would gain (if only to a limited degree in the second school's case) from the presence of the attractive prospects on their campuses.

3. To alleviate the financial poverty of black schools, a percentage of all moneys raised for work with black students on white campuses might be given to the United Negro College Fund. Probably more helpful, however, would be to contribute to the creation of an autonomous black educational foundation, one substantially funded for creative work on the black campuses.

4. Finally, as it is apparent that one of the basic problems all schools face is the shortage of persons trained at the graduate level in the area of greatest demand by black students—Afro-American studies—it is imperative that we work cooperatively to fill that gap. In spite of the attempts now being made to do this in a variety of most unlikely places, much logic seems to reside in the thought that black institutions, if properly funded and organized, could probably do this best, especially where traditions, libraries, and faculties seem at least adequate.

In the Atlanta University Center, for example, there are six black institutions with more than two dozen scholars among their faculties whose training, experience, and teaching in the field of Afro-American life and culture are significant. The Slaughter Collection of Negro Literature, the outstanding Georgia State Archives, and the recently inaugurated Martin Luther King Jr. Memorial Library combine to present unusual library and archival resources. Nor is one properly able to estimate the importance of the tradition and legacy left by such scholars as W. E. B. DuBois, E. Franklin Frazier, Rayford Logan, E. S. Braithwaithe, and Ira Reid.

It is against this background of past and present resources (to say nothing of current student concern) that we in Atlanta are now in the process of creating an Institute for Advanced Afro-American Studies. This center would train scores of new persons in the field within the next decade and would make serious programs and curriculum resources available for the retooling of persons already teaching—from nursery school to the graduate level. The Institute will need financial support in the millions of dollars, and some of that should come from the northern institutions, which have been so long discovering the academic reality (and respectability) of Afro-American studies, and which are now demanding instant experts—with publications to match—largely to save their own lives.

The Institute proposes to help produce the authorities, not instantaneously, but with passionate and responsible care. Cooperative alliances of various kinds should therefore be possible—on terms which must, of course, assure our integrity. Here is a signal opportunity. Many Afro-Americans are plagued by serious doubts concerning the capacity of American higher education to escape the contempt of history. They wonder whether it is needed too deeply imitative of the larger society to find new paths. There are doubts about whether the current rage for things black will last—even beyond the next inauguration. Often, on a more personal level, we speculate on how much the pressures toward capitulation, co-optation, and cynicism will mount among those of us who share the black heritage. Sometimes in the midst of these doubts we are afraid.

These brief proposals are made as a movement against the stream of fear, not as a blind act of faith in American educational institutions, but as an expression of that critical hope and ultimate commitment to a new humanity which alone make life bearable—at least for me—in this strange and threatening land.

INTERPOL

HON. RICHARD H. POFF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. POFF. Mr. Speaker, I am concerned that the people of this country have a misimpression of the structure, goals, and functions of IPCO-Interpol. Recently Mr. James Pomeroy Hendrick, Special Assistant to the Secretary of the Treasury—for enforcement—and Vice President of Interpol, addressed the 631st graduating class of the Treasury Law Enforcement School. Mr. Hendrick's speech corrects the public misimpression and puts into proper focus a subject which should be one of continuing concern to every thoughtful person. Under leave to extend my remarks, I quote herewith the text of Mr. Hendrick's speech:

REMARKS OF JAMES POMEROY HENDRICK BEFORE THE 631ST GRADUATION CLASS OF THE TREASURY LAW ENFORCEMENT SCHOOL

The other night I saw the beginning of a movie replayed on TV. Scene: A mountain high up in the Alps. Down the steep slope speed a skier, performing his traverses and parallel turns with unusual verve and grace. One heard in the distance a crack, as if a small branch of a tree had been broken. Then suddenly the skier fell. How could so expert a man be so clumsy? But no—it was not a fall, something had hit him. He was lying inert. Now the camera zooms back up the mountain. We see a heavy-jowled man in military uniform caressing his telescopic sight rifle. "One more Interpol agent dead!" he growls in a thick foreign accent. "Decadent capitalistic stooges! My country will get rid of them all!"

So starts the movie and so go the impressions of many people in regard to this extraordinary organization, the International Criminal Police Organization, familiarly known as Interpol (a name which, by the way, has been registered as a trademark by the Organization in the United States and a number of other member countries).

A FALSE IMPRESSION

Actually the movie gave a completely false impression of what Interpol is about. Interpol deals with law enforcement when it involves crossing international borders—a robber, a counterfeiter, a rapist, or what have you, who after committing his crime flees from one country to another. But Interpol never involves itself in political, military, religious or racial matters. These activities are forbidden by its constitution.

INTERPOL'S MISSION

Interpol concerns itself only with normal, every-day crime, and it is pledged to action always in conformity with the Universal Declaration of Human Rights, whose twentieth anniversary we have recently celebrated. It is concerned with apprehension of criminals, exchange of information, identification, arrest, extradition. In addition, it also works in the field of crime prevention. It puts out literature on counterfeits, automobile thefts, and any number of other subjects designed to facilitate the law enforcement officer in his task of dissuading potential criminals from breaking the law before they actually do so. It also holds symposiums on these and other subjects.

There is such a symposium going on right now on technical methods of tracking down criminals. Treasury's Dr. Maynard Pro, from the Alcohol and Tobacco Tax Laboratory, is in Paris at this moment advising other member country experts of the extraordinary progress made by the United States in neutron activation. This technique makes possible conviction of a safecracker by proving that dust on the floor by the safe in question is the same as that on his trouser knees, gathered there when he knelt to do his work. And by proving further that such dust could not have come from any other place in the world.

HISTORY

A word about the Organization's history.

The idea of Interpol arose in 1914 when a number of police officers, magistrates and lawyers met in Monaco to lay the foundations for international police cooperation. Here was established an International Criminal Police Congress. A few months later World War I broke out and the plan was shelved.

In 1923 the International Criminal Police Congress met again, this time in Vienna. Delegates from some 20 countries approved creation of an International Criminal Police Commission. Its headquarters was established in Vienna and a satisfactory start made with operations limited to Europe. But again hostilities brought a stop to the activity with the advent of World War II.

In 1946 high ranking enforcement officers met in Brussels to breathe new life into the temporarily discontinued Commission. At this meeting the Organization's constitution was revised and headquarters set up in Paris. This time there were only 19 member countries represented, but in contrast to the past they came from all parts of the world.

By 1956 the membership had increased to 55 countries. A meeting was held in Vienna; here significant regulatory changes were agreed to which have remained for the most part unchanged.

ORGANIZATION—THE GENERAL ASSEMBLY

Since grown to more than 100 members, from Algeria to Zambia, Interpol is directed by a General Assembly, meeting once a year to discuss matters of crime and of organization.

The 1968 Assembly recently held in Iran took up, among other substantive matters: Recent developments in juvenile delinquency, disaster victim identification, international currency counterfeiting, forged bills of lading, police planning, international drug traffic, and protection of works of art.

Among organizational subjects considered, in addition to budget, elections and appointments, was a United States plan, which was unanimously approved, for better auditing procedures.

Held each year in a different country (the last Washington meeting was in 1960), the Assembly provides an unrivaled opportunity for top echelon enforcement officers throughout the world to exchange views and to become well acquainted so that when problems arise involving two countries the officer in each will know just whom he is dealing with.

RESOLUTIONS—MARIHUANA

General Assembly resolutions are passed which often carry great weight in the international enforcement community and with the public at large

The year before, for example, a strong resolution on the dangers of marihuana was drafted by then United States Commissioner of Narcotics Henry L. Giordano. Passed at a time when public debate raged over the question whether marihuana was not safer for one's daughter than drinking a cocktail, the resolution, which expressed law enforcement men's unanimous opposition to this permissive idea, did much to bring sanity to popular understanding of the subject.

EXECUTIVE COMMITTEE

Handling problems which must be treated in greater detail or greater depth than may be possible in the General Assembly is an Executive Committee presently formed of three members each from Africa, the Americas, Asia and Europe, together with a President, at this time a European. Ordinarily the Committee meets twice a year. The newly elected President, Mr. Paul Dickopf, is the head of the German Federal Criminal Police Office. I had the opportunity recently to visit Mr. Dickopf's headquarters in Wiesbaden and can attest to the efficiency and sympathetic intelligence with which Mr. Dickopf's operation is conducted.

THE EXECUTIVE SECRETARIAT

While the governing policies of Interpol are established by the General Assembly and the Executive Committee, the day-to-day operations are handled by an Executive Secretariat. This consists of a Secretary General together with officers who exercise various functions, including the operation of a worldwide communications system dealing with international police work (126,000 cables in 1967), a central record of international criminals, 1,000,000 cards, 40,000 criminals), a research center, a section dealing with reports to General Assemblies, major international organizations and scientific bodies, and one which produces an International Criminal Police Review. Many documents are published by the Secretariat dealing with criminals who have left home base, recidivists, or those most sought after, and dealing with the subject of international crime. In addition, a publication or counterfeit currency is widely circulated to banks and financial institutions, surely the most helpful publication of its kind that exists today.

HEADQUARTERS

The headquarters of the Organization was recently moved from an ancient building in Paris to a relatively small American-style office building in the environs of Paris at St. Cloud. Any of you who have been to Paris will know how rare indeed are new buildings in that beautiful city. The Interpol building is an extraordinary exception—extraordinary not only because it is new but also because the architecture, completely modern, nonetheless fits in with the surrounding countryside in a manner entirely pleasing to the eye.

One feature of the new building which is of interest to visitors is the Crime Museum on the ground floor. Here are typical exhibits of smugglers' tricks—the false bottomed suitcase, the hollow heel of a shoe; and of ordinary and extraordinary weapons, jimmys and tools of all sorts used in robberies, hold-ups and murders.

THE "CARBINE" WILLIAMS SINGLE ACTION COLT

Most impressive of all from our standpoint is a beautifully carved Colt single-action revolver which was given to Interpol a year ago by Mr. Samuel Pryor, one of our General Assembly delegates. The revolver had been owned by one of America's great criminals, "Carbine" Williams. The adjective "great" is used advisedly.

While serving a 20-year term in prison for—and this is ironic—the killing of one of our Treasury agents during the Prohibition era, Williams had the imagination, energy and courage to draw up plans for an unusual rifle adopting the hitherto unknown principle of a floating chamber. Pardoned after his plans became known to a sympathetic warden, Williams explained the working of the weapon to the United States Army Chief of Ordnance, and this became the M-1 carbine used throughout World War II by our armed forces. Though he would accept no compensation for this extremely significant invention, he later worked up for commercial firms many new developments in the art. Independently wealthy as a result, Williams today is a leading and respected citizen of North Carolina.

FINANCES

From the financial standpoint Interpol represents something to which all international organizations, and indeed all domestic corporations and all house-holders, aspire, most of them in vain.

It has a modest budget which it does not exceed.

Moreover, its new building was completed on schedule and cost less than the amount budgeted.

Due credit for these accomplishments must be given to the extremely efficient and effective Secretary General, Jean Népote.

The over-all budget for the coming year is some 2.3 million Swiss francs, roughly $530,000. The United States share of this is $28,500 or approximately 5.4 percent. We, together with other developed countries such as the United Kingdom, France, Germany and Italy, pay a larger share than do the developing countries. Nonetheless the United States percentage for Interpol is almost the lowest percentage figure for its contribution to any international organization. We pay 30 percent or over of the dues for the United Nations, FAO, ICAO, UNESCO and WHO. For many inter-American organizations our contribution is over 60 percent.

A considerable number of the employees of the Organization are borrowed from the French police force, with the Organization paying only a relatively small amount for the work they do. The over-all annual expense for 102 employees, including those loaned from the French police, is 1,142,500 Swiss francs, which works out at an average of some 11,000 Swiss francs or approximately $2,500 per employee. No one can say that this is not an economically run organization!

THE NATIONAL CENTRAL BUREAUS

The recipients of the day-to-day inquiries and releases put out by the Organization, and the transmitters of information back to the Organization or to other members, are the National Central Bureaus. Each country has one. They function in conjunction with the Executive Secretariat as a permanent and truly worldwide network of international cooperation. The United States National Central Bureau, established in 1958, when our Congress voted adherence to Interpol, is in the Office of the Secretary of the Treasury.

COOPERATION WITH SCOTLAND YARD

On a recent trip to London, I was able to talk with the Scotland Yard men who form the United Kingdom National Central Bureau. They were delighted that only a few days before my arrival they asked our office in Washington if arrangements could be made for a particular United States citizen to come to London to testify as a witness in a case which was unexpectedly being called for trial within only two days' time. To their delight, our telegraphed reply advised that the potential witness would be on a plane going to London that very night, and the reply went out within two hours.

SOME SPECIFIC CASES

I would like to conclude by giving a few examples of what Interpol actually accomplishes in specific cases. Of necessity, names and certain details have been fictionalized because certain aspects of the cases are still pending.

A BRONX MURDER

A hoodlum named "Mickey the Mite" Mannheimer had been observed on the scene of a killing in the Bronx with a smoking revolver in his hand. Before the police could arrest him he got away, but not before he had been identified by Joey Angulo, a known and trusted informant in narcotic cases.

Weeks had elapsed with no sign of Mickey the Mite. The only lead police could develop was a Bronx girl named Gretchen who lived in the apartment above Mickey. Mickey and Gretchen had been known to have been what is called "very good friends"—although this had not interfered with Gretchen's carrying on her profession, which was the world's oldest.

Gretchen was German and her parents lived in the old country. Acting on a hunch, the Assistant District Attorney in charge of the investigation called our Treasury man. We sent a cable at once to Paul Dickopf, head of the Bundeskriminalamt (Federal Criminal Police Office) in Weisbaden. Dickopf's men started asking questions in Hamburg where it was believed the parents could be found. It didn't take long. Mickey the Mite was found with the parents. He is now back in New York. He is awaiting trial on a charge of first degree murder.

BANKS DEFRAUDED

Another case: Three months ago a rather thin man with aquiline nose and heavy eyeglasses walked into the main American office of Banco di Roma e Ferrara. He presented a draft drawn on its Rome office for $60,000 together with a letter from a senior officer of the Bank of America and a passport purporting to establish that his name was Giovanni Semplice of 4001 Deep Valley Avenue. Relying on the letter and the passport, the draft was cashed. The next day the same man repeated the performance at the Farmers and Mechanics Bank—another $60,000. Later on the same day, he tried it out on the Citizens First National Union Bank, again with success. In due course the banks discovered the Rome office had no funds on deposit to support the drafts and the Bank of America officer's letter was a forgery. Fingerprints were lifted from one of the papers presented, but FBI latent print files were negative on them. Once more our Treasury man was called on. Over to the INTERPOL Bureau in Rome went the prints and a description; back came the identification and not long after Semplice (whose name turned out to be Durante, well known to the Caribinieri with a criminal record long as his arm) was apprehended in Ferrara. The man is now awaiting trial.

SENIOR CITIZENS DEFRAUDED

One more: For eight years the police in Los Angeles had been on the lookout for a man known to them under the names of Johnson, Henderson, Smithson, Jackson, and Williamson. The name always varied, except for a "son" at the end. The reason the police wanted this man was always the same. In each case, a personalized form letter was widely circulated through the mails to persons in the retirement age bracket offering each lucky recipient an exclusive franchise for the sale of Coty perfumes within a large and carefully designated territory for a mere $6,000, only $100 down. It was surprising how many innocents accepted and surprising how Mr. ——— son could never be found after the checks had been sent and cashed.

Notice of the fraud was sent to us by the Los Angeles police and we gave a description to Interpol Paris which in turn circularized it to the member countries. Scotland Yard reported a Wrightson recently and hurriedly departed from Manchester after a franchise offer. This news also was circularized to the Interpol membership. Two months later, the New Zealand police noted an advertisement in a small local paper inviting inquiries on a franchise for Ivor Johnson bicycles. It was signed by a Mr. Bankson. The new Zealand police had read the Interpol notices. Mr. Bankson was traced. He is now safe behind bars in Wellington. He would rather be there than in Los Angeles but who knows whether he'll always be able to stay away.

WEAPON TO COMBAT INTERNATIONAL CRIME

Soon we are going to see introduction of the new jumbo-sized planes, carrying over double the number of passengers, and at reduced rates. More and more the criminal elements will use them. More and more crime will become international. In seeking to control it, the enforcement officer must use every legal weapon in his arsenal. Among these weapons few if any can be more useful than ICPO-Interpol.

TESTIMONY OF PAUL J. KREBS, EXECUTIVE DIRECTOR, NEW JERSEY STATE OFFICE OF CONSUMER PROTECTION, BEFORE THE FEDERAL TRADE COMMISSION, THURSDAY, JANUARY 9, 1969, ON THE SUBJECT OF NEW CAR WARRANTIES

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. HOWARD. Mr. Speaker, in our country today, one of the strongest voices for consumer protection is that of former Representative Paul J. Krebs who now serves with great distinction as executive director of the New Jersey State Office of Consumer Protection.

On January 9, 1969, Mr. Krebs continued to show his concern for the consumer and his determination to leave no stone unturned in his quest for more and better consumer protection legislation. Mr. Krebs testified before the Federal Trade Commission on the subject of new car warranties.

Because of the high interest in consumer protection I am including Mr. Krebs' testimony in the RECORD and urge all of my colleagues in the House to review this thought-provoking presentation:

TESTIMONY OF PAUL J. KREBS

Gentlemen, I thank you for the opportunity to appear before you today on behalf of the consumers of New Jersey. As the Director of a functional State Agency concerned with the problems and protection of the consumer, I frequently appear before State and Federal bodies in order to document the consumer's problems. I usually use case histories in order to do so.

In preparation for my testimony here today, I asked my staff to select new car warranty cases that would clearly picture our experience in this area. Our staff members each had at least a dozen cases to cite. We discussed these almost 200 current cases. We also reviewed the reports of your own and other staffs as well as recent articles in the newspapers and magazines and testimony gathered at other hearings in this field.

It soon became evident that the problems were all too well known. Every car buyer, every organization concerned with the industry and every portion of the news media had its horror stories to tell. To come here and tell our own would still provide no answers to the two basic questions: Should the government do something to end the situation? What should and could be done?

Our own case histories document the Federal Trade Commission's Staff Report. We will, of course, be happy to make them available to you. In our testimony today, however, we would prefer to briefly state some of the problems and then offer our suggestions for what the Federal Government should and could do about them. First, the problems:

THE PROBLEMS

The express warranty of the new car manufacturer is designed to limit his liability—not to protect the buyer. It is the manufacturer's advertising that has made it seem otherwise to the consumer. So-called liberalization of the warranty has been a coverup for increased production schedules which render careful assembly and close inspection impossible. It has also been the fodder for a propaganda battle between manufacturers designed to convince the buyer that one product is superior to another.

What must be remembered is that while warranty competition between manufacturers may cause a consumer to choose one automobile over another, the fact remains that the need of the average American for a car forces him to make that choice. What the consumer needs is not merely a more understandable warranty but protection against an industry-wide system that gives him no recourse against giant manufacturers whose product is frequently defective and unsafe.

What we will propose therefore is a government enforced transmutation of the express warranty from a limitation of the manufacturers' liability to the safeguard of the consumer that the manufacturers' advertising has made it seem.

Other warranty problems are all corollaries of this central problem. The complaints heard most frequently are:

1. The language of the manufacturers' express warranty is so vague and legalistic that the consumer has no understanding of what is actually covered by the warranty.
2. The manufacturer issuing the express warranty is also the sole judge and jury of whether or not his warranty should apply. It seems to the average consumer that the manufacturer almost always resolves the matter in his own favor. The manufacturer is, of course, in a greatly superior position to that of the consumer and is more able to deal with such problems than he.
3. The consumers' only recourse when the manufacturer fails to make needed repairs is to start a long and expensive court battle. Such a court battle not only involves time and expense but places the individual consumer in the position of having to do battle with his greatly more resourceful superior.
4. Defects are not corrected after repeated returns to the dealer; or the car is so defective many, many repairs of differing kinds must be made.
5. The manufacturer only has to replace parts even when the defect has caused the entire automobile to become useless or dangerous.

The consumer appears not to be alone in his problems with the giant manufacturers of the automobile industry. The franchised dealer, too, has his problems. Most common amongst dealer complaints are (1) that they cannot get the parts needed for repair; (2) that the manufacturer allows little time or money for making an automobile ready for delivery and (3) that they are inadequately compensated for warranty repairs.

A SUGGESTED SOLUTION

The solution that we propose hinges on two main points. The first is the concept of implied warranty of merchantability and fitness for use. The second is that the consumer needs and deserves the aid of a government agency in dealing with his problems with the automobile manufacturer. In this testimony, we suggest that the Federal Trade Commission be that government agency. We do so in order to be consistent with our previous testimony. If you will recall, we appeared before you in December to recommend the establishment of a Federal Department of Consumer Affairs. We recommended further that the Federal Trade Commission be incorporated into that Federal Department of Consumer Affairs. Since at this time, there has not yet been established such a department, we are suggesting that the powers which would ordinarily be delegated to the Secretary of such a department be delegated instead to the Federal Trade Commission.

As I am sure you are all well aware, the Uniform Commercial Code which has been adopted by many of the states contains the concept of the implied warranty of merchantability. Unfortunately, this concept as embodied in state law has been of relatively little aid to the consumer in his dealings with the automobile manufacturers. The major problem has been the need to undergo lengthy and costly legal proceedings in order to establish your position under this law. Too, some states have held that the manufacturers' express warranty may be used in lieu of the implied warranty of merchantability. It is this first problem that we would address ourselves to. The purpose of the implied warranty of merchantability is the protection of the buyer from unsafe and defective products. The purpose of a manufacturer's express warranty, on the other hand, is the limitation of the manufacturer's liability for defects. It is our understanding that the implied warranty and the express warranty are actually mutually exclusive. We are happy to note that several court decisions, most notably in Florida and Tennessee, have ruled that the manufacturers' express warranty may not be in lieu of the implied warranty.

The heart of our proposed solution is a Federal statute imposing and enforcing a broadened concept of the implied warranty of merchantability on new automobiles sold in interstate commerce. This statute should provide that the manufacturer may not exclude himself from this implied warranty either through his express warranty or by using the words "as is." We propose that it be left to the Federal Trade Commission to establish regulations for the administration of this provision.

We recommend further that the act contain language such as the following: "The act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, or the knowing, concealment, suppression, or omission, in connection with the sale or advertisement of any automobile sold in interstate commerce or with the subsequent performance of such person as aforesaid is declared to be an unlawful practice."

Similar language in the New Jersey statutes has been interpreted as pertaining to a warranty or guarantee. It is held that a warranty is a promise of performance that is relied upon by the purchaser when determining whether or not to buy. If such promise is not fulfilled (subsequent performance), the seller is found to be in violation of the statute. We recommend that the Federal Trade Commission be given the authority to enforce this statute administratively and to impose penalties for violation of the statute. We would suggest a penalty of $1,000 for a first offense and $5,000 for subsequent offenses.

We recommend further that the Federal Trade Commission be empowered to establish regional bodies for compulsory arbitration of warranty disputes. This will prevent the present situation wherein the manufacturer issuing the warranty is the sole judge and jury of whether that warranty shall apply. The purpose of this recommendation is to provide the American automobile purchaser with a federal administrative agency to which he can bring his new car warranty problems and to enable him to deal with the automobile manufacturer as if he were an equal and not an inferior. The regional bodies should be empowered to hear any case in which the consumer believes the manufacturer is unlawfully denying liability. Specifically excluded, however, should be those cases where the consumer is seeking compensation for injuries or other loss sustained by reason of defective or unsafe products.

At the present time, the manufacturers limit their liability to the replacement of defective parts. We would recommend that this limitation be circumvented by the regional arbitration bodies in those cases where the product appears to have been in such unsafe or defective condition as to prevent satisfactory repair. It should be left to the discretion of the arbitration agency to set standards for the number of repeated attempts at repair which may be reasonably and conscionably required by the manufacturer before such replacement is granted to the consumer.

We wish at this time to address ourselves to some of the problems which we described as corollary to the central problem of providing the consumer with protection against this system. Number one in our discussion of those problems was the language and wording of the manufacturers' express warranty. We have carefully studied the provisions of a bill introduced by Senators Carl Hayden and Warren Magnuson on December 6, 1967, under bill No. S. 2727. We should like to recommend to you Section 4 of that bill which prescribes warranty standards. You will note that the Hayden-Magnuson Bill leaves much to the discretion of the regulatory agency, which was in that case the Commerce Department. We, of course, are recommending that the administration of these warranty standards be placed in the hands of the Federal Trade Commission. I am sure that it is not necessary for me to read the language of this section of S. 2727 but I should like to call your special attention to that portion which includes provision for the adjustment and settlement of warranty cases by arbitration.

The second and third problems delineated in our listing of corollary situations are the manufacturers' judgment of his own warranty and the consumers' limited recourse to lengthy legal proceedings. We believe that these two corollary problems will be answered by the establishment of the regional arbitration bodies.

Numbers four and five in our list were the problems of defects not being corrected after repeated returns to the dealer and manufacturer liability limited to replacement of defective parts. This too we would feel is answered by the powers given to the regional arbitration agencies.

The last section of the act must deal with the problems of the franchised dealers who frequently are as powerless as the consumer in their dealings with the automobile manufacturer. We would recommend that the dealer be considered a consumer in two specified limited situations: to wit: (1) the situation wherein the dealer is unable to serve his customer by obtaining adequate materials and compensation for labor in preparing an automobile for initial delivery, (2) the situation wherein the dealer cannot obtain the proper materials or receive adequate compensation for labor required in warranty repairs. In these limited factual patterns, the dealer will have the same recourse as that afforded to the consumer through the regional arbitration bodies.

What we have attempted to do in our proposal is to consider the new car warranty problem in its broadest possible aspect. The express new car warranty of the automobile manufacturers is an industry-wide system which affects not only the consumer but the franchised dealer as well. To base recommendations for new legislation on the premise and philosophy of the express warranty would be to render limited aid to the consumer himself. The entire concept of new car warranties is what needs correction. We feel this correction can be accomplished only through the imposition and enforcement of a broadened implied warranty of merchantability concept. We have not denied to the manufacturer his option for specific, express warranties. We have only prevented him from limiting his liability in such a manner as to render harm to the public good. The manufacturers may continue their advertising battle to attract the attention of the prospective buyer; but with the safeguards of this legislation, each buyer would have the comforting knowledge that at least a minimum of protection against unsafe and defective automobiles will be afforded to him through the aid of government agencies.

Not only have we changed the concept of warranty but, in certain specific situations, we have changed the concept of dealer from one of agent to that of consumer. No longer will the dealer have to be the man in the middle, refused aid from the manufacturer who granted him his franchise and besieged by the consumer who considers him to be at fault for automobiles not prepared for delivery or not repaired properly.

Under this proposal, the Federal Trade Commission will be given many new and important responsibilities. It will become the consumers' watchdog with power to administer sanctions for failure of the manufacturer to comply with federal law. In the establishment of the regional arbitration agencies a section of the Federal Trade Commission will become the vehicle for settlement of legitimate consumer complaints against the automobile manufacturer.

We recognize that this proposal, although with adequate precedent, is a radical departure from present law. We will therefore not burden you with any extraneous remarks and will close our testimony by urging that the Federal Trade Commission support the adoption of this proposed legislation by the Congress of the United States.

Thank you gentlemen.

LET'S ACT NOW

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. HARVEY. Mr. Speaker, a few days ago, I reintroduced legislation which I first sponsored in 1967 concerning bargaining and strikes. This joint resolution calls for the establishment of a joint congressional committee to review and recommend revisions in the laws relating to industrywide collective bargaining and industrywide strikes and lockouts. I truly hope that this year we can move this legislation through the House. If there is any question as to the need for such legislation, may I recommend a review of recent statistics released by the Department of Labor. Quite briefly, the statistics established last year—1968—was the biggest strike year since 1953. They listed 4,950 labor stoppages. In all, 47 million man-days of work were lost as a result of strikes last year. What a ghastly and costly blow to our Nation.

But, look ahead; 1969 could be the worst ever.

I truly hope Congress will act now rather than be forced into hasty reaction later. Permit me also to insert two extremely timely newspaper editorials which appeared in the Port Huron Times Herald, Port Huron, Mich., on January 9 and 10 commenting on this subject:

GOVERNMENT MUST MEET LABOR CRISIS

The slow strangulation of a big chunk of the oil distribution industry deserves the immediate attention of State and Federal officials.

In Detroit, Teamsters have added their muscle to a strike of oil workers against seven suppliers of gasoline and fuel oil—part of a nationwide strike of 60,000 Oil-

Chemical and Atomic Workers in a wage dispute.

It is only a matter of time—and not much time, at that—before severe shortages will cut vital transportation and, worse, will bring thousands of householders face-to-face with how to combat a Michigan winter with no fuel in the furnace.

Another facet to the labor disruption of people's lives was added today by a strike of the Wire Service Guild against the Associated Press, the Nation's largest newsgathering organization, threatening a dimout of news to people throughout the entire United States.

It is high time that State and Federal officials come to grips with the power that unions have to threaten the health, welfare and safety of citizens. It is high time that government, concerned for the rights of individuals in every other sphere of life, attack the blind spot it has for the right of individuals against the ruthless squeeze that labor unions remain free to impose on a hapless citizenry.

We say to President-Elect Nixon, Senator Philip Hart, Senator Robert Griffin and Rep. James Harvey—we say to Lieut. Gov. Milliken. Senator Alvin DeGrow and Rep. William ~~S. Jowett~~ that no other crisis today is as urgent as that posed by unchecked union power to deprive citizens of commodities and services essential to their health and well-being.

For government to continue to close its eyes to such power—and its abusive use—is to approve of an anarchy that can destroy our society.

We do not, by any means, blame unions for every strike. Nor do we welcome government intervention in yet another area of American life.

Nevertheless, the conclusion is inescapable that only government can right the wrongs being suffered by citizens. Only legislation can restore people's rights to the "life, liberty and pursuit of happiness" they once enjoyed. If labor unions will not recognize any responsibility to citizens, then government—however reluctantly—must step in to insure that our economy and our society continues to function.

The matter is that serious. The crisis is here. Government must act now!

THE DANGERS—AND NEEDS—ARE CLEAR

The Times Herald editorial on page one Thursday urged prompt and effective action on the part of government to resist the misuse of power by organized labor.

It charged State and federal officials with the clear responsibility to prevent the nationwide hardship and peril which must follow serious interference with essential goods and services.

That stand was not lightly taken. We recognize the real danger inherent in government control in the sensitive relationship between union and management.

We have consistently urged de-emphasizing government control where there is will and ability to find acceptable solutions within the private domain by nongovernment agencies.

But government obviously must move when there is an unresolved threat to the health, welfare or safety of the American people.

We recognize very clearly that government interference in union-management affairs is close to the heart and core of our economic system. Such interference can only be justified by a major tampering with the rights and well-being of uncounted millions who have no direct involvement in the disputes at issue.

Yet we believe that current strike activities, direct and sympathetic, constitute such a major tampering. The forces of labor have gone overboard in the exercise of their rights. They are using their legitimate strike weapon unjustly against a multitude of innocent people. The fact that their own membership may be suffering along with everybody else is no justification for an attack on the public at large.

Continuation of these policies without some effective element of control, whether that be new legislation or realistic application of existing laws, could lead to a major disaster in this country.

It is no exaggeration to say it could even result in an upheaval of our political system.

Carried to extremes, it could resolve itself into a stalemated crisis which nothing short of forced socialism or dictatorship could break.

These are not faint-hearted anxieties. They are distinct possibilities when vital elements of the American society are threatened.

And vital elements ARE threatened when fuel supplies could be cut off, or transportation of essential goods could be halted, or necessary public services could be withheld.

That is why we say again, most emphatically, that government must step in to protect the American people. Power tactics which would use the health, happiness and safety of innocent people as an instrument of negotiation can only be countered by the greater power of government.

Cold weather, hunger and disease will not wait for a politic time.

The time is now for legislators on the State and federal level to recognize the immensity and urgency of this problem and to start doing something about it.

TO BE A NATION UNDER GOD

HON. CLARENCE J. BROWN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. BROWN of Ohio. Mr. Speaker, at this time when we have just inaugurated a new President of the United States, I feel it is appropriate to insert in the RECORD a sermon prepared and delivered on Sunday, January 19, 1969, by the Reverend Edward L. R. Elson, S.T.D., Litt. D., LL. D., pastor of the National Presbyterian Church of Washington, D. C., from the pulpit of that church. His sermon is most meaningful and inspiring to me, and its delivery right before the official inauguration helped set the tone of that event for many of us who heard the sermon, which follows:

TO BE A NATION UNDER GOD

(By Dr. Edward L. R. Elson, the National Presbyterian Church pulpit)

"Blessed is the nation whose God is the Lord." Psalm 33:12.

"Do not throw away your faith now, for it carries with it great reward." Hebrews 10:35.

In ancient Sparta it was the custom of mothers to present shields to their sons before going into battle, with the statement, "Either bring this back or be brought back upon it." Many young men were given courage when they were presented with their father's shield.

This Lacedaemonian ceremony was in the mind of the author of this verse in the Letter to the Hebrews. It was declared, "Cast not away your confession of faith. This is your shield. Keep it and it will be your defense. This faith, thy father, by the grace of God, has always kept. Keep it also or thou must expect to perish."

These are unforgettable words which are applicable to America in this hour. "Do not throw away your faith, for it carries with it great reward."

What is it then that makes America utterly unique among the nations of the world? This is an apt question for today.

"In the beginning God." On these, the first words of the Bible, early America staked down its life.

This central tenet of our life was explicit in our Declaration of Independence. It is implicit in our instruments of government. It permeates our institutions. And it is manifest in our common days. The virtues of our people and the values in our culture are derived from the premise that this is "a nation under God."

This basic truth has been mediated to our people through many religious traditions and by many denominations. All espouse in common a faith in a transcendent God in history and beyond history. In some this faith in God has been intimate and personal; in others an attitude of life derived from the social climate and the cultural atmosphere produced by religious faith, principally evangelical Christian faith.

To be sure, America has as a principle the complete separation of the institutions of the Church from the institution of government. In our pluralistic religious structure this separation has been a source of virility to both Church and state. But, while we cling tenaciously to this principle of separation, no doctrine of American life has ever minimized the presence, the power, or the influence of religion in our national affairs. Our national life begins and continues its whole structure on the premise of the first words of the Bible, "In the beginning God."

To be "under God" is to acknowledge that this is God's world—that He is the sovereign Lord and Ruler of all life. He is the God of Creation, Man, created in His image, bears some of God's characteristics. Man is a person as God is a person; and the only reason for treating human beings with dignity and respect is that they are persons created in God's image, with immortal souls and an eternal destiny. Thus created by God in God's own image, man is free under God's rulership. His freedom is God-bestowed, not an attainment but an obtainment. Man is born free and the chief end of this free man, as the catechism long ago said, is "to glorify God and enjoy Him forever." God Himself is the Lord of Creation and He will have no other gods before Him. Therefore, that nation which deifies itself or absolutizes some reality in its life, as did Nazi Germany, cannot be a nation "under God." Such is idolatry, for that nation has usurped God's place. Americans have always rejected this temptation. Americans believe God is above the nation.

To be "under God" is also to be under His providence. There is a destiny for that nation whose "God is the Lord"—a destiny shaped and determined by the Almighty Himself. Our spiritual forebears covenanted with God, not as a tribal or a racial deity but as the universal God who, while being the God of all people, becomes in a special sense the God of those who accept His purpose for human life.

Our history has meaning only in these terms. We are a people under God's providence.

To be "under God" is to be guided by Him. That nation which seeks to understand and obey His laws, that nation which seeks to discern and do His will—only that nation becomes an effective instrument of God's purpose on the earth. Above all, over all, guiding all, empowering all is the transcendent God. To the degree we possess His mind and spirit which is at the center of the universe, and which we Christians believe to be revealed by Jesus Christ, we are and we shall remain a "nation under God."

This concept of freedom under God cannot survive as a mere intellectual expression.

Apart from its source, it will wither and die. But enriched by prayer, strengthened by worship, maintained by a variety of spiritual disciplines, our great nation can successfully confront all forces which would corrupt its life or destroy its freedom. A dynamic and witnessing faith is not an option for our time; it is an imperative for all ages.

But deeper than these truths, a nation "under God" is a nation under God's judgment. God is sovereign Ruler of a moral universe. Man is not the final source of values. Nor is the nation the highest tribunal of judgment. The values by which both men and nations are judged are eternal. They rest with God. They inhere in His character. Man and his institutions are under God's final judgment. There is a divine order above all and beyond all, in time and beyond time, where love and justice are righteousness and truth are absolute the perfect order of God's Kingdom where God rules the heart and conscience of all beings. There is a higher court of Judgment above all persons, above all nations, above all cultures, even above all universes—the Court of God's eternal perfection. A nation "under God" is always under His judgment.

Here in this Capital city this truth was legislated into our Pledge of Allegiance, is printed on our postage stamps, and impressed on our coins. Now we have put it in our new Church.

Now let us each impress it deep within our own hearts and manifest it in our lives and national conduct. Such testimony, to be sure, will sharpen the irreconcilable differences between the two great poles of power in our world today. But it will also give us the strength to live in these times and play our God-appointed role in history.

Our dominating concern in Washington on January 20, 1969, is not what we know, not the skills we possess, not the wealth we have accumulated, but rather the spirit we convey to the world. To whom are we committed? By Whom are we led? These are the commanding questions.

Freedom under God is not permanently secured, nor safely installed anywhere without personal responsibility and unceasing vigilance. Freedom is always only one generation away from extinction. Freedom must be won, understood, guarded, and enriched in each age.

Not out of fear or insecurity, or as a substitute for solid thinking, not as an escape to an easy and comfortable way do we seek to reclaim our ancient heritage. But rather we worship and pray, we trust and obey, because it is the very life-spring of our national being.

If we are to lead in this hour of life, America must become a citadel of man's true freedom and a vast bastion of spiritual power, the light of which shines in American lives so brightly at home it will illuminate the dark places of all mankind.

Rightly do we sing:

> "Our Father's God, to Thee,
> Author of Liberty,
> To Thee we sing;
> Long may our land be bright,
> With freedom's holy light;
> Protect us by Thy might,
> Great God, our King."

PRAYER

O God, Our Heavenly Father, we beseech Thee to remember each of us and all of us that we may make the days ahead a time of personal and national renewal. Grant that Thy word may take deep root in our hearts and produce in us the fruits of the Spirit.

Alarm the careless, humble the self-righteous, kindle the lukewarm, soften the hardened, relieve the doubting, and renew Thy people with grace and strength enough for our times.

Of the abundance of Thy love, give us more than we desire or deserve, for the sake of Thy Son Jesus Christ Our Lord. Amen.

NEW CHALLENGES TO THE VALUE OF SEPARATISM AND BLACK STUDIES

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. DIGGS. Mr. Speaker, under leave to extend my remarks in the RECORD, I insert the following article from the New York Times of January 19, 1969:

NEW CHALLENGES TO THE VALUE OF SEPARATISM AND BLACK STUDIES

(By Fred M. Hechinger)

"We have suffered too many heartaches and shed too many tears and too much blood in fighting the evil of racial segregation to return in 1959 to the lonely and dispiriting confines of its demeaning prison."

These words were spoken last week by Roy Wilkins, the executive director of the National Association for the Advancement of Colored People, in confronting one of the most controversial education issues of the day: the demands by militant black students for separate courses, faculties and "autonomous racial schools" within universities. His appeal was also directed at white administrators who give in to the demands and, he said, illegally create "Jim Crow schools."

Within two days Mr. Wilkins was challenged by Dr. Nathan Hare, the young, black director of the black studies program at San Francisco State College, where classes have been disrupted by a student strike over "separatism questions. "People like Wilkins should be given a scroll and retired . . . like old race horses or prize fighters," Dr. Hare, a Chicago Ph. D. and former prize fighter, said.

The contrasting views reflected the growing controversy that is threatening the peace of higher education across the country. The specific issues vary—from the call for independent "black study" institutes with all-black enrollment and with the independent right to hire and fire teachers and administrators, to the successful veto of a play to which some Negro students object.

The rash of conflicts raises the question: What are the probable consequences of black separatism in academia?

Most important, most observers feel, the school within the school is likely to create inferior institutions. Many Negro students still come from educationally limited backgrounds, and there is a severe shortage of black college teachers. This would turn separatist enclaves into second-rate annexes and would feed the myth of Negro inferiority.

At the same time, black separatism will bring about white separatism, thus reinforcing the alienation of the races. Admittedly, black students still have many justified complaints about life on the white campus. A black student at Brandeis University, for example, said he resented such questions as, "How does a Negro feel when there is a report of black riots?"

At Yale last year, Negro students asked to be separated from their white roommates. When told by a dean that their presence was important to the whites, a black student said: "We're tired of being textbooks for whites."

ARTIFICIAL CAMPUS INTEGRATION

Moreover, whites and blacks tend to go off in their own direction on weekends, thus making the integration of the campus community incomplete and somewhat artificial.

Yet, the campus offers perhaps the best opportunity to change American racial patterns and to create a new fabric of cohesion.

Last week, Stephen J. Wright, president of the United Negro College Fund, warned that such separatism "isn't going anywhere," adding: "It will only lead to an intensification of the kind of hatred that will help destroy the nation and the myriad opportunities for Negroes."

But Dr. Hare refused to "assimilate" into the present campus. "The Bible says there is a time for everything," he said. "I think this is a time for hate."

Dr. Hare left no doubt that he saw separatism as a way of revolutionizing youth—and the support of black students' uprisings at Brandeis, San Francisco and elsewhere by the predominantly white, revolutionary Students for a Democratic Society illustrates the pulling power of this theory.

There are similar dangers in separatism for black studies a subject. In confining these studies to an all-black ghetto, the risk is that they turn into ritual rather than an exercise of academic rigor and intellectual honesty. Some observers rationalize that even this approach has therapeutic value in the search for identity, but others fear that it is only patent medicine.

When black studies are offered regularly within the whole institution, their value is probably greatest when they lead to integration with what has until now been largely all-white history, economics, art history and even sociology.

The need for a reorientation can be gauged from recurring complaints that American history, even on the elementary school level, often begins with stories of the red, i.e. colored, man who lacked the skills and drive to build a country and who therefore had to be replaced by the civilized white man.

The drive toward separatism in black studies is a reaction to the all-white history that has often been academia's standard fare. The "black is beautiful" approach in history as elsewhere, is an absurdity comparable to, say, the "white man's burden" concept. It is of little help in the task of weaving an honest, nonracist pattern of history, research and teaching.

Last week, after he made his appeal, Dr. Wilkins received a letter from a black college student in New York denouncing the content of what he said was being dished out under the black studies label—such as an African Dance course given by the physical education department and a Negro history course so separate that it never seems to make contact with American history which, said the student, "was the problem to begin with."

Finally, academic separatism has an erosive effect on civil liberties. It leads to censorship of plays (reminiscent of the days when equally defensive Jews wanted to ban "The Merchant of Venice"); it results in exclusion of whites from black students' meetings as well as the barring of the white press, or even all press coverage, from closed sessions on campus.

Yet, free speech, freedom of the press and academic freedom are virtually inseparable from civil rights, and this is what Mr. Wilkins tried to say last week to "some white Americans, torn and confused by today's clamor of some black students" for self-created apartheid.

A SOLDIER'S MEANING OF SERVICE TO AMERICA

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. BARING. Mr. Speaker, I want to bring to the attention of my colleagues and the American public the honorable thoughts put down in writing by a good American shortly before he died in Vietnam war action while serving the United States.

Before I enter his letter in the Congressional Record, I want to say that what Sgt. Jeffrey A. Davis, of Brownsburg, Ind., wrote, which was reprinted in one of my State's newspapers, the Reese River Reveille in Austin, Nev., especially is noteworthy to me because of my personal feelings against what I term the loud and violent protest-for-protest-sake movement in this country by misguided people who are a continuing social menace to our American way of life. If only these agitated persons would read the U.S. Constitution, they would discover they have the right to peaceful protest, not violent. And, if they will just read Sergeant Davis' letter, they will find what their moral duty to America is.

I ask, Mr. Speaker, that we, in the House of Representatives, and Americans everywhere search for an answer for these people who I would hope really can be productive and law-abiding citizens helping to protect the freedom of America and of all people. In the same light, though, I ask, Mr. Speaker, that these unthinking youths and adults involved in this protest-for-protest-sake movement, search their own minds about what is right and wrong. Those engrossed in the movement should have the dignity by being Americans and should feel it their duty by being Americans to take up this searching responsibility before they ruin their own lives, the lives of others, or further damage the principles of America.

There are so many good things about our free country and so many good things which still can be done to even greater improve this Nation that it is for this reason it is despairing to me to hear of a good American's death, while he fights for freedom and a better way of life; but at the same time as he performs his duty and eventually gives up his life, we at home continue to be besieged by raucous and what I also term the violent "anti-U.S. demonstrations" by thankless agitators.

Mr. Speaker, I insert in the Record today Sergeant Davis' personal words with the prayer that his letter can be heeded by all American citizens. I believe he says in an excellent manner what a person's duty and service to his country means.

I Died for Guys With Protest Signs

Sgt. Jeffrey A. Davis of Brownsburg, Ind., killed recently in battle in Vietnam, knew whom and what he was fighting for. A letter to his wife, with instructions to open it only in event of his death, told the story. Here are excerpts, as published by "The Indianapolis Star" on September 20—

"It is too bad I had to die in another country. The United States is so wonderful, but at least I died for a reason, and a good one.

"I may not understand this war, or like it, or want to fight it, but nevertheless I had to do it and I did.

"I died for the people of the United States. I died really for you; you were my one real happiness. I died also for your mom and dad so that they could go on working . . . For your brothers that they could play sports in freedom without Communist rule.

"I died for my parents that they could enjoy my dad's retirement in freedom, go on vacations and have fun . . . For others also who enjoy this wonderful country and who appreciate what they have and thank God every day for it.

"* * * * *

"I died for the guys with the long hair and protest signs. The draft-card burners, the hippies, the anti-everything people who have nothing better to do. The college kids who think they shouldn't have to serve because they are too good—I died so these people could have a little longer time to try to get straightened out in life.

"God knows they need it. I died for the so-called "younger generation" of which I was a part but for some unknown reason I never became an active member. I guess I was a "square" or something with short hair, no police record, didn't drink or smoke (pot included) and volunteered for the service.

"I died for the parents of these kids also, God forgive them. I died so these members, active members, of the "young generation" could have the right to do what they do. To protest, have long hair, go to college of their choice, wear weird clothes, and run around mixed up, with no direction at all.

"I died so they could protest the war I fought and died in. Without it, what would they protest? But I also died for the many thousands who died in this war and other wars before for these same reasons. For the men who fought gallantly on the many battlefields of many wars to keep this country free. I guess that in order to gain freedom there must be war. I died for the United States."

THE OFFICE OF SHERIFF—FROM BIBLE TIMES TO TODAY

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. CEDERBERG. Mr. Speaker, from the days of Nebuchadnezzar to our present generation the office of sheriff has been an important arm of government. Thomas Jefferson once called it the most important executive office of the county.

An extremely interesting article on the history and the work of the office of the sheriff was recently written by Truman Walrod, managing editor of the National Sheriff, in which the treatise appeared. The magazine is the official publication of the National Sheriffs' Association, the national headquarters of which is located in Washington. In charge of the national office is Ferris E. Lucas, executive director, a long-time sheriff in the State of Michigan. The president of the association is William J. Spurrier, of Iowa county, Marengo, Iowa.

Because the article not only is of historic value but because it is so interestingly written I commend its reading to my colleagues and readers of the Record. It follows:

The Role Of Sheriff—Past-Present-Future

(By Truman Walrod)

A history of the office of sheriff is a chronicle of western civilization . . . a biography of democracy . . . a word-picture of man's quest for equity and self-determination in matters pertaining to his government.

This narrative begins in the Old Testament and continues through the annals of the Judeo-Christian tradition. Wherever we look as we scan the documents of Anglo-Americana, we find the sheriff entrusted with the maintenance of law and order and the preservation of domestic tranquility.

It is not possible to state with exactitude the date when the first sheriff swore to protect the lives and property of his constituents or fellow citizens. Some historians date the office, or rather its prototype, to the ancient Roman pro-consul. Some express a belief that the office may have been derived from Saxon Germany. Others assume that the word sheriff is an anglicization of the Arabic word sharif which literally translates illustrious or noble and signifies an Arab chief or prince who is a descendant of Mohammed through his daughter Fatima.

SHERIFF MENTIONED IN HOLY BIBLE

The Book of Daniel recounts the presence of the sheriff at the setting up of the golden image (ca. 600 B.C.) by the Chaldean king of Babylon, Nebuchadnezzar:

"Nebuchadnezzar the king made an image of gold, whose height was threescore cubits, and the breadth thereof six cubits: he set it up in the plain of Dura, in the province of Babylon.

"Then Nebuchadnezzar the king sent to gather together the princes, the governors, and the captains, the judges, the treasurers, the counsellors, the sheriffs, and all the rulers of the provinces, to come to the dedication of the image which Nebuchadnezzar the king had set up.

"Then the princes, the governors, and captains, the judges, the treasurers, the counsellors, the sheriffs, and all the rulers of the provinces, were gathered together unto the dedication of the image that Nebuchadnezzar the king had set up; and they stood before the image that Nebuchadnezzar had set up."

Historian W. A. Morris in his book on the Medieval English Sheriff to 1300 makes these observations:

"The office of sheriff is one of the most familiar and most useful to be found in the history of English institutions. With the single exception of kingship, no secular dignity now known to English-speaking people is older. The functions, status and powers of the office, like those of kingship itself, have undergone change, but for over nine centuries it has maintained a continuous existence and preserved its distinguishing features."

Walter H. Anderson, in his Sheriffs, Coroners and Constables, states:

"The office of sheriff is one of antiquity. It is the oldest law enforcement office known within the common-law system and it has always been accorded great dignity and high trust."

JEFFERSON ON SHERIFFS

Thomas Jefferson wrote in his The Value of Constitutions:

"[T]he office of sheriff [is] the most important of all the executive offices of the county."

Joseph J. Casper, Assistant Director of the Federal Bureau of Investigation, spoke to the 28th Annual Informative Conference of the National Sheriffs' Association in Louisville, Kentucky, in June, 1968. He said:

"There is no honorable law enforcement authority in Anglo-American law so ancient as that of the county sheriff whose role as a peace officer goes back at least to the time of Alfred the Great.

"If there is one who seeks the remarkable characteristics of the office of sheriff, he will not find it solely in antiquity. The benefits of the sheriff and the job of sheriff—the deeds and the activities of the sheriff—will not be found in the renowned medieval sagas or in the tales of the American western sheriff. They are to be found, I think, instead in the aspects of this important public office such as the vital jobs they perform in the area of our changing social, political, and economic lives . . . the competent discharge by men of dedication, who hold a job that has a host of functions—both civil and criminal.

"There are some citizens who have no knowledge of nor appreciation for them [sheriffs]."

It is for these people, i.e., those with no knowledge of, or appreciation for, the ancient and honorable office of sheriff, that the following paragraphs are offered.

LAWS REQUIRE ENFORCING

Were it not for laws which required enforcing, there would have been no necessity for the sheriff. There would have been no need for the development of police administration, criminology, criminalistics, etc. This is not the case however. Man learned quite early that all is not orderly in the universe. All times and all places have generated those who covet the property of their neighbors and who are willing to expropriate this property by any means.

Among the very first to set forth a comprehensive code of laws was Lipit-Istar, King of Isin (2207 B.C.), whose Sumerian subjects had indicated by their behavior that some legally binding guidelines were advisable.

The Babylonian king, Hammurabi (ca. 2100 B.C.), devised a codification which is still studied today.

King Thutmose III (ca. 1500 B.C.) delivered a speech on justice when he appointed Justice Rekhmire in ancient Egypt.

The Jews were ordered to follow and obey the first five books of the Old Testament, the Pentateuch.

The Assyrians and the Chinese attempted to codify their laws. The Code of Manu was used by the rulers of India. The Romans, always conscious of the relationship between government and its citizens, established a digest of Roman law in 450 A.D. Justinian improved and expanded this codification in 550 A.D.

Students of political science and the humanities continued their studies. Contemplated were various ways of trying to determine and establish the best of all possible governments . . . the most equitable of all societies.

THE MAGNA CARTA AND THE SHERIFFS

The major breakthrough came in 1215 A.D. when King John, third English king of the line of Plantagenet, signed the Magna Carta or Great Charter in a meadow near London and thereby granted certain freedoms to the barons of his realm. The sheriffs were there. They were already recognized as the chief law enforcement officers of their respective "counties." As in the Biblical account above narrated, the sheriffs were recognized as principal participants in the drama of government . . . the tragi-comedy of human existence.

The fabric of American society was cut from the pattern fashioned in the Mother Country: England. English customs derived in turn from the Anglos, the Saxons, and the Normans. (Granted there were other influences which moulded traditions in the British Isles, e.g., the Celts, the Romans, etc., but the Anglo-Saxon/Norman influence seemingly contributed the most to Anglo-American governmental concepts.)

ANGLO-SAXONS AND HOME RULE

Early Anglo-Saxon communities in England were very much in favor of home rule and home control. They were fiercely independent people who did not want or trust any form of centralized government. They lived in small rural tuns, or towns. Prior to 700 A.D., these early Anglo-Saxons began to arrange themselves in squads of tens and hundreds when they engaged in their countless wars. It has been said that these early inhabitants of England preferred war to peace. Be that as it may, their decimal system of wartime deployment of warriors proved similarly to be a practical one during occasional periods of peace.

Ten families living together in a tun comprised a tithing. Each tithing elected a tithingman who served as leader. Ten tithings totalled one hundred and this latter group was headed by a gerefa or chief (Gerefa subsequently became reeve in the Saxon tongue.) Both the tithingman and the gerefa/reeve were elected officials. Both possessed judicial as well as police authority.

Although there were tribal authorities as cited above, there was no real attempt at governmental centralization until Egbert, King of Wessex, endeavored to win the allegiance of all "Englishmen" in 827 A.D.

Alfred the Great (871–901 A.D.) saw the establishment of a system whereby every freeman pledged the good behavior of his neighbor within the same group or community. Under this system, the groupings of freemen into tithings and hundreds were continued. The reeve was required to assume the responsibility for giving the alarm, also called the hue and cry, when a criminal or escaped suspect was at large.

THE SCYRE-GEREFA DEVELOPS

At this time there was a further expansion and the familiar hundreds were combined to form a shire which was the forerunner of the county. Each shire had a form of super chief who was also known as a reeve. To differentiate this latter official from the reeve of a mere hundred, he became known as a shire-reeve, which came to present day English as sheriff. (Shire derived from the earlier Saxon scyre or scir.) Quite literally then, the sheriff—then as now—is the "keeper or chief of his county."

During this same period, the office of alderman or earl also existed. It is possible that a power "struggle" between these officials may have resulted in more than one instance. Apparently each thought of himself as supreme and did not welcome any challenges from the other.

In any event, the sheriff was clearly the chief law enforcement officer of his county and was responsible for the maintenance of law and order. He did not shoulder this responsibility alone however. Each tithingman and every citizen shared in this duty. If a member of a tithing disobeyed a law, the tithingman must take the accused before the shire-reeve for trial. Although the prisoner might be physically in the custody of the tithingman, every member of the tithing was equally responsible for seeing that he be brought to justice.

This direct citizen participation was known as the *hue and cry* and was the direct lineal ancestor of the procedure known in the U.S.A. as the "citizen's arrest." While this form of arrest is not too common in America today, citizen involvement in Great Britain has been and is greater. This has been credited by some students of criminology, etc., as contributing to the measurably lower crime rate in England than in the United States.

Another innovation which must be credited to the Anglo-Saxons is the "watch and ward." Initially, the tithingmen were responsible for maintaining the watch (night guard) and the ward (day guard). Those who performed these services did so without pay. It was a duty of citizenship. Anyone sixteen years or older was subject to call.

Eventually, sheriffs were allowed to assign four to six men in each tun for night watch. The men as they patrolled their "beats" carried a lantern and staff.

Between 700 and 800 A.D., sheriffs were appointed usually by noblemen who had been granted large estates by various kings. The sheriffs were to rule and to protect the interest of the noblemen. In areas reserved to the crown, the king appointed his own sheriffs.

It was a kingly responsibility to maintain the peace. Naturally enough, therefore, the king appointed a "deputy king," an authority to care for the details of peacekeeping. As in modernday America, it was the sheriff who was charged with this function.

HASTINGS FALLS TO WILLIAM

We have so far concentrated primarily on the period prior to the Norman invasion and conquest which dates from the fall of Hastings in 1066. It was in that year that William the Conqueror defeated Harold II, the last Saxon king, and established the House of Normandy upon the throne of England.

With the fall of Hastings, also ended was the Saxon form of local government and local control. While the Saxons thought highly of "home rule," the Normans consolidated their power in a highly centralized bureaucracy.

Big government, as we all know, usually brings with it big spending which necessitates big taxation. The Norman regime followed this general pattern. By 1085, King William ordered the compilation of all taxable property owned by each individual. This census of taxation was called the *Domesday Book*. The sheriff is mentioned no fewer than five times therein. It was incidentally at this period that the sheriff became also official tax collector for the king.

Seldom does an increase in taxation promote satisfaction among those taxed. King William was already faced with possible insurrectionists among the remains of the Anglo-Saxon forces which had earlier been defeated. In the interests of national harmony he required all subjects to take an oath or pledge of allegiance to him. The pledge was administered upon the plains of Salisbury; so, it became known as the Salisbury Oath. Some historians feel that this oath was the forebear of the American pledge of allegiance to the flag.

The strong, centralized government continued to grow. William died after twenty-one years of rule. His third son, Rufus, ascended to the throne but was slain by an arrow after thirteen years of relatively uneventful reign. Rufus was succeeded by his youngest brother, Henry I.

HENRY I ESTABLISHED PENAL CODE

Henry in 1116 established a penal code of sorts in which he enumerated murder, arson, counterfeiting, and robbery as felonies. Unlike the Anglo-Saxon practice of dispensing justice locally, Henry reserved unto himself the right to punish. It was he was maintained the first right of civil suit and of damages. Selectmen (the forerunners of our grand jury) were chosen to hear the evidence and arrive at the facts in criminal cases.

Nearly a century passed. The sheriff remained as the chief law enforcement officer, the extension of the authority of the king. The powers of the sheriff increased steadily during the Norman rule.

The House of Normandy departed from the scene with the death of Henry in 1135. The House of Blois produced one ruler, Stephen. Then the House of Plantagenet became the ruling family. Henry II and his son, Richard the Lionhearted, ruled with a fair degree of success.

After Richard's death in 1199, he was succeeded by his younger brother, John. John's rule was absolute. The barons rebelled at his despotism and, in 1215, forced him to sign the now famous document that was to prove the cornerstone upon which the British and American governments were to be built.

THE MAGNA CARTA IS SIGNED

This instrument is known as the *Magna Carta* or Great Charter. It was in effect a treaty between John and the barons, signed upon a site named Runnymede, not far from London, which amplified an earlier such document signed by Henry I. It enumerated rights and prerogatives reserved to the barons and guaranteed certain freedoms. The *Magna Carta* was without doubt one of the most significant secular manuscripts ever signed. It is considered to be of so much import to democratic government that in 1965, in honor of the late President John F.

Kennedy, the British government set aside one acre of this Thames-side site to be thenceforth known as Runnymede, U.S.A.

By this unprecedented move, one acre of English soil became the property of the United States, to be so owned so long as both nations continue to exist.

While discussing the *Magna Carta*, it is only fitting that mention should be made of the fact that there were, at the very least, nine mentions of the sheriff therein.

The period from 1275 to 1500 in England is known as the Westminster Period because of the Statutes of Westminster, the first of which was enacted in 1275 and which contains no fewer than sixteen allusions to sheriffs. The provisions of the statute have been described as intending to "make everyday life easier for all kinds of freemen by protecting them in their free tenements and defining the limits of interference with their freedom."

Government reforms were begun. The offices of bailiff and of sergeant developed. The sheriff remained the representative of the king within each county. The sheriff was appointed by the King and was an extension of royal authority.

The House of Plantagenet gave way to the House of Lancaster which in turn was to be replaced by the House of York, the House of Tudor, and the House of Stuart.

The Commonwealth Period extended from 1653 to 1712 and saw Oliver Cromwell, later Richard Cromwell, as the heads of government. The duties of the sheriff had changed but little during this period, although his authority was perhaps better defined.

County government remained for the larger part in the hands of the sheriff. He was definitely considered the leading officer and was commonly referred to as the *great man* in his county.

Let us meet a few of these great men of ages past.

We are all familiar with the legendary Sheriff of Nottingham who pursued Robin Hood persistently, albeit futilely, for many years. There are other names which come to us too as we search the pages of law enforcement history.

THE UNITED STATES OF AMERYCKE?

One, little known, stands out from the rest. That name is Richard Amerycke, High Sheriff of Bristol, England in 1503. It seems possible . . . even probable . . . that it was through this sheriff that America derived its name.

Although historians have generally supposed that the continents of the New World were named for the obscure Florentine navigator, Alberico or Americo Vespucci, they have been at a loss to explain why the given name of the "godfather" was bequeathed to the Americas. It is practically unheard of to name a city, state, or nation, except for the surname of its discoverer, ruler, etc. The only exceptions to this rule are in the cases where an entity is named for a king or queen who goes only by the one name, e.g., Prince Edward Island, Georgia, Elizabethtown, Victoria, etc.

Were it common to do otherwise, we might well have the state of George rather than that of Washington. Our nation's seat of government would possibly be known as the District of Christopheria. Residents of Houston would by now have become accustomed to living in Sam (or would it have been Samuel), Texas. They might even have taken to entering their favorite restaurant and ordering Julius, instead of Caesar, Salad.

This is not the case, however, It appears that crediting Signore Vespucci with fathering the name of the Americas was a mistake, fostered by a lack of communications between nations, and perpetuated by a complacency or reluctance to "tamper" with history.

Why Amerycke? Let's look at the facts as they are available to us today. Let us meet the High Sheriff of Bristol and discover his role in the founding of the English colonies in the western hemisphere.

Henry VII, king of England, authorized John Cabot's voyage from Bristol, May 2, 1497, in a ship named the Mathew. On June 24th of that year, Cabot landed near the northern end of Cape Breton Island. He claimed the region on behalf of Henry VII and returned to Bristol, there to claim a pension of twenty pounds sterling and the title of "great Admiral" which had been promised to "him that found the new Isle." The name of the man who paid John Cabot his pension was recorded in the Customs Roll at Bristol as one Richard Ameryck, Collector of Customs of the Port of Bristol. The name has been written and recorded in several ways. Amerycke, Ameryck, and Ap Meryke are found throughout the records of that English port city. Amerycke was a leading citizen of Bristol. He became sheriff in 1503.

Now to examine the conundrum of where first was the name America ascribed to the continents of North and South America.

Martin Waldseemüller or Waltzemüller published a large map of the world in 1507 and with it a small treatise titled Cosmographico Introductio. The southern continent of the New World was therein identified as South America.

In 1607, Jodocus Hondius of Amsterdam who was successor to Gerardus Mercator, most famed of the Renaissance cartographers, published a map identifying the western continents of North and South America.

It is Wadseemüller who is generally credited with having accorded Vespucci the honor of being namesake to the newly discovered continent of South America. Let us remember that the date was 1507.

Meanwhile during the mayoral year 1496–97, the Bristol Calendar (a diary of important local events) is said to have contained the entry: "This year [1497] on St. John the Baptist's Day [June 24th], the land of America was found by the merchants of Bristow, in a ship of Bristowe called the 'Mathew,' the which said ship departed from the port of Bristowe the 2nd of May and came home again the 6th of August following."

The citizens of Bristol then were apparently already referring to the newly discovered continent as America. This was in 1497. The earliest confirmed voyage made by Vespucci was in 1501.

Cabot, after his return, gave one island to a companion and another to his barber. Some Italian friars had Cabot's promise to be made bishops. It is only probably therefore that some honor would be bestowed upon the man who paid Cabot his pension. At that time, the explorer didn't know he'd discovered a new continent. He doubtlessly thought it only an island somewhere off the coast of India or China.

While it is generally agreed that the U.S.A. inherited its form of government, its customs, and its language from England, it appears probable as well that the nation was named for an Englishman, the High Sheriff of Bristol, one Richard Amerycke. That name must stand out from the rest as of particular significance to the United States of America.

Let us turn our attention to other, less significant, but equally interesting sheriffs of the past. Throughout history there have been "hawks" and "doves." This has been true in external (international) and in internal (law enforcement) affairs.

THE WICKED SHERIFF

One sheriff who was a hawk, i.e., he pursued his suspects wherever they might go, is known to historians as the "wicked sheriff." It was custom that those who fled into a church were immune from arrest. Sheriff Loefstan gave chase to a criminal who fled into the sanctuary of St. Edmunds Abbey. The zealous lawman followed his quarry into that place of refuge and dragged him out and back to jail.

While this was doubtlessly the mark of a good peace officer, it did not endear Sheriff Leofstan to the clergy who felt he was trespassing against their sacrosanct domain.

Later during the same period, some prisoners reportedly also took refuge inside a church. An unnamed sheriff, perhaps remembering the uproar over the Sheriff Leofstan affair, decided it wasn't worth it. Knowing however that allowing prisoners to escape could cost him dearly, he (the sheriff) took his family and together they sought refuge inside the same church. How long they remained there and the disposition of the case if and when they ever emerged is not recorded.

Then as now, there were cost "squeezes." The men chosen to fill the office of sheriff were honored greatly through their position as chief law enforcement officer. The honor was not a profitable one, however. Conversely, it was a costly one. No one but the affluent members of English society could afford to serve as sheriff.

There was always the problem of "making good" on revenues not collected in full. But even beyond this expense, the sheriff was expected to be a gracious host when judges or other dignitaries came from London to hold court in the various shires (counties). It was expected that lavish entertainment would be furnished by the chief officer of the county on these occasions.

In 1624 one Englishman wrote: "On Tuesday, July the 6th, our High Sheriff going from Kedington to Bury St. Edmunds in the morning, I accompanied him thither, many other of the gentry of the shire meeting him on the way and attending him also. After we had dined with him, we likewise accompanied him in the afternoon, going out to meet the judges that were coming to hold the assizes at Bury."

One sheriff was reportedly fired for not riding out to meet the judges who expected an escort into the county seat.

One sheriff's son wrote his father set forth to meet the judges with "116 servants in liverys, every one in green sattin doublets, white divers gentlemen and persons of quality waited on him in the same garb."

A TRY FOR ECONOMY

Another sheriff, William Ffarington, tried to keep down the cost of entertaining visiting dignitaries. Even with this economy in mind, Sheriff Ffarington had fifty-six helpers including a steward, clerk of the kitchen, two yeomen of the plate cupboard, a yeoman of the wine cellar, two attendants in the sheriff's chamber, an usher of the hall, two chamberlains, four butchers and their assistants, eight cooks, five scullions, a caterer, porter, poulterer, slaughterman, two watchmen for the horses, two to attend the docket door, and twenty to take turns watching the prisoners.

These court sessions took place on an average of four times annually.

Because of this extraordinary expense, the office of sheriff was not sought after. Many well-qualified persons took steps to try to avoid being chosen. When a man was appointed, he naturally had to serve.

County government remained primarily in the hands of the sheriff. He was aided by the justices of the peace. The sheriff was however definitely the leading officer and was as mentioned earlier referred to as the great man in the county.

When settlers left England bound for the New World, it was only natural that they would take with them their culture and their Anglo-Saxon heritage. In New England where towns and villages were the principal governmental unit, the watch and ward proved most effective. In the Middle Atlantic states and in the south where plantation life became established, the county system was preferred.

THE SHERIFF COMES TO THE NEW WORLD

Apparently when the first counties were established in Virginia in 1634, the office of sheriff was officially transplanted to the North American Continent. There is a record of a sheriff being chosen by popular vote as early as 1651; but, appointment was at that time apparently the rule.

Although the sheriffs of colonial times were among the more affluent citizens, the position was not a costly one. In fact, it was generally profitable. There was not the entertaining to do and there was not the pomp and ceremony that there was in England.

What with the position being both honorable and profitable, it was greatly sought after by virtually all men of means. The sheriff was definitely the great man whether in England or colonial America although the colonists who had a decided propensity for abbreviating did frequently refer to him as the high sherr.

Maryland and Virginia were apparently the first colonies to bring the office to the shores of the New World. It was therein specifically set forth that the sheriff should have as nearly as possible the same duties in these new states as he had had in England.

As mentioned earlier, there was not the costly entertaining or lavish pomp and pageantry in this country as there was in England. There was however one very important ceremonial duty . . . that of proclaiming a new king or queen of England.

When William and Mary assumed the throne in 1689, the sheriff of each county officially announced: "That tomorrow their most sacred Majesties, by Eleven of the Clock in the Morning, before the Court house Doore in James City, be Proclaimed King and Queene of England, France and Ireland & of the Territories and Dominions thereunto appertaining . . . and that the Sheriffs Sumons the best appearance that can be had at that time, for the Testifying the due Honour and Obedience, and acclamations of Joy, by fireing Great Guns, Sounding of Trumpets and beating of Drums."

Even in this case it was the county rather than the sheriff who had to stand the expense of the celebration. In the instance just recounted, the county (James City, Virginia) paid for 7300 pounds of tobacco, as well as one barrel of powder, trumpeters, cannons, and 211 gallons of cider.

It is still the duty of the High Sheriff at Providence, Rhode Island, to make an official proclamation notifying the citizenry of the election of a governor.

SECULAR AND ECCLESIASTICAL DISAGREEMENTS

As in England, there was cause for some discord between the secular and ecclesiastical arms. Travel was difficult in early America. Most folk did go to church, however. Sheriffs soon formed the habit of serving their papers at the church doors . . . This did not promote church attendance. Quite the contrary, it acted as a deterrent. The pastors became provoked and at in at least one state proved to be a formidable lobbying group. Sheriffs were forbidden thenceforth from serving their papers so as to interfere with the parishioners thereof.

The "high sherr" was not to be so easily defeated however and was able to prevail upon the legislature to pass a law requiring that ministers must read any proclamation from higher authorities to their congregations on two successive Sundays.

As in England, respect for the authority of the sheriff was strictly enforced by law. A certain Benjamin Cartwright was sentenced to receive two lashes on his bare shoulders for "opprobious language uttered agst the sherr in contempet of his office & consequently of the authority whence it derives."

A special seat was reserved for the sheriff in most churches. It was recorded in one instance that a Richard Price crowded into the seat reserved for the sheriff. A scuffle ensued "to the dishonour of God Almighty & contempt of his Majestie." The trespasser was bound over to the General Court for his offense.

VALUE OF EXPERIENCE PRAISED

There is much discussion nowadays concerning the value of experience. This is nothing new. Some 250 years ago, the same question was raised in colonial Maryland when a Sheriff Edward Sweatnam was removed from office by a legislative body which stated that after four years, someone else should get a turn at serving as sheriff. There was no discussion nor suspicion of incompetence, misfeasance, or malfeasance. The consensus was that Sheriff Sweatnam was well qualified for the position but that change was desirable solely for the sake of change.

The council chose as sheriff an Allan Smith who was without experience in law enforcement. Lord Baltimore severely reprimanded the group for its choice, saying he felt it extremely poor practice to remove an experienced man from office in favor of one without experience. Lord Baltimore went on that he "ever took care to continue good men in their places an as encouragement to continue just and faithful."

The sheriff was charged too with the execution of punishment. Some sentences which were ordered to be carried out by the sheriff including putting "Thomas Norcombe in the pillory for his second offense of hog stealing for the full time & space of 4 hours." A Hamball and Elizabeth Spicer were to be given "five lashes apiece for slandering John Courts." A sheriff was ordered to "nail John Goneere by both ears to the pillory, with three nails in each ear, and afterwards to whip him with twenty good lashes for perjuring himself."

Among his other duties, the sheriff was charged with dealing with religious non-conformists. In at least one instance, a sheriff was critized quite severely for "not stopping yee frequent meetings of this most pestilent Sect of ye quakers."

THE SHERIFF AND THE WILD WEST

As the frontier moved westward, so moved the sheriff. Perhaps in the long and colorful history of the office, there is none quite so picturesque as that of the sheriff of the late Nineteenth Century.

Gold and silver, cattle and oil . . . any one alone was enough to lure men westward in the hopes of striking it rich. Many went west to work. Many others also followed the trek toward the cow-towns, the mining settlements, the railroad construction sites, and the territory beyond the restraints of civilization. They went, not to work, but to prey upon those who did.

A code of sorts grew out of this frontier atmosphere. Shooting an unarmed man was wrong as was shooting a man in the back. Two men shooting it out was considered perfectly acceptable. It was the established way to settle disputes. The loser was not able to appeal his case in most instances . . . at least not to any earthly judge. His remains were planted in a six-by-three grave in some boothill.

The sheriff had his work cut out for him. Sheriffs of the old west could be divided into two basic categories . . . the quick and the dead.

This is not to imply that all sheriffs of the wild and wooly west were of a "shoot first" frame of mind. There were some who felt the best justice was administered by their trusty six-shooters. There were others who seldom if ever drew their guns, and even less frequently ever shot anyone.

LAW AND ORDER BROUGHT TO DEADWOOD GULCH

When one hears of Deadwood Gulch, he thinks usually of "Wild Bill" Hickok. Hickok went to Deadwood after spending some time in Dodge City, Kansas, where he built up a reputation as a fearless frontier marshal. Legend has it that while in Kansas he shot somewhere between fifty and seventy-five badmen.

"Wild Bill" drifted into Deadwood early in 1876, shortly after gold was discovered in the Black Hills of Dakota Territory. Within a few months of his arrival he was shot in the back by Jack McCall while playing cards in Saloon No. 10. Movies and television notwithstanding, "Wild Bill" Hickok did nothing to "clean up" the violent gold-mining gulch. He died too soon. Someone had to step in, and as usual throughout recorded history, this duty fell to the sheriff.

After Hickok's assassination, the citizens elected a sheriff. His name was Seth Bullock, a kindly but determined man. There is no record of his ever having killed anybody but he did enforce the laws. He did make Deadwood a relatively safe place in which to live. He did it by reason rather than by violence.

AN ARIZONA SHERIFF DIDN'T BELIEVE IN JAILS

Not all frontier sheriffs were so peacefully inclined. Sheriff John Slaughter of Cochise County, Arizona, didn't even believe in jails. His technique, and it was an effective one, was to advise an outlaw that he had a certain number of hours to get out of Cochise County. At the end of that time limit, if the badman was still in the county, Sheriff Slaughter gunned him down.

When the citizens of the county seat town of Tombstone offered to build a bigger jail, Sheriff Slaughter is quoted as saying, "I don't expect to fill the jail. I see no advantage in going to the great expense of tracking down an outlaw, arresting him at the risk of your own neck, and bringing him back to Tombstone with the possibility of a gang rescue en route. When I get through the only outlaws remaining in Cochise County will be dead ones."

CONTINUITY AMIDST CHANGES

The sheriffs of ages past have adapted to many situations. Virtually all have proved themselves equal to the tasks assigned to them. The role of the sheriff today is as great as it ever has been. He is still the great man in his county.

Professor Edward A. Farris of New Mexico State University phrases it succinctly when he states:

"[T]he sheriff is the only viable officer remaining of the ancient offices, and his contemporary responsibility as 'conservator of the peace' has been influenced greatly by modern society.

"While changes have been brought by technological and social advances, the framework of government within which the sheriff functions has not changed drastically. His duties and powers may be altered by the existing social and political climate, but his basic responsibility—to protect life and property—has not been diminished."

What about the sheriff of today? Professor John L. Sullivan of Pasadena City College makes these observations:

"With roots stemming primarily from Great Britain, the sheriff of today in the United States has become an integral part of American law enforcement. The past has proven that the American people like to elect their top law enforcement officers in their counties. Since the formative years of our country, this office of sheriff has been coveted. Even persons outside law enforcement often campaign for the office of sheriff. In the past, unqualified and questionable political hacks sometimes were elected to office; however, with the great professional advancement of law enforcement, many high-caliber men now seek the sheriff's office. Previously, political connections, popularity, and an easy conscience were the strongest factors in a successful election to the office of sheriff. Today, however, college graduates, ex-FBI agents, and dedicated law enforcement veterans who have worked their way up the ladder of success in police administration are seeking and winning the office of sheriff."

After more than a millennium of existence, the sheriff continues to function as the great man in his county. Wherever he may be, he is functioning today much as he did one thousand years ago but with one very important difference.

TODAY'S SHERIFF PREPARES FOR TOMORROW

Where the sheriff of yesterday placed little emphasis on training, the sheriff of today appears practically a fetishist when it comes to education.

As the crossbow gave way to the primitive flintlock which in turn gave way to the six-gun, et cetera, ad infinitum, the sheriff is not unaccustomed to change. But now perhaps more than ever before in history, law enforcement is faced with complex, moving, and rapid changes in methodology, technology, and social attitudes.

The path from Anglo-Saxon England in the early centuries of the Christian era to modernday America has been a long and difficult one. The expressway leading to the future may offer even more challenges. Through education, training, and perhaps most important self-determination and dedication, the tithings . . . the hundreds . . . the free men and women of America . . . with their sheriff at their head . . . will lead the way to tomorrow and all the tomorrows yet to come . . . unafraid and ready for whatever each new day may bring to challenge the domestic tranquility of each county and parish in America.

DEVELOPING HUMAN RESOURCES—A GREAT NATIONAL NEED

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. O'HARA. Mr. Speaker, regardless of the approaches we take to meet the very real problem of hard-core unemployment, the ultimate goal and solution must be decent jobs at decent wages. Union manpower expert Julius Rothman, president of the Human Resources Development Institute, made that clear as he was questioned recently on the AFL–CIO's public service interview, Labor News Conference. That, Mr. Rothman said, is the projected course of the institute's program. The work of this nonprofit corporation, established by the AFL-CIO Executive Council, has relevance and importance to both industry and government, as well as to citizens everywhere. I now offer the transcript of that broadcast, January 7, on the Mutual Radio Network, and include it in the RECORD, as follows:

LABOR NEWS CONFERENCE

Subject: Developing Human Resources—a Great National Need.

Guest: Julius Rothman, president of the Human Resources Development Institute.

Reporters: Neil Gilbride, labor correspondent for the Associated Press; Harry Conn, editor of Press Associates, Inc.

Moderator: Frank Harden.

HARDEN. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL–CIO. Labor News Conference brings together leading AFL–CIO representatives and ranking members of the press. Today's guest is Julius Rothman, president of the Human Resources Development Institute, a non-profit corporation established by the AFL–CIO Executive Council.

In cooperation with the U.S. Department of Labor, the Human Resources Development Institute is formulating a nationwide program to recruit, train, employ and upgrade the unemployed and the under-employed. Here to question Mr. Rothman about the specific objectives of the Institute and how it will work toward achieving them are Neil Gilbride, labor correspondent for the Associated Press, and Harry Conn, editor of Press Associates, Incorporated. Your moderator, Frank Harden.

And now, Mr. Conn, I believe you have the first question?

CONN. Yes, thank you, Mr. Harden.

Mr. Rothman, how does the Institute actually operate? Do you train workers or what?

ROTHMAN. Well, we may train workers, but chances are, we probably will be operating more or less as a catalytic agent in the 50 communities that we are set up to work in.

We intend to work with existing manpower programs, seeing to it that they do the jobs that they set out to do, and at the same time, move organized labor—our local unions—in the direction to promoting manpower programs on their own.

So, we will be doing several things—working, for instance, with the National Alliance of Businessmen, working with on-the-job training programs, helping them to become productive programs. At the same time, we may very well develop programs of our own, through the local unions in the communities that we are working in.

CONN. I take it that at the present time, your role is primarily that of liaison with the workers, and the business sector, and the labor movement generally, to encourage programs on their part.

ROTHMAN. To a large extent, that's true. And we have to recognize that our impact will be in what we can do to make sure that existing manpower programs are really training the hard-core unemployed for meaningful employment at decent wages.

This is our goal. And the impact we make on the local community will measure the success of our program.

GILBRIDE. Mr. Rothman, can you give us any figures on how many such programs you are currently involved in, and how many people are covered by these programs, in terms of training?

ROTHMAN. Well, it is hard to really enumerate the number of programs we are currently involved in, because they are so diffuse and run in so many directions.

For instance, about a dozen national and international unions today have on-the-job training programs. About half a dozen unions and some state building trades councils have Job Corps training programs, in which journeymen are training kids to go into the apprenticeship program. We have 50 outreach programs today, in which the building trades unions are reaching out into the community for hard-core unemployed youngsters and preparing them for apprenticeship training in the building trades.

Now, the exact numbers involved, we don't know—somewhere around half a million, perhaps, is what we would consider the hard-core. There may be more.

But, we are now dealing largely with that group which has little education, almost no motivation, no job experience—the kind of person with whom you have to start from scratch in propelling him toward a job.

GILBRIDE. Can you tell us, Mr. Rothman, some of the lessons you have learned so far, in trying to motivate such people and training them for jobs?

ROTHMAN. Well, one of the things we know is that you can't deal with this group in terms of dead-end employment. That is, they know pretty quickly whether or not they are going to continue at some kind of menial task all of their lives. So what we have to do is begin to develop job ladders for them, so that they can move on up.

Secondly, you can't employ them at wages so low that they offer no real hope for this particular kind of group. They have to feel that they are not only going to be getting minimum wages, but as they move up the ladder they are going to be getting wages that will enable them to move out of poverty. This is the second lesson.

The third lesson, I think, is that we have to recognize that every group emerging from the poverty area is concerned, to some degree, with this thing we call status. That is, they want jobs that have some real meaning, and jobs that have some dignity, jobs they can do with pride. I think this is the third lesson we have learned.

CONN. Mr. Rothman, how do you actually go about reaching the hard-core unemployed? What are the steps that you take—the local people?

ROTHMAN. One of the things that we have done, Mr. Conn, in working so far, is employ for local staff, many people from the minority groups, so that they can use their contacts within the minority group to reach in and find the hard-core unemployed.

We also work with the Urban League in the outreach program. They have contact in the ghettos and in the slum areas.

We also work with the Workers Defense League, which is primarily lead by minority people, and therefore has contacts within the minority group.

In other words, we actually go into the slums and into the ghettos, looking for these youngsters, to give them some perspective of what they might be able to do with their lives.

CONN. You mentioned motivation as a very important factor. Among the hard-core unemployed that you have recruited to date—do you find that you can instill this motivation in them? Do they see the prospect of permanent jobs as something they want?

ROTHMAN. Oh, sure, they want permanent jobs. But, they want decent jobs at decent wages. That's the key.

You can't motivate them by giving them some perspective on car washing or jobs as domestics. You have to be able to give them some perspective on work that would give them the feeling that they are accomplishing something—that they are part of the mainstream. That is part of the whole thing.

They have to feel that they are part of the mainstream of American economic life.

GILBRIDE. Mr. Rothman, do you find a difference dealing with youngsters of minority groups as opposed to youngsters who are not in minority groups—youngsters who both have the same unemployment problems?

ROTHMAN. Well, there has been some difference. I think it is a lot easier to deal with groups that are in the majority, because I think that they feel they can make it out of the role that they have been sort of cast into somewhat easier. By and large, they have been easier to propel into the mainstream.

GILBRIDE. In other words, perhaps, racial discrimination is one strike they may not have had against them, and this makes it a little bit easier?

ROTHMAN. Precisely, Mr. Gilbride. That's exactly right.

They haven't been given all these promises over the years—promises that have not been fulfilled. They don't find themselves cast back into a second-class citizen role. They know that if they develop skills, they can move into the job market and begin to earn at a level that makes sense to them, in terms of economic status.

CONN. Mr. Rothman, this program operates largely on the basis of government funds. What are the prospects for continuing the program under the Republican administration?

ROTHMAN. Well, we feel the prospects are pretty good. We feel that the Republican administration will recognize that the skills, the background, the contacts and relationships of organized labor are extremely important in making any manpower program work.

For instance, when President Lyndon B. Johnson—almost a year ago—set up the National Alliance of Businessmen, it was just that—it was an alliance of businessmen, headed by Henry Ford II. They found pretty quickly that if they were going to be successful, they needed organized labor's participation. So they came to the AFL–CIO Executive Council meeting last February and asked for it. AFL–CIO President George Meany responded, first, by assigning John Livingston as the full-time coordinator at the National Alliance of Businessmen, and then, by encouraging the AFL–CIO central labor bodies in each of the 50 metropolitan areas to assign a coordinator to work with the National Alliance of Businessmen's program.

We are continuing this. The Human Resources Development Institute is going to be working, to a very large extent, with the National Alliance of Businessmen.

For instance, we have already developed one program at their request—the "buddy system"—a program designed to help the newly-hired hard-core worker adapt to the shop he has been hired to work in. A worker from the shop works with him—buddies with him—and helps him over the rocky points of that first few weeks, or the first month, of employment. This is one of the things—specific things—that we are doing with the National Alliance of Businessmen.

We think that any program in the manpower field, in order to be successful, has to have the backing of organized labor.

And, we think that the new Administration is going to recognize that, too.

Gilbride. Mr. Rothman, unless I am mistaken, I seem to detect quite a bit of thinking of late, that this whole problem of the hard-core unemployed can be better handled by private industry, even to the extent, I believe, that in some quarters, it is believed that eventually, the private sector of the economy can take the whole thing over and the government can get out of it. What do you think, along these lines?

Rothman. I think that in the final analysis, the private sector cannot handle the whole thing.

I think that there is always going to be a need for a very large measure of government involvement in any manpower training program. For instance, the National Alliance of Businessmen is a businessmen's program. But, it is financed by funds that come from the Labor Department, and without these funds, there would be no program.

Employers are receiving up to $3,000 per man for the training—out-of-pocket training expenses—necessary to equip this hard-core worker for employment in the shop.

Gilbride. In other words, it is a losing business—financially—in the beginning, and somebody has to pick up that initial cost?

Rothman. Exactly. It is a costly thing to train a worker and to adequately equip him with motivation and job skills. There aren't too many employers who are willing to put this out, without some way of being reimbursed.

Gilbride. I wonder if you could tell us this, Mr. Rothman: for some years now, I believe—four or five years, at least—there have been quite a few government programs along this line—largely experimental, perhaps. How does your set-up—the Human Resources Development Institute—differ from all these previous programs?

Rothman. It differs, only in the sense that now we begin to propel organized labor—the local unions in the local communities—toward more direct involvement in manpower programs at both the operational level and the policy level.

Gilbride. Have unions been dragging their feet, in effect?

Rothman. It is not that they have been dragging their feet.

It is that in effect, they have sort of felt that manpower programs were business' responsibility, and, that while they have been consulted, it's been a sort of second cousin type thing—at arms length.

From now on, we are going to be involved directly, and immediately, and closely in the manpower programs at the local community level.

It is not enough for us to be concerned, as we have always been concerned, about passage of manpower development and training legislation and all that goes with it. This we have done at the Washington level. We have been exceedingly interested and deeply involved in the passage of this kind of legislation.

But, we have to get involved in the operations of manpower programs, and they operate at the community level. Our local people—our local leadership—are burdened people—many, many things are asked of them and they get involved in all sorts of programs. Now, we are telling the 50 metropolitan area cities involved in the HRDI program that there is going to be a full-time person on the staff of the local central labor council who will be working with this local central labor council and its affiliated unions—working with management, working with government officials in the manpower field—so that we can have maximum and complete involvement in manpower programs.

Conn. Mr. Rothman, as you noted, you have a goal of programs in 50 cities, by the end of 1969. Do you have functioning programs in many of these cities at the present time.

Rothman. Yes, our arrangement, Mr. Conn, with the government is that we would have 10 cities going by the first of December, 1968, and we do have 10 cities—Boston, Atlanta, Cincinnati, Pittsburgh, St. Louis, New Orleans, Los Angeles, New York, Houston and Minneapolis-St. Paul.

Conn. Mostly the larger cities in the country.

Rothman. The larger cities, yes—this is where we are going to be working—the 50 largest metropolitan areas.

By the middle of February, we will have 25 more of these large metropolitan areas going—staffed with people on the payroll of the Human Resources Development Institute. We hope that by the middle of March, and no later than the first of April, we will have the remaining 15 cities on the way.

Conn. These operations that are set up are working in various phases of your program—pre-apprenticeship training, on-the-job skills, and so one? Have you found that you get good cooperation from the unions, as well as business, in these endeavors?

Rothman. We are getting excellent cooperation from the unions. It is something that they needed and wanted. Our affiliated unions are particularly happy to be able to get more deeply involved in manpower operations.

Conn. What are some of the real problems that you have in the pre-apprenticeship training program? The hard-core unemployed—you mentioned that they are undereducated, and so on. Do you have to provide courses in basic education to enable them to eventually become apprentices?

Rothman. In some cases, yes. As a matter of fact, there are many instances in which you have to provide remedial education—reading, mathematics, and so on, so that you can bring these youngsters up to the level at which they can be adequately prepared to take and pass the apprenticeship training programs.

In some instances, however, you can get dropouts with three years of high school, who are adequately equipped to take these examinations. What they do need, though, is the specific material related to the examinations, whether it is for an electrician's apprenticeship exam, or plumber's, or sheet metal worker's, and so on. Then, you train them for that specific program.

Conn. Do you require examinations to even qualify for pre-apprenticeship?

Rothman. No.

Conn. In other words, someone with only an extremely limited grammar school education—elementary school education—could probably qualify and then go on from there.

Rothman. Many youngsers with limited backgrounds have the native ability to go on, and certainly, this is encouraged.

Gilbride. Mr. Rothman, you mentioned your payroll a moment ago. Could you tell us something about the size of your staff and your costs of operation? Also, if you wouldn't mind, could you tell us something of your background, how you got involved in this, and what you are paid?

Rothman. Yes, sure, I would be glad to, Mr. Gilbride.

We are going to have 50 men in 50 cities—men and women, I should say—we don't discriminate against women. We have a national staff of five. So altogether, we will have 55 professionals in the field. Our payroll amounts to the total sum, really, of what we got from the Department of Labor, which is a million and a half dollars. This will be spent over a 15-month period.

My own background has been here with the AFL–CIO. For the last couple of years, I have been the coordinator of the AFL–CIO's poverty program, which also has spread into the manpower field. It was natural when we set up this program, perhaps, that I would come over and work in it.

I am paid, incidentally, by the AFL–CIO, and I'd like to say that the AFL–CIO and the local central bodies are contributing almost a quarter of a million dollars to this program. We don't have to, but in order to give us more leeway in making this program a success, we are doing this voluntarily.

Conn. Do you have any goals, manpowerwise, that you have set for the end of 1969?

Rothman. Not really. We don't have any goals, except that we hope to continue to push for full employment. It is on the basis of a full employment economy that we can continue to train workers from the hard-core unemployed group to take their places in the mainstream of the American economy.

Unless we have full employment, we can't do this.

Harden. Thank you, gentlemen. Today's guest on Labor News Conference was Julius Rothman, president of the Human Resources Development Institute, a non-profit corporation established by the AFL–CIO Executive Council. Representing the press were Harry Conn, editor of Press Associates, Incorporated, and Neil Gilbride, labor correspondent for the Associated Press. This is your moderator, Frank Harden, inviting you to listen again next week. Labor News Conference is a publice affairs production of the AFL–CIO, produced in cooperation with the Mutual Radio Network.

MEMPHIS EDITORS LAUD INAUGURAL ADDRESS OF PRESIDENT NIXON

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. KUYKENDALL. Mr. Speaker, under permission to extend my remarks in the Record I would like to include the following editorials which give very fitting tribute to the great and inspiring inaugural address of our new President, Richard Nixon. The first, from the Memphis Commercial Appeal, "A Crisis of the Spirit," takes note of the spiritual aspects of the President's message. The second, from the Memphis Press-Scimitar, "Message To Lift People," points up the challenge President Nixon has given to all Americans.

The editorials referred to follow:

[From the Memphis (Tenn.) Commercial Appeal, Jan. 21, 1969]

A CRISIS OF THE SPIRIT

Richard M. Nixon has begun his presidency of the United States with an appeal for the two things the people of a restless nation and war-torn world desire most—peace and understanding.

His message was effective. He indicated to the people of our nation and to the nations abroad that he understood that the crux of their problems is not found in material things as it was 35 years ago but in the fact that we face "a crisis of the spirit" which calls for an answer of the spirit.

"To find that answer, we need only to look within ourselves," he said.

It was clear President Nixon was seeking to gather behind him all those who have been critical of the Vietnam War on the ground that it has prevented the nation doing at home the things that need to be done, those critics of what has come to be known as the "establishment" who want the nation to go forward in social and economic matters in a fashion that will benefit the lowly as well as the lofty.

But he warns, as President John F. Kennedy did in a somewhat different fashion eight years ago, that government cannot do all that needs to be done by itself; as Mr. Nixon said, "each of us shares in the shaping of his own destiny."

Even as protestors marched in the crowds around the nation's Capitol where the inaugural ceremonies were taking place, President Nixon asked that the nation begin to take up its many tasks by lowering its voices.

"We cannot learn from one another until we stop shouting at one another—until we speak quietly enough so that our words can be heard as well as our voices," was his fitting admonition at this time.

His words were not specific. There were no promises to do what heretofore has proved impossible. But Mr. Nixon offered himself and his administration to all men on Earth as instruments for shaping a world of brotherhood.

No more can be asked of any man at this juncture. He said it, and he said it well.

Now begins the difficult task of implementing the hopes and dreams of a new administration.

President Nixon comes into office after a bitter presidential campaign which saw the nation torn into segments perhaps farther to the left and right than at any time in recent history. Because of those divisions, it became impossible for any man to win the presidency with a majority of the electorate. Mr. Nixon comes into office, therefore, as a compromise candidate for many citizens.

In his inaugural address, President Nixon indicated he understands that and seeks to truly bring the nation together again. The depth of his statement makes it clear that "together again" will be more than a slogan. It foretells a period of calm and careful working for the desires of all to the degree that the people will make it possible.

Let those who agreed with Franklin Roosevelt that "we have nothing to fear but fear itself" and those who were inspired by John F. Kennedy's "ask not what your country can do for you; rather ask what you can do for your country" come forward now and join President Nixon in the realization that "until he has been part of a cause larger than himself, no man is truly whole."

The things of which President Nixon spoke yesterday are truly the things of which the American dream is made. In the Nixon inaugural words, "The American dream does not come to those who fall asleep."

[From the Memphis (Tenn.) Press-Scimitar, Jan. 21, 1969]

MESSAGE TO LIFT PEOPLE

In his seasoned political career, Richard Nixon has earned a reputation for making himself understood, for precision in language.

But his inaugural address was more. There was a lift in his message—phrases of eloquence, phrases to raise the spirit, to enlarge hope. In this sense, it was a new Nixon as well as a new leader to whom we listened.

The specifics will come later, but noon yesterday was the time to set a pattern as befit the occasion: Recognition of the problems which face us, and the agony of them; the philosophy and the attitudes which must set the course in treating the problems.

In his first official words the President surely measured the mood of the people, of this land and every land:

"We are caught in war, wanting peace. We are torn by dissension, wanting unity. We see around us empty lives, wanting fulfillment. We see tasks that need doing, waiting for hands to do them."

That is Mr. Nixon's monumental opportunity: To strive for the peace, to inspire the unity, to lead in the tasks.

And, to begin, he called for an end to the shrillness, the bombast, the aimless clatter that impair and defeat our most useful tools in crucial times: Understanding, negotiation, common sense.

"To lower our voices would be a simple thing," he said.

Let that be a maxim to live by!

Let it be minded at the Paris peace table. Let it be tested and nurtured in our legislative halls, on our campuses, in our streets, in our diplomatic dealings, in our treatment of each other.

"We cannot learn from one another," said Mr. Nixon, "until we stop shouting at one another—until we speak quietly enough so our words can be heard as well as our voices."

Another President, now retired to Texas, had offered a similar predicate.

"Let us reason together," he had said softly.

But his plea was lost in the shouting.

Yet, until such an attitude is adopted, we cannot well gain the peace, or acquire the unity, or assure the goal Mr. Nixon set for his presidency: "The decent order that makes progress possible and our lives secure."

"The greatest honor history can bestow is the title of peacemaker," said the president.

The world needs a legion of peacemakers.

Mr. Nixon promised to do his share, to work to make peace welcome where it is unknown, to make it strong where it is fragile, to make it permanent where it is temporary. And to seek an "open world" in which no people live in "angry isolation."

A historic undertaking, calling for the best that is in the new administration, the best that is in the American people, the best that is in all mankind.

"For the first time," the President said, "because the people of the world want peace and the leaders of the world are afraid of war, the times are on the side of peace."

But the people of the world have always wanted peace. Only the leaders, fearless beyond their comprehension, have blundered into history's disastrous conflicts—leaders who shouted to bolster their out-size ambitions, whose bluster negated the learning which surely might have led to a world of satisfaction and amity, rather than frustration and strife.

God grant that it be true, as Mr. Nixon hopefully said, that these leaders, however motivated or however come to power, may now indeed be afraid of war. May they remain eternally so. And to that end let them be warned by Richard Nixon's companion promise: To keep the United States "so strong as need be for as long as need be."

In the message there also were promises to be applied within the nation: To press ahead in meeting urgent problems, to enlist the national energies not only in "grand" enterprises but more especially in the "small, splendid" efforts which are so important in resolving problems, as contrasted to proclaiming solutions.

Instead of exclusive government programs, Mr. Nixon promised to spread the work, to bring all people into common endeavor for national goals.

"The American dream does not come to those who fall asleep."

Goals are not charted, or usefully measured, amidst shouting and rock-throwing. They are not achieved in anger or by postures which deny persuasion. They are achieved by the decent order, by the talk which comes from thought and ideas, by toil and spirit.

"To lower our voices would be a simple thing."

The President has made a good beginning. Now it is up to the rest of us as well as he.

A REALISTIC TRADE POLICY

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. BURKE of Massachusetts. Mr Speaker, I should like to include in the RECORD a statement recently made by Merrill A. Watson entitled, "A Plea for a Realistic Trade Policy." This statement calls attention to the problem faced by the footwear industry in the United States. The footwear industry supports the orderly marketing approach to the import problem under which both domestic and foreign producers would share in the growth of the domestic market.

The statement follows:

A PLEA FOR A REALISTIC TRADE POLICY

(By Merrill A. Watson)

(NOTE.—The Secretary of State says it has been United States policy to lower barriers to international trade on a basis of reciprocity while Secretaries of Interior and Agriculture explain the need for quotas on textiles, oil, meat and dairy products, and another government agency denounces all quotas as placing a heavy burden on the little man. This is not a game of shuttlecock, merely the daily routine in the muddled import situation.

(In this exhaustive paper on Trade Policy, Merrill Watson follows the twisting road of the free traders in their efforts to implement their theories regardless of consequences to many industries.

(Watson resents the implication of free traders that concern over organized foreign competition is the mark of greed and anti-social tendencies. In this article he backs his argument with 126 quotations from men in business, government and the press. Nobody in the shoe, leather or allied trades should miss this enlightening analysis of the import problem.)

INTRODUCTION

In the year that has passed since the Kennedy Round was completed, trade policy has been aired at great length in legislative halls, in various committee hearings, and in the news media. A number of excellent papers on the direction of future trade policy expressing personalized points of view have been presented at hearings. With the deteriorating trade balance, the introduction of a number of quota bills for industries most affected by imports, and more agricultural quotas, the alarm has been sounded in free-trade quarters that the "protectionists" are threatening to dismantle the entire trade liberalization achievement of the past 35 years. Extravagant generalizations on both sides of the debate raise a serious question as to whether it is possible to have a rational discussion of trade policy at the present time. Charges of "free trader" and "protectionist" are hurled back and forth, and "free trader" editors write on "The Protection Racket."[1] It is doubtful if the discussion on trade policy takes place in any other country in the world on such a naive level.

The freetraders, by using "protectionist" and "beggar-my-neighbor" slogans, have apparently done a better job in sticking pins into the opposition from a publicity point of view. "Protectionist" has a curious twist. It all depends on what kind of protection you are talking about. When news media announce that "major elements of President Johnson's consumer-protection program gained ground in Congress,"[2] and Governor Rockefeller of New York announces a broad program of local, state and federal action to provide greater "protection" for consumers,[3] this kind of "protection" is heartily endorsed by many "free traders" who are all for automobile safety, fair packaging, truth in lending, and so on. But most consumers are workers and interested in jobs, and job protection may be important to workers who see their livelihood threatened by a flood of imported products.

Former Secretary of Commerce John T. Connor has suggested an armistice in the "free trader" and "protectionist" battle. He has said: "The terms free trader and protectionist don't tell the full story any more. They leave a gap in the philosophical spectrum of those engaged in international trade relations, far too complex and polarized today not to require at least one bridge between them. Furthermore, by now the terms are used so emotionally that it's difficult to be rational about them. The free trader extremists have made 'protectionist' into a dirty word, akin to 'profits.' It's so easy for critics of one side or another to take the easy way out, to hurl epithets and labels at those with whom they disagree, and to generalize in situations where facts differ widely. What about calling some of us who occupy a middle position by the name, 'conservationist'? A conservationist, as I see it, wants to conserve for the American people the wage levels to which they are accustomed. And the profit levels. And the high standards of investment and research and general working conditions.

"Today a conservationist doesn't want to *bar* imports, but wants to see them enter this country on an orderly, reasonable basis. He wants to avoid unreasonable disruption and hardship among domestic producers. In fact, a conservationist wants to see a continued liberalization of international trade, but on a truly reciprocal, orderly and fair basis."[4]

There are no signs at present that the "free traders" are willing to lay down their arms and abide by such a truce. With the competitive ammunition provided by practically all the economic textbooks and 35 years of trade liberalization under their belts, they apparently feel invincible. It is extremely doubtful if they will give the opposition the satisfaction of being called "conservationists."

EXAGGERATION BEGINS AT THE TOP

Administration officials have unquestionably led the way in castigating "protectionism" and "protectionists" and exaggerating the importance of foreign trade in the economy. Denouncing any appeal for help from imports as a return to Smoot-Hawley, warning about the dangers of retaliation from abroad if any protective action is taken, and inflating the probable results of the long, drawn-out Kennedy Round negotiations have not been conducive to rational discussion and understanding of the problem. Whether it is before the Joint Economic Committee, the Senate Finance Committee, the House Ways and Means Committee or the hearing of the Office of Special Representative for Trade Negotiations, Administration spokesmen tread wearily up to the Hill to repeat the same cliches. And other officials repeat them in public speeches. Secretary of State Rusk told the Senate Finance Committee: "For 33 years it has been the policy of the United States to lower, on the basis of reciprocity, barriers to international trade. This policy has served our nation well. It has contributed, I believe, especially since the Second World War, to the remarkable rise in our national prosperity and in the standard of living of our people."[5] He has been followed by the Secretaries of Commerce, Labor, Interior and Agriculture, who echo the same statements while, incidentally, explaining the need for textile, oil, meat and dairy quotas. It was unfortunate for Secretary of Agriculture Freeman that his protest against "protectionism" was followed by a press announcement the same day that President Johnson had ordered temporary quotas on imports of condensed and evaporated milk and cream on the recommendation of the Secretary of Agriculture.[6] And Special Trade Representative Roth performs his duty in denouncing all quotas as placing "a heavy burden upon households and upon all Americans whose incomes are low and fixed—notably our senior citizens."[7]

Later the distinguished Under Secretary of State Nicholas Katzenbach warned in a speech that "protectionist legislation now before the Congress would undo four years of hard negotiations for lower tariffs and reverse, in large part, 30 years of success in the nation's foreign trade policy."[8] And Mr. Roth continues his plea for the poor: "The cost of living would go up particularly for the poorest of our citizens."[9]

Is it any wonder, in the light of this hyperbole, that some businessmen spokesmen take the same line in arguing against import controls? Carl J. Gilbert, chairman of the executive committee of Gillette Company and chairman of the Committee for a National Trade Policy, testifying on the future of U.S. foreign trade policy, said: "Pointing the way to the long-range goal (freedom of international trade) in this vital area of both foreign and domestic policy is of great importance to all sectors of our highly productive economy and not just in terms of their stake in export expansion."[10]

In the light of this leadership in extravagant statements, it is hardly surprising that a group of prominent businessmen take full-page ads headed "The $30-billion Question" in New York and Washington newspapers implying that "protectionists" are at work in legislative halls to cut off all our exports. Probably the all-time high for exaggeration, however, appeared in a statement by the president of one of the nation's leading department stores that a protectionist policy could "seriously inhibit the economic growth and even the stability of the entire world."[11]

What is the importance of our foreign trade to the economy? What are the facts? Actually, the contribution of exports to our economy has changed little in the last 35 years. Exports have grown from $2 billion in 1934 when they were 3.2 percent of our gross national product to $30.9 billion in 1967, or 3.9 percent of GNP.[12] Of this total, $3.2 billion were exports on government account, leaving a total of $27.7 billion of commercial exports, or 3.5 percent of GNP. Imports have shown greater growth from $1.7 billion in 1934 when they were 2.6 percent of GNP to $26.8 billion in 1967, or 3.4 percent of GNP.[13]

In the last 10 years U.S. exports have expanded at the rate of $1.1 billion a year compared with an average expansion of $34.4 billion in GNP. There has been a slight upward trend in the relation of imports to GNP particularly in the last decade. At 3.4 percent of GNP, imports in 1967 reflected the highest ratio since 1934.

What has been the influence of tariff reductions on imports? Duties have been reduced by negotiation (and partly by rising prices) from an average of 47 percent in 1934 to about 11 percent at present and approximately 7.8 percent by 1972 when the reductions of the Kennedy Round will be complete. The percentage of imports entering free of duty to total imports declined from 61 percent in 1934 to 38 percent in 1967, while dollar volume increased about 10 times. The percentage of dutiable imports increased from 39 percent of total in 1934 to 62 percent in 1967, while dollar volume increased approximately 25 times. Dutiable imports increased $9.2 billion, or less than $1 billion a year, over the past decade, while GNP has increased $337.7 billion, or $33.7 billion a year. The dollar volume of dutiable imports exceeded duty-free imports for the first time in 1956 and increased over two and a half times since that year.[14]

There are many reasons for international trade. As Joan Robinson points out: "Nations, in various shapes and sizes, are formed by history and geography without any regard to economic conveniences. As population grows and tastes and technology change, the pattern of demand and supply of various goods and services in the trading world is constantly shifting; at any moment the inhabitants of one patch of the earth's surface find that their resources, natural or accumulated, their skills and inventiveness, their market connections and business acumen, make it easy to sell more to the rest than they need to buy from the while another is finding it very hard."[15]

Along with the many variables involved in calculating demand for the world's products, this adds up to the fact that no meaningful conclusion can be reached as to the influence of duty cuts on imports.[16] While dutiable imports almost doubled between 1960 and 1967, it is not inconceivable that they might have increased 50 percent or about the same amount as duty-free imports, and perhaps more if there had been no change in duties.

It has been estimated that an increase of one percent in the annual U.S. growth rate would add approximately $50 billion a year to GNP. It would seem that some of the energy devoted to inflating the importance of the trade problem could better be devoted to discussions of policies for growth.

With all the emphasis and exaggeration in Administration circles on an average gain of a billion dollars a year in trade, it is surprising indeed to see the lack of concern, except among monetary specialists and America's international companies, over investment controls which may have a substantially greater impact on trade.

Sales of American-owned manufacturing affiliates were in the neighborhood of $50 billion in 1967 or about two and a half times U.S. exports of manufactured goods.[17] At the Senate hearings on gold cover removal, discussion indicates sales from all U.S. activities abroad might reach $165 billion a year with an annual return of possibly 10 percent, possibly two thirds of which is reinvested abroad and one third returned here.[18] It was recognized there was a possibility of substantial error in these estimates. And sales to these American corporations abroad account for about 25 percent of our U.S. exports.

In the light of this huge and growing stake in other countries, is it any wonder that Professor Haberler used such terms as "absolutely shocking" and "simply horrible" in

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Footnotes at end of article.

describing U.S. investment controls? And he concludes, "So, in the medium run the program will reduce some of our exports and in the long run it will cut into investment income. Hence, the program will be counterproductive in the long run even in narrow balance of payments terms." [19]

Over half of the 166 senior international executives involved managing international business who participated in the National Industrial Conference Board's survey of corporate practices identified this program as a major problem for their companies. The majority of those so reporting were highly critical of the control program not only because of its burdens on them but also because they believed it would harm rather than help the balance of payments.[20]

And yet little has been said about this phase of our trade problem as compared with the volumes accumulating on trade as the exchange of goods.

WHO SHOULD RETALIATE?

Accompanying the crescendo of exaggeration on the importance of trade in our economy have been dire warnings of the consequences of any attempt to protect our markets against low wage competition from abroad. Even mild protection, we are told, would be met by retaliation abroad on a massive scale. Secretary of State Rusk said: "This means, purely and simply, that foreign countries will retaliate against quota restrictions in the United States. . . . World trade would shrink to insignificant levels if each country were free to go back on its word with impunity. This, too, is not theoretical. We know what happened in the 1930's when each country tried to export unemployment by insulating itself from the world economy behind high tariffs.[21] The direction of the retaliation to which our own exports would be subjected is, moreover, something over which we have no control. Other countries could pick and choose the section of American exports to restrict." [22] Under Secretary of State Katzenbach warns that "any such legislation (on our part—protectionist) would result in a spiral of retaliation by others. . . . The United States has already been formally put on notice by some 40 countries that they strongly oppose the proposed legislation." [23]

And Ambassador Roth told the House Ways and Means Committee: "The imposition of protectionist quotas, or increased tariffs in breach of our commitments, would be met by heavy retaliation against our exports. In 1962 when the United States, by escape-clause action, impaired the value of its tariff concessions on carpets and glass, the European Common Market immediately withdrew concessions of value to us. They didn't negotiate—they acted. And they acted on items designed to hurt our trade. . . . Later, when the Common Market denied access to our chickens we acted in the same way—with a sharp increase in our tariffs against Volkswagen trucks, starches, and French cognac. If any of the more important quota bills before you should pass, there isn't the slightest doubt that the retaliation that will follow will, of a necessity, be massive." [24]

And the *Wall Street Journal* joins the chorus: "Among nations, as among little boys, there is a tendency to strike back when someone hits you. If history is any guide, then new U.S. imports curbs will quickly bring retaliation abroad, further crimping America's foreign sales." [25]

It is true that raising tariffs on carpets and rugs some time ago brought certain restrictions against what was reported to be an equivalent volume of U.S. exports. This, however, was little more than shadowboxing as far as the effects on total trade are concerned.

Now, if there is any justification for retaliation it lies with the United States which has, in many cases, ignored reciprocity and led the parade toward trade liberalization. As Stanley Nehmer, Deputy Assistant Secretary of Commerce for Resources, has said, "The other path (freeing trade) is the one we are committed to follow—by our own example—not to compound what other nations have done to restrict trade." [26]

What have these nations done as the United States has turned the other cheek? The president of Mexico visits the United States and warns a joint session of Congress against American "protectionism." While Mexico has some of the highest duties in the world on certain products, embargos others and licenses still others, she enjoys the benefits of GATT without the responsibilities of membership.

Japan sent a delegation to protest the rise of protectionism in the United States.[27] Yet, the Japanese philosophy in trade is summarized very well by Japanese industrialist Yosomatsu Natsuabara, who said: "Chaos would reign in Japan if U.S. industries are allowed to enter our country unhampered by tariffs. Our smaller businesses would be ruined by the thousands." [28]

In Japan all products are subject to licensing. There may be several lists of products, one of which may consist of articles subject to open general licensing with no specific prior import license required. Another may be of restricted products with importation subject to specific license. The government may at any time transfer products from the general license to specific license category without consultation with other countries that might be concerned. Japan continues to exclude many U.S. products through these licensing and import quota arrangements.[28a]

Ken O'Kubo, president of Mitsubishi industries, gives the reason why extensive negotiations have been necessary to persuade the Japanese to ease quotas and restrictions to give the American automobile industry a foothold in Japan which exported 362,245 motor vehicles in 1967 while importing a minuscule 14,886. He said: "The Japanese distribution system would be plunged into serious confusion by an invasion of American capital goods if we did not limit American investment in Japan." [28b] While agreeing to remove restrictions on imports of engines and parts in 1972 and expanding quotas somewhat on vehicles, U.S. ownership will be permitted only up to 50 percent of total, and that will be considered on a case-by-case basis. And the Japanese government must give prior approval to any joint venture and maintain some control over it.[29] No wonder the Japanese Economic Planning Agency forecast Japan export trade in 1985 would reach eight percent of the world market as compared with a current 5.5 percent.

While many quotas on industrial goods have been removed by our Western trading partners, there still are import quotas, exchange restrictions, import licenses, excessive or unreasonable documentation requirements, labeling, packaging regulations, and arbitrary technical standards—all barriers to trade. "Among the less developed countries, such restrictions are almost a standard part of their development programs." [30] Here are a few examples of items under restriction. Belgium imposes a quota on coal, and the United Kingdom virtually prohibits all coal imports. France maintains licensing restrictions on certain electronic equipment. In Italy, licenses are required for imports of citric acid, crude calcium citrate and essential lemon oil; quotas apply to tetraethyl lead and anti-knock preparations; and imports of elemental sulphur are prohibited. Austria limits imports of penicillin and other antibiotics. Canada prohibits the importation of used aircraft and used automobiles.[31]

Agricultural protectionism in Europe is extensive and covers virtually all major commodities in all countries. It consists of a large variety of trade controls, including internal price supports, traditional import restrictions, customs duties, quantitative restrictions, as well as newer devices such as minimum prices, variable levies, import calendars, conditional imports, mixing regulation, state trading, equalization taxes on imports, and preferential trading systems, all dedicated to the goal of self-sufficiency and raising farm income which in Europe is about one half of nonfarm income.[32] Moreover, countries with export surpluses have adopted numerous measures to facilitate sales, including direct export subsidies, transport subsidies, special tax exemptions, price equalization arrangements, and other measures. Export rebates of the American market countries may amount to 15 percent to 16 percent.[33]

The United Kingdom (the home of free trade prior to 1932) restricts imports of orange and grapefruit juices and canned grapefruit from the United States through dollar quotas even though these restrictions are not sanctioned by GATT. We continue to ask that they be removed. Sweden and Denmark restrict imports of apples and pears; Finland, dried peas and soy beans; Norway, honey, apples and pears and canned fruit; Austria, poultry; Sweden, meat and edible offal. Then there is the state trading found in both agriculture and industrial products. Japan, France and Italy have state trading in cigarettes; France also in coal, petroleum, paper and newsprint; Norway, Sweden, and Finland in alcoholic beverages; and so on.[34]

The European Economic Community has concentrated on domestic price supports, protection against competitive imports, and, where the necessary, export subsidies. These apply to 85 percent or more of the EEC production.[35] The variable levy system creates a major problem for U.S. agricultural exports, a third of which go to the EEC. This system permits imports only when domestic producers cannot supply all the domestic needs at a predetermined price and insulates much of the Common Market agriculture from competition.[36]

In August, 1962, the EEC imposed variable levies on poultry which almost tripled the previous level of protection. This brought about a sharp reduction in the shipments of U.S. poultry to the Common Market, and today they are less than half what they were at that time. Poultry production in the EEC has increased and has brought about pressures to export. Subsidized sales of poultry from EEC to other European countries has cut the United States market even further.[37]

Even before the Kennedy Round could be analyzed the EEC established an export subsidy on canned hams amounting to about 25 cents per pound in the face of an agreement with the United States not to increase the minimal import duty of three cents a pound.[38]

Assistant trade representative Harold Malmgren pointed out what we are up against in working with the EEC in a recent speech: "In Europe, for example, the Common Market has increasingly focused its energies on the situation of internal problems, while foreign interests have been pushed lower down in the order of political and economic priorities. The consequence has been sharply increasing protection against foreign agricultural products. . . . The system has become a bureaucratic nightmare, with regulation piled upon regulation. Amendments follow one another with such rapidity that few policy people can follow these controls. . . . The Common Market Commission has recently proposed new regulations for the importation of canned fruit and vegetables. . . . If adopted, these regulations would further restrict our access to the EEC Market and would impair rights we obtained in past negotiations." [39]

And the report of the Subcommittee on Foreign Economic Policy of the Joint Economic Committee comments: "The European

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Common Market practices of rebating their own indirect taxes on their exports and buoying these same taxes on imports—a practice sanctioned, incidentally, by the rules of GATT—constitutes a conspicuous form of discrimination against U.S. exports."[40]

Professor Baldwin of the University of Wisconson told the same subcommittee that while the United States has certain barriers in textiles, oil, and certain agricultural products "most of our barriers are represented by clear-cut laws and well-known public regulations. In many foreign countries, on the other hand, informal administrative devices are used to thwart the attempts of U.S. businessmen to sell abroad."[41]

And speaking of restrictions on U.S. exports, it is worth noting that many European countries, while granting trade concessions to the United States by various devices such as import licenses or informal quotas, do not accord other nations, principally Japan, the full benefit of these concessions. Our concessions go automatically to all nations, including Japan; theirs do not. Thus, our industries are subject to increased import competition from Japan. Those interested in the detailed restrictions around the world on U.S. exports should examine the "Preliminary Inventory of Nontariff Trade Barriers by Country" placed in the Congressional Record by Senator Muskie (D., Maine) on March 7, 1968, and a similar report placed in the records of the Ways and Means Committee hearings on trade on June 26, 1968, by Congressman John Dent (D., Pa.).

It is clear that other nations give little thought to retaliation by the United States when taking steps in the interest of their own domestic industries and agriculture. All these expressions of fear of retaliation made by U.S. officials must convince other nations we are a paper tiger, afraid of our own shadow. In the final analysis, trade is determined by economics not politics. In most cases, except for the EEC where it could come from the bloc, retaliation must come from an individual country on a country-by-country basis, and each country, as well as the EEC, has something to gain from maintaining trading relations with the United States. We see other countries provide an effective degree of protection for their domestic agriculture and industry. There are a few cases which bear out the retaliation warnings, but the total effect on our trade has been insignificant compared to the effect of the action by other nations on our export trade. Furthermore, there was no action taken by them with the passage of the 1964 meat import law, nor after the curtailment of dairy imports.

In the light of all the hypocrisy that has attended the discussions of trade and the threats of retaliation, it was like a breath of fresh air when the French representative at the New Delhi conference, after listening to a number of Western European nations brag about their outstanding records in liberalizing trade and implying that criticism from the poorer countries could not possibly be leveled at them, said: "I have heard such speeches for the last 20 years until I know them by heart. In the post-war days it was the contrast between the economies of Western Europe and the United States. Today it is the developing nation and developed countries. The fact of the matter is that where there is a clear difference in economic levels between countries, exchanges between these countries cannot be governed by the principles of economic liberalization. Force of conviction among the developing countries is robbing them of their reality."[42] The French have always been known as realists.

EXAGGERATION ON THE KENNEDY ROUND

Similar exaggeration works its way through propaganda on the accomplishments of the Kennedy Round. In his message to Congress on the proposed Trade Expansion Act of 1968, President Johnson said: "When I reported to the Congress last November on the Kennedy Round, I said it would mean new factories, more jobs, lower prices to families, and higher incomes for American workers and for our trading partners throughout the world."[42a]

An official Commerce statement on the "historic Kennedy Round" without further information would lead to a very inflated idea of its importance to the United States: "Tariff concessions were granted on an estimated $40-billion worth of free world trade—concessions greater than those made in the five previous negotiating rounds combined."[43]

Senator Jacob Javits (R., N.Y.) at a hearing on the future of U.S. foreign trade policy congratulated Ambassador Roth and his staff for his "extraordinarily gifted service which was shown in this case (the Kennedy Round) which is so critically important to the security and prosperity of our nation."[44] And commenting on this and other things: "I especially regret that the report ('The Future of U.S. Foreign Trade Policy') fails to give adequate recognition to the brilliant success of the Kennedy Round of trade negotiation."[45] Acting Secretary of Commerce McQuade said: "I think given the aggressive and imaginative character of U.S. businessmen that it will open up great new opportunities for them in the international market."[46] A leading businessman pointed out: "Great accomplishment has come from these five years of tough negotiations (the Kennedy Round) in freeing up large parts of the international trade of the world's most important industrial trading nation."[47] Secretary Rusk indicates the Kennedy Round was our most successful tariff-cutting venture: "In Western Europe the economic miracle of recovery from World War II in less than a decade and the unprecedented levels of prosperity which have followed would not have occurred—at least not so rapidly—had it not been for two decisions: first, the decision at our urging to break down intra-European barriers; then the agreement to join with us in successive multilateral, reciprocal reductions of trade barriers. The most successful phase of this cooperative venture was the conclusion of the Kennedy Round negotiations last year."[48]

Are these statements reasonable? Dr. Howard Piquet, senior specialist in the Library of Congress, has estimated that the tariff reductions granted by the United States in the Kennedy Round might result in increasing U.S. imports by anywhere from 350 million to 700 million. The average percentage point reduction authorized was calculated at six points or less than half that of the 1945 act and less than a third of that from the 1934 act.[49]

This is not far from the estimate by David Rockefeller, president of the Chase Manhattan Bank, that "A good guess might be that as a direct result of the Kennedy Round U.S. exports and imports will rise by around five percent, with the gain spread over a period of five years or more. This relatively modest percentage translates into an increase of close to $3 billion in total U.S. foreign trade. So you can readily see what it could bring in terms of export opportunities as well as somewhat stiffer import competition."[50]

Surely a rise of one percent, or approximately $300 million, a year in exports (and present indications are it may not be this much) and the same rise or, as it seems at present, more in imports is a small return on the investment in the Trade Expansion Act and five years of struggle. As noted economist Oscar Gass in a brilliant article in the *New Republic* asked in 1962, "Is the economic gain to the American economy, from the further lowering of customs duties, likely to be large? This may be questioned."[51]

It is not surprising that Professor Cooper of Yale commented on this point at the Congressional hearing on the future of U.S. foreign trade policy: "It is true that tariff cuts amounted to something like 30 percent on $15-$16 billion of U.S. trade (taking imports, and exports together and agricultural as well as industrial goods). But these tariff cuts are to be spread over four years, and they stem from negotiations which took nearly five years. If allowance is made for the very long time over which these cuts should be averaged, the Kennedy Round was only about 45 percent better than the Dillon Round, which was widely regarded as amounting to next to nothing. Moreover, some of the cuts in the Kennedy Round do much less in the way of reducing protection than they appear to, since, at least in the textile and metals industries, tariffs on raw materials were often reduced substantially more than tariffs on fabricated products."[52] Searching for something to which to attach praise, Professor Cooper said: "To focus on these blemishes, however, would be to do the Kennedy Round an injustice. The number of commodities covered was far greater than in the Dillon Round. Moreover, the Kennedy Round preserved the forward momentum of trade liberalization."[53] This same thought—that the United States was lucky to complete the Round—was echoed by Ambassador Roth when he said: "I think many of us who worked in this have felt that one of the great advantages of a successful Kennedy Round was that we averted some thing quite terrible—that is, of a failure. If there had been a failure, I feel—and I think all of us who worked in this felt—that it would have set back the growth of a liberal world trade policy many years . . . and therefore we are grateful that it was, in the final analysis, possible to put such an agreement together."[54] In other words, completion of the Round, regardless of concessions, was in itself a victory.

WHY ALL THE ALARMS?

Have we completely lost perspective on this trade question? Is this exaggeration of the importance of trade, the threats of retaliation, and the inflated estimates of Kennedy Round results necessary or even justified? As Gass said six years ago, "Nobody is suggesting that international trade be reduced in any drastic way."[55] As we have seen, our exports and dutiable imports have grown by a billion dollars a year, more or less, over the last decade. If exports had increased 50 percent more, would this gain of even a half billion dollars a year in trade, or about one fifteenth of one percent of GNP, justify all of this hyperbole? Would it add moderately to our standard of living, reduce inflation, or help the old folks to any important degree? It seems doubtful. At present it seems more likely that the protectionist policies of other countries and the increasing cost of American merchandise will hold the gain to something less than this amount. As Gass asked, "Is this the bold new road to the future of the American economy?"[56]

And what about imports? How much more would they have grown if all imports were duty free? The Piquet estimates given earlier would seem to bear out the prophetic comments of Gass in his analysis of the Trade Expansion Act of 1962: "The potential economic gain to the United States from further trade liberalization is the smaller because we already admit either duty-free or with very low duties many items in which foreign production costs are greatly lower than ours."[56a]

It is necessary to sound all these alarms to scare away the "protectionist" threat. The "protectionist" movement has been blown up out of all proportions by the "free traders." As Edwin L. Dale, economic writer for the New York Times, points out: "The supposed rise in protectionist sentiment in Congress is not quite what it seems. . . . It does not mean a complete turning back on

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the merits of freer international trade. . . . American industry and agriculture along with Congress have discovered the device of the quotas as a means of keeping import competition within limits. The quota as now used is a device to limit imports to a share—often a fairly generous share—of the growing internal market." And again: "The bills in Congress almost all involving quotas reflect a little-realized fact that some important industries which have managed to raise the loudest protest have already won protection through quotas without any collapse of American trade policy. . . . Technically it is true that the bills would affect $6.4 billion of imports and subject U.S. exports to retaliation in the same amount. But most of the bills would reduce imports little, if at all. Primarily they would control future import growth in the affected products." [57]

NATIONAL GOALS AND TRADE POLICY

One of the oldest and most responsible groups propagandizing for free trade is the Committee for a National Trade Policy. In testimony before the House Ways and Means Committee June 11, 1968, the chairman dealt in sweeping generalizations on how free-trade policy serves the national interest and, using the domino theory, how any deviation from it could easily bring us to a controlled economy and even undermine American prosperity. The chairman said: "The committee's goal has always been a national trade policy best suited to serve the total national interest of the United States. We believe that the trade policy essential to this objective is one that fosters the consistent, gradual elimination of artificial barriers to international trade on a reciprocal, multilateral basis. . . . Our committee has always opposed import control legislation, because such statutes would impair the national interest. Once the United States starts a pattern of import quotas, allocating a fixed percentage of the U.S. market to American producers and the balance to foreign suppliers, we will find ourselves opening a Pandora's box of governmental controls. A protected market inevitably leads to a spiral of price increases, and this in turn will certainly lead to a popular clamor—and a justifiable one—for price controls. We could expect to see a wide range of government intervention in the U.S. economy such as we have never experienced except in war time, and one which could totally distort the competitive economy which has made America prosperous." [58]

This reminds one of the story of the man on the train who refused to tell his seat companion the time of day on the theory it might lead to conversation, which might lead to an invitation to dinner, to marriage with his daughter, divorce, and all sorts of dire consequences!

The committee raises an important question: What is a national trade policy best suited to the "total national interest" of the country? Is it a free trade policy? Perhaps and perhaps not. Our "total national interest" may well be somewhat different from what it was 35 years ago when it was expressed in the 1934 reciprocal trade program.

In 1946 Congress passed the Employment Act, which charged the Federal Government with the responsibility to promote "maximum employment, production and purchasing power." [59] Does the national trade policy of the committee (a free-trade policy) serve the national interest of the Employment Act? Officials have been emphasizing, or perhaps overemphasizing, for a long time, and particularly since the struggle over the TEA of 1962, the amount of employment provided by export trade. The same exaggeration persists with the present Administration: "Our exports are benefiting a lot of people in export-related industries. I'm thinking now about the thousands of workers and businessmen in such enterprises as handling, transporting, warehousing, processing, packaging, freight forwarding, insuring, financing, and many others. For these people, expanding exports bring assurance of continued jobs and profits." [60]

Oscar Gass commented in his *New Republic* article on the tendency to inflate the employment demand from exports: "During the Eisenhower Administration, it was common for official statements to say that exports were responsible for four million American jobs. On exuberant days, the figure was five million." [61] He asked, "Will it be easier for the United States to maintain full employment in an economy in which international trade is more important? The contrary seems likely." [62]

Gass pointed out that emphasis on the employment contribution of foreign trade is to "let a very small tail wag a very big dog. . . . In the United States we have *every year* far greater cumulative additions to our labor supply than we could conceivably get *even once* from Trade Liberalization. . . . We have done a poor job of employing this growing labor power. There is no reason to believe we would do much better with the relatively small net increment of unemployed hands earned from more international trade. Indeed, because of the probable concentration of the unemployment profit from more international trading in some industries and regions, we might do worse than generally." [63]

Even if the enthusiasm and hyperbole of all the special interests appearing at the hearings before the General Subcommittee on Labor of the Committee on Education and Labor of the House on the impact of imports on American industry and employment is wrung out, the statements of members of Congress and dozens of industry representatives suggest that there is a serious question as to whether the full-employment policy is being bolstered by present trade policy or is being further burdened." [64]

What about the national interest as expressed in our agricultural policies? Whether one agrees with or condemns them, these policies represent the will of Congress, and certainly congressional "national interest" in improving farm income and the economic welfare of farmers. Price supports, reserve stocks, acreage controls, soil bank, the agricultural trade and development and assistance act of 1954, farm subsidies, and parity concepts are part of our national agricultural interest.[65]

The basic conflict between the goal of the Committee for a National Trade Policy and our agricultural policy becomes clear when Secretary Freeman testified that "we had to invoke Section 22 (Agricultural Adjustment Act of 1933) action last year to protect our dairymen from imports that would undermine price support or other Department of Agriculture programs." Freeman also said: "The meat import law of 1964 . . . sets a target which imports cannot exceed in any year without 'triggering' quotas. If quotas are ever imposed—and they haven't been yet—they will hold imports to a level based on average imports in the 1959–63 period, adjusted to take account of the change in U.S. production. . . . We are sympathetic with the problem of the beef-exporting countries, but they must look for help, not to us, but to the countries that created the problem.[66]

Just recently State Department officials saved the Administration the embarrassment of establishing meat quotas under this act by working out voluntary arrangements with several countries to control meat exports to the United States.

The Secretary also pointed out that quotas on evaporated milk and cream were invoked to protect U.S. agricultural support prices and tariff investigations were underway to determine if quotas should be placed on other dairy products.[67] On September 25, 1968, it was announced that Secretary Freeman had requested and the President had acted to place temporary quotas on most low-priced foreign cheeses which come chiefly from Denmark, Finland, West Germany and Austria. Imports had surged since the President had requested the Tariff Commission to investigate the need for such quotas. The story quoted Agriculture Department officials as saying "You can't tell the importers from the exporters any more. . . . Some (former importer nations) are subsidizing domestic butter production at 85 cents a pound and selling it for 10 cents." Low-price imports place heavy burdens on the dairy-support programs, and these quotas will undoubtedly be made permanent when the tariff investigations are completed.[67a]

Secretary Freeman summarizes the situation in agricultural trade as follows: "Export subsidies as used by some foreign countries have given us serious problems recently, both in our own market and in markets abroad. The United States took selective action this spring when subsidized canned tomato products began to come into our market from the European community. The U.S. Treasury Department, after investigation, announced that beginning June 1, 1968, it would apply countervailing duties against such imports. The countervailing duty, of course, protects our producers by offsetting the artificially low prices of the subsidized products. We are also concerned about the way subsidized products are taking away traditional foreign markets for farmers. The EEC is using subsidies, or contemplating their use, for just about every product the area exports: grain, flour, dairy products, meat, poultry, lard and others. But the Community isn't alone. Denmark, for example, subsidizes exports of poultry and dairy products. Australia subsidizes shipments of canned fruit, and so it goes." [68]

Many, of course, will contend that our present farm policies do not promote the "national interest" in agriculture. And it may be, as one expert has suggested, that the protectionist features of our farm programs have stimulated protection features in other countries, although it is doubtful if the governments of the mixed economics of Western European countries need instruction from us on how to control their economics.[69] In any event, the point here is that in the light of agricultural programs abroad and our own extensive farm programs, it seems doubtful if further liberalization of U.S. markets for agricultural products as advocated by the Committee for a National Trade Policy is in the "national interest" at the present time.

The oil industry offers another example of where the committee's philosophy may not coincide with national interest: "Because the free competitive market has been unable to perform its primary function of husbanding existing oil reserves, public policy has agreed on the desirability of a conservation policy and the domestic crude oil industry operates under both federal and state control. Some of the strongest advocates of free competitive markets agree that some policy of conservation is desirable." [70]

As J. P. Young has said: "Nations, moreover, are at times more interested in maintaining their 'way of life' and accomplishing certain domestic objectives, such as protection against the spiral of a depression originating abroad, or developing national industries, than in extending trade. International trade in such cases may be sacrificed to national ends." [71] And our "national interest," as expressed by congressmen in industrial and agriculture legislation, calls for greater emphasis on the promotion of domestic growth, employment and farm income than on action to increase our foreign trade by a few hundred million dollars a year. There is serious doubt in certain quarters than the "free-trade" goal of the Committee for a National Trade Policy, at least

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without some important modifications, is in the "national interest" today.

THE ECONOMIC BACKGROUND FOR FREE TRADE

There is little doubt that the views of the Committee for a National Trade Policy on a proper trade policy are supported by every economic textbook in the country. All of them espouse the doctrine of free trade and the principle of comparative advantage. While we are admiring this glittering edifice and the list of distinguished economists that built it, we should remind ourselves it has concealed architectural flaws and the roof leaks frequently in a storm.

Professor Clare Griffin states the theory in modern fashion: "If a country is blessed with advantages, it always has greater advantage in some lines than in others. It will, therefore, gain most if it devotes its efforts to the things it can do best and exchanges the products of their efforts for things in which its advantage is least." [72]

At the outset, it is important to remember Keynes's comment on economic theory. He points out: "Our criticism of the accepted classical theory of economics has consisted not so much in finding logical flaws in its analysis as in pointing out that the tacit assumptions are seldom or never satisfied, with the result that it cannot solve the economic problems of the actual world." [73]

It is well to recall the development of the theory of free trade and the many assumptions involved in its construction. Disregarding the work of the physiocrats, Adam Smith provided the foundation for free-trade theory. Smith was revolting against the restrictions of mercantilism. He saw free competition as the great force which would increase the output of goods and extend the division of labor to free trade throughout the world. Smith abhorred mercantilistic controls. To him, the least government was the best government. This was the broad political overtone to trade policy.

As Joan Robinson points out: "Free trade had all along been the central doctrine of political economy—for the neoclassicals a belief in free trade became the very hallmark of an economist: protectionsts belonged to the lesser breed without the law. The case for free trade was basically the same as the general case for the individualistic pursuit of profit, though, starting from Ricardo's theory of comparative cost, it was dressed up in a different form. It exhibited an equilibrium position in which competition leads to the maximum utility in the world as a whole being produced from given resources." [74]

But the laissez-faire economists had something other than trade theory in mind. Joan Robinson summarizes it very well: "The hard-headed classicals made no bones about it. They were arguing against the narrow nationalism of mercantilists in favor of the more far-sighted policy, but they were in favor of free trade because it was good for Great Britain, not because it was good for the world." [75] And again: In "the pre-1941 world, Great Britain had everything to gain from other nations adopting free trade and very little to lose from maintaining it herself." [76] The concept of free trade "as Marshall shrewdly observed, was really a projection of British national interests." [77] Perhaps the 1934 reversal of U.S. trade policy was to some extent dictated by the belief that freer trade would be good for a younger and more virile U.S. economy.

In order to prove that what was good for Great Britain—a manufacturing economy—was also good for other nations, the early economists set up a model with assumptions of perfect competition, full employment and the resources of each country in static condition—all of this, as Keynes has pointed out, with little relation to actual conditions. The scope of these assumptions has been set forth by a group of distinguished economists. While endorsing the ideal of universal free trade, they point out: "Free trade was never supposed to operate in a vacuum, but only within the context of certain conditions. These are, first, that there will be no quantitative restrictions of trade. . . . Secondly . . . that full and complete convertibility of currencies prevail, i.e., that the free trade area in question constitutes, in effect, one homogeneous payment community. . . . Thirdly . . . that no special advantages are reserved to one country in virtue of its tax structure, the subsidies it pays to its domestic producers, or the domestic monopolies and cartels its laws may permit to exist. . . . Fourth . . . that the ratio of money wage increases to productivity increases be approximately uniform in the free trade area. . . . Fifth . . . that the participating countries are all following roughly parallel fiscal and monetary policies. . . . Other characteristics . . . would be the absence of barriers to the free flow of labor and capital across national borders and security for capital investments against nationalization without just compensation." [78]

By the early thirties the impact of the Great Depression on Great Britain, as well as on other countries, was bringing about a serious examination of laissez-faire economic principles. As Joan Robinson points out: "The doctrine that, at least from a patriotic point of view, it was desirable to preach when England was the greatest exporting nation made precious little sense at any level in the 1930's. . . .[79] The hangover from pre-war confidence in the doctrine only gave way when unemployment and the chronic weakness of the British balance of trade were so much exaggerated by the world slump as to force even economists to notice that something had changed." [80] The result was a commitment by this home of free-trade doctrine to a program of modest protection.[81]

Another shock to "free traders" came in 1936 when Keynes, in "The General Theory of Employment, Interest and Money," agreed that the mercantilists were not completely wrong and that protection which curtails imports may be necessary to build employment at home.[82]

In all fairness, it must be pointed out that Keynes warned against overdoing it on protection: "It does not follow from this that the maximum degree of restriction of imports will promote the maximum favorable balance of trade. . . . There are strong presumptions of a general character against trade restrictions unless they can be justified on special grounds (presumably these mean employment). The advantages of the international division of labour are real and substantial, even though the classical school greatly overstressed them." He goes on to caution a policy of great moderation on trade restriction: "The fact that the advantage which our own country gains from a favorable balance is liable to evolve an equal disadvantage to save other countries (a point to which the mercantilists were fully alive) means not only that great moderation is necessary . . . but also that an immoderate policy may lead to senseless international competition for a favorable balance which injures all alike." [83]

Keynesian thinking was responsible for a few holes in the roof of the GATT structure. Joan Robinson concludes: "The Keynesian revolution broke through the pretended internationalism of free trade doctrine and helped to introduce a genuine internationalism into our thinking. The post-war international agreements, though strongly influenced by free trade ideals, left escape clauses for countries suffering from balance of payments difficulties, and for underdeveloped countries; and they permitted home employment policy to take precedence over international obligation. In principle, though very little has been done about it, regulation of trade in primary commodities is accepted as an objective of policy (though the free trade fanatics still decry it) and when our own balance of payments improves by impoverishing primary producers, at least we recognize that it is nothing to be proud of. This awareness of the variety of problems that face other nations, and the abandonment of the pseudo-universalist free-trade doctrine, is a great advance in enlightment." [84]

And as Joan Robinson points out, things have now come to the point in Great Britain where "Lancashire now has to be defended against cheap textiles from countries whose indigenous industries she was once encouraged to ruin in the name of free trade." [85] And more trade restrictions may be ahead. Following the last devaluation, the National Institute for Economic and Social Research in Great Britain urged that the government "plan now for possible import restrictions in case improvements in the balance of payments take longer than expected." [86]

The conflicts of the doctrine of comparative advantages in today's "dynamic mixed economies" have rarely been better stated than by Robert Schwenger:

"Competition within a modern industrial country, while a driving force, does not do all aspects of the job it is traditionally supposed to: it is not relied on as a general equilibrating mechanism for the national economy as a whole. It is supplemented by direct government action in many sectors of the market economy such as those determining form prices, oligopoly prices, investment, savings and wages. The theory of international trade has not found a way to live with this fact. . . .

"But the free flow of trade among national economies can do only part of the job. Alone, it is not adequate, in the modern industrial world, for pursuing even the economic objective of maximizing the community's total income by allocating productive resources to the most efficient use.

"There would also have to be enough free competition within the several national economies to bring about a strong tendency toward general economic equilibrium. Such equilibrating domestic competition is part of the model from which economists reasoned out the neoclassical theory of international trade, including the doctrine of comparative advantage which is so frequently mentioned as a guide in the conduct of United States trade policy. The theory has advanced greatly in sophistication over the years, but the main policy conclusions drawn from it have not yet been demonstrated to be valid except for a relatively simple, static model where competition free of government intervention does the economic determining within the individual countries.

"The theory conveyed highly relevant and practical insight for members of the vigorous, competitive commercial-financial community of early nineteenth century England with its small, technologically, relatively simple industries, its mercantilist-protectionist foreign trade barriers, and its unchallenged economic nationalism. The theory again gave valuable insight for the industrial world in the throwback of the inter-war depression with disintegration of internal economic organization and suicidal, isolationist trade intervention by every government. At that time, the genius of the trade agreements program for the reciprocal reduction of trade barriers lay in its blending of this theory-of-international-trade approach with an international peace objective. As a result, many leaders of opinion came to associate the freeing of trade with emergency from the traumatic experience of the depression; this association, taken together with the traditional success of free trade during the rise of Victorian England to wealth and power,

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has surrounded free-trade theory with an aura of proven validity and even, for some, of moral imperative.

"Meanwhile, the economic world has changed and the theory has become archaic. The model whose main elements were selected for relevance to the intuitively perceived need of early nineteenth-century England yields many conclusions and insights that are irrelevant and backward looking in today's industrial world."[87]

As Professor Samuelson, one of the high priests of free trade, said, while warning against disregarding the doctrine of comparative cost: "If theories, like girls, could win beauty contests, comparative advantage would certainly rate high in that it is an elegantly logical structure. An oversimplified one, as far as our rushing out to make immediate applications to real life is concerned."[88] We can agree with him on both counts.

A good way to summarize this discussion of free-trade theory was suggested by Hans-Gunther Sohl, president of August Thyssen-Hutte, A.G., of Germany, in a speech to the American steel industry. He said: "To set free trade as a goal by no means suggests that we should ride the principle to death. There will always be special situations in particular countries when internal economic difficulties conflict with the target of free trade. I think it would be unfair and, I think, also unwise to leave a country in that situation unaided in the search for a solution of its problems."[89]

A NEW DIALOG NEEDED

All this adds up to the fact that we are desperately in need of a new dialog on trade. Senator McCarthy's comment on Administration statements on other matters is appropriate to the trade discussion: "It is time to have done with the language of excess, of exaggeration."[90] We have had enough hyperbole on the importance of foreign trade in our economy, on the success of the Kennedy Round, and enough warnings about retaliations if we make the slightest move in the direction of protecting domestic industry. And we have had sufficient exaggeration from industry on the impact of imports while enjoying good production and profits. With the trade policy hearings of the Joint Economic Committee, the Senate Finance Committee, the House Ways and Means Committee, and the President's special representative on trade, we have had enough airing of the "free trade" and "protectionist' points of view. The hearings have amassed a wealth of data on industry competitive relationships here and abroad and have produced some excellent theory papers which paint with a broad brush the goals to be sought on trade policy. It is time now to get down to specific cases on an industry-by-industry basis and decide what shall be done.

Dale points out one of the reasons why this is so difficult: "There is also a view that the State Department is so free-trade minded that it will not even listen to reasonable arguments on import problems.[91]

And Senator Long has pointed out another: "If the Executive branch would stop bombarding us with scarecrows and sit down with us to discuss particular industry problems and their solutions, then we could have a fruitful legislative year. At the moment, they are even quoting from Sacred Scripture to justify their views. If this continues, we will have to invoke the help of the Lord to guard us against his overzealous children."[92]

Let us agree there are basic elements of truth on both sides of the trade question. Let us agree that trade liberalization begun in 1934 was a good thing, both economically and politically, for this country and for the world. With our relatively young and vigorous industrial economy, it was to our own interest, as it was to Britain's, to encourage freer trade; furthermore, that it is a long-run ideal toward which we may work our way on the theory that "in a generally prosperous world, we are likely to do better than in a miserable one."[93] We can find a general area of agreement on this in spite of the fact that we may have to make some detours and stopovers while on this journey. After all, we don't know how much the "free-world" trade, which in 1967 amounted to around $190 billion (exports measured f.o.b.), would have been without the past 35 years of trade liberalization. And we don't know whether or not the United States would be as well off today or even better off as far as employment potential goes if we were selling $20-billion worth of exports annually instead of $30 billion and importing $18 billion instead of $27 billion.

The 1934 Reciprocal Trade Agreement Act was passed as the country was moving out of a recession. In his message to Congress in January, 1962, President Kennedy called this act a "landmark measure" which "brought growth and order to the free world trading system."[94] Although in some respects influenced by the Great Depression, it reflected a basic change in U.S. commercial policy. Following World War II, in 1947 the General Agreement on Tariffs and Trade was signed during a period when the rebuilding of economies that had been destroyed by war was just getting underway. The Trade Agreement Act of 1962 was called by President Kennedy a "wholly new instrument" to meet the "challenges and opoprtunities of a rapidly changing world."[95] Time has proven it was not "wholly new," and events have shown it was not an instrument capable of meeting the trade challenges of a changing world; rising economic nationalism, trading blocs, rising communist world trade, international corporations, and U.S. balance-of-payments deficits.

We need rational discussion of the trade question because great changes have taken place in the world since 1934. As former Undersecretary of State George Ball has said: "Our modern world is different in almost every respect from that of 1934. The handful of European metropolitan nations dominated one-third of the world's population through colonial structures that were at the same time closed trading systems, while American industry concentrated on our domestic market. It was a very wide world—producing and even selling abroad was still thought of as something exotic and quite outside the scope of most American enterprises. . . . But the modern world is marked by air transport and telephones and teletypes, computers and automation, it is a world in which thousands of American companies no longer make much operation distinction between domestic and international trade. They no longer see their markets or their production limited by national boundaries but do business in every corner of the globe, utilizing raw materials and components, plant facilities and capital, labor and managerial talent wherever they may find them so as to produce the highest yield with the least cost to serve markets wherever they can be developed."[96]

Since World War II the Western economies as well as that of Japan have been rebuilt; these modern factories and resources offer a far greater competitive challenge to American industry now than in 1934. In addition, we have supported and encouraged the formation of Common Market trade blocs and free-trade areas in various parts of the world, which foster preferential trading for members. At the same time, we are striving for a policy to assist the less-developed countries speed up their industrialization to provide more competition for U.S. industry.[97]

There are other fundamental changes which affect trade between nations. Close to half the population of the world is organized under communism with collectivized industries. Costs in these countries are not calculated as in Western countries, and central planning dictates the products to be exported and imported, usually based on the need for dollars.

The changing character of U.S. trade since 1960 suggests that the framers of the Trade Expansion Act of 1962 did not anticipate the rising competitive problems of American industry and agriculture in foreign markets.[98] Up until a few years ago, the trade balance of the United States was the pride and joy of our balance of payments. Trade balances of $4 to $6 billion a year were sufficient to offset the cost of military adventures, investment abroad, give-aways, and foreign aid. In the last few years, the situation has been changing at an alarming rate. Our commercial trade balance (the difference between exports and imports minus exports on government account) fell from $3.9 billion in 1964 to $2 billion in 1965. In 1967 the commercial balance had fallen to $255 million. One experienced observer estimates the 1968 commercial trade deficit at anywhere from $1.5 to $2.5 billion.[99]

There is little doubt that the economic boom and creeping inflation are responsible in part for rising imports and the slowing of exports. An examination of the U.S. trade position, however, indicates that other factors are involved and raises serious questions as to future trends in our commercial trade balance.

Since 1960, world exports have increased from $113.4 billion to $190 billion in 1967, or 67.5 percent, while U.S. exports have gone up from $20.6 billion to $31.6 billion for the same period, or 53.4 percent. Exports of industrial Europe, excluding Great Britain, have moved up from $37.7 billion in 1960 to $70.2 billion in 1967, or 86.2 percent. The U.S. share of world exports has fallen from 18.2 percent in 1960 to 16.6 percent in 1967, while industrial Europe's share has risen from 33.2 percent to 36.9 percent. The Japanese share has risen from 3.6 percent in 1960 to 5.5 percent in 1967.[100]

While U.S. exports of semi-manufactures and finished manufactures together showed a modest rise from 67.4 percent of total exports in the period 1946–1950 to 73.8 percent in 1960 and 76 percent in 1967, U.S. imports of the same products rose from 40.2 percent in the 1946–1950 period to 58 percent in 1960 and 69.5 percent in 1967. The steady climb in imports of finished manufactures from 17.9 percent in the 1946–1950 period to 48.8 percent in 1967 reflects the growing competition from Europe and Japan.[101] A detailed examination of these figures reveals the changing character of our foreign trade. "We have become primarily suppliers of agricultural raw materials, chemicals, raw and semi-finished products, and machinery. We have become importers of end-use consumer products. . . . This results from two factors. First, other countries exclude, by tariffs, quotas, variable levies, internal taxes, and other devices, many of those products which we can produce economically; and, second, other countries are, in many products, lower cost producers than we are."[102]

Fortune magazines in its June, 1968, issue points out the crumbling of the U.S. export surplus and suggests that we may have reached the end of the era in which we could count on industrial superiority to counterbalance lower wage costs abroad. The trade figures "seem to be indicating some important shifts in competitive power." *Fortune* mentions that while it was expected that industry in other industrial countries would catch up with the United States or at least come close to it in mass production efficiencies and technology at some time. "What is surprising is the extent and force of the competition. The startling rise in imports suggests that the catching up has gone faster and spread further than seemed possible just a short time ago." *Fortune* concludes: "These trends may reflect basic changes that require examination of longstanding assumption; that U.S.

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capital, technology and large-scale production could more than offset the disadvantage of higher wages and costs."[103] The April 1968, bulletin of the Federal Reserve Bank raises the same basic question.[104]

The American correspondent of the London *Economist* in the May 18, 1968, issue points out: "There is nothing fuddy-duddy about the American economy, but there are matters of high and rising wages of growing acceptance of imports by consumers, of increasingly aggressive marketing by foreigners, of continuously lower tariffs—in general, what may turn out to be a 'structural' change that will outlast a moderation of domestic demands through higher taxes."[105]

A continued deterioration in our commercial trade position will, in spite of increased earnings from international investment, add to our balance-of-payments burdens and focus wide attention on the seriousness of our competitive position internationally.

IS THE PROPOSED TRADE EXPANSION ACT OF 1968 THE ANSWER?

Any down-to-earth dialogue on trade policy will require some discussion of the adjustment assistance provisions of the proposed Trade Expansion Act of 1968. This proposal, incidentally, shows no evidence of having been influenced by the several extensive hearings on trade policy and could have been written (and, in fact, probably was) before the hearings. And these hearings, while turning up a wealth of information, appear to have changed few minds on either side of the dialogue. The proposed 1968 Act contains three sections. The first would give the President authority to "adjust tariff rates as future developments might require."[106] Spokesmen say "the authority will not be used in any major bilateral or multilateral trade negotiation—but used largely to offer compensatory tariff concession in cases where the United States finds it necessary to increase a rate of duty."[107] According to Ambassador Roth, the request for tariff negotiation authority was limited because a "thorough review of our trade policy is required."[108]

The second calls for a repeal of the American Selling Price (ASP) system of customs evaluation which has long been a bone in European throats. A deal was worked out at Geneva to get rid of it by giving reductions in certain nontariff barriers abroad. Congress will probably ignore this request, as strong opposition to dropping ASP exists in certain sections of the chemical industry.

The third, modifying the adjustment assistance provisions incorporated in the 1962 TEA, is the only section of real interest to industry generally. The revised adjustment assistance provisions are patterned after those in the United States-Canadian auto agreement of January, 1965. All parties—government, labor and industry—regardless of trade policy leanings, now recognize the complete failure of the adjustment assistance provisions of the 1962 TEA.[109] At that time, Oscar Gass, with rare foresight, said: "In the circumstances, this 'adjustment assistance' seems unlikely to be expeditious or of substantial value. To my mind the whole idea of adjustment assistance is a blind alley—at best the unemployment compensation provisions contain useful suggestions for general unemployment legislation.[110] In fact, the 1962 provisions were not even an alley. Practically all, or over twenty, appeals for help from industry and labor were turned down by the Tariff Commission, which probably interpreted correctly the tests for eligibility under the stringent provisions of the 1962 TEA. In recognition of the increasing number of protests against rising imports and the ineffectiveness of the original 1962 Act, even free-trade groups called for modification of the adjustment assistance provisions.[111]

This in itself is indirect recognition, however reluctant, that rising imports are posing a problem for an increasing number of industries and may well pose a serious problem for the country in the years ahead. The President now says "relief should be available whenever increased imports are a substantial cause of injury" and that administration (of the 1968 adjustment assistance provisions) will be patterned on the automotive trade act of 1965, with determination by the Secretaries of Commerce, Labor and Treasury instead of by the Tariff Commission.[112]

What is the history of the automobile adjustment assistance? The United States-Canadian auto agreement was signed January 16, 1965. Workers eligible for assistance may receive weekly payments of 65 percent of their average weekly wage but not exceeding 65 percent of the national average wage in manufacture. In 1967 the maximum received was $73 a week. Workers may receive these payments for a maximum of 52 weeks. If they are in a training program, they can receive it for an extra 26 weeks.

Workers over 60 are allowed an additional 13 weeks. The average worker under the auto agreement has collected pay 26 to 27 weeks. Adjustment assistance is paid through the states in a manner similar to the regular unemployment compensation. Other benefits are training opportunities, including travel and subsistence payments and relocation allowances. Most workers have been absorbed before the allowance period has expired.

Through June, 1968, 21 petitions for worker adjustment assistance have been acted on with 14 certifications covering 2,493 workers eligible for certification and 1,853 found eligible for assistance. Approximately $3.6 million has been paid to workers over the three and a half years of the agreement, and $56,000 paid for living allowances during worker retraining. No petition for adjustment assistance has been submitted by firms. Firms certified may obtain loans for land, plants, equipment and, in some cases, working capital, technical assistance, and a certain form of tax relief.[113]

Is adjustment assistance the answer to the challenge of increasing imports? Is it a workable solution to the displacement of workers and factories? Philosophically, it is designed to lubricate and eliminate the creaking wheels of the competitive system while the doctrine of comparative advantage does its work. It contains no restraining elements to the raw threat of international competition but is supposed to salve the wounds of those who suffer thereby.

It is difficult to draw any conclusion as to how the proposed adjustment assistance provision would work with industry, as there has been no experience in the auto agreement. The operation could raise difficult administrative problems. If a manufacturer finds he cannot compete with low-priced imports and is on the road to bankruptcy, how will this be handled? In most cases, labor differentials are so great it is not a question of new plants and equipment. Is he to be given loans to build a new factory to produce an entirely different product? And what assurance is there that this project will be a success? If it is a matter of loans, aren't there enough agencies existing without setting up additional administrative machinery?

If he decides to simply liquidate his business and quit in the face of what seems to be impossible competition, must he wait for bankruptcy? And how much is he to be paid? In other words, who establishes the liquidation value of the business? The complications involved in working out procedures for such firms would appear to be enormous. If there are subsidies for not producing cotton, are there to be subsidies for not producing shoes?

Unquestionably, adjustment assistance as a last resort would be better than nothing on the theory that any help to a drowning man is welcome.

For the workers it would appear to be, calculated as in Western countries, and cen-insurance. The experience in the automobile agreement would indicate that in justified situations it may provide a bridge to move from one job to another. The question may be asked, Can it not be handled through the regular unemployment compensation channels? The question may also be asked by those who are in training. Will the jobs be there when the training is completed? But this shades into a broader question of national policy.

The adjustment assistance procedure may pose even more serious problems for the economy. If shoes can be made cheaper abroad, the United States will then make something else where it has an advantage and assist workers and industry to move into these fields. That might not be too disturbing to the economy if only a few industries are involved. What happens when an increasing number of industries are affected? When woolens, steel, man-made textiles, shoes, glass, candy, agricultural products, find imports absorbing an increasingly share of the market? In addition to the costs that could be involved with expanding adjustment assistance, we should consider the comment of Senator Edward Brooke (R., Mass.): "We must, therefore, take into account the possible consequences for this nation if we were to become excessively dependent upon foreign suppliers (in times of war) for such items as oil, steel, textiles, and electronic components."[114] Who decides what proportions of such products should be made in the United States and what share should come from abroad? And in the normal peacetime economy with a rate of employment of four percent or better, how do we reconcile a growing dependence on imported products and a reduction in employment and production in these products in the United States with a full-employment policy?

Finally, under the best of circumstances, if it were to take care of the shifts of labor brought about by imports and compensate manufacturers driven out of business by low-priced imports, it still does not get to the root of the problem from the industry standpoint: the loss of market share and market growth for domestic manufacturers. American industry has a strong feeling of proprietorship in a market that has grown, in part, through its own promotion efforts.

Manufacturers of baseball gloves and ski boots, who have lost the bulk of their market to imports, are not particularly interested in adjustment assistance. It will not save them from drowning in a flood of imports. Manufacturers of footwear, where essentially all the market growth of the last decade has gone to imports, are not asking financial help to convert factories which are not suitable for the manufacture of anything other than footwear. In steel and textiles, formidable market penetration has been made by imports which promise to take a steadily increasing share. In practically every case this is the result of higher labor costs in the United States which, in turn, are in great part the result of national economic policies over which industry has little control. Industry has come a long way in its thinking on trade liberalization since the thirties. It is not asking to turn back the clock and shut off imports. It does believe it is reasonable to ask for an orderly sharing of the market.

THE NEED FOR RATIONAL DISCUSSION OF THE TRADE PROBLEM

It is imperative, in the light of vast changes in world conditions since our trade liberalization policy began 35 years ago, that in our discussion of trade policy we come to grips with the specific problems of industry and agriculture in foreign competition. Significant developments over the past decade point to dangers ahead. These include growing signs of aims for self-sufficiency abroad and the building of new capacity which will provide even stiffer competition for Ameri-

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can industry; early signs of a decline in our competitive posture in world trade; a still formidable array of barriers to our trade abroad, and a continuing lack of reciprocity in trade negotiations in spite of complete economic recovery of our trading partners for the effects of World War II.

The recent study by the National Industrial Conference Board, mentioned earlier, commented as follows on current trends abroad: " 'Rampant misguided nationalism' abroad and increased government controls in the United States are posing major problems for American companies with foreign operations." The report identified " 'economic protectionism, punitive taxes, regulations, quotas and increased interference by foreign governments.' " One panelist said: " 'The increase in nationalism in Europe and Latin America will continue to generate obstacles to trade and investment abroad by U.S. international companies. The trend in this direction seems to be increasing in almost every sector of the world market.' "[115]

And finally, according to Secretary of Commerce Smith: "our competitive position in the world is being seriously damaged by the wage-price spiral in which we are engaged. . . . We are pricing ourselves out of many world markets." While Mr. Smith argues the heart of the problem of sharply rising imports and sluggish exports is the more rapid rise in wages than in labor productivity, more than this is wrong in the trade picture, as this paper has attempted to show.[116]

In the light of these developments, the changing trends in world trade, and our commercial trade deficit, we have had enough philosophical debate and high-sounding expression of idealistic goals on both sides of the trade debate. We can agree with the general aims and objectives that look toward increasing world trade. What is needed now is an intensive examination of those industrial and agricultural areas where important changes are taking place. Professor Robert Baldwin has suggested that "the Congress provide a small amount of funds annually for the purpose of undertaking economic studies designed to determine the ability of workers and employers in various industries to adjust to increased import competition. These studies should be undertaken by economists both within and outside of the Government."[117] While his suggestion was aimed at improving the economic analysis used for tariff negotiations, it could be equally useful in determining the factors responsible for changes in foreign and domestic competitive relationship in specific industries, projecting future trends of imports and exports and calculating the impact on individual industries as well as the economy as a whole.

Former Under Secretary of State George Ball has said: "Many of our post-war policies have mixed a vague and irrelevant universalism (an outgrowth of America's evangelical vision of itself as a pristine land in a corrupt world" with new and transitional pragmaticism; improvising crusades and crusading improvisations."[118] And Ball argues that the goal of a mature foreign policy will require not only "toughmindedness and the avoidance of moralistic mush" but a careful definition of the limits of our world interests and responsibilities. It is not known how much of this comment, if any, Ball intended to apply to trade policy. In any event, it seems appropriate in this area.

It is important that government representatives and industry begin rational discussion of industry's import problems. Failure to do so could result in legislative action not in the best interest of either party. The economic forces at work here and abroad are bound to bring about, eventually, some changes in our present trade policy. It is far better to recognize frankly the problems of a growing number of industries and thrash out a reasonable solution than to remain aloof from a realistic consideration of the facts until a major challenge to present trade policy is presented.

Fortunately, there are a few signs that the time may be approaching for such discussion. Assistant Secretary of Commerce Lawrence McQuade was quoted recently as believing there "may be a cause" for liberalizing the Trade Act's "escape-clause" provision which authorizes the President to protect industries damaged by imports, and suggested that the trade law's national security clause might be more widely used as a basis for import quotas. Mr. McQuade indicated that, on the one hand, with the technological gap shrinking and, on the other, significant wage disparities here and abroad, the United States will have more difficulty in expanding its share of world trade.[119]

A significant comment, indicating Washington is awakening to the import problem, was made recently by Assistant Secretary of Commerce for Economic Affairs William Chartener in referring to the activities of our multinational corporations in switching output to countries with the "slowest rates of inflation." He asked whether it is "in our national interest to encourage the rapid transfer of our new technology to foreign countries through branch plants and subsidiaries abroad or by licensing arrangements—particularly when this means the bestowing of the most advanced technology on economies that enjoy a considerable advantage in labor costs?" He continued, "Planners for some of our international companies may have to prepare a defense."[120]

And even Mr. Roth, the President's Special Representative for Trade Negotiations, seems to be recognizing the need for more realistic discussion of the trade question. He said recently, "If this drive for market sharing does succeed . . . we must begin to explore what type of governmental agency may be needed to review price and investment decisions and protect the interests of consumers and unprotected producers."[121]

Whether or not Mr. Roth's purpose was to create the bogy of an expanded bureaucracy, his statement suggests that international agreements such as the Long-term Cotton Arrangement means vast new administrative structures. It must be admitted that the administration of market shares between various countries will require staff, supervision, and more paperwork. There will be many frustrating experiences and innumerable details. But past experience with the LTCA does not indicate any insuperable problems or the need for a great new bureaucracy to manage the operation. The industry divisions of the Commerce Department with some expansion are perfectly competent to handle the problem. The President's Council of Economic Advisers is certainly competent to review price and investment trends, and the President's consumer advisor will watch out for consumer interests. Finally, if the results are similar to the LTCA where imports have grown at a rate double that provided by the agreement, there would be little basis for importers to object to unfair treatment.[122]

What is not likely to be particularly helpful to rational discussion of the trade problem if the President's recent appointment of a thirty-four member public advisory committee on trade policy composed, with but few exceptions, of dedicated free traders. This committee is expected to advise Mr. Roth, who probably selected the members, on "legislative and other measures as may be required" for long-term trade policy.[123] It is not surprising that several congressmen on the floor of the House have taken strong exception to the composition of this committee as reflecting "a total disregard of the principle of fair representation and cannot be allowed to go unchallenged." And, "The posture of our trade policy involves far more than a dedication to free trade—it is my judgment that such a balanced view of this import program is most unlikely to come from the President's new advisory committee on trade policy."[124]

FOOTNOTES

[1] *Barron's*, October 16, 1967, page. 4.

[2] *New York Times*, July 12, 1968.

[3] *New York Times*, July 5, 1968.

[4] John T. Connor before New York Board of Trade, New York, New York, November 9, 1967.

[5] Statement of Secretary of State Dean Rusk, "The Price of Protectionism," before Senate Finance Committee Hearing, October 18, 1967.

[6] *New York Times*, July 11, 1968.

[7] Statement of Special Representative for Trade Negotiations William M. Roth before Senate Finance Committee Hearing, October 18, 1967.

[8] *New York Times*, October 31, 1967.

[9] Address by Ambassador William M. Roth, Special Representative for Trade Negotiations, prepared for the 23rd Annual Cleveland World Trade Conference, Cleveland, Ohio, March 28, 1968.

[10] Statement of Carl J. Gilbert, Chairman of the Executive Committee, The Gillette Co., *The Future of U.S. Foreign Trade Policy*, Hearings before the Subcommittee on Foreign Economic Policy of the Joint Economic Committee, July 11–20, 1967, Volume I, page 186.

[11] Remarks of David L. Yunich, President, Macy's, before British-American Chamber of Commerce, November 8, 1967, *New York Times*, November 9, 1967.

[12] Note: In fact, in 1929 with a tariff of 40.1 per cent, exports were 4.2 per cent of gross national product.

[13] Note: The United States records both exports and imports on an approximate f.o.b. (point-of-shipment) basis. Most countries record imports on a c.i.f. (cost-insurance-freight) basis. If our exports in 1967 have been recorded on a c.i.f. basis, they would have totalled $29 billion, for a surplus of $1.9 billion compared with the official figures of $4.1 billion. If commercial exports are compared with imports, c.i.f., then a trade deficit of $1.3 billion would have been recorded. Economists and U.S. officials, in spite of the practice of other nations, believe the f.o.b. basis is most consistent for measuring the volume of imports and exports, although some economists admit that for comparisons of imports with domestic prodution cost, freight, insurance, duties, clearance charges, brokerage fees, and all other costs of making import available in this country should be included and added to the f.o.b. import data.

[14] And will fall to approximately 7.8 per cent when Kennedy Round reductions are completed. See Table 23, "Trends in International Trade of the United States," by Dr. Howard S. Piquet and Dr. Merrill A. Watson, CONGRESSIONAL RECORD, vol. 114, pt. 14, p. 18277.

[15] Joan Robinson, *Economics: An Awkward Corner*, Pantheon Books, New York, 1967, page 16.

[16] J. W. Culliton, "Foreign Trade Revisited," *Compendium of Papers on Legislative Oversight Review of U.S. Trade Policies*, Committee on Finance, United States, February 7, 1968, Volume 2, page 637.

[17] Dr. Howard S. Piquet and Dr. Merrill A. Watson, "Trends in International Trade of the United States," *Congressional Record*, June 21, 1968.

[18] Ibid.

[19] Professor Gottfried Haberler, CONGRESSIONAL RECORD, vol. 114, pt. 2, p. 2137.

[20] *New York Times*, September 3, 1968

[21] Note: The implication is met again and again that tariffs were responsible for the Great Depression. GNP fell from $103.1 billion in 1929 to $55.6 billion in 1933, a decline of 47.5 billion. U.S. exports fell from $4.39 billion in 1929 to $1.675 billion in 1933, or a decline of $2.72 billion ($2.17 billion in 1929 dollars). It is doubtful if the $2.7 billion

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decline in exports produced the $47.5 billion decline in GNP.

[22] Statement of Secretary of State Dean Rusk before House Ways and Means Committee, June 10, 1968.

[23] *New York Times*, October 31, 1967.

[24] Statement of Special Representative for Trade Negotiations William M. Roth before House Ways and Means Committee, June 4, 1968.

[25] *Wall Street Journal*, October 5, 1967.

[26] Address by Stanley Nehmer, Deputy Assistant Secretary of Commerce for Resources, before Apparel Research Foundation, November 30, 1967.

[27] *New York Times*, August 29, 1968.

[28] John Dent, CONGRESSIONAL RECORD, vol. 114, pt. 21, pp. 27209–27210.

[28a] *Journal of Commerce*, July 15, 1968.

[28b] John Dent, CONGRESSIONAL RECORD, vol. 114, pt. 21, pp. 27209–27210.

[29] *Journal of Commerce*, July 15, 1968.

[30] Executive Branch Statement, *Compendium of Papers on Legislative Oversight Review of U.S. Trade Policies*, Volume 1, page 338.

[31] *Ibid.*, page 332.

[32] *Ibid.*, page 334.

[33] *Can We Muddle Through?* National Association of Manufacturers, Chicago, Illinois, April 18, 1968.

[34] Executive Branch Statement, *Compendium of Papers on Legislative Oversight Review of U.S. Trade Policies*, Volume 1, page 333.

[35] Lawrence Witt and Vernon Sorenson, "Problems of Agricultural Products," *Issues and Objectives of U.S. Foreign Trade Policy*, A Compendium of Statements submitted to the Subcommittee on Foreign Economic Policy of the Joint Economic Committee, September, 1967, page 172.

[36] Executive Branch Statement, *Compendium of Papers on Legislative Oversight Review of U. S. Trade Policies*, Committee on Finance, United States Senate, February 7, 1968. Volume 1, page 334; Address by Harald B. Malmgren, Assistant Special Representative for Trade Negotiations, before the Canners League of California, April 1, 1968; Statement of John A. Schnittker, Under Secretary of Agriculture, *The Future of U.S. Foreign Trade Policy*. Hearings before the Subcommittee on Foreign Economic Policy of the Joint Economic Committee, July 11–20, 1967. Volume I, pages 29–33.

[37] *New York Times*, May 10, 1968, and June 10, 1968. Note: United States now resorts to subsidy route to meet poultry competition and win back markets.

[38] *Journal of Commerce*, November 22, 1967.

[39] Address by Harald B. Malmgren, Assistant Special Representative for Trade Negotiations, before the Canners League of California, April 1, 1968.

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THE BIG WHEEL

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. MILLER of California. Mr. Speaker, City Councilman Mario Polvorosa of San Leandro, Calif., is the type of friendly, energetic person who dignifies public service and through his willingness to continuously help, makes community life in San Leandro a better place in which to live.

Mario is known as "the big wheel" and his energy is ceaseless. Above all, he is never too busy or too tired to help a friend.

I sincerely hope that the San Leandro Chamber of Commerce will continue to recognize his value and award him its "El Supremo" trophy.

The following article appeared in the January 13 issue of the San Leandro Morning News, and I am pleased to make it a part of my remarks:

As the San Leandro Chamber of Commerce installation nears, it's virtually assured that City Councilman Mario Polvorosa will receive the Chamber's "El Supremo" trophy for his outstanding work in obtaining Chamber members, reported F. A. Lou Meyer, membership relations chairman. Councilman Polcorosa received the Chamber's "Numero Uno" trophy in January 1968 with the recruitment of 39 Chamber members during 1967, an all-time high. In accepting the trophy, Councilman Polvorosa promised to top that record this year. As of January 7, the city councilman has signed 42 new members to the Chamber of Commerce. In addition to his devotion and willingness to assist in the Chamber's membership program, Councilman Polvorosa served as co-chairman with the Honorable Judge Gerald Connitt on the Cerebral Palsy drive and is currently devoting his time towards the March of Dimes campaign in San Leandro. With all of this Polvorosa finds time to serve as a city councilman, operate a well-established shoe shine parlor, serve the San Leandro Chamber of Commerce in its membership drives as well as serving other organizations and yet he's always willing to help everyone in the community.

REPORT TO CONSTITUENTS

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. BYRNES of Wisconsin. Mr. Speaker, under leave to extend my remarks, I include the following report to my constituents:

MEMO

NEW START.—A new government is now installed in Washington. Our political system—much criticized—has demonstrated its basic virtues by again meeting the test of workability. The peaceful transition of power from one President to another of different political persuasion has been completed. A new Congress is now in operation. The ceremony and the pageantry are over. The nation can now make a new start in trying to solve the great problems which confront it.

JOB AHEAD—It was fitting that five clergymen representing five different faiths invoked the blessings of Divine Providence upon the work of the new Administration during the Inaugural Ceremony. No new Administration in history, perhaps, has faced at its outset so many problems of such magnitude. The war in Viet Nam, the Middle East, Soviet relations, China, Europe, Africa, crime at home, urban decay, the black revolution, inflation, violence, national disunity—the list is almost endless. Certainly, the new government must provide the leadership to help the nation meet and solve these and the other great problems, but we must not forget that government cannot do it all. As President Nixon said in his Inaugural Address, "What has to be done, has to be done by government and people together or it will not be done at all. The lesson of past agony is that without the people we can do nothing; with the people we can do everything."

UNITY—The President has also, and rightly so, laid great stress upon the need for national unity in dealing with problems of the magnitude of those confronting us now. Unity does not mean that we must all agree on every issue or the solution to every problem; that would be impossible. What it must surely mean instead is that we must be united in our determination not to let disunity destroy us, and in our mutual interest in preserving and advancing basic precepts—the primacy of law, the necessity for order, the goal of justice for all. It does not mean there must be no dissent; dissent is a crucial ingredient in a free society. It must mean, however, that dissent cannot be allowed to degenerate into actions which subvert the national will and our free institutions. It means, as the President said, learning from one another, speaking quitely enough "so that our words can be heard as well as our voices" and it means listening to each other courteously enough so we can try to understand the meaning of the words. In view of the nature of our problems, the words of Ben Franklin in 1776 have special significance for us now. "We must all hang together," he said at the signing of the Declaration of Independence, "or assuredly we shall hang separately."

REMINDER—Your views on current issues, problems and legislation are of vital importance to me in representing our district in Congress. Please send them to me, during the session ahead, at the address shown above. In this connection, you will want to follow my votes in Congress and I make available at the end of each session a complete record of every vote I cast on your behalf. The record for the last session of the 90th Congress is now available and will be sent to you on request.

NEWSLETTER—*Memo* resumes publication with this issue and it will be sent regularly to you unless you request your name be dropped from the list. Please let me know if there is any error in the mailing address shown on the envelope.

TRIBUTE TO FORMER CONGRESSMAN PAUL SCHENCK

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. SIKES. Mr. Speaker, I am honored to join my colleagues in paying special tribute to our esteemed friend and distinguished colleague, the late Paul F. Schenck, who passed away on November 31, 1968. He was a warm and genuine human being who spent much of his life in the service of his fellow man and his country. I was proud to claim him as my good friend.

Congressman Schenck ably represented the Third Congressional District of Ohio for 13 years during the period 1951 to 1964. Those of us who served with him recall with pleasure and with appreciation his many outstanding accomplishments. He served as a member of the House Committee on Interstate and Foreign Commerce and was credited with development of an important antipollution law which forced safeguards on automobile exhausts. Previously, he served as a member of the Dayton Board of Education for 10 years, and as president of the Dayton Real Estate Board for 3 years, as well as in many other capacities in numerous civic activities.

It is highly appropriate that we now honor his memory and I join my colleagues in extending deepest sympathy to Congressman Schenck's family and in assuring them he will long remain in our thoughts and prayers.

THE PARIS PEACE TALKS AND LAOS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. ASHBROOK. Mr. Speaker, with the Paris peace talks now in session, it might be well to consider an agreement made by the North Vietnamese and Soviets in 1962 concerning Laos. Columnist Joseph Alsop stated it briefly but to the point in his column appearing in the Washington Post on January 24:

> It is a plain fact that the war in Vietnam would be over in weeks, if the Laos accords of 1962 were now being enforced. Both Hanoi and Moscow signed these accords. Under these accords, Hanoi solemnly undertook to withdraw all North Vietnamese troops from Laos and never thereafter to use Laos as a corridor to South Vietnam.

The column further states:

> At present, there are at least 40,000 North Vietnamese troops in Laos. The December-January rate of the Northern troop movement through Laos has also been above 30,000 per month. The Laos accords of 1962 are therefore an uncomfortable topic for Hanoi's negotiators in Paris.

If the subject of Laos is not an issue at the peace talks, the United States might well repeat the costly error it has made before of signing a new agreement while the Communists flagrantly violate agreements made in the past.

I insert the column, "A Nonevent at Paris Talks Cries Out for an Explanation," by Joseph Alsop in the RECORD at this point:

A NONEVENT AT PARIS TALKS CRIES OUT FOR AN EXPLANATION

(By Joseph Alsop)

William of Occam, known as "the invincible doctor," was a contentious early 14th Century theologian who made the unique English contribution to the science of logic. His rule is still called "Occam's Razor," and in non technical language, it runs as follows:

"Always believe the simplest explanation unless you have iron-clad proof of a more complicated explanation."

Occam's Razor is important at the moment, because of the urgent need for a persuasive explanation of a non-event. Until a few days ago in Paris, no serious negotiations with the Communists had ever opened without a long preliminary dispute about the correct agenda and other "procedural" matters. But in Paris, there was no such dispute.

The long argument about the table-shape was supposed to be a mere hors d'oeuvre. As soon as the table was favorably reached, the real hassle about procedure was universally expected to begin. Instead, agreement on procedure, including a completely open agenda, was reached within hardly more than an hour. This was the non-event that now cries out for explanation.

The non-event has already had considerable impact, precisely because President Nixon's new foreign policy-makers were just as convinced of the inevitability of a prolonged procedural hassle as were President Johnson's Paris negotiators. The new team had in fact counted on the procedural hassle to give them time to work out their real negotiating position and strategy.

Instead, the members of the Nixon team were left with no time at all. Hence the first Paris meeting "on substance" was gingerly put off until Saturday. And in the interval, this town has been a comic scene of barely occupied offices, with telephone system all awry and new desks hardly installed, full of important persons desperately conferring about the instructions to be given to Ambassador Henry Cabot Lodge.

What, then, is the simplest explanation of this non-event that caught everyone by surprise? The obvious answer is that the Hanoi war-planners were in a devil of a hurry, and could not spare the time for the customary procedural debate. And if they were in such a hurry, the simplest, explanation is that they have begun to run out of breath.

If Hanoi has in fact begun to run out of breath militarily, this is obviously a matter of cardinal importance. Yet it is hard to think of other possible reasons for the abrupt departure from the customary Communist negotiating system. For it was a huge sacrifice for Hanoi to omit the procedural hassle.

On the one hand, these hassles always seem meaningless to American public opinion, so that our negotiators are always under pressure. On the other hand, the Communists, who have no public opinion, have always used these hassles to test our strength of will, and to feel out our real negotiating position before getting down to business. And they have always used these hassles, in addition, to keep really objectionable items off the agenda, or at least to push such items to the agenda's very end.

To illustrate the agenda's real importance, it is a plain fact that the war in Vietnam would be over in weeks, if the Laos accords of 1962 were now being enforced. Both Hanoi and Moscow signed those accords. Under these accords, Hanoi solemnly undertook to withdraw all North Vietnamese troops from Laos and never thereafter to use Laos as a corridor to South Vietnam. At present, there are at least 40,000 North Vietnamese in Laos. The December–January rate of the Northern troop movement through Laos has also been above 30,000 per month. The Laos accords of 1962 are therefore an uncomfortable topic for Hanoi's negotiators in Paris.

It probably will not happen. But because the procedural hassle was omitted, nothing now prevents Ambassador Lodge from opening with the statement that full enforcement of the Laos accords is the first item on the American-South Vietnamese agenda. Lodge can even say, with reason, that while one solemnly signed agreement with Hanoi is being daily broken in the most flagrant manner, there is very little point in seeking another agreement which is just as likely to be broken.

It can be seen, then, why the above-mentioned nonevent is of great significance. As stated, it seems to point to a loss of breath. In contrast, the troop movement, proportionally equivalent to an American movement of about 700,000 men, points to another Communist attempt to resume the offensive. But this should be the last attempt of this sort, unless Occam's Razor is misleading in this case.

THE LATE HONORABLE PAUL F. SCHENCK

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. CLEVELAND. Mr. Speaker, I rise with great regret to note the passing of our former colleague, the late Congressman Paul F. Schenck, of Dayton, Ohio.

He was a gentleman and public servant of the highest quality with whom it was an honor to serve.

I remember him particularly well because his last term coincided with my first term. He was one of those Members who take special pains to recognize and assist freshmen Members. Paul Schenck was cordial and warm to me and very helpful in getting me started on my new job as Congressman.

An experienced and careful legislator, Paul Schenck's information and judgments were clearly set forth and always worth having.

The Nation has lost a valuable citizen by his death. I salute his memory and extend my condolences to his family.

ECUMENICAL SERVICES IN OBSERVANCE OF PATRIARCH ATHENAGORAS' ANNIVERSARY

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. BRADEMAS. Mr. Speaker, I want to draw the attention of all Members of Congress to a most significant spiritual and religious event which took place yesterday, January 26.

Mr. Speaker, on that day Greek Orthodox Churches throughout the Western Hemisphere held special ecumenical services to mark the 20th anniversary of the enthronement of His Holiness Athenagoras I as the Ecumenical Patriarch of Constantinople in Istanbul.

In New York City, Archbishop Iakovos, Primate of the Greek Orthodox Church of North and South America, presided during the Ecumenical Doxology at which religious leaders of the Roman Catholic and Protestant faiths participated and representatives of the Jewish faith were present. This special ecumenical service was unique in that it was the first time that nonorthodox clergy have participated in a service offered in a Greek Orthodox Church.

Participants included the Most Reverend Terence J. Cooke, Roman Catholic Archbishop of New York; the Right Reverend Stephen F. Bayne, vice president of the Executive Council of the Episcopal Church; the Reverend Dr. Robert J. Marshall, president of the Lutheran Church in America; the Reverend Dr. Samuel McRae Cavert, who represented the U.S. Conference of the World Council of Churches; and the Reverend Dr. R. H. Edwin Espy, general secretary of the National Council of Churches, who preached the sermon.

Mr. Speaker, this special service and others held in Greek Orthodox churches of the Americas did honor one of the great spiritual leaders of the world.

Athenagoras I, 82, was elected Ecumenical Patriarch by the Holy Synod of the Ecumenical Patriarchate of Constantinople in 1948 while Archbishop of the Americas, a capacity in which he had served since 1931.

His tenure as archbishop of the America's was marked by the consolidation of the Greek Orthodox communities under the jurisdiction of the Archdiocese of North and South America, a task accomplished by unusual administrative ability, personal magnetism, and great energy. In addition, he founded the Academy of St. Basil in Garrison, N.Y., in 1931 and the Holy Cross School of Theology in Pamfret, Conn.—presently located in Brookline, Mass.—in 1937.

On January 26, 1949, Athenagoras I, was enthroned as the 262d Ecumenical Patriarch of Constantinople at the Patriarchial Church of St. George in Istanbul in traditional and ancient ceremonies dating back to the sixth century. President Harry S. Truman had provided a special plane for the flight to Istanbul by the newly elected Patriarch.

During his 20 years on the patriarchal throne, Athenagoras has been universally acknowledged as a leading proponent of the ecumenical movement.

It was Patriarch Athenagoras who proposed the historic meeting with Pope Paul VI which took place on the Mount of Olives in the Holy Land on January 5 and 6, 1964. This meeting, enthusiastically acclaimed throughout the world, resulted in the nullification of the "anathema" between Rome and Constantinople, creating a warmer relationship and better understanding between the two venerable Sees of Christendom.

Mr. Speaker, I myself had the very great honor some months ago to call upon the Ecumenical Patriarch in Istanbul and I realized on talking with him that he was a most extraordinary and saintly man. The meeting with Athenagoras I, was one of the most memorable moments of my life.

In conclusion, Mr. Speaker, the special ecumenical services held in Greek Orthodox churches yesterday constitute both a tribute to this great spiritual leader, Athenagoras I, and an important symbol of the growing ecumenism within Christianity.

TRIBUTE TO HON. PAUL F. SCHENCK

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. HARSHA. Mr. Speaker, I wish to join my many colleagues in paying tribute to the memory of a distinguished former Member of this House, and of the Ohio delegation, the Honorable Paul F. Schenck.

Paul Schenck was a most able and conscientious Representative for over 13 years, and although I had the privilege of serving with him for only a few years, he quickly earned my respect and admiration, and I valued his friendship.

In addition to his competent and tireless service to the people of Ohio's Third Congressional District, he proved to be an able and foresighted member of the Committee on Interstate and Foreign Commerce. During the years in which he rose to be the second ranking minority member of that committee he made significant contributions to the important problem of air pollution. He also compiled an admirable record of community service to the Dayton area as a private citizen, contributing his time and energies to a broad range of civic activities including the public school system where he served as a teacher, recreation manager and as a member of the board of education, the Dayton Real Estate Board, and the Boy Scout movement.

His community interests and his work with education and young people are indicative of the warmth and compassion which characterized his work and friendships in the House.

It is with great sorrow that I pay a final tribute to Paul Schenck and extend my deepest sympathies to his wife and family.

CZECHOSLOVAKIA

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. CONTE. Mr. Speaker, the continued Soviet occupation of Czechoslovakia, recently protested so dramatically by the immolation of Jan Palach, must continue to disturb any world citizen committed to the cause of freedom.

F. Stephen Larrabee, a resident of Deerfield, Mass., and a student at Columbia Unversity, visited Czechoslovakia last summer, during the aftermath of the Russian invasion. His impression of the Czech situation, compiled in a series of four articles for the Greenfield Recorder, are both interesting and enlightening.

Under the leave to extend my remarks in the RECORD, I include the first two articles of this series:

[From the Greenfield (Mass.) Recorder, Sept. 27, 1968]

THROUGH YOUNG EYES: CZECHOSLOVAKIA—I

(EDITOR'S NOTE.—The author, a Deerfield resident who is a student at Columbia University, was in Czechoslovakia last week. This is the first of four articles he has written about life inside that torn country, all parts of a longer series he is doing on his month-long tour of Europe.)

(By F. Stephen Larrabee)

At present the official policy of the Czech government is to bar tourists and foreign journalists from Czechoslovakia. Despite this, there are ways to get in. One way is, to apply to attend the International Fair at Brno. By buying a special identity card and then doing some fast talking to prove you have a good reason for going there, it is possible to get in. This requires a great deal of patience as well, for in order to obtain a visa you must be at the Czech Embassy before nine AM and be prepared to stand in a line that looks like the last hundred seats at the World Series are for sale.

I personally sent an entire day at the Embassy fighting and shoving and being shoved as I attempted to reach the front of the line for a visa only to be turned back four or five times, each time for a different reason. I tried to obtain entrance as a student, then a regular tourist, then a journalist and finally, after much probing and questioning, as a visitor to the Brno Fair.

All other avenues were closed to me. I could not get a visa to Prague. When I eventually obtained the needed forms to allow me into the visa section for the Fair the Embassy had closed for the day. In desperation I decided to drive directly to the border with an English journalist friend and try to obtain a visa there, although I had been told this was impossible.

At the Czech border I was immediately stopped by a Czech guard. I did not see any Russians. The guard told me what I expected—I couldn't get in, "obtain a visa at the Embassy." I argued with him in German and finally he took me to another official. The second repeated the statements made by the first. I persisted. After a rather heated debate the second took me to a third official. He listened, disappeared with my passport, and just as I was ready to concede, nodded to me.

In a matter of minutes I had paid my fee and had my passport back. The Czechs quickly ushered me through, without even making me exchange any money. Normally, a person is required to cash three dollars for every day he intends to stay in Czechoslovakia. So in those matter of minutes the entire situation had reversed itself and I suddenly found myself driving through Czechoslovakia when it dawned on me that I not only had no notion of where Brno was, but no money. Eventually Brno was located on a map, halfway between Bratislava, the capital of Slovakia, and Prague. I decided to drive directly to Prague and just go straight through Brno—without stopping.

When I arrived in Bratislava, the second largest city in Czechoslovakia, about 8 p.m., it was already quiet. An eerie stillness lurked about, only a few people strolled along the streets—most of them young people. Grim reminders of recent events were quite noticeable. Tank treads were firmly pressed into the soft tar of the main street. I walked along until I came to a church. A shiny white plague was fixed to the side of the church. Two young girls stood placing flowers underneath it. The plaque said simply: "Peter Lenger August 22, 1968." It was enough.

Walking along further, the stillness of the night was broken abruptly by music from the window above me. Ironically, a phonograph was playing the Beattles' latest hit record. Approaching the main square, I was surprised to notice a group of "Beatniks"—complete with guitar, blue jeans and shoulder length hair.

This, I felt, was an indication of the high degree of western civilization in Czechoslovakia for the Soviet Union tries to discourage any such dress or hair styles. The rationale has been that Beatniks are a product of a capitalistic society and are an alienation from society. Alienation occurs only in exploitive, capitalistic societies, so therefore there can be no Beatniks in communist societies.

Many of the girls also had on mini skirts which were as short as anything I have ever seen in London.

When I stopped to ask directions from one young boy who spoke no English or German he began cursing and yelling, "Hitler, Breshnev occupation, Nein, nicht gut; Svoboda, Dubcek, Ya, gut, ya." The next boy I met spoke some English. After giving me the directions, he said, "We hate the Russians, hate them. They are nothing but animals. We shall never forget what they have done."

Later that night I visited the home of an old friend. Her husband, a former television director, was now in Switzerland. She had not heard from him in weeks. And so it went. . . .

In the soft light of the early morning dawn, Czechoslovakia looked like a pastoral land awakening from quiet slumber rather than an occupied country. The Russian troops were well hidden and kept off the main roads. People walked to the fields or rode their bicycles along the road. All along the way, in every village, however, the names of Dubcek and Svoboda were scrawled in windows and on walls. Suddenly 25 miles outside of Prague, a tank battalion bivouacked in a field. Russian soldiers trudged through the town. Tanks, their guns pointed toward Prague, stood poised and ready. As the stark reality began to impress its meaning and dimension upon me, I was overwhelmed with sadness, and admiration for the Czech people, and a longing for peace—peace for the world.

[From the Greenfield (Mass.) Recorder, Sept. 28, 1968]

THROUGH YOUNG EYES: CZECHOSLOVAKIA—II

(EDITOR'S NOTE: The author, a Deerfield resident who is a student at Columbia University, was in Czechoslovakia last week. This is the second of four articles he has written about life inside that torn country, all part of a longer series he is doing on his month-long tour of Europe.)

(By T. Stephen Larrabee)

Czechoslovakia is a surprisingly prosperous and modern country. The countryside consists of rolling hills and neat, orderly fields of grain and corn. In many respects the landscape is similar to that of West Germany. Indeed, if I had not known where I was, my first inclination would have been to say Germany.

The architecture in the small towns is German—large imposing towers, small garrets and lead laced windows with shutters, heavy arches under which run cobblestone streets. In the villages one can see the heavy, Slavic women going out to the fields or riding their bicycles to the town, but basically it is difficult to distinguish when one has left the west.

But if the Germanic character of the architecture, so reminiscent of Munich and Vienna seems surprisingly western, it is because Czechoslovakia is by history, custom and tradition, a western country. (Prague, the capital is the home of the writer Franz Kafka and the site of the oldest University in Middle Europe, as well as the oldest Synagogue.)

It was only after the "liberation" of Czechoslovakia by the Russian Troops after World War II that the country came to be associated with the Eastern bloc. Before World War II Czechoslovakia had been a prosperous land whose living standard was about the same as Switzerland's. The Communist coup d'etat in 1948 reduced the country to a satellite of the Soviet Union and signalled a further intensification of the Cold War.

The Czechs, however, have never wholeheartedly accepted Communism because many of the more rigid communistic dogmas were unsuited to a country in a highly advanced stage. Czechoslovakia, unlike the Soviet Union, which was largely illiterate, agricultural and underdeveloped at the time of the Bolshevik seizure of power, was an advanced industrial country whose economy was flourishing when the Russians sought to impose their system upon the Czechs by force.

The Czechs have long argued that there are "many roads to Socialism" and that the Soviet model is only one of them. They have tried to convince the Russians that what worked for them at one stage in history is not completely transferable to another country in a different stage of development. In trying to strike the best balance, the Czechs have had to discard some elements of the Russian form to try and adapt Communism to their own needs.

This has often caused the ideologists in the Kremlin to cry that Czechoslovakia was attempting to "restore capitalism" and the recent invasion partly stems from what the Russians see as too much experimentation and deviation from the principals—valid or invalid—of Marxism-Leninism.

Similarly, the Czechs have always had a history of freedom of speech and individual liberties, that has never existed in Russia. In many ways the totalitarian nature of Soviet society merely reinforced authoritarian institutions and practices that existed under the Tsarist autocracy prior to 1917. Thus many Russians were totally unaware of certain institutions that were an accepted part of pre-World War II Czech life.

All this is to say that the Czechs are a very different people from the Russians or other communist people and that the recent attempt by the Dubcek government must be viewed with this in mind. Whatever the Russians may say or think, the Dubcek regime did not intend to restore capitalism, nor would most Czechoslovaks want to.

Especially not as it exists in the United States, as they feel exploitive and ignores many serious social problems. They prefer their system because they feel it reflects a greater social conscience.

What they do want is an end to repressive practices of censorship, abridgement of freedom of speech and other attempts to curtail individual freedoms. They want, as one Czechoslovak described it, "Socialism and Humanism." They are proud that the Czech student may go to the University for free, that he pays only about two dollars a month for a dormitory room. They speak with pride when they mention social and medical services provided by the state. They like to ask if in the West a student can go to his university dining room and eat for about 15 cents. These services do not reflect just a lower standard of living but a real attempt by the State to open up avenues of education.

They are equally insistant, particularly the young students, that freedom of expression be permitted. It is here that they run headlong into problems with the Russians. For once dissent is allowed, and Pandora's box opened, the Soviet Union feels that other Eastern European countries will be tempted to experiment and then Communism, as it has been known, will erode into some from of Democratic Socialism.

The Communist Party must remain the sole repository of Truth and Power; dissent will only serve to question its authority and undermine the peoples' allegiance to the Party. The Party sees itself as the sole interpreter of history and it is for this reason that Kosygin can say that the "national interest" of the Soviet Union was threatened. The Communist Party in Russia was at the crossroads. If it had allowed the Dubcek government to proceed, other satellites would have desired to find their own paths to Socialism, as Tito has already done in Yugoslavia, and the unity of the Communist world, already shattered by the Sino-Soviet split, would have been irrevocably fragmented.

The irony of the invasion is that it has killed any remaining belief in Czechoslovak Communist Party. Before Dubcek came to power in February of this year, very few people looked with favor upon the Communist Party in Czechoslovakia. Most students wanted nothing to do with it. Now, with Dubcek and Svoboda leading it, it has the confidence and the admiration of the people.

Here in the United States we tend to forget that Dubcek and Svoboda are Communists, still are Communists, though the word Communist has almost become meaningless in the 1960's. Both men have tried to adapt Communism to the nature and character of the Czechoslovak society. For the moment, at least, that attempt appears to have run aground. It has become not only "the tragedy of my life," as Dubcek said, "but the tragedy of the Czechoslovak people as well".

PAUL F. SCHENCK

HON. WAYNE L. HAYS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. HAYS. Mr. Speaker, I was deeply saddened to learn of the death of our former colleague and my friend, Paul F. Schenck. He served the Third Congressional District of Ohio with diligence and dedication and made many significant contributions to the civic life of Dayton.

I served with Paul Schenck on the House Administration Committee where he was the ranking Republican member and on the Joint Committee on Printing. His good humor, kindness, and devotion to his duties will be remembered by all of us who had the privilege of working with him.

I extend my deep sympathy to his wife and family.

NOT ALL BUREAUCRATS ARE BAD

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. PICKLE. Mr. Speaker, criticism so often seems to be the grist of public office that it is indeed extraordinary and refreshing when one hears that a "bureaucrat" has been publicly praised.

Luther Holcomb is a man who deserves and gets that praise. Vice Chairman of the Equal Employment Opportunity Commission, Dr. Holcomb was one of the first appointments to the Commission. During his service there, he has made a reputation as being fairminded and practical.

In a position that requires solving some of the toughest policy issues of the day, he maintains the poise and balance necessary to keeping our businesses and our society moving on an even footing.

I have been honored to know Dr. Holcomb personally for some years. Even when he presided over the congregation of the Lakewood Baptist Church in Dallas, he took an active interest in public affairs.

Mr. Speaker, it is heartening to know that the Government has the services of a man of the caliber of Dr. Holcomb, and at this point, I would like to reprint an article which appeared recently in the Augusta Chronicle:

NOT ALL BUREAUCRATS ARE BAD

(By Louis C. Harris)

We have a regrettable tendency, those of us who do not always subscribe to the nostrums concocted in Washington as cures for what supposedly ails us, to regard all bureaucrats as impractical meddlers striving to extract sunbeams from cucumbers.

But such is not the case. In fact, I can now say that one of my very good friends is a bureaucrat!

The gentleman to whom I refer is Dr. Luther Holcomb, the vice chairman of the Equal Employment Opportunity Commission whom I came to know for the first time in Athens last year when he spoke on a program of the Georgia Press Institute.

An ordained minister who originally hailed from Texas, Luther Holcomb is one man for sure who has not permitted his role in national affairs to warp one whit his ideals, principles, his sense of humor, nor his concept of fair play.

But because the mark of Washington was upon him, I recall how surprised some of us were when, hearing Dr. Holcomb for the first time, we received an altogether rational and unemotional approach toward achieving equal employment opportunitities for men everywhere.

It was with a large measure of delight—and with no surprise at all—that I read another of Luther Holcomb's speeches the other day after receiving a copy from Stan Smith, the general manager of the American Newspaper Publishers Association and, coincidentally, a former Chronicle staffer.

Stan sent along the speech to various newspaper editors around the country because it had to do, primarily, with the EEOC's ruling in connection with the use of sex labels in classified ads. To eliminate any semblance of "discrimination" in advertising, EEOC said newspapers must no longer list ads under "male" and "female" classifications. Luther Holcomb dissented.

He contended that in such advertising the newspaper is not doing the hiring, but is simply providing a service to the advertiser. Thus, he said, EEOC has no jurisdiction, in the first place. By the same token, he argued, the classification of ads under the heading of male and female is a time-saver for those seeking jobs, as well as for those seeking employes. Havoc will result, he pointed out, if personnel departments are besieged with male applicants unwittingly applying for jobs modeling feminine apparel, or with female applicants for the position of locker room attendant at a men's gymnasium.

As thoroughly in accord as one might expect me to be with Dr. Holcomb's premises, I found far more impressive what he had to say, later on in his talk, as he offered his audience "some observations on issues pertinent to the times."

"Despite America's seemingly infinite capacity for growth and flexibility," he said, "the truth is that our society as now organized has been stretched taut . . . America is 'supercharged.' 'Hyperemotionalism' is on the rise. As a nation, as a people we are capable of creating the greatest good for the greatest number, but we are also capable through self-deception of bringing chaos upon our society." Then he said:

"The time of divisiveness is over. It is now our solemn obligation to stand united and occupy ourselves with the fundamentals and imperatives of the transition to a new administration . . .

"Our new President-elect is aware of the gravity of our social cleavages, but he alone cannot restore unity. Although he has been chosen to lead our nation, the people must cooperate by following. We must learn to respect each other despite our diversities and to trust each other despite our differences. . . . I believe every American should commit himself to unite in spirit with the President."

As for the job he holds, Dr. Holcomb explained that the original concept of Title VII of the Civil Rights Act, which created EEOC, "was to acknowledge the existence of job discrimination, to make the public aware of it, and by elimination of job discrimination to give minority groups the 'opportunity to achieve' that is uniquely American. It was never intended," he added, "that Title VII become a permanent part of the functions of the federal system. . . .

Said Dr. Holcomb: "The private enterprise system is the backbone of America. American business is known for its creative and progressive techniques, and those innovative methods must be put to use in eradicating discrimination in employment opportunity.

"Likewise," said he, "government must seek a common-sense, down-to-earth approach to problem-solving at every level. Past bureaucratic methods must be alleviated. Government and business, working together, must develop an equitable way to include minorities in every aspect of American opportunity. A revolution of responsibility on the part of all Americans—including minorities—must occur.

Just as I said, Luther Holcomb is an unusual bureaucrat. We need more like him.

THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1969

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, I am proud to be among the cosponsors of H.R. 3809—the Occupational Safety and Health Act of 1969—and I want to express my most earnest hope for its early enactment by this Congress.

As a member of the Select Subcommittee on Labor of the Education and Labor Committee, I sat through 4 weeks of hearings last year on the problem of occupational health and safety. My original support for this legislation was strengthened and reaffirmed during these hearings, as I listened to testimony from those who are close to the problem.

Organized labor has long been a leader in demanding that Congress give recognition to the long-ignored problem of worker health and safety. Spokesmen for the AFL–CIO pointed out that American workers comprise 40 percent of the Nation's population, and pay 60 percent of the taxes, but that 80 percent of them are employed in industries where there is little conventional safety and virtually no occupational health protection.

A grim and constant reminder of this neglect is presented in the annual death and injury toll from occupational accidents. Each year, some 14,500 workers are killed on their jobs, and another 2,200,000 are injured. In addition to this tragic and unnecessary human suffering, the Nation experiences an annual loss of 250,000,000 man-days of work, some $1.5 billion in lost wages, and more than $5 billion in lost production.

It is almost unbelievable that Congress has virtually ignored the occupational safety problem for 56 years—since the passage of legislation in 1913 to help protect workers employed in the manufacture of sulphurous matches. Industry has expanded many times over in the intervening years, but little has been done in the way of accompanying legislation to protect the workers who have made this expansion possible.

These long years of neglect have created a void that has been only partially filled through a scattering of State laws and regulations. States which have adopted successful worker-safety laws have proved that the goal is both feasible and possible.

The Occupational Safety and Health Act of 1969 takes full advantage of existing State laws, and combines them with the force and prestige of the Federal Government.

The success of these progressive State programs is shown in the death rate from on-job accidents, which range from 19 per 100,000 in States with effective programs, to 110 per 100,000 in States with no safety, or less effective ones.

I have also cosponsored two other bills aimed at protecting worker health and safety in two specific fields—mining and construction.

One is H.R. 2567 which would amend the Contract Work Hours Standards Act to provide new health and safety controls on Federal, federally financed or federally assisted construction projects.

The other is H.R. 4047, the Federal Coal Mine Health and Safety Act of 1969. This legislation would establish mandatory health standards for miners, principally by requiring controls in dust concentration which causes widespread lung disease among miners. It would also provide more flexibility in the present Federal Coal Mine Safety Act, and would establish some interim standards in the areas of inspections, gas concentrations and escape passages.

Recent mine disasters have highlighted the need for immediate action on this long-neglected problem.

Mr. Speaker, I feel very strongly that this Congress has an overwhelming obligation to act quickly and decisively on this legislation. I think we owe it to the American people to rectify this long negligence that has brought death, pain, suffering and financial loss to so many Americans for so many years.

EXPEL THE DELIBERATE LAWBREAKERS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. WYMAN. Mr. Speaker, as with many of my colleagues it disturbs me that a willful few should continue to disrupt the learning facilities of this great country. I cannot understand why those who are proven to have been activists in illegality, violence, and anarchy on campus are not expelled forthwith. And I might add it is long past time when the Association of American Universities ought to establish in liaison, a policy that expelled from one is expelled from all.

In this connection I commend the reading of "Violence and the Student Movement," by Allan C. Brownfeld, appearing in Modern Age, volume 13, No. 1, winter, 1968–69. Next to ending the war in Vietnam this subject is of genuine urgency to America.

The article follows:

VIOLENCE AND THE STUDENT MOVEMENT

(By Alan C. Brownfeld)

The violence which has occurred on many American campuses, and at the Democratic convention in Chicago, has not been accidental. It has not been the result of brutality by the police, although in a number of instances the police have been brutal.

It has, instead, been carefully planned by the most radical elements of the youthful protest movement. This is, of course, something which the student militants do not hesitate to state frankly for all to understand.

Violence is an intrinsic part of the politics of revolt which threatens to erupt on campuses and in cities throughout the country. Only by appreciating the perspective within which the advocates of such violence operate can society prepare itself for the confrontations which lie ahead.

A leaflet prepared in Toronto, Canada, and reported to have been distributed to Students for a Democratic Society chapters throughout the country contains instructions on how to make Molotov cocktails and incendiary time bombs.

Urging sabotage as "the next logical step toward obstruction and disruption of the U.S. war machine," the leaflet says that it is ludicrous to think that demonstrations closing down an induction center for a few hours will really hurt Selective Service.

"On the other hand," the leaflet says, "is there anyone who doubts that a small homemade incendiary device with a timing mechanism planted in a broom closet at the Oakland induction center could result in fire and smoke damage to the entire building, thus making it unusable for weeks or months? One person with a fair knowledge of chemistry could build such a device easily and cheaply and could plant it with almost no chance of being detected."[1]

Joel R. Kramer, President of the *Harvard Crimson*, stated that "Students have learned from history that blood must be shed on the way to the voting booth. They have learned from experience that rocking the boat and making headlines accomplish what could not have been done peacefully."[2]

Discussing the goals of many student activists, Kramer explained the place that force and violence occupy in their tactical strategy:

"The 'new university' that students from Berkeley to Paris seek is a university in which students have real power . . . 'student power does not mean total student control of the university. It does not mean the elimination of university administration, or the elimination of faculty power. Students seek a shift in the balance of power. At most universities, the administration and trustees have most of the power and the faculty has what is left. Students would like to see most of the power divided between themselves and the faculty. . . . If students are to have any of the real power, they know they must take it forcibly, or at least use force to focus public attention on their claims. . . . Force is becoming a popular student tactic because students are learning that it works. . ."

Steve Weissman, a student leader at Stanford University, expresses the view that the time for rational discourse has ended and the time for violence has arrived:

"What the University has done is to get us to think for a number of years that social problems can be solved by rational discussion. . . . There's no conversation between us and the CIA. We're on different sides. I hope people will now see that force is a part of the world—it's not a very pleasant fact, but it's true."

A similar view was echoed by Steve Kindred, a member of the Students for a Democratic Society at the University of Chicago. He said that "This university owes quite a lot of reparations. This whole society owes quite a lot of reparations. With what the university's done, and the way it's followed in the footsteps of the other major institutions of this society, it may burn some day. It doesn't deserve not to burn."

Not only do student militants show no hesitation in defining and defending their use of violence, but they also do not hesitate to criticize such concepts as tolerance for differing points of view.

University of California Professor Herbert Marcuse, called the "foremost literary symbol of the New Left" by the *New York Times*, has highlighted the intolerance of the student movement. In his book, *A Critique of Pure Tolerance*, Marcuse tells why the New Left is so strenuous about claiming liberty for itself but unwilling to grant liberty to others. People confused about politics, he says, don't really know how to use freedom of speech correctly—turning such freedom into "an instrument for absolving servitude," so that "that which is radically evil now appears as good." They employ their freedom for improper purposes.

Having established this premise, Marcuse recommends "the withdrawal of toleration of speech and assembly from groups and movements which promote aggressive policies, armaments, chauvinism, racial and religious discrimination, or which oppose the extension of public services." He says that the correct political attitude is one of "intolerance against movements from the right and toleration of movements from the left." He proposes, in effect, a dictatorship.

This philosophy was put into action by the rebels at Columbia University. In the violence at Columbia, private papers representing ten years of research were taken from the files of Orest A. Ranum, an assistant professor of modern history, and burned.

Supporters of the student strike are said to have been antagonistic toward Mr. Ranum since he issued a paper opposing the student position early in the crisis when five buildings were occupied by student demonstrators.

Leaders of Students for a Democratic Society disavowed the destruction of Mr. Ranum's research. "We deplore the burning of the professor's papers," one S.D.S. leader said, "but we deplore the provocation of the University even more." Of the burned papers, Mr. Ranum said: "All of this is personally irreplaceable."[6]

The New Left's assault against the American university is less an effort to reform it than to, in effect, destroy it. This point was made in an editorial in the *Berkeley Barb*, a leading underground newspaper:

"The universities cannot be reformed. They must be abandoned or closed down. They should be used as bases for actions against society, but never taken seriously. The professors have nothing to teach. . . . We can learn more from any jail than we can from any university."[7]

The fact that student strikes and campus take-overs are less related to particular campus issues than to the general desire by militant student leaders to effect a revolution, not only in the university, but in the society at large, was reaffirmed by Mark Rudd, the leader of the turbulent Columbia University rebellion in the Spring of 1968. In a letter addressed to Columbia University President Grayson Kirk, Rudd did not hesitate to name "revolution" as the real issue at Columbia:

"You are quite right in feeling that the situation is 'potentially dangerous.' For if we win, we will take control of your world, your corporation, your university and attempt to mold a world in which we and other people can live as human beings. Your power is directly threatened, since we will have to destroy that power before we take over. We begin by fighting you about your support of the war in Vietnam and American imperialism—IDA and the School for International Affairs. We will fight you about your control of black people in Morningside Heights, Harlem, and the campus itself. And we will fight you about the type of mis-education you are trying to channel us through. We will have to destroy at times, even violently, in order to end your power and your system. . . . We, the young people whom you rightly fear, say that society is sick and you and your capitalism are the sickness. You call for order and respect for authority; we call for justice, freedom and socialism. There is only one thing left to say. It may sound nihilistic to you, since it is the opening shot in a war of liberation. I'll use the words of Leroi Jones, whom I'm sure you don't like a lot: 'Up against the wall, ——— this is a stick up.' "[8]

There were two major demands presented by the Columbia student rebels: (1) A halt in the construction of a gymnasium in Morningside Park. The project had become highly controversial. It was opposed by many Harlem groups as well as a growing segment of the Columbia faculty. At issue were both the use of public park land and the architectural design which provided for separate facilities and entrances for community users and university personnel, inviting the charge that the structure which was actually intended as a service to the community might be turned into a symbol of segregation; (2) termination of contracts with the Institute for Defense Analysis which, Students for a Democratic Society charged, "works on military projects aimed at the oppression of the people of Vietnam" and "develops riot equipment to commit mass genocide against black people" in the United States.

There is much evidence leading to the conclusion that the take-over of Columbia had nothing whatever to do with the construction of a gymnasium or the University's connection with the Institute for Defense Analysis. These, it appears, were simply pretexts for a long-planned exercise of power.

Two graduate students, Dotson Rader and Craig Anderson, presented this information:

"Months before, at an S.D.S. conference in Maryland, the decision had been reached to take physical control of a major American university this spring. Columbia was chosen because of its liberal reputation, its situation in New York and the fact that it was an Ivy League school. S.D.S. felt it was important at this time to disrupt a private, prestige, tactically vulnerable university. Columbia's relations with the West Harlem community, which borders it on two sides, had steadily deteriorated over the years. The decision to begin construction of a gymnasium in Harlem's Morningside Park had united the community against the university. It had evicted hundreds of people from buildings around the university in order to allow for expansion of the campus."[9]

According to this analysis, the issues which were presented by the student rebels were simply pretexts, "the point of the game was power." To members of the S.D.S. steering committee, Columbia itself was not the issue: "It was revolution, and if it could be shown that a great university could literally be taken over in a matter of days by a well organized group of students then no university was secure. Everywhere the purpose was to destroy institutions of the American Establishment, in the hope that out of the chaos a better America would emerge."

The alleged "success" of the take-over of Columbia University has added to the militancy of the New Left movement. Phillip Abbot Luce, himself a former leader of the pro-Peking Progressive Labor Party, discussed the plans of New Left leaders to stimulate Columbia-like confrontations across the country:

"The Columbia experience is being touted by various S.D.S. leaders as an example for other student revolutionaries to emulate in the coming school year. Stealing Che Guevara's call for the creation of many 'Viet Nams' throughout this hemisphere, the S.D.S.ers now claim as their goal the 'creating of two, three, many Columbias.' According to one S.D.S. leader this means that they will expand the violence 'so that the U.S. must either change or send its troops to occupy American campuses.' "[10]

Tom Hayden, one of the founders of S.D.S. who was blamed by Newark, New Jersey, police officials for helping to instigate the riots in the Negro areas of that city, candidly stated the S.D.S. political approach. Writing in *Ramparts Magazine*, he declared:

"Columbia opened a new tactical stage in the resistance movement which began last fall: from the overnight occupation of buildings to permanent occupation; from mill-ins to the creation of revolutionary committees; from symbolic civil disobedience to barricaded resistance. Not only are these tactics already being duplicated on other campuses, but they are sure to be surpassed by even more militant tactics.

"In the future it is believed that students will threaten destruction of buildings as a

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Footnotes at end of article.

last deterrent to police attacks. Many of the tactics learned can also be applied in smaller hit-and-run operations between strikes; raids on the offices of professors doing weapons research could win substantial support among students while making the university more blatantly repressive."[11]

The fact that many in the New Left do not believe in the democratic process was further shown in the May–June, 1968 issue of *Dissent* magazine. This magazine contains a letter from a Columbia University student member of S.D.S. According to the writer "S.D.S. asserts that resistance to Dow Chemical Co. by communities of people is both justified and democratic—even if 51 per cent of the community believes otherwise." The S.D.S. communication goes on to assert that "if the New Left possessed the powers to blow up with impunity all Dow Chemical plants making napalm (along with the plants of Lockheed, Boeing, etc. which make weapons) it would do so. . . ."

The revolutionary strategy is to gain student appeal by raising broadly supported issues and then forcing the college administration into refusing to accept student demands. Thus is created a direct "confrontation" between the revolutionaries and the administration. According to Columbia's Vice President, the S.D.S. had sought throughout the year to provoke such a "confrontation" with the college administration.

Roger Taus, a member of the pro-Peking Progressive Labor Party, an S.D.S. member, and an alternate member of the Columbia Strike Steering Committee, has stated that:

"The Columbia sit-in confronted tens of thousands of students with a question they must answer: Which side are you on? The side of racist exploitation and imperialism? Or the side of the liberation movement? Carefully planned confrontations like this can sharply expose to thousands the real imperialist and racist nature of this system and win them to fighting on our side against it."[12]

Confrontation as a revolutionary tactic works like this: Manipulate people into a posture in which they are in direct conflict with a power source. Violence can then be created. The first element is to enlist broad support for the stated cause through the raising of false issues. Secondly, the power source must be asked to make concessions which they cannot, or will not, accept. The claim is then made that the student will has been thwarted and the only answer is peaceful but extralegal measures to gain the demanded change.

While declaring their non-violence and their desire to make only reasonable changes in campus policy, the revolutionaries attempt to gain strength from outside forces. Unless the school administration has taken a strong stand against the revolutionaries from the beginning, they will soon be forced to call in outside help. According to Phillip Luce, "this call for the police is exactly what the revolutionaries want at this point in their program. . . . Suddenly from somewhere, a policeman is hit and he, in turn, retaliates and hits a demonstrator. This has a chain reaction and soon there is a near riot."

As the violence increases, spectators, who have no idea how the violence started, are pulled into the riot by their emotional reaction to seeing the police employ defensive strength to restrain the now-fighting students. Once violence develops, the police become rough. Often they are guilty of brutal excesses of their own. This, Luce notes, "is a classic example of how to create a riot condition and then utilize the shock reaction of onlookers to perpetuate it . . . this is exactly the successful strategy utilized by S.D.S. and various . . . instigators at Columbia."

One end product of a successful confrontation theory is the apparent acceptability of violence. The revolutionaries claim that police brutality forced them to prevent further violence by employing the counter-violence of self-defense. Ultimately, the theory leads to the revolutionary proclamation that violence must now be accepted by the previously passive students.

In fact, New Left philosopher Herbert Marcuse has made a case for what he terms "socially useful destructiveness." It is his thesis, expressed in the book *The One Dimensional Man*, that by providing man with an abundance of food, clothing, and material comforts, this society robbed the individual of his desire for intellectual growth and self-expression. Since it is obvious that a Socialist revolution will not be brought about by the now docile masses, Marcuse abandons the proletariat as the medium for the desired social upheaval. Instead, he finds much promise in students and the "oppressed" minorities. Using "socially useful destructiveness," they will apply the pressure necessary to obliterate our bourgeois-industrial state. What would come after the Revolution? It would be rule by an elite, for Marcuse would replace democracy with a dictatorship controlled by those who rigidly adhere to his Marxist views. According to the professor, majority rule would be replaced by the "morality" of a presumably infallible minority.

The tactic of violence and disruption erupted in a manner to shock the nation and the world at the Democratic National Convention held in Chicago in August, 1968. The available evidence leads to the conclusion that such violence was planned long in advance, that "confrontation" with the police was sought, and that such confrontation was achieved.

As far back as November 16, 1967, the *Village Voice* reported the leader of the Youth International Party, Jerry Rubin, as saying: "See you next August in Chicago at the Democratic National Convention. Bring pot, fake delegates' cards, smoke bombs, costumes, blood to throw and all kinds of interesting props. Also football helmets."

Early in 1968 the National Mobilization Committee Against the War in Vietnam, headed by David Dellinger, organized a Chicago project committee and placed Rennie Davis in charge with instructions to work closely with Tom Hayden, leader of Students for a Democratic Society, and Jerry Rubin, of the Progressive Labor Party and also of the Youth International Party, more commonly known as Yippies.

Dellinger and Hayden held a press conference in New York on June 29 and were quoted by the *National Guardian* as saying: "We are planning tactics of prolonged direct action to put heat on the government and its political party. We realize that it will be no picnic but responsibility for any violence that develops lies with the authorities, not the demonstrators."

Early in August, Rennie Davis appeared before a meeting of the Chicago Peace Council held at the Lawson Y.M.C.A. He displayed two large 3′ by 3′ maps of the area surrounding the International Amphitheatre, noting locations where police, National Guard, F.B.I., and other security forces would be situated during the proceedings. He stated that if trouble starts at the Convention, among other things, "the Loop will fall," implying demolition of the downtown Chicago area.[13]

The violence which occurred in Chicago was predicted almost precisely by the August 9th Intelligence Division Report of the Chicago Police Department. That report concluded with this statement:

"Due to the talk around the office of the National Mobilization Committee and the general attitude of Rennie Davis and Tom Hayden, the reporting investigator feels that the night of 28 August 1968 there will be wide-spread trouble through efforts of Davis and Hayden. It is felt that there will be trouble in the Loop Area and possibly on the South and West sides. This would be done in an effort to draw the Police away from the Amphitheatre."

The issue of the police conduct, the fairness of the communications media, and the role of Chicago's Mayor Richard Daley will remain subject to much discussion. That the police force did over-react in many instances is clear. That this is exactly the response which extremist leaders sought to produce is also clear.

Perhaps the most important lesson to emerge from Chicago was the fact that the violence which occurred in that city was long planned by the most militant members of the New Left. It was carried out under the leadership of men such as David Dellinger, Tom Hayden, and Jerry Rubin, the same people who led the march on the Pentagon. This was no idle political demonstration to its leaders, although it was surely viewed in those terms by many of the innocent and idealistic young people who were its participants. Writing in *The New Republic*, James Ridgeway, an eye-witness observer of events in Chicago, stated the following:

"The clashes between police and demonstrators began as calculated maneuvers by the National Mobilization Committee to End the War in Vietnam, and the Youth International Party. The strategy was to confront the police, and thereby demonstrate that America was a police state. . . . Following out their scheme to promote a continuing confrontation between growing numbers of people and the police—they figured that the Chicago officials would respond by bringing in more police and troops, and so make clear to all those looking on that Chicago was an armed camp and America was a police state—the radicals talked enthusiastically about little acts of violence, like a stink bomb in the hotel, or dirty words on some walls, to provoke the police and manipulate the liberal McCarthy youths into their own ranks. In effect, the idea was to stimulate a little guerrilla war. . . ."[14]

Tom Hayden, a leader of the Mobilization Committee To End The War In Vietnam, was not satisfied with the violence he and his group had managed to provoke in Chicago. Addressing a rally in Grant Park, he urged youths to go home and create "One, two, three hundred Chicagos," Hayden cried:

"If they want blood to flow from our heads, the blood will flow from a lot of other heads around this city and around this country. We must take to the streets, for the streets belong to the people. . . . It may well be that the era of organized, peaceful and orderly demonstrations is coming to an end and that other methods will be needed."[15]

While the New Left militant seek violence, and the overthrow of the established order of society, it is important to place the movement in a proper and balanced perspective. What the militant leaders want is one thing; what the alienated young people who follow them want is something else entirely.

The fact remains, however, that the movement has turned more and more toward the acceptance of violence as a proper and legitimate tactic. It is a tactic which they openly proclaim, and which society must learn to cope with if anarchy and disorder are to be prevented.

FOOTNOTES

[1] *U.S. News and World Report*, May 20, 1968.

[2] *New York Times Magazine*, May 26, 1968, p. 90.

[3] *Ibid.*

[4] *Washington Post*, June 30, 1968.

[5] *Ibid.*

[6] *New York Times*, May 27, 1968.

[7] Quoted in *The New York Times Magazine*, May 19, 1968, p. 104.

[8] *National Guardian*, May 11, 1968, p. 4.

[9] *The New Republic*, May 11, 1968, p. 9.

Footnotes at end of article.

[10] *Human Events*, June 15, 1968.

[11] *Ramparts*, June 15, 1968.

[12] *Human Events*, June 15, 1968.

[13] *Intelligence Division Report, Chicago Police Department*, August 2, 1968.

[14] *The New Republic*, Sept. 7, 1968.

[15] *U.S. News and World Report*, Sept. 9, 1968.

ONE MAN, ONE VOTE: NOT FOR SOVIETS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. RARICK. Mr. Speaker, the Soviet Union at the U.N. has three votes.

Poor Ukraine and Byelorussia each have one vote, but the voice of their vote is stolen by the Russian Bolsheviks.

This is one reason why self-determination must be extended to the citizens of Ukraine, Byelorussia, Georgia, and other minority countries occupied by the Russians.

If the people are permitted to hold free elections then, and only then, will their representatives speak for their people.

Until then, Russia controls three votes to our one, but there are none for Ukraine and Byelorussia.

I include a U.N. report for January 25, 1969, as part of my remarks:

SOVIET SATELLITES ECHO MOTHER RUSSIA

(By Tom Hoge)

UNITED NATIONS, N.Y.—A diplomat once described the Ukraine and Byelorussia as being like the Soviet Union only more so.

The members of the Soviet bloc all echo the Moscow theme and vote down the line with the Russians. But other members of the Russian symphony have shown a recent tendency to take off on an occasional unscheduled solo.

No such alien note has been heard from Byelorussia or the Ukraine; at least not in recent years.

The speeches made by representatives of the two satellites sound so similar to those of the Soviet Union that there has been suspicion that they are not only cleared by the Soviet mission, but probably composed by Russian speech writers.

If the two countries ape Moscow, it is ununderstandable. Although admitted to the United Nations as independent nations because of their World War II role against Germany, the two are actually political divisions of Russia like the 13 other Soviet Socialist republics.

When Henry Cabot Lodge was chief United States delegate to the United Nations, he made it a practice to listen closely whenever the Russians spoke. But he usually walked out of the assembly hall as soon as either of the two lesser republics took the floor. Lodge sometimes walked out on other bloc members, if it became apparent they were merely parroting the main Communist line.

When Nikolai T. Fedorenko was chief Soviet delegate, he used to stroll into the delegates' lounge every morning during the assembly session, followed by envoys of Byelorussia and the Ukraine, and sometime other bloc members. The group would sit at a long table in the coffee bar silently, taking notes while Fedorenko made what seemed to be an impromptu speech from the head of the table.

After about 20 minutes, someone apparently gave a signal and the group stood up with military precision and waited respectfully while Fedorenko collected his papers and brief case. Then the group silently filed out of the lounge with Fedorenko in front, usually flanked by the two senior members of the satellite group.

The Ukraine and Byelorussia have never played much more than a shadow role in debate, but in the early days they were represented by more colorful personalities, perhaps to maintain a semblance of independent identity.

In 1946, Ukrainian Foreign Minister Dmitri Manuilsky, an oldline Bolshevik, headed his delegation and was named chairman of the General Assembly's main Political Committee. Kuzma V. Kiselev, veteran Foreign minister of Byelorussia, attended a number of Assembly sessions.

Occasionally one of the two republics has put in a resolution, but it has plainly been done at the dictate of the Kremlin.

Although they play a minor role, neither republic is a microstate in any sense. The Ukraine with 45 million people, is bigger than most of the UN members. Byelorussia has a population of 8½ million.

The arrangement actually gives the Soviet Union three votes, to one for every other member, but no one has ever registered any objection.

"After all, we have our faithful followers, too," commented one Western source.

UKRAINIAN INDEPENDENCE

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. GIAIMO. Mr. Speaker, January 22 marked the 51st anniversary of the proclamation of the free and independent Ukrainian Republic. I am proud to join with my colleagues on this occasion, in honoring the courageous people of the Ukraine.

Culturally an independent people, the Ukrainians have their own language, their own customs, their own traditions, and their own history. Yet, they have been subjugated by Russia for centuries. The rulers of that empire have changed from czar to commissar, but its oppressive policies remain unaltered. Equally as unalterable as Russian domination has been the Ukrainian people's continued desire for independence and self-determination.

The 51st anniversary of their period of independence that we salute today was short lived. Since 1920 the Ukraine has remained under the totalitarian regime of Russian communism.

However, almost 50 years of domination has failed to break the spirit of the Ukrainian people. For, they are a people who while subjugated continue to maintain human dignity; they are a people who while tyrannized continue to maintain a sense of pride and a measure of human decency; and, they are people who while oppressed continue to maintain the ideals of freedom and justice for all men.

Mr. Speaker, we recognize the deep-rooted spirit of freedom inherent in the Ukrainian people and their continuing hope for national independence. And so, through the observance of this anniversary, we pay tribute to the Ukrainian people who, despite their oppression, have contributed so greatly to the traditions of free men the world over.

REPORT TO THE CONGRESS ON POSTAL OPERATIONS—NO. 1

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. NIX. Mr. Speaker, the Postal Operations Subcommittee of the House, which I had the honor to be the chairman of during the last session of Congress, conducted extensive hearings from coast to coast across the United States. I will be making, from time to time, a series of reports to the Congress by insertions in the CONGRESSIONAL RECORD covering the activity of the subcommittee and what appear to me to be the problems facing the postal service, among which is an abundance of bad publicity.

An eastern newspaper, in discussing the appointment of Mr. Blount, stated that the Post Office Department was the "sick man" of the Federal Government and that "nothing was done right" in the postal service. Mr. Blount, according to the article, was going to set all of this straight. This type of article is neither helpful to the postal service nor to Mr. Blount, and it most assuredly is a crushing blow to postal morale. The article mentioned one problem; it skipped almost all others. It stated that postal supervisors were unable to transfer from post office to post office. This is a problem for some individuals and the Post Office Department. But the postal service, under the leadership of Richard Murphy, Assistant Postmaster General for the Bureau of Personnel, has initiated an experimental program in the Seattle region, made up of the States of Washington, Oreon, Alaska, Idaho, and Montana, in effect which requests that supervisors eligible for promotion agree to serve in any promotion vacancy in the Seattle region. This is about as far as you can get from the Congress of the United States. I became interested in this program and directed my staff counsel to study it. Preliminary hearings were held in Boise, Idaho, chaired by the Honorable JAMES A. MCCLURE, and in Missoula, Mont., chaired by the Honorable ARNOLD OLSEN, as well as a roundtable discussion meeting with union leaders in Seattle, Wash.

This project, called the Seattle project or the career development program, attempted to meet this problem of transferability headon. It set up a system in the Seattle region whereby supervisors eligible for promotion would be asked to waive residence voluntarily prior to consideration for promotion. Up until now, supervisors have only been considered for openings in their home office or the mailing area in which they are stationed.

The Seattle project sounds like a good program; but as well intended as it seems to be, it starts reform at the wrong end of the scale. It reminds me of the economy campaigns periodically conducted by the Defense Department. They always start by taking light bulbs out of the barracks. This program starts by placing the burden for change on the shoulders of employees. Some men were promoted even though they refused to waive residence. In a few cases, supervisors were promoted after they signed the waiver and transferred to other post offices in the Seattle region. There has been a storm of protest from postal workers. I understand further that these individuals who have been transferred and promoted, in one case from Anchorage, Alaska, to Portland, Oreg., at a multiple-grade increase, are themselves unhappy, according to officials of the Postal Supervisors Union. Why, I asked, could something that sounded so sensible cause such an uproar?

The reasons are simple enough.

First. The raise in pay on promotion to the next postal supervisory level in the vast majority of cases only amounts to about $600 a year. When an individual transfers from a smaller city like Boise, Idaho, to Seattle, he is losing pay—not gaining in pay—because of the higher cost of real estate and other items. Let us suppose that this program was, in fact, a nationwide program and a postal supervisor was transferred from Missoula, Mont., to New York City. New York policemen and firemen have been asking for an average salary of $12,000 a year to meet the costs of living in that city. The average postal employee in that city, regardless of seniority, makes about $8,000 a year. This transfer would be a tremendous loss.

Second. Postal supervisors are men either in middle age or approaching middle age. This is true because 85 percent of the people in the postal service, regardless of years of service, whether 20 or 30 years of service, are never promoted to a supervisory level. Those who are promoted have generally almost 20 years of service. The transfer to accept a new promotion will, in any case, probably mean the end of promotions because a man will probably not have enough time in service left to wait the length of time necessary for another promotion. What is more, he moves into a strange situation and the natural resentment of employees who have been waiting many years for promotion in the gaining post office. In return for one promotion, a man must uproot his family, sell the home he has been paying for, perhaps at loss, and very probably move to a community where the cost of living is higher.

Third. What is more, the program, as it turns out, works in a discriminatory fashion. In small post offices where supervisors and employees know each other very well, the job ratings of supervisors is very high. In larger post offices, like Seattle, in an impersonal setting, supervisors never receive a perfect rating. Yet the supervisors in large offices must compete on a point system with employees who receive better scores in smaller offices. These point scores are compared in an impersonal matter by a complicated system and the total score is reviewed by a board on which officials from regional office sit and have a controlling voice.

Fourth. This program has been compared to the promotion procedures of private industry. It is not a good comparison, because the programs in private industry do not reach down to the foreman level. Only individuals at an executive level are forced to move. They are promised even greater advancement and their pay on transfer is adequate to the area in which they are assigned.

Fifth. The Seattle project has unintentionally raised the prospect of political manipulation of promotions in that the influence of the regional office dominate the program. Employees of regional offices are chosen in many cases on the basis of the personal discretion of regional office officials. The regional offices justly or unjustly have the reputation among postal employees of being dominated by politics. Because of the domination of this program, under the name Career Development Program or Seattle project by regional offices, it is regarded by employees as a clash between seniority in local post offices and regional office political considerations. Although seniority is not the most important consideration under the present local promotion plan, it does receive some consideration today as a matter of tradition.

WHAT NEEDS TO BE DONE?

I believe that the present ratio of supervisors to employees of one supervisor to 35 employees is too low, and should be a ratio of at least one supervisor to 25 employees, and probably a ratio of one supervisor to 20 employees. If this were done, restrictive practices on job promotion would wither away. If budgetary problems prevent this, let us put the blame where it belongs, principally in the Bureau of the Budget where the biggest cuts in postal appropriation requests come. The Committee on Appropriations and the Congress has had to take the blame for budget cuts for too long.

I believe that the pay gap between supervisors and employees is too low, and asking a man to transfer long distances for a $600 a year increase is ridiculous.

I believe that future promotion and transfer programs should be limited to top management positions in local post offices, rather than disrupting the hope of all employees for local promotion. There is no reason to suppose that in lower supervisory grades that men capable of filling supervisory positions are not available. They have been available up to now. They are also available in industry which restricts transfer promotions to persons at the executive level.

As chairman of the Postal Operations Subcommittee, I will do all in my power to see that realistic and beneficial programs are instituted within this session of Congress. I want to thank Congressman ARNOLD OLSEN and Congressman JAMES MCCLURE for their great work in bringing these facts to light. They are hard working and dedicated men. I am proud to serve with them. I hope that together we can improve the postal service, and work in the great nonpartisan tradition of our committee during this next Congress.

I will, in the next few weeks, make a series of reports on the postal service in the CONGRESSIONAL RECORD based on our investigations during the 90th Congress.

A NEW LOOK IS NEEDED AT USIA SETUP

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. DERWINSKI. Mr. Speaker, one of the major assignments in the new administration which has been generally unnoticed is that of Frank Shakespeare, Jr., to head the U.S. Information Agency.

One man who has made an extensive study of the agency is the noted international columnist of the Copley Press, Dumitru Danielopol, who in an article in the January 20 Joliet-Herald News reviews the valedictory comments of former agency head, Leonard H. Marks:

A NEW LOOK IS NEEDED AT USIA SETUP

(By Dumitru Danielopol)

WASHINGTON.—"I can report proudly that the exhibits, broadcasts, telecasts, films, books, pamphlets and periodicals produced by the U.S. Information Agency are now regarded as models by professionals engaged in the arts and crafts of persuasion," said Leonard H. Marks, director of the agency in his valedictory report to Congress.

It sounds great. It sounds as if America was winning the global propaganda war.

The only trouble is, it isn't so.

To Americans who have traveled abroad in the last few years, the Marks report will read like the "Tales of the Brothers Grimm." Too much of it is nothing but a clumsy attempt to whitewash a USIA operation that too often is inept, incompetent and inefficient.

How can Marks call his operation a "model" when the American image abroad has sagged to its lowest ebb in history?

In his report Marks chose to disregard criticism at home and abroad against his agency.

"The image of the U.S. abroad has obviously worsened in recent years," Lloyd S. Free, director of the Institute for International Social Research, told a congressional subcommittee last summer. "We are on the verge of a public relations debacle . . ."

The presidential directives to USIA are "to help achieve U.S. foreign policy objectives by . . . influencing public attitudes of other nations," Marks wrote.

Anyone traveling through Europe knows that we are far from attaining this goal. On the contrary, while the United States was losing friends and prestige, the Soviet Union has been gaining strength even among our allies. Moscow has even begun to recover from its black eye.

In Paris, the French elder statesman, Ambassador Andre Francois Poncet, said: "Your propaganda . . . is zero."

"We are just not selling America," I wrote on Sept. 17, 1966, after an extended tour of Europe. "USIA officials themselves admit failures in Western Europe . . . It is about time President Johnson awoke to the fact that his points are just not getting across . . ."

What kind of man or woman goes to work for USIA?

"A very special kind of individual," says Marks. "In his makeup are elements of missionary, teacher, publicist, diplomat . . . rugged individualist and loyal organization man."

Not everyone would agree. USIA has many highly competent people, but is also plagued with low caliber workers who fail to comprehend their mission, or simply ignore it.

Many of them have been outspoken in their opposition to our Vietnam policy—a policy they are paid to explain and defend.

One high official who came to the agency from a highly successful business career inspected USIA posts overseas and returned in disgust. He told friends that he would only retain less than half if USIA was a profit-making organization.

Despite Marks' self-serving essay, the new Nixon administration should make a thorough review of the USIA and similar operations like Radio Free Europe. It would be interesting, for example, to find out why competent writers and editors from Eastern European desks have been set aside—because of their anti-Communist opinions—while Communists from those countries have been hired to broadcast from American stations.

A CALL TO COMMITMENT

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. JACOBS. Mr. Speaker, at this point in the CONGRESSIONAL RECORD, I would like to bring to the attention of my colleagues the address made by the Honorable Jed Johnson, Jr., to the American Gas Association on January 22, 1969:

A CALL TO COMMITMENT

The Scriptures tell us a house divided against itself cannot stand.

The Kerner Commission has warned us that we are moving toward two separate and distinct societies.

The greatness of America has been its *capacity to change* to meet changing conditions.

The real question today is whether we have the will, the capacity, the determination, the faith to meet and solve the problems of our society.

I believe we do.

I believe that Government cannot do it alone. Without the effective and serious cooperation of business, our social crisis cannot and will not be solved. With serious and sincere commitment of business, labor and government, we cannot fail.

What is the crisis and why is it there?

We all know of the discrimination in education. We know that until fairly recently, a black man, if he wanted to be a journalist, could not enroll in many of the journalism schools. We know if a black man wanted to be a lawyer he could not enroll in many law schools. My own state of Oklahoma did not permit a black man in the University of Oklahoma Law School until 1948. We know that until 1954 "separate, but equal" was the law of the land. We know that until 1964 public accommodations were not public to the black man. We know also that it took the death of Dr. Martin Luther King by an assassin's bullet to prod Congress into enacting an open housing law.

We also know that until the voting rights bill of 1965, there had been widespread disfranchisement. The most basic right in a democracy, the right to vote, a right guaranteed one hundred years ago by the 15th Amendment, the very essence of a democracy, was systematically denied. Yet the call of the American Revolution was "no taxation without representation." We know that there has been and still is gerrymanding to keep black representation to a minimum. There are still three states with substantial black population, Alabama, South Carolina and Arkansas without a single black member of their state legislatures.

As a former member of Congress and as one who appreciates the importance of political power, I looked up the record of black membership in the U.S. Congress. I found an incredible thing.

If you start with the election of 1900 you have to go from 1901 to 1931, thirty years without a single black representative in either House of the U.S. Congress.

Then in 1931, in the 72nd Congress, Oscar DePriest was elected from Illinois.

There was only one black member of Congress from 1931 to '45.

From 1945 to 1955 there were only two.

In 1955, there were only three.

In 1965, in the 89th Congress, when I served there were six out of a total of 535 representatives and senators.

Today there are 10 out of 535, including one U.S. Senator.

Now what do these facts tell us?

A great deal, I think.

For one thing, the black man has been caught in a syndrome of discrimination. Denial of educational opportunities helped prevent advance in employment. Denial of voting rights helped prevent protection of Constitutional rights by lack of political representation. Denial of political representation prevented the black man from influencing his own destiny in education, housing, health, employment, etc. So there has been a vicious cycle.

The cycle is now being broken, and broken it must be.

What I am saying is that this is where we have been. The question now is where are we going and how are we going to get there.

A hundred years ago it was a daring thing for Abraham Lincoln to sign the Emancipation Proclamation. But it was right and today no one in our society would advocate slavery.

In the 1930s the Anti-Lynching Law was controversial, yet today no one would tolerate lynching.

Today, there may be those of you who would hold back on taking affirmative action programs, because of criticism or the fear of change, but by tomorrow no one will seriously take such a position.

What I am asking is that we simply be true to ourselves, to our country and the values that we profess to hold—equality of opportunity, human dignity and freedom.

America has to solve her problem of race or she cannot survive. And the only lasting solution can be a just one: to right the wrongs of the past. The purpose of society is not to perpetuate injustices. It is to provide lasting remedies to correct those injustices.

Let us turn our backs on the discrimination of the past and face the future, and make sure that future is a decent and just one for all Americans.

Now how do we go about doing that, specifically as it relates to ending patterns of discrimination in employment within one's own industry or company.

The first requirement is a personal commitment, or the will to do this and seek ways of fulfilling the spirit of the law, rather than ways to avoid it.

Now why an affirmative action program? Why should you go to them? Listen to the words of the late John F. Kennedy. This is what he said on January 17, 1963:

"It will require some effort on your part. I don't think it is just a question of signing the certificates and indicating a willingness to accept people if they have the talent. I think we probably have to do more than that. You really have to go out and look for them because they won't be able in sufficient cases to find you. I think you have to find them . . . I hope . . . you will make a deliberate effort, that you will assign people in your company to really see if in a period of six months or a year we can really statistically improve the situation in every company."

The second ingredient is to find the tools of an effective affirmative action program.

These include:

One, a clear-cut policy statement on equal employment opportunity from the President of the company,

Two, the appointment of a high-level company person responsible for the implementation of an affirmative action program,

Three, an active recruitment program at educational institutions with large minority populations,

Four, a quarterly feed-back system from each department measuring the improvement over the previous quarter

Five, review selection, testing and promotion procedures. These are among the things you can do. There are many others. They are as varied as your initiative, imagination and situation.

The fact is that many blacks and other minorities will not apply for a job because they believe they are not wanted based on past experience.

Let me tell you two stories to illustrate this point.

In a pharmaceutical plant in New Jersey they had never had any Negro employees. They undertook an affirmative action program, hired three blacks and within weeks were inundated with applications. They found that people in the ghetto thought the building had been painted white as a symbol to stay away.

A second story will suffice, in a utility company in an eastern inter-city which had employed blacks in substantial numbers since during World War II, they undertook an affirmative action program aimed at the Spanish Americans. They found out that the reason the Puerto Ricans had never applied for jobs in the company was that they thought they were "not allowed in the building."

This is not to say that all problems are merely one of communication, but it is to say that without meaningful communication to the minority community, there can be no successful affirmative action program.

In closing, I wish to bring to your attention a couple of quotations. On June 19, 1963 the late John F. Kennedy said:

"I ask you to look into your hearts—not in search of charity, for the Negro neither wants nor needs condescension—but for the one plain, proud and priceless quality that unites us all as Americans: a sense of justice. In this year of the Emancipation Centennial, justice requires us to insure the blessings of liberty for all Americans and their posterity—not merely for reasons of economic efficiency, world diplomacy and domestic tranquility—but above all, because it is right."

Because it is right. Because if you get involved, really get committed, you'll never regret it. I have seen the twinkle in the eye of some of the businessmen who have really become concerned, who have really become involved, who really do care. Who know that they are doing something not only big for their company, but something big for their country. And they are doing something for themselves.

I tell you this, you will know that you have got hold of something important, that you are helping to be a part of the solution, rather than to be a part of the problem.

As President Richard Nixon said in his Inaugural Address: "To go forward at all is to go forward together."

PAUL FORNSHELL SCHENCK

HON. WILLIAM H. AYRES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. AYRES. Mr. Speaker, it was with a deep sense of sorrow that I learned of the passing of my former colleague in this body, Paul Fornshell Schenck.

We Ohioans were proud of the fine record that Paul Schenck made as an educator, businessman, and U.S. Representative. Born in Miamisburg, Ohio, some 60 years ago, his family moved to Dayton, Ohio.

He served that city well as an educator, president of the board of education, and president of the Dayton Safety Council. He also was a most successful realtor and was elected president of Dayton Real Estate Board.

He served in this body in the House of Representatives, beginning with the 82d Congress. A man of great integrity and ability, we who served with him remember well the fine measures that he supported here. He brought with him a great background of knowledge in the field of education and his contributions to legislation in that field were many.

Paul Schenck was dedicated to his work and we who had the good fortune to work with him benefited greatly from his guiding spirit.

ROBBING THE POOR—PART I

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. ASHBROOK. Mr. Speaker, it is understandable why public confidence in the antipoverty program, heralded with such fanfare several years ago, has steadily dwindled. Either through outright fraud or mismanagement, funds allotted for the alleviation of the disadvantaged are diverted from intended recipients. The New York Times of Sunday, January 12, featured a comprehensive treatment of the New York City antipoverty and welfare program under the heading, "Millions in City Poverty Funds Lost by Fraud and Inefficiency," compiled by Richard Reeves, Barnard L. Collier, Richard Phalon, and Richard Severo. Their findings illustrate that more than a meritorious purpose and the allocation of money are required in coping with our social ills.

The Human Resources Administration, created in August 1966, sought to merge the antipoverty and welfare programs, along with their related agencies, under a single administrative agency to centralize the programs. Unfortunately, this administrative overhaul could not prevent the diversion of funds, and at the present time the situation in the HRA is serious in the extreme, if the Times article is any indication:

> Multiple investigations of the city's $122-million-a-year anti-poverty program are disclosing chronic corruption and administrative chaos that have already cheated New York's poor of uncounted millions of dollars.

In addition to the offices of the district attorneys of New York County, the Bronx, and Brooklyn, investigations of HRA have been conducted by the OEO, the Department of Labor, and the GAO on the Federal level. The Times authors estimate that—

> At least 100 representatives from these offices have been involved.

The above-mentioned article is quite lengthy, and for this reason I ask that it be inserted in the RECORD in two parts on succeeding days.

Part I of the article follows:

MILLIONS IN CITY POVERTY FUNDS LOST BY FRAUD AND INEFFICIENCY

Multiple investigations of the city's $122-million-a-year antipoverty program are disclosing chronic corruption and administrative chaos that have already cheated New York's poor of uncounted millions of dollars.

"It's so bad that it will take 10 years to find out what's really been going on inside the Human Resources Administration," said an assistant district attorney who has spent the last four months studying the superagency. It was formed 27 months ago to run the city's antipoverty and welfare programs.

District Attorney Frank S. Hogan of New York County, the city's Department of Investigation and Federal agencies have discovered that the mismanagement and internal dishonesty still exist—that while auditors and detectives were studying the H.R.A. last month some persons were carrying out a $1-million embezzlement plot.

Alleged wrongdoing in the superagency has also been investigated by the District Attorneys of the Bronx and Brooklyn, the Office of Economic Opportunity, the Department of Labor and the Federal Government's General Accounting Office. At least 100 representatives from these offices have been involved.

As late as last Dec. 19 a confidential survey by the United States Department of Labor—which largely finances H.R.A.'s Neighborhood Youth Corps—reported:

"Unless vast changes are made, it is the opinion of this office that H.R.A. cannot possibly cope with the many additional problems that will be brought about by the substantial increase in enrollees under the summer programs."

An inside evaluation—a staff memorandum last May to Mitchell I. Ginsberg, the superagency's administrator—warned that in some cases management failures had "more than negated the impact of the antipoverty program in local communities."

The outsiders—from Washington and Mr. Hogan's office—have charged that some city officials are destroying important H.R.A. records and are reluctant to cooperate. The city has informed the outsiders that less than $1.5 million has been stolen from H.R.A., but independent investigators say the actual figure will be much higher.

For the last three months reporters of The New York Times have interviewed dozens of former and present city officials, investigators and some of the men and women under investigation.

Those interviews have disclosed cases of apparent corruption either compounded or encouraged by chaotic administrative practices.

The cases, which follow, appear at this time to be unrelated, except that they indicate problems in the H.R.A.

A complex plot, discovered three weeks ago by suspicious bankers, to transfer four checks totaling more than $1-million from H.R.A. accounts to a secret bank account in Zurich, Switzerland.

Two former officials of the agency and a high-ranking official still on the job are being investigated on suspicion that they embezzled funds and took kickbacks.

The alleged theft of at least $1.75-million in nine months by a group of young H. R. A. employes from Durham, N.C. who call themselves "the Durham Mob"—suspected of rigging city computers to produce fraudulent paychecks.

The District Attorney and Department of Investigation are looking into the disappearance of Social Security payments withheld from thousands of Neighborhood Youth Corps paychecks, but never forwarded to the Federal Government.

One city fiscal officer "intercepted" Federal checks intended for the City Comptroller and, without authorization, deposited more than $6-million in an H. R. A. account. The officer then made cash withdrawals to pay overtime salaries, records of which never appeared on the payroll records or in the records of the Internal Revenue Service.

A bizarre scheme, hatched five weeks ago, to steal $52,000 in H. R. A. funds by the purchase of a Los Angeles house with a check made out to an apparently fictitious man who "identified" himself by writing a false license plate number and the unlisted phone number of a movie star on the back of a stolen H. R. A. check.

A plan submitted to the Labor Department to "safeguard" Neighborhood Youth Corps Funds was developed last August by two H. R. A. officials who were arrested a month later and charged with Youth Corps thefts.

JUST A SAMPLING

These situations are only a sampling of the problems of the Human Resources Administration—problems that could multiply as more Federal investigators come into the city and produce reports such as the April 24, 1968, document produced by Labor Department auditors. That was titled "Absence of Fiscal Responsibilty in the Human Resources Administration, City of New York."

And the problems of New York are in many ways those of the nation, not only because internal corruption is now being investigated in the anti-poverty programs of other cities, including Los Angeles and Detroit, but because that corruption could influence the attitude of the new Nixon Administration toward all programs to aid poor people.

Mr. Ginsberg, former associate dean of the School of Social Work at Columbia University, is aware of that danger.

"Even with all the inefficiencies and mistakes coming to light—and they are serious—the [Youth Corps] and other programs like it have made an important difference to the poor and they must not be destroyed," he said recently.

"We are a fantastically big business," he said yesterday during an interview in his office at 40 Worth Street, in which he was asked about information turned up by The Times's investigation. "We improvise and hope we will get through," he said.

ORDERS COOPERATION

In the interview he said: "I'm not suggesting there was no dishonesty. But I don't think it is a massive problem."

He said he had ordered full cooperation with investigators, but conceded there might have been occasions when lower-ranking officials at first resisted supplying information and records.

H.R.A., in fact, has problems—gigantic size, explosive growth and inexperience.

The superagency was established by Mayor Lindsay on Aug. 15, 1966, to combine the old Department of Welfare and the two antipoverty agencies: the Manpower and Career Development Agency, which manages job training programs and the Youth Corps, and the Community Development Agency, which coordinates the varied programs of * * *.

Both confusion and corruption were a problem in city antipoverty agencies before the Lindsay administration took office.

Mr. Ginsberg made it clear yesterday that his major interest was in getting programs moving, not in building rigid financial controls.

"If we had better controls," he said, "we wouldn't have had the programs."

That point of view got the city in trouble with the United States Department of Labor, which reported that Youth Corps irregularities in New York were made possible "because all payroll safeguards used in the past were disregarded."

The Labor Department added that high city officials had given instructions to payroll and fiscal personnel to disregard all controls "to get the enrollees paid."

The city's reason for paying quickly, according to members of Mayor Lindsay's staff, was that there appeared to be danger of race riots if slum-area teen-agers were not put to work and paid.

The Labor Department, on the other hand, was worried about the $19.9-million it had provided for the Youth Corps, and other Federal agencies are worried about the money flowing from Washington to 100 Church Street, the H.R.A. headquarters.

Last September the Labor Department threatened to cancel the city's sponsorship of the program because of fiscal irregularities that led to the intensive scrutiny of the Manpower and Career Development Agency.

Most of the disclosures to date have concerned the Youth Corps, according to one Federal investigator, "simply because that's where we're looking at the moment."

SPONSORSHIP CONTINUED

A Federal decision last week to extend city sponsorship of the corps for five more months was interpreted by Mr. Ginsberg as a "vote of confidence" in the Human Resources Administration.

But Labor Department memorandums on the decision reveal that city sponsorship was continued because "of the inherent difficulties in securing new sponsorship."

In fact, the Federal investigators studying city sponsorship, concluded last Dec. 18:

"The present staffs of the H.R.A. fiscal office, Manpower Career Development Agency and Neighborhood Youth Corps Fiscal Office do not possess the qualifications to implement a management system, however well designed."

Federal investigators had concluded three months earlier that:

"There is substantial evidence to indicate that employes of New York, staff employes of delegate agencies and even NYC [Neighborhood Youth Corps] enrollees have either conspired or engaged in wholesale larceny, theft through fraud or embezzlement of funds advanced to New York City by the United States Department of Labor."

IN NEIGHBORHOODS, TOO

Those reports are evidence of the cloud of corruption that plagues the Human Resources Administration. Whether they are well-informed or not, employes of the agency tend to say such things as "Oh, yes, he's stealing too."

Dishonesty in neighborhood antipoverty offices also taints the entire agency. Bronx District Attorney Burton B. Roberts found "ghosts" on the payroll of the Hunts Point Community Corporation in 1966.

A Federal auditor in a written report has said that when he informed Robert Shrank, who was Youth Corps director in 1967, of irregularities, "Mr. Shrank informed this auditor that he was a liar and destroyed the report."

"STOP-PAYMENT" ORDER

Mr. Shrank, who is now an urban-affairs consultant to the Ford Foundation, said yesterday that he did not destroy any report and had only accused the auditor of "exaggerations."

A confidential report by Federal auditors to United States Attorney Robert M. Morgenthau asserts that Mr. Shrank reacted to information that stop-payment orders would be issued on a batch of stolen checks by calling his staff together "to tell them that if any of them had the stolen checks they should not cash them since a 'stop-payment' had been issued."

"I did warn anybody who attempted to cash the checks," Mr. Shrank said yesterday when informed about the report. "After all, we were paying $42,000 a week in checks. I'm not saying it's forgivable, but I don't know how you can ever stop the stolen-check problem."

In another area of investigators, the charge of destroying records was heard often in the last three months. But a more common complaint by Federal and District Attorney investigators was that city officials refused to volunteer information or were tardy in providing requested material.

The one official who generally escaped that kind of criticism was Mr. Ginsberg, who was praised by both Federal and local investigators for his sincerity and cooperation.

One aspect of corruption in H.R.A. that has not been mentioned in any report but is often discussed by employes is that the persons arrested to date have all been black. Most employes of the poverty program are Negroes who have been brought into the mainstream of city government.

And the mainstream, in the words of a man who has been at City Hall for 30 years, "has always included taking a little now and then."

"Tweed was a WASP [white Anglo-Saxon Protestant] and the Irish and the Jews followed him," he said, "Now the Negroes are getting their chance and everyone thinks it's a new thing."

"Yes," agreed a Negro who has been arrested, "it looks like some of us have moved up to the white man's thing."

ROBERT F. WILLIAMS, OF RAM—BLACK PANTHERS—NEW AFRICA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. RARICK. Mr. Speaker, from Communist Tanzania comes the report that fugitive-from-justice Robert Williams has returned from Africa to Red China to continue his "hate America" programs.

The interesting aspect is why and on whose orders did the U.S. Embassy office in Dar-es-Salaam rendezvous with Williams to give him a new and valid passport?

Under unanimous consent I submit the report by a Richard Gibson of Dar-es-Salaam which appeared in the January 18, 1969, Herald Dispatch of Los Angeles for inclusion in the CONGRESSIONAL RECORD, as follows:

ROB WILLIAMS RETURNS TO CHINA AFTER AFRICA VISIT

(By Richard Gibson)

DAR ES SALAAM.—Afro-American exile leader Robert F. Williams recently wound up a three-month visit to Tanzania and sailed back to China, bearing a valid U.S. passport for the first time in years.

Mr. Williams had not been able to obtain a valid passport since he fled from his Monroe, N.C. home in 1961 to avoid kidnapping charges arising from violent racial clashes in that Southern city.

He first sought refuge with Fidel Castro's government in Cuba, but left there for China in 1966, charging that some of Cuba's white leaders were themselves racist bigots.

Mr. Williams, who traveled to Tanzania from his exile headquarters in Peking on a Chinese Aliens Travel Document, was accompanied on part of his tour by his wife Mabel.

Shortly after Mr. Williams boarded a ship in Dar es Salaam to return to China, an official of the U.S. Embassy presented him with a new American passport.

Mr. Williams' Tanzania visit was the first trip he has made outside China since he moved there and his first visit to any part of Africa.

Recently, he was denied the right to visit Sweden and France. Although both countries profess to support the civil rights struggle in the United States and both had welcomed Stokely Carmichael earlier this year, neither has given any explanation of the ban on Robert F. Williams.

In Sweden, student groups at the universities of Uppsala and Lund are still appealing the ban in the hope that Mr. Williams may speak at their schools.

But some Swedish leftist organizations have refused to pay more than lip-service to the appeal, because they strongly disapprove of Mr. Williams' criticism of the lingering racism in Cuba and his support of Communist China's Chairman Mao Tse-tung.

Mr. Williams conferred in Dar es Salaam with attorney Milton R. Henry of Detroit, Brother Imari (whose "slave name" was Richard B. Henry) and Mrs. Mae Mallory, a militant black mother from New York, who is still under indictment on the same kidnapping charges as Mr. Williams.

In conjunction with Mr. Henry and Brother Imari—in his capacity as Minister of Information of the black separatist "Republic of New Africa," Mr. Williams held a press conference in Dar es Salaam at the beginning of June to publicize the group's demands for an all-black independent and sovereign republic to be carved out of the present Southern United States.

Earlier this year, Mr. Williams had been elected in absentia at a Detroit meeting, the first President of New Africa, and Mr. Henry was chosen as First Vice President.

Denying that he planned to remain in exile permanently, Mr. Williams confirmed reports that he hoped to return to the United States to clear himself of the charges against him, which he vehemently maintained were a complete fabrication.

But he set no date for his return, which he said would take place only "when the time was ripe."

Before his departure from the East African country, Mr. Williams expressed gratitude to the government of President Julius K. Nyerere and the people of Tanzania for the hospitality and kindness shown him and Mrs. Williams.

While in Dar es Salaam, which is also headquarters of the African Liberation Committee of the Organization of African Unity, Mr. Williams met privately with many African freedom fighters, including top ranking leaders of the militant Pan-Africanist Congress of Azania (South Africa).

A FORWARD MARITIME POLICY FOR THE UNITED STATES

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. GARMATZ. Mr. Speaker, at a luncheon sponsored by the AFL–CIO Maritime Trades Department at the Statler-Hilton Hotel last Wednesday, a very timely and thought provoking address was delivered by Dr. James D. Atkinson, professor of government, Georgetown University.

There has been too much delay in giving to our almost nonexistent merchant marine, the very serious consideration it should have.

Dr. Atkinson's remarks bring out the need for taking immediate action to remedy this neglect while there is still time. I strongly urge their careful reading by all of the Members:

A FORWARD MARITIME POLICY FOR THE UNITED STATES

THE STRATEGIC NAVAL BALANCE

The naval balance study

In early December 1968, the House Committee on Armed Services published a study entitled "The Changing Strategic Naval Balance: U.S.S.R. vs. U.S.A." This study was prepared for House Armed Services by a special committee of the American Security Council on which I served. This carefully researched paper pointed out that the burgeoning Soviet merchant marine served to enhance Soviet attainment of strategic objectives on the oceans of the world and that this constituted one of the significant developments of our times. The study emphasized that the Soviet effort was both qualitative and quantitative and noted that "four out of five Russian merchant ships are less than 10 years old, whereas four out of five of the U.S.-flag vessels are of World War II vintage or older!"

Continued Soviet momentum

Since the publication of this report, the trend has been for continued upward movement of the Soviets on the high seas. There are many examples of this continuing Soviet thrust at sea, but these are especially interesting:

(1) On 26 December 1968 the official Soviet news agency Tass stated that "the Soviet Merchant Marine has firmly taken the world's sixth place this year" and that one more line had been added "to the score of regular services. It links the ports of the Baltic with Australia."

(2) On 6 January 1969 Tass stated that meetings had begun that day between the Soviet Union and East Germany in order to coordinate their maritime policy including that "on the international freight market." With the recent example of Soviet rate cutting on Australian cargoes, this report is highly suggestive for future Soviet and bloc policy.

(3) On 9 January 1969 Moscow Radio announced that ten ships of the Soviet merchant navy had arrived in Havana, Cuba, and that a record number of Russian ships would be plying the sea route to Cuba this month.[1]

(4) On 14 January 1969 press reports revealed an historic first for the Soviet merchant marine. It was stated that the first regular shipping service by the USSR to North America's Pacific Coast had begun with the over 14,000 ton *Ostrogozhsk* (built only 4 years ago), one of three Soviet ships to be in service from British Columbia to Japan. Significantly, this is a third country service, not a Soviet home port operation.

PROJECTIONS FROM THE NAVAL BALANCE STUDY

There are, of course, a number of projections which could be made from "The Changing Strategic Naval Balance." The following, however, appear to have special relevance to the fields of merchant marine, oceanography, and fisheries:

General projections

(1) The Maritime Psychological Gap: Of prime importance is the closing of the maritime psychological gap. For too long the American people have been told—by the prophets of gloom and doom—that it is useless for the United States to make a maritime effort, because other countries can build and operate more efficiently. A logical examination of this claim leads, of course, to a *reductio ad absurdum*. For, if we accept this kind of defeatism, it follows that, very shortly, we cannot make an effort in the fields of electronics, in steel, or in textiles. All of these fields are challenged from overseas as is our maritime enterprise.

Furthermore, a recent example indicates that American labor and management in the maritime field are performing far more efficiently than the critics would have us believe. I cite the sad case of the *Queen Elizabeth II*, not as a criticism of the grand maritime tradition of Britain, but, rather, as, by contrast, emphasizing what America is doing and can do at sea.

The London Daily Telegraph stated (1 January 1969) of the *Queen Elizabeth II* that there were "minor defects, mainly electrical, in 900 of the 1,000 cabins." Their correspondent went on to say that "plumbing is bad in several cabins and one can wade in inches of water. Shower attachments are missing. The taps on baths are also missing. In some cases attachments in bathrooms have come away in people's hands." Far more serious were the faults in two turbines. The Daily Telegraph of 8 January 1969 reported these were even more serious than it was first believed and that the chairman of Upper Clyde Shipbuilders "refused to give a completion date for the ship."[2]

(2) National Need vs. Cost-effectiveness: Closely associated with the maritime psychological gap is the myth of maritime cost-effectiveness. A myth, because the U.S. maritime posture should, in truth, be related to national need, not to cost-effectiveness alone. The U.S. merchant marine has been steadily deteriorating. And the British merchant marine—upon which many of our exporters and importers have placed reliance—now appears to be headed towards a sharp decline. Can we believe that the Soviet Union will be so conscientious that, in future, it will refrain from taking advantage of what will be a geopolitical fact of life? If this should come to pass, would the American voter ask whether the policy had been cost effective? Or would he ask why was not something done?

Specific projections

(1) Merchant Marine: In the "Changing Strategic Naval Balance" we point out that "a vital factor in the Russian merchant marine expansion is the total of national resources devoted to this oceanic enterprise. In 1965, the Soviet government devoted more than $600 million to the construction of merchant vessels. The United States spent only $150 million in the same year. These figures make clear the different priorities that the Soviet Union and the United States assign to a vital segment of sea power."

It would appear, therefore, that a minimum program by the United States to restore the merchant marine balance would be the building of 50 ships per year for the four-year period fiscal 1970 (calendar year beginning 1 July 1969)—fiscal 1973. This is a minimum program; indeed, in view of the growing magnitude of the Soviet effort, it may be necessary to review this number and project a total of 250 instead of 200 U.S. built merchant ships, that is, 50 in each of the first two years and 75 each in the latter two years. Based on national need, 50 per year for the four-year period would certainly appear to be a minimum number.

(2) Oceanographic: The arrival in Leningrad last October of the new oceanographic research ship *Akademik Vernadskiy* is in many ways symbolic of what needs to be done to redress this part of the maritime balance. This ship, built in East Germany for the U.S.S.R. was reported to have made its first voyage (and where it may still be operating) not in seas adjacent to Russia, but in the Atlantic Ocean. The *Akademik Vernadskiy* becomes one of an increasingly large fleet of oceanographic ships given the task of both basic and applied research on the seas of this great globe. For the Russians realize that while outer space is, of course, very important, the liquid space of the world's oceans is in the long run of equal importance and, in the short run, may be—at various times—of even greater importance.

A modest program in oceanography, therefore, would be the tripling of the present approximately 3700 people in the field of ocean studies and the building of four oceanographic ships—exclusive of undersea research ships for here we should, perhaps, have a crash program—per year over a four-year period from fiscal 1970 onward.

(3) Fisheries: The magnitude of the task facing us here is too well known to require more than brief comment. A comparison with Soviet priorities is relevant. In the past fourteen years the U.S.S.R. put $4 billion into its fishing fleet-shoreside plant complex. In the same period, a goodly part of the U.S. fishing fleet became museum pieces. It would hardly be imprudent to suggest that we either directly spend or indirectly use tax incentives to provide, over a four year period, at the very least, one-half the average yearly amount of the Soviet expenditure.

SUMMARY

In short, what is at stake is not only a significant industry—and important the maritime industry certainly is—but, much more, a vast sector of the U.S. national security. This sector embraces the interrelated mix of naval, merchant marine, oceanography-marine resources, and fishing fleet-shoreside plant complexes. If the American people can be shown the overriding importance of this maritime complex, the evidence indicates that they will ask, indeed, may even demand, that their country adopt and implement a forward maritime policy.

REPORT TO THE CONGRESS ON POSTAL OPERATIONS—NO. 2

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. NIX. Mr. Speaker, this is a second of a series of reports based on staff studies of the Postal Operations Subcommittee. Our subcommittee held hearings during the 90th Congress in Philadelphia; Camden, N.J.; Washington, D.C.; Boise, Idaho; and Missoula, Mont. Special studies were made on the Pittsburgh, Pa., Post Office; the Nantucket, Mass., Post Office, and the Seattle, Wash., Post Office. In short, our subcommittee studied postal problems from lands end on the Atlantic side at Nantucket, Mass., to lands end on the Pacific side at Seattle, Wash. Once again I would like to thank all the members of the subcommittee for their work and Congressman JAMES McCLURE, who did such a brilliant job during the Boise, Idaho, hearing.

There have been a rash of newspaper stories during the past several years as to how badly the Post Office Department, which delivers over 80 billion pieces of mail a year to the American people, has served the United States.

I have been curious about the decrepitude of an organization of 700,000 people who have rendered such service and continue to render that service. For instance, letters and correspondence on the Seattle project was mailed from Missoula, Mont., by regular mail during our fall hearings and arrived at our subcommittee offices the next day after a 2,400 mile trip.

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[1] In another part of the world, the Mediterranean, the Soviet capability—greatly assisted by merchant shipping—for exploiting troube spots was indicated by the statement in Pravda on 11 January 1969 that "the USSR has always taken a firm position of supporting Arab peoples."

[2] The British are not alone. The Daily Telegraph of 17 January 1969 reported that "a faulty turbine in the West German passenger ship *Hamburg*, 23,500 tons, has delayed its test run and speed trials for two weeks . . ."

I asked that a study be completed by the subcommittee staff in cooperation with the Post Office Department as to progress in the postal service from 1961 until now. It is a record that is enviable. A new administration very often starts out in a swashbuckling manner, with statements as to great improvements that can be expected. In fact, an eastern newspaper that is very close to the new administration printed an article praising Mr. Blount in glowing terms, but in doing so stated that there was nothing good about the Post Office.

I include at this point a résumé of postal progress from January 21, 1961, to the present in the Record:

POSTAL PROGRESS SINCE JANUARY 21, 1961

SERVICE IMPROVEMENT

City mail delivery service extended to about 10.1 million additional families and businesses.

Rural delivery extended to serve an additional 1,366,156 families.

Free postage to servicemen in combat zones established along with the greatest air-lift of mail to military personnel in history with special lower rates.

Liberalized size and weight restrictions on parcel post packages mailed between first-class post offices.

Restored six-day window and parcel service upon receipt of funds from Congress.

Authorized some 914,862 households to receive mail delivery at the door rather than the curbline service formerly provided.

Pledged significant improvement in mail service for New York City (Manhattan) with construction of new Franklin Delano Roosevelt Postal Station, Murray Hill Station, and the central truck and terminal and bulk mail processing plant. The latter to be the largest postal building in world history, constructed at a cost of $100 million. This new Annex will supplement the present Morgan Station, which was badly damaged in a fire during Christmas 1967.

Proceeded on a working optical scanner, capable of reading ZIP Codes and sorting mail at the rate of 36,000 letters an hour. Ten machines are now installed, two each in Detroit and Houston, and one each in Boston, San Francisco, Chicago, Philadelphia, Los Angeles, and the Church Street Station in New York City.

553 mailing massing Sectional Centers established to speed mail flow.

Post Office vending machines installed as a test in several locations, including public buildings, selling stamps at face value.

At the behest of the Postmaster General, President Johnson directed all government agencies to adopt machine-compatible envelopes and mailing pieces, so as not to jam the high-speed mail processing equipment.

Issued new rules to provide more convenient mail delivery service in local post offices where lock boxes are in short supply, insuring unifromity of handling for volume business mail which is customarily called for at the local post office.

Announced that the Department would continue to service postal savings accounts beyond June 30, 1968, the date originally set for transfer of all accounts to the Treasury Department.

Installed 24-hour self-service postal units in shopping centers, college campuses, and in the lobbies of larger post offices: 167 now operated in 122 cities, serving about 13 million customers.

Tested new approaches for delivering mail to suburban communities. For example, at Columbia, Maryland, kiosks containing lock box clusters serve patrons in residential areas and in the town house areas mail service centers contain locked boxes, parcel post compartments and self service stamp vending equipment.

Formulated plans for installing 251 integrated mail systems—that code letters at first handling for sorting machine to carrier sequence—for mail in the 75 largest post offices handling 56% of our mail at a cost of $529 million.

In April 1968 began a system of programmed distribution aimed at reducing congestion of over-crowded facilities at the selected points of origin, and minimizing payment of overtime at offices handling excessive volumes with inadequate complements. The system allows accomplishment of secondary distribution at the state of destination in offices not faced with a recruitment problem and which realize a higher rate of productivity than that experienced at the office of origin. It also affords the opportunity to obtain increased utilization of mechanization during off-peak hours at stated distribution centers, and provides better make-up of mail into more direct packages at or near destination points by concentrating volumes for the destination state at the office performing secondary distribution. To date, this system has been implemented for originating mails at Chicago and New York, and when fully effected would be on a selective basis at 20–30 of our largest offices.

A fully-automated mail testing program augmented by random sampling techniques as a part of the National Service Index. Statistics on the postal service efficiency nationwide are now available through the new improved program.

Established the Customer Complaint Analysis Program in all post offices and the regional offices to provide management with a barometer on the opinion of our customers on the efficiency of their postal service and to assure that customer complaints are given maximum attention and corrective procedures taken when necessary on contributing causes to service irregularities.

ZIP Code system was created and implemented as an integral part of the address.

The Customer Relations program was established at Headquarters, the Regions and in the field.

Established NIMS program.

EMPLOYEES

Salaries increased in 1964, 65, 66 and 67 to bring full comparability with private industry by 1969.

Five-day work week provided for postmasters.

Moving and storage expenses provided for employees.

Retirement benefits increased and lump sum payments granted for retirement.

Positive program of Equal Employment Opportunity set up, including EEO for women.

Discrimination of employment on the basis of age prohibited.

Career appointments permitted for certain employees of the Postal Field Service.

Employment of the handicapped rose by 174.5 per cent.

Employment of mentally retarded in jobs they are competent to handle increased by more than 1,729.3 per cent.

Employment of women in the postal service jumped by 181 per cent and in the upper grades (level 12 and above) by 287 per cent.

Employment of Negroes rose by 48.7 per cent since 1965.

Employment of minorities in supervisory and executive positions (level 11 and above) increased by 406 per cent.

After an unprecedented use of mediation to resolve impasses arising out of three months of collective bargaining, the Postmaster General and heads of postal unions with exclusive recognition over 620,000 workers signed the fourth National Agreement since 1963, to run for two years from March 19, 1968.

Enunciated a new Equal Employment Opportunity Plan of Action, emphasizing equality in promotions, reaffirming EEO in hiring, and encouraging postmasters to participate in local non-postal activities aimed at the elimination of bias from education, housing, and any other aspect of American life.

Employees instructed to "dress apppropriately, from the standpoints of appearance and safety, for the position held and duties performed."

Regulations reaffirmed prohibition of possession or use of alcoholic beverages by employees on official duty.

Announced that more than 300,000 postal employees will be eligible to take supervisory examinations in the fall of 1968, after having self-instructional material made available to them for the first time. In addition, tests have been revised in an attempt to eliminate difficult language and other factors that would work to the disadvantage of those persons with limited education.

Up to 3 days of excused absence granted to members of the National Guard called to service during times of civil disorder. Previously, postal employee-Guard members were required to use vacation time or leave without pay to answer a Governor's call during an emergency.

A streamlined new system announced to measure work productivity in major post offices, involving less paperwork and eliminating immediately measurement of individual employees.

Resolved all key differences between POD and its employee organization involving negotiability which had held up signing of more than 1,200 post office labor contracts, thirty-three major issues being settled after a conference in which Postmaster General Watson met personally with chief spokesmen for 7 exclusive employee organizations representing more than 600,000 postal workers throughout the nation.

MECHANIZATION AND MODERNIZATION

A Bureau of Research and Engineering established and a new subcabinet position of Assistant Postmaster General created.

More funds were granted for Research and Engineering activities than ever before in the Department's history.

Biggest modernization and mechanization program ever undertaken by the postal system launched, to provide better mail service for all Americans at a cost of $437 million in 1967, 1968, and 1969.

The first major segment of a $33.5 million new postal source data complex, began operating August 1, 1967, and is now serving 22 Eastern cities through the Teleconcentrator Switching Centers at Paramus, NJ and Washington, DC and through the Automatic Data Processing Center, at Paramus, NJ. Construction on the Western sector centers—the Teleconcentrator Centers at Chicago, IL, and San Francisco, CA, and the ADP Center at St. Louis, MO—is completed and will be functioning by January 1969. The Department's 75 largest post offices will be served eventually under the postal source data system.

Installed a new management information center, hooked into the Postal Source Data System, to provide the Department with an immediate grasp of all the problems in the major post offices. The Center can be used for telecon to all regional directors for conferences and will display an up-to-minute chart of major post offices, as well as a large map which will electrically light-up problem areas for discussions at top level.

Opened the Worldway Postal Center at Los Angeles International Airport, the largest of the nation's airport mail facilities.

Exceeded the Department's vertical Improved Mail goal for 1968. 335 Office buildings already using or being committed to use this faster business mail service to make a firm's mail available right in its own building as soon as it opens for business instead of waiting for carrier service.

Readied for the drawing boards a concept for a test post office where new machinery and new techniques can be employed under actual working conditions prior to their use in post offices.

Ordered more than 24,000 vehicles in 1969 for use by city letter carriers. 10,000 of the new vehicles will replace presently owned government vehicles, and the other 14,000 will be used for new routes, conversion of foot routes to mobile, and for replacement of leased vehicles.

POSTAL QUARTERS

Increased postal space to approximately 135 million square feet. 25 million square feet over the less than 110 million square feet of space occupied in 1961. Also, a comprehensive plan to complete the modernization of the postal service has been developed. It recommends the acquisition of 45 million square feet of new space and replacement of more than 40 million square feet of space presently occupied in antiquated quarters.

STANDARD BUILDINGS

Developed standard buildings suitable for an estimated 10,000 of 12,976 third class post offices. Preliminary designs are now available and under consideration for 20,000 of the approximately 25,000 presidential post offices.

REGIONAL CONSTRUCTION PROGRAMS

Increased Regional responsibility for construction programs to cover all building improvements and construction for postal quarters up to 50,000 square feet. Previously projects of 25,000 square feet of space or more were handled at Headquarters. This action permits greater concentration at Headquarters on the large mechanized Postal Plants.

PREVENTION OF DAMAGE TO MAIL PROGRAM

Implemented a Prevention of Damage to Mail Program which has minimized mail damage in the hundreds of mechanized Postal Plants.

HEALTH UNITS

Provided 80 health units in 69 cities which serve an estimated 268,000 postal workers.

MAIL HANDLED BY MECHANIZATION

The percentage of mail handled by mechanization increased from almost zero to nearly 50% over the last eight years. In the program to modernize and mechanize the postal service, the Department has of necessity developed all but a few items of mechanization through Research and Development contracts and the development of suggestions of its employees.

MAJOR MECHANIZED FACILITIES PHASED IN SINCE JANUARY 1961

Philadelphia, Pa., November 1963.
Harrisburg, Pa., June 1963.
Omaha, Nebraska, January 1964.
Buffalo, New York, January 1965.
Cincinnati, Ohio, October 1965.
Toledo, Ohio, January 1966.
San Francisco AMF, November 1967.
Chicago O'Hare, July 1967.
St. Paul, Minnesota, March 1964.
Oklahoma City, June 1966.
Tulsa, Oklahoma, 1966.
Greensboro, N.C., August 1966.
Houston, Texas, 1963.
Portland, Oregon, 1963.
Sioux Falls, S. D., 1966.
Sioux City, Iowa, 1965.
Phoenix, Arizona, May 1968.
Columbus, Ohio, August 1968.
Binghampton, New York, July 1968.
Milwaukee, Wis., October 1968. Phase I.
FDR Station, New York, October 1968, Phase I.
Lehigh Valley, Pa., 1963.
Los Angeles World Way, July 1968.
*Los Angeles Term Annex, October 1968.
Sacramento, Calif., 1966.
San Bernardino, Calif., September 1968.
*South Suburban Chicago, October 1964.
*Memphis, Tennessee, October 1965.
*New York Yale, October 1967.
*Pittsburgh, Pa., June 1968.
*Honolulu, Hawaii, July 1968.

AIRLIFT

Began an entirely new transportation network of small aircraft, known as air-taxis, to connect the smaller cities and towns of the nation with major postal centers through flights from 9 p.m. to 5 a.m. The goal is to expand areas of overnight delivery of mail to whole states and groups of states and to provide no later than second-day delivery for a maximum volume of letter mail nationwide. The Department's airlift on a space available basis is now approaching 100 per cent for all first class mail capable of being moved more rapidly by air.

Announced plans for a new service offering air transportation on a space available basis for second-class mail.

Began an international "airlift" at regular postage rates for first-class letters from the United States to Canada and Mexico. This international airlift is for letters paid at ordinary domestic postage rates, on a space available basis.

TRAINING

Inaugurated the Postal Service Institute, the Department's first school in its 192-year history. The Institute teaches a wide variety of courses from maintenance and mechanization to social problems affecting the Department. The Institute began operations in January 1967 at its temporary headquarters in Bethesda.

Completed training for approximately 30,000 employees under Postal Service Institute auspices at the national training center in Bethesda, Md., the University of Oklahoma, and the larger post offices throughout the nation.

Since the inception at Fort Knox in June 1965 of "Project Transition", the President's program to provide servicemen with a path to productive careers, the Department has trained approximately 10,000 employees in up to 40 hour postal courses and has increased the number of participating bases to over 100. 1,052 veterans have been hired by the Department.

In consultation with craft unions, developed a new standard orientation and craft training system. For the first time in its history the Post Office has uniform, national training procedures to equalize opportunities for all postal employees instead of the uneven locally originated training programs of the past. Implemented in the 100 largest post offices, with favorable evaluation the system will be extended to other post offices in the months to come.

Inaugurated a $1.5 million pre-promotion supervisory training program for an estimated 5,000 supervisory candidates of all races and both sexes. Those eligible for the 80-hour, on-the-clock course are persons who have passed supervisory examinations and stand high on the register for promotion, usually within the top 15 percent.

Under the President's Youth Opportunity Campaign, hired an estimated 17,300 young people from low income families for summer postal jobs in 1968.

Held special training classes for deaf mutes in Washington, Baltimore, Pittsburgh, and Detroit. 255 persons without speech or hearing took the examinations and 115 qualified for postal employment.

SAFETY

Asked Labor Department experts to make safety surveys of the nation's 100 largest post offices in a move to reduce accidents and costs in the postal service. Safety professionals will make detailed studies of major postal facilities and give evaluations of accident prevention techniques, working conditions, and safety supervision.

In an extension of the Postal Service Institute, a management safety training program will be launched. More than 37,000 postal supervisors are scheduled ultimately to attend 16 hour courses in the technology of fire prevention and industrial and vehicular accident reduction in more than 1000 classes held in 82 cities throughout the United States.

Began one of the nation's swiftest and most comprehensive programs for electronic analysis of accident and injury data. The ADP system will return statistics within 30 days on an accident, instead of the five months previously required under manual processing.

Created a special labor-management committee on safety, related to the letter carriers' craft—one of the first permanent committees of its type in the Federal Government.

GENERAL

Created an Office of Planning and Systems Analysis to provide the postal service with an overall view of operations from the present and future standpoints.

Examined the structure and organization of the Post Office Department in light of President's study by the Postal Organization Committee and made plans for the future.

Required presorting by ZIP Code by bulk mailers and increased usage of ZIP Code on all categories of domestic mail to over 80 percent, thus saving millions of dollars and increasing efficiency of the postal service.

Eliminated the need to prove intent in cases involving use of the mails to defraud.

Prohibited pandering advertisements in the mail.

Regulated mailing of master keys for motor vehicle ignition switches and authorized postal inspectors to serve warrants and subpoenas and make arrests for certain offenses.

Permitted postage stamp color reproductions.

Stepped up the drive against consumer frauds resulting in a 67.8 per cent increase in arrests, while overall arrests for postal law violations rose by 23.7 per cent.

Enhanced the Department's active cooperation with businessmen, especially large mailers.

The first National Postal Forum, following a series of 15 Regional Forums in 1967, drew 2,300 persons to Washington for two days of discussions on postal matters. The forums added to the continuing dialogue between business mailers and postal officials carried on through Mail Users Councils with a membership of 55,000 serving on 690 Councils.

National Postal Forum II in 1968 brought 2,400 top business and civic leaders, as well as postal authorities, together for two days of creative dialogue on mutual problems.

A comprehensive upward adjustment of postal rates, effective January 7, 1968, will shift almost $1 billion of the annual cost of running the postal service from the taxpayers to the users of the mails.

Proposed legislation to revise the laws relating to transportation of mail to give the Postmaster General greater flexibility and authority in this area and enable the Department to handle its mail more expeditiously and at a lower unit cost.

Received independent authority to construct postal buildings.

Revised postal regulations to prohibit delivery by postmasters of any firearms without prior notification to law enforcement officers, and issued regulations that all firearms shipped through the mails be clearly labeled with the word FIREARMS before being accepted in the mails.

Sent a four-man team headed by Deputy Postmaster General to Southeast Asia to plan for the speedy delivery of Christmas mail to U.S. Troops.

Instituted a massive campaign to improve

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*Mechanization placed in existing facilities.

appearance and housekeeping standards in the nation's first and second-class post offices.

Issued regulations requiring the presorting of articles mailed at the special fourth-class rate and at the library rate as follows:

Effective October 1, 1968: Mailings of identical pieces in quantities of 1,000 or more in a single day must be presorted and sacked by three-digit ZIP Code areas. Effective January 15, 1969: In addition to the presort above, nonidentical pieces must be presorted and sacked by States of destination.

Announced proposed regulations to establish requirements for use of a detached label mailing procedure for merchandise samples mailed in quantity for distribution on carrier routes.

Made changes in the handling of registered mail that has provided greater security.

Eliminated unnecessary steps in indemnity claims processing and consolidated payments in one Data Center so as to speed up payment.

Conducted a campaign for improved packaging that has diminished damage to parcels.

Arranged with next of kin to send Christmas gift parcels to members of the crew of the USS Pueblo held in Pyongyang, Korea, and to U.S. pilots captured in North Vietnam.

Eliminated 21 inland Customs Mail Bureaus and gave Customs treatment to a larger percentage of inbound mail imports at first point of arrival in the United States.

STATISTICAL BACKUP FOR ACCOMPLISHMENTS

	Jan. 20, 1961	January 1969	Net change	Percent change
City mail deliveries	44,318,542	54,420,460	10,101,918	22.8
Rural mail deliveries	9,198,848	10,565,004	1,366,156	14.9
ZIP code usage (percent)	10	81.6	71.6	716.0
Self-service postal units (people served)	0	13,800,000	13,800,000	(1)
Employment of handicapped persons	5,285	[2] 14,508	9,223	174.5
Employment of mentally retarded	58	[3] 1,061	1,003	1,729.3
Employment of women	44,000	[4] 123,692	79,692	181.1
Employment of women (level 12 and above)	31	[4] 120	89	287.1
Employment of Negroes	92,275	[4] 132,353	40,078	48.7
Employment of minorities (level 11 and above)	65	[4] 329	264	406.2
Airlift (by certificated carrier) (1st-class pieces per year)	1,919,000,000	17,000,000,000	15,081,000,000	785.9
Postal Service Institute (inservice training)	0	29,346	29,346	(1)
Project transition:				
Veteran training	0	9,942	9,942	(1)
Veteran hires	0	1,052	1,052	(1)
Mail users councils' membership	15,500	54,700	39,200	252.9

	Calendar year 1963	Fiscal year 1968	Net change	Percent change
Consumer fraud arrests	600	1,087	407	67.8
Arrests, postal law violations	11,593	14,339	2,746	23.7

[1] Not available.

[2] Latest figures available, September 1968.

[3] Latest figures available, June 1968.

[4] Latest figures available, December 1967.

CHRONOLOGY: 1962

January 17—E.O. 10987, E.O. 10988.

March 25-April 12—Seven Workshop Orientation Sessions staged for 600 Postmasters from major cities which employ 80% of Department's postal workers (See Press Release #30).

April 24—Federal Personnel Manual #700, "Implementation of E.O. 10988."

April 30—Area Conference material—sent to 600 largest offices. Contains Postmaster General's statement, background, public policy and labor-management relations; forms of recognition, mail ballot procedure.

May 5—E.E.O. Conference (also includes notes on Civil Service Commission Conference on EEO of Feb. 15, 1962).

June 16-July 1—Mail Ballot Election (Press Releases #54 and #82).

August 10—Briefing for Departmental Officials on E.O. 10988.

August—"Employee-Management Cooperation in the Federal Service"—Basic Training Materials, Civil Service Commission.

September 5—Six organizations attain national exclusive recognition and results are certified.

October—Negotiations with Six Employee Organizations began (continued into March 1963).

CHRONOLOGY: 1963

January 6-February 2—E.E.O. Training Conference at Norman, Oklahoma.

January 13-19—Oklahoma Postmasters Conference.

February—"Progress in Employee-Management Cooperation in the Federal Service" (Report to President and Background Information on First Year of Operation, Civil Service Commission).

February—Organization of Regional Labor Relations Councils completed.

March 20—First National Agreement signed.

April—Post Oklahoma Headquarters Briefing—Summary of Labor-Relations Activities to date.

April 15—Negotiations began on local level at 311 largest offices.

May—First monthly Labor-Management Meeting held.

June 14—Negotiations with the remaining 12,655 locals began—negotiations to be completed and agreements signed within 90-day period.

July 20-22—Skyline Conference (Bureau of Personnel Staff Reorientation).

August 30—Federal Personnel Manual #711, Employee-Management Relations.

September 11-October 11—Three-Day Management Seminars for Promotion Advisory Boards in 12 Regional office cities for 360 top-management personnel from 112 postal installations.

October—Headquarters Task Force Report—Preparations for National Negotiations "Review and Analysis of Local Agreements."

October—National and Regional Reports on Impasses.

October—National Reports—Local Employee Organizations—Management Agreements.

October—National Reports—Invalidations.

December 13—Agreement signed with 14 employee organizations for voluntary payroll withholding of dues.

CHRONOLOGY: 1964

February—First Meeting to Establish Ground Rules for Negotiations.

March 15—National Negotiations Begin.

April 1—Determination and redetermination of recognition in 1,203 post offices.

May 4—Civil Service Commission #711-6 "Guidance and Advice on Employee-Management Cooperation, Programs and Problems."

June 18—Second National Agreement signed.

June 19-28—Hearing Officer Training Programs (2 work books—E.E.O. and Adverse Action).

June 23-24—Postmasters' Conference—Baltimore, Maryland.

June 25-26—Washington Conference for 15 Special Assistants for Employee Relations to define their role under the new agreement and to prepare postmasters for local negotiations.

July 1—Second National Agreement becomes effective.

July—First monthly Labor-Management Meeting under Second Agreement.

July 9—Prepared and distributed material to regions on "Orientation Prior to Local Negotiations" for use in regional Postmaster training programs.

July 17—Civil Service Commission Bulletin #711-7 "Guidance and Advice on Employee-Management Cooperation Programs and Problems."

July 30—Established Procedures for Interpreting National Agreement.

August—Regional Offices conducts orientation seminars for Postmasters.

September 1—Local Negotiations begin.

September 1—Instructions on Procedures in Handling Impasses at Regional Level.

October 3—Completion of Negotiations at Local Level.

October 20—Instructions for Processing Invalidations in Locally negotiated Labor-Management Agreements.

October 30—Submission of Impasses to Headquarters.

November 5-15—Conducted Mail Handlers Election.

November-December—Staff Field trips to Regions re effectiveness of Labor-management functions.

November 30—Won Sacramento Advisory Arbitration Case on Determination of Appropriate unit for recognition under E.O. 10988.

December 8—National Association of Post Office Mail Handlers, Watchmen, Messengers and Group Leaders (AFL-CIO) were certified National Exclusive Recognition.

December 15—Submission of Invalidations Report to Headquarters.

CHRONOLOGY: 1965

January 1—Procedures for Obtaining Exclusive, Formal and Informal Recognition at local level were put into effect.

February 18—The provisions of the National Agreement were extended to the National Association of Post Office Mail Handlers, Watchmen, Messengers and Group Leaders, AFL-CIO, by their becoming signatory to the National Agreement.

March 31—Signed a new Supplemental Agreement between the Department and the National Association of Post Office Mail Handlers, Watchmen, Messengers and Group Leaders, AFL-CIO.

April 6—Negotiations on promotions began; as provided in Article XXIII of the National Agreement.

June 4—Procedures for Winning Exclusive Recognition (via election) at Local level issued.

June 24—Promotion Agreement signed to become effective July 1, 1965.

July 1—Simultaneous with the effective date of the Promotion Agreement, the Department placed into effect new procedures for "Promotions to Supervisory Positions in the Post Office Branch of the Postal Field Service."

July 7—Instructions and Procedures to Supplement the National Agreement in Phasing out of Gateway Post Offices (Regional Letter 65-111).

Sept. 15—Signed extension of National Agreement from October 31, 1965 to April 15, 1966.

CHRONOLOGY: 1966

February 23—First Ground Rule Meeting for Negotiations to begin May 2.

March 4—An agreement was reached with seven exclusive organizations on the application of seniority on a one-time basis for implementation of Public Law 89–301.

March 17—Negotiated a Supplemental Agreement with clerk craft governing railway post offices and highway post office duty Assignments since the P.L. 89–301 abolished compensatory time for all field service employees in or below PFS–7 salary level.

May 2—A negotiation period was agreed upon for negotiating third National Agreement.

July 25—Last full session of negotiations.

August 31—Signed third National Agreement with 7 organizations with exclusive recognition at national level.

September 24—Effective date of New National Agreement to run until October 31, 1967.

October—Dues Check Off—a projection was made of the annual amount of the total dollars sent to each employee organization which totaled $9,560,498 covering 391,291 employees.

October 10—Negotiations began at the local level and concluded on November 5.

CHRONOLOGY: 1967

January 17—Fifth anniversary of living under Executive Order 10988.

January 19–26—Boston, Massachusetts, clerk craft election (NPU—2,283; UFPC—2,038 votes) UFPC charged misconduct: Department requested advisory arbitration.

Jannary 30–February 21—Staged five area conferences for postmasters to solicit information to aid in negotiation sessions.

June 5–6—SAER Conference, University of Oklahoma.

July 24–26—Boston Arbitration hearing on clerk craft election.

September 12—2-hour seminar held in Atlanta, Georgia to train vehicle maintenance supervisors in labor-management relations.

September 13—Beginning of negotiations for 4th national agreement.

Septemebr 21—2-hour seminar on labor relations conducted for vehicle maintenance supervisors in Lyons, Oklahoma.

September 22—Arbitrator issued advisory opinion that UFPC allegations should be overruled and NPU certified as exclusive representative for clerk craft in Boston, Massachusetts.

October 4—Department certified NPU as exclusive representative for clerk craft in Boston.

October 26—Division Director delivered statement before President's Review Committee on E.O. 10988.

December 5—Last full session of negotiations.

December 5—National Agreement expired. Two Articles (X, XII) sent to mediation.

CHRONOLOGY: 1968

January—Utilized services of mediator.

February 6—Postmaster General O'Brien accepted in full mediator's recommendations regarding impasse items.

February 9—Fourth National Agreement signed by 7 exclusive organizations and the Postmaster General.

January, February, March—University of Oklahoma Training Conference for postmasters and supervisors in the art of negotiating a local contract.

April 1—Local negotiations commenced.

May 17—Local negotiations expired.

May 23—Local agreements extended until July 1.

June 27—Local agreements extended until October 1.

September 19—Non-negotiable items in local negotiations resolved.

October 3—Regions and Department to resolve impasses from local negotiations.

SEX EDUCATION: FOR FAD FOR PROFIT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. RARICK. Mr. Speaker, the sex education fad continues to pick up momentum seemingly because it is profitable.

An informative and analytical comment on the subject, pointing out the dangers of these programs to the normal development of small children and ultimately to the human race, appears in a letter from Rhoda L. Lorand, Ph. D., psychologist, in reply to an inquiry from a concerned parent. The letter is endorsed by Sandor Lorand, M.D., professor emeritus, Department of Psychiatry, State University Medical Center of New York.

Another aspect of the current drive for sex education in the classroom is profit.

Mr. Neil Ulman of the staff of Wall Street Journal has written an enlightening article explaining how this created "need" for teaching material will provide publishers and manufacturers of classroom audio-visual aids with a vast and very lucrative market.

I include the above-mentioned letter from Dr. Lorand and Mr. Ulman's article following my remarks:

JULY 20, 1968.

Mrs. A. G. WEINER,
Belmont, Calif.

DEAR MRS. WEINER: I have read the scripts for the Family Life and Health Education Program entitled "Time of Your Life", which was created by Dr. William H. Ayres and Mrs. Marilyn McCurdy, and can well understand why you are so distressed by them.

The entire program is inappropriate for the age groups to which they are being presented. The first part, program 1–10 might be of interest to adolescents because they enjoy being introspective and philosophical. To encourage introspective thinking in children of the 4th, 5th and 6th grades disturbs them because they are still in the period of reinforcing parental standards of rights and wrong, and becoming expert at learning the concrete and the predictable. They need to be allowed to accomplish this, so that in adolescence they have a solid base from which to take off into other realms of thought and theory. It forms a sounding board against which they test new and foreign ideas and beliefs. Without it, they are defenseless against the confusing and conflicting drives of adolescence.

As for program 10–15, the whole thing is tragically mistaken: the timing is wrong (children too young), the setting is bad (presence of the opposite sex), the presentation of material is overwhelmingly disturbing (the magnified graphics). It will overwhelm, embarrass, upset and excite the children, *forcing them in turn to then repress all of these troublesome feelings*, and this may lead to learning difficulties. It very likely will lead to sexual difficulties later in life. Dr. Ayres seems to be making the error so many doctors and nurses in the field of sex education make, namely, they attempt to bring about in the young child and the adolescent the detached attitude towards the human body which doctors and nurses *must* acquire in order to treat the sexual parts of the body without emotion.

But this is not a normal, natural or healthy attitude to inculcate in the growing child. In the developing young person, sexuality and emotion should never be divorced. It is not a subject that can be treated like arithmetic or spelling, which have no relationship to the deepest love relationships, and, therefore, can be openly discussed in coeducational classes without emotion.

Further, Dr. Ayres' statement: "Children are best able to learn about sex and development before they are exposed to the anxieties of adolescence" is completely mistaken. Child analysts have, during the past 25 years, accumulated incontrovertible evidence demonstrating that it is a mistake to interfere with the latency period (6 to 10), when the major portion of sexual energy and curiosity is normally redirected into learning academic subjects and physical skills. The body development leaves the young child in peace—nothing special is happening. He is not preoccupied with his body and the temporary repression of sexual curiosity and activity leaves him free to learn in school and behave in a reasonably sedate and controlled manner.

Dr. Ayres has overlooked the well-known fact that when the biological drives of adolescence surge up, a certain amount of anxiety is *unavoidable*. Explanations long in advance only cause the child to worry ahead of time. The period when the sexual drives are worrying the young person is the appropriate time to provide him with information about them. Nature herself is focusing his attention on sex and he is, therefore, ready to listen and learn. Child analysts have learned that cooperation with the specific development phases and respect for the child's feelings bring the best results.

Displaying a Kotex pad to a coeducational class of any grade is an appalling invasion of girls' privacy and can only seriously embarrass everyone. The graphics of the penis spurting semen, and the head-on view of the vagina enlarged for screen viewing will unquestionably excite and frighten many, if not all, the youngsters. This sort of display is much more damaging than the suggestive ads which seem to so upset the SIECUS people.

To violate the child's age needs and need for peace and privacy by forcing him to consider this inappropriate material in the presence of the opposite sex, is appallingly mistaken. Analyzed parents learned this a long time ago through following a similar erroneous course. Existing evidence clearly indicates that the only appropriate sex education in elementary school is for 6th graders in *separate sex groups* to be told the fact of puberty.

It is apparent that the program given in Sweden is the "inspiration" for those of Dr. Ayres. However, in checking the results of the Swedish program as reported in *Sex and Society in Sweden* by Birgitta Linner (Pantheon Press), we find that 35% of all brides are pregnant on their wedding day (page 30); there is an increase in the incidence of venereal disease (page 86), even 13 year olds and 14 year olds are found to have gonorrhea, *with the number of girls exceeding the number of boys* (page 49); approximately 20% of those reaching adult age never marry (10% for U.S.) (page 29), and in summary, "In Sweden . . . a traditionally low marriage rate, a high average age at first marriage, a relatively high divorce rate, and a high incidence of premaritally conceived children [despite sex education in contraception] and births out of wedlock [⅓ of teenagers who have coitus do not bother to use contraceptives] are some characteristics of marriage as an institution within the larger societal context." (page 29)

When to this we add the facts that Sweden has one of the highest suicide rates and one of the highest in alcoholism, do we not have to be insane to regard Sweden as anything but a tragic example of how sick a civilized society can become?

Healthy and responsible sexuality, and the meaning of masculinity and femininity are learned only through the child's sensing love and devotion between his parents, their joy in their sex-defined roles, and experiencing their love for him. To attempt to teach such things in school is a waste of time. They can only be learned wordlessly, through identification and experience.

You and your group are performing a valuable public service. Only the parents, by indignantly demanding an end to these programs, can reverse this disastrous trend.

Sincerely yours,

RHODA L. LORAND,
Ph. D. Psychologist.

The Facts of Life: More Schools Introduce Sex Education, Often Aiming at Very Young—Opposition Proves Lighter Than Expected; Publishers See a Major New Market—But One Principal Backs Off

(By Neil Ulman)

With varying degrees of confidence or trepidation, thousands of teachers across the U.S. are introducing a new classroom subject this fall—sex.

Typical is Montgomery County, Md., which borders Washington, D.C. Twenty of the county's junior and senior high schools started sex education programs last fall; all 39 junior and senior highs will teach the subject this year. "Some of the teachers starting this year are apprehensive," says Mrs. Mabel W. Wedberg, who taught one of the pioneer classes. "The questions that are asked can be embarrassing, especially to the unmarried teachers."

Despite lingering sensitivity over sex, which still discourages many educators from tackling the subject in class, *sex education is coming to the nation's schools at a rapid clip*. Parent-teacher groups at national, state, and local levels have called for it. The *National Education Association* and American Medical Association have endorsed it. *The Government backed a pledge of support last year with over $1 million of Federal funds.* A new privately supported health agency, the New York-based Sex Information and Education Council to the U.S. (*SIECUS*), has been established to promote it. What's more, some *major publishing concerns are laying extensive plans to capitalize on the trend. Many view sex education as an enormous, untapped market for texts, films and teaching aids of all sorts.* Amid all these developments, opposition from parents hasn't been nearly as sharp as had been feared.

WIDESPREAD DEMAND FOR COURSES

Converging concerns over sex ignorance, illegitimate pregnancy, venereal disease and related problems have stirred the widespread demand for schools to teach about sex.

Earlier efforts at sex education dealt primarily with the mechanics of reproduction; such instruction sometimes derisively called "plumbing courses" by educators. Today's programs, however, are designed to give a more *comprehensive view* of how sex affects personality, the family and society. The goal, says Dr. Mary S. Calderone, executive director of SIECUS, isn't just to lower venereal disease and illegitimacy rates but also to produce "adults who will use their sexuality in mature and responsible ways."

New York City's school system, largest in the nation, is scheduled to introduce pilot sex education programs in at least 167 schools this fall once its teacher walkout ends; officials hope to include similar courses in all the system's 900 schools within a few years. Chicago, which started programs in 27 schools last year, will expand sex education to 108 schools this year; last year instruction was limited to fifth graders, but this year Chicago is adding material for kindergarten, sixth, seventh and eighth grade pupils in several schools. In July, Maryland ordered all state schools to develop sex education curriculums.

As further indication of the demand, SIECUS reports 50 to 70 inquiries a week from schools, churches and other organizations seeking guidance on sex education. The American Medical Association says it sells about 600,000 of its sex education pamphlets a year now, 10 times the volume in 1960. Applications flooded in from teachers and school administrators to attend the more than a dozen workshops in sex education held around the country last summer, mostly under university sponsorship.

AIMING AT THE VERY YOUNG

Sex education increasingly is being aimed at the very young. Educators feel that it's easier to get across the basic facts of reproduction before students are old enough to be emotionally involved in the subject. Thus, first graders in Glen Cove, N.Y., this year will learn that the human baby develops inside the mother. Second graders will be taught the role of the father in fertilizing the egg and that some animals are born live through a special opening in the mother's body. In the fifth grade, according to the Glen Cove course guide, students will study the "role of sex glands at puberty and the body and emotional changes they bring," menstruation and seminal emissions.

Youngsters at Sidwell Friends School in Washington, D.C., learn about sex by watching the school's female cat, named Casey (for K.C., which stands for kitty cat). Casey bears kittens regularly every six months or so. Under their teacher's guidance, fascinated Sidwell pupils watch the birth process.

"She purred all the time, but she was working hard, you could see that," said one first grader after observing. "There were four kittens, and each one was in its own little sack. She washed them, and the sacks came off, and their eyes were tight shut, and they went like this: Mew! Mew! Then Casey cuddled them all up, and she rested."

USING SLIDES

A more conventional teaching aid for youngsters, but one that's gaining popularity, is a series of 35 slides dealing with the reproduction of flowers, chickens, dogs and human beings. The anatomy and physiology of reproductive organs are shown in brightly colored representation designed to capture children's attention. *A simple written text labels everything with its proper name as chickens and dogs are shown copulating. An "optional" slide, shows a man and woman in bed, covered, to illustrate human intercourse.*

Educators say they have been pleasantly surprised by the smooth—and sometimes even enthusiastic—reception accorded sex education by large numbers of parents. Things have changed, says Dr. Wallace Ann Wesley of the AMA staff, who delivers several family life education courses at various state 4-H Club "roundups" across the nation. "Now these courses are always requested, but five years ago we wouldn't have dared tackle the subject because of parental objections," she says.

Some schools prepare the community by sending out letters to the parents of children who will be receiving sex education for the first time. Often, parents are invited to preview films and other visual materials so they will be better able to discuss them if the children ask questions at home. Other schools call in representatives from church and other civic groups to explain the program and to seek suggestions.

There hasn't been smooth sailing in every community, though. A recent furor in Abington Township, Pa., a Philadelphia suburb, prompted a school there to back off from plans for sex education for all third graders. The school's principal had previewed slides on reproduction at a Parent-Teacher Association meeting, where the program met a good reception. But when other parents were informed of the school's program, the principal was confronted with a protest petition.

Recalls school district official William R. Hingston: "Parents didn't think it was the school's function to provide sex information. They said that third graders would pass it on to other students incorrectly. Then the local papers ran headlines like 'Controversy over Sex Film'." As a result, the school abandoned its sex education program.

Proponents of sex education, however, argue that providing students with detailed information about sex is essential. This is the only sound basis, they say, for exploration of the *important social problems associated with sexuality.*

This fall, for example, ninth and tenth graders at Anaheim (Calif.) high school will discuss "date behavior," including "petting," as well as premarital pregnancy and teen-age marriage. Other topics listed in the curriculum include "the way boys commonly take advantage of girls by appeals to love and promises to marry" and how "some girls deliberately use pregnancy as a marriage trap."

Many educators believe such material should be presented factually, without preaching. "Any kind of fear campaign is resented," says Mrs. Florence C. Jackson, in charge of health education at Philadelphia's Friends Central School.

Among the publishing concerns hoping to cash in on the demand for sex education material is Harcourt, Brace & World Inc. Through its Guidance-Associates division, the firm plans to invest several million dollars over a number of years to create a sex education curriculum for grades kindergarten through the twelfth grade. "We are prepared to throw everything out and start over again in a new area with no guidelines. It's an extraordinarily expensive publishing program," says Jack Goodman, president of the division. SIECUS is providing consultation on the project.

In June, *Holt, Rinehart & Winston Inc.* plunged into the field with a text called Modern Sex Education. *Minnesota Mining & Manufacturing Co.'s visual products division* and *Science Research Associates*, which is the educational arm of *International Business Machines Corp.* both say they are investing substantial sums in school health programs—texts, visual aids and the like—that will contain considerable sex education material.

Another newcomer to the field, McGraw-Hill Inc.'s Webster division will kick off next year what it calls a "multi-media program" on sex education. It will include texts, audio-visual aides and *laboratory kit models* and will be aimed at both elementary and high school students.

Spurring the publishers' hopes is the success of a 70-page paperback called A Curriculum Guide in Sex Education, which is designed to help school administrators set up programs. The publisher, State Publishing Co. of St. Louis, has sold more than 10,000 copies since the book first came out 18 months ago. So far this year, sales are running 60% ahead of the 1966 pace, says a company official. If a book aimed merely at educators can sell that well, publishers figure, the market for materials for students is immense.

CLEVELAND COUNCIL OF THE JEWISH NATIONAL FUND TO HONOR THE EZRA SHAPIROS

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. FEIGHAN. Mr. Speaker, on February 2, the Cleveland Council of the Jewish National Fund will pay tribute to a most deserving couple, Mr. and Mrs. Ezra Shapiro. Sylvia and Ezra Shapiro have dedicated their lives to the advancement of Jewish culture and education. The Cleveland Press, on January 20, 1969, acknowledged their important contribution to our society in a most timely article which I would like to share with my colleagues. The article follows:

FRIENDS OF ISRAEL

Because of their lifelong devotion to community welfare and dedication to Judaism, Ezra and Sylvia Shapiro will be the first husband-wife team ever honored by the Cleveland Council of the Jewish National Fund.

The setting will be the council's 31st annual dinner at the Sheraton-Cleveland Hotel on Feb. 2. The Shapiros long have had a mutuality of interest in a Jewish homeland and Jewish culture and education. Principal speaker will be Sir Barnett Janner, Labor member of Parliament and a friend of Shapiros for 30 years. Rabbi Arthur J. Lelyveld of Fairmount Temple will be honorary chairman.

In conjunction with the testimonial to the Shapiros, it was announced that 10,000 trees will be planted in Israel in their honor. The Shapiros plan to participate in the planting of the first trees in June.

"The Jewish National Fund, conceived and founded in 1903 by Prof. Herman Schapiro, noted mathematician, owns most of the land in Israel in perpetuity for the state and its people," Shapiro said: "I have visited Palestine and Israel 20 times since 1930, and Sylvia has been there 15 times.

"I see a parallel in the ideals and philosophies of American and Jewish traditions. I hope in these critical days that the American Government and the people will stand with Israel in its fight for survival as the only bastion of democracy in the Middle East."

Shapiro, 65, forthright and perceptive, is a partner in the law firm of Shapiro, Persky & Marken. At 31, in the administration of Mayor Harry L. Davis, he was the youngest law director in the city's history. He is a vice chairman of the Community Relations Board, former chairman of the Judiciary Selection Committee of the Cleveland Bar Assn. and past national vice president of the United Israel Appeal and the American Association for Jewish Education. From 1942 to 1954 he was president of the Jewish Community Council here.

Shapiro served as chairman of the national executive committee of the Zionist Organization of America and has been a member of the general council of the World Zionist Organization since 1951. He was first president of the American Jewish League for Israel.

Born in Poland and brought to America when 3, Shapiro graduated from old Central High School and earned his law degree from Ohio Northern University. His father was a patriarchal rabbi and Ezra became a student of Hebrew language and literature. A Republican, he bolted the party in the presidential races of 1960 and 1968.

Mrs. Shapiro has served as president of Hadassah Central State Region, as national vice president, and is a life associate of the national board. In 1965 she and Mrs. Martin Luther King Jr. received the Cleveland chapter's first Myrtle Wreath awards.

She was chairman of the women's organization and a trustee of the Jewish Welfare Federation and its representative to the Glenville Project. In 1963 she served on the Greater Cleveland Women's Committee for Civil Rights. She is a member of the Bureau of Jewish Education and on the board of the College of Jewish Studies.

The blond, petite Sylvia, a native of New York, graduated from Hunter College and was with the American Economic Committee for Palestine when she was married. The Shapiros live at 13900 Shaker Blvd., Shaker Heights. They are the parents of Daniel, a New York lawyer, and Mrs. Michael Blumberg, and grandparents of four.

"THE NEED FOR PRIORITIES"—THE CASE FOR A DEPARTMENT OF SCIENCE, RESEARCH, AND TECHNOLOGY

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker it is a pleasure to place in the CONGRESSIONAL RECORD an excellent article by William D. Carey, Assistant Director, Bureau of the Budget, which appears in the January 3 edition of Science magazine. Entitled "The Need for Priorities," the article presents the case for reorganization of science and technology activities within the executive branch.

This article was brought to my attention by Mr. Frank E. Samuel, Jr., an outstanding young attorney in Washington. As sponsor of H.R. 464 to authorize the establishment of a Cabinet-level Department of Science, Research, and Technology and as ranking minority member of the House Committee on Science and Astronautics, I congratulate Mr. Carey on his thinking and welcome his interest in this important policy discussion.

The article follows:

THE NEED FOR PRIORITIES

If public policies are to be durable and survive the rigors of changing times, they must grow out of the deeply-held beliefs and values of the society. So with public policy toward science. If it is to be strong, it must first be relevant and it must be *shown* to have relevance.

If R and D is necessary to acceptable national security, or to better health care, or to control crime and violence, or to enrich education and learning, and if these are the central concerns of our society, then science and its advocates must learn to shape R and D accordingly and give it relevance. I suggest that here we find the source of today's support gap.

The Federal Government is at the point where very tough policy choices must be made about R and D. Our opportunities are sadly out of phase with our pocketbook, and it would be hard to think of another area of public action where the problems of choice confronting the Government are more baffling. Is it right, in the sense of good social policy, to underfund programs in education, environmental health, and Model Cities so that we can seize our opportunities in science and technology? Should we require that public investments in R and D meet some reasonable test of social return commensurate with the cost of investment and equal to or higher than the return on different uses of the same money and creativity? I am one who thinks we should. It is not good enough in a rational but troubled age to run a country on the double standard of prudence in private investment and simple incrementalism in public investment. This is precisely why we have been working at top speed to change and upgrade the Government's decision-making process and to inject better methods into the way Government works out problems of choice and makes up its mind what to do next. And I see no reason why R and D should have immunity from all this.

For the short run, it is going to be very hard to persuade the country and the Congress that R and D is being maintained at a poverty level. The likelihood of a fiscal miracle to extricate R and D from its present plateau is remote.

But if more money is going to be scarce for R and D, there may be some things that we can do to correct some of the deficiencies in the way Government deals with these matters. I think first of the Government's administrative and policy structure for science and technology. If our policies and strategies for R and D are hard to fathom, perhaps it is because we are not well-organized. R and D is decentralized through the Federal Government. It is managed as a network which is held together loosely by the White House science office. It does not have a prime mover. Its decision-making patterns are pluralistic. As an institutional process it is not responsive to standards of balance, purpose, or priorities. Its component elements serve as mission-related conduits for funding research, development, training, and academic science; but it does not function as a system because it wasn't a system to begin with. It seems to me that we need something better, something capable of shaping science goals and strategies with depth and range and visibility. We need answers; we already know the questions.

BOOK ON CONSERVATION CITES RADICAL CHANGES

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. REUSS. Mr. Speaker, Attorney A. D. Sutherland, a distinguished and long-time friend of conservation interests in Wisconsin, has published a book entitled "Sixty Years Afield and Observations on Conservation." I am enclosing a copy of a review of that book which appeared in the Paper, Fond du Lac, Thursday, January 16, 1969:

BOOK ON CONSERVATION CITES RADICAL CHANGES

(By Catherine Lewis)

FOND DU LAC.—"It seemed imperative that something be done to preserve these natural resources," stressed Fond du Lac Attorney A. D. Sutherland as the reason for his writing the book "Sixty Years Afield and Observations on Conservation" published last September.

The book was published by Carlton Press of New York City with a forward by the noted Chicago minister Preston Bradley.

Sutherland, who will mark his 50th year as a Wisconsin attorney in May, indicated how he happened to write the book. "I have a habit of dictating something and filing it away. Last year I took out the file pertaining to conservation.

"It wasn't hard to put it all together in book form. The publisher accepted it without changes.

"The general theme," Sutherland continued, "is that because of outdoor experiences in many parts of the United States and Canada, I had observed radical changes that were affecting our natural resources such as water, soil, air and trees.

"It seemed imperative that something be done to preserve these natural resources, and I joined the efforts of the Izaak Walton League of America in trying to solve some of these problems, because private interests were making a profit by unjustified use of waters, for instance.

"These interests opposed every effort to try to end pollution of our rivers and lakes," he charged.

"By observation, it was apparent that lumber interests had cut every usable tree, covering millions of acres of our northern lands. Branches were left which made fuel for forest fires which destroyed small trees trying to grow," the attorney continued.

"In order to correct these abuses of our resources, it was necessary to have some authority with ample funds to create fire lanes. Equipment to control fires was also necessary and resulted in the establishment of our conservation commission in the 1920 period. This was brought about by the Wisconsin Division of the Isaak Walton League of America," Sutherland pointed out.

He related that in more recent years the conservationists have found that private industries have constructed about 1,200 dams on many of Wisconsin's beautiful streams. The Wisconsin Division of the Izaak Walton League concluded that something must be done to preserve some of the rivers of Wisconsin in their natural state.

"A test case arose when power interests proposed a dam on the Namakagon River," the ardent hunting and fishing enthusiast added: "The Wisconsin Division of the league formally opposed construction of the dam. This led to extended litigation and an opinion of our Wisconsin Supreme Court setting forth public rights to our rivers.

"The case was finally closed when the U.S. Court of Appeals, refused to modify an order of the Federal Power Commission denying a permit to build the dam. This case received national attention as being of utmost importance to the public," he reported.

"Another important phase of conservation is the necessity for the public to have access to forests and lakes. The Wisconsin Division of the League years ago promoted the purchase of lands called the Kettle Moraine area, extending for 50 miles, accessible to people in southeastern Wisconsin. The League has ever since followed the development of this area.

"The League also started the program of purchasing areas for public hunting and fishing," Sutherland reviewed. "It is now recognized as necessary because of the great demand on the part of the public for outdoor sports."

His book deals with these and many other problems affecting natural resources. As a result of his outstanding work in conservation, Sutherland has received both of the highest national conservation awards.

He was one of seven selected by the former Nash Motor Co. to receive its award in 1954 for his outstanding work in conservation. The award was presented in Washington, D.C. In 1956 he was elected honorary president of the Izaak Walton League of America.

"The latter award meant something to me because of some of the other men so honored. They include Herbert Hoover, Laurence Rockefeller, Arthur Godfrey and Preston Bradley. Bradley, a friend of many years, wrote the foreword of my book," he commented.

Sutherland dedicated the book to "My good wife who has packed many a lunch and bid me a cheery 'Good Luck' and has prepared luscious meals of game from jack snipe to bear."

Sutherland, the father of five children, was graduated from Ripon College in 1913 and from Harvard Law School in 1917. He served as a judge advocate with the 10th Army Division in World War I and attended the first officers training school held at Fort Sheridan, Ill.

Sutherland served as a guide on the Yellowstone River in 1912 and frequently would go back into the wooded areas where animals had never before had contact with man.

Listed in both "Who's Who in the Middle West" and "Who's Who in Wisconsin," Sutherland has given talks pertaining to conservation throughout the state and recently spoke to members of the Fond du Lac Writers Workshop and the Fond du Lac Senior Center. His wife, the former Mary Noyes of Maine, studied music and was graduated from Wheaton Seminary and the New England Conservatory of Music, both of Boston.

Sutherland feels the greatest problem facing Wisconsin now is pollution and points out that in his book he shows how it can be ended. The attorney was referring to a federal anti-pollution law enacted in 1899 and which still is in effect.

This law, he cited, makes it unlawful for any industry to throw, discharge or deposit refuse matter of any kind, other than that flowing from streets and sewers, into any navigable water of the United States or into any tributary from which the refuse might wash into navigable waters.

On a national level, Sutherland maintained, there should be no pollution of navigable waters by industry if the public insists on its rights and the Department of Justice enforces the federal law.

Sutherland in his book declares, "Despite all the federal and state laws and the rights of individuals to damages and injunctions, if their rights to public waters have been impaired, the solution to the pollution problem rests with the public."

Treasured along with his plaques honoring his service to conservation and prominently displayed in his law office is a copy of Michelangelo's statue of Moses.

"My father and I saw a sculptor carve this out of a solid block of marble while in St. Peter's Cathedral in Rome," he reminisced. "My father made me very happy when he presented it to me."

One day, Sutherland observed, now that he has his book on conservation and memories of 60 years of hunting and fishing out of the way, he might get down his file on unusual law cases or one of his other files that look back over 50 years of law practice.

"There might be another possible book in those files," Sutherland thought.

WARREN G. HARDING AND HIS NEGRO BLOOD

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. DIGGS. Mr. Speaker, under leave to extend my remarks in the RECORD, I insert the following article by Louis Martin:

WARREN G. HARDING AND HIS NEGRO BLOOD

(By Louis Martin)

The story that President Warren G. Harding had Negro blood is treated extensively in a new book, "The Shadow of Blooming Grove," sub-titled "Warren G. Harding in His Times." by Francis Russell.

The author writes of President Harding as follows: "Always in his growing up he would be haunted by this sense of alienation from the world to which he wanted with all his heart to belong—a quite different feeling from being born a Negro among Negroes and identifying himself with the group as such. Since he never felt secure in his group identification, he would demonstrate his right to belong by the strictness of his conformity. 'The Shadow of Blooming Grove' was something that in later years he could scarcely bring himself to talk about. Once he managed to discuss the matter briefly with his old friend James Miller Faulkner, a political reporter on the Cincinnati Enquirer. 'How do I know, Jim?' he remarked finally 'One of my ancestors may have jumped the fence.' "

Reading this reminded me of some of the talks about race that I have had with Dr. Montague Cobb of the Howard University Medical school. Dr. Cobb insists that the Negro American, black American or Afro-American—take your choice—is a new and unique race of mankind, that there is no one like the American brother on the face of the earth.

Dr. Cobb takes the position that the brother has met the test of Darwin's concept of the survival of the fittest with flying colors. The brother met the test during the Middle Passage when the slavers brought him in chains from Africa. He met it during the long night of slavery. According to Dr. Cobb survival in the U.S. required not only physical prowess and animal cunning, but also great intellectual perception and sensitivity.

During this long night of servitude, Dr. Cobb argues that those lusty white boys who robbed the black girls of virtue in the haystacks of Virginia and other colonies were scions of the first families. In short, flowing through the veins of Rap Brown, Adam Powell, LeRoi Jones and most brothers are the genes of the so-called Anglo-Saxon aristocracy.

Most anthropologists seem to agree that every Afro-American, no matter his color or what he looks like, possesses now some admixture of blood and genes that his ancestors did not have when they left Africa. It is the view of Dr. Cobb that the American brother, genetically speaking, represents the best of both worlds, black and white. He comes close to making the brother a superman.

Dr. Cobb's genetic theory may not strike a happy note today when racial hatred seems to be more popular on both sides of the color line than ever before. This theory probably rubs the white extremists and the black extremists the wrong way. It might be disconcerting to dwell on the kinship between the races. The notion might develop that the current widespread violence is, after all, just a family fight.

Dr. Cobb's view that all this genetic mixing has somehow produced a superior race of blacks or Afro-Americans obviously does not apply to some well known brothers. If President Harding had a few drops of African blood in him, the mixture must have misfired. Practically all of the historians seem to agree that Harding was just about the worst President we have had.

Of course, if the literary boys and researchers prove that President Harding was really a brother, Harding's failures and shortcomings will finally be attributed to his ancestry. The popular image of President Harding depicts him as just a good-time Charlie who was lucky enough to win the favors of the famous group of politicians known as the Ohio gang. Perhaps the greatest sin Harding can be blamed for was not his ancestry but his politics. After all, he was a Republican.

THE UNTOUCHABLES PARADE: HENRY A. KISSINGER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. RARICK. Mr. Speaker, it becomes more and more apparent that regardless of which political party is in leadership the unelected "untouchables" remain in power.

Just new faces, new names, espousing the same old wornout, defunct, anti-American goals.

I include Mr. Capell's January 24 edition of the Herald of Freedom, devoted to Mr. Kissinger, and a column from the January 24, 1969, Wall Street Journal in the RECORD.

[From the Herald of Freedom, Jan. 24, 1969]

HENRY A. KISSINGER

It is becoming distressingly apparent to even his staunch supporters that President Richard Nixon has made some strange appointments to key positions. Even before he officially took office, Henry Kissinger, who will be Mr. Nixon's most important adviser on foreign policy, caused the pro-Nixon Manchester Union Leader to editorially demand that Mr. Nixon "Fire Kissinger!" Kissinger is the personification of all that American conservatives distrust and fear in a political leader. He has been associated with the Council on Foreign Relations, the Bilderbergers and the Pugwash Conferences. All three are highly suspect organizations whose activities are carried on in varying degrees of secrecy. Dr. Kissinger continues the McGeorge Bundy, Walt W. Rostow pattern of individuals with CIA connections occupying the top National Security spot. There is no reason to believe the United States will be any better off with Kissinger doing the planning than it was with Rostow with whom most knowledgeable Americans were most unhappy.

McGeorge Bundy, Kennedy's Special Assistant for National Security Affairs, was a former CIA man and an associate of Kissinger at Harvard. Walt W. Rostow, who took Bundy's place under Johnson, came from the CIA-financed M.I.T. Center for International Studies. Henry Kissinger has been associated with the International Seminar and the Center for International Affairs at Harvard, also CIA-financed.

Henry Alfred Kissinger was born in Fuerth, Germany, May 27, 1923, the son of Louis Kissinger and the former Paula Stern. He and his brother, Walter Bernhardt Kissinger, were brought to the United States in 1938 by their parents who were refugees from the Hitler regime. Louis Kissinger, Henry's father, was reportedly a prominent rabbi and Zionist in Berlin.

Henry Kissinger graduated from George Washington High School (N.Y.C.) in 1941 and served in the U.S. Armed Forces from 1943 to 1946, being discharged with the rank of staff sergeant. He served with the 970th Counter-Intelligence Corps and remained in the Military Intelligence Reserve. While in service, he was reportedly investigated by G–2 which opened a case because of Kissinger's reported attempts to reach Germany and contact important personages there. Upon leaving military service, he entered Harvard where he majored in government and received four scholarships, among them the Rockefeller Foundation Fellowship for Political Theory. Kissinger graduated from Harvard in 1950 and received his M.A. degree in 1952 and Ph.D. in 1954 in the Harvard Graduate School of Arts and Sciences. Kissinger was married on Feb. 6, 1949 to Miss Ann Fleischer and they were divorced in 1964. The couple has two children.

In 1951 Kissinger had become executive director of the Foreign Student Project which had been started that year by Harvard Summer School. In 1952 its title was changed to International Seminar and it began publishing a quarterly journal entitled, "Confluence, An International Forum," of which Kissinger was the editor from its inception. In 1953, when the Council on Foreign Relations launched a project allegedly to "seek the answer to the question of the threat of Soviet action against insufficient American initiatives," three subcommittees were appointed and Kissinger was named study director. Out of this emerged Kissinger's book, "Nuclear Weapons and Foreign Policy," published in 1957 by Harper and Brothers. The book created quite a furore and impressed the then Vice President Nixon. According to the N.Y. Times, the book "brought Mr. Kissinger to the attention of scores of politicians, diplomats and military men and became a source book for American policymakers."

Kissinger began his association with the Rockefellers in 1956 when he worked for the Rockefeller Brothers Fund, Inc. as director of the over-all Special Studies Project (1956–7) "to develop concepts that might be helpful in meeting the challenges America faces today." From 1958 to 1959 he was Research Secretary of a Council on Foreign Relations discussion group.

Under the Kennedy Administration Kissinger was special consultant to President Kennedy on the Berlin Crisis. He has also been consultant to the Operations Research Office; Operations Coordinating Board, Weapons Systems Evaluation Group, Psychological Strategy Board, National Security Council; and Arms Control and Disarmament Agency. In 1962 he became a full Professor at Harvard, on the faculty of the Center for International Affairs which is CIA-financed. For ten years Kissinger has been chief foreign policy adviser to Gov. Nelson A. Rockefeller, who reportedly "recommended him enthusiastically" to Mr. Nixon. Kissinger was definitely a Rockefeller man, having attended both the 1964 and the 1968 Republican conventions as a Rockefeller aide, hoping his man would get the presidential nomination. He is credited with having pushed the Republican platform toward a more "dovish" position on Vietnam.

The importance of the position now held by Dr. Kissinger was described in an article in the N.Y. Times of December 8, 1968:

"For reasons that are as good and logical as they are unsettling, the power of war and peace in the United States resides in the person of one man. Last month, the country elected Richard M. Nixon for the job. Last week, the President-elect chose the one man who day in and day out will guide and guard him in that task: Henry Alfred Kissinger.

"Dr. Kissinger is to be that someone, as McGeorge Bundy was for President Kennedy and Walt W. Rostow has been for President Johnson.

"That all these men should have come from Cambridge is not entirely coincidental. Harvard and the Massachusetts Institute of Technology there helped to propel such policy-oriented academicians onto the national scene where the politicians came to know and need them . . .

"Dr. Kissinger's access and accessibility to the academic community must have been an important consideration in his selection, as also was his ten-year advisory relationship with Mr. Nixon's principal rival, Governor Rockefeller of New York . . . He helped to lead scholars and thus government toward an understanding of the political and psychological problems posed by nuclear technology and toward a re-examination of both diplomatic and military assumption carried forward from the age of American invulnerability."

Kissinger was a member of a group at Harvard which began working fifteen months before the presidential elections on a study for the benefit of the new president, whoever he might be. Kissinger wrote the foreign policy section of the resulting recommendations and Mr. Nixon was reportedly so impressed with it that he immediately asked Kissinger to see him. (The report will not be made public.) Kissinger wrote the concluding essay in the massive Brookings Institution study, "Agenda for the Nation." The central theme of the essay was that the incoming administration of the United States must deal with a a world which is militarily "bi-polarized" but politically "multi-polarized."

Kissinger has written many books and articles and it should be easy to find out where he stands from them, but his writings are difficult to understand, often contradictory. A remark attributed to him recently might explain his attitude. A story in Newsweek of December 30, 1968 concerning an article on Vietnam, written by Kissinger before he was named to be Assistant for National Security Affairs by Mr. Nixon, stated: "It was perhaps significant . . . that after his appointment as a Nixon adviser, Kissinger tried first to persuade the editorial board of Foreign Affairs to drop the article and then, no more successfully, to make some changes in the manuscript." The article stated that when a reporter congratulated him on the "brilliance" of the article, Kissinger replied: "The last thing in the world I want to be at this point is publicly brilliant."

Kissinger's views on ending the war in Vietnam appeared in the January 1969 issue of Foreign Affairs, the quarterly publication of the Council on Foreign Relations. U.S. News and World Report commented on his "formula":

"The Kissinger formula calls for a series of steps to bring about a phased withdrawal of U.S. and North Vietnamese troops from South Vietnam and lay the groundwork for a political settlement between the Saigon Government and the Communist-controlled National Liberation Front . . . Dr. Kissinger did not rule out but called undesirable suggestions that a coalition government with Communist participation be set up to govern South Vietnam."

Newsweek in its article on the Kissinger "formula" commented:

"Like most scenarios for a negotiated settlement, Kissinger's article contained some apparent inconsistencies. Although he stressed that Saigon cannot afford to give even implied recognition to the NLF, his proposal for direct talks between the two adversaries could only—despite his disclaimers—give the Viet Cong added stature . . . And in view of his suggestion that Washington and Saigon maintain the closest possible cooperation, it seemed unrealistic to urge the exclusion of the South Vietnamese from U.S. talks with Hanoi . . . Nixon himself declared through a spokesman . . . that he would neither endorse nor condemn Kissinger's article."

Human events gave the South Vietnamese reaction to the article:

"The South Vietnamese were also known to be perturbed by an article in Foreign Affairs this month by Henry Kissinger, the man who will be Nixon's chief White House adviser on foreign policy.

"While the Kissinger article is complex and warns against imposing any coalition government on Saigon, many diplomatic observers believe his recommendations for ending the war are extremely fuzzy and could be easily manipulated by Hanoi.

"Particularly irksome to some were his proposals for South Viet Nam to deal directly with the National Liberation Front—thus giving the NLF recognition—and to have a coalition commission supervise the political process in the south, including new elections."

It was because of his recommendations on Vietnam that William Loeb, Publisher of the Manchester Union Leader, stated in an editorial: "This first miserable decision by Professor Kissinger should bring about his dismissal from a post to which he should never have been appointed." Mr. Loeb stated:

"There is one man in the Nixon administration who is acting just as this newspaper predicted. Harvard Professor Henry A. Kissinger, Nixon's ill-chosen White House foreign policy adviser, wants to withdraw the troops. He says it will be a signal to Hanoi that the U.S. is ready to begin general withdrawal of U.S. forces if there is reduced fighting.

"This is typical of the Harvard professor type of unrealistic approach that has done so much harm to this nation in the last 30 years. Kissinger doesn't understand that Hanoi, like its Soviet masters, respects only one thing and that is superior force."

Dr. Kissinger's previous posture on Vietnam was described in the N.Y. Times:

"During the Vietnam war he began, at least publicly, as a defender of the American objectives and tactics. But on a series of quiet but energetic government missions, he reached the conclusion much sooner than either Governor Rockefeller or Mr. Nixon that American military prospects were dim, and that Washington's political prescriptions were not working as advertised—he found much fault also with Kennedy and Johnson positions, and especially the running hot-and-cold reactions to Moscow without the planning and strategic purpose that Dr. Kissinger has consistently demanded."

U.S. News and World Report quoted Kissinger as stating: "Ending the war (in Vietnam) honorably is essential for the peace of the world. Any other solution may unloose forces that would complicate prospects of international order." And this is what Kissinger and his intellectual colleagues definitely want: international order, which would consist of world government in a "World of Disarmament." Kissinger recommended a start toward this in "The Troubled Partnership" in 1965 in which he found a need for improved consultation among the allies. He advocated a "united Europe with federal, supernational institutions as the precondition for an Atlantic partnership," or regional world government.

As the N.Y. Times stated, Dr. Kissinger has access to the academic community, both at home and abroad. He participated in at least one Pugwash Conference, being listed as a participant in Part Two of the two part conference held at Smugglers Notch, Stowe, Vt., Sept. 5 to 8, and Sept. 10 to 17, 1961. This was one of a series of meetings which began in 1957 under the auspices of the very pro-Soviet millionaire Cyrus Eaton and which derived their name from his home in Nova Scotia at which the first meeting was held. The name was changed from "Pugwash," however to improve the image of the conferences and an attempt made to disassociate the conferences from Eaton, at least in the eyes of the public.

The Conference attended by Kissinger was the Seventh Conference on Science and World Affairs, part two being on "Disarmament and Arms Control." Among those participating in the conference were Linus Pauling, Paul Doty, Gerard Piel, I. I. Rabi, Louis Sohn, Henry Kissinger and Leo Szilard. At the Sixth Conference, entitled the Conference of International Scientists on World Security and Disarmament, held in Moscow, Nov. 27 to Dec. 5, 1960, Kissinger's predecessor in his present job was present. Walt W. Rostow gave the closing address. Also in attendance at the Moscow conference was Dr. Jerome Wiesner, an important adviser to President Kennedy as was Rostow. The thinking of Rostow, Wiesner and Kissinger seems to be that we must trust the Soviets in order to avoid annihilation in this thermonuclear age.

The general plan is for the U.S. and the U.S.S.R. to join forces to police the world under a supranational authority such as an enlarged and greatly strengthened U.N., armed with a nuclear police force. Some of the papers presented at the Moscow Pugwash Conference in 1960 were most frightening in their content but they were not meant for the eyes and ears of the masses, just for those who are planning our future.

It is interesting to note that in January 1967, Nelson Rockefeller (to whom Kissinger was foreign policy adviser for ten years) and Cyrus Eaton, Jr., son of the sponsor of the Pugwash conferences, joined forces to profit by trading with the Communists. International Basic Economy Corp., controlled by the Rockefeller brothers and organized in 1947 under the principal direction of Nelson Rockefeller, and Tower International, Inc., headed by Cyrus Eaton, Jr., announced plans, as revealed in the N.Y. Times of January 16, 1967, to "spur trade with Reds." The article stated: "An alliance of family banking fortunes linking Wall Street and the Midwest is going to try to build economic bridges between the Free World and Communist Europe. . . . The joint effort contemplated by I.B.E. and Tower is seen as combining the investment skills and resources of the Rockefellers and the special entre to Soviet bloc officialdom that Tower enjoys largely as a result of contacts cultivated over the last 15 years by Cyrus S. Eaton, Sr. The elder Eaton has been an outspoken advocate of closer ties between the U.S. and the Soviet Union. He has backed his convictions by visiting Russia and entertaining high Soviet leaders including former Premier Khrushchev." Kissinger's "foreign policy" advice must have made Rockefeller feel that investments in Communist countries would not be too risky. (Eaton, Sr. observed his 85th birthday in December at Cuba as a guest of Fidel Castro.)

Men of science are not going to have complete control of the new "World of Disarmament," as there are other important people in the world . . . bankers, industrialists, diplomats. These people meet and plan in secret and are called the Bilderbergers. Henry Kissinger has attended at least one of their meetings. His name was on the list of participants at the Williamsburg, Va. Conference, which took place March 20, 21 and 22, 1964. The idea of the Bilderberg meetings originated in the early fifties. The first meeting that brought American and European "leading citizens" together took place under the chairmanship of Prince Bernhard at the Bilderberg Hotel in Oosterbeek, Holland, from May 29 to May 31, 1954. Although the Bilderbergers claim that they are not a "policy-making body" and that "no conclusions are reached," they surely do not bring important people from practically the four corners of the earth for nothing.

Another group of "unofficial" policymakers is the Council on Foreign Relations, with which Kissinger has long been affiliated. The CFR is believed by many to be the secret government of the United States. After a thorough investigation this organization was declared subversive by the American Legion of California in 1962.

Among the present or past members of the Council on Foreign Relations we find the following: Alger Hiss, Ralph Bunche, Lauchlin Currie, Harry Dexter White, Herbert Mathews, Joseph Barnes, Cyrus Eaton, J. Robert Oppenheimer, John K. Fairbank and Arthur Goldberg, all of whom have had a record of close affiliation with Communists and some of whom were actually identified as Communists.

During the first week of December 1968 the International Association for Cultural Freedom conducted a five-day closed seminar at Princeton, N.J. Ninety individuals attended, among them Henry Kissinger who told those assembled "The doors to the White House will always be open to your ideas." Present to hear this kind invitation were Charles Hamilton, co-author with Stokely Carmichael of the book, "Black Power;" Andreas Papandreu, left-wing leader of the Panhellenic Liberation Movement, exiled from Greece due to his pro-Communist activities; Arthur Schlesinger, Jr., McGeorge Bundy and George Ball, among others. Some of the participants were from Communist countries at this seminar financed by the Ford Foundation.

Henry Kissinger has been a friend and associate of John Kenneth Galbraith (who called the appointment of his friend "a good one"), Adam Yarmolinsky (expected to step into Kissinger's job at Harvard, who said "I will sleep better with Henry Kissinger in Washington."), Arthur Schlesinger, Jr. ("I think it is an excellent appointment.") and Robert R. Bowie with whom he worked at the Harvard Center for International Affairs.

Kissinger has been described by a colleague as "impatiently arrogant" and his confidence in his own ability is evident from a comment reportedly made when Rockefeller sent one of his "position papers" to other advisers for comment: "Do you ask a housepainter to touch up a Picasso?" In his new position Dr. Kissinger intends to make some long-range plans for the United States as well as to completely reorganize and restructure the entire White House security planning machinery. This is a very important job to entrust to a man as acceptable to the Democratic left-wing Kennedy Administration as he seemingly is to the Republican moderate Nixon Administration. To what ends will he use the "brilliance" he wishes to conceal from the American people?

[From the Wall Street Journal, Jan. 24, 1969]

Charting the Course: Kissinger Bulks Large in Shaping U.S. Foreign Policy

Washington.—Henry Kissinger is off and running. He's pulling well out in front of Bill Rogers, Mel Laird and the rest of the pack—in this first lap of the great race to shape foreign policy for the Nixon Administration.

So it looks, anyhow, to the sporting pros in this town whose game is global affairs. Those selected to work for Mr. Kissinger, next door to the White House, seem already too frantically busy to boast. A good many of the others, in such rival power centers as the State and Defense Departments, frankly admit to nervousness—even "shock"—as they wait and watch.

Consider just one facet of this situation:

On Monday, even before Richard Nixon could take his oath of office, the men in Moscow's Kremlin urged that he hurry into negotiations to limit the two superpowers' arsenals of atomic missiles and antimissiles. So the President immediately faces an intricate problem. How fast should he get the U.S. into such dickering? What kind of deal should he seek? How can this jibe with high-priority aims to toughen Western Europe's defenses against the Soviets? How does it tie in with the urgent hope the Russians will cooperate to cool Arab-Israeli hostilities—and with the idea of shoving the Soviets into twisting Hanoi's arm so the Vietnam-war might come to a quick and acceptable end?

SHORT-HANDED DEPARTMENT

Not much weighty advice on either missiles or Moscow can come from Foggy Bottom, where Secretary of State Rogers is still preoccupied with trying to hire good top officials. He and his No. 2 man, Elliot Richardson, though seasoned lawyers, are as yet raw rookies as diplomats. The department's disarmament director, William Foster, has left, so that office is being run on a standby basis by a Hubert Humphrey supporter, Adrian Fisher.

The department's supply of senior Soviet experts is totally depleted, with the retirement of Deputy Under Secretary Charles Bohlen and Moscow Ambassador Llewellyn Thompson. As for the side issues involved in talks with the Soviet, the three Assistant Secretaries who can advise about West Europe, the Mideast and Vietnam are all LBJ appointees merely sticking around a few weeks while the search goes on for replacements.

Across the Potomac River, ex-Congressman Laird is still struggling to fill top civilian slots in the Pentagon roster; the newly named Deputy Secretary of Defense, businessman David Packard, has been concentrating on convincing Senators he has resolved his conflict-of-interest problems. Perhaps worst of all, a new Assistant Secretary for International Affairs is lacking, reportedly because of a raging dispute over whether to fill that crucial post with a "militant" or a "moderate." The military men on the Joint Chiefs of Staff, having done their homework, favor early negotiations. But, not surprisingly, Secretary Laird is asking for time to study up on weaponry and to ponder, before even considering getting into any missile talks.

RECRUITER KISSINGER

But how different it is with Henry from Harvard! As President Nixon's personal adviser on the wide world, and as new executive manager of a revitalized National Security Council, he has enlarged his sector of the White House staff to include over a score of the sharpest intellects in this city. His rush of recruiting has been accomplished, though not all the names have been publicized.

One Kissinger-captured brain that can be focused on the missile-task problem is that of Robert Osgood, who has spent years probing the interaction between armaments and international politics, most recently as head of the Washington Center of Foreign Policy Research, an affiliate of Johns Hopkins University. Another is Richard Moos, from the Institute for Defense Analyses.

Not only has Mr. Kissinger outdistanced his competitors in recruting, he has actually lifted top talent from the rival power centers. Out of Mr. Laird's department, for instance, he has taken Morton Halperin, who was in charge of the Pentagon's arms control policy planning. Out of Mr. Rogers' department has been lured the soft-voiced Helmut Sonnenfeldt, who would otherwise have become its ranking Soviet authority; this youthful yet veteran Kremlinologist was the department's chief intelligence analyst for all Eastern Europe. To concentrate on the crucial converging issue of Vietnam, he has plucked a brilliant young lawyer, Daniel Davidson, out of a key position on the State Department's peace negotiating team in Paris.

IMPRESSIVE CREDENTIALS

Such talent hunting impresses Washington's diplomatic professionals all the more because Mr. Kissinger and his chief lieutenant, Richard Allen, might easily have decided they needed little help in grappling with such problems as Red missile talks. Mr. Allen was a young professor specializing in Eastern Europe studies at Stanford University's Hoover Institution on Wars, Revolution and Peace; as foreign affairs research director for the Nixon campaign, he probed deeply into the arms race and developed strong opinions.

As for Mr. Kissinger, his 1957 book, Nuclear Weapons and Foreign Policy, written at the age of 34, was the pioneering scholarly work in this field. It influenced many a statesman, including Richard Nixon. During his years at Harvard, he moonlighted as a consultant to the State Department's Disarmament Agency and to the Pentagon's Weapons Systems Evaluation Group. And he has kept on writing, over a widening range—most recently on how to unwind the Vietnam war.

So it is not altogether astounding that Kissinger & Co. have already deposited on the President's desk three major studies, all of which are directly or indirectly relevant to Moscow's missile talk proposal. One is an assessment of the U.S. strategic posture. Another looks at the potential consequences of a future U.S. ratification of the treaty to prevent more countries from acquiring nuclear weapons. And the third canvasses Vietnam "options" open to Mr. Nixon.

On some issues Messrs. Kissinger and Allen profess less personal expertise and are moving more slowly—but arousing nervousness elsewhere in town nonetheless.

A notable example is the field of international finance, where they are suspected of staking out a claim by getting a head start on Treasury Secretary David Kennedy. They've recruited Yale's Prof. Richard Cooper, a former Deputy Assistant Secretary of State for International Monetary Affairs, and Fred Bergsten, another expert lately a visiting fellow at the Council of Foreign Relations in New York. Treasury men say either would have been eminently qualified to become Assistant Secretary for International Affairs in their own department, but in fact that post remains filled by an LBJ holdover, John Petty, and the choice of a replacement is still dangling.

The U.S. still faces balance-of-payments problems despite the 1968 surplus; some fresh currency crisis could pop at any time; long-range monetary reform is a hot issue. And the men Mr. Kissinger has signed up are not just technicians; they have their own ideas. Mr. Cooper thinks the new Administration should quickly consider abandoning tightly pegged relationships between national currencies, arguing these dam up distortions until they produce big—and disruptive—devaluations. He suggests sliding parities"—a kind of crawling changes in values over the years. A Bergsten proposal is that Americans try creating a dollar bloc," persuading as many lands as possible to promise they wouldn't demand gold for their dollars.

Needless to say, just hiring people and writing up reports does not in itself create any new foreign policy. President Nixon has made it clear he'll make all the big decisions himself, as did Presidents Johnson and Kennedy before him. But Washington old-timers insist this practice can not eliminate contests between rival power centers; it only defines the prize: Influence upon the President's mind.

It is far too early to predict who will eventually win the current race, or to what policy end; previous contests have shown surprising results. When Clark Clifford became Lyndon Johnson's Secretary of Defense, he was clearly identified as a powerful Presidential crony and a mighty Vietnam hawk. Then, as he grappled with facts of the war, he found his own mind changing: he became the ardent peace-seeker who swayed the President slowly and partially, while suffering erosion of his intimacy with the President.

A DISTANCE MAN?

The professionals say that Secretary of State Rogers now has that enormous initial advantage of Presidential trust, respect and friendship—and think that as he completes his staff and gains diplomatic experience he may well prove a great long-distance runner. Secretary of Defense Laird, once he's squared away, may well capitalize on his mastery of domestic politics, which often determines the fate of foreign policy.

Yet in the jungles of Washington, considerable value is attached to making the splashy start. The diplomatic set recalls that when President Johnson switched Attorney General Nicholas Katzenbach over to Under Secretary of State he was expected to shake the place up but never really did achieve great impact. One explanation is that he rather sensibly decided to study up and think a bit before acting, and when he was ready to act discovered he had lost most everyone's attention.

Despite their nervousness, it is remarkable how few functionaries in the State and Defense Departments suggest that Henry Kissinger is deliberately driving for foreign-policy control. They remark that he has avoided the limelight and that he has promised to "stay out of the cable room" and avoid daily interference in operational details (a vow likewise taken by his predecessor, Walt Rostow, but rapidly breached under LBJ's prodding).

Above all, Mr. Kissinger has emphasized that he seeks no monopoly on feeding ideas to Mr. Nixon. On the contrary, he considers it his function to assure that the President has easy access to all significant proposals developed within Government and outside—making sure that all the controversial pros and cons are spotlighted, not blurred in a consensus.

DEVASTATING CRITIQUES

Men who have known Mr. Kissinger for years don't doubt his sincerity or his skill at posing the issues sharply. But they cannot conceive that he will suspend his faculty for sharp and even devastating critiques of offered alternatives or that he will forbid his own fertile imagination from conceiving fresh additional options. Granting his good will does not measurably diminish their concern.

Henry Kissinger inevitably enjoys one obvious advantage that was exploited by predecessor Rostow and before that by McGeorge Bundy: Proximity to the President and daily contact.

Still, the sentiment in rival power centers is not so much that Mr. Kissinger should slow his pace as that the Cabinet officers had better hasten theirs. Some of the irritation and impatience expressed in departmental corridors reflects individual ambitions, of course; even career civil servants hate to feel policy power slipping from their fingers. So strong are institutional loyalties, though, that one finds even Democrats who have been held on in the sub-Cabinet fuming because no prestigious Nixonites have been recruited to take their places. Says one of these holdovers: "My office can't get back into the action until it's headed by the new President's own man."

Yet they're not quite sure whom to blame. Some suggest that the current concentration of influence in the White House foreign affairs staff is in part the ironic result of Richard Nixon's desire to shift responsibilities back to the departmental secretaries. For this purpose he chose for most Cabinet posts not specialists but broad-gauge "generalists." Then he granted each the right to pick most of his own subordinates. As non-specialists, some Cabinet members have had to go slow in evaluating which specialists they want to enlist, and then they may have had some difficulties selling the jobs to their candidates.

"Maybe all these posts would be filled by now if Nixon had just told Henry Kissinger to give him a list, and the President himself had got on the phone," muses a Republican global-thinker. "When the President tells you personally it's your duty to come to Washington, it's almost impossible to say no."

SENATE—*Tuesday, January 28, 1969*

(Legislative day of Friday, January 10, 1969)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, whose love never fails and whose strength is sufficient for all our needs, wilt Thou subdue all other promptings that in this reverent moment we may know only the prompting of Thy spirit. Speak to each of us that we may know Thee and gain strength to walk and work with Thee this day. Equip our hearts and minds and hands that we may strive to heal the wounded in spirit; to bind up the broken brotherhood; to close the chasm which separates man from man, party from party, race from race. May we be forged into one mighty people "strong in the Lord and in the power of His might," for it is in His name that we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, January 27, 1969, be approved.

The VICE PRESIDENT. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that shortly after the conclusion of the vote on the pending motion there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 o'clock noon tomorrow.

The VICE PRESIDENT. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a full hour be allocated to the pending motion; that the time for the quorum call, which the distinguished minority leader and I shall suggest, will not be taken out of that time; and that the time under the hour limitation be equally divided between the distinguished minority leader and the Senator from Montana, or whomever they may designate.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

AMENDMENT OF RULE XXII

The VICE PRESIDENT. The Chair lays before the Senate the motion to proceed to the consideration of Senate Resolution 11, which the clerk will state.

The BILL CLERK. A motion by the Senator from Michigan (Mr. HART) to proceed to consider Senate Resolution 11, to amend rule XXII of the Standing Rules of the Senate.

The VICE PRESIDENT. Without objection, the Senate will resume the consideration of the motion to proceed to the consideration of the resolution.

Mr. MANSFIELD. Mr. President, pending the arrival of the distinguished Senator from Idaho (Mr. CHURCH), I yield control of my time to the distinguished Senator from Kansas (Mr. PEARSON).

Mr. PEARSON. Mr. President, I yield 5 minutes to the distinguished Senator from Arizona.

Mr. GOLDWATER. Mr. President, I should like to say a few words about the present attempt to change rule XXII. I consider rule XXII to be one of the essential underpinnings of the Republic, as well as a necessary instrument for the defense of minority rights and a vital safeguard against the tyranny of an arrogant majority. At the outset, let me say that I am unalterably opposed to the current efforts to change this rule. I do not believe any change is either desirable or necessary. I do not believe this is any time to tamper with the fundamental concepts upon which our legislative process was based by the Founding Fathers. And I certainly do not believe the proponents of the movement for change have made a case worthy of consideration.

Mr. President, we are talking here about a rule deeply embedded in the process which has brought representative government in this world to its fullest flower of effectiveness and performance. We are talking here about a rule which enables the Congress to be representative of all the people—not just of simple majorities. We are talking about something fundamental to our way of life and to the assurance that our way will not be changed by a simple majority of legislators bowing to the wishes of a willful Executive. This is not something that wears out with the passage of time, like an old car or an outmoded coat. This is a rule governing the actions of men; and it is as applicable now as it was in the very beginning. Indeed, its application in a republic is as durable as the unchanging nature of man itself.

Mr. President, basic in the equation of representative government is the balance of power between the three major branches of the Federal Government: the legislative, to make laws; the executive, to administer them; and the judiciary, to test them against the great framework of the Nation.

Now patience and principle are being tested by new demands on this balance. Congresses are criticized when they resist Executive programs, not so much on the basis of why they resist but simply because they resist. The judiciary is caught in a boiling debate about whether it should judge the constitutionality of laws or whether it should also interpret them for maximum social benefit. States are criticized for their differences in approach or standards or wealth whereas they once were felt to be inviolate basically to preserve the opportunity for regional and cultural differences. Big cities, emerging as city states rather than as State units, look past the State capitol to the National Capitol for the solution of their problems. Federal regulations of trade practices has moved from the protective—which prohibits malpractices—toward the coercive—which demands conformance with practices decided administratively.

Mr. President, we are told that the United States is larger and more populous than when the federal system of representative government was developed. We are told that old ways are not adequate and that old balances are not meaningful. Now does this mean that there is a population limit on liberty? Does it mean that when 100 million people live together they can maintain free markets and free and balanced institutions but that when 200 million people live together they must delegate their local institutions to central authority? At the root of it, there is no other explanation advanced for the movement today away from the federal system of balanced powers toward an executive system of concentrated powers.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. GOLDWATER. Mr. President, will the distinguished Senator from Kansas yield to me for 3 additional minutes?

Mr. PEARSON. I yield 3 minutes to the Senator from Arizona.

The VICE PRESIDENT. The Senator from Arizona is recognized for 3 additional minutes.

Mr. GOLDWATER. Mr. President, when we hear loud demands today for streamlining the procedures of Congress, for the elimination of traditional safeguards, for doing away with checks and balances which were devised some years ago—when we hear these arguments, we are hearing arguments for further enhancement of Executive power. We are hearing the voices of those who believe an all-powerful central government is the beginning and end of an all-efficient government in, as the saying goes, "these changing times." Mr. President, these are changing times. We have been living in changing times ever since the Republic was founded. We are always living in changing times. And I am not against change. I believe there is always a need to search out better methods and new devices—in government as well as in our private lives and our private economy. But I am against changing the tried and proven process of representative government merely to gratify somebody's desire to change for the mere sake of change. And I am against throwing away a safeguard against the power of a simple majority merely to make it easier for a particular administration to jam through the Congress programs that are not in the best interest of the American people.

Mr. President, I recall 16 years ago, when I first came to this body, that I did so with a feeling of revolt against extended debate, against the filibuster. I had promised my people that I would vote to change it. However, I was fortunate to serve through a complete Congress, during the course of which a filibuster occurred regarding the tidelands oil bill, and I realized that the only protection this body provided for the minority was rule XXII. I changed my mind.

I changed it further when I realized that my own great State of Arizona would today be a part of New Mexico had it not been for a filibuster engaged in, back in 1862, which prevented that, and allowed the western part of that territory, rightfully, to become a State of its own.

I recall, in 1927, when the Boulder Canyon Act was being discussed in the Senate, that my State of Arizona was excluded from any monetary, power, or water benefits. Thanks to my predecessor, Carl Hayden, and to Senator Henry Fountain Ashurst, now long gone, a filibuster was engaged in and Arizona received its proper due from Hoover Dam.

Mr. President, as I say, I am not opposed to change, but I see no reason to change the fundamental concepts upon which our freedoms are based.

I repeat what I said earlier, that the mere fact we are technologically ahead of where we were 25, 50, or even 100 years ago, and we now have a population in excess of 200 million, does not alter the fact that this Government was based upon the idea that every man has dignity and that this dignity has been bestowed upon him by God. I believe that if we begin to tamper with that idea, we are headed for trouble.

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the distinguished Senator from Nebraska.

The VICE PRESIDENT. The Senator from Nebraska is recognized for 5 minutes.

Mr. HRUSKA. Mr. President, at this point in the debate, undoubtedly, no new arguments will be advanced. They have been thoroughly thrashed out previously.

By way of refreshing recollection, however, let me bring up two or three major principles which I believe should be borne in mind.

First, the change desired in rule XXII does bear upon the federal system of compromise which made this great Republic possible and which is reflected in equal representation of each State in this Chamber. The necessity still exists for continued existence of that compromise. The day is not over when the battle between large and small States will make its appearance. Of course, the amendment to rule XXII would result in an erosion of that compromise and erosion of the federal system. It involves checks and balances. It involves the protection of minority rights.

I wonder whether we bear in mind sufficiently, when we say "protection of minority rights," what we are talking about. Is it for the protection of minority rights of the people, of the Members of this body, or of the population of this country?

After all, the largest nine States in this country contain over 50 percent of the population; yet they are represented by only 18 percent of a minority of this body. Conversely, 26 of the less populated States have 52 percent of the votes in the Senate. So, when we talk about the protection of the rights of the minority and the rights of the majority, let us think about it in terms of population as well as in terms of membership in this body.

Rule XXII and cloture no longer represent or are limited to the sectional interest of this country, which we witnessed again and again in Congress after Congress, when civil rights laws, proposals, and bills were presented. After all, the thrust of civil rights legislation is pretty well spent. There will be refinements from time to time, but nothing that is apt to be added substantially. However, in the future, increasingly there will be ventures into the economic, the social, and the tax fields which will bear upon discrimination either for or against large States, or for or against small States. Situations will arise where conflicts will come about.

Let us take the situation in Alaska which depends so heavily upon revenues from oil production. Probably 30 percent of the revenues of that State must be derived from that source. What if there would be considered, legislation on the part of a small group of States, let us say nine, from the Northeastern part of the country, to establishing a trade zone, for the purpose of importing foreign oil. What if the production of oil within the 50 States of the Union will be greatly hampered or impaired by those imports? Suppose further that the State of Alaska may in the future require 50 or 60 percent of its State revenues from this source but will not be able to get it on account of such legislation.

Such a situation would be definitely a contest between the heavily populated areas of this country and one which is sparsely settled. The only recourse for the smaller State and others similarly situated, would be to debate upon this floor until the time comes that the Nation would be thoroughly and widely aware of the disaster to that State that would result because of such a proposed legislation. They can do so effectively under rule XXII as it exists, but would be adversely affected if it is amended. I urge that the amendment be defeated.

The VICE PRESIDENT. The time of the Senator from Nebraska has expired.

Mr. CHURCH. Mr. President, I am happy to yield whatever time the Senator from Pennsylvania may desire.

Mr. SCOTT. Four minutes.

The VICE PRESIDENT. The Senator from Pennsylvania is recognized for 4 minutes.

Mr. SCOTT. Mr. President, I think it was our first President, George Washington, who, being asked by one of his friends to explain the function of the Senate, picked up his coffee cup in the fashion of colonial times and poured some of the coffee into the saucer.

His friend said to him, "Why do you do that?"

George Washington replied, "To cool the coffee. That is like the function of the Senate. The House is the hot cup of coffee, and the Senate is the saucer by which the coffee is cooled and made suitable for digestion."

I am paraphrasing Mr. Washington, but I am rather certain he will not mind. I expect no complaints from that source.

The Senate is a deliberative body. But, being deliberative, I suspect, at times, we are overdeliberative. Being conscious of our prerogatives. I feel that, sometimes, we are overconscious of our prerogatives.

I believe that three-fifths of the Senate can serve the purpose of the cooling saucer, under modern circumstances, even better than overcooling caused by the necessity to obtain two-thirds of Senators to terminate debate after a reasonable time.

In fact, when there is some overcooling, chilly air is sent throughout the country, and some fear exists that very much needed legislation, for which the overwhelming majority of people have long indicated a desire, is balked and frustrated by the action of this eminent body. I think we are contesting over a relatively narrow issue—two-thirds or three-fifths.

In my own opinion, the cloture rule should be adopted. A vote should be permitted. It seems to me it is the essence of the system of a federated republic that, at some point, this body should be allowed to make its own decisions. The existence of the present rule does, indeed, often prevent this body from ever making any decision at all, which leads to the impression throughout the country that we are, at times, an ineffective body.

Therefore, to increase the prestige of the Senate, to increase its respect among the people, and to increase its ability to assist in the enactment of needed legislation in the interests of the public good, I believe that the three-fifths rule is preferable and, therefore, I shall vote for cloture.

I yield back the remainder of my time.

The VICE PRESIDENT. Who yields time?

Mr. DIRKSEN. Mr. President, I yield 10 minutes to the distinguished Senator from Arkansas (Mr. FULBRIGHT).

Mr. FULBRIGHT. I thank the Senator.

The VICE PRESIDENT. The Senator from Arkansas is recognized for 10 minutes.

Mr. FULBRIGHT. Mr. President, I would like to comment just briefly on some of the points made by the distinguished deputy leader of the opposition. He said there was a danger that bills supported by the overwhelming majority of the people might be held up in this body. I do not know of any such bill. Whenever there is an overwhelming majority of the people for a bill, we are going to get two-thirds of the Senators, as well as three-fifths, to vote for it.

Then the distinguished Senator said that we are contesting a narrow point. I agree that the difference between two-thirds and three-fifths is a narrow one. I do not think that is the real question. The real question is whether a bare majority rules the Senate. That is what the principal proponents of this movement have advocated. They thought they could pick up some strength, and they temporized—only temporarily—on three-fifths, thinking that, with a three-fifths rule, next time they will have an opportunity for majority rule.

I say that in no critical sense, because, in many ways, the concept of majority rule has great merit. But, in any case, that is the real point we are contesting. It is whether we have majority rule, the previous question, or three-fifths. If I were certain that it would remain at three-fifths, and not bare majority rule, and would stay that way without being changed, I do not know that I would have much interest and bother about it. I do not think it would make that much difference. But that is not the issue at all. It is rule by a bare majority.

The Senator from Pennsylvania said that a revised rule would increase the prestige of the Senate, because we have not made certain decisions. He says the present rule has prevented us from making decisions at all. I do not know what he means by "at all." Take civil rights legislation, which may be the principal reason behind the move to change the rule. Those bills have been passed. Practically every one of them has been passed. There may be some minor modifications to be made, but they have been passed. There is nothing important I can think of that has not been passed "at all."

If the Senator means that at a particular moment on a particular day a measure was not passed, I do not quarrel with him. I do quarrel with him if he means that important legislation or legislation of significance has been prevented from being passed "at all" and is still pending. I know of no substantive legislation that is now pending that the proponents of this change would have passed. At least, they have not made a case of that. They have not said, "Look, here is a bill that leads to the liberalization of the human race or a bill for the benefit of all Americans." No such bill is pending. So I do not think there is any important legislation, substantive in nature, that has been prevented from being passed.

The Senator from Pennsylvania says this change would increase the prestige of the Senate. Is it not rather strange that of all the other upper bodies in the world that I know of in any major country, or even in any minor country, few if any of them have the prestige of the Senate. The British House of Lords has prestige at a tea party, but certainly not in any political matter. Nobody believes that the House of Lords has any significant power to affect the course of events. I think its greatest power is to delay the passage of bills for 30 days. I am not sure it still has that power, but it has no authority in a political way.

Mr. SCOTT. Mr. President, will the Senator yield for a clarification?

Mr. FULBRIGHT. I yield.

Mr. SCOTT. Does not the Senator agree that the reason why the House of Lords has been stripped of most of its functions is that it had become an obstructionist body, blocking the will of the people? That is one thing that I am trying to prevent here.

Mr. FULBRIGHT. I would question whether that was the sole reason. With the rules over there, they were able to do that. I do not think that it is a particularly good analogy. This morning, for example, we were discussing the Government of Japan. Mr. V. Alexis Johnson was before our committee this morning for consideration of his nomination to be Under Secretary of State. He was asked about the distribution of parliamentary seats in the Diet of Japan. Someone asked him about the Japanese Senate. He said:

> The Senate is a ceremonial body. It has no power.

It is the upper body there, although the members of it are elected, and do not attain that position because of heredity or because of being appointed, as they do in Great Britain.

In Canada they have a Senate, but it has little significance. I think Senators there are appointed for life, as a sort of reward for good behavior or as a means of acquiring prestige. It is an honorable body, with prestige in a certain sense. A member may be a Nobel Prize winner, or a literary winner, and he may be a fine man, but that body has no political significance at all. That is the point I make.

If we wish the Senate to be only a body in which we have social standing and prestige, this is the way to achieve it. We would change the rules to the point where we would have no real significance as a legislative body. This I do not approve.

The Senator from Pennsylvania mentioned what President George Washington said about the purpose of the Senate—I believe it was George Washington—and the cooling-off process. I would like to point out what Mr. James Madison said, which I think is very pertinent, especially when one considers what is going on all over the world today. He said this in reference to the Senate:

> In order to judge of the form to be given to this institution, it will be proper to take a view of the ends to be served by it. These were, first, to protect the people against their rulers—

I emphasize that under present conditions in the world—to protect the people, not the Senators; this is not for the protection of Senators against the rulers; it is to protect the people against their rulers—

> Secondly, to protect the people against the transient impressions into which they themselves might be led.

That is a quotation from James Madison. The first reason was to protect the people against their rulers. When one looks around the world today, he sees what has gone on in so many countries, where they tried the parliamentary system and elected the members and gave up that process. They had to give it up because they could not make it work.

While I do not say the Senate has always been responsible for it, I do say this body has played an important part in the Government of this country. From time to time it has been very influential in preventing great mistakes from taking place. I happen to remember a particular one in which, if it had not been for the rules of the Senate, we would not have been able to prevent the packing of the Supreme Court. Just imagine what could happen if we had a very able and aggressive President and we did not have the capacity to prevent such an event from taking place. I do not wish to reflect upon the particular President who was responsible for that effort at packing the Court. He was under great provocation. But, as a longtime proposition, it would have, in some respects, destroyed the independence of the Supreme Court, although I have disagreed with some of the decisions it has made. In any event, it forms a part of the balance of our Government. If we had as President a man of great determination, as has happened in many countries, what is to prevent him from coming in, packing the Court, obtaining the capacity to rule by decree, and having that Court pass on it and approve it? Although bills in the New Deal were not of that character, that could have set a precedent. Today, when we see totalitarian countries throughout the world, I think it is very important to consider those facts. I would not want to be a part of a vote or movement or bill that could destroy the capacity of the Senate to resist the ruler, or President.

Presidents in this country, as is true in all countries, have acquired greater and greater prestige. With the growth of our Federal Government and the attachment to it of all kinds of power it did not have only a few years ago, the President has become a sort of superpower. There is nobody in the world that equals his position. That fact was dramatically brought to our attention in the case when President Johnson met with Kosygin at Glassboro. Many commentators noted that President Johnson could go to that meeting with proposals which the President himself had forumlated, but not the Soviet representatives. They had to go back to their colleagues in the Politburo.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. DIRKSEN. Mr. President, I yield the Senator 3 additional minutes.

Mr. FULBRIGHT. I do not want to take all the time.

Mr. DIRKSEN. That is all right.

The VICE PRESIDENT. The Senator from Arkansas is recognized for 3 additional minutes.

Mr. FULBRIGHT. The freedom of our President from congressional restraint was, I thought, a good illustration of the difference in power of the American President and the Soviet Premier. Our President's power has gradually grown, within our constitutional system, it is true. I am not complaining about that, although it does give me considerable pause on occasion. If we were to get a combination of a man who is determined to have his way, and who is willing to use all the power of the Presidency, which is now so great because of the great enhancement of the Federal Government's functions, then I think we would be running a risk of destroying our system.

I do not want to be a part of that. I cannot see that this capacity to debate has done any serious injury to this country. On the other hand, I can think of cases where it has done a great deal of good, and saved us from some serious mistakes. One of those was the proposed destruction of the Supreme Court. And it would have been destroyed; because if you can pack it once from 9 to 14, there is no reason you cannot make it 20.

Mention was made of the House of Lords. The House of Lords has been destroyed, really, by the capacity of the government to appoint more lords at will. Mr. President, I do not want to be a party to the destruction of the Senate's function in our Government.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. PASTORE. I think the Senator is making a very cogent and rational argument; but I think it is directed more toward the problem of allowing a majority to ride roughshod over a minority.

Does not the Senator feel, after all, that there is no magic in two-thirds? Does he not see the harm in allowing a one-third minority to override the will of the Senate? I am not saying it should be a majority; but what is wrong with three-fifths?

Mr. FULBRIGHT. Before the Senator came in, I dealt with that problem. I said that if there was any way for me to feel that three-fifths would be a stopping point, I could not make very much of an argument.

But very clearly, Mr. President, the most active proponents of this move have committed themselves to rule by a bare majority. That is their objective. In order to gain a little support, they took three-fifths as sort of an interim step. But I do not think there is any doubt that the real objective of those persuasive Members of this body who have made such a strong fight in the past is for the principle of majority rule.

That is all right. It has its place, but not in the Senate, in my view.

I am not basing my objection upon that narrow distinction. But if we make it three-fifths, in view of the avowed purpose of many of our fellow Senators, I do not see how we can have any assurance that there will not be the same kind of fight, next year, to make it a simple majority.

Mr. PASTORE. While it may be true that there are a few others who feel as the Senator has indicated, it is my serious conviction that if we ever get a three-fifths rule, that would be the end of all this nonsense we are engaging in year after year.

Mr. FULBRIGHT. If there were any assurance at all in my mind, or any way to be sure of it, I would not make too much fuss about that, because we used to provide for two-thirds of the total membership of the body, and then we made it two-thirds of those present and voting. That was worked out as a kind of compromise. If this issue could be worked out in a way that the leaders on both sides of the argument could believe was permanent, that there was not going to be a fight for a majority next, I would not raise cain about it.

What I am really concerned about is the role of the Senate. I honestly think, in this kind of country, with 50 great States, with the kind of diversity we have, the Senate has a peculiar role to play. I think it has played an important part and will continue to play an important part in bringing about the adjustment of differences that arise in such a diverse community. For that reason, it is not like the upper body in, say, a small country like England, or even the same as in all of our States. I do not think it is comparable to say that because we have a Senate in Arkansas of 35 members, it is a precedent, because Arkansas is a homogeneous State, in which there are very few problems comparable to those of the United States, and I think it is quite a different matter.

I think that is important for us; and I do not want us to take a step that might ever give an arrogant and extraordinary capable executive the thought that he might override the Senate.

I think the one reason that the present rule of the Senate is important, even more than for what actually happens here, is the fact that any chief executive, when he contemplates the present situation, knows in the back of his mind that if any proposal he makes is too extreme, he is going to have to run the gauntlet of the Senate. In other words, it will cause him, I think, to modify his more extreme proposals. For example, if he is thinking about changing the Supreme Court, he knows he has got to think about getting it through the Senate.

The VICE PRESIDENT. The Senator's time has expired. Who yields time?

Mr. DIRKSEN. Mr. President, I will yield the Senator additional time if he wishes.

Mr. FULBRIGHT. Does the Senator want me to keep on? I think I have finished.

Mr. CHURCH. Mr. President, I yield 3 minutes to the distinguished assistant majority leader.

Mr. KENNEDY. Mr. President, my position on rule XXII is a matter of record. I stated it clearly when I first entered the Senate.

I believe the one question before this body today is very simple and fundamental, and points up clearly the need for changing rule XXII. That one question is, Have we had sufficient debate, so that we ought to take up Senate Resolution 11?

Why is it, Mr. President, that Senators cannot make a judgment on whether we have had sufficient debate?

Many Senators do exercise their vote in that way. These Senators are willing to say that, after a sufficient period of debate, they are prepared to vote on the issue being debated. But we have seen far too often, Mr. President, that under the present rule a Senator's right to vote on the substantive issue that is before the body, can be denied. And that is the situation we are finding in connection with this particular question at this particular time.

How can any Senator not feel that we have had sufficient debate, now, on whether we ought to consider Senate Resolution 11? We have had the matter before us for 3 weeks. We have had this same question come before us each Congress since I have been a Member of this body. Everyone's rights have been protected. The only question before us is, Can we take the issue up?

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. KENNEDY. I have only a limited time, Mr. President. I yield.

Mr. FULBRIGHT. I just want the record to show that we have had votes on this issue. There were 51 votes for the Senator's position on one vote, and on the next one 45. To me that does not indicate any overwhelming desire on the part of the majority to change the rules.

Mr. KENNEDY. Mr. President, the only question is, Have we had sufficient debate? How can my friend from Arkansas state that we have not had sufficient debate, and ought not to take up the resolution?

Mr. FULBRIGHT. I think we have had entirely too much debate on this issue.

Mr. KENNEDY. All right. Then I hope the Senator will be willing to take up the issue, and exercise the voting prerogative which he has, so that we may show the American people that at least we are prepared to pass to the consideration of the resolution.

It is because of the refusal to even consider the resolution itself that I think its proponents have been so justified in expressing their frustration, which frustration has been demonstrated in the statements of the majority leader, the Senator from Idaho, the Senator from Kansas, and the Senator from Michigan.

Mr. President, I think, once again, I speak for the American people when I say that if there has ever been a reason for a change in this rule, it is the parliamentary situation in which we find ourselves tied today.

The VICE PRESIDENT. Who yields time?

Mr. DIRKSEN. Mr. President, I yield myself 5 minutes.

Mr. President, responsive to the point made by the distinguished Senator from Rhode Island that at some point in time, if this rule were made three-fifths, it would stay there, I remind him that once upon a time the rule was two-thirds of those chosen and sworn, and that ultimately it was made two-thirds of those present and voting. They are now toying with the idea of three-fifths of those present and voting. Then the next step in this long journey will be a majority. The deliberative character of the Senate may then disappear.

Mr. PASTORE. Mr. President, will the Senator yield on that very point, inasmuch as my name was mentioned?

The fact is that there has been no toying with the matter. The Committee on Rules and Administration did report a modification of rule XXII to the figure of three-fifths of those voting to shut off debate. And there was resistance on the part of those who do not want any rule change at all.

I know that this effort is going to fail. However, I hope that the matter will be considered by the Committee on Rules and Administration. And when the Committee on Rules and Administration does report out a stronger proposal, I hope that we will not have a filibuster, but will bring the matter to a vote. If the majority wants a three-fifths vote—and I think they do—we should culminate this matter and bring it to a final conclusion.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DIRKSEN. I want to continue for a moment. I was in the Senate when we had most of the fights on the civil rights bills. When we wanted to get cloture, I said, "I am not going to make an end run. I will try by direct approach to get the necessary two-thirds." And we did so under real difficulty.

Senators who now come in with extreme legislation are not willing to do their homework. They want to follow the easy, royal road. I am not about to let them.

I have seen that happen with respect to civil rights and in the legislation when we created the satellite corporation. I have also seen it happen with respect to section 14(b) of the Taft-Hartley Act. I do not think that section 14(b) meant much to the country, any more than a quadrate equation such as: AX^2 minus B equals 0. The people would not know what that was about.

It was by dint of long discussion that we alerted the country. That was the end of the matter with respect to section 14 (b). It has not been tried again, and it should not be tried again.

We have had legislation of much further reaching character than in the reconstruction days. Yet, we had no difficulty in putting through the Civil Rights Acts of 1964.

The rule as it stands is a brake on hasty proposals. That is the reason I want to see it defended and kept on the books. It is an instrument for informing the country.

The distinguished Senator from Arkansas alluded to court packing. What was the picture there? That court struck down the Blue Eagle in the early days of the New Deal, the so-called National Industrial Recovery Act, under which we authorized them to suspend the Antitrust Act and raise prices.

Who will forget the man in New Jersey who refused to raise the price for pressing a pair of pants from 25 cents to 30 cents? He was arrested. A manufacturer of batteries in York, Pa., said that he was making a profit on the battery. They said to raise the price or they would have him arrested. And they did so.

There are some of the sumptuary things that can happen.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. DIRKSEN. I yield myself 2 additional minutes. I believe that I will then have 3 minutes remaining.

The VICE PRESIDENT. The Senator is correct.

Mr. DIRKSEN. Mr. President, the same thing was true with respect to the AAA. Last year we observed the 35th anniversary of the Agricultural Adjustment Act, that great act under which we plowed things under and let things rot in the field.

We had a Representative by the name of Dewey Short, a very distinguished Representative from Missouri, who, once in the course of a speech, said:

> Thank God I came before Henry Wallace. I was one of eleven children. If he were around, I would have been plowed under.

We have gone a long way. The Department then said: "We will strike it down." When two pieces of legislation went into the rain barrel, what happened? There was an attempt to pack the court to add two justices whose views would be known in advance.

That is what happened. That is the way freedom can be destroyed in the country. That is the reason why a few Senators stood here and fought that battle to inform the country. That is the great virtue of this rule. It is an instrument of information, so that a proposal will have its day in court.

I add only one other thing. A strong parliamentary body can resist and hold back authoritarian government. But look at a country where free government has succumbed. I can remember hearing Hitler on the international radio. What fools he made of the Reichstag and the Bundestag. He made them feel like groveling worms, because there was the power. But so long as the power exists to say, "Thus far and no further," we can be certain that our liberties are safeguarded.

The VICE PRESIDENT. The time of the Senator from Illinois has expired.

Mr. DIRKSEN. I have 3 minutes remaining. I yield myself 2 minutes.

I have often wondered about the time when the 18th amendment was placed in the Constitution. Even in my rather untutored way as a country lawyer, I got to thinking about it. Then I went back and skimmed through the safeguarding amendments. They said always and always that Congress shall not impair the freedom of speech, of the press, of the right of assembly, and all those other things.

Then suddenly we turned around, in the history of this country, and it was no longer a case of "Congress shall not"; it became a case of "the people shall not be entitled to drink within reason what they want to." I thought this an alien thing in the Constitution, even though the late President Hoover called it a noble experiment. I said, "It will never last"; and finally it did not last, because in 1932 booze was one of the issues in this country. We could almost paraphrase that whole campaign by saying, "Bread and booze." We took it to the polls, and the people took out the 18th amendment. It did not belong in the Constitution.

So I am not going to put any hobbles like that upon the Senate of the United States. It is about the only really unimpaired deliberative body on the face of the earth.

The motion should be voted down.

Mr. President, I yield back my remaining minute.

Mr. CHURCH. Mr. President, I am happy to yield 1 minute to the distinguished Senator from Rhode Island.

Mr. PASTORE. Mr. President, I was not for packing the Supreme Court. I was always opposed to that. I am not for punishing someone for charging 35 cents for pressing a pair of pants. What I am against is putting this great deliberative body in a straitjacket.

When we speak about the rules of the Senate that we do not have today, of the laws that we did not have yesterday, and we talk about tomorrow and tomorrow, let us remember that it took 100 years to pass a civil rights law. I think that much of the trouble we are in today is that it took a hundred years to pass a civil rights law. Had we been able to pass such a law years ago, maybe we would not have crime on the streets today. Maybe we would not have the rebellions we are experiencing today.

All that the Senator from Rhode Island is saying is that we need not deal in one extreme or the other extreme. I do not pretend——

The VICE PRESIDENT. The Senate will be in order.

Mr. PASTORE. I beg the Chair's pardon?

The VICE PRESIDENT. The Chair merely called the Senate to order, so that the Senator could be heard.

Mr. PASTORE. So that I could be heard? [Laughter.]

I do not pretend for one moment that a majority should be allowed to override a minority.

All I am saying is this: When you allow 33 out of 100 to stand up in an organized debate, you cannot get a vote in the Senate, whether it is good or bad legislation.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. PASTORE. Will the Senator yield me 2 additional minutes?

Mr. CHURCH. Yes.

Mr. PASTORE. All I am trying to do is to unshackle this body so that it can carry on its business.

I will admit that the Senator from Rhode Island has always thought it is a mistake to do it the way we are doing it today. This matter should go to the Committee on Rules and Administration. The committee should report a rule, and the Senate should be allowed to debate it and then to vote on it. The Rules Committee did that. It did so last year, and the matter languished on the calendar. Why? Because we could not even bring up the matter to be discussed, let alone discuss the substance of the matter.

All I am saying, Mr. President, is this: We are a democracy. We are a government of the people. We are a government for the people. We are a government by the people. When a body of 100, elected by the people, is allowed to be thwarted by 33 of the 100, then I am afraid that democracy is on the edge. Today we are trying to remove that edge and to give to the people of this country an opportunity to have the matters in which they are interested voted upon, and that is the only issue we have here today.

I do not say there is magic in two-thirds; I do not say there is magic in three-fifths. But somewhere in between, in a body of 100, at least 60 should be able to say, "Please, let us go to a vote."

I thank the Senator.

The VICE PRESIDENT. Who yields time?

Mr. CHURCH. May I inquire, Mr. President, how much time remains for the proponents?

The VICE PRESIDENT. Nine minutes remain.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CHURCH. I yield 2 minutes to the distinguished majority leader.

The VICE PRESIDENT. The Senator from Montana is recognized for 2 minutes.

Mr. MANSFIELD. Mr. President, the debate this morning has been interesting. I was especially impressed with what the distinguished Senator from Rhode Island (Mr. PASTORE) said when he referred to the fact that there is nothing magical about either two-thirds or three-fifths. It is true that they are both arbitrary fractions set by this body for the conduct of its business. But I would point out that, with the change in times, there must come a change in the rigidity of the Members of this body in respect to how, when, where, and in what manner legislation of transcendent importance should be taken up before this body.

It is true that the three-fifths proposed is not a magical number. But it is a flexible number, because if all Members were present and voting, it would take 60 of the 100 votes to invoke cloture; whereas now it takes two-thirds of those present and voting. If all Members were present, I believe the figure would be 67. The difference of seven is vital. It adds, I think, to the desires of the majority. It represents the flexibility which this body, the greatest deliberative body and the only deliberative body I know of, acting as a senate, can perform its functions.

I believe that the three-fifths rule, if it is adopted, will delay and will very likely stop majority cloture. I do not believe in majority cloture, because I shudder to think of a vote of 51 to 49 or 52 to 48, and then contemplate what pressures might be brought on Members of this body—as they have been brought on us. The result, I think, would be most detrimental if the decision to invoke cloture were left to a Senate divided by but a single vote or even two or three.

I would hope that the suggestions made by the distinguished Senator from Florida (Mr. HOLLAND) and the distinguished Senator from Arkansas (Mr. FULBRIGHT)—both of whom, by their statements, indicated the possibility of some compromise—would be taken into consideration by the Senate as a whole.

In my opinion, may I say to my colleagues, if the two-thirds cloture provision remains in effect, it will only hasten the day that majority cloture will be imposed upon this body. That is a day I do not want to see. But I believe the only alternative is to accept the proposal inherent in the motion before the Senate, to allow us to take up the three-fifths resolution and to be prepared to vote on it accordingly.

If we do not, than I believe that the consequences to this body will be grave—not only to this body but to this Republic as well.

Mr. CHURCH. I thank the distinguished Senator from Montana.

Mr. President, I yield 2 minutes to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I should like to make two points.

I probably have been as active as anyone on the floor of the Senate to change this rule, and I should like to underwrite what the majority leader and the Senator from Rhode Island (Mr. PASTORE) have said.

I believe that what we are trying to do is to capture power for the people. Nothing in the Constitution provides that one-third of the Senate shall be able to block action on any measure, other than those sections which provide a two-thirds majority according to the Constitution. Yet, that is the effect of this.

You are depriving the people of their rights. Why do you not go to the people with a constitutional amendment, if that is the power you want, and name the kind of legislation for which you want it? We are fighting for the rights of the people. We are willing to make a reasonable compromise. We understand the realities. But if you deny us the three-fifths, we will continue to fight—we must—and the objective must therefore be something which the Constitution does say, which is a majority. But if you wish to end the fight, then I believe you will have a reasonable compromise for the Senate for a very considerable period of time. I thoroughly agree with the majority leader.

I make one other point: Every argument that the Senator from Illinois (Mr. DIRKSEN) made assumes that if you elucidate a subject to the country, some day you vote. But that is not true. The fact is that you do not vote, under this filibuster rule; you do not vote unless the two-thirds allow you to do so. So that you can elucidate until you are green in the face, but you are still denied the constitutional power to legislate.

It is amazing to me that men who pride themselves upon their belief in the Constitution should allow the Senate to continue and continue under this extraconstitutional system.

I may not be here, but I predict that the Senate will run into a situation that will shake the foundations of our Government. You talk about imperiling our freedom. You are imperiling our freedom by giving a minority the power to prevent action. We will have men here who will succeed us, who will not act, and then you will rue this day.

The VICE PRESIDENT. Who yields time?

Mr. CHURCH. Mr. President, how much time remains for the proponents?

The VICE PRESIDENT. Five minutes remain.

Mr. CHURCH. I yield myself 4 minutes. I wish to reserve some time for the distinguished Senator from Kansas.

Mr. PEARSON. Mr. President, will the Senator yield me 2 minutes at this time?

Mr. CHURCH. I yield 2 minutes to the Senator from Kansas.

The VICE PRESIDENT. The Senator from Kansas is recognized for 2 minutes.

Mr. PEARSON. Mr. President, we have heard many arguments about the essentiality, the fundamental concept, of rule XXII as it relates to the freedom of debate. In the long days of debate we have had thus far, have those who cling to the sacredness of rule XXII ever explained what article I, section 5 of the Constitution really means when it provides that a quorum of the Senate shall be a majority and shall do business, and that they shall have the right to write their own rules?

This rule has been amended many times. It was born of necessity and has given rise to other rules in the Senate.

I have said many times—and I repeat in closing—that what we seek is a reasonable approach, a balance between the complete right of free debate and sometime the right to vote, and a balance between the protection of minorities and the will of the majority, which is really the seed of the genius of this system of government.

We hear about little States and large States. I do not believe the issues that come before this Government today are those that pertain to issues or sections any longer. We hear about the acceptability of a three-fifths vote if we would not go further. I hope we would not be frozen in the Senate with respect to what we should do about States' rights by what somebody else may do at some time.

I do not favor the majority cloture concept. I think this approach would give the Senate the flexibility and the balance which is needed.

I thank the Senator from Idaho for yielding.

Mr. CHURCH. Mr. President, I yield myself the remainder of the time for the proponents if no other Senator is prepared to speak.

The VICE PRESIDENT. The Senator from Idaho is recognized for 3 minutes.

Mr. KENNEDY. Mr. President, may we have order.

The VICE PRESIDENT. The Senate will be in order.

Mr. CHURCH. Mr. President, we are

in the third week of debate on a preliminary motion, the motion to take up for consideration Senate Resolution 11. The resolution itself is a very moderate one. It would simply reduce from two-thirds to three-fifths the number of Senators required to limit debate. It was first proposed in this body by the distinguished Senator from New Mexico (Mr. Anderson). He is not a bomb thrower. He has no less regard than any other Member of this body for the Senate as an institution, or for the historic role it has played in the life of our country.

Indeed, in the course of debate this morning it was acknowledged by no less a steadfast champion of the present rule than the chairman of the Committee on Foreign Relations (Mr. Fulbright) that the adoption of the three-fifths rule would do this Senate no serious injury.

Mr. President, this is a moderate proposal. It is offered by two Senators who themselves oppose majority cloture in this body.

The VICE PRESIDENT. The Senate will be in order.

Mr. CHURCH. Mr. President, the issue we are presented with is whether we should not lower the procedural hurdle that the Senate must surmount in order to transact the public business. We think there is a need to lower that hurdle from two-thirds to three-fifths.

The VICE PRESIDENT. The Senator will withhold. The Senate will please be in order. The Senator may proceed.

Mr. CHURCH. During the past 52 years, 44 attempts have been made in the Senate to limit debate on issues vital to the country. On only eight occasions in more than half a century has it been possible, under the present two-thirds rule, to limit debate. We think that is too obstructive; we think that is too formidable, and we believe unless some adjustment is made in lowering the barrier, that the pressures will continue to mount, moving the Senate inexorably toward the day when majority cloture will be adopted here.

The VICE PRESIDENT. All time has expired, pursuant to rule XXII; and the time under the unanimous-consent agreement has elapsed.

The Chair lays before the Senate the pending motion, which will be stated by the clerk.

The assistant legislative clerk read, as follows:

MOTION FOR CLOTURE

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to proceed to the consideration of Senate Resolution 11, a resolution amending the Senate Rules of the Senate.

Frank Church, George McGovern, Philip A. Hart, Jennings Randolph, Frank E. Moss, Quentin Burdick, Edmund S. Muskie, Claiborne Pell, Gaylord Nelson, William Proxmire, James B. Pearson, Clifford P. Case, Charles Goodell, Edward Kennedy, Vance Hartke, Clinton Anderson, Harrison A. Williams, Jacob Javits, Edward W. Brooke, Harold E. Hughes, Joseph D. Tydings, John O. Pastore, Lee Metcalf, Stephen M. Young, Mike Mansfield, Stuart Symington, Albert Gore, Thomas J. Dodd, Thomas J. McIntyre, Fred R. Harris, Mark O. Hatfield, Henry M. Jackson, Hugh Scott, Hiram L. Fong, Eugene McCarthy.

Mr. MANSFIELD. Mr. President, I wish to commend the distinguished Presiding Officer for keeping order in the Chamber. I would most respectfully offer the suggestion that the floor be cleared of all persons except Senators and attachés who have some business here.

The VICE PRESIDENT. The Chamber will be cleared of all persons except Senators and attachés having immediate business in the Senate, and the Sergeant at Arms is instructed to clear the floor of all other persons.

Pursuant to rule XXII the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 14 Leg.]

Aiken
Allen
Allott
Anderson
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dirksen
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Goodell
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McCarthy
McClellan
McGee
McGovern
Metcalf
Miller
Mondale
Montoya
Moss
Mundt
Murphy
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Tennessee (Mr. Gore), the Senator from Alaska (Mr. Gravel), the Senator from Washington (Mr. Magnuson), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Maine (Mr. Muskie) are necessarily absent.

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. Baker) is absent on official business, attending the funeral of the Honorable Robert A. Everett.

The VICE PRESIDENT. A quorum is present.

The question is, Is it the sense of the Senate that debate on the pending motion shall be brought to a close?

On this question, the yeas and nays are ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the Senator from Maine (Mr. Muskie) and the Senator from Alaska (Mr. Gravel). If the Senator from Maine were present and voting, he would vote "yea." If the Senator from Alaska were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Tennessee (Mr. Gore), the Senator from Alaska (Mr. Gravel), the Senator from Washington (Mr. Magnuson), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson) would vote "yea."

On this vote, the Senator from Tennessee (Mr. Baker) is paired with the Senator from Indiana (Mr. Bayh) and the Senator from New Hampshire (Mr. McIntyre). If present and voting, the Senator from Tennessee, would vote "nay," the Senator from Indiana would vote "yea," and the Senator from New Hampshire would vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. Baker) is absent on official business attending the funeral of the Honorable Robert A. Everett, and is paired with the Senator from Indiana (Mr. Bayh) and the Senator from New Hampshire (Mr. McIntyre). If present and voting, the Senator from Tennessee would vote "nay," and the Senator from Indiana and the Senator from New Hampshire would each vote "yea."

The yeas and nays resulted—yeas 50, nays 42, as follows:

[No. 15 Leg.]

YEAS—50

Aiken
Allott
Anderson
Boggs
Brooke
Burdick
Case
Church
Cook
Cooper
Cranston
Dodd
Dominick
Eagleton
Fong
Goodell
Griffin
Harris
Hart
Hartke
Hatfield
Hughes
Jackson
Javits
Kennedy
Mathias
McCarthy
McGovern
Metcalf
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—42

Allen
Bellmon
Bennett
Bible
Byrd, Va.
Byrd, W. Va.
Cannon
Cotton
Curtis
Dirksen
Dole
Eastland
Ellender
Ervin
Fannin
Fulbright
Goldwater
Gurney
Hansen
Holland
Hollings
Hruska
Inouye
Jordan, N.C.
Jordan, Idaho
Long
McClellan
McGee
Miller
Mundt
Murphy
Prouty
Russell
Sparkman
Spong
Stennis
Stevens
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield for.

NOT VOTING—7

Baker
Bayh
Gore
Gravel
Magnuson
McIntyre
Muskie

The VICE PRESIDENT. On this vote there are 50 yeas and 42 nays. Under rule XXII, and in accordance with the judgment of the Senate on January 16, 1969, two-thirds of Senators present and voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

TRANSACTION OF ROUTINE MORNING BUSINESS

The VICE PRESIDENT. Pursuant to the previous order, there will be a period for the transaction of routine morning business, under a 3-minute limitation.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

Report Entitled "International Education—An Inventory of Federal Programs"

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a copy of a report entitled "International Education—An Inventory of Federal Programs," dated December 1968 (with an accompanying report); to the Committee on Appropriations.

Report of Air Force on Experimental, Development, Test, and Research Procurement Action

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report on experimental, development, test, and research procurement action of the Department for the period July 1, 1968 through December 31, 1968 (with an accompanying report); to the Committee on Armed Services.

Report on Disposal of Excess Property in Foreign Countries

A letter from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, regarding the disposal of excess property in foreign countries, for the calendar year 1968; to the Committee on Government Operations.

Third Preference and Sixth-Preference Classification for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Report of the National Advisory Council on Education of Disadvantaged Children

A letter from the Chairman, National Advisory Council on the Education of Disadvantaged Children, transmitting, pursuant to law, the fourth annual report of the Council, dated 1969 (with an accompanying report); to the Committee on Labor and Public Welfare.

Proposed Legislation Relating to Dual Compensation With Respect to Members of the District of Columbia Council

A letter from the Assistant to the Commissioner, Government of the District of Columbia, Washington, D.C., transmitting a draft of proposed legislation to amend title 5, United States Code, relating to dual compensation, with respect to members of the District of Columbia Council (with an accompanying paper); to the Committee on Post Office and Civil Service.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A joint resolution of the Legislature of the State of Nevada; ordered to lie on the table;

"Assembly Joint Resolution 1

"Assembly joint resolution congratulating Richard Milhous Nixon and Spiro Theodore Agnew on their inaugurations as President and Vice President, respectively, of the United States

"Whereas, On the 20th day of January, Richard Milhous Nixon and Spiro Theodore Agnew will be formally inaugurated as President and Vice President, respectively, of the United States; and

"Whereas, These men assume the leadership of the world's greatest nation at a time unparalleled in her history, when her status in the world community is challenged, when other nations of the world continually direct outrageous criticisms against her, when domestic inflation threatens her economic health and when crime and rioting in the streets threaten the safety of all her citizens; and

"Whereas, During the tenure of their office they will encounter the force of the enemies of this country attempting to destroy the principles of representative government to which this nation has always been dedicated; and

"Whereas, The American people, through the elective process, have expressed their confidence and trust in Richard Milhous Nixon and Spiro Theodore Agnew successfully to direct this nation through these trying times; and

"Whereas, They will, during their stewardship, face the most demanding, perilous and challenging times of their lives; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly,* That the members of the 55th session of the legislature of the State of Nevada extend their best wishes and congratulations to Richard Milhous Nixon and Spiro Theodore Agnew on their inaugurations as President and Vice President, respectively, of these United States; and be it further

"*Resolved,* That the contents of this resolution be dispatched forthwith by telegraph by the legislative counsel to Richard Milhous Nixon and Spiro Theodore Agnew, and that thereafter copies of this resolution be prepared and transmitted by the legislative counsel to Messrs. Nixon and Agnew."

A letter in the nature of a petition, signed by Mrs. Cynthia Libby, of Northlake, Ill., supporting Comdr. Lloyd Bucher; to the Committee on Armed Services.

A petition, signed by Mrs. James L. (Lou M.) Hatfield, praying for a redress of grievances; to the Committee on Finance.

A letter, in the nature of a petition, signed by Virginia Strobl, Mrs. Marice A. Strobl, and Rita Strobl, remonstrating against the antireligious activities of Mrs. Madalyn Murray O'Harris; to the Committee on the Judiciary.

A petition, signed by Herbert E. Juelich, of Leavenworth, Kans., praying for a redress of grievances; to the Committee on the Judiciary.

A petition, signed by Clayton Gilbert Dismas Knepfler, Leavenworth, Kans., praying for a redress of grievances; to the Committee on the Judiciary.

A letter, signed by Randy Lewis, State chairman, Teen-Democrats, Jackson, Tenn., congratulating the new Members of the Senate; ordered to lie on the table.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency:

Paul W. McCracken, of Michigan, to be a member of the Council of Economic Advisers;

Hendrik S. Houthakker, of Massachusetts, to be a member of the Council of Economic Advisers; and

Herbert Stein, of Maryland, to be a member of the Council of Economic Advisers.

By Mr. THURMOND, from the Committee on Armed Services:

Vice Adm. Charles T. Booth II, U.S. Navy, and Rear Adm. Paul P. Blackburn, Jr., U.S. Navy, for appointment to the grade of vice admiral on the retired list; and

Lt. Gen. John W. Carpenter III (major general, Regular Air Force), U.S. Air Force, to be senior Air Force member, Military Staff Committee, United Nations.

By Mr. SCHWEIKER, from the Committee on Armed Services:

Robert F. Froehlke, of Wisconsin, to be an Assistant Secretary of Defense.

By Mr. BROOKE, from the Committee on Armed Services:

Robert C. Seamans, Jr., of Massachusetts, to be Secretary of the Air Force.

By Mr. YOUNG of Ohio, from the Committee on Armed Services:

John H. Chafee, of Rhode Island, to be Secretary of the Navy.

By Mr. CANNON, from the Committee on Armed Services:

George A. Lincoln, of Michigan, to be Director of the Office of Emergency Preparedness.

By Mrs. SMITH, from the Committee on Armed Services:

Barry James Shillito, of Ohio, to be an Assistant Secretary of Defense.

By Mr. McGEE, from the Committee on Post Office and Civil Service:

James E. Johnson, of California, to be a Civil Service Commissioner.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. GOLDWATER:

S. 695. A bill for the relief of Luz Tanquilut Tanjuaquio; to the Committee on the Judiciary.

By Mr. GOLDWATER (for himself and Mr. Fannin):

S. 696. A bill to provide for the acquisition of a village site for the Payson Band of Yavapai-Apache Indians on certain lands which are to be eliminated for such purpose from the Tonto National Forest, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HRUSKA (for himself and Mr. Curtis):

S. 697. A bill for the relief of Antonio Costanzo; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 698. A bill to authorize the Secretary of the Interior to consider a petition for reinstatement of certain oil and gas leases; to the Committee on Interior and Insular Affairs.

By Mr. DOLE:

S. 699. A bill for the relief of Zafar II, Israili; to the Committee on the Judiciary.

By Mr. SCOTT (for himself and Mr. Schweiker):

S. 700. A bill to provide for the establishment of one or more national cemeteries in the State of Pennsylvania; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Scott when he introduced the above bill, which appear under a separate heading.)

By Mr. BYRD of West Virginia:

S. 701. A bill to amend the Watershed Protection and Flood Prevention Act as amended; to the Committee on Agriculture and Forestry.

S. 702. A bill to amend the Internal Revenue Code of 1954 to encourage the abatement of water and air pollution by permitting the amortization for income tax purposes of the cost of abatement works over a period of 36 months; to the Committee on Finance.

By Mr. INOUYE:

S. 703. A bill for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually; to the Committee on the Judiciary.

By Mr. ANDERSON (for himself, Mr. Fulbright, and Mr. Scott):

S. 704. A bill to amend the Act of October 15, 1966, 80 Stat. 953, 20 U.S.C. section 65a), relating to the national museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act;

S. 705. A bill to authorize the Smithsonian Institution to acquire lands and to design a radio-radar astronomical telescope for the Smithsonian Astrophysical Observatory for the purpose of furthering scientific knowledge, and for other purposes; and

S. 706. A bill to amend the Act of August 10, 1846, as amended, to provide for additional members of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

(See the remarks of Mr. Anderson when he introduced the above bills, which appear under separate headings.)

By Mr. FONG:

S. 707. A bill for the relief of Hon Sang Ching;

S. 708. A bill for the relief of Lawrence J. Nunes; to the Committee on the Judiciary.

By Mr. JACKSON (by request):

S. 709. A bill to designate certain lands in the Island Bay, Cedar Keys, Passage Key National Wildlife Refuges in Florida, the Okefenokee National Wildlife Refuge in Georgia, and certain lands in the Petrified Forest National Park in Arizona as wilderness; and

S. 710. A bill to designate the Mount Baldy Wilderness, the Pine Mountain Wilderness, and the Sycamore Canyon Wilderness within certain national forests in the State of Arizona; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Jackson when he introduced the above bills, which appear under a separate heading.)

By Mr. JACKSON (for himself and Mr. Cranston) (by request):

S. 711. A bill to designate certain lands in the Lava Beds National Monument in California as wilderness;

S. 712. A bill to designate certain lands in the Pinnacles National Monument in California as wilderness;

S. 713. A bill to designate the Desolation Wilderness, Eldorado National Forest, in the State of California;

S. 714. A bill to designate the Ventana Wilderness, Los Padres National Forest, in the State of California; and

S. 715. A bill to designate certain lands in the Lassen Volcanic National Park in California as wilderness; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Jackson when he introduced the above bills, which appear under a separate heading.)

By Mr. McGEE (for himself and Mr. Moss):

S. 716. A bill to amend title 43 U.S.C. 315b to provide the cost factors which shall be taken into consideration in determining the grazing fees which will be imposed for use of public lands; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. McGee when he introduced the above bill, which appear under a separate heading.)

By Mr. HART:

S. 717. A bill for the relief of Peng Sheung Yan (Dok Lum Gin); to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. Prouty, Mr. Allott, Mr. Bellmon, Mr. Cook, Mr. Cooper, Mr. Dominick, Mr. Schweiker, and Mr. Stevens):

S. 718. A bill to provide for educational assistance for gifted and talented children; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Javits when he introduced the above bill, which appear under a separate heading.)

By Mr. ALLOTT (for himself, Mr. Bellmon, Mr. Bennett, Mr. Bible, Mr. Cannon, Mr. Church, Mr. Dominick, Mr. Fannin, Mr. Hruska, Mr. Jordan of Idaho, Mr. McGee, Mr. Metcalf, Mr. Young of North Dakota, Mr. Hansen, and Mr. Stevens):

S. 719. A bill to establish a national mining and minerals policy; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Allott when he introduced the above bill, which appear under a separate heading.)

By Mr. ERVIN:

S. 720. A bill for the relief of Ihsan S. Ibrahim, his wife, Hayfa I. Ibrahim, and their children, Nada I. Ibrahim, Hussain I. Ibrahim, May Ibrahim and Ali Ibrahim; to the Committee on the Judiciary.

By Mr. PROXMIRE (for himself, Mr. McIntyre, Mr. Mondale, Mr. Dodd, Mr. Inouye, Mr. McGee, Mr. Moss, Mr. Nelson, Mr. Yarborough, Mr. Young of Ohio, and Mr. Eagleton):

S. 721. A bill to safeguard the consumer by requiring greater standards of care in the issuance of unsolicited credit cards and by limiting the liability of consumers for the unauthorized use of such credit cards, and for other purposes; to the Committee on Banking and Currency.

(See the remarks of Mr. Proxmire when he introduced the above bill, which appear under a separate heading.)

By Mr. CANNON:

S. 722. A bill to amend the Internal Revenue Code of 1954 to provide an income tax credit or deduction for certain contributions to candidates for elective Federal office; to the Committee on Finance.

(See the remarks of Mr. Cannon when he introduced the above bill, which appear under a separate heading.)

By Mr. McGEE.

S. 723. A bill to amend part I of the Interstate Commerce Act in order to give the Interstate Commerce Commission additional authority with respect to railroad safety; and

S. 724. A bill to provide more adequate and realistic penalties for violations of certain safety statutes administered by the Interstate Commerce Commission; to the Committee on Commerce.

S. 725. A bill to determine the claims of certain prisoners of war permanently disabled, and to confer jurisdiction upon the Court of Claims in the event of disagreement as to such claims; to the Committee on the Judiciary.

By Mr. McGEE (for himself and Mr. Hansen):

S. 726. A bill to authorize the establishment of the Fossil Butte National Monument; to the Committee on Interior and Insular Affairs.

By Mr. SCOTT:

S. 727. A bill for the relief of Chu Yu Ming; to the Committee on the Judiciary.

By Mr. COOPER:

S. 728. A bill for the relief of Capt. Richard L. Schumaker, U.S. Army;

S. 729. A bill for the relief of William H. T. Carney;

S. 730. A bill for the relief of Reeva Singh;

S. 731. A bill for the relief of Dr. Yuen Zang Chang;

S. 732. A bill for the relief of Mrs. Nimet Weiss; and

S. 733. A bill for the relief of Mohammad Z. Assadi; to the Committee on the Judiciary.

By Mr. CANNON:

S. 734. A bill to revise the Federal election laws, and for other purposes; to the Committee on Finance.

(See the remarks of Mr. Cannon when he introduced the above bill, which appear under a separate heading.)

By Mr. BYRD of West Virginia:

S. 735. A bill for the relief of Dr. Silverio Labapis Agujar, Jr., and Teresita Batu Agujar; to the Committee on the Judiciary.

By Mr. SCOTT:

S. 736. A bill for the relief of the survivors of Marvin R. Foltz; to the Committee on the Judiciary.

(See the remarks of Mr. Scott when he introduced the above bill, which appear under a separate heading.)

By Mr. MONDALE:

S. 737. A bill for the relief of Konrad Ludwig Staudinger; and

S. 738. A bill for the relief of Hector Enrique Gonzales; to the Committee on the Judiciary.

By Mr. MONTOYA (for himself, Mr. Anderson, Mr. Harris, and Mr. Metcalf):

S. 739. A bill to direct the Secretary of Health, Education, and Welfare to conduct certain demonstration projects designed to encourage recipients of aid to families with dependent children to seek employment; to the Committee on Finance.

(See the remarks of Mr. Montoya when he introduced the above bill, which appear under a separate heading.)

By Mr. MONTOYA (for himself, Mr. Brooke, Mr. Cranston, Mr. Fannin, Mr. Goldwater, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hughes, Mr. Jackson, Mr. Kennedy, Mr. McCarthy, Mr. McClellan, Mr. McGee, Mr. Metcalf, Mr. Mondale, Mr. Murphy, and Mr. Yarborough):

S. 740. A bill to establish the Interagency Committee on Mexican-American Affairs, and for other purposes; to the Committee on Government Operations.

(See the remarks of Mr. Montoya when he introduced the above bill, which appear under a separate heading.)

By Mr. JACKSON (for himself, Mr. Magnuson, Mr. Church, Mr. Hatfield, Mr. Jordan of Idaho, Mr. Mansfield, Mr. Metcalf, and Mr. Packwood):

S. 741. A bill to authorize the addition of certain Federal reclamation projects in the Pacific Northwest to participate in assistance from the Federal Columbia River power system, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Jackson when he introduced the above bill, which appear under a separate heading.)

By Mr. JACKSON (for himself and Mr. Magnuson):

S. 742. A bill to amend the Act of June 12, 1948 (62 Stat. 382), in order to provide for the construction, operation, and maintenance of the Kennewick division extension, Yakima project, Washington, and for other purposes; and

S. 743. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Jackson when he introduced the above bills, which appear under separate headings.)

By Mr. JACKSON (for himself, Mr. Anderson, and Mr. Moss):

S. 744. A bill to provide for better administration of the National Park Service and of the electric power marketing programs of the Department of the Interior; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Jackson when he introduced the above bill, which appear under a separate heading.)

By Mr. McGOVERN (for himself and Mr. Proxmire):

S. 745. A bill to amend the Agriculture Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. McGovern when he introduced the above bill, which appear under a separate heading.)

By Mr. BYRD of West Virginia:

S.J. Res. 34. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. ANDERSON (for himself, Mr. Fulbright, and Mr. Scott):

S.J. Res. 35. Joint resolution to provide for the appointment of Thomas J. Watson, Jr., as Citizen Regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

(See the remarks of Mr. Anderson when he introduced the above joint resolution, which appear under a separate heading.)

S. 700—INTRODUCTION OF BILL TO ESTABLISH ONE OR MORE NATIONAL CEMETERIES IN PENNSYLVANIA

Mr. SCOTT. Mr. President, I have been deeply concerned for a number of years about the alarming lack of national cemetery space in Pennsylvania. It is an issue of vital interest to the many hundreds of thousands of veterans and their families now living in my Commonwealth.

During the 90th Congress, I introduced a bill to provide for the establishment of additional national cemeteries in Pennsylvania. I regret that it was never acted upon. However, I am hopeful that a new awareness of this problem by our national leaders will bring about the necessary action. My bill, which I am now introducing on behalf of myself and my able and distinguished colleague from Pennsylvania, Senator Schweiker, will take one of the first steps toward that end.

This bill would direct the Secretary of the Army to establish one or more national cemeteries in Pennsylvania. Locations are to be considered in the vicinity of Valley Forge Park and Brandywine Battlefield Park in eastern Pennsylvania, Edward Martin Military Reservation, Boalsburg Memorial Park in central Pennsylvania, and Bushy Run Battlefield Park in southwestern Pennsylvania.

I was privileged to serve as chairman of the Subcommittee on Human Needs of the 1968 Republican platform committee. In that position, I heard testimony from William E. Galbraith, at that time the national commander of the American Legion, who urged the creation of a national cemetery system. Commander Galbraith said:

> There must be action on the part of Congress and the Administration to insure that every deceased veteran eligible for interment in a national cemetery may receive a decent funeral and burial. The American Legion believes every veteran should have the right to burial in a national cemetery situated reasonably close to his home.

I am pleased to say that the 1968 Republican platform, which I helped to write, includes language almost identical to Commander Galbraith's regarding a solution to the problems of our national cemetery situation.

The need in Pennsylvania is critical, and now. For the entire State, it is estimated that about 30,000 veterans die each year. When Americans serve their country in military uniform, whether in Vietnam or elsewhere, they are expected to give the last full measure of devotion, and, where necessary, to suffer the supreme sacrifice in the defense of our national commitments. To deny these veterans this last full measure of honor bestowed by the Nation which they served, is a neglect of the greatest magnitude. My bill offers an opportunity to meet this obligation. I urge its favorable consideration.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 700) to provide for the establishment of one or more national cemeteries in the State of Pennsylvania introduced by Mr. Scott (for himself and Mr. Schweiker), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 704—INTRODUCTION OF BILL AUTHORIZING ADDITIONAL APPROPRIATIONS TO THE SMITHSONIAN INSTITUTION

Mr. ANDERSON. Mr. President, on behalf of myself and Senators Fulbright and Scott, I introduce, for appropriate reference, a bill to amend the act of October 15, 1966 (80 Stat. 953, 20 U.S.C. section 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act.

I ask unanimous consent that the bill and a statement entitled "The National Museum Act of 1966—Authorization of Sums To Be Appropriated in Fiscal Years Following 1971" be printed at this point in the Record.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and statement will be printed in the Record.

The bill (S. 704), to amend the act of October 15, 1966 (80 Stat. 953, 20 U.S.C. section 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act, introduced by Mr. Anderson (for himself and other Senators), was received, read twice by its title, referred to the Committee on Rules and Administration, and ordered to be printed in the Record, as follows:

S. 704

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That section 2(b) of the Act of October 15, 1966 (80 Stat. 953, 20 U.S.C. 65a) is amended to read:

"(b) There are hereby authorized to be appropriated to the Smithsonian Institution such sums as may be necessary to carry out the purposes of this Act: *Provided,* That no more than $1,000,000 shall be appropriated annually through fiscal year 1974."

The statement, presented by Mr. Anderson, is as follows:

THE NATIONAL MUSEUM ACT OF 1966—AUTHORIZATION OF SUMS TO BE APPROPRIATED IN FISCAL YEARS FOLLOWING 1971

The National Museum Act of 1966 (P.L. 89–674) re-affirmed the Smithsonian's traditional role in providing aid to museums of the United States and abroad. The Act directed the Institution to engage in a continuing study of museum problems and opportunities, to conduct training in museum practices, to prepare museum publications, to perform research in museum techniques, and to cooperate with agencies of the Government concerned with museums.

The Act authorized to be appropriated $200,000 for the fiscal year 1968, $250,000 for the present fiscal year 1969, $250,000 for fiscal year 1970, and $300,000 for fiscal year 1971. The Act states that in each subsequent fiscal year only such sums may be appropriated as the Congress may hereafter authorize by law.

No funds were appropriated by the Congress for purposes of the Act in fiscal years 1968 and 1969. The Smithsonian budget estimates for 1970 when submitted to the Congress will include an amount of $80,000 for projects under the Act. It is planned to request $300,000 in the budget for 1971, the last year for which the Act contains an authorization for a sum to be appropriated.

Prior to the submission of budget estimates for fiscal year 1972, it will be necessary to have either an authorized limit of appropriation or the elimination of the limit. As the budget estimates will be prepared in the spring of 1970, it will be desirable to have the authorization amended by that time. To allow a safe margin of time for Congressional consideration and action it is believed that the legislation should be requested in the current session of the Congress.

The justification for developing programs under the Act derives from the increasing requests for assistance addressed to the Smithsonian by community leaders, museum personnel, museum regional organizations, and national museum groups. For example, many museum career people inquire about training but only a few are able to come without at least modest financial support. Cities, communities, universities, colleges, schools, historical societies, and museums continually request advice on the institutional future of museums, on museum planning and funding, as well as on the development of new techniques and programs.

In spite of the lack of appropriated support, the Smithsonian has made a substantial contribution of staff time and expertise to carry out the purposes of the Act. Examples include:

Discussion and advice on the reorganization of the administration and facilities of museums of the Michigan State University;

Discussion and advice on where to locate a natural history museum in Louisville, Kentucky;

Training of science museum technicians at museums in New York, Chicago, and Los Angeles;

Curatorial advice on historical interpretation and exhibition planning at Oakland, California;

Publication of a manual on Museum Registration Methods with the American Association of Museums;

Support of AAM studies of museum performance, standards and accreditation;

Support of AAM conferences on the needs

of museums, in cooperation with other agency members of the Federal Council on the Arts and the Humanities;

Support of annual meetings of the Southeastern Museums Conference at Little Rock, Arkansas, and Norfolk, Virginia, to provide professional consultation on basic museum problems and to publish reports;

Conduct of a Smithsonian seminar for museum directors and social scientists on increasing the effectiveness of museum communication with the public, in cooperation with the Smithsonian Office of Academic Programs;

Demonstration of the planning and preparation of museum exhibits for a group of museums at Charleston, West Virginia;

Smithsonian staff participation in two annual workshops for small museums in Texas;

Conduct of museum surveys and preparation of reports on museum questionnaires in cooperation with the Directors of Systematic Collections, the Office of Education, and the AAM;

Development and maintenance of a documentation center of museums and their programs;

Support of a committee consideration of creating cooperative regional museum laboratories to provide services to museums at cost; and,

An impressive total of Smithsonian staff effort responding to hundreds of requests for advice on conservation, historic preservation, salvage archeology at historic sites, planning and preparation of exhibits, planning of museum buildings, museum services for colleges, and research and development of museum techniques.

In their report to the Federal Council on the Arts and the Humanities, museum directors and public members of a committee convened by the AAM, stated, "That the Museum Act be funded with an appropriation of at least $1 million for the first year" [i.e., fiscal year 1972, the first year requiring new authorization of the amount to be appropriated].

HISTORY OF BUDGET REQUESTS SUBMITTED BY THE SMITHSONIAN TO PROVIDE THE SERVICES AND THE PROGRAMS REQUIRED BY THE ACT

Fiscal year	Request submitted to Bureau of Budget	Request submitted to the Congress	Appropriated
1968	$200,000	$80,000	0
1969	250,000	70,000	0
1970	30,000	80,000	
1971	[1] 300,000		
1972	[1] 900,000		

[1] Total.

Projects to be developed under the act

FISCAL YEAR 1970

Increase to be requested of Congress	$80,000
To provide services required to meet the needs of museums: including the training of museum personnel, improving the information services and the review of museum plans and programs, to design pilot traveling units of collections and to publish manuals on planning programs and facilities	28,300
To perform research in museum techniques and practices, devise experiments and tests of museum communication and education, train museum technicians, publish plans and reports of new methods and practices	51,700

FISCAL YEAR 1971

Increase to be requested of Congress	220,000
To train 14 museum career personnel in art, history, and science curatorial positions	130,000
To train 10 museum technicians in conservation, exhibition, museum education, management of collections, and support of research	90,000

FISCAL YEAR 1972

Increase to be requested of Congress	600,000
Conduct of continuing studies of museum performance for increasing the effectiveness of museum programs in individual communities for enriching education and cultural development of their localities, for providing standards of performance and accreditation; 1 major study and 2 surveys	165,000
Conduct of a national study of methods and technology for a nationwide catalog of the collections of American museums of history, material culture, science and industry, to aid in historical researches and to assist in coordinating cooperative programs for the circulation of collections in the service of many communities now lacking museum resources	175,000
Workshop demonstrations at 12 regional seminars of museum directors and staff in museum practices, such as exhibition, conservation, education, and administration	100,000
Support of regional museum conferences, to provide professional consultants on museum problems at annual meetings and to publish reports of the proceedings	50,000
Conduct a feasibility study of a system of regional cooperative museum laboratories to supply museum conservation, exhibits and museum education materials at cost to the museums across the United States	30,000
Publication of museum manuals, facilities, plans, and exhibition designs	80,000

S. 705—INTRODUCTION OF BILL AUTHORIZING THE SMITHSONIAN INSTITUTION TO ACQUIRE LANDS AND TO DESIGN A RADIO-RADAR ASTRONOMICAL TELESCOPE

Mr. ANDERSON. Mr. President, on behalf of myself and Senators FULBRIGHT and SCOTT, I introduce, for appropriate reference, a bill to authorize the Smithsonian Institution to acquire lands and to design a radio-radar astronomical telescope for the Smithsonian Astrophysical Observatory for the purpose of furthering scientific knowledge, and for other purposes.

I ask unanimous consent that the bill and statement entitled "Smithsonian Astrophysical Observatory—Radio and Radar Astronomy" be printed at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and statement will be printed in the RECORD.

The bill (S. 705) to authorize the Smithsonian Institution to acquire lands and to design a radio-radar astronomical telescope for the Smithsonian Astrophysical Observatory for the purpose of furthering scientific knowledge, and for other purposes, introduced by Mr. ANDERSON (for himself and other Senators), was received, read twice by its title, and ordered to be printed in the RECORD, as follows:

S. 705

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Board of Regents of the Smithsonian Institution is authorized to acquire lands by gift, purchase, exchange, condemnation, or otherwise, to be used as a site for a radio-radar astronomical telescope.

SEC. 2. The heads of executive departments and independent agencies of the Government are authorized to transfer to the Smithsonian, without charge, real and personal property under their custody, control, or jurisdiction, for the purposes of this Act.

SEC. 3. The Smithsonian is authorized to design a radio-radar astronomical telescope, including related equipment and facilities, for purposes of scientific research and knowledge.

SEC. 4. The Secretary of the Smithsonian is hereby authorized to employ a Director and Assistant Director without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, and such other personnel as may be necessary.

SEC. 5. In furtherance of the purposes of this Act, the Secretary of the Smithsonian Institution may—

(a) enter into, perform, and modify contracts and agreements and otherwise cooperate with any agency of the United States Government or of any State or subdivision thereof, educational institutions, voluntary agencies, and with other organizations, individuals, and firms;

(b) utilize the services and facilities of, or procure commodities from, any agency of the United States Government with the consent of the head of such agency; and

(c) employ experts and consultants or organizations thereof, as authorized by section 3109 of title 5 of the United States Code for the performance of functions under this chapter at rates not in excess of $100 per diem, and while away from their homes or regular places of business they may be paid actual travel expenses and per diem in lieu of subsistence and other expenses at the applicable rate prescribed in the Standard Government Travel Regulations, as amended: *Provided,* That contracts for such employment may be renewed annually.

SEC. 6. The Secretary of the Smithsonian is authorized to establish an advisory committee including representatives of cooperating users of the telescope. The committee shall submit recommendations on the design, location, and preparations for construction, operation, and use of the telescope and its related facilities. The members of the committee shall receive no compensation for their services, but may be paid actual travel expenses and per diem in lieu of subsistence and other expenses at the applicable rate prescribed in the Standard Government Travel Regulations, as amended.

SEC. 7. There are authorized to be appropriated to the Smithsonian Institution such funds as may be necessary to carry out the purposes of this Act, such appropriations to be made available without fiscal year limitations: *Provided,* That not to exceed $2,000,000 is authorized to be appropriated through the fiscal year ending June 30, 1970.

The statement presented by Mr. ANDERSON is as follows:

SMITHSONIAN ASTROPHYSICAL OBSERVATORY RADIO AND RADAR ASTRONOMY

Radio and radar astronomy are two new fields of science which have contributed surprising and dramatic new discoveries about the solar system and the universe, and have fundamentally altered and enlarged our basic knowledge. No other period in the history of astronomy can compare with the last decade in the flow of new discoveries made possible by radio and radar observations. The radio telescope can perform either as a radar or as a radio. When used as a radar device, it is equipped with a transmitter that beams a powerful signal toward the sun, moon, planets, and other objects in the solar system and receives an echo. The radio telescope can analyze the radar echo and extract new information about the body in question. During the last decade this process has been able to measure the scale of the solar system to unprecedented accuracy; to measure the diameters of important planets; to map the surface of Venus, even though it is totally obscured by a complete and continuous cloud cover, and to reveal unexpected and precise rotation rates of planets. For example, after radar observations, Mercury was discovered to be "locked" to the sun in a completely unexpected manner—and the rotation of Venus is actually controlled by the earth. The radar observations have also opened new methods to test the general theory of relativity. These are examples of what we may expect in the future, because each step toward telescopes of larger sizes and more advanced electronics systems has invariably led to unexpected and highly significant new results.

When the radio telescope is used as a receiver only, its scope of radial vision expands to reach beyond the solar system to the most distant objects known in the universe. Sensitive radio receivers operate at the focus of the radio telescope much as the eye or photographic plate function in an optical telescope. Through the use of this technique, we have discovered more powerful energy sources than any before known to man. The quasi stellar radio sources, quasars, and the pulsating radio sources, pulsars, have generated enormous excitement in the fields of astronomy and physics, which can be compared only with the excitement in the scientific community when it received the original news of the splitting of the atom. The discoveries made through radio and radar devices on radio telescopes continue to contribute to our basic knowldege of the universe. Future discoveries will pose new problems of interpretation which, when solved, will add to our understanding of the fundamental processes in nature, and possibly the discovery and control of new sources of energy on the earth.

We may briefly survey the existing filled-aperture fully-steerable radio telescopes that are now in operation to carry out basic research. We exclude from the survey similar instrumentation operated for military and space purposes, i.e., the mission-oriented antennas. We also exclude two special purpose research antennas, one at Green Bank, West Virginia and another at Arecibo, Puerto Rico, whose surface precisions limit operations at short wavelengths and whose mounting systems limit sky coverage or tracking time on objects under study. In summary, there are numerous small instruments in the United States, and few large machines, and in the countries abroad the reverse is true; very few small instruments but a monopoly on the world's largest radio telescopes. Thus other countries now have superior facilities for fundamental research in radio astronomy.

In the United States there are a number of small, 85- to 90-foot diameter, radio telescopes in various institutions throughout the country. A 130-foot diameter radio telescope operates at Owens Valley, California, and a 140-foot diameter radio telescope at Green Bank, West Virginia. Canada has a 150-foot telescope at Algonquin Park. At Parkes, Australia, there is a 210-foot diameter radio telescope; Great Britain has a 250-foot diameter radio telescope at Jodrell Bank. At Bonn, West Germany, a 328-foot diameter radio telescope is now under construction; and plans are nearing completion for a new 400-foot diameter radio telescope (Sir Bernard Lovell's current project) in Great Britain. Thus the United States is the only major Western country that still lacks a large and powerful radio telescope.

In the United States, the Office of Naval Research and the National Science Foundation have been the major sources of support for radio telescopes. Paradoxically, other nations have larger radio telescopes than we do partly because they have more limited financial resources. They have concentrated their funds in single large projects and have thus converted an economic liability into a scientific asset.

The radio and radar scientists in the United States, who attended a meeting at the Smithsonian Institution on November 30/December 1, 1968, clearly recognized this situation and expressed their hope that national initiative could be taken to obtain a large radio-radar telescope for this country.

Fully completed designs exist for a 440-foot radio telescope enclosed in a protective space-frame radome which supports fiberglass panels. The radome isolates the antenna from the environment as shown in the attached drawing. (Drawing not shown.) The construction of so large an antenna can be accomplished with the use of the light-weight materials because of the controlled environment within the radome. This controlled environment also permits the construction of a very precise parabolic surface on the antenna itself, which is a fundamental objective for the radio and radar scientists.

The effort to produce this design, now completed, began in 1963 and involved the Smithsonian Astrophysical Observatory, Harvard University, the Massachusetts Institute of Technology, and the MIT Lincoln Laboratory. At a later date in 1967, the group was broadened to include thirteen research and educational institutions in the Northeast, and at the Smithsonian meeting in Washington on November 30/December 1, 1968, the radio and radar scientists from all over the United States expressed their hope that the Smithsonian Institution would take the initiative to obtain authorization for this instrument. They agreed that the existing 440-foot design should be used as the basis for a major telescope, to be constructed and managed by the Smithsonian Institution, to be operated as a national facility, and to be open to all radio and radar scientists, independent of their institutional affiliations, and that access to the use of the telescope should be determined by the feasibility and scientific merit of the proposed experimental programs.

The Smithsonian Astrophysical Observatory, as one of the world's pre-eminent observatories, believes that this instrument is essential to national research in the field of radio and radar astronomy. The nation's scientists need this instrument as a major undertaking in astrophysics, continuing a century-old tradition in the Smithsonian Institution.

The Institution proposes that the instrument be shared by astronomers from all academic and research organizations throughout the country. This means that benefits from the Federal investment would be shared not only by the astronomers of the Smithsonian Institution, but also by scientists throughout the United States.

S. 706—INTRODUCTION OF BILL PROVIDING FOR ADDITIONAL MEMBERS OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. ANDERSON. Mr. President, I introduce, on behalf of myself, Mr. Fulbright, and Mr. Scott, a bill to amend the act of August 10, 1846, as amended, to provide for additional members of the Board of Regents of the Smithsonian Institution.

I ask unanimous consent that this bill be printed in the Record at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 706) to amend the act of August 10, 1846, as amended, to provide for additional members of the Board of Regents of the Smithsonian Institution, introduced by Mr. Anderson (for himself and other Senators), was received, read twice by its title, referred to the Committee on Rules and Administration, and ordered to be printed in the Record, as follows.

S. 706

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 3 of the Act of August 10, 1846, as amended (9 Stat. 103, 20 U.S.C. 42), is further amended by—

(1) deleting "six" and inserting in lieu thereof "nine", and

(2) deleting "four" and inserting in lieu thereof "seven", so as to read as follows:

"Sec. 3. The business of the institution shall be conducted at the city of Washington by a Board of Regents, named the Regents of the Smithsonian Institution, to be composed of the Vice President, the Chief Justice of the United States, and three members of the Senate and three members of the House of Representatives; together with nine other persons, other than members of Congress, two of whom shall be resident in the city of Washington; and the other seven shall be inhabitants of some State, but no two of them of the same State."

Sec. 2. Section 3 of the Act of August 10, 1846, as amended (9 Stat. 103, 20 U.S.C. 43), is further amended by—

(1) in the second sentence thereof, deleting "six" and inserting in lieu thereof "nine",

so as to read as follows: "The Board of Regents shall be appointed as follows: The Members of the Senate by the President thereof; the Members of the House by the Speaker thereof; and the nine other persons by joint resolution of the Senate and House of Representatives."; and

(2) in the sixth sentence thereof, deleting "six" immediately after "term of service for the other" and before "members" and inserting in lieu thereof "nine",

so as to read as follows: "The regular term of service for the other nine members shall be six years; and new elections thereof shall be made by joint resolutions of Congress."

S. 709, S. 710, S. 711, S. 712, S. 713, S. 714, AND S. 715—INTRODUCTION OF BILLS MAKING ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Mr. JACKSON. Mr. President, by request, I introduce for appropriate reference seven bills to make additions to the national wilderness preservation system under authority of Public Law 88–577.

These proposals were submitted to Congress by the President during the 90th Congress but did not receive final action.

The areas which the bills would add to the system are 73,333 acres in the Las-

sen Volcanic National Park in California, 95,000 acres of the Ventana Primitive Area in the Los Padres National Forest in California, 63,500 acres of the Desolation Valley Primitive Area in the Eldorado National Forest in California, 5,330 acres of the Pinnacles National Monument in California, 9,197 acres in the Lava Beds National Monument in California, a total of 73,000 acres of the Mount Baldy, Pine Mountain, and Sycamore Canyon Primitive Areas now a part of national forests in Arizona, and certain lands in the Island Bay, Cedar Keys, Passage Key National Wildlife Refuges in Florida, the Okefenokee National Wildlife Refuge in Georgia, and certain lands in the Petrified Forest National Park in Arizona.

The VICE PRESIDENT. The bills will be received and appropriately referred.

The bills (S. 709) to designate certain lands in the Island Bay, Cedar Keys, Passage Key National Wildlife Refuges in Florida, the Okefenokee National Wildlife Refuge in Georgia, and certain lands in the Petrified Forest National Park in Arizona as wilderness; (S. 710) to designate the Mount Baldy Wilderness, the Pine Mountain Wilderness, and the Sycamore Canyon Wilderness within certain national forests in the State of Arizona; (S. 711) to designate certain lands in the Lava Beds National Monument in California as wilderness; (S. 712) to designate certain lands in the Pinnacles National Monument in California as wilderness; (S. 713) to designate the Desolation Wilderness, Eldorado National Forest, in the State of California; (S. 714) to designate the Ventana Wilderness, Los Padres National Forest, in the State of California; and (S. 715) to designate certain lands in the Lassen Volcanic National Park in California as wilderness introduced by Mr. JACKSON, were received, read twice by their titles, and referred to the Committee on Interior and Insular Affairs.

S. 716—INTRODUCTION OF BILL TO AMEND THE TAYLOR GRAZING ACT

Mr. McGEE. Mr. President, I introduce for appropriate reference, a bill to amend section 315b, title 43 of the United States Code. This section is a portion of the Taylor Grazing Act which is the statutory authority under which the Department of the Interior and the Bureau of Land Management administer much of the public lands in the United States today. Briefly, my amendment would provide the Secretary of the Interior with some direction in reference to the determination of grazing fees on the public lands under his jurisdiction and the elements to be considered in setting those fees.

In November 1968, the Department of the Interior and the Department of Agriculture announced a proposal under which the fees to be charged livestock operators who utilize public lands in their operations would be greatly increased. In the case of the Department of the Interior and the so-called Taylor grazing lands, this proposed increase amounted to almost 400 percent and was to be spread over a 10-year period. This action was proposed under a directive from the Bureau of the Budget dating back to 1959 during the second term of President Eisenhower. It has been under consideration in one way or another, but no final decision was reached until earlier this month when it was announced that the proposed increases were finalized and would be put into effect for the 1969 grazing season.

Following the initial announcement in November, the Departments invited comments, and the record was kept open for a period of 45 days. Several Senators and Members of the House of Representatives asked that an extension of time be granted and that the final decision on this matter be postponed so that all aspects of the situation could be investi-expressed by many that since the proposal was the result of a study which was conducted over a period of years, the 45-day period for receiving comments was somewhat unreasonable. Despite these protests and suggestions, however, the Departments proceeded to close the record and impose the first phase of the increased fee schedule. All of this took place prior to the time the present Congress convened.

By way of explanation, under the directive of the Bureau of the Budget the Federal agencies understood they were compelled to obtain "a fair market value" for the grazing rights which are made available to livestock operators in the public lands States. In determining what constitutes "a fair market value" the agencies were to take into consideration the costs incurred by grazing lessees of comparable State and privately owned lands. With this directive and guideline in mind, the agencies conducted a rather lengthy and detailed study of the various costs and expenses incurred by livestock operators on both private and public land grazing leases.

This study culminated with a table of average costs per animal unit month—AUM—for some 14 individual items which reflect the cost of running livestock on leased grazing land, both public and private. These items resulted in a total cost of $3.34 per AUM on public land as opposed to a total cost of $4.65 on privately owned leased land. This indicated a differential of $1.31 per AUM, and it is this purported differential that the agencies are attempting to eliminate by the increased fee schedule which was proposed in November 1968, and finalized just a couple of weeks ago.

While there may be some element of disagreement with reference to many of the cost factors resulting from these studies, one of the major points of concern is the item which was not included in this cost determination, and that item is the permit cost—the cost to the livestock operator for the "privilege" of obtaining grazing rights on public land. The Bureau of Land Management obviously recognizes this as a valuable right with a definite economic value. As a matter of fact, in the studies which I have been discussing the average permit price was established by BLM at $14.41 per AUM. While recognizing and, in fact, determining this significant cost factor, the agency has refused to recognize this as a legitimate cost factor in determining the costs of running livestock on leased public lands. To do so, they contend, would be a recognition of a property right on the grazing rights on Federal lands and that such a recognition would be in specific violation of the Taylor Grazing Act. The concluding sentence of section 315b, which I seek to amend, provides that the grazing rights "shall not create any right, title, interest, or estate in or to the lands."

The livestock operations feel quite strongly that this major cost or investment item should be considered in determining operating costs since it is most certainly an investment which must be made if they are to acquire any grazing rights on the public domain. In my opinion, there is considerable merit in the suggestion that the reasonable acquisition cost of a grazing permit should be considered in any meaningful analysis of the costs involved in a livestock grazing operation.

It is commonly recognized within the livestock industry and by those Federal agency officials who administer our public lands that these grazing privileges are a valuable property right. The fact that they are not to be construed as creating any right to the land itself, by the terms of the Taylor Grazing Act, is immaterial for the purposes of this discussion. The fact remains that they are a valuable property right in and of themselves. They are transferred quite freely within the livestock industry for a determined and valuable consideration. Under these circumstances it is most difficult to understand why this cost, along with all others involved, cannot and should not be recognized in any fee-setting procedure which has as its expressed purpose, a goal of achieving comparability with expenses of operations on privately owned leased lands.

Mr. President, I want to make it clear that I have no particular quarrel with the comparability concept or the fair return mandate which was delivered by the Bureau of the Budget in 1959. Most of our livestock operators would agree that they should pay a fair and reasonable fee for grazing rights or other uses of our public lands. They do feel, however, and with considerable justification, that any system or procedure which consciously eliminates one of their principal cost factors cannot result in a fair or equitable determination of those fees. My amendment would simply direct the Secretary of the Interior to consider this investment, along with all other legitimate costs, in establishing the comparability of fees and the final fees to be charged.

I would hope, Mr. President, that I could obtain early hearings on the bill which I have introduced today. During the course of these hearings, I believe we would have occasion to examine this entire issue in some detail with all interested parties being given the opportunity to present their views. While public comments were invited and received prior to the time this matter was finalized on an administrative level, there is some real question as to what extent adverse comments were considered. This is a matter of great importance, and I feel it merits a full congressional review as soon as possible.

My bill, as an amendment to the Taylor Grazing Act, would affect only those lands administered by the Department of the Interior. I shall introduce similar legislation to cover those lands administered by the Department of Agriculture through the Forest Service. While the jurisdiction is different, the principle which I have discussed in reference to Department of the Interior lands is precisely the same as with those administered by the U.S. Forest Service.

In concluding my remarks, I would like to have inserted in the record the comparative table, to which I have made reference and which sets forth the elements of costs of a livestock operation on public and private leased lands. This table indicates that when all costs, excluding fees—items 1 to 13—are considered, the costs of operation on public lands exceeds those on private lands by $0.51. Only when the lease cost—item 14—is added to the private land costs and the permit cost—item 16—continues to be excluded from the computation does the private lease cost purport to exceed the public land operation.

This is a matter which calls for an immediate clarification, and it is for this purpose that I have introduced this measure.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the table will be printed in the RECORD.

The bill (S. 716) to amend title 43 U.S.C. 315b to provide the cost factors which shall be taken into consideration in determining the grazing fees which will be imposed for use of public lands, introduced by Mr. McGEE, was received, read twice, by its title, and referred to the Committee on Interior and Insular Affairs.

The table, presented by Mr. McGEE, is as follows:

TABLE 2.—AVERAGE COSTS PER AUM

	BLM land	Private land
1. Lost animals	$0.60	$0.40
2. Association fees	.04	
3. Veterinarian	.10	.14
4. Moving livestock to and from allotment	.22	.24
5. Herding	.49	.20
6. Salting and feeding	.69	.88
7. Driving to and from allotments	.31	.28
8. Water	.11	.07
9. Horses	.12	.10
10. Fence maintenance	.21	.27
11. Water maintenance	.20	.10
12. Development depreciations [1]	.11	.02
13. Other costs	.14	.13
(Subtotal) nonfee costs	3.34	2.83
14. Lease rates, private		1.82
15. Total cost excluding permit	3.34	4.65
16. Permit price	14.41	

[1] Straight line depreciation allowance for private investment on public or leased lands.

Note: Average difference in nonfee costs (items 1 through 13) is $0.51 more per AUM on public land. Average difference in total cost exclusive of permit prices (items 1 through 14) is $1.31 more per AUM to use private than public land.

S. 718—INTRODUCTION OF GIFTED AND TALENTED CHILDREN EDUCATIONAL ASSISTANCE ACT

Mr. JAVITS. Mr. President, I introduce, for myself and the distinguished Senator from Vermont (Mr. PROUTY), the Gifted and Talented Children Educational Assistance Act. This legislation is designed to focus Federal resources on the improvement of educational opportunities for gifted and talented children. No additional congressional authorizations are required. Gifted and talented children are defined as "those having outstanding intellectual ability or creative talent, the development of which requires programs or services beyond the level of those ordinarily provided in regular school programs."

This measure is being introduced today in the House by Representatives JOHN N. ERLENBORN, WILLIAM AYRES, MARVIN L. ESCH, EDWIN ESHLEMAN, ALBERT QUIE, OGDEN REID, and WILLIAM STEIGER, all minority members of the House Committee on Education and Labor.

The bill would launch a national effort to assist local and State educational agencies in establishing programs—and training personnel to carry out these programs—to meet the unique learning needs of especially gifted and talented children.

Specifically, the bill would:

First. Amend title V of the Elementary and Secondary Education Act by including the phrase "gifted and talented" in the enumeration of areas that can be funded thus enabling State education agencies to develop appropriate plans and to acquire the necessary personnel to provide for the educational needs of students with outstanding intellectual ability and creative talent within the State.

Second. Amend the Educational Professions Development Act by adding "gifted and talented" as a priority area, focusing attention on the recruitment and development of personnel necessary to work with children of outstanding ability.

Third. Amend title II, ESEA, by adding "special programs for the gifted and talented" as a type of educational center and service and innovative program to be encouraged under title III. Because of their unique learning nature, gifted and talented children require many services and opportunities beyond the confines of the classroom or school. Title III has been shown to be an effective tool for helping school districts to provide such services and opportunities on a multischool or regional basis. It is the intent of this amendment to focus some of the efforts of title III on meeting the unique program needs of gifted and talented children.

Fourth. Direct "the Commissioner of Education to conduct a study as to how existing education programs can be best used to meet the needs of the gifted and talented and what new programs might be necessary" and report his recommendations to the Congress within 6 months.

We often view the identification and education of gifted and talented children as being limited to a suburban problem. However, today with over one-third of our schoolchildren located in the urban centers, greater efforts must be made to develop the hidden talents in our cities. Educators have noted that the great reservoir of undiscovered and undeveloped intellectual talent in America is not confined to upper-class or middle-class neighborhoods. While the proportion of high IQ's may be lower in underprivileged areas, the actual numbers of the intellectually very bright in poor homes are far in excess of those to be found in the relatively few homes of business and professional leaders. This resource must not be wasted; developing our gifted and talented children to their fullest is a task of concern to the whole Nation.

The Congress has long realized that education is a State responsibility. For this reason, we have channeled resources under title V of the Elementary and Secondary Education Act to assist State departments of education to upgrade and expand their role in the education process. At present only 13 of the 50 State departments of education assign one or more full-time staff members to programs or provisions for gifted and talented children. Twenty-one States have no one responsible on a full- or part-time basis for assuring that gifted and talented students have educational experiences commensurate with their needs. The fact that nine out of 10 gifted and talented children now receiving services come from States employing full-time personnel demonstrates the importance of such personnel to the growth of special programs. Title V of ESEA has helped upgrade State departments of education and improve State administration. I hope that through this amendment that some of these excellent resources will be devoted toward the needs of gifted and talented children.

The Congress has long had a commitment to the concept of equality of educational opportunity for all children. The legislation providing for handicapped children, bilingual children, disabled children, children of American Indians, any many others has helped communicate to educators throughout the world the premise that although children differ in their abilities and aspirations, each child deserves the education that will most effectively develop his unique potentials. It is certainly upon this foundation to assist the individual pursue a life which will allow him to develop a sense of fulfillment, personal satisfaction, happiness, and self-realization, that our Government is dedicated. In addition to society's obligation to provide for the individual an opportunity for self-fulfillment, it has a very real obligation to itself to assure national survival and growth through the continuing development of manpower and leadership. It is for this purpose of enabling able individuals to develop their potential to the fullest and guaranteeing that our Nation remains strong through the full utilization of its greatest minds and talents to which the Gifted and Talented Children Amendments of 1969 is directed.

In 1958, in response to sputnik, the Congress enacted the National Defense Education Act to identify our most gifted students and to stimulate resources toward meeting the educational needs of these students. However, today, a decade since the passage of NDEA, the Federal effort toward meeting the needs of the gifted and talented has diminished to the point that there is not one single Federal law or program devoting significant resources toward the education of gifted and talented youth, nor does the U.S. Office of Education employ anyone with responsibility in this area.

Some States have developed programs for the gifted and talented. However, little growth has taken place. Only about one-third of the States have established efforts to assess and improve the education of gifted and talented children. Study commissions have been formed, theoretical foundations established; however, very few of the over 3 million gifted and talented children of this Nation are receiving the special education services they need.

Our country cannot afford to allow this to continue. We are a nation concerned about the conservation of our most treasured natural resources; the time has come for us to conserve our most precious resource, our gifted and talented children.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOMINICK. I wonder if the Senator would permit me to join as a cosponsor.

Mr. JAVITS. Mr. President, I ask unanimous consent that the name of the Senator from Colorado (Mr. Dominick) be added as a cosponsor, as well as the names of the Senator from Alaska (Mr. Stevens), the Senator from Kentucky (Mr. Cook), and the Senator from Colorado (Mr. Allott), at the first printing.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill will be received and appropriately referred.

The bill (S. 718) to provide for educational assistance for gifted and talented children, introduced by Mr. Javits (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, I ask unanimous consent that, if there are other Senators who wish to have their names added as cosponsors of the bill, they may have authority to do so before the bill is sent for printing today.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. PROUTY. Mr. President, I am pleased to have an opportunity to support the Gifted and Talented Children's Educational Assistance Act of 1969 which is being introduced in both the Senate and the House today.

During the past few years Congress has enacted far-reaching legislation enabling the Federal Government to assist States, localities, school districts, and universities in providing an adequate education for all Americans. Recognizing that certain groups of youth have special problems which impede the learning process, I and the other members of the Education Subcommittee of the Labor and Public Welfare Committee, have sponsored legislation aimed particularly at enabling schools to develop programs for the disadvantaged, handicapped, or non-English-speaking child. These programs are now reaching large numbers of American youth who ordinarily could not derive benefit from the educational facilities in their communities.

However, Mr. President, there remains one large group of youth which is not being assisted. These are the gifted children of our Nation, comprising from 3 to 5 percent of the school population, or numbering over 3 million. The talented child has often been the forgotten child and the underachiever despite his extraordinary potential because he becomes bored with unchallenging programs. It is often assumed, for example, that it is the less intelligent child who leaves school. A study conducted by Dr. Joseph L. French of Pennsylvania State University has indicated, however, that 11 percent of the high school dropouts, or some 80,000 youths having IQ's over 110 leave school before graduation each year. These youths have the intellectual capabilities to become professionals and leaders. We cannot afford to waste their talents.

The bill which Senator Javits and I are sponsoring today, Mr. President, is unusual in that it will enable State and local school agencies to assist gifted children without obligating additional funds for that purpose. It creates an opportunity without raising costs.

Essentially, the bill allows States and local school agencies and universities receiving funds under ESEA and EPDA acts to utilize those funds for the benefit of gifted children as well as handicapped children. In addition, Mr. President, it directs the Commissioner of Education to conduct a study in order to ascertain how existing educational programs can best be used to meet the needs of the gifted and talented. I strongly support this bill and ask that it be speedily enacted by the Senate.

S. 719—INTRODUCTION OF BILL TO CREATE A NATIONAL MINERAL POLICY

Mr. ALLOTT. Mr. President, I introduce a bill on a national minerals policy, cosponsored by Senators Bellmon, Bennett, Bible, Cannon, Church, Dominick, Fannin, Hruska, Jordan of Idaho, McGee, Metcalf, Young of North Dakota, Hansen, and Stevens.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 719) to establish a national mining and minerals policy, introduced by Mr. Allott (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. ALLOTT. Mr. President, virtually all great civilizations have developed around or near natural resources, and the United States is no exception. In the past, the uneven distribution of natural resources has been the cause of international conflict and still remains a major factor in international relations. It has always been difficult for any country to raise itself above the subsistence level without the means to provide tools, raw materials, and natural energy to extend the scope of human and even animal muscle energy. As societies become more industrialized their dependence upon natural resources accelerates. In time, nearly all industrialized societies have had to look to sources outside their geographic boundaries to supply their needs. As other societies or nations become more affluent the competition for raw materials increases, and with this increased competition come problems of economics. The industrialized nation either pays the price, engages in extensive searches for suitable substitutes, or may be forced to succumb to competitive economic pressures forcing it to rely on imports of the manufactured product, unless that nation is lucky enough to discover or develop a new domestic source of the needed raw material.

Minerals are, of course, a basic raw material of industry. Agriculture and silviculture also provide raw materials for industry, but because of their renewable nature do not present the same kind of problem. With respect to silviculture, this Nation's policy has long been established and implemented. It is embodied in the phrase, "sustained yield." With respect to agriculture, our policy is not so easily definable, but nevertheless it exists. While implementation has been faltering at times, I believe it can be described as a policy of improving the productivity of our agricultural lands, while conserving those lands, and of improving the quality of our agricultural products. But, what is our minerals policy? I have vainly searched for some expression of a national minerals policy in legislative and executive programs, and have come to the conclusion that none exists. We do, of course, have an oil import program, and a few loans are made through the Office of Minerals Explorations, but these can hardly qualify as a national policy.

Mr. President, 15 years ago President Eisenhower gave recognition to the continuing grave deficiency in the U.S. minerals posture when he established the President's Cabinet Committee on Minerals Policy. In his letter to Secretary of the Interior Douglas McKay, President Eisenhower said, in part:

> One of the essential problems before our country is the establishment of a national policy relating to the production and utilization of minerals and metals. The prudent use and development of domestic mineral resources, as well as assured access to necessary sources abroad, are indispensable to the operation of an active economy and a sound defense.

The need for a national minerals policy has become more evident with the passage of time. House Concurrent Resolution 177, which passed the Senate on September 10, 1959, expressed the sense of the Congress concerning an overall national minerals policy as being—

> That the maintenance and development of a sound and stable domestic mining and minerals industry, without critical dependence upon foreign sources is essential to national security and the welfare of the consuming public.

Despite this statement of the sense of Congress many of our most vital and strategic materials must be imported in large quantities. In some instances, we rely entirely upon foreign sources, for example: chromium, corundum, columbium, electronic grade quartz crystals, radium, and strontium. In other cases our domestic production is so negligible that we rely almost exclusively on foreign sources; such minerals are asbestos, bauxite—the source of aluminum—beryllium, graphite, iodine, manganese, nickel, platinum group metals, rutile—a source mineral for titanium—and tin. With respect to silver and gold, the rapidly depleting Treasury stocks have been our major source of supply, but that source is destined for an early demise. Treasury silver stocks at the end of 1963 were 1,582,500,000 troy ounces. By December 1968 they had fallen to approximately 58 million ounces, and will soon be exhausted. This represents an outflow of 1.524 billion ounces of Treasury stocks in just 5 years. Imports come from principally Canada, Peru, Mexico and the Republic of South Africa, yet U.S. mine resources are far greater than any of the nations from which we import silver. The largest single use of silver is for the manufacture of photographic film. It is also used extensively in electrical and electronic equipment, besides providing the substance from which the wedding gifts that make a bride's eyes shine are fashioned.

Most of the minerals or metals mentioned are considered so essential to our industrial capability to support the manufacture of material necessary for war as to be stockpiled in the strategic stockpile. The existence of the strategic stockpile is mute evidence of our inability to produce these vital materials on demand. With respect to some commodities, such as chromium and the platinum group metals, we rely heavily upon the U.S.S.R. for import supplies. In other cases we rely principally or almost entirely upon one country as our import source, such as Canada for asbestos, nickel and selenium; Southern Rhodesia for corundum; India for strategic mica and kyanite; Brazil for electronic quartz crystals; Australia for rutile; Malaysia for tin; Japan for titanium; Peru for bismuth; and Mexico for graphite. As a former Director of the Bureau of Mines pointed out in hearings earlier last year before a Senate committee:

> Major tonnages of our key basic materials are coming from foreign operations: 85 percent of our bauxite for aluminum; almost 20 percent of our copper (and probably much more in 1967 and 1968); 40 percent of our iron ore; nearly 40 percent of our zinc and more than 25 percent of our lead; all of our manganese and chromium needed for steel; our gold and silver production is about one-fourth of our industrial consumption.

As we permit our Nation to become more and more dependent upon foreign sources for minerals important to our industry, we tend to lose the ability to find and produce these minerals domestically. Our dependence tends to encumber our foreign policy and limit our freedom of movement within the family of nations. It is, therefore, in the national interest, both in terms of foreign policy and national defense, that our ability to domestically produce important mineral commodities be developed and maintained.

Projections of mineral commodity requirements will increase by about 50 percent on the average, and in some cases by as much as 100 percent, by the year 1985. Yet, there is little evidence that facilities for this mineral commodity production requirement are being put in place, domestically, to provide for the long-range need. Such facilities require from 5 to 10 years leadtime, and require an investment in the neighborhood of $100 million per venture. Major investment is being made in foreign countries, primarily in Canada, Australia, South America, and Central Africa. Some of the incentives for foreign investment are: cheaper labor, tax and other financial concessions granted by foreign countries, and the growth of foreign markets. Further, many foreign ores are richer and do not require new technology to mine and process, particularly with the cheaper labor.

A continuation of these trends may not only cause our capability to produce minerals from domestic sources to remain static, but in some commodities that capacity may totally disappear. Disappearing, also, is the skilled labor to support mining operations. Even in cases where we have abundant known resources we are importing more and more, such as aluminum, copper, iron, potash and zinc. Based upon present trends, we will be importing as much as 98 percent of our iron by the year 2000. While this is a simple extrapolation of present trends, and therefore not necessarily a true indicator, it should cause us to pause and consider where we are headed if the most basic elements to our industrial economy is threatened with nearly total reliance on foreign sources of supply. With respect to some critical mineral commodities, the continued availability from important foreign sources is complicated by and subject to changes in the international political climate; such minerals include among others: chromium, cobalt, columbium, manganese, thorium, and tin.

Unfortunately, it would appear that the sense of the Congress resolution—House Concurrent Resolution 177—merely expressed a pious sentiment which has been largely ignored by subsequent Congresses and administrations. I predicted this in my individual views in Senate Report 968, on House Concurrent Resolution 177, wherein I stated:

> It is important to enact, as a matter of law a national policy as a guideline to all agencies and representatives of the Federal government that as a matter of policy the Federal government will assist in the development of the necessary mineral reserves and will promote the wise and efficient use of our domestic mineral resources.
>
> It is most important, as a matter of law, to clear up once and for all the authority and responsibility of the Department of the Interior in its continuing attempts to foster the domestic minerals industry. The authority of a department can, of course, be established only by law. S. 1537 would do this. House Concurrent Resolution 177 will not.

Of course, S. 1537 was a predecessor to the bill I introduce today, and as I foresaw in 1959 in order to establish a national minerals policy it must be established as a matter of law. We foolishly believed that the "sense of Congress" would carry some weight in the Department, but as events have shown, such was not the case. But folly is not without cost and we are now paying the price.

Part of the cost is to be found in our unfavorable balance of payments over the past years. Just a casual look at eight minerals discloses that we are now importing an estimated $700 million to $750 million annually of antimony, asbestos, beryllium, chromium, cobalt, lead, nickel, and tin. Add to that our imports of copper, aluminum ore, and nearly $2½ billion in oil, the imports of just those 11 commodities more than equaled our balance-of-payments deficit for 1967 which exceeded $3.5 billion. Surely, we cannot afford to overlook such a potential area for ameliorating our serious balance-of-payments deficit.

Mr. President, in his radio address of October 18, 1968, entitled "A Strategy of Quality: Conservation in the Seventies," Richard Nixon called for the establishment of a national minerals policy. He wisely recognized the minerals industry as a vital part of the American economy and of American power. This is particularly welcome to me after having received an adverse departmental report on the measure in the previous Congress.

After agreeing with the objectives of the bill, S. 522, the Department went on to say, in their June 17, 1968, report:

> There are many policies and programs of the Government that affect and influence the development of the Nation's mineral resources. Some of these include the Government's policy to control air and water pollution, to protect fish and wildlife, to preserve our natural beauty, to protect the public's health and welfare, as well as our tax and fiscal policies.

This statement clearly pinpoints the problem: We have policies for everything else but none for minerals—the basic materials of our industrial economy.

It is not difficult to perceive what happens when a conflict arises between one of the established policies and the objectives of my bill—it is resolved with consideration being given only to the "announced national policy." Unfortunately, the conflict may have only been a superficial one, and had a national minerals policy been given some consideration the matter might have been resolved in a manner which would serve both policies better.

As an example of this, consider the possible result had we had a national minerals policy as I proposed a few years ago. If this country had pursued a policy of encouraging more self-sufficiency in minerals and oil production, it would have served our policy of improving our balance-of-payments deficit, our policy of decreasing unemployment, our policy of reducing the budget deficit by increasing tax revenues, while at the same time improving our national defense posture; and, all of this could have been done without inflicting violence upon our conservation policy, for I firmly believe that we will be better equipped to handle conservation and pollution control problems as operations become larger and more efficient.

As some foreign examples have shown us, the spin-off of efficient large-scale surface mining operations will provide the technology to make land restoration both physically and economically feasible.

The spin-off of underground mining technology may hold the answer for high speed urban transit problems by making subway tunneling cheaper and more efficient. Giant boring machines are now being developed for mining purposes. The application of such technology, once developed, to urban problems of transportation would not only serve to reduce the congestion of the city streets, but would also help to reduce air pollution from automobile and bus exhaust—a major source of air pollution in all American cities. In addition, advanced tunneling technology would serve our beautification policy by perhaps making it economically feasible to bury all utility lines.

No one can accurately estimate how much the lack of a national minerals policy has retarded such technological development, but it can be safely said that such development has been retarded. The question is, "How much longer can we afford the shortsightedness of not having a national minerals policy?" In my judgment, time is running out.

The declaration of a national minerals policy would not be a panacea to all our minerals problems. It would be, however, a good, though small, first step. Such a declaration of policy can serve as a springboard from which solutions to the myriad of minerals problems could unfold. It would serve as a beacon for both legislative and administrative efforts to deal with tax problems, import-export problems, public land policies, educational programs, and the many other regulatory policies that have a direct or indirect bearing upon the viability of each segment of the minerals industry. We can no longer accept the persuasion that the sustaining of the facility for access to foreign supply, and the maintenance of an efficient and expanding domestic minerals industry are mutually exclusive to the national interest. The effort to promote and effectuate an adequate national minerals policy is trivial by comparison to the future cost of failure in such respect, and it deserves our immediate attention and best efforts. We should declare to ourselves and to the world that it is the continuing policy of the Federal Government in the national interest to foster and encourage first, the development of an economically sound and stable domestic mining and minerals industry; second, the orderly development of domestic mineral resources; and third, mining, mineral, and metallurgical research to promote the wise and efficient use of our mineral resources. After having declared ourselves, we should immediately get on with the business of making our policy objectives a reality.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

The VICE PRESIDENT. Without objection, the bill will be printed in the RECORD, as requested by the Senator from Colorado.

The bill (S. 719) is as follows:

S. 719

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mining and Minerals Policy Act of 1969".

SEC. 2. The Congress declares that it is the continuing policy of the Federal Government in the national interest to foster and encourage (1) the development of an economically sound and stable domestic mining and minerals industry, (2) the orderly development of domestic mineral resources and reserves necessary to assume satisfaction of industrial and security needs, and (3) mining, mineral, and metallurgical research to promote the wise and efficient use of our mineral resources. It shall be the responsibility of the Secretary of the Interior to carry out this policy in such programs as may be authorized by law other than this Act. For this purpose the Secretary of the Interior shall include in his annual report to the Congress a report on the state of the domestic mining and minerals industry, including a statement of the trend in utilization and depletion of these resources, together with such recommendations for legislative programs as may be necessary to implement the policy of this Act.

S. 721—INTRODUCTION OF BILL TO ESTABLISH GROUND RULES FOR THE ISSUANCE OF CREDIT CARDS

Mr. PROXMIRE. Mr. President, on behalf of myself and the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. MCGEE), the Senator from Utah (Mr. MOSS), the Senator from Wisconsin (Mr. NELSON), the Senator from Texas (Mr. YARBOROUGH), the Senator from Ohio (Mr. YOUNG), and the Senator from Missouri (Mr. EAGLETON), I introduce a bill to safeguard the consumer by requiring greater standards of care in the issuance of unsolicited credit cards and by limiting the liability of consumers for the unauthorized use of credit cards, and for other purposes.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 721) to safeguard the consumer by requiring greater standards of care in the issuance of unsolicited credit cards and by limiting the liability of consumers for the unauthorized use of such credit cards, and for other purposes, introduced by Mr. PROXMIRE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Banking and Currency.

Mr. PROXMIRE. Mr. President, the 90th Congress took a major step to protect the interests of American consumers when it passed the truth-in-lending bill. I introduced that bill, the essence of which was to insure the full disclosure of the cost of credit. Today, I have introduced an amendment to the Truth-in-Lending Act which I believe will take a logical and necessary step in the same direction. I am pleased that 10 Senators join me in sponsoring this measure to curb the injustices visited on consumers by the indiscriminate issuance of credit cards and the misplaced liability for their unauthorized use.

I want to discuss the features of this measure and make plain why I find it so much in the public interest.

Mr. President, the credit card business is booming. Bank credit-card plans particularly have proliferated at an amazing rate. As of September 30, 1967, there were 197 commercial banks operating credit-card programs. In the subsequent 9 months this figure more than doubled, and as of June 30, 1968, there were 416 banks operating such programs. During this same period, amounts outstanding on bank credit-card plans jumped 50 percent, to $953 million. As of December 31, 1967, "plastic credit" outstanding totaled $12 billion, with $800 million of that in bank credit cards, $1 billion with oil companies, $3.5 billion with department store revolving credit plans, and $6.5 billion with retail charge accounts. Much of this was issued by large corporations operating on a nationwide scale. By all indications, the total of "plastic credit" continues to rise rapidly.

All the while, issuers of cards have broadened tremendously the scope of services available under their plans, as if to make them tickets good at all performances of a credit circus. Increasingly, for example, oil company cards are good for hotel or motel accommodations and other travel services, while general merchandise cards are good at service stations.

This explosive growth in the quantity and versatility of credit cards has been, to say the least, a mixed blessing. In their zeal to create instant volume, card issuers employ a wide variety of methods, including the purchase of outside mailing lists.

Thus, the practice of sending unsolicited cards through the mail has become a national problem. Communities have suffered saturation mailings of unwanted, unasked-for cards that caused antagonism and tempted faltering consumers into bankruptcy. All too often the financial burden of lost, strayed or stolen credit cards has fallen on the consumer without distinction as to whether he had used the card or applied for it. All too often the price of the issuer's precious volume has been widespread ill will.

Mr. President, hearings held last October by the Financial Institutions Subcommittee, of which I am chairman, made clear the need for consumer relief in matters of credit card issuance and liability. This amendment to the Truth-in-Lending Act will safeguard the consumer by requiring greater standards of care in the issuance of unsolicited cards, and by limiting the liability of cardholders for the unauthorized use of their cards. This bill does not prohibit the issuance of unsolicited credit cards. Rather, it sets forth some ground rules so that all sides will know how the game is to be played. I ask unanimous consent that a commentary and digest of the bill as well as a copy of the bill and an article entitled "Who Needs Money?" written by Jack Metcalfe and published in the New York Sunday News on November 24, 1968, be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The material presented by Mr. PROXMIRE was ordered to be printed in the RECORD, as follows:

WHAT THE BILL WILL DO

Mr. President, this bill requires the Board of Governors of the Federal Reserve System to prescribe regulations covering the issuance of credit cards to persons who did not request them in writing. By "credit card" is meant any card, plate, coupon book or other credit device with which to obtain money, property, labor or services on credit. These regulations, which shall establish minimum standards for all card issuers to follow in evaluating the credit worthiness of prospective cardholders, serve primarily to protect consumers against overextending themselves with credit obtained through the use of unsolicited credit cards.

It also sets a limit of $50 on a cardholder's liability for the unauthorized use of his card, and then only if certain basic conditions have been met. If they have not been met, the cardholder has no liability whatsoever. These conditions spell out a reasonable and knowledgeable relationship between the consumer who is using credit and the card issuer, who is extending credit.

It stipulates that an accepted credit card is one which the cardholder has requested in writing or signed or used. A renewal credit card is deemed accepted if it is issued within a year after a prior card has been paid for or used. A new credit card, issued in substitution for an accepted card due to a change in the corporate structure or ownership of a card issuer, is also deemed an accepted credit card.

In net effect, these provisions confer on consumers the protections they now enjoy in the use of checks. Those who would explain away the phenomenon of credit cards as merely the substitution of one credit instrument for another, cannot quibble with this intent. And to whatever extent credit cards generate more spending and greater indebtedness, these provisions see to it that consumers know what is going on, although they remain as free as ever to exercise bad judgment. If we are in fact moving toward a so-called checkless society, these provisions are especially important. The credit card could be a trump card played by lenders in anticipation of the day when our customary check protections become extinct.

DISCREDITED CREDIT CARDS

Mr. President, the Federal Reserve System last summer produced a comprehensive and well documented study of bank credit cards which concluded that consumer protection legislation in this area is unnecessary. While it carefully examined the impact of credit cards on banks, it gleaned very little data about their impact on consumers. No household survey was made to determine how many consumers object to receiving unordered credit cards in the mail. Based on examination of some specific cases, the study asserted that fewer than one percent of individuals receiving unsolicited cards returned them or otherwise objected to this method of distribution. Clearly, this one percent is just the visible tip of consumer resentment. No one should conclude from this fragmentary statistic that passive consumers—the 99 percent who do not speak up—are happy about the practice. I have received all kinds of credit cards, from oil companies and other outfits, and I never use them. I have never returned a credit card, either. I destroy them. I cut them up so they can't be used. The cards seem well-nigh indestructible, so I take the scissors and cut them into 20 pieces or so. It is a source of annoyance to me, and I am sure it nettles many other people.

Against this backdrop, it was edifying indeed to hear Royal E. Jackson testify before the Financial Institutions Subcommittee. Mr. Jackson is the very able Chief of the Bankruptcy Division of the Administrative Office of the U.S. Courts. The division makes more or less constant surveys and analyses of the work of the bankruptcy courts, which are necessary to make recommendations from time to time about the number of referees in bankruptcy to hold office, and so on. To find out whether credit cards are implicated in the growing volume of so-called consumer bankruptcy cases, Mr. Jackson sent out questionnaires to a cross-section of the courts handling large numbers of these cases. The results of his survey show unsolicited credit cards are one of the causes of the high rate of consumer bankruptcies.

Mr. President, the portion of consumer bankruptcy cases has been growing for 10 years. In 1958 these non-business cases amounted to 87.6 percent of the 91,668 cases filed. In 1968 these non-business cases amounted to 91.6 percent of 197,811 cases filed. Normally the data on personal bankruptcy reported to Mr. Jackson's division do not include information on the impact of unsolicited credit cards, so the cards were an unknown factor. The replies to his survey changed that. Here is what a referee in Denver wrote to Mr. Jackson:

"Without study in depth, which would necessarily include interviews with the bankrupts involved in the samples, it is not possible to express more than an opinion. My opinion is quite definite: The proliferation of credit cards induces spending by many persons, and spending beyond any reasonable expectation of being able to make payment. Merchandising and sales practices have a strong tendency in such cases to encourage reckless spending. The fact credit-card concerns continue to issue the cards without solicitation or with little or no credit checking indicates to me that the experience of the concerns has demonstrated the losses are more than offset by the profits on the increased sales. The economic and social desirability of such practices is questionable in long-range view."

From Los Angeles, Referee James E. Moriarty, who has presided over more than 10,000 bankruptcy cases, wrote:

"Credit cards do get in the hands of certain people who obviously cannot control their buying impulses or pay for that which they buy. It is an easy way to acquire property without facing up to the fact that some day payments must be made. I have no doubt but what the availability of all types of credit cards have (sic) lead to many persons coming to the Bankruptcy Court."

Referee Dale E. Ihlenfeldt, speaking for the three referees in the Eastern District of Wisconsin, wrote that whenever they have asked a bankrupt about credit cards:

"Without exception, each testified that the card came to him unsolicited in the mail. Most, if not all, of them were already seriously overextended in consumer credit, and receiving this card in the mail was like a gift from Santa Claus. They proceeded, without hesitation, to use the card. The amount of debts incurred with the use of the credit card ranges from two or three hundred dollars up to as much as twelve to fifteen hundred dollars in each case."

Mr. Ihlenfeldt cited some cases. Here are three from last August: Mr. X, with take-home pay of $85 a week at a tannery, showed debts of $2,083.58 to unsecured creditors, including $574 on his bank credit card. He had received the card unsolicited in the mail two years before and used it to buy clothing and make other general purchases. Mr. Y took home $100 a week from an industrial firm. Among $798.90 owed to unsecured creditors, $286 was due on his bank credit card. He had received the card unsolicited in the mail about a year earlier. Mr. Z, a dockworker for a trucking firm with take-home pay of $120 a week, owed $1,059.94 to unsecured creditors, including $421.85 on his bank credit card. He, too, had received an unsolicited credit card in the mail two years earlier, and used it to buy clothing and gas and pay for auto repairs.

Referee S. W. Keelerman, Jr., wrote from Louisville, citing these cases in the Western District of Kentucky: No. 40088 was married and had five children. His take-home pay was $510 a month, and his total indebtedness was $4916.09. On credit cards mailed to him without any solicitation, he was indebted for $1,079.43. No. 41893, a laborer who grossed $3,600 in 1967, owed $1,500 to a creditor who had sent him an unsolicited card. The bankrupt admitted purchasing $200 worth of merchandise with the card, but contended he had lost the card and that parties unknown to him had run up $1,300 in purchases on it. The bankrupt said he had notified the company that sent him the card, but was told they could do nothing about it and that he was responsible for the entire $1,500.

Mr. Keelerman added this indictment:

"These instances stated above are but a few of the many cases coming before this Referee in which the debtors who are already financially overburdened receive this unsolicited credit card. Subsequent purchases by them with the use of this card only help to shove these overburdened debtors into the pits of personal financial disaster.

"Apparently, these unsolicited credit cards are sent promiscuously to individuals without any regard as to the past or present credit standing."

In Seattle, Washington, an especially revealing survey was made of credit card debts listed on unsecured bankruptcy schedules for the months of September, October and November, 1968. It showed there were 503 cases and that credit cards were involved to the extent of about $500 per case. Referee Sidney C. Volinn noted, "My impression is that the average unsecured indebtedness is somewhere in the neighborhood of $3–4,000, so this would be a substantial percentage." The total owed on credit cards for the 503 cases was $247,895, broken down this way: Bank credit cards, $71,103; Oil and gas cards, $70,682; Retail store cards, $70,168; Travel and entertainment cards, $35,942.

Mr. President, the findings of Mr. Jackson and the Bankruptcy Division make eloquent plea for the responsible distribution of credit cards. Too often the card issuer stakes a community-wide poker game simply by handing out these fancy embossed plastic chips to everyone, whether he can afford to play or not. One sure way to cut the consumer mortality rate is to require that the issuer first evaluate the credit worthiness of anyone he wants to deal into the game.

OUT-OF-POCKET LOSSES: WHOSE POCKET?

Mr. President, who pays when a credit card is lost or stolen? Who covers the losses resulting from fraudulent use of credit cards? Under most credit-card plans the consumer is held liable for any fraudulent or unauthorized use of the card until the issuer receives written notification of its loss or theft. Miss Betty Furness, Special Assistant to the President for Consumer Affairs, summed up one aspect this way when she appeared before the Financial Institutions Subcommittee:

"If a card is stolen in transit before it reaches the addressee, the would-be card owner may find himself getting bills for something he never saw, from someone he never knew, because of a credit card he never had.

"Even though he is eventually absolved of liability for these bills, he may be ensnared in expensive and time-consuming litigation during which time his credit rating is all but destroyed."

Mr. President, recent statutes in Illinois, Massachusetts, New York and Wisconsin specifically exempt from liability the customer who has not accepted or begun to use an unsolicited credit card. That is a start, although the question arises: What about a credit card issued in New York and used in Massachusetts? Or what about the unsolicited BankAmericard that North Carolina National Bank mailed to my office here? What if it had been intercepted? I was not expecting such a card. Indeed, I have never done business with that bank. I guess I should be flattered that it gave me a generous $1,000 line of credit, but I am not. I do not like to be wooed with my own pocketbook.

This bill provides that a cardholder is liable for unauthorized use of his card if and only if it is an accepted credit card and certain other conditions obtain. If they do, his liability is limited to $50. If they do not, all liability remains where it properly belongs—with the issuer. This means the issuer must follow sound business practice or suffer the consequences. The issuer cannot transfer out-of-pocket losses to the cardholder. The issuer may no longer penalize the consumer for his own carelessness or unfairness in designing credit cards and procedures for using them. Let me describe these conditions that must be met before liability can shift to the cardholder.

First, the issuer must give adequate notice to the cardholder of the potential liability involved. This means setting it forth clearly and conspicuously either on the card itself or on each periodic statement of the cardholder's account. Doing so takes liability clauses out of the fine print category, where they were often kept secret from the very person they affected most. The typical credit card today can be read only by persons under 40 blessed with exceptional eyesight. Everyone else needs strong glasses or a magnifying glass. At the subcommittee hearings I asked a witness to read the liability clause on a typical credit card. Saying that his glasses made it just barely possible to see the crucial clause, he read:

"By acceptance of this card customer named hereon agrees to the terms of issue and assumes responsibility for purchases made through the use prior to its surrender to Humble or prior to the receipt by Humble of written notice of its loss or theft."

Mr. President, that's an Open Sesame clause, deserving of full disclosure through clear and conspicuous posting.

Second, the card issuer must provide a means of identifying the card user as the person authorized to use it such as a signature panel. So far card issuers and manufacturers have done little to personalize credit cards so that they can be used only by the rightful owner. There are some obvious reasons for this failure. One, a personalized card could only be issued upon application and would result in somewhat higher manufacturing cost. Two, there is no completely foolproof method of identification. Three, some card issuers like to facilitate their use by other members of the family or additional authorized users. There is a perfect answer to the user-identification question, however. As Eric E. Bergsten, Professor of Law at the University of Iowa, stated it before the subcommittee:

"If card issuers wish to issue cards which by their form are freely transferable, it ill behooves them to argue that they have no method of verifying the authority of the user."

Third, Mr. President, the unauthorized use must occur before the cardholder has notified the issuer that such misuse may occur due to lost or theft or other problem, and the issuer must take steps after notification to minimize the possibility of unauthorized use. In other words, a liability-until-notice requirement cannot be imposed on the cardholder unless it means something. Card issuers explain the requirement serves to encourage responsible handling of credit cards. Very well, but only if notification is a meaningful act, and not just an empty injunction. Mr. Bergsten provided considerable insight to this point when he quoted to the subcommittee from the form reply by Standard Oil Company of Indiana to a notice that a card has been lost:

"A very small percentage of such cards reported lost, or stolen, are used illegally. With this in mind, the replacement card which we enclose bears the same number as the one you have been using."

Mr. Bergsten's reaction states the case very nicely:

"Apparently Standard Oil finds it less expensive to accept the loss from unauthorized use than it does to take such a simple precaution as issuing a new number. Notification to such an issuer is a meaningless act. To use it as the event shifting liability merely results in an arbitrary allocation of the loss. On the other hand notification is a significant event to those issuers who pass it on to their merchants promptly, and, if liability is to be shifted, doing so at that time is reasonable."

Embodying this principle, the bill provides that an issuer must take action reasonably designed to advise merchants or others—say, by distributing "hot card lists"—with whom the credit card is apt to be used that there is a chance of its unauthorized use.

FURTHER COMMENT

Mr. President, it sometimes is contended that low loss ratios on bank credit-card plans show that the unsolicited card problem has been overstated. The Task Group of the Federal Reserve System found in this respect that, for the nation as a whole, charge-offs from Jan. 1, 1967, through June 30, 1967, amounted to 1.97 percent of amounts outstanding. I see no overstatement in that figure. If a 1.97 write-off ratio is acceptable to banks, they are under no inducement to improve things. The impact on the consumer is very great at that level, however. The 1.97 percent represented $12.4 million—enough to deposit financial distress in thousands of consumer homes. The survey in Seattle revealed that credit cards were implicated to the extent of about $500 in each of 503 consumer bankruptcies, and gives a way of gauging just how far those losses of $12.4 million could go.

The highest loss ratio was enough to startle anyone. That was 5.73 percent, in the Chicago Federal Reserve district. In classifying bank credit-card plans by year of origin, the Task Group found that banks with the most recent plans had the heaviest losses. That fact indicates bankers learn by experience and can lower their loss ratios as time goes on, but it cannot comfort us that consumers will escape the birth-pangs of future plans. Nor does it guarantee that other issuers of credit cards will increase their carefulness and sophistication as bankers do.

Bankers claim that issuance of unsolicited credit cards is necessary to build volume overnight and put the new plan on a profitable basis as soon as possible. Perhaps so, but I should like to remind them of the obvious: The public does not owe any card issuer an instantly profitable plan. I want them to remember that in sending an unsolicited card they are inflicting themselves on someone; that in following up with zero-balance billings they are adding insult to injury. When a consumer rebels against this hammering imposition, he learns anew the frustrating truth that you can't talk back to a computer. Credit-card issuers should understand that the start-up costs and burden of proof are on them, not on the consumer. This bill will not prohibit the issuance of unsolicited credit cards or prevent others from entering the credit card business. It will insist, though, that greater standards of care be exercised in the issuance of such cards.

Let me add this personal footnote. This is a society of incessant oversell of jobs, goods and claims. Exaggeration is the standard technique. It is hardly astonishing in this overblown environment that credit-card programmers oversell participating merchants and the consumers who are to patronize them. The inevitable result is widespread disappointment. Perhaps this explains why credit-card plans can involve relatively heavy losses compared with other forms of consumer lending, even though nothing in the record suggests that heavy losses are an inherent feature of these plans. I submit that extending some truth-in-lending principles to credit-card plans will administer them a natural antidote. Mr. President, a well documented article on consumer oversell appeared in the Sunday News of last Nov. 24. I ask unanimous consent that the article, entitled "Who Needs Money?" be printed in the RECORD.

SUPPORT FOR THIS MEASURE

Mr. President, the language of this bill is much like that of a Massachusetts credit card law that became effective Jan. 1. I want to salute the people of Massachusetts for pioneering in this and in truth-in-lending and in other consumer matters, and for influencing Federal legislation. William F. Willier, Professor of Law at Boston College, appeared before the subcommittee as a representative of the Massachusetts Consumers' Council and gave his view that Federal legislation would be desirable, since many credit-card systems operate nationwide.

Here is what Andrew F. Brimmer, member of the Board of Governors of the Federal Reserve System, declared in his statement to the subcommittee:

"Even though the liability for misuse of lost or stolen credit cards has been small, there is an important matter of principle as to the extent to which the consumer should bear this burden. I believe that the entire burden of loss arising from the misuse of lost or stolen credit cards before they are received or accepted by the customer should be borne by the issuer. After acceptance and use of the card by the customer, I believe that the liability imposed on the customer should be small, inasmuch as the issuers are better able to bear the losses and to control them. Some small liability on the part of the customer is probably desirable to encourage responsible handling of cards and prompt reporting when cards are lost or stolen. Finally, the customer should be clearly informed of his liability.

"In order to achieve this result, some legislation may be desirable since not all issuers will follow such a policy unless it is required by law. The legislation might be at either the State or Federal level. And clearly, to be effective, such legislation would have to apply to travel and entertainment cards, gasoline company cards, airline cards, and other credit cards as well as to bank credit cards. Credit cards issued by banks account for less than 10 percent of the total amount of credit outstanding under all types of credit cards."

Mr. President, this legislation is quite compatible with the statement of principles drawn up last fall by the Charge and Guarantee Card Committee of the American Bankers Association. Here are several points from that statement:

"(4) These services are designed for, and are to be offered only to, those individuals who are able to handle their financial obligations properly.

"(7) Banks should institute credit screening procedures on all potential customers prior to mailing cards to such customers.

"(8) Banks will make full and voluntary disclosure in understandable and readable terms of all details of these services, with special attention to advising the customer of his established credit limit and his contractual responsibilities.

"(9) Card issuing banks should develop practical means to reasonably protect customers against liability arising from lost or stolen cards."

Mr. President, I join with these and other persons and organizations in stressing the need for further protection of consumer interests. I believe that introduction today of this amendment to the Truth-in-Lending Act moves us toward that goal.

[From the New York Sunday News, Nov. 24, 1968]

WHO NEEDS MONEY?

(By Jack Metcalfe)

Suddenly, many American bankers have become shockingly open-handed. They have begun giving credit to virtually everyone and anyone in a wild splurge of generosity that is not at all characteristic of these skinflinty gentlemen.

This, in substance, is the opinion of a substantial segment of experts in the consumer field. They voiced their misgivings about widespread, often unsolicited distribution of bank credit cards in testimony last month before Sen. William Proxmire's Senate subcommittee on financial institutions.

Other witnesses representing banks and bankers were just as vigorous in defense of the new credit policy, denying that it tempted spendthrifts into bankruptcy, that it was widely abused or that it was likely to have an adverse effect on the nation's economy.

Predictably, Proxmire was not persuaded. A liberal and a champion of the new truth-in-lending-law, the Wisconsin Democrat announced later that he would back legislation early in the next Congress to keep banks from tempting people who can't afford credit to live beyond their means through unordered credit cards.

Thus, without saying so, the senator allied himself with the older generation of Americans, those who grew up believing, like humorist Ogden Nash, that bankers are just like everybody else—only richer—and that they are always happy to lend you money except when you really need it.

This traditional image is now just as out of focus as the time-honored virtues of thrift and frugality. A witness at Proxmire's hearings, President Johnson's adviser on consumer affairs Betty Furness, put it this way:

"Today, debt is actually sold as extensively as any commodity. We are constantly urged through advertising to buy on 'easy' terms, to open charge accounts, to travel now and pay later.

"Debt used to be frowned upon and discouraged. Today it's encouraged."

Miss Furness cited "excessive credit extensions" and "consumer extravagance resulting from inability to manage money well" as the two major villains in the soaring increase in bankruptcies.

While non-mortgage consumer debt has risen to a stupendous $100-billion level in the post World War II years, Miss Furness noted, the number of personal bankruptcies has kept pace. In every year between 1952 and 1967, the total personal bankruptcies filed in federal courts (where all are handled) showed an increase, reaching 191,729 in 1967; the total did dip in fiscal 1968, but only to 181,253.

Elaborating on her theme, Miss Furness zeroed in on the newest form of easy credit—the unsolicited credit card, which she called variously "laminated liability" and the "modern Aladdin's lamp."

"I am greatly troubled with the ethics of forcing unsolicited and unwanted credit cards into the consumer's home, especially when the issuer may have no idea whether the consumer is equipped to administer that little three-inch piece of plastic properly."

Obviously, the three sons of an irate Chicago householder were not. They were aged 9, 11 and 13, said Miss Furness, who reported that the father had received a total of 18 unsought credit cards for himself.

"Frankly," she added, "it rather surprises me to hear of bank advertising gimmicks—the parades, balloons, clowns and skywriting—aimed at promoting the use of credit cards.

"In the frenzy of competition among banks, traditional prudence seems to have been tossed aside . . .

"Unfortunately, there are many who, thanks to the bank's conservative image, rely on its offer of credit as some sort of evaluation that they are creditworthy. 'Why else,' one distraught man asked, 'would they be willing to lend me money?' "

Those who are already seriously in debt, Miss Furness continued, are likely to believe that all their worries would be over if they could just get a little more money.

"The arrival of a credit card provides the chance—the chance, that is, to bury themselves deeper in debt."

Another witness, Royal E. Jackson, chief administrator of the U.S. courts' bankruptcy division, likened the use of credit cards by "those who are up to their ears in debt" to "trying to drink yourself sober."

"It can't be done," Jackson added somewhat anticlimactically.

To bolster his contention that the easy availability of all kinds of credit cards is undoubtedly a reason for the terrific rate of personal bankruptcies, Jackson cited reports from various referees in bankruptcy.

(Referees are officials appointed by the judges of U.S. district courts to hear bankruptcy cases. While not exactly judges themselves, they rate being called "your honor"—and they are experts in the legal jungle of bankruptcy law.)

From Atlanta came the report of the case of a "Mr. X," described as a janitor making about $55 a week. Mr. X testified at his bankruptcy hearing that he had received a bank credit card without asking for it, that within a few months he had run up debts totaling more than $3,000 and that when the bank confronted him with his indebtedness, officials told him that in the future he should not make purchases bigger than $70 each.

From Montgomery, Ala., came the report of a compulsive spender, Mrs. Y, who was paying off previous debts out of her wages when she got a credit card from a local department store through the mail. The credit manager later said it was sent in error, and Mrs. Y, ignoring court warnings not to incur debts while she was in bankruptcy proceedings, went on a buying spree. She escaped prosecution on a technicality. In his report to Jackson, Referee Leon J. Hopper opined that while "she should have known better," the unsolicited card was the immediate cause of her compounded troubles.

The Los Angeles area, according to Referee James E. Moriarty, can be called the "consumer credit capital of the U.S." and as such has more than its share of the "suede shoe boys who are determined on separating the buying public from their assets." Where "easy and extended" consumer credit is huckstered like any item of merchandise, Moriarty wrote Jackson, a variety of credit card problems are bound to spring up.

Moriarty said all kinds of cards—not just those of banks—figured in bankruptcy cases he hears. "In one proceeding involving a husband and wife . . . they had a total of 36 credit cards which were retained by the court: 18 from the husband and 18 from the wife, each listed as a creditor.

Practices of Los Angeles credit jewelers rated special mention by Moriarty, who noted that they have in recent years "branched out into such lines as radios, televisions, cameras, tape recorders and other household items." He added:

"These are the shops that charge inflated prices for inferior merchandise and, upon receipt of 40-50% of the total sales price, the merchant has not only been reimbursed for the cost of the merchandise but has also made a profit on the transaction. These are the merchants who prey on the uneducated and poor consumers."

Then, Moriarty noted, there is the category of debtors who might have a little larceny in their hearts. Like the classic case—appropriate to this season—of a Navy seaman second class who was temporarily stationed at Long Beach, Calif., in December 1962 and who got a credit card from a leading department store.

He ran up $1,700 in charges during 15 days of December, and shortly after New Year's filed for bankruptcy. The sailor then testified that he had "purchased Christmas presents for all his relatives and friends back East."

"Certainly, this type of person cannot be considered honest," wrote Moriarty, adding judicially: "But at the same time, the department store cannot be completely absolved of blame for letting a man whose salary is very limited run up such a large number of charges."

Then there are, says the referee, those more sophisticated buyers who "adopt a plan which may be called credit card kiting schemes."

One such use of gas and oil cards is both shady and popular. This is the purchase on credit of items like tires, then reselling them for cash. From Referee in Bankruptcy Joe Lee of Lexington, Ky., comes this account of one such case:

Charles William Morgan formed a corporation, Kentucky Colonel Homes Inc., to sell prefabricated houses. It was unsuccessful, but during the short period of time it was in business, credit cards were obtained in the corporate name from American Oil Co. and nine other gasoline firms. Morgan also took out credit cards in his own name from three oil companies.

When he went bankrupt, his company owed $5,377.07 to the 10 oil firms, including $1,179.33, the biggest single debt, to American. In addition, he owed $3,645.49 to three companies as an individual. He testified that he had used the credit cards for meals, lodging and living expenses for about a year.

Another flagrant misuse of credit cards was reported from Knoxville, Tenn., involving a former newspaper reporter who set out to see the world. He left town with $180 in cash and a fistful of credit cards and headed for Australia.

When he got there, he evidently discovered that he couldn't get a job without sitting out a six-month clearance period. So he came home, via Europe, Puerto Rico and the Virgin Islands. Back in the states, the errant newsman promptly filed a bankruptcy petition. His debts totaled $13,587.55, of which $11,177.96 was charged on credit cards. His assets were $8 cash, one share of stock worth $12 and personal effects valued at $300.

Most bankrupts don't think so big. A random sampling of Eastern Wisconsin cases showed that their take-home pay averaged between $85 and $120 weekly and their indebtedness ranged from $2,523.30 up to $3,886.47. This survey was limited to bankrupts who had been sent unsolicited credit cards, those who had used them had not run up bills for exotic travel but to make mundane purchases of clothing and household needs and for gas and auto repairs.

No such detailed information is available about New York debtors. But court officials say bankrupts in this area generally earn between $80 and $150 a week. If they are slightly more affluent than debtors elsewhere, they also tend to owe more, usually about $5,000. This load often includes a big bill—$2,000 owed to a department store or for doctors or for an undertaker's services.

These court sources are inclined to question just how much impact the increasing use of credit cards is having on bankruptcies in this area. Considering the number of New Yorkers with crushing financial burdens, they also wonder why more debtors in this area don't avail themselves of bankruptcy as a means of wiping their slates clean and getting a fresh start. Still 3,511 bankruptcies were filed in the New York City and Long Island areas last year.

Not that this is recommended as a quick and easy escape route for that miserable soul, the honest debtor. It isn't even cheap; it costs $50 to file a bankruptcy petition.

There are personal bankruptcies and there are those involving businesses. In addition, bankruptcies may be voluntary—that is, when they are sought by the debtors. Or they may be involuntary, when a group of creditors asks the court to declare that a debtor is bankrupt so that his assets can be preserved and split up. Almost all of these involve businesses.

A bankrupt is not relieved of any taxes he owes, either federal, state, county, district or municipality. Nor is he freed of liability for alimony, child support, damages for malicious or wilful injury to someone else or his property or for a variety of other obligations, including embezzlements.

Bankruptcy court staffers say the only group of tough creditors who sometimes make a vigorous effort to get bankrupts to pay their bills are doctors. Most creditors in the New York area heave a philosophical sigh and write off their bad debts without trying to recover so much as one cent on the dollar.

That's partly because a bankrupt's property may be exempt from seizure. According to state laws, such belongings as the bankrupt's home, clothing, and furniture and the tools of his trade are off limits.

Even if a bankrupt does have some property that can be taken over by creditors, they frequently don't bother. It's more trouble to liquidate the assets than they're worth, especially if this property consists solely of the family's jalopy.

So, typically in New York, the only penalty for an honest debtor is the reputation of being a welsher. He may have trouble getting more credit. He may not.

There is no dispute that the number of bankruptcies has swelled enormously in the last two decades. But there is considerable argument over how serious this is, whether or not it indicates that the nation's economy is unhealthy.

High wages and employment have spurred credit buying to new records, a total of more than $80 billion in outstanding installment debt. Some $2 billion is expected to be charged this year on the bank credit card plans alone. What would this mean if America's uninterrupted spell of prosperity, now more than seven years old, should slack off?

In his subcommittee hearings, Sen. Proxmire questioned whether holders of credit cards might not be tempted to overextend themselves if they were squeezed financially during such a recession.

One witness, American Bankers Association spokesman Thomas L. Bailey, saw no problem.

"For many years," Bailey testified, "the American consumer has provided abundant proof of his ability to handle his own financial affairs. Certainly, the receipt of a credit card has not induced him to engage in a wild buying spree."

Restrictions of the kind Proxmire favored are neither "necessary nor desirable," Bailey said. The Federal Reserve System had studied the field, he said, and found "no evidence of any mounting incidence of consumer indebtedness since the recent burst of credit card . . . plans."

Nor, said the witness, have banks suffered serious losses from their credit card operations. The Federal Reserve's study showed that banks had to write off as bad debts only 1.97% of credit card business during the first six months of 1967.

So these credit card operations can be highly profitable. The Federal Reserve said the 197 banks offering such plans charged their 14 million card-holders monthly interest up to 1.5%, the highest allowable rate in most states. If the charges aren't paid off when due, this works out to a whopping 18% a year.

In addition, the banks collect from participating merchants, who numbered 390,805 when the Federal Reserve made its count. This fee, discounted from sales slips, varies widely. It can be as low as half of 1% or as high as 8%, with the average about 3.5%.

Bank credit cards are, of course, only a part, although the fastest growing part, of the "plastic credit" operation. The other principal types are the so-called travel and entertainment cards (Diners Club, American Express and the like, which charge a membership fee and generally expect payment within 30 days), oil company cards and department store cards, both for revolving credit and straight charge accounts.

As of last Dec. 30, the nation's plastic credit outstanding was $12 billion dollars. An estimated 200 million credit cards have been issued.

All share some problems. These cards can be lost or stolen and used fraudulently—a major headache for the card holder, a source of loss for the issuer and a rich lode for the underworld.

But only the banks and the oil companies have had many difficulties with credit cards which they have mailed out without being asked, since only these two groups have gone in on a large scale for this way of drumming up busines.

Despite drawbacks to the unsolicited cards, spokesmen for the banking industry defend this practice. Banks have found that it doesn't pay to ask prospective customers whether they would like to be sent a card; only seven-tenths of 1% say they do. But when cards are mailed out unasked to a "select" list, only 1% of the recipients feel strongly enough to send them back.

Presumably, a number of others do seethe in silence, but as many as 19% of the recipients do use their cards within three months.

So credit cards obviously are destined to be a permanent and growing part of the American way of life, even though they still aren't accepted at hot dog stands.

The bill (S. 721) is as follows:

S. 721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 103 of the Truth in Lending Act (82 Stat. 146) is amended by redesignating subsections (j), (k), and (l) as subsections (p), (q), and (r), respectively, and by adding after subsection (i) the following:

"(j) The term 'adequate notice', as used in section 132, means a printed notice on any credit card issued to a cardholder, or on each periodic statement setting forth the account of a cardholder, which is set forth clearly and conspicuously, in accordance with regulations prescribed by the Board, so that a person against whom it is to operate could reasonably be expected to have noticed it and understood its meaning.

"(k) The term 'credit card' means any card, plate, coupon book or other credit device existing for the purpose of obtaining money, property, labor or services on credit.

"(l) The term 'accepted credit card' means any credit card which the cardholder has requested in writing or has signed or has used, or authorized another to use, for the purpose of obtaining money, property, labor or services on credit. A renewal credit card shall be deemed to be accepted if it is issued within one year after a prior card has been paid for or used. A new credit card issued in substitution for an accepted credit card as a result of a change in the corporate structure or ownership of a card issuer shall be deemed to be an accepted credit card.

"(m) The term 'cardholder' means any person to whom a credit card is issued or any person who has agreed with the card issuer to pay obligations arising from the issuance of a credit card to another person.

"(n) The term 'card issuer' means any person who issues a credit card.

"(o) The term 'unauthorized use', as used in section 132, means a use of a credit card by a person other than the cardholder who does not have actual, implied or apparent authority for such use and from which the cardholder receives no benefit."

SEC. 2. Section 105 of the Truth in Lending Act (82 Stat. 146) is amended by inserting "(a)" before "The Board" and by adding at the end thereof a new subsection as follows:

"(b) The Board shall prescribe regulations governing the conditions under which card issuers may issue credit cards which the cardholder has not requested in writing. Such regulations shall prescribe minimum standards to be followed by all card issuers in checking the credit worthiness of prospective cardholders in order (1) to protect consumers against overextending themselves with credit obtained through the use of unsolicited credit cards, and (2) when the card issuer is a bank insured by the Federal Deposit Insurance Corporation, to safeguard the safety and soundness of the bank."

SEC. 3. The Truth in Lending Act (82 Stat. 146) is amended by adding after section 131 the following section:

"§ 132. Liability of Holder of Credit Card

"A cardholder shall be liable for the unauthorized use of a credit card only if the card is an accepted credit card, the liability is not in excess of fifty dollars, the card issuer gives adequate notice to the cardholder of the potential liability, the card issuer has provided a method whereby the user of the credit card can be identified as the person authorized to use it, the unauthorized use occurs before the cardholder has notified the card issuer that an unauthorized use of the credit card has occurred or may occur as the result of loss, theft, or otherwise, and the card issuer has taken such action, after being so notified by the cardholder, as is reasonably designed to advise those merchants or others with whom the credit card is likely to be used of the possibility that an unauthorized use thereof may occur. For the purposes of this section, a cardholder notifies a card issuer by taking such steps as may be reasonably required in the ordinary course of business to provide the card issuer with the pertinent information whether or not any particular officer, employee, or agent of the card issuer does in fact receive such information."

SEC. 4. The amendments to the Truth in Lending Act made by this Act shall become effective upon the expiration of six months after the enactment of this Act.

NEED FOR CONSUMER'S PROTECTION AGAINST THE DANGERS OF UNSOLICITED CREDIT CARDS

Mr. DODD. Mr. President, I am pleased to support the bill of the senior Senator from Wisconsin, and I congratulate him upon introducing this important measure.

It seems to me that one of the most striking financial phenomena in recent years has been the proliferation of "easy credit" plans for the American consumer.

Oil companies, department stores, jewelers, and commercial banks, issuing a barrage of plastic cards, allow the Jones' and their neighbors to eat, drive, and fly now, paying later.

In many ways the credit card represents vast convenience to the consumer. One card and no cash enable a customer to purchase a wide variety of goods and services, no matter where he may be.

On the surface, such arrangements are quite simple. But a second glance will show that the credit card usually represents a network of complicated terms, many operating to the disadvantage of the unwary consumer.

Frequently, the exact terms of the credit plan are not spelled out for the cardholder until he finds himself in deep trouble. More often, the explanation is given, but only in small print or in accompanying brochures which quickly find their way to the trash can.

Some cards do not have adequate means of identifying the holder. Others give no notification of the holder's potential liability in cases of loss or theft.

But even more alarming, Mr. President, is the effect which such loose credit arrangements have on family budgets and individual spending.

In these days of high-pressured advertising, the American consumer is no longer primarily concerned with necessity and comfort. Status through consumption is becoming an accepted maxim of American society. Unfortunately, the lower income groups are most susceptible to this fallacy.

The dangers of such a trend are illustrated by the alarming rise of consumer bankruptcies paralleling the increased extension of consumer credit. The basic premise of a credit system, namely, that debtors will repay their debts, seems to be fading away.

The obvious conclusion is that our permissive credit institutions let people live so far beyond their means that many are finally driven to complete financial destruction. A sample shows that credit cards were cited as a contributing factor in more than half of the consumer bankruptcies filed last year.

In light of these facts, the practice of mass mailing unsolicited cards to individuals whose credit-worthiness is not established seems grossly negligent.

The financial understanding and responsibility of countless individuals is never considered until the damage has been done.

Furthermore, a party may be held responsible for the misuse of a card which he neither requested nor received. While he will eventually be able to clear himself of liability in most cases, he first may be forced to undergo lengthy and expensive proceedings, causing the near ruin of his credit rating.

In order to avoid such misfortune, after receiving an unwanted card, the consumer must take the trouble to cut the plastic cards into slivers so that they cannot be found and used fraudulently.

To allow this state of affairs to persist, Mr. President, is unwise and unnecessary. A few simple controls would bring about major improvements in the American consumer credit system.

It is with this goal in mind that I am pleased to cosponsor the bill proposed by my distinguished colleague the senior Senator from Wisconsin.

The solutions offered in this bill are not extreme, nor should they be controversial.

The enactment of Senator PROXMIRE's proposals would effectively serve to protect both the consumer and his creditor by establishing guidelines of minimum credit-worthiness and potential liability limitations.

Adoption of this legislation, Mr. President, will surely be a major step in restoring the original intent of consumer credit, namely, healthy stimulation of the economy through increased convenience and protection for the consumer.

S. 722—INTRODUCTION OF BILL TO PROVIDE AN INCOME TAX CREDIT OR DEDUCTION FOR POLITICAL CONTRIBUTIONS

Mr. CANNON. Mr. President, at this time I introduce, for appropriate reference, a bill to amend the Internal Revenue Code of 1954 to provide an income tax credit or deduction for certain contributions to candidates for elective Federal office.

This bill is identical in content to title III of the bill which I previously introduced to revise the Federal election laws.

I am introducing a separate bill for the purpose of avoiding at a later date a point of order, either during the course of the proceedings before the Subcommittee on Privileges and Elections, or on the floor of the Senate, on the ground that tax measures should be referred to and considered by the Committee on Finance only. This separate bill on tax incentive should be referred to the Committee on Finance where it can be given the careful consideration of the members of that committee.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 722) to amend the Internal Revenue Code of 1954 to provide an income tax credit or deduction for certain contributions to candidates for elective Federal office, introduced by Mr. CANNON, was received, read twice by its title, and referred to the Committee on Finance.

S. 734—INTRODUCTION OF BILL TO REVISE THE FEDERAL ELECTION LAWS

Mr. CANNON. Mr. President, I introduce, for appropriate reference, a bill to revise the Federal election laws, and for other purposes.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 734) to revise the Federal election laws, and for other purposes, introduced by Mr. CANNON, was received, read twice by its title, and referred to the Committee on Finance.

Mr. CANNON. Mr. President, President Johnson submitted at the beginning of the 90th Congress the Election Reform Act of 1967. I introduced that legislation which was numbered S. 1880 and referred to the Subcommittee on Privileges and Elections.

Following hearings and study the bill was reported to the Senate where, after full debate, it was passed on September 13, 1967, by a rollcall vote of 87 to 0 and referred to the House of Representatives. Regrettably, no final action was taken by the House prior to adjournment of the 90th Congress.

Mr. President, the existing Federal Corrupt Practices Act was passed in 1925—44 years ago. No experienced Senator has to be told of the flaws, deficiencies, and general obsolescence of that act. It simply was not adopted for the purpose of covering political campaigns for all eternity.

Remedial action is required from time to time to keep any legislation up to date. However, in this area of campaign contributions and expenditures, there has been a total failure to bring the Corrupt Practices Act into conformity with modern campaign practices.

The tremendous increases in costs of running for office, including the use of television and jet transportation, have left the Corrupt Practices Act in the stone age of election finance control. In the political parlance of today: it is time for a change.

Mr. President, failure to keep pace with changing trends is not due to the absence of legislative proposals. It is due, to be frank, to the apparent disinterest or reluctance of the Congress to act in this important field.

S. 636, in 1955, was reported after hearings and study but died at the end of the 84th Congress.

S. 2436 was passed by the Senate in 1960 and S. 2426 was approved by the Senate in 1961. Neither bill received favorable action by the House of Representatives.

S. 1880 which passed the Senate in 1967 and H.R. 11233, a similar bill, were considered by the House in 1968 and H.R. 11233 was reported in 1968, but too late to be given necessary consideration by the House membership.

During the 1968 campaign year, the expenditures made by candidates of the Democratic and Republican Parties and the American Independent Party were very extravagant, both in the primaries and the general election.

Expenditures far in excess of the limits set by the Corrupt Practices Act, even for national committees, coupled with a totally inadequate requirement of disclosure of the sources of contributions and channels of expenditures, point graphically to the need for remedial legislation.

Mr. President, the Corrupt Practices Act of 1925 attempted to place limitations upon expenditures by candidates for the Senate and House of Representatives. Under no conditions can a candidate for the House spend more than $5,000 or a candidate for the Senate spend more than $25,000 during a calendar year.

Interstate political committees were limited to expenditures of $3 million. But no Federal control was exerted over State or local political committees supporting candidates and primary elections were not considered at all.

Multiple national committees now spend up to $3 million each and contributors give up to $5,000 each to an unlimited number of committees. Thus, the best that can be said for the limitations set by the Corrupt Practices Act is that the sky is the limit. According to a report in the Washington Post on January 3, 1969, national fundraising committees supporting Richard Nixon disclosed a record $21 million raised to finance his campaign, and reported also from information filed in the House of Representatives that many large contributions exceeding $5,000 were given to Republican fundraising committees by individuals who recently have been announced as Nixon appointees in his new administration.

Mr. President, I ask unanimous consent that this newspaper article be printed at this point in the Record.

Mr. President, freewheeling campaign practices, such as those outlined by the Washington Post, have instilled in the minds of thousands—perhaps millions—of Americans that elective offices are bought and sold and elected officials must pay homage to the big contributors whose money helped them to win the election. If the people are ever going to have any faith in the integrity of the elective process, they must be told where money comes from and how it is spent.

In 1956 the nationwide, exhaustive survey of campaign contributions and expenditures conducted by the Subcommittee on Privileges and Elections under the chairmanship of Senator Albert Gore—a survey which, incidentally, never has been repeated—disclosed that 12 of the most prominent families in the United States had contributed collectively during the calendar year 1956, $1,153,735, of which $1,040,526 was given to the Republican Party and its candidates and only $107,109 was given to the Democratic Party and its candidates.

It is reasonable to assume that the proportions of the contributions from such families remain the same today.

Detailed and timely reports from all candidates for Federal office and all political committees—National, State, and local—open to study by the public, not only in Washington but also in the States where candidates reside and committees have their principle offices—will have a salutory effect upon this political financing problem.

My bill requires complete disclosure from every committee spending $1,000 or more per year and from every candidate for Federal office, covering receipts and expenditures and including primary as well as general elections.

Emphasis must be placed today upon almost total disclosure. Strict limitations on election finances is impractical and uninforcible.

This bill extends Federal jurisdiction so as to cover the following matters:

First. Over all primary elections, caucuses, and conventions to nominate or elect candidates, and over all presidential preference primaries.

Second. Over all political committees, National, State, or local, which receive or spend in excess of $1,000 per year in support of candidates for Federal office.

Third. Prohibit all firms which are negotiating for or performing Government contracts from making any contribution in behalf of a candidate, political committee, or party.

Fourth. Require each candidate and each political committee to file quarterly reports plus two additional reports before each primary or general election, in precise detail, with the Clerk of the House of Representatives, the Secretary of the Senate, and the clerks of certain U.S. district courts.

Fifth. My bill would require all candidates for Federal office, and all political committees receiving or spending $1,000 or more for Federal candidates, to file detailed financial reports with the Clerk of the House of Representatives, the Secretary of the Senate, and the clerks of Federal district courts where the candidates reside or where the principal office of the political committee is located, on the 10th day of March, June, and September of each year, and also by the 31st day of January. Additional reports are required to be filed in each case on the 15th and 5th days before the date of a primary or general election.

The purpose for the timing of these reports is to furnish specific information to the public concerning the amounts of money received, the names and addresses of the contributors, and the manner in which such money is expended. In this manner, American citizens will be able to draw their own conclusions as to the kind of financial support a candidate or political party is receiving in time to express their approval or disapproval on primary election day or general election day.

Unfortunately, political committees have not been filing detailed reports of campaign contributions and expenditures in compliance with the law. Articles appearing in the Washington Post on November 9, 1968, and again on November 13, 1968, show that many Republican fundraising committees did not meet the deadline for the filing of their reports in the House of Representatives. At this date, the FBI, at the direction of the Justice Department, is investigating the failure of 21 of the Republican Committees to file their preelection finance reports in accordance with the dates set by the Federal Corrupt Practices Act.

I ask unanimous consent that the Washington Post items of November 9 and 13 be inserted in the Record at this point in my remarks.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Post, Jan. 3, 1969]

Record $21 Million Raised for Nixon Bid

(By Walter Pincus)

President-elect Nixon's national fund-raising committees reported they raised a record $21 million to finance his race against Hubert Humphrey and George Wallace.

More than $6 million of that total was reported received by the GOP committees between Nov. 1 and Dec. 31. Thus, it arrived either in the last four days of the campaign or after Nixon was elected.

Final 1968 filings from the 22 Republican committees, together with some 60 Humphrey-Muskie fund-raising groups and the single Wallace campaign organization, arrived at the House Clerk's office yesterday—nine days before they were due by law.

It marked the first time, in the memory of the House File Clerk employes, that the major parties had filed their dues fund-raising statements before the deadline.

The FBI, at the direction of of the Justice Department, is investigating the failure of 21 of the Republican committees to file their pre-election finance reports at the deadlines set by the Federal Corrupt Practices Act.

Processing of the flood of incoming reports delayed their public release yesterday. The Nixon-Agnew filings, which arrived first, were made available late yesterday afternoon. The more numerous Democratic reports should be released today.

A quick review of the lists of late Nixon-Agnew donors disclosed contributions from:

David L. Packard, who was recently announced as Nixon's choice for Under Secretary of Defense. At least two contributions from Packard totaling $6,000 were listed.

Roy L. Ash, president of Litton Industries, who was selected by Nixon to study organization of the Executive Branch of the Government. Ash was reported giving $5,000. His colleague Charles B. Thorton, Litton board chairman, who gave $10,000 earlier, is listed giving another $7,500.

Robert O. Anderson, chairman of the board of Atlantic-Richfield Co., which recently made significant oil strikes in Alaska and last week voted to merge with Sinclair Oil Corp. A total of at least $21,000 was listed in $3,000 contributions to seven reporting committees from Anderson.

Charles E. Smith, whose real estate companies rent a substantial amount of Washington area office space to the Federal Government. Smith, his son and his son-in-law—all of whom work for his real estate business—jointly are listed as giving $5,000 to the Nixon-Agnew Victory '68 committee. Last October, Smith hosted a fund-raising cocktail party for Vice President Humphrey. With others in his firm, he was listed as contributing $15,000 to various Humphrey-Muskie committees.

Gene Autry, former cowboy star and chairman of the board of Golden West Broadcasters, owners and operators of a chain of radio and television stations. Autry and his wife are listed as giving $13,000 to various Nixon committees. Golden West's president Robert O. Reynolds, and his wife were listed as giving $5,000. In 1964, Autry gave $20,000 to President Johnson's campaign just before election day.

Frank L. Kellogg, president of International Mining Corp. Kellogg is listed in the latest report as giving $17,500 to various Nixon committees. Samuel B. Roman, a director of International Mining, is listed with his wife as giving $5,000.

David Van Alstyne, Jr., a partner in the securities firm of Noel Van Alstyne and board chairman of New Idria Mining & Chemical Co. Van Alstyne is listed as giving $19,000 in the closing days of the campaign.

William L. McKnight, former board chairman of Minnesota Mining & Manufacturing Co. McKnight, a longtime contributor to Nixon is listed as giving $24,000 in the latest filing.

Richard C. Pistell, board chairman of Goldfield Corp., which deals in zinc, lead and gold. Pistell is listed as contributing at least $17,500 to various Nixon committees.

The total reported raised for the Nixon campaign exceeds by some $4 million the previous record campaign receipts in 1964 by the Goldwater organization. That fund-raising record was aided in large part by more than $8 million in small contributions of less than $100.

The GOP committees reported they had paid out, through Dec. 31, slightly more than $20.4 million on the presidential campaign. This would indicate there is still at least $600,000 available to cover remaining bills and some transition costs.

SPENT $7.4 MILLION ON NETWORK TV

The Federal Communication Commission yesterday reported presidential candidates spent $7.4 million for network television during last year's general election campaign—almost twice the amount spent during the 1964 election.

According to a survey of the three networks, the Republicans spent $4.2 million for spots and programs time last year while the Democrats spent $2.5 million. The Wallace campaign bought network time costing $681,491.

In 1964, the Johnson-Goldwater organizations together purchased a total of $3.8 million in network time.

The amounts reported yesterday were only one part of the total television time purchased by the candidates. All three purchased both spot and program time in individual markets—or cities—around the country. No report is yet available on local time purchases.

The Humphrey-Muskie campaign, with its purchase of network time for showing of half-hour films, outspent the Republican in that category by some $30,000. The Nixon organization, however, purchased 110 network spot commercial spots costing $2.6 million. The Democrats bought 37 network spots costing $844,313.

[From the Washington (D.C.) Post, Nov. 9, 1968]

GOP PRESSED FOR TARDY FUND REPORTS

(By Walter Pincus)

Clerk of the House W. Pat Jennings yesterday sent tardy notices to five national Republican committees which raised funds for Richard Nixon's successful presidential campaign but have not yet filed reports due five days before the election under provisions of the Federal Corrupt Practices Act.

Jennings, a former Democratic Congressman, administers the filing provisions of the law. He said yesterday this was the first time, according to long-time staff members, that a major party had failed to file its pre-election reports.

Yesterday—more than two weeks after they were due by law—three additional Republican committee reports representing $220,000 in campaign funds were delivered to the Clerk's office dated October 26.

The treasurer of one committee—and the notary who signed all three reports—said they had been completed before Election Day. Donald L. Miller, a Washington public relations man who serves as treasurer of the Committee for a Republican Congress, said yesterday he signed the report "last week . . . gave it to a messenger who took it back to the Republican National Committee."

"It was my understanding," Miller said in answer to questions, "that (the report) was to be sent (to the House clerk) that day." Miller's only explanation for its delay until yesterday was "perhaps the slowness of the mails."

Miller would not say who at the Republican National Committee sent the report to him for signing. "Give me a day," he said. "I can't tell you about it until I get to my office."

Under the law, national fund-raising committees are required to file two reports between Sept. 1 and Election Day. The first was due Oct. 26, the second Oct. 31.

Both the Wallace organization and more than 23 Humphrey-Muskie campaign committees filed the required reports prior to the election.

The Nixon organization—which is said to have more than 20 committees handling money—filed reports for only five committees before the election. They arrived at the Clerk's office Nov. 4, the day before the voting, and nine days after the legal deadline.

Late arrival of the five reports, and failure to file by all the Nixon-Agnew committees prevented public scrutiny of the sources of contributions before the election.

In Key Biscayne, Fla., yesterday, Nixon's immediate staff refused to discuss the handling of campaign fund reports. Ron Zeigler, Nixon's press secretary, cut off questioning on contributions, saying this was a matter for the campaign committee in New York.

J. William Middendorf II, treasurer of the Republican Nationnal Committee, said yesterday that "paperwork has been finished on a couple of more committees" and they will be mailed to the House Clerk "as soon as we can get the treasurers to sign."

Asked how many committees remain to file reports, Middendorf replied, "I just don't have the facts." Though he is GOP treasurer, Middendorf has not directed fund-raising for the Nixon campaign. That has been handled by former Eisenhower Budget Director Maurice Stans.

Stans has not been available to answer press questions on the delayed Nixon reports.

Middendorf said, "We're not trying to cover up things . . . I just think this law is terribly archaic and burdensome." He said lack of clerks had prevented filing on time.

Asked why two of the late reports received by the Clerk Nov. 4, had covering letters dated Oct. 22, Middendorf replied, "We postdated them . . . they were prepared the 28th or 29th."

House Clerk Jennings, in discussing the notices to the five delinquent GOP committees, stressed he had no "enforcement powers" to require disclosure. He said reminders such as those sent the Republican organizations, are often sent to House members who fail to file their required report. As for the law itself, Jennings termed it "inadequate . . . It should be revised."

Attorney General Ramsey Clark, who does have enforcement responsibility for the act, told a news conference Wednesday that the Justice Department—lacking a notice of any violation from the Clerk of the House—would not initiate any investigation of failure to file by the Republicans. Clark did say the purpose of the act was to advise voters—before election day—"from whence comes support of a candidate."

Clark's sensitivity toward his role in the GOP's delayed filings was best illustrated on Monday, election eve. At that time he first accepted—and then refused—a CBS network television news interview on the purposes of the campaign filing law. According to aides, he did not want to appear to be using his office to attack the Republicans the day before the elections.

[From the Washington (D.C.) Post, Nov. 13, 1968]

MORE DATA FILED ON GOP FUNDS

(By Walter Pincus)

Seven more Republican committees—which together raised nearly $1 million for the Nixon-Agnew campaign between August 8 and October 21—filed reports with the Clerk of the House yesterday, one week after Election Day and 17 days after the legal deadline set by the Federal Corrupt Practices Act.

The filings brought to 12 the number of Nixon-Agnew committees that have submitted reports required by law 10 days before the election. Together they represent contributions of about $7.5 million and spending of just over $7 million.

Nixon aides have said they spent between $17 million and $20 million on the campaign. Sources in the President-elect's campaign organization have said some 20 committees raised and spent money on the campaign.

Though Nixon aides admit there are still more committees that have not yet made their initial pre-election filings, yesterday's reports gave the first clear indication of who the larger donors were to the President-elect's successful campaign.

Among the more prominent names:

W. Clement Stone of Chicago, president of Combined Insurance, Co. of America. With his wife, Stone has been reported as contributing $64,000 to various Nixon-Agnew committees. Other reports show he gave at least $18,000 to Nixon's primary campaigns in Oregon and Wisconsin.

Max M. Fisher of Detroit. An industrialist and oil man, Fisher and his wife are listed as giving $54,000 to various Nixon committees. Fisher, who was George Romney's finance man, is general chairman of the United Jewish Appeal. During the campaign, Fisher acted as a liaison man between Nixon and Jewish groups. He was with the GOP candidate when he addressed B'nai B'rith, the Jewish service organization, in Washington and arranged a meeting in New York between Nixon and prominent U.S. Jewish leaders. Fisher was listed as giving just $500 to Sen. Barry Goldwater in the 1964 campaign.

Henry Salvatori of Los Angeles, Salvatori and his wife were listed as giving $40,000. President of a California oil tool manufacturing company, Salvatori was a major finance figure in the 1964 Goldwater campaign as well as in Ronald Reagan's successful gubernatorial effort in California.

Two top executives of the Ford Motor Co.—Benson Ford and John Bugas together with their wives accounted for $24,000.

L. B. Maytag, Jr., of Miami, president of National Airlines, is listed as giving $21,000 to the Nixon committees that have reported.

John Shaheen of New York is listed as giving $7000 by the reporting Nixon-Agnew committees. Shaheen is a financier who last year retained Nixon as his attorney to negotiate tax-exempt status for an oil refinery in Newfoundland, Canada. Recently, Shaheen proposed to build another refinery in Maine—a matter that already has been proposed by Occidental Oil Co., and is opposed by major domestic U.S. oil companies.

Richard J. Buck of New York, a vice president of the brokerage firm of Bache & Co., who with his wife was reported as giving $15,000. Buck, along with Nixon, is a also on the board of directors of Harsco Corp., a manufacturer of steel products.

Nicholas de Arroyo of Washington. The former Cuban ambassador to the United States, under the Batista regime, is listed as giving $9000 to Nixon-Agnew committees.

Kingman Gould, Jr., of Washington. The partner in Washington building ventures of D. F. Antonelli (who contributed to the Humphrey campaign), Gould and his wife are listed as giving $12,000 to the Nixon committees.

The Pews of Philadelphia, traditional GOP donors whose money stems from the Sun Oil Co., were listed as giving $22,000 to the Nixon-Agnew committees.

Arthur K. Watson of Armonk, N.Y., was listed as giving $10,000. A top official of IBM, Watson is the brother of J. Watson, Jr., who was a big donor to the Humphrey campaign.

Charles Luckman of Los Angeles. An architect who was listed as giving $16,250 to President Johnson in 1964, Luckman and his wife gave at least $7000 to Nixon, according to reports filed so far.

Federal law limits a donor to $5000 to one committee. But it puts no limitation on the number of committees that can receive contributions. Therefore, to handle donations above $5000 the campaign organizations in both parties set up special committees. The Democrats had more than 25 national groups. Many of the contributors to these committees gave more than $100,000.

Along with the seven new Nixon-Agnew committees, the Republicans yesterday also filed one report that was due five days before Election Day. Four other fundraising committees—plus the seven that filed yesterday—still must also file these reports.

Last week, House Clerk W. Pat Jennings, reminded the Republicans that the five-day reports were still outstanding. It was the first time such action had been taken against one of the two major parties.

Both the Wallace Campaign and the Humphrey-Muskie Democratic committees filed both their pre-election reports around the legal deadlines and before election day.

Aides at Nixon finance headquarters described their money reporting as "a logistical nightmare." They said nationwide fundraising had hampered the gathering of all the fund reports. "Expense accounts are six months late," one finance aide said yesterday.

Nonetheless, like other groups filing on election eve, the Republican committees yesterday contained computer print sheets bearing the notation "List Run October 18." Unlike those filed earlier, however, the covering letters were dated November 8 or later. Earlier GOP covering letters had been dated October 22.

Yesterday's seven reports each said that money being reported had been collected between August 8—the day of the Nixon nomination—and October 21. Under the law, all contributions raised prior to September 1 should have been reported in the mid-September filing.

Mr. CANNON. Mr. President, the bill would require all clerks of the district courts, Clerk of the House, and Secretary of the Senate to receive, maintain, and prepare filing, coding, and publishing systems so as to provide broadest possible public disclosure and supervision over all campaign funds and candidates and committees.

There is a critical need for a new law governing Federal election financing and the reporting of those finances in detail.

An additional feature of this bill, Mr. President, is a new title, Income Tax Credit or Deduction for Political Contributions.

Election costs are so burdensome upon candidates and political parties that great efforts have been made to explore new sources of revenue for candidates and parties. Various proposals have been explored without much success. I believe that previous suggestions for modest tax credits or deductions have received greater approval than other plans.

Therefore, this bill will offer a tax credit of one-half of the amount of the political contribution but not to exceed a total credit of $20 per individual per calendar year. Alternatively, a contributor could claim a tax deduction not to exceed $100 per calendar year.

Two of my bills—S. 2426, passed by the Senate in 1961, and S. 2541, reported to the Senate in 1966—contained provisions, as reported, calling for a tax credit of one-half of the amount of a political contribution but not to exceed $10. Alternative proposals suggest a tax deduction not to exceed $100 in a calendar year.

Tax credits and tax deductions have been attacked on the grounds that a tax credit would be of real benefit only to the low-income wage earner; that a tax deduction would benefit the large wage earner more; that both types of incentives would be costly or difficult to administer, and so forth. Also, there is the problem of giving the benefit of a tax incentive to those who owe no tax and so forth.

However, almost every wage earner must file a return whether he pays a tax or not and some method could be devised to afford him a credit against taxes or even a partial refund. There are problems, very real problems, as we all know, in finding new and better methods for financing political campaigns. Existing, outmoded ceilings and limitations must be disposed of; reporting requirements must be broadened and made more detailed; the entire Corrupt Practices Act should be rewritten or repealed and a comprehensive new election reform act substituted for it.

Yet at the base of the political structure is money. Without it a political party and its candidates are helpless to reach the voters with their programs. Money is vitally needed but in my opinion, there should be a cooperative effort between the country and its people.

In view of the fact that only national or interstate committees are required to file financial statements with the Clerk of the House of Representatives, an accurate estimate of the total receipts and expenditures of the major parties cannot be made. However, the Democratic and Republican fundraising committees reported expenditures in excess of $35 million. Estimates going back as far as 1956 ranged as high as $150 million in total expenditures on a nationwide basis for that year. In consideration of the increased costs of campaigning during the past 12 years, that estimate reasonably could be raised to over $200 million for 1968.

Tax incentives such as tax credits and tax deductions are cooperative and mutually beneficial. Each would lose a little in revenues but gain far more in mutual trust and interdependence.

During its deliberations, I hope that the Senate will give careful consideration to the adoption of tax credits and tax deductions in preference to a system which merely depletes the Treasury without guaranteeing, in the true sense, any effective control over campaign spending.

S. 736—INTRODUCTION OF BILL FOR THE RELIEF OF THE SURVIVORS OF MARVIN R. FOLTZ

Mr. SCOTT. Mr. President, the 90th Congress enacted the Police Survivorship Act providing for compensation to any local policeman who is disabled, or to his survivors if he is killed, while apprehending persons suspected of having committed a Federal crime.

This measure was introduced by the Senator from Arkansas (Mr. McCLELLAN) and I joined in cosponsoring it and worked for its passage in both the Subcommittee on Criminal Laws and Procedures and the full Judiciary Committee.

This act is an appropriate recognition of the contribution made by local police forces in this Nation's fight against crime. Local law-enforcement officers often supplement the activities of Federal law-enforcement personnel which lessens the need for a larger Federal force. In performing this duty, local officers are sometimes severely injured or killed. This is reason enough for the Federal Government to assume some responsibility toward the local agencies which often are able to maintain only minimal compensation programs.

I today introduce legislation to aid the family of a Lancaster County, Pa. police chief who was killed by bank robbers in 1967. My bill would permit the surviving wife and daughter of Chief Marvin R. Foltz to receive benefits under the Police Survivorship Act which was passed subsequent to Chief Foltz' death. Chief Foltz' family, which otherwise qualifies for assistance, is not now eligible for these benefits because of the effective date of the act.

Chief Foltz died attempting to apprehend three men who were in the process of holding up the Union National Mount Joy Bank in Maytown, Pa. He died a few minutes after being shot by one of the bank robbers, but did manage to wound two of the holdup men before his death. All three of the robbers were later apprehended, largely because of Chief Foltz' prompt response to the holdup alarm and this subsequent action.

Chief Foltz was an experienced policeman who had been a constable, a chief deputy sheriff for 10 years, and a department store security guard before becoming the East Donegal Township chief of police.

Both the bank involved and the East Donegal Township officials have assisted the Foltz family. However, the family really needs and deserves the benefits that the Congress provided for the survivors of policemen killed in the line of duty.

As I have stated, Chief Foltz' family would have qualified for assistance had the Police Survivorship Act been law at the time of the tragic bank robbery. Moveover, one of the compelling arguments for just this type of legislation was presented to the Subcommittee on Criminal Laws and Procedures, which held hearings on this measure, by the then legislative chairman of the Fraternal Order of Police, who brought the death of Chief Foltz to the attention of the subcommittee.

Delay in the legislative process should not penalize Chief Foltz' family. My bill is an act of simple justice on behalf of a man who continually risked his life to ensure the safety of the public.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 736) for the relief of the survivors of Marvin R. Foltz, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 739—INTRODUCTION OF BILL ON MEETING THE WELFARE CRISIS

Mr. MONTOYA. Mr. President, I introduce, on behalf of myself and Senator ANDERSON, Senator HARRIS, and Senator METCALF, for appropriate reference, a bill which would direct the Secretary of Health, Education, and Welfare to conduct certain demonstration projects to encourage recipients of aid to families with dependent children—AFDC—to seek employment.

The measure is identical to S. 4174, which I introduced just prior to the 1968 general elections and the ensuing congressional recess. As a result, final action was never taken on the previous bill. However, the Committee on Labor and Public Welfare did have an opportunity to request comments from the Department of Health, Education, and Welfare on the proposed measure, and in a letter dated January 18, 1969, to the chairman of the committee, former Secretary of Health, Education, and Welfare, Wilbur Cohen, endorsed the legislation and recommended its enactment.

With this favorable reaction from Secretary Cohen, as well as the generally favorable reactions I have received from various State departments of welfare from whom I solicited comments, I am hopeful that prompt action will be forthcoming during this session of Congress, since I am firmly convinced that it would contribute to the solution of one of the most pressing problems of our time.

Mr. President, as I indicated to my colleagues here in the Senate on October 9, 1968, when I first introduced this measure, many people have said and with much reason that our present welfare system is bankrupt and must be completely overhauled. Many are pressing for some form of guaranteed annual income or a form of negative income tax to take its place.

Mr. President, I believe that one of the most terrible mistakes we could make in response to the welfare crisis would be to adopt a system which is based on the theory that millions of our citizens are to be handed out a dole and then forgotten. This would be wrong from so many viewpoints. It would be expensive; it would be difficult to carry out. But, most importantly, it would be in a very real sense represent a decision to put millions of people on the trash heap. It would be saying to those millions that you are so hopeless and we have so little confidence in you and in our country that all we are going to do is give you money and then relegate you to the nooks and crannies of America. Mr. President, this is not the right way, nor the best way for America.

We hear some who say that we are now such a productive Nation that it should be public policy to allow millions of people to live off the economy without producing anything which contributes to that economy. This is utter nonsense. How can anyone say that we do not have to rebuild our cities, plan better the development of our open areas, and develop our human resources? How can anyone say that when so many human needs go unnoticed and unmet? There is plenty to do in America, and I say that we had better get doing it. But, Mr. President, the way to make sure that we will not do anything is to adopt one of these schemes which is based on the theory that there is no work to do for many people and that they should be neatly discarded and then forgotten.

There is little doubt, Mr. President, that the present welfare system needs to be amended to improve the chances for people who have to depend on welfare to get off the rolls and into productive, independent lives. One thing which we must all keep in mind is that the very great majority of people who have had to go on public assistance do not want to be there. They want to get off. Mr. President, what we must make sure of is that the system works to help people get off the rolls and does not work in a way that gives people disincentives for getting off.

The Congress has, over the past 2 years, taken some important steps in that direction. We conducted a study of the system which led to some important changes in the welfare program, although we also took some action which I believe was unfortunate but which I believe we will correct in time.

But, before I describe some of those actions we took last year, let me give the Members of this body a brief description of those who are on welfare. The Federal Government assists the States in financing four separate programs of cash public assistance. Three of the programs are aimed at adults. The first is old-age assistance, which gives money to needy people over age 65. With the coming of age of the social security program and the increased benefits which we passed last year, only a small proportion of the aged must depend on public assistance today. Only one out of 10 aged people receives public assistance and half of those also get some social security benefit. Today, the typical person on old age assistance is a widow about 76 years of age. The number of people on old-age assistance is continuing to go down even though the number of older people continues to rise. It is not this program which has created the welfare crisis.

The next adult assistance program is the program which helps the States to finance payments to the blind. The number of blind people who have to depend on public assistance also is getting fewer and fewer. Only 80,000 of the blind have to depend on assistance and the number is going down each month. It is not this program which has created the welfare crisis.

The third adult category is aid to the permanently and totally disabled. This category of assistance has been going upward on a very gradual basis ever since it was set up in 1950. And it is likely that the numbers will continue to grow gradually until the social security disability program and workmen's compensation programs are modified to protect more workers and their families who are faced with the disability of the family breadwinner. But the numbers of disabled people who have had to go on public assistance has not gone up as fast as it would have if we had not had the social security program, the vocational rehabilitation program, and other programs which help treat and prevent disability. It is not this program which has created the welfare crisis.

The one federally assisted program which has shown continued and high rates of growth is the program of aid to families with dependent children—AFDC. This program now accounts for over two-thirds of all public assistance recipients and well over half of the funds. And this is the program which is growing at high rates even during a period of high employment, low unemployment, and unprecedented levels of economic activity. Mr. President, this is the program which is the cause of the welfare crisis. This is the program to which we must turn our attention whenever we are considering the public welfare problem. And it is this program toward which my legislation is directed.

Let me now briefly remind my colleagues of some of the more important provisions which the Congress enacted to deal with this growing crisis. And it is interesting to note, Mr. President, that during the period when Congress was considering these measures—from March 1967 to December 1967—this AFDC program added almost a half a million people to the rolls. Just think of that—during a 9-month period the rolls increased by well over 400,000 people. In the 1967 social security amendments, we took, I believe, several important and constructive steps to meet the welfare crisis. We required the States to supply adequate day-care services to the mothers in these families who are referred for jobs or training. We set up a special work-training program to be run by experts of the Labor Department and directed solely at AFDC recipients.

We recognized that there were only a very small proportion of able-bodied men on the AFDC rolls—less than 80,000 out of over 5½ million recipients—but we did not ignore them. We required that each of them be referred to the work incentive program within 30 days of coming on the rolls and we included other measures to assure that able-bodied men were trained and placed in jobs.

Finally, Mr. President, we required the States to ignore the first $30 a month in earnings of a public assistance family and one-third of the earnings above that amount. Thus, the Congress attempted to meet the problem of the growing rolls by measures which were designed to furnish support to the hundreds of thousands of AFDC families who want to get off the rolls and become self-supporting and independent. Mr. President, I believe we are on the right track. People do not want to be shoved aside and forgotten while the rest of the Nation progresses. They want to be a part of that action. They want to be independent and self-reliant. But we have a welfare system which not only does not help people get off the rolls but actually hinders them in their efforts to do so. And the proposals for a guaranteed annual income or negative income tax will not change that; rather, they would actually increase the ill effects in the present system.

While the Congress has dealt with what I believe are the three main ingredients of a successful attack on the problem—adequate day-care services, opportunities for work and sound training, and an earnings incentive—we have not dealt with the third area in an effective manner. There may be more need for day-care services and we may need to give more financial support to the training programs, but I feel certain that we have not acted correctly in the area of work incentives. Thirty dollars and one-third is just too small. For example, the public assistance recipient who sees that she gains only $1 in net income for every $3 of work after the first few days of each month may very well think that there is not much use in leaving her children with someone else for such a small gain. But, unfortunately, Mr. President, there is hardly any research or experimentation with various forms of work incentives on which the Congress can base an informed and intelligent decision in the matter. After more than 30 years of the AFDC program, the Department of Health, Education, and Welfare still had not done one good study of the effect of the program on incentives to work or how the problem could be met.

I personally believe that the 1967 provision will turn out to be inadequate. And, unless we take steps now to get pertinent information we still will not know the best route to take when results under the 1967 provision are in.

I suggest that a much more promising approach would be to allow all recipients to earn the difference between their monthly grant from welfare and a reasonable standard of income. This is the kind of guarantee of annual income which I would like to see—a proposal which says to the recipient that he can earn up to the guaranteed level without losing any of his public assistance. Thus, instead of having a guaranteed level which is financed out of tax money, we would have a level which people could work toward. This is the type of proposal I would like to see studied.

As I indicated earlier, AFDC recipients want to work. A study conducted in the ghettos of New York City showed that the overwhelming proportion of the women on welfare wanted to get trained and placed in good jobs. And, I submit, it will go much better in the future of our country if we have children growing up today with the example of a parent going out to work and gaining the satisfaction of being independent, rather than the example of a parent who draws his dole and spends the long days in idleness. The parent could hardly have self-respect in such a situation, and he most likely would not have the respect of children, family, or friends.

Mr. President, my bill would direct the Secretary of HEW to conduct a substantial experiment in appropriate areas of the Nation of the kind of proposal which I have outlined. Instead of the $30 and one-third earnings exemption, ADFC families could earn the difference between their grant and the poverty level set forth in my formula.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a chart containing the formula of earnings exemptions which I have in mind for AFDC families, and setting forth specific examples of how the formula would be applied and the effect it would have in providing work incentives over and above the present law.

(See exhibit 1.)

Mr. MONTOYA. Mr. President, there would also be included in the legislation a built-in formula for raising the income level automatically—according to the Department of Labor cost-of-living consumer indexes—when the cost of living increases; that is, standards of income levels would be kept current with living costs. Moreover, no State would be permitted to lower its welfare payments as a result of the enactment of such legislation, nor to exclude provisions for added welfare benefits for those having "special needs"; that is, medical care, special diets, care by an attendant, and so forth.

The Secretary of Health, Education, and Welfare would be required to compare the results of my proposed system with the results under the law, and with one or two other alternatives if the Secretary believes it to be desirable. The Secretary would then prepare a formal report on the results of the experiment to the Congress. We would then be in a position to evaluate the proposals in an informed manner and arrive at a decision based on facts, not theories.

I believe the proposal which I have outlined will prove to be the most effective. I believe it would reduce the costs of poverty and other assistance programs over the long haul, simplify procedures for welfare eligibility and payment determinations, and add to the working force through reduction of impediments to employment. Moreover, I believe that my proposal will show that the proponents of the negative income tax and other proposals which would hand out millions of tax dollars for doing nothing are on the wrong track, both for the people involved and the Nation as a whole.

But I am willing to put my beliefs to the acid test of experience.

Mr. President, I also submit and ask unanimous consent for inclusion in the RECORD at this point the text of my bill, and I urge Senators to study it and then join me in securing its prompt passage.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and chart will be printed in the RECORD.

The bill (S. 739) to direct the Secretary of Health, Education, and Welfare to conduct certain demonstration projects designed to encourage recipients of aid to families with dependent children to seek employment, introduced by Mr. MONTOYA, for himself and other Senators, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") shall, under the authority contained in section 1115 of the Social Security Act, conduct demonstration projects under which recipients of aid to families with dependent children (under programs established pursuant to title IV of such Act) who participate in such projects will be permitted to earn, without having any reduction in the amount of the money payments otherwise payable to them under such programs, such amounts as may be necessary to bring the total annual income of the family unit to which they belong above the poverty level.

(b)(1) Participants in such demonstration projects will be permitted to earn (without having any reduction in the amount of the money payments otherwise payable to them under a program established pursuant to title IV of the Social Security Act) amounts as follows:

(A) in case such participant belongs to a family consisting of one member, $600 annually, or, if greater, the amount necessary to bring the total annual income of his family up to $2,000;

(B) in case such participant belongs to a family consisting of two members, $800 annually, or, if greater, the amount necessary to bring the total annual income of his family up to $2,600;

(C) in case such participant belongs to a family consisting of three members, $1,000 annually, or, if greater, the amount necessary to bring the total annual income of his family up to $3,200;

(D) in case such participant belongs to a family consisting of four members, $1,200 annually, or, if greater, the amount necessary to bring the total annual income of his family up to $3,800;

(E) in case such participant belongs to a family consisting of five members, $1,400 annually, or, if greater, the amount necessary to bring the total annual income of his family up to $4,400;

(F) in case such participant belongs to a family consisting of six members, $1,600 annually, or, if greater, the amount necessary to bring the total annual income of his family up to $5,000;

(G) in case such participant belongs to a family consisting of seven members, $1,800 annually, or, if greater, the amount necessary to bring the total annual income of his family up to $5,600; and

(H) in case such participant belongs to a family consisting of more than seven members, such amounts as the Secretary shall determine to be appropriate to carry out the purposes of the demonstration project.

(2) The amounts provided for in paragraph (1) of this subsection shall, when applied to any participant in a demonstration project under this Act who lives on a farm, be reduced by 30 per centum.

SEC. 2. Demonstration projects under this Act shall be carried on for a period not in excess of 12 months. The Secretary shall, at the earliest practicable time after the termination of such projects, make a report to the Congress on such demonstration projects together with any recommendations he may have for changes in the provisions of title IV of the Social Security Act which relate to earnings by recipients of money payments under programs established pursuant to such title.

The chart, presented by Mr. MONTOYA, is as follows:

EXHIBIT 1

TABLE OF EARNINGS EXEMPTIONS ALLOWED AID FOR DEPENDENT CHILDREN (AFDC) FAMILIES

Number of family members	Nonfarm		Farm (70 percent of nonfarm)[1]	
	Weighted cost standard	Offsetting standard	Weighted cost standard	Offsetting standard
1 member	$2,000	$600	$1,400	$420
2 members	2,600	800	1,820	560
3 members	3,200	1,000	2,240	700
4 members	3,800	1,200	2,660	840
5 members	4,400	1,400	3,080	980
6 members	5,000	1,600	3,500	1,120
7 members	5,600	1,800	3,920	1,260

[1] This is consistent with the social security poverty index, which has a 30-percent reduction for rural areas.

The effect of the above would be to exempt AFDC welfare recipients from having deductions made against their welfare payments for earning additional income. Thus, a nonfarm family of 4 members could earn the difference between welfare payments and income up to $3,800, or an additional $1,200, *whichever is greater.*

The following examples (based on a family of four) show how the formula would be applied, and set forth the work incentives contained in the formula over and above existing law:

1. *New Jersey (non-farm):* New Jersey pays a monthly assistance allowance of $280 for a family of four—or a total of $3360 per annum. This represents one of the highest public welfare payments in the 50 states, meeting 100% of basic needs. Yet, there must be incentive for these families to become

self-supporting, and by applying the above formula the effect would be as follows:

The $3360 in welfare benefits is but $440 below the non-farm weighted cost standard; hence, the family would be permitted to earn an additional $1200 since this is the greater amount. (*Comparison with Existing Law:* Under present law, if the mother in an AFDC family of four has annual earnings of $2200, she would have her assistance grant of $3360 reduced by $1227 to $2133 for a total income of $4333. Under this proposal, the family would have $3360 plus $1200 in earnings for a total income of $4560.)

2. *New Mexico (non-farm):* My own state of New Mexico pays $183.36 monthly to a family of four, meeting 95% of the $193 for monthly basic needs—for a total of $2200. This is $1600 below the $3800 weighted cost standard for a non-farm family of four, but is greater than the $1200 offsetting standard; hence the family would be permitted to earn an additional $1600 yearly without penalty to welfare payments. (*Comparison with Existing Law:* Under present law a family of four in New Mexico would have their grant reduced from $2200 to $1173, based on earnings of $2200 for a total income of $3373. Under this proposal, however, the family could achieve a total income of $3800 based on the same earnings.)

3. *Mississippi (farm):* The State of Mississippi pays but $40 per month to a family of four, although basic needs as established by the State are $194.09. Assuming that farm family costs are 70% of the cost-of-living of non-farm families, the $480 in welfare payments deducted from the $2600 cost standard would be $1180—the additional amount which the family would be permitted to earn since it is greater than the $840 offsetting figure. (*Comparison with Existing law:* Under present law, if a family had earnings of as little as $1080 no further assistance would be paid. But under this proposal, a family of four could have earnings of as much as $2810 and still receive the $480 in public assistance grants.)

S. 740—INTRODUCTION OF BILL TO ESTABLISH THE INTERAGENCY COMMITEE ON MEXICAN-AMERICAN AFFAIRS

Mr. MONTOYA. Mr. President, today, on behalf of myself and Mr. Brooke, Mr. Cranston, Mr. Fannin, Mr. Goldwater, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hughes, Mr. Jackson, Mr. Kennedy, Mr. McCarthy, Mr. McClellan, Mr. McGee, Mr. Metcalf, Mr. Mondale, Mr. Murphy, and Mr. Yarborough, I introduce a measure to establish the Interagency Committee on Mexican-American Affairs as a statutory agency. Since its creation by President Johnson as a Cabinet Committee on June 9, 1967, the presently functioning Interagency Committee on Mexican-American Affairs has sought to identify the needs of the Nation's second largest minority group, provide guidance toward Federal programs that are already in existence, and to recommend new programs to meet the unique requirements of the Spanish-speaking segment of our population.

During the past year and a half, the Interagency Committee has made numerous program contacts at all levels of government as well as with private industry and organizations. Guidance and action have been provided both to community projects and in individual hardship cases. Research has been conducted and materials published to acquaint the population with Spanish-speaking Americans and to guide this community in solving its many problems. The Interagency Committee placement service has referred well over 2,000 job applicants to both Government and private industry.

Areas of action covered by the Interagency Committee include education, health, welfare and poverty, housing, migrant labor, civil rights, immigration, military, employment, economic development, and research. While progress has been made in attaining economic independence for this deprived minority group, it becomes evident that a great need exists for a stable organization to assume responsibility for the orderly and successful completion of such transformation. I would like to note at this point that the Presidential order establishing the present Committee is scheduled to expire in June 1969.

The economic plight of the Spanish-speaking American community is the most basic problem and is largely a result of lack of educational opportunity. From this fundamental exclusion have stemmed the chronic problems in health, employment, housing, and related fields. By almost any socioeconomic measure, the Spanish-surnamed Americans, as a group, are very distant from the legendary American dream. In a phrase, one might sum up the Spanish-speaking American as being at the "bottom of the heap." In jobs—nearly 80 percent work in unskilled or semiskilled jobs—porters, laborers, elevator operators, and so forth; in education—most Spanish Americans barely complete the eighth grade and many are functionally illiterate as in Texas where 40 percent of the Spanish-speaking population is illiterate; in income—nearly 50 percent of all Spanish-speaking American families fall below the poverty line of $3,200; in business—they own less than 1 percent of the U.S. businesses. Thus, the Spanish-speaking American is not only a numerical minority, his level of living and participation in the economy is so minor as to be difficult to measure.

The proposed Committee will expand upon the functions of the present Interagency Committee by involving all Americans of similar ethnic or cultural background.

Today, it is estimated there are 10 million Spanish-speaking Americans in the United States or 5 percent of the total population. Their diversity as a group is striking—ranging from native born Mexican Americans and Puerto Ricans to emigrants from Latin America. Their similarities in language and culture, however, are also striking.

The measure which I am introducing would provide for the alleviation of these conditions through a Central Government agency which can give impetus to an integrated Government-wide effort. I would cite examples of activities in which the Interagency Committee will engage:

The sponsoring of conferences similar to the ones held in the past dealing with problems of education and employment. Cooperation would be extended in conferences sponsored by other groups, involving government officials and private industry professionals as well as barrio residents and migrant workers, to hear complaints and make recommendations. The Committee will be concerned with the establishment of relationships with private groups and organizations who can offer solutions to specific problems.

The analysis of community needs as presented in conferences and to contact officers and development by the Committee staff of answers to these needs. The Committee would be responsible for consulting with and advising the cooperating agencies in policies and priorities, implementation of programs and enforcement of guidelines.

The continuation of research into problem areas. The Committee is envisioned as operating with a small staff of bilingual and bicultural specialists, and, therefore, is not intended to duplicate the massive data collection processes undertaken by Cabinet departments. Rather, the Committee will foster the necessary studies and will synthesize the information obtained from agencies and from hitherto untapped community resources so as to formulate viable policy leading to a more effective and efficient Government-wide approach.

In fulfilling its advisory and educative functions for both Government and community, the Committee will obtain information from departments and agencies on the extent, nature, operation, and provisions of ongoing or proposed programs of special relevance to the Spanish-surnamed community. The Committee, insofar as possible, will rely on the facilities and services of established agencies in such matters as general technical expertise. The Committee will endeavor to promote a better flow of information going from agencies to the community so that only special publications from the Committee itself will be necessary.

The establishment of an employment aid service to direct job applicants to available positions. This activity will involve a service to aid individuals in the preparation of proper application forms both for government and private industry; distribution of these forms to offices with outreach capability; assistance in procedures to lodge complaints of discrimination; and acquainting Government and private employers with methods and resources by which they can reach the talent within the community.

The stimulation of interest among Government agencies and private groups in funding technical assistance projects in localities which have demonstrated the need for and ability to organize such projects. The Committee will seek to conduct such activities through cooperating agencies rather than allocate new funds of its own. A portion of this task must be the total involvement of local groups and organizations.

Publicizing of all of these activities to encourage wider participation by private industry and organizations so that the burden of reform is ultimately lifted from the shoulders of Government and returned to the democracy of the people.

These are but a few of the activities through which the Interagency Committee, as proposed in my legislation, will serve to assist the Spanish-surnamed community. Basically, the Committee will not be a program agency in that it will not, itself, fund programs. Instead, it will act as a community advocate. Its constituency will be nationwide—wherever there are Spanish-speaking Americans—and its scope will be sufficiently broad to cover the problem areas in more than a piecemeal fashion. So often, in our Government, we have found that the right hand does not know what the left hand is doing simply because of the division of efforts necessitated by our size. And so often the very people who are in greatest need of information and attention are the very ones who are bewildered by the vastness of our bureaucracy, our economy, and our society.

We need not, and cannot, await a national crises to prod us into completion of a job barely begun. Within the next few years we should eradicate all traces of the institutionalized discriminatory practices which still work to exclude the Spanish-surnamed American from skilled and white collar positions and which still hamper his advancement. Once the lines of communication are open between the Spanish-surnamed community and American employers, the community will naturally and easily find its way to all levels and manners of employment.

The most basic demand being made of our economy—and perhaps our greatest test—lies in making capitalism really work for all citizens. This is the nuts and bolts of the problem we confront. One southwestern professor of economics, accused of radical thinking, stated that he considered the free enterprise system the best one possible—so much so that he thought everyone should have a share in it.

We still have opportunity to prove that the free market economy and our whole system of Government can work for everyone, regardless of historical or ethnic origin. By the end of this century, this Nation must bring full economic participation to the Mexican-American community as well as to other underdeveloped groups of American citizens.

The establishment of an advocate Committee to aid in the uplifting of the Spanish-surnamed American is, I firmly believe, one of the tools we must utilize in this grand effort. I sincerely hope the Congress will act quickly upon this measure to insure the continuance of the Interagency Committee and its work which is not yet completed.

I ask unanimous consent to have the text of the bill printed at this point in the RECORD.

The **VICE PRESIDENT**. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 740) to establish the Interagency Committee on Mexican-American Affairs, and for other purposes, introduced by Mr. MONTOYA, for himself and other Senators, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to assure that Federal programs are reaching all Spanish Americans and providing the assistance they need, and to seek out new programs that may be necessary to handle problems that are unique to the Spanish American community.

Sec. 2. (a) There is hereby established the Interagency Committee on Mexican-American Affairs (hereinafter referred to as the "Committee").

(b) The Committee shall be composed of—

(1) the Secretary of Agriculture;

(2) the Secretary of Commerce;

(3) the Secretary of Labor;

(4) the Secretary of Health, Education, and Welfare;

(5) the Secretary of Housing and Urban Development;

(6) the Secretary of the Treasury;

(7) the Attorney General;

(8) the Director of the Office of Economic Opportunity;

(9) the Administrator of the Small Business Administration;

(10) the Commissioner of the Equal Employment Opportunity Commission most concerned with Mexican-American Affairs; and

(11) such other officers of Federal departments and agencies as may be designated by the President or the chairman of the Committee (hereinafter designated) to serve at the pleasure of the person so designating such officer.

(c) The member referred to in subsection (b) (10) shall serve as chairman of the Committee. The chairman shall designate one of the other Committee members to serve as acting chairman during the absence or disability of the chairman.

Sec. 3. (a) The Committee shall have the following functions:

(1) to advise Federal departments and agencies regarding appropriate action to be taken to help assure that Federal programs are providing the assistance needed by Spanish-surnamed Americans; and

(2) to advise Federal departments and agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of Spanish-surnamed Americans, and on priorities thereunder.

(b) In carrying out its functions, the Committee may foster such surveys, studies, research, and demonstration and technical assistance projects, establish such relationships with State and local governments and the private sector, and promote such participation of State and local governments and the private sector as may be appropriate to identify and assist in solving the special problems of Spanish-surnamed Americans.

Sec. 4. (a) The Committee is authorized to prescribe rules and regulations as may be necessary to carry out the provisions of this Act.

(b) The Committee shall consult with and coordinate its activities with appropriate Federal departments and agencies and shall utilize the facilities and resources of such departments and agencies to the maximum extent possible in carrying out its functions.

(c) The Committee is authorized in carrying out its functions to enter into agreements with Federal departments and agencies as appropriate.

Sec. 5. The Committee is authorized to request directly from any Federal department or agency any information it deems necessary to carry out its functions under this Act, and to utilize the services and facilities of such department or agency; and each Federal department or agency is authorized to furnish such information, services, and facilities to the Committee upon request of the chairman to the extent permitted by law and within the limits of available funds.

Sec. 6. (a) The chairman shall appoint and fix the compensation of such personnel as may be necessary to carry out the functions of the Committee and may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates for individuals not in excess of the daily equivalent paid for positions under GS-18 of the General Schedule under section 5332 of such title.

(b) Federal departments and agencies, in their discretion, may detail to temporary duty with the Committee such personnel as the chairman may request for carrying out the functions of the Committee, each such detail to be without loss of seniority, pay, or other employee status.

Sec. 7. Nothing in this legislation shall be construed to restrict or infringe upon the authority or any Federal department or agency.

Sec. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the functions of the Committee under this Act, and any funds heretofore made available for expenses of the Interagency Committee on Mexican-American Affairs established by the President's memorandum of June 9, 1967, shall be available for the purposes of this Act.

Sec. 9. The Committee shall, as soon as practicable, after the end of each fiscal year, submit a report to the President and the Congress of its activities for the preceding year, including in such report any recommendations the Committee deems appropriate to accomplish the purposes of this Act.

Mr. MURPHY. Mr. President, I am pleased to join Senator MONTOYA in coauthoring this measure which would legislatively establish an Inter-Agency Committee on Mexican-American Affairs. The purposes of the Committee are:

First. To advise Federal departments and agencies regarding appropriate actions to assure that the Federal programs are providing the assistance needed by Spanish-surnamed Americans.

Second. To advise the Federal departments and agencies on the development of comprehensive and coordinated policies, plans and programs focusing on the specific problems of Spanish-surnamed Americans and to establish priorities thereunder.

Third. To mobilize government at all levels and the private sector to identify and attack the specific problems of Spanish-surnamed Americans.

As my colleagues know, the Mexican-American citizens are an important part of my State's population. Their contributions to my State and to the Nation are numerous and significant. In fact, Mexican Americans have contributed to every facet of California's life from Father Serra to the Mexican-American men who today are serving courageously in Vietnam. The last time I had seen statistics on the subject, Mexican-American soldiers had won more medals of honor than any other group. Despite their accomplishments there are problems confronting the Mexican-American community. I have been urging an increased effort to deal with the language problem which often confronts the Mexican-American children in my State to turn the language barrier from a liability to an asset. I coauthored in 1967 the Bilingual Education Act. On Monday of this week I wrote a letter to President Nixon, Secretary Finch, and Bureau of the Budget Director, Mr. Mayo, urging full funding of this program. I ask unanimous consent that the copy of the letter that I sent to the President be printed in the Record at this point. In addition, the Los Angeles Times, which has been such a strong supporter of this needed program, and in an editorial entitled "Breaking the Language Barrier," urged the full funding of the bilingual program. I ask unanimous consent that this editorial be printed in the Record at this point. I also ask unanimous consent that excerpts of my testimony last year before the Senate Appropriations Committee dealing with bilingual program be printed in the Record.

There being no objection, the matter was ordered to be printed in the Record, as follows:

Remarks of Senator George Murphy, Republican, of California, Before the Senate Appropriations Committee

BILINGUAL PROGRAM

The second program I wish to discuss and urge full funding is the Bilingual Education Act of 1967 which was also incorporated in the 1967 amendments to the Elementary and Secondary Education Act. I was pleased to co-author the bill. As the members of the committee probably know, this program was conceived and initiated in the Congress and was enacted over the opposition of the Administration. The program has now been embraced by the Administration, but the level at which funds have been requested indicates that the Administration's endorsement lacks the enthusiasm which the program needs. For, like the dropout prevention program, the program is of little value unless it is given life by adequate appropriations. The House Appropriations Committee also refused to appropriate any funds for this much-needed program.

The magnitude of the problem is evident by the following appalling statistics:

(1) Of 1.6 million Mexican-American children entering the first grade in the five Southwestern States, one million will drop out before they reach the eighth grade. In my own State of California, I understand that 50 per cent of the Mexican-American children drop out by the eighth grade.

(2) Mexican-Americans in the United States have an average grade level of 7.1, compared to a grade level of 9.0 for Negroes and 12.1 for Anglo-Americans. Mr. Chairman, evidence and experience suggest that this need not be. Other countries have confronted the problems of educating bilingual children and some nations such as the United States and certain parts of Africa have insisted that instruction be in the national language only. Many countries have successfully solved the problem by instructing first in the youngsters mother tongue and as soon as possible, instructing the youngsters in the national language. Last year, Governor Reagan of California signed into law legislation that would permit instruction in Spanish in California's public schools.

It would appear that even Russia has a more enlightened policy than the United States in its approach to the problem. I understand that approximately 50 per cent of the Russian population have a mother tongue other than Russian. In 1938, the Russian Government reversed its insistence that instruction be in Russian and permitted instruction in the mother tongue. As a result I am told there has been a great increase in literacy as well as the use of the Russian language. Similar experiences have occurred in Mexico, the Philippines and in Puerto Rico. In the latter case, the United States at one time insisted that the educational system in Puerto Rico instruct in English, notwithstanding the fact that the mother tongue of the children was Spanish. Mr. Bruce A. Gaarder of the Office of Education in testifying before the Senate Special Subcommittee on Bilingual Education, outlined the experience which was documented in a study by Columbia University that occurred in Puerto Rico as follows:

"The Columbia University researchers, explaining the astonishing fact that these elementary school children in Puerto Rico—poverty-stricken, backward, 'benighted', beautiful Puerto Rico—achieved more through Spanish than continental United States children did through English, came to the following conclusion, one with extraordinary implications for us here . . .

"The conclusion is, in sum, that if the Spanish-speaking children of our Southwest were given all of their schooling through both Spanish and English, there is a strong likelihood that not only would their so-called handicap of bilingualism disappear, but they would have a decided advantage over their English-speaking schoolmates, at least in elementary school, because of the excellence of the Spanish writing system. There are no reading problems, as we know them, among school children in Spanish-speaking countries."

A Florida effort points not only to substantiation of the Puerto Rico experience, but also to its expansion. In 1963, public schools in Dade County, Florida, embarked on a model bilingual education program. Although final statistical data is not available, preliminary reports are most encouraging. Perhaps even more significant are the results regarding the English-speaking children in the bilingual program. Amazingly, these English-speaking children are doing better in English than their counterparts who were instructed in English. Not only does the bilingual program have the potential and promise of successfully attacking education problems of youngsters whose mother tongue is other than English, but, apparently, if the Florida Study is correct, the "implications for education are extraordinary."

Mr. Chairman, I recognize the fiscal limitation under which we are laboring, but I urge you to see that these two important programs which will lay the groundwork for exciting breakthroughs in education be permitted to move ahead. Society can afford to do no less.

Breaking the Language Barrier

Issue: Will Congress this year again fail to provide sufficient financial support for bilingual teaching programs in U.S. schools?

Congress in 1967 finally decided to help break down the language barrier that so limits the educational opportunities for non-English speaking students.

To date, however, appropriations have fallen far short of the $30 million authorized for bilingual education programs. The $7.5 million thus far allocated has not made much of a dent in the barrier.

Millions of Mexican-American youngsters have dropped out of school simply because they couldn't understand their teachers. Half of all Mexican-American students in California schools get no farther than the eighth grade according to Sen. George Murphy (R-Calif.), one of the sponsors of the bilingual teaching bill.

The Times urges Congress not only to appropriate the full amount authorized but also to consider voting additional funds to assists these educationally deprived children.

Lack of instruction in their native tongue is a major factor in the average grade level of 7.1 for Mexican-Americans, as compared to 9.0 for Negroes and 12.1 for Anglo-Americans.

Los Angeles schools have been making an increasing effort at bilingual teaching, with almost all the money coming out of local and state funds. Instruction in Spanish is now given to more than 5,000 students in city schools, mostly at the secondary level.

But money is not the only problem.

The number of Spanish-speaking teachers is far less than the demand, a problem that the Ford Foundation will try to solve with a $325,000 grant for language training program in education schools.

Resistance to bilingual teaching also has been noted among some principals and administrators, although such programs have been officially endorsed by school districts.

The answer is more and better bilingual teaching. Although additional funds will be required, the cost will be minor in comparison to the high price society pays for every dropout.

Letter to President Nixon From Senator George Murphy

Dear Mr. President: I want to call your attention to and urge your support for full funding of the Bilingual Education Act.

"The critical need for this program is evident by the following appalling statistics: (1) Of the 1.6 million Mexican-American children entering the first grade in the five southwestern states, one million will drop out before they reach the eighth grade. (2) Mexican-Americans in the United States have an average grade level of 7.1 compared to a grade level of 9.0 for Negroes and 12.1 for Anglo-Americans.

In my own state of California, I understand that fifty percent of the Mexican-American children drop out by the eighth grade. Yet, evidence and experience suggest that this need not be. Many countries of the world have successfully solved the problem by instructing first in the youngster's mother tongue and as soon as possible instructing the youngster in the national tongue.

California is moving to attack this serious problem and to reverse the above appalling statistics. In 1967, Governor Reagan signed into law needed and enlightened legislation that permits instruction in Spanish in California's public schools.

Since the enactment of the Bilingual Education Act in 1967, which incidentally was conceived and initiated by the Congress over the opposition of the former Administration, there has been the greatest of interest in California in the promise and potential of the program. Last year, the Johnson Administration gave token endorsement to the program requesting only ten million dollars of the thirty million authorized. The House of Representatives failed to appropriate a single cent. Thereafter, I personally pleaded with the Senate Appropriations Committee to reverse the shortsighted action of the House and to fund the program. As a result, the Senate Appropriations Committee provided ten million dollars and we were able to hold 7.5 million dollars in conference.

Because of the critical nature of the problem, I urge your Administration to enthusiastically get behind the Bilingual Education Program and support its full funding. As a co-author of the Bilingual Education Act, I am confident that such an investment and such an endorsement by the Administration will be wise for the nation and will make a significant difference in the lives of many children.

S. 741—INTRODUCTION OF BILL TO AUTHORIZE THE ADDITION OF CERTAIN FEDERAL RECLAMATION PROJECTS IN THE PACIFIC NORTHWEST TO PARTICIPATE IN ASSISTANCE FROM THE FEDERAL COLUMBIA RIVER POWER SYSTEM

Mr. JACKSON. Mr. President, on behalf of myself and a number of colleagues, I introduce, for appropriate reference, a bill to authorize the addition of certain Federal reclamation projects in the Pacific Northwest to participate in assistance from the Federal Columbia River power system, and for other purposes.

This bill, previously designated as S. 3689, was introduced late in the second session of the 90th Congress. The measure was referred to the Committee on Interior and Insular Affairs, but further action before an adjournment was not possible.

The act of June 14, 1966 (80 Stat. 200) included a provision that reclamation projects authorized after the passage of the act might receive repayment assistance from net revenues derived from the marketing of commercial power through the Federal Columbia River power system. This repayment assistance returns to the Treasury the portion of the costs allocated to the irrigation purposes of a project which are in excess of the repayment ability of the irrigation water users.

There are a number of older irrigation projects existing in the Pacific Northwest which were authorized and constructed many years before repayment assistance from power revenues was being made available. It was originally anticipated that the irrigators would be able to repay the project costs within the customary repayment periods.

For a variety of reasons, chiefly the impact of the depression of the early 1930's, the repayment schedules could not be realized. The water users are now making payments to the extent of their ability, but the repayment contracts have been amended to extend the repayment periods beyond the 50-year period which is usual.

The bill which I am introducing today would make repayment assistance from the Federal Columbia River power system available to these older projects. If this is done, the repayment contracts can be amended to 50-year terms which will place these projects on a par with the newer projects which are being authorized under current policies.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 741) to authorize the addition of certain Federal reclamation projects in the Pacific Northwest to participate in assistance from the Federal Columbia River power system, and for other purposes, introduced by Mr. JACKSON (for himself and other Senators), was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

S. 742—INTRODUCTION OF BILL TO PROVIDE FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE KENNEWICK DIVISION EXTENSION, YAKIMA PROJECT, WASHINGTON, AND FOR OTHER PURPOSES

Mr. JACKSON. Mr. President, I introduce, for myself and my colleague, Senator MAGNUSON, a bill to provide for the construction, operation, and maintenance of the Kennewick division extension, Yakima project, in the State of Washington. This bill is identical to S. 370 which passed the Senate in the 90th Congress. Final action on this measure was not taken in the House prior to adjournment.

The purpose of this measure is to bring 6,300 acres of land in the Kennewick division under irrigation. This would be accomplished through appropriate amendments to the act of June 12, 1948, which authorized the Kennewick division. The act of 1948 authorized the Secretary of the Interior to construct extra capacity in the division's main canal to provide for future irrigation of approximately 7,000 acres. The bill I am introducing would make use of this extra capacity and bring the operating capacity of the division up to full efficiency.

This project has an extremely high benefit-to-cost ratio, in excess of 3.5 to 1.

While the Kennewick division extension is basically an irrigation development which will be especially suitable for the production of specialty crops, there would also be substantial benefits to wildlife resources.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 742) to amend the act of June 12, 1948 (62 Stat. 382), in order to provide for the construction, operation, and maintenance of the Kennewick division extension, Yakima project, Washington, and for other purposes, introduced by Mr. JACKSON (for himself and Mr. MAGNUSON) was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 743—INTRODUCTION OF BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO CONSTRUCT, OPERATE, AND MAINTAIN THE TOUCHET DIVISION, WALLA WALLA PROJECT, OREGON-WASHINGTON, AND FOR OTHER PURPOSES

Mr. JACKSON. Mr. President, I introduce for appropriate reference, on behalf of myself and my colleague, Senator MAGNUSON, a bill to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division of the Walla Walla project in Oregon and Washington. This measure passed the Senate with amendments in the 90th Congress, but no action was taken in the House.

The outstanding adaptability of this project to multiple-use water resource development in the southeast area of the State of Washington, plus the substantial benefits which will accrue to sport and commercial fishing in the Pacific Northwest make it a very desirable project.

Dayton Dam on the Touchet River will be the principal feature of the project. As a result of the control which the dam and reservoir will provide over the presently unpredictable flow of the river, 10,000 acres of prime row crop farmland will be brought under full irrigation. The nearby town of Dayton will receive 1,000 acre-feet per year of municipal and industrial water, and the Walla Walla Basin will enjoy the benefits of a lake ideally suited to the multiple recreation uses of fishing, boating, swimming, picnicking, camping, and waterfowl hunting. The project is badly needed as a flood control measure for the Touchet Valley, which has suffered perennial losses from spring flooding.

Potentially an outstanding salmon stream, the Touchet will provide a restored run of anadromous fish when the waterflow, temperature, and water quality of the stream can be controlled.

The Senate Committee on Interior and Insular Affairs, after full hearings and executive consideration in the last Congress found that the Touchet division is a true multi-purpose project that would advance maximum use of an important water resource, and would benefit both the region and the Nation as a whole. Each feature of the project is physically and economically justifiable, both individually and collectively. The project has the support of all Federal, State, and local agencies, and of the residents of the area directly affected.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 743) to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other purposes, introduced by Mr. Jackson (for himself and Mr. MAGNUSON), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 744—INTRODUCTION OF BILL TO PROVIDE FOR BETTER ADMINISTRATION OF THE NATIONAL PARK SERVICE

Mr. JACKSON. Mr. President, I introduce, for appropriate reference, a bill to provide for the better administration of the National Park Service and the power marketing programs of the Department of the Interior. Joining me in sponsoring this measure are Senators ANDERSON and Moss.

Mr. President, this measure will enable the National Park Service to retain sufficient personnel to meet, for the present at least, the growing demands of our people for ready admission to and services in our national parks, outdoor recreation areas and historic sites. Use by the public of such areas requires of course personnel for operation, control, protection, and guidance.

Yet, while more and more persons are using more and more units of our park system more and more often, the Park Service not only cannot engage additional personnel to meet these growing needs, but rather it cannot, under present law, maintain the number of personnel it now has.

So, too, with Interior's electric power marketing agencies. Such agencies include the Bonneville Power Administration, Southeastern Power Administration, Alaska Power Administration, and the Bureau of Reclamation. Our industrial development and expanding population require more and more electric energy. The Department of the Interior's programs have a highly important part in helping meet these needs.

Yet these agencies not only are not permitted to engage additional personnel to meet these growing demands; they cannot retain the number they now have.

This situation is the direct result of the enactment last year of the Revenue and Expenditure Control Act of 1968 under which the executive agencies are not permitted to engage personnel in excess of the number employed on June 30, 1966. I am not questioning the wisdom, over all, of this law, but I do point out that some of its provisions should be waived with respect to certain agencies which have direct and growing responsibilities to the public.

Precedent for such action already has been established for Federal Aviation Administration Traffic Control Officers, for the Post Office, the FBI, and the CIA.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 744) to provide for better administration of the National Park Service and of the electric power marketing programs of the Department of the Interior, introduced by Mr. JACKSON, (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 745—INTRODUCTION OF BILL RELATING TO CLASS I BASE PLAN FOR THE DAIRY INDUSTRY

Mr. McGOVERN. Mr. President, on behalf of myself and the Senator from Wisconsin (Mr. PROXMIRE), I introduce, for appropriate reference, a bill amending the Agricultural Marketing Agreement Act of 1937, as amended. My amendment supersedes the present authority for the class I base plan.

The present authority was first included in the Food and Agriculture Act of 1965. The 1965 amendment was scheduled to expire December 31, 1969, but a 1-year extension was included in the 1968 farm bill, which extended several programs on a temporary basis.

Those familiar with the Federal Milk Marketing Program, who are acquainted with the dairy farmer leadership throughout the United States, are well aware of the immediate need to improve authority for the class I base plan as first enacted in 1965. The Senate Committee on Agriculture and Forestry has given a great deal of consideration to this matter, and I am confident the Committee is in agreement with the amendment proposed in my bill. The House of Representatives also considered need for this legislation and it was incorporated in the House version of the farm bill we passed in 1968. The amendment was not included in the report of the conferees which reconciled the Senate and House versions of their respective farm bills in 1968, but the measure was again considered as separate legislation and was passed by the House of Representatives in the closing days of the 90th session. At the same time, the Senate Committee on Agriculture and Forestry held hearings on the proposed legislation. Unfortunately, time ran out due to adjournment before action could be taken.

My bill amending the Agricultural Marketing Agreement Act of 1937, as amended, deals solely with the distribution of money among dairy farmers, which is paid by handlers for milk received from them under the terms of Federal Milk Marketing Orders. Passage of this legislation would require no expenditure by the Federal Treasury. It would impose no new regulation on the industry. The authority would be used by producers, that is dairy farmers, and only if approved by two-thirds or more participating in a referendum. I know of no agricultural legislation that received more support among dairy farmers than the class I base plan which first was enacted in 1965. This amendment involved some rather delicate techniques in marketing milk. Regretfully the interpretations made on the provisions of the bill as passed by Congress proved to be much too rigid for the rapid changes taking place in the dairy industry. The authority granted by the 1965 amendment was used in the Puget Sound area of Washington, and nowhere else. Experience in the Puget Sound market has clearly demonstrated the need for the amendments in my bill.

Because of the rigidities in the 1965 amendment, the authority has not been used in other milk marketing areas even though dairy farmers would like to institute class I base plans in many markets throughout the United States. The amendment to the Agricultural Marketing Agreement Act of 1937, as amended, which is in my bill would pave the way for farmers to make a great stride forward, and this should not be denied them for lack of early congressional approval.

The amendment included in my bill has the full support of dairy cooperatives throughout the United States and of the National Milk Producers Federation. It differs from the authority contained in the 1965 amendment in the following respects:

First. My bill contains no termination date. A termination date of authority provisions in the Federal Milk Marketing Orders is impractical in view of the procedures involved in instituting or amending milk marketing orders. Cooperative associations and dairy farmers are reluctant to develop class I base plans which have longrun effects on farm management practices unless they can be assured that the program will not be abruptly terminated.

Second. My bill would authorize use of "histories of marketings" by dairy farmers, not limited to a single period of time as was provided by the 1965 amendment. The provision in the 1965 amendment is discriminatory against young dairy farmers entering an already costly production enterprise.

Third. My amendment authorizes allocations of milk utilizations among dairy farmers, on the basis of their histories of marketing, and these allocations also would be subject to periodic adjustment. The 1965 amendment provides for allocating fluid milk utilization among dairy farmers for the same fixed period of time as was used for determining their histories of marketings. Under present authority, all market growth is set aside for new producers and the alleviation of hardship and inequity among producers before any market growth can accrue to the benefit of established producers. This provision provides hardship both to new producers and to established producers. New producers may receive allocations of fluid milk, month by month, within the range of zero to 100 percent depending upon the amount of market growth and the amount of milk delivered by new producers. Under these conditions new producers cannot make firm plans with any assurances of participation in the fluid milk sales of a market except through purchase of base from a producer discontinuing milk production or who may choose to reduce the size of his dairy herd.

Under the present authority established producers have no claim on fluid milk utilization resulting from market growth until after allocations are made to new producers. The established producers complain bitterly that this is unfair in light of the tremendous expenditures regularly made by established producers for the sole purpose of stimulating increased milk consumption through promotion activities and educational programs.

Fourth. My bill would permit reductions in histories of marketing and of fluid milk allocations to producers who fail to deliver their allocations of fluid milk utilization in a prior period of time. Such adjustment is precluded by the 1965 amendment. Dairy farmers, and particularly in those areas of the United States where milk production closely parallels the fluid milk requirements of a market, insist that a dairy farmer who receives price assurances through the class I base plan must be obligated to deliver his share of the requirements, in the interests of maintaining an orderly market.

Fifth. My bill provides authority wherein Federal orders can include rules under which a new producer may obtain a base and thereafter participate in the market—in the same market as established producers. The 1965 amendment precludes regular participation in a market by a new producer unless he acquires a base by purchase. This, as mentioned, is an extreme hardship for young farmers entering the business.

Sixth. My bill also provides specific authorization for adjusting prices to farmers on a seasonal basis. This is additional to authority for base plans and is used in several orders as a means of encouraging delivery of milk during the time of year when production costs are highest or when fluid milk requirements for consumers are at their highest level, and to discourage production at that time of year when milk production is normally in surplus. In years past adjustments in prices to producers were made through seasonal changes in prices charged handlers for class I fluid milk. The present intermarket movement of milk is now in such provisions that the seasonal adjustment in prices charged handlers is no longer a practical answer to the problem.

Seventh. My bill provides for individual voting by dairy farmers in referendums on class I base plans, but reinstitutes the representative voting by cooperative associations on behalf of their members with respect to base plans which do not reflect the utilization of milk and with respect to seasonal price adjustment plans.

It is imperative that this bill be given early attention by the Congress. Farmers in many markets are anxious to develop improved methods for adjusting prices among dairy farmers—producers—for the purpose of encouraging deliveries of milk consistent with the requirements of the markets. They can make no progress until such authority is approved. The Department of Agriculture has given a great deal of attention to this matter, and I am confident the new Secretary of Agriculture will support the amendment as did the former Secretary.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 745) to amend the Agriculture Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes, introduced by Mr. McGovern (for himself and Mr. Proxmire), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

SENATE JOINT RESOLUTION 35—INTRODUCTION OF JOINT RESOLUTION APPOINTING THOMAS J. WATSON, JR., AS CITIZEN REGENT, BOARD OF REGENTS, SMITHSONIAN INSTITUTION

Mr. ANDERSON. Mr. President, on behalf of myself, Senator Fulbright, and Senator Scott, I introduce, for appropriate reference, a joint resolution providing for the appointment of Thomas J. Watson, Jr., as Citizen Regent of the Board of Regents of the Smithsonian Institution.

I am attaching to the bill a biographical sketch of Mr. Watson and ask unanimous consent to have this and the joint resolution printed in the Record at this point.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and biographical sketch will be printed in the Record.

The joint resolution to provide for the appointment of Thomas J. Watson, Jr., as Citizen Regent of the Board of Regents of the Smithsonian Institution, introduced by Mr. Anderson (for himself and other Senators), was received, read twice by its title, referred to the Committee on Rules and Administration, and ordered to be printed in the Record, as follows:

S.J. Res. 35

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, shall be filled by the appointment of Thomas J. Watson, Junior, a resident of Connecticut, in place of Jerome C. Hunsaker, resigned, for the statutory term of six years.

The biographical sketch, presented by Mr. Anderson, is as follows:

Thomas J. Watson, Jr.

Watson, Thomas J., Jr., corp. exec.; b. Dayton, O., Jan. 8, 1914; s. Thomas J. and Jeannette (Kittridge) W.; grad. Brown U., 1937; m. Olive Field Cawley, Dec. 15, 1941; children-Thomas J. III, Jeannette, Olive, Lucinda, Susan, Helen. With Internat. Bus. Machines Corp., 1937–40, 46—, pres., 1952–61, dir., chmn, 1961—; dir. Bankers Trust. Trustee Rockefeller Found.; mem. corp. Brown U.; director Am. Mus. Natural History, Air Force Aid Society, Eisenhower Exchange Fellowships California Institute Tech. Pres of the National Council of Boy Scouts America, 1964—. Served with USAF, 1940–45; disch. rank lt. col.; sr. pilot. Member of International Chamber of Commerce (trustee U.S. council), Council Foreign Relations, Pilgrims of U.S., Newcomen Soc., Psi Upsilon. Episcopalian. Clubs: Hemisphere, N.Y. Yacht, Sales Executives, Links, Economic, Explorers (N. Y. C.); Indian Harbor Yacht, Round Hill (Greenwich). Home: Meadowcroft Lane, Greenwich, Conn. Office: Old Orchard Rd., Armonk, N.Y. 10504.

ADDITIONAL COSPONSORS OF JOINT RESOLUTIONS

Mr. BROOKE. I ask unanimous consent that, at its next printing, the names of the Senator from Pennsylvania (Mr. Scott) and the Senator from New York (Mr. Javits) be added as cosponsors of Senate Joint Resolution 14, designating January 15 of each year as "Martin Luther King Day."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, on January 15, 1969, I introduced Senate Joint Resolution 6, a constitutional amendment dealing with prayer in public buildings. In addition to the cosponsors listed thereon, plus the 11 additional names of Senators added by unanimous consent on January 21, I ask unanimous consent that at the next printing the additional name of the Senator from Hawaii (Mr. Fong) be added as cosponsor on this joint resolution.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF RESOLUTION

Mr. JAVITS. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Pennsylvania (Mr. Schweiker) may be added as a cosponsor of the resolution (S. Res. 36), for installation and operation of suitable electrical public address systems in the Senate Chamber.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTION

Mr. BROOKE. Mr. President, I ask unanimous consent that, at its next printing, the names of the distinguished senior Senator from Hawaii (Mr. Fong), the distinguished senior Senator from Connecticut (Mr. Dodd), the distinguished junior Senator from North Dakota (Mr. Burdick), and the distinguished junior Senator from Vermont (Mr. Prouty) be added as cosponsors of the concurrent resolution (S. Con. Res. 3) relating to the furnishing of relief assistance to persons affected by the Nigerian civil war.

The VICE PRESIDENT. Without objection, it is so ordered.

SENATE RESOLUTION 66—RESOLUTION TO CONTINUE FOR 1 YEAR THE EXISTING AUTHORITY FOR THE COMMITTEE ON FINANCE TO EMPLOY SIX ADDITIONAL CLERICAL EMPLOYEES—REPORT OF A COMMITTEE

Mr. LONG, from the Committee on Finance, reported the following original resolution (S. Res. 66); which was referred to the Committee on Rules and Administration:

S. Res. 66

Resolved, That the Committee on Finance is authorized from February 1, 1969, to January 31, 1970, to employ six additional clerical assistants, to be paid from the contingent fund of the Senate at rates of compensation to be fixed by the chairman in accordance with the provisions of Public Law 90–57, approved July 28, 1967, as amended.

SENATE RESOLUTION 67—RESOLUTION PROVIDING FOR ACQUIRING A MARBLE BUST OF CARL HAYDEN AND PLACING SUCH BUST WITHIN THE SENATE WING OF THE CAPITOL OR ANY OF THE SENATE OFFICE BUILDINGS

Mr. GOLDWATER (for himself and Mr. Fannin) submitted the following resolution (S. Res. 67); which was referred to the Committee on Rules and Administration:

S. Res. 67

Resolved, That the Commission on Arts and Antiquities of the United States Senate (hereinafter referred to as the "Commission") is authorized and directed to provide for the design and sculpture of a marble bust of Carl Hayden. The Commission is further authorized and directed, subject to the provisions of Senate Resolution numbered 382 of the 90th Congress, adopted October 1, 1968, to accept such bust on behalf of the Senate and to cause such bust to be placed in an appropriate location within the Senate wing of the Capitol or any of the Senate Office Buildings, or any room, space, or corridor thereof.

Sec. 2. Expenses incurred by the Commission in carrying out this resolution, which shall not exceed $3,000, shall be paid out of the Contingent fund of the Senate on vouchers approved by the Chairman of the Commission.

SENATE RESOLUTION 68—RESOLUTION AUTHORIZING FUNDING OF THE SELECT COMMITTEE ON NUTRITION

Mr. McGOVERN. Mr. President, I submit an original resolution, and ask that it be referred to the Committee on Rules and Administration.

I have also sent to the desk a list of 54 cosponsors of the resolution. I ask unanimous consent that the resolution, together with the list of cosponsors be printed in the Congressional Record at this point in my remarks.

The VICE PRESIDENT. The resolution will be received, and, without objection, the resolution and the list will be printed in the Record, and the resolution will be referred to the Committee on Rules and Administration, as requested by the Senator from South Dakota.

The resolution and list of cosponsors are as follows:

S. Res. 68

A resolution to continue the Select Committee on Nutrition and Human Needs

Whereas the Senate has voted unanimously to establish a Select Committee on Nutrition and Human Needs to study the food, medical, and other related basic needs among the people of the United States:

Resolved, That the Select Committee on Nutrition and Human Needs as established under Senate resolution 281 is authorized to examine, investigate, and make a complete study of any and all matters pertaining to the lack of food, medical assistance, and other related necessities of life and health including, but not limited to such matters as (a) the extent and causes of hunger and malnutrition in the United States, including educational, health, welfare, and other matters related to malnutrition; (b) the failure of food programs to reach many citizens who lack adequate quantity of food; (c) the means by which this Nation can bring an adequate supply of nutritious food and other related necessities to every American; (d) the divisions of responsibility and authority within Congress and the executive branch, including appropriate procedures for congressional consideration and oversight of coordinated programs to assure that every resident of the United States has adequate food, medical assistance, and other basic related necessities of life and health; and (e) the degree of additional Federal action desirable in these areas.

Sec. 2. For the purposes of this resolution the committee, from February 1, 1969 to December 31, 1969, inclusive, is authorized: (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than the highest gross rate paid to any other employee; (3) to subpena witnesses and documents; (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government; (5) contract with private organizational and individual consultants; (6) interview employees of the Federal, State, and local governments and other individuals; and (7) take depositions and other testimony.

Sec. 3. (a) The next to last sentence of Senate resolution 281 (90th Cong., 2d Sess.) is amended by striking out "and terminate its activities not later than June 30, 1969." and inserting in lieu thereof "on or before June 30, 1969 and December 31, 1969 respectively and terminate its activities not later than December 31, 1969."

(b) The last sentence of Senate resolution 281 (90th Cong., 2d Sess.) is amended by striking out "report" and inserting in lieu thereof "reports".

Sec. 4. Expenses of the committee in carrying out its functions shall not exceed $250,000 through December 31, 1969, and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The list of cosponsors of Senate Resolution 68 is as follows:

Mr. McGovern, Mr. Anderson, Mr. Bayh, Mr. Boggs, Mr. Brooke, Mr. Burdick, Mr. Byrd of West Virginia, Mr. Case, Mr. Church, Mr. Cook, Mr. Cranston, Mr. Dodd, Mr. Dole, Mr. Dominick, Mr. Eagleton, Mr. Fong, Mr. Fulbright, Mr. Goodell, Mr. Gravel, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hatfield, Mr. Hughes, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Kennedy, Mr. Magnuson, Mr. Mansfield, Mr. Mathias, Mr. McCarthy, Mr. McGee, Mr. Metcalf, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Murphy, Mr. Muskie, Mr. Nelson, Mr. Pastore, Mr. Pell, Mr. Percy, Mr. Prouty, Mr. Proxmire, Mr. Randolph, Mr. Ribicoff, Mr. Schweiker, Mr. Scott, Mr. Stevens, Mr. Tydings, Mr. Williams of New Jersey, Mr. Yarborough, and Mr. Young of Ohio.

Mr. McGOVERN. Mr. President, the resolution would authorize the select committee to incur expenses through December 31, 1969, in a total amount not to exceed $250,000. In addition, it would amend Senate Resolution 281, 90th Congress, second session, so that the committee's termination date, July 1, 1969, is extended for an additional 6 months to December 31, 1969.

The select committee was established by the Senate on July 30, 1968. However, it did not receive authority to employ a staff or expend funds until October 4, 1968, when the Senate agreed to an authorized budget of $25,000 through January 31, 1969.

This limited budget did not enable the select committee to acquire the full complement of professional and clerical staff necessary to begin operations until this month. The committee, however, now is fully staffed and fully operational.

We began hearings on December 17, 1968. Since that time we have held 10 days of hearings. We have not, however, had an opportunity to conduct field hearings and studies or engage in other activities which the committee feels are essential to the fulfillment of its mandate from the Senate.

The extension of the committee's termination date from July 1, 1969, to December 31, 1969, will assure that the select committee has the time necessary to undertake intensive studies in the areas which the Senate has directed it to examine, and will permit the committee to operate at a level of activity necessary to carry out its mandate for the full year originally contemplated when it was established last July and to make its report to the appropriate standing committees of the Senate at the end of this year.

Mr. President, I ask unanimous consent that a memorandum explaining the mandate of the select committee, its activities to date, and the activities which it contemplates undertaking in the future be printed in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Memorandum Accompanying Senate Resolution 68 Authorizing Expenditures by the Select Committee on Nutrition and Human Needs, January 27, 1969

The Select Committee on Nutrition and Human Needs has reported Senate Resolution 68 authorizing the Committee to incur expenses through December 31, 1969 not to exceed $250,000.

The mandate of the Select Committee, as set forth in S. Res. 281, 2nd Session, 90th Congress, is to conduct a complete study of all matters pertaining to the food, medical and other related basic needs among the American people. Matters within the Committee's mandate include:

(a) The extent and causes of hunger and malnutrition in the United States, including educational, health, welfare and other matters related to malnutrition;

(b) The failure of food programs to reach many citizens who lack adequate quantity or quality of food;

(c) The means by which this nation can bring an adequate supply of nutritious food and other related necessities to every American;

(d) The divisions of responsibility and authority within Congress and the Executive Branch, including appropriate procedures for Congressional consideration and oversight of coordinated programs to assure that every resident of the United States has adequate food, medical assistance and other basic related necessities of life and health; and

(e) The degree of additional Federal action desirable in these areas.

ACTIVITIES TO DATE

The Committee was established by the Senate on July 30, 1968. However, it did not receive authority to employ a staff or expend funds until October 4, 1968 when the Senate agreed to an authorized budget of $25,000 through January 31, 1969.

This authority enabled the Committee to take on a staff director and a secretary which were employed in early November. The Committee was not, however, with its limited budget, able to acquire the additional professional and clerical staff necessary to begin full operations until this month. It now has four professional and four clerical personnel, and it is believed to have acquired the full staff needed to fulfill its mandate.

The Committee began hearings on December 17, 1968. Since that time it has held 10 days of hearings. It has not, however, had an opportunity to conduct field hearings and studies or engage in other activities which it feels are essential to the fulfillment of its mandate from the Senate.

Because the Committee has not been able to become fully operative during the first six months of its one-year duration, and in order to assure that it has the time necessary to undertake intensive studies in the areas outlined below, the accompanying resolution provides for an extension of the Committee's termination date from July 1, 1969 to December 31, 1969. This extension will permit the Committee to operate at a level of activity necessary to carry out its mandate for the full year originally contemplated when it was established last July and to make its report to the appropriate standing committees of the Senate at the end of this year.

ASSISTANCE PROVIDED BY THE LEGISLATIVE REFERENCE SERVICE OF THE LIBRARY OF CONGRESS

The Select Committee has already received major staff assistance from the Legislative Reference Service of the Library of Congress. It will continue to use the facilities and personnel of the Legislative Reference Service as it undertakes the activities set forth in the next section of this memorandum.

Thus far, at the request of the Chairman of the Select Committee the following studies and research projects have already been prepared and submitted to the Committee.

1. "Federal Food Aid Programs" (10 pages): This is a brief summary of the legislative authority for the various Federal food aid programs including a discussion of food aid policy, and the authority contained in the following legislation:

Section 32, Act of August 24, 1935, as amended, and related legislation.

Section 402, Mutual Security Act of 1954, as amended.

Section 6, National School Lunch Act and related legislation.

Section 416, Agricultural Act of 1949, as amended, and related legislation.

Section 407, Agricultural Act of 1949, as amended.

Section 202, Agricultural Act of 1949, as amended.

Section 709, Food and Agriculture Act of 1965.

Section 379c, Agricultural Adjustment Act of 1938.

Section 210, Agricultural Act of 1956 and Act of August 19, 1958, as amended.

Act of July 3, 1956, as amended, and Act of August 17, 1961.

Section 505, Agricultural Act of 1958.

2. "Proposal for Study by the Senate Select Committee on Nutrition and Human Needs" (23 pages): This study proposal was prepared with the guidance of the Committee staff in order to assure that the research expertise of the Legislative Reference Service is available to the Committee as it determines how to carry out its mandate from the Senate. This study includes proposals in connection with the following matters:

(a) Identification of low-income people.

(b) Existing sources of help for the poor including income maintenance, Federal food programs, health and medical services, training and employment services and the interrelationships of programs for the poor.

(c) A section on health and nutrition discussing the need for study of the consequences of food insufficiency, minimum nutritional requirements, reasons for nutritional insufficiency, the detection, diagnosis and correction of malnutrition, nutrition education, nutrition research, food nutrition and the private sector.

(d) Administrative organization alternatives raising issues with respect to the administration of public assistance programs on the State and Federal levels and the administration of food programs including food stamps, school lunch and other food assistance.

3. "Legislative Background of Federal Food Aid Programs" (55 pages): This study has provided the Committee with a complete and detailed legislative history of the following programs:

Section 32, Act of August 24, 1935 and related legislation; Amendments to Section 32.

Section 402, Mutual Security Act of 1954 as amended.

National School Lunch Act and related legislation.

National School Lunch Act.

The Colmer Committee.

Section 416, Agricultural Act of 1949.

Section 416 Amendments.

Special Milk Programs.

Section 709 of the Agricultural Act of 1965.

Food Stamp Program.

The Child Nutrition Act of 1966.

In addition, the Committee staff has requested and received many other studies by the Legislative Reference Service which are generally available to the public.

The Staff of the Select Committee will continue to work very closely with and use the services of the Legislative Reference Service. The LRS will be particularly helpful in pulling together current and past research studies on matters relating to nutrition and basic human needs. Summaries will be prepared by LRS on all available research from time to time as specific requests are made by the Committee.

FUTURE ACTIVITIES

The Committee believes the fulfillment of its mission requires that it have the resources and time necessary to undertake the activities described below.

1. Examination and evaluation of Federal programs

Intensive surveys and analyses of food assistance and other nutrition-related programs and activities of the Federal government are already in the planning stage. These studies will emphasize the Federal, State and local administrative machinery for the delivery of food and related services through the food stamp, commodity distribution, school lunch, elementary and secondary education, pre-school, health services and other nutrition-related programs. The examination will be undertaken simultaneously on two levels.

First, the Committee expects to conduct field hearings and inspection trips in from six to twelve states. These field investigations will be supplemented by intensive surveys by private consultants designed to evaluate state and local administration of federal programs.

These consultant studies will focus upon a limited number of states and encompass, among other topics an analysis of the source of food and other related services available to the poor; the nature, quality and location of State and local program administration; the relationships among programs and administering agencies; participation levels and certification procedures; local impediments to participation; the extent and nature of the needs among the local population and the extent to which such needs are met and how; and breakdowns between the Federal, State and local administering agencies particularly with respect to the implementation of Federal guidelines, and including differences in perspectives about policies and program intent.

Second, and concurrently, the Committee staff will work closely with the staffs of Federal departments and agencies, including the Departments of Agriculture and Health, Education and Welfare, the Office of Economic Opportunity, and the Bureau of Indian Affairs, and with the Legislative Reference Service of the Library of Congress which will assist the Committee in compiling information and in the conduct of specific research projects. These activities will encompass, among other topics an examination of existing laws, regulations and guidelines with a view toward determination of Federal restrictions on local participation, certification, administration, etc., and the extent to which Federal red tape impedes local administration; an analysis of State plans on file with the Federal agency, the restrictions imposed by States on program participation and administration and Federal sanctions of or impediments to such restrictions; a review of Federal monitoring of local programs, including the extent to which the Federal administering agency does or does not have knowledge necessary to evaluate State and local program administration; comparisons of program participation and characteristics of participants and an evaluation of Federal efforts to assure that particular needs are being met through the provision of the right services. This would include analyses of income levels and other standard of living characteristics of participants, and non-participants, and the extent to which Federal programs are designed and implemented to meet the needs of such persons.

These activities, together with further public hearings in Washington are expected to provide the Committee with evaluative materials which will form the basis of its assessment of present nutrition-related programs.

2. The making and implementation of Federal policy

Related to administrative evaluation studies is a study of policy-making in the Executive and Legislative branches of the Federal government.

This study will encompass such matters as the coordination of and relationships among Federal agencies and programs, including the relationships between foreign and domestic food assistance efforts and between domestic food assistance efforts and the development of space and combat foods, and the use of interagency committees and councils; federal research activities and the use of information gained from research including mechanisms for locating hunger and malnutrition; the setting of program and budget priorities among and for human needs programs; the development of guidelines and regulations and the implementation of Congressional policy and legislative intent; the pressures and influences on policy-making; the relationships between nutrition, agriculture, welfare and other policies and their implementation.

3. The role of the private sector

The Committee will also assess the present and possible future roles of the food processing industry and other private for-profit and not-for-profit organizations in meeting nutrition and other basic needs, including Federal regulation of and restraints on the private sector. This study would cover the following topics: the fortification of existing foods and development of new foods to meet the nutrition needs of the poor, including existing efforts of the food industry alone and in cooperation with AID and USDA; the packaging, advertising, and marketing of present foods and the effect of food industry practices upon the poor; political and economic restraints upon food manufacturers; Federal regulations affecting food fortification; and the future development of local food processing businesses and agricultural cooperatives and the extent to which such endeavors have and can meet the needs of low income groups.

4. Needs of particular population groups

The Committee will also focus upon the special nutrition-related problems of particular groups of people such as Indians, migrants, Spanish-surnamed Americans, the elderly children and infants and pregnant women. These studies will encompass an evaluation of current programs to meet the needs of such groups and the participation of such groups in general assistance programs. It will also attempt to assess the need for special assistance for such persons.

Each of these areas of study will be undertaken through a combination of staff, consultant, administrative agency and Library of Congress research and through public hearings. Through these efforts, the Committee expects to develop recommendations for a coordinated program or programs to assure that the nutritional needs of our citizens are met.

The accompanying budget for the Select Committee on Nutrition and Human Needs requests a total expenditure authority of $250,000 for the eleven-month period from February 1, 1969 through December 31, 1969. The Committee believes that this is the minimum that is essential for the support of an adequate staff and for the conduct of the activities described above. The budget does not contemplate an increase in the number of professional or clerical personnel presently employed. It does, however, allow for a substantial sum which the Committee believes necessary to undertake research projects and intensive field surveys under contract with private full and part-time consultants.

Without this requested expenditure authority, and without an extension of the Committee's termination date to December 31, 1969, the Committee does not feel that it can adequately undertake those activities which it considers necessary for the fulfillment of its mandate from the Senate.

Mr. SCOTT. Mr. President, I am cosponsor of the resolution to extend for 6 months the Select Committee on Nutrition and Human Needs. This select committee was established by unanimous vote and has a mandate to study the problems of hunger and malnutrition. It is also committed to recommending ways to assure that the nutritional needs of all our citizens are met.

The legislation, which was approved in July, provided 1 year for the committee to accomplish this. Operating funds for it were not authorized until October 1968. Therefore, it was mid-December before hearings could begin. During these past 2 months, the committee has taken testimony from the Secretaries of the Departments of Agriculture and Health, Education, and Welfare. The Office of Economic Opportunity also provided witnesses. Experts have reported on health, medicine, nutrition, and malnutrition, disease, vitamin deficiency, and child welfare.

During my own testimony in support of the creation of the Select Committee on Nutrition and Human Needs, before the Subcommittee on Employment, Manpower, and Poverty, I stated that we would go look throughout America and may very well find it a shocking place, but that we do not intend to leave what we find undisturbed or without change for the better.

Therefore, I wholeheartedly support extending the Committee on Nutrition and Human Needs to December 31, 1969, so that we have sufficient time to take a penetrating look at human needs, and decide on some changes.

Mr. JAVITS. Mr. President, there has been included in the RECORD a resolution for the extension of the Select Committee on Nutrition and Human Needs, and a request which seeks authorization for it, of which I am a cosponsor.

Mr. President, today, Senator GEORGE McGOVERN, chairman of the Select Committee on Nutrition and Human Needs, has introduced a resolution which authorizes that committee to incur expense through December of this year not to exceed $250,000. As the ranking minority member of this committee, I cosponsor that resolution.

The mandate of the committee, as set forth in Senate Resolution 281, second session, 90th Congress, is to conduct a complete study of all matters relating to the food, medical and other related basic needs among the American people. The original termination date for the committee's study is July 1 of this year. However, the committee was unable to acquire the professional and clerical staff necessary to begin full operations until last month due to a limited budget.

The committee hearings, which began December 17, have produced evidence to a shocking degree that there is, indeed, hunger and malnutrition in the United States which affects millions of our fellow citizens. In order fully to examine the causes and effects of this serious situation, and its relationship to existing Federal food and health programs, the committee needs to conduct field hearings and engage in other activities which are essential to the fulfillment of its Senate mandate.

Testimony before the committee has revealed that, at present, nutrition activities in the Federal Government have led toward neither the effective gathering nor application of knowledge in this area. There has been division of responsibility among congressional committees, with fragmentary coordination and overlapping activities.

We have also learned that, in 41 States, less than 50 percent of the hard-core poor—families of four with less than a $2,200 annual income—participate in food assistance programs in those areas. These low participation rates are not adequate to meet basic nutritional needs. In addition, of the over 23 million poverty-level citizens, 14 million are receiving no food assistance.

Mr. President, this alone would give us all cause for grave concern. However, we have seen, through films shown to the committee, and heard, from distinguished witnesses, of the lack of adequate food. Most recently, on January 22, the committee received the preliminary results of the first nutrition survey ever conducted in the United States. Those findings, to say the least, were shocking. Dr. Arnold Schaefer, who is conducting the survey, stated that studies to date clearly indicate that there is malnutrition in our Nation occurring in an unexpectedly large proportion of the survey sample population.

To hear, that, in the wealthiest Nation in the world, there is high vitamin deficiency, growth retardation falling below national average among children, and severe dental problems among children over 10 years old is indeed horrifying. As Dr. Schaefer stated:

> It is unreasonable in an affluent society to discover such signs as those seen to date.

Every American should, and must, be concerned, when problems encountered in our Nation's poverty groups seem to be very similar to those encountered in developing nations of the world.

This already morbid situation is made just so much more intolerable, when we realize that it has a most serious effect, and consequences on our millions of children who suffer from malnutrition, hidden hunger and related illnesses, due to lack of an adequate and nutritious diet. Our children are the hope of our Nation. The committee heard testimony today that by the time a child reaches 4 years old, some 90 percent of his brain growth has occurred. It is during this critical period that the brain is most vulnerable to nutrient deficiencies with the likelihood of irreversible changes being produced that remain throughout life.

Of equal concern is the fact that some of the above changes can begin occurring before birth if the mother suffers from vitamin deficiencies. It has been estimated that over 750,000 women a year deliver a child without comprehensive prenatal care. Where such women have severe vitamin deficiencies or related illnesses, the child never has a chance. Mr. President, hunger for food is greater than hunger for knowledge. Who knows how much has already been lost to our country in mental ability and productivity due to the inhibiting mental and physical effects of prolonged malnutrition—both to parent and child?

All of the above data has been revealed in testimony before the Select Committee on Nutrition and Human Needs. Our work is just beginning. We must not only find solutions and answers to the problems and questions concerning hunger and malnutrition; but we must determine how best the resources of the Federal Government through its food and health programs, can be mobilized to find a permanent solution to this shocking problem. Such mobilization must be in cooperation with local government, the private sector, educational institutions, and voluntary organizations. These, and other methods, will be explored by the committee.

I am gravely concerned about this situation. During the 90th Congress, I authored and introduced an amendment to the agriculture appropriation bill which was offered to eliminate certain restraints on what the Secretary of Agriculture alleged to be a legal disability to use funds which he already had for food programs. Furthermore, in my effort to draw the attention of colleagues to the problem, I arranged two special showings of the CBS documentary, "Hunger in America," for the Members of Congress and their staffs. In addition, I joined in sponsoring Senate Resolution 281, which established the select committee.

Because I believe that food and health needs are related to income support and welfare systems, I plan to introduce legislation providing Federal standards of welfare payments and for increased aid for certain States unable otherwise to meet national standards.

Finally, Mr. President, I have outlined only a few of the many logs that are creating a logjam of malnutrition and are thus holding back the great streams of good health, mental ability, and human productivity from millions of American citizens. With this in mind, I cosponsor Senator McGOVERN's resolution, which will extend the committee's life, to contribute to the objective that hunger and malnutrition will forever be eradicated from our midst.

Mr. WILLIAMS of New Jersey. Mr. President, last week in an address to the Senate, I mentioned the reddened hair which announces death for Biafran children. It is not only Biafran children who suffer this ghastly protein deficiency disease. Recent studies indicate that American children suffer from the same disease and similar outrageous malnutrition. While the condition in Biafra blights our consciences, this condition in the United States blights our sensibilities more deeply. Let us consider those forgotten people who die by inches because of famine.

These people are poor. There are 27 million poor in the United States but 20 million of them are handicapped because they are under 16, over 60, or physically or mentally hampered. These 20 million poor have difficulty obtaining food. Yet only 6 million poor or nearly poor persons participate in family food programs. Many of the hungry are children. Two to four million poor children should get assistance under the national school lunch program but they do not.

While Secretary Freeman made outstanding and meritorious changes to help millions of persons heretofore unhelped, he had indicated that more must still be accomplished. He stated that 9.5 million children now attend schools where meal service is not available and pointed out that these children are the ones who would most benefit from such programs. Over 1 million of these children are potentially eligible for free or reduced price lunches. This means that a great percentage of these children are hungry. Hungry children cannot be expected to learn.

What happens during lunch to these millions of hungry children? Children can be very cruel. Poor, hungry children without money for food must suffer the indignity of making up excuses to other children for not eating. They must suffer the accusations that they do not have any money for lunch. They must hungrily observe their classmates eat; or subserviently cull the remains of finished classmates' lunches.

Hunger can cause brain damage and retarded growth rates, but let us not forget the damage to the spirit caused by this hunger and poverty. Inferiority feelings as well as physical destruction are the real prices of our inaction. Culture and society tries to harness and inject restraints and values into children's wild energy—restraints considered essential for the mature adult. But we cannot, if we are mature adults deserving the adjective enlightened, permit hunger and malnutrition to continue.

I am cosponsoring the distinguished Senator from South Dakota's resolution because we must know the problem in detail before we can adequately solve it. The resolution would enable us to know the problem. Basic need would be identified. An individual satisfies primary needs before seeking more complex ones such as security, meaning, and fulfillment. Although elaborate psychological theories embellish this view, they only restate what appears obvious to the commonsense. One must have food, shelter, and clothing, the basic necessities by any definition.

This study is a first step toward an understanding of the minimum essentials which an individual in our society requires. The average expenditure for food in the United States is $1,500. The average migrant laborer only earns $1,200. Should we be surprised that some people are underfed when they earn less per year than the average person spends on food?

This situation is somewhat like the childhood nonsense game where two people discuss life—What is life? A magazine. How much does it cost? Ten cents. I only have a nickel. That is tough. What is tough? Life. What is life? A magazine, and so forth. Hunger is one of the ways of life for the poor. The dominant society seems to say, eat food to stay healthy, or buy food stamps. The poor ask how much do they cost? The rich say $1,500. The poor say they only have $1,200. The dominant society answers that that is tough. What is tough? Poverty, hunger, sickness, ignorance, unemployment—that vicious cycle of basic needs which we really do not know enough about so that the poor can afford life. We are a rich country, we do know. Five years ago there were 151,720 beauty shops. Last year, $30 billion was spent on war in Asia. Today we are very close to putting a man on the moon. Let us redirect a very small part of our wealth to the understanding of the hunger and needs of the infant, the pregnant mother, and the migrant laborer. Let us not overlook the lonely aged person or the forgotten transient. Let us consider the needs of all our citizens before hope is starved and trust famished.

Mr. RANDOLPH. Mr. President, I am privileged to cosponsor the Senate resolution requesting extension of the Select Committee on Nutrition and Human Needs through December 31, 1969, and requesting $250,000 for its operations during this period.

Last July the Senate unanimously voted for the establishment of this select committee. This was a significant step in the effort to better identify and analyze the problems of hunger and malnutrition. However, the committee was not authorized to expend funds and employ staff until October, and its spending authority was severely limited. It is essential that the committee continue its vital work and complete its mission.

There is no doubt that hunger and malnutrition exist too prevalently in this country; clear evidence confirms this. However, the extent of the problem has caused considerable controversy in recent months. It is my feeling that the committee's proposed field hearings and inspection trips will be meaningful in resolving this controversy and in bringing about a coordination of existing food programs. I will urge and support adequate funding of these endeavors.

Surveys indicate that many of our schoolchildren are slow learners—suffering a degree of mental retardation from inadequate nutrition. Others suffer from vitamin deficiencies and stunted growth. The U.S. Public Health Service is conducting an extensive survey to determine the extent, causes, and effects of hunger and malnutrition. Last week the select committee received a preliminary report of this survey from the Chief of Nutrition at the U.S. Center for Control of Chronic Diseases. The findings seem to reinforce those of previous studies concerning the prevalence of physical and mental retardation, disease, and deformity.

It has been estimated that millions of Americans suffer from the effects of malnutriiton. This is shameful in our land of prosperity and advanced technology. We are aware of the Federal and State programs to provide food for low-income families. However, this has not been adequate. One of the aims of the select committee is to determine where there have been failures and to recommend corrective action.

SENATE RESOLUTION 69—RESOLUTION TO MAKE PUBLIC CERTAIN RECORDS OF PROCEEDINGS OF SENATE TAKEN IN EXECUTIVE SESSION IN 1898

Mr. KENNEDY submitted a resolution (S. Res. 69) to make public certain records of proceedings of the Senate taken in executive session in 1898, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. KENNEDY, which appears under a separate heading.)

SENATE RESOLUTION 70—RESOLUTION TO PAY A GRATUITY TO LULA M. TOWLES—REPORT OF A COMMITTEE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 70); which was placed on the calendar:

S. RES. 70

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Lula M. Towles, widow of George A. Towles, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 71—RESOLUTION TO PAY A GRATUITY TO LOUIS C. STREETS—REPORT OF A COMMITTEE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 71); which was placed on the calendar:

S. RES. 71

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Louis C. Streets, widower of Clementine E. Streets, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of her death, a sum equal to six months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 72—RESOLUTION TO PAY A GRATUITY TO ELEANOR S. WHELAN—REPORT OF A COMMITTEE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 72); which was placed on the calendar:

S. RES. 72

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Eleanor S. Whelan, sister of Joseph M. Whelan, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 73—RESOLUTION AUTHORIZING THE PRINTING OF THE 69TH ANNUAL REPORT OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION AS A SENATE DOCUMENT—REPORT OF A COMMITTEE (S. REPT. NO. 5)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S.

Res. 73), and submitted a report thereon, which report was ordered to be printed and the resolution was placed on the calendar, as follows:

S. Res. 73

Resolved, That the sixty-ninth annual report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1966, be printed, with an illustration, as a Senate document.

SENATE RESOLUTION 74—RESOLUTION PROVIDING FOR MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY—REPORT OF A COMMITTEE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 74); which was placed on the calendar:

S. Res. 74

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress:

Joint Committee on Printing: Mr. Jordan, of North Carolina; Mr. Allen, of Alabama; and Mr. Scott, of Pennsylvania.

Joint Committee of Congress on the Library: Mr. Jordan, of North Carolina; Mr. Pell, of Rhode Island; Mr. Cannon, of Nevada; Mr. Cooper, of Kentucky; and Mr. Thurmond, of South Carolina.

SENATE RESOLUTION 75—RESOLUTION AUTHORIZING THE REVISION AND PRINTING OF THE SENATE MANUAL FOR USE DURING THE 91ST CONGRESS—REPORT OF A COMMITTEE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 75); which was placed on the calendar:

S. Res. 75

Resolved, That the Committee on Rules and Administration be, and it is hereby directed to prepare a revised edition of the Senate Rules and Manual for the use of the Ninety-first Congress, that said Rules and Manual shall be printed as a Senate document, and that two thousand additional copies shall be printed and bound, of which one thousand copies shall be for the use of the Senate, five hundred and fifty copies shall be for the use of the Committee on Rules and Administration, and the remaining four hundred and fifty copies shall be bound in full morocco and tagged as to contents and delivered as may be directed by the committee.

SENATE RESOLUTION 76—RESOLUTION TO CONTINUE THE SPECIAL COMMITTEE ON AGING

Mr. WILLIAMS of New Jersey submitted the following resolution (S. Res. 76); which was referred to the Committee on Rules and Administration:

S. Res. 76

Resolved, That the Special Committee on Aging, established by Senate Resolution 33, Eighty-seventh Congress, agreed to on February 13, 1961, as amended and supplemented, is hereby extended through January 31, 1970.

Sec. 2. It shall be the duty of such committee to make a full and complete study and investigation of any and all matters pertaining to problems and opportunities of older people, including but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and, when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill or otherwise have legislative jurisdiction.

Sec. 3. The said committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of the Senate, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable.

Sec. 4. A majority of the members of the committee or any subcommittee thereof shall constitute a quorum for the transaction of business, except that a lesser number, to be fixed by the committee, shall constitute a quorum for the purpose of taking sworn testimony.

Sec. 5. For purposes of this resolution, the committee is authorized (1) to employ on a temporary basis from February 1, 1969, through January 31, 1970, such technical, clerical, or other assistants, experts, and consultants as it deems advisable: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than the highest gross rate paid to any other employee; and (2) with the prior consent of the executive department or agency concerned and the Committee on Rules and Administration, to employ on a reimbursable basis such executive branch personnel as it deems advisable.

Sec. 6. The expenses of the committee, which shall not exceed $214,000 from February 1, 1969, through January 31, 1970, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Sec. 7. The committee shall report the results of its study and investigation, together with such recommendations as it may deem advisable, to the Senate at the earliest practicable date, but not later than January 31, 1970. The committee shall cease to exist at the close of business on January 31, 1970.

FEES FOR GRAZING LIVESTOCK ON PUBLIC LANDS

Mr. CANNON. Mr. President, in the face of urgent pleas and dire warnings of disaster for the livestock industry in the West, the Bureau of Land Management and the Forest Service have decided to raise livestock grazing fees on public lands.

I feel this is a terrible mistake, as these increases will hurt an industry that is in poor economic shape even now.

I am calling upon the new administration to rescind the order at this time, and to wait until the Public Land Law Review Commission completes its report to the American people in 1970, before further action is taken on grazing fees.

I ask unanimous consent that a few of the many letters I have received from Nevada livestockmen pointing up the problem be printed at this point in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

McGill, Nev.

Dear Senator Cannon: I'm a cattle rancher in eastern Nevada and I would like you to lodge an official protest with Secretary Orville Freeman and Secretary Stewart Udall against this proposed grazing fee increase and their proposal to change the present fee formula based on the price of livestock.

I would like the Public Land Law Review Commission to complete its report before any changes are made.

We are caught in a cost-price squeeze and according to a study made by the Department of Agriculture Statistical Reporting Service we are receiving only a 2% return on our investment.

If we are burdened with new fee increases it will mean financial disaster for a lot of us.

The Bureau of Land Management under the Taylor Grazing Act of 1934 was intended to stabilize the livestock industry and not as a revenue measure.

Please do what you can to keep the present fee formula based on the price of livestock which is the only fair way. The price of cattle has remained about the same for the last 15 to 20 years yet we have had ever increasing operating costs.

It seems only fair that the grazing fees remain the same as the market value of the livestock.

The livestock industry and other industries directly dependent on them need your help. Thank you.

Yours truly,

John C. Pescio.

Carlin, Nev.,
January 2, 1969.

Hon. Howard Cannon,
Senate Office Building,
Washington, D.C.

Dear Sir: Thank you very much for supporting the livestock industry in its struggle against the proposed grazing fee hike.

The cost-price squeeze is so great now that even a small increase would jeopardize our livelihood.

None of us wants to give up our business, but many would be forced to do just that if this increase in fees goes into effect.

Please continue to do all in your power to stop this devastating proposal.

Sincerely,

Mr. and Mrs. Tony Sestanovich.

Jiggs, Nev.,
January 4, 1969.

Hon. Howard W. Cannon,
Senate Chambers,
Washington, D.C.

Dear Senator: Thank you for the support you have given the livestock people in opposing the raise in grazing fees. We do feel this raise is premature inasmuch as the fee study is not complete.

Unfortunately the general public is unaware of the tremendous investment many people have in the public lands in the way of fencing, reseeding, developing water and general conservation practices. The fee is actually a very small part of what livestock people pay to use and improve the lands for the generations to come.

We are pleased to have the understanding of our representatives in Washington.

Very truly yours,

Barnes Ranches, Inc.,
By Fern I. Barnes.

Elko, Nev.,
December 11, 1968.

Senator Howard Cannon,
Senate Office Building,
Washington, D.C.

Dear Senator Cannon: It came as a very big shock to me when I heard of the proposed increase on grazing fees on both the B.L.M. and the Forest Service land.

This proposed increase amounts to 400%. This increase will put many livestock people out of business as the Public Domain Forage and carrying capacity is not anywhere near this amount of money.

I strongly am opposed to this and do not believe it is right for the people in the livestock industry to continue to be asked to pay an increase in grazing fees.

We are well aware as to the original intent of the Taylor Grazing Act and we strongly urge the use of the original policy where the Grazing Act was figured on the price of the livestock.

Sincerely yours,

Alex Heguy & Sons,
Joe W. Heguy.

Reno, Nev.,
December 13, 1968.

Senator Howard W. Cannon,
U.S. Senate,
Washington, D.C.:

Regarding increases of Bureau of Land Management rates in Nevada we believe that Nevada livestock producers can not economically afford the proposed increases if the necessity of increases arises from the increased budget required by BLM staff. We urge that you introduce legislation cutting the size of the BLM staff. Please keep us advised of the status of this matter cordially.

Stuart B. Webb,
President, Nevada National
Bank of Commerce.

Blue Eagle Ranch,
Tonopah, Nev., December 26, 1968.

Senator Howard Cannon,
Senate Office Building,
Washington, D.C.

Dear Senator Cannon: I received quite a jolt on November 15th when I heard of the proposed grazing fee increase. I am in the process of buying a range cow operation. Judging by past records I figured the ranch could pay for itself and provide a living for my family and myself. If this becomes law, everything that we have put into this outfit will be lost.

We graze our cattle on very poor range at its best. There is no way the Department of Agriculture Statistical Reporting Service could compare the cost or return of operating on this type range to that privately owned. As if this isn't enough, they propose to change the grazing fee formula leaving the door open for as many increases as it takes to bring grazing on public lands to an end.

I certainly appreciate the fine work you have done in the past. Once again we need your help now. I hope you will lodge an official protest with the Secretary of Agriculture and the Secretary of Interior in our behalf.

Thank you very much.

Sincerely,

Carl J. Hanks.

Elko Chamber of Commerce,
Elko, Nev., December 12, 1968.

Hon. Howard Cannon,
U.S. Senate Building,
Washington, D.C.

Dear Senator Cannon: On February 2, 1968 we wrote you regarding the grazing fee formula change proposed by the U.S. Forest Service. Due to the late action of the Forest Service and Bureau of Land Management in changing this fee structure we again urge that you do everything in your power to forestall any action until the Land Law Review Commission has completed its study and presented its case to Congress. The impact of the proposed changes on the ranchers, businesses and local economy is quite obvious and of vital concern to everyone in Elko County.

Respectfully yours,

Dr. John H. Martin, Jr.,
Vice President.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistance legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ESTABLISHMENT OF NATO MEDITERRANEAN FLEET AND DISCUSSION OF MARITIME DISCONTINGENCY FORCE FOR THE ATLANTIC

Mr. SPONG. Mr. President, Soviet seapower has reached a formidable stage. Today, the Soviet Union operates the largest submarine fleet in the world and the foremost fishing fleet. Its oceanographic research vessels outnumber all the other oceanographic research vessels throughout the world. And, its merchant marine fleet contains a greater percentage of modern ships than the similar fleets of the Western nations.

Because of the totalitarian nature of the Soviet Government, the vessels generally associated with civilian activities can easily be converted to military use; and the entire maritime operation can be engaged for military and political purposes.

Overall, the strength of the U.S. Navy is unsurpassed. But, the Soviet naval advances represent new and growing challenges.

In responding to these challenges, two recent developments within the North Atlantic Treaty Organization can prove of great significance. These are establishment of a NATO Mediterranean fleet and discussion of a maritime contingency force for the Atlantic.

First, the Mediterranean fleet.

The NATO Defense Ministers, who met January 16, 1969, in Brussels, agreed to establishment of a limited multinational fleet for the Mediterranean. The fleet, as envisioned by the Defense Ministers, would operate much as the Matchmaker Squadron did in the Atlantic prior to the creation of Stanavforlant, the permanent NATO naval fleet for the Atlantic. It would come together periodically for exercises and maneuvers, which would symbolize the unity of NATO and its determination to deter aggression. The force would be strictly defensive in nature, designed not to threaten any nation, but to help secure all Mediterranean nations and to serve as a warning to any would-be aggressor. Initially, Greece, Turkey, Italy, Great Britain, and the United States would probably participate in the Mediterranean fleet.

Although creation of a continuously existing force along the lines of Stanavforlant would be preferable, I am pleased with this development. On April 22, 1968, after visiting Stanavforlant, I endorsed the idea of a comparable Mediterranean fleet, citing the Soviet naval buildup in the area and the need for a symbol of NATO political and military solidarity.

Since that time, the Soviet Union has withdrawn a number of her vessels from the Mediterranean Basin. Her potential for returning them nevertheless remains, and this means the United States and NATO cannot relax vigilance. The Mediterranean fleet to be created can well serve as an indication that vigilance will not be relaxed.

We go only so far in establishing the force at this point because of a number of problems—both internal and external. Within the alliance, there are political questions which account for the reluctance of some members to participate; there are economic limitations on others, and there are rivalries among certain of the NATO members which could disrupt the fleet. Externally, there are fears among some members that such a force might involve all NATO members in an unwanted or undesirable situation. Certainly, this possibility exists. But a similar pitfall surrounds most military operations—both offensive and defensive—demanding that we avoid the lure of hasty, unwarranted action and internal bickering. And, not to create the force denies a means of expanding cooperaion in NATO, of shoring up the alliance's southern flank, and of deterring aggression in one of the world's busiest waterways.

Second, officials at NATO's Atlantic headquarters in Norfolk, Va.—Saclant—have been working on defense plans for the North Atlantic which would include use of what has been referred to as a NATO maritime contingency force. Earlier today, diplomatic sources in Brussels confirmed agreement on plans for such a force.

Although it is premature to discuss actual details of the contingency force, reports have suggested that as many as 50 vessels might be trained for rapid assembly and deployment should a crisis arise in the North Atlantic. Such a fleet would undoubtedly serve as another means of elevating the Western naval position. I would also like to note that Saclant is particularly qualified to develop plans for the contingency fleet; first, because primary responsibility for NATO activities in the Atlantic rests here and, second, because of Saclant's experience with Stanavforlant.

Both the Mediterranean fleet and the contingency force concept represent the multinational approach in our defense efforts—an approach preferable to the unilateral one, both from an economic and political standpoint. Such an approach has an appeal the advantage of which should not be underestimated. For these reasons I believe both the Mediterranean fleet and a NATO maritime contingency force could be valuable additions to NATO and Western naval operations.

EXECUTIVE PROCEEDINGS OF THE SENATE IN 1898 MADE PUBLIC

Mr. KENNEDY. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

S. RES. 69

Resolved, That any records of the proceedings of the executive sessions of the Senate for April 25, May 18, and May 31, 1898 (see references in Congressional Record, 55th Congress, second session, volume 31, part 5, pages 4244, 4994, and 5352) now in the custody of the National Archives, be made available to the public for examination.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 69) was considered and agreed to.

GRANT TO ILLINOIS CENTRAL QUESTIONED

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of a telegram I sent to Hon. John A. Volpe, Secretary of Transportation, in connection with the $25 million grant to the Illinois Central.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

January 25, 1969.

Hon. JOHN A. VOLPE,
Secretary of Transportation,
Washington, D.C.:

The twenty-five million-dollar grant to Illinois Central at same time they were negotiating a $95,000 position for Allan Boyd, the Director of Transportation, raises serious questions of propriety. Strongly recommend that this grant be held up pending thorough investigation.

JOHN J. WILLIAMS,
U.S. Senator.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S.S. "PUEBLO"

Mr. STENNIS. Mr. President, the Navy is now conducting a court of inquiry into the loss of the *Pueblo*. The duty of this court of inquiry is to determine the facts of the incident as they pertain to the Navy, and on the basis of those facts, to recommend to the Chief of Naval Operations what action should be taken. The court of inquiry is not a trial court, but a proceeding more in the nature of a grand jury.

The court of inquiry may, depending upon the facts, recommend several actions ranging from commendation to court-martial. It has been reported by the press that one of the matters being considered by the court of inquiry is whether or not any Navy personnel, particularly the commander of the U.S.S. *Pueblo,* violated Navy orders or were derelict in their duty to the extent that the disobedience of orders, or the dereliction of duty, permitted the ship to be taken by hostile forces.

Without commenting on the merits of the case as to that question, or as to any question that the Navy inquiry relates to, I point out that a Navy court of inquiry has the authority to take testimony on a question of that kind and to make findings on it. In fact, it is its duty.

However, the fact that such testimony is taken on that question does not imply that any person is guilty or even accused of a wrongful act.

It is my understanding that the authority of the Navy court of inquiry is limited to an examination of only the aspects of the *Pueblo* case as are wholly within the jurisdiction of the Navy. I assume the Navy officers in charge convened the court of inquiry because they believed it to be the proper procedure. This is their prerogative and responsibility. They are acting through a sense of duty, I feel sure.

However, after studying all the information material to the overall issue, as well as the available facts that pertain just to the Navy, I think it is entirely possible that because its jurisdiction is limited, the Navy court of inquiry will not be able to investigate all phases of the *Pueblo* incident that should be examined.

Not until the full facts are known about all the relevant circumstances that existed, and events which took place before, during, and after the seizure of the *Pueblo,* will it be possible to ascertain the reasons the ship was lost and take protective measures against another such incident.

Although the *Pueblo* is a Navy ship, the responsibility for the policies and conditions under which its officers and men served were shared by other authorities at higher levels in the Department of Defense.

On the basis of facts now being developed, it might be that the Senate Armed Services Committee would find it necessary to determine the facts of the case as to is own responsibility, as well as the Navy and other authorities in the Department of Defense.

Even though we wanted to begin an investigation immediately, it is impractical and virtually impossible to conduct more than one investigation of this incident at a time. Witnesses are required for the Navy hearing now in progress on the west coast. Also, it would not be proper to interfere with the hearing now in progresss.

It may be that when the Navy court of inquiry is completed, much of that testimony would be useful in other hearings on the issue.

If, after this Navy court of inquiry is completed, it appears that further investigation is necessary, the Senate Armed Services Committee will proceed.

Should the committee proceed, it will not be limited to the proof before nor the findings by the Navy court.

Whatever action is taken by the committee should be taken as soon as possible after the Navy court of inquiry is completed. I have, therefore, informed the Secretary of Defense that it is likely the Senate Armed Services Committee will desire to make a study of the *Pueblo* incident. I also requested that the witnesses not be transferred or allowed to accept other commitments which would prevent their being readily available.

I want to say with emphasis that, in my opinion, it would be highly impractical—it should not happen—for the committee to proceed now into hearings on the investigation—and that is just the rudimentary part of the study—until after the Navy has completed its inquiry and has made its findings, as I would expect it to do very soon thereafter.

Certainly, I want to say that our committee is not wanting to influence the Navy and its findings as a result of its proceedings, or other conclusions in any way. The Navy has a direct, primary responsibility in the field of its inquiry.

I hope and believe that all the Congress will be patient. I believe all informed people will be patient. I hope the people of the country as a whole will inform themselves as to just what the situation is and await accordingly.

There is no intimation from what I have said here as to what our committee feels about what the Navy should do. I believe in putting responsibility where responsibility belongs. I have no idea what, according to the Navy's standards, its conclusions will be. That is our position. I hope that is clear.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HOLLAND. First, I congratulate heartily the distinguished Senator from Mississippi upon the stand he has taken. It is, of course, right that the Navy court of inquiry should proceed in a deliberate way to fulfill its duty to the Navy, and under the Navy precedents and Navy jurisdiction. I am happy, however, that the Senator, speaking as chairman of the Armed Services Committee of the Senate, has, in effect, given notice to the Defense Department and to the Navy Department that his able committee, which he heads so capably, does stand ready, if it feels conditions justify it, to make a committee inquiry and a senatorial inquiry into this matter at the completion of the hearings now underway.

Mr. President, I say this because I think that while the Navy Department must proceed under Navy rules, regulation, precedents, and traditions, the Senate represents the people of the United States. The Senator knows, and every Senator knows, that there is great confusion in the minds of the people of the United States right now about this entire incident. I think it was a salutary thing for the Senator to say, as he has today upon the floor of the Senate, that his committee is watching this matter deliberately and without prejudging of any sort, is holding itself ready, and is giving notice to the Navy authorities and to the authorities of the Defense Department, that, if in its judgment it feels it must go into it after the naval court of inquiry has completed its proceedings, his committee will do just that.

I thank the Senator.

Mr. STENNIS. I thank the Senator very much.

I am glad to get the response of the Senator from Florida. I believe his response will be similar to that of almost every Member after Senators really get into the facts and see this matter in its true perspective.

Let me say to the American people that it is time to be patient about this matter and withhold conclusions, and let these procedures go forth in the regular way. However it comes out, I think the Navy ought to continue to have much responsibility with regard to its officers. If we tried to shift that responsibility and have it another way, we would destroy a great department and a great tradition, the Navy.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. HOLLAND. Mr. President, I am so happy that the Senator has emphasized the matter of public patience and senatorial patience. The Senator from Florida has taken exactly that course to answer the myriad of letters he has received from disturbed citizens, mostly from the State of Florida but some from elsewhere.

I think it is incumbent upon all of us to allow the naval court of inquiry to complete its duties in the fullest and most deliberate way and then decide, after we have seen the record and after we have seen the judgment of the court of inquiry, what should be done. I am glad the Senator has voiced the necessity for patience, because I think the public needs to be patient just now.

I thank the Senator for the wise statement he has made.

Mr. STENNIS. I thank the Senator. As far as the Navy and the Defense Department are concerned, I have not really discussed this matter with them. I did not want to try to influence them, and I did not want them, frankly, to try to influence me at this time. I have obtained the facts as I could. I think the public will be fully informed in time.

I yield the floor.

CLARK CLIFFORD'S POSTURE STATEMENT

Mr. PROXMIRE. Mr. President, as all thinking men and women know, there is now a very clear choice for the United States and the Soviet Union to make. The two nations can either make serious attempts to limit their military arsenals or they can continue to escalate the arms race. Then, each country would place new burdens on its people and on its economy, would defer expenditures to meet critical domestic needs, and move the hands on the doomsday clock closer to midnight as each side raised the ante in a gigantic war of nerves.

No one has pointed out the problems we face and the choices we must make more clearly than has former Secretary Clark Clifford in the "posture" statement he made about the Pentagon's view of the military situation.

There are constructive steps we can take to meet these overriding problems. It is abundantly clear that the Senate should ratify the nonproliferation treaty now. It has been too long delayed and should be acted upon promptly.

It is also clear that now is the time to make arrangements with the Soviet Union to talk about all the great problems of disarmament. To escalate further by producing more missiles and more warheads and then spend billions for anti-ballistic-missile systems to defend against the added weapons created, is a ridiculous thing to do. We must make every effort to reach agreement.

The Washington Star in an editorial last Friday, January 24, had some very sensible things to say about both Mr. Clifford's valedictory statement and the need to deescalate the arms race. I ask unanimous consent that it be printed in the Record.

Clifford's Valediction

There is a three-course dinner for thought in Clark Clifford's first and final "posture" statement on the Pentagon's view of the world military situation. The interest is compounded by the Soviet offer for disarmament negotiations that greeted the Nixon administration as it assumed office.

By the end of 1969, Clifford said, the U.S. missile superiority will have eroded. The Soviets will have caught up. Both sides will have more than 1,000 ICBMs, ready to fire from protected, underground shelters. In addition, he said, the USSR is "moving vigorously" to catch the United States in sea-based missiles.

It was not Clifford's purpose to throw a scare into the American public with his revelation that the missile gap is closing.

The outgoing secretary's point was that the United States and Russia both have a hard choice to make. They must either move into a new and limitless round of arms development. Or they can try to negotiate a limit to the costly and deadly madness.

The Soviets have greeted the new administration with an offer to talk about all aspects of disarmament, including intercontinental missiles and anti-missile systems. "When the Nixon government is ready to sit down at the negotiating table, we are ready" a Kremlin spokesman said.

There should be no delay. The first order of business should be the prompt ratification of the non-proliferation treaty. And as soon as it can possibly be arranged, the United States should press, with all appropriate caution, for full-scale arms talks with the Soviets.

Both nations need relief from the economic burden of another upward spiral of the arms race. The world needs some lifting of the oppressive nuclear cloud that presently covers its horizon. This period of change and of renewed beginning may be the best opportunity for real progress.

THE PEARSON-ANDERSON COLUMN TELLS OF CRIME AND VIOLENCE

Mr. BYRD of West Virginia. Mr. President, in today's Washington Post, columnists Drew Pearson and Jack Anderson reveal the awesome dimensions of the wave of crime and violence which threatens our Republic.

In the column, Pearson and Anderson discuss the contents of a hitherto unpublished report by the National Commission on the Causes and Prevention of Violence.

The report catalogs the statistical evidence of the corruptness which threatens to undermine our free society.

Importantly, however, Pearson and Anderson quote the report as stating:

> The intricacies of crime statistics have little meaning for the average citizen. . . . He appears less impressed with numbers and rates and trends than with the fact that there seem to be increasingly large sections of his city where he cannot walk safely even in daylight, much less at night, and that it is now dangerous in many communities for bus drivers to carry cash or for taxis to pick up fares in certain parts of town after dark. . . . It has also prompted many citizens to arm themselves for self-protection.

Mr. President, I have not yet seen the report in question, but from the Pearson-Anderson account it appears to be a document that all of us would do well to read.

I ask unanimous consent that the Pearson-Anderson column be printed in the Record.

There being no objection, the column was ordered to be printed in the Record as follows:

[From the Washington Post, Jan. 28, 1969]

The Washington Merry-Go-Round: Report Shows Violence Gripping United States

(By Drew Pearson and Jack Anderson)

Probably the most sobering document President Nixon has found on his desk is a "progress report" on violence in America, depicting the country in the grip of a fury that has erupted on the campuses and exploded in the ghettos, that stalks the streets and may even lie in wait for himself behind some dark window.

The unpublished report, prepared by the National Commission on the Causes and Prevention of Violence, raises more questions than it answers. But seven task forces are still digging for the root causes of some of the most turbulent years in American history.

In the fast five years, the report points out:

1. "239 violent urban outbursts, involving 200,000 participants, have resulted in nearly 8,000 injuries and 191 deaths, as well as hundreds of millions of dollars in property damage."

2. 370 civil rights demonstrations and 80 counter-demonstrations have occurred, involving more than a million participants.

3. Hundreds of student demonstrations "have resulted in seizure of university facilities, police intervention, riot, property damage and even death."

4. Antiwar protests "have involved some 700,000 participants in cities and on campuses throughout the country."

The Commission also cited the soaring crime statistics, particularly the homicide rate, noting: "A dramatic contrast may be made between Manhattan Island, with a population of 1.7 million, which has more homicides per year than all of England and Wales with a population of 49 million. And New York's homicide rates are by no means the highest among American cities."

Concludes the Commission: "The elimination of all violence in a free society is impossible. But the better control of illegitimate violence in our democratic society is an urgent imperative and one within our means to accomplish."

Even before he was sworn in, President Nixon had decided to devote his first 100 days to cooling the passions that have inflamed the country. He will deliberately avoid controversy and conflict. In the language of the streets, he has told intimates he intends to "cool it."

The magnitude of the headache Mr. Nixon has inherited is summarized in the report on violence which the Commission submitted to President Johnson on Jan. 9.

We have obtained a bootleg copy of the report, which covers all forms of American violence from political assassinations to highway accidents. Here are some highlights:

"The Commission has heard testimony from student protest leaders who defend the legitimacy of violent law-breaking, and who urge that rightness of the ends they seek and 'illegitimacy' of the present social order entitle them to oppose both prosecution and punishment. It has also heard a distinguished academician say that from the standpoint of the social order it is unwise to prosecute and punish every act of civil disobedience."

"Those who would violate valid laws to win rights they are now denied must stop to consider how those rights can be preserved in a society where their opponents are free to follow the same course. One must ask whether any society can survive if its members rely on genuine disobedience of the law as a source of political energy."

"Those who believe in the rule of law cannot rest content with condemning those whose conscience commands them to defy the law. Law itself must be responsible to social change and to the correction of injustice. Our legal system has not yet corrected the injustices our society inflicts on minority groups . . . If respect for law is to sustain the social order, we need to sharpen the ability of the law to clear the paths to peaceful change."

"In a democratic society where ultimate power resides in the people, access to the mass media is essential for groups desiring peaceful social change. If important, discontented segments of our society are denied the right to be heard, subsequent resort to violence by these groups may perhaps be expected.

"The key to much of the violence in our society seems to lie with the young. Our youth account for an ever-increasing percentage of the population. The thrust of much collective violence—on the campus, in the ghettos, in the streets—is provided by our young people.

"The intricacies of crime statistics have little meaning for the average citizen . . . He appears less impressed with numbers and rates and trends than with the fact that there seem to be increasingly large sections of his city where he cannot walk safely even in daylight, much less at night, and that it is now dangerous in many communities for bus drivers to carry cash or for taxis to pick up fares in certain parts of town after dark . . . It has also prompted many citizens to arm themselves for self-protection."

"Of the automobile accidents that account for 50,000 deaths each year in the United States, there is evidence that a substantial number result from the psychological and physiological effects of alcohol upon drivers, as well as from other factors in our culture and in the psychology of driving that promote and urge to violence."

MASS EXECUTION

Mr. RIBICOFF. Mr. President, yesterday in a public square the Iraqi Government hanged 14 men. Nine of the number were Jews.

It is difficult to express with words the shocks and abhorrence that grip civilized men when they learn of such an inhuman act. We must forcefully condemn this deed of the Iraqi Government. And if, as Israeli Premier Eshkol said, "the sole and only crime of these nine martyrs consists in their being Jews," then we must bring to the attention of the world the Iraqi Government's policy of heightened discrimination against Iraqi Jews during recent years.

Secretary of State Rogers correctly stated:

> The spectacle of mass public executions is repugnant to the conscience of the world.

To my way of thinking a mass public execution can only be described as a senseless act of barbarism.

But let us see this sorrowful event in its even larger setting, as did U.N. Secretary U Thant when he said:

> Mass trials and executions are always to be deplored, and are particularly abhorrent and dangerous when they are carried out in such a way as to inflame the emotions of the populace.

The Middle East hovers at the edge of full-scale war—a war that could become so broad and bitter as to encompass the great and small nations of the world.

Clearly there must be a peace treaty that acknowledges the permanent nationhood of Israel, her territorial boundaries and other rights.

Mr. President, genuine peace—the United Nations fervent call for a "lasting peace"—depends on a political settlement.

Unfortunately the day when fruitful negotiations and such a settlement will help give the world security and much needed calm is made more distant with the event of cruel acts such as that of the Iraqi Government yesterday in Baghdad's Liberation Square.

Mr. SCOTT. Mr. President, I rise today and join the Senator from Connecticut to deplore the public execution in Iraq of 14 persons accused of spying for Israel.

Mass secret trials, followed by public executions, can only inflame emotions and decrease the opportunity for peace and stability in an already troubled region of the world. The explosive situation in the Middle East is all too well known. President Nixon in his press conference yesterday referred to the need to defuse that situation.

I agree with Secretary of State William Rogers who declared:

> The spectacle of mass public executions is repugnant to the conscience of the world.

Such actions are abhorrent to the conscience of civilized mankind and detrimental to the efforts of men of good will to reach a just and peaceful accord.

In the past, Arab guerrilla raids into Israel have posed a continuing threat to Israel's very existence. This latest tragedy represents a most dangerous escalation.

THE FITZGERALD AFFAIR

Mr. PROXMIRE. Mr. President, last Friday the Washington Star editorialized about the case of Mr. A. E. Fitzgerald. On November 13, 1968, Mr. Fitzgerald testified before the Subcommittee on Economy in Government of the Joint Economic Committee, of which I am chairman.

He testified at our request. He had no prepared statement but answered questions which the committee put to him. He was asked about the cost overrun of the C–5 airplane. He testified that it was $2 billion more than was the original estimate.

At that point in the hearing and before he answered the question, I asked a representative of the Air Force if Mr. Fitzgerald was authorized to answer the question. The Air Force said that Mr. Fitzgerald did have such authority and that it was proper for him to testify on any C–5 cost overrun.

But shortly after the date of his testimony, on November 25, the Air Force said that a September 6, 1968, notice that his status was changed from schedule A to that of the career service was a mistake. It was called a "computer error."

Still later, a memorandum was written from the administrative assistant to the Secretary of the Air Force, Mr. John Lang, to the Secretary detailing three ways "which could result in Mr. Fitzgerald's departure." One of these was suggested but "not recommended since it is rather underhanded," the memo read.

As the Star rightly points out, this issue transcends even the problem of Mr. Fitzgerald's future employment. That is important, and it is of great consequence both to him and to us all.

The issue at stake is the right of Congress to perform its constitutional function. If an employee is penalized for giving testimony when asked by an appropriate committee of Congress, then our system will be unable to function as it should.

I hope that very soon we will receive assurances that Mr. Fitzgerald will not be fired nor penalized. That would be one way for the Pentagon to reassure Congress that its right to ask for and receive appropriate information will not be abridged.

I ask unanimous consent that the very fine editorial on the Fitzgerald case, published in the Washington Star on Friday, January 24, 1969, be printed in the RECORD.

[From the Washington Star, Jan. 24, 1969]

THE FITZGERALD AFFAIR

Harold Brown, then Air Force Secretary, received a most extraordinary memorandum from his administrative assistant the other day. It described three alternative techniques for firing A. Ernest Fitzgerald, the efficiency expert whose testimony to a Senate subcommittee on the burgeoning costs of the C–5A super transport plane has embarrassed the Air Force.

The Pentagon has long been noted for its back-stabbing and infighting. But we had always supposed that these things were accomplished with some finesse. Thus we are more than a bit taken aback that such delicate business as how best to fire an employee would be written up in a memorandum. May we also assume that the author made extra copies for the files?

The Air Force's bureaucratic ham-handedness is unfortunate. But the substantive issue is rather more serious. The apparent plot to fire an efficiency expert for his candor represents grossly improper behavior on the part of the public officials involved. Moreover, it hardly speaks well for the military's efficiency in administering its whale-sized chunk of the federal budget.

The new Secretary of Defense should call on the carpet those individuals responsible for this regrettable incident.

PROPOSED EEC TAX ON SOYBEAN OIL AND MEAL: A THREAT TO THE U.S. FARMER AND THE NATION

Mr. FULBRIGHT. Mr. President, I have always believed in the benefits of the reciprocal trade program initiated in 1934 by Secretary of State Cordell Hull. I still believe in that program for several important reasons. When trade between nations is as free as possible, industries are made stronger and more competitive, the consumer is given a wider choice of products, monopolies are thwarted, and the general welfare and incomes of people are improved in all the trading nations. All this can take place, however, only if trade barriers by all nations are reduced on a reciprocal basis. If one country reduces its trade barriers unilaterally while others increase theirs, domestic industries, employees, and farmers in the country which reduces its barriers are injured.

Mr. President, I am sure that the 91st Congress will express its concern over the impact of foreign goods in our markets. Last year, more than 90 Senators sponsored or cosponsored bills to impose mandatory quotas on imported products. Already a number of quota bills have been introduced in the 91st Congress.

During the import quota hearings before the Senate Finance Committee, Executive branch spokesmen told us that foreign countries not only would retaliate if we passed those bills, but also would have the right to retaliate under the General Agreements on Tariffs and Trade. Therefore, those countries which threatened to retaliate against us should realize that we, in turn, cannot condone actions on their part which adversely affect our commerce. Trade must be a two-way street.

In this regard, Mr. President, a most disturbing situation has developed which could affect my State severely and a number of other States with high levels of agricultural production. In addition, Mr. President, the situation affects the entire Nation, because it threatens a $500 million export market which is critical in our struggle to maintain a surplus in our balance of payments. I am referring, Mr. President, to the European Economic Community's proposed internal tax on soybean meal and oil. This $60 a ton tax on soybean oil would constitute an effective tariff barrier of over 50 percent, which would cut severely our exports of soybeans. The proposed tax is without doubt a protectionist measure on the part of the European community, to which we must react.

It is appropriate to review our trade policies since World War II, and our relationships with the European countries. We all know the poverty and devastation which World War II wrought on Europe—these nations were penniless after the war, with neither gold nor productive facilities to supply their needs. We responded generously with Marshall plan and other economic assistance amounting to over $20 billion, much of which was on a grant basis. We also adopted a deliberate policy of lowering our tariffs without demanding reciprocity from those war-torn countries. International agreements, such as the General Agreements on Tariffs and Trade were concluded, with certain built-in biases to aid European economic recovery. Among these biases were the GATT provisions regarding import quotas, subsidies, and the waiver from the most-favored-nation obligation in the case of common markets. The European countries and Japan were allowed to retain and expand their import quota and licensing arrangements, to subsidize their exports, and to impose special border taxes on imports—as we dismantled our tariff barriers.

Looking at what we did then from today's vantage point, one might say the only mistake we made was in assuming that those countries would always be down and unable to repay us, while we would always be so rich and powerful that we would never need to be repaid. This has not been the case.

It is this fundamental change in economic relationships which has been responsible for the views of many in this body with regard to our troop commitments in Europe, and many other matters incident to the commercial relations between the United States and Europe.

While tariffs have been reduced by all the developed countries, other barriers which are even more protective have been allowed to stay, and in some cases have grown while these tariff reductions took place. One such barrier which cuts into our own exports is the variable levy system of the European economic community.

The EEC common agricultural policy, which is being progressively extended over wider areas of foreign products, is aimed principally at making the community self-sufficient in agriculture. In order to make this policy effective, the EEC has adopted variable import levies and export subsidies, which restrict imports and cause unfair competition with our exports to markets in other countries. The latest proposed proliferation of the community's protective agricultural policies endangers one of the principal agricultural products in America—soybeans. In 1968, our soybean, vegetable oil, and meal exports to the European Common Market totaled $457 million—one third of our agricultural exports to that market. A loss of that market would hurt the U.S. balance of payments severely.

I frankly do not understand how we can afford to maintain our six divisions in Europe in the face of European policies which cut off the main sources of foreign exchange earnings.

Mr. President, to condone such an action by the European community would not be in the interest of free trade. If we do not react, but turn the other cheek, other countries who wish to safeguard their domestic interests at our expense will be encouraged to increase their own protectionism. The result of a failure to react to the proposed agricultural policy of the European community would be to invite protectionism on a grand scale by others. This is not fair to American farmers, industries, and workers; and it must be avoided.

Mr. President, the adverse effects of the EEC agricultural policy have been recognized by the Congress as far back as 1962. When the Trade Expansion Act of 1962 was being considered, a provision was included in that act which warned the foreign countries that we would not condone an increase in their nontariff barriers, including variable import levies. Remedies under that act were invoked during the now famed "chicken war" a few years ago. Unfortunately, section 252 of the Trade Expansion Act and the chicken war have not been a sufficient warning to these countries. Therefore, I am afraid we may have to invoke the provisions of that section again unless the EEC rejects the proposed tax on soybean products.

And, Mr. President, retaliation on a $500 million scale will make the so-called chicken war—which involved only about $22 million—look, in comparison, like a skirmish between quarreling children.

Hopefully, our European friends will see reason, as many of us did, when they threatened to retaliate against us if we imposed mandatory import quotas. We did not act, and now, they must realize that the shoe is on the other foot. To avoid retaliation, they must not act.

Mr. President, I urge the President, and the departments of Government responsible for maintaining healthy trade relationships throughout the world, to use all the powers available to them to prevent a decision by the EEC which would threaten our volume of soybean exports.

I ask unanimous consent that there be printed in the Record the texts of communications I have received from Mr. L. C. Carter, Mr. Rodney L. Borum, and former Secretary of Agriculture Orville L. Freeman.

There being no objection, the communications were ordered to be printed in the Record, as follows:

Arkansas Grain Corp.,
Stuttgart, Ark., December 19, 1968.

Hon. J. W. Fulbright,
Senate Office Building,
Washington, D.C.:

We are seriously concerned relative to the imposition of taxes on soybean meal and soybean-oil in the EEC. The proposed tax will directly affect Arkansas farm income. Buyers in these countries are major customers of Arkansas Grain Corporation. While disguised as a "domestic internal tax" on these commodities, it amounts to the same as an import tariff. For complete explanation contact F. Molner, Soybean Council of America, Washington, D.C. Respectfully request your immediate attention to this matter which is so vital to Arkansas soybean producers.

L. C. Carter,
Executive Vice President and General Manager.

U.S. Department of Commerce,
Business and Defense Services Administration,
Washington, D.C., January 7, 1969.

Hon. J. W. Fulbright,
U.S. Senate,
Washington, D.C.

Dear Senator Fulbright: This is in reply to your letter of December 26, 1968 to Secretary Smith concerning the possible imposition of a domestic tax on soybean meal and oil by Northern European Nations.

Apparently the concern of your constituents relates to a proposal for a tax on certain domestic and imported oils, meals and oilbearing materials consumed in the European Common Market.

This proposal was made by Vice President Sicco Mansholdt of the Commission of the European Communities to the December 10 meeting of the Council of Ministers of the European Economic Community. The particular problem that the proposed tax is designed to alleviate is the huge butter surplus which has arisen as a result of the Common Agricultural Policy.

The United States Government has followed these developments closely and has expressed its concern regarding the possible effect on American trade. On December 16, United States Ambassador J. Robert Schaetzel presented an aide memoire on the subject to Vice President Mansholdt. So far no specific proposal for taxes on fats and oils has been agreed on by the Commission for submission to the Council.

We recognize the important consequences that a tax of this sort could have for American soybean producers, processors and foreign traders and we will continue to give the matter our careful attention.

The Departments of State and Agriculture, which have primary jurisdiction in this matter, are following developments closely and the United States Government is taking every opportunity to present its very strong views on the matter to the European Economic Community.

Sincerely,

Rodney L. Borum,
Administrator.

Department of Agriculture,
Washington, D.C., January 17, 1969.

Hon. J. W. Fulbright,
U.S. Senate,
Washington, D.C.

Dear Senator Fulbright: Thank you for your letter of January 14 expressing concern about the Common Market proposal to impose a consumption tax on oilseeds and oilseed products. Vegetable oils would be taxed $60 per metric ton and oilcake and meal $30 per metric ton.

I feel that this matter of continued open access to the European Community markets for our soybeans and soybean products is one of the most important trade problems to confront American farmers since I became Secretary of Agriculture. If this proposed action by the Community should take place, I can think of nothing that would do more to turn back the clock on the effort we have made to improve access to foreign markets for our farm products.

My views are fully shared by responsible officials of this Administration and the U.S. Government has formally told the officials of the Community that their proposed action would reduce sharply the Community's imports of oilseeds and oilseed products and would result in a massive impairment of the present access available to American exports under GATT. We made it clear that this would leave us no choice but to retaliate on a large scale against the products their countries sell us. You may have seen in newspaper stories the thought that our retaliation might include such important exports as European automobiles, typewriters, office equipment, wines, and similar items that Americans buy from them in large amounts.

When I was in Europe recently, at a press conference in Paris I said that if the Community persists with this plan, our action in return would make the chicken war look pale in comparison. What we, in fact, are saying to the Community is that what it does to its agriculture is more than an agricultural matter—it concerns the whole economy of Western Europe. If the cost to help European agriculture is high, then let their industry pay the expense—but not ask the United States to pay it.

We have the strong support of American agricultural and trade groups in our efforts to keep Community markets open and we are making representation to the Community through all available channels. This is a very important matter on which we all stand together.

Our latest information is that the Council of Ministers of the European Community may consider this tax proposal later this month, but is not expected to take final action before April 1969.

Sincerely,

Orville L. Freeman.

PROPOSED ECONOMIC POLICIES OF THE NIXON ADMINISTRATION

Mr. JAVITS. Mr. President, as Chairman of President Nixon's Council of Economic Advisers, Paul McCracken will have a key role in setting the new administration's economic policies. It is, therefore, of the greatest importance to Congress and the people to know what Dr. McCracken's views are on such vital issues as inflation, unemployment, interest rates, the balance of payments, wage-price guidelines, and other such issues.

Congress will have to await the appearance of Dr. McCracken before the Joint Economic Committee on February 17 for a full statement of his views and the proposed economic policies of the Nixon administration.

In the meantime, and as a good indication of his outlook, I invite the attention of the Senate to a long interview with Dr. McCracken, published in the New York Times on January 24. While the interview took place on January 9, it was authorized for publication by Dr. McCracken on January 21 and can therefore be taken as an authentic representation of his views.

It is clear from this interview that Dr. McCracken approaches economic policy issues with an open mind, without ideological bias.

I ask unanimous consent that the interview be printed in the Record.

There being no objection, the interview was ordered to be printed in the Record, as follows:

McCracken Hails Economy's Trend: Calls Surplus in Johnson's Final Budget Right Move To Help Control Inflation

(By Eileen Shanahan)

Washington, January 23.—The man who will head President Nixon's Council of Economic Advisors believes that the basic economic policy of the Government—after some serious mistakes—has been left heading in the right direction by the Johnson Administration.

Paul W. McCracken, who will officially become council chairman as soon as his nomination is approved by the Senate, expressed this view in an interview with staff members of The New York Times.

The interview took place in the Washington office of the Times on Jan. 9. Mr. McCracken last Tuesday authorized the publication of his remarks.

Although the interview took place before the publication of President Johnson's final budget which projected a surplus of $3.4-billion, Mr. McCracken cited a surplus of about that size as the proper one for the budget in the coming fiscal year.

Mr. McCracken said that such a budget surplus was the right policy to begin bringing inflation under control if it was coupled with the proper degree of credit restraint on the part of the Federal Reserve System.

Mr. McCracken described the proper Federal Reserve posture as a "lesser rate of monetary expansion" than prevailed in 1968, but "not contraction."

He said that monetary policy appeared to be on this course not but that he was not certain it could be kept there and that the situation must be watched.

Even if the Federal Reserve were to pursue what he believed to be wrong policies, he does not believe it should be denied its traditional independence from Administration control, Mr. McCracken said. At least, he added, this is what he has believed in recent years.

Mr. McCracken, who served as a member of the Council of Economic Advisers from 1956 to 1959 and has just left an economics professorship at the University of Michigan, said that his views on this issue "shift a bit, depending upon whether I am an academic or in Washington."

"Back in the mid-fifties," he said, "I began to think that the Federal Reserve ought to be under the Administration. As I look back over the last 10 years, I find the mistakes have not been inherent in the organizational structure

"The Administration and the Federal Reserve, I think, have to be in close communication. They have to be in a position to explain what they are doing, and the Administration has to be in a position to explain what it thinks ought to be done."

KEY PROBLEMS GIVEN

Mr. McCracken said that he believed the most important economic problems before the nation were bringing inflation under control without causing unacceptably high levels of unemployment, bringing the balance of international payments more securely into surplus and "bringing the disadvantaged groups into the mainstream of national life."

He warned, however, against what he called "economic hypochondriacs"—Government officials with excessive concern over every small "wiggle" in the business statistics, and attempts to offset such small trends. That kind of policy, he said, can produce a "careening course" for the economy.

On other issues, Mr. McCracken said:

"Interest rates do not have to be so high as they are now, although he sees forces in the economy that will tend to keep them somewhat higher than their long-term historical levels. Among these forces are the enormous demand for capital from the housing industry to support a needed level of home construction of one and three-quarter million to two million annually in the near future.

President Kennedy's proposal to give the President authority to change tax rates with narrow limits—for purposes of stimulating of restraining the economy—is politically impractical. But he finds interesting an idea recently put forth by his colleague-to-be on the council, Herbert Stein, that the President should annually recommend a tax surcharge, which might be either negative or positive and Congress should then review and act on the recommendation.

Mr. McCracken sees the period ahead as a difficult one for economic policy, in part because he thinks it is harder to cope with inflation than with the underemployment that the Democrats faced when they came into office in 1961.

He said, in fact, that he believes there may be some sort of "malevolent law" that puts Republicans in power, at times "when it is hard to be a hero."

INTERVIEW EXCERPTS

Q. How do you feel about the particular visibility of the council during the Johnson Administration, namely its confrontations with industry on pricing situations?

A. I think it might be as well to see less of that. I have never been persuaded myself of the anti-inflationary productivity per man hour of high-level people spending their time on telephones.

Q. You are not sure of the value of the private arm-twisting then, as well as the public denunciations?

A. I realize at times you get drawn into these things. But in general I think high-level man hours might better be spent on matters more fundamental to the problem. It is very easy when you see a price or wage adjustment to say that the people who made those decisions are responsible for the inflation—without raising the question as to what created the environment which produced those decisions.

Q. What do you think of the wage-price guideposts?

A. The difficulty is that when you start really to need the guideposts, then you are not sure what the arithmetic is. Take this past year. The price level has gone up 4 to 5 per cent. Should Washington say wage rates now ought to go up 8 per cent, 5 per cent, 5 per cent for the price rise and 3 per cent for real? But nobody will say that.

[President Johnson's] Cabinet Committee on Price Stability suggested rolling it back part way, taking account of just part of the price increase. But what does this mean to a specific union or a specific company?

CHIEF ECONOMIC PROBLEMS

Q. What do you view as the chief economic problems that you should assign top priority to as you come to Washington?

A. One is the problem of how you cool down this inflationary economy without at the same time tripping off unacceptably high levels of unemployment. In other words, if the only thing we want to do is cool off the inflation, it could be done. But our social tolerances on unemployment are narrow.

Q. Is there a tolerable level of unemployment?

A. I think the tolerable level is probably zero. That is, so long as there is unemployment, this is going to be an issue because there is unfinished business here. On the other hand, I don't think there is any steady state relationship between the price level and unemployment.

I do find myself impressed, however, with this—that [from 1958] to about 1965, the rise in the price level was minimal and we got some decline in unemployment. But after 1965, the successive reductions in unemployment per point rise of the cost of living index have been rather small.

Q. That suggests that you begin getting real inflation when you begin getting below 4 per cent unemployment.

A. Our experience this time would suggest that somewhere in that zone, price-cost pressures intensify.

Q. We are now at the lowest point of unemployment since the Korean war, 3.3 per cent. Doesn't that give you some room to let it rise a little bit without causing some grave social problem and a huge political outcry?

A. I am no expert in the political dimensions of these matters. I suspect if the unemployment rate rose from 3.3 per cent up toward 4, there would be political flak. At the same time, the inflationary situation has become rather serious in this country.

Getting back to your original question, another problem is the external problem, the balance of payments. The overheated domestic economy has also played a major role in the deterioration of our external payments.

You look at the relationship between the rate of increase in imports and the rate of increase in gross national product and you will find that at about the 5 to 6 per cent rate of increase for the gross national product, which is, roughly a kind of noninflationary rate, you get about the same rate of increase in imports. But you let the rate of increase in G.N.P. go up to 8 to 10 per cent and the "normal" relationship is to have imports rising at the rate of 15 to 18 per cent per year.

There is no mystery about it of course. In a large economy where imports are fairly small, if you overheat the domestic economy, the spillover of demand creates a high leverage on imports.

FURTHER FISCAL ACTIONS

The third major problem is, of course, the whole continuing problem of bringing the disadvantaged groups in the population more into the mainstream of national life.

Q. Do you favor any further fiscal or monetary actions at this time to cope with inflation and excessive demand, or should we be patient?

A. I would say that, looking at 1968, monetary policy clearly has been too expansionist, particularly after the tax increase. We presumably took the fiscal [tax] action to try to cool off the economy and then the turn in monetary policy tended to neutralize this.

Q. Are we now seeing a classic pattern of swinging back too sharply to restraint, policies that could throw the economy into reverse? A. That is a key question. It must be watched.

Q. It could be, you say? A. It could be, but that has not yet developed.

What would be the signs that would tell you—early—that there had been too sharp a swing towards tightness? A. Well, certainly one would be the rate of monetary and bank credit expansion.

Q. Do you mean if it dropped to zero or something like that? A. That would be too severe.

Q. Have you seen any signs, as yet, that the Federal Reserve is tending to throw us into reverse? A. No, and I am sure this is not their intention.

Q. On inflation. Let's assume that the Federal Reserve continues a policy of moderate expansion in money and credit—though less than we had for so long—and assume the budget is in balance, which it is. Would you expect that combination alone to cool inflation off? A. Yes, I would.

Q. And presumably without an abrupt rise in the unemployment rate?

A. I think without an abrupt rise. At least, I would be hopeful that we could effect a fairly smooth transition. This is a sticky thing.

BALANCED BUDGET

It is tempting to say we shall cool down inflation without any rise in unemployment. And, obviously, so long as there are people unemployed we have unfinished business here. But I think we cannot confidently say that we can deal with this inflationary problem without affecting unemployment.

Q. You suggest that the present budgetary and emerging monetary policy looks pretty good. Am I right in assuming that barring a major change in the war situation, a balanced budget should be continued in fiscal '70? A. Yes.

Q. What about a surplus, and, if so, of what size for '70? A. When I say a balanced budget, obviously I don't mean one with a zero surplus. I am talking about expenditures being essentially covered by revenues. But I don't see any reason in this context to go deliberately for a huge surplus.

Q. You are really talking about a zero range surplus—from a deficit of $2-billion to a surplus of $2-billion?

A. Something like that, if we were just dealing with the domestic problem. But we have the international payments matter, and there you start getting into things that have symbolic importance. For that reason, I would like to move the zone up to a surplus of $2-billion, or something like that.

The international problem is pertinent on the large surplus, too. Theoretically, at least, if you run a large surplus, you are liable to find yourself with fairly low interest rates. But low interest rates could produce trouble.

Q. A capital outflow? A. Yes. Of course, if we had some kind of serious decline in the stock market, you could have the same problem.

Q. Because of what? A. Because there have been substantial foreign purchases of stocks. This is why the apparently improved balance-of-payments situation is a heavily cosmetic situation. If this improvement were occurring because we were improving our trade balance, then one could be more sanguine.

A. If the policies now in effect work as you expect them to, and the cooling-off process occurs, shouldn't the trade balance improve, too? A. It ought to.

Q. What should be the objective on the balance of payments? A. I think there would be a great therapy to be had from our running a surplus for a while. It doesn't have to be a large one. It would be very helpful if we could demonstrate that if it is necessary, we can run a surplus.

Q. For a year or two. A. Yes.

Q. Beyond that, do you share the widely held view that a deficit of the order of $1 billion, after you have achieved this demonstration effect, is probably tolerable? A. Probably.

THE RIGHT POSTURE

Q. Granted that you think inflation is an urgent problem, do you envision any need for action early in the new Administration? You suggested before we were rather in the right posture now.

A. We are getting on the right course now. If we can keep the revenue-producing capacity of the tax system in close line with Government expenditures and if we can stay on a course of lesser rates of monetary expansion—not contraction, but lesser rates of expansion—I think then we ought to be able to work ourselves out of this inflation.

Q. If you found, later on, that the fiscal and monetary actions already taken are on the way to causing an excessive slowdown in the economy, what steps should be taken then?

A. Well, I never have been impressed with the quick turnaround capability of economic policy instruments. Therefore, it is important not to get into a situation where you have to try to pull that off. The trouble is, if you try to pull it off, what you are apt to have is an over-correction the other way. Then you will start getting the policy itself producing a careening course for the economy. As I survey history, I find myself increasingly impressed with the proportion of economic instability that can be attributed to the erratic course of policy.

Q. The logical deduction from what you're saying is that you just shouldn't get too nervous over small squiggles in economic activity.

A. That is probably a good way to put it. We have been to some extent, I think, economic hypochondriacs. You get a wiggle in a statistic, statistically within the error of tolerance of the data, and everyone runs to get the thermometer.

Q. Is it not possible to argue that the past eight years of uninterrupted prosperity—a record the Nixon Administration is going to find hard to beat—may have resulted from the willingness to move fast against any sign of economic illness?

A. You are not going to get any speeches from me that the last eight years have been all bad. It has been, in many ways, a very remarkable performance. There isn't any question about that.

Now there have been a couple of major factors which have been helpful. Some of the major changes in defense spending came at a time that helped keep the economic expansion going. And while the disinflation of the late fifties was overdone, I would very much rather have come in as chairman of the council in 1961 than now, when we have become concerned about inflation.

IMPACT OF TRUCE

In fact, I think there is some kind of malevolent law about the rhythm of political life that puts some of us here when it is hard to be a hero.

Q. What about the impact of an end to the Vietnam war? Would you address yourself to the opportunities and dangers of that.

A. Well, of course, they are fundamentally opportunities. As one looks at our experience in other transition periods, I don't see why we need to be very apprehensive about what might happen in the interlude. The transition problem is far less, relative to the size of the whole economy, than in the post-Korean period. Of course, the jobs that are curtailed may be in one state and the expanding industries across the country. You have a problem of meshing these two.

Q. If the current rate of inflation is too much, what is the tolerable level?

A. I think we have to feel our way along here. We don't really have much experience in trying to cool an economy in orderly fashion. We slammed on the brakes in 1957, but of course, we got substantial slack in the economy. I wouldn't attach a figure as to what our objective ought to be at any point in time, any more than I would really attach a figure as to what our objective ought to be for unemployment. In both cases, we want them as low as possible.

But over the next two or three years, we certainly ought to be slowing down significantly the rate of price inflation so that we don't get the increases factored into wage and price decisions.

Q. To do that, you'd have to cut the recent rate of inflation in half, at least? A. I suspect so, yes.

COLLEGES SHOULD NOT YIELD TO MILITANTS' BLACKMAIL, WARNS PROFESSOR HOOK

Mr. DODD. Mr. President, recently there came to my attention the text of a speech which Prof. Sidney Hook, of New York University, one of the country's foremost philosophers, made in May of last year at a dinner marking his retirement as head of the university's philosophy department. I invite the attention of Senators to the speech because I consider it one of the most eloquent statements of the dangers that now confront our Nation's campuses.

In his article Professor Hook warned that the extremist revolt which has been sweeping the campuses of our country could result in the destruction of academic freedom. He said that the rationally committed must oppose the emotionally committed; and he called upon college administrations not to yield to the blackmail of the so-called militants.

Professor Hook said:

> Under the slogans of "students' rights" and "participatory democracy," the most militant group of students are moving to weaken and ultimately destroy the academic freedom of those who disagree with them.

Dr. Hook made the point that on every campus there are always some legitimate grievances. But he said that instead of seeking to resolve these grievances peacefully through existing channels of consultation and deliberation, the campus extremists seek to use these grievances as an instrument for the destruction, first, of our free universities, and then of our society. He quoted one of the leaders of SDS at Columbia as saying:

> As much as we would like to, we are not strong enough as yet to destroy the United States. But we are strong enough to destroy Columbia!

According to Professor Hook:

> The first casualty of the strategy of the campus rebels is academic freedom.
>
> It is manifest in their bold and arrogant claim that the university drop its research in whatever fields these students deem unfit for academic inquiry and investigation. This note was already sounded in Berkeley. It is focal at Columbia. It is a shameless attempt to usurp powers of decision that the faculty alone should have. After all, it is preposterous for callow and immature adolescents who presumably have come to the university to get an education to set themselves up as authorities on what research by their teachers is educationally permissible.

Professor Hook was bitter in his criticism of those university professors and officials who have refused to face up to the campus rebels. He said intelligence was not enough to overcome fanaticism; for this courage is also necessary.

> What is of the first importance—

Said Professor Hook—

> is to preserve, of course, the absolute intellectual integrity of our classrooms and laboratories, of our teaching and research against any attempt to curb it. We must defend it not only against the traditional enemies, who still exist even when they are dormant, but also against those who think they have the infallible remedies for the world's complex problems, and that all they need is sincerity as patent of authority. Fanatics don't lack sincerity. It is their long suit. They drip with sincerity—and when they have power, with blood—other people's blood.

Mr. President, I ask the unanimous consent that the full text of Professor Hook's speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Student Revolts Could Destroy Academic Freedom—Colleges Should Not Yield to Militants' Blackmail, Professor Warns—Only Courage Tames Fanatics

(By Sidney Hook)

I began my college career in the fall of 1919, almost a half century ago. My academic lifetime spans half a dozen revolutions in American education. But have no fear, I am not going to reminisce. I want to stay young, at least in spirit, and I learned from my teacher, John Dewey, whom I observed closely for the last 25 years of his life, what the secret of staying young is and that is *not* to reminisce about the past. Actually, I never heard John Dewey reminisce until he was in his nineties, and that was as a reluctant response to my deliberate prodding in order to extract biographical data from him.

However, there is a way of talking about the past that is not merely reminiscence or idle reverie. It occurs when we make comparisons of the past and present for the sake of a present purpose or for the sake of finding a new way out of present difficulties.

Fifty years ago when I began my college studies, it would be no exaggeration to say that the belief in academic freedom was regarded as faintly subversive even in many academic circles. The AAUP [American Association of University Professors], organized by two philosophers, Arthur Lovejoy and John Dewey, was in its infancy without influence or authority. Today, except in some of the cultural and political backwaters of the U.S., academic freedom, although not free from threats, is firmly established. In some regions it has the support of law.

Fifty years ago, the power of the chief university administrator was almost as unlimited as that of an absolute monarch. Today the administrator is a much harried man with much less power and authority among faculty, and especially students, than his forebears. Today there may be temperamentally happy administrators but their present life is an unhappy one. There seems to be an open season on them, and to such a degree that for the first time in history there is an acute shortage of candidates for the almost 300 vacant administrative posts in institutions of higher learning. When I did my graduate work at Columbia, Nicholas Murray Butler was both the reigning and ruling monarch. I don't believe that in his wildest dreams he could have conceived of the Columbia scene today. The strongest argument I know against the resurrection of the body is that if it were within the realm of possibility, Nicholas Murray Butler would have risen from his grave and would now be storming Morningside Heights.

Having been an administrator in a small way myself, I have learned what an ungrateful job it is, and at the same time how necessary. Without administrative leadership, every institution (especially universities, whose faculties are notoriously reluctant to introduce curricular changes) runs downhill. The greatness of a university consists predominantly in the greatness of its faculty. But faculties, because of reasons too complex to enter into here, do not themselves build great faculties. To build great faculties, administrative leadership is essential. In the affairs of the mind and in the realm of scholarship, the principles of simple majority rule or of "one man, one vote" do not apply. The most "democratically" run institutions of learning are usually the most mediocre. It takes a big man to live comfortably with a still bigger man under him, no less to invite him to cast his shadow over the less gifted.

TARGETS OF ABUSE

The paradox today is that as administrative power decreases and becomes more limited, the greater the dissatisfaction with it seems to grow. The memory of favors or requests denied remains much stronger than the memories of requests granted. Faculties are fickle in their allegiance. Overnight the most beloved of administrators can become the target of abuse, a figure of obloquy in the eyes of the very faculty, or a large section of it, which he himself has helped to build. In the very year that Clark Kerr received the Meikeljohn medal for academic freedom, the faculty at the University of California campus at Berkeley panicked in consequence of the events resulting from the *fourth* student sit-in.

In effect it repudiated him by adopting a set of resolutions that made him the scapegoat for the student lawlessness that it conspicuously refused to condemn. The faculty even voted down a motion that would have given the students complete freedom of speech except to urge the commission of *immediate acts* of force and violence. Another example: Vice President Truman of Columbia University was vigorously applauded at Columbia's commencement last June for, among other things, opening new avenues of communication with students. Only a few days ago he was roundly booed by a section of the Columbia faculty.

Why any scholar (and administrators are largely recruited from the ranks of scholars) should want to become a *full-time* administrator has always puzzled me. The duties, sacrifices and risks seem altogether disproportionate to the rewards. In speaking of administrators, one is tempted to characterize them with the words Lecky used in his great history of European morals about the fallen women of Europe . . . "The eternal priestesses of humanity blasted for the sins of their people." Well, university administrators are no longer priests, but whenever a crisis arises they are sure to be damned if they do and damned if they don't.

SYNTHETIC STORMS

One thing seems clear. In the crisis situations shaping up throughout the country, administrators are not going to enjoy a peaceful life. Their prospect of weathering the storms that will be synthetically contrived for them depends upon their ability and willingness to win the faculty for whatever plans and proposals they advance in the name of the university. For if they permit students or any other group to drive a wedge between them and the faculty, they will discover the sad fact of academic life that in such rifts the faculty will either play a neutral role or even assume a hostile one.

Not only on good educational grounds, therefore, but on prudential ones as well, the administration must draw the faculty into the formulation of institutional educational policy. I say this with reluctance because it means the proliferation of committee meetings, the dilution of scholarly interest, and even less time for students. But this is a small price to pay for academic freedom and peace.

In talking about academic freedom, nothing signifies the distance we have come in the space of my lifetime so much as the fact that we now are concerned with the academic freedom of *students*. For historical reasons I cannot now explore, academic freedom in the United States meant *Lehrfreiheit*, freedom to teach. *Lehrfreiheit*, freedom to learn, has only recently been stressed. It does not mean the same as it meant under the German university system that presupposed the all-prescribed curriculum of studies of the *Gymnasium*. If academic freedom for students means freedom to learn, then two things should be obvious. There is no academic freedom to learn without *Lehrfreiheit* or academic freedom to teach. Where teachers have no freedom to teach, students have obviously no freedom to learn, although the converse is not true.

Second, student's freedom to learn was never so widely recognized, was never so pervasive in the United States as it is today—whether it be construed as the freedom to attend college or not, or the freedom to select the *kind* of college the student wishes to attend or his freedom of curricular choice *within* the kind of college he selects. Above all, if academic freedom for students means the freedom to doubt, challenge, contest and debate within the context of inquiry American students are the freest in the world, and far freer than they were when I attended college.

I recall an incident when I was a student in a government class at CCNY. The teacher conducted the class by letting the students give reports on the themes of the course. All he contributed was to say "next" as each student concluded. But when in reporting on the Calhoun-Webster debates, I declared that it seemed to me that Calhoun had the better of the argument, that his logic was better than Webster's although his *cause* was worse, the instructor exploded and stopped me. After emotionally recounting his father's services in the Civil War, he turned wrathfully on me and shouted: "Young man! When you're not preaching sedition, you are preaching secession!" Whereupon he drove me from the class. (The "sedition" was a reference to an earlier report on Beard's economic interpretation of the Constitution that he had heard with grim disapproval.) And this was at CCNY in 1920! The incident wasn't typical, but that it could happen at all marks the profundity of the changes in attitudes toward students since then. John Dewey's influence has made itself felt even in the colleges today.

MORAL PREMISE

Of course, there is still a large group of potential college students who are deprived of freedom to learn because of poverty or prejudice or the absence of adequate educational facilities. And as citizens of a democratic society whose moral premise is that each individual has a right to that education that will permit him to achieve his maximum growth as a person, our duty is to work for, or support, whatever measures of reconstruction we deem necessary to remove the social obstacles to freedom of learning. It is perfectly legitimate to expect the university to study these problems and propose solutions to them. All universities worthy of the name already do. This is one thing. But to therefore conclude that these problems must become items not only on the agenda of study but for an agenda of action is quite another.

For it therewith transforms the university into a political action organization and diverts it from its essential task of discovery, teaching, dialogue and criticism. Since there are profound differences about the social means necessary to achieve a society in which there will be a maximum freedom to learn, the university would become as partisan and biased as other political action groups urging their programs on the community. Its primary educational purpose or mission would be lost. It would be compelled to silence or misrepresent the position of those of its faculty who disagreed with its proposals and campaigns of action. Class and group conflicts would rend the fabric of the community of scholars in an unceasing struggle for power completely unrelated to the quest for truth.

OBJECTIVITY IMPERILED

If the university is conceived as an agency of action to transform society in behalf of a cause, no matter how exalted, it loses its *relative* autonomy, imperils both its independence and objectivity, and subjects itself to retaliatory curbs and controls on the part of society on whose support and largesse it ultimately depends.

This is precisely the conception of a university that is basic to the whole strategy and tactics of the so-called Students for a Democratic Society. I say "so-called" because their actions show that they are no more believers in democracy than the leaders of the so-called Student Non-Violent Co-ordinating Committee are believers in non-violence. And indeed the leaders of the SDS make no bones about that fact. In manifesto after manifesto they have declared that they want to use the university as an instrument of revolution. To do so, they must destroy the university as it exists today.

I wish I had time to list some of the clever stratagems they have devised to focus their opposition. On every campus there are always some grievances. Instead of seeking peacefully to resolve them through existing channels of consultation and deliberation, the SDS seeks to inflame them. Where grievances don't exist, they can be created. In one piece of advice to chapter members, they were urged to sign up for certain courses in large numbers and then denounce the university for its large classes!

Freedom of dissent, speech, protest is never the real issue. They are, of course, always legitimate. But the tactic of the SDS is to give dissent the immediate form of violent action. The measures necessarily adopted to counteract this lawless action then become the main issue, as if the original provocation hadn't occurred. Mario Savio admitted after the Berkeley affair that the issue of "free speech" was a "pretext"—the word was his—to arouse the students against the existing role of the university in society.

SEEK TO DESTROY

One of the leaders of the SDS at Columbia is reported to have said: "As much as we would like to, we are not strong enough as yet to destroy the United States. But we are strong enough to destroy Columbia!" He is wrong about this, too—the only action that would destroy Columbia would be faculty support of the students!—but his intent is clear.

Actually, the only thing these groups, loosely associated with the New Left, are clear about is what they want to destroy, not what they would put in its stead. In a debate with Gore Vidal, Tom Hayden, one of the New Left leaders, was pointedly asked what his revolutionary program was. He replied: "We haven't any. First we will make the revolution, and then we will find out what for." This is truly the politics of absurdity.

The usual response present-day academic rebels make to this criticism is that the university today is nothing but an instrument to preserve the status quo, and therefore faithless to the ideals of a community of scholars. Even if this charge were true, even if the universities today were bulwarks of the status quo, this would warrant criticism and protest, not violent and lawless action in behalf of a contrary role, just as foreign to their true function. But it is decidedly not true!

There is no institution in the country in which dissent and criticism of official views, of tradition, of the conventional wisdom in all fields, is freer and more prevalent than in the university. The very freedom of dissent that students today enjoy in our universities is in large measure a consequence of the spirit of experiment, openness to new ideas, absence of conformity and readiness to undertake new initiatives found among them.

ARROGANT CLAIM

The first casualty of the strategy of the campus rebels is academic freedom. It is manifest in their bold and arrogant claim that the university drop its research in whatever fields these students deem unfit for academic inquiry and investigation. This note was already sounded in Berkeley. It is focal at Columbia. It is a shameless attempt to usurp powers of decision that the faculty alone should have. After all, it is preposterous for callow and immature adolescents who presumably have come to the university to get an education to set themselves up as authorities on what research by their teachers is educationally permissible.

Unless checked, it will not be long before these students will be presuming to dictate the conclusions their teachers should reach, especially on controversial subjects. This is standard procedure in totalitarian countries in which official student organizations are the political arm of the ruling party. Already there are disquieting signs of this. At Cornell a few weeks ago—before the martyrdom of Dr. King—a group of Black Nationalist students invaded the offices of the chairman of the economics department and held him captive in order to get an apology from a teacher whose views on African affairs they disagreed with. Only yesterday, another group at Northwestern demanded that courses in "black literature" and "black art" be taught by teachers approved by the Negro students.

And there are spineless administrators and cowardly members of the faculty who are prepared to yield to this blackmail. Under the slogans of "student rights" and "participatory democracy" the most militant groups of students are moving to weaken and ultimately destroy the academic freedom of those who disagree with them.

Let us not delude ourselves. Even when these militant students fail to achieve their ultimate purpose, they succeed in demoralizing the university by deliberately forcing a confrontation upon the academic community that it is not prepared to face and the costs of which it is fearful of accepting. In forcing the hand of the academic community to meet force with force, the citadel of reason becomes a battlefield. The students glory in it, but the faint of heart among their teachers turn on their own administrative leaders. These militants succeed in sowing distrust among students who do not see through their strategy. They also succeed in dividing the faculties.

EMBITTER RELATIONS

There is always a small group—a strange mixture of jurists and opportunists desirous of ingratiating themselves with students—who will *never* condemn the violence of students but only the violence required to stop it. These students succeed, even when they fail, in embittering relations between the administration and some sections of the faculty. They succeed, even when they fail, in antagonizing the larger community of which the university is a part, and in arousing a vigilante spirit that demands wholesale measures of repression and punishment that educators cannot properly accept.

How is it possible, one asks, for events of this character to happen? There have always been extremist and paranoidal tendencies in academic life, but they have been peripheral—individuals and small groups moving in eccentric intellectual orbits. But not until the last four or five years has the norm of social protest taken the form of direct action, have positions been expressed in such ultimatistic and intransigent terms, have extremist elements been strong enough to shut down great universities even for a limited time.

There are many and complex causes for this. But as I see it, the situation in the university is part of a larger phenomenon, viz., the climate of intellectual life in the country. I do not recall any other period in the last 50 years when intellectuals themselves have been so intolerant of each other, when differences over complex issues have been the occasion for denunciation rather than debate and analysis, when the use of violence—in the right cause, of course!—is taken for granted, when dissent is not distinguished from civil disobedience, and civil disobedience makes common cause with resistance, and readiness for insurrection. A few short years ago, anti-intellectualism was an epithet of derogation. Today it is an expression of revolutionary virility.

FANATICISM RAMPANT

In the fifties I wrote an essay on "The Ethics of Controversy," trying to suggest guidelines for controversy among principled democrats no matter how widely they differed on substantive issues. Today I would be talking into the wind for all the attention it would get. Fanaticism seems to be in the saddle. That it is a fanaticism of conscience, of self-proclaimed virtue, doesn't make it less dangerous. This past year has presented the spectacle of militant minorities in our colleges from one end of the country to another, preventing or trying to prevent representatives of positions they disapprove of from speaking to their fellow-students wishing to listen to them.

The spectacle shows that we have failed to make our students understand the very rudiments of democracy, that to tolerate active intolerance is to compound it. If we judge commitment by action, the simple truth is that the great body of our students is not firmly committed to democracy or to the liberal spirit without which democracy may become the rule of the mob.

I do not know any sure way or even a new way of combatting the dominant mood of irrationalism, especially among students and even among younger members of the faculty whose political naivete is often cynically exploited by their younger, yet politically more sophisticated, allies. What is of the first importance is to preserve, of course, the absolute intellectual integrity of our classrooms and laboratories, of our teaching and research against any attempt to curb it. We must defend it not only against the traditional enemies, who still exist even when they are dormant, but also against those who think they have the infallible remedies for the world's complex problems, and that all they need is sincerity as patent of authority. Fanatics don't lack sincerity. It is their long suit. They drip with sincerity—and when they have power, with blood—other people's blood.

We need more, however, than a defensive strategy, safeguarding the intellectual integrity of our vocation against those who threaten it. We need—and I know this sounds paradoxical—to counterpose to the revolt of the emotionally committed the revolt of the rationally committed. I do not want to identify this with the revolt of the moderates. There are some things one should not be moderate about. In the long run, the preservation of democracy depends upon a passion for freedom, for the logic and ethics of free discussion and inquiry, upon refusal to countenance the measures of violence that cut short the processes of intelligence upon which the possibility of shared values depends.

These are old truths but they bear repeating whenever they are denied. Even tautologies become important when counterposed to absurdities.

We as teachers must make our students more keenly aware of the centrality of the democratic process to a free society and of the centrality of intelligence to the democratic process. Democracy has our allegiance because of its cumulative fruits, but at any particular time the process is more important than any specific program or product. He who destroys the process because it does not guarantee some particular outcome is as foolish as someone who discards scientific methods in medicine or engineering or any other discipline because of its failure to solve altogether or immediately a stubborn problem.

COURAGE NEEDED

There is one thing we cannot deny to the intransigent and fanatical enemies of democracy. That is courage. Intelligence is necessary to overcome foolishness. But it is not sufficient to tame fanaticism. Only courage can do that. A handful of men who are prepared to fight, to bleed, to suffer and, if need be, to die, will always triumph in a community where those whose freedom they threaten are afraid to use their intelligence to resist and to fight, and ultimately to take the same risks in action as those determined to destroy them.

Yes, there is always the danger that courage alone may lead us to actions that will make us similar to those who threaten us. But that is what we have intelligence for—to prevent that from happening! It is this union of courage and intelligence upon which the hope of democratic survival depends.

GREEK-TURKISH ECONOMIC COOPERATION PROJECT

Mr. JAVITS. Mr. President, I have on several previous occasions brought to the attention of the Senate the work of the project for Greek-Turkish economic cooperation. Reports on this matter were presented on June 3, 1965, on October 20, 1965, on January 19, 1967, and on December 15, 1967.

I now present a report on this important project through the calendar year 1968.

Mr. President, first I should like to submit for the RECORD the substantive text of a report which I presented to the North Atlantic Assembly on November 20, 1968. That report was presented to the North Atlantic Assembly in my capacity as trustee of the Special Committee on Developing NATO Countries, of which I was chairman, and which has now been dissolved, its principal functions having been successfully discharged. I have been requested by the North Atlantic Assembly to act as the custodian of the responsibilities of that committee and it is in this capacity that I have presented my report to the North Atlantic Assembly itself.

Several developments, falling outside of the scope of the report presented to the North Atlantic Assembly, should be reported. Chief among these is the fact of a highly successful meeting of the Eastern Mediterranean Development Institute, which took place in Brussels on November 14 and 15, 1968. The meeting was attended by a representative group of industrialists, bankers, and businessmen from Greece and Turkey, and also from the other countries of the North Atlantic Alliance. A broadly representative board of directors of the Eastern Mediterranean Development Institute was elected, and that institute was launched on what promises to be an extremely successful career.

Second, in December 1968, the work which has been done on the development of the basin of the Meric-Evros River was carried a further step forward, in the course of meetings between myself, Mr. Rubin, executive director of EMDI, and Mr. Paul Hoffman, director, and Mr. Paul-Marc Henry, deputy director of the United Nations Development Program. It is anticipated that a UNDP project team will be visiting Greece and Turkey shortly, and that further steps in the development of mutually desirable relationships between Greece and Turkey will thus have been taken.

Mr. President, I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT OF SENATOR JACOB K. JAVITS, AS TRUSTEE FOR THE SPECIAL COMMITTEE ON DEVELOPING NATO COUNTRIES, OF THE NORTH ATLANTIC ASSEMBLY, NOVEMBER 1968

It may be said at the outset that initiative taken by the Assembly (then the NATO Parliamentarians' Conference) has been demonstrated to have been a valuable contribution to development and to amelioration of relations between two important countries of NATO. The work of the Project and of the Institute have been founded on the conviction that an enterprise which is essentially private in its nature, and which has relied on the mutuality of interest in the private sector on both sides, can carry on important functions even during a period marked by a variety of governmental difficulties. That this is so is, of course, attributable largely to the fact that both of the directly interested nations have continued to give their interest and their support to the project. It is also due to the willingness of businessmen, industrialists and bankers, not only of Greece and Turkey, but also of North America and Western Europe, to make a strenuous effort toward cooperative and mutually beneficial results. In great measure, the benefits of this project go beyond its own limits, and demonstrate the feasibility of mobilizing the great resources of private enterprise toward a broadly statesmanlike end.

The technique here used may therefore suggest possibilities for much useful work, beyond the parameters of the Greek-Turkish enterprise itself. I should therefore mention at the outset the important role played by my former colleagues on the Special Committee, particularly the Deputy Chairmen of that Committee, Messrs. Spanorrigas of Greece and Gülek of Turkey, and its Rapporteur, Mr. Westerterp of the Netherlands. In the work of the Institute, of which (as was the case with the Special Committee), I have the honor to be Chairman, Messrs. Gülek and Governor Karol Arliotis of Greece, and Mr. George James of the United States, have given time, energy, and skilled guidance. Much credit is due to them, and to the devoted service of former Ambassador Seymour Rubin, the Executive Director of the project, and Mr. Albert Zumbiehl, his European associate.

Finally, the Honorable Seymour J. Rubin of the United States and M. Albert Zumbiehl of France have consented to continue with the Institute as Executive and European Directors, respectively. Much is owed to them for the success of the project so far.

I may come now to the organizational framework as it presently exists.

As was reported in November 1967 to be the intention, the Eastern Mediterranean Development Institute was in fact organized as a non-profit corporation under the laws of the District of Columbia of the United States. A meeting of the nucleus of its Board of Directors was held in Athens, in May, 1968. At that meeting a number of important organizational decisions were taken.

It was decided, first of all, that branches or sister organizations, depending on the legal and other relevant considerations in the two countries, should be established in Greece and Turkey. Informally, steps have already been taken in this direction, continuing and expanding upon the systems of liaison which has proved its merit. In both Greece and Turkey, assurances of financial support for these national operations have been given, with a special fund already created in Greece and partially contributed in Turkey.

Secondly, it was decided to expand the Board of Directors so as to include important and representative business and financial interests in North America and Western Europe. I am glad to be able to report that invitations extended by me to a number of such persons have been accepted, and that the first order of business of the current meeting of the Institute (in Brussels on Nov. 15, 1968) will be to fill out the Board. Those who have been offered and have accepted membership on the Board have shown past interest in the project, have expressed willingness to help in the future, and are indeed a distinguished group.

Thirdly, it was emphasized at the Athens meeting that important decisions of the Institute must reflect also the agreement of the Turkish and Greek members. This is an obvious requirement, but one which nonetheless deserves mention specifically. It reflects my strong personal conviction, shared by my colleagues, that useful work in this—as in many other areas of international activity—must rest on the interest, and involvement, indeed the commitment of those directly affected, and with most at stake. The Institute must not, and will not, be an organization which seeks to tell our Greek and Turkish friends what is good for them. Its work must arise out of their conviction that they wish done what the Institute can do, and out of their full participation in its work, at all stages from planning to implementation. In such circumstances, the Institute can perform a valuable catalytic function, can help to mobilize outside resources, can act as a liaison with various international and national organizations. But a basic responsibility for decision must be recognized to rest with the Greek and Turkish participants.

Brief mention may be made of the financial arrangements for the Institute, and of plans for the future.

A generous grant has again been made by the Ford Foundation to help in the establishment of the Institute. I have already mentioned the financial support given or committed on the Greek and Turkish sides. Mr. George James of the Mobil Corporation of the United States has carried to other American and Canadian companies his own conviction in the worth of this work, and has mobilized substantial financial assistance. As a result, the matching requirement of the Ford Foundation grant has already been met. It is hoped that interest in Western Europe, where connections with Greece and Turkey are strong and traditional, will be reflected in additional support.

Since the Institute plans to have no substantial staff of its own, but to rely heavily on the expertise available to its membership, these arrangements should carry the Institute through calendar year 1969. During 1969, it is hoped to transform the Institute into a broadly based organization, with a substantial membership in the business and financial communities, as well as in professional circles. Hopefully, the Institute would then be supported by numerous but relatively smaller contributions with individual projects being the beneficiaries of collateral financing by foundations or others—as was, for example, the case with the generous financing of the studies of the Meric/Evros River by the Thyssen and Volkswagen Foundations. Administrative costs will thus be kept to a minimum, with available resources being used for directly productive projects.

As will be recalled, at the meetings of November, 1967, both of the Assembly and of the International Advisory Commission of the Project for Greek-Turkish Economic Cooperation, a Work Program was approved. This document suggested that the work of the Institute might be divided into two main categories: in the general category was the continuation of efforts to encourage fruitful contacts and discussions, in the context of the international organizations of which Greece and Turkey are both members, and with emphasis on the private sector; in the specific category was work on the various projects already or to be undertaken—the Meric/Evros work, tourism, agriculture, cultural exchange, and so forth.

I am pleased to be able to report that much has been done, in both categories.

New contacts have been established and existing ones strengthened. During the meetings in Athens of May, 1968, for example, special sessions, both formal and informal, were arranged between members of the Greek and Turkish investment banking communities, and between institutions financing economic development. These meetings were a more specific followup of meetings which it has been my practice to arrange in Washington during the meetings there of the Governors of the World Bank and the International Monetary Fund. Thus, the May meetings in Athens, with a few but deeply interested participants, were followed by a useful breakfast meeting held at my invitation in the Capitol in Washington, where participation included not only the official representatives of Greece and Turkey, members of the investment banking communities in both countries, and in the United States, but also representatives of the World Bank and the International Finance Corporation.

Nor have these sessions been merely discussions, useful though discussions of this sort is. Specific proposals have been elaborated for a study of complementary investment opportunities and policies. Here a memorandum was prepared by Mr. Rubin, but only after consultation with and strong encouragement from the financiers of industrial development in Greece and Turkey. The memorandum was subsequently circulated to and discussed with the World Bank and the IFC. The breakfast meeting to which I have alluded, of October 3, 1968, was thus held on the basis of much preparatory work, and has resulted in specific proposals being elaborated in consultation with the Turkish and Greek sides. An informal agreement has been reached to exchange information relating to laws and practices which might affect complementary or even joint financing of projects. As a further step toward implementation of these proposals, and again with the full participation of the Greek and Turkish investment bankers, a survey is being discussed with the Agro-Industrial Development Company, an American-based organization which combines the resources of several companies in the agricultural-industrial field, and which has also the participation of Adela—a highly successful enterprise in whose initiation I and the NATO Parliamentarians' Conference played a vital role.

I go into this matter in some detail for several reasons. The proposal to bring together the investment and banking interests concerned with economic development is important in itself, since it cuts across all fields of economic development, and not merely a single industry, however important. But this project also illustrates the progress of a project, from a general discussion arranged by the Institute to the elaboration in close consultation with all concerned of a proposal, the revision of that proposal after consultation with the competent international organizations, subsequent discussion of methods of implementation, and then placing the proposal before capable private organizations. It is of course too early to say what will be the outcome. It is not too early to say that the working out of a project in this manner is, in and of itself, important.

With respect to specific projects, I am unfortunately not able to report much advance in our projected work on tourism, a field which is by all objective appraisals an extremely desirable one for cooperation, with much mutual benefit to be derived. Despite much work, and many assurances of willingness to meet, it has been difficult to follow up on the useful meeting of November, 1966, and the subsequent informal talks in the following year. Nonetheless, it may be reported that this was one of the subjects discussed during the May visit of the Greek Minister of Commerce to Ankara, and it may be said that the difficulties appear to be procedural rather than substantive.

On other fronts, work is progressing, with organizations such as the FAO and the OECD participating. The most important and indeed dramatic results, however, have been achieved in connection with the Meric/Evros project.

In October, 1967, at a conference in Frankfurt, Germany, the report was finalized of the tripartite (German, Greek, Turkish) expert commission set up to make a reconnaissance survey of the Meric/Evros River basin. The economic—and political—significance of this cooperative work on this border between Greece and Turkey is evident. Although the work on the study was done by private experts, under private auspices, it received the full support of governmental authorities on both sides. The report, when completed, was forwarded to several international institutions, notably the World Bank and the United Nations Development Programme, which had taken a strong interest in this project from the outset.

As I have previously indicated, I received some months ago the visit of the Bulgarian Ambassador in Washington, who expressed the interest of his government in the matter—an interest which is both natural and useful, since the river originates and flows for almost 60% of its length in Bulgaria. As has been indicated in the report made by our own tripartite expert commission, Bulgarian cooperation would substantially improve the cost-benefit ratios of work to be done on the Greek-Turkish segment of the river. The Bulgarian authorities having further indicated their interest, and after this interest having been made known both to the United Nations Development Programme and the Greek and Turkish authorities, a further meeting took place between myself and the Bulgarian Permanent Representative to the United Nations in Geneva, under the auspices of the UNDP. In early October of this year, Mr. Rubin was informed by the UNDP that the Bulgarians would be pleased to receive a UNDP exploratory mission.

During the week of October 30-November 6, thus, a small UNDP mission has visited Sofia, Athens and Ankara. It should be underscored that this is an exploratory mission, particularly insofar as any plans beyond the boundaries of Greece and Turkey are concerned. It is nevertheless an important fact that the UNDP is discussing with Greece and Turkey the possibility of further steps looking toward a full scale feasibility study of the Meric/Evros region, that Bulgaria, as one of the riparian states, has been informed, and that this important regional and multinational project continues to progress, with United Nations participation.

It may be further pointed out that discussions in Washington growing out of the interest in the United States in a Water for Peace programme have centered on the Meric/Evros and the work of the Institute. After the international Water for Peace Conference in Washington, in the summer of 1967, much attention has been focussed on multinational projects. In this context, the work of the Institute has attracted attention, and it has been suggested that this work might provide the starting point for two fields of investigation. One such field would be the utilisation of the *technique* of the Meric/Evros study—that is, the use of private scientists, privately sponsored, but with full governmental support and approval. Here it may be that in certain cases more can be achieved, to the greater satisfaction of all, than would be the case if rigorous channelization through governmental departments were the rule. The second such field is the possibility of experimenting with computerization, in order to keep data both current and immediately available. Here work done by the FAO is relevant, and the establishment of a data storage, information retrieval and possibly a research center has been preliminarily discussed, with it having been suggested that a start might be made in a seminar on the subject of international river basins, which could be sponsored jointly by the Water for Peace office and the Institute. As a measure of the interest in this matter, a representative of the Water for Peace Programme will address the November 15, 1968 meeting of the Institute.

All of this represents much useful and tangible work. But I feel that most important, among the achievements to which the Special Committee, the Project for Greek-Turkish Economic Cooperation and the Institute can lay claim to a greater or lesser degree, is the greater measure of confidence in Greek-Turkish relations, both in the private and the governmental sector. Mr. Rubin has recently been able to inform the Greek business and industrial community that an invitation to come to Turkey for friendly discussions on matters of common interest will shortly be extended. Contacts in the cultural sphere, which would have been out of the question not long ago, are now under discussion. This is substantial and meaningful progress, on the basis of which a solid and continuing relationship between Greece and Turkey may be built.

HUMAN RIGHTS: WHERE OUR INVESTMENT STOPS—XIII

Mr. PROXMIRE. Mr. President, since the United Nations was established in 1946, the United States has contributed almost $450 million to the support of the organization.

This contribution represents a significant investment by us in the cause of peace. It also represents an investment of confidence and hope in the United Nations itself, as one means to bring about a more ordered and peaceful world.

There is a serious reason to mention this, Mr. President. It concerns the field of human rights. While we have invested a half billion dollars to support the institutions of the organization, we have not ratified the human rights conventions which that organization has developed. After 20 years, we stand as one of four major members of the U.N. which have ratified only two or less of the almost 20 conventions. The other major countries, Mr. President, whose record rivals our own are Bolivia, Saudi Arabia, South Africa, and Thailand.

The two conventions that have been ratified by the United States are concerned with the abolition of slavery. They are important. But the "big three" of the conventions are those which outlaw genocide, abolish forced labor, and guarantee fair and equal rights for women. But these and all but two of the conventions still await the ratification of the U.S. Senate.

Mr. President, one way to make certain that our contributions to the U.N. will return a substantial dividend for mankind is to ratify these important conventions.

SUPPORT OF SECRETARY OF THE INTERIOR HICKEL BY MANY ALASKANS

Mr. STEVENS. Mr. President, in the period preceding the confirmation of the nomination of Gov. Walter J. Hickel to be Secretary of the Interior, more than 60 Alaskans came to Washington. Those in attendance consisted of many native leaders, business and community leaders, and people who have been friends of Mr. Hickel for many years.

These people to me represent a democracy really in action.

I ask unanimous consent that the names of the Alaskans who were in the Nation's Capital to support the confirmation of the nomination of Gov. Walter J. Hickel to be Secretary of the Interior be printed in the Record.

There being no objection, the list of names was ordered to be printed in the Record, as follows:

Alaskans Who Were in the Nation's Capital and Supported the Confirmation of the Nomination of Walter J. Hickel To Be the Secretary of the Interior

Flore Lekanof, Box 289, Star Route A, Anchorage, Alaska; consultant to AFN.

William H. Scott, 736 G Street, Anchorage, Alaska; member of the firm of Peat, Marwick, Mitchell.

Cliff R. Taro, Southeast Stevedoring Corp., P. O. Box 1411, Ketchikan, Alaska; president and general manager of Southeast Stevedoring Corporation.

Raymond C. Christiansen, Box 35, Bethel, Alaska; president, Christiansen Air Service.

Mr. Herb Lehfeldt, City Manager, 155 S. Seward, Juneau, Alaska; city manager of Juneau.

Mr. Charles F. Lunsford, 2633 34th Street, Anchorage, Alaska; Bear Run Building Materials.

Mr. Lewis Dischner, 1332 Hillcrest Drive, Anchorage, Alaska; legislative representative for the Teamsters, Anchorage.

Mr. John T. Rowlett, P.O. Box 1389, Fairbanks, Alaska; Rowlett and Associates, oil and gas consultants.

William I. Waugaman, 270 Illinois Street, Fairbanks, Alaska; general manager, Usibelli Coal Mines, Inc.

Robert A. Davenny, 2414 Susitna Drive, Anchorage, Alaska; R. A. Davenny and Associates, Contracting.

Mrs. Margee Fitzpartrick, 2407 Cottonwood, Anchorage, Alaska.

Mr. David W. Redeker, 325 Dewey Circle, Anchorage, Alaska; insurance.

Mr. Andy Milner, 2214 Susitna Drive, Anchorage, Alaska; contractor, Anchorage, Alaska.

Mrs. Brideen C. Milner, same address as above; chairman of the board, Alaska State Bank, Anchorage, Alaska.

Alvin O. and Rosa Bramstedt, 2612 Brooke Drive, Anchorage; radio and TV.

Willard L. Bowman, 1112 E. 68th Street, Anchorage, Alaska; executive director, Alaska State Commission for Human Rights.

D. Peter Shoup, 111 4th Street, Juneau, Alaska; Alaska manager, Association of Pacific Fisheries.

R. L. Rettig, 544 Fifth Avenue, Anchorage, Alaska; president, Alaska Mutual Savings Bank.

Mr. Ken Sheppard, Box 97, Anchorage, Alaska; consulting engineer.

Mr. Ken Brady, 4001 Turnagain Blvd. East, Anchorage, Alaska; Ken Brady Construction Co., Inc., General Contractors.

Robert J. Halcro, transportation.

Mr. William L. Warren, 2400 Susitna Drive, Anchorage, Alaska; house furnishings.

Carl and Carol Brady, 712 W. 18th Avenue, Anchorage, Alaska; air transportation.

Mr. Clifford Groh, 430 C Street, Anchorage, Alaska; attorney.

Eben Hobson, Barrow, Alaska; construction.

Mrs. Al Owens, Kodiak, Alaska.

William Hensley, Kotzebue, Alaska; member of the Alaska State Legislature and vice chairman of A.F.N.

Mr. Roger Lang, Sitka, Alaska; Sitka Native Brotherhood, Education Committee, first vice president, Tungit and Haida.

Mr. Richard Frank, 255 College Road, Fairbanks, Alaska; member of the board of directors, Fairbanks Native Association.

Mrs. Walter J. Hickel, Juneau, Alaska.

Mr. Jack Hickel, Juneau, Alaska.

Senator Ernest Gruening, Juneau, Alaska.

Mr. Walter J. Hickel, Jr., Juneau, Alaska.

Mr. and Mrs. Charles Cole, 1109 Park Drive, Fairbanks, Alaska; attorney.

Mr. and Mrs. Ken Davis, 2072 Stanford Drive, Anchorage, Alaska; car dealer.

Michael Bierne, M.D., 207 E. Northern Lights Blvd., Anchorage, Alaska.

George and Stella Boney, 1707 Sunrise Drive, Anchorage, Alaska; attorney.

M. A. Braund, 3130 Iliamna, Anchorage, Alaska; contractor.

Mr. Joe Kuchta, Kenai, Alaska.

Warren Christianson, 132 Lincoln, Box 4, Anchorage, Alaska.

Mr. Edward Wayer, Anchorage, Alaska.

Mr. Hal Olson, Douglas, Alaska.

Mr. and Mrs. Preston Locher, 2822 McCollie, Anchorage, Alaska; Locher Construction Co.

Mr. Ken Hinchey, 1327 W. Hillcrest Drive, Anchorage, Alaska; contractor.

A. G. Hiebert, 111 F. Street, Anchorage, Alaska; radio and TV.

Mr. Vernon W. Hickel, Anchorage, Alaska.

Mr. and Mrs. Charles Meacham, Juneau, Alaska.

Alexis Miller, Fairbanks, Alaska.

Miss Vi Bjerke, Anchorage, Alaska.

Mrs. Nancy Mood, 427 Buren, Ketchikan, Alaska.

Miss Rose Golik, 1615 Hidden Lane, Anchorage, Alaska.

Mrs. Madeleine Hickel, Anchorage, Alaska.

Mr. Emil Notti, Anchorage, Alaska; president, Alaska Federation of Natives.

Mr. John Borbridge, Albert Kaloa Bldg., Anchorage, Alaska; vice president, Alaska Federation of Natives.

Mr. Barry Jackson, Fairbanks, Alaska; attorney.

Eldon Ulmer, Anchorage, Alaska.

Mr. John Sweet, 3000 Sheldon Jackson, Anchorage, Alaska.

Mr. Bob Zelnick, Anchorage, Alaska.

Neland Haavig, Box 901, Sitka, Alaska.

Miss Tony Stepovich, Fairbanks, Alaska.

Mr. Donald Simasko, 2101 Forest Park Drive, Anchorage, Alaska.

Miss Anne Sweet, 3000 Sheldon Jackson, Anchorage, Alaska.

PRESIDENT NIXON'S FIRST NEWS CONFERENCE

Mr. MURPHY. Mr. President, I could not have been more pleased and heartened than I was by the very impressive performance yesterday of President Nixon at his first news conference as Chief Executive. Everyone with whom I have talked since has enthusiastically volunteered the opinion, which I certainly share, that the President showed himself to be cool, confident, and competent—clearly in command of the situation and fully prepared to meet the challenges he will face.

President Nixon, in the statesmanlike inaugural address, set the tone and enunciated the goals of his administration—peace in the world and a healthy, ordered, compassionate society at home. Yesterday I believe he showed his determination and his ability to lead us "forward together" toward these goals.

As a longtime friend, I am of course proud of the President for the dignified and knowledgeable way in which he has assumed his high office—but of far wider significance, I am delighted at the hopeful prospects his leadership raises for our people and for the entire free world.

I ask unanimous consent that the text of the President's first news conference be included in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

TRANSCRIPT OF PRESIDENT NIXON'S NEWS CONFERENCE ON FOREIGN AND DOMESTIC AFFAIRS

Ladies and gentlemen, since this is my first press conference since the inauguration, I can imagine there are a number of questions. Consequently I shall make no opening statement and will go directly to your questions.

1. LEGISLATIVE PROGRAM

Q. Mr. President. Sir, do you plan to make your own State of the Union Message and do you have a major legislative program to present to Congress this year?

A. I shall have a major legislative program to present to the Congress this year. Whether that would best be presented by a series of individual messages or a State of the Union Message supplemented by some individual messages has yet to be determined. I will make a determination within the next two weeks after consultation with the legislative leaders.

2. VIETNAM PEACE PLAN

Q. Mr. President. Now that you're President, what is your peace plan for Vietnam?

A. I believe that as we look at what is happening in the negotiations in Paris that as far as the American side is concerned, we are off to a good start. What now, of course, is involved is what happens on the other side. We find that in Paris, if you read Ambassador Lodge's statement, that we have been quite specific with regard to some steps that can be taken now on Vietnam.

Rather than submitting a laundry list of various proposals, we have laid down those things which we believe the other side should agree to and can agree to—the restoration of the demilitarized zone as set forth in the Geneva Conference of 1954, mutual withdrawal—guaranteed withdrawal of forces by both sides, the exchange of prisoners, all of these are matters that we think can be precisely considered and on which progress can be made.

Now where we go from here depends upon what the other side offers in turn.

3. RELATIONS WITH CHINA

Q. Mr. President, now that you are President, could you be specific with us about what your plans are for improving relations with Communist China and whether you think you'll be successful or not.

A. Well I have noted, of course, some expressions of interest on the part of various Senators and others in this country with regard to the possibility of admitting Communist China to the United Nations.

I also have taken note of the fact that several countries, including primarily Italy among the major countries, have indicated an interest in changing its policy and possibly voting to admit Communist China to the United Nations.

The policy of this country and this Administration at this time will be to continue to oppose Communist China's admission to the United Nations.

There are several reasons for that. First, Communist China has not indicated any interest in becoming a member of the United Nations. Second, it has not indicated any intent to abide by the principles of the U.N. Charter and to meet the principles that new members admitted to the United Nations are supposed to meet, and, finally, Communist China continues to call for expelling the Republic of China from the United Nations and the Republic of China has, as we—I think—most know, been a member of the international community and has met its responsibilities without any question over these past few years.

Under these circumstances, I believe it would be a mistake for the United States to change its policy with regard to Communist China in admitting it to the United Nations.

Now there is a second immediate point that I have noted and that is the fact that there will be another meeting in Warsaw. We look forward to that meeting. We will be interested to see what the Chinese Communist representatives may have to say at that meeting whether any changes of attitude on their part on major substantive issues may have occurred.

Until some changes occur on their side, however, I see no immediate prospect of any change in our policy.

4. MOST URGENT PROBLEMS

Q. Mr. President, what problems that you have to cope with do you feel require your most urgent attention?

A. Well, Mr. Kaplow, the major problems with which I've been concerned in this first week have been in the field of foreign policy because there only the President can make some of the decisions. And consequently the Security Council, as you ladies and gentlemen are aware, has had two very long meetings, and in addition I spent many long hours at night reading the papers which involve the foreign policy of the United States.

This afternoon, I will go to the Pentagon for my first major briefing by military officials on our military situation. Going beyond that, however, I would say that the problems of our cities which have been discussed at length at the Urban Affairs Council and our economic problems which were discussed at the meeting we had in the new Cabinet Committee on Economic Policy require urgent attentions.

It's very difficult to single one out and put it above the other. There are a number of problems which this Administration confronts. Each requires urgent attention. The field of foreign policy will require more attention because it is in this field that only the President in many instances can make the decision.

5. NUCLEAR POLICY

Q. Mr. President, on foreign—foreign policy, nuclear policy in particular, could you give us your position on the nonproliferation treaty and on the starting of missile talks with the Soviet Union?

A. I favor the nonproliferation treaty. The only question is the timing of the ratification of that treaty. That matter will be considered by the National Security Council by my direction during a meeting this week. I will also have a discussion with the leaders of both sides in the Senate and the House on the treaty within this week and in the early part of next week.

I will make a decision then as to whether this is the proper time to ask the Senate to move forward and ratify the treaty. I expect ratification of the treaty and will urge its ratification at an appropriate time and I would hope an early time.

As far as the second part of your question with regard to strategic arms talks, I favor strategic arms talks. Again it's a question of not only when but the context of those talks.

The context of those talks is vitally important because we're here between two major, shall we say, guidelines. On the one side there is the proposition which is advanced by some that we should go forward with talks on the reduction of strategic forces on both sides.

We should go forward with such talks clearly apart from any progress on political settlement and on the other side the suggestion is made that until we make progress on political settlements, it would not be wise to go forward on any reduction of our strategic arms even by agreement with the other side.

It is my belief that what we must do is to steer a course between those two extremes. It would be a mistake, for example, for us to fail to recognize that simply reducing arms through mutual agreement, that failing to recognize that that reduction will not in itself assure peace. The war which occurred in the Mideast in 1967 was a clear indication of that.

What I want to do is to see to it that we have strategic arms talks in a way and at a time that will promote, if possible, progress on outstanding political problems at the same time, for example, on the problem of the Mideast, on other outstanding problems in which the United States and the Soviet Union acting together can serve the cause of peace.

6. PEACE IN THE MIDEAST

Q. Mr. President, do you, or your Administration, have any plan outside the United Nations' proposal for achieving peace in the Middle East?

A. As you ladies and gentlemen are aware, the suggestion has been made that we have four-power talks. The suggestion has also been made that we use the United Nations as the primary forum for such talks. And, it has also been suggested that the United States and the Soviet Union bilaterally should have talks on the Mideast, and, in addition to that, of course, that the problem finally should be settled by the parties in the area.

We are going to devote the whole day on Saturday to the Mideast problem, just as we devoted the whole day this last Saturday on the problem of Vietnam. We will consider on the occasion of that meeting the entire range of options that we have. I shall simply say at this time that I believe we need new initiatives and new leadership on the part of the United States in order to cool off the situation in the Mideast.

I consider it a power keg—very explosive—it needs to be defused, and I am open to any suggestions that may cool it off and reduce the possibility of another explosion—because the next explosion in the Mideast, I think, could involve, very well, a confrontation between the nuclear powers—which we want to avoid. I think it's time to turn to the left now.

7. BUDGET REDUCTIONS

Q. Mr. President, could you tell us whether you've had a chance to examine the Johnson budget, and whether you see any hopes for reductions in the Johnson budget?

A. Yes, I have examined it. As far as hopes for reduction are concerned, the Director of the Budget has just Friday issued instructions to all of the departments to examine the budget in their departments very closely and to give us recommendations as to where budget cuts might be made. For two purposes: one, because we would like to cut the over-all budget, and two because we want to have room for some of the new programs that this Administration—and the new approaches that this Administration—would like to implement.

At this time, I cannot say where and how the budget can be cut. I will say that we are taking a fresh look at all of the programs and we shall attempt to make cuts in order to carry out the objectives that I set forth during the campaign.

8. CEASE-FIRE IN VIETNAM

Q. Mr. President, do you consider it possible to have a cease-fire in Vietnam so long as the Vietcong still occupy Vietnamese territory?

A. I think that it is not helpful in discussing Vietnam to use such terms as cease-fire, because cease-fire is a term of art that really has no relevance, in my opinion, to a guerrilla war.

It's when you're talking about a conventional war, then a cease-fire, agreed upon by two parties, means that the shooting stops. When you have a guerrilla war, in which one side may not even be able to control many of those who are responsible for the violence in the area, the cease-fire may be meaningless.

I think at this point that this Administration believes that the better approach is the one that Ambassador Lodge, under our direction, set forth in Paris—mutual withdrawal of forces, on a guaranteed basis by both sides, from South Vietnam.

9. NUCLEAR WEAPONS STRENGTH

Q. Mr. President, back to nuclear weapons—both you and Secretary Laird have stressed, quite hard, the need for superiority over the Soviet Union. But what is the real meaning of that, in view of the fact that both sides have more than enough already to destroy each other, and how do you distinguish between the validity of that stance and the argument of Dr. Kissinger for what he calls "sufficiency."

A. Here again, I think the semantics may offer an inappropriate approach to the problem. And, I would say that with regard to Dr. Kissinger's suggestion of sufficiency that that would meet, certainly, my guideline—and I think Secretary Laird's guideline—with regard to superiority.

Let me put it this way: When we talk about parity, I think we should recognize that wars occur, usually, when each side believes it has a chance to win. Therefore, parity does not necessarily assure that a war may not occur.

By the same token, when we talk about superiority, that may have a detrimental effect on the other side, in putting it in an inferior position, and therefore giving great impetus to its own arms race. Our objective in this Administration—and this is a matter that we're going to discuss at the Pentagon this afternoon, and it will be a subject of a major discussion in the National Security Council within a month—our objective is to be sure the United States has sufficient military power to defend our interests and to maintain the commitments which this Administration determines are in the interests of the United States around the world. I think sufficiency is a better term, actually, than either superiority or parity.

10. CRIME IN THE CAPITAL

Q. Mr. President, you talked quite a bit during the campaign about crime in the District of Columbia. We've had quite a bit of it since January the first, and I wondered how you propose to deal with it.

A. Mr. Healey, it's a major problem in the District of Columbia, as I found when I suggested to the Secret Service I'd like to take a walk yesterday. I'd read Mary McGrory's column and wanted to try her cheesecake. But, I find, of course, that taking a walk here in the District of Columbia—and particularly in the evening hours—is now a very serious problem, as it is in some other major cities.

One of the employes at the White House, just over the weekend, was the vicitm of a purse-snatching—which brings it very close to home. And, incidently, I might point out in that case, that my advisers tell me that by seeing that the area is better lighted that perhaps the possibility of purse-snatching and other crimes in the vicinity of the White House might be reduced—therefore we have turned on the lights in all of that area, I can assure you.

But, to be quite specific with regard to the District of Columbia, it was not only a major commitment in the campaign, it is a major concern in the country—I noted an editorial in one of the major papers—The New York Times, for example—that Washington, D.C., was now a city of "fear and crime".

That may go too far, but at least that was their judgment. And both of the . . . all three of the Washington papers indicate great concern. Consequently, I have on an urgent basis instructed the Attorney General to present to me a program to deal with crime in the District of Columbia, and an announcement as to that program, and also an announcement as to what we will ask the Congress to do, in addition to what we will do administratively, will be made at the end of this week.

11. REVERSING JOHNSON MOVES

Q. Mr. President, why did you decide to withdraw all the appointments that had been sent to Capitol Hill by your predecessor—could you tell us why you decided to cancel the decision, for the time, in the Pacific airline case.

A. Well first on—with regard to the appointments, I had two precedents to follow, and so, consequently, I took my choice. In the one instance, President Kennedy, as you recall, did not withdraw the appointments of judgeships which he inherited from President Eisenhower.

On the other hand, President Eisenhower had withdrawn all appointments and then proceeded to make new appointments, including some from the list that had been withdrawn. I felt that the Eisenhower approach was the more efficient way to handle it.

I should point out that, among those names that have been withdrawn, I already know that some will be reappointed. But I felt that the new Administration should examine the whole list and make its own decision with regard to whether the individuals that had been appointed would serve the interests of the nation, according to the guidelines that the new Administration was to lay down.

With regard to the action that had been taken by the previous Administration on the airlines, I received recommendations—or, shall I say requests—on the part of both the chairman of the House Foreign Affairs Committee, and the chairman of the Senate Foreign Relations Committee—that this matter be returned to the White House for further examination.

As you know, the President has authority in this field only where it involves international matters. Under the circumstances—since both chairmen were members of the other party, and since also I received suggestions from a number of other Congressmen, both Democrat and Republican as well as Senators, that this should be re-examined, I brought it back for re-examination.

One other point that should be made. There is no suggestion, in asking for a re-examination of that decision, of impropriety or illegality or improper influence. We will examine the whole situation, but particularly with regard to its impact on foreign relations.

12. DEAL ON JUDGESHIPS

Q. Mr. President, Ramsey Clark stated this morning that you gave President Johnson assurances through Attorney General Mitchell that you would not withdraw the judicial nominations of Mr. Poole, Mr. Byrnes and several others. Would you comment on that sir?

A. Well I remember exactly what did occur and it may be that we did not have an exact meeting of the minds in the event that Ramsey Clark—former Attorney General Clark—had that understanding.

What happened was that Ramsey Clark discussed this matter during the period between the election and the inauguration with Attorney General Mitchell. He asked Attorney General Mitchell to ask me whether I would object to action on the part of President Johnson in the event that he did submit these appointments to the Senate.

My reply was that I would not object to President Johnson's submitting such—submitting names to the Senate just as I did not object to his action in the trans-Pacific case or in any other area.

As you ladies and gentlemen are quite aware, I have scrupulously followed the line. We have one President at a time and that he must continue to be President until he leaves office on January the 20th.

However, I did not have any understanding with the President directly and no one including Attorney General Mitchell as far as I was concerned had any discretion to agree to a deal that these nominations having been made would be approved by me.

I have withdrawn them and now I'm going to examine each one of them, and as I've already indicated I have decided that in at least some instances some of the names will be resubmitted.

13. CONGRESSIONAL RELATIONS

Q. Mr. President, in the last Administration, the McClellan Committee ran into considerable problems obtaining information on cost, performance and development on the TFX F-111 contract. I wondered if you will open the records on this and what your general view is with regard to dealing with Congressional Committees?

A. I understand not only the McClellan Committee but Mr. [Clark] Mollenholf [of Cowles publication] did some examination in this field too. With regard to the TFX and also with regard to all of the matters that you have referred to, this Administration will reexamine all past decisions where they are not foreclosed—the re-examination not foreclosed by reason of what has gone before.

I will not, however, at this time prejudge what that examination will indicate. I believe that it is in the best interest of the nation when a new Administration comes in with a new team that the President direct the new team as I have directed it very strongly during this first week to reexamine all decisions that may have been questioned either by Senate committees or by responsible members of the press or by other people in public or private life.

This we are doing and this is one of the areas in which we and the reexamination is going forward.

14. CURBING INFLATION

Q. Mr. President, inflation, rising inflation, Mr. President, are of great concern. What specific plans do you have to curb it?

A. In the meeting of the Cabinet committee on economic policy, which I set up—one of the three new institutions I set up—I say three new institutions if I might digress for a moment; I suppose that the nation wonders what a President does in his first week and where is all the action that we've talked about.

We have done a great deal particularly in getting the machinery of government set up which will allow us to move in an orderly way on major problems.

I do not believe for example that policy should be made and particularly foreign policy should be made by off-the-cuff responses in press conferences, or any other kind of conferences. I think it should be made in an orderly way. And so it is with economic policy.

Now, that is why in addition to the Cabinet committee and in addition to the Urban Affairs Council and the revitalized National Security Council for Foreign Affairs, we now have a Cabinet committee on economic policy.

That Cabinet committee has considered the problem of inflation and the problem is first that we are concerned about the escalation of prices to a rate of 4.8 per cent and we do not see, if present policies continue, any substantial reduction in that.

And second, we are considering what actions can be taken which will not cause an unacceptable rise in unemployment, and by unacceptable rise in unemployment, I want to emphasize that we believe it is possible to control inflation without increasing unemployment in certainly any substantial way.

I should make one further point. Unless we do control inflation, we will be confronted eventually with massive unemployment, because the history of economic affairs in this and other countries indicates that if inflation is allowed to get out of hand, eventually there has to be a bust and then unemployment comes.

So what we are trying to do without, shall we say, too much managing of the economy—we're going to have some fine tuning of our fiscal and monetary affairs in order to control inflation.

One other point I should make in this respect. I do not go along with the suggestion that inflation can be effectively controlled by exhorting labor and management and industry to follow certain guidelines.

I think that's a very laudable objective for labor and management to follow. But I think I am aware of the fact that the leaders of labor and the leaders of management, much as they might personally want to do what was in the best interests of the nation, have to be guided by the interests of the organizations that they represent.

And so the primary responsibility for controlling inflation rests with the national Administration and its handling of fiscal and monetary affairs. That is why we are—we'll have some new approaches in this area. We assume that responsibility. We think we can meet it, that we can control inflation without an increase in unemployment.

15. ESTIMATE ON WAR'S END

Q. Mr. President, during the transition period in New York, several persons who conferred with you came away with the impression that you felt the Vietnam war might be ended within a year. Do you believe the impression was correct, sir?

A. I, of course, in my conversations with those individuals—and any individuals—have never used the term six months, a year, two years, or three years. Because I do not think it's helpful in discussing this terribly difficult war—a war that President Johnson wanted to bring to an end as early as possible, that I want to bring to an end as early as possible—I do not think it is helpful to make overly optimistic statements which, in effect, may impede and, perhaps might make very difficult our negotiations in Paris.

All that I will say is this—that we have a new team in Paris, with some old faces but a new team. We have new direction from the United States. We have a new sense of urgency with regard to the negotiations. There will be new tactics. We believe that those tactics may be more successful than the tactics of the past.

I should make one further point, however, we must recognize that all that has happened to date is the settlement of the procedural problems—the size of the table and who will sit at those tables. What we now get to is really that hard, tough ground that we have to plow—the substantive issues as to what both parties will agree to.

Whether we're going to have mutual withdrawal, whether we're going to have self-determination by the people of South Vietnam without outside interference, whether we can have an exchange of prisoners. This is going to take time, but I can assure you that it will have my personal attention, it will have my personal direction—the Secretary of State, my advisor for national security affairs, the Secretary of Defense—all of us will give it every possible attention, and we hope to come up with some new approaches.

Q. Thank you, Mr. President.

A FRIEND, IN OR OUT OF GOVERNMENT, IS A CRONY—ABILITY AND DEVOTION ARE THE ELEMENTS THAT COUNT

Mr. RANDOLPH. Mr. President, on July 3, 1968, in commenting during the controversy which overwhelmed the nomination of Associate Justice Abe Fortas to be the Chief Justice of the Supreme Court of the United States after it was submitted to the Senate by President Lyndon B. Johnson, I stated: "The charge of cronyism is not worth answering."

I still believe this, even as I recall that many persons voiced charges of cronyism during consideration of the Fortas nomination.

Today, I ask those vociferous critics of cronyism these two questions:

Is cronyism dead? Did cronyism leave the vestibules of Government with the change of administrations?

To answer is to do so in the negative—and there is not any inference that the negative answers to the questions are bad.

But let us consider some current situations involving names of persons highly placed and prominent in the news:

Secretary of State Rogers—is he not possibly a crony of someone we know?

Secretary of Health, Education, and Welfare Finch—a crony of someone we know?

Secretary of Commerce Stans—another crony of someone we know?

Attorney General Mitchell—how about his crony relations with someone we know?

Perhaps 25 to 50 percent of the Cabinet of the President of the United States could be vulnerable to the charge of cronyism, even though they are qualified men—some of them especially well qualified for their assignments and missions. And let there be no mistake, the list of those persons who might appropriately be listed among the cronies extends well below the highest circles of Government. Indeed, we do not know how deeply our system has been "penetrated"—and in just a few short months since cronyism was so much in the news.

Now, let the voices of those who fear cronyism and decry its practice ring forth for all that is "just" and "right."

Personally, I do not harbor a dread or fear of cronyism. However, I call the "perilous" situation that prevails now to the attention of those persons who were fearful and outraged last summer and who must still find cronyism repulsive—so they might sound the tocsin of battle against this "insidious" condition. Presumably, they are committed to oppose cronyism whenever and wherever it rears its "ugly head." And, no doubt, their apparent dedication to the eradication of this threat transcends political partisanship and personal philosophies.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is ordered.

RECESS

Mr. KENNEDY. Mr. President, in accordance with the previous order, I move that the Senate stand in recess until noon tomorrow.

The motion was agreed to; and (at 2 o'clock and 37 minutes p.m.) the Senate took a recess until tomorrow, Wednesday, January 29, 1969, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES—*Tuesday, January 28, 1969*

The House met at 12 o'clock noon.

Dr. Frank Blackwelder, All Souls Memorial Episcopal Church, Washington, D.C., offered the folowing prayer:

And it shall come to pass afterward, that I will pour out my spirit upon all flesh; and your sons and your daughters shall prophesy, your old men shall dream dreams, your young men shall see visions.—Joel 2: 28.

Make us aware, Eternal God, of the pouring out of Thy spirit upon all flesh today, encouraging this Congress to legislate in Thy name. This is the first day of the rest of our lives. Grant that our actions, under Thy inspiration, may bring forth new times of hope, a new age of faith, and a new era of love, through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a resolution, as follows:

S. RES. 62

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. Robert A. Everett, late a Representative from the State of Tennessee.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now recess.

The message also announced that the Presiding Officer, pursuant to Senate Resolution 62, appointed Mr. GORE and Mr. BAKER to join the committee appointed on the part of the House of Representatives to attend the funeral of the Honorable Robert A. Everett, late a Representative from the State of Tennessee.

VISIT OF THE PRESIDENT

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, the House is highly honored today by a visit by the President of the United States. In view of that fact, Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess subject to the call of the Chair.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

COMMITTEE TO ESCORT THE PRESIDENT INTO THE CHAMBER

The SPEAKER. The Chair appoints the gentleman from Oklahoma (Mr. ALBERT) and the gentleman from Michigan (Mr. GERALD R. FORD) to escort the President of the United States into the Chamber.

RECESS

The SPEAKER. The House will now stand in recess subject to the call of the Chair and the bells will be rung 15 minutes before the House meets again.

Accordingly (at 12 o'clock and 3 minutes p.m.), the House stood in recess subject to the call of the Chair.

(*At 12 o'clock and 4 minutes p.m., the President of the United States, escorted by the Majority Leader and the Minority Leader, entered the Chamber through the south door at the right of the Speaker's rostrum, and joined the Speaker in the Well of the House. The Minority Leader, the Majority Leader, the Speaker, and the President constituted the receiving line and Members formed in lines and filed into the Well to greet the President personally.*

(*At 1 o'clock and 7 minutes p.m., the President, accompanied by the committee of escort and the Speaker, retired from the Hall of the House of Representatives.*)

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FASCELL) at 1 o'clock and 25 minutes p.m.

TO CLARIFY THE APPLICATION OF THE FAMILY SEPARATION ALLOWANCE FOR MEMBERS OF THE UNIFORMED SERVICES

(Mr. DULSKI asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DULSKI. Mr. Speaker, at the request of a constituent, I have introduced legislation today to correct an inequity prohibiting the payment of a family separation allowance to certain members of the uniformed services when movement of the member's dependents to a new permanent station is not authorized, and his dependents do not reside at or near his station.

A family separation allowance of $30 a month is authorized for members of the uniformed services under 37 United States Code 427(b), when the movement of the member's dependents to his permanent station is not authorized at the expense of the United States, and the member's dependents do not reside at or near that station.

The Comptroller General of the United States has held that the family separation allowance is not payable during periods of involuntary separation of a member of the uniformed services from his family if his dependents are living in a residence not subject to the member's management and control, and for which he has no responsibility to maintain.

The bill I am introducing provides an amendment to the authorization, to provide that the family separation allowance will be paid without regard to whether the dependents are living in a residence or household subject to management or control of the member.

There was considerable confusion in the military departments concerning the application of the provision of law and the Comptroller General's decision, and many payments have been made to dependents which the Comptroller General has held are not in accordance with the provision of law.

The Comptroller General has advised the Secretary of Defense by letter dated April 24, 1968—B–157586—that he will not insist on immediate discontinuance of payments in question, and that he will permit the military services to continue such payments until the matter is submitted to and considered by the Congress.

There was not sufficient time to consider this matter during the last session of the Congress, and while I am not a member of the Armed Services Committee, to which this legislation would be referred, I am introducing this bill today at the request of one of my constituents so that the Congress can correct this inequity at the earliest opportunity.

Mr. Speaker, I am confident that the new administration will support this legislation as did the prior administration, and I am hopeful that the Armed Services Committee will schedule this bill for immediate consideration.

ADDITIONAL GS–16, GS–17, AND GS–18 POSITIONS

(Mr. DULSKI asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DULSKI. Mr. Speaker, I am today introducing a bill which will provide for additional GS–16, GS–17, and GS–18 positions for the Federal Bureau of Investigation, the General Accounting Office, and the Library of Congress.

The bill further provides for the removal of the numerical limitation of the three top grades for the National Security Agency.

The FBI and GAO would receive 30 and 26 additional supergrades respectively, as reported in H.R. 15890 of the 90th Congress. The Library of Congress would be granted an increase of 32 positions, which was originally requested in H.R. 15890.

We, as legislators, have a responsibility to make sure these important agencies operate at a high rate of efficiency. The FBI and NSA involve the national security, while GAO and the Library of Congress are congressional agencies.

At the present time the FBI has 110 of the top three grades. An increase of 30 additional positions is justifiable. In recent years, the Bureau has expanded greatly in crime control and law enforcement.

Present crime trends indicate even greater responsibilities in the future. During the year 1967, the number of crimes known to the Bureau increased by 16 percent over 1966.

There is an urgent need for top professional personnel in the technological field of criminology. Scientific techniques must be developed to prevent as well as to solve crimes.

The cost of meeting the challenge of crime is great. In fact, public expenditures for law enforcement and the administration of criminal justice were estimated at over $4 billion per year by the President's Crime Commission.

In order to meet this challenge we must recruit the best people in the field. The only way that this can be done is to offer positions comparable to responsibility.

The National Security Agency must have a numerical limitations exemption on the number of positions for engineering and scientific purposes.

In 1962, Congress approved in Public Law 87–793 a provision of the Classification Act (5 U.S.C. 5108) which removes any numerical limitation on "engineering positions primarily concerned with research and development and professional positions in the physical and natural sciences and medicine."

Thus, the numerical limitation applies to administrative, program, and policy positions in the Federal Government, but does not apply to scientific positions, most of which are in NASA, the Atomic Energy Commission, the Department of Defense, the National Institutes of Health, and the Veterans' Administration. There are 2,930 such scientific positions in the Federal Government at the present time.

However, the Classification Act does not apply to the National Security Agency and therefore the scientific exemption contained in the Classification Act does not apply to NSA. NSA presently has 90 supergrade positions involving research and development functions in the agency, mainly cryptology.

The numerical limitation should be removed and the agency should enjoy the same scientific exemption from the numerical limitation which all other agencies of the Federal Government now enjoy. In order to qualify, the Secretary of Defense will need to approve the positions placed in GS–16, GS–17, and GS–18 by NSA and the qualifications of the proposed appointee.

At the present time there are 64 supergrade positions for the use of the General Accounting Office. Although these positions are allocated to the GAO independent of the general pool superintended by the Civil Service Commission, all appointments and position classifications are subject to the approval of the Commission.

Of the 26 new positions, 14 will be used for accounting, auditing, and investigative responsibilities on a Government-wide basis, and 12 will be assigned for legal, policy, technical, and administrative functions.

No money is better spent than that allocated to the General Accounting Office for its extremely effective work in auditing the books of the Government and in ascertaining that the policies and programs designed by the Congress are properly, fairly, and efficiently administered by the executive branch.

The GAO has been confronted with an increasing workload in major civilian agencies stemming from a growing economy and increasing requirements related to space, research, atomic energy, education, postal services and operations, commerce, science, transportation, power and water resources, and other significant activities of Government-wide services.

The magnitude and complexity of the operations of the Department of Defense requires that GAO place extremely heavy responsibilities upon staff.

The Library of Congress is the national library of the United States and the research and development laboratory in library technology. It is of vital importance to the development of our intellectual community that this Library have the executive talent necessary to make it the finest Library in the world.

The use of automatic data processing equipment, inaugurated in 1963, is in a crucial period of development. Its successful development will make educational and library materials available on a nationwide basis so that in communities all over America research material and original manuscripts can be made available to scholars, scientists, students, and ordinary citizens immediately and inexpensively.

The Library of Congress cannot acquire an expert cataloger who is conversant in several foreign languages and a master of the librarian's art at a salary or grade below supergrade classifications.

Mr. Speaker, my bill would provide for the establishment of certain management, administrative, scientific, and research and development positions in the three highest Federal career service salary grades.

These are needed for the successful and efficient conduct of new and/or expanded programs and functions authorized by the Congress and other essential Government activities. I am hopeful that Congress will take favorable early action.

THE RESIDENCY VOTING ACT OF 1969

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I am pleased today to join my distinguished colleague, Representative LEE HAMILTON, and over 50 more of our colleagues in the House in introducing the Residency Voting Act of 1969, a bill designed to enable citizens who change their residences to vote in presidential elections.

Mr. Speaker, voting is a fundamental right in our democratic system of Government, and as a nation we have gone far toward securing this right for every American regardless of the color of his skin or his economic condition. The Voting Rights Act of 1965 was a milestone in the drive to extend the franchise to all of our citizens.

Yet Mr. Speaker, there are millions of Americans who are still deprived of their right to vote simply because they have moved their place of residence from one locality to another. These otherwise eligible voters are effectively disenfranchised because they are unable to satisfy the lengthy residence requirements which operate in many of our States and localities.

In testimony before the Subcommittee on Privileges and Elections in June 1967, Assistant Attorney General Fred M. Vinson, Jr., noted that an estimated 5 to 8 million voters were disenfranchised by such residence requirements in the presidential election of 1960. For the 1964 election, he said that estimates of the number of these lost voters run as high as 15 million.

AMERICA A MOBILE SOCIETY

Contemporary America is a highly mobile society. Census data indicate that the mobility of our population has been steadily increasing with each decade of this century. Today more Americans than ever before move from one locality to another and from State to State in search of new job opportunities and a better life. It is estimated that one American in five changes his residence every year.

For such a mobile society, as President Johnson pointed out in a message to Congress on the "Political Process in America" in May 1967:

> Election laws which impose unduly long residence requirements are obsolete. They serve only to create a new class of disenfranchised Americans.

Moreover, as the President further noted, to move freely about our country is a constitutionally protected right. The exercise of this right should not threaten the loss of another constitutionally protected right—the right to vote.

A 1968 survey of State election laws by the Library of Congress indicates that 32 States and the District of Columbia impose State residence requirements of 1 year, 15 States require residence for 6 months, and three States require residence of 90 days. One State's election law requires a full 2 years of residence.

In recent years, it must be noted, certain States have enacted special election law provisions to facilitate voting in presidential elections by newly arrived citizens—and, in some instances, by former citizens. But in too many States archaic residence requirements continue to obstruct the right to vote for a great number of American citizens.

Mr. Speaker, the Residency Voting Act of 1969 is designed to remedy this serious weakness in our electoral system by establishing uniform residence provisions with respect to presidential elections.

BILL APPLIES ONLY TO PRESIDENTIAL ELECTIONS

I should make clear, Mr. Speaker, that the bill applies only to voting for President and Vice President and does not apply to elections for local and State offices or to elections for Senators or Representatives in Congress. The essential purpose of the legislation is to insure that every qualified American—no matter whether or when he has changed his residence—will at least have the opportunity to register and vote for the two national offices which are elected in common by the entire Nation—President and Vice President of the United States.

As Assistant Attorney General Vinson has pointed out:

> Whatever the merits of residence requirements in elections for the Senate and House of Representatives, or in State or local elections, such requirements are hardly relevant in presidential elections, where the

issues are national and transcend local boundaries.

Clearly, the lines between States—or between political subdivisions—such as congressional districts, counties, or wards—within a State—bear no relation to the ability of a voter to inform himself about the principal issues and candidates involved in a presidential election.

MAIN FEATURES OF RESIDENCY VOTING ACT OF 1969

Let me explain the principal features of the Residency Voting Act of 1969.

Section 3(a) of the bill provides that a citizen, otherwise qualified to vote under the laws of a State or political subdivision, may not be denied his vote for President and Vice President if he has been a resident of that State or political subdivision since September 1 preceding the presidential election. The citizen would, of course, have to comply with any voter registration requirements to the extent that they provide for registration after September 1.

The effect of this section, therefore, is to establish September 1 as the uniform qualifying date for presidential elections. State and local residence requirements would thereby be limited to a maximum of approximately 60 days.

The September 1 qualifying date, however, does not answer the problem of those citizens who move their residence after September 1 but before the date of a presidential election. To prevent the disenfranchisement of these citizens, section 3(a) contains an additional provision which states that if a citizen has begun residence in a State or political subdivision after September 1 preceding a presidential election, he shall be given the opportunity to register and vote in person or by absentee ballot in the State or political subdivision from which he most recently moved.

Mr. Speaker, it is important to note here that while section 3(a) would require many States to alter their election laws with respect to the residency requirement, it would not in any way abrogate the legitimate interest of the States in maintaining orderly registration procedures, keeping their voting rolls up to date and preventing voting frauds.

Section 3(b) of the Residency Voting Act is addressed to the problem of arbitrary disenfranchisement among another group of American citizens—those temporarily residing abroad. All too often these citizens are denied the right to vote because of State registration requirements, particularly requirements for registration in person.

All but two of the States presently provide for voting by absentee ballot, but only 12 States permit absentee registration for citizens unconnected with the Armed Forces or Federal Government agencies. Thus many private citizens living overseas—such as businessmen, teachers, and students—are effectively disenfranchised because they are unable to register in person.

Section 3(b) would remedy this situation by requiring any State which permits absentee voting in presidential elections to provide an absentee registration procedure as well. In doing so, section 3(b) would substantially reinforce a measure enacted by the 90th Congress—H.R. 8176, which I sponsored in the House and which amended the Federal Voting Assistance Act of 1955 to recommend to the 50 States that they extend to their private citizens who are temporarily residing abroad and to their families the right to register and vote absentee.

A MATTER OF JUSTICE

Simple and convenient procedures for absentee registration and voting are now generally available to members of the Armed Forces, the merchant marines, and civilians employed overseas by the Federal Government and their families. It is a simple matter of justice that we should now take the necessary action to extend the same privileges to the many thousands of private American citizens who are temporarily residing overseas.

The League for Americans Residing Abroad has indicated that the best estimate of the total number of Americans overseas is near 1.5 million. And this number will certainly increase with the continued expansion of American business and cultural activities abroad. Whether or not these citizens should have the right to participate in all Federal, State, and local elections, they most definitely should be entitled to vote in the national elections for President and Vice President.

Mr. Speaker, the Residency Voting Act of 1969 proposes a long and dramatic step toward eliminating needless disenfranchisement among a great number of our fellow citizens. It seeks, first, to implement the conclusion of the President's Commission on Registration and Voting Participation 6 years ago that:

> No American should be deprived of the right to vote for President and Vice President because he changed his address before the election and did not have time to meet State residence requirements.

The proposed statute also seeks to guarantee the right to register and vote for Americans who happen to be living outside the United States.

Mr. Speaker, I hope that all Members will give close consideration to this important legislation and support its passage in the 91st Congress.

Mr. Speaker, under unanimous consent I insert at this point in the RECORD the text of the Residency Voting Act along with an editorial on the subject of this legislation from the New York Times of November 20, 1968:

H.R. 4794

A bill to enable citizens of the United States who change their residences to vote in presidential elections, and for other purposes

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Residency Voting Act of 1969."

SEC. 2. The Congress hereby declares that to enhance the right under the fourteenth amendment to the Constitution of citizens who change their residences to enjoy equal access to the right to vote in the election for President and Vice President of the United States, it is necessary to prohibit the States from conditioning the right to vote on the fulfillment of certain requirements of residence or registration.

SEC. 3. (a) No citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President of the United States shall be denied the right to vote in such election because of any requirement of residence or registration of such State or political subdivision if such citizen has resided in such State or political subdivision since the first day of September next preceding such election and has complied with the requirements of registration to the extent that such requirements provide for registration after such date. If such citizen has begun residence in a State or political subdivision after the first day of September next preceding an election referred to in the preceding sentence and does not satisfy the residence requirements of such State or political subdivision, then he shall be allowed to vote either in person or by absentee ballot in the State or political subdivision from which he most recently moved if, but for his nonresident status, he has satisfied, as of the date of such move, the requirements to vote in the State or political subdivision from which he most recently moved.

(b) No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President of the United States shall be denied the right to vote in such election because of any requirement of registration that does not include a provision for absentee registration.

SEC. 4. (a) In the exercise of the powers of the Congress under section 5 of the fourteenth amendment to the Constitution, the Attorney General is authorized and directed to institute in the name of the United States actions, including actions against States or political subdivisions, for declaratory judgment or injunctive relief to restrain the enforcement or execution of any residence or registration requirements which, in his judgment, interfere with the provisions or purposes of this Act.

(b) Proceedings instituted pursuant to this section shall be heard and determined by a three-judge district court in accordance with the provisions of section 2284 of title 28 of the United States Code, and any appeal shall lie directly to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

SEC. 5. (a) Whenever any person has engaged, or there are reasonable grounds to believe that any person is about to engage, in any act or practice in violation of the rights conferred by section 3, the Attorney General is authorized to institute for the United States, or in the name of the United States, an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order, and including an order directed to the State and State or local election officials to require them to (1) permit persons benefitted by this Act to vote and (2) count such votes.

(b) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether a person granted rights under the provisions of this Act shall have exhausted any administrative or other remedies that may be provided by law.

SEC. 6. (a) Whoever knowingly or willfully gives false information as to his name, address, or period of residence in a State or political subdivision for the purpose of establishing his eligibility to register or vote under this Act, or conspires with another individual for the purpose of encouraging such individual's false registration or illegal voting under this Act shall be fined not more than

$10,000 or imprisoned not more than five years, or both.

(b) Whoever shall deprive or attempt to deprive any person of any right secured by this Act shall be fined not more than $5,000, or imprisoned not more than five years, or both.

[From the New York Times, Nov. 20, 1968]

FIVE MILLION DEPRIVED VOTERS

Five years ago President Kennedy's Commission on Registration and Voting Participation declared: "No American should be deprived of the right to vote for President and Vice President because he changed his address before the election and did not have time to meet state residence requirements." Since then a number of states including New York have taken steps to make it easier for new citizens—or, in some cases, for former citizens—to participate in Presidential balloting.

But the obstacles to voting remain formidable in many places for the one in five Americans who move each year. Mississippi maintains a two-year residence requirement. In 32 states and the District of Columbia one year's residence is required. An estimated five to six million otherwise eligible voters were barred in this manner from participation in the recent Presidential choice, a choice that was decided by a scant margin.

In the interest of fair play and truly representative elections, citizens of every state that still obstructs the right to vote through antiquated residency restrictions should press their legislatures for prompt corrective action. But the question of qualifications for choosing national officials is more than just a local issue, as the Supreme Court has begun to recognize in recent decisions.

The most reliable way to insure that every qualified American will have a right to participate in the Presidential choice is through Congressional action setting reasonable and uniform standards for the entire nation. Such legislation was submitted by the Administration to the Congress during the last session in Senate Bill 1881. This measure, which never got beyond the hearings stage in the Senate, required that no citizen otherwise qualified be denied the right to vote for Presidential electors providing he had resided in a state since the first day of September preceding the election. This, or similar legislation, demands attention from the new Congress.

INTERGOVERNMENTAL CONSUMERS COUNSEL ACT OF 1969

(Mr. TIERNAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, I am today introducing the Intergovernmental Consumers Counsel Act of 1969, a bill designed to modernize the regulation of the major electric, gas, telephone, and telegraph utilities.

The bill has four principal objectives: First, to require utilities to report to regulatory bodies information which is pertinent to utility regulation and to the understanding of utility rates and procedures. Second, to require the Federal Power Commission and the Federal Communications Commission to report this information to Congress and the public in a timely and convenient manner, using automatic data processing to the fullest extent possible. Third, to establish, at the Federal, State, and local levels, offices of Utility Consumers Council, to represent the interests of utility consumers before regulatory commissions and courts. Fourth, to establish a grant program to finance study of regulatory matters.

For too long now we have allowed the utility companies to operate in nearly an autonomous fashion. Repeated power failures and high costs have been a part of the New England regions dealings with the utilities. In the Providence Journal of January 12, 1969, Irvin Becker, in an article, entitled "Can the State Change Its Outdated System of Regulating Utilities?" documents how utilities in Rhode Island, Connecticut, Maine, and Massachusetts are earning well over the "allowed" rate of return. He reports "it is difficult to find a major rate setting decision in the area since 1958"—11 years ago. He found the utility expert working for the utility companies, not for the public, and the university community—which used to furnish scholarship and leadership for the public in this field—unconcerned.

New England's electric rates are the highest in the Nation. The Federal Power Commission and most State utility commissions have agreed that a reasonable profit is slightly more than 6 percent. The FPC, when it computes the "overcharge" or "difference" earned by the power companies, uses a 6-percent figure to establish a fair rate of return. Becker noted that the power industries have ignored the rate ceilings and compiled record profits in the absence of State controls.

In the Providence area, Blackstone Valley Electric and Newport Electric are making returns of close to 8 percent. The Federal Power Commission calculated that if those two firms had been held to returns of 6 percent, their customers would have been saved an "overcharge" of about $600,000 in 1966.

It has been pointed out that last year, in a review of corporate profits, the First National City Bank in New York estimated that all utilities have twice the return on their net worth than has the volatile transportation industry.

In State after State, the utilities have dominated the State commissions that are supposed to regulate them. Richard J. Connally, in an article in the Boston Globe on January 6, 1969, pointed out that—

> Regulatory agencies at all levels of government often become so close to the organizations they were created to police that they become ineffective.

It is my hope that with the enactment of this bill we can help make the utility companies more responsive to a growing segment of the public that is becoming increasingly aware of the neglected responsibilities of these companies. The advent of nuclear power, the growing tendency toward regional compacts, and the inability of the separate States to control the wealthy power companies casts a grave doubt over the efficacy of several proposed reforms and reorganizations of utility regulations in several States.

The utility companies are not responsible to any electorate although they have several characteristics of government, including boundaries, as States and nations do, the right of eminent domain and the power to require public payments through rate adjustments just as States replenish their funds through the levying of taxes.

There is, however, no public control over their actions. Regulation is supposed to be a substitute for the absence of public control. This bill, the Utility Consumers Counsel Act of 1969, will help to make this regulation more meaningful.

In addition, I urge the private and public utilities, not only in New England but throughout the country, to plan and coordinate their future development in order that the public can be assured reliable and economical power. The public has a right to reliable and low-cost utilities and should not have to settle for less.

The article from the Boston Globe mentioned above and an article from the Providence Journal follow:

[From the Boston (Mass.) Globe, Jan. 6, 1969]

DPU OVERPOWERED BY COMPANIES, NEGLECTED BY STATE—UTILITIES HAVE TOO MUCH PULL, TOO MUCH CASH

(By Richard J. Connolly)

Is the Massachusetts consumer adequately protected by his Public Utilities Department?

The question drew a smile from the career employee of the DPU. He had been around long enough to know the answer.

"The companies," he said, "have too many resources and too much influence with the commissioners.

"They all wear halos, although they are green around the edges at times," he said of the utilities.

The Massachusetts DPU, he explained, has neither the time nor resources to properly investigate the utilities, which prepare their cases with the consumers' dollars.

Few consumers have the time or confidence to appear before the DPU to oppose the utilities.

The magnitude of the electric industry alone and the extent of the power failures in the past week or so should show the inability of the DPU to keep close tabs on utility operations and delve into the cause of the blackouts without relying on the reports of the utilities.

The DPU's chief accountant, Harold F. Bertolucci, serves as a good example of the lack of sufficient personnel and the dedication of some DPU employees who are underpaid and overworked. He earns $11,752 annually, a figure he could double in private industry.

A DPU employee for 22 years, he is a registered public accountant, holds a Boston University degree in accounting, a master's in both economics and law and is a member of the bar.

Bertolucci supervises the examination and audit of accounting returns and schedules filed by companies under the DPU's jurisdiction.

Among them:

Sixteen railroads, 10 street railways, six phone companies, 26 gas firms, 14 electric companies, 2599 motor carriers of property, 816 security brokers and investment trusts, 63 water companies, 78 motor bus lines, 40 municipal light plants, 530 regular route common carriers, 7013 irregular route common carriers and 7422 interstate licensed carriers.

He specializes in the systems of accounts used by all of those firms. He must be familiar with administrative law and with the type of equipment used by the utilities as well as their financing methods.

Bertolucci's duties are important to the protection of the consumer. He prepares drafts of decisions and rulings issued by the DPU concerning fiscal and rate cases.

TWO EMPLOYEES

With all this responsibility and with a primary function in the establishment of utility rate schedules. Bertolucci has only two employees in his office—another accountant and a woman who handles clerical work.

When the other man is in the field and the woman is sick or on vacation, Bertolucci must eat his lunch at his desk. He cannot go out because nobody is available to answer the telephone.

John W. Coughlin, who has been with the DPU for nearly 20 years, is director of the division of telephone and telegraph utilities. His task is to direct the investigation of complaints about telephone and telegraph service and to examine equipment to make sure it meets DPU requirements.

His job requires a thorough knowledge of laws and regulations relating to telephone and telegraph services, of rate structures and of the mechanical operation of telephone and telegraph equipment.

LACK OF YOUTH

Coughlin has no clerical help. He must write the division's letters. He must keep one inspector in the office each day to answer the telephone, handle complaints and assist with the office duties.

DPU Chairman Helen P. Ross also lacks clerical help. She shares a confidential secretary with six other commissioners and two lawyers. On a recent night, Miss Ross wrote 22 letters at home.

Staff and sufficient funds are needed. But the biggest deficiency is in youth. Much of the personnel is a product of the depression years. They have talent but are aging. Of six engineers, the youngest is 53.

The salary structure is unattractive. Even if young talent could be recruited (there is no recruitment program) Civil Service procedures discourage applicants.

"It may take a whole year to fill a job," one division head noted.

"If you try to fill the job temporarily, you're liable to get a politician who is worthless. If you get someone who can do a good job, he can get bumped by a veteran or a disabled veteran," he said.

"This department, like others in the state, is in real trouble," he continued. "Talented young men and women are not coming into state service because they can make more money in private industry."

Numbers are not the only answer. Because of the complexity of its task and the need to regulate highly technical industries, the DPU must have knowledgeable personnel.

The Massachusetts DPU, like other state regulatory agencies, has failed to use data processing methods, unlike the utility firms it is empowered to regulate.

Rate bases, income and rates of return are checked. But, in the opinion of one DPU official, the analysis of statistical data and comparisons are the exception. Not enough attention is paid to the cost of a utility's operation.

U.S. Sen. Lee Metcalf of Montana, long a critic of investor-owned utilities, which he refers to as the "I.O.U.'s", says that state regulatory commissions are one of the most important—yet most neglected—parts of government.

Metcalf has reminded state commissions that they must keep the public informed of utility operations and must protect the consumer who cannot purchase power, water or telephone service in the open market.

EXTRAVAGANCE?

"Commissions should probe into the financial figures of the utilities to find where the money goes, whether there is extravagance, whether the public is overcharged, whether the consumer's dollar is used for political purposes or endeavors which the consumer dces not favor."

Sen. Metcalf has said of some regulatory commissions:

"Responsible for the protection of the public interest in many and diverse fields, but lacking the staff and funds with which to exercise their responsibility, some commissions are able to do little more than accept and approve what is put before them by the hundreds of companies under their jurisdiction.

"Thus most rate changes are initiated by the utilities and simply approved by the commissions, which are not equipped to inquire into the reasonableness of the rates. . . . Consumers are paying dearly for the regulation that protects and benefits the investor-owned utilities at the expense of their regulated customers."

In the opinion of Sen. Metcalf, the electric consumer, for example, is caught in a vicious circle.

"He cannot obtain adequate rate reductions because many regulatory commissions do not have the staff nor inclination to reduce rates, due to the political and propaganda activities of the utilities, which are designed to prevent adequate rate reductions," Metcalf said.

Past and present DPU commissioners in Massachusetts have not been especially active on Beacon Hill in efforts to obtain more money, power, and staff to do a better job.

Even if they were, they would encounter opposition, not openly, of course, from the most powerful lobby on The Hill—that of the private utilities.

By neglecting the DPU, by not giving it enough tax dollars to do an adequate job, by not demanding tip-top efficiency, the public has cheated itself as a taxpayer and consumer.

CAN THE STATE CHANGE ITS OUTDATED SYSTEM OF REGULATING UTILITIES?

(By Irwin Becker)

The election of Frank Licht as governor presents the state with a rare opportunity to overhaul its outdated utilities regulation system.

Mr. Licht made the subject of utilities one of his major campaign issues as he urged a three-member, non-partisan commission to replace the current administrator.

Despite the move toward reform, the central question remains: Can a regulatory agency on the state level cope with a problem that is regional and national in scope?

The local division of public utilities has said that it is understaffed, poorly paid and encumbered with reviewing the activities of more than 60 firms ranging in size from small taxi companies to large electric power complexes.

In the hodge podge of hearings and decisions that crowd the agency's schedule, it is not unusual for more time to be spent on deciding whether to restore telephone service after bookie raids than in reviewing the accounts of the multi-million-dollar telephone company operations.

The system is further weakened by the advantage enjoyed by the large utilities which, with customer money, can afford the best talent to argue persuasively for higher rates that the public will have to pay.

COMPANIES STRONG

Many feel that the utilities division, as in many other states, is so poorly equipped that the utilities companies are able, in effect, to dictate the manner and the terms under which they are supposedly regulated.

"In many states, it is regulation of the customer, not of the utility," Sen. Lee Metcalf of Montana, a strong critic of the electric power industry, has argued in numerous speeches.

The status of the electric companies is central to any discussion of controlling the utilities and this is especially so in New England, where electric rates are the nation's highest.

Utility regulation consists basically of determining a reasonable profit for the risk-free, government protected industry. The exact amount differs in each case, but the Federal Power Commission and most state commissions have agreed that slightly more than a six per cent return is reasonable enough.

The FPC, when it computes the "overcharge" or "difference" earned by the power companies, uses the six per cent figure to establish a fair rate of return.

NOT ENFORCED

In 1957, the average rate of return set by the states was 6.14 per cent, which is a percentage based on a utility's plant investment and other economic factors.

But significantly, the states have not enforced their own profit limits and the major investor-owned electric companies earned an actual profit last year that averaged 7.44 per cent.

Some firms, operating in southern and western states, achieved a return on their investment of more than 15 per cent, which is higher than most competitive and risk corporations earn.

The difference between the established and actual returns or profits is only 1.30 per cent but the loss to customers runs into billions of dollars.

For example, a company that has a one-billion-dollar investment would get 10-million dollars less in revenues if its profit ratio dropped one per cent.

The Consumer Federation of America estimated that if the average cost for a kilowatt hour fell one-tenth of a cent this year, residential users would have saved 1.3-billion-dollars.

CEILING IGNORED

In New England, the regulatory gap is not as severe as in Texas, which has no utilities agency, but it is still a serious problem. Hardly any of the states in this region have initiated rate cases. The important issues of control of atomic energy and reliability of electric power are decided out of view and control of the states.

It is difficult to find a major rate-setting decision in the area since 1958. For some reason, there were rate hearings throughout the region in the 1957–58 period. The last utility rate cases in Rhode Island, concerning New England Telephone & Telegraph Co. and Narragansett Electric, were in 1957.

During this lapse of state control, the power industry ignored the rate ceilings and compiled record profits.

In Massachusetts, the rate of return for Boston Edison was set at 5.7 per cent in 1958. According to the FPC, the Boston firm earned 7.75 per cent in 1966.

In Maine, the profit margin of the Central Maine Power Co. was established at 5.75 per cent. Its current income return is 6.56 per cent.

In Connecticut, the three power companies—Connecticut Light and Power, Hartford Electric Light and United Illuminating—earned an average return of nearly 7.40 percent.

EIGHT PERCENT

In the Providence area, Blackstone Valley Electric and Newport Electric are making returns of close to eight per cent. The FPC calculated that if those two firms had been held to returns of six per cent their customers would have been saved an "overcharge" of about $600,000 in 1966.

Last year, in a review of corporate profits, the First National City Bank in New York estimated that all utilities have twice the return on their net worth than has the volatile transportation industry.

The electric companies offer several arguments in their defense. They claim the cost of money is constantly increasing, that they face competition from gas and oil interests, that they need high profits to attract investors and, that unlike municipal companies or federal projects, they pay a large amount of income taxes.

Further, the companies contend that the cost of electricity is decreasing all the time and they are making heavy investments in modern nuclear equipment so that the cost will go down even faster.

But industry critics maintain that the electric industry's contentions are phantom objections when they are viewed closely.

The cost of money argument is one instance. The industry contends that the cost of borrowing for investment is over six per cent and that this should be used to decide a fair rate of return.

The critics note that while the prime rate is now about six and a half per cent, what complaint did the industry have when the interest rates were half that 10 years ago. Would the utilities have reduced their profit margins to three per cent? They ask.

In addition, the cost of money is misleading, the critics observe. The real cost of money to a utility is the long-term interest it must pay on its bonded debt which comprises more than half its capitalization.

The latest annual FPC report states: "The average interest rate on the companies long-term debt reached a record high of four per cent in 1967." The report continues:

TAX MONEY CITED

"Much of the present debt capital of the stronger electric utilities was obtained in the 1946–56 decade when borrowing rates considerably below four per cent were prevalent."

On the question of competition, observers believe that the electric companies, the nation's largest industry in terms of value, has advantages over its rivals.

Because of excess profits, the critics assert, the electric firms can cut their prices, provide customer bonuses and absorb the loss without materially affecting their profits.

One of the electric companies' most potent arguments in terms of public relations has been their insistence that they are taxpayers like everyone else and that their tax money is vital to the operation of municipal governments.

The misunderstanding on electric company taxes is based on the confusion of who is paying the money—the utility or the customer.

Several favorable tax amendments in recent years have reduced the percentage of revenues the electric industry pays in federal taxes from 14.7 per cent in 1965 to 11.6 per cent in 1967. In many cases, the savings have not been passed on to customers.

Utilities include taxes in their operating expenses and these expenses are met by collecting the levy from customers. As Senator Metcalf has charged:

"Utilities are not taxpayers. They are tax collectors. When utility taxes are decreased, as they have been frequently, many utilities do not automatically reduce rates. They thus become tax keepers."

Dr. Horace M. Gray, emeritus professor of economics at the University of Illinois, quoted in the Congressional Record, maintains that the electric industry will profit from the recently imposed 10 per cent surtax.

PROFITS SEEN

He argues that the industry will have to pay $400,000 on the new charge but will probably collect twice that amount and pocket the difference.

Income and tax figures since the surtax went into effect are not available to affirm or contest the professor's remarks.

The cost of electricity to consumers has indeed gone down since World War I. The cost per kilowatt in 1967 dropped three cents to $2.31 but the average annual bill increased $5 to $120. That hike is attributed to the increased usage by each family.

The challenge of cheap federal power and the government's 2-million dollar research investment in nuclear power has revolutionized power production. The electric industry is planning a huge outlay in the next 10 years to construct about 66 nuclear plants with a capacity of 51.5 million kilowatts.

Again, rush of the companies' into nuclear generation has riled the critics. They contend that the public paid for the development of the new power, but that the control over nuclear energy is being "handed over" to private industry.

Moreover, the critics charge that the cooperatives and the municipally owned companies, which provide 14 percent of the power needs in New England, are being excluded from sharing equitably in the distribution and profits of the new energy source.

PROBLEMS LISTED

Thus, the advent of nuclear power, the growing tendency toward regional mergers and the inability of the separate states to control the wealthy power companies cast a grave doubt over the efficacy of the proposed reorganization of utilities regulation in Rhode Island.

Dennis J. Roberts II, nephew of the former governor who is working on a utilities report for Governor Licht, admits there are difficulties to overcome if a revamped system is to be effective.

He said the initial plan on reforming the utilities division included a three-member panel with overlapping terms filled with "apolitical" apointees.

The commission should be "judicial" in nature and have the use of experts, Mr. Roberts said. He said that there is sufficient legislation now for a utilities commission to carry on its work.

He added that "some thought has been given to regionalizing or setting up a compact." Mr. Roberts said there does not seem to be any liaison among the utility divisions in New England, many of which are dealing with different offshoots of the same companies.

The new commission, he asserted, "should be aggressive in its regulatory mission. You can do quite a bit under the present law," he remarked, but very little had been done with the current setup.

"I don't think there has been a hearing of the (state's) own volition in 10 years. This is not a way to regulate utilities," he said.

He conceded, however, that a new regulatory system will run into the "very real problem" of money. "Good solid people would have to take a substantial cut in pay," he explained.

Another handicap is that utility experts are all working for the utility companies, and the universities do not have specialists who are concerned about the power monopolies.

Essentially, Mr. Roberts said, the state must settle the "question of priorities" and determine if it is "willing to spend the money" that would have to be taken from other programs.

COUNSEL URGED

Another attempt at reform is just getting started in Massachusetts, where the Consumers' Council has assailed the electric companies with overcharging Bay State residents a total of 41 million dollars last year.

The charge was made by Dr. Edward R. Willett, council chairman, who said the council would sponsor legislation assessing gas and electric companies for funds to study rate systems and make competitive bidding mandatory in certain contracts.

A council spokesman suggested that provisions of the FPC law allow an investigation of a region's utility problems if the state agencies in the area request a probe.

Another change the council favors is the appointment of a utilities counsel, who would work with the regulatory commission and represent the public in rate cases.

Maryland is the only state with a utilities counsel and efforts at the federal level to provide funds for the position have been defeated in Congress.

The Utility Consumer Counsel Bill, introduced by Senator Metcalf, required the reporting of additional financial information by the utilities, including stock ownership and stock option plans.

The bill would have made federal funds available for up to 75 per cent of the cost of establishing utility counsels in cities with more than 100,000 population and at state and national levels.

The legislation contained a provision to start a grant program for a continuing study of regulatory issues, the money for the new programs would have come from the utilities, which were to be taxed at the rate of one-tenth of one per cent of their operating revenues.

Senator Metcalf maintained it was fair for the utilities to pay for their own regulation since the government paid four-billion of the industry's annual 40 billion dollars in revenues.

SWEARING IN OF MEMBER-ELECT

The SPEAKER. The Chair understands that one Member-elect is present who has not as yet had the oath of office administered. Will the Member-elect appear in the well for the purpose of having the oath administered to him.

Mr. HANNA appeared at the bar of the House and took the oath of office.

THE DISPLAY OF BESTIALITY IN IRAQ YESTERDAY

(Mr. FARBSTEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARBSTEIN. Mr. Speaker, eight Jews and six others were hanged in Iraq yesterday in a public display of bestiality reminiscent of the days of the Nazis.

When several airplanes were destroyed in Lebanon we heard crise of anguish throughout the world. Is this same world less concerned about the destruction of human lives than of property? If we are more concerned about humans than of property, then we dare not stand mute in the face of this return to the age of barbarity. If we remain silent, there is a likelihood that our silence may encourage further such acts against others imprisoned for alleged espionage which, it is charged was committed by Jews who were under house arrest since 1967.

Private pleas to stop this mass murder have been proved to no avail.

I trust that the civilized world and our Government will raise objection more vocal than has been done to date to avoid further such savagery.

Only a roar of condemnation that will descend about the heads of the rulers of the Iraqi Government will, in my opinion, prevent similar acts of mass murder and further destruction of innocent human souls for similar false reasons.

URGENT NEED FOR EARLY ACTION ON COAL MINE HEALTH AND SAFETY LEGISLATION

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, at 6:55 a.m., at the break of dawn today, a portion of the roof fell in No. 7 Christopher Coal Co. mine near

Mount Morris, Pa., on the Pennsylvania-West Virginia border, triggering an electrical fire which trapped a number of men.

Within the last 15 minutes, fortunately, it has been officially announced that the last of the men have successfully and safely emerged from the burning mine.

The fiery near disaster underscores the urgent need for early passage of coal mine health and safety legislation. I make a plea to the chairman of the appropriate committees of both this body and the other body to start hearings on the proposed coal mine health and safety legislation at the earliest possible date. Each day that passes subjects the coal miners to new dangers of being crushed, burned, buried or gassed, as well as being exposed to the ravages of the deadly pneumoconiosis—black lung.

The Congress can no longer afford to delay. We cannot afford to fiddle while coal miners burn. In the name of humanity, this Congress must act to pass effective legislation on coal mine health and safety.

PRESIDENT-ELECT OF THE NATIONAL ACADEMY OF SCIENCES: DR. PHILIP HANDLER

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, Dr. Philip Handler, James B. Duke professor and chairman, Department of Biochemistry, Duke University, has been declared president-elect of the National Academy of Sciences. Dr. Handler, who is 51, will begin a 6-year term as the 18th president of the Academy on July 1. He succeeds Frederick Seitz, who has served in that position since 1962. Dr. Seitz was named president of the Rockefeller University in 1968 and will be serving in both capacities until Dr. Handler takes office.

The announcement was made January 17 by Dr. Detlev W. Bronk at a luncheon in the State Department Building honoring the winners of the National Medal of Science. Dr. Bronk, who was one of the medalists, was president of the Academy from 1950 to 1962.

Dr. Handler has not only had a distinguished career in enzyme research but has also played an energetic role in national scientific affairs in recent years. He has been a member of the National Science Board since 1962 and chairman since 1966. From 1964 to 1967 he was a member of the President's Science Advisory Committee.

The National Academy of Sciences is a private organization, established in 1863 by an act of Congress to elect to membership the outstanding scientists and engineers in the Nation and to serve as an independent adviser to the Federal Government on questions of science and technology. Its present membership is over 800, but its advisory activities involve more than 5,000 scientists and engineers, as well as a staff of more than 750. Its annual budget, including that of the National Research Council which serves as its principal operating agency, is over $25,000,000.

Mr. Speaker, let me bring out at this point that Dr. Handler has been both an effective and distinguished friend and adviser not only to the Congress in general but to the committee in particular.

Because he is chairman of the National Science Board, we have had reason to be in close liaison with Dr. Handler and we have benefited very considerably from our collaborations with him—formal and informal.

It is with genuine pleasure that I and, I am sure, all the other members of the Science Committee take cognizance of Dr. Handler's election to the Academy presidency. We confidently hope to continue our working relationship with Dr. Handler in his new capacity. We are indeed fortunate to be able to do so.

IRAQ WEARS THE MARK OF CAIN

(Mr. PODELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PODELL. Mr. Speaker, Hitler's hand has reached from Gehenna and sprung the traps from under those innocent victims Iraq has just put to death. Clear and visible upon the brow of Babylon is the mark of Cain. There is no defense for what they have done.

It is one thing to make war. It is another to come in stealth across a nation's borders at night to murder, destroy, and burn. It is again another to threaten that nation's very existence, up to and including genocide. All this and more have the Arabs done or threatened to do to Israel.

But what the Iraqis have perpetrated here is solely an act of murder against a group of Iraqi citizens because they happened to be Jews. This is an act straight out of the Gotterdammerung of the Wagnerian twilight of Nazi Germany.

Mark well the methods utilized by Iraq. Public execution, a method long ago dispensed with by civilized nations, who extend even to the condemned the right to die privately. But the Iraqis tore a page from the book of the Middle Ages.

Not content with this barbarism, they draped a sign around the neck of each of the condemned, noting his religion—Mr. Speaker, his religion. If this is not damning proof of the reason for their execution, then there can be none. So much for the Arab argument that they make war only upon Zionism, rather than upon the religious faith of Judaism.

The next act of this brutal and gory scenario involves the public display of the hanged men. I am certain their families have had this marked indelibly upon their memories. I can only recall the hostages suspended from lampposts after their execution by the S.S. in a dozen different European countries during World War II. It calls to mind the horrors of Lidice, Malmedy, Babi Yar and Belsen.

But the final act was the most revolting. Iraq was not content with going back to the Middle Ages or even the Dark Ages. She was not even content with Hitler's methods. She instead reached back to the mists of man's tribal history as she removed the bodies and hanged them from a gate overlooking the capital city of Babylon. How horrible. How degrading to the human spirit. How demeaning for all mankind.

Mr. Speaker, where is the action of the U.N.? Where are the howls of indignation to match those we heard when the Israelis destroyed planes at Beirut? Everywhere throughout the Arab world the Jewish remnant languishes in prisons or lives in fear of a repetition of this atrocity. Where are those who condemned Israel for fighting to stay alive? Where are the bleeding hearts of yesterday? Where indeed.

They are in the same place they were in when the Jews were massacred for the 2,000 years of the Diaspora. They are gone. They are where they were when Jews were butchered by the Crusaders and the Turks—by the Inquisition and the Moors—by the Czars and the Soviets—by the Nazis at Auschwitz and the synagogue burners in New York City.

Where is the conscience of the world? Where is the guilt of mankind? Where is the idealism the bible and organized religion speaks of? Where is the humanity of the holy Koran? Where are the honorable and compassionate men?

Mr. Speaker, a nation and a people have a right to live, including defending that right by violence and bloodshed. This applies to Israel and the Jewish people as well as to all others on earth.

Mr. Speaker, I call upon the Attorney General to open our gates to the agonized remnants of the Jewish communities of the Arab States. In this emergency I call upon the United Nations to negotiate the release of those Jews in these lands who wish to depart from their bed of agony and torment. This is a simple humanitarian gesture that is practical and easily arranged. Further, it is a perfect outlet for the Arab States. They accuse many of their Jewish citizens of being Israel spies. This is their opportunity to easily, cheaply, and quickly be rid of any more potential Israeli spies and Jewish martyrs. Because Israel was founded as a refuge for the persecuted, these Jews are automatically Israeli citizens if they choose to go to Israel. Further, the immigration quotas for these Arab States to our own country are, I am sure, not filled; they would easily accommodate these pitiful refugees, if they were allowed to go. The choice is simple and the chance to act is now.

WILLIAM M. McMILLAN

(Mr. STEED asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEED. Mr. Speaker, on December 30, 1968, the postal service and this Nation lost, through retirement, a truly outstanding and dedicated public servant—William M. McMillan, Assistant Postmaster General for Operations.

I suppose it was destined that a man who was born in a town named for the first Postmaster General—Ben Franklin, Tex.—and who chose to make the postal service his career, should become one of the most respected and knowledgeable officials ever to serve the U.S. postal service.

Mr. McMillan started his career as a substitute clerk in the post office in Albany, Tex., on July 1, 1927, and over a span of 41½ years rose successfully through the ranks to be a postal inspector, inspector-in-charge of the Fort Worth inspection service, regional director of the Wichita and Dallas postal regions, and finally in February of 1964 was nominated by President Johnson and confirmed by the Senate to be the Assistant Postmaster General for Operations. During his 5 years in this position, he was responsible for the collection, handling, and delivery of nearly 400 billion pieces of mail, employing over 700,000 people in over 34,000 post offices throughout the United States.

As chairman of the Appropriations Subcommittee for Treasury, Post Office, and the Executive Office of the President, I have personally observed Mr. McMillan's dedication to our great postal service and the many contributions he has made to it. I can attest to his leadership, his wise counsel and advice, his unfailing integrity, and the deep concern he has always demonstrated for adequate and responsible public service. Over the past 5 years he has appeared before our committee many times to explain and justify the Department's request for the appropriation of billions of dollars and I always found him well prepared, extremely knowledgeable and highly practical in his solutions to problems of the Government. He was always vitally concerned with the kind and level of postal service provided this Nation, but equally cognizant of his responsibility to taxpayers of this country whose moneys were entrusted to him to pay for the service they expected.

Over the years he demonstrated a rare talent for understanding the postal service needs of this country while at the same time not losing sight of his fiscal responsibility as a steward of public funds. This, Mr. Speaker, is a very desirable and much needed trait in these days when too often the expedient rather than the hard but responsible approach to problems seems to be the order of the day.

Speaking for myself, Mr. Speaker, as well as for the members of my committee, I want to say that the void left by the retirement of Mr. McMillan will not be easily filled. This Government has lost a good and faithful public servant. His devotion to public service, his ability to handle the tremendous burdens placed on his shoulders, his concern for people—postal workers as well as the public he served—and his own high standard of personal integrity will stand as a benchmark for those who follow him.

I wish him every happiness and contentment in his well earned and richly deserved retirement.

THE CRIME SITUATION IN WASHINGTON, D.C.

(Mr. ANDREWS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS of Alabama. Mr. Speaker, in my opinion the crime situation in Washington, D.C., has reached the point of—I do not know how to express it. It is intolerable.

I do not see any help in the future for the citizens of this Nation's Capital.

The President was quoted in the paper last night as having said that he could not even walk around the White House for fear of bodily harm.

I am today offering a resolution providing for the deployment of two companies of U.S. Marines on the streets of Washington, D.C. I hope this resolution will be considered seriously. As I see it, it is the only hope for the law-abiding citizens of the District.

Our police department has done the best it could. They have been hamstrung by guidelines from the Mayor and the Commissioners and court decisions.

If Members will stop and think, it will be just a few months, perhaps a few weeks, before the high school students will be coming to visit the Nation's Capital. I hope that none will come from my district. I have warned all school principals not to send any up here for fear that they might be injured. But now is the time to take action. I say to you, in my opinion, if the U.S. Marines cannot protect the Nation's Capital, then there is no hope for law-abiding citizens in Washington, D.C.

JOSE MARTI—CUBAN PATRIOT

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, today marks the anniversary of the birth, in 1853, of Jose Marti, the Great Cuban statesman, teacher, philosopher, and poet who inspired and led his people in their struggle for independence.

Born in Cuba of Spanish parents, Marti devoted most of his life to fighting against the country of his forefathers. He was banished time and again from his homeland for his political and revolutionary activities, and spent much time in Spain, Guatemala, and in the United States.

He arrived in New York in 1881 where he set about uniting the Cuban exiles, renewing and reviving the revolutionary spirit of his compatriots, and drafting a democratic constitution for his nation.

In 1894, Marti attempted to lead a company of armed Cuban revolutionaries from the United States to Cuba but was intercepted. The following year, however, he succeeded in reaching Cuba and joined the forces of General Gomez Baez. He fell in battle on May 19, 1895, near the little town of Dos Rios, giving his life for Cuba's freedom.

Mr. Speaker, Jose Marti will always remain enshrined in the hearts of the Cuban people, not only as a great political leader and a revolutionary, but also as one of the most gifted poets and writers of the Western Hemisphere. It was his writing, more than anything else, that has endured to nurture the flame of freedom in the hearts of his countrymen.

As the inscription on his monument in New York City says—he was the "Apostle of Cuban independence—Leader of the peoples of America and defender of human dignity."

Mr. Speaker, the anniversary of Jose Marti's birth brings to mind the tragic plight of the Cuban people and their continuing struggle for liberation from the tyranny of Castro's brand of communism.

This struggle is of great import and concern to all Americans—from Hudson Bay to the Strait of Magellan. For if freedom is allowed to be permanently suppressed in Cuba, the consequences of that state of affairs will, in time, be tragic for all of us.

As John Donne once wrote, "No man is an island entire of itself." Neither is a country. And the loss of freedom in Cuba diminishes freedom for all of us.

Mr. Speaker, a new administration has taken the reigns of our Government. According to President Nixon's preelection statements, this administration is not only dedicated to, but also prepared to work for, a change in the status quo of Cuba.

We applaud that resolve and give it our wholehearted support. And we look with anticipation to the results which it will produce.

As a Representative in Congress of the city of Miami which today is home to many thousand Cuban exiles, I have worked to the best of my ability to promote the realization of Jose Marti's hopes and dreams for his nation. I will certainly continue to do so in this Congress.

I could mention at this point that, with the new Congress taking office, I have been urged to resign as chairman of the Subcommittee on International Organizations and Movements and to seek the chairmanship of the Subcommittee on Inter-American Affairs on which I have served as the ranking Democrat.

There is certainly no part of the globe which is of greater importance to the future security and economic progress of the United States than this, our own hemisphere. For that reason alone, the chairmanship of the Subcommittee on Inter-American Affairs carries with it responsibilities and opportunities not provided by some of our other subcommittees.

I am fully conscious of this.

I also want to reiterate that the future course of developments in Cuba, and the prayers of Latin America as a whole, are of deep concern to the people of Miami—perhaps more so, because of our geographical position, than to the people of other American communities.

These considerations will play a large role in my plans and activities during the 91st Congress, and I will have more to say on this subject in the next few days.

DIRECT POPULAR ELECTION

(Mr. O'HARA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. O'HARA. Mr. Speaker, I introduce today, for appropriate committee reference, a joint resolution proposing an amendment to the Constitution to provide for direct popular election of the President and Vice President of the United States.

In introducing this legislation, I have been joined by 38 Members of the House of Representatives representing both political parties.

The proposed joint resolution is exactly like Senate Joint Resolution 1 introduced earlier in the Senate by the junior Senator from Indiana Senator BAYH, on behalf of himself and 40 other Senators, again representing both political parties.

Mr. Speaker, there are two popular myths concerning the election of the President.

Many Americans believe that when they mark an X beside a presidential candidate's name, they are voting for that candidate.

They also believe that in the democratic tradition, the man who gets the most popular votes will always win.

Of course both these statements are false.

This proposed constitutional amendment will make them fact.

Under our present electoral college system, voters do not vote directly for the candidates, but for slates of presidential electors.

And because of the electoral vote allocation, it is entirely possible for a candidate to win the popular vote, but to lose the Presidency to the second-place, or even third-place candidate.

If this situation did not already contain sufficient potential for electoral chaos, we must also recognize that at present there may not be any enforceable constitutional requirement that the electors actually vote for the candidate to whom they are pledged.

An elector, at his personal whim, might cast his vote for whomever he chooses. This happened in our last presidential election.

Earlier this month, when the House and Senate met in joint session to certify the vote of the electoral college, the Senator from Maine Senator MUSKIE and I joined in a historic, though unsuccessful challenge of the vote of a "faithless elector" from North Carolina.

While we had hoped to establish a precedent that might have deterred future faithless electors, the purpose of that challenge was in part educational—to once again remind the public and the Congress of the power of the presidential electors, and the danger inherent in that power.

You will remember that this elector was one of 13 elected by the voters of North Carolina when they marked their ballots for the Republican nominee, Richard Nixon. Yet this elector chose to disregard the mandate of the voters of his State. and instead of voting for Mr. Nixon when the electors met, he cast his ballot for third-party nominee George Wallace.

While that single errant vote is of little immediate consequence, one can recognize that a substantial block of such faithless electors could swing the election to a candidate who failed to lead in the popular vote.

Thus the danger remains that electors, by either capriciously abandoning the candidate to whom they are pledged, or by casting their vote at the candidate's direction in a political power play, could thwart the public's will.

Mr. Speaker, this amendment would absolutely insure that the man with the most votes will win the election. It simply abolishes all the trappings of electoral votes, and says that the popular vote—the vote of the people—will determine who shall be President.

I recognize that other Members have proposed legislation that would correct the most flagrant flaws in the present system. Specifically, they would abolish the electoral college as now constituted, and they would eliminate the present winner-take-all formula for allocating electoral votes.

While disposing of the body called the electoral college, these other proposals would retain the electoral vote, either allocating it proportionately within a State according to popular vote, or by congressional districts.

While these proposals are attractive to some, each one fails democracy's test—that the popular vote winner will in fact be elected President.

In each case, as long as the electoral vote is retained, with clusters of electoral votes rigidly held within a State framework, the possibility remains that a man who did not win the most popular votes could be elected President.

In testimony before the Senate Subcommittee on Constitutional Amendments last week, an opponent of the Bayh amendment, who has endorsed both the district and proportional plans, admitted that under either of these formulas John F. Kennedy would have lost the Presidency in 1960 while winning the popular vote.

The only way to completely eliminate this possibility is to elect the President by popular vote, as provided for in this amendment.

Imagine, if you will, that it is late election night 4 or 8 years hence, and that Chet Huntley and Walter Cronkite flash the news to the Nation: "Candidate A has a clear lead—probably insurmountable—in the popular vote, but, because of some electoral vote formula, candidate B has won the election."

Can you imagine the outcry across the land?

President Nixon has said that he doubts that a President so elected could lead the Nation. I agree.

Since the Harrison-Cleveland election of 1886, we have managed to avoid such a situation.

Few Americans would want this to remain a possibility.

But the potential exists now, and it will still exist, if we retain the structure of electoral votes, whether distributed by congressional district or on a proportional basis.

Now the eminent Members of this House and the Senate who support these other plans realize that there are grave dangers in the present system. They also agree that the present winner-take-all system of allocating electoral votes is undemocratic, since it effectively disenfranchises millions of voters.

They say that their plans would correct this defect in the present system, that, in effect, their proposals are more democratic than the present system.

And they are correct—they are more democratic—but they do not go the full way. They stop short of that final step that assures that the will of the people, in every case, shall prevail.

And the election of the President by popular vote is the only way to give each voter—no matter where he lives or for whom he votes—precisely the same voice in the election of our Chief Executive.

Mr. Speaker, we recognize that the President should be the choice of a substantial number of voters. In order to assure this, in case there should be three or more candidates, this constitutional amendment requires that the winning candidate receive a plurality of at least 40 percent of the popular vote.

If no candidate received the minimum 40-percent plurality, there would be a runoff election. If past history holds true, this would rarely occur. President Lincoln, in 1860, was the last President to receive a plurality of less than 40 percent, and he was very, very close to that mark.

The proposed amendment provides that the Congress will set the date for such a runoff. The Nation should not endure prolonged uncertainty over the identity of its next President. And the President-elect should have as much time as possible before inauguration to organize his administration.

It is my intention that the election be held as promptly as possible after the general election.

Mr. Speaker, events of last year brought us to the threshold of electoral stalemate and chaos.

Most of us here recognize the need for reform. Yet the proliferation of proposals for reform are now threatening the opportunity for change at a time when its prospects are brightest.

This past Sunday the Washington Post declared in an editorial:

> The overriding fact about our national electoral system is that, from the viewpoint of the twentieth century, it is one of the worst that could be devised. Almost everyone wants it changed. The arguments against using it again in its present form are so overwhelming that Congress should move promptly to supplant it with the best substitute that can be worked out.

The Post suggested that the "best substitute" may be the Bayh amendment.

This is the amendment I introduced here today with the announced support of 37 Representatives.

I support this amendment because I think it the best of all proposals submitted thus far, and because I think it is what the people want.

With the weight or reason, and the momentum generated by the junior Senator from Indiana, Senator BAYH, I believe we can enact this joint resolution.

And I believe that logic—and the people—will persuade the State legislatures to ratify it—irrespective of supposed narrow State interests.

Mr. Speaker, some editorial cartoonists across the Nation have depicted the electoral college as a rickety footbridge, ropes frayed, planking missing, spanning a bottomless chasm. Others have pictured it as a wheezing, rusty mechanism, ready to collapse.

Fortunately, there was no collapse in 1968.

We may not be so lucky next time.

Mr. Speaker, I include the editorial, "Road to Reform," from the January 26 edition of the Washington Post, the names of the sponsors, and text of the resolution at this point in the Record:

[From the Washington Post, Jan. 26, 1969]

Road to Electoral Reform

It was long ago established that there is no perfect system for election of the President and Vice President in this Federal Republic. Every proposal that has been devised to date leaves something to be desired. This fact is once more getting emphasis from the hearings conducted by Senator Bayh's Subcommittee on Constitutional Amendments.

But the same can be said of virtually every reform that is sought in government or elsewhere. It means only that there is very little perfection in human affairs. The process of legislation, in Congress or elsewhere, is not one of discovering and enacting perfect remedies for the ills of our time. It is, rather, a process of accommodation from which emerges the most acceptable compromise to meet the problem at hand.

We hope that Senator Bayh's subcommittee and the Senate itself and the House, too, are embarking on such a process in regard to electoral reform. For the overriding fact about our national electoral system is that, from the viewpoint of the twentieth century, it is one of the worst that could be devised. Almost everyone wants it changed. The arguments against using it again in its present form are so overwhelming that Congress should move promptly to supplant it with the best substitute that can be worked out.

What are these defects? The first is, of course, that the President is chosen by electors who may be "appointed" in any manner that the state legislature may approve. The idea of entrusting the choice of the President to third parties who may not even be chosen by the voters, or who may disregard the voters' wishes if they are, is so deeply repugnant to present-day democratic principles that it should no longer be tolerated as the basis of our electoral system.

In a close contest, this strange sytem may give us a President with an electoral majority but without even a popular plurality. In a three-way contest, it may leave the door open for the second and third candidates in the popular and electoral votes to snatch the Presidency away from the No. 1 candidate. In the case of no electoral majority, the choice is thrown into the House with a crude and undemocratic requirement of voting by states.

The problem of the reformers is to eliminate these peril-points in the system by the most effective means possible. Senator Dominick seemed to be making a strong case for the distribution of each state's electoral votes on the basis of its congressional districts or the division of each state's electoral votes among the candidates in proportion to the popular vote cast. But he admitted that either alternative would have elected Richard Nixon in 1960, although John F. Kennedy led in the popular vote. It is too late to offer the country a new system that would increase the possibility of installing in the White House a candidate who has lost the popular vote.

Fortunately, the subcommittee does have before it a plan for direct popular election of the President, with 41 Senators sponsoring it. This is the Bayh resolution. Unless the hearings turn up some more promising approach to the problem, it would be better to use this as a base for the proposed constitutional amendment with such changes as may be necessary to win a two-thirds vote in the Senate. The risk of chaos under the present system is too great to make a stalemate tolerable.

H.J. Res. 317

Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"Section 1. The people of the several States and the District constituting the seat of Government of the United States shall be the electors of the President and Vice President. In such elections, each elector shall cast a single vote for two persons who shall have consent to the joining of their names on the ballot for the offices of President and Vice President. No persons shall consent to their name being joined with that of more than one other person.

"Sec. 2. The electors in each State shall have the qualifications requisite for the electors of Members of the Congress from that State, except that any State may adopt less restrictive residence requirements for voting for President and Vice President than for Members of Congress and Congress may adopt uniform residence and age requirements for voting in such elections. The Congress shall prescribe the qualifications for electors from the District of Columbia.

"Sec. 3. The persons joined as candidates for President and Vice President, having the greatest number of votes shall be declared elected President and Vice President, if such number be at least 40 per centum of the total number of votes certified. If none of the persons joined as candidates for President and Vice President shall have at least 40 per centum of the total number of votes certified, a runoff election shall be held between the two pairs of persons joined as candidates for President and Vice President who received the highest number of votes certified.

"Sec. 4. The days for such elections shall be determined by Congress and shall be the same throughout the United States. The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations. The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed by the Congress for such elections in the District of Columbia.

"Sec. 5. The Congress shall prescribe by law the time, place, and manner in which the results of such elections shall be ascertained and declared.

"Sec. 6. If, at the time fixed for declaring the results of such elections, the presidential candidate who would have been entitled to election as President shall have died, the vice-presidential candidate entitled to election as Vice President shall be declared elected President.

"The Congress may by law provide for the case of the death or withdrawal of any candidate or candidates for President and Vice President and for the case of the death of both the President-elect and Vice President-elect and, further, the Congress may by law provide for the case of a tie.

"Sec. 7. The Congress shall have power to enforce this article by appropriate legislation.

"Sec. 8. This article shall take effect on the 1st day of May following its ratification."

(Cosponsors of House Joint Resolution 317: Messrs. Addabbo, Annunzio, Boland, Bolling, Byrne of Pennsylvania, Dickinson, Donohue, Eilberg, William D. Ford, Mrs. Hansen of Washington, Messrs. Harvey, Hathaway, Jacobs, Kyros, Long of Maryland, Mikva, Mollohan, Moorhead, and Nedzi.)

MINE DISASTER AT MOUNT MORRIS, PA.

(Mr. O'HARA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. O'HARA. Mr. Speaker, shortly before I first came to the floor today, we received word of another mine disaster. This morning a fire swept a coal mine in Mount Morris, Pa.

All the workers were able to escape the mine, thus averting what could have been another major mine disaster like the bitter tragedy at Farmington, W. Va.

But the happy thought that at Mount Morris, only property, and not human lives, were destroyed, cannot lull us into a false sense of security about mine safety. The near tragedy at Mount Morris is as compelling a reason as was the mass slaughter at Farmington to double our efforts to get effective coal mine safety and health legislation on the books—and to make effective enforcement of that legislation a fact of life in the coal fields.

It is tragic indeed that it takes disaster after disaster and death after death to arouse the Nation's indignation to the point where something can be done about coal mine safety—and, for that matter, about all the unsafe and unhealthful working conditions throughout American industry which annually take a grievous toll of life and limb and health and money from the working people of this country.

It is too late, Mr Speaker, to indulge in arguments over who is at fault in these disasters. It is too late for anyone to worry about his reputation as a supporter of mine safety. It is too late for further recrimination. It is time now—not tomorrow, not next week, but now—to begin immediate steps to secure the passage of pending legislation to stop this slaughter of our fellow Americans.

Back in the bloody days of the unionization of the mining industry, there was a song called "Which Side Are You On?" which began:

> They say in Harlan County
> There are no neutrals there.

I say that today, in Harlan County, Ky., in Marion County, W. Va., in Greene County, Pa., and, Mr. Speaker, in the District of Columbia and throughout this Nation, there are no neutrals in the fight for mine safety legislation.

The only question each of us must answer is "Which Side Are You On?"

CRIME IN THE DISTRICT OF COLUMBIA

(Mr. ROGERS of Florida asked and was given permission to address the

House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. ROGERS of Florida. Mr. Speaker, last Thursday, January 23, I introduced three bills which would provide for additional judges for the U.S. District Court for the District of Columbia, additional assistant U.S. attorneys for the District of Columbia, and additional manpower for the District of Columbia Bail Agency.

I introduced this legislation because I believe that increased manpower is the best attack we can mount against the crisis of crime that exists in this city.

Mr. Speaker, it is a crisis, and the Congress, as the legislative body for this city, ought to realize it.

Since January 1, there have been 575 armed robberies in the District of Columbia. An average of 22 per day. In 1968, the average was 12.7 per day. This represents an increase of 78 percent over the daily rate for 1968.

I might add, Mr. Speaker, that these figures do not include purse snatching, and fear of robbery, which would more than likely push these statistics considerably higher.

Since January 1, there have been 19 homicides in the District of Columbia. In 1968, there were a total of 209 homicides. If the current rate of 1 homicide every 1.4 days continues, there will be 260 homicides during 1969, or an increase of 25 percent over 1968.

This shocking increase in the rate of crime is taxing our judicial machinery.

Over 5,000 defense motions are heard by the U.S. District Court for the District of Columbia each year.

This is the Capital of our Nation, and it should be a showcase for all the freedom-loving people of the world; but tragically, that is not the image in which this city is seen.

Henry Brandon, Washington correspondent of London's Sunday Times, gives the following description of Washington:

> You carry only sufficient money to keep the hold-up man satisfied. You acquire a burglar alarm or a watchdog; You don't stay out late. You avoid walking in unfrequented streets. You leave the lights on when you leave your house. You acquire your own gun.

Brandon further adds:

> In a curious way many Washingtonians have become accustomed to living with crime almost in the way that Londoners learned to live with the World War II blitz.

Mr. Speaker, what we need here in Washington is a blitz on the crime crisis.

While Washington has reported 575 armed robberies for the first 26 days of January, the city of London reported a total of 165 "confirmed" robberies in all of 1967, and this was a decrease of 21 over 1966.

Certainly we can make Washington a safer city.

DR. FREDERICK BROWN HARRIS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, with the retirement of Dr. Frederick Brown Harris as Chaplain of the Senate, an outstanding spiritual leader leaves Capitol Hill.

In addition to his service in Congress, Dr. Harris has given courageous and outspoken moral guidance through his newspaper columns and other writings. One of his more memorable contributions appeared in the Washington Evening Star of June 21, 1964, as he recalled the Allied invasion of France two decades earlier. Following are the concluding paragraphs of that column:

> And new in the perspective of history in this Year of Our Lord 1964, America faces a foe as heinous and ruthless—and even more so—than did those who responded to the Eisenhower command. In this hour of destiny it is vitally necessary for Americans to keep before them the true dimensions of the Communist ideology and the extent of its thrust. To ignore it in the comfortable and self-satisfying enjoyment of our own prosperity and freedom is to court disaster. It is to turn into defeat the victory won by our boys but twenty years ago. It is to betray the cause for which they died. Well has it been said by a close student of world affairs, "The very nature of communism, itself, makes it impossible for its leaders to compromise, to negotiate in any realistic sense, or to consider anything short of total domination of the world."
>
> While some are talking glibly of accommodation and coexistence, America needs to listen to those who have seen communism at first hand and have suffered under its terror. A Lutheran pastor and theological professor in Estonia until the Communists took over is now teaching on the faculty of a Theological Seminary in Chicago. Listen to him—"The Soviet rule extirpates every human value, obliterates the voice of conscience, violates the sense of morality, uproots human virtues, and erases freedom of thought. The aim of this ruthless process is the death of the individual. The result of this dehumanization is that man is thrust down to the level of an animal."
>
> There can be no peace with such a system. To be true to those who have been sleeping for 20 years where poppies bloom, this is the time to mobilize America's might, moral as well as material, against such a foe! And, in the spirit of that fateful "O.K. we'll go," to vow in the memory of Normandy that whatever the cost, "government of the people shall not perish from the earth."

Mr. Speaker, now, too, America must keep this counsel. If there is any tendency to assume that the Russian leaders are becoming more human, we need only to remember the help that they have provided Hanoi and the bestial way in which they have been treating the people of Czechoslovakia for the past year.

Dr. Harris' admonition is a reminder that, regardless of how soon the Vietnam war is resolved, America must continue to strengthen its defense structure as long as communism has strength enough to trespass.

In looking forward to a cessation of hostilities in Indochina, the administration must plan ahead for assurance that every veteran will be able to continue schooling or find employment without delay. Yet these preparations should in no way be interpreted as an expectation of a cutback in mobilization requirements. On the contrary, there can be no deemphasizing the Red threat and the need for greater defense efforts in this country.

Just as Dr. Harris warned that to ignore the true dimensions of the Communist ideology and the extent of its thrust would be to betray the cause for which our boys died in World War II, so, too, would any move to relax America's guard at this time, constitute a cruel hoax on the principles for which our servicemen were sent to Vietnam.

Congress has benefited by its association with Dr. Harris. His views from the pulpit and in writing will continue invaluable to the Nation and to the world.

ONLY MAN DESTROYS HIS OWN ENVIRONMENT

(Mr. SAYLOR asked and was given permision to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, in the Sunday Star there appeared an editorial entitled "Only Man Destroys His Own Environment."

The statements in this editorial are prophetic and I draw it to the attention of my fellow colleagues of the urgency needed to conserve and restore our own resources. The editorial follows:

ONLY MAN DESTROYS HIS OWN ENVIRONMENT

> It was doubtless embarrassing to the new administration and it is very rare in the Senate's long history of advising and consenting to presidential appointments, but the hold-up last week of the Senate's consent to Secretary Hickel's appointment was a very good sign for the cause of conservation.
>
> The Secretary is ex officio the nation's chief conservationist. The delay in confirmation indicated senatorial doubts as to the appointee's fitness in that respect. It also indicated a real concern for the importance of conservation.
>
> As Governor of Alaska and, earlier, as a successful Alaska businessman, Secretary Hickel operated on the last large-scale frontier this country has. On the frontier, whether it be, as it was once, 50 miles inland from the Atlantic, or over the great ranges of the West, or now in Alaska, the natural concern of man is to tame the country and to wrest a living from it.
>
> But this country is no longer on a frontier, regardless of the Alaskan experience. Our desperate need is not mastery of the land but its salvation from ourselves. Our true situation may be seen in two contrasting images of nature:
>
> The water sparkles sweetly over stones worn smooth and round, picks up speed over a deep spot, tugging along the vagrant grasses of the bank, splashes and whitens over gray rocks, plunges into a fall, smoothes across the surface of a dark pool and resumes its varied progress from spring-source to sea, by way of forest and field, town and city, stream and great river. All along the way the water refreshes what it moves beside, the grasses, the fish, the fisherman, the town air, the city streets, the secret corners of the human heart.
>
> It's a pretty picture but there's another: The water moves sluggishly over God knows what unseeable rubbish on the bottom, taking its murky colors and its acrid smells from the industrial and human wastes poured into it as it goes. The vegetation on the shore is nonexistent: To touch the water, for a plant, is to die. If a child, ignoring the counsels of its elders, ventures on a swim, he comes out with green hair or worse. The ruined water attracts more ruins: People dump their dumpings and old autos, old tires, old wreckage of all kinds may be seen as little islands here and there or as new promontories on the shore, each contributing its share of noisome ugliness. When the wind is off the rivers, the city suffers just a little

more than normally. There are no fish, no fishermen, and the human spirit can look elsewhere for sustenance.

There was a time when most of America's streams corresponded to the first picture. There rapidly approaches a time when most will correspond to the second.

There are other pairs of pictures, most of them rather depressing. There is the air itself as it comes refreshed from water, sun and trees, and the air we know in our throats, eyes and lungs smudged by factory smoke, poisoned by the carbon monoxide of a million internal combustion engines, polluted a little, even, by the burning tobacco we carry about with us.

There are the trees. Only God can make them, but man is endlessly inventive of the ways to unmake them. Pollution in general and at large will do the job, but it takes time. We have usually preferred the direct attack with ax and saw and no planning for the future. Americans in Vienna at the end of World War II noted that the Viennese, with considerable reluctance, set out to gain their winter's firewood from the famed Wienerwald, the enchanting forest outside town. But the Viennese did so only under the close guidance of the foresters who carefully planned what might be cut and what must be spared. On the record, a similar restraint among Americans faced with the same winter would be unthinkable. All the trees would go.

We are, after all, the people who "took the top off Minnesota, sent it down the river." From Plymouth and Williamsburg we set a course of destruction of trees and followed it, axes ringing, clear to California, where even now there are citizens who can't wait to sink their steel into the last of the giant redwoods.

The historical reasons for the destruction are well-known and are no excuse. There was just so much abundance of everything in nature that traditional European caution and prudence were abandoned. The homesteader cut down trees to build his house and to clear his fields. The mills were built beside streams because water power rather than wind power was the tradition. When water was replaced as a power source, the mills stayed there and began fouling the streams with their wastes. They still do. The fabled "city of dreadful night," first in London, then in the new world, became the very type and symbol of the new industrialization of the 19th century. No one did anything about it and it really didn't occur to anyone that anything could be done. The people who profited from air pollution used their profits to move away from the pollution. The victims stayed on and became further victimized, whether in the inner city or in the hills and hollows of West Virginia, ravished by strip miners.

The Indians, who were here first and who have a pretty good record of victimization themselves, could never understand the white man's uses of nature. The Indians killed animals for food and killed only what they needed. The white man—as with the buffalo and the passenger pigeon—made an industry out of slaughter. The more the merrier until there were no more at all. The Indians used trees for poles and for canoes and left the rest standing. The white man seemed to chop down trees simply because they were there. The pollution of air and water, of course, was unthinkable to the Indian. He didn't know how to do it. We do.

Conservation is the name of the movement against all these assaults upon nature by man. But in sober truth, the situation today almost seems to call for restoration rather than for conservation. There is so little left to conserve, so much to be restored if nature's balm is ever again to be known from its sources.

The initial impulse toward conservation came from the honorable human shock at the sheer mindless destruction being visited upon nature by man. This remains the root philosophical reason for working for conservation. It is, really, the same instinctive response as that of the Indians. The destruction is simply wrong. It must be stopped. We are the less human for the senseless slaughter we perform or permit upon all nature.

This is still a basic and compelling argument.

But we have created for ourselves a more urgent one. The truth is that nature does maintain a balance, disrupt it as we will. For the kind of reckless abandon of the American attitude toward natural resources, there is always a bill sent in eventually. Payment may be deferred, but payment is exacted. Our bill is beginning to come in. The sooner we pay it in conservation and restoration, the less it will amount to in the very real deprivations of water and air and in the no less real spiritual results of such shortages.

We live in cities, but we live with nerves, eyes, brains, reflexes, hands and feet fashioned for other environments, those of nature. Like the salmon going back up the Columbia River, we need, we physically and spiritually need, the solace of nature, of woods and water, of sand and sea, of sweet air and freshening breeze. We destroy these gifts at our peril. And we have largely destroyed them.

PRAYER AND BIBLE READING

(Mr. SAYLOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the isolated protest of the astronaut reading from the Book of Genesis during the moon flight might appear to be unworthy of notice, yet it should remind the Nation that the Supreme Court sided with atheism in banning prayer and Bible reading from the public schools. Another mischief against the Divine Being was the Court's rejection of the teachers' loyalty oath to keep Communists off school faculties.

To protect the Nation against similar disastrous decisions, I have introduced House Joint Resolution 82 to authorize Congress, by two-thirds vote of both Houses, to override decisions of the Supreme Court. I ask that it be acted upon as quickly as possible. Its urgency becomes more recognizable with each passing day.

As Government extends its responsibilities in child education, it is all the more important for teachers to be free to emphasize man's dependence upon God. Having established that many parents are incapable, for whatever reason, of giving youngsters a proper start in life, the Federal Government is involved in numerous projects aimed at helping children of preschool age to make up for the vacuum in the home. Without the assurance that there is no legal objection to his beginning at the beginning—with the Creator—an instructor would find it difficult, if not impossible, to establish values and to provide the proper philosophy upon which children may grow in wisdom and in age.

Without a safeguard such as offered in House Joint Resolution 82, there is danger that any employee of Federal, State, or local government will hesitate to utter the name of God in the execution of his duties. Lord help us all if such reluctance seizes those who are placed in charge of neglected children.

Mr. Speaker, there are other reasons why responsible citizens want some assurance that the Supreme Court will not be able to impose upon the intent of the Founding Fathers and the will of our people. There is a new fear that there will be attempts to remove chaplains from the armed services, remove God's name from the Pledge of Allegiance, and remove God's name from other areas of American life.

Millions of Americans were thrilled to hear of the lunar astronauts' reference to prayer and the Bible. We were filled with emotion when those three courageous pioneers in space stood before the stands in the Super Bowl in Miami and led in the recitation of the Pledge of Allegiance with its dedication to God.

We will tolerate no debilitation of this spirit and this reverence. Your support of House Joint Resolution 82 is of vital importance to this Nation and its people.

SCHERLE CALLS FOR BIPARTISAN PROBE OF "PUEBLO" INCIDENT

(Mr. SCHERLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. SCHERLE. Mr. Speaker, today I am introducing a resolution designed to create a special Joint House and Senate Bipartisan Committee to consider the events leading up to the capture of the U.S.S. *Pueblo*. This special joint committee would be comprised of 16 members, one-half from Members selected by the Speaker of the House, and one-half appointed by the President of the Senate.

News reports of the Naval Board of Inquiry into the *Pueblo* incident have raised questions as to the ultimate responsibility for this sordid affair. Testimony released to date indicates that the responsibility for the capture and subsequent imprisonment of 82 Americans was the result of indecision and inaction in the highest echelons of the administrative branch of our Government.

Two weeks ago I visited personally with Commander Bucher and many members of the crew of the *Pueblo*. I was asked repeatedly by them, "Why wasn't our call for help answered? We held out as long as we could, but help never came."

That question has haunted me and brought a sense of guilt regarding the conduct of many of our Nation's top officials. The information made public so far shows that the White House, the State Department, and the Defense Department were caught short of policy, short of plans, and short of guts. In defending the U.S.S. *Pueblo*, responsible military personnel passed the buck because no one knew what to do or would accept the responsibility for doing it; the usual timidity exercised by the State Department handicapped immediate and effective action; and the White House was thrown into chaotic fear, precluding the exercise of judgement, which allowed a defenseless U.S. naval vessel to fall into Communist hands. Despite the fact that the ship made numerous calls for help, none ever came—why?

The proceedings of the Naval Board of Inquiry to date are producing many unanswered questions. Press reports state that the Air Force will not be called to testify as to its role in this matter. Why not?

A full-scale congressional inquiry is demanded by the American people and they deserve nothing less.

PORNOGRAPHY—THE RISING TIDE OF SMUT

(Mr. SCHADEBERG asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHADEBERG. Mr. Speaker, on April 15, 1968, Public Law 90–206 went into effect, a law designed to help Americans stem the floodtide of obscenity engulfing the mailboxes and minds of our youth.

I called attention to Public Law 90–206 in March of 1968, hoping to alert the parents of my district to this weapon for fighting smut with the following statement, made public at that time:

> WASHINGTON, D.C., March 20, 1968.—Representative Henry C. Schadeberg (R-Wisc.), said today that beginning on April 15, First District parents will be able to "at least partially slam the door on smut mail now flowing like a sewer into the hands of our children and homes."
>
> The Wisconsin Congressman said that on April 15 Public Law 90–206 goes into effect, which allows householders to "fight back against obscene material sent to their homes by advertisers of obscene mail both in District Courts where it is received or where it originates. We can police our own mail boxes now," he said.
>
> Congressman Schadeberg outlined the following three steps that can be taken on April 15 and thereafter and he urged "civic groups, church groups, the PTA and other community organizations to assist parents, who wish to protest the mailings and slam the door on future ones."
>
> 1. If you receive an advertisement which you judge to be obscene, write a letter to the Postmaster General in Washington, D.C., or to your local Postal Inspector. Demand that he send an order to the mailer directing him to remove your name and address immediately from all of his mailing lists. You may also request that the Postmaster General's order include the names of any minor children and other family members at your address.
>
> 2. If you continue to receive questionable mail in violation of the order, you may then request the Attorney General to seek a court order against the smut mail advertiser.
>
> 3. If you then get a court order and still receive the smut mail, the sender will be subject to contempt of court citations and a possible jail sentence.
>
> He said that by the April 15th deadline his District as well as his Washington Office would have forms available which will be sent to the parents on request, which "will be handy for parents who wish to protest the mailings."
>
> Congressman Schadeberg said that he is also investigating the possibility of amending Public Law 90–206 or introducing new legislation which would make it illegal for advertisers to sell or otherwise obtain the names of citizens for advertising mail solicitations without the permission of the individual.
>
> "It is my feeling that something can and should be done in this area, not only as a step forward in terminating obscene mailings but to help take the burden off the backs of our postmen and our mail service, and alleviate some of the perpetual annoyance from junk mail deliveries." The Congressman said that "a man's name is one of his most valued possessions, yet it is bandied about, sold, re-sold, stolen and otherwise covertly obtained without his consent."
>
> He said the legislation he will seek would exempt mailings by political organizations, Veteran's groups, community schools, church and service organizations and would be "aimed squarely at where the problem lies, in the back rooms of smut peddlers and others who invade our privacy via the U.S. Mails."
>
> He noted that, J. Edgar Hoover, head of the FBI, regards smut as a serious problem, one that is conducive to creation of crime. Hoover declares: "It is impossible to estimate the amount of harm to impressionable teenagers and to assess the volume of sex crimes attributable to pornography, but its influence is extensive." He points out that police throughout the Nation "unequivocally state that lewd and obscene material plays a motivating role in sexual violence. In case after case, the sex criminal has on his person or in his possession pornographic literature or pictures."
>
> "The new legislation provides the American householder with an effective, enforceable, tough law against invasion of moral privacy by smut peddlers using the mails. It allows the recipient to decide what kind of mail is to be delivered in the family mail. It is a solid step toward guaranteeing individual rights," Congressman Schadeberg said. He said his office will have a form letter available without cost for parents to send to local postmasters, plus one requesting the Attorney General of the United States to take legal action if smut peddlers persist in their obscene mailings.
>
> "Parents will not have to put up a cent in costs, other than the price of a postage stamp in putting a stop to the unwanted mail," he said.
>
> Congressman Schadeberg said he is distributing the form letters to newspapers and urging them as a public service, to print them so parents can clip them out and use them for immediate communication with the proper officials.

Mr. Speaker, I was hopeful at the time I made the above statement that the muck-peddlers would find it more difficult to peddle their filthy wares. Such has not been the case, I am sorry to report.

I believe the fault with Public Law 90–206 was not in its intent but in the nature of the enforcing arm on which the Congress leaned in order to help clean up the mails. The Post Office Department is a service organization or agency, designed and charged with the single purpose of delivering the mails. It is not an enforcement agency. It is neither equipped nor has the time to pursue this new obligation, according to the information I have in respect to the problem of policing pornography.

I am now convinced that Congress must do more in this area. With this conviction in mind I am today submitting new legislation to attack the problem of smut mailing from another starting point—the producers of this filth and the mailing list brokers who supply them with the names for their filthy mailings.

A person's name is as sacred as his privacy and his reputation. It is the private property of each American and it should be illegal for anyone, for any purpose, to bandy our names about for any purpose whatsoever, without the express consent of each one of us.

Daily I receive letters from my constituents expressing their amazement and disgust over receiving filthy materials through the mail. In several instances the smut material is addressed by hand and sent from some hotel in a foreign country. Recently I came into possession of a particularly vicious smut mailing. It was sent to a young college girl, whose name, I am certain, was secured from her high school annual, which, according to custom, is placed in the public library in her community and is thereby available for any caller to copy from at will.

There are thousands of others just like this young miss, hundreds in fact from the high school from which she graduated. I can only assume that each year each graduating class is to have the names of its young female graduates punched into the smut mill forcing them to become the prey of every diseased pornography peddler in the publishing business.

I believe this should not only be stopped but made illegal. And I believe it can be if Congress will approve the legislation I am submitting, making a Federal offense to use the name of any individual without the clear consent of that individual, whatever his or her age and status in life. I believe that stiff penalties should be provided for name brokers who violate the restrictions in my bill when it becomes law. The bill is as follows:

H.R. 4850

A bill to require mailing list brokers to register with the Postmaster General, and suppliers and buyers of mailing lists to furnish information to the Postmaster General with respect to their identity and transactions involving the sale or exchange of mailing lists, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 53 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 4061. Registration of mailing list brokers; furnishing of information with respect to mailing lists

"(a) Each broker engaged in the sale or exchange of mailing lists shall file with the Postmaster General a registration statement, in such form and detail as the Postmaster General shall determine, which shall cover, among other matters prescribed by the Postmaster General, (1) the name under which he is doing business, (2) the scope and general character of the business, (3) the location of his principal business office, and (4) the names and addresses of the directors and the chief executive officers if the broker is a corporation, association, partnership, or other business association.

"(b) Each individual and each corporation, partnership, or other business organization or association using, buying, selling, renting, exchanging, or otherwise making available to others any mailing list shall, on request, furnish to the Postmaster General, in such form and detail, and at such times, as he shall determine, information respecting (1) the name of the individual, corporation, partnership, or other business association or organization, and (2) the identity of individuals having a financial interest in any such organization or association, including the responsible officers and employees thereof. Postal officials, upon request, shall be permitted to examine records and particulars of transactions or mailings pertaining to any such mailing list.

"(c) As used in this section, 'broker' means any person who engages either for all or part of his time, directly or indirectly, as agent, dealer, or principal, in the business of offering, buying, selling, or otherwise dealing or trading in mailing lists owned, rented, or used by another person.

"(d) The Postmaster General shall make appropriate rules and regulations to carry out the purposes of this section. Such regulations shall provide that a broker shall obtain the written consent of each person to be included on such list before placing the name of such person on such list and that a broker or user of such list shall remove the name of such person from such list on the request of such person.".

(b) The table of contents of chapter 53 of title 39, United States Code, is amended by inserting—

"4061. Registration of mailing list brokers; furnishing of information by suppliers, buyers, and users of mailing lists."

immediately below

"4060. Foreign publications free from customs duty.".

SEC. 2. (a) Chapter 83 of title 18, United States Code, relating to offenses against the postal service, is amended by adding at the end thereof the following new section:

"§ 1735. Mailing list brokers, suppliers, buyers, and users

"Whoever, being required by section 4061 of title 39, United States Code, to furnish information to the Postmaster General, fails or refuses to furnish such information as the Postmaster General shall request under such section, or violates any regulation of the Postmaster General under such section, shall be fined not more than $5,000, or imprisoned not to exceed one year, or both.".

(b) The table of contents of such chapter 83 is amended by inserting

"1735. Mailing list brokers, suppliers, buyers, and users."

immediately below

"1734. Editorials and other matter as 'advertisements'.".

SEC. 3. The foregoing provisions of this Act shall become effective on the ninetieth day following the date of enactment of this Act.

Mr. Speaker, obviously, certain exceptions must be made—for the Red Cross, veterans organizations, city and State governments, and other legitimate organizations who use such information for legitimate purposes. I would expect that an appropriate committee of Congress will conduct hearings on my measure, eliciting information from decent publishers and organizations, all of whom, I feel certain, are equally anxious to clean out the smut mailers, who not only poison the minds of our young with their filth but add immensely to the taxpayer's burden of paying for our postal services.

The legislation I propose would require name brokers to register with the Postmaster General of the United States, who shall be provided with additional funds and help for the purpose of collating information concerning all mailing brokers, legitimate or otherwise. Once collected, on an annual basis, such information shall be turned over to the Department of Justice, which holds the enforcement power to punish lawbreakers and which has the know-how and the personnel to handle such matters. I would further amend Public Law 90–206, turning over to the Department of Justice the assignment of recipient for complaints concerning smut from the people and for corrective action where warnings are ignored or violations occur.

One other aspect of the pornography flood engulfing our young minds that needs reexamination concerns the establishment in 1967 of the Commission on Obscenity and Pornography.

There are several things wrong with this effort and organization. The Commission has been supplied with $643,000 for operating expenses and salaries. No interim reports are required as to how these funds are being used or what progress is being made. The Commission does not have to give an accounting until July 31, 1970. I mention these factors, not in criticism of its distinguished members, but lay the blame at our own doorstep for not writing tighter legislation so that the American people might have an opportunity to take part or determine how well the fight against smut peddlers is going. I believe the 91st Congress might well amend H.R. 16489 to require an interim report. I believe further that Congress should signify its intent for the Commission to report to an appropriate committee of the Congress from time to time. I hesitate to suggest which committee of Congress this might be, prior to consulting with the leadership, but the urgency of the need for action is so imperative that I offer the suggestion that either the new House Committee on Standards of Official Conduct or the Government Operations Committee may well be appropriate bodies for riding herd on the Commission on Obscenity and Pornography.

I will also, at the proper time, submit to Congress legislation designed to make permanent an investigative subcommittee of the House, staffed and instructed to pursue the problem of smut mailing and filth peddling on a permanent basis, with appropriate reports to Congress on a regular basis.

The present setup and composition of the Commission follows:

COMMISSION ON OBSCENITY AND PORNOGRAPHY

AUTHORITY

Public Law 90–100, October 3, 1967.

RESPONSIBILITY

To study the nature and volume of traffic in obscene and pornographic materials. To study effects of obscenity and pornography on minors. To recommend legislative, administrative, and other appropriate action that the Commission may feel necessary to regulate the flow of such traffic without interfering with constitutional rights. To evaluate existing laws pertaining to obscenity and pornography and to evaluate and recommend definitions therefor.

MEMBERSHIP

Eighteen members appointed by the President, composed of persons having expert knowledge in fields of obscenity and antisocial behavior; and with special competence with respect to obscenity laws and their effect on juveniles.

William B. Lockhart (Chairman), Dean, University of Minnesota School of Law.

Edward D. Elson, President, Atlanta News Agency, Atlanta, Ga.

Dr. Edward D. Greenwood, Psychiatrist, Menninger Clinic, Topeka, Kans.

Rev. Morton A. Hill, S.J., Executive Secretary, Operation Yorkville, Inc., New York, N.Y.

Dr. C. William Jones, Assistant Professor of Broadcast Film Art, Southern Methodist University, Dallas, Tex.

Honorable Kenneth B. Keating, Associate Judge, New York Court of Appeals, Albany, N.Y.

Dr. Joseph T. Klapper, Director, Social Research, Columbia Broadcasting System, New York, N.Y.

Dr. Otto N. Larsen, Professor of Sociology, University of Washington, Seattle, Wash.

Rabbi Irving Lehman, Temple Emanu-El, Miami Beach, Fla.

Freeman Lewis, Executive Vice President, Pocket Books, Inc., New York, N.Y.

Rev. Winfrey C. Link, Executive Director, Four-Fold Challenge Campaign, Nashville, Tenn.

Dr. Morris A. Lipton, Professor of Psychiatry and Director of Research Development.

Hon. Thomas C. Lynch, Attorney General, State of California.

Barbara Scott, Associate Counsel, Motion Picture Association of America, Inc., New York, N.Y.

Cathryn A. Spelts, Instructor, South Dakota School of Mines, Rapid City, S. Dak.

Dr. Frederick H. Wagman, Director, University of Michigan Library, Ann Arbor, Mich.

Dr. Marvin E. Wolfgang, Director, Center for Criminological Research, University of Pennsylvania.

STAFF

An office for the Commission staff was set up in Washington in August, and is located at Suite 500, 1016–16th Street, N.W. Their telephone number is 382–8655. The staff director of the Commission is Dr. W. Cody Wilson.

REPORT

The Commission is required by statute to file a report of its findings with the President no later than January 31, 1970.

Mr. Speaker, the Commission has a purpose, and I am not criticizing that. I merely feel an urgency concerning the matter which Congress, in its wisdom, apparently did not in passing the law. I urge a speedup in the Commission's work and the eventual transfer of its duties to a more permanent body, such as the House of Representatives.

Congress as an investigative body has focused its spotlight of exposures on the issue of Communist infiltration, influence peddling and graft in our Government, with salutary results in most instances. I believe the subject of pornography should be so investigated. It is equally serious and far more lasting in the harm it is doing to our young than many of the subjects of congressional hearings. I urge this Congress to consider an immediate investigation, using the legislation I have proposed as the vehicle, along with any additional legislative steps proposed by other Members. I welcome them all as I know the parents of America will welcome immediate congressional attention to this disgraceful situation.

GIFTED AND TALENTED CHILDREN EDUCATIONAL ASSISTANCE ACT

(Mr. ERLENBORN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ERLENBORN. Mr. Speaker, the ultimate objective of a free public education in a democratic society is to provide an equal opportunity for each youth to develop his potential abilities to the fullest.

In recent years, we have seen a widening of the gap between the obvious need and current supply of creative and talented people who are properly educated. This has happened because the development of talent often has been hindered by economic and cultural factors. Thus, the time has come for systematic efforts to be made at the State and national levels to identify and nurture the demonstrated and potential talents of our people.

Mr. Speaker, I have today, together with my colleagues, Messrs. **AYRES**, **QUIE**, **REID** of New York, **SCHERLE**, **ESCH**, and **ESHLEMAN**, introduced the "Gifted and Talented Children Educational Assistance Act." Today, we ask our Nation to adopt as policy the fact that the education of these exceptional children is a national concern.

This bill provides no money; nor does it earmark any funds. Experience has shown us that funds alone are not the answer to the problems facing us. Instead, we must attack the attitudes that bind us to the status quo.

The bill will do the following:

First. Define gifted and talented children as those having outstanding intellectual ability or creative talent, the development of which requires programs or services beyond the level of those ordinarily provided in regular school programs.

Second. Amend title V "Grants To Strengthen State Departments of Education," Elementary and Secondary Education Act, section 503(11) by adding after "handicapped," "the gifted and talented."

This amendment will enable State education agencies to develop appropriate plans for providing for gifted and talented children within their State and to acquire necessary personnel to implement such plans. At present, only 13 of the 50 State departments of education assign one or more full-time staff members to programs for the gifted and talented, while 21 States have no one responsible on a full- or part-time basis for such programs. Nine out of the 10 gifted and talented children now receiving services come from States employing full-time personnel.

Third. Amend the Education Professions Development Act, title V "Teacher Programs," part C "Fellowships for Teachers," Higher Education Act, section 521 "Statement of Purpose," by adding in the last sentence after "handicapped," "gifted and talented."

There is a lack of trained personnel to administer and provide education for gifted and talented children. This amendment will make the preparation of such personnel a priority to which the Education Professions Development Act should focus its attention. At present there are only 26 colleges and universities in the Nation offering programs to prepare teachers and other personnel to work with gifted and talented children. If programs for these children are to be increased to any substantial degree, there will need to be a substantial increase in the number of personnel training programs as well as the number of personnel prepared.

Fourth. Amend title III "Supplementary Educational Centers and Services," ESEA, section 303 "Use of Federal Funds" (a)(3), by renumbering "(I)" as "(J)" and adding a new "(I)" as follows: "(I) special programs for the gifted and talented; and".

Because of their unique learning nature, gifted and talented children require many services and opportunities beyond the confines of the classroom or school. Title III has demonstrated itself to be an effective tool for helping school districts to provide such services and opportunities on a multischool or regional basis. It is the intent of this bill to permit some of the efforts of title III to meet the program needs of gifted and talented children. The use of demonstration programs in Illinois, California, and several other States has had a significant effect on stimulating local communities to develop programs for gifted and talented youth. Title III has provided some assistance in this regard.

Fifth. Direct the Commissioner of Education to conduct a study as to how existing education programs can be best used to meet the needs of the gifted and talented and what new programs might be necessary, making report and recommendations within 6 months.

The resources delineated in the bill represent the most crucial resources needed for program development; however, there are other Federal resources that could provide assistance. For this reason, the Commissioner is asked to show how these resources can be directed toward the needs of highly gifted and talented children.

Once again I stress that these measures are in line with our interest in giving State and local authorities a greater decisionmaking base. The bill does not mandate that they serve the gifted and talented but only increases their ability to do so if they so desire.

REPRESENTATIVE TALCOTT URGES HUMANITARIAN RELIEF TO BIAFRANS

(Mr. TALCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALCOTT. Mr. Speaker, our international problems are not confined to Vietnam, Korea, the Middle East or Eastern Europe. We are making problems in Africa. England's vaunted reputation for diplomatic correctness is unfounded. We ought not to blindly follow its lead—especially in Biafra. We should lend all of our strength and influence—short of military intervention—to achieving a ceasefire.

A united Nigeria may be a worthy goal, but not at the price of the extermination of the Ibos of Biafra. The war appears to me to be a clear case of genocide—against the most outstanding black people of Africa. The Ibos have more Ph. D.'s than the rest of Africa combined. They developed a SAM missile independently of the great powers from practically nothing.

Any war is bad, but this war is without any redeeming aspect, and we are aggravating, rather than ameliorating, the conflict.

Mr. Speaker, I am today introducing a concurrent resolution intended to dramatize the unnecessary suffering in Nigeria and to urge our Government to respond to alleviate the distress for solely humanitarian reasons.

SIXTH APPEARANCE OF CULVER MILITARY ACADEMY'S BLACK HORSE TROOP IN A PRESIDENTIAL INAUGURAL PARADE

(Mr. STANTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STANTON. Mr. Speaker, I take this opportunity to call to the attention of the members of Congress that this month marks the sixth appearance of Culver Military Academy's Black Horse Troop in a Presidential Inaugural Parade.

This year the world-famous cavalry unit was selected as a national representative in the parade. At the suggestion of Col. Donald W. Griffin, a 1917 graduate of Culver, who is now executive secretary of the National Association of Independent Schools, the troop organized and presented a unique display of American flags in keeping with President Nixon's theme of "Forward Together."

Banners from each one of the 54 States and territories which make up our America were carried by members of the Black Horse Troop as they presented "The United States on Review."

The flags were gifts of my fellow alumni of the Black Horse Troop who live in the various States and territories. Their presentations—and mine today—are evidence of the loyalty and respect for the Black Horse Troop, the largest equestrian unit in the United States today.

PRESCHOOL SUPPLEMENTARY EDUCATION ACT

(Mr. WHITEHURST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITEHURST. Mr. Speaker, on January 23, a bill entitled "Preschool Supplementary Education Act," of which I am a cosponsor, was introduced by the gentlelady from Hawaii (Mrs. **MINK**).

This legislation will provide Federal assistance to improve educational services in public and private nonprofit child day care centers. It would make possible preschool education where now little more than custodial care is offered.

In a time when working mothers are no longer a rarity, and the value of preschool education has been shown through the success of the Headstart program, I feel assistance of this type is needed to fill the gap between those not qualifying under the poverty guidelines, and not at that economic level which financially permits meaningful preschool education.

I am proud to be associated with the gentlelady from Hawaii in introducing this legislation and hope it is greeted favorably by my colleagues.

CONGRESSIONAL SALARY INCREASE

(Mr. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LLOYD. Mr. Speaker, the President's Commission on Executive, Legislative, and Judicial Salaries, in completing its study and releasing its recommendations has stated:

> Present salary levels are not commensurate with the importance of the positions held.

The Commission further stated:

> We believe the salary rates proposed in this report will improve our capacity to attract and retain men of ability and dedication.

While this conclusion may or may not be justified by the evidence, it is clear that the citizens of my district, the Second District of Utah, do not agree that salaries, particularly congressional salaries should be raised, at least not at this time, or to the extent proposed by President Johnson. A principal objection is the fact that by this pay raise to Members of Congress which is in the neighborhood of 40 percent, we will be setting an example which will encourage further excessive increases which will add fuel to the fires of inflation which are already blazing dangerously, and at a time we should be working to put out these fires. I agree.

A resolution to disapprove the President's action has been introduced. After conversation with some members of the standing committee to which this resolution has been referred, however, I conclude that the standing committee may not act within the necessary 30-day period, due to the fact that it has taken approximately half that period to become organized and the remaining time does not allow time for hearings which are considered necessary.

However, this does not foreclose the opportunity of the Rules Committee to take the resolution from the standing committee and bring it directly to the floor of the House for a rollcall vote. I am, therefore, joining in the action initiated by the gentleman from Iowa (Mr. GROSS) by submitting today a resolution calling upon the Rules Committee to follow that procedure. If enough Members of this House will follow, it will give the Rules Committee the consensus which would encourage it to act.

LEGISLATION INTRODUCED TO PROVIDE FOR MANDATORY JAIL SENTENCES WHEN A FEDERAL FELONY IS COMMITTED WITH A FIREARM

(Mr. HASTINGS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. HASTINGS. Mr. Speaker, I am introducing today legislation designed to provide for mandatory jail sentences when a Federal felony is committed with a firearm.

My proposal, which amends and strengthens the Gun Control Act of 1968, calls for mandatory minimum terms of imprisonment when an individual has been convicted of a Federal felony involving the use of a firearm.

In the case of a first conviction, the sentence is 1 to 5 years and for subsequent convictions it is 5 to 25 years.

It should be noted, Mr. Speaker, that such sentences under my proposal are to run consecutively rather than concurrently with any sentence imposed for the felony itself. The sentences may not be suspended and probation cannot be granted.

This proposal is similar to the one adopted by the House in the 90th Congress as an amendment to the Gun Control Act. The provision was weakened by the other body.

Mr. Speaker, we need look no further than the front pages of our daily newspapers for the reasons for this proposal. The American people are deeply and justly concerned about our crime rate and the increasing amount of violence connected with that rate.

I commend this proposal to the attention of all the Members and urge the House to consider it in prompt fashion.

HOUSE RESOLUTION 133 INTRODUCED BY REPRESENTATIVE GROSS CALLING FOR DISAPPROVAL OF PRESIDENT JOHNSON'S RECOMMENDATION FOR OUTRAGEOUS PAY INCREASES

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, on January 15 I introduced House Resolution 133 calling for disapproval of President Johnson's recommendation for outrageous pay increases for Members of Congress as well as top bracket officials and employees in the executive and judicial branches of Government.

If the House of Representatives is to be given the opportunity to work its will on these recommendations—and Members were assured they would have that opportunity when the enabling legislation was approved in 1967—then the House Post Office and Civil Service Committee must report a disapproving resolution to the House floor next week. All reports indicate the committee has no intention of acting to this end.

Thus, Mr. Speaker, I am today calling on the chairman of the Rules Committee to hold a hearing immediately and take House Resolution 133 from the legislative committee for action on the floor.

It will be a travesty on the taxpayers and our legislative procedure, Mr. Speaker, if a legislative, executive and judicial pay bill, costing millions of dollars, is permitted to go into effect in February—at the expiration of 30 days—without any consideration by any committee of the House and without a record vote.

I trust that the leadership of the House will not permit such a travesty.

CHARLES Y. LAZARUS CHAMPION OF FREE ENTERPRISE

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, last fall one of my fine constituents received well deserved recognition, both personally and as president of the American Retail Federation.

Charles Y. Lazarus received the first Free Enterprise Award of the National Newspaper Association and American Newspaper Representatives. He was cited as "the best friend the American consumer has" in advertising and selling his wares in the "keen competition of our free enterprise marketplace." Mr. Lazarus was also cited as "a concerned and knowledgeable interpreter of the free enterprise system to the public and to the Government" in contributing to preserving the Nation's free economy.

In responding for retailers of the Nation, Mr. Lazarus delivered an outstanding address entitled "The Future of Retailing in America," which follows:

THE FUTURE OF RETAILING IN AMERICA—THE INTEREST OF THE PUBLIC AND THE COMING TIME

(By Charles Y. Lazarus)

It is a special honor to represent American retailers everywhere in accepting this first Free Enterprise Award on this anniversary occasion, and to share with you my convictions about the future of retailing.

In leafing through the copy of the Sentinel, that first little newspaper of the Northwest Territory, I developed quite an affection for the publisher, Mr. W. Maxwell, and am happy to be a part of a program celebrating the 175th anniversary of his exercise in free enterprise.

Today's editors probably find it quaint and amusing that he buried, on back pages, the newsiest stories in the whole paper, and ran the boiler-plate fiction on page one. The stories that must have generated the most reader interest were the report of the epidemic in Philadelphia that was killing 100 people a day, and the attack by Indians on a military convoy near Cincinnati with a loss of 15 soldiers and 70 horses. This Indian raid story was actually the only local Northwest Territory news in the whole paper. But there were some indications of the newspaper of the future in this first issue too.

The sole letter to the editor complained about the taxes.

At a time when business paper-work must have been minimum, the Centinel had problems with it. The publisher was forced to report that he had lost the subscription list—so please, he said, come and get your copy of the paper at the office.

There were just two ads in the paper, but they forecast the future. One offered a reward for the return of a lost pocketbook—obviously, the beginning of classified advertising. The other was for the Adgate Manufactory. Mr. Adgate was a retailer who accepted either cash or country produce in exchange for goods, and promised superior quality at reduced prices. His discreet little ad forecast the future close relationship of mass media and retailers.

Mr. Maxwell's credo was "open to all parties but influenced by none." He was truly a great activist—a fine example of the personal commitment and involvement that today's crisis demands, a postmaster, a judge, a lawmaker, a military man, an editor. And he wrote, in his front page statement of purpose, that he hoped the paper could be a vehicle for all who had something to say or to sell and he hoped that men of public spirit would "consult not merely their own personal interest but the interest of the public and the coming time."

"The interest of the public and the coming time" is a much more significant responsibility of free enterprise now than it was as America moved toward the 19th century.

This is a double anniversary occasion, of course—25 years ago, the American Newspaper Representatives founded their organization here, in joint session with the Wartime Conference of the National Newspaper Association. We in retailing are honored by this award and accept it as a gracious symbol of your encouragement.

The area in which I hope this encouragement will be taken most to heart is a public, not a private one: the total environment of America's cities. We retailers belong to the city. We are nourished by the city. And only to the extent that we contribute to the welfare of the city can we ourselves flourish.

We have known this and acted on it for generations. But in recent years something has been missing. Clearly, we have not had enough foresight, or enough will, or we have not cooperated enough with other groups, such as yours. Whatever the cause, the results have finally shaken us badly. This is a good sign for the future, since dissatisfaction is a great spur to progress.

In saying this, I am borrowing a life-long slogan of the senior member of the Lazarus clan, who addressed your national convention here in Cincinnati 25 years ago. Fred Lazarus, Jr. used this discontent with many things as they are not only to build a family store into a great national organization but to lead retailers everywhere into deeper involvement with the problems of their communities. I am proud to follow in his footsteps.

In accepting this award, I serve as a stand-in for retailers that range from the proprietors of neighborhood stores to big department stores and national chains. The American Retail Federation numbers all kinds and sizes of stores in its membership that operate in all sizes and types of urban communities from suburbia to the ghetto. The Federation numbers 49 state and 27 national retail organizations within its membership. We work together in the ARF for the same reasons that you work together in the NNA and the ANR, and other federations of communications media. We strive to preserve the freedom of the marketplace of goods and services. You strive to preserve the freedom of the marketplace of information and ideas.

This audience needs no refresher course from me on the current problems of the cities. You have witnessed the growth of crime, smelled the pollution, photographed the hovels of the poor, counted the dead and estimated the distruction after riots, and felt the fear in your neighbor's hearts and know that the guns are piling up in private homes. You have printed and aired the vigorous calls for law and order. And because you are likely to be the most knowledgeable men in your communities, you know that law and order, though necessary, can only be one phase of a solution to the complex urban crisis.

I do not know the solutions to the urban crisis, but I can suggest some things we haven't been doing that we need to be doing. What we may be learning now, rather late, is that free enterprise requires urban responsibility.

We accepted urban responsibility very naturally 50 to 75 years ago. We not only believe that the future of retailing and media and all the other elements of free enterprise were bound up in the well-being of our cities and the environment in which we operate. We supported our belief with personal and vigorous action. Back around the turn of the century, it was a combination of downtown bankers, retailers and newspaper men who promoted the growth and well-being of our cities. We were very close in those days. The relationship of retailer and media, now, tends to be that of advertiser and advertising medium rather than that of citizen businessmen and editors mutually intent on developing a healthy urban climate. Our early working relationships were good for business because they were good for everybody.

We pushed for paved streets, street lighting and for horse drawn trolleys; for police protection and fire protection; for sewers and water lines; for schools and hospitals. We supported efforts to found the Boy Scouts in our towns, the YMCA, the Community Chest. We were personally involved in local government, and we had a lot to do with the character of yesterday's America. We exemplified free enterprise meshed with true urban responsibility.

As our cities and the demands of our businesses grew, some managements drew away from involvement in the local community's problems. For efficiency's sake, because of growth and mergers, some career managers with no real permanent stake in the local community, replaced the personal owner management of many of our businesses and communication media. Community relations became a professional field of work, delegated out of management, too often handled from the distant home office of big national companies. Because so many businesses and media too became national in scope, we were passive about the transfer of much government from Main Street to Washington. In effect, free enterprise disconnected its hot line to the local community and to true urban responsibility.

The communication media, and particularly television, are often saddled with the blame for some of the frightening things that happen. This is like blaming the stick that beats the dog instead of the wielder of the stick. You report what's happening; you don't generate it.

But there is a great deal of blame that can be attached to you, and to us in business, in terms of our passivity, our personal disengagement. The communications media, and perhaps particularly television, are tyrannized by the majority. Yet it was the rights of the many minorities—religious, ethnic, age, professional, commercial, political—that concerned the founders of our country, and the framers of our Constitution. An almost forgotten idea of Thomas Jefferson's was that provision should be made for re-writing the U.S. Constitution every 19½ years. This idea was buried so completely that few have ever heard of it. But it was typical of this man's conviction that a democratic society must be open to change, and to the rights of minorities, such as the minority too young to vote on the Constitution.

When the minority becomes unheard and invisible, when the majority becomes apathetic and delegates even local problems from the street corner to Washington, then national priorities are set, not by participation, but by consent.

What are the results?

With the consent of the majority, highways for private cars and trucks have been subsidized at a cost of billions a year. The minority who need mass transit to get to work are too often left isolated in a maze of freeways.

With the consent of the majority, government has subsidized 10,000,000 housing units for middle income and luxury income families in the last 34 years. For the minority, only 650,000 low-income units have been built. And urban renewal programs have bulldozed away at least that many existing homes of the poor.

With the consent of the majority, we put $4 billion a year into agricultural subsidies, and much of this goes to big agriculture. This $4 billion is twice what we devoted to the war on poverty. Much of this subsidy is for not working the land, yet some of the loudest complaints about help for the poor come from organizations dominated by the richest and most powerful farmers.

With the consent of the majority, open housing is too often non-existent, except in theory. The rent that poor people pay for decrepit and rat-ridden living quarters is often enough for decent shelter outside the ghetto, but we won't let them out despite laws that guarantee otherwise.

With the consent of the majority, we have allowed automobiles and industry to pollute our air and water. Free enterprise is too often construed as freedom to develop without regard for all.

With the consent of the majority, schools in many of our poorer areas are little more than failure factories. In this toughest and most challenging area of education, the most essential for breaking the failure pattern of the disadvantaged, there is the least creative innovation in teaching, the least attempt to bridge the communications and achievement gap that separates the underprivileged from the rest of society.

As the minority rioters stated in Miami during the Republican Convention, they had been trying peacefully to get somebody in government to listen to their housing and jobs story for three years. Only after some violence did the nation listen.

If you are in a minority, and you cannot get anyone to listen, let alone act, you create a crisis. This is the new public relations technique for militant minorities. And it works. It is the best space and attention grabber of all; open warfare.

How did this come to pass? How did this proud democracy get to the point where its minorities felt they could reach the ear of the affluent majority only by sit-downs, fire, looting and death? Each and everyone of us is to blame. Elsewhere I have said my say to the businessmen and to the educators. Today I should like to add a few words about the role of the communications media.

After all, a riot, like a flash of anger in a man's fist, is a form of communication. It is dramatic evidence that more normal media for expressing discontent have been either unavailable or inadequate. Or, as you might say in your defense, the audience was not listening.

Let us listen to your defense first. I know that it is a good one. The poor and the Negro were played down, not because you weren't aware of them, but because the rest of us did not want to look. You write for your subscribers. If they don't want to read about something, you don't write about it. If you did, they would leave you in droves. So would your advertisers—including the retailers. This would be a sure road to bankruptcy. And one more medium of communications would bite the dust. What good would that do anyone, including the minorities?

There is a lot to be said for that point of view. Nevertheless, I don't buy it. I don't buy it because it ignores three ingredients that, to me, are basic to great journalism or any other business or profession in this great country. They are talent, purpose and involvement. Let's take them in order.

You all know that you can get the attention of your readers for any subject—even the most unlikely ones—because each of you has done it. All you have to do is put a talented writer to work on the assignment and give him enough freedom and space. The results are predictable. He will be read, no matter what the subject. This is partly because a good writer can communicate to even a normally inattentive audience. And it is partly because your media carry considerable authority and the priority they give a subject will automatically become the priority given it by a great many readers, listeners and viewers.

Using this technique, you have forced some states to clean up their mental institutions. You have awakened an apathetic electorate and encouraged them to throw a gang of incompetents out of public office. You have built new libraries, put the Community Chest over the top and modernized the accounting methods in city hall. And I suspect that some of you have even persuaded your readers that a political hack was really a statesman.

What about purpose? A clear sense of purpose is a requirement in a successful effort to inform, to enlighten, to fight ignorance, to support courage and to anticipate the future and above all to lead. A clear sense of purpose can also involve you in hot water, but leadership usually involves coping with controversy. A clear sense of purpose means being an important factor in community success and feeling a responsibility to improve community environment. This is a cause worth fighting for. Even thinking about the family life and business problems in the cities of the future is depressing unless we can anticipate changes in present urban trends.

Involvement becomes a necessity if improving the urban climate of the future is a clear objective.

The insight that develops into creative solutions to problems rarely develops from second-hand information. It usually develops from the personal involvement of talented and knowledgeable individuals. You and your writers are among the most all-around talented and knowledgeable individuals in our communities. You are also accepted as the natural spokesman of our communities. You are believable to a degree that some businessmen are not because it is often assumed that business has an axe to grind.

The only axe the enlightened business community has to grind is for the public good first, and our private good second. The urban climate and environment that is good for everybody will be good for business too.

Businessmen have had a recent and revealing demonstration of the benefits of personal involvement in urban problems. Many of the country's large, as well as small, employers have had close and personal involvement with the unemployed of their cities in the JOBS program of the National Alliance of Businessmen. They have learned that personal involvement changes the point of view. Looking at a mass of the so-called hard-core unemployed, you feel hopeless. But look at them one or two or six at a time, study how to help a particular individual become a member of a particular work-force and the results can be very satisfying. Because of this approach—individual involvement—thousands of men and women labeled permanent employment problems a year ago are working and earning decent wages today.

Though there are more, white poor than black poor in this country, the Negro is the more visible because he is always in his uniform—he is black. Like all uniformed personnel, we see him in the mass—regiments of blacks. Personal involvement—yours, ours—strips off the uniform and reveals the individual beneath.

We believe that business—the retailer, the banks, the communications media, and all the other solid local concerns, have a heavy responsibility toward the local community. If we don't accept the responsibility as a moral duty, we must accept it as a way of protecting our assets and our future well-being.

There are, of course, parasitic businesses that move in when the take is good and move out when the sales go sour. They couldn't care less about the climate of a community. But most businesses and most communications media are not geared this way. We are here to stay. And part of the price of staying is caring: caring about the schools we operate, the air we breathe, the water we drink, the government we support, the health of our citizens, the peace and tranquility of our neighborhoods.

We have no right to lambaste the Federal government for taking over and fumbling our local problems if we are so short-sighted as to delegate responsibility to Washington for what is, in every city, a local sickness. The mix of problems in each community is unique, and it takes local involvement, in depth, to work out the local solutions to the urban crisis.

There is no omniscient "they" in government. "We, the people" are government, and it is our obligation to change Lincoln's phrase to read "government of all the people, by all the people and for all the people."

Earlier in this talk I mentioned the ancient and honorable relationship between the communications media and the retailers, a relationship that helped build the cities of this country. I said that it had deteriorated from one of cooperation to one at times of mutual exploitation. I am aware of the fact that I seem to have put most of the blame on the editors and publishers and left the retailers relatively unscathed.

I want to repair this one-sided picture. I think we retailers are equally to blame. To our shame, I think we have to confess that we have too often looked upon you solely as vehicles for our advertising. We have warned you not to criticize us and we have come to you for support of our pet causes.

The times are too perilous to continue this selfish relationship. If we are not doing our part toward improving our cities, you should say so—out loud. Would we like this? Not at all. But if you are the kind of newspaper, radio or TV station that is consistently fighting with courage for a better community, your audience will multiply and you will be so strong, lively and well-supported that we will not dare do anything more than growl.

On our side, we will have to look at something other than your circulation figures and whether you are giving proper position to our ads and enough play for our promotions. We will have to criticize you when your editorial job is feeble, your perspective narrow and when you fail to report fully on the needs of the whole community—minorities included.

But mutual criticism is not as good as mutual encouragement. And, best of all, would be mutual cooperation. We need each other. And our cities need us both.

Your organization is meeting here in Cincinnati to celebrate the founding in this city of the first newspaper in the Northwest Territory 175 years ago. In the first issue of that paper the editor wrote about the danger to the infant village from slaughter and pillage by the Indians.

Now these villages have grown into great urban complexes. The danger they are in does not come from any outside enemy. It comes from within, from the destructive results of our apathy, our intolerance and our blindness.

All this is beginning to change. Many of our citizens have shaken off their apathy. And some inroads have been made on the Urban problem.

But, let's face it. The progress we have made looks much more impressive to white observers safely cloistered in their suburban sanctuaries than it does to black men who know only the despair of the metropolitan ghetto.

I think I can tell you that, for the first time, business is facing up to this problem—with its dollars, with its time with its brains and with its heart. We want more allies. We need more help. Specifically, more of your help.

We need more of your help as employers. In my business we have had to learn how to train the so-called unemployable, to work on the sales floor, to buy and sell and supervise. Are you satisfied that you have done all you can? In the back shop? On the city desk?

We also want and need more of your help as partners in solving the problems our communities face. Certainly your role is as objective observer and reporter of what's going on. But, we can't afford to let you sit on the sidelines in splendid isolation. We need more of your brains and your compassionate concern. And, you have to figure out how, at one time, you can be both critic and participant.

Last, we need to ask you to do that hardest job of all—see yourself as others see you. Let me make it clear that I am one of your biggest fans. I think we all have reason to applaud the performance of the American Press and Media. But, that view is not shared by the disadvantaged. They often think of you as part of the problem—not part of the solution.

I urge you, therefore, to look once again at your newspapers—to listen once again to your broadcasts—making sure that you are doing all within your power to bridge that gulf of misunderstanding that is a part of the root of our problem.

Together, let us summon up the will, the strength and the foresight to work together and transform our cities from what is too often a cause for shame into an achievement worthy of our pride and a future in which all citizens and all business will grow and prosper.

CONGLOMERATE ACTIVITIES

(Mr. KEITH asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. KEITH. Mr. Speaker, two decades ago a unique economic cycle quietly began. Today, still largely unstudied, it sweeps across the economic landscape and, in its wake, a new industrial America is emerging.

I am speaking, of course, about conglomerate mergers.

Already the Nation has been warned. The Cabinet Committee on Price Stability recently reported that our Nation's economy is undergoing a "massive restructuring from conglomerate merger activity."

My discussions with economists and leaders in industry convinces me that we have already begun to feel the impact of the great merger wave of the 1960's. What concerns me most is that conglomerates appear to be causing our society to lose vital services which the independent regulatory agencies are bound by law to protect.

Furthermore, although the character of our industrial system is gradually being altered by merger activity and the pace of this activity is accelerating each year, no one has paused to study in detail what its causes and effects might be.

Who knows how often the acquisition of a faltering carrier by a successful conglomerate will result in an emphasis on increased profits at the expense of providing the people with necessary services?

Who can say whether a regulatory agency, under present laws, has sufficient authority to protect the public interest when a company which has been under its direct control suddenly becomes a mere atom in a complex conglomerate molecule?

Who is certain that investors in companies acquired in mergers and people who invest in conglomerates themselves are receiving adequate protection under present securities laws from the possibility of misleading financial disclosures and stock price irregularities?

Who can tell us that, if mergers are motivated primarily by the possible benefits of questionable tax and speculative practices, the commuter, the consumer, or the small investor will not have to pay a price?

Mr. Speaker, I submit that it is time

that we were informed about these matters. It is time that this revolution in American business, in which the economic balance of power may actually be shifting, be spotlighted and examined in depth before it becomes the tail that wags the dog—before conglomerates can possibly influence public policy decisions out of all reasonable proportion to their actual concern for the public good.

And so, Mr. Speaker, today I am filing a joint resolution which will authorize the six independent regulatory agencies to examine the effects of conglomerate activities on the transportation and communications industries, the securities markets, and interstate and foreign commerce. The agencies concerned are: the Civil Aeronautics Board, the Interstate Commerce Commission, the Securities and Exchange Commission, the Federal Trade Commission, the Federal Power Commission, and the Federal Communications Commission.

My proposed study will look with equal emphasis on both good and bad effects of conglomerates and decide whether the independent regulatory agencies, as they are presently constituted, have adequate authority to supervise conglomerate activities.

In conclusion, Mr. Speaker, may I reiterate that this matter is urgent. We cannot possibly know whether conglomerate mergers are beneficial or harmful to our economic way of life until a comprehensive study, such as the one I am proposing, is carried out. I urge my colleagues to consider this resolution as soon as possible. Otherwise, we may find that without our knowing very much about them, conglomerates will have already taken the larger share of what should be the prerogative of the people—the right to determine what is in the public interest and how that interest is best served.

Mr. Speaker, the resolution follows:

H.J. RES. 315

Joint resolution directing a joint study by the Civil Aeronautics Board, Interstate Commerce Commission, Securities and Exchange Commission, Federal Trade Commission, Federal Power Commission, and the Federal Communications Commission with respect to the effect of conglomerate activities on the transportation and communications industries, the securities markets, and interstate and foreign commerce

Whereas as the result of recent actions leading to the control of air carriers by conglomerate organizations not primarily concerned with transportation cast doubt upon the ability of such air carriers to perform their duties and responsibilities to the public in accordance with the Federal Aviation Act of 1958; and

Whereas as the result of recent actions leading to the control of rail carriers by conglomerate organizations not primarily concerned with transportation cast doubt upon the ability of such rail carriers to perform their duties and responsibilities to the public in accordance with the Interstate Commerce Act; and

Whereas as the result of recent actions leading to the control of motor carriers by conglomerate organizations not primarily concerned with transportation cast doubt upon the ability of such motor carriers to perform their duties and responsibilities to the public in accordance with the Interstate Commerce Act; and

Whereas as the result of recent actions leading to the control of water carriers by conglomerate organizations not primarily concerned with transportation cast doubt upon the ability of such water carriers to perform their duties and responsibilities to the public in accordance with the Interstate Commerce Act; and

Whereas as the result of recent actions leading to the control of gas pipeline companies by conglomerate organizations not primarily concerned with the transportation of gas cast doubt upon the ability of such gas pipeline companies to perform their duties and responsibilities to the public in accordance with the Natural Gas Act of 1938; and

Whereas as the result of recent actions leading to the control of communications facilities by conglomerate organizations not primarily concerned with communications cast doubt upon the ability of such facilities to perform their duties and responsibilities to the public in accordance with the Communications Act of 1934; and

Whereas the activities of conglomerates in acquiring or attempting to acquire control of other companies as well as such transportation carriers and communications facilities has a noticeable effect upon the free and orderly operation of the securities markets and also involves the protection to the security holders in the acquired companies afforded them under the various securities acts; and

Whereas many other effects of the activities of conglomerates on interstate and foreign commerce as well as the over-all economy are unknown: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States, That the Chairmen of the Civil Aeronautics Board, the Interstate Commerce Commission, the Securities and Exchange Commission, the Federal Trade Commission, the Federal Power Commission, and the Federal Communications Commission shall, acting jointly, and utilizing the facilities and personnel of their respective agencies, conduct as expeditiously as possible a full and complete study and investigation of conglomerate activities, including acquisitions and mergers, and their effects on transportation (air, ground, water, and gas pipeline) and communications industries, the securities markets, and interstate and foreign commerce. The Chairmen shall as soon as practicable after completion of the study and investigation authorized by this joint resolution prepare and submit a report thereon to the President and to the Congress. Such report shall include such legislative recommendations as the Chairmen deem advisable.

SEC. 2. There is hereby authorized to be appropriated the sum of $2 million to carry out the study and investigation required by the first section of this joint resolution.

SPECIAL ORDER TRANSFERRED

Mr. DANIEL of Virginia. Mr. Speaker, I ask unanimous consent that the special order granted the gentleman from New York (Mr. BINGHAM) for today for 1 hour, be transferred to January 29.

The SPEAKER pro tempore (Mr. FASCELL). Is there objection to the request of the gentleman from Virginia?

There was no objection.

CENSUS REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. QUILLEN) is recognized for 15 minutes.

Mr. QUILLEN. Mr. Speaker, I am happy to join the gentleman from Ohio (Mr. BETTS) in his fight for census reform. I feel we should repeal criminal penalties attached to the 67 subjects now on the 1970 census questionnaire, and I introduced H.R. 3829 on January, 16, 1969, in an effort to do this.

There are now more than 67 Congressmen sponsoring bills to eliminate the $100 fine and 60-day jail sentence which can be imposed on citizens who refuse to reveal personal information about themselves and their households. The proper alternative to the present harassment is to limit mandatory questions to such subjects as name, address, age, sex, head of household, and persons in home at time of census, and leave the remaining ones to be answered on a voluntary basis. The great majority of citizens will cooperate with the Census Bureau to supply essential information needed.

I do not think that there is any justification for the mandatory requirement that forces all citizens to provide information as to—

First, income, dollar by dollar, from all sources including public assistance, alimony, unemployment and disability insurance, pensions, and investments;

Second, the value of property or the amount of rent paid;

Third, educational, marital, employment, and military history;

Fourth, with whom bathroom and kitchen facilities are shared;

Fifth, a long list of household items including dishwasher, television, radios, automobiles, and second home; and

Sixth, where each person and his parents were born.

I must point out that the constitutional purpose of the census is to count people and that the gathering of a hundred other facts about them is a secondary objective. I note that in 1960 the Census Bureau failed to count 5.7 million Americans and has predicted a greater undercount in 1970 unless the forms are simplified and most questions put on a voluntary basis.

WILBUR COHEN AND THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. COHELAN) is recognized for 30 minutes.

Mr. COHELAN. Mr. Speaker, on January 23 I presented to the House the first half of Secretary Wilbur Cohen's annual report of the Department of Health, Education, and Welfare for fiscal year 1968. I did so because of the importance I attach to the Secretary's review of his Department's work and to the recommendations he includes for future programs.

I would like at this time to submit the second and final section of Secretary Cohen's report, covering education, welfare, and the financing of the Department's programs. I hope that they will have the careful attention of the Members of the House.

I would like also to reiterate my own appreciation to Secretary Cohen for the remarkable contribution he has made to public service and for the imaginative proposals he has left for our consideration as we seek to improve the quality of health, education and welfare available to the people of our country. His great professional skill and experience, in combination with his personal warmth, consideration, and kindness, left their mark on these programs and enhanced the quality of the public service to which he contributed so generously throughout his career.

The second half of Secretary Cohen's report follows:

ANNUAL REPORT OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, FISCAL YEAR 1968—II

(Second half)

IV—SCHOOLING: THE GREAT STEPS FORWARD

In education, as in health, we have taken great steps forward in the last years. In education, as in health, we need to move forward faster still, emphasizing the needs of the young. They are, after all, our Nation's future.

About one of every three of us is a student—a teacher—or educational administrator. And six percent of our income goes to formal education.

The fact that we are now truly an "educational society" is reflected at HEW. The more than 75 laws enacted in the past eight years have touched the lives of millions—and changed the face of the Department. The Office of Education which for almost a hundred years was primarily a statistics gathering organization, is now a bustling agency administering funds that are giving millions of our children fuller opportunities: special help for poor boys and girls; books and other educational material; grants, loans, and work study help for young men and women who want to go beyond high school; aid for more than half our colleges and universities; and research grants that have improved the whole process of education. Most importantly, after a century of debate, the fears and bugaboos about Federal control and all the rest have proved groundless; the issues have been clarified and the facts straightened out. The Federal role in education has been established.

We have made a good beginning. Still, we are barely keeping pace with our Nation's rapidly growing and constantly changing education needs. No one can afford to stop learning in a society where, by 1975, some three-fourths of our labor force will be producing goods and services that did not exist ten years before. Future generations need as early a start as possible. And the follow through should be a life time pursuit.

The Nation must make a greater investment in education at all levels. We must close whatever gaps we suffer.

Strengthening Federal support

Without an increase in our overall investment in education, we cannot assure each child that the goal of his education depends on ability, not geography, or his family's financial capacity.

We must narrow the range of per student expenditures among the States, and within the States. We must share the cost of educating poor and handicapped children. We must mobilize our research and development resources so that we can improve the whole range of educational activities. And to get the most for our dollars, we must streamline and coordinate our programs through efficient administration, effective performance and evaluation. Therefore, I recommend:

That the property tax—the chief source of revenue for the schools—be modified, supplemented by other sources of revenue, and eventually eliminated.

That within the next four years today's Federal share of 8 percent of elementary and secondary school expenditures be sharply increased year by year, from $1½ billion to the full authorization of $3.5 billion annually.

That, to assure that all funds for education are well spent, we encourage and support the national assessment of the state of learning in the United States, already authorized by Congress, for a five-year period.

That legislation be enacted to place all income to the United States from leases and royalties from shale oil and other minerals in a trust fund, and the proceeds be used for the support of education—in accordance with our Nation's education laws.

A real headstart

A growing body of knowledge tells us that very, very young children can be stimulated to learn far more than has been expected in the past, and that learning really does begin at birth. One scientist believes that by beginning at the earliest possible stage in the child's development, we could perhaps stretch the IQ of future generations by as much as 30 points.

All children need attention, time, and money spent on them before they reach the age of six. Yet the children who most need to have their minds stretched and their environments enhanced—including two-thirds of the 2,000,000 poor children between the ages of three and five—lack such opportunity. Therefore, I recommend:

The extension of Head Start for low-income children, for all handicapped children, and ultimately for all children who could benefit, urban and rural—first for five year olds, then for four year olds, then for three year olds.

Effective follow-up for preschool programs, incentives to attract highly qualified teachers to work with disadvantaged children, and use of advanced educational equipment and of individual tutoring.

New school construction and operating fund programs to improve the quality of education.

Schools which serve as vital centers of community activity; school systems which strengthen community ties with the schools and encourage real parental participation.

Day-round, year-round schools

We have a tremendous investment in school plant in the United States; we should put it to better use. One of the greatest wastes we suffer is the school that opens at 8:30 a.m., closes at 3:30 p.m., and shuts for three months in the summer.

Today's slum school especially is often only a building where children are kept for so many hours a day. If it expanded in hours, and community service, it could become something much more: a neighborhood "capital", a source of pride and a symbol of individual and communal achievement.

Schools in both slum and suburb should be kept open afternoons, evenings and all year long. But twelve months of the same old thing will not do. The school should become a place for young and old to go for useful education covering a wide range of programs—vocational training, work experience, advanced courses, cultural activities, community service, and remedial training of all kinds. Therefore, I recommend:

Federal support to help school systems seeking to convert to full time education, starting with schools for disadvantaged children.

The many aspects of education

Our educational institutions—like our citizens—should develop their individualities and keep these individualities. There must be many different kinds of such institutions—each of them as good as possible, in its own way.

The student who wants to learn to work with his hands as a draftsman, for instance, should have that chance just as the Shakespeare scholar has his. The landmark Vocational Education Amendments of 1968 give us the tools to increase opportunities for vocational education. They point the way to new bonds among government, school systems and private industry. In this new partnership, opportunity is joined to educational experience through cooperative, part-time work-study, and both lead to specific jobs.

Once a student finishes high school, he should continue to have a varied choice of learning styles. Yet, we are far from the goal of giving different sorts of educational opportunities beyond high school to all young people who deserve such opportunities and can benefit from them. We have made progress. The growth of junior colleges over the past decade, has been phenomenal—with schools opening at the rate of about one a week. They have already proven their potential. But we must make sure that no economic or racial barrier stands in the way of talented students who want to go beyond high school—whatever the direction.

What's more, new sorts of jobs and new kinds of careers constantly demand that schools and colleges foster the art of learning in the broadest sense, and provide training outside the formal educational structure. More and more pupils need the kind of broadly based general education that helps them adapt to lifetime changes. Not only must they have a sound basic education, but they need opportunities for continuous learning while they are at school and college, and throughout their lives. This means their schooling must reach into the community—and into the world of culture, art, and government as well.

We have more than eight million vocational education students in the country today. What is more, businesses and industries show increasing interest in training and retraining programs. Nearly two million people are now involved in vocational, technical and professional training outside the formal educational establishment. Many more are enrolled in correspondence courses. Television's educational courses reach still others. But the potential has barely been tapped. Therefore, I recommend:

That we triple the number and dramatically improve the quality of opportunities in vocational education under the new Vocational Education legislation.

That we develop a whole series of continuing education programs—through vocational and technical schools, junior colleges and universities—educational television, community schools—and any other possible resource.

Higher education

The 1960's have seen an unprecedented increase in the Federal commitment to higher education—from $2.5 billion in 1963 to almost $6 billion in 1968. Clearly, America's colleges and universities owe their growth and vitality in large measure to such great laws as the Higher Education Facilities Act of 1963 and the Higher Education Act of 1965. In enacting the Higher Education Amendments of 1968 the Congress took another major step in the strengthening of higher education.

With all this progress, ability to pay, rather than ability to learn, still prevents many talented students from entering and completing college. Students with the same achievement levels, but with different family incomes even attend college in strikingly different ways. Moreover, many question the future financial health of higher education. They especially doubt its ability to take on large numbers of additional students, and to pay for high-quality graduate education. The Nation has a valuable resource in its specialists with graduate degrees and the research they make possible. States and individuals cannot afford to nurture this costly resource alone.

The time has come for a bold new commitment to higher education, a commitment with two major thrusts: to promote equality of opportunity by ensuring that all able students can afford to go on to post-secondary education, and that institutions are able to accommodate them; and to strengthen graduate education and research by supporting graduate students and helping institutions develop a limited number of centers of excellence for graduate teaching and research.

Student aid should be our chief concern. Aid for students who need it most, or who would not otherwise go to college, should have our first priority.

Still, institutional aid enhances the education of each individual student, and equality of opportunity in higher education is an empty goal unless colleges and universities have the resources for high quality education. Part of these resources must come from tuition and fees, part from State and local government, part from private giving. But without increased Federal help, these resources will not be sufficient. The Federal Government must also directly help the institutions meet the financial burden of serving many more students. Therefore, I recommend:

The expansion of Federal student aid programs, such as educational opportunity grants and college work study until the number of federally aided students reaches about three million by 1976—instead of the present 1¾ million—with Federal aid available to the majority of students now at college from families with incomes under $9,000 a year, and to the thousands of potential college students from such families.

Cost-of-education allowances paid to every institution which enrolls a federally aided student (undergraduate and graduate).

A variety of aid for graduate education and research to strengthen graduate research and increase the number of centers of excellence.

Consolidation of Federal aid programs for higher education construction and equipment to give colleges and universities more flexibility to use Federal funds in accordance with their own plans and priorities. New and expanding institutions and those who must replace deteriorating plant and equipment need help for the capital cost of institutional expansion.

Congressional examination of all kinds of institutional grants, to learn more about the impact of formula aid on the quality of higher education, on the balance between public and private colleges, and on the maintenance and growth of support by State and local governments.

Family life and sex education

Americans depend on their families for warmth, security and sustenance. The family shapes its children, directs their talents and encourages them as they define their values.

Society cannot control the family, or teach people how to raise families successfully and lead successful family lives. It can, however, try to teach what we know of successful family life and sex education.

In August 1966, at my suggestion, the Office of Education issued a policy statement supporting the inclusion of important, long-neglected family life and sex education courses in elementary and secondary school curricula. Many school districts around the country have begun to include such courses as a regular part of children's education from kindergarten through high school. Often such courses become centers of a stormy political issue.

Even highly emotional political controversies prove useful when they excite open and public discussion of a significant—and too often taboo—subject. Expanded programs of family life and sex education will contribute to the stability of families, to the reduction of venereal disease and illegitimacy, and to the fuller appreciation of human life. Therefore, I have broadened the responsibilities of the Department's Committee on Population and Family Planning to include consideration of sex education and improved and strengthened family life.

Student unrest

The numerous, often violent, disturbances on our college and university campuses have worried and upset the Nation. Reflecting this disenchantment with young dissidents, the 90th Congress enacted certain legislation aimed at denying students who participate in violent and disruptive demonstrations the benefits of federally financed grants, loans, and fellowships.

Surely the student activities at which such legislation is directed are destructive and self-defeating; I cannot condone them. Whatever the need for reform in our academic life, physical harassment, obstruction, and vandalism cannot be used as acceptable means of dramatizing it. Nonetheless, I am deeply concerned about the practical effect of the "student unrest" provisions.

In the first place, they present the colleges and universities which must enforce them with a confusing set of conflicting and overlapping regulations. For example, section 504 of the Higher Education Amendments of 1968 and section 411 of the 1969 Appropriation Act both turn on the conviction of an individual student of a crime. However, in each section, the nature of the crime, the identity of the convicting court, the procedural incidents, and the consequences of a finding against the student are defined differently.

Moreover, these provisions may have grave consequences for the education programs administered by the Department of Health, Education, and Welfare. They involve the Federal Government in the maintenance of campus discipline—usually and properly a college and university function. By imposing rigid Federal standards, they may restrict the ability of college and university administrators to deal with disruptive students on the basis of each individual, particular situation. And, by making the consequences of a student's participation in a demonstration turn ultimately on the size of his pocketbook rather than on the strict nature of his conduct, the unrest provisions discriminate on economic grounds.

All in all, then, they may do more to exacerbate campus tensions than to ease them, and do more to hamper official capacity to deal with these tensions than help it. Therefore, I recommend:

That the public interest would be better served if Congress followed the Senate proposal, vesting in the college or university full discretion for determining how a student's misconduct should affect his eligibility for Federal assistance.

That, in any event, Congress correct the present conflicting and overlapping nature of the laws in this area by eliminating the restriction now imposed by section 411 of the 1969 Appropriation Act.

Selective service and national manpower policy

Descriptions of the American draft system range all the way from pure praise to simple acceptance to "Kafkaesque in its inscrutable arbitrariness."

Whatever the truth, the continued education and training of the graduate and professional manpower required by the national interest warrant the review and modification of the Military Selective Service Act of 1967 (Public Law 90–40). Men of military service age deserve more equitable treatment from their country.

A random selection system within the age groups eligible for service may be the long range solution. Any single deferment, regardless of age or educational level, should be based upon the ultimate national interest and security. Pending congressional action on Public Law 90–40, the selective service procedure should be modified so that young men and women eligible for service suffer a minimum of uncertainty.

Therefore, I recommend:

That a prime age group (age 19) be designated as the first to be inducted into the service, and that those who are now past age 19 (but not yet 26) and who are not entitled to deferment, be treated for this purpose as if they were 19 (be placed in the 19-year old pool).

Since all fields of higher education are, or may be, of equally critical importance to the balanced development of the Nation, that no higher education field or discipline be considered more important or critical for selective service deferment purposes than any other.

V—ASSURING A DECENT LIVELIHOOD

Our American society firmly believes that an able-bodied man should pull himself up by his own bootstraps. It is only gradually coming to grips with the fact that he can't pull himself up by his bootstraps if he hasn't any boots.

It has been shocking to realize that the man criticized for quitting his job had to do so to take care of motherless children—or that children fall asleep in class because they have been kept up all night in crowded rooms—or that they cannot achieve good marks because they are hungry and undernourished.

As a Nation, we are facing the reality first confronted in the 1930's: No child, no man can thrive on an empty stomach; the key to opportunity is a decent income earned with dignity. But we have not gone as far in assuring this income as have most of our fellow democracies.

It is an ugly paradox that this is true in our wealthy country, with its vigorous capacity for growth and for change. It is a paradox that some suffer hunger in the midst of surplus, rat-haunted slums near comfortable suburbs, a lack of steady, decent jobs in a period of high employment; that when most Americans enjoy an extraordinary high standard of living, we still have some 22 million human beings living in poverty.

Social security

For the first time since the world began, we, as a Nation, have the capacity to end poverty. The most formidable weapon in our arsenal is one most Americans have not usually thought of as an anti-poverty program—Social Security. The Social Security and Unemployment Insurance Systems moderate the loss in earnings due to retirement, death, disability and temporary unemployment. They offer American workers and their families basic, necessary protection.

For instance, social security is the main source of continuing income for retired people—many would be destitute without it. Social security benefits keep 10 million people above the poverty level. Without these benefits, they would have to depend on relatives who often could not readily afford such support, or they would have to go on relief rolls. Without these benefits, nineteen out of twenty beneficiaries would not achieve even a moderate living standard.

Over 24 million American men and women are receiving old-age, survivors or disability insurance checks totaling $2 billion each month. Still, the social security recipient keeps body and soul together on an average of $100 a month. And the minimum benefits are now only $55 for a single person and $82.50 for a couple.

Whenever suggestions are made concerning increasing social security benefits, several inevitable but proper questions arise: Can we afford it? Should the cost be borne by payroll contributions?

In considering these important questions, we should remember that the employer's *net* social insurance contribution rate today is lower than it was expected to be when the social security program was enacted in 1935. I have transmitted to the Chairmen of the House Committee on Ways and Means and the Senate Committee on Finance a report on this matter which in my opinion justifies additional payroll contributions for further improvements in the program.

I recommend:

That social security benefits be raised substantially to a $100 per month minimum for an individual and $150 for a couple over the next several years. This would have a dramatic effect—lifting 4.4 million people out of poverty. The first step toward this goal would be a 10 percent general boost and a jump from $55 to $80 minimum for an individual and from $82.50 to $120 for a couple. This would move 1.2 million persons out of poverty. This first step alone would take 150,000 aged men and women off the welfare rolls and greatly reduce the number of needy crippled, disabled and blind, at an annual savings in local, State and Federal funds of $255 million. States would then be freer to concentrate their helping efforts on the families most in need of preventive—and where it is too late—rehabilitative services.

That the maximum earnings base on which social security benefits are computed (now $7,800 a year) be completely eliminated in determining the employer's contribution.

That the maximum earnings base for determining the employee's contributions and benefits be increased by steps to $15,000 a year so that the social security system will cover about the same proportion of wages as it did in 1939.

Consideration be given to changing the ratio of employer-employee contributions, from a 50–50 basis to two-thirds from the employer and one-third from the employee. This step would recognize the fact that the employer can deduct his contributions as a business expense in computing his tax, while the employee must pay an income tax on his deduction.

That the Congress consider refunding part of all of the payroll tax paid by those below the poverty level out of general Federal revenues.

That the level of unemployment insurance be raised substantially, that Federal standards be set for it, and remaining gaps in coverage be closed; that workmen's compensation benefits be improved for those who cannot work because of disabilities suffered on the job.

That the Congress enact legislation providing for payment of social security benefits to persons at age 60 on an actuarially reduced basis in either of two cases: if at any time unemployment for the United States should exceed 4½% for any four consecutive months, or if the Council of Economic Advisers advises the President that unemployment is likely to exceed five percent for three consecutive months.

That the retirement test on which there is no loss of income be increased from $1680 a year to $1800 and that this amount be automatically increased in the future in relation to increased earnings.

The right to welfare

Nobody likes our present system of public welfare. Those who get it say it demeans them. Those who administer it feel strangled by its paperwork—especially its eligibility forms. Those taxpayers who pay for it worry rightfully about its $8 billion cost. Here at the Department of Health, Education, and Welfare—the Federal agency charged with the administration of the public assistance system—we are committed to its change and improvement. This Secretary, who has worked toward this for 34 years, would also like to end the dole.

But how? Most people turn to public welfare in despair—not greed—and as a last resort. Although 22 million Americans are poor, only 9 million of them receive relief, millions less than might qualify. The great majority—or about 7 million—of our public welfare recipients are either very old (2 million) or very young (4.2 million) or blind (85,000) or permanently and totally disabled (700,000). Unskilled, hampered by a lack of education, families travel to our great cities because they dream of opportunity, not handouts. Once on relief, they usually hunger to get off and into decent self-respecting lives, the kind most Americans take for granted.

It's no wonder. The average monthly welfare check for an aged man or woman is $70.25, for a family with 3 children, $162 (or $39.50 per person). As in any category system of relief, the recipient can starve unaided if he does not qualify under specific labels of dependency. And because states match Federal welfare funds in different amounts, there are gross discrepancies in welfare payments. In Mississippi, a needy mother of 3 gets an average of $35 a month ($8.45 per person), in New York, $282.35 (or $71.75 per person).

There are also great discrepancies in rules and regulations. The number and style of "investigators" approving or disapproving the welfare client varies. But too many states are still entangled in a quest for the "worthy poor." If six people witness a murder, the alleged murderer can enter a court of law, raise his right hand, swear to his innocence and rate a lawyer. He is innocent until he is proven guilty. But an ill-clothed welfare mother of an undernourished five-year old is often treated as guilty of some infraction of existing rules until she is proven innocent. Beset by complex problems, bewildered by intricate forms, she presents herself at the public assistance headquarters. The welfare worker almost always has to spend so many hours checking her statements about income, or property, or relationships, or residency, that there is little time left to help set the family on the road to independence by unravelling the personal and family difficulties which beset so many.

All of this has now begun to change. Long ago, the Social Security Act, by demanding a few basic ground rules, set in motion a process which over recent years has effected a quiet revolution in the rights of the poor. The legal framework required of public assistance plans has been strengthened by Congress. The doors of the courts have been opened to demands that these programs meet constitutional standards of equity and rationality, both in substance and in procedure. The emergence of the legal service programs for the poor has made possible challenges to a host of questionable practices.

Today there is a growing recognition of the legal right to the receipt of public assistance, a legal right to insist that it be fairly designed and fairly administered—and a legal right to invoke the Constitution to assure the fairness of the system. What lies ahead is the task of applying these rights, point by point, so that the poor may come to stand truly equal before the law. The Fourteenth Amendment to the Constitution applies to the poor and the disadvantaged as well as to other citizens of the United States. Constitutional decision is the responsibility of the courts, but the Secretary of HEW also has major responsibilities for the fair and proper administration of public assistance.

An end to the dole

Most Americans are compassionate, they are pragmatic; they accept the fact that they cannot let over 4 million children starve. They do not so easily accept the fact that there are 1.4 million adults—mostly parents—taking care of these children on the relief rolls—or understand the complex social forces that put them there. All are agreed that we should take a good hard look at our public welfare system, and work toward its reform. My first recommended step in such an effort—raising the minimum social security benefit—would take 150,000 needy aged men and women off the welfare rolls.

We must also turn our attention to the world of work and work opportunities, to the problems of welfare administration, and improved services.

A major study carried out in 1966 by Dr. Lawrence Podell of the City University of New York shows what many of us suspected—that most welfare mothers want to work. Seven in ten mothers interviewed preferred to work for pay rather than stay at home; two-thirds planned to work in the future (the fact that one in six never went beyond fourth grade and another one in six never graduated high school indicates the level of job they could hope for).

We must concentrate on better training and better jobs for welfare recipients. We must also achieve such training and such jobs for the one-third of the poor who belong to families whose heads hold full-time year round jobs. Wives and children share in any higher earnings achieved by underemployed and unemployed men. If we could life these families above the poverty level, we could concentrate more effectively on smaller numbers of hard-core poor who are left—on and off the welfare rolls. Therefore, I recommend:

A greatly expanded program of work incentives, and opportunities for productive and self-supporting work (jobs-job training—and the development of New Careers possibilities).

The establishment of a national Federal welfare payment administered according to national standards, to be available to individuals in need in all the states. The Federal courts have pointed the way to this reform in several states by declaring welfare residency laws illegal. If the Federal Government picked up the check, welfare payments and policy among the states would be equalized. And the budget burden of our great cities would be eased, leaving them freer to use their funds for constructive social services—schooling—recreation—and all the rest. Such a system would include financial incentives for men and women to seek employment, adequate day care for the children of working mothers, an effective job training program, legal protection, visiting nurse and family planning services.

Cutting down wasted professional time by using a simplified Eligibility Application Form instead of a detailed investigation, to determine the eligibility of public assistance recipients. This has been tried with some success in New York and California, and would, of course, require scrupulous sample checking. Each of us who pays an income tax is asked to declare our income; and each of us knows that his declaration is reviewed and may be questioned. Each of us knows that if he is found guilty of fraud, he will be punished; the same would be true in public welfare. The public sympathizes with the plight of the aged, the blind, and disabled. We should start our new policy with them. The funds saved could well be used for constructive, rehabilitative social services.

Consumer protection

A family's standard of living can be raised not only by increasing its resources, but also by assuring that it uses them wisely. The poor and the aged are susceptible targets for consumer fraud. The woman on welfare who knows how to avoid being shortchanged at the supermarket is that much ahead. So is the man who knows how to ask fair treatment from his landlord, whatever his income.

For many years consumer problems were pushed aside, and consumer protection programs relegated to a minor, insignificant place. After all, consumer interests were fragmented, and opposition to them well organized and well financed. Now the leadership of some dedicated members of Congress and the increased attention devoted to consumer problems by the national news media have changed the picture. New laws protect us against a wide variety of dangerous products and unfair practices—from infant blankets to automobiles, from unwholesome food to consumer credit.

Within the Department of Health, Education, and Welfare we have taken a number of steps to focus attention on consumer protection, and to provide more and better information to consumers. I recommend, in addition, that HEW:

Authorize a central or agency publication to give consumers information about consumer choices developed through government-sponsored, taxpayer-paid research.

Offer Federal financial aid to states to improve their consumer service programs.

Provide for the coverage of certain prescription drugs under the Medicare program.

Authorize payments for drugs under Medicare and Medicaid at reasonable prices normally paid by drug dispensing establishments—like pharmacies or hospital clinics.

Publish and disseminate an up-to-date U.S. Drug Compendium of prescription drugs listed by their generic name with pertinent information on each drug.

Require that all prescription drugs in tablet or capsule form bear an identification which would reveal the manufacturer and identify the drug; the manufacturer's name and the generic or established name should also appear on the label of prescription drug containers.

Federal credit unions

Federal Credit Unions have come to be an important part of consumer protection, as a method of saving for more than ten million wage-earners. Assets of the 12,600 credit unions now stand at about $6.6 billion. I have been a member of credit unions since 1936 and I know what they mean to struggling young families.

Though the members of the credit unions are generally working people of modest means, who can ill afford to lose their savings (which average only $562), the Federal Credit Unions remain the only federally-charted savings institution without deposit insurance. Therefore, I recommend that:

Federal Deposit Insurance protection be provided to credit union members, similar to the protection of deposits in banks. The fact that liquidations have been infrequent—combined with the Credit Unions' excellent record—would keep such insurance costs to a minimum.

Income maintenance

The goal for the years ahead is to weave a net—through employment efforts, our social insurance system, a reformed public assistance program, and intensified consumer protection—through which no American may fall. But even with the best of intentions, the most skilled craftsmen, and the strongest thread, it will take time to make a foolproof web—one without a single hole.

The recommendations of the President's Commission on Income Maintenance, which is examining all practical alternative income maintenance systems should be very helpful. HEW's goal should be to assure a decent minimum for every American individual and every American family. Such an income maintenance system should have built-in incentive encouraging every able-bodied man and woman to contribute as fully as possible to our economy, as well as to share in its benefits.

VI—TO BETTER THE QUALITY OF AMERICAN LIFE: PAYING THE HEW BILL

To reach great goals, we must make great choices. As a Nation, we must decide what kind—what quality of life—we want to accomplish for our people. And we must set priorities, so that we have the means to move toward greater health and education and social opportunities.

This we can do. We need only the will to do it.

Our gross national product increased by more than half between 1960 and 1968. The vitality of the economy, and our capacity to harness the power for stable, steady growth have proven formidable.

If our Nation continues its present course, total production will increase an average of $40 to $50 billion each year, and grow larger as time passes. The same is true of Federal revenues. Given no change in tax rates, they will increase by more than $15 billion a year.

Can we afford improved health, education, and welfare?

Our gross national product for 1969 is estimated to be $920 billion and will undoubtedly exceed $1 trillion in 1971. At this rate of growth, the gross national product should reach $1,300 billion by 1976 and exceed $1,500 billion by 1980. There is absolutely no question that we have the resources to improve our health, education, and welfare if we commit ourselves to making the proper priorities in our tax system and other programs.

In 1960, our gross national product was slightly less than $500 billion and we spent in the United States, $79 billion for all health, education, and welfare activities, public and private. This amounted to 16 percent of the gross national product.

By 1963, our gross national product had increased $80 billion to $575 billion, our health, education, and welfare expenditures to $100 billion, and the proportion of these expenditures to gross national product to 17.4 percent.

By 1968, the GNP had increased nearly another $50 billion to $822 billion, health, education, and welfare expenditures to $163 billion, and the proportion of such expenses rose to 19.8 percent.

These trends unmistakably indicate that during the next eight years, as our gross national product rises, so the proportion of the gross national product invested in health, education, and welfare can and will rise. With a GNP of $1300 billion in 1976, the proportion invested in health, education, and welfare could rise to 25%, making possible $325 billion to be invested in health, education, and welfare compared to $163 billion in 1968—a doubling in the eight year period. This would enable us to be investing by that time about $50 billion more in health, $60 billion more in education, and $55 billion more in social security and welfare. And we could do that simply by more equitable sharing of a bigger pie.

A Nation which spends more than $8 billion for tobacco and $11 billion for alcohol, a Nation in which 12 million people own pleasure boats, can surely use its increased revenues for human beings. A Nation in which 79 percent of the households own one car, and one quarter of the households own two or more cars, can afford to improve the quality of life of its least fortunate citizens. But it has to want to pay the price.

Paying the HEW bill

The taxes we pay are simply the price of Government services and commodities. Tax collection is the mechanism through which consumers—or the general public—pay the price.

Americans rightfully want to pay reasonable prices. No one wants to pay too much for a car, or a loaf of bread, or drugs. No one wants to find he's bought meat so tough he can't eat it, or that a house exactly like his could have been built for less money.

By and large, Americans have received good value for their health, education, and welfare tax dollars. Look at the substantial dramatic gains of the past years.

We have strengthened our chances for the blessing of good health—dramatically lowering infant mortality rates, for instance, and begun a new life-giving community approach to mental health and illness. We have overcome the Federal aid to education barriers, and millions of school children benefited—through books, new imaginative ways of learning, and help toward college education. We have improved the quality of education and enhanced equal opportunity. Fewer high school drop-outs—rehabilitation for handicapped people and those on welfare rolls—medicare and other improvements in social security—a significant drop in the number of Americans living in poverty: This is the story of the past years.

Many people have asked each recent HEW Secretary, when we have moved forward so rapidly, why must we pay the price for more social services? The answer is two fold.

First, the needs are still great. They are especially great for our least fortunate families. A Nation which still has 22 million poor—living in a world of bad health, housing and food, little clothing, and a hopeless, depressing environment—cannot sit back and rest on its laurels.

Second, the better the quality of life for most of us, the more those who have not achieved such a life, ask. They watch television, they read the popular magazines. They want the best for themselves and their children. HEW programs are designed to help them achieve it.

Increased social services will have to be financed through taxation—as they have been in the past. And, as in the past, increased health, education and welfare expenditures will add to the stability of the economy, its toughness, its strength, and its potential for growth. The more educated Americans, the more Americans in good health, the more trained and able to work, the greater our national muscle. We must invest more in the health, education, and welfare of our children. I have recommended increased education and health services for children. I also recommend:

That the appropriations and authorization for child welfare services (foster care, adoption, care of abused children and all the rest) be increased in order that all children and families in the Nation will have a better chance to lead lives of productivity and fulfillment.

Tools for policymaking

So big have become our institutions, public and private, so complicated our enterprise, that meeting our health, education and welfare needs will take even more than determination—and even more than willingness to pay. We must shape more effective tools for policymaking.

As organizations grow, the time needed to implement decisions gets longer. We are increasingly required to make every important and very expensive long-range decisions which, while not irreversible, are very hard to change. If we are not careful, inaction—or doing nothing—will become our chief strategic device, our policy tool.

We dare not let this happen in urgent areas of social planning. Health, education and welfare problems—and related problems in housing or transportation—demand broad active planning.

But we do not have the necessary information to make carefully reasoned policy choices and form sensible plans. We agree, for example, that we want to eliminate poverty. But how—specifically? Many ideas compete in the theoretical market place: guaranteed income, negative income tax, family allowances, wage supplements.

The trouble is that we lack some of the most crucial information about such programs, and their effect on individual lives. If the American people are to decide between alternatives they must have more facts. What effect would a children's allowance have on family size? How would wage earners react to various kinds of negative income tax proposals?

Again, we agree that we must do something about the quality of life in our major urban centers. Again, how—specifically? Again we don't have enough information—or even refined enough ways of measuring the consequences of urban living upon the very young, the elderly, or upon their health and education. Therefore, I recommend:

That the Federal Government undertake a substantially enlarged statistical program—

gathering and disseminating information necessary for sound social planning from and to States, local governments and other interested organizations. This would include information on the effectiveness of family planning and other health programs, an ongoing national assessment of educational achievement, comparative facts on the effectiveness of delivering health care, job training and preschool education.

That the President or the Department of Health, Education, and Welfare each year issue a social report, as the Council of Economic Advisers issues an economic report, measuring the quality of our society for the President, the Congress and the public.

The budget

As we cut a larger and larger piece of the national pie for social goods and services, we must improve our chief policy making tool—the budget.

Budget timing and process now impose almost impossible burdens on Department and agency staffs, creating difficult problems for program administration, and impairing the quality of decision-making. In recent years Congress has acted on the HEW budget only after the fiscal year has begun on July 1. This means that one year's HEW budget planning must begin before the previous year's budget has been finally acted upon. Senior Department officials spend enormous amounts of time and energy working on two separate budget years at once. This has become the pattern. It is not a sensible one. Therefore, I recommend:

That the budget be put on a calendar year basis so there is enough time for Congress to study and act on important HEW matters. The President would present his budget proposals in January of each year and the new appropriations would be available on January of the following year. Everyone involved would have more time to do a better job; the results would be much improved.

Congress fund programs well in advance of the time they go into effect, especially if they involve school districts, universities, states, or municipalities (which must prepare their own budgets anywhere from six to eighteen months before the budget year of the Federal Government.)

Congress takes a vacation in the month of August, not only to enable its members to have a vacation, but to give key congressional and executive staff an opportunity for much needed rest. No private industry would operate on the present timetable, which is wearing out the senior people in the executive departments and on congressional staffs. A brief pause in the legislative year would improve the Congress' ability to complete its work, and it probably also would do a great deal, in the long run, to improve the quality of legislation.

Civil rights

Better schools, more hospitals, higher income—all such changes mean little unless they are equally available to all Americans. That is why the Civil Rights legislation of the 1960's stands as one of the most significant measures taken to improve the quality of life in the United States.

HEW now shares major responsibility for the enforcement of such laws, based on the concept that all Americans should enjoy services and benefits made possible by their Federal tax dollars, without regard to race, color or national origin. Though this proposition seems eminently fair, it is nevertheless a fairly recent concept in the administration of Federal grant programs.

Title VI of the 1964 Civil Rights Act specifically and unequivocally prohibits racial discrimination of every kind in federally assisted programs. It also requires Executive agencies to end Federal support of any program in which discrimination is practiced.

The 1964 Civil Rights Act has had a great impact on the desegregation of hospitals, nursing homes, elementary and secondary schools, colleges and universities. HEW's efforts to enforce such principles in its administration of Medicare—which have been almost 100 percent successful—is one of the great untold stories of the past years. Quietly, steadily, the country's hospitals have been desegregated, more patients are treated equally, and more doctors are admitted to staff privileges. The pattern of discrimination has been broken. Considerations of good health can now take precedence over those of race. In education the record shows steady—albeit slow—progress in desegregation. This thrust has been expanded to all educational agencies in the Nation.

The record shows the significant change that has taken place in compliance of school districts organized on a dual, racially-segregated basis. In 1963, before the enactment of the Civil Rights Act, only 1.17 percent of Negro students in the 11 Deep Southern States were attending school with whites; in September 1967 this percentage had increased to 13.9 percent. Nearly all school districts with white and Negro teachers have begun the process of faculty desegregation.

Amendments to the Elementary and Secondary Education Act enacted in 1967 spread the effects of Civil Rights measures by requiring that HEW's compliance program "be uniformly applied and enforced throughout the fifty States." Subsequently the Department began to study the distribution of minority students and faculty—Spanish-surnamed, Oriental, and Indian, as well as Negro—from Northern and Western school districts. More than 30 preliminary reviews and five full reviews of school systems have taken place. Preliminary review shows that civil rights problems are nationwide and concern all minority groups.

In a very real sense, the Nation is at a turning point in its efforts to bring alive the principles of equality and justice. I recommend:

Title VI of the Civil Rights Act continue to be not a panacea, but an indispensable ingredient in the total Federal approach to equal educational opportunity.

Legislation to provide Federal financial aid to school districts which have an approved plan of desegregation for school construction, teachers' salaries and other needed services where such school districts demonstrate a fiscal incapacity to carry out such plans.

The civil rights program in the Department of Health, Education, and Welfare be administered by a Deputy Under Secretary with responsibility for compliance, technical assistance, and education.

Improving the quality of the environment

On Christmas Day, 1968, three Americans circling the moon transmitted photographs to Earth which more forcefully than any other event in history emphasized the fragile and destructible nature of our environment. We know far better now than ever before how thin and precious is the veil of atmosphere, how rare and wondrous are the oceans and rivers, how incredibly complex and delicate is the balance, which permit the existence of life on Earth.

Today this Earth of ours faces a major environmental crisis. Urbanization, the increase of population, fantastic advances in technology, and the mistakes of the past have brought biological, radiological and chemical contamination of land, air, food and water; crowding; noise; destruction of natural resources, and many other threats to human health and well-being. We cannot have it all one way or the other. The human race cannot prosper unless it makes use of the riches of the Earth. But man cannot survive if he turns these resources against himself in the form of pollution and contamination, and hazardous living conditions.

Such problems cannot be solved piecemeal. They require continuous, coordinated study and action. To this end a new organization—the Consumer Protection and Environmental Health Service was set up last July within the Department of Health, Education, and Welfare. As the one agency in the Federal Government approaching all the complex environmental problems from the viewpoint of human health, safety and welfare, HEW should provide a central focus for the Nation's environmental efforts.

Throughout the environment, the forces of change far outnumber those aimed at understanding the significance of change. Our vast and growing capability in the fields of science and engineering has enabled us to push on, all too often without knowing where we are going, what we are doing to our world, and to ourselves.

As a first major step toward this essential knowledge, I have directed the establishment of the National Institute of Environmental Health Sciences among the nine National Institutes of Health. This new institute is a further commitment on the part of the Department of Health, Education, and Welfare, and of the Federal Government, to the principle that human well-being and health must not suffer because of man-made environmental changes.

We must continue and expand our environmental control efforts.

Therefore, I recommend:

Expansion of our efforts to reduce air and water pollution—two of the greatest threats to man's health and economy.

Application of all of our knowledge to reduce accidental deaths and injuries, and expansion of occupational health programs.

Elimination of the food contamination which causes food-borne disease.

Elimination of substandard and unsafe drinking water supplies.

Protection of the American people from exposure to all harmful radiation.

An increase in our efforts to control community noise.

Expansion and improvement of solid wastes management.

Increase in our efforts to reduce home and neighborhood environmental health problems, including a drastic reduction of the number of rats in the United States.

Expansion of research and evaluation of the effects of environmental stresses on the individual.

Cooperation with the private sector

The private sector in 1968 was responsible for $52 billion of the $163 billion invested in the Nation's health, education and welfare. The amount spent by the private sector grew from $35 billion in 1933 and will continue to grow with the years.

There is ample room in our society for a substantial and creative role for the private sector. Business enterprise can help train young people—including the disadvantaged—for New Careers. They can help perform nutrition research, to solve the terrible problems of hunger and malnutrition. The television and communications industry can forge direct lines between patient and doctor. New learning machines can bring about great changes in curriculum and bring more knowledge for more children. A non-hazardous cigarette might emerge from industry-government cooperation. Such cooperation could also result in the development of technological ways to control air and water pollution.

Business and government are not enemies. They should and could be effective partners in a wide range of constructive activities which would mean better health—education—and welfare for all Americans.

The need to choose

Eight years ago, when I returned to HEW from university life, there were about 100 programs in the Department. Today we administer more than 250 programs.

Statistics, of course, are significant only as they affect human beings. Statistical changes at HEW have touched—changed—and improved the personal lives of millions. They now spell hope and opportunity in the most profound sense of those over-used words.

But we cannot afford simply to continue what we're doing. We cannot afford to stand still. When our population is increasing so dramatically and the complexity of our problems is intensifying, standing still is going backwards. We have built up the momentum; we must go forward.

To do so we must be willing to pay the bill. We must continue to improve the administration of present programs of course. But in this world you cannot get something for nothing. We must choose what we want to do in health, in education, and in social opportunity, and find sensible, convenient and equitable ways to pay for it.

Here at HEW, we have progressed far toward the achievement of the Republic's oldest, fondest dream: making a better society on this earth than has ever been made before. We have increased the individual American's real freedom. We have done so by giving him greater options. Social Security and Medicare give parents, grandparents and children the freedom to choose different paths. They have more choice as to what to do with their money and their talents. No longer does a family have to give up a youngster's college education to pay a grandparent's medical bills. Education programs give young and old alike the equipment to choose between careers. (After all, the illiterate man has no real freedom to choose what he wants to do.) The development of an effective measles vaccine prevents the crippling of thousands of children and lifts a burden from parental shoulders. Rehabilitation programs make work possible, life bearable, and return the investment made in them many times in earnings and taxes.

It is my hope that the United States will use its vast resources to abolish poverty, improve the health and education of all our people and achieve an adequate system of social security. It is my hope that those who do the Department of Health, Education, and Welfare's work will never lose sight of their goals, and will press forward to create better programs for all Americans.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Hunt) to revise and extend their remarks and include extraneous matter:)

Mr. Quillen, for 15 minutes, today.

Mr. Sandman, for 5 minutes, today.

Mr. Adair, for 30 minutes, January 30, 1969.

(The following Members (at the request of Mr. Daniel of Virginia) to revise and extend their remarks and include extraneous matter:)

Mr. Cohelan, for 30 minutes, today.

Mr. Wolff, for 15 minutes, January 30.

Mr. Montgomery, for 60 minutes, on February 4.

EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

(The following Members (at the request of Mr. Hunt) and to include extraneous matter:)

Mr. Pettis.

Mr. Gubser in three instances.

Mr. Stanton in three instances.

Mr. Robison.

Mr. Hastings in five instances.

Mr. Conte.

Mr. Weicker.

Mr. Ashbrook in two instances.

Mr. Schwengel.

Mr. Zwach in two instances.

Mr. Carter.

Mr. Mailliard in two instances.

Mrs. Reid of Illinois.

Mr. Don H. Clausen.

Mr. Chamberlain.

Mr. Pollock.

Mr. Ayres.

Mrs. Dwyer in three instances.

Mr. Cleveland in two instances.

Mr. Anderson of Illinois.

Mr. McKneally.

Mr. Skubitz.

Mr. Wyman.

Mr. Esch.

Mr. Miller of Ohio.

(The following Members (at the request of Mr. Daniel of Virginia) and to include extraneous matter:)

Mrs. Hansen of Washington in three instances.

Mr. Rodino in two instances.

Mr. Yatron.

Mr. Purcell in two instances.

Mr. Koch in four instances.

Mr. Casey in two instances.

Mr. Rarick in four instances.

Mr. Daniels of New Jersey.

Mr. Gallagher.

Mr. Dingell in two instances.

Mr. Olsen in two instances.

Mr. Matsunaga.

Mr. Rogers of Florida in five instances.

Mr. Gonzalez in four instances.

Mr. Slack in two instances.

Mr. Hagan in two instances.

Mr. Downing in two instances.

Mr. Pickle.

Mr. Perkins in two instances.

Mr. Steed.

Mr. Vanik in two instances.

Mr. Thompson of New Jersey.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 29, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

442. A letter from the Secretary of Commerce, transmitting the 56th Annual Report of the Secretary of Commerce for the fiscal year ended June 30, 1968, pursuant to the provisions of 5 U.S.C. 604; to the Committee on Interstate and Foreign Commerce.

443. A letter from the Secretary of Defense, transmitting a report on disbursements from the appropriation for "Contingencies, defense" contained in the Department of Defense Appropriation Act, 1969, pursuant to the provisions of that act; to the Committee on Appropriations.

444. A letter from the Acting Comptroller General of the United States, transmitting a report concerning the claim of Mr. Corbie F. Cochran against the United States, pursuant to the provisions of 45 Stat. 413 (31 U.S.C. 236); to the Committee on the Judiciary.

445. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a request for withdrawal and return of case No. A-1758471 previously transmitted, involving suspension of deportation under the provisions of section 244(a) (2) of the Immigration and Nationality Act of 1952, as amended; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTICNS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY:

H.R. 4781. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. ADAIR:

H.R. 4782. A bill to amend chapter 44 of title 18, United States Code, to exempt ammunition from Federal regulation under the Gun Control Act of 1968; to the Committee on the Judiciary.

H.R. 4783. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4784. A bill to amend title II of the Social Security Act to increase from $1,680 to $3,000 the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. ANDREWS of Alabama:

H.R. 4785. A bill to authorize the Board of Commissioners of the District of Columbia to request the assignment of U.S. Marines to assist in law enforcement in the District of Columbia; to the Committee on Armed Services.

By Mr. ANNUNZIO:

H.R. 4786. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. BATTIN:

H.R. 4787. A bill to provide compensation to the Crow Tribe of Indians, Montana, for certain lands embraced within the present boundaries of the Crow Indian Reservation, for the validation of titles, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4788. A bill to authorize the appropriation of funds for the construction, reconstruction, and improvement of the Alaska Highway; to the Committee on Public Works.

H.R. 4789. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on honey and honey products and to impose import limitations on honey and honey products; to the Committee on Ways and Means.

H.R. 4790. A bill to amend the Internal Revenue Code of 1954 to provide for the valuation of a decedent's interest in a closely held business for estate tax purposes; to the Committee on Ways and Means.

By Mr. BETTS (for himself, Mr. Biester, Mr. Bush, Mr. Erlenborn, Mr. Gude, Mrs. Heckler of Massachusetts, Mr. Hunt, Mr. McCloskey, Mr. Mills, Mr. Montgomery, Mr. Moss, Mr. Price of Texas, Mr. Rhodes, Mr. Riegle, Mr. Roth, Mr. Saylor, and Mr. Stratton):

H.R. 4791. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BLACKBURN (for himself, Mr. Anderson of Illinois, Mr. Riegle, and Mr. Byrne of Pennsylvania):

H.R. 4792. A bill to provide educational assistance to children of civilian employees of the United States killed abroad as a result of war, insurgency, mob violence, or similar hostile action; to the Committee on Post Office and Civil Service.

By Mr. BRADEMAS (for himself, Mr. Addabbo, Mr. Ashley, Mr. Bingham, Mr. Boland, Mr. Burlison of Missouri, Mr. Burton of California, Mr. Byrne of Pennsylvania, Mr. Casey, Mr. Clay, Mr. Corman, Mr. Derwinski, Mr. Dingell, Mr. Donohue, Mr. Duncan, Mr. Eckhardt, Mr. Edwards of California, Mr. Esch, Mr. Farbstein, Mr. Flood, Mr. Fulton of Pennsylvania, Mr. Fulton of Tennessee, Mr. Garmatz, Mr. Gilbert, and Mr. Gude):

H.R. 4793. A bill to enable citizens of the United States who change their residences to vote in presidential elections, and for other purposes; to the Committee on House Administration.

By Mr. BRADEMAS (for himself, Mr. Burke of Florida, Mr. Thompson of Georgia, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Tunney, Mr. Ullman, Mr. Whitehurst, Mr. Moss, Mr. Charles H. Wilson, Mr. Winn, Mr. Yatron, and Mr. Carey):

H.R. 4794. A bill to enable citizens of the United States who change their residences to vote in presidential elections, and for other purposes; to the Committee on House Administration.

By Mr. BURKE of Massachusetts (for himself and Mr. Corman):

H.R. 4795. A bill to amend title IV of the Social Security Act to extend and improve the Federal-State program of child-welfare services; to the Committee on Ways and Means.

By Mr. BURTON of Utah (for himself and Mr. Lloyd):

H.R. 4796. A bill to provide that the land reserved for any national monument shall not exceed 2,560 acres; to the Committee on Interior and Insular Affairs.

By Mr. CARTER:

H.R. 4797. A bill to equalize the retired pay of members of the uniformed services retired prior to June 1, 1958, whose retired pay is computed on laws enacted on or after October 1, 1949; to the Committee on Armed Services.

By Mr. CELLER:

H.R. 4798. A bill to authorize the Comptroller General of the United States to administratively settle tort claims arising in foreign countries; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 4799. A bill to authorize the release of 100,000 short tons of lead from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. CONTE:

H.R. 4800. A bill to amend title II of the Merchant Marine Act, 1936, to create an independent Federal Maritime Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CONYERS (for himself, Mr. Celler, and Mr. Koch):

H.R. 4801. A bill to assure to every American a full opportunity to have adequate employment, housing, and education, free from any discrimination on account of race, color, religion, or national origin, and for other purposes; to the Committee on Education and Labor.

By Mr. COWGER:

H.R. 4802. A bill relating to withholding, for purposes of the income tax imposed by certain cities, on the compensation of Federal employees; to the Committee on Ways and Means.

By Mr. DANIELS of New Jersey:

H.R. 4803. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DONOHUE:

H.R. 4804. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. DULSKI:

H.R. 4805. A bill to amend title 37, United States Code, to clarify the right to a member of a uniformed service to a family separation allowance without regard to whether his dependents live in a residence or household subject to the management or control of the member, and for other purposes; to the Committee on Armed Services.

H.R. 4806. A bill to amend title 5, United States Code, to provide for additional positions in certain Federal agencies, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ERLENBORN (for himself, Mr. Ayres, Mr. Quie, Mr. Reid of New York, Mr. Scherle, Mr. Esch, and Mr. Eshleman):

H.R. 4807. A bill to provide for educational assistance for gifted and talented children; to the Committee on Education and Labor.

By Mr. FALLON (for himself, Mr. Garmatz, and Mr. Friedel):

H.R. 4808. A bill to authorize appropriations to be used for the elimination of every grade crossing along the high-speed rail line between Washington, D.C., and New York City; to the Committee on Public Works.

By Mr. FEIGHAN:

H.R. 4809. A bill to amend section 101(a) (27) (D) of the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. FOLEY:

H.R. 4810. A bill to authorize the release of 50,000 short tons of lead from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. FULTON of Pennsylvania:

H.R. 4811. A bill to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corp. and its subsidiaries to other Government departments; to the Committee on Government Operations.

By Mr. GARMATZ:

H.R. 4812. A bill to prevent the importation of endangered species of fish or wildlife into the United States, to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 4813. A bill to extend the provisions of the U.S. Fishing Fleet Improvement Act, as amended, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mrs. GREEN of Oregon:

H.R. 4814. A bill to extend the time for filing final reports under the Correctional Rehabilitation Study Act of 1965 until June 30, 1969; to the Committee on Education and Labor.

By Mr. HARVEY:

H.R. 4815. A bill to amend title I of the Housing Act of 1949 to authorize loans to assist older persons who have been displaced from their homes by urban renewal projects to purchase comparable homes, free of additional debt; to the Committee on Banking and Currency.

H.R. 4816. A bill to provide for the appointment of postmasters by the Postmaster General, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4817. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. HASTINGS:

H.R. 4818. A bill to amend chapter 44 of title 18, United States Code, to strengthen the penalty provision applicable to a Federal felony committed with a firearm; to the Committee on the Judiciary.

By Mr. HAYS:

H.R. 4819. A bill to prevent vessels built or rebuilt outside the United States or documented under foreign registry from carrying cargoes restricted to vessels of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. KLEPPE:

H.R. 4820. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to permit advance payments to wheat producers; to the Committee on Agriculture.

H.R. 4821. A bill to place in trust status certain lands on the Standing Rock Sioux Indian Reservation in North Dakota and South Dakota; to the Committee on Interior and Insular Affairs.

By Mr. KYROS (for himself, Mr. Adams, Mr. Addabbo, Mr. Anderson of Illinois, Mr. Bevill, Mr. Byrne of Pennsylvania, Mr. Clark, Mr. Daniels of New Jersey, Mr. Diggs, Mr. Donohue, Mr. Gaydos, Mr. Hathaway, Mr. Hechler of West Virginia, Mr. Kazen, Mr. Kee, Mr. Matsunaga, Mr. Mikva, Mr. Pepper, Mr. Saylor, Mr. Thomson of Wisconsin, Mr. Tunney, Mr. Widnall, and Mr. Yatron):

H.R. 4822. A bill to amend title IV of the Public Health Service Act to provide for the establishment of a National Lung Institute to the Committee on Interstate and Foreign Commerce.

By Mr. LEGGETT:

H.R. 4823. A bill to amend title 10 of the United States Code so as to provide that the Chief of the Medical Service Corps of the Navy and Air Force shall be a brigadier general or rear admiral, as the case may be, and for other purposes; to the Committee on Armed Services.

H.R. 4824. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. LLOYD:

H.R. 4825. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink; to the Committee on Ways and Means.

By Mr. McDADE:

H.R. 4826. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

H.R. 4827. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

H.R. 4828. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

H.R. 4829. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemption for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. McMILLAN:

H.R. 4830. A bill to authorize realistic, economic, and modern building heights and bulk in the District of Columbia, to provide new business and employment opportunities for all, to expand the tax base, to stimulate and assist efforts to break the poverty cycle and strengthen the economy, to provide parking, to rebuild and renew blighted, slum, burned-out, and underdeveloped areas, to conserve and make the best, and maximum, use of land, to achieve the best design, to save tax funds, and for other purposes; to the Committee on the District of Columbia.

By Mr. MATSUNAGA:

H.R. 4831. A bill to amend title 5, United States Code, with respect to the concurrent payment of foreign post pay differentials and nonforeign post cost-of-living allowances, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MIKVA:

H.R. 4832. A bill to amend title 42, United States Code, to limit the information which may be required by local school authorities from recipients of free or reduced-price school lunches under the National School Lunch Act, and for other purposes; to the Committee on Education and Labor.

By Mr. MOORHEAD:

H.R. 4833. A bill to establish a commission to make a comprehensive study and evaluation of the methods of selecting candidates for the offices of President and Vice President of the United States; to the Committee on House Administration.

By Mr. MORTON:

H.R. 4834. A bill to amend title 10 of the United States Code to provide that nationals of the United States and citizens of the Trust Territory of the Pacific Islands may be enlisted in the Armed Forces; to the Committee on Armed Services.

H.R. 4835. A bill to authorize the Secretary of the Interior to establish the Constellation National Historic Site, in the State of Maryland, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4836. A bill to establish and develop the Chesapeake and Ohio Canal National Historical Park, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4837. A bill to amend the Migratory Bird Treaty Act to prohibit the baiting of waterfowl, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 4838. A bill to establish the National Oceanographic Agency; to the Committee on Merchant Marine and Fisheries.

By Mr. OTTINGER:

H.R. 4839. A bill to extend to volunteer fire companies the rates of postage on second- and third-class bulk mailings applicable to certain nonprofit organizations; to the Committee on Post Office and Civil Service.

By Mr. PATMAN:

H.R. 4840. A bill to amend chapter 55 of title 10 of the United States Code to provide medical and maternity care in service facilities for certain members of the uniformed services and their dependents after such members are separated from active duty; to the Committee on Armed Services.

H.R. 4841. A bill to provide for Federal control over foreign banking corporations operating within the United States, the District of Columbia, the several territories and possessions of the United States, and the Commonwealth of Puerto Rico; to the Committee on Banking and Currency.

By Mr. PERKINS:

H.R. 4842. A bill to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for a joint committee or joint board empowered to interpret provisions of collective bargaining agreements; to the Committee on Education and Labor.

By Mr. PHILBIN:

H.R. 4843. A bill to improve educational quality through the effective utilization of educational technology; to the Committee on Education and Labor.

H.R. 4844. A bill to amend title 39, United States Code, to provide for the mailing of newsletters of nonprofit organizations addressed to members of the U.S. Armed Forces, without cost to such organizations; to the Committee on Post Office and Civil Service.

By Mr. PREYER of North Carolina:

H.R. 4845. A bill to authorize the Secretary of the Interior to exchange certain lands at Guilford Courthouse National Military Park, in the State of North Carolina, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RARICK:

H.R. 4846. A bill to provide for the issuance of a commemorative postage stamp in honor of the brave men who served on the U.S.S. *Liberty* and the U.S.S. *Pueblo*; to the Committee on Post Office and Civil Service.

By Mr. RODINO:

H.R. 4847. A bill to promote the advancement of science and the education of scientists through a national program of institutional grants to the colleges and universities of the United States; to the Committee on Science and Astronautics.

By Mr. RUMSFELD:

H.R. 4848. A bill to expand and improve the provisions of the Oil Pollution Act, 1924; to the Committee on Merchant Marine and Fisheries.

By Mr. SAYLOR:

H.R. 4849. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHADEBERG:

H.R. 4850. A bill to require mailing list brokers to register with the Postmaster General, and suppliers and buyers of mailing lists to furnish information to the Postmaster General with respect to their identity and transactions involving the sale or exchange of mailing lists, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SKUBITZ:

H.R. 4851. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

By Mr. STANTON:

H.R. 4852. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

By Mr. STUCKEY:

H.R. 4853. A bill to designate the Okefenokee National Wildlife Refuge as the Okefenokee Wilderness; to the Committee on Interior and Insular Affairs.

By Mr. TALCOTT:

H.R. 4854. A bill to amend subsection (a) of section 406 of the Omnibus Crime Control and Safe Streets Act of 1968 to aid law-enforcement officers taking courses through correspondence schools; to the Committee on the Judiciary.

H.R. 4855. A bill to provide for the appointment of postmasters and rural carriers on the basis of merit; to the Committee on Post Office and Civil Service.

H.R. 4856. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4857. A bill to amend the Legislative Reorganization Act of 1946 to provide for the inclusion of certain cost estimates of certain measures reported by the standing committees of the House of Representatives; to the Committee on Rules.

H.R. 4858. A bill to amend title 38 of the United States Code to include within the parental beneficiary class under the servicemen's group life insurance program persons who stood in loco parentis to a deceased insured; to the Committee on Veterans' Affairs.

H.R. 4859. A bill to amend the Internal Revenue Code of 1954 to authorize a tax credit for certain expenses of providing higher education; to the Committee on Ways and Means.

H.R. 4860. A bill to amend section 213 of the Internal Revenue Code of 1954 to provide that certain expenses of child adoption shall be treated as medical expenses; to the Committee on Ways and Means.

H.R. 4861. A bill to amend the Internal Revenue Code of 1954 to authorize a deduction from gross income for certain contributions to the support of an aged parent or divorced mother who is not gainfully employed; to the Committee on Ways and Means.

H.R. 4862. A bill to amend the Internal Revenue Code of 1954 to authorize a deduction from gross income for certain expenses of employing full-time household help; to the Committee on Ways and Means.

H.R. 4863. A bill to provide for the establishment of a Commission on Revision of Federal Taxation; to the Committee on Ways and Means.

H.R. 4864. A bill to amend the Internal Revenue Code of 1954 to authorize and facilitate the deduction from gross income by teachers of the expenses of advanced education (including certain limited travel) undertaken by them, and to provide a uniform method of proving entitlement to such deduction; to the Committee on Ways and Means.

H.R. 4865. A bill to authorize the distribution of a portion of the Federal tax revenue to the States for elementary and secondary education purposes; to the Committee on Ways and Means.

By Mr. TIERNAN (for himself, Mr. Hathaway, and Mr. Eckhardt):

H.R. 4866. A bill, Utility Consumers Counsel Act of 1969; to the Committee on Interstate and Foreign Commerce.

By Mr. TIERNAN (for himself, Mr. Mize, Mr. Monagan, Mr. Duncan, Mr. Donohue, Mr. Wolff, Mr. Adams, Mr. Lukens, Mr. Mikva, Mr. Udall, Mr. Hathaway, Mr. Ashley, Mr. Gibbons, Mr. Evins of Tennessee, Mr. Pepper, Mr. Bingham, and Mr. Downing):

H.R. 4867. A bill to establish a commission to make a comprehensive study and evaluation of the methods of selecting candidates for the offices of President and Vice President of the United States; to the Committee on House Administration.

By Mr. UDALL:

H.R. 4868. A bill to provide needed facilities and services not otherwise available for the accommodation of visitors in the areas administered by the National Park Service, by authorizing the Secretary of the Interior to guarantee loans which are part of concessioner investments in such facilities and services, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. UDALL (for himself and Mr. Steiger of Arizona):

H.R. 4869. A bill to further the economic advancement and general welfare of the Hopi Indian Tribe of the State of Arizona; to the Committee on Interior and Insular Affairs.

By Mr. WHITE:

H.R. 4870. A bill to authorize the construction of extensions of the American Canal at El Paso, Tex., operation and maintenance, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WILLIAMS:

H.R. 4871. A bill to amend the Internal Revenue Code of 1954 to provide that no garnishment of compensation and no seizure of property may be made by the Internal Revenue Service without a court order; to the Committee on Ways and Means.

By Mr. WOLD:

H.R. 4872. A bill to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated docket Nos. 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367 before the Indian Claims Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WYLIE:

H.R. 4873. A bill to amend title II of the Social Security Act to increase to $3,000 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Ways and Means.

By Mr. YATES:

H.R. 4874. A bill to amend the Export Control Act of 1949; to the Committee on Banking and Currency.

H.R. 4875. A bill to establish a Commission on Hunger; to the Committee on Education and Labor.

H.R. 4876. A bill to amend title VI of the Public Health Service Act to improve the existing program for assistance for construction and modernization of hospitals and other medical facilities and to provide for the making of loans for such modernization; to the Committee on Interstate and Foreign Commerce.

H.R. 4877. A bill to amend the act of March 3, 1905, relating to the dumping of certain materials into the navigable waters of the United States; to the Committee on Public Works.

H.R. 4878. A bill to amend the Internal Revenue Code of 1954 to extend the head-of-household benefits to unremarried widows and widowers and single persons who have attained age 30 and maintain their own households; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 4879. A bill to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes; to the Committee on Agriculture.

H.R. 4880. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

H.R. 4881. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. ADAIR:

H.J. Res. 304. Joint resolution to direct the Federal Communications Commission to conduct a comprehensive study and investigation of the effects of the display of violence in television programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.J. Res. 305. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. BOW:

H.J. Res. 306. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

H.J. Res. 307. Joint resolution to provide for the designation of the second week of May of each year as "National School Safety Patrol Week"; to the Committee on the Judiciary.

By Mr. BROOMFIELD:

H.J. Res. 308. Joint resolution to declare the policy of the United States with respect to its territorial sea; to the Committee on Foreign Affairs.

By Mr. CELLER:

H.J. Res. 309. Joint resolution authorizing the Secretary of the Interior to provide for the commemoration of the 100th anniversary of the establishment of Yellowstone National Park, and for other purposes; to the Committee on the Judiciary.

By Mr. CLARK:

H.J. Res. 310. Joint Resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. de la GARZA:

H.J. Res. 311. Joint resolution to adopt a specific version of "The Star-Spangled Banner" as the national anthem of the United States of America, and for other purposes; to the Committee on the Judiciary.

By Mr. DERWINSKI:

H.J. Res. 312. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. DOWDY:

H.J. Res. 313. Joint resolution proposing on amendment to the Constitution of the United States providing for the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. GAYDOS:

H.J. Res. 314. Joint resolution designating March 30 of each year as "Shut-In's Day"; to the Committee on the Judiciary.

By Mr. KEITH:

H.J. Res. 315. Joint resolution directing a joint study by the Civil Aeronautics Board, Interstate Commerce Commission, Securities and Exchange Commission, Federal Trade Commission, Federal Power Commission, and the Federal Communications Commission with respect to the effect of conglomerate activities on the transportation and communications industries, the securities markets, and interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. MORGAN:

H.J. Res. 316. Joint resolution creating a Federal Committee on Nuclear Development to review and reevaluate the existing civilian nuclear program of the United States; to the Joint Committee on Atomic Energy.

By Mr. O'HARA (for himself, Mr. Addabbo, Mr. Annunzio, Mr. Boland, Mr. Bolling, Mr. Byrne of Pennsylvania, Mr. Dickinson, Mr. Donohue, Mr. Eilberg, Mr. William D. Ford, Mrs. Hansen of Washington, Mr. Harvey, Mr. Hathaway, Mr. Jacobs, Mr. Kyros, Mr. Long of Maryland, Mr. Mikva, Mr. Mollohan, Mr. Moorhead, and Mr. Nedzi):

H.J. Res. 317. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois (for himself, Mr. Halpern, Mr. Olsen, Mr. Patten, Mr. Pepper, Mr. Podell, Mr. Pryor of Arkansas, Mr. Rooney of Pennsylvania, Mr. St Germain, Mr. St. Onge, Mr. Schwengel, Mr. Shipley, Mr. Thompson of New Jersey, Mr. Udall, Mr. Vigorito, Mr. Waldie, Mr. Wolff, Mr. Wright, and Mr. Yatron):

H.J. Res. 318. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. WHALLEY:

H.J. Res. 319. Joint resolution granting the consent of Congress to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia, as signatory bodies, for certain amendments to the compact creating the Potomac Valley Conservancy District and establishing the Interstate Commission on the Potomac River Basin; to the Committee on Public Works.

By Mr. DERWINSKI:

H. Con. Res. 103. Concurrent resolution expressing the sense of the Congress with respect to the intervention in Czechoslovakia by the military forces of the Soviet Union and its satellites; to the Committee on Foreign Affairs.

By Mr. GUBSER:

H. Con. Res. 104. Concurrent resolution calling upon the President to terminate foreign direct investment controls; to the Committee on Foreign Affairs.

By Mr. LLOYD:

H. Con. Res. 105. Concurrent resolution calling upon the President to implement the foreign economic policy of the United States by terminating controls on foreign direct investment; to the Committee on Foreign Affairs.

By Mr. SCHERLE:

H. Con. Res. 106. Concurrent resolution to establish a joint congressional committee to investigate the capture of the U.S.S. *Pueblo*; to the Committee on Rules.

By Mr. SYMINGTON:

H. Con. Res. 107. Concurrent resolution expressing the sense of Congress with respect to the furnishing of relief assistance to victims of the Nigerian civil war; to the Committee on Foreign Affairs.

By Mr. TALCOTT:

H. Con. Res. 108. Concurrent resolution expressing the sense of the Congress relating to the furnishing of relief assistance to persons affected by the Nigerian civil war; to the Committee on Foreign Affairs.

By Mr. GETTYS:

H. Res. 162. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

By Mr. LLOYD:

H. Res. 163. Resolution relative to consideration of House Resolution 133; to the Committee on Rules.

By Mr. MONTGOMERY:

H. Res. 164. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

By Mr. NICHOLS:

H. Res. 165. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

By Mr. O'NEAL of Georgia:

H. Res. 166. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

By Mr. POAGE:

H. Res. 167. Resolution to provide funds for the Committee on Agriculture; to the Committee on House Administration.

By Mr. POLLOCK:

H. Res. 168. Resolution relating to the clerk hire allowance of Members of the House of Representatives; to the Committee on House Administration.

By Mr. RARICK:

H. Res. 169. Resolution relative to commitment of U.S. Armed Forces; to the Committee on Foreign Affairs.

By Mr. SIKES:

H. Res. 170. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

By Mr. THOMPSON of Georgia:

H. Res. 171. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

H. Res. 172. Resolution relative to consideration of House Resolution 133; to the Committee on Rules.

By Mr. WAMPLER:

H. Res. 173. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 4882. A bill for the relief of Allison Jean Fernandes; to the Committee on the Judiciary.

H.R. 4883. A bill for the relief of Shee Ming Mah; to the Committee on the Judiciary.

H.R. 4884. A bill for the relief of Luis U. Ursua; to the Committee on the Judiciary.

H.R. 4885. A bill for the relief of Stanley Wing Soon Wong; to the Committee on the Judiciary.

By Mr. ADAMS (by request):

H.R. 4886. A bill for the relief of German D. Anulacion; to the Committee on the Judiciary.

H.R. 4887. A bill for the relief of Onofre Olivar Napenias; to the Committee on the Judiciary.

H.R. 4888. A bill for the relief of (Juan) O. Francisco Orbino; to the Committee on the Judiciary.

By Mr. ADDABBO:

H.R. 4889. A bill for the relief of Vincenzo Acierno; to the Committee on the Judiciary.

H.R. 4890. A bill for the relief of Giuseppe Aiosa; to the Committee on the Judiciary.

H.R. 4891. A bill for the relief of Giuseppe and Stella Ambroselli and minor child Michael Ambroselli; to the Committee on the Judiciary.

H.R. 4892. A bill for the relief of Francesca and Antonio Ardizzone; to the Committee on the Judiciary.

H.R. 4893. A bill for the relief of Lorenzo Ardizzone; to the Committee on the Judiciary.

H.R. 4894. A bill for the relief of Giovanni Badalamenti; to the Committee on the Judiciary.

H.R. 4895. A bill for the relief of Gino Badolati; to the Committee on the Judiciary.

H.R. 4896. A bill for the relief of Gaetana Battaglia; to the Committee on the Judiciary.

H.R. 4897. A bill for the relief of Riccardo Bazzoli; to the Committee on the Judiciary.

H.R. 4898. A bill for the relief of Antonino Bellone; to the Committee on the Judiciary.

H.R. 4899. A bill for the relief of Lorenzo Canale; to the Committee on the Judiciary.

H.R. 4900. A bill for the relief of Gilda and Arturo Canestraro and minor children, Sandro and Mirena Canestraro; to the Committee on the Judiciary.

H.R. 4901. A bill for the relief of Francesco Casello; to the Committee on the Judiciary.

H.R. 4902. A bill for the relief of Rosario Corrao; to the Committee on the Judiciary.

H.R. 4903. A bill for the relief of Matilde Cortes; to the Committee on the Judiciary.

H.R. 4904. A bill for the relief of Vincenzo D'Aquisto; to the Committee on the Judiciary.

H.R. 4905. A bill for the relief of Pantaleo DeSanti; to the Committee on the Judiciary.

H.R. 4906. A bill for the relief of Aniello DeSimone; to the Committee on the Judiciary.

H.R. 4907. A bill for the relief of Bartolomeo DiNatale; to the Committee on the Judiciary.

H.R. 4908. A bill for the relief of Mordechai Elbaum; to the Committee on the Judiciary.

H.R. 4909. A bill for the relief of Giusto Farinella; to the Committee on the Judiciary.

H.R. 4910. A bill for the relief of Giuseppe and Nunzia Gatusso; to the Committee on the Judiciary.

H.R. 4911. A bill for the relief of Paul Hyppolite; to the Committee on the Judiciary.

H.R. 4912. A bill for the relief of Jakob Kohen; to the Committee on the Judiciary.

H.R. 4913. A bill for the relief of Gaspare LaMarca; to the Committee on the Judiciary.

H.R. 4914. A bill for the relief of Guiseppe LoBuono; to the Committee on the Judiciary.

H.R. 4915. A bill for the relief of Ruel Longmore; to the Committee on the Judiciary.

H.R. 4916. A bill for the relief of Faro Luccese; to the Committee on the Judiciary.

H.R. 4917. A bill for the relief of Natalina Miceli; to the Committee on the Judiciary.

H.R. 4918. A bill for the relief of Antoinetta Pacchiano; to the Committee on the Judiciary.

H.R. 4919. A bill for the relief of Ernestina Palumbo; to the Committee on the Judiciary.

H.R. 4920. A bill for the relief of Salvatore Polizzi; to the Committee on the Judiciary.

H.R. 4921. A bill for the relief of Sebastiano and Rosa Riccobene and minor child Rosa Maria Riccobene; to the Committee on the Judiciary.

H.R. 4922. A bill for the relief of Francesco Romanotto; to the Committee on the Judiciary.

H.R. 4923. A bill for the relief of Kalman Rubinstein; to the Committee on the Judiciary.

H.R. 4924. A bill for the relief of Maria Russo; to the Committee on the Judiciary.

H.R. 4925. A bill for the relief of Martino Salluzzo; to the Committee on the Judiciary.

H.R. 4926. A bill for the relief of Cologero Sanzone; to the Committee on the Judiciary.

H.R. 4927. A bill for the relief of Marino and Antonia Stanco; to the Committee on the Judiciary.

H.R. 4928. A bill for the relief of Rocco Stanco; to the Committee on the Judiciary.

H.R. 4929. A bill for the relief of Maria Grazia Tarantino; to the Committee on the Judiciary.

H.R. 4930. A bill for the relief of Maria Terracciano; to the Committee on the Judiciary.

H.R. 4931. A bill for the relief of Salvatore Tola; to the Committee on the Judiciary.

H.R. 4932. A bill for the relief of Giuseppe Ventura; to the Committee on the Judiciary.

H.R. 4933. A bill for the relief of Giuseppe Vivona; to the Committee on the Judiciary.

H.R. 4934. A bill for the relief of Marco Viscogliosi, to the Committee on the Judiciary.

H.R. 4935. A bill for the relief of Nunzio Vitale; to the Committee on the Judiciary.

H.R. 4936. A bill for the relief of Dimitrios Vlachakis; to the Committee on the Judiciary.

H.R. 4937. A bill for the relief of Ng Chio Kwan, also known as Daniel Yong; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois:

H.R. 4938. A bill for the relief of Mr. and Mrs. Antonio Saladino and family; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.R. 4939. A bill for the relief of Dr. Francois E. Alouf; to the Committee on the Judiciary.

H.R. 4940. A bill for the relief of Rosa Lombardo; to the Committee on the Judiciary.

H.R. 4941. A bill for the relief of Jacek Swiergula; to the Committee on the Judiciary.

H.R. 4942. A bill for the relief of Dr. Victor M. Uribe-Castillo; to the Committee on the Judiciary.

By Mr. ASHBROOK:

H.R. 4943. A bill for the relief of Dr. William W. Lee and his wife, Rowena C. Yee Lee; to the Committee on the Judiciary.

H.R. 4944. A bill for the relief of Tomazos G. Leonidas; to the Committee on the Judiciary.

By Mr. AYRES:

H.R. 4945. A bill for the relief of Presentacion Solana Agudo; to the Committee on the Judiciary.

H.R. 4946. A bill for the relief of Renato Costanti; to the Committee on the Judiciary.

H.R. 4947. A bill for the relief of Consuelo Guia Ramoso; to the Committee on the Judiciary.

H.R. 4948. A bill for the relief of Cosimo Rega; to the Committee on the Judiciary.

By Mr. BARING:

H.R. 4949. A bill for the relief of Fu Sheng Cheng (also known as Fred Cheng); to the Committee on the Judiciary.

By Mr. BARRETT:

H.R. 4950. A bill for the relief of Luigi Bottari; to the Committee on the Judiciary.

H.R. 4951. A bill for the relief of Giuseppe Ciprietti; to the Committee on the Judiciary.

H.R. 4952. A bill for the relief of Adrian Thales Halmar Corfield; to the Committee on the Judiciary.

H.R. 4953. A bill for the relief of Jane Nathalie Corfield; to the Committee on the Judiciary.

H.R. 4954. A bill for the relief of John Fraser Rohn Corfield; to the Committee on the Judiciary.

H.R. 4955. A bill for the relief of Gabriele DiGiacomo; to the Committee on the Judiciary.

H.R. 4956. A bill for the relief of Flavia Merlino; to the Committee on the Judiciary.

H.R. 4957. A bill for the relief of Luis Maria Quinteros; to the Committee on the Judiciary.

H.R. 4958. A bill for the relief of Antonio F. Savini; to the Committee on the Judiciary.

H.R. 4959. A bill for the relief of Gaspare Serafino; to the Committee on the Judiciary.

H.R. 4960. A bill for the relief of Adua Taraschi; to the Committee on the Judiciary.

H.R. 4961. A bill for the relief of John Veneziale; to the Committee on the Judiciary.

By Mr. BATES:

H.R. 4962. A bill for the relief of Giovanni Sanfilippo; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 4963. A bill for the relief of Antonio Esposito, Giuseppa Esposito, and Maria Rosa Esposito; to the Committee on the Judiciary.

H.R. 4964. A bill for the relief of Giuseppe Esposito; to the committee on the Judiciary.

By Mr. BOW:

H.R. 4965. A bill for the relief of Francesco Ferrante; to the Committee on the Judiciary.

H.R. 4966. A bill for the relief of Milba and Rodolfo Latorre; to the Committee on the Judiciary.

H.R. 4967. A bill for the relief of Enrique M. and Margarita Lopez; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H.R. 4968. A bill for the relief of John S. Avagelou; to the Committee on the Judiciary.

H.R. 4969. A bill for the relief of Panagiotis George Coutsioucos; to the Committee on the Judiciary.

H.R. 4970. A bill for the relief of John Fotopoulos; to the Committee on the Judiciary.

H.R. 4971. A bill for the relief of Spyridon Geroulis; to the Committee on the Judiciary.

H.R. 4972. A bill for the relief of Petroula Kapranos; to the Committee on the Judiciary.

H.R. 4973. A bill for the relief of Christopher John Kyriazis; to the Committee on the Judiciary.

H.R. 4974. A bill for the relief of Ioannis Liakopoulos; to the Committee on the Judiciary.

H.R. 4975. A bill for the relief of Spyrodionyssios Limberatos; to the Committee on the Judiciary.

H.R. 4976. A bill for the relief of Panagiotis Lyberopolou; to the Committee on the Judiciary.

H.R. 4977. A bill for the relief of Florentina S. Mallari; to the Committee on the Judiciary.

H.R. 4978. A bill for the relief of Dimitrios Papastathis; to the Committee on the Judiciary.

H.R. 4979. A bill for the relief of Stavros Vasilias; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 4980. A bill for the relief of Mohammad Saeed Ahmed; to the Committee on the Judiciary.

H.R. 4981. A bill for the relief of Guido Aquilini; to the Committee on the Judiciary.

H.R. 4982. A bill for the relief of Thomas J. Beck; to the Committee on the Judiciary.

H.R. 4983. A bill for the relief of James M. Buster; to the Committee on the Judiciary.

H.R. 4984. A bill for the relief of Wilfried K. Byl; to the Committee on the Judiciary.

H.R. 4985. A bill for the relief of Santiago Peith Castellanos; to the Committee on the Judiciary.

H.R. 4986. A bill for the relief of Ali Riza Korkut; to the Committee on the Judiciary.

H.R. 4987. A bill for the relief of Mrs. Rizeline Lanuzo and her minor daughter, Leolina Lanuzo; to the Committee on the Judiciary.

H.R. 4988. A bill for the relief of Mrs. Luitgard R. Oswald; to the Committee on the Judiciary.

H.R. 4989. A bill for the relief of Yuksel Sagirlioglu; to the Committee on the Judiciary.

H.R. 4990. A bill for the relief of Cecilia A. S. Peixoto da Silveira; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 4991. A bill for the relief of Heydar Reghaby; to the Committee on the Judiciary.

By Mr. CASEY:

H.R. 4992. A bill for the relief of Miss Melody P. de Guzman; to the Committee on the Judiciary.

H.R. 4993. A bill for the relief of Jurgen Schmidt, his wife Hanna Schmidt (nee Kock), and their son Michael Schmidt; to the Committee on the Judiciary.

H.R. 4994. A bill for the relief of Donald Tooms, his wife Astrid Tooms, and their children Louise Tooms and Donald Craig Tooms; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 4995. A bill for the relief of Teresa Metrisciano; to the Committee on the Judiciary.

H.R. 4996. A bill for the relief of Mrs. Malvin Riesel; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.R. 4997. A bill for the relief of Dr. Jaime E. Lazaro; to the Committee on the Judiciary.

H.R. 4998. A bill for the relief of Dr. Lydia L. Lazaro; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 4999. A bill for the relief of Flora Zervas; to the Committee on the Judiciary.

By Mr. CORDOVA:

H.R. 5000. A bill for the relief of Pedro Irizarry Guido; to the Committee on the Judiciary.

H.R. 5001. A bill for the relief of Luis Barca Ruiz; to the Committee on the Judiciary.

By Mr. COWGER:

H.R. 5002. A bill for the relief of Alberto C. Fowler; to the Committee on the Judiciary.

H.R. 5003. A bill for the relief of Vashdev Ramchand Khiani; to the Committee on the Judiciary.

H.R. 5004. A bill for the relief of Nimet Weiss; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 5005. A bill for the relief of Dr. Esteban G. Friera; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 5006. A bill for the relief of Naim Nissem Ben-Zur, Elana Ben-Zur, Liora Ben-Zur, Orna Ben-Zur, and Mayer Ben-Zur; to the Committee on the Judiciary.

H.R. 5007. A bill for the relief of Gaetano Cappello; to the Committee on the Judiciary.

H.R. 5008. A bill for the relief of Ciro Guastella; to the Committee on the Judiciary.

H.R. 5009. A bill for the relief of Stefano Inzalaco, Calogera Inzalaco, Angelo Inzalaco, and Giovanni Inzalaco; to the Committee on the Judiciary.

H.R. 5010. A bill for the relief of Domenico Vilasi; to the Committee on the Judiciary.

By Mr. DELANEY (by request):

H.R. 5011. A bill for the relief of Giuseppe Bastiani; to the Committee on the Judiciary.

H.R. 5012. A bill for the relief of Sergio Farina, Maria Farina, Sergio Giovanni Farina, Gino A. Farina, Maria L. Farina, and Blanca Farina; to the Committee on the Judiciary.

H.R. 5013. A bill for the relief of Domenica Gagliano; to the Committee on the Judiciary.

H.R. 5014. A bill for the relief of Irene Moreno; to the Committee on the Judiciary.

H.R. 5015. A bill for the relief of Rosa Ortiz; to the Committee on the Judiciary.

H.R. 5016. A bill for the relief of Angel Saghbazarian; to the Committee on the Judiciary.

By Mr. DOWNING:

H.R. 5017. A bill for the relief of A. Hughlett Mason; to the Committee on the Judiciary.

By Mr. ESHLEMAN:

H.R. 5018. A bill for the relief of the survivors of Marvin R. Foltz; to the Committee on the Judiciary.

By Mr. FISH:

H.R. 5019. A bill for the relief of Desanka (nee Rogic) Haen; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.R. 5020. A bill for the relief of Sabatino Rossi; to the Committee on the Judiciary.

By Mr. GAYDOS:

H.R. 5021. A bill for the relief of Arrighi Renato; to the Committee on the Judiciary.

H.R. 5022. A bill for the relief of Doriano Santalmasi; to the Committee on the Judiciary.

By Mr. GIAIMO:

H.R. 5023. A bill for the relief of Dr. Venkatachala Iyengar Sreenivas; to the Committee on the Judiciary.

By Mrs. GRIFFITHS:

H.R. 5024. A bill for the relief of Pablo Gregorich; to the Committee on the Judiciary.

By Mr. HALL:

H.R. 5025. A bill for the relief of Dr. Leo Hsueh; to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 5026. A bill for the relief of Young Il Ahn; to the Committee on the Judiciary.

H.R. 5027. A bill for the relief of James L. Baker; to the Committee on the Judiciary.

H.R. 5028. A bill for the relief of Renee Aljean (Hogarth) Ballesteros; to the Committee on the Judiciary.

H.R. 5029. A bill for the relief of Yip Shing Butt, his wife, Kum Wah Chan Butt, and their minor daughter, Siu Wah Butt; to the Committee on the Judiciary.

H.R. 5030. A bill for the relief of Dominador Villena Calip; to the Committee on the Judiciary.

H.R. 5031. A bill for the relief of Mrs. Kyung Nam Cho; to the Committee on the Judiciary.

H.R. 5032. A bill for the relief of Du-Nam Lee Chung; to the Committee on the Judiciary.

H.R. 5033. A bill for the relief of Victor Amaro Cuco; to the Committee on the Judiciary.

H.R. 5034. A bill for the relief of Nasser Honarvar and his wife, Sabreh Honarvar; to the Committee on the Judiciary.

H.R. 5035. A bill for the relief of Myung Ja Jun; to the Committee on the Judiciary.

H.R. 5036. A bill for the relief of Honesto M. Magdirila; to the Committee on the Judiciary.

H.R. 5037. A bill for the relief of Ok Sun Maher and her children, Chris Maher and Donna Maher; to the Committee on the Judiciary.

H.R. 5038. A bill for the relief of Sheng Tong and Sheng Mee; to the Committee on the Judiciary.

H.R. 5039. A bill for the relief of James F. Nugent and Catherine F. Nugent; to the Committee on the Judiciary.

H.R. 5040. A bill for the relief of Vincent Rohaly; to the Committee on the Judiciary.

H.R. 5041. A bill for the relief of Mrs. Milagros Acuna Ross; to the Committee on the Judiciary.

H.R. 5042. A bill for the relief of Manuel Salazar; to the Committee on the Judiciary.

H.R. 5043. A bill for the relief of Joe A. Seljan; to the Committee on the Judiciary.

H.R. 5044. A bill for the relief of Rachanee Tangtrongechit; to the Committee on the Judiciary.

H.R. 5045. A bill for the relief of Maria Nelly Toscano; to the Committee of the Judiciary.

H.R. 5046. A bill for the relief of Kyung Hie Won and his wife, Jung Hie Rhee; to the Committee on the Judiciary.

By Mr. HATHAWAY:

H.R. 5047. A bill for the relief of Justin S. T. Hsu (also known as Su-Tieng Hsu); to the Committee on the Judiciary.

H.R. 5048. A bill to authorize and direct the Secretary of the Department in which the Coast Guard is operating to cause the vessel *Eugenie II*, owned by J. C. Strout, of Milbridge, Maine, to be documented as a vessel of the United States with full coastwise privileges; to the Committee on Merchant Marine and Fisheries.

By Mr. HOWARD:

H.R. 5049 A bill for the relief of Eusebio Briones; to the Committee on the Judiciary.

H.R. 5050. A bill for the relief of Georgios Dracos; to the Committee on the Judiciary.

H.R. 5051. A bill for the relief of Mario Gargano; to the Committee on the Judiciary.

H.R. 5052. A bill for the relief of Guido Gheselli; to the Committee on the Judiciary.

H.R. 5053. A bill for the relief of Secundo Neri; to the Committee on the Judiciary.

By Mr. KARTH:

H.R. 5054. A bill for the relief of Anna Gambino; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 5055. A bill for the relief of Israel Wald; to the Committee on the Judiciary.

By Mr. LEGGETT:

H.R. 5056. A bill for the relief of Antonio Amato; to the Committee on the Judiciary.

H.R. 5057. A bill for the relief of Maria Palestini; to the Committee on the Judiciary.

H.R. 5058. A bill for the relief of Angelo Panari and Pierina Panari; to the Committee on the Judiciary.

By Mr. LOWENSTEIN:

H.R. 5059. A bill for the relief of Dr. Hossein Firooznia; to the Committee on the Judiciary.

By Mr. McCLOSKEY:

H.R. 5060. A bill for the relief of Mrs. Elba Engracia Davila-Martinez; to the Committee on the Judiciary.

H.R. 5061. A bill for the relief of Mrs. Edith Erdi; to the Committee on the Judiciary.

H.R. 5062. A bill for the relief of Mr. Paulino Narvios; to the Committee on the Judiciary.

H.R. 5063. A bill for the relief of Andreino Simonetti; to the Committee on the Judiciary.

By Mr. McDONALD of Michigan:

H.R. 5064. A bill for the relief of Mrs. Nazar I Abu-Merta; to the Committee on the Judiciary.

H.R. 5065. A bill for the relief of Dr. Mahmoud Wael Lotfi; to the Committee on the Judiciary.

H.R. 5066. A bill for the relief of Generosa Sisno; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 5067. A bill for the relief of Yuka Awamura; to the Committee on the Judiciary.

H.R. 5068. A bill for the relief of Mieko Imoto; to the Committee on the Judiciary.

By Mr. MIKVA:

H.R. 5069. A bill for the relief of Ileja Kalember; to the Committee on the Judiciary.

H.R. 5070. A bill for the relief of Florentina Layugan Tungpalan; to the Committee on the Judiciary.

By Mr. MILLER of California:

H.R. 5071. A bill for the relief of Cho Fae Man; to the Committee on the Judiciary.

By Mr. MOORHEAD:

H.R. 5072. A bill for the relief of Demetroula Georgiades; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 5073. A bill for the relief of Antonia Campo; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 5074. A bill for the relief of Benedetto and Valeria Amato; to the Committee on the Judiciary.

H.R. 5075. A bill for the relief of Vito Amato; to the Committee on the Judiciary.

H.R. 5076. A bill for the relief of Nadia Canducci; to the Committee on the Judiciary.

H.R. 5077. A bill for the relief of Giuseppe, Giuseppa, Rose, Pietro, Rosario, and Santa Inzerillo; to the Committee on the Judiciary.

H.R. 5078. A bill for the relief of Victoria Telias; to the Committee on the Judiciary.

By Mr. NEDZI:

H.R. 5079. A bill for the relief of Mrs. Kee Po Fu Young; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 5080. A bill for the relief of Giovanni Bizzarro; to the Committee on the Judiciary.

H.R. 5081. A bill for the relief of Giuseppe Croce; to the Committee on the Judiciary.

H.R. 5082. A bill for the relief of Rocco Croce; to the Committee on the Judiciary.

H.R. 5083. A bill for the relief of Salvatore DeSimone; to the Committee on the Judiciary.

H.R. 5084. A bill for the relief of Antonio DiCampli; to the Committee on the Judiciary

H.R. 5085. A bill for the relief of Vincenzo Lombardo and his wife, Gaetana Castrogiovanni Lombardo; to the Committee on the Judiciary.

H.R. 5086. A bill for the relief of Giuseppe Martinetti; to the Committee on the Judiciary.

H.R. 5087. A bill for the relief of Giovanni Menegazzo; to the Committee on the Judiciary.

H.R. 5088. A bill for the relief of Walter Pedro Narbaiz and his wife, Nelda DiCamelo Narbaiz; to the Committee on the Judiciary.

H.R. 5089. A bill for the relief of Angelo Noto and his wife, Maria Pluchino Noto; to the Committee on the Judiciary.

By Mr. PHILBIN:

H.R. 5090. A bill for the relief of Francesco Andreottola; to the Committee on the Judiciary.

H.R. 5091. A bill for the relief of Enrico Carrieri; to the Committee on the Judiciary.

H.R. 5092. A bill for the relief of Salvatore Gaspero; to the Committee on the Judiciary.

H.R. 5093. A bill for the relief of Giovanni Marzullo; to the Committee on the Judiciary.

H.R. 5094. A bill for the relief of Giuseppe Francesco Scichilone; to the Committee on the Judiciary.

H.R. 5095. A bill for the relief of Chul Ok Yoo; to the Committee on the Judiciary.

By Mr. REES:

H.R. 5096. A bill for the relief of Philemon M. Hou; to the Committee on the Judiciary.

H.R. 5097. A bill for the relief of Miss Hiroko Kurokawa; to the Committee on the Judiciary.

H.R. 5098. A bill for the relief of Mr. Pyoung Tai Kwun; to the Committee on the Judiciary.

H.R. 5099. A bill for the relief of Mrs. Agueda C. Monserrat; to the Committee on the Judiciary.

H.R. 5100. A bill for the relief of Mrs. Prima C. Ruivivar and her minor son, Francisco C. Ruivivar; to the Committee on the Judiciary.

H.R. 5101. A bill for the relief of Mr. and Mrs. Katse C. Semenya; to the Committee on the Judiciary.

H.R. 5102. A bill for the relief of Patricia M. Stevens; to the Committee on the Judiciary.

H.R. 5103. A bill for the relief of James Yu-Wan Sun; to the Committee on the Judiciary.

H.R. 5104. A bill for the relief of Carol Phillippa Wettlaufer; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.R. 5105. A bill for the relief of Kai-Loo Huang; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 5106. A bill for the relief of Rogelio Tabhan; to the Committee on the Judiciary.

By Mr. RUMSFELD:

H.R. 5107. A bill for the relief of Miss Maria Mosio; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 5108. A bill for the relief of Giuseppe Bilotta; to the Committee on the Judiciary.

H.R. 5109. A bill for the relief of Ferminia R. Cabral; to the Committee on the Judiciary.

H.R. 5110. A bill for the relief of Jose Laranjeira Cerqueira; to the Committee on the Judiciary.

H.R. 5111. A bill for the relief of Maria Fernanda Pascoal da Silva; to the Committee on the Judiciary.

H.R. 5112. A bill for the relief of Conception Perdigon de Peralta-Ramos; to the Committee on the Judiciary.

H.R. 5113. A bill for the relief of Maria De Jesus Da Silva Ferreira; to the Committee on the Judiciary.

H.R. 5114. A bill for the relief of Ana Adelina Machado; to the Committee on the Judiciary.

H.R. 5115. A bill for the relief of Maria Inez Pacheco de Andrade Medeiros; to the Committee on the Judiciary.

H.R. 5116. A bill for the relief of Caterina Messina; to the Committee on the Judiciary.

H.R. 5117. A bill for the relief of Lubelia Maria Mendes Moniz; to the Committee on the Judiciary.

H.R. 5118. A bill for the relief of Othon Da Rocha Rebelo; to the Committee on the Judiciary.

H.R. 5119. A bill for the relief of Maria da Conceicao Silva Lourenco Salvador; to the Committee on the Judiciary.

H.R. 5120. A bill for the relief of Nicola Santangelo, his wife, Merina (Taricani) Santangelo, and their minor child, Antonio Santangelo; to the Committee on the Judiciary.

H.R. 5121. A bill for the relief of Geraldine Texeira Claudette Skeete; to the Committee on the Judiciary.

H.R. 5122. A bill for the relief of Rui Carlos Vasconcelos and his daughter, Nair de Fatima Teixeira de Sousa Vasconcelos; to the Committee on the Judiciary.

H.R. 5123. A bill for the relief of Teresa Vinci; to the Committee on the Judiciary.

By Mr. SCHNEEBELI:

H.R. 5124. A bill for the relief of Naoko Straub; to the Committee on the Judiciary.

By Mr. SCHWENGEL:

H.R. 5125. A bill for the relief of Giorgios Miron Kalimakis; to the Committee on the Judiciary.

H.R. 5126. A bill for the relief of Guillermo O. Rumingan and his wife, Febe A. Rumingan; to the Committee on the Judiciary.

By Mr. SYMINGTON:

H.R. 5127. A bill for the relief of Dr. Vivencio P. Baitan and his wife, Rosalina Estrera Baiton; to the Committee on the Judiciary.

H.R. 5128. A bill for the relief of Dr. Caesar Octavio Jimenez-Pazos; to the Committee on the Judiciary.

H.R. 5129. A bill for the relief of Bernard Kim; to the Committee on the Judiciary.

H.R. 5130. A bill for the relief of Chong Wan Lee, his wife, Hong Sam Lee, and their children; Paul Lee and John Lee; to the Committee on the Judiciary.

H.R. 5131. A bill for the relief of Dr. Chandrasekarapuram Narayanan, his wife, Yamuna Narayanan, and their children, Manoj Narayanan, Vinodh Narayanan, and Pramilla Narayanan; to the Committee on the Judiciary.

H.R. 5132. A bill for the relief of Dr. Jacques Sauvage, his wife, Jacqueline C. Sauvage, and their children, Dominique Jose J. Sauvage, Anne Michele Sauvage, and Jean-Jacques M. Sauvage; to the Committee on the Judiciary.

By Mr. TAFT:

H.R. 5133. A bill for the relief of Pagona Anomerianaki; to the Committee on the Judiciary.

H.R. 5134. A bill for the relief of Miss Elizabeth Schofield; to the Committee on the Judiciary.

H.R. 5135. A bill for the relief of Dr. Subhash Shah; to the Committee on the Judiciary.

H.R. 5136. A bill for the relief of George Tilson Weed; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 5137. A bill for the relief of Mrs. Tran Kim Lang; to the Committee on the Judiciary.

H.R. 5138. A bill for the relief of Pham Thi Ly (also known as Mrs. Hai-Linh Tran); to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.R. 5139. A bill for the relief of Luigi Giuliano and his wife, Giuseppina Testa Giuliano, and their children, Michelina Giuliano and Magdalena Giuliano; to the Committee on the Judiciary.

By Mr. VAN DEERLIN:

H.R. 5140. A bill for the relief of Erman Donald; to the Committee on the Judiciary.

H.R. 5141. A bill for the relief of Parvin Gohari; to the Committee on the Judiciary.

H.R. 5142. A bill for the relief of Julita Sidiarin Hepolo; to the Committee on the Judiciary.

H.R. 5143. A bill for the relief of Mrs. Alejandrina Medina de Ibanez and her minor children, Norah Silva Ibanez and Juan Lewis Ibanez; to the Committee on the Judiciary.

H.R. 5144. A bill for the relief of Maria Lidia Hernandes Johnson; to the Committee on the Judiciary.

H.R. 5145. A bill for the relief of Muriel Bertha Reed; to the Committee on the Judiciary.

H.R. 5146. A bill for the relief of J. Jesus Vasquez; to the Committee on the Judiciary.

By Mr. WEICKER:

H.R. 5147. A bill for the relief of Antonietta Maria Calone; to the Committee on the Judiciary.

H.R. 5148. A bill for the relief of Stefania Chaber; to the Committee on the Judiciary.

H.R. 5149. A bill for the relief of Italia Fonzone; to the Committee on the Judiciary.

H.R. 5150. A bill for the relief of Ilona Galambos; to the Committee on the Judiciary.

H.R. 5151. A bill for the relief of Christine (Krystyna) Gorayska; to the Committee on the Judiciary.

H.R. 5152. A bill for the relief of James Vincent, Eugenia, Serafina, Rocco Fernando, and Nicola Melia; to the Committee on the Judiciary.

H.R. 5153. A bill for the relief of Gloria Molina Tan; to the Committee on the Judiciary.

H.R. 5154. A bill for the relief of Veto, Giovanna, and Maria Tarantino; to the Committee on the Judiciary.

By Mr. WHALLEY:

H.R. 5155. A bill for the relief of Rudolph Wolfgang Scheufgen; to the Committee on the Judiciary.

H.R. 5156. A bill for the relief of Werner Max Wehnemann; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 5157. A bill for the relief of Sister Elisa (Antonietta Frongia) and Sister Maria Claudina (Luciana Cancedda); to the Committee on the Judiciary.

H.R. 5158. A bill for the relief of Irini Chalmoukis; to the Committee on the Judiciary.

H.R. 5159. A bill for the relief of Precioso Abayan Gabrillo, Jr., and his wife, Erlinda Ignacio Gabrillo; to the Committee on the Judiciary.

H.R. 5160. A bill for the relief of Epa A. Onate; to the Committee on the Judiciary.

H.R. 5161. A bill for the relief of Bernward Karl Paulke and Winfried Paulke; to the Committee on the Judiciary.

H.R. 5162. A bill for the relief of Kamisetty Ramamohan Rao, his wife, K. Karuma Rao, and their children, K. Ramesh Rao and K. Sasirekha Rao; to the Committee on the Judiciary.

H.R. 5163. A bill for the relief of Morad Rashti; to the Committee on the Judiciary.

H.R. 5164. A bill for the relief of Samir Tarsha; to the Committee on the Judiciary.

By Mr. YATES:

H.R. 5165. A bill for the relief of Jakob Karl Blumer and his wife, Brigitte Blumer; to the Committee on the Judiciary.

H.R. 5166. A bill for the relief of Amnon Feldman; to the Committee on the Judiciary.

H.R. 5167. A bill for the relief of Vito Portuesi and his sister, Maria Miceli and her husband, Giacomo Miceli; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

40. By the SPEAKER: Petition of Edmund A. Langr, Laurel, Md., et al., relative to taxation of citizens for public education; to the Committee on Education and Labor.

41. Also, petition of Louis Kushner, Monticello, N.Y., relative to election to the President of the United States; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

BAIL REFORM NEEDED

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. CARTER. Mr. Speaker, a recent article by Thomas W. Lippman of the Washington Post shows a classic example of the need to tighten the Bail Reform Act. The man accused of rape was sentenced to a prison term of 10 to 30 years. Prior to his conviction for rape, he had been arrested for various other crimes, including auto theft, housebreaking, carnal knowledge, housebreaking a second time, and petty larceny—and he was released on these several charges on his personal bond. Finally, he committed such a revolting crime that he was at last sentenced to prison for a term of 10 to 30 years.

The folly of releasing a habitual criminal on his own bond or on probation is exemplified in the article which I include at this point in the RECORD:

JUDGE GIVES RAPIST 10–30 YEARS

(By Thomas W. Lippman)

In a case he called a "classic example" of the need to tighten the Bail Reform Act, a judge yesterday sentenced a convicted rapist to a prison term of 10 to 30 years.

Judge John J. Sirica of U.S. District Court said the crime committed by Philip E. Duckett, 23, was "particularly vicious." But he reserved his strongest words for the legal system that allowed Duckett to be free to commit the crime in the first place.

His remarks, which he prepared in advance, were made part of the record in Duckett's case.

On May 27, 1966, Judge Sirica said, "this defendant was placed on probation" after pleading guilty to a charge of auto theft, a felony.

While he was still on probation, he was arrested on Aug. 24, 1966, on two other felony charges—housebreaking and carnal knowledge. He was released on personal bond to await his trial. His probation was not revoked.

The following April, still on probation and still awaiting trial on the later charges, he was picked up again, this time for housebreaking and petty larceny.

Since his record of appearing in court when required was good, he was again released pending trial.

Less than two weeks after that, he was charged with the rape for which he was sentenced yesterday, an attack on a teen-age mother whom he dragged into the incinerator room of her apartment house as she was preparing to leave for night school.

Duckett's story, Judge Sirica said, "is a classic example of ineffective legislation." He said it "illustrates the pressing need for reform and revision" of the Bail Reform Act to permit judges to take into consideration danger to the community when setting conditions for pretrial release of suspects.

Under existing law, judges are required to grant a suspect's release unless they strongly believe that he will not appear in court when required. Revisions of the act to permit "preventive detention" are under consideration in Congress.

Supporters of the Bail Reform Act say that the real solution is not preventive detention, which they consider unconstitutional, but speedier trials. They would point to the long period that Duckett was free on personal bond while awaiting trial as an inducement to additional acts of violence.

The unrealistic manner in which an armed robber was released on probation is shown in a second article from the Washington Post by Alfred E. Lewis, also a Post staff writer.

Armed robbery in many States is a capital offense and carries with it a penalty of life in the penitentiary, or death. In this particular case, a 17-year-old high school senior who confessed robbery of a bank has been set free on probation.

YOUTH GETS PROBATION IN HOLDUP

(By Alfred E. Lewis)

A 17-year-old high school senior who confessed to the armed robbery of a bank here two weeks ago has been set free on probation by the Juvenile Court.

The Eastern High School student, who has no previous police record, was arrested Jan. 7 following a high-speed chase away from the $2438 holdup of Public National Bank, 7838 Eastern ave.

Ten days later, the youth admitted taking part in the robbery at a hearing before Juvenile Court Judge John Fauntleroy. Fauntleroy suspended an indefinite commitment to Welfare Department custody and put the youth on probation, with an order to return to court in 90 days for a review of his conduct.

The 17-year-old was driving the car the police chased from the bank. A 16-year-old companion was found in the trunk. He has not yet appeared in Juvenile Court.

Police said they also found three loaded guns and $818 in cash in the car. Det. Sgt. Harry Noone of the Robbery Squad said he believes that three youths were involved. He said the officers chasing the car saw it stop once and let out a teen-ager who got into another car and drove off in a different direction.

The disposition of the 17-year-old's case was not known until yesterday. Judge Fauntleroy could not be reached for comment.

It seems to me that an attempt should be made to rehabilitate this young man.

ANTI-SEMITISM IN POLAND

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, January 28, 1969

Mr. JAVITS. Mr. President, the winds of dissent coursing through Communist Eastern Europe, where the youth are raising questions about justice and individual freedom, have brought a chill counterblast of anti-Semitism in Poland. This reaction to popular demands for freedom is sadly reminiscent of the tactics of czarist times when the Imperial Russian Government blamed the Jews for its woes. Fortunately, to its great credit the Catholic Church, which still has considerable influence with many Poles, has opposed this campaign.

Of the once thriving Jewish community of 3.5 million who lived in Poland before World War II, only a pitiful remnant of between 20,000 and 25,000 souls—less than 1 percent of Poland's population—remain to be buffeted by this government-encouraged anti-Semitism.

The New York Times of December 30, 1968, contained an excellent analysis of the status of Poland's Jewish population. I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks. I also ask unanimous consent to have printed in the RECORD the petition presented to the U.N. Human Rights Commission, adopted at the Chanuka Lights of Freedom Rally sponsored by the Student Struggle for Soviet Jewry on December 22, 1968, at which I had the honor to speak. This petition sets forth in explicit terms a request for justice for Poland's Jews and merits sympathetic consideration by the United Nations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEAVING OR STAYING, THE JEWS OF POLAND FIND THE ROAD HARD

(By Jonathan Randal)

WARSAW.—"If I leave I'm a traitor," a Polish Jew said recently, "and if I stay I'm a Zionist."

The remark epitomizes the dilemma of Jews who have remained in Poland in this year of burgeoning anti-Semitism. They have been subjected to economic hardship, suspicion and harassment. Large numbers have chosen, with official encouragement, to leave.

The exodus itself is an officially unchronicled event, in contrast with the outspoken propaganda of the regime's "anti-Zionist" campaign, as the current anti-Semitism is euphemistically called here.

CITIZENSHIP IS RENOUNCED

The departing Jews become unpersons, obliged to renounce Polish citizenship and the country they considered home.

Only the Polish Ministry of Interior and Jewish welfare agencies in Vienna know exactly how many Jews left Poland this year. Neither has any desire to divulge the statistics.

The regime apparently fears further adverse publicity abroad. The welfare agencies believes any publicity at all may bring pressures to bear on the Polish Government to end the emigration. Such has been the case in the past in other Soviet Bloc countries.

Nonetheless, on the basis of extensive interviews in Poland and Western Europe it appears almost certain that more than 3,500 of Poland's 25,000 Jews have left this year. Some estimates suggest that up to 7,000 have emigrated.

Jews now number less than a tenth of 1 per cent of Poland's population. By the end of 1969 fewer than 10,000 are expected to remain as a fading reminder of the community that before the Nazi holocaust numbered 3.5 million.

The majority of those remaining probably will be the sick and aged, waiting to die. But some Jews will stay because they have not been discriminated against personally or because they are afraid to start their lives again in a foreign land.

"There's an old joke," a Polish emigre recalled recently, "that if everyone were allowed to leave Poland only a few thousand undecided Jews would remain."

GOMULKA PROVIDED EXCUSE

Rarely in its long history in Eastern Europe has indigenous anti-Semitism been so blatantly well-organized as in Poland this year. Somewhat ironically, the excuse for the latest wave was provided last year by Wladyslaw Gomulka, the Polish Communist leader.

Mr. Gomulka, whose wife is Jewish, denounced anti-Semitism soon after gaining power in 1956. But in a speech shortly after the Arab-Israeli war in June, 1967, he condemned pro-Israeli "fifth columnists" in Poland and said Zionists were free to leave for Israel.

His ire apparently stemmed from the ill-concealed delight of many Poles that "our" Jews had beaten "their" Arabs. There was a widespread feeling of a vicarious Polish victory because many Israelis were of Polish stock, over the Soviet Union, which armed the Arabs.

Perhaps unwittingly, Mr. Gomulka's speech set in motion events that boomeranged less than a year later when his rivals almost toppled him from power.

Nationwide student unrest over diminishing cultural and democratic freedoms served as a pretext for unleashing a carefully prepared "anti-Zionist" campaign in March.

WEAPON IN POWER STRUGGLE

In turn, that campaign became a major weapon in an anti-Gomulka power struggle launched by Maj. Gen. Mieczyslaw Moczar, then Interior Minister and his nationalist followers.

Within 48 hours of the first disturbance at Warsaw University, which many Poles are convinced was a provocation organized by General Moczar, mainly Jewish students and professors were pinpointed as the ringleaders by newspapers favoring the minister's line. Much of the "evidence," it is said, was carefully prepared by the so-called Jewish Section of the Interior Ministry.

In subsequent days and weeks, "Zionists," "revisionists" and discredited Stalinists—most of whom turned out to be Jews—were held responsible for the student disorders and purged from the party and their jobs.

Among the hundreds of officially announced Jewish victims were more than a dozen Jews of deputy ministerial rank, Central Committee members, prominent officials purged because of their grown children's alleged misbehavior and wives and husbands purged because of their spouses' purported misconduct.

THOUSANDS BELIEVED OUSTED

No meaningful statistics have yet been published, but it is generally believed that thousands of top and middle-level Jews, party members and non-Communists, were among those dismissed.

Jews had long held influence in the party disproportionate to their numbers in the population. Many joined the party in reaction against the nationalistic, and often anti-Semitic, Polish Governments of the period between the two World Wars.

The party in that period took its direction from Moscow, and it was to the Soviet Union that many Jewish Communists fled to avoid extermination at the hands of the Nazis. They returned to their homeland—a dominant force among the Polish Communists who survived the war—with the liberating Soviet Army.

"Stalin used the Jews because he had no other choice—there were practically no other trained Communists in Poland in 1944," a Jewish emigre has remarked. In the eyes of Polish nationalists these Jewish Communists were as suspect of undue subservience to Moscow in 1968 as they had been in 1938.

This spring, anti-Semitism became clever politics, especially for General Moczar's nationalists determined to use the weapon to eliminate the entrenched pro-Gomulka bureaucracy.

At times, the officially maintained distinction between disapproved anti-Semitism and approved "anti-Zionism" became blurred. Television news programs, for example, showed placards at a factory meeting denouncing "Zionists" and "mosiek," an abusive word equivalent to "kike."

His authority challenged under the cloak of anti-Zionism, Mr. Gomulka fought back. In a speech 10 days after the student disorders began he said: "It would be a misunderstanding if we saw in Zionism a danger for socialism in Poland, for the country's social-political system."

But his plea for moderation was ignored. Party cells in various ministries and state enterprises outdid each other in calling for the ousting of all "Zionists" from all important posts.

In late June, the first campaign subsided publicly, apparently because of foreign reaction that included Sweden's cancellation of Premier Josef Cyrankiewicz's scheduled official visit.

In July Zenon Kliszko, Mr. Gomulka's associate, came close to an official admission that the campaign had turned into an anti-Semitic witch hunt.

He complained to the Communist party's Central Committee that "the Jew and the Zionist are being made identical."

At the committee meeting, Stefan Zolkiewski, a professor dismissed from his Academy of Sciences post, warned that the purges had "thrown back Polish science and arts by 20 years."

Wilhelm Billig, a Jew and an alternate member of the Central Committee who had been ousted as director of the atomic energy program, said the purge victims, "wrongly deprived of their posts," would be hard to replace.

The July meeting of the Central Committee was the first and last occasion given to purge victims to express their dissent in public. The party had already written off the Jews inside and outside its ranks. The purges continued without publicity for a time.

INVASION REVIVED CAMPAIGN

Then, with the invasion of Czechoslovakia in August, the public anti-Zionist campaign in Poland was revived and even the optimists began applying for emigration papers.

The awakening was particularly unpleasant for those Jews who had spent their adult lives in "the movement," as they refer to the Communisty party.

"Twenty years wasted," lamented one purged official who berated himself for not having left in two previous waves of emigration—immediately after the war and following the liberal upheaval in 1956.

The 1968 emigrants range from unskilled workers, tailors and electricians to university professors, scientists, party bureaucrats and, inevitably, members of the secret police.

"When others were being persecuted in Poland important Jewish party members kept quiet," an émigré remarked, "and now thousands of Jews are paying the bill for a few rotten individuals."

So far-reaching have been the purges that for the first time since the communists took power a generation ago no Jew is a member of the ruling Politburo. "Politically, the most important Jews are two men in the Central Committee and Gomulka's wife," an émigré commented.

Dismissal from any job in a Communist Society, where the state is the only significant employer, has made it difficult for purged Jews to find suitable new jobs.

Typical of those who initially did not want to emigrate was a manager of an import-export organization who, after his ouster, refused a job as a streetcar conductor. "Besides," he said, "I'm too fat."

Unwilling or unable to stem the "anti-Zionist" campaign, the regime has fallen back on a hallowed pre-World War II tradition—emigration.

"There's an old saying," a Jew recalled, "which maintains that cutting off the head is the best way to stop a headache."

Among the emigrants are Ida Kaminska, director of the Jewish Theater, who now is in the United States and dozens of intellectual and cultural figures once the pride of the regime.

But as a disappointed émigré put it: "The big loss for Poland will not be the big names, but the unknown technocrats and research people who were working quietly on worthwhile projects."

A young teacher emigrated after she had been dismissed for allegedly teaching her students Hebrew lullabies. "It's ridiculous," she said. "I don't know 10 words in Yiddish, much less any Hebrew."

SWASTIKAS ON DOORS

Some emigrants were harassed into leaving by swastikas painted on their doors or insulting anonymous telephone calls. Some Jewish students emigrated after their scholarships were canceled last fall.

Emigrating young university graduates must reimburse the state for the cost of their higher education which often is more than a year's average salary.

Once the decision to emigrate has been made, the formalities are relatively simple, although many deporting Jews find them humiliating.

All departing Jews apply to the Dutch Embassy, which has handled Israeli interests since Polish-Israeli diplomatic relations were broken in June, 1967.

Whether or not the prospective emigrants are headed for Israel, the Dutch issue a document guaranteeing the bearer entry to Israel and travel costs as far as Vienna.

The document is then filed with the Interior Ministry. After the applicant has formally renounced Polish citizenship a special travel document is issued, usually within a month. Emigrants are then given a month to wind up their affairs and put their apartments in perfect order before returning them to the state. What galls many departing Jews is that by being forced to abandon their Polish citizenship, they can never return to Poland, the procedure, they feel, helps support the party's charges that their emigration to Israel proves that they had been unloyal "Zionists" all along.

VALUABLES HEAVILY TAXED

Customs regulations allow the emigrants to take small amounts of most household items with them, including three carpets for each family and automobiles if they are at least a year old. Jewelry, silverware, precious stones and stamp collections are heavily taxed above the small duty-free allowance.

Moreover, Jewish émigrés complain that bountiful bribes were necessary to have customs agents inspect their unaccompanied luggage. "We had to leave before the 21st when the travel document expired," recalled one man, "and until we came across with money we were told it would be impossible to pass through customs until the 27th."

Customs inspection tends to be rigid. A well-known Jewish professor had the bindings and sides of his books slashed open by customs officials searching for hidden dollars. Another émigré recalled, "the customs people put every plate up to the light to make sure they didn't have hollow compartments."

MARRIAGES ARE AFFECTED

The anti-Zionist campaign has been especially difficult for mixed marriages between Jews and Roman Catholics. A Polish doctor came home one evening, according to reliable sources, and ordered his Jewish wife to emigrate with the children, complaining that he had been threatened with loss of his job because of her.

In a different vein, émigrés report that in recent months Polish officials have not allowed the non-Jewish spouse of mixed marriages to leave unless the marriage is at least one year old.

Many emigrants with no special skills or relatives in the United States or other countries end up by going to Israel where all Jews are welcome.

Emigrés seeking entry to the United States and other non-European countries are sent to Rome to avoid embarrassing the neutrality and hospitality of the Austrian Government. There, two or more months may elapse before their documents are processed, even more if an applicant for the United States has been an active Communist party member.

JUST WAITING FOR A WHILE

Theoretically barred from immigrating to the United States, these party members, however, are reported to be benefiting from a tolerant interpretation of the immigration laws making an exception for victims of political persecution.

Many Jewish emigrés prefer to believe, as one young man put it, that "we are not gone for good but are just waiting outside for a while."

In the meantime, the emigrants are heading in roughly equal numbers to Israel and Western countries as geographically dispersed as Sweden, Australia, the United States and Venezuela.

The exodus has given rise to sentiments in Poland ranging from indifference and shame to a boast by a provincial party secretary that "if there were no Jews, I would invent them."

"Don't worry," a bitter young Jewish woman said, "when we are all gone they will start blaming Poland's problems on the bald."

And so, every day before the Chopin Express leaves Warsaw at 7:10 P.M., small groups of Polish friends escort departing Jews to the uncovered tracks of the Gdansk Station.

A LINE FROM SANTAYANA

Watching the scene recently, a Pole quoted a line from George Santayana—"Those who fail to understand the lesson of history are condemned to repeat its errors"—and added: "Strange to recall that line, but I suppose it was ago."

He was alluding to the short walk separating the station from the site of the former Warsaw Ghetto, razed by the Germans a quarter of a century old.

No one suggests a parallel in enormity between the current outflow of Jews to other countries and the forced departures that occurred during the Nazi occupation in World War II, when death camps were the final destination. The parallel exists only in the reason—anti-Semitism—that the Jews are leaving.

A diplomat who recently saw a colleague off at the station recounted overhearing a conversation between a couple whose young daughter stood a short distance away. "Tell her after a month," the man said before kissing his wife and boarding the train.

TEXT OF PETITION PRESENTED TO U.N. HUMAN RIGHTS COMMISSION; CHANUKAH "LIGHTS OF FREEDOM" RALLY; DECEMBER 22, 1968; SPONSORED BY THE STUDENT STRUGGLE FOR SOVIET JEWRY

U THANT,
United Nations, N.Y.

DEAR MR. THANT: On this Sunday, December 22nd, which is both the climax of Human Rights Year and the Jewish festival of Chanukah, the Feast of Lights, this protest rally held at the United Nations, in the presence of distinguished legislators, Senators Jacob K. Javits and Charles E. Goodell and others, DEMANDS:

1.—Immediate cessation of the current trials of Polish students—mostly Jewish—arrested and held since March 1968, and their immediate release from imprisonment.

2.—Reinstatement and compensation for those large numbers of Polish Jews dismissed from their jobs, evicted from their apartments, and subjected to systematic social harassment.

3.—Cessation of the absurd accusation against Polish Jews' involvement in a "Zionist conspiracy" to subvert Poland.

4.—Dissolution of the so-called "Jewish desk" in the Ministry of Interior, whose function it is to produce anti-Jewish propaganda and to seek out Jewish ancestry of high government officials.

5.—Emigration of those Jews who seek to leave, without harassment of person or property.

We protest most strongly against this political exploitation of anti-semitism by the Polish authorities.

RABBI STEVEN RISKIN,
Lincoln Square Synagogue, Chairman, "Lights of Freedom" Rally.
JACOB BIRNBAUM,
National Coordinator.
GLENN RICHTER,
New York Coordinator.

DAIRY IMPORT ACT OF 1969

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. ZWACH. Mr. Speaker, I have periodically commented on the sad plight of American farmers over the past several years. I have indicated the economic crisis in which most farmers find themselves by inserting in the CONGRESSIONAL RECORD the present parity indices of several agricultural commodities. In all cases, these levels are far below the goals which Congress has sought to achieve through much of the agricultural legislation which has been enacted over the past 40 years.

In the case of milk and dairy products, one of the prime factors responsible for the failure of farm prices to reach full parity, is the overwhelming quantities of imports of dairy products which continues to flood our shores. Largely, these imports represent evasions of existing quotas established under section 22 of the Agricultural Adjustment Act. In an attempt to provide some relief to American dairy farmers, action is taken under section 22 to place limits on specific products. Unfortunately, importers have traditionally found loopholes in the limits that have been set. Furthermore, a substantial portion of the imports that are brought into the United States are heavily subsidized by the exporting country. Such tactics have resulted in record imports of dairy products since 1965.

In 1965, for example, 0.9 billion pounds of milk equivalent was imported. This compares with 2.7 billion pounds in 1966; 2.9 billion pounds in 1967; and 1.9 billion pounds in 1968. It is estimated that the new quotas will permit imports in the amount of 1.4 billion pounds of milk equivalent in 1969. It is obvious that more effective controls of dairy imports are indispensable to the welfare of American dairy farmers and to the general public. More effective import controls are necessary so that dairy farmers will have an opportunity to achieve parity prices. More effective import controls are also necessary to assure the general public an adequate supply of milk and dairy products. Such a supply is necessary to meet the growing needs of our growing population and our Federal programs, both domestic and foreign. Because the procedure under section 22 of the Agricultural Adjustment Act is so slow and cumbersome, evasion of these section 22 quotas has actually been rewarded by our Government. Products which have evaded existing quotas have been allowed to establish an import history and, when they are finally brought under control, such products that have been given quotas thereby adding to the overall import explosion.

What is needed, therefore, is permanent legislation which will stop the evasion of section 22 quotas once and for all. To this end, I am today introducing the Dairy Import Act. The Dairy Import Act is a fair and realistic proposal which will serve to set an overall limit on the amounts of butterfat, nonfat milk solids, casein or caseinates, in any form, which may be admitted for consumption to the average level which was imported in the 5 calendar years, 1961 to 1965.

Mr. Speaker, I am hopeful that the Dairy Import Act will receive favorable consideration this year. The Johnson-Freeman administration opposed this legislation with the result that millions of dollars of unnecessary costs were added to the dairy price support program, hundreds of dairy farmers were driven out of business, and prices to dairy farmers were not permitted to approach parity levels. I am hopeful that the new administration will recognize the urgent need for this legislation and lend this support.

AIR TRAVEL IN THE UNITED STATES

HON. JAMES B. PEARSON

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Tuesday, January 28, 1969

Mr. PEARSON. Mr. President, the January 4, 1969, issue of the Saturday Review concentrates its efforts on outlining travel, its problems and promises in the United States. One article which interested me most was by Evert Clark and was entitled "Stack-ups, Breakdowns, Hang-ups, and Hope." The article describes the conditions which exist in our present national airport/airway system and focuses attention upon the conflicts which present major obstacles to solving these air transportation problems. Mr. Clark provides insight into these obstacles through his discussion of the roles which officials in industry and government must play to meet the needs of a modern air transportation system.

I feel, also, that the article presents a persuasive argument for the necessity of better aviation planning and more inputs into the decision processes in aviation policymaking. These arguments would, I think, lend support to a bill I introduced last Friday, a bill that would create a National Aviation Planning Commission. With public attention drawn to the failings of current air transportation planning at the Federal level, a greater understanding of the problem can be achieved, and the need for positive action will be recognized.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STACK-UPS, BREAKDOWNS, HANG-UPS, AND HOPE

(By Evert Clark)

Can the aviation world, waking up ten years late, avoid stumbling over itself in the rush to correct a worsening situation?

A new definition of the air traveler has emerged from the congestion and chaos of 1968: He is a man who spends 60 per cent of his time in traffic jams on the ground and 40 per cent in traffic jams in the air (and sometimes goes to Havana). If that seems an exaggeration now, it may not be by the end of 1969.

For a time last year it appeared that help—in the form of federal airport and airways legislation—was on the way. But help got lost (in traffic, naturally). Contention among the various segments of aviation and between the Congress and the Executive branch stalled the proposed laws, and they expired in the manner of a gas-starved automobile on a freeway. It is the same all over.

"The problem of sufficient airport access capacity is plaguing every major airport in the world," Alan S. Boyd told a Cleveland audience in mid-November. Mr. Boyd has just become a somewhat relieved lame-duck Secretary of Transportation. He was there to praise the city's "wisdom and foresight" in opening a rapid transit rail line to its airport. And he was unable to hide his incredulity that Cleveland, in the snarled and tangled latter Sixties, was "the first—and to date the only—city to provide a direct rapid transit line for its airport travelers."

The Department of Transportation provided two-thirds of the $18.6-million cost of the Cleveland project. Twenty stainless steel "Airporter" cars make the eleven-mile run from downtown Union Terminal to the Cleveland-Hopkins Airport in a scheduled twenty minutes, though it sometimes takes thirty. Pairs of the electrically driven, red and silver cars carry eighty passengers at 35 cents a seat. Through the first month the project appeared successful, despite some imperfections. Now New York and Boston are planning similar systems.

"The line of cars waiting to get to Chicago's O'Hare Airport stretched five miles in last year's pre-Thanksgiving rush," Mr. Boyd told the Cleveland city fathers. "Los Angeles International Airport had to go on the air every hour prior to last Christmas to warn of the parking space shortage. Air traffic controllers, trying to get to work at Miami International, were stalled in line for two and a half hours—trying to get from the entrance of the airport to the terminal."

The uncharitable view would be that the controllers deserved it. As the traffic cops of the air, they constantly delay people aloft and on the airport taxiways. By now, everyone knows the controller. He is the beleaguered civil servant whose job it is to keep 'em flying—or keep 'em grounded until there is room to fly 'em safely. It was through the plight of the overworked controller that the growing congestion crisis was first dramatized to the public in the spring of 1967. Since then, his life has been eased a bit by better pay and overtime and the hiring of many new hands. But he has also been told to expect the six-day week for perhaps another two years, until the new controllers are fully trained.

To land a job, the air controller must pass rigorous physical and psychological examinations. But what happens to him after a few years at the radar scope and the earphones? James Hill, counsel of the Air Traffic Control Association (one of the three groups vying for controllers' dues and loyalties), told the Republican Platform Committee last summer that medical research shows that "controllers" as a result of undue pressure and tensions, suffer irritability, inability to sleep, nervousness, tremors, cramps, headaches and nausea, and that with time, as with any tension or pressure when it is not relieved, it degenerates into the three usual products of unrelieved pressure and tension—heart attacks, ulcers and mental illnesses."

The passenger, pampered in the air but bewildered at the baggage counter, in the ticket line, and on the freeways, may soon yield the same diagnosis. Mr. Boyd read his Cleveland audience a passenger's letter to the editor of *The New York Times* that reveals some early symptoms:

"Upon my last arrival at Kennedy International Airport, I could not even get a cab. The terminal was chaos and pandemonium. Pushing, shoving and yelling. Cabs and private cars were intermingled, weaving in and out in complete confusion. People were grabbing door handles trying to get a cab . . . cursing at the same time. . . ."

Any Fun City visitor knows that New York's Kennedy is the extreme example. It is the bottleneck extraordinaire in the national and international air network. But as Mr. Boyd's examples of Chicago, Los Angeles, and Miami demonstrate, New York is not alone. Traffic is worst at the twenty-two major "hub" airports. But that is like saying automobile traffic jams are only at the intersections.

For ten full years the New York area has been warned that it must build a fourth jetport or face air traffic strangulation. Experts pick sites and the residents reject them; or local boosters propose sites and the experts reject them. It takes seven to ten years to get an airport built after everyone agrees on where it will go. Yet a Port of New York Authority official says the New York situation "is still nowhere." And Dr. Richard R. Shaw, assistant technical director of the International Air Transport Association, says, "unless something else is done, airlines will leave New York, the world's biggest airport headache, and go to Boston, Washington, Baltimore, or anywhere else."

Dallas and Fort Worth had their troubles too, but finally buried the hatchet in mid-December and broke ground for the world's largest airport, an 18,000-acre layout with a six-lane highway cutting the center. The $500-million airport is to be three times the size of Kennedy. Said Boyd, of the highway plan: "Such an idea would—only a few years ago—have qualified a man for residence in an asylum. Yet most major airports today would be tremendously improved by such service roads."

Chicago is planning a third major airport, in Lake Michigan. Los Angeles, in better shape than most, nevertheless plans another superfield. And Miami has driven the alligators, wild turkeys, and deer from a 38-square-mile tract 40 miles west of town to build an airline training base that may become a commercial field twice the size of Kennedy International. Now, Miami is worrying about rapid transit through the intervening Everglades. Other cities—Houston, Kansas City, etc.—are copying. But they will be lucky if the traffic does not grow faster than the grass between the runways.

Until the mid-1960's, the airways-airport system was, like a newly recruited controller, an unusually healthy specimen. Alarm over mid-air collisions in the late 1950's had brought some airways modernization. The jets, introduced in 1958, had not yet produced the expected traffic boom. Most airports had room for the planes, room for the automobiles, room for the *people*.

"As a result," David D. Thomas, acting federal aviation administrator, recalled, "there was a period of general procrastination within the total aviation world in developing and initiating the airports, navigation aids, air traffic facilities, and communications required by a jet market. People were simply too busy with today to prepare for tomorrow."

The aviation world is no longer in a dallying mood. It is frantic. But it is also as fractious as ever—especially when it is asked to spend some money. In the legislative battles of 1968, the airlines and airport operators generally, but reluctantly, accepted the Administration's proposals for higher charges to finance airways and airport improvement.

Airlines would have charged passengers 8 percent per ticket instead of 5 percent. Airports, outside the federal structure, would have increased landing fees, rental on ticket counter space, etc. These powerful aviation interests demanded something in return—including an aviation trust fund, which the Administration did not want. Business and private fliers, seeing higher gas taxes, less subsidization, and an ascendancy of the airlines, balked at most of the federal ideas. Congress, seeing no aviation consensus even in crisis, resisted action.

It is evident that sooner or later someone must pay, or the taxiways and runways will look as jammed as an airport access road. Airlines receive more than one new jet a day. General aviation adds eighty-five new planes a week to the airways. Thus an estimated doubling of landings and takeoffs at FAA-controlled airports in five years and a quadrupling by 1980 can be expected. It is no wonder that Administrator Thomas repeatedly says: "The future has been arriving faster than anyone expected. In terms of the predictions of the early 1960s, 1975 is already here."

The airways system of towers and landing and navigation aids was built in the span of more than twenty-five years at a cost of $2 billion. It now needs an infusion of $2 billion more in the next five. Although the federal government has put a bit more than $1 billion into state and local airports (about 30 per cent of their total cost) in twenty years, 900 new airports are needed and 2,000 more need improving. The cost, by FAA estimate: $4 billion to $5 billion in the next six years.

What are a new President and a new Secretary of Transportation to make of all this? First, they will inherit a final Johnson transportation budget that is somewhat austere. But Mr. Johnson will hint that almost any financing scheme—user charges and even a trust fund, perhaps—would be an acceptable way to get the air lanes modernized quickly. Next, the Administration will leave office saying it is not convinced that massive federal outlays are necessary to help build the nonfederal airports. It will endorse federal leadership (and some funding) of airport planning—but not money to provide the concrete of runways and the brick and glass of terminal buildings.

If these sound like Republican principles—pay as you go and keep the decision-making at the local level—Mr. Boyd and his crew have already heard that charge from other Democrats. Whether Mr. Nixon will accept Mr. Boyd's hand-me-downs remains to be seen.

Without being too specific, Mr. Nixon pledged during the campaign to attack "a crisis in air transportation which requires new and imaginative solutions." He said he would consider removing the 40,000-man Federal Aviation Administration, which operates the airways, from the Transportation Department, but most observers doubt that he would gut a two-year-old executive department by taking away its most important component.

With urbanologist Daniel Patrick Moynihan in the White House at Nixon's side, former Massachusetts Governor John Volpe (familiar with the traffic stuffed Northeast Corridor) as the new Transportation Secretary, and former Michigan Governor George Romney (who helped give the city the automobile) at the Department of Housing and Urban Development, Mr. Nixon has at least surrounded himself with men who are acutely aware of transportation's darker problems.

The departing Administration leaves behind one powerful weapon with which to wing, if not shoot down, the air congestion crisis. This is a FAA rule, issued last fall and effective in April, limiting landings and takeoffs in bad weather at five "high-density" airports—JFK, LaGuardia, Newark, Washington National, and Chicago O'Hare. The rule not only requires the airlines and other users to allocate the flights among themselves (or have the Government do it), but bans private planes from JFK at certain rush hours.

This ban is a revolutionary change of policy. In effect it declares that airline travel is now mass public transportation, which will be given priority treatment in accord with its newly recognized status. The change ends the sacred first-come, first-served philosophy under which the lone eagle in the Cessna had the same right to the sky as the commercial jet. It may be challenged in court and surely will be damned in hangar bull sessions till eternity. Even the airlines—the apparent victors—deplored it as only a stopgap measure.

But M. Cecil Mackey, assistant secretary of transportation for policy management, said the high-density rule is the shadow of things to come. The new rule is not oriented to types of aircraft or operators of aircraft, he said, but to the total number of people served.

"Taxis have free parking in front of hotels, where private cars can't stop. Buses can pull right up to Shea Stadium. We have exclusive bus lanes on some highways. The railroads have long had condemnation privileges. This concept of 'the most people served' has been very slow in coming to aviation." In ten years or less, Mr. Mackey believes, major airports will serve only airliners and all other aircraft will fly to smaller specialized fields.

The same principle may eventually drive private autos from the city streets in favor of mass transit. Until then, the hopeful airline passenger may be helped temporarily by the high-density rule—assuming he can get to the airport. But in the long run? In 1968, United States airlines carried more than 150 million passengers. They claimed to be adding new passengers at the rate of 40,000 a day. If the forecasts hold up, on any given day in 1980 more than one and a half million passengers will clamber aboard airliners somewhere in the United States.

There are, of course, no forecasts on the number of air traffic controllers who will get hung up in highway jams on the way to the tower, or how many taxicab handles will be grabbed at Kennedy Airport, or the length of time Secretary Volpe's plane will spend in airline stackups this year. This is not to mock the grave problems confronting our airport systems, but if the new Administration and millions of passengers are to avoid insomnia, nervousness, tremors, cramps, headaches, and all the other maladies that afflict traffic controllers, a sense of humor might help.

LT. COL. GUS GRISSOM, LT. COL. ED WHITE, AND LT. COMDR. ROGER CHAFFEE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. TEAGUE of Texas. Mr. Speaker, today, when we are still congratulating ourselves on the incredible triumph of our space program, achieved last month—it is necessary for us to pause for a moment to commemorate the second anniversary of our first, and only, space tragedy.

I refer, of course, to the disaster which so suddenly struck, on January 27, 1967, those three unique and wonderful American explorers, Gus Grissom, Ed White, and Roger Chaffee.

When that sudden flash obliterated these three great individuals, the United States of America lost three heroes; and those of us who have worked so closely with the space program lost three warm and irreplaceable friends.

There were those of faint heart who said, at the time of the tragedy, that these three men had lost their lives in vain, and even urged that our enormous program for the exploration of the unknown be minimized, or abandoned.

Mr. Speaker, the death of Gus Grissom, Ed White, and Roger Chaffee was infinitely regrettable. No nation could fail to be diminished by the loss of three men such as these. But, let there be no doubt whatsoever about this great truth: These men did not die in vain.

In the 2 years between that triple tragedy on the launch pad, and the enormous triumph of Apollo 8 last month, more than 5,000 changes were made in the spacecraft to render it safer, and to make the recurrence of any similar catastrophe all but impossible.

I sincerely believe, Mr. Speaker, that the triumph of Apollo 8 in December of 1968 would not have been possible if it had not been for the disaster of January 1967. The most brilliant scientific minds in the world—the minds of those who make our space program possible—were instantly bereft of any complacency they might have had, and were inspired to feats of unparalleled brilliance in insuring the safety of those who would follow in the footsteps of the three astronaut martyrs.

Most of us, Mr. Speaker, have not been so foolish as to ignore and minimize the perils of space exploration. Our astronauts live with the possibility of disaster every day of their lives, and so does everyone else involved in the program. The moon, and those attainable elements of the universe that lie beyond the moon, can never be conquered without hazard. It is a credit to the scientific advancement of the Nation that our honor roll of space martyrs contains only these three names. It is also cause for fervent thanksgiving to God Almighty that our losses have not been more numerous.

This is not said in any way to make the horror of January 27, 1967, seem less appalling than it was. It is said, rather, to give that tragedy a greater meaning, a deeper significance.

As we mourn anew the loss of these three magnificent young Americans 2 years ago, we can also take heart from the fact that the United States of America has once again shown the vitality and the courage to build a triumph from the ashes of disaster.

This was the particular endowment of our Founding Fathers; the particular endowment of our western pioneers. It has always been the special endowment that has made, and kept, our country great; the talent for learning the lessons of catastrophe and building upon that knowledge the foundations of ultimate triumph.

The lesson to be learned on this second anniversary of the death of Gus Grissom, Ed White, and Roger Chaffee is that we still possess this magnificent heritage. May the Nation never lose it.

For once we do, we shall deserve to lose the position of leadership and precedence we now enjoy. It is the faculty that distinguishes a first-class nation from those nations of lesser merit.

Had we not suffered the tragedy of 1967 we might not have achieved the victory of 1968.

ONE HUNDRED MAJOR BILLS SIGNED INTO LAW BY PRESIDENT LYNDON B. JOHNSON

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. PERKINS. Mr. Speaker, during his last week in office, President Lyndon B. Johnson went to the AFL–CIO's national headquarters here in Washington to personally thank the trade union movement for the support and cooperation it gave in such great measure during the last 5 years. It was a simple ceremony—unannounced and largely unheralded. But in at least two respects, it was unique. As far as I can determine, a President of the United States has never before gone in person to a private organization to recognize its contributions to the Nation. And, no organization deserves such recognition more richly than the AFL–CIO. Its entire history is unswerving determination to shape a better life in a better world—a life with the fullest possible measure of social and economic justice—for every human being, regardless of race, color, creed, or station in life. So that all of our colleagues and Americans everywhere can know what the President said for himself and for the Nation, I include, under unanimous consent, his remarks and AFL–CIO President George Meany's response in the CONGRESSIONAL RECORD, as follows:

[From the AFL–CIO News]

TRANSCRIPT OF REMARKS AT CEREMONY IN AFL–CIO LOBBY, JANUARY 13, 1969, AT WHICH PRESIDENT LYNDON B. JOHNSON MADE A PRESENTATION TO GEORGE MEANY, PRESIDENT, AFL–CIO

MEANY: Ladies and gentlemen, the President of the United States.

The PRESIDENT: Mr. Meany, Secretary Wirtz, my dear friends.

Woodrow Wilson said labor is not a commodity, it is a form of cooperation. And before I leave this town, I asked for the privilege to come here and to talk briefly with you when I wasn't asking for anything of you, not even cooperation.

I wanted to tell you, on behalf of myself, my family and the American people how much I think we all owe you for the leadership that I have seen you exert during my five years in the presidency.

I looked over my diary last night and I have met with Mr. Meany and his assistants many times, but with Mr. Meany himself, 49 times, in personal meetings either in my office, the oval room or in the mansion.

In addition to that, he has called me, or I have called him, 82 additional times. We have had some rather extended conversations in those telephone calls.

Now, during this period of five years, our general goal has been the greatest good for the greatest number. We have tried to improve working conditions; we have tried to improve wages, we have tried to see that profits were reasonable.

We passed minium wage bills and things of that nature that directly applied to labor. But the thing that we have borne down on is the education of our young, medical assistance for our old, conservation of our resources—human and natural.

I know of no living single group that I think has been more responsible for the advances that have been made in this field in the last five years than the AFL–CIO, headed by George Meany, and supported by millions of men and women throughout this country.

The President of the United States and the President of the AFL–CIO have not always agreed on procedure or on method. I think we have always agreed on purpose and objective.

When Mr. Meany hasn't agreed, he said so in a friendly and firm manner. And I have tried to do that also.

I remember how disappointed I was when he came to the Cabinet room and told me that he regretted it about as much as anything he had done that year but he couldn't go along with my suggestions to merge the Commerce Department and the Labor Dement. That disappointed me.

But I was really disillusioned when he brought about half a dozen other fellows like Joe Beirne with him to pound the table and just say, "Thou shalt not pass."

But if that was a disappointing morning, there were many, many other happy events.

And I am sure that my grandchildren and your grandchildren are going to live in a more peaceful, more prosperous and better world because of the leadership you people have given the American people.

So I said to Mr. Meany, in one of our little social chats not long ago: "I am going to invite myself to come over to your office. I don't think that will break tradition or precedence because I would remind you that you have invited yourself to come to my office many times."

I made a little investment and I want to bring you, from the hundreds of measures that we have passed, the 100-landmark measures that the Cabinet presented me with a little plaque and pen set on before I left.

I would like to present to the working people of this country and to their gallant, able and trusted leaders, a symbol of what the last five years has been all about.

Thank you, very much.

MEANY. Mr. President, on behalf of the AFL–CIO, its leadership, its millions of members, and on behalf of the many, many millions more who will be beneficiaries of the legislation which you signed into law and which is represented by the pens and titles of the various bills enacted over the last five years, I want to thank you.

Now, I am not going to take a long time—I could take quite a bit of time discussing the war on poverty, civil rights, hospital and medical facilities, conservation, Social Security, Medicare, urban housing, redevelopment, minimum wages and manpower training and many, many other things.

But I would like to concentrate just on one phase of the Lyndon Johnson record for the past five years because I feel that in the years to come, our grandchildren and their children will be beneficiaries of the education legislation passed in the last five years.

Long after we are gone, future generations will benefit from this type of legislation.

If nothing else had happened in these five years except the education program, this Administration would have gone down in history as one of the greatest since the establishment of the Republic.

I am not going to read the list, it is too long. But I would like to perhaps summarize it by saying in fiscal 1960—just eight years ago—there were $600 million authorized in funds for federal aid to education. In fiscal 1969, for federal aid to education, education funds authorized add up to $6 billion. In other words, instead of $600 million, we have $6 billion for education in fiscal 1969.

During the darkest days of the Civil War, President Lincoln signed a Land Grant College Act to provide federal land for construction of state colleges. This gave education a tremendous boost. And students today are beneficiaries of what President Lincoln did 106 years ago during the dark days of the Civil War.

It is my opinion that our children, the children of all Americans—not just the children of trade unionists but the children of all Americans and their grandchildren, will be beneficiaries of the last five years of the administration of Lyndon Johnson in the White House.

They will be beneficiaries through greater educational opportunities, greater leadership because leadership and learning complement one another and in today's world, an uneducated citizenry would mean truly a backward nation.

In this field alone, in addition to all of the other things that happened and in which we are interested in the last five years, I think that Lyndon Johnson will go down in history as one of our greatest Chief Executives.

Thank you, very much.

ONE HUNDRED MAJOR BILLS SIGNED INTO LAW BY PRESIDENT LYNDON B. JOHNSON

Higher Education Facilities of 1963, December 16, 1963.

Vocational Education Act of 1963, December 18, 1963.

Revenue Act of 1964, February 26, 1964.

Civil Rights Act of 1964, July 2, 1964.

Davis-Bacon Act Amendments of 1964, July 2, 1964.

National Commission on Food Marketing, July 3, 1964.

Urban Mass Transportation Act of 1964, July, 9, 1964.

Government Employees Salary Reform Act of 1964, August 14, 1964.

Hospital and Medical Facilities Amendments of 1964, August 18, 1964.

National Commission on Technology, Automation & Economic Progress, August 19, 1964.

Economic Opportunity Act of 1964, August 20, 1964.

Graduate Public Health Training Amendments of 1964, August 27, 1964.

Food Stamp Act of 1964, August 31, 1964.

Land and Water Conservation Fund Act of 1965, September 3, 1964.

National Arts and Cultural Development Act of 1964, September 3, 1964.

Wilderness Act of 1964, September 3, 1964.

Farm Labor Contractor Registration Act of 1963, September 7, 1964.

National Defense Education Act Amendments of 1964, October 16, 1964.

Appalachian Regional Development Act of 1965, March 9, 1965.

Elementary and Secondary Education Act of 1965, April 11, 1965.

Manpower Act of 1965, April 26, 1965.

Social Security Amendments of 1965 (Medicare), July 30, 1965.

Mental Retardation Facilities and Community Mental Health Centers Construction Act Amendments of 1965, August 4, 1965.

Community Health Services Extension Amendments of 1965, August 5, 1965.

Voting Rights Act of 1965, August 6, 1965.

Health Research Facilities Amendments of 1965, August 9, 1965.

Housing and Urban Development Act of 1965, August 10, 1965.

Department of Housing and Urban Development of 1965, September 9, 1965.

Labor Union Officials Bonding Amendments of 1965, September 29, 1965.

National Foundation on the Arts and the Humanities Act of 1965, September 29, 1965.

Railroad Retirement Amendments of 1965, September 29, 1965.

High-Speed Ground Transportation Research and Development Act, September 30, 1965.

Water Quality Act of 1965, October 2, 1965.

Immigration Act Amendments of 1965, October 3, 1965.

Heart Disease, Cancer, and Stroke Amendments of 1965, October 6, 1965.

Economic Opportunity Amendments of 1965, October 9, 1965.

Clean Air Act Amendments of 1965: Motor Vehicle Air Pollution Control Act: and Solid Waste Disposal Act, October 20, 1965.

Health Professions Educational Assistance Amendments of 1965, October 22, 1965.

Highway Beautification Act of 1965, October 22, 1965.

National Vocational Student Loan Insurance Act of 1965, October 22, 1965.

Service Contract Act of 1965, October 22, 1965.

Federal Employees Salary Act of 1965, October 29, 1965.

Higher Education Act of 1965, November 8, 1965.

Vocational Rehabilitation Act Amendments of 1965, November 8, 1965.

Veterans Readjustment Benefits of 1966, March 3, 1966.

Railroad Labor Disputes, June 20, 1966.

Federal Employees Compensation Act Amendments of 1966, July 4, 1966.

Federal Salary and Fringe Benefits Act of 1966, July 18, 1966.

Library Services and Construction Act Amendments of 1966, July 19, 1966.

National Traffic and Motor Vehicle Safety Act of 1966, September 9, 1966.

Fair Labor Standards Amendments of 1966, September 23, 1966.

Child Nutrition Act of 1966, October 11, 1966.

Clean Air Act Amendments of 1966, October 15, 1966.

Department of Transportation Act, October 15, 1966.

District of Columbia Minimum Wage Amendments of 1966, October 5, 1966.

Railroad Retirement, October 30, 1966.

Allied Health Professions Personnel Training Act of 1966, November 3, 1966.

Child Protection Act of 1966, November 3, 1966.

Clean Water Restoration Act of 1966, November 3, 1966.

Comprehensive Health Planning and Public Health Services Amendments of 1966 (Partnership for Health), November 3, 1966.

Demonstration Cities and Metropolitan Development Act of 1966, November 3, 1966.

Elementary and Secondary Education Amendments of 1966, November 3, 1966.

Fair Packaging and Labeling Act, November 3, 1966.

Higher Education Amendments of 1966, November 3, 1966.

Indiana Dunes National Lakeshore, November 5, 1966.

Manpower Development & Training Amendments of 1966, November 7, 1966.

Economic Opportunity Amendments of 1966, November 8, 1966.

Mental Health Amendments of 1967, June 24, 1967.

Veterans' Pension & Readjustment Assistance Act of 1967, August 31, 1967.

Food Stamps Act of 1967, September 27, 1967.

Vocational Rehabilitation Amendments of 1967, October 3, 1967.

Public Broadcasting Act of 1967, November 7, 1967.

National Commission of Product Safety, November 20, 1967.

Air Quality Act of 1967, November 21, 1967.

Urban Mass Transportation Act Amendments of 1967, December 1, 1967.

Mental Retardation Amendments of 1967, December 4, 1967.

Partnership for Health of 1967, December 5, 1967.

Civil Rights Commission Extension, December 14, 1967.

Congressional Redistricting, December 14, 1967.

Flammable Fabrics Amendments of 1967, December 14, 1967.

Age Discrimination in Employment Act of 1967, December 15, 1967.

Wholesome Meat Act, December 15, 1967.

Postal Revenue & Federal Salary Act of 1967, December 16, 1967.

Economic Opportunity Amendments of 1967, December 23, 1967.

Elementary & Secondary Education Act of 1967, January 2, 1968.

Social Security Amendments of 1967, January 2, 1968.

Civil Rights Act of 1968, January 11, 1968.

Consumer Credit Protection Act of 1968 (Truth in Lending) May 29, 1968.

Omnibus Crime Control & Safe Streets Act of 1968, June 19, 1968.

Housing & Urban Development Act of 1968, August 1, 1968.

Accessibility of Public Buildings for Physically Handicapped, August 12, 1968.

Natural Gas Pipeline Safety Act of 1968, August 12, 1968.

Wholesale Poultry Products Act, August 18, 1968.

Food Stamp Amendments of 1968, October 8, 1968.

Regional Health Amendments of 1968, October 15, 1968.

Higher Education Amendments of 1968, October 16, 1968.

Vocational Education Amendments of 1968, October 16, 1968.

Radiation Control for Health & Safety Act of 1968, October 18, 1968.

Gun Control Act of 1968, October 22, 1968.

Manpower Development & Training Amendments of 1968, October 24, 1968.

Presented To The American Federation of Labor and Congress of Industrial Organizations on January 13, 1969, In Recognition of Labor's Contribution To Legislation Beneficial To All Americans.

(Signed) Lyndon B. Johnson.

SOME REMARKS THAT DESERVE SERIOUS REFLECTION

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. DOWNING. Mr. Speaker, recent remarks by the distinguished senior Senator of my State's delegation, the Honorable Harry F. Byrd, Jr., have drawn notable editorial comment from members of the Nation's press. I am pleased to insert four of these editorials in the Congressional Record so that all the Members might have the opportunity to see them:

[From the Somerset (Pa.) American, Aug. 30, 1968]

A Stupid Blunder

Senator Harry Byrd, Jr., of Virginia would like to know why the U. S. Department of State has restored Stokley Carmichael's passport. The question is a good one and one which many Americans would like to have answered.

Last December, Stokley's passport was revoked because he had traveled to restricted areas, specifically, Castro's Cuba and to North Vietnam.

Senator Byrd had this to say: "Carmichael obviously gave aid and comfort to North Vietnam, a nation at whose hands the American people have suffered 191,328 casualties, 38 per cent of those casualties having occurred during the past six months.

"Yet, the Department of State has restored this passport, thus making possible other such trips and other such denunciations of the American people, and the American soldiers in Vietnam.

"Is it any wonder that more and more citizens are losing confidence in the government when the government acts in such a foolish and absurd manner as it has in pampering Stokley Carmichael, not only by permitting him to make treasonable statements on foreign soil, but also permitting them to incite rioting in this country without penalty?"

[From the Findlay (Ohio) Courier Republic, September 14, 1968]

Some Remarks That Deserve Serious Reflection

The United States Senate the other day added the sum of $215,000,000 to the appropriation for the work of the Office of Economic Opportunity (OEO) for the coming fiscal year. But the action was not taken until after quite a bit of debate on the program. This is the agency that conducts the war on poverty.

There was general agreement that phases of the OEO program are performing constructive service. But there was much expression of views regarding some of the program's shortcomings.

Sen. Harry F. Byrd Jr., of Virginia, made some statements that deserve accent. He was discussing the general subject of helping the poor.

"When Congress appropriates funds to help the poor" said the Virginia Senator, "I want that money used to help those for whom it was intended." He made this statement after calling OEO "a very wasteful agency, poorly administered and with inadequate auditing procedures."

Sen. Byrd said that too often "the word 'poverty' is used not in reference to deprivation but rather to describe a difference in income and standard of living."

"The American system," he went on to say, "is based on economic incentives and these inevitably lead to some economic disparities. If equality of income is the goal of the war on poverty, then we are not talking about the American system but socialism. We are not talking about bringing the minority up but rather taking the majority down."

There are people who deserve to be helped through public and private efforts, but there are too many who just do not want to work, the Senator declared.

The senator read to the Senate a list of instances where, he said, OEO money has been used "to finance extremists and militant elements whose approach is to riot and to demonstrate and to agitate for more and more federal funds."

"The federal government," he said, "should not be in the business of underwriting revolution. We have not created OEO to preside over the dismantling of the American way of life.

"Until such time as this program can be put on a different foundation—one that assures that the taxpayers' money is being used for the purpose of helping the poor of the country—I cannot support additional appropriations for the Office of Economic Opportunity."

"When Congress appropriates tax funds to help the poor I want it used to help those for whom it is intended."

Democrats, in the debate in the Senate, were among the sharpest critics of the OEO. Sen. Byrd is a Democrat as is Sen. John McClellan, of Arkansas, who declared it's time to clean up the OEO and put the money where it will do some good.

As we said at the outset, Sen. Byrd's remarks deserved accent and serious reflection, as do those of Sen. McClellan.

[From the Cheyenne (Wyo.) State Tribune, Sept. 24, 1968]

What Is the Difference?

Sen. Harry F. Byrd Jr., D., Va., recently wrote to Secretary of State Dean Rusk urging that this country withdraw communist Poland from the most favored nation status in trade with the U.S. which is accorded it by the U.S. government.

Senator Byrd cited the present Polish regime's repressive measures against Jews, its support of North Vietnam, and the participation of Polish troops in the Soviet invasion of Czechoslovakia as reasons why this country should no longer grant Poland most favored status.

In his letter, Byrd cited a July 24 demand by Rep. Paul Findley of Illinois along the same lines. Findley received the following reply from Assistant Secretary of State William Macomber which said: ". . . we do not believe this is the time for so drastic an action as withdrawal of (most favored nation status) from Poland because the evidence is not conclusive that an opposite trend has developed from that which is described in the attached Presidential determination on Poland. . ." The "presidential determination" referred to said Poland is not "a nation dominated or controlled by the foreign government or foreign organization controlling the world communist movement. . ."

In view of Czechoslovakia, Senator Byrd asked the State Department if that was still its view with regard to Poland. Macomber, the same who replied to Rep. Findley, wrote Byrd:

"We are unable to judge whether Polish troops were ordered by the Polish government to take part in this action because of the latter's subservience to Soviet policies or whether the Polish government acted willingly because it also deemed the signs of liberty in Czechoslovakia as a threat to its own communist system."

The question is: What difference does it make? The fact it acted at all should be reason for removing it from the most favored nation status.

[From the Bridgeport (Conn.) Telegram, Oct. 22, 1968]

Federal Debt Climbing

Throughout this year, and for a few months before, the Congress debated the surtax on income taxes. It was finally passed only after it was accompanied by a mandatory requirement that government spending be cut by $6 billion. Yet the total revenue to be raised this year by new tax legislation will amount to $15.3 billion, almost exactly this year's interest on the national debt.

Citing this coincidence, Senator Harry F. Byrd, Jr., of Virginia called it "a dramatic, if painful lesson, in the cost of deficit spending." He had been holding forth on the size of the growing national debt. During the 90th Congress, the federal debt ceiling was boosted about $28 billion. It now stands at a record $357.9 billion.

"We would be well past that ceiling today, were it not for this year's tax legislation—the 10 per cent surtax—and the $6 billion reduction in expenditures which the Congress demanded in return," Byrd said.

Byrd has inherited his role of watchdog of the treasury from his father, whose seat in the Senate he occupies now. He brought home the problems with this homily: Trying to hold firm on federal debt limitation is like trying to take away your wife's credit cards—the objectives are worthwhile but virtually impossible to accomplish. Regrettably, we must agree.

THE ATOM AS EXCAVATOR

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, in recent days, newspapers around the world have reported on a very exciting project currently under discussion between the U.S. Atomic Energy Commission and the Government of Australia. The Australian proposal is to use underground nuclear explosives to blast a new deepwater harbor at Cape Kerauden in Western Australia.

Worldwide reaction to this proposal has been positive. One reason undoubtedly is the strong friendship between the United States and Australia. Another must be the possibility to do so much good with the peaceful uses of atomic energy.

One of my colleagues on the Joint Committee on Atomic Energy, the Honorable Craig Hosmer, of California, has taken the lead in Congress in urging approval and prompt action on this project. His role and the forward-looking position of the Australians were the subject of an editorial in the Washington Sunday Star this week.

The editorial follows:

The Atom as Excavator

Although its economic and technical feasibility is still subject to study, there is great promise in Australia's proposal to build a big new port with the help of the United States Atomic Energy Commission and its nuclear explosives.

As outlined by David E. Fairbairn, Australian Minister of National Development, the plan calls for blasting out a deep-water harbor on the northwest coast near Cape Kerauden on the Indian Ocean. This is an isolated region, but it contains great deposits of iron ore, and it would quickly become populated and prosperous if it had a port through which the ore could be shipped. The hope is that the AEC will be able to do the job with something like five 200-kiloton charges placed in a row 1,100 feet apart and detonated 800 feet beneath the ocean floor.

The question is whether such a detonation could take place without sending radioactive fallout over other countries. If it did so, it would be in violation of the test ban treaty's shortsighted provision inhibiting the use of peaceful nuclear explosives even though they might release only a harmless degree of radioactivity. But this aspect of the proposed Cape Kerauden project may actually be academic. Over the years, the AEC has developed explosive designs and emplacement techniques—all classified information—that may well be effective enough to keep the fallout within national bounds or reduce it to an amount too negligible to warrant international complaint.

Ironically, while the test ban may inhibit them, the non-proliferation treaty specifically encourages and provides for just such projects as the one Australia proposes. The nuclear powers, that is to say, are obligated to give aid, including explosive materials, to the non-nuclear powers to insure that they will not be left behind, technologically or otherwise, if they become parties to the treaty and thus forswear their sovereign right to make atomic weapons or explosives of their own.

In that respect, if it is adopted, the Australian proposal will be a trail-blazer in the application of the non-proliferation treaty's provisions for cooperation between the atomic "haves" and "have-nots." And beyond that, of course, if the project is carried forward to success, it will demonstrate that the atom is a revolutionary sort of excavator to be used for the speedy and economic building of harbors and waterways around the world, including a new canal across Central America.

California's Representative Craig Hosmer, one of the most knowledgeable members of the Joint Atomic Committee, is so impressed by the potentials of Australia's plan that he has urged that the AEC be given $300,000 forthwith to begin working on it. The suggestion is a good one. It should have President Nixon's favorable attention.

I AM A TIRED AMERICAN

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. POLLOCK. Mr. Speaker, it goes without saying that often we as Americans take advantage of what we have, and not fully realize the costs of our freedom.

I have an editorial from the Northwest Flyer which I would like to share with my colleagues. It was sent to me by one of my constituents, Mr. James M. Wright. The title is "I Am a Tired American":

I Am a Tired American

"I am a tired American.

"I'm tired of being called the Ugly American.

"I'm tired of having the world panhandlers use my country as a whipping boy 365 days a year.

"I am a tired American—weary of having American embassies and information centers stoned, burned, and sacked by mobs operating under orders from dictators who preach peace and breed conflict.

"I am a tired American—wearied of being lectured by General DeGaulle (who never won a battle) who poses as second Jehovah in righteousness and wisdom.

"I am a tired American—weary of Nasser and all the other blood-sucking leeches who bleed Uncle Sam white and who kick him on the shins and yank his beard if the flow falters.

"I am a tired American—weary of the beatniks who say they should have the right to determine what laws of the land they are willing to obey.

"I am a tired American—weary unto death of having my tax dollars go to dictators who play both sides against the middle with threats of what will happen if we cut off the golden stream of dollars.

"I am a tired American—fed up with the mobs of scabby-faced long-haired youths and short-haired girls who claim they represent the 'new wave' of America, and who sneer at the old-fashioned virtues of honesty, integrity, and morality on which America grew to greatness.

"I am a tired American—who is tired of supporting families who haven't known any other source of income other than government relief checks for three generations.

"I am a tired American—who is getting madder by the minute at the filth peddlers who have launched Americans in an obscenity race—who try to foist on us the belief that filth is an integral part of culture—in the arts, the movies, literature, and the stage.

"I am a tired American—weary of the

bearded bums who tramp the picket lines and the sit-ins—who prefer Chinese communism to capitalism—who see no evil in Castro, but sneer at President Johnson as a threat to peace.

"I am a tired American—who has lost all patience with that civil rights group which is showing movies on college campuses from coast to coast. Movies denouncing the United States. Movies made in Communist China.

"I am a tired American—who is angered by the self-righteous breast-beater critics of America, at home and abroad, who set impossible yardsticks for the United States but never apply the same standards to the French, the British, the Russians, and the Chinese.

"I am a tired American—sickened by the slack-jawed bigots who wrap themselves in bedsheets in the dead of night and roam the countryside looking for innocent victims.

"I am a tired American—who dislikes clergymen who have made a career out of integration causes, yet send their own children to private schools.

"I am a tired American—who resents those who try to peddle the belief in schools and colleges that capitalism is a dirty word and that free enterprise and private initiative are only synonyms for greed.

"They say they hate capitalism, but they are always right in the head of the line demanding their share of the American way of life.

"I am a tired American—real tired of those who are trying to sell me the belief that America is not the greatest nation in all the world—a generous hearted nation—a nation dedicated to the policy of trying to help the 'have nots' achieve some good things that our system of free enterprise brought about.

"I am a tired American—who gets a lump in his throat when he hears the 'Star-Spangled Banner' and holds back tears when he hears those chilling high notes of the brassy trumpets when Old Glory reaches the top of the flag pole.

"I am a tired American—who thanks a merciful Lord that he was so lucky to be born an American citizen—a nation under God, with truly mercy and justice for all."

THANK YOU, MR. PRESIDENT

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. PICKLE. Mr. Speaker, I am very proud to bring to the attention of the Members of the House of Representatives an editorial that appeared in last week's issue of the Capital Baptist.

In a straightforward, yet eloquent manner, the article cites the appreciation of a nation for the talents and efforts of Lyndon B. Johnson.

There have been countless articles and stories written in the past few weeks expressing the sentiment of our Nation for the outstanding accomplishments of President Lyndon Johnson—but few, perhaps, as concise in feeling and temperament as the Capital Baptist editorial. President Johnson's great grandfather, George W. Baines, was once president of Baylor University and one of our great statesmen and educators of early Texas. Baylor University is perhaps the most outstanding Baptist institution in America.

Without objection, I include the editorial in the RECORD:

THANK YOU, MR. PRESIDENT

Few men, if any, have had a more colorful career in politics than Lyndon Johnson. Born in Texas, but Capitol Hill has been his home most of his life.

Mr. Johnson became President in one of the most tragic moments in American history. He proved his leadership ability and the fact that he had what it takes to be President in but a matter of hours after Mr. Kennedy's death.

It would probably be safe to say that Mr. Johnson received a greater mandate from the people than any other President, and because of the mandate and his political skills, he had more power than any other President with the possible exception of Roosevelt in 1936.

Americans can be grateful that the President used the power to make America more conscious of the plight of many who were in need rather than yielding his leadership role to the self-interest groups.

This has been a difficult time in American history to be President. The strain and tension must be more than the average person could bear. President and Mrs. Johnson deserve a rest and an opportunity to enjoy the fruits of their labors.

Washington will miss them. From what we understand, national politics will not be the same. As you go Mr. President, we would want to thank you for your interest in our city which belongs to everyone, but cared for but by a few. We want to thank you for your interest in the welfare of the American people, their education, their health, their housing, their employment. You have done more than any other President for the general welfare of the people.

We want to thank you for your interest in man's freedom, in the individual rights of private citizens.

We want to thank you for your interest in the national resources of our land and for all that you and Mrs. Johnson did to help preserve these resources.

It truly can be said that no person ever tried harder to accomplish more for the good of all.

It is our hope that you both will enjoy good health and much happiness.

IRAQ'S ACT OF BARBARISM

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. THOMPSON of New Jersey. Mr. Speaker, I rise to express my sense of shock and outrage at the news of the execution by the State of Iraq of 14 persons, nine of them Jews, on charges of spying for Israel. The circumstances surrounding this barbarous episode gives cause for the gravest concern. The trials upon which these men were convicted were held in secret. The executions were carried out before a multitude under circumstances which bespeak more of the Dark Ages than of the 20th century. Mr. Speaker, quite recently the Security Council of the United Nations saw fit to censure the State of Israel for an attack upon a neighboring state. In that censure there was no mention made of the grave provocation which preceded that act. Violence, whoever the perpetrator, is to be condemned and abhorred, particularly in an area of the world in which tensions are so high. Therefore, Mr. Speaker, it seems to me that this House should express to the world its revulsion at the actions of the Iraqi Government and our highest concern of the effect of its action upon world peace. If the State of Israel is to be condemned by the world community for seeking to safeguard its commerce, it seems to me that the State of Iraq should be condemned for this act of barbarism.

WHEN TOO MUCH KNOWLEDGE BECOMES A DANGEROUS THING

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. WEICKER. Mr. Speaker, I feel that the tragic events in Nigeria-Biafra where an estimated 20,000 persons die of starvation each day require that I speak out for positive action to prevent the extinction of a generation. Following is an address I delivered at the University of Bridgeport, Bridgeport, Conn., on Friday, January 24, 1969:

WHEN TOO MUCH KNOWLEDGE BECOMES A DANGEROUS THING

(A commencement address of the 1969 midwinter class of the University of Bridgeport; Bridgeport, Conn., by the Honorable LOWELL P. WEICKER, JR., Member of Congress)

On Monday of this week I had the privilege of being a participant in what was to me and I am sure to millions of Americans from Washington, D.C. to the tip of Alaska a thrilling and awe-inspiring event—the inauguration of a President of our United States.

There were two occurrences and one impression that registered rather forcibly on me during that one hour of what is now American history.

The occurrences were in this order:

The singing of the Irving Berlin Song, "Give Me Your Tired," by the Mormon Tabernacle Choir and the spotting of my two sons, aged 8 and 11, in a crowd of over 100,000 people, mostly adult.

The song registered because it had been so long since I had either read or heard those words of a nation in its youth:

"Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost to me,
I lift my lamp beside the golden door!"

Secondly, finding my children in that sea of anonymous faces was a moment to remember because when I did spot them they looked unconcerned with the solemnity of the occasion, but rather had on their faces the happiness of young children occasioned by finding their father rather than seeing a President of the United States or a Congressman from Connecticut. And as I saw them and others of their age in that crowd of adults they looked excitedly expectant and mighty small.

The impression that I came away with was that on that day as was the case four years ago and will be the case four years from now, our United States was being born again with the only restriction on what our nation will accomplish being limitations of our own choosing.

I suppose that the words common to my experiences of January 20, and to yours on this important evening of your lives are hope and heart, and it is those traits and how they relate to knowledge that occasions the subject matter of my talk this evening.

Remember; A verse that expressed a young unsophisticated nation's willingness to take the world's trampled to its heart.

Remember; Children that enjoyed the health to be happy; that loved and were loved.

Remember; A Ceremony that dedicated the awesome strength of this country to a new start.

A small child lying in the dust looks up at the hot African sun. She summons all the strength left in a body made grotesque by starvation for one more cry of help to the unanswering desolation around her before closing her eyes for the last time.

At the same moment much of the diplomatic world after deliberation and thought comes to the scholarly conclusion that the most humane way to end the Nigeria-Biafra War is to participate by inaction in a policy geared to the "Quick Kill" of Biafra as being the humane resolution of an awkward situation.

The United States of America, meanwhile, has during the past year accomplished the following: Sent three men a half million miles around the moon and returned them within 7,000 yards of their landing objective; paid farmers millions of dollars not to grow crops because of an over abundance in our agricultural economy; produced more new drugs and pharmaceutical products for the cure and alleviation of disease and pain than all the rest of the nations of the world put together; built, at Marietta, Georgia, the largest cargo plane in the world.

It is not my purpose tonight to touch upon the governmental rights and wrongs of the Nigerian-Biafra War. What *their Governments* do while 20,000 children die each day is not worthy of one-minutes discussion. What our Government does to assure that ten million live—is.

Let me give you a few facts.

It is estimated that two million people or almost the entire population of Connecticut have died from starvation since the outset of the conflict.

At the present time relief agencies fly in 150 tons of food a day—5,000 tons are needed daily.

Incidentally, do you remember 1948 when America set its heart and mind to the task of feeding Berlin? We flew 9,000 tons of food a day into that isolated city. It's now twenty-one years later and knowledge has created better planes—but is the end product of that knowledge worth the striving if there is no heart to guide its use?

The diplomats and politicians are presenting some very sophisticated arguments as to why nothing should be done. Arguments that are steeped in over one thousand years of diplomatic practice and learning. And I propose to you this evening that it is at this point that too much knowledge has become a dangerous thing.

For, ladies and gentlemen, if we accept as valid and respectable such knowledge as teaches our country to remain silent while 20,000 people die each day then as a nation we repudiate the origins of our own greatness and cast our lot with those countries who long ago found existing preferable to achieving.

And history will show that it was during just such a time of diplomatic maneuvering, with the "raison d'etre" of the European nations being to exist, that the United States grew and became strong as it relied on instincts of the heart and the common sense so abundant in the American mind.

There are those who will say it can't be done.

I'm reminded of the story told by Charles Kettering, one of the early founders of General Motors, "When I was Research Head of General Motors and wanted a problem solved, I'd place a table outside the meeting room with a sign: 'Leave slide rules here.' If I didn't do that, I'd find some engineer reaching for his slide rule. Then he'd be on his feet saying 'Boss, you can't do it.' "

Is it food we lack?

Is it planes we lack?

Is it placing the food on the mark that we can't do?

Our status in all these areas as described before, resounds "NO" to all these questions. Is it not that we have become so sophisticated in international politics that the paper consequences are freezing our natural reactions of help for the suffering and love for children everywhere?

What happened to that young brawling nation that had strength far beyond the numbers of its population or the taught wisdom of its people because it was engaged in living the highest purposes of God and man?

Certainly, I do not advocate a diminishing of our educational efforts or an acceptance of a high school education as being sufficient.

What I am saying is that the purpose of learning and education is to send one more man and one more woman into a world of desolation to share that knowledge with compassion and flexibility with the thousands, who, in the words of Victor Hugo, "Exist in physical and spiritual night."

I want a world that runs to even one lonely child dying in the dust and takes it to its arms of concern—to its table of food—to its hospitals of care.

It is not on the words of old diplomats but on the happiness of these children yours, mine, the world's that this nation should premise its journey of the next four years.

Cease fires, truces, the reconciliation of regions, summit talks is the business of months.

The task of the minute is to give life where there is repetitive death.

As the snow covers our New England with a mantle of white let the parachutes with their cargo of food cover both Nigeria and Biafra so that the world understands while we gained in knowledge we also gained in love.

MAIL-ORDER SALES OF PORNOGRAPHIC MATERIAL

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. SKUBITZ. Mr. Speaker, I am introducing, for full and deliberate consideration, legislation that would regulate mail-order sales of pornographic material.

The need for effective legislation is never more apparent than today. Throughout the United States local and State law officials, educators, and civic organizations are waging a never-ending fight against the sale of smut to school-age children. Parents are advocating, and justly so, vigorous enforcement of existing obscenity laws.

I strongly feel that there are countless numbers of parents in this country who do not want their children's sex education to be influenced by smut merchants. The heavy volume of constituent complaints attest to the fact that something must be done to bring about an end to this problem. The future of our Nation and the world depends on the youth of today.

The current legislation, Public Law 90-206, provides for the person receiving pornographic material to report it to the local postal authorities. After a considerable amount of time, energy, and money the total result from the complaint is the fact that the smut merchant has lost a name from his mailing list.

In checking with the postal authorities, I find that in 1968 alone over 165,000 formal complaints had been registered. These persons were recipients of unsolicited offensive mail. With the number of complaints rising each week the need for more effective legislation must be dealt with by this Congress.

I, therefore, have introduced legislation that would give the postal authorities strong, effective powers to stop the dealers of pornographic material from pushing their unwanted material on the American people.

The legislation would:

First, prohibit mail-order sales of obscene material to children of school age.

Second, it would provide that a family with children under the age of 16 who receive, or are solicited to receive, hard-core pornographic material would have the right to bring action against an offender in which the crime would be deemed a Federal crime, punishable by a fine and jail sentence.

Mr. Speaker, I urge my colleagues to support this legislation in order for protection to be provided for American families and their school-age children. I respectfully request that committee hearings be scheduled as soon as possible.

WOMEN'S JOB CORPS CAN HELP

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mrs. HANSEN of Washington. Mr. Speaker, one of the truly visionary innovations of recent years is the Job Corps. In years ahead, we will look at its results with the same pride we now place in the GI bill of rights, which was so controversial following World War II. This Nation has learned there is no way to lose when the investment is in people.

Many times I have commented on the value and contribution of Job Corps to the U.S. Forest Service and the Department of the Interior. Those have been cases of young men who are serving as firefighters and conservationists while learning.

Job Corps has been bolstered by a group called Women in Community Service—volunteers who have dedicated themselves to helping those girls who join Job Corps. The teamwork of the Government and these volunteer citizens was dramatically spelled out in a recent article in the Aberdeen, Wash., Daily World. I would like to place this in the RECORD.

WOMEN'S JOB CORPS CAN HELP

(By Lillian Van Syckle)

Good jobs seldom just fall into your lap. They're hard to find. A young woman applying for a job nowadays needs special training in her field, trim clothes, a knowledge of good grooming and a desire to make a better future for herself.

This might be an overpowering list of qualifications for a girl who left school before she had learned special skills and whose wardrobe and self-confidence were nearly nil—that is, it might be if it weren't for Job Corps.

The desire to make a better future for herself is the only qualification the job applicant needs after she is accepted by Job Corps. The others will have been achieved by the time she is graduated from the corps.

Girls from 16 through 21 years old are eligible for the Job Corps if they are out of school and can't find work.

In the Harbor area, girls may inquire about Women's Job Corps from Mrs. Helge Erickson or Mrs. Aaron Wise, both of Hoquiam, volunteer workers for Women in Community Service.

Working in teams, WICS volunteers seek out girls who might profit from the opportunity to leave home and prepare for a more promising future. They explain the Job Corps residential centers to the girls and their families on home visits.

WICS volunteers interview candidates, engage professional help for health examinations and aptitude tests, then guide and help girls through the various steps on the way to enrollment. The final selection is made by the Job Corps in Washington, D.C.

After a girl is accepted by the Job Corps she is assigned to one of the Job Corps residential centers—the closest one to Grays Harbor is at Tongue Point, near Astoria, Ore. Then she begins her training.

With the conviction that "every girl needs a chance to be somebody," the Women's Job Corps Center is like a new home where new people and attractive surroundings give life a new meaning.

There will be some studying—reading, writing, speaking, math. Recruits will learn how to do a job, in a hospital, an office, in selling or communications, sewing, cooking, institutional household arts. Counselors will help decide which job is best for the girl.

Material will be provided and trainees will be taught, if they wish, to sew new clothes for themselves. Ample time is allowed for recreational activities after study and work periods.

Girls in the centers get spending money while they train, an allowance of $14.34 every two weeks, and special points can be earned to raise this allowance.

When girls complete their training at the center they receive $50 for each month they spend in the corps. They may have part of their money sent home to help take care of the family, and the Job Corps will match what they send home. Or the money may be used for living costs while the girls are looking for jobs.

"It's a wonderful program," Mrs. Erickson says with conviction when people ask her about Job Corps. "It gives girls a real chance in life when they are young enough to get years and years of benefit from it.

"The program is a rewarding experience also for the WICS volunteers who recruit, screen and assist the girls in finding work after the training period. We can always use WICS volunteers."

SALUTE TO DR. BEEKEY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. YATRON. Mr. Speaker, so much has been said about disorder on the college campus of today that it is with pride that I call your attention to a college in my district that is an example of an ideal atmosphere of study and learning. This school is Kutztown State College, whose president, Dr. Cyrus E. Beekey, has announced his retirement for health reasons.

Kutztown State College and the entire surrounding community will sorely miss Dr. Beekey. I too, join in wishing him good health. Many fine tributes will be paid to Dr. Beekey in the coming months but I feel the fine editorial which appeared in the Reading Eagle on Wednesday, January 22, 1969, expresses the feelings of those who know him and are aware of his accomplishments:

SALUTE TO DR. BEEKEY

A short but eventful tenure of achievement as president of Kutztown State College will end Aug. 1, with retirement of Dr. Cyrus E. Beekey, at 62, because of health reasons.

Although he suffered a respiratory attack shortly after being appointed the eighth president of the college—in July 1967 to fill the vacancy created by the death of Dr. Italo L. deFrancesco—Dr. Beekey has carried out his duties in a manner that has impressed his colleagues and students, as well as the community he serves.

Dr. Beekey in his quiet way has pushed the college forward while providing a tranquil atmosphere for teaching and study. A measure of the school's progress under his tenure may be gleaned from the fact that in the first 18 months of his term, enrollment climbed from 3,863 to 4,442, and the faculty increased from 215 to 237.

To keep abreast of enrollment, the campus physical plant added four new buildings—a research and learning center, a library, a student center and the Dietrich dormitory for men. Four more buildings are under way or about to be started.

In short, Dr. Beekey carried on the building and educational program of his predecessor, and has added to them, thus continuing the momentum of Berks County's largest college.

A native of Myerstown. Dr. Beekey had behind him a solid background in teaching and administration when he become president at KSC. Recipient of a bachelor of science degree from Albright College in 1927 he was awarded a master of science degree from Cornell University in 1934. While teaching at Reading High School, he was awarded a Ph.D. degree from Cornell for graduate work in ecology and invertebrate zoology in 1940.

Before joining the KSC teaching staff in 1943 as a teacher of physics in the U.S. Army Air Cadet Corps program on the campus, Dr. Beekey, who began his teaching career in 1927, as a teacher of mathematics at Southern Junior High School, taught in Reading High's biology department from 1931 to 1943.

At KSC, Dr. Beekey moved gradually up the educational ladder—to professor of biology and science department chairman in 1944, and to dean of academic affairs in 1956. In May 1967, during the illness of Dr. deFrancesco, he was named acting president of the college.

Both Dr. Beekey and his wife are familiar figures in educational and civic circles in Kutztown. Highly regarded in scientific circles, Dr. Beekey is a past president of the Mengel Natural History Society and the Pennsylvania Academy of Science. He was named to head the former in 1946 and the latter in 1954.

We wish Dr. Beekey good health in the remaining months at KSC, and a happy retirement next August. We salute him for a job well done.

EDUCATION: THE FULCRUM FOR RESURGENT AMERICAN SEAPOWER

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. MAILLIARD. Mr. Speaker, on January 17, Mr. Charles F. Duchein, president of the Navy League of the United States, spoke before the Commonwealth Club of California on the subject, "The Mess in the Merchant Marine." One of the principal underlying themes of Mr. Duchein's address was the current necessity to educate the American people of the crucial national interest involved in rebuilding our maritime posture to a position of world preeminence.

It is of no small significance that only 4 days following Mr. Duchein's address, on January 21, the Chief of Naval Operations, Adm. Thomas H. Moorer, U.S. Navy, appeared before the Special Subcommittee on Seapower of our Committee on Armed Services emphasizing a similar educational need in order to enlist the full support and understanding of Congress and of the American people on the subject of seapower. In his prepared statement presented before the special subcommittee, Admiral Moorer observed:

> I hope that your efforts will help to bring greater understanding of the importance of Seapower to more people in the United States. As a maritime nation we cannot afford to overlook what the Soviet Union and others seem to understand so well.

More than 2 years ago when speaking in San Diego, Calif., I, too, decried the then current shocking deemphasis in our national maritime efforts and pointed to the need for a rebirth of national leadership to avoid abdicating our position as a major world seapower. The fulcrum or lever for this resurgence must "start with some grass roots education" as pointed out by Mr. Duchein in his January 17 address.

It is in recognition of the importance of this national issue that I now insert the full text of the address by Mr. Charles F. Duchein, president of the Navy League of the United States, and commend it to the attention of my colleagues:

THE MESS IN THE MERCHANT MARINE

(Address by Charles F. Duchein)

You asked me to talk about the mess in the merchant marine but I think it is high time we stop talking about the mess in the merchant marine and start giving a positive American touch to our crucial situation at sea.

Instead, we are tampering with the long-term prosperity of this Nation through our vacillation and neglect of what can be the chief stimulator of the national economy—the foundation for our future prosperity and this is to rebuild our maritime posture to a position of world preeminence.

Our fast moving 20th century industry depends increasingly on strategic materials carried from overseas in ships. The burgeoning trade along the world sea lanes affords the most inviting possibility for economic growth in our history. But you and I know we now carry only a fraction of even our own trade. The tragedy is we are not capitalizing on the exploding lucrative world markets—we continue to talk when positive action is called for. While we talk about the mess in the merchant marine, we ignore the decisions our Government must make to get back up on the maritime step.

My message today is not to decry the "mess in the merchant marine" nor to try to fix the blame. Instead, I want to highlight the tremendous oceanic opportunity unfolding. As the first step in the educational process, we need to learn more about the economics of the sea by delving into the complexity of the U.S. waterborne transportation industry. There are high stakes involved in building up oceanic strength and there is urgency for doing so.

I say, let's get on with it, let's start building a merchant fleet that will be the pride of every American—that's my answer to the mess in the merchant marine.

Frankly, based on hard economic facts, as a businessman I see a long term bullish trend in the maritime market. For example, an authoritative Harbridge House study concluded that while carrying a fraction over 7% of our trade, the United States saved a billion dollars yearly in gold flow from the revenue of this trade. It doesn't take a mathematics major to see what this would mean toward gold flow reversal if we carried 50% of our trade.

Economically, this is an index of what carrying trade can mean if we go after the market. This tantalizing fact has not escaped Mr. Nixon. This is precisely why he has made the revitalization of the merchant marine "a highest priority economic task". But while the President elect knows this economic fact of life, few Americans do. And their lack of interest, understanding and concern, to my mind, is the chief reason why we are in such serious trouble.

That is the problem boiled down to basics—it is an educational one. Yes, education—and the aggressive merchandising of American maritime product. We might well take a page out of the bold aerospace industry's promotional book to regain a number one world maritime position.

Speaking of modern methods of merchandising, Jack Gilbride, president of Todd, and a good friend of mine, and I must say one of the most progressive American shipbuilders, is telling the Nation through a fine program of educational communications—"You can't walk on ¾ of the earth's surface". How strange that the American people and their Government, at this late hour, need such elementary oceanic education; but, unfortunately, they do. No, you can't walk on water. But there is "gold" in the oceans of the world—and strength—and security. Actually, Americans are just beginning to grasp the fact that the modern gold rush of today is toward the challenging last world frontier. Talk to your stock broker if you are not convinced that what I am saying is accurate—your fabulous California gold rush of '49 is now exploding to the entire world of water.

Whether it was slothful thinking, sporadic strikes, the indifference of the decision makers in our government, the failure to comprehend the vital importance of the merchant fleet brought about the present plight. Whatever it was, and it was many things, bold imaginative plans are needed now.

In terms of the American touch, the almost flawless flight to within 60 miles of the moon by Apollo 8 shows there is still plenty of vitality in the American people—when they are pressed. I watched the launch at Cape Kennedy: What a marvelous experience! As I watched the rocket soaring into space, to myself I humbly thanked Stalin, Khrushchev, Brezhnev and Mikoyan. Who launched Apollo 8? I would say, "Unquestionably Sputnik". The Soviets touched a sensitive American nerve—we can't stand a second place position and that is good. The psychological shock of Sputnik's first spin in space awakened this Nation. And Apollo 8, if it did nothing else, showed the tremendous American potential to think, to produce, to create—it showed the strength of our will and our determination and it came at a time when the world was beginning to wonder.

What we need now is the same sort of shock treatment to build our merchant marine to the strong, modern, competitive position world conditions dictate. Though hardly as dramatic as Sputnik, the exploding Soviet maritime strength has far more ominous political, economic and military implications.

Focusing on the red revolution at sea, the central significance of the competitive merchant marine stands out. How do we stack up? Four out of five of our merchant ships are of World War II vintage. But not Soviet ships—four out of five of their ships are less than 10 years old. While the Soviet Union builds better than 1,000,000 tons of merchant ships each year, 448 ships this year, for example, we build 48. In point of relative priorities, in 1965 the Soviet Government spent more than $600 million on merchant ship construction. We invested a mere $150 million. As our merchant marine rapidly declines in strength, her vigorous ship construction program is projected to 27 million tons by 1980.

In simple terms, during the period of my presidency of the Navy League, the American merchant marine slipped down the totem pole of our own trade carrying from 7.3% to a mere 5%. As this slippage took place, the American merchant marine declined from 1900 ships in 1950 to 1100 ships by 1968. But the Soviet fleet mushroomed from 1.9 million tons to its present strength of 10.4 million tons and 1400 ships. Having already passed us in ship count, by the end of the year, unless the trend is reversed, the Soviets will knock us out of our fifth place position as a merchant marine power.

As a marine officer thinking in terms of future military readiness, this maritime morbidity report frightens me. You can readily see why.

Over 98% of the beans, bullets and jet fuel for Vietnam is transported in ships. Our merchant marine has done a marvelous job of meeting the 10,000 mile sea-lift requirements for southeast Asia. Both the operators and the men who man these ships deserve great credit. But a new "hot spot" somewhere else would stretch our ship elastic limit beyond the breaking point. For this reason, watching the Middle East tinder box starting to flare up again is nightmare for our strategic planners. This is a sharp warning to remind us again of our global responsibilities and requirements.

The Soviet merchant marine serves as the spearhead of her foreign policy, and even more than her navy, reveals her global ambitions. Her pattern of commerce and trade objectives convey intentions that extend world wide. To protect this trade they are building a global navy—a navy that can project its powers overseas and contests our control of the seas.

To meet the mounting menace, how does our merchant fleet planning shape up? Current thinking on the U.S. merchant marine is pegged almost exclusively to two points. First, the defense needs and second, the U.S. import and export trade. The policy position for the latter is "to support and expand U.S. commerce and carry a fair share of U.S. cargo." That's hardly good enough to meet the challenge and reap the great rewards of the exploding market.

Perhaps instead of thinking of the U.S. merchant marine we should think of the "U.S. maritime transportation industry," the goal should be to compete aggressively for world markets for U.S. built ships and for a proportion of the total world ocean shipping.

Look for a moment at the U.S. air lines industry, they did not achieve their present position nor are they maintaining and advancing it, without government assistance. But the assistance was deliberately aimed at achieving U.S. dominance in air transport world wide. There is quite a difference.

Sound military planning highlights the importance of a major build-up in shipping and when valid defense requirements are met, the merchant marine will begin to move forward to the strong posture dictated by a volatile world. While the Viet Nam experience reinforces the vital justification for ships for logistical war support, Mr. McNamara when Secretary of Defense failed to establish even the rock bottom requirements of merchant ships to support combat operations. Specious money saving tactics accelerated the decline of ocean transport. We've paid the price in Viet Nam. We've seen what it means to be dependent, even to a small degree, upon foreign ships in time of war. The national security interest demands the revitalization of our trade carrying shipping. The requirement must be met by ships built in the United States by United States citizens and ships which bolster the American economy with the revenues reaped from carrying the great volume of American overseas trade.

Congressional leaders, like your Representative Bill Mailliard, comprehend the significance of the sea and are alert to the issues. They have already moved into action with specific legislative proposals to put the U.S. maritime transportation industry on a solid footing. Their proposed legislation to establish a separate maritime department as a first step in building an enlightened, vigorous maritime voice in our government highlights their grasp of the situation.

Make no mistake, Soviet ship construction is geared to population growth clearly revealing their goals of carrying a major portion of world trade. Soviet merchant shipping is carrying nearly 95 percent of the war supplies to North Vietnam. Watching their operation gives us an insight into their tactics.

After unloading at Haiphong Harbor, these ships slip down to Australia and pick up cargo for their return trip to Europe. By undercutting the freight rates on an order of 15 percent to 25 percent, they reveal their economy package approach to cornering the market for Communist shipping.

Now, the centrally controlled Soviet merchant marine is part and parcel of their government power structure. A single signal from the Kremlin, as we observed in Cuba, turns all of their merchant ships around with impressive discipline.

What does this mean competitively as an instrument of political and economic penetration? Obviously, the individual elements of our merchant marine are competing with the total economic power of the Soviet Union. And their tactics are rough and tough. If our shipowners and shipbuilders do not receive support—competitive incentives—from our government, quite evidently they will will be driven off the seas. And this is exactly what is happening. Subsidies in the shipping business have come in for considerable discussion in our press and in the Congress. For the most part, these are open subsidies and are modest compared to the less visible subsidies of other segments of the economy. Deploring the spending of funds for subsidies, we tend to beat labor across the knuckle for forcing this kind of support—though obviously indulging in an oversimplification. Subsidies somehow don't have a good American ring. Semantically, they are poison and therefore we sometimes forget our admirable role as the pace-setters in building up the standards of living for the entire free world.

Americans don't like to put their money on a "sick man" and they constantly hear that our Merchant Marine, rusty and poorly painted, is going down the drain. You don't buy much stock with that kind of commercial. Not that this is a Madison Avenue problem, but our self-image at sea requires repair. Our plight on the oceans is largely a problem of understanding but Americans, as a rule do not like to look too deeply into complex problems.

Every kid in England and Japan has grown up knowing what the Merchant Marine means to their nation. They see a lot of ships. They learn early in life what these ships mean in money. It's in their blood. This is the reason why I say *we* have got to start with some grass roots education if this island country is going to capitalize on the economics of the oceans. Americans simply don't understand how much they are affected by world trade and what it means to their individual pocket books in dollars and cents.

The pragmatic economist and most of the scholars and scientists, just as Mr. John Q. Citizen are land-bound in their thinking and in their interests, too, they must be lured to look inquisitively at the oceans. The oceans must be brought to the American people in a way to highlight the tremendous oceanic opportunities and the absolute requirement now to seize the surrounding waters.

For the past 18 months, I have toured the greater part of this Nation. I have talked largely about Viet Nam, as part of the global strategy as well as local tactics. And I might add that I have been frank and critical of the way we have waged this war. Had our Government functioned under an oceanic doctrine and had the maritime concept been understood and accepted, Haiphong Harbor many months ago would have been blocked to the Communist ships that have carried the arms used to kill our men. As a consequence, the war would have long since been successfully terminated. At least we would have talked on our terms rather than from a pusillanimous position that we have been led into at the peace table confrontation.

What has impressed me most has been not the handling of the war by our political leadership, but the spirit of our American fighting men—the youth of our Nation—in the fox holes of this distant battlefield. Their messages came through loud and clear in the signs they paint showing the marvelous morale, the spunk and spirit of American youth.

DEVELOP SIGNS IN VIETNAM

From the vantage point of the youthful American viewing our fortunes at sea—there is room for much optimism in the prospect for the oceanic future. Unquestionably, this shows our destiny is oceanic.

To you friends of this distinguished group in this delightful world port of San Francisco, I propose for your consideration the following five point program to give our merchant fleet a preeminent world oceanic position.

First, and foremost, is the formulation of national maritime policy providing positive incentive to gain a competitive maritime position on the oceans of the world. The failure of our Government to formulate basic policy is the most critical element in cleaning up "the mess of the past in our merchant marine." This policy undergirded by an oceanic doctrine to guide our Government in the military and merchant marine and oceanic research and education.

Second is strategy. Our Nation must orient its national strategy to the oceans of the world, just as the Kremlin has done in recent years. In so doing, our planners must recognize the valid need, both military and economically, of a modern, competitive merchant marine that confidently sails the seas and carries a preponderant portion of the burgeoning world commerce.

And my third point is, therefore, ship construction. America must go after the merchant marine market by building a minimum of 100 ships a year for at least the next decade.

Fourth is the fostering of oceanic education in our school systems to give our youth as good a subject grounding in the seas as they now receive on the land environment. The sea grant college program must be pursued with the utmost vigor to mobilize the best minds of this Nation; the scientists, the scholars, the student in the pursuit of oceanic solutions to the pressing problems of state. I know I don't have to remind you that in recent history when great powers lost control of the seas, they lost their greatness. Consider the examples of Spain after the defeat of the Armada, France after Trafalgar, Japan after Midway, England after the exhaustion of two world wars.

My final point is the proposal for the creation of a Maritime Manhattan project. With a concept that follows along the lines that produced the atomic bomb. This would stimulate the revolutionary technological advances in seabased systems that this Nation is capable of achieving—in our 20th Century. Obviously, I am thinking in terms of the swiftest, most modern, streamlined merchant and naval ships, the kind that can compete for and maintain a strategic mastery of the environment of the oceans.

A single sentence sums up my proposal, "the security and prosperity of the United States and its allies depends increasingly on the military, economic and political exploitation of the world oceans." If we pursue this program with vigor, vision and determination, I am confident that our flag will fly with pride worldwide in recognition of American supremacy of the seas and our mastery of the world ocean. But above all, America will be made prosperous and secure.

A PROUD CENTENNIAL FOR ELGIN HIGH SCHOOL

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mrs. REID of Illinois. Mr. Speaker, this year one of the oldest public high schools in Illinois, the Elgin High School, celebrates its centennial—100 years of dedicated and successful pursuit of the slogan, "Education for All."

In observance of this proud milestone in the life of the Elgin community, and under leave to extend my remarks in the RECORD, I include the following article from the Elgin High School "Mirror" of September 13, 1968:

THE CENTENNIAL CHALLENGE

Elgin is one of the oldest continuously existing public high schools in the state of Illinois. Our Centennial is worth observing, however, not simply because we have a longer history than most other schools, but also because our past is filled with a proud record of achievement that may inspire present students and teachers to work toward an even better future.

Elgin High's accomplishments have been outstanding in many areas, and our graduates have included men and women of great distinction. Here is a partial list:

Elgin has been continuously accredited by the North Central Association since 1898, and it has had a long record of scholastic excellence. From 1900 through 1922 it was one of the ten largest high schools in the state outside of Chicago, and for more than sixty years it was the largest in Kane County.

Elgin debate teams have captured one national championship and twice were runners-up. Two girls from this high school earned national championships in extemporate speaking. Elgin won conference titles in debate nine times.

WEPS was the first educational FM radio station to begin broadcasting in Illinois, and was the fourth to be started in the entire country.

The EHS Band once performed under the direction of John Phillip Sousa.

Two Elgin golfers have won state championships.

Maroon baseball teams have had only one losing season in the last twenty-six years of play.

This year's football game with West Aurora will be the 75th contest in a continuous rivalry that dates back to 1894. Elgin has won 33, lost 32, and tied 9.

Maroon basketball teams were the first to win the state title twice in succession. They have won outright or shared conference championships twenty-one times. They have gone "downstate" thirteen times, and have won 25 district and regional championships.

Elgin varsity elevens have won clear or shared ten conference titles. Three times they have had undefeated, untied seasons. The 1900 team, averaging 139 pounds per man, was unscored on its first seven games, and then had the termerity to challenge the big Minneapolis Central High School, whose team averaged 190 pounds. (That ended the undefeated season.)

Maroon light-weight football teams from 1927 through 1933 won 50 games, lost 2, and tied 3, scoring 1,111 points to their opponents' 110. During this period they rolled up 29 consecutive victories. The 1939 lightweights were undefeated, untied, and unscored upon, no foe ever penetrating the Elgin ten-yard line.

Two former Elgin football players had careers in the National Football League. One was an All-American for Army and played in the first East-West shrine game. Another was an All-Western guard for Notre Dame. Three former Elgin basketball players have played professionally, and three former Elgin baseball players made the major leagues.

Our 96 graduating classes have produced more than 18,000 alumni for service in all walks of life. More than twenty holders of EHS diplomas have been listed in Who's Who in America. Elgin graduates include the Chairman of the Board of Directors and chief executive officer of General Motors Corporation (James M. Roche '23); the President of Encyclopedia Brittanica, Inc., (Charles E. Swanson '46); a former Vice President of Sears & Roebuck (Max Adler '83); and a Vice President of Republic Steel Corporation (William J. DeLancey '34).

EHS contributions to scientific advancement include a member of the research team that developed nylon (Dr. Paul J. Flory '27); an internationally known bacteriologist and authority on foodborne diseases (Dr. Gail M. Dack '18); and a leading pioneer in the new field of aerospace medicine (Dr. James N. Waggoner '43).

One EHS alumnus, Frederick Upham Adams '76, not only invented the standard electric street lamp post and designed the world's first streamlined train that broke all existing speed records, but found time to be one of the first successful advocates of anti-air pollution measures and to write more than a dozen books on economic and political questions.

Five Elgin graduates became Admirals in the United States Navy, one of whom (Frank O'Beirne '21) was commander of the Atlantic Fleet's air force. At Pearl Harbor, on December 7, 1941, one EHS alumnus was commander of Patrol Squadron 22, another was executive officer of Patrol Squadron 21, and still another was executive officer of the destroyer Dewey.

> More significant than these marks of eminence is the fact that Elgin High has steadily pursued the dream of its slogan, Education for All, through a century of change. Our student body has included representatives from families, of varied racial and national origin, religious faith, and socio-economic status. Like America itself, Elgin High has been a symbol of equal opportunity. Former students have grown to maturity in our classrooms and on our playing fields and floor. What are you doing to improve upon the Elgin tradition? A centennial honors the past, but it challenges the present.

STATE TAXATION OF INTERSTATE COMMERCE—UNFINISHED BUSINESS FOR THE 91ST CONGRESS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. RODINO. Mr. Speaker, I have introduced the proposed Interstate Taxation Act—a measure which is sorely needed to relieve our Nation's small business communities of crippling and unnecessary tax burdens. H.R. 3835 which I have introduced is identical in all respects, except for technical details, to the bill which was passed by the House of Representatives in the 90th Congress by a vote of 284 to 89.

In broad terms the purpose of this legislation is to preserve, reaffirm, and revitalize one of our oldest and most cherished principles—the principle that the American market is common to all of our States and open to all of our citizens.

The need for this legislation has been conclusively determined by an extensive study conducted by the Special Subcommittee on State Taxation of Interstate Commerce of the House Judiciary Committee. This study was conducted over a 5-year period and was one of the most exhaustive ever carried out by a congressional committee.

The study, as well as lengthy hearings conducted by the special subcommittee, revealed that the free flow of commerce among our States is currently being impeded by a chaotic system of multiple State taxation—a system with which the business community is unable to comply and which the tax administrators themselves are unable to enforce.

In addition to imposing insurmountable compliance burdens on the business community, the present system of State taxation of interstate commerce is also replete with inequities that result in the overtaxation of some taxpayers and the undertaxation of others. In the income tax area, for example, some companies are now taxable on more than 100 percent of their profits while other similarly situated companies are paying a tax on much less than 100 percent. Clearly this is a situation which Congress has responsibility to eliminate.

At the same time the present system also contains a number of inequitable laws that give to locally based companies benefits that are not available to competitors who are based outside of the taxing State. There is no doubt that such laws both run counter to the basic purposes of the commerce clause of the Constitution and violate sound tax principles of evenhandedness.

In addition to representing a serious threat to our Nation's economic life, the present system has created among our taxpayers a highly undesirable attitude. Faced with unfair and unworkable rules, taxpayers generally have developed a widespread resistance to the assumption of State tax liabilities. Rather than file tax returns under circumstances in which the tax itself is often exceeded by the cost of preparing the return, taxpayers in many cases have understandably disregarded the State and local laws. If this situation is to be remedied—and State and local tax laws complied with—Congress simply must provide a system of uniform rules which are both workable and equitable.

The bill which I have introduced is clearly responsive to the national need and will be of enormous benefit to the countless number of small businesses which are so desperately in need of relief. At the same time it is a bill which will benefit all of the States of the Union by providing a system for the taxation of interstate commerce which can be economically and effectively administered. As the new chairman of the subcommittee which wrestled with the complex problems of State taxation of interstate commerce for many years, I am personally convinced that the bill strikes a fair and proper balance so that no State will be able to reach too far beyond its own borders and no businessman will be called upon to pay a tax to a jurisdiction in which he has neither property nor an employee. As I pointed out last year on the floor of the House of Representatives when the bill was passed by us, this measure represents a compromise between the legitimate needs of the States for revenues on the one hand, and the need on the other hand for interstate commerce to be free of crippling burdens.

In reintroducing the bill, I would like to remind all of my colleagues that during the course of the Judiciary Committee's consideration of these problems this spirit of compromise was ever present. The present bill embodies a number of features and amendments which were suggested by the tax administrators themselves. As a result the balance has become so refined that no State stands to gain or lose more than two-tenths of 1 percent of its revenues. At the same time the business community is protected from chaotic and unworkable tax requirements.

I strongly supported this measure in the 90th Congress and intend to give it my full support during the present session because I believe it embodies an equitable and realistic solution to a problem that, left unresolved, threatens to seriously harm the Nation's business and industry.

FASTER MAIL SERVICE

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. McKNEALLY. Mr. Speaker, I am pleased to include the following editorial from the Stamford Mirror-Recorder of January 22, 1969, with reference to the great need for improvement in our mail service.

> FASTER MAIL SERVICE
>
> There's no doubt, some people get fed up with mail service. We realize the postal department will be busily tearing down LBJ pictures in its some 40,000 offices and hanging new frames of Richard M. Nixon.
>
> Locally, however, mail service coming into the Stamford office is anything but satisfactory. Mail from Hobart or South Kortright to Stamford is routed to Binghamton then to Albany and out to the local office. South Kortright news for the M-R was mailed Monday morning and received in our office Wednesday morning of last week—a distance of about eight miles.
>
> There is a mail truck from Oneonta to the Harpersfield postoffice which runs twice a day. This truck carries mail from the west out of the Binghamton postoffice including Hobart, South Kortright, Bloomville, etc. Since this truck comes as near as four miles of Stamford, it would only seem feasible, Stamford could receive mail from it, being a first class postoffice.
>
> A letter from Hobart to Stamford travels approximately 305 miles to reach a destination four miles away. Using the Oneonta mail truck, it would only travel about 180 miles. Local mail service would improve if the postal department revamped its schedule to include this route.

PRESIDENT NIXON ASSUMES HEAVY LOAD

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. CHAMBERLAIN. Mr. Speaker, the inauguration of a new President often constitutes a dramatic turning point in the history of our country. January 20, 1969, I am satisfied, will be so remembered. As a part of the permanent record of that day and as food for thought for the coming months ahead I wish to bring to the attention of my colleagues the editorial comments of the Jackson, Mich., Citizen Patriot on Inauguration Day, which is entitled "President Nixon Assumes Heavy Load" and concludes:

> President Nixon faces a monumental challenge and is inheriting a set of problems so serious as to make a strong man shudder. At the very least, he deserves a chance to see what he can do and the reasonable support of the people and their Congress. A prayer for his strength, courage and wisdom. also is in order.

It is my hope that the Congress will pay heed to the sentiments so well expressed in this editorial:

> PRESIDENT NIXON ASSUMES HEAVY LOAD
>
> The concensus among politicians and observers of the political scene—including the man who dropped the reins of government at noon today—is that President Richard M. Nixon will need all kinds of luck in the coming four years.
>
> It is possible that the "be-kind-to-Nixon" atmosphere which has prevailed since the election is due, in part, to a realization that he is assuming more burdens than any mortal man can be expected to bear.
>
> The critics who have delighted in cutting Mr. Nixon to ribbons all these years have kept their knives sheathed. While a certain air of good will toward an incoming Presi-

dent is in the American tradition, Mr. Nixon seems to have enjoyed an especially good climate.

Retiring President Johnson may have had much to do with the kindnesses being shown his successor. Mr. Johnson has gone to great lengths to assist President Nixon and make the transition of government orderly and smooth.

This might come naturally to a man who long has worked in the centers of power and realizes that the national interest should be held high above partisanship. In this regard, Mr. Johnson's conduct and attitude have been admirable.

It also is possible that the man who stepped down today is concerned deeply about the problems he is passing on to his succesor.

Many inaugurations of new presidents have taken place in times of great stress, and even danger. They have happened when war threatened, when economic chaos appeared inevitable.

In many points in history, the changing of the guard has been welcomed by the people. A new face in the White House has carried with it the promise of better days. The psychological effect of change often has importance.

That is true, to a certain degree today. Lyndon B. Johnson, in his parting statements, has pointed with pride to what he sees as the accomplishments of his administration. Yet he well understands that he is leaving President Nixon a legacy of unsolved social and economic problems, a seemingly endless war, a tense international situation, and a host of other riddles.

If the politics of the transition period have not been usual it is because this is no time for politics as usual.

To put it another way, President Nixon will have a hard row to hoe.

Americans will err if they expect miracles simply because Lyndon Johnson, the Democrat, has gone back to Texas and Richard Nixon, the Republican, has stepped to the pinnacle of power.

President Nixon unquestionably is a man of considerable ability and dedication and with broad experience in politics and government. He is far better equipped from the viewpoint of knowledge of national and world affairs and the techniques of using power than most men who have served the nation as president through the years.

This, however, does not mean that he will succeed. Yet to be seen is whether he can apply his knowledge and use his power in an effective way.

The odds may favor him. He has put together a team of advisers and assistants which has to be called outstanding. Ability rather than the paying of political debts seemed to be the determining factor in the manning of the new administration.

At the very least, President Nixon and his aides will bring to the executive branch of government fresh points of view, and new solutions to old problems.

A party long in power suffers from an inevitable type of tunnel vision. It tends to pay too much homage to its past heroes and doctrines. Lyndon Johnson, for example, was a protege and a great admirer of Franklin D. Roosevelt. Much of his thinking on social and economic problems was rooted in the New Deal which long since has grown old.

President Nixon enjoys a certain freedom from the past. It is unlikely that he will borrow much from the Eisenhower era because of the great changes which have taken place since Dwight D. Eisenhower presided over a caretaker type of government which gave the nation a chance to take stock of itself and find new directions. President Eisenhower was not out of place in his time. His methods would be inappropriate today, although his counsel and experience were appreciated by Mr. Johnson and unquestionably will be by the new President.

The very nature of America's problems prevents President Nixon from becoming the dramatic mover and shaker that FDR was in 100 days, or Mr. Johnson was after his overwhelming election mandate of 1964.

In every area of national life, from tensions in the cities to the war in Vietnam his progress will have to be measured in inches instead of vast leaps.

He will not be able to get by with merely talking about solutions and inspiring the people with pretty language. He is not that type of charming leader who can give the appearance of moving forward while standing still. This, in itself, is not at all unfortunate.

He will face the handicap of a politically unfriendly Congress, but this may not be a disaster. Michigan's George Romney made a significant point in a Senate committee hearing on his qualification to head the Department of Housing and Urban Development. His thesis is that the legal tools are available for solving the problems of the cities; that results can be obtained if existing programs and laws properly are used.

President Nixon inherits from his Democratic predecessors a vast reservoir of presidential power and innumerable laws authorizing action by the chief executive. His success or failure as President will hinge largely on his ability to use the power that is his.

The President, for example, has great latitude in dealing with foreign affairs, and particularly the war in Vietnam. President Johnson, using these same powers, made only slight progress toward achieving peace, along with America's objectives, in Asia. President Nixon may fare no better because of the realities of the situation, but he will have his chance to employ new policies and methods if he sees fit to do so.

The same thing largely applies to economic problems, such as inflation, the crises in the cities, and so on and on.

All of which does not change the basic fact that President Nixon faces a monumental challenge and is inheriting a set of problems so serious as to make a strong man shudder.

At the very least, he deserves a chance to see what he can do and the reasonable support of the people and their Congress.

A prayer for his strength, courage and wisdom, also is in order.

MEL BAREILLES: CHAMPION OF THE LITTLE GUY

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. DON H. CLAUSEN. Mr. Speaker, as a point of personal privilege, I request the attention of the Members of the House of Representatives. I do so to pay a final tribute to a lifelong friend, a trusted adviser and a former colleague in the county supervisors organizations of California.

Supervisor Melvin J. Bareilles of Humboldt County, Calif., passed away on Friday evening, January 17, 1969, as a result of an apparent heart seizure. I lost one of my closest friends.

I knew and enjoyed a close personal relationship with "Mel" Bareilles for many years. As a former supervisor of neighboring Del Norte County, I worked closely with Mel on problems of mutual interest and concern. In addition, we served together on committees of the California Supervisors Association and the supervisors unit of the Redwood Empire Association.

Mel Bareilles was an exceptionally dedicated and effective public servant. I remember so well how he worked around the clock during the tragic floods of 1964 which struck a devastating blow to Humboldt County and the entire north coast of California. His only thoughts then were of the people—their welfare and their property which had been inundated, dislocated or destroyed during that disaster.

I will always remember Mel Bareilles as a team player, and I believe this was a quality he attained very early in life. Not only was he an avid sportsman and sports enthusiast, but an outstanding athlete. Mel was the captain of the baseball team at St. Mary's College and went on to play semiprofessional baseball with the "Scotia Lumberjacks" in his native Humboldt County. The Clausen brothers were teammates and competitors of this dynamic and friendly "pepper-pot" who, as a catcher, was recognized and respected by everyone, as one of the "best ball players" on the north coast of California.

Humboldt County baseball fans of yesteryear will never forget the unbeatable battery of Mickey McKay and Mel Bareilles, aided by such baseball greats as Joe Casey, Mingo Bianchi, Julio Rovai, to name but a few of the "Lumberjacks."

This athletic indocrination instilled in Mel Bareilles the "will to win" at an early age—he never lost it.

He was a fierce competitor, a determined leader, but most important of all—a gentleman on and off the ball field.

He was a devoted family man, matched perfectly with his gracious, warm, and lovely wife, Mary—who, together gave much more than they ever received.

Mel Bareilles was the same fierce competitor in the political field, and to know him was to respect him because you always knew where he stood on the issues.

Recently it was my privilige to participate with Supervisor Bareilles during a "Congress for Community Progress" meeting in his home town of Rio Dell.

On numerous occasions, Mel and I would hold informal meetings and phone calls regarding mutual constituent or area problems. Believe me, I can testify to the fact that Mel Bareilles looked after his people.

In looking back as well as to the future, I believe history will record Mel Bareilles' early pioneering efforts in the Eel River Association as his greatest contribution. As a charter member, he was the driving force needed to get this very important regional water conservation organization off the ground.

Whatever progress is made in the future in bringing about flood control and water conservation project improvements to the Eel River, Mel Bareilles' name will be remembered by those of us who know the total story and his timely contributions.

On the night of his untimely passing, Mel Bareilles was doing that which he enjoyed most—representing the people of his constituency at a public gathering. Because of his long and devoted service to the people of southern Humboldt County, I am confident that the many programs and initiatives advanced by Mel Bareilles will be carried through. I, for one, stand ready to assist in this "follow through for Mel."

Words are never adequate to express the true feelings of one who has lost a very close friend. But, I am moved to want to describe Supervisor Melvin J. "Mel" Bareilles as the "champion of the little guy—the common man," and that includes all of us who came from the Eel River Valley.

Mel Bareilles was proud of the redwoods and the redwood country he lived in. Like the giant redwoods, Mel Bareilles will be remembered as a "giant of a man"—filled with the highest qualities of honesty, integrity, morality, and dedication to purpose that is characteristic of the great men of our time. For a short man, he will leave some mighty big shoes to fill.

My colleagues of the House, this is my tribute to a lifelong friend, Mel Bareilles—a dedicated public servant who gave his all for his family, his community, his county, and his country.

THE JOHNSON YEARS

HON. RICHARD WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 16, 1969

Mr. WHITE. Mr. Speaker, as we begin to gain more perspective on the period which will be known as the Johnson years, the debt which the Nation will forever owe to President Lyndon B. Johnson becomes greater. We see around us a nation enjoying unparalleled prosperity, more people employed than ever before, and the proportion of unemployed near an all time low. And yet we see a nation that is deeply troubled; a nation engaged in a bitter conflict for which we are seeking an honorable and a just solution; a nation with deep internal conflicts and sore wounds that must be healed. We are deeply troubled because we are a nation that cares, and the measure of our caring is a tribute to the Johnson years, and the great leadership of Lyndon B. Johnson.

A man thoroughly schooled in politics, which he often viewed as "the art of the possible," he taught us that more things are possible than we ever dreamed. In this great legislative body, he was schooled in the arts of the lawmaker; and, deep rooted in the Texas soil from which he came, there was a thorough schooling in the needs of the people.

He taught all of us to better use our skills for the benefit of the people. He taught us to erase more and more of the barriers that existed between the rich and the poor, between the educated and the unlearned, and between people whom nature had given differing colors of skin.

A schoolmaster to a nation of "caring" people, he led us to the fulfillment of many dreams, but it is a part of his monument that he left before us the vision of many goals that must yet be fulfilled. It was typical of him that he appeared before this body to remember with fondness our work and our struggles together, and to give us the measure of the work we must yet accomplish.

Lyndon B. Johnson, both in spirit and in person, will be with us for a long time to come. As he returns to his home country to become a great teacher, he will continue to be our teacher, to help guide us to new dreams and to the means of their fulfillment.

COAL MINE SAFETY: THE BUDGET DISAPPOINTS

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. SLACK. Mr. Speaker, you will recall that on November 20, 1968, an explosion occurred at Mountaineer Coal Co. No. 9 mine near Farmington, W. Va., resulting in the tragic deaths of 78 men. Twenty-two other miners barely escaped with their lives in that disaster.

Much has been written and spoken since the Farmington disaster. Public demands for new and expanded mine safety laws have come from many quarters, and Government spokesmen have asked for increased authority for the Bureau of Mines in the Department of the Interior.

It is my privilege to represent one of the largest bituminous coal mining areas in the world. I am, therefore, vitally interested in any developments which affect this segment of our economy.

The bituminous mining industry is presently operating at a high level of production, and its outlook for continued prosperity is very promising. There will undoubtedly be a growing demand for coal tonnage during each year of the next decade. An estimated 500 million tons of coal were mined during 1968, and a record 760 million tons annually by 1972 has been forecast. Several industry officials predict that 50,000 to 75,000 new miners will be needed in the next five years.

Mr. Speaker, the bright future of the coal industry is a far cry from that which faced the industry immediately after World War II. At that time homeowners were switching to gas, smoke-belching railroad engines gave way to diesels, and thousands of miners found themselves out of work.

But now, because of the Nation's soaring demand for electricity, the coal industry is booming. Some coal companies say they have had to hold down production because of the lack of miners. The industry has captured a large share of the electric utility market, and has signed numerous long-term contracts with power companies now placing new plants in coal fields. For example, the Appalachian Power Co. has just begun construction on the largest powerplant in the world in Putnam County on the Kanawha River in my congressional district.

Mr. Speaker, I cite this background information to emphasize my interest in an industry that is so vital to the economy of my district, my State, and this Nation. Any action that adversely affects this segment of our economy is of deep and continuing concern to me.

The tragedy at Farmington made national and international headlines and brought forth an array of "bleeding hearts" and "instant experts" in the field of coal mining. Many of these "instant experts" have come forward with charges leveled against the Federal Government, labor unions, and industry. The headline hunters have had a field day.

Last September the President recommended that the Congress pass legislation to strengthen mine safety, and last month the Secretary of the Interior suggested that a revised version of this measure—to replace the current Federal Mine Safety Act—be passed. Included in the proposed law are provisions for dust and methane gas levels and more intensive mine inspection. Penalties for violations could be levied against mine operators.

Mr. Speaker, I am wholeheartedly in favor of the passage of additional mine safety legislation—as a matter of fact, I am a cosponsor of this legislation—and I certainly believe that everything possible should be done to make the mining of coal as safe as possible. I could not, in good conscience, believe otherwise.

But those of us familiar with mining and its dangers know that most mining deaths do not result from disasters like that at Farmington. Most deaths in coal mines are the result of roof falls, equipment accidents, and the like. As a matter of fact, until the Farmington disaster, about 200 miners had been killed in 1968, only a dozen of whom died from explosions. During 1967, 217 miners were killed, again only 12 of whom were killed by explosions.

In my estimation, however, the recent proposals of many persons in this field are aimed in the wrong direction. To be certain, adequate inspections and low levels of coal dust and methane gas are necessary, but they do not go to the root of the problem. The only way we are going to effectively reduce or eliminate coal mining deaths is to eliminate, as much as possible, the necessity of sending large numbers of men underground.

As with all efforts to legislate in any field requiring the balancing of rights between groups of individuals, we cannot afford to overlook the fact that an approach based on regulation and enforcement has some merit, but rarely provides the ideal results. As long as men go beneath the surface of the earth or the sea, they will subject themselves to hazards. All we can expect to do through legislative action is to marshal the forces of the Federal Government to minimize the hazards.

Mr. Speaker, the national interest requires that every effort be made to encourage the stability and productivity of the coal mining industry. Yet, we cannot overlook the human element, and whatever actions may be taken by the 91st Congress to amend or replace the Mine Safety Act will be directed toward the assurance of greater safety guarantees for the individual worker who must go underground. The Bureau of Mines has worked in this field of activity since the first Federal law was passed and will no doubt be responsible for whatever activity is authorized by any new legislation. This is fitting and proper.

However, we cannot expect to obtain substantial results from any program which consists only of a combination of inspection, enforcement, and penalties for those who violate the law. We Americans have surmounted problems of this kind before, and whenever we were successful in that respect, our success was largely traceable to the skill with which we applied the resourcefulness and inventiveness of the maximum number of talents available to us, both inside and outside the government. Therefore, while the Congress may desire to place additional authority with the Bureau of Mines so the factors bearing on protection of the human being may be strengthened in his favor, I submit that this will not produce a wholly satisfactory result.

At the beginning of this new Congress and a new administration, I propose that additional efforts in the field of coal mining safety be initiated—efforts which can be pursued parallel to legislative action to tighten the Mine Safety Act. I believe that the Office of Coal Research could be utilized extensively in the field of mine safety. This organization began functioning with funds appropriated for fiscal year 1961. It has had a consistent history of inadequate funding, although many of the contract research undertakings which have grown out of its stimulus offer very promising prospects for the future.

The assigned mission of the Office of Coal Research is to explore avenues which will make coal more competitive with other fuels by reducing the cost of production or transportation, or by finding new uses or additional markets. Funds appropriated to the OCR during recent years have constituted an insignificant proportion of the total budget, or, in fact, of the budget of the Department of the Interior. In fiscal year 1969 OCR requested $17.8 million, but this amount was reduced to $13.9 million by the Bureau of the Budget. OCR found itself with $13.3 million for contract research after action by the Congress. Prospects for 1970 appear to be approximately in the same vein. The OCR requested $17.4 million, and the Budget Bureau reduced this request to $13.3 million.

Mr. Speaker, it should be pointed out that the Office of Coal Research is administered by a handful of specialists and that administrative and supervisory costs consist of less than 4 percent of the funds appropriated. In other words, of the $13.3 million appropriated to OCR for fiscal year 1969, over 96 percent is to be used for contract research designed to bring into the coal research field some of the best brains in American industry and to encourage them to approach problems which have defied solution in the past.

I propose that the Congress appropriate for fiscal year 1970 the sum of $5 million above and beyond all regular funds scheduled for contract research in the Office of Coal Research. These funds should be earmarked definitely toward the pursuit of contracts which would draw further from the specialized fields of knowledge in American industry and channel it into two general areas: First, the exploration of devices which would be in the nature of the creation of self-sustaining climates underground, as has been done under certain conditions in the space program; and, second, the development of means, methods, and devices whereby much of the mining function could be performed through remote control. This method has been utilized successfully in certain atomic energy programs and in the handling of dangerous and radioactive materials.

What I propose, Mr. Speaker, is that the Office of Coal Research by means of research contracts, undertake a broad systems approach into the problems of coal mine health and safety. This systems approach should be directed primarily toward elimination or reduction of problems and elements which produce health and safety hazards in coal mining operations, and thus prevent or reduce the incidence of accidents, disasters, and industry-associated diseases.

The new budget would give the Bureau of Mines $3,337,000 for health and safety research. This money would permit further exploration of correctives for certain elements of mining which are known causes of accidents. There is no indication that this activity would break new ground in mine safety work.

There are 6,500 mines operating at present. The Bureau of Mines has 251 mine inspectors. If the full budget request is granted, the Bureau plans to add 48 more inspectors. In the budget document it is stated that the Bureau "hopes to inspect, at least once annually, every underground coal mine."

Mr. Speaker, I submit that the Bureau has an almost hopeless assignment. A resident Federal inspector at every one of the 6,500 mines would be required to maintain a reasonable assurance of safe conditions, on the basis of our present level of knowledge about mining, its methods and its hazards.

So we face a clear choice. Either we will have more regulation alone, signifying a willingness to continue the present course, or we will reach out with wholly new determination to achieve a breakthrough in mining safety.

It is my conviction that we must turn loose on these problems not only the Federal efforts which may be administered through inspection and enforcement programs by the Bureau of Mines, but also the full potential of American industry itself. There is no better way in which this can be done than through contract research programs of the Office of Coal Research, and I will therefore urge my colleagues to favorably consider appropriating an additional $6 million to OCR for this purpose for fiscal year 1970.

THE LATE HONORABLE PAUL F. SCHENCK

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. McCLORY. Mr. Speaker, it is with sadness that I have learned of the passing of former Congressman Paul F. Schenck, of Dayton, Ohio. As a new Member of the House in 1962, I became acquainted almost at once with Paul Schenck and was attracted to his studious analyses of legislative problems and his eloquent and convincing debates on the floor of the House in behalf of significant national issues.

During the 89th Congress I was particularly active in the area of water pollution control and participated in nationwide investigations of the many ramifications of this critical national problem. I have a distinct recollection of Congressman Schenck's contributions to this subject and to the meaningful leigslative measures enacted at that session of the Congress to help reduce the contamination of our water resources.

I am aware also of the many civil and public contributions of Paul Schenck, including his leadership in the Boy Scout movement and many other useful services to the community, State, and Nation.

I am proud to join in this tribute to former Congressman Paul F. Schenck, and to extend to his widow and to other members of his family this expression of sympathy.

TILLMAN COUNTY MOVES TOWARD BALANCED ECONOMY

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. STEED. Mr. Speaker, Soil Conservation, the official magazine of the Soil Conservation Service, took notice in its December issue of the economic achievements of Frederick and Tillman County, Okla.

"Industry: Take Notice" is the title of the article, which describes how Tillman County uses quality labor and space to help attain a balanced economy.

The magazine credits Tillman County with achieving what hundreds of other communities have been talking about.

As vital as any issue we face today is the question of how to make viable the economy of our rural areas, to permit half of our people to live in a rural small-town environment as they want to do. On this subject I am sponsoring the bill to provide a tax incentive to industry to locate in such areas. This step should be taken, and many others as well.

I enter herewith the full text of the Soil Conservation article, a constructive contribution to this field and a well-deserved tribute to Tillman County:

INDUSTRY: TAKE NOTICE—OKLAHOMA COMMUNITY USES QUALITY LABOR AND SPACE TO BALANCE FARM ECONOMY

A wheat-and-cotton community in southwestern Oklahoma has done what hundreds of other communities in America are talking about.

It has taken a lot of the ups-and-downs out of its economy.

No longer is there a steady outflow of people.

Small farmers are no longer selling out, either to big farmers or to other small farmers who found themselves with holdings too small for a living from farming alone.

A NEW ORDER

And downtown the merchants report a new order of business, a stability unknown before.

The area—Tillman County, with Frederick its seat of government—has attracted industry to the point that everybody in the county who wants to work in one of the plants is working there.

Some workers are even commuting from surrounding counties.

And Paul McLellan, the man the local residents say is mainly responsible, says that if any new industries want to come to Frederick people will have to move into the county to work in them. That means growth, and Frederick's Chamber of Commerce, which from the beginning has given strong leadership to the upward push, is preparing for it.

Agriculture, of course, is still Tillman County's leading industry. The county is fifth in land in agriculture in the state. Wheat is its leading cash crop with cotton second. Grain sorghums and alfalfa are becoming more important. The county leads in Oklahoma in the output of alfalfa seed. Interest in livestock—there are about 60,000 head of cattle, mostly beef, aside from those in feedlots—is growing.

Most of the county's 1,001 farmers are working on or have completed conservation farm plans. Woodrow Bohannan, chairman of the Tillman County Soil and Water Conservation District, estimates that conservation work done by the landowners is contributing $500,000 a year to the local economy.

QUALITY OF LABOR

In the seven small industrial firms in Frederick there are 700 employees. Well over 600 of the employees are from farms. In many cases the farm wife, too, is employed in one of the plants.

The quality of labor was one of the factors attractive to the operators of the industrial plants in considering the area. The employees learn quickly the needed skills and are glad to have the chance at income which will mean they can keep their homes.

Space was another factor. Frederick had established an industrial park with ample room for expansion of facilities.

Access to markets was a third. Two railroads and a modern highway system serve the area.

The community began the effort to bring balance into its economy as long as 15 years ago.

"We knew we had to attract industry," explained McLellan, a Frederick resident from early childhood. "We decided first to find out what it would take to get it here."

A first step was a request by the Frederick Chamber of Commerce to the Agricultural-Industrial Service of Oklahoma State University at Stillwater for an area survey. The survey showed a top-heavy cash crop income with a low percentage from livestock. It also showed a need to improve school facilities and to provide for additional cultural and recreational advantages.

Frederick leaders promptly formed Frederick, Inc., an industrial foundation and set about to meet the conditions outlined in the survey. McLellan directs the foundation's affairs.

Soon industry started to take notice.

The second largest industrial employer to set up a plant in the new industrial park is a leather goods manufacturer. The firm employs 225 men and women at the local plant and at a subsidiary in Tipton, a neighboring community in the county. The company has expanded twice and soon will add space for 50 additional workers.

Another company, manufacturing women's garments, started 5 years ago with 10,000 square feet of space and 25 workers. It has expanded four times and now has more than 135,000 square feet with 350 operators. It has an international market.

The newest arrival on the industrial scene is a firm which specializes in overhauling jet aircraft engines. It employs 90 workers now, and officials expect to increase the number to 250.

A stone-working firm employs 66 workers and uses 6,000 square feet of space. Its products are in national demand. Company heads say plans call for the production of structural stone soon.

A new garment factory has entered the field with 30 workers employed in an almost completely automated plant.

Two of the local industries are associated with agriculture. There are four feedlots with a total capacity of 18,000 head. One of the firms, on the highway east from Frederick, is the second-largest in Oklahoma and is still expanding. It now has a capacity of 15,000.

A new fertilizer and agricultural chemical firm operates a bulk fertilizer blending plant and ammonia storage and handling facilities.

The feedlots consume more feed than is raised in the county. The practice of soil and water conservation has encouraged the shift to pasture, forage production, and livestock as a more efficient use of the land resource. Irrigation from wells, with farmers using the technical skills of the Soil Conservation Service to develop conservation systems and do other conservation work, is claiming increasing interest.

Laxton Malcolm, Tillman County's extension agent, says the average size of farms in the county has been growing over the years, reflecting the national trend. However, the rate of increase is considerably less now that landowners have access to additional income from industry. The average size of farms now is 500 acres. In 1945 the 2,081 farms averaged about 240 acres.

The movement of labor from the farms to the industrial plants has worked a degree of hardship on some of the farmers. However, the use of larger equipment has helped to solve the problem.

"What we have done hasn't all been roses." Bohannan, the soil conservation district board chairman, said. "But we have worked together. I don't know of any town our size that has moved ahead with such energy to attract industry. We are happy with our progress.

"The advantages of having industry here to balance our agricultural income far outweigh the disadvantages. Industry shares the tax load and as a result we have better schools, highways, and public facilities. I think we will find it has meant faster progress with our resource conservation work, too.

SUPPORT OF LEGISLATION TO ESTABLISH POSTAL EMPLOYEE LABOR-MANAGEMENT RELATIONS

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. DANIELS of New Jersey. Mr. Speaker, one of the most urgent issues facing this new session of Congress is an old ailment. Hopefully, it will be corrected by this 91st Congress. All that is needed is a set of dentures in legislative form. The bill that I have introduced today fills that need. But the prescription now requires the endorsement of this body.

Simply stated, I am urging you to put teeth into Presidential Executive Order No. 10988, first promulgated by the late President John F. Kennedy and continued in effect by President Lyndon B. Johnson.

As you know, this Executive order marked the turning point in the Government's relations with its organized employees—particularly postal employees. It was timely—in fact it was long overdue—and it was very much needed. Under its provisions, collective bargaining and union recognition in limited form were finally accepted as legitimate expressions of the labor-management scene in the Federal structure.

During the intervening years more than 12,000 local agreements have been reached with management in the postal service. The Executive order has achieved its purpose, perhaps beyond even the imaginings of the distinguished panel of public servants who drafted it after extensive hearings in the early days of the Kennedy administration—men like Arthur Goldberg, Robert McNamara, Willard Wirtz, John W. Macy, Jr., and others.

But time marches on. The medicines compounded for one point in time are frequently outmoded by progress. And experience brings to light weaknesses not always anticipated. After 7 years, the progress achieved under Executive Order No. 10988 has come to a point of stalemate.

Basically, the problem is inherent in the nature of the Executive order. It has no statutory root. It exists at the whim of one man—the President of the United States. I am not suggesting that our new President is likely to turn the clock back. I am suggesting that a mechanism which involves the welfare and working conditions of the Nation's 700,000 postal employees ought to have and, indeed, must have ultimate legislative sanction.

In any event, the Executive order has one fatal weakness—it has no teeth. It is weighted against employees and there is just nothing they can do about it. Its provisions may be freely violated by management—and such, sadly, has been the case. There is no equilibrium. Management is the prosecutor and the judge and jury. This kind of imbalance cannot work—and is not working.

My bill would redress this injustice. It is a similar but improved version of H.R. 460 which I sponsored in the last Congress. As a matter of fact, somewhat similar bills have been introduced in the Congress for the past 20 years—long before the issuance of the Executive order in question. This bill sets up an orderly program of administrative procedures and appeal mechanisms while spelling out the rights and privileges of both labor and management within the postal service. It provides for compulsory arbitration of disputes and establishes an independent Labor-Management Relations Panel to handle such matters patterned after the procedures which have governed labor-management relations in private industry for more than three decades.

There is nothing in it that is revolutionary or untested. On the contrary, it merely extends to the postal employee some of the basic protections which have long since been enjoyed by his counterpart in the private sector.

On one count, however, it is quite different from law existing in the private sector. My bill does not, either by implication or design, weaken or water down the existing statutory prohibitions against the strike weapon in the postal and Federal service. I want to make that clear because there has been a lot of misunderstanding on this score.

The papers lately have been full of stories about "unrest" among Government employees generally, but particularly among the postal unions and the approximate 700,000 employees they represent. Such adjectives as "impatient," "restless" and "unsettled" are used to describe their current mood. I have been close to the leadership of these unions and close to their rank-and-file members during recent years, and I can tell you that these adjectives, in many instances, are correct.

But I can also tell you that the overwhelming majority of our postal employees are dedicated, patient, and have no fundamental urge to strike or otherwise violate the law. Rather, they have an abiding faith in the Congress as their last court of appeal for equity and justice. We must not let them down.

Moreover, postal employees are not the only restless areas in Government. There is also a widespread sense of "exasperation" among many high-ranking postal officials who feel that the employees should be more grateful for the higher wages and improved benefits of the past 8 years—and even for the Executive order itself. It is, I suppose, a very human reaction.

But that kind of exasperation is also a product of blindness. Wages and benefits have risen but so has the cost of living whose first victims are always those in the lowest sector of salaries—including our dedicated postal clerks, letter carriers, and other low-paid postal workers.

Far worse, however, has been the deterioration, especially at the local level, of even the limited processes of consultation available to employees and their unions in the postal service on legitimate questions of policy affecting working conditions.

Mr. Patrick J. Nilan, known to many of you as the able National Legislative Director of the United Federation of Postal Clerks, has summed up the situation very eloquently in a recent speech, from which I would like to quote. He says that—

> When Postal management makes all the decisions unilaterally . . . when the clear intent of Congress is flouted by management in its interpretation of such basic laws as Public Law 89–301 governing work weeks in the postal service . . . when management philosophy is rooted in a "Heads-We-Win, Tails-You-Lose" concept of justice . . . when unions are compelled to seek from the courts the equity they are denied at the bargaining table . . . there is bound to be some restiveness.

Even allowing for the bias of a very able advocate, it must be recognized that the structure created under the Executive order is simply unfair, weighted, and tilted to a disturbing degree.

President James H. Rademacher, the very able president of the National Association of Letter Carriers, has also experienced the same difficulties and frustrating problems which Mr. Nilan referred to in his recent speech:

> It is one thing to "give" employees a temporary bargaining machine subject to revocation at any point in time; it is quite another to make it work fairly and in the public interest. It seems to me that in the final analysis such a critical and important mechanism must have the legitimacy of Federal law. Congress alone has that power. It is past the hour of midnight. It is time we exercised that power.

I request the consideration and support of my distinguished colleagues in behalf of the legislation which I am introducing today as the "Postal Employee Labor-Management Act of 1969."

THE 50TH ANNIVERSARY OF END OF WORLD WAR I

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. CASEY. Mr. Speaker, on November 11, 1968, Veterans Day, the veterans of World War I heard a moving speech by the Reverend Dow H. Heard, D.D., chaplain, Department of Texas, American Legion. In this time of dissent and protest, I feel his words hold particular meaning on the true spirit of our involvement to preserve freedom:

THE 50TH ANNIVERSARY OF END OF WORLD WAR I

(Address delivered November 11, 1968, at Veterans Administration Cemetery, Houston, Tex., by Rev. Dow H. Heard, D.D.)

Mr. Commander Miles Wasson, and all Veterans and guests:

I hold in my hand an old newspaper—yellow with age—at the top it says:

"Extra—3:00 a.m.—Extra, San Antonio Express, Monday Morning, November 11, 1918."

You can see in big, black, boxcar size letters its headline of three words—that says—"Germany Gives Up."

The story begins (quote): "The world war will end this morning at six o'clock Washington time, 11 o'clock Paris time. The announcement was made by the State Department at 2:50 o'clock this morning—".

This is the way we got the news in the days before radio and television.

The news was received by all the people with great emotional envolvement, excitement and unrestrained joy, more perhaps than ever before experienced in America . . . Bells were rung . . . Guns were fired . . . Cheering crowds swarmed into the streets, dancing and singing . . . Some were weeping . . . Others were laughing. No non-participants were observed. Everybody got into the act.

How many of you recall that day? Where were you on November 11, 1918? It was called Armistice Day.

Some of you will recall some stirring days even before that. The days in 1914, '15, '16 when there was some excitement as American soldiers were chasing Pancho Villa along its southern borders. I lived near that border in Uvalde County.

In those days America was trying to be neutral in the great war going on in Europe. But German might and arrogance and stupidity finally forced us in. Germany's unrestricted warfare on the high seas, the sinking of the Lusitania, and her intrigue with Mexico in January, 1917, where she offered to give Texas, New Mexico and Arizona to Mexico if she would declare war on us.

We declared war April 6, 1917. The Senate voted 82 to 6—and the House voted 373 to 50.

President Woodrow Wilson said, "The time has come to conquer or submit. For us there is but one choice. We have made it."

Mr. Wilson had his critics. There were pacifists, and crusades organized and a march on Washington by 3,000 persons. Congress refused to see them.

At that time we were still ill prepared to wage such a war. Our Army had less than 200,000 men in uniform. Our Navy had 35,000. Our Air Force had 55 training planes, 51 of them obsolete. The Air Force had 65 officers, only 35 could fly.

America accepted a "draft" plan on April 28, 1917—only 21 days after declaration of war. Only we did not call it a "draft"—we called it "conscription". The conscription plan had its strong opposition. Even the Speaker of the House, Champ Clark, said, "There is precious little difference between a 'conscript' and a convict."

But America went ahead with the plan and on June 5, 1917, we registered all the male citizens between 21–30. To call men up for service a "lottery" system was used. Secretary of War, Newton D. Baker, had the numbers put in a "fishbowl" at the White House and drew the first number. It was Number 258. That was the number of Leo Pickney (a Negro). He went in and later served with distinction overseas. In recent years he said "It was the only lottery I ever won. It was alright with me being first. I had no intention of asking for a deferment." (Incidentally Leo Pickney, years later, was Commander of American Legion Post #1095 in New York.) (All Veterans should belong to some Veterans organization.)

But back to that war. We sang "The Yanks are Coming". We sent 2 million troops—or 29 divisions—and held 13 divisions in reserve. We bought Liberty Bonds. Some bought the Savings Stamps. Many planted "Victory Gardens" in their yards.

To be sure, we had some "draft dodgers"—Then we called them "slackers".

Recruiting grew more intense. A big poster designed by James Montgomery Flagg was posted in every public place. It was a head and shoulders picture of Uncle Sam—with his tall stovepipe hat and with his piercing eyes looking straight into yours and his long, bony forefinger pointing directly at you, with this message underneath—"I want you for the U.S. Army."

The war raged on. Named places never heard of by Americans became household words in our country because of the bravery and victories of our soldiers—Belleau Wood, Meuse-Argonne, Chateau-Thierry, the Marne and Verdun.

We learned some new names, the big names, of the leaders, and still recall them. In Britain it was David Lloyd George and Sir Douglas Haig, the hero of the British "tommies." In France it was George Clemenceau, Ferdinand Foch, Commander-in-Chief, and Papa Joffre. In America it was John J. Pershing and Sgt. Alvin York. In Germany it was Kaiser Wilhelm II, Von Hindenburg and Von Ludendorff.

It was a war in which we won, as we have in all our wars. America was in the war only 18 months. But let us never forget that we did not win it alone. It cost us a lot. It cost others more. It was a war in which 13 million men died.

United States had 107,284 killed.

Britain had 807,451 killed (8 times as many).

France had 1,427,800 killed (13 times as many).

Russia had 2,762,000 killed (25 times as many).

Germany had 1,611,104 killed (15 times as many).

And it cost us $30 billion.

It was a war that changed the history of the world. It destroyed four empires: The German Empire, The Austro-Hungarian, the Ottoman and the Russian.

As I said, we did not win World War I single handed, but we were the strong straw that finally broke the back of the military enemy. Without us our allies would probably have failed. In that event we could have been crushed later by the combined force of a hostile world. The clear lessons of history teach us that we must always have allies, whether we like all they do or not. Isolationism is as obsolete as an oxcart.

Back to World War I again. It was a singing war. Do you remember the songs? "Over There" by Geo. M. Cohan. "Oh, How I Hate to Get Up in the Morning", by Irving Berlin. "Goodby Broadway, Hello France", "Keep the Home Fires Burning", "Katie, Beautiful Katie". And the soldiers cooked up some pretty fancy ones when they got to France: "A Mademoiselle from Armentieres" with its "hinkey, dinky, par-lee-voo". And another one was "How 'ya gonna keep 'em down on the farm, after they've seen Paree".

When the war over over and the veterans came back, they organized veterans organizations, several of them. And Armistice Days, November 11th, were big annual celebrations. The first one in Houston was a big affair in 1919. On that occasion the then Mayor of Houston, His Honor, A. E. Amerman, made an eloquent, fiery, patriotic speech in which he ripped apart the "agitators, the un-American idealists, be he a cultured university lecturer or a be-whiskered soap-box orator". And he concluded with these words:

"When you lift your voice for America, know that at your side stands the manhood and womanhood of America, while hovering over us and within us are strong souls of those who died but will not rest, who slumber but will not sleep throughout the countless ages unless you and I and all America stand true to those ideals for which they fell in the morning of life—".

At that first Armistice Day observance in 1919 here in Houston, the Rev. M. M. Wolf, Pastor of Tuam Baptist Church, gave a long and moving prayer. In closing I quote two short paragraphs from that prayer. In it Dr. Wolf said:

"The events of this day mark a great period in the history of mankind, and we are here to express our gratitude unto Thee for the triumph of right over wrong, of goodness over cruelty, of justice over injustice. We know the victory came not without suffering and sacrifice—It was a mighty struggle; our homes gave up their finest and their best—"

"May our nation be guided by the Spirit of God. May we be loyal to truth, to our flag, and to our God, and may our nation bring fruits of righteousness and ever be a messenger of great good tidings to every nation in the world. Our Father, deliver us all from a spirit of selfishness and isolation, and help us that in every struggle for right, that we may add our effort and our sacrifices." Amen.

THE "PUEBLO" CASE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. WYMAN. Mr. Speaker, no matter how you slice it, someone is responsible for the *Pueblo*'s position of helpless peril. I believe this responsibility should be determined and not avoided.

Hopefully, this will be done by the Naval Board of Inquiry. If not, it should be accomplished by a congressional investigation.

The quandary in which Commander Bucher found himself cannot be said to be of his own creation. Despite Navy regulations in respect to the surrender of a naval vessel, I find it hard to believe that the captain did not anticipate the possibility of attack and inquire concerning his responsibilities in that regard before going on station, aware as he must have been of the virtual nonexistence of adequate armament on the *Pueblo*.

In connection with the *Pueblo* case, I commend the reading of an interesting article by Allan C. Brownfeld appearing in Roll Call, issue of January 23, 1969, entitled "Unanswered Questions in *Pueblo* Case":

UNANSWERED QUESTIONS IN "PUEBLO" CASE

(By Allan C. Brownfeld)

The release of the crew of the U.S.S. Pueblo was greeted by the American people with great joy, for it is unthinkable to Americans that their fighting men abroad would be permitted to be captured in such a brazen manner and to be held for so long a period by so small and weak an enemy. Americans, it seems, have not yet come to appreciate the burdens of power, the fact that small nations may retaliate against various provocations with a maximum of force, while great powers are muscle-bound, fearful that their every act might precipitate global disaster.

Although those who urged an immediate invasion or bombing of North Korea were both intemperate and unwise, those who were responsible for the circumstances both before and after the capture of the ship acted in a manner which leaves many important questions unanswered. It is in the interest of answering these questions that a Naval Board of Inquiry has been called and it is for this same reason that many members of Congress feel that a full fledged Congressional investigation is warranted.

The first question to be asked is: Why was the Pueblo left undefended in hostile waters? The chronology of the case has been forgotten by many, but should be carefully studied by those involved in seeking answers.

The Pueblo took over its surveillance state on January 10, according to the U.S. Defense Intelligence Agency. Prior to that, the U.S.S. Banner had been on the same station. On January 9, the North Korean Government radioed a charge that American surveillance ships were operating off Korea—a clear reference to the station later taken over by the Pueblo—and warned that the Communists were prepared to take action. This broadcast was received in Washington by the Defense Intelligence Agency and was published in the January 10 file of foreign broadcasts issued by the U.S. Government's Foreign Broadcast Information Service.

There had been frequent incidents in the past involving U.S. surveillance ships on the North Korean station. Through June, 1967 two destroyers had served as escorts for a ship on that station. In June, the destroyers were withdrawn and shifted to duty elsewhere. The Banner, and later the Pueblo, had been left unprotected and virtually unarmed in an area previously considered by the Navy to require the security of escort warships. When the warning came from North Korea on January 9, no action was taken by the Joint Chiefs of Staff, to whom the Pueblo reported, to try to safeguard the ship.

A large U.S. military field at Osan, South Korea, was barely 15 minutes' flying time from the Pueblo's station. When the Korean gunboats surrounded the ship, this information was radioed immediately. On the nearby field were four U.S. fighter planes regularly stationed three, three armed with nuclear weapons, one out of commission for repairs. Two to three hours would have been required to shift from nuclear to conventional weapons. The question must be asked: who was responsible for permitting the Pueblo to go undefended?

The second question to be asked is why the crew of the Pueblo did not resist capture, why the ship was not scuttled, and why the highly classified information aboard it was not destroyed. In addition, it has been reported that the ship was constructed in such a way as to make scuttling impossible. If so, why were other precautions not taken to prevent this material from reaching enemy hands?

The chairman of the Senate Armed Services Committee says the Navy Intelligence ship Pueblo should have been sunk by her crew when attacked by North Korean forces. Senator Richard B. Russell said that he would ask the Navy for copies of orders given to the commander of the ship to determine why the Pueblo was not scuttled. "I want to see just what orders the commander was given," the Senator said. "It seems we are wasting a great deal of money sending such ships around the world if we take no action when danger threatens."

A third question relates to the conduct of the crew while in North Korean hands. The military Code of Conduct states in paragraph five that "I will make no oral or written statements disloyal to my country." Yet the North Korean propagandists were pleased when Commander Lloyd Bucher "confessed" to the Pueblo's violation of Korean waters. Was the Commander in violation of the Korean waters. Was the Commander in violation of the Code? Or was he following another paragraph which reads "If I become prisoner of war . . . I will give no information or take part in any action which might be harmful to my comrades." Commander Bucher has said that the North Koreans told him, confess or we will kill off your crew one man each day, beginning with the youngest seamen. Bucher dared his captors to kill him first. They refused and renewed their threat. He finally signed. In this instance, the Code poses the moral dilemma but does not resolve it. To further complicate the situation, does the code for prisoners of war apply in a situation in which no declaration of war has been made? What are the rules concerning illegal detainees in what is allegedly "peacetime."

A fourth question relates to the credibility of our own government. In what Secretary of State Dean Rusk called a "unique diplomatic procedure," Maj. Gen. Gilbert H. Woodward at Panmunjon December 23 first repudiated and then signed a paper which stated: "The Government of the U.S.A., acknowledging the validity of the confessions of the crew of the U.S.S. *Pueblo* and of the documents of evidence produced by the representative of the People's Republic of Korea to the effect that the ship . . . had illegally intruded into the territorial waters of the People's Republic of Korea, shoulders full responsibility and solemnly apologizes for the grave acts of espionage . . ."

Commenting on the confession, columnist Edgar Ansel Mowrer noted that "The signing of the repudiated confession . . . one may call a diplomatic white lie, reveals L.B.J. as a great humanitarian. The question is, was this the kind of statesmanship which the chief defender of the human race against Communist blight can afford?"

The Communists have, of course, taken full advantage of the confession, and have either ignored the repudiation or used it as evidence of our own dishonesty. The American Communist newspaper, The Daily World, stated the following in its December 24 editorial: ". . . the U.S. government did not obtain the release of the 82 officers and men, as Secretary of State Dean Rusk now claims, but it was the North Korean Government that made the friendly move of releasing them . . . At the time of the release . . . Washington's representative signed a statement admitting its guilt . . . but it immediately issued another statement claiming that it lied in making its admission . . . This is a fantastic way to carry on diplomatic relations. It reveals a contemptuous attitude to the commonsense of the American people and an arrogant disrespect for other nations . . ."

The pro-Communist National Guardian echoed the same view: ". . . That Washington (admitted guilt) . . . at the same time it made a disclaimer which only brings the U.S. Government into deeper discredit before world public opinion because the statement read at Panmunjom prior to signing the confession only states that the confession is 'at variance' with the official U.S. position, not that the confession is false."

The reason for asking these important questions is that we must be certain that an incident such as the capture of the *Pueblo* must not be permitted to occur again. Our government must make its position clear, and must be credible in the world. A nation with great power has great responsibilities. In the *Pueblo* case, such responsibilities were not carried out properly, either with regard to defending the ship, obtaining the release of its crew, or explaining our own actions. Any Congressional inquiry which occurs should be more concerned with developing guidelines for future actions than with assessing blame and responsibility for the past. Hopefully, the new Administration will learn from the mistakes of its predecessor.

LT. COMDR. MARCUS A. ARNHEITER DENIED RELIEF

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. GUBSER. Mr. Speaker, from time to time I have inserted in the Record items relating to the case of Lt. Comdr. Marcus A. Arnheiter.

Today, I would like to put in the Record the decision of October 22, 1968, by the Honorable William T. Sweigert, U.S. district judge, who denied Arnheiter any relief.

I note especially the reference in the decision:

> The thoroughness and substantial fairness of the investigation and review are not only evident but quite impressive.

The summary and memorandum of decision follow:

In the U.S. District Court for the Northern District of California: Marcus A. Arnheiter, Plaintiff, Against Paul R. Ignatius, et al., Defendants, Civil No. 48414

SUMMARY JUDGMENT

This matter came regularly on before the Court on June 3, 1968 on defendants' motion to dismiss or in the alternative for summary judgment.

Marvin E. Lewis, Esq., Lewis, Rouda & Winchell, appeared on behalf of the plaintiff, and Cecil F. Poole, United States Attorney for the Northern District of California, by Jerry K. Cimmet, Assistant United States Attorney, appeared on behalf of the defendants.

The Court heard argument and the matter was submitted; however, on September 12, 1968, the Court entered an order directing that the case be reopened for the purpose of placing the record of the Witter investigation before the Court. The defendants complied with the Court's order and filed the complete record on October 4, 1968.

On the latter date, the attorneys for the respective parties appeared and the Court heard further argument. The matter was then submitted to the Court for decision.

The Court, having considered all the pleadings and documents in the record and the arguments of counsel, and being fully advised, filed its Memorandum of Decision on October 22, 1968 granting defendants' motion for summary judgment. Said Memorandum of Decision is incorporated herein by reference and as expressed in said memorandum of decision and for the reasons stated therein, the Court finds that there is no genuine issue as to any material fact and the defendants are entitled to judgment as a matter of law.

Accordingly,

It is hereby ordered, adjudged, and decreed that summary judgment be and hereby is entered in favor of the defendants and against the plaintiff in this case.

Dated: October 23, 1968.

W. T. Sweigert,
U.S. District Judge.

Memorandum of Decision, U.S. District Court, Northern District of California: Marcus A. Arnheiter, Plaintiff, Against Paul R. Ignatius, et al., Defendants, No. 48414

This action is brought by Marcus A. Arnheiter, Lieutenant Commander, United States Navy, against the Secretary of the Navy for a Declaratory Judgment and for Relief in the Nature of Mandamus.

The case is now before the court on defendant's motion to dismiss the action for lack of jurisdiction over either the person or the subject matter and for failure of the complaint to state a claim upon which relief can be granted or, in the alternative, for a judgment in favor of defendant on the ground that there is no genuine issue as to any material fact and that defendant is entitled to judgment as a matter of law.

The record consists of the complaint and certain additional matter presented by the parties. Presented by the defendant and moving party are affidavits of Rear Admiral Donald C. Irvine and Vice Admiral Benedict J. Semmes and defendant's Exhibits C through F containing extensive documentary matter. Presented by the plaintiff are affidavits of plaintiff Arnheiter with attached plaintiff's Exhibits A through I, also containing extensive documentary matter.

The basic facts shown by the record are as follows:

On December 22, 1965, Lieutenant Commander Arnheiter was assigned to the command of the U.S.S. Vance, a Destroyer Escort under assignment for duty in the Vietnam war theatre as part of a Cruiser-Destroyer Task Group under the immediate command of Rear Admiral Donald C. Irvine. This Task Group was in turn a subordinate command under Vice Admiral Baumberger, Commander, Cruiser-Destroyer Forces, Pacific Fleet, which in turn was a subordinate command under Admiral Roy Johnson, Commander in Chief, Pacific Fleet.

Between mid-March and March 29, 1966, Commander D. E. Milligan, Commander, Escort Squadron Seven, received messages from commanders of other squadrons concerning irregular practices aboard the Vance and also concerning certain improper operations of the Vance that interfered with other ships; also a call from a Chaplain, Lieutenant Dando, concerning his observations, made aboard the Vance, of irregular practices and low morale; also a confirmatory report from a member of Milligan's own staff. After counseling with some of his fellow officers, Commander Milligan reported his information to Admiral Irvine. (Letter of Commander Milligan, July 15, 1966, part of Def.'s Ex. E).

On March 29, 1966, Rear Admiral Donald C. Irvine, as Commander of the Cruiser-Destroyer Task Group, upon receipt of this information, leading him to believe that Arnheiter should be relieved of his command "because of irregular practices in which he had engaged and irregular policies which he had established" and acting under the provisions of Article C–7801(4)(d) 2, Bureau of Naval Personnel Manual, and after conferring with Rear Admiral T. S. King (who was about to relieve Irvine) sent a naval message to Vice Admiral Benedict J. Semmes, Chief of Naval Personnel, requesting that Arnheiter be relieved of his command of the Vance so that these matters might be investigated, indicating that speed was mandatory due to impending extended redeployment of the Vance on combat operations. (Affidavit of Admiral Irvine).

On March 30, 1966, Vice Admiral Semmes, upon receipt of this request and after telephonic concurrence in the request from Vice Admiral Baumberger, Commander, Cruiser-Destroyer Forces, U.S. Pacific Fleet, issued Naval Personnel Order 174035 directing that Arnheiter be detached as commanding officer of the Vance and that he report aboard U.S.D. Dixie for temporary duty and further assignment by Chief of Naval Personnel. (Affidavit of Admiral Semmes).

On March 31, 1966, Commander D. E. Milligan, acting under this order, boarded the Vance, relieved Arnheiter of the command and made a preliminary investigation of the circumstances leading up to the detachment, obtaining approximately 35 statements from officers and crewmen of the Vance which, according to Milligan, corroborated information already received by him from others. (Milligan's letter of 7/15/66, part of Def.'s Ex. E).

Thereupon, Rear Admiral T. S. King, who had just replaced Rear Admiral Irvine as Commander of the Task Group, acting under Naval Regulations, 32 CFR 719.254, et seq, and Article C–7801(4) of the Naval Personnel Manual, appointed Captain Ward A. Witter to conduct an "informal one-officer investigation" provided for by Navy Regulations, 32 CFR 719.611) of the circumstances leading to the removal of Arnheiter.

On April 2, 1966, Captain Witter conferred with Arnheiter concerning his rights and advised him to obtain counsel. Arnheiter obtained assignment from the Base Legal Office of Lieutenant McGovern as his counsel. On April 5th Witter reviewed with Arnheiter and his counsel the statements obtained by Milligan, the preliminary investigating officer, copies of which had been given by Witter to Arnheiter on the previous day, With Arnheiter and his counsel present, Witter then conducted hearings on April 6, 7, 8, 9, 11, 12 and 13, taking testimony under oath from 20 witnesses, receiving a sworn statement from Arnheiter and receiving other sworn statements of witnesses and other documents. (Witter Report, Pltf.'s Ex. I).

Under date of April 27, 1966, Witter prepared and forwarded to Rear-Admiral King, who had convened the investigation, a 13 page report of the investigation (Pltf's Ex. I) containing a detailed description of the proceedings and his findings of fact as required by Navy Regulations, 32 CFR 719.613.

Without attempting to detail Witter's 40 separate findings, they involve in substance and effect improper handling of ship's supplies and funds (e.g. 3, 4, 8, 10, 11, 14, 16, 26, 31, 35, 37); questionable policies and poor judgment in matters affecting officer and crew morale (e.g., 3, 6, 25, 27, 29); careless or unnecessarily hazardous operations (e.g., 1, 9, 15, 17, 21, 22, 23, 24, 28, 32, 33, 34, 36, 39, 40); improper operations reports (e.g., 12, 13).

The conclusions reached by Witter from these findings were to the general effect that Arnheiter was not the type to have command; that he lacked the ability to act without guidance and assistance of superiors; that, despite high goals and drive, he is a poor leader, unrealistic and insensitive to what is going on around him; that, although basically honest, he rationalizes distortion of facts to his own advantage; that, although attempting to run his ship in strict and pure chain of command with his officers, his obsession with this purpose affects his ability to make correct and balanced judgments; that most of his actions were relatively minor and in no case malicious; that removal from command would be adequately severe penalty for his performance and, if it stands, will be more than adequate punishment for his actual irregularities.

Witter thereupon recommended that Arnheiter's removal be sustained, that he be not assigned command in the future, either ashore or afloat, but that no disciplinary action be taken against him.

Under date of May 26, 1966, Rear Admiral King, acting on the Witter report, forwarded it to Vice Admiral Baumberger with his own report (Part of Def.'s Ex. E) containing his comments on the Witter findings and his concurrence in the Witter recommendations except in the one respect that King recommended that, since the record showed that Arnheiter had knowingly, willfully and admittedly violated regulations, he should be disciplined by the issuance of a punitive letter of reprimand.

Upon receipt of the Witter and King reports, Vice Admiral Baumberger on June 7, 1966, provided Arnheiter with copies of the reports, granted requests of Arnheiter that counsel be made available to assist him and, further, granted requests of Arnheiter and his counsel for opportunity to submit further information and to file comments in rebuttal of the findings and opinions. In addition, on July 15, 1966, Baumberger obtained from Commander Milligan, the preliminary investigation officer, a letter of that date (Part of Def.'s Ex. E) setting forth the sequence of events leading up to the relief of Arnheiter and also enclosing the earlier report to Milligan by Chaplain Dando (Part of Def.'s Ex. E) dated March 26th.

Under date of August 30, 1966, Vice Admiral Baumberger prepared for forwarding to Vice Admiral Semmes, Chief of Naval Personnel, and to Admiral Roy Johnson, Commander in Chief, Pacific Fleet, his own report (Part of Def.'s Ex. E) containing his comments on the Witter and King reports and enclosing an Arnheiter rebuttal statement dated August 5, 1966.

This Baumberger report of August 30th reviews the entire situation and comes to the conclusion that: "Isolated, none of the 'alleged irregularities' is sufficient grounds to sustain relief for cause; that there emerges when reviewing the record, together with many conversations held with Lieutenant Commander Arnheiter, and others intimately acquainted with him, the impression of a brilliant, yet complex officer . . . an officer whose actions in a number of instances, both operational and administrative (including the handling of personnel) did cast some doubt in the minds of his superiors that his judgment, discretion and objectivity could be relied upon in an independent command status."

Baumberger expressed his opinion that "had not the Vance been employed in a forward area, a demand for corrective measures by his superiors would have been more appropriate than his relief from command", adding, however, that "the foregoing should not be misconstrued to indicate that the type commander" (i.e., Baumberger) "condones the irregularities admitted by Lieutenant Arnheiter; no matter how they are explained away."

Thereupon Baumberger recommended that no disciplinary action be taken against Arnheiter, that his relief from command be sustained only as "for investigation in the light of the circumstances then existing", that he not be restored to the Vance but that he be reassigned to command a destroyer escort of the same force to provide an opportunity for reassessment of his abilities.

Under date of September 9, 1966, Vice Admiral Semmes, Chief, Naval Personnel, acting upon the foregoing and also upon a brief from his Assistant for Performance, W. R. De Loach (part of Def.'s Ex. E) approved the removal of Arnheiter "for cause" (part of Def.'s Ex. E). On the same date Semmes forwarded to President, Line Selection Board for Commanders (which passes upon promotions for lieutenant commanders) the memo (part of Def.'s Ex. F) of this action (to be placed in Arnheiter's Selection Board jacket), together with a copy of Arnheiter's letter, advising that the reassignment of Arnheiter would be held in abeyance pending report from Commander in Chief, Pacific Fleet.

Meanwhile, Admiral Roy A. Johnson, Commander in Chief, Pacific Fleet, had requested Vice Admiral Baumberger to submit to him additional data and another more detailed evaluation and analysis of the allegations against Arnheiter.

Under date of November 1, 1966, Vice Admiral Baumberger responding to the request of Commander in Chief, Pacific Fleet, prepared a second report (Pltf.'s Ex. B) in which he sharply criticized Captain Witter, the investigative officer, for having "unwittingly compounded his already difficult task by injecting himself personally into the role of a 'psychologist' rather than in that of an impartial finder of fact" and for having "neglected or refused to pursue available evidence concerning specific allegations of misconduct" and for having based his findings for the most part "on the unsubstantiated opinions of witnesses inimical to Lieutenant Commander Arnheiter".

Admiral Baumberger then proceeded to reexamine the Witter findings one by one in the light of the evidence and to express his opinion as to each, rejecting most of them as either insufficiently supported by the evidence or as being insufficient to show impropriety, minimizing others because of triviality or mitigating circumstances but concluding that some show conduct which could not be condoned. Baumberger then reiterated his recommendations of August 30th, already above set forth.

On January 20, 1967, Admiral Johnson, Commander in Chief, Pacific Fleet, acting on the foregoing rejected Baumberger's recommendation that Arnheiter should be reassigned to another destroyer-escort command in the force. (See Pltf.'s Ex. A [chronology]).

On February 16, 1967, following this determination of the Commander in Chief, Pacific Fleet, Vice Admiral Baumberger detached Arnheiter from the staff of the Cruiser-Destroyer Force. On February 23rd, Arnheiter reported to Commander, Western Sea Frontier (Plft.'s Ex. A, chronology 1/23/67) for duty and is now permanently assigned with lieutenant commander rank to noncommand shore duty at Treasure Island, San Francisco.

On March 3, 1967, Arnheiter visited Vice Admiral Semmes, Chief Naval Personnel and unsuccessfully requested either the convening of a full scale court of inquiry to review his removal or a general court martial. On April 7, 1967, Arnheiter wrote to Semmes citing claimed violations of Navy Regulations and the Naval Personnel Manual. (See Plft's Ex. A—chronology).

Finally, on November 24, 1967, the defendant, Secretary of the Navy, wrote (Def.'s Ex. C) Arnheiter, responding to his six previous letters between May 9, 1967 and October 21, 1967, to the effect that all his communications and his entire personnel file, including his rebuttal submissions, the investigation reports and the action of all reviewing authorities had been extensively and personally studied by the Secretary and by the Judge Advocate General of the Navy; that the Secretary had also considered the opinions of Admiral Settle and Captain Alexander (who had interested themselves on behalf of Arnheiter's contentions); that the Secretary had taken personal interest in the issues which Arnheiter raised concerning the character of his past services in command and the appropriateness of his future assignment to command and the Secretary concluded: "Having now completed my evaluation I regret to inform you that your requests for further inquiry into this matter are not granted. I am convinced that you have received a full opportunity to present your position in this case. From the entire record before me, I can identify no valid reason for altering the decision that your further assignment would be inappropriate."

On December 19, 1967, plaintiff commenced this suit contending that his summary detachment from command of the Vance and the subsequent approval thereof were in violation of Navy Regulations and in effect a deprival of procedural due process under the Fifth Amendment and asking this court for a judgment declaring that he is entitled to another Navy hearing—a fair and impartial one—on all matters relating to his detachment from command and his promotion status and ordering the Secretary of the Navy to convene a court of inquiry, or other appropriate hearing, for that purpose.

Before taking up the particular allegations of plaintiff's complaint and affidavit, we should first consider the underlying question of law presented in this case, i.e., whether and, if so, upon what conditions and limitations, do the federal courts have power to review such proceedings and decisions of the armed forces as are presented by the record.

It will be noted from the record thus far set forth that, although plaintiff alleges that his removal from command and his subsequent failure of promotion will adversely affect his chances of future promotion, there is nothing in the record to negate the possibility that the Navy, should it choose to do so in the future, could reassign plaintiff to a command and/or promote him to higher rank.

It will also be noted that plaintiff has never been court maritaled or subjected to discharge or any punitive action whatever—no forfeiture of pay or confinement to quarters or demotion in rank—not even a letter of reprimand. He was, before his removal from command, a Lieutenant Commander in the United States Navy and still is such today with the full entitlements of that rank, subject only to Navy Regulations and to orders of his superior officers. Clearly, plaintiff's basic and only grievance is that a duty order made by a superior officer detaching him from a command assignment was subsequently approved after further investigation and that he has not since been promoted in rank.

LAW RE REVIEW OF MILITARY DECISIONS

Article II, Section 2 of the Constitution makes the President the Commander in Chief of the Army and Navy and Article I, Section 8 grants to Congress the power to make rules for the government and regulation of the land and naval forces.

Stemming from such old cases as *Dynes* v. *Hoover,* 61 U. S. 65 (1857), *Decatur* v. *Paulding,* 39 U.S. 497 (1840) and *United States* v. *Eliason,* 41 U.S. 291 (1842), a general rule gradually crystalized in the Supreme Court to the effect that military decisions—judicial (court martial) or administrative—are not subject to judicial review by the federal courts except to the extent that these courts, exercising their power to entertain habeas corpus petitions, may make the single inquiry whether a military decision under collateral attack was within the military jurisdiction. The term jurisdiction was narrowly construed to mean, not whether the military acted erroneously or even whether it conformed to the due process provisions of the Bill of Rights, but only whether the military had jurisdiction of the person and subject matter and acted within its powers. It has been the view of the Supreme Court that for those in the military or naval service the military law, as it may be enacted by the Congress and administered by the President as Commander in Chief, is the measure of the due process to which those in the military or naval service are entitled.

This so-called "'non-reviewability rule" has been long applied by the Supreme Court to court martial convictions resulting in military imprisonment, punitive discharge or other penalties. (See, *Ex parte Reed,* 100 U.S. 13 (1879); *In re Grimley,* 137 U.S. 147 (1890); *In re Yamashita,* 327 U.S. 1 (1946); *Johnson* v. *Eisentrager,* 339 U.S. 763 (1950)).

The non-reviewability rule has been applied, not only to military-judicial proceedings (i.e., court martial convictions), but also to military-administrative proceedings, e.g., non-punitive, but involuntary retirement or discharge of military personnel. See, *Reaves* v. *Ainsworth,* 219 U.S. 296 (1911); *U.S. ex rel Creary* v. *Weeks,* 259 U.S. 336 (1922); *U.S. ex rel French* v. *Weeks,* 259 U.S. 326 (1922); *Orloff* v. *Willoughby,* 345 U.S. 83 (1953).

Not until 1953 did the Supreme Court indicate relaxation of this non-reviewability rule. In *Burns* v. *Wilson,* 346 U.S. 137 (1953), a habeas corpus petition to annul a court martial murder conviction, the court, although it denied the writ, stated that the constitutional guarantee of due process is meaningful enough and sufficiently adaptable to protect soldiers as well as civilians from crude military injustices and that the federal courts have power to determine whether the military have given fair consideration to the petitioner's claims of denial of constitutional due process. The denial of relief was based, as set forth in the main opinion, upon the stated ground that the military had fully and fairly considered all the petitioner's constitutional claims but the four opinions filed in the case [1] read as a whole, seem to intimate that, if such had not been the case, the court would have reviewed the conviction and that the scope of review would have extended beyond the traditional narrow concept of jurisdiction to include claims of deprivation of constitutional due process.[2]

Likewise, in 1958, the Supreme Court in *Harman* v. *Brucker,* 355 U.S. 579, again intimated relaxation of the non-reviewability rule as applied to non-judicial, administrative actions of the military. In that case the Supreme Court set aside an administrative army discharge which had been based on security risk activities occurring prior to petitioner's induction. The Court of Appeals (243 F. 2d 613 [D.C. Cir. 1957]) and the District Court (137 F. Supp. 475 [D.C. 1956]) had both denied relief upon the traditional non-reviewability rule as set forth in *Willoughby, supra.* The Supreme Court, however, held that, generally speaking, judicial relief is available to anyone who has been injured by an act of a government official in excess of his express or implied powers. The court proceeded to review and overrule the military's interpretation of a statute and held that the army had in fact exceeded its statutory powers by basing the discharge, not on petitioner's military record alone, but upon civilian activities occurring prior to induction.[3]

Whether and to what extent decisions like *Burns* v. *Wilson, supra,* and *Harman* v. *Brucker, supra,* relax the traditional non-reviewability rule and expand the scope of federal court collateral review of military determinations, court martial or administrative, is not yet clear.[4]

In what we believe to be the most recent expression of the Supreme Court concerning federal court review of military determinations, *Beard* v. *Stahr,* 370 U.S. 41 (1962) the court had before it the case of an army officer seeking to enjoin the Secretary of the Army from removing him from the active list (through elimination proceedings under an Act of Congress dealing with dismissal for failure to meet military standards) upon the ground that the Act placed the burden of proof upon the officer, rather than upon the army, and, further, made no provision for confrontation of the witnesses against the officer. A three judge district court *Beard* v. *Stahr,* 200 F. Supp. 766 (D.C. 1961) had held that an officer of the armed forces is subject to removal at any time by the President in his discretion, except as such discretion might be limited by an Act of Congress; that since unlimited power to dismiss is inherent in the President unless limited by Act of Congress, it follows a fortiori that any procedure established by Congress for the elimination of officers, who are either surplus or not regarded as meeting high standards, is not limited or controlled by the due process clause or any other constitutional provision and that the supervision and control over the selection, appointment and dismissal of officers are not proper subjects of the judicial function. The Supreme Court in a per curiam opinion vacated the judgment of the three judge district court upon the sole ground, however, that the action had been prematurely brought because the appellant had not yet been actually removed from the army active list.

Recent cases in the Court of Appeal and District Courts in which administrative discharges of military personnel have been challenged for lack of constitutional due process or non-compliance with statutory or rule requirements, have recognized the limited scope of federal court review and have denied relief either upon the ground of non-reviewability or after review upon the merits. See, *Brown* v. *Gamage,* 377 F.2d 154 (D.C. Cir. 1967); *Kennedy* v. *Commandant,* 258 F.Supp. 967 (D. Kan. 1966). See also, *Sohm* v. *Dillon,* 231 F.Supp. 973 (D.C. 1964) and 235 F.Supp. 450 (D.C. 1964) (rev'd in 365 F.2d 915) (D.C. Cir. 1966); but solely to order stay of proceedings pending military review; *Reed* v. *Franke,* 297 F.2d 17 (4th Cir. 1961); *Richards* v. *Cox,* 184 F.Supp. 107 (D.C. Kan. 1960) (a court martial case). Compare, however, *Ashe* v. *McNamara,* 355 F.2d 277 (1st Cir. 1965), which was granted relief after a review of a court martial conviction for fundamental unfairness (denial of effective assistance of counsel), citing *Burns* v. *Wilson, supra* and *Harman* v. *Brucker, supra.*[5] [6]

In our opinion cases like *Burns* v. *Wilson* and *Harman* v. *Brucker* seem to indicate that, although there may be doubt, as to the scope of review, the Supreme Court is prepared to relax the traditional non-reviewability rule sufficiently to admit ultimate, collateral federal court review of claims by military personnel of denial of constitutional due process in such matters as court martial convictions [7] which involve life, liberty or other penalty, and administrative discharges from the services which involve their quasi property rights.

It can be argued that officers and servicemen, upon termination of their service, have a quasi property right to have their discharges properly reflect their military record because if such discharges improperly and adversely reflect the military record they might stigmatize the dischargee and adversely affect his civilian future.

Neither of these situations, however, is presented in our pending case. As already noted, the issue here is much narrower, namely, judicial review of such purely internal, administrative matters as duty assignment and promotion.

We are of the opinion that the traditional nonreviewability rule should be followed and applied at least where, as in this case, the military decision affects, not the life, liberty or some property right of the petitioner, but only his duty assignment or promotion status. We know of no case in the Supreme Court or in the lesser federal courts which has gone so far as to interfere with naval or army decisions of this particular kind for any reason whatsoever. On the contrary, it has been consistently held by the Supreme Court, for example in *Orloff* v. *Willoughby, supra,* that "it is not within the power of this Court by habeas corpus to determine whether specific assignments to duty fall within the basic classification of petitioner . . . [T]here must be a wide latitude allowed to those in command . . . [W]e have found no case where this Court has assumed to revise duty orders as to one lawfully in the service." 345 U.S. 83, 93–94.

Similarly, with respect to promotion status, the Supreme Court in *Reaves* v. *Ainsworth, supra,* holding that qualification of an officer for promotion cannot be reviewed, said "to be promoted . . . may be the right of an officer, the value to him of his commission, but greater even than that is the welfare of the country and, it may be, even its safety through the efficiency of the Army." 219 U.S. 296, 306.

In *Luftig* v. *McNamara,* 252 F. Supp. 819 (D.C. 1966) the district court dismissed an action brought by a member of the Army to enjoin it from ordering him to the Vietnam war theatre. Although one ground for dismissal was that the court had no power to determine a political question, a further ground was that courts may not substitute their judgment for that of the Commander in Chief concerning disposition of the armed forces, citing *Beard* v. *Stahr,* 200 F. Supp. 766, *supra.*[8]

Any attempt of the federal courts, absent some direction or permission from the Congress to do so, to take over review of military duty assignments, commands and promotions would obviously be fraught with practical difficulties for both the armed forces and the courts.

It is not necessary, however, to base the decision of this case upon the non-reviewability rule. For the purpose of this case we will assume that this court should review the kind of naval decisions here involved and we will further assume that on such review this court should extend its review beyond the narrow test of military jurisdiction to include constitutional due process.

So far as constitutional due process is concerned, the Navy decisions here in question did not deprive plaintiff of his life or liberty through any punitive measures against him. The only possible constitutional question would be whether they operated to deprive plaintiff of a property or quasi property right within the meaning of the Fifth Amendment.

But, a member of the armed forces has no property right in any particular command or duty assignment or promotion during his service any more than has a civil service employee any such right. In cases involving civil service, judicial review of administrative dismissals, duty assignments and promotions is narrowly limited to the question whether the governmental agency has properly interpreted and substantially complied with any pertinent statute regulating assignment or promotion. The test is, not constitutional due process, but only substantial compliance by civilian superiors with such statutory requirements. *Powell v. Brannan,* 196 F. 2d 871 (D.C. Cir. 1952). *Seebach* v. *Cullen,* 224 F. Supp. 15 (N.D. Cal. 1963), aff'd 338 F. 2d 663 (9th Cir. 1964); *Mancilla* v. *United States,* 382 F. 2d 269 (9th Cir. 1967); *Cutting* v. *Higley,* 235 F. 2d 515 (D.C. Cir. 1956).

For obviously stronger reasons military decisions concerning internal duty assignments and promotions must be left, absent Congressional regulation to the contrary, to the judgment of chain of command under the President as Commander in Chief. If reviewable at all by the federal court, the only possible question would be whether, as alleged by plaintiff in this case, certain procedural Navy Regulations were violated. In order to answer this question we proceed to examine plaintiff's allegations.[9]

Footnotes at end of memorandum.

REVIEW ON THE MERITS

Plaintiff alleges that his detachment from the command of the Vance was the result of a conspiracy between his subordinate officers, among them his operations officer, Lieutenant Generous, his operations officer, Lieutenant Hardy (Complaint X), and his superior officers, among them Admiral Irvine and Admiral King and Commander Milligan.

The issue, however, is not possible conspiratorial motivation by plaintiff's fellow officers, but only whether plaintiff's detachment was, nevertheless, accomplished and subsequently approved in substantial conformity with regulations, regardless of motivation.

Plaintiff alleges that his subordinate officers, among them Lieutenant Generous and Lieutenant Hardy, and others, among them Chaplain Osterman, Commander Baird, Commander Milligan, Chaplain Lieutenant Dando, Lieutenant Kordon and Commander Milligan, made and forwarded critical reports concerning him to others without notifying him in intentional and knowing violation of Navy Regulations 1212, 1243.2, 1243.3 and 1404.1 which deal with the making of critical reports concerning officers.

The issue, however, is not violation by others of such regulations, but only whether plaintiff, notwithstanding, was removed and his removal subsequently approved, in substantial compliance with the regulations pertaining to removals from command—regardless of alleged violation of other rules by plaintiff's fellow officers.

Further, as we will presently point out, the subject matter of these critical communications, allegedly made to others without notice to plaintiff, was ultimately investigated at the Witter hearing.

Plaintiff alleges that his superior officers, Admirals Irvine, King and Semmes, accomplished his summary removal in violation of Naval Personnel Manual C–7801–4. (Def.'s Ex. D). The Manual, however, expressly authorizes requests by superior officers to Bureau of Naval Personnel for summary detachment of subordinate officers from duty whenever speed is mandatory because of any emergency, impending deployment of the ship or squadron to which the officer is attached, or other urgent reasons. In the pending case, summary detachment was requested by Admiral Irvine and ordered by Admiral Semmes, Chief of Bureau of Naval Personnel, because they believed that such emergency existed.

The Manual provides that in such case the request for removal from command may be preliminarily made by message, stating briefly the reasons and the nature of the urgency; that appropriate action will then be taken by Chief of Naval Personnel but that "final action" will be taken by him only on the basis of a subsequent letter which, together with the statement of the officer in question, can be made a part of his official record.

In the pending case an investigation of the summary removal was promptly convened and the subsequent letter from Admiral King, together with the Witter investigation report, was forwarded to the Chief of Naval Personnel via Admiral Baumberger, who first made these letter reports available to Arnheiter for his rebuttal statement. Arnheiter then presented his rebuttal statement, dated August 5, 1966 (Def.'s Ex. H), consisting of over 500 pages including the attached exhibits. On August 30, 1966, the letter of Admiral King and the Witter report, together with the Arnheiter rebuttal statement, were forwarded by Admiral Baumberger to Chief of Naval Personnel for final action and on September 9, 1966, this final action was taken by Admiral Semmes, Chief of Naval Personnel, approving "for cause" Arnheiter's previous summary dismissal from command.

Clearly, these procedures were in substantial compliance with the provisions of the Manual covering summary detachments from command.

Plaintiff alleges, however, that Admiral Irvine did not comply with the provisions of Naval Personnel Manual C–7801(4)(c), 1, 2, 3, and 4, containing what are obviously directory, policy provisions concerning responsibilities of command officers in making requests for detachment of officers. Admiral Irvine's affidavit avers that consideration was given to each of those provisions. Assuming, however, that Admiral Irvine, either from poor judgment or through inadvertence, failed to comply with these provisions prior to making his request, such failure would not invalidate the summary removal by Admiral Semmes, Chief of Naval Personnel (in whom was then vested the power to act on such requests) if, in fact, the summary removal was thereafter fairly investigated and cause for the removal found.

Plaintiff alleges that the Witter informal one-officer investigation was convened in violation of regulations and without due process. Navy Regulations, 32 CFR 719.254 et. seq., authorize three kinds of fact-finding bodies: (1) Courts of Inquiry; (2) Boards of Investigation (formal or informal), and (3) One-Officer Investigations (formal or informal). An informal one-officer investigation was convened by Admiral King in this case.

The Regulations, 32 CFR 719.255, expressly leave the type of fact-finding body to be ordered in any particular situation to the "judgment and sound discretion of officers in command" under general guidelines set forth in the regulations.

The record shows beyond genuine dispute that the convening by Admiral King of a one-officer investigation was within the prescribed guidelines and, further, was a purely discretionary choice with which the court should not interfere.

Plaintiff contends, however, that procedural provisions of the Judge Advocate General's Manual were violated during the course of the investigation. This Manual provides that an "informal one-officer investigation" such as was convened in this case, is governed by the same rules and regulations as are prescribed for "an informal board investigation" (which consists of two or more officers—32 CFR 719.601) insofar as those rules and principles can be applied to a one-officer investigation (32 CFR 719.611, 612)—provided that "the mission of the officer must be given primary consideration in the determination of procedural questions not covered by the sources of guidance."

Navy Regulations, 32 CFR 719.601, 610, provide in substance and effect that such informal boards have considerable latitude in the methods they may employ to elicit information; that testimony may be taken in any fair manner; that cross-examination must be exercised within the practical limits set by the method of interrogation, that evidence and information may be obtained by such means as formal testimony of witnesses, informal personal interview, correspondence and telephone inquiry; that a party and his counsel shall be permitted to examine such evidence or information as will be considered in the report and to present further evidence or information or to suggest other lines of inquiry; that after all available evidence has been received and after the party has had a reasonable time to examine any evidence not received in his presence and to present the evidence he may desire, the party or his counsel may make an unsworn statement, either orally or in writing and may make an argument; that an investigative report in letter form shall be submitted by the investigating officer.

Although Arnheiter as a "subject to inquiry" was designated as a "party" to the investigation, pursuant to 32 CFR 719.301(a) (b) and 302, the fact-finding investigation which was here convened by Admiral King, was not a trial of Arnheiter. Rather, these investigations are purely an administrative fact-finding investigation designed to provide the convening and reviewing authorities with adequate advisory information upon which to base decisions (See, 32 CFR 719.251 (d))—in this case an ultimate "final action" by Chief of Naval Personnel on Arnheiter's summary removal.

Plaintiff alleges that he was "not shown evidence favorable to him gleaned from the Milligan preliminary investigation." The record shows, however, as already noted, that statements taken from crew members by Milligan during his preliminary investigation were turned over to Witter and that Witter reviewed these statements with plaintiff and his counsel prior to the taking of evidence. (See, Witter Report, Def.'s Ex. K). (See also, Def.'s Ex. G, p. 60).

Plaintiff alleges that he was not told "which of the accusations furnished him by Witter had caused his removal or were to be the basis of the investigation." Although there is no requirement for formal charges in a non-judicial fact-finding investigation of the kind here involved, plaintiff's allegation impliedly concedes that he was, nevertheless, at the outset of the hearing presented by Witter with the crew statements preliminarily obtained by Milligan which were for practical purposes the basis of the investigation.

Plaintiff alleges that Witter, as investigating officer, "considered" certain accusatory statements—a Chaplain Dando letter to Milligan of March 26, 1966; a communication from Lieutenant Generous and a communication from a Lieutenant Kordon of which plaintiff was not made aware.

Apart from the plantiff's bare allegation, plaintiff has not set forth in the present record on motion for summary judgment any specific evidentiary matter to show that Captain Witter "considered" any of these communications or that his findings were based thereon.

The record shows that on July 15, 1966, three months after the investigation, the Dando letter was still in the hands of Milligan (to whom it had been originally handed), not Witter, and that it was Milligan who forwarded it on that date to Admiral Baumberger. (See Milligan letter of July 15, 1966, Part of Pltf.'s Ex. E).

Assuming, however, that Witter did "consider" some of these communications, that fact would not amount to a substantial or prejudicial departure from regulations if in fact substantially the same accusations were made known to Arnheiter through the statements reviewed with him and his counsel by Witter before the hearing and through the testimony of his critics at the hearing. The record shows that both Chaplain Dando and Lieutenant Generous were called by Witter to give their sworn testimony at the hearing in the presence of Arnheiter and his counsel. The subject of the Kordon communication was covered by other witnesses (Def.'s Ex. G, p. 349–355, 456–465).

The record also shows that the subject matter of these communications was substantially covered at the hearing at which the Generous communication was gone into. (Def.'s Ex. G, p. 63, 306, 400). Incidentally, the record indicates that plaintiff must have had this particular communication in his own possession during the hearing and that copies of his communication were included in Arnheiter's rebuttal statement of August 5, 1966. (Def.'s Ex. H. Vol. I, pp. 129, 210).

The various subject matters of the Dando letter of March 26, 1966, appear throughout the transcript of the Witter hearing. (See re this, citations to the transcript listed in Defendant's Memorandum, filed October 4, 1968, Part V, p. 23–25).

The subject of the Kordon communication was also fully investigated at the hearing. (Def.'s Ex. G, p. 64; 349–351; 356; 456–465).

Without giving any specific instance, plaintiff alleges generally that he was "not permitted to present witnesses in his own defense or to introduce their signed statements" in violation of 32 CFR 719.304(a) (5), providing that a party has the right to produce evidence. The record of the investigation discloses no such instance—with two possible exceptions, (Def.'s Ex. G, pp. 429, 347) and a possible third exception mentioned in the Arnheiter rebuttal of August 5, 1966 (Def.'s Ex. H, p. 58). In none of these instances was there any abuse of discretion or any prejudice to plaintiff. As a matter of record plaintiff did present statements of witnesses in his own behalf. (Def.'s Ex. G, p. 430–431).

Plaintiff makes the narrowly restricted allegation that he was not permitted to "recall hostile witnesses" or given "reasonable" scope in cross-examination of such witnesses. This allegation impliedly concedes that he was permitted to examine and cross-examine witnesses. An examination of the record of the investigation (Def.'s Ex. G) shows comparatively few instances of this kind. (See, pp. 316, 318, 346, 359, 332, 407, 408, 410, 412) and convincingly demonstrates that plaintiff was given ample latitude and that the investigation officer's exercise of discretion was reasonable. Plaintiff was permitted to cross-examine Lieutenant Hardy for two days (Def.'s Ex. G, p. 291–364).

Although the record is devoid of any objection by plaintiff to Lieutenant McGovern, his counsel, or any request for different counsel, plaintiff now complains that his counsel had no previous experience as a shipboard officer. The record shows, however, that Lieutenant McGovern was a duly qualified attorney certified to perform even court-martial duties, (Def.'s Ex. J) and that the provision of counsel for plaintiff complied with 32 CFR 719.304(b).

Plaintiff alleges that Admiral Semmes, Chief of Naval Personnel did not personally review the investigative reports before approving plaintiff's removal for cause. Apart from the Admiral Semmes' affidavit, stating that he did carefully review it, the record does show that, acting on information satisfactory to him, he personally approved the removal by his signed memo of September 9, 1966.

Plaintiff further alleges that Admiral Semmes forwarded the memo of his decision, approving Arnheiter's removal "for cause," to the Selection Board to be placed in Arnheiter's record in violation of Manual C–7801(5) (b). However, the Manual C–7801 (4) (d) (2), expressly provides that "final action" on removal of an officer from command can be made a part of his record if accompanied by the officer's statement. The September 9, 1966 approval by Chief of Naval Personnel of Arnheiter's detachment was the "final action" and the memo thereof was accompanied by Arnheiter's rebuttal statement.

Plaintiff, relying on 32 CFR 719.260(a) providing for a record of proceedings in investigations of this kind, alleges that Witter "scrubbed the tape of testimony at the hearing." The record shows that one of 13 reels of tape (tape 10) failed mechanically and did not record (Def.'s G. p. 61) and the testimony had to be reconstructed by Witter (Def.'s Ex. G, p. 351). Plaintiff's allegations on this point are obviously beyond his own testimonial knowledge and he had presented no specific evidentiary matter on this summary judgment motion to support it. The record negates any substantial non-compliance with regulations or any prejudice to plaintiff on this point.

Plaintiff now alleges that Captain Witter, the investigating officer, was biased against him. The record fails to show, however, that this claim was reported to the convening authority for appropriate action as required by 32 CFR 719.514, or that it was ever raised either at the hearing or in plaintiff's rebuttal statement. The point, if reviewable at all, has been waived.

Summarizing, the record, as here presented, shows beyond genuine dispute that the circumstances surrounding plaintiff's summary removal from command were promptly investigated, reported, reviewed through chain of command and that the removal was finally approved for cause, in substantial, if not literal, conformity with Navy Regulations—including advice as to rights, representation by counsel, open hearing, confrontation with witnesses, opportunity for cross-examination, presentation of rebuttal evidence and review of the record by at least four superior officers—Rear Admirals King and Baumberger and Vice Admirals Johnson and Semmes—and finally by the Judge Advocate General and the Secretary of the Navy—the latter being the civilian representative of the President as Commander in Chief of the armed forces.

The alleged procedural irregularities, considered singly or in combination, are insufficient to raise a genuine issue of fact on the question of substantial compliance with the Navy Regulations applicable to this informal one-officer investigation.

If this court were empowered to sit in appellate review of the military proceedings here involved, it could, of course, reverse for any prejudicial error. However, this court has not been given any such power of direct review. If this court has any power at all to review the kind of proceedings here involved, such review is collateral only and, therefore, limited to such irregularities as would in effect render the Navy's decision wholly invalid and beyond its jurisdiction. Procedural errors, even those which might have prejudically affected the outcome of the proceedings, would not justify interference by this court unless they constitute such substantial non-compliance with Navy Regulations as would be, not only prejudicial, but of such constitutional magnitude as amounts to deprivation of fundamental due process of law under the circumstances.

What constitutes fundamental due process must be determined within the context of each particular situation—in this case within the context of purely internal, administrative, non-punitive Navy action concerning duty assignment and promotion status. We find no genuine issue of either noncompliance with pertinent regulations or deprival of due process of law in this case.

It may be that, as contended by plaintiff and others on his behalf, the Navy made a mistake of judgment in his case with consequent disappointment, even justifiable resentment on his part. But, to say that his removal from the Vance was not thoroughly and fairly investigated and reviewed before final approval, is quite another matter. The thoroughness and substantial fairness of the investigation and review are not only evident but quite impressive.

It may be that Arnheiter's superior officers made a mistake in judgment in requesting his summary removal from the Vance. It may be that the findings made and reviewed on subsequent investigation could have been otherwise—but there was evidence to support them. It may be that Arnheiter could nevertheless have been reassigned to another destroyer escort for further assessment of his abilities—as was recommended at one point by Admiral Baumberger and as argued by others on Arnheiter's behalf.

These matters, however, are internal, administrative matters involving the judgment of Naval command concerning duty assignment and promotion under Vietnam war conditions. It is not for this court to substitute its judgment for that of the Navy or to order the Navy to again review what this court finds to be action clearly within its powers, in substantial conformance with regulations and well within the bounds of fundamental due process as applied to internal, administrative non-punitive naval matters.

For the reasons set forth herein the motion of defendant, Secretary of the Navy, for summary judgment in his favor is hereby granted.

Dated: October 22, 1968.

WM. T. SWEIGERT,
U.S. District Judge.

FOOTNOTES

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[1] One concurring opinion (Minton) adhered flatly to the traditional view that the federal courts have no power to review except collaterally for the limited purpose of ascertaining, not constitutional due process, but only jurisdiction in the narrow sense. At the other extreme a dissenting opinion (Douglas and Black) held that review is not limited to "jurisdiction" in the narrow sense but includes constitutional due process within the meaning of the Fifth Amendment and, further, that even "fair consideration" of these constitutional issues by the military does not bar the federal courts from review on the merits.

[2] Even before *Burns* v. *Wilson, supra*, some inferior federal courts reviewing court martial convictions, had expanded the concept of military "jurisdiction" to include denial of fundamental due process. See, *Schita* v. *King*, 133 F. 2d 283 (8th Cir. 1943); *U.S. ex rel Innes* v. *Hiatt*, 141 F. 2d 664 (3rd Cir. 1944); *Anthony* v. *Hunter*, 71 F. Supp. 823 (D. Kan. 1947). Compare, however, *Arnold* v. *Cozart*, 75 F. Supp. 47 (N.D. Tex. 1948); *In re Wrublewski*, 71 F. Supp. 143 (D. Cal. 1947).

[3] It seems, however, that any relaxation of the non-reviewability rule by *Harman* is more apparent than real. *Harman* really did little more than hold that the action of the military, basing a discharge upon civilian rather than military activity, was beyond military jurisdiction and, therefore, subject to collateral attack within the meaning of the jurisdiction test long recognized as an exception to the nonreviewability rule. In 1956, two years before *Harman*, the Supreme Court in *Reid* v. *Covert*, 354 U.S. 1, had similarly reviewed and set aside a court martial conviction of a civilian on the ground that civilians are beyond court martial jurisdiction. See also, *Schwartz* v. *Covington*, 341 F. 2d 537 (9th Cir. 1965).

[4] As recently as 1957 the Supreme Court, itself, conceded that the extent to which *Burns* v. *Wilson* renders the Bill of Rights applicable to military trials has not been clearly settled. (See, *Reid* v. *Covert*, 354 U.S. 1, 37 (1957).) In the same year, in *Fowler* v. *Wilkinson*, 353 U.S. 583 (1957), the Court, considering a court martial conviction, seemed to reaffirm the non-reviewability rule in traditional terms, saying that "sentences of court martial cannot be revised by the civil courts save only when void because of the defective exercise of power possessed." That the rationale of federal court review of military determinations is still unsettled becomes evident from reading the text material on this subject. See, e.g., Civilian Judges and Military Justice—Collateral Review of Court Martial Convictions, 61 Columbia L. Rev. Vol. 61, p. 40 (1961); Federal Court Jurisdiction over Courts Martial, *Washburn Law Journal*, Vol. 1, p. 25 (1960); The Bill of Rights and the Military (Chief Justice Earl Warren), *New York University Law Review*, Vol. 37, p. 181 (1962); Military Law—A Separate System of Jurisprudence, *Cincinnati Law Rev.*, Vol. 36, p. 223 (1967); God, The Army and Judicial Review, *Cal. L. Rev.*, Vol. 56 (No. 2) p. 379 (1968).

[5] Relief was denied in *Reed* v. *Franke, supra,* despite the absence of a provision for a fact finding hearing before discharge; in *Kennedy* v. *Commandant,* despite no provision for right to be furnished counsel; in *Dunmar* v. *Ailes,* 348 F. 2d 51 (D.C. Cir. 1965), despite no requirement for assistance of counsel or for presentation of evidence or for cross-examination of witnesses; in *Brown* v. *Gamage,* despite claim of denial of opportunity to confront witnesses.

[6] The Court of Claims, passing upon claims of former military personnel for back pay and similar benefits, has exercised a power of review over military decisions whenever necessary in order to determine whether action of the military adversely affecting such claims was valid, i.e., within the jurisdiction of the military. Many of these cases have expanded the concept of jurisdiction to include procedural due process and have granted or withheld relief accordingly. This power of the Court of Claims may have been questionable in the light of pre-*Burns* v. *Wilson* cases but it has been exercised since *Shapiro* v. *United States,* 69 F. Supp. 205 (Ct. Claims 1947) and is now justified by reference to *Burns* v. *Wilson*. See, *Shaw* v. *United States,* 357 F. 2d 949, 953 (Ct. Claims, 1966). See also, *Juhl* v. *United States,* 383 F. 2d 1009 (Ct. Claims 1967); *Hertzog* v. *United States,* 167 Ct. Claims 377 (1964); *Egan* v. *United States,* 158 F. Supp. 377 (Ct. Claims, 1958); *Friedman* v. *United States,* 158 F. Supp. 364 (Ct. Claims, 1958); *Augenblick* v. *United States,* 377 F. 2d 586 (Ct. Claims, 1967).

The question of the power of the federal courts to review administrative determinations by the military has also been raised in a series of cases in which army or navy personnel have challenged on constitutional or statutory grounds military administrative disapproval of their applications for conscientious objector status. In those cases the courts, generally recognizing and applying the non-reviewability rule, have denied relief. See, *Brown* v. *McNamara,* 387 F. 2d 150 (3rd Cir. 1967); *Chavez* v. *Ferguson,* 266 F. Supp. 879 (N.D. Cal. 1967); *Gilliam* v. *Reeves,* 263 F. Supp. 378 (W.D. La. 1966); *In re Kenewske,* 260 F. Supp. 521 (N.D. Cal. 1966). But see, *Crane* v. *Hedrick,* 284 F. Supp. 250 (N.D. Cal. 1968); *Gann* v. *Wilson,* — F. Supp. — (N.D. Cal. 1968); *Hammond* v. *Lenfest,* — F. 2d — (2d Cir. 1968).

[7] The Uniform Code of Military Justice, Title 10 U.S.C. § 876 makes court martial convictions "final and conclusive" upon the courts but this does not seem to preclude ultimate collateral civil court review on habeas corpus, or other analogous collateral attack, e.g., suit in the Court of Claims (See, *Augenblick* v. *United States,* 377 F. 2d 586, 593 (Ct. Claims, 1967) or possibly even Declaratory Relief raising lack of court martial jurisdiction (See *Brown* v. *Royall,* 81 F. Supp. 767 (D.C. Cir. 1949).)

[8] As recently as October 7, 1968, the Supreme Court by a vote of 8 to 1 refused to stay duty assignment of army reservists to the Vietnam war theater.

[9] On September 29, 1968, this court set aside the submission of defendant's motions—reopened the hearing and directed defendant to make the transcript of the Witter investigative proceedings a part of the record herein. This was done. The transcript is now defendant's Exhibit G. At the court's request defendant has also filed, October 4, 1968, a memorandum summarizing pertinent parts of the transcript.

Since the record goes beyond the complaint, defendant's motion to dismiss will be treated (as allowed by Rule 12) as a motion for summary judgment. Rule 56 provides that on a motion for summary judgment the adverse party (plaintiff in this case) may not rest upon the mere allegations of his pleading but his response, by affidavit or otherwise, must set forth specific facts showing that there is a genuine issue for trial. The record will be viewed in this light.

DID THE COURT INTERPRET OR AMEND?

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. ABBITT. Mr. Speaker, since last fall when I proposed a constitutional amendment to limit the tenure of Supreme Court Judges, I have received many communications in support of such a proposal. I have been gratified with the wide-spread support which my resolution has brought forth from all parts of the country. In addition to the many communications which I have received, there have been brought to my attention a number of articles and speeches made by outstanding attorneys and other individuals who support the proposition that Supreme Court Judges should be reconfirmed by the Senate every 10 years and that there should be a mandatory retirement at age 70.

This is not an isolated issue or one which has sectional connation but is one which affects all of our people and about which Americans of all persuasion have concerned themselves.

It has recently been brought to my attention that a very fine address was delivered several years ago by Mr. Lester I. Bowman, attorney at law, Petersburg, Va., who made some observations which I feel are worthy of the attention of Members of the House.

Mr. Bowman is recognized throughout Virginia as an avid student of law and a constitutional authority. A former FBI agent, he has served as a member of the Petersburg City Council for a number of years and has been active in civic and community affairs.

His address entitled "Did the Court Interpret or Amend?" is so timely that I would like to insert it in the RECORD at this point. I commend his address to the reading of the Members of this House and to all those who regularly read the CONGRESSIONAL RECORD.

The address follows:

DID THE COURT INTERPRET OR AMEND?

"Eternal vigilance is the price of liberty." This statement is attributed to Thomas Jefferson, and is inscribed on the National Archives Building in Washington, D.C.

"A government for the people must depend for its success on the intelligence, the morality, the justice, and the interest of the people themselves" so said Grover Cleveland many years ago.

Prime Minister Gladstone of Great Britain once described the Constitution of the United States as "The most wonderful work ever struck off at a given time by the brain and purpose of man." I am throughly in accord with Mr. Gladstone's views regarding our Constitution, but I am very much concerned over the attempt to emasculate it by our federal Judiciary.

A great danger to constitutional government lies in the popular misunderstanding of its precise methods and purposes. The small minority who would treat the United States Constitution as an archaic hindrance to their centralist purposes, and willingly would discard or subvert it, pose less of a threat than the greater number who vociferously support the Constitution, but who unwittingly participate or approve actions that pretend to protect its features.

A striking instance of this is found in the so-called school segregation cases. It is not my purpose here to argue the merits or demerits of racial segregation, but rather to show that the United States Supreme Court, in order to accomplish what it presumably thought was a worthwhile end, committed a breach of basic constitutional limitations.

John C. Calhoun said that just as laws are written to restrain men, so constitutions are written to restrain governments. Certainly, the framers of the United States Constitution had this goal in mind when they drafted the basic compact by which the States are bound in Union. Out of the reservoir of the States' inherent political powers certain specific powers were delegated to the central government, but all powers not so delegated were to be retained, to the end that the people themselves, acting in their respective States, might control their own destinies.

It was recognized, of course, that in time the Constitution might require amendment, but it was also recognized that it was as necessary to protect the Constitution from being amended by the very government it was designed to control as it was to establish controls on that government initially. Thus, Article V of the Constitution was drafted carefully to preserve ultimate control of the Constitution in the States themselves. Article V provided that no change would be made in this most basic of all laws without the consent of a full three-fourths of the States. Amendments could not even be proposed without the approval of two-thirds of each House of Congress, or as an alternative, without the approval of two-thirds of the States. Once the proposal was approved in this manner, it had to be approved by three-fourths of the States before it could be accepted as an amendment to the Constitution.

The objective of this deliberately restrictive procedure was plain that it was to protect a minority of the people in a minority of the States from the tyranny of simple majority rule. The framers of the Constitution realized, with great vision, that similarities among the States would take care of themselves but the framers were concerned that differences among the States be restricted. They wished to be positive that changes made in the Constitution were not made easily or impulsively.

It has been said that words have different meanings, but the words of a contractual instrument as applied to particular events or conditions at the time the instrument is agreed to, have a permanent meaning. I submit, therefore, that the English words used in the Constitution mean the same that they did in 1788 and that courts should interpret these words in the light of their meaning at the time the contract was entered into.

When one examines some of the recent decisions of the Courts, he can only conclude that the members of our federal Judiciary have adopted a new slogan, "Damn the Constitution, full speed ahead." It is indeed unfortunate that some of our Courts have not seen fit to practice judicial restraint. Their failure to do so has resulted in a usurpation of the powers of our Legislative Branch of our government. Thomas Jefferson feared this possibility and it gave him great concern. In a letter to Judge Spencer Roane, of the Supreme Court of Appeals of Virginia, dated September 6, 1819, Mr. Jefferson said this: "The Constitution, on this hypothesis, is a mere thing of wax in the hands of the Judiciary, which they may twist and shape into any form they please."

Mr. Justice Roberts of the Supreme Court of the United States adequately defined the purpose and powers of the Supreme Court of the United States in the case of *United States* v. *Butler, et al.,* 297 U.S. 1, 56 S. Ct. 312. Mr. Roberts said as follows:

"It is sometimes said that the Court assumes a power to overrule or control the action of the people's representatives. This is a misconception. The Constitution is the supreme law of the land ordained and established by the people. All legislation must conform to the principles it lays down. When an act of Congress is appropriately challenged in the courts as not conforming to the constitutional mandate, the judicial branch of the government has only one duty; to lay the article of the Constitution which is invoked beside the statute which is challenged and to decide whether the latter squares with the former . . . This Court neither approves or condemns any legislative policy . . . The question is not what power the federal government ought to have, but what powers in fact have been given by the people. It hardly seems necessary to reiterate that ours is a dual form of government; that in every state there are two governments: The State and the United States. Each state has all governmental powers save such as the people, by their Constitution, have conferred upon the United States, denied to the states, or reserved to themselves. The federal union is a government of delegated powers. It has only such as are expressly conferred upon it and such as are reasonably to be implied from those granted. In this respect we differ radically from nations where all legislative power, without restriction or limitation, is vested in a parliament or other legislative body subject to no restrictions except the discretion of its members. . . . From the accepted doctrine that the United States is a government of delegated powers, it follows that those not expressly granted, or reasonably to be implied from such as are conferred, are reserved to the states or to the people. To forestall any suggestion to the contrary, the Tenth Amendment was adopted. The same proposition, otherwise stated, is that powers not granted are prohibited."

And now, we come to the main point of my discussion, did the United States Supreme Court have the right to issue the opinion it did in *Brown* v. *Board of Education* is interpreting the Fourteenth Amendment of the Constitution. I quote Section 1 of the Fourteenth Amendment as follows:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

We find some of the words and phrases of the Fourteenth Amendment on the surface, to be rather nebulous. When we speak of a State's "abridging a citizen's privileges or immunities", or of a State's denying to any person within its jurisdiction the "equal protection of the laws", it is fair enough to inquire what these apparently ambigous phrases mean.

To answer these questions, one must go to the primary source. What did these words and phrases mean, as applied to particular situations, to the framers who drafted the Amendment and to the States that ratified it?

This argument is not one of disgruntled Southerners, for it is an established maxim of law. Judge Cooley in his great work on Constitutional Limitations said:

"A Constitution is not to be made to mean one thing at one time, and another at some subsequent time when the circumstances may have so changed as perhaps to make a different rule in the case seem desirable. A principal share of the benefit expected from written constitutions would be lost if the rules they established were so flexible as to bend to circumstances or be modified by public opinion.* * *. The meaning of the Constitution is fixed when it is adopted, and it is not different at any subsequent time when a Court has occasion to pass upon it."

The Fourteenth Amendment was proposed in 1866 and ratified in 1868. In the fifteen year period immediately following the ratification of the Fourteenth Amendment, seven cases were brought to contest the continuing power of the States to operate racial separated public schools. In each of these cases Negro plaintiffs sought to secure equal protection. These cases were presented to the highest courts of Ohio, Indiana, Nevada, California, and New York. Two Federal circuit courts also considered the same question.

These cases should not be ignored as "ancient history". When it comes to answering the question posed in 1952 by the Supreme Court itself—What was the intention of the framers and the adopters of the Amendment in the terms of separate schools? These seven cases are fresh, pertinent and definitely relevant.

In the Ohio case of *Garnes* v. *McCann*, 21 Ohio 198, decided in December, 1871, the Court said:

"Equality of rights does not involve the necessity of educating white and colored persons in the same school, any more than it does that of educating children of both sexes in the same school, or that different grades of scholars must be kept in the same school. Any classification which preserves substantially equal school advantages is not prohibited by either the State or Federal Constitution, nor would it contravene the provisions of either. There is, then, no ground upon which the plaintiff can claim that his rights under the Fourteenth Amendment have been infringed."

The Supreme Court of Indiana in 1874 was called upon to decide a similar issue in *Cory et al* v. *Carter*, 48 Ind. 327, and after thoroughly analyzing the Fourteenth Amendment, said:

"We are very clearly of the opinion that the act of May 13th, 1869, is constitutional, and that while it remains in force colored children are not entitled to admission into the common schools which are provided for the education of the white children."

A similar issue arose in the State of California in the case of *Ward* v. *Flood*, 48 California 36 in 1874. The Court said:

"* * *; and in the circumstances that the races are separated in the public schools, there is certainly to be found no violation of the constitutional rights of the one race more than the other, and we see none of either, for each, though separated from the other, is to be educated upon equal terms with the other, and both at the common public expense."

In the case of *United States* v. *Buntin*, 10 Fed. 730 decided by the Federal Circuit Court of Ohio in 1882, the Court said:

"The Supreme Court of the States has held that such a classification of the two races is within the constitutional discretion of the legislature, and that the separate education of the whites and blacks in accordance with the terms of the law is no wrong to either. I concur in and adopt this decision as a correct exposition of the Constitution, * * *."

The United States Supreme Court in 1899 in the case of *Cumming* v. *Richmond County Board of Education*, 175 U.S. 528, said:

"* * * the education of the people in schools maintained by State taxation is a matter belonging to the respective States, and any interference on the part of Federal authority with the management of such schools cannot be justified except in the case of a clear and unmistakable disregard of rights secured by the supreme law of the land."

Again in 1927 in *Gong Lum* v. *Rice*, 275 U.S. 78, Mr. Justice Taft said:

"The question here is whether a Chinese citizen of the United States is denied equal protection of the laws when he is classed among the colored races and furnished facilities for education equal to that offered to all * * * Were this a new question, it would call for very full argument and consideration, but we think it is the same question which has been many times decided to be within the constitutional power of the State Legislature to settle without intervention of the Federal courts under the Federal Constitution.

* * *. The decision [to separate races] is within the discretion of the State in regulating its public schools and does not conflict with the Fourteenth Amendment."

From the foregoing, it is evident that the judiciary has performed its interpretive function. In the field of public education, the Constitution stood clearly defined and, so far as education is concerned, the people have not changed it in the slightest respect.

Did the Supreme Court then have the right to issue the opinion it did in the Brown Case?

The Court, in referring to the Brown Case, stated as follows:

"It follows that the interpretation of the Fourteenth Amendment enunciated by this Court . . . is the supreme law of the land, and Article VI of the Constitution makes it of binding effect on the States 'any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.'"

It is interesting to note that Article VI of the Constitution provides that "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

It of necessity follows that a court decision is neither constitution, law nor treaty, but merely declaratory of one or more of them. If such a court decision be the supreme law of the land, then the United States Supreme Court in the Brown Case has undertaken to amend the Constitution since Mr. Justice Taft in *Gong Lum* v. *Rice* previously held that the separation of the races in the public schools did not conflict with the Fourteenth Amendment.

Section 5 of the Fourteenth Amendment has provided as follows:

"The Congress shall have power to enforce, by appropriate legislation, the provisions of the article."

Congress had never seen fit to pass such legislation, until 1964 when it approved the Civil Rights Bill, which then became the supreme law of the land.

The men who wrote the Constitution recognized, with unmatched political wisdom, that true liberty can rise no higher or be made more secure than the spirit of the people to achieve and maintain it. Their prime concern was to devise a new form of government for the new Nation under which such a spirit might thrive and find the fullest opportunity for expression. The Amendments comprising the Bill of Rights followed only after the structure of government had been established by the Constitution proper. They resulted not so much from what the framers considered to be new ideological imperatives as from fears among the States that the national government might seek to tamper with individual rights already assured under the laws of the various states.

For the most part, the rights guaranteed by the first ten Amendments against federal invasion were simply those enjoyed by Englishmen under the Magna Carta, the real fountainhead of individual liberty. There were, however, two obvious extensions of these rights: freedom of religion and freedom of speech and press.

As the debates at the Constitutional Convention and the terms of the Constitution itself both reveal, the framers proceeded on a premise which many years later Judge Learned Hand was to state in the following words: "Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court even can do much to help it." They staked their faith that liberty would prosper in the new Nation not primarily upon individual rights but upon the kind of government the Union was to have. And they determined that in a government of divided powers lay the best promise for realizing the free society it was their object to achieve.

The matter had a double aspect: first, the division of governmental authority between the States and the central government; second, the distribution of power within the federal establishment itself. The former was solved by making the authority of the Federal Government supreme within the sphere of powers expressly or implied delegated to it and reserving to the States all other powers—a reservation which subsequently found protection in the Bill of Rights through the provisions of the Tenth Amendment. The second aspect of the governmental structure was solved by distributing the total federal powers among the Legislative, Executive and Judicial branches of the Government, each having defined functions. Thus evolved the two great constitutional doctrines of Federalism and Separation of Powers.

These doctrines are the roots of our constitutional system. No view of the Bill of Rights or interpretation of any of its provisions which fails to take due account of them can be considered constitutionally sound. There is no such thing as a doctrine of civil rights at large, standing independent of other constitutional limitations or giving rise to rights born only out of the personal predilections of judges as to what is good. And it should further be observed that our federalism not only tolerates, but encourages, differences between federal and state protection of individual rights, so long as the differing policies alike are founded in reason and do not run afoul of dictates of fundamental fairness.

Abraham Lincoln in his first Inaugural Address on March 4, 1861 said:

"If the policy of the government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court the people will have ceased to be their own rulers, having to that extent practically resigned their government into the hands of that eminent tribunal."

The written Constitution established in 1789 and amended in the intervening years to meet changing conditions, is now being deliberately disregarded, and the doctrine of conformity by coercion is being advanced not only by our so-called intellectual groups but by vote-seeking politicians in our "great society."

If we are to retain our individual liberties, we must get the train back on the right track. This can only be done by us, the people, in voting intelligently on the basis of constitutional principles rather than for personal or material gains in some form or another.

I believe the time has come when Americans believing in God, regardless of their denominational differences, must join in common purpose to restore our Constitutional Republic as a limited government of the people, by the people and for the people. If we fail to do this, the government provided by our founding fathers shall perish and disappear from the face of this earth.

MAKING OUR GOVERNMENT WORK

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mrs. DWYER. Mr. Speaker, no more difficult and challenging task faces the 91st Congress and the new administration than that of finding ways and means of improving the manageability of our immense and intricate federal system. The Advisory Commission on Intergovernmental Relations, on which I serve as one of the three Members representing this House, has given this matter long and careful study. More than a year ago the Commission completed work on a comprehensive analysis of the fiscal strengths and weaknesses of our federal system. The Commission has offered a full agenda of specific recommendations for bringing order to our grant-in-aid structure and thus strengthening American federalism.

The enactment last year of the Intergovernmental Cooperation Act of 1968 was a very significant step in the right direction. It is important that the 91st Congress build on that foundation. We must find ways to consolidate existing programs, to achieve more flexibility and to simplify and clarify confusing and conflicting grant requirements. As the ranking minority member of the Government Operations Committee I will continue to work toward the accomplishment of these goals.

The February 1969 issue of the Reader's Digest, now on the newsstands, contains a timely and perceptive discussion of the problem. The article is entitled "The Great Challenge—Making Our Government Work." It was written by Kenneth O. Gilmore, the Digest's Washington editor, who headed a five-man team that gathered and analyzed a mass of material on which the article was based. I commend the article to the attention of all Members; I include it at this point in the RECORD:

THE GREAT CHALLENGE: MAKING OUR GOVERNMENT WORK

(By Kenneth O. Gilmore)

(Note.—As the new President takes office the vast bureaucracy he will command seems precariously close to a massive breakdown. Here is why—and how—the public should support his battle for reorganization and reform.)

As President Richard M. Nixon strives to bring the nation together, no task presents a greater challenge than overhauling the huge, unwieldy machinery of our government. It is an awesome, urgent calling.

"We need a far-reaching reorganization of government that will correct intolerable duplications of mission and provide for improved coordination," says former-Secretary of Health, Education and Welfare (HEW) John W. Gardner, now head of the Urban Coalition.

"Society will no longer tolerate the gap between the promises of democracy and our performance," says Sen. Edmund S. Muskie (D., Maine), chairman of the Senate Subcommittee on Intergovernmental Relations.

"The net result of our massive federal effort in recent years seems to be a policy that is unplanned, unmanaged and, if the trend continues, unworkable," says Sen. Abraham Ribicoff (D., Conn.), who has conducted 33 hearings on the federal role in our cities.

This "quiet crisis," as many call it, may not make daily headlines. But its severity is evidenced by a thousand and one bureaucratic blood clots in the lifelines of our body politic:

Propped against the walls of a county administrator's small office in Missouri are 24 U.S. maps. "Each one shows the regional headquarters of federal agencies I must deal with," says the exasperated official. The maps reveal a ridiculous jigsaw pattern. For example, he says, the Department of Housing and Urban Development (HUD) has its regional offices in Fort Worth, Texas, while the Bureau of Outdoor Recreation operates from Ann Arbor, Mich.—1148 miles away. "I have to shuttle between them to discuss a parkway they're both involved in."

Encouraged by Washington to submit long-range community-planning programs, New York State applied for $1,670,000. But a rules change required that the forms be split into 334 separate $5000 study blocks. The revision took three months and monopolized 50 percent of the state agency's manpower, with the paperwork costing $150,000—nearly one tenth the grant.

Officials of the Interior Department's National Park Service in Minnesota tried to inspect a tract of land belonging to the Agriculture Department's Forest Service, hoping to combine it with a piece of their own property to make a more suitable *public* recreation area. Forest authorities refused to permit the park men on the land. "They act like two foreign nations," fumed Rep. John Blatnik (D., Minn.), who finally forced the two bureaucracies to negotiate.

In the nation's capital, Washington *Post* columnist William Raspberry discovered a merry-go-round of anti-poverty projects that has left the disadvantaged dizzy. There is the United Planning Organization (UPO), which is supposed to coordinate all poverty efforts. But overlapping it is the People's Involvement Corporation (PIC). Then there is a Model Cities Commission (MCC) and the Model Inner City Community Organization, Inc. (MICCO). "Since all of them are dependent upon federal funds for their existence, competition among them is inevitable," says Raspberry. "Most are accomplishing very little."

STACK OF SPAGHETTI

These episodes spell out a dismal conclusion: Our government has literally proliferated itself out of control. We are confronted by an apparatus so large, disjointed and self-perpetuating that it has defied all those who have attempted to make it manageable. More disturbing, the system now puts a premium on *securing* funds rather than on spending them according to the real needs of people.

How have we reached this sad point? The answer lies in an examination of the grant-in-aid system whereby tax dollars are brought into Washington, then funneled back to states, localities, institutions and individuals under a multitude of matching formulas. Throughout the 1960s, a blizzard of bills has swept through the Congress in a frantic, unplanned effort to solve social ills. Within the last five years alone, 240 new or significantly expanded grant-in-aid authorizations have been passed, including 17 new programs for education, 15 for economic development, 12 to meet city problems and 21 for natural resources. As former HEW boss Wilbur Cohen said, "There is some kind of a grant that deals with almost every aspect of human life."

Predictably, federal-aid costs have skyrocketed, climbing to $20.3 billion this year, more than *triple* the amount of a decade ago. But another price tag has to be reckoned with: colossal confusion. An organizational chart of today's crisscrossing bureaucratic lines would resemble a giant stack of spaghetti. At the top, in Washingon, are 21 federal departments and agencies with 150 bureaus and thousands of subdivisions. Below is a wilderness of 400 haphazardly scattered regional offices. At the bottom—the receiving end of grants—are 90,000 units of local government, not to mention tens of thousands of institutions and individuals. Every 24 hours, $55,616,438 pours through this labyrinth from over 500 Congressional authorizations split into more than 1000 programs. How many millions are uselessly spent when 13 agencies operate 101 educational and cultural programs? Or when nine different empires manage 192 installations supervising 1000 federal pollution projects? Or when there are at least 57 tax-fed job-training programs spread among five federal departments? Or when there are 35 different federal programs for housing and even five for driver training?

An Office of Education pamphlet entitled "Where the Money Is" lists 111 different programs in that agency alone. But for real dollar watchers, a private $225-a-year guide and file system breaks the educational jungle into 430 subcategories. No one person can keep up with it.

Among the worst effects of this horrendous hodgepodge:

1. *The Long Wait.* "It is getting increasingly difficult for a local officer to get a decision, even a negative one," says Prof. Herbert Kaufman of Yale, whose studies show that some communities have waited for decisions for 12 to 15 months after applications were filed. "You don't know if it is going to take six weeks or a year before an application is approved," confirms an Atlanta official. "This creates a breakdown of operation and budgeting."

2. *The Paper Explosion.* The Kitt Peak National Observatory in Arizona, operated by several universities with federal aid, must regularly turn in the following data to Washington: non-discrimination report, computer-utilization report, Davis-Bacon labor-wage report, federal-contract report, federal drivers'-licenses report, gold-flow report, patent report, excess-property report and federal-property report. "The flood of material which rolls out from Washington to the would-be aid recipient is exceeded only by the volume of paper which he must send back," says Sen. Charles McC. Mathias (R., Md.), who has closely studied this problem.

The Bureau of Outdoor Recreation offers applicants a two-page form, but this requires knowledge of a nine-page guide which, in turn, is based on a 250-page manual amended with 24 releases totaling an additional 200 pages.

The Midwest Research Institute, after interviewing officials in ten cities from Portland, Ore., to Providence, R.I., reported that these men were "deluged by pound after pound of printed matter, all of it telling only a part of what they must know to manage intelligently."

3. *Silly Rules.* "A major complaint about federal administrative regulations is their rigidity." This was the conclusion of the 26-man Advisory Commission on Intergovernmental Relations after extensive investigation. Former Gov. John Connally of Texas complained about "trivia" that Agriculture Department bureaucrats have imposed, such as temperature-control regulations for cat and dog cages used in grant-supported activities.

In one case, local officials had to spend considerable time reaching an agreement not to be forced to list every individual fireplug and street light in the city as part of an administrative manual on "public improvements." Not long ago, an application for a park grant was sent back to Nassau County, New York. Why? It was not sent in a proper binder.

4. *The Heavy Hand.* A recent study by the U.S. Conference of Mayors scolds federal authorities for an increasing tendency to "impose managerial 'second-guessing' on local adminstrations." In Kansas City, Mo., which has a $480-million-a-year smorgasbord of 64 programs, officials are burned up over the behavior of high-handed federal visitors. "Don't worry about a thing," one Labor Department big wheel announced in describing a sweeping job-training plan. "We're going to come in here and set up a *big* staff."

After it had a $1-million anti-poverty program well under way in Oakland, Calif., the federal Office of Economic Opportunity decided—without ever consulting local officials—to finance a second, $142,000 program. Oakland planners were understandably bitter. "We had difficulty learning anything about the venture," said one city official.

5. *The Grantsmanship Game.* A number of states, institutions and cities now employ, under fancy titles such as "Urban Affairs Consultant," men whose basic mission is to find out just where to lay hand on federal monies stored in the nooks and crannies of Washington. At best, this growing profession of men schooled in all the subtle techniques of wheedling and cajoling provides an abysmal commentary on methods of distributing federal funds. At worst, it has a distinctly unhealthy aroma. Says one professional grantsman: "In conflict situations I use personal friends, officials I know, Congressmen or even the President. They exert the required influence on the person making the decision so that he will render a decision favorable to our city."

"Because some communities cannot afford to retain persons skilled in grantsmanship, they may fail to obtain aid for much-needed services," Senator Muskie has noted. "On the other hand, communities with talented grantsmen have obtained more funds than could be spent wisely. One wonders whether the receipt of a grant may depend more upon the cleverness of the person preparing the application than upon real needs." And, in fact, a secret government report concludes that "richer counties receive proportionately more of the federal dollars than do poorer counties."

SERIOUS QUESTIONS

One of the many who kept hearing complaints about the federal-aid runaround was Rep. William Roth, a young first-term Republican from Wilmington, Del. To find out what was going on, Roth distributed sophisticated questionnaires to every agency and subdivision in the federal establishment, asking about their programs. At first, many bureaucrats didn't take him seriously. Indeed, HEW refused to return the questionnaire, claiming it would take 1600 hours to complete. "If that's what's necessary to inform the public about your programs," said Roth, "then something's really wrong with the system."

Last June, William Roth stood before his colleagues in the House to reveal the results of eight months of research. He told them first that *nobody* in the government, neither at the White House nor in Congress, knew exactly how many programs existed, where they were or what they were about. He told them that he had so far identified 1050. "I believe," he concluded, "that my findings raise serious questions as to the efficiency of the present grant system."

No one is more aware of these "serious questions" than President Nixon, who has pledged to streamline our federal system. Here is how every citizen can help him win this battle for better government:

First, the President must be given every opportunity to shake the worst bugs out of the system. The White House deserves all the backing it can get as efforts are made to strip down worn-out agencies and combine others. Vested interests, of course, will be peddling scare propaganda the second their sinecures are threatened. But remember: there is no way to prune deadwood from the federal forest without some loud crashing of timber.

Second, the public should enthusiastically support the establishment of a commission to review the entire spectrum of government activity. This commission could give the President valuable advice on where to eliminate deep-rooted excesses and overlap. (The two Hoover Commissions of 1949 and 1955 made 587 efficiency recommendations and saved the taxpayers billions.)

Third, Congress must revamp its own outdated machinery. A long-standing bill to reform the creaking committee system and create more effective Congressional staffs should be adopted. Today, Congress is pathetically unequipped to examine—and control—the multitude of proposals thrust upon it by an ambitious bureaucracy. It must therefore take part of the blame for the federal layer cake.

Fourth, searching study must be given to a number of proposals shifting decision-making power back to local government. Outstanding liberals and conservatives alike agree that remote control from Washington depletes and demoralizes responsible local leadership.

Two of the most common proposals are: "block grants," whereby Washington would provide financial assistance in broad functional areas, with wide discretion given to state and local governments; and "revenue sharing," which would return a percentage of federal income taxes for state and local use. The goal of both proposals—to decentralize and give cities and states more power to set their own priorities—makes eminent sense.

These four steps will be neither easy to take nor absolute in effect. They must be combined with far-reaching modernization of local governments from the state house to city hall. And they must be supplemented by fresh ideas—from tax credits, to citizen participation, to the training of a new generation of cooperating administrators on every level.

But if one common theme has come forth out of all the study of our federal structure, it is this: the motivation, direction and moral force for real reform must start at the top. Richard Nixon is determined to "bring us together." He can make a historic stride toward that goal by bringing our government together—and making it work.

INTRODUCTION OF BILL TO LIMIT POWER OF PRESIDENT IN CREATING OR ENLARGING NATIONAL MONUMENTS

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. BURTON of Utah. Mr. Speaker, on the morning of the day that President Johnson left office—that is, sometime between 8 a.m. and 12 noon on January 20—he signed proclamations extending the boundaries of two national monuments in the district that I represent in the State of Utah.

One proclamation affects Arches National Monument, adding some 49,000 acres to its former 34,010-acre area. The other proclamation enlarges the size of Capitol Reef National Monument from 39,117 acres to 254,117 acres, a sixfold increase.

This was done on Monday. The Members of the Utah congressional delegation were not informed of the President's intentions in this regard until the evening of the preceding Thursday. In other words, we were given less than 4 days' notice of an action involving almost 300,000 acres of land in the State of Utah and the rights of numerous individuals to use them. Obviously, there were no hearings conducted by any public body before this action was taken; there was no effort made to inquire with respect to the wishes of the people most vitally affected by the action, the people who live in the area.

In making the enlargements, the President acted under authority of the Antiquities Act of June 8, 1906. That act reads as follows:

> The President of the United States is authorized, in his discretion to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected. When such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is authorized to accept the relinquishment of such tracts in behalf of the Government of the United States. June 8, 1906, c 3060, § 2, 34 Stat. 225.

It is to be noted that the purpose underlying the act is to allow for preservation through Executive order of "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest." I also draw attention to the fact that any lands to be set aside under this act "shall be confined to the smallest area compatible to the proper care and management of the objects to be protected."

It is my firm conviction that Presidential orders creating monuments which are neither of historic nor scientific nature, but which are scenic in character and which embrace almost 300,000 acres of land—as is the case with the Arches and Capitol Reef proclamations—are greatly beyond the scope and original intent of the Antiquities Act. I think it is quite clear that the act was to provide for preservation of historic sites and buildings, and in cases involving relatively small amounts of land. I do not think that it was ever intended to be a vehicle whereby vast acreages could be placed in what for all practical purposes amounts to national park status.

I believe the proclamations of January 20 violate the very spirit of the Antiquities Act, if not also the letter of it. I am not unaware that other Presidents in other times have also relied upon the Antiquities Act in creating or enlarging national monuments similar to those enlarged by President Johnson several days ago. There is precedent for Mr. Johnson's use of the Antiquities Act in this regard. However, those other instances, in my view, were no less improper than the ones to which I raise objection today. I think the only proper way to set aside vast areas of land in national park status or national monument status or wilderness status or recreational area status is through specific acts of the Congress of the United States. It should not be done by Executive fiat. It is the Congress, not the President, who should make determinations of this kind. When the Congress acts it has been my experience that the people are first heard. This is not always so when the Executive acts. No area, except in very limited cases, should ever be given status as a national monument without a bill being introduced in the Congress for that purpose and without that bill going through the orderly steps of the legislative process. There should be hearings on the matter. The views of the opponents and the proponents should be heard, expert testimony should be adduced, and opportunity given for debate of the issues by members of the appropriate committees and of the Congress itself. In most cases, I would think, field hearings should be held. After all of this has occurred, then it may be proper to create such a monument, but it is wrong to create it in any other fashion.

I have today introduced a bill which would amend the Antiquities Act to prevent future occurrences of the kind that took place on January 20. By the terms of my bill the power of the President to create national monuments or to increase the size of existing ones would be strictly limited to designations involving only small tracts of land, to be specific, four sections, or 2,560 acres. This is sufficient to allow for protection of historic and/or scientific sites in those rare cases where it is deemed inexpedient to refer the proposals to the Congress.

My amendment keeps intact the full letter and spirit of the Antiquities Act. But it would prevent the Executive from continuing to use the act for purposes for which it was never intended. I would greatly appreciate my colleagues giving their close attention and consideration to the bill that I have introduced. It is my hope that it will be speedily and favorably acted upon.

FAITH IN SPACE

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. ROBISON. Mr. Speaker, America's three great astronauts have completed the most significant and far-reaching journey undertaken in the history of mankind. They stand before the people as the composite of all the initiative and productive capabilities of the human race. But Man, in terms of all the universe, is a very insignificant being. His limits of understanding fall far short of the knowledge available for possible total comprehension. Man's destiny therefore rests in his dreams and faith in a superior being. It was with this thought in mind that astronaut Borman read the following prayer:

> Give us, O God, the vision which can see Thy love in the world in spite of human failure. Give us the faith, the trust, the goodness, in spite of our ignorance and weakness. Give us the knowledge that we may continue to pray with understanding hearts and show us what each one of us can do to set forth the coming of the day of universal peace.

Without any doubt, I am sure that the vast majority of Americans believe as I do that in this new world of science and space, our faith in God needs added strength to guard against the eroding proposals promoted by certain individuals possessing a desire to destroy the basic Judeo-Christian traditions of this great country. Madalyn Murray O'Hair has undertaken another such negative program in her quest of that ultimate goal. She is the example of how an individual, purporting to represent a dissident minority, can cause the freedom of the majority to be taken away. Such action as she espouses are but stepping stones until, in due course, many of our freedoms could be lost.

This woman, who was instrumental in getting prayer removed from public schools, now wants prayer banned from outer space. She believes that she has the power to influence or control the entrance of prayer into the vast networks of the universe and is proceeding on that assumption. The basis for her feelings are due to the fact, as she states it:

> Christianity, you know, is a very minor religion and is accepted by a very minor number of people in the total world.

She must also take into consideration that she is a citizen of the United States where this statement would be far from true. Perhaps if Mrs. Madalyn Murray O'Hair attended any church, she would know that there are approximately 1 billion Christians in the world, besides which the overwhelming majority of the world's people believe in a supreme being. The astronauts' prayer for peace offended few people, and as for myself, the Christmas message beamed from outer space made my Christmas a deeply spiritual one.

Madalyn Murray O'Hair has spoken to many student groups at different colleges and universities around the Nation, and one of such students sent me his later thoughts:

> I stopped to think that since the school prayer ban, I've noticed no great improvements in American education which evolved from her work. As a matter of fact, there is now more student unrest, more massive and belligerent protests, and a higher percentage of youthful delinquency than ever before. I'm not sure, nor am I saying that these are results of a prayer ban, but it is a thought.

At any rate, she is now engaged in her newest space prayer-ban proposals and nothing seems to be stopping her or be in her way. It is in the American tradition that she and others have and can exercise the right to express opinions: but I think that everyone, whether he be atheist, agnostic, or believer, should slowly and sincerely ask himself, "What good purposes will it serve?"

I include in the RECORD at this point a letter from one of my constituents to the editor of the Elmira, N.Y., Star-Gazette which seems to relate the problem most concisely:

MRS. O'HAIR TRYING TO TAKE AWAY FREEDOM

To the EDITOR:

It seems a shame that in this day and age a few narrow minded, selfish, self-centered people that represent a minority can cause the freedom of the majority to be taken away.

I am referring to Mrs. Madalyn Murray O'Hair and her followers who feel that the Christmas message from our astronauts in outer space was a "tragic situation." The same Mrs. O'Hair who was instrumental in banishing all prayer from public schools is now attempting to take away the freedom of speech and religion of our astronauts.

The Christians, Jews and countless other religious sects that believe in a Supreme Being are not forcing Mrs. O'Hair to believe. We offer her the same freedom that we have and wish to preserve, and that is to believe and choose as we so decide and not as Mrs. O'Hair decrees.

No one forced her to listen to or believe the message from our astronauts this Christmas Eve, just as no one forces you to believe or not believe as you presently do, but at least we have a choice. Mrs. O'Hair is trying to take away this choice.

If this woman and those like her are not stopped, this country could very well be deprived of everything that it stands for, everything that makes it the most wonderful country in the world.

If she were to succeed in her present venture, some of her next ventures could probably be:

1. Remove the words "under God" from the Pledge of Allegiance.
2. Eliminate the swearing on the Bible in (a) the presidential Inauguration, (b) all court proceedings, (c) all other oaths of allegiance.
3. Prohibit all Catholics from blessing themselves in public.
4. Prohibit all benedictions and invocations at public affairs.
5. Prohibit all Christians, Jews and other religions from using the U.S. mails for any religious greetings or announcements.
6. Ban Christmas as a national holiday.

Etc. . .

This list may sound ridiculous, but so was the prohibiting of school children from repeating a prayer in public school, and so is what Mrs. O'Hair is trying to do now.

I urge every religious, social and fraternal group, and every person to band together, circulate petitions, write your congressman and stop this woman and her followers from taking away the freedom our forefathers fought for.

I beg of you, don't sit back and say "What can I do?", for if one woman can inspire enough people to deprive us of what she already has, you can inspire enough people to preserve this precious freedom of ours from people like Mrs. O'Hair.

GEORGE E. LEVESQUE.

ELMIRA.

Mr. Speaker, the author of the letter, Mr. Levesque, has proposed that he organize a nationwide campaign of resistance to Mrs. O'Hair through the junior chamber of commerce Jaycees. I am encouraging him to proceed with his plan.

LADY BIRD ASSURED HER PLACE IN HISTORY

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. MILLER of California. Mr. Speaker, few have presented so true and sensitive a picture of the former First Lady, Mrs. Lyndon B. Johnson, as Isabelle Shelton in the Sunday Star of January 12, 1969.

It is seldom in our history that a First Lady has so taken to her heart the duties brought upon her by her husband's office. In executing these duties, she has managed to combine both serenity and efficiency, both warmth and dignity, both calm and vivacity, both charm and candor. The American people owe Mrs. Johnson a debt, the magnitude of which only time alone will indicate.

Sharing as I do with millions of Americans the same admiring regard for this most remarkable lady, it is fitting that I should make Miss Shelton's article a part of my remarks:

LADY BIRD ASSURED HER PLACE IN HISTORY

(By Isabelle Shelton)

Within weeks of the time he became President, Lyndon Johnson predicted in an exclusive interview with this reporter that his wife, Lady Bird, would be the most successful and influential First Lady in the nation's history.

It sounded like a bit of Texas bravado at the time, when the country was still under the spell of the lovely, grieving Jacqueline, widow of the assassinated President John F. Kennedy.

Now, five years, 200,000 miles and innumerable speeches, tree planting, river rides, Head Start, visits, awards, plaques and citations later, there are few in the nation who would not agree that the President's proud prediction has quite literally come to pass.

FERMENT AND TORMENT

In a time of almost unprecedented ferment and torment for the nation, with passions running so high that three leaders have been murdered, her husband driven from office and his party badly wounded, Lady Bird Johnson has somehow ridden serenely through it all.

Although she was picketed by those with messages for LBJ—usually about the Vietnam war—the bitter, searing criticisms of her husband somehow never rubbed off on her.

This was true even though she participated more actively than almost any other First Lady in the often turbulent affairs of the nation.

If she had sat quietly above the battle, performing only as a gracious White House hostess, as have most First Ladies, the lack of criticism could be understood.

GENTLE MANNER

But she chose to become involved with some of the nation's rawest, stickiest problems—albeit always approaching them in a gentle, ladylike manner, and usually quite obliquely.

This was probably her greatest strength. Unlike the late, revered Mrs. Franklin D. Roosevelt, the only other First Lady with whom she can reasonably be compared, she never attacked evils frontally.

Eleanor Roosevelt earned the respect and affection of millions for her tireless efforts on behalf of the disadvantaged, most particularly her pioneering battles for social justice for Negroes. But she thereby brought down on her head torrents of abuse from those who did not want to see their privileged little worlds shaken up.

But operating always in low key, often on less controversial subjects but sometimes taking on the big ones—and placing emphasis always on Southern charm and sweet reasonableness—Mrs. Johnson has, many think, moved mountains. And she managed to remain loved and admired at the same time.

Reporters recall agonizing over the text of one of her speeches, at the University of Alabama in Tuscaloosa—where Gov. George Wallace had stood in the doorway a few years earlier, the symbol of resistance to school integration.

DELICATELY PHRASED

The First Lady seemed in her speech to be pleading for racial tolerance and understanding, but it was so delicately phrased that reporters found themselves having to interpret her intent in their own words—a step beyond what they regard as their proper role.

But the largely white Southern audience filling the college auditorium—who listened attentively but applauded little seemed to get and accept the gentle message.

College officials said later they felt the speech had been very helpful, and that a more direct, bombastic approach from the First Lady would have set back rather than helped the cause of integration.

But if her approach was most often low key, she was capable of speaking out strongly and courageously when she thought a situation demanded it.

She was one of the first national figures to publicly tangle with the hecklers, four years before they became a common sight at political rallies across the land.

SOFT SELL

They plagued her historic 1964 whistle stop train tour of the South—where she was sent by the Democratic National Committee because it was felt her soft sell would go over better with her "kissin' cousin" Southern kin folk than would LBJ, by then anathama to the South for his part in passage of the 1964 Civil Rights Act. (It worked, too. She is widely credited with holding four of the eight states she visited for LBJ.)

She held her ground valiantly with the hecklers, in Columbia, S.C., and other cities, shaming her tormentors into letting her have her say in a manner not unlike that which brought kudos this past fall to Democratic Vice Presidential candidate Edmund Muskie.

Later, back on the train, she raised cain privately with Rep. Hale Boggs, one of the train's chief tub thumpers, for calling the hecklers "Nazis and Fascists."

The heckling and the many bitter signs ("Impeach Lady Bird," "You've Got the Feathers, We've Got the Tar") backfired against their perpetrators, bringing Mrs. Johnson sympathetic editorials across the land, especially in the South.

"In the South, we don't treat a lady that way—especially the First Lady of the land," ran the recurring theme.

She had spotted the hecklers for the menace they were to become. On her return to the White House she issued a statement, in the form of a letter to Democratic National Chairman John Bailey, that might well have served as a text book for those involved in similar incidents last fall including the Chicago police department.

She was concerned, she wrote Bailey, "because at times the heckling went beyond a mere difference of opinion and because young people, many of them too young to vote, were being used to express the enmity of others.

"I am afraid some of them were the unsuspecting victims of hate organizations whose vehemence the President and I have met before."

GET THE MESSAGE

She asked the party chairman to "get the message to our people that even when expletives of others are angrily unrestrained and our candidates and spokesmen interrupted by sustained and loud interference, our people must refuse to be provoked. They must not be intimidated into abandoning the sense of decency and fair play . . ."

She showed courage of a high order just a few days later when the greatest storm of the 1964 campaign broke over the head of the Johnson administration with the arrest of Walter Jenkins, LBJ's right-hand man, on a morals charge.

It was one of those moments of high drama in a campaign, which have been known to completely reverse the course of events.

With the country in shock and the President, campaigning in New York, thundering for Jenkins' resignation, it was the First Lady who had the guts to issue a statement from the White House, on behalf of the Johnson family, expressing grief and compassion for a companion who had fallen.

"My heart is aching today for someone who has reached the end of exhaustion in dedicated service to his country," the statement read.

"Walter Jenkins has been carrying incredible hours and burdens since President Kennedy's assassination. He is now getting the medical attention which he needs.

PRAY FOR RECOVERY

"I know our family and all of his friends—and I hope all others—pray for his recovery. I know that the love of his wife and six fine children, and his profound religious faith, will sustain him through his period of anguish."

It was Lady Bird Johnson's finest hour in the White House.

"The plain fact is there has never been a First Lady to equal Mrs. Johnson," says the venerable and very Republican Alice Roosevelt Longworth, who has been watching First Ladies from a front row seat in Washington ever since her stepmother, Theodore Roosevelt's second wife, became one 68 years ago.

"No woman has ever accomplished this task" of First Lady with Mrs. Johnson's "combination of strength and grace; she has never once put a foot wrong," TV newsman Eric Severeid quotes Mrs. Longworth as telling him.

Mrs. Johnson's preoccupation with what she called "beautification" which to some conjured up visions of Helen Hokinson-type club women planting posies along the highways (and which some observers complained was "boring"), was recognized to be much more than that by just about every major organization concerned with improving the quality of American life.

MANY AWARDS

She could line the walls of the LBJ ranch—or the LBJ Library under construction in Austin, Tex.—with the medals, plaques and citations she has received for her beautification efforts alone.

Typical is the citation given her in 1966 by the prestigious American Institute of Architects, "in recognition of her determination to restore beauty where it has been forgotten; to preserve beauty where it exists, and to protect our natural resources.

"Her sensitivity, vision and hearts and conscience of the American people, who have rallied behind her in this great cause."

AIA President Morris Ketchum Jr., of New York, in presenting the citation, praised the First Lady's efforts as "statesmanship of the highest order," for which "the United States will be forever in your debt."

Chatting earlier with reporters, Ketchum had been even more lyrical of "the marvelous job" that Mrs. Johnson has done in sparking the visual redemption of this urban environment of ours.

PUBLIC INTEREST

Reports filtering back to AIA headquarters from its chapters in 50 states brought word that there now is "tremendous public interest" in a broadscale attack on "commercial ugliness" that goes way beyond "just planting flowers and screening junkyards" and gets to the very core of American life, Ketchum said, citing multi-million dollar facelifting projects in such cities as Boston, Hartford and Philadelphia.

"Only her sponsorship has made it possible," he said. "I can't think of any other case in American history where a First Lady has taken on such a worthwhile cause.

"She has brought home to the American people the need for a change in our cities and countryside. We lead such busy lives, we never have time to look around us. I think she has made people look around, and after that things happen.

"Every countryside, every city, every citizen has been touched by her efforts. It is a genuinely important and lasting contribution."

MOST CHERISHED

Of all the honors she has received, possibly the one she will cherish most is one she can't take home to hang on her wall. It is the recent designation of a 121-acre park on a Potomac River island as Lady Bird Johnson Park.

Beautification was not the only string to Lady Bird Johnson's bow, although it seemed to be the one closest to her heart. She also will be remembered for helping focus the spotlight a First Lady controls on such diverse projects as Head Start, VISTA, adult education, remedial reading, and efforts to alleviate grinding rural poverty.

The Women's National Press Club, in giving her its Eleanor Roosevelt Golden Candlestick Award last month for her "efforts to improve the quality of life for all Americans," touched on several of these.

"She aroused the nation's conscience to preserve America's natural beauty and its historic sites. . . . She walked through slums, climbed the heights and hollows, rode the river rapids and planted trees from coast to coast. All this—and more—she did to dramatize problems of poverty, education, recreation and conservation."

In her open-hearted hospitality, she "shared the White House with all the people as never before," the citation continued. "She set high standards of personal dedication, and added a new dimension to the role of First Lady."

Some critics complain that Mrs. Johnson, a small town girl much of her life, never became sufficiently involved with big city ghetto problems—and this may be one reason for the only serious blast of criticism that ever came her way, singer Eartha Kitt's fiery explosion at a White House luncheon.

Miss Kitt actually had been set off by another speaker at the luncheon, whom she felt was papering over deep and fundamental problems causing crime by talking about installing more street lights—but the volatile entertainer took a side swipe at beautification along the way, arguing that planting flowers didn't settle any fundamental problems either.

The country rallied to Mrs. Johnson, impressed by her dignified but spirited response and outraged by the violence of Miss Kitt's language, and what they felt was its inappropriateness from an invited luncheon guest.

WOMEN DOERS

Perhaps actually more important was the fact that Mrs. Johnson, by the mere fact of scheduling the luncheon (one of her "Women Doers" series) had shown that she did have a concern about the problems of the cities.

She didn't win them all.

Although she made the nation much more conscious of its environment, she lost her second encounter with the bill-board lobby in Congress. Big signs will continue to clutter the landscape.

She is aware, too, that she only scratched the surface of much of the ugliness—and that even what she did achieve can slip back, if others don't carry on the work.

"There is no reason why, because I planted trees, another First Lady should have to water them," she said in a recent speech. "But I hope someone will," she added wistfully.

She was disappointed never to find a better word than beautification to encompass what she was trying to do. She asked the nation to help her, but no one ever came up with anything she thought was an improvement.

She lost a struggle over her own name, too—a personal disappointment to her. Dubbed "Lady Bird" by a nursemaid when she was only two years old, she never had liked it, but was unable to effect the switch back to her christened name, Claudia Alta Taylor. (Her husband didn't help much by continuing to list "Wife, Lady Bird" in his biography which ran so many years in the Congressional Record).

No summary of Mrs. Johnson's White House years is complete without mentioning her incomparable staff director and press secretary, Elizabeth Carpenter, and the talented crew Mrs. Carpenter corralled to help her.

DEVOTED LIZ

Many of the things Mrs. Johnson sought to achieve would not have been possible without the inventiveness, devotion and ever-present wit of Mrs. Carpenter, an authentic public relations genius who labored untiringly, and who (through many battles both with and for this and other reporters) never forgot the first rule for one in her role—that the interest of her "client," or principal, always came first.

But just as Lady Bird Johnson couldn't have done it all without Liz, so—as Mrs. Carpenter would be the first to say—even the irrepressible Liz couldn't have done it without a wonderfully co-operative, imaginative, disciplined and dedicated First Lady, who knew exactly what she sought to achieve, and who was willing to work like the very dickens to achieve it.

One can well believe Mrs. Johnson when she says these days that she is "looking forward to a long rest."

President Johnson told this reporter in that first early interview that the reason his wife would be so successful as First Lady was that she was "the most disciplined, organized person I ever knew," and that he was "constantly amazed at the amount of work she managed to get done" in an unruffled manner.

Looking back over the past five years, he seems to have been right about that, too.

Mrs. Johnson has set a high water mark for the new First Lady, Pat Nixon, to shoot at.

Knowing full well what it's like to come along after a widely admired First Lady, she has generously tried to ease the problem for her successor by twice pointing out publicly that no First Lady has to be like any other First Lady, but that each, in the parlance of today's youth, should "do her own thing."

Addressing the Women's National Press Club, she urged that the "media's wide lens" allows all future First Ladies "freedom to do what comes naturally."

In an ABC television interview with Howard K. Smith, she said that every First Lady must be allowed to "hew her own way in this place."

They were gracious, kindly gestures, which may ease her successor's path.

But any way you look at it, Claudia Alta Taylor Johnson, 34th First Lady of the United States, is going to be a hard act to follow.

PRESIDENT RICHARD NIXON

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. HASTINGS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following editorial from the January 22, 1969, edition of the Jamestown, N.Y., Post Journal, one of New York State's distinguished newspapers. On this date when we have been honored in this Chamber by a visit from the President of the United States, I particularly want to commend this editorial to the attention of the Members. The editorial follows:

PRESIDENT RICHARD NIXON

Richard Milhous Nixon is the 37th President of the United States of America. It has been a long, tedious road for Mr. Nixon, but the qualities which carried him through to realize this triumph should stand him in good stead as he undertakes his awesome task of national leadership.

Narrowly defeated in his first bid for the Presidency eight years ago, routed in a subsequent campaign for Governorship of California, humiliated and embittered, Dick Nixon appeared to be at the end of the political trail. But he refused to surrender. Operating from a new base in New York, where he attained eminence and affluence in the practice of law, he continued his active participation in politics. Traveling the country from coast-to-coast he devoted countless hours of time and energy to Republican fund raising activities and the campaigns of other men, storing up a fund of political I.O.U.'s which he cashed at the 1968 Republican convention, meanwhile deepening and broadening his study of national and international affairs.

No man among Mr. Nixon's predecessors brought to the office a superior background of experience and training. Congressman, Senator, Vice-President, he has come to grips with all of the problems of both legislation and administration. If any President can be said to have assumed office with the ultimate of preparation, comprehension of public affairs, physical and mental vigor, Mr. Nixon is that man.

How he employs his talents remains to be seen. He assumes office at a time of both crisis and expectation; when divisive forces still rend the land, but when the hope that more tranquil days lie ahead has been enkindled.

The need, as Mr. Nixon himself sensed during the campaign, is not for further innovation, but for consolidation; a turning back from the adventure of experimentation in favor of a conservation of established values; a time of reconciliation, of national unification, of appraising objectives and weighing means; a time, in short, of conservatism in the best meaning of that much abused word.

The people have chosen Mr. Nixon to lead this restoration. On how fully he understands and how capably he responds to the assignment depend the immediate welfare of the nation and his own place in history.

NATIONAL MARITIME UNION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. DINGELL. Mr. Speaker, late last month the U.S. Tenth Circuit Court of Appeals handed down what well may be a landmark decision in the case of the National Maritime Union versus the Department of Defense; that is, Curran against Clifford. The court ruled that the Defense Department can be required to answer to seamen for noncompliance with Federal maritime laws. It further held that the Defense Department must look to the reserve fleet before deciding no U.S.-flag ships are available to carry military cargo. Finally, the court's decision pointed out the fallacy of the so-called effective control theory, which contends that American-owned ships using foreign crews under flags of convenience can be requisitioned by the United States in a time of emergency.

The National Maritime Union, the largest union of unlicensed seamen, has been battling for a long time to win the right to contest Government policies that undermine the U.S. merchant marine. It now appears that the National Maritime Union's court victory will lead to a showdown on Government maritime policies which the union has been seeking.

In its ruling the court of appeals decided that the 1956 cargo preference law for shipment of U.S. military cargoes was meant for the protection of seamen as well as shipowners and the Government.

This decision can be vital to the future of the merchant marine. All too often, maritime laws passed by Congress have been treated in a rather cavalier fashion by the executive branch, particularly the Department of Defense. The seamen and their unions can, if the Supreme Court upholds the circuit court, insist that the Government uphold the laws with a legal approach.

I include the statement of Mr. Joseph Curran, the union's president, on the effect of the court's decision in the RECORD following my remarks:

STATEMENT BY NMU PRESIDENT JOSEPH CURRAN ON DECISION OF U.S. COURT OF APPEALS IN CASE OF CURRAN AGAINST SECRETARY OF DEFENSE CLIFFORD, DECEMBER 27, 1968

The decision by the U.S. Court of Appeals on our case against the Secretary of Defense re its use of foreign flag vessels represents a breakthrough of great significance in our efforts to get reconsideration of government policies on the merchant marine.

The Appeals Court only "reversed in part" the lower court's summary judgment against us but this is what it means:

(1) *The Defense Departmnet can be required to answer to seamen for non-compliance with maritime laws.* The main argument against us in this was that the 1956 Act which states U.S. military cargoes must be carried in U.S.-flag ships was not intended for the protection of seamen and therefore we, suing on behalf of American seamen, had "no standing"; i.e., we had no right to sue. The argument was that the law was meant for protection of the government (and the DoD acted for them) and of the U.S.-flag shipowners (and they were not complaining) . . . The government based its argument on the fact that when the original cargo preference act was passed by Congress (Act of 1904) there were no provisions requiring employment of American seamen on American ships. The fact that the 1936 Act specified that it was to be national policy to maintain an adequate American merchant marine *manned by American seamen* made no difference, they claimed. It took a masterful job by our general counsel, Abraham E. Freedman, to establish that Congress actually had the protection of American seamen, as well as American shipowners, in mind when they passed the 1904 Act.

Our counsel was able to make a strong case on this point by excerpts from the 1904 House Committee report. The Appeals Court therefore, decided on this point that U.S. seamen *have* the right to take action against violations by the Defense Department. It went even further. The majority declared that seamen, through their union, "are perhaps the *only party with sufficient interest* to challenge the Defense Department's allegedly unlawful administrative practice and thereby to *vindicate the public interest* in an adequate wartime merchant fleet. The court pointed out that responsibility to challenge violations of maritime laws by the DoD could not be left to U.S. shipowners because they have interests in foreign, as well as U.S. flag operations. So the court decided that we have a *right* to sue and went on to indicate its belief that we have a *responsibility* to sue for the public interest, as well as our members' interest.

This is an extremely important point for all of maritime labor and for organized labor generally. It establishes that the Defense Department can be required to answer to unions for violations of law which injure American workers economically. This is going to mean a great deal to us not only in court actions but in our work in Congress and with government agencies on maritime policies and practices.

It doesn't matter whether in this case the court believes DoD violated the law or not (the indications are they don't think so) the important thing is that the court has ruled that we—as the representative of American seamen—*have the right to challenge the Defense Department* and when they are so challenged, the Secretary of Defense has to *prove* that their actions do not violate the legal rights of American seamen.

Up to now, where questions of defense are concerned, nobody could effectively question the Defense Department, which considered itself the sole authority on its own actions. Therefore, the Department has tended pretty much to ignore the intent of Congress and the public policy when it suited its purposes. This is the kind of answer we were getting from McNamara when he was Secretary of Defense and we protested Defense Department use of foreign ships for military cargoes to Vietnam. Even though they were running into one fiasco after another in which foreign crews would refuse to sail with U.S. military cargo, McNamara answered our warnings and protests with words to the effect that "this is Defense Department business and NMU can just mind its own business".

That's when we decided that since our business is protecting seamen we would have to force the DoD into a showdown and we took the case to court. The lower court accepted the old tradition that no worker or union have the right to question the Defense Department through a court action about their activities. We were brushed off by the lower court with a summary judgment based mainly on that contention. The Appeals Court has reversed that part of the judgment and thus established a very important precedent. But that's not all.

(2) *The Defense Department must "look to" the reserve fleet before deciding that no U.S. flag ships are available.* Much of the case against the Defense Department turned on whether or not American flag ships were available at the time the Department char-

tered the foreign flag ships we cited in our complaint. We claimed, among other things, that not only currently operative shipping but ships in the idle status in the reserve fleet must be considered "available". The Defense Department attempted to dismiss this argument with the bare claim that the question of bringing ships out of the reserve fleet, even if not bringing them out may mean there will be no American flag ships available for some military cargo, is for the Department alone to decide. The Appeals Court saw it more our way.

The court did not spell out what "look to" means; it made clear that there were plenty of reasons Defense could decide against calling up more reserves and it specified that it did not mean that entire reserve fleet had to be activated before DOD could turn to foreign flag ships. But the majority opinion that Defense has to first "look to" the reserves is important because it completely *rejects the idea that the Defense Department has "absolute and unreviewable discretion"* concerning whether or not ships are available in the reserve fleet. This establishes our right to challenge DOD through court action on grounds that it has not made proper use of the reserves in an emergency. It furthermore *gives added weight to our arguments between emergencies about the inadequacy of the reserve fleet.*

In order to comply with the laws and provide the protection the laws are meant to provide, DOD has to maintain an *adequate* reserve fleet and that means not only enough ships but ships that can be brought out in reasonable time capable of doing a reasonable job. The experience in the Vietnam sealift showed that the DOD had been sadly delinquent in that responsibility. We had enough ships in the reserves but they were obsolete and in terrible condition. It took too much time and money to get them operative. Even then they proved to be a hazard. The reserve fleet has been allowed to run down dangerously largely because of the policy expressed by McNamara many times, that ships of "friendly" allies can always be regarded as a reliable reserve. The folly of that policy was demonstrated in the Vietnam sealift along with the complete inadequacy of the reserve fleet we had.

The court has thus strengthened our hand in the long fight against administrative policies of reliance on "friendly foreign" ships and the neglect of our reserves. This can be useful in our efforts to get positive action on a maritime program by Congress and the new Administration.

(3) *The court pointed up the fallacy of the "effective control" theory.* One of the points we made was that, if no U.S. flag ships were available at the time of the events we cited, DoD then had a responsibility to requisition for use under U.S. flag, the runaway ships in the so-called "effective control" fleet. The government claims that these ships are available to us in an emergency and an important part of our unhealthy maritime policy is based on that claim. This would have been the time to put the theory to the test. The court did not agree with us, but in trying to justify its rejection of our point, the court unintentionally presented one of the most effective arguments against "effective control" that has been made by anybody outside the unions. Here are some excerpts from the decision:

"Yet the decision to requisition (effective control ships), *impinging as it does upon the sovereignty of another nation* is a political decision involving complex questions of foreign relations . . . Where clear congressional intent or even compelling reasons of policy indicate, we might *'pierce the flag veil'* and find such ships to be 'American' for certain purposes. Here there is no such clear intent and no such compulsion of policy. Hence we hold that foreign flag ships subject to American requisition are not 'American ships' for purposes of the 1956 Act."

These certainly are sound reasons for abolishing a policy which contends that foreign-flag ships can be relied on for our needs in a defense emergency simply because the owners have signed a paper stating that they will be available.

The "effective control" theory is another part of U.S. unwritten maritime policy that has been shown to be wrong time and again yet nobody but the unions has had the guts to challenge it. Here, a court which is in sympathy with the theory, wrong as it is, sets down in judicial language, the very arguments we have been using to prove it false and dangerous. It is a powerful argument against the "effective control" theory and we will make use of it in our further battles in courts, with Congress and the administration and on the waterfront to beat this racket.

AN UNUSUAL BUREAUCRAT

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. PURCELL. Mr. Speaker, undoubtedly one of the finest and most reasonable men I have had the opportunity to work with in Washington is Dr. Luther Holcomb, Vice Chairman of the Equal Employment Opportunity Commission. I have found his to be a sensible, quiet voice that "makes sense," and his thoughts have been well worth listening to, particularly in the field of human rights.

It was with no great surprise that I have found that others agree with me on this point; but, nevertheless, I was personally pleased to see the Louis Harris article in the Dallas Morning News used to describe Dr. Holcomb and shed light on just why he is considered "an unusual bureaucrat." Accordingly, I place the article, "An Unusual Bureaucrat," in the RECORD at this point:

[From the Dallas Morning News, Jan. 17, 1969]

DR. LUTHER HOLCOMB: AN UNUSUAL BUREAUCRAT

(NOTE.—The following column appeared recently in the Augusta (Ga.) Herald, Dr. Holcomb, highly respected in civic affairs of Dallas, was formerly director of the Greater Dallas Council of Churches.)

(By Louis C. Harris)

We have a regrettable tendency, those of us who do not always subscribe to the nostrums concocted in Washington as cures for what supposedly ails us, to regard all bureaucrats as impractical muddlers striving to extract sunbeams from cucumbers.

But such is not the case. In fact, I can now say that one of my very good friends is a bureaucrat!

The gentleman to whom I refer is Dr. Luther Holcomb, the vice-chairman of the Equal Employment Opportunity Commission whom I came to know for the first time in Athens last year when he spoke on a program of the Georgia Press Institute.

An ordained minister who originally hailed from Texas, Luther Holcomb is one man for sure who has not permitted his role in national affairs to warp one whit his ideals, principles, his sense of humor, nor his concept of fair play.

But because the mark of Washington was upon him I recall how surprised some of us were when, hearing Dr. Holcomb for the first time, we received an altogether rational and unemotional approach toward achieving equal employment opportunities for men everywhere.

It was with a large measure of delight—and with no surprise at all—that I read another of Luther Holcomb's speeches the other day after receiving a copy from Stan Smith, the general manager of the American Newspaper Publishers Association.

Stan sent along the speech to various newspaper editors around the country because it had to do, primarily, with the EEOC's ruling in connection with the use of sex labels in classified ads.

To eliminate any semblance of "discrimination" in advertising, EEOC said newspapers must no longer list ads under "male" and "female" classifications. Luther Holcomb dissented.

He contended that in such advertising the newspaper is not doing the hiring, but is simply providing a service to the advertiser. Thus, he said, EEOC has no jurisdiction, in the first place. By the same token, he argued, the classification of ads under the heading of male and female is a time-saver for those seeking jobs, as well as for those seeking employes.

Havoc will result, he pointed out, if personnel departments are besieged with male applicants unwittingly applying for jobs modeling feminine apparel, or with female applicants for the position of locker room attendant at a mens gymnasium.

As thoroughly in accord as one might expect me to be with Dr. Holcomb's premises, I found far more impressive what he had to say, later on in his talk, as he offered his audience "some observations on issues pertinent to the times."

"Despite America's seemingly infinite capacity for growth and flexibility," he said, "the truth is that our society as now organized has been stretched taut . . . America is 'supercharged.' 'Hyperemotionalism' is on the rise. As a nation, as a people we are capable of creating the greatest good for the greatest number, but we are also capable through self-deception of bringing chaos upon our society." Then he said:

"The time of divisiveness is over. It is now our solemn obligation to stand united and occupy ourselves with the fundamentals and imperatives of the transition to a new administration . . .

"Our new president-elect is aware of the gravity of our social cleavages, but he alone cannot restore unity. Although he has been chosen to lead our nation, the people must cooperate by following. We must learn to respect each other despite our diversities and to trust each other despite our differences . . . I believe every American should commit himself to unite in spirit with the president."

As for the job he holds, Dr. Holcomb explained that the original concept of Title VII of the Civil Rights Act, which created EEOC, "was to acknowledge the existence of job discrimination, to make the public aware of it, and by elimination of job discrimination to give minority groups the 'opportunity to achieve' that is uniquely American. It was never intended," he added, "that Title VII become a permanent part of the functions of the federal system . . ."

Said Dr. Holcomb: "The private-enterprise system is the backbone of America. American business is known for its creative and progressive techniques, and those innovative methods must be put to use in eradicating discrimination in employment opportunity.

"Likewise," said he, "government must seek a commonsense, down-to-earth approach to problem-solving at every level. Past bureaucratic methods must be alleviated. Government and business, working together, must develop an equitable way to include minorities in every aspect of American opportunity. A revolution of responsibility on the part of all Americans—including minorities—must occur."

Just as I said, Luther Holcomb is an unusual bureaucrat. We need more like him.

REVENUE SHARING ENDORSED

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. SCHWENGEL. Mr. Speaker, during the recent election we heard a good deal about the need for new and better answers to the solution of this Nation's problems and, indeed, the new Cabinet members designated by President-elect Nixon have used the same phrase extensively. One of the problems in need of a new and better answer is that of financing for our State and local governments. This is really a two-headed problem, in that control of the purse strings implies, if not assumes, control of the entire program. We are all aware of the increasing concentration of revenue from the tax dollar and the corresponding control and authority in Washington, D.C. I have offered a new and better answer to this problem in the form of a bill for revenue sharing, H.R. 663. This bill returns a substantial share of our revenue to the States with no strings attached. The bill also provides for credit for taxes paid to State and local governments to encourage to do their "fair share" to meet their own revenue needs. Substantial support has been generated for this concept. The Muscatine Journal recently endorsed my bill, and under unanimous consent I submit the editorial for inclusion in the Record as evidence of the growing support for this concept:

[From the Muscatine (Iowa) Journal, Jan. 9, 1969]

Revenue Sharing Sought

It has been calculated that the federal government is currently collecting 65 per cent of all taxes gathered in the United States, with local governments getting 20 per cent and states 10 per cent.

Editorial Research Reports indicate that in the decade ending in 1968, federal tax collections rose 103 per cent; state collections went up 140.2 per cent; and local governmental collections mounted 109.7 per cent.

Meanwhile state governments are feeling a financial pinch . . . with the indications that some additional levies are in prospect at the state level. Local taxing bodies may also boost levies in many areas, surveys have indicated.

Hence it is that hard-pressed governmental bodies at the non-federal level are looking toward Washington for a measure of relief.

One of the measures aimed at prying some extra cash from Washington is a revenue-sharing bill introduced in Congress by Rep. Fred Schwengel of the First Iowa district.

Under the Schwengel bill 5 per cent of the income taxes collected by Uncle Sam would be returned to the states. Ten per cent of the rebate would be to the poorest one-third of states. A different formula would govern distribution of the remainder.

Gov. Nelson Rockefeller of New York, in a speech last fall, noted that out of a total 65 per cent of the U.S. tax take by federal authorities, the federal government returns only about 9 per cent in the form of categorical grants to localities "with an eyedropper wrapped in red tape, so to speak."

Rep. Schwengel, in commenting on his revenue sharing proposal, noted that there are now more than 400 categorical grant programs in effect, which he asserts make it increasingly difficult for state and local governments to have sufficient latitude in setting their own priorities.

"To take advantage of Federal tax money, they must follow Federal priorities. Revenue sharing would allow local government to more effectively meet its problems and would certainly lower the overall cost to the taxpayer."

These objectives are laudable. Rep. Schwengel admits his bill isn't perfect, and work is underway to improve it. But if it will lower the cost to taxpayers and contribute to the effectiveness of local government, ample help should be available.

CRIME FIGURES FOR WASHINGTON SHOW NEED FOR IMMEDIATE ACTION

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. ROGERS of Florida. Mr. Speaker, the latest statistics on crime in the District of Columbia released by Police Chief John B. Layton show the need for immediate action by the Congress to stem this shocking trend.

I have introduced legislation to authorize additional manpower in the judicial system of the District to complement the existing effort to expand the law enforcement personnel.

The need to act is great, and I insert at this point in the Record for the benefit of my colleagues an article from the January 28, 1969, issue of the Washington Evening Star which dramatizes the situation:

District of Columbia Crime Index Climbs Higher as Nixon Maps Drive—12-Month Total Up 25 Percent—November Rapes Put at One Daily

Crime in Washington was running more than 25 percent above the previous 12-month total at the end of November, according to statistics released today by District Police Chief John B. Layton.

The latest monthly crime figures—showing nearly one rape a day during November and 1,074 robberies—were routinely made public less than 24 hours after President Nixon called the city's crime rate "a major problem."

At his first White House press conference yesterday, the President also said he will propose a new program this week dealing with crime in the District.

Nixon said he had instructed Atty. Gen. John N. Mitchell to prepare the program on "an urgent basis." He added that the city's crime problem was brought "very close to home" when a White House employe was the victim of a pursesnatching as she left work one evening last week.

"Therefore, we have turned on all the lights in all of that area, I can assure you," the President added.

SHARP RISE NOTED

As District Mayor Walter E. Washington and other city officials indicated surprise at learning of Nixon's imminent crime proposals, Chief Layton's office said the index of reported crimes in the District last November had increased by 23.2 percent over the totals for November 1967.

All seven categories in the crime index showed increases last November over the corresponding figures for that month in 1967.

The biggest increase—123.1 percent—was in rapes (29 last November, compared with 13 in November 1967).

Robberies increased 107.3 percent (1,074 vs. 520); homicides, 64.3 percent (23 vs. 14); auto thefts, 30.4 percent (1,086 vs. 833) aggravated assaults, 10.4 percent (277 vs. 251; burglaries, 1.4 percent (1.415 vs. 1,396), and larceny over $50, up 1.1 percent (1,415 vs. 1,396).

The chief's report noted that crimes against persons—excluding such categories as auto thefts and burglaries—amounted to 30 percent of total offenses during November, compared with 25.6 percent of the total in October.

The 23.6 percent over-all increase in comparing November 1968 with November 1967 was not the largest such boost last year. The year-to-year June total had risen by 37.5 percent, for example, while July was up 35 percent and September 25.7 percent. October's year-ago increase was 18.5 percent.

For the 12 months ending Nov. 30, the only crime category showing a drop was aggravated assaults, downs 3.2 percent from the 3,186 reported in the previous 12 months.

Other 12-month comparisons at the end of November: rapes up 53.9 percent to 257; robberies up 45.7 percent to 8,131; auto thefts up 35.5 percent to 11,199; burglaries up 24 percent to 17,658; and homicides up 9.4 percent to 187.

NEW JUMP INDICATED

And another increase in at least one category appears to be in the works for the current month. A preliminary survey made by The Evening Star yesterday showed 574 armed robberies through Sunday—not including unarmed robberies such as yokings, pickpocketing and the purse snatching from the President's employe and other women.

Nixon's statement that he was planning an anti-crime program for the District appeared to catch Mayor Washington by surprise, but within hours of yesterday's White House press conference the mayor was announcing progress "in all areas" of his own two-week-old anti-crime drive.

"I welcome all the help we can get in the city," the mayor said, referring to the President's statement.

Washington last night said additional police recruitment resulted in the signing up of 49 new patrolmen, 2 more policewomen and 13 police cadets.

"We have made progress in all areas of our drive, we see some improvement," the mayor remarked.

DELAYS SENATE APPEARANCE

In another development, Washington asked for and received a postponement of his appearance before a Senate Judiciary subcommittee looking into changing the Bail Reform Act.

Sources reported the city has been working on a draft of an amendment to the District Bail Reform Act, and that the mayor postponed his testimony because he was not satisfied with what he and aides had come up with.

The mayor also met yesterday with District Health Department and police officials on drug addiction. He said officials are finding "an amazingly high number of crimes related to drug addiction, particularly among younger offenders." He said drug addiction programs will be strengthened and expanded.

SUPPLEMENTARY EDUCATIONAL PROGRAMS IN DAY CARE CENTERS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. KOCH. Mr. Speaker, on January 23, I joined the gentlewoman from Hawaii (Mrs. Mink) in cosponsoring a bill entitled "Preschool Centers Supplementary Education Act." Its objective is to expand and upgrade the educational capabilities at child day care centers which are now primarily custodial in nature. For this purpose, funds of $300,000,000 are authorized annually for each State on a pro rata basis.

Medical research has determined that the earliest years are the most important in child development, since environment is a major factor in molding the basic characteristics and traits of the adult. Thus it is an important investment in future generations that we make available to our young people the best possible opportunities for a healthy and creative educational environment.

With an increasing number of young mothers entering the job market, more and more preschool children are entering the day care programs. The Headstart program for underprivileged preschool children provided an effective means of reaching those children who might otherwise have been lost to the society. Expanding the day care centers to set up educational programs will provide similar opportunities to children who do not qualify under existing Federal programs. It would make these early years productive, not only for the child but for society as well, and would greatly enhance a child's chances of fulfilling his capabilities.

GEORGE H. LEHLEITNER, OF LOUISIANA, HONORED WITH HAWAII'S SPLINTERED PADDLE AWARD

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. MATSUNAGA. Mr. Speaker, Hawaii achieved statehood 10 years ago as the result of contributions by countless individuals. One who worked tirelessly and endlessly in the cause of statehood for Hawaii was only recently honored in Hawaii. He is George H. Lehleitner, a New Orleans appliance dealer.

At a recent luncheon meeting of the Chamber of Commerce of Hawaii, Mr. Lehleitner was presented the award of the Order of the Splintered Paddle in recognition of the substantial contribution he made both of time and personal wealth in the fight for Hawaii statehood. In presenting the award to Mr. Lehleitner, Gov. John A. Burns, of Hawaii, noted that the honor was long overdue. The Governor added:

> No one—although there were many laborers in the vineyards—no one made a greater contribution to Statehood for Hawaii.

The Splintered Paddle Award, of which Mr. Lehleitner is the 23d recipient, is said to have derived its name from a decree by King Kamehameha I, which is regarded as Hawaii's first bill of rights.

Passed on from generation to generation in Hawaii, the Kamehameha decree imposed a death sentence upon anyone who attacked or set upon women and children, the aged or the helpless as they went about their way. In a historical sense, it was the forerunner of America's Safe Streets and Crime Control Act. The Splintered Paddle Award has been made annually since 1956 to men who have made "the greatest contribution to their fellow man and Hawaii without thought of personal gain." Former President Dwight D. Eisenhower was the first recipient of the award.

There is indeed no higher honor that could be bestowed upon such a distinguished friend of the 50th State. His support was particularly effective among the southern legislators who formed the core of the statehood opposition. We in Hawaii owe George H. Lehleitner an enduring debt of gratitude, and I believe that my colleagues will find of great interest John Bilby's story of this unique award, as published in the Honolulu Advertiser of Friday, January 17, 1969:

HAWAII HONORS A SELFLESS FRIEND

(By John Bilby)

The highest award of the Chamber of Commerce of Hawaii, the Order of the Splintered Paddle, yesterday was presented to a man who, in the words of Gov. John A. Burns, "is known to few people in Hawaii."

George H. Lehleitner, a New Orleans appliance dealer, received the coveted honor for his years of key efforts on behalf of Hawaii Statehood.

Lehleitner spent close to a quarter-million dollars of his own money during years of mustering vital political and public support on the Mainland for Statehood.

The first recipient of the Splintered Paddle award was former President Dwight D. Eisenhower, in 1956.

Among other recipients have been Walter F. Dillingham, Duke Kahanamoku, Adm. Arthur W. Radford, Conrad C. Von Hamm, Samuel Wilder King, Riley H. Allen, Adm. Harry D. Felt, U.S. Sen. Oren E. Long, Arthur Godfrey and Raymond S. Coll, for many years editor of The Advertiser.

Outgoing Chamber President Ralph T. Yamaguchi said the award is presented to men who have made "the greatest contribution to their fellow man and Hawaii without thought of personal gain."

Gov. Burns, who presented the award during the 119th annual meeting of the Chamber before a capacity audience in the ballroom at the Royal Hawaiian Hotel, said:

"For years he (Lehleitner) spent every waking hour working for Statehood for Hawaii." He would accept no reimbursement for his heavy expenses, the Governor said.

Lehleitner's interest in Hawaii began during World War II when he commanded a troop ship in the Pacific.

He was sympathetic to a population which he felt suffered injustice as second-class citizens under military rule, Burns explained.

Opposition to Hawaii Statehood was particularly hardened in the South. Lehleitner traveled constantly, seeking to convince Southern congressmen they should favor Statehood and at least not fight it.

A turning point in the Statehood battle occurred when he came to Hawaii to assist Gov. Burns—then Territorial delegate to Congress—in changing the mind of Louisiana's influential Sen. Russell Long, who thereafter was one of the staunchest Statehood proponents.

"I will always treasure the award because it is so uniquely Hawaiian," Lehleitner said.

He said no single person deserved credit for the victory. "There were many architects of Statehood."

But he told the audience that "with your permission" he would cite one: "Your own editor of The Advertiser, George Chaplin."

Lehleitner said Chaplin, then editor of the New Orleans Item, wrote editorials almost monthly urging Statehood. "Those editorials were frequently reprinted," he added.

He said that this Mainland activity coincided with the local journalistic efforts of the late Riley Allen, Lorrin P. Thurston, William Ewing and A. A. Smyser.

"If I should be reincarnated on earth," the award recipient said, "I would like it to be as a keiki o haina o Hawaii."

During the recent years that he has not visited Hawaii, he has frequently been asked, he said, if the spirit of aloha still exists.

He told Chamber of Commerce members from Oahu and several other Islands and their guests anecdotes that proved to him that "I will be able to return to the Mainland with an emphatic 'Yes!' "

Arriving by plane at Honolulu Airport with little time to make an inter-island plane connection, he was told he could catch a green shuttle-bus to the other departure area.

Lehleitner said he went outside the terminal and a green station wagon came along in a few minutes. Several other persons got in.

He told the driver where he was going and the driver replied. "Sure. Where's your bag?"

It was only on arriving at the other terminal that he found he was in a private vehicle which had come to meet arriving friends.

Lehleitner's expressions of apology and embarrassment were brushed aside. "This is Hawaii," the driver told him.

Nowhere else does one encounter the spirit of aloha," Lehleitner said.

Before the presentation, Gov. Burns related the story from which the award got its name.

"While plundering off the Puna Coast as a young man, King Kamehameha I skirmished with two fishermen.

"His foot slipped into a crevice of lava rock and held him fast. One of the fishermen, seeing his helplessness, struck him on the head with his paddle so hard that the paddle was splintered.

"Kamehameha escaped, but years later, after he became king of the Hawaiian Islands, he conducted an extensive search for the two fishermen and found them.

"Although they admitted their guilt, Kamehameha decreed they should be spared, but mandated that henceforth, any wanton attack upon the innocent or the helpless should be punished by death. Thus," said the Governor, "the Law of the Splintered Paddle was promulgated—the first Bill of Rights in Hawaiian history."

ROBERT A. EVERETT

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. TEAGUE of Texas. Mr. Speaker, along with all other Members of the House I was terribly saddened by the passing of our dear friend and colleague from Tennessee, the Honorable Robert A. Everett.

He has served on the Committee on Veterans' Affairs every since he was first elected to Congress, and I found him to be a diligent, hard-working, courteous and considerate member of our committee. He was particularly interested in the field of medical care, and visited many of our Veterans' Administration hospitals, and on more than one occasion was instrumental in correcting deficiencies which had appeared at one of these installations.

For several Congresses he was chairman of the Subcommittee on Insurance and played a leading role in the hearings and debate which led to the enactment of the servicemen's group life insurance program providing automatic coverage for all those individuals who serve in our Armed Forces today.

He was chairman of the special Subcommittee on Intermediate Care which held hearings here in Washington, D.C., conducted field investigations throughout the United States, and compiled a mass of data which led directly to the enactment of the nursing care program as found in Public Law 88–450. It seems to me that if one monument is to be attributed to this fine gentleman no more appropriate one could be devised than this public law which has already benefitted thousands of our older veterans and will truly benefit thousands more in the immediate period ahead of us.

We shall miss him in the Congress for his good humor, good commonsense, and devotion to serving the people of his district and our country at large. With his mother and other relatives, I share the deep sense of loss which they have experienced along with all of us in the Congress.

THE INDEPENDENT SECTOR

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. ASHBROOK. Mr. Speaker, a short but excellent explanation of possible future citizen participation in combating the country's social ills appeared in the Philadelphia Inquirer of January 28 under the byline of Don Oberdorfer and entitled, "Volunteers To Spark Social Reform Drives."

Expanding on President Nixon's intention "to enlist the legions of the concerned and the committed," the columnist highlighted the possibilities inherent in the independent sector, that segment of our society between the governmental and private business sectors characterized by individual effort and initiative on a voluntary basis.

Mr. Oberdorfer explores some of the possibilities which are being entertained by the new administration in its emphasis on the individual and his ability to assist in solving public problems.

I include the above-mentioned column in the RECORD at this point:

ROMNEY HOLDS KEY ROLE: VOLUNTEERS TO SPARK SOCIAL REFORM DRIVES

(By Don Oberdorfer)

WASHINGTON.—The Nixon Administration is preparing a Government-wide and nationwide drive to pit millions of citizen volunteers against the country's social ills. Some Presidential aides say this program of Government-encouraged "voluntary action" will be "a central theme" of the new Administration.

Mr. Nixon struck the keynote of this theme in his inaugural address. "We are approaching the limits of what Government alone can do," he said then. "Our greatest need now is to reach beyond Government, to enlist the legions of the concerned and the committed."

A chief evangelist in enlisting those legions is to be George Romney, Secretary of Housing and Urban Development, who has been placed in charge of planning the voluntary action effort. Romney has scheduled a preparatory meeting this week with a small group of experts, including Robert Finch, Secretary of Health, Education and Welfare.

Romney and Finch—like Mr. Nixon himself—are devotees of the idea that vast and untapped energies of volunteers in an "independent sector" (between the Government sector and the private business sector) can transform the nation. Romney established programs to encourage voluntary action against social ills in Michigan during his tenure as Governor, referring to it as "the better way of solving most public problems." Finch is coauthor of a book on "independent action," calling it "the great third force in American life" and "The starting point for a new American politics."

Mr. Nixon began in 1965 to extoll the idea of an "independent people's sector" as a way to solve national problems without bigger Government. In a campaign speech last Oct. 6 on "the voluntary way," he expanded on his earlier ideas, making several promises of action if elected, and declared that "the President should be the chief patron of citizen efforts."

In recent private discussions with his Cabinet members and staff aides, Mr. Nixon reportedly referred to the proposed voluntary action program as "crucial" to his Administration. But he has noted, too, that the Government must be very careful not to take over citizen volunteers in an effort to stimulate and channel them. "The problem," said one of his advisers, "is how to lend the backing of the government to this without making it involuntary action."

Within this framework, Nixon advisers are considering a variety of proposals to stimulate voluntary action. Among them are:

A mixed public-private organization under Federal charter, similar in makeup to the semiofficial American Red Cross, with the job of stimulating drives for voluntary action in urban ghettos, rural slums and even neglected areas of burgeoning suburbs. Such an organization has been recommended by a Nixon-sponsored task force on voluntary action, headed by Richard C. Cornuelle, former vice president of the National Association of Manufacturers and the godfather of independent action.

A Federally-sponsored "computer bank" to serve as a national clearing house for information on successes and difficulties of independent action throughout the country. Mr. Nixon promised such a computerized clearing house in his Oct. 6 speech. An official of the Defense Department comptroller's office, Roger Feldman, has been detailed to draw up the plans. Under initial proposals, it would be possible for volunteers anywhere in the nation to obtain a quick computer printout listing precedents and available U. S. help for any project they are planning.

A Presidential challenge to all citizens, churches, business organizations and civic groups for 100 days of study of neighborhood and local problems, followed by an explicit commitment of volunteer efforts best suited to their solution.

—For outstanding voluntary efforts, Presidential awards—similar in nature to the wartime Navy "E" for efficiency—to be made in person at the White House. Among the models under study is Gov. Ronald Reagan's award for "creative citizenship" in California. Mr. Nixon suggested Oct. 6 that through White House recognition, today's President could do for voluntary action what Franklin D. Roosevelt did for the March of Dimes.

—Designation of officials in each Federal agency and department to push Federal efforts encouraging independent, voluntary citizen action. Romney has already asked each department of Government to investigate its responsibilities for public participation. "I will expect Federal departments concerned with social problems all to be actively dedicated to the stimulation of new voluntary efforts," Mr. Nixon said on Oct. 6.

—Establishment of a U.S. office of Voluntary Service, to include the VISTA program of the present War on Poverty, the Teacher Corps, a new student-teacher program to enlist high school and college students part-time, and perhaps the Peace Corps. Such a consolidation of volunteer-oriented Federal programs was suggested as "logical" by a Nixon task force on welfare headed by Richard Nathan, now assistant director of the Budget Bureau.

While the emphasis may be greatly increased by Mr. Nixon and the Federal effort expanded, volunteer programs have been a familiar part of many U.S. efforts. The veterans Administration Voluntary Service has been enlisting volunteers in hospitals for 20 years.

The Nixon camp, however, appears to have a much greater level of activity in mind. There is talk of "an army of volunteers" to clean up the slums, teach young and old to read, counsel youthful troublemakers and even work on a couple-to-couple basis to patch up matrimonial difficulties.

"We can't continue to shift private responsibilities to Government without our way of life collapsing," says Romney in discussing the need for the new program. "However, I don't visualize this as a substitute for the magnitude of current effort by the Government to solve our problems, which are far too great for the resources now being applied."

Some people, however, do see a volunteer program as a substitute for Federal efforts, and as a way to reduce the political steam behind larger Federal appropriations and programs aimed at social ills. The conservative appeal was summed up by Cornuelle, guiding light of the independent action movement, in "The New Conservative-Liberal Manifesto," a book he coauthored with Finch last year.

"Suppose you believe in limited Government and clean air," wrote Cornuelle then. "If only Government seems able to make the air clean, you have to abandon either one ambition or the other. But if the best way to keep the air clean is by non-Government action, you can have your cake and eat it. That's exactly what we're finding out as we suddenly discover the forgotten American tradition of solving public problems by independent action."

In his 1965 book, "Reclaiming the American Dream," Cornuelle asserted that it fully mobilized, the "independent sector" of businesses, unions, charitable and private groups and volunteers could solve virtually all of the nation's problems, including unemployment, poverty, the farm problem, juvenile crime, pollution, * * *, racial segregation and inadequate education. Asked last week if he still believes independent action can do all this, Cornuelle answered, "Yes, I do." But added: "I'm glad that I didn't say when."

CALIFORNIA AGRICULTURE

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. PETTIS. Mr. Speaker, although the Federal Government has spent billions of dollars in agriculture subsidies, and is continuing to do so, there is one

State which has been able to survive and maintain its No. 1 position in agriculture with little Federal assistance. At a dinner which I attended recently, it was refreshing for me to hear Mr. Robert McInturf, president of the Agricultural Council of California, make the following remarks about California agriculture:

CALIFORNIA AGRICULTURE

It is a great pleasure for me to welcome you on behalf of the Agricultural Council of California, your host for this the second event to honor the California Congressional Delegation and our distinguished guests. The first such event took place three years ago, and I'm happy to see the response from members of Congress, their administrative assistants and wives for this affair is equally as gratifying as the first. This in spite of the fact that each of you have another important function to attend tonight.

The Agricultural Council of California, representing some 70 major agricultural cooperatives with approximately 100,000 farmer members throughout our state, is this year celebrating their 50th Anniversary of service to California agriculture. Although most of the Council's activities fall in the field of legislation, education and public relations within our State, they have found it necessary the past few years to also represent California Cooperatives and agriculture on a national basis. We want to thank each member of the California Delegation for their cooperation when we have called on them here in Washington.

Your dinner here tonight was made up entirely of products grown and marketed cooperatively in California. These are but a few of the 230 crops that are grown commercially in our state, and that have made it the number one agricultural state in the nation. Our number one industry, agriculture, accounts for in excess of four billion dollars gross income annually with one-third of this amount being marketed through our agricultural cooperatives.

We feel that the strength of our cooperatives in California has contributed significantly to the fact that only five of our 230 crops receive federal subsidies and the income from such subsidies accounts for less than two percent of our annual farm income.

It is interesting to note that while California agriculture continues to contribute over nine percent of the total gross farm income for the nation, its share of the net farm income has declined over the past ten years from nine and one-half percent to six percent. This means, of course, that the cost-price squeeze has been felt more keenly by farmers in our state than in any other state of the nation.

California farm workers enjoy the highest average farm wages with greater benefits than anywhere in the country, yet harassment of farm labor has been more acute in our state than in all other states combined. Although, we would like to be paying even higher farm wages, we have not yet figured a way to automatically add on 15 percent to the price of our commodity to supplement the wages of our employees, as is the case with many restaurants and was the case with this dinner served tonight. California agriculture, with its wide diversity of crops has problems that are unique to our state. Legislation that would put California at a competitive disadvantage with other parts of the country could have a serious effect on the economy of our state.

The next few years will be critical for agriculture. Our industry has made this the best fed nation in this World, with the consumer spending a smaller percentage of his spendable dollar for food each year, in fact, a decline from 26 percent twenty years ago to 17 percent today. Agriculture can afford this subsidization of consumers only if its farmers, too, share in the fruits of their efforts.

CZECHOSLOVAKIA

HON. SILVIQ O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. CONTE. Mr. Speaker, under the leave to extend my remarks in the RECORD, I would like to insert the final two articles on Czechoslovakia, written by F. Stephen Larrabee, which appeared in the Greenfield Recorder, on October 1, 1968, and October 2, 1968:

CZECHOSLOVAKIA—3

(By F. Stephen Larrabee)

(NOTE.—The author, a Deerfield resident who is a student at Columbia University, was in Czechoslovakia last week. This is the third of four articles he has written about life inside that torn country, all part of a longer series he is doing on his month-long tour of Europe.)

Prague in September, 1968, is a city shocked and confused by events it is powerless to control. It is a city living in hope and verging on despair. The mood of the city fluctuates with every new rumor that flutters through its coffee houses and beer halls. Today the mood is sober, but the sobriety is marked by an anxiety and fear. There is general feeling that things can only get worse not better.

Many people don't actually expect that the country will be thrown back into the dark days under Novotny, the Stalinist leader purged in February by the Dubcek progressives, but they are unsure of how much of the liberal reforms can be salvaged in the face of Soviet denunciation backed by force. They know only that they had a dream and now it is dead.

Many Czechs still haven't recovered from the impact of the invasion. The traumatic event has deeply affected the whole nation psychologically. Everyone seems to think in terms of the event. Time is marked from "that day" or from "August 21" and from "February' when the Dubcek progressives came to power. The day and the year have become infamous dates that will take their place along side those of the Munich pact in 1938 and the Communist coup in 1948. For many Czechs the invasion was a sort of surrealistic nightmare that changed from fantasy to grotesque reality as the days passed.

But if the event has touched the deepest cord of the nation, it has also produced a national consciousness that was unknown before. The unity of Czech and Slovak has been assured and both peoples are determined that it shall remain. The unity of the people behind their government is quite astonishing. Everywhere a visitor goes he sees the names of Dubcek and Svoboda. It seems as if every second shop has a picture of the two men taped to the window.

Often the Czech colors are displayed beneath the pictures of their leaders or sometimes even flowers. The men have, in a very real sense, become heroes. They have become the embodiment of an ideal which the Czech people are determined shall not die.

This solidarity is just not visual; it is an all-pervasive fact. A poll which appeared in The Reporter, one of the liberal Czech papers the Russians have banned, showed that 90% of the people in Prague who were polled replied that they had the most confidence in Dubcek, as the most trustworthy of their leaders. When asked whether they thought that there had been danger of "counter-revolutionaries" an astonishing 93% replied "No", 2% replied "Yes", and 5% answered "don't know." 79% replied "Yes" to the question, "Do you think that the present unity will remain?"

A visitor can notice other manifestations of this unity. Many traffic signs have been taken down or reversed. Streets signs have been removed from cornices of buildings. Czech policemen are ignorant of how to get to the center square or the most famous national monuments. Slogans such as "Moscow 2000 miles" or "Russians go home" are scrawled on walls and kiosks. And always, everywhere, the names Dubcek and Svoboda are written wherever space can be found.

At night the city closes up early. There is little celebrating to do. Most people rush home to listen to their televisions and radios in hope of making some sense from the chaos of the last few weeks. While most of the Russian troops have been removed from Prague to the outskirts of the city, some few soldiers do remain. Here and there one sees an Uzbek infantryman or perhaps a conscript from Baku. But such a sight only provokes the Czechs and reminds them of their loss.

Almost every Czech I met told me of some incident of stupidity or callousness on the part of the Russian soldiers. Many told me stories of soldiers who did not know where they were. Some Russians even thought they were in West Germany. Others thought they were on maneuvers somewhere in Poland. Of course, they soon learned otherwise, but this seemed only to confuse, even agitate, them. Many Czechs expressed disbelief at the "barbarism" and "stupidity" of the Russians. Over and over again I heard the word "animals" used to describe the Russians.

The invasion has undoubtedly affected many Czechs very deeply and very personally. It has left a scar that will never properly heal. It may not bleed but it will always ache. And no matter how the surgeons in Moscow choose to treat it, there will always be the danger that it will suddenly hemorrhage and require specialists on call—and expensive supplies near at hand—which can be rushed in immediately. Under such conditions the operation and other surgical requirements can hardly be termed a success.

Some attempts at healing were already underway when I was there. One night as I walked through the deserted streets of a silent and empty Prague, a Soviet army truck roared around the corner and as it passed me, three copies of Pravda, the paper of the Communist Party of the Soviet Union, were tossed at my feet from within the truck. No Czech bothered to even give them a passing glance. I left the corner with all the copies undisturbed.

Despondently, many times bitterly, the days from February to "that day" are recalled. Those months were a sort of golden age to many Czechs. They talk of the period with exhilaration, then often lapse back into a quiet reflection when the consciousness that the days have ended begins to sink into their minds. As one Czech said to me, "We were free, really free. People could speak whatever they wanted. Papers printed all the news, not just propaganda. It was really exciting . . . but now . . ." Another told me of returning from holidays in the West a few weeks early because she felt that "Czechoslovakia was the most exciting place to be." People looked to the future with optimism and hope.

A correspondent explained the difference to me by saying that under Novotny most Czechs created a psychological state for themselves which he termed "internal migration." They cut themselves off from the outside world and withdrew into their own little world which consisted of their job, their family, their leisure time, perhaps. They took no interest in politics. Most didn't even bother to read the newspapers. Then when Dubcek came to power, everything seemed to change. Suddenly there was a new resurgence of interest in politics. People awoke and in many instances politics even became the focal point of interest.

For many Czechs now, however, the critical decision is whether to stay and wait out the storm or leave before it breaks. Quite a few had the feeling that if they were going to leave, they would have to do it soon. At present, Czechs can obtain a visa without problems, but no one knows how long this situation will last. Many of the older people I talked to were resigned to staying but they expressed concern for the younger generation. Many it seemed, felt they were watching history repeating itself. They had witnessed the German occupation in 1938, the communist coup in 1948, and now the Soviet invasion in 1968. They didn't want the younger people to bear the burdens they had borne. As I listened, I remembered the words of a young Hungarian I had known years ago who had said to me, "Yes, of course I love my country, but it is not really my country."

At this moment, when much is still confused and clouded with ambiguity, one thing is certain: resentment and hostility to Russia is deep and bitter. Socialist "brotherhood" is dead in Czechoslovakia. What exactly will replace it is yet unclear. Much depends on the men in Moscow and events that will be affected behind closed doors in the Kremlin. And so tonight, as in so many nights in the past weeks, the people of Prague will return home to their televisions and radios. And they will watch and they will wait.

CZECHOSLOVAKIA—4

Prague is a strange mixture of old and new, East and West. Its roots are Western, from the home of Franz Kafka to the old Germanic Rathaus that marks the center of the "old city."

It is also an incredibly beautiful city, not unlike Paris in its quaintness and charm. And it is this beauty and charm that first strikes a visitor, reminding him by its architecture and narrow, cobblestone streets winding back among buildings which date back to the early Middleages that this city was once one of the cultural centers of Europe.

The Gothic spires of its churches and cathedrals that rise high above people scurrying along the streets below and the richness of their interior with their religiously inspired painting and sculpture reflect the Western origins of the city. The city is divided by the Vlata River.

The opposite sides are connected by a series of bridges which give the city a very ancient flavor. One can walk along the bridges in much the same way that one walks along the "ponts" of the Seine in Paris.

All this contrasts quite strikingly with the Skodas and Tartras—two makes of car manufactured in Czechoslovakia—which have a very non-western look and which zip through the narrow, cobblestone streets of the city with astonishing frequency. In fact, I was quite struck by the number of cars in Prague, and Czechoslovakia in general. It is still quite difficult to buy a car. They are expensive and one must order it, then wait, often several years, before actually getting it.

But still more and more Czechs seemed to be taking to the road. The Skodas are small, functional cars, not unlike Fiats or Peugeots in design. The Tartras are the luxury cars, often used by the government for official purposes. They are big, heavy, and almost always black. The car has tailfins, like our old Cadillacs, and the result is a rather ugly, rocket-shaped vehicle which looks like it belongs in a Flash Gordon movie rather than on the picturesque streets of Prague.

Prague also has a surprising number of neon signs, at least for a Communist city. It doesn't look like Los Angeles, of course, but the lights do give the city some color without being at all garrish. The windows of the shops are tastefully decorated which tends to brighten the city as well.

The people, even in the wake of the recent invasion, bustle about, making the city seem far more lively than any other Communist city which I have visited.

They are relatively well-dressed, and looking at many of them, a visitor might easily think he was in a Western city. Many girls wear mini-skirts matched only by those in London. That the younger generation should have long hair is an indication of the "westernization" (read "decadent bourgeois influences" if you are Russian) that has been increasing as more and more Czechs have been allowed to travel to the West in recent years.

A visitor might also be quite struck by the assortment of films he can see in Prague. I saw advertisements for "My Fair Lady" with Rex Harrison and Audrey Hepburn, A Laurel and Hardy comedy, a recent Peter O'Toole film, and "Spartacus" with Kirk Douglas. And of course a visitor can see many of the highly-praised Czech films which are being viewed by more and more people in the West today.

Another interesting experience is to go to a nightclub for young people. There the visitor will find the anti-socialist forces have been hard at work undermining the values of the young: the music is mostly rock and roll—Beatles, Rolling Stones, etc.—rendered into Czech when possible. When the band trys to play some other rendition, the visitor may witness, as I did, the students stamping their feet in signs of disapproval.

The standard of living in Prague is not high by western standards, but it is still quite good. Food shops are well stocked. In snack bars it is possible to order milk shakes, and one sees all sorts of delicious looking ice cream Sundays in the windows. Judging by the clientele—youngsters, oldsters, workers, and party officials—it would seem that such foods are by no means luxuries.

I paid about 15 cents for my strawberry milkshake. It was as good as anything I have had at the local drugstore in the States. In fact, I ate as well in Czechoslovakia as I have eaten anywhere in Europe—and quite cheaply, even discounting the difference in living standard and wage differentials. I ate in private homes, pubs, snack bars, and even one of the best restaurants in Prague, and I can honestly say that it compared favorably to food that I have eaten in similar places here in the West.

The home in which I stayed was in an old apartment building, but nonetheless, it had flush toilets, hot water, and a television. I have stayed in many places in Europe that lacked hot water and flush toilets, especially in older apartment houses. The standard of living, by comparison, was surprisingly good and overall, much higher than in other Communist countries where I have been.

In fact, the Czechoslovaks are quite proud of their living standard. They also feel that it could be considerably higher if "some comrades" did not insist upon retaining some ideologically pure but economically inefficient practices.

Many point with pride to certain achievements under Communism. They ask where in America is there a university that charges no tuition. They ask where can a student pay only about $2 per month for his room or 15 cents for a good meal. They cite the number of social services that the government provides to its citizens—and as they emphasize, all the citizens. Many Czechs have returned from traveling abroad with some disillusionment about certain aspects of Western life. They are disappointed that such wide gaps between rich and poor still exist in the West. Some gaps they claim do not exist in Czechoslovakia—and I tend to agree.

That the average Czech lives better than the average person in Western Europe would be hard to prove. He does live better than the average Greek or Italian peasant and better than many urban proletariet in the West because the government insures that he gets the same benefits as someone who earns a bit more.

The common complaint in Czechoslovakia is, however, that while the necessities are taken care of for all citizens. It is still quite hard for most to save any money. It is quite difficult to rise from one's position and little incentive is offered to do so.

While the Czech returning from abroad may be contemptuous of the western government which fails to provide social services for all and neglects the poor, he is also envious of the western citizen who is free to speak about it and read uncensored news. He is envious of his ability to decide his own style of life (to a certain extent at least) rather than have it decided for him by the government.

The Czech would like to see many of the social services of the welfare state as they exist in Czechoslovakia combined with the degree of personal freedom which exists in the West. By and large, he does not want to restore capitalism, but only obtain the individual freedom to read uncensored news and speak freely. Many Czechs talk about a state which would combine "Socialism and Humanism."

Czechoslovakia was a great experiment until the Russians stepped in to halt it brutally. The Russians feared that the experiment could only lead to a watered down version of communism which would threaten to erode the other communist societies of Eastern Europe. Had the Dubcek clique succeeded in purging the other conservative element, as it seemed it was intent on doing until Moscow stepped in, profound reverberations would have been felt in all the capitals of Eastern Europe and the Kremlin itself.

The Communist party would have been confronted with an attractive rival, still professing the positive ideals of communist dogma, but purged of many of its repressive elements. Czechoslovakia had the potential to become a communist society capable to both providing a greater sense of equality among its citizens and also giving them personal freedom and a decent standard of living. In short, it would have begun to live up to the ideals, however imperfectly, of the Communist Manifesto. It would have also meant the end of the Communist party as it has existed in Moscow.

Certain factions of the Communist party leadership in the Soviet Union recognized this fact. They saw that they were at the crossroads and had to act. In acting they showed that Communism still can not tolerate competition. But it remains to be seen who will suffer the most from their action.

It is quite possible that their action saved the West, and the United States in particular, a rude awakening. Had the liberalization in Czechoslovakia continued, it is possible that a society might have evolved in the next decade which provided both social justice and personal freedom, although in a rather imperfect balance.

Such a society would have offered an alternative to Western society which would have been attractive to many developing countries. It might have produced a revived faith in Lenin and Marx, even if the society would not have been "Communist" as we have known it.

Nonetheless it would have been the result of innovative and progressive leadership in the Czech Communist party. It would have been shown that Communism is adaptive and responsive to popular sentiment for personal

freedoms. For the moment, at least, the Soviet Union has killed this possibility and by its action further discredited Communism in the eyes of the world.

THE FREE CHINESE—TEACH RICE NOT REVOLUTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. RARICK. Mr. Speaker, perhaps the increasing pressures by the world's Socialist leaders to recognize Red China and sacrifice our free world friends from Nationalist China is motivated by other reasons than profit and lucre. Can it be fear of the success of the Republic of China in its humanitarian missions abroad—fear of the internal breakdown and the continued defeat of Red China in its world revolutionary movements of violence, hate, and exploitation?

The free Chinese have now established ties with 21 countries of Africa as compared with 14 for the Peking Reds. But we hear little of the free China successes—and this seems the way the Nationalist Chinese want it. You see, they teach rice and farming while the Reds of Peking teach revolution, violence, and destruction of existing governments.

The record of achievement for the free Chinese of the republic is a credit to their industry and leadership—a mark of great success in helping people of the emerging nations of Africa remain free and meet their food demands.

Truly, the Republic of China has demonstrated time after time that it is the government representative of the peoples of all China.

To recognize Red China at the expense of the Republic of China would be like selecting violence over peace and revolution over performance.

Mr. Speaker, I include a news release from the New York Times for December 25, 1968, a feature article from the Rotarian magazine for November 1968, and an editorial from the Evening Star of January 2, 1969, following my remarks:

[From the New York Times, Dec. 25, 1968]

NATIONALIST CHINA IS WINNING NEW FRIENDS IN AFRICA—TAIWAN'S FARM AID EFFORT IS HELPING SPREAD INFLUENCE—TAIPEI NOW HAS TIES WITH 21 COUNTRIES, PEKING WITH 14

(By Frank Ching)

Nationalist China is meeting with increasing success in its effort to turn African nations away from Communist China.

Among the African countries, 21 now have diplomatic relations with the Chinese Nationalists, while 14 have such relations with Communist China.

A major factor in Taiwan's effort to win friends in Africa is its agricultural aid program, which was launched in 1961. The Nationalists now have about 450 farming experts serving in 19 African countries. The program is being expanded and new agreements with Ghana, the Central African Republic and Lesotho have been signed, providing for the sending of teams to those countries.

Technical aid in the fields of public health, fishery, food processing, civil aeronautics, education, highway development and water conservation are also extended to a few countries, including Ethiopia, which does not get agricultural aid. The total number of Nationalist aid officials in Africa is about 600.

VOTE IN U.N. REFLECTS SHIFT

Nationalist China's diplomacy in Africa is directed by Vice Foreign Minister Yang Hsi-kun, known in Taiwan as "Mr. Africa." Mr. Yang recently returned from his 22d visit to Africa, during which he toured 24 countries, bringing back diplomatic recognition from Gambia and newly independent Swaziland.

Taiwan has made a grant of $3-million to Chad and one of $2-million to Sierra Leone to finance agricultural and industrial projects, part of a total grant of $20-million to be extended to 10 African countries. The Nationalists have spent about $50-million on aid to Africa.

The increase in African support for the Nationalists was reflected in the vote on the China representation issue last month in the United Nations, in which 15 African countries—one fewer than in 1967—voted for the admission of Communist China and 20—one more than last year—voted against Peking.

Of the three new African members, two—Mauritius and Equatorial Guinea—abstained, while the third, Swaziland, voted against admission.

The gain is particularly significant when compared with the voting in 1960, when nine African countries supported Communist China and only two were opposed.

Joel Tcheng-kao, Nationalist Ambassador to Upper Volta, said in a recent interview here that the courting of Africa was especially important because it is mainly in that area that Taiwan hopes to win new support. It is also in that part of the world that the Nationalists have to work hardest to keep the support they have, Ambassador Joei said.

While Chinese Nationalist diplomacy in Africa is directed primarily against Communist China, Peking's motives there are more complex. In addition to attempting to isolate Taiwan, the Chinese Communists seek to turn newly independent countries not only against the West but also against the Soviet Union, claiming for themselves the role of leader of the world's revolutionaries.

Communist China has greater resources than Taiwan and is willing to use them on large, prestige projects. Peking is reported to have about 3,000 people working on aid projects in Africa. It is estimated that the Chinese Communists have spent $175-million on aid to African nations.

The Chinese Communists have agreed to build and finance a 1,000-mile-long railroad linking Zambia and Tanzania, which is expected to cost $280-million to $400-million. In May, Peking signed an agreement with Guinea and Mali for the construction of a Guinean-Malian railroad.

The Chinese Communists have also built factories in Mali, and the October 2d Palace in Conakry, built with Chinese aid, is the biggest building in the Guinean capital. In Somalia, a Chinese-built theater stands in the center of the capital, Mogadiscio.

However, despite early successes, Peking's popularity in Africa has fallen sharply in recent years.

Dahomey and the Central African Republic, which had broken with Nationalist China to recognize Peking, have severed ties with Communist China and resumed relations with Taiwan. Ghana, once a center of Chinese Communist activity, suspended relations after the overthrow of President Kwame Nkrumah in 1966, while Mr. Kkrumah was on a visit to Peking.

TUNISIA SUSPENDED TIES

Tunisia suspended relations with Communist China in 1967, charging interference in internal affairs, as had the Ghanaians. In Kenya, the book "Quotations from Chairman Mao" was banned and Peking's chargé d'affaires expelled.

Communist China, which sided with the secessionist Biafrans, lost the support of Nigeria in the United Nations this year. Nationalist China, meanwhile, contributed $10,000 to be used to aid war victims in Nigeria. The recent coup in Mali, which represents a shift away from the left, is likely to erode Peking's position in Africa further.

Foreign Minister Wei Taoming of Nationalist China, in a recent interview here, stressed that there were no political strings attached to Taiwan's agricultural aid program. He asserted that, while the Communists use aid for subversive purposes, the Nationalist program was purely to help people.

He used Gambia as an example of what the agricultural teams have achieved. When a Nationalist team arrived there in 1966, he said, women were planting rice and men were planting peanuts, a less arduous task. After the 12-man Nationalist team had begun to grow rice, Gambian men gradually joined in this work. Dr. Wei said this showed that even the customs of a nation could be changed.

[From Rotarian, November 1968]

THESE ARE THE SAINTS—TEACHING RICE, NOT REVOLUTION, IS TAIWAN'S METHOD OF LOWERING COMMUNIST STOCK IN AFRICA

(By William Clifford)

"When things look gloomiest for us here, when our friends seem to be doing us in, we can always count on our enemy, the Chinese communists, to come to our rescue with some outrageous new action."

So commented a Nationalist Chinese official as he happily contemplated the result of last year's United Nations vote against the admission of communist China. It wasn't the United States that kept the communists out this time. Like every other country, it casts only one vote, and many of its closest allies on other fronts refuse to go along with the U.S.A. in the U.N.

The deciding factor at the U.N. was the African bloc, where Nationalist China's stock has risen steadily over the past six years while the communists have been going into eclipse.

What accounts for this?

The inept diplomacy, the outrageous new actions of the communists, for one thing. They have acquired a well-deserved reputation for empty promises, bribery, and sabre rattling, treating the Africans like children, and trying to undermine their governments. African freedom from colonialism wasn't enough. What they wanted for Africa was revolutions, bloodshed, and communist dictatorships that would defer to their leadership. What they've been getting in Africa is the gate.

In the past two years communist Chinese diplomats have been expelled from Burundi, Dahomey, and the Central African Republic. Ghana threw out their technicians, while Kenya ousted their news correspondents and followed by kicking out their chargé d'affaires. Kenya's Vice President lost his job for taking Peking's bribes, and communist bribery also provoked a cabinet crisis in Malawi. The President of Tanzania castigated Peking for failing to come through with its grandiose program of economic aid, and the new government in Algeria cost the Chinese much face by canceling the Afro-Asian Conference. All this in spite of the fact that none of these are right-wing, pro-Western governments; rather, they are strictly neutralist, or in some views, anti-Western. But the communist government of China's 700,000,000 people simply can't get along with them.

At the same time, another group of Chinese *have* been getting along in Africa. They are a few small teams of farmers and technicians from the island of Taiwan with its 13,000,000 people. This seat of the Nationalist Chinese government in exile has recently become one of the brightest spots on the Far Eastern economic horizon. Taiwan now has the best diet of East Asia. Rice production is four times what it was when the Chinese took over the island two decades ago, following 50 years of Japanese occupation. Sugar and sweet potatoes are up almost three times, and many new crops are flourishing. The $1.4 billion U.S. aid program closed down for good four years ago, when Taiwan was obviously ready to take full care of herself.

The Nationalist Chinese also had the resources to begin helping others. And using their political as well as economic wits, they turned to Africa. It wasn't *only* those votes at the U.N. that made Africa attractive, though of course they did and they do matter a great deal. What made the African countries such fertile territory for Taiwan was the need for basic agricultural know-how. The Chinese know very well how to grow rice. Mostly the Africans don't, and there's nothing they need more. So the Chinese have met the need by sending teams of their farmers to show African farmers how to plant better seed, to irrigate, to use fertilizer, and bring in two or even three crops a year instead of one. The Ambassador from Malagasy confirmed the importance of food production to his young underdeveloped country when he said, "China is our greatest friend, because it has helped us in the agricultural field." The President of the Ivory Coast said the Chinese demonstrations revealed that his people "had all the time been slumbering on a rich granary."

This was a loaded remark, because for several generations European rulers had told the Africans that their soil was infertile, their climate impossible, and they themselves lazy. Many Africans came to freedom with ingrained feelings of inferiority. The Chinese farming demonstrations have given them confidence in both their capability and their land. Far from being good for nothing, their land is good enough to grow almost anything. In the past there was no *reason* for these people to work hard. Now the opportunities provide the incentives.

* * * * *

At the modest cost of training about 570 men, plus tools and seed and agricultural seminars in Taiwan to which Africans are invited, the Chinese have broken new ground where Africa's need is greatest and made staunch friends in their own hour of need. People in Libya were so delighted with the seeming miracle of growing rice at the edge of the desert that they put a sign on the house where the Chinese farmers lived saying "These are the saints." The Chinese don't pretend to be saints, but their agricultural success in Africa has almost a touch of the miraculous about it.

[From the Washington (D.C.) Evening Star, Jan. 2, 1969]

RETURNING A FAVOR

The Taiwanese have 600 economic aid officials operating in 22 African countries. Four hundred and fifty of them are directly engaged in helping to expand agricultural production.

For this comparatively small financial outlay, the Taiwanese have received surprisingly large political dividends. Nationalist China is now recognized by 21 African nations; Communist China, by only 14. And in this year's United Nations vote, 20 African states voted against the admission of Red China while just 15 favored this step.

Taiwan's aid program alone does not, of course, explain the depth of Africa's current disenchantment with Communist China. In large part, the Communist Chinese are themselves to blame. They have tried through heavy-handed diplomacy and subversion to promote pro-Red Chinese governments at a time when most African leaders believe that their countries' interests will best be served by a policy of political nonalignment.

Politics aside, however, Taiwan's economic miracle offers a heartening example to Africans who hope to steer their countries onto the path of economic modernization. The Taiwanese, a non-Caucasian people, have shown that the proper mix of sensible economic policies, hard work and financial resources can turn the trick. Now they are using their economic development know-how to brighten the future of the Dark Continent. For a nation whose spectacular economic growth owes much to outside financial assistance, this is an altogether fitting way to return the favor.

LATVIA'S 50 YEARS OF INDEPENDENCE, 1918 TO 1968

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. PUCINSKI. Mr. Speaker, on November 18, 50 years passed since the Latvian nation proclaimed its independence in 1918, along with its sister nations on the Baltic Sea—Estonia and Lithuania.

Latvians belong to the Baltic branch of the Indo-European family. Archeologists have established that the Baltic peoples settled on the eastern shore of the Baltic Sea some 4,000 years ago. They have been living there ever since and have developed their own, distinctly Western, cultures and institutions.

Christianity came to Latvia in the early 13th century, and in 1207 Pope Innocent III granted Latvia and Estonia the status of an ecclesiastical state, which was called Terra Mariana—the Land of Mary.

For hundreds of years the Latvians resisted, with varying fortunes, the onslaught of foreign armies. It was Russia that in 1795 finally gained complete domination over all of Latvia.

The collapse of the Russian empire during World War I enabled many nations of East-Central Europe to fulfill their aspirations for a free life. The Latvians immediately grasped this historic opportunity and in 1918 proclaimed their independence as a democratic republic within its ethnic boundaries.

But the newly planted tree of liberty had to be watered by the blood of patriots. After a war of liberation that lasted 638 days, Latvia and the Soviet Union signed a peace treaty in 1920. Moscow solemnly pledged "forever" to respect the sovereignty of independent Latvia.

The Soviet "forever" lasted only 20 years. In June 1940, following the treacherous Molotov-Ribbentrop pact, the armed forces of the Soviet Union occupied Latvia, Lithuania, and Estonia against the will of the Baltic people.

Today the Latvian nation remains under Soviet occupation, but it refuses—as it always has throughout its history—to accept the finality of slavery.

Every year at this time the Latvian people look toward the great democracies, they look to the free world, and they continue to hope that the day will again come when freedom, which was taken away by the Red might, will be restored not only in Latvia, but throughout the world. We pray that God will give the Latvian people the strength to maintain their resistance against the terror that stalks Latvia.

It is noteworthy that the 89th Congress of the United States unanimously adopted House Concurrent Resolution No. 416. The resolving clause reads:

> *Resolved*, That the House of Representatives urge the President of the United States to (a) direct the attention of world opinion at the United Nations by such means as is appropriate, to the denial of the rights of self-determination of the peoples of Latvia, Estonia, and Lithuania, and (b) to bring the force of the world to bear on behalf of the restoration of these rights to the Baltic peoples.

The House resolution was adopted by a record vote of 298 to 0 on June 21, 1965. It passed the U.S. Senate unanimously on October 22, 1966.

RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. ZWACH. Mr. Speaker, there is a great need for continuing a balanced program of cooperation between the Federal and local communities in regard to the careful planning and development of our natural resources. More and more, our Nation is suffering the ills that beset a nation by compounding too many people in too small a space. This trend will change eventually, even though it will be too late to avoid further aggravation of the present societal problems of compressing people into concrete high-rise buildings.

In order to be better prepared for the needs of greater natural resources and to protect these resources in our rural areas for those who need and expect their use in the future, I am introducing a bill to implement the act of 1962 which created the resource conservation and development program.

This bill simply provides for a proportionate method of sharing the expense in carrying out the developmental and constructional phases of those programs in which the entire Nation is benefited of up to a maximum of $50,000 per project.

This bill passed the Senate, and passed the House committee, but too late for final action in the previous Congress.

Most of these programs have a multiple-use concept so that jobs, recreation, and conservation goals are accomplished simultaneously. I ask for early consideration and passage of this program which is largely originated, developed, and managed by local elected residents.

PRESENTATION OF A BRONZE SCULPTURE, HEAD OF LIBERTY

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. DOWNING. Mr. Speaker, on January 16, 1969, I was privileged to attend the presentation of a bronze sculpture, Head of Liberty, to the Department of the Navy. In simple ceremonies at the Pentagon the Chief of Naval Operations, Adm. Thomas H. Moorer, accepted this magnificent gift from its creator, Oskar III, J. W. F. Hansen, the internationally renowned sculptor, author, scientist, and theologian.

Admiral Moorer presented the following letter to Mr. Hansen:

> DEAR MR. HANSEN: In recognition of your most generous gift of the sculptured bronze head of Liberty, I would like to extend the deep appreciation of the Department of the Navy.
>
> In the history of our infant Republic, the influence of seapower proved decisive at Yorktown. Thus, it is appropriate that the United States Navy should become the guardian of your Liberty. I can assure you that she will be displayed proudly, and defended with honor by the Navy.
>
> This great work of art is an eloquent expression of your patriotism, and of your devotion to the ideals upon which this Nation was founded. We in the Navy share that devotion, and it is my hope that the United States Navy will ever be worthy of the honor you have bestowed upon us.
>
> Sincerely,
>
> THOMAS H. MOORER,
> *Admiral, U.S. Navy.*

This ceremony was arranged following acceptance of Mr. Hansen's generosity by the Honorable Paul R. Ignatius, Secretary of the Navy:

> DEAR MR. HANSEN: The Chief of Naval Operations has advised me of your most generous offer to present to the U.S.S. *Enterprise* the bronze sculptured head which you created as the advance study for the granite sculpture of Liberty at Yorktown, Virginia.
>
> On behalf of the Navy and the U.S.S. *Enterprise*, I am honored to accept this distinguished work, offered as it is in the spirit of patriotism and dedication to country.
>
> A representative of my office will contact you in the very near future to arrange the details of a presentation ceremony appropriate to this significant occasion.
>
> With my warmest best wishes,
>
> Sincerely,
>
> PAUL R. IGNATIUS,
> *Secretary of the Navy.*

The Head of Liberty was created by Oskar Hansen as his own advance study for the granite sculpture that he executed for placement atop the monument at Yorktown, Va., memorializing the alliance and victory which in 1781 guaranteed liberty and independence for our Republic. The heroic size sculpture, valued at $35,000, is but the latest in an unending stream of services which Mr. Hansen has rendered his adopted land. He served in the U.S. Army, entering as a private and rising to the rank of major. His notable work as a sculptor adorn Hoover Dam and his carving of a stallion head is in the gem collection of the Smithsonian Institution.

As a young man, Oskar left a ship and swam ashore to this country. His life has been as exemplary as that of any native-born American, and his contributions to liberty place him in a select group of patriots who continue to struggle to guarantee this precious right to all of us.

ROBBING THE POOR—PART 2

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. ASHBROOK. Mr. Speaker, the New York Times of January 12 carried an extensive article on the abuses and excesses in the antipoverty program in the New York City area, the first part of which appears in the CONGRESSIONAL RECORD of January 27. As explained in part one, the Human Resources Administration (HRA) was created in 1966 to simplify and better control the various antipoverty and welfare services in New York City. In the intervening 27 months the HRA has not fared too well; in fact, according to the Times account, multiple investigations of the antipoverty program "are disclosing chronic corruption and administrative chaos." One assistant district attorney was quoted as saying that—

> It's so bad that it will take 10 years to find out what's really been going on inside the Human Resources Administration.

Fortunately, there have been indications in the recent past from advocates of the "government-is-the-all-wise-mother-hen" theory that our social ills can be cured by the allotment of huge sums of taxpayers' dollars. More and more there is the realization that the private sector and individual initiative must be included in any full-scale program of rectification. Increased efforts on the part of the business world and labor are becoming evident as the emphasis on government recedes.

The experience of the HRA in New York City, repeated in varying degrees in other areas, should serve as a warning that government-sponsored panaceas should be viewed with a healthy and objective suspicion.

I insert at this point the second part of "Millions in City Poverty Funds Lost by Fraud and Inefficiency," which appeared in the Sunday edition of the New York Times on January 12, 1969:

ROBBING THE POOR—PART TWO

FRAUDULENT CHECKS SENT TO SWISS BANK

The four fraudulent H.R.A. checks that found their way into a Swiss bank were dated Oct. 9, 1968—the same day that the Rev. H. Carl McCall, then an H.R.A. deputy administrator, told a meeting of Federal and city investigators about new fiscal controls that had been devised to keep antipoverty money from illegally draining out of the agency into private pockets.

Seemingly undisturbed by scores of Federal and city investigators looking into agency books and records, someone—investigators do not yet know who—stole seven blank checks from the back of a brand new H.R.A. checkbook.

RESULTS OF THE INQUIRY

All the checks bore the stamped signature, in faded black ink, of Mitchell I. Ginsberg, the H.R.A. administrator. The stamp was either stolen or duplicated.

Three of the checks are still missing, but had the plan to convert the four checks worked out as planned, the H.R.A.'s Manpower and Career Development Agency (from whose checkbook the checks were torn) would have been out precisely $1,017,615.01.

What investigation by The Times and the District Attorney into the Swiss bank caper shows is this:

Sometime last November, the four checks were made out—on two different typewriters—jointly to the city's Department of Finance and a concern called Pagliuca Associates. Both names appear as the payees on all the checks and were separated by three asterisks, a slash mark and three more asterisks.

The checks—for $340,063.38; for $105,366.80; for $106,005.59 and $466,179.24—were then mailed or personally carried to Europe, where they were deposited for collection to the private account of one George Jose Mendoza Muller in the Zurich office of the Banque Populaire Suisse, a relatively small institution with no affiliation to an American bank.

Bank officials interviewed by The New York Times in Switzerland say that the checks arrived there simultaneously and that, because of the large amounts involved, they were immediately suspected. Thus, though the checks were accepted for collection purposes, no money was paid out for them.

The Swiss bankers refuse to disclose anything more about the checks, and therefore the identity by Mr. Mendoza Muller remains a mystery.

DISPUTE ABOUT DISCOVERY

Nothing was seen of these checks in New York until two days before Christmas, when all four turned up at the Chase Manhattan Bank for payment.

There is some dispute about who first spotted the checks as frauds. The Banque Populaire maintains that it cabled Chase Manhattan immediately after the attempt to deposit them was made in Zurich. Chase Manhattan, however, says that the Swiss routinely forwarded the checks for collection and that it was Chase's people who ordered payment stopped on them.

In any case, neither bank seems to have paid out any money on them and the city lost nothing in the transactions. It is not known, however, if the persons who wrote the checks sold them at a discount to intermediaries or attempted to cash them on their own.

The police in Zurich say they are looking for two men who apparently tried to make the deposit at the Banque Populaire office.

After Chase Manhattan stopped the checks, M. Hogan's office was notified by the bank and began an investigation.

One of the questions being studied by the district attorney is whether similar forged checks were cashed before the four recent ones. Chase Manhattan says it is starting its own investigation into past records and is also alert for possible new checks turning up.

HEAVILY USED ROUTE

It is clear that some degree of sophistication was involved in the attempted check-cashing coup. The Swiss bank route is one that has been heavily traveled by big-time swindlers. The Mafia, too, has used the cloak of absolute secrecy, guaranteed by Swiss law, that shields depositors in Swiss banks from any scrutiny by the Federal Bureau of Investigation and the Treasury Department.

One lead checked out by Mr. Hogan's staff was the name of the second payee—Angel Pagliuca of Pagliuca Associates. He turned out to be an elderly Argentinian of little means and many debts who maintained a tiny office at 80 Wall Street which he used to "watch over my investments."

Mr. Pagliuca has disclaimed any knowledge of the checks and maintains that his name was used without his permission. The District Attorney's office has made no move.

The two former officials of the Human Resources Administration and the present official under investigation have not been identified by the District Attorney's office. Although New York Times reporters originally uncovered some of the reported details of their activities, names are not being published pending further investigation.

Informants have said that the three officials received kickbacks—or helped others to receive kickbacks—on the millions of dollars in contracts that are awarded each year to local antipoverty agencies in New York City.

No indictments have been prepared against the suspects. Assistant District Attorney Jeffrey M. Atlas, who is handling the case for Mr. Hogan's office under the direction of Leonard Newman, chief of the Frauds Bureau, declined last night to comment.

THE "DURHAM MOB" ENTERS THE PICTURE

The most extensive conspiracy that investigators believe they have discovered within the Human Resources Administration is the so-called "Durham Mob," a group of flamboyant young men who grew up together in the Negro poverty of Durham, N.C., came to New York to be together again in H.R.A. and, according to the investigators, conspired to steal at least $1.75-million and possibly much more.

According to sources within the District Attorney's office and other investigatory agencies, the alleged conspiracy may have been discovered only because one young man happened to park a rented car in a bus stop on West 42d Street last Aug. 26.

The policeman ticketing the car that night saw—from a notice previously sent out by the rental company—that the car was overdue, and when he looked into it he found a briefcase that contained 105 Youth Corps checks.

The four men who returned to the car—Charles Clinton, payroll director of the corps, and three men who worked under him, Sidney Hall, Wakefield Thompson and Oscar Williams—were charged with grand larceny.

The four men had come North from Durham. Coy D. Smith, formerly the Youth Corps' chief fiscal officer and also from Durham, was arrested with them.

Mr. Smith, who had been considered one of H.R.A.'s brightest young men, is a former auditor-investigator on the staff of State Attorney General Louis J. Lefkowitz, a former cost analyst for The New York Herald Tribune and the holder of a master's degree in accounting.

None of the men, whose ages range from 23 to 30, have been indicted, but investigators have assembled a picture of their life style.

"They're the black Lavender Hill mob starring in 'Hot Millions,'" said one man who knows them.

The investigators believe they are linked to the systematic, massive looting of Youth Corps checks during the first nine months of 1968.

The mob, according to investigation records, was formally organized one night in September, 1967, at a meeting of eight to 10 people in a Harlem apartment.

During that meeting, plans were made to defeat the computers that printed out some 6,000 corps checks 42 weeks a year and 40,000 checks during the 10 weeks of summer.

The plans completed and the assignments made, one informant relates, a young man leaped on a chair and shouted: "What do we want?"

"Money!" the others shouted back.

"How are we going to get it?"

"Steal!"

If the District Attorney's office is right, the mob did just that taking a minimum of $750,000 between last January and June and at least $1-million more during the summer.

Their reported operation involved creating an army of fictitious Youth Corps members, identified by false Social Security numbers, which would produce a $38.80 weekly paycheck when fed into the right computer at the right time. Many of the make-believe teen-agers "worked" at job sites that never existed.

For example, if the computers were fed the code FA–12, and 102 numbers that looked like Social Security numbers, they produced 102 checks each week for summer workers cleaning up vacant lots under the sponsorship of Haryou-Act, the community corporation serving Harlem.

The computers, of course, could not know that there were no workers, no vacant lots and no one at Haryou-Act who knew anything about the matter.

EXPENSIVE PARTIES

There was only an unidentified young man picking up 102 checks each week and taking them to two-day-long parties in expensive apartments, where the revelers would endorse the checks and fill out time cards for the following week's haul.

Perhaps 30 persons were involved in the operation, about the number of young men and women who might drift in and out of the party action in a garish Riverdale apartment with a living room dominated by a long leather-cushioned bar under a monogrammed canopy.

"They lived," said a man who was there. "Flashy cars, flashier women—if they had been born white they might be running the country. Beautiful people."

PAYMENTS NOT MADE ON SOCIAL SECURITY

Last summer the Federal Government discovered serious irregularities in H.R.A.'s payment, or nonpayment, of Social Security taxes on paychecks to Youth Corps enrollees.

In a memorandum dated Aug. 20, 1968—from Sidney L. Pollock, the Federal Government's audit manager for the New York region, to the Labor Department's regional manpower administrator, Mr. Whitsitt, the following explanation of the apparent fraud was given:

"It was disclosed to us by an official of the Social Security Administration that in one quarter alone the Form No. 941 filed by NYC (Neighborhood Youth Corps) lists 8,000 impossible Social Security numbers.

LIFE STYLE DEPICTED

"The Forms No. 941 were filed only two quarters, from the dates that the contracts (with the Department of Labor) were consummated. The Social Security Administration made repeated attempts to obtain voluntary compliance by the NYC to file delinquent Forms No. 941 and to submit corrective Social Security numbers in the forms previously submitted but without any success.

"These requests were completely ignored. No adequate accounting was made of NYC FICA tax and it appears there is substantial liability to the U.S. Government for unpaid FICA taxes.

"The Department of Investigations (the city's) is presently engaged in determining the extent of such liability."

CHECKS WERE INTERCEPTED BY AGENCY OFFICIAL

The "interception" of Federal checks was discovered by the Labor Department last April and Mr. Ginsberg received another in a series of complaining letters from Mr. Whitsitt.

"In violation of contractual agreements," Mr. Whitsitt wrote, "monies forwarded by the Department of Labor were intercepted prior to delivery to the Office of the Controller of the City of New York and were deposited directly in the Neighborhood Youth Corps bank account by staff."

The interceptor, according to a department report, was Irving Roberts, an H.R.A. fiscal officer. Asked yesterday why he had circumvented Controller Mario A. Pracaccino, who normally disburses Federal money, Mr. Roberts answered: "I have been instructed by my superiors not to talk about this to reporters."

Federal auditors said that Mr. Roberts intercepted a total of $6,092,299 between Nov. 20, 1967, and April 1, 1968.

"In violation of law and (Labor Department) regulations," the auditors reported, "overtime salaries were paid in cash to New York City employees. Tabulating-machine operators employed by the City of New York Social Services Agency are frequently used by the Neighborhood Youth Corps on an overtime basis.

"Irving Roberts paid these persons in cash by first drawing an NYC check to himself, cashing it and paying the people involved. These amounts have never been reported to the Internal Revenue Service for proper reporting and payment of taxes, nor have they been entered to the payroll records."

A "REAL-ESTATE" DEAL THAT FELL THROUGH

The attempt to convert the $52,000 check—drawn as in the case of the Swiss bank checks against the account of the H.R.A.'s Manpower and Career Development Agency—apparently began in Las Vegas, Nev., in early December.

The story of that stolen check comes from a Los Angeles real-estate broker, Allen C. Woodard, who was interviewed at his office early last week. It goes this way:

Mr. Woodard and his wife visited Las Vegas's Castaways Motel for a vacation on Dec. 4 and 5, and he met several strangers at the bar there.

Eventually Mr. Woodard said, they told him they had a friend who was looking for a house in Los Angeles, and promised to see that the two got together.

The man's name, Mr. Woodard said, was Saul Belinsky—"a charming man, who was very distinguished and had a slight British accent."

MET AT A HOTEL

Mr. Woodard says he was told to meet Mr. Belinsky at a hotel—the name of which Mr. Woodard no longer remembers—on a street called Hillcrest Drive in Los Angeles. "He came out to the car as I drove up," Mr. Woodard said. "I guess he recognized me because I was the only black face around."

The two then went to the house Mr. Woodard was trying to sell, which was not far away, at 4266 Hillcrest Drive, Mr. Belinsky was immediately interested in buying, according to Mr. Woodard, and after brief negotiations, Mr. Woodard says, he asked $50,000 in cash for the house.

Mr. Belinsky signed over to Mr. Woodard the $52,000 check, which bore signature stamp of Mr. Ginsberg, the H.R.A. director.

Mr. Woodard said Mr. Belinsky gave him a telephone number at which he could be reached, and under his signature wrote a California driver's license number for purposes of identification.

Apparently anxious to close the sale, Mr. Belinsky called Mr. Woodard by telephone often. "I couldn't call him," said Mr. Woodard, "because the number he gave me wasn't right. And the address he gave me doesn't exist."

Mr. Woodard said that after a week of waiting, because of a hitch in the title search, Mr. Belinsky telephoned him and told him to call off the sale and get the money back, in cash.

Mr. Woodard then called the escrow company, only to find that the New York District Attorney had advised one of its officers that the check was a forgery.

"When Belinsky called back," said Mr. Woodard, "I told him his check was no good and that the deal was really off. What he said was, 'Okay, we'll do business another time.' "

That, said Mr. Woodard, was the last he has heard of Mr. Belinsky. A subsequent investigation by the New York and Los Angeles district attorneys' offices revealed that the California license number did not exist, and that the phone number that was not Mr. Belinsky's, actually was the private line of Mary Tyler Moore, the actress, who of course, knew nothing of the affair.

H.R.A. OFFERED PLAN TO SAFEGUARD FUNDS

The Human Resources Administration informed Federal officials last Aug. 19 of a plan to "safeguard Youth Corps funds from the thievery that had plagued the corps for two summers.

The two H.R.A. officers credited with developing the plan were Mrs. Helynn Lewis, the agency's chief fiscal officer, and Charles Clinton, chief payroll officer of the corps.

Within a month, both Mrs. Lewis and Mr. Clinton had been arrested on charges of grand larceny. Mrs. Lewis was accused of having embezzled $22,000 and Mr. Clinton was held because of his involvement with his friends from Durham.

Mrs. Lewis on Aug. 19 reported to the Labor Department the procedures that had been developed to correct "procedural difficulties" in H.R.A.

"Your statement, 'Disbursements have been made without proper documentation,' was in some cases in the past correct," she wrote in answer to earlier letters of inquiry in May and August.

"But," she continued, "based on a memorandum sent to your office by Mr. Charles Clinton you can see that safeguards have been improved, strengthened and are operating on a current basis."

PIERRE ELLIOTT TRUDEAU, OF CANADA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. RARICK. Mr. Speaker, ever since the leak from the Canadian Prime Minister's Cabinet that he had decided to recognize and grant full diplomatic recognition to the Communist dictatorship of Red China, the international liberal establishment has been hard at it to repolish Trudeau's image and rehabilitate their "boy."

But Trudeau shocked all pro-Canadians who believe in individual liberty under God when, in London, he confessed he found "true communism" a fine thing in a better world or in a religious community.

Mr. Speaker, I include clippings from the Ottawa Citizen for January 13, Vers Demain from May-June 1968, an excerpt from the Whig-Standard of April 10, 1968, and the London Free Press for December 7, 1965, as part of my remarks, so that our colleagues can determine the caliber of a man who rules our Canadian neighbors.

[From the Ottawa (Canada) Citizen, Jan. 13, 1969]

PIERRE ADMIRES "TRUE COMMUNISM"

(By John Walker)

LONDON.—As he prepared for the second week at the Commonwealth conference, Prime Minister Trudeau held one of his question-and-answer sessions with some 600 Canadians who are studying here. It was held in the Westminister Theatre, run by the Moral Rearmament Association whose Christmas morality play—pantomime—Give a Dog a Bone, is still playing.

The students didn't have much in the way of tough bones to hand Mr. Trudeau and therefore he just muched happily away, producing little that was new in the process.

He admitted that an intellectual couldn't remain so after becoming a politician because the latter couldn't support absolute truths.

TRUE COMMUNISM

He confessed that he didn't believe in direct democracy in which workers, in effect, told their bosses what to do, and that under existing conditions he was a capitalist rather than a socialist.

But he agreed that "in theory" he agreed with the socialist view of "from each according to his resources, to each according to his needs," but he added, "not in practice."

He found "true Communism" a fine thing in a better world or in a religious community, and admired people who could each give their best and take only what they need—an unworkable ideal at present, he said.

"If we could all be saints, we'd have it, but we ain't."

On most everything else, including capital gains taxes, Mr. Trudeau admitted that he hadn't made up his mind yet, but that, like foreign policy, was under study.

He seemed to give a hint that diplomatic relationship with the Vatican would be high on his agenda in Rome next Thursday, when he said that both the reviews on relations with China and Rome have been completed and await cabinet decision. He reminded his audience that he was getting "no word from the Holy Ghost" on the conclusions of his foreign policy study, but he said he wasn't "taking orders from Washington, Moscow or Rome."

DON'T COME BACK

A number of questioners tried politely to get him to outline his policy on poverty and housing, but he kept bringing them back to the difficulties of federal action in provincial fields. And he told one persistent student (Don Carmichael of Ottawa), respecting the provincial role, "If you don't admit that, don't come back to Canada."

"Don't laugh. These are facts," he told Carmichael. The federal government had loaned almost $1,000,000,000 for housing.

"For whom, the middle and upper classes?" asked Carmichael.

When Trudeau said money was spent for slum removal, Carmichael said the prime minister had not answered his question.

Trudeau said Ottawa had no authority to pass laws about housing. "These are facts and don't laugh," he repeated somewhat irritably. "Don't ask me to solve problems that are under provincial jurisdiction."

He told the students, in particular those in science, that he was glad they could study abroad where there were better facilities, "instead of developing a second-rate nuclear science department in some pipsqueak university" back home.

During the weekend, he continued discussions with Ottawa over the Canadian delegation now en route to the French educational conference in Kinshasa, Congo. Because of last-minute concern about the actual attitude of the Quebec representatives in the delegation led by New Brunswick Premier Louis Robichaud, the prime minister's personal secretary, Marc Lalonde, has suddenly joined the delegation as a troubleshooter. His officials are still crossing their fingers and hoping there won't be another Gabon incident.

SCATTERED HISSES

There were a few scattered hisses at one or two of Trudeau's replies Sunday but the main dissenter, apart from Carmichael, was a baby in arms who began crying loudly. Its mother had to leave with the baby.

Trudeau said at one point that "we do have to put up with some bums in the Liberal party."

He added that some of the bums were beaten in the June 25 election, implying that some were elected. He did not identify any of them.

Trudeau also said the provinces are not showing any desire to co-operate with Ottawa financially.

They were telling their people that they would have to raise taxes because they could not get any more money out of the federal government.

If Ottawa had to turn over 80 per cent, say, of its revenues to the provinces, it would lose control of the economy and this could be dangerous.

Trudeau said he hopes that foreign policy reviews by officials will be completed in the spring. These reviews were completed in the areas of China, the Vatican and Latin America and were ready for cabinet discussion.

The NATO review would not be ready until mid spring.

After the reviews, there would be a government white paper and parlimentary debate on it before decisions were taken by the government.

Trudeau said the government is trying to provoke public debate by having one minister say one thing and another something else. Foreign and defense policy had never been hammered out like this before.

Trudeau said he does not know whether Canada will do more for NATO or less.

Trudeau is expected to speak today as the Commonwealth prime minister's conference resumes after a weekend break and takes up the agenda item on world economic problems.

[From Vers Demain, May–June 1968]

ELLIOTT-TRUDEAU, A PRO-SOVIET, PRO-CASTRO, PRO-MAO WANTS TO TURN CANADA INTO A SOCIALIST COUNTRY LIKE CHINA—THE LIBERAL PARTY DISGRACES ITSELF BY ELECTING HIM ITS LEADER—HE WAS BEGOTTEN BY THE BEAST OF PROPAGANDA—HIS BILLS ARE INSPIRED BY THE BEAST OF SODOM—CANADIAN VOTERS SHOULD NOT VOTE FOR TRUDEAU'S PARTY

(By Louis Even)

On last April 6th, the federal Liberal Party in its Congress in Ottawa elected a new leader, Pierre Elliott-Trudeau. That is, the Liberal Congress rather allowed an alien to succeed Lester Pearson as the head of the Party and the Prime Minister of Canada—at least until the general election on next June 25th.

An alien to the Liberal Party, we dare to assert. Indeed all Pierre Elliott-Trudeau's background demonstrates that he springs from a political school entirely alien to the one of the Liberal Party as known up to now. Trudeau is an overmuch leftist who courted communism much more than any Canadian-bred way of thinking politics.

An infiltrated man of recent date in the Party, he was catapulted to its first rank, not because he well served the Party, but due to the favours of the mass media that serve subversion and corruption in their effort to ruin the traditional and Christian values of Canada.

In 1963, Trudeau called the Liberals "idiots." Now, just five years afterwards he has become the leader of those "idiots," which is a proof that he was not completely wrong in giving them that name. The theoretically more socialist New Democratical Party would have given him no opportunity to take office in Ottawa: Trudeau thought it more efficient to use the "idiots" to reach that aim. And he succeeded.

Pierre Elliott-Trudeau came into view for the first time in 1940. Canada was at war. That year Trudeau is expelled from the Canadian Officer Training Corps for his lack of discipline. The revolutionist was already budding.

But not a bomb-revolutionist with a knife between his teeth: this is for the tools, for the arms of the revolution, not for the brains. And Pierre Elliott-Trudeau classes himself "a brain." In 1945, he is admitted to Harvard University, a gelatine meat-broth for leftist intellectuals who poison the United States.

In 1947, to perfect his formation, he goes to the London School of Economics, an establishment that was liberally financed by leftist donators like Ernest Cassell, in order to shape socialist experts qualified for key positions in the governments of every country of the world, especially the anglo-saxon world including Canada. Pierre Elliott-Trudeau met there the famous marxist teacher Harold Laski, who was, Trudeau says, "the most stimulating, the most powerful influence" he ever encountered.

Back again in Canada, in Montreal in 1951, Trudeau starts the publication "Cité Libre," his first mattock-stroke against the christian structure of the Province of Quebec. Free City—the Quebec he dreams of, liberated from any sacerdotal ascendancy, with its labour unions, schools and public institutions untied from any kind of bond with any particular confession of faith. Who were Pierre Elliott-Trudeau's partners in that pulling down through writing? Gerard Pelletier, from the first issue, then many full-bred "Reds": professor Raymond Boyer, who was convicted of espionage for the Soviets in the trial of the Gouzenko affair; Stanley Ryerson, well-known theoretician of the Canadian Communist Party, editor of the "Marxist Review"; Pierre Gelinas, of the staff of the communist paper "Combat," Quebec director of the Agit-Prop (agitation and propaganda) of the Communist Party.

In 1952, Pierre Elliott-Trudeau led to an economic conference in Moscow a delegation of so-called businessmen, which proved to be a delegation of Canadian Communists. The pro-Soviet articles he published when back in Canada caused him to be called a Communist in "Le Droit" (Ottawa) and in "L'Action Catholique" (Quebec City).

In 1953, he was denied admittance to the United States as "inadmissible" person, no doubt because his communist connections were no more questionable.

In 1955, Pierre Elliott-Trudeau tried to create in Québec a unit front of all leftist groups. But Trudeau was thought to be an overmuch leftist, even by the CCF Party of that time (now New Democratical Party). Now, the same man the leftist Party believe an over-leftist, was to be greeted by the Liberal Party ten years afterwards, to such a pass that he became its leader.

In the meantime, Trudeau was to show again the bottom of his red character. In 1960, he led a Communist delegation to Peking, this time, where he took part in the celebration of the Red victory over huge continental China.

When communist Castro installed himself at the top of Cuban Government, Trudeau wanted to render homage to the new dictator in a way that would call attention. He leaves the shore of the United States in a canoe, he rows earnestly towards Cuba. Yet before he can pass through the limit of American waters, he is arrested by a coast-guard of Key West and deported again to Canada.

In 1961, the marxist and socialist leaders of the New Democratical Party published the handbook "Social Purpose for Canada", that was to be the Mein Kampf of the socialist N.D.P. A chapter of that handbook was signed Pierre Elliott-Trudeau. There he praises red China leader Mao Tse-tung, as follows:

"Indeed the experience of that superb strategist, Mao Tse-tung, might lead us to conclude that in a vast and heterogeneous country, the possibility of establishing socialist strongholds in certain regions is the very best thing."

Trudeau is not a separatist. Neither we are. But not for the same reason. We want to be at home in a large and free country, from ocean to ocean. Trudeau wants a great socialist country, and he thinks the easier way to that end is to place a socialist party into office in Ottawa. In his chapter entitled "The Practice and Theory of Federalism", he wrote on page 373 (English edition):

"Federalism must be welcomed as a valuable tool which permits dynamic parties to plant socialist governments in certain provinces, from which the seed of radicalism can slowly spread."

He wrote "the seed of radicalism". A radical, this is what Trudeau is, an ultra, a radical revolutionist intellectual.

In 1962, due to pushing made by leftist students whose ardour he was keeping alive in an underhand way, Trudeau obtained a position as professor in Montreal University. In a short time the University became a bastion for Castro-Communism.

1965—thus only three years ago—was the year Trudeau decided to join the Liberal Party—one would better say he decided to use the Liberal Party to propel himself to a political position that would enable him to mould Canada in the Castro-Mao-fashion, at all events in the fashion he had in mind since some fifteen years.

And then was the star-making-machine set to exalt the troika: Trudeau, Pelletier, Marchand, as rejuvenating the Liberal Party. They were supposed to accelerate the course of progress—red progress, of course. The three were elected to sit in the House of Commons.

Just a few weeks after the opening of the new Parliament, Pearson named Trudeau his parliamentary Secretary, though he was a new-born in the Party. In 1967, he was named to Justice, an important Department.

The communists of Canada and of the whole world rejoiced a lot in that fulgurating ascent of one of theirs: in that high political position, he would be able to do much for them in Canada.

Marxist professor Kenneth McNaught, the founder of the communist Committee for the Freedom of Cuba, made no mistake when he declared with a feeling of triumph:

"Trudeau's political fate will likely be the political fate of Canada."

Which meant: If Communism is delighted to see a Trudeau entering into the Canadian Government, it can hope to see Canada under a communist regime in the near future.

How come that supposedly sensible Liberals elected their leader a man who should rather have been thrown out of the Party as a fatal danger?

Hardly is he named to the Department of Justice, Trudeau's dream is to make his department a tool for the socialist planification of Canada. Indeed an official statement from himself in the Toronto Star, April 25th 1967, says:

"Justice should be regarded more and more as a department planning for the society of tomorrow, not merely the government's legal adviser."

Such a conception of the Department of Justice could be suitable to a minister in a communist country, but surely not to a minister of the Canadian Government.

And this is not all. It is with a Sodomic stench that Pierre Elliott-Trudeau courted the federal liberal leadership. To the Chamber indeed he had presented his "omnibus" bill, two points of which should put a shameful mark on Trudeau, and would bring the same disgrace on Canada if they were passed. One legalizes homosexuality. The other widens ground for abortion, thus legalizing murder of innocent human beings.

This is Trudeau. Trudeau branded with the mark of the Beast. Will he receive opportunity to mark with the same sign the legislation of Canada? Let saint Michael preserve us from that calamity, even if to do so, he must draw his sword as he did in History, in order to protect peoples he loves from decaying and from Satan's rule!

The day after the Convention which elected Trudeau leader of the Party, one of the Quebec delegates to that Convention remarked: "This was not a congress like the other ones. One was feeling that an affair all prepared in advance was dominating the freedom of the votes".

For sure, Sir. If Trudeau is branded with the mark of the Beast, the Beast of Sodom, he is also the one the Beast of Propaganda elected. And the mass propaganda made by the big newspaper, by radio and television, is in service of Hell itself, in spite of the few programs of better form inserted from time to time in order to catch in the flood uncautious listeners and spectators who are snatched, hooked, lured, and thus brain-conditioned. The invisible and yet dominating "something" that you felt in the voting hall, was the spirit of the Beast of Propaganda, the very spirit of Satan.

Furthermore delegates in staunch attendance on the Beast were present there, and they were not allowed to let him fail.

Just before the Convention, a young woman in Vancouver had sent letters to some of the delegates. She civilly asked the delegates to make themselves sure, before they vote for Trudeau, whether he really broke with Communism. Or else she would feel her duty to be very cautious in her support to the Liberal Party. Nine days afterwards, just after the Convention, Anthony Malcolm, a Quebec delegate, member of a prominent legal firm in Montreal, gave a personal answer to that woman in Vancouver. Here is an excerpt of that letter of abuse and threat:

"Fortunately, the new provisions of the Criminal Code will clear our mails of such vile and bigoted ranting. You and your ilk, madam, would better serve your country in another one. To conclude, madam, may I suggest you to pay the greatest care to any indiscretion of your own past that will doubtlessly be scrutinized in the near future. Govern yourself accordingly."

Speech of the Police-State, language of the communist dictatorships. Is that a hint of what we can expect from a Trudeau government?

By choosing Trudeau as its chief, the Liberal Party disgraced itself to such a pass that it lost its identity. It is no more the Liberal Party: it is a tool in the hands of an infiltrated person whose background vindicates the most baleful omens for the near future of Canada.

[From the Whig-Standard, Apr. 10, 1968]

PIERRE E. TRUDEAU, PRIME MINISTER TO BE: WHO HE IS AND WHAT HE THINKS

(By James A. Stewart)

(EDITOR'S NOTE.—This brief biography of Pierre Elliott Trudeau, Canada's prime minister designate, was written by the Montreal Star's James A. Stewart, and is published by The Whig-Standard today through the permission of The Montreal Star.)

OTTAWA.—Pierre Elliott Trudeau is the new Liberal leader. In a few days he'll be prime minister of Canada. It still sounds slightly fantastic, slightly miraculous, but Trudeau and the people who helped him make it don't believe in miracles. He may be the political marvel of the age, but they want him to be loved for his brains alone. Even before he made it, they were saying: Hard work, yes, talent, yes; magic no.

So please forget those images of Trudeau a go-go, immersed in electric sound and light, dancing and rocking like those young moderns in the TV beer commercial; judoka Pierre, bare-footed, brown-belted, casually flooring his opponents for the Liberal leadership; scuba-diver Pierre, glidding through the greeny undersea world while Paul Martin side-strokes across the Chateau Laurier pool.

Put aside the visions of Trudeau in his high-powered Mercedes, speeding towards 24 Sussex Drive as luscious, long-haired maidens draped on the chassis dispense flowers and copies of the Bill of Rights; cool, tough Professor Trudeau, chastising the unruly separatists; Pierre the mod, mod worldling, the paragon of bachelorhood, the incandescent Liberal.

As in Toronto, where delegates mobbed him, climbed chairs and tables to see him, risked being trampled to touch the hem of his leather coat.

Excited Delegate: "It's just like Diefenbaker in 1958."

Trudeau (aside): "What a gruesome thought."

Maybe so. But strong political leaders—the good and the bad ones—do kindle the emotions. If Trudeau had not done that he would not be at the very top of the ladder today.

* * * * *

Not everybody, of course, buys the Trudeau product.

Laval law student: "Trudeau should be arrested for impersonating a French Canadian."

Because he is a defender of federalism, some expect him to be hard on Quebec. He asked those who believe this not to vote for him.

Ralph Cowan: "No man living can lead me into the paths of bestiality and buggery . . . I'm trying to prevent a New Democrat and the author of a bill to legalize homosexuality and abortion from becoming the Liberal prime minister of Canada."

Because Trudeau has a libertarian approach to law, he may be accused of being a libertine. His attitude is simplicity itself—that the state has no place in the nation's bedrooms.

Others say Trudeau is arrogant and intractable. Premier Johnson said that if Trudeau became prime minister it could lead to the breakup of Canada. Many Quebecers consider him a reactionary on constitutional reform. His life and writings show little sympathy with the art of compromise.

* * * * *

The bafflement, of course, stems from the fact that even to many Liberals Trudeau is a spirit materialized out of nowhere.

They were only vaguely aware, if at all, of his long apprenticeship as an involved intellectual in Quebec where he developed his fundamental views of democratic institutions, human rights, federalism, and helped launch the Quiet Revolution.

They do know that Trudeau became a Liberal one day in 1965, was elected almost the next day, appointed parliamentary secretary to Prime Minister Pearson immediately, and justice minister a year later.

As justice minister, Trudeau inherited work on criminal code amendments that others had started, but he carried it forward. He remained at centre stage most of the year with a divorce reform bill, and as chief federal strategist in the continuing debate on constitutional amendment.

* * * * *

Energy Minister Pepin called Trudeau "the man of the hour."

"The liberalization of our laws and the federal constitutional policy are basically Prime Minister Pearson's policies," says Pepin. "But Pierre has substantially contributed to their development, and now, as Mr. Pearson steps down, these changes are in the spotlight with Pierre as their champion."

There was also Trudeau's personal appeal. Here was a genuine intellectual, world traveller and athlete, equally at ease in French and English, fluent in Spanish, who can and does quote Plato at cabinet meetings.

Here was a man who had fought Duplessis with words and deeds, and is now fighting separatists with the same weapons. Here was a wealthy bachelor, a free spirit who drives a fast car, plays moderately good piano, and wears expensive clothes. But comfortable, casual clothes.

John Diefenbaker: "The gentleman should be more considerate of the house, dressed as he is most improperly . . ."

Trudeau remains a distinctive dresser, though he has made a few concessions to the sartorial norms of parliament. He hasn't worn sandals or an ascot tie in the commons recently.

* * * * *

Before he became a minister he was able to read widely in politics, law, sociology, the main publications in English and French, as well as the three or four major books in these fields each year.

He was never an avid reader of fiction, aside from some poetry from time to time.

* * * * *

But now he reads mainly departmental material. His work as minister takes practically all his time. He hasn't even time for thorough study of other government documents, such as economic council reviews, or the Watkins report on foreign ownership.

His staff feeds him press clippings, summaries, documents. He doesn't read newspapers regularly, rarely watches television. Naturally he gets insufficient sleep. This may have cost him one vote—the Lethbridge woman who said she would switch her vote from Trudeau after noting, suspiciously, "He has bags under his eyes."

His athletic program has suffered too. Trudeau is still trim and muscular (five feet ten, 160 pounds). But for the past year he's had to neglect the judo workouts that earned him the brown belt. He swims as often as he can in the hotel pool, gets an occasional ski weekend, and still does some scuba-diving (during a two-week Christmas holiday in Tahiti).

* * * * *

Trudeau likes parties and the company of women, and is good-naturedly weary of answering question about why he is still a bachelor.

"No, I've got nothing against marriage," he says. "I've got nothing against romantic interests either, and I don't mind saying I've had some now and then."

He had some mixed feelings about the boom that propelled him into contention for the prime ministry.

"On the other hand I'm a bit amused. It was so sudden, as the girl said. "I'm also quite pleased, a bit thrilled that people should take that interest, not in me, because I haven't changed in the past few years, but I think it's proof that they share a certain conception of politics which I have, that they are identifying with those views of politics and have the same concept of the good society."

Trudeau has been developing those views for the past 20 years. It's as though he has been in training all his life for the work he now undertakes.

Until 1965, Trudeau was allied with socialist parties in Quebec. As recently as 1963, when Lester Pearson decided Canada should accept nuclear warheads, Trudeau called the Liberals idiots, and spoke of "the anti-democratic reflexes of the spineless Liberal herd."

Trudeau didn't think the Liberals would take him into the party, but they did. The Liberals set out to recruit a strong team in Quebec in 1965. They wanted labor leader Jean Marchand but Marchand, apparently on the advice of Rene Levesque, would not come in alone.

The delicate negotiations that followed led to the election of three brand new Liberals—Marchand, the distinguished editor Gerard Pelletier, and Trudeau, who was then lecturing at the University of Montreal.

They offered the Liberals talent, prestige, and a reforming spirit. The Liberals offered them power—a chance to inflence at the highest level the crucial work to be done for federalism and the French Canadian community.

Quebec New Democrats felt they had been betrayed by these three new Liberals.

"A political party is not an end, but a means," wrote Trudeau and Pelletier in an explanatory article in *Le Devoir* during the 1965 campaign.

"We are pursuing the same objectives and adhering to the same political ideas we have been exposing for so long in *Cite Libre:* a constitutionalism respectful of the rights of persons and groups; a democracy based on social progress; a federalism which reconciles a strong central authority with autonomous and progressive provinces, and a politics open to the left."

In the past they had defended the autonomy of Duplessis on tax-sharing, university grants and opting out. But now Quebec was strong and the central authority had been weakened. If that continued there could be damaging results to the Canadian union.

"Power always finds takers," they wrote. "If honest men don't take it, the rabble will."

In the forward to a recently-published book of his essays, called Federalism and the French Canadians, Trudeau wrote:

"It is not necessary to seek another constant in my thought than opposition to the conventional wisdom . . . My political action, or my thought, inasmuch as I've had any, is described in a couple of words: Be a counterbalance."

* * * * *

In 1964, Trudeau and five other Quebec intellectuals published a manifesto.

"Democratic rule must be maintained at all cost," they said. "It is a matter which we will not compromise . . . The truly democratic traditions have few roots in Canada where Indians, Metis, Orientals, Doukhobors, Hutterites and dissidents of all kinds have been victimized one after the other by the intolerance of the majority."

Trudeau has written elsewhere that if the two main ethnic and linguistic groups in Canada would collaborate "at the hub of a truly pluralistic state, Canada could become the envied seat of a form of federalism that belongs to tomorrow's world."

Quebec nationalism, in this context, is as untimely, sterile and retrograde as any other form of nationalism. Trudeau advocates equality for French Canadians, but not for French Canadians as Quebecers. In terms of powers, Quebec must be a province like the others. In terms of rights, the French Canadian must be equal to the English Canadian.

The special status or associate statehood is not a valid federal concept and would only lead to destruction of federalism.

Trudeau writes that "the whole citizenry must be made to feel that it is only within the framework of the federal state that their language, culture, institutions, sacred traditions and standard of living can be protected from external and internal strife."

He is unimpressed by arguments that Canada needs a new constitution. That would retard change rather than advance it. An enormous amount of power is being transferred to provincial governments by social and economic forces "without the necessity of amending a single comma of the constitution."

Some Quebecers, twenty years behind the times as usual, are now demanding a new constitution "and preparing to charge the centralizing dragon just when it has stopped breathing fire."

What is required now, says Trudeau, is not constitutional change "but a more systematic recourse to consultation and agreements between the federal and provincial authorities."

Trudeau would not leave the protection of civil or language rights to any single legislature. He wants a charter of human rights, entrenched in the constitution, to guarantee fundamental civil liberties and fundamental language and education rights across the country.

If this is done, for example, French language and education rights are guaranteed throughout Canada, Trudeau thinks the problem of division of powers between federal and provincial governments becomes a political struggle in simple, functional terms.

"We may not succeed," he says, "but I would rather try than let the country break up because the rest of Canada says to Quebec, no, you must stay in your French ghetto. Then I will pack my bags and I will go and live in the ghetto myself."

Trudeau's ideas plainly dominated the federal approach at the federal-provincial conference on the constitution in February. The federal government agreed to the total constitutional review that is now beginning, and Trudeau went along, but reluctantly.

He considers constitutional reform to be one of the least pressing of all the institutional changes he would like to see made in Canada.

"Let's not confuse French Canadian rights with the desires of a provincial government to build a little empire," he told a meeting of Montreal Liberals before the constitutional conference.

* * * * *

Reporter: "What would you say if wicked tongues point out that you've appointed two anglophones to your task force on the constitution?"

Trudeau: "I'd say 'merde!"

His attitude seems to reflect a kind of frustration, or a love-hate relationship with Quebec. He wants to shock, to goad his fellow Quebecers into full participation in the modern world. It galls him to see them fall into narrow nationalism, wasting their substance on symbols, isolating themselves, willing themselves the dirty end of the economic stick.

Some Quebecers who once fought beside him, like Rene Levesque, now call him a Negro king for the English, even though he's been propounding his ideas for 15 years.

"They're the ones who've changed their spots," says Trudeau angrily. "The difference is that I always say the same thing while they got discouraged and found themselves unable to compete with the English. I don't believe in a rocking-chair Quebec . . . I believe that if we want to be in this country we should fight just as everybody else does."

Trudeau doesn't tailor his views on Quebec in order to be popular, and they certainly aren't popular with any of the provincial political parties. He is as far from the Lesage Liberals on constitutional matters as he is from Daniel Johnson's National Union. One of his tasks in the next few years will be to build a strong federal organization in Quebec based on the Liberal party's faith in confederation.

He'll have to do this in opposition to the National Union and to many provincial Liberals. His opponents won't mind reviving some carefully selected comments from the considerable body of Trudeau writings.

In 1964, for example, he wrote an attack on separatism in which he referred to Quebecers as "this backward little people." In the same article he described separatism as a counter-revolution, "the work of a powerless little bourgeois minority afraid of being left behind by the 20th century revolution."

More recently he wounded his fellow compatriots with his remarks that Quebec should not be given a whit more power until it does something about the "lousy French" spoken in the province.

He bluntly lectures Quebec governments to use the powers they have. Quebec has had authority over education for 100 years, he says, but it took them 196 years to appoint a minister of education.

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His schoolmates remember him as a top of the class student, a first-rate athlete, who even then showed the traits of restlessness, perversity and anti-authoritarianism.

Pierre Elliott Trudeau was born in Montreal on October 18, 1921, first child of Charles Emile Trudeau, businessman and lawyer, and of the former Grace Elliott, a Canadian of Scottish origin. A younger brother, Charles, is now an architect who lives in St. Sauveur. A sister, Suzette, is the wife of Montreal dentist Dr. Pierre Rouleau.

Emile Trudeau, who died in 1935, left a sizeable fortune from his commercial enterprises, which included the Champlain oil service stations and an amusement park.

The money, invested in blue chip stock and Laurentian property, made Pierre a wealthy man, a millionaire.

There is nothing ostentatious about him though. Friends say he is a very careful man with a dollar, and in spite of his good physical reflexes, can be easily out-reached for the luncheon tab.

Trudeau is a devoted son who frequently visits his mother in the big home in Outremont, though for several years he has had his own apartment in Montreal. Her mother tongue is English, but she is thoroughly bilingual.

French and English were interchangeable languages in the Trudeau home, and Pierre himself began emphasizing one of his given names, Elliott, as the mark of his bicultural heritage.

He told a magazine writer in 1962 that he began using "Pierre Elliott Trudeau" when he went to Montreal's Jean-de-Brebeuf College. He said he did it "partly to vex the nationalists."

* * * * *

After his law degree, Trudeau decided to study economics. He says he had "no choice" but to go to an English school. He chose Harvard, getting a master of arts there, then it was l'Ecole des Sciences Politiques in Paris in 1946, and then the London School of Economics.

"I had no idea how far behind we were in Quebec," he said afterwards. "I thought it was enough to have a little Latin and Greek to get by . . . I could practise law in Quebec, but I had been given no inkling of the philosophy of law. I hadn't even read the writing of the great jurists. At Harvard, and even more so later, I realized how much we were missing in Quebec."

After the postgraduate work, he set out from London on a motorcycle, pack on back, to see the world. He was arrested in Jerusalem as an Israeli spy, saw street fights in Rangoon during the Burma civil war, crossed Cambodia and Viet Nam with an army convoy during the Indo-China war. He was arrested again crossing the Indian-Pakistan frontier after Pakistan became independent. He was in Shanghai when Mao Tse-tung's forces were sweeping towards the city and taking over China.

The trip didn't do anything to weaken Trudeau's convictions about the evils of nationalism. He came back to Canada determined to examine political institutions from the inside.

He plunged into several things at once. He joined the privy council office in Ottawa in 1949, working on constitutional and economic matters for Prime Minister St. Laurent.

In 1950 he and Pelletier and a few others dedicated to reforming Quebec politics launched the celebrated magazine, *Cite Libre*, Trudeau also became more involved in the labor movement in which Pelletier was active.

"The ideas we were advancing then might seem like truisms today," says Trudeau. "Separation of church and state, electoral reform, reform of the educational system. But they were not then, at least not in Quebec."

Trudeau gave up the Ottawa work after two years, though he found it fascinating, to open a law office in Montreal and concentrate on *Cite Libre*.

The magazine became a powerful, controversial voice, and a stream of pugent, provocative articles flowed from Trudeau's hand.

Trudeau also provided legal services for unions and union members, sometimes without charge, gave them technical advice, and wrote about the asbestos strike and other symptoms of the low state of labor relations in the province. He was a founding member of the Montreal Civil Liberties Union, and later a director of the Canadian Peace Research Institute.

In 1956 Trudeau made a stab at direct political action, helping to form "reassemblement"—a union of all left-wing elements in the province in an attempt to unite against Duplessis.

Trudeau lost much of his interest in the organization when it agreed to accept militant CCFers but not militant Liberals. The movement was overtaken by events. The CCF waned. The Liberals waxed. Duplessis died, and the Lesage Liberals came to power in 1960.

Throughout this period of political activity, Trudeau made periodic trips abroad. As he says, he tried to go to all the forbidden places.

In 1952 he was in Moscow attending an economic conference. There, apprehended for throwing snowballs at Stalin's statue, he was excused when he explained that it was his custom, in Ottawa, to throw snowballs at statues of Canadian prime ministers.

In 1957 he was a delegate to a Commonwealth conference in Pakistan. In 1960 he was picked up by a fishing vessel off Key West, Florida, as he tried to reach Cuba in a small boat. Later that year, with a group of Canadians, including author Jacques Hebert, he visited China.

Trudeau's travels, his socialist bent, his anti-authoritarianism, his work in the labor movement, got him plenty of attention in Duplessis' Quebec. He was accused of being a Communist, a traitor to his race and his language, of selling out to *les anglais*. Church elements branded him an atheist and an anti-Christ. Four times he was offered a professorship at the University of Montreal, and four times the offer was withdrawn, without explanation, after he had accepted. He finally made it to the university faculty in 1961.

All this got him briefly black-listed by U.S. immigration authorities in the mid-fifties. He recently told how he had been able to "whiten" himself quickly and without difficulty when the authorities look at his case more carefully.

Now this man, who always pricked against authority, has attained the highest authority in the land for himself. Trudeau's life and times so far show little capacity for doing what a Canadian prime minister has to do most of the time—compromise and build consensus.

* * * * *

Trudeau has been able to fit quite comfortably into nearly all of the Liberal government's present policies. Politics as the art of the possible seems quite as challenging to him as the intellectual engagement of the political critic.

* * * * *

Quite suddenly, Trudeau is at the top. He has his hands on all the major controls. The Liberal party has taken a gamble on Canada's future. Obviously it is a gamble that could pay off abundantly.

The question now is, where does Canada go from here, and how does Trudeau make it happen?

[From the London (Ontario) Free Press, Dec. 7, 1968]

TRUDEAU: ANOTHER CASTRO?

(EDITOR'S NOTE.—More and more, Canadians are getting a clearer insight into the real Pierre Trudeau, elected Canada's Prime Minister last June 25.

(Item: While Canadian forces will remain at full strength in Europe for the coming year, Trudeau is all for pulling them out of NATO in the face of threats from the Soviet Union.

(Item: Trudeau believes that the threat of a U.S. civil war spilling over into Canada is greater than the menace posed from behind the Iron Curtain.

(Item: Trudeau is all for self-confessed U.S. revolutionaries (Black Power advocates Stokely Carmichael and Yippie leader Jerry Rubin) being admitted to Canada to attend the Red-lining Hemispheric Conference in Montreal.

(In view of the above, an article ("Trudeau: Swinging (Red) Minister") in the Nov. 15 issue of Life Lines, an American publication, takes on considerable interest for Canadians. Below, it is reproduced in full.)

Time Magazine describes Pierre Elliot Trudeau as "a swinging Prime Minister" who would have been, in some people's opinion, a better husband for Jackie than Aristotle Onassis.

Better yet, hope he is a CIA agent parading as Canada's Communist-loving Prime Minister.

These thoughts erupt after one reads the charges raised by Igor Gouzenko, the Soviet cipher clerk who defected in 1946 and helped smash a Russian spy ring in the United States and Canada. Fred Rose, a member of the Canadian Parliament, was convicted of espionage as a result of Gouzenko's change of political heart.

It is Gouzenko's feeling that Trudeau is a late model Castro. He feels that Trudeau's passionate affair with socialism-communism makes Castro's look like an adolescent flirtation. Trudeau is communism's secret weapon, the swinging intellectual, according to Gouzenko. As if to make the Russian's case look better. Time heaps upon Gouzenko's pile of evidence the phrase "a swinging Prime Minister."

Indeed, Gouzenko's evidence is staggering. It is also supplemented by the digging of that thorough-going columnist, Father Daniel Lyons, S.J. His investigative conclusions on Trudeau agree with Gouzenko's. Comparing the two accounts, both of which have common facts, plus incidents and associations unmentioned by the other writer, one wonders if both of these Trudeau critics could be wrong.

Trudeau's past is a swirl of Red associations in which spies come and go with cocktail party grace. Trudeau has met and has been conquered by the charisma of Mao Tse-tung. There is even a romantic chapter of derring-do in which Trudeau tried to row a boat to Cuba from a Florida Key during the Bay of Pigs fiasco. The U.S. Coast Guard fished him out of the sea on suspicion of spying. His leap from an obscure government post with the help of former Prime Minister Lester Pearson a super socialist, himself—was meteoric. Trudeau's aid and comfort to an underling pal of Alger Hiss who moved in such circles as a Washington Communist study group seem to have been taken from the Fabian Handbook of infiltration, permeation and subversion.

To top it off, Trudeau is a product of that socialist scholar factory known as Harvard, and was refused entry into the United States in 1953 after attending an economic conference in Moscow.

The implications, nay the warning, from Gouzenko is plain: Fidel has Cuba; can Trudeau transform Canada into an anti-American Cuba on the northern border of the United States?

Before Trudeau was elected Prime Minister amid an emotional, heavily-financed campaign, Gouzenko warned:

"Because the Canadian and U.S. press, radio and television largely ignored the past activities and writings of Trudeau, the public is not aware of a real possibility that on the 25th of June, 1968, the next Prime Minister of Canada might be a self-admitted radical socialist, and Canada might, with ever increasing pace, turn into a second Cuba. The situation is already pregnant with a multiple threat to Canadian freedom."

Trudeau was elected to Parliament in 1965. Before this he was a professor at the University of Montreal and had founded a radical Left magazine. Cite Libre, Gouzenko says Trudeau "is careful not to call himself a Communist, but as a matter of record he was once barred from the United States as a Communist." Gouzenko backs this contention with a quote from the Toronto Daily Star of Feb. 6, 1968: "In another revelation, he admitted he was once black-listed by U.S. immigration authorities because they suspected he was a Communist."

Shortly after Trudeau was elected to Parliament, Prime Minister Pearson named him Parliamentary Secretary, then Minister of Justice.

It was no surprise when Pearson supported Trudeau in the leadership race that was to fill Pearson's post as Prime Minister. The press, radio and television gave Trudeau what Gouzenko describes as "unprecedented publicity, building him up as an intellectual, ignoring the fact that many of his so-called new ideas were borrowed from Lenin and Mao."

Pearson's background is well-known. Gouzenko says, recalling that Elizabeth Bentley testified under oath that Pearson was giving a Soviet spy ring information. The Russian quotes the Star again, from its April 15, 1967 issue:

"Miss Bentley identified Dr. Norman and Mr. Pearson—and a third Canadian official whose name has never appeared publicly—as sources of information for her spy ring. Her testimony has never been made public but a good deal of it has been leaked to friendly segments of the U.S. press. The Scripps-Howard newspapers obtained a complete transcript but plans to publish this were killed, reportedly as the result of a personal intervention by John Foster Dulles, then the Republican designate for secretary of state."

Gouzenko says he believes Elizabeth Bentley was telling the truth. "The Chief of the F.B.I., as a matter of fact, confirmed the validity and authenticity of her testimony."

There were several other episodes which revealed the sympathies of Pearson. One development was on November 20th, 1967. Pearson gave a top Canadian civil servant, Robert Bryce, a $5,000 award in recognition of his "outstanding service."

Gouzenko bristles at this, and well he should if his conclusions follow. He says "Robert Bryce was known to belong together with some other Canadians and Americans to a pro-Left study group in Washington where he served. He also was known to be a close friend of Alger Hiss.

"This information is alone not enough to charge a man, but is an alarm signal which any statesman whose interest of state security is at heart should never overlook.

"Yet this man was not only allowed to remain in the Canadian civil service, but was promoted to a position of tremendous influence in Government policies, and of having access to practically every Government secret."

Below is the part of Section II, Chapter 5 (Recruiting Methods) from the Royal Commission Report of 1946, pages 47–48:

"A good illustration of the ease with which The Director in Moscow was able to obtain espionage agents from the secret membership of the Canadian Communist Party in selected Canadian organizations is provided by the Research Group consisting of Halperin, Durnford Smith and Mazerall . . . within a short period of time what had been merely a political discussion group, made up of Canadian scientists as members of a Canadian political party, was transformed on instructions from Moscow into an active espionage organization working against Canada on behalf of a foreign power. It is particularly startling that none of the initiative for this transformation was supplied by the three scientists themselves."

An interesting episode directly concerning Canadian-Soviet relations is cited by Gouzenko.

A few days after that $5,000 award was announced, it became known that Robert Bryce, as Deputy Minister of Finance, ordered the cancellation of the International Service of the CBC, supposedly on an economy drive. This program was beamed to the people behind the Iron Curtain.

Gouzenko says "This is precisely what the Soviet government wanted; to cut off the last outlet of democracy so that an enslaved people behind the Iron Curtain would lose the opportunity to hear the voice of freedom."

The ex-Soviet cypher clerk was not alone in his suspicions. Dennis Braithwaite, Toronto columnist, wrote:

"I cannot bring myself to believe that the Government's proposal to scrap the CBC's International Service (IS)—Canada's shortwave radio voice—is based, as stated, on considerations of economy. The corporation's annual budget is in the neighborhood of $150 million; scrapping it would reportedly save about $3.8 million, a mere trifle . . . How can the International Service now be considered redundant when only last year the Government's white paper on broadcasting recommended that it be granted more funds in order to expand its services?"

"Please," Gouzenko asks, "consider the following:

"Trudeau attended the Communist sponsored economic conference in Moscow in 1952, and on his return wrote pro-Soviet articles.

"He went to China twice, was received there personally by Mao, and on his return wrote, together with another man, a book, glorifying Mao, praising the Communist regime in China, condemning the Nationalist government in Taiwan, and condemning the United States actions toward China.

"He wrote passionate articles against U.S. action in Korea echoing Communist propaganda.

"Trudeau writes articles condemning the U.S. action in Viet Nam. These articles have been as violent as anything found in Communist publications.

"Pearson was quoted as saying that he never met Trudeau before the latter was elected to Parliament in 1965. Yet, in Weekend magazine one learns that Trudeau worked for more than two years in the Privy Council in Ottawa as an economic adviser. He obtained this position with the help of Robert Bryce who was the Clerk of Privy Council at that time. It is hard to believe that Pearson failed to see Trudeau there. It appears that Pearson makes special effort to emphasize that he never met Trudeau before," Gouzenko charges.

Even more revealing is the book Trudeau wrote in 1961 entitled The Practice and Theory of Federalism. It reveals Trudeau as a potential Castro advocating the changing of Canada into a radical socialist state. The Communist program of power seizure is openly Trudeau's program, according to Gouzenko.

The Bay of Pigs adventure of Trudeau was not his "only suspicious episode," Gouzenko says.

"Trudeau travelled across the border of Cambodia and Viet Nam at the height of the Indochinese war. He was arrested crossing the India-Pakistan line.

"He was arrested in Jerusalem. Later he admitted that he was poking around.

"Trudeau was accused by some Quebec newspapers in 1962 after his return from Moscow, where he attended a Communist sponsored economic conference, of having received secret directives from the Kremlin.

"Trudeau threatened to cripple the United States war effort by stopping the sale of nickel to the U.S."

Gouzenko believes Trudeau is a contemporary mixture of Castro and Kim Philpy, the Soviet spy who did immeasurable damage to Western security.

"If British authorities back in the 30's had paid attention to the fact known at that time that Kim Philby was leftist during his student days at Cambridge, and had blocked Philby's entry into British Intelligence Service, then the monstrous damage that Philby as a Soviet spy inflicted to freedom would have been prevented."

Below, from Maclean's magazine dated April, 1968, is a Philby statement:

"As I look over Moscow from my study window I can see the solid foundations of the future I glimpsed at Cambridge." It was then, in the early 1930's, that he and many of his contemporaries espoused either socialism or communism.

It is interesting to compare Philby's words with those of Trudeau who remembered his student days as a turning point of his political make-up. Two statements from Maclean's dated February 24, 1962, quote Trudeau:

"I had no idea until I got to Harvard how far behind we were," he explains, and his voice has a tinge of rancor.

"At Harvard, and later even more so, my eyes were opened to what we'd been missing in Quebec, and I didn't like what I saw."

THE BEGINNING OF THE COLD WAR

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. GUBSER. Mr. Speaker, my constituent, Mr. Julius Epstein, research associate at the Hoover Institution on War, Revolution, and Peace, recently had an article published in the Central Europe Journal entitled "The Beginning of the Cold War" which I am sure will be of interest to all readers of the CONGRESSIONAL RECORD.

The article referred to is submitted herewith:

THE BEGINNING OF THE COLD WAR

(By Julius Epstein, affiliated with the Hoover Institution on War, Revolution and Peace of Stanford University, Stanford, California.)

Twenty-three years after the events, the American Department of State has just published Volume IV (Europe) in the series "Foreign Relations of the United States, Diplomatic Papers, 1945." The Volume, 1356 pages strong, contains some political dynamite. It deals with Albania, Belgium, Bulgaria, Czechoslovakia, Denmark, Finland, France, Hungary, Iceland and Italy. The main part, 137 pages, is devoted to US-Czechoslovakia relations covering the time from January 11 to December 14, 1945. It will take a long time for the historian to evaluate the documents collected in this volume and to establish obvious omissions of certain documents.

The purpose of this article can only be to give a brief résumé supported by quotations from the documents as printed in the State Department's collection. There is no doubt in my mind that certain documents are of great importance, not only for the historian but for the politician and statesman as well. They shed new light upon certain events, and conclusions drawn from them and may serve as new guidelines for political action. They are especially interesting in the light of the present Soviet occupation of Czechoslovakia. The problem involved is basically the same: The Soviets' fear that Czechoslovakia may eventually turn to the West, and their resulting fear to leave Czechoslovak territories.

The first document presented, carries the date of January 11, 1945. It is a memorandum by the Division of Central European Affairs within the Department of State. No individual authors are mentioned. The document deserves interest in two respects: it shows the boundless optimism prevailing in the Department of State, as to the relations between the U.S. and Great Britain with Czechoslovakia on the one hand and the Soviet Union on the other. A rather astounding lack of imagination permeats the whole document. Secondly, the document is the first in the collection which mentions the coming mass expulsion of the Sudeten Germans as the "one question which will require decision by the British, Soviet and American Governments."

THE DESIRE TO EXPEL ALL UNDESIRABLE SUDETEN GERMANS

The text of the document follows:

"The Czechoslovak Government's relations with the British and Soviet Governments are excellent, and present no problems. Czechoslovak-American relations (reviewed in Annex I) remain excellent, as they have been in the past.

"The United States, Great Britain and the USSR all favor restoration of independent Czechoslovakia with substantially its 1937 frontiers. Although we favor restoring Ruthenia to Czechoslovakia we would not oppose its incorporation in the USSR if the Soviet and Czechoslovak Governments should decide this in agreement. Czechoslovakia is not expected to present any problems for American post-war policies concerning it (detailed in Annex II).

"We have no question to raise about Czechoslovakia now; nor have Great Britain or the USSR, as far as we know.

"The Czechoslovak Government itself however has raised one question which will require decision by the British, Soviet and American Governments: It has informed them of its desire to expel to Germany all undesirable Sudeten Germans (Possibly two million) in the expectation that the three occupying powers will facilitate the resettlement of these persons within Germany, without any change in the Czech-German 1937 frontier. The State Department is preparing a note in reply expressing sympathy with the Czechoslovak concern about the Sudeten Germans, but opposing any unilateral action to move them until an orderly solution can be worked out in agreement between the Governments of Czechoslovakia and the occupying powers responsible for the maintenance of order for military security in Germany. The Big Three may wish to forestall precipitate action by reaching agreement along the lines of the separate memorandum on "Treatment of Germany", the last section of which deals with the broader question of the transfer of Germans from Poland, East Prussia and other areas as well as Czechoslovakia, who might altogether number near ten million."

On April 22, 1945, the American Ambassador to Great Britain, John G. Winant, telegraphed to the American Secretary of State, Stettinius, and reported a conversation with the British Secretary of State for Foreign Affairs, Anthony Eden. In this conversation, Eden had raised the question of the liberation of Prague and the desirability of Prague's liberation by American troops. This view as expressed by Eden, was, of course, Churchill's idea that the Americans and the British should liberate the Balkan countries as well as Czechoslovakia in order to forestall Soviet occupation. The British view was strongly opposed by the White House and especially by General Eisenhower.

LONDON,
April 22, 1945.

Before Eden left he talked to me about our advancing Army into Czechoslovakia and the possible liberation of Prague. He told me that he would forward me a note which the Foreign Office has sent me since his departure. In substance it reads as follows, stating that it expresses his considered view:

He feels that if it were possible from the military aspect it would be most desirable politically for Prague to be liberated by the United States Army. Apart from the obvious advantage of the Western Allies contributing to the liberation of Czechoslovakia the occupation of the protectorate or a part of it by the United States forces would enable your authorities and our own to get a footing in the country and establish our missions there as soon as a link-up with the Russians takes place and the way is opened as no doubt it would be not long afterwards for the Czechoslovak Government to return to their capital. It is true that practical difficulties might perhaps arise out of the hitherto unforeseen meeting of the United States and Soviet forces in this theater and out of the absence of any liberation agreement between your Government or ours on the one hand and the Czechoslovak Government on the other such as was concluded some time ago by the Soviet Government. Nevertheless, Mr. Eden feels that the advantage to be gained is considerable and would be glad to know whether your Government shares his view.

Mr. Eden is aware that there may be operational difficulties which would prevent the United States Army advancing fast enough to participate in the liberation of Prague. He was anxious, however, that I should put these views to you as representing his own estimate of the political aspect of the matter.

WINANT.

A few days later, British Foreign Minister Eden handed the American Secretary of State Stettinius, in San Francisco a top secret memorandum which again pressed the point that the Americans should liberate Prague and not the Soviets. The document whose spiritual author is, of course, *Churchill*, is of special importance because of its highly interesting and correct prediction that, "if the western Allies play no significant part in Czechoslovakia's liberation that country may go the way of Yugoslavia."

It is also of historical interest that the American Secretary of State, Stettinius, expressed his own reaction to the British ideas as "favorable". *Eisenhower* was stronger than the chief of the Department of State; his intention to leave Prague to the Soviets prevailed. General *Patton* was forbidden to send his tank from Pilsen to Prague only 50 miles to the East. Eisenhower fell for the myth of Hitler's "National Redoubt" in Western Austria and Southern Bavaria, allegedly a tremendously fortified "fortress". It was, nothing but one of Goebbel's propaganda lies. The Document reads as follows:

SAN FRANCISCO,
April 28, 1945.

THE SECRETARY OF STATE TO THE ACTING SECRETARY OF STATE:

Eden has just handed me a top secret memorandum reading as follows:

"Shortly before leaving for Washington Sir Alexander Cadogan wrote to Mr. Winant pointing out the great political advantages which would result if United States troops could press forward into Czechoslovakia and liberate Prague. The letter asked whether the United States Government agreed with this view, it is understood that the Ambassador passed on this enquiry to the State Department but has had no reply.

His Majesty's Ambassador to the Czechoslovak Government has informed his Majesty's Government that the Czechoslovak Ministers are of course delighted at the arrival of United States troops at their borders and say that the Czechoslovak Communists are correspondingly depressed.

In our view the liberation of Prague and as much as possible of the territory of western Czechoslovakia by United States troops might make the whole difference to the post war situation in Czechoslovakia and might well influence that in nearby countries. On the other hand, if the western Allies play no significant part in Czechoslovakia's liberation that country may go the way of Yugoslavia.

General Eisenhower has informed the Prime Minister that his main effort is against the southern redoubt. The Prime Minister is, however, unaware whether General Eisenhower has been apprized of the significance of Prague.

The British Chiefs of Staff have been asked to draw the attention of the United States Chiefs of Staff to this matter."

My reaction to the foregoing suggestion from the political standpoint is favorable. You may wish to discuss the matter with the United States Joint Chiefs of Staff, as regards the military and political aspects of the question.

E. R. STETTINIUS.

BENES: GERMANS SHALL BE DEPORTED IMMEDIATELY

Since there was no satisfactory reaction from the Americans, *Churchill* decided to approach *President Truman*. In a telegram from London, dated 30 April, 1945, he entreated the President:

"There can be little doubt that the liberation of Prague and as much as possible of the territory of western Czechoslovakia by your forces might make the whole difference to the post-war situation in Czechoslovakia, and might well influence that in nearby countries. On the other hand, if the western Allies play no significant part in Czechoslovakian liberation, that country will go the way of Yugoslavia.

"Of course, such a move by Eisenhower must not interfere with his main operations against the Germans, but I think the highly important political considerations mentioned above should be brought to his attention. The British Chiefs of Staff have, therefore, on my instruction, asked the United States Chiefs of Staff to agree to the dispatch of a message to Eisenhower in order that he should take advantage of any suitable opportunity that may arise to advance into Czechoslovakia. I hope this will have your approval."

After Prague was liberated by General *Vlasov's* troops and the shooting had stopped, the Soviet Red Army occupied Prague on May 9, 1945. On May 11, the American Ambassador in France informed the Secretary of State (Stettinius) that it would have been a "comparatively simple matter" to liberate Prague. He also informed Stettinius of a heretofore unknown fact, that the German High Command had "strongly urged" the American forces to conquer Prague. Ambassador Caffery's telegram to Stettinius reads as follows:

PARIS,
May 11, 1945.

The excellent suggestion made by [to] the President in the Department's memo of May 5th was outstripped by the rapid tempo of military developments.

I discussed this matter informally with the Chief of Staff SHAEF who has also been informed of the contents of the Department's 1935, May 8, 7 p.m. Chief of Staff informed me that it could have been a comparatively simple matter for the US Third Army to have penetrated deeply into Czechoslovakia and to have taken Prague. In fact German High Command strongly urged that USA forces should undertake such a mission and the opposition to the forces apparently would have been insignificant. In the absence of a directive however General Eisenhower's strategy laid emphasis on facilitating the occupation of southern Germany and western Austria thus paving the way for the longer term occupation. (Murphy)

CAFFERY.

On June 5, 1945, a telegram from the U.S. Ambassador to France (*Caffery*) to the Secretary of State relates a report written by Mr. *Alfred W. Klieforth,* American Charge d'Affaires in Prague. Klieforth reports a conversation with President *Benes* in Paris during which Benes had told Klieforth that he (Benes) would be able to hold the support of the Czech people, "provided the Germans remaining in Czechoslovakia are deported almost immediately." As Benes added, "this measure was urgent and impotrant to get the country back on its feet, as with the removal of the Germans he hoped that it would also terminate the Russian and American military occupation".

SOVIET TROOPS DISTRIBUTED THROUGHOUT CZECHOSLOVAKIA

The same telegram contains an interesting observation about the Soviets' behavior in Czechoslovakia:

"While the Red Army was greeted enthusiastically as liberators by the Czech people, its popularity has waned rapidly because of its policy of living off the country and its general licentious conduct. The Russian Army is under relaxed discipline and the average soldiers is anxious to return home. Even the Russian Ambassador admitted this to me. The American forces are more popular in their occupied zone because they are well behaved and live mainly from their own supplies.

"President Beneš told me that he greatly desires American forces to remain for the present and considers it important that their eventual withdrawal be synchronized with that of the Russian forces although he desires to see both forces leave as soon as possible. This viewpoint is shared by all Czechs except the ardent Communists. It is exceedingly important not only from the Czech viewpoint but from American prestige, to withdraw our troops at exactly the same time as the Russians."

On July 6, 1945, the American Chargé d'Affaires in Prague (Klieforth) sent a telegram to the Secretary of State in which he interpreted the Czechs' feeling about the American failure to liberate Prague. He wired:

"People of Prague for instance firmly believe failure of American troops to liberate Prague when they were only 20 mile distant was done upon 'orders' of Moscow, which had to be obeyed, although Soviet troops were over 100 miles distant thereby delaying the city's liberation by many days." The document continues:

Zecho's resistance to Soviet pressure, now on the increase in all respects, will be greatly weakened by American unilateral withdrawal with serious decline of western influence. The "eastern" communists will profit by it at the expense of Beneš authority and the non-Communist parties.

While nothing is said publicly, this problem is an important issue and the American answer is awaited with great impatience. Madam Beneš told me that her husband's present insomnia can be cured the minute I am able to give her husband the "right answer."

On August 25, 1945 the American Ambassador to Czechoslovakia, *Steinhardt* wired the Secretary of State a report on a luncheon he had with the Czech foreign minister, *Jan Masaryk* in which he said:

"At luncheon yesterday with Masaryk he informed me that there are still 320,000 Soviet troops distributed throughout Czechoslovakia notwithstanding Stalin's personal assurance that all Soviet forces would be withdrawn by July 20 other than 'eight or nine' divisions along Czechoslovak German frontiers. He said he was considering sending Svoboda, Minister of War, to Moscow to remind Stalin of his promise but that he would prefer Fierlinger go if he could be pursuaded to do so."

When the Americans decided to withdraw a large part of their troops from Czechoslovakia ahead of any Soviet withdrawal, *Steinhardt* sent another telegram to the Secretary of State (August 31, 1945) in which he did not mince any words about this unjustified "abrupt" reversal of American policy, "in violation of a promise". The text of this telegram follows:

THE SUDDEN WITHDRAWAL OF AMERICAN FORCES

"General Harmon, Commander of the American Forces in Czechoslovakia, has informed me in the strictest confidence that of his 3 divisions 2 are being taken out of Czechoslovakia within the next 10 days and that although it was intended until 2 or 3 days ago to replace these forces, he has now been informed that they will not be replaced. He also told me that it is his understanding that Supreme Headquarters is recommending to the War Dept. that all American troops be withdrawn from Czechoslovakia and that no replacements be sent. He gave it as his opinion that Supreme Headquarters is proposing to the War Dept. that all American forces be removed from Czechoslovakia by the first of November.

"The sudden withdrawal of all American forces from Czechoslovakia at this time while the Russians continue to maintain large forces in the country in violation of their promise to withdraw would constitute an abrupt reversal of our policy and would be regarded by all of the members of the Czechoslovak Govt including the President who desires a simultaneous withdrawal of American and Russian forces as an abandonment by the US of Czechoslovakia to further Russian influence.

"STEINHARDT."

And again on September 4, 1945, the Ambassador warned the Department of State against the withdrawal of all American troops before the Soviets had withdrawn their troops:

"The withdrawal of all American forces to the Bavarian-Czechoslovak border would probably result in an official or unofficial Russian infiltration into the evacuated American zone in Czechoslovakia with the resultant wholesale 'requisitioning' by individual Russian troops of cattle, and food, seizure of machinery, equipment, household and personal effects as 'war booty' attacks on individuals and various other depredations such as are all too common in the present Russian occupied zone.

"The withdrawal of all American forces would cause the Czechoslovakians to feel that they had been morally as well as physically abandoned by the Americans at the very time they are beginning to show signs of courage in standing up to Russians. This might well prove to be a determining factor as between the moderates and the Communists in the forthcoming Czechoslovak parliamentary elections.

"STEINHARDT."

Another document of considerable importance is the telegram *Steinhardt* sent on September 14, 1945 to the American Acting Secretary of State then *Dean Acheson*. I quote from it the following parts:

CZECHOSLOVAK GUARDS FIRED OVER SOVIET HEADS

"I have had a talk this afternoon with President Benes to ascertain whether Czechoslovak Government would be willing at this time to request U.S. and Soviet Government to effect a simultaneous withdrawal of their forces.

"President gave me in strict confidence following detailed account of his efforts to have Soviets withdraw their forces from Czechoslovakia.

"Benes said he had sent Svoboda Minister of National Defense and Clementis State Secretary for Foreign Affairs to Vienna a week ago to see Marshall Koniev to:

"(1) Complain of behavior of Soviet troops in Czechoslovakia;

"(2) Remind Koniev of Stalin's promise made about 2 months ago that not more than 8 Soviet divisions would remain in Czechoslovakia after July 20 and that these divisions would be withdrawn to Northern Czechoslovak frontier, and to ask him to reconcile recent Soviet request for food and supplies for over 300,000 men with Stalin's promise. President said he had instructed Svoboda to inform Koniev that amount of food and supplies requested would not be furnished. Inform Koniev that Czechoslovak Government would not permit the Soviet military authorities to requisition the very large amount of sugar they had demanded. The President informed me that when he had learned of the large quantity of sugar Soviet military authorities proposed to requisition he had (without consulting Cabinet) instructed the Czechoslovak military authorities to occupy the refineries and resist by force if necessary any attempt by the Soviets to requisition the sugar. He said Soviet soldiers had attempted to seize the sugar but when Czechoslovak guards fired over their heads they retired. He specifically requested that this incident be not disclosed.

"(4) Protest at the continued entry into Czechoslovakia from Germany and Austria of considerable numbers of Soviet troops and to warn Koniev that if this practice continued and these troops continued to requisition at will there would be 'conflict'.

"(5) Complain of the large garrisons, hospitals and other establishments the Soviet military authorities continue to maintain outside of Praha, Brno, and Bratislava and to request that they be withdrawn at once.

"The President said that although Svoboda and Clementis had been cooly received by Koniev, after a full discussion of the grievances presented by them Koniev had promised to reduce Soviet forces in Czechoslovakia to eight divisions, to stop depredations by Soviet troops from Germany and Austria and to withdraw garrisons and other establishments outside of Praha Brno and Bratislava. He had also agreed to the creation of mixed Czechoslovak Soviet units to deal on the spot summarily with irregular requisition, attacks on civilians (including many murders) and other transgressions.

"The President said he attributed Koniev's promise to remove the causes of complaint to the fact that shortly before Svoboda and Clementis left for Vienna he had instructed the Czechoslovak Minister in Moscow to insist on seeing Stalin and to recite the same grievances Stalin had remarked "I understand the situation, there will not be tranquility before we leave completely."

This document reveals a fantastic parallel in 1945 to the present Soviet occupation of Czechoslovakia. In both cases *Svoboda*, today's President of the Czechoslovak Republic, tried to induce the Soviets to leave Czechoslovak territory. He was more successful in 1945 than in 1968.

The same document, reports that President Benes urged the United States to employ "widest publicity" in the U.S. if the Soviets do not withdraw simultaneously with the Americans. The passage reads:

"President remarked that if Soviets then failed to propose a plan to withdraw their forces he favored widest publicity in United States of our endeavor without success to arrange that all Allied forces be withdrawn simultaneously."

BUT THE SOVIETS REFUSE TO WITHDRAW

Acheson again dealt with the problem of withdrawal of Soviet troops in his telegram of September 28, 1945 to the American Secretary of State who was at that time in London. Acheson suggested that the Secretary should send a memorandum to President *Truman* in which the Secretary of State should suggest a stern message from the President to Stalin. Acheson's telegram to the American Secretary of State deserves special attention in the light of the present events in Czechoslovakia. It reads:

"With reference to plan for withdrawal of U.S. forces from Zecho I propose with your approval to submit to the White House the following memorandum and proposed message from the President to Stalin.

"The text of the memorandum for the President is as follows: 'I recommend that the attached message to Stalin respecting the withdrawal of American and Soviet forces from Czechoslovakia be sent to you.'

"The War Department states that the plans for the reduction of the number of occupation troops in Europe require the complete withdrawal of American forces from Czechoslovakia by November 15, 1945. At the present time there is stationed in Czechoslovakia the equivalent of two divisions, which is considered by the War Department to be the number necessary to police the border between the American and Soviet forces, General Eisenhower has estimated that 300,000 Soviet troops are stationed in Czechoslovakia and that the Soviet Government intends to increase this garrison to 500,000 during the coming winter. It is our understanding that the Russians forces live off the land, and furthermore, the Soviet Government has asked the Czechoslovak Government to provide the necessary supplies to accommodate this force.

"American troops have been retained in Czechoslovakia at the request of the Department of State in the hope that a simultaneous and complete withdrawal of both Soviet and American forces might be effected. The efforts of President Beneš to have the Soviet forces withdrawn have not been successful and the Soviet promise to reduce their garrison in Czechoslovakia to eight divisions by July of this year has not been carried out.

"The proposed message to Stalin was suggested by President Beneš to Ambassador Steinhardt as the most effective means to accomplish a Soviet withdrawal, since the Czechoslovak appeals to Soviet military authorities have not obtained results. I consider that a unilateral withdrawal on our part without attempting to obtain similar action by the Soviets would be detrimental to the democratic and moderate elements in Czechoslovakia. Consequently, we should consider giving full publicity to our efforts if the Soviets refuse to withdraw or if they agree to withdraw but utilize familiar delaying tactics to keep their forces in Czechoslovakia after our withdrawal."

The attached proposed message from *Truman* to *Stalin* was sent by the President, November 2, 1945, and read as follows:

"As you know, ever since the time when the late President Wilson intimately associated himself with the liberation of Zecho from Habsburg rule my country has followed with deep and sympatheic interest the struggle of the Zecho people for national independence and economic security. We have always admired the diligence displayed by the Zecho state in constructing democratic institutions and in contributing to the peaceful international life in the European family of state.

"In the last days of the war, the American army crossed the western frontier of Zecho in pursuit of our common enemy and advanced to a line north of Plzen, while the Red armies of the Soviet Union and the east, entered the city of Praha. The armies of the Soviet Union and the United States thus carried out the liberation of Zecho. Since the close of hostilities, the armed forces of our two countries have remained on Zecho territory in order to assist the Zecho people in the elimination of the remnants of the Nazi forces. The continued presence of Allied troops, however, is proving to be a great drain on Zecho economic resources and is delaying the normal recovery and rehabilitation of this Allied state which remained longer under Nazi domination than any other member of the United Nations. I therefore desire to withdraw the American forces from Zecho territory by December 1, 1945. In the absence of a similar intention on the part of the Soviet Govt. there will still remain in Zecho a large number of Red Army soldiers. I should, therefore like to propose to you that the Red army be withdrawn simultaneously with our forces.

"Since there is no longer any necessity to protect the Zecho people against any Nazi depredations, and since the presence of our troops undoubtedly constitutes a drain on their economy, I also feel that the American forces should be withdrawn as soon as practicable in order to permit the Zecho people to reap the full benefits of the assistance being given them by the United Nations Relief and Rehabilitation Administration and other agencies. By the simultaneous withdrawal of both Soviet and American forces from Zecho, the American people would be assured that the drain on Zecho resources had ceased.

"I hope that you can give consideration to my proposal and that, in withdrawing our forces simultaneously, we can announce to the world our intention of removing any obstacle which delays the recovery of Zecho state."

On November 9, 1945, President *Truman* received the following message from *Stalin:*

"Your proposal concerning the withdrawal of the armies during November can only be welcomed particualrly since it fully accords with the Soviet plans for demobilization and withdrawal of armies. Consequently, it may be considered that the withdrawal of the Soviet and American armies from Czechoslovakia will be completed by the first of December."

LIMITS FOR COAL DUST IN MINES URGED

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. PERKINS. Mr. Speaker, those of us who represent districts in which coal mining is conducted long have sought legislation to combat a lung disease which causes more deaths among miners than are caused by underground explosions. This disease is known as pneumoconiosis or "black lung."

I am glad that, after 16 years of study, the Federal Government has recommended standards to reduce the spread of this disease. Several Members of this House have joined in introducing legislation which would write those standards into law. I hope the House will give prompt approval to that proposal.

A well-rounded explanation of this problem is contained in the January 17 issue of the Anthracite Tri-State News. Having received permission, I insert this article in the RECORD:

LIMITS FOR COAL DUST IN MINES URGED—PNEUMOCONIOSIS CAUSES MORE DEATHS THAN MINE MISHAPS

WASHINGTON.—After 16 years of study, the government recommended today the first Federal standard to reduce coal dust which causes an incurable lung disease blamed for more miners' deaths than accidents are.

Charles C. Johnson Jr., of the Department of Health, Education and Welfare, acknowledged that a "U.S. standard was long overdue" to combat the disease known among miners as "black lung."

The United States is the only major coal-producing country that doesn't have a government standard for keeping down coal dust, the department said in a statement.

Johnson said at least 100,000 miners in the country run the risk of getting the disease and that the Federal standard could significantly reduce the danger. He had no figures on those actually afflicted with black lung now.

Under present law, the Federal Government has no power to enforce the recommended standard. A department spokesman said it would be up to Interior Department to ask Congress to provide such authority.

The department's recommended standard is set at not more than three milligrams of respirable coal dust a cubic meter of air as measured by the Mining Research Establish instruments.

Studies completed by HEW's Public Health Service in 1964 found that almost 10 per cent of the active soft-coal miners and 20 per cent of the former miners in the Appalachian area show X-ray evidence of the disease. A final report on that study is expected soon.

Johnson, chief of HEW's new Consumer Protection and Environmental Health Service, said in an interview that "the findings have not been suppressed. They have appeared in a number of journals."

In 1952, a survey by the health service found an "alarmingly high" rate of chronic chest disease among soft-coal miners in the country.

The disease, officially called pneumoconiosis, breaks down the tissue of the lungs as the coal dust becomes lodged in them. In advanced stages, the victim becomes increasingly short of breath and finally dies of heart failure, pneumonia or suffocation.

Officials say there are no statistics on how many of the miners who get low-grade cases of the disease progress to the fatal stages.

While mining accidents have been killing several hundred men a year in the United States recently, black lung is listed officially as the primary cause of deaths for about 1,000 coal miners each year in Pennsylvania alone. And the deaths of about 1,000 more miners in the state year list black lung as a secondary cause.

Officials have no nationwide figures on the annual deaths from black lung. But Dr. Lorin Kerr of the United Mine Workers Welfare Retirement Fund says there is no question that black lung causes more deaths than accidents.

Most surveys of the disease have been conducted among soft-coal miners, but studies among hard-coal miners have indicated comparable rates of black lung.

The Federal standard applies to both soft and hard coal mines.

A knowledgeable Federal source said "there just hasn't been any push for this" until recently, and that top officials in HEW have shown little interest in the matter because "there were too many other higher priorities."

PRIVATE INVOLVEMENT IN URBAN PROBLEMS

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mrs. DWYER. Mr. Speaker, harsh experience has taught us that government alone—though it has a huge responsibility—cannot solve the urban crisis. The character, complexity, and extent of our urban problems requires the committed and understanding participation of the private sector, business, labor, voluntary organizations, and individual concerned citizens.

For many months now, I have been searching for examples of private participation in this area, especially on the part of business which possesses such great potential—examples which will illustrate the need and demonstrate the performance and which can serve as useful information to our colleagues and possible guides for further action.

Among the many such examples I have found, certainly the involvement of the Chase Manhattan Bank of New York City has been an outstanding one, in terms of the depth of its commitment, the extent of its activities, the strength of its leadership, and the imagination which it brings to this important work.

A recent Public Affairs Bulletin issued by Chase Manhattan, entitled "What You Can Do About the Urban Crisis," serves the twofold purpose of revealing a little of what one financial institution is doing and inspiring others to do likewise. When this publication, which is only one of many examples of the bank's urban activities, is seen in the context of the bank's official statement of policy regarding its urban responsibilities—as reflected in the letter to stockholders included in its 1967 annual report—the measure of Chase Manhattan's total involvement is great indeed.

I include, for the information of our colleagues, Mr. Speaker, both the bulletin and the excerpt from the annual report:

[From the Chase Manhattan Bank Public Affairs Bulletin, Dec. 30, 1968]

WHAT YOU CAN DO ABOUT THE URBAN CRISIS

The plight of our cities and of the people who live in them no longer needs any documentation. Our eyes, our ears, our noses, our nerves tell us more eloquently than any statistics that our cities are in deep trouble.

There is no single solution, and certainly no simple one. "This is such a mixture of physical, financial and psychological questions as to confound the best minds we have," said President Johnson.

But there is something each of us can do, and the joint efforts of enough concerned citizens hold out the best hope for conquering the ills of our cities. "We have an ample supply of handwringers," says John Gardner, head of the Urban Coalition. "We are in very short supply of people willing to lend a hand."

VOLUNTEERS ALL

Virtually everything we know today as social services—children's shelters, home nursing, family service agencies, halfway houses, clinics, welfare agencies—were pioneered by volunteer citizens who became concerned about neglected human needs in their communities and took steps to help. Now, in this time of change and turbulence, volunteers are needed more than ever. "Volunteers bring a sense of commitment and interest," says Ruth Hagy Brod, director of the Volunteer Coordinating Council in New York. "They improve the quality of city services because they're not callous, and in a highly alienated society, when someone does something for someone else without pay, it's a sign you really care."

Across the nation an army of volunteers—thousands of your fellow citizens—are devoting time, energy, ingenuity and initiative to urban ills. Why not join the "army?" Recruits are desperately needed and the opportunity for service lies right at hand.

A MAJORITY OF ONE

You don't need an elaborate organization or large bankroll to launch your own community aid project. Your own wits, energy and dedication are enough.

For instance, you can collect and distribute clothing, books, food and other items in short supply among the urban poor.

You can use the free resources of the city's playgrounds, parks, museums or libraries to sponsor recreational or cultural projects.

You can form a committee to write letters, prepare data and consult with elected officials on pressing urban problems.

The list is endless, and thousands of your fellow citizens have shown the way. For example—

On New York's Lower East Side, Humberto Aponte, an insurance claims adjustor who was born on a poor farm in Puerto Rico, runs a one-man housing clinic in his spare time. Armed with only a battered typewriter, he battles for his neighbors who often lack the knowledge and resources to fight back against slum landlords.

First in Hartford, and then in New York, 27-year-old Ned Coll created an organization called the Revitalization Corps which functions as a kind of non-governmental domestic Peace Corps through a variety of grass-roots programs. Coll's "Operation Suburbia," for example, placed 100 city children from Hartford and New York in suburban homes for several weeks last summer. Other projects include tutoring and campaigning for better schools—all on $5,000 a year, privately raised.

In Harlem, Miss Cora T. Walker, who for years has been telling her neighbors: "Quit complaining about problems. Do something about them!," launched a $5 per share supermarket last spring. Called the Harlem River Consumers Cooperative, Inc., it provides jobs for 80 Harlem men and women and lower prices for housewives on shopping day. Seventeen teenagers traveled from door to door to sell shares in the cooperative.

IN UNION THERE IS STRENGTH

If your inclination is to "join" rather than act on your own, there are innumerable organizations and groups that will welcome your participation. Let's look at what some of them already are accomplishing in various parts of the country on major aspects of the urban crisis.

Education

A good education is the greatest single weapon for combating the cycle of poverty, despair and disorder that festers in so many of our cities. The education problem, as we all know, is beset by conflicting pressures. Yet in scores of communities, heartening results have been achieved by groups who found that there were practical steps they could take right in their neighborhoods.

In Bridgeport, Connecticut, the School Volunteer Association, made up of some 375 black and white volunteers, tutors children with reading problems. The school superintendent calls the volunteers' work "an academic tender-loving-care that you couldn't buy."

In another typical community, women volunteers of a Stay-in-School Committee have been encouraging high school dropouts to return to school by establishing personal contact to get at the basis of each youngster's problem. With the help of church, service and community groups, they find dropouts part-time jobs and help them maintain their morale and keep their school and job performances up.

In New York City, a group of 70 young businessmen has set up an organization called SEO—Sponsors for Educational Opportunity, Inc. SEO searches for ghetto boys and girls with top potential and helps them get into the better colleges and universities. The SEO members entertain the students in their homes, build up a personal relationship, look into family problems and seek scholarships and summer jobs. Most of the 150 students SEO has selected for sponsorship are already in college. Says Harold Davis, whom SEO helped to win a scholarship to Wesleyan: "Ninety-nine per cent of the boys I grew up with are dead, in jail or on drugs—it's a miracle I'm alive."

Jobs

A job often makes the difference between becoming a useful citizen with a sense of hope and responsibility, or a public charge and possibly a criminal. James Rudd, leader of a group of 50 businessmen in Hempstead, New York, who banded together to help local youths find jobs, says: "There were plenty of Negro kids in this community who felt that they could become leaders by having the guts to stand up and throw a brick. I wanted to channel this energy into getting jobs instead."

In Indianapolis, a Voluntary Advisory Corps (VAC) has been helping unemployed persons overcome obstacles that have prevented them from finding and keeping a job. The only special skill required of a VAC volunteer is that he be a successful breadwinner—a person with a job who pays his bills and deals with his employers and fellow workers successfully month in and month out. The VAC volunteer meets with a job-seeker, usually referred by an employer who has been unable to offer him a job. In a series of sessions, the volunteer advises the job-seeker about how and where to apply for a job within his capabilities, how to prepare for interviews and fill out the necessary forms and how to bring out his positive factors that will appeal to an employer.

Sometimes just a bit of community encouragement is all that is needed to generate effective self-help programs. In Washington, D.C., a group of teenagers, given such encouragement, banded together as "The Working Magnificents" and sent out flyers that said:

"What jobs have you found for these industrious young men in your neighborhood? They can rake leaves, paint your porch floor, clean up your yard, shellac your inside floors, clean out your basement, wash and polish your car, get rid of your rats and roaches, and do any other such jobs. . . ."

Crime

The President's Riot Commission last spring drew a collective profile of the "counter-rioters"—after interviewing many ghetto residents who worked to prevent the riots. The report stressed that "the counter-rioter's actions and attitudes reflected his substantially greater stake in the social system." In other words, the key is: a stake in the community.

A number of volunteer groups throughout the country have sought to apply that message. In Indianapolis, a group of women started modestly, seeking to curb crime, persuade dropouts to return to school and obtain a new light on one dark street.

Thousands of women in the community have joined the campaign. They have helped keep scores of children in school, gotten hundreds of new street lights and established a "court-watchers" program to keep tabs on the efficiency of the courts. They have also begun a "one-woman-one-child" program in which one woman helps to solve the problems of one disturbed child, whether he needs a new sweater, help with his schoolwork or a job for his unemployed father.

An incident in Chicago recently gave eloquent testimony to the value of such programs. A 16-year-old hefted a fist-sized rock in his hand, then suddenly thrust it toward Lucy Lewis, a city anti-poverty worker. "Here," he told her, "I've got something for you. You kept me so busy I never had a chance to throw it."

HOW DO YOU START?

Chase Volunteers for Community Action (CVCA) has been created to help Chase staff members who want to do voluntary work on community problems in their spare time. It acts as liaison with various private and public groups and agencies that are seeking volunteer help.

Through CVCA you can take youngsters for a boat ride around the city, or to a museum, to a ball game or the circus; help out in child care centers; tutor children in remedial reading or other subjects; teach them to paint, sew or make handcrafted articles in workshops; or counsel adults on job difficulties, family finances or other problems.

To get started in these and various other activities and projects, telephone CVCA on Extension 4314.

Many Chase officers are working to assist economic development in disadvantaged areas—through Bank programs, the Interracial Council for Business Opportunity, the Bedford-Stuyvesant Restoration Corporation, the New York Coalition and other groups. Volunteers provide managerial assistance to minority-group clients who want to start their own businesses and who need advice about financing, credit, marketing and other problems; or who already have their own businesses, but have run into difficulties.

"GREATER, BETTER, AND MORE BEAUTIFUL . . ."

In the Golden Age of Ancient Greece, every young Athenian as he came of age took this oath of citizenship:

"Thus in all these ways, we will transmit this City not less but greater, better and more beautiful than it was transmitted to us."

Perhaps we should all take our own version of that oath.

[Excerpts from the Chase Manhattan Bank NA, Annual Report 1967]

TO THE STOCKHOLDERS

We believe it is fitting that the cover of the Annual Report for 1967 should merge New York's "other" skyline with the traditional one. The foreground suggests the tenements of Harlem. Seen beyond are the towering skyscrapers of Wall Street. Together, the two skylines illustrates New York's majesty as well as the menace of her slums. Throughout 1967 your bank labored to narrow the distance—in a figurative sense—between these two disparate ways of life. And, in a quite literal way, Chase Manhattan was dedicated to uplifting the standard of living in the low-income areas of New York.

As a leading commercial bank, Chase Manhattan's major contribution is to put money to work in a creative and productive way and thereby contribute to economic growth and progress in the city, the state, the country and, indeed, the world.

In addition, Chase is concentrating its efforts in three major categories: first, in providing jobs, training and opportunities for advancement; second, in channeling funds into specific projects aimed at improving the quality of life for the less fortunate, and third, in sharing the bank's technical and managerial talent with organizations working to accelerate the economic advancement of disadvantaged groups.

This responsibility to our social environment is intimately intertwined with our economic responsibility to our stockholders. We cannot, we believe, justify your faith in us simply by earning a profit today. We must also be certain that we are securing a place for tomorrow.

With this in mind, the bank supported a variety of projects designed to foster an environment conducive to long-term economic growth. Some of these are shown on pages 22 and 23.

In addition, we have been devoting an increasing amount of time to examining ways in which we can give more effective expression to our policy of equal opportunity. The fact is that in recent years we have not been able to find enough qualified people to fill our job openings. Thus our only alternative is to try to upgrade the labor force on which we and other New York City businesses must draw.

We have recruited directly in such areas as Harlem and Bedford-Stuyvesant. Once staff members are on the job, every effort is made to see that they have the fullest opportunity to realize their potential.

A complete range of formal and on-the-job training programs is available to all members of the staff for upgrading skills and facilitating personal advancement. More than 3,000 staff members benefited from over 50 centralized training programs and thousands more participated in decentralized training within their own units. In addition, 1,300 staffers took advantage last fall of the bank's Education Plan, under which tuition is refunded to staffers who satisfactorily complete approved courses in colleges, universities and the American Institute of Banking.

Chase Manhattan's need for skilled staff is underlined by the bank's increasing complexity and by our continuing growth. We processed 526 million checks, about 6% more than the year before, and transferred or registered over 22 million stock certificates, a rise of 21%. Our loans and mortgages climbed to $10.4 billion, a gain of 3.7% over 1966, and our deposits were $15.8 billion, a gain of 14.6%.

During 1967, our gross revenues were higher, largely reflecting our increased volume of loans, as well as services for which fees are charged. Although Chase Manhattan took the lead in reducing the prime rate to 5½% in January 1967, this rate returned to 6% in November when money market conditions warranted. On average the return on loans was higher for 1967 than the year before.

At the same time, our largest single expense item—interest payments to others—stabilized. Interest payments totaled $283 million, up less than one percent, in contrast to a 42% increase during 1966.

Because of greater activity throughout the bank and of our larger earning assets, our net operating earnings rose to more than $105 million, a gain of 7% over 1966.

The future growth and prosperity of the bank depends, of course, not only on our corporate efforts but on the performance of our national economy. And when we focus on the national outlook for the next year or so, we find cause for concern.

One major problem is the continuing balance-of-payments deficit, which last year ran between $3.5 and $4 billion. The government's program of restrictions on most U.S. investments abroad announced on New Year's Day will not solve this problem in the long run. It is a step backward from the freedom of trade and payments that supports the growth of the U.S. and world economies, rich and poor nations alike. Such controls can hurt us competitively in world markets and harm the balance-of-payments picture more than they can help if they are continued over a long period of time.

ARMY RESERVE RACISM—BY THE NUMBERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. RARICK. Mr. Speaker, the orders from the Department of the Army, cut 5 days before the new administration took office, call for racism by the numbers.

Can you imagine an army ordering a percentage of its troops to be selected not because of qualifications but on color alone?

And a list of all personnel are ordered to be kept by grade and percentage of Negroes in the unit.

With all the reports, tests, and percentages one wonders if the Army will ever have time to train or fight? There was a time when it was sufficient to submit a morning report to keep track of the men.

Let us hope the new President abides by his commitment to reduce the draft by making the professional military service more attractive. If so, he will need to abolish such trivial social discipline and emancipate the military.

A man is either a soldier or he is not. Forced race mixing in off-base housing, schools, and the like will never appeal to the professional soldier.

Mr. Speaker, under unanimous consent I submit the article of the Department of the Army for January 15, 1969, for inclusion in the CONGRESSIONAL RECORD, as follows:

DEPARTMENT OF THE ARMY, HEADQUARTERS, 122D U.S. ARMY RESERVE COMMAND.
Fort Chaffee, Ark., January 15, 1969.

Subject: US Army Reserve FY 1969 Strength Authorization.

1. Reference:

a. DA Message 892186, dated 1 January 1969 from CAR.

b. AR 135–91.

c. AR 11–35.

2. DA Message 892186 (reference 1a above) is quoted verbatim herein for immediate implementation by all USAR Troop Program Units and USAR Schools within this command:

"Unclas DA 892186 From CAR Sgd TAG.

"Subj: US Army Reserve FY 1969 Strength Authorization.

"Reference: a. MSG DA 862673, dtd 4 May 1968.

"b. AR 135–91.

"c. AR 11–35.

"1. Application of PL 90–500 to the US Army Reserve less units on Active Duty results in a world-wide annual average strength requirement of 254,295 for FY 1969. The 31 October 1968 assigned strength was 243,308.

"2. In order to attain the annual average strength of 254,295 for FY 1969 strength authorization for units of U.S. Army Reserve is programmed for 264,000 to be attained by Feb. 1969 and maintained pending further instructions. The anticipated return of mobilized Army Reserve units during FY 1970 will provide for annual average strength greater than FY 1969 authorizations; therefore, this action will also tend to reduce strength fluctuations in FY 1970.

"3. To ensure attainment of the required FY 1969 average annual strength, a 4% overstrength is authorized for each unit above that authorized in RCTB–68, including those units authorized 100% TOE. Fractions will be rounded to the nearer whole number (.5–1).

"4. Of the 4% overstrength, 3% will be enlisted from the normal REP waiting lists, prior service personnel and other sources.

"5. Of the 4% overstrength, 1% will be enlisted from a special list consisting of Negro applicants and designed to increase Negro participation in the U.S. Army Reserve units without regard to enlistments from the regular waiting list. Negro personnel currently on the regular waiting lists who so desire may be placed on the special waiting list along with new applicants. The overstrength will be managed by the chain of command in order to ensure full utilization with emphasis on those units lowest in Negro participation.

* * * * *

"4. Special waiting lists referred to in paragraph 5, quoted message, if not already in existence, will be immediately established and Negro personnel on the normal (or regular) REP waiting lists will be contacted and invited to authorize their name to be changed from the normal (or regular) REP waiting lists to the special waiting lists and, if otherwise eligible and qualified for immediate enlistment personnel will be enlisted from the special waiting lists where the unit is below the 104% and have less than 1% Negro strength in the unit as of this date. When the 1% strength figure has been reached with Negro personnel those on the normal (or regular) waiting lists will be enlisted."

* * * * *

8. A current report of Negro personnel strength assigned to each unit of this command will be submitted to this headquarters by not later than 24 January 1969. The report will be by number of grade and the percentage of Negro personnel of the strength of the unit. Units will submit reports DIRECT to this headquarters, ATTN: AKGOA–AA, and furnish their next higher command an information copy of the report.

9. This headquarters stands ready to assist unit commanders in any way possible in their recruiting efforts. The Command Recruiting Officer and NCO will visit the major and intermediate headquarters of the command during the next forty five (45) days to assist and advise the unit recruiting personnel and unit commanders in their recruiting efforts. The visits will be scheduled on the week-ends when the unit has a scheduled training assembly. Recruiting personnel of major and intermediate headquarters may be requested to visit their subordinate units. Man-day spaces will be made available for the visits if requested to do so.

10. As has been stated time and again in correspondence from this headquarters on this subject, recruiting to attain and maintain authorized strengths is a command responsibility of the individual unit commander. This headquarters expects and insists that unit commanders at all levels of this command discharge this responsibility with no less zeal than the other responsibilities of command.

For the commander:

EVERETT NUGENT,
Maj, GS, USAR, Actg Asst AG.

LETTER TO CHAIRMAN KOSYGIN REQUESTING RELEASE OF RUDOLF HESS

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. GUBSER. Mr. Speaker, Mr. Julius Epstein, research associate at the Hoover Institution on War, Revolution, and Peace, at Stanford University in my district, recently wrote to Chairman Alexei Kosygin, of the U.S.S.R., suggesting that he consider the release of the sole surviving war criminal imprisoned in Spandau.

Since Rudolf Hess' release has been requested by the Governments of the United States, Great Britain, and France, and has been blocked by the Soviet Union, Mr. Epstein's letter raises an interesting question.

I submit it herewith in the belief that it will be of interest to all readers of the CONGRESSIONAL RECORD:

THE HOOVER INSTITUTION ON WAR, REVOLUTION, AND PEACE,
October 29, 1968.

Chairman ALEXEI KOSYGIN,
The Kremlin,
Moscow, U.S.S.R.

DEAR MR. KOSYGIN: I am writing to you in behalf of Rudolf Hess, the last and only prisoner in Spandau.

The Governments of the United States, Great Britain and France have repeatedly demanded his release. The Government of the Soviet Union is the only obstacle to this humanitarian act. Why? The Soviet Government has never publicly stated its reasons for insisting that Rudolf Hess should die in Spandau.

As you know the International Military Tribunal at Nuremberg had acquitted Rudolf Hess of war crimes and crimes against humanity. He was sentenced to a life term of imprisonment for the preparation and carrying out of "aggressive war."

Rudolph Hess is 74 years old. He has been a prisoner for 28 years!

Innumerable people have publicly declared that Rudolph Hess should no longer be kept in prison. This opinion is in accordance with "socialist" as well as "non-socialist" humanitarianism.

Among those advocating his release was Sir Winston Churchill and Hess' prosecutor at Nuremberg, Sir Hartley Shawcross.

To mention just a few of the illustrious people who want Hess released, I mention the following: Professor Hahn, Professor Heisenberg, Martin Niemoeller, Andre François-Poncet, Sefton Delmer, Jean Anouilh, Bishop Lilje, Ernst Juenger, Francis Noel-Baker, Lord Robertson of Oakridge, House of Lords, England, Lord Russel of Liverpool, House of Lords, England, Bishop of Woolwich, England, Archduke Otto von Hapsburg.

There are just a few of the 800 people of all creeds and political standing who have signed a public appeal for the release of Rudolf Hess. 1968 has been declared by the United Nations as "Human Rights Year!"

May I respectfully suggest, Sir, that you reconsider the Soviet Government's point of view in the light of true humanism?

With the expression of my highest esteem, I remain, Sir,

Faithfully yours,

JULIUS EPSTEIN.

CEDAR GROVE POST OFFICE RECEIVES CITATION OF MERIT FOR BEAUTIFICATION PROGRAM

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. RODINO. Mr. Speaker, it is with great pleasure and pride that I call to the attention of my colleagues the award of a "Citation of Merit" to the Cedar Grove, N.J., Post Office for its outstanding beautification accomplishments. Under the direction of Postmaster James De Maio the Post Office of the Township of Cedar Grove has achieved a notable record of efficient and courteous service. But beyond this, the post office has moved to create a more beautiful environment. The Verona-Cedar Grove Times of January 23 has an excellent editorial describing the post office's contribution to enhancing the beauty of the community, and I ask that it be included in the RECORD at this point. As the editorial states, "Esthetics is a virtue," but unfortunately it is one not much exercised. So it is with distinct gratification that I hail the efforts of Postmaster De Maio and this signal recognition of the Cedar Grove Post Office's efforts:

> POST OFFICE HONORED
>
> Esthetics is a virtue of the Cedar Grove Post Office as well as efficient and courteous service and the facility under the Postmastership of James De Maio is to be congratulated for having been chosen for a "Citation of Merit" award recognizing the efforts which have been made to support the natural beauty program of President Johnson and Mrs. Johnson.
>
> The citation was made after a rigid inspection by postal authorities from regional headquarters. They took note of added shrubbery, flower boxes placed in attractive places and rose bushes supplied from the Garden of the Patriots, Cape Coral, Florida.
>
> Not only has the landscaping made the Post Office building attractive. It has enhanced the area surrounding the township's municipal building which for a long time has received the attention of the Cedar Grove Garden Club also. The efforts of Mr. De Maio and his fellow-workers as well as of the civic organization should encourage others in the area to make Cedar Grove even more attractive.

HOUSE OF REPRESENTATIVES—*Wednesday, January 29, 1969*

The House met at 12 o'clock noon.

The Very Reverend Stephen Bilak, pastor, St. Vladimir Ukrainian Orthodox Cathedral, Philadelphia, Pa., offered the following prayer:

In the name of the Father, and of the Son, and of the Holy Spirit. Amen.

Almighty God, we beseech Thee to look with favor upon our great country—the United States of America. Thou hast made us great among the nations of the earth. Let us not forget that this place and power have come of Thee, and we have them as a trust to use in Thy service. We implore Thee, O Lord, instill us with brotherly love, bring order, unity, and understanding. Guard and keep in good health our esteemed President, the Members of the Congress, and all those to whom has been committed the government of this Nation.

O Merciful God, on the 51st anniversary of the proclamation of the independence of the Ukrainian National Republic, we commend to Thy gracious care the enslaved Ukrainian people, and pray, O Lord, that Ukraine once again become free from this atheistic communistic oppressor and modern slavery.

O Heavenly Father, help the Ukrainian people in their heroic fight against tyranny, symbolized and practiced by the Red empire. Help all the oppressed nations to become free, as well. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

TRIBUTE TO THE LATE HONORABLE JESSE PAINE WOLCOTT

(Mr. HARVEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. HARVEY. Mr. Speaker, it is with profound regret and great sadness to formally notify my colleagues that former Congressman Jesse Paine Wolcott passed away yesterday—Tuesday, January 28, 1969, in Bethesda, Md., at the age of 75. Jesse would have celebrated his 76th birthday in a few weeks on March 3.

There are many, many Members in this Chamber who can speak more knowingly and personally of Jesse Wolcott and the 26 years that he served as a Member of the U.S. House of Representatives, representing the old Seventh District of Michigan, from 1931 to 1957.

It was my privilege to meet Jesse for the first time shortly after my arrival in Washington back in 1961. Jesse was then a director of the Federal Deposit Insurance Corporation and appeared before our House Committee on Banking and Currency, on which I served at the time.

From the more senior members of the committee I quickly learned of Jesse's fine reputation and the high esteem in which he was held by all. Then, in 1964, Michigan's congressional districts underwent a great change. As luck would have it, I fortunately ended up with most of the counties of Jesse's old Seventh District. This included, as now, Jesse's home county of St. Clair.

Thus, through my service on the Banking and Currency Committee, my Michigan background and acquisition of much of the old Seventh District, my friendship with Jesse and his lovely wife, Grace, prospered. A friendship my wife, June, and I cherished and shall always remember with great fondness and affection.

We shall always recall with great delight an overseas trip with Grace and Jesse a few years ago. It was a wonderful time made so enjoyable by the witty and sparkling personality possessed by Jesse.

As we pause to pay tribute to Jesse today, I think it is important to cite at the outset that this man devoted over 45 years of his life to public service.

Imagine the impact this fine gentleman has left in helping to chart our Nation's future when he first arrived in Washington on March 4, 1931, to take the oath as a Member of Congress for his first term in the 72d Congress.

In 26 years, he served on such committees as Territories, Banking and Currency, Revision of the Laws, Roads, Special Committee on Postwar Economic Policy and Planning, Joint Committee on the Economic Report, and Special Committee To Investigate Tax Exempt Foundations.

It is of special honor to point out that Jesse Paine Wolcott was chairman of the House Committee on Banking and Currency both in the 80th Congress—1947–48—and 83d Congress—1953–54. Under his chairmanship the following bills were passed: the Mortgage Insurance Act of 1947; the Consumer Credit Controls Act of 1947; the Rent Control Acts of 1947, 1948, and 1953; the Veterans Housing Act of 1948; and the Housing Acts of 1953 and 1954. I am certain that the present chairman of the Banking and Currency Committee, the Honorable WRIGHT PATMAN, can well recall Jesse's contributions to that committee over the years.

I think that I shall always recall with particular fondness a special trip that Jesse made to Capitol Hill back in September 1963. I needed help as I knew that I would be campaigning for reelection in a new district in 1964. Much of that new district would be Jesse's old territory from which he had voluntarily retired from Congress in 1957.

Puffing on his cigar, another of his trademarks over the years, Jesse predicted, "You won't have any difficulty, JIM. They are friendly, outgoing people in the Seventh District. It is just a question of getting acquainted." He lent his fullest support in my behalf.

In our small talk, I asked Jesse what he felt was the biggest change in the Federal Government over the last 35 years. In a wink he stated bluntly and concisely—"It's bigger." In talking about everyone depending on the Federal Government to solve their problems, Jesse added, "They should stay at home."

I have fond, warm memories of this man—little in stature, but so big and tall in greatness and in heart. He shall always rank with the very best who have served our country so well for so long.

And serve his country and his fellow man he did with distinction. There are 17 lines in the "Biographical Directory of the American Congress, 1774–1961" on Jesse Paine Wolcott. A book could be written on each line.

Consider his birth and childhood in Gardner, Worcester County, Mass., where he attended elementary and high schools. Then his attendance at Detroit, Mich., Technical Institute and graduation in 1915 from the Detroit College of Law, Detroit, Mich.

He was admitted to the bar the same year and commenced practice in Detroit. He answered the call to serve his country during the First World War and did so with distinction as a second lieutenant in a machinegun company overseas as a part of the 26th Infantry, 1st Division, 1917–19.

After the war, Jesse returned to Michigan and settled in Port Huron, some 50 miles northeast of Detroit, and resumed the practice of law. In 1921 he was named assistant police judge of Port Huron and then assistant prosecuting attorney of St. Clair County in 1922–26. In 1927 he began his service as the prosecutor. A few years later, he began his long and fruitful service in the U.S. House of Representatives, winning in the 1930 election and formally becoming a Member of the 72d Congress on March 4, 1931.

For 26 years, he was an outstanding Member of this body; certainly, one of the ablest men to serve. No one could surpass his dedication or his devotion. Always a gentleman who thought of others before himself. We have lost a great man but our country, our State of Michigan, and the present Eighth District and the old Seventh District of Michigan are better off for having had the benefit of the talents of this little giant—Jesse Paine Wolcott.

To his wife, Grace, and his family, I wish to express the heartfelt sympathy of the Members of the U.S. House of Representatives, and particularly those who are still here that had the honor of serving with this great and good man.

I also would like to include the article which appeared in today's—January 29, 1969—edition of the Washington Post reporting on Jesse's passing, at this point:

JESSE WOLCOTT, LEGISLATOR, DIES

Former Rep. Jesse Paine Wolcott, of Michigan's Seventh District, who served in the House for 26 years, died yesterday at his home in Chevy Chase.

Mr. Wolcott, 75, had been in ill health in recent years and had suffered several strokes.

A Republican, Mr. Wolcott was first elected to the House in 1930 and served continuously until his retirement in 1957. He served as board chairman of the Federal Deposit Insurance Corp. from 1958 to 1964.

Mr. Wolcott was chairman of the House Banking and Currency Committee in the Republican-controlled 80th Congress from 1947 to 1949 and again in the 83d Congress of 1953 to 1955.

After World War II, he played a major role in handling legislation that guided the transition from strict wartime economic controls to the more lenient regulations of the postwar period.

In 1946, he was an important figure in obtaining Republican support for a loan to Great Britain. His postwar position, favoring certain international commitments, differed from the isolationist viewpoint he had held up to the Japanese attack on Pearl Harbor. He cast his vote for a munitions embargo in 1937, against Selective Service in 1940 and against Lend-Lease to Britain in 1941.

On domestic affairs, he was regarded as a conservative throughout his career, with a few exceptions. He strongly fought the agricultural policies of the New Deal but voted for Social Security and the National Industrial Recovery Act.

Mr. Wolcott was a member of a special committee to investigate tax-exempt foundations during the 1950s.

He signed a controversial report assailing foundations for showing a "distinct tendency to favor political opinions to the left."

A native of Gardner, Mass., Mr. Wolcott was a direct descendant of William Bradford, the first governor of the Massachusetts Bay Colony. He moved to Michigan in 1912.

He is survived by his wife, Grace A.; a son, Jesse Paine Jr., of Rockford, Ill.; a niece, Mrs. Franchon Castro of Washington, and five grandchildren.

Mrs. GRIFFITHS. Mr. Speaker, will the gentleman yield?

Mr. HARVEY. I yield to the gentlewoman from Michigan.

Mrs. GRIFFITHS. I would like to add my word of sympathy to Jesse Wolcott's widow, his son, and his grandchildren. When I first came to Congress, Jesse was a ranking member on the Committee on Banking and Currency. He gave me as great help as any Member of this Congress. He was always kind, he was always sympathetic, and he was always wonderfully helpful to me. I cannot begin to express both my gratitude to his memory and my sympathies to his family.

Mr. HARVEY. Mr. Speaker, I thank the gentlewoman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. HARVEY. Mr. Speaker, I yield to the distinguished minority leader, the gentleman from Michigan (Mr. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I appreciate the gentleman from Michigan yielding.

Mr. Jesse Wolcott was one of the senior Representatives, not only on our side but in the House as a whole, when I was privileged to be sworn in as a Member on January 3, 1949. Prior to being sworn in as a Member, it had been suggested to me that I sit down and talk with Jesse Wolcott about committees and about other opportunities in the House of Representatives. Despite the fact that Jesse Wolcott had been a Member of this body for a number of years, and despite the fact that he had been the chairman of the great Committee on Banking and Currency, and despite the fact that he had a great multitude of duties and responsibilities, he took ample time to give me good counsel and advice.

I was deeply grateful then for his many courtesies, and as the years passed, and as we served together, there was no person for whom I had a higher regard and a greater admiration in the House of Representatives than the late Jesse Wolcott.

We were all sorry that he left the House voluntarily, but Jesse Wolcott assumed other duties in the executive branch of government and performed, as he always did any job, with the highest degree of effectiveness and results.

I knew Jesse as a friend. I respected him as a colleague. I will miss him, but I can say without hesitation or qualification that he left an indelible mark of excellence in the House of Representatives.

I extend to his family and to his friends our deepest condolences.

Mr. HARVEY. Mr. Speaker, I thank the distinguished minority leader.

I yield to the gentleman from Arkansas (Mr. MILLS).

Mr. MILLS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to add my words of sorrow to those that have been expressed by our colleagues today over the passing of one of my very dear and personal friends, Jesse Wolcott.

When I came to the Congress in 1939, I had the privilege of serving on the Banking and Currency Committee for almost 4 years before going on the Ways and Means Committee. Mr. Wolcott was the ranking Republican member of the committee during those 4 years. He was as kind and as considerate as any person it has been my privilege to know. He was always helpful to me, and I took to him as a Democratic Member of Congress many, many of my problems for purposes of consultation and advice.

I grew to love and respect him as a man. He was always a keen student of the legislation over which that committee had jurisdiction, and in those days the jurisdiction of the committee seemed to be somewhat broader than it is now under the Reorganization Act, but I can remember the work that was done in connection with mandatory prices on all agricultural products in the beginning of World War II and other legislation. I was always one who marveled at the depth of his understanding of many of these problems even though he came out of a background that did not deal with the particular subject matter. He was a serious and keen student, a very honorable person and one who had many friends while he was here, certainly on my side of the aisle, and I always included him among my very best friends.

I extend to his widow and to the members of his family my heartfelt sympathy on his passing.

Mr. HARVEY. Mr. Speaker, I thank the distinguished gentleman from Arkansas.

I yield to the distinguished Speaker.

Mr. McCORMACK. Mr. Speaker, I was very sorry to read of the passing on of our dear and valued friend, the late Jesse Wolcott.

Jesse Wolcott served in this body for a period of about 27 years and thereafter for several years was Chairman of the Federal Deposit Insurance Corporation.

He also served our country during World War I.

Jesse Wolcott was one of the outstanding Members of this body for many years prior to his retirement in 1957. He occupied a position of outstanding leadership because of the respect and admiration his colleagues on both sides of the aisle had for him and for his ability, his knowledge and his courage. He clearly possessed qualities of leadership which commanded the attention of all of his colleagues.

Jesse Wolcott was not only a great American but also an outstanding legislator and public official.

I extend to Mrs. Wolcott and her loved ones my deep sympathy in their great loss and sorrow.

Mr. HARVEY. I thank the distinguished Speaker.

Mr. Speaker, I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Speaker, I was very sorry to learn of the passing of our former colleague and my very warm and dear friend, Jesse Wolcott.

I had the real pleasure of serving with him in this body for many, many years. He was an active and a most intelligent member of the Banking and Currency Committee. I learned to respect him for his tireless efforts in representing his district in Michigan and for the outstanding job he did when both as chairman and ranking member of the Banking and Currency Committee.

If anyone who serves in Congress might be termed an expert, I would say it would have been Jesse Wolcott. He was indeed an expert in the field of money and banking and economics generally.

It was my pleasure to talk with him time and time again, asking his advice on the intricate problems which came before the Congress. I saw in him a man who had the answers and one willing to give you the benefit of his detailed knowledge of the most complicated of subjects. His advice was invariably sound. Jesse Wolcott was a great American, a man of many accomplishments and one of the kindest men I have ever known. I believe the country is better for his having served in this body.

I extend to his family my most sincere sympathy at this time of their bereavement. I share their sorrow.

Mr. HARVEY. I thank the gentleman from Illinois.

Mr. Speaker, I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I join the gentleman in this expression of sorrow on the death of a great American. Jesse Wolcott was not only one of the kindest men I ever knew but he was an intellectual giant and a scholar of the highest order.

Mr. HARVEY. I thank the gentleman.

Mr. Speaker, I yield to the distinguished gentleman from Michigan.

Mr. CHAMBERLAIN. Mr. Speaker, I thank my distinguished colleague from Michigan for yielding and would like to join in expressing my sorrow on learning of the passing of the Honorable Jesse P. Wolcott.

Although I never served with Congressman Wolcott, as he retired just before I came to the House, it has been my privilege to become well acquainted with him during the intervening years. As a freshman Congressman, I was assigned to the Banking and Currency Committee and immediately became aware of the high esteem in which Congressman Wolcott was held, not only by the members of that committee who had served with him, but other Members of the House, on both sides of the aisle, and also by those engaged in the banking profession throughout our country. I am satisfied that from what I have heard about this great man, and his tremendous talents, and his capacity for good, it would have been a rewarding experience to have served with him on the Banking and Currency Committee.

From his broad acquaintances and his legions of friends who have spoken so kindly of Mr. Wolcott, I know he served as a member of this House with dedication and zeal and in its highest traditions. Mrs. Wolcott and the members of their family have my sincere condolences and sympathy.

Mr. HARVEY. I thank the gentleman.

Mr. CEDERBERG. Mr. Speaker, with a sense of sadness I join my colleagues today in paying tribute to our former colleague, the Honorable Jesse Paine Wolcott.

I well remember the saged counsel I received from him when I came to Washington as a freshman Member of this august body. He had then been here nearly two decades, and I soon learned the great respect with which he was held by his colleagues on both sides of the aisle.

Congressman Wolcott, in his typically quiet manner, provided us newcomers with a wealth of advice. His suggestions in the area of our conduct and procedure made our path easier to travel.

In the annals of the House of Representatives—yea, in the annals of our country we find written the distinguished service record of Jesse Paine Wolcott in behalf of our country.

World War I interrupted his plans to begin the practice of law because shortly after law school graduation he heeded the call to military duty. He went overseas as a lieutenant with a machinegun company. This marked his first service to his country, and he was on military duty from 1917 to 1919.

His second tour of duty as a public servant started after the war when he was installed as a judge and subsequently an assistant prosecuting attorney in Michigan.

Then for 26 years he served in this House, having been returned here biennially as the "favorite son" Congressman of the voters of Michigan's Thumb District. As has previously been related, he voluntarily retired from these Halls and later became a member of the board of the Federal Deposit Insurance Corporation, where he concluded his career of public service.

History will include him in the top echelon of public servants who so faithfully guided our country during their era of duty.

To Mrs. Wolcott, the widow, and other members of the Wolcott family, Mrs. Cederberg and I extend our deepest sympathy.

GENERAL LEAVE

Mr. HARVEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the life, character, and service of the late Honorable Jesse P. Wolcott.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

TRIBUTE TO THE VERY REVEREND STEPHEN BILAK

(Mr. FLOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLOOD. Mr. Speaker, it is with pride and admiration that I listened to the invocation of Father Stephen Bilak.

Recently he celebrated his 25th anniversary as a Ukrainian Orthodox priest. Surrounded by more than 300 parishioners and friends in St. Vladimir Cathedral, the seat of his parish in Northeast Philadelphia, Father Bilak surely reflected on the pilgrimage that brought him to that happy day.

As we mark the 51st anniversary of Ukrainian independence, and independence cynically and systematically destroyed by Balkan ambitions and Bolshevik imperialism, I would be remiss not to recount the journey of this valiant and inspired man.

He was born in the Ukraine during the First World War ferment for Ukrainian liberty. The land of his boyhood, however, was more often one of occupation—by the Germans, by the Poles, by the Hungarians, and finally, by the Soviets.

Attending schools in his hometown, Uzhorod, Father Bilak was graduated from seminary there as the storm clouds of the Second World War broke over Europe.

When his hometown fell to Hungarian troops, he was called into the Czechoslovakian Army. During his army service he met and married his lovely wife, Helen, who is also with us today.

Ordained in 1943 to the holy priesthood in Warsaw, Poland, he was assigned by the Ukrainian Orthodox Metropolitan of that city to Berlin, Germany. At war's end, when the Allies occupied Berlin, Father Bilak worked his way to the British zone and organized the city's first postwar Ukrainian Orthodox Church, a parish of 500 families.

Later, Father Bilak taught religion and language at a displaced persons camp in the Rhine Valley. The journey west was slow, but the goal, American liberty, was never out of sight.

Finally, in January 1950, through the efforts of Metropolitan John Theodorovich, now His Excellency, the Most Reverend John, archbishop of Philadelphia, and Metropolitan of the Ukrainian Orthodox Church of the United States, Father Bilak, his wife, and his daughter, Irene, were brought to the United States.

He soon became a well-traveled American, holding pastorates in Jones, Okla.; Minneapolis, Minn.; Woonsocket, R.I.; and Passaic, N.J. He came to Philadelphia in 1963 and we are proud and happy to have him as friend and fellow Pennsylvanian.

In 1955, in Minneapolis, Minn., he became a U.S. citizen.

To those of our fellow Americans, who hold the privileges and responsibilities of freedom lightly, I direct attention to the inspired example and sacrifice of the Very Reverend Stephen Bilak, this man of God—this man of America.

THE PROBLEM OF CIGARETTE SMOKING

(Mr. MOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MOSS. Mr. Speaker, over 10 years ago a World Health Organization study called for effective action regarding the problem of cigarette smoking. This report stated:

> The sum total of scientific evidence establishes beyond reasonable doubt that cigarette smoking is a causative factor in the rapidly increasing incidence of human epi-

dermoid carcinoma of the lung. The evidence of a cause-effect relationship is adequate for considering the initiation of public health measures.

It has been 4 years since the Surgeon General of the United States issued his famous report declaring cigarette smoking as a health hazard of sufficient importance to warrant remedial action, and little action has been taken to effectively solve the problem.

In 1965, the Congress enacted legislation entitled, "the Federal Cigarette Labeling and Advertising Act." At the time that that legislation was enacted, I sought to have it defeated in this body and subsequently sought to have the President exercise his veto power. I did so because the simple meaningless statement on a package of cigarettes did not reach the root cause of the problem which is basically one of advertising. Furthermore, the bill preempted the power of the Federal Trade Commission to take the necessary steps to deal with the problem. Unfortunately, however, the measure was signed and became law. On June 30 of this year, that law will expire. We are, therefore, Mr. Speaker, in a very real sense at the crossroads of one of the most important health issues to face this body in many years.

The magnitude of the problem has been underscored again and again by studies conducted by people eminent in the field. At this point, I would like to insert a table compiled by two gentlemen, Dr. John Dunn, Jr., and Mr. John Weir, which highlight the magnitude of the crisis before us.

RELATIVE RISK[1] OF SMOKERS FOR SMOKING AMOUNTS AND SELECTED CAUSES OF DEATH

Cause of death	(ICD code)	Non-smokers	About ½ pack or less	About 1 pack	About 1½ packs or more	All smokers	Total observed deaths
Cancer of the lung	(162–163)	1.00	3.72	9.05	9.56	7.61	368
Cancer of the mouth	(141, 143–144)	1.00	3.69	1.17	5.52	2.76	19
Cancer of the pharynx	(145–148)	1.00	---------	1.16	.53	.76	13
Cancer of the esophagus	(150)	1.00	1.27	1.69	1.82	1.82	32
Cancer of the stomach	(151)	1.00	1.09	.94	1.25	1.04	109
Cancer of the large intestine	(153)	1.00	.73	1.21	1.00	1.00	72
Cancer of the rectum	(154)	1.00	.54	.99	1.91	.98	41
Cancer of the pancreas	(157)	1.00	2.94	2.45	1.44	2.43	71
Cancer of the larynx[2]	(161)	---------	1.00	5.99	5.84	---------	11
Cancer of the prostate	(177)	1.00	.58	.98	.78	.78	37
Cancer of the kidney	(180)	1.00	.86	3.30	2.57	2.46	27
Cancer of the bladder	(181)	1.00	1.53	2.81	5.41	2.89	27
Cancer of the brain	(193)	1.00	.50	.67	.75	.64	41
Lymphosarcoma	(200)	1.00	2.34	1.28	.83	1.46	27
Leukemia	(204)	1.00	.49	1.73	.66	1.32	30
Arteriosclerotic heart disease	(420)	1.00	1.39	1.67	1.74	1.60	1,718
Vascular lesions, etc	(330–334)	1.00	1.01	1.18	1.49	1.19	241
Rheumatic fever and chronic rheumatic heart disease	(400–402, 410–416)	1.00	.83	1.20	.86	1.01	90
Nonrheumatic endocarditis and myocardial degeneration	(421–422)	1.00	.91	1.15	1.00	1.05	114
Hypertensive heart disease	(440–443)	1.00	.77	1.28	1.72	1.23	101
General arteriosclerosis	(450)	1.00	5.97	8.17	9.24	7.52	21
Aortic aneurysm	(451)	1.00	2.44	2.88	2.54	2.64	51
Influenza and pneumonia	(480–493)	1.00	1.16	2.58	2.00	1.99	66
Emphysema	(502, 527.1)	1.00	8.18	11.80	20.06	12.33	58
Gastric ulcer[3]	(540)	---------	1.00	1.67	2.38	---------	20
Duodenal ulcer	(541)	1.00	.40	.59	.32	.53	24
Cirrhosis of the liver	(581)	1.00	1.34	1.74	1.61	1.60	198
Chronic nephritis	(592–594)	1.00	.78	.66	.20	.66	36

[1] Relative to the risk for nonsmokers which is set to 1.00.

[2] There were no nonsmokers dying of cancer of the larynx. The figures for risk given here are based on the under 1 package group observed rate which is set to 1.00.

[3] There were no nonsmokers dying of gastric ulcer. The figures for risk given here are based on the under 1 package group observed rate which is set to 1.00.

Now I am well aware, Mr. Speaker, that there are many who will claim that an undue economic hardship would be incurred upon certain segments of our Nation by the legislation which I have introduced. Additionally, they continue to tell us that we are in error—that there is in fact no real threat to our physical well-being. I would at this point like to insert in the RECORD for the benefit of my colleagues a few paragraphs from a publication distributel by the Public Health Service which outline the effects that cigarette smoking has on the rate of cardiovascular diseases:

Cigarette smokers have a higher death rate from *coronary artery disease* than nonsmokers. Among males, the death rate from this disease averages 70 percent more for cigarette smokers than for nonsmokers; in some the risk may be twice as great—and even higher in the presence of other known "risk factors" such as high blood pressure and high serum cholesterol.

Recent data show that the risk of premature death from coronary disease is especially high among smokers 45 to 54 years of age—over three times as great for men, and over twice as great for women if they smoke 10 or more cigarettes per day.

Autopsy studies show that cigarette smokers have a much greater frequency of advanced coronary arteriosclerosis than do nonsmokers. Clinical and experimental studies demonstrate that smoking produces abnormalities of cardiovascular physiology.

Cessation of smoking reduces the risk of dying from coronary disease.

In 1964, the Surgeon General's special advisory committee concluded that *"It is more prudent to assume that the established association between cigarette smoking and coronary disease has causative meaning than to suspend judgment until no uncertainty remains."* (The committee pointed out that the suspected causative role of other factors—high blood pressure, high cholesterol, and overweight—though not proven has caused countermeasures to be taken against them.)

By 1967, additional evidence pointed even more strongly toward cigarette smoking as a cause of death from *coronary heart disease* and suggested that some of the considerations may also apply to *cerebrovascular disease*. Recent research has indicated the nicotine and carbon monoxide in tobacco smoke may be important factors in the mechanism that produces coronary heart disease.

Furthermore, in 1967 then Secretary of Health, Education, and Welfare, John W. Gardner, related to Congress the minimums that would be required to reduce the death rate associated with smoking and halt cigarette-related disease before it reaches epidemic proportions. I insert in the RECORD those recommendations:

1. There must be a reduction in the number of persons now smoking—a number which amounts to 49 million adults, or 42 percent of our adult population.
2. We must encourage young people not to start smoking. At present, as many as half the boys and girls in this country have become cigarette smokers by the time they are 18.
3. We must work towards the development of a less hazardous cigarette—and, concurrently, help develop a climate of opinion so that if such a cigarette is developed, smokers will turn to it. There is no other way to protect those millions of present smokers who probably will never be willing or able to give up smoking.

Finally, Mr. Speaker, I submit for the RECORD a resolution on cigarette advertising which was adopted by the board of directors of the American Cancer Society in 1967:

The following resolution on cigarette advertising was proposed by the Public Information Committee of the American Cancer Society and adopted by the Board of Directors, Wednesday, October 18, 1967:

"The period of uncertainty is over. There is no longer any doubt that cigarette smoking is a direct threat to the user's health . . . today we are on the threshold of a new era, a time of action, a time for public and private agencies, community groups and individual citizens to work together to bring this hydra-headed monster under control."

This statement at the World Conference on Smoking and Health was by its Chairman, Luther L. Terry, M.D., the former Surgeon General of the United States Public Health Service. The Conference climaxed a remarkable series of recent developments, including the Federal Communications Commission ruling that the fairness doctrine includes cigarette advertising, the Public Health Service report to Congress, the striking analysis by the Federal Trade Commission of cigarette advertising.

While we applaud and support the FCC ruling, we regret that it is necessarily limited to broadcasting.

Congress is now considering, and we are supporting, legislation that would place a warning on all cigarette advertising. This would be a step forward.

However, we agree that the time has come for forthright action. The World Conference on Smoking and Health gave as a long-range goal the elimination of all cigarette advertising. We, the Board of Directors of the American Cancer Society ask now for a solution of the problem of cigarette advertising.

Advertising is too persuasive, too valid and vital a part of our American life, to be used in the sale of such a lethal product as the cigarette. In full awareness of the seriousness of the problem some influential publishers and some broadcasters have already voluntarily banned cigarette advertising.

Therefore, we, the Board of Directors of the American Cancer Society, Inc., recommend that all cigarette advertising in all media be terminated. It is hoped that this goal will be achieved by voluntary self-regulation and that governmental action will not be necessary.

Cigarette smoking is not the result of an advertising conspiracy. It is an extremely complex problem involving many little understood behavioral and pharmacological

> factors. But the elimination of cigarette advertising may do much to destroy the social acceptability of this dangerous habit. It will make giving up smoking easier for many, and it will stop the constant media pressures on the young to start smoking.
>
> The end of cigarette advertising will not be accomplished immediately. Many important actions which counterbalance advertising must be supported until the final goal is achieved.
>
> Cigarette smoking must remain a matter of individual choice but we want the choice to be not only informed, but free from seductive advertising appeals.

The responsibility is clear. To continue to shirk it is a denial of the trust imposed on us by our constituents. The alarming rate at which young people in this Nation are becoming smokers is shocking. I cannot believe that they do so with any awareness of the hazards involved. They must know in a forthright fashion exactly what they are doing when they choose to start the habit. I am, therefore, introducing today companion measures to my H.R. 1236, a bill to amend the Federal Cigarette Labeling and Advertising Act with respect to the labeling of packages of cigarettes and the maximum length or maximum lengths of cigarettes. You will note that this legislation is being cosponsored by 42 of my colleagues. They are the Honorable:

Glenn M. Anderson, of California.
Jonathan B. Bingham, of New York.
Richard Bolling, of Missouri.
John Brademas, of Indiana.
George Brown, of California.
Daniel E. Button, of New York.
James A. Byrne, of Pennsylvania.
Jeffery Cohelan, of California.
Barber Conable, Jr., of New York.
John Conyers, Jr., of Michigan.
Dominick V. Daniels, of New Jersey.
Charles C. Diggs, of Michigan.
John D. Dingell, of Michigan.
Don Edwards, of California.
Leonard Farbstein, of New York.
Edith Green, of Oregon.
Henry Helstoski, of New Jersey.
Floyd V. Hicks, of Washington.
James J. Howard, of New Jersey.
Andrew Jacobs, Jr., of Indiana.
Robert L. Leggett, of California.
Spark M. Matsunaga, of Hawaii.
John McFall, of California.
Abner J. Mikva, of Illinois.
George P. Miller, of California.
Wright Patman, of Texas.
Claude Pepper, of Florida.
Bertram L. Podell, of New York.
Thomas M. Rees, of California.
Peter W. Rodino, Jr., of New Jersey.
Benjamin S. Rosenthal, of New York.
William F. Ryan, of New York.
John P. Saylor, of Pennsylvania.
James H. Scheuer, of New York.
Samuel J. Stratton, of New York.
John V. Tunney, of California.
Morris K. Udall, of Arizona.
Joseph P. Vigorito, of Pennsylvania.
Jerome R. Waldie, of California.
Charles H. Wilson, of California.
Lester L. Wolff, of New York.
John W. Wydler, of New York.

DEACTIVATION OF THE 29TH BRIGADE

(Mrs. MINK asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. MINK. Mr. Speaker, I rise today to request and to urge the House Armed Services Committee to study a matter of great concern in my State and to many of my constituents; the early deactivation of the 29th Brigade, a National Guard unit that was called to active duty in May of last year. The men of that unit feel they have been deeply aggrieved by their Government, and 1,392 of them have signed a petition for redress.

Their basic grievance, Mr. Speaker, is one in which I concur, and that is the unfairness of their callup and the seeming duplicity with which they have been treated since then. As reservists, they had always been led to believe that they would be summoned to duty only in case of war or national emergency. At the time of their callup, after the seizure of our ship, the *Pueblo*, it did appear to some that a national emergency was at hand. And so, Hawaii's men of the 29th Brigade answered the call to duty as the loyal citizens they are. There was only one question in their minds at the time, and that question was this: Why was the State of Hawaii, with less than one-half of 1 percent of the Nation's population, required to provide 17 percent of the men involved in that national callup? They were told that it was because they constituted a crack unit which was needed as a unit, and they were further assured, Mr. Speaker, that they would be used as a unit which would not be broken up.

It was not long after that, Mr. Speaker, that the Army began breaking up the 29th Brigade and sending this supposedly "crack unit" to Vietnam in little bits and pieces, mostly as individual transfers. Not only is that still going on, but the rate of transfers is increasing until now, nearly half of the brigade is gone or are under orders to go.

At this rate, there will soon be nothing of the 29th Brigade except their flag and a sign over the headquarters door. Is that what the Army meant when it spoke of preserving the unit integrity of the 29th? Is that what the Army meant when it said that the 29th would be deployed as a unit and only in an emergency? Is that why the men of the 29th now charge their leaders with duplicity?

They want an answer to their charge, Mr. Speaker, and they deserve to have one. And so I present their petition signed by 1,392 loyal Americans, many of them now serving in Vietnam under conditions which they were surely led to believe would not be imposed upon them. And I urgently request that the Armed Services Committee consider their petition and prompt redress of their grievance.

RETIREMENT BENEFITS OF CIVIL EMPLOYEES

(Mr. OLSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. OLSEN. Mr. Speaker, I am introducing today several bills designed to improve retirement benefits of the Nation's retired civil employees.

I feel strongly that the bills I introduce today should be carefuly considered and studied.

During the past several years, the standard of living for active Federal employees has been raised greatly, while the standard of living for our Federal retirees has remained stationary, and in many cases, has been lowered, due to the tremendous effect the inflationary trend has had on living costs.

Of an approximately 800,000 retired civil employees and their survivors, some 279,000 receive a monthly annuity of less than $100, and 513,000 receive less than $200 per month. Using a poverty level income of $3,000 per year, 611,000-plus former employees and their survivors are now living in poverty. The only way we can correct this great injustice is to grant these former Federal employees a substantial annuity increase and provide a minimum annuity for them.

The legislation I am introducing today will not bring all these retirees above the poverty level, but these bills will give them a substantial increase in their annuities and provide a minimum annuity.

Another bill will give an increase to all Federal retirees and their survivors. I am also sponsoring legislation that would provide a minimum annuity of $200 per month for an annuitant with a spouse and/or dependents, or $100 per month for an annuitant with neither spouse or dependents and legislation that would equalize Federal income tax exemptions by providing that the first $5,000 received as civil service retirement annuity be excluded from gross income.

Federal retirees are burdened by present discrimination against retired Federal employees by the present Federal income tax laws. It is manifestly unfair to exempt retirement income under some systems from Federal income taxes while refusing to exempt retirement income under other systems. The most striking example is the exemption of social security and railroad retirement annuities from Federal income tax, while imposing the tax on the annuities of retired Federal workers and retired teachers of the District of Columbia, and retired municipal workers of the District of Columbia.

Finally I have the assurance of support from the National Association of Retired Civil Employees for these proposals.

W. AVERELL HARRIMAN

(Mr. OLSEN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. OLSEN. Mr. Speaker, public life is regarded by many as the crown of a career, and to young men it is the worthiest ambition. Politics is still the greatest and the most honorable adventure, spawning such greatness in men as we find in W. Averell Harriman.

The mettle of this man has been tempered by the conflagrations of a half century's fires. The coolness of his calculation is the command of his destiny, and what has been said before of the greatness in men can surely be applied here.

I first met Mr. Harriman during the crusading days of the early fifties when we campaigned for President Harry Truman. In 1956 I was privileged to second the nomination of W. Averell Harriman for President and John F. Kennedy for Vice President. What has happened since then is well-known history. Mr. Harriman returned to Federal service in February 1961, when President Kennedy appointed him Ambassador at Large. He was named Assistant Secretary for Far Eastern Affairs in December of that year, serving in that capacity until April 1963 when he was named Under Secretary of State for Political Affairs. Mr. Harriman was appointed Ambassador at Large by President Lyndon Johnson on March 18, 1965, before tackling the recent specific assignment as chief negotiator for this country at the Paris Peace Conference.

Distinguished, unselfish service is the hallmark of this man's profession. An inspiration, an extraordinary man with extraordinary beliefs. Always dedicated to and never waivering in complete giving of self to his Nation.

My sincere belief in the future of this Nation and the goodness of our people is preserved and strengthened by such dedicated public servants as Mr. Harriman. He has worked and lived with giants, yet his humility has caused him never to shun the ordinary of us who are so fortunate to be his contemporaries.

His steadfast perseverance is exemplified most by his determined effort to end the war in Vietnam. Never has he faltered in believing that there can be a just and honorable end to the conflict. While others rebuked the President for the swelling, unending battle, Mr. Harriman supported his President. Throughout, his role has been the seeking of peace. Quoting Theodore Roosevelt, he said:

> When we analyze the career of any man we must remember, especially, not to judge any public servant by any one act, and further should we beware of attacking the men who are merely the occasions and not the causes of disaster.

The Harriman career is marked by the statesmanship of Ben Franklin, the dedication of Adlai Stevenson, and the brilliance of John F. Kennedy.

It has been my privilege to so pay tribute to such greatness.

BILL OFFERED TO CUT FISHERIES IMPORTS FROM ECUADOR

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, barely 5 months ago, President Johnson signed Public Law 90-482, which was intended to discourage certain Latin American Governments from high-seas interference with our U.S. fishermen.

The new law represents the most positive step the United States has ever taken to assure protection for our fishing crews. For the first time, it requires the withholding of foreign aid from governments that refuse to reimburse this country for fines and other fees illegally extracted from the fishermen.

Congress approved the new statute after the most careful consideration, and with some reluctance. The provision for mandatory aid cutbacks was thought by some members of the State Department to be a bit drastic. But traditional methods of diplomacy have patently failed to dissuade some governments from continuing to enforce their exorbitant claims to territorial water limits extending 200 miles out to sea.

Our fishermen have been pawns in the scofflaw game played by Ecuador and certain other countries on the high seas off the west coast of South and Central America. In the past 8 years, there have been 74 seizures involving U.S. tuna crews, who have been forced to pay more than $736,000 in fines and related costs to their captors.

With many of our colleagues, I had hoped in the interests of international good will that Public Law 90-482 would be enough to deter further aggression. It now appears, however, that additional measures are needed, at least in the case of Ecuador.

Ecuador has, and is, the leading offender in the undeclared war on our fishermen. This small but ambitious nation seized seven of our boats in 1968 alone. As if to demonstrate her contempt for the moves taken by Congress in support of our fishermen's rights, tiny Ecuador responded by grabbing four ships in one fell swoop just a few days before Public Law 90-482 was signed by Mr. Johnson.

Just 3 weeks ago today, Ecuador did it again. This time there was not a seizure—just some gunfire directed without advance warning at one of our boats while it was cruising fully 35 miles off Ecuador's north coast.

By racing through heavy seas in the dead of night, the U.S. vessel and its 14 crewmembers managed to escape unharmed, after a harrowing 45-minute chase during which three machinegun bursts were fired by the pursuing Ecuadorean gunboat.

There is no logical explanation for the hostile Ecuadorean action. I can only surmise that with each blast from the machinegun Ecuador was punctuating her defiance of our efforts here in Congress to protect the fishermen.

Ecuador also was acting with some impunity, since the bill we enacted last year, which is good and effective as far as it goes, applies only in incidents where the American fishermen suffer a financial loss.

Accordingly, I am today reintroducing a measure I first offered during the 88th Congress—H.R. 6656—which would authorize and direct the President to ban fishery imports from countries that harass our fishing crews beyond the 12-mile territorial limit now widely accepted for territorial fishing rights.

Since Ecuador apparently is still oblivious to the time-honored principle of freedom of the seas, I have reluctantly revived my 1963 proposal—with the thought that it could serve as a vehicle for adding to the protections so clearly owed our fishermen by their Government. If enacted, my bill would complement Public Law 90-482. Our Government would have more flexibility in dealing with offending countries. It could cut off aid, or imports, depending on the situation.

In examining the fishery problems we have been having with Ecuador and, to a lesser degree, Peru and Mexico, I turned up some rather ironic trade data:

We are buying more than 16,000 times as much fish and fish products from Ecuador as she is purchasing from us. In 1967, the last year for which complete Commerce Department figures are available, our fish and fish product imports from Ecuador were valued at $8,885,767. Comparable purchases by Ecuador from the United States totaled a measly $530. And, believe it or not, Ecuador's fishery exports to us have been increasing at the rate of about $1 million a year. On the other hand, our fishery exports to Ecuador have dwindled from a little over $15,000 in 1965 to the token $530 in 1967.

The rewards of piracy have been generous for Ecuador, although our balance of payments has not been helped much in the process.

The very least we can do now, I believe, is keep some of those dollars home, rather than continue to enrich Ecuador by buying the fish that she denies our own fishermen.

SALARY INCREASES

(Mr. UDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. UDALL. Mr. Speaker, since President Johnson on January 17 acted on the recommendations of the Commission on Executive, Legislative, and Judicial Salaries, there has been some doubt in the minds of some of my colleagues about the position of the new administration on these recommendations. I am happy to say that any doubt can now be dispelled; the new administration does, in fact, support the salary increases set forth by the Kappel Commission and implemented, after scaling down, by the outgoing administration.

In a letter to the chairman of the Post Office and Civil Service Committee the new chairman of the U.S. Civil Service Commission, the Honorable Robert E. Hampton, makes clear that President Nixon stands behind these salary recommendations for Federal executives, members of the judiciary, and Members of Congress. He writes:

> The Bureau of the Budget advises that the present Administration supports the Executive, Legislative and Judicial salary recommendations submitted by President Johnson as part of his 1970 budget, and believes that those recommendations should be allowed to go into effect.

Mr. Speaker, in my judgment the task faced by the new administration in recruiting topflight executives to do the job it wants to do would be made infinitely more difficult if Congress acted to block the implementation of these salary recommendations. In his letter Chairman Hampton makes this same point. He writes:

> Failure to adjust the salaries of top officers to currently needed levels is unfair to the individuals concerned and can be a seri-

ous handicap to the Government in securing and keeping the talent it needs.

The chairman of the Post Office and Civil Service Committee, the Honorable THADDEUS J. DULSKI, has made available to me a copy of that letter. Without objection I shall insert it at this point in the RECORD:

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., January 21, 1969.
Hon. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service.

DEAR MR. CHAIRMAN: This is in response to your request for the Commission's views on H. Res. 128 disapproving the recommendations which President Johnson made in his budget for adjustment of the salaries of Members of Congress, Federal Executives, and members of the Federal Judiciary. These recommendations were made pursuant to section 225 of the Federal Salary Act of 1967.

I wish to assure you that this Commission fully supports the recommendations which President Johnson made in his budget with respect to the adjustment of the salaries for these top officers.

The responsibility for the well being of this country which is placed in the hands of Congressmen, Federal Executives, and the justices and judges of the Federal Judiciary fully justifies the recommended adjustments in salaries. Failure to adjust the salaries of top officers to currently needed levels is unfair to the individuals concerned and can be a serious handicap to the Government in securing and keeping the talent it needs.

The orderly method of adjusting top salaries provided in the Federal Salary Act of 1967 constitutes a very significant improvement in the total Federal salary system. The Commission strongly recommends support of the recommendations in the budget which represent the first action under this new quadrennial review.

The Bureau of the Budget advises that the present Administration supports the Executive, Legislative, and Judicial salary recommendations submitted by President Johnson as part of his 1970 budget, and believes that those recommendations should be allowed to go into effect.

By direction of the Commission:
Sincerely yours,
ROBERT E. HAMPTON,
Chairman.

JOINT CONGRESSIONAL COMMISSION ON "PUEBLO"

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLFF. Mr. Speaker, we were all elated when the crew of the *Puebic* was returned safely last month. The American people expected, as they had every right to expect, that there would be a complete and open investigation and report on the circumstances of the *Pueblo's* capture, the crew's imprisonment and general American policy in this matter. But this investigation has simply not taken place; the court of inquiry has not done this vital job.

There are serious and fundamental questions that remain unanswered for the American people. Was the potential value of the *Pueblo's* mission consistent with the inherent risks to the crew and possible loss of confidential information and equipment? Why were no contingency plans provided for so delicate an assignment? Why was there difficulty in communications between the *Pueblo* and Tokyo in the period immediately before the ship was lost?

Is one man being made a scapegoat? Where does responsibility rest for loss of the ship? Are such missions continuing without better provisions for support?

These and other questions can and should be answered without compromising our security. On a matter such as this it is appropriate that the American people demand and receive honest answers.

In order to secure these answers I am today introducing a resolution to create a special joint congressional commission to study fully, and in public view, the entire *Pueblo* incident.

This Commission will be comprised of the chairmen and ranking minority members of the appropriate House and Senate committees and two appointed members, one to be appointed by the Speaker and the other by the President of the Senate.

The Commission shall have the necessary staff, funding and authority to investigate thoroughly the entire *Pueblo* affair and shall report its findings to the President and Congress.

Because this remains a clouded issue with so many unanswered questions, and because the answers to those questions may well prove vital to our national security and future international policy, I urge immediate action on the resolution I am introducing today.

Because of the urgency with which I regard this matter, and under leave to extend my remarks, I wish to include the resolution in the RECORD at this point:

H.J. RES. 334

A joint resolution to establish a commission to conduct a full and complete investigation of the seizure of the United States Ship *Pueblo*

Whereas the capture of the U.S.S. *Pueblo* by the North Korean Peoples Republic in January, 1967 was a source of great concern to the American people;

Whereas the treatment of the Pueblo's crew during the men's detention in North Korea reportedly involved inhuman harassment;

Whereas there remain serious questions that cloud the entire incident of the *Pueblo's* capture;

Whereas the American people have a right to a thorough and open investigation of the *Pueblo* affair: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT

SECTION 1. There is established a commission to be known as the "Pueblo Commission" (hereafter referred to in this joint resolution as the "Commission").

DUTIES OF COMMISSION

SEC. 2. It shall be the duty of the Commission to conduct a full and complete investigation of the seizure of the United States Ship *Pueblo* and its crews by the North Korean Peoples Republic. The Commission shall also review all the conditions and details relating to the detention of the *Pueblo's* crew in North Korea.

MEMBERSHIP

SEC. 3. (a) The Commission shall be composed of 14 members as follows:

(1) The chairman and ranking minority member of each of the following committees of the House of Representatives:

(A) Committee on Foreign Affairs.

(B) Committee on Armed Services.

(C) Subcommittee on Military Operations of the Committee on Government Operations.

(2) The chairman and ranking minority member of each of the following committees of the Senate:

(A) Committee on Foreign Relations.

(B) Committee on Armed Services.

(C) Subcommittee on National Security and International Operations of the Committee on Government Operations.

(3) One Member of the House of Representatives appointed by the Speaker of the House of Representatives.

(4) One Member of the Senate appointed by the President of the Senate.

(b) Any vacancy in the Commission shall be filled in the same manner as in the case of the original selection.

(c)(1) Members of the Commission who are full-time officers or employees of the United States shall receive no additional compensation on account of their service on the Commission.

(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

(d) Eight members of the Commission shall constitute a quorum.

(e) The Chairman of the Commission shall be selected by the members of the Commission.

STAFF OF COMMISSION

SEC. 4. (a) The Commission may appoint and fix the compensation of such personnel as it deems advisable.

(b) The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

POWERS OF THE COMMISSION

SEC. 5. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Joint Resolution, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpenas may be issued under the signature of the Chairman of the Commission, of such subcommittee, or any duly designated member, and may be served by any person designated by such Chairman or member. The provisions of sections 102 to 104, inclusive, of the Revised Statutes (2 U.S.C. 192—194), shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section.

REGISTRATION AND LICENSING OF FIREARMS

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, the legislation passed by the last Congress placing greater controls on the movement, possession, and use of firearms must not be regarded as constituting all that can be done to protect our society against the misuses of dangerous weapons. The need for a truly comprehensive firearms control program has not yet been totally satisfied.

I have consistently supported strong gun control legislation, including provisions for registration and licensing. On two occasions I have had the privilege to propose registration provisions on the floor of the House—in 1967 as an amendment to President Johnson's Safe Streets Act, and in 1968 as an amendment to a watered-down version of the Firearms Control Act of 1968, sent to Congress shortly after the assassination of Senator Robert Kennedy.

The enormous outpouring of public demand and support for full protection against the misuses of firearms, without unduly inconveniencing responsible sportsmen and others who have a legitimate need for firearms and are capable of using them safely, cannot be ignored. We have a continuing commitment to finish the work begun on gun control with the 1967 and 1968 acts. Those acts have put a stop to interstate and mail-order sales of both hand and long guns and ammunition, except between federally licensed dealers. They require that a person be 21 years of age to purchase a handgun and handgun ammunition, and at least 18 years of age to purchase long guns. They make it unlawful for a dealer to sell a firearm or ammunition to anyone the dealer has reasonable cause to believe is a convicted criminal, a fugitive, a drug addict or a person who is mentally defective. But until we have a workable system of gunowner licensing, it will continue to be next to impossible for any dealer to know when he may be selling to such a person.

As of June 1968, 39 States had no licensing or permit requirements to purchase handguns, and even fewer required licenses or permits to purchase long guns. As a result, in those States, there is no way for a dealer to know anything about the people he sells weapons to, for local officials to verify whatever information purchasers may provide, or for local officials to undertake even the most cursory investigation to determine the medical or possible criminal backgrounds of individuals about to purchase guns. In short, it is still possible in many States for felons, convicted criminals, physically and mentally unstable persons, drug addicts, and other individuals unfit for firearms ownership to purchase them over the counter.

In the meantime, privately owned firearms continue to be involved in more than 20,000 deaths, 100,000 injuries, and 100,000 assaults and robberies each year. Without a national firearms registry, our ability rapidly to trace the ownership of weapons involved in these violations of the law remains primitive and largely ineffective.

Granted, firearms registration and licensing will not prevent or eliminate crimes of violence. Nor will they keep guns entirely out of the hands of criminals and other irresponsible individuals. But it is no more rational to argue that strong gun control laws should not be passed simply because some individuals will violate them than it is to argue that any law or licensing arrangement should not exist simply because some people will violate it. The fact is that a system of gun-owner licensing, while it would not totally keep guns out of the hands of unqualified people determined to obtain them, would make it much more difficult than it now is for these individuals to obtain guns—more difficult particularly in the expense which they would have to incur and the time they would have to spend to locate a weapon. Furthermore, licensing and registration laws would add to the penalties that could be imposed on criminals convicted of committing a crime using firearms if one accepts the argument that most of these individuals would be unlicensed and their weapons unregistered.

A great many Americans take pleasure in the use of firearms for hunting, target shooting, and other legitimate recreational purposes. None of the gun control provisions I have supported, or will continue to support, have been intended in any way to interfere with or place undue or discriminatory hardship on sportsmen. It is my firm belief and understanding that strong gun control requirements, including registration and licensing, will take considerably less trouble to satisfy than automobile registration and driver licensing. Yet no thoughtful person would argue that it is discriminatory, unnecessary, or unduly troublesome to require automobile owners to register their vehicles and drivers to obtain licenses. A firearm, like an automobile, is a device that can be recreational and constructive when used responsibly. But it can also be dangerous and highly destructive. The destructive potential of firearms, like that of automobiles, is so great that some reasonable provisions are needed to regulate access to them.

The vast majority of hunters and target shooters are reliable, responsible citizens in their respective communities upon whom, I am confident, registration and licensing would have no adverse effect and impose no real hardship.

Some sincere opponents of strong gun control legislation fear and contend that registration and licensing is just "a foot in the door"—the first step in a program of restrictions on the possession and use of firearms that will end with a situation in the United States like that in many European countries, where firearms can be used and housed only at special private shooting clubs, or like Japan, where personal ownership, possession, and use of firearms is prohibited entirely. I do not sympathize with this view. On the contrary, I feel strongly that a comprehensive gun control program consisting of the Federal legislation already on the books and an effective system of registration and licensing will preclude the possibility that there will ever be the necessity or the temptation at some future time to go to the very extreme measures that Japan and many of the European countries have adopted.

With these facts in mind, as well as my assurances to my own constituents that I will continue to do everything I can to build our present partial firearms control program into a fully effective and comprehensive one, I am today introducing legislation to provide for Federal registration of all firearms and Federal licensing of all firearms owners in those States whose licensing laws fail to meet minimum Federal standards. This legislation is identical to that already introduced by the distinguished chairman of the Committee on the Judiciary, the gentleman from New York (Mr. CELLER), and I am pleased to join with him in its sponsorship.

TODAY'S PRAYER FOR THE UKRAINE

(Mr. ROBISON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. ROBISON. Mr. Speaker, today's prayer for the Ukraine, which has become a tradition in this body at this time of year, is one which should be participated in by all who value the spirit of freedom in the face of oppression.

On January 22, 1918, the independence of the Ukrainian National Republic was proclaimed, and for the ensuing 50 years Ukrainians everywhere have honored and celebrated the spirit of freedom which has continued to burn in every Ukrainian heart.

I insert at this point in the RECORD the relevant proclamation of the mayor of the city of Binghamton, N.Y., which is self-explanatory as well as eloquent.

The proclamation follows:

PROCLAMATION OF THE CITY OF BINGHAMTON, N.Y.

Whereas: January 22, 1969 will mark the 51st Anniversary of the Proclamation of Independence of the Ukrainian National Republic in 1918, which fell under the Communist Russian military aggression two years later; and

Whereas: During its rule the Communist Russian regime, based upon terror unheard of in the history of mankind, has kept Ukraine and its people in colonial status; and by ruthless Russification, genocide, exploitation, destruction of Ukrainian Churches, forceable deportation of the Ukrainian youth to Siberia, has aimed at the complete effacement of Ukrainian National identity; and

Whereas: Despite the terrible plight of Ukraine, the love and spirit of freedom live in the hearts of its people and manifest themselves in various forms and by various means in the unceasing struggle to regain freedom and political independence; and

Whereas: The fate of Ukraine, the first victim of the Communist Russian aggression, serves as the best reminder of what happens to a nation when freedom, the cornerstone of our Constitution, is allowed to perish;

Now, therefore, I, Joseph W. Esworthy, mayor of the city of Binghamton, do hereby proclaim Wednesday, January 22, 1969, as "Ukrainian Independence Day in Binghamton" and call upon our citizens to join those of Ukrainian origin in prayers for peace, freedom and justice in the world.

JOSEPH W. ESWORTHY,
Mayor.

EXTENSION OF NATIONAL COMMISSION ON REFORM OF THE FEDERAL CRIMINAL LAWS

(Mr. POFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POFF. Mr. Speaker, in the 89th

Congress I had the privilege of authoring Public Law 89-801, which created the National Commission on Reform of Federal Criminal Laws. The Commission was established to formulate and recommend legislation to improve the Federal system of criminal justice and to revise and reform the criminal laws of the United States. I have had the pleasure of serving on that Commission and the honor of being selected as its Vice Chairman.

Pursuant to law, the Commission submitted an interim report on November 8, 1968, and is to submit its final report on November 8, 1969. The progress of the Commission has been excellent and the importance of its work has been acknowledged by many departments and agencies of the Federal Government with law-enforcement responsibilities. It must be recognized that efficient and effective law enforcement demands efficient and effective laws. The existing Federal criminal laws are a patchwork of enactments with inconsistencies, contradictions, inequities, and injustices. The National Commission on Reform of Federal Criminal Laws is preparing a draft of a proposed new criminal code designed to remedy existing deficiencies in the Federal criminal law and provide new tools for better Federal law enforcement.

On January 16, 1969, the Chairman of the Commission sent a letter to Congress on behalf of the Commission requesting the enactment of legislation to extend the life of the Commission for one additional year and provide the necessary authorization for appropriations to complete the task of the Commission.

There are several reasons the Commission is requesting enactment of the proposed legislation. The Commission was delayed almost a year in getting started. The full Commission was not appointed until spring of 1967 and recruitment and organization of the staff was not completed until the fall of 1967. Although the Commission was slow in getting started and the dimensions of its task are great, it has proceeded at an accelerated pace and made substantial progress. The Commission is planning to publish a tentative draft of the proposed new Criminal Code this spring. However, the Commission believes that the tentative draft must be widely circulated to Federal judges, Federal agencies and departments, U.S. attorneys, and other interested parties for critical analysis. The staff in turn will be expected to present the criticisms and critiques of the tentative draft to the Commission before it makes final decisions on its recommendations for the new Federal Criminal Code. It is felt that additional time will be needed so that those who receive the tentative draft will have time for thorough analysis. It is also important that the Commission staff have ample time to accommodate those changes which the Commission may wish to be made in light of the analysis.

Finally, additional funds will be necessary to maintain the requisite staff, to convene Commission meetings to prepare the final report, and to print both the tentative draft and the final report of the Commission.

The Commission believes this procedure will enable it to present a well-considered document to the President and the Congress which is reflective of the best thinking in the Nation as to the statutory statement of the Federal criminal laws.

Mr. Speaker, I have introduced H.R. 4297 to extend the life of the National Commission on Reform of Federal Criminal Laws and urge that Congress give this matter early consideration.

TO NAME BRIDGE ACROSS THE MISSISSIPPI RIVER LINKING TENNESSEE AND MISSOURI IN HONOR OF THE LATE HONORABLE ROBERT A. EVERETT

(Mr. KUYKENDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUYKENDALL. Mr. Speaker, I am introducing today a bill to name the bridge being constructed across the Mississippi River linking the States of Tennessee and Missouri in honor of our late beloved colleague, Robert A. "Fats" Everett.

"Fats" served in the House from February 1, 1958, until his untimely death last Sunday, January 26, 1969. During this period he proved to be an outstanding legislator and a true representative of his constituents. He became a key member of the important House Public Works Committee and sought diligently to enhance the quantity and quality of public highways and transportation.

There is presently under construction northwest of Dyersburg, Tenn., and southeast of Caruthersville, Mo., a bridge spanning the Mississippi River which will link the States of Tennessee and Missouri. This bridge, which is a vital link in our National Interstate and Defense Highway System, is located in the Eighth Congressional District of Tennessee, formerly represented by our deceased colleague, "Fats" Everett. Therefore, I feel it is only fitting and proper that we honor "Fats" by naming this bridge in his honor. I ask all of you to give this proposal your attention and full support.

NIXON FIRST DEFEATED NONINCUMBENT TO MAKE COMEBACK

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. MICHEL. Mr. Speaker, an interesting article relating to Presidents of the United States has been prepared by Mr. Svend Peterson, and I include it in the RECORD at this point:

NIXON FIRST DEFEATED NONINCUMBENT TO MAKE COMEBACK

(By Svend Petersen)

(NOTE.—Dates in parentheses show terms as Presidents.)

Richard Milhous Nixon (1969-), who has just assumed the tremendous and awesome responsibilities of the greatest office in the world, is the first defeated nonincumbent candidate to make a comeback and win election to the presidency since the beginning of the present two-party system well over a century ago. His achievement is the more remarkable when we consider his defeat for the governorship of his native state and the fact that he later moved to the opposite side of the country and tried for the top prize again eight years after his narrow defeat. (Stephen) Grover Cleveland (1885–1889, 1893–1897) also made a comeback, but this was as a former President.

Nixon is the first Vice President to become President after an interval, eight years. He also enjoys the distinction of having been born farther west than any other President of the United States, having made his mundane bow in Yorba Linda, California. Five of the last seven Presidents first saw the light of day west of the Mississippi River.

President Nixon's immediate predecessor, Lyndon Baines Johnson (1963–1969), was born farther south than any other President, Stonewall, Texas. When Dwight David Eisenhower (1953–1961) was in the White House, he had the records for both farthest west and farthest south, having been born in Denison, Texas. Abilene, Kansas, where he lived as a youth, is the closest to the geographical center of the United States of any presidential domicile, not counting Alaska and Hawaii, which were still territories when his tenure began.

Harry S. Truman (1945–1953), whom Eisenhower followed, had previously come from the farthest west and nearest to the then geographical center. Herbert Clark Hoover (1929–1933), who, during his occupancy of the Executive Mansion, held these two records, also lived farther west than any other chief executive, his residence at the time of election having been Palo Alto, California.

John (1797–1801) and John Quincy Adams (1825–1829) were born in neighboring houses in Braintree (later Quincy), Massachusetts. One member of the only father and son combination to serve as chief executives—don't ask me which one—was born farther east than any other president.

Chester Alan Arthur (1881–1885) was born the farthest north, in Fairfield, Vermont, but he was not an elected President. Franklin Pierce (1853–1857) was born the farthest north of any elected chief executive, Hillsboro, New Hampshire.

Eisenhower, who was seventy when he left office, was the oldest man ever to serve as President. At forty-three, John Fitzgerald Kennedy (1961–1963), who followed him, was the youngest man to reach the White House through an election, but the youngest President was Theodore Roosevelt (1901–1909), who was not quite forty-three when William McKinley (1897–1901) was assassinated.

The oldest President at the time of inauguration was William Henry Harrison (1841), who was sixty-eight. He could have become the oldest to serve, but he died one month after he assumed office; this was the shortest term. Franklin Delano Roosevelt (1933–1945) had the longest service, over twelve years, having been elected to precedent-breaking third and fourth terms. He served only two complete terms, however, his first having been curtailed by the Twentieth Amendment and his last by death.

The oldest President at death was John Adams, who lived to the age of ninety years and eight months. Herbert Hoover was the only other nonagenarian, living almost three months after his ninetieth birthday. He lived over thirty-one and a half years after he left office; this is a record.

Some Presidents died in office and consequently had no retirement. James Abram Garfield (1881), the youngest at death, died at forty-nine, but his life was shortened by assassination. The youngest at death of those who died naturally was James Knox Polk (1845–1849), who was fifty-three; he also had the shortest retirement, leaving the White House March 4th and dying the following June 15th.

The area of the United States increased by 1,205,000 square miles during Polk's administration, through the annexation of the Republic of Texas, the acquisition of Oregon, and the Mexican conquests. Jefferson's first term saw an increase of 828,000 square miles, which was more remarkable than Polk's additions, as the nation's area was almost doubled, the expansion was brought about without a war, and it was all in one piece—the Louisiana Purchase.

Twenty-eight Presidents were born in seven states. Eight were born in Virginia, including four of the first five. During the first thirty-six years after 1789, four Virginians served for thirty-two years, each getting two terms. George Washington (1789–1797), the Father of His Country; Thomas Jefferson (1801–1809) author of the Declaration of Independence; James Madison (1809–1817), the Father of the Constitution; and James Monroe (1817–1825), promulgator of the Monroe Doctrine; were the distinguished quartet. The Virginia dynasty was interrupted only by John Adams. It is a coincidence that the first two-termers were the Adamses, father and son. The only other period when the White House occupant was not a southerner, up to 1850, was Martin Van Buren's tenure (1837–1841).

Seven Presidents were born in Ohio, including three in a row. Of the eleven who served from 1869 to 1923, seven were natives of the Buckeye State. Before Eisenhower's first inauguration, each Democrat elected since the Civil War who retired was succeeded by an Ohioan. Cleveland was followed by Benjamin Harrison (1889–1893) and William McKinley and (Thomas) Woodrow Wilson (1913–1921) by Warren Gamaliel Harding (1921–1923).

New York has furnished four Presidents; Massachusetts three; North Carolina, Texas, and Vermont two each; and California, Iowa, Kentucky, Missouri, New Hampshire, New Jersey, Pennsylvania, and South Carolina one each.

Andrew Jackson (1829–1837) and Rutherford Birchard Hayes (1877–1881) were both posthumous children.

Van Buren was the first President born since we threw off the British yoke, 1782, but John Tyler (1841–1845) was the first born under the Constitution, 1790. Oddly enough, Tyler was elected to the Confederate Congress. Wilson lived under the Stars and Bars in Georgia and South Carolina.

The coach of the national football champions of 1878, who is listed in the record books as "T. W. Wilson," became more famous as Woodrow Wilson. Wilson, William Howard Taft (1909–1913), and Theodore Roosevelt were born in 1856, 1857, and 1858, respectively, but served in the reverse order. Harding was elected on his birthday, November 2, 1920.

The first four Presidents celebrated their birthdays on different days as Presidents than they had as children. This was due to the adoption of the Gregorian Calendar by England and her colonies in September, 1753. For example, Washington, who was born February 11, 1732, observed February 22nd from 1754 on. He died the last hour of the day, the last day of the week, the last month of the year, and the last year of the 1700's. The national capital and a state were named after Washington, the only President who never lived in Washington, D.C., while Jefferson City, Missouri; Madison, Wisconsin; Jackson, Mississippi; and Lincoln, Nebraska; are state capitals that were named for Presidents.

No President was born in June. While only one (John) Calvin Coolidge (1923–1929), was born on July 4th, three out of four in succession died on Independence Day. John Adams and Jefferson, signers of the Declaration, both died July 4, 1826, the golden anniversary of that immortal document, while Monroe passed away exactly five years later.

Every President who was elected in a year ending in zero either died in office or on the Fourth of July. Jefferson was first elected in 1800 and Monroe was reelected in 1820; both died July 4th. The elder Harrison was elected in 1840 and died in office. Abraham Lincoln (1861–1865), Garfield, McKinley, and Kennedy were elected in 1860, 1880, 1900, and 1960, respectively, it being McKinley's second election; all four were assassinated. Harding and the second Roosevelt were elected in 1920 and 1940, respectively, F.D.R.'s election being his third; both died in office.

There were once three Presidents in a month. William Henry Harrison succeeded Van Buren March 4, 1841. Tyler succeeded upon the former's death, April 4th. There were also three chief executives in 1881, Garfield succeeding Hayes and Arthur taking over after Garfield was assassinated.

Eight Presidents married widows; for two of them it was the second marriage. Three others were also married twice. James Buchanan (1857–1861) was the only President who never married, while Cleveland did not marry until his first administration. Tyler's second wife was thirty years younger than he. He was the father of fourteen children by his two marriages, the most for any President. His predecessor, Harrison, had the most for one marriage, ten.

Besides the Adamses, there were several other Presidents who were closely related to predecessors or successors. Benjamin Harrison was a grandson of William Henry Harrison, who was a son of the Benjamin Harrison who signed the Declaration of Independence. Madison and Zachary Taylor (1849–1850) were second cousins and the Roosevelts were fifth cousins. Franklin D. Roosevelt's mother was a third cousin of Ulysses Simpson Grant (1869–1877).

Eight Presidents succeeded to the office because they were Vice Presidents when the chief executives died. These included Tyler, Millard Fillmore (1850–1853), Andrew (Jackson) Johnson (1865–1869), Arthur, Theodore Roosevelt, Coolidge, Truman, and Lyndon Johnson. Three others were Vice Presidents in the administrations preceding their own: John Adams, Jefferson, and Van Buren.

In the early days of the Republic, six men who had been Secretary of State became President: Jefferson, Madison, Monroe, John Quincy Adams (four in succession), Van Buren, and Buchanan. Only two Cabinet members have reached the White House since: Secretary of War Taft and Secretary of Commerce Hoover.

Congressional service has also been a stepping-stone to the Executive Mansion. The second Adams, Jackson, the first Harrison, Tyler, Pierce, Buchanan, both Johnsons, Kennedy, and Nixon served in both Houses.

Those who were Senators only were Monroe, Van Buren, the second Harrison, Harding, and Truman. Only Harding and Kennedy were elected President while serving in the Senate; both resigned before their terms as Senators expired.

Those who were in the House only included Madison, Polk, Fillmore, Lincoln, Hayes, Garfield, and McKinley. Polk was the only Speaker of the House of Representatives to become President. From November 4 to 8, 1880, Garfield was simultaneously Representative, Senator-elect, and President-elect.

Ex-Presidents have served in every branch of our government. Two were in Congress, the second Adams serving in the House for almost seventeen years and Andrew Johnson for a few months in the Senate. Cleveland was the only former President to make a comeback. Taft was the only man to occupy both the highest elective and the highest appointive offices, as he became Chief Justice of the United States after having been President.

Washington and Madison were members of the Constitutional Convention; the former was its President. Seven of the early Presidents had been diplomats. Both Adamses were Ministers to Great Britain; the elder was also Minister to the Netherlands and the younger also served as Minister to Portugal, Prussia, and Russia. Other Ministers to Great Britain included Monroe, Van Buren, and Buchanan; Monroe was also Minister to France and Buchanan was also Minister to Russia, Jefferson was Minister to France and the elder Harrison Minister to New Granada (Colombia).

Governors who became President included Jefferson, Monroe, and Tyler, Virginia; Van Buren, Cleveland, and both Roosevelts, New York; Polk and Andrew Johnson, Tennessee; Hayes and McKinley, Ohio; Wilson, New Jersey; and Coolidge, Massachusetts.

Jefferson and John Quincy Adams were elected by the House, after the former tied Aaron Burr in the Electoral College in 1800 and the latter ran second among four candidates in 1824. Thirty-six ballots were necessary in the first case.

Quite a number of the Presidents had war records. Washington, Monroe, and Jackson fought in the Revolution; the latter was only thirteen at the time. He avenged himself against the British by winning the final battle of the War of 1812; the first Harrison and Buchanan also participated in that war.

Taylor, Pierce, and Grant all fought against Mexico. The latter's name was originally Hiram Ulysses Grant and was changed when he entered West Point, due to a Congressman's error, which the future President allowed to stand. He and Andrew Johnson, Hayes, Garfield, Arthur, and McKinley all took part in the Civil War, Cleveland being the only President from 1865 to 1901 who had not been a Union soldier. Theodore Roosevelt served in the Spanish-American War, Truman in World War I, and Eisenhower in World Wars I and II, and Kennedy, Lyndon Johnson, and Nixon in World War II. Like another general who became President, Eisenhower's present name is not his original designation, as he was named David Dwight Eisenhower.

The United States, which now has three ex-Presidents, was without one during four periods, 1799 to 1801, 1875 to 1877, 1908 to 1909, and two months of 1933, not to mention Washington's incumbency. From March 4, 1861, to January 17, 1862, we had five ex-Presidents, Van Buren, Tyler, Fillmore, Pierce, and Buchanan.

REPRESENTATIVE KLEPPE INTRODUCES LEGISLATION TO PERMIT ADVANCE PAYMENTS TO WHEAT PRODUCERS

(Mr. KLEPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEPPE. Mr. Speaker, yesterday I introduced, for reference to the Committee on Agriculture, a bill to amend the Agriculture Adjustment Act to permit advance payments to wheat producers. I introduced a similar bill in the last Congress, and a companion bill introduced by Congressman Dole passed the House on December 4, 1967.

The purpose of my bill is to permit advance price support payments to be made to wheat farmers in the same manner as these early payments have been made available to farmers participating in the cotton and feed grains program. A payment of up to 50 percent of the estimated value of the domestic marketing certificates would be made by the Secretary of Agriculture in advance of determination of performance.

I was a member of the Committee on

Agriculture during the last Congress, and as a member of the Livestock and Grains Subcommittee, know that the only opposition to similar bills came from the Department of Agriculture. All the other witnesses present at the hearings favored a bill of this type. Obviously, the committee felt that the Department's objections were invalid. The committee felt that the bill was needed and that the wheat farmers should be helped to the maximum extent possible. Under the bill, the wheat farmer, not the Department of Agriculture, would decide whether advance payments were needed. I think, as the committee did, that the wheat farmer should have the same options as the cotton and feed grains producers. He would, under my bill.

Mr. Speaker, the plight of the farmer is no better today than it was when this same type of bill passed the House in 1967. The reasons for passage then are valid now. With credit tight and interest rates at sky-high levels, such advance payments would make it unnecessary for a considerable number of wheat growers to seek operating loans in the spring.

I urge swift consideration of this bill in order that action may be completed during this session of Congress.

SKIDS APPEAR GREASED TO PUT UNCONSCIONABLE PAY INCREASE INTO EFFECT WITHOUT HEARINGS OR OTHER CONSIDERATION BY CONGRESS

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, throughout the campaign last fall and the months that have intervened since, the public has been warned of the dire consequences that would follow unless the Federal Government practiced economy, halted inflation, and stabilized the dollar.

Now it is proposed, and unbelievably with the support of the Nixon administration, to provide top officials and employees of this Government, with an unconscionable pay increase of 40 to 50 percent—a salary grab that will cost the taxpayers millions of dollars and further fuel the flame of inflation both in and out of Government.

And it appears the skids are greased to put this unconscionable pay increase into effect without any hearings or other consideration on the part of Congress.

I again call upon the leadership of the House, as I did yesterday, to bring my disapproving resolution to the floor of the House and give the Members an opportunity to vote on the record against this latest raid on the treasury and the contribution it will make to further inflation.

HOUSE RESOLUTION 133 CALLING FOR DISAPPROVAL OF PRESIDENT JOHNSON'S RECOMMENDATION FOR HUGE PAY INCREASES

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, on January 15, I joined in cosponsoring House Resolution 133 calling for disapproval of President Johnson's recommendation for huge pay increases for top members of the executive, legislative, and judicial branches of Government, including Members of Congress. I am becoming increasingly concerned that an opportunity for a record vote will be denied the Members of the House and that we will, in effect, abdicate our constitutional responsibilities over our own salaries and the Federal Treasury's "purse strings," leaving the entire decision to our colleagues in the Senate—or indeed, the executive branch.

It appears that the assurances that were given in 1967, when the enabling legislation for this infamous Commission was first approved, that the House could work its will on the pay proposals of the President's Commission, are about as lasting as an "ice cube on a hot tin roof."

I saw this situation developing when I voted against the creation of said Presidential Pay Commission in the original bill, and against the bill on final passage which contained this unique "veto in reverse." At least before we began rewriting the Constitution by fiat, the President had a choice of whether or not to veto a bill. Now that the executive branch legislates and the legislative branch executes, our alleged power to veto has turned out to be as slippery as the streets of Washington following an all-night ice storm. If the House Committee on Post Office and Civil Service does not send the opposing resolution to the House, and if the Committee on Rules does not discharge the resolution from the committee, then we actually have no veto power at all.

This pay proposal, coming as it does along with a proposed continuation of the tax surcharge, coming as it does when we are trying to hold down Federal spending and inflation, coming as it does at a time when the White House has been swamped with 80,000 applications for jobs from people who apparently are satisfied with pay scales as they are now, and coming as it does at a time when there was more than adequate competition for a seat in Congress at the present pay scales, ought not to have been reported to be considered, let alone adopted.

A BILL TO PROTECT THE ALLIGATOR AND OTHER ENDANGERED SPECIES

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, I am today introducing legislation which will be of tremendous assistance in the fight to protect domestic and foreign fish and wildlife that are in danger of becoming extinct.

The purpose of this legislation is threefold.

First, to assist the several States in stopping or reducing illegal traffic in certain protected animals, this legislation would make it unlawful for anyone to knowingly put into interstate or foreign commerce any amphibian, reptile, mollusk, or crustacean or parts thereof taken contrary to any Federal, State, or foreign laws or regulations. Present law extends this protection only to wild mammals or wild birds, or fish, or parts thereof.

Second, to eliminate known refuges for poachers, this legislation would permit the Secretary of the Interior to acquire by purchase, donation, exchange, or otherwise any inholdings which have proven to be trouble spots in the effort to protect endangered species.

Third, to assist on an international level in the preservation of threatened species, this legislation would prohibit the importation of any species of wild mammal, fish, wild bird, amphibian, reptile, mollusk, or crustacean, or parts thereof that are threatened with extinction. The Secretary of the Interior could make exception for zoological, educational, and scientific purposes, and for the purpose of breeding for preservation and propagation.

Mr. Speaker, this legislation is similar to H.R. 11618, which passed the House in the second session of the 90th Congress, and which was reported by the Senate Commerce Committee but did not come before that body for a vote.

I strongly supported that legislation in committee and during debate because man should not be callous and indifferent to the devastating exploitation of his natural resources. Nor should man naively believe that other species will continue to exist on the face of the earth without his aid and protection.

I am particularly interested in section 2 of this legislation because it is aimed at a problem with which I am most familiar: the threatened extinction of the alligator.

This magestic beast, a living fossil from the age of reptiles which flourished some 200 million years ago, is indigenous to the south central part of the State of Florida, the area which I have the privilege to represent in the Congress.

Human greed and vanity threaten the American alligator just as human greed and vanity threatened the American bison and the egret 100 years ago.

Today, a finished alligator suitcase will sell for up to $1,000; men's alligator shoes retail at $70 and more.

Prime alligator hides bring $6 per linear foot from dealers who do not question their origin, and it is estimated that the illegal market of skins in Miami, Fla. alone is in excess of $1 million a year.

Section 2 of this bill that I am introducing will be an effective instrument to stem this tide.

It would impose a fine of not more than $1,000 or imprisonment for up to 6 months on anyone who first, knowingly delivers, carries, transports or ships interstate or foreign commerce any alligator taken illegally; or, second, knowingly sells or causes to be sold any products manufactured, made, or processed from such alligators; or, third, knowingly receives, acquires, or purchases any alligator or parts thereof which were taken illegally and shipped interstate commerce.

Under present law, if the poacher is not caught in the act of catching or slaughtering the alligators, and if he can get the carcasses or skins to a dealer, there is little State or Federal officials can do. This legislation would close that loophole in the law.

This is a strong bill, but I believe that such language is necessary if we are to preserve not only the alligator, but other domestic and foreign fish and wildlife that are in danger of extinction.

Conservation and civic groups in Florida have mounted an offensive against poachers and hunters of the alligator. Public attention is being rallied in support of local, State, and Federal action, and I praise these most worthwhile civic efforts.

I hope that my colleagues will hear this call, and that early action can be taken on this most necessary legislation.

THE LATE OSCAR ROSE

(Mr. STEED asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. STEED. Mr. Speaker, it is my sad duty to announce to the House that Mr. Oscar Rose, superintendent of schools of Midwest City, Okla., and who for the last 20 years had become known as a friend to many Members of the Congress through his work in the Federal impacted school program, died at 4:15 this morning here in Washington while here to attend a school conference.

I know that all of those who have known and worked with this great educator will be as sad as I am at his untimely passing. Our deepest sympathy goes to Mrs. Rose and their family.

We are advised that the funeral arrangements will be made for the services to be held in the city of Midwest City, Okla., on Saturday next.

Oscar Rose attained a record of achievement in education surpassed by no one in the history of Oklahoma. Under his guidance the Midwest City school system grew from a tiny beginning to one of the largest and most respected in the State. It was his leadership that made this possible.

He contributed to the betterment of education nationally as well as locally. It was Oscar Rose who took the voluntary leadership in meeting by Federal legislation the needs of schools in communities affected heavily by the impact of Federal installations. The disproportionate amount of tax-exempt Federal property in such communities would leave them with a tax base too narrow to support an efficient school system were it not for the programs founded by Public Laws 874 and 815 of the 81st Congress. Under these laws the Federal Government makes contributions to the impacted area school systems on a formula based on the individual child.

I had the honor of serving as a member of the Committee on Education and Labor when these programs were written in the 81st Congress. Their passage and subsequent success are a monument to the vision and practical skill of Oscar Rose. He became the nationally recognized authority in this field, and in the 20 years since enactment of the laws he has been unstinting in devoting time and energy to their continuing success. It was on another mission in their behalf that he came here this week.

Millions would have had a less adequate education today without the laws Oscar Rose helped to make effective. The principle of a formula under which aid is extended to the local districts on the basis of categories of individual children, with wide latitude in use, was the concept later used in title I of the Elementary and Secondary Education Act of 1965.

Oscar Rose was a man of courage, of dedication, above all of effective action. Few have lived to see such tangible evidence of their contribution to the betterment of their fellow citizens.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. STEED. I yield to our distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I thank the gentleman for yielding.

I join with my colleague in his expression of sorrow over the death of Oscar Rose. Every child who has benefited from impacted area legislation owes a debt of gratitude to this great man. More than anyone else, in the schools of America, Mr. Rose led the fight for aid to impacted areas. He was a real leader, and I am thankful that he was my friend.

Mr. STEED. Mr. Speaker, I thank the gentleman for his remarks.

WILLARD WIRTZ: DEDICATED HUMANITARIAN

(Mr. BURTON of California asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BURTON of California. Mr. Speaker, for the last 8 years, this Nation has been waging a tireless and unyielding struggle against the misery and injustice wrought by human disadvantage.

History will properly note the leadership given in this struggle by both President John F. Kennedy and President Lyndon B. Johnson. Their choice to champion the cause was the Honorable Willard Wirtz who served as Secretary of Labor under both these distinguished Presidents.

Many dedicated men and women have distinguished themselves through their immense contributions to this vast undertaking. At the forefront, however, has been a man whose devotion to the task of perfecting our society has made him an outstanding champion of human rights. That man is Willard Wirtz who distinguished himself as perhaps the greatest Secretary of Labor in our Nation's history.

Indeed, when historians write their chronicles of the 1960's, Willard Wirtz will be remembered for his steadfast and courageous stand for human justice, human dignity, and human opportunity.

His able efforts to assist both working and jobless Americans have been guided by the deep and abiding conviction that a truly great society is one that provides every individual with full opportunity to realize his potential and to make meaningful use of his abilities.

This firm belief—and the actions it has prompted—has earned Willard Wirtz a special place in the hearts and minds of the American people, especially the dispossessed of our urban and rural slums. And that special place is well justified, for his outstanding efforts have contributed much to the tremendous record of human progress this Nation has known during the 1960's.

A significant measure of that progress is the fact that more Americans are working for better wages than ever before in our history. Between January 1961 and December 1968, the number of working men and women rose by more than 11 million—16.8 percent. Compared to the meager 6.3-percent rise in employment during the preceding 8 years, this figure is staggering and heartening. By the same token, unemployment dropped by more than 2 million—44.6 percent—between January 1961 and December 1968. During the preceding 8 years, unemployment had risen—yes risen—by an unbelievable 185.5 percent.

The record of progress during the 1960's is also evident in the fact that during the last 8 years, real spendable earnings for a worker with three dependents have risen by 15.4 percent, almost double the rise during the preceding 8 years.

There are other statistics which document our tremendous economic and social advances, and I shall insert these in the RECORD following these remarks. Impressive as these figures are, however, they do not tell the full story. They do not explain, for example, that much of the rise in employment was due to a far-reaching effort to provide training and job opportunities for every American who sought work. They do not explain that much of the increase in earnings was due to a conscious effort to secure decent wages for underpaid workers. And they do not describe the excellence with which Willard Wirtz led these efforts to promote human progress.

The great contributions Willard Wirtz has made to the Nation's advancement during the 1960's become even more impressive in light of the fact that since becoming Secretary of Labor in 1962, he has been faced with manpower challenges equaled only in the years of the great depression.

When he assumed office, the unemployment rate was a high 5.8 percent. Today, it stands at a post-Korean war low of 3.3 percent. What is more, he was confronted with the task of coping with two great revolutions concerning men and work. The first was the great manpower revolution brought on by rapid technological change. The second was the still-continuing struggle for equal opportunity.

To solve the human problems of technological advancement, Secretary Wirtz skillfully focused the attention of the Labor Department more clearly then ever on the central problem of manpower development, use, and need. Committed to the belief that there should be no human hostages left in the wake of technological progress, the Department began—for the first time in history—to study the impact of technological change upon the labor force, and to assess the importance of proper education and training for our complex and modern economy.

The Labor Department also met the great challenge of technological change by putting in high gear the machinery needed to administer the Manpower Development and Training Act. This law had been enacted to retrain displaced workers for the higher skilled jobs required in our expanding economy, and by 1965 its training programs were proving their far-reaching effectiveness.

The other great revolution facing Willard Wirtz during his first year in office was the growing struggle for equal opportunity. More and more Americans were becoming aware of the urgent need to help prepare the disadvantaged—minority groups, the unskilled, the uneducated—to compete for decent jobs in our economy.

Congress responded to this need by broadening the scope of the Manpower Development and Training Act to provide more training opportunities for the disadvantaged. Administered by the Labor Department, these programs were aimed at solving the human problems which prevent the disadvantaged from playing a dignified and productive role in our society.

The Labor Department's efforts to insure equal opportunity for all were expanded with the passage of the Civil Rights and Economic Opportunity Acts of 1964. Secretary Wirtz welcomed his duties under these acts with a dedication and ability that spelled new hope and opportunity for America's disadvantaged.

Long a champion of the idea that employment opportunities must be opened to minority groups to whom they had been denied, Secretary Wirtz had already made the Labor Department an outstanding example of an equal opportunity employer.

With the passage of these new acts, Willard Wirtz' firm belief that every American is entitled to achieve his full potential—no matter what his color or sex or religion or national origin or economic background—was translated into powerful efforts to end job discrimination on all fronts.

Secretary Wirtz met—and magnificently overcame—another great manpower challenge at the end of 1964 when Congress allowed Public Law 78, a law authorizing the importation of Mexican nationals for farm labor, to expire.

The expiration of this law was adamantly opposed by farmowners who had become accustomed to importing foreign workers who would suffer low wages and extremely poor working conditions, thus depressing wages and conditions for domestic field hands. In my own State of California, the Nation's leading agricultural State, a misguided few even predicted that our whole agricultural economy would collapse if foreign contract workers were not available.

But Willard Wirtz was resolute in his resistance that alien workers would not be allowed to fill jobs that could be performed by unemployed Americans. He was equally steadfast in his dedication to the task of improving wages and working conditions for domestic farmworkers.

Again, Willard Wirtz' courageous stand paid off. In my home State, man-months of domestic farm employment rose 14.5 percent—from 1,237,150 to 1,416,810—between 1964 and 1968, when not one foreign contract worker was employed on California crops. In that same period, hourly farm rates rose 25.9 percent, from $1.35 to $1.70.

America's farmworkers gained further advances in 1966 when amendments to the Fair Labor Standards Act brought half a million farm laborers under Federal minimum wage protection for the first time.

Though Secretary Wirtz has played a major role in forging these advances, he is still not content with farmworker gains. Realizing how much more needs to be done if American farmworkers are to keep pace with nonagricultural workers, Willard Wirtz has tirelessly continued to battle for better working conditions and collective bargaining rights for this still-disadvantaged group.

The progress that farmworkers have seen during the past several years has been mirrored in other low-paying industries also brought under Federal minimum wage protection for the first time in 1966. Some 10.4 million workers, including those in laundries, motels, restaurants and other service industries, benefited from these amendments.

Through all these efforts, Secretary Wirtz continued his emphasis on the need to prepare the disadvantaged for dignified and productive jobs. Programs under the Manpower Development and Training Act, and the Economic Opportunity Act were expanded, improved, made more effective. One mark of their effectiveness is the fact that over 1.1 million disadvantaged persons have enrolled in MDTA programs, and more than 1.7 million have enrolled in Economic Opportunity Act programs, since their inception.

During Willard Wirtz' term, the Labor Department has also placed new emphasis on identifying the disadvantaged, getting new and valuable statistics about their problems, and concentrating manpower efforts in the areas of greatest need.

As a result of these efforts, the Labor Department was well equipped to administer the concentrated employment program launched in 1967. The concept of the program was simple: through one contract with one sponsor, target areas of high unemployment would be provided with all manpower services needed to train local residents for decent jobs. The concept was simple, but the results have been heartening. In less than 2 years, more than 100,000 disadvantaged men, women, and youth have received CEP services, thousands of them landing decent jobs for the first time.

Secretary Wirtz has also fought long and hard battles to combat youth unemployment, provide women and older workers with greater job opportunities, and provide safe working conditions for all wage earners. One shining example of this last effort was his humane decision to limit the radiation hazards of uranium miners.

In short, Secretary Wirtz has devoted his boundless talents and energies to all areas affecting the well-being of both the employed and unemployed, and his efforts have contributed much to the tremendous social and economic gains America has enjoyed during the 1960's.

As we all know, however, there is much more to be done in the fight to eliminate poverty and disadvantage. The new administration and the 91st Congress must take up with renewed vigor the unfinished business of perfecting our society, of giving every individual the opportunities to which he is entitled.

I have every hope that we will all continue that struggle with the kind of humanitarian dedication Willard Wirtz has displaced so well throughout his term as Secretary of Labor. Anything less will be an American tragedy.

The following are comparisons of major economic indicators between 1953 and 1961 and 1961 and 1968.

These comparisons clearly show the unprecedented economic progress the Nation has enjoyed during the 1960's and the slow economic growth of the 1950's. Willard Wirtz played a prominent part in forging the unprecedented progress reflected in this data:

Economic Indicator Comparisons

EMPLOYMENT

February 1953 to January 1961: Up 3,900,000 or 6.3%.

January 1961 to December 1968: Up 11,083,000 or 16.8%.

UNEMPLOYMENT

February 1953 to January 1961: Up 3,034,- or 185.5%.

January 1961 to December 1968: Down 2,081,000 or 44.6%.

UNEMPLOYMENT RATE

February 1953 to January 1961: Up 153.8%.

January 1961 to December 1968: Down 50.0%.

AVERAGE HOURLY EARNINGS—MANUFACTURING

February 1953 to January 1961: Up $0.57 or 33.1%.

January 1961 to December 1968: Up $0.81 or 35.4%.

AVERAGE WEEKLY EARNINGS—MANUFACTURING

February 1953 to January 1961: Up $18.73 or 26.6%.

January 1961 to December 1968: Up $38.33 or 43.0%.

REAL SPENDABLE EARNINGS (WORKER WITH THREE DEPENDENTS)

March 1953 to January 1961: Up $5.31 or 7.4%.

January 1961 to November 1968: Up $11.82 or 15.4%.

CONSUMER PRICE INDEX

March 1953 to January 1961: Up 12.1%.

January 1961 to November 1968: Up 18.9%.

TOTAL INDUSTRIAL PRODUCTION

March 1953 to January 1961: Up 12.2%.

January 1961 to November 1968: Up 61.6%.

WHOLESALE PRICE INDEX

February 1953 to January 1961: Up 9.4%.

January 1961 to December 1968: Up 8.7%.

CONSTRUCTION EXPENDITURES

February 1953 to January 1961: Up $15.1 billion or 38.2%.

January 1961 to November 1968: Up $32.1 billion or 58.8%.

TOTAL RETAIL SALES

March 1953 to January 1961: Up $3.5 billion or 24.3%

January 1961 to November 1968: Up $11.2 billion or 62.7%.

GROSS NATIONAL PRODUCT

Third quarter 1953 to first quarter 1961: Up $137.8 billion or 37.7%.

First quarter 1961 to third quarter 1968: Up $367.2 billion or 72.9%.

DISPOSABLE PERSONAL INCOME

Third quarter 1953 to first quarter 1961: Up $101.0 billion or 39.8%.

First quarter 1961 to third quarter 1968: Up $237.9 billion or 67.1%.

PER CAPITA DISPOSABLE PERSONAL INCOME

Third quarter 1953 to first quarter 1961: Up $355 or 22.4%.

First quarter 1961 to third quarter 1968: Up $1,000 or 51.5%.

CORPORATE PROFITS AFTER TAXES

Third quarter 1953 to first quarter 1961: Up $3.1 billion or 14.6%.

First quarter 1961 to third quarter 1968: Up $26.8 billion or 109.8%.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation from a committee:

Hon. JOHN W. MCCORMACK,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I herewith submit my resignation from the House Armed Services Committee and request that proper record of the same be recorded.

Sincerely yours,
FRANK E. EVANS.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation from a committee:

Hon. JOHN MCCORMACK,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: In view of the fact that I have been appointed to the House Committee on Banking and Currency, and have retained my position on the Government Operations Committee, I hereby tender my resignation as a Member of the House Administration Committee, effective immediately.

Cordially yours,
WILLIAM O. COWGER.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

UKRAINIAN INDEPENDENCE

(Mr. MINSHALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MINSHALL. Mr. Speaker, today we are observing the 51st anniversary of the short-lived independence declared by the Ukraine in 1918.

After just 2 years of freedom, the Ukraine was crushed by the Communist juggernaut and has remained the unwilling and helpless victim of its oppression ever since. Ukrainians have been captives of the U.S.S.R. for so many years that in the minds of many it is assumed that they have been totally absorbed into the Kremlin's totalitarian system, that the experience of and the love of liberty are unknown to them.

Those of us who represent districts in which numbers of Ukrainian-Americans reside know better. We know the worth of these great people. We know nothing has quenched the spirit which roused the Ukraine to declare its independence more than half a century ago. The prayer that the declaration of January 22, 1918, will one day again become a reality remains imperishable.

As we honor that cherished date in Ukrainian history, I wish to remind this House, as I have in past years, that we must give more than lipservice to the cause of the Ukraine and of all captive people. I continue to urge committee action on two resolutions which could be first steps on the long road toward actual liberation. I reintroduced this legislation on opening day of this Congress. One would create a Special House Committee on the Captive Nations, the other calls upon the United Nations to insist that the Soviet Union abide by its charter provisions on national self-determination and colonialism.

For the benefit of new Members of the House, and as a reminder to the Committees on Foreign Affairs and on Rules that action is long overdue, I wish to include with my remarks the full text of both my resolutions:

H. CON. RES. 59

Whereas the United States of America was founded upon and long cherished the principles of self-determination and freedom; and

Whereas these principles, expressed in the sovereign quality of nations, are the very reason for the existence of the United Nations, as set forth in the charter of that world organization; and

Whereas the United States and all other members of the United Nations have solemnly pledged themselves to make these principles universal and to extend their benefits to all peoples; and

Whereas, on December 10, 1948, the General Assembly of the United Nations passed the Universal Declaration of Human Rights which was accepted both by the United States and the Union of Soviet Socialist Republics, defining said rights as relating to citizens of all member states; and

Whereas, since 1918 Soviet communism has, through the most brutal aggression and force, deprived millions of formerly free peoples of their right to self-determination; and

Whereas the Congress of the United States has unanimously expressed in Public Law 86–90, approved July 17, 1959, its revulsion at the continued enslavement of the peoples of Eastern and East Central Europe who were described by the said public law as captive nations; and

Whereas the Hungarian, Polish, Czech, Slovak, Carpatho-Ruthenian, Latvian, Lithuanian, Estonian, East German, Rumanian, Bulgarian, Albanian, Ukrainian and White Ruthenian peoples may only look to the United States and the United Nations for the restoration of their national self-determination and political independence; and

Whereas the member nations of the United Nations have failed to bring before the General Assembly for successful discussion the problem of self-determination and political independence of the peoples of Eastern Europe; and

Whereas, despite the numerous resolutions passed by the United Nations General Assembly, Russian occupation troops are still maintained in Hungary and the issue of their removal has not come up for discussion in the Assembly since 1962; and

Whereas it is vital to the national security of the United States and to the perpetuation of free civilization that the nations of the world act in concert through the forum of the United Nations in demanding national self-determination and political independence for the peoples enslaved by Communist governments; and

Whereas the Constitution of the United States of America in article II, section 2, vests in the President of the United States the power, by and with the advice of the Senate, to make treaties and to appoint Ambassadors: Now, therefore, be it

Resolved by the House of Representatives (*the Senate concurring*), That the President of the United States is hereby authorized and requested to instruct the United States Ambassador to the United Nations to request at the 1968 session, that (1) the United Nations insist upon the fulfillment of its charter provisions based on self-determination of all peoples in the form of the sovereign equality of states and condemnation of colonial rule; and (2) the Soviet Union be asked to abide by its United Nations membership obligations concerning colonialism and interference with the sovereignty of other nations through the withdrawal of all Soviet Russian troops and agents from other nations now under Communist rule and through returning to their respective homelands all political prisoners now in prison and labor camps; be it further

Resolved, That the President of the United States is further authorized and requested to use all diplomatic, treatymaking, and appointive powers vested in him by the Constitution of the United States to augment and support actions taken by the United States Ambassador to the United Nations in the interest of self-determination and political independence of these nations.

H. RES. 77

Whereas, on the issue of colonialism, the blatant hypocrisy of imperialist Moscow has not been adequately exposed by us in the United Nations and elsewhere; and

Whereas two Presidential proclamations designating Captive Nations Week summon the American people "to study the plight of the Soviet-dominated nations and to recommit themselves to the support of the just aspirations of the people of those captive nations"; and

Whereas the nationwide observances in the first anniversary of Captive Nations Week clearly demonstrated the enthusiastic response of major sections of our society to this Presidential call; and

Whereas following the passage of the Captive Nations Week resolution in 1959 by the Congress of the United States and again during the annual observances of Captive Nations Week, Moscow has consistently displayed to the world its profound fear of growing free world knowledge of and interest in all of the captive nations, and particularly the occupied non-Russian colonies within the Soviet Union; and

Whereas the indispensable advancement of such basic knowledge and interest alone can serve to explode current myths on Soviet unity, Soviet national economy, and monolithic military prowess and openly to expose the depths of imperialist totalitarianism and economic colonialism throughout the Red Russian Empire, especially inside the so-called Union of Soviet Socialist Republics; and

Whereas, for example, it was not generally recognized, and thus not advantageously made use of, that in point of geography, history, and demography, the now famous U–2 plane flew mostly over captive non-Russian territories in the Soviet Union; and

Whereas in the fundamental conviction

that the central issue of our times is imperialist totalitarian slavery versus democratic national freedom, we commence to win the psychopolitical cold war by assembling and forthrightly utilizing all the truths and facts pertaining to the enslaved condition of the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and other subjugated nations; and

Whereas the enlightening forces generated by such knowledge and understanding of the fate of those occupied and captive non-Russian nations would also give encouragement to latent liberal elements in the Russian Soviet Federative Socialist Republic—which contains Russia itself—and would help bring to the oppressed Russian people their overdue independence from centuries-long authoritarian rule and tyranny; and

Whereas these weapons of truth, fact, and ideas would counter effectively and overwhelm and defeat Moscow's worldwide propaganda campaign in Asia, Africa, the Middle East, Latin America, and specifically among the newly independent and underdeveloped nations and states; and

Whereas it is incumbent upon us as free citizens to appreciatively recognize that the captive nations in the aggregate constitute not only a primary deterrent against a hot global war and further overt aggression by Moscow's totalitarian imperialism, but also a prime positive means for the advance of world freedom in a struggle which in totalistic form is psychopolitical; and

Whereas in pursuit of a diplomacy of truth we cannot for long avoid bringing into question Moscow's legalistic pretensions of "noninterference in the internal affairs of state" and other contrivances which are acutely subject to examination under the light of morally founded legal principles and political, economic, and historical evidence; and

Whereas, in the implementing spirit of our own congressional Captive Nations Week resolution and the four Presidential proclamations, it is in our own strategic interest and that of the nontotalitarian free world to undertake a continuous and unremitting study of all the captive nations for the purpose of developing new approaches and fresh ideas for victory in the psychopolitical cold war: Now, therefore, be it

Resolved, That there is hereby established a committee which shall be known as the Special Committee on the Captive Nations. The committee shall be composed of ten Members of the House, of whom not more than six shall be members of the same political party, to be appointed by the Speaker of the House of Representatives.

SEC. 2. (a) Vacancies in the membership of the committee shall not affect the power of the remaining members to execute the functions of the committee, and shall be filled in the same manner as in the case of the original selection.

(b) The committee shall select a chairman and a vice chairman from among its members. In the absence of the chairman, the vice chairman shall act as a chairman.

(c) A majority of the committee shall constitute a quorum except that a lesser number, to be fixed by the committee, shall constitute a quorum for the purpose of administering oaths and taking sworn testimony.

SEC. 3. (a) The committee shall conduct an inquiry into and a study of all the captive non-Russian nations, which includes those in the Soviet Union and Asia, and also of the Russian people, with particular reference to the moral and legal status of Red totalitarian control over them, facts concerning conditions existing in these nations, and means by which the United States can assist them by peaceful processes in their present plight and in their aspiration to regain their national and individual freedoms.

(b) The committee shall make such interim reports to the House of Representatives as it deems proper, and shall make its first comprehensive report of the results of its inquiry and study, together with its recommendations, not later than January 31, 1966.

SEC. 4. The committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times within or outside the United States to hold such hearings, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony as it deems advisable.

SEC. 5. The committee may employ and fix the compensation of such experts, consultants, and other employees as it deems necessary in the performance of its duties.

PROVIDING NUMBER OF MEMBERS ON CERTAIN COMMITTEES

Mr. ALBERT. Mr. Speaker, I call up House Resolution 174 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 174

Resolved, That during the Ninety-first Congress—

The Committee on Agriculture shall be composed of thirty-three members;

The Committee on Banking and Currency shall be composed of thirty-five members;

The Committee on Education and Labor shall be composed of thirty-five members;

The Committee on Foreign Affairs shall be composed of thirty-eight members;

The Committee on Government Operations shall be composed of thirty-five members;

The Committee on Interior and Insular Affairs shall be composed of thirty-three members;

The Committee on Interstate and Foreign Commerce shall be composed of thirty-seven members;

The Committee on the Judiciary shall be composed of thirty-five members;

The Committee on Merchant Marine and Fisheries shall be composed of thirty-seven members;

The Committee on Post Office and Civil Service shall be composed of twenty-six members;

The Committee on Public Works shall be composed of thirty-four members;

The Committe on Science and Astronautics shall be composed of thirty-two members;

The Committee on Veterans' Affairs shall be composed of twenty-five members.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO STANDING COMMITTEES

Mr. MILLS. Mr. Speaker, I offer a privileged resolution (H. Res. 175) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 175

Resolved, That the following-named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Agriculture: W. R. Poage (chairman), Texas; John L. McMillan, South Carolina; Thomas G. Abernethy, Mississippi; Watkins M. Abbitt, Virginia; Frank A. Stubblefield, Kentucky; Graham Purcell, Texas; Maston O'Neal, Georgia; Thomas S. Foley, Washington; Eligio de la Garza, Texas; Joseph P. Vigorito, Pennsylvania; Walter B. Jones, North Carolina; G. V. (Sonny) Montgomery, Mississippi; B. F. Sisk, California; Bill Alexander, Arkansas; Bill D. Burlison, Missouri; Allard K. Lowenstein, New York; John R. Rarick, Louisiana.

Committee on Appropriations: Frank E. Evans, Colorado.

Committee on Armed Services: Richard White, Texas; Bill Nichols, Alabama; Jack Brinkley, Georgia; Robert H. (Bob) Mollohan, West Virginia; W. C. (Dan) Daniel, Virginia.

Committee on Banking and Currency: Wright Patman (chairman), Texas; William A. Barrett, Pennsylvania; Leonor K. (Mrs. John B.) Sullivan, Missouri; Henry S. Reuss, Wisconsin; Thomas L. Ashley, Ohio; William S. Moorhead, Pennsylvania; Robert G. Stephens, Jr., Georgia; Fernand J. St Germain, Rhode Island; Henry B. Gonzalez, Texas; Joseph G. Minish, New Jersey; Richard T. Hanna, California; Tom S. Gettys, South Carolina; Frank Annunzio, Illinois; Thomas M. Rees; California; Nick Galifianakis, North Carolina; Tom Bevill, Alabama; Charles H. Griffin, Mississippi; James M. Hanley, New York; Frank J. Brasco, New York; Bill Chappell, Jr., Florida.

Committee on the District of Columbia: John L. McMillan (chairman), South Carolina; Thomas G. Abernethy, Mississippi; William L. Dawson, Illinois; John Dowdy, Texas; Charles C. Diggs, Michigan; G. Elliott Hagan, Georgia; Don Fuqua, Florida; Donald M. Fraser, Minnesota; Brock Adams, Washington; Andrew Jacobs, Jr., Indiana; Peter N. Kyros, Maine; William L. Hungate, Missouri; Earle Cabell, Texas; Ray Blanton, Tennessee.

Committee on Education and Labor: Carl D. Perkins (chairman), Kentucky; Edith Green, Oregon; Frank Thompson, Jr., New Jersey; John H. Dent, Pennsylvania; Roman C. Pucinski, Illinois; Dominick V. Daniels, New Jersey; John Brademas, Indiana; James G. O'Hara, Michigan; Hugh L. Carey, New York; Augustus F. Hawkins, California; William D. Ford, Michigan; William D. Hathaway, Maine; Patsy T. Mink, Hawaii; James H. Scheuer, New York; Lloyd Meeds, Washington; Phillip Burton, California; Joseph M. Gaydos, Pennsylvania; Louis Stokes, Ohio; William (Bill) Clay, Missouri; Adam C. Powell, New York.

Committee on Foreign Affairs: Thomas E. Morgan (chairman), Pennsylvania; Clement J. Zablocki, Wisconsin; Wayne L. Hays, Ohio; L. H. Fountain, North Carolina; Dante B. Fascell, Florida; Leonard Farbstein, New York; Charles C. Diggs, Jr., Michigan; William T. Murphy, Illinois; Cornelius E. Gallagher, New Jersey; Robert N. C. Nix, Pennsylvania; John S. Monagan, Connecticut; Donald M. Fraser, Minnesota; Benjamin S. Rosenthal, New York; Edward R. Roybal, California; John C. Culver, Iowa; Lee H. Hamilton, Indiana; John V. Tunney, California; Abraham Kazen, Jr., Texas; Lester L. Wolff, New York; Jonathan B. Bingham, New York; Gus Yatron, Pennsylvania.

Committee on Government Operations: William L. Dawson (chairman), Illinois; Chet Holifield, California; Jack Brooks, Texas; L. H. Fountain, North Carolina; John A. Blatnik, Minnesota; Robert E. Jones, Alabama; Edward A. Garmatz, Maryland; John E. Moss, California; Dante B. Fascell, Florida; Henry S. Reuss, Wisconsin; John S. Monagan, Connecticut; Torbert H. Macdonald, Massachusetts; William S. Moorhead, Pennsylvania; Cornelius E. Gallagher, New Jersey; Wm. J. Randall, Missouri; Benjamin S. Rosenthal, New York; Jim Wright, Texas; Fernand J. St Germain, Rhode Island; John C. Culver, Iowa; Floyd V. Hicks, Washington.

Committee on House Administration: Augustus F. Hawkins, California; Tom S. Gettys, South Carolina; Jonathan B. Bingham, New York; Bertram L. Podell, New York.

Committee on Interior and Insular Affairs: Wayne N. Aspinall (chairman), Colorado;

James A. Haley, Florida; Ed Edmondson, Oklahoma; Walter S. Baring, Nevada; Roy A. Taylor, North Carolina; Harold T. Johnson, California; Hugh L. Carey, New York; Morris K. Udall, Arizona; Phillip Burton, California; John V. Tunney, California; Thomas S. Foley, Washington; Robert W. Kastenmeier, Wisconsin; James G. O'Hara, Michigan; William F. Ryan, New York; Patsy T. Mink, Hawaii; James Kee, West Virginia; Lloyd Meeds, Washington; Abraham Kazen, Jr., Texas; Bill D. Burlison, Missouri.

Committee on Interstate and Foreign Commerce: Harley O. Staggers (chairman), West Virginia; Samuel N. Friedel, Maryland; Torbert H. Macdonald, Massachusetts; John Jarman, Oklahoma; John E. Moss, California; John D. Dingell, Michigan; Paul G. Rogers, Florida; Lionel Van Deerlin, California; J. J. Pickle, Texas; Fred B. Rooney, Pennsylvania; John M. Murphy, New York; David E. Satterfield III, Virginia; Daniel J. Ronan, Illinois; Brock Adams, Washington; Richard L. Ottinger, New York; Ray Blanton, Tennessee; W. S. (Bill) Stuckey, Georgia; Peter N. Kyros, Maine; Bob Eckhardt, Texas; Robert O. Tiernan, Rhode Island; Richardson Preyer, North Carolina.

Committee on the Judiciary: Emanuel Celler (chairman), New York; Michael A. Feighan, Ohio; Peter W. Rodino, Jr., New Jersey; Byron G. Rogers, Colorado; Harold D. Donohue, Massachusetts; Jack Brooks, Texas; John Dowdy, Texas; Robert W. Kastenmeier, Wisconsin; William L. St. Onge, Connecticut; Don Edwards, California; William L. Hungate, Missouri; John Conyers, Jr., Michigan; Andrew Jacobs, Jr., Indiana; Joshua Eilberg, Pennsylvania; William F. Ryan, New York; Jerome R. Waldie, California; Edwin W. Edwards, Louisiana; Walter Flowers, Alabama; James R. Mann, South Carolina; Abner J. Mikva, Illinois.

Committee on Merchant Marine and Fisheries: Edward A. Garmatz (chairman), Maryland; Leonor K. (Mrs. John B.) Sullivan, Missouri; Frank M. Clark, Pennsylvania; Thomas L. Ashley, Ohio; John D. Dingell, Michigan; Alton Lennon, North Carolina; Thomas N. Downing, Virginia; James A. Byrne, Pennsylvania; Paul G. Rogers, Florida; Frank A. Stubblefield, Kentucky; John M. Murphy, New York; William L. St. Onge, Connecticut; Joseph E. Karth, Minnesota; William D. Hathaway, Maine; Walter B. Jones, North Carolina; Richard T. Hanna, California; Robert L. Leggett, California; Michael A. Feighan, Ohio: Frank Annunzio, Illinois; Speedy O. Long, Louisiana; Mario Biaggi, New York.

Committee on Post Office and Civil Service: Thaddeus J. Dulski (chairman), New York; David N. Henderson, North Carolina; Arnold Olsen, Montana; Morris K. Udall, Arizona; Dominick V. Daniels, New Jersey; Robert N. C. Nix, Pennsylvania; James M. Hanley, New York; Charles H. Wilson, California; Jerome R. Waldie, California; Richard White, Texas; William D. Ford, Michigan; Lee H. Hamilton, Indiana; Frank J. Brasco, New York; Robert O. Tiernan, Rhode Island; Graham Purcell, Texas.

Committee on Public Works: George H. Fallon (chairman), Maryland; John A. Blatnik, Minnesota; Robert E. Jones, Alabama; John C. Kluczynski, Illinois; Jim Wright, Texas; Kenneth J. Gray, Illinois; Frank M. Clark, Pennsylvania; Ed Edmondson, Oklahoma; Harold T. Johnson, California; W. J. Bryan Dorn, South Carolina; David N. Henderson, North Carolina; Arnold Olsen, Montana; Ray Roberts, Texas; Richard D. McCarthy, New York; James Kee, West Virginia; James J. Howard, New Jersey; Glenn M. Anderson, California; Patrick T. Caffery, Louisiana.

Committee on Science and Astronautics: George P. Miller (chairman), California; Olin E. Teague, Texas; Joseph E. Karth, Minnesota; Ken Hechler, West Virginia; Emilio Q. Daddario, Connecticut; John W. Davis, Georgia; Thomas N. Downing, Virginia; Joe D. Waggonner, Jr., Louisiana; Don Fuqua, Florida; George E. Brown, Jr., California; Earle Cabell, Texas; Bertram L. Podell, New York; Wayne N. Aspinall, Colorado; Roy A. Taylor, North Carolina; Henry Helstoski, New Jersey; Mario Biaggi, New York; James W. Symington, Missouri; Edward I. Koch, New York.

Committee on Standards of Official Conduct: Melvin Price (chairman), Illinois; Olin E. Teague, Texas; Watkins M. Abbitt, Virginia; Wayne N. Aspinall, Colorado; F. Edward Hébert, Louisiana; Chet Holifield, California.

Committee on Un-American Activities: Richard H. Ichord (chairman), Missouri; Claude Pepper, Florida; Edwin W. Edwards, Louisiana; Richardson Preyer, North Carolina; Louis Stokes, Ohio.

Committee on Veterans' Affairs: Olin E. Teague (chairman), Texas; W. J. Bryan Dorn, South Carolina; James A. Haley, Florida; Walter S. Baring, Nevada; Thaddeus J. Dulski, New York; Ray Roberts, Texas; George E. Brown, Jr., California; David E. Satterfield III, Virginia; Henry Helstoski, New Jersey; Roman C. Pucinski, Illinois; Don Edwards, California; Edward R. Roybal, California; G. V. (Sonny) Montgomery, Mississippi.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO STANDING COMMITTEES

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 176) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 176

Resolved, That the following-named Members be, and they are hereby, elected members of the following standing committees of the House of Representatives:

Committee on Agriculture: Page Belcher, Oklahoma; Charles M. Teague, California; Catherine May, Washington; William C. Wampler, Virginia; George A. Goodling, Pennsylvania; Clarence E. Miller, Ohio; Robert B. Mathias, California; Wiley Mayne, Iowa; John Zwach, Minnesota; Thomas S. Kleppe, North Dakota; Robert D. Price, Texas; John T. Myers, Indiana; Keith G. Sebelius, Kansas; Martin B. McKneally, New York; Wilmer D. Mizell, North Carolina.

Committee on Appropriations: Jack Edwards, Alabama.

Committee on Armed Services: William H. Bates, Massachusetts; Leslie C. Arends, Illinois; Alvin E. O'Konski, Wisconsin; William G. Bray, Indiana; Bob Wilson, California; Charles S. Gubser, California; Charles E. Chamberlain, Michigan; Alexander Pirnie, New York; Durward G. Hall, Missouri; Donald D. Clancy, Ohio; Robert T. Stafford, Vermont; Carleton J. King, New York; William L. Dickinson, Alabama; Charles W. Whalen, Jr., Ohio; Ed Foreman, New Mexico; John E. Hunt, New Jersey; G. William Whitehurst, Virginia.

Committee on Banking and Currency: William B. Widnall, New Jersey; Florence P. Dwyer, New Jersey; Seymour Halpern, New York; W. E. (Bill) Brock, Tennessee; Del Clawson, California; Albert W. Johnson, Pennsylvania; J. William Stanton, Ohio; Chester L. Mize, Kansas; Benjamin B. Blackburn, Georgia; Garry E. Brown, Michigan; Lawrence G. Williams, Pennsylvania; Chalmers P. Wylie, Ohio; Margaret M. Heckler, Massachusetts; William O. Cowger, Kentucky; J. Glenn Beall, Jr., Maryland.

Committee on the District of Columbia: Ancher Nelsen, Minnesota; William L. Springer, Illinois; Alvin E. O'Konski, Wisconsin; William H. Harsha, Ohio; Frank Horton, New York; Joel T. Broyhill, Virginia; Larry Winn, Jr., Kansas; Gilbert Gude, Maryland; Sam Steiger, Arizona; Catherine May, Washington; Lawrence J. Hogan, Maryland.

Committee on Education and Labor: William H. Ayres, Ohio; Albert H. Quie, Minnesota; John M. Ashbrook, Ohio; Alphonzo Bell, California; Ogden R. Reid, New York; John N. Erlenborn, Illinois; William J. Scherle, Iowa; John R. Dellenback, Oregon; Marvin L. Esch, Michigan; Edwin D. Eshleman, Pennsylvania; William A. Steiger, Wisconsin; James M. Collins, Texas; Earl F. Landgrebe, Indiana; Orval Hansen, Idaho; Earl B. Ruth, North Carolina.

Committee on Foreign Affairs: E. Ross Adair, Indiana; William S. Mailliard, California; Peter H. B. Frelinghuysen, New Jersey; William S. Broomfield, Michigan; J. Irving Whalley, Pennsylvania; H. R. Gross, Iowa; E. Y. Berry, South Dakota; Edward J. Derwinski, Illinois; F. Bradford Morse, Massachusetts; Vernon W. Thomson, Wisconsin; James G. Fulton, Pennsylvania; Paul Findley, Illinois; John H. Buchanan, Jr., Alabama; Robert Taft, Jr., Ohio; Sherman P. Lloyd, Utah; J. Herbert Burke, Florida; William V. Roth, Jr., Delaware.

Committee on Government Operations: Florence P. Dwyer, New Jersey; Ogden R. Reid, New York; Frank Horton, New York; Donald Rumsfeld, Illinois; John N. Erlenborn, Illinois; John W. Wydler, New York; Clarence J. Brown, Jr., Ohio; Guy Vander Jagt, Michigan; John T. Myers, Indiana; William O. Cowger, Kentucky; Gilbert Gude, Maryland; Paul N. McCloskey, Jr., California; Paul Findley, Illinois; John H. Buchanan, Jr., Alabama; Lowell P. Weicker, Connecticut.

Committee on House Administration: James Harvey, Michigan.

Committee on Interior and Insular Affairs: John P. Saylor, Pennsylvania; E. Y. Berry, South Dakota; Craig Hosmer, California; Joe Skubitz, Kansas; Laurence J. Burton, Utah; John Kyl, Iowa; Sam Steiger, Arizona; Howard W. Pollock, Alaska; James A. McClure, Idaho; Don H. Clausen, California; Philip E. Ruppe, Michigan; John Wold, Wyoming; John N. Happy Camp, Oklahoma; Manuel Lujan, New Mexico.

Committee on Interstate and Foreign Commerce: William L. Springer, Illinois; Samuel L. Devine, Ohio; Ancher Nelsen, Minnesota; Hastings Keith, Massachusetts; Glenn Cunningham, Nebraska; James T. Broyhill, North Carolina; James Harvey, Michigan; Albert W. Watson, South Carolina; Tim Lee Carter, Kentucky; G. Robert Watkins, Pennsylvania; Donald G. Brotzman, Colorado; Clarence J. Brown, Jr., Ohio; Dan Kuykendall, Tennessee; Joe Skubitz, Kansas; Fletcher Thompson, Georgia; James F. Hastings, New York.

Committee on the Judiciary: William M. McCulloch, Ohio; Richard H. Poff, Virginia; William T. Cahill, New Jersey; Clark MacGregor, Minnesota; Edward Hutchinson, Michigan; Robert McClory, Illinois; Henry P. Smith III, New York; Thomas J. Meskill, Connecticut; Charles W. Sandman, Jr., New Jersey; Thomas F. Railsback, Illinois; Edward G. Biester, Jr., Pennsylvania; Charles E. Wiggins, California; David W. Dennis, Indiana; Hamilton Fish, Jr., New York; R. Laurence Coughlin, Pennsylvania.

Committee on Merchant Marine and Fisheries: William S. Mailliard, California; Thomas M. Pelly, Washington; Charles A. Mosher, Ohio; James R. Grover, Jr., New York; Hastings Keith, Massachusetts; G. Robert Watkins, Pennsylvania; Henry C. Schadeberg, Wisconsin; John R. Dellenback, Oregon; Howard W. Pollock, Alaska; Philip E. Ruppe, Michigan; Daniel E. Button, New York; George A. Goodling, Pennsylvania; William G. Bray, Indiana; Paul N. McCloskey, Jr., California; Louis Frey, Jr., Florida.

Committee on Post Office and Civil Service: Robert J. Corbett, Pennsylvania; H. R. Gross, Iowa; Glenn Cunningham, Nebraska; Edward J. Derwinski, Illinois; Albert W. Johnson, Pennsylvania; Daniel E. Button, New York; William L. Scott, Virginia; James A. McClure, Idaho; Thomas J. Meskill, Connecticut; Donald E. Lukens, Ohio; Lawrence J. Hogan, Maryland.

Committee on Public Works: William C. Cramer, Florida; William H. Harsha, Ohio; James R. Grover, Jr., New York; James C. Cleveland, New Hampshire; Don H. Clausen, California; Robert C. McEwen, New York; John J. Duncan, Tennessee; Fred Schwengel, Iowa; Henry C. Schadeberg, Wisconsin; M. G. (Gene) Snyder, Kentucky; Robert V. Denney, Nebraska; Roger H. Zion, Indiana; Jack H. McDonald, Michigan; John Paul Hammerschmidt, Arkansas; Clarence E. Miller, Ohio.

Committee on Science and Astronautics: James G. Fulton, Pennsylvania; Charles A. Mosher, Ohio; Richard L. Roudebush, Indiana; Alphonzo Bell, California; Thomas M. Pelly, Washington; Donald Rumsfeld, Illinois; John W. Wydler, New York; Guy Vander Jagt, Michigan; Larry Winn, Jr., Kansas; Jerry L. Pettis, California; Donald E. Lukens, Ohio; Robert Price, Texas; Lowell P. Weicker, Jr., Connecticut; Louis Frey, Jr., Florida.

Committee on Standards of Official Conduct: Leslie C. Arends, Illinois; Jackson E. Betts, Ohio; Robert T. Stafford, Vermont; James H. Quillen, Tennessee; Lawrence G. Williams, Pennsylvania; Edward Hutchinson, Michigan.

Committee on Un-American Activities: John M. Ashbrook, Ohio; Del Clawson, California; Richard L. Roudebush, Indiana; Albert W. Watson, South Carolina.

Committee on Veterans' Affairs: Charles M. Teague, California; E. Ross Adair, Indiana; William H. Ayres, Ohio; John P. Saylor, Pennsylvania; Seymour Halpern, New York; John J. Duncan, Tennessee; John Paul Hammerschmidt, Arkansas; William L. Scott, Virginia; Margaret M. Heckler, Massachusetts; John M. Zwach, Minnesota; Robert V. Denney, Nebraska.

Committee on Ways and Means: Rogers C. B. Morton, Maryland.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF JORGE L. CÓRDOVA, RESIDENT COMMISSIONER FROM PUERTO RICO, TO CERTAIN STANDING COMMITTEES

Mr. **ALBERT**. Mr. Speaker, I offer a privileged resolution (H. Res. 177) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 177

Resolved, That Jorge Luis Córdova-Diaz, the Resident Commissioner to the United States from Puerto Rico, be, and he is hereby, elected an additional member of the following standing committees of the House of Representatives: Committee on Agriculture, Committee on Armed Services, and Committee on Interior and Insular Affairs.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING COMMITTEE ON WAYS AND MEANS TO SIT DURING SESSIONS OF THE HOUSE, 91ST CONGRESS

Mr. **MILLS**. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be authorized to sit during sessions of the House in the 91st Congress.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

Mr. **GROSS**. Mr. Speaker, reserving the right to object, and I will not object, I wonder if I might ask the distinguished chairman of the Committee on Ways and Means if the Nixon administration, now supporting the outlandish pay increase for Congress and the executive and judicial branches of Government has in any way suggested to his committee increasing the taxes to help pay the bill for the many millions of dollars that will be necessary to finance that deal?

Mr. **MILLS**. It has not. No one has actually suggested to me the desirability of increasing any of our taxes.

Mr. **GROSS**. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

UKRAINIAN INDEPENDENCE DAY

The **SPEAKER**. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 1 hour.

Mr. **FLOOD**. Mr. Speaker, just over 50 years ago a band of brave and patriotic Ukrainians unfurled the banner of revolt against their oppressors and proclaimed the Ukraine's independence. As the result of the revolution and the overthrow of the czarist regime in Russia, it was only natural that the largest non-Russian ethnic group in Russia's loosely held polyglot empire should be the first to assert its freedom and proclaim its national independence. But wartime events over which Ukrainians had no control and unforeseen, sweeping postwar international convulsions which quickly succeeded one another proved disastrous and tragic to the newly found Ukrainian independent state. Even before the end of the war it was attacked by the Poles in the north, and at the end of the war it was too weak to withstand the deadly onslaught of Russia's Communists. The sad result was that in the fall of 1920, a little over 2 years after achieving national independence, the Ukraine was forced to yield to the Red army, thus bringing to a close a short but momentous chapter in its modern history.

Today the Ukraine is the second largest Soviet Socialist Republic in the Soviet Union, second only to the Russian Soviet Socialist Republic. The approximately 45,000,000 Ukrainians constitute about one-fifth of the Soviet Union's total population. The country has always been one of the most fertile grain-producing areas in Europe. As a matter of fact, the whole Soviet Union is dependent to a great extent for its grain supply and for a large variety of other foodstuffs on the Ukraine. Without the food produced by the hard-working Ukrainian peasants, the people of the Soviet Union would be living on the verge of famine.

It is tragic that so many millions of Ukrainians, constituting such an important and large segment of Eastern Europe, do not enjoy in their historic homeland many of the elemental amenities of a good life which are considered in free societies as the birthright of all human beings. If the Ukrainian people were living under normal conditions—if they were somehow able to realize their national aspirations—there is no doubt that they would once again seize the opportunity to establish a democratic government based upon those freedoms which are essential to full intellectual and spiritual development. Unfortunately, however, for nearly five decades conditions have not been normal in the Ukraine. The unhappy Ukrainians have lived under conditions not at all suitable for the wholesome development of political, social, and economic life as we know it. They have been persistently denied the attainment of their supreme goal—to determine the form of their national political life.

The Ukraine's geographical location and modern international politics have largely determined the course of recent Ukrainian history. Situated between powerful political groups of Europe and Eurasia, the Ukrainian people have not been allowed to pursue an independent national existence. Though older than the state of modern Russia, the Ukraine became a part of that country in the middle of the 17th century through the workings of power politics. Thereafter, until the rise of the Russian Soviet regime, the Ukrainians made the best of a bad situation and managed to get along as best they could with the Russians. Since the advent of the Communist regime, however, this has been especially hard. Today, oppressed by their Communist overlords, they long to throw off the yoke.

It is hard to believe, and sad to think, that these 45,000,000 patriotic and sturdy Ukrainians would have put up with the most despotic of all contemporary forms of government for nearly 50 years. It is even harder to imagine that the free world would allow this to happen. Yet that is one of the sad commentaries on our age. Still, I firmly believe that there is hope in the Ukrainian struggle against Communist tyranny, and as long as the Ukrainians retain that hope, and abide by their spirit for independence, their righteous cause shall never die.

For nearly 50 years Communists have ruled Ukraine with an iron hand. They have turned that fair land into a large prison house. Since 1920 there has not been any semblance of freedom in the country. The tyrants in the Kremlin have seen to it that there will be no trace of any Western trappings in the country. In this darkness and depression there is one indestructible, ineradicable element of encouragement. That is the Ukrainian's innate and inborn desire for freedom and independence, his undying yearning for liberty. Fortunately neither the tyrants in the Kremlin, nor their minions in the Ukraine, can extinguish this spirit. As long as it is kept alive, as long as the ideal of national freedom is cherished by the Ukrainian people, no dictatorship can rob them of their right to freedom. And as long as they cling to that spirit, they will never give up their resistance to the Communist tyrants.

I am indeed glad to take part in the observance of the 51st anniversary of Ukrainian Independence Day. I ardently hope that the oppressed Ukrainians will soon regain their freedom and live in peace in their beloved homeland.

Mr. Speaker, at this point I would like to include the text of my resolution—House Resolution 102, 91st Congress—that would establish a Special Committee in the House on the Captive Nations:

H. Res. 102

Whereas on the all-important issue of colonialism the blatant hypocrisy of imperialist Moscow has not been adequately exposed by us in the United Nations and elsewhere; and

Whereas Presidential proclamations designating Captive Nations Week summon the American people "to study the plight of the Soviet-dominated nations and to recommit themselves to the support of the just aspirations of the people of those captive nations"; and

Whereas the nationwide observances in the nine anniversaries of Captive Nations Week have clearly demonstrated the enthusiastic response of major sections of our society to this Presidential call; and

Whereas following the passage of the Captive Nations Week resolution in 1959 by the Congress of the United States and again during the annual observances of Captive Nations Week, Moscow has consistently displayed to the world its profound fear of growing free world knowledge of and interest in all of the captive nations, and particularly the occupied non-Russian colonies within the Soviet Union; and

Whereas the indispensable advancement of such basic knowledge and interest alone can serve to explode current myths on Soviet unity, Soviet national economy and monolithic military prowess and openly to expose the depths of imperialist totalitarianism and economic colonialism throughout the Red Russian Empire, especially inside the so-called Union of Soviet Socialist Republics; and

Whereas, for example, it was not generally recognized, and thus not advantageously made use of, that in point of geography, history, and demography, the now famous U–2 plane flew mostly over captive non-Russian territories in the Soviet Union; and

Whereas in the fundamental conviction that the central issue of our times is imperialist totalitarian slavery versus democratic national freedom, we commence to win the psychopolitical cold war by assembling and forthrightly utilizing all the truths and facts pertaining to the enslaved condition of the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and other subjugated nations; and

Whereas the enlightening forces generated by such knowledge and understanding of the fate of these occupied and captive non-Russian nations would also give encouragement to latent liberal elements in the Russian Soviet Federative Socialist Republic—which contains Russia itself—and would help bring to the oppressed Russian people their overdue independence from centuries-long authoritarian rule and tyranny; and

Whereas these weapons of truth, fact, and ideas would counter effectively and overwhelm and defeat Moscow's worldwide propaganda campaign in Asia, Africa, the Middle East, Latin America, and specifically among the newly independent and underdeveloped nations and states; and

Whereas it is incumbent upon us as free citizens to appreciatively recognize that the captive nations in the aggregate constitute not only a primary deterrent against a hot global war and further overt aggression by Moscow's totalitarian imperialism, but also a prime positive means for the advance of world freedom in a struggle which in totalistic form is psychopolitical; and

Whereas in pursuit of a diplomacy of truth we cannot for long avoid bringing into question Moscow's legalistic pretensions of "noninterference in the internal affairs of states" and other contrivances which are acutely subject to examination under the light of morally founded legal principles and political, economic, and historical evidence; and

Whereas in the implementing spirit of our own congressional Captive Nations Week resolution and the eight Presidential proclamations it is in our own strategic interest and that of the nontotalitarian free world to undertake a continuous and unremitting study of all the captive nations for the purpose of developing new approaches and fresh ideas for victory in the psychopolitical cold war: Now, therefore, be it

Resolved, That there is hereby established a nonpermanent committee which shall be known as the Special Committee on the Captive Nations. The committee shall be composed of ten Members of the House, of whom not more than six shall be members of the same political party, to be appointed by the Speaker of the House of Representatives.

Sec. 2. (a) Vacancies in the membership of the committee shall not affect the power of the remaining members to execute the functions of the committee, and shall be filled in the same manner as in the case of the original selection.

(b) The committee shall select a chairman and a vice chairman from among its members. In the absence of the chairman, the vice chairman shall act as chairman.

(c) A majority of the committee shall constitute a quorum except that a lesser number, to be fixed by the committee, shall constitute a quorum for the purpose of administering oaths and taking sworn testimony.

Sec. 3. (a) The committee shall conduct an inquiry into and a study of all the captive non-Russian nations, which includes those in the Soviet Union and Asia, and also of the Russian people, with particular reference to the moral and legal status of Red totalitarian control over them, facts concerning conditions existing in these nations, and means by which the United States can assist them by peaceful processes in their present plight and in their aspiration to regain their national and individual freedoms.

(b) The committee shall make such interim reports to the House of Representatives as it deems proper, and shall make its first comprehensive report of the results of its inquiry and study, together with its recommendations, not later than January 31, 1969.

Sec. 4. The committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times within or outside the United States to hold such hearings, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony as it deems advisable.

Sec. 5. The committee may employ and fix the compensation of such experts, consultants, and other employees as it deems necessary in the performance of its duties.

Sec. 6. The committee shall enjoy a nonstanding status, performing its duties in the course of the Ninety-first Congress and subject to renewal only as determined by needs in the completion of its work and further purposes of the House of Representatives.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Mr. Speaker, I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Speaker, I am pleased to see that many Members of the House recognize that in commemorating the 51st anniversary of Ukrainian Independence Day we draw proper attention to the people of Ukraine and other captives of communism and that we recognize that the struggle against Communist tyranny is worldwide in its scope. True peace and freedom will not be realized until all the people of the globe suffering under Communist domination will be free. May I emphasize to the Members that the Ukraine is the largest of the captive nations of Europe and thus symbolize the tyranny that exists with the Soviet Union.

For over 300 years, the people of the Ukraine had suffered as a divided nation under the role of Russian czars. When the czarist regime crumbled during 1917, the long-awaited opportunity for independence came. A group of Ukrainian patriots declared their intention to seek independence in December 1917, and declared it achieved on January 22, 1918. The newly independent Ukraine was a war torn country, surrounded by aggressive and feuding neighbors. The preservation of independence was to prove impossible. The Red army invaded the Ukraine in the spring of 1920. In 1923, the Ukraine was made a constituent republic of the Soviet Union, making the Ukrainians among the first victims of a new imperialism.

The Ukraine experienced no respite during World War II. The country again became a battlefield for the contending forces of East and West. The Soviets withdrew only to be replaced by other cruel masters—the Nazis. Following World War II, Soviet authority was reasserted, and tightened. Cruelest of ironies, the Ukrainians, on Soviet insistence, were given a delegation to the United Nations. But this delegation is a sham. The facade of independence cannot disguise the ugly fact of subservience.

With a population of more than 45 million, the Ukraine has a territory which exceeds in area that of several Western European nations combined. The Ukraine is rich in human and material resources, its history and culture are more than a thousand years old. In an era which has seen the rise of many new nations, some of them throwing off colonial bonds after long periods of subjugation, is it not a singular injustice that the Ukrainians, along with their neighbors in Eastern Europe, continue to be subject to exploitation by the worst colonial system of modern times?

Today, as we fight in Southeast Asia on behalf of a small, brave people striving to maintain its freedom and independence, let us not forget that there are many areas of the world where the cause of liberty has yet to prevail, and that we must not relax our vigilance or abandon our struggle until that cause has prevailed.

Mr. Speaker, how can we best observe

and commemorate Ukrainian Independence Day? I recommend that we in Congress, first, set up a Special Committee on Captive Nations; second, reject the President's scheme to subsidize the Soviet Union and East European dictatorships through trade concessions; third, hold a full congressional debate on United States-U.S.S.R. policies; fourth, use every means available, including the Voice of America, to expose the fraudulent Russian Bolshevik Revolution, which the Russians are using this year in a massive propaganda drive; and fifth, demand self-determination for the people of Ukraine and the other captive peoples within the Soviet Union.

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Mr Speaker, I yield to the gentleman from Ohio.

Mr. FEIGHAN. Mr. Speaker, I wish to express my appreciation to the very distinguished and able Member from Pennsylvania for giving the Members of the House this opportunity to join with him in expressing our feelings and to commemorate the 51st anniversary of the independence of the Ukraine. The distinguished gentleman from Pennsylvania is indeed a true and proven leader in the cause of freedom of all nations, large and small, throughout the world.

Mr. Speaker, January 22 marked the 51st anniversary of the proclamation of independence of the Ukrainian nation.

Today I wish to pay tribute to the Ukrainian people, who have brought great credit to their heritage wherever they have ventured. We find them and their descendants in every walk of American life: the professions, the sciences, the arts, education, government, industry, business, and great farming enterprises. They are proud to be Americans and they are proud of their heritage. It is only natural that they should aspire to see the blessings of freedom and national independence which they enjoy in the United States returned to the nation of their origin.

I wish particularly to pay tribute to the 45 million people who live in the Ukraine, as well as to those Ukrainian sons and daughters who have come to our shores and made such worthy contributions to our culture and heritage. I shall not dwell upon the long history of oppression which the Ukrainians have suffered, which would have crushed the spirit of a lesser people. Today, as all of us know, the people of the Ukraine are deprived in their own land. They are deprived of the essential right of a nation to develop as its people wish. Any cultural freedom in the Soviet Union exists for them, as it exists for any Soviet minority, only to the extent that it serves the purpose of the Soviet state and the Communist Party.

A series of startling reports have appeared in the Western press which reveal the entire gamut of Soviet cultural oppression in the Ukraine. These reports—the Chornovil documents—were based on the manuscript of Vyacheslav Chornovil, a Ukrainian journalist now in a Soviet prison. These reports confirmed what many of us had heard previously through the Ukrainian press in the West; namely, that since the winter of 1965–66 the Soviet Government has been engaged in restraining intellectuals in the Ukraine.

During August and September of 1965 a wave of political arrests swept through the Ukrainian Soviet Socialist Republic. More than 200 persons, it now appears, were detained for questioning. Some were interrogated and released. Some lost their jobs as suspicious persons. Others were held for trials, which began in the early months of 1966. At least 20 are presently serving their sentences in hard labor camps in the Soviet Union.

Who were these people? What "crimes" were they supposed to have committed?

These were Ukrainian intellectuals—writers, journalists, professors, scientists, and students. They were striving for freedom of expression and artistic creativity. They were not threatening any armed insurrection.

Their "crimes" amounted to voicing demands for equal rights for their country and culture—rights that are formally guaranteed by the Soviet Constitution.

It appears that the arrests and trials of these Ukrainian intellectuals were prepared and implemented by the Soviet secret police in defiance of judicial and constitutional systems of the Soviet Union.

The accused were charged with writing, copying and spreading articles dealing with the present state of Ukrainian literature, language and culture under the Soviet system. They were also charged with spreading prerevolutionary works in Ukrainian by authors who are currently forbidden in the Soviet Union, as well as other books published abroad.

All of the intellectuals were tried under article 62 of the Criminal Code of the Ukrainian Soviet Socialist Republic, dealing with "anti-Soviet nationalistic propaganda and agitation," which provides:

> Any agitation or propaganda with the intent to undermine or subvert the Soviet regime, participation in certain specific and particularly dangerous crimes against the state, dissemination with the same intent of a slanderous invention against the Soviet state and its social system, as well as distribution, preparation or possession to the above end of literature with such content are punishable by the loss of freedom for terms from six months to seven years or banishment for terms from two to five years. The above actions, if committed by persons previously convicted for serious crimes against the state or of crimes committed in time of war, are punishable by imprisonment for terms from three to ten years.

No information has ever appeared in the Soviet press about these arrests, trials and convictions in the Ukraine.

According to the Chornovil documents, the Soviet police forced some of the accused to confess that they had read "forbidden" books or articles to "undermine or weaken the Soviet order."

Chornovil himself stated:

> To charge a person with reading a book or article without taking an interest in his convictions and intent is a fact unheard of in the juridicial practice of the greater majority of the countries of the world and completely incompatible with the Declaration of Human Rights, which the Soviet Union ratified.

Thus, these Ukrainian intellectuals are being punished for demanding recognition and respect for the Ukraine language and culture, and for the implementation of rights assured by the Constitution of the Ukrainian Soviet Socialist Republic, as well as by the Soviet Constitution.

All this has happened after the establishment of Soviet rule, proving once again that Ukrainian intellectuals still cannot live and work freely in their native land.

Our sympathies are very much with these Ukrainians—and others—who today find themselves under the far-reaching controls of Communist domination.

We in the United States pledge once again our sincere friendship and support for the Ukrainian people in their struggle for true self-determination and individual liberty.

Within due time, Ukraine and the other non-Russian nations of the present-day Russian empire will emerge from their present status as subjugated colonies to that of full unequivocal national independence. This is the hope and the belief I leave with you as I join this 51st anniversary commemoration of the national independence of the great Ukrainian nation.

Mr. PATTEN. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield to the distinguished gentleman from New Jersey.

Mr. PATTEN. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding.

I am happy to join my colleague in paying tribute to our fellow Americans of Ukrainian background who yearn for freedom from the Russian military regime.

The Ukrainians in my district number many thousands. I assure Members of the House they are all assets to the United States. During World War II, the Ukrainians of my town as a group bought over $700,000 worth of U.S. bonds in 1 year. They had by far the best record.

Mr. Speaker, I thank the gentleman for yielding.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Speaker, I am delighted to join with my distinguished and esteemed colleague from Pennsylvania, Congressman FLOOD, in commemorating Ukrainian Independence Day marking the 51st anniversary of Ukraine's declaration of sovereignty.

Unfortunately, this independence was short-lived since Soviet Russia had already embarked upon its policy of imperio-colonialism. In 1920, the Soviet Government snuffed out the free Ukrainian nation and reduced it to a constituent state of the U.S.S.R.

This deed shocked the world, denying as it did the right of self-determination. For many people the memory of this tragic rape of a sovereign state has grown dim; but, although more than a half century has passed, the memory of it causes burning indignation and sorrow in the loyal sons of the Ukraine.

It is my hope that the recent invasion of Czechoslovakia has reawakened the feelings of those who perhaps developed a certain apathy regarding the loss of Ukraine's independence.

The Soviet Union once again displayed its inability to cope with personal freedom and constructive dissent. The invasion of Czechoslovakia once again impresses upon us the realization of the many basic differences which democratic governments have with the Soviet Government.

It is discouraging for the loyal sons of the Ukraine to see the Soviet Union continue the totalitarian control of its subject peoples. But, they, like us, must hold firm in their courage and not let loose of their vision of a homeland independent and free to chart its own national course.

Even more than that, they and we as well, must remember that our real concern is for the people of the Ukraine, for their welfare and their individual freedom and progress.

We must not let feelings blind us to the fact that nations are simply collections of individuals, of people, who have similar needs, wants, and desires.

It was this belief upon which the Johnson administration operated. This was the basis for its policy of building bridges to the people of Eastern Europe and the Soviet Union.

This policy recognizes that we truly assist these people by showing them that the world does present successful alternatives to the bleak existence which has been forced upon them. This is a much more constructive foreign policy than that which totally isolates nations and is continually belligerent in attitude, if not in actual action.

I firmly believe that our Government and its principle of individual dignity represents an attractive and revolutionary idea to the oppressed peoples of the world.

We can and must communicate this idea to peoples everywhere.

To accomplish this, we must nurture the channels of dialog which we have already opened, and we must continually work to develop new ones.

There is no doubt in my mind but that increased contact with the people in countries behind the Iron Curtain has been largely responsible for the growing liberalization movements within such countries as Poland, Yugoslavia, Czechoslovakia, and the Ukraine. It is inevitable that such exposure to the principles of individual freedom affect the people in these countries in that way.

Once these freedoms have been tasted they build an unquenchable thirst that spreads. And once these freedoms have been experienced, they are not easily forgotten or obliterated, as the leaders of the Soviet Union are now discovering in Czechoslovakia.

Fortunately, 51 years have not erased the memory of the Ukraine's first independence day. Just as it is commemorated in the special order arranged today by my friend, Congressman DAN FLOOD, so, too, it is celebrated in the hearts of the Ukrainian people everywhere.

Thus, I submit that we must not place limits on our avenues of approach to the peoples of Eastern Europe. We must consistently apply our creative energies to developing and expanding new points of contact between ourselves and those forced to live under communism.

If we are successful in carrying out our objectives, the ultimate result must be greater freedom for the people of the Ukraine and the other national groups of Eastern Europe. This is the goal to which we must earnestly rededicate ourselves upon this anniversary of Ukrainian independence.

Mr. EILBERG. Mr. Speaker, the Czechoslovak martyr, Jan Palach, who chose a painful and difficult death rather than submit to Russian tyranny has provided the West with yet another reminder that freedom may be lost but never forgotten.

Palach's sacrifice is only the most recent in a series of daring acts by men desperate for the taste of liberty. Since the Second World War, we, from safe haven here in America, have seen a procession of often anonymous heroes bridle under the collar of Soviet domination and rebel.

First there were the patient and stoic burghers of West Berlin enduring the deprivations of blockade. They were followed by the Poles and the Hungarians who assaulted the insensitive and alien rule of the Russian bear. Scores of East Germans then probed the Berlin Wall, tunneling under it, scaling it, each man gambling a long life under Kremlin masters for a chance to be his own master in the West. Many lost that gamble, and their broken bodies fell in that purgatory between the two worlds—no man's land.

As we mark the 51st anniversary of Ukrainian independence, the brave and vigorous battle of Czechoslovakia continues.

A generation of Czechs refuses to submit. One Czech, Jan Palach, has made the ultimate sacrifice—a people mourns, its resolve hardens.

A Soviet Socialist Republic, the Ukraine, seethes with this same desire, common to all ancient and honorable people, to be a nation among nations.

The lesson is clear. Despite propaganda and suppression, imprisonment and brutal tyranny, the Kremlin has been unable to make its captive nations forget their proud traditions of independence and freedom.

The Congress of the United States can hear Father Stephen Bilak pray for the freedom of his fellow Ukrainians locked in the Soviet vise and applaud the spirit of Ukrainian independence. The Politburo cannot.

That is not to say that the Russian imperialist leaders do not remember their history. Between the two World Wars, part of the Ukraine was within the borders of Czechoslovakia. During the Second World War, Ukrainian partisans alternately battled the German invaders and the Soviet masters.

And as recently as 1952, anti-Communist Ukrainian nationalist guerrillas operated in Western Ukraine and in the Polish-Slovak borderlands.

We now have evidence that the brutal suppression of Czechoslovak liberty was in part prompted by the fears of Ukrainian Communist Party leaders.

Kremlin watchers believe that among the Communist hardliners clamoring for invasion and jackboot enforcement of Moscow's will was Piotr Shelest, secretary of the Central Committee of the Ukrainian Communist Party.

His logic was simple. If the Czechs got away with it, how soon after would the Ukrainians be demanding liberalization—or worse, independence perhaps?

His fears would seem justified. There are about 54 million Ukrainians in the world. This entitles them to rank in Europe next after the Russians and the Germans. As a nation, the Ukraine traces its history to the ninth century. Its language and literature are ancient and honored and in this Capital City there stands a statue of the Ukraine's most famous poet.

With this history and these traditions, there is little chance that Moscow will prevail. Despite years of cultural and political manipulation, gross discrimination, and the politics of terror, Ukrainians have never lost their sense of national identity and their desire to be free once again.

We have watched the struggles of the East Germans, the Poles, the Hungarians, and the Czechs. We have seen the quiet, but impressive, victories of the Yugoslavs and the Rumanians. Soon we will watch the Ukrainians bait the Russian bear. We applaud the courage of those who have forged this tradition of liberty and we watch for those who will pick up the hammer again and wish them well.

For free men have a habit of showing their would-be masters the door.

Mr. GERALD R. FORD. Mr. Speaker, the gallant people of the Ukraine will never abandon their dream of once again asserting their independence, as they did on January 22, 1918. Neither should Americans cease their efforts in behalf of freedom-loving Ukrainians. And so we, who believe in freedom and justice for all, join with the Ukrainians in America and throughout the world in celebrating the 51st anniversary of the Ukrainian Declaration of Independence.

The story of how the Ukrainians were crushed by the Red army only short years after declaring their independence has been told many times. It is a tragic account of an assault by superior armed forces against a brave young nation. It deserves frequent retelling, particularly in America. For Americans are dedicated to self-determination for all peoples and rekindling of the lamp of liberty in lands where tyranny has extinguished it.

Mr. Speaker, I am proud to join with my colleagues in saluting freedom-loving Ukrainians during this anniversary celebration of their independence day.

Mr. RHODES. Mr. Speaker, the anniversary of the independence of Ukraine, January 22, is a day of both pride and sorrow for the Ukrainian people—pride in their national heritage of strength and indomitable courage and in the independence they once had, but sorrow that this desperately fought for and beloved independence is no longer theirs. Fifty-one years ago the Ukrainian people achieved their independence after centuries of Russian oppression, only to enjoy their national and personal freedom for a short 2 years before again being enslaved by the Soviet Union. Although, today, the Ukrainian people are still under the cruel domination of the Communists, they celebrate their independence day with the hope and faith that they will someday become a member of the free world. May this day come soon—and last forever.

Mr. STANTON. Mr. Speaker, in January of 1918, the Ukrainian people, after many long years of struggle, finally achieved their cherished dream—freedom. Unfortunately for the Ukrainians, and their friends everywhere, their dream was short lived.

As was the case with our own American Revolution, the Ukrainian people demonstrated that sacrifices and pain must be endured if a course is to be won. They showed that a band of courageous and dedicated men and women could indeed affect the course of their country's history. They showed what true patriotism and honor really mean.

To this day, the Ukrainians have never—and will never—submit to Soviet force. The Communist Russians perpetually fear this captive nation for they well know that the spirit of freedom is aflame in every Ukrainian heart, and the desire to regain national independence cannot be extinguished. The Soviet intervention in Czechoslovakia, August 20, 1968, halted the forward drive to democratization in that country, and was believed to have had among its purposes the intention of frustrating any such nationalist tendency in the adjoining Ukraine.

For us, in this free country, there is a particular significance on this anniversary. It reminds us forcefully that there are people in this world who cherish freedom just as we do, and who do not cease to struggle for it under the most adverse conditions. As Americans, we must ever remember that as long as any nation remains subjugated to another, as long as any man is denied the inalienable rights of life, liberty, and the pursuit of happiness, our task is not done. We must show by our deeds and our actions, not by mere words, that we shall not rest—we shall not be content—until the people of the Ukraine once again govern themselves.

Mr. SANDMAN. Mr. Speaker, January 22 marked the 51st anniversary of the proclamation of the free and independent Ukrainian Republic, I am proud to join with my colleagues on this occasion, in honoring the courageous people of the Ukraine.

The 51st anniversary of their period of independence that we salute today was short lived. Since 1920 the Ukraine has remained under the totalitarian regime of Russian communism.

The Ukrainian Americans who have contributed so much to the growth, development, and culture of the United States, are dedicated to seeing the restoration of freedom and national statehood to their homeland, the Ukraine and other captive nations whose people are oppressed under the domination of the Soviet Union.

Because of their love of liberty and desire for freedom the Ukrainian people have paid a high price. There have been mass deportations of Ukrainians to Siberia, intellectuals have been abused and jailed. There have been mass trials and then ruthless persecution of suspected Ukrainian leaders. But despite cruelty and systematic genocide by the Soviet oppressors, the spark of freedom still smolders in the hearts of Ukrainian patriots.

The spirit of nationalism demonstrated by the Ukrainians on that historic occasion of independence has prevailed time and time again during the ensuing years, and to this day, despite the cloud of communism which hangs over the Ukraine, these courageous people remain true to the principle of self-determination.

We are fortunate to have these wonderful people among our citizens, and it is, therefore, with great pride that I join my colleagues in the House of Representatives in observing Ukrainian Independence Day.

I congratulate the Ukrainians on their steadfast efforts to regain their freedom and express my profound hope for peaceful liberation of the Ukrainian people.

Mr. NEDZI. Mr. Speaker, this week we observe the 51st anniversary of the proclamation of independence of the Ukrainian National Republic.

Every year at this time the Congress of the United States, through the statements of several of its Members, observes the anniversary and calls attention to the absence of the right of self-determination for the 40 million people of the Ukraine.

I hope this is not a mere perfunctory gesture, done and then forgotten for another year. The denial of self-determination is morally wrong and it is a wrong that should not be forgotten either in times of detente or in times of tension.

Admittedly, freedom for the Ukrainians does not appear within the realm of possibility in the near-term, short of an all-out nuclear war which no responsible person will contemplate.

However, the situation is not without hope. The Ukrainian people have, throughout the severities of 250 years of Russian czarist and Communist rule, retained the great distinctive features of nationality, language, and religion.

As long as a people preserve these traits of identity, the means of ultimate salvation are not lost and the elements of future independence exist. This is true no matter how long the chains of servitude may hang upon them.

Indeed, the very severity of the rule and the difference in language, religion, and manners will tend to perpetuate the feelings of the oppressed people. If they lose all but the sense of oppression, hope will survive.

I think that history supports the above analysis.

Our time is ruled less by political dogma than by a great craving for national freedom. In Eastern Europe we have seen the face of communism change from monolithic control to an undeniable preference for a system of national regimes. This development has been hastened by a restless desire from below for a chance at individual expression and fulfillment. In short, there exists a desire for individual self-determination and for national self-determination.

We identify ourselves with this current when we call for self-determination in the Ukraine. We also remind the newcomer nations, many of whom have emerged out of colonial pasts, that the Soviet Union is the last big remaining colonial empire on earth. Moreover, nearly half the population of the Soviet Union is made up of a wide variety of non-Russian peoples who have never been fully assimilated into the mainstream of Russian life.

Let us not underestimate the endurance of independent spirit in the Ukraine. As long as this spirit endures, history provides examples and hopes for change.

Mr. ANDREWS of North Dakota. Mr. Speaker, January 22 marked the 51st anniversary of the proclamation of independence of the Ukrainian National Republic and the golden anniversary of the Act of Union, whereby all Ukrainian lands were united into one independent and sovereign state of the Ukrainian nation.

The Ukrainian National Republic was recognized by a number of foreign governments including that of Soviet Russia. The latter, however, almost simultaneously with the recognition, declared war and began a large-scale invasion of Ukraine. For almost 3½ years the Ukrainian people waged a gallant struggle in defense of their country, alone and unaided. The free Ukraine was subdued to a puppet regime of the Soviet Socialistic Republic.

The freedom-loving people of Ukraine have not accepted the Soviet Russian domination and have been fighting for the reestablishment of their independence by all means accessible to them for the past 50 years.

During World War II, the Ukrainian people organized a powerful underground resistance movement known as the Ukrainian Partisan Army—UPA—which fought not only against the Nazi regime, but against the Soviets as well. Stalin and Khrushchev unleashed a bloody persecution and reprisals against the Ukrainian people in the late 1940's. Relentless and harsh persecution of the Ukrainians continued after the death of Stalin and after the ouster of Khrushchev from the top leadership in the Kremlin. The Brezhnev-Kosygin leadership is bent on keeping the Soviet Russian Empire intact by persecution and deportation of Ukrainian youth and Ukrainian intellectuals. Over 200 young Ukrainian university professors, poets, writers, scientists, lawyers, literary critics, and radio-TV commentators were arrested recently on charges of anti-Soviet propaganda. Recently the international and U.S. press has been providing a vast amount of documentation on the suppression of the Ukrainian culture.

All the available evidence of the Western observers shows that the ever-increasing tempo of repression has failed to intimidate the Ukrainian people and the Russian leadership in the Kremlin feared that Ukraine would actively support the liberal movement of their satellite country of Czechoslovakia, since the Kremlin leaders were convinced, the liberal ideas of Czechoslovakia would help the Ukrainian liberals and other captive nations.

Both the U.S. Congress and the President of the United States have expressed their concern over the captive non-Russian nations in the U.S.S.R. by enacting the Captive Nations Week resolution in July 1959.

The Ukrainian American community in North Dakota and in the whole United States observed the 51st anniversary of the Ukrainian independence and the 50th anniversary of the Act of Union in fitting and solemn celebration.

This anniversary provides an appropriate occasion not only for the U.S. Government and American people, but the free world to demonstrate their sympathy and understanding of the aspiration of the Ukrainian people.

Mrs. GRIFFITHS. Mr. Speaker, today as we in the House of Representatives observe the 51st anniversary of the proclamation of independence of the Ukrainian National Republic, and the 50th anniversary of the Act of Union of both West and East Ukraine, I wish to pay special tribute to the people of the Ukraine and to peoples around the globe who support and have continued to nurture their quest for liberation. On behalf of my constituents, I salute the proud and valiant people of the Ukraine who have struggled to maintain their national integrity for hundreds of years, and even now, under conditions which call for supreme courage and faith, they continue to persist in their fight.

As we know, Mr. Speaker, January 22 marks the official celebration of the anniversaries of Ukrainian independence, which we are commemorating here today. These days and events of a half a century ago are acknowledged as marking a fulfillment of Ukrainian aspirations that had endured two-and-a-half centuries of oppression under the rule of the Russian czars and the Hapsburg monarchy. To the Ukrainian people it signified freedom of the individual and independence of the nation. The Russian revolution of 1917 had offered the Ukrainian people the opportunity to seize and proclaim their independence, which they did on January 22, 1918. This freedom was short-lived for in less than 3 years the Ukrainian Republic was attacked by the Red army, overrun, and the nation vanished under the weight of Russian oppression. Since then the Ukrainians have suffered much under the Soviet regime, much more than their forebears had suffered under previous rulers. However, in spite of their troubled history, the Ukrainian people have never abandoned their love of liberty and their longing for national independence. Their love of independence is deeply rooted in that history and, consequently, the individuality of the Ukrainian people and their cultural heritage have continued to exist.

It is quite fitting that we in this country, regardless of ethnic or cultural background, pause in tribute to the Ukrainian people and to their never-ending quest for national sovereignty and individual freedom. As Americans let us never forget that which our forefathers fought so hard to achieve for us. May we in this country continue to be blessed with the many freedoms we enjoy and may we one day be joined in those blessings with the peoples of all the nations of the world.

Mr. WOLFF. Mr. Speaker, 51 years ago this month the people of the Ukraine realized their dream of independence.

This was a dream nurtured through centuries of foreign control and repeated divisions of the Ukraine by foreign powers. Through decade after dacade of oppression the dream was kept alive; a national consciousness was kept alive by the dedication of its people.

In the wake of World War I, from amid the chaos in Europe, the Ukrainian people built a reality of their dream. The national identity of the Ukraine was asserted for all the world to see.

But the reality was soon destroyed. Within 3 years the might of Soviet Russia was brought to bear and the Ukraine's elusive freedom was lost again.

Yet even now, as in centuries past, the dream lives on. It is a dream shared by all the freedom-loving people of the world. It is a dream that someday the Ukraine will again be free and its people will be united under their own flag.

So we stand now to remember how the dream was made into reality 51 years ago. The strength of that success is stronger than all the Soviet might and the dream is too great to be destroyed. Someday, if we all work to keep the dream viable, the Ukraine will again be free. We must rededicate ourselves to freedom for the people of the Ukraine, as we are dedicated to ultimate freedom for all men.

Mr. SCHADEBERG. Mr. Speaker, Soviet colonialism has reached a new peak of suppression in clamping its iron fist on the emerging freedom that was so short-lived in Czechoslovakia.

The Soviet action, however, may serve one purpose neglected in the thinking of the rapacious Kremlin leaders—it serves, in my opinion, to alert America and the free world, on the 51st anniversary of the independence of Ukraine—being celebrated this month, to point out once again the danger to freedom everywhere.

We are not in the throes again of being lulled to sleep by so-called peaceful Soviet intentions. The liberal press and communicators have taken up the cry and are pressing the new President of the United States and the Congress to soften our stand in relation to Russia, hoping in the process that we will forget what has been done to the Czechoslovaks in particular and the Ukrainian people for more than half a century.

Let us take this occasion, the 51st anniversary of the independence of Ukraine, to reexamine the basic intent of the Soviet leaders, not the window dressing of their phony propaganda efforts to paint them as freedom loving. Let us take the occasion to pledge anew our efforts and our hearts for the 45 million Ukrainian people in their fight for freedom. Let us make this occasion one, not for rejoicing, but for renewed determination and commonsense to see the Soviet leaders as they actually are, and not to let our own Nation, our Congress, nor our President be led down the garden path of false promises and double-dealing actions.

Mr. DADDARIO. Mr. Speaker, on January 22, 1969, Ukrainian Americans commemorated their unique ethnic and linguistic heritage and cohesion. It is fitting that we should take note of this date, reminding us of the undemocratic and ruthless tactics by which the Soviet Union has added territories and peoples to its imperialist empire. I am pleased to offer for the RECORD an excellent letter setting forth the history of the proclamation of the Ukrainian Republic, written by the president of the Hartford chapter of the Ukrainian Congress Committee of America:

UKRAINIAN CONGRESS COMMITTEE OF AMERICA, INC., HARTFORD BRANCH,
Hartford, Conn., January 14, 1969.

Hon. EMILIO Q. DADDARIO,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DADDARIO: January 22, 1969, will mark the 51st Anniversary of the Proclamation of the free and independent Ukrainian Republic and the 50th Anniversary of the Act of Union by which Western Ukraine was united with the Ukrainian National Republic.

The Act of Union was solemnly proclaimed in Kiev. A special proclamation was read in St. Sophia Square which was thronged with hundreds of thousands of people. It read in part:

"From today on, there shall be united in one Great Ukraine the long-separated parts of Ukraine-Galicia, Bukovina, Hungarian and Dnieper Ukraine. The eternal dreams for which the finest sons of Ukraine lived and died have been fulfilled. From today on there shall be only one independent Ukrainian National Republic. From today on the Ukrainian people, freed by the mighty upsurge of their own strength, have the opportunity to unite all the endeavors of their sons for the creation of an indivisible, independent Ukrainian State for the good and the welfare of the working people."

At the momentous Labor Congress which took place the next day, the Act of Union was read again and acclaimed by 257 delegates from all over Ukraine. Among them were 65 delegates representing Eastern Galicia, Bukovina, Carpatho-Ukraine, all of whom unanimously endorsed the declaration.

However, the final result was not the freedom of the Ukrainian people. The Ukrainians, deprived of all military, financial and diplomatic assistance from the Western Powers, were overcome by the Red and White Russians and by Poland. By the end of 1920 the independent Ukrainian State was engulfed by the forces of the enemy.

Attempts to secure consideration for the claims of Ukrainian independence at the Paris Conference met with complete lack of success. The Ukrainian delegation from both Kiev and Western Ukraine strove in vain to secure recognition of the Ukrainians' right to self-determination. Ironically, multinational states were to be created, but Ukraine, of unsullied origin and with one language, culture and people, was to be ignored.

Since 1920 Ukraine has remained under the Communist and totalitarian yoke of Moscow, but it never has surrendered the spirit of freedom, nor has it given up the hope for regaining its national independence. In the past fifty years, the Ukrainian people have amply demonstrated their love for freedom by unceasing uprisings and large scale warfare waged by the Ukrainian Insurgent Army against both the Nazis and the Bolsheviks.

The Ukrainians paid a high price in their defense of freedom and independence for they were ruthlessly persecuted by Moscow through a series of inhuman measures undertaken by the Kremlin. Among these were mass trials of Ukrainian patriots, mass deportations of Ukrainians to Siberia and systematic genocides.

Krushchev, the deposed Communist dictator, stated at the 20th Congress of the Communist Party in 1956 that Stalin planned the total annihilation of the Ukrainian people because of their resistance to Russian Communism.

Today the people in enslaved Ukraine are continuing to fight for their freedom and national independence. They wage a stubborn and ceaseless struggle by continual resistance, economic sabotage and relentless opposition to the Russian alien rule imposed on them.

The repression and Russification of Ukraine goes on, year after year, while the Kremlin is trying to convince the world that Soviet Russia is the most democratic country, the champion of freedom and the protector of the oppressed peoples.

At first, certain repressions could be explained through the opposition of the people against the introduction of the Marxist system and particularly the collectivization of land. Today persecution is directed even against Ukrainian Communists who dare to show a certain amount of patriotism or a certain degree of independence in their attitude towards the regime.

Trials of Ukrainian intellectuals without a public hearing are still taking place. Vyacheslav Chornovil, one of these Ukrainian Marxist intellectuals who was recently sentenced to three years imprisonment, described all the horror of these trials in a long letter written to the Head of the Supreme Court of Ukraine. Chornovil managed to have this letter smuggled out to friends in the free world. This document is an overwhelming indictment. In his book *Portraits of 20 Criminals*, Chornovil stresses that none of the condemned men and women were anti-Soviet, but pro-Ukrainian.

It is appropriate that this country, founded on the principles of freedom and liberty for all, honor the courageous people of the Ukraine on this occasion of their 51st Anniversary of independence and 50th Anniversary of the Act of Union.

On this occasion your free voice is needed more than ever before. Clearly, there would be no Korean, Vietnamese or other crisis today if Ukraine and other Captive Nations had been supported against the first wave of the Soviet Russian conquest.

With grateful thanks for your devotion to freedom everywhere

Sincerely,

ALEXANDER PRYSHLAK,
President.

Mr. DINGELL. Mr. Speaker, January 22, 1969, marks the 51st anniversary of the Ukrainian National Republic's declaration of independence and the 50th anniversary of the act of union which brought together West and East Ukraine.

The declaration of independence was the 20th century political result of what began as a 19th century revival of Ukrainian culture. The Ukraine had been a powerful and influential force in the politics of Eastern Europe during the 17th and 18th centuries. However, encroachments by czarist Russia and the plague of continuing warfare weakened the Ukrainian state. The remnants of autonomy which remained from the 18th century were finally suppressed by Catherine the Great of Russia.

In the view of many, the great Ukrainian poet, Taras Shevchenko, provided the initial impetus to what became the Ukrainian National Republic. As the poet of the Ukraine, Shevchenko was to assure the future of Ukrainian literature and prove its right to exist within the Slavic literary tradition. But Shevchenko appears to have had other aspirations than those strictly literary. In 1846, he and a group of young Ukrainians established the Secret Society of Saints Cyril and Methodius and contemplated the establishment of an independent Ukraine as one of the republics of free Slavdom. While Shevchenko and his friends were engaged initially in a cultural movement, not a political movement, their network of secret communities spread throughout the country from the 1860's and onward. Though their work was in the area of scholarship and education, the czars regarded these communities as a threat and suppressed them. In 1876, publication in the Ukrainian language was prohibited.

Despite the oppressions of czarist Russia, the nationalist drive continued to grow in the Ukraine. The great political leader, Michael Drahomanov, formulated a political program for the Ukrainians based on democracy, federalism, and social reform. Following the Russian revolution of 1905, Ukrainian nationalism took on a mass character.

The great opportunity for the Ukrainians came during World War I. The war had placed an intolerable burden upon the czarist oppressors. Pressures of defeat on the battlefield and rising internal pressures generated by the accumulated ills of decades of imperial mismanagement brought the end of the czarist regime. The czarist government was overthrown in 1917 and the Ukrainians quickly seized the new opportunities thus created.

In April of 1917, the Central Rada, or Parliament, convened in the city of Kiev and established a Ukrainian Government. The Rada proclaimed a Ukrainian Republic within the framework of a federated Russia. But in November of 1917, the Bolsheviks seized power. While they formally acknowledged the right of secession, the Bolsheviks were determined to bring all of Russia under the political and military control. Faced with this new situation, the Ukrainian Rada declared the Ukraine to be an independent republic on January 22, 1918, and a year later the union of West and East Ukraine was proclaimed.

However, the United Ukrainian Republic found itself set upon from all sides. For 3 years the Ukraine was a battleground for contending forces and in 1921 the independent republic came to an end. The Ukrainian territory was taken over by the Soviet Union, Poland, and Czechoslovakia.

During World War II, the Ukraine again became a battleground, this time for the Soviet and German armies and Ukrainian partisans. So deep rooted was the anti-Soviet feeling among Ukrainians that many had welcomed the German invaders and fought on the German side against Russia. But the Germans under Hitler proved themselves to be as ruthless and brutal as Stalin and his minions. The general suppression of freedom soon alienated the Ukrainians and they created large guerrilla detachments that fought the Germans and later the advancing Red army.

But the guerrilla detachments were no match for the Red army and the Soviet Government reestablished its political control over the Ukraine. There remain, however, numerous manifestations of resistance to Soviet efforts to Russify the Ukraine. In fact, the ruthless Soviet intervention in Czechoslovakia in August of 1968 to halt the democratization in that country is believed to have had among its major purposes the intention of frustrating any such nationalist tendency in the adjoining Ukraine.

Mr. Speaker, the people of the Ukraine have not accepted Soviet domination and they will continue to fight for their independence and freedom.

Mr. FASCELL. Mr. Speaker, I am honored to join our colleagues in commemorating the 51st anniversary of Ukrainian independence.

As citizens of a country which thrives in an atmosphere of freedom, it is incumbent upon us to remember those people who are not so endowed. In their long history, the Ukrainian people have had but a brief taste of freedom in the period from 1918 to 1920; however, the spirit and love of freedom still prevails among Ukrainians everywhere.

The people of the Ukraine have long suffered from the aggression of both czarist and Soviet Russia. From the time of the Treaty of Pereyaslav in 1654 when the Ukraine fell under Russian dominance, every effort has been made to submerge and destroy the national traditions and ideals of the Ukrainian people. These valiant people have steadfastly fought off all such attempts and have sought to preserve their national identity.

Following the fall of the czarist regime in 1917, a group of Ukrainian patriots declared their intention to seek independence in December of 1917. On January 22, 1918, they were able to announce that their efforts had been successful and that they were establishing a free and independent republic.

The existence of an independent Ukraine was to be short lived, however, as the Red army forcefully invaded Ukrainian territory and the Ukrainian Government was crushed. The rape of the Ukraine was completed in 1923 when the Soviet Union forcibly created the Ukrainian Soviet Socialist Republic.

Since then the Ukrainian people have suffered much more under the Soviet regime than did their forebears under the czars. For decades the country was sealed off from the outside world but word of the atrocities and terror which have ravaged the country have gradually come to light. Reportedly the lot of the Ukrainian people is somewhat better today but still they fight for their freedom and independence.

Mr. Speaker, on this observance of Ukrainian Independence Day, I join our colleagues in saluting the courage and patience of these people and in wishing them success in their struggle for freedom and self-government.

Mr. MINISH. Mr. Speaker, it is my great privilege today to pay tribute to the freedom-loving people of the Ukraine.

Fifty years ago this month, on January 22, 1919, Ukrainia was united as a free and sovereign nation. In Kiev's St. Sophia Square, thousands gathered to hear the Act of Union read:

> From today on, there shall be united in one great Ukraine the long separated parts of Ukraine-Galicia, Bukovina, Hungarian and Dneiper Ukraine. The eternal dreams, for which the finest sons of Ukraine lived and died, have been fulfilled. From today on the Ukrainian people, freed by the mighty upsurge of their own strength, have the opportunity to unite all the endeavors of their sons for the creation of an indivisible, independent Ukrainian State for the good and the welfare of the working people.

Unfortunately, these lofty ideals were short lived. Within 3 short years, the brave Ukrainian people and their new nation were brutally crushed by the totalitarian forces of the Soviet Union and Poland.

To this day the 45 million citizens of the Ukraine are not at liberty to shape their own destiny as Communist tyranny continues to subjugate their land. Yet the spirit of freedom of these fine people, and of their loyal brothers in the United States, will never be broken. They still cling to their noble ideals, confident that one day they will attain their lost goal of national independence. Today we salute Ukrainians the world over for their dedication to freedom and we join with them in prayer for the liberation of their beloved homeland.

Mr. McCLORY. Mr. Speaker, it is always a source of sadness and disappointment to me to realize that millions of people reside in captivity under the Soviet yoke.

The many friends from the 12th Congressional District of Illinois, who with their families had their origin in the Ukraine are potent reminders that freedom will one day emerge to break the shackles of their Soviet captors.

The startling truth that the Soviet Union cannot tolerate freedom was confirmed during this past year with the military invasion of Czechoslovakia by Soviet forces. But the Czechoslovakian experience demonstrated also that freedom's light can be concealed behind the Iron Curtain, but it cannot be extinguished. It is for this reason that I support and express encouragement and hope to the people of the Ukraine that their liberation will one day become a reality. Of course, it is my further hope that this day of liberation will not be delayed very much longer.

I note that the 51st anniversary of the Ukraine Government is being observed this year. I extend prayerful encouragement to Ukrainians everywhere that their Nation will rise again. When that day of liberation arrives, the whole world will benefit from their energy and talents which can flourish only in an atmosphere of freedom.

Mr. WILLIAM D. FORD. Mr. Speaker, January 22 marked the 51st anniversary of the proclamation of the independence of the Ukrainian National Republic. The story of the Ukrainian struggle for national independence is one of courage and bravery and of the deep love the Ukrainian people bear for their country and its rich cultural traditions.

The Ukrainian struggle to be free of Russian domination dates back to the treaty of Peryslav with the empire of Moscow in 1654. Russian interference in the Ukraine steadily increased from the time of that treaty until nearly all the Ukrainian provinces were under Russian domination. But the spirit of the Ukrainian people stood fast. The long road they traveled to the freedom and independence proclaimed 51 years ago on this day is marked by the graves of many patriots—some famous and some whose names are lost to the history books but not to the hearts of their people. Several of these patriots had a particularly strong influence along this road to independence. Ivan Kotlyarevsky introduced a Ukrainian vernacular with his publication of an adaptation of Virgil's Aeneid which greatly increased the sense of cultural unity among Ukrainians. Taras Shevchenko followed this pattern in his writings and secured for Ukrainian literature a respected place as one of the Slavic literatures. Schevchenko also helped establish the Society of SS. Cyril and Methodius whose dream was the establishment of an independent Ukraine as a free republic. This society set the pattern for the Ukrainian revival during the remaining years of the Russian Empire.

When World War I and the Russian Bolshevik revolution of 1917 coincided to weaken the Russian hold on the Ukraine, the moment for independence had arrived. A National Ukrainian Congress was established at Kiev. On January 22, 1918, the independence of the Ukrainian nation was proclaimed by this Congress.

A cruel fate then befell the Ukrainian nation. Having fought so long for independence they were to taste the sweet fruits of freedom for only 3 short years. For within 3 years the Ukrainian nation had fallen under the control of the new Soviet Government. The Soviet Government has tried from that time to today to force the assimilation of Ukrainians and to destroy separate Ukrainian culture and traditions.

But, though the days of freedom for the Ukrainian nation were short, the effects of that freedom have lasted long. On April 17, 1966, the New York Times reported the arrest of two Ukrainian literary critics for what was referred to as "their spirited defense of Ukrainian poets against attempts by the Soviet literary bureaucracy to impose conformity." The courage of these Ukrainian critics in affirming their belief in the freedom of ideas bears witness to and reminds us once again that as long as the hearts and minds of the people are free we have reason to have hope for the future.

Mr. DELANEY. Mr. Speaker, January 22 marked the 51st anniversary of Ukrainian independence, and I am glad, once again, to have this opportunity to join my colleagues in paying tribute to the great Ukrainian people.

Taking advantage of the Russian revolution of 1917, the Ukrainians freed themselves from the czars and joyously declared their independence. Unfortunately, the tyranny of the czars was soon replaced by the tyranny of the Communists, and the valiant Ukrainians were forced to fight the new rulers from Moscow. For 3 long years they bravely battled these oppressors in a heroic effort to preserve their precious freedom and national independence. Sadly, the numerically superior forces of Moscow prevailed.

However, while the brutal Communist forces prevailed physically, they did not conquer the insatiable urge for freedom which burns inextinguishably in the hearts of the noble Ukrainian people. It is this spirit, typified by the Ukrainians, that is the world's most effective weapon against the oppressive forces of Communist totalitarianism.

It is my hope that this flaming spirit which inspires all freedom-loving people, will hasten the day when the Ukrainians and other captive nations will, once again, experience the reality of liberty and national independence.

Mr. FRASER. Mr. Speaker, I am privileged to join with a number of my colleagues in paying tribute to the people of the Ukraine on the 51st anniversary of their nation's independence.

The Ukraine is the largest and oldest of the captive nations that have fallen under the heavy shadow of Soviet domination. For only a few brief years, following their independence on January 22, 1918, did the spirited Ukrainians enjoy their freedom. Since then they have been a puppet state of the Soviets.

Yet the flame of nationalism continues to blaze for these brave people. Language, culture, and national customs continue to flourish wherever there are Ukrainians. All Americans should admire this unquenchable spirit of independence in a people whose history contains many parallels with our own struggle for independence nearly 200 years ago.

At a time when nations of the West are seeking opportunities to improve our relationships with the East, it behooves us to bear in mind the admirable spirit of oppressed nations such as the Ukraine.

As we commemorate the 51st anniversary of the Ukraine, the event is given added significance by last summer's takeover of Czechoslovakia by the Soviet Union. One of those who urged the Soviet invasion was, according to reliable reports, the Communist Party chief of the Ukraine, who feared the Czechoslovak liberalization would rub off on the neighboring Ukrainians.

We all hope to see the day, Mr. Speaker, when the captive Ukrainians will not only become liberalized but will once again regain their freedom after all these years of oppression.

Mr. VANDER JAGT. Mr. Speaker, this month the observance of the 51st anniversary of the independence of Ukraine assumes unparalleled importance.

It is again a time to voice the traditional values of self-determination and independence of this largest captive non-Russian nation in Eastern Europe.

The policy of seeking an open world, as expressed by President Nixon in his inaugural address is especially apropos at this time. He said:

> After a period of confrontation, we are entering an era of negotiation.
>
> Let all nations know that during this Administration our lines of communication will be open.
>
> We seek an open world—open to ideas,

open to the exchange of goods and people, a world in which no people, great or small, will live in angry isolation.

Mr. DULSKI. Mr. Speaker, I appreciate this opportunity to join with my colleagues today in marking the 51st anniversary of the independence of Ukraine.

The past year has seen another vivid example of the determination of Soviet Russia to maintain its control over the countries of Eastern Europe. I refer, of course, to the Russian invasion of Czechoslovakia last summer.

That action by Russia clearly underscores the strategic significance of the Ukraine. Comprehensive reports show that it was Piotr Shelest, party chief in Ukraine, who clamored for the invasion because of a dreaded fear of a liberalizing spillover into captive Ukraine.

The Ukrainian nation became independent and formed its own state in 1918. But, in less than 3 years, Ukraine became one of the first victims of Soviet Russian conquest.

These proud and freedom-loving people have not forgotten their country's history and they still cling to the hopes that one day their country will regain its freedom and independence.

The Ukraine is the largest captive non-Russian nation in all of Eastern Europe—not just within the Soviet Union.

The plight of these 45 million people is well known to Americans. An important step to point up the plight of the captive nations was taken by Congress in 1959 in its resolution on Captive Nations Week.

I still feel, as I have proposed in past Congresses, that the House should create a Special Committee on Captive Nations. I intend to reintroduce enabling legislation shortly and I hope that this year we can obtain public hearings on the proposal. Such a special committee could make an official study of the captive nations, make recommendations for assistance, and provide an important sounding board which could be of inestimable aid in boosting the morale and adamant position of these oppressed people.

Mr. STRATTON. Mr. Speaker, I am proud to join today in paying tribute to the people of the Ukraine on this 51st anniversary of the declaration of the independence of the Ukraine, not only the brave Ukrainians who are still under captivity in their homeland, but also those Americans of Ukrainian descent who are today carrying on here in this country the ideals to which their homeland was dedicated 51 years ago.

I do not need to repeat here what has already been said so eloquently by the gentleman from Pennsylvania (Mr. FLOOD) and others about the details of the events that took place 51 years ago, and their tragic sequence 5 years later under the boots of the Bolshevik oppressors. But I would like to repeat on this occasion what I have often said before on this anniversary; namely, that we here in this Congress do continue to look forward with hope to the day when the people of the Ukraine will once again be free, and when the independence that was proclaimed so gaily 51 years ago today is a living, vital thing once more.

Fifty-one years is a long time; and the 46 years that have elapsed since the freedom of the Ukraine was so brutally taken away by the Bolsheviks is an even longer and more painful span of time. But in spite of all the years that have intervened, the spirit of freedom continues to live on in the hearts of the Ukrainian people, both here and in their homeland; they have not given up hope and we must not give up hope either. And we must not cease to help them and encourage them.

Since we last met on this floor to celebrate the anniversary of Ukrainian freedom there has been one very significant event—in Czechoslovakia. A year ago the people of Czechoslovakia were demonstrating to the world that their desire for freedom had not been crushed by years of Soviet slavery; they were working hard toward a new birth of freedom right under the noses of their Soviet oppressors. And then in August the Communists struck, and Czechoslovakia was invaded by the Soviets. Today once again the Czech people are in chains. Yet, as we can see every day in the papers, their spirit of freedom has survived. They refuse to allow their captors to crush that spirit entirely. And all the world has seen the living proof that Soviet communism simply cannot coexist alongside freedom. It was an eye opener to those who have thought that somehow communism had really mellowed.

Mr. Speaker, if the Czechs can do it, if they can keep alive the spirit of freedom in spite of oppression, then the Ukrainians can—and will—do it too, some day. So we celebrate here today not merely the independence of the Ukraine, 51 years ago. We also celebrate, with hope and confidence and faith, the coming new birth of freedom, not only in the Ukraine, but in all of the captive countries around the borders of the Soviet Union Freedom, as Czechoslovakia's tragic history of these past 12 months has demonstrated, can never die. Let us resolve to make it live again in the Ukraine.

GENERAL LEAVE TO EXTEND

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

TRANSPORTATION COMPACT

(Mr. WIDNALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WIDNALL. Mr. Speaker, I have today reintroduced a joint resolution to authorize the creation of an interstate compact in the northeast corridor to facilitate the expansion of passenger rail transportation.

The area from Boston to Washington is rapidly becoming a megalopolis, a supercity encompassing eight States and the District of Columbia. It contains approximately a quarter of the Nation's population, over a third of our manufacturing establishments, and nearly a quarter of our retailing establishments.

I first introduced this resolution in 1963 with Senator CLAIBORNE PELL, of Rhode Island. It helped to stimulate the experimental effort to establish a new high-speed train from New York to Washington. But this area needs much more efficient passenger ground transportation. Railroads have not been able to carry passengers profitably. Freight carrying alone has been successful. The proposed compact would permit the States to create an authority to improve passenger rail transportation by selling State-backed bonds to finance rights-of-way, equipment, and other facilities.

I was on board the recent inaugural run of the New York-Washington train, which signaled only the beginning of expanded, quality service in this densely populated region. The success of this run indicated that comfortable, swift trains may be able to compete for passengers in the relatively short distances in the northeast corridor, but much more service is needed, and needed quickly, if train service is to become competitive.

As an example of the costs involved in building an efficient rail system, the Department of Transportation estimates that it would cost at least $3 billion to build a completely new roadbed, with rail and other equipment, from New York to Washington. It has cost the Penn Central Railroad, operator of the new service, $32 million to upgrade the right-of-way and roadbed to accommodate the high-speed trains. Even with that, the train can operate at less than 75 percent of its maximum speed.

This interstate authority, permitting Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia to work together, can be a major part of the answer to the transportation problems facing our increasingly urban society.

TRIBUTE TO HYDE MURRAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. BELCHER) is recognized for 60 minutes.

Mr. BELCHER. Mr. Speaker, I have taken this time today so that other Members of the House may join me in paying tribute to Hyde Murray, the very able assistant counsel of the House Committee on Agriculture and my right arm for the past 11 years.

Hyde recently resigned his position with the committee and has returned with his lovely wife, Nancy, and their two children to his hometown of Ogdensburg, in Wisconsin's Seventh Congressional District, where he has entered on a campaign for a seat in the U.S. House of Representatives. This district just happens to be the one which has been so ably represented in recent years by our colleague, the new Secretary of Defense, Mel Laird.

When I first came to Congress in 1951 I was assigned to the Committee on Agriculture and had the privilege of serving on that committee with Hyde's father, the late Reid F. Murray, who represented Wisconsin's Seventh District in this body for nearly 14 years. Reid

Murray and I became good friends, and I cherish the memory of that friendship.

In 1958, Hyde came to the committee as the assistant counsel, and in the 11 years he has served in that capacity, he has distinguished himself as one of the most able, conscientious, and popular employees ever to have served on Capitol Hill.

Hyde Murray is a man of many talents and seemingly tireless energies. I think it would be almost impossible to find a person to whom Hyde ever said "no," when he was asked for help. He has been an active member in all of the many organizations to which he belonged and can always be counted on for both leadership and hard work.

For example, he served the Congressional Secretaries Club in many capacities, including the Presidency in 1965 and in 1967 was named Congressional Secretary of the Year. He led all manner of charity and service drives—for underprivileged children, Vietnam soldiers, wounded veterans, the needy at Christmas. He organized tours, baseball games, and an endless variety of other events sponsored by the organizations to which he belonged. And his talent for cartooning found great demand in brightening up newsletters, bulletins, and other publications of those organizations.

This is only a brief list of Hyde's extracurricular activities, which often seem numerous enough to consume all the waking hours of a lesser man. The real purpose of this hour today, however, is to pay tribute to Hyde's professional efforts. And they have been prodigious. Never have I known his other activities to interfere with the quality of the effort Hyde put forth in his capacity with the committee.

His farm background and knowledge of agricultural economics and law make him, in my opinion, one of the best qualified agriculture experts in the country today.

I believe every member of the committee would attest, not only to Hyde's expertise in agriculture, but to his value as an objective counselor and as a parliamentarian. He was instrumental in organizing and leading a group of administrative assistants in developing the "Committee Staff Manual on Legislative Procedure in the U.S. House of Representatives," published in 1967 by the House Republican policy committee. This document has been of inestimable value to Members and staff alike.

Hyde's door was always open to anyone who needed advice or information on agriculture matters or the routine of the House and its committees, and everyone—Members, staff, press, lobbyists and organizational representatives—freely made use of his service. He was always available when I needed him—day, night, weekends, or holidays—yet he never seemed to neglect his family and friends.

In 1965 he served as the senior congressional staff adviser to the Food and Agriculture Organization biannual meeting at Rome, Italy. In December 1966, he was the senior staff member for a three-member congressional delegation on a Presidential mission to India. In the course of his congressional staff service he has also reviewed U.S. foreign agricultural programs in South Vietnam, Africa, Eastern Europe, and the Near East.

At the Republican National Conventions of both 1964 in San Francisco and in 1968 in Miami Beach, Hyde served as the counsel for the platform committees—a singular mark of the respect in which his ability is held and recognized throughout the Republican Party.

I will certainly miss Hyde's support and counsel on the committee, but I can think of few men who are better qualified by training, ability, character and experience to serve in the House of Representatives, and I wish him every success and look forward to seeing him here in Washington again very soon.

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from Texas, the chairman of the House Committee on Agriculture.

Mr. POAGE. Mr. Speaker, while I have never embraced the Republican Party nor its political philosophy, it has been my privilege over the years in this body to meet, to know, and to work with many competent and able Republicans. One of those was the late Reid F. Murray, with whom I had the pleasure and privilege of serving on the Committee on Agriculture, beginning in the 77th Congress and continuing through five succeeding Congresses until his untimely death on April 29, 1952.

Reid F. Murray was admired and respected by his fellow Members. He was a credit to his district, to the Committee on Agriculture, and to his country.

Certainly one of the greatest credits to the memory of Reid Murray has been the work of his son, Hyde H. Murray, who during the 10 years immediately preceding December 31, 1968, served on the professional staff of the House Committee on Agriculture.

After graduating from the School of Agriculture at the University of Wisconsin, Hyde served in the U.S. Army during the Korean war. After separation from the military, Hyde earned a law degree from Georgetown University. For a brief period he was employed in the office of the general counsel of the U.S. Department of Agriculture. In 1958 he sought a position with our committee. My good friend, Harold D. Cooley, was chairman of the committee at that time. He was called out of town and asked me to interview the applicant. I did so and was so well impressed that I recommended his employment and I have never had occasion to regret that recommendation.

Hyde Murray has worked his way up in our committee. He has for a number of years served as assistant general counsel. Actually, a part of that time we had no general counsel and Hyde did all of the work and did it well. Like all other members of our staff, Hyde served every member of the committee without regard to his politics and every member trusted him. We trust him now, and I am glad to attest to his ability, his high character, his dedication to duty and to his country, as well as his deep and abiding interest in agriculture.

Despite the many demands of a busy office, Hyde maintained active interests and assumed positions of responsibility and leadership in the affairs of his community, professional organizations, and church. Among the honors and distinctions accorded to him have been service as president of the Congressional Secretaries Club, as congressional secretary of the year and on the platform committee of the Republican National Conventions in 1964 and 1968, to which my good friend, the gentleman from Oklahoma (Mr. BELCHER), just made reference.

That last is about the only thing Hyde Murray has ever done of which I can be critical, but then he grew up in an environment of Republicanism, so I guess we will forgive him.

We on the committee will miss Hyde. For this reason, I wish to state for the record that I am personally grateful for his dedicated service on our staff. I know others of the committee join with me in saying "well done."

Mr. BELCHER. Mr. Speaker, I wish to thank the gentleman from Texas very much for that statement.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield to me?

Mr. BELCHER. I yield to the gentleman from Mississippi, a member of the Committee on Agriculture (Mr. ABERNETHY).

Mr. ABERNETHY. Mr. Speaker, may I compliment the ranking minority member of our committee for taking this time to commend our good friend Hyde Murray for his service to our committee. Indeed, he is worthy of such.

I am beginning my 27th year in the House and my 25th year on the Agriculture Committee. I have seen scores of committee staff members come and go—men and women of extraordinary ability and character. Certainly Hyde was one of the most able ever to serve our committee and Congress.

Mr. Speaker, he was unquestionably one of the best employees and finest counselors ever to serve on our staff. He was not only dedicated, but able, sincere, and knowledgeable. He freely imparted advice and information regarding the bills pending before the Committee on Agriculture to all of us regardless of which side of the aisle one might be serving on.

On many, many occasions I called on Mr. Murray for information about various and sundry subjects incidental to agricultural legislation, programs, and statutes. Although I served with the majority and he was chief counsel for the minority, he never hesitated to supply me with the information I sought and he always gave advice which was good and helpful. He worked for and with all members of the committee, for the good of agriculture and the economy of the American farmer.

I hated to see Hyde leave the committee staff although I can well understand why he did so, that is, to seek an opportunity of higher service.

Mr. Speaker, I, too, served with his distinguished father, as Chairman POAGE has just mentioned. His father was one of the most able men ever to come to the House of Representatives as well as one of the most popular and beloved. He was a good friend of mine. He was a good legislator. Hyde is just a chip off the old block.

I am grateful for his service and wish him well.

Mr. GROSS. Mr. Speaker, will the gentleman yield to me?

Mr. BELCHER. I yield to the distinguished gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Speaker, I am pleased to join in this well-deserved tribute to my good friend, Hyde Murray, who has to rank as one of the most knowledgeable individuals ever to serve on the staff of a congressional committee.

I had the privilege of serving in this body with Hyde's father, the late Reid Murray. He was an outstanding Member and a man I greatly admired. It therefore was a particular pleasure for me to welcome his son to Capitol Hill when Hyde joined the staff of the Committee on Agriculture some 11 years ago.

Since that time, I have called on Hyde many, many times for help and counsel. He always responded promptly and with the friendly efficiency which is his trademark. The assistance he offered me on numerous occasions was invaluable, and I for one miss him very much now that he has returned to his home in Wisconsin.

I wish him well and hopefully look forward to having the pleasure of welcoming him back.

Mr. O'NEAL of Georgia. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I am happy to yield to the distinguished gentleman from Georgia (Mr. O'Neal), a member of the Committee on Agriculture.

Mr. O'NEAL of Georgia. Mr. Speaker, it is very difficult for me to say how highly I regard Hyde Murray who has served the Committee on Agriculture so well and ably throughout the years. He has one of the keenest legal minds with which I have ever come in contact. He was never failing in his willingness to help me as well as all other members of the Committee on Agriculture on both sides of the aisle. I certainly welcome this opportunity to say these things and say that I wish him well.

Mr. BELCHER. I thank the distinguished gentleman from Georgia for those remarks.

Mr. ZWACH. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I yield to the distinguished gentleman from Minnesota, a member of the Committee on Agriculture.

Mr. ZWACH. Mr. Speaker, I thank the gentleman from Oklahoma for yielding to me at this time and I wish to associate myself with the remarks which have been made by the ranking minority member and the chairman of the full committee, the distinguished gentleman from Texas (Mr. Poage) as well as the other gentlemen who have spoken with regard to Hyde Murray.

As a member of that committee I have found him to be very knowledgeable and very helpful. As a newcomer to that committee I just wish to state that I appreciate this time which the gentleman from Oklahoma has taken to pay tribute to Hyde Murray and I wish him well.

Mr. MILLER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from Ohio, a member of the Committee on Agriculture.

Mr. MILLER of Ohio. Mr. Speaker, as a freshman member of the House Agriculture Committee during the 90th Congress, I quickly came to know and admire the minority counsel of that committee, Hyde Murray.

Today I would briefly like to pay tribute to Hyde for the outstanding record he has achieved as a staff member of the U.S. House of Representatives. Exceptionally qualified, he brought to his job an unusual insight and ability. Acknowledged by all who know him, as an authority not only on agricultural matters but on almost every facet of congressional activity, he was a much-sought counsel.

I wish Hyde the best of success as he endeavors to return to the House of Representatives as a Member from Wisconsin's Seventh District.

We need men like Hyde H. Murray here on Capitol Hill.

Mr. REIFEL. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from South Dakota.

Mr. REIFEL. Mr. Speaker, I thank the gentleman from Oklahoma for yielding me this time.

I came to the Congress 8 years ago, and I served on the Committee on Agriculture for 4 years. In the first 2 of those years I was not too well acquainted with or informed about which party the members of the staff belonged, and I did not know whether Hyde Murray was a Democrat or a Republican, because I saw him counseling equally with Members from both sides of the aisle.

In the 4 years I served on that wonderful committee I found Hyde Murray to be extremely helpful. I was particularly interested in his concern for minority groups in our country. I happen to be part Indian, and usually when any bill came up before the Committee on Agriculture that had something to do with lending assistance to minority groups I would inquire of Hyde Murray to find out whether there was any help that might be available in such a bill to the Indians. Hyde Murray would very carefully and kindly search out such information for me.

After I left the Committee on Agriculture, and desired information about bills pending before that committee, I could always turn to Hyde Murray, and he would give me information that was accurate.

For these reasons, Mr. Speaker, I have mixed feelings about Hyde Murray leaving the Committee on Agriculture, and thus depriving the committee of his counsel. I know this is going to be a great loss to the committee, and also to Congress. At the same time I am delighted that Hyde Murray is taking this step in order to run for the congressional seat recently vacated by the appointment of former Congressman Mel Laird to the Office of Secretary of Defense.

Knowing Hyde Murray as I do, his knowledge of procedures in the Congress, his experience in working in the Committee on Agriculture, his diligence, his outlook and his approach, I hope that he is going to be successful not only in the primary race, but later in the general election. His talents have been so well referred to by Members of the Congress from both sides of the aisle, who are much better acquainted with them than I. We hope these talents can be brought to bear in the work of this Congress, so that we may have the benefit of Hyde Murray's exceptional abilities.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I am happy to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding me this time.

I too would like to associate myself with the stellar remarks that have been made about Hyde H. Murray. I speak as a Member who has never served on the Committee on Agriculture, but as a Member who has a very successful farm advisory council in my district.

The distinguished gentleman from Oklahoma (Mr. Belcher) and the distinguished chairman of the Committee on Agriculture, the gentleman from Texas (Mr. Poage), know Mr. Hyde H. Murray has taken the trouble to journey to my area, and to observe the diversity of farm problems existing there, and to witness various demonstrations.

Certainly, Mr. Speaker, Congress' loss will be Wisconsin's gain.

Mr. Speaker, when I first came to Congress in 1961, one of the first staff members I had occasion to meet was Hyde Murray on the House Committee on Agriculture. It did not take me long to find out that Hyde was one of the most knowledgeable men in Washington on the problems of agriculture and the American farmer, a matter of vital concern in the district I am privileged to represent.

I think it is significant that while Hyde served as minority council on the committee, he had the greatest respect of Members on both sides of the aisle. He could always be depended upon to "tell it like it is," and the complexities of our present farm programs are such that not many people can claim this ability.

As the only male staff member on the minority, his responsibilities were great, yet he always found time to respond to a query from any Member, and to do so in as much detail as the Member required.

I know he will be hard to replace and we shall surely miss him, though I understand he is now a candidate for the House seat once held by his father, and more recently by our distinguished Secretary of Defense. If he should return to the Congress as a Member, this House would most certainly have the benefit of an able and extremely capable public servant. I wish him well in all his future endeavors.

Mr. ARENDS. Mr. Speaker, in the Legislative Reorganization Act of 1947 the Congress provided for the establishment of a professional staff by each of the standing committees. It was contemplated that the selection would be on a basis of the individual's knowledge and ability, his training and experience, and his capacity to serve the committee as an expert on matters under the jurisdiction of the committee.

I must frankly say that Hyde Murray, as minority counsel for the Committee on Agriculture, has proven himself to be the ideal. It is no exaggeration for me to say—and I mean no derogation of other professional staffers—that Hyde Murray has no superior.

I do not serve on the Committee on Agriculture, but in my capacity as the party whip on this side of the aisle, I have come to know him well. I have consulted with him frequently on legislation pending with his committee and scheduled to come on the floor of the House. I do not know anyone who knows as much as he about the subject of agriculture. He is an expert in the fullest sense of the word.

More than that. He is an accomplished lawyer and a fine legislative draftsman. And more than that. He has more than a passing acquaintance with the rules of the House; he has a technical knowledge of them and is a skilled parliamentary strategist.

There is another quality about Hyde Murray which, in addition to his knowledge and skill, places him in a class by himself. He is dedicated, loyal, humble, and honest. He will give you his honest opinion, even though it may not be what you would want to hear, but he is never offensive or abrasive. He is not a vain seeker of glory or prestige but rather one who seeks only to serve. He is one of those who prefers to work unseen and, in so doing, has proven to be considerably more than he may publicly seem.

Mr. Speaker, I was distressed when I learned that Hyde Murray had submitted his resignation as counsel for the Committee on Agriculture. Men like him are all too rare. Dedicated as he is to public service I am certain that in some capacity he will continue to give the people the benefit of his many talents.

Mr. ANDERSON of Illinois. Mr. Speaker, it is with a deep sense of pride and great personal pleasure that I join my colleagues today in the accolades being directed toward Hyde Murray.

I can say right from the very beginning of my service here in the Congress that Hyde Murray won my great respect and admiration for his work as minority counsel of the House Agriculture Committee. Hyde epitomizes the kind of professional excellence and competence that continually enhances the image of the legislative branch in the discerning public eye. I also know for a fact that my high opinion of Hyde Murray is widely shared by my colleagues and staffers on Capitol Hill.

If I might continue further, Mr. Speaker, I can say too that Hyde Murray won deep respect from Members of both sides of the aisle here in the Congress not only for his understanding of the problems of agriculture, but also for his ability to contribute to the legislative process. I know, and I have always heard it said about him, that he always gave unstintingly of his time and expertise to those who had need to consult with him about important agricultural questions or about involved parliamentary rules of procedure in the House.

Indeed, in his 11 years of service, par excellence, in the U.S. House of Representatives as a professional staffer, Hyde Murray became widely known and acclaimed for his ability to come to grips with a highly technical problem or an intricate parliamentary procedure demanded during a rapidly unfolding legislative debate. Hyde did an awful lot of work beyond and above the call of duty in cataloging parliamentary procedures and precedents to make our work as legislators that much easier. To be sure, the benefits of his efforts constantly flowed and I gainsay, will continue to flow to us as legislators in making our day to day tasks easier.

I salute Hyde Murray today for his 11 years of admirable service to the Congress and for all of his wonderful contributions to the legislative process.

Mr. BETTS. Mr. Speaker, I am sorry to learn that Hyde Murray is leaving his position as assistant counsel of the House Committee on Agriculture. However, I know that in any future endeavor he will contribute the same ability and integrity as he did here on the Hill.

It was my experience, on many occasions, to seek his advice on agricultural matters and I always found his position to be logical and correct. He displayed a remarkable knowledge of the whole range of farm problems and this expertise was of invaluable assistance to Members of Congress who called on him for assistance.

I wish him every success in the future.

Mr. BOW. Mr. Speaker, Hyde Murray's special skills in parliamentary procedures of the House and his expert knowledge of the farm programs of this country have been invaluable to the Republican Members of the House, and I am happy to join in this tribute.

Few problems of our era are more complex than those of the agricultural industry. Hyde Murray's understanding of the problem and his ability to explain its many facets to those less familiar in terms that are easily understood is a great asset. I regret that he is leaving his position with the Agriculture Committee, but I am confident his knowledge and ability will be recognized in whatever other work he may undertake.

It seems to me that this is a rare occasion, indeed, for I cannot recall another time when Members conducted a special order to comment upon the departure of a committee counsel. This is a measure of the high esteem in which Hyde Murray is held by all of us who have known and worked with him.

Mr. BROCK. Mr. Speaker, I would like to add my voice today to the many others which have already paid tribute to Hyde Murray for the outstanding work he has done as assistant counsel of the House Agriculture Committee.

Carrying on a distinguished family tradition of public service, Hyde has built an impressive record of performance for himself, and earned the respect of many Members of this body. Now he is ready to embark on a further step in his public career, and while we are sorry to lose his services as a key staff member of one of the Congress' most important committees, we know that he will further distinguish himself in whatever new endeavors he undertakes. Our best wishes and highest esteem go with him.

Mr. BROTZMAN. Mr. Speaker, it is with mixed emotions that I rise to salute Mr. Hyde Murray.

On the one hand I am glad that Hyde has an opportunity to seek the office once held by his father and more recently by our new Secretary of Defense.

But on the other hand I am sorrry that we will be losing his expert touch on the professional staff of the Agriculture Committee. While I do not serve on this committee I have had frequent occasion to avail myself of the special talents which Hyde Murray possesses in preparing bills and statements, and each time he has responded with the quiet competence which is his trademark.

I will miss his services—but I wish him well.

Mr. BROWN of Ohio. Mr. Speaker, I am pleased in having an opportunity to join my colleagues in paying my respects to one of the finest staff men on Capitol Hill. Hyde Murray has distinguished himself as an able committee staffer, and complimenting his legislative knowledge and grasp of the problems of agriculture in the United States today is a warm and friendly personality that has endeared him to scores of friends and associates.

Like his father, the late Reid Murray who represented the Seventh District of Wisconsin for many years, and with whom my father was priviledged to serve in this body, Hyde has contributed measurably to the legislative history of the House of Representatives. Hyde has earned our respect and thanks for a job well done, and I join in wishing him and his family every good wish and success in the future.

Mr. CEDERBERG. Mr. Speaker, through the press we have just learned that one of the valued employees of the House has resigned his position with the Committee on Agriculture to seek the seat vacated by our former colleague, Secretary of Defense Mel Laird. Many here will recall that Wisconsin's Seventh Congressional District was at one time represented by Hyde's father, Reid Murray, an outstanding Member of this House.

During the years he has served on Capitol Hill Hyde Murray has proven himself a very capable staff member and has diligently applied himself to his assignments. In addition he has been a leader among the corps of staff members on the Hill and has gained an extensive following of admirers. He is tireless in his efforts and is an enthusiastic worker.

Grounded in the sound fundamentals of good government through his earlier training, Mr. Murray's legislative experience on Capitol Hill has enlarged his stature and qualifies him for responsible leadership in government.

I am sure the citizens of the Seventh Wisconsin District will soon recognize these traits as he returns to his home area to solicit their support.

Mr. CLEVELAND. Mr. Speaker, it is a great pleasure for me to take the floor in tribute to my good friend Hyde Murray, who has recently left his position as minority counsel to the House Agriculture Committee to seek election to Congress from his native Seventh District of Wisconsin.

Mr. Murray seeks to capture the seat recently vacated by the Secretary of Defense, the Honorable Melvin R. Laird. Mr. Murray is properly a son of the House, for this seat was held by his father, the late Honorable Reid Murray, Mel Laird's immediate predecessor.

Hyde Murray is well known to us. He has been working in the closest association with the House for some 11 years.

During his service to the House his contributions to the work of his committee and to individual Members have been enormous. Mr. Murray is not only a recognized expert on agriculture but also is considered a most knowledgeable person on parliamentary procedure. Although I am not a member of the Agriculture Committee, Hyde Murray has frequently assisted me with information and advice of great value.

Hyde Murray's great talents are combined with a friendly, humorous, and cheerful disposition.

The people of the Seventh District of Wisconsin could not hope to find a Representative in Congress who has been better prepared for his work than Hyde Murray. If they decide to elect him—and I am frank to say that I hope they do—I would personally welcome their decision enthusiastically.

Mr. FINDLEY. Mr. Speaker, it is difficult for me to imagine how my life on Capitol Hill would have been these past 8 years had I not had the good fortune to be associated very closely with Attorney Hyde Murray, until recently the assistant clerk and counsel for the House Committee on Agriculture. For 6 years I was a member of that committee and during the 2 years since I left the committee I have continued to have the closest possible relationship with Mr. Murray and time after time have called upon him for advice and suggestions. His knowledge, fairness, character, and idealism were always evident in everything he did, whether it involved researching a fine point of agriculture statute, helping me to draft an amendment, or in the analysis of "the politics" of a particular legislative situation.

I was thrilled to learn of his decision to become a candidate to succeed the Honorable Melvin R. Laird who resigned his seat in Congress to become our new Secretary of Defense. In my view, Mr. Murray is superbly suited to represent his home district in Wisconsin as a Member of the House of Representatives. His expertise in parliamentary and agricultural matters, his winning personality and his intimate knowledge of the personalities and workers on Capitol Hill will make him an outstanding Member.

Mr. JONAS. Mr. Speaker, Hyde Murray's record as minority counsel on the House Agriculture Committee sets a very high standard of service to Members of the House and to the American people. During the 11 years he has served on this committee, his advice and assistance has been invaluable to me, and I am sure to my fellow Members on this side of the aisle.

It is a record that has led him to other tasks, equally well performed, such as his leading role in the preparation of the Committee Staff Manual on Legislative Procedures in the House of Representatives, and his service as counsel on agriculture at the past two Republican National Conventions.

It is a record that marks him for still greater service. I was happy to learn of his decision to seek a seat in Congress; the seat vacated by the Honorable Melvin R. Laird, who now serves as Secretary of Defense; the seat once held by Hyde's father.

It is a record which provides an excellent background for service in Congress, and I personally extend him my best wishes for a successful campaign.

Mr. KING. Mr. Speaker, I would like to associate myself with the remarks of my colleagues and to take this opportunity to express my gratitude and appreciation to Hyde Murray for the conscientious job he did while serving as minority counsel to the House Committee on Agriculture.

I can say in all sincerity that Hyde Murray commanded the respect and earned the affection of all who had the opportunity to know him. As he leaves the Capitol Hill family, he will long be remembered not only for his wise counsel on agricultural matters but for his warmth, wisdom, simplicity, and graciousness as a gentleman.

Hyde Murray has been a highly dedicated public servant and richly deserves the gratitude of those whom he diligently served. I am happy to join with his many friends here in the Congress in wishing him good health and good fortune in the years ahead.

Mr. LUKENS. Mr. Speaker, it is a great source of pride to me that I have had the occasion to know and work closely with Hyde Murray in his position as assistant counsel of the House Agriculture Committee.

Our association first started back in 1961 when I was initiated as a new employee on Capitol Hill. The first member of any minority staff to make contact with me and offer professional and personal assistance was Hyde Murray, and this in one sentence describes what Hyde can be to a newcomer, a confused person, or just a person in need. Hyde Murray is one of the most thoughtful, capable, and outstanding individuals it has been my pleasure to know. Of all the individuals whom I have met and known in the years since I first came to Capitol Hill, none has left a deeper impression on me.

In all his endeavors, personal and professional, I join with his many, many friends in wishing him unlimited success and Godspeed.

Mr. MATHIAS. Mr. Speaker, 2 years ago I arrived in Washington, a freshman Congressman. I was assigned to the Committee on Agriculture, and there I found a friend and contemporary, on whom I could rely for the most professional sort of advice.

Hyde Murray, the committee's Republican counsel, has served the Agriculture Committee for 11 years. During that time he has developed a wealth of knowledge—about the technicalities of agricultural legislation—about the political realities of how to get a piece of legislation moving—and about the rules and traditions of the House. Hyde is recognized on both sides of the aisle as an expert parliamentarian. This is the kind of knowledge that a freshman Congressman must acquire, and I found the best source around was Hyde Murray.

But Hyde is more than a professional adviser. He is a leader. Here on the Hill, Hyde has headed the congressional secretaries, and in 1957, he was Roll Call's "Congressional Secretary of the Year." In addition to everything else, he somehow finds time to play a mean game of basketball.

Now after 11 years of service to the Agriculture Committee, Hyde is leaving us. He is going to be missed, not only by the members of the Agriculture Committee, but also by other Members, on both sides of the aisle, who rely on him for sound advice on agricultural and parliamentary matters.

As we all know, Hyde has resigned from the committee staff to run for the congressional seat being vacated by our new Secretary of Defense, Mel Laird. Hyde Murray is a big enough man to fill Mel's shoes. I hope we will see him back among us as a colleague. With his ability and experience, Hyde Murray will be more than a Congressman—he will be a Congressman's Congressman.

Mrs. MAY. Mr. Speaker, any attempt to summarize in a few words Hyde Murray's contributions to the work of the House Agriculture Committee and Congress would be an impossible task, for he has, over the past 11 years, been of invaluable service to both.

To his post as minority counsel of the House Agriculture Committee, Hyde has brought not only an extraordinary depth and breadth of knowledge and capability in his field, but also a personal commitment and dedication which have resulted in truly outstanding service to the committee and all its members.

Hyde is one of those unique individuals who commits all, not just part of himself, and becomes totally involved in whatever task he undertakes. He unfailingly gives his best, and it is easy to understand why so many of us have depended so heavily on Hyde for so much—why he has been our good right arm, and why we are always able to give him our full trust and confidence, without reservation.

Happily, Hyde's remarkable abilities have not been confined solely to the work of the House Agriculture Committee. His numerous and varied interests have involved him in many other congressional activities, both official and unofficial. His talents have also been well utilized in the Hill's social organizations and charitable projects, and this amazing man has been able to do all of this without detracting one iota from his highly superior performance as minority counsel to our Agriculture Committee. In fact, it seemed that each new responsibility Hyde accepted actually increased, rather than diminished his apparently boundless energy.

It seems to me that the words Hyde wrote in his letter of resignation to our friend and colleague from Texas, House Agriculture Committee Chairman Bob Poage, give a good indication of Hyde's basic attitude and outlook. He said:

> While I realize that the road ahead will be difficult, uncertain, and fraught with struggle, I sincerely feel that the values which are worthwhile in this life are, at the very least, worth both work and struggle.
>
> I know, too, that my decision to pursue in the public arena those values we both hold dear is paled in insignificance when compared to the total commitment made by young Americans who are dying daily on foreign soil or risking their lives to touch the stars.

Hyde has won the respect and admiration of all who know him. He has the good wishes of all of us in his campaign for election to Congress from the Seventh Congressional District of Wisconsin, and I am certain that the citizens of the seventh district will recognize that this man who asks to represent them in the halls of Congress has the qualifications, the capability, the will, the determination and the integrity to do an exceptional job for them.

Mr. MORTON. Mr. Speaker, one of the sharpest minds on Capitol Hill, dealing with problems of agriculture, was Hyde Murray.

For the past several years, I have had the opportunity to seek his counsel and to work with him on matters concerning the farmers of my district. The Eastern Shore of Maryland is not only an agricultural area, producing a vast array of crops; it is also one of the most highly concentrated poultry producing and processing areas in the United States.

Hyde Murray has always been more than helpful in resolving the problems which seem to besiege the various interests in our agricultural spectrum. I feel a sense of personal indebtedness to him for the many hours of his time devoted to assisting me, members of my staff, and constituents. His shoes on the Hill will be hard to fill. With him, from me, goes a feeling of gratitude and appreciation, in which I am joined by the members of my staff who have worked so closely with him.

Mr. PIRNIE. Mr. Speaker, for a variety of reasons I am pleased to identify myself with this special tribute to Hyde H. Murray, a man of many talents who has an outstanding past and an even more promising future.

During my 10 years in the Congress I have been privileged to be associated with a great many dedicated, capable, hardworking people who share the common objective not only of a better America, but of a better world. Hyde Murray is one of these.

Hyde Murray has been a most competent counsel on agricultural matters. His deep understanding of the problems of rural America and his desire to contribute to their solution have earned for him the accolades of the farm community, the Congress, and the leaders of our great Republican Party.

The man we honor here today is stepping out toward a new plateau. He possesses the experience, the dedication, and the warm, friendly personality which will win and hold the confidence of his people. I look forward to his service in this body.

Mr. MAYNE. Mr. Speaker, the voters of the Seventh Congressional District of Wisconsin have an opportunity to elect another outstanding young man their Representative in the Nation's Congress. This post has been occupied with great distinction during the past 16 years by our esteemed colleague, the new Secretary of Defense, Melvin R. Laird, and for 12 years before that by another great American, the Honorable Reid Murray. When Mel Laird was first elected to represent the district, he was only 30.

And now Reid Murray's son, Hyde Murray has announced his candidacy to succeed Mel Laird at the age of 38. This is entirely in keeping with the tradition of distinguished and highly capable representation which has characterized the Seventh District of Wisconsin for so many years. The voters of the Seventh District have had the good sense to send an outstanding young man to represent them relatively early in his career and then to keep reelecting him while through long years of service he has become increasingly expert and useful to the people of his district by reason of ability, experience, and seniority in the Halls of Congress.

Rarely has any man had greater potential for service to his district than does Hyde Murray. I join the distinguished gentleman from Oklahoma (Mr. BELCHER) and my other colleagues in all they have said about this young man's outstanding qualifications for election to Congress.

During the past 2 years it has been my privilege to serve on the House Committee on Agriculture representing the Sixth District of Iowa. I have just asked and received reassignment to that committee which is of such importance to the great farming States of Iowa and Wisconsin.

When I first came to the Congress and was appointed to be a member of the Committee on Agriculture, one of the gentlemen upon whom I soon came to rely most heavily was Hyde Murray. I did so because I soon recognized his great intellectual qualities, fine education, and the unparalleled experience he had gained over the years as assistant counsel to the committee. I was immediately impressed by his remarkable grasp of the problems confronting the American farmer and his familiarity with the procedures of that great labyrinth at the other end of Independence Avenue known as the Department of Agriculture. I valued his assistance in the beginning and throughout the 90th Congress, and he was extremely helpful to me and all the members of the committee of both parties. Day in and day out he has demonstrated that he has what it takes to make a great Congressman.

Mr. Speaker, as my colleagues have said, Hyde Murray resigned from the committee staff on January 1 in order to run for Congress for the seat once held by his father, Reid Murray, and most recently by Secretary of Defense Mel Laird. He has my heartfelt best wishes for all success in this undertaking, and I say to the people of the Seventh District that they are indeed fortunate to have this young man available as a candidate. By electing him they will not only insure themselves the most dedicated and effective representation, but in addition they will be sending to Washington a Congressman who I predict can become one of the great leaders of our Nation. I am proud to call Hyde Murray as my friend, and I hope that I may look forward to greeting him as a Member of this body.

Mr. RHODES. Mr. Speaker, no one is more deserving of the recognition he is being given today than is Hyde Murray. He has been the ideal congressional employee—able, intelligent, knowledgeable, always helpful, and with a real devotion to duty. There are no words to express to Hyde our appreciation for his invaluable services except to say "thank you" for a job so well done that it will be well nigh impossible to replace him. I am grateful that I have had the privilege and pleasure of knowing and working with Hyde over the 11 years that he has been assistant counsel of the House Agriculture Committee, and my every good wish for only the best in the years ahead goes with him as he leaves the Congress.

Mr. ROBISON. Mr. Speaker, I am delighted to join with several of my colleagues today in praising Hyde Murray, who has recently left the employ of the House to return to his native Wisconsin.

During my 11 years here, I have come to rely increasingly on Hyde's great knowledge, judgment, and cooperative personality in many matters, not only dealing with agriculture, but in floor procedures and the history of the House as well.

Hyde Murray represents the very best of a dedicated professional staff aide without whom the House, and we ourselves, could hardly function. The shining reputation which he built here will long endure. He richly deserves success in his future endeavors.

Mr. RUMSFELD. Mr. Speaker, expertise is a commodity in great demand in Congress, and I know of few people better equipped to help fill that demand and to make a vital contribution to intelligent government in this country than Hyde Murray.

My experience as a staff assistant on Capitol Hill was invaluable to me after my election, and I know this has also proved true for the 19 other Congressmen who are former congressional aides.

Hyde Murray is not only highly knowledgeable about agricultural problems after 11 years as counsel to the Republican Members of Congress on the House Agriculture Committee, he is also regarded as an expert on the legislative process. Because of his depth of knowledge, he has for several years conducted seminars for new Representatives on the rules and procedures governing both the House and its committees.

His colleagues on congressional staffs have a high respect for his abilities, and 2 years ago elected him president of their Congressional Secretaries Club, a bipartisan organization of some 3,000 legislative employees on Capitol Hill.

Wisconsin voters in the Seventh District have the opportunity to send a man to Congress who knows well what it is all about.

Mr. SKUBITZ. Mr. Speaker, it is a privilege to participate in this tribute to Hyde Murray, formerly assistant counsel to the House Committee on Agriculture. Without mentioning his current political aspirations, I know I join with many others Members of the House in looking forward to his return.

In my experience in the House, few if any, professional staff members have distinguished themselves more than did Hyde Murray during his 11 years with the Agriculture Committee. Indicative of this is the long list of Members of the House as well as staff members who have gathered in support of Hyde in connection with the new challenge he now faces.

Although Members of the House, for the most part, were only aware of Hyde's contributions in connection with his position with the committee, he was deeply involved in many other worthwhile activities. He was without a doubt one of the most popular presidents of the Congressional Secretaries Club. He was also a very active participant in an informal association of minority committee staffers who meet from time to time in an effort to sharpen their skills. Furthermore, most recently elected Members of the House will recall Hyde's valuable contributions to the freshman orientation sessions.

Mr. Speaker, I am happy to join with my colleague from Oklahoma in paying tribute to Hyde Murray.

Mr. SMITH of New York. Mr. Speaker, I wish to take this opportunity to comment upon the very special abilities of a gentleman who served the Members of Congress so well for a number of years in the capacity of minority counsel on the House Committee on Agriculture. I have reference to Mr. Hyde H. Murray. Mr. Murray was more than a highly trained, efficient House staff member. His interests covered the length and breadth of the Republican political spectrum. An indication of the esteem in which he was held by his colleagues was evidenced by his election to the presidency of the Congressional Secretaries Club. I wish to add my own name to those Members of Congress who have publicly acknowledged their enthusiastic support for Mr. Hyde H. Murray. An outstanding Republican and a fine American, I wish him well.

Mr. TAFT. Mr. Speaker, I am very pleased to join the gentleman from Oklahoma in paying tribute to my good friend, Hyde H. Murray. During the 11 years when he served as a member of the professional staff of the House Committee on Agriculture, he justifiedly acquired the reputation of a competent and dedicated worker. Throughout my service in the House, Hyde has been a constant source of assistance to me and to my staff.

The problems and concerns of Ohio's rural communities are varied and complex, but Hyde has been a great help to us in dealing with these matters.

In addition to his professional competence, which is beyond reproach, Hyde is remembered by us for his congenial disposition. Regardless of the nature of the request, Hyde was always willing to be of assistance, and his sincere interest in helping others was deeply appreciated by all.

Hyde was also most helpful with matters not directly related to the Committee on Agriculture. His knowledge of parliamentary affairs, and his willingness to be of assistance in this area, comes to mind.

Hyde is now leaving the committee to seek election to this House from the Seventh District of Wisconsin.

He will be missed by all.

The seat which he seeks to occupy was formerly held by his father, the late Reid F. Murray. The seat was subsequently held and recently vacated by our former colleague, Melvin R. Laird.

I know that I express the sentiments of many Members of this chamber in extending my sincere best wishes and hopes for success to Hyde in this endeavor.

Mr. TEAGUE of California. I have been on the House Committee on Agriculture for more than 12 years. During most of this period, Hyde Murray has been minority counsel. His assistance to me on minor and major problems has been incalculable. I know of no one past or present, either as a member of the committee or of the staff, who has greater knowledge concerning the complexities of legislation affecting farmers. Beyond that, he has that rare quality combining high intelligence with great commonsense. I am sure that I am correct in stating that all Republicans and Democrats are firmly convinced that Hyde Murray has done a superlative job for us.

I hope very much that Hyde will return to Washington as a Member of the House of Representatives and as a member of the committee.

Mr. WIDNALL. Mr. Speaker, I am happy to join with my colleague from Oklahoma in paying justified tribute to Hyde Murray, former assistant counsel for the House Committee on Agriculture.

A few weeks ago, Joe McCaffrey, a veteran and trusted commentator on the affairs of Congress announced Hyde's resignation on his "Today in Congress" program. As Joe said:

> Hyde is probably one of the best known committee staff members on the Hill, and, without doubt, rates with the best.

Under unanimous consent to revise and extend my remarks, I include the following text from the transcript of Joe McCaffrey's radio broadcast:

TODAY IN CONGRESS

(By Joseph F. McCaffrey)

Hyde Murray today resigned his position with the House Agriculture Committee and announced he would seek the seat being vacated by Melvin Laird in the 7th District of Wisconsin.

Murray is probably one of the best known committee staff members on the Hill, and, without doubt, rates with the best.

For years reporters who needed to know anything about Agriculture always knew he was the man to call for a quick and correct answer. Time and time again in both the Press Gallery and the Radio-TV Gallery the word would be, "Call Hyde Murray."

No doubt there are other capable men ready to seek Laird's seat, and if all of them know their way around Capitol Hill and have the vast background of information Hyde Murray has accumulated, the Wisconsin 7th District will continue to get top drawer representation.

Mr. FOLEY. Mr. Speaker, I am privileged and delighted to take this opportunity to pay tribute to Mr. Hyde Murray, who has just left the staff of the Committee on Agriculture of the House of Representatives to become a candidate for Congress in his home State of Wisconsin.

Hyde Murray rendered exemplary service to our committee for many years and I am sure I speak for my Democratic colleagues on the committee when I say that he was equally highly regarded on both sides of the aisle there.

Mr. Murray's performance has been in the very highest traditions of the professional staff of the Congress and of American public service generally. We all wish him the very best and we all know that he will continue his record of excellence.

Mr. LANGEN. Mr. Speaker, I am delighted to join with my colleagues in paying tribute to Hyde Murray, a young man who has probably performed more favors and made more friends on Capitol Hill during his 11 years as minority counsel on the House Committee on Agriculture than any other House employee.

Hyde's background and accomplishments have been covered by others today, so I will limit my remarks to personal observations. I would hesitate to even estimate the number of times Hyde Murray has assisted me in agricultural matters, and in each instance he has provided accurate and valuable information and advice. I am sure many others are also deeply indebted to Hyde for his conscientious efforts and assistance through the years. The demands on his time and talents have always been great, but he has never been too busy to assist anyone who had a legitimate request.

We will certainly miss his presence on the Agriculture Committee staff. The shoes he leaves to be filled are large, indeed. However, we must rejoice that he has decided to make the race to join us in this Chamber. Hyde Murray has the very qualities that would make him a valued Representative of any congressional district in the Nation. His educational background, experience, dedication, honesty, ability, and knowledge combine to make Hyde a most valuable asset to any organization and a desirable candidate for membership in this body.

I wish Hyde every success in his campaign for the House, both as a friend and an associate. I certainly stand ready and anxious to welcome him warmly should the voters of the Seventh District of Wisconsin choose this exceptional young man as their Representative.

Mr. NICHOLS. Mr. Speaker, I take pleasure in joining my other colleagues in paying tribute to Hyde Murray, who has served as minority counsel on the House Committee on Agriculture for the past 11 years.

Even before I came to the Congress I had the privilege of meeting Hyde Murray and observing his good work as a member of the staff of the House Committee on Agriculture. This is understandable, as his illustrious father, the Honorable Reid F. Murray, served with distinction in the U.S. Congress from Wisconsin and I am certain that he received excellent training along the way.

Over the years, Hyde Murray has received signal recognition in his professional staff work and has traveled as a staff adviser and staff member throughout the world in reviewing foreign agricultural programs in Africa, Europe, and in the Near East. He has also been quite active in various staff activities on Capitol Hill; serving as president of the Congressional Secretaries Club in 1965 and in 1967 was named by Roll Call newspaper as "Congressional Secretary of the Year."

Our own best wishes go with Hyde as he goes back to his native State of Wisconsin and we are of the opinion that this young man, well versed in every phase of agriculture, has a bright future ahead of him and it is a pleasure to join with his many friends in the Congress in extending our best wishes.

Mr. STUBBLEFIELD. Mr. Speaker, I wish to join with my colleagues in paying tribute to the very dedicated, able, and highly valuable assistant counsel to the Committee on Agriculture. The resignation of Hyde Murray is a tremendous loss, both personal and professional, to the committee.

Hyde has made an outstanding contribution to the work of the committee. As a member, I can only express my profound gratitude and respect for the expert knowledge, brilliance, and tireless capacity for hard work which he has brought to his job. I have also come to know him as a loyal and true friend, stanchly dependable in a crisis, ready to go out of his way to help members of the committee or of the staff.

Hyde came to the staff of the House Committee on Agriculture in February 1958, from the Office of General Counsel, of the Department of Agriculture. He is one of the most knowledgeable experts in the Nation on international agriculture and agricultural trade. In 1965 he served as the senior congressional staff adviser to the Food and Agriculture Organization's biannual meeting in Rome. In December 1966, he was the senior staff member of a three-member congressional delegation on a Presidential mission to India. In the course of his service to the committee he has also reviewed U.S. foreign agricultural programs in South Vietnam, Africa, Eastern Europe, and the Near East.

The House has been wonderfully fortunate in having at its service the talents of such an able gentleman as Hyde Murray. I wish him all the best in a long and successful political career ahead.

Mr. MIZE. Mr. Speaker, it is with pleasure I join my colleagues in paying tribute to Hyde Murray for the services he has rendered as minority counsel of the House Agriculture Committee.

Hyde Murray served this House and American agriculture for 11 years as committee counsel. During those years, his guidance and assistance were sought, and his judgment and professional competence respected, by Members of Congress of both political parties.

Hyde has demonstrated expert knowledge of all aspects of agriculture and agribusiness, and has further shown a compassion and rare insight in other, diverse areas of human endeavor.

A veteran of Korea, Hyde understands the special difficulties and needs the Nation's veterans so often encounter after their return from the call to service.

Widely traveled in Europe, Asia, and Africa, Hyde has the working background in foreign affairs so essential for better understanding of our Nation's problems abroad.

Through diligent study and practical experience, Hyde has mastered the intricate rules of House parliamentary procedure as have few others in recent memory.

Hyde's duties with the House Agriculture Committee have called him into many States of the Union, and his grasp of the diversity of America—the agony of her cities and the depletion of her farms—is reflected in his deep personal concern for her future. His humanism and characteristic optimism reflect his conviction that these diverse problems can be mastered.

Hyde no longer can advise us as a professional staff member. But if the people of his home district—the Seventh District of Wisconsin—so choose, he may shortly return as our colleague. He would be welcomed as one freshman Member of Congress unusually highly qualified to serve in this body.

Mr. POFF. Mr. Speaker, I am pleased to have this opportunity to join in a tribute to Hyde Murray.

I shall not dwell upon his knowledge of agricultural problems. His excellence in that area is already fully documented. Rather, I would like to speak to his special talent in the field of parliamentary law, a subject in which I have had something more than a passing interest. He is more than a student of the subject. He is more than a practitioner. He is an author of a paper published in the last Congress which I regard as major scholarly contribution to the art. I commend it to every Member of this body and to all those who aspire to this membership. It examines in analytical manner the complexities which are so peculiar to the parliamentary precedents and procedures of the House of Representatives.

Over the years he and I have maintained a continuing dialog on the day-to-day developments on the floor of the House. We have been particularly interested in recent rulings of the Speaker. I have always been impressed with the care, thoroughness, and meticulous attention to detail which he devotes to research of the subject. He has also proven his ability to reach sound legal conclusions based upon logical, sequential reasoning.

Mr. Speaker, this House is better, this Congress is better, this Nation is better because Hyde Murray has served in this body in such a responsible post.

Mr. MONTGOMERY. Mr. Speaker, it is with a great deal of pleasure that I join in this afternoon of tribute to the assistant counsel of the House Committee on Agriculture. I am provided with an opportunity to publicly commend Hyde Murray for the thoughtful, considerate attention and service he had provided me as a member of the Agriculture Committee. His service has been above and beyond the demands of duty, and he has shown equal regard to members on both sides of the committee table. I gladly join in this tribute, and I add my warmest, best wishes to Hyde in his coming endeavors.

Mr. KLEPPE. Mr. Speaker, it was with mixed emotions that I learned Hyde Murray had resigned as minority counsel of the House Committee on Agriculture after 11 years of distinguished service not only to all members of that committee but to so many other Members of the House. While I deeply regret this tremendous loss to our committee, the impact is softened by the hope and belief that he will soon be with us again in another and perhaps equally important capacity.

As a member of the House Committee on Agriculture, it has been a pleasure and a privilege to work with Hyde. Our common interests embrace another field, as well—baseball. For many years, Hyde has been a principal organizer and promoter of the annual "Congress Goes to the Ball Game" event which features the always spectacular but not always perfectly played contest between Republicans and Democrats.

As an aside, I might observe that our opponents may not even dare to suit up this year, what with the Walter Johnson of Capitol Hill, the distinguished gentleman from Illinois, BOB MICHEL, and the distinguished gentleman from North Carolina, VINEGAR BEND MIZELL, available for Republican mound duty.

Hyde Murray has been of tremendous help to me in my committee work. He is a walking encyclopedia in matters of farm programs and legislation. That knowledge is coupled with excellent judgment. He is a superb legislative draftsman. Even when he was in a midst of a dozen urgent assignments, he was always willing to take on one more job—and get it done right.

I feel a deep sense of loss as Hyde leaves the House Committee on Agriculture. I wish him well for the future.

Mr. JONES of North Carolina. Mr. Speaker, it is a pleasure to join others in paying tribute to the work of Hyde Murray. Although he was counsel for the minority of the Committee on Agriculture, and I am a member of the majority, I still recognize the outstanding contribution that he made to all committee members regardless of political party. Few, if any, had a greater knowledge of agriculture legislation than did Hyde Murray. His ability to interpret in a concise manner legislative questions was excellent. Yet his explanations were thorough.

Along with others I am appreciative of his service to the House Committee on Agriculture, and no doubt his absence will be felt.

Mr. GOODLING. Mr. Speaker, when I learned that Hyde Murray had resigned his position as minority counsel of the House Committee on Agriculture to run for Congress, I had mixed feelings. At first, I felt that he had done the wrong thing in depriving both the minority and majority members of the committee the benefit of his expert counsel. I quickly revamped this thinking however, against the realization that the House of Representatives had an opportunity to gain a very competent and dedicated individual in its membership. In short, I reconciled the committee's loss to the prospective gain of the House.

Hyde is a big man in more ways than one, mentally as well as physically. Those who know him genuinely can appreciate his vastness. At one moment he can be explaining and advising on the intricacies of the Agricultural Act of 1965, as amended, and a little later one can find him immersed in the complexity of coaching a Hill baseball team or playing a strenuous game of basketball.

His alert mind permits him little excursions not afforded those lacking this mental agility, and while others ponder the deep dimensions of an agricultural problem, Hyde has already grasped it and has gone on to doodling and making light sketches with his pencil. Some of these creations form the base for other advanced works with brush and pen, some of which have won awards in art contests sponsored by the Congressional Secretaries Club.

Hyde has a real talent for working on the various reports issued from the House Committee on Agriculture. His great grasp of farm complications and his thorough understanding of agricultural law permit him to make valuable contributions to these committee reports. His ability to write lucidly and convincingly permits a ready understanding of even the most complex farm issues. Few reports come out of the House Committee on Agriculture that do not, in some way or another, reflect some of Hyde's handiwork.

But Hyde's abilities are not confined to the technical character of committee reports, for he has proved quite helpful to many Members of Congress in speech and other types of nontechnical writing. It is also reported that he has entertained an interest in an illustrative newspaper strip that would—through picture and word—familiarize the people with their Government and acquaint them with some of its intricate operations.

Hyde Murray has been a leader in the Congressional Secretaries Club, having held every important position in that organization. And as others in this club have, in turn, been chosen to lead, so has he illustrated a spontaneous willingness to follow. In this, as in other activities, he is interested in getting the job done, whether as a leader or follower.

This account by no means identifies the total Hyde Murray, because he is one of those rare individuals who is greater than the sum of his parts. By the time one feels he has cataloged him in one category, he finds him breaking out with an unusual ability in another.

There are few people on Capitol Hill who do not know and respect Hyde Murray. He has a unique blend of talent and character that recommends him for responsible assignments, politically and technically. And it can be said without reservation that if the election which lies before Hyde were to be held here on the Hill, there would be successful results—he would be a Congressman, as was his father before him.

But the privilege of this selection belongs not to us but to the people of the Seventh Congressional District of Wisconsin. It is they who must make the selection of their representative for the U.S. House of Representatives. These people are indeed fortunate in having the able Hyde Murray as one of those from which they can make their selection.

Mr. PRICE of Texas. Mr. Speaker, I join my friend and colleague the gentleman from Oklahoma (Mr. BELCHER) in paying tribute to Hyde Murray, who has contributed so much to the committee on which he served. As a new member of the committee, 2 years ago, I found the advice and counsel of Hyde Murray invaluable to me in my service on the committee and in my service to the agricultural interests of my district.

Probably no other man in Washington or the Nation is more knowledgeable of the maze of agriculture law and the myriad of regulations under which most farmers operate than Hyde Murray. To say that Members from both sides of the aisle will miss Hyde Murray is putting it mildly. A man like him just cannot be properly appreciated until he is gone.

There is some hope, though, for those like me who relied on him so much for advice and help on anything that had to do with agriculture. He may be back as one of us soon. I sincerely hope so, as I am sure do all other members of the committee and the many other members who had relied on Hyde Murray for answers to their questions and problems, and Hyde Murray devoted much time, effort and talent to other endeavors on the Hill. He earned the respect and praise of his coworkers as well as the Members he served so well. His knowledge and talents were not confined to agriculture.

The committee's loss could be a gain for Congress if we should be fortunate enough to have Hyde Murray return as a Member of Congress.

Mr. PURCELL. Mr. Speaker, I too would like to mention just how much I have enjoyed my association with Hyde Murray, and how often I have sought the benefit of his counsel in dealing with procedures or substantive provisions of a complex piece of legislation. Hyde's advice has always stood me in good stead.

In the often straining political circumstances that accompany the consideration of any major piece of legislation before the Committee on Agriculture, at times it would have been easy for Hyde to have forgotten that often he was serving as both majority and minority counsel. I have never known him to swerve from his duty, and he always seemed to treat both sides of the aisle fairly at such times.

Those of us on the Subcommittee on Livestock and Grains will particularly miss him, for he leaves behind a large gap that will take some filling indeed, before the Committee on Agriculture will again have the same expert advice so readily on hand, and so cheerfully given.

Mr. BROYHILL of North Carolina. Mr. Speaker, I have viewed the resignation of Hyde Murray as minority council of the House Committee on Agriculture with deep regret. Although I have not served as a member of the committee, I was fortunate to meet Hyde 6 years ago when I first came to the House. The tremendous breadth of his knowledge of agriculture was immediately impressive and through the years I have sought his counsel and his advice often and in depth. I could not accurately estimate the degree of influence this man has exerted through the years on Federal agricultural policy, but it has surely been of major proportions. His knowledge of farm programs and his genuine concern for the best interests of the Nation's farmers have earned him the respect of every member of this chamber regardless of party or political philosophy.

Through the years, I am glad to number Hyde Murray among my friends. He has been one of the members of the corps of experts here without whose dedicated work this House could not function as well as it does. But even in this corps of able professionals, Hyde Murray has an unusual combination of great energy, intelligence, and compassion for people. He stands by himself. Mr. Speaker, we will miss this man.

Mr. DE LA GARZA. Mr. Speaker, when the roll is called among House of Representatives staff personnel who have contributed their best to the operation of this body, it must include Hyde Murray. As a ranking staff member of the House Committee on Agriculture. Hyde has been more than effective, efficient, and helpful. I know whereof I speak. Hyde already was well on his way to being a senior staff member of the House Agriculture Committee when I took my place at the foot of the membership roster. It always impressed me—coming as I do from one of the Nation's major agricultural areas, many, many miles removed from this seat of great government—what Hyde knew about my part of the country. Willing, capable, responsible, knowledgeable, he was there when an explanation was needed. It was always supplied. If wishes were money, Hyde Murray would be rich in the wealth of such heaped on him. May the future be as good to him as he has been in the past to us.

GENERAL LEAVE TO EXTEND

Mr. BELCHER. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to extend their remarks on the subject matter of my special order.

The SPEAKER pro tempore (Mr. WAGGONNER). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

REFERRAL OF H.R. 2194

Mr. FALLON. Mr. Speaker, I ask unanimous consent that the Committee on Public Works be discharged from the further consideration of the bill H.R. 2194, and that the bill be referred to the Committee on the District of Columbia.

The SPEAKER pro tempore (Mr. WAGGONNER). Is there objection to the request of the gentleman from Maryland?

There was no objection.

AMBASSADOR W. AVERELL HARRIMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 60 minutes.

Mr. BINGHAM. Mr. Speaker, on Sunday, January 19, Ambassador W. Averell Harriman arrived at Andrews Air Force Base, home from the Vietnam talks in Paris. The day before, the difficult procedural phase of the talks had been successfully completed: the way was opened for the second, substantive phase to begin. Thus, one more success was achieved in the extraordinary history of Averell Harriman's service to his country.

It was fitting that Ambassador and Mrs. Harriman were met at Andrews Air Force Base by Vice President Humphrey, Chief Justice Warren, Secretary Rusk, Members of the Congress, and a host of other friends and admirers from both parties who wanted to show their respect, affection, and appreciation.

Likewise, it seems fitting that we should take time out, here on the floor of the House of Representatives, to pay tribute to one of the most amazing men of our time. In doing so, we are not marking the end of his career, but only the passage of another milestone. For we know that, one way or another, Averell Harriman will go on performing signal service to his country and to the world.

I am not going to attempt even to list the important posts that Governor Harriman has held, in business and in Government, since he became vice president of the Union Pacific Railroad in 1915, more than half a century ago. The bare outlines appear in the terse half-words of Who's Who in America, where 4 years as a great Governor of New York are recorded as "Gov. N.Y. 1955–58." The abbreviation "Gov." in this case is appropriate, because Mr. Harriman is affectionately known as "the Gov." by many friends and former staff members.

Someday a proper biography of Averell Harriman will be written. It will have to be a big fat book and it will amount to a kind of history of more than half of the 20th century.

Here is a man who in 1928 sensed that the economy was in danger and turned away from his Republican heritage to support Al Smith for President. Many is the time I have heard him say to a Republican audience that he found it "much more fun" to be a Democrat. "You ought to try it," he says.

Here is a man who was so trusted by Franklin D. Roosevelt that he was summoned to attend all the major conferences of World War II. One obvious reason was that Harriman had won the respect of Stalin and the affection and admiration of Churchill. In August 1942, for example, Churchill cabled F. D. R. specifically asking that Harriman go with him to Moscow.

Here is a man who, despite the high regard in which he was held by the Russians, was one of the first to recognize the danger of Stalinist communism to the postwar world. James Forrestal, among others, recorded the fact.

Here is a man who was one of the architects of the Marshall plan and played a major role in its phenomenal success.

Here is a man who was so highly thought of by President Truman that he was Truman's choice for the Democratic presidential nomination in 1956. Whether Harriman could have defeated General Eisenhower in that year or in 1952 is problematical, but this much is clear: Averell Harriman would have made a great President. Incidentally, General Eisenhower and Harriman were good friends; the general especially enjoyed playing bridge with him and recognized him as a formidable opponent.

Here is a man who, as Governor of New York during the 1950's, launched programs which were taken up nationally by President Kennedy in the 1960's—programs for senior citizens, for the protection of consumers, for the elimination of poverty: long before the "war on poverty" became a byword, he declared such a war in New York State.

Here is a man who agreed to President Kennedy's request in 1961 that he accept a subordinate post in the State Department, that of Assistant Secretary for the Far East. For Harriman it did not matter that 15 years before he had been a full member of the Cabinet, as Secretary of Commerce. What mattered was that a difficult and important job needed to be done.

Finally, here is a man who was entrusted by Presidents Kennedy and Johnson with a number of historic missions. It was Averell Harriman who successfully concluded the negotiations for the nuclear test ban treaty and signed the treaty for the United States in Moscow. And it was Averell Harriman who was chosen to be the principal negotiator when talks with Hanoi finally began, and an admirable choice it was.

There is so much more that could be said about this man, his active interest in sports, for instance: at one time, he was a leading polo player, at another a champion in a peculiarly difficult form of croquet; late in life he took up skiing and was responsible for the Sun Valley development. At the State Department in the Kennedy years, he became known as the "Crocodile," a nickname suggestive of the danger of making foolish statements in his presence even when he seemed not to be listening. As a result, Harriman is the proud owner of what must be one of the few golden crocodiles ever made, a gift from the Robert Kennedys. The late Senator was one of the Governor's greatest admirers, as well as a warm friend.

Another facet of his personality is his active interest in art. He and his gifted and delightful wife Marie have not only acquired a number of great paintings, some of which became famous only after they acquired them, but they have helped a number of young painters get established.

And the Governor's humor while not always apparent, is very much there.

And finally, the devotion he inspires in the men and women who work for him is remarkable. I ought to know for I was one of them.

I could go on and on, but I want to give my colleagues a chance.

Let me just say this, in conclusion. It is my hope—shared, I feel sure, by many others on both sides of the aisle—that President Nixon will urge—and prevail upon—Averell Harriman to continue as Ambassador at Large. But, whether or not that occurs, we may be sure that Governor Harriman is not about to rest on his laurels, plentiful as they are. He is, as always, rarin' to go.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. BINGHAM. I am happy to yield to the distinguished gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. I thank the gentleman for yielding.

Mr. Speaker, I am pleased to join with the distinguished gentleman from New York (Mr. BINGHAM) in paying tribute today to one of the truly great Americans of the 20th century—Ambassador W. Averell Harriman.

Born to wealth and position, Ambassador Harriman has dedicated his life not to leisure or private self-interests, but in energetic and selfless service to his country and its people.

Few if any in the history of our Nation can match his record of distinguished service in high public office. Among the positions which he has held were administrator of the National Recovery Administration in 1934–35, Ambassador to the Soviet Union in 1943 and to Great Britain in 1946, Secretary of Commerce from 1946 to 1948, Director of the Mutual Security Agency from 1951 to 1953, Governor of the State of New York from 1954 to 1958, and for the past 8 years several high-ranking posts within the Department of State.

More important than the positions he has held, however, are the many accomplishments which have characterized his career. As a skilled negotiator and representative of the United States abroad, Ambassador Harriman has served four of the last five American Presidents. Perhaps his prime achievement was negotiating the test ban treaty with the Soviet Union to prevent the pollution of the atmosphere from radiation. For this singular act of statesmanship, generations yet unborn will have great reason to revere his name.

During my years in Congress it has been my pleasure to work with Ambassador Harriman closely on a number of occasions. The breadth of his experience, the depth of his intelligence and the firmness of his character never failed to be impressive and to provide inspiration in pursuit of the national good.

Just last week it was my privilege as chairman of the National Security Policy and Scientific Developments Subcommittee of the House Foreign Affairs Committee to conduct a hearing on the Paris peace talks at which Ambassador Harriman was chief witness.

As always, his observations were incisive, informative, cogent, and provocative. It is clear that under very trying circumstances Ambassador Harriman worked tirelessly to solve the procedural problems involved in order to move into the substantive discussions of how to end the bloodshed in Vietnam.

Today, as Mr. Harriman prepares to slow down in his active Government service, a well-deserved retirement apparently still not on his agenda, it is fitting that we pay him tribute.

He stands second to none among Americans in distinguished service to our Nation.

He stands second to none among the leaders of the world in his dedicated search for peace and reconciliation.

Our good wishes go with him as he continues into the future, for many more years of vigor and life. We await the instruction of his pen as he undoubtedly with the assistance of his charming wife Marie begins the work of summing up a lifetime of wisdom and experience in volumes of autobiography. Moreover, we know that if at some future time our Nation should need the help of this vastly talented statesman, he will respond with the same sense of civic duty that has characterized his life. It is indeed a privilege, pleasure, and honor to salute one of our Nation's greatest statesmen.

Mr. BINGHAM. Mr. Speaker, I thank

the gentleman from Wisconsin. I am particularly glad to have those comments from the second ranking member of the great Foreign Affairs Committee. I am sure the distinguished chairman of that committee, the Representative from Pennsylvania, would have been here today were it not for the fact that he is in the hospital. We look forward to having his remarks.

Mr. Speaker, at this time I yield to the gentleman from Pennsylvania (Mr. Moorhead).

Mr. MOORHEAD. Mr. Speaker, I thank the gentleman from New York for yielding. I thank the gentleman also for taking this special order to give Members of the House the opportunity to express the regard in which they hold Governor Harriman.

Mr. Speaker, if one were to describe the Founding Fathers of this Nation, one would probably say that they were renaissance men for all seasons.

George Washington's span of public service extended for 39 years; Thomas Jefferson wrote the Declaration of Independence in 1776 and finished his second term as President 33 years later in 1809; James Madison was the chief author of the Constitution in 1787 and concluded his Presidency 30 years later in 1817.

Mr. Speaker, there may be among us those whom history will judge to be renaissance men for all seasons, however, there is one for whom the perspective of history is not necessary before we award such an accolade.

Businessman, diplomat, Cabinet officer, Governor, politician, adviser to Presidents, whose public career has covered more than three decades, W. Averell Harriman is clearly a renaissance man for all seasons in the tradition of the Founding Fathers.

Mr. Speaker, is there a single characteristic or trait that can account—

For the fact that Averell Harriman is the most successful diplomat of our time;

For the fact that Averell Harriman is the most durable public official in Washington today;

For the fact that Marie and Averell Harriman have a host of friends who are diverse in age and background but who are united in their common devotion to the Harrimans.

Governor Harriman once revealed the secret of his success in international affairs, and I think that this revelation gives us the answer to the other questions.

Speaking of international affairs in a taped interview, Governor Harriman said:

> But the most important thing, the need that is essential in international affairs, is to understand the other fellow's point of view even if you utterly disagree with him.

The ability to understand the other fellow's point of view enabled Governor Harriman to settle the war in Laos, to negotiate the nuclear test ban treaty with the Soviet Union, and to bring the Vietnam war to the beginning of real peace negotiations in Paris.

Only a man with perception and unflagging loyalty could have worked successfully with such divergent presidential personalities as Roosevelt, Truman, Kennedy, and Johnson.

Only a man with the ability to understand the other fellow's point of view could create friendships so extensive that Hubert H. Humphrey was the principal speaker at his 75th birthday party given by the late Robert F. Kennedy.

And only for people like Marie and Averell Harriman, who understand the other fellow's point of view, would you find hundreds and hundreds of devoted friends waiting eagerly to welcome them back from Paris to take up residence here in Washington, D.C.

Mr. Speaker, 9 days ago the President of the United States in his inaugural address stated that he wanted to be known in history as a peacemaker. Mr. Speaker, the President has not asked me for my advice on how to achieve that objective. However, Mr. Speaker, I am going to give him that advice anyway because it can be summed up in two words. Mr. Speaker, as Presidents Roosevelt, Truman, Kennedy, and Johnson could testify, those two words are Averell Harriman.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Hawaii (Mr. Matsunaga).

Mr. MATSUNAGA. Mr. Speaker, I thank the gentleman from New York for yielding.

Mr. Speaker, I rise to join in paying tribute to a distinguished American and a great humanitarian, W. Averell Harriman, who recently completed another tour of duty for his country.

As the chief U.S. negotiator at the Paris peace talks, a most difficult assignment, Ambassador Harriman helped to lay the foundation upon which it is the hope of the world that an edifice of lasting peace will be constructed. Without his dedication and perseverance the Paris peace talks would no doubt have ended in complete failure. Now he leaves a glimmer of hope and optimism. Indeed, his entire life has been devoted to the pursuit of peace with honor, and, while in the service of our country, Ambassador Harriman has dealt justly with all other nations.

As a true statesman, Ambassador Harriman is a shining example to those who aspire through public office to do good for all mankind. The people of Hawaii join with me in this expression of our appreciation to this outstanding American who has on so many occasions answered most willingly the Nation's call to serve. As his personal friend and as a grateful American I bid him a fond aloha, and extend to him best wishes for continuing success in all of his future endeavors. And these wishes go to Mrs. Harriman as well.

Mr. BINGHAM. I thank the gentleman.

Mr. Speaker, I am happy to yield to my colleague from New York (Mr. Murphy).

Mr. MURPHY of New York. Mr. Speaker, I thank my colleague from New York (Mr. Bingham) who served as secretary to Governor Harriman at the State capitol in Albany, N.Y., so effectively, so loyally and so well.

History may well record that the man of our time was Averell Harriman. Long-term history may well record that he is the man of all time, because he may have saved this very planet. I make this statement with the knowledge of his most significant accomplishment through his great diplomatic talents.

He brought about the Nuclear Test Ban Treaty with other nuclear powers as well as those with nuclear potential or signatories. The treaty may be the first step and the key step in the control of massive nuclear weaponry which has the potential to destroy this planet.

We of the New York delegation have been greatly proud of him and have always had the greatest of respect and admiration for our former Governor and Ambassador, as he is so well known. We all join with our colleague from the Bronx in this tribute to him today.

Mr. BINGHAM. I thank the gentleman.

Mr. Speaker, I am happy to yield to my distinguished colleague from New York (Mr. McCarthy).

Mr. McCARTHY. I thank the distinguished gentleman for yielding.

When President Kennedy said to his fellow Americans, "Ask not what your country can do for you: Ask what you can do for your country," he may well have had in mind W. Averell Harriman. For Ambassador Harriman's career of public service has spanned almost half a century. His name has become synonymous with the important national and international events of our times. And it is symbolic that Ambassador Harriman just led our delegation to the Paris peace talks, the forum that we hope will bring America's longest war to a close.

After completing a highly successful career as a railroad executive, Averell Harriman went to work for President Franklin Roosevelt in the National Recovery Administration. His ability and energy led to assignments as head of the lend-lease mission to London in World War II, Ambassador to the Soviet Union, Ambassador to Great Britain, administrator to the Marshall plan, Secretary of Commerce and a wide variety of special missions.

Although Averell Harriman started life as a self-confessed "hard-shelled Republican," in 1928 he voted for Al Smith and against Hoover. In commenting on his change, he laughingly remarked "I've had a lot more fun out of life since I've been a Democrat." He entered elected politics as the Democratic candidate for Governor of New York in 1954 and was successful. His record in office, for example, in initiating an antipoverty program speaks to his concern for the less privileged in our society. He also brought a sense of vigor to the Governor's mansion in Albany, trim and athletic as he skied down White Face Mountain to open New York State's new ski area.

Ambassador Harriman is best known, however, for his many accomplishments in the field of diplomacy. He has that rare combination of liberalism and idealism, combined with an appreciation of the need for strength, in attempting to reconcile conflicting views. Described sometimes as "flinty" and known affectionately as "the crocodile," Harriman hammered out agreement where others could only find an impasse.

He knew personally the Russian leaders, Trotsky, Lenin, Stalin, Khrushchev, and Kosygin. He recognized from the beginning the dangers of international communism but did not allow that knowledge to hinder the search for mutual areas of agreement. He served as Ambassador to Russia during the hectic 1943-46 war years. And he negotiated the difficult Laos truce.

His sense of the possible, combined with a full knowledge of our fundamental objectives, was best demonstrated in the successful negotiation of the Nuclear Test Ban Treaty. The late Senator Robert F. Kennedy, who held Ambassador Harriman in the highest regard, said that Averell Harriman was the only member of his brother's administration who encouraged the pursuit of a nuclear test ban treaty when the subject was first raised. President Kennedy placed Averell Harriman in charge of the test ban negotiations and they were brought to a successful conclusion, one of the first steps in the postwar détente with Russia.

Ambassador Harriman's service to his country has been above the personal partisanship that has marked some men's careers. As adviser and confidant of Presidents, Roosevelt, Truman, Kennedy, and Johnson, his labors have bridged rather than added to any personal differences that existed. As Ambassador-at-Large for President Johnson, W. Averell Harriman constantly worked to find an avenue that would lead to peace in Vietnam. He visited foreign capitals to search for possible accord. He labored to gain the release of American prisoners of war. Above all, he never abandoned hope that a means to negotiate a peace could be found.

The tribute to his efforts was the initiation of the Paris peace talks in May of last year. Seemingly irreconcilable parties gathered in Paris to discuss negotiations. And finally, after months of protracted and difficult discussions, all those engaged in the struggle in Vietnam were seated at the peace table. This was a fitting point for Ambassador Harriman to return to the United States. He has once again performed an invaluable service for the American people.

W. Averell Harriman is an extraordinary American. In the tradition of John Quincy Adams, Elihu Root, Justice Oliver Wendell Holmes, and William Howard Taft, he has served our Nation ably and faithfully in varied critical posts. His name is already a symbol of public service. The people of New York State owe him a special debt of gratitude for they know him as Governor Harriman. And I know that every American joins me today in paying tribute to this extraordinary man.

Mr. BINGHAM. I thank the gentleman.

Mr. SYMINGTON. Mr. Speaker, will the gentleman yield?

Mr. BINGHAM. I am happy to yield to the distinguished gentleman from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. Mr. Speaker, "citizenship" and "public service" would become faded cliches if they were not occasionally brought into new focus by the moving light of one radiant career. Averell Harriman's service to the Empire State, four Presidents, and generations of Americans provides such light. From his youth in the time of Theodore Roosevelt he has truly lived the "strenuous life," and dedicated over a third of a century of it to his fellow Americans and fellowman. Ease and retirement are concepts which appear to have escaped the notice of Governor Harriman who has welcomed every arduous task assigned by a grateful nation. Such a patient, idealistic and forceful man would need to be sustained by a wife with the same qualities in full measure. Marie Harriman is such a wife. To them both, we say "Thank you" on behalf of the people they have shown us how to serve.

Mr. GERALD R. FORD. Mr. Speaker, there is no greater tribute we can pay to a man than to say that he devoted his life to serving his fellows. That is the debt we take note of here today as we pause to recognize a great public servant, W. Averell Harriman, of New York.

Apart from his years as a corporate executive, Averell Harriman has spent his entire life in the service of the American people. His record of public service has spanned more than three decades during which he gave unstintingly of his time and energies.

He guided the affairs of the great State of New York for 4 years, but he made the field of diplomacy his specialty. He filled the roles of Ambassador to the Soviet Union, Ambassador to Great Britain, Assistant Secretary of State for Far Eastern Affairs, Ambassador at Large and Under Secretary of State for Political Affairs.

Mr. Speaker, I believe Mr. Harriman will be remembered as a world ambassador who was always ready to embark on even the most arduous mission on behalf of the United States and the American people. A President had only to call upon Mr. Harriman and he was ready to travel—in his early or advanced years.

No mission was too difficult, and so it was that Mr. Harriman was asked to serve as chief American representative at the Vietnam peace talks in Paris.

Now that he has taken leave of his post of chief negotiator at Paris after exhibiting the patience of Job for nearly 10 months, it is only fitting that Members of Congress add their words of praise to the recognition already accorded to a most faithful servant of the people, W. Averell Harriman.

Mr. McCORMACK. Mr. Speaker, the traditional diplomat is becoming something of an anachronism in contemporary politics. The art of persuasion and compromise reached its peak in the 19th century, when its principle was the balance of power and its goal the concert of Europe. Diplomacy, by and large, was the province of the nobleman. His patrician attitude, aristocratic bearing, and sense of heritage enhanced his native abilities and superior education, enabling him to articulate his Nation's interest with grace and dignity as well as realism. Diplomats were aware that a false assessment of their opponent's objectives could lead to war. Negotiations were privately conducted. Gradually, however, with the aid of mass communication, the public began to participate in the affairs of state. Woodrow Wilson's principle of "open covenants openly arrived at" helped bring about the subjection of diplomatic activity to public scrutiny. Although the objectives of diplomacy remained, the conduct of diplomatic negotiation altered. Diplomacy is now conducted very largely in a public forum created by a mass coumunications media. The very nature of contemporary negotiations as a moral crusade or a propaganda exercise tends to inhibit persuasion and compromise. It forces the diplomats to enter the state from an unalterable position. Too often the present aim of the diplomat is to convince the world and especially his nation that he is right and his opponents are wrong. In the trend away from secret bargaining, the skills of the classical diplomat have tended to become lost.

One of the few men who still gallantly represents this tradition is William Averell Harriman.

After attending Groton and Yale Averell Harriman began his career on Wall Street where he served as vice president of the Union Pacific Railroad. After many years as a successful businessman and investment banker, he was recruited into Government service by President Franklin D. Roosevelt's principal aide, Harry Hopkins. His career as international troubleshooter began in 1941 as expediter in the lend-lease arrangements with Great Britain. As representative at the Court of St. James and the Kremlin throughout World War II, Harriman was at the fulcrum of Big Three diplomacy. As Ambassador Extraordinary and Plenipotentiary under the Marshall plan, he helped direct the reconstruction of Europe. In 1950, he was appointed special assistant to President Harry Truman. The following year, he represented the United States on the NATO Commission to study Western defense plans. From 1954 to 1958 he was Governor of New York. President John F. Kennedy tapped Harriman in 1961 to join the pioneers of the New Frontier in 1961. From then until 1965 he served successively as Assistant Secretary of State for Far Eastern Affairs and Under Secretary of State for Political Affairs. He negotiated the cease-fire which brought peace to Laos in 1962. He contributed greatly to the Test-ban Treaty of 1963. He personally assessed the Sino-Indian border war and the Kashmir dispute for President Kennedy. In 1967, he received the Distinguished Honor Award. Confident of Harriman's abilities, President Lyndon B. Johnson entrusted him with the delicate direction of the Paris peace talks in the spring of 1968. This appointment capped the career of a brilliant diplomat.

The basis of Harriman's success as a statesman lies in his extraordinary familiarity with international affairs and his intuitive understanding of people of all ranks and conditions. His uncanny ability to predict a shift in foreign policy made him a pioneer in the field. Averell Harriman has been called a Kremlinologist. But he is more than that. He has a sense of history. Early in his career when the Soviet Union was a wartime ally, he held the unpopular but accurate view that Soviet-American objectives were basically incompatible. Even then, however, he believed that we must find a way to live together. His experience with the Soviets has given him an appreciation of the diversity in international communism. Harriman was one of the first to recognize that the Communist camp is not monolithic. His personal acquaintance with Trotsky, Stalin, and Khrushchev convinced him that communism changes with its rulers. Although Harriman recognizes the difference among the international Communist leaders, he has retained a healthy suspicion of Communist motives. The "outward thrust of communism"—to borrow his own phrase—may not emanate from Moscow any longer. But it is still very much a factor in Communist expansion. For this reason, Harriman believes we must be firm in Asia.

We recently witnessed the Harriman approach in the Vietnam negotiations. The negotiations have been frustrated in part because the meeting is a public forum. Averell Harriman has managed to overcome the stalling influence of public opinion. He has succeeded in laying the groundwork for future negotiations. His major contributions are persuading both North and South Vietnam to share the same negotiating table, and reciprocity for the President's bombing halt.

Many younger members of his delegation have marveled at the vitality and enthusiasm of this exceptional man, in his 77th year and at the top of his profession. To the circle of technicians in Vietnamese politics, Averell Harriman has brought a long-range view of communism as well as the professional statesmanship and skill of the superior diplomat.

After more than three decades in the service of four Presidents, William Averell Harriman is retiring. His outstanding service in the field of diplomacy will be greatly missed. There is, though, a consolation to help balance our sense of loss: the realization that his superlative example of dedication will serve as a source of inspiration and hope for the makers of American foreign policy in many decades to come.

Mr. ALBERT. Mr. Speaker, I join my colleagues in paying tribute to Ambassador W. Averell Harriman, whose impressive list of credits on the roster of public service has been so well and specifically described. Mr. Harriman has had one of the most distinguished careers of any American statesman in our history. As has been noted, he was one of the outstanding coterie of men recruited into public service by President Franklin D. Roosevelt. He was the scion of a distinguished Republican family when in 1928 he supported Al Smith for the Democratic presidential nomination. But he passed up the ease and comforts of private life and inherited status to devote himself to the service of his country. His intellectual and diplomatic gifts enabled him to make immeasurable contributions over a broad area of public affairs. He held challenging and significant jobs from the early days of his career up to the present time, when at the age of 77 he headed the American delegation to the Paris peace talks. Long a diplomatic troubleshooter, he also served as an administrator, in various appointive offices, and in elective office as the Governor of his native great State of New York. Ambassador Harriman is certainly one of the foremost practitioners of international psychology. No man better comprehends the rationale of diplomatic negotiations. No man states his country's position more firmly, yet with the grace that gives no offense. His is the intellect, the experience, the good heart, that brings men together. He stresses the positives and moves purposefully toward achievement of the best possible solution within a given situation. In such high repute is he held, that although he was among the first men in Government to define the aims of the Soviet Union, he has had entré to all of her leaders and to the leaders of Europe and Asia.

So knowledgeable is Ambassador Harriman that in 1961 President Kennedy designated him as Ambassador-at-Large of the Department of State. He moved from capital to capital, from difficult negotiation to imminent crisis, and during this service negotiated the Geneva Agreement on Laos and the Nuclear Test Ban Treaty. Laos might be at war today were it not for Mr. Harriman's success in working out the agreement and the Nuclear Test Ban Treaty may well make humanities' life-and-death difference in the nuclear age.

It is fitting that Ambassador Harriman should have crowned his lifetime's work by building the foundations for the Paris peace talks and ultimately successful negotiations of de-escalation of the war and peace in Vietnam. That he is hopeful that the talks will be productive and that peace in Vietnam lies within the foreseeable future is indeed encouraging.

Upon his return to the United States after months and years of grueling work, I salute Ambassador Harriman. I thank him for his countless services to our country. I hope we will continue to benefit from his prodigious talents and wise counsel.

Mr. MORGAN. Mr. Speaker, I want to thank my distinguished colleague from New York (Mr. BINGHAM) for arranging this time to speak in commendation of one of the truly dedicated and great men of our time, the Honorable Averell Harriman.

As long as our country can produce men like Averell Harriman, our future will be as secure as devoted public service can make it. We need more like him. He has had extensive interests in private business and has never needed a "job" in the sense that most of us do in order to earn our living. He has utilized his time to serve our country with great distinction in a number of important posts.

I first remember him as an outstanding Governor of the great State of New York. The National Recovery Administration, the Department of Commerce, and the Department of State, have all benefited from his tireless services. In the field of diplomacy, Averell Harriman has especially earned the praise and commendation of all of us. In his long career in various ambassadorial capacities, this outstanding patriot has made significant contributions to the promotion of world peace and stability. His latest efforts in Paris to end the conflict in Vietnam have smoothed the way for further negotiations that we hope will meet with eventual success. He has more than earned his right to retirement, but knowing him, I am sure he will remain active in endeavors to foster and promote our national welfare. I am proud to salute this great American and wish to extend to him my best wishes for future health and happiness.

Mr. McKNEALLY. Mr. Speaker, Averell Harriman lives in the 27th district which I have the honor to represent. I have known him and his brother Roland as participators in community affairs over many, many years. I have known Averell Harriman as Governor of the State of New York and as a high official in the Federal Government. He has performed his duties without sparing himself and has always been called upon by his administration to perform in those areas which presented the most difficult problems. In the history of the accomplishments of men, Governor Harriman will rate high with all of those who admire selfless devotion to their cause.

Mr. WOLFF. Mr. Speaker, in this Chamber where so many great men have walked, in this city where so many great men have come to serve their country, in this Nation built on the shoulders of the great men of other times, from amid all of this there are still those who stand above other men. There are certain men who embody the greatest qualities of public service, dedication to the good of all men, and lasting devotion to the ideals for which this Nation stands.

One such man is W. Averell Harriman.

Ambassador Harriman, who most recently served with such distinction in Paris, is now out of public life. His retirement may well be brief, for his countrymen have turned to him time and again.

But at this watershed it is appropriate that we pause briefly to pay our respects to Ambassador Harriman.

I have been privileged to know him for many years. I am honored that he has a home in my congressional district. I regard my association with Ambassador Harriman as one of the high points of my career.

That association, which goes back far before my election to the House, has enabled me to watch this exceptional man at work as Governor of New York and as a statesman. During this time he sought the opportunity to perform in public service and Ambassador Harriman fulfilled his public trust at all times with a remarkable combination of idealism and hardheaded practicality.

It is no secret that Ambassador Harriman could have lived a life of ease. But he has a real concern for the human plight and the ability to work with all peoples in all places. These qualities transcend the normal desires of man and the fact Averell Harriman possesses them inevitably drew him into public service.

International relations became his special interest and he was always a credit to our Government, whether as an Ambassador to another nation or as our representative at international meetings and negotiations.

I certainly do not regard the Ambassador's career as closed. His knowledge and expertise will be called upon again and again and he will undoubtedly respond as he has in the past.

But this is a moment for reflection and I hope every American will join in reflecting on the greatness of W. Averell Harriman. The American people should chorus a unified and lasting "thank you" to a man that has done so much for so many.

Mr. MORSE. Mr. Speaker, I truly appreciate this opportunity to pay tribute to a very great American, the Honorable W. Averell Harriman. Governor Harriman, whom I have been honored to count as a friend for some years, is a highly dedicated, selfless man who has given most of his life to public service, and has just completed one more critical task in a long series of valuable contributions to the public good.

There are few men in American public life who have demonstrated over the years the unflagging devotion to duty and willingness to accept responsibility that has been the hallmark of Averell Harriman. His activity in public affairs goes back to 1933 when he became a member of the Business Advisory Council for the Department of Commerce. Since that time he has served with great distinction as U.S. Ambassador to the U.S.S.R. and Great Britain, in addition to serving as ambassador at large on a number of important assignments for his country.

As chief U.S. negotiator at the Vietnam peace talks in Paris, Governor Harriman devoted himself to an undertaking that required all of his enormous abilities and extraordinary experience. His wisdom, patience, and sense of history served the Nation well in this most challenging position. He discharged his responsibilities in Paris with great honor and characteristic dignity. He deserves great personal credit for the fact that negotiations are now underway, or to put it in his own words, "the negotiating procedures were put on the rails and the new administration will have the responsibility for the substantive discussions."

He has been an advocate of the United Nations and its importance in our world for many years. In 1946 he warned our country that the "chief hope of the world is collective security through the U.N." He was early to recognize the threat of Communist expansionism yet early to understand that we must learn to live with those powers who have a different ideology than our own.

Governor Harriman is one American about whom enough good cannot be said. His biography is long and thoroughly impressive. But the thing I find most important about this man is his deep human concern for peace and understanding that is so very important for the serious times in which we live.

Mr. CONTE. Mr. Speaker, I am confident that history will think highly of Ambassador at Large W. Averell Harriman. Let us not leave to history, however, the credit for acknowledging what we, his contemporaries, must surely recognize as a fact: W. Averell Harriman is one of the finest Americans of our time.

I need not recount the long and distinguished record compiled by Averell Harriman during over three decades of public service. Secretary of Commerce, Governor of New York, and Ambassador to the U.S.S.R.—these are but a few of the many positions of public trust that Averell Harriman has filled with ability and integrity. His accomplishments in any one of these posts would have earned him the lifelong respect and affection of his fellow citizens.

He will be most often remembered, I am certain, for his persistent struggle to bring peace to our troubled Nation and to the world. The courage and patience with which he has pursued our goal of peace through negotiation have lent stature and credibility to the international position of the United States. His tact and determination have reflected admirably upon both the American Government and the American people.

When peace is finally achieved, and I pray God it will be soon, let us not fail to honor one of the men who transformed what had previously been an illusion into a serious possibility.

America's debt to W. Averell Harriman has not gone unnoticed. Our remarks today are but a small attempt to express the feelings of American citizens throughout the Nation. W. Averell Harriman is a patriot, in the highest and noblest sense of the word.

Mr. GILBERT. Mr. Speaker, it does no injustice to Averell Harriman to say that I have been an admirer of his since I was a boy. Mr. Harriman, more than any American I know, has merited the title "elder statesman." He has served this country, literally, since as long as I can remember and, Mr. Speaker, he has proven for decade after decade that he is a person of excellent character, magnificent ability, and superb judgment.

I suppose I came to know Mr. Harriman best when he served as Governor of New York. He was not practiced in the political arts, as we commonly know them. He did not enjoy mass public appearances or speaking before great crowds. But that is not to say he was less than a first-rate Governor. Averell Harriman surpassed the great traditions of progressive government in New York. His administration was not only efficient but compassionate. It was, in my view, a misfortune that the electorate did not reward him with another term in office, for I feel that his capacity entitled him to the highest elective office in the land. But he left behind him in New York, as he has wherever else he has gone, countless monuments to his statesmanship and ability.

I need not review the entire career of Averell Harriman, Mr. Speaker. When he served as U.S. Ambassador to Moscow, he cemented excellent relations with our wartime allies, without his ever once being deluded about the real nature of the Stalinist dictatorship or the troubles it presaged for us after the war. Later, he served as Ambassador to Great Britain, where he assisted appreciably in post-war reconstruction. Then he became Secretary of Commerce, before going overseas for another succession of important foreign assignments.

During the Kennedy administration, some said that Averell Harriman was too old to hold a major policy post. So, without resentment, he took a series of lesser posts, only to demonstrate to the world that he was young, alert, vital as any man in the foreign policy establishment. It is my personal view, Mr. Speaker, that Averell Harriman would have made a wonderful Secretary of State for the Kennedy and Johnson administrations. If his youth had been recognized from the beginning, I suspect he would indeed have received such an appointment and, perhaps, many of our current international problems would not today exist to trouble us.

In a lifetime of triumphs, it is perhaps excessive to say that a single one stands out. But in the case of Ambassador Harriman, one might say that his greatest fight was the one he waged for peace in Vietnam inside the Johnson administration. I say this because no fight is more important than the one for peace, and Averell Harriman knew that. Day after day, despite every sort of adversity, he remained the remorseless advocate of ending the war in Vietnam. It took too many years for him to be redeemed, Mr. Speaker, but redeemed he was. I only regret that the current administration's term of office came to an end before he could consummate the peace over the negotiating tables in Paris.

Mr. Speaker, I salute Ambassador W. Averell Harriman as a great American. I do not make this statement today as a valedictory, because Mr. Harriman's career is by no means over. He has many more services to bring to our country, services which I am sure he will not deprive to it. Let us say this is simply a milestone in Mr. Harriman's long career, Mr. Speaker, and I join my colleagues in saying, "Thank you."

Mr. PEPPER. Mr. Speaker, I would like to join my colleagues in paying high tribute to a cherished friend, a truly great and remarkable American, Averell Harriman. No other American has had the breadth and scope of public service that he has had.

Success has been the way of life of Averell Harriman since his youth. According to an observer, "All his life he has been driven by a passion to excel in those endeavors which excited his interest." At Yale he excelled in bridge and as a member of the crew and as coach of the crew while still a student; he became the Nation's fourth ranking polo player; he achieved outstanding success as director and chairman of the board of a great American railroad while still a young man, and subsequently in many areas of finance.

Averell Harriman first came into public life as a member of the Palisades Commission of New York. In 1928 he abandoned his family's attachment to the Republican Party and supported Al Smith. It is reported that Harry Hopkins persuaded Averell Harriman to come into the administration of Franklin D. Roosevelt. He began his eminent career in the service of his country by becoming in 1933 a member and later chairman of the Business Advisory Council of the Department of Commerce. He then moved to the post of Administrator of the National Recovery Administration and thereafter to the position of Chief of the Materials Branch of the Office of Production Management.

President Roosevelt, recognizing his

exceptional ability and capacity to get things done and to get on with people, appointed him the President's special representative to Great Britain with the rank of Minister. The President then moved his able and faithful representative to the Soviet Union with rank of Ambassador. This in the year 1941. The demands of the war and the President's confidence in his competence led President Roosevelt to make Mr. Harriman a member of the Combined Shipping Adjustment Board and the combined Production and Resources Board in London in 1942. From 1943 to 1946 Mr. Harriman held the difficult post of Ambassador to the Soviet Union where he commanded the respect of Stalin and the leaders of the Kremlin by his candor, even blunt honesty, and his objective fairness as well as by his ever calm and gracious manner.

I had the privilege of visiting Moscow in 1945 when Mr. Harriman was our distinguished Ambassador, at the same time one of my distinguished colleagues, the gentleman from Mississippi (Mr. COLMER), and committee were there, and we saw firsthand the esteem in which Ambassador Harriman was held by Stalin and the top leaders of the Soviet Union in spite of their clear understanding of his total lack of sympathy for their form of government and his expressed belief that Soviet policies were leading to a stern conflict between the Soviet Union and the United States. I can never forget Mr. Harriman's gracious hospitality to me while I was a guest at his Embassy in Moscow.

In the period between the days prior to the war and Mr. Harriman's going to the Court of St. James as American Ambassador, he was the trusted representative of President Roosevelt in numerous contacts with our allied and associated powers in respect to the multiplicitous problems incident to the beginning and prosecution of the war and he shuttled constantly from capital to capital in Europe, and between Europe and the United States as one of the nation's most trusted and esteemed representatives. During the war he was at President Roosevelt's side in all but the Quebec Conference which the President had with leaders of our allied and associated powers. In these councils his voice was ever the voice of knowledge based on broad experience, keen sense of understanding of not only the actions but of the motives of those with whom he dealt and with whom our country was engaged. He was one of the first of our leaders to forsee and to warn his government and country against the postwar policies of the Soviet Union which gave rise to the cold war and have produced the tension which we have experienced from time to time with the Soviet Union. He revealed in all of these crucial conferences the wisdom which has earned for him the accolade of one of the Nation's wisest counselors.

President Truman brought Ambassador Harriman back to Washington as Secretary of Commerce from 1946 to 1948. The problems of Europe which were our concern led President Truman to designate Averell Harriman as U.S. Representative in Europe under the Economic Cooperation Act with the rank of Ambassador from 1948 to 1950 and President Truman also designated him as his special assistant through 1950 to 1951. Relying upon his extraordinary experience and sound judgment and his unparalleled contacts with Soviet and Western leaders. President Truman designated Ambassador Harriman as American representative on the NATO Commission to study American defense plans in 1951. He rounded out his magnificent service under the Truman administration as Director of the Mutual Security Agency in the years 1951 to 1953.

Then Averell Harriman achieved a lifelong ambition—to hold distinguished elective office and achieved the Democratic nomination for and election to Governor of New York State, which he held from 1954 to 1958. He sustained his only major failure in life and perhaps one of his keenest disappointments by twice failing to secure the nomination of his party for President.

President Kennedy recognizing the Nation's need for Averell Harriman's distinguished ability designated him as Ambassador-at-large of the Department of State in 1961. Thereafter he moved to the State Department as Assistant Secretary of State for Far Eastern Affairs and became Under Secretary of State for Political Affairs and again Ambassador at large in 1965. During this service in the State Department, Averell Harriman achieved two of his greatest distinctions up to that time—negotiating the Geneva Agreement on Laos and the Nuclear Test Ban Treaty. The Laos agreement probably prevented war in Laos and the Nuclear Test Ban Treaty may have saved the human race from nuclear devastation.

President Johnson has depended particularly upon Mr. Harriman as one of his most trusted advisers and dependable representatives in wrestling with the many problems which challenged the concern of our country in all parts of the world. He has served his President and his country when wide-scale conflict threatened between China and India and between India and Pakistan and in smoothing the ruffled feelings and the concerns of Latin American leaders when President Johnson sent military force into the Dominican Republic. His effective presentation of the facts of the nature of the threat which President Johnson's action allayed, all presented with his characteristic low-key persuasiveness, diminished, if it did not eliminate, the concern of the Latin American countries over this action by our country.

For some 2 or 3 years now Ambassador Harriman has been laying the predicate for what has now culminated as the peace talks in Paris, which give us hope of an honorable conclusion to the war in Vietnam. Due to the respect which friend and foe alike have for Ambassador Harriman, he was able through his visits to the Soviet Union, to Yugoslavia, to Rumania and to capitals of Western Europe, to explain the peaceful purposes of our country and to explore possible bases of understanding and agreement which at least have brought the warring parties to the council table in Paris. Through 8 months of the most tedious, tiresome and, to a person of lesser emotional stability and understanding, terrible frustration, discussions about peace in Vietnam have been carried on in Paris under the superb direction of Ambassador Harriman. Finally his efforts have matured into a conference between the North Vietnamese and Vietcong on the one hand and the South Vietnamese and United States on the other, which holds the hope at least that this tragic struggle may come to a fair end.

Thus, at 77 years of age, Averell Harriman has achieved his crowning glory in the service of his country and in the cause of peace. What a satisfaction it must be to him, as it is to his fellow countrymen and his admiring friends all over the world, to look back along the long path which he has so nobly trod in service to his fellowman. He could have spent a life of indulgent luxury—he has chosen to spend his long life to date in service to his fellow countrymen in helping all men to walk on higher ground.

Averell Harriman truly all his life has been able to walk with kings but has never lost the common touch. He is a living symbol of America and what America means and the inspiring embodiment of the American dream. At 77 Averell Harriman is still strong of body, virile of mind, alert to the concern and problems of his country and the world and supremely dedicated to a better world at peace. He is still destined to render to his country and to mankind many more years of meaningful service. Fortunate is the country which has at its command his wise counsel and his incomparable experience. Honored is the country who has so noble a son and servant. With immeasurable pride we call him our own and with all our hearts we say to him and to his lovely and gracious wife, who has so much aided him in all of his efforts, all honor and gratitude to you and God's richest blessings upon you.

Mr. BURKE of Massachusetts. Mr. Speaker, it is indeed an honor to pay tribute to one of the finest statesman of the 20th century, Gov. Averell Harriman. He has served his country with honor both at home and abroad for three and a half decades, displaying a deep sense of integrity, devotion to duty, and a rare combination of insight and intelligence.

He may surely be called one of the great shapers of American destiny in the 20th century, valiantly meeting the call of five presidents and a great nation, that recognized and utilized this man's vast array of talents. He brought to his post as chief negotiator in the Paris peace talks a wide variety of experience. An astute businessman, he utilized these abilities with great success as Administrator with NRA during the depression, enabling the country to pull itself out of a dire crisis period. Again, his business and administrative sense was displayed during the war years when he was appointed special representative of the President in Great Britain and served as a member of the Combined Shipping Adjustment Board, the Combined Production and Resources Board, and the Lend Lease Munitions Assignment Board.

For the past 20 years he has held a variety of posts as Governor of New York, Ambassador to Russia, Great

Britain, and finally, Ambassador-at-Large. His fine efforts at the Paris peace talks have laid the groundwork of what hopefully will lead to a just and lasting peace. With a deep sense of gratitude, I proudly hail this magnificent American who has contributed much to the dignity and honor of the American people.

Mr. REUSS. Mr. Speaker, today I am pleased to join in saluting Ambassador W. Averell Harriman for three decades of skillful and dedicated service to this Nation and the world. Since the earliest days of the New Deal, Mr. Harriman has been a wise adviser in the highest councils of this country and the world.

Surely, one phase in his career which will be long remembered in his contribution to the success of the European recovery program. In 1949, I had the honor of serving as deputy general counsel for the Marshall plan with Ambassador Harriman, then U.S. representative in Europe. The vigorous leadership of Averell Harriman in this post, and subsequently as administrator of the mutual security program, helped to insure the fulfillment of a key purpose of the Marshall plan—the initiation of cooperation among several nations in the planning and execution of programs to solve one common problem. Only the most skillful of negotiators and administrators could have led this joint effort by the United States and the nations of Western Europe to achieve rapid European recovery from World War II. So successful was the Marshall plan that it inspired a whole decade of international cooperative efforts, many of which still survive to the benefit of Europe and the world.

It is fitting that most recently, Ambassador Harriman has been called upon to devote his efforts to the search for peace in Vietnam. No man has worked so long and so hard in numerous forums over the last three decades for world peace. No conflict has been more agonizing for this Nation than the war in Vietnam. Averell Harriman, with persistence and patience, has sought to lay the foundations for an end to the impasse in which we have found ourselves.

The negotiations in Paris are now underway. He surely will be called upon to contribute to their successful conclusion. As at other times during Harriman's career, it is impossible to speak of this man's service to his country coming to a close, or to conceive of a time when his talents will not be needed.

Mr. FRASER. Mr. Speaker, W. Averell Harriman is one of the Americans I respect the most in public life. His entire career as a public servant, both appointed and elected, has been one of dedicated distinction.

My first personal contact with Mr. Harriman was during the presidential campaign of 1952. At that time he was Director of the Mutual Security Administration, one of numerous high posts he has held in State and Federal Governments almost uninterruptedly since the early 1930's. Mr. Harriman came to Minneapolis in 1952 to debate foreign policy at a meeting sponsored by the city's Foreign Policy Association, of which I was then chairman.

The impressions I formed of Mr. Harriman early in my political career have been reinforced over the years, and particularly during my time in Congress. As a member of the Foreign Affairs Committee, I have been fortunate to hear Mr. Harriman testify on several occasions, and it has been my privilege to have occasional dealings with him outside the House.

One of Mr. Harriman's most impressive qualities is his capacity to understand, to appreciate differing viewpoints, to comprehend fully the attitudes and outlooks of others, whether Americans or persons of other nations, whether friendly or hostile. Mr. Harriman's mind has always been free of dogma and doctrine. As a result of his experience as U.S. Ambassador to the Soviet Union, for example, he was one of the first Americans to recognize the Russian hard line for what it really was after World War II. Consistent with this capacity to perceive reality, he has not become bound up in the rigid cold war ideology that has obscured the vision of some others.

Mr. Harriman has served loyally in a wide variety of jobs under four Presidents. His differences of opinion have never interfered with his loyalty. Throughout his career he has earned a reputation as a vigorous, straightforward advocate of his views. His performance over nearly four decades has been marked by sensitivity to the needs of his nation. Personally, Averell Harriman is a softspoken and unassuming man. More than nearly anyone else I can think of, he conceives of public service as a high and demanding calling.

Whatever Mr. Harriman undertakes in the future, Mr. Speaker, our Nation is greatly in his debt for his impressive contribution to the welfare and safety of the United States over these many years.

Mr. HATHAWAY. Mr. Speaker, a distinguished American and outstanding diplomat has just returned to the United States from a very important mission, and it is with a sense of great pride that I join with my House colleagues in paying tribute to this extraordinary man, the Honorable W. Averell Harriman.

Mr. Harriman's service to his country over the past 40 years has been remarkable in every respect, and he is deserving of the gratitude of every American.

His experience in the diplomatic world made him ideally suited for the task from which he has just returned. He has held several ambassadorial posts and has served as the U.S. representative at various meetings with foreign countries. However, I believe the most difficult assignment he has ever had has been in Paris these past few months.

Averell Harriman has represented the United States well at these talks, and through his participation at these meetings, the United States has been able to make significant progress toward peace in Southeast Asia.

It is fitting that the Congress of the United States recognize the numerous contributions Governor Harriman has made in the service of our country. Men of his outstanding ability and devotion to his fellow men are rare.

Mr. DELLENBACK. Mr. Speaker, I want to join my colleague the gentleman from New York (Mr. BINGHAM) in expressing appreciation to a man who has devoted the greater part of his life in service to the United States, Ambassador W. Averell Harriman.

In paying tribute to Ambassador Harriman, we give recognition to a record of dedication and achievement that has contributed greatly to the cause of peace and international understanding over several generations.

It is with warm gratitude and admiration that he will be remembered by his fellow Americans who have benefited so positively from his lifetime of service to the Nation.

Mr. WILLIAM D. FORD. Mr. Speaker, I am pleased today to join in paying tribute to W. Averell Harriman, one of the most amazing Americans of our times. He has just completed another in the long series of top governmental assignments he has held almost continuously for 35 years.

As this Nation's chief negotiator at the Paris peace talks, Mr. Harriman has supervised the most important and delicate negotiations in recent history.

During his long and colorful career, Mr. Harriman has held a variety of titles and responsibilities that is truly staggering, ranging from head of the Union Pacific Railroad to Governor, Cabinet member, Ambassador, special envoy, and Presidential agent.

He has served under four Presidents, and he has negotiated with such international figures as Churchill, Stalin, Mossadegh and Tshombe. He has dealt with crises in Iran, Laos, the Dominican Republic, and the Congo. He has visited virtually every nation in the world.

At the age of 77, Mr. Harriman has certainly earned the right to retirement. But with his vigor and knowledge, it seems unlikely that he will take advantage of it.

When the history of the second third of this century is written, researchers of the future are going to be amazed at the number of times the name of W. Averell Harriman will appear. He has helped to make history in his day, and the Nation and the world should be grateful for the devoted services of this very wise and great man.

Mrs. HANSEN of Washington. Mr. Speaker, W. Averell Harriman is one of the remarkable, great men of the century. His service to his country and mankind inspires each of us to renewed dedication to our duties.

Mr. SCHEUER. Mr. Speaker, that grand old man of diplomacy, W. Averell Harriman, is going on home leave for awhile. It is hard to believe, for so long now we have grown accustomed to his face in the highest councils of the Nation and world. His has been a matchless record of public service, spanning three decades and devoted toward furthering the cause of peace throughout the world.

We salute today this indefatigable man who has contributed without stint his time and talents toward the betterment of his State, his country, and the world. But we do so with the realization that this is no swan song for W. Averell

Harriman. His wide experience and his deep understanding will always be needed in this chaotic world. There is little doubt that his gray fedora will be seen soon again in the world's halls of diplomacy.

Mr. HALPERN. Mr. Speaker, few would dare tell a senior Member of Congress, "Senator, you don't know what you're talking about; I do," and walk away unscathed. Averell Harriman has such confidence. It comes, indeed, from his having experienced so much, from knowing so much—the result of the blending of a patrician background with a relentless curiosity and an opened mind. Educated at Groton and Yale, Averell Harriman still astounds his colleagues at the Paris peace talks with his vigor and seemingly inexhaustible dedication to public service. He is known for waking staff members at 8 in the morning and, with the newspapers already read, conferring with men half his 77 years. Americans sent to Paris as technicians in Vietnamese politics have credited Harriman with major objectives of the negotiations. He has brought the South Vietnamese to the discussions and has obtained reciprocity for the U.S. bombing halt of North Vietnam. Art Buchwald has signaled his success in Paris by labeling him "knight of the round table." Retiring at the peak of a long career, Harriman now returns to private life.

But so often has he announced his intention to retire from public service that many find it hard to believe that Averell Harriman will no longer participate in American public life. This "last of the tall timbers of the New Deal" has long been a familiar presence in higher domestic and foreign councils. During the 36 years since then he has served in more positions than any American since President John Quincy Adams. A landed aristocrat and former railroad executive from a conservative Republican background, he recognized the extraordinary demands of the depression and applied his administrative talents to the national recovery program. His service in international affairs began in 1941 when he was appointed Minister to the Court of St. James. In 1943 he represented American interests in Moscow. His relationship with Franklin Roosevelt, Churchill, and Stalin brought Harriman to the fore of wartime diplomacy. During the late forties Harriman helped direct the European recovery program. His role in the organization of NATO in 1951 gave him direct experience on the stage of the cold war. No other diplomat has dealt directly with Trotsky, Stalin, and Khrushchev in gradually changing East-West relations. Harriman served as Governor of my own State of New York from 1954 to 1958. In 1961, he joined the Kennedy administration as its senior New Frontiersman. Mankind is grateful for his role in securing the Test Ban Treaty of 1963. President Kennedy sent Harriman to India in 1964 on a special mission to assess the Sino-Indian border dispute. In the spring of 1968, President Johnson wisely tapped Harriman to handle the delicate negotiations over Vietnam.

The issues involved in the Southeast Asian conflict call for a man of Harriman's special abilities. Familiarity with world leaders has given Harriman an instinct for dealing with men of power. Because of his experience in negotiation, Harriman has an extraordinary appreciation of differences of approach among figures of the Communist camp. Although he is suspicious of what he calls the outward thrust of communism, his habit is to negotiate from an awareness of the opposition's point of view. Harriman's diplomatic achievements in Paris in spite of the strains which frustrate progress are a tribute to his career. He leaves diplomatic service in particularly trying times. The achievements, the character, and the humanitarian love of peace of Averell Harriman will serve as a model to all men of all nations in their quest for lasting peace.

Mr. OTTINGER. Mr. Speaker, I am pleased to join with our colleagues in paying tribute today to a great American statesman, the Honorable W. Averell Harriman.

This month not only marks the completion of Governor Harriman's mission to Paris, but also 25 years of dedicated, energetic, and effective service to his country, the State of New York, and the Democratic Party. After pursuing a highly successful career in private industry, it was in January 1934 that the Governor became an administrator in the NRA during the New Deal. Since that time, he has served with distinction in any number of vital positions—as Ambassador to Russia and the Court of St. James, as Secretary of Commerce, and Assistant and Under Secretary of State, as a key figure in the Marshall plan and head of the U.S. foreign assistance program, as an outstanding Governor of New York and, more recently, as Ambassador at Large and chief U.S. negotiator in Paris.

During his distinguished career, Ambassador Harriman has truly proved to be a man for all seasons—he has met anger with temper, frustration with patience, dissent with compassion, and injustice with action. His quarter century of tireless and devoted service stands as an example for us all and it is fitting that we honor him today.

Mr. CORMAN. I am privileged to join my colleagues in a tribute to Ambassador Harriman, although I can only reemphasize the many praises that have so deservedly been heaped upon him.

If one man's worth to his country can properly be assessed, W. Averell Harriman will most assuredly stand out among this Nation's greatest public servants. During his remarkable career he has served his country as Ambassador, Governor, diplomat, statesman, negotiator, and trouble-shooter under four administrations. No man in modern times has given of himself as energetically, as devotedly, as brilliantly, and as steadfastly as has this distinguished American. For four decades his name has been synonymous with public service of the highest order.

An exceptional public career that beban under Franklin Delano Roosevelt in the 1930's carried him to assignments all over the world. For more than a quarter of a troubled century he has dealt with every prominent leader on the face of the globe. At the Atlantic Charter meeting, at Teheran, Cairo, at Yalta, and at Potsdam, he lent his extraordinary talents to the negotiations leading to peace and reconstruction in a world that knew the ravages of the most destructive and devastating war in mankind's history.

In 1963, he successfully carried President Kennedy's word on the Test-Ban Treaty to all nations, reminding them of the dire realities and responsibilities of the atomic age.

He crowned his 40 years of service to America by becoming President Johnson's personal representative to the peace talks in Paris in an effort to negotiate the end of the Vietnam conflict.

With each assignment, Ambassador Harriman has helped to write a page in the history of his country's constant search for peace.

Ambassador Harriman has honored his country by his service to it. He has honored the Presidents who have asked him to serve. He has the everlasting thanks of a grateful nation.

Mr. GALIFIANAKIS. Mr. Speaker, welcome home, Mr. Harriman. We are proudly assembled here today, not to shout your "Last Hurrah," but to say "Thank You, Mr. Harriman." The entire country is in your debt for the years of service you have willingly given, and for the immeasurable contribution you have made to the cause of peace. You have, in fact, become America's symbol of peace.

As former Secretary of State Dean Rusk recently observed:

> We don't have a House of Lords, Privy Council or Order of the Garter. All we do is ask a good man to serve again and again as Presidents Roosevelt, Truman, Kennedy and Johnson did.

You are that good man, Mr. Harriman.

I would remind my colleagues here today that you have held more different Government positions than any American since President John Quincy Adams.

Let the world know again that since you were recruited into Government service by Harry Hopkins in 1933, you have served as a high official in President Roosevelt's National Recovery Administration, lend-lease expediter in Britain early in World War II, Ambassador to the Soviet Union in the Stalin period, Marshall plan representative in Europe, Director of the Mutual Security Administration, Governor of New York, and twice a candidate for the Democratic presidential nomination, before becoming the Ambassador-at-Large for the Kennedy and Johnson administrations.

And, despite your 36 years of indefatigable service to this country, there is a bounce to your step and a verve to your manner that we younger and lesser men envy.

We marvel, sir, at your stamina and your enthusiasm.

We are acutely aware that we are paying tribute to a man who has honored each of us, individually, as he has honored his country—a man who is truly a great American.

Welcome home, Mr. Harriman. And thank you.

Mr. ANNUNZIO. Mr. Speaker, I am certainly pleased today to join my distinguished colleague from New York, the

Honorable JONATHAN B. BINGHAM, who has requested this special order so that we may pay tribute to a great American, an invaluable public servant, and an outstanding diplomat—William Averell Harriman.

The first step in his long Government career came in 1933. While serving as chairman of the board for Union Pacific Railroad, he was recruited to Government service by Roosevelt aide Harry Hopkins. Since that time he has distinguished himself admirably in the service of four Presidents. Because his governmental and diplomatic experience spans the entire cold war period, he has become invaluable.

His role in cold war politics began with a high position in the National Recovery Administration, and with service as expediter in the lend-lease arrangements with Great Britain early in World War II. He soon became Minister and later Ambassador to both Great Britain and the Soviet Union. During the late forties, he accompanied President Roosevelt to Yalta and Teheran, and Truman to Potsdam. Consequently, Mr. Harriman is the only living person to have negotiated with Churchill, Stalin, Macmillan, and Khrushchev.

From 1950 to 1951 he served as Special Assistant to the President, a position he assumed after a short term as Secretary of Commerce from 1946 to 1948. Harriman's concern with peace and the postwar development of Europe account for his participation in early efforts to organize the United Nations, and for his position of Ambassador Extraordinary and Plenipotentiary as U.S. representative in Europe under the Economic Cooperative Act. In short, Ambassador Harriman took part in those stratagems and negotiations between 1941 and 1952 which planted the the seeds of those problems he would be called upon later to help solve.

When the political climate in Washington changed, Harriman's political role shifted from international to national and then to State. From 1951 to 1953, he served as Director of the Mutual Security Agency, and in 1953 he was elected to a 4-year term as Governor of New York.

By 1960, Averell Harriman had carved himself a permanent niche in American political life. His experience and abilities did not escape the attention of President John F. Kennedy. Consequently, Harriman became the oldest New Frontiersman under Kennedy's administration. In that capacity, he conducted the delicate Geneva negotiations of 1961 which led to a cease-fire in Laos.

Known for his willingness to respond to Presidential requests on short notice, he made on-the-spot investigations during the Sino-Indian border war and the Kashmir dispute. In 1963, he headed the successful Test Ban Treaty negotiations with the U.S.S.R. He performed these tasks while serving from 1961 to 1963 as Assistant Secretary of State for the Far East, and as Under Secretary of State for Political Affairs in 1963. In 1967, Harriman received the distinguished honor award.

Mr. Harriman's first experience with Soviet communism was in 1926 when, as a young banker, he met Trotsky in efforts to negotiate an investment arrangement. His next experience was during the war with Stalin, and later with Khrushchev. During those years he formulated a view of Soviet communism which served him well in his future role as negotiator: he never believed communism to be monolithic, but to be flexible and subject to change with change in leadership. As early as 1945 he foresaw the West would have extreme difficulties with the Soviet Union at a time when such views were not popular.

Basic to his philosophy is the concept that the United States must extend her hand in friendship while simultaneously keeping her guard up. This commitment to friendship logically produces a personal commitment to helping the underdeveloped world.

Experience alone does not account for the sparkling career of this Ambassador at Large. Ambassador Harriman's diffident, patrician manner, his forthrightness and sense of timing, his broadgaged approach and earnest desire to understand his opponents' position, and his toughness have earned him the distinction of superdiplomat.

This distinction coupled with his broad experience and long-range understanding of communism made him the ideal man to head former President Johnson's Vietnam negotiating team in the spring of 1968. His broad purview complemented to good advantage the circle of Vietnam specialists whose primary understanding was the intricacies of Vietnamese politics. In Paris he was confronted with two basic aims: first, to work for reciprocity for a bombing halt in terms of the cities and the DMZ; and second, to persuade both North and South Vietnam to meet at the same negotiating table. In these tasks he was successful. He is responsible for laying the firm groundwork for the future course of the negotiations.

At the age of 77, Mr. Harriman is retiring from a career whose range extends over three decades. His enthusiasm, forthrightness, and independence have won him great admiration from both colleagues and adversaries. His retirement from public service coincides with the end of an era, an era in which peace was sought but never fully achieved. Let us hope that future generations will profit from the guarantees against war which he sought to provide. Let us offer tribute, thanks, and best wishes for the future to an invaluable public servant and distinguished "cold war diplomat."

Mr. ANDERSON of California. Mr. Speaker, I rise today to pay tribute to an international statesman, a diplomat of the first order and a fine gentleman, Ambassador W. Averell Harriman. I have had the rare privilege and honor of knowing the distinguished Ambassador at Large for a number of years. Ambassador Harriman visited our State many times, and I had the opportunity to introduce him and share many platforms with him during his travels in California.

Ambassador Harriman's remarkable career is one of outstanding service to our country and indeed to the world community. In 1943 he was appointed Ambassador to the Soviet Union by President Roosevelt and in 1946, Ambassador to Great Britain by President Truman. He also served as Secretary of Commerce in the Truman administration. In 1950 he was named U.S. special representative to the North Atlantic Treaty Organization. He was then elected Governor of the State of New York and afterward named Ambassador at Large by President Kennedy. In addition, he served as Assistant Secretary of State for Far Eastern Affairs and Under Secretary of State for Political Affairs in the Kennedy administration. In 1965, he was again appointed Ambassador at Large by President Johnson and was later named as special U.S. representative to the Paris peace negotiations, a post which he has held the last 8 months.

After serving four Presidents and spending much of his time abroad, he is now retiring after a career in Government service spanning a quarter of a centry. I wish him well in his much-deserved freedom from the great burdens he has carried so well. I hope he spends his time speaking and writing of the fascinating account of his experiences as our Nation's most distinguished and honored Ambassador.

Mr. RODINO. Mr. Speaker, it is a singular honor and pleasure to have this opportunity to rise in tribute to W. Averell Harriman. More than any man in our Nation's modern history he has given of himself and his incredible talents and experience to public service. Our late President Kennedy said, in fact, that except for John Quincy Adams, Averell Harriman has held "as many important jobs as any American in our history."

Born to great wealth and responsibilities in private enterprise, Averell Harriman nevertheless recognized early the vital role of government in solving the critical problems confronting the Nation. He first began his public service in the domestic area, as a member of President Roosevelt's Business Advisory Council for the Department of Commerce, which he subsequently headed. He also served as Administrator of the National Recovery Administration. To these tasks, and later as Secretary of Commerce for President Truman, he brought his tremendous knowledge, expertise, and ability to help resolve the problems plaguing the country during the depression and the wartime aftermath on the domestic front.

Much later on, from 1954 to 1958, he undertook responsibility on the domestic scene of quite another nature—as an elected official, the Governor of New York State. And in this role he showed again his vast initiative and creativity, his sensitivity to the needs of the disadvantaged. For long before we moved on the Federal level he started in New York an antipoverty program, an old-age program particularly geared to the care of mental cases, and a juvenile delinquency program.

He continues this rare dedication to all our citizens today, for as one familiar with his recent career has said, he has a "far more restless and insistent social conscience than most of the dedicated young men on the New Frontier."

I believe, however, that most of us think of Averell Harriman's most significant achievements in the diplomatic and international area. In such capacities he has served four Presidents—Franklin D. Roosevelt, Harry S. Truman, John F.

Kennedy, and Lyndon B. Johnson—in a range and variety of assignments that is unparalleled.

During the early years of World War II, before the United States entered the conflict, he served with distinction in the Office of Production Management and later in Great Britain as the President's special representative to handle the complex problems of the combining shipping, resources, and lend-lease programs under which the United States was seeking to aid embattled England.

He then became our wartime Ambassador to Moscow and a close consultant to President Roosevelt during the Teheran, Yalta, and Potsdam Conferences. From that time on, he has spent more time in direct consultation with Stalin, Khrushchev, and other leaders of Communist Russia than any other American official. Later he served as Ambassador to Great Britain for President Truman and as his Director of the Mutual Security Administration; and under Presidents Kennedy and Johnson he was entrusted with vital diplomatic assignments as Ambassador at Large, Assistant Secretary of State for Far Eastern Affairs, and Under Secretary of State for Political Affairs.

Throughout his long and unique career he has never hesitated to undertake any assignment asked of him. When entering the Kennedy administration as a roving ambassador, he was under no illusions that he was in the inner circle. He stated at that time:

> I started as a private with Roosevelt and worked to the top. And then I had to start as a private all over again with Truman and work to the top. That is what I intend to do again.

And he did. By the summer of 1961 Harriman was in charge of the Geneva negotiations that led to a cease-fire in Laos and in the fall became Assistant Secretary of State for the Far East. A year later he headed the mission to India and Pakistan that started a barrier against Chinese penetration of the subcontinent and then became Under Secretary of State for Political Affairs. Later he carried on the vital discussions which brought about the historic test ban agreement with Russia. And we all know well the remarkable dedication, stamina and brilliance he has brought, as in all undertakings, to the recent complex and difficult meetings in Paris that appear finally to be reaching the beginning of substantive negotiations on the conflict in Vietnam.

Mr. Speaker, at this point in the Record I would like to include the text of an enlightening "Conversation With Governor Averell Harriman" by NBC correspondents Joseph C. Harsch, Chet Huntley, and Ray Scherer which was televised on May 21, 1967. It is a revealing glimpse into the nature and outlook of this man to whom all Americans owe a debt that it would never be possible to repay:

A Conversation With Gov. Averell Harriman, With NBC News Correspondents Joseph C. Harsch, Chet Huntley, and Ray Scherer, May 21, 1967

Scherer. Governor Harriman, we find ourselves sitting here between busts of Franklin Roosevelt, the first President you worked for, and Lyndon Johnson, the latest but perhaps not the last President that you worked for. This is a considerable span of American history. I wonder if we might ask you to compare these two Presidents in terms of their style of command.

Governor Harriman. Yes, I will be glad to, briefly, in terms of working for them. It was my privilege to work for President Roosevelt particularly during the war. I reported directly to him rather than through the State Department, both when I was in England and Russia. He never wanted to make a decision until all the evidence was in. I think that was a very wise quality of his, because a premature decision can get the country in a lot of trouble.

So when I would go to him before I went to Britain or to Russia, I would ask him questions on what his policy was. He always talked around the subject. He gave me the idea or the ideas he had in mind, but he would never say, "You do this." And he depended upon, I think, the men that worked for him, to use their own judgment as to the manner in which they applied the ideas he had in mind.

Now, he was quite impersonal, let's say, about the way he dealt with his emissaries. If they came through all right, you were all right; if you made a mistake, you were out on a limb. And you knew that and it made it rather interesting to work for him. But I was very fortunate because I had known him since I was a young boy, and he trusted me.

President Johnson in many ways is a disciple of President Rooseevlt. You know, when he was a young Congressman he was the only Texas Congressman that got reelected—I think it was 1938—who voted for the minimum wage, 25 cents an hour minimum wage. Every other Congressman in Texas—I think there were half a dozen—got beaten.

And I find in many of the things he is doing it's either inspired by the New Deal or unfinished business of the New Deal. And in foreign affairs I think I have perhaps inherited his confidence in me, because he never asks me to—tells me what to do. He says, "You have been through this. You handle it the way you think best."

Now, they are quite different in their manner, but in a sense I find the same kind of confidence in the manner in which they treat me.

Scherer. Governor, you have brought us from the beginning, so to speak, to the end. Suppose we go back to the beginning. What was it that first impelled you to become an international citizen?

Governor Harriman. Well, it dated back to my business activities. I was involved in railroading, you know, and I got my training in business in the railroad. But after the war I felt that New York would take over from London as the international banker, and I formed a small firm to do international banking business. And that led me to travel a great deal in Europe and other parts of the world. I got to know what was going on. Incidentally, I thought that the Russian Revolution would play a very important role.

Scherer. What year was this, sir?

Governor Harriman. This was 1921, I think. So in order to find out about it as bankers we did business with them, and we made loans for credits, we found export trade, and that sort of thing, and we found they paid their bills.

And then one of my associates made a deal for a concession under Lenin's new economic policy, and in 1926, just 40 years ago, I first went to Moscow. And I found that Stalin was moving up. Trotsky was moving out, the new economic policy was on the way out, and the idea Lenin had to hire foreign enterprise to develop their resources was not a new policy. So we negotiated a withdrawal of the concession and gave it up. We got our money out with interest and with a little profit.

But at that time I saw all of the leaders with the exception of Stalin, who was very hard to see in those days.

Huntley. Governor Harriman, I guess—would it be 1928 that you first identified yourself with domestic politics?

Governor Harriman. Well, I wouldn't say I first identified myself with domestic politics. That is the first year I became a Democrat. I voted for Al Smith, if that's identifying myself in politics. I was a voter, nothing more.

But that was due—that was quite a rupture in my life, because I had been brought up a good, solid, conservative Republican, you know, and I felt that Republican policies at that time were going to lead to international disaster. We had to go back to Wilson's idea of participating in the League of Nations, you remember, and also we were lending money abroad in large sums and building up tariff barriers, and I felt it was going to be impossible for the Europeans or the South Americans to repay those loans under that policy.

The Democrats were supposed to be the free trade party. I didn't like the speculation going on in Wall Street. And I knew Al Smith. He was very much interested in parks, and I had been involved in parks ever since I was a boy—my father and mother were—in state parks. And so I voted for Al Smith, and I have been a Democrat ever since.

Huntley. Your first role in public service was with the NRA, as I recall. How good an economist was FDR?

Governor Harriman. Well, I think he was not a particularly good economist. He had a brain trust that had different views, as you remember, and he had different ideas.

I think his important contribution was his willingness to experiment, and the fact that he wasn't tied to any particular scheme or plan, and the great revolution was the acceptance of the need for the Federal Government to take responsibility for individuals, the acceptance of the fact that this was not—no longer the kind of economy where man could fend for himself, if not a West where he could pick and up and migrate and carve out a farm for himself.

When we had this terrific depression, men were thrown out of work and they couldn't fend for themselves, and since that time there developed a sense of responsibility on the part of the Federal Government that both parties have accepted. None of the proposals that Roosevelt carried through have been repealed by the Republicans, even in the eight years under President Eisenhower. And that was the great contribution that he made.

Scherer. Governor, when you went to London in those war years you spent an awful lot of time with Winston Churchill. I have had the feeling that Mr. Churchill liked to have you around. He took you wherever he went to see the war damage, and that——

Governor Harriman. That was the first two months I was there. That was the winter of 1941, before we were in the war. And he very soon told me that he recognized that their best chance was to hold out in Britain and hold the Middle East. He also wanted to hold Singapore.

But he knew that they couldn't win the war without American support, and he thought sooner or later we would come in the war. But of course he put up a very bold front, and he was extraordinary in the manner in which he tried to keep the morale of the British people. And during that year that I was there they stood alone. I think it was the most thrilling year I've ever spent because every man, woman and child had only one purpose, and they looked to Churchill for leadership.

So he did take me around with him when he visited the cities that had been badly hit by the blitz, you know. I remember once in Bristol, we got there rather by accident very early in the morning, just after Bristol had been hit, and there was a ceremony giving honorary degrees by the Bristol University, of which Churchill was Chancellor. People all thought he'd come immediately after this very bad blitz that had taken place.

He went around the city after the ceremonies at the university, and I happened to be alone with him in his car. This is one of the nice stories. I think. As we pulled out of the railroad station—and he used to wave to people that were looking out of the windows of the apartments as we went out of the city—he said—he used to tell me—he said, "I try to catch people's eyes. If you catch a person's eye, something is exchanged between you."

And then as we left the station he picked up the newspapers. You know, he used to read the newspapers avidly in spite of all the reports that he got. He wanted to know what people were thinking about. And he put it up in front of his face, and there were tears running down his cheeks. And he said—he wasn't elated by this applause that he had from everyone at all—he said very simply. "This is a grave responsibility. They have such faith." And that was his—that was the man in war. He wasn't—he knew the dangers, he had the determination, and he knew his responsibility to the people.

SCHERER. You then went to Russia with Winston Churchill and you first saw Stalin. How do you equate the two men as war-time leaders?

Governor HARRIMAN. No. It was the second time I saw Stalin. I went with Beaverbrook in '41. Roosevelt and Churchill sent this—it was still before we were in the war—sent this supply mission, in which I represented the United States and Beaverbrook the British. And we tried to develop what the requirements of Russia were to keep them in the fight.

As I have said, Roosevelt hoped that keeping the Russians in the war would make it not necessary for us to send troops in the continent, although he recognized we would have to intervene with our Naval and Air Force when it was developed.

So I saw Stalin for four nights with Beaverbrook, and I think it was the end of September, early October, of '41. The next year Churchill went to discuss military strategy and the President asked me to go along. Churchill wanted me to, in order to show that we were together. And Stalin was driving for the second front at that time. It was very rough with Churchill, and I thought that Churchill's handling of that situation was brilliant, when he talked about the British Navy turning back.

"Never before in history," said Stalin, "had the British Navy turned back." Roosevelt—Churchill made, I think, the greatest speech he's ever made in his life, in which he went through all of the history of the war, what the British had done, the manner in which they had stood up alone. He didn't—he never remembered that you had to interpret, and the British interpreter got so fascinated by what he said that he put down his pencil and listened.

And suddenly Churchill realized this, you know, and he said, "You'd better translate." So he started in, and the man was stumbling over his notes, and he pulled him by his shoulder, "Did you tell them this, did you tell them that." And after a little bit Stalin started to laugh. He said something to this effect. He said, "Your words are no importance. What is vital is your spirit." This was Stalin to Churchill.

SCHERER. Did you sense any special chemistry between those two?

Governor HARRIMAN. Well, there was later on. That last night we were there he spent the better part of the night with him, as is recorded, and there they had a very intimate talk. And later on I think they got to respect each other as war-time allies.

I don't think Stalin ever thought that he would work with Churchill after the war, but I remember his making a—I think it was the time De Gaulle was in the Kremlin for a banquet. Stalin toasted both Churchill and Roosevelt, and I wrote down his toast to Churchill because I thought it was so significant. He toasted the Prime Minister, "My friend and collaborator in this war, a man of indestructible fighting spirit." He underlined "in this war."

But with Roosevelt it was different. Roosevelt—in the first place, Stalin respected American power, American industry. And also I got the feeling that the New Deal was not in the Communist books, you know. It wasn't part of the Marxist concept of capitalism. He was concerned to know what was going on in the United States. He seemed to listen with the greatest of attention to everything that Roosevelt said and he treated him with a great deal more respect, with Roosevelt—as far as Roosevelt was concerned. With Churchill, Stalin didn't mind weighing in. I think he rather liked his reaction.

HUNTLEY. I believe you thought Stalin was an unquestioned war-time leader with great ability, didn't you?

Governor HARRIMAN. Yes, I did. I differentiate between his brutality and the manner in which he dealt with his internal affairs, which were utterly ruthless and brutal, although he did have ideology back of it—and that's a long story. I hope we will get some of it from his daughter, but—the memoirs will be most interesting, but he had—he was the leader. He understood every aspect of the civilian problem, the supply problem, the food problem, and also every aspect of the military problem.

And I found him with great determination. When I saw him in September, early October of '41—that was when the Germans were first at the gates of Moscow, only 30 miles away—he was determined to hold out. When all the diplomatic corps left, he stayed in Moscow. And he told me at that time—he said, "If they take Moscow we will continue to fight, but we will have to go back of the Ural Mountains." He thought that Hitler had made a great tactical blunder by not driving to Moscow instead of fanning out in three attacks. You know, one towards Petrograd, or Leningrad, and one towards Moscow, and one down towards the oil fields.

If they had driven to Moscow they would have broken the control. The capital is the heart of the nation, and with all the communication and the center of industry, and all, it would have broken them. But he said, "We'll never surrender."

HUNTLEY. Well, Yalta was sort of the culmination of those years. Mr. Harriman, have you ever sympathized with any of these many doubts about the Yalta Conference?

Governor HARRIMAN. Well, there has been a myth which developed about Yalta which has nothing to do with the truth—Tehran, Yalta, and other occasions, when Churchill came to Moscow. President Roosevelt and Mr. Churchill tried their best to get Stalin to agree to give independence to those areas of Eastern Europe, Poland and the whole of Eastern Europe, which they knew would be dominated by the Red Army as the Red Army advanced and forced the Nazi forces back into Germany. And they got an agreement finally that—in Yalta—Stalin agreed to hold free and unfettered elections.

HUNTLEY. Why did he do that?

Governor HARRIMAN. My guess is that Stalin thought that the Red Army would be looked upon as an army of liberation from the Nazi terror; and I think they were very disappointed when they found the Red Armies looked upon as a new invading force. I found that out, not only Poland but also Roumania. And they were determined not to be—the body opinion of those countries were determined not to be dominated by a new invading force.

I think Stalin thought that if they had an election rather quickly—he urged that election take place in Poland within a month of the liberation—that in that enthusiasm for the Russians they would give—they would elect enough of a Communist party in power to be able to take over. That's the only explanation I can give.

But you know, Stalin was very ruthless. If he made a decision and he believed that it wasn't the right one he would change it without the slightest consideration.

HARSCH. Governor Harriman, you came back to San Francisco at the end of the war. I think it was the United Nations Conference, wasn't it?

Governor HARRIMAN. That's right.

HARSCH. And startled a good many people by saying what I suppose you said to Roosevelt when you referred to that by telling everyone that there was going to be trouble with Russia after the war. Would you go back and tell us the point at which you first realized that we were going to have a lot of trouble with Russia and why? What brought you to that point of view?

Governor HARRIMAN. Well, all through the war it was a question of whether they would cooperate or not. I realized they were treating us as potential enemies. They wouldn't tell us where their radio stations were, they wouldn't give us the facts about their own Red Army order of battle.

We exchanged daily the order of battle between each other as to what we knew about the German or the enemy order. But we would—they were very suspicious of us, and I thought it was very doubtful one way or another all the way through, but I still agreed with Roosevelt and Churchill, we should try to come to an understanding. And of course through the United Nations declarations and otherwise, they—through the Moscow declaration—they took some very strong positions which encouraged people to believe they were going to cooperate with us.

Now, I felt that there was a difference of opinion within the Kremlin councils, even Stalin's Politburo. There were differences of views. Some thought we ought to cooperate in the postwar world to help the reconstruction. Others thought that the dislocations were so great in the postwar world that was the time to drive Communism forward. And of course the decision was to go it alone, to drive it forward.

Now, I don't want to give you an idea that Stalin didn't control the Politburo, but I was led to believe by what certain individuals told me who were there, that there were very free discussions in the Politburo of a new subject until a decision was made; but then when Stalin said, "Well that is it," anyone who left the room with a shrug of the shoulder was a marked man and was in Siberia the next day.

But I felt that there was a difference of opinion. And the decision was made. Stalin himself, and I saw him at Sochi in October 1945, said he had decided to pursue an isolationist policy, as he called it.

HARSCH. When do you think he made that decision?

Governor HARRIMAN. It's very hard to tell, but I think—my feeling was that he made it when he broke the agreements in Yalta—that he decided to go his own way, you know, when he refused to go through with the agreement on Poland.

But at that time I think I offended a number of—I don't know whether you were offended, Joe, but I offended a number of people by telling them a very simple fact, that we had to recognize that our objectives and the Kremlin objectives were different. They wanted to communize the world. We wanted what we called a free and democratic world, but that we'd have to try to find a way to live at peace in this small planet. And that was such a shock. I think you were at one of those meetings.

HARSCH. It shook a lot of people at that time, of course.

Governor **HARRIMAN**. Do you remember anything about the talks which you attended?

HARSCH. Well, I remember that one or two of our colleagues walked out, they were so shaken by it. It was the first time, I think, that a high person in Government had just stated flatly that we were in for real trouble with Russia after the war.

Governor **HARRIMAN**. Those were off-the-record talks, if you remember, and it was one of the few times in my life that the press has broken an off the record. But some people were so shocked they wrote that I was so unfriendly to the Soviet Union, I ought to be recalled as Ambassador.

HARSCH. But Stalin didn't regard you as unfriendly, did he?

Governor **HARRIMAN**. Well, you know he—the strange thing is that I've been very bluntly frank with him and also bluntly frank with his successors, but they know I'm frank and they know that I am strongly in favor of American objectives; but they know that I'm honest about it. And it becomes one reason why President Kennedy used me in dealing with some of the important negotiations with the Russians.

SCHERER. Before we move on, I just wanted to ask you one thing. The American public has seen a lot of Svetlana Stalina lately. Do you recall her?

Governor **HARRIMAN**. I never met her. I think my daughter, who was with me, believes that she met her, remembers meeting her. My daughter was with me in Moscow. My wife was not very well. But she was one of the few Western women who were in Moscow and she had an extraordinary experience during the war. But I think the closest I ever came to knowing about Stalin's daughter was in the time I was in Moscow in August '42.

The last night Churchill went around alone. The other three nights I was with Churchill. Stalin asked him to say for dinner, and he stayed from, I think, 7:30 until 3:00 o'clock in the morning, and he said he went to the living quarters, the apartment in the Kremlin, and this girl came in, who was a redheaded girl, a teenager, who had quite a devoted attitude towards her father, kissed him, and then helped lay the table. They of course said, sit down with them. And he told me about it the next day.

SCHERER. Certainly in April of 1945 you found yourself working for a new President, Harry Truman, a man that you hardly knew. Were you able to help him, to assist him in picking up the reins of government?

Governor **HARRIMAN**. Well, I don't know whether I helped him or not. I felt that it was very important for me to get back to Washington as fast as possible in order to tell him that Stalin was breaking his agreements in Yalta and give him a real pitch on the developments of the situation, and so I came back. I came back in forty-eight hours. It was a record, I think, from Moscow, in those days. I had a plane at my disposal. And I went in to see him.

I thought we were going to have a very long talk. I thought it was going to be rather difficult to persuade him, just as it would have been quite difficult to persuade Joe. I found that he had read all the messages that I had sent and that Roosevelt had sent to Stalin. He already knew that Roosevelt recognized that Stalin was breaking his agreements. And our conversation turned out to be quite brief.

He understood it. And that was the first time I realized what an extraordinary faculty Mr. Truman had of reading all of the documents. I found as I worked for him more and more it became even embarrassing, because things which I was supposed to know about as Secretary of Commerce he had read detailed reports when I had only read the summaries.

But by the time I saw him, which was shortly afterward, within a week of the time President Roosevelt died, I found he was fully aware of the problems, and I did try to get him to still work on it, and I got him to send Harry Hopkins to Moscow in June, the end of May, I think, of that year, to try to make a last pitch for coming to an agreement. And I never gave up on the possibility of working with the Russians and never have today. I have always said we must have a friendly hand out and our guard up.

But I became quite close to him, of course, over the years. In the beginning I had a very—I hardly knew him, as you say, but I got great respect for him at once even though in the beginning he was somewhat concerned over the lack of experience. For that reason I think he depended a little bit too much upon Jimmy Byrnes as Secretary of State. He was much wiser when he got control of things himself.

SCHERER. Well, as I recall, Governor, you had hardly gotten home from Moscow when you were off again as Ambassador, this time sent to London. How was that?

Governor **HARRIMAN**. I came back from Moscow in, I think it was, January—early February of 1946—and resigned. And Jimmy Byrnes, Secretary of State, asked me to come and see him. I was cleaning up some of the affairs, several weeks after I had been home, perhaps the end of February, early March. And he said, "Now, it would be very nice if you went to London."

I said, "No. I have been overseas five years, and I want to stay home with my family and go back to business." I think that was a quite natural thing to do.

He said, "Well, you'd better go talk to the President about it." So I arranged an appointment with the President, and I marshalled my—

SCHERER. Your arguments?

Governor **HARRIMAN**. Arguments, as to why I couldn't go, and I went to see him. And like most of my talks with him, they were very brief. I have forgotten what he called me—Averell or Ambassador—but in any event, he said, "I want you to go to London. We are having difficulty with the Russians over Iran." You remember there was the treaty they had with the British to pull their troops out of Northern Iran when the British pulled out of Southern Iran. "They're refusing to take their troops out of Iran, and this may lead to war. I must have someone in London that knows the British, as you do, and whom I have confidence in."

So my arguments dropped away, and I simply said, "Mr. President, when do you want me to go?"

He said, "As soon as you can get there."

And I did add, however, that, "Mr. President, I hope you won't forget me." Sometimes Presidents forget their ambassadors. "And don't leave me there too long."

So actually I was only Ambassador in Britain for six months.

SCHERER. Didn't he suddenly need a—how was it—Secretary of Commerce, and then brought you back into that?

Governor **HARRIMAN**. Yes, that was the famous difference with Henry Wallace over his speech on international affairs, which—and he had his choice of losing his Secretary of Commerce or losing his Secretary of State. So he lost his Secretary of Commerce. And then he called me up.

SCHERER. You were in London?

Governor **HARRIMAN**. I was in London. Actually I was with Mr. Churchill at his country place. And the sentry came in—he was then out of power, of course, but I still kept in contact with him—and he said, "The President of the United States is on the telephone." This made Mr. Churchill quite interested, and he said, "What do you think he's calling you about?"

And I said, "I think he's going to offer me the Secretaryship of Commerce."

SCHERER. Premonition.

Governor **HARRIMAN**. Well, I thought he'd live up—I trusted him, you know. I thought he'd live up to his promise to get me home, and this was in the news. Nobody had suggested it. So I said to Mr. Churchill, "What would you do?"

He said, "I'd go home, important as the ambassadorship to Britain is."

So he did call me up, and I said—the President said, "Will you come back as Secretary of Commerce?" And I said, "Yes, sir."

He said, "Did you hear me? I want you to come back as Secretary of Commerce."

I wasn't surprised. I think he was a little disappointed that I wasn't, but anyway, again I said, "When do you want me back?"

He said, "As soon as you can get here."

So I did get back within a couple of weeks after. It is a little bit hard for an ambassador to disengage. He has to say goodby to a lot of people. But that was—then of course from then on I got to know Mr. Truman very well, and later on I had a number of different jobs for him.

HUNTLEY. Governor Harriman, as you said earlier, as early as 1945 you could see a Communist threat to Western Europe and the need for a job of picking up. It was two years and more before this country responded, but we responded in an unprecedented way with the Marshall Plan. There was a figure in that stage of our history by the name of Senator Arthur Vandenburg, whom I am sure you knew. What about Vanderburg?

Governor **HARRIMAN**. I knew him very well. You know, he was an isolationist. That was perhaps one of his strengths. And he made a great speech in January 1945 recanting, and then President Roosevelt appointed him on the United Nations, on the commission, American Commission of the United Nations, and I saw him frequently.

Sometimes Truman didn't like all of his proposals for changes. He insisted that a Republican be appointed as administrator of the Marshall Plan, which led to Paul Hoffman's appointment.

But I think that he had an extraordinary influence at that time. He was a great parliamentarian. He converted some of the recalcitrant or the difficult Democrats, as well as the Republicans, and I think history should record the great role that he played at that time. In that way we had a real bipartisan foreign policy for that great period of international action.

HUNTLEY. Justifiably, Governor—

Governor **HARRIMAN**. May I say that does not detract from President Truman. President Truman had the initiative, had the determination, had the courage, to propose these great measures, but Vandenburg—his ability to get them through was all important.

HUNTLEY. You are recognized as a very charitable and kind man, and yet you have had quite a political and diplomatic life. I think possibly the roughest speech you ever made was in reference to Senator Taft. Was there much commotion about that?

Governor **HARRIMAN**. Oh, yes. That was the speech I made in September 1950, I think it was, and I was very strongly against McCarthyism. I thought that was going to—that we were going to have to pin the—we'd have to protect ourselves against the accusation that the administration was filled with communism, communists. You remember, he said there were 240 or something communists in the State Department.

So I always think an offense is the best defense. So I said, the real man that Stalin likes in this country, that is working for him—he doesn't know it, but it's Taft, because Taft opposed the Marshall Plan, opposed adequate funds for the Marshall Plan, opposed NATO.

And you remember Stalin declared war on the Marshall Plan even though they were originally invited to join. They were left out.

So I was sincere in that, but I got, I think, about 3,000 or more letters of condemnation saying that, how did I dare attack this great and honorable man.

Of course the newspapers to some extent exaggerated my statement. I didn't call him a communist. I said that this was the attitude, this isolationist policy was the attitude that played into Stalin's hands, and I said. "There is no doubt that Taft is honorable but he doesn't understand the importance of these other measures." I never called him a communist, as I was accused of doing.

Huntley. But that speech gave you credentials as a politician in addition to being a diplomat, didn't it?

Governor Harriman. I don't know, Truman never read the speech, but I asked him whether he would want me—I was then in the White House. You know, I had this sort of a Mac Bundy job. And Truman said, "If that's what you want to do, go ahead and do it."

You know, Truman called a spade a spade. And he didn't object to his colleagues doing the same. So I was brought up in that school.

Harsch. During the Truman Administration we fought what is known as the Korean War. That was called a limited war for limited objectives. Did you agree with keeping it a limited war? Do you believe that the United States should fight that kind of war?

Governor Harriman. Oh, I felt very strongly that President Truman was right when, the second time, he stated that the 38th parallel—opposed expanding the war into China. He was under a great deal of criticism, you remember, at that time.

Harsch. Very clearly.

Governor Harriman. A lot of people said we didn't win the war. Of course we won the war. The objective was to stop and roll back the Communist attack, and that was what we wanted to do.

Harsch. Governor, at the time of the Korean War there was a great deal of controversy in the Government over the decision to march to the Yalu. I remember that General Bradley, for example, chairman of the Joint Chiefs of Staff at that time, was strongly of the opinion that we should halt somewhere along the parallel or at one time at what they called the Narrow Waist.

Governor Harriman. That's right.

Harsch. There was a decision, however, to strike for the Yalu and we were thrown back. What was your position on that issue at the time?

Governor Harriman. Well, that wasn't quite that way. There was never any decision as far as the Government was concerned, as I recall it. I think it would be very hard to have stopped the United Nations forces from moving back and attempting to destroy the armies of North Korea.

There was very strong opinion—the British had it—that we should hold at the Narrows. And it was General MacArthur that moved ahead. The Joint Chiefs of Staff sent him telegrams saying, "Are you sure that you're not getting extended?"

And I don't think they fully knew that General MacArthur had divided his two armies, one to the east and one to the west, and it was through the center that the Chinese poured—didn't realize how exposed they were because it all happened so fast, but I remember very clearly being gravely concerned by the fact that the Marine Division went up into the reservoir, remember, and the Seventh Division moved up to the Yalu in the North, and I was gravely concerned because General MacArthur felt convinced the Chinese would not intervene.

I was at Wake Island, you remember, at that discussion, and I remember General MacArthur saying, "Mr. President, I know the Chinese well. I can assure you that they will never intervene."

His intelligence did not conform with that of Washington, and Washington kept warning him; but we have a system of giving the field commander a great deal of discretion. And this was not a decision. There was a lot of difference of opinion, but I know that I was gravely concerned by the attempt to move into the mountains.

Scherer. Governor, moving on a bit, you then took a plunge into elective politics in New York State. Did you find that that gave you as much satisfaction as serving in diplomatic lines?

Governor Harriman. Well, I was elected Governor of New York, and I was always tremendously interested in New York, had been interested, and lived there all my life. My father had taken an interest in it, and I thought that—I started a lot of new things. I brought some people from Washington who had had experience in the New Deal and in the developments.

I started an anti-poverty program which was cut out, old age program, particularly interested in care of mental cases. We changed the whole system from custodial care of mental hospitals to attempt to cure them so they could get home. And then we had a juvenile delinquency porrgam. We had about a dozen or more new programs. But that was only four years. We didn't have a chance to carry through.

I might tell you an amusing story about that. I have had a lot of different jobs, you know, and I think the last time—the last job I had with President Truman was being Director of Mutual Security. He swore me in. And I remember very clearly one of my—he told about the different things that I had done for him in the years he was President. I think there were half a dozen. There was one of my good friends in the White House, in a rather loud aside said, "When do you suppose Averell is going to be able to hold a steady job."

Well, you know, I thought when I was elected Governor I was going to have a steady job, but the people of New York didn't seem to think I was as good a Governor as I was, and they threw me out after four years. They elected another fellow. I've forgotten just what his name is—Rockefeller?

Scherer. I think that's his name.

In 1959 you went to Russia as a private citizen, and you met a new kind of Russian leader, Nikita Khrushchev. What did you make of him?

Governor Harriman. Yes. That was during the period when I was involuntarily unemployed. But I had a very long talk with him. As a matter of fact, it lasted—the first talk lasted—I had several later, but the first lasted ten hours, from one o'clock in the morning until eleven o'clock at night, and I never realized how much you could learn about a man at one sitting, because we covered almost everything.

Now, he—this may seem odd to say, but I don't remember—I hadn't remembered meeting him before, but he remembered me, because he had attended one of the banquets in the Kremlin. I used to sit on Stalin's left when these banquets occurred, De Gaulle or Churchill, or whoever it might be, on his right. And so he knew about me. Everybody knows about me because I was Ambassador during the war, and I was built up as a friend of Russia. I found him very amusing, a great sense of humor.

And he was hopeful, very hopeful, of improving relations between our two countries. But I think he wanted to do too much on the Russian line rather than on the American.

But he told me about the death of Stalin and the fact that they had had to demote the authority and strength of the secret police.

He said, "You know, in the later days of Stalin's life he was very arbitrary, trusted no one. We never knew when we were called to his office whether we'd ever see our families again." He said, "You know, people can't work under that kind of a fear." And he said, "We got together after his death and decided that we could never have the secret police with the authority they had because that's controlled by one man."

He said, "We had a certain amount of trouble with one individual, Beria."

I said, "What was the trouble with him?"

He said, "He was a little overly ambitious. You remember, they shot him." But it's interesting that he's the last one that they have shot.

And now he is retired. He, himself, is retired, and he's living as a private citizen. Molotov is living as a private citizen, or rather out of the government, and we see him occasionally. They feel sufficiently confident. They have control of the country. Although they have abandoned terror, you know, the knock at the door at midnight doesn't exist any more—but let me quickly say they rule the country by very stern discipline.

You know there is only one employer, namely, the Government. If you get into that one employer's bad graces there's no way that you can exist. And so that's the way they control not only the working people but also control the intellectuals.

But there is a pressure for more freedom You know, with more consumer goods the people want greater consumer goods. There is pressure to do more, in addition to which they realize after fifty years that they have to show a success of communism. That is one interesting thing.

You know, Stalin used to tell me that communism would sweep the world because of the mistakes of capitalism, great depressions, capitalistic wars, and once he rather colorfully said, "Communism breeds in the cesspools of capitalism." As Krushchev fifteen years later, sitting in the same office, leader of the Russian people, said, "We are making such an enormous success of communism that other countries are going to have to follow our example."

Now, Khrushchev was a little over-optimistic. You know, he would always tell you where they would be in five years and attempt to negotiate on that basis. But they really believe that it's a necessity now to make a success of it, and of course that's good.

And I think one of the most subversive things for communism that's being devised is this Fiat deal, you know, the automobiles.

Scherer. Sending the automobile to Russia?

Governor Harriman. I found that although people were very unhappy about the poor accommodations, the apartments are very crowded, a family living in one room, and that sort of thing, they think they're going to get that in time—they long for an automobile. It gives them a certain freedom.

And I think when they begin to get enough of them around—I found every family wanted an automobile, the pressure for automobiles and the need of all the things that go with automobiles, the roads and services, and one thing and another. That's why I say the Fiat deal is very subversive to communism, and I think it's one of the best things that's been contemplated.

Scherer. We have still another leader in Russia, Mr. Kosygin. You talked with him, too. Many people have the impression that the Soviet Union under Kosygin is less militant, that the outward thrust of international communism has subsided. Would that be your view?

Governor Harriman. No, I don't think the cold war is over.

I believe—I think the Cuban missile crisis was a watershed, where President Kennedy and Chairman Khrushchev looked down that nuclear barrel. They don't want to go through that again. And they realize that that was a great shock to them, that we would stand up, and I don't think they want nuclear war.

But they are all still, as you notice from your dispatches, still helping Castro's Cuba interfere in the internal affairs of Latin American countries, and there's no secret about this.

President De Gaulle is absolutely wrong in thinking the cold war is over, and I am delighted, of course, that the other fourteen nations, members of NATO, are sticking together. We have an integrated force, and I think the other fourteen realize that they would be knocked off one by one.

The Kremlin would like to fragmentize Western Europe, and they would do it if we didn't stick together. So the policy of holding NATO together is absolutely important, and those who think that the cold war is over are wrong.

When I think of the enormous change, when I sent the telegram in '45, I was then really concerned that Russian communism would take over the whole of Europe, and in my judgment they would have done so if it hadn't been for the extraordinary farsightedness of the people of the United States, the President and the Congress and the Marshall Plan, NATO, aid to Turkey and standing up in Berlin. They were tough times.

But we see that we now have such a—instead of an impoverished Europe, a vigorous, vital Europe, more vigorous than ever, coming together. We have been supporting integration from the very beginning. I think we have every right to be gratified by the events of the last twenty years, even though we have this very unhappy war still on in Vietnam. The progress in the period has been enormous.

HUNTLEY. Governor Harriman, 1960 then came on and that opened the beginning of the—opened the Kennedy era. Again you were called to service, roving Ambassador, and you brought in such things as a negotiated settlement on Laos, a nuclear test ban treaty, very important things. Again I would assume that these agreements the Soviet Union will sign when they can see it's to their advantage.

Governor HARRIMAN. Yes, that is true.

It's tough to negotiate with Russians. It's very easy to lose your temper and shout at them; but you have to be calm and sit through things, and then finally can come to an agreement, when if you try to find out what they want, see whether it can be meshed with what we want, even though our objectives may be the same as we now have, on the non-proliferation agreement, it's very hard to find a way of agreeing to it because they don't like to have people roaming around their country. They don't like to have any inspectors, you know. So we may have common objectives, but it's hard to find the formula to agree.

HARSCH. Now, you said when we were talking about the Korean War that General MacArthur had taken the firm position the Chinese would never enter that war. They did enter the war. We again today are having a similar controversy. It's very much like the Korean, with some people saying, "Look out, the Chinese may come in," others saying, "Never, they won't come in."

Are we in danger of repeating the mistake that General MacArthur made?

Governor HARRIMAN. I don't think as long as we have President Johnson as President we'll repeat the mistakes. I think he thoroughly understands the risks involved.

If you went at the North recklessly and invaded the North, I think it is quite plain that they might very well come in if we were to attack the North, attack China as they want to attack it, but North Vietnam does not want to bring the Chinese in. They want to be independent of China. And if we were to attempt to block them out or take the north over, which the President has no intention of doing, or changing the government in North Vietnam, they would come in.

By the same token the Russians are gravely concerned. They're not involved out there. But they consider themselves the great communist power, and this is a sister communist state, North Vietnam. I think they feel frustrated, that state can undergo the punishment which is going on with their being unable to do it, and they have given a very considerable amount of help.

I still believe, however, that the main—the opinion in Moscow that I know about is for ending the war if they can find a way to do it. But they haven't got the influence at the moment to do so. But I wouldn't be surprised if they played a part at one time in attempting to bring the war to a conclusion.

I know that the Eastern European countries, a number of whom I have talked to at the President's request—the Poles, for instance, a year ago last January, sent one of their senior foreign office men all the way to Hanoi to try to find a way. They were unable to find the formula. But they want to see the war over because they don't want to have a confrontation between the United States and Russia.

SCHERER. Governor, that brings us up to this very moment. How do we end the war in Vietnam?

Governor HARRIMAN. Well, I think the President has given us instructions to follow every lead. He has told me to spend my entire time on that subject, and I can assure you that every lead is being followed through.

So far there is no indication that North Vietnam is ready to come to the conference table. They have been—they're tough people. They've been fighting—Ho Chi Minh and his colleagues—for a long time. They want to take over the South. And they believe that we will—that they can hang on and we'll get tired.

I think the statement of the liberal Senators ought to disillusion them as to that.

So I think in time, with the number of people in the world that want to see peace, with a President that does, and with the growing strength—I have a great deal of confidence in the growing strength, prestige of the government in Saigon.

You know, its an extraordinary thing in the middle of a war to have a constituent assembly develop a constitution, the elections are going on, on the village and the hamlet basis. There will be an election in the autumn, September and October, for a president, for a national assembly. This will give the government real authority in respect to world councils, and I think that will be an important improvement in the situation.

But above all, I think that President Johnson has the determination but at the same time the restraint which is needed, as it was under Truman, to see us through that conflict, to a successful conclusion.

But lets remember this is a limited war, limited objectives, and when it comes to the solution its got to be a solution which achieves our limited objectives.

But he's quite ready, as you know, to announce that he's ready to have our troops come out and neutralize the area, and I am inclined to think the Russians don't want to see the Chinese expand and would be quite ready to accept a neutral area in Southeast Asia, just as they are willing to accept a neutral area in the subcontinent, India and Pakistan.

Mr. Speaker, Averell Harriman is a man of honor, integrity, and candor, of unique intelligence, knowledge, and perception, who has always demonstrated absolute loyalty to the United States and the Presidents who have called upon him to serve the Nation.

Not for over 100 years—since the time of John Quincy Adams—have we been blessed to have a man such as Averell Harriman spend his life in such dedicated and important service to our country and the cause of world peace. I fear we "shall not look upon his like again" for many, many years.

But we can still hope and anticipate, I am sure, that Averell Harriman—public servant and envoy extraordinary and international citizen—will continue to afford us the benefit of his counsel and wisdom for many years to come.

Mr. PATMAN. Mr. Speaker, it is a proud moment for all Americans when we are given an opportunity to reflect for a moment upon the career of a man such as the Honorable W. Averell Harriman. I am very frankly a partisan admirer of this gentleman from New York who has represented his country abroad with such efficacy and reflected such tremendous credit upon America, that I think back to that great Ambassador of earlier days for an adequate comparison—the Honorable Benjamin Franklin whose image of stalwart good sense did so much to gain acceptance for a young and emerging country. Governor Harriman is almost an exact contemporary of mine and we share a great deal of history, having lived closely with events of vital significance over the last 35 years during which he was the trusted advisor of those presidential giants who guided America through great trials and troubles to the summit of world power—Roosevelt, Truman, Kennedy, and Johnson. His career to my mind has been even more nobly marked by the dignity and generosity of soul with which he endured, or rather triumphed over those few episodes when fate could have been more kind, but the broad vista of his accomplishments is truly awe-inspiring, to be a successful financier and industrialist, to be Governor of the great State of New York, to be a member of the Cabinet, to be an Ambassador to Russia, to England, and, in effect, to the world at large, to be the person chosen for critical assignments when the gravest decisions of policy or difficulties of administration were before us; to be, in short, so uniquely qualified that when our best was needed, there was only one possible response—W. Averell Harriman. This is the record of a great man, indeed an unpretentious great man, one of such heroic stature that because of him we experience once again the nobility of service, the reality of patriotism, the exuberance of faith, and hope for America's future.

Because W. Averell Harriman has lived and worked among us, the fabric of our lives as citizens has gained strength and moved closer to that more perfect democracy toward which we aspire as the ideal government of a free people.

Mr. CAREY. Mr. Speaker, the role of a diplomat has assumed a great importance in our crisis-ridden world. The Berlin crisis, the Cuban missile affair, the Sino-Indian border war, the 7-day war in the Middle East, the *Pueblo* incident—all have called for an urgent solution to a confrontation which could plunge us into nuclear war. Some of these conflicts have been quickly solved or at least mitigated by a "troubleshooter" appointed to jet from capital to capital to soothe tempers and extinguish the fires of war. Such crises are deeply rooted in local history and in the tensions of our polarized world. Because of the potential global destruction involved, national leaders must act rapidly to prevent escalation where they cannot remove its causes. In this world of nuclear diplomacy we have not relied enough upon the professional diplomat who applies his skills to the solution of long-range problems.

At a time of urgent need for the experienced negotiator, we are losing to private life a mightily qualified veteran of the diplomatic arena, Averell Harriman. "The crocodile," as he is known to his associates, is a familiar figure in Washington. In combining his aristocratic background acquired from wealth, Groton and Yale, with the socially oriented programs of the New Deal, New Frontier, and Great Society, Harriman has joined the best of two worlds. Formerly a Wall Street industrialist, Harriman entered the ranks of New Deal liberals over a game of croquet in 1933. During the national recovery program of the thirties, he applied his administrative skills to bringing Americans out of the depression. Harriman was appointed to U.S. diplomatic posts in London and Moscow during World War II. Because of his experience with the tensions of Big Three diplomacy, he was one of the earliest to predict that hostility between East and West would follow the armistice. As ambassador to Europe, Harriman participated in European reconstruction. His role in the founding of NATO enriched his experience with the cold war. From 1954 to 1958 he served as Governor of New York. Reluctant to let Harriman's diplomatic talent lie fallow, President Kennedy drafted him into the New Frontier in 1961. The following year he directed negotiations which led to acceptance of the test ban treaty in 1962. He personally assessed the Sino-Indian border dispute for Kennedy in 1963. Because of his well-earned reputation, President Johnson asked Harriman to direct the Paris peace talks in the spring of 1968.

The nature of the Vietnam conflict with its repercussions on big power relations called for a man of Harriman's approach and broad range of experience. His personal acquaintance with men of power—along with his native intuition and a fine balance of shrewdness and compassion—has given him a sense of how to cope with them professionally. After three decades of involvement with leaders of Communist countries, Harriman has learned to appreciate the diversity of international communism. While aware of what he calls the "outward thrust" of communism, Harriman was one of the first policymakers to drop the notion of monolithic communism. His skeptical and informed approach has contributed to his diplomatic successes—he has entered negotiations fully aware of the motives, biases, tactics, and issues present at the conference table. In short, years of experience have coupled with a natural charm to produce the diplomatic artistry of Averell Harriman.

It is with great regret that we see Ambassador Harriman retiring from public life. Art Buchwald has dubbed him, in fun but also in respectful seriousness, "knight of the round table." Let us salute him as the supreme knight of contemporary diplomacy.

Mr. CULVER. Mr. Speaker, I am pleased to join my colleagues in the House of Representatives today to pay tribute to W. Averell Harriman. At a time when serious questions are being asked about the fundamental nature of our society and the role of the individual in this democracy, Averell Harriman stands as a model of true Americanism and an inspiration to men of all ages, in every area of the world.

His contributions as businessman, Governor, Ambassador, and Cabinet officer have been extensive and invaluable; but he will be noted and appreciated most as peacemaker.

A restored and stable Western Europe bears the imprint of his efforts, and the peace we are able to achieve in Southeast Asia will be built upon the cornerstone which he has laid, as Ambassador at Large, as Assistant Secretary of State, and as our first principal negotiator in Paris.

I share the respect and admiration of a grateful nation for the peerless contributions of this giant public servant.

Mr. FUQUA. Mr. Speaker, it can truly be said of Averell Harriman that he asked not what his country could do for him, but rather what he could do for his country.

No prize is more devoutly sought than that of world peace and no man has given more of his time and efforts in that endeavor than the distinguished former Governor of New York.

The patience and devotion which has typified Governor Harriman throughout his public career places an entire nation in his debt. He has been called upon to fulfill so many difficult tasks for America and each time he has responded with the same spirit of dedication to his fellow man.

It can truly be said that here in our time was one of the peacemakers.

Mankind for generations to come owes him a lasting debt of gratitude.

Mr. NEDZI. Mr. Speaker, when the younger Members of this Chamber reach retirement age and look back on their careers, one of their proudest claims will be that they once tread a small corner of the same stage which featured the legendary W. Averell Harriman.

Governor Harriman has, for 35 years, walked through the gallery of American and world history and has been involved in more great political events than probably any man still active.

Those of us who are students and practitioners of public affairs usually enjoy reading political biographies and studying the life styles of public figures. If we were to choose one life that we would like to emulate, we could hardly find one with more interest and diversity than the life of W. Averell Harriman.

For over three decades, and under five Presidents, he has served in the most sensitive and demanding positions.

After a distinguished career as a banker, railroad director, and sportsman, he began his extraordinary service as an officer of the National Recovery Administration—NRA—under Franklin D. Roosevelt. Following service in the Department of Commerce, he served as American Ambassador to Russia, Britain, and NATO; Secretary of Commerce under Harry S. Truman; Governor of New York, Assistant Secretary of State, and Roving Ambassador. He was Ambassador to Russia during one of the most sensitive periods of world history and saw clearly what many other liberals failed to see about the essential character of Stalin and Stalin's Russia. At a time when men of his age were generally found to be in retirement, he negotiated the difficult peace in Laos, followed it with the great success of the Nuclear Test Ban Treaty, and most recently served as our chief negotiator on the Veitnam talks in Paris.

Unlike several Members of Congress, I cannot claim close personal association with Governor Harriman. I have met him on occasion, but I "know" him primarily through his work.

We, in Michigan, first saw Governor Harriman in the fall of 1952, when he came to Detroit to speak in behalf of the Democratic candidate for President, Adlai Stevenson. Even then he was a legend in his own time. It seemed that we were seeing a man step out of the pages of a history book.

The late Senator Blair Moody introduced Harriman on that occasion and one line from the introduction remains with us.

He said:

> Although he was born to great riches, he overcame that handicap.

It was meant sincerely, not as a joke, and Moody turned immediately to the Governor and said, "Governor, I meant that in the best sense."

We all realized then that we were in the presence of a man who had all the material advantages and who could have indulged himself with more economic activity and sports but who had chosen to devote himself to the national welfare. And not only to the national welfare but to the thorniest problems confronting mankind.

We remember Harriman again in 1956, when he came to Michigan as a candidate for the Democratic nomination for President. Although he fared poorly, he nevertheless earned the affection of the Michigan delegates and party members whose hearts still belonged in that year to Adlai Stevenson.

We watched him operate as Governor of New York, we saw him lose in a stirring contest with Nelson Rockefeller and we saw him bounce back undeterred and without pretense to take on even more difficult tasks for the Kennedy administration.

As a Member of the House, I recall the great admiration which developed for his extraordinary diplomatic efforts in behalf of the Nuclear Test Ban Treaty. In those years of the New Frontier, he seemed to be the only "old hand" who could match strides with the young men around John F. Kennedy.

And finally, when the time came for negotiations in Paris on the Vietnam war, W. Averell Harriman was the logical man to represent our Nation.

In the long course of human events, it is rare that such a man is born. We are grateful for his work and for the privilege of seeing him in action.

Mr. STRATTON. Mr. Speaker, I rise today to join with the gentleman from New York (Mr. Bingham) in paying tribute to a great American and a great Ambassador, Averell Harriman, who with the change in administrations has come home now from his most recent top-level diplomatic assignment as the chief American representative and negotiator at the Paris peace talks.

There has been some suggestion in the papers that this might be the last of Governor Harriman's vital missions for his country, and that now he could enjoy, with Mrs. Harriman, the kind of quiet and peaceful retirement that his long and distinguished services surely have entitled him to. I am one who would reject that solution however. Knowing Averell Harriman I know he will never be one to go out to pasture while an important job remains to be done. There has been a change in administrations. But the problems that remain are the same; and, surprisingly enough, many of the policies in our dealings with foreign governments are likely to remain much the same too. In such circumstances, I am certain that there will soon come a time when the vast wisdom and extensive experience of Governor Harriman will prove to be vitally needed by his Nation once again. And I am sure that he will respond to such a call, just as he has done so faithfully in the past.

As one who has known the Governor for many years, who had the privilege of being a mayor of a large city in New York State when Averell Harriman was Governor, I want to pay my tribute to his great abilities in government, and to his dedicated service to his country and his State. As Governor he was always keenly interested in the problems of the cities, the smallest no less than the biggest. I remember when he came to Schenectady, early in his administration, as my guest, and I remember the interest he took in our problems. He helped me, as he helped many other mayors, try to do a better job for their people. His record as Governor of New York was a brilliant one that will long be remembered.

Equally are we in Averell Harriman's debt for the great and able job he has done in Paris. Trying to find a peaceful solution to this difficult and complex war is not an easy task. But Averell Harriman has got the talks on the track. He has quietly and patiently turned what could have been just a shouting match into meaningful negotiations. The talks may take time, and the path ahead may still be long and hard. But when we do achieve an honorable peace in Vietnam, as I am confident we will achieve it, no man will have done more to make that possible than Averell Harriman—world statesman, outstanding diplomat, businessman, and sportsman par excellence—but still, to those of us who knew him and worked with him in what I am told he still regards as his most exciting and eventful years—still, "just the Guv."

Mr. O'NEILL of Massachusetts. Mr. Speaker, as the talks continue in Paris to discuss a peaceful solution to the tragic war in Southeast Asia, we, in the House of Representatives, are paying tribute to a man who has helped this Nation and the world through many conflicts and crises.

Gov. William Averell Harriman is a gentleman of the highest order. His wisdom and sense of justice have been recognized by four former Presidents of the United States who have asked him to serve their administrations.

In 1933, President Roosevelt appointed Governor Harriman to the Business Advisory Council of the Commerce Department and 4 years later made him Chairman of the Council. Mr. Harriman was also asked to serve as Administrator for the National Recovery Administration. Near the end of his administration, President Roosevelt asked Mr. Harriman to serve as Ambassador to the Soviet Union. In 1946, his ambassadorship to the U.S.S.R. terminated with an appointment by President Truman to serve as Ambassador to the Court of St. James. Under President Truman, Mr. Harriman served as Secretary of Commerce and Presidential assistant. He became temporarily U.S. Representative in Europe under the Economic Cooperation Act of 1948, and again in 1950, as Chairman of the North Atlantic Treaty Organization Commission to study the Western defense plans. From 1954 to 1958, Mr. Harriman served the State of New York as Governor. When John Fitzgerald Kennedy became President, Mr. Harriman returned to Federal service as Ambassador at Large and later as Assistant Secretary of State for Far Eastern Affairs. In 1963 he was named Under Secretary of State for Political Affairs. President Johnson appointed him Ambassador at Large again in 1965.

Governor Harriman's ability to look beyond his own beliefs and experiences to those of others has made him an invaluable diplomat to the United States. His willingness to accept those opinions with a true fairness and honesty, with the wisdom of experience and of understanding has made him one of the most respected and beloved statesmen in the world.

For over three decades, W. Averell Harriman's service to the United States has been unfailing in its excellence and integrity. As our chief negotiator in Paris, Mr. Harriman worked long and grueling hours, striving to find common ground upon which the United States and North Vietnam could begin to build peace. He leaves Paris now having laid the foundations of a great edifice. Mr. Harriman's long career indicates that we will be hearing from him again, but if any man deserves a quiet time to reflect upon the past and to pass the present in peace and tranquillity, it is William Averell Harriman.

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to join with my colleague, the gentleman from New York, in this special congressional tribute to the dedicated and patriotic service of W. Averell Harriman to our good country.

We personal friends are proud of the fine work which he has done in Paris as chief U.S. negotiator at the peace talks and send him our very best wishes as he retires once more from public service.

I would like to include in the Record an editorial from the Pittsburgh Press of Saturday, January 18, 1969, which summarizes well Averell Harriman's contributions and accomplishments. I would also like to place in the Record an article from the Washington Post, Monday, January 27, 1969, presenting Averell Harriman's views on the peace negotiations. The articles follow:

[From the Pittburgh Press, Jan. 18, 1969]

Harriman Retires

It's hard to think of Averell Harriman, even at age 77, going into retirement. But that's what he says he will do after this week.

He is leaving his post as chief of the U.S. delegation to the Vietnam peace talks in Paris and retiring to his Washington, D.C., home.

Typically, Mr. Harriman was both blunt and optimistic as he talked to newsmen in Paris after announcing his retirement.

It is wrong, he said, to talk about "winning the war" in Vietnam.

Our objective is to insure the right of self-determination for the South Vietnamese and when that "limited" aim is achieved, we will have done our job.

Despite the current squabble over seating, he is confident the present talks will produce peace in the end.

As Mr. Harriman hands the Vietnam baton to his successor, Henry Cabot Lodge, he ends 35 years of top-level service to the nation.

A multi-millionaire railroad heir, he was attracted to President Roosevelt's New Deal and this began a career that embraced the following posts:

Wartime Ambassador to Moscow, postwar envoy to London, Secretary of Commerce under President Truman, head of the Marshall Plan effort in Europe, U.S. adviser in setting up NATO, director of our foreign aid agency, Governor of New York, under secretary of state for political affairs and ambassador-at-large.

President Kennedy once quipped that with the possible exception of John Quincy Adams, Averell Harriman had held "as many important jobs as any man in our history."

To all he brought tremendous energy, attention to detail, bluntness and resourcefulness. He never betrayed a shred of sentimentality, but he packed a great deal of good-will (well concealed) for peace and progress in the world.

If ever a citizen deserves a distinguished service medal from a nation well served, Averell Harriman is the man.

[From the Washington Post, Jan. 27, 1969]

Harriman: Soviets for Viet Peace

W. Averell Harriman, former chief U.S. negotiator at the Vietnam peace talks in Paris, said yesterday that Russia wants to see a peaceful neutral Southeast Asia that would check a "Chinese advance to the south."

The longtime diplomatic troubleshooter for four Presidents said that the Russians had been "helpful in October" and "recently" in getting the Paris talks going. But he gave no details.

He told newsmen on the NBC interview program "Meet the Press" (WRC) that Soviet Premier Kosygin had "made it very plain that they wanted to see peace come to Southeast Asia."

Harriman said the United States and Russia "are working in parallel policies with India and Pakistan, and I think we can work with parallel policies in Southeast Asia."

Harriman expressed the hope, but made no flat prediction, that there could be an agreement to de-escalate the fighting in Vietnam this year and for the mutual withdrawal of troops by the United States and North Vietnam.

He believed that such agreements would

have to be reached before there could be any cease-fire.

He said a political settlement between the South Vietnamese government, the National Liberation Front and North Vietnam would have to come later, and must be worked out by the Vietnamese themselves.

Harriman disagreed with critics who said little was accomplished during the eight months of talks at Paris. "We got the negotiations started," Harriman said, ". . . the negotiating procedures were put on the rails and the new Administration will have the responsibility for the substantive discussions."

He added that "we are able to . . . discuss some of the basic problems with the North Vietnamese and we have some clues at least which we can turn over to the new Administration."

Harriman said the North Vietnamese are "fiercely independent" and want to be "indepedent of Peking."

"They want to have contacts with the West," he said. "They get technical assistance from the West. They are very interested in getting miracle rice. They want to be independent of China for their rice supply. There are issues of that kind which are not normally considered but eventually they want to reunify the country. How long that will take it is hard to say."

Mr. RYAN. Mr. Speaker, there are few men in public life today who have a more distinguished or lengthy record of public service than Averell Harriman. As a result of his service to five Presidents and his able leadership as Governor of the State of New York, Governor Harriman has held more important positions of state than any person since John Quincy Adams, and the Nation is truly indebted to him for the wisdom, insight, and courage which he has brought to bear upon some of the great decisions of our times.

Governor Harriman began his distinguished career in public service as an Administrator for the National Recovery Administration in 1934. A Republican and highly successful businessman and international banker, Governor Harriman switched parties in 1928 when he became concerned that the policies the Republican administration was following domestically and internationally were inimical to the interests of the Nation and the world community. Throughout his service as an administrator in the NRA and the Commerce Department, later as Secretary of Commerce, and finally as Governor of New York, Governor Harriman retained his commitment to the principles of the New Deal and his dedication to the public interest. Long before this Nation and many States had faced up to the reality of the problems of poverty, Governor Harriman launched antipoverty efforts in New York. His concern for the welfare of the people of his State caused him to initiate legislative programs on old age, mental health, and education.

Averell Harriman has served the international community as well as his Nation and his State. Since World War II Governor Harriman has been at the center of action. His advice has been asked at almost every major diplomatic turning point. Albert Einstein once said, "Peace cannot be kept by force—it can only be achieved by understanding," and to the quest for understanding Averell Harriman has been dedicated. His grasp of the Soviet mentality and his understanding of Communist affairs and problems have enabled him to be a tough negotiator, as well as a proponent of the peaceful resolution of conflict.

Governor Harriman's diplomatic career began in 1941 when he was appointed by President Franklin D. Roosevelt as his special representative in Great Britain. At this time he established the rapport and friendship with Winston Churchill and the understanding of the British outlook which enabled him to be a valuable adviser at the Yalta and Potsdam Conferences.

In August of 1941 Averell Harriman went to Moscow as Ambassador for the United States. Like Churchill, Stalin came to respect Harriman, and the Ambassador added to his understanding of men of power.

Averell Harriman is not afraid to speak his mind—to put forth the bare bones of truth no matter how they rattle—for in his own words:

> The middle-of-the-road is not a very safe place to drive. It's not too safe even in domestic affairs. But certainly in foreign policy it can be disastrous.

Thus, in 1945 Averell Harriman warned the Nation's decisionmakers that the Soviet Union's spirit of cooperation and friendship would wane in the postwar world, that our mutual objectives would lead to competition and conflict. He sought in his words "to find a way to live in peace on this rather small planet." His prescription was a policy of "competitive coexistence."

Governor Harriman has been a leader in the field of international cooperation. During his mission to Britain in 1941 Governor Harriman helped coordinate lend-lease activities. After the war he was U.S. representative in Europe under the Marshall plan. Later Harriman brought his indefatigable spirit and vast experience to the study of Western defense plans as the U.S. representative to the NATO Commission.

Someone once said that he "who gives a nation peace, gives tranquillity to all." At Yalta, Potsdam, Geneva, and most recently Paris, Averell Harriman has sought to find peace that will lead to international tranquillity. In recent years under Presidents John F. Kennedy and Lyndon Johnson, Governor Harriman has again accepted difficult negotiating assignments. When President Kennedy was faced with the complexities of the crisis in Laos, he sent Averell Harriman to Geneva to head the U.S. delegation. With Governor Harriman as its chief representative the United States achieved its objective—the agreement to create a neutral Laos.

In 1963 President Kennedy again called upon Averell Harriman when he needed a man to negotiate perhaps the most important treaty of this century—the nuclear test ban agreement. Kennedy needed a man who would be a tough negotiator and a good conciliator; and such a man is Averell Harriman, for in his own words his philosophy of negotiation is to "have a friendly hand out and our guard up." Harriman brought to the talks his long experience in dealing with the Soviet Union and his understanding of Communist objectives and motivations. He came home with the Test Ban Treaty the President sought.

Since last May Governor Harriman has been in Paris attempting to negotiate a settlement in Vietnam. The understanding finally reached on procedural questions has formed the framework upon which the final settlement can be built, and his patience during the tedious and tortuous course of the negotiations helped to make that possible.

Since Averell Harriman has not been allowed to retire, and in hours of need American Presidents have repeatedly called him back to serve, I am sure that our country will continue to profit from the benefit of his experience, insight, and courage. Few have served their country with such loyalty, dedication, and tirelessness, and few can speak with such authority on the problems which confront us.

Governor Harriman once said:

> The most fascinating problems . . . are international relations, the most lasting in their effect on our country and on the development of human life.

Through his skillful use of diplomacy Averell Harriman has had a profound impact on the international community. Andrew Carnegie once wrote:

> The man who passes into history as the chief agent in banishing or even lessening war, the great evil of his day, is to stand for all time among the foremost benefactors.

As men in the future look back over the mid-20th century and weigh the diplomatic crises and their influence on the course of history, the accomplishments of Averell Harriman will remain a measure of excellence in diplomacy, and history will record his role as an agent of peace.

Mr. FRIEDEL. Mr. Speaker, it is indeed a pleasure and a privilege to join in paying a well-deserved tribute to a truly extraordinary public servant who is affectionately known as "Honest Ave" and as "The Man Who Won't Grow Old."

For more than 35 of his 77 years, W. Averell Harriman has given the best of himself to our Nation and to his native State of New York after having had wide experience in both the railroad industry and in the world of finance and banking. Notwithstanding the fact that he is a man whom many consider an aristocrat and who inherited a large fortune at an early age, he preferred to assume the exacting duties and burden of public service rather than a life of ease and leisure. He is cast in the tradition of the 19th century Englishman—the wealthy man who feels it a duty to put his inherited advantages at the disposal of his country. A product of exclusive Groton and world-famous Yale, he spent his summer vacations working as a clerk and a section hand in the Union Pacific Railroad yards at Omaha, Nebr. Upon receiving his degree from Yale University, he once again went to work for that railroad company, and in less than 2 years had risen to become its vice president.

A forward looking man with imagination, he showed the world what can be accomplished even during a period of great economic depression. In 1932, Harriman was selected for the post of chair-

man of the board of the Union Pacific. It was a period when other railroad systems were retrenching their operations and expenditures, but under his wise and enlightened leadership he had his railroad company pour out millions of dollars for modern streamlined aluminum trains which featured, among other attractions, trained-nurse stewardesses and low-price meals. As a direct result, and at the worst period of the depression while Herbert Hoover was President of the United States, Union Pacific's receipts from passenger traffic rose to 66 percent. Perhaps, today's railroads might profit from this example.

Although a Republican by birth, breeding, and environment, W. Averell Harriman became a Democrat and entered politics because of his enthusiasm for Al Smith of New York. President Franklin D. Roosevelt gave Harriman his first Government appointment as administrative officer for the National Recovery Administration—the NRA which the senior citizens still remember.

After a number of highly important assignments with the Federal Government, he became a member of the Cabinet by virtue of his being appointed Secretary of Commerce by President Truman in 1946.

It was, however, in the field of diplomacy and international relations that this unusually capable man gained world renown. After the German surrender and before Japan fell, it was Harriman who viewed the outward thrust of communism as not being dead and that the Free World might well have to face an impending ideological warfare just as dangerous as fascism. As American Ambassador to the Soviet Union, he became the first Western envoy to report that a thing we now call the cold war was about to be opened by the Reds. He said:

> **The real issue is not between free enterprise and communism, but between freedom and dictatorship.**

Later, when Moscow developed its own nuclear weapons, he concluded that negotiations with the Russians were indicated, however, he only wanted to negotiate with them from a position of strength. He contributed greatly to the negotiations of the Test Ban Treaty with the U.S.S.R. during the Kennedy administration.

For more than a quarter of a century, Harriman had dealt with most of the world leaders such as Winston Churchill, Stalin, Massadegh, Nehru, Tito, Tshombe, Nasser, Khrushchev, De Gaulle, and many others on behalf of the United States.

In 1954, he succeeded in being elected Governor of the Empire State and 2 years later made a creditable, but unsuccessful, attempt for the Democratic presidential nomination. One cannot help but admire an indestructible quality about Harriman's resolve to work on behalf of our country's best interests no matter who may be in the White House.

Evidence of W. Averell Harriman's culture and appreciation of the finer things in life may be gathered from his love of literature, music, and art. His collections of paintings include works of Picasso, Gauguin, Renoir, Van Gogh, and Cezanne.

The world is indeed a small one for Governor Harriman for he is the most roving of all our roving Ambassadors. He has served our country longer in higher and more diverse posts than any other American official of his time. One wonders how any man could have crowded so much useful and dramatic activity into his life as U.S. troubleshooter and dedicated public servant. He has managed to combine longevity with a comparative youthfulness, wisdom, with exuberance, and good fortune with an extraordinary sense of public responsibility.

May the years ahead be filled with health, happiness, and continued success for this great American—Gov. W. Averell Harriman. We all owe him a debt of gratitude for his efforts to help establish peaceful solutions to our Nation's problems with other countries.

Mr. ROYBAL. Mr. Speaker, I am delighted to have this opportunity to join my colleagues in paying tribute to an outstanding American, W. Averell Harriman, for his many years of distinguished service to the Nation.

Governor Harriman has devoted a large part of his life to promoting the interests of his country, and to advancing the cause of international peace.

A list of his many accomplishments and official government titles can give but a hint of the tremendous contribution he has made over the years to the well-being and security of his fellow citizens here in the United States, and around the entire world.

As a member of the House Foreign Affairs Committee, I am particularly impressed with his work in successfully negotiating the historic Nuclear Test Ban Treaty of 1963, and in guiding the difficult but vitally important negotiations in Paris to try to find a peaceful solution to the bitter war in Vietnam.

As we pause to salute this great American elder statesman, I believe it would be appropriate to include in the CONGRESSIONAL RECORD at this point two excellent articles from the Washington Post which seem to capture some of the meaning in the life of this remarkable world citizen. The articles follow:

Harriman Shows How Duty Is Done

(By William S. White)

No matter where the pendulum of fate may at last come to rest in Vietnam—whether fixedly pointed to honorable peace or to the flames of larger war—the New Year finds one of the old boys showing the young how duty is done at the center of the crisis.

Averell Harriman, an elderly party by any chronological test at 74, is putting one of this country's dearest cliche-myths, the cult of youth worship, to a severe test.

The most roving of all our roving ambassadors, he was more or less endlessly airborne at the approach of the New Year. In his somewhat dull but absolutely tireless and determined way he was carrying climactic messages from President Johnson to national leaders half around the world in America's final spasm of effort to reach a decent and nonappeasing peace to end the Vietnamese war.

His journeys would have exhausted most men of half his years. And beyond doubt there will be many other journeys before this curiously ageless man lays down at last a public career that began before many of his diplomatic colleagues had put on their first long pants.

His highest professional qualification is his record as President Truman's Ambassador to the Soviet Union, a long time ago now. In Moscow he became the first Western envoy totally to sense—and to report back home with no trimming—that a thing we now call the cold war was about to be opened by the Communist world.

But his highest human qualification is something else. His very age is the strength of his career. For alone among current high officials he cannot possibly be suspected, by the most suspicious associate or by Congress, of allowing personal ambition to color or to frighten in the smallest way his work or his recommendations.

So it is that all Washington knows one thing at least—that if he says something he believes it, purely and simply. He is not running for anything.

He is a man, this Harriman, who was twice cruelly disappointed in politics. The first time was when he was denied the presidential nomination that Harry Truman had earnestly sought for him. The second time was when Nelson Rockefeller unseated him as Governor of New York.

Many would have curled up and quit when the last and unsuspected blow had fallen. Harriman instead stolidly came here to work in the State Department in his grumpily quiet way, for President John F. Kennedy. For titles he clearly didn't give a damn. He stayed on with President Johnson. And as the titles came and went he still clearly didn't give a damn what rank-plate they put upon his door.

He was, in fact, a poor politician. His speeches, however written, were unconquerably pedestrian in his mouth, and in affectionate impatience he evoked the nickname of "Honest Ave, the Hair Splitter." For elective office the knack was simply not in him. He became instead a most superior public official of the appointive sort. He had, in spite of himself, found his place. This is perhaps why he is able to show the younger men how duty is at last done.

The late Adm. Ernest King, a glacially tough old type of the Second World War, said that when "they" in Washington got into trouble they sent for the So and Sos. Like King, Harriman could never have even got started in a popularity race. But, like Ernie King, Averell Harriman is a good type to have around when the heat is on and they need a man for a man's errand.

Honest Ave

(By Alfred Friendly)

Averell Harriman is and always has been a good soldier, which is to say that he does his duty with skill and loyalty. As ambitious as the next man, he bore such disappointments as came his way with grace and let none of them reduce his dedication to a larger goal.

The larger goal was the Nation; he has served it with only a few interruptions for the last 33 of his 75 years.

It began with Harriman in the role of poor little rich boy—or at least others saw him as such—kicking around the National Recovery Administration and the early defense production efforts in the middle and late '30s. He had come to Washington after a business career that was not notably meteoric, at least in comparison with that of his railroad tycoon father, E. H. Harriman.

AN UNPOPULAR SHOUT

The chores he undertook were respectable and Harriman did them respectably, but he began to shine only in 1941 when he made a lend-lease survey trip to Russia and came back to blast his former employers of the defense production organizations for their myopia.

Russia needed massive war material help from the United States; so did Britain; so would America need war production for itself. Harriman shouted for it when it was not popular to do so.

Beginning then, he seldom misread the big issues or backed the wrong answer on them. He knew that Hitler could be beat and said so when others had their doubts. More important, he knew what it would take to do it.

Having been the most energetic advocate of wartime aid to Russia, in 1945 he became almost the first important American figure to see the menace of Stalin and the onset of the Cold War. He was denounced—the usual terms in those days were "fascist warmongering beast"—for his prescience. He fretted under the opprobrium, but the ordeal was not long drawn out; the picture that Harriman had identified when it was barely a sketch soon emerged clearly.

Dramatically enough, it was Harriman who negotiated with the U.S.S.R. the limited ban on nuclear testing in 1963. It was not Harriman who flip-flopped in his views of the Soviet Union; it was merely that he was usually the first to see when the Soviet Union changed the scene to be viewed.

MARSHALL PLAN KEY

After heading the American embassies in Moscow and London, he became President Truman's Secretary of Commerce, where he was an early and stanch anti-McCarthyite. Then came the big job as top American representative in Europe for the Marshall Plan.

Within the first two months on that job, he nailed down the one procedure without which the operation would have failed. Over the screaming protests of the beneficiary nations, he required them, rather than the United States, to divide the Marshall Plan pie among themselves, thus forcing European cooperation, the touchstone of success.

Not incongruously, Harriman lusted after elected office, and got it, as Governor of New York in 1954. Even earlier, he had been infected with Potomac Fever, and made some fair-to-middling if awkward tries for the Democratic nomination in 1952 and 1956.

He took his beating in those episodes, as in his subsequent defeat at the hands of Nelson Rockefeller for re-election as Governor, with a dignity and a generous spirit that were not merely part of good manners taught by Groton, Yale and the gentleman's life.

Harriman wanted other posts, too. When Dean Acheson got the job he hoped for in 1949—Secretary of State—Harriman drowned his chagrin with only one cocktail and became Acheson's most loyal and honorable supporter as well as admirer.

At 75, "Honest Ave" does not stand on pride of place or name or seniority. He tackles the special assignments he is given with the stamina of a 20-year-old and the wisdom of a man who has lived long enough to know what is important and worth doing.

GENERAL LEAVE

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject matter of my special order.

The SPEAKER pro tempore (Mr. WAGGONNER). Is there objection to the request of the gentleman from New York?

There was no objection.

TAX REFORM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 30 minutes.

Mr. HALPERN. Mr. Speaker, we hear a good deal of talk today about the need for fiscal responsibility, the need to reduce the Federal budget deficit, the need to resolve our domestic economic problems, and the need to strengthen our international financial position. Discussions of these problems have thus far centered around proposals for reduced Federal expenditures and increased income taxes.

However, I believe that there is another, more equitable way of dealing with our budget problems. For too long we have been laboring under an inequitable tax system—a system which lays the heaviest burdens upon middle and lower income groups while allowing citizens with large incomes to pay little or no taxes.

As it exists today, our tax system permits some taxpayers in the million-dollar-and-up bracket to pay no income taxes whatever. It permits the largest oil companies, with incomes in the billions of dollars, to pay an average tax of 8 percent, while at the same time, requiring many individuals earning $5,000 a year to contribute over 15 percent of their salaries to the Government.

What kind of tax justice do we have when 17 Americans with incomes of $1 million or more pay not 1 cent in taxes? What kind of tax justice do we have when a real estate corporation with a net cash return of over $5 million can not only pay no taxes but can legally report a tax loss of almost $2 million? What kind of tax justice do we have when a lawyer filing a client's tax return can discover that the client has six times as much income as he and pays only one-fifth as much tax?

In theory, our system is based on the premise of "ability to pay," but in actual practice it appears to be based on "inability to avoid paying."

Existing tax preferences are vigorously defended on a variety of grounds. Presumably, they are needed as an "incentive" to some generally desirable activity, or to relieve a "hardship" suffered by some industry or group of individuals, or to relieve an "inequity" arising from some other facet of our legal or economic structure. And, indeed, one cannot say that most preferences or exemptions are totally devoid of justification.

What must not be forgotten, however, is that what constitutes tax relief for some creates additional burdens for the remainder of the taxpaying public. Through our system of tax preferences, we have relieved some citizens from shouldering their proportionate share of our fiscal burdens at the expense of the majority of the taxpayers.

In addition, the loss of revenue to the Government through tax loopholes in itself constitutes a type of Federal expenditure. The Government has, in effect, granted subsidies to certain groups by allowing them to refrain from paying some—often large—portions of their taxes. Many of these subsidies, if subjected to the scrutiny given appropriations for regular Government expenditures, would not begin to pass under acceptable allocations of the taxpayers' money.

Mr. Speaker, I submit that at a time of high Government expenditure, when tax increases are being called for, the injustices of these tax inequities is compounded.

We cannot hope to achieve fiscal responsibility by means of any number of spending cuts or tax increases if our basic tax system operates in an irrational and unjust fashion. We have an absolute obligation to insure that in placing tax burdens on our citizens, we place them fairly.

Therefore, I am today introducing a bill which would help the average taxpayer by eliminating inequities and favoritisms that have existed in our laws for too many years.

Basically, here is what this proposal would do:

Tax capital gains accumulated in estates;

Remove unlimited charitable deductions;

Tax stock option gains at income tax rates;

Require that related corporations be taxed as a single enterprise;

Eliminate tax-free status of municipal industrial revenue bonds;

Reduce mineral depletion allowances to 10 percent from a high of 27½ percent;

Increase gift tax rates to those established on estates;

Require that Government bonds used to settle estate taxes be valued at current market prices;

Limit farming loss deductions for "gentleman farmers";

Remove accelerated depreciation allowances on speculative real estate transactions; and

Require a minimum income tax of 20 percent on incomes of $50,000 and above.

Enactment of this legislation would catch at least $15 billion of the revenues lost in taxes annually through loopholes in our laws. This is almost $3 billion more than the $12.2 billion in added revenue which the Treasury Department indicates the surcharge is expected to yield this year. Therefore, if this were enacted, there would be no need whatsoever to continue the surtax on individual taxpayers.

Mr. Speaker, passage of this bill would not solve all of our economic problems, but it would be an excellent beginning. Therefore, I urge all my colleagues to join in support of this legislation.

LEGISLATION INTRODUCED FOR THE RELEASE BY THE GENERAL SERVICES ADMINISTRATION OF 100,000 SHORT TONS OF LEAD FROM THE NATIONAL AND SUPPLEMENTAL STOCKPILES

The SPEAKER pro tempore. Under previous order of the House the gentleman from New Jersey (Mr. SANDMAN) is recognized for 5 minutes.

Mr. SANDMAN. Mr. Speaker, I have today introduced legislation providing for the release by the General Services Administration of 100,000 short tons of lead from the national and the supplemental stockpiles. All of the lead in these stockpiles has been declared surplus to defense or strategic requirements, but may be disposed of only if expressly authorized by an act of Congress. The stockpile objective for lead was reduced to zero by the Office of Emergency Preparedness on June 17, 1963. As a consequence, the entire current inventory of 1,164,000 short tons of lead is excess to estimated requirements.

Consumption of lead in the United States has increased substantially during recent years due to generally favorable economic conditions and increased production by lead-consuming industries. The principal uses of lead are in automotive batteries, 40 percent of total consumption; antiknock compounds, 19 percent; paint pigments, insulation, and other products such as cable, solder, pipes, and ammunition.

Annual U.S. consumption of lead approximates 1,350,000 short tons, with about 500,000 tons by secondary smelters, and the balance from imports. During the latter part of 1968, increased automobile production, replacement battery demand, and gasoline usage resulted in extraordinary lead consumption.

While various domestic lead producers have planned additional production facilities, construction and technical problems delayed their completion and reduced primary producers' domestic stocks to only 19,000 tons as of December 31, 1968. Already some domestic battery and antiknock compound producers have been forced to curtail production and shipments, with resulting layoffs of workers, due to inadequate lead supplies. Unless additional sources of supply become available within the next 45 days, these industries will be forced into more severe cutbacks and, in certain instances, discontinuances of production.

The current market price of $0.135 per pound is the highest since 1967 and will allow the Federal Government to realize $27,000,000 from the sale. In view of the new domestic production facilities that will be on stream in late 1969, the current price is likely to be as good as or better than that which can be expected to be realized by the Government in the future. In addition, disposal of the surplus lead will eliminate the Government's storage costs for stockpiling this metal.

Present circumstances, therefore, are favorable for an orderly disposal of lead surpluses from the stockpile. One hundred thousand tons are estimated to meet needs until a balance between supply and demand can be achieved later this year.

This bill has the support of all major lead consumers and producers, and should be enacted promptly to correct the current critical imbalance between lead supply and demand.

WHAT THIS COUNTRY NEEDS IS A $9 BILLION TAX REFORM

The SPEAKER pro tempore. Under previous order of the House the gentleman from Wisconsin (Mr. Reuss) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, I introduce today for myself, the gentleman from Washington (Mr. Meeds), the gentleman from California (Mr. Rees), the gentleman from Michigan (Mr. William D. Ford), the gentleman from Pennsylvania (Mr. Moorhead), the gentleman from Washington (Mr. Adams), the gentleman from New York (Mr. Bingham), the gentleman from California (Mr. Brown), the gentleman from Wisconsin (Mr. Zablocki), and the gentleman from California (Mr. Edwards) H.R. 5250, the Tax Reform Act of 1969. The bill is designed to produce equity by plugging loopholes in our Federal tax system.

The Nation's 50 million low- and moderate-income taxpayers have just been told that they can expect an extension of the 10-percent surcharge for the year beginning next July 1.

Outgoing Secretary of the Treasury, Joseph W. Barr, told the Joint Economic Committee on January 17 of an incipient "taxpayers' revolt" at the loopholes in the Federal tax system. High income recipients often escape with little or no tax payments. In 1967, for example, 21 with incomes of more than $1 million paid no Federal income tax whatever: 155 with incomes over $200,000 paid none.

The 10-percent surtax has a sharp impact on the average American middle-class family. But to the wealthy enjoyer of loopholes, 10 percent of nothing is still nothing. This may account for the equanimity with which so many beneficiaries of the loopholes regard the 10-percent surtax.

For years, I have been pressing for tax reform. For years successive administrations have failed to propose a tax reform to the Congress.

But I do not despair. Now, in 1969, may be the time when tax reform is politically feasible.

Here is why.

The proposed extension of the 10-percent surtax would yield $9 billion in fiscal 1970. This yield is what the administration considers necessary in order to combat inflation.

H.R. 5250, by plugging 13 of the more notorious loopholes in our Federal tax system, would yield the very same $9 billion annually as is sought to be collected by the extended 10-percent surcharge.

There is no reason why an adequate loophole-plugging tax reform bill, with administration support, cannot be enacted between now and next June 30. If H.R. 5250 is enacted, its $9 billion increased revenues will make unnecessary the enactment of the extended 10-percent surcharge. If only part of H.R. 5250 can be enacted, the revenue thus raised will permit an equivalent reduction in the surtax.

Raising revenues by asking the beneficiaries of loopholes to pay their fair share will produce an equivalent reduction of the burden on the low and moderate income taxpayer, and thus greatly improve the equity of our tax system.

But much more than equity is involved.

Many of the loopholes themselves cause inflation in the very sectors of the economy which are most inflation-prone. Thus the 7-percent investment tax credit is largely responsible for the inflationary boom in capital equipment. Accelerated depreciation helps create the overstrained condition in the construction of office and luxury apartment buildings. The provisions allowing income tax deductions for hobby farms are at least a partial cause of the inflated prices of farmland.

Nor is this all. Many of these loopholes are indirectly responsible for the current policy of tight money and high interest rates which is proving so rough on the home building industry, on State and local government, and on small business. By creating particular incentives to build capital equipment, office and luxury apartment buildings, and hobby farms, the tax loopholes greatly add to the demand for the Nation's scarce supply of credit. This has been a leading cause of our current tight money and high interest rates.

Ironically, beneficiaries of the loopholes are hardly touched by the money-tightening policies of the Federal Reserve System. Tax loopholes make it possible for them to pay high interest rates and still make out. But the housing industry, State and local government, and small business have no such loopholes, and hence absorb all the impact of tightened credit.

Evidence also exists that tax loopholes, by showering bonanzas on the wealthy, hurt our balance of payments. The loopholes do this by providing the wherewithal for inflated investment by Americans overseas.

These are the reasons, then, why H.R. 5250 or some similar loophole-plugging tax reform is vitally necessary—to produce equity in our tax system before there is a taxpayers' revolt; to rid the tax system of inflationary pressures inherent in the system itself; to remove an important cause of our current over-tight money and high interest rates; to check unnecessary incentives toward capital investment abroad that hurts our balance of payments.

The sound and responsible fiscal approach for this country is to get the additional revenues needed from a loophole-plugging tax reform, not by an extended surcharge on the low- and moderate-income taxpayer.

The following is a section-by-section analysis of H.R. 5250:

SECTION-BY-SECTION ANALYSIS OF H.R. 5250

TITLE I: SHORT TITLE AND PROVISION FOR PERFECTING AMENDMENTS

TITLE II: TAXING CAPITAL GAINS UNTAXED AT DEATH—SAVINGS $2.5 BILLION

When shares of stock and other forms of property increase in value, the increase is subject to tax as a capital gain. However, the capital gains tax rate on property held for more than 6 months is only half of that for ordinary income, and it never goes higher than 25 percent. In addition, the tax is not assessed until the property is sold and the increase in value is realized.

But some capital gains are never taxed at all. Here is how it works. Suppose a taxpayer bought some stock in a small electronics company for $5000 back in 1958. The company has flourished and the stock is now worth $15,000. If he sells it now he will have to pay a capital gains tax on the $10,000 increase in value. For the high bracket taxpayer who pays the maximum 25 percent capital gains rate, this means a tax of $2500. But if he never sells the stock and it passes on to his heirs, neither he nor his heirs will ever have to pay income tax on the increase in value. The heirs' only responsibility for taxes is on any future profit they receive.

This loophole greatly favors those who have large amounts of accumulated wealth to pass on to the next generation.

Moreover, many older investors who would rather see their money go to their heirs than to the Internal Revenue Service tend to hold on to investments they would normally sell. As a result, capital which would otherwise be set free to flow into sound and productive investments is locked in, distorting investment decision-making.

Closing this loophole by simply taxing these capital gains at death would increase Federal revenues by $2.5 billion a year.

TITLE III: ELIMINATING THE UNLIMITED CHARITABLE DEDUCTION—SAVINGS $60 MILLION

The unlimited charitable deduction is a little-known device that costs the Treasury some $60 million a year in lost revenues.

The ordinary taxpayer may not deduct more than 30 percent of his income for his contributions to charity, no matter how much he gives. Not so for some millionaires, however. They are allowed to deduct gifts to charity without limit if—in that year and eight of ten preceding years—their charitable contributions plus Federal income taxes paid exceeded 90 percent of taxable income.

This may sound like a hard way to escape taxation, but it really is not if you are a millionaire and a careful investor. Notice that it is only 90 percent of taxable income that must be given away or paid in taxes—the millionaire who receives most of his income from capital gains, tax-free state and local bonds, and oil property will have relatively little taxable income. Thus the 90 percent requirement need not be a serious obstacle—a modest annual gift to a favorite charity, which might be a foundation set up by the wealthy taxpayer himself—and the full benefit of an unlimited charitable deduction is his to reap.

TITLE IV: ELIMINATING SPECIAL TAX TREATMENT FOR STOCK OPTIONS—SAVINGS $150 MILLION

The stock option loophole enables top executives of large corporations to pay taxes on part of their incomes at low capital gains rates.

It works this way. If the executive is rewarded by his corporation with a bonus or a raise, he pays taxes on it just like everyone else. If he is a top-level executive, however, the corporation is more likely to give him an option to purchase its stock instead. The option is simply a right to purchase the company's stock at any time the executive wants to within, say, the next ten years, at the price the stock is selling for at the time the option is granted. Thus an executive granted an option in 1960 when the company's stock is selling for $50 a share can exercise it in 1968 by buying the stock at that price, even though the stock may have risen in value to $300 a share during those eight years. Exercising the option therefore gives him a capital gain of $250 a share, taxable at the low capital gains rates. By contrast, the man who received the same amount of income in the form of salary or a bonus would pay an income tax at least double that of the option-favored executive.

If perchance the stock should decline in value the executive is no worse off. He has no obligation to buy the preferred stock, so he simply does not exercise his option.

As a result of President Kennedy's 1962 request that the stock option loophole be closed, the Revenue Act of 1964 tightened up the terms qualifying business executives for this privileged treatment. The privilege still remains, however. It is time to ring down the curtain on it.

By so doing, the saving to the Treasury could well be $150 million.

TITLE V. ELIMINATING THE $100 DIVIDEND EXCLUSION—SAVINGS $225 MILLION

Corporate stockholders are specially favored by the $100 dividend exclusion loophole. These generally high-bracket taxpayers get their first $100 of dividends each year tax-free. By contrast, their neighbors who put their money in savings accounts or in government bonds pay income tax on all the interest they receive.

The dividend exclusion was first written into the tax law in 1954. The ostensible reason was to compensate for the "double taxation" of dividends which are taxed first to the corporation as corporate income and then again as a dividend when distributed to the taxpayer.

The logic of this double taxation argument would lead to the conclusion that all dividends should escape tax, but even the strongest proponents of the 1954 dividend exclusion did not have the temerity to push for this.

Corporations and their stockholders are separate entities—legally and in fact. The very purpose of incorporation is to limit the owner's liability by separating his income and assets from those of the corporation. Since the stockholder benefits substantially by this legal separation from the corporation, it is no injustice for the law to continue to view the stockholder and the corporation as separate entities at tax time.

Double taxation, moreover, is all around us. Excise taxes, sales taxes, and use taxes are often pyramided on top of each other. There is a sales tax on automobiles, for example, yet many of the parts in the car were already taxed at least once before when they were sold to the car manufacturer.

Closing the dividend exclusion loophole would increase Treasury revenues by $225 million.

TITLE VI: ELIMINATING THE BENEFITS DERIVED FROM MULTIPLE CORPORATIONS—SAVINGS $200 MILLION

Dividing a business enterprise into a number of separate parts for tax purposes has long been a disorder of the corporate world. The advantages of multiple incorporation result from the way the corporation tax is set up: the first $25,000 of a corporation's earnings are taxed at 22 percent, while everything above that is taxed at 48 percent. Therefore, dividing the enterprise up into a number of separate corporations, each reporting earnings of $25,000 or less, avoids the extra 26 percent tax entirely. Since each $25,000 in earnings beyond the first $25,000 would otherwise be taxed at the full 48 percent rate, there is a tax savings of 26 percent of $25,000 (or $6,500) for each separate corporation.

Take, for example, a corporation with earnings of $100,000 a year—splitting it up into four $25,000 corporations can save $19,500 a year in taxes. There is one case on record of a corporation that divided itself into 734 separate corporations, for a tax saving that approached $5,000,000 a year.

Although Congress put some limits on the multiple corporation dodge in 1964, this loophole still costs the Treasury $200 million a year.

TITLE VII: REMOVING THE TAX EXEMPTION ON MUNICIPAL INDUSTRIAL DEVELOPMENT BONDS—SAVING $50 MILLION

Communities throughout the country are today issuing municipal bonds bearing tax-free interest to finance industrial plants and commercial facilities for private, profit-making corporations.

The usual technique is for the municipality to construct a plant in accordance with the corporation's specifications and then to lease the plant to the corporation, using the rental payments to retire the bond.

Although the interest on state and local bonds has long been tax-free, this privilege was not extended to industrial development bonds until 1954, and then not by law but by a Treasury ruling.

There is no justification whatever for extending the tax-exempt privilege to these bond issues. They serve no public purpose, but merely subsidize plant construction for large corporations that are fully capable of financing these plants themselves. They flood the tax-exempt bond market and drive up interest rates on all tax-exempt bonds. And they have been a prime weapon in the arsenal of rural, largely Southern, areas seeking to lure run-a-way plants from other parts of the country.

This plant piracy has forced a number of industrial states to allow their local governments to issue these bonds, with the result that some 44 states now authorize them. With virtually all states issuing these bonds, this kind of financing no longer gives one state an advantage over another. The states end up caught in a beggar-thy-neighbor rat-race which benefits no one but the subsidized corporations.

Early in 1968 the Treasury Department attempted to reverse its 1954 ruling by revoking the industrial development bond tax exemption. However, Congress thwarted this attempt by passing legislation that permitted the exemption to continue for most issues. The tax exemption was first limited to issues of under $1 million, except that larger issues for arguably public purposes (like sports arenas, airports, pollution abatement facilities, and industrial parks) would remain tax exempt. Congress then raised the upper limit on bond issues to $5 million if the issuing community was willing to work within certain restrictions. The upshot of all this is that some 87 percent of industrial development bond issues will continue to be tax exempt.

Closing this loophole for good would save the Treasury at least $50 million a year.

TITLE VIII: A MUNICIPAL BOND GUARANTEE CORPORATION AS AN ALTERNATIVE TO TAX EXEMPT BONDS—SAVINGS $900 MILLION

The interest on state and local bonds has been tax-free ever since the original income tax law of 1913. As a matter of fact, taxpayers need not even report this income on their tax returns.

As a consequence, state and local bonds have long been a favorite investment for the very rich. Although the average taxpayer perceives no great advantage in buying municipal bonds at 4 percent when he can get corporate bonds that will pay him 7 percent, the tax-free bonds look very good indeed to taxpayers in the 50-percent-and-up brackets.

Not surprisingly, then, over 80 percent of tax-free bonds held by individuals are in the hands of the wealthiest 1 percent of the population.

This tax exemption does, however, have one important redeeming feature—it enables hard-pressed states and cities to raise money for schools, roads, water purification plants, hospitals, and other essential public facilities at relatively low interest rates. Simply taxing the interest on municipal bonds, therefore, would force municipalities either to pay higher interest rates (which few of them could afford) or to forego badly-needed public improvements.

Fortunately there is a solution at hand that does not involve giving tax-free income to millionaire investors. The idea is this: tax the income from these bonds, but have the federal government pay a direct subsidy to states and cities to compensate them for their higher borrowing costs. The Treasury would come out comfortably ahead on the deal, since it now *loses* far more revenue ($1.8 billion in 1968) than the states and localities *save* in lower borrowing costs (about $.9 billion).

This Title therefore sets up a Municipal Bond Guarantee Corporation to guarantee State and local bond issues against default, and to pay to states and localities an interest subsidy sufficient to reduce their interest payments by one-third. The funds for the subsidy would come from general Federal revenues. In return for the guarantee and subsidy, states and localities would be required to waive the tax exempt status of the bond issues involved, thus allowing the Federal government to tax the interest.

Although municipalities could continue to issue tax exempt bonds, the Guarantee Corporation route would be more attractive in most cases. Treasury Department experts estimate that municipal borrowing costs are only reduced 25 percent because of the tax-exempt feature, while the Federal interest subsidy would reduce their borrowing costs by 33 percent. The Treasury would also come out ahead, since they would get an estimated 42 cents in extra tax revenue for every 33 cents that had to be turned over to municipalities as an interest subsidy.

TITLE IX: REDUCING THE MINERAL DEPLETION ALLOWANCE FROM 27½ PERCENT TO 15 PERCENT ON OIL AND FROM 23 PERCENT TO 15 PERCENT ON 41 OTHER MINERALS—SAVINGS $900 MILLION

The most notorious tax loophole of all is the oil depletion allowance. It allows oil producers to receive 27½ percent of the gross income from their oil wells tax-free—so long as it does not exceed 50 percent of net income. In theory, this is to compensate the oil man for the fact that the oil in his well is being used up, or depleted, by the drilling, much as other businessmen are allowed to take deductions for the depreciation of their plant and machinery. Unlike other industries, however, the oil depletion allowance continues year after year as long as the well keeps producing—it does not stop when the cost of the well is recovered. Normal cost depreciation, by way of contrast, permits capital assets to be depreciated over their useful life, but total deductions cannot exceed the total cost of the asset.

As a result of this provision, the Treasury estimates, the cost of the average oil well is recovered 19 times over. The effect of this on oil company tax bills is striking: in 1966 the 20 top oil companies in America cleared a total profit of more than $4¾ billion—yet they paid Federal income taxes at the rate of only 8½ percent. That is about the same rate a man and wife earning $3000 a year must pay.

Ideally, percentage depletion should be replaced with cost depletion. But since we are not living in an ideal world, this Title provides only that the oil depletion allowance be reduced by less than one-half, from 27½ to 15 percent, the percentage now applicable to over 40 other minerals. In addition, this Title would reduce to 15 percent the mineral depletion allowance on 41 minerals now enjoying a 23 percent depletion rate. Thus these two reforms would put a 15 percent ceiling on all percentage depletion.

The revenue gain from this modest proposal would be at least $900 million a year.

TITLE X: ESTABLISHING THE SAME RATE FOR GIFT AND ESTATE TAXES—SAVINGS $150 MILLION

Present tax law places a premium on a person giving away his property during his lifetime. Property given away during a donor's lifetime is taxed at the gift tax rate, which is only three-fourths as high as the estate tax rate that applies to property transferred at death. In addition, $3000 can be given away each year to any number of individuals without paying any gift tax. Finally, over and above these yearly $3000 gifts, $30,000 can be given away by a person during his lifetime without paying a gift tax.

This Title simply raises the gift tax rates by 25 percent to bring them in line with the estate tax rates. Property given away would then be taxed at the same rate without regard to whether it is given during the donor's lifetime or at his death.

This reform would bring in $150 million in extra revenues annually.

TITLE XI: ELIMINATE PAYMENT OF ESTATE TAXES BY THE REDEMPTION OF GOVERNMENT BONDS AT PAR—SAVINGS $50 MILLION

If upon death a person faces a probable $100,000 estate tax bill and has a smart lawyer, the lawyer will advise his client to buy $100,000 worth of long-term U.S. Government bonds. Why? Because the U.S. Treasury will redeem its bonds at par (face) value in payment of estate taxes, no matter what his client paid for them. If his client, for example, buys Government bonds for $80,000 and his estate turns them in at $100,000 a few weeks later, the decedent reduces his estate tax bill by 20 percent.

The Treasury loses $50 million a years as a result of this little known generosity.

TITLE XII: LIMITING HOBBY FARMERS' USE OF FARM LOSSES TO OFFSET OTHER INCOME—SAVINGS $400 MILLION

The "hobby farm" loophole allows wealthy individuals with a yen for the bucolic to escape both city life and a large amount of taxes by becoming gentlemen farmers. These part-time rustics get most of their income from sources other than farming, but by maintaining a farm they can take advantage of special farm accounting rules—which were developed to ease bookkeeping chores for ordinary, full-time farmers—and show "tax losses" which are not true economic losses. These tax losses are then used to offset non-farm income, generally resulting in a large tax savings overall.

Not only is this loophole a large drain on the Treasury—around $400 million a year—it also gives the hobby farmer an unfair competitive advantage over the genuine farmer. The ordinary farmer must compete in the market place with these wealthy hobby farmers, to whom a profit in the ordinary sense is not necessary. In addition, the Treasury has said, the attractive farm tax benefits available to the wealthy have caused them to bid up the price of farm land beyond that which would prevail in a normal farm economy.

This Title deals with the hobby farm problem by limiting the amount of non-farm income that can be offset by farm losses in any one year. For those with non-farm income up to $15,000, farm losses can offset this non-farm income in full. However, for each dollar of non-farm income in excess of $15,000, the amount of non-farm income that can be offset is reduced by a dollar. Thus, someone with a non-farm income of $20,000 could only offset $10,000 of it with farm losses, while someone with non-farm income of $30,000 or more could offset none of it with farm losses.

In addition, there are carryover and carryback provisions that allow farm losses to be offset against farm income—but no other income—for the prior 3 years and the subsequent 5 years.

TITLE XIII: ELIMINATING ACCELERATED DEPRECIATION ON SPECULATIVE REAL ESTATE—SAVINGS $150 MILLION

This Title would repeal section 1250 of the Internal Revenue Code, which permits accelerated depreciation on speculative real estate investments.

By taking advantage of this accelerated depreciation provision, a real estate speculator can deduct more than the normal amount of depreciation in the early years of a building's life in return for lower-than-normal deductions in the later years. However, if he sells the building at the proper time he can avoid those lower deductions in the later years. The new purchaser can in turn begin again with higher-than-average deductions, skimming the cream of accelerated depreciation before he too sells the property. The advantage of this for the speculator is that these higher-than-normal deductions can be used to offset ordinary income, reducing his tax bill.

But this is not the only tax advantage that flows from accelerated depreciation. If the speculator sells the property at a profit, his entire profit is taxed at the low capital gains rate—including the "book profit" resulting from accelerated depreciation. This extra book profit comes about because accelerated depreciation has reduced the nominal value of the property below what it would be if normal straight-line depreciation had been used. In most non-real estate transactions this extra book profit—the difference between book value and real value—is taxed as ordinary income. Not so for real estate (except in certain limited circumstances). There this fictional gain is taxed at the reduced capital gains rates.

Repealing the accelerated depreciation provision would save the Treasury $150 million annually.

TITLE XIV: REPEALING THE 7-PERCENT INVESTMENT TAX CREDIT—SAVINGS $3 BILLION

The 7 percent investment tax credit, enacted in 1962, permits business firms to subtract from their tax bills 7 percent of the value of eligible new equipment installed during the year. It was intended to stimulate the economy by providing a subsidy to private investment.

However, our economy has been overstimulated and we are now in a period of serious inflation, fed in part by the investment tax credit. The credit concentrates inflationary spending power on precisely that portion of the economy that is already most overheated—the capital goods sector. And, having stimulated inflation in the capital goods sector in the first place, it creates a second round of inflation by causing business to hasten to invest before inflation drives up capital goods prices even further.

Nor is this all. In order to damp down the inflation caused in considerable part by the investment tax credit, the country's monetary authorities are currently engaged in a policy of restricting money and credit and raising interest rates.

The purpose of the tight money policy is to slow inflation, mainly in the capital goods sector. Unfortunately, tight money and high interest rates fall upon the just and unjust alike. The business firm that over-invests in capital equipment may have to pay high interest rates, but it is bountifully subsidized by the government through the investment tax credit, and is thus largely insulated from the effects of interest rate increases. Meanwhile, the three segments of the economy that suffer most from tight money and high interest—the housing industry, state and local government, and small business—have no investment tax credit to rescue them from the effects of tight money and high interest rates.

This Title would repeal the investment tax credit for all property installed after its enactment, except that property which was ordered under binding contract before enactment would continue to qualify. Doing this would bring in an extra $3 billion in revenues annually.

The text of H.R. 5250 follows:

H.R. 5250

A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—GENERAL PROVISIONS

SECTION 101. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Tax Reform Act of 1969".

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 102. TECHNICAL AND CONFORMING CHANGES.

The Secretary of the Treasury or his delegate shall, as soon as practicable but in any event not later than 90 days after the date of the enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives a draft of the technical and conforming changes in the Internal Revenue Code of 1954 which are necessary to reflect throughout such Code the changes in the substantive provisions of law made by this Act.

TITLE II—CAPITAL GAINS UNTAXED AT DEATH

Sec. 201. Carryover of Basis at Death.

(a) Amendment of Section 1014.—Section 1014 (relating to basis of property acquired from a decedent) is amended by adding at the end thereof the following new subsection:

"(d) Decedents Dying After June 30, 1969.—In the case of a decedent dying after June 30, 1969, this section shall not apply to any property for which an adjusted carryover basis is provided by section 1023."

(2) Adjusted Carryover Basis.—Part II of subchapter O of chapter 1 (relating to basis rules of general application) is amended by redesignating section 1023 as section 1024 and by inserting after section 1022 the following new section:

"Sec. 1023. Adjusted Carryover Basis for Certain Property Acquired From a Decedent Dying After June 30, 1969.

"(a) General Rule.—Except as otherwise provided in this section, if—

"(1) carryover basis property is acquired from a decedent dying after June 30, 1969.

"(2) the gross estate at death of the decedent exceeds $60,000,

then the basis of such property in the hands of the person so acquiring it shall be the adjusted basis of the property immediately before the death of the decedent, further adjusted as provided in this section.

"(b) Carryover Basis Property Defined.—For purposes of this section, the term 'carryover basis property' means any property acquired from a decedent dying after June 30, 1969, which is property described in paragraph (1), (2), (3), (4), (6), or (9) of section 1014 (b), other than—

"(1) property acquired by the decedent before January 1, 1951,

"(2) property (not including property of extraordinary value) which is a personal or household effect,

"(3) property acquired by any person from the decedent before his death which was disposed of by such person before the decedent's death,

"(4) property described in section 2042 (relating to proceeds of life insurance), and

"(5) property which constitutes a right to receive an item of income in respect of a decedent under section 691.

"(c) Increase in Basis.—

"(1) In general.—The basis of carryover basis property in the hands of the person acquiring it from the decedent shall be increased by its proportionate share of the Federal and State estate taxes attributable to the net appreciation in value of all carryover basis properties.

"(2) Minimum increase.—In the case of any decedent, the aggregate increase under paragraph (1) shall not be less than whichever of the following amounts is the greater:

"(A) the amount (if any) by which $60,000 exceeds the aggregate bases of all property included in the gross estate (such bases to be determined after the application of section 1014 but before any adjustment under this section), or

"(B) the amount (if any) by which $15,000 exceeds the amount by which the aggregate bases of all property to which section 1014 applies (such bases to be determined after the application of section 1014) is greater than the aggregate adjusted bases of such property immediately before the death of the decedent.

"(3) Manner of allocation.—

"(A) In general.—Except as provided in subparagraph (B), the increase under this subsection in the basis of each carryover basis property shall be that amount which bears the same ratio to the aggregate increase determined under paragraphs (1) and (2) as the appreciation in value of such property bears to the aggregate appreciation in value of all carryover basis properties having appreciation in value.

"(B) Special rule for section 303 redemptions.—To the extent the decedent provides by will, the increase in basis under this subsection shall be allocated first to stock which is carryover basis property and which after his death is redeemed under section 303 (relating to distributions in redemption of stock to pay death taxes). Any remaining increase in basis under this subsection shall be allocated among the other carryover basis property in accordance with subparagraph (A).

"(4) Fair market value limitation.—The increase under this subsection in the basis of any property shall not exceed the increase necessary to produce a basis equal to the fair market value of such property.

"(d) Further Increase in Basis for Certain State Succession Tax Paid by Transferee of Property.—If—

"(1) any person acquires carryover basis property from a decedent, and

"(2) such person actually pays an amount of estate, inheritance, legacy, or succession taxes with respect to such property to any State or possession of the United States or to the District of Columbia for which the estate is not liable.

then the basis of such property (after any adjustment under subsection (c)) shall be increased (but not above its fair market value) by the portion of such amount which is attributable to the appreciation in value of such property.

"(e) Treatment of Community Property.—

"(1) In general.—The surviving spouse's interest in all community property—

"(A) for purposes of subsections (a)(2) and (c)(2), shall be treated as included in the gross estate of the decedent,

"(B) for purposes of this section (other than subsection (d)), shall be treated as property acquired from the decedent, and

"(C) for purposes of subsections (b)(1) and (e), shall be treated as property held by the decedent.

"(2) Community property defined.—For purposes of paragraph (1), the term 'community property' means property—

(A) held by the decedent and the surviving spouse as community property under the laws of any State or possession of the United States, or any foreign country, and

"(B) at least one-half of the whole community property interest in which was includable in determining the value of the decedent's gross estate under chapter 11.

"(f) Special Rules and Definitions for Application of Subsection (e).—For purposes of subsection (c)—

"(1) Federal and state estate taxes.—The term 'Federal and State estate taxes' means only—

"(A) the tax imposed by section 2001 or 2101, reduced by (i) any credit allowable with respect to a tax on prior transfers by section 2013 or 2102, and (ii) any credit allowable with respect to State death taxes under section 2011 or 2102, and

"(B) any estate, inheritance, legacy, or succession taxes, for which the estate is liable, actually paid by the estate to any State or possession of the United States, or to the District of Columbia.

"(2) Federal and state estate taxes attributable to net appreciation in value.—The term 'Federal and State estate taxes attributable to the net appreciation in value of all carryover basis properties' means that amount which bears the same ratio to the Federal and State estate taxes as the net appreciation in value of the carryover basis properties bears to the value of the gross estate (as defined in section 2031 or section 2103).

"(3) Net appreciation.—The net appreciation in value of all carryover basis properties is the amount by which the fair market value of all such property exceeds the adjusted basis of such property immediately before the death of the decedent.

"(4) Gifts.—In the case of carryover basis property acquired from the decedent by gift, the increase in basis under subsection (c) shall not exceed the amount by which the increase under such subsection is greater than the increase allowable under section 1015(d).

"(5) Charitable gifts.—If—

"(A) a deduction is allowable under section 2055 or 2106(a)(2) with respect to any property, and

"(B) such property is specifically identifiable as passing from the decedent to a use specified in such section,

then, to the extent of such deduction, such property shall be treated as property which is not carryover basis property.

"(g) Other Special Rules and Definitions.—

"(1) Fair market value.—For purposes of this section, when not otherwise distinctly expressed, the term 'fair market value' means fair market value determined under chapter 11 (including section 2032, relating to alternate valuation).

"(2) Property passing from the decedent.—For purposes of this section, property passing from the decedent shall be treated as property acquired from the decedent.

"(3) Decedent's basis unknown.—If the facts necessary to determine the basis (unadjusted) of carryover basis property immediately before the death of the decedent are unknown to the person acquiring such property from the decedent, such basis shall be treated as being the fair market value of such property as of the date (or approximate date) at which such property was acquired by the decedent or by the last preceding owner in whose hands it did not have a basis determined in whole or in part by reference to its basis in the hands of a prior holder.

"(4) Certain mortgages.—For purposes of subsections (c) and (d), if—

"(A) there is an unpaid mortgage on, or indebtedness in respect of, property,

"(B) such mortgage or indebtedness does not constitute a liability of the estate, and

"(C) such property is included in the gross estate undiminished by such mortgage or indebtedness,

then the value of such property to be treated as included in the gross estate shall be the value of such property, diminished by such mortgage or indebtedness.

"(5) Decedents nonresident and not citizens.—In the case of a decedent nonresident not a citizen of the United States—

"(A) this section shall be applied by substituting for the figure '$60,000' wherever it appears the amount of the exemption determined under section 2106(a)(3), and

"(B) subsection (c)(2)(B) shall be applied by substituting for the figure '$15,000' the amount which is equal to ¼ of the amount of the exemption determined under section 2106(a)(3).

"(b) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(c) Amendment of Section 1016(a).—Section 1016(a) (relating to adjustments to basis) is amended by striking out the period at the end thereof and by inserting in lieu thereof a semicolon and by adding at the end thereof the following new paragraph:

"(22) to the extent provided in section 1023, relating to adjusted carryover basis for certain property acquired from a decedent dying after June 30, 1969."

(d) AMENDMENT OF SECTION 691(c).—

(1) Section 691(c)(2)(A) (relating to deduction for estate tax in case of income in respect of decedents) is amended to read as follows:

"(A) The term 'estate tax' means Federal and State estate taxes (within the meaning of section 1023(f)(1))."

(2) Section 691(c)(2)(C) is amended to read as follows:

"(C) The estate tax attributable to such net value shall be an amount which bears the same ratio to the estate tax as such net value bears to the value of the gross estate."

(e) INFORMATION REQUIREMENT.—

(1) IN GENERAL.—Subpart A of part III of subchapter A of chapter 61 (relating to information concerning persons subject to special provisions) is amended by inserting after section 6039 the following new section:

"SEC. 6039A. INFORMATION REGARDING BASIS OF PROPERTY ACQUIRED FROM A DECEDENT.

"(a) IN GENERAL.—Every executor (as defined in section 2203) shall furnish with respect to the property of the decedent such information as the Secretary or his delegate may prescribe by regulations relating to—

"(1) the name and last address of the decedent;

"(2) the name and address of each person acquiring property from the decedent or to whom the property passed from the decedent, and a description of each item of such property;

"(3) the adjusted basis (within the meaning of section 1011) of each such item in the hands of the decedent immediately before his death; and

"(4) any other information similar or related in nature to that specified in this paragraph.

If an executor is unable to furnish all of the information required under this subsection with respect to an item of property, he shall include in his return as much of such information as he is able to, including a description of such item and the name of every person holding a legal or beneficial interest therein, and, upon notice from the Secretary or his delegate, such person shall be treated with respect to such item as if he were an executor for purposes of this section.

"(b) STATEMENTS TO BE FURNISHED TO PERSONS WHO ACQUIRE PROPERTY FROM A DECEDENT.—Every executor who is required to furnish information under subsection (a) shall furnish in writing to each person described in subsection (a)(2) such information with respect to each item of property acquired from the decedent or passing from the decedent to such person as is required under subsection (a) and which the Secretary or his delegate may prescribe by regulations."

(2) PENALTIES.—Subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end thereof the following new section:

"SEC. 6684. FAILURE TO FILE INFORMATION WITH RESPECT TO BASIS OF PROPERTY ACQUIRED FROM A DECEDENT.

"(a) INFORMATION REQUIRED TO BE FURNISHED TO THE SECRETARY.—Any executor who fails to furnish information required under section 6039A(a) on the date prescribed therefor (determined with regard to any extension of time for filing) shall pay a penalty of 1 percent of the fair market value of the property described in section 6039A(a)(2), or $5,000, whichever is less, for such failure, unless it is shown that such failure is due to reasonable cause and not to willful neglect.

"(b) INFORMATION REQUIRED TO BE FURNISHED TO BENEFICIARIES.—Any executor who fails to furnish in writing to each person described in section 6039A(a)(2) the information required under section 6039A(b), unless it is shown that such failure is due to reasonable cause and not to willful neglect, shall pay (upon notice and demand by the Secretary or his delegate and in the same manner as tax) $50 for each such failure, but the total amount imposed for all such failures shall not exceed $1,000."

(f) DISCHARGE OF EXECUTOR FROM PERSONAL LIABILITY.—Section 2204 (relating to discharge of executor from personal liability) is amended by striking out "notified," where it appears in the second sentence of such section and inserting in lieu thereof "notified or on furnishing of a bond pursuant to section 6165 in circumstances in which the Secretary or his delegate is satisfied that such payment will be made,".

SEC. 202. EFFECTIVE DATE.

The amendments made by section 201 shall apply only with respect to decedents dying after June 30, 1969.

TITLE III—REPEAL OF UNLIMITED CHARITABLE DEDUCTION

SEC. 301. REPEAL OF DEDUCTION.

Section 170(b)(1)(C) (relating to unlimited deduction for certain individuals) and 170(g) (relating to application of unlimited deduction) are repealed.

SEC. 302. EFFECTIVE DATE.

Section 301 shall apply with respect to taxable years ending after June 30, 1969.

TITLE IV—REPEAL OF STOCK OPTION PROVISIONS

SEC. 401. REPEAL OF PROVISIONS.

(a) QUALIFIED STOCK OPTIONS.—Section 422 (relating to qualified stock options) is repealed.

(b) RESTRICTED STOCK OPTIONS.—Section 424 (relating to restricted stock options) is repealed.

SEC. 402. EFFECTIVE DATE.

Section 401 shall apply with respect to options granted after June 30, 1969.

TITLE V—REPEAL OF DIVIDEND EXCLUSION

SEC. 501. REPEAL.

Section 116 (relating to partial exclusion from gross income of dividends received by individuals) is repealed.

SEC. 502. EFFECTIVE DATE.

Section 501 shall apply with respect to taxable years ending after June 30, 1969.

TITLE VI—MULTIPLE SURTAX EXEMPTION

SEC. 601. REPEAL OF PRIVILEGE OF GROUPS TO ELECT EXEMPTION.

Section 1562 (relating to privilege of groups to elect multiple surtax exemptions) is repealed.

SEC. 602. EFFECTIVE DATE.

Section 601 shall apply with respect to taxable years ending after June 30, 1969.

TITLE VII—MUNICIPAL INDUSTRIAL DEVELOPMENT BONDS

SEC. 701. ELIMINATION OF EXEMPTION.

(a) IN GENERAL.—Section 103(c) (relating to industrial development bonds) is amended to read as follows:

"(c) INDUSTRIAL DEVELOPMENT BONDS.—

"(1) SUBSECTION (a)(1) NOT TO APPLY.—Any industrial development bond (as defined in paragraph (2)) issued after June 30, 1969, shall not be considered an obligation described in subsection (a)(1).

"(2) INDUSTRIAL DEVELOPMENT BOND DEFINED.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'industrial development bond' means an obligation the payment of the principal or interest on which is—

"(i) secured in whole or in part by a lien, mortgage, pledge, or other security interest in property of a character subject to the allowance for depreciation, or

"(ii) secured in whole or in part by an interest in (or to be derived primarily from) payments to be made in respect of money or property of a character subject to the allowance for depreciation

which is or will be used, under a lease, sale, or loan arrangement, for industrial or commercial purposes.

"(B) EXCEPTIONS.—For purposes of subparagraph (A), property shall not be treated as used for industrial or commercial purposes if it is used—

"(i) to provide entertainment (including sporting events) or recreational facilities for the general public;

"(ii) to provide facilities for the holding of a convention, trade show, or similar event;

"(iii) as an airport, dock, wharf, or similar transportation facility;

"(iv) in the furnishing or sale of electric energy, gas, water, or sewage disposal services; or

"(v) in an active trade or business owned and operated by an organization described in subsection (a)(1).

"(3) EXCEPTION.—Paragraph (1) shall not apply to any obligation issued before January 1, 1969, for a project assisted by the United States under title I of the Housing Act of 1949 (42 U.S.C. 1450 and following, relating to slum clearance and urban renewal) or under title I or title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131 and following)."

(b) CERTAIN URBAN RENEWAL BONDS.—Section 102(g) of the Housing Act of 1949, as amended (42 U.S.C. 1152(g)), is amended to read as follows:

"(g) Obligations, including interest thereon, other than industrial development bonds (within the meaning of section 103(c) of the Internal Revenue Code of 1954), issued by local public agencies for projects assisted pursuant to this title, and income derived by such agencies from such projects, shall be exempt from all taxation now or hereafter imposed by the United States."

SEC. 702. EFFECTIVE DATE.

The amendments made by section 701 shall apply with respect to taxable years ending after June 30, 1969, but only with respect to obligations issued after such date.

TITLE VIII—MUNICIPAL BOND GUARANTEE CORPORATION

SEC. 801. ESTABLISHMENT OF A GOVERNMENT CORPORATION TO ASSIST IN THE EXPANSION OF THE CAPITAL MARKET FOR MUNICIPAL SECURITIES WHILE DECREASING THE COST OF SUCH CAPITAL TO MUNICIPALITIES

SEC. 802. FINDINGS AND DECLARATION OF PURPOSE.

(a) The Congress finds that the municipal security market, as now constituted, is forcing the Nation's municipalities and States to pay such a high rate of interest on their securities that they cannot afford to finance many needed public facilities. This high rate of interest is directly attributable to (1) the limited supply of private capital available in the present municipal securities market, (2) the institutional rigidities within such market, and (3) the failings of the existent municipal securities rating system which discriminates against most of the Nation's smaller communities and many of the larger cities and which fails to reflect the infinitisimally low rate of actual security defaults since World War II.

(b) It is the purpose of this title to expand the municipal capital market and thereby enable State and local public bodies to borrow private capital funds at net interest costs lower than are now obtainable through the issuance of securities and to provide Federal financial assistance to achieve such lower net interest costs at a net gain to the United States Treasury.

SEC. 803. DEFINITIONS.

As used in this title—

(1) The term "Corporation" means the "Municipal Bond Guarantee Corporation".

(2) The term "State" means the several

States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(3) The term "State or local public body" means any public corporate body or political subdivision; any public agency or instrumentality of one or more States, municipalities, or political subdivisions of one or more States (including any public agency or instrumentality of one or more municipalities or other political subdivisions of one or more States); any Indian tribe; and any board or commission established under the laws of any State to finance specific capital improvement projects.

(4) The term "needed public facilities" means any public work, public facility, or equipment relating thereto deemed necessary by a State or local public body; but does not include any industrial or commercial facility for private use, by lease, conditional or installment sales contract, or other means of transfer, where such facility is or will be used primarily for the mining, manufacturing, assembling, fabricating, storing, processing, or sale of articles or commodities.

Part I—Municipal Bond Guarantee Corporation

Sec. 811. Establishment of Corporation.

There is hereby established a body corporate to be known as the "Municipal Bond Guarantee Corporation." The Corporation shall have its principal offices in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident of the District of Columbia. The Corporation may establish offices in such other places as it deems necessary or appropriate in the conduct of its business.

Sec. 812. Board of Directors.

(a)(1) The Corporation shall have a Board of Directors (hereinafter referred to as the "Board") consisting of nine members to be appointed by the President, not more than three of whom shall be regular full-time officers or employees of the Federal Government. The Board shall be responsible for overall policymaking and general supervision of the Corporation.

(2) The President shall designate a Chairman and a Vice Chairman of the Board.

(3) Each member of the Board shall serve for a term of four years or until his successor has been appointed; except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(4) The Board shall meet at the call of the Chairman which shall be not less often than four times a year.

(b) Members of the Board, other than members who are regular full-time officers or employees of the Government, shall receive for their services, as members the per diem equivalent to the rate for GS–18 when engaged in the performance of their duties, and each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

Sec. 813. Executive Director.

(a) Subject to the general supervision and overall policymaking of the Board, the management of the Corporation shall be vested in an Executive Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) Section 5315 of title 5, United States Code, is amended by inserting at the end thereof a new paragraph as follows:

"(90) Executive Director, Municipal Bond Guarantee Corporation."

Sec. 814. General Powers of Corporation.

(a) For the purpose of carrying out its functions under this title, the Corporation shall have power—

(1) to have a corporate seal which may be altered at pleasure and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced;

(2) to sue and be sued;

(3) to enter into and perform contracts, leases, cooperative agreements, or other transactions, on such terms as the Corporation may deem appropriate, and consent to modification thereof, without regard to sections 3648 and 3709 of the Revised Statutes, as amended (31 U.S.C. 529 and 41 U.S.C. 5), and section 322 of the Act of June 30, 1932, as amended (40 U.S.C. 278a);

(4) to appoint and fix the compensation of such personnel as may be necessary for the conduct of its business in accordance with the provisions of title 5, United States Code, governing appointment in the competitive service, and chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, and to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem equivalent for GS–18;

(5) except as may be otherwise provided in this part, in the Government Corporation Control Act, or in any other laws specifically applicable to Government corporations, to determine the necessity for and the character and amount of its obligations and expenditures and the manner in which they shall be incurred, allowed, paid, and accounted for;

(6) to issue such rules and regulations as may be deemed necessary or appropriate to carry out the purposes of this title; and

(7) to exercise all powers specifically granted by the provisions of this title and such incidental powers as are necessary to carry out the purposes of this title.

(b) All suits of a civil nature at common law or in equity to which the corporation shall be a party shall be deemed to arise under the laws of the United States, except that no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the corporation or its property.

Sec. 815. Services and Facilities of Other Agencies—Utilization of Personnel, Services, Facilities, and Information.

The corporation may, with the consent of the agency concerned, accept and utilize on a reimbursable basis, the officers, employees, services, facilities, and information of any agency of the Federal Government, except that any such agency having custody of any data relating to any of the matters within the jurisdiction of the corporation shall, to the extent permitted by law, upon request of the corporation, make such data available to the corporation without reimbursement.

Sec. 816. Finality of Certain Financial Transactions.

Notwithstanding the provisions of any other law, any financial transaction authorized under this Act shall be final and conclusive upon all officers of the United States.

Sec. 817. Taxation.

The corporation, including its reserves, surplus, and income shall be exempt from all taxation now or hereafter imposed by the United States, or by any State, or any subdivision thereof, except any real property acquired by the corporation shall be subject to taxation by any State or political subdivision thereof, to the same extent, according to its value as other real property is taxed.

Sec. 818. Government Corporation Control Act.

Section 101 of the Government Corporation Control Act is amended by inserting after "Federal Housing Administration," the following: "Municipal Bond Guarantee Corporation,".

Sec. 819. Annual Report.

The Corporation shall submit to the President, for transmission to the Congress, a comprehensive annual report of its activities under this title.

Sec. 820. Appropriations.

Except as otherwise specifically provided for in this title, there are authorized to be appropriated such sums as may be necessary to enable the Corporation to carry out its functions under this title.

Part II—Functions of the Corporation

Sec. 821. Comprehensive Economic and Fiscal Reports.

(a) Upon the request of any State or local public body which intends to issue bonds or other securities to finance needed public facilities, or by any bond underwriting firm or bank planning to submit a bid for such bonds or other securities, or by any Federal agency that has received an application from a State or local public body for assistance in financing a public facility under a Government direct loan or loan guaranty program, the Corporation is authorized to provide a comprehensive report detailing the public body's economic and fiscal resources. Such report shall include, but not be limited to—

(1) a review of the economic circumstances of the area served by such body, such as demographic factors, business activity, construction patterns, income, employment, and public facilities infrastructure;

(2) an examination of such body's fiscal position including trends of revenues, expenditures, tax levies and collections, property valuations, Federal and State aids, direct and overlapping indebtedness;

(3) if revenue producing facilities are involved, an analysis of the relevant financial statements, rate schedules and users, and other financial developments; and

(4) appropriate economic, fiscal, and financial ratios, averages, and indices and comparisons of such measures with national and regional averages.

Such report shall exclude qualitative judgments or comparable comments that in any way involve an evaluation of the investment merits of a prospective bond issue or reflect a credit evaluation of the State or local public body concerned.

(b) The Corporation is authorized to charge and collect a fee for reports provided under this section to cover administrative and other necessary expenses. Such fee shall not exceed, in the case of any such report, one-tenth of 1 per centum of the amount of the bonds or other securities to be issued or loans to be made, but in no event shall the fee for any such report be less than $100 or more than $5,000.

(c) All fees received in connection with reports provided under this section, all funds in the form of gifts, bequests, or demonstration grants received from private foundations or associations, Federal agencies, or other public bodies seeking to improve the quality and availability of information relating to the economic and fiscal circumstances of State and local public bodies, and all other receipts of the Corporation in connection with the performance of its functions under this section, shall be deposited in a revolving fund to be established by the Corporation which shall be known as the "Municipal Economic and Fiscal Reports Fund". All administrative and other expenses incurred by the Corporation in connection with the performance of its functions under this section shall be paid from such fund.

(d) Notwithstanding any other provision of law, no application by a State or local public body for a loan under title II of the Housing Amendments of 1955, section 201 of the Public Works and Economic Development Act of 1965, section 306 of the Consolidated Farmers' Home Administration Act of 1961, or the Small Reclamation Projects Act of 1956 shall be approved unless there has been received by the administering Federal agency a comprehensive economic and fiscal report prepared under this section. Any fee paid in connection with any such report, as prescribed in subsection (b), may be included in the amount covered by the Federal loan or loan guarantee.

SEC. 822 DEBT SERVICE GUARANTEE CONTRACTS.

(a) Upon the application of any State or local public body, the Corporation is authorized to enter into a debt service guarantee contract to guarantee the payment of principal and interest on bonds or other securities to be issued by such body to finance one or more needed public facilities. Any such contract shall obligate the Corporation, during any period in which the bonds or other securities are outstanding, to pay to a trustee under an indenture securing such bonds or other securities (or to a paying agent where no trustee is provided for), such amounts as may be needed, when added to the moneys available from the taxes, revenues, or other funds pledged to such body as security for such bonds or other securities (including all reserve funds therefor), to make payments of principal and interest when due.

(b) No guarantee contract shall be entered into under this section unless—

(1) a comprehensive economic and fiscal report has been prepared by the Corporation, pursuant to section 821, with respect to the State or local public body applying for the guarantee;

(2) the interest income from the bonds or other securities with respect to which the guarantee is entered into is subject to Federal taxation, and such bonds or other securities are to be issued and sold to persons or entities other than the United States or any agency thereof; and

(3) the Corporation determines that (A) such bonds or other securities contain satisfactory amortization provisions not in excess of the debt capacity of the borrower, and (B) the public facility project to be financed is economically sound.

In making the determinations under clause (3), the Corporation shall rely, to the fullest extent possible, upon the data contained in the comprehensive economic and fiscal report referred to in clause (1), and upon the borrower's debt repayment record during the twenty-five-year period preceding the date of application for a guarantee under this section.

(c) The Corporation is authorized to charge and collect an annual fee, as consideration for a guarantee of bonds or other securities under this section, to cover necessary administrative expenses and to provide a reserve for losses. Such fee shall not exceed two-tenths of 1 per centum per annum of the aggregate amount of bonds or other securities covered by the guarantee contract which are outstanding at the beginning of each year.

SEC. 823. MUNICIPAL DEBT SERVICE GUARANTEE FUND.

(a) There is hereby established in the Treasury a revolving fund to be known as the "Municipal Debt Service Guarantee Fund" (hereinafter referred to as the "fund") which shall be used by the Corporation in carrying out section 822. Initial capital for the fund shall be obtained through the issuance by the Corporation of debenture notes, and notes so issued shall be subscribed to as follows:

(1) The Federal Deposit Insurance Corporation shall subscribe to such notes in a principal amount of $1,000,000.

(2) The Federal Savings and Loan Insurance Corporation shall subscribe to such notes in a principal amount of $100,000.

(3) Each Federal Reserve bank shall subscribe to such notes in a principal amount equal to two-tenths of 1 per centum of the surplus of such bank on January 1, 1968.

Subscriptions shall be accompanied by a certified check payable to the fund in an amount equal to one-half of the subscription. The remainder of such subscription shall be subject to call from time to time by the Corporation upon ninety days notice. Notes so issued shall bear interest at a rate to be determined in accordance with subsection (c), and shall be repayable in annual installments, commencing not earlier than ten years from the date of receipt of the subscription price.

(b) All fees received in connection with guarantees issued under section 822, all receipts from the issuance of debenture notes, all funds borrowed from the Secretary of the Treasury pursuant to subsection (c), all earnings on the assets of the fund, and all other receipts of the Corporation in connection with the performance of its functions under section 822 shall be deposited in the fund. All payments to trustees (or paying agents) under section 822(a), repayments of debenture notes issued pursuant to subsection (a), repayments to the Secretary of the Treasury of sums borrowed pursuant to subsection (c), and all administrative expenses and other expenses of the Corporation in connection with the performance of its functions under section 822 shall be paid from the fund.

(c)(1) The Corporation is authorized to issue to the Secretary of the Treasury from time to time notes or other obligations for purchase by the Secretary in amounts sufficient, together with moneys in the fund, to make payments of principal and interest on all bonds or other securities guaranteed under section 822 in accordance with a debt service guarantee contract. Such obligations shall be in such forms and denominations, have such maturities, and be subject to such terms and conditions as may be prescribed by the Secretary, with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Corporation reflecting the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the issuance by the Secretary and adjusted to the nearest one-eighth of 1 per centum.

(2) The Secretary of the Treasury is authorized and directed to purchase any notes or other obligations of the Corporation issued under this subsection, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act; and the purposes for which securities may be issued under such Act are extended to include the purchase of any such notes or other obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

SEC. 824. INTEREST REDUCTION GRANTS.

(a) In order to achieve a decrease in the interest cost burdens arising in the financing of needed public facilities, the Corporation is authorized to enter into contracts to make interest reduction grants to any State or local public body in connection with bonds or other securities issued by such body to finance needed public facilities; except that no grant shall be made hereunder in the case of any bonds or other securities the interest income from which is exempt in whole or in part from Federal taxation.

(b) The amount of any grant made under this section shall not exceed the sum of (1) the guaranty fee prescribed in section 822(c), and (2) 33⅓ per centum of the annual interest charge payable each year by the State or local public body on the bonds or other securities with respect to which such grant is made. Any such grant shall be payable for each of the years in which any of the bonds or other securities covered by the contract are outstanding.

(c) No grant shall be made under this section unless (1) the State or local public body has entered into a debt service guaranty contract pursuant to section 822, and (2) the Corporation finds that the interest charges on the bonds or other securities are reasonable, after taking into account the taxable status of the bonds or other securities, the availability of a Government guaranttee, and the general level of interest rates then prevailing.

(d) The Corporation may make advance or progress payments on account of any contract entered into pursuant to this section, notwithstanding the provisions of section 3648 of the Revised Statutes.

(e) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section. Any sums so appropriated shall remain available until expended.

SEC. 825. INVESTMENTS OF FUNDS.

Moneys in the Municipal Economic and Fiscal Reports Fund and in the Municipal Debt Service Guarantee Fund may be invested in obligations of the United States or in obligations guaranteed as to principal and interest by the United States, or in obligations eligible for investment of public funds. Such obligations may be sold and the proceeds derived therefrom may be reinvested in other obligations of the type herein prescribed. Income from such investment or reinvestment shall be deposited in the respective funds.

SEC. 826. CONFORMING AMENDMENTS.

(a) Section 202 (b)(1) of the Housing Amendments of 1955 is amended by striking the comma after "reasonable terms" and inserting in lieu thereof "with due allowance for the debt service guarantees authorized by title VIII of the Tax Reform Act of 1969,".

(b) Section 201(a)(2) of the Public Works and Economic Development Act of 1965 is amended by inserting after "on terms" the following: ", with due allowance for the debt service guarantees authorized by title VIII of the Tax Reform Act of 1969,".

TITLE IX—PERCENTAGE DEPLETION RATES FOR OIL, GAS, AND CERTAIN OTHER MINERALS

SEC. 901. REDUCTION IN RATES.

Section 613(b) (relating to percentage depletion rates) is amended—

(1) by striking out "27½ percent" in paragraph (1) and inserting in lieu thereof "15 percent"; and

(2) by striking out "23 percent" in paragraph (2) and inserting in lieu thereof "15 percent".

SEC. 902. EFFECTIVE DATE.

Section 901 shall apply with respect to taxable years ending after June 30, 1969.

TITLE X—INCREASE IN GIFT TAX RATES TO ESTATE TAX LEVEL

SEC. 1001. INCREASE IN RATES.

The table in section 2502(a) (relating to computation of tax) is amended to read as follows:

"RATE SCHEDULE

"If the taxable gifts are—	The tax shall be—
Not over $5,000	3% of the taxable gifts.
Over $5,000 but not over $10,000.	$150, plus 7% of excess over $5,000.
Over $10,000 but not over $20,000.	$500, plus 11% of excess over $10,000.
Over $20,000 but not over $30,000.	$1,600, plus 14% of excess over $20,000.
Over $30,000 but not over $40,000.	$3,000, plus 18% of excess over $30,000.
Over $40,000 but not over $50,000.	$4,800, plus 22% of excess over $40,000.
Over $50,000 but not over $60,000.	$7,000, plus 25% of excess over $50,000.

"RATE SCHEDULE—continued

"If the taxable gifts are—Continued	The tax shall be—
Over $60,000 but not over $100,000.	$9,500, plus 28% of excess over $60,000.
Over $100,000 but not over $250,000.	$20,700, plus 30% of excess over $100,000.
Over $250,000 but not over $500,000.	$65,700, plus 32% of excess over $250,000.
Over $500,000 but not over $750,000.	$145,700, plus 35% of excess over $500,000.
Over $750,000 but not over $1,000,000.	$233,200, plus 37% of excess over $750,000.
Over $1,000,000 but not over $1,250,000.	$325,000, plus 39% of excess over $1,000,000.
Over $1,250,000 but not over $1,500,000.	$423,200, plus 42% of excess over $1,250,000.
Over $1,500,000 but not over $2,000,000.	$528,200, plus 45% of excess over $1,500,000.
Over $2,000,000 but not over $2,500,000.	$753,200, plus 49% of excess over $2,000,000.
Over $2,500,000 but not over $3,000,000.	$998,200, plus 53% of excess over $2,500,000.
Over $3,000,000 but not over $3,500,000.	$1,263,000, plus 56% of excess over $3,000,000.
Over $3,500,000 but not over $4,000,000.	$1,543,200, plus 59% of excess over $3,500,000.
Over $4,000,000 but not over $5,000,000.	$1,838,200, plus 63% of excess over $4,000,000.
Over $5,000,000 but not over $6,000,000.	$2,468,200, plus 67% of excess over $5,000,000.
Over $6,000,000 but not over $7,000,000.	$3,138,200, plus 70% of excess over $6,000,000.
Over $7,000,000 but not over $8,000,000.	$3,838,200, plus 73% of excess over $7,000,000.
Over $8,000,000 but not over $10,000,000.	$4,568,200, plus 76% of excess over $8,000,000.
Over $10,000,000----	$6,088,200, plus 77% of excess over $10,000,000.".

Section 1001 shall apply with respect to calendar years after 1969.

TITLE XI—USE OF UNITED STATES BONDS TO PAY ESTATE TAX

SEC. 1101. REPEAL OF AUTHORITY TO USE BONDS FOR TAX PAYMENTS.

(a) REPEAL.—Section 14 of the Second Liberty Bond Act (31 U.S.C. 765) is repealed.

(b) PROHIBITION AGAINST USE OF BONDS.—Notwithstanding any other provision of law, no bond or other obligation of the United States may be accepted by the Secretary of the Treasury in satisfaction of any amount of Federal estate tax liability greater than the fair market value of such obligation at the time it is presented as payment of such liability.

SEC. 1102. EFFECTIVE DATE.

Section 1101 shall apply with respect to obligations acquired after June 30, 1969.

TITLE XII—USE OF FARMING DEDUCTIONS TO OFFSET NONFARM INCOME

SEC. 1201. LIMITATION ON DEDUCTIONS.

Part IX of subchapter B of chapter 1 (relating to items not deductible) is amended by adding at the end thereof the following new section:

"SEC. 277. LIMITATION ON DEDUCTIONS ATTRIBUTABLE TO FARMING.

"(a) GENERAL RULE.—In the case of a taxpayer engaged in the business of farming, the deductions attributable to such business which, but for this section, would be allowable under this chapter for the taxable year shall not exceed the sum of—

"(1) the adjusted farm gross income for the taxable year, and

"(2) the higher of—

"(A) the amount of the special deductions (as defined in subsection (d)(3)) allowable for the taxable year, or

"(B) $15,000 ($7,500 in the case of a married individual filing a separate return), reduced by the amount by which the taxpayer's adjusted gross income (taxable income in the case of a corporation) for the taxable year attributable to all sources other than the business of farming (determined before the application of this section) exceeds $15,000 ($7,500 in the case of a married individual filing a separate return).

"(b) EXCEPTION FOR TAXPAYERS USING CERTAIN ACCOUNTING RULES.—

"(1) IN GENERAL.—Subsection (a) shall not apply to a taxpayer who has filed a statement, which is effective for the taxable year, that—

"(A) he is using, and will use, a method of accounting in computing taxable income from the business of farming which uses inventories in determining income and deductions for the taxable year, and

"(B) he is charging, and will charge, to capital account all expenditures paid or incurred in the business of farming which are properly chargeable to capital account (including such expenditures which the taxpayer may, under this chapter or regulations prescribed thereunder, otherwise treat or elect to treat as expenditures which are not chargeable to capital account).

"(2) TIME, MANNER, AND EFFECT OF STATEMENT.—A statement under paragraph (1) for any taxable year shall be filed within the time prescribed by law (including extensions thereof) for filing the return for such taxable year, and shall be made and filed in such manner as the Secretary or his delegate shall prescribe by regulations. Such statement shall be binding on the taxpayer, and be effective, for such taxable year and for all subsequent taxable years and may not be revoked except with the consent of the Secretary or his delegate.

"(3) CHANGE OF METHOD OF ACCOUNTING, ETC.—If, in connection with a statement under paragraph (1), a taxpayer changes his method of accounting in computing taxable income or changes a method of treating expenditures chargeable to capital account, such change shall be treated as having been made with the consent of the Secretary or his delegate and, in the case of a change in method of accounting, shall be treated as a change not initiated by the taxpayer.

"(c) CARRYBACK AND CARRYOVER OF DISALLOWED FARM OPERATING LOSSES.—

"(1) IN GENERAL.—The disallowed farm operating loss for any taxable year (hereinafter referred to as the 'loss year') shall be—

"(A) a disallowed farm operating loss carryback to each of the 3 taxable years preceding the loss year, and

"(B) a disallowed farm operating loss carryover to each of the 5 taxable years following the loss year,

and (subject to the limitations contained in paragraph (2)) shall be allowed as a deduction for such years, under regulations prescribed by the Secretary or his delegate, in a manner consistent with the allowance of the net operating loss deduction under section 172.

"(2) LIMITATIONS.—

"(A) IN GENERAL.—The deduction under paragraph (1) for any taxable year for disallowed farm operating loss carrybacks and carryovers to such taxable year shall not exceed the taxpayers' net farm income for such taxable year.

"(B) CARRYBACKS.—The deduction under paragraph (1) for any taxable year for disallowed farm operating loss carrybacks to such taxable year shall not be allowable to the extent it would increase or produce a net operating loss (as defined in section 172(c)) for such taxable year.

"(3) TREATMENT AS NET OPERATING LOSS CARRYBACK.—Except as provided in regulations prescribed by the Secretary or his delegate, a disallowed farm operating loss carryback shall, for purposes of this title, be treated in the same manner as a net operating loss carryback.

"(d) DEFINITIONS.—For purposes of this section—

"(1) ADJUSTED FARM GROSS INCOME.—The term 'adjusted farm gross income' means, with respect to any taxable year, the gross income derived from the business of farming for such taxable year (including recognized gains derived from sales, exchanges, or involuntary conversions of farm property), reduced, in the case of a taxpayer other than a corporation, by an amount equal to 50 percent of the lower of—

"(A) the amount (if any) by which the recognized gains on sales, exchanges, or involuntary conversions of farm property which under section 1231(a) are treated as gains from sales or exchanges of capital assets held for more than 6 months exceed the recognized losses on sales, exchanges, or involuntary conversions of farm property which under section 1231(a) are treated as losses from sales or exchanges of capital assets held for more than 6 months, or

"(B) the amount (if any) by which the recognized gains described in section 1231(a) exceed the recognized losses described in such section.

"(2) NET FARM INCOME.—The term 'net farm income' means, with respect to any taxable year, the gross income derived from the business of farming for such taxable year (including recognized gains derived from sales, exchanges, or involuntary conversions of farm property), reduced by the sum of—

"(A) the deductions allowable under this chapter (other than by subsection (c) of this section) for such taxable year which are attributable to such business, and

"(B) in the case of a taxpayer other than a corporation, an amount equal to 50 percent of the amount described in subparagraph (A) or (B) of paragraph (1), whichever is lower.

"(3) SPECIAL DEDUCTIONS.—The term 'special deductions' means the deductions allowable under this chapter which are paid or incurred in the business of farming and which are attributable to—

"(A) taxes,

"(B) interest,

"(C) the abandonment or theft of farm property, or losses of farm property arising from fire, storm, or other casualty,

"(D) losses and expenses directly attributable to drought, and

"(E) recognized losses from sales, exchanges, and involuntary conversions of farm property.

"(4) FARM PROPERTY.—The term 'farm property' means property which is used in the business of farming and which is property used in the trade or business within the meaning of paragraph (1), (3), or (4) of section 1231(b) (determined without regard to the period for which held).

"(5) DISALLOWED FARM OPERATING LOSS.—The term 'disallowed farm operating loss' means, with respect to any taxable year, the amount disallowed as deductions under subsection (a) for such taxable year, reduced, in the case of a taxpayer other than a corporation, by an amount equal to 50 percent of the amount described in subparagraph (A) or (B) of paragraph (1), whichever is lower.

"(e) SPECIAL RULES.—For purposes of this section—

"(1) BUSINESS OF FARMING.—A taxpayer shall be treated as engaged in the business of farming for any taxable year if—

"(A) any deduction is allowable under section 162 or 167 for any expense paid or incurred by the taxpayer with respect to farming, or with respect to any farm property held by the taxpayer, or

"(B) any deduction would (but for this paragraph) otherwise be allowable to the taxpayer under section 212 or 167 for any expense paid or incurred with respect to farming, or with respect to property held for the production of income which is used in farming.

For purposes of this paragraph, farming does not include the raising of timber. In the case of a taxpayer who is engaged in the business of farming for any taxable year by reason of subparagraph (B), property held for the production of income which is used in farming shall, for purposes of this chapter, be treated as property used in such business.

"(2) INCOME AND DEDUCTIONS.—The determination of whether any item of income is derived from the business of farming and whether any deduction is attributable to the business of farming shall be made under regulations prescribed by the Secretary or his delegate, but no deduction allowable under section 1202 (relating to deduction for capital gains) shall be attributable to such business.

(3) CONTROLLED GROUP OF CORPORATIONS.—If two or more corporations which—

"(A) are component members of a controlled group of corporations (as defined in section 1563) on a December 31, and

"(B) have not filed a statement under subsection (b) which is effective for the taxable year which includes such December 31, each have deductions attributable to the business of farming (before the application of subsection (a)) in excess of its gross income derived from such business for its taxable year which includes such December 31, then, in applying subsection (a) for such taxable year, the $15,000 amount specified in paragraph (2)(B) of such subsection shall be reduced for each such corporation to an amount which hears the same ratio to $15,000 as the excess of such deductions over such gross income of such corporation bears to the aggregate excess of such deductions over such gross income of all such corporations.

"(4) PARTNERSHIPS.—A business of farming carried on by a partnership shall be treated as carried on by the members of such partnership in proportion to their interest in such partnership. To the extent that income and deductions attributable to a business of farming are treated under the preceding sentence as income and deductions of members of a partnership, such income and deduction shall, for purposes of this chapter, not be taken into account by the partnership.

"(5) TWO OR MORE BUSINESSES.—If a taxpayer is engaged in two or more businesses of farming, such businesses shall be treated as a single business.

"(6) RELATED INTEGRATED BUSINESSES.—If a taxpayer is engaged in the business of farming and is also engaged in one or more businesses which are directly related to his business of farming and are conducted on an integrated basis with his business of farming, the taxpayer may elect to treat all such businesses as a single business engaged in the business of farming. An election under this paragraph shall be made in such manner, at such time, and subject to such conditions as the Secretary or his delegate may prescribe by regulations.

"(7) SUBCHAPTER S CORPORATIONS AND THEIR SHAREHOLDERS.—

"For special treatment of electing small business corporations which do not file statements under subsection (b) and of the shareholders of such corporations, see section 1379.

"(f) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

SEC. 1202. TECHNICAL AMENDMENTS.

(a) The table of sections for part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new item:

"Sec. 277. Limitation on deductions attributable to farming."

(b) Section 172(1) of such Code is amended by adding at the end thereof the following new paragraph:

"(3) For limitations on deductions attributable to farming and special treatment of disallowed farm operating losses, see section 277."

(c) Section 381(c) of such Code is amended by adding at the end thereof the following new paragraph:

"(24) FARM OPERATING LOSS CARRYOVER.—The acquiring corporation shall take into account, under regulations prescribed by the Secretary or his delegate, the disallowed farm operating loss carryovers under section 277 of the distributor or transferor corporation."

(d)(1) Subchapter S of such Code is amended by adding at the end thereof the following new section:

"SEC. 1379. ELECTING SMALL BUSINESS CORPORATIONS ENGAGED IN BUSINESS OF FARMING.

"(a) SEPARATE APPLICATION TO FARMING INCOME AND DEDUCTIONS.—Under regulations prescribed by the Secretary or his delegate, an electing small business corporation which is engaged in the business of farming during its taxable year (other than a corporation which has filed a statement under section 277(b) which is effective for such taxable year), and the shareholders of such corporation, shall apply the provisions of sections 1373 through 1378, separately with respect to—

"(1) income derived from the business of farming by such corporation and deductions attributable to such business, and

"(2) all other income and deductions of such corporation.

In computing the taxable income and undistributed taxable income, or net operating loss, of such corporation with respect to the business of farming, no deduction otherwise allowable under this chapter shall be disallowed to such corporation under section 277.

"(b) SHAREHOLDERS TREATED AS ENGAGED IN BUSINESS OF FARMING, ETC.—For purposes of section 277—

"(1) each shareholder of an electing small business corporation to which subsection (a) applies shall be treated as engaged in the business of farming,

"(2) the undistributed taxable income of such corporation which is included in the gross income of such shareholder under section 1373 and is attributable to income and deductions referred to in subsection (a)(1), and dividends received which are attributable to such income and deductions and are distributed out of earnings and profits of the taxable year as specified in section 316(a)(2), shall be treated as income derived from the business of farming by such shareholder, and

"(3) the deduction allowable (before the application of section 277) to such shareholder under section 1374 as his portion of such corporation's net operating loss attributable to income and deductions referred to in subsection (a)(1) shall be treated as a deduction attributable to the business of farming.

"(c) SPECIAL RULES OF SECTION 277(e) APPLICABLE.—For purposes of this section, the special rules set forth in section 277(e) shall apply."

(2) The table of sections for subchapter S of such Code is amended by adding at the end thereof the following new item:

"Sec. 1379. Electing small business corporations engaged in business of farming."

SEC. 1203. EFFECTIVE DATE.

The amendments made by this title shall apply to taxable years beginning after the date of the enactment of this title, except that for purposes of applying section 277(c) of the Internal Revenue Code of 1954 (as added by section 1201 of this title) with respect to disallowed farm operating losses of any taxpayer for taxable years beginning after such date—

(1) such amendments shall also apply to the 3 taxable years of such taxpayer preceding the first taxable year beginning after such date, and

(2) in the case of a taxpayer to whom section 1379(b) of such Code (as added by section 1202(d) of this title) applies for any of his first 3 taxable years beginning after such date, section 1379 of such Code shall apply with respect to the electing small business corporation of which such taxpayer is a shareholder for the 3 taxable years preceding each such taxable year of such taxpayer, but only with respect to any such preceding taxable year for which the corporation was an electing small business corporation.

TITLE XIII—GAINS FROM THE DISPOSITION OF DEPRECIABLE REALTY

SEC. 1301. INCLUSION OF REALTY AS SECTION 1245 PROPERTY.

(a) AMENDMENT OF SECTION 1245.—Section 1245(a)(3) (relating to gain from dispositions of certain depreciable property) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting immediately after subparagraph (A) the following new subparagraph:

"(B) any real property which is or has been property of a character subject to the allowance for depreciation provided in section 167, or".

(b) REPEAL OF SECTION 1250.—Section 1250 (relating to gain from dispositions of certain depreciable realty) is repealed.

SEC. 1302. EFFECTIVE DATE.

This title shall apply to dispositions occurring after June 30, 1969.

TITLE XIV—REPEAL OF 7-PERCENT INVESTMENT TAX CREDIT

SEC. 1401. REPEAL OF CREDIT.

Section 38 (relating to credit for investment in certain depreciable property) is amended by adding at the end thereof the following new subsection:

"(c) TERMINATION OF CREDIT.—The credit provided by subsection (a) shall apply only with respect to property placed in service by the taxpayer on or before the date of the enactment of this subsection and with respect to property placed in service after such date—

"(1) to the extent such property is attributable to construction, reconstruction, or erection by the taxpayer (A) on or before such date, or (B) after such date pursuant to the terms of a binding written contract as in effect on such date, or

"(2) such property was acquired by the taxpayer (A) on or before such date, or (B) after such date pursuant to the terms of a binding written contract as in effect on such date.

Notwithstanding section 46(b) (relating to carryback and carryover of unused credits), no amount shall be added pursuant to such section to the amount allowable as a credit by this section for any taxable year ending after the date of the enactment of this subsection."

SEC. 1402.

The amendment made by section 1401 shall apply with respect to taxable years ending after the date of the enactment of this Act.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. PEPPER (at the request of Mr. Albert), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

By unanimous consent (at the request of Mr. Zwach) special orders were granted to:

Mr. Halpern, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. Robison, for 15 minutes, on January 30; to revise and extend his remarks and include extraneous matter.

Mr. Sandman, for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. Reuss (at the request of Mr. Alexander), for 30 minutes, today; to revise and extend his remarks and to include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

Mr. Madden in two instances.

Mr. Zablocki.

Mr. Michel and to include extraneous matter.

(The following Members (at the request of Mr. Zwach) to extend their remarks and include extraneous matter in the Extensions of Remarks in the Record):

Mr. Cleveland in two instances.

Mr. Meskill.

Mr. Bush.

Mr. Arends in two instances.

Mr. Carter in four instances.

Mr. Stafford.

Mr. Brotzman.

Mr. Zwach in three instances.

Mr. Myers.

Mr. Railsback.

Mr. Scherle in two instances.

Mr. Collier in three instances.

Mr. Price of Texas.

(The following Members (at the request of Mr. Alexander) to extend their remarks and to include additional matter in that section of the Record entitled "Extensions of Remarks":)

Mr. Rarick in four instances.

Mr. Podell in two instances.

Mr. Fallon in two instances.

Mr. Patten in two instances.

Mrs. Mink in two instances.

Mr. Celler in three instances.

Mr. Daniel of Virginia in two instances.

Mr. Pepper in two instances.

Mr. Dingell.

Mr. Corman.

Mr. Marsh in two instances.

Mr. William D. Ford.

Mr. Johnson of California in two instances.

Mr. Philbin in three instances.

Mr. Fascell in two instances.

Mr. Ryan in four instances.

Mr. Bennett in two instances.

Mr. Hamilton.

Mr. Mann in two instances.

Mr. Boland in two instances.

ADJOURNMENT

Mr. ALEXANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Thursday, January 30, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

446. A letter from the Deputy Secretary of Defense, transmitting a report setting forth the financial condition and operating results of working capital funds at June 30, 1968, pursuant to the National Security Act of 1947, as amended; to the Committee on Armed Services.

447. A letter from the Chairman, District of Columbia Armory Board, transmitting the 1968 annual reports for the District of Columbia National Guard Armory and the District of Columbia Stadium, including financial statements, pursuant to Public Laws 80–605 and 85–300; to the Committee on the District of Columbia.

448. A letter from the vice president, the Chesapeake & Potomac Telephone Co., transmitting a statement of receipts and expenditures for the year 1968, and a comparative general balance sheet, pursuant to the acts of 1904; to the Committee on the District of Columbia.

449. A letter from the Comptroller General of the United States, transmitting the audit of certain banks of the farm credit system supervised by Farm Credit Administration for the fiscal year 1968 (H. Doc. No. 91–69); to the Committee on Government Operations and ordered to be printed.

450. A letter from the Director, Bureau of Land Management, Department of the Interior, transmitting a report of negotiated sales contracts for disposal of materials during the period July 1–December 31, 1968, pursuant to the provisions of Public Law 87–689 (76 Stat. 587); to the Committee on Interior and Insular Affairs.

451. A letter from the chairman, New England River Basins Commission, transmitting information relative to a study of water and related land resources of southeastern New England and a report of the uncertainty of the status of Federal funding; to the Committee on Interior and Insular Affairs.

452. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting information relative to pending applications for conditional entry under section 203(a)(7) of the Immigration and Nationality Act and detailed reports on aliens who conditionally entered the United States, pursuant to the provisions of section 203(f) of the act; to the Committee on the Judiciary.

453. A letter from the Acting Comptroller General of the United States, transmitting a report and recommendation concerning the claim of Mr. and Mrs. A. F. Elgin against the United States, pursuant to 45 Stat. 413; to the Committee on the Judiciary.

454. A letter from the national corporation agent, Legion of Valor of the United States of America, Inc., transmitting a copy of the financial statement of the Legion of Valor for the period August 1, 1967–July 31, 1968, pursuant to the provisions of Public Law 224, 84th Congress; to the Committee on the Judiciary.

455. A letter from the Director, Federal Bureau of Investigation, U.S. Department of Justice, transmitting a report with respect to positions in the Federal Bureau of Investigation in grades GS–16, GS–17, and GS–18, pursuant to title 5, United States Code Annotated, section 5114; to the Committee on Post Office and Civil Service.

456. A letter from the Comptroller General of the United States, transmitting a report concerning positions in the U.S. General Accounting Office in grades GS–16, GS–17, and GS–18 for calendar year 1968, pursuant to the provisions of 5 U.S.C. 5114; to the Committee on Post Office and Civil Service.

457. A letter from the Administrator, General Services Administration, transmitting a report of the status of construction, alteration, or acquisition of public buildings, pursuant to the provisions of section 11(a) of the Public Buildings Act of 1959 (40 U.S.C. 610(a)); to the Committee on Public Works.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR:

H.R. 5168. A bill to amend chapter 207 of title 18 of the United States Code to authorize conditional pretrial release or pretrial detention of certain persons who have been charged with noncapital offenses, and for other purposes; to the Committee on the Judiciary.

By Mr. ANDERSON of California (for himself, Mr. Bingham, Mr. Bolling, Mr. Brademas, Mr. Brown of California, Mr. Button, Mr. Byrne of Pennsylvania, Mr. Cohelan, Mr. Conable, Mr. Conyers, Mr. Daniels of New Jersey, Mr. Diggs, Mr. Dingell, Mr. Edwards of California, Mr. Farbstein, Mrs. Green of Oregon, Mr. Helstoski, Mr. Hicks, Mr. Howard, Mr. Jacobs, and Mr. Leggett):

H.R. 5169. A bill to amend the Federal Cigarette Labeling and Advertising Act with respect to the labeling of packages of cigarettes, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPINALL (for himself and Mr. Brotzman):

H.R. 5170. A bill to authorize the Secretary of the Interior to engage in a feasibility investigation of the Missouri River Basin project, Longs Peak division, Front Range unit, in Cache la Poudre River and St. Vrain Creek Basins and adjacent areas in the general vicinity of Boulder, Colo.; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT (for himself, Mr. Adair, Mr. Baring, Mr. Blackburn, Mr. Coughlin, Mr. Derwinski, Mr. Dickinson, Mr. Donohue, Mr. Edwards of Louisiana, Mr. Fisher, Mr. Goodling, Mr. Griffin, Mr. Haley, Mr. Hébert, Mr. Hosmer, Mr. King, Mr. Kyl, Mr. Lukens, Mr. Pucinski, Mr. Poage, Mr. Rarick, Mr. Schneebeli, Mr. Sikes, Mr. Vigorito, and Mr. Wolff):

H.R. 5171. A bill to prohibit the dissemination through interstate commerce or the mails of materials harmful to persons under the age of 18 years, and to restrict the exhibition of movies or other presentations harmful to such persons; to the Committee on the Judiciary.

By Mr. BERRY:

H.R. 5172. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. BINGHAM:

H.R. 5173. A bill to amend title 18, United States Code, to protect the people of the United States against the lawless and irresponsible use of firearms, and to assist in the prevention and solution of crime by requiring a national registration of firearms, establishing minimum licensing standards for the possession of firearms, and encouraging the enactment of effective State and local firearms laws, and for other purposes; to the Committee on the Judiciary.

By Mr. BURTON of Utah:

H.R. 5174. A bill to encourage national development by providing incentives for the establishment of new or expanded job-producing and job-training industrial and commercial facilities in rural areas having high proportions of persons with low incomes or which have experienced or face a substantial loss of population because of migration, and for other purposes; to the Committee on Ways and Means.

By Mr. BUSH:

H.R. 5175. A bill to amend the Internal Revenue Code of 1954 to provide a longer period of time for disposition of certain assets in the case of regulated investment companies furnishing capital to development companies; to the Committee on Ways and Means.

By Mr. BYRNE of Pennsylvania:

H.R. 5176. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 5177. A bill to prevent vessels built or rebuilt outside the United States or documented under foreign registry from carrying cargoes restricted to vessels of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 5178. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. CEDERBERG:

H.R. 5179. A bill to provide for the issuance of a volunteer's medal to each individual who enlists in the Armed Forces of the United States during a period of war or armed conflict involving the United States; to the Committee on Armed Services.

By Mr. CORMAN:

H.R. 5180. A bill to amend chapter 235 of title 18, United States Code, to provide for the appellate review of sentences imposed in criminal cases arising in the district courts of the United States; to the Committee on the Judiciary.

H.R. 5181. A bill to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices; to the Committee on the Judiciary.

H.R. 5182. A bill to amend section 1498 of title 28, United States Code, to permit patent holders to bring civil actions in district courts against Government contractors who infringe patents while carrying out Government contracts; to the Committee on the Judiciary.

By Mr. DENT:

H.R. 5183. A bill to establish a Federal sabbatical program to improve the quality of teaching in the Nation's elementary or secondary schools; to the Committee on Education and Labor.

H.R. 5184. A bill to regulate interstate and foreign commerce by preventing the use of unfair or deceptive methods of packaging or labeling of certain consumer commodities distributed in such commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5185. A bill to amend the Clean Air Act to provide for more effective prevention, control, and abatement of air pollution through the establishment of air regions and standards applicable thereto; to the Committee on Interstate and Foreign Commerce.

H.R. 5186. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

H.R. 5187. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. DEVINE:

H.R. 5188. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ECKHARDT:

H.R. 5189. A bill to require a radiotelephone on certain vessels while navigating upon specified waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. EDWARDS of Alabama:

H.R. 5190. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

By Mr. ESCH:

H.R. 5191. A bill to amend chapter 15 of title 38, United States Code, in order to increase by 20 percent the income limitations imposed by that chapter on persons entitled to pensions thereunder; to the Committee on Veterans' Affairs.

H.R. 5192. A bill to amend section 503 of title 38 of the United States Code to exclude from consideration as income, for the purpose of determining eligibility for pension, all amounts paid to an individual under public or private retirement, annuity, endowment, or similar-type plans or programs; to the Committee on Veterans' Affairs.

By Mr. FOLEY:

H.R. 5193. A bill to permit the administrative adjustment of certain wheat acreage allotment reductions resulting from action taken by farmers prior to 1965 in good faith reliance upon representations or advice of authorized representatives of the Secretary of Agriculture; to the Committee on Agriculture.

By Mr. GARMATZ:

H.R. 5194. A bill to extend the executive reorganization provisions of title 5. United States Code, for an additional 2 years, and for other purposes; to the Committee on Government Operations.

By Mr. GRAY:

H.R. 5195. A bill to amend title 38 of the United States Code so as to entitle veterans of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively; to the Committee on Veterans' Affairs.

By Mr. HALPERN:

H.R. 5196. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform; to the Committee on Ways and Means.

By Mr. JOELSON:

H.R. 5197. A bill to amend chapter 55 of title 10 of the United States Code to provide medical and dental care in service facilities to dependents of certain members of the uniformed services for a period of 90 days (or up to 12 months in maternity cases) after the separation of such members from active duty; to the Committee on Armed Services.

H.R. 5198. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require the establishment of certain standards relating to equipment designed for the use and protection of small children; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Pennsylvania:

H.R. 5199. A bill to exempt from the antitrust laws certain joint newspaper operating arrangements; to the Committee on the Judiciary.

By Mr. KUYKENDALL:

H.R. 5200. A bill to name the bridge being constructed across the Mississippi River linking the States of Tennessee and Missouri in honor of a former Member of the House, Robert A. Everett; to the Committee on Public Works.

By Mr. KUYKENDALL (for himself, Mr. Anderson of Illinois, Mr. Battin, Mr. Biester, Mr. Brooks, Mr. Bush, Mr. Cahill, Mr. Cramer, Mr. Donohue, Mr. Eilberg, Mr. Hunt, Mr. Jacobs, Mr. King, Mr. Matsunaga, Mr. McCulloch, Mr. MacGregor, Mr. Moss, Mr. Poff, Mr. Riegle, Mr. Railsback, Mr. Rivers, Mr. Rogers of Colorado, Mr. Sandman, Mr. Steiger of Arizona, and Mr. Wiggins):

H.R. 5201. A bill to amend title 18 of the United States Code to make it unlawful to assault or kill any member of the armed services engaged in the performance of his official duties while on duty under orders of the President under chapter 15 of title 10 of the United States Code or paragraphs (2) and (3) of section 3500 of title 10 of the United States Code; to the Committee on the Judiciary.

By Mr. KYROS (for himself, Mr. Anderson of California, Mr. Dulski, Mr. Farbstein, Mr. Gray, Mr. Minish, Mr. Podell, and Mr. St Germain):

H.R. 5202. A bill to amend title IV of the Public Health Service Act to provide for the establishment of a National Lung Institute; to the Committee on Interstate and Foreign Commerce.

By Mr. LENNON:

H.R. 5203. A bill to appropriate funds for the construction of the Carolina Beach and vicinity project, North Carolina; to the Committee on Appropriations.

H.R. 5204. A bill to appropriate funds for the beach erosion protection at Carolina Beach Inlet, N.C., to the Committee on Appropriations.

H.R. 5205. A bill to appropriate funds for the beach erosion project at Fort Fisher, N.C.; to the Committee on Appropriations.

H.R. 5206. A bill to appropriate funds for continuing construction of the New Hope Dam and Reservoir project, North Carolina; to the Committee on Appropriations.

H.R. 5207. A bill to appropriate funds for the upper part of Wilmington Harbor, N.C.; to the Committee on Appropriations.

H.R. 5208. A bill to appropriate funds for the hurricane flood protection and beach erosion project at Wrightsville Beach, N.C.; to the Committee on Appropriations.

By Mr. LLOYD:

H.R. 5209. A bill to enable citizens of the United States who change their residences to vote in presidential elections, and for other purposes; to the Committee on House Administration.

By Mr. McDADE:

H.R. 5210. A bill to amend title 38 of the United States Code so as to exclude certain social security benefits in computing annual income for the purpose of determining eligibility for pensions under that title; to the Committee on Veterans' Affairs.

H.R. 5211. A bill to amend title II of the Social Security Act to eliminate the reduction in disability insurance benefits which is presently required in the case of an individual receiving workmen's compensation benefits; to the Committee on Ways and Means.

By Mr. MATSUNAGA (for himself, Mr. McFall, Mr. Mikva, Mr. Miller of California, Mr. Patman, Mr. Pepper, Mr. Podell, Mr. Rees, Mr. Rodino, Mr. Rosenthal, Mr. Ryan, Mr. Saylor, Mr. Scheuer, Mr. Stratton, Mr. Tunney, Mr. Udall, Mr. Vigorito, Mr. Waldie, Mr. Charles H. Wilson, Mr. Wolff, and Mr. Wydler):

H.R. 5212. A bill to amend the Federal Cigarette Labeling and Advertising Act with respect to the labeling of packages of cigarettes, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MICHEL:

H.R. 5213. A bill to amend chapter 207 of title 18 of the United States Code to authorize conditional pretrial release or pretrial detention of certain persons who have been charged with noncapital offenses, and for other purposes; to the Committee on the Judiciary.

H.R. 5214. A bill to amend title 18 of the United States Code to establish extended terms of imprisonment for certain offenders convicted of felonies in Federal courts; to the Committee on the Judiciary.

H.R. 5215. A bill to provide for the investigative detention and search of persons suspected of involvement in, or knowledge of, Federal crimes; to the Committee on the Judiciary.

H.R. 5216. A bill to prohibit the investment of income derived from certain criminal activities in any business enterprise affecting interstate or foreign commerce, and for other purposes; to the Committee on the Judiciary.

H.R. 5217. A bill to amend the Sherman Act to prohibit the investment of certain income in any business enterprise affecting interstate or foreign commerce; to the Committee on the Judiciary.

H.R. 5218. A bill to amend title 18 of the United States Code to make it unlawful to injure, intimidate, or interfere with any fireman performing his duties during the course of any riot; to the Committee on the Judiciary.

H.R. 5219. A bill to amend title 18, United States Code, to provide for improved criminal procedure, and for other purposes; to the Committee on the Judiciary.

H.R. 5220. A bill to amend chapter 44 of title 18, United States Code, to strengthen the penalty provision applicable to a Federal felony committed with a firearm; to the Committee on the Judiciary.

H.R. 5221. A bill to establish a Joint Committee on Organized Crime; to the Committee on Rules.

H.R. 5222. A bill to amend title II of the Social Security Act to provide that child's insurance benefits shall in all cases be payable to children upon the death of their mother without regard to the mother's insured status; to the Committee on Ways and Means.

H.R. 5223. A bill to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes; to the Committee on Ways and Means.

By Mrs. MINK:

H.R. 5224. A bill to amend Public Law 874, 81st Congress, to permit certain payments to enable children whose parents are employed on our outlying bases to attend boarding schools; to the Committee on Education and Labor.

By Mr. OLSEN:

H.R. 5225. A bill to amend title 5, United States Code, to facilitate the collection of statistics with respect to the incidence of crime and to provide for the establishment of a National Crime Statistics Center, and for other purposes; to the Committee on the Judiciary.

H.R. 5226. A bill to revise the laws relating to the transportation of mail so as to provide the Postmaster General greater flexibility in the procurement of such transportation; to the Committee on Post Office and Civil Service.

H.R. 5227. A bill to reclassify certain key positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 5228. A bill to permit a retired employee or Member receiving health benefits pursuant to the provisions of the Federal Employees Health Benefits Act of 1959 (ch. 89, title 5, U.S.C.) to elect coverage under the Retired Federal Employees Health Benefits Act of 1960 (Public Law 86–724); to the Committee on Post Office and Civil Service.

H.R. 5229. A bill to modify the decrease in Federal group life insurance at age 65 or after retirement; to the Committee on Post Office and Civil Service.

H.R. 5230. A bill to amend section 8341 of title 5, United States Code, to provide annuities for surviving spouses without deduction from a retired employee or Member's annuity, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 5231. A bill to amend chapter 83, title 5, United States Code, to eliminate the reduction in the annuities of employees or Members who elected reduced annuities in order to provide a survivor annuity if predeceased by the person named as survivor and permit a retired employee or Member to designate a new spouse as survivor if predeceased by the person named as survivor at the time of retirement; to the Committee on Post Office and Civil Service.

H.R. 5232. A bill relating to rates of postage on third-class matter mailed by certain nonprofit organizations; to the Committee on Post Office and Civil Service.

H.R. 5233. A bill to establish a basic workweek of 35 hours for Government employees, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 5234. A bill to amend section 8338, title 5, United States Code, to correct inequities applicable to those employees or Members separated from service with title to deferred annuities, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 5235. A bill to provide increased annuities under subchapter III of chapter 83 of title 5, United States Code; to the Committee on Post Office and Civil Service.

H.R. 5236. A bill to amend subchapter III of chapter 83 of title 5, United States Code, to provide minimum annuities for employee annuitants and spouse survivor annuitants; to the Committee on Post Office and Civil Service.

H.R. 5237. A bill to amend the Internal Revenue Code of 1954 to restore to individuals who have attained the age of 65 the right to deduct all expenses for their medical care, and for other purposes; to the Committee on Ways and Means.

H.R. 5238. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income; to the Committee on Ways and Means.

H.R. 5239. A bill to amend title II of the Social Security Act to eliminate the reduction in disability insurance benefits which is presently required in the case of an individual receiving workmen's compensation benefits; to the Committee on Ways and Means.

H.R. 5240. A bill to provide that the value of survivor annuities payable under chapter 83, title 5, United States Code, shall not be taken into account for State inheritance tax or Federal estate tax purposes; to the Committee on Ways and Means.

By Mr. PATMAN:

H.R. 5241. A bill to carry out the recommendations of the Joint Commission on the Coinage; to the Committee on Banking and Currency.

By Mr. PERKINS:

H.R. 5242. A bill to provide for retroactive awards of the Army's Combat Infantryman and Medical Badges; to the Committee on Armed Services.

H.R. 5243. A bill to provide for the award of the Good Conduct Medal to certain veterans of World War I; to the Committee on Armed Services.

H.R. 5244. A bill to provide that railroad employees may retire on a full annuity at age 60 or after serving 30 years, to provide that such annuity for any month shall not be less than one-half of the individual's average monthly compensation for the 5 years of highest earnings; and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5245. A bill to provide for orderly trade in iron and steel mill products; to the Committee on Ways and Means.

By Mr. PHILBIN:

H.R. 5246. A bill to amend the act of August 7, 1961, providing for the establishment of Cape Cod National Seashore; to the Committee on Interior and Insular Affairs.

By Mr. PODELL:

H.R. 5247. A bill to amend the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1969, to increase annual rent supplement payments which may be contracted for through the fiscal year 1969 under section 101 of the Housing and Urban Development Act of 1965; to the Committee on Appropriations.

H.R. 5248. A bill to amend the Public Health Service Act to provide for the making of guaranteed loans for the modernization of hospitals and other health facilities and otherwise to facilitate the modernization and improvement of hospitals and other health facilities; to the Committee on Interstate and Foreign Commerce.

H.R. 5249. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. REUSS (for himself, Mr. MEEDS, Mr. REES, Mr. WILLIAM D. FORD, Mr. MOORHEAD, Mr. ADAMS, Mr. BINGHAM, Mr. BROWN of California, Mr. EDWARDS of California, and Mr. ZABLOCKI):

H.R. 5250. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenue by tax reform; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 5251. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. ROGERS of Florida:

H.R. 5252. A bill to prevent the importation of endangered species of fish or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ROTH (for himself, Mr. BETTS, Mr. DANIELS of New Jersey, Mr. GUDE, Mr. LANDGREBE, Mr. McDONALD of Michigan, Mr. McKNEALLY, and Mr. THOMSON of Wisconsin).

H.R. 5253. A bill to establish the Commission for the Improvement of Government Management and Organization; to the Committee on Government Operations.

By Mr. ROTH (for himself, Mr. BETTS, Mr. CABELL, Mr. DANIELS of New Jersey, Mr. GROSS, Mr. GUDE, Mr. LANDGREBE, Mr. McDONALD of Michigan, Mr. THOMSON of Wisconsin, and Mr. WIDNALL):

H.R. 5254. A bill to create a catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

By Mr. ST GERMAIN:

H.R. 5255. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. ST. ONGE:

H.R. 5256. A bill to prevent vessels built or rebuilt outside the United States or documented under foreign registry from carrying cargoes restricted to vessels of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 5257. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. SANDMAN:

H.R. 5258. A bill to authorize the release of 100,000 short tons of lead from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

H.R. 5259. A bill to provide for a study of the extent and enforcement of State laws and regulations governing the operations of youth camps; to the Committee on Education and Labor.

By Mr. SCHADEBERG:

H.R. 5260. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink; to the Committee on Ways and Means.

By Mr. SKUBITZ:

H.R. 5261. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for income tax purposes of certain expenses incurred by the taxpayer for the education of a dependent; to the Committee on Ways and Means.

H.R. 5262. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

H.R. 5263. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

H.R. 5264. A bill to revise the quota-control system on the importation of certain meat and meat products; to the Committee on Ways and Means.

By Mr. SNYDER:

H.R. 5265. A bill to amend section 320 of title 23 of the United States Code to increase the authorization for that section, and to earmark such increase for a bridge across Markland Dam on the Ohio River; to the Committee on Public Works.

By Mr. STANTON:

H.R. 5266. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for expenses incurred in providing education and training for mentally retarded or physically handicapped children; to the Committee on Ways and Means.

By Mr. TAFT:

H.R. 5267. A bill to provide for the issuance of a special postage stamp honoring the 100th anniversary of professional baseball; to the Committee on Post Office and Civil Service.

By Mr. TALCOTT:

H.R. 5268. A bill to provide for the establishment of a program under which supplemental agricultural workers can be recruited for temporary employment in the continental United States; to the Committee on Agriculture.

H.R. 5269. A bill to amend title I of Public Law 874, 81st Congress, to provide financial assistance to local educational agencies for the education of children of migrant agricultural employees; to the Committee on Education and Labor.

H.R. 5270. A bill to establish a Commission on Malnutrition; to the Committee on Education and Labor.

H.R. 5271. A bill to amend title II of the Merchant Marine Act, 1936, to create an independent Federal Maritime Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 5272. A bill to amend title 38 of the United States Code to provide increased subsistence allowance rates for veterans pursuing courses in vocational rehabilitation; to the Committee on Veterans' Affairs.

H.R. 5273. A bill to amend the Internal Revenue Code of 1954 to provide an income tax exemption for nonprofit corporations established to provide certain assistance to businesses in disadvantaged areas which are otherwise unable to obtain capital from conventional sources; to the Committee on Ways and Means.

H.R. 5274. A bill to amend the Internal Revenue Code of 1954 to provide an exclusion from gross income for interest paid by nonprofit corporations established to provide certain assistance to businesses in disadvantaged areas which are otherwise unable to obtain capital from conventional sources; to the Committee on Ways and Means.

H.R. 5275. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job-training programs; to the Committee on Ways and Means.

H.R. 5276. A bill to include prepared or preserved beef and veal within the quotas imposed on the importation of certain other meat and meat products, to reduce the percentage applied to certain aggregate quantity estimations used, in part, to determine such quotas from 110 to 100 percent, and for other purposes; to the Committee on Ways and Means.

By Mr. VAN DEERLIN:

H.R. 5277. A bill to authorize the President of the United States to place an embargo on of prayer in Public buildings; to the Committee on Ways and Means.

By Mr. WRIGHT:

H.R. 5278. A bill to amend the act of July 24, 1956, to authorize the Secretary of the Army to contract with the Benbrook Water & Sewer Authority for the use of water supply storage in the Benbrook Reservoir; to the Committee on Public Works.

By Mr. WYATT:

H.R. 5279. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

By Mr. ZWACH:

H.R. 5280. A bill to amend section 105(e) of the Agricultural Act of 1949 to require the Secretary of Agriculture to make certain payments in advance of determination of performance; to the Committee on Agriculture.

By Mr. BUSH:

H.J. Res. 320. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in Public buildings; tc the Committee on the Judiciary.

By Mr. BYRNE of Pennsylvania:

H.J. Res. 321. Joint resolution to direct the Federal Communications Commission to conduct a comprehensive study and investigation of the effects of the display of violence in television programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DENT:

H.J. Res. 322. Joint resolution proposing an amendment to the Constitution of the United States to permit voluntary participation in prayer in public schools; to the Committee on the Judiciary.

H.J. Res. 323. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. GARMATZ:

H.J. Res. 324. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. GRAY:

H.J. Res. 325. Joint resolution authorizing the President to proclaim May 5, 1969, as "Chaplains' Sunday"; to the Committee on the Judiciary.

By Mr. GUDE (for himself, Mr. ADAMS, Mr. HORTON, and Mr. JACOBS):

H.J. Res. 326. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. MORTON:

H.J. Res. 327. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. OLSEN:

H.J. Res. 328. Joint resolution creating a Federal Committee on Nuclear Development to review and reevaluate the existing civilian nuclear program of the United States; to the Joint Committee on Atomic Energy.

By Mr. PERKINS:

H.J. Res. 329. Joint resolution to provide for the consideration of certain recommendations for decoration by the United States for services rendered during World War I; to the Committee on Armed Services.

By Mr. SKUBITZ:

H.J. Res. 330. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

H.J. Res. 331. Joint resolution proposing an amendment to the Constitution relating to the terms of office of judges of the Supreme Court of the United States and inferior courts; to the Committee on the Judiciary.

By Mr. TAFT:

H.J. Res. 332. Joint resolution designating the 7-day period beginning on the Sunday starting the last full week in October, each year, as "Cleaner Air Week"; to the Committee on the Judiciary.

By Mr. WIDNALL:

H.J. Res. 333. Joint resolution granting the consent of Congress to the States of Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia to negotiate and enter into a compact to establish a multistate authority to construct and operate a passenger rail transportation system within the area of such States and the District of Columbia; to the Committee on the Judiciary.

By Mr. WOLFF:

H.J. Res. 334. Joint resolution to establish a commission to conduct a full and complete investigation of the seizure of the U.S.S. *Pueblo;* to the Committee on Rules.

By Mr. FLYNT:

H. Res. 178. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

H. Res. 179. Resolution relative to consideration of House Resolution 133; to the Committee on Rules.

By Mr. KOCH:

H. Res. 180. Resolution to abolish the House Committee on Un-American Activities and enlarge the jurisdiction of the House Committee on the Judiciary; to the Committee on Rules.

By Mr. ROTH (for himself, Mr. BUSH, and Mr. KUYKENDALL):

H. Res. 181. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

By Mr. SANDMAN:

H. Res. 182. Resolution to establish a Special House Committee on the Captive Nations; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS (by request):

H.R. 5281. A bill for the relief of Aurora Garcia Directo; to the Committee on the Judiciary.

By Mr. ADDABBO:

H.R. 5282. A bill for the relief of George Antonopoulos; to the Committee on the Judiciary.

H.R. 5283. A bill for the relief of Argyrios Bambakaris, also known as Argirios Vambakaris, and his wife Kyroussia Bambakaris, also known as Soula Vambakaris, and their minor children, Nicoletta, Marie Elpis, and Leonardo Bambakaris; to the Committee on the Judiciary.

H.R. 5284. A bill for the relief of Maria L. Benuzio; to the Committee on the Judiciary.

H.R. 5285. A bill for the relief of Mario Bernardi; to the Committee on the Judiciary.

H.R. 5286. A bill for the relief of Andrea Brusca; to the Committee on the Judiciary.

H.R. 5287. A bill for the relief of Calogero Cabibi; to the Committee on the Judiciary.

H.R. 5288. A bill for the relief of Pietra LoDico Calabrese; to the Committee on the Judiciary.

H.R. 5289. A bill for the relief of Antonio Cardillo; to the Committee on the Judiciary.

H.R. 5290. A bill for the relief of Gregoria Castillo; to the Committee on the Judiciary.

H.R. 5291. A bill for the relief of Essie Christopher; to the Committee on the Judiciary.

H.R. 5292. A bill for the relief of Millicent E. Christopher; to the Committee on the Judiciary.

H.R. 5293. A bill for the relief of Raphael Christopher; to the Committee on the Judiciary.

H.R. 5294. A bill for the relief of Pietro DeVita; to the Committee on the Judiciary.

H.R. 5295. A bill for the relief of Salvina Farrugia; to the Committee on the Judiciary.

H.R. 5296. A bill for the relief of Anna Fodera; to the Committee on the Judiciary.

H.R. 5297. A bill for the relief of Dominico Fodera; to the Committee on the Judiciary.

H.R. 5298. A bill for the relief of Vito and Giacoma Gancitano and their minor children, Antonino and Matteo Gancitano; to the Committee on the Judiciary.

H.R. 5299. A bill for the relief of Elizabeth Grillo; to the Committee on the Judiciary.

H.R. 5300. A bill for the relief of David Hajblaum; to the Committee on the Judiciary.

H.R. 5301. A bill for the relief of Carmela and Salvatore Levante; to the Committee on the Judiciary.

H.R. 5302. A bill for the relief of Maria Lozza; to the Committee on the Judiciary.

H.R. 5303. A bill for the relief of Anna Marrazza; to the Committee on the Judiciary.

H.R. 5304. A bill for the relief of Ernesto Manuel Massuh-Vasquez; to the Committee on the Judiciary.

H.R. 5305. A bill for the relief of Ahmet Edman, also known as Omid Osmanovic; to the Committee on the Judiciary.

H.R. 5306. A bill for the relief of Mary Martha Thompson; to the Committee on the Judiciary.

H.R. 5307. A bill for the relief of John Lee Tin; to the Committee on the Judiciary.

H.R. 5308. A bill for the relief of Anthony Albert and Cirilla Zelaya Williams; to the Committee on the Judiciary.

H.R. 5309. A bill for the relief of Myrtle P. Williams; to the Committee on the Judiciary.

By Mr. AYRES:

H.R. 5310. A bill for the relief of Mrs. Nicholas D. Psilolichnou nee Maria B. Kapenekas; to the Committee on the Judiciary.

By Mr. BARRETT:

H.R. 5311. A bill for the relief of Henricus Bierens; to the Committee on the Judiciary.

By Mr. BATES:

H.R. 5312. A bill for the relief of Gioacchino Ferrara; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 5313. A bill for the relief of Giuseppe Corbi; to the Committee on the Judiciary.

H.R. 5314. A bill for the relief of Victoria Cohen; to the Committee on the Judiciary.

H.R. 5315. A bill for the relief of Bettina Cortina; to the Committee on the Judiciary.

H.R. 5316. A bill for the relief of Filippo Cortina; to the Committee on the Judiciary.

H.R. 5317. A bill for the relief of Luigi Curatolo; to the Committee on the Judiciary.

H.R. 5318. A bill for the relief of Renato Mapua and his wife, Dr. Lydia Aquino Mapua; to the Committee on the Judiciary.

H.R. 5319. A bill for the relief of Giuseppe Marciante; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 5320. A bill for the relief of Giuseppe Barbera; to the Committee on the Judiciary.

H.R. 5321. A bill for the relief of Giacomo Bianco and Maria Giovanna Trombino Bianco; to the Committee on the Judiciary.

H.R. 5322. A bill for the relief of Carmen D. Black; to the Committee on the Judiciary.

H.R. 5323. A bill for the relief of Giuseppe Caleca; to the Committee on the Judiciary.

H.R. 5324. A bill for the relief of Giuseppe Caracchiolo; to the Committee on the Judiciary.

H.R. 5325. A bill for the relief of Carmelo Parruggia; to the Committee on the Judiciary.

H.R. 5326. A bill for the relief of Ditta Giovanni; to the Committee on the Judiciary.

H.R. 5327. A bill for the relief of Pauline Hollingsworth; to the Committee on the Judiciary.

H.R. 5328. A bill for the relief of Giuseppe Loduca; to the Committee on the Judiciary.

H.R. 5329. A bill for the relief of Vito Mannino; to the Committee on the Judiciary.

H.R. 5330. A bill for the relief of Michele Montalbano; to the Committee on the Judiciary.

H.R. 5331. A bill for the relief of Giuseppe Romeo; to the Committee on the Judiciary.

H.R. 5332. A bill for the relief of Ignazio Santangelo; to the Committee on the Judiciary.

H.R. 5333. A bill for the relief of Vincenzo Taormina; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 5334. A bill to authorize the award of the Soldier's Medal or other appropriate decoration to S. Sgt. Charles S. Tolias; to the Committee on Armed Services.

H.R. 5335. A bill for the relief of Maria Bulcao; to the Committee on the Judiciary.

H.R. 5336. A bill for the relief of Roberto V. Castaneda; to the Committee on the Judiciary.

H.R. 5337. A bill for the relief of the late Albert E. Jameson, Jr.; to the Committee on the Judiciary.

H.R. 5338. A bill for the relief of Patrick J. Kelly; to the Committee on the Judiciary.

H.R. 5339. A bill for the relief of Stavroula C. Kolocotronis; to the Committee on the Judiciary.

H.R. 5340. A bill for the relief of Hristina Kostopoulos; to the Committee on the Judiciary.

H.R. 5341. A bill for the relief of Mrs. Velina D. Lambert; to the Committee on the Judiciary.

H.R. 5342. A bill for the relief of Orsalina Leo; to the Committee on the Judiciary.

H.R. 5343. A bill for the relief of Patrick Hugh McDonnell; to the Committee on the Judiciary.

H.R. 5344. A bill for the relief of James L. Smith; to the Committee on the Judiciary.

H.R. 5345. A bill for the relief of Francesco Vatalaro; to the Committee on the Judiciary.

H.R. 5346. A bill for the relief of Olga Vatalara; to the Committee on the Judiciary.

H.R. 5347. A bill for the relief of Henerique De Pina Veiga; to the Committee on the Judiciary.

H.R. 5348. A bill for the relief of Anna Vissa; to the Committee on the Judiciary.

H.R. 5349. A bill for the relief of Andre and Elvire Yazbek; to the Committee on the Judiciary.

By Mr. CAREY:

H.R. 5350. A bill for the relief of Dr. Triponia Artienda; to the Committee on the Judiciary.

H.R. 5351. A bill for the relief of Iginio Cammarota; to the Committee on the Judiciary.

H.R. 5352. A bill for the relief of Dr. Ricardo J. Crudo and his wife, Antonia Yulo Crudo; to the Committee on the Judiciary.

H.R. 5353. A bill for the relief of Giuseppe Cucuzza; to the Committee on the Judiciary.

H.R. 5354. A bill for the relief of Giuseppe Cusumano, his wife, Maria Cristina Cusumano, and their son, Giovanni Cusumano; to the Committee on the Judiciary.

H.R. 5355. A bill for the relief of Giuseppe D'Angelo, his wife, Rose D'Angelo, and Onofrio D'Angelo and his wife, Francesca D'Angelo; to the Committee on the Judiciary.

H.R. 5356. A bill for the relief of Maria Gagliano; to the Committee on the Judiciary.

H.R. 5357. A bill for the relief of San Lutfrya; to the Committee on the Judiciary.

H.R. 5358. A bill for the relief of Nicolo Rutigliano; to the Committee on the Judiciary.

By Mrs. CHISHOLM:

H.R. 5359. A bill for the relief of Norman Fitz-Herbert Moses; to the Committee on the Judiciary.

By Mr. CLARK:

H.R. 5360. A bill for the relief of Fausto Peletti; to the Committee on the Judiciary.

By Mr. COLLIER (by request):

H.R. 5361. A bill for the relief of Uldarico B. Blando; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 5362. A bill for the relief of Mrs. Susanne Evers; to the Committee on the Judiciary.

By Mr. DELANEY (by request):

H.R. 5363. A bill for the relief of Elemer Nyarady; to the Committee on the Judiciary.

By Mr. DOWDY:

H.R. 5364. A bill for the relief of Henry E. Dooley; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.R. 5365. A bill to provide for the conveyance of certain public land held under color of title to Mrs. Jessie L. Gaines of Mobile, Ala.; to the Committee on Interior and Insular Affairs.

By Mr. ESCH:

H.R. 5366. A bill for the relief of Caterina and Guiseppe Furnari; to the Committee on the Judiciary.

H.R. 5367. A bill for the relief of Juana Anguluan Ngo; to the Committee on the Judiciary.

H.R. 5368. A bill for the relief of Victoria Josefina Perez Norton; to the Committee on the Judiciary.

H.R. 5369. A bill for the relief of Sahera Saka, Wahidollah Saka, and Wajma Saka; to the Committee on the Judiciary.

By Mr. EVINS of Tennessee:

H.R. 5370. A bill for the relief of Miss Tulia Boldrini; to the Committee on the Judiciary.

By Mr. FALLON:

H.R. 5371. A bill for the relief of Erlinda M. Batista; to the Committee on the Judiciary.

H.R. 5372. A bill for the relief of Wenifreda Miguel; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 5373. A bill for the relief of Tsin Yee Chen; to the Committee on the Judiciary.

H.R. 5374. A bill for the relief of Ingrid Froehlich; to the Committee on the Judiciary.

H.R. 5375. A bill for the relief of Dr. Leonda B. Garcia; to the Committee on the Judiciary.

H.R. 5376. A bill for the relief of Dr. Ilsoo Kang; to the Committee on the Judiciary.

H.R. 5377. A bill for the relief of Recto P. Luz; to the Committee on the Judiciary.

H.R. 5378. A bill for the relief of Dominador E. Maasin; to the Committee on the Judiciary.

H.R. 5379. A bill for the relief of Katsuo Watanabe; to the Committee on the Judiciary.

By Mr. FISH:

H.R. 5380. A bill for the relief of Phillipp

G. Leclercq; to the Committee on the Judiciary.

By Mr. GERALD R. FORD:

H.R. 5381. A bill for the relief of Domenico Piemonte; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H.R. 5382. A bill for the relief of Anthony and Carolina Monaco, and their daughters, Lucia Monaco and Patricia Monaco; to the Committee on the Judiciary.

By Mr. GRAY:

H.R. 5383. A bill for the relief of Miss Ninfa Evola; to the Committee on the Judiciary.

H.R. 5384. A bill for the relief of Dr. Khatchadour B. Palandjian; to the Committee on the Judiciary.

By Mr. HOGAN:

H.R. 5385. A bill for the relief of Kun Pil Koh; to the Committee on the Judiciary.

By Mr. JACOBS:

H.R. 5386. A bill for the relief of Sylva G. Brazzale and her infant son, David R. Brand; to the Committee on the Judiciary.

By Mr. JOELSON:

H.R. 5387. A bill for the relief of Emilie Abbochian; to the Committee on the Judiciary.

H.R. 5388. A bill for the relief of Zofia Klosowska; to the Committee on the Judiciary.

By Mr. KING:

H.R. 5389. A bill for the relief of Dyung-Ki Kim; to the Committee on the Judiciary.

By Mr. KLUCZYNSKI:

H.R. 5390. A bill for the relief of Panagiotis Bozionelos; to the Committee on the Judiciary.

H.R. 5391. A bill for the relief of Constantino Lucas Celis; to the Committee on the Judiciary.

H.R. 5392. A bill for the relief of Bernard Farrelly; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 5393. A bill for the relief of Pacita de Azucena; to the Committee on the Judiciary.

H.R. 5394. A bill for the relief of Dr. Raul A. Limjuco; to the Committee on the Judiciary.

H.R. 5395. A bill for the relief of Dagny Barbro Meuller; to the Committee on the Judiciary.

H.R. 5396. A bill for the relief of Weenicezie Joan Sharma; to the Committee on the Judiciary.

By Mr. LONG of Louisiana:

H.R. 5397. A bill for the relief of Philipe Al Machhara (also known as Phillipp Yousef Moses); to the Committee on the Judiciary.

By Mr. McCARTHY:

H.R. 5398. A bill for the relief of Anton Sobonja; to the Committee on the Judiciary.

By Mr. McCLORY:

H.R. 5399. A bill for the relief of Emilia B. Ajwani; to the Committee on the Judiciary.

H.R. 5400. A bill for the relief of Julita S. Manela; to the Committee on the Judiciary.

H.R. 5401. A bill for the relief of Dragica Milosevic; to the Committee on the Judiciary.

H.R. 5402. A bill for the relief of Zumrut Sooley; to the Committee on the Judiciary.

H.R. 5403. A bill for the relief of Nazar Hayat Khan Tiwana; to the Committee on the Judiciary.

H.R. 5404. A bill for the relief of Luisa Vignocchi and Ugo Guido Vignocchi; to the Committee on the Judiciary.

H.R. 5405. A bill for the relief of Bruna Molinari; to the Committee on the Judiciary.

By Mr. McCLURE:

H.R. 5406. A bill for the relief of Miguel Angel Abanzabalegui Cenarruzabeitia; to the Committee on the Judiciary.

By Mr. McMILLAN:

H.R. 5407. A bill for the relief of Rajindra K. Sarin; to the Committee on the Judiciary.

By Mr. MICHEL:

H.R. 5408. A bill for the relief of Dr. Erdogan Y. Baysal; to the Committee on the Judiciary.

By Mr. MOSHER:

H.R. 5409. A bill for the relief of Panagiotis N. Iliopoulos; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 5410. A bill for the relief of Alfio Margiotta; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 5411. A bill for the relief of Guiseppe Gumina; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 5412. A bill for the relief of Dr. Abdussattar Jamadar; to the Committee on the Judiciary.

H.R. 5413. A bill for the relief of Houshang Khorram; to the Committee on the Judiciary.

By Mr. PHILBIN:

H.R. 5414. A bill for the relief of Francesca Cianfrani; to the Committee on the Judiciary.

H.R. 5415. A bill for the relief of George S. Exarchos; to the Committee on the Judiciary.

H.R. 5416. A bill for the relief of Zoila Candida Lozoya; to the Committee on the Judiciary.

H.R. 5417. A bill for the relief of Juana J. Ovendo; to the Committee on the Judiciary.

H.R. 5418. A bill for the relief of Gerardo B. Rojas; to the Committee on the Judiciary.

H.R. 5419. A bill for the relief of Commander Edwin J. Sabec, U.S. Navy; to the Committee on the Judiciary.

H.R. 5420. A bill for the relief of Filippo Sardo; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 5421. A bill for the relief of Luisita Bonoan; to the Committee on the Judiciary.

H.R. 5422. A bill for the relief of Dr. Carmelita Teves Carriaga; to the Committee on the Judiciary.

H.R. 5423. A bill for the relief of Isidoro Castronovo; to the Committee on the Judiciary.

H.R. 5424. A bill for the relief of Guiseppe Deluca; to the Committee on the Judiciary.

H.R. 5425. A bill for the relief of Ronald V. Fugiel; to the Committee on the Judiciary.

H.R. 5426. A bill for the relief of Giuseppa Grasso; to the Committee on the Judiciary.

H.R. 5427. A bill for the relief of Dr. Manohar U. Hasrajani; to the Committee on the Judiciary.

H.R. 5428. A bill for the relief of Stella Kostoglou; to the Committee on the Judiciary.

H.R. 5429. A bill for the relief of Christos Panagiotacopoulos; to the Committee on the Judiciary.

H.R. 5430. A bill for the relief of Pantelis Panagopoulos; to the Committee on the Judiciary.

H.R. 5431. A bill for the relief of Bijoy Sankar Paul and Heidrun Paul, husband and wife; to the Committee on the Judiciary.

H.R. 5432. A bill for the relief of Miss Dina Pieri; to the Committee on the Judiciary.

H.R. 5433. A bill for the relief of Dr. Choong Oi Reddy; to the Committee on the Judiciary.

H.R. 5434. A bill for the relief of Dr. Nagarapu Reddy; to the Committee on the Judiciary.

H.R. 5435. A bill for the relief of Dr. Martha F. Vasquez; to the Committee on the Judiciary.

By Mr. QUIE:

H.R. 5436. A bill for the relief of Georgios Mangaritsides; to the Committee on the Judiciary.

By Mr. ROONEY of New York:

H.R. 5437. A bill for the relief of Meir Dayan; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 5438. A bill for the relief of Mr. and Mrs. Giovanni Altobello, and Francesco, Vincenzo and Pino Altobello; to the Committee on the Judiciary.

H.R. 5439. A bill for the relief of Gaetana Buttitta; to the Committee on the Judiciary.

H.R. 5440. A bill for the relief of Rosario Buttitta; to the Committee on the Judiciary.

H.R. 5441. A bill for the relief of Dr. Shinshil Chang; to the Committee on the Judiciary.

H.R. 5442. A bill for the relief of Olga Cibin; to the Committee on the Judiciary.

H.R. 5443. A bill for the relief of Stanislaw Ciochon; to the Committee on the Judiciary.

H.R. 5444. A bill for the relief of Giuseppa Dugo; to the Committee on the Judiciary.

H.R. 5445. A bill for the relief of Giovanni Gusella; to the Committee on the Judiciary.

H.R. 5446. A bill for the relief of Trinidad Laceras; to the Committee on the Judiciary.

H.R. 5447. A bill for the relief of Luigi and Maria Carmen Maiorino; to the Committee on the Judiciary.

H.R. 5448. A bill for the relief of Carlo and Marini Manconi; to the Committee on the Judiciary.

H.R. 5449. A bill for the relief of Antonino and Nicolina Mannino; to the Committee on the Judiciary.

H.R. 5450. A bill for the relief of Mr. and Mrs. Carlo Montello; to the Committee on the Judiciary.

H.R. 5451. A bill for the relief of Editha Zerna Navarro; to the Committee on the Judiciary.

H.R. 5452. A bill for the relief of Kazimiera Niemirowska; to the Committee on the Judiciary.

H.R. 5453. A bill for the relief of Milica Ralic; to the Committee on the Judiciary.

H.R. 5454. A bill for the relief of Antoni Ramotowski; to the Committee on the Judiciary.

H.R. 5455. A bill for the relief of Jovito Lucas Salvador; to the Committee on the Judiciary.

H.R. 5456. A bill for the relief of Maria Scire; to the Committee on the Judiciary.

H.R. 5457. A bill for the relief of Jose Armando Silvestre; to the Committee on the Judiciary.

H.R. 5458. A bill for the relief of Daniela Skaradzinska; to the Committee on the Judiciary.

H.R. 5459. A bill for the relief of Janina Szmyd; to the Committee on the Judiciary.

H.R. 5460. A bill for the relief of Pietra Cusumano, Margaret Cusumano, and Phillip Cusumano; to the Committee on the Judiciary.

H.R. 5461. A bill for the relief of Daniel Jen Wai Wong; to the Committee on the Judiciary.

By Mr. RUPPE:

H.R. 5462. A bill for the relief of David L. Blair; to the Committee on the Judiciary.

H.R. 5463. A bill for the relief of James Papadakis; to the Committee on the Judiciary.

By Mr. STOKES:

H.R. 5464. A bill for the relief of Dr. Cyril A. Akpom; to the Committee on the Judiciary.

H.R. 5465. A bill for the relief of Amechi Chuba Akpom, Jr.; to the Committee on the Judiciary.

H.R. 5466. A bill for the relief of Dr. Mohammad Mehdi Saghafi; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 5467. A bill for the relief of Kunie Kiyomura; to the Committee on the Judiciary.

H.R. 5468. A bill for the relief of Mrs. Geochen Lee; to the Committee on the Judiciary.

By Mr. UTT:

H.R. 5469. A bill for the relief of Harold P. Conroy; to the Committee on the Judiciary.

H.R. 5470. A bill for the relief of Julie Heaszlett; to the Committee on the Judiciary.

H.R. 5471. A bill for the relief of Mrs. Vera Cvetkovic and Bozidar Popov; to the Committee on the Judiciary.

By Mr. WEICKER:

H.R. 5472. A bill for the relief of Jose

Manuel Simoes Calvo; to the Committee on the Judiciary.

H.R. 5473. A bill for the relief of Mario Mendes da Cunha; to the Committee on the Judiciary.

H.R. 5474. A bill for the relief of Giovanna Russo; to the Committee on the Judiciary.

By Mr. WOLFF:

H.R. 5475. A bill for the relief of Mrs. Antonia Berlangieri and her daughter, Michelina Berlangieri; to the Committee on the Judiciary.

H.R. 5476. A bill for the relief of Pietro Campagnuolo; to the Committee on the Judiciary.

H.R. 5477. A bill for the relief of Ismail Elibol, Nuriya Elibol, and Fedva Elibol; to the Committee on the Judiciary.

H.R. 5478. A bill for the relief of Ralph Gallo; to the Committee on the Judiciary.

H.R. 5479. A bill for the relief of Nicolo Giammarresi; to the Committee on the Judiciary.

H.R. 5480. A bill for the relief of Antonio Masucci; to the Committee on the Judiciary.

H.R. 5481. A bill for the relief of Carmen Yaciofano; to the Committee on the Judiciary.

By Mr. WOLFF (by request):

H.R. 5482. A bill for the relief of Elena Affo; to the Committee on the Judiciary.

H.R. 5483. A bill for the relief of Pasqualino Petringa; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

42. By the SPEAKER: Petition of William T. Allen, Columbus, Ga., relative to retired pay of veterans of the armed services; to the Committee on Armed Services.

43. Also, petition of the board of supervisors, Niagara County, N.Y., relative to Supreme Court appointments; to the Committee on the Judiciary.

44. Also, petition of James L. Hatfield, Dallas, Tex., relative to redress of grievances; to the Committee on Ways and Means.

SENATE—*Wednesday, January 29, 1969*

(Legislative day of Friday, January 10, 1969)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou whose name is above every name, and whose sovereignty transcends all other sovereignties, make us mindful of who we are, and whom we serve, that we fail Thee not.

O Lord, put Thy law in our minds and Thy love in our hearts that we may have a good conscience, a serene spirit, a peaceful soul, a robust faith, so that this day our labor may begin, continue, and end in Thee, for the welfare of this Nation, and the advancement of Thy kingdom. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, January 28, 1969, be approved.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on the District of Columbia, the Committee on Labor and Public Welfare, and the Committee on the Judiciary be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a brief period be allowed for the transaction of routine morning business today, with statements therein limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT OF SECRETARY OF DEFENSE

A letter from the Secretary of Defense, reporting, pursuant to law, that no disbursements have been made against the $10,000,000 appropriated for contingencies, defense, appropriation contained in the Department of Defense Appropriation Act, fiscal year 1969, through December 31, 1968; to the Committee on Appropriations.

REPORT OF THE CHESAPEAKE & POTOMAC TELEPHONE CO.

A letter from the vice president, the Chesapeake & Potomac Telephone Co., transmitting, pursuant to law, a report of the company for the year 1968 (with an accompanying report); to the Committee on the District of Columbia.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the audit of certain banks of the Farm Credit System supervised by the Farm Credit Administration, for the fiscal year 1968, dated January 28, 1969 (with an accompanying report); to the Committee on Government Operations.

REPORT OF VETERANS' ADMINISTRATION ON DISPOSAL OF FOREIGN EXCESS PROPERTY

A letter from the Deputy Administrator, Veterans' Administration, transmitting, pursuant to law, a report on its activities in the disposal of foreign excess property, for the calendar year 1968 (with an accompanying report); to the Committee on Government Operations.

REPORT ON CLAIM OF MR. CORBIE F. COCHRAN

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report and recommendation concerning the claim of Mr. Corbie F. Cochran (with an accompanying report); to the Committee on the Judiciary.

REPORT ON POSITIONS IN GRADES GS–16, GS–17, AND GS–18

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report concerning positions in the U.S. General Accounting Office in grades GS–16, GS–17, and GS–18 and their incumbents (with an accompanying report); to the Committee on Post Office and Civil Service.

REPORT OF ADMINISTRATIVE OFFICE OF THE U.S. COURTS

A letter from the Director, Administrative Office of the U.S. Courts, reporting, pursuant to law, that the duties of the four GS–17 positions allocated to this agency have not changed since their last report; to the Committee on Post Office and Civil Service.

REPORT OF GENERAL SERVICES ADMINISTRATION

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a report of the status of construction, alteration or acquisition of public buildings, dated December 31, 1968 (with an accompanying report); to the Committee on Public Works.

PETITION

The VICE PRESIDENT laid before the Senate a resolution adopted by the National Council of the Aging, at a regional meeting held in Charleston, W. Va., praying for the provision of, in future budgets, sufficient funds to implement the administration and execution of programs designed to facilitate the involvement of the elderly poor, which was referred to the Committee on Labor and Public Welfare.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. PASTORE, from the Committee on Commerce, without amendment:

S. 17. A bill to amend the Communications Satellite Act of 1962 with respect to the election of the board of the Communications Satellite Corp. (Rept. No. 6).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. PASTORE, from the Committee on Commerce:

Rocco C. Siciliano, of California, to be Under Secretary of Commerce; and

Capt. Joseph J. McClelland, Capt. Helmer S. Pearson, and Capt. Chester A. Richmond, Jr., U.S. Coast Guard, for promotion to the grade of rear admiral.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. METCALF:

S. 746. A bill to amend title XVIII of the Social Security Act so as to include chiropractor's services among the benefits provided by the insurance program established by part B of such title; to the Committee on Finance.

By Mr. ALLOTT:

S. 747. A bill for the relief of Aldo Ferretti; to the Committee on the Judiciary.

By Mr. COTTON (by request):

S. 748. A bill to repeal the exemption applicable to ordinary livestock in the Interstate Commerce Act; to the Committee on Commerce.

By Mr. MOSS:

S. 749. A bill for the relief of Dr. Ralph S. Stevenson; to the Committee on the Judiciary.

By Mr. ANDERSON:

S. 750. A bill to amend section 4 of the act of May 31, 1938 (48 Stat. 108), to add certain lands to the Wheeler Peak Wilderness, Carson National Forest, N. Mex., and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Anderson when he introduced the above bill, which appear under a separate heading.)

By M. SCOTT:

S. 751. A bill for the relief of Angelo Luciano Colavita, his wife, Maria Carmela Colavita, and their two sons, Michelino Colavita and Antonio Colavita; to the Committee on the Judiciary.

By Mr. MUSKIE:

S. 752. A bill to authorize the conveyance of all right, title, and interest of the United States reserved or retained in certain lands heretofore conveyed to the State of Maine; to the Committee on Armed Services.

S. 753. A bill to authorize and direct the Secretary of Transportation to cause the vessel *Cap'n Frank*, owned by Ernest R. Darling, of South Portland, Maine, to be documented as a vessel of the United States with full coastwise privileges; and

S. 754. A bill to authorize and direct the Secretary of Transportation to cause the vessel *Eugenie II*, owned by J. C. Strout, of Milbridge, Maine, to be documented as a vessel of the United States with full coastwise privileges; to the Committee on Commerce.

S. 755. A bill to amend the Tariff Schedules of the United States to provide for the temporary free importation of certain motion picture films; to the Committee on Finance.

S. 756. A bill for the relief of Teresa Lindner; and

S. 757. A bill for the relief of Yvonne Davis; to the Committee on the Judiciary.

S. 758. A bill to provide for the construction by the Chief of Engineers, U.S. Army, of a high-level bridge over Cowseagan Narrows to connect Wiscasset on the mainland with the northwestern end of the island of Westport, Maine; to the Committee on Public Works.

By Mr. BIBLE:

S. 759. A bill to declare that the United States holds in trust for the Washoe Tribe of Indians certain lands in Alpine County, Calif.; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Bible when he introduced the above bill, which appear under a separate heading.)

By Mr. TOWER:

S. 760. A bill to amend the Military Selective Service Act of 1967 in order to provide for a fair and effective system of selecting persons for induction into the Armed Forces consistent with national security demands under such act; to the Committee on Armed Services.

(See the remarks of Mr. Tower when he introduced the above bill, which appear under a separate heading.)

By Mr. TALMADGE:

S. 761. A bill for the relief of Juan G. Parra; to the Committee on the Judiciary.

By Mr. MURPHY (for himself, Mr. Dominick, Mr. Javits, and Mr. Prouty):

S. 762. A bill to amend the Vocational Rehabilitation Act to designate the National Center for Deaf-Blind Youths and Adults as the Helen Keller Center for Deaf-Blind Youths and Adults; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Murphy when he introduced the above bill, which appear under a separate heading.)

By Mr. MONTOYA (for himself, Mr. Anderson, Mr. Brooke, Mr. Byrd of West Virginia, Mr. Church, Mr. Dodd, Mr. Eagleton, Mr. Eastland, Mr. Fulbright, Mr. Hart, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Kennedy, Mr. Long, Mr. Magnuson, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Pastore, Mr. Pell, Mr. Randolph, Mr. Ribicoff, Mr. Saxbe, Mr. Stevens, Mr. Tydings, and Mr. Yarborough):

S. 763. A bill to amend title XVIII of the Social Security Act so as to include, among other health insurance benefits covered under part B thereof, coverage of certain drugs; to the Committee on Finance.

(See the remarks of Mr. Montoya when he introduced the above bill, which appear under a separate heading.)

By Mr. YARBOROUGH:

S. 764. A bill to establish an international health, education, and labor program to provide open support for private, non-governmental activities in the fields of health, education, and labor, and other welfare fields; and

S. 765. A bill to amend the Public Health Service Act to provide for the establishment of a National Lung Institute; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Yarborough when he introduced the above bills, which appear under separate headings.)

By Mr. McCLELLAN (for himself and Mr. Scott):

S. 766. A bill to amend the Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. McClellan when he introduced the above bill, which appear under a separate heading.)

By Mr. MONDALE:

S. 767. A bill for the relief of Au Kuen; and

S. 768. A bill for the relief of Au Wueng Sang; to the Committee on the Judiciary.

By Mr. BAKER:

S. 769. A bill to name the bridge to be constructed across the Mississippi River linking the States of Tennessee and Missouri in honor of a former member of the House, Robert A. "Fats" Everett; to the Committee on Public Works.

(See the remarks of Mr. Baker when he introduced the above bill, which appear under a separate heading.)

By Mr. JAVITS:

S. 770. A bill to establish a Federal Council of Health which will have the responsibility of fixing a coherent set of national health goals for the United States; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Javits when he introduced the above bill, which appear under a separate heading.)

By Mr. BURDICK:

S. 771. A bill to amend the Packers and Stockyards Act of 1921, as amended, to prohibit slaughter of livestock under certain conditions which reduce the bargaining power of livestock producers generally and interfere with a free market, and for other purposes; to the Committee on Agriculture and Forestry.

S. 772. A bill to amend the Internal Revenue Code of 1954 to exempt certain farm vehicles from the highway use tax, and to require that evidence of payment of such tax be shown on highway motor vehicles subject to tax; and

S. 773. A bill to amend the Tariff Act of 1930 so as to exempt certain private aircraft entering or departing from the United States and Canada at night or on Sunday or a holiday from provisions requiring payment to the United States for overtime services of customs officers and employees; to the Committee on Finance.

S. 774. A bill to authorize the mortgaging of tribal lands on the Fort Berthold Reservation for certain purposes; and

S. 775. A bill to declare that the United States shall hold certain land in trust for the Three Affiliated Tribes of the Fort Berthold Reservation, N. Dak.; to the Committee on Interior and Insular Affairs.

By Mr. BURDICK (for himself, Mr. Young of North Dakota, and Mr. McGovern):

S. 776. A bill to place in trust status certain lands on the Standing Rock Sioux Indian Reservation in North Dakota and South Dakota; to the Committee on Interior and Insular Affairs.

By Mr. SCOTT:

S. 777. A bill for the relief of Sabatino Contrisciani; to the Committee on the Judiciary.

S. 750—INTRODUCTION OF BILL TO ADD CERTAIN LANDS TO THE WHEELER PEAK WILDERNESS, CARSON NATIONAL FOREST, N. MEX.

Mr. ANDERSON. Mr. President, I introduce, for appropriate reference, a bill to amend section 4 of the act of May 31, 1933 (48 Stat. 108), to add certain lands to the Wheeler Peak Wilderness, Carson National Forest, N. Mex., and also to protect the interests of the Taos Pueblo Indians in New Mexico.

For many years the Taos Pueblo Indians have sought to acquire title to 50,000 acres of land in the Carson National Forest in New Mexico for religious purposes. This land is all within the important Rio Pueblo and Rio Lucero Watersheds which supply water to the Taos Pueblo and to communities downstream. The residents of these communities insist that it is important that these watersheds remain in Government ownership so that the area can be protected properly and their supply of water be guaranteed. The Taos Indians insist that they must have ownership and complete control of the entire tract to protect their religion.

As far back as 1957, I introduced legislation to attempt to solve this problem. My bill would have guaranteed full protection to the Indians in their religious ceremonies and, at the same time, retained the land in Government ownership to protect the rights of the non-Indian communities downstream. I introduced similar legislation again in 1959, in 1966 and in 1967. I believed my bills were fair and equitable to both sides and they would not have set a dangerous precedent by taking land out of our National Forest. The Taos Indians would not agree to any compromise and supported H.R. 3306, which proposed to transfer 48,000 acres of land to the Pueblo in trust. That bill passed the House and hearings were held in the Senate Indian Affairs Subcommittee on September 19–20, 1968, on the House bill and on S. 1624 and S. 1625 that I had introduced. Many people in New Mexico who were not in agreement with the House bill presented strong opposition to it when hearings were held in the Senate. No agreement was reached in the Senate and the legislation died at the end of the 90th Congress.

During the testimony on my 1966 bill and in conversation with the Indians, the suggestion was made that this land be included in the Wheeler Peak Wilderness. At one point the Indians agreed that this might be a good plan. This was not feasible because all of the land in the area is not of wilderness character.

The bill that I am introducing today would add approximately 4,600 acres of national forest, that qualifies for wilderness, to the Wheeler Peak Wilderness. This area would include the Blue Lake and other important religious shrines where the Taos Indians hold their annual ceremonies. Within this enlarged wilderness my proposal would set aside, for the exclusive use of the Taos Indians, 1,640 acres within the wilderness. This exclusive use area would include Blue Lake and the other major shrines.

The Secretary of Agriculture is directed to administer this portion of the Wheeler Peak Wilderness for the exclusive use of the Indians in connection with their religious ceremonials. The Department is required to remove all structures and discontinue trail maintenance within this area. The Secretary is also directed not to authorize persons who are not members of the Taos Pueblo Tribe to enter the area. However, the Secretary shall be responsible for protection of the area from fire, insects, and disease, and forest officials and law enforcement officers may enter the area if required in performance of their official duties.

Therefore, by this legislation the Indians would have an exclusive use area for their religious ceremonies and worship with a wilderness buffer zone completely surrounding it. The existing permit held by the Taos Indians on approximately 31,000 acres would be adjusted to approximately 34,500 acres.

I firmly believe that this legislation would provide for the full protection of the Indians' right to worship as they see fit; it would protect their important religious shrines and prevent any interference with their secret ceremonies. I feel they should have this protection, and I want to make sure that it is guaranteed. At the same time, there is an obligation to protect the water supply from this area and the rights of those communities downstream. I am hopeful that this bill will be the basis for a final agreement and settlement of this problem.

Mr. President, I ask unanimous consent to have the entire text of the bill printed at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 750) to amend section 4 of the act of May 31, 1933 (48 Stat. 108), to add certain lands to the Wheeler Peak Wilderness, Carson National Forest, N. Mex., and for other purposes, introduced by Mr. ANDERSON, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for the purposes of safeguarding the interests and welfare of the tribe of Indians known as the Pueblo de Taos of New Mexico, the following described lands are hereby designated for addition to and as a part of the Wheeler Peak Wilderness, Carson National Forest, New Mexico:

Beginning at a point on Old Mike Peak on the southeast boundary of the Wheeler Peak Wilderness; thence easterly along the crest of the ridge dividing Red River from the Rio Pueblo de Taos to its interception with the west boundary of the Beaubien and Miranda Grant (Maxwell Grant); thence southeasterly along the west boundary of the aforesaid Grant to the crest of the ridge between the Bonita Park drainage and the Rio Pueblo de Taos; thence southward along the crest of the aforesaid ridge to the junction of the Witt Park drainage and the Rio Pueblo de Taos; thence northwesterly along the crest of the ridge forming the south boundary of the Waterbird Lake drainage to its interception with the crest of the ridge between the Rio Lucero and the Rio Pueblo de Taos; thence northerly along the crest of the aforesaid ridge to the point of beginning of Old Mike Peak, containing approximately 4,600 acres, more or less.

(b) Subject to the provisions of subsection (c) of this Section, the area added to the Wheeler Peak Wilderness by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as Wilderness.

(c) The following described portion of the Wheeler Peak Wilderness as enlarged by this Act, containing approximately 1,640 acres, more or less, is hereby segregated for the exclusive use of the Pueblo:

Beginning at a point where National Forest System Trail No. 90 intercepts the crest of the ridge between the Rio Lucero and the Rio Pueblo de Taos south of Old Mike Peak; thence easterly along Trail No. 90 to a point approximately 0.1 mile south of Red Dome; thence southeasterly to an unnamed lake approximately 0.5 mile southeast of Red Dome; thence southerly along the drain from the aforesaid lake to its junction with the Rio Pueblo de Taos; thence southeasterly along the Rio Pueblo de Taos to the nose of the ridge forming the south boundary of the Star Lake drainage; thence westerly along the crest of the aforesaid ridge to its interception with the crest of the ridge between the Rio Lucero and Rio Pueblo de Taos; thence northerly along the crest of the aforesaid ridge to its interception with the National Forest System Trail No. 50; thence northerly along aforesaid Trail No. 50 to its departure to the west from aforesaid ridge; thence northerly along the crest of the aforesaid ridge to its interception with National Forest System Trail No. 90 and the point of beginning.

The Secretary of Agriculture shall (1) administer this portion of the Wheeler Peak Wilderness for the exclusive use of the Pueblo de Taos Indians in connection with their religious ceremonials; (2) remove all structures from the portion and discontinue trail maintenance therein; (3) not authorize persons who are not members of the Pueblo de Taos Tribe to enter the described portion: *Provided,* That the Secretary shall continue to be responsible for protection of the area from fire, insects, and disease, and employees of the Forest Service may enter the area for these purposes: *Provided further,* That law enforcement officers may enter the area in performance of official duties.

SEC. 2. Section 4 of the Act of May 31, 1933 (48 Stat. 108), providing for the protection of the watershed within the Carson National Forest for the Pueblo de Taos Indians in New Mexico, is hereby amended by amending the description of the area referred to in that section to read as follows:

Beginning at the northeast corner of the Taos Pueblo Grant; thence west along north boundary of aforesaid Grant to its interception with the southeast corner of the Tenorio Tract; thence northwesterly and northeasterly along the east boundary of the Tenorio Tract to the point where it intersects the boundary of the Lucero de Godoi or Antonio Martinez Grant; thence following the boundary of the Lucero de Godoi Grant northeasterly, southeasterly and northerly to Station 76 on the east boundary of the survey of the Lucero de Godoi Grant according to the March 1894 survey by United States Deputy Surveyor John H. Walker as approved by the United States Surveyor's Office, Santa Fe, New Mexico, on November 23, 1894; thence east .85 mile along the south boundary of the Wheeler Peak Wilderness according to the description dated July 1, 1965, and reoprted to Congress pursuant to section 3(a)(1) of the Wilderness Act (78 Stat. 891) to intersection with the crest of the ridge between the Rio Lucero and the Rio Pueblo de Taos; thence southerly along aforesaid crest to its interception with the ridge forming the south boundary of Waterbird Lake drainage; thence southeasterly along aforesaid ridge to junction of Witt Park drain and the Rio Pueblo de Taos; thence easterly along the Witt Park drain to a point ½ mile from the Rio Pueblo de Taos; thence southwesterly along a line ½ mile east of the Rio Pueblo de Taos and parallel to it to the northeast corner of Sec. 1, T. 25 N., R. 14 E.; thence southward along the township line to the east quarter corner of Sec. 13, T. 25 N., R. 14 E., on crest of ridge dividing the Rio Pueblo de Taos from the Rio Fernando de Taos; thence westerly along aforesaid ridge to its interception with the east boundary of the Taos Pueblo Grant; thence northerly to the point of beginning containing approximately 34,500 acres, more or less.

SEC. 3. The Secretary of Agriculture is hereby directed to amend the permit granted to the Pueblo de Taos Indians pursuant to section 4 of the Act of May 31, 1933 (48 Stat. 108), to provide that:

(a) The description of the area under permit to the Pueblo de Taos shall conform with the description of the area described in section 2 of this Act.

(b) The Secretary shall make timber, forage, and wood available without charge in the entire permit area as amended by this Act for personal or Tribal community needs of the members of the Pueblo or the Pueblo community in such manner that does not impair the watershed.

(c) Through extension and improvement of the forest and other vegetative cover in the permit area the Secretary shall manage the

> area in accordance with accepted watershed management principles so as to provide optimum quantities and quality of water from the area for the benefit of the Pueblo de Taos Indians and others dependent on the Rio Pueblo de Taos and Rio Lucero for water.
>
> (d) Other provisions of the existing permit shall apply to the entire permit area as amended by this Act.
>
> SEC. 4. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value to the Pueblo de Taos of the provisions of this Act as well as the value of the Carson National Forest permit pursuant to section 4 of the Act of May 31, 1933 (48 Stat. 108), should be credited to the United States or should be set off against any claim of the Pueblo de Taos against the United States.

S. 759—INTRODUCTION OF BILL TO DECLARE THAT THE UNITED STATES HOLDS IN TRUST FOR THE WASHOE INDIAN TRIBE CERTAIN LANDS IN ALPINE COUNTY, CALIF.

Mr. BIBLE. Mr. President, I introduce, for appropriate reference, a bill to declare that the United States holds in trust for the Washoe Indian Tribe certain lands in Alpine County, Calif.

This legislation, Mr. President, is identical to the bill (S. 2257) I introduced in the 90th Congress. Its enactment was delayed by several last-minute questions of a technical nature. I reintroduce it now so that Congress may complete action on what I consider to be an overdue and meritorious proposal to guarantee this Indian tribe orderly community development of its reservation.

The land involved embraces some 80 acres of Federal domain adjacent to the Washoe Indian Reservation in Nevada. As I have stated, the land is badly needed for orderly community development. Specifically, it will provide a land base for an Indian housing development.

There were some preliminary problems in reaching agreement on the site that is outlined in my bill, but no question on the merits of the plan. The Washoe Tribe can certainly lay prior claim to the area in advance of State and county jurisdiction and is entitled to it.

While some technical questions were raised in committee consideration of the legislation last session, I believe it is accurate to say the bill has full Interior Department support. If some problems remained from the California side, it is my understanding that they have been worked out and that it is felt Indian rights to this land should be protected in line with the bill I introduce today.

It is my hope that action can be completed on this legislation as early as possible, and I would hope the concerned committees of both Houses can expedite action on it.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 759) to declare that the United States holds in trust for the Washoe Tribe of Indians certain lands in Alpine County, Calif., introduced by Mr. BIBLE, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 760—INTRODUCTION OF BILL TO REFORM THE DRAFT

Mr. TOWER. Mr. President, as a member of the Senate's Armed Services Committee, I took part during the spring of 1967 in hearings which eventually evolved into the Selective Service Act of 1967. That act was a step in the right direction, but it did not go as far as I would like to have seen it go and mainly for one specific reason: We had been led to believe by the administration that it would make certain reforms if we left them enough flexibility in the new law. Knowing that the President and the National Security Council are the only ones who have enough information available at all times to make immediate decisions that are necessary to make certain that our country has an adequately staffed military force. I agreed to this flexibility. However, the reforms that I had been led to believe would be accomplished by the administration have been left undone.

Therefore, Mr. President, I am introducing a measure which would correct the more glaring problems that still form part of our national draft law. This measure is similar to the one which I introduced in June of last year. It was vital at that time; it is urgent now.

Perhaps the most distressing trouble with the draft, a trouble which was called repeatedly to my attention during the hearings on the draft bill, is the years and years of uncertainty it imposes on young men, particularly students, who cannot make any plans to continue their education or get a job with any certainty until at least after age 26. I would like to quote, Mr. President, from the Senate Armed Services Committee report on the subject:

> The sequence under which eligible persons are inducted for military service today appears elsewhere in this report. This sequence is determined administratively under the President's power to implement the law by regulations. After delinquents and volunteers for induction, persons between the ages of 19 and 26 are reached, with the oldest to be selected first.
>
> This sequence of induction has been criticized almost unanimously by the persons who have reviewed the operations of the draft law and its administration. Among the reasons for the criticism of the sequence are: (1) it prolongs a period of uncertainty about whether a person will be inducted; (2) it causes hardships for employers when trained employees are drafted; (3) it increases the number of deferment applications and appeals that must be considered; and (4) it provides older manpower for the Armed Forces than would another system.
>
> In his selective service message to the Congress the President has indicated his intention to issue an Executive order that would change the present sequence of induction by having the primary vulnerability to the draft exist for persons between the ages of 19 and 20.
>
> The Committee is not opposed to reversing the current sequence of induction. The transition in reversing the sequence of induction presents some problems, however. If all those persons over the age of 20 at the time the transition is accomplished are not to receive an unfair advantage as a result of the transition, they should be subjected to the same vulnerability as the 19-year-old class. Even if those over 20 are considered along with the 19-year-olds, the number of persons over 20 is likely to be greater than the number between the ages of 19 and 20.
>
> Thus a preponderance of eligibles who are over 20 would tend to defeat the objective of selecting the 19-year-olds. Moreover, those older than 20 would have the advantage of a reduced vulnerability to the draft, even if they are considered on the same basis as the 19-year-olds. Many of those who would receive this advantage have been deferred as students or for occupational reasons.

That is the way the matter stood in the spring of 1967; unfortunately we are still in the same position today. After these months of delay, I feel compelled to act to try and correct these glaring problems with the present selective service law. I regret that the 1967 act did not correct this problem; I know that thousands of American young men regret it. Now we must act to correct our error.

Basically my measure is a tightly drawn bill that would reverse the existing order of draft call so that induction and selection will be made primarily from 19-year-olds, instead of taking the oldest first from 25 on down, as is now practiced. The bill creates a primary selection group of time-limited vulnerability from which most draftees would come in the future. This primary selection group consists of first, men between the ages of 19 and 20 who are not deferred or exempted; second, men between the ages of 19 and 35 who on the date of the enactment of this bill were deferred but become no longer deferred; and, third, men between the ages of 20 and 26 when this bill is enacted who are neither deferred or exempted.

Everyone who testified before the Senate committee supported this age-reversal solution to many of the draft's uncertainties. Under it each young man normally would undergo 1 year of prime draft vulnerability. If he were not inducted during that year he would be free to plan his future with virtual certainty that short of all-out war he would not be needed in the armed services. Students would be deferred for undergraduate work and would, when those deferments ended, undergo their year of prime vulnerability.

Since both 19-year-olds and new college graduates would combine to make up the primary selection group in any given year there would be no danger, such as we face this year, of having all of the year's demand fall on college graduates thus stripping the graduate schools of scholars at one fell swoop.

Thus, my bill would end lengthy uncertainty and graduate-school stripping. It would provide a better, fairer, more sensible selective service system.

I urge my colleagues to give it serious consideration.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 760) to amend the Military Selective Service Act of 1967 in order to provide for a fair and effective system of selecting persons for induction into the Armed Forces consistent with national security demands under such act, introduced by Mr. TOWER, was received, read twice by its title, and referred to the Committee on Armed Services.

S. 762—INTRODUCTION OF BILL TO DESIGNATE THE NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS AS THE HELEN KELLER CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

Mr. MURPHY. Mr. President, I introduce on behalf of myself and Senators Dominick, Javits, and Prouty, a bill which would amend the Vocational Rehabilitation Act to designate the National Center for Deaf-Blind Youths and Adults as the Helen-Keller Center for Deaf-Blind Youths and Adults.

My Senate colleagues will recall that in 1967, after too many years of neglect, Congress finally turned its attention to the serious problems facing deaf-blind citizens, who, although small in numbers, are so great in need. As a member of the Senate Subcommittee on Health, I helped to initiate and strongly supported this effort.

As part of the Vocational Rehabilitation Act of 1967 (Public Law 90–99), Congress authorized funds and other assistance to establish a National Center for Deaf-Blind Youths and Adults.

The Center will provide community organization services, including a field service to assist States and communities in gaining a better understanding of the potentialities of deaf-blind persons, helping in case-finding, assisting families and local communities to participate in the rehabilitation process, and resettling the deaf-blind after services. The Center will also include prerehabilitation services to prepare the deaf-blind for the intensive experience they will undergo once the full rehabilitation gets underway. The major task of the Center, of course, will be the program of rehabilitation services, including orientation, residence services, casework and counseling, medical and allied services, evaluation in all areas, job training, continued language and communication instruction, recreational activities, resettlement, and long-range followup.

The Center has a tremendous task before it, and I am certain that it will accomplish great things. I can think of no more fitting and appropriate first step than to make this Center a living memorial to Helen Keller and her spirit and courage.

Mark Twain, shortly before his death, remarked:

> The most interesting characters of the nineteenth century were Napoleon and Helen Keller.

Helen Keller went on to become one of the most interesting characters of the 20th century, as well. Her life, which came to an end this past June, was not only interesting, but, perhaps more importantly, was also one of the most inspiring of this, or any, age. Deaf and blind as the result of a disease of infancy, she went on to live a rich and full life, an inspiration to millions in this country and throughout the world. Her remarkable story became known to all, as a result of her own writings and, in recent years, through the wonderful play and movie, "The Miracle Worker."

Helen Keller's life was remarkable, yet there are several thousands of other Americans with similar afflictions, for whom not enough has been done to give them the same opportunities she had. There are at present about 5,000 deaf-blind youth and adults in the United States, and in California alone there are over 200 deaf-blind persons. These individuals, described by Helen Keller as "the most isolated and loneliest group of people in our society," have long represented one of the most formidable problems in rehabilitation. The true capabilities of large number of deaf-blind people have never been determined, simply because they have been such a neglected group. The work for the deaf-blind that has been done has made quite clear that the rehabilitation process is long and quite different in many ways from that of other handicapped persons.

So, Mr. President, I think it most appropriate that the Center be named after Helen Keller, whose life symbolized so much courage and indomitability for mankind in general and for those afflicted with the twin disabilities of deafness and blindness in particular. Helen Keller's life was devoted to initiating a new era of work for the blind of the world. Her dream was "that every blind child have an opportunity to receive an education, and every blind adult, a chance for training and useful employment." It is altogether fitting that this new Center, which will go a long way toward making that dream reality, should be named for that remarkable woman.

In the coming year, Mr. President, as a member of the Senate Subcommittee on Health, I intend to follow closely the progress and activities of the Helen Keller Center and to see to it that after it is renamed, the Center will in fact be a living memorial to Helen Keller and a lasting inspiration to those it is designed to serve.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 762) to amend the Vocational Rehabilitation Act to designate the National Center for Deaf-Blind Youths and Adults as the Helen Keller Center for Deaf-Blind Youths and Adults, introduced by Mr. Murphy (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 763—INTRODUCTION OF LEGISLATION TO INCLUDE THE COSTS OF OUTPATIENT DRUGS UNDER MEDICARE

Mr. MONTOYA. Mr. President, on January 15 I announced my intention to again sponsor legislation aimed at providing some degree of protection for older people against the catastrophic costs of prescription drugs which some of them must bear every year. Today I am introducing such a proposal which, I believe, can best afford this much needed insurance assistance to millions of older people.

This measure is being offered on behalf of myself and Senators Anderson, Brooke, Byrd of West Virginia, Church, Dodd, Eagleton, Eastland, Fulbright, Hart, Inouye, Jackson, Javits, Kennedy, Long of Louisiana, Magnuson, McGee, McGovern, McIntyre, Metcalf, Mondale, Moss, Muskie, Pastore, Pell, Randolph, Ribicoff, Saxbe, Stevens, Tydings, and Yarborough.

I have delayed introducing this legislation up to now, in order to have time to study some of the findings and recommendations of the Task Force on Prescription Drugs. As the Senators know, this task force was established by the Department of Health, Education, and Welfare after Congress directed the Secretary of the Department to undertake a complete examination of the issues likely to arise in connection with a drug benefit program under medicare. The task force has recently published its findings on a wide range of subjects relating to the development, distribution, sale, and costs of prescription pharmaceuticals in the United States, and it is now time for the Congress to weigh what these findings mean in terms of legislative action.

Most of us in the Senate, of course, are already familiar with proposals to extend the coverage of medicare to include the costs of outpatient drugs required by the many beneficiaries of the medicare legislation. Even before medicare passed the Senate, several of our colleagues had pointed out the gaps in the protection created by the omission of an outpatient drug benefit in either the hospital or supplementary medical insurance portions of the program. Since 1965, several Members and committees of the Senate have given considerable attention to the drug needs of older Americans and have worked to enact a program which would close this important gap in medicare coverage. In fact, in 1966, the Senate passed such a program, but we were unable to persuade the House to agree with the proposal. In 1967, a program which I sponsored along with approximately one-third of the Senators was nearly adopted again, although the best we could achieve was a directive to the executive branch asking for a review of the issues and problems. The reports and background papers of the Task Force on Prescription Drugs have now been completed and there can no longer be any reason for legislative delay in this matter.

What the task force has found about the drug needs of the elderly has long been well known, particularly to those older Americans who depend upon large quantities of expensive medications to remain ambulatory and productive in their later years. In its third interim report, the task force observed:[1]

> Since the advent of medicare, prescription drugs have represented the largest single personal health expenditure that the aged must meet almost entirely from their own resources—some 20 percent of their personal health expenditures. Although the elderly represent less than 10 percent of the population, they account for nearly 25 percent of all prescription drug costs, and their annual per capita expenditure for drugs is more than three times that of persons under age 65.

The impact of these expenditures on the elderly, of course, takes on real significance when viewed in terms of the limited resources available to the elderly to meet such costs and the inadequacy of existing protection against such expenditures provided under private insurance arrangements.

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[1] "Coverage of Drugs Under Medicare," *Task Force on Prescription Drugs—Third Interim Report;* December 31, 1968.

The ability of the elderly to meet the costs of prescription medications is directly related to their income position which, as everyone knows, is certainly meager indeed. In 1966, for example, half of the families headed by an individual aged 65 or more had incomes of less than $3,645. For elderly men and women living alone, or with someone not a relative, more than half had incomes of less than $1,500. By way of contrast, the median income for all Americans aged 14 or more in that year was $7,436 for families and $2,270 for unrelated individuals. As inconceivable as it may seem, 11 percent of the elderly families and 53 percent of the elderly individuals in this country received less than $30 a week, while 30 percent of the older families and 29 percent of the older individuals had incomes between $30 to $60 a week. These are the total resources with which food, shelter, clothing, and the other necessities must be met. The impact of large drug expenditures on these resources—needless to say—can indeed be catastrophic. Anyone who has studied the volume of background papers, prepared by the Task Force, entitled "The Drug Users," can at once recognize the severe impact of the costs of medication on older Americans.

If the total drug burden of the elderly were spread across the entire aged population, the expenses would be substantial for each older individual. Tragically, however, this burden is unequally carried. Seven years ago, the National Center for Health Statistics reported that 35 percent of those persons 65 or more had annual drug expenses of $50 or more, and 18 percent had expenses amount to over $100 annually, and this was 7 years ago. These statistics cannot reveal the utter despair of those who perhaps manage along on carefully controlled budgets, but are suddenly confronted with such overwhelming expenditures for prescription drugs. These percentages which can be rattled off so casually tell us little of the individual human tragedy. I am convinced that something simply must be done.

Can it be said that expanding medicare to cover outpatient drugs is unwarranted because private insurance arrangements are providing adequate protection which the older person needs? The answer is an emphatic "no." The task force reported that only 34 percent of the entire civilian population of all ages had some form of coverage against the costs of prescription drugs provided on an outpatient basis under private insurance arrangements in 1966. Of this number, only 9 percent—approximately 1.7 million older persons—had any kind of protection whatsoever. More significant, however, is the fact that private insurance, in total, met only 2.8 percent of all medical care expenditures other than that for hospital care and physicians' services. The total proportion of drug costs met by private insurance must, therefore, be exceedingly small.

In short, Mr. President, older Americans have neither the resources, nor the insurance protection, to adequately deal with sudden or chronic prescription drug requirements of large proportions. According to the task force, older people in America receive about 9 percent of their prescription drugs free—either from a physician or through a welfare program. Another 8 percent of their drug costs are reduced by tax savings, while an estimated 2 percent—I repeat, 2 percent—are recovered by insurance. In other words, about 80 percent of the expenditures must come from the pockets of the elderly themselves. The result, of course, is that an older American must meet markedly higher drug expenses with markedly lower incomes and resources. The task force reached the conclusion which I think anyone who has studied the material must reach:

> We find, therefore, that there is a need for an out-of-hospital drug insurance program under medicare.

It seems to me that if there is no longer at issue the question of need, then the issue is now what program can best provide the protection the elderly need within the context of the present medicare law? To this question, there are a number of answers, some of which are discussed in the task force's report, others which are not.

I share the task force's view that "initially, at least, an attempt cannot be made to provide comprehensive drug coverage—that is, coverage of all prescription drugs for all the elderly." Not only is such a proposal expensive, as the task force points out, it is, as far as I am concerned, inconsistent with the principles of a modest drug insurance program. For many older people, drug expenses are sufficiently small that they are within manageable limits; many persons, in fact, in any given year may have no prescription drug expense at all. Funds for such a program should be concentrated to help only those who incur a substantial economic risk over the insurable period—in other words, for persons who are confronted with inordinately large expenses for medications during the year.

Although the task force and I agree that any program to cover the costs of drugs must, at the outset, be modest in scope, I am afraid that at this time I cannot agree with all of the other recommendations made by the task force, about the design of a drug benefit program.

The bill which I am introducing today, for myself and on behalf of 30 other Senators, is drafted along the lines of S. 2936, which I sponsored in February of 1968. The program outlined in the bill represents a modest and rational approach toward providing drug coverage under medicare for those who really need protection. There are a number of principles on which this program is based.

First. The program is designed to pay benefits only to those who have demonstrably incurred a significant financial burden as a result of substantial requirements for prescription medicines.

Second. The bill in no way alters the existing pharmaceutical arrangements across the land by imposing upon a community pharmacy the requirement that they become vendors for the Government. No effort is made to require pharmacies to accept this or that Federal payment for prescriptions filled for medicare beneficiaries. No new administrative burdens or elaborate recordkeeping procedures are imposed upon the small businessmen who have, until now, served communities with oustanding pharmaceutical services.

Third. The bill subscribes to the belief that physicians must ultimately determine the appropriate drug for individual patients. Physicians can be assured that their patients will receive the product they prescribe just as they now can, and the relationships between medicine and pharmacy are not changed as a result of this program. Finally, the bill links program liability to a reimbursement mechanisim associated with a formulary system, the purpose of which is to pay for benefits in a rational and economical way.

Specifically, the bill establishes a program in which each social security beneficiary, who has elected to enroll in the Part B program of medicare, become entitled to benefits toward certain expenses he incurs for prescription drugs which he purchases as an outpatient. Before receiving payments, persons covered by the program would have to satisfy a drug deductible of $25 annually on the basis of charges paid for any drugs which require lawful prescription. The purpose of the deductible is to concentrate the income of the program for benefits for those who are confronted with drug expenses of a substantial nature. Congress may find that the actual amount of such a deductible should be more or less than $25, but I believe some kind of initial, or corridor deductible, is—at least at the outset—a desirable feature of the program. Programs which begin paying benefits from the first prescription in any one year—even where the patient must meet a fixed prescription charge—tends to weaken the ability of a drug program to meet inordinately large expenses, since some of the program's income goes to pay benefits for those whose total annual expenses may well be within manageable limits.

The amount of benefits payable to the beneficiary, who has satisfied the deductible, would be based upon a schedule of allowances prepared by a formulary committee. Actual reimbursement would be equal to the lesser of the allowance for the drug, as provided for in the formulary, or 80 percent of the actual charge for the drug by the community pharmacist; any difference between the actual charge and the allowance would be borne by the beneficiary.

The principal purpose of the formulary feature contained in the bill is to identify drugs which can be used as a basis for reimbursement under the program. The use of a formulary can introduce some degree of rationality into an otherwise rather confused world of multiple products and the proliferation of names. Between 1950 and 1959, for example, a total of 4,667 new prescription drug products were introduced in the United States, but only 337 of these were new single chemical entities. The others were combination drugs or duplications of existing products. Between 1957 and 1968, the number of new products totaled 2,131, of which only 311 were new single chemical entities. The development of a formulary, depending upon its particular makeup, can do much to base reimbursement determinations on a reasonable pharmaceutical basis. Since all drugs cannot be covered, decisions should be made to exclude from such a formulary over-the-counter drugs which are prescribed, but which do not require such prescription, certain combination products which in combination are not demonstrably more effective than their constituent active ingredients, duplicative products, or noncritical medications. There are provisions in the bill which permit wide room for professional latitude in arriving at which drugs should be included for purposes of reimbursement.

But I emphasize that the formulary mechanism in the bill does not place restrictions upon the physician insofar as his prescribing practices are concerned, nor does it authorize pharmacists to fill prescriptions with any product other than that specified by the physicians. The formulary mechanism in the bill only restricts the Government from paying for products not included in the formulary. In no way, is a patient prohibited from receiving the drug his physicians wants him to receive.

The formulary system in this bill aids in establishing the amount of benefits to which a beneficiary is entitled for drugs covered under the program. The formulary committee, with the aid of professional counsel, should be able to survey the availability and costs of particular drug products, each having the same active ingredients, for the purpose of ascertaining the costs of the least expensive product of acceptable quality. This cost, together with the costs of dispensing such a drug, would become the amount of benefit to which a beneficiary is entitled for a covered drug—except, of course, where 80 percent of the actual charge made for such drug is a lesser amount.

According to the task force report, the drug quality studies now being carried out by the Food and Drug Administration will be completed by 1971, thereby making possible assurances of uniform drug quality. This will greatly facilitate determinations by the committee as to which products shall serve as the basis for benefit determinations. The task force has stated that it is feasible to limit Federal expenditures for drugs to those specified by the Secretary, with the expert advice of the medical community.

As in the past, there will be made, no doubt, charges against this program that it interferes with the right of the physician to prescribe for his patients as he sees fit or that the program will tie the hands of pharmacists to payments determined by the Federal Government. A careful examination of the bill, however, will show that these charges are unfounded.

However, in the light of the urgent need to find a solution to the problem of drug costs for the aged, I call upon the critics of this program to support efforts to bring these issues to hearings, in order that problems can be ironed out. Several groups in the past have hesitated to support any kind of a program, until additional information was available. America's pharmaceutical manufacturers, for example, told the Senate Committee on Finance late in 1967:

> The PMA does not oppose reimbursement for drugs to title XVIII non-hospitalized beneficiaries, but urges, because of the current HEW study on the subject and in light of other proposed changes in the Social Security Act, affecting both benefits and tax rates, that the expansion of Medicare benefits as proposed by S. 17 not be adopted at this time.

S. 17 was the bill which I introduced to establish a drug benefit under part B of medicare in the first session of the 90th Congress. Now that HEW has completed its study, and has recommended a program which incorporates many of the ideas contained in this new bill, I hope the manufacturers will join with me in working toward arriving at an equitable and responsible program.

Professional pharmacy has, on several occasions in the past, endorsed most of the concepts contained in earlier drug programs which have come before the Senate, and I expect that, after reviewing the task force report, they will again be prepared to offer Congress their professional counsel in drafting a workable outpatient drug program.

The views of older people on the need for a drug program are well known. They have a right to expect that the Senate will move to bring about changes in the present medicare program which will at least provide some measure of protection against catastrophic outpatient drug expenses.

The task force and the former Secretary of the Department have said that it is feasible to provide for a program of drug coverage under either portion of the medicare program. They recommend a program financed under the payroll tax program of part A, for reasons outlined in the report, and, I presume, because of their urging that the financing for the entire part B program be shifted to the payroll tax system. Financing considerations are exceedingly complex, and I do not propose to examine them here, except to say that I have serious reservations about transferring the cost of the supplementary insurance program to a prepaid taxable payroll basis at this time.

The task force recommends a program, which aside from its financing provisions, is substantially different from that proposed in this bill. Their proposal would involve the creation of a vendor program in which pharmacies across the country would take on a major role in the administration of benefits. Until I would have an opportunity to hear the views of the businessmen and pharmacists who would be involved in such an extensive vendor arrangement, I am reluctant to support a vendor program. Community pharmacies are generally small businesses which may not have the resources and time to assume the enormous recordkeeping and other duties proposed in the task force report on behalf of over 18 million older persons. The fact that there are some 52,265 independent and chain pharmaceutical outlets in the United States would, in my judgment, raise serious administrative problems and costs for such a program. Nevertheless, I have an open mind on the issue of a vendor versus nonvendor program, and am prepared to examine carefully the suggestions of those who would be involved as to the best way of beginning a program.

I am deeply concerned about the manner in which the task force suggests that outpatient drugs should be covered at the outset of a program. As I understand the recommendations, the task force argues that the only drugs which should be covered are associated with chronic disease conditions, such as diabetes, cardiovascular, respiratory, kidney diseases, and perhaps other categories. I, for one, am not convinced that this approach to drug coverage is very desirable. Why should the test of a particular drug's inclusion in the program be its association with long-term drug therapy, rather than upon the economic impact of prescription drugs generally upon the resources of an older person. There is, of course, some relationship between chronic conditions and drug requirements, and hence between chronic conditions and drug expenses. But it seems to me that financial burden should determine the point at which benefits are paid.

The task force recommends that once a drug is designated for inclusion in the program, payments would be made regardless of the condition for which it is prescribed, presumably even if it is used for short-term therapy. I wonder whether this approach might result in the substitution, insofar as possible, of covered drugs for those which are not covered. This is something which Congress would have to examine closely to determine whether medicine considers such a method to be in the best interests of prescribing practice, and whether such an approach is the most efficient, economical, and rational approach toward providing coverage for outpatient drugs. I, for one, would be hard pressed to explain to an older person with $200 of drug expenses, half of which went for drugs covered by the long-term therapy criterion, and half which were not, that only 50 percent of expenses were subject to reimbursement, while another beneficiary with $35 of drug expense, all for chronic therapy drugs covered in the program, would be entitled to some degree of protection against his entire bill. I am not at all certain this approach would achieve the objective of providing coverage to those who are most in need of it.

There are a great many things in the task force report which I feel need analysis and about which I hope to offer some comments at a later date. I am, for example, very disappointed in the fact that the task force provided a cost estimate broken down by its elements for my amendment 440 to the Social Security Amendments of 1967—which from the standpoint of cost no longer resembles the program I proposed in 1968, or intend to introduce at this time. An estimate for my 1968 proposal was hastily added to the report only after I reviewed the preliminary documents and discovered that the task force had not even included such an estimate. For the second time in less than a year, I have been unable to obtain the cooperation of the Government actuaries in reviewing those elements in my proposals which would have a bearing on the costs of such programs. In making a cost estimate for S. 2936, which I introduced last year, social security actuaries have indicated in the report a per capita benefit cost of $38.47, which, according to the other statements in the report, results from the fact that "its cost closely approximates that of the proposals of the type considered in this report with a $25 initial deductible and 20-percent coinsurance." Yet no weight is given for the reduction in liability resulting from the fact that payments would be based, in part, on the cost of the least expensive drug product where alternative products are available, nor is any weight given to the fact that the formulary contained in the 1968 proposal would automatically result in a cost reduction due to the fact that not all drug products would be included in it. In fact, the Chief Actuary of the Social Security Administration himself, in a memorandum to me of March 26, 1968, noted "that your bill would have a lower cost because of the provision for a formulary."

The task force's own report on the drug users indicates that a reduction of 6.1 percent in the costs of drugs listed in the Master Drug List in 1966 would have resulted had generic prices been used—and providing that the pharmacists received the same gross profit in that year. And included in that list are many duplicative drugs, compounds, and other products which would probably not serve as the basis for reimbursement under the formulary mechanism envisioned in S. 2936. I am utterly astonished that those who worked on the estimates had such little appreciation for the impact of a formulary on the issue of costs. The task force estimate of cost for S. 2936 observes that "this amendment has a slightly higher cost because of containing a carryover deductible provision, but has offsetting lower costs for certain other reasons." At least in the minds of the actuaries, these factors seem to balance each other out. However, according to the actuaries own estimate of amendment 440, the carryover deductible provision resulted in an additional cost per capita of 50 cents per year. I really wonder if the actuaries feel that the combined effects of generic-based liability and the operation of a formulary would have such minimal effect. If so, I suggest that they return to other portions of their report to reexamine the estimate of savings resulting from implementation of the drug bill proposed by the distinguished chairman of the Committee on Finance, and reexamine the effects of formularies used in some of the State public assistance programs about which they speak.

This time, I intend to ask the Chief Actuary for a complete and detailed estimate of the costs associated with the program I am now sponsoring, and I hope that a fair appraisal can be given to the proposal. I cannot, of course, bring to bear the expertise which the Chief Actuary and his large staff have available to them, but I do believe that the bill deserves an assessment based upon what is actually contained in it. Since, in the new proposal, I have eliminated the carryover deductible provision, I expect to see just what cost factor is attributed to pricing based on generic alternatives and the use of a rational drug formulary. I can assure the Senators that a full review of the bill and its cost will be undertaken and made available for their review.

Mr. President, from these remarks it should be obvious that there is an urgent need for Congress to assess the reports of the Task Force on Prescription Drugs, to weigh various proposals, and to provide a forum for a discussion of the complex issues involved in the design of a drug benefit program. Some things are however already very clear. First, that there is a need for some kind of program is demonstrably evident; the elderly need our help. Second, there are a number of ongoing drug programs in the United States which offer the Congress an opportunity to draft a program which is workable, meaningful, and within the limits of manageability. The task force reports need additional analysis and review, but not in a way that such a review and assessment delays further congressional action already long overdue. The place for this review is in hearings before the Congress, and I implore the Members of this body to support this effort to arrive at a resolution of the problem of drug costs for the elderly as quickly as possible. In the weeks to come, I intend to study further the findings of the reports, to meet with interested groups and organizations in the hope that the best possible program can be prepared for deliberation before this body. The Montoya bill may not be the final answer to the problem, but we now have the information we need to find the solution. The older people of America are entitled to an answer from the Senate of the United States.

Mr. President, I send to the Chair this legislation and ask that it be referred to the proper committee. I also ask unanimous consent to have printed in the Record at this point the text of my bill.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 763) to amend title XVIII of the Social Security Act so as to include, among the health insurance benefits covered under part B thereof, coverage of certain drugs, introduced by Mr. Montoya (for himself and other Senators), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. It is the policy of the Congress that individuals insured under the supplementary medical insurance program established under part B of title XVIII of the Social Security Act shall have complete freedom of choice in the selection of the community pharmacy from which they purchase drugs the expenses of which are covered under such program by reason of the amendments made by the succeeding provisions of this Act; and nothing in title XVIII of the Social Security Act or in the amendments to the Social Security Act made by this Act shall be construed to interfere with, restrict, or curtail such freedom of choice. It is further the policy of the Congress that nothing contained in the amendments to the Social Security Act made by the succeeding provisions of this Act, shall be construed in anywise to limit or to restrict the complete freedom of choice of any insured individual in the selection of his physician, limit or restrict any physician treating such individual in prescribing drugs for such individual's use, or limit or restrict any pharmacist in dispensing a prescribed drug for the use of such individual.

Sec. 2. (a) Section 1832(a) of the Social Security Act is amended (1) by striking out "and" at the end of paragraph (1), (2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and", and (3) by adding at the end thereof the following new paragraph:

"(3) entitlement to have payment made to him (pursuant to sections 1833(a) (1) and (3) and 2845(a)(2)) toward expenses incurred in the purchase of qualified drugs."

(b) Section 1833(a) of such Act is amended (1) by inserting "or qualified drugs" after "incurs expenses for services", (2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and", and (3) by adding at the end thereof the following new paragraph:

"(3) in the case of benefits covered under section 1832(a)(3), the allowable benefit (as defined in section 1845(a)(2)), or if lower, 80 percent of actual expenses incurred for the purchase of qualified drugs." (c) Section 1833(b) of such act is amended—

(1) by inserting "(insofar as subsection (a) relates to expenses incured with respect to services referred in paragraphs (1) and (2) thereof)" after "Before applying subsection (a)";

(2) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively;

(3) by inserting "(1)" immediately after "(b)", and

(4) by adding at the end thereof the following new subparagraph (2):

"(2) Before applying subsection (a) (insofar as subsection (a) relates to expenses incurred with respect to qualified drugs, as referred to in paragraph (3) thereof) with respect to expenses incurred by an individual during any calendar year, the total amount of the expenses incurred by such individual during such year (which would, except for this subsection, constitute incurred expenses from which benefits under subsection (a) are determinable) shall be reduced by a deductible of $25; except that, for purposes of determining amounts to be counted toward meeting the $25 deductible imposed by this paragraph, 100 per centum of the actual expenses incurred by an individual with respect to all drugs requiring prescription under Federal law shall be used instead of the amount referred to in section 1832(a)(3)."

(d) Part B of title XVIII of such Act is amended by adding at the end thereof the following new sections:

"ALLOWABLE BENEFITS FOR QUALIFIED DRUGS

"Sec. 1845. (a) For purposes of this part—

"(1) The term 'qualified drug' means a drug or biological for self-administration which (i) is included by strength and dosage forms among the drugs and biologicals approved by the Formulary Committee (established pursuant to section 1846(a)) and (ii) is dispensed by a pharmacist from a pharmacy licensed under the laws of the State in which the drug or biological is provided.

or is otherwise dispensed in accordance with section 1861(s) (10).

"(2) The term 'allowable benefit', when used in connection with any quantity of a qualified drug means the payment amount established with regard to such qualified drug by the Formulary Committee and approved by the Secretary.

"(b) Notwithstanding the provisions of section 1842(b) (3) (B) (ii), amounts to which an individual is entitled by reason of the provisions of section 1832(a) (3) shall be paid directly to such individual in accordance with regulations of the Secretary prescribed pursuant to this subsection. No individual shall be paid any amount by reason of the provisions of section 1832(a) (3) prior to the presentation by him (or by another on his behalf) of documentary or other proof satisfactory to the Secretary establishing his entitlement thereto. Regulations referred to in the first sentence of this subsection shall provide that claims for amounts to which an individual is entitled by reason of section 1832(a) (3) shall be accepted by the Secretary only (i) in the case of a claim which is the first claim submitted in any calendar year with respect to expenses incurred in such year for drugs requiring lawful prescription, if the actual expenses for such drugs submitted with such claim and upon which such claim is based exceeds the amount of the deductible for such year (as determined under section 1833(b) (2)), (ii) in the case of a claim which, in any calendar year, is subsequent to the first claim submitted in such calendar year with respect to expenses for qualified drugs incurred in such year, if the actual expenses for qualified drugs upon which such claim is based is not less than $10, and (iii) in the case of a claim which is submitted in a calendar year subsequent to the calendar year with respect to which were incurred the expenses for qualified drugs upon which such claim is based, if the actual expenses for qualified drugs upon which such claim is based (when added to all claims eligible to be filed during the calendar year with respect to such expenses were incurred) exceeds the amount of the deductible for such year (as so determined).

"(c) The benefits provided by reason of section 1832(a) (3) may be paid by the Secretary or the Secretary may utilize the service of carriers or such other agencies qualified for the administration of such benefits under contracts entered into between the Secretary and such carriers for such purpose. To the extent determined by the Secretary to be appropriate, the provisions relating to contracts entered into pursuant to section 1842 shall be applicable to contracts entered into pursuant to this subsection.

"FORMULARY COMMITTEE

"Sec. 1846. (a) There is hereby established a Formulary Committee to consist of three officials, within the Department of Health, Education, and Welfare, who are of appropriate professional background and who are designated by the Secretary. At least two of such officials shall be physicians. The chairman of such committee shall be designated by the Secretary and shall serve for such period of time as the Secretary deems appropriate.

"(b) (1) It shall be the duty of the Formulary Committee, with the advice of the Formulary advisory group (established pursuant to section 1847), to—

"(A) determine which drugs and biologicals shall constitute qualified drugs for purposes of the benefits provided under section 1832(a); and

"(B) determine, with the approval of the Secretary, the allowable benefit of the various quantities, strengths, or dosage forms of any drug or biological determined by the Committee to constitute a qualified drug; and

"(C) publish and disseminate at least once each calendar year among physicians, pharmacists, and other interested persons, in accordance with directive of the Secretary, (i) an alphabetical list naming each drug or biological by its established name and such other information as the Secretary deems necessary, and (ii) an indexed representative listing of such trade or other names by which such drug or biological is commonly known, together with the allowable benefit for various quantities, strengths, or dosage forms thereof, together with the names of the supplier of such drugs upon which the allowable benefit is based.

"(2) (A) Drugs and biologicals shall be determined to be qualified drugs if they can legally be obtained by the user only pursuant to a prescription of a lawful prescriber; except that the Formulary Committee may include certain drugs and biologicals not requiring such a prescription if it determines such drugs or biologicals to be of a lifesaving nature.

"(B) In the interest of orderly, economical, and equitable administration of the benefits provided under section 1832(a) (3), the Formulary Committee may, by regulation, provide that a drug or biological otherwise regarded as being a qualified drug shall not be so regarded when prescribed in unusual quantities.

"(3) In determining the allowable benefit for any quantity, dosage form, and strength of any qualified drug, the Formulary Committee shall seek to approximate the anticipated charges to beneficiaries and establish a payment amount that will include the acquisition cost to the ultimate dispenser of the qualified drug dispensed, plus—

"(A) in the case of a community pharmacy, (i) for a prescription-legend drug, a reasonable fee component to cover the costs of overhead and professional services attendant to the dispensing of a qualified drug and amount representing a fair profit, and (ii) for other drugs determined to be of a life-saving nature in accordance with section 1846(b) (2) (A), a billing allowance and an amount representing a fair profit; and

"(B) in the case of hospitals and extended care facilities, or when applicable, physicians (under section 1861(s) (10)), an allowance equal to the cost to the dispenser for providing the qualified drug.

In any case in which a qualified drug is available from more than one source, the acquisition cost of such qualified drug, for purposes of this section, shall be deemed to be the lowest cost of such drug, however named, which meets the quality and other standards for such drug required under the Federal Food, Drug, and Cosmetic Act, as amended. Whenever the lowest cost (to the ultimate dispensers thereof) of a particular drug or biological differs significantly in the various regions of the United States, or among the ultimate dispensers thereof, the Formulary Committee may establish, for the various regions of the United States, separate schedules of allowable benefits with respect to such drug or biological so as to reflect the lowest cost at which such drug or biological is generally available to the ultimate dispensers or among such dispensers thereof in each such region.

"ADVISORY GROUP TO FORMULARY COMMITTEE

"Sec. 1847. (a) For the purpose of providing professional, technical, and scientific advice to the Formulary Committee with respect to its duties and functions, the Secretary shall appoint an advisory group to the Formulary Committee (hereafter in this section referred to as the 'advisory group'). The advisory group shall consist of seven members to be appointed by the Secretary. From time to time, the Secretary shall designate one of the members of the advisory group to serve as chairman thereof. The members shall be so selected that each represents one or more of the following national professional health organizations: An organization of physicians, an organization of pharmacists, an organization of persons concerned with public health, an organization of colleges of medicine, and an organization of colleges of pharmacy. Each member shall hold office for a term of three years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of six of the members first taking office shall expire, as designated by the Secretary at the time of appointment, two at the end of the first year, and two at the end of the second year, and two at the end of the third year, after the date of appointment. A member shall not be eligible to serve continuously for more than two terms.

"(b) Members of the advisory group, while attending meetings or conferences thereof or otherwise serving on business of the advisory group, shall be entitled to receive compensation at rates to be fixed by the Secretary, but not exceeding $75 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(c) The advisory group is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the advisory group such secretarial, clerical, and other assistance and such pertinent data obtained and prepared by the Department of Health, Education, and Welfare as the advisory group may require to carry out its functions."

(e) (1) Section 1861 (s) of the Social Security Act is amended by (1) striking out "and" at the end of paragraph (8), (2) by striking out the period at the end of paragraph (9) and in lieu of such period insert "; and", and (3) by adding immediately after paragraph (9) the following new paragraph:

"(10) qualified drugs for self-administration (as defined in section 1845(a) (1)) dispensed by a physician (i) in an emergency (but not routinely), or (ii) when adequate community pharmaceutical services are not otherwise available, as determined in accordance with regulations prescribed by the Secretary."

(2) Section 1861(s) is further amended by redesignating paragraphs (10) through (13) as paragraphs (11) through (14), respectively.

(f) Section 1861(t) of the Social Security Act is amended (1) by striking out "such drugs and biologicals, respectively, as are included (or approved for inclusion) in the United States Pharmacopoeia, the National Formulary, or the United States Pharmacopoeia, or in New Drugs or Accepted Dental Remedies (except for any drugs and biologicals unfavorably evaluated therein)" and insert in lieu thereof the following: "qualified drugs, as designated under section 1845 (a) (1)", (2) by inserting "or extended care facility" after "hospital", and (3) by striking out "hospitals" and inserting in lieu thereof institutions".

(g) The amendments made by this section shall become effective on January 1, 1971.

S. 764—INTRODUCTION OF BILL TO ESTABLISH AN INTERNATIONAL HEALTH, EDUCATION, AND LABOR PROGRAM

Mr. YARBOROUGH. Mr. President, the nations of the world need to know us on a peaceful basis. We should seek to relate to the other nations of the world through education and science, through arts and the humanities. We could help meet some of the world's needs in these kinds of fields, and promote understanding at the same time.

Some few Government organizations, such as the Peace Corps, and private foundations and organizations, have undertaken the tasks of understanding. Funding for private organizations, however, has been hard to obtain, and a great many of these private foundations were only able to obtain funds from the Central Intelligence Agency. It is necessary that these organizations be able to receive their funds from more public and positive sources. There is now no provision for this kind of funding.

Our Government can help these organizations. In order to provide some funds of this type, I am pleased to introduce a bill to establish an international health, education, and labor program to provide support for private, nongovernmental activities in the fields of health, education, and labor, as well as other welfare fields. It is designed to, first, provide the people of the world better understanding of the United States; second, to promote unity among the people of the world, and, third, to promote and aid free and independent societies for all the people of the world.

In order to have strong leadership for this program, the bill provides that a single director will be appointed by the President, with the aid and counsel of the Senate. The Director shall be assisted by an 11-member council to advise him. Members of the council shall be in the fields of education, labor, health, and research; they shall not be employees or officers of the U.S. Government.

The Director shall make grants for the purpose of aiding certain organizations to participate in conferences, meetings, and seminars dealing with the fields of health, education, labor, and welfare. These certain organizations shall be private, nonprofit organizations, public or private nonprofit educational institutions, and to individuals not employed by Federal, State, or local governments. All activities relating to these grants shall be conducted openly. The Director may require reports to determine the distribution of the grants; however, he is not allowed to make any stipulation upon such grants that prohibits or inhibits the free speech and thought of the recipient of such a grant.

There are specific provisions in the bill referring to the use of grants for "intelligence-gathering activity"; section 7 of this bill forbids any requiring of intelligence gathering by the program to any recipient of these grants.

This bill authorizes the appropriation funds for the first 5 years of the program to facilitate long-range planning for the program. A total sum of $100 million is authorized for the period extending to June 30, 1972; I hope that further appropriations would be made on a 5-year basis. By making multiyear appropriations, we might facilitate the transferral of funds from Government hands to those of private organizations.

I ask unanimous consent that the text of the bill be printed at the conclusion of my remarks.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 764) to establish an international health, education, and labor program to provide open support for private, nongovernmental activities in the fields of health, education, and labor, and other welfare fields, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF FOUNDATION

SECTION 1. (a) There is hereby established as an independent agency of the Government an International Health, Education, and Labor Foundation (hereinafter referred to as the "Foundation").

(b) The Foundation shall be composed of a Director and an International Health, Education, and Labor Council (hereinafter referred to as the "Council").

(c) The purposes of the Foundation shall be establish and conduct an international health, education, and labor program under which the Foundation shall provide open support for private, nongovernmental activities in the fields of health, education, and labor, and other welfare fields, designed—

(1) to promote a better knowledge of the United States among the peoples of the world;

(2) to increase friendship and understanding among the peoples of the world; and

(3) to strengthen the capacity of the other peoples of the world to develop and maintain free, independent societies in their own nations.

DIRECTOR OF FOUNDATION

SEC. 2. (a) The Foundation shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate. The person nominated for appointment as the Director shall be a distinguished citizen who has demonstrated exceptional qualities and abilities necessary to enable him to successfully perform the functions of the office of the Director.

(b) The Director shall receive compensation at the rate prescribed for level II of the Executive Schedule under section 5311 of title 5, United States Code, and shall serve for a term of five years.

(c) The Director, with the advice of the Council, shall exercise all of the authority granted to the Foundation by this Act and shall serve as chief executive officer of the Foundation.

COUNCIL

SEC. 3. (a) The Council shall consist of eleven members to be appointed by the President, by and with the advice and consent of the Senate. The persons nominated for appointment as members of the Council (1) shall be eminent in the fields of education, student activities, youth activities, labor, health, scientific research, or other fields pertinent to the functions of the Foundation; (2) shall be selected solely on the basis of established records of distinguished service; and (3) shall not be officers or employees of the Government of the United States. The President is requested, in the making of nominations of persons for appointment as members, to give due consideration to any recommendations for nomination which may be submitted to him by leading private associations, institutions, and organizations concerned with private activities in the fields of health, education, and labor, and other welfare fields related to the purposes set forth in the first section of this Act.

(b) The term of office of each member of the Council shall be six years, except that (1) the terms of the members first appointed shall expire, as designated by the President, three at the end of two years, four at the end of four years, and four at the end of six years after the date of enactment of this Act; and (2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed. No member shall be eligible for reappointment during the two-year period following the expiration of his term.

(c) The members of the Council shall receive compensation at the rate of $100 for each day engaged in the business of the Foundation and shall be allowed travel expenses as authorized by section 5703 of title 5, United States Code.

(d) The President shall call the first meeting of the Council and designate an Acting Chairman. The Board shall, from time to time thereafter, select one of its members to serve as Chairman of the Council.

(e) The Council shall meet at the call of the Chairman, but not less than once every six months. Six members of the Council shall constitute a quorum.

(f) The Council (1) shall advise the Director with respect to policies, programs, and procedures for carrying out his functions, and (2) shall review applications for financial support submitted pursuant to section 4 and make recommendations thereon to the Director. The Director shall not approve or disapprove any such application until he has received the recommendation of the Council thereon, unless the Council fails to make a recommendation on such application within a reasonable time.

(g) The Council shall, on or before the 31st day of January, of each year, submit an annual report to the President and the Congress summarizing the activities of the Council during the preceding calendar year and making such recommendations as it may deem appropriate. The contents of each report so submitted shall promptly be made available to the public.

GRANTS IN SUPPORT OF PRIVATE ACTIVITIES

SEC. 4. (a) To effectuate the purposes of this Act, the Director is authorized, subject to section 3(f), to make grants to private, nonprofit agencies, associations, and organizations organized in the United States, to public or private nonprofit educational institutions located in the United States, and to individuals or groups of individuals who are citizens of the United States not employed by the Government of the United States, a State or political subdivision of a State, or the District of Columbia, for the purpose of enabling them to assist, provide, or participate in international activities, conferences, meetings, and seminars in the fields of health, education, and labor, and other welfare fields related to the purposes set forth in the first section of this Act. No portion of any funds granted under this section shall be paid by the Director, or by any recipient of a grant under this section, to support any intelligence-gathering activity on behalf of the United States or to support any activity carried on by any officer or employee of the United States.

(b) Each grant shall be made by the Director under this section only upon application therefor in such form and containing such information as may be required by the Director and only on condition that the recipient of such grant will conduct openly all activities supported by such grant and make such reports as the Director may require solely to determine that the funds so granted are applied to the purpose for which application is made.

(c) The Director shall develop procedures and rules with respect to the approval or disapproval of applications for grants under this section which will provide, insofar as practicable, an equitable distribution of grants among the various applicants for such grants and types of activities to be supported by such grants, but which will assure that grants will be made to those qualified recipients most capable of achieving a successful or significant contribution favorably related to the purposes set forth in the first section of this Act. In making grants under this section, the Director shall not impose any requirements therefor or conditions thereon which impair the freedom of thought and expression of any recipients or other beneficiaries of such grants.

(d) The Director may (1) pay grants in such installments as he may deem appropriate and (2) provide for such adjustment of payments under this section as may be necessary, including, where appropriate, total withholding of payments.

PUBLIC REPORTS BY DIRECTOR

Sec. 5. The Director shall, on or before the 31st day of January each year, submit an annual report to the President and the Congress setting forth a summary of his activities under this Act during the preceding calendar year. Such report shall include a list of the grants made by the Director during the preceding calendar year; a statement of the use to which each recipient applied any grant received during the preceding calendar year; and any recommendations which the Director may deem appropriate. The contents of each report so submitted shall promptly be made available to the public.

GENERAL AUTHORITY

Sec. 6. The Director shall have the authority, within the limits of funds available under section 9, to—

(1) prescribe such rules and regulations as he deems necessary governing the manner of the operations of the Foundation, and its organization and personnel;

(2) appoint and fix the compensation of such personnel as may be necessary to enable the Foundation to carry out its functions under this Act, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates: except that the salary of any person so employed shall not exceed the maximum salary established by the General Schedule under section 5332 of title 5, United States Code;

(3) obtain the services of experts and consultants from private life, as may be required by the Director or the Council, in accordance with the provisions of section 3109 of title 5, United States Code;

(4) accept and utilize on behalf of the Foundation the services of voluntary and uncompensated personnel from private life and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(5) receive money and other property donated, bequeathed, or devised, by private, nongovernmental sources, without condition or restriction other than that it be used for any of the purposes of the Foundation; and to use, sell, or otherwise dispose of such property in carrying out the purposes of this Act; and

(6) make other expenditures necessary to carry into effect the purposes of this Act.

PROHIBITION AGAINST REQUIRING INTELLIGENCE GATHERING

Sec. 7. No department, agency, officer, or employee of the United States shall request or require any recipient or any other beneficiary of any grant made under this Act to obtain, furnish, or report, or cause to be obtained, furnished, or reported, any information relating, directly or indirectly, to any activity supported by such grant, except as is (1) provided by section 4(b) of this Act or (2) authorized under law in the case of any information directly relating to the violation of any criminal law of the United States by such recipient or beneficiary.

INDEPENDENCE FROM EXECUTIVE CONTROL

Sec. 8. (a) Determinations made by the Director and the Council in the discharge of their functions under this Act shall not be subject to review or control by the President or by any other department, agency, officer, or employee of the Government.

(b) The provisions of subchapter II of chapter 5 of title 5, United States Code (relating to administrative procedure), and of chapter 7 of such title (relating to judicial review), shall not apply with respect to the exercise by the Director or the Council of their functions under this Act.

APPROPRIATIONS

Sec. 9. There are hereby authorized to be appropriated to the Foundation such sums as may be necessary to carry out the purposes of this Act, except that the aggregate of such sums appropriated prior to June 30, 1972, shall not exceed $100 million. Sums appropriated under this section shall remain available until expended.

S. 765—INTRODUCTION OF BILL TO PROVIDE FOR A NATIONAL LUNG INSTITUTE

Mr. YARBOROUGH. Mr. President, today I am introducing legislation that would authorize the establishment of a National Lung Institute as a part of the National Institutes of Health. This Institute is needed to mobilize our research and training resources against emphysema, chronic bronchitis, and other respiratory diseases such as pneumoconiosis, sometimes known as miners' asthma.

Emphysema, chronic bronchitis, and asthma combined now rank among the 10 leading causes of death—primarily due to the dramatic rise in mortality caused by emphysema in recent years. Deaths due to emphysema increased by 64 percent between 1962 and 1966 as compared to an overall increase of 6 percent for all causes of death. Last year 24,000 of our citizens died due to emphysema. It is estimated that some 5 million Americans are affected with emphysema. In recent years emphysema has forced approximately 16,000 workers to retire prematurely at an annual cost of $90 million in social security benefits. Emphysema is the second most frequent disability for which benefits are awarded. Heart disease is first.

It is believed that emphysema, a disease which causes the lungs to become enlarged, is a late effect of chronic infection or irritation of the bronchial tubes. When they become irritated or infected the lungs as a whole may become enlarged, at the same time becoming less efficient in exchanging oxygen for carbon dioxide. Emphysema may also interfere with the passage of blood through the small blood vessels of the lung. As interference grows, the heart must work harder to pump blood. The heart may enlarge under the strain and eventually give out. This type of heart failure is often the end result of emphysema.

Very little money is now being invested in research to prevent and treat emphysema and in training medical personnel in the diagnosis and treatment of the disease. The growing deaths and disability due to emphysema make it imperative that we provide for the needed research and training for a concerted attack. We are now spending only $3.6 million on research and training against emphysema, largely through the program of the National Institute of Allergy and Infectious Diseases. It is understandable that the Institute gives priority to allergic and infectious illness. But it is no less urgent that we provide organizationally for an attack on emphysema, chronic bronchitis, and other diseases of the lung so that we can attract the number of scientists and physicians that are desperately needed in the fields of research and practice that we may advance our knowledge in preventing and treating chronic respiratory diseases. I want to make it clear that the proposed National Lung Institute would in no way duplicate the work of any other National Institute of Health.

This legislation is endorsed by the National Tuberculosis and Respiratory Disease Foundation.

Mr. President, I ask unanimous consent that the text of the bill be printed in full at the end of my remarks following an article from the New York Times of January 27, 1969, that describes the plight of miners in West Virginia who are afflicted with what is commonly known as miners' asthma or black lung. I am confident that the proposed National Lung Institute would add to our knowledge in preventing and treating this illness.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and article will be printed in the Record.

The bill (S. 765) to amend the Public Health Service Act to provide for the establishment of a National Lung Institute, introduced by Mr. Yarborough, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 765

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Public Health Service Act (42 U.S.C., ch. 6A, subch. III) is amended by adding at the end thereof the following new part:

"Part G—National Lung Institute

"ESTABLISHMENT

"Sec. 461. The Secretary of Health, Education, and Welfare (hereafter in this part referred to as the 'Secretary') is authorized and directed to establish in the Public Health Service an institute for the conduct and support of research and training relating to emphysema and other chronic respiratory diseases, including but not limited to such conditions as chronic bronchitis, asthma, and tuberculosis, as well as research and training in the special health problems and requirements of persons afflicted with such diseases, and conditions of the lung.

"ESTABLISHMENT OF ADVISORY COUNCIL

"Sec. 462. (a) The Secretary is authorized and directed to establish an advisory council to advise, consult with, and make recommendations to him on matters relating to the activities of the National Lung Institute.

"(b) The provisions relating to the composition, terms of office of members, and reappointment of members of advisory councils under section 432(a) shall be applicable to the council established under this section.

"(c) Upon appointment of such council, it shall assume all or such part as the Secretary may specify of the duties, functions, and powers of the National Advisory Health Council relating to the research or training projects with which such council established under this part is concerned and such portion as the Secretary may specify of the duties, functions, and powers of any other advisory council established under this Act relating to such projects.

"FUNCTIONS

"SEC. 463. The Secretary shall, through the National Lung Institute established under this part, carry out the purposes of section 301 with respect to the conduct and support of research on the lung and its conditions with special emphasis on emphysema and other chronic respiratory diseases, including the special health problems and requirements of persons afflicted with such diseases, except that the Secretary shall determine the areas in which and the extent to which he will carry out such purposes of section 301 through such institute or an institute established by or under other provisions of this Act, or both of them, when both such institutes have functions with respect to the same subject matter. The Secretary is also authorized to provide training and instruction and establish and maintain traineeships and fellowships, in the National Lung Institute and elsewhere in matters relating to diagnosis, prevention, and treatment of emphysema and related respiratory diseases and conditions of the lung with such stipends and allowances (including travel and subsistence expenses) for trainees and fellows as he deems necessary, and in addition, provide for such training, instruction, and traineeships and for such fellowships through grants to public or other non-profit institutions."

The article presented by Mr. YARBOROUGH is as follows:

[From the New York Times, Jan. 27, 1969]

MINERS ORGANIZE TO REDUCE RISKS—HIT UNION AND GOVERNMENT ON HEALTH AND SAFETY

(By Ben A. Franklin)

CHARLESTON, W. VA., January 26.—They are strangers to the tactics of protest, but more than 3,000 coal miners in West Virginia demonstrated here today that they could be organized to make unexpectedly militant demands upon both their union and their government to reduce the risks of their occupation.

The setting was the first statewide meeting of the West Virginia Black Lung Association, a new miners' organization inspired by the work of three doctors in seeking to reduce the fatal incidence of pneumoconiosis, sometimes called miners' asthma, but popularly known as black lung.

The rally produced an unusually bitter attack on W. A. Boyle, president of the United Mine Workers of America, by Ralph Nader, outspoken advocate of auto safety and other consumer issues. Mr. Nader accused Mr. Boyle of "snuggling up close to the coal operators" on safety issues and suggested that the union president be ousted.

The disabling disease pneumoconiosis was identified two decades ago as an occupational hazard different from silicosis, the most widely known affliction of underground miners. Black lung has been estimated by the United States Health Service to affect more than 100,000 of the country's 135,000 soft coal workers, yet almost nothing has been done to abate it or to indemnify its victims when they can no longer work.

A 2-HOUR MEETING

Today, for nearly two hours in the Charleston Civic Center coal miners from across the state—some in ill-fitting suits and others in the hard hats and coveralls they wear into the pits—cheered and applauded demands that the Legislature now meeting here grant them workmen's compensation for the disabling symptoms of black lung.

They also demanded that mine owners make radical changes in their underground operations to remove the particles of coal dust that cause black lung disease.

It was the first time in the memory of most living West Virginia miners that workers in an industry noted for the fatalism and rural isolation of its men had banded together in such an organization. Representative Ken Hechler, Democrat of West Virginia, told the miners it was "a history-making day," unlike anything in the coal fields since the union organizing wars between the mine operators and the mine workers unions in the 1920's and 1930's.

By approving unanimously a curt public "invitation" to Mr. Boyle to come to West Virginia and by applauding a charge that the union president had "neglected his responsibility" to miners, the rally showed the existence of angry rank-and-file dissatisfaction with the union leadership.

Although he was obviously uneasy about what he called its "warm language," Representative Hechler read in full the two-and-a-half page attack on the coal industry and on Mr. Boyle prepared for the meeting by Nader. Mr. Nader himself did not appear.

STATEMENT FROM NADER

His statement denounced the industry for health and safety failures "that make the lives of coal miners cheaper than coal." It took a crack at state legislators in this coal-dominated state, "who must be taught that they were elected to represent people, not coal," and it attacked the company doctors who control much of the workman's compensation procedure as "puppet physicians."

But Mr. Nader aimed most of his attack at the union president. "I doubt whether there is any union in this country whose highly paid leadership has been as insensitive and inactive toward health and safety conditions." Mr. Nader's statement declared.

"The record is overwhelming that Mr. Tony Boyle has neglected his responsibility to protect coal miners."

Mr. Nader's criticism included what he called the union's failure to include provisions for compensation for black lung disease in the union contract, to demand stricter state and Federal enforcement of mine health and safety rules and to initiate health and safety reforms on its own.

The statement said that "you may conclude that Mr. Boyle is no longer worthy of being your leader, that you need new leadership that will fight for your rights and not snuggle close to the coal operators and forget about the men who are paying the dues and paying the price."

Although Mr. Hechler read Mr. Nader's attack in a hurried, nervous monotone, it was applauded and a resolution "inviting" Mr. Boyle to West Virginia was adopted amid more applause.

S. 766—INTRODUCTION OF THE UNFAIR COMPETITION ACT OF 1969

Mr. McCLELLAN. Mr. President, I introduce, for appropriate reference, on behalf of myself and Mr. SCOTT, the Unfair Competition Act of 1969.

The bill would establish a uniform body of Federal unfair competition law by creating a Federal statutory tort of unfair competition affecting interstate commerce, and by establishing Federal jurisdiction over such tort claims within the framework of the Trademark Act of 1946. The crux of the bill proposes a new section 43(a) of the Trademark Act including in three subsections those torts generally acknowledged to give rise to the major part of the law of unfair competition. In a fourth subsection, provision is made for the Federal courts to deal with other acts which constitute unfair competition because of misrepresentation or misappropriation of goods or services.

The bill provides that all of the remedies set forth in the Trademark Act for infringement of trademarks would be available in respect to acts of unfair competition. However, the bill would not affect remedies which are otherwise available or preempt the jurisdiction of any State in cases of unfair competition.

The need for legislation in this area has been widely recognized. A national coordinating committee, composed of leading business and legal organizations, was established for the purpose of fostering such legislation. The bill which Senator SCOTT and I are introducing today is substantially similar to S. 1154 which we introduced in the 90th Congress. We have incorporated in the new text certain constructive suggestions proposed by the section of antitrust law and the patent, trademark, and copyright section of the American Bar Association. This revised text of the bill has been endorsed by the house of delegates of the American Bar Association, the American Patent Law Association, and the U.S. Trademark Association.

I anticipate that this bill will be referred to the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary. It is my present intention to schedule public hearings on this bill later in this session of Congress. Anyone interested in this legislation should address his comments to the Subcommittee on Patents, Trademarks, and Copyrights.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 766) to amend the act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes, introduced by Mr. McCLELLAN (for himself and Mr. SCOTT), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 769—INTRODUCTION OF BILL HONORING THE LATE TENNESSEE CONGRESSMAN, ROBERT A. "FATS" EVERETT

Mr. BAKER. Mr. President, I introduce a bill honoring the late Tennessee Congressman, Robert A. "Fats" Everett, and ask that it be printed in the RECORD at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 769) to name the bridge to be constructed across the Mississippi River linking the States of Tennessee and Missouri in honor of a former Member of the House, Robert A. "Fats" Everett, introduced by Mr. BAKER, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Tennessee-Missouri Bridge now under construction across the Mississippi River northwest of Dyersburg, Tennessee, and southeast of Caruthersville, Missouri, be named the Robert A. Everett Memorial Bridge in honor of the late Congressman Robert A. "Fats" Everett.

S. 770—INTRODUCTION OF BILL RELATING TO FEDERAL COUNCIL OF HEALTH

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill to establish a 12-member Federal Council of Health within the Executive Office of the President.

Duties of the Council members, appointed by the President for 3-year terms, would include. first, making recommendations and continuous evaluation of policies and programs related to the Nation's health, including disaster planning; second, initiating, studying, and developing measures designed to assure the provision of adequate health manpower, services, and facilities and to moderate the rising trend in the cost of medical care; and, third, advising and consulting with Federal departments and agencies, including the Budget Bureau, on policies and programs concerned with health services, manpower, and facilities.

This measure would bring into being the recommendations of the Task Force on Federal Medical Services of the Second Hoover Commission, which have been ignored for 14 years. While temporary, short-term groups such as Presidential commissions, ad hoc committees, and interagency committees have been created to deal with specific problems in the health field, none of these groups has had the scope or power of the recommended Federal Council of Health. This bill also has the support of the American Public Health Association.

A major concern of American families today is the accelerating cost of health services, which have risen considerably faster than consumer prices generally, and the increasing difficulty in obtaining the health services desired. While physician's fees have risen twice as fast as the cost of living, the Nation has actually seen a decline in the number of family physicians such as general practitioners, pediatricians, and internists and a decline in the ratio of dentists serving our people. In addition, one-third of the Nation's hospital capacity is outmoded and outdated.

There can be no other conclusion than that the Nation is facing a major health crisis as medical costs increase and as health facilities fail to keep pace with population growth, scientific advances and the increasing ability of Americans to avail themselves of health care.

The Federal Council on Health which my bill proposes could bring together the findings and recommendations of the various Federal ad hoc groups on such subjects as health manpower and medicare prices and the health planning groups in the States, and make findings and recommendations of its own so that the Nation can adequately meet the health care crisis coming upon us.

Mr. President, I ask unanimous consent that there be included as a part of my remarks at this point the full text of the recommendations for a Federal Council of Health by the Task Force on Federal Medical Services of the Commission on Organization of the Executive Branch of the Government—the Hoover Commission.

There being no objection, the recommendations were ordered to be printed in the RECORD, as follows:

CHAPTER II: A FEDERAL COUNCIL OF HEALTH

There is a general absence of coordinated planning and operation of the widely dispersed health activities of the Federal Government. Moreover, Government agencies fail to relate these activities to the Nation's total health efforts. The validity of these observations is well recognized. They have been made by a number of governmental commissions and other groups who have carefully studied the many facets of the health problems of the Nation. The seriousness of their import compels their reiteration here.

In large measure these circumstances exist because the responsibility for the recommendation of overall Federal policies relating to the conduct of health activities is not fixed in any unit of the executive branch. Consequently there are no such overall policies. Excessive duplication of programs, facilities, and personnel ensue for lack of policy. Not only do such excesses impair the economic and efficient operation of the Federal health activities, they also place unreasonably heavy claims upon the Nation's total health economy.

As a consequence of our studies, we have made numerous recommendations. In many ways our recommendations, however, can be put into lasting effect only if they become the explicit responsibility of a permanent council. We clearly see the need for a council that can and will have at its disposal a convincing and growing mass of factual information, provide continuity and consistency in the advice and criticism and suspicions of an operating agency, and yet possess a status sufficient to avoid having its advice easily ignored or overridden.

Federal activities constitute so substantial a portion of the total national health resources that the demands of the Federal health services can scarcely be met. We find it of fundamental importance in order (*a*) to attain economic and efficient operation of the Federal health activities, (*b*) to utilize effectively the Nation's health resources, and (*c*) to prepare medically for national defense, that there be created an agency within the executive branch charged with the responsibility for formulation and continuous evaluation of policies for the conduct of Federal health activities and the recommendation of overall policy.

These objectives may be reached through three possible methods. The first is to place substantially all of the health activities in a single department of cabinet rank and charge this department with the responsibility of policy formulation. The task force rejects this solution. In arriving at this conclusion we differ from that reached by the first Hoover Commission for a United Medical Administration which would have encompassed this method.[1]

Since 1948 there have been basic changes in the organization of the Federal medical services. The Department of Health, Education, and Welfare has been created. The Department of Defense has been created from the National Military Establishment; and a position of Assistant Secretary of Defense (Health and Medical) has been established. In the Veterans' Administration, the Department of Medicine and Surgery has been given much broader authority. Both executive policy and legislative action have been in the direction of strengthening these centers of medical service.

We find that the mission of health activities in the Department of Defense is sufficiently different from the missions of health activities in the Department of Health, Education, and Welfare and the Veterans' Administration to warrant their continued separation. We further believe that the accomplishment of the Defense health mission, which is not only primarily but inextricably related to the provision of technical support to military operations, would be seriously hampered, if not jeopardized, by such a merger. In view of these circumstances we believe that the real need today is the development of an instrument to coordinate policy, rather than an integration of services in a single agency.

The second method is to permit the present decentralized administration of health activities to continue but to assign a staff responsibility for policy formulation for the entire Federal Government to a cabinet officer of an appropriate department. The task force is of the firm conviction that such an assignment would not accomplish the desired result. We believe that no officer of an operating agency could long remain sufficiently detached from the problems and activities of his own department to permit him to view objectively policy matters concerning other agencies, both military and civilian.

The third possibility is to place this function in the Executive Office of the President. We favor this solution. Two established units within this office might conceivably serve this function: The Bureau of the Budget and the Office of Defense Mobilization. Both now engage in operations having some relationship to health activities.

As to the Bureau of the Budget, we feel that the function of broad policy formulation is substantially if not wholly alien to its present activities. This Bureau is primarily concerned with the management evaluation and fiscal control of Government agencies and operations. Since 1949 both the Congress and the President have extended the Bureau's authority and functions in the field of organization and management of the executive branch.[2] Moreover the authority to establish budgetary reserves was added by the Omnibus Appropriation Act of September 6, 1950. In the view of the executive and legislative branches of Government these areas apparently are the proper province of the Bureau.

These functions are so contrasting if not actually antithetical to those concerned with the formation of health policy that no one agency could effectively perform both. The assumption of such a role would, in our view, unbalance the present alinement of function and activities of the Bureau. It would give the Bureau a policy role in the field of health that it does not possess for any other activity of Government.

For these reasons this task force does not believe that responsibility for the formulation of health policy should be placed in the Bureau of the Budget.

As between the Bureau of the Budget and the Office of Defense Mobilization, we favor placement of this function in the latter agency for the following reasons:

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[1] Commission on Organization of the Executive Branch of the Government, Medical Activities, a Report to the Congress, March 1949, Recommendation No. 1.

[2] Budgeting and Accounting Procedures Act of 1950 (31 U.S.C. Sup. 18a, 18b); Rev. Stat., sec. 3679 as amended (31 U.S.C. 665); Classification Act of 1949 (5 U.S.C. Sup. 1151); and Executive Order 10072 of July 29, 1949.

1. The experience of the Health Resources Advisory Committee, operating within the Office of Defense Mobilization, has demonstrated that certain Government-wide policy formulation relating to health can be successfully accomplished in this setting.

2. The Office of Defense Mobilization has representation, through its Director, on the National Security Council. This would permit realistic policy formulation with respect to matters pertaining to the national defense.

We recognize that placement of this function in the Office of Defense Mobilization also has limitations. It was established in the Executive Office of the President to improve the organization of that Office and to enable a single agency of that Office to exercise leadership in our mobilization effort, including current defense activities and preparedness for future national emergencies.[3] While health is related to some of these functions, it is neither the sole nor a major concern of this agency. We feel that the envisioned health functions are far too important to be cast lightly about in search of a convenient rather than a realistic situs. This function belongs in the Executive Office of the President, and if it is to be given to any existing agency, the task force believes it can best be given to the Office of Defense Mobilization.

The task force is well aware that much work which has been independently and severally conducted by a number of Federal agencies in the field of health has been highly competent. In fact some of such work has been particularly outstanding. The criticism which the task force has addressed to the lack of coordinated planning and operation with respect to the health activities of the Federal Government, and particularly to the relationship that such activities have to the total health needs of the Nation, is not intended to reflect on nor does it relate to the competence and devotion of many of the highly skilled scientists in this field.

Some idea of what may be accomplished through coordinated policy formulation is readily gleaned from the experience of the Health Resources Advisory Committee. That Committee, a civilian group, was appointed in 1950 at the suggestion of the President to advise the Chairman of the National Security Resources Board and to make recommendations to him in the entire field of health resources essential in a national emergency. When the functions of the National Security Resources Board were transferred to the Office of Defense Mobilization, the Health Resources Advisory Committee was also placed in the new agency. This committee carries a number of broad responsibilities, including review of quotas of the Defense Department for physicians, dentists, nurses, and veterinarians, acting as the Advisory Committee to the Selective Service for the purposes of the Doctor-Draft Law, and serving as arbiter for the national blood program which cuts across the areas of interest of a number of agencies.

We recommend that a Federal Council of Health be established, that membership on the Council be limited to approximately 10 persons of distinguished competence in the health field as broadly defined, and that their general responsibilities would include:

(1) To make recommendations and continuous evaluation of policies and programs related to the Nation's health, including disaster planning;

(2) To initiate, study, and develop measures designed to assure the provision of adequate manpower, services, and facilities for the Nation's health, including their mobilization, allocation, and utilization;

(3) To evaluate studies and surveys made by or concerned with the Federal departments and agencies in relation to the Nation's health needs and resources;

(4) To advise and consult with Federal departments and agencies, including the Bureau of the Budget, on policies and programs concerned with health services, manpower, and facilities;

(5) To advise the Selective Service System and coordinate the work of State and local volunteer advisory committees on the selection for service in the Armed Forces of medical, dental, and allied specialists.

(6) To report to the President on such matters as the President may request.

The members of the Council should be appointed for terms of fixed duration, with the possibility of reappointment. Our feeling is that the terms of the members should be staggered in such fashion as to provide continuity of operations, and the maintenance of high interest.

THE TASK FORCE RECOMMENDS

That legislation be enacted to establish within the Executive Office of the President a Federal Council of Health charged with the recommendation and continuous evaluation of policy governing the health activities of the Federal Government.

Mr. JAVITS. Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 770) to establish a Federal Council of Health which will have the responsibility of fixing a coherent set of national health goals for the United States; introduced by Mr. JAVITS, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 770

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established, in the Executive Office of the President, a Federal Council of Health (hereinafter referred to as the "Council"), which shall consist of twelve members who shall be of distinguished competence in the field of health or fields related thereto, and who are not otherwise in the employ of the United States. Members of the Council shall be appointed by the President. At the time of appointment the President shall designate one member as Chairman of the Council.

(b) Each member of the Council shall hold office for a term of three years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the President at the time of appointment, four at the end of the first year, four at the end of the second year, and four at the end of the third year, after the date of appointment. A member shall not be eligible to serve continuously for more than two terms.

(c) Members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the President, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

SEC. 2. (a) It shall be the duty and function of the Council to conduct studies, research, and investigations for the purpose of establishing a coherent set of national health goals.

(b) In carrying out its duty and function, the Council shall—

(1) conduct a continuous evaluation of policies and programs related to the Nation's health (including policies and programs related to disaster planning) and make recommendations for the revision, expansion, and improvement of such policies and programs;

(2) initiate, study, and develop measures designed to assure the provision of adequate manpower, services, and facilities for the Nation's health, including the mobilization, allocation, and utilization of such manpower, services, and facilities;

(3) evaluate studies and surveys made by or concerned with departments and agencies of the Federal Government in relation to the Nation's health needs and resources;

(4) advise and consult with departments and agencies of the Federal Government (including the Bureau of the Budget) on policies and programs concerned with health services, manpower, and facilities; and

(5) upon the request of the President with respect to any matter concerning the Nation's health, submit to the President a report containing such information, data, or recommendations on such matter as the President may indicate in such request.

SEC. 3. The Council shall have authority to employ such professional, technical, and clerical staff as may be required to carry out out its duties and functions.

ADDITIONAL COSPONSOR OF BILLS AND JOINT RESOLUTIONS

Mr. MOSS. Mr. President, I ask unanimous consent that, at its next printing, the name of the junior Senator from West Virginia (Mr. BYRD) be added as a cosponsor of the bill (S. 583), to provide for the flying of the American flag over the remains of the U.S. ship *Utah* in honor of the heroic men who were entombed in her hull on December 7, 1941.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MONTOYA. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Wisconsin (Mr. NELSON) be added as a cosponsor of S. 18, a bill to exempt the National Park Service from certain employee limitations.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MONTOYA. Mr. President, also I ask unanimous consent that, at its next printing, the name of the Senator from Utah (Mr. Moss) be added as a cosponsor of the bill (S. 740) to establish an Interagency Committee on Mexican-American Affairs.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MONTOYA. Senator Moss was one of the original cosponsors of this bill, but, through an error in printing, his name was omitted from the list of cosponsors on the first printing.

Mr. President, I further ask unanimous consent that, at its next printing, the names of the Senator from Vermont (Mr. AIKEN), the Senator from Alabama (Mr. ALLEN), the Senator from

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[3] See Reorganization Plan No. 3 of 1953, 67 Stat. 634.

Nevada (Mr. Bible), the Senator from Kentucky (Mr. Cook), the Senator from New Hampshire (Mr. Cotton), the Senator from Connecticut (Mr. Dodd), the Senator from Kansas (Mr. Dole), the Senator from Arizona (Mr. Fannin), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Hawaii (Mr. Inouye), the Senator from Wyoming (Mr. McGee), the Senator from Utah (Mr. Moss), the Senator from South Dakota (Mr. Mundt), the Senator from Wisconsin (Mr. Nelson), the Senator from Vermont (Mr. Prouty), the Senator from Mississippi (Mr. Stennis), the Senator from Alaska (Mr. Stevens), and the Senator from Maryland (Mr. Tydings), be added as cosponsors of my bill (S. 413) to authorize the Secretary of Agriculture to cooperate with and furnish financial and other assistance to States and other public bodies and organizations in establishing a system for prevention, control, and suppression of fires in rural areas, and for other purposes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from New Mexico (Mr. Montoya), I ask unanimous consent that, at its next printing, the name of the senior Senator from Maryland (Mr. Tydings), be added as a cosponsor of the bill (S. 740) to establish the Interagency Committee on Mexican-American Affairs.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that, at its next printing, the names of the senior Senator from Illinois (Mr. Dirksen), and the senior Senator from California (Mr. Murphy), be added as cosponsors of the joint resolution (S.J. Res. 28) providing for renaming the central Arizona project as the Carl Hayden project.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Wyoming (Mr. McGee), and the Senator from Oregon (Mr. Hatfield) be added as cosponsors of the joint resolution (S.J. Res. 29) authorizing the Secretary of the Interior to provide for the commemoration of the 100th anniversary of the establishment of Yellowstone National Park, and for other purposes.

The VICE PRESIDENT. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 7—CONCURRENT RESOLUTION FOR AN EFFECTIVE INTERNATIONAL AGREEMENT ON HIJACKING

Mr. DODD. Mr. President, I submit, for reference to the appropriate committee, a concurrent resolution which seeks to deal with the growing problem of hijacking by recommending the strengthening of the Tokyo Convention.

I believe we are all agreed that, somehow, effective means must be found to put an end to the growing international epidemic of hijacking of commercial planes. This epidemic has now reached such proportions in the Western Hemisphere that no passenger on a commercial flight in the Caribbean area can be certain that his flight will not terminate in Havana.

Last year 17 American planes, three Colombian, two Venezuelan, one Bahamian, and three Mexican aircraft were hijacked and flown to Cuba.

In the first few weeks of this year, 10 commercial aircraft, bound for other destinations in the Americas, have been forced at gunpoint to fly to Havana.

I should point out that these were the figures as of 1 day ago, when advance copies of my statement were distributed to the press. Within the past 24 hours, however, another two aircraft were hijacked to Cuba, to swell the total for the month of January to 12 hijackings. If this rate keeps up, more than 150 commercial aircraft will be hijacked during the year 1969.

Obviously, this is a situation that cannot be tolerated.

It has been maintained by some people, and the Department of State has given some support to this analysis, that the Castro regime has had nothing to do with the epidemic of hijackings and is, in fact, unhappy about them.

This is a dangerous oversimplification.

Admittedly, many of the hijackers have been non-Cubans with criminal or mental records, who clearly acted on their own. But there have been a disturbing number of incidents in which known Castroites, presumably acting under directive, have been involved in the hijacking of aircraft flying the flag of various American countries.

The authoritative bulletin, Latin America Report, in its issue of November 1968, pointed out the following:

> In one instance, Castroite guerrillas in Colombia hijacked a plane and returned their wounded to Cuba on it. The FBI recently arrested two Puerto Ricans for hijacking a New York-San Juan plane and identified them as members of the Castroite Pro-Independence Movement. All three hijackings from Venezuela were the work of Castro agents who have been identified by the Venezuelan government as such.

If Castro were really unhappy about the hijacking and wanted to put an end to it, he could have done so overnight a long time ago by announcing that all those who hijacked aircraft in order to get to Cuba would be extradited immediately on their arrival.

There are good reasons for believing that there have been some indirect overtures to Castro. But so far he has shown himself completely uncooperative. To me, it is clear that Castro is not unhappy about the hijackings. I believe that he enjoys the present situation enormously and that he hopes to be able to exploit it in order to extort some major political concessions from the United States.

Given this situation, it is clear that we cannot hope for Castro's cooperation unless we succeed in isolating him, at least on the single issue of hijacking, from the community of nations. To do this, an agreement that has some real teeth in it will be essential.

In 1963 a first convention on hijacking was concluded in Tokyo, obligating the signatory states to facilitate the release of hijacked aircraft, together with their passengers and crews. Although the Tokyo Convention represented a first step in the direction of controlling the problem, the inadequacy of its provisions failed to inspire any international enthusiasm. To date, only 23 nations have signed the convention and only 8 have ratified it. The United States is a signatory, but has not yet got around to ratification.

The Tokyo Convention is inadequate because, as it is now written, it simply has no teeth. The purpose of my resolution is to provide the Tokyo Convention with some teeth.

Specifically, my resolution suggests that strengthening clauses be added to the Tokyo Convention:

First. Calling for the immediate release of hijacked aircraft, together with their crews and passengers; second, calling for the automatic extradition of all hijackers to the flag country of the hijacked aircraft; and third, making it mandatory for the signatory nations to terminate bilateral air transport arrangements with any country that refuses to become a party to the new International Convention on Hijacking.

The matter of strengthening the Tokyo Convention or finding some alternative formula has been under consideration by the International Civil Aviation Organization since last September.

At that time the General Assembly of ICAO asked the Council of the Organization to undertake a study of the subject.

The council, in turn, in December of last year, assigned the question to the IACO legal committee.

And the legal committee assigned the question to a specially designated subcommittee which is to meet in Montreal from February 10 to 22 of this year.

It is my hope that the American representatives at this meeting will move to strengthen the Tokyo Convention in the manner proposed by my resolution. Anything less than this, I fear, would give us a treaty that is not adequate to deal with the situation that confronts us today.

But I also hope that the need for strengthening the Tokyo Convention in the manner I have suggested will be accepted by the other delegations to the Montreal meeting, and by all those governments which have ratified or signed the Tokyo Convention to date.

If the machinery of the International Civil Aviation Organization proves inadequate or too slow moving to bring the epidemic of hijacking under control in the immediate future, or if the present signatories of the Tokyo Convention resist strengthening it in a manner that will make the agreement meaningful, then I believe that we should seek to deal with the problem through a special international conference, convened on an emergency basis not later than March 31, 1969.

This latter proposal is also a part of the resolution I am submitting today.

There may be those who will object that my proposal goes too far and that some nations, especially the Communist nations, may resist signing it.

To these I would reply that if they

can come up with a milder alternative formula that promises to put an end to the hijacking epidemic, I, for one, will be happy to consider it.

Frankly, I think we will find almost universal support for the stiffening of the Tokyo Convention. And despite the fact that the proposals made in my resolution are directed in the first instance against Cuba, I think the chances are very good that the Soviet Union and most other Communist countries will accept the wisdom of subscribing to the convention.

No Communist passenger liners have yet been hijacked, although quite a number of Communist military planes have been stolen and flown to the West. But air travel is growing by leaps and bounds in the Communist sphere, just as it is in the free world. No one knows better than the Soviet leaders that they have in their countries hundreds of thousands of disaffected citizens who may be thinking of seeking asylum in the West. And if a hijacking epidemic ever got underway in Communist Europe, it might soon make our own epidemic look like small potatoes.

Clearly, the Soviet leaders and other Communist governments in Europe have much to gain from an agreement that would effectively prevent hijacking by guaranteeing the automatic extradition of hijackers. Indeed, they might have more to gain from such an agreement than we have.

I am not insensitive to the fact that some of those who may seek to escape from their homelands or their countries of residence may claim to be political persecutees in quest of asylum.

I yield to no man in the importance I attach to the right of asylum. Indeed, in our age I consider it one of the basic human rights.

However, I do not think that any man has the right to endanger the lives of other people in order to achieve asylum for himself. And as much as I may sympathize with those who desire to escape from Communist oppression, I must say that this fundamental rule applies also to them.

Mr. President, I ask unanimous consent that my concurrent resolution be left on the table through Friday, February 7, so that other Senators will be able to indicate their support for the proposal by cosponsoring it.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object—and I do not wish to object—may I ask whether the distinguished Senator has cleared this request with the leadership on the other side of the aisle?

Mr. DODD. No. I did not think it was necessary.

Very well; I withdraw that unanimous-consent request.

The VICE PRESIDENT. The request is withdrawn.

Mr. DODD. I ask unanimous consent, however, that the full text of my concurrent resolution be printed in the RECORD at this point.

The VICE PRESIDENT. The concurrent resolution will be received and appropriately referred; and, under the rule, the concurrent resolution will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 7) was referred to the Committee on Foreign Relations, as follows:

S. CON. RES. 7

Resolved by the Senate (*the House of Representatives concurring*), Whereas the past two years have witnessed a growing international epidemic of the hijacking of commercial airplanes, which has endangered the lives of many hundreds of passengers and resulted in serious inconvenience to both passengers and airlines; and

Whereas the epidemic has now reached such proportions in the Western Hemisphere that no passenger on a commercial flight in the Caribbean area can be certain that his flight will not terminate in Havana; and

Whereas the Tokyo Convention on Hijacking, although it represents a first step in the direction of controlling the problem, is, by common consent, inadequate to cope with the situation that exists today;

Therefore be it resolved by the Senate of the United States (the House of Representatives concurring) that it is the sense of the Congress that the Administration should move immediately to strengthen the Tokyo Convention by adding clauses to it which (i) call for the automatic extradition of all hijackers to the flag country of the hijacked aircraft, and the immediate release of hijacked aircraft, together with their crews and passengers; and (ii) make it mandatory for the signatory nations to terminate bilateral air transport arrangements with any country that refuses to become a party to the new international convention on hijacking;

And be it further resolved that if the machinery of the International Civil Aviation Organization proves inadequate or too slow moving to bring the epidemic of hijacking under control in the immediate future, it is the sense of the Congress that the government of the United States should seek to deal with the problem through a special international conference, convened on an emergency basis no later than March 31, 1969.

SENATE RESOLUTION 77—RESOLUTION TO REFER SENATE BILL 756 TO THE COURT OF CLAIMS

Mr. MUSKIE submitted the following resolution (S. Res. 77); which was referred to the Committee on the Judiciary:

S. RES. 77

Resolved, That the bill (S. 756) entitled "A bill for the relief of Teresa Lindner", now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the Court of Claims; and the Chief Commissioner of the Court of Claims shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code, as amended by the Act of October 15, 1966 (80 Stat. 958), and report to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States and the amount, if any, legally or equitably due from the United States to the claimant.

SENATE RESOLUTION 78—RESOLUTION TO ESTABLISH A SELECT COMMITTEE ON TECHNOLOGY AND THE HUMAN ENVIRONMENT

Mr. MUSKIE. Mr. President, on behalf of myself and Senators BAKER, BIBLE, BOGGS, HARRIS, INOUYE, JAVITS, KENNEDY, MCGEE, MONDALE, MOSS, NELSON, PELL, RANDOLPH, TYDINGS, and SCOTT, I submit, for appropriate reference, a resolution to establish a Select Committee on Technology and the Human Environment which would provide a special forum for inquiry into the broad impact of science and technology on man's thinking, health, work, living habits, and his individuality over the next 50 years.

This resolution is an expanded version of Senate Resolution 68, which I introduced in the 90th Congress, and which was reported favorably by the Subcommittee on Intergovernmental Relations to the Committee on Government Operations.

Mr. President, we are engaged in a scientific and technological revolution which might be described as the single most important happening in the world today.

We have learned more and invented more in the past five generations than in all the previous years going back to the beginning of man. But the prospective acceleration of this learning and invention during the next 50 years defies the imagination.

The vital questions are: Where is the technological revolution leading us? Will man develop the understanding and capability to make it work for a better human environment? Or as William Barrett suggests in his book "Irrational Man," will the human become "subordinated to the machine, even in the traditionally human business of politics"?

As legislators in a democratic society based on belief in maximum individual freedom and human development, we have a responsibility to study the total impact of scientific and technological change on that freedom and development in the years ahead.

We must learn the benefits of the new technology and how they can be applied to public and private planning and investment in resource development, housing, transportation, power supply, education, communication, health, employment, and other aspects of area and community growth.

At the same time, we need to assess the undesirable consequences of technological change, and devise an early-warning system for preventing serious injury to man and his environment.

We must evaluate our governmental institutions at the Federal, State, and local levels, to determine their capability to adapt to this new age of technology.

And we must analyze the impact of technological change on the minds and the value systems of our citizens, to better develop a policy of education designed to encourage them to understand and live within the bounds of a rapidly changing environment.

This changing environment, particularly in the urban areas, will put extraordinary pressures and demands upon our State and local governments in planning, facilities, and services. As a response to these public needs, it is essential that we develop a controlled technological system, capable of producing benefits by design rather than by accident.

To inquire into the broad impact and implications of science and technology on man and his environment, and to plan now for the future would be the responsibility of the select committee I propose today.

Mr. President, this would be a study committee where scientists and legislators can gather to discuss the gravity of environmental problems to be faced and what science and technology can do to solve these problems in cooperation with the Federal, State, and local governments.

It is not the intent of this resolution to establish a committee which would infringe in any way upon the existing substantive jurisdictions of the standing committees. The select committee would have no jurisdiction over legislation or powers of legislative oversight. Rather, its purpose would be to provide a source of information and analysis not now available in the Senate—necessary information cutting across the environmental spectrum, and which the standing committees do not have the time or the mandate to develop for themselves.

Standing committees are increasingly burdened with legislative proposals within their special fields, together with the responsibility of overseeing the effectiveness of on-going programs and the expenditure of funds. The staffs of these committees are pressed with the necessary duties of developing legislative hearings, drafting legislation, analyzing proposals, and investigating facts related to their committee functions, and thus have little opportunity to explore the broader issues of science and technology.

The hearings developed by the select committee, as proposed here, would provide individual Senators, their legislative assistants, and committee staff members, with a wealth of factual and analytical material which could be used in developing new ideas for legislative and executive policy, and in assessing the problems ahead as they may affect their States, localities, and functional interests.

The real strength of the proposed select committee lies in the composition of its membership. It would be composed of three members from each of the standing committees most concerned with the individual and his environment:

Agriculture—Responsible for agricultural and forestry research, production and marketing, soil conservation, agricultural education, extension of farm credit and security, and improvement of rural areas;

Banking and Currency—With responsibility in housing, urban development, private investment, and financial aid to commerce and industry;

Commerce—With major interests in transportation, oceanography, weather science, marine resources, communication, and economic development;

Interior and Insular Affairs—Handing public land development, recreation, irrigation, conservation, and development of natural resources;

Labor and Public Welfare—Primarily responsible for health, education, welfare, and employment opportunities;

Public Works—Concerned with building roads and public facilities, water and air pollution, economic development, waterpower, and other public improvements; and

Government Operations—Which has general oversight responsibility on the efficiency and economy of the Federal Government and has several subcommittees, including its Subcommittee on Research, which have been directly involved in investigations of environmental matters.

Thus, the standing committees most involved with legislation affecting human needs would participate directly in determining those areas for inquiry which they felt were most relevant to their needs. It would be in a position to guide the select committee's efforts along lines which would assure maximum benefit to the standing committees. Further, the close relationship which would be developed between the select committee staff and the staffs of the represented standing committees would provide an invaluable interchange of information and expertise.

In addition to its service to the Senate, the select committee would, through its hearings and reports, make an immeasurable contribution to Congress as a whole, to the executive branch, to academic institutions and scholars, to professional organizations, to State and local governments and to the public at large.

It should be emphasized that the proposed select committee would not have permanent status. Its authority is specifically terminated January 31, 1972. During its tenure, it is expected to issue interim reports and hold numerous hearings to which will be invited the Nation's most respected and experienced scholars in the physical and social sciences, in the application of technology to human needs, and in the fields of government—Federal, State and local. Before its termination, it must render a final report, which could provide a meaningful base for the development of national goals for the environmental betterment of man, not only in America, but throughout the world.

Mr. President, the challenge we face concerning technology and the human environment warrants that this select committee be established as soon as possible to come to grips with it, and inform the Congress of its magnitude and effect on the lives of our citizens.

As a background for the understanding and development of this legislation in the 91st Congress, I feel that it would be helpful for my colleagues to have for their information a special staff report prepared for the Senate Subcommittee on Intergovernmental Relations highlighting some of the testimony and materials obtained during the course of our hearings on Senate Resolution 68 in the 90th Congress.

I ask unanimous consent that this report be printed at this point in the Record, and following the report, the text of the Senate resolution to establish a Select Committee on Technology and the Human Environment.

The VICE PRESIDENT. The resolution will be received and appropriately referred, and without objection, the resolution and report will be printed in the Record.

The resolution (S. Res. 78) was referred to the Committee on Government Operations, as follows:

S. Res. 78

Whereas man's ability to alter and control his environment through the use of new technology is increasing at an accelerating rate, bringing new problems as well as benefits; and

Whereas in the next fifty years, technological change will require a greater use of and have a substantial impact on the natural and human resources of the Nation; and

Whereas it is essential to the continued welfare of the United States that appropriate public and private planning and investment in resource development, transportation, housing, education, communications, community development, water resources (including oceanography), power supplies, technology, automation, and public works to be made to improve the quality of man's environment; and

Whereas the Senate, in order to evaluate properly the probable needs for public and private investment in these areas over the next fifty years, should have recommendations and information relative to needed programs and their character, extent, and timing: Now, therefore, be it

Resolved, That (a) there is hereby established a select committee of the Senate to be known as the Select Committee on Technology and the Human Environment (hereinafter referred to as the "Committee") consisting of twenty-one Members of the Senate to be designated by the President of the Senate, as follows:

(1) three from among Senators who are members of the Committee on Agriculture;

(2) three from among Senators who are members of the Committee on Banking and Currency;

(3) three from among Senators who are members of the Committee on Commerce;

(4) three from among Senators who are members of the Committee on Government Operations;

(5) three from among Senators who are members of the Committee on Interior and Insular Affairs;

(6) three from among Senators who are members of the Committee on Labor and Public Welfare; and

(7) three from among Senators who are members of the Committee on Public Works.

At least one such Senator appointed from each such committee shall be a member of the minority party. The Committee shall select by majority vote of the members thereof a chairman from among such members.

(b) Vacancies in the membership of the Committee shall not affect the authority of the remaining members to execute the functions of the Committee. Vacancies shall be filled in the same manner as original appointments are made.

(c) A majority of the members of the Committee shall constitute a quorum thereof for the transaction of business, except that the Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony. The Committee shall adopt rules of procedure not inconsistent with the rules of the Senate governing standing committees of the Senate.

(d) No legislative measure shall be referred to the Committee, and it shall have no authority to report any such measure to the Senate.

(e) The Committee shall cease to exist on January 31, 1973.

Sec. 2. (a) It shall be the duty of the Committee to conduct a comprehensive study and investigation of—

(1) the character and extent of technological changes that probably will occur and which should be promoted within the next fifty years and their effect on population, communities, and industry, including but not limited to the need for public and private planning and investment in housing, water resources (including oceanography), education, automation affecting interstate

commerce, communications, transportation, power supplies, welfare, and other community services and facilities; and

(2) policies that would encourage the maximum private investment in means of improving the human environment, for the purpose of making the recommendations of the Committee and the results of such study and investigation available to the Senate and the committees thereof in considering policies for public investment and encouraging private investment.

(b) On or before January 31, 1973, the Committee shall submit to the Senate for reference to the appropriate standing committees a final report of its study and investigation together with its recommendations. The Committee may make such interim reports to the appropriate standing committees of the Senate prior to such final report as it deems advisable.

Sec. 3. (a) For the purposes of this resolution, the Committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; and (7) employ and fix the compensation of such technical, clerical, and other assistants and consultants as it deems advisable, except that the compensation so fixed shall not exceed the compensation prescribed under chapter 51 and subchapter III of chapter 53 of title 5, United States Code, for comparable duties.

(b) Upon request made by the members of the Committee selected from the minority party, the Committee shall appoint one assistant or consultant designated by such members. No assistant or consultant appointed by the Committee may receive compensation at an annual gross rate which exceeds by more than $2,400 the annual gross rate of compensation of any individual so designated by the minority members of the Committee.

(c) With the prior consent of the department or agency concerned, the Committee may (1) utilize the services, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the Committee determines that such action is necessary and appropriate.

(d) Subpenas may be issued by the Committee over the signature of the chairman or any other member designated by him, and may be served by any person designated by such chairman or member. The chairman of the Committee or any member thereof may administer oaths to witnesses.

Sec. 4. The expenses of the Committee under this resolution, which shall not exceed — — shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee.

The report presented by Mr. Muskie is as follows:

A Resolution To Establish a Senate Select Committee on Technology and the Human Environment: A Staff Memorandum Prepared for the Senate Subcommittee on Intergovernmental Relations

BACKGROUND

The proposal for a Select Committee on Technology and the Human Environment was first introduced by Senator Edmund S. Muskie in the 89th Congress, 2nd Session as S. Res. 298. It was reintroduced by Senator Muskie on January 25, 1967, as S. Res. 68, with 21 cosponsors.

The Subcommittee on Intergovernmental Relations of the Senate Committee on Government Operations, to which the legislation was referred, held seven days of hearings during which the Subcommittee obtained testimony and statements from some thirty witnesses representing a wide scope of scientific, technological, and political experience and concern in the area of human environment. There was unanimous support for the general purpose of the resolution.

On June 28, 1967, the Subcommittee on Intergovernmental Relations reported S. Res. 68 favorably, with amendments, to the full Committee for appropriate action. Although on the full Committee agenda, consideration of the legislation was not completed during the 90th Congress.

PURPOSE AND DESCRIPTION OF THE SENATE RESOLUTION 68

The resolution expressed the Senate's concern over man's ability to alter and control his environment in the light of accelerating technological change during the next 50 years. It considered it essential to the continued welfare of the United States that we understand the impact of this change on our natural and human resources so that we can anticipate our needs and problems, and properly develop policies for public and private planning that will improve the quality of man's environment.

Under the resolution, the Select Committee was authorized to conduct a comprehensive study and investigation of (1) the character and extent of technological changes that probably will occur and which should be promoted within the next fifty years and their effect on population, communities, and industry; and (2) policies which would encourage the maximum private investment in means of improving the human environment.

The resolution further required that on or before January 31, 1971, the Select Committee should submit to the Senate for reference to appropriate legislative committees a final report of its study and investigation together with its recommendations, and that it should make such interim reports to the appropriate legislative committees of the Senate prior to such final report as it deemed advisable.

The Select Committee on Technology and the Human Environment would be composed of eighteen members of the Senate to be designated by the President of the Senate, with three members each from the following standing committees; Agriculture; Banking and Currency; Commerce; Interior and Insular Affairs; Labor and Public Welfare; and Public Works. At least one Senator appointed from each such committee would be a member of the minority party.

The Subcommittee staff recommends, in the light of discussions held during full committee consideration, that the Committee on Government Operations be added to the list of committees represented. Its general oversight function into the efficiency and economy of Federal government operations has brought it directly into areas of research and development, Federal assistance to States, localities, and individuals, and Federal organization and management policies having a substantial effect on environmental development.

For carrying out the purposes set forth in the resolution, the select committee would be empowered to make expenditures, hold hearings, require by subpoena or otherwise the attendance of witnesses and the production of documents, administer oaths, take testimony orally or by deposition, and employ such technical clerical and other assistance as it deemed advisable. In addition, it would be permitted to utilize the services and facilities of the General Accounting Office, of agencies of the Executive Branch, and of the staff of other committees and subcommittees of the Senate. It is further provided that the rules of procedure of such committee shall not be inconsistent with the rules of the Senate governing its standing committees.

The resolution specifically provides that no legislative measure shall be referred to the select committee and that it shall have no authority to report any such measure to the Senate.

Finally, the proposed select committee would be temporary in nature, its authority terminating under S. Res. 68 on January 31, 1971. This termination date would, of course, have to be updated depending on a final action on the legislation. However, it was the Subcommittee's intention that the Select Committee should have at least a three-year period in which to make its study and demonstrate its importance to the Senate.

In fact, there was discussion among Subcommittee members that during this three-year period, the House of Representatives might express a desire to expand the Select Committee into a Joint Committee on Technology and the Human Environment.

HEARINGS ON SENATE RESOLUTION 298

As previously mentioned, hearings on S. Res. 298 were held on December 15, 1966. Witnesses at these hearings were S. Dillon Ripley, Secretary, Smithsonian Institution; Dr. James Shannon, Director, National Institutes of Health; and Professor Roger Revelle, Director, Center for Population Studies, Harvard University.

Dr. Ripley suggested that the interaction of technology and the human environment may become "the sovereign issue of our time", but he warned that too often we see advancing technology in only one dimension—"that in which change is most apparent, as in increasing speed, increasing the output of land, or increasing the supply of energy." He saw the Select Committee as an "excellent" mechanism for studying the "other dimensions and countless effects" of technological change, and for bringing together a variety of disparate fields of scientific and technological information with "man as a central factor."

Dr. Shannon was more concerned with the increasing variety of hazards developing from advancing technology.

"Accidents now rate as the major cause of death from the first year of life to age 36.

"The increasing dispersal of toxic chemicals and other substances of largely unassessed biological effect in air, water, and food engenders mounting public apprehension.

"The expanding use and diversity of sources of ionizing radiation threatens widespread biological damage.

"The complexity of industrial development and activity, and urban living with consequent growth in noise, strain, speed, tension, and social instability, pose grave psychogenic potentials."

He saw these problems "among the most urgent and formidable of contemporary issues," but like Dr. Ripley, he was also concerned that too often the Congress and the Executive Branch have approached them on an individual basis. "The holistic approach has been missing", he said, "and the result has been widespread fragmentation of responsibilities. This way of doing business has diffused the Federal discharge of responsibilities; it has tended to confuse State and local relationships to these Federal efforts." For this reason he was "inclined favorably" to the comprehensive concept of the proposed Select Committee.

Professor Revelle agreed with Dr. Shannon that "we live in a world of such rapid change and are beset by so many perils and instabilities, largely created by our own actions, that thoughtful men everywhere are trying to pierce the curtain of the future with an anxiety and intensity that did not exist in past generations."

"Attempts to plan the future, at least a few years ahead, are characteristic of most modern governments", he said, "and a new science of technical forecasting is rapidly developing in our universities and research institutions." However, he went on to observe that "the rhythms and traditions of politics in the United States are such that our governmental agencies have had very little interest in, or capability for, making long-range plans based on valid technological forecasts," and thus "it is of the utmost importance that the Congress should take a pioneering lead in this direction."

"Very few of the great problems of the real world," said the renowned Harvard scientist, "can be solved within one discipline. They have to be solved by many disciplines working together." He saw the proposed Select Committee as a means of bringing the knowledge of these disciplines into a meaningful balance, and providing the Government with a forum for thinking about them "over longer time horizons".

HEARINGS ON SENATE RESOLUTION 68

Hearings on S. Res. 68 were conducted in three phases: eminent scientists, educators and government scholars; spokesmen from Federal agencies involved in environmental development; and interested Senators. On behalf of the Committee, Senator Muskie invited the chairmen and ranking minority members of the various standing committees which would be represented on the Select Committee (or other members as designated by them) to participate with the Subcommittee on Intergovernmental Relations in developing the record.

First phase

The first phase of the hearings on S. Res. 68 was held on March 15, 16 and 20, 1967. Those testifying were: Dr. Donald F. Hornig, Special Advisor to the President for Science and Technology, and Director, Office of Science and Technology; Dr. Joseph L. Fisher, President, Resources for the Future, Inc.; Dr. Detlev Bronk, President, Rockefeller University; Dr. Howard R. Bowen, President, University of Iowa; Dr. Harrison Brown, Head of Division of Geological Sciences, California Institute of Technology; Dr. Glenn T. Seaborg, Chairman, Atomic Energy Commission; Mr. Jack T. Conway, Executive Director, Industrial Union Department, AFL–CIO; Dr. Donald N. Michael, Professor of Psychology, the University of Michigan; and Dr. John T. Wilson, Deputy Director of the National Science Foundation.

Each of these witnesses indicated a general endorsement of the resolution, and felt that such a Select Committee would be of assistance to the Senate, and to academic, governmental, professional and other institutions seeking to forecast the future impact of technological development on man.

Dr. Hornig saw the interaction between advancing technology and society as a problem rooted in history. "What is new," he said, "is the scale, the variety, and the speed of change, both in man's physical and his social environment."

Dr. Hornig said that we have "not mastered the problems of production," and unless we sustain or increase the growth of our per capital gross national product, and improve the distribution of that product, we will be unable to find the resources necessary to: maintain security; overcome poverty at home; improve our environment; and reduce the gap between rich and poor countries in the world.

But this is a "deadly serious game of tightrope walking," he said. As we "sustain rapid economic growth," we must also attempt to "foresee the consequences of major changes to protect ourselves from unintended secondary efforts." He cited pesticides as a well known example, along with the congestion of ground transportation around a heavily used airport, and the noise from aircraft.

Dr. Hornig said that "technological change and its consequences must be incorporated in our planning, in our budget—personal, corporate and governmental." He said that better means must be found for harmonizing continued technological development, rising incomes, rapid expansion of urban population, with the most appropriate long-term use of our environment.

"This is why I think it is very important that there be in Congress a forum for discussing the overall problems, and not just the problems as defined by the structures of Congressional committees," he said.

Dr. Detlev Bronk, drawing from his distinguished career as a scientist and educator, also emphasized the importance of an agency in Congress to consider the "interrelatedness" of the technical and political forces which determine the nature of our rapidly changing environment.

Commenting on Senator Muskie's opening remarks, he told the Subcommittee: "Science is on every ballot. Science and Technology are obvious or hidden in every bill. They sit in the Governor's chair every day. And so when you say, 'each day we are asked to make decisions on legislation which may have profound implications in the years ahead', I say, I agree completely. And you go on to say a significant thing: 'our environment cannot be neatly divided into simple components'. Those two statements, I think, are complete justification for a Select Committee on Technology and the Human Environment that will foster a recognition of the interrelationship of the many bills that will have to be considered in the years ahead."

The testimony of three witnesses, Drs. Fisher, Brown and Seaborg, joined by the written statement of Dr. Alvin M. Weinberg, Director of the Oak Ridge National Laboratory, dramatized the tremendous benefits, but yet complications, of a "high-energy civilization", predicted for the year 2000 and beyond. But that time, with our present rate of development, more than half our electrical power capacity could come from nuclear energy, notably the "breeder reactor" and even more advanced energy techniques, but there would also be an expansion in conventional power sources as well.

The impact of trillions of kilowatt hours of low-cost electricity spread across our nation by massive interconnecting power grids could "revolutionize" nearly every facet of American living and economic development, according to these witnesses. These witnesses said that Congress must not continue to think of the development of electrical energy as a function apart from the total development of the individual and his environment, and that it should be the role of a Select Committee on Technology and the Human Environment to put this total impact into a meaningful perspective in line with national goals.

Dr. Brown and Dr. Seaborg see this "high-energy civilization" coming on us before we may be ready to cope with it. They picture "self-contained cities" where we could learn to live in a closed system much like that in which the astronaut finds himself in space. The use of large amounts of cheap energy would allow us to desalt sea and brackish water economically, recycle water from sewage and industrial waste, provide clean water for agriculture and city use, and develop dynamic new methods for extracting raw materials.

Dr. Seaborg described the industrial complex of the future, powered by atomic energy and run by automation:

"Into [some] plants would pour all sorts of scrap from the outside world. This scrap would pass X-ray fluorescence analysis and automated examinations. On the basis of these, its materials would be broken down, sorted, electrolytically or electromagnetically separated, and the end products—essentially new raw materials—routed out to other plants in the complex to be reused. At the same time these other plants would also be receiving raw materials from other sources.

"What would these plants be producing? They would be taking in ilmenite, bauxite and clay and turning out aluminum. They would be using large amounts of hydrocarbons (no longer necessary as fuels) and in huge chlorination works producing solvents, insecticides, plastics and many other materials for industry and agriculture. They would be producing great supplies of nitrogen and phosphate for much-needed fertilizers. They would be making steel by hydrogen reduction, and in large electric furnaces would be turning phosphates, silica, lime and salts into glass, ceramics and ceramic fiber-reinforced alloys. Through electrolysis these plants would also produce caustic soda and magnesium—the latter possibly having been extracted from seawater desalted by the dual-purpose nuclear reactor.

"In addition to these, other plants might be associated with the reactor facilities which would allow the production of many essentially new materials—a variety of polymers, special high-temperature metals, new alloys and perhaps large quantities of transuranium elements. Some of these transuranium elements would provide new nuclear fuel—fuel which would operate equipment ranging from reactors in space to artificial hearts implanted in men.

". . . Underground arteries, conveyor belts and pipelines would replace mazes of roads and rails. And no forests of chimneys would fill the horizon, nor would any harmful pollution fill the atmosphere."

We have not established within the United States, said Dr. Harrison Brown, "institutions where people are charged with the responsibility of really thinking about these problems. . . . We experiment with almost everything in the way of industrial growth, in the way of military equipment, in the way of large energy plants, but as the single most important machine—the city, a very complex machine—we do almost no experimentation at all."

Dr. Brown suggests, for consideration by the Select Committee, that a scientific, experimental city be built to work on the problems of pollution, waste disposal, transportation, residential planning, and efficiency in size and comfort. "We can transform our own country . . . we have the technological knowledge . . . if we but agreed that we are going to do it," he said, "but the problem is to agree that we are going to do it."

Nuclear energy, and all that one can see flowing from it, constitutes a massive "technological fix" which Dr. Weinberg sees as reducing immensely complicated social questions, with the combined imagination and creativity of social and technological engineers. But he says "we have few institutions that can develop coherent social doctrines and technical components—that are at the root of modern social problems. He suggested that a Select Committee could well give serious attention to recommending National Socio-Technological Institutes which would be laboratories concerned with the city, with crime, race relations, pollution, housing, and other leading environmental problems.

Drs. Bowen and Michael also expressed a concern that we were not developing fast enough the social and political technology to catch up with the "hardware technology."

Dr. Bowen testified:

"One of our difficulties is that we approach the problems piecemeal, without proper regard for their interrelatedness. In the intellectual arena, we divide our learning into narrow disciplines and subspecialties with inadequate machinery for multidisciplinary communication and cooperation. In the political arena, at any level of government, we divide our efforts among specialized agencies and committees which consider problems in specific areas without due regard for broad environmental and human objectives. Often these agencies work at cross-purposes. And the multiplicity of units of government, especially at the local level, defeats many of our best efforts because we deal with problems for geographic areas that are not commensurate with the scope of the problems. Many solutions are defeated also by vested interests or by the sheer inertia of tradition.

"When we do gear up to solve a problem, resolutely and appropriately, as we did in the case of nuclear energy or space exploration, we can accomplish marvels. But there is no reason to doubt that problems like housing or transportation or development of marine resources would be amenable to solution by the techniques that have been so spectacularly successful with nuclear energy and space exploration—if resolute decisions backed up by adequate resources were made."

He suggested the Select Committee consider a system of national accounting to measure the magnitude of social benefits and social costs involved in national programs. He said that our present system for measuring the gross national product, national income, and related magnitudes, although highly useful, is nevertheless based on values expressed in the market place. He felt that this system of accounting has "many limitations as a measure of our performance in terms of human welfare."

Second, he proposed for such committee consideration the development of a "systems analysis" approach for use by Federal, State, and local governments in meeting their human and environmental problems. Such an approach would be similar to that which has been so successful in the development of weaponry and space technology. "We should be seeking a transport system in which all the various means of transportation would play their part as a coordinated system," he said. "The systems approach could be applicable to such areas as community development, juvenile delinquency, abatement of pollution, even race relations."

Finally, he sees the great need for a continuing national body to recommend national goals, evaluate national performance, observe social changes, forecast possible trends, and suggest policy alternatives for democratic decision-making. "I would be pleased indeed if a Select Committee of the Senate were established for this purpose," he said.

Dr. Michael, a Professor of Psychology at the University of Michigan, and Director of the Center for Research on Utilization of Scientific Knowledge, told the Subcommittee that the social sciences and engineering are "data poor" with respect to forecasting the future impact of technology on human environment, just as the physical technologists are "much poorer comparatively when it comes to predicting the social consequences of their own hardware." He suggested that a Select Committee, as proposed in S. Res. 68, could make a contribution by recommending the kind of data to be collected systematically in the years ahead, and to "raise questions about value preferences."

What we need, said Dr. Michael, is a far greater development of the "social engineering" as compared with the "hardware technology", to influence the nature of plans for such major tasks as urban development, water supply, mass transit or educational systems. Social engineers are in short supply today, he said. Thus a vital goal should be to develop an educational system to prepare the social planners and administrators for effective use of the physical technology which is so rapidly developing.

"To live in tomorrow's world," said Dr. Michael, "requires a kind of education—for wisdom, for compassion, for insight, for empathy, for appreciating the difference between manipulating people and being open and trusting."

Mr. Jack Conway, speaking from his extensive experience in the area of poverty, manpower development and training and economic development, expressed a particular concern over the impact of technological change on the working man, and his community life. "Today's problems, while important to us, are going to be minor compared to tomorrow's problems unless we can anticipate what they are."

He suggested we have reached a point where we have got to think about maintaining income for those who can't work. We have to know what kind and what amount of jobs are going to exist in the future. We have to think about a new structure of educational systems and the increasing length of time that people may attend school free of charge. We have to think more about how individuals can make productive use of leisure time. Finally, we have to develop a better method of comprehensive community planning.

"It is difficult, almost impossible, to get out ahead and treat in an orderly fashion the mass of information available. . . . the creation of this Select Committee, which would provide this kind of service to the (substantive) committee would be a major step forward," he said.

The second phase

The second phase of the hearings on S. Res. 68 took place on April 5 and 6, 1967, and involved the testimony of Federal government officials. They were Honorable Stewart L. Udall, Secretary of the Interior; Dr. George W. Irving, Jr., Administrator, Agricultural Research Service, Department of Agriculture; Honorable Lee C. White, Chairman, Federal Power Commission; Honorable Alan S. Boyd, Secretary of Transportation, accompanied by Richard Copaken, White House fellow; Honorable Philip R. Lee, Assistant Secretary for Health and Scientific Affairs, Department of Health, Education, and Welfare, accompanied by William Stewart, Surgeon General, Public Health Service; and Honorable Stanley H. Ruttenberg, Assistant Secretary for Manpower, Department of Labor.

Although careful to suggest that the creation of a Select Committee on Technology and the Human Environment was primarily a Senate matter, the witnesses generally supported the objectives of the resolution.

Secretary Udall was initially concerned with the "great damage" already done to man's environment by what he termed the "unbalance of science and technology." "We urgently need more basic facts," he said, "we need to be able to predict consequences—we need an early warning system for environmental protection."

He cited examples of "single-minded" industrial progress where we failed to anticipate the side effects: home detergents that polluted our streams, the high-powered automobile polluting the air, the accumulation of solid wastes, acid water drainage from mines, pesticide residues, and thermal pollution of our rivers from electric power production.

He said the 120,000 ton *Torrey Canyon* which spilled its cargo of oil along the beaches of Southern England, should be a warning to everyone.

"The thing they are trying to do is build a larger and larger tanker, and of course this is a technological advance that is welcome. It enables us to do our transportation cheaper, but we haven't asked ourselves the other questions—our preparedness in the event an accident occurs. I can tell you there was a lot of scurrying around in this city when the disaster occurred—how we could help the British rescue themselves. We weren't ready, and they weren't ready. There was no answer ready."

The Secretary stated that the resolution to establish a Select Committee on Technology and the Human Environment was both "welcome and timely" because it emphasizes the "total environment approach" to identifying problems and seeking solutions.

According to Dr. Irving, of the Agricultural Research Service, the major technological concern in his field—as with the Secretary of the Interior—is environmental pollution—from the air, water, radioactive materials, industrial wastes, mine drainage, pesticides and trash. But USDA research is doubling its efforts to do something about these things, he said.

To meet pest infestation, USDA is involved in studies of "insect sterility and diseases, attractants, predators and parasites of insects and weeds, and the use of sound, light and radiant energy," to replace harmful chemicals.

It is also developing ways of controlling saline soils and water, the conversion of hard-to-dispose-of agricultural waste products, the elimination of animal diseases.

But a most significant part of the Irving testimony centered on a vital issue that recurred a number of times throughout our hearings, that of the practicalities of reversing the population trend from the rural areas to the cities, where it is estimated that by the year 2000, 90 percent of our population will be crowded into 9 percent of our land space.

Senator Mundt put the problem in perspective:

"It seems to me a rather shortsighted policy to concentrate solely on trying to find methods of solving the problems in the big cities without doing something to keep the problems from continually getting larger, if it is possible . . .

"If the influx of population from rural America keeps pouring in—that's where the economic opportunity is, the educational opportunities, cultural opportunities—progress toward a solution doesn't seem to make such headway. You are walking on a treadmill . . .

". . . I wonder . . . what steps might be taken by the Federal Government or State governments, or by the local governments in order to diminish the acceleration of this trend from the country and smaller communities to our larger American cities . . . I think this is a genuine problem. Were it not so, we would not be talking about these multibillion-dollar appropriations for the problems of the big city . . ."

Representatives of the Department of Health, Education, and Welfare gave specific endorsement to the creation of the Select Committee relative to their own needs for the coordination of information in the environmental field:

Philip R. Lee stated:

". . . we need, . . . in the Congress, a committee which can be oriented to public policy problems and possibilities of the near and far future. So often now, decisions are based on today's needs, in reference to an immediate legislative problem, frequently considered to be narrow in scope, even though it may have implications in other fields far into the future . . . . We need a committee which can be so constructed as to look at public policy questions as broadly as possible, unlimited by traditional jurisdictions; we need a committee which can serve as a central point where all the diverse information in a host of interrelated fields can be collected, analyzed, integrated, and made available in logical form to the Government and the public. Today there is no such focal point in either the Congress or the Executive Branch, and I should add that one effort on the part of the Executive Branch, the Federal Council for Science and Technology, although it serves some useful purposes, clearly is not constituted to achieve this kind of broad objective."

Dr. William Stewart stated:

". . . It would be of value to us (the medical world) to have the benefit of the foresight and guidance of a committee whose task it was to study the changing impact of technology on the environment, to forewarn us of problems just over the horizon, and to counsel us in reaching the decisions that are of critical importance to health, and to hear our concerns which lie outside the province of existing committee assignments."

A special report was submitted in June of 1967 to the Secretary of HEW on the broad problems of environmental pollution—water, air, urban noise and crowding, product hazards, and future planning for identifying the dangers to come. This report was by a special task force, headed by Ron M. Linton, and sponsored by HEW. It made 34 recommendations, 10 of which were described as immediate "action goals" which cut across virtually all phases of man's living environment. The work of this task force would be of substantial value to the study contemplated by the proposed Select Committee.

Chairman Lee C. White indicated his opinion of the important role that the Select Committee could play by saying:

". . . The special advantage of the proposed Select Committee would be its ability to illuminate new and unexpected relationships between technological advance and human environment, without being limited by lines of committee jurisdictions or the bounds of a particular item of proposed legislation. Such a committee can follow any clue to the relationship between science and society which it believes to be important. We need studies of this type every bit as much as we need detailed examination of particular problems."

Secretary Alan Boyd said that in this last half of the twentieth century, "we are suffering from an embarrassment of technological riches," but that "the side effects of technology are creating new problems for society along with the new opportunities." He agreed we must find a way to anticipate and control these effects in order to achieve an environmental "net gain."

"Transportation technology," he said, "can no longer be viewed in isolation, either among modes themselves or in the total environment. Transportation is a subsystem within a larger set of social, economic and political goals, and this subsystem must be designed and developed with a clear understanding of these goals."

He said that he felt the object of S. Res. 68—which would be concerned with the total technological impact—was "worthy of the highest consideration."

Finally, Assistant Secretary Ruttenberg stated that the proposal for a Select Committee "reflects a growing nation-wide concern for the condition of our human environment . . . a more rational ordering of information so that governments at all levels can be better equipped to deal with the environmental implications of science and technology. "This forum," he said, "should be one where there would be no hesitation to propound a problem for which no solution was offered, and where solutions could seek problems.

"Science has provided the problem-solving techniques," said the Assistant Secretary, "whether we have the will to use this knowledge purposefully and effectively in solving the human problems arising from technology is our challenge."

The third phase

During the final phase of hearings, held April 11, eight Senators gave their views as to the merits of the S. Res. 68: Senators Baker (Tennessee), Inouye (Hawaii), Javits (New York), Mondale (Minnesota), Moss (Utah), Nelson (Wisconsin), Pell (Rhode Island), and Randolph (West Virginia).

All Senators gave unqualified support to the establishment of a Select Committee on Technology and the Human Environment. The following is a summary of some of the general points they made:

(1) the need to develop in the Senate a central source of information as to the existing benefits and hazards of technology and what can be expected in the next fifty years;

(2) the need to have a unit—politically and socially oriented—to make an assessment of this information and devise a method for early warning of undesirable consequences, together with recommendations for prevention;

(3) the need to develop a meaningful policy for coordinating the benefits of technology to solve the problems of increasing urbanization and decreasing rural developments;

(4) the need to develop a comprehensive approach toward education on a continuing basis to prepare all of our citizens for life in the atomic and computer age;

(5) the need to put science and technology to work on a coordinated basis to conserve our natural resources, to develop new resources and to provide cheaper and safer materials for the basic needs of our citizens;

(6) the need to bring scientists and legislators closer together to develop a mutual understanding of the future of technology in line with national goals of environmental development;

(7) the need to understand fully what the anticipated "high-energy civilization" of the future will mean for our citizens in their total environment;

(8) the need to explore the best methods of preserving the rights, individual dignity and mental stability of every individual and his family in a complex technological world;

(9) the need to assess the advanced techniques of information retrieval systems, analysis, programming, and planning successfully used by the military and space discipline, for application in solving environmental problems;

(10) the need to bring together the standing committees most involved in developing national policy for improving the individual and his environment to weigh the implications of scientific and technological advance on a total basis, and to develop long-range goals for America as it moves into the twenty-first century.

The statement of Senator Nelson set forth some particularly thought-provoking questions which would be relevant to the Select Committee's investigation. He asked:

"Why cannot the same specialist who can figure out a way to put a man in space figure out a way to keep him out of jail?

"Why cannot the engineers who can move a rocket to Mars figure out a way to move people through our cities and across the country without the problems of modern traffic and the concrete desert of our highway system?

"Why cannot the scientists who can cleanse instruments to spend germ-free years in space devise a method to end the present pollution of air and water here on earth?

"Why cannot highly trained manpower, which can calculate a way to transmit pictures for millions of miles in space, also show us a way to transmit enough simple information to keep track of our criminals?

"Why cannot we use computers to deal with the down to earth special problems of modern America?

"Can we estimate the cost of various possible approaches—or mixes of approaches—and use computers to figure out the most efficient and economical way to do a job? In other words, can we get some idea of the cost-effectiveness of a variety of social programs?

"The answer is we can—if we have the wit to apply our scientific know-how to the analysis and solution of social problems with the same creativity we have applied it to space problems.

"We must test new ways to use the scientific manpower and know-how of the space age to solve a great variety of social problems."

Finally, Subcommittee Chairman Muskie and Senator Baker put the need for such a study unit on technology in a special perspective during their remarks on the legislation.

Senator Muskie stated:

"We are well along with our scientific and technological planning and programming, our systems management, our cybernetic progress, in the military and defense sectors, and in our efforts to put a man on the moon. But what does the next fifty years of science and technology hold for man on the earth in terms of health, education, employment, housing and transportation, and community development? How can science and technology be applied to meet these human needs, and what problems will man face in adapting to our developing technological world? Where, indeed, are we heading? Will man's environment be what he wants it to be, or what science and technology determine it to be? How can we be assured that the new technology will be used for the progressive improvement of the conditions of our common life? These are some of the issues that a Select Committee could well explore. . . .

"The particular merit and strength of this proposal lies in the varied membership of such a committee. It would be composed of three members of each of the standing committees . . . most involved with legislation affecting human needs. They would have direct participation in this comprehensive inquiry.

"The permanent committees in the past have been virtually inundated by legislative proposals. Little or no time has been available for them to collect or evaluate information on the future nature of our environment. What I am proposing is a means of alleviating the pressures of time on those committees to assure that the needed information will not be overlooked."

Senator Baker expressed similar views in support of the proposed Senate Select Committee, which he said should provide a "clearinghouse" of information for those responsible for making political and economic decisions. He said:

"I think the primary distinction between this era and those that have preceded us in the development of this Republic is that the pace and velocity of technological development, and the pace and velocity of new sociological problems are such that the lead time, so to speak, between the emergency of the problem and the formulation of the palliative, or the discovery of the solution, is greatly diminished.

"I think we can no longer afford the luxury of waiting for the full-blown problem to present itself for the consideration of the national Congress. But rather, now in this age, both from the technological standpoint, we owe the additional, and substantially more difficult obligation, of anticipating, and trying to predict, the nature and the dimensions and the quality of the problems. . . ."

Increasing national and and international concern with the problem of technology and the human environment

The concept of a central study group in the Senate to look at the total impact of advancing technology on our environmental development is consistent with a growing national and international concern over man's future in the atomic age.

This concern has been heightened by the acceleration of scientific knowledge and technological invention growing out of our military and space research and development, spurred on by advancing computer techniques and closer informational ties between scientists throughout the world.

The subject is presently being investigated by a growing number of institutions and scholars, and these resources could be of substantial assistance to the staff of the Select Committee.

For example, from a grant by the Carnegie Foundation, the American Academy of Arts and Sciences is sponsoring a *Commission on the Year 2000,* headed by the noted sociologist Daniel Bell. The Commission is studying methods of predicting ecological change from scientific advancement, which looks toward a "post-industrial society"—one in which the economy has moved from being predominantly engaged in the production of goods to be preoccupied with services, research, the creative use of leisure time, and the comfort and convenience of living.

Harvard University has established a special *Program on Technology and Society,* directed by Emmanuel G. Mesthene, to enquire "into the effects of rapid technological change on the economy, on public policies, and on the character of the society, as well as the reciprocal effect of social change on the directions of scientific and technological developments." This is a ten-year program, funded by the International Business Machines Corporation. It draws on a combined faculty committee from Harvard's Graduate Schools of Public Administration, Business Administration, Education, and Arts and Sciences, including the Division of Engineering and Applied Physics.

Columbia University has established an *Institute for the Study of Science in Human Affairs* through a grant from the Alfred P. Sloan Foundation. The aim of the Institute is "to help man understand more fully the scientific forces that shape his life and to make better informed decisions on what the proper direction of scientific and technological developments should be."

The Organization for Economic Cooperation and Development, located in Paris has embarked on a most ambitious program of technological forecasting. Its Committee on Science Policy has issued a series of reports and initiated conferences dealing with global and regional energy potentials, including nuclear energy, with assumed aggregated rates of technological change and the social and economic implications of automation. A recent OECD document entitled "Technological Forecasting in Perspective" contains an elaborate list of interdisciplinary activities in the United States and abroad with respect to developing the social technology of the future.

The International Biological Program (IBP), established in 1964 and coordinating the work of 40 nations is directed to measuring the adaptability of man of varying backgrounds to new environments. Its studies will include environmental stresses, such as tolerances to heat, cold, noise, high altitudes, and nutritional stresses; the adaptive processes with respect to disease; the biological consequences of human activity, the study of physical growth, aging and death, and human adaptability planning for for the future.

The National Academy of Sciences is continuing pertinent studies through its Committee on Science and Public Policy. A report "Applied Science and Technological Progress" was made to the House Committee on Science and Astronautics in June 1967.

The National Academy of Engineering has established an Environmental Studies Board with a grant from the Kellogg Foundation. A Committee on Public Engineering Policy also has been formed.

The Hudson Institute has issued a report forecasting the appearance of very probable technical innovations by the year 2000.

The Institute for the Future has been established at Wesleyan University with initial funding from the Ford Foundation and the Connecticut Research Commission. The Institute will seek to organize systematic and comprehensive studies of the long-range future.

George Washington University has established a Program of Policy Studies which includes analysis of the impact of technology on society.

Other private sector programs include those at the Tempo Center for Advanced Studies of the General Electric Company and the Stanford Research Institute.

Popular interest in the impact of science on man's future on earth has been stimulated by a series of television broadcasts entitled the "Twenty-first Century" produced by CBS News and sponsored by the Union Carbide Corporation. These programs covered a number of future projections from atomic power to the creative use of leisure time. Because they represent the type of issues of interest to a Select Committee as proposed, the verbatim transcripts of these television programs have been printed in the appendix to the hearings on S. Res. 68.

A number of significant developments are taking place to cope with the "technology gap" with respect to social and economic development under the auspices and incentive of our American government.

The Committee on Science and Astronautics of the House of Representatives has a *Panel on Science and Technology,* which in 1966 held a three-day symposium on the topic of "Government, Science, and Public Policy," directed to seeking ways in which scientific and technological knowledge could eradicate many of the problems facing our modern day society. The topic for the 1967 meeting was "Government, Science and International Policy" and in 1968, "Applied Science and World Economy."

In July 1968, the House Science and Astronautics Committee and the Senate Interior and Insular Affairs Committee cosponsored a colloquium to discuss a national policy for the environment. Attended by committee chairmen and concerned members of both houses, the discussion centered on resolving the conflicts in multiple demands on our natural environment.

The Subcommittee on Science, Research and Development of the House Science Committee, in a report, identified twelve major problem areas which it said require Congressional scrutiny from the scientific and technological standpoint:

1. Protecting the Natural Environment.
2. Providing New Sources of Energy.
3. Application of Cybernetics.
4. Strengthening Information Management.
5. Induction of Industrial R and D.
6. Stimulating Transportation Innovations.
7. Diminishing Urban Congestion.
8. Enhancing Adequate Housing.
9. Improving Food Production and Distribution.
10. Alleviation of Crime.
11. Upgrading the Quality of Education.
12. Protecting the National Health.

The Subcommittee expressed its conviction that the "big issues" of the future will be the ability of the Government, and particularly the Congress, to see and to cope with each technological problem in its entirety, and to join the social sciences with the physical sciences and engineering to solve such problems. In concluding its report, the Subcommittee said, in part:

"Time was when man could afford to look upon the innovations of technology with some complacency. For the innovations came slowly, they were put to use in a relatively slow and modest fashion, and their side effects developed at a sufficiently relaxed pace to permit man to adjust to them—or to alter his course if the threat were great enough.

"Surely it is obvious that this day is gone. The tempo of our times can almost be described as a gait of 'running away.' The sum of scientific knowledge is doubling every decade or so—and our galloping technology is doing its best to stay on even terms. Human ingenuity has never had at its command a wider choice of tools with which to stimulate the economy, or defend the country, or provide for the general welfare or just to make money.

". . . We can no longer blindly adapt technology to our needs with the traditional assumption that there will be ample time to iron out any bugs on a leisurely shakedown cruise. A bigger effort must be made not only to foresee the bugs but to forestall their development in the first place. The alternative could be disastrous and indeed might turn our physical and social world into something uninhabitable.

The issues which led to the proposal of a Senate Select Committee on Technology and the Human Environment have also been of increasing concern to the Executive Office of the President.

Testifying at the hearings on S. Res. 68, Dr. Donald Hornig said: "It is becoming clear that the Office of Science and Technology must learn to look beyond conventional statements of an environmental problem in an attempt to systematically survey the sum of individual actions."

The Federal Council for Science and Technology has established a Committee on Environmental Quality to coordinate the research and development work of the government agencies in this area.

The report of the Environmental Pollution Panel of the President's Science Advisory Committee entitled *Restoring the Quality of Our Environment* is a step in the direction of comprehensive forecasting, as was its study on the *Effective Use of the Sea,* and its pesticide study. These have been essentially case studies.

The role of science and technology in the national effort to solve urban problems was the subject of a three week study sponsored by the Department of Housing and Urban Development and the Office of Science and Technology in June 1965, at the National Academy Study Center, Woods Hole, Massachusetts. Some fifty nongovernment specialists in the physical sciences, mathematics, architecture, engineering, urban planning, law, medicine and sociology, joined by staff members from the Federal agencies, met to discuss new techniques for blending physical and social engineering disciplines to attack the decay facing our major core cities, and to recommend new courses of action.

Another encouraging example of Executive Branch initiative in bringing together assorted technological disciplines to attack a basic environmental problem is the recent International Water for Peace Conference, attended by some 5000 administrative officials, technicians and diplomats from over 90 nations. The conference dealt with every conceivable facet of water use and development, including desalting, flood control, pollution abatement, irrigation and sanitation.

In addressing the Conference, President Johnson stressed the need to quicken the pace of science and technology, and by way of example he referred to the authorization of a new desalting plant with 3000 times the capacity than the latest plant produced 10 years ago, and at one twenty-fifth of the cost. "If science can unlock the door to an unlimited supply of pure and drinkable water," the President said at a prior conference, "I think it will be an event in human history as significant as harnessing the atom."

The above summary, by no means exhaustive, of activities to develop a scientific and technological know-how for human needs, and to blend the disciplines of the physical, social, and political sciences, provides an impressive background for the resolution under consideration. As these research efforts expand, and as the literature becomes more prolific, the Members of the Senate will want to keep up to date on the latest ideas and trends of environmental technology.

It is in this spirit that the resolution for a

Select Committee was framed. Such a Committee could develop a basic library of information and could lay a foundation for the continuation of both information-gathering and analysis for the legislative committees.

SENATE RESOLUTION 79—RESOLUTION TO AUTHORIZE THE COMMITTEE ON COMMERCE TO MAKE CERTAIN STUDIES—REPORT OF A COMMITTEE

Mr. **PASTORE**, from the Committee on Commerce, reported the following original resolution (S. Res. 79); which was referred to the Committee on Rules and Administration:

S. Res. 79

Resolved, That the Committee on Commerce, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) interstate commerce generally, including consumer protection;

(2) foreign commerce generally;

(3) transportation generally;

(4) maritime matters;

(5) interoceanic canals;

(6) domestic surface transportation, including pipelines and highway safety;

(7) communications, including a complete review of national and international telecommunications and the use of communications satellites;

(8) Federal power matters;

(9) civil aeronautics;

(10) fisheries and wildlife;

(11) marine sciences; and

(12) weather services and modification, including the use of weather satellites.

Sec. 2. For the purposes of this resolution the committee, from February 1, 1969, to January 31, 1970, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1970.

Sec. 4. Expenses of the committee, under this resolution, which shall not exceed $550,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 80—RESOLUTION TO AUTHORIZE AN INVESTIGATION INTO THE PROBLEMS OF EDUCATION FOR AMERICAN INDIANS—REPORT OF A COMMITTEE

Mr. **KENNEDY**, from the Committee on Labor and Public Welfare, reported the following original resolution (S. Res. 80); which was referred to the Committee on Rules and Administration:

S. Res. 80

Resolved, That the Committee on Labor and Public Welfare, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the education of American Indians.

Sec. 2. For the purposes of this resolution the committee, from February 1, 1969, to July 31, 1969, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,300 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than July 31, 1969.

Sec. 4. Expenses of the committee under this resolution, which shall not exceed $72,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 81—RESOLUTION TO AUTHORIZE CERTAIN INVESTIGATIONS AND STUDIES BY THE COMMITTEE ON LABOR AND PUBLIC WELFARE—REPORT OF A COMMITTEE

Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, reported the following original resolution (S. Res. 81); which was referred to the Committee on Rules and Administration:

S. Res. 81

Resolved, That the Committee on Labor and Public Welfare, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the jurisdiction of the Committee on Labor and Public Welfare including all matters relating to education; health; labor relations, labor safety, wages and hours, and migratory labor conditions; manpower training and utilization; poverty; railroad retirement; and veterans education, health, and readjustment to civilian life.

Sec. 2. For the purpose of this resolution the committee, from February 1, 1969, to January 31, 1970, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. Expenses of the committee under this resolution, which shall not exceed $695,400, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 82—RESOLUTION TO DISAPPROVE CERTAIN EXECUTIVE, LEGISLATIVE, AND JUDICIAL PAY RATES RECOMMENDED BY THE PRESIDENT

Mr. **WILLIAMS** of Delaware submitted a resolution (S. Res. 82) to disapprove certain executive, legislative, and judicial pay rates recommended by the President, which was ordered to lie over, under the rule.

(See the above resolution printed in full when submitted by Mr. Williams of Delaware, which appears under a separate heading.)

SENATE RESOLUTION 83—RESOLUTION TO DISCHARGE THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE FROM FURTHER CONSIDERATION OF SENATE RESOLUTION 17

Mr. **WILLIAMS** of Delaware submitted a resolution (S. Res. 83) to discharge the Committee on Post Office and Civil Service from further consideration of Senate Resolution 17, which was ordered to lie over, under the rule.

(See the above resolution printed in full when submitted by Mr. Williams of Delaware, which appears under a separate heading.)

AMENDMENT OF INTERNAL REVENUE CODE OF 1954, RELATING TO FARMING—AMENDMENT (AMENDMENT NO. 2)

Mr. **BURDICK** submitted an amendment, intended to be proposed by him, to Senate bill 500, to amend the Internal Revenue Code of 1954 so as to limit the amount of deductions attributable to the business of farming which may be used to offset nonfarm income, which was referred to the Committee on Finance and ordered to be printed.

NOTICE OF HEARING

Mr. **ANDERSON**. Mr. President, on behalf of the chairman of the Senate Interior and Insular Affairs Committee, Senator Jackson, I would like to announce a hearing on the nomination of Russell E. Train to be Under Secretary of Interior.

The hearing will be open and public, and will be conducted in room 3110 of the New Senate Office Building starting at 10 a.m., Tuesday, February 4.

Mr. Train, a native and life-long resident of Washington, D.C., is an internationally known conservationist and is president of the Conservation Foundation, a nonprofit research, education and information organization.

He is also Vice Chairman of the National Water Commission created by the 90th Congress to review the Nation's long-term water resource needs.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The VICE PRESIDENT. The nominations on the Executive Calendar will be stated.

COUNCIL OF ECONOMIC ADVISERS

The legislative clerk proceeded to read sundry nominations to the Council of Economic Advisers.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. METCALF. Mr. President, I compliment President Nixon on his choice of Hendrik S. Houthakker for the Council of Economic Advisers. I have a particular interest in the selection of this highly qualified individual.

On January 22, I reintroduced a tax-loss farming bill, S. 500, which would limit the amount of farming losses which nonfarmers may use as an offset against their nonfarm income. A bipartisan group of 26 other Senators has joined in sponsoring this bill. In addition, on January 23, companion legislation, H.R. 4257, was introduced in the House.

Mr. Houthakker wrote an article for Challenge, the magazine of economic affairs, when he was a professor of economics at Harvard, that deals in cogent terms with the very problem that is now the subject of this bill. I hope that in his position as a member of the Council, Mr. Houthakker will increase his efforts in support of this legislation.

Mr. President, so that other Senators may have the benefit of Mr. Houthakker's analysis of this problem, I ask unanimous consent that his article, which appeared in the January-February 1967 issue of Challenge, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GREAT FARM TAX MYSTERY

(The taxable income farmers report to the Internal Revenue is a far cry from the farm income statistics of the Department of Agriculture.)

(By Hendrik S. Houthakker)

If we believe the United States Department of Agriculture, Texas farmers had a net income of $824 million in 1964. The Commerce Department, which is responsible for the national income accounts, put the figure at $844 million. But the Texas farmers themselves tell a different story, at least on their tax returns. According to the Internal Revenue Service, these same farmers did not earn a penny; in fact, they lost $60 million among them. Whom should we believe?

Nobody knows how accurate the Agriculture and Commerce Department estimates of farm income are, but there can be no doubt that they are in the right ball park.

In 1964 Texas had some 200,000 people who made their living wholly or partly from agriculture, and many of them did pretty well. The 10 million cattle and calves that roam the endless plains are not there merely for decoration. In addition, Texas produces more than one-half of the nation's cotton crop and a sizable percentage of its grains. To say that all this activity resulted in a net loss of $60 million is clearly preposterous.

Of course, it has long been known that farmers generally are not among the more enthusiastic taxpayers. Even in the Midwest, where compliance among farmers appears to be highest, the income declared by individuals on their federal tax returns is only between one-third and one-half the estimates by the Agriculture or Commerce Departments.

For the country as a whole, farm income in 1964 was $13 billion according to the Agriculture Department, and $12 billion according to the Commerce Department, yet only $2.6 billion was declared by individuals. Evidently, Texas is not the only state where there are large discrepancies between tax returns and other estimates of farm income.

In California, the number one farm state, farm income exceeds $1 billion, according to the Agriculture and Commerce estimates, yet only $42 million appeared on individual tax returns. And this is not because farmers do not file tax returns at all. Except in a few Southeastern states where there are many poor farmers, the number of farm returns filed agrees closely with the number of farms estimated by the Agriculture Department. The difficulty must be in what farmers put down on their tax returns.

It is true that there are some conceptual differences between the Internal Revenue Service figures and the other official estimates. The most important difference is probably that the IRS figures do not include partnerships and corporations for which no recent data are available. This omission does not explain a great deal, however. In 1962, the latest year for which figures have been published, partnerships and corporations reported only about $1 billion in farm income, and it is likely that their reporting is more accurate than that of individual farmers.

Apart from this, the only important conceptual differences refer to revenues from breeding cattle and from standing timber, both of which may be reported as capital gains. The treatment of other components of farm revenues and expenditures is essentially uniform.

Despite this conceptual similarity, it is very hard to pin down the reasons for the large discrepancy between the two estimates, known in the trade as "the farm income gap." In fact, there is no major discrepancy between the money *receipts* reported on tax returns and the money receipts estimated by the Agriculture Department.

In 1963, the last year for which this comparison can be made, money receipts of farmers (including both receipts from sales and government payments) amounted to $39.1 billion according to the Agriculture Department, while "business receipts" reported on farm tax returns (including partnerships and corporations) amounted to $37.1 billion. In addition, farm income should include about $1 billion for food produced and consumed on farms and $2 billion for the rental value of farm dwellings. It is likely that very little of this is reported on tax returns, although, in principle, it is taxable.

Together, these factors on the receipt side account for little more than $5 billion of the farm income gap, which amounted to somewhat less than $10 billion in 1963. The remaining $4.5 billion must therefore be on the expense side, but there again it is difficult to point to any major source of discrepancy.

The farm income gap is not only large; it seems to be growing larger. In 1962 the Internal Revenue Service figure for individuals was 27 per cent of the Agriculture Department figure; in 1963 it had dropped to 22 per cent, and in 1964 to 20 per cent. It had been as high as 32 per cent in 1957 and 30 per cent in 1958. Here again the case of Texas is especially significant.

In 1962 Texas farm taxpayers reported an income of $184 million; the next year they reported an income of $9 million; in 1964, as mentioned already, they reported a net loss of $60 million. In two years the farm income reported on tax returns therefore dropped by nearly a quarter of a billion dollars, yet the Agriculture Department figure for Texas fell only slighty between 1962 and 1964.

It is also interesting that the same thing happened on a smaller scale in three adjoining states. In Oklahoma, declared farm income dropped from $35 million in 1962 to virtually zero in 1964, and New Mexico went from an income of $29 million to a net loss of $14 million during this same period. Louisiana also went from a gain to a loss. In none of these states does the Agriculture Department estimate reveal any drastic change in agriculture's profitability.

Although we have no direct information that may account for these strange developments, there is a clue in the figures for metropolitan areas, which are available only for 1963. In fact, it was by looking at these figures that my attention was first drawn to the present subject.

It struck me as odd that the taxpayers of the Dallas metropolitan area reported a net loss of $44 million from farming, although this area does not include much farm land. Such urban farm losses are also found in a few other metropolitan areas, among which Houston, San Antonio and Oklahoma City may be mentioned. Dallas, however, exceeds all the others by a wide margin; even much larger cities such as Los Angeles and New York come nowhere near it.

Now Dallas is known, among other things, for its relatively large number of taxpayers with very high incomes. For such taxpayers there is a loophole in the tax laws which is especially interesting in a cattle-raising state such as Texas. As mentioned previously, the proceeds from the sale of breeding cattle may be treated as long-term capital gains, which means that they are are subject to no more than 25 per cent income tax.

On the other hand, the expenses incurred in raising these cattle (including depreciation) may be deducted from ordinary income, the marginal tax rate on which was as high as 91 per cent prior to the 1964 tax cut which brought it down to 70 per cent.

To the wealthy, cattle raising, therefore, offers splendid opportunities for converting ordinary income into capital gains. A number of examples of this were published some years ago by the Treasury Department.

Thus one manufacturer of chain link fences, who in 1960 declared an income of over $4 million, deducted some $246,000 as a loss on the raising of cattle and had a capital gain of about $65,000 on the sale of cattle. Since this man must have been in a marginal tax bracket of about 90 per cent, the loss on cattle, after taxes, was only about $25,000, while he could keep about $48,000 of the capital gain from sales. Although he lost about $180,000 before taxes, after taxes he was ahead by nearly $25,000.

Actually, this taxpayer may not even have had the best professional advice. It is apparently quite legal to take the deduction for cattle losses without declaring any capital gains on sales at all. The owner of a herd of cattle kept for breeding apparently only has to declare his gains when the whole herd is sold. Since a herd may last indefinitely, there is nothing to stop him from postpoining the liquidation until his death, when the capital gains tax ceases to apply.

Treasury also mentioned the case of a "musician-conductor" who in two years deducted about $130,000 in losses on cattle without declaring any gains at all.

How widespread is the use of this loophole? The most recent data on this point refer to 1963, when farm losses still occurred only on a modest scale. Of the 351 taxpayers with incomes over $1 million, for instance, only 69 reported farm losses, but they "lost" an average of $70,000 each. In this select group there were only 14 taxpayers with positive farm income.

For the same year it can also be calculated that taxpayers in marginal tax brackets of 50 per cent and over deducted a total farm loss of about $116 million, by which they saved about $78 million in taxes.

We do not yet know what the picture was after 1963, but the 1964 data quoted earlier indicate that, at least in Texas and adjoining states, the use of farm losses for tax avoidance has increased considerably. In fact, the Treasury itself may have unintentionally stimulated this practice.

In 1963 it proposed an amendment to the Internal Revenue Code that would have curtailed the use of the cattle-raising loophole. Congress refused to go along, but the resulting publicity on this angle was probably not lost on the tax accountants who cater to the very rich. It will be interesting to see more recent data on farm losses.

Pending the release of more detailed and recent statistics, we cannot say, with any certainty, that it is the cattle deduction that is responsible for the sharp drop in declared farm income in the Southwest. There may be other reasons.

It is certainly curious that the four states where the decline in declared farm income has been worst are all in the same Internal Revenue Service region, and that the headquarters of this region is in Dallas itself. If the Service ever decided to investigate the matter, Dallas would be a good place to start.

This does not necessarily mean that there is anything wrong with the way the Service enforces the tax laws; it may also be that the "cattle research" firms, which specialize in this type of operation, are particularly active in Dallas, and that the tax rulings from which they profit have gradually become known in other parts of the region.

The tax laws, in fact, are quite lenient on this point. The capital gains treatment of "livestock held for breeding, draft or dairy purposes" in an extension of a more general rule concerning "property used in business." If a retailer sells his used delivery truck, he has a capital gain on any profit made on the sale. The original idea appears to have been that if a farmer sold a bull that had passed its prime, he would be in a position similar to the retailer. A dealer in used trucks, however, does not get capital gains treatment; but a cattle breeder does.

This favored treatment of the livestock industry was no doubt intended to help agriculture, a sector for which Congress traditionally has a soft heart, though not always a hard head. Unfortunately, agriculture covers a multitude of sins. It is doubtful, in fact, if the capital gains treatment of livestock is of much help to the genuine farmers, who are rarely in high tax brackets.

On the contrary, by bringing pseudo-farmers with high nonfarm incomes into cattle breeding, it sets up unfair competition for those whose livelihood depends on it.

The further question thus raised is: Who is a farmer? This question has often come before the courts, and the upshot of all the litigation appears to be that everybody can be treated as a farmer provided he is not overly fond of farming. The tax laws are designed to prevent so-called "hobby farmers" from claiming a deduction for farm losses, but it is easy to escape this classification by asserting some hope of ultimate profit.

The mere fact of losing money year after year is not considered to make a taxpayer a hobby-farmer, but one rich old lady was put into this category (after at least 15 years of unbroken farm losses) when a misguided friend testified that she "just loved farming."

If the tax laws are to be effective in this area, a more sophisticated definition of farmers is needed, or, alternatively, the offsetting of farm losses against other income should be restricted. But this restriction has to be introduced with due regards to the interests of genuine farmers.

The best possibility would be to limit the farm loss deduction to, say, $10,000 in any one year, with provisions to carry larger losses backward or forward to be offset against earlier or later farm profits, but not against nonfarm income. In 1962 the taxpayers who claimed over $10,000 in farm losses had an average nonfarm income of about $50,000.

Another possibility would be to treat as farmers only those who have derived a specified fraction of their income from farming during the past five years.

Still another (similar to the Treasury proposal of 1963 which was rejected by Congress) would be to allow capital gains treatment only for the amount by which sales exceed deductions for farm losses in prior years. This proposal, however, would not deter those who do not take capital gains at all.

Unless something is done, it is likely that the livestock loophole is going to cost more and more tax revenue without any visible economic benefit. Of course, this loophole is only one element (and probably a small element) of the farm tax mystery. More analysis is needed to determine what the other elements are.

Analysis requires data, and, unfortunately, the data published by the Internal Revenue Service, though voluminous and accurate, leave much to be desired. Not only are they very slow in coming (the last year for which complete figures have been published is 1962), but they are not coordinated with other statistics, such as the National Income Accounts. It is, therefore, difficult to determine how good a job the Internal Revenue Service is really doing.

It is well-known that it collects a vast amount of money at a comparatively small cost (about 50 cents for every $100 collected), but this may testify as much to the law-abiding nature of the American people as to the efficiency of the Service. The data on farm taxation suggest this is one area where compliance could be considerably improved.

But if this sacred cow is to be finally eliminated, the Internal Revenue Service may need some help from Congress.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

DEPARTMENT OF DEFENSE

The legislative clerk proceeded to read sundry nominations in the Department of Defense.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

OFFICE OF EMERGENCY PREPAREDNESS

The legislative clerk read the nomination of George A. Lincoln, of Michigan, to be Director of the Office of Emergency Preparedness.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

MILITARY STAFF COMMITTEE, UNITED NATIONS

The legislative clerk read the nomination of Lt. Gen. John W. Carpenter III to be senior Air Force member, Military Staff Committee, United Nations.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

U.S. NAVY

The legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

CIVIL SERVICE COMMISSION

The legislative clerk read the nomination of James E. Johnson, of California, to be a Civil Service Commissioner.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

"OVERSIGHT ACTIVITIES" OF LEGISLATIVE COMMITTEES

Mr. MANSFIELD. Mr. President, on Saturday last, under date of January 25, 1969, I sent a letter to all committee chairmen asking that they do what they could to oversee the legislation which had been approved by their committees, passed by Congress, signed by the President, and had become the laws of the land.

There has been some speculation that this was directed at the present administration, the Nixon administration, and the executive branch of the Government. I make this statement for the RECORD to make my position known without question.

Over 4 years ago, I met with the committee chairmen and asked them to undertake the responsibility for the oversight process, by means of which they and their committees could be assured that the legislative intent of Congress was being carried out and that the moneys appropriated by Congress were being spent as Congress intended. Then, on December 27, 1966, I sent a letter to all committee chairmen asking them to undertake this responsibility, and—to repeat—on January 25, 1969, I sent another letter to all committee chairmen expressing the same sentiments.

My purpose in trying to stress the oversight responsibilities of the legislative committees of Congress is to make sure that as little duplication as possible takes place, that there is as much efficiency as possible, that waste of whatever nature and wherever found will be corrected, and that the laws are administered as Congress intended. This is a feeling which I am sure will have bipartisan support—and it has had that support—in this body. I am sure the executive branch of the Government will be most cooperative in seeing that this procedure is carried out.

Therefore, Mr. President, I ask unanimous consent that the letters which I sent on December 27, 1966, and January 25, 1969, to all committee chairmen, be printed at this point in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate,
Office of the Majority Leader,
Washington, D.C., January 25, 1969.
Sent to all committee chairmen.

Dear Mr. Chairman: You may recall that over the past four years I have emphasized the need of each legislative committee to carry out "oversight activities" on legislation which passes through it. The results to date have been very reassuring, and I hope that activities of this nature which have been pursued for sometime as, for example, in the Senate Preparedness Subcommittee of the Armed Services Committee and others inaugurated in recent years such as the oversight subcommittee of the Committee on Interior and Insular Affairs will be carried on by other committees so that the Congress can keep a close watch to insure that the intent of legislation as defined by the Congress will be carried into effect.

In this way, I think we can be reasonably assured that the funds allocated to carry out legislation will be spent in accordance with the intent of the Congress, that administration will be more efficient and less topheavy, that waste will be reduced, and that the people to be benefited will be given their just due.

If committees will assume responsibility through the creation of oversight subcommittees or by the designation of standing subcommittees to carry out this responsibility, it is my belief that the benefits accruing therefrom will be very substantial and that the end result will be a more effective application of the laws passed by the Congress.

I would appreciate it if you, as Chairman, would discuss this matter with your committee. I want you to know that the work which is already being done in this connection is very much appreciated. The purport of this communication is to urge the continuance and further development of the oversight function.

Must close now, but with best personal wishes, I am

Sincerely yours,

Mike Mansfield.

December 27, 1966.

Dear Mr. Chairman: The great volume of legislation which has been enacted during the past few years has set in motion new federal programs which have been designed to correspond to the nation's changing needs. There comes to mind, for example, such measures as medical care for the aged, expanded health research, programs for curbing water and air pollution and for safeguarding the natural heritage of America, the effort to insure equality of treatment of all citizens, the acts which seek to deal with urban blight and unrest and the decay of vast rural areas and the many programs for the improvement of education.

So much basic legislation was enacted in the 88th and 89th Congresses that I do not anticipate requests for sweeping new legislative approaches in the 90th Congress. That is not to say all that confronts us in the session ahead will be the need to pass appropriation bills and then adjourn. It occurs to me that the next Congress will also see the convergence of a unique opportunity with a great need for a concentrated Senate exercise of the oversight function.

I would hope to see, in the first session of the 90th Congress, the beginning of a major re-examination of what we have done in legislation during the past few years. Considering the vast scope of this work and the unprecedented nature of much of it, it is to be expected that there exists a number of rough edges, over-extensions and overlaps and, perhaps, even significant gaps. A thorough and dispassionate re-study of this legislation, therefore, could lead to desirable refinements.

What applies to programs which we have set in motion in recent years, in my judgment, applies with equal emphasis to those of older vintage. There comes to mind, in this connection, legislation on the military draft, agricultural subsidies of one kind or another, foreign aid, income and other taxes and many others. Few if any of these older legislative structures have had a thorough-going, second-look for many years. These, too, it seems to me, might profitably be subject to complete re-study by the Senate. That kind of study could provide not only a basis for adjustments of legislation, as necessary, to the current needs of the nation but also a check on the equity and efficacy of the administrative interpretations and practices which have developed.

In short, what is suggested is that the Committee Chairman consult with the members of their committees to determine with respect to matters within their committee jurisdiction what, in their judgment, might be most usefully subjected to a thorough-going oversight at this time. To put it another way, I am suggesting that committees initiate on behalf of the Senate a concentrated re-examination of major legislative structures by which the federal government is enabled to play its role in the current life and affairs of the nation and the world. I do not anticipate much more than a beginning during the coming session. But the time seems to me to be very ripe for such a beginning.

May I take note, in closing, of some recent references to Viet Nam as though that were the only reason for a Congressional "stop-and-look" at this time. Insofar as I am concerned, the problems which confront us at home and abroad are no less problems because of the serious demands on our resources for Viet Nam. Nor is there any less need for efficient and effective government action, adequately but not wastefully financed, to meet these problems. With or without Viet Nam, in my judgment, the Senate of the United States, through its committees, would have a responsibility for beginning the kind of top-to-bottom oversight which is suggested herein.

With all best wishes for the coming year and warm personal regards, I am

Sincerely yours,

Mike Mansfield.

(Same letter sent to Committee Chairman: Senator Clinton P. Anderson, Senator Allen J. Ellender, Senator Carl Hayden, Senator Richard B. Russell, Senator John J. Sparkman, Senator Warren G. Magnuson, Senator Alan Bible, Senator Russell B. Long, Senator J. W. Fulbright, Senator J. L. McClellan, Senator Henry M. Jackson, Senator James O Eastland, Senator Lister Hill, Senator A. S. Mike Monroney, Senator Jennings Randolph, Senator B. Everett Jordan, Senator John O. Pastore.)

Mr. DIRKSEN. Mr. President, simply to implement what the majority leader has said, when the late Walter George, of Georgia, whom I considered one of the profound Members of the Senate, was still here, I recall that on one occasion he said to me, "Dirksen, if we could get the laws administered according to the expressed will and intent of Congress, this would be a different Government."

I have had reason to reflect upon what the late Walter George said, and how true it was, and how true it is. So I fully share the sentiment expressed by the majority leader.

JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES—TRIBUTE TO STAFF MEMBERS

Mr. DIRKSEN. Mr. President, it was agreed by the Joint Congressional Committee on Inaugural Ceremonies that if a Republican President were elected in November, the chairmanship of the committee should devolve upon the minority leader of the Senate, and it did.

I knew that it was going to be an onerous burden, to say the least, and that we had to be fortified with some help. I therefore asked the secretary to the minority, Mr. Mark Trice, to undertake to give direction to the chores of the committee; and we selected a title for him—"Executive Director" and he cheerfully and willingly undertook it.

The assistant secretary to the minority, Mr. William Brownrigg, also was pressed into service, as was a former Senate employee, Mr. William Cheatham, former administrative assistant to the Sergeant at Arms. Mr. Cheatham came back just to help, because he was familiar with past inaugural ceremonies.

I should add Miss Dorothy Burns, who is secretary to the secretary to the minority, and Mrs. Jeanne G. Dorrance who shared the secretarial duties.

We also asked the Republican policy committee to lend a hand and they assigned Mr. Bryan F. La Plante, deputy staff director. Miss Cynthia Cronin also joined the staff for the final 2 weeks. Mr. Robert G. Dunphy, Sergeant at Arms of the Senate, his administrative assistant, Mr. Nicholas J. Lacovara, and his deputy, Mr. William H. Wannall, rendered competent and efficient service.

The fact that the inauguration went off without a hitch, I think, is a high compliment to how thoroughly the work was done in the field of security, the music, the clergymen, and others who were a part of the ceremony.

Likewise Bob Meredith, who is an assistant in the minority cloakroom, volunteered his services and was very helpful.

Then, I should add that my own personal secretary, Glee Gomien was truly a tower of strength and she dedicated herself to the job to make sure that insofar as possible everybody would be satisfied so far as tickets were concerned, and where they would find their places.

As the chairman of the committee I now thank each of them as profoundly and profusely as I can because I am deeply grateful for the work they did.

Mr. President, in going down the Avenue with the new President and the outgoing President, I noticed, notwithstanding the many rumors with which we had to deal, that there was decorum and order, and in large measure it was due to the Metropolitan Police force, and up here on the Hill, to the Capitol Police force. I have undertaken to write to the heads of both of these police forces a letter of gratitude and appreciation.

CHICAGO POLICE DEPARTMENT AND MAYOR DALEY DESERVED CONDEMNATION OF COMMITTEE HEADED BY DR. MILTON EISENHOWER

Mr. YOUNG of Ohio. Mr. President, the report issued by the National Committee on the Causes and Prevention of Violence headed by Dr. Milton Eisenhower stated that the violence which occurred in Chicago during the Democratic National Convention was "overwhelmingly" on the police side to the point of being a "police riot." The investigators concluded that while some demonstrators were guilty of provoking the police through words and acts, the Chicago police were guilty of using excessive and often brutal force in handling demonstrators. More shocking is the conclusion of the committee that violence was "often inflicted upon persons who had broken no law, disobeyed no orders, made no threat" and who were peaceful spectators, newsmen, or merely residents of the area.

It is evident that in crowds of demonstrators there are invariably some individuals seeking to create trouble if possible. To say these persons are Communists or nihilists is a reckless misstatement of fact. Crowds of demonstrators can readily be controlled. Those nonviolent demonstrators in Chicago, and there were thousands of them, should have been protected by the Chicago police. Many were mercilessly beaten. Police violence in excess of authority is intolerable. It is dangerous. Who is there to protect the public when police violate the law? It is the duty of law enforcement officials to control violence, not to cause it or participate in it, as many policemen did in Chicago. It is clear now that Mayor Daley was guilty of overkill.

THE 91ST CONGRESS

Mr. SCOTT. Mr. President, in the 90th Congress this body passed a congressional reform bill which failed of action in the other body. I rise to express the strong hope that this Congress will give early consideration to immediate congressional reform so that we may have the opportunity of having it passed by both bodies.

I would like to express the same view with regard to the establishment of a separate Veterans' Committee, the proposal for which is before the Committee on Rules and Administration, on which I serve. Several bills have been introduced, one by the distinguished junior Senator from Nebraska (Mr. CURTIS), one by me, and other Senators have introduced similar bills.

I would also like to say that I hope the majority and minority sides can work out a system somehow in this session whereby the duplication of appearances of so many officials from the executive body before congressional committees can be minimized. I realize the nature of the problem, but in past years many Cabinet officers and heads of departments have spent interminable hours before Senate and House committees, and after having testified before one committee they are asked the same questions by another committee, and then another committee. If there were some way by which, where only a limited area of interest exists on the part of one committee, a committee could agree, with the consent of the committee having the major concern in the matter, to delegate some of its members to sit in on the hearing, it would help greatly.

If that cannot be done, and I know there is resistance, perhaps a plan could be agreed upon whereby the Secretary of State, the Secretary of Defense, the Attorney General, and others could be saved time by working out some sort of schedule whereby such a person might make his appearance within a given week before several committees so he could go back to the work for which he was appointed.

I hope some thought will be given to these matters and that is why I have expressed these views early in the session.

HENRY H. FOWLER, FORMER SECRETARY OF THE TREASURY

Mr. SPONG. Mr. President, Virginia is proud of her sons who have served the Nation through the years. On December 20, another great Virginian terminated, for the present, his official service to the country. The Honorable Henry H. Fowler, Secretary of the Treasury, known to practically all officialdom in Washington as Joe Fowler, returned to private life.

Joe Fowler was born and reared in Virginia and obtained most of his formal education in Virginia institutions. On November 8, 1968, Secretary Fowler submitted his resignation. I ask unanimous consent that the Secretary's letter to the President and President Johnson's response be printed in the RECORD along with an excerpt from the President's press conference on January 17, in which reference is made to Secretary Fowler's efforts in connection with eliminating the deficit in the balance of payments.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TEXT OF THE LETTER TO THE PRESIDENT FROM SECRETARY OF THE TREASURY HENRY H. FOWLER

A year and a half ago we discussed some personal circumstances which caused me to consider a return to private life. In the light of the economic and financial problems then confronting the nation at home and abroad, I deferred my departure.

Now the situation is quite different. Today, the nation's current economic, fiscal and financial posture and near-term outlook seems reasonably satisfactory and stable. On March 31 you announced your retirement as of January 20, 1969, and today, November 5, a new President will be elected.

You have been understanding and sympathetic with my need to relinquish my official responsibilities sometime before the end of the year, so that I may make some definite personal decisions for private life.

In this context, I am submitting my resignation as the Secretary of the Treasury and, with your consent, will leave that office on or about December 20.

Of course, after December 20 I would expect to make myself available to you, the acting officials of this Department, and the officials of the new Administration for whatever time would be desirable to complete the process of orderly transition for which we are making careful preparation.

In this connection, it may be useful to summarize the current economic and financial situation which our successors are inheriting as I see it today.

May I reassert what is implicit from our relationship after my previous resignation as Under Secretary in April 1964 and my service since you recalled me to this office—my personal loyalty and devotion to you, my deep admiration for the extraordinary ability, courage and dedication with which you have ennobled the office of the Presidency, and my gratitude for letting me share with you and my Cabinet colleagues the unprecedented accomplishments, as well as the difficulties, of the national government in these recent years.

It is my conviction that your Presidency is one in which the national government fulfilled, to an unusual degree, the purpose and promise of the Preamble of the Constitution for those living and generations to come.

In leaving, may I thank you and Mrs. Johnson and your staff for the personal kindness and unfailing friendship which Trudye and I will always treasure.

And, needless to say, I hope that when we have returned to private life and are no longer just across the street, there will be opportunities for two grandfathers to enjoy relaxing together as we recall the strenuous times.

God bless and keep you, Mr. President.

TEXT OF THE LETTER FROM THE PRESIDENT TO SECRETARY OF THE TREASURY HENRY H. FOWLER

For three and one-half years you have sat at my side at the Cabinet table while we met the tests of our time.

I really know that the great adventure we have shared is drawing to a close and when I accept your letter of resignation.

You leave behind you a legacy to all the American people that few men could claim.

When the gold crisis threatened to destroy the world's monetary system, your firm leadership helped to avert disaster and assure the strength of the dollar. You were the grand architect of the most significant reforms in the international monetary system since Bretton Woods.

You were the man at the bridge who steered through Congress the anti-inflation tax so essential to our prosperity. And that prosperity—without parallel in the history of nations—will forever bear your mark. Men who know your reputation, and children who have never heard your name inherit that gift which you have labored so hard to fashion.

I know, Joe, at what personal cost you have served the people of America—well beyond the period of your initial commitment. You are one of the American great, who will be long remembered as the Secretary who thought of financial values in the broader context of human values.

Lady Bird and I have always treasured the strength which you and Trudye have given us through the blessing of your friendship. We look forward to drawing on that strength in the years ahead.

PRESS CONFERENCE NO. 135 OF THE PRESIDENT OF THE UNITED STATES, AT THE NATIONAL PRESS CLUB, WASHINGTON, D.C., JANUARY 17, 1969

Question. How, sir, did you make the deficit in the balance of payments disappear in the last two weeks of your Administration?

The President. I think sometimes you are lucky and sometimes you are unlucky. I think it is a combination of very long and hard work, primarily on the part of Secretary Fowler, who is one of the most tenacious men I have ever known and who tried to be the guardian of the country and the trustee, and never let a dollar go out that he did not personally approve. He spent his last few months going around the world trying to bring as many dollars in as he could.

He recommended to the President and the President adopted a balance of payments policy that encouraged our business institutions to do some of their financing abroad.

The interest rate question, of course, helped. A good many people were attracted to this country by what they could earn on their money and also they are very interested in America's industrial system and our stocks. I don't think I did it all. I think we got some good breaks.

I think Secretary Fowler's vision and tenacity paid off and I think we had a good many friends in the world who helped us in circumstances that bounced our way.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Montoya in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO FRIDAY, JANUARY 31, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Friday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. Mr. President, as I understand the parliamentary situation, this would mean the pending business goes to the calendar and ceases to be the pending business on the floor. Am I correct in my understanding?

Mr. MANSFIELD. It does not go to the calendar. It is still on the calendar, because it has never been taken from the calendar.

Mr. HOLLAND. Perhaps the majority leader states the matter——

The PRESIDING OFFICER. The motion to take up dies with an adjournment.

Mr. HOLLAND. I beg the Presiding Officer's pardon?

The PRESIDING OFFICER. The motion to take up dies with an adjournment.

Mr. HOLLAND. I thank the Presiding Officer. That was exactly the understanding of the Senator from Florida.

The question I want to address to our distinguished leader is this: In view of the fact that those of us who are strongly opposed to the proposed emasculation of the cloture rule, rule XXII, are prepared to speak today, I want the Record to show that the distinguished Senators from Alabama (Mr. Sparkman and Mr. Allen) on this side have prepared addresses; and, likewise, that the distinguished Senator from Arizona (Mr. Fannin) is prepared to proceed.

It would seem to me that, in view of the announcement, in view of the press of committee business and other business elsewhere, it might be wise to request these gentlemen to be content with simply having the Record show their willingness and their preparedness to go ahead, without edifying the Senate with their proposed remarks or having an extension of their remarks printed in the Record, which means additional expense to the Nation. I am asking the distinguished majority leader if that would conform with his views, in view of the situation just announced by him.

Mr. MANSFIELD. It would, indeed. The majority leader has no choice.

Mr. HOLLAND. I thank the majority leader. If he will yield further, and if the Presiding Officer will permit me, let me take this opportunity warmly to thank the majority leader, the minority leader, the whips on both sides, the entire leadership on both sides, and all Senators on both sides, for the very great courtesies which they have extended to those of us who, they may have thought, were a little bit obdurate in our position, but who, nevertheless, had very strong convictions on the matter which has been pending.

I just want to say that if any Senators have ever been treated with kindness and consideration, we have been so treated by those I have mentioned—in fact, by the entire leadership and memership of the Senate; and I want the Record to show that.

I thank the majority leader for yielding to me.

Mr. MANSFIELD. Mr. President, I appreciate those comments. The distinguished Senator knows that in this body, courtesy is a two-way street. We get what we give. I must express my delight with the tone of the debate, if not with the results up to this time. But the leadership was faced with a number of choices. The resolution could have been referred to the Committee on Rules and Administration with the request that it be reported back to the Senate at a time certain. That would, of course, have taken unanimous consent which I doubt would have been given. It could be referred to the Committee on Rules and Administration, where it very likely would have died a slow death.

The third alternative was to do what we have done just now.

The fourth alternative, which I am considering, because I do not think this matter is as yet dead, is the possibility of introducing a constitutional amendment which might be able to face up to a three-fifths proposal with some degree of rigidity in reverse, and give some assurance to those of us interested in such a ratio and who fear the imposition of a majority vote for cloture.

I thought that I should make these remarks so that the Senate will know what choices the leadership had, and what the leadership at this time is in the process of comtemplating and considering.

Mr. HOLLAND. Will the distinguished Senator from Montana yield again?

Mr. MANSFIELD. I am delighted to yield to the Senator from Florida.

Mr. HOLLAND. I find new reasons for expressing my appreciation to the distinguished majority leader. Perhaps the idea of a constitutional amendment might be the answer to this problem and would give some protection to many who feel that this effort is just a step toward majority cloture. We have some reason to believe that because, with the exception of the distinguished majority leader himself, all of those who spoke yesterday in the cause of cloture upon the pending motion had previously voted to uphold former Vice President Humphrey, the then President of the Senate, in his ruling that majority cloture would lie and was the appropriate thing at the beginning of a new Congress in the considering of not just rule XXII but all rules.

Certainly the Senator will not find us completely obdurate in consideration of all matters. The Senator from Florida has already indicated that he himself favors one amendment which has frequently been mentioned here on the floor. The Senator from New Hampshire has mentioned another amendment which he favors. The Senator from Iowa (Mr. Miller) has even offered an amendment at this early stage of debate. I am sure there will be other suggestions. It might possibly be a course that would meet with more or less approval to have this matter frozen in form into a constitutional amendment. I cannot speak for others. I shall not, at this time, speak finally for myself. But I am glad that the distinguished majority leader is thinking of such a far-flung basis of possible methods to deal with this very difficult situation.

Again I thank the majority leader.

Mr. MANSFIELD. I appreciate the sentiments just expressed by the distinguished Senator from Florida. May I say that the only rays of light which I have seen during the course of this debate, indicating a change in the rigidity of some of us, are the remarks made by the distinguished Senator himself as well as our distinguished colleague, the chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. Fulbright).

WILL CONSERVATION GET A WESTERN LABEL?

Mr. MOSS. Mr. President, one of the most interesting articles of comment on the Hickel nomination for Secretary of the Interior, and what is ahead for him, appeared in the Washington Post on Saturday, January 25, under the byline of Merlo J. Pusey.

The article asks the question: "Will Conservation Get a Western Label?" and points out how much wider are the horizons of the Interior Department than they were 8 years ago before the adoption of the total-environment concept of conservation. Mr. Pusey, who incidentally is a westerner himself, from my own State of Utah, emphasizes that the new Secretary of the Interior will have problems of "staggering dimensions" involving the entire country.

I ask unanimous consent that the Washington Post article be carried in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WILL CONSERVATION GET A WESTERN LABEL?

(By Merlo J. Pusey)

(NOTE.—This is the seventh in a series of articles based on talks with key figures of the Johnson Administration about some of the problems confronting President Nixon.)

The furor that has ben raised about Governor Hickel tells us a great deal about what has happened in the Interior Department and in the country in recent years. People are much more alert to the perils of a fouled environment than they have been before. Conservation has become, not merely a regional interest of the West, but a vital concern of the entire Nation.

This is the basic reason for widespread concern over Governor Hickel's qualifications to be Secretary of the Interior. If he had come into the office a decade ago, few eyebrows would have been raised. The country would probably have acquiesced, with little concern, in the choice of a Westerner to do a Western job. Today, however, Interior is deeply involved with the protection of the environment in and about the great urban centers no less than with grazing and the preservation of geysers and stone arches.

Former Secretary Udall is entitled to a good deal of credit for having taken the Western label off the department. Though a Westerner himself, he sought to emphasize the department's new responsibilities in controlling water pollution and other aspects of our total environment. In an interview the other day he indicated that he regards the push toward a total-environment concept of conservation as his greatest accomplishment at Interior.

There is no indication that Walter J. Hickel understood this transformation of the Interior Department when he accepted President Nixon's offer to head it. But this is the fact confronting him, and it is against this background that his performance will be judged.

The effect of this transformation is greatly to multiply the scope of the problems that are tossed into the lap of the new Secretary. His task of cleaning up the Nation's rivers, for example, is staggering in its dimensions. To be sure, the Water Quality Act of 1965 and the Clean Rivers Act of 1966 provided the basic tools for this undertaking. But the program has not yet gotten off the ground.

One of the chief tasks is financing the sewage plants needed to keep filth out of the rivers. Hope of getting the $1.2 billion contemplated in Federal matching funds seemed to be very dim under the tight budgets foreseen ahead until a plan was devised to let the states issue the necessary bonds and allow the Federal matching funds to be supplied in the form of payments on the principal and interest on state bonds. A bill for this purpose, which would also bring the big cities into the program, was advanced almost to the point of enactment in the last Congress, but it failed in conference.

If the new Secretary puts fresh steam behind this idea, an enormous program in the construction of sewers may be anticipated. With the possible expenditure of $4 billion for this purpose, the economic impact may rival that of the highways program. Of greater long-range significance, however, will be the rescue of many majestic streams which are now little more than open sewers.

One other serious problem confronting the Interior Department appears to have been solved, at least temporarily, with Governor Hickel's pledge to continue the Udall freeze on the withdrawal of public lands in Alaska. Since most of the land in Alaska is owned by the Government, Congress agreed, in passing the statehood law, to give Alaska about 120 million acres of its own choosing. The gift was made contingent, however, on the undefined claims of Eskimos, Indians and other native groups. Because of the recent excitement over minerals and petroleum in Alaska, Udall suspended the withdrawal of lands by the state for two years so that Congress could legislate on the native claims.

Hickel had indicated that he might reverse this order because he viewed it as imposing severe restrictions on the state. In the hearings on his confirmation, however, he agreed to let the freeze remain, except in cases involving no native claims, so that the present Congress will have an opportuntiy to dispose of the matter in an equitable fashion.

Potentially the most troublesome problem that the new Secretary will have to deal with is the oil import program which he is to administer. The policy of restricting oil imports (today the inflow amounts to about 15 per cent of the country's total oil supply) was set up by executive order on national security grounds. The country, it is said, must maintain a healthy oil industry to make certain that we shall have ample fuel in case of emergency. But there is much dissatisfaction with the system as it now operates, and many feel that it should be abolished.

Former Secretary Udall noted the other day that the oil-import program "isn't exactly a freeze, but it has the effect, over-all, of kind of keeping things in status quo." Although Udall tried to give the system some degree of flexibility, many think he was too cautious.

Will Walter Hickel be less so? No one can be sure in advance how a man will respond to a responsibility of this kind. Some who know Governor Hickel say he has the toughness to stand up to the oil industry. Others fear that he thinks like an oilman.

A severe test will come when the Secretary is confronted by New England's plea for a free trade zone and a giant oil refinery at Machiasport, Maine. Occidental Petroleum would bring in relatively low-cost crude for refining in the free port and would make cheaper gasoline and fuel oil available in New England in addition to reshipping some abroad.

Governor Hickel originally opposed the project, but the current indications are that he is making a more thoughtful reassessment. There will be an acute need for appraisal of the project on its merits and for increasing flexibility in managing the oil-quota system. It is supposed to operate in the national interest, with equity for all sections of the country. If the Secretary of the Interior cannot effect adjustments on a reasonable and equitable basis, Congress may have to legislate on the subject.

Another urgent task for the new Secretary is the overhaul of the obsolete Mining Act of 1872. As Secretary Udall noted just before stepping out, this law operates "as an outright giveaway of vital resources." Miners may go onto public lands and seize and disrupt them. For a pittance a prospector may obtain several hundred acres of valuable mineral lands or national forest. Congress has even decreed that wilderness areas may be disrupted by this ridiculous system until 1988.

There seems to be ample reason for the conclusion that adoption of a new mining law is the most important piece of unfinished business before congress so far as natural resources are concerned. What is needed is a new leasing system that would bring the government adequate compensation for minerals taken from the public domain and at the same time protect scenic, recreational and wilderness areas.

The spurt of activity in recent years on national parks has by no means exhausted the possibilities. There is special need to concentrate on additional parks near the great urban centers, but the magnificent scenery still outside the National Parks System in Alaska, Hawaii and some of the other states should not be neglected. The merits of the immense parks proposed by Udall and rejected by L. B. J. in their last hours in office will need special attention.

The new Secretary will also be confronted by a creditable record bequeathed by his predecessor. It includes the creation and expansion of the Federal Land and Water Fund, the enactment of basic legislation for the control of water and air pollution, the establishment of the National Water Commission, creation of the wilderness system, the wild and scenic rivers system and the national system of trails. About 50 new units were brought into the National Park System, including national parks in the redwoods and the North Cascades and seacoast parks in many parts of the country. Wildlife was given greater protection with the creation of 39 additional refuges.

Continuation of the national policies behind these projects is of enormous importance to the country. Conservation has become an imperative of our generation if we are to recapture a tolerable environment and preserve it for the future. Udall has a phrase that fits well into the framework of this problem—"the development of higher concepts of earth stewardship." The new administration will necessarily have its own style and techniques in dealing with these problems but they need to be geared to a very broad policy of keeping our part of the continent a fit place to live in.

MEDAL OF HONOR RECIPIENTS LT. COL. JOE M. JACKSON AND MAJ. STEPHEN M. PLESS

Mr. RUSSELL. Mr. President, today is a holiday in Newnan, Ga., and an old-time celebration including a parade and barbecue is being staged to honor Lt. Col. Joe M. Jackson and Maj. Stephen M. Pless who wear the Nation's most coveted medal for bravery—the Congressional Medal of Honor. Although this grand affair and holiday is purely local and will only break the daily routines of the residents of this small city, some 40 miles southwest of Atlanta, it seems appropriate to me for the entire Nation to take note of this celebration.

When President Johnson decorated these men along with two others at the White House on January 16, it marked the first time two men from one city received the Medal of Honor at the same presidential ceremony. This would have been significant enough if they had come from one of our major metropolitan areas like New York, Chicago, or Atlanta, but this is particularly significant since they are both natives of a city of only about 15,000 people.

In serving their country above and beyond the call of duty, Colonel Jackson and Major Pless have brought great honor and distinction to Georgia and Newnan and they can also be considered as living testimony to the moral fiber and strength of character that is developed in smaller communities across the length and breadth of this Nation.

As heroes in the finest tradition of American military history, Georgia is proud to claim them as native sons. Over a span of years, I have heard my people denounced and charged with many weaknesses and human frailties, but even those with the most congenital prejudices against the people of the South have never accused them of being cowards. Quite the contrary, I have never known a military man in all of my years of connection with the armed service who did not generally welcome the opportunity to share a foxhole with a Georgian.

The White House ceremony at which these Medals of Honor were presented was also the final official tribute to America's fighting men by our Nation's Commander in Chief of more than 5 years. President Johnson served in an era when our country called for great sacrifices from the men who wear our Nation's uniform, and he has had to stand up under the endless tragedies of the war in Vietnam more than any other American. He has known the personal impact of this war as well as its impact on our Nation, and I think it was highly appropriate that, by coincidence, the honorees at this ceremony included a member of an Air Force military airlift unit and a marine major.

Mr. President, I ask unanimous consent that the text of President Johnson's remarks be printed in the Congressional Record at the conclusion of this statement.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of the President at the Ceremony for the Presentation of the Medal of Honor to Four Members of the United States Armed Forces, the East Room

Members of Congress, Secretary Resor, Secretary Ignatius, Secretary Brown, distinguished members of the Joint Chiefs of Staff, members of the families, ladies and gentlemen.

For the final time during my Presidency this house is graced with the company of the heroes who have scaled heights known only to a very few men in this land.

The courage of the bravest in war is a rare and special quality. It knows no rank or station. Generals and privates have won the Medal of Honor. Riflemen and sailors, pilots and priests have worn it on their breasts.

It has gone to every kind of man that our country has ever produced. They have come from the cities and the farms in every section of our land—from very humble homes and from families of great wealth.

I don't know what there is in this Georgia water, but there is something very special in this ceremony. Two of the recipients today come from the same town in this great State of Georgia. It made me really sorry my grandfather left there, because it gives me such great pride in you gentlemen whose families had been friends even before you entered the service.

We have had workers and scholars, businessmen and professional soldiers. They have lived in different times, fought on different fields. They have demonstrated their bravery many times in different ways, but they have all shared one noble distinction.

Each man heard the call of duty in an hour of hard challenge and each man answered that call with a courage beyond demand.

So now the names of Jackson and Pless, Lassen and Dix are added to this roster of the very brave and the record of their deeds, at the very summit of human testing, will forever now be part of the history of valor.

The words "Above and beyond the call of duty" would never sound again in the world that we want and work for. Never again would war summon the best that men can give.

But when that day comes, there will always be a high place of honor for the men who have bought it—for all the good and gallant fighting men who took their duty as they found it, and discharged it always with a courage of giants.

Such men are with us here today, and we—who owe them and their comrades so much—all stand tall in their presence.

I should say that the thing that has given me more strength, as well as more comfort and confidence, in the five years of responsibility that I have carried, have been our men in uniform—from those distinguished, outstanding members of the Joint Chiefs of Staff down to the lowest sailor or airman, Marine or Army. They have never disappointed me once and they have preserved freedom for us many times with their own blood.

The Secretary will read the citations.

(The citations were read.)

I want, if I may, to meet the members of the families and the members of Congress. The Joint Chiefs are here. We want to thank all of you for coming.

If I may, I would like to have a picture with Mr. Pless and Mr. Jackson. I doubt that there are many towns of under 15,000 population that have produced two Medal of Honor winners in the same day.

I would like to keep this picture among my souvenirs because it happens that one of them is from the 123rd where I have a Loadmaster son-in-law, and the other is in the Marine Corps, that we have represented out there, too.

I want to send the other one to Secretary Rusk, because he is from Georgia.

Long before daylight this morning, I got a call that we were proceeding to an agreement with substantive talks in the Paris negotiations, which would indicate that we are a step nearer peace.

If we are, and we pray that we are, it will be because of men like your great commander, General Westmoreland, and men like you who offered your life to try to bring peace to the entire world.

THE FACTS IN THE "PUEBLO" CASE

Mr. BYRD of Virginia. Mr. President, I appreciate the courtesy and thoughtfulness of the distinguished Senator from New York in yielding to me at this point.

It is of utmost importance that all the facts surrounding the capture and loss of the U.S.S. *Pueblo* be known.

But I am not convinced the American people have been given all the facts. And, in one case at least, pertinent information has been removed from the permanent files of the Senate Armed Services Committee.

I share the views expressed on the floor of the Senate Tuesday by the chairman of the Armed Services Committee, Senator John Stennis, of Mississippi.

In his usual judicious and able manner, he set in perspective the purpose of the court of inquiry now being conducted in California concerning the loss of the *Pueblo*.

Senator Stennis feels, and I concur, that it would be impractical for a congressional committee to begin an investigation until the Navy completes its hearings.

But there are many unanswered questions which go far beyond the scope of the Navy inquiry and involve the Department of Defense and foreign policy. One such question is—why was no effort made to go to the aid of the *Pueblo?*

During the weekend, I reviewed the testimony of then Secretary of Defense Robert S. McNamara and Gen. Earle G. Wheeler, Chairman of the Joint Chiefs of Staff, given before the Senate Armed Services Committee on February 1, of last year.

The U.S.S. *Pueblo* had been captured the previous week and the committee was interrogating Secretary McNamara and General Wheeler on the *Pueblo* capture, and this question was raised.

The facts are these, as given the Armed Services Committee by top Defense Department officials on February 1, 1968:

The *Pueblo* at 10:50 a.m., Korean time, on January 23, 1968, reported that two North Korean ships had made passes at her at about 12:25 the preceding day, and that she had had 18 additional contacts during the preceding night, the closest at 3,000 yards.

The *Pueblo* was not boarded until 13:28—1:28 p.m.—on the 23d. Boarding was not completed and the *Pueblo* did not come to a complete stop until 14:32, almost 4 hours after she radioed that she was in trouble and had been in trouble since 12:25 the previous day.

According to General Wheeler's testimony, the Navy requested help and the final decision not to intervene was made by the Commander of the Fifth Air Force in Japan, the aircraft being under his control.

There were U.S. aircraft in substantial numbers at bases in Japan, only 40 minutes flying time from the *Pueblo*. The planes were combat ready.

Indicative of the public's difficulty in obtaining an answer to this and other questions, I cite a personal experience from these same hearings.

During the testimony, I called to the attention of Secretary of Defense McNamara the widely published statement by a high Japanese official that U.S. aircraft in Japan could not have been sent to the aid of the *Pueblo* without the consent of the Japanese government.

I asked Secretary McNamara to comment on the accuracy of that statement. The Secretary responded.

When the official transcript was sent to the Defense Department, the Department marked my question and the Secretary's answer as a part of the testimony which could not be made public because of its diplomatic sensitivity. When I learned of this a few weeks later, I protested this censorship.

The reason I raise the question now is that in studying Saturday the complete testimony in the committee files—the committee's permanent copy—I find that I put 10 questions to Secretary McNamara, and that one of the 10 including his reply has been entirely scissored out of the report by the Department of Defense.

The committee clerk tells me that this is the only time during his 22 years with the committee that he has known material to be deleted by scissors from the permanent committee report. The normal procedure is to mark in red those portions of testimony which cannot be published, but the report itself remains as a permanent file in the committee vault.

As it is, the Secretary's reply to an apparently significant and vital question is written on air, unavailable for committee study as it attempts to piece together the tangled facts of the *Pueblo* incident.

I feel security deletions are necessary at times and justified. I think it is important that all military information, all information that could be of value and of importance to the enemy, be deleted from any testimony that is released to the public.

But nothing can justify keeping this information from the review of the congressional committee charged with that responsibility.

I feel it is important also that the public be given all information that it can appropriately be given without giving aid and comfort to the enemy.

I feel that Congress and the American people are entitled to more facts than have been made available up to now.

Therefore, I urge a full hearing by the Senate Armed Services Committee at the conclusion of the Navy's own inquiry. This hearing should not be limited to the facts in the *Pueblo* case, but it should also consider the broader questions which that incident has raised.

Mr. President, I ask unanimous consent that at this point in the Record an editorial from the Staunton (Va.) Leader of Sunday, January 26, captioned "Where Lies the Blame" be inserted.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

WHERE LIES THE BLAME?

Fear that the Navy would make Comdr. Lloyd M. Bucher the goat of the Pueblo's seizure has probably been augmented by the statement to him at the inquiry being held at Coronado, Calif., that he may be court-martialed on a charge of disobedience of orders. The specification would be, Navy counsel declared, that he failed to resist the attack by North Korean gunboats and boarders.

The regulation cited to Comdr. Bucher reads: "The commanding officer shall not permit his command to be searched by any person representing a foreign state, nor permit any of the personnel under his command to be removed from the command by such person, so long as he has the power to resist."

That Comdr. Bucher could be charged under this regulation is, as the record now stands, a ridiculous assertion.

Evidence that the Pueblo had only two .50 cal. machine guns, mounted in exposed positions and which Bucher testified malfunctioned in tests, is unrefuted. Surrounded by a squadron of Communist naval craft, at least one of which opened fire to cover boarders, what chance would the little U.S. ship have had to resist successfully? To attempt it would have resulted in what military men term "an unnecessary effusion of blood"—the blood of the crew.

The Pueblo skipper, from evidence adduced so far and from investigation prior to the release of the crew after nearly a year's imprisonment and abuse, did the best he could. Having been denied "destruct" equipment for the electronic spying system aboard, adequate equipment for quick destruction of codes and files and armament with which to fight effectively, he destroyed what he could and surrendered in order to save his men. His statements that it would have taken 2½ hours to scuttle and only a few minutes for the icy water to kill his men had he been able to scuttle have not been refuted.

Why air support was not given the Pueblo immediately after Bucher radioed that he was being attacked has never been satisfactorily explained. Lt. Col. J. Addison Hagan, a retired Marine officer, made the following statement in a letter to a Washington newspaper a few days ago:

"Adm. Sharpe issued orders to Vice Adm. Bringle to use the amount of force necessary to 'cut and return' the Pueblo on the day of its capture. However, Adm. Sharpe's orders were countermanded, and, consequently, the Pueblo was not allowed to resist the North Koreans. When the Pueblo was attacked on Jan. 23, 1968, planes were dispatched from South Korea and arrived in exactly 37 minutes. The pilots saw the Pueblo being attacked and boarded but received a radio message not to attack."

Col. Hagan, if the Board of Inquiry really wants to fix responsibility for the Pueblo's loss, ought to be summoned to testify as to the sources of his information. The suspicion that the Pueblo was sacrificed by a top level decision not to risk resumption of the Korean War because of our involvement in Vietnam and the Tet offensive then in progress there, will not down.

The American people are entitled to know the facts, which at this stage cannot damage us militarily. Court-martialing Comdr. Bucher for the surrender, or for his "confession" and savage beatings and mental terror in which fear for the lives of his men was a principal constituent, would on the record as it now exists be a further disgrace to this country. Let's not forget that our government itself "confessed" in order to free Bucher and his men.

THE ABM: UNSAFE AT ANY PRICE

Mr. NELSON. Mr. President, the decision to authorize and appropriate funds for the deployment of the Sentinel anti-ballistic-missile system was a tragic mistake. The great weight of the evidence presented indicates that the Sentinel ABM would not be effective against an all-out missile attack.

Eminent scientists such as Dr. Jerome Weisner, former adviser to President Kennedy, Dr. George Kistiakowsky, adviser to President Eisenhower, Herbert York, Hans Bethe, Richard Garwin, Ralph Lapp, and others have all urged delay of this project. It is my opinion that our efforts should be directed toward further research and development before we begin constructing an ABM that may not ever perform properly.

Later on in this session, the Senate will again reconsider the merits of this project. It is my hope that the majority of my colleagues will thoughtfully reconsider their position and vote to delay deployment.

In a recent article by my colleague Senator McGovern appearing in the February issue of the Progressive magazine, the ABM issue is carefully discussed. I think this excellent article is worthy of careful examination and therefore I ask unanimous consent that it be reprinted in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE ABM: UNSAFE AT ANY PRICE

(By Senator George S. McGovern)

(Note.—Senator George S. McGovern, South Dakota Democrat, was re-elected last fall after his unsuccessful candidacy for the Democratic Presidential nomination. He was a bomber pilot in World War II. A professor of history and government before he was elected to the House of Representatives in 1956, Senator McGovern was the first director of the Food for Peace program and is the author of two books, "War Against Want" and "A Time of War/A Time of Peace.")

The anti-ballistic missile (ABM) is a remarkable device. It is remarkable for its technology, its speed, its acceleration, its complexity. It is even more remarkable for the effect it may have on the course of Soviet-American relations during the next ten years, and for its capacity to devour enormous sums of public funds allocated to the military sector of the nation. Most remarkable of all, our country may spend many billions of dollars on an ABM deployment before the system has been carefully evaluated and during the precise period that we most need to scale down both the costs and the hazards of the arms race.

Let me state at the outset my own firm conviction that the building of an ABM system by the United States would be a national blunder of major proportions—militarily, economically, and politically. I am convinced that the proposed ABM would be obsolete and ineffective before it could be constructed; that for far less money than the cost of any ABM system, the Soviets could and would place us in an even more vulnerable position by increasing their offensive capacity.

No one has more clearly summarized the case against the ABM than former Secretary of Defense Robert McNamara, who said on September 18, 1967: "Every ABM system that is now feasible involves firing defensive missiles at incoming offensive warheads in an effort to destroy them. But what many commentators on this issue overlook is that any such system can rather obviously be defeated by an enemy simply sending more offensive warheads, or dummy warheads, than there are defensive missiles capable of disposing of them. And this is the whole crux of the nuclear action-reaction phenomenon." And, added McNamara, "Were we to deploy a heavy ABM system throughout the United States, the Soviets would clearly be strongly motivated to so increase their offensive capability as to cancel out our defensive advantage. It is futile for each of us to spend $4 billion, $40 billion, or $400 billion—and at the end of all the spending, and at the end of all the deployment, and at the end of all the effort, to be relatively at the same point of balance on the security scale that we are now."

I believe that an ABM deployment by the United States would actually decrease our security, not only because it could be easily penetrated by the Soviets, but because it would lead to a further escalation of the arms race and a worsening of Soviet-American relations. Beyond these considerations, the allocation of many billions of dollars of tax funds to the ABM would threaten our national security by depriving us of funds desperately needed to cope with the explosive social and economic needs of our own society and of a world in ferment around us.

It is my considered judgment that last year the Johnson Administration yielded to the pressure of the military-industrial complex in agreeing to deploy a "thin" ABM system supposedly against the Chinese. This was not a security decision based on a broad view of national and international priorities; it was rather a surrender to mounting political pressure from military-minded Senators, Congressmen, generals, and arms manufacturers. All of this was fed by the mistaken impression that it is possible to calculate national security in mathematical terms related exclusively to the size of our defensive and offensive armament.

As Dr. Jerome Wiesner, former science adviser to the President, has reminded us on several occasions, the political pressure on the President and the Defense Department to deploy the ABM was not new. For more than a decade, the Pressure had been directed at

President Eisenhower, President Kennedy, and President Johnson. Presidents Eisenhower and Kennedy wisely resisted the demands for the Nike-Zeus and then the Nike-X ABMs. If they had surrendered, we would have wasted an estimated $30 billion on a system that would now be completely obsolete and worthless. I am confident that the system now being pressed will prove equally obsolete and equally ineffective but even more costly and dangerous than the earlier system.

I believe that when President Johnson finally yielded last year to the ABM deployment pressure, he committed what could prove to be, next to the Vietnam escalation, the most costly blunder of his Administration. President-elect Nixon could perform an invaluable service to the American people and to the cause of peace if he would begin his Administration by ending our military involvement in Vietnam, which I believe he will do, and reversing the ill-advised deployment of the ABM.

Recognizing that the only real defense against the sophisticated missile system of the Soviet Union is our continued capacity to deter the Russians from using it, the Administration justified the abandonment of its previous opposition to the ABM by saying that we were now building it as a temporary $5 billion holding action against China.

This justification appeared so patently weak when the delays in China missile development became known that the China argument was largely dropped and the Congressional debate centered on the need to begin developing a full-blown defense against the Soviet Union. During the Senate debate, I asked the proponents of the ABM why they had announced the new system as a defense against China and then stated later that the system could be abandoned if the Russians would agree not to build one. They had no answer to that question.

The truth is that if we begin a $5 billion "thin" system, the political and economic pressures will quickly mount until we have poured $25 billion to $50 billion and perhaps a hundred billion dollars into this system. I say that if we do not halt the present move to deploy the so-called thin ABM system, we will spend a minimum of $50 billion on this system before we finally agree a few years hence that the whole exercise was a colossal military, economic, and political blunder that has weakened us as a nation both at home and abroad.

A comparable investment in cleaning up our cities, training our youth for jobs, strengthening our agricultural and natural resources, and attacking the misery which breeds disorder both in our own society and in the developing countries will do far more to build American security and our leadership for peace.

It is true that the ABM has functioned fairly well under laboratory conditions. When a single ABM is launched against a single simple ICBM warhead approaching on a known trajectory, the chances of successful interception are reasonably good. But if we deploy an ABM system, we can be reasonably certain that no nation will ever attack us with a single ICBM. We would more likely be attacked by large numbers of complex offensive missiles, almost all of which can be expected to use multiple warheads and penetration aids, and some of which may be able to change trajectory in mid-flight. This situation is qualitatively different from that of a laboratory test.

It is worth emphasizing that defense against thermonuclear missiles is a qualitatively different problem from World War II style anti-aircraft defense. In World War II it was assumed by both attackers and defenders that on any given raid, most of the bombers would reach their target and drop their bombs somewhere in its vicinity, that they would damage the target and perhaps destroy it, and that most of them would return safely to base to fly further missions. The job of the defenders was to impose attrition sufficiently high so that the attackers would no longer find it profitable to continue the attacks. Generally, this critical attrition rate was surprisingly low. For example, on the night the British destroyed five per cent of the attacking German bomber force, the defensive battle was won; the bombers did not return.

Missile warfare is entirely different. To begin with, attrition means nothing in the World War II sense, for it is assumed that no offensive missiles will return to base. What is important is the number of warheads that reach their targets. The smallest warhead is still considerably more powerful than the Hiroshima and Nagasaki bombs and can destroy any target except a few of our largest cities.

While a five per cent effective defense won the Battle of Britain, in a nuclear war, in which each significant target might be attacked by a dozen or more missiles averaging perhaps four or five warheads each, even ninety per cent effective defense could not prevent a catastrophe of unspeakable proportions.

And one should also keep in mind that the Soviet Union is not likely to remain static, but would, rather, respond to a U.S. ABM deployment by increasing its offensive capability. We could then build up our defense still further to offset their increased offense, but in this sort of escalatory spiral the defense is at two inherent disadvantages.

First, there is the mathematical disadvantage. Currently, the other side has approximately 1,000 offensive warheads. If we were to build a ninety per cent effective defense, they could still hit us with 100 warheads—a blow which would shatter our society. The consequences of such an attack, even ruling out the fallout from incoming missiles and from our own interceptor missiles, are so enormous as to be beyond comprehension. The loss of lives would still be calculated in the tens of millions. But this is not the whole story. Supposing the Soviets responded to our ABM system by increasing their number of warheads to four or five thousand as we have recently done. If we then increased our defense to maintain ninety per cent effectiveness, we could be hit, not by 100 warheads, but by 400 or 500. If we wished to maintain our defense at the pre-ABM Soviet response level of 100 hits, we would have to improve the ABM's effectiveness to a fantastic ninety-eight per cent.

This is not possible. In fact, it is probable that during a heavy attack the effectiveness of an ABM system would drop to near-zero. A nuclear explosion in the atmosphere creates a cloud of ionized gas, lasting for several minutes, that distorts or absorbs radar waves. An ABM is entirely dependent upon ground-based radar for guidance. In a light or medium attack, the attacker could use the explosion of one warhead, or of the ABM sent to destroy it, to blind the defensive radar to another warhead following close behind. In a light attack, the defender could possibly counter by tracking each incoming warhead from several different directions with different radars. In a heavy attack, however, involving hundreds of offensive and defensive detonations within a short period, an effective defense is inconceivable.

The defense's second inherent disadvantage is economic. Former Defense Secretary McNamara and others have discussed the matter of cost-exchange ratios—which in this context means the cost to a nation of building up its offensive missile power to neutralize any increase in the potential enemy's defensive capability. Although one cannot be precise because many of the critical variables are classified, it seems quite clear that in the attempt to reduce significantly casualties resulting from a heavy attack, the cost-exchange ratio must be highly favorable to the offense. Consider, for example, the conversion from the offensive Polaris system to the newer, more sophisticated Poseidon missiles, for which unclassified cost figures are available. This conversion, according to Dr. Wiesner, will increase the number of U.S. submarine-based warheads from approximately 600 to more than 4,000. The new warheads will be smaller, but they will be considerably more accurate, and will make up a far more effective striking force. The cost of this conversion is expected to be $3.2 billion.

What kind of cost-exchange ratio can be applied to this conversion? How much money would the defense have to spend to offset this increase in offensive power? Surely a cost-exchange ratio of one to one or one to two would not be valid. The Sentinel defense system is projected at $5 billion; yet the offensive Poseidon system would cut through Sentinel like a hot knife through butter. The "heavy" ABM defense system is projected at $20 billion, and to reach full effectiveness will probably run to several times that. This heavy system includes about 4,000 missiles, which would be the equivalent of one ABM for each Poseidon warhead. Granting a generous assumption of eighty per cent effective defense under a major attack, the heavy ABM system might reduce Poseidon to Polaris levels of destruction, giving a cost-exchange ratio of one to six at best. In other words, the defensive cost of neutralizing eighty per cent of the new Poseidon missiles would cost six times as much as Poseidon cost.

Given the high levels of offensive armament which both major powers will have by the mid-1970's, the proposed terminal ABM system, even in its heaviest form, would be ineffective. This system can easily cost a hundred billion dollars, if one includes the cost of the fallout shelters necessitated by the Sprint anti-ballistic missile. Why, then, are the Joint Chiefs of Staff recommending that the money be spent? Why is a majority of the Congress agreeing with them?

Curiously, the debate over construction seems irrelevant to the actual decision-making process. I have been involved in the Senate debate on this issue and have listened to Senator Stuart Symington, a former Secretary of the Air Force, explain in great detail why the ABM is militarily ineffective, and I have waited for an effective rebuttal by the ABM proponents. It has never come. I have read similar analyses by eminent scientists and I have waited in vain for a rebuttal by a member of the scientific community. Instead of rebuttals of the charge of ineffectiveness, one hears various arguments based on the *assumption* that the system is effective.

The reason for this is that the proponents of ABM feel that the military and scientific arguments do not need to be rebutted, for the true reasons for funding the ABM are not military and scientific, but economic and political.

Politically, the power to get acceptance for highly dubious multi-billion dollar projects such as the ABM rests on at least two factors.

First, there is the exploitation of national feelings of insecurity—sometimes bordering on paranoia. Many Congressmen fear that if they vote against any proposal carrying a defense label, they will be criticized for jeopardizing the nation's security.

Second, there are the perfectly legal but substantial rewards the military establishment can bestow upon communities and states whose Congressmen are cooperative.

I do not mean to imply that supporters of the ABM have sold their souls to the armament lobby. These men are acting in what they believe is the interest of their constituents. The creation, continuance, or abolition of a defense plant or installation may affect thousands of jobs and millions of dollars in purchasing power. Such considerations weigh heavily on the minds of Congressmen eager to please their constituents and to win reelection.

But let us face it: The Anti-Ballistic Missile is little more than a gigantic make-work military project. This kind of artificial and wholly unimaginative spending is degrading to the American society. The production of ineffective military hardware is not a healthy contribution to society. If our economy requires that the government spend billions of dollars each year, let it be spent in reconstructing our cities and depressed rural areas, in purifying our air and water, in improving our health, education, and nutrition, and in other ways that will be of real benefit to the citizens of the United States. Let us not waste money on ineffective gadgetry.

I am not suggesting that our military-industrial complex be disbanded. I am saying that our military procurement should be a function of our national security needs rather than of the financial and military appetite. Our defense industries have marvelous research, development, and production ability that could well serve the civilian needs of our nation if properly directed.

Five years ago I introduced the National Economic Conversion Act which proposed comprehensive study and planning to assist in converting excess military production ability and military funds to civilian needs. Although my proposal was not enacted, it should have been. We should now be well past the study stage and into actual conversion.

We need desperately to develop the competence on every level of government, from the city council to the White House and throughout the private sector as well, to convert resources no longer needed by the military into other useful purposes. This is the rational way to cope with the "potential for the disastrous rise of misplaced power" in the "military-industrial complex" about which President Eisenhower warned us so eloquently in his great farewell address of January 17, 1961.

We live in a magnificent country but we have not yet crossed into the promised land. We are confronted by urgent domestic needs that are neglected because the nation's financial, human, and material resources are being poured into sterile military make-work projects. We must redirect this money, talent, and resources to meet the needs of our people. We cannot afford to do otherwise, for what is at stake is the quality of our society and a more meaningful expression of the human spirit.

OKUN'S EXCELLENT JOB

Mr. PROXMIRE. Mr. President, Dr. Arthur M. Okun, as Chairman of the President's Council of Economic Advisers, served brilliantly. He served with distinction and effectiveness at a period when economic policymaking was particularly difficult. Only 40 years of age, the former Yale University professor has already had an outstanding career, and he is only beginning.

Arthur Okun, born in Jersey City, N.J., in 1928, received his A.B. and Ph. D. degrees from Columbia University. He taught at Yale from 1952 to 1961, at which time he came to the Council to serve as a member of the staff under the distinguished Chairman, Walter Heller. He returned to Yale for a short period, but in 1964 was brought back as a Member of the Council of Economic Advisers and became its Chairman in January 1968.

Okun specialized in the application of quantitative techniques to economic forecasting and policy analysis, as have an increasing number of the younger economists in the postwar era. Though "a numbers man," as the phrase goes, he was a strong and skilled exponent of the instruments of public economic policy in promoting economic stabilization and growth.

Although I did not always agree with his recommendations, I was always impressed by the high competence and dedication that he displayed.

Okun's balanced and able contributions to the debates over public policy will be missed in the circles of Government, but we are confident that his voice will not be stilled. We wish him well in the years ahead. The Brookings Institution is indeed fortunate to obtain his services.

THE NUCLEAR NONPROLIFERATION TREATY—WHY WE MUST ACT

Mr. MONTOYA. Mr. President, this body will soon have before it one of the most basic documents bearing on the continued survival and well being of all people on earth. I refer to the international treaty designed to prevent the spread of nuclear and thermonuclear weapons.

There are some among us, Mr. President, who pretend not to be worried or even apprehensive over the inexorable spread of the capability to create such engines of destruction. It would be kindness to call them people of little vision.

No one can contemplate with equanimity the spread of a technology that deals with mastery of the elementary forces of our world. Especially so in light of our realization that man cannot deal with this knowledge in a morally consistent manner.

Regrettably, we must admit that most nations of the earth are so bound up in nationalism, factionalism, regionalism, and ideological conflict that they cannot objectively view the future and how their knowledge can affect it.

In fact, we must face up to the sobering acknowledgement that there are some nations with a capability to create these weapons, which are at daggers-point with other nations. Should they possess these weapons and face military defeat, they would be almost bound to resort to any extreme in order to survive.

This is particularly true of those powers whose rivalries are so intense, and involve such hatred that military defeat could mean physical or national extinction.

We must face up to the fact that there are countries in the world, recognized as sovereign states, which are led by regimes that can at best be termed irresponsible. There are nations in the world today who would, given the opportunity, use nuclear and thermonuclear weapons without hesitation in order to attain their selfish, limited goals.

There are men in positions of authority who would carry the world up to and over the brink of international annihilation in order to satisfy their egos, cater to their vanity, or swell their pride. If such men have sacrificed their own armies in the past as well as the well-being of entire populations, we have every reason to expect they would care not a whit for the peace and survival of our entire world.

We are in the midst of an age when traditional spheres of influence have become meaningless. An age when each great power maintains a shifting group of client states that often slip their reins to pursue limited goals that can cause international ripples. It is an age when massive infusions of weapons that are obsolete to armed forces of major powers can shift area power balances. It is an age when even a limited amount of leeway can be and is misconstrued by a client state. There is the ever present danger of a client state carrying a superstate over the brink of disaster by pursuit of limited goals. Addition to this equation of nuclear and thermonuclear weaponry adds an element of menace to the world situation that we cannot allow.

It is imperative that we control smaller states who would create intolerable international situations. It is essential that we prevent such states from coming into possession of weapons that could almost instantly create confrontation. It is all-important to keep heavy hardware out of the hands of deadly little men who put grandeur before peace—glory before security and personal gratification before world progress.

The Nuclear Nonproliferation Treaty would prevent the further spread of these engines of destruction. It would keep such weaponry out of the grasp of these irresponsible hands.

Further, it gives members of the nuclear club a required breathing spell in which to arrive at some type of modus vivendi. The world is now rife with a series of entangling alliances that resemble those that afflicted Europe prior to World War I. Then, as we all recall, actions of smaller states dragged all the powers over the brink of war. There must be a line drawn affecting these weapons and their relationship to these alliances. This treaty would do this. Time is short in the extreme.

Only an international agreement of the sort envisioned by this treaty can prevent the spread of this menace to still other areas of the world. To my mind, there is no choice but one remaining to us.

If we do not prevent the spread of these weapons, they shall end up by destroying us. For a moment, let us contemplate the very real consequences of unchecked nuclear proliferation.

In addition to dangers I have already alluded to, there is the possibility of accident. Can a smaller nation with limited resources afford the safeguards against accident, abuse, or misuse of such weapons? Can it prevent the lunatic, irresponsibles or fools from abusing such paraphernalia? I think not. And what about that irresistible urge on the part of all scientists to investigate and tinker with such apparatus?

Think of the tens of thousands of people who would begin to obtain access to such engines of death. Consider the consequences. We are even now junking weapons systems that would tip the balance of power in innumerable areas of the world. These systems must be kept out of the hands of others.

Dangers from all this are played down by some. They say no matter what tran-spires, we have the hot line. We have instant communications with the Soviets. But is that enough?

In an age when seconds are beginning to count—when we spend billions to obtain a few minutes of warning time—who is going to waste time if there is an unauthorized or immediately unexplainable nuclear or thermonuclear explosion on their territory or on that of a closely allied client state—particularly if that state is in some sort of formal alliance with the superpower immediately affected?

We must, therefore, think in terms of the almost immediate danger our world faces, compounded each time another nation obtains access to this technology and its fruits.

There are times when we simply must act in the interests of all mankind. This is one of those times. It behooves us to consider this treaty and ratify it with a minimum of delay.

ON RELATIONS BETWEEN THE MOST POWERFUL COUNTRY AND THE MOST POPULOUS COUNTRY IN THE WORLD

Mr. JAVITS. Mr. President, last weekend a Japanese-American parliamentary group met at the Center for the Study of Democratic Institutions at Santa Barbara, Calif., and spent 2 days discussing relations with China. The distinguished junior Senator from Arkansas (Mr. FULBRIGHT), chairman of the Committee on Foreign Relations, delivered a paper at that conference entitled: "On Relations Between the Most Powerful Country and the Most Populous Country in the World."

Because I think that Members of Congress and other readers of the CONGRESSIONAL RECORD interested in the subject of our relations with the most populous country in the world, whatever may be their views, would find the views of the chairman of the Senate Foreign Relations Committee of great interest, and as it is fitting that a new member of the center should do this, I ask unanimous consent that the full text be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ON RELATIONS BETWEEN THE MOST POWERFUL COUNTRY AND THE MOST POPULOUS COUNTRY IN THE WORLD

(Statement by Senator J. W. FULBRIGHT, chairman, Committee on Foreign Relations, United States Senate, meeting of Japanese-American Parlimentary Group at the Center for Study of Democratic Institutions, Santa Barbara, California, January 24–25, 1969)

I

A perceptive commentator has written about ancient China:

"The nation was absorbed in productive industry; the greater part of its scientific processess had been preserved, but science itself no longer existed there. This served to explain the strange immobility in which they found the minds of this people. The Chinese, in following the track of their forefathers, had forgotten the reasons by which the latter had been guided. They still used the formula without asking for its meaning; they retained the instrument, but they no longer possessed the art of altering or renewing it. The Chinese, then, had lost the power of change; for them improvement was impossible. They were compelled at all times and in all points to imitate their predecessors lest they should stray into utter darkness by deviating for an instant from the path already laid down for them. The source of human knowledge was all but dry; and though the stream still ran on, it could neither swell its waters nor alter its course."[1]

That commentator was not someone normally regarded as a China historian or an Asian expert, but a writer known for his observations of America, Alexis de Tocqueville, and he was describing the China Europeans had first seen three hundred years before.

Perhaps his comments could apply as appropriately in describing certain features of contemporary American behavior, for in this latter half of the 20th Century it often seems that, as far as some questions confronting us are concerned, *we* have lost the power of change and are compelled to imitate *our* predecessors. And one of the questions of which this is true, it seems to me, is that of American-Chinese relations.

I use the word "relations" for lack of any better term, because, with the exception of sporadic conversations in Warsaw, there have been virtually no relations between the world's most powerful country and the world's most populous country for twenty years. Since 1949, when a communist regime took power on the mainland, our attitude has been one of unrelenting hostility in most respects, met—it should be noted—by at times an equal, and at times an even greater, measure of hostility on the part of China. We saw the communist regime's assumption of power not as a result of the sickness and frailties of China under the nationalists, but as an extension of the Soviet conquest of central Europe, for communism was then regarded, with considerable justification, as a monolithic movement.

It was thus not surprising that the success of the communists in China, following immediately the events in central Europe in the years immediately after the end of the war, dismayed and alarmed the American people. The North Korean attack on South Korea in June, 1950, followed by the intervention of Chinese forces in November of that year, which brought us face to face with Chinese soldiers in combat for the first time in our modern history, was a further shock. Although the cold war had frozen our relations with the Soviet Union by 1950, American and Soviet armies had never fought one another. The first large communist power we were to meet on the battlefield was not the Soviet Union but China.

II

As a result of these events, and the emphasis of the new Chinese regime on spreading "armed revolution", we were to base our policy towards China on certain assumptions. The first of these assumptions was that China was a hostile and aggressive nation which threatened to impose communism on Asia by force, as the Soviet Union had imposed communism on central Europe. The second assumption was that all communist regimes were joined together indissolubly in a conspiratorial compact to conquer the world and that the communist countries should be regarded and treated as a monolithic entity of awesome power and frightening potential. The third assumption, somewhat contradictory to the other two, was that if everything possible was done to weaken China—if sufficient economic and political pressures were exerted—the new mainland regime would fall because it did not have popular support and because Confucianism and communism, like oil and water, would not mix.

These assumptions led us to surround China with military force and to isolate the mainland with every means at our disposal. In the words of Kenneth Young, President of the Asia Society, since 1950 the United States "has treated Peking as an aggressor and outlaw, refused it diplomatic recognition, blocked its membership in the United Nations, prevented its taking over Taiwan, encouraged its 'passing away', isolated it diplomatically and economically, confronted it with overwhelming force, and undertaken military operations along China's west and near China's southern flank."[2]

During the Korean War, we also reversed the decision that had been articulated by President Truman in a speech in 1950 in which he said that the United States "will not pursue a course which will lead to involvement in a civil conflict in China" and "will not provide aid or advice to the Chinese forces on Formosa." Instead, the United States became Nationalist China's strongest and most active supporter.

In the past few years we have begun to talk about China, and to think about China, in somewhat different terms. But it is only the phraseology that is different. In the words of a former government official who is a well-known authority on China, ". . . if anything characterizes Washington's attitude toward Peking in the last eight years it is the change in words without a change in policy."[3] Yet our policy has remained unchanged even though the events of the last two decades should have caused us to question the original assumptions on which this policy was based.

As far as the assumption that Communist China is a power bent on military expansion abroad is concerned, I do not see that the present Chinese government has made any serious attempt to expand its territory beyond its present borders. The Chinese forces which fought us in Korea are no longer there, and North Korea has, in fact, become less pro-Chinese and more neutral in the Sino-Soviet dispute in recent years. Nor did Chinese forces remain in India. And in the case of Tibet, the Chinese took over a territory that not only the Peking government but also the Nationalist government and even the Indian government has long regarded as Chinese.

As for communist-led and directed insurrections in other Asian states, China has certainly encouraged and supported these insurrections or "wars of national liberation", but, so far as I am aware, has not participated directly with Chinese combat forces. There have been threats of direct participation, but China has not suited her actions to her words.

Certainly the Peking government hopes that "wars of national liberation" will succeed not only in Vietnam but in Laos, Thailand, Burma and other Asian countries. They have made no secret of their desire in this regard. But a desire to see such wars succeed, a desire which is certainly no stronger than our desire to see such wars fail, is one thing. Ability to insure success is quite another.

Wars of national liberation can be and are supported from the outside, as attempts to defeat them can be and are supported from the outside. But it seems to me that they are essentially home-grown products which sprout from complaints and frustrations and are nourished by government ineffectiveness, disinterest and corruption. The fears which some Asians express of direct Chinese expansion, or of indirect Chinese intervention, often seem to me to be attempts to blame internal infirmities on external factors.

It is doubtful whether China presently could be successful as an expansionist military power even if she desired to be one. While the Chinese have a powerful land army capable of defending the mainland against almost any combination of forces, if mobile

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Footnotes at end of article.

forces, strategically positioned, are necessary for expansion, it is we and not the Chinese who have that potential. And if the evidence of a capacity and desire to expand is the presence of a country's troops outside its own territory, what conclusion should be drawn from the fact that the only Chinese soldiers outside China are engineer and air defense units in North Vietnam, while, in Asia alone, we have more than half a million troops in South Vietnam, over 50,000 in South Korea, and some 40,000 in Thailand, as well as naval or air installations in Japan, the Philippines, Taiwan, Okinawa, Guam and elsewhere.

The second assumption on which our China policy has been based—the assumption of a monolithic communist world—is quite obviously no longer valid. It is surely not necessary to describe in detail the splits among communist countries which have led one commentator to refer to communism as "a many splintered thing." Suffice it to say that the examples of the widely different paths followed in the European communist world by the Soviet Union, Yugoslavia, Romania and Albania are by now generally well recognized, although the diversities among communist states and parties in Asia are less familiar.

The most important division in the communist world is, of course, that between China and the Soviet Union. I have been told that those who have visited China recently have reported that Soviet revisionism, rather than American capitalism, has become the principal foreign devil. In fact, even if there had not been an ideological split between the Chinese and the Soviets, it seems doubtful to me that these two states would have been able to maintain close relations, if indeed such close relations ever existed. The Chinese have lost large stretches of territory to Russia and seem to fear further losses. And Chinese resentment of the West apparently extends to Russia as well.

As for the third assumption—the assumption which rested on an exaggerated notion of China's weakness, perhaps to balance those assumptions which rested on an exaggerated notion of China's strength despite all predictions to the contrary, the communist regime has not only survived but has, according to all reports, provided the Chinese people with better conditions of life than any other modern Chinese regime. The Peking government certainly continues to face many problems, but so would any regime confronted with the awesome task of administering a nation of eight hundred million people.

It has been officially admitted, and seems finally to be generally accepted in the United States, that there is nothing that we, much less the Nationalist Chinese, can do to bring about the collapse of the present mainland government. Nevertheless the hope still seems to persist in certain quarters, both here and abroad, that the Chinese will rise up and overturn the communist regime. This hope was nurtured by the turmoil in China known as the Great Proletarian Cultural Revolution.

Those who regarded the cultural revolution as evidence of an imminent collapse in China seemed to me to have badly misunderstood this phenomenon. It now seems clear that this strange disruption was really a struggle between the more militant Chinese ideologists, the old revolutionary veterans who wished to keep revolutionary fervor at a high pitch regardless of its consequences, and the more pragmatic managers and scientists who preferred to see ideology subordinated to more practical considerations. The Cultural Revolution did leave certain questions unanswered, questions relating to whether the Chinese revolution would move in new directions or continue in the same general direction it has followed to date. These questions concern the *course* of the regime's future, but they have nothing whatsoever to do with the question of *whether* that regime will have a future.

IV

If the assumptions on which our policy toward China have been based for the past twenty years are no longer valid or appropriate, it would seem to me to follow that the policy itself should change. Should we not discard the objective of containing China and, despite official disclaimers, isolating it as well? Perhaps more accurately, should we not discard a policy of helping China to isolate itself in favor of seeing what can be done to involve China in Asia—and Asia in China, I should add—and to influence China to play a constructive and stabilizing, rather than a destructive and disruptive, role in the world?

It seems to me that there are several minor actions that could be taken to this end by the United States, actions which have already been suggesed and discussed by China experts in this country. Removing all travel restrictions and, in fact, encouraging travel is one such action, the benefits of which are so obvious that they do not need to be discussed. I see no reason to insist, in advance, on any Chinese promises in this regard. If the Chinese are not yet willing to admit American tourists—not to mention journalists, doctors and scientists—it is China's loss far more than it is ours. We have recently taken the sensible step of announcing that any Chinese who wish to visit the United States will be welcome. I do not see why we should not now proceed to the next step and announce that we will validate all passports for travel in China, and not just the passports of those with some professional reason for wanting to visit China.

It is unfortunate that we would not be able presently to afford American tourists going to China the same kind of protection which we afford those going to countries with which we maintain diplomatic and consular relations. But this would be a risk for the travellers themselves to take. I see no reason for us to place obstacles in the way of their visiting China if they desire to do so, even if there is little prospect that the Chinese will admit them.

Another minor action that could be taken is in the field of trade. Our original concept was that an embargo on trade with China would have such deleterious economic effects that the Chinese would be willing to make concessions in order to have such an embargo removed or would be weakened to the point of exhaustion or even expiration. This theory has not held up when applied to other countries, and I question whether it would have succeeded in the case of China. In any event, it proved to be nothing more than a theoretical concept because other non-communist countries were not willing to participate in such an embargo. In fact, China now does most of its trade with our major allies—the United Kingdom, Japan, West Germany, Australia, Canada, Italy and France. Our attempted embargo has thus had little economic effect, but it has certainly further embittered our relations with China and has done nothing to enhance our reputation in their eyes. When, in 1959, we prohibited the transshipment of a cargo of Chinese canned prawns and soy sauce destined for Canada, a Chinese poet wrote in Peking:

"Neither canned prawns nor soy sauce
May America's borders cross;
Canadians, amazed, confused,
Are irritated and amused.

"Soy sauce endangers security,
The reason's there for all to see,
So deeply red it's purple nearly
—Criminal nature proven clearly.

"And as to Chinese big prawns canned,
They obviously must be banned;
In armor cased from tail to head,
When boiled they turn a fiery red.

"An Iron Curtain America blinds,
Hysteria grips the White House minds;
'Strategic goods'—what is they're edible?
Such idiocy is scarcely credible."[4]

I would agree that our trade policy is "scarcely credible." Surely we cannot use the war in Vietnam as an excuse. If we did, we would not trade with the Soviet Union or with any other communist countries, because the Soviets and other European communist states are providing North Vietnam with sophisticated military equipment which far exceeds in value or importance the assistance being given by the Chinese. I see no reason for not entering into peaceful trade with mainland China, restricting such trade to so-called non-strategic goods. Nor do I see any reason why we should not encourage other countries to trade with China and even to extend long-term credits to mainland China. Our attitude in the past has not been encouraging in this regard, to say the least.

V

But travel and trade seem to me to be relatively simple obstacles to the development of something approaching a normal relationship with China, so simple that it is surprising they are so difficult to dismantle. The more difficult and important obstacles are Taiwan and Vietnam.

I do not doubt that the Peking government would like to see the United States defeated in Vietnam and a communist government, or pro-communist government, installed there. I am sure that Peking would prefer sympathetic to hostile governments in the states surrounding China, just as we prefer sympathetic governments in the Western Hemisphere. China would also undoubtedly prefer to see "wars of national liberation" succeed, as I have noted, just as we would like to see them fail. But perhaps more importantly, it would seem obvious to me that Peking would prefer to see American military power removed from Southeast Asia, power which China feels—rightly or wrongly—threatens her directly. I would venture to guess that as long as there is a massive American military presence in Southeast Asia on the scale that now exists, progress towards an accommodation with China will be difficult.

I do not mean to imply that such progress can result only from an American defeat in Vietnam. After all, China has been willing to accept compromise settlements in Southeast Asia before—in Geneva in 1954 and again in 1962 at the conference on Laos.

The 1954 agreements banned the introduction of fresh troops, military personnel, armaments, munitions and foreign military bases in Vietnam, Cambodia and Laos and restricted the participation of these three states in military alliances. In the final declaration of the Geneva Conference, the members of the conference—including the Peoples Republic of China—agreed "to respect the sovereignty, the independence, the unity and the territorial integrity" of Cambodia, Laos and Vietnam and "to refrain from any interference in their internal affairs." The 1954 Geneva agreements thus seem to me to amount to neutralization of the area in dispute in fact, if not in name, and the 1962 conference on Laos resulted in a specific "Declaration on the Neutrality of Laos" in which the parties—again including the Peoples Republic of China—declared that they would respect the neutrality of the Kingdom of Laos, would not bring Laos into any military alliance "inconsistent with her neutrality" and would not introduce any foreign troops into, or establish any foreign military installations in, that country.

I see no reason to assume that the Chinese would not again accept a compromise settlement in Southeast Asia if, regardless of the character of the government which would

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result in Vietnam, the settlement provided that Vietnam would be neutralized and that no foreign bases or forces would remain there. We ourselves have declared our willingness to withdraw all our forces from Vietnam—implicitly by referring to the Geneva agreement of 1954 as an acceptable basis for settlement and explicitly in the Manila Conference communique.

It follows from what I have said about an eventual settlement of the war that if the stage is reached in the negotiations when parties other than those now present in Paris will be asked to participate—or if the negotiations are extended to relate to countries other than Vietnam, to Laos, for example—I believe that mainland China should be invited to be present.

VI

But of all the obstacles to moving toward a more normal relationship with China, the question of the future of the government of the Republic of China on Taiwan is by far the most difficult because it is the most important to Peking. It seems to me that the time has come when we should suggest that the Chinese themselves solve this problem—the Chinese on the mainland and the Chinese on Taiwan. We should insist that the solution be reached peacefully and we should also make it clear—clear beyond the shadow of a doubt—that we will continue to honor our 1954 Mutual Defense Treaty with the Republic of China.

At the same time, however, I think that we should move to reduce further our direct military involvement in the Taiwan area as a sign that we are willing to do our part in lowering the temperature that has, at times, brought the Taiwan Strait almost to a boil. We have already ended virtually all of our economic assistance and substantially reduced our military assistance program to Nationalist China. I would favor a further reduction in military assistance for, after all, Nationalist China has armed forces which total 600,000 men. I would also think that we should announce that, as soon as events in Vietnam permit, we will begin removing the limited military facilities we have on Taiwan and also turn over to the Nationalist Chinese the responsibility for patrolling the Taiwan Strait.

Can the Chinese themselves solve the seemingly intractable problem of Taiwan? My answer would be that, in the first place, *only* they can solve it. And in the second place, surely both the Chinese on the mainland and the Chinese in Taiwan have a mutual interest in reaching a solution. The two million Chinese on Taiwan cannot continue to justify their role in the world on the obviously fictitious argument that they represent the eight hundred million people of mainland China; it is difficult enough for them to justify the argument that they represent the eleven million Taiwanese. And surely at least the future leaders of China, and perhaps even the present Peking government, will not wish to continue to see the assumption of China's proper role in Asia blocked in perpetuity. "Eventually," one authority has noted, "the Chinese will have to come to terms with both themselves and the outside world." [5]

VII

The complex problems which revolve around the words "Taiwan" and "Vietnam" will take years to unravel. In the meantime, it seems to me, everything possible should be done to clear the air. I have already referred to actions regarding two minor problems—trade and travel—that could be taken. In addition, I think it would improve the atmosphere if the United States were to state clearly and unqualifiedly that this government is willing to recognize that the Government of the People's Republic of China controls the mainland of China, that we look forward to the time when that government will be willing to enter into diplomatic, trade and cultural relations with us and will also be willing to join the United Nations, and that we are willing to meet and discuss these questions at any time and at any level including the level of foreign minister.

It does not seem to me that the most recent statement on this subject by a high government official, made in mid-1968, that "the territory controlled and administered by Peking is obviously not unknown to us" carried quite the meaning I have in mind. There was, I felt, some grudging condescension in this formulation, the kind of condescension that the richest and most powerful nation in the world need not demonstrate.

I do not mean to advocate immediate, unilateral recognition, for I believe that in the present circumstances such an action might have harmful repercussions in other countries. But I do believe that we should declare ourselves ready and willing to reach agreement on the question of recognition whenever the Peking government is willing to do so.

I also believe that we should stop twisting arms in the General Assembly so that hands will be raised—or not raised—on votes related to the question of Chinese representation. We should change, in other words, from leading the opposition to the admission of China to the United Nations to abstaining on the issue, and simply let this matter, which involves the Peking government and the Nationalist Chinese government, be resolved, in the first place, by the Chinese themselves and, in the second place, by all of the states represented in the United Nations.

It may well be that these gestures on our part will be ignored by the government of mainland China. Perhaps, after centuries of Western degradations and fifty years of almost constant revolution, what China needs most of the West is to be left alone for a while. Perhaps, too, the Chinese leadership wishes to continue using our hostility and Soviet hostility as a means of sustaining revolutionary fervor and displeasure at a high pitch. One scholar has observed that the "bogey" of Soviet revisionism had become "an indispensible ingredient" in Mao's "domestic policy" so that any cessation of polemics would be "anathema" to the Chinese leaders,[6] and another has written:

> "Indeed, it is not too much to say that the United States has a 'revolutionary alliance' with Communist China. To be sure, this is not an 'alliance' in Western terms of interstate dealings carried out within a framework of international law and diplomatic conventions. Rather, it is cast in Mao Tse-tung's view that the 'U.S. imperialism' is one of a series of enemies allied to his cause of uniting and motivating the Chinese people, through tension and hatred. for the tasks of creating a new society." [7]

VIII

Nevertheless, there have been some signs recently that the Chinese may be willing to lift the Western fringe of the Bamboo Curtain at least a little. I refer, specifically, to the Chinese suggestion that the Warsaw talks with the United States be resumed on February 20 after a lapse of more than a year.

The statement issued by the Chinese on November 26 announcing the suggestion stated that the Chinese government had consistently adhered to two principles in these talks—first, that the United States "undertakes to immediately withdraw all its armed forces" from Taiwan and the Taiwan Strait "and dismantle all its military installations" in Taiwan; and second, that the United States Government "agrees that China and the United States conclude an agreement on the five principles of peaceful coexistence."

So far as I am aware, the language used in the Chinese statement with regard to Taiwan is more restricted than past public pronouncements devoted to relations with the United States. The statement is more restricted because while it asks for the withdrawal of American armed forces from Taiwan and the dismantling of American military installations on Taiwan—installations which, I should add, are rather modest in modern military terms—there is no specific reference to any Chinese determination to liberate Taiwan, an omission noticed by the Soviets who might be expected to be particularly sensitive to every nuance. While this omission does not mean that the Chinese have changed their attitude on the question of Taiwan's future, it does seem to me to indicate a willingness on the part of China to adopt a more flexible approach to the United States.

The language regarding agreement on the principles of peaceful coexistence is another such indication. There has been no reference in public statements to peaceful coexistence with the United States since the mid-1950s, to the best of my knowledge. I am intrigued by the fact that the Chinese are suddenly willing publicly to state their willingness to agree with the United States on the question of "the five principles of peaceful coexistence." These principles are, after all, propositions on which we should both be able to agree. They are, it is worth recalling, respect for each other's sovereignty and territorial integrity, abstention from aggression and threats against each other, abstinence from interference or intervention in the internal affairs of one another, recognition of the equality of races, and recognition of the equality of all nations, large and small. I do not see how this list could be improved upon as a general prescription for future relations between any two states.

Undoubtedly, there is much more to the latest Chinese statement than meets the eye. For one thing, it may be intended to signal a certain settling down in Peking after the convulsive years of the Cultural Revolution. For another, the change of administrations in Washington is undoubtedly a factor, a factor that it seems to me we should also regard as providing a possible opportunity for a new approach to Sino-American relations on the part of both countries. And certainly there must be a relation between this latest Chinese statement and the bitter state of Peking's relations with Moscow.

It seems to me that all three of these factors, and perhaps the latter especially, could well work for the improvement of our relations with mainland China. To date we have been very much the object of the Sino-Soviet rivalry. Each of these two countries has seemed, at times, to compete in seeing which can be the more anti-American. I would think that we would much prefer to be the object of Sino-Soviet competition to see which of these two great powers could enjoy better relations with us.

The balance of power may be an old principle, but it is certainly not obsolete. Perhaps if we act wisely, it will assume a new, and more constructive, importance which will bring unsuspected and unanticipated benefits not only to us but to many nations and will improve the prospects for peace in the Pacific. History is replete with far more curious paradoxes.

FOOTNOTES

[1] Alexis de Tocqueville, *Democracy in America* (New York: Vintage Books, 1945), p. 48.

[2] Kenneth T. Young, *Negotiating with the Chinese Communists* (New York: McGraw-Hill Book Co., 1968), p. 4.

[3] Allen S. Whiting, "Time for a Change in Our China Policy," *The New York Times Magazine*, December 15, 1968, p. 28.

[4] Yuan Shui-po, *Soy Sauce and Prawns* (Peking: Foreign Languages Press, 1963).

[5] Lucien W. Pye, "The Authority Crisis in Chinese Politics," (University of Chicago Center for Policy Study 1967), p. 25.

[6] Richard Lowenthal, "Mao's Revolution,"

Encounter, Vol. XXVIII, No. 4, April, 1967, p. 9.

[7] Richard H. Solomon, "The Pattern of the Chinese Revolution," *Current History,* Vol. LV, No. 325, September, 1968, p. 173.

EXPERIENCE KEEPS A DEAR SCHOOL—LET US NOT REPEAT THE MISTAKES OF A PAST ERA

Mr. YOUNG of Ohio. Mr. President, hundreds of special-interest bills to restrict imports for the benefit of certain industries—from chemicals to strawberries, from baseball gloves to oil—were introduced in the last Congress. Fortunately, very few were enacted into law. It is certain that most of these legislative proposals will be introduced again this year in both the Senate and the House of Representatives.

The jobs of more than 3 million American working men and women depend on the products we export to other nations. During the past 20 years, the United States has earned $80 billion more from exports than the total sum representing purchases from other nations. Should we start down the protectionist road, as certain as night follows day there will be a new spiral of inflation, higher prices for consumers and a drastic decrease in our exports. Our already serious balance-of-payments problems will worsen instead of gradually becoming less ominous. We must not go back to the days of the Smoot-Hawley Tariff which in 1929 raised tariffs to an average over 50 percent. Our exports then plummeted and the sad "Hoover depression" resulted. During the administration of Herbert Hoover, as a result of that tariff wall, factories in cities were shut down and farmers could not sell their products. Some 14 million worthy and industrious men and women walked city streets jobless. Millions of little children went to sleep hungry and underfed night after night. Prices for wheat and corn plummeted. Farmers were not making enough money to pay their taxes and interest on their mortagages. Many were confronted with foreclosure actions. Farmers gathered on courthouse steps threatening the orderly processes of the law. The entire financial structure of the United States had collapsed. Banks in the 48 States were closed.

It would be a folly to again build a high protective tariff wall around our country. The terrible depression of the early 1930's must not be forgotten. It is suicidal to restrict imports. We must sell the products of American farms and factories in world markets, and American men and women desire to purchase products imported from abroad and at reasonable prices.

THE CHALLENGE OF THE GHETTO TO MARKETING—REMARKS OF SENATOR WALTER F. MONDALE BEFORE THE AMERICAN MARKETING ASSOCIATION

Mr. NELSON. Mr. President, the last several years have taught us much about the nature of poverty in this land. Gradually the facts and statistics about health, education, and social service needs are beginning to emerge. More recently, attention also has been focused on the consumer problems of the poor.

While social service and professionals from many fields have been involved in the antipoverty effort for some time, business and industry, and the professional organizations that represent them now are beginning to play a role.

One such organization is the American Marketing Association. Representing diverse interests, this organization last June held a conference to explore, among other matters, the responsibilities of marketing in social affairs.

Among the most interesting statements included in the proceedings at that conference was one by my eminent colleague, Senator WALTER MONDALE, of Minnesota. Detailing the problems of the ghetto, Senator MONDALE went on to issue a challenge to marketing to become involved, and to bring its talents to bear on some of the serious problems consumers face in the ghetto.

I ask unanimous consent for the inclusion in the RECORD of Senator MONDALE's speech entitled "The Challenge of the Ghetto to Marketing."

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE CHALLENGE OF THE GHETTO TO MARKETING

(By Senator WALTER F. MONDALE)

(NOTE.—*The Senator discusses conditions in the ghettos, graphically detailing the problems which society must solve. He challenges marketing to become involved and bring the talents and methods of marketing problem-solving to bear on improving ghetto conditions.*)

INTRODUCTION

In the years since Michael Harrington's "Other America" opened the eyes of a nation, the recognition of domestic poverty has slowly begun to sink into our social awareness.

We know something about poverty now. We know it is—

Lack of income: 34 million Americans officially defined as living on "poverty level" incomes;

Lack of jobs: unemployment rates in some central city ghettos of 25–35%;

Lack of decent housing: more than 8 million substandard housing units befouling our urban and rural slums;

Lack of education: up to a quarter or more of those who enter 9th grade failing to graduate.

In short, we know poverty has many dimensions, and that its costs can be counted many ways—

In the individual frustration and fear that lead to riots;

In the social separation that is making of unity two nations, one black, one white;

In the economic loss of undeveloped human capital, and undeveloped buying power.

We know the causes of poverty are numerous, interrelated, and difficult to change. We know they are—

Historical—the Poor Law tradition that punished people for their poverty and led to a welfare system that now keeps them there;

Individual—the apathy, arrogance, and indifference of those who could have prevented poverty years ago;

Institutional—the vast array of public and private sector organizations which either keep poor people out, or work to keep them poor.

All must share in the collective guilt for this state of affairs both in public and private sectors.

It makes no difference now that most of the decisions creating the situation were unconscious. Poverty is more the result of social "drift" than of individual malevolence.

The fact is that the problem exists, and that it must be attacked now, at every level, and in every sector of our society—individual, organizational, and institutional.

Ladies and gentlemen, I would submit that marketing is part of the ghetto's problem, and must be part of the solution.

MARKETING AND THE GHETTO; THE NATURE OF THE CHALLENGE

The ghetto is one place Adam Smith's "invisible hand" hasn't reached. The laissez faire system never guaranteed distributive justice. And no one knows that better than the poor.

Ghettos are like inland lakes, cut off from the marketing mainstream.

Walk around a ghetto. What do you see?

Inefficient stores;

Low-quality goods;

Marginal merchants.

Talk to these merchants. What do you hear?

Poor people mean poor profits;

High crime rates boost operating costs;

Riots destroy us for we can't get insurance.

Listen to the poor. What do you learn?

We are paying more;

We need jobs and income *in* the ghetto;

We want to own businesses ourselves.

All of these statements are true. Collectively, they sketch the ghetto market situation.

The Poor are exploited: As Paul Rand Dixon and others have pointed out, the fact that "the poor pay more is not a slogan, it is a fact."[1]

What the FTC and others have found in Washington, and across the country is this:

Price markups for durable goods in the ghetto two to three times those in the general market;

"Easy" credit in the ghetto costing 10–15% more than credit in the general market;

High pressure techniques and shady practices in the ghetto not tolerated in the general market;

Punishment by court-ordered garnishments and repossessions in the ghetto at a rate many times that in the general market;

The poorest of the poor—those with half the "moderate" income getting "taken."

Poverty Fosters exploitations: As this Riot Commission Report points out, exploitation of the poor is a "complex situation":[2]

Lacking cash, poor people have to rely on credit;

Lacking steady jobs, the poor are refused general market credit, and must turn elsewhere;

Lacking cars, poor people can't get to low cost discount stores in suburbs;

Lacking consumer education, the poor don't know how to get help from financial institutions, the law, or sources of consumer advice.

Ghettos Drag Back our Economy and With it, Our Society: The ghettos are the undeveloped areas of our nation. Land is expensive. Labor is unskilled. Capital is nonexistent. No wonder the ghetto is left with marginal businesses or no business at all.

The cost of the ghettos is enormous. It is the cost of riots; the cost of increased police protection; the costs of lost purchasing power, lost profits, lost income and revenue. The fact is that the ghettos are a lost market, millions of people deep, and billions of dollars wide, and growing everyday.

The ghettos cry out for help.

The need is now.

The question is not whether we shall move but when. The question is not who is to blame, but how society shall act.

Footnotes at end of article.

MARKETING AND THE GHETTO: RESPONSE TO THE CHALLENGE

The ghettos need market development—

Business and industry located in the ghetto, creating an economic base, and giving residents jobs;

Capital investment by outside industries in ghetto-owned business, industry, and training ventures;

Training programs for workers, managers, and entrepreneurs;

New marketing mechanisms to get goods and services to the ghetto;

Advertising and merchandising techniques geared to ghetto residents.

Clearly, government can be of some assistance. Many public programs are already aimed at making life in the ghetto more bearable, and, more important, at eliminating the ghetto. Programs by the Department of Commerce, the Office of Economic Opportunity, and others stand ready and willing to work with communities, and the business community in addressing the overall problem.[3]

The courts can help create a safer environment in which to work. Strict endorsement of laws curbing unfair and deceptive practices, and truth-in-lending certainly can help.

But the private sector must be in the forefront. As Dr. Kenneth B. Clark, New York University psychologist and educator has pointed out, many ghetto residents have given up on government, the legal system, even the schools and churches. "Business and industry are our last hope," he says.[4]

Ladies and gentlemen, as I read the list of your Association's Committees, I realized what an important part the American Marketing Association could play as part of the private sector effort.

For among the many kinds of needs are needs for the skills and talents you Association members have—skills in market research; market education; consumer and industrial marketing; and for professional ethics and standards your Association stands for.

Let me raise some questions:

How do poor consumers differ from others in their consumption attitudes and habits? Do they do comparison shopping?

What brands do they buy and why? Market research could help us find out.

How can the poor best be taught what they need to know to make informed consumer choices? What do minority group suppliers need to know to enter "mainstream" stores? Market educators can help answer this question.

How can price competition be encouraged and unethical practices curbed? How can we get low-cost credit to the poor? Those who study standards and ethics can help us respond.

How can service and industry be attracted to the ghetto? How can minority group entrepreneurs "make it" in the mainstream? Consumer and industrial marketing experts are needed as a resource group.

These questions are but the beginning of a list the American Marketing Association can help us develop, and help guide us in answering.

The encouraging thing is that so many of you are already involved. Universities are beginning to act. Business is beginning to move. Both are starting to work with government; and more important yet, to join the community.

Experimental models are many. To name a few:

In market research, use of ghetto-based research firms, training of Negro employees as researchers. (Eastman Kodak);[5]

In Market education, use of mobile consumer education vans (Better Business Bureau);[6] technical advice on marketing techniques to food store suppliers (Jewell Tea Company);[7] sophisticated training and counseling the poor for jobs (MIND) (Methods of Intellectual Development);[8]

In consumer and industrial marketing: building buying power by hiring and training the poor for better jobs (National Alliance of Businessmen under the Chairmanship of Henry Ford II; Minnesota Mining and Manufacturing; Control Data, Minneapolis);[9] building the economy of the ghetto by establishing franchised businesses (Chicken Delight);[10] launching independent businesses (Aero-Jet General sponsoring a tent-making factory);[11] sending mobile retail units into the ghetto; establishing cooperatives in food and other goods.[12]

We are beginning to learn some significant things, though there still is much more to know.

We know working in the ghetto represents a new conception of business' role in society. To put it in the words of William S. Vaughn, Board Chairman of Eastman-Kodak, involvement in the ghetto represents doing "what we should do—keeping in mind our concurrent responsibilities to Kodak men and women, to our share owners, and to our customers—for the benefit of the people involved, and for the betterment of the community of which we are a part."[13]

We know it is different from the dole: To put it in the words of H. D. (Chad) McClellan of the Los Angeles-based Management Council for Merit Employment, it was either "go on paying $400 million a year in Los Angeles Welfare costs . . . or go down and take a realistic look at the potential worker in the slums."[14]

We know it can be profitable: Jewell Tea Company stores were almost untouched in the riots;[15] the Watts (Calif.) Manufacturing Company sponsored by Aero-Jet General is soon expected to make a profit.[16]

We know it takes training everyone—executives, personnel officers, line supervisors, and employees. The Super Market Institute has developed a course 250 top food industry executives and training personnel have taken.[17]

We know it takes communication with the community. Kodak's Business Development Corporation is one way. But every company should have a Community Relations Department, and an Advisory Committee made up of neighborhood residents.

We know it takes involvement with other groups and individuals working to fight poverty. Model Cities and Community Act Programs need your advice. The Urban Coalition needs your support. Legislators—Federal, State, and local can use your help. Legislation is now pending directly related to marketing and the ghetto. The Omnibus Housing bill has in it a riot insurance provision. My own "Domestic Food Assistance Act of 1968" calls for a coalition of public and private sectors to procure and distribute food in new ways. Support is needed for this and other anti-hunger measures. Finally, self-help organizations, like N.E.G.R.O., need your encouragement.[18]

In closing, I wish to draw an analogy. At one time the social problem of auto safety had business lined up on one side, government (both executive and legislative branches) on the other. I was part of that battle, and I know the vehemence with which industry said "it couldn't be done." Safety was simply too expensive, they said.

Social problems are as they are perceived. A recent article in the newspapers shows how the genius of the marketplace finally produced an insight. Auto manufacturers seemingly see something else in the auto safety issue today. Auto safety could be a new form of product differentiation, and a new kind of competition. Thus, in the coming year, American consumers will be offered cars safer to drive. The problem has not changed, but industry's perception has.

I would like to suggest that the same kind of idea can be applied to the relationship between marketing and the ghetto. The problem should not be viewed as a tug of war between government and industry. Rather, it must be viewed as a mutual challenge, one in which business and industry can and must take the lead, just as they have done in auto safety.

What is needed today in the urban ghettos is differentiation of methods, and some competition. The goal of the competition: domestic development, the development of the human and economic potential of the central city core. The methods to achieve this goal: No "one best way", but many, aimed at achieving the social and economic goal. Dozens of different combinations are possible—jobs, business formation, technical assistance alone, or together, residents, private sector, governmental programs alone or in combination.

You of the Marketing Association can no longer ignore the ghetto. You must become involved. The challenge is to change perceptions, to create, to innovate, to transform. The challenge is to change problems into opportunities.

I know you will join with those of us in government, and in the courts, as leaders of the response.

FOOTNOTES

[1] "Consumer Credit and the Poor," Hearing before the Subcommittee on Financial Institutions of the Senate Committee on Banking and Currency, April 19, 1968, p. 2.

[2] Report of the National Advisory Commission on Civil Disorders, 1968, pp. 274–5.

[3] See Riot Insurance, Hearings before the Senate Commerce Committee, Aug. 29, 1967, pp. 90–116 for descriptions of numerous models of government-business cooperation in meeting these needs.

[4] "What Business Can Do for the Negro," Nation's Business (October 1967), p. 67.

[5] Conversation with Company Regional Representative in New York, May 1968.

[6] Report, Denver, Colorado Better Business Bureau, 1968.

[7] Conversation with Company Executive, May, 1968.

[8] Fortune (January 1968), p. 159.

[9] Conversations with Department of Commerce and Executives, May, 1968.

[10] Conversation with Department of Commerce official, June, 1968.

[11] Fortune (January 1968), pp. 159–160.

[12] Office of Economic Opportunity, Community Action Program Consumer Action Program booklets, Washington, D.C.

[13] Kodak Faces the Urban Crisis," pamphlet, unpaged and undated.

[14] Business and the Urban Crisis, A Special Report by McGraw-Hill, 1968, p. C5.

[15] Conversation with Jewell Tea Company executive, May, 1968.

[16] Fortune (January 1968), p. 159.

[17] Report, Super Market Institute, Inc., 200 E. Ontario St., Chicago, Ill. 60611.

[18] See Peter Bailey, "N.E.G.R.O. Charts New Paths to Freedom," Ebony (April 1968).

U.S. RESPONSIBILITY TO ENCOURAGE GOOD WILL TOWARD RHODESIA

Mr. BYRD of Virginia. Mr. President, for more than 3 years now, this country has participated in an economic boycott of the friendly nation of Rhodesia. I have long considered this an outrageous and foolish policy.

I do not pass judgment on whether Rhodesia should be independent or whether she should continue her former relationship with Great Britain.

This, however, is a matter to be decided between the countries involved—Great Britain and Rhodesia. The American Government has no business interfering in the matter, nor for that matter does the United Nations.

Aside from the hardships our policy has brought to the people of Rhodesia, we have put this country in a position where it could become involved in a war in Africa. Are we not already heavily enough involved in a war in Southeast Asia?

Mr. President, I am hopeful the new administration will make an early review of this country's unwise and dangerous actions toward Rhodesia and take the steps necessary to restore friendly ties with that nation which has done nothing more than emulate the United States by declaring its independence from Great Britain.

In a recent article, former Secretary of State Dean Atcheson outlines steps for a more responsible policy toward Rhodesia. I ask unanimous consent for that article, which is reprinted in the Richmond News Leader of January 15, 1969, to be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IT IS OUR RESPONSIBILITY TO ENCOURAGE GOOD WILL TOWARD RHODESIA

(By Dean Acheson)

The Johnson Administration, like a tidy and conscientious housewife, will want to clean out rubbish, failures, and broken-down contraptions rather than leave them to embarrass the new tenant. There is no better place to start than with the Rhodesian policy, bought by the present occupant in an absent-minded moment from a smart salesman. It never did work; the salesman is trying desperately to escape from all connections with it; and to leave the old non-starter to clutter up the garage would be a scurvy trick. Putting this advice in the more sonorous phrases of statesmanship, the President would do well to recall Lord Rosebery's warning not to hover over the bones of dead policies.

Prime Minister Harold Wilson invented this policy in aid of Britain's retreat from empire in southern Africa. The Federation with Northern Rhodesia and Nyasaland, which the British had induced Southern Rhodesia to join in 1953, having proved a failure, the British Parliament dissolved it. Northern Rhodesia was set up as the independent state of Zambia and Nyasaland as Malawi. Rhodesia which had long been self-governing and a participant at Commonwealth Conferences on a parity with self-governing dominions, expected to have its independence recognized, as had been done with other self-governing units. This seemed a purely formal step, since the country had never been governed, subsidized, taxed, or protected by Whitehall and had its own consular service abroad.

The British Government, however, balked, seeking to get from Rhodesia a guarantee of universal suffrage within the country. Rhodesian suffrage was, and is now, as ours had been throughout our early history, based on literacy and property qualifications, arising out of local conditions. There are no racial qualifications or discriminations for voting or civil rights. The population of Rhodesia, consisting of two hundred thousand whites and four million blacks, is nearly all made up of immigrants or their immediate descendants. Many of the blacks are still in a state of primitive neolithic culture. The condition of domestic tranquility prevailing in Rhodesia may be judged by the fact that the municipal police, as in Britain, perform their duties unarmed and the mandatory death penalty for armed insurrection has been abolished.

UNILATERAL ACTION

The Rhodesian Government, unable to agree with the Labour Government in London on a form for severing their political connection, accomplished it by unilateral declaration in 1965. At this point Mr. Wilson, finding that he had leverage for pressure on Rhodesia and no support at home for armed intervention, sought foreign help in coercing the country. For some time the Afro-Asian-Communist delegations at the United Nations had been nosing into Rhodesian affairs, as they had into South African, Portuguese-Angolan, and French African. British Conservative governments had repulsed their interest in Rhodesia as an intrusion into internal affairs, forbidden by the Charter. Now, however, Mr. Wilson reversed course and sought from the United Nations voluntary economic sanctions—the United Nations term for economic warfare—against Rhodesia to end its independence. The United States followed along in this Children's Crusade to universalize one-man-one-vote.

Voluntary sanctions proving ineffective, Mr. Wilson pressed to have them made mandatory. Here, however, a problem arose. Under the Charter of the United Nations mandatory sanctions could be invoked only when the Security Council should find that the offending state had committed or threatened to commit a breach of international peace and security. Rhodesia, of course, had done neither. In fact, it had done nothing except to announce that political ties between it and Britain had been ended. Britain could have decided to make war upon this rebel, as it had on the American Colonies when they took similar action; but the British people would not do so and the British government declined the opportunity. International peace and security remained unruffled.

Not, however, to the United Nations Security Council. In its view Rhodesia constituted a threat to the peace if the Security Council said that it did. The Council in attaching its own meaning to the words of the Charter takes Humpty-Dumpty's position toward words: "The question is, which is to be the master—that's all." So it pronounced Rhodesia a threat to the peace. If a theory was needed it was that Rhodesia's independence under its existing electoral system would so outrage the black dictatorships of Africa that they might attack her. This theory has the authority of the wolf in Aesop's fable who declared that his prospective dinner, the lamb drinking downstream from him, was polluting his water.

MATTER OF SANCTIONS

Mandatory sanctions proved no more effective than voluntary ones in bringing Rhodesia to heel; nor has a later attempt to add to them. White Rhodesians have been brought together rather than divided by external pressure and have proved most ingenious in using great resources and industrial capacity to meet the needs of their beset economy. The blacks within Rhodesia have proved preponderantly cooperative rather than reluctant toward the regime. The countries around Rhodesia, black and white, furnish copious leaks through the blockade; practical operators like the French are not deterred from a profitable bargain by so bogus an international obligation as UN sanctions. They are a failure; and yet they are harmful, more than a nuisance. No one knows this better than Mr. Wilson, who now wants desperately to get out of the mess he has created.

The sanctions, like many ill-considered policies, are hurting unintended victims and bringing about unintended results. The chief economic victims now appear to be black people—within Rhodesia through underemployment and a slowdown in growth; in Zambia (formerly Northern Rhodesia), which since independence, as during the Federation, is economically dependent upon the Rhodesian market, by decreasing its market for labor and materials. Zambia is already asking Britain for large subsidies to compensate for the harm done to her—a development which partly explains Mr. Wilson's change of heart and mind about sanctions.

Perhaps the greatest damage is the political and psychological estrangement and distraction from constructive purposes caused by this UN-created isolation of southern Africa, both black and white. The Rhodesians, already remote from western civilization, feel at bay, conspired against by declared enemies, the target of foreign trained and equipped terrorists, pushed toward a racial attitude they do not share and do not want. This view is thoroughly shared by Dr. Hastings Banda, the president of Malawi, who has seen that his country's future welfare lies in closer cooperation with his highly developed white neighbors to the south and speaks as hostilely of UN sanctions as does Mr. Smith.

AFRICA STALEMATE

Mr. Wilson is rightly—though only lately—aware of the ugly consequences of a stalemate in southern Africa. At home Conservatives, Liberals, and moderate Labour are sick of the situation and want to get out of it. The extreme left joins the Afro-Asian and Communist blocks in calling for majority rule before independence in Rhodesia and some of them, for force—by someone else—to achieve it. South Africa has announced a policy of support for its neighbors against terrorism or attack by or through adjoining states. The United Nations policy is thus, ironically, the chief threat to the peace and security of southern and central Africa.

Mr. Wilson not only wants to get out of the trouble he has made but also has gone a good way to do so. The trouble is that he has not gone far enough. The scheme which, in various versions, he offers involves the fatal flaw of contraditions. Let us see how this is so.

In Mr. Wilson's last talks with Mr. Smith on the HMS Fearless a few weeks ago, the British Prime Minister was apparently ready to acknowledge Rhodesian independence if Mr. Smith's Government would take two steps designed to save some face for Mr. Wilson and appease the more reasonable of the black Commonwealth states. These steps were meant to safeguard the "entrenched clauses" of the Rhodesian Constitution that permit persons of certain cultural and economic qualifications to vote and all persons to have other civil rights without racial discrimination. The first of these safeguards is called the "blocking quarter." It would require in the Constitution that a quarter plus one of each legislative chamber should be composed of black members elected by black voters and that no alteration of the entrenched causes could be made over the adverse vote of one quarter of the votes of both houses voting together.

The blocking quarter would thus keep open the increasing political power of black citizens as they attained cultural and economic qualification.

The second requirement put forward was to include in the Constitution a right of appeal to the Judicial Committee of the Privy Council in London in a number of ways, against any change in the entrenched clauses, even though approved by all racial groups, "on the ground that it discriminates unjustly, or has the effect of discriminating unjustly, between the races; or on the grounds that it derogates from the principles of the Declaration of Rights contained in the Constitution." The Judicial Committee of the Privy Council is an agency of the British government composed of the members of Britain's highest court, the Judicial Committee of the House of Lords plus the Lord President of the Council and a few others. At one time appeals lay to it from colonial and dominion courts. The provision for appeals has now been abolished by the independent members of the Commonwealth as inconsistent with an independent status.

The British requirement for an appeal to its judicial agency for dependent areas is the chief block to settlement between Rhodesia and the United Kingdom. It would give the British Privy Council the same power over Rhodesian legislation claimed to violate the entrenched clauses as our Supreme Court has over state legislation claimed to violate the Fourteenth Amendment.

Rhodesia's objections to this double-locking device have been stated clearly and—at least in my judgment—persuasively by Ian Smith. He stresses that the principle of the blocking quarter is acceptable. What is not acceptable is the provision for appeal to the Judicial Committee of the Privy Council. In his words, "the British Government wishes to assume additional powers which are a derogation from the sovereignty of our Rhodesian Parliament." He embellishes the point: "For example, if a certain entrenched clause amendment, which requires a three-quarter majority . . . in its favor, complied with this necessary requirement, indeed even if such an amendment received the approval of every single member . . . in other words 100 per cent support, the Privy Council would still be in a position to turn this down and proclaim that in their opinion the Rhodesian Parliament had not made the correct political decision . . . and therefore had no right to pass the amendment." Mr. Smith concludes: "In other words, the British Government is insisting that the Privy Council shall be the highest parliament in Rhodesia as far as amendments to entrenched clauses are concerned, and that they shall take on the role of deciding what laws are in the interest of Rhodesia." Thus the British terms for acknowledging Rhodesian independence would include a denial of that independence—a basic contradiction.

Following the Fearless talks, Mr. Wilson sent an able minister, Mr. George Thomson, to negotiate further at Salisbury in what was touted to be an effort to try for agreement with Rhodesia. Mr. Thomson tried out numerous variations on the same theme: to wit, some device whereby the British Government would be enabled to withhold independence even while appearing to acquiesce in it. Mr. Smith, sensibly and understandably, has persistently rejected the contradiction. Thus, not surprisingly, the issue is stalled, while the Rhodesians go on exercising in practice the independence that the British Government seems so loath to admit candidly. This stalement opens up a prospect for more fumbling along a demonstrably futile course—months upon months of sanctions that miss their purpose and serve only mischief.

What can the United States do to help in the situation? First of all, our government might take heed—and call on the British likewise to take heed—of Shakespeare's advice that:

> *"To persist*
> *In doing wrong extenuates not wrong,*
> *But makes it much more heavy."*

It is fallacious and fanatic to believe that any good can be achieved by turning the screw of sanctions.

In a similar spirit, we can take note of the good sense in Ian Smith's position—reavowed on November 19—which subscribes to the blocking quarter but rejects, as an "impossible and indeed ridiculous obstacle," the notion of putting his country in leading strings to Britain by making the Judicial Committee of the Privy Council the constitutional censor.

ROOM FOR SETTLEMENT

Within this position there is surely room for a fair settlement: for Mr. Wilson, opportunity to escape from a quandary of his own making without leaving too many of his tail feathers in the door jamb; for Mr. Smith, an end of the enervating struggle for independence at the price of a fair guarantee in the Constitution for the continuance of the rights it provides.

We can help Mr. Wilson where he needs it most—with his extremists at home and with the United Nations—by supporting a settlement in which Mr. Smith grants the blocking quarter and Mr. Wilson drops the demand for an appeal to a foreign court. Our method could be to let Mr. Wilson know of the desire of the American administration to end its domestic enforcement of restrictions on trade with Rhodesia, preferably in conjunction with similar action by the United Kingdom, rather than to leave the mess to be cleaned up by the incoming administration.

This action would also have the incidental advantage of being right. In both the broad and the narrow sense of the word the United States will bear the responsibility for a continuance of this mistaken quarrel with Rhodesia—and secondarily with South Africa and Portugal—by continuing encouragement of measures taken in the United Nations. Although sanctions against Rhodesia have failed, they would have amounted to nothing had we not cut off our trade with that country. For us and, hopefully, the British to resume it would, as a practical matter, end the policy.

In a broader sense, however, we will bear responsibility for the growing political isolation of southern Africa which these emotional and ill-considered measures are bringing about. We are the only power of general, as distinguished from parochial, responsibility in the free world. At a time when Arab nationalism has brought on the closing of the Suez Canal perhaps permanently—and the Soviet navy has penetrated the eastern Mediterranean and the Indian Ocean, the good will of southern Africa, the use of its ports, the cooperation of its governments—including their participation with immense resources and advanced technology in aiding the development of adjoining black states—would be of immense importance to the free world. The mere existence of stability in so vast and important an area of an otherwise turbulent continent is an asset of the greatest value. As the principal responsible power in the free world, it is our duty and responsibility to encourage good will, cooperation, and stability in southern Africa. It is the height of folly to sacrifice these desirable ends to an aggressive reformist intervention in the internal affairs of these states, an intervention designed to force upon them electoral practices that none of black African or Communist states and few of the Asians accept.

THE UKRAINE

Mr. YOUNG of North Dakota. Mr. President, January 22 marked two highly significant anniversaries for a loyal and dedicated group of Americans. That day was the 51st anniversary of the Independence of the Ukraine and the 50th anniversary of the act of union of the Ukraine.

These two events took place exactly a year apart in the city of Kiev, the capital of the Ukraine. The freedom loving Ukrainian people were soon set upon by the Soviet Union, however, and their independence crushed.

Despite living under Communist dictatorship these people have not lost their longing for liberty and freedom. To them it is more than a motto or dream. It is an active cause which they promote and foster; often at the risk of their very lives.

During World War II they fought bravely to disrupt and expel Nazi invaders. Later, they continued their efforts to overthrow the Communist tyranny. Through these efforts, they have struggled alone.

They have neither given up nor lost sight of their goal, however. I ask unanimous consent that there be printed in the Record a letter I received from Dr. Anthony Zukowsky, president of the Ukrainian Congress Committee of America, Inc., in Fargo, N. Dak., and an article which was written by Mr. George Weller of the Chicago Daily News Service last fall. This article was carried by Svobada, the Ukrainian weekly on September 21, 1968, and carefully details the continuing contributions these brave people are making to the freedom of mankind.

There being no objection, the letter and article were ordered to be printed in the Record, as follows:

UKRAINIAN CONGRESS COMMITTEE
OF AMERICA, INC.
Fargo, N. Dak., January 16, 1969.

HON. MILTON R. YOUNG,
U.S. Senator,
U.S. Senate Building,
Washington, D.C.

DEAR SENATOR YOUNG: January 22nd will mark the 51st Anniversary of the Proclamation of Independence of the Ukrainian National Republic and the Golden Anniversary of the Act of Union, whereby all Ukrainian lands were united into one independent and sovereign state of Ukrainian Nation. The Independence of Ukraine was proclaimed in Kiev, the capitol of Ukraine on January 22nd 1918 and the Act of Union took place one year later, on January 22nd 1919, also in Kiev.

The Ukrainian National Republic was recognized by a number of foreign Governments including that of Soviet Russia. The latter, however, almost simultaneously with the recognition, declared war and began a large scale invasion of Ukraine. For almost 3½ years the Ukrainian people waged a gallant struggle in defense of their country, alone and unaided. The free Ukraine was subdued to a puppet regime of the Soviet Socialistic Republic.

The freedom loving people of Ukraine have not accepted the Soviet-Russian domination and have been fighting for the re-establishment of their independence by all means accessible to them for the past 50 years.

During World War II the Ukrainian people organized a powerful underground resistance movement known as the Ukrainian Partisan Army (UPA) which fought not only against the Naxi regime but against the Soviets as well. Stalin and Khrushchev unleashed a bloody persecution and reprisals against the Ukrainian people in the late 1940's. Relentless and harsh persecution of the Ukrainians continued after the death of Stalin and after the ouster of Khrushchev from the top leadership in the Kremlin. The Brezhnev-Kosygin leadership is bent on keeping the Soviet-Russian Empire intact by persecution and deportation of Ukrainian youth and Ukrainian intellectuals. Over 200 young Ukrainian University professors, poets, writers, scientists, lawyers, literary critics and radio-TV commentators were arrested recently on charges of anti-Soviet propaganda. Recently the International and U.S. Press has been providing a vast amount of documentation on the suppression of the Ukrainian culture.

Briefly the Kremlin rule in Ukraine can be described as follows:

Exploitation of Ukraine's economic resources for the benefit of Moscow and its imperialistic ventures in Asia, Africa, and Latin American

Genocide and systemic deportation of Ukrainians to central Asia

Arrest and trials of Ukrainian patriots defending freedom of their country.

Terror and assassination of Ukrainian leaders outside of Ukraine

Persecution of all religions in Ukraine

Enforced Russification aiming at the cultural and linguistic genocide of the Ukrainian people.

All the available evidence of the western observers shows that the ever-increasing tempo of repression has failed to intimidate the Ukrainian people and the Russian leadership in the Kremlin feared that Ukraine would actively support the liberal movement of their satellite country of Czechoslovakia. Since the Kremlin leaders were convinced the liberal ideas of Czechoslovakia would help the Ukrainian liberals and other Captive Nations.

Both the U.S. Congress and the President of the United States have expressed their concern over the captive non-Russian nations in the USSR by enacting the "Captive Nations Week Resolution" in July 1959.

The Ukrainian-American community in our state and in the whole United States will observe the forthcoming fifty-first Anniversary of the Ukrainian Independence and the 50th Anniversary of the Act of Union in fitting and solemn celebration.

Therefore, since it is almost 75 years that Ukrainians came to our state and made a substantial contribution to its development, we kindly request that you attend the ceremonies in commemoration of this anniversary and make your statement on that day. This anniversary provides an appropriate occasion not only for the U.S. Government and American people but the free world to demonstrate their sympathy and understanding of the aspiration of the Ukrainian people.

We extend our sincere thanks and appreciation for the favorable response in the past on this and other matter and we hope you will continue to help the Ukrainian Nation.

Sincerely yours,

Dr. Anthony Zukowsky,
President, UCCA, State Branch of North Dakota.

[From Svoboda, the Ukrainian Weekly, Sept. 21, 1968]

Ukraine Is Key to Czech Invasion Plot, Says Chicago Newsman

(Note.—The following article, datelined in Bucharest, Rumania, was written by George Weller, of the Chicago Daily News Service. It was reprinted by several major dailies in this country).

In the unfinished puzzle of why Russia crushed Czechoslovakia the missing clue to Soviet motivation is the Ukraine.

The Ukraine is nominally independent and provides one of Russia's two extra votes in the United Nations. But the Ukraine is at once Moscow's greatest prize and her worst internal worry.

The 46 million Ukrainians are rich-blooded southerners, wealthy in lands and oil, climate and culture.

Stifling Czech liberalism is important because it infects the East Germans, Poles, Hungarians and even the stolid Bulgarians.

But in the wild blood of the Ukrainians, freedom, if allowed to spread, could mean revolution. It could even mean that the right of secession, which the Soviet constitution guarantees, could be realized. From the Ukraine, the disease of "independent socialism" could pass to the other 14 Soviet Republics.

Russia, to prevent this infection from spreading eastward, sliced off the eastern end of Czechoslovakia in 1945. The border was changed first, to give the Red Army direct access to Czechoslovakia, instead of having to pass across Catholic Poland and Catholic Hungary. And secondly, all the Ukrainians living in free Czechoslovakia were put into the Soviet Ukraine. The aim here was to prevent any cross-border infection.

To make the break perfect, the Ukrainian Catholic priests, were compelled to join the Ukrainian Orthodox priesthood.

It was disturbing to the Soviets to observe how in mid-August President Ludvig Svoboda received the allegiance of the Catholic Bishops of Czechoslovakia for "the new course."

When the crunch came in the Kremlin, the two strongest voices demanding a takeover of Czechoslovakia were both Ukrainians.

The loudest was the Ukrainian who stood to lose his job if Czech communism spread east: Piotr Shelest, secretary of the Ukrainian party. It is he who must even now try to explain away the imprisonments of Ukrainian intellectuals.

At the Cierna meeting between the two Presidiums, Czech and Soviet, Shelest was so vicious in his takeoff speech that the whole Czechoslovak Presidium walked out.

The hardest-nosed interventionist on the military side was another Ukrainian, Marshal Andrei Grechko. It was he who pleaded that if Czechoslovakia were permitted its liberalization, he no longer could guarantee the Soviet line of communications.

The Ukraine is still suffering from the "writers' disease" which sparked last spring's revolt in the Czechoslovak Communist Party. At least 200 Ukrainian writers and scientists have been arrested and tried in secret.

An idealist and daring television reporter, Viacheslav Chornovil, 30, was assigned last year to cover the trials of youths found guilty of reading unauthorized literature. He smuggled details of their hearings out of the Ukraine. Chornovil was arrested in November, given a secret trial and sentenced to a Ukrainian labor camp.

Pro-Soviet Ukrainians, like Shelest and Grechko, saw in these methods the right cure to be applied in Czechoslovakia, too. A quick dose of armor may save not only Czechoslovakia, but the adjoining priceless Ukraine, as they see it.

By the standards of past handling of the Ukrainian Communists, this Soviet takeover is relatively mild. In 1937 a group of liberal Ukrainian Communists, forerunners of the Dubcek stamp, opposed Josef Stalin's Greater-Russian policy. He, a Georgian, seemed to be leading the Soviet Republics where Hitler, an Austrian, was leading the German states, toward a new imperialism.

So stirred were they that they managed to convince a majority of the full plenum of all the 15 Soviet Republics. Stalin was in danger of a vote of censure.

Stalin invited the whole dissenting Ukrainian Presidium to the Kremlin for "consultations," had them arrested by the secret police and shot.

ADMINISTRATION OF INDIAN AFFAIRS

Mr. MONTOYA. Mr. President, a very thought-provoking study proposing changes in the administration of Indian affairs has recently been brought to my attention. This report was prepared by Mr. Wendell Chino, who is currently serving as president of the Mescalero Apache Tribe, president of the National Congress of American Indians, and chairman of the New Mexico Commission on Indian Affairs. Mr. Chino is very knowledgeable in the area of Indian affairs, and I believe my colleagues will find his views on the subject enlightening.

The recommendations presented in the study, I believe, deserve our careful attention at this time when the problems confronting the American Indian are becoming increasingly evident and demand immediate and effective action.

Mr. President, I ask unanimous consent to have this report printed at this point in the Record for the further enlightenment of my colleagues.

There being no objection, the report was ordered to be printed in the Record, as follows:

Indian Views on Administration of Indian Affairs During the Nixon Administration

(By Wendell Chino, president, Mescalero Apache Tribe; president, National Congress of American Indians; chairman, New Mexico Commission on Indian Affairs)

As the President of the Mescalero Apache Tribe, the President of the National Congress of American Indians, and the Chairman of the New Mexico Commission on Indian Affairs, I would like to project several personal views and ideas that I have concerning the Federal administration of Indian affairs during the coming and subsequent Administrations.

The appointment of Mr. Robert L. Bennett by President Johnson, as the Commissioner of Indian Affairs has made many positive contributions to the Indian well being! It is to the interest of the coming Administration, the interest of the Country and the interest of the Indian people that Mr. Bennett be retained as the Commissioner of Indian Affairs.

The creation of the National Council on Indian Opportunity by President Johnson was a milestone in the involvement of Indian people with the administration of this Country, and as such it can be a vital mechanism for Indian involvement in their own progress. There is no other like body which gives the Indian people such vital participation in the discussion and solution of their problems. The National Council on Indian Opportunity must be continued and funds appropriated for its continued operation.

There is no question about the desirability of appointing an Indian of recognized ability to the Indian Claims Commission. This should have a high priority in the coming Administration.

The Bureau of Indian Affairs for a long period of time has handled matters involving Indian people. After a fair consideration of all the issues involved, I believe that the Bureau of Indian Affairs has, in good conscience, attempted to carry out its programs and functions, but I believe that the time has now arrived to take a long and analytical look at this Bureau.

The abolition or dispersal of the Bureau of Indian Affairs and all of its services among other government agencies certainly is not the answer. We believe that the Bureau of Indian Affairs can effectively perform its present duties if the organization is revised. It has the experience and know-how that is required.

The Bureau of Indian Affairs should, by legislation, be made an independent commission or agency. At the present time, the Bureau of Indian Affairs must compete for funds with other agencies and bureaus within the Department of Interior who are also the responsibility of the Secretary of the Interior. The Department of Interior is basically a land oriented organization, rather than a human oriented organization. The Department's Budget Managers are also land oriented. They do not have the required empathy regarding basic Indian problems which are human in nature, such as the community problems of education, housing, etc. The Secretary of the Interior often finds himself hamstrung by the Department and other interests which are more interested in other areas. This conflict of interest at the Secretarial level cannot contribute to the fair and impartial administration of Indian affairs.

The very bureaucratic structure of the Bureau of Indian Affairs insulates the Secretary of the Interior from the Indian people. The Secretary's chief representative of the Indian people, the Commissioner of Indian affairs, is also further insulated from the people by the Area Offices. With these insulations, it is no small wonder that many critics of the Bureau of Indian Affairs claim that the job is not being done, and that top heavy administration results. Limited funds are now being wasted on useless office support, which also breeds excessive red tape and reporting requirements. Direct access to the top administrators is needed. The establishment of an independent Indian Commission will remove most of the bureaucracy that makes it so cumbersome for Indian people to communicate with those who are responsible for Indian Affairs. I believe that this proposed Indian Commission will be more responsive to the Indian people and speed the day when full scale development can be implemented in Indian communities.

An Associate or Deputy Commissioner should be incorporated into this Indian Commission who should have the prime responsibility for the affairs and problems of the Indians in urban areas. The proper and wholesome adjustment of the urban Indians to an urban environment is most essential if off-Reservation employment is to be encouraged.

I would recommend the establishment of a committee or commission to study the operation of the Bureau of Indian Affairs. Included in this body should be a broad representation of responsible reservation Indian leadership. One of the primary tasks of this body should be a complete study and evaluation of the present Bureau of Indian Affairs budget process. The present process has built-in pitfalls which not only encourage, but promote and nourish the building of empires by bureaucratic Branch Chiefs through their control of funds, promotions, etc. at the Central, Area and Agency levels.

I believe that funds appropriated by the Congress for the benefit of Indians and Indian Tribes should be appropriated with broad discretionary powers for their use given to the Commissioner of Indian Affairs and especially to the Agency Superintendent. The present line-item-functional appropriations result in waste for some functions through an over abundance of funds while other necessary functions are curtailed because of fund limitations. The revision of the budget process should also include the approval or the veto power by Tribal governing bodies during the local Agency budget submittal process.

The funds which are now required and presently being utilized to maintain Bureau of Indian Affairs Area Offices should be given to the Tribal governing bodies for use in contracting for specific professional services and technical advice needed on their Reservations. If these funds can not be given to Indian Tribes directly, the funds should be placed under the direct control of the Agency Superintendent to fulfill the same objectives, i.e., contract for private professional services desired by the Tribes and subject to Indian leadership approval.

The Indian Agencies at Reservation level should be reorganized, taking into account local needs and the total Reservation development programs. The present Bureau structure, which calls for an Agency Branch to complement every Washington Branch Chief, whether it is essentially needed or not should be eliminated. The local Agencies should be revamped to include an effective combination of facilities and services urgently and ultimately needed to achieve the human resource, natural resource and economic developments in the Indian Community.

I have some reservations about Indian Tribes contracting to perform services for the Bureau of Indian Affairs. In many cases, Indian Tribes do not have the necessary capital to contract to perform these services. If Indian Tribes are to be encouraged to contract with the Bureau of Indian Affairs, the necessary working capital and equipment must be made available on an outright grant basis to permit the Tribe to function economically. It should be specifically understood that if Indian Tribes are to contract with the Bureau of Indian Affairs, that a fair return by the Tribes is to be expected and that the Tribes should not be expected to pay sub-standard wages to perform these services. Also, the Tribes should be offered not only the dirtiest, smallest and most difficult jobs which the Agency must accomplish, but Tribes should be encouraged to accept major tasks that may require them to develop their own staffs of skilled experts. In many instances, Tribes are offered just those jobs that the Bureau of Indian Affairs has never been able to successfully accomplish, or those which the Bureau of Indian Affairs does not want to be bothered with.

If Indian Tribes with very little capital contract with the Bureau of Indian Affairs this contracting could bankrupt them unless payment procedures by the Bureau are improved. Further, the failure of Congress to give continuity of appropriations for Indian contract programs and developments could leave Indian Contractors with costly, but unusable equipment. Excessive contract supervision and red tape requirements should also be kept in check if Indian Tribes are to be expected to contract successfully.

We have many years to go before the Indian people and their communities reach optimum development; therefore, any thoughts of abolishing or parceling out the services of the Bureau of Indian Affairs to other Federal agencies is out of the question at this time. If another Federal agency attempted to take over one of the present functions of the Bureau of Indian Affairs that agency would have to learn the difficult task and would be faced with the same problems which the Bureau of Indian Affairs faces. We suggest that the change of the present Area-Agency system is the most expedient route to take.

If the Bureau of Indian Affairs is abolished or its services fragmented it will again jeopardize, and in many cases it will terminate the present services of the Federal government. It will be termination in disguise. Indian people have *never* been successful in competing for services through other government agencies, and the services received from these agencies have been very small or practically nil except for the excellent services now received from the Economic Development Administration and the Office of Economic Opportunity.

Politically and socially it is almost impossible for the Indian to compete for services among other Federal agencies. With the huge backlog of services and developments needing to be accomplished, at best, the parceling out of Bureau of Indian Affairs services to other Federal agencies would only be an injustice to these agencies because of their already insurmountable work load. A revamped and revitalized Bureau of Indian Affairs with sufficient funds can and will do a better job!

These are views and opinions that I have developed during my years of observation of the Bureau of Indian Affairs while in the service of my people on our Mescalero Indian Reservation. I respectfully submit them for your consideration in your deliberations during the coming years.

STAN THE MAN ELECTED TO BASEBALL HALL OF FAME

Mr. EAGLETON. Mr. President, on Tuesday, January 21, 1969, Stan Musial was voted into the Baseball Hall of Fame. Although U.S. Senators are seldom at a loss for lavish words, I must truly confess that Stan Musial's illustrious career speaks better and with more convincing eloquence than any words I could utter.

Mr. President, I ask unanimous consent that the following editorials from leading Missouri newspapers relating to Stan's election to the Hall of Fame be printed at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the St. Louis (Mo.) Globe-Democrat, Jan. 22, 1969]

CONGRATULATIONS, STAN

Stan Musial has entered baseball's Hall of Fame with the same ease he inscribed his name tall in major league record books. It is a fitting tribute to the former Cardinal great that he was voted a member of baseball's shrine the first year he became eligible, a feat accomplished by only three other men since the first election in 1936.

Stan the Man is a living legend of baseball. The outfielder-first baseman of the Cardinals for 22 seasons set 50 National League records during his playing career, which ended with his retirement five years ago. He added to his sporting laurels by serving as general manager of the world champion Redbirds in 1967, then becoming senior vice president of the Cardinals.

Musial, now 48, is a prosperous businessman and a prominent, highly respected citizen of the community. But he will always be remembered best as the Cardinals' superstar and one of baseball's all-time heroes, a reputation which has been enhanced by his selection to the Hall of Fame.

Congratulations, Stan! You richly deserve the reward—not only for outstanding athletic ability but for being a true sportsman and gentleman on and off the playing field.

[From the Kansas City (Mo.) Star, Jan. 23, 1969]

NO PLAYERS MORE WORTHY THAN STAN AND CAMPY

Stan Musial and Roy Campanella have now been voted into the Hall of Fame, that final tribute to the stars who have made baseball the grand sport that it is. At first glance, the two designees might seem to have little in common. Actually there are numerous similarities between Campanella and Musial, although they were all-out competitors who played on opposing teams whose rivalry dominated a decade.

Both men were extraordinary performers of great consistency. On three occasions each was named the most valuable player in the National League. But in the more human sense, both Musial and Campanella were, and remain, smiling, optimistic men who accepted fame and the adulation of the fans in sincerely humble manner. For most Missourians, and for countless others across the nation, Stan the Man was the foremost sports figure of the postwar era. As Joe McGuff suggested in his "Sporting Comment" column yesterday, it is difficult to imagine how anyone involved in the election process could have left Musial off his ballot. But a few did, so the selection of Musial was not unanimous as it deserved to have been.

An especially poignant drama was added to Campanella's brilliant performance at bat and behind the plate. A traffic accident ended his playing career and left him an invalid. His marriage collapsed and his stepson went to jail. Yet through it all, Campy remained cheerful and thankful for the opportunities that had come his way.

The Hall of Fame is crowded with tributes to the legendary figures of our national pasttime. Ruth, Williams, Cobb and many others have won their places there. But none merited that recognition any more than Musial and Campanella. On and off the field, both men were exemplary in every way. Their addition to the Hall of Fame makes that zenith of baseball's honors even more distinguished.

[From the St. Joseph (Mo.) News-Press, Jan. 23, 1969]

STAN'S THE MAN

The selection of Stan Musial to baseball's Hall of Fame was an expected occurrence. If anything, it is perhaps somewhat disappointing that 23 members of the Baseball Writers Association didn't vote for his admission.

Musial, the former St. Louis Cardinal great, received 317 of a possible 340 votes.

One wonders just where these 23 writers spent the greater part of the 1941–1963 period. Perhaps they're soccer enthusiasts, or prefer bull-fighting.

It's difficult to understand how anyone familar with baseball could bypass Musial. He won seven National League batting titles, three times was named Most Valuable Player, and led the Cardinals to four pennants and three world championships while establishing more than 50 records.

And the personal life of Musial was every bit as exemplary as his performance on the field. No one ever seemed to have a critical word about the Cardinal great.

It's good to know Stan Musial will now be officially inducted into the Hall of Fame later this year.

HUMAN RIGHTS CONVENTIONS—XIV

Mr. PROXMIRE. Mr. President, we, as Americans, are proud of saying that we value the dignity and worth of the individual. We delight in pointing to the Declaration of Independence and quoting the lines concerning our "unalienable rights," as human beings. Due to our heritage, we see human rights as those rights to which every man and woman is entitled, by virtue of the fact that he or she is a human being. We have dedicated this Nation, through our Constitution and laws, to the support of human rights for all people, in this Nation and throughout the world. Yet, as we pursue this goal, that support is sometimes marked by rhetoric and not by deeds.

We have now before us a means to give action to words and reality to ideas. President Kennedy in 1963 sent to this body the Convention on Political Rights for Women. The Human Rights Subcommittee of the Foreign Relations Committee carefully examined this convention, listened to exhaustive testimony, and favorably reported this convention and others to the full committee. Unfortunately, this convention has not been acted upon.

It is past time that the Senate as a whole demonstrated its positive intentions in this matter. Inaction is tantamount to negative action in the area of women's political rights, and in the broader area of human rights. Let us not by further inaction allow one of President Kennedy's favorite quotations, from Dante's "Inferno," apply to us; namely:

> The hottest places in hell are reserved for those who in a period of moral crisis maintained their neutrality.

I submit that this is a time of crisis, when our words are questioned and demonstrations of our good will are demanded. We should act now. Let us add action to our words, and ratify the Convention on the Political Rights of Women without further delay.

LIFE ON WELFARE

Mr. RIBICOFF. Mr. President, welfare is one of the most perplexing and frustrating problems in our Nation.

Welfare is intrinsically linked with problems of housing, jobs, education, and health.

An article by Julius Horowitz in the January 26, 1969, issue of the New York Times magazine makes this point with great clarity and force. It is entitled "A Portrait of New York's Welfare Population: In 1 Month, 50,000 Persons Were Added to the City's Welfare Rolls." Mr. Horowitz, a skilled journalist and novelist, has probed beyond the statistics and administrative problems. The people on welfare describe, in their own words, the situations that led them to apply for welfare, and their life as welfare recipients.

Mr. Horowitz has increased our understanding of the human factors, which must always be in our thoughts as we consider changes in the present welfare system.

Mr. President, I ask unanimous consent that the text of the article be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A PORTRAIT OF NEW YORK'S WELFARE POPULATION: IN 1 MONTH, 50,000 PERSONS WERE ADDED TO THE CITY'S WELFARE ROLLS

(By Julius Horowitz)

Until the present decade the welfare population in New York City and throughout the nation was invisible to most of America. Occasionally a mink-coat scandal would create some excitement, but the scandals never excited the general population to the extent that it began to view people on welfare as living beings. Welfare was a place for the living dead.

A New York State welfare study published in 1961 made the alarming (then) prediction that 703,150 persons would be receiving welfare throughout this state by 1970. The study also estimated that statewide welfare costs would reach a high of $536,665,000 by 1970. In fact, the current welfare budget in New York City alone is $1.4-billion. By now, or within a few weeks at most, it is estimated that one million persons are, or will be, on welfare in the city. This is a population more than twice as large as Buffalo, the second largest city in New York State. It is larger than 15 American states.

In 1965, the welfare population in New York City was increasing at a steady average rate of 4,956 a month. In 1966, the average began a rise to 8,311. In 1967, the increase leaped to 14,284 persons a month.

Last August, the 40 Social Service Centers in New York City received 23,996 applications for public assistance. Of these, the Department of Social Services accepted 21,506—or a total of more than 50,000 human beings*. Who are these new 50,000 welfare recipients, why did they come onto the rolls during a time of supposedly unruffled affluence?

The 50,000 new persons added to the welfare population in August were accepted from the following applications: Home Relief, 10,867 cases; Aid to Dependent Children (A.D.C.), 8,292 applications; Temporary Aid to Dependent Children, 1,060; Blind Assistance, 44; Aid to the Disabled, 1,660; Old Age Assistance, 2,073. Of the 50,000, about half were children.

FOR SOME, WELFARE IS A "BANK"

The traditional pattern of welfare as a form of paternalism began to change with the influx of low-income Puerto Rican families in the nineteen-forties and fifties. They used welfare as an economic stabilizer, a guaranteed income in case low-paying restaurant, hotel, nursing-home, hospital, garment-industry jobs could not support a family, or if the exorbitant rents in the West Side slums ate up the take-home pay. They paid little attention to the caseworkers. They saw welfare as a source of money, nothing else.

Similarly, the low-income Negro families who come to New York City from the South in search of the American experience of opportunity use welfare as a "bank." They know that they have "on deposit" in New York City enough money to take care of them—to compensate for the lack of jobs, the lack of enough money on a job.

In a welfare center on 14th Street off Fifth Avenue, a Negro man of 20, waiting to see his caseworker, told me: "I don't find welfare a shame. I paid my taxes even if they didn't believe it in Alabama. I heard about welfare being a kind of bank in New York. This is only tax money they're giving out. I lost my job at $85 a week. I can make out on the $66 they give me every two weeks. It really worked like a bank when I applied at the end of July. I filled out an application no more complicated than a short income-tax form, and that same day they gave me money for rent and food because my money ran out."

New York City is an open city: No passport or identity card is required to take up residence. As a result, it is almost impossible to measure the so-called in-migration to New York from the South and Puerto Rico. At best, there are only estimates and they are dated. From 1960 to 1965, according to the Community Renewal Program, the net addition of nonwhites in New York City was 154,120 persons; the net addition of Puerto Ricans was 36,692—and the out-migration of whites was 450,115. But these are estimates based on population projections—not hard data.

Nor is there any way of knowing how many of these in-migrants are motivated by the higher welfare payments in the North. But the hard fact is that while Mississippi, for example, estimates that a family of four requires $201 a month to meet basic needs, including rent, Mississippi actually pays an A.D.C. family of four only $55—meeting 27 per cent of the family's basic needs. Alabama has a similar standard of $177 a month, but pays $89. New York, where living costs are higher, pays 100 per cent of the budget deficit—an average of $278 a month for a family of four, including rent. It is a situation that prompted a task force appointed by President Nixon to recommend that the Federal Government set uniform minimum standards and take over a larger share of the costs.

I went out to talk to men who had made the migration. On a stoop on West 103d Street I found Mr. Williams, who came to New York from Georgia in 1959, and found himself on welfare in August, 1968. He said to me, "You don't want to go up to my room. Some junkie might hit you over the head. They stole all my clothes when I came out of the hospital."

"What did they take?"

"They took three shirts, two pants, one pair of shoes, six pairs of underwear, tops and bottoms, a razor, a comb. They left me one dirty pair of underwear. The shoes were brand-new. They cost me $14.81. But I've also got some clothes in pawn. They're out in Long Island. When the pawn shops closed in Harlem during what I call the so-called riots—they weren't the real riots—my clothes went there. You can't find a pawnshop now in Harlem; they're closing up."

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* During the same month, the department closed out 12,522 cases for such reasons as reclassification to other welfare categories, whereabouts unknown, refusal to comply with departmental policy, employment. Thus, the net increase was 8,984 cases, representing 20,301 individuals—an annual rate of increase of 243,612.

"What do you need from welfare?" I asked.

"Mostly money to get my clothes out of pawn." Mr. Williams took a card out of his wallet and showed me a job referral he had as a messenger for a Madison Avenue firm. "I'm supposed to go to work on Tuesday," he said. "I want to go on the new job looking like a gentleman. I don't have to take the job, you know. I can stay on welfare. But I want to see how they treat me, if they give me the money I really need to get back to work. I don't want to become a welfare addict."

"Why did you come to New York?" I asked.

"I got tired of segregation. I wanted free movement. You've got to leave the South to be free. But that doesn't mean the North is better than the South. You don't see welfare kids running around the South like crazy, not knowing who they belong to, or thinking they can rob or beat up whoever they see first on the street. You don't see kids on drugs in the South.

"Without being prejudiced, my own people turn on themselves in the North. They use the so-called freedom up here to rob from one another. In the South they call New York a gravy train. A woman here with three kids on welfare calls up her sister in Georgia with five kids and says, 'Come up here where the welfare is better.' It's not better, it's just more money to buy the same things you get in the South for less money, and here with the extra money you get the pimps, the dope, the killings, the robberies.

"A lot of people come here full of frustrations, they get lost in freedom here, they run wild, till a man who wants to live a clean life has to run away from his own people. Well, welfare adds to this crazy kind of freedom, but anybody is crazy if they think they'll find freedom on welfare."

Thomas Edwards, 26, came to New York from Mississippi. When I met him he was wearing a Harris tweed jacket, neat gray slacks, a button-down white shirt, a striped tie. He wore black-rimmed glasses, and had a beard. He seemed to have thrown off his origins as thoroughly as the young men from Cleveland who become New Yorkers overnight.

"My family is still in Mississippi," he told me. "Nothing has changed there. They just offered my mother $13 a week to work as a cook. Mississippi hasn't been touched by what's happening in this country. That's why the South laughs at the North. There's still the company store, the company towns, and there's still that insane feeling that a black man is nothing but an overgrown boy or puppy.

"They're still a little stunned when one of their overgrown puppies takes off for the North. They talk about the men who take off for the North like they're children who have run away from a birthday party. I was one of those happy puppies that took off. When I go back home the whole place looks like a crazy zoo to me. You still can't really talk to a white man there any more than you can talk to a zebra in the Bronx Zoo."

"What about welfare? What got you on?"

"I was in Roosevelt Hospital with back trouble. When I came out my job was gone. It came to me as a shock that I was completely without money. I was completely up against the wall. It seemed wrong to me to ask for money without working for it. But I had no choice after awhile. I came down here and they looked at my clothes a little suspiciously—too suspiciously, I thought—but anyway they gave me money to live on, which I needed."

"What do you think of welfare now?"

"There has to be welfare. What's going to happen to people when they need money and they have no way of getting any? Do you know why I'm here now? I'm working now. I got a job as a trainee salesmen. I get $75 a week. But I don't get my first check until next Friday. My rent is due tonight in a place where you're out if you don't have it. I don't have a brother or sister, or aunt or uncle or friend who can loan me the money I need to live on until next Friday. Right now, they're discussing upstairs whether to give me the money."

"What will you do if they don't give you an emergency check?"

"What would you do?" he asked me.

THE CITY GROWS MORE RESPONSIVE

Quite aside from in-migration, the welfare population in New York has been rising because of a change in policy under the Lindsay Administration. For years, the right to public assistance was kept carefully unpublicized in New York, as elsewhere. There has always been the fear that the welfare population would soar if all the poor who were eligible for welfare should apply. Welfare officials accepted this code of silence, except for some Southern officials who passed out handbills urging the poor to migrate to New York. Every study of public welfare has criticized the secrecy of welfare bureaucracies. It was not until former Welfare Commissioner Mitchell I. Ginsberg, now Administrator of the Human Resources Administration, took over the department in 1966 that the paralyzing fear of public attention was brought to an end. Mr. Ginsberg revealed the magnitude of poverty in New York City. He made welfare a serious topic for national discussion.

The new attitude is reflected in the rise in the rate of acceptance of applications. The A.D.C. rate of acceptance rose from 66.5 per cent in 1965 to 81.4 per cent in 1968. The Home Relief acceptance rate went from 52.9 per cent in 1965 to 74.2 per cent in 1968.

As a result, thousands of New Yorkers who would otherwise be surviving—or not surviving—by who knows what means have been brought under the welfare umbrella. I talked to a 56-year-old Negro woman, a domestic, who came to New York 20 years ago. She told me she would never have needed welfare if her varicose veins had held out. But she had to go into the hospital and, when she came out, she needed money for rent, and her landlord had an eviction notice for her.

On 103d Street, I saw a 19-year-old girl who didn't know she was pregnant until she went to a clinic for stomach pains. She had to give up her job and go on Home Relief.

On West 85th Street, I talked to a woman who came to New York from Virginia 20 years ago. She was working in a dress factory on West 37th Street when her 15-year-old son came from Virginia to live with her. She had to give up her job when she found out that he was a heavy drinker, stealing money from her to buy liquor. She needed welfare so that she could stay home to watch him. She said she had to do what she could to save her son's life.

At the St. Nicholas Center, I spoke to a 20-year-old girl who left home when she was 15. She had supported herself for five years by hustling, and now she was pregnant and unable to continue her business.

A 19-year-old girl wrote on her welfare application: "I have no one to help me. I was living with my grandmother, but she put me out on the street with my two children."

A 17-year-old girl told me: "My baby's milk bill is $7 every two weeks. I have to pay my baby sitter $30 every two weeks so that I can stay in high school and graduate. My full check is only $76 every two weeks. I need more money for my baby sitter or else I can't finish school." "What about the baby's father?" I asked her. "Him? I don't want to be bothered with him. Why should he see the baby? It's my baby. He did nothing for the baby."

A white man wearing the clothes of a longshoreman, but unable to do a longshoreman's work, told me: "I had to go on relief in August when I came out of the hospital. I didn't want to go back to the Bowery. I've lived there. I don't want to live that way again. This way, with welfare I know where my check is coming from. I know just what I've got.

"But I also know I can't do what a working guy can do. I buy Bugler and Tops for smoking. I live like a loner. On welfare, you've go to live alone. If you go overboard and spend $4 or $5 on beer, you have to lock yourself in your room until your next check comes. You can't buy a friend a beer at a bar. I read old newspapers and paperback books that I find."

In the office of a director of a welfare center, I heard a discussion about a $25,000-a-year public-relations man who lost his job, couldn't find another and had to apply for welfare to keep from starving.

On West 109th Street, I talked to a Puerto Rican mother who had to quit her job, after nine years, so that she could take care of her daughter's baby—so that her daughter could return to school. Her daughter was in the eighth grade.

A drug addict at the East End Center told me: "It's better for me to get welfare than to go out and steal. Do you see those eight guys against the wall? They're all addicts." At the St. Nicholas Center, I watched an addict haggle with an investigator for $1.20 carfare. Another addict, sitting next to me, said: "That means he won't have to steal some poor bastard's clothes."

ACTIVISTS EDUCATE THE POOR

Closely related to the city's new attitude is a campaign being waged by activists to educate the poor in their welfare rights. The pioneers in this movement are Richard A. Cloward and Frances Fox Piven, authors of "A Strategy to End Poverty," which, after being privately circulated, was published in The Nation in May, 1966. They had observed that most of the people applying for help at Mobilization for Youth offices and the like were welfare clients complaining about the treatment they received at welfare centers. In addition, they estimated, on the basis of census studies, that for every person receiving welfare there was at least another in the community who was also eligible for welfare but did not apply because of shame or lack of information. They urged the poor to express themselves by getting on welfare and fighting for their legitimate legislative rights by exerting the pressure of their numbers on public officials. In the long run, they hoped, the rising case load would bring a crisis in the welfare system and force the nation to adopt some such alternative as the negative income tax or guaranteed annual income.

Today, some 200 storefront centers are being operated by welfare groups in New York City. A typical one is the United Welfare League in a storefront at 105th Street and Columbus Avenue. Its rent and personnel are paid for by funds from the Office of Economic Opportunity. Its field director is Mrs. Sydelle Moore, who went from being on welfare to her present job. She has more than 3,500 cases in her files.

"How did you add to the welfare population in the city?" I asked Mrs. Moore, who speaks quietly but with the power of experience. Her tone is that of an assistant professor and she probably knows more about welfare than most of the sociology professors in America.

"We can't take credit for all of the increase," she said.

"But we did bring welfare clients together for the first time, and that brought other people out too. We made them look at one another. We got them to talk about their troubles. We brought them out of their dirty rooms, their isolation. They were mostly ashamed, frightened, isolated. They took it for granted that the rats, the stopped toilets, the broken plaster, the hotwater pipes that only gave cold water, the steam pipes that never worked were their punishment for being on welfare.

"Then we began to find a lot of people who needed welfare but who were ashamed to go to the welfare offices. They would rather starve than ask for financial assistance. We began what we call our 'outreach program.'

"We think of our territory as covering most of the Upper West Side from Central Park West to Riverside Drive from about 125th Street down to the West 80's. This is a big part of the welfare world of New York. We go through the buildings on the West Side, knocking on the doors, talking to the people in their rooms, finding out if they need help. We've located a lot of people who needed welfare but who wouldn't have been found dead in a welfare center. We tell them about the Social Welfare Law. We let them know what their legitimate rights are, and we help them get through the intake process, which is often the most humiliating, though it doesn't have to be."

"How many people did you add to the welfare population in August?" I asked Mrs. Moore.

"We'd have to check our files. We found a lady on Central Park West who was behind in her rent. A lady and her son on West 107th Street. We find a lot of people who need welfare, who don't even know about supplementation. We're finding that people aren't afraid of welfare now. Not just us but all the poverty programs are making welfare more open. The VISTA workers are bringing people into welfare.

"But in the beginning the people on welfare were ashamed to come to our meetings. The poor don't trust one another. That's why the welfare workers have been able to get away with doing nothing for the poor. But now the poor have learned that they can demand their legitimate rights. This is what the welfare revolution is all about, the poor for the first time are demanding their legitimate rights and the public is angry at the poor for speaking up, when for years the public has said the poor are too apathetic and lazy to care about themselves."

"What are legitimate rights?" I asked Mrs. Moore.

"The right to your full budget allowance. The right to proper clothing. The right to job training. The right to proper day-care centers. The right to demand an increase in the budget allowances. Our studies show that the total costs for a year of a welfare family of four persons living on the Upper West Side of Manhattan are $7,199.47. And all that a A.D.C. family of four gets today is about $4,000 a year. The children on welfare do not get money for movies, toys, games, books."

"About 45 per cent of all the people who work in New York City don't earn as much as $7,199 a year," I told Mrs. Moore.

She said, "The welfare families need money to stay alive, to give them what they can't get by working. The people who work have something that money can't buy, no matter how little they earn. And if your figures are official, welfare may then become the biggest *employer* of persons in New York City."

During recent months, 500 to 1,000 West Side neighborhood people have crowded the offices of the United Welfare League each week seeking information about welfare or asking the League to intervene for them in problems they had with welfare. One was Mrs. Tonice Weston—her husband had died—his $15,000-a-year income suddenly cut off. She was five months pregnant, she had an eviction notice, and the welfare investigator was insisting that she vacate her six-room apartment on the West Side that rented for $138.50 a month.

"I never dreamt I would ever need welfare," Mrs. Weston told me. "I never knew there was an organization like the United Welfare League that could step in for people. I never dreamt a government employee would be sitting in my living room, telling me that I had to move. Move where? Where can you get six decent rooms in New York City today for $138.50?

"Welfare makes people ignorant. They confuse you. They make you feel like you're stumbling around in the dark. I'm an actress. I'm used to taking direction. I can understand explanations. But I was as confused as hell about what was happening to me. Can you imagine the experience of people with less education and experience than I've had? You don't get reasonable explanations of what welfare is all about when you go into the office. When a caseworker talks to you there's no explanation of a lot of things; it's as though they're not talking to people but to objects. I know it's a heartbreaking job if you try to see every person as a human being, but that's the job."

"To do what?" I asked.

"The investigators shouldn't play guessing games with you. They should level with you about your rights and what you're entitled to. I was left really broke. But I had to find out through gossip that I was entitled to a layette, a crib and a lot of other things I'll need for my baby. It's eerie when you speak to an investigator. They don't hear what you say. They probably have a built-in recorder that speaks for them and that turns people off. It must make the job easier if they act on the assumption that all the people they're talking to are ignorant. When the investigator came into my living room he was surprised to see a wall of books and he kept talking about it as though it was the strangest sight he had ever seen in his life. A black woman with a wall of books.

"There's another funny thing about welfare. I only applied during the summer but I feel like I've been on welfare all of my life. I think it's because nobody sees a future for you. I'd like to see the welfare centers a place of hope, where people get excited about the changes that are going to take place in their lives and not sit the way I see them do, like they've been dead for 10 years. Welfare should be the starting place for people, not the end.

"I used to hear about the 15-year-old girls who were pregnant and who were second- and third-generation welfare mothers. I've seen them now in the flesh. They're sick kids. They have the look of doom about them. Who helps them? I wouldn't stay on welfare a minute after I get my Social Security check, my baby is born and I can find someone to look after it so that I can get to work."

The most tragic group among welfare recipients is the children. There are 600,000 welfare children in New York, and 445,300 of them are fatherless.

The basic rule in New York is that a man can be in the home but he must contribute whatever income he has toward the support of his family. This applies to married and unmarried men. Nobody knows how many men "abandon" their families so the families can receive welfare payments to "supplement" low-paying jobs. Nor does anybody know how many men desert their families because they are afraid of fatherhood.

But the results are clear. The children, whatever their age, become adults before they ever have a childhood. They leap from infancy into a fatherless world. They suffer a grade retardation twice as great as nonwelfare school children. As many as 60 per cent of the referrals to mental retardation institutions come from welfare families. In more than 85 out of 100 cases the retardation results from environmental deprivation rather than organic brain damage. These children, except for the few who live in families where there is a link to stability, are exposed to a world that no child can survive without damage. They see adults as enemies. They understand perfectly their status as welfare children but they are helpless to change what they understand. How can any child be expected to stand up against the American way of seeing welfare recipients as the living dead?

In a welfare center in Harlem I talked to a father who had deserted his children. I asked him why he never went once to look at the face of the child he had fathered. He told me he had never seen the face of his own father. "So what?" I said. He said "What good is it seeing the face of my boy if I can't support him?"

"Did your father ever support you?" I asked. "No," he said. "Then you're just repeating history; you're not changing history," I said. He said, "What the hell do I care about history? Whatever I do my boy has a long hard way to go."

"They're going to ask you now to sign a paper saying that you're the father of your boy. Are you going to sign it?" "It won't make me his father." "What will make you his father?" He was silent. He gripped the table as if he might tear it to pieces. He didn't answer my question. He didn't know how to answer it.

Where is welfare heading? In a welfare center on Eighth Avenue I sat down next to a Negro man in his late 30's. His name was Mr. Mitchell. He wore a leather jacket. His slacks were neat. He had a strong quiet face. His eyes studied the room. They had focus; they did not stare inward, which is what you usually see in a welfare center—row after row of people unable to see the world around them or to feel they have a place in it.

I said, "I'd like to talk to you about welfare. What it does for you. What it doesn't do. What kind of hang-ups welfare has for you. Is that all right with you?"

He looked at me for an instant to see if I was out of focus and then he said, "Sure."

"What do you think of welfare?" I asked.

"It's like being in bondage," he said, as though he had spent a lifetime thinking about it. "You can survive, but that's about all. I feel they should abolish welfare. The kids grow up on welfare with the attitude that everything should be free and easy. With parents that work, the kids are different, they look different, they think different, they see things ahead of them, they're moving toward something real in this world. The kids I see on welfare in the neighborhood around the West 140's are looking for a handout. It's killing them. I see kids of 10 and 11 and 12 on dope. They have babies when they're 12 and 13. They're pulling down whatever the rest of the black people are pulling up. These kids need leadership. They need it bad."

"How would you give it to them?"

"Nobody ever asked me that before," he said. "But welfare should let a man in the house. Forget the rules, if he's the kind of man you see around the blocks in Harlem he can't make enough money to take care of a family. But he makes some money. He can't take on the responsibility for a whole family. Some men can't face that kind of responsibility. It drives them away. But let them face whatever responsibility they can take and they might stay on."

"Would it drive you away?"

"No, it wouldn't," he said. "I don't have any children yet but one is on its way. It won't set me running. I wouldn't leave my kids. I take that seriously, having kids."

"What about the men you talk to, what kind of reasons do they give for leaving their children?"

"They say they don't make enough money. They say they don't have enough money for themselves if they have to give to the family. They never grew up in families where they saw a father giving money to the family. They don't know what it means to support a child. They never saw it done. They grew up without support. You can tell the guys who never saw their fathers. Something is cut of of them, like they don't belong to anyone, like everyone is an enemy. They produce babies but they never had any training to be a father. They never saw it done, being a father. They never come around to see their babies, most of them. You got a lot of guys that need to be made into fathers."

"Why are you here today, sitting in a welfare office?" I asked. "You look like you can make out."

"I can. I got on welfare in August because the place where I was working on 38th Street closed down. Then I had to go into Harlem Hospital for two weeks. When I came out I needed money to pay the rent that was due on my apartment. You don't get a chance to save for emergencies on $84 a week. But now I found a job with the Board of Education. I'll be starting work next Monday."

"Then why are you here today?"

"Just to ask them for some money to buy working clothes. I need some winter clothes for this new job."

"Will the job pay you much money?"

"It'll pay me less than what they say a poverty wage is here in New York City. I'll get $2,800 a year for a six-hour day. That's less than poverty. But I need a job. And I got it. After that stay in hospital I can't take the kind of jobs I used to be able to handle."

"When did you come to New York City?"

"In September, 1957."

"Do you remember how you came, why you came, what made you give up your home in the South?"

"That's something you don't forget," he said. "I was doing construction work in Columbia, S.C. I was making $1.50 an hour. I thought I could make more money in that same trade in New York. Some of my family was living here. I had some cousins, aunts, an uncle. I had a long talk with my mother about going. She said it was my decision. The South was getting worse. The court decisions made the whites begin to go by the rules, and they made all the rules go against you.

"I got on a bus and came to New York. I thought I could go right into construction work. I learned I had to get into a union first. No union would take me. I got a job in a restaurant I didn't want to do. I kept getting jobs I didn't want to do. There was no job I wanted to stick to because I knew that construction was my real job.

"That happens to a lot of guys from the South here in New York. They come knowing what they want, but nobody in this city wants to know it. That sets you drifting. You keep drifting. One day you find out that the only thing out there for you is welfare. Without welfare you have to kill or steal just to keep alive. I never thought I would end up needing welfare."

"Now that you're on welfare, what would you like it to be like for you?" I asked.

"Welfare should be quick, swift. They should have people working here who can immediately size up a person, then know what to do for them, real quick, to get them off and going again. There should be no more suspicion about money, thinking people are cheating. The important thing is to get people moving. But these people who work here are all blind. They don't look at you. They don't know you or want to know you. They want to keep things moving for themselves, not for you. They're supposed to be here working for you, not for themselves."

There would be nothing really wrong with the present system of public assistance if America would forget its punitive, deep-rooted, almost hysterical hatred of poor people who speak up before they are spoken to. The legal structure guiding welfare is not inhuman. The intake interview does not have to be dehumanizing. The welfare caseworker does not have to be faceless. The energy it now takes to destroy welfare children could be used to help the children get through the bleak days of dependency.

Somehow or other, America has to forget its puffed-up image as a righteous, pious, inviolate moral force protecting the aged, the sick and dependent children. The image simply does not square with the facts. The welfare poor are now forcing this confrontation. For the first time in America the poor are throwing off the mask of meekness imposed on them by organized systems of welfare and charity. The Communists could not arouse the American poor. The radicals never did. But now the American poor have surfaced, whatever the historical reasons, and it is unlikely they will permit themselves to be drowned again by the milk of human kindness.

As President, Mr. Nixon will have to face a problem almost as great as that which confronted Mr. Lincoln, the emancipation of the American poor.

DEFENSE DEPARTMENT HAS TRIPLED ITS BUTTER USE

Mr. NELSON. Mr. President, I am very pleased to report that the Department of Defense has more than tripled its use of butter in military rations over the past year.

It was more than a year ago when we in the Senate representing dairy States persuaded Defense Secretary McNamara to drop the Department's ban on butter and use butter instead of margarine for all servicemen.

This ban on butter, which was established in the spring of 1966, was lifted in December 1967, when the Department began using surplus butter made available by the U.S. Department of Agriculture.

Since last June, the Defense Department has acquired more than 28 million pounds of butter while purchasing less than a million pounds of margarine.

During the comparative period in 1967, more than 16 million pounds of margarine was used and only around 8 million pounds of butter, which was earmarked only for the Navy and Marine Corps, who must be served butter by law.

With the military's use of butter more than tripling in less than a year a substantial burden has been taken off the domestic butter market. I hope that the Nixon administration will continue this policy and move ahead toward the total use of butter by the Armed Forces.

THE SUPREME COURT AND ITS OPPONENTS

Mr. TYDINGS. Mr. President, we live in a time when young people are more actively concerned about public affairs than ever before. Our schools are improving, the competition for higher education is more intense every year, the mass media constantly present news and opinion on public issues—with the result that more people of all ages are better informed than has ever before been true.

Within the last few years, more and more young people have become participants in grassroots efforts to influence public policy on matters such as civil rights, draft reform, and the war in Vietnam. There is increasing support every day for a constitutional amendment to lower the voting age, in recognition of the readiness of young people to assume the full responsibilities of citizenship.

As an example of this precocious concern and sense of responsibility, I would like to share with my colleagues an editorial which I have received by mail from a 15-year-old constituent of mine by the name of Joseph Kozak. Joseph Kozak holds firm opinions about some recent highly controversial decisions of the Supreme Court. His underlying concern—which I think is shared by all thoughtful Americans—is that society should "make it hard to get a conviction so that no innocent people are jailed, but not so hard that justice cannot be done."

I ask unanimous consent that Joseph Kozak's letter to me and his editorial be reprinted in the RECORD.

There being no objection, the letter and editorial were ordered to be printed in the RECORD, as follows:

BALTIMORE, MD.

Senator JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SIR: Senator Tydings, I am a boy of 15 years old and I have some opinions to express about the Supreme Court decisions of recent years and the attacks that have been levied against the court for the decisions, I know an opinion of a 15 year old might not mean much to you or any other members of Congress, but, please try to read my opinion like somebody important wrote them. On the other pages my opinions are expressed like an editorial. If you think that my opinions are valid or if you think my opinions are not valid please write me and tell me at least what you think. If possible, could you please show the composition to other members of the Senate and get their opinions. Can it be printed in the Congressional Record if it is good enough?

Sincerely Yours,

JOSEPH D. KOZAK.

THE SUPREME COURT AND ITS OPPONENTS

In recent years the Supreme Court has come under much attack from many people, from all walks of life concerning the decisions of the Court in cases involving the rights of the accused. Many people criticize the Court without studying the facts. People hear that a kidnaper or a murderer was set free by a decision of the Court. Such as in the Miranda Case of 1964 in which the kidnaper-rapist conviction had been overturned by the Court. In this decision the Court ruled that an accused person must be warned of certain rights before he may be questioned by the police. Such as the right to an attorney and the right to remain silent. Many people said that this made it hard to interrogate the person who was accused. They said that the hands of the police were handcuffed. Well, the facts must be examined. Miranda was identified by a girl as the one who had raped her. The police pushed him into confession almost. He had no attorney. He was convicted and sentenced to life. A quick process. In the fifth amendment it said, "No person shall be held to answer for a capital or otherwise infamous crime unless under the presentment or indictment of a grand jury. It is plain what it says and in other parts of the Constitution (Bills of Rights) it says an accused person shall have the right to legal counsel, etc. The Court was faced with a difficult problem. How to enforce these rights? The rights were always there but there was never a way to enforce them. So, when it came up the Court had to find a way and they did a very effective way. The police thought they were handcuffed. But the police just had to adjust to a new cycle. The Court just backed up the Bill of Rights. The Court just did its job. If people think the decision is bad the fault lies in the Bill of Rights. Amend the Constitution is the best way to solve the so-called problem not blaming the Court. In other decisions, the Court ruled that a client, if he wishes, must have a lawyer present at questioning, etc., to safeguard his rights another way to enforce his rights of the accused. Another decision which I think should be noted is the Mallory decision which said that in Federal cases a person must be arraigned immediately after he is arrested. Well, the purpose is simple. To safeguard the right that a person must be informed of the charge against him and also to prevent police from questioning a person for a long period of time. In other cases involving confessions that are coerced may not be used in court. Well, in many cases police have used the third-degree and also the police drilled people for over hundreds of hours till they confessed. This is ridiculous to question people for so long. They are bound to confess even if they didn't commit the crime. You can see that police always want people to confess. It makes their job a lot easier and saves a lot of time and in most cases justice has not been dealt out.

I think that I have covered the most controversial decisions of the Supreme Court. There are more of course, but, I think the general idea I am trying to put across has been made clear. I think we should strive hard to make it hard to get a conviction so that no innocent people are jailed, but, not so hard that justice cannot be done. The line must be drawn somewhere, of course. Maybe the Court will swing the other way, sooner or later, who can tell? But if there is no Supreme Court to guard your rights, there will be no democracy and Hitler may come back in another way.

JOSEPH KOZAK.

HERCULES EFFORT CAN AID UTAH ECONOMY

Mr. BENNETT. Mr. President, one of Utah's great problems stems from the extent to which its economy depends upon defense expenditures. Unfortunately, this heavy reliance on defense contracts creates a sort of "boom and bust" situation, with violent swings between expansions and retrenchment. Such fluctuations create uncertainty for the thousands of Utahans who depend on these contracts for their livelihood.

The Bacchus works of Hercules, Inc., is making a concerted effort to deal with this problem. Bacchus, located at Magna, Utah, plays an important part in America's aerospace industry. Now, it inaugurates a welcome program marketing its expertise to other parts of the Government and to private industry.

Hercules' decisions to diversify into these less volatile areas is certainly welcome. I have been deeply concerned to see the Hercules payroll slip from its high of more than 6,000 in 1963. I am sure that the same outstanding performance which Hercules exhibits in its missile-motor production will be seen in its new undertakings. That list of undertakings is indeed impressive. Services which Hercules offers both government and private industry include engineering, manufacturing, quality assurance, testing, and analysis, computer services, graphic services, communication consultation, safety management, and industrial engineering.

Hercules' effort comes on the heels of the transition being made by Sperry-Utah from its main reliance on the Sergeant missile to a much more broadly based, and consequently less economically volatile, computer manufacture operation. Of course, we appreciate the defense contracts which go to Utah firms. However, it is especially gratifying to see a major contractor not entirely dependent upon the Department of Defense for its work.

Mr. President, I join other Utahans in expressing my support and hopes for Hercules' success in this new, and most important venture.

JACOB BLAUSTEIN: A MOST UNUSUAL OIL MAN

Mr. TYDINGS. Mr. President, Forbes magazine of last September 15 devoted its cover article to Mr. Jacob Blaustein, one of the leading citizens of the State of Maryland, a person of quiet prominence in the business world, in cultural and philanthropic affairs, and in the Nation's service. Mr. Blaustein has lived in Baltimore for all of his 75 years.

His father, Louis, came to this country from Lithuania, settled in Baltimore and launched himself in the oil business. In competition with the giants of that industry he founded the American Oil Co. Under his imaginative management that company flourished, eventually merged with the Pan American Petroleum and Transport Co. and, after a lengthy legal struggle, with Standard Oil of Indiana. By that last merger, Jacob Blaustein became a member of the board of Indiana Standard and his family, the largest single stockholder.

Now, through family-held corporations, he is the owner of innumerable real estate and business enterprises throughout the country, he has a controlling interest in the Union Trust Co. of Maryland and is the major stockholder of the United States Fidelity and Guarantee Co. But not only is he a major power in the business world; Jacob Blaustein is one of the Nation's most interesting and public-spirited business leaders.

Because he is a person who shuns publicity, his innumerable services to the United States, the United Nations, and the cause of world peace and justice are not widely known. For that reason, I would like to share with my colleagues the article from Forbes Magazine, and request unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JACOB BLAUSTEIN? WHO'S HE?

Just a giant figure in the oil industry. Just a prominent part-time diplomat who has made history. A multimillionaire. Yet a man who has always attempted to avoid the business spotlight.

He helped talk Vyacheslav Molotov and the other delegates at the United Nations conference in San Francisco in 1945 into accepting the human rights provisions of the UN Charter, and later he played a major part in convincing David Ben-Gurion to accept the UN plan to partition Palestine. Still later he negotiated with Chancellor Konrad Adenauer the deal under which West Germany agreed to pay the surviving victims of Adolf Hitler's crimes a total of $10 billion in reparations.

Day in, day out for months he fought the Russians at the UN. One of the demands of the Soviet Union was the forced repatriation of all Russians and other Eastern Europeans left on this side of the Iron Curtain when World War II ended. He opposed the demand because he knew that "if they had gotten those people back, the probability is they would have liquidated them." He also debated the Russians on Korea, demanding a UN-supervised election to unite the country. These were bitter debates, but soon after, he says, "a curious thing happened: I ran into my two Russian opponents, Arkady Sobolev and Jacob Malik, in the lounge of the United Nations. They put their arms around me and Jacob Malik said, 'Your government is no good but you're all right. Let's have a drink.' "

This is not the portrait of a professional diplomat. It's the portrait of Jacob Blaustein, a man born into the oil business, who, at 75, has spent his entire life in the oil business. A director of Standard Oil Co. (Ind.), he and his family and their various enterprises and trusts, according to a recent proxy statement, own approximately 2.7 million shares of the company's stock (3.6%) worth, at current prices, more than $142 million. They are the company's largest stockholder. In addition, through family-held corporations, American Trading & Production Corp. and Blaustein Industries, they own and operate a fleet of tankers; oil wells in Texas and Louisiana; several manufacturing companies; have vast real-estate holdings in Baltimore, Dallas, San Diego and Los Angeles; are the controlling stockholders in Maryland's second- or third-largest bank, the Union Trust Co.; and major stockholders in the United States Fidelity & Guarantee Co.

Blaustein's family wealth was made by him and his father, not inherited. Altogether the Blaustein fortune has been estimated at between $150 million and $200 million, enough to place it among the largest in America today.

Jacob Blaustein is a most unusual oil man. He defies all the stereotypes. He's not a Texan; he comes from Baltimore and has lived there all his life. He's not big, burly and boistrous, but slender and soft-spoken. He dresses as quietly as a bank president, drinks sparingly, raises orchids, collects paintings—Gauguin, Derain, Utrillo—enjoys listening to classical music and used to play the piano. A graduate of Lehigh University—at the ripe age of 18—he also holds eight honorary doctorates including one from Lehigh, and many other awards.

For all his mild manner, he's just as tough as any of his fellow oil tycoons. It's not only the Russians who have discovered this; the oil industry, including the old, departed management of Standard of Indiana, has, too.

FATHER STARTED IT

The story of Jacob Blaustein really begins with his father, Louis Blaustein, who came to America from Lithuania while still in his early teens. Like so many immigrants of his time, he became a peddler, traveling with his wares by horse and buggy from farm to farm in eastern Pennsylvania. Later he opened a small dry-goods store in Downingtown. After several years he moved to Baltimore, where he started a wholesale grocery store.

Among other things, he sold coal oil, as kerosene was then called. The jobber delivered the coal oil in wooden barrels, which he left on the sidewalk, and the elder Blaustein noticed that on hot days the glue holding the staves together melted, letting some of his profits leak away. He made a suggestion: Why not deliver the coal oil in a steel tank with a spigot, placed on a dray wagon? The jobber was so impressed with the idea that he offered Blaustein a job as a salesman.

Louis Blaustein had invented the oil tankwagon.

From the jobber, Blaustein went to work for a small oil refinery in Baltimore. "Competition was rough and ruthless in those days," says Jacob Blaustein. "Standard Oil [N.J.] was out to ruin the small refiners by underselling them. For example, a 50-gallon barrel generally cost $1.50. Standard at times would think nothing of selling coal oil, barrel included for 3 cents a gallon, $1.50, just the cost of the barrel itself."

Standard wiped out Louis Blaustein's employer, and then it offered Blaustein a job. "My father worked for Jersey Standard for 18 years," says Jacob Blaustein, "and then one day in 1910 they called him in and said they wanted to send him to Germany to organize the company there. My father agreed, but my mother, Henrietta, said nothing doing. She said: 'I had enough of the old country. I'm not going back. Our children were born in America and I want them reared in America, a free country.'

"It's a lucky thing for us she put her foot down. Had we gone to Germany, we might all have been annihilated."

Blaustein soon after quit Standard and started his own company, American Oil. Despite the impressive name, it consisted merely of three men, a small tank wagon and a horse, operating from a converted stable. The men were Louis Blaustein, the precocious Jacob, who had just been graduated from Lehigh, and the driver of the wagon. They were jobbers, selling kerosene to retailers.

"My father's experience with Standard had taught him one thing: In the oil business, if you were small, you could not hope to compete with a bigger company by cutting prices. You could only compete with innovations," says Blaustein. "The bigger company always could undersell you."

The Blausteins' first innovation was the drive-in gasoline station in the U.S. It was on Cathedral Street in Baltimore. "Until we got the idea," says Jacob Blaustein, "you had to service autos at the curb. It was a clumsy operation."

"SEE WHAT YOU GET"

Next the Blausteins invented a gasoline pump that enabled a motorist to see just how much gas he was getting. Until then all pumps were "blind." The motorist knew that a certain number of turns of the crank were supposed to pour a certain number of gallons of gasoline into his car, but it was very easy for the gas attendant to make a mistake in counting. "And even with an honest gas attendant you could be cheated," says Jacob Blaustein. "The attendant might crank the handle a couple of times without any gasoline going into your car, because there wasn't enough suction yet in the pump."

What the Blausteins did was put a five-gallon calibrated water jar on top of the pump. The gasoline was first pumped into the jar and then it was poured into the car. The Blausteins promoted this device with the slogan: "See What You Get; Get What You See." It was the forerunner of today's metered pump.

Their greatest innovation—the one that really made American Oil—was antiknock gas. In the early days of the automobile, gasoline was of low octane. As the auto manufacturers improved the engines, this low-octane gas began to cause a bothersome knock because it didn't burn fast enough. The Blausteins got the idea of mixing benzol, a volatile by-product of coke, with the gasoline they were selling. They hired a chemist, and by a process of trial and error, finally hit on a mixture that would burn more readily than regular gasoline without blowing up the car. They called it Amoco and charged 5 cents more a gallon for it, promoting it with the slogan: "Feed your car Amoco-Gas and you'll think it's on a diet—it requires so little." Amoco-Gas powered Charles A. Lindbergh's *Spirit of St. Louis* on its flight across the Atlantic to Paris. Not until Jersey Standard came out with Ethyl did Amoco have a rival.

The Blausteins built American Oil into a great company, but it was a vulnerable one because it had to depend on competitors for its supplies of gasoline. They decided to make themselves independent of their competitors. That decision was to lead to a slam-bang, court battle with Standard Oil of New Jersey and Standard Oil of Indiana.

Jacob Blaustein will not discuss it now. He says: "I get along fine with the present management of Standard of Indiana. The old management is all gone—by death and otherwise. I don't want to reopen old wounds." However, the facts are a matter of record, and the record runs to thousands of pages.

What happened was this: To assure themselves of a dependable source of supply, the Blausteins, in 1923, sold a half interest in American Oil to Pan American Petroleum & Transport. Pan American was then an independent company, with large reserves of crude, refineries, tankers and terminals.

Some time later Indiana Standard started buying into Pan American. By 1929 it owned approximately 96% of the stock. In 1932, as part of a major deal, Indiana Standard ordered Pan American to sell all its foreign properties to Jersey Standard. The deal included Pan American's crude oil reserves, its tanker fleet, and its refinery at Aruba. In exchange, Indiana Standard received a large block of stock in Jersey Standard, much of which Indiana has since paid out to its own stockholders.

BOOMERANG

The Blausteins were in a box. Having started out to make themselves independent of their competitors, they now found themselves at the mercy of their biggest competitor, Jersey Standard, since Jersey Standard now owned Pan American's facilities. They asked Pan American to let American Oil build its own refinery. Indiana Standard would not permit it. Thereupon they threatened legal action to prevent the sale of Pan American's foreign properties to Jersey Standard. At that, Indiana Standard agreed to a compromise. The agreement provided for a merger of Pan American and American Oil, under which, in exchange for their remaining 50% of American Oil, the Blausteins were to get a block of stock in Pan America. Louis Blaustein became president and Jacob Blaustein executive vice president of Pan American, and chairman of the board and president, respectively, of American.

The agreement also provided for making the merged company fully integrated, meaning Pan American would not have to buy refined products from Indiana Standard or Jersey Standard but could build its own refineries and produce and buy its crude oil wherever it was advantageous to do so.

The agreement was signed on Jan. 1, 1933. But soon after, Indiana Standard announced that, because of the Depression, it didn't make economic sense for Pan American to build its own refinery. Instead, Indiana Standard ordered Pan American to buy its refined products from a subsidiary of Jersey Standard. Indiana Standard also ordered Pan American to buy its crude from a subsidiary of Indiana Standard and to use a pipeline belonging partly to a subsidiary of Indiana Standard and partly to a subsidiary of Jersey Standard. In 1937, the Blausteins, father and son, brought suit against both Indiana Standard and Jersey Standard. It was a case of David and his son taking on two Goliaths.

The suit went on for years, during which, in 1937, Louis Blaustein died. It went from court to court. The Blaustein lawyer was Henry L. Stimson, Herbert Hoover's Secretary of State. One day, while Stimson and Jacob Blaustein were discussing the case in Stimson's office, the phone rang. It was Franklin D. Roosevelt. The President told Stimson: "I'd like you to become my Secretary of War." Stimson explained that he was in the middle of a case. Blaustein interrupted: "You can't refuse a request like that." He went out and got another top lawyer, former New York Governor Nathan Miller, then chief counsel to U.S. Steel, to head the Stimson staff.

In 1954, after 17 years of litigation, the suit was finally settled by a deal under which Pan American and American Oil were merged into Indiana Standard with the Blaustein family receiving Standard stock and Jacob Blaustein going on the board. Far from having its own enterprise finally swallowed up in the old Standard Oil complex, the Blaustein family ended up as the largest stockholder in Indiana Standard, third-largest unit of the old Rockefeller empire.

Blaustein is not the kind of stockholder who merely sits back and counts his dividends, nor is Blaustein the kind of director who merely adorns his company's letterhead. He flies out to Chicago several times a month to meet with management and the other directors, and he travels constantly inspecting company properties and discussing company business. On his business and his diplomatic missions, one day will find him in Texas, another in Alaska, a third in New York, a fourth in London or Geneva, a fifth in the Near East, a sixth in Washington. Although he lives with his wife Hilda in a three-story stone house on a 200-acre farm in a suburb of Baltimore, he maintains an apartment in New York because that has been the headquarters of American Oil and is the headquarters of the United Nations. He also maintains an apartment in Chicago, because that is the headquarters of Indiana Standard.

"OIL IS EXCITING"

He operates from a 30-story tower of aluminum and glass on the corner of Charles and Fayette Streets in Baltimore. The Blaustein Building is diagonally across the street from the Charles Center urban renewal project of the Baltimore Urban Renewal and Housing Agency but is not part of the project. Blaustein didn't want any financial help from the Government because he knew it would mean government interference. In that attitude, he does fit the stereotype of the oil man,

He fits the stereotype in one other way: He loves the oil business. He says: "It's exciting. There's no excitement in putting up a building, but when you sink $1.5 million into a well not knowing whether it's going to come in and pay off—that's exciting."

Despite his multitude of business enterprises, Blaustein has always been active in voluntary organizations—Jewish and non-Jewish—in philanthropy, in government—under five presidents—and in politics. He was president of the American Jewish Committee for the maximum term of five years and still is honorary president. During World War II, he was acting chairman of the marketing committee of the U.S. Petroleum Administration. Right now, he's a member of the President's Commission on Marine Science, Engineering & Resources, a job he finds intriguing because, he says: "The oceans comprise five-sevenths of the earth's surface and at the bottom of the seas are to be found untold quantities of minerals [hard and petroleum] while in the seas are living resources, food and protein [to help feed the many undernourished people of the world]. The function of our commission, simply stated, has four broad objectives: 1) how to develop the marine food and mineral resources; 2) how to utilize the marine resources to enhance U.S. prosperity and benefit all mankind; 3) how to devise means of international cooperation so nations will not grab and fight over these great resources; and 4) to recommend a plan of federal governmental organization best adapted to support the program—instead of the large number of federal agencies now handling various aspects of it. This is not an easy task, but it's a most important and fascinating one."

His career in diplomacy began in 1945 when President Franklin D. Roosevelt summoned him and former Judge Joseph M. Proskauer, then a prominent New York attorney, to Washington. The formative meetings of the United Nations were about to begin in San Francisco. The President gave Blaustein and Proskauer the job of getting provisions on human rights included in the UN Charter.

Not unexpectedly, they found opposition, Molotov was dead-set against the idea. Blaustein recalls the arguments: "No one was ever sure whether Molotov understood English," he says. "He would look at us as we spoke, his face a complete deadpan, and when we stopped speaking he would say, without the slightest change of expression, 'Nokay.' No one really knew whether he meant yes or no. It was usually no."

In the meantime, Roosevelt died, and it was to Harry S Truman that Blaustein and Proskauer made their report. Blaustein was not immediately impressed by Truman but, he says, "I never saw a man grow so quickly. He became a great President—in my opinion, one of the very greatest." In 1948, when Truman was debating with himself whether to run, he called in six people for advice. Blaustein was one.

Although Blaustein is a Democrat (he worked to make Hubert H. Humphrey the Democratic candidate for President), in 1955 Dwight D. Eisenhower appointed him a member of the U.S. delegation to the UN, where he spent much of his time debating cold-war issues with the Russians. Of this experience, he says: "With the Russians you have to make sure you're right and then stick to your guns no matter what. If you deal from strength, you may or may not win your point, but at least they will respect you. If you evidence weakness, you gain neither."

DIPLOMATIC BRIDGE

Although active in Jewish affairs, Blaustein is neither a Zionist nor an anti-Zionist, but a non-Zionist, and this has served both the U.S. and Israel in good stead. "The Israelis consider me a friend," he says, "but I can also sit down and talk with the Arabs because they know I'm not a Zionist." One of the most delicate tasks Blaustein had was to convince David Ben-Gurion to issue a statement accepting the fact that American Jews had no allegiance except to America. Until then, the Israelis had the idea that Jews everywhere in the world should consider Israel their true homeland. This outraged many American Jews and it embarrassed the State Department. Blaustein flew to Israel and sat down with Ben-Gurion and, after 16 hours of negotiating, made him understand the position of American Jews. The two men have remained fast friends ever since and correspond regularly.

Blaustein not only was one of the two men who negotiated the agreement under which West Germany has been paying reparations to victims of Hitlerism, it was actually his idea. Early in 1951, John J. McCloy, then U.S. High Commissioner to West Germany, got in touch with him to ask his views on the direction the country should take to win its way back into the family of nations. In a series of conferences in Washington, Blaustein said nothing could ever atone for the Nazi crimes, but he did outline to McCloy a plan for West Germany to provide relief, rehabilitation and resettlement for victims of Nazi persecution—non-Jews as well as Jews. Out of this came not only West Germany's agreement to pay reparations to Hitler's surviving victims, but also agreements by Krupp, I.G. Farben and several other West German companies to indemnify slave laborers.

Blaustein manages to combine his business activities and his other activities because he normally works a 16-hour day. He sleeps only about four or five hours a night. He doesn't waste a minute. On his flights to Chicago to attend the board meetings of Indiana Standard, he works all the way, and when he lands at the airport, "a company chauffeur meets me with an envelope full of the additional items we are to take up at the meeting the next day. I review them that night."

At home, he works after dinner until 2 a.m. or 3 a.m. in the morning on business and public affairs matters, awakens at 6:45 to get to his office in the Blaustein Building before 8:30. He says: "I have been doing this for a long time and it suits my constitution to work this way. I sleep soundly until the alarm rings and feel no fatigue."

He has no intention of retiring because he believes that "work refreshes me." his appearance bears that out. Although he's 75, he doesn't look it. In fact, he says he's seeking new business activities to get into. Why? "I believe in diversification," Blaustein says, "but, even more important, new things are interesting."

UKRAINIAN INDEPENDENCE ANNIVERSARY

Mr. SCOTT. Mr. President, today many Americans and thousands of Ukrainians who live outside the Ukraine in the free world, observe the 51st anniversary of Ukrainian independence. It is a sad commentary that no one inside the Ukraine can celebrate openly because the heel of Soviet repression is firmly planted on the government and people of that once-proud nation.

Indeed, if anyone had hopes that the yoke of tyranny would soon be lifted from the Ukraine and from the other Soviet satellites, the brutal and all-too-characteristic invasion of Czechoslovakia last summer dashed that hope. I was in the Soviet Union at the time, and made my strong protest heard through the American Embassy in Moscow. It is but a short step from Czechoslovakia to the Ukraine in geography; it is no step at all in terms of the tragic fate they share.

Self-determination is the capstone of any nation's development. To have achieved it and lost it, as the Ukraine did, is cause for deep grief. Today, we celebrate the achievement of Ukrainian independence, mourn its loss, and reaffirm our hope and confidence that it will one day be regained.

EASTERN AIRLINES SAYS FLIGHTS PROVE STOL AIRCRAFT ARE FEASIBLE AND BELIEVED ANSWER TO CONGESTION

Mr. RANDOLPH. Mr. President, the crisis of the airports and of the airways is a complex, harassing, dangerous, and very expensive condition.

I have been reading for several days the various statements of policy and proposals by segments of aviation for solving—or at least ameliorating—the airports/airways problem. The opinions and recommendations of the several groups representing the scheduled airlines, the owners and operators of business—executive—aircraft, the aircraft owners and pilots, and the airport executives and operators are parallel in so few instances that they constitute discouragement and create frustration for those of us wishing to be helpful in the devising of legislative remedies. It is my intent to discuss these causes of frustration and discouragement—but at a future date.

Today, I am elated by one ray of hope for a potential major breakthrough—not a claimed total solution, but a development capable of generating a very real impact for good on congested airways and overcrowded airport landing areas. I refer to the report made yesterday by an Eastern Airlines executive to the Aero Club of Washington on a protracted experiment—which he termed an unqualified success. It was a report on the flying of short-take-off-and-landing aircraft equipped with modern navigation gear. Those tests in the supersaturated northeastern air traffic corridor, mainly over Eastern's shuttle route between Washington and New York, proved to the company's officials, according to vice president A. Scott Crossfield, that the STOL can relieve congested airways and increase airline revenues. He reported that his firm believes this potentiality is so real, in fact, that its engineers are already drawing up specifications for a STOL plane to be built for scheduled carrier service over segments of Eastern's franchise routes.

We have read much, and I have discussed on previous occasions in this forum, the fact that Eastern Airlines and the McDonnell-Douglas aircraft manufacturing organization used their version of the French-designed Bruguet 941 STOL plane in the experiments. It is a 64-passenger craft that made more than 350 landings and takeoffs at Washington, New York, and Boston airports during the 7-week trial period. Takeoff required only approximately 500 feet of runway—and landings very little more, according to Mr. Crossfield's report.

Impressive were these additional important facts reported by the Eastern Airlines vice president:

The specifications for the new STOL which Eastern will order will include capacity for 125 passengers and flight speed of more than 250 miles an hour, to be maneuverable at speeds as low as 70 miles an hour.

Although a jet-powered DC-9 can make the trip from Washington to New York in 31 minutes of flying time, the airways have become so congested that the average trip time now is 70 minutes. Such wasted flying time cost the Eastern system up to $1 million a week last summer, Mr. Crossfield said. The experimental STOL plane used took 58 minutes to make the New York-Washington trip without wasting any flying time. The proposed new 125-passenger, 250-miles per hour or over STOL's would be expected to do even better.

If airports are properly developed to accommodate STOL aircraft on a permanent basis, and if navigational problems and landings can be worked out in the airways system, Eastern officials believe the new plane would be capable of leading to a doubling of the landing capacity of airports by utilizing taxiways and the ends of unused runways. But, as Mr. Crossfield pointed out, STOL could not alleviate congestion if it uses the same navigational equipment as other conventional aircraft and if it is forced to use the same air corridors as the conventional craft.

According to today's Washington Post account of Mr. Crossfield's report on the experimental STOL, it had an onboard computer-controlled system which indicated to the pilot where he was on a map. And the system was claimed to be accurate within 25 feet of altitude and 100 feet of latitude. By using the new device, in addition to existing navigational aids, the Eastern plane was able to make its own corridors, avoiding congested routes and reducing flying time.

The special computer-controlled system used in the STOL experiment is manufactured by Decca in England. Mr. Crossfield reported that it also was used in a DC-9 which made 1,500 runs off the regular air corridors and was so effective that Eastern is considering installing it on all shuttle flights. He indicated that there is evidence to support a belief that eventually a navigation system like or similar to the Decca equipment could make arrival times so accurate that a pilot could reserve his landing time through the airport tower with a 30 second or better accuracy.

It is heartening to read in the Washington Post account today that the navigational system and the same STOL plane currently are being tested by American Airlines and that both American and Eastern officials have indicated that it might be possible to offer scheduled STOL service by the mid-1970's.

This could have a very real and helpful impact on the fight against air traffic and airport takeoff and landing congestion—and could influence legislative solutions for the airport/airways crisis.

UKRAINIAN INDEPENDENCE DAY

Mr. DIRKSEN. Mr. President, today we join with the Ukrainian people in commemoration of the proclamation of their independence. We, as Americans, cherish our own independence above all things. Many nations have fallen before the onslaught of the Soviet Union—the Ukrainians—as well as the rest of the peoples now behind the Iron Curtain—but so long as these people must remain slave rather than free, they will continue to hope, pray, and work for their national independence irrespective of the many killings, shedding of blood, and untold sacrifices which these gallant people have endured.

Mr. President, January 22, 1918, is the date celebrated by the Ukrainian's as their independence day, and I would like to join with my colleagues in saluting the gallantry, bravery, and persistence in their continued efforts, in spite of all hardship and sacrifice, to obtain the freedom and independence which we, as Americans, enjoy.

Mr. President, for a number of years I have introduced in the Senate of the United States concurrent resolutions similar to House Concurrent Resolution 416, passed by Congress. This law calls upon the President to take such action as may be necessary to bring before the United Nations for its consideration the question of the forceful incorporation of the Baltic States Republics into the Soviet Union. Once again, Mr. President, I ask that the United Nations be requested to enlarge the resolution to include the bringing before the United Nations for its consideration the question of the forceful incorporation of all nations which are now within the orbit of the Soviet Union against their free will. Many of my colleagues in both Houses have spoken on this great issue of liberating these people, but I believe we should generate these words into an effective resolution passed by the Congress of the United States. Only then will the independence days of all former free nations which are now behind the Iron Curtain be truly commemorated.

TRIBUTE TO ESTHER PETERSON, DIRECTOR, WOMEN'S BUREAU, DEPARTMENT OF LABOR

Mr. MOSS. Mr. President, in 1961, among the hundreds of appointments made by President-elect John F. Kennedy was the announcement that Mrs. Esther Peterson was to be Director of the Women's Bureau in the Department of Labor.

Now, 8 years later, Mrs. Peterson has resigned. It is altogether fitting, however, that we take this occasion to highlight for the record—her record. For seldom has any woman in public life contributed so much in so many fields. In these 8 years, Mrs. Peterson has had not one but three careers.

In August 1961, Mrs. Peterson was named Assistant Secretary of Labor for Labor Standards. She also continued to head the Women's Bureau until early 1964 when a new director was appointed. Thereafter, the Women's Bureau remained one of several Labor Department bureaus under her jurisdiction.

When the President's Commission on the Status of Women was set up by President Kennedy in December 1961, with Mrs. Eleanor Roosevelt as Chairman, Mrs. Peterson was named Executive Vice Chairman.

Mrs. Roosevelt died in November 1962 and it was Esther Peterson who provided the guidance and inspiration necessary to complete the Commission's unprecedented study of the position of women in our society. She helped formulate the conclusions and recommendations that made the Commission report, "American Women," one of the most influential social documents of our times. Its impact upon the attitudes and expectations of the Nation toward its womanpower created a new interest in opening to women enlarged opportunities in education, employment, and civil and political rights.

Mrs. Peterson gave continuing leadership as Executive Vice Chairman of the Interdepartmental Committee on the Status of Women, set up in 1963 to carry forward the work of the President's Commission and to encourage implementation of its recommendations.

Throughout her career Mrs. Peterson was a motivating force in the efforts of women's organizations, unions, social agencies, educators, and others, to secure for women full participation in the economic, social, and political life of the Nation. With her encouragement, commissions on the status of women were established in every State, the District of Columbia, the Virgin Islands, and Puerto Rico.

In serving the cause of American women, Esther Peterson's greatest concern has been that women take their place as full partners in every aspect of American life with the opportunity to make a maximum contribution to society. Her compassion for the disadvantaged and her understanding of the needs and aspirations of women workers made her an indefatigable worker for such legislation as the Equal Pay Act of 1963, improvement of minimum wage laws and liberalization of provisions for the care of children of working mothers. Her sense of justice and respect for the individual led her to accept an assignment as liaison for the President with the National Women's Committee for Civil Rights and to mobilize women volunteers for the Nation's poverty programs.

Mrs. Peterson has successfully combined homemaking and the rearing of four children with a career of public service, epitomizing in her own life what she would achieve for other women.

Eighty-four days after the President's Commission on the Status of Women report was delivered to President Kennedy, President Johnson launched Mrs. Peterson on career No. 2—that of consumer champion. Naming her the Nation's first Special Assistant for Consumer Affairs, he sent her out to assure that the voice of the consumer was heard "loud, clear, and uncompromising."

Continuing her assignment as Assistant Secretary of Labor throughout this entire period, she once quipped that she divided her time "two-thirds at Labor, and two-thirds at the consumer job." With boundless energy and deep conviction, she set out to make certain that the American buyer was treated right in the marketplace.

> The doctrine of caveat emptor—let the buyer beware—has been replaced with the doctrine of let the seller make full disclosure—

Said President Johnson in his first message to the Congress on consumer affairs. Mrs. Peterson spent 3 years giving meaning to this new doctrine.

One of her most publicized campaigns to bring new meaning to the concept of full disclosure was her campaign to achieve the enactment of the truth-in-packaging bill. She carried her battle for labeling legislation to practically every State in the Union, telling housewives and businessmen alike that fancy labels and smart packaging could not make up for short weights and vague statements of content. Her tireless efforts finally paid off when Congress enacted packaging legislation in 1966. The need for other legislative reforms were well established by Mrs. Peterson—truth-in-lending, meat inspection, improved safety laws—these and many other issues that later became the laws of the land were pushed forward during the Peterson tenure. But more than any specific legislative accomplishments was the confidence she inspired among consumers throughout the country. This confidence was perhaps the most significant hallmark of Mrs. Peterson's leadership of the consumer program. At last consumers had their own friend in court. Their letters poured into her office—and every single one was given a thoughtful, personal reply. A Washington observer who followed closely the activities of Mrs. Peterson's office wrote:

> With the creation of a consumer office in the White House, the regulatory area was finally structured so that top-level policymakers could peer into the independent fiefdoms and insist on the development of a coordinated and balanced battle plan. The display of Presidential interest gave the consumer cause sufficient political glamour so that members of Congress became interested in advancing consumer legislation.

In March of 1967, Mrs. Peterson asked to be relieved of the consumer assignment—"it has come to the point where this assignment demands someone's full-time attention." She returned to the Department of Labor to undertake new responsibilities, and became the Administrator of the Department's newly created Wage and Labor Standards Administration. In this capacity, Mrs. Peterson was involved in a renewed effort to improve the working conditions of all the Nation's workers. Mrs. Peterson's boss, Secretary of Labor W. Willard Wirtz has stated:

> It could well prove, in retrospect, the Department of Labor's most enduring activity in 1968 that there was a strong emphasis placed on the protection of working people's physical safety and health.

It was Mrs. Peterson who went on a personal and official campaign to achieve passage of the administration's Occupational Safety and Health Act. The bill failed but she created a climate of opinion that will make it easier by far for her successors to achieve its passage.

And so, Mrs. Peterson's Government service comes to an end. Women, consumers, working people, no small majority of the American public, are in her debt. She has proved once again what too many of us too often forget—that a person dedicated to a belief that change can happen, and that wrongs can be righted can make a difference.

APPOINTMENT TO BOARD OF VISITORS TO COAST GUARD ACADEMY

Mr. PASTORE. Mr. President, as acting chairman of the Committee on Commerce, I wish to announce that I have today appointed the Senator from Utah (Mr. MOSS), and the Senator from Michigan (Mr. GRIFFIN), as members of the Board of Visitors to the U.S. Coast Guard Academy.

MINERAL KING RECREATIONAL AREA

Mr. MURPHY. Mr. President, during the 4 years I have served as U.S. Senator, I have worked very hard for the development of Mineral King as an all-year recreational area, not only for the people of California, but for the many visitors who will be attracted to this magnificent project from all parts of the world.

On January 27, the U.S. Forest Service announced approval of a master plan of the Walt Disney organization for this $35 million project in the Sequoia National Forest.

The development of this plan, and the construction of an appropriate all-weather access road, for which the first contract will be awarded next summer, is the result of close cooperation between many State and Federal agencies. It has had the support and cooperation not only of two California Governors but also that of the U.S. Departments of Agriculture, Interior, and other Federal agencies; the California Legislature and its agencies, including the California Highway Commission and the State highway engineers; officials of Tulare County, U.S. Senators, Congressmen, and many private citizens and civic groups throughout California.

Of main interest to me, Mr. President, is that this project is not only an ideal cooperative effort and association between private enterprise and Federal and State agencies, but that its many benefits to the people, the Government, and the State will come without any additional costs to the taxpayer.

Aside from the great enjoyment which will be provided for generations to come, the development of Mineral King will result in substantial economic employment opportunities for the San Joaquin Valley area and will provide new sources of tax revenues for both Tulare County and our State government.

It is estimated that the economic benefits, primarily to the San Joaquin Valley, will total $500 million during the first 10 years of the project's operation. These would take the form of new investments, including $57 million for project and road construction alone. New payrolls will include $6 million a year from the Disney organization alone; new property, sales, gasoline and State income tax revenues will total $33.8 million. Project-related employment will create 2,500 jobs by 1978.

Mr. President, one of the most important problems facing us today is to assure we make proper decisions on how to preserve or, in some way, best use our natural resources. Invariably these issues are complex, often controversial, and always require resolution based on the highest order of statesmanship, cooperation, and understanding.

It is my opinion that the numerous government and private organizations I have mentioned, who were ultimately responsible for the final decision in this matter, deserve the highest marks for the dedication, responsibility, and foresight they have exhibited in bringing this vast project to fruition.

APPOINTMENT TO BOARD OF VISITORS TO U.S. MERCHANT MARINE ACADEMY

Mr. PASTORE. Mr. President, as acting chairman of the Committee on Commerce, I wish to announce that I have today appointed the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Vermont (Mr. PROUTY) as members of the Board of Visitors to the U.S. Merchant Marine Academy.

BARBARIC BEHAVIOR IN IRAQ

Mr. MONTOYA. Mr. President, I was truly shocked to see the act perpetrated by the regime in Iraq just the other day. To take a group of citizens out and hang them after a drumhead trial which was a mockery of justice was bad enough. To do so because of their religious faith is still another.

It seems that the regime there has abdicated all reason and responsibility. They make war upon the Israelis. Their bloodcurdling threats against the Jewish state fill the airwaves. When their overt acts of aggression come to naught, they turn inward against the easiest target that presents itself—Iraq's surviving Jewish community.

It is obvious that most of those executed were guilty of merely espousing a given religious faith. They were helpless and convenient targets for the wrath of a group of frightened, hateful people.

Is there no end to the barbaric behavior of these people? It seems there is not. To make matters worse, this regime has seized the persons of several American citizens, thrusting them into prison. This is not to be suffered.

Of late, many loud noises have been heard regarding human morality and our flag. Also, many have held forth on the rights of this Nation on the high seas and in international imbroglios of just this sort.

Are we to allow such a series of acts to go unprotested? Are we to allow American nationals to suffer such treatment? Why was the Iraqi regime not put on notice to release these citizens? Have we sunk so low?

Mr. President, I am astonished by such sufferance on our part of such an act by such a regime. After their recent acts, they show clearly why the Israelis have followed certain policies. When dealing with people who have such contempt for human rights and international law, there is a necessity for straight talk. Regimes which make public spectacles out of executions, hanging the bodies of innocent victims from the gates of a city, leave civilized nations little choice.

Our Government must forthwith demand the release of these people by Iraq. Our Nation should let these people know that we shall not suffer their arrogance and criminal behavior toward American citizens. Such persecutions and arrogant behavior belong to another age, and should be treated accordingly.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

AMENDMENT OF RULE XXII

The PRESIDING OFFICER. The Chair lays before the Senate the pending question, which the clerk will state.

The BILL CLERK. A motion to proceed to the consideration of Senate Resolution 11, to amend rule XXII of the Standing Rules of the Senate.

The PRESIDING OFFICER. What is the will of the Senate?

Mr YOUNG of Ohio. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE PRESIDENT OF THE UNITED STATES

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that, during the adjournment of the Senate from the close of business today until 12 o'clock noon Friday next, the Secretary of the Senate be authorized to receive messages from the President of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. YOUNG of Ohio. Mr. President, it is my understanding that the President of the United States will visit the Chamber shortly after 1:30 p.m. today. I ask unanimous consent that the Senate now stand in recess, subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon (at 12 o'clock and 44 minutes p.m.) the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 1 o'clock and 44 minutes p.m., when called to order by the Vice President.

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

VISIT TO THE SENATE BY THE PRESIDENT OF THE UNITED STATES

At 1 o'clock and 50 minutes p.m., the President of the United States, accompanied by the majority and minority leaders, the Sergeant at Arms, the secretary for the majority and the secretary for the minority, entered the Chamber and was escorted to the seat of the minority leader. [Applause, Senators rising.]

The VICE PRESIDENT. The Chair recognizes the minority leader, the Senator from Illinois.

Mr. DIRKSEN. Mr. President, we are honored today by an informal visit by the President of the United States. On yesterday, he visited the House. They had an informal luncheon there, and he was then escorted to the floor, and I apprehend that he may have made some remarks on that occasion.

Today it is our delight and our pleasure to have him here. I am doubly delighted that he comes back to revisit the Senate and the old haunts where he carried on for 2 years as a Senator and for 8 years as the Presiding Officer of the Senate. I am sure that none of his past sins will catch up with him. They have faded into sweet memory by now.

I am delighted indeed that both sides can extend the hand of fellowship today and that we could have the leaders on both sides of the aisle come to an informal luncheon, and there put aside all of the public business, politics, and everything else and just steep ourselves in jollification and pleasant memories.

Before I present the President of the United States, I take it that our distinguished majority leader would like to add to what I have had to say. I yield to him.

Mr. MANSFIELD. Mr. President—and Mr. President; I am delighted on the part of the membership on this side of the aisle to join with the distinguished Republican leader of the Senate to express our appreciation to him for inviting us to a luncheon in his chambers and to express our appreciation to the President of the United States for honoring us with a visit this afternoon.

I have known the President for all of the years that he has been in Washington, except for his service in the Navy. We served in the House together. We served in the Senate. It is a pleasure to state that so far as this side of the aisle is concerned, Mr. President, we want you to know that we will do everything we can to make you a good President and a great President, because we feel that if you are good and/or great, the Nation will benefit. So we feel that we have a responsibility to do everything we can in the line of being of assistance. I want to assure you that that will be the policy, so far as I am concerned, on this side of the aisle at all times.

There will be differences on occasion, but when there are, we will try to be constructively different ourselves. Our basic desire is the welfare of the Nation. We look upon you as our President, and we will do our best to see that this visit of yours will be repaid many, many times.

Thank you, sir, for coming. [Applause, Senators rising.]

Mr. DIRKSEN. Mr. President, there is always a danger in trying to be poetic and romantic and alliterative, and to turn a nice phrase. I am afraid that a penchant for that caused me some shame this week, because I stated, I believe in the Press Gallery, that the President is the only President since Andrew Johnson who served in both the House and the Senate. How I could have made that mistake and why all contemporary feelings suddenly have escaped me is beyond me, because I should have known, having served with the late and beloved John Fitzgerald Kennedy, that he, too, served in the House and Senate. And I should have remembered having served for a long time with Lyndon Baines Johnson in both the House and Senate.

I must now confess my shame in public so that all may see and so that I may contritely weep quietly, because since Andrew Johnson there have been two Presidents, besides our beloved President, who served in both the House and Senate.

So the President comes back to revisit the old scene. Having said that, I escort him now to the rostrum to say what he wants to say, or, if he prefers, he may stay right here.

President NIXON. I prefer to stay here.

Mr. DIRKSEN. The President of the United States. [Applause, Senators rising.]

The VICE PRESIDENT. Under the rules of the Senate, every former Senator is not only entitled to come to the floor of this Chamber, but is also welcome to come here.

This will be a visit from the distinguished former Senator from California, making sure that there have been no recent changes in the rules of this body, or merely checking to see if the chandelier in the Vice President's ceremonial office is doing its job.

Let me quickly assure you that the purpose of the visit here today is social—or perhaps it is for the sole purpose of obtaining a balanced meal not available in the White House. [Laughter.]

The Chair feels that he speaks for the entire membership of the Senate without regard to politics in welcoming to the floor the distinguished former Senator from California, the President of the United States. [Applause, Senators rising.]

The PRESIDENT. Mr. President, Mr. Majority Leader, Mr. Minority Leader, my colleagues, and my former colleagues in the Senate of the United States, it is a very great honor for me to return to this Chamber.

This is the first time that I have been in the Chamber since I left here 8 years ago. I shall also add that it is the first time in my entire life that I have ever been able to occupy this seat, the leader's seat. That is the reason I requested that I speak from here rather than from the rostrum, where I have spoken before.

I wanted you to know that as I look at the membership in this body, I remember the seat I first occupied. It was not in the front row. It was the seat now occupied by the senior Senator from California (Mr. MURPHY). As I see him there, I remember those early days back in 1951, when I came to the Senate and had the opportunity then, for the first time, to know many of those in this body and to learn the procedures which govern its tremendously important legislative functions.

I would also like to say one thing with regard to what the minority leader has said in respect to how Presidents come from the Senate and House. I suppose he could have said that I am the first President of the United States since Andrew Johnson who had served in the House and the Senate who is a Republican. I am sure that is what the Senator was thinking of, because, as we all know, the Senator from Illinois never makes a mistake in anything that he says. [Laughter.]

I would also like to emphasize that as I come here I am well aware of the fact that the President of the United States has major responsibilities in all areas, but particularly in foreign policy, and that in the field of foreign policy, the advice and consent of the Senate is often required for actions that he takes.

I want to make it quite clear that during the years we will be working together, I will on many occasions require and ask for the consent of the Senate; and I will be here, either through messages, or in person in the other body in a joint session, to request that consent. But I want each Member of this body to know that I respect it, having been part of it, and still being a part of it; and that we in the executive branch of this Government need the advice, as well as the consent, of the Members of the Senate. We trust that you will give that advice.

As the majority leader has indicated, there will be occasions when we will not agree. However, the policy that eventually develops will be better because an alternative has been considered, an alternative which gives a choice. As a result, we may have honed the policy, the majority opinion, that eventually may be adopted.

I always have had the conviction that policy is improved to the extent that the man who has to make the decisions is presented not with just one agreement which has been ironed out prior to its coming to his desk but with a number of choices, so that his own thinking is refined.

I know from long experience that the Members of this body have strong views and that they will express them. I want to make it very clear that we will be most appreciative to receive those views.

Finally, I would end with one other thought, on a historical note: As President Johnson was welcoming me at the White House on Inaugural Day, he was talking about his plans for the future. I saw him there, a vigorous man, full of energy and full of ideas, and I realized that, as a man who had just finished the responsibilities in the highest office in this land, he might have some problems in finding activities that are adequate for the great abilities and energies that he has.

I do not mean to suggest that I am already thinking of retirement. [Laughter.]

I do, however, mean to say that when you see what former Presidents have done, it is interesting to note that one former President of the United States, John Quincy Adams, after he left the Presidency, came back to serve in the House, in a very distinguished way, for many years.

Another former President of the United States, Andrew Johnson, came back to serve in the Senate. I, at this time, will not choose between the House and the Senate. [Laughter]. But I will say this: Looking to the future and looking to the time when I may leave office, I would appreciate it if you would keep my seat warm, where Senator Murphy is at present. [Laughter.] [Applause, Senators rising.]

RECESS

Mr. DIRKSEN. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to; and (at 2 o'clock and 3 minutes p.m.) the Senate took a recess subject to the call of the Chair.

(During the recess, the President was greeted by Members of the Senate.)

The Senate reassembled at 2:20 p.m., when called to order by the Presiding Officer (Mr. Gore in the chair).

Mr. MANSFIELD. Mr. President, with the permission of the Senate, we will now escort the President of the United States from the Chamber.

(The President, escorted by the majority leader (Mr. Mansfield), the minority leader (Mr. Dirksen), and the President pro tempore (Mr. Russell), retired from the Chamber.)

ORDER OF BUSINESS

Mr. McCLELLAN obtained the floor.

The PRESIDING OFFICER. The Senator from Arkansas will suspend. The Sergeant at Arms will please invite those who are not entitled to the floor to leave the Chamber.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair has recognized the Senator from Arkansas, but the Senator will not proceed until the Sergeant at Arms has cleared the Chamber of its visitors.

Visitors now in the Senate Chamber whose presence is not required by Members of the Senate will please retire.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair will await advisement from the Sergeant at Arms that the Chair's instructions have been carried out.

The Senator from Arkansas may proceed.

EXTENSION OF TIME FOR FILING OF CERTAIN REPORTS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Committee on Government Operations extend the time until April 30, 1969, to file reports of its Permanent Subcommittee on Investigations. These reports are as follows:

Improper Practices in the Commodity Import Program of U.S. Foreign Aid for South Vietnam.

Riots, Civil and Criminal Disorders in Houston, Tex.

Riots, Civil and Criminal Disorders in Nashville, Tenn.

Riots, Civil and Criminal Disorders in Plainfield, N.J.

Riots, Civil and Criminal Disorders in Detroit, Mich.

Riots, Civil and Criminal Disorders in Newark, N.J.

Riots, Civil and Criminal Disorders, OEO Grant to the Woodlawn Organization, Chicago, Ill.

Riots, Civil and Criminal Disorders, OEO Grant to Wilmington Youth Emergency Action Council, Wilmington, Del.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT JOHNSON'S BUDGET

Mr. WILLIAMS of Delaware. Mr. President, in presenting his budget message to the Congress on January 15 this year President Johnson predicted a $2,391,000,000 surplus for the fiscal year ending June 30, 1969, and a $3,414,000,000 surplus for fiscal 1970. Both figures were based on the assumption that the 10-percent surcharge will be extended another year.

Today I shall point out that these projections of budget surpluses are but a mere mirage. They are based upon certain false assumptions and a manipulation of the figures, for the appropriation for the Commodity Credit Corporation, when taken into account, actually leaves us with not a surplus but a sizable deficit for both fiscal 1969 and 1970.

I ask unanimous consent to have printed in the Record two tables giving a breakdown of these calculations, first for fiscal year 1969 followed by a breakdown for fiscal 1970.

There being no objection, the tables were ordered to be printed in the Record, as follows:

1969

[In millions]

	Receipts	Expenditures	Surplus or (deficit)
Total budget, receipts and expenditures—Table B-1, p. 19, Budget Analyses	[a] $186,092	[b] $183,701	$2,391
Less trust funds—Table B-6, p. 24, Budget Analyses	(52,390)	(43,037)	(9,353)
Total Federal funds	[a] 133,702	[b] 140,664	(6,962)
Deficit for fiscal 1969			6,962

[a] Does not include $7,496,000,000 "Intragovernmental transactions," p. 19, Budget Analyses. Does include $500,000,000 basis 1-year extension, 10 percent surtax, p. 13, Budget.

[b] Does not include $7,496,000,000 "Intragovernmental transactions," p. 19, Budget Analyses.

1970

[In millions]

	Receipts	Expenditures	Surplus or (Deficit)
Total budget, receipts and expenditures—Table B1, p. 19, Budget Analyses	[a] 198,686	$195,272	$3,414
Trust funds—Table B-6, p. 24, Budget Analyses	[b] (58,693)	(48,431)	(10,262)
Proposed new taxes:			
Advance payment, Federal unemployment taxes from annual to quarterly, p. 13, Budget	(300)		(300)
Increased taxes, user charges, transportation, p. 65, Budget	[c] (400)		(400)
Raise 1st class postage rates from 6 cents to 7 cents effective July 1, 1969, p. 116, Budget	(519)		(519)
Commodity Credit Corporation discrepancy in reported figures, p. 231, Budget, as compared to figures used on p. 159, Budget Appendix		[d] 2,684	[d] (2,684)
Total	138,774	149,525	(10,751)
Actual deficit for fiscal 1970			10,751

[a] Does not include $7,881,000,000 "Intragovernmental transactions," p. 19, Budget Analyses. Does include 9,500,000,000 revenue derived from 1-year extension of 10-percent surtax, p. 13, Budget.

[b] Includes '1,700,000,000 receipts from proposed increased social security taxes, p. 13, Budget. Proposed increase: Effective Jan. 1, 1970, raise taxable base from $7,800 to $9,000; effective Jan. 1, 1970, raise rates from 9.6 percent to 10.4 percent, p. 8, Budget Analyses.

[c] New taxes on transportation, p. 65 of budget:

(1) Increase tax on passenger tickets from 5 percent to 7 percent effective July 1, 1969.

(2) Increase tax on gasoline used by general aviation from 2 cents to 8 cents per gallon effective July 1, 1969. Increase tax on gasoline used by general aviation from 8 cents to 10 cents per gallon effective July 1, 1971.

(3) New tax of 8 cents per gallon on now untaxed jet fuel effective July 1, 1969. Raise to 10 cents per gallon effective July 1, 1971.

(4) New tax of 3 percent as waybill tax on air freight.

[d] P. 231, budget: "Request is for full restoration of 1961 and 1967 unrecovered losses and all but $250,000,000 of the 1968 losses."

P. 3, exhibit C, CCC report, Sept. 30, 1968	1961	$1,057,047,170
	1967	2,210,668,971
	1968	*2,948,216,528
Amount required to be appropriated to meet objective stated in budget		6,215,932,669
*1968 loss		3,198,216,528
"All but"		250,000,000
Total		2,948,216,528
P. 159, budget appendix: "Appropriations (net): Reimbursement for net realized losses"		6,215,934,000
Actual request for 1970 appropriations: "Total price support and related programs," p. 231, budget		3,523,492,000 8,000,000
Total		3,531,492,000
Deficiency from amount described in budget		2,684,442,000

Mr. WILLIAMS of Delaware. Mr. President, first, let us accept the assumption that the 10-percent surcharge will be extended another year, then let us examine fiscal 1969. As the chart shows, the $2.4 billion projected budget surplus for this year is arrived at by counting as normal Government revenue $9.3 billion accumulated trust fund receipts. When these trust funds are eliminated we find that there will be a deficit for fiscal 1969 of $6.9 billion instead of the surplus of $2.4 billion as claimed.

By no line of reasoning can the various trust funds be included as normal revenue for the purpose of defraying the daily operating expenses of the Government and thereby reducing reported budget deficits. These trust funds represent taxes paid by the employer and employee, and the Government acts only as the trustee for these funds.

The fact that the law requires that these trust funds be invested only in U.S. Government bonds does not mean that for accounting purposes they can be commingled with other Government moneys.

Under the law no administration and no Congress can divert these trust funds to defray the normal operating expenses of the Government.

Now let us examine the chart for fiscal 1970, again assuming that the 10-percent surcharge will be extended another year.

Here again we find certain false assumptions and a manipulation of the amounts charged as appropriations to the Commodity Credit Corporation.

For example, in fiscal 1970 we find total trust fund receipts listed as $58,693,000,000 against trust fund expenditures of $48,431,000,000, or an accumulated reserve of $10,262,000,000. This $10.2 billion trust fund reserve is counted in the budget as though it were normal revenue for the purpose of reducing the reported deficit.

Significantly this $10.2 billion accumulation in trust fund receipts for fiscal 1970 is based upon the uncertain enactment of President Johnson's request for a $1.7 billion increase in social security taxes effective January 1, 1970. Seven hundred million dollars of new revenues shown in the fiscal 1970 budget are based upon the assumption that Congress will enact President Johnson's proposed increase in transportation taxes plus the advancement of the payment dates of unemployment taxes.

President Johnson in his budget message has asked Congress to raise first-class postage rates from 6 to 7 cents effective July 1, 1969. This would account for $519 million in new revenue counted upon to reduce his projections for fiscal 1970.

The manipulation of $2.7 billion in the Commodity Credit account is broken down and shown as footnote (d) on the chart for fiscal 1970, which was made a part of the record earlier.

The Budget Bureau has tried to explain this $2.7 billion discrepancy in the Commodity Credit accounts on the basis that they are now dealing with a cash budget and therefore appropriations to cover CCC losses incurred in prior years should not be charged to fiscal 1970.

That argument would be valid had not the previous administration been ignoring these losses in prior years.

As far as the Congress and its Appropriations Committees are concerned and as far as the American taxpayers are concerned, the $1,057,047,170 unrestored realized loss for Commodity Credit Corporation in fiscal 1961, the $2,210,668,971 loss in fiscal 1967, and the $3,198,216,528 loss incurred in fiscal 1968 have never been recognized. The Comptroller General over the years has consistently criticized the Johnson administration on this point.

These losses were financed by the CCC with borrowings from the Federal Treasury, and when Congress appropriates the $6.2 billion as requested in fiscal 1970 to repay these loans then that amount further increases our deficit. The fact that these losses of earlier years should have been included in deficits shown for those years does not alter the fact that their belated recognition represents a deficit today.

Before the Budget Bureau can convert to a unified or a cash budget, they must recognize these previously incurred but unrestored losses. To proceed otherwise would mean that, as far as the taxpayers are concerned, there would never be a public accounting for the $6.2 billion in unrestored losses of the years between 1961 and 1968.

The Treasury Department would never allow any taxpayers to convert from an accrual to a cash basis for reporting his taxable income without taking into consideration the "notch" or necessary adjustment for the change-over to prevent unreported taxable income. The U.S. Government should abide by its own rule for private industry.

How can Congress appropriate $6.2 billion in fiscal 1970, yet only have $3.5 billion of this counted in the budget? Or to carry this point further, the Budget officials admitted that under this new formula Congress could even add another $4 billion to the 1970 appropriations to cover the estimated losses for CCC in fiscal 1969, or a total of $10.2 billion, and under this formula it would not change their projected surplus or deficit at all. Just imagine accepting an accounting formula whereby Congress can appropriate $3, $5, or $10 billion to this agency and then be told the increased figures would not effect or change the budget total one iota. What flexibility.

That is an absurd argument and one I cannot accept; therefore, I have included the $2.7 billion discrepancy in the CCC accounts when arriving at the projected deficit for fiscal 1970 of $10.7 billion.

This means, Mr. President, that, instead of having a surplus in those 2 years of $2.4 billion and $3.4 billion or $5.8 billion for the 2 years combined, when we eliminate the fancy manipulations and the various bookkeeping transactions which are not recognized in private industry, we find that the Johnson administration actually sent a budget message to the Congress on January 15 which shows a deficit for the 2 years of around $17.5 billion. I think this fact should be recognized by the Congress and the American people when we consider the appropriations during this Congress.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MILLER. First, I wish to commend the distinguished Senator from Delaware on the exhaustive research that has gone into this rather brief and clear and concise statement on the true situation facing our country as far as the fiscal years 1969 and 1970 are concerned. But, to just point up a few key points, I would refer my colleague to page 8 of the budget of the U.S. Government. Page 8 is included in the budget message of the President. On page 8 it states:

> The 1970 budget proposes total outlays of $195.3 billion, made up of $194.4 billion in expenditures and $0.9 billion for net lending.
>
> Budget receipts are estimated at $198.7 billion in 1970, including the effects of extending present income and excise tax rates.
>
> Accordingly, the budget surplus will be $3.4 billion.

I understand, from what the Senator's analysis shows, that that sentence is wrong and it should read:

> Accordingly, the budget deficit will be something in the neighborhood of $10 billion.

Is that right?

Mr. WILLIAMS of Delaware. The actual budget deficit for fiscal 1970 will be $10.751 billion, using their own figures, That is, assuming we do not raise postage rates—and I have not seen any bills introduced to raise first-class postage rates—and that we do not increase various user taxes by $700 million as has been recommended by Mr. Johnson.

But even if we enact all of the new taxes which have been recommended by the Johnson administration in his budget message and if Congress raises postage rates from 6 to 7 cents, as he recommended, it will bring in an additional $1.2 billion; yes, even if we passed all of his increased tax proposals and also raised postage rates, we would still have a $9.5 billion deficit. The proposed $1.7 billion increase in social security taxes is already counted in the trust fund accounts.

The best evidence that these figures were not overlooked by the administration in the final analysis can be found by a further examination of the budget message. In doing so one will find they are soon going to have to ask for an increase in the national debt limit of about $6 billion in order to finance these imaginary surpluses. If there were really going to be a surplus of $2.4 billion in 1969 and a surplus of $3.4 billion in 1970 they would not need an increase in the national debt limit—quite the contrary, we could drop the ceiling on the national debt.

But the fact that they are asking for an increase in the national debt at the same time they project these surpluses merely shows these projected surpluses as a complete farce.

Mr. MILLER. Mr. President, will the Senator yield further?

Mr. WILLIAMS of Delaware. I yield.

Mr. MILLER. This is the very thing that prompted my curiosity. Here on page 8, we find the statement:

> Accordingly, the budget surplus will be $3.4 billion.

This figure, of course, was included in press releases that came out from the White House, and I am sure it appeared on the front pages of many newspapers. That $3.4 billion fictitious surplus has gone out to people all over the United States.

But when I looked to see what was estimated by the President as to what our national debt picture would be, I had to look clear over on page 494, and there, down at the bottom of the page, I find the estimate of a $6.5 billion increase in the national debt, subject to the debt ceiling.

When I saw that figure, I came to the same conclusion that the Senator has: How can we have an increase in the national debt if we are going to have a surplus? If we have a surplus, it would reduce the national debt.

So I think this is the real truth demonstrated by the Senator's analysis, although I think his analysis does increase the deficit a little more than that, due to this Commodity Credit Corporation account.

But there, in black and white, is the estimate of the President of the United States, President Johnson, that our national debt ceiling is going to go up $6.5 billion for fiscal 1970. The only way you can find that is to get into the operating account of the Federal Government. If the Senator will yield a step further, this very point came before the Joint Senate-House Economic Committee about a year and a half or 2 years ago. The then Secretary of the Treasury, Mr. Fowler, was discussing the various types of budgets.

We all know that there are two or three types of budgets floating around. For many, many years we operated on what is known as the administrative budget. Then they developed a national income accounts budget, and there are one or two other types.

My understanding is that the national income accounts budget is one that is used in computing this $3.4 billion surplus. They take all of the income and all of the outgo for all Government operations, including trust funds; and some economists think that that is a better way to analyze the operations of our Federal Government than the old administrative budget.

However, I asked Secretary Fowler which budget counts when it comes to having to borrow money, and when it comes to computing the national debt.

Mr. Fowler said, "the administrative budget."

It is the national debt, and the financing of it by borrowing money, that lays the foundation for inflation. So if the American people are really interested in inflation—and I trust that most of them are—they ought to look at the administrative budget. They ought to pay attention to where the national debt is estimated to go. They ought to forget this foolish, fictitious surplus, using trust fund accounts, and look at the operating budget; and that is what the Senator from Delaware has done. I again commend him for the service he has rendered to the people of the country.

Mr. WILLIAMS of Delaware. I thank the Senator. He is entirely correct. I wish to add that I think there are advantages in recognizing all these factors, as they do in the unified budget, to this extent: In the overall budget, the Government must recognize how much the Government, with all of its various taxes—income tax, payroll taxes, excise taxes, and so forth—is taking out of the economy and how much, through its spending programs, it is putting back into the economy. That picture stays in the mind of everybody dealing with this subject. It is in the mind of every member of the Finance Committee when we regulate and decide the income tax rates. We have to take into consideration how much social security tax and the amount of excise tax John Doe is paying. We also must take into consideration how much State income taxes, how much property taxes, and how much in various other taxes he has to pay as related to his $10,000, $15,000, or $20,000 income. All of those matters have to be taken into consideration.

But that does not mean we can figure all of that as though it were Government revenue. That is the fallacy of using trust funds to project a balanced budget. The trust funds can only be invested in Government bonds. For example, if the Government on the administrative budget—which is the true picture of expenditures for various programs—is operating at a $5-billion deficit in a given year and if the trust funds are accumulating a reserve of $5 billion in that same year, the fact that under the law these reserves can only be invested in Government securities assures the Secretary of the Treasury that in financing this $5-billion deficit it will all be done with investments made by the various trust funds.

In other words, he will not have to finance it with the public. Surely, he keeps that in mind. But that does not mean those trust funds can be used for the purpose of reducing a deficit. It is just as erroneous, in my view, for the Government to count the trust funds in telling the American people that we have a surplus as it is for a corporation to count its pension fund reserves in telling its stockholders, "We have a profit because these various trust funds have a surplus, and we are going to count it as though it were ours even though under the law we cannot spend it."

For the Government to report these trust funds as income is just as erroneous as it would be for one of our major corporations to include in its report to the stockholders the accumulated receipts in a pension trust which is set up and operated under independent trustees. The Securities and Exchange Commission and the Department of Justice would soon call to task any American corporation which tried to include such figures in its report.

I say the Government should abide by its own rules. By no line of reasoning can these trust funds be counted as revenue to defray the normal operating expenses of the Government in its various programs.

Mr. MILLER. Mr. President, will the Senator yield further?

Mr. WILLIAMS of Delaware. I yield.

Mr. MILLER. I think the Senator's analogy of a private trust and a private corporation is very appropriate. But there is another point that I believe should be brought out here. As the Senator has stated, instead of going out to the general public to get financing needed to cover this operating deficit, at least in part it could get the financing through the trust funds. But sooner or later, the money that the trust funds have invested in Government securities is going to have to be there to pay off trust fund liabilities, is it not?

Mr. WILLIAMS of Delaware. They are obligations of the U.S. Government which must be paid, just the same as when you or I buy a Government bond. The bonds when they come due must be paid; they are counted as part of the national debt. This budget message recognizes that, even though they have counted this money in projecting a surplus. They are also asking for an increase in the debt ceiling. Thus they recognize that these are obligations, the same as any others.

Our banks use Treasury bills and count them as liquid assets, but the Government does not count the amount of Treasury bills held by banks in New York or elsewhere as an asset for reducing Government deficits. We have to pay those off when they become due.

Mr. MILLER. And when those obligations are paid off, they will be paid out of tax money raised from the taxpayers, will they not?

Mr. WILLIAMS of Delaware. That is the only source the Government has. That should be emphasized: Contrary to what many people think, the only source of income the Government has is money taken, either directly or indirectly, out of the pockets of the taxpayers. There is no mysterious source of income for the U.S. Government. Ultimately the taxpayers pay.

Mr. MILLER. I know that my colleague, the Senator from Wyoming, has been trying to get into the debate, but let me clear up just one more point.

It is true, is it not, that while Government bonds are held publicly, only a few out of our 200 million Americans own such bonds?

Mr. WILLIAMS of Delaware. Yes; except that a large number of people own series E bonds. Those are obligations of the U.S. Government. Those obligations are all going to be paid. They are liabilities of the Government.

But the Senator from Iowa is correct; the bulk of the Government obligations is centrally owned.

Mr. MILLER. The point I am getting at is that counties, banks, mutual funds, and individuals—only a relatively small portion of the population of the country—own those bonds.

Mr. WILLIAMS of Delaware. The major portion of them.

Mr. MILLER. That is correct. So when they are paid off, all of the taxpayers join in paying off the bonds held by a relatively small portion of the population.

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. MILLER. Therefore, when some so-called economist disdains the analysis made by the Senator from Delaware by saying: "We just owe this to ourselves," he is not being quite square with us, is he?

Mr. WILLIAMS of Delaware. I was never impressed with the argument that we owe it to ourselves. I point out that we will pay it ourselves, too.

Mr. MILLER. The point is that only a relatively small number of the 200 million people in the country own those bonds which will be paid off.

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. MILLER. So the majority of the taxpayers, those who do not own those bonds, will be paying a tax to pay the bonds off. That is the point we miss when we say that we owe it to ourselves. It is all right to say we owe it to ourselves if we mean all of the population, but only a small percentage of the population own the bonds.

Mr. WILLIAMS of Delaware. The Senator is correct. If all of the citizens owned an exact percentage of the national debt, then one could say we owe it to ourselves. Let us take the social security trust fund for a moment. The social security trust fund represents money that is collected from the employers and the employees. It is a payroll tax.

When that money comes into the Treasury, it is automatically transferred to the social security trust fund. Not a dime of Government money goes into that fund. The Government is only a trustee. Yet, now that there may be an estimated accumulation in that trust fund for 1970 of $5,247,000,000 the Government says "That is ours. We can reduce the budget by that amount."

That accumulation results from the fact that the large percentage of the workers today are young men and women in the age bracket, I would say, of from 20 to 45. They are paying their money today into the social security trust fund, thinking that that fund will be kept intact and that when they reach the age of 65 that fund will be able to pay for their retirement benefits. Certainly the reserves build up in the earlier years.

Likewise, the Railroad Retirement fund consists of taxes which are paid by the railroads and the railroad employees. It is a separate fund. The Government is only the trustee. These are not Government funds and should not be counted as such.

The trust funds must be kept intact. Yet they are being used for accounting purposes in order to report a good picture of a balanced surplus to the 200 million stockholders.

I say again that if any American corporation deliberately manipulated its figures in such a manner to give a false report of profits to its stockholders, the officers and directors of that corporation would be put in the penitentiary.

We pass laws about truth in lending and truth in packaging. I think it is time that we get a little truth in government and tell the American people what is happening.

I will go much further and say that if I felt we actually had a balanced budget and a prospective surplus for the next 2 years, without any manipulations, in an amount of approximately $2.5 billion for fiscal year 1969 and a surplus of $3.4 billion for 1970, I would be one to say that we do not need an extension of the 10 percent surcharge.

But we do not have any such surplus.

At a time when we are financing a war—and we do have to finance a war—if we were really going to accumulate a surplus we could not justify the extension of the full 10 percent surtax. But I think we need that 10 percent and have so stated many times. We need it because, looking behind the figures, even with a 10 percent surtax, we will still have a deficit of about $7 billion at the end of this year, and a deficit of between $9.5 billion and $10.5 billion in 1970.

We should tell the American people the truth. We should tell them where we stand. At the same time, Congress should recognize this fact and perhaps be a little more cautious in approving appropriations or expenditures for some of the programs.

Mr. MILLER. The Senator is correct. Many people think that a nice budget has been turned over to the new Nixon administration; that he and his new Cabinet officers, coming into office, have been presented with a budget providing a $3.4 billion surplus. People might think, "What a nice thought that is."

As a matter of fact, the Nixon administration is being handed a budget having a deficit of $6.5 billion. How this administration is going to stop inflation with such a deficit staring it in the face is, I must say, going to be a task for people who border on the Almighty. It will be necessary to find some way either of increasing revenue or reducing spending, so as to get down to a reasonably balanced operating budget. Otherwise, we shall have continued inflation and continued high interest.

Mr. WILLIAMS of Delaware. Or a third method, which I mentioned earlier: to finance the deficit by further increasing the national debt, which it is recognized will be necessary. The debt limit will have to be increased to finance these deficits. But who ever heard of borrowing money to finance a surplus? I think that is so ridiculous that I am surprised that any such suggestion would ever come from the previous administration.

Mr. MILLER. I thank the Senator from Delaware for yielding.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. HANSEN. I wish to associate myself with the remarks that have been made by the distinguished Senator from Delaware and the distinguished senior Senator from Iowa. I recognize how important it is that as many people as possible understand the significance of what the Senator from Delaware is saying. We have been concerned with the effects of inflation in many areas. We took steps last year to try to cut back and hold the line on expenditures through the Expenditure Control Act, sponsored by the former Senator from Florida, Mr. Smathers, and the Senator from Delaware.

I recall many of the efforts that have been made in the last several years, because all of us recognize that inflation is eroding the purchasing power of the dollar. That affects old people. It affects people who are living on pensions and people who depend primarily on social security. All of these areas are of vital importance.

Would not the Senator from Delaware agree with me that some fancy footwork has been done in arriving at the budget presentation which was made by President Johnson, in which he indicated to Congress that 1969 would end with a $2.3 billion surplus?

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. HANSEN. President Johnson should have said, if he had been completely realistic and honest, so far as accounting procedures are concerned, that we would conclude this year, according to the best estimates I know of, with a deficit of almost $7 billion. Am I right about that?

Mr. WILLIAMS of Delaware. The Senator is correct. The $2.391 billion projected surplus for 1969 is based solely upon the assumption that the administration can count as though it were normal revenue the trust fund receipts totaling $9.353 billion. That is completely erroneous. It cannot be done that way. I criticized this procedure in January of last year. Before that, in the fall of 1966 I said that I thought the economy was getting overheated, that we needed an increase in taxes to help finance some of the cost of the war. I believe a tragic mistake was made when we did not finance more of the cost of the war at that time. We are paying for it in inflation today.

In January of 1967 President Johnson recommended a 6-percent surcharge, the Senator will recall. I endorsed it immediately and said I thought we should approve his recommendation, but 2 months later the President backed off. Finally, in January 1968 the Senator from Florida and I introduced a bill embracing the 10-percent surcharge and providing at that time for expenditure controls whereby we roll back expenditures by $6 billion.

We felt that we had both to raise taxes and to curtail expenditures in order to preserve the integrity of the American dollar. Had we not gotten that bill passed, which not only raised taxes but also controlled spending, the dollar would be in greater trouble today. I do not think we are out of trouble yet. I think that to a large extent the recent strength of the American dollar as we have seen it in the last few months is not altogether due to the improved position of the American dollar but because we are comparing it with weaker European currencies. The franc is weaker, as are some of the other European currencies, and as they look weaker our currency looks stronger.

We are not out of the woods yet. I do not believe we can afford to let the 10-percent surcharge lapse in the face of these multibillion-dollar deficits. I do not think we can afford to let up on the need to control expenditures.

It means that the Senator and I will have to do without many of the projects in our States which could be justified on their merits in normal times. But let us get to the No. 1 job—to get the economy and the budget under control—and then proceed to see how much we can afford in many of these programs. We have delayed too long in putting our financial house in order, and I believe we had better do it quickly, before it is too late.

Mr. HANSEN. If the Senator from Wyoming recalls correctly, despite repeated statements by former President Johnson that certain things were necessary, were indicated, and were required; that he proposed to cut back on expenditures and proposed to reduce the total Federal payroll, it was the Senator from Delaware who, after listening to these proposals for months on end, finally said, "If no one else is willing to sponsor the President's proposal in the Senate, I will do that."

Is the recollection of the Senator from Wyoming essentially correct as to what took place at that time?

Mr. WILLIAMS of Delaware. The Senator is correct.

President Johnson made a series of speeches. I complimented him when he said we had to control spending and reduce the overstaffed Federal bureaucracy. He admitted we had too many employees on the payroll and said he wanted to roll them back. Instead, they kept increasing so I introduced a bill to write his promises into the law.

I introduced the expenditure control bill, which merely put into law what he said he wanted to do. However, to my regret when we wrote it into law he did not seem to like it.

I still say that we need those expenditure controls. Without them our expenditures today could easily be $4 billion to $5 billion more than they have been in the past few months. We had a $6 billion rollback in expenditures in the measure, but we did lose a little of it during the watering-down processes or exemptions adopted in the succeeding months. But, to a large extent we are holding a ceiling on Federal employment, which I believe should be continued.

Mr. HANSEN. I compliment the Senator from Delaware for his continuing efforts in that regard.

I recall vividly time after time, in 1968, when efforts were made by individual departments of the Government and certain bureaus within those departments to have a particular part of the budget exempt from the application of the Williams-Smathers amendment. The contention was that very vital functions were being performed and that to require a cutback in the total Federal payroll or in the total number of Federal employees would result in certain vital functions being left unperformed.

As I recall, this argument was made with respect to the payment and the mailing of social security checks. Despite the fact that the Senator's amendment, cosponsored by the then junior Senator from Florida, Mr. Smathers, did not impose a specific and precise limitation on any one activity or function of the Government, is it not true that the limitation was a broad, overall limitation, with the executive branch being given the authority, upon the recommendation, I believe, of the Bureau of the Budget, to permit any one function or activity to have even more employees, if in the combined judgment of those in the executive branch it was indicated, and that the cutback would be achieved in other areas? Is my understanding correct on that point?

Mr. WILLIAMS of Delaware. The Senator's understanding is correct. As the author of the amendment, I know that the Senator's understanding is correct.

We wrote into this provision an overall ceiling on Federal employment. They did not have to discharge a single employee, but they would hire only three out of four resignations and retirements. This would gradually bring the total down to the July 1, 1966, level.

Upon the suggestion of the Director of the Budget, Mr. Zwick, we worded this provision to give him complete discretionary authority to make these cuts in agencies where they would least disrupt the public service, which was exactly what President Johnson had proposed in his Executive order—an Executive order which was never carried out until we wrote it into law.

With all the hullabaloo we heard that social security checks would not be mailed out due to the restrictions on employment and expenditure controls if the package which the Senator from Florida and I introduced became law, it is interesting to note—and the Department later confirmed it—that our amendment never affected a single employee or expenditure of the Social Security Administration. This is because they are employees administering the trust fund.

They later admitted that that was an imaginary argument.

Again, the Senator will remember that about the last week of July 1968, when we were voting in the Senate on the appropriation for the Post Office Department, the Postmaster General came here and said they were going to shut down the mail service unless his agency were exempted. In fact, he seemed so desperate some wondered if they were out getting options on some ponies to reinstall the Pony Express. They threatened to shut down much of the mail service if we did not exempt them from any control. I resisted, but the Senate did exempt the Post Office Department, and that great catastrophe did not develop.

I found out a few weeks later—I put the statistics into the RECORD—that in the last week of July, on the very day that the Postmaster General was threatening to shut down the mail service if the Senate did not capitulate and exempt his agency, the Department actually had 20-some thousand employees more on the payroll than it had the first day of June, 3 months prior thereto. They had been padding their payroll, getting ready for a rollback.

I become a little impatient with these bureaucracies. Perhaps many of these people never had to go out and meet a payroll. They do not realize how hard the taxpayers have to work to pay these taxes. All they want to do is talk about how they can spend money; and they seem to think it is a crime if someone suggests that they save a dollar.

I wish to emphasize here as the author of the expenditure control package during the last administration that I think we needed it. I hope that this year, under our new administration, this movement toward economy can follow through. We still have to keep on the alert to make sure that our expenditures are held to a very minimum. We are now in a new administration—and I speak as one who is proud of this administration—nevertheless we cannot relax in the matter of control of our spending. I expect to follow through with the same position I took before. Of course, the No. 1 job is to settle the problem in Vietnam; but on the home front we must make sure we control inflation, and the only way we can control inflation is to control our expenditures at the national level. That must be done, and it has to be done in the Halls of Congress. We have that responsibility right here.

Mr. HANSEN. Mr. President, I compliment the able and distinguished Senator from Delaware for his leadership in this area. I think this is one of the most important tasks we are going to have to undertake.

I recognize, of course, what the Senator said about the settlement of the trouble in Vietnam. Obviously, that is the No. 1 job. The No. 2 job, I think, is to tighten up those things we do here in America so as to best establish the priorities which will meet the most pressing problems at home, and to do it in a way so as not to erode the purchasing power of the dollar, because that is where the people who can least afford to be hurt are hurt. The people we are most concerned about are those on whom most heavily falls the great burden of inflation.

The Senator spoke about the shenanigans employed by the Post Office Department last year. I recall a somewhat similar experience that developed in the last month or two of 1968 in connection with the Park Service, which is under the Department of Interior. I happen to be on the Committee on Interior and Insular Affairs.

We have two national parks in Wyoming and four other areas administered by the Park Service. We are very interested in what the Park Service does.

It was announced that the total Park Service employment was being cut, as I recall, from 6,205 people to 5,955 people.

The reaction of the Park Service was typical of the reaction of some of the other departments, including the Post Office, wherein it announced it was going to be forced, because of this manpower cut, to reduce the services it was providing for the public. It proposed to cut back 2 days a week during which the visitors could not visit such areas of surpassing national importance and interest as Carlsbad Caverns. These caverns were going to be available to the public for 5 days a week only instead of 7 days a week. The Park Service announced at the same time that there would be no definite opening date established for Yellowstone National Park, our oldest national park established in 1872.

The Senator can appreciate the dilemma this poses for people in my State, people in the motel business and the cafe and restaurant business, and all those persons concerned with the care and feeding of visitors to our national park areas, when they will be unable to tell anybody who wants to visit Grand Teton or Yellowstone the date the parks will be open. They said further they could not guarantee how long they would be kept open.

This is the first time the Park Service has not noted ahead of time a date definite and certain when the park would be open. I objected to this procedure. I said, "This makes about as much sense as to tell a dairy man, if he has been forced to tighten his belt a little bit, that the best way to cut expenses is to milk his cows only 5 days a week instead of 7 days a week." Of all the things the Park Service should have done it seems to me this is the thing they should have done at the very last. There are any number of areas in which they could have cut back.

I am not happy we have to diminish the services provided by the Park Service, but I cannot, in good conscience, support the Park Service in its contention that this is where the cuts will have to be reflected, in administrative procedure and management service by the Park Service.

I wanted to call the attention of the Senator to that situation because it seems to me to be an example precisely in the pattern that he has spoken of insofar as the attitudes of the Post Office Department are concerned. It is the same old story: "If you have a cut, cut it where public reaction will be most immediate and severe and hope enough pressure will be applied from the constituency so as to restore the cut, and then move ever upward and onward."

If we have money to do these things I say let us do whatever we can afford to do; but when we do what we cannot afford to do, when we are hurting people, as most assuredly we are hurting people in this country today, we are minimizing the power and force we could have been exercising in other areas in which the United States has a real and major interest by undermining the purchasing power of our dollar at home. Does the Senator agree with that statement?

Mr. WILLIAMS of Delaware. I do agree. The Park Service is a part of the Department of the Interior. How many employees are they supposed to be cutting? Is it about two to three hundred?

Mr. HANSEN. Something in that area.

Mr. WILLIAMS of Delaware. That is my understanding.

I would like to point out again that it is typical of the blackmailing tactics used by some of these spendthrift bureaucrats who know nothing but to spend money. I am not criticizing the employees in the field.

I refer to page 495 of the President's budget of this year. The Department of the Interior on July 1, 1968, had 61,186 employees on public payroll including the Park Service. The projection is that at the end of 1969 they will have 59,580 employees under this cutback, or a reduction altogether in all of the Department of the Interior, all the agencies, of 1,606 employees. Surely they can absorb many of these in the Washington office.

As I understand the situation, what they are threatening to do is to shut down the parks in America and put them on a 5-day week, expecting that Congress will get a lot of complaints from constituents and then hope to get their agency exempted.

As was pointed out by one of the officials, the parks to a large extent, are manned by employees on an annual salary, and if they shut down the parks for 2 days a week, how would this represent any saving? I say it is a part of the tactics where they single out the most popular part of their services to create the most disruptions.

Significantly, they fail to cut any of their overstaffed bureaucracies in the National Capital.

Perhaps we have too many chiefs in these bureaus and should put the chiefs out to handle the Park Service. Let us put them to work. It may do them good physically, and it would do the country a lot of good financially. I am not too much impressed with some of these spendthrift bureaucrats who as soon as they get a job want to expand their bureaucracies and then spend two-thirds of their time lobbying Congress for an increase in salary.

Mr. HANSEN. I have been pleased with the response and reaction I have received from personnel in the Department of the Interior. I have a high regard for those who work for our Government in the Department of the Interior, and certainly for those in the National Park Service. We happen to have in my State of Wyoming, National Park Service, Bureau of Land Management, and Fish and Wildlife employees, and the reaction I get from them is exactly the opposite of that being enunciated by department heads and bureau chiefs.

They tell me, and I know a number of employees whom I have met not only in Wyoming but also in other areas, that there is no reason at all to close the Carlsbad Caverns 2 days a week, that there is sufficient help within the immediate area of the Park Service to reschedule and continue without diminution and without interruption the same sort of service that people have grown to expect from us.

They, too, are concerned about holding the line on inflation because they know better than most that if we do not do something about maintaining the value of the dollar, the salary increases they received last year will really not buy as much as they were able to buy the year before in terms of goods and services.

Thus, I salute these people. Obviously, they cannot come out and have their names placed before the public to say that they do not agree with the head of the Park Service or some other department head in what has been said, but they do tell me either through personal letters or through telephone calls that they hope we can hold the line and will do something about inflation.

It is because of that that I want particularly to commend the great leadership the Senator from Delaware (Mr. WILLIAMS) has brought to our country in this time of danger, and this time of inflation, when there are so many things we need to do and when the demands upon the dollar are as great as they have ever been, to try to bring about some fiscal sanity so that, first of all, the people of this country will understand what the true fiscal picture is.

It is in that context that I refer again to the Senator's figures wherein he calls attention to the fact that President Johnson indicated a surplus in his budget for 1969, an ending surplus of $2,391 million, when in fact and in truth it will far more likely end with a deficit of $6,962 million; and, further, for the year 1970, to which President Johnson referred, indicating there would be a budget surplus of $3,414 million, when in fact and truth it will far more likely be in the neighborhood of a deficit of $10¾ billion.

The Senator from Delaware (Mr. WILLIAMS) is performing a great service to our country. If these facts can be driven home, if the people of the United States, because of his efforts, can better understand where cuts must be made and what must be done by Congress and the executive branch in order to bring about the stability which everyone yearns for so earnestly, then I would say that this has been indeed a worthwhile effort on the part of the distinguished Senator from Delaware.

Mr. WILLIAMS of Delaware. I thank the Senator from Wyoming.

I conclude with the statement that I think this has to be driven home to the American people. We are a great country. We are a great people. But our financial house is not in order. If the American people are told the facts about the dangers of inflation and how we have this deficit they will cooperate. All we have to do is lay the facts before them, and let them know we are really trying to reduce the cost of Government.

One other point on which I concur completely with the distinguished Senator from Wyoming—I am glad he brought it up—and that concerns the working people in the Park Service. They are not the ones trying to threaten Congress. I am very glad the Senator mentioned that, because I want to make it clear that I have great respect for those men and women in the field. In fact, it is those very people who have called to our attention the complete farce of this 5-day week for our Park Service.

As in the Post Office Department, my criticism was of the executive branch for trying to get that agency exempted when at the same time it had 20,000 more employees. It was not directed at the postal workers themselves. It is not the Indians to which I refer here but the chiefs who are down here creating these imaginary problems in order to expand their own bureaucracies. They are using these bona fide workers, those who want to do an honest day's work for the Government, as pawns.

Nevertheless, I think we must recognize that this is an overstaffed bureaucracy at the top level. It contains too many chiefs, and if we can send some of these chiefs out to do a little work in the field it may be good for them, and it will certainly be good for the country.

IRAQ AND THE MIDDLE EAST SITUATION

Mr. JAVITS. Mr. President, a number of Senators are interested in expressing their denunciation of the executions which have just occurred in Iraq. Thirteen Senate colleagues, from both parties, have joined me in a statement which I will now read:

SENATORS DENOUNCE IRAQI EXECUTIONS

> The show execution before a half million spectators in Baghdad today is not a single incident but the culmination of the bitter persecution of some 2,500 Iraqi Jews, the last small remnant of a once thriving community dating back to Babylon which asks now but to be left alone and live in peace with its neighbors. The concern expressed by Secretary of State Rogers and Secretary U Thant over the mass public executions of Jews and others in Iraq reflect, I believe, the abhorrence felt by the civilized world at such foul deeds. Even now the Iraqi have yet another opportunity to show some human compassion in the eyes of the civilized world by permitting the relatively few remaining Iraqi Jews to emigrate to freedom rather than to remain in a land where their freedom to work, to communicate and to move about is denied and where the very lives of those who remain are so threatened. The people of Iraq must know that the conscience of all mankind cannot be affronted by such bloody deeds with impunity for very long! The voices of anguish from within Iraq will be heard.

Senators joining me in this statement are: Senators MONDALE, DOMINICK, GOODELL, MURPHY, SAXBE, SCOTT, HART, PROXMIRE, RIBICOFF, TYDINGS, YOUNG of Ohio, MATHIAS, and CRANSTON.

Mr. President, the public-show hangings of alleged spies in Baghdad is a despicable act of the most barbarous kind. It takes us back centuries in history. It represents the most primitive kind of effort to persecute and to extinguish the lives of Jews and others of questionable guilt. It is very clear, though the Jewish minority involved in Iraq is very tiny, that this has the characteristics of a kind of genocide. I say that for the reason that, in the first place, world opinion has dismissed out of hand the transparent canard that the killing of these people has anything to do with their alleged "spying."

The Jews constitute an infinitesimal minority of 2,500 people in Iraq. Yet nine of the 14 who were executed were Jews, not that I draw any brief especially for them as against others who also lost their lives. Certainly it is very clear, however—and I will give the history in a minute—that the action against those who are Jews was clearly an action of spite, of temper, and of persecution.

Mr. President, here is some of the evidence on that score. The executions were the climax of the increasingly repressive treatment of Iraq's Jews which began a new phase of intensity in June 1967, following the Six-Day War.

The transparency of the proceedings in which it was alleged that these people were spies is illustrated by the fact that a so-called leader of the plot—an old Jewish man—can neither read nor write nor drive a car. He would hardly be the person to be entrusted with espionage responsibilities by the highly professional and sophisticated intelligence services of Israel.

For months the conduct, and even the ability of Iraq's Jewish population to move about, has been very severely circumscribed. Many have been fired from their jobs, removed from their business and professions, put out of schools, excluded from clubs and so forth. They have had their telephones cut off and are under constant police surveillance, and frequently are picked up for interrogation by the police.

Their movements are restricted to 4 kilometers, or 3 miles, from their place of residence; and they are forbidden to receive any income more than $240 a month with no remittances from outside permitted. A majority of the Jewish population has been reduced to living on welfare provided by their brethren within Iraq.

The critical factor is that all migration has been stopped by the Iraqi authorities. If Iraq really had any serious concern about a "security threat" from the infinitesimal Jewish minority, the quickest and easiest thing to do, and it would be welcomed with open arms, would be to "Let my people go," as the Biblical saying is. Just let them leave, as they are anxious to do. Israel is anxious to welcome them and give them refuge.

But we are facing a situation of a very clear persecution of the Jewish minority and what now begins to look like genocide. Immediately upon the heels of the world's protest regarding this matter, the only reaction one receives from the Iraqi Government is that it is planning more "spy trials" and more public mass executions.

Mr. President, our Government has denounced this shocking horror. Our Government has also said it is endeavoring to dissuade Israel from retaliation. I, too, hope that Israel would stand by, at least for a little bit, to see if the very clear expression of world opinion, to which we contribute by this discussion today, might somehow or other reach into the horribly twisted minds which have sponsored these terrors, horrors, and brutal acts.

There are other ways, however, in which some effect may be had upon Iraq. In the first place, is not this the clearest kind of illustration of the dreadful and serious responsibilities borne by the Soviet Union and France, which continue to be the principal suppliers of arms to Iraq? Does not the conscience of the world have a right to say to them, "If you suborn, support, and arm such a government, are you not yourselves tainted with the responsibility for what Iraq does when it engages in such crimes and atrocities as the public-show executions following trials in camera, which we have just witnessed?"

Mr. President, this is a clear illustration following many other acts, as to why the situation in the Middle East is one of grave danger to world peace. This is why there is the most urgent requirement, of the highest priority and diplomatic effort by the United States, to see if it is not possible to bring an end to the conditions and the framework within which such atrocities as these take place.

I am not unmindful of the condemnation which accompanied the raid which the Israel forces made on the Beirut airport. I am not unmindful of the deep feeling of frustration and resentment which the people of Israel felt when the resolution of condemnation was adopted by the United Nations following that raid, because no account was taken of the action of the Arab States, including Lebanon, in harboring and officially sponsoring the commandos and guerrillas who have been shelling Israel and killing people all the time. It was from Beirut that the two guerrillas staged the raid on the El Al plane at Athens came—a raid which endangered the lives of not only Israel civilians but also of Americans who were in the El Al plane. One Israeli was killed.

Israel feels deeply resentful and frustrated because the United Nations has been quick to condemn it, but has not heeded to its longstanding plea for an investigation of the persecution of Jews in many Arab countries. For all practical purposes, the local Jewish population has been ejected from those countries and their property has been confiscated, with Israel their only refuge.

Also—and I say this just to be evenhanded, because I only give an account of the dreadful conditions under which this situation is festering in the Middle East—there is a situation in which Israel itself has its own problems, in respect of its own extremism. There is a newspaper report of shooting upon Arab women in the Gaza strip. This is a matter of the greatest regret, as expressed by Israel's Defense Minister Moshe Dayan, who promised prosecution even of any army officer who was found to have violated what should be his clear duty and clear authority in respect of that action.

So, Mr. President, this situation is boiling up. We must never forget, too, that in the Mediterranean the nuclear-armed fleets of the United States and the Soviet Union face each other. I was there myself approximately a month ago, and actually spent some time on an aircraft carrier. I saw the Soviet destroyer within a half mile off the bow of the aircraft carrier. The destroyer was there for only one purpose—to signal the position and activities of the American aircraft carrier.

This is the tense, dangerous, and incendiary condition that exists in the Mediterranean.

What the irresponsibility and incendiarism in this area is capable of is illustrated by an event which took place during the 6-day war. It will be recalled that during the 6-day war, both President Nasser and King Hussein were responsible for a broadcast to the world accusing U.S. aircraft of being engaged in war operations against Egypt and Jordan. Fortunately, the Russians knew this to be false, because they were monitoring every American aircraft carrier in the area. But that was fortuitous. Somebody with a quick finger on the trigger in the Russian Navy or Army could have reacted otherwise. It was perfectly clear that the information put out by President Nasser and King Hussein either was so reckless as to be culpable, or it was intended to entrap the Soviet Union into the war.

Now, Mr. President, we see the same mentality at work in Iraq. The "spy plot" for which these people were hanged was widely advertised last December by the Iraqi press, which is completely controlled, as being—I quote this from an announcement by the Iraq Government over the Baghdad radio and television in December 1968—"an American plot to overthrow the Iraq regime."

That is what these people were tried for, that is what they were arrested for, and that is what they were hanged for.

Mr. President (Mr. YOUNG of Ohio in the chair), it brings us down to this situation: Can we in the United States and can the Soviet Union arrest what seems to be the onward surge toward renewed tragedy?

The Soviet Union recently made a proposal with respect to the possibility of peace in the Middle East. The Russians, as we all know, are chess players—in their diplomacy as well in their game rooms: So what are their real terms? Their real intentions and their real objectives will only come out in time. What they have done so far is to ask the United States, Israel, and other countries to agree to an unacceptable proposition—one they know to be untenable. They say that Israel shall first evacuate the occupied territories and then the Arab States will give a paper declaration of an end of hostilities, and that this would represent at least de facto recognition of Israel.

After the disillusionment which followed Israel's compliance with the international mandates endorsed by the United States in 1956 and 1957 to evacuate the Sinai Peninsula, precisely based upon assurances by President Nasser, and because they were not even honored for a minute, certainly our country would not ask, and Israel would not comply if we did ask, with any such proposition. The Soviet Union knows it as well as we do.

We cannot assume that the Soviet Union is not interested in some resolution of the problem which faces both them and us in this area of the world. No matter what may be their motivation, I deeply feel that they do not want an atomic war any more than we do—and the Mideast situation could well lead to that.

Mr. President, it is my judgment that we must proceed to test Soviet intentions in this regard. There are ways to do it. I do not exclude, incidentally, the participation of other powers in the search for a meaningful peace formula, notably the United Kingdom and France, notwithstanding France's real perfidy in respect of its arms supply to Israel and the cutting off of that supply at a critical moment so dangerous to Israel's national survival. France nonetheless is an important power in the world and in this area, and must be considered. But the basic and heaviest responsibility will be upon the United States and the Soviet Union, the two superpowers.

There is a great difference in interpretation between the United States and the Soviet Union with respect to the basic document in the United Nations which seeks to set the ground rules for peace in the Middle East, which contained in a resolution dated November 22, 1967, unanimously adopted by the United Nations Security Council.

I now have the resolution before me and I shall refer to it. Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SECURITY COUNCIL RESOLUTION,
NOVEMBER 22, 1967

The Security Council,

Expressing its continuing concern with the grave situation in the Middle East,

Emphasizing the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security,

Emphasizing further that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter,

1. *Affirms* that the fulfillment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:

(i) Withdrawal of Israeli armed forces from territories occupied in the recent conflict;

(ii) Termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;

2. *Affirms further* the necessity

(a) For guaranteeing freedom of navigation through international waterways in the area;

(b) For achieving a just settlement of the refugee problem;

(c) For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;

3. *Requests* the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution;

4. *Requests* the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible.

Mr. JAVITS. Mr. President, the Soviets say that the resolution means that Israel must first evacuate the territories which it occupied during the 6-day war in June of 1967, and that then the other operative parts of the resolution go into effect. I think the desire to interpret the resolution that way is strictly a service that the Soviet Union is trying to perform for its Arab clients.

But the U.S. interpretation of that resolution, which I think is the proper one, is that the various clauses of the resolution lean one upon the other, that the various clauses are interdependent, and that resolution is of an inherently integral nature. Mr. President, that interpretation would mean that the evacuation of the occupied territories must be a concurrent part of the establishment of a just and lasting peace in the Middle East which requires certain fundamental actions by the Arab States also.

There is further reference to the termination of all claims or states of belligerency, the territorial integrity and political independence of every state in the area, and the right of every state to live in peace with secure and recognized boundaries, free from threats or acts of force and the guarantee of freedom of navigation through international waterways in the area; and, very important because it has been one of the most nettling problems there, just settlement of the refugee problem. Finally, there is the guarantee of territorial inviolability and political independence of every state in the area, through measures including the establishment of a demilitarized zone.

Mr. President, in order to carry out the logical meaning of this resolution to which the United States was a party, and to really make it effective, it is necessary to have considerable continence about the various activities, including the retaliatory moves of Israel, the horrors of these Iraqi executions, the raids of Arab guerrillas, and so forth, which are jeopardizing the peace in this entire area. There will have to be a lot of restraint by us, as well as by the Soviet Union, the Arab nations, and Israel itself, if we are to come through this period without another war.

Now, Mr. President, we all understand that no peace in this area is going to be lasting or meaningful unless it represents something which the parties concerned themselves are willing to accept. There is nothing fruitful in the concept of an "imposed" peace.

The Russians think a peace can be imposed, or they say they think so. Israel would not accept such a peace because the terms of the imposition could hardly be satisfactory to her. Second, the Arabs would hardly treat it seriously and it would be treated as a tactic to lay bare the jugular vein of Israel until the Arabs were better prepared.

I deeply believe what can be done must be based on three principles. First, the United States, in the final analysis, must see to it that a reasonable arms balance is retained. That is why the sale of the 50 Phantom jets was so important. It reflected our determination to see that Israel would not be bested in terms of arms because the Soviets continue in a most reckless way to supply sophisticated weaponry to the radical Arab States which threaten to exterminate Israel.

The second matter, which is critical to that situation, is that, as we counsel the Israelis, we must be restrained ourselves. We must realize that one swallow does not make a summer.

Even though we voted for the adoption of the condemnation resolution in the United Nations, this should not be the basis for pushing us into an attitude of sanctions or other attitudes which would thereby play the game of the radical Arab States.

Third, the most constructive thing we can do now is to see whether, with the Soviet Union and possibly the United Kingdom, France, and others, it may not be possible to expand the instructions of Ambassador Jarring. He has said that he is operating like an itinerant post office. He goes from country to country. He gets a message from A and takes it to B, and he gets a message from B and takes it to A. But he himself is not endeavoring to bring about a settlement using the authority of the United Nations and all the nations backing the United Nations.

The Israelis have constantly desired direct negotiations. Perhaps that is unrealistic. If they desire it that does not mean we must insist on it. But there has been a technique tried which has been effective, and that is the technique of parallel negotiations. In other words, delegations of negotiators from various Arab states and Israel went to the Island of Rhodes in 1948–49 and negotiated, perhaps in separate rooms or separate facilities, but they negotiated to work out an agreement. That was an armistice.

We are now talking about some kind of peace but the technique remains to be tried. Therefore, it seems to me that the third thing we can do now to reduce the tension in the Middle East is to see that the Jarring mission becomes a negotiating mission in the same sense as the Rhodes negotiations of 1948–49.

I deeply believe that one of the great things about the people of the United States, is their admiration for the intrepidity, the courage, and the heroism of the people of Israel, that they only wish there were more people in the world, especially small peoples, and small nations, who had this kind of courage. But the people of the United States must know that bared breasts can stand just so much, that they cannot forever stand against jet aircraft, and the most sophisticated kind of weaponry which the Soviet Union is loading into the Middle East.

Therefore, the people of Israel need help. They need a sense that they will not be allowed to go down the drain, that in the crunch there are people in the world who care.

I deeply feel that the American people do care. That is why I have laid this matter out in such detail.

Mr. President, I conclude as I began, that the answer to the problems in Iraq, which we denounce, the many other acts which have so disturbed the American people, and the dangers in that area, is to bring about some kind of peace. To me, that is the No. 1 problem of this country, now that Vietnam is on the way toward some kind of settlement.

Mr. President, I have laid the bases and the ground rules under which I think we can operate to some effect, but more than anything else, it will take courage on the part of our people, too, to face the realities of the situation and not to flinch.

We should thank providence that unlike the situation we face in Vietnam, the Israelis can look after themselves, provided we help them and see that they have the means with which to look after themselves and sustain their freedom, and continue to be the greatest single bastion of freedom in that part of the world.

Thank you, Mr. President.

Mr. President, I ask unanimous consent to have printed in the RECORD the statement the Secretary of State made on January 27, the statement of U Thant, Secretary General of the United Nations, as well as an editorial from the New York Times.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY SECRETARY ROGERS, JANUARY 27, 1969

We have had no U.S. representation in Baghdad since the government of Iraq broke relations in 1967. We are not therefore in a position to comment on the facts surrounding the trials. On humanitarian grounds however these executions are a matter of deep concern to us. The spectacle of mass public execution is repugnant to the conscience of the world. At my request Ambassador Yost has called Secretary-General U Thant today to express our deep concern and to tell him that we share the expressions noted in his statement earlier today.

U THANT STATEMENT, DELIVERED JANUARY 27

The following statement was made today by the United Nation's spokesman:

"The Secretary General has learned with regret and concern of the announcement of the sentencing and hanging in Iraq of 15 persons charged with espionage, nine of whom were Jews.

"In the view of the Secretary General, mass trials and executions are always to be deplored and are particularly abhorred and dangerous when they are carried out in such a way as to inflame the emotions of the populous. As soon as he had learned of the trials being held in Iraq, the Secretary General, on 13 January asked the permanent representative of Iraq to convey to his government the Secretary General's deep concern about them, and particularly about the impact they would have on public opinion both inside and outside Iraq.

"In the exercise of his good offices on humanitarian grounds the Secretary General did not question the right of the government of Iraq to put on trial any of its own citizens, as were apparently all of these convicted, nor could he attempt to apprise the validity of the charges.

"The Secretary General fears that the repercussions from this unhappy development will also be likely to impede efforts toward a peaceful settlement of the conflict situation in the Middle East."

[From the New York Times, Jan. 29, 1969]

BACK TO FIRST PRINCIPLES

The United Nations is returning to first principles with U Thant's call for big-power agreement on the fundamentals of a Middle East settlement as a prelude to further U.N. action.

The world organization was founded on the assumption that the major World War II allies would cooperate to maintain peace in the postwar world. Without such cooperation, the United Nations, as now constituted, cannot perform its primary peacekeeping function.

Fortunately, there is now some evidence that the United States and the Soviet Union the two superpowers, may be prepared to work together through agreement through the Jarring mission and in guaranteeing a settlement through U.N. peace-keeping forces.

This could signal an important breakthrough in the Russian attitude toward the world organization.

President Nixon has not yet disclosed the initiatives he intends to take, but in his first news conference he made clear his concern over the danger of a big-power confrontation in the area. Mr. Nixon put himself in an excellent position to press for a U.N. solution when he named Charles Yost as United States Ambassador to the world organization. Mr. Yost has served in the Middle East and has put forward sensible suggestions for a settlement there, stressing the U.N. role.

It should be emphasized, of course, that neither the major powers nor the U.N. can or should impose peace. The major powers, as Mr. Thant made plain yesterday, can only exert "moral" pressure for a settlement. If there is to be lasting peace, the Arabs and Israelis themselves must work out the terms for implementing the Security Council resolution of Nov. 22, 1967, which provides a framework for agreement. The role of the world organization is to facilitate negotiation through its mediator, Dr. Gunnar Jarring, and to offer guarantees of a final settlement.

What is needed now is frank talk among the representatives of the major powers at the U.N. on ways to strengthen the Jarring mission so that he can more actively promote agreement among the parties directly concerned on terms for implementing the 1967 resolution.

Only with Soviet-American agreement can any U.N. peacekeeping forces sent to underwrite a settlement be counted on to stay put in an emergency and guarantee the rights of all parties. Israel must have assurances that she will not again be exposed to a sudden threat of invasion or to deprivation of her right of passage through the Strait of Tiran, as was the case in the spring of 1967 when U.N. forces were abruptly removed from Sinai.

The United Nations can be an effective force for peace in the Middle East, but only if the major powers agree to make it so.

PEACE ON THE SCAFFOLD

While the major powers move toward a more active role in promoting peace in the Middle East through the United Nations, it is also essential that all parties spare no effort to restrain the forces that agitate for renewed warfare in the area.

The executions in Iraq constitute such a force subversive to peace. The secret trials and barbaric public hangings by Iraqi authorities, with Iraq's captive Jews as the scapegoats, go beyond any valid exercise of internal security. They violate all standards of justice and decency and aggravate an already grave international situation. In conducting these drumhead trials and executions, the Iraqis have put peace on the scaffold.

The United States has urged Israel not to retaliate against the Arabs for this brutal act. But it is even more important that Iraq's friends and arms suppliers—the Soviet Union, France and other Arab states—condemn this atrocity and use all of their influence to discourage any repetition.

Indeed, it is high time the United Nations took cognizance of long-standing Israeli pleas for an investigation of the mistreatment of Jews in many Arab countries and acted to safeguard fundamental human rights. Only when the world organization deals even-handedly with injustice and violence on both sides can it hope to play an effective role in promoting peace between the Arabs and Israelis.

Mr. CRANSTON. Mr. President, I rise to associate myself with the views and the cause of the Senator from New York. That cause is not merely the cause of the people of one faith, the Jewish faith. It is not simply the cause of the people of one land, the land of Israel. It is the cause of the people of all faiths and the people of all lands.

All observers know that if the conflict that threatens so forebodingly in the Near East erupts, it could lead swiftly and directly to a nuclear confrontation that would involve this Nation and the Soviet Union. That conflict would threaten death not only to the people of Israel and to the people of the Arab states, but to the people of this land, of the Soviet Union, and indeed the people of all lands everywhere.

It is not merely a cause threatening and touching survival. It is a cause that should go directly to the conscience of all people everywhere, and perhaps most of all, to the consciences of the people in this land, because our unwillingness to do certain things at a past time in our history had a great deal to do with the emergence of the land of Israel as a place where people driven from Europe by the Hitler tyranny could find a haven and a home.

I happened to be in Adolf Hitler's Germany in the 1930's and witnessed, as a foreign correspondent, the atrocities directed first to the Jews, but very soon directed to the people of all faiths and all nationalities everywhere around this planet. It has always seemed to me that it was so much indifference on the part of the gentile world that led to the genocide that was directed first only to the Jews. It is that indifference that causes so many Jews to be fearful that once again such indifference may cause them to be subjected to terror and to atrocity and quite possibly to a process of being wiped out in the Near East through genocide.

I believe we have a great responsibility to show, by our deeds and the actions of our Government, that we are concerned; that we recognize the threat that exists in the Near East; and that we are determined to do all that we can through our Nation to preserve peace that will be just to Israel, just to the Arabs, and acceptable to all people. I believe that sort of peace is possible at this time in that part of the world, and indeed in all parts of the world.

I hope we can achieve that peace through the processes of the United Nations. I hope we can achieve it through understanding; through an understanding of the needs and the views of the people of Israel, and at the same time through an understanding of the needs and the views of the Arab people. I hope we can involve in such processes the government and people of the Soviet Union, because they have a stake in the Near East, as we have a stake in the Near East, as all people have a stake in the achievement of peace in the Near East. All the prestige and strength of our land must be devoted to that cause.

I agree with the Senator from New York that, as we long for the peace in Vietnam which seems perhaps to be within the grasp of our hands, we have perhaps a greater problem and a more severe task and a deeper challenge in the Near East. We must devote our greatest efforts to that cause. I believe we can do so successfully.

Mr. JAVITS. I am very grateful to my colleague from California, who comes to us with a great reputation for a deep study of the need for a national purpose and with a lifetime sense of purpose with respect to peace in the world. I think that has been quite well displayed by the remarks he has just made.

Mr. COOPER. Mr. President, the distinguished Senator from New York had told me he would speak today on this subject, not just to the question of the executions in Iraq, but that he would also make some suggestions toward a solution in the Mideast. I wanted to hear him, as I always do, although I shall not try today to respond directly to the proposals which he has made, and which he believes might lead to peace in that troubled area.

I am aware also of the deep sorrow and concern by which our colleague, the Senator from New York, is moved. Knowing his deep emotion, I have always admired the restraint that he shows when he speaks about affairs in the Middle East.

I know all of us, and people around the world, always feel a repugnance toward mass executions such as occurred in Iraq or the shooting of Arab women which occurred in the west bank last week. These senseless acts of violence lead to retaliation and to other incidents, and they serve only to exacerbate the difficulties and passions in that area.

Last fall I had the opportunity to serve as a delegate to the General Assembly of the United Nations, and I had responsibility for one item, in the Assembly, which dealt with problems of the Mideast—the matter of the Palestinian refugees.

As always in the course of such a debate upon any matter dealing with the Mideast, there developed a debate over the larger questions of that area. While I have not visited these countries in the Mideast recently, I felt more deeply than I ever had before the passion of the people of all those countries, the tensions, and the difficulties that attend any settlement effort in the Mideast.

I was impressed, as never before, that the Mideast is the most dangerous area in the world today, second to our own troubled concern about Vietnam. As President Nixon said in his conference the other day, the Mideast is a tinderbox that could erupt into a war which would not only affect the countries of that area again, but could bring about a confrontation between the two great nuclear powers.

So I would agree with the Senator from New York that our country and our people must understand the danger of the situation. While today I do not intend to advance any specific views and plans that I have come to as a result of my experience at the General Assembly, I would agree with the Senator from New York that I doubt that there is any possibility of a settlement there unless it comes about through the influence of the United States and the Soviet Union. I would hope that a settlement could be achieved through the United Nations, in the framework in which the effort has already begun, but, I repeat, I doubt that any settlement will occur without the efforts, and the concerted efforts, of the United States, and the Soviet Union.

So I am happy to have heard the Senator's speech today. I share with him his sense of concern over these acts of violence in the Middle East. I hope very much that all of us in Congress and in the executive, working together, can urge our country to use its best efforts and, as the Senator says, some passion, toward the settlement of this tragic problem.

Mr. JAVITS. Mr. President, I am very grateful for the comments of my colleague from Kentucky, who has a worldwide reputation, as well as a reputation in this body, for his calm, just, and very balanced evaluation of international affairs. It gives me heart that he finds merit in the basic thesis I have laid before the Senate.

Mr. President, I wish to close the discussion. Before I do, however, it is very important to emphasize the positive. I have always been very strongly for assistance in the resettlement of Arab refugees, and for the economic and social development of the Arab States. I hope I always shall be. The Middle East has the possibility of becoming a tremendously fruitful, prosperous, and happy area of the world, and I wish devoutly for nothing more than that.

I recognize that Israel is a Middle East state, and that her fate is intimately linked with that area of the world. I look forward, on the affirmative side, to a tomorrow in which all the peoples in the area may benefit from modern technology, engineering, development, and finance, which will come to them in enormous measure once there is some resolution of these dreadful concerns, and of the megalomania which some Arab leaders have.

The small nation of Israel can be of tremendous aid in putting the whole Middle East on a modern path; and that is the dream that I have, Mr. President, that this may yet be done. I shall do everything that I possibly can to forward it.

The real concern of people like myself is the fate and future of all of the people of the Middle East—Arab and Jew alike—and I shall dedicate myself to endeavoring to bring about some condition of greater security, peace, and development for them all, and some effort to rescue the tremendous Arab masses from the sea of despondency, hopelessness, misery, ill health, malnutrition, and superstition in which they have been immersed for so long.

Mr. CASE. Mr. President, I commend the senior Senator from New York for his most timely and important statement. Like the Senator from New York, I am shocked by the executions of Iraqi Jews reported from Baghdad on Monday. Secretary of State Rogers spoke for all of us when he declared:

> The spectacle of mass public executions is repugnant to the conscience of the world.

As the Secretary General of the United Nations has pointed out, such mass trials and executions are "particularly abhorrent and dangerous when they are carried out in such a way as to inflame the emotions of the populace."

Mr. Thant put his finger on what is so disturbing to all of us who deplore the rising level of violence in the Middle East. This tragic act in Baghdad can only make much more difficult the pressing task of finding a way to peace between Israel and the Arab States.

Mr. GOODELL. Mr. President, I would like to join with Senator JAVITS in his statement condemning the recent executions in Iraq.

I am profoundly shocked by the mass trial and public execution of 14 persons, including nine Jews, by Iraq. I am even more shocked that the leaders of Iraq intend to go ahead with further trials of this nature.

In my opinion, show trials and public executions have no place in the judicial system of any civilized nation. These repellent methods should be consigned to the scrapheap of history, along with the lash, the thumbscrew, and the rack.

Besides being morally repugnant, I think Iraq's action can serve only to further inflame the explosive and uncertain situation in the Middle East. It will create considerable public pressure within Israel, as it obviously already has, for further retaliatory actions. It can only increase tension and add to the danger of war.

I am pleased that Secretary of State Rogers and Secretary General U Thant both have promptly condemned the hangings.

Mr. BROOKE. Mr. President, the crisis in the Middle East has been seriously compounded by this week's mass hangings in Iraq. Secretary of State Rogers has spoken for all Americans, and I believe for all mankind, in condemning the outrageous group trials and public executions now taking place in that country. These actions can only contribute to further tension between Arabs and Jews. Although not all those executed as alleged Israel spies were Jewish, it is difficult to avoid the conclusion that these actions represent a special vindictiveness against the small band of Iraq Jews and a distorted expression of hostility against the State of Israel.

There is reason to fear that additional executions will result from the latest charges against individuals said to be agents of the Central Intelligence Agency. From the outside it is impossible to assess the facts of the various cases, but it is evident that the practices and procedures involved raise profound questions of international law and morality.

Surely it should be clear to the leaders in Iraq and other Arab States that no civilized purpose can be served by such primitive exercises. Indeed they not only offend the conscience of nations who wish to achieve cordial and constructive relations with both the Arab States and Israel; they also tempt the leaders in Tel Aviv to find ways to retaliate for what they conceive as simple terrorism against their brothers in areas under Arab control.

Provocative and unjustified gestures of this kind must be avoided if peace is to prevail in this troubled region. It is hardly sufficient for Iraq to claim that these show trials and executions are exclusively domestic matters beyond the reach of international concern. That a state has the power to torture and kill human beings under its control is plain enough; that it has absolutely no right to do so without regard to fair judicial process is also plain. And the sentiment of mankind is obviously and rightly aroused in opposition to Iraq's methods in this instance.

The time has come for every nation in the Middle East to cease indulging in measures which wreak vengeance without contributing to peace, which vent frustrations in ways which only generate new frustrations. If Iraq and other states in the area value their reputations in the world and the prospects for peace in their strife-torn lands, they must begin to apply greater prudence and restraint in their national and international policies.

The tragedies of this week display the worst and most vicious instincts which afflict the human race. All men of good will should lend their efforts to see that they are not repeated.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SALARY INCREASES

Mr. WILLIAMS of Delaware. Mr. President, in the Salary Act of 1967, a provision was included which established a Commission for the purpose of recommending a change of salaries for Members of Congress, the judiciary, and certain top personnel in the executive branch. That provision provided for the establishment of a Commission. The Commission, in turn, would report to the the President its recommendations for changes in salaries.

The President, after receiving the recommendations of the Commission, would evaluate them and make his own recommendations, and, in turn, he was then authorized to submit those recommendations to Congress with the further proviso that the new salaries would become effective within 30 days after the President had submitted his recommendations to Congress unless during that 30-day period one House of Congress had taken negative action to disapprove this course.

In the budget as submitted on January 15 President Johnson sent his recommendations to Congress with the proposed increases ranging from 40 to 60 percent.

On page 167 of the budget for fiscal 1970, we find this language:

> The new salaries will become effective at the beginning of the first pay period after February 12, 1969, unless Congress acts to the contrary.

Recognizing this, and as one who felt that we could not afford at this time to increase congressional salaries, judicial salaries, and salaries of the top echelon of the executive branch by 40 to 60 percent as was proposed, I introduced a resolution the purpose of which was to express the disagreement of the Senate with these recommended salary scales.

I recognize that an argument has been made in justification of some changes in salaries. Nevertheless, as I have stated earlier today, we do not have a balanced budget for either fiscal 1969 or fiscal 1970, as has been proclaimed. On the contrary, we are confronted with a deficit at the end of fiscal 1969—next June 30—of around $7 billion and a projected deficit of around $10.5 billion or $10.75 billion for fiscal 1970.

Inflation has been rather rampant in this country. Inflation is the second most serious threat to our country. I place the Vietnam problem first.

I felt very strongly that the first order of business of this Congress should not be to increase our salaries by 40, 50, or 60 percent but rather that we should get our financial house in order. There is no use kidding ourselves. We cannot increase congressional salaries by 40 percent, as is proposed in this plan, and increase the salaries of the judiciary by some 40 or 50 percent, as is proposed in this plan, and increase the salaries of the top echelon in the executive branch by 40, 50, or 60 percent unless we at the same time are willing to face up to the reality that there will certainly be a request to increase the salaries of all civil service employees by at least 10 or 12 percent.

That represents an annual cost of $4 to $5 billion, or about one-half of the revenue to be derived from the 1-year extension of the 10-percent surcharge.

The Members of Congress and the members of the executive department should realize that if we increase our own salaries we cannot say no to the others. Carrying the matter a step further, if Congress increases its own salaries and the executive salaries by 40 or 50 or 60 percent and if we increase the salaries of other Government employees by 10 or 12 percent, the Government as the largest employer in the country cannot go to private industry and organized labor and say: "You should hold the line at a 4- or 5-percent price and wage increase in order that we may combat inflation."

Inflation is a great threat in this country. I think it has to be controlled; but I think the place to control it is in the Halls of Congress, and the top echelons of the executive branch must cooperate.

Congress should be willing to face up to these facts. The first order of business of the 91st Congress should be to put our financial house in order.

On that basis I introduced on January 15, 1969, the same day this recommendation came down, a resolution which read:

> *Resolved*, That the Senate disapproves the recommendations of the President with respect to rates of pay transmitted to the Congress in the budget for fiscal year 1970 pursuant to section 225(h) of the Federal Salary Act of 1967.

Under the rules of the Senate, this resolution was referred to the Post Office and Civil Service Committee for action.

We find in the rules of the Senate—and this is the nearest rule we can find applicable to it—that under the reorganization plan of the Hoover Commission it was provided with respect to these recommendations of the President's that if there were a resolution of disagreement it would be referred to the appropriate committee, but the committee was supposed to report this resolution back to the Senate with either a favorable or an unfavorable report.

It provided:

> If the committee to which it has been referred a resolution with respect to a reorganization plan has not reported it before the expiration of ten calendar days after its introduction, it shall then (but not before) be in order to move either to discharge the committee from further consideration of such resolution, or to discharge the committee from further consideration of any other resolution with respect to such reorganization plan which has been referred to the committee.

Mr. President, I want to be frank about the matter. After studying the rule and reading the law as it was put into the salary act I found it did not specifically spell out that the committee must take action within 10 days although it was understood by all Members that such would be the action taken by the committee.

After introducing the resolution I directed a letter to the chairman of the committee asking that the committee give consideration to this resolution and either take favorable or unfavorable action and then refer the matter to the Senate in order that the Senate itself could vote on the question.

I am disappointed that the committee, after holding this resolution 2 weeks, has decided that it will not take any action whatever. Apparently the plan is to let it die in the committee and thus let the 40 percent congressional salary increase become effective without Members having to answer a rollcall.

Mr. President, I ask unanimous consent that a copy of my letter addressed to the chairman of the committee be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., January 21, 1969.

HON. GALE W. MCGEE,
Chairman, Post Office and Civil Service Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR: On Wednesday, January 15, President Johnson sent to the Congress his salary recommendations under Public Law 90–206. On the same day I introduced Senate Resolution 17, the purpose of which was to express Senate disagreement with these recommendations.

It is my understanding that the Senate has but thirty days in which to act on this Resolution, which means that we must take action before the Lincoln Day recess. For this reason I am asking that your Committee take action and report this Resolution with your recommendations either in the affirmative or negative.

I am not asking that hearings be held on the Resolution, but should the Committee so desire I would be willing to testify in support thereof.

Yours sincerely,
JOHN J. WILLIAMS.

Mr. WILLIAMS of Delaware. It is regrettable that no action has been taken by the committee. I have been officially advised by the committee chairman that the committee does not contemplate taking any action and that it is their plan to let the resolution die in the committee. Presumably the plan is to prevent a Senate vote.

To accept this as the final conclusion would mean that we, the Members of the Senate, had delegated to the committee the right to make the decision for the entire Senate. All Senators should be allowed to express their own views on this particular subject. Certainly the question should be brought before the Senate, and I so expressed myself to the members of the committee.

Since the committee has decided that it will not take action I am now confronted with the question as to what steps can be taken to get a Senate vote. There are two steps which can be taken. One step is to submit a duplicate resolution and ask for its immediate consideration. I fully recognize that objection would be made to that unanimous-consent request.

Under the rules of the Senate—rule XIV—the resolution could be offered, unanimous consent could be requested for its consideration, and no doubt an objection would be made; but the resolution would automatically go to the calendar and be there for consideration on the next legislative day.

The second step that could be taken would be to offer a motion to discharge the committee from the further consideration of the resolution. In that event, the resolution would automatically be before the Senate.

The Senate has the responsibility to vote on these proposed salary increases. If a majority of the Senate feels that the resolution should be defeated and that the salary increase should go into effect let it so vote. Surely the Senate will not sit back and let the proposal become law by negative action, whereby all would receive a 40- or 50-percent salary increase but still be in a position to answer our constituents by saying, "I personally was against the salary increase, but the others were for it. I did not get a chance to vote."

I know Senators well enough to know that they are all eagerly waiting for an opportunity to vote on this most important question. I intend to give them that chance. So in order to initiate the steps for voting I submit a resolution which I ask to have read. Following the reading of the resolution I shall make a unanimous-consent request.

The PRESIDING OFFICER. The resolution will be read.

The assistant legislative clerk read as follows:

S. RES. 82

> *Resolved*, That the Senate disapproves the recommendations of the President with respect to rates of pay transmitted to the Congress in the budget for fiscal year 1970 pursuant to section 225(h) of the Federal Salary Act of 1967.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the immediate consideration of the resolution.

Mr. BYRD of West Virginia. Mr. President, I object.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). Objection has been heard. Under rule XIV, the resolution will go over.

Mr. WILLIAMS of Delaware. Mr. President, as I have said, there are two steps that can be taken. One is to discharge the Committee on Post Office and Civil Service from the further consideration of the resolution. The other step would be to consider the resolution itself. I do not know just which step we may want to take, but in order that I may be in a position to make that decision later I now offer another resolution the purpose of which is to discharge the Committee on Post Office and Civil Service. I ask that this resolution be read. Following its reading, I shall make another unanimous-consent request.

The PRESIDING OFFICER. The resolution will be read.

The assistant legislative clerk read as follows:

S. Res. 83

Resolved, That the Committee on Post Office and Civil Service be discharged from further consideration of S. Res. 17, to disapprove certain executive, legislative, and judicial pay rates recommended by the President.

Mr. WILLIAMS of Delaware. Mr. President, I now ask unanimous consent that this resolution be considered immediately.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Mr. President, I object.

The PRESIDING OFFICER. Objection has been heard. The resolution will go over under the rule.

Mr. WILLIAMS of Delaware. Mr. President, do I correctly understand that the situation now is that these two resolutions will go direct to the calendar on the next legislative day?

The PRESIDING OFFICER. The Senator is correct.

Mr. WILLIAMS of Delaware. I understand that the Senate will adjourn tonight; this puts these resolutions on the Senate Calendar. I hope to be able to work out with the leadership an agreeable time when one of the resolutions can be brought up for a vote. I mention that because since I am offering the resolutions it may appear on the surface that I am trying to take over or be antagonistic to the leadership of the Senate.

I know that the acting majority leader understands the parliamentary situation. This is the only procedure by which I can get these resolutions on the calendar or before the Senate. Therefore, I have taken this parliamentary procedure. This vote must be taken before the end of next week.

I told the acting majority leader that this procedure would not be attempted in his absence, that if he were not in the Senate Chamber I would make sure that he was notified because I realize his position is to protect the absent Members of the Senate. I can assure him that I stand ready to work out a date for a vote. I shall abide by whatever decision the majority leader and the minority leader want to work out as to the most convenient time for the consideration of these resolutions. I shall be glad to cooperate with them provided I can get their assurance of a vote.

I will be here Friday. I will be here all of next week. On the other hand, I emphasize the importance of some action being taken before we adjourn for the Lincoln Day recess at the end of next week; otherwise, these salary increases become effective after February 12. We must take action before the recess for otherwise, the law will automatically go into effect.

I conclude by expressing the hope that the leadership will work it out so that we can get a vote on Friday or at least by next Monday. I wish to cooperate with the leadership. All I am asking and insisting upon is that we vote on this question before the Lincoln Day recess.

I thank the acting majority leader for his cooperation, and I assure him of my continued cooperation so long as we proceed toward an early vote.

Mr. BYRD of West Virginia. Mr. President, the distinguished senior Senator from Delaware has correctly stated the parliamentary situation and the developments which led up to his presentation of the unanimous-consent request and my objections, which were made by request, and which I had explained to him prior to his actions here today.

The majority leader is away from the floor at the moment, but I am confident that the majority leader and the minority leader will be glad to discuss this matter with the able senior Senator from Delaware and that, hopefully, some resolution can result.

Mr. WILLIAMS of Delaware. I thank the Senator.

ORDER OF BUSINESS

The PRESIDING OFFICER. What is the will of the Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO FRIDAY, JANUARY 31, 1969

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Friday next.

The motion was agreed to; and (at 5 o'clock and 3 minutes p.m.) the Senate adjourned until Friday, January 31, 1969, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 29 (legislative day of January 10), 1969:

Under Secretary of the Interior

Russell E. Train, of the District of Columbia, to be Under Secretary of the Interior.

Office of Emergency Preparedness

Fred J. Russell, of California, to be Deputy Director of the Office of Emergency Preparedness.

In the Navy

Rear Adm. Jackson D. Arnold, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

In the Marine Corps

The following-named officers of the Marine Corps Reserve for temporary appointment to the grade of major general:

Charles T. Hagan, Jr.
Arthur B. Hanson.

The following-named officer of the Marine Corps Reserve for temporary appointment to the grade of brigadier general:

Richard Mulberry, Jr.

The following-named (staff noncommissioned officers) for temporary appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

*Alvarez, Rodolfo, Jr.
*Appl, Ferdinand J., Jr.
*Asta, John J.
*Baldwin, Henry W.
*Beard, Charles E.
*Belfiore, James A.
*Bolenbarker, Luther A.
*Brooks, Johnnie D.
*Brummett, Boyd
*Bucklin, Gerald S.
*Burton, Allen F.
*Butler, Christopher P.
*Carman, Donald K.
*Chapman, William W.
*Clemons, Thomas L.
*Cole, Kenneth V.
*Coward, James W.
Cox, William H.
*Cunningham, Frederick M.
*Dankmyer, Charles A., Jr.
Davis, Ray H.
*De La Garza, Oscar, Jr.
*Desjardin, Armand H.
*Dunning, Eugene E.
*Dunning, James E.
*Elliott, Claude M.
*Fauver, Donnie L.
*Fisher, Clyde L.
Folsom, Ray E.
Fordyce, Robert G.
*Frederick, Paul L.
Fulcher, Charles O.
*Garland, Samuel M.
Glover, William S.
*Golec, Richard F.
*Gordon, Paul D.
*Haga, Gene H.
*Hamm, John D.
*Hammer, Armand M.
*Hinkle, Carl D.
Humeston, Bobby E.
*Hutton, James L.
*Jennings, James R.
Johnson, Jack H.
Jones, David F.
Kunkel, Henry L.
Laudun, Robert L.
*Lewis, Richard L., Jr.
Lewis, Vincent V.
*Linko, Joseph R.
*Lish, Thomas C.
*Lovingood, Howard
Mackie, Merle E.
*Mancuso, Joseph E.
*Martinez, Salvador, Jr.
Mason, Paul P.
Mathis, Jack D.
*Matlack, Jack L.
*Mattox, Chester C.
May, John P.
*Mazur, James F.
*McCrary, Billy R.
*McIntyre, Thomas J.
McQuerry, Thomas O.
Medor, Ellory M.
*Miller, Robert M.
*Mullins, William A.
Muschette, James, Jr.
*Neu, Melvin P.
*Oldham, James R.
*Paris, Thomas I.
*Pennington, Elhanan
*Perry, John D.
*Phillips, Jonnie E.
*Potter, Robert K.
*Quackenbush, John H.
*Ratcliff, Billy G.
Rawls, James A.
*Reese, Merle W.
*Rhoads, Virgil G.
*Richendrfer, Robert L.
Richter, Garlan W.
Roach, William L.
Sampson, Terrance M.
*Sandwich, Stephen A.
*Scott, Richard E.
*Smith, Herman W.
*Syring, Donald R.
*Waller, Frederick M., Jr.
Wetzel, Robert W.
*Wilson, Frederick A.
*Wisner, Hugh R.
Zickefoose, Bernard G.
Yates, John C.

The following-named (Naval Reserve Officers Training Corps) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Alderson, Richard L.
Alexander, Charles B., III
Avery, Michael V.
Barnes, Terry L.
Beagley, Larry E.
Beckett, Bruce H.
Bellegarde, Joseph F., Jr.
Bickmore, Albert H.
Boehm, Harold C., Jr.
Bowman, Thomas G.

Bozeman, William S.
Brewer, Donald C., Jr.
Brophy, Donald G.
Bryan, David M.
Burch, Gary C.
Burgess, Duncan H.
Butler, Robert C.
Buzzell, Kenneth E.
Caldwell, Don E.
Carlin, Victor E.
Clark, Charles B., Jr.
Collins, Michael J.
Curtis, Michael T.
De Neut, Richard E., Jr.
Dobrovolny, Kenneth R.
Dobrow, Robert H.
Drury, John E.
Dyer, George E.
Ellingson, Theodore D.
Erickson, Steven C.
Evans, Robert D.
Fish, Ronald C.
Fogg, Robert L.
Fowler, Michael A.
Friedrich, Edward R.
Garey, Robert B.
Glover, Richard A.
Green, Michael A.
Guess, Richard C., Jr.
Hacker, Dennis V.
Hamilton, John M.
Hardister, Edward L.
Hess, Theodore G.
Hieb, Ross J.
Hughes, Edwin D.
Johansson, Eddie E., III
Johnson, David M.
Kalish, Thomas B.
Kelly, James V.
Kerrigan, Dennis W.
Kingsley, Thomas E.
Kleber, Merritt B.
Kolczynski, Phillip J.
Lamphron, James P.
Levan, Kenneth B.
Lowry, John M.
Lucas, John F.
Mackie, Thomas W.
Magness, Robert
Makovitch, Ronald J.
Maloney, Michael V.
Matthews, Lyle B., III
McDonald, Peter R.
McDowell, Lane C.
McGuire, Walter E., Jr.
McLees, John H., Jr.
McMath, Wilbert D.
Miller, Paul W.
Mutchler, Robert S., III
O'Connor, William E.
Olson, Dennis O.
Parkes, Thomas J.
Pegan, Robert L.
Polachowski, Allan J.
Ray, Michael A.
Rickley, George R.
Roake, John M.
Rohrer, Michael A.
Rosenhan, Timothy C.
Santosuosso, Joseph P.
Schmeisser, William P.
Schneidler, Robert C.
Scognamillo, Frank (n)
Shetler, William A.
Shrum, Kenneth P.
Shutok, Gregory A.
Simpson, Victor A.
Soper, James B.
Spencer, Charles W.
Spond, Daniel F.
Spradling, Wallace H.
Sullivan, Kenneth M.
Tappon, Jimmy D.
Taverna, Rodney E.
Thomas, Robert P.
Thompson, Carter C.
Thompson, John L., III
Trask, Gordon W., III
Tuke, Robert D.
Wall, Richard F.
Ward, James J.
Watson, John T., III
Webb, Lewis T.
Wei, William
Weiler, Charles T., III
Wells, David M.
Wilson, James F.
Wilson, Phillip H.
Yarrison, John W.

The following-named (Army Reserve Officers) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Parks, Garry L.
Plummer, Arthur M.

The following-named (Navy enlisted scientific education program) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Boykin, William W.
Culp, Ronald K.
Fello, William V., Jr.
Hill, Patrick H., III

The following-named (platoon leaders class) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Aldrich, Robert H.
Allen, Thomas E.
Baldwin, Rignal W.
Ballard, Tommy L.
Bridges, James M.
Briggs, William D.
Bucko, Leonard J.
Bumgarner, George D.
Childers, Thomas R.
Christoph, William R.
Claborn, Alvie H.
Coffelt, Lyle M.
Cushman, Larry J.
Deubler, William F.
Drayton, Jerry A.
Dubrachek, Cyril P.
Feeney, John C.
Foy, Carey E.
Hagan, Francis P.
Hanson, Thomas J.
Hayden, Thomas C.
Kazonich, George
Labar, Terry D.
Lieb, Richard B.
Mittnacht, Charles G.
Moll, Roger C.
Moseler, Daniel J.
Mowrer, Charles D.
O'Rourke, Thomas A.
Osman, Henry P.
Pallo, Michael G.
Patten, Paul J.
Petit, Stephen E.
Reed, Charles G.
Rivenbark, Charles R.
Shaw, Kenneth W.
Smith, Stephen M.
Spiller, Thomas E.
Strong, Alan E.
Sullivan, Patrick
Sutton, Timothy D.
Walker, Frank A.
Ward, Thomas H.
Wright, Nolan W.

(Note.—Asterisk (*) indicates ad interim appointment issued.)

The following-named woman officer of the Marine Corps for permanent promotion to the grade of colonel, subject to qualification therefor as provided by law:

Dorothy M. Knox

The following-named women officers of the Marine Corps for permanent promotion to the grade of lieutenant colonel, subject to qualification therefor as provided by law:

Ruth F. Reinholz
Mary E. Bane
Theresa M. Hayes
Irene L. Ray
Jenny Wrenn
Martha A. Cox

The following-named women officers of the Marine Corps for permanent promotion to the grade of major, subject to qualification therefor as provided by law:

Dolores A. Schleichert
Nancy A. Carroll
Jo A. Kilday
Karen G. Wheeler
Eleanor E. Filkins
Judith A. Sternburg
Nancy J. Mackie
Barbara J. Roy

The following-named women officers of the Marine Corps for permanent promotion to the grade of captain, subject to qualification therefor as provided by law:

Sara J. Pritchett
Elsie M. Bounds
Judybeth D. Barnett
Della J. Elden
Melba J. Myers
Ruby J. Chapman
Susan M. Mason
Kate H. Renn

The following-named officers of the Marine Corps for temporary appointment to the grade of major, subject to qualification therefor as provided by law:

William R. Abele, Jr.
Andrew B. Adams
Sidney C. Adkins
Robert M. Akin
Jacob K. Albright, Jr.
Walter P. Aleksic
Joseph H. Alexander
Ronald L. Allen
George N. Allerton
Kenneth L. Ammons
William M. Anderson
Donald W. Andrews
Louis P. Andrews
Alfred A. Arroyo
Elie M. Asanovich
Robert B. Austenfeld, Jr.
Claude A. Austin
Edward V. Badolato
William W. Bahnmaier
James F. Baier
Mirza M. Baig
Alfred D. Bailey
Clarence L. Baker
Larry L. Baldwin
Ronald E. Bane
Andrew B. Banks, Jr.
Joseph L. Barker
Dwight D. Barnhill
Paul V. Barra
Connie A. Barsky, Jr.
Hubert M. Bartel, Jr.
Dean L. Bastian
Gordon D. Batcheller
Ernest B. Beall, Jr.
Leonard J. Beaudoin, Jr.
Duane C. Beck
Jesse D. Bennett, Jr.
Raymond H. Bennett
Donald D. Bergman
Alfred R. Bergstrom, Jr.
Thomas R. Betz
John C. Bever
Edward O. Bierman
Charles N. Bikakis
Wesley H. Birt
Alfred H. Bivens
David R. Black
Richard P. Bland
Robert N. Bogard
Paschal G. Boggs
Herman R. Bolen
Lawrence J. Boller
Norman H. Bomkamp
Walter E. Boomer
William T. Bosserman
Howard J. Bowden
James W. Bower
Wilburn R. Bowers
Martin L. Brandtner
Buford W. Braswell, Jr.
James V. Bronson
George W. Brooks III
George W. Brown
Austin R. Brunelli, Jr.
Ronald L. Bub
Richard S. Burgess
Francis M. Burke
George W. Burkley
Lou L. Burton, Jr.
Kenneth R. Buske
Larry E. Byers
Jerry M. Byrd
George R. Callison
Richard P. Carlisle
Robert A. Carlson
Thomas J. Carroll
Peter H. Cathell
Bernard J. Cauley
Alfred F. Cazares, Jr.
William F. Cerney
Moses Cervantes
Bobby D. Chambless
Calvin S. Champion
Wiley B. Channell
Bennett Chapple III
Clyde O. Childress, Jr.
Robert F. Christie
John L. Clark, Jr.
William B. Clark
Roger L. Clawson
John E. Clements, Jr.
Eric J. Coady
Robin W. Cobble
Bobby F. Cole
Vincent S. Coll
Larry M. Collins
Raymond L. Collins, Jr.
Edmund J. Connelly, Jr.
James F. Connolly
Billy F. Conner
Wayne A. Coomes
William J. Cooper
David C. Corbett
Robert S. Coulter
Robert A. Courtemanche
Donald C. Cox
William C. Cowperthwait
Frederick B. Craig
William B. Crane
Lyle P. Creadick
Oliver J. Crews, Jr.
Douglas A. Crowe
John F. Crowley
Richard O. Culver, Jr.
Francis J. Cunningham II
John R. Currell
Lowell R. Cushman
William H. Dabney
Jack N. Daniel
Donnie L. Darrow
Edward D. Dauksz
Howard L. De Castro
Albert W. Deckel
Christian F. Deffries, Jr.
William E. Deiuliis
Gerald De Jong
Cliff E. De Lano
David V. Denton
Michael G. Dickerson
John E. Dickins
Robert H. Dietrich
Ray I. Diffen
John D. Dobak
Christ G. Dokos, Jr.
Theodore G. Dopko
Bobby G. Downing
Robert J. Driver, Jr.
William R. Dudman
Hubert G. Duncan
Delbert H. Du Pont
Thomas R. Durham
Richard W. Ellison
Berlis F. Ennis
Charles C. Entwistle, Jr.
Donald G. Eirich
Walter M. Esser
Timothy J. Fallon
David E. Fanning
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Paul A. McLaughlin
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Martin W. Meredith
John H. Messick
Harry R. Metzler
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Roger L. Miner
Larry G. Mitchell
Alfred L. Mize
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Kenneth J. Morris
Lenus C. Morrison
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Joseph F. Nardo
Bobby J. Newsom
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Philip L. Noggle
Vincent P. Nolan
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Jaime Sabater, Jr.
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Charles W. Sampson
Phillip J. Samuels
Bert E. Sandvoss
Donald E. Santo
Joaquin S. Santos, Jr.
John F. Sawyer
Harold D. Scarbrough
Richard C. Schamay
Joseph G. Schamber
Peter G. Scharf
Gordon R. Schlagel
Robert W. Schussler
William F. Schwab
Manfred E. Schwarz
Theodore J. Scotes
Lawrence E. Seaman, Jr.
Olen A. Seay, Jr.
John E. Seeburger, Jr.
James T. Sehulster
James P. Shannon
Wayne E. Shaver
William C. Shaver
Louis E. Shaw
James R. Shea
James P. Sheehan
Darrell S. Shelor
Andy J. Sibley
Bobby G. Sikes
Lionel M. Silva
James F. Simpson
Jerry I. Simpson
Gerald W. Sims
Winfield W. Sisson
David T. Sites
John H. Slater
Robert W. Sloan
Hardy A. Slone
Frank M. Slovik
Leonard K. Slusher
Clyde D. Smith
Gid B. Smith
James M. Smith
Vincent M. Smith
William S. Smith
Munson R. Snedeker
Thomas J. Solak
Gary J. Somerville
Richard G. Sousa
Frank L. Southard
Billy J. Speights
Doyle R. Sprick
Norbert J. Spitzer
Richard M. Stacy
Donald R. Stanton
David R. Stefansson
Mitchell Steinberg
William C. Stensland
James J. Stewart
Donald L. Stiegman
Donald L. Stoner
Robert H. Strand
John H. Strasser
John A. Studds
Francis X. Sullivan
Harold D. Sullivan
Edward N. Sutton
Thomas P. Swedenborg
Michael L. Sweeney
William T. Sweeney
Warren E. Sweetser III
Robert P. Sypult
Jack K. Taylor
Lawrence A. Taylor
John Telles, Jr.
Frederick S. Tener, Jr.
Joseph R. Tenney
John B. Terpak, Jr.
Henry E. Thomas IV
Albert K. Thompson
Richard K. Thompson
Richard L. Thompson
Richard T. Thompson, Jr.
William A. Tilley, Jr.
Gary E. Todd
Henry L. Trimble III
James M. Tully
George E. Turner, Jr.
Lonnie S. Underhill
Thomas D. Ungar
Donald V. Vacca
Abromo L. Vallese
Rocco F. Valluzzi
John M. Vanes
James E. Vanfleet
Fredric M. Vann
Stephen J. Veno
Achille J. Verbeck, Jr.
Nat H. Vincent
Richard W. Vorreyer
Kimball R. Wakefield
Forest E. Walker
Hugh L. Walters
Richard T. Ward
Robert W. Wardlaw, Jr.
Michael F. Waters
William L. Waters
Robert C. Watson
Ralph D. Webster
Gerald A. Wessels
Philip S. Weigand
Evan C. Werner
Howard M. Whitfield
David Whittingham
Justin H. Wickens
Robert W. Wiegand
Charles A. Williams
Gary W. Williams
David J. Willis
William A. Wile
Herbert T. Winston
David L. Wiseman
Herbert H. Wood
Randolph L. Wood, Jr.
William E. Wright
Moffatt F. Wylie
David A. Wyrick
Anthony A. Yatsko
Gordon K. Young
Rafael Zalles
Roger Zensen
Kenneth N. Zike
Robert F. Zumbado

The following-named officers of the Marine Corps for permanent appointment to the grade of major, subject to qualification therefor as provided by law:

James N. Bacon
John Koyiades
Lawrence R. Moore
Thomas A. Nolen
Donald L. Rapier
Kelly J. Sanchez
Clyde R. Snodgrass
Bobby G. Turbeville

The following-named officers of the Marine Corps for temporary appointment to the grade of captain, subject to qualification therefor as provided by law:

Charles F. Abene
George T. Ackerson
Raymond Acosta, Jr.
Norbert H. Adams
Richard W. Adams
William T. Adams
Jimmie L. Adkins
Sidney S. Adler, Jr.
Dean R. Aggers
Ernest M. Aguayo
Richard M. Ahlers
Frank L. Ashue
James J. Ainsworth
Thomas E. Albright
Richard E. Alexander
Carl Allen, Jr.
Thomas V. Allen
Robert C. Allison
Phillip D. Allum
Otto T. Althoff III
George L. Alvarez
Juan C. Alvarez
Ronald S. Ambrose
James A. Amendolia
Byron A. Anderson
Carl W. Anderson
John H. Anderson
Lawrence R. Anderson
O. V. Anderson
Perry B. Anderson
Robert C. Anderson, Jr.
William J. Anthony
Gayle Antle
Gerald P. Aragon
Julius Arocha
Richard E. Arnold
John C. Astle
Darrell R. Atkins
William T. Atkinson, Jr.
Robert L. Axline
Rodney F. Ayers
George F. Aylward
Raymond O. Babineau, Jr.
Terrance W. Bache
William E. Backus, Jr.
Gerald C. Bacon
Barry H. Bailey
Ralph J. Bailey
Robert E. Bailey
Jerry K. Baird
Michael L. Baker
Vance Baker
Duane A. Balfanz
Ronald E. Balske
Charles D. Banks
Don Banks
Ervin R. Bantleon, Jr.
Harold J. Barber, Jr.
John S. Barber, Jr.
Boyd B. Bare
Ernest Barfield
Glenn C. Bargerstock
Dennis Barksdale
Robert J. Barnes
James W. Barnett
Windle W. Barnett
Lee N. Baronet
Harold B. Barrer
Bradley E. Barriteau
Donice R. Bartlett
Charles M. Bartley
James H. Bartley
Clarence C. Bartolomeo
Benjamin E. Basham
Irving A. Bassett, Jr.
James V. Bassett
John L. Bates
Ralph S. Bates
Frank M. Batha, Jr.
William O. Baughman
Arthur R. Baum, Jr.
Richard R. Baumbach
Janna R. Baumgardner
Rodney A. Beal
Theodore T. Bean
Robert E. Beasley
Robert E. Beatty
Benjamin W. Beck
George L. Begor
Charles H. Bell
Charles G. Beman
Raymond C. Benfatti
Donald E. Bennett
Donald R. Bennett
George J. Bennett
Robert W. Bennett
Ronald R. Benoit
Robert F. Benoy
Paul A. Berger
Kenneth W. Berkey
Stephen R. Berkheiser
Stuart C. Berman
Maurice F. Bernier
Thomas A. Berry
Cecil B. Berryman
George V. Bershinsky
Calvin J. Berton
Lee H. Bettis, Jr.
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Albert J. Beveridge, Jr.
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Hubert D. Bible
Thomas E. Bickford
John A. Bicknas
David P. Bigler
Charles E. Billings
Norman K. Billipp
John A. Binder
Francis A. Bishop
Jerry C. Black
Robert O. Blanchette
Thomas M. Bland
Jerry M. Blanton
Philip W. Blaylock
John D. Bledsoe
Leroy E. Blessing
William Blott
John L. Blount, Jr.
Orville N. Blyzes
John T. Bobb
Leonard J. Bobbio
Henry M. Bodziak
Robert W. Boehm
Arden G. Boeker
Robert E. Boerner
Brent S. Bofenkamp
Lee A. Boise
Robert U. Bokelman
Richard W. Bolton
Richard D. Bondurant
Joseph Bonsignore
William J. Bontell
Max J. Rorek
William C. Borgman
Alfred J. Borowy
Norman L. Bottorff
Earl T. Bowers, Jr.
Ralph M. Bowling
Marion V. Bowman
Bernard G. Bowyer
Paul L. Boyer
Edward B. Boyle
Ellis J. Bradford
Joseph G. Bradley
Robert J. Bradley
Earnest W. Brady
Jack A. Brage
Charles A. Braley III
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Dale R. Brandt
Sylvan K. Branson
Richard C. Brassington
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Eugene Breeze
Joseph J. Brennan
R. B. Breshears
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Edward E. Bright
Garold N. Brooks
Robert D. Brooks
Nelson J. Broussard
Constantinos T. Brown
Donald J. Brown
Terrance D. Brown

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William N. Brown
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John E. Buckingham
Leonard Buckley
Allan S. Buescher
William J. Buhl
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Jeat Bullock
Bernard E. Burgess
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Elkanah J. Burns, Jr.
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Charles A. Burr, Jr.
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Ronald R. Burton
Bonnie O. Butts
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Markham B. Campaigne
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James E. Campbell
Joseph J. Campbell
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Edward Cardoza
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Laurel E. Chapman
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Duchesne P. Clark, Jr.
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Vernon L. Clark
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Howard J. Collins
Joe R. Collins II
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Frank A. Cox, Jr.
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John F. Craiglow
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Franklin D. Craner
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Charles R. Craynon
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Ronald K. Crockford
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Carlos C. Durazo
Bobby E. Dusek
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Robert W. Ebert
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Thurlow D. Ellis
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Patrick E. Ennis
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Richard E. Esler
Richard G. Esler
Roy D. Esmond
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Woodruff C. Goble
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Stanley W. Godsil
Virgil L. Goewey
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Gilberto Gonzalez
Loyal W. Good
Elbert R. Goodall
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Harvey E. Greenawalt
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Bruce E. Griesmer
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Charles R. Griffin, Jr.
Bryan D. Griffith
James H. Griffith
John A. Griffith III
Bobby J. Griggs
Jessie Grimes
Richard L. Grivner
Robert W. Groom
Francis E. Gross
James W. Groulx
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Robert M. Gulley
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Walter R. Hampton
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Thomas J. Hanrahan
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Ralph Harris
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Robert D. Harrison
Russell J. Harrison
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Orville L. Hastie
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Joe H. Hatchel
Harry A. Haught
Harold B. Hauptfuhrer
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Jerrald J. Hawkinson
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Thomas E. Hayward
Gale E. Healvilin
Virgil I. Heap
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Richard E. Hensel
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Munn E. Hinds, Jr.
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Jerry L. Hodges
Miles M. Hodges
Richard W. Hodory
Leo J. Hoedl
Jack Hofstra
Robert E. Holdeman
John Holderness
Jack Hoelzle
Frank D. Holiwski
James N. Holk
Kenneth B. Holland
Harold D. Hollis
Clomer J. Holloway
James D. Holmes
Stanley M. Holmes, Jr.
John C. Holmgreen, Jr.
Henry J. Holschen, Jr.
William A. Holt
Billy J. Honza
Raymond J. Hoogendoorn
Jerald D. Hopper
Theodore D. Hopper, Jr.
Walter S. Horsfall
Nathaniel R. Hoskot, Jr.
John C. Howell
Richard A. Hudson
Carl L. Huddleson
Walter D. Huels
James L. Huff
James W. Huffman, Jr.
Charles E. Hughes
William J. Hughes
Robert D. Huie, Jr.
Zane C. Hulcy
James G. Hulsey, Jr.
Richard E. Hulslander
Robert S. Hunsberger
William R. Hunt, Jr.
Charles E. Hurst
Donald R. Huskey
Thomas H. Husted, Jr.
Arnold A. Hutchinson
William C. Hutsler
John S. Hyde
Steve J. Illes
Donald E. Imes
Alvah E. Ingersoll, Jr.
John L. Irons
Floyd D. Irvine
Frank M. Izenour, Jr.
Dennis D. Jackson
Jerald W. Jackson
Kaye E. Jackson
Marvin L. Jackson
Charles E. Jacobs, Jr.
George T. Jacobs
Arthur R. Jacobsen, Jr.

Theodore R. Jacobson
Christopher P. Jameson
Joseph J. Janis
Jimmie E. Janke
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James Jennings
Huston R. Jernee
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Dan C. Johnson
Dan E. Johnson
Donald D. Johnson
Donald R. Johnson
Harold B. Johnson
James E. Johnson
Stephen J. Johnson, Jr.
Weldon W. Johnson
William F. Johnson
Joseph D. Joiner
Charles M. Jolly
Harold L. Jones, Jr.
James D. Jones
Philmon E. Jones
Robert J. Jones
Thomas H. Jones
William T. Jones
William J. Jordan
Robert E. Joyce
Luis A. Juarez
John Kadlecik, Jr.
John M. Kaheny
Martin F. Kahl
Lawrence G. Karch
Eugene J. Kaus
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Roger L. Keatley
Gary S. Kee
Richard L. Keil
John R. Keim
William E. Keller, Jr.
Jessie W. Kelley
John M. Kelly
Michael S. Kelly
Ralph E. Kelly
Richard M. Kelly
Samuel J. Kelly, Jr.
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Edgar T. Kendrick
Robert H. Kennedy
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George P. Kenniston
Arthur L. Kent, Jr.
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Samuel L. Kerr
Ronald R. Kersey
Jack Kettler
Meek C. Kiker, Jr.
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Thomas R. Kimball
Claude E. King
Claude E. King
James F. King
Wayne W. King
Gerald P. Kirchgessner
Michael J. Kirin
Harvey O. Kirk, Jr.
Gerald J. Klansky
Robert L. Kloch
William A. Knight
William J. Knipper
Roger E. Knowles
Charles Knox, Jr.
Joe J. Koliha
William L. Kramer
Kay E. Kramp
John J. Krauer
William Kreiling
William L. Kroelinger
Ronald L. Krueger
Julius W. Kucinski
Norman K. Kuhlman
Robert J. Kuhlman, Jr.
Coleman D. Kuhn, Jr.
Billy H. Kuykendall
Robert P. Lacoursiere
John J. Lacy
Lawrence K. Ladd
Ivan A. Laing
Harvey L. Lambka
Everett E. Lamczyk
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Bobby Lane
James V. Lane
Warren R. Lane
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Timothy L. Laplaunt
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Richard M. Larson
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Roger L. Laton
Ronald J. Laughlin
Donald E. Laughner
Chester N. Laverty
Robert C. Laverty
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Lewis W. Layton, Jr.
Shawn W. Leach
Jimmie V. Leal
Roger O. Ledoux
John J. Lee
Richard R. Lee
William E. Lee
William E. Legg
Walter V. Lemmond III
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Joseph A. Leonski
Lawrence J. Le Page
James W. Le Wallen
Kennith D. Lewis
George S. Lidback, Jr.
Newton A. Lieurance, Jr.
Bobby R. Light
Ralph B. Lilja
Junior Lilly
Steven P. Lindsey
Albert J. Listwan
Herman I. Little, Jr.
Burdell L. Lloyd, Jr.
Edward P. Loftus
Bernard W. Logan
John L. Lohr
Richard P. Lonetti
Charles J. Long
Carl E. Long
Robert L. Lord
Frederick A. Lorentsen
Frederick R. Loughren
Charles Loustaunau, Jr.
John T. Lovell
Willis J. Lovitt, Jr.
William N. Lowe
David W. Loy
Arne B. Lucenius
Robert M. Ludwig
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Theodore Lukawecz
Sellards L. Lumpkins
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Helmer G. Lundberg, Jr.
George L. Lunt, Jr.
Edward M. Luisa, Jr.
John H. Lusignan
Fred Lutz, Jr.
Maxwell C. Luxemburger
Hazen E. MacDonald
Larry S. MacFarlane
Herman E. MacKlin
Gerald Macky
Gary W. MacLeod
Ray D. MacPherson
Gerald O. Mallette
Loren J. Malone
Lewis D. Manbeck
Dale W. Manifold
James D. Manley
Daniel I. Mann
Thomas J. Mann
Joseph R. Manning
Donald C. Marchette
Gaylord J. Marek
Daniel Marland, Jr.
Samuel R. Marrone
John J. Marshall
David O. Martin
Donald J. Martin
Francis L. Martin
Horace W. Marvin
William R. Masciangelo
Michael P. Mastroberti
Lawrence W. Matras
John T. Matthews, Jr.
Peter J. Matthews
Millard F. Matthews, Jr.
Dean H. Matzko
Charles L. Maxfield
Donald M. Maxwell
Sanford F. Mayfield
William T. McAuley II
William G. McBride, Jr.
William D. McCall, Jr.
Frank H. McCarthy
John E. McCarthy, Jr.
Richard C. McCarthy
William J. McCarthy
Joseph R. McCartney
Ramon V. McClellan
Jimmy W. McClung
Raymond B. McClure
Francis McCombs
Richard G. McCord
Donald W. McCormick
Billy R. McCulloch
Denis H. McDonald
James E. McDonald, Jr.
Donald T. McDonough
Patrick J. McElhinney
Bernard W. McFadden
Andrew B. McFarlane
Reginald K. McGraw
Henry W. McGee
John P. McGuire
James P. McInerney
John M. McInnes
Max McIntyre
Wallace L. McIver
Frederick R. McKay
John E. McKay
Joseph C. McKenna
Harry T. McKinney, Jr.
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William J. McLaughlin
Edward L. McMenamy, Jr.
Jack H. McMullin
Thomas B. McMullin
Warren R. McPherson
Daniel H. McQueary
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Miles T. Miller
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William R. Miller
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Jimmie L. Mills
Thomas C. Mills
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Earl W. Mitchell
Floyd G. Mitchell
James J. Mollendor
Harry R. Moller
Guy E. Moneypenny
Orrie G. Montgomery
John E. Moody
Rex B. Moody
David C. Moog
John F. Mooney
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Theodore C. Moore
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Francis T. Morgan, Jr.
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Robert G. Morilla
Richard G. Morin
Joe D. Moring
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Herbert R. Morris, Jr.
Allen W. Morrison
Jerald J. Morrison
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Charles L. Morrow
Edward Morrow
Merrill T. Morton
Harold D. Morts
Don E. Mosley
Alfred H. Mossler
Bruce L. Moulton
Stavros S. Moungelis
Paul H. Mounter
George T. Mowry
William H. Moxley
Robert L. Mull
Richard J. Muller
Jerold A. Mulloy
John V. Mumford
Ted L. Munday
Marion E. Mundy
Timothy J. Murphy
Grover Murray
Richard E. Musser
Clair D. Myers
Glenn N. Myers
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Thomas F. Nagelin, Sr.
Gary L. Nail
Gerald R. Naperalski
Gail L. Nash
Daniel A. Nazarchuk
Charles F. Needels, Jr.
Thompson D. Neff
Robert E. Neithammer
George Nelson, Jr.
Russell L. Nelson
Cecil Netherly
Alfred C. Neveu
Walter New
Gary L. Newkirk
Richard B. Newton
Donald D. Nicosia
Carl E. Nida
James F. Nienstedt
Joe A. Nixon
Leabert F. Nobriga
John F. Noel, Jr.
Phillip C. Norton
William D. Norton
Henry R. Nothhaft
Peter W. Oatis
Charles W. Occhipinti
Charles F. O'Connor
George R. O'Connor
Frank E. O'Dell
William J. O'Hara
John O. Olsen
Thomas A. Olson
Stephen J. O'Neill
John P. Oppenhuizen
Louis D. Orlando
Alfred W. O'Roark
Louis Orona, Jr.
James C. Orr
Robert C. O'Shields
Thomas T. O'Sullivan
Thomas F. O'Toole, Jr.
Clair E. Ott
Melvin J. Oubre
Nicholas J. Outrakis
Gerald E. Owsley
Lynn D. Oxford
Herbert M. Page, Jr.
Billy G. Painter
Doil C. Palmer
Harry L. Pancoast, Jr.
Paul Paquette
Bobby J. Parrish
Julian W. Parrish
Theodore Paskevich
Doyle M. Patton
James S. Paulk
Jack T. Paxton
Bruce W. Pearce
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Walter A. Peeples
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Conrad R. Pelletier
Perly A. Pelletier
William M. Pelto
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Thomas J. Pentony
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Edmund T. Peregoy
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William C. Peters
Dennis A. Peterson
George L. Peterson, Jr.
Gordon F. Peterson
John W. Peterson
John A. Petronzio
Ronald J. Petzel
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Ennis T. Phillips, Jr.
Weller A. Phillips III
Adolph L. Plank, Jr.
Charles L. Platt
Warren B. Partain, Jr.
Ronald J. Piconke
Robert P. Pier
Arthur A. Pierce
John F. Pierce
Louis T. Pierce, Jr.
Charles W. Pigott
John E. Pike
Ralph H. Pike
John M. Pinkerton
Murry C. Pinnell
Leo G. Plante
Edward J. Polasek, Jr.
John R. Pope
Glaston Pool
Edward G. Poulin
Clayton A. Powell
Frank D. Powell
John A. Powers
Thomas J. Prendergast
Ralph A. Preston, Jr.
Paul J. Prinster
Nicholas Prokopchuk
Charles F. Purvis
Raymond J. Quan
Alvin J. Quigley
William J. Quigley
James E. Quinn
William E. Raber
Jack N. Rabun
James E. Rachal
Darrel R. Radcliffe
Perry A. Ramey
William E. Ramey
Joe P. Ramirez, Jr.
Roy G. Ramirez
Jerrold A. Ramsay
Frederick A. Randlett
George A. Ravan
Harvey L. Rau
Walter J. Ray
Frank A. Reale
Charles Rechtenbach
Raymond E. Redford
Bobby D. Redic
Chris D. Reed
Jack M. Reed
Ralph W. Reed
Edmond W. Reeder
Ross N. Reeves III
Walter A. Reeves
Gawn W. Reid
Lawrence C. Reifsnider
Robert E. Reigle
William A. Reigle
William A. Reitmeister
Edwin J. Renegar
Luther L. Renfroe, Jr.
Earle L. Renn
Junior G. Reynaud
Charles D. Reynolds
Oren C. Reynolds
Richard W. Rhode
Davey L. Rhodes
Frederick V. Rhyder
Edwin A. Rice
Lewis E. Rice
Luther E. Rice, Jr.
Clarence E. Richards, Jr.
Harold L. Richardson
Herbert C. Richardson, Jr.
William A. Richmond
Clarence J. Ricker
Melvin R. Ricks
Robert L. Ridenour
William N. Riddle
Harold J. Riley
Martin J. Riley, Jr.
Patrick A. Riley
Jerry H. Ringler
Robert J. Riordan
William Risko
Robert R. Rivers
James J. Roberson
Thomas F. Roberson
Frank H. Roberts, Jr.
Lewis C. Roberts
Linton R. Roberts
Thomas E. Roberts
John T. Robertson
Roland G. Robertson
Clifford R. Robinson
Robert B. Robinson
William R. Robinson
Edmund A. Robitaille
Carl L. Rodgers
Lyonel K. Roepke
Cecil W. Rogers
Lionel D. Rogers
Alex F. Roland
Edward P. Rolita, Jr.
Dennis M. Rolland
Donnie L. Romine
Hugh A. Ronalds
Philip G. Roos
James P. Root
William L. Rosbe
Robert L. Rose
Leonard H. Ross, Jr.
Mark C. Roth

Thomas H. Roth
Joseph R. Rotramel, Jr.
Donald G. Roush
Carlton A. Rowe
Clark H. Rowe
Hugh T. Rowe, Jr.
Robert D. Rowe
William W. Ruckel
Thomas R. Rummel
Roger L. Runkle
Edward M. Russell, Jr.
Hayden B. Russell, Jr.
James C. Russell
Robert H. Russell
Robert M. Russell
James A. Ryan
Woodson A. Sadler, Jr.
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Ronald J. Sagnimeni
Billy C. Sanders, Jr.
James W. Sanders
Samuel Sangialosi
George Santiago
John L. Saulnier
Carleton F. Saunders, Jr.
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Samuel F. Saxton
Jimmy M. Scarboro
Douglas T. Schanzenbach
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Paul V. Scheetz, Jr.
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Clifford G. Schleusner
Michael E. Schmidt
Charles W. Schmidt
Raymond H. Schmidt
Robert G. Schmitt
William V. Schmitz
Erwin W. Schomisch
Bill M. Schooler
Adrian E. Schoonover
Donald C. Schultz
Frank W. Schultz
Herbert J. Schumacher
Clifford S. Schuring
William O. Schwarz
Eldon Scott
Harmon Scott, Jr.
James L. Scott
Jerome C. Scott
Jesse M. Scott
Ronald L. Scroggin
Frederick H. Seage, Jr.
James W. Seal
George B. Search
Elmer C. Seder
James E. Seitz
John V. Seliga
James A. Sellars
Stephen G. Seman
Benny R. Sepulveda
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Ronald L. Shafer
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Ronald H. Shoop
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Derek A. Shubin
Peter Shulgay
Kenneth C. Shumate
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Jerry E. Siler
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Charles R. Slavens
James C. Slate
Joe D. Sloan
John J. Slocum
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Perry Smiley
Alexander G. Smith III
Cameron M. Smith, Jr.
Donald F. Smith
Glen D. Smith
Harold Smith, Jr.
James L. Smith
James C. Smith
James J. Smith
Jessie E. Smith, Jr.
John R. Smith
John R. Smith
Kenneth F. Smith
Lake Smith, Jr.
Marschall I. Smith
Robert E. Smith
Robert E. Smith
William E. Smith
Edward A. Smyth
John J. Snead
Paul L. Snearly
Leland N. Snell
James E. Sommerhauser
Vincent A. Sordello
Harold L. Spainhour
Vincent A. Spalding
James A. Spalsbury
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William R. Spellins
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James A. Spinks III
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Richard E. Squires
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Jackie W. Stanley
James W. Starbuck
Donald I. Stashi
Dorrance E. Statham
Frank A. Staump, Jr.
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Raymond D. Stetser, Jr.
Darrell T. Stevens
Herbert W. Stevens
Ralph E. Steward
Richard A. Stewart
Melvin A. Stickler
Cornelius F. Still
Myles C. Still
Gordon P. Stirling, Jr.
Frederick M. Stitcher
Charles D. Stitt
Donald F. Stoffel
James C. Stokes, Jr.
James E. Stoll
Richard C. Stone
Samuel E. Stote
Thomas D. Stouffer
Robert R. Stout
Douglas D. Street
Benjamin J. Strickley
Harry H. Strunk
Willard E. Stull
Charles A. Sudholt
John M. Suhy
John J. Sullivan
Patrick J. Sullivan
Donald W. Sumner
Richard C. Suthard
Cecil E. Swanagin
David O. Swaney
Carl R. Swanstrom
Richard F. Sweeney
Cyrus C. Sweet
Harold W. Swindell
Richard M. Swink
James D. Swinson, Jr.
Walter E. Switzer
Donald Sylvers
Ira L. Sylvester
William P. Symolon
Stephen A. Tace
Charles R. Tackett
Norman F. Taft
George E. Tallmage
James R. Tatum
Gerald L. Tauber
Joseph K. Taussig III
Aubrey M. Taylor
David E. Taylor
Charles D. Tebrich
Bobby A. Templeton
William K. Terrell
Benjamin G. Thomas
Elmer L. Thomas
Frank D. Thomas
Jerrold A. Thomas
Neil S. Thomas
Velpeau C. Thomas
George P. Thompson
Lacy Thompson, Jr.
Leon R. Thompson
Melvin L. Thompson
Thomas L. Thompson
William F. Thompson
Cecil R. Thornton
James C. Thornton
Martin A. Tice
Harold L. Tieking
Robert F. Tillie
Robert W. Timmons
Kenneth W. Tims
Ralph E. Toholsky
William E. Toombs
Robert W. Torrey
Thomas A. Toth
John B. Toy, Jr.
Kevin F. Trainor
Wayne L. Treece
Winfield R. Trott, Jr.
Thomas J. Tucci
Edward P. Trudell
Robert W. Tuleya
Donald R. Turl
Milas E. Turney
Ellsworth J. Turse, Jr.
Curtis A. Twiddy, Jr.
Richard D. Twiford
Leonard D. Tygart
Francis D. Tyson
Paul Underwood
Robert J. Underwood
Andres Vaart
William P. Vacca
Allen L. Vance
Roscoe W. Van Druff, Jr.
Jay H. Van Dyne
Theodore R. Van Kirk
Thomas C. Van Landingham
William L. Van Orden
Isaac R. Vaughan
Joseph A. Vchulek
Robert E. Veigel
Chauncey D. Venuto
Francis E. Verbanic
Peter N. Vidito
Ronald E. Vido
Joseph L. Villeneuve
Richard L. Vincent
Bernard B. Voronin
Gordon R. Wade, Jr.
Charles P. Wager
James P. Wagner
Jack L. Wagstaff
Edward P. Wahl, Jr.
Maurice G. Waitt
John N. Waldron
Robert A. Walden
Houston E. Walker
James E. Walker
Jerry E. Walker
Laurence A. Walker
Loren E. Walker
Mungo R. Walker
Pierre L. Walker
Robert G. Walker
Thomas U. Wall
Bernie J. Wallace
Robert T. Wallace
Donald F. Walsh
Walter R. Walsh, Jr.
Robert Waltman, Jr.
Ronald E. Ward
Virgle C. Warner
Theodore B. Warren, Jr.
Price I. Watkins
Carl D. Watson, Jr.
Henry L. Watson, Jr.
Carl V. Watts
Billie F. Weaver
Billy J. Weaver
James E. Weber
Thomas H. Weber
Robert W. Weeks
Sammy N. Weeks
John Wegl
Charles J. Weigman, Jr.
David E. Welborn
Alexander D. Welch
Claire V. Wells
James W. Wells
Ronald R. Welsh
Lloyd J. Wengeler
Carl J. West III
Jack S. Westbrook
Billy D. White
Carlton P. White
Henry G. White
Robert M. White
Jackie D. Whiteaker
Robert L. Whited
Eddie D. Whitehead
Willis L. Whitehurst
Donald A. Whiteside
Jesse J. Whitten
Marvin A. Whitten
Jack R. Whitworth
Michael C. Wholley
James O. Widel
Frank P. Wilbourne III
Neal D. Wilcox
Charles R. Wileman
Earl K. Wiles
Buford B. Wiley, Jr.
Henry E. Wilhide
Joe H. Willer
George J. Williams, Jr
Irving D. Williams
James D. Williams, Jr
James R. Williams
Roger L. Williams
Samuel G. Williams, Jr.
Donald Willingham
Hugh L. Willner
Russell O. Willson
Richard G. Wilmes
John C. Wilson
John P. Wilson
Kenneth L. Wilson
Robert L. Wilson
William H. Wilson
Fred M. Winkler
James W. Winn
Richard D. Wise
William J. Witt
Howard A. Wold
William C. Wolfe
William M. Wolfe
Kirk S. Wolford
Charles F. Wolverton
Nathan A. Wong
Dana J. Wood
Edmund W. Woodland
William E. Woodman
Gary L. Woods
Duane L. Woodson
Evan K. Woodworth
Neil R. Wooley
Brian T. Wright
Claude C. Wright, Jr.
Eddie B. Wright
James N. Wright
Richard M. Wright
William F. Wright
Michael C. Wunsch
James R. Wyatt, Jr.
Richard J. Yeoman,
James M. York, Jr.
Austin Z. Young, Jr.
John L. Young, Jr.
Robert W. Young
Virgil L. Young, Jr.
John F. Zakian
Phillip B. Zeman
Richard M. Zell
Jon L. Zellers
Delphinus N. Ziegler
Jerry A. Zimmer
John R. Zimmer
Dennis R. Zoerb
Charles E. Zumstein
Donald L. Zumwalt
Robert C. Zwiener

The following-named officers of the Marine Corps for permanent appointment to the grade of first lieutenant, subject to qualification therefor as provided by law:

George T. Ackerson
James F. Adams
Thomas E. Albright
James A. Amendolia
Leroy V. Anderson
Marie L. Arnold
John C. Astle
Terrance W. Bache
Peter R. Badger
Jerry K. Baird
Russell F. Bailes, Jr.
Vance Baker
Bradley E. Barriteau
Irving A. Bassett, Jr.
Frank M. Batha, Jr.
William P. Bau
Robert E. Baurle
Theodore T. Bean
George Beley
Roger J. Berger
Stephen R. Berkheiser
Stuart C. Berman
Maurice F. J. Bernier
George V. Bershinsky
Lee H. Bettis, Jr.
John A. Bicknas
Norman K. Billipp
Richard A. Bircher
Patrick C. Blackman
Frank S. Blair
Marvin S. Blair, Jr.
Frank R. Blakemore
Lee D. Bodkin
Robert W. Boehm
James R. Bohlig
Jay F. Boswell
Earl T. Bowers, Jr.
John W. Bowman, Jr.
Thomas A. Braaten
Robert J. Bradley
Joseph J. Brennan
Constantinos T. Brown
David L. Brown
David T. Brown
John P. Brown
Robert G. Brown
Terrance D. Brown
William A. Brown
Ronald D. Browne
Randolph D. Brunell
Allan S. Buescher
Phillip G. Burke
Elkanah J. Burns, Jr.
Kenneth R. Burns
John D. Burrill
Walter R. Burroughs
Dwight R. Byers
Markham B. Campaigne
Joseph L. Cannava, Jr.
Nicholas F. Carlucci, Jr.
Patrick G. Carroll
James A. Cathcart
Justice M. Chambers, Jr.
James M. Chapin
Walton F. Chapman
Michael P. Chervenak
James Chickneas
Clayton C. Christensen
Joseph A. Cialone II
Robert P. Cipriani
James P. Clark
Stephen P. Clark
Robert Colonna
Patrick J. Connor
John W. Consolvo, Jr.
Paul M. Cook II
Charles S. Cooley
Kermit C. Corcoran
Alfred G. Cordes
Albert J. Cormier
Billy R. Courtney
William V. Cowan III
Ronald M. Cowin
Chandler C. Crangle
Thomas W. Crew II
Fred R. Crowley
Louis M. Croy, Jr.
Francis J. Cuddy, Jr.
Otis F. Curtis IV
Terry M. Curtis
Ronald L. Czarnecki
Karl E. Dahlberg
William R. Daniel
Samuel D. Davis
William J. Davis
Larry A. Dean
Walter E. Deese
Louis A. de la Garza
Robert J. de Luca
Thomas R. de Lux
James R. de Vore
Paul J. Dietz
Daniel C. Douglas
Robert L. Doup
Paul F. Drnec
Thomas W. Drummond
Richard D. Duff
John W. Dumas
James V. Dunlap
Robert E. Dzialo
Darryl F. Dziedzic
William M. Eaton
Edwin E. Eloe
Clark D. Embrey
John P. Emmett, Jr.
Michael W. Emmett
George J. Eschenfelder III
Richard G. Esler
Donald V. Esmond
Manuel Estela
David P. Evans
Walter R. Fabinsky
Helmuts A. Feifs
David E. Feiring
Ralph E. Fields, Jr.
Andrew R. Finlayson
Charles E. Finney
John L. Fischer, Jr.
Don W. Fishero
William C. Fite
Morris O. Fletcher
George S. Ford
Robert C. Frame
Thomas L. Franklin
Robert L. Frantz
James E. French
John K. French

Barton J. Friebolin
Carlton W. Fulford, Jr.
Philip N. Fultz
Erich E. Gabrys
Joseph C. Gallo
Michael H. Gavlick
Logan T. Gay, Jr.
Howard L. Gerlach
Perry H. Gesell
Henry P. Giedzinski
Robert W. Gillespie II
Clayton S. Gilmore
John P. Glasgow, Jr.
Woodruff C. Goble
George W. Gorman
Joaquin C. Gracida
Perry H. Graves III
Ainslie A. Gray, Jr.
John W. Greenfield
Bruce E. Griesmer
Raleigh R. Griffiths
James D. Grosshans
James W. Groulx
Gary L. Gruhl
Raymond A. Guertin
Jerald J. Haggerty
Andrew M. Haglage
James C. Hajduk
Thomas L. Hall
Bernard Halloran
John L. Hamilton
Eugene R. Hardman
Jeanne L. Harfin
Kenneth L. Harmon
Russell J. Harrison
Ronald J. Hartnett
William M. Hatch
Edward Hatton III
Harold B. Hauptfuhrer
Gale E. Heaivilin
Bruce A. Heitz
Ronald A. Hellbusch
James J. Henderson III
Wallace Q. Henderson
Charles D. Henricks
Peter M. Hesser
Robert Hickerson
John L. Hickman
Robert G. Hill
Robert T. Hill III
Munn E. Hinds, Jr.
Edmond R. Hinkle
James D. Hintz
Miles M. Hodges
Richard W. Hodory
Patricia A. Hofheinz
John Holderness
Stanley M. Holmes, Jr.
John C. Holmgreen, Jr.
Raymond J. Hoogendoorn
Richard F. Hoogerwerf
Walter S. Horsfall
Nathaniel R. Hoskot, Jr.
Darrel R. Hotard, Jr.
Jack D. Howell
John C. Howell
James L. Huff
Charles E. Hughes
Robert D. Huie, Jr.
Richard E. Hulslander
James G. Hulsey, Jr.
Ralph P. Hundley
Donald R. Huskey
William R. Hunt, Jr.
Homer G. Hutchinson III
Larry W. Hutson
John S. Hyde
Frank M. Izenour, Jr.
Dennis D. W. Jackson
Marvin L. Jackson
Randall N. Jacobsen
Christopher P. Jameson
William M. Jarosz
Jack D. Jewell
James E. Johnson
William F. Johnson
Stanley G. L. Johnson, Jr.
Richard P. Jozwiakowsi
Joseph D. Joiner
John M. Kaheny
Lee D. Kane
Lawrence G. Karch
Thomas A. Keene
James M. Kelly
John M. Kelly
Michael S. Kelly
Samuel C. Kelly III
Samuel J. Kelly, Jr.
Robert H. Kennedy
Carl B. Kepford
Ronald R. Kersey
Jack Kettler
Joseph W. Kim III
Claude E. King
Frederick L. Kingery
Richard T. Kohl
Donald E. Koppenhaver
John J. Krauer
Earl A. Kruger
Robert J. Kuhlman, Jr.
Coleman D. Kuhn, Jr.
Kathleen D. Kupferer
Aniela Kwiatanowski
Francis W. Lamotte, Jr.
Bruce A. Lang
Robert K. Lange
Timothy L. Laplaunt
Richard M. Larson
Fred C. Lash
Ronald J. Laughlin
Robert E. Lavender
Edmond H. Lawrence
Michael R. Layman
Shawn W. Leach
Walter V. Lemmond III
Robert C. Lewis
Newton A. Lieurance, Jr.
Bobby R. Light
Ralph B. Lilja
Steven P. Lindsey
Frank E. Littlebury
Herman I. Little, Jr.
Andrew M. Lloyd III
Robert E. Logan, Jr.
Carl E. Long
John T. Lovell
Willis J. Lovitt, Jr.
Paul J. Lowery
Robert E. Lund
Arthur N. Mangham, Jr.
Bruce D. Mansdorf
Samuel R. Marrone
James J. Marshall
David O. Martin
Thomas D. Martin
William R. Masciangelo, Jr.
Robert J. Matthews
Dean H. Matzko
Jeffery W. Maurer
William G. McBride, Jr.
Jimmy W. McClung
Richard S. McConnell, Jr.
James F. McCool III
Denis H. McDonald
Patrick J. McElhinney
Harold S. McGinnis, Jr.
Donna R. McLennan
Edward L. McMenany, Jr.
Warren R. McPherson
Antoinette E. Meenach
Fred J. Meier, Jr.
Eugene G. Meiners
Bradford B. Meyers
Edward L. Michael
Arthur F. Millard
Peter B. Millichap
David L. Mix
John W. Mohr
Russell E. Moke
Kenneth W. Moore
Richard G. Morin
Alfred H. Mossler
Dean L. Mottard
Richard J. Muller
Jerold A. Mulloy
Edward M. Myers
Thomas E. Nadolski
Thompson D. Neff
Robert E. Neithammer
James H. Nelson
Russell L. Nelson
Thomas S. Nelson III
Allen D. Nettleingham
Gary L. Newkirk
Denver L. Newman, Jr.
Richard B. Newton
Michael K. Nickerson
John F. Noel, Jr.
Phillip C. Norton
Henry R. Nothhaft
Peter W. Oatis
Stephen J. O'Neill
John P. Oppenhuizen
James C. Orr
Edward V. Osborne
Thomas F. O'Toole
Leslie M. Palm
Peter L. Perkins, Jr.
Warren B. Partain, Jr.
James A. Pelli, Jr.
James L. Pendland, Jr.
Guy A. Pete, Jr.
William C. Peters
Dennis A. Peterson
Charles L. Phillips
Weller A. Phillips III
Louis T. Pierce, Jr.
Charles W. Pigott
John P. Pindel, Jr.
John M. Pinkerton
Sam Pisacreta
Robert S. Plaisance
Erle L. Plunkett, Jr.
Edward J. Polasek, Jr.
John R. Pope
Frank D. Powell
Paul J. Prinster
David S. Randall, Jr.
David L. Rankin
Geoffrey K. Rasmussen
Charles Rechtenbach
Ross N. Reeves III
Lawrence C. Reifsnider
Andrew D. Reidstetter
David W. Rice
William M. Rice
Clarence E. Richards, Jr.
James S. Richardson
Robert L. Ridenour
Charles N. Riley
Brian A. Rindt
Robert J. Riordan
Robert R. Rivers
Frank H. Roberts, Jr.
Roland G. Robertson
David B. Robison
Richard D. Rodrigues
Robert T. Rohweller
Alex F. Roland
Dennis M. Rolland
Hugh A. Ronalds
William L. Rosbe
Zebedee L. Rush
Billy E. Russell
Woodson A. Sadler, Jr.
Ronald J. Sagnimeni
Douglas T. Schanzenbac
Philip M. Scherer
Barbara A. Schmidt
Raymond H. Schmidt
Robert G. Schmitt
Charles J. Schneider, Jr.
Klaus D. Schreiber
William O. Schwarz
James L. Scott
Janice C. Scott
James W. Seal
James E. Seitz
George A. Shafer
Michael N. Shahan
Michael J. Sharbaugh
Terry K. Shaw
James J. Shea II
Robert A. Shearer
William A. Sheridan, Jr.
Millard M. Shell
Donna J. Sherwood
Robert J. Short, Jr.
Derek A. Shubin
Kenneth C. Shumate
Anthony E. Sibley
Bruce H. Simmons
James O. Singer
Thomas D. Sizemore
Cameron M. Smith
John R. Smith
Larry E. Smith
Marschall I. Smith
Michael Z. Smith
Edward A. Smyth
James A. Spinks III
Robert L. Spooner
Amy E. Spratlin
Larry J. Springer
Richard E. Squires
Norman S. Stahl
Joanne L. Stangenberger
Richard A. Steele
Jack W. Stephenson, Jr.
Richard A. Stewart
Myles C. Still
James C. Stokes, Jr.
James E. Stoll
Terry W. Stone
Thomas D. Stouffer
Robert R. Stout
Charles A. Sudholt
John M. Suhy
John J. Sullivan
Patrick J. Sullivan
Terry P. Swanger
James D. Swinson, Jr.
William P. Symolon
Dale C. Synnes
Stephen A. Tace
Joseph K. Taussig III
David E. Taylor
Charles D. Tebrich
William K. Terrell
John W. Theisen
William E. Thompson
Thomas L. Thompson
Martin A. Tice
Richard J. Tipton
Thomas A. Toth
John B. Toy, Jr.
Edward L. Trainor
Kevin F. Trainor
William E. Treadwell
Robert E. Trigalet
Alan J. Tucci
Clara L. Tucker
William D. Turnbull
Ellsworth J. Turse, Jr.
Curtis A. Twiddy, Jr.
Andres Vaart
William P. Vacca
Jay H. Vandyne
Chauncey D. Venuto
Peter N. Vidito
Eric P. Visser
Michael L. Vizas
Sidney S. Wade, Jr.
Laurence A. Walker
Thomas U. Wall
Walter R. Walsh, Jr.
Martha S. Webb
John Wegl
Allen E. Weh
Alexander D. Welch
Daniel L. Welker
Harriet T. Wendel
Carl J. West III
Buddy P. Westmoreland
John K. Wetter
Carlton P. White
Robert M. White
Eddie D. Whitehead
Michael C. Wholley
Frank P. Wilbourne III
Buford B. Wiley, Jr.
Michael W. Willett
Delvin R. Williams
James D. Williams, Jr.
James R. Williams
Joseph H. Williams
Roger L. Williams
Thomas W. Williamson
Digby H. Willard
Richard G. Wilmes
Lynn W. Wilson
Fred M. Winkler
James W. Winn
William C. E. Wolfe
Nathan A. K. Wong
Dana J. Wood
Larry A. Wood
Evan K. Woodworth
William F. Wright
Michael C. Wunsch
Kenneth A. Wymer
Richard J. Yeoman
Virgil L. Young, Jr.
Nels C. Youngstrom, Jr.
John S. Zdanowski
Richard M. Zell
Jon L. Zellers
Phillip B. Zeman
Jerry A. Zimmer

The following-named officers of the Marine Corps for temporary appointment to the grade of first lieutenant, subject to qualification therefor as provided by law:

Richard L. Akin
Charles R. Allison III
David S. Althaus
James H. Amos, Jr.
Gordon E. Anderson
Joseph T. Anderson
James E. Anthony
Michael J. Arent
Grey C. Axtell
Steven D. Bailey
William C. Bailey II
Wheeler L. Baker
George H. Baldwin, Jr.
John T. Balha
John D. Bank
Richard E. Barber
Clarke C. Barnes
Charles W. Barrett, Jr.
Drew J. Barrett III
Gary W. Basham
Clarence E. Bates, Jr.
Michael J. Baumhover
David C. Beard
Donald A. Beaufait
Larry R. Beeson
Stephen E. Beiser
Roy S. Belcher III
James D. Bell
Jack W. Below
John R. Benesh, Jr.
Ralph L. Bertelson
Kenneth W. Best
Donald R. Bishop
David A. Blakely
William F. Blum
Kenneth F. Boechler
John A. Bohn
Charles F. Bolden, Jr.
Donald R. Bolger
Gilbert H. Bolton
Craig P. Boulton
Tillman S. Boxell
Stephen C. Brandt
William J. Brennan
Christopher W. Brindle
Robert A. Brooks
Homer W. Brookshire, Jr.
Michael D. Brosee
Gary W. Bross
David Brown
Jack P. Brown
Richard A. Brown
Charles P. Brust
Helmut B. Bubbel
Roger D. Bullard
Michael W. Burkhart
Lynn A. Burrill
Michael A. Burrows
Earl D. Byler
Conrad H. Cadman
Robert E. Cahill
Charles F. Caldwell
Charles W. Campbell
Reid O. Carlock
Roy L. Carter
Richard P. Cassidy
Robert E. Castle
Joseph M. Chaisson
Andrew L. Charlson
Patrick F. Chorpenning
Louis E. Cimaglia
James L. Clark
John R. Cole
Robert L. Collins
William T. Collins
Richard A. Combs
Donald L. Conover
George S. Converse
Richard E. Cooper
Walter O. Cottrell
Wayne L. Courtney
Norman B. Crawford
Clarence S. Crowe
Michael J. Cummings
John F. Dalton
Stephen J. Danaher
Jack A. Davis
William R. Davis III
Charles G. Dean, Jr.
Peter M. Degnan
Robert R. DeGolian
Wayne A. Deines
David K. Denson
James A. Detch
Francis A. Dieli
Charles A. Dittmar, Jr.
Ronald B. Dobie
Raymond S. Dolgert
Walter L. Domina
William I. Donaldson, Jr.
Charles R. Donofrio
David T. Dotson, Jr.
James H. Dubose, Jr.
Brendan Duff
Patrick E. Duffy
Dennis E. Dugan
Michael T. Duncan
Donald L. Dziggel
Samuel G. Easterbrook III
Jerry D. Edwards
Gordon L. Eisert
Milton J. Eisiminger
Patrick N. Ellis
John R. Erickson
Olav J. Espenes
Richard S. Everhart
Richard G. Ewers
Thomas W. Fant
Paul C. Farmer
Oscar B. Fears, Jr.
Paul E. Fedeles
John R. Fenton

Kenneth A. Fish
John F. Flammang, Jr.
Marvin H. Floom, Jr.
Will R. Forrest
James D. Fortune
Charles R. Fox
John F. Fraser, Jr.
Laurence W. Frederick
Charles H. Gallina
Gary L. R. Gerard
Richard E. Glantz
Richard P. Glietsmann, Jr.
John X. Golich
Ronald J. Gonzales
Robert B. Goodrich
Gary J. Goslin
Lawrence D. Graeber
William J. Graham
Laurens B. Grandy, Jr.
Kenneth R. Gray
Joseph R. Green
Wallace C. Gregson, Jr.
Allen D. Guins, Jr.
Michael W. Hagee
Clarence E. Hagstrom, Jr.
Lee A. Haltom III
Roger C. Ham
Larry E. Hamblin
Richard D. Hammer
Edward C. Hammerbeck
Stuart D. Hammons
William F. Haizlip, Jr.
Thomas G. Harkins
Thomas F. Harper
George K. Harris
James P. Hartready, Jr.
Timothy M. Hartsook
Robert C. Haskett
Dean H. Hattan
John E. Hayes
Robert G. Hempel
John F. Hendry
Clifford F. Henes II
Robert W. Hensley
John C. Hergert III
James C. Hess
Robert T. Hickinbotham
Edward A. Highers
Elber A. Highers, Jr.
Allyn J. Hinton, Jr.
Michael G. Hire
Charles D. Hoelle, Jr.
Timothy G. Hoff
John J. Holly
John W. Hooper
Dennis K. Howe
Paul A. Howes
John C. Howland
Harvey E. Hufffman
William C. Hunt
Jerry L. Hyde
David H. Ingram
Erin L. Ireland, Jr.
Albert P. Jackson
Wayne T. Janecek
Barry E. Jankiewicz
Herman R. Jennette, Jr.
Fred W. Johnson
Gerald E. Johnson
Delver J. Jones
James D. Jones
Michael A. Kalashian
Wayne S. Keck
Lawrnece G. Kelley
Lawrence H. Kener
Lloyd E. Kenney
John P. Kiley
Charles H. Kinney
Jack W. Klimp
David T. Knapp
Frank L. Kooevar
Walter J. Kowalewski
Ellsworth R. Kramer
Dwight D. Kranz, Jr.
Jon J. Kratz
Michael L. Kudalis
Philip A. Lahlum
John H. Lakin
Rober R. Lalonde
Robert D. Lankes, Jr.
Roy A. Larkin
Ivan G. Larsh
Michael N. La Valle
Richard A. Lawrence
Thomas I. Leach
Stephen B. Leslie
Charles M. Lohman
David M. Lohr
Andrew K. Long, Jr.
Thomas E. Loughlin
Thomas J. Loughran
Counie B. Lovett
Robert K. Lunday, Jr.
Ross M. MacAskill
David B. MacFarlane
John M. Mack
Robert J. Mack
Ronald A. Malmgren
John W. Mann
James A. Marapoti
Richard J. Marien
Jeffrey A. Marlin
Douglas B. May
James C. May
Michael R. McCarty
Charles W. McCoy, Jr.
Scott E. McDaniel
John C. McKay
Michael B. McKeithen
Norman E. McKonly, Jr.
Jon M. McNerney
Anthony R. Medley
Stephen N. Melgaard
Patrick A. Michel
Charles A. Millard
Charles G. Miller
Rodney A. Miller
Charles P. Minor III
Joseph A. Mitchell, Jr
Carl W. Monk, Jr.
Charles E. Moore
James B. Moore, Jr.
Dermott W. Morley
Michael C. Morschauser
Leonard J. Mrozak
Larry A. Mueller
James E. Mulloy, Jr.
William H. Munyon
Curtis W. Murray, Jr
Terrence P. Murray
Martin J. Macrelli
John E. Neithammer
Garry D. Nelson
John S. Newby, Jr.
Domnic Nicolosi, Jr.
Thomas E. Noel
Oliver L. North
Timothy P. Nunan
William L. Nyland
Christopher C. O'Banks
Bryan D. O'Connor
Steven J. Oder
Malcolm L. Ogilvie, Jr.
Spencer F. Olsen
John F. O'Neil
Richmond D. O'Neill
Wilbert E. Orem, Jr.
Jerry D. Owen
Mackubin T. Owens, Jr.
William M. Palmer, Jr.
Thomas A. Pantke
Fred M. Parkowski
Michael L. Patrow
George M. Pease
Charles A. Pelletier
Robert R. Petering
William G. Peters
Thomas H. Petersen
Ross T. Petersen
Robert H. Pfeiffer
Roy F. Phillips
Richard L. Piper
Richard D. Porrello
Paul B. Pratt, Jr.
Theodore M. Printy
Lloyd H. Prosser
Jerry B. Pullium
Norman D. Raderer
Raymond C. Raece
William E. Ransbottom
Arthur J. Rauchle, Jr.
Joseph V. Reasbeck III
John M. Reddeck
Joseph D. Reich
Victor F. Reston
Jesse W. Rigby
Brian B. Riley
David B. Ripley
James D. Ritchie
James H. Roach
Joseph W. Roach
Marlen C. Robb, Jr.
Leonard T. Roberts
Ray A. Roberts
William E. Roberts
Joe D. Robinson
Christian A. Rodatz
Craig S. Roepke
Wayne E. Rollings
Mark A. Roman
Jeffrey T. Ronald
Orville G. Rowe
Jimmie L. Russell
Charles H. Schaefer
Marc A. Scheele
Edwin S. Schick III
William J. Schmitt
William H. Schopfel III
Lowell N. Schwankl
Eric D. Shafer
Rodney E. Shapiro
Colin B. Sillers, Jr.
Gordon L. Silliker, Jr.
Herbert P. Silva
Charles H. Silver, Jr.
Michael K. Simmons
Clyde E. Smith, Jr.
Lawrence W. Smith III
Ralph E. G. Sinke, Jr.
Ronald D. Skow
Daniel M. Smith
George Solhan
Dennis L. Snook
Mark S. Splain
Louis J. Stanislao
Peter R. Stenner
Arnold T. Stevens, Jr.
Michael D. Stewart
James V. Stiger
George F. St. John III
Dennis M. Storm
Richard C. Strack
Robert D. Strouse
John M. Struble
Tom E. Sulick, Jr.
Calvin L. Swanson
Thomas K. Tardy
William M. Taylor
James P. Terry
Allan G. Thaut
Daniel L. Thompson
Larry M. Thrasher
Christopher S. Tibbs
Raymond S. Tiney, Jr.
William F. Titterud
Joseph B. Towle
George L. Townsend
Tompson R. Toyama
Thomas B. Trammell, Jr.
James N. Treadwell
Mark C. Treanor
George E. Tucker
Travis J. Tucker
William T. Tucker
Thomas D. Turner
Daniel V. Urban
Edwin R. Valdez
Dyrck H. Van Dusen
Rondall L. Van Houtan
Earnest A. Van Huss
Theodore R. Vivilacqua
James L. Volkmar
Rudy J. Wadle, Jr.
Kim A. Wahtera
Stephen T. Walmey
Frank N. Waldrop
Patrick G. Waller
Roger P. Waniata
Buddy A. Ward
William D. Warren
Francis P. Warrington
Myron Wasiuta
James L. Watson, Jr.
Walter T. Weathers, Jr.
James H. Webb, Jr.
Terence A. Weigel
Donald R. Weiler
Lawrence W. Wells
Paul F. Wendler
Charles T. Westcott, Jr.
Newell J. Weston
William A. Wheeler
Robert L. Whitaker
John F. Whittle
Douglas P. Wiita
Kirby L. Williams
Rickey D. Williamson
Carl R. Wilson, Jr.
Paul E. Wilson
Guy C. Windheim
James D. Wojtasek
Walter J. Wood
Claud V. Woodard
Thomas G. Woods
Waite W. Worden, Jr.
James A. Yorg
Fred J. Young, Jr.
Donald F. Zeller
Ralston S. Clinch
Edwin J. Coyle
Alvin L. Craig
Rolland M. Dalbey
Robert G. Dietz
Bernard R. Doran
Edward A. G. Downes
Duane R. Doyle
William F. Driscoll
Emmett D. Duncan
Joe H. England
Wendel P. Fager
Robert D. Favreau
George W. Fenwick
Raymond E. Ferguson, Jr.
John B. Fetchko
Billy J. Fifer
George A. Fischer
Clyde W. Folsom
Billy K. Gabriel
Thomas R. Gardner
Antonio F. Garibay
Barry J. Georgia
Ernest L. Gibson, Jr.
Lester R. Grose
Clarence L. Guthrie, Jr.
William J. Gwaltney
Richard J. Hanna
Ronald C. Harrison
Lawrence E. Harry, Jr.
Lyle C. Hassen
Donald L. Hazlett
Joe P. Hedrick
Robert A. Heusner
Wellington A. Hiester, Jr.
James F. Hollis
Byron L. Houggard
Edmond R. Humm
Allyn A. Humphreys
Archer D. Hurd
Daniel J. Hurley
Joseph A. Johann
Dan E. Johnson
James R. Kelly
George F. Kenner
Bernard W. Keroack
Walter R. Ketring, Jr.
Frank A. Lambert
Billy B. Larue
John E. Lawrence, Jr.
Randall W. Lichty
William E. Lisenby
Charles E. Long
Charles J. Loof, Jr.
Robert W. Macfarlane
Paul B. Maguire
Leon Mattox
Robert J. McWhorter
John J. Miles
Robert D. Miller
Glenn P. Milliman
Douglas W. Montana
Roger G. Morgan
Anthony Mucci
Paul A. Myers, Jr.
Ronald D. Newman
Peter W. Nicolai
William Noonan, Jr.
Henry W. Nyenbrink
Howard C. Oakley
Eugene J. Ockuly
James G. Olsen
William H. Omdahl
Charles W. Paschen
Arthur R. Pearce
Benson Peltzer, Jr.
Robert E. Pope
Bebe B. Porter
Sam J. Prato
Dale Raymond
Thomas E. Redican
Daniel W. Richards
Richard L. Ross
Stephen J. Rosta
Richard S. Russell II
January T. Sakert, Jr.
William C. Schlondrop
Paul S. Shank
Charles W. Smith, Jr.
John M. Steele, Jr.
Joe W. Stone, Jr.
James H. Stowell
Guy S. Stroup
Frank R. Sutherland
Charles C. Taylor
Thomas F. Taylor
Allen B. Thrailkill
Edwin D. Tidwell
Howard L. Underwood
Alan W. Waldenville
Richard E. Weatherly
David C. Weber
Louis L. White
James J. Wiese
Floyd B. Worcester
Robert L. Worley

The following-named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer (W-4), subject to qualification therefor as provided by law:

Terrance A. Conner
Howard Holden
Paul H. Leahy
Andrew M. Olesak
Howard W. Vandoren

The following-named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer (W-3), subject to qualification therefor as provided by law:

Louis Acosta
Kenneth E. Allen
Joseph L. Backo
Paul R. Baker
Walter T. Baschnagel
John W. Bishop
Eugene A. Bowen
Wallace D. Bracken
George H. Brandt, Jr.
Harry L. Brooks
Charles O. Brown
Jerry E. Bunting
Paul W. Capelle
Darl G. Capps
Kenneth W. Clem
George W. Champion

The following-named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer (W-2), subject to qualification therefor as provided by law:

Norbert H. Adams
Frank L. Ahsue
Phillip D. Allum
George L. Alvarez
Ronald S. Ambrose
Byron A. Anderson
Darrell R. Atkins
George F. Aylward
Glenn C. Bargerstock
Daniel D. Barth
Donice R. Bartlett
Rodney A. Beal
Benjamin W. Beck
Thomas V. Allen
Robert C. Allison
Ronald H. Alnutt
Robert D. Amos, Jr.
Douglas E. Anderson
Raymond F. Asselin
Rodney F. Ayers
Marion R. Baggs
Boyd B. Bare
Windle W. Barnett
Hector Barrientes
Robert C. Bash
Henry S. Bass
George L. Begor
George J. Bennett
Robert W. Bennett
Robert C. Benson
Kenneth W. Berkey
Calvin J. Berton
Homer E. Bever
John A. Binder
Jerry C. Black
Thomas M. Bland
Philip W. Blaylock
Brent S. Bofenkamp
Lee A. Boise
Richard D. Bondurant
Alfred J. Borowy
Edward B. Boyle
Eddis J. Bradford
Garold N. Brocks
Robert D. Brooks
Arthur J. Brown
Benjamin M. Brown
Donald J. Brown
John H. Brown, Jr.
Arthur Brownfield III
Clarence C. Bryant
Jeat Bullock
Robert H. Canning
Charles E. Cannon
James R. Cannon
Anthony F. Caputo
Edward Cardoza
Gary L. Carnicle
John E. Carter
Roger E. Carver
Grover C. Casen
Ernest H. Cates

Arthur J. Chapman
Marshall C. Chase
Larry D. Choate
Edgar L. Clemons
Wilfred J. Clifford
Charles F. Colleton, Jr.
Howard J. Collins
Joan M. Collins
Hubert C. Cornett
John F. Craiglow
Larry G. Cravens
Charles R. Craynon
Charles F. Cross
Robert J. Dalton
Glenn L. Darst, Jr.
John W. Davis, Jr.
John W. Baure
Travis E. Belcher
Ronald R. Benoit
Thomas G. Benson
Bobby F. Bequette
Cecil B. Berryman
Lois J. Bertram
Robert W. Bland
Otis W. Bledsoe
William Blott
Gary M. Boggess
Jackson D. Boley, Jr.
Leo C. Boutin
John H. Bower
Billy T. Branch
Gary L. Bringham
Austin M. Bromley
John V. Brooks
Robert D. Bunner
Jack H. Burrell
Fred J. Call
Marion G. Cameron
Donald A. Camper
Robert A. Carney
Robert W. Carswell
Charles V. Clark
Curtis R. Clark
Donald J. Clark
Raymond C. Clausen
Larry A. Connin
Anthony J. Cotterell
Stanley E. Cottle
Donald L. Cramer
Duane E. Crawford
Ronald K. Crockford
John T. Crowe
Robert L. Davis
Anthony A. Degennaro
Hubert D. Dejaynes
John W. Dillinger, Jr.
David C. Dirks
Richard H. Dittman
Frank H. Dowden
Sidney E. Durham
George H. Dustman, Jr.
H. L. Dykes
Victor B. Elder II
Vernon R. Elliott
Roy F. Falgout
Jon H. Fasnacht
Ralph L. Fecke
James E. Fields
Paul S. Flaherty
Thomas E. Davis
Romain L. Deffes, Jr.
Don E. Diederich
Leroy Dobson
Billy D. Donnell
Daniel B. Dorn
Thomas L. Doss
Jerome Drucker
Michael J. Duggan, Jr.
Donald R. Dunagan
Bobby E. Dusek
Eugene W. Elfes
Thurlow D. Ellis
Fred C. English
Lewis J. Fallon, Jr.
John T. Fanning
William T. Farrow
Joseph F. Featherston, Jr.
Barry E. Fellinger
William J. Ferral
Wolfgang H. Fleck
Jerry D. Floe
Norman R. Ford
William D. Franks
Leo P. Gagnon
Michael P. Galasky
Craig D. Gallan
Robert L. Garoutte
Robert T. Garrow
Donald T. Gatton
Harold S. Gazaway
Robert L. Gibson
Earl E. Giles
Charles N. Goff
Tom A. Golden
Ronald W. Gould
Alan N. Graham
Wayne K. Gray
Ray H. Green
Bryan O. Griffith
James H. Griffith
Richard L. Grivner
Robert M. Gulley
Robert E. Gwaltney
Fred Gypin, Jr.
Robert E. Hamilton
Walter R. Hampton
Emmett L. Haney
Thomas E. Hann
James F. Hansen
Charles D. Harrell, Jr.
Arturo Flores
Edwin C. Ford, Jr.
John H. Fraser
John P. Freitas
Stanley L. French
Arthur J. Furtney, Jr.
Alfredo S. Garcia
Bernard E. Gardner
Leroy A. Garrett
Haywood P. Gibbs
Michael Gierczynski
Neil W. Goddard
Samuel M. Gordon
Joseph A. Goulet
Oliver F. Gour, Jr.
Jack C. Green
Jessie Grimes
Thomas J. Hager
Robert L. Haines
Ronald E. Hardy
Robert D. Harrison
Joe H. Hatchel
Jerome D. Hayes
Paul C. Haynes
Gordon E. Heishman
Charles R. Hern
Leroy Hicks
Robert C. Hitte III
John W. Horton
Walter D. Huels
Thomas Y. Hundley
Roosevelt Hurt
Rolf R. Iversen
Charles R. Jernigan
Joseph M. Jewett
Bobbie J. Johnston
Darrell G. Johnston
John A. Jones
John E. Journey
Martin F. Kahl
Roger L. Keatley
Eugene L. Keiter
Ralph E. Kelly
Edward D. Kemmis
Peter C. Kendall III
Arthur L. Kent, Jr.
Samuel L. Kerr
James Kight
George C. Kinslow
Joe J. Koliha
Don T. Harris
William H. Harris
Leonard J. Harrison
Berne C. Hart
Orville L. Hastie
Harry A. Haught
Robert D. Hawkins
Thomas E. Hayward
Edgar W. Henninger
Frank E. Hensel
Dale R. Hiller
Jack Hofstra
James N. Holk
Carl L. Huddleson
John L. Irons
Arthur R. Jacobsen, Jr.
Clifton S. Jenkins, Jr.
James Jennings
Donald R. Johnson
Luis A. Juarez
Gary S. Kee
Charles R. Kellison
Jessie W. Kelley
Charles L. Kiper
Robert L. Kloch
William L. Kramer
Kay E. Kramp
William L. Kroelinger
Robert P. Lacoursiere
Roger L. Laton
Donald E. Laughner
Roger O. Ledoux
William E. Lee
Joseph A. Leonski
Lawrence J. Lepage
James W. Lewallen
Junior Lilly
Frederick R. Loughren
William N. Lowe
David W. Loy
Millard F. Matthews, Jr.
Peter J. Matthews
Lawrence W. Matras
William L. Mazourek
William T. McAuley II
William D. McCall, Jr.
Frank H. McCarthy
John E. McCarthy, Jr.
Francis McCombs
Richard G. McCord
Henry W. McGee
John P. McGuire
John M. Knack
Joseph G. Knagge
William J. Knipper
Raymond S. Komo
Joseph S. Krajewski
Frederick W. Krell
Don C. Lacey
Robert B. Lambdin
Carl E. Lamey
John C. Lamson
Antonio Lauretta
Lewis W. Layton, Jr.
William E. Legg
Jack L. Leininger
Ralph Lewis
John A. Lidyard
Arron K. Lockyer
Troy A. Lucas
George L. Lunt, Jr.
John T. Lytle
Hazen E. MacDonald
Loren J. Malone
John T. Maloney
Thomas D. Maloy, Jr.
Lewis D. Manbeck
Earl J. Manning
Joseph R. Manning
Carlos Martinez
Horace W. Marvin
Lester E. Mashburn
John W. Matchett
Philip S. Mayo
Alonzo B. McCall
Ramon V. McClellan
Thomas McCourt
John W. McCue III
Francis M. McDonough
Joseph A. McElroy
Andrew B. McFarlane
Albenious P. McLean
Bert L. McSpadden
Alfred L. Messier
Ward B. Meston
Andrew P. Miller
August O. Miller
William R. Miller
Harry R. Moller
Clarence G. Moore
Robert D. Moorhead
Pasquale J. Morocco
Jerald J. Morrison
Joseph R. Morrissette
Daniel H. McQueary
George B. Meegan
James M. Meehleder
Edmund M. Mello
Edward H. Myer, Jr.
Anthony F. Milavic
Ashby R. Miller
Thomas J. Miller
Rex B. Moody
Edward L. Moore II
Fred A. Moore, Jr.
Theodore C. Moore
Robert G. Morilla
Don E. Mosley
Timothy J. Murphy
Glenn N. Myers
Arthur G. Nadeau
Gary L. Nail
Gerald R. Naperalski
Charles F. Needles
John N. Newman
Charles W. O'Cchipinti
William J. O'Hara
John O. Olsen
William J. Parker, Jr.
Bobby J. Parrish
Paul R. Pelczarski
William M. Pelto
Francis A. Pepe
Edmund T. Peregoy
Arthur A. Pierce
Jack N. Rabun
James E. Rachal
Darrel R. Radcliffe
Frederick A. Randlett
Walter J. Ray
Robert L. Redfield
Raymond E. Redford
Bobby D. Redic
Chris D. Reed
Ralph W. Reed
Albert A. Reynolds
Herbert C. Richardson, Jr.
William A. Richmond
Thomas F. Roberson
John T. Robertson
Lyonel K. Roepke
Donnie L. Romine
Hugh T. Rowe, Jr.
Robert D. Rowe
Edward M. Russell, Jr.
Paul H. Morrissey
Bobby J. Morton
Thomas F. Nagelin, Sr.
Daniel A. Nazarchuk
Ronald J. Neyt
Scott G. Nickell
James F. Nienstedt
Gerald E. Norris
Thomas A. Olson
James R. Owen
Joseph A. Parker, Jr.
Donald J. Parton
Hobart D. Patterson, Jr.
Earl J. Pazos
Robert H. Pendarvis
Jack N. Perrin
Joseph Perry
Abel D. Pierson
Donald E. Pihl
Kenneth E. Pitcher
Joe A. Pope
Bobby J. Ramsey
Donald Ratcliffe
Robert E. Ray
James R. Reichler
Thomas T. Renau
Luther E. Rice, Jr.
Robert B. Robinson
Edmund A. Robitaille
Carl L. Rodgers
Walter A. Rogers
George R. Roser
Roger P. Roux
Claude T. Rudd
Thomas R. Rummel
Vincent B. Russell, Jr.
Donald J. Sabattus
Robert E. Schlapfer
Lyle F. Schmehl
Bill M. Schooler
Keith A. Scott
Elmer C. Seder
Gerald C. Seybold
Richard A. Shamrell
Oscar E. Shaw
Jesse E. Shelton
Dean S. Shepard
John L. Sheppard
Hayden B. Russell, Jr.
James C. Russell
Billy C. Sanders, Jr.
James W. Sanders
John L. Saulnier
Clifford G. Schleusner
Charles W. Schmidt
Adrian E. Schoonover
George B. Search
James A. Sellers
Stephen G. Seman
Louis E. Sergeant, Jr.
William G. Sheldon III
Jerry M. Shelton
Sibyl E. Sherwin
Harvey H. Simpson
Charles R. Slavens
Robert J. Smethurst
Dever W. Smith, Jr.
James L. Smith
Joseph Smith
Paul L. Snearly
James A. Spalsbury
Dennis E. Springer
Jackie W. Stanley
William G. Sterling
Raymond D. Stetser, Jr.
Frederick M. Stitcher
James D. Svitak
David O. Swaney
Richard M. Swink
Jerrold A. Thomas
Joseph Thurmond
Ralph E. Toholsky
William G. Tomlinson
William E Toombs
Wayne L. Treece
Winfield R. Trott, Jr.
Robert J. Underwood
Joseph A. Vchulek
Richard L. Vincent
Jack L. Wagstaff
Robert A. Walden
Jerry E. Walker
Mungo R. Walker
Charles L. Wallace
Robert Waltman, Jr.
Theodore B. Warren, Jr.
Patrick J. Webb
Robert W. Weeks
David E. Welborn
Ronald R. Welsh
Leonard R. Shifflette
Thomas R. Shine
Louis D. Shove
Dean G. Shultis
James C. Smith
John J. Snead
Charles W. Snedeker
James E. Sommerhauser
Lawrence L. Spacek
Philip P. Speliopoulos
Billy C. Steed
J. D. Stewart, Jr.
Frederick C. Stilson
Lawrence L. Sutler
Cyrus C. Sweet
Joseph R. Sylvia
Gerald L. Tauber
William H. Tawney
Thomas W. Taylor
Gerald P. Tetu
William E. Thomas, Jr.
Don O. Thompson
Melvin L. Thompson
Edward P. Trudell
Thomas J. Tucci
Richard D. Twiford
Leonard D. Tygart
James J. Unger
Larry J. Urquhart
Richard C. Vancott
Thomas C. Van Landingham
Robert E. Vickers
Gordon R. Wade, Jr.
James P. Wagner
Larry F. Wahlers
Bernie J. Wallace
Lowell A. Wallace
Robert T. Wallace
Henry L. Watson, Jr.
Carl V. Watts
John R. Watts
Richard O. Webb
Thomas H. Weber
Robert J. Weeks
Sammy N. Weeks
James M. Wheatley
Marvin A. Whitten
Earl K. Wiles
Leroy L. Wilson, Jr.
Donald L. Wise
Peter A. Woog
Samuel J. Wood
James M. Woods
James R. Wyatt, Jr.
Theodore A. Youngblood
Donald L. Zumwalt
Lloyd J. Wengeler
Henry G. White
Russell O. Willson
William J. Witt
William M. Wolfe
Charles F. Wolverton
Eddie B. Wright
James N. Wright
Dennis R. Zoerb
Robert C. Zwiener

The following-named officers of the Marine Corps for temporary appointment to the grade of chief warrant officer (W-4), subject to qualification therefor as provided by law:

Patrick R. Brewer
Thomas H. Bruce
William D. Clemons, Jr.
Gerald H. Conner
William C. Corbett
Roy H. Crawford
Ernest Crocker, Jr.
Orville H. Duncan
Leo O. Hoffmann
Jo E. Kennedy
Robert McLellan
Glenford A. Newtown
Robert H. Russell
Aaron W. Spikes
A. W. Stuckey
James T. Williams
Robert V. Williamson
John A. Witkoski

The following-named officers of the Marine Corps for temporary appointment to the grade of chief warrant officer (W-3), subject to qualification therefor as provided by law:

David P. Abrams
Robert L. Adams
Bruce M. Albert
Bruce D. Alexander
Raymond L. Anti
Robert E. Atwood, Sr.
David L. Bagley
Willard E. Bailey
Walter E. Barkhouse
Donald N. Barber
William W. Barber
Harold E. Bartell
Donald R. Bean
John C. Beier
Eugene O. Bell
Donald C. Blackwood
James T. Blake
Earl C. Blount, Jr.
Leon J. Bochenski, Jr.
Okey L. Boggs
Glenn E. Bolen
Robert L. Bonifay
William B. Bovee
Robert G. Bradley
Donald R. Brandl
Richard C. Brassington
Ernest V. Bridges
Ferris D. Brown
James E. Brown
Frederick A. Buelow
Ernest A. Burgett
Glydon C. Burkett
James M. Burns
Louis G. Bushnell
Rayon H. Carlisle, Jr.
William D. Carr, Jr.
John H. Carrington
Jackie M. Carter
Lloyd J. Cartmill
Leonard J. Catanzaro
Thomas J. Caulfield, Jr.
Wallace E. Cavett
Howard J. Christenson
William J. Cipperly
Roy L. Clark
Jarrett Colbert, Jr.
William C. Conrardy
Darrell H. Cook
Curtis V. Cooke
Ralph W. Crum
John D. Cummings
Harry F. Curtis
Robert G. Darroch
Frederick E. Daubenspeck
William L. Davidson
Ralph D. Davies
Carroll C. Davis
James S. Davis
Muriel Davis
Paul A. Dean
Marvin D. Deaton
Leslie B. Dehaven
Harold E. Dexter
Robert D. Dodd
Robert J. Doorack
Kenneth M. Douglas
Richard H. Dyberg
Charles D. Eicher
John B. Emeney
Phillip M. Estes
Carroll G. Fain
Robert L. Fain
Stuart W. Fitzgerald
William F. Flom
Henry D. Flood
George R. Flynn
Donald L. Fogg
Ronald L. Foster
Joseph R. Frawley
Harold W. Frazier, Jr.
Alvin E. French
Howard E. Funk, Jr.
Cecil O. Gage
Clarence D. Garcia
Kenneth M. Gardner
Phillip E. Gates
James R. Gauthier
James L. Gentemann, Jr.
Marvin J. George
William E. Gilbert
George E. Gillespie
Carroll S. Gipson
Donald S. Giusto
Alfred J. Golab
Stanley A. Golowski
William H. Gordon
Donald B. Greenlaw
Eugene W. Gregorius
Kevin J. Griffin
Morton L. Hall
Carl D. Hamilton
Troy W. Hancock
Robert C. Hankinson
Tommy A. Harmon
William R. Hayes, Jr.
Harry L. Heebner
Kenneth J. Hendrickson
Douglas R. Herd
William C. Hickey
James E. Hill
Ronald G. Hoffmann
Ralph L. Holiman
Eugene S. Holmberg
Harvey D. Houck, Jr.
Donald C. House
Edward M. Hughes
Douglas W. Hughs
Walter E. Ingram
Earl M. Jennings
Carl O. Johnson
Laverne E. Johnson
Erich J. Johnston
Edward T. Jones, Jr.
William A. Jones
Richard L. Keil
Kenneth K. Keller
James E. Kendall
George P. Kenniston
Ralph R. Kimble
John H. Kinnear
Golden C. Kirkland, Jr.
Stephen F. Kiselicka
Francis Klesyk, Jr.
Harry A. Kling
Richard D. Knox
Herbert S. Kondo
Claudie J. Ladner
James E. Lake
Earle L. Lambert
Roger E. Larvie
David W. Lathrop, Jr.
Charles A. Lawrence
Franklin S. Lea
Earl C. Lee
James M. Leedle
Thomas J. Lesh
Robert M. Ludwig
Karl F. Liebert
Joel F. Lindsey
Roy F. Little
William D. Llewellyn
Edward P. Loftus
Robert B. MacKenzie
Ronald T. Macy
Paul M. Manning
William A. Masker
Robert B. Mason
Ronald J. Mayes
Bernard L. McIlnay
Bruce Mellon
Ralph C. Miller, Jr.
Robert S. Miller
Robert E. Milliron
Mack E. Mitchell
Tom A. Mix
John E. Moody
Johnney W. Moody
Bobby W. Morgan
Alan L. Morrill
Samuel L. Moyer
Dewey E. Mueller
Randolph M. Mulford
Billy D. Nicholas
Fredrick D. Norton
Robert L. Norton
Richard H. Norwood
Roy M. Oehlers
Richard R. Osterberg
Charles L. Pedersen
David T. Penman
Henry A. Peterson
John E. Peterson
Richard E. Phillips
James R. Pippin
William A. Poe, Jr.
William H. Powell
Cleon H. Rafferty
Emma G. Ramsey
Thomas W. Ray
Edmond W. Reeder
Alfred J. Reyer, Jr.
John L. Rhodes
Donald F. Richardson
Martin J. Riley, Jr.
William E. Riley
Harold L. Ritter
Clarence A. Robinson, Jr.
Rodger J. Rodick
Robert L. Rose
Leonard Ross
Richard H. Ross
Edward P. Rotchford
Clark H. Rowe
Stanley F. Sanders
Richard K. Sanders
Edmond S. Sarver
Charles W. Savage
Salvatore J. Scalzo
Anthony P. Schiraldi
Adolph Schmid
William W. Schuon
Norvel M. Scott
William G. Sexton
Richard G. Shore
Daniel L. Siemion
Stanley A. Skalski
Don L. Smith
Frank E. Smith
George M. Smith, Jr.
Lake Smith, Jr.
Ronald R. Smith
Roy E. Simolin
Richard W. Snow
Arlon Solomon
Anthony J. Soltes
Alan J. Sparks
Robert E. Spiker
Peter N. Stavros
William T. Steinken, Jr.
Richard F. Storch
Thomas J. Tandle
Edward G. Tardif
Kenneth E. Taylor
John L. Thacker
Jimmy R. Theriot
Edgar D. Thomas
John G. Tinney
Harry J. Tobin
Francis A. Toth
Richard L. Turcott
Thomas W. Turner
Jimmie Veater
Norman J. Walker
Richard H. Wallace
Robert H. Wallace
Virgil E. Wallace
Calvin R. Waters
Price I. Watkins
Eric P. Watson, Jr.
John C. Watts
John F. Weaver III
William R. Wenglare
John L. Wenrich, Jr.
Charles D. Wheeler
Donald L. Whisnant
Vance E. White
Thomas A. White
Howard C. Wolfe
Clyde V. Wright
James E. Wright
Veo S. Yon
George A. Zettler

The following-named officers of the Marine Corps for temporary appointment to the grade of chief warrant officer (W-2), subject to qualification therefor as provided by law:

Raymond K. Allen
Thomas V. Allen
Robert C. Allison
Ronald H. Alnutt
Robert D. Amos, Jr.
Douglas E. Anderson
Raymond F. Asselin
Rodney F. Ayers
Marion R. Baggs
Boyd B. Bare
Windle W. Barnett
Rector Barrientes
Robert C. Bash
Henry S. Bass
John W. Bauer
Travis E. Belcher
Ronald R. Benoit
Thomas G. Benson
Bobby F. Bequette
Cecil B. Berryman
Lois J. Bertram
Robert W. Bland
Otis W. Bledsoe
William Blott
Gary M. Boggess
Jackson D. Boley, Jr.
Leo C. Boutin
John H. Bower
Billy T. Branch
Gary L. Bringham
Austin W. Bromley
John V. Brooks
Robert D. Bunner
Jack H. Burrell
Fred J. Call
Marion G. Cameron
Donald A. Camper
Robert A. Carney
Robert W. Carswell
Charles V. Clark
Curtis R. Clark
Donald J. Clark
Raymond C. Clausen
Alva H. Cobb, Jr.
Larry A. Connin
Anthony J. Cotterell
Stanley E. Cottle
Donald L. Cramer
Duane E. Crawford
Ronald K. Crockford
John T. Crowe
Walter C. Daskam
Robert L. Davis
Anthony A. Degennard
Hubert D. Dejaynes
John W. Dillinger, Jr.
David C. Dirks
Richard H. Dittman
Frank H. Dowden
Sidney E. Durham
George H. Dustman, Jr.
H. L. Dykes
Victor B. Elder II
Vernon R. Elliott
Roy F. Falgout
Jon H. Fasnacht
Ralph L. Fecke
James E. Fields
Paul S. Flaherty
Arturo Flores
Edwin C. Ford, Jr.
John H. Fraser
John P. Freitas
Stanley L. French
Arthur J. Furtney, Jr.
Alfredo S. Garcia
Bernard E. Gardner
Leroy A. Garrett
Haywood P. Gibbs
Michael Gierczynski
Neil W. Goddard
Samuel M. Gordon
Joseph A. Goulet
Oliver F. Gour, Jr.
Jack C. Green
Jessie Grimes
Thomas J. Hager
Robert L. Haines
Ronald E. Hardy
Robert D. Harrison
Joe H. Hatchel
Jerome D. Hayes
Paul C. Haynes
Gordon E. Heishman
Charles R. Hern
Leroy Hicks
Robert C. Hitte III
John W. Horton
Walter D. Huels
Thomas Y. Hundley
Roosevelt Hurt
Rolf R. Iversen
Charles R. Jernigan
Joseph M. Jewett
Bobbie J. Johnston
Darrell G. Johnston
John A. Jones
John E. Journey
Martin F. Kahl
Roger L. Keatley
Eugene L. Keiter
Ralph E. Kelly
Edward D. Kemmis
Peter C. Kendall III
Arthur L. Kent, Jr.
Samuel L. Kerr
James Kight
George C. Kinslow
Joe J. Koliha
Richard J. Klonoski
John M. Knack
Joseph G. Knagge
William J. Knipper
Raymond S. Komo
Joseph S. Krajewski
Frederick W. Krell
Don C. Lacey
Robert B. Lambdin
Carl E. Lamey
John C. Lamson
Antonio Lauretta
Lewis W. Layton, Jr.
William E. Legg
Jack L. Leininger
Omer F. Leroy
Ralph Lewis
Robert F. Lewis
John A. Lidyard
Arron K. Lockyer
Troy A. Lucas
George L. Lunt, Jr.
John T. Lytle
Hazen E. Macdonald
Loren J. Malone
John T. Maloney
Thomas D. Maloy, Jr.
Lewis D. Manbeck
Earl J. Manning
Joseph R. Manning
Carlos Martinez
Horace W. Marvin
Lester E. Mashburn
John W. Matchett
Philip S. Mayo
Alonzo B. McCall
Ramon V. McClellan
Thomas McCourt
John W. McCue III
Francis M. McDonough
Joseph A. McElroy
Andrew B. McFarlane
Albenious P. McLean
Bert L. McSpadden
Alfred L. Messier
Ward B. Meston
Andrew P. Miller
August O. Miller
William R. Miller
Harry R. Moller
Clarence G. Moore
Robert D. Moorhead
Pasquale J. Morocco
Jerald J. Morrison
Joseph R. Morrissette
Paul H. Morrissey
Bobby J. Morton
Thoomas F. Nagelin, Sr.
Daniel A. Nazarchuk
Ronald J. Neyt
Scott G. Nickell
James F. Nienstedt
Gerald E. Norris
Thomas A. Olson
James R. Owen
Joseph A. Parker, Jr.
Donald J. Parton
Hobart J. Patterson, Jr.
Earl J. Pazos
Robert H. Pendarvis
Jack N. Perrin
Joseph Perry
Abel D. Pierson
Donald E. Pihl
Kenneth E. Pitcher
Joe A. Pope
Bobby J. Ramsey
Donald Ratcliffe
Robert E. Ray
James R. Reichler
Thomas T. Renau
Luther E. Rice, Jr.
Robert B. Robinson
Edmund A. Robitaille
Carl L. Rodgers
Walter A. Rogers
George R. Roser
Roger P. Roux
Robert Rubachko
Claude T. Rudd
Thomas R. Rummel
Vincent B. Russell, Jr.
Donald J. Sabattus
Robert E. Schlapfer
Lyle F. Schmehl
Bill M. Schooler
Keith A. Scott
Ralph R. Scott
Elmer C. Seder
Gerald C. Seybold
Richard A. Shamrell
Oscar E. Shaw
Jesse E. Shelton
Dean S. Shepard
John L. Sheppard
Leonard R. Schifflette
Thomas R. Shine
Louis D. Shove
Dean G. Shultis
James C. Smith
Kenneth F. Smith
John J. Snead
Charles W. Snedeker
James E. Sommerhauser
Lawrence L. Spacek
Philip P. Speliopoulos
Billy C. Steed
J. D. Stewart, Jr.
Frederick C. Stilson
Lawrence L. Sutler
Cyrus C. Sweet
Joseph R. Sylvia
Gerald L. Tauber
William H. Tawney
Thomas W. Taylor
Gerard P. Tetu
William E. Thomas, Jr.
Don O. Thompson
Melvin L. Thompson
Edward P. Trudell
Thomas J. Tucci
Richard D. Twiford
Leonard D. Tygart
James J. Unger
Larry J. Urquhart
Richard C. Vancott
Thomas C. Van Landingham
Robert E. Vickers

Gordon R. Wade, Jr.
James P. Wagner
Larry F. Wahlers
Lowell A. Walker
Bernie J. Wallace
Robert T. Wallace
Henry L. Watson, Jr.
Carl V. Watts
John R. Watts
Richard D. Webb
Thomas H. Weber
Robert J. Weeks
Sammy N. Weeks
James M. Wheatley
Marvin A. Whitten
Earl K. Wiles
Leroy L. Wilson, Jr.
Donald L. Wise
Peter A. Woog
Samuel J. Wood
James M. Woods
James R. Wyatt, Jr.
Theodore A. Youngblood
Donald L. Zumwalt
Walter H. Agee
Bobby G. Akers
Junior M. Albritton
Valentine P. Amico
Wenceslao U. Aquino
Robert L. Atkinson
James D. Bacon
John C. Bardon
Odis L. Barrett
Bernard R. Barton
Angelo Battista
George B. Bebout
Edward H. Bell
James L. Bell
Raymond L. Bernard
Edward J. Biedrzycki
Robert C. Bierman
Bertha P. Billeb
William J. Billeb
Carl L. Blum
Robert E. Blum
Charles C. Boger
Bridgie E. Bolen
Laurence B. Botts
Kempereth D. Box
Robert N. Boyd
Egbert M. Brady
Herbert R. Bratcher
John E. Brennan
Francis E. Bridges
Charles H. Brittain
Harley A. Butler
William F. Campbell, Jr.
Ferdinando J. Capria
Bert P. Chadd
Frederick W. Chadwick
Normand J. Charest
Joseph G. Chisholm
Robert S. Collins
Charles M. Christensen
Robert S. Collins
Robert M. Conley
Claude R. Cordell, Jr.
Leon R. Coxe
Aaron H. Daniels
Edwin S. Davis
Robert K. Davis
James O. Dease
Donald A. Debarge
Thomas J. Dempsey
Jack S. Deremer
Beauvin J. Deshotel
James P. Diantonis
June R. Duberstein
Raymond R. Ebner
Wesley E. Eckley
George W. Elliott
Stephen D. Ellsworth, Jr.
William T. Estes
Frank H. Falkson
Albert A. Feeley
Donald W. Felty
Andrew C. Ferris
William J. Fitzgibbons
Raymond O. Florence
Daniel E. Foiles
Ray Fritz
Leonard E. Gaede
Thomas P. Gent
Jack E. George
Horton A. Glidewell
Raymond F. Golon
Norbert B. Grabowski
William F. Green
Robert A. Green
Leroy R. Greth
William F. Gross
James F. Guenther
Adan Guerra
George R. Hammond
Curt A. Hanke
Joseph B. Harbin
Ivan K. Heinlein
Robert L. Herrington
Francis Hingston
John R. Hoagland
Samuel V. Hooten
Robert M. Hooven
Maurice V. Howard
Lee J. Huffman
William M. Humphreys
Wilburn Ivy
Julius M. Jackson
Joseph P. Jerabek
Herman H. John
Dan C. Johnson
George G. Johnson, Jr.
John L. Johnson
John H. Kelley
Mark M. Kenney
Elmer R. Kimbro
Rex R. Kirkbride
Edward A. Koss
Martin Kusturin
Neil B. Labelle
Donald E. Lambert
William C. Lantz
Albert L. Larson
Gene D. Larson
Robert J. Larson
Richard B. Latondre
Luke E. Littlepage
Warren G. Litzburg
Jackson T. Love
Joseph W. Luckenbach
Arthur T. Manuel, Jr.
Ernest L. Marble
John B. Marks
Charles A. L. Marlow
Travis E. Martin
John H. Martinez
Gary R. Mayfield
William S. McClenithan
Leason McCoy
Francis J. McDonald
George N. McIntyre
Joseph A. McIntyre
Patrick J. McTiernan
Samuel S. Michaels, Jr.
Richard W. Miller
Everett E. Millett
Luke B. Mills,
Stanley S. Minatogawa
John M. Mitchell
Donald E. Monnot
Lawrence Morgan
William P. Moriarity
Gerald D. Morris
Robert J. Mulligan
Charles L. Mungle
Charles R. Munson
Roy L. Myers, Jr.
Richard J. O'Brien
Robert F. Okamoto
Michael O. O'Loughlin
Robert H. Page
Virginia R. Painter
John P. Pangrace
Peter P. Panos
William J. Parker, Jr.
Gordon V. Parnell
Mary E. Pease
Charles D. Peck
Clement S. Perreault
Thomas B. Perrone
Len E. Pierce
Michael Pietroforte
Lynn M. Porter
William H. Powers, Jr.
Virgil Rankin
Robert C. Reedy
John E. Robertson
Robert A. Roche
Charles B. Russell
Glen F. Salter
Clifford C. Scheck
Robert T. Seek
John V. Sisson
Theodore F. Skill
Ernest U. Smith
Frank R. Smith
Jesse W. Smith
Lucius T. Smith, Jr.
Frank M. Spady
Amos N. Sparks
Jack G. Spence
John L. Stark
William A. Stokes
Kenneth C. Sullivan
Robert P. Sullivan
Joseph M. Sweeney, Jr.
James D. Taylor, Jr.
J. T. Tenpenny
Ralph H. Thiemt
Frank L. Thompson, Jr.
William F. Trenary
Guilford D. Tunnell
Conrad B. Turney
Christopher Van Diver, Jr.
Erwin G. Van Sickle
Harry R. Waite
Walter E. Waldie
Charles A. Waller
Henry R. Walsh
Granderson F. Walton, Jr.
John R. Waterbury
Fred L. Weaver
Robert R. Wenkheimer
Charles E. Whitaker
George E. Windsor, Jr.
Robert F. Wolf
Charles W. Woods
Leslie Yancy
Charles M. Yarrington
Wallace E. York
James A. Zahm

Executive nominations confirmed by the Senate January 29 (legislative day of January 10), 1969:

COUNCIL OF ECONOMIC ADVISERS

Paul W. McCracken, of Michigan, to be a member of the Council of Economic Advisers.

Hendrik S. Houthakker, of Massachusetts, to be a member of the Council of Economic Advisers.

Herbert Stein, of Maryland, to be a member of the Council of Economic Advisers.

DEPARTMENT OF DEFENSE

Robert F. Froehlke, of Wisconsin, to be an Assistant Secretary of Defense.

Barry James Shillito, of Ohio, to be an Assistant Secretary of Defense.

Robert C. Seamans, Jr., of Massachusetts, to be Secretary of the Air Force.

John H. Chafee, of Rhode Island, to be Secretary of the Navy.

OFFICE OF EMERGENCY PREPAREDNESS

George A. Lincoln, of Michigan, to be Director of the Office of Emergency Preparedness.

CIVIL SERVICE COMMISSION

James E. Johnson, of California, to be a Civil Service Commissioner for the remainder of the term expiring March 1, 1971.

MILITARY STAFF COMMITTEE, UNITED NATIONS

Lt. Gen. John W. Carpenter III, FR1647 (major general, Regular Air Force), U.S. Air Force, to be senior Air Force member, Military Staff Committee, United Nations, under the provisions of section 711, title 10, of the United States Code.

IN THE NAVY

Vice Adm. Charles T. Booth II, U.S. Navy, and Rear Adm. Paul P. Blackburn, Jr., U.S. Navy, for appointment to the grade of vice admiral on the retired list, pursuant to title 10, United States Code, section 5233.

EXTENSIONS OF REMARKS

DRAFT LAWS

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. CARTER. Mr. Speaker, many Members are receiving correspondence from deans of graduate schools and from graduate students throughout our land concerning students being drafted into the military service during the term or during a time when they are engaged in particularly important research.

It seems to me that our present draft laws must be rewritten. I believe that a lottery system should be adopted and that each of our young men should be eligible for the draft during a 1-year period only, after which time he would be permitted to proceed with his educational training or to go into a profession or a trade, except in case of a national emergency. It is a known fact that only one out of every four eligible men is drafted.

The obligation of every young man to serve his country in time of need is recognized by all loyal American citizens. However, undue interruption of educational careers could result in fewer trained scientists, engineers, and other professional people so necessary to the future development of our country.

Today I received an exceptionally well-written letter from an eminent Kentucky educator which explains the problems of many of our graduate students. I commend it to the Members for their perusal:

UNIVERSITY OF LOUISVILLE,
Louisville, Ky., January 21, 1969.

Congressman TIM LEE CARTER,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN CARTER: Only a matter of the gravest concern prompts me to write you at a time when I realize how extremely busy you must be with all the problems which the Congress faces. However, the present Selective Service situation and its impact on the production of advanced scholars in all fields poses a real threat to the survival of our nation in a highly technical age. I realize that a letter from a graduate dean on this matter can be readily interpreted either as expressing a highly parochial interest or the thinking of a fuzzy-minded-intellectual, but serious reflection on the matter will indicate that we have here a problem of the utmost importance. None of us in university circles have requested an out and out deferment of graduate students; what we have asked for is some arrangement whereby people could satisfy their military obligations at times when their academic careers would not be destroyed. The present arrangement is doing just that. Hardly a day goes by but that two or three of our graduate students are ordered to report for induction. Regardless of whether a student's research project is within a few months of completion or whether an additional few months would allow him to finish all his work, he can only be postponed until the end of the current term and then he is off to the service. In the highly specialized studies and research involved in graduate education, there is grave doubt that such an interrupted career can be picked up again after an absence of two years.

Three years ago I lectured at Moscow State

University and saw the laboratories and seminar rooms crowded to overflowing with bright, young graduate students in all fields of study. I am sure that the Russians have an arrangement of compulsory military training, but it is synchronized with a student's academic career so that he is not hindered in the pursuit of his graduate studies. The evidence that we have at the present time seems to indicate that Russia is producing three times as many graduate engineers as we are and probably twice as many physicists and chemists. A simple extrapolation over the next ten years will indicate what a desperate situation this nation will face. If the present Selective Service arrangement continues for another five years, a very serious scholarship gap will be inevitable; surely we are ingenious enough to devise a system of universal national service which will prevent this from happening.

I, therefore, respectfully request that in your deliberations you take this serious problem into consideration. It is not a matter of an ivory tower group attempting to set up an intellectual elite. It is rather an honest question of whether we can supply our country with the type of people who are absolutely indispensable if the future is to be what we all hope it will be.

Thank you very much for your consideration of this problem.

Sincerely yours,

John A. Dillon, Jr.,
Dean of the Graduate School.

INDUSTRIAL GROWTH, EXPORTS INCREASES, WILL STRENGTHEN WEST VIRGINIA ECONOMY AND HOPEFULLY CREATE NEW JOBS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, January 29, 1969

Mr. RANDOLPH. Mr. President, reports on employment changes in West Virginia during the past 5 years indicate a net gain of 8,500 jobs in manufacturing employment, 7,500 of them in durable goods industries for a 10.3-percent increase. The nondurables increased by 1,000 jobs for a 1.9-percent advance during the same period. At the same time, average weekly earnings for durable goods workers went up 11.8 percent from $106.27 to $118.80 and for workers in nondurable goods jobs the trend was upward by 9.7 percent from $102.06 in 1963 to $112 in 1967.

Those statistics from an article in the Charleston (W. Va.) Gazette-Mail of January 26, 1969, demonstrate the healthy increases which have been taking place as West Virginia continued its efforts to regain a place in the mainstream of the Nation's healthy economy. Indications, although not supported fully as yet by firm statistical compilations, point to an even better result for the year 1968 and for a continuing uptrend as this new year's economic pattern develops.

Other statistical data have demonstrated a climb of West Virginia products placed in the export market. During the period from 1960 to 1966, exports of manufactured products went up 52 percent and the dollar value of manufactured products in export in 1966 alone reached $215.4 million, with mineral products second at $185 million of value at mine mouth. Agricultural products based in export trailed at a value of $6.2 million.

One of the major coal companies producing in West Virginia, Eastern Associated Coal Corp., estimates that when four of its new mines reach full employment late this year, $12 million annually will be added in coal miners' wages and fringe benefits to the State's economy. Millions more will be added by other coal producing companies.

Mr. President, the demand for coal continues to expand domestically and in export—and the future will be brighter as research and development create new uses for coal in both gaseous and liquid fuels. Over the years since I joined with Senator Joseph O'Mahoney, of Wyoming, in having Government research authorized and funded by law, I have watched with interest the building of the many new uses for coal that are on the horizon and the new methods being developed to achieve those uses and others yet to come.

With these expansions surely developing, coal's future remains bright, but only if forthright steps are taken to attempt to keep coal mine safety and the occupational health of coal miners improving at least at the same pace that production is increasing. We need to act in this Congress to modernize Federal coal mine safety laws and to add to the body of laws new provisions for the control of coal dust in the interest of both improving mine safety and coal miners' health.

Mr. President, I ask unanimous consent to have printed in the Record three articles to which I have made reference—articles which were in the Charleston (W. Va.) Gazette-Mail, Sunday, January 26, 1969.

There being no objection, the articles were ordered to be printed in the Record as follows:

New Jobs: Employment in State Increasing Slowly Despite Fast Trend Toward Automation

Careful study of employment statistics for the past five years indicates that the increasing employment in many West Virginia plants, where no appreciable expansion has taken place, totals approximately 4,800 more jobs. Additional employment, resulting from new installations and expansion of existing plants, approximating 9,600 jobs added to the above mentioned 4,800 jobs, projects a total of 14,400 jobs.

While the obsolescence of older plants, and shifting economic and market factors brought many new plants to West Virginia last year, these same factors caused some of our plants to leave the State. In addition, automation and mechanization in industry continue to reduce the total number of available jobs in certain existing industrial facilities.

Loss of jobs in the state due to the above mentioned factors approximate 5,900 over the five year period. The State's net gain in manufacturing employment was 8,500.

It is acknowledged that rarely is it possible for new industrial projects to start full scale operations immediately upon completion of construction. Workers must be trained and "mechanical kinks have to be ironed out" before full and efficient employment is attained. This is the so-called "start up" period and duration of this period will range from six months to two years.

As a "rule of thumb" measurement, for every one hundred basic industrial jobs added, about one hundred and seventy new jobs open up in the so-called services industries. Thus the previously mentioned 8,500 increase in industrial employment actually should result in 14,450 other West Virginians finding gainful employment in service industries. Additional coal mining jobs have a similar impact on the state's economy.

Manufacturing employment is usually divided into two broad groupings known as durable goods and nondurable goods production. Durable goods jobs showed an increase of 7,500 (or 10.3 per cent) and Nondurable Goods had an increase of 1,000 (or 1.9 per cent) during the five year period ending with calendar year 1967.

Average weekly earnings for workers, in durable goods during this period, increased from $106.27 to $118.80 (or 11.8 per cent and nondurable goods weekly worker's earnings rose from $102.06 in 1963 to $112.00 in 1967 for a gain of 9.7 per cent.

Bituminous coal mining jobs were 42,200 in 1963 as compared to 43,000 in 1967; average weekly pay in 1963 was $130.28 compared to $156.31 in 1967 for a gain of 20 per cent. Contract Construction employment was 18,400 in 1963 and increased to 24,600 in 1967, a gain of 33.7 per cent while average weekly pay went from $130.76 to $158.79 for an increase of 21.4 per cent.

Four New Mines Will Add $12 Million a Year Payroll

The West Virginia economy will enjoy an addition of $12 million a year in miners' wages and fringe benefits when four new mines of Eastern Associated Coal Corp. reach full employment late in 1969.

This will raise to $47 million annually the total wages and benefits earned by Eastern Associated' employees of 12 mines in West Virginia and two others in western Pennsylvania. Additional new mines are under consideration.

In developing the new mines, Eastern is adding about 50 per cent to its annual production. Eastern is the nation's sixth largest bituminous coal producer.

At full production and employment, the four new Eastern mines will employ nearly 1,200 miners. The mines are:

Federal No. 2 mine in Monongalia County, northern West Virginia. This mine went into limited production just recently. When it reaches full output late next year, the mine will employ approximately 500 men.

Harris No. 1 and No. 2 mines in Boone County, southern West Virginia. These mines also are in limited production. When they attain capacity a few months from now, they will employ approximately 330 men.

A new Keystone mine in Raleigh County, also southern West Virginia. This mine, at Stotesbury, will reach full production in late 1969 and will employ 50 men

The new Keystone mine will be part of Eastern's Keystone complex, which also includes mines at Keystone, McDowell County and Herndon, Wyoming County.

"Total demand for coal will continue to climb dramatically. This is particularly true in the electric utility market. Coal markets can be significantly expanded in the future by development of process which convert coal to gaseous and liquid fuels," A. P. Boxley, Eastern president, said at the company's Pittsburgh headquarters.

"The long-term contracts now associated with the bituminous coal industry, together with its high pay scale, offer steady employment at rewarding economic levels which should attract men to our industry."

Exports Top $215 Million, Coal State's Big Product

The West Virginia Department of Commerce is vitally interested in the State's export trade, and encourages the state's industries to engage in the export field.

The following information on West Virginia's export trade has been taken from the publication by the United States Department of Commerce, "Exports from West Virginia 1966," which was published in April of 1968 and represents the most recent statistics on the State's export business.

During 1966 West Virginia exported manufactured products having a dollar value of $215.4 million, mineral products with a dollar value of 185 million at mine mouth, and agricultural products valued at $6.4 million.

West Virginia ranked 25th in total foreign exports of manufactured products among the 50 states during 1966. The dollar value, f.o.b. producing plants, was 215.4 million.

West Virginia's exports of manufactured products increased 52 per cent over the period from 1960 to 1966. The dollar value of exports per capita in 1966 was over $116. Only 17 states exported manufactured products with a higher dollar value per capita than West Virginia. Considering neighboring states, Kentucky had a dollar value per capita of $92 and Maryland $75, while Pennsylvania, Ohio and Virginia were higher than West Virginia with $136, $168 and $123 respectively. Two highly industrialized states lagged behind West Virginia, New York with $107 and California with $113.

Eighty-one per cent of the state's exports in this classification consisted of chemical and allied products; primary metals; nonelectrical machinery; stone, clay and glass products. West Virginia ranked fifth among all the states in exports of chemicals and allied products. The state was tenth in foreign sales of stone, clay and glass products and eleventh in exports of primary metals.

West Virginia's most significant mineral export is bituminous coal and in 1966 the state led the nation, exporting 37 million short tons; three-fourths of all United States bituminous coal exported during the year. The dollar value, at mine mouth, of bituminous coal exported was $185 million.

West Virginia's farm exports were estimated at $6.4 million during fiscal 1965–66. Foreign sales accounted for 6 per cent of the state's cash receipts from farm marketing during the same year.

CAREER MEN IN NIXON ADMINISTRATION

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. CARTER. Mr. Speaker, I have read with interest an editorial from the Glasgow (Ky.) Daily Times, presumably written by its publisher, Mr. Carroll Knicely.

Mr. Knicely is well known for his forthrightness and for his keen insight into political affairs. His paper has been Democratic for 103 years. However, he has unhesitatingly endorsed men of different political faiths when in his opinion they were steadfastly promoting principles of sound government.

This particular article, in my opinion, is worth close perusal by all Members:

CAREER MEN GIVE NIXON EXPERTISE ON PRIME ISSUES

It is now clear the Nixon administration will depend heavily on craftsmen in high places.

This would seem to confirm predictions that Nixon will seek pragmatic rather than doctrinaire solutions to hairy foreign, defense and domestic problems.

Take the State and Defense Departments as examples:

The reliance on craftsmen is seen in the unprecedented appointment of veteran foreign service officer U. Alexis Johnson to the No. 3 post in the State Department and the selection of career diplomat Robert Yost as ambassador to the United Nations.

It is seen again in the appointment of David Packard, head of Hewlett-Packard electronics, as deputy secretary of defense and scientist Robert C. Seamans, former deputy chief of the National Aeronautics and Space Administration, as secretary of the Air Force.

It is apparent in the reappointment of the skilled negotiator, Ellsworth Bunker, as ambassador to South Vietnam and the selection of Henry Cabot Lodge, former ambassador to the United Nations and two-time ambassador to South Vietnam, as chief negotiator with Hanoi in Paris.

Except for Lodge, these men are professionals in their fields, not politicians. Lodge, of late, by his considerable service in Vietnam, the United Nations and West Germany, has also become a professional.

In addition, President-elect Nixon has made it clear Secretary of State-designate William Rogers was picked in considerable measure because of his technical skill at negotiating.

Taken together, these appointments have significance.

In his Defense and State Department selections, Nixon is bringing the United States closer to the British and Japanese systems. In those countries, permanent undersecretaries provide continuity and great technical skills at high levels of the government, regardless of the party in power.

With some noted exceptions, the British have been known over the centuries for their pragmatic approach to foreign and defense problems.

In foreign affairs at this time, pragmatic professionalism may be just what is needed.

For despite their doctrinaire fixations, Leonid Brezhnev, Ho Chi Minh and Mao Tse-tung are quite pragmatic men in their own way, especially when faced with serious problems.

Each of these men has an uncanny ability to find doctrinaire reasons for whatever practical solutions they decide on.

At present, all three are temporarily overextended and need some relaxation.

But it will take highly skilled, hard-headed practical U.S. negotiators to winnow grain from the chaff and prevent the United States from being "taken" by these experienced opponents.

DEATH OF REV. JOHN LOFTUS, VICE PRESIDENT, BELLARMINE-URSULINE COLLEGE, LOUISVILLE, KY.

HON. MARLOW W. COOK

OF KENTUCKY

IN THE SENATE OF THE UNITED STATES

Wednesday, January 29, 1969

Mr. COOK. Mr. President, recently the community of Louisville, Ky., lost a man of great stature with the passing of Rev. John Loftus, vice president of Bellarmine-Ursuline College. Father John's devotion to humanity knew no bounds. His crusade for social justice was the very fiber of his being.

I ask unanimous consent that a very fitting tribute, written by Rt. Rev. Msgr. Alfred F. Horrigan, president of Bellarmine-Ursuline College, be printed in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

TRIBUTE TO THE REVEREND JOHN T. LOFTUS

As I think about Father John Loftus in these days following his death, I keep coming back to that beatitude of Our Lord that reads, "Blessed are those that hunger and thirst for justice's sake, for they shall be filled." His life was marked by a remarkable variety of activities and commitments. His was a complex personality of which vast areas remained unmapped even for people who worked side by side with him for years. But with all this, even his most casual acquaintance was immediately aware of his passion for justice—his concern for decency and dignity and fairness in human affairs.

He supported many an unpopular cause, and paid the price without flinching. At one stage of a particularly difficult controversy some years ago, it was necessary for him to change the phone number in his living quarters to escape the incessant flood of vicious crank calls which made sleep impossible night after night.

Even the most imaginative and reckless of letterwriters and namecallers could not persuade him to take one backward step from a friend he admired or a cause in which he believed. His convictions took him to Selma and to countless other frontiers of the cause of justice because his whole being left him no choice in the matter.

Father John was a gifted educational leader. Most of the 37 years of his priesthood were involved one way or the other in school work. He has left impressions and memories and ideals with two generations of seminarians and college students. His administrative methods varied in orthodoxy and predictability from one time and one situation to another, but there was never any question of the impact that was made.

Administration in education or any other area can be a pretty chilling and dehumanizing kind of business. Salvation is not to be found in trifling demands for the abolition of all systems and structures. The answer which Father John understood superbly is to never let the systems and the structures obstruct your view and love of the people for whose sake they are supposed to exist.

Despite his many long years in administrative work, office routine always remained something of a bore and very much of a cross to him. What he really liked to do was to talk to students—any time, anywhere, about anything. It is a comfort now to recall his pleasure in this most cherished of his activities this past year. The reorganization of the college last summer gave him the opportunity for this on a scale which had not been possible for a number of years.

Father John's hunger and thirst for justice, for human welfare, for the problems of the young, made him an inevitable subject for such standard labels as "liberal," "progressive," and a colorful variety of other less temperate terms. The best sense of these labels was, of course, fully justified.

Not only in the civil rights field, but in ecumenism and in many other areas, he was indeed a bold pioneer. I suspect that some of his ecumenical and liturgical adventures in past years caused many a shudder in the Chancery Office. Time has vindicated most of his instincts and anticipations, but there is an even more basic aspect of the matter.

Father John was a great traditionalist, even a romanticist, in the most precise sense of that term. Newman and Chesterton and Camelot grew more important for him the more vigorously he moved forward on the cutting edge of the waves of new thought and renewal of our times. He had an uncannily accurate insight into the principle that change is always sterile unless it is organically linked with tradition.

Father John's association with Bellarmine College began one year before its formal opening in 1950. It was a question of love at first sight, and until the moment of his death he maintained a consuming devotion to the college, to what it was, and to what it could be. In a report written last summer he said this:

"One could well make the argument—I can do it myself—that education on a mass basis must to a larger extent be done in the state-supported, technically efficient community colleges and multiversities. I dread that thought because it will necessarily lead to blandness of thought, loss of discrimination, and imposition of standards without the balancing voice of critical judgment. Neither our country nor our world can afford to lose private, independent, philosophically committed, liberal arts colleges. Let me conclude on a very optimistic note drawn from experience. As many of you know, my dedication to Bellarmine-Ursuline is a passion. I love it because I find in it the qualities of which I have been speaking. I know its effect upon the students who are dear to me and the delight of my life. They often come to our doors with small vision. They leave with a world view that will equip them to make their own particular kind of contribution to the welfare of mankind."

My guess is that Father John would be happy to be remembered for what he says in the above lines.

SETTLE THE ISRAEL-ARAB BORDERLINE DISPUTES NOW

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. MADDEN. Mr. Speaker, it appears that the majority of the nations who make up the United Nations voting strength is alined against independence for any nation who desires self-government. The international Communists seem to have more strength within the halls of the United Nations than the forces who are fighting for freedom and self-government throughout the world.

Nasser and his Middle East allies are part of this international Communist conspiracy and it is their intention to destroy the free nation of Israel either through blitzkrieg attack or through the slow process of undermining its economy and its progress toward independence and freedom.

The Iraqi Government vowed yesterday to hold more espionage trials despite protests over the execution of 14 men accused of spying for Israel. The Iraqi Government indicated today they will put 35 more prisoners, including 13 Jews, on trial for spying and sabotage. The Baghdad radio reported that other spies will be tried soon.

The Jewish population, not only in our country, but throughout the world, is unanimous in protesting the attacks and sabotage which have become an organized and almost daily occurrence against Israel. Israel is the only nation within the Middle East complex of nations who opposes tyranny and is fighting to preserve democracy and freedom for its people.

For 20 years, notwithstanding the armistice and cease-fire agreements, the Arab States have waged war against Israel. The organized assassins quartered in Arab countries are ordered by their masters to murder men, women, and children in Israel. This small free nation is engaged in a struggle for its life. The United Nations seem to have abandoned the purpose for which it was created—to safeguard justice and peace over the globe. Why does not the United Nations protest the Arab terrorists in their concentrated effort to kill Jews, not only in Israel, but elsewhere? For some reason the United Nations has disintegrated and is silent when the Arabs, by reason of their barbarous instincts, kill Africans by the tens of thousands in the Sudan, persecute citizens of Algeria, Egyptian pilots fly Soviet planes, and add flames to the murders in Biafra.

The Government of the United States, through its State Department and connections with other free nations, should start immediately with effective warnings against the Arabs to cease their international crimes and terminate their attacks to destroy their neighboring nation of Israel.

I am satisfied that the American people of all nationalities and categories will support all efforts to terminate the Soviet-Arab air conspiracy to annihilate a free neighbor.

An avalanche of actions by Nasser and his tyrannical associates will justify all steps that our Government will take to preserve the only democracy, the only nation with self-government in the Middle East area. Israel is entitled to this consideration by the free world as a matter of right and justice.

ATLANTIC MONTHLY ARTICLE SHOWS GRIEVANCE ARBITRATION A TRIUMPH OF FREE COLLECTIVE BARGAINING

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Wednesday, January 29, 1969

Mr. YARBOROUGH. Mr. President, one of the greatest triumphs of American labor and management is the grievance and arbitration system, now written into about 100,000 separate company-union contracts, for settling disputes arising during the contract term. Because it works so effectively, this private system gets almost no public plaudits. However, in the Atlantic Monthly for January 1969, Ben Rathbun, the associate editor for the Bureau of National Affairs, Inc., has written a first-rate commentary on the system's importance to our economic stability. Mr. Rathbun, who also has written on labor matters for Harper's magazine and the Yale Law Journal, pays a well-deserved tribute—not only to labor and management—but to the private arbitrators who have contributed so much to making the system work.

I ask unanimous consent that the article be printed in the Extensions of Remarks today.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LABOR ARBITRATION: BRITAIN AND THE UNITED STATES

(By Ben Rathbun)

About a year ago at the Ford Motor Company plant in Dagenham, England, an employee was told to put a new drill in his machine, a simple chore he'd always done before. But now he balked for no apparent good reason. When he was suspended temporarily, 100 of his co-workers walked out in protest. Within two days, 9000 Ford employees were laid off because of the crippling effect of the walkout.

As is the case with about 95 percent of all the strikes in Britain, the stoppage was "unofficial," without the sanction of the national union. It could hardly be called illegal because almost no strikes are illegal in Britain. But legal or not, these "wildcat" strikes have been characterized by Lord Carron, the ex-president of the one-million-member Amalgamated Engineering and Foundrymen's Union, as "hammer blows at our [Britain's] existence." Largely because of the "quickie" strikes, the *Economist*, that fount of measured judgments, describes the labor relations picture in Britain as "a uniquely horrible mess."

If the Dagenham case had arisen, for example, at the Ford stamping plant in Cleveland, Ohio, it would have been handled differently. The recalcitrant employee's protest against being sent home would have been referred to a formal union-management settlement process for resolution. The odds are 1000 to one against a strike, but if the episode had boiled into a crippling walkout, the United Auto Workers' national staff would have moved in to end the stoppage.

GRIEVANCE

This private system for avoiding wildcat strikes about a multitude of issues from tardiness to the quality of washroom toilet tissue has been written into close to 100,000 separate private contracts between management and labor. It is founded upon a voluntary union pledge not to strike over so-called grievances arising during the period when the contract is in effect. Instead, union and management agree to the arbitration of all unresolved grievances. Those not settled by the supervisor and the union steward or by higher officials in joint conference are sent to a private arbitrator. The parties agree in advance that the arbitrator's decision must be accepted as final and binding.

Except in highly regulated industries like the railroads and the airlines, the entire system is strictly a matter of private agreements. Neither state nor federal law requires the no-strike pledges given and honored by unions, and only a relative handful of the more than 40,000 arbitration decisions rendered annually ever wind up in court. Each year literally millons of grievances are resolved peacefully. For those not settled at the local plant or office, the arbitrator's ruling is unreviewable, uncontestable, and unimpeachable. With the rarest exceptions, the incident is terminated utterly. In Alva Johnston's phrase, it's "like a building falling on a man."

There are basically two types of strikes in this country. The first is that which occurs in the legally authorized period *after* a contract terminates. When the parties cannot agree on new money terms and other benefits, the union has the right to strike.

The second is the strike over grievances that erupt *during* the contract term. This report deals only with the latter. And, make no mistake, these strikes are no mere sideshow to the crucial emergency affairs. Despite the gravity of the questions raised by major strikes over new contract terms, most of today's ablest managers would regard the return of midterm "wildcat" strikes as an equally serious menace.

Management's willingness to pay a high price in return for strike-free day-to-day stability is generally overlooked by the press. This attitude was aptly summarized some years back by Harry W. Anderson, General Motors vice president for industrial relations at the time: "The public doesn't understand about these highly-publicized settlements: the big thing we're buying is the union's collaboration in making that grievance system work. That day-by-day union performance on dealing with grievances and keeping production going smoothly is a damn-sight more important than the money deal we make with Walter [Reuther]."

In Britain, no such gyrostabilizer for day-to-day employee relations has been developed. As Theodore W. Kheel, the American labor troubleshooter, pointed out recently, the most important practical difference between the U.S. and British systems is the power of a local shop steward in Britain to "call a nuisance walkout any time he chooses." Recent causes of these walkouts include a welder's changing a light bulb instead of waiting for an electrician to do it; the installation of automatic tea dispensers to cut down excessive tea-break time caused by individual tea brewing; the disciplining of an Andy-Capp-like brewery employee who regularly "knocked-back" more than his two free pints of on-the-job bitter each day; the hiring of a Negro at Alcan Industries in preference to several white applicants; the reduction in the number of sausages at tea breaks at a Liverpool shipyard.

Harold Wilson's Labor government declared that a wildcat tie-up on the Royal Docks in 1967 was a major factor in driving the government to its November, 1967, devaluation of the pound sterling. The broader result of these walkouts is what Lord Carron called the "suicidal strangling of trade."

By contrast, as Kheel argued, the U.S. union leader uses his economic muscle to get big gains after the contract expires: "Because the U.S. union delivers the wage-and-fringe goodies when the contract is reopened at the end of its term, the union leader can say: 'Okay, you bastards, you can't strike for the next three years. Then we'll exercise our collective strength again and get something more that's really good.' "

Kheel raised a storm in Britain last year by declaring that the British employee relations system is "at least 50 years behind that of the U.S." Kheel indicated that Britain could be doomed economically unless there is a drastic revision of the current system under which anyone can call a strike anytime he feels like it. He noted that the economic damage of these wildcat strikes is enormous.

Kheel insists that British management fails to comprehend the need for "predictability" in its day-to-day relations with the employees. The British manager "doesn't know when the hell he's going to be hit by a strike," Kheel says, "and he has even less idea of how to settle it, except by giving in." As Kheel put it: "The ultimate consequence of this inability to plan" is to discourage industry from "going out and buying the machinery and making the other capital improvements that British industry desperately needs and isn't getting."

MINISKIRTS AND MOONLIGHTING

In this country, the agenda of issues going to arbitration gets ever longer. It includes disputes about math tests required for promotions; favoritism in overtime assignments; premium pay for five-foot, five-inch operators who can fit into the motor case of a NASA missile; company policy on long hair and beards; the right to take a second job (moonlight) at another company; the effect of miniskirts on production; and civil-rights picketing as an excusable absence. Also on the arbitral agenda: the right to buy "numbers" tickets during working hours, on-the-job sodomy, and a blizzard as an act of God. From dolts to dope addicts, the arbitrators deal with all the variant personalities and problems in employee relations. Of the major issues, the staples are absenteeism, vacation-and-holiday scheduling, insubordination, abuse of sick leave, overtime, ability versus seniority in promotions, and discrimination against women in promotion, assignments, and so on.

Although arbitration of employee grievances in the United States ranges back to an 1865 steel puddler's case in Pittsburgh, only in the last twenty-five years has the system been broadly used. Prior to that, the New York cloak and suit industry, with Louis D. Brandeis as the arbitrator, under the famous 1910 Protocol; the newspaper industry and the typographical and printing pressmen's unions; and Hart, Schaffner & Marx, with its 1911 arbitration pact engineered largely by Sidney Hillman, the president of the Amalgamated Clothing Workers, did the most important pioneering with grievance arbitration. In the 1930's, Dr. George W. Taylor of the University of Pennsylvania attracted attention with his resourceful services as the arbitrator in the hosiery and men's clothing industries.

But the real breakthrough did not come until June 10, 1939, at a dramatic meeting of the United Auto Workers' General Motors Council in Detroit. The 119-day sit-down strike at GM's Flint plants in 1936–1937 was followed by GM's capitulation to John L. Lewis, the CIO president. But the auto workers were no more appeased than the Paris Commune had been by the Vicomte de Noailles's 1789 offer to surrender the rights and privileges of the French nobility. Several frenzied years followed in Detroit, Flint, and Pontiac.

One hundred and seventy wildcat stoppages hit General Motors between February and June, 1937. In 1938, there were at least 300. In most of the GM plants, the militant UAW members were cocked for instant strike action at the mere raising of a foreman's voice. They were about as concerned about GM's dependence on efficiency as H. Rap Brown is about the future of the Grosse Pointe Yacht Club.

By 1939, Walter P. Reuther, the head of UAW's GM Department, saw clearly that wildcat strikes could impair the infant CIO's opportunity to move into the economic and political big leagues. Advised by Sidney Hillman, Reuther began exploratory talks with GM officials. At the June 10, 1939, showdown of UAW's GM Council, Reuther spoke out against wildcat strikes: "I don't want to tie up 90,000 workers because one worker was laid off for two months. That is a case for the arbitrator." To many in the UAW, this was unacceptable appeasement, but Reuther managed to carry the day.

For its part, GM management was looking hard at the idea of a grievance-and-arbitration system before they'd even heard of Walter Reuther. They proceeded in the manner described by a longtime GM adviser from the investment house of Morgan Stanley: "When GM takes up a question, they don't just discuss it, they pulverize it." The result of Reuther's initiative and GM's homework was the 1940 agreement for a grievance-and-arbitration system.

RULE OF LAW

This agreement, coming at a crucial time, had an influential impact after America entered World War II. The War Labor Board, charged with handling wartime labor disputes, seized the occasion to write grievance-and-arbitration clauses into thousands of contracts. Despite their imposition at many companies as pure diktat, these clauses plainly answered what Justice Holmes has called "a felt need." They were widely embraced and became the sole point of labor-management unanimity at President Truman's post-war Labor Management Conference on the whole range of labor policy. Both the NAM and the CIO agreed on the desirability of private arbitration of employee grievances under a plan based on no-strike pledges by local unions.

The practical significance for management, unions, and the economy was summed up a few years ago by Archibald Cox, the former U.S. Solicitor General, now Boylston Professor of Law at Harvard:

"The extraordinary accomplishments of collective bargaining in the . . . years since [1935] . . . are all too easily forgotten. It is hard to think of any insttiution that has accomplished so much in the short span of [a few] years. . . .

"Take . . . the vital goal of establishing a rule of law in the mine, mill, and factory—the substitution of a rule of law [through the arbitration process] for the arbitrary and capricious power of the boss. Men have few greater concerns than this kind of justice. What equal example is there of extending a rule of law—both substantive rights and duties and also the machinery to administer them—into so large an area of human life affecting so many people within so short a time. Nothing less has been done by collective bargaining through the rules it brings into the shop and the industrial jurisprudence being made and administered through grievance procedures and arbitration."

In addition to Dr. George W. Taylor, who became a special adviser on labor relations to Presidents Roosevelt, Truman, Eisenhower, and Kennedy, a remarkably able and wise group of arbitrators deserves credit for their role in the grievance-and-arbitration experiment. Most played important roles on the World War II War Labor Board. Thereafter, many served as arbitrators for key companies and unions during the formative and trying stages of collective bargaining. For example, Ralph T. Seward at General Motors and International Harvester, Harry Shulman at Ford, Sylvester Garrett at U.S. Steel, Gabriel N. Alexander at GM, Harry Platt at Ford and Republic Steel, and Saul Wallen at Sylvania Electric Products and B. F. Goodrich contributed mightily to make the grievance systems work. Their constructive influence and example also were felt in many other fledgling relationships and were emulated by new arbitrators.

An arbitrator can be fired at any time by either party. He decides very few "great" cases, and his career can be lonely and often drab. But the luminaries in what is called the arbitrators' "College of Cardinals" move into the bright public light from time to time as White House mediators and fact-finders in the big labor-relations "spectaculars." In these national emergency cases, the role of the mediator is entirely different from that of the arbitrator, although many in the profession exchange the two hats with alacrity. The arbitrator makes like a judge and decides a case; the mediator makes like a high-level con man and tries to get the parties to resolve their differences themselves.

Others who have served with distinction in both categories include Ben Aaron, director of the Industrial Relations Institute at UCLA and a member of the Presidential Automation Commission of 1965; David L. Cole, President Eisenhower's Mediation Service Director; Archibald Cox; John T. Dunlop of the Harvard Economics Department, who is a dynamic legend even among his fellow "Cardinals"; N. P. Feinsinger of the Wisconsin Law School, who was chairman of the National Wage Stabilization Board; Robben W. Fleming, the president of the University of Michigan since 1968; Ted Kheel, who "plays God" in the tangled labor relations of New York City the way Dunlop did until recently in the construction and atomic energy industries; and W. Willard Wirtz, the Secretary of Labor under Presidents Kennedy and Johnson.

In some ways, the second wave of arbitrators has not been of comparable quality. The unions and management have been far too slow in extending their confidence to new arbitrators and in seeing to it that arbitration was made an attractive career. Some of the new arbitrators like Paul Hanlon, David Miller, Richard Mittenthal, and Rolf Valtin are excellent, but more are needed.

Today, about twenty-five years since arbitration was imposed from Washington on a reluctant management, the system is widely accepted. Although some procedures work poorly, and although the nature of the system, with winners and losers in every case, guarantees a hail of off-the-cuff contumely for the arbitrators, the system is under no serious challenge. The quick peek at the British "wildcat" strikes is bound to give pause to the harshest critics of the U.S. system.

REMARKS BY CONGRESSMAN LANGEN AT NATIONAL WHEAT MEETING

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. ZWACH. Mr. Speaker, I was privileged to read the remarks of our colleague from Minnesota that he gave regarding the farm problem at the National Wheat Growers Association meeting in Boise, Idaho.

Mr. LANGEN's long experience as a farmer, an elected member of the local committee to administer the farm program, and as a dedicated, capable lawmaker, makes his remarks very worthwhile and pertinent.

In addition, Mr. LANGEN has been chairman of the Republican House task force on agriculture.

For those who have longed for a greater understanding of how the wheat program has worked, of the actual workings of our international wheat agreement and its cost to you, I commend reading this statement. The statement follows:

SPEECH PRESENTED BY THE HONORABLE ODIN LANGEN, REPRESENTATIVE FROM MINNESOTA, AT THE NATIONAL WHEAT GROWERS ASSOCIATION MEETING, BOISE, IDAHO, THURSDAY, JANUARY 16, 1969

Probably no greater satisfaction has ever come my way than this opportunity of sharing a few observations with the National Wheat Growers Association gathered for their annual meeting. These satisfactions are generated by several personal, as well as economic, concerns.

I find both pleasure and satisfaction in coming to the great State of Idaho: a State that has contributed so much to the growth and progress of agriculture, and the strength of rural people throughout the Nation.

Having technically been a wheat farmer all of my life, I quite obviously have a very personal interest in the future of wheat production throughout this country—even though I now no longer operate a wheat farm, my boys having grown up and taken over that operation.

I feel sure that I share a very common concern with each of you, namely, what does the future hold economically for the producers of wheat throughout the country. Wheat farmers of course are a part of the great economic dilemma that confronts agriculture in general throughout the Nation. I know about these problems as they have prevailed in my own state of Minnesota. I am sure they are not much different in any one of the states that are represented here this evening.

And, while the agricultural problem has been recognized and discussed in great complexity, and seemingly has defied solution, yet the problem is really very simple in that, namely, prices are too low.

And this of course, is the exact nature of the major problem to wheat growers today. Their prices are too low. In fact, the lowest they have been in some twenty-six to twenty-seven years.

But let me discuss with you for a moment the general agricultural problem, of which wheat production is a major segment. There is a very direct relationship between the problem of any given agricultural commodity and the overall problems as they affect all farm people and rural areas.

I think the case is rather well-stated by a writer who, I noted, made the observations some time ago that two veteran farmers were asked this question: "What would you do if you inherited a million dollars tomorrow?"

The first said he would invest it and live off the income, quit work, and take life easy. The second pondered a while and then said, "I reckon I'd just keep on farming until it was all gone."

That about sums up the current state of American agriculture as we begin the new year of 1969. Which is too bad, when you consider that never before in history has the man of the soil produced so much food per acre or man-hour of work. Never before in history has the American housewife spent such a small percentage of her husband's pay check for food. And never before in history has the American farmer trailed so far behind the rest of the economy in rewards for his efforts.

As we enter the year that will close out the sixties and launch the seventies, there is much speculation and uncertainty about the future of American agriculture and the related industries that constitute the agribusiness community. It is no secret that the Federal Government is more involved in the future possibilities for Agriculture than in any other industry in this country.

Accepting that fact of life, you naturally wonder what is in store, as a new Congress has convened and a new Administration takes over. Many eyes will be upon us, looking for the signs that will indicate either a change in direction or a continuation of present policies.

I, of course, can not answer that question for the Administration at this point—and I don't know whether anybody can—or will be able to until such time as the necessary appointments have been made and a new policy and attitude developed.

The fact remains, however, that somebody better do something to effect some changes that will produce better prices, or the future is dark indeed.

It doesn't take a great mathematician to determine that we can't continue for long to have the farm mortgages increasing at the rates of 10% a year while the net income remains about constant, to know that the time is very limited in which such an economic atmosphere can keep farms throughout the Nation solvent.

I have already stated that presently agriculture is more directly dependent upon government in its economic welfare than any other single segment of our complex social, civic, and industrial complex. They are restricted in production by government, prices are basically established by government, and the majority of the farmers find themselves in a position of having to accept the general direction of their operation by planners of every description in Washington.

What are the factors that have significantly affected, and contributed to, the agricultural problem that confronts the American farmer throughout the country today. It is essential that we first recognize that all of agriculture has been affected by a tight budget; inflation, which has increased the cost of production; and a constant increase in interest rates during recent years.

These factors have affected not only the opinions of Congress, but the general public as well. A balanced budget, curtailed inflation, and interest rates reduced to more acceptable levels would change the general attitude toward the funding of agricultural programs and would certainly ease the great interest burden that now plagues many a farm operation.

As an example, farmers pay $1-billion-4-million more in interest today than they did just eight years ago. This has been brought about because of what I referred to earlier as a 10% increase in the mortgages against the total agricultural unit each year, and the increased interest rates on those mortgages which now total more than $50-billion. It is alarming to note that this increase amounts to more than $440 per farm, with the total interest obligation of over $900 per farm.

As recent as 1957, this figure was only $226. This fact leaves a clear cut identity of the need for a more equitable return on investments and efforts that are necessary to produce the quantity and quality of foods needed to satisfy the demands of all of our own people as well as many others throughout the entire world.

It doesn't seem to be equitable that agriculture, which is the largest industry of this country—and it doesn't have even a close second—should be subject to this kind of economic burden when they have made such great advances in production efficiency and contributed so greatly to the growth and progress of our Nation.

In the past twenty years, the farmer has increased crop production per man-hour by 148 per cent, and livestock production per man hour by 149 per cent. Agriculture has written the best production story of any industry in this nation.

What a fortunate people we are as United States citizens in having available to us the best quality, the greatest per capita supply, better packaged and retailed food at a cost of only 17.7 cents of the income dollar. This is a great advantage to every man and woman and child throughout the United States, and finds no comparison anywhere else in the world.

Now, how does all of this affect the wheat farmer? And to what extent has he suffered the consequences of these most unfortunate circumstances? As I stated earlier, he receives the lowest price for a bushel of wheat today that he has received in the last more than quarter of a century, but yet he has to pay production costs that generally have doubled during the past twenty years.

If we are effectively to cope with this price problem, as it affects wheat producers, I suppose it is essential that we are alert to some of the factors that have been the cause in the development of such an economic situation.

Referring to the low market prices, possibly we should first recognize that present price levels are a product of the existing wheat program which was actually designed to lower market prices. To this degree it has been most successful. It has brought the prices down. The object at the time of that legislation was to satisfy a theory that lowering the market price in this country would encourage expanded exports, and so reduce the surpluses; create a demand which in turn would improve the prices. In the meantime, we were to make up for the reduced prices by diversion payments and wheat certificates. An excellent theory, except for the fact that it hasn't worked. The prices are down now, but exports are also going down, and going down at rather an alarming rate.

During the first five months of this fiscal year, from July to November, there was a drop in wheat exports in excess of 112-million bushels, with indications that further drops may be forthcoming. This experience should alert us to the fact that merely reducing the market price of the commodity in this country is not the only factor that determines the extent to which we can export. There are many other factors which include tariffs, world prices, production and prices in other countries, and so forth.

So, while the farmer substantially reduced his production, he finds his reward to be one of a reduced price, coupled with a reduced export market.

I would refer you to an article appearing in a Department of Agriculture bulletin entitled "Import Levy is Biggest Price Item in U.S. Exports to E.E.C."

Some of the facts in this regard are pathetically alarming. With the average market price being paid to Kansas wheat farmers being $1.24, or 81¢ a bushel lower since 1962, yet that wheat sells in the Netherlands today for a price that is 24-cents a bushel higher than it was at that time. Not only that, but the selling price in the Netherlands as of December was $3.33 a bushel, or $2.09 higher than the average price received by the Kansas farmer.

One could well say that's impossible—but it's not. I must quote some additional figures. I think you may find them interesting.

You know the present wheat program has worked so badly, or reduced the price so effectively that it now becomes necessary for the exporters of wheat grades and varieties of American wheat to pay to the American government an inverse tariff that has ranged from 15¢ to 22¢ a bushel during the past several months in order to bring our reduced price up to the level of the International Wheat Agreement which we as a Nation were a party to designing, and signing, during the middle of last year.

What folly to have participated in the signing of an International Wheat Agreement which was intended to increase the world price of wheat, and consequently the price of wheat in our own country, only to find that it results in nothing but the levy of an inverse tariff that does the producer no good at all. No one benefits from the arrangement. It becomes a liability to the producers of this country, a liability to the taxpayers, and no benefit to the consumer. It doesn't serve the cause of the processors, or the consumers in the foreign country any better, because they still pay the full price of more than $3.30.

The fact is that it is possible to pay the producer the full parity price of wheat in this country, and with the removal of some of these trade barriers, our wheat could still be sold more cheaply in common market countries than it is being sold there today.

Now here are millions of dollars that belong no where else except in the bank accounts of the wheat producers of this Nation. But the folly doesn't stop there, for if we explore this matter further, we will then find these items to be a reality. When this wheat then reaches one of the common market countries, let's say the Netherlands for our purpose here this evening. They have what is known as a variable duty which, during 1968 was at an average rate of about $1.55 per bushel—meaning that the Netherlands government got more money but of this bushel of American-produced wheat than did the producer in this country who provided all of the work, took all of the risks, and produced it with today's high production costs. Again, here is millions and millions of dollars that rightfully belong nowhere else but in the bank account of the American producers.

Now adding the inverse tariff to this country, the variable import levy to the foreign country, plus the transportation charges involved, this is what accounts for the price of $3.33 as the cost of our wheat to the Dutch processors. The folly doesn't stop here, however, because they then use these dollars to subsidize other agricultural products that they produce in surplus, then place them on the world market at reduced prices so that we find ourselves in competition with these reduced prices that actually our dollars were instrumental in establishing.

It doesn't seem like we could do much worse than this.

Now, it might be interesting to note what this import levy to the Netherlands was in 1962, before the present program went into effect. The import levy at that time was 9 cents per bushel—and so ever since we started the program to reduce the market prices in this country, they have watched the Chicago market more closely than we have. And every time it went down, they increased their variable import levy to where it is now $1.46 a bushel higher than it was in 1962. It seems to me that it is time that all of us, whether as wheat farmers, Members of Congress, farm organizations, agri-business, or even the American taxpayer, ought to begin raising some objection to this kind of inequity in our trade policies.

I am sure that the future will demand the voice of everyone of those interests in order to correct it—but correct it we must.

There are further comparable follies in this field too numerous to mention tonight, because I also want to talk about a few inequities that exist within our own country, and our own domestic market.

While the wheat producer's return for his efforts have gone down substantially, there have been little or no gains for either the consumer, the taxpayer, the processor, or anyone else in either this country or in foreign countries.

About the only economic benefit that one could mathematically connive would be to say that a part of our benevolent wheat distribution program costs less money because we're giving away cheaper wheat.

Let's see how this whole combination works out in this country. The cost of a loaf of bread hasn't gone down any. In fact, the reverse is true. In the 1947–49 period, the average retail price of a one-pound loaf of bread was 13½ cents. The farm value of that wheat in that loaf was 2.6¢, and the total cost of all the ingredients was 3.3¢. Today that loaf of bread sells for 22.4¢, up almost 9¢ from the 1947–49 average price, yet the cost of the wheat in the same loaf is still only 2.6¢, with all ingredients still at 3.3¢. An interesting comparison might be made. This is a positive indication that the increased costs in the loaf of bread is certainly not due to the cost of the wheat, or the raw materials from which it is made.

In 1959 a bushel of wheat would have bought almost sixteen one-pound loaves—today it would buy less than ten. This is also one of the first times in history when a bushel of wheat will no longer buy a haircut. And so we see that the increased costs of a loaf of bread to the consumer have all originated from the increased costs of processing, storage, shipping, retailing, packaging, and so on.

This is an increase of 84% in the price of the bread. Had the farmer received a comparable increase, the price of wheat today would have been $3.94 a bushel—and this would have added only 2.2¢ to the total costs of the same loaf of bread. This would seem like pretty good business. A 10% increase in the cost of the loaf of bread would bring an 84% increase in the price of wheat.

I doubt that anyone can explain to me, or to any of you, why it is that the consumer can supposedly pay for every other increased cost that's associated with the loaf of bread, whether it be processing, packaging, labor or any of the many other factors, but can't pay for the increased costs in producing a bushel of wheat. In fact, seemingly they can't even pay the same costs, because the prices are lower now than they were at that time

These are a couple of examples of why the wheat farmer is having economic difficulty today. The same factors, with other circumstances, apply to the producers of other commodities. It is my opinion that if the American people are going to continue to enjoy the great food quantities, with excellent quality, at the cheapest prices in the world, these inequities are going to have to be corrected.

It is time that we began directing our attention to the establishment of improved markets and prices so that the greatest resources throughout the Nation can once again occupy its rightful place in the economic spectrum.

This is why I have suggested by legislation a program which deals entirely with prices. It is not my purpose here this evening to burden you with the details of this legislation, but only to talk for a moment or two about the principle, for it does provide an entirely different approach to the matter of achieving the objective that we all desire, namely, an improved price.

By means of this legislation, farmers could achieve full parity prices for voluntary participation. Such a program would subject them to far less government restriction and would provide them with bargaining power and authority to deal with their own problems.

The encouraging element of such a program is that had it been in effect during the past year or two, it would have increased net income $2-billion a year, while the cost of government would be reduced by at least $2-billion per year. Some of the money saved in this manner could then be used for purposes of generating a realistic export program and policy.

The very same type of program could also be applied to feed grains and it seems to me that if we are ever going to have an adequate domestic, as well as world price structure, we of necessity are going to need to change our approach to some variations of these plans so that adequate prices can be established. To do so would serve to benefit the producers, processors, consumers, and taxpayers of this country, and would grant assurance that there will be an adequate supply of high quality food to meet the demand of this nation and the world.

At times I think we have lost sight of the great benefits that have accrued to this country because of the great contributions that have been made by agricultural producers of every description—wheat farmers included.

I should recall during World War II, when farm prices reached levels of 114 to 116% of parity, and many products were rationed, but I can't recall hearing any consumer complaints—in fact, I'm told there were times when gratuities moved under the counter in order that a little more generous portion might be provided.

I think all of America, and hungry people throughout the world, should not only be grateful, but cognizant of the too often unmentioned advantages that have accrued to this country because of the American farmers' ingenuity and unparalleled know-how.

While this factor is generally associated with rural America, let it be known that the industrial world has found just as great advantage from this fact, for it is only because of the more than 82¢ that are left out of every income dollar available to buy other goods and services that the industrial world has been able to grow and progress as it has. Yes, the price of food has got a direct relationship to the availability of color television, or the many other conveniences that characterize our country today.

So what needs to be done in order to correct all of this?

It is a difficult public relations job. The steel people, the oil people, the trucking people, and other groups are telling their story about the wonders of their products. Why not agriculture?

We in agriculture and agri-business have been too busy filling the silos, mixing the feeds, developing the crop strains, and worrying about our individual problems, to sell American agriculture to our Nation. We must get out of the barns, out of the laboratories, and out from behind our desks and tell the American consumer that food is the greatest bargain in America. We must let the people of the Nation know where their cheap bread and butter really come from.

I think it is well that every citizen of America should be made aware of how serious this problem is, because every citizen throughout the country will be affected by our success, or failure, in meeting these needs in the immediate future. It might be well for everyone to remember that we are not talking about six per cent of this Nation's population; we are rather talking about the 40 per cent of our population who are directly affected by the economic future of America's largest industry today—and there isn't any other that runs even a close second.

Agriculture ranks first in the total number of workers employed, first in the total amount of money spent for equipment, first in the total amount of assets—which is now in exces of $281-billion, yet their returns in relationship to assets is only 17.7 per cent; while the next eleven largest industries of this country have a return of 107 per cent in relationship to their total assets.

These, of course, are problems that Congress also needs to be concerned with. To effectively correct them, there is every evidence that it needs the unanimous support of every agricultural interest, whether farms, agri-business, farm organizations of every description, small rural towns, or what have you.

What we must get across to the nation is that 40 per cent of our national population is either engaged in farming or dependent upon it through agri-business or in providing other services to agriculture. This is a sizable percentage compared to the six per cent of the population actually living on farms.

There may be tragically little political power left on the farm itself, but there is plenty of political power in that 40 per cent of the population dependent upon agriculture. If agriculture is to be properly considered in future Congresses, we must take the story of agriculture and agri-business to the people affected. That is where you come in.

It must be apparent that anyone engaged in the manufacture of farm machinery and equipment, in the fertilizer business, in agricultural research, or in the production of a multitude of products and services purchased by rural Americans, should be made aware of the fact that his future is no more secure than the future of our farm population.

The public relations effort to restore the farmer to his rightful position in the economy could start here today. If the farmer's story is told effectively, the voice of agriculture and agri-business will be heard in Washington, just as loudly as the voices of big labor, big business, big cities and other sizable blocs of voters. Only then will farm programs and other agricultural legislation really receive adequate consideration in Congress.

As a farmer myself, I particularly like the closing words of an article I noted last year in the Pelican Rapids Press of Minnesota. "A farmer is both Faith and Fatalist—he must have faith to continually meet the challenges of his capacities amid an ever-present possibility that an Act of God can bring his business to a standstill. You can reduce his acreage, but you can't restrain his ambition. Might as well put up with him. He is your friend, your competitor, your customer, your source of food and fiber, and self-reliant young citizens to help replenish your cities. He is your countryman, a denim-dressed, business-wise, fast-growing statesman of stature. And when he comes in at noon, having spent the energy of his hopes and dreams, he can be re-charged anew with the magic words: 'The Market's Up!' "

Let's all help to re-charge him. To do so would be good for the country.

THE HONORABLE PAUL F. SCHENCK

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. McMILLAN. Mr. Speaker, I was saddened to learn of the passing of a former Member, the Honorable Paul F. Schenck, who so ably represented the State of Ohio here in the Congress of the United States for a number of years.

I thoroughly enjoyed serving with Mr. Schenck and I am certain history will show that his service in the Halls of Congress was of the highest caliber and a number of outstanding pieces of legislation, now laws on the statute books, received his active support. My sympathy and best wishes go out to his family.

REFORM OF METHOD OF ELECTING THE PRESIDENT OF THE UNITED STATES

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, January 29, 1969

Mr. THURMOND. Mr. President, there has been a great deal of discussion about the need for reform of the method of electing the President of the United States. I believe discussion about the best way to amend the Constitution is necessary and wise, and I support the proper change.

The distinguished senior Senator from South Dakota has contributed to a better understanding of this question by giving a thorough explanation of his district plan proposal in the January 18, 1969, edition of Human Events. Senator Mundt notes that under Senate Joint Resolution 12:

> Each district electoral vote would be a separate entity. No longer would the voter of a suburban district see his vote become the unwilling captive of the core city, or, conversely, that of a city dweller find his vote cast with a slim majority that may represent a more rural interest.

Mr. President, I believe it is important to also take notice of the federalism inherent in the allocation of the electoral vote. I agree with my good friend and colleague that—

> Adoption of a direct vote plan would wipe out this principle of equality of states. Federalism, which is still the cornerstone of our republican form of government, would be ignored.

I recommend this Human Events article to every Member of the Senate and the House of Representatives and to every interested citizen. Mr. President, I ask unanimous consent that this article be placed in the Extensions of Remarks of the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Congressional District Plan: A Workable Plan for Electoral College Reform

(By Senator Karl Mundt, Republican of South Dakota)

The 91st Congress has before it many controversial proposals. None could have a greater impact than a change in the Electoral College system. The Senate and the House could set in motion a chain of circumstances that could end up with either an enlightened and realistic method of selecting our President or one which obliterates state jurisdictions, nationalizes our elections, repudiates a promise of nearly 200 years and destroys our two-party system of government.

The possibility is staggering but the potential is true. The American people want a change in the present Electoral College. Furthermore, a change is needed. Reform of the College is long overdue. The present method of electing our two top executive officers is woefully inadequate, patently unfair, and at times, exasperatingly uncertain.

The irony is that this has been true for many years. Historically, it is possible to trace the desire for change to the period almost immediately following the election of George Washington as the first President. Congressional reform movements have flourished ever since.

In recent years the demand for reform has been pushed in many quarters. This was particularly true following the 1948 election and the narrow victory of John F. Kennedy in 1960. In neither instance, however, were the reform proponents successful, nor did they receive the press build-up we are experiencing today, proving once again that it is a matter of "whose ox is gored."

The necessity for reform stems not from the fact that the system was ill-founded. The concept of independent electors selecting the President was perhaps sound in 1787. Our Founding Fathers, in the Constitutional Convention, certainly gave long and careful consideration to the method of electing the President.

At first it decided he should be elected by the Congress. Then it changed its collective mind and transferred the power of choice to an Electoral College that was to be an exact counterpart of the Congress with the representation of the states as units, corresponding to the senators, as well as population of the states, corresponding to representatives, and which should meet at the seat of government.

Upon further consideration this plan was dropped because of the fear that the electors would not travel so far for a single purpose. It took days in those times to cover distances that we now span in a few hours. The convention went back to its original idea that a President should be elected by a joint session of Congress. They did this with reluctance because it ran counter to their strong beliefs in the principle of separation of powers of the executive and legislative branches of the new government.

At this point the idea developed that the electors could meet and cast their votes in their own states and transmit the certificates of their ballots to the seat of government.

Accordingly, the work of electing the President was divided. The convention transferred the act of voting from a joint session of Congress to electoral colleges in the several states, the results to be transmitted to the president of the Senate. It left with Congress, in joint session, the function of counting the certified results from the states, as would have been the case had Congress done the voting.

Unfortunately no uniform method of choosing electors was followed. Electors were chosen in a variety of ways: election by legislatures, election by the people in districts, and election by the people on a general ticket, which means that each voter in the state could vote for every one of the state's electors. In Massachusetts each of the eight districts chose two electors from which the legislature selected one per district and added two electors at large.

It was at this point that the political party system emerged and moved into the vacuum created by that phrase in the Constitution which states that electors shall be appointed "in such manner as the Legislature thereof may direct."

After George Washington's two elections, the presidency was contested every four years on a party basis as it is today. The majority party in each state was quick to see the advantage of consolidating its electoral strength either through legislature selection or through use of the general ticket system forcing every electoral vote in the state to go one way or the other so as to exert maximum influence in electing a President. Federalists did this where they were in control, in the New England states for example, and the anti-Federalists, later Jeffersonian Republicans, soon did the same thing in their states.

Thus, an election procedure, conceived in a philosophical-political atmosphere, had been transformed by the development of political parties into a political-philosophical procedure more concerned with swinging a large controlled bloc of votes behind a particular candidate than anything else.

The "winner-take-all" development has resulted in the major defect in the present electoral system, the disproportionate power that some areas operating under the general ticket system have in selecting the President.

As it stands now, a presidential candidate winning a state by a small margin takes all of that state's electoral votes. The result has been a concentration of presidential campaigns in the large cities of key, pivotal states. Such concentrated campaigns can control the outcome of our nationwide elections, even though they may represent the minority view in the nation as a whole.

Of the 270 electoral votes necessary for elections, 267 are controlled by only 11 states. Basically, however, the real power base is in the major metropolitan center or centers in each of these states—New York City, Chicago, Detroit, etc. If the rest of New York State divides relatively evenly, a heavy vote for one candidate in New York City can carry the entire state's 42 electoral votes into the camp of that candidate. This in effect makes captive votes out of the remainder of the state's voters.

The dangers in such a system are obvious. The invitation to vote fraud is inescapable. By the same token, disproportionate campaign contributions and expenditures gravitate to these areas. It excludes from the office of President all men, no matter how able and outstanding they may be, unless they come from a state with a large bloc of electoral votes. The exceptions to the rule have been either vice presidents succeeding because of the death of the President or candidates with a large national following as a result of their exploits in other areas, such as President Eisenhower.

There are other drawbacks to the present system, although the general ticket "winner take all" is unquestionably the worst.

Electors are not bound to vote for the popular vote winner. This has not happened as often as many people believe, only nine times since 1820. Two of these errant votes, however, have been cast in the last eight years. If it were one time or one hundred times, nevertheless, the principle remains the same and should be prohibited by a constitutional amendment so that it will not occur again.

Finally, there is a definite inequity in the event of contingent elections. Under the existing provision of the Constitution, if no candidate receives a majority of the electoral vote, the contest goes to the House of Representatives. That body, however, votes by state and not by head. Each state must decide within itself and then cast a single vote. If the members of a state delegation deadlock, the state cannot vote at all.

Pinpointing those areas that need changing is only half the problem. Making the correct change is just as important. A step backwards or sidewards is after all no progress and it could be retrogressive.

Three major alternatives have been proposed. The first and most feasible is the district plan. The others are the proportional system and the direct vote plan; the latter being the equivalent of killing a fly with a shotgun.

THE DISTRICT PLAN

The District Plan, as encompassed in Senate Joint Resolution 12, which I have introduced along with several other senators from both parties and from all sections of the country, is relatively simple and yet strikes immediately at the critical problems.

Under this proposed constitutional amendment, each state, as now, would be entitled to a certain number of electoral votes depending on how many congressmen the state is allotted plus two electoral votes for its two senators. The state, however, would be divided into districts comparable to congressional districts (or at the proper time utilizing the existing congressional districts themselves).

The presidential ticket receiving the most popular votes in each district would receive one vote and the ticket obtaining the most popular votes statewide would receive two electoral votes. Thus each voter in the United States would, in effect, have the same voting power and the right to vote for three electors—no more, no less, regardless of where a voter may live. These electors (or simply unit votes in some variations of the plan) would be bound to cast their votes for the state's winning presidential ticket.

Viewed against the background of the defects in the present system, it is readily apparent that this proposal is a "problem solver."

As I have indicated, the major fault with what we have now is the general ticket system. And let me make it clear that this is not a phantom danger.

In the last election, the possibility of a deadlock in the electoral College received most of the publicity and few people realized how close we came to having a minority President selected by the machines of big-city politics. The fact remains, however, that the shift of a few thousand votes in only three states—California, Illinois and New Jersey—would have changed the outcome in the Electoral College while leaving the popular vote decision the same.

Under the District Plan, this potential is diminished almost to the point where it is non-existent. It would no longer be possible to transfer large blocs of electoral votes to one candidate or another simply on the basis of the statewide outcome. Each district electoral vote would be a separate entity. No longer would the voter of a suburban district see his vote become the unwilling captive of the core city, or, conversely, that of a city dweller find his vote cast with a slim majority that may represent a more rural interest.

I might add that this reform proposal, had it been in effect in the last election, would have eliminated in this instance the problem of the errant elector. One elector from North Carolina pledged to Richard Nixon cast his vote for George Wallace instead, because he said that he was nominated as a district elector and that his district went for Wallace. After lengthy debate, Congress allowed his switched vote to stand.

Under the general ticket system, his was presumed to be a captive vote. Under the district system there would have been no question. He would not have been elected in the first place. The Wallace elector would have been and therefore no problem of putting conscience above loyalty would have arisen. The action of the North Carolina elector clearly points out what is wrong with the present system and why the district plan is needed.

Should the voters of a district express their collective will, that decision should be final. S. J. Res. 12 assures this by removing any possibility of a vote designated for one candidate being constitutionaly cast for another. It requires, through constitutional mandate, that each elector follow the instructions provided by the election results.

Finally, we have the problem of a potential contingent election. The present method is as unfair to the large states as the initial election is to the small states.

Under the district plan proportionate weight is returned to the larger states. Instead of voting by state in the House of Representatives, the election is by both the House and Senate, in joint session, with each member voting individually. This recognizes the valid arguments of the bigger states that they should have more authority in determining the outcome should the electoral vote be indecisive.

Before wrapping up the case for the District Plan, an explanation is perhaps due as to why this proposal, so simple and yet so effective, was not long ago adopted.

The answer is multiple. Much of it goes back to an inherent and correct tendency on the part of Americans to avoid changes, if at all possible, in the Constitution. In addition, there was the question of equity under the district system.

During Senate debate on Electoral College reform in the 84th Congress when we were able to obtain a majority vote for a variation of the District Plan, but not the necessary two-thirds required, the question was raised as to how equitable representative congressional districts, instead of some obviously gerrymandered and others unequally represented from a population standpoint, would be provided.

To meet this criticism, the amendment was later redrawn to provide for the establishment of electoral districts to be composed of "compact and contiguous territory, containing as nearly as practicable the number of persons which entitled the states to one representative in the Congress."

Such language was, I believe, considered fair and acceptable by those who earlier had harbored some reservations as to the district system. Subsequently, however, doubts were raised as to the enforceability of this provision. From a practical viewpoint, the question was asked whether Congress would exercise its power to refuse to count the electoral votes not chosen in "compact and contiguous" districts.

Of far greater importance was the question of judicial enforcement. Serious doubts existed as to whether the judicial branch could, or should, accept jurisdiction of a case alleging malapportionment. The legal precedents on judicial enforcement of districting were not clear and, although many of us felt that by placing the provisions in the United States Constitution we had overcome this hurdle, the doubt remained, even among those who by this time believed that the revised system was a fair and acceptable method of reforming the electoral college.

On March 26, 1962, the Supreme Court of the United States handed down its historic decision in *Baker vs. Carr*. The result, of course, was the important fact that the court held that legislative apportionment problems were within the jurisdiction of the federal courts, that a justifiable cause of action exists and that a voter within a district that is allegedly malapportioned has standing to challenge such an arrangement.

In the wake of its *Baker vs. Carr* opinion, the court has handed down additional decisions spelling out further what has come to be known as the "one man, one vote" principle. One of these subsequent decisions, and from a practical viewpoint the one that has had the greatest impact on the question of electoral college reform, was *Wesberry vs. Sanders* which was rendered on Feb. 19, 1964.

Not only was this the first instance in which the court applied the "one man, one vote" principle on a nation-wide basis, but the objects of its directive were the congressional districts rather than state legislative districts. In fact, whether the court has acted wisely in tampering with state and local apportionment is still open to serious question.

As a result of *Wesberry vs. Sanders*, however, great strides have been made over the last three years toward bringing congressional districts into line with "one man, one vote" standards. In addition, legislation has been introduced and is well on the way to passage, which would establish minimum population standards for House districts.

This clearly points out that the judicial and legislative branches have both accepted the proposition that congressional districts should be equal and equitable in composition. This situation will eventually allow the District Plan, in complete fairness, to evolve back to the original and simpler plan of using the concept of congressional districts.

Other plans, as I have indicated, have also been proposed. The one receiving the most publicity has been the direct election plan. In my estimation, this is worse than the present system.

In the first place, such a proposal is a direct attack on our federal system of government and if such a plan were ever adopted, it would mean we have reneged on a promise made to our forefathers, in particular those representing the smaller states.

When the Union was formed, the small states feared that the government would be dominated by the larger states. A compromise was reached whereby all states were guaranteed equal representation in the Senate regardless of size while the House of Representatives would be determined by population. This same guarantee and compromise was carried over to the allocation of electoral vote strength.

Adoption of a direct vote plan would wipe out this principle of equality of states. Federalism, which is still the cornerstone of our republican form of government, would be ignored.

Going hand in hand with this problem is the question of who supervises the election process if the states are ignored. If we are to be completely fair to citizens of all the states under a direct vote for President, the election laws and regulations should be uniform. The only body with jurisdiction to do this is the federal government.

In spite of denials by advocates of the direct vote plan, it is clear that by adopting it we would be setting ourselves on the road to complete federalization and centralization of our election machinery and process, a step many of us believe should not be taken.

In addition, the direct vote plan, as well as the proportional proposal, poses a threat to our traditional two-party system of government. By recognizing the votes cast for all minor parties, it will be impossible for any candidate to receive a majority and frequently difficult even to receive a 40 per cent plurality.

This not only sows the seeds of multi-party government with all the drawbacks so familiar to the European system, but should a runoff election be necessary, it could be that the new President is not determined until December or even later, thus leaving him little time to select and form his administration.

In reality, arguments over the operation of a direct vote system are moot because it could never be adopted even if it were passed by Congress, which is also highly doubtful.

Simple arithmetic argues against ratification. Such a constitutional amendment would have to be approved by 38 state legislatures. Any 13 state legislatures could defeat ratification.

As an example of the problems faced by a direct election plan in the state legislatures, let me cite statistics from the 1968 election. Official returns now show that Massachusetts produced a majority of 702,379 votes for Hubert Humphrey. On the other hand, 17 states ranging in size from Alaska to Wisconsin all went decisively for Richard Nixon and yet their total majority for Nixon was only 691,156.

In practical political terms, this means that 17 states with an aggregate electoral vote of 84 would have their votes completely cancelled out by one state representing only 14 electoral votes. The legislatures of these 17 states and many others can recognize the fact that their influence would be diminished by a direct vote plan and for the most part, accordingly, would not vote for a constitutional amendment providing for a direct vote for President.

If we truly want reform, and I believe reform is needed, we must unite behind a plan that is practical and possible of being adopted. The only plan that fits that definition, in my estimation, is the District Plan.

CONGRESSMAN HORTON REPORTS ON THE NIXON INAUGURAL: A CALL TO PEACE AND GREATNESS

HON. ROBERT T. STAFFORD

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. STAFFORD. Mr. Speaker, I would like to call to the attention of my colleagues the report on the inauguration of President Richard M. Nixon made recently by the gentleman from New York (Mr. HORTON). In reporting on this historic event to his constituents, Mr. HORTON gives to all of us a vivid account of the full meaning of President Nixon's inaugural address

The full report of the gentleman from New York (Mr. HORTON) is as follows:

THE NIXON INAUGURAL: A CALL TO PEACE AND GREATNESS

It was a moment which inevitably reminded one of the past while at the same time holding a summons to a greater role in the future.

To the thousands of people filling the Capitol Plaza and to the countless millions who watched the event on television, the inauguration of Richard M. Nixon as President was a truly majestic ceremony, one symbolizing our freedom and unity.

It was an event tied to the heritage of our country. It was a reassuring event giving evidence to the world that peaceful change—that quadrennial "revolution" envisioned by our Founding Fathers—was really possible.

Certainly the new President was keenly aware of this sense of history as he said:

"I ask you to share with me today the majesty of this moment. In the orderly transfer of power, we celebrate the unity that keeps us free."

Mr. Nixon took the oath of office under strained circumstances. More than half the country had voted for other candidates. Both houses of Congress remained in the control of the opposition party.

His speech, however, went to the core of the problems facing us. His words set a course for the coming four years which could lead us out of a trouble period into a tranquil one.

In the historic place hallowed by the oaths of his predecessors, enshrined by the memories of national triumphs and tragedies, the new President sent forth a clear call to national unity, to the role of peacemaker.

The inaugural scene was one that with only a change in costume and principal figures could well have been the inaugural of Lincoln, Jackson, Cleveland, Wilson, Hoover, Roosevelt, Truman, Eisenhower, Kennedy—any of the 30 Presidents to take the oath at the east portico of the Capitol since Jackson.

The status of freedom surveyed the festive scene from her majestic throne atop the Capitol dome. Music and prayers were offered in the overcast January day. And the words of the new President were in the tradition of many great men who had taken that solemn oath at 45 previous inaugurals.

What President Nixon called "our summons to greatness" is a challenge to Americans to fulfill the promise of a free land to give its best to make life good, spiritually and physically for all citizens.

Reviewing the accomplishments of this century, the new President spoke of our advances into space, enormous strides in science, industry and agriculture and the sharing of our national abundance with the world community.

"Forces now are converging that make possible, for the first time, the hope that many of man's deepest aspirations can at last be realized," the President told the nation. "The spiraling pace of change allows us to contemplate, within our own lifetime, advances that once would have taken centuries," he continued in an exciting forecast of the future's potential.

The times are on the side of peace, President Nixon said because, for the first time, the people of the world want peace and their leaders fear war.

In a moving summation of the problems besetting the land, the newly-inaugurated President said:

"We find ourselves rich in goods, but ragged in spirit; reaching with magnificent precision for the moon, but falling into raucous discord here on earth.

"We are caught in war, wanting peace. We are torn by division, wanting unity. We see around us empty lives, wanting fulfillment. We see tasks that need doing, waiting for hands to do them."

The problems constitute a crisis of the spirit, and call for an answer of the spirit, Mr. Nixon said.

He put into words the yearning for domestic and foreign peace that Americans feel so deeply.

It was a simple call to lower our voices so we can hear our words, for government to strive to listen in new ways to all its citizens, an appeal to help the disadvantaged, to build on the legacy of the past to solve the problems of today.

There was no turning away from the past. The President made that clear when he said: "As we reach toward our hopes, our task is to build on what has gone before—not turning away from the old, but turning toward the new."

But he did warn that we are approaching the limits of what government can do—that the time is coming for problems to be met by the energies of the government and the people working together.

"With these, we can build a great cathedral of the spirit—each of us raising it one stone at a time, as he reaches out to his neighbor, helping, caring, doing," the President said.

There was a beautiful dream, a possible dream, woven through the poetic phrases of the inaugural speech.

The President warned that no man can be fully free while his neighbor is not.

His dream was that of an open world—a world open to ideas, open to the exchange of goods and people, a world in which no people will live in angry isolation.

And there was that all-encompassing dream, the greatest dream, of peace.

The President's call for unity was a plea for peace. His challenge to find new answers to meet the old, burgeoning problems was a summons to making peace.

For peace was surely the theme of this inaugural speech.

Listen from time to time and ponder these words, heard first on the gray and chilled noontime at Capitol Plaza. These words are a challenge to bring out the very best in a good America:

"Let us take as our goal: where peace is unknown, make it welcome; where peace is fragile, make it strong; where peace is temporary, make it permanent."

JAMES P. GRIFFIN

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. ARENDS. Mr. Speaker, for no less than 50 years James P. Griffin served on the staff of the House of Representatives. He was our Republican pair clerk when he retired in 1961. Happily, we were able to express to him upon his retirement our appreciation of the efficiency with which he performed his duties. Flowers for the living are more meaningful than for those who have departed.

Jimmy Griffin is no longer with us. He died last week at the age of 75. I should like now to say for the RECORD what I was able to say to him personally at the time of his retirement, not only for myself but for the entire whip organization: "Well done, my true and faithful servant." There were many occasions when we were able to arrange a pair for an absent Member, thanks solely to Jim's diligence and thanks also to the high regard in which he was held by the Members on both sides of the political aisle.

All of us will miss Jim Griffin. Even though retired he more or less regularly visited Capitol Hill. He has now gone to his great reward, but he will live in the memory of all of us who were privileged to know him.

QUESTIONS RAISED ON QUALITY OF NATION'S DRINKING WATER

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Wednesday, January 29, 1969

Mr. BOGGS. Mr. President, on January 15, 1969, I inserted into the RECORD an article by David Peter Sachs, which appeared in the November issue of McCall's magazine and which contended:

> One out of every two Americans is drinking water of unknown quality or water that may not measure up to federal standards.

Mr. Sachs went on to describe the substandard conditions of some of our public water supplies and included a table purporting to rate the water supplies of many American cities.

Since that time, a number of other publications have come across my desk, many of them relating to the efforts water suppliers are taking to assure our people have clean, safe, drinking water.

Also, I have received a copy of memorandum from Assistant Surgeon General Charles C. Johnson, Jr., to the State sanitary engineers, containing his observations on the Sachs article.

Mr. President, in an effort to assure that all sides of the discussion over drinking water are heard, I ask unanimous consent to have printed at this point in the RECORD the memorandum from Dr. Johnson, a statement from the American Water Works Association, and an article in Nation's Cities, by Eric F. Johnson.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Nation's Cities]

LET'S TURN OUR WATER DEPARTMENTS INTO INDEPENDENT UTILITIES—NOW!

(By Eric F. Johnson)

Public water supply, no doubt because of well-publicized inadequacies of service during recent drought years, as well as some unfortunate criticism on its safety in a recent Presidential message, is being counted as one of the municipal problems constituting the urban crisis.

It shouldn't be!

Water supply can take care of itself if left to do so. Not only need it not be a municipal burden, but, freed to operate as a utility, it can contribute to alleviating the burden on the same dollar basis as do taxpaying utilities. Give us our heads, say water supply men to their city fathers, and we'll get off your backs.

Approximately 75 per cent of the nation's 20,000 water utilities are owned by municipalities or other government entities. These utilities differ from the regular departments of government in being revenue-producing, in performing a proprietary rather than a governmental function. Where this distinction is recognized, and to the extent that it is, water departments have found it possible to function as true utilities, developing a separate identity and sense of purpose.

The key to this recognition lies in requiring that water utilities be self-sufficient. As expressed in a 1965 policy statement of the American Water Works Association:

"AWWA believes that the interests of the public and of individual customers of water supply systems serving the public can be served best by self-sustained, utility type enterprises, adequately financed, and with rates to the public and customers based on sound engineering and economic principles designed to avoid discrimination between classes of, or individual customers."

Many cities have made such self-sufficiency mandatory through charter provisions or have otherwise established water utility funds as "sacred." Elsewhere, utilities have been required to operate on such a basis through revenue bonds. However the effort is made, the kind of utility structure described by the association can, it feels, be realized only if two basic steps are taken:

(1) Adequate and equitable rates, based on metered use and necessary fixed charges, that will provide revenues sufficient to cover all operating, maintenance, and capital costs must be established. Such rate schedules, based on a proper analysis of costs would be designed to derive revenues from each customer class, including municipal users, in accordance with the cost of service to that class.

(2) Water utility funds must be segregated from other municipal funds, accounted for separately in accordance with a recognized system, and restricted in their use to water supply purposes. Such controls over the use of water utility funds would of course, permit the payment of reasonable charges for services rendered to the utility by other municipal departments and the payment of municipal taxes or a contribution of a reasonable sum in lieu of taxes.

The management structure of water utilities varies widely. In many municipalities, the council votes directly on all utility policies, and, particularly in smaller communities, the mayor or city manager himself acts as the chief executive in their implementation. In some, the water utility manager under the mayor or city manager is responsible for carrying out policy. And in others the public works director or city manager is often interposed between the mayor and the water utility manager, integrating the water department into other city operations and making separation of functions and their costs more complicated. At the other extreme, many municipalities have delegated the authority for policy formation to an independent board, retaining only a few veto and appointive powers. There, of course, the chief executive is the water utility manager, responsible directly to the board.

Each of these management structures has its advantages. Under each of them can be found good examples of efficient, self-sufficient operation. Direct council control over the water department usually permits better coordination of its operations with those of other departments in the municipal family and, in the smaller community, a better application of available manpower and equipment to priority tasks. On the other hand, from the viewpoint of providing the best water service to the community, the independent, nonpartisan board—particularly one that calls experienced business and professional men of the community into its service—has a considerable advantage.

Such a board, in addition to putting at the disposal of the utility more management talent than it can usually afford to hire, permits the staff to focus its full attention on the job at hand without concern as to the political implications of its operations. And just as the water utility manager is shielded by the board from political concerns, the council, too, is shielded by the board from immediate responsibility for politically unpopular policies (such as rate increases) in direct proportion to the amount of power it has delegated to the board.

A water department can be a water utility, but it too often isn't. In our special context, the difference between the water department and the water utility is the difference in approach to the overall business of supplying water service to the public.

The water department, as a member of the city family, has the job of keeping safe water running through the mains. Occasionally that is where its assignment ends. More often, though, it is called upon to read meters; sometimes to handle engineering; sometimes to take care of billing and collections. It has a job to do and it does it as well as it can be done with the facilities and men available. Its revenues go into the city treasury. When it needs new facilities or equipment, it asks the city for the necessary money. Its success or failure is not in its own hands.

The water utility, on the other hand, is responsible for its total performance. It is required to be self-sustaining. Its financial health depends directly upon the policies established by its own board and carried out by its own staff. It has an image of its own and its purpose is to provide the public all the water it needs, when and where it needs it, and to make that water not only safe, but of as high a quality as technology permits and its customers are willing to pay for.

Water utilities are not only willing, but anxious to meet the challenge of removing water supply from the list of urban problems. Their goal, as expressed through the American Water Works Association, is to provide "Better Water for Americans," to provide improved water service through water systems that are self-sustained and adequate to meet the growing needs of each community. Water utilities have not only accepted the minimum safety standards of the U.S. Public Health Service, but have established goals of quality far above these levels of potability. They feel that quality water service is a natural extension of the quality standard of living that all Americans now expect. And they believe that people can afford to pay for quality water service without subsidy—federal, state, or local. However much must be done to meet the quality goals in any community, the public's water bill will still be lower than any other utility bill it receives.

Weighted down as they are with worries over crime, housing, pollution control, schools, traffic, training the hard-core unemployed, and meeting the welfare bill, we would think that mayors, city managers, and other city officials would welcome the opportunity to give us our heads to get us off their backs!

[From the American Water Works Association]

QUALITY GOALS FOR POTABLE WATER

(Statement adopted by the Board of Directors on Jan. 28, 1968)

At the 1965 Annual Conference, the Water Quality Division voted to set up quality goals for potable water, and guidelines for the goals to be established were derived. These actions subsequently were approved by the Executive

Committee of the Association. An eleven-member task group [now the Committee on Water Quality Goals] was appointed, expanding the group of four that had previously been working in this area and had published a set of ideal criteria for water quality in the November 1962 *Journal*.[1]

GUIDELINES

The Committee on Water Quality Goals was directed to set up realistic quality goals for the water industry—goals that would tend to raise the quality of the water delivered to the consumer by being at once in accordance with advanced thinking and amenable to being grasped by nontechnical personnel. They were not to be impractical objectives, even though they were to be substantially more exacting than existing USPHS Drinking Water Standards with respect to aesthetic qualities. They were to be generally attainable by correct application of known treatment processes and methods.

It was recognized that the goals should not be static, but should be reviewed, and revised if warranted, perhaps every 3 years. The water industry is constantly being faced with the problem of meeting rising esthetic demands. At the same time, because of increasing population and industrialization, the quality of water sources has deteriorated.

RESPONSIBILITY FOR APPLICATION

Public water utilities should adopt quality criteria against which they can gage the effectiveness of their day-to-day operations. Managers of a given system must decide whether the cost of furnishing quality water is warranted. The expense of approaching or meeting the goals may be very high for some systems. For instance, removal of high dissolved-solids content or color may prove inordinately expensive. Management, then, has to weigh the value of the benefits to be derived against the cost of producing the finer quality water. It may conclude that consumers are satisfied with water meeting goals less rigorous than those recommended here.

The industry has accomplished much in the areas of water treatment, control, pumping, and delivery, but consumers judge quality at the tap, not at the source. Therefore, good consumer relations depend on maintaining high quality to the point of delivery. The goals stated herein are not merely for water entering the distribution system.

The definition of a functionally ideal water is as follows:

"Ideally, water delivered to the consumer should be clear, colorless, tasteless, and odorless. It should contain no pathogenic organisms and be free from biological forms which may be harmful to human health or esthetically objectionable. It should not contain concentrations of chemicals which may be physiologically harmful, esthetically objectionable, or economically damaging. The water should not be corrosive or incrusting to, or leave deposits on, water-conveying structures through which it passes, or in which it may be retained, including pipes, tanks, water heaters, and plumbing fixtures. The water should be adequately protected by natural processes, or by treatment processes, which insure consistency in quality."

The Committee on Water Quality Goals believes it should not set goals for items that primarily and principally concern health, but should defer to USPHS and the medical profession. With respect to toxic substances, the USPHS Drinking Water Standards provide very broad safety factors, and the committee generally accepts these standards. This eliminated from consideration such items as the following: Lead, barium, fluoride, arsenic, cyanide, silver, selenium, cadmium, chromium, nitrates and nitrites, radium, strontium, phenolic compounds, organic phosphorus, chlorinated hydrocarbons, boron, and uranyl ion.

RATIONALE OF GOALS

Turbidity

Today's consumer expects a sparkling, clear water. The goal of less than 0.1 unit of turbidity insures satisfaction in this respect. There is evidence that freedom from disease organisms is associated with freedom from turbidity, and that complete freedom from taste and odor requires no less than such clarity. Improved technology in the modern treatment processes make this a completely practical goal.

Nonfilterable residue

Water should be free of observable suspended particles or residue after settling. The goal indicates a virtually suspension-free state.

Macroscopic and nuisance organisms

It is obvious that macroscopic organisms such as larvae, crustacea, and numerous algae that may affect appearance should not be present. Nuisance organisms may affect appearance, taste, or odor, perhaps only after standing, heating, or freezing. They include, among others, the iron bacteria, sulfur bacteria, and slime growths.

Color

Because of difficulty in matching the colors of natural waters to the colors of standards, it is suggested that, when difficulty is encountered, a photometric transmittancy method should be employed. Color of less than 3 units will not be noticed, even in a filled bathtub, whereas color of 5 units may be noted by many. Fifty-five per cent of 102 interstate waters in 1961 showed color of less than 3 units.[2] For the 100 largest cities in 1962, the median color was reported as 2 units.[3]

Odor

Odor is a nebulous characteristic, difficult to quantify; agreement is seldom obtainable, as to the presence of odor or its character in a given potable water. The goal of water utilities should be elimination of all odor. The presence of odor is to be evaluated by difference before and after contact with carbon. Some materials may be removed by carbon only after treatment with a strong oxidant, which should be utilized when required to demonstrate the difference.

Taste

Taste is also a nebulous characteristic whose determination is complicated by the variability of perception of individuals from day to day. It is generally agreed that all potable waters do have some taste. If the taste is mild and not offensive in character, most individuals become accustomed to it. But water should be palatable to all; individuals first tasting any water should not be offended, and it should not be necessary that one become acclimated to the taste to regard it as characteristic of a good-quality water.

Aluminum

At levels exceeding 0.05 mg/l, precipitation may take place on standing, or in the distribution system. Turbidity and nonfilterable residue will be affected.

Iron

With an iron content exceeding 0.05 mg/l, some color may develop, staining of fixtures may occur, and precipitates may form. The magnitude of such phenomena are directly proportional to the concentration of iron in the water.

Manganese

In concentrations of only a few hundredths milligrams per liter, manganese will cause buildup of coatings in distribution piping, which slough off. It causes staining of laundry items in brown blotches and forms black precipitates objectionable to consumers.

Copper

Copper content of 0.5 mg/l, or less, in some soft waters, will cause staining of porcelain. In 1961, of 163 interstate supplies, 70 per cent contained less than 0.2 mg/l;[2] of the 100 largest cities, 94 contained less than 0.1 mg/l.[4]

Zinc

In concentrations of 5 mg/l, a disagreeable taste may be noted. Zinc is undesirable in water passing through piping systems, as it may aid corrosion. The states of Ohio and North Dakota now limit zinc content to 1.0 mg/l. In 1961, of 163 interstate supplies, 45 per cent contained less than 1.0 mg/l.[2]

Filterable residue

Low dissolved-solids content is desirable, if one is to avoid precipitations in boilers or other heating units, to reduce sludge in freezing processes, and to reduce rings on utensils and precipitations on foods being cooked. The stated limit of 200.0 mg/l is in line with other goals stated herein.

Carbon-chloroform extract (CCE)

This goal is based on equipment design and procedures utilized by USPHS throughout the early 1960's. Other designs need correlation with such units to determine relative adsorption efficiency to determine equivalent goal values. Materials adsorbed on activated carbon are organic. Toxic substances recovered may include chlorinated insecticides, nitrates, nitrobenzenes, aromatic ethers, and many others. Tastes and odors often may be correlated with the amounts of chloroform-soluble materials present, these materials having excessive odor thresholds. Most of the chloroform-soluble materials derive from manmade wastes. Waters from sources remote from concentrated industrial activities or human populations usually show CCE concentrations less than 0.04 mg/l. Where concentrations of CCE of 0.2 mg/l are found, the taste and odor of the water is always poor.[5] In 1961, USPHS found the average CCE in 139 cities to be 0.066 mg/l. In 1962–63, the average was 0.065 mg/l.[6] In 1961, of 172 supplies, 48 showed less than 0.05 mg/l.[1]

Carbon-alcohol extract (CAE)

This requirement is supplementary to the preceding CCE. The proportion of materials most commonly found is roughly in the proportion indicated by the limits stated for the CCE and CAE. (See the comments on CCE.)

Methylene-blue-active substances

This classification replaces the designation of ABS previously in use. The change is required because of changes in composition of the new detergents. The analytic technique used determines not only ABS but also alkyl sulfates and related materials that react with methylene blue.

TABLE 1.—POTABLE WATER QUALITY GOALS [1]

[Not a standard]

Characteristic	Goal
Physical factors	
Turbidity	Less than 0.1 unit.
Nonfilterable residue	Less than 0.1 mg/l.
Macroscopic and nuisance organisms	No such organisms.
Color	Less than 3 units.
Odor	No odor.
Taste	No taste objectionable.
Chemical factors (measured in mg/l)	
Aluminum (Al)	Less than 0.05.
Iron (Fe)	Do.
Manganese (Mn)	Less than 0.01.
Copper (Cu)	Less than 0.2.
Zinc (Zn)	Less than 1.
Filterable residue	Less than 200.
Carbon-chloroform extract (CCE)	Less than 0.04.
Carbon-alcohol extract (CAE)	Less than 0.10.
Methylene-blue-active substances (MWBAS).	Less than 0.20.

Footnotes at end of article.

TABLE 1.—POTABLE WATER QUALITY GOALS [1]—Con.

[Not a standard]

Characteristic	Goal
Corrosion and scaling factors	
Hardness (as $CaCO_3$)	80 mg/l; a balance between deposition and corrosion characteristics is necessary; a level of 80 mg/l seems best, generally, considering all the quality factors; however, for some supplies, a goal of 90 or 100 mg/l may be deemed desirable.
Alkalinity (as $CaCO_3$)	Change of not more than 1 mg/l (decrease or increase in distribution system, or after 12 hr at 130 F in a closed plastic bottle, followed by filtration).
Coupon tests (incrustation and loss by corrosion)	90-day tests (incrustation on stainless steel not to exceed 0.05 mg/sq cm; loss by corrosion of galvanized iron not to exceed 5.00 mg/sq cm).
Bacteriologic factors	
Coliform organisms (by multiple-fermentation techniques).	No coliform organisms.
Coliform organisms (by membrane filter techniques).	Do.
Radiologic factors	
Gross beta activity	Less than 100 pc/l.

[1] For all health-related constituents not stated herein, these goals shall require complete compliance with all recommended and mandatory limits contained in current USPHS Drinking Water Standards. Unless other methods are indicated, analyses shall be made in conformance with the latest edition of Standard Methods of Examination of Water and Wastewater.

Hardness

It is not intended to imply that hardness of waters below 80 mg/l should be increased to that content when corrosion can be otherwise controlled. To the average water consumer, hardness of 80–100 mg/l is not objectionable. It is important that, whatever the goal chosen, the hardness should be maintained at a uniform level. Most important is the degree of stability attained. It has been fairly standard practice, for many years, to soften to roughly 5 grains or 85 mg/l hardness. The individual management, in choosing a standard, must consider that, the higher the hardness, the greater the cost to individual consumers; the less the hardness unless corrected, the greater the corrosion tendencies, and the greater the relative cost for treatment.

Alkalinity

This goal is a measure of alkalinity decrease or increase in the distribution system, and also after 12 hr at 130°F in a closed plastic bottle, followed by filtration. This goal is a simple determination, indicating in a practical way that the alkalinity is stable. The maintenance of calcium carbonate stability is the most effective method of preventing corrosive action on iron water mains. Undersaturation will result in reactions causing iron pickup and development of red water. Oversaturation will result in carbonate deposition in utensils, water heaters, household piping, and even in water mains. The point of stability is quite variable in different waters, and even in water from a single source. Various methods have been utilized to determine the point of stability, including the Enslow stability indicator, the Langelier index, the Ryznar index, and Oxygen Depletion, the latter three covering only a few of the many chemical factors involved, none of which suffice in practice, being only hypothetical indicators.

Footnotes at end of article.

Coupon tests

Coupon insertion in pipelines is now the recognized method for checking on corrosion properties of vapors and gases. It has been used to a very limited extent in the field of water supply, where at least fifteen factors affect corrosivity. Coupons measure the combined effects both additive and neutralizing, of all the factors of corrosion, both known and unknown, including the physical factors of velocity and turbulence. Thus, coupons can provide valuable standards of comparison. Data on the use of coupons are still limited. Present data indicate levels should be those stated in Table 1 as goals. One design of coupon test equipment for water mains has been published.[1]

Coliform organisms

Many water utilities have adopted high standards of operation and their water supplies have shown only a fraction of one coliform per liter over periods of many years. Municipalities that have so raised their bacteriologic quality far above the existing standards have established much improved health conditions with respect to certain significant illnesses, such as intestinal disturbances. Modern disinfection control procedures are such that a practical goal can be the destruction of all coliform organisms.

Gross beta activity

All evidence indicates the effects of radioactivity to be entirely harmful rather than beneficial. Therefore, it appears desirable to limit the intake of radioactivity as much as possible. A goal of 100 pc/l is well below the existing standards, yet it is several degrees above present-day general levels. In 1961, of 136 potable water supplies tested, 132 showed no more than 16 pc/l.[2] of 100 largest cities, 92 showed less than 20 pc/l in 1961.[4] In periods of bomb testing, natural waters have shown double this content; however, in periods free of bomb detonations, the natural background in most areas is only about 10 pc/l, or one-tenth this goal.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., November 20, 1968.

To: State Sanitary Engineers,
From: Administrator.
Subject: Public Water Supply

A number of comments from Congressmen, State and local officials and others on the article on Public Water Supplies, "Drink at Your Own Risk," which appeared in the November, 1968, issue of *McCall's* magazine have come to my attention. In an effort to clarify the position of the Consumer Protection and Environmental Health Service with regard to this matter, I am pleased to take this opportunity to offer the following observations.

In April, 1968, a writer for *McCall's* approached representatives of the Public Health Service about a proposed article on the status of the Nation's water supplies. As an essential part of its research on the article, *McCall's* requested data on all interstate water supplies, including deficiencies. The requested data were provided. The information included a table showing supplies classified as provisionally approved, with the name, location, type of supply, and the section of the Drinking Water Standards which the supplies failed to meet. The special classifications of water supply systems which appeared in the magazine, however, were developed solely by the *McCall's* staff.

I would like to point out, to begin with, that we had asked *McCall's* to refrain from publishing the table of communities, not through any desire to withhold information but through concern over the possibility of inaccuracies. These tables of provisional water suppliers are continually changing, with new communities being added periodically and others, having met our standards, being removed. Thus, some communities on a provisional status when *McCall's* received the table last spring were back in good standing when the article was published in November. It was our understanding, in fact, that the table would not be used. We found out otherwise only after the magazine was out.

Our own staff also must share some criticism. Providing *McCall's* with the requested information entailed the abstraction of several hundred items of data from our files into a tabular presentation. Apparently two or three errors occurred in this process. I regret this, as I regret that the *McCall's* staff sometimes interpreted the data they were provided in a manner which was *not* always justified by the facts.

I do not for a moment want to minimize the serious embarrassment to all of us, and in particular to the State and local authorities involved, which results when such inaccuracies occur. Nevertheless, I feel that the *McCall's* article, taken in its entirety, represents a valuable service to the public and that its overall impact is to describe a serious national problem whose dimensions are not widely enough appreciated. In the long run, this article may well be beneficial to our common cause of working towards the creation of better and safer public water supplies throughout our Nation.

For many years, we have discussed among ourselves and our professional colleagues the urgent need for better public understanding of water supply problems and for more resources to step up our water supply programs. This discussion must go beyond the confines of our professional affiliations if we are to obtain the public support necessary to the accomplishment of our mutual goal. And if the discussion is to be meaningful, we must of necessity frankly admit that there are deficiencies in our respective areas of endeavor.

I think, too, that we must begin to plan and outline the programs that will be required to meet our responsibilities over the next few years. We must develop a better understanding of the health effects of trace minerals, organics, and biologics in water supplies as related to the total permissible body burden of these materials from all environmental sources. We must begin to develop the technology needed to economically remove contaminants from waters of marginal quality so that new sources can be used for public water supplies. We must develop systems to provide better data on public water supply quality and on the relationships between quality and health.

The full dedication and cooperation of all levels of government, combined with industry and other private institutions, will be required to bring our public water supply programs up to the levels of effectiveness we all recognize as necessary. Mr. Chris Hansen, Commissioner of the Environmental Control Administration, and I are counting on you and your colleagues in the States to contribute a major share to this effort.

One element which will be of major importance as we work together in the future is rapid and effective communication. Judging by the reaction to the *McCall's* article, it is apparent that some local officials were unaware of the data the States had supplied to the Public Health Service concerning the quality of local water supplies. I will ask Commissioner Hansen to take appropriate steps to improve communications between his administration and State and local authorities.

As another step in improving communications, I am asking the Director of Public Affairs in the Consumer Protection and Environmental Health Service to make certain that all public information specialists in CPEHS inform State agencies of the public release of any information which is apt to have a direct impact on State programs. Moreover, the field organization of CPEHS will strive to insure that our Federal efforts in consumer protection and environmental health are carried out in the most effective manner in concert with State and local programs.

CHARLES C. JOHNSON, Jr.,
Assistant Surgeon General.

FOOTNOTES

[1] BEAN, E. L. Progress Report on Water Quality Criteria. *Jour. AWWA*, 54: 1313 (Nov. 1962).

[2] TAYLOR, F. B. Effectiveness of Water Quality Criteria. *Jour. AWWA*, 54:1313 (Nov. 1257 (Oct. 1962).

[3] DURFOR, C. N. & BECKER, E. Selected Data on Public Supplies of the 100 Largest Cities in the United States, 1962. *Jour. AWWA*, 56:236 (Mar. 1964).

[4] *Public Water Supplies of the 100 Largest Cities in the United States*. USGS Water Supply Paper No. 1918. US Govt. Printing Office, Washington, D.C. (1962).

[5] Tentative Methods for Carbon Chloroform Extract (CCE) in Water. *Jour. AWWA*, 54:223 (Feb. 1962).

[6] Minutes of Advisory Committee on Use of USPHS Drinking Water Standards. Sep. 24–25, 1965.

PROGRAM INFORMATION ACT

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. PATTEN. Mr. Speaker, a master catalog containing all Federal-aid program information would provide a windfall to many communities throughout the Nation.

Over $20 billion a year is spent by the U.S. Government for Federal aid, but there is no coordinated system to help guide communities to the funds. Under present conditions, it is almost impossible for any community to find out what Federal aid is available because of the duplication, redtape, and confusion that exists. A remedy must be found.

The solution to the frustrating problem is to consolidate all Federal assistance information. If this would be done, local, county, and State governments would know exactly what U.S. grants and loans can be obtained, what requirements have to be met, and how to apply for the aid.

Thanks to the brilliant work of our colleague, the gentleman from Delaware, WILLIAM V. ROTH, JR., it has been revealed that the $20 billion in Federal assistance involves more than 1,000 programs. Examples of overlapping and duplication are many. Representative ROTH, the chief sponsor of the proposed legislation, has cited many, but I will list only a few:

In the field of education, over 470 programs are operated by 25 different U.S. departments and agencies.

There are 112 programs that provide aid to the poor.

Seventy-four programs related to economic and business development.

Eight Cabinet units and 12 agencies take part in health programs.

Ten U.S. agencies in three departments direct manpower programs.

Such an appalling lack of consolidation and coordination must be corrected. I know that if the proposed Program Information Act is enacted, thousands of communities in the country would receive Federal grants amounting to many millions of dollars. These grants would enable thousands of projects to be started and completed that are now only in the planning stage.

As one of the many cosponsors of this measure and as a Member of the House, I commend Representative ROTH and his staff for this magnificent legislative contribution. I hope that every Member will join the other cosponsors and then vote for the proposed Program Information Act if it reaches the House floor.

The bill is one of the most practical and valuable ever introduced for helping local, county, and State governments and should be passed during the 91st Congress.

BROTZMAN URGES AUTHORIZATION FOR EAST SLOPE WATER DEVELOPMENT

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. BROTZMAN. Mr. Speaker, last year in the 90th Congress my colleague from Colorado, the distinguished chairman of the House Interior and Insular Affairs Committee (Mr. ASPINALL) and I sponsored legislation to authorize the Bureau of Reclamation to conduct a feasibility study of the Front Range unit of the Missouri River Basin project. Today the gentleman from Colorado (Mr. ASPINALL) again has introduced this measure and I am pleased to join him as a cosponsor.

Basically, the Front Range unit study would consider the feasibility of constructing reservoirs and other facilities which would increase the supply of water for domestic and industrial use for such cities as Boulder, Longmont, Loveland, Fort Collins, Greeley, Estes Park, Broomfield, Lafayette, and Louisville, Colo.

The budget submitted to Congress on January 16, 1969, includes $95,000 for such a feasibility study of the Front Range unit, subject, of course, to congressional authorization and appropriations.

As a nation, we are coming to the realization that our water resources are limited. We are realizing that it is not only possible, but probable that our industrial, agricultural, and domestic thirst will exhaust our supply of water, as we now know it.

In my own State of Colorado, and other States of the West and Southwest, the limitation of water supplies has been recognized for decades. Small wars have been fought over the possession of irrigation water. Great court battles have been waged between States over water allocations. The States have been wracked, at times, by arguments between the urban and rural interests over who should have the precious water in times of drought.

Congressional action often has been required to assure full and equitable development of our western water resources. The 90th Congress, for example, will long be remembered, as the Congress which passed one of the landmark bills in the history of comprehensive water planning—the Colorado River Basin projects bill. It was my privilege to join with Members of both parties from Colorado, Utah, New Mexico, Arizona, and California in securing sufficient support for this legislation. As we all know, it passed without substantial opposition.

This act not only will benefit all of the States of the Southwestern United States, but the Nation as a whole will realize tremendous dividends. It would require pages to enumerate these national benefits, but I will mention two which are of towering importance.

The water requirement for eventual development of vast deposits of oil shale now seems assured. This will guarantee the national several centuries of plentiful carbon fuels and petrochemical byproducts.

And vast new recreational areas will be developed, thanks to reservoirs which will be built, and roads which will be opened. The Nation has few more pressing requirements, insofar as its pursuit of a life of comfort and dignity for all of its citizens is concerned.

But important as the Colorado River Basin projects are, they concern only a portion of the water resources of the West. This landmark legislation had a direct bearing on the watersheds which ultimately channel into the Gulf of California. Meanwhile, other great river systems—some of them highly developed, some relatively undeveloped—must receive the attention of Congress in the years to come if we are to keep ahead of our great national thirst for water.

The Front Range unit, when completed, will facilitate the development and conservation of a portion of the water resources of the South Platte River Basin in Colorado.

This study would investigate a number of possible reservoir projects on Boulder, St. Vrain Creeks, and the Cache la Poudre River. Augmentation possibilities, improved re-use techniques for cutting losses from seepage and evaporation in existing canals, would be examined.

Flood control benefits to be derived—while a secondary consideration—would be defined.

The water supply problems facing the communities of northeastern Colorado are severe.

For example, despite extensive and expensive water supply facilities installed over the years by the two principal cities of Boulder County—Boulder and Longmont—the Bureau of Reclamation says their water requirements are assured for no more than 15 years. And 15 years is a very short span in the context of city planning.

The Bureau of Reclamation also indicates that three of the smaller communities of Boulder County—primarily Broomfield, Lafayette, and Louisville—probably will need additional water within 10 to 15 years.

Mr. Speaker, I think the final paragraph of the conclusions in a reconnaissance report released by the Bureau of Reclamation in 1967 summarizes the situation with unusual terseness and clarity. The report said:

> The reconnaissance investigation of water resource development in the St. Vrain Creek basin reveals that full development in the St. Vrain Creek basin, coupled with water resources development plans for the Cache la Poudre River . . . will not suffice to meet the increasing demands of Boulder, Longmont, Ft. Collins, Estes Park and Loveland. It is apparent that full utilization of Eastern Slope sources, complemented by additional sources from outside the basin, will be needed to serve demands by 1995.

The report then recommended that:

> Feasibility studies be initiated at the earliest possible date to determine the most economical source of water to supply the needs of these Eastern Slope communities directed toward determining the most economic and desirable order of development to keep pace with water needs.

The next move, Mr. Speaker, will be up to Congress. It is my hope that we can assist the dynamic and growing communities of my district and adjacent areas by authorizing the feasibility study which is so urgently needed.

ANTISMUT BILL

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. BENNETT. Mr. Speaker, today I am introducing a bill which I believe will be very effective in keeping pornographic material out of the hands of minors and in keeping minors away from obscene movies, because it is patterned after a State statute that the Supreme Court has upheld. Under this legislation, it would be a violation of Federal law to knowingly sell, offer for sale, loan, deliver, distribute, or provide to a minor in interstate commerce or through the mails material which is defined as "harmful to minors" under the bill. It would further be a Federal crime under my bill to knowingly exhibit to a minor a motion picture, show, or presentation which falls in the "harmful to minors" category.

For some time the Supreme Court has recognized that "obscenity is not within the area of constitutionally protected speech or press." In April of last year the Supreme Court held in *Ginsberg* v. *New York* (390 U.S. 629), that a New York statute was constitutional which prohibited the sale to persons under 17 years of age of materials defined to be obscene to them even though the same material might not be obscene to adults. My new bill is patterned after the New York statute which was upheld in Ginsberg. It would appear from the Court's decision that this approach to the problem of keeping smut out of the hands of our youth would be held constitutional.

The Congress has the power under the Constitution to regulate interstate commerce. That is what this bill would do, and I do not believe any constitutional freedoms are being violated.

Mr. Speaker, my bill would further remove the appellate jurisdiction on the factual issue of harmfulness to minors, that is, whether a particular material or movie is "harmful to minors" as defined by the bill. What might be considered "harmful to minors" in some areas might not be considered such in other areas. I believe it would be beneficial to permit varying decisions on this point in the district courts, and the Congress is within its constitutional powers in so limiting the appellate jurisdiction.

The flow of smut material to our youth is reaching alarming proportions. Our youth must be protected. With our modern means of communications and transportation, it is almost impossible for parents to keep this type of material out of the hands of their children. Pornographic movies and obscene material can lead to antisocial behavior among our young people, and contributes to juvenile delinquency and all types of sordid behavior. Examples of this degeneracy are found in national magazines and other periodicals and films.

I am hopeful that committee action can soon be taken on this proposal so that the youth can be protected from the ever-increasing smut traffic in this country.

A copy of the legislation with the cosponsors follows:

H.R. 5171

A bill to prohibit the dissemination through interstate commerce or the mails of materials harmful to persons under the age of eighteen years, and to restrict the exhibition of movies or other presentations harmful to such persons

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 71 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1466. Exposing minors to harmful materials

"(a) It shall be unlawful for any person knowingly—

"(1) to sell, offer for sale, loan, or deliver in interstate commerce or through the mails to any minor—

"(A) any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct, or sadomasochistic abuse and which is harmful to minors; or

"(B) any book, pamphlet, magazine, printed matter however reproduced, or sound recording which contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, or sadomasochistic abuse and which,taken as a whole, is harmful to minors, or

"(2) to exhibit to a minor a motion picture, show, or other presentation which—

"(A) has moved in interstate commerce or through the mails,

"(B) depicts nudity, sexual conduct, or sadomasochistic abuse, and

"(C) is harmful to minors.

"(b) Whoever violates this section shall be fined not more than $5,000 or imprisoned for not more than five years, or both for the first offense, and shall be fined not more than $10,000 or imprisoned for not more than ten years, or both, for any second or subsequent offense.

"(c) As used in this section—

"(1) The term 'minor' means any person under the age of eighteen years.

"(2) The term 'nudity' means the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering, the female breast with less than a fully opaque covering of any portion below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

"(3) The term 'sexual conduct' means acts of masturbation, homosexuality, sexual intercourse, physical contact with a person's clothed or unclothed genitals, pubic area, or buttocks, or, in the case of a female, physical contact with her breast.

"(4) The term 'sexual excitement' means the condition of human or female genitals in a state of sexual stimulation or arousal.

"(5) The term 'sadomasochistic abuse' means flagellation or torture by or upon a person clad in undergarments, a mask, or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.

"(6) The term 'harmful to minors' means that quality of any description or representation, in whatever form of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, which—

"(A) predominantly appeals to the prurient, shameful, or morbid interest of minors;

"(B) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and

"(C) is utterly without redeeming social importance for minors.

"(7) The term 'knowingly' means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of—

"(A) the character and content of any material described in subsection (a) which is reasonably susceptible of examination by the defendant, and

"(B) the age of the minor."

(b) The table of sections for chapter 71 of title 18, United States Code, is amended by adding at the end the following new item:

"1466. Exposing minors to harmful materials."

Sec. 2. (a) The Supreme Court shall not have jurisdiction under section 1252 or 1253 of title 28, United States Code, to review any determination made under section 1466 of title 18, United States Code, that any material described in subsection (a) of that section is harmful to minors.

(b) The courts of appeal shall not have jurisdiction under section 1291 or 1292 of title 28, United States Code, to review any determination made under section 1466 of title 18, United States Code, that any material described in subsection (a) of that section is harmful to minors.

Sec. 3. This Act and the amendments made by this Act shall take effect on the sixtieth day after the date of the enactment of this Act.

Cosponsors

Mr. Bennett (for himself, Mr. Adair, Mr. Baring, Mr. Blackburn, Mr. Coughlin, Mr. Derwinski, Mr. Dickinson, Mr. Donohue, Mr. Edwards of Louisiana, Mr. Fisher, Mr. Goodling, Mr. Griffin, Mr. Haley, Mr. Hébert, Mr. Hosmer, Mr. King, Mr. Kyl, Mr. Lukens, Mr. Pucinski, Mr. Poage, Mr. Rarick, Mr. Schneebeli, Mr. Sikes, Mr. Vigorito, and Mr. Wolff).

PROBE OF "PUEBLO" SEIZURE NOW IN ORDER

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. COLLIER. Mr. Speaker, under the leave to extend my remarks in the Rec-

ORD, I include two editorials which appeared in the Chicago Daily News and the Chicago Tribune regarding the U.S.S. *Pueblo*.

I have personally forwarded a request to the Committee on Armed Services to conduct a complete investigation of the entire matter since there are circumstances surrounding the seizure and subsequent release of its crew, and more recently the naval court of inquiry proceedings which need to be clarified.

I am in wholehearted accord with the views expressed in both of these editorials, and I believe that the vast majority of the people of my district and the country share this position.

The two editorials follow:

[From the Chicago (Ill.) Daily News]

THE "PUEBLO": SITTING DUCK

The more we hear of Comdr. Lloyd M. Bucher's testimony, the greater grows the mystery of how the U.S. Navy could have put one of its own ships in the situation of the *Pueblo*. A sitting duck with a broken wing would have had a better chance.

The *Pueblo*, a merchant ship refitted for reconnaissance and surveillance purposes, had no defensive armament worth mentioning. It was once to have had 3-inch guns, but it was decided their weight would swamp the ship. Instead, it got two 50-caliber machineguns—about as useful as BB guns.

Comdr. Bucher said that he had considered the possibility of capture, and had written a letter to the Navy Department proposing that some kind of destruct system be installed in the electronics and cryptographic areas of the ship. The proposal was rejected, and when the time came he was left to do the job with axes and hammers.

At Pearl Harbor on the way to his station, Bucher said, he inquired what would happen if his virtually unarmed ship came under attack. He was told that both the Navy and Air Force had "plans to react," but that in the event of general war he could look for no air assistance. He got none.

Comdr. Bucher said that he had not told his crew they could expect no air support because he didn't want to give them additional concern. One wonders what the luckless crewmen *were* told when they were assigned to the *Pueblo*. In all the circumstances, theirs was about as hazardous duty as the Navy affords. As for Bucher, he was told the risks were considered "minimal"—and one wonders by what tortured logic *that* conclusion was reached.

At any rate all such calculations went out the porthole when the U.S.S. *Pueblo* suddenly found itself surrounded by North Korean vessels bristling with guns big enough to blast the *Pueblo* out of the water and fast enough to make escape impossible.

In the circumstances, Comdr. Bucher seems to have done what he could: He took evasive action as the enemy commenced firing, and directed the destruction of classified material. Bucher himself was wounded, but remained in command until he judged further resistance futile, and surrendered.

The evidence is not yet complete, of course. But Sen. Richard B. Russell of the Senate Armed Services Committee had heard enough this week to remark that the testimony indicates "a tragic mixture of errors," and to say that if the testimony holds up, "then someone higher up in the line of command has been guilty of a very grave dereliction of duty."

We trust that the subject will be pursued until the truth is known.

[From the Chicago (Ill.) Tribune]

WHO SHOULD BE TRIED BY COURT MARTIAL?

The investigation of the capture of the intelligence ship Pueblo by North Korean Communists opened with testimony by Comdr. Lloyd M. Bucher, the ship's captain, who spent 11 months in captivity with 82 shipmates. His story bears some distressing parallels to the disaster at Pearl Harbor more than 27 years ago, and again we have the distinct impression that responsibility rests, not with the forces on the scene, but with higher authority in Washington.

Capt. Bucher was given an old merchant ship for conversion to an intelligence-gathering vessel. He made repeated requests to the chief of naval operations for improvements, especially a system to destroy the radar, sonar, and sophisticated electronic equipment aboard on short notice. He was denied all such requests on grounds of time and money.

His armament consisted of two mounted .50-caliber machine guns which were difficult to bring to combat readiness and were manned by less than skilled gun crews. There were 17 other hand weapons aboard.

To destroy confidential documents, he was supplied with an incinerator which was not fuel-fed. It could consume paper only after it had been shredded, and this could not be achieved rapidly under emergency conditions. There was no mechanical means of scuttling the ship. The only way to admit water to the hull was thru two water cooling pipes, and if the ship had been flooded in this manner it would have taken up to two and one-half hours to sink.

Finally, when Comdr. Bucher was assigned to intelligence scanning in international waters off a hostile coast, he was informed that no help from American aircraft could be expected in the event of attack. He agreed with the navy court that the chances of other forces coming to his aid were virtually nonexistent.

The Pueblo was taken with scant resistance while crew members used fire axes and sledge hammers—all that were available to them—in an attempt to destroy secret equipment. The ship has remained in communist custody ever since its seizure.

Certainly even this early in the hearing, conducted before five admirals, it is apparent that there were glaring faults of omission in preparing the Pueblo for a hazardous reconnaissance mission. Inasmuch as the captain had endeavored with all the force at his command to obtain remedial action before putting to sea, the fault rests in Washington with the naval command.

ALL ACTIVITIES OF MANKIND ARE DEPENDENT UPON THE MINING INDUSTRY

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. JOHNSON of California. Mr. Speaker, one of the most distinguished men in the mining industry of California is Mr. Lee Rowland who has served for many years as a mining engineer. At the age of 84, Mr. Rowland's interest in this industry, which is truly critical to this Nation's survival, remains active and aggressive. He continues his mining operations and is also the energetic national president of the Western Mining Council, an organization of mining industry spokesmen who are promoting the mining industry.

Throughout his career, Mr. Rowland has given many speeches and written many papers in fighting to preserve the legitimate mining activity in the Western States. Those of us who have worked with him know that this is an uphill battle but it is a battle which must be fought if this Nation is to remain free and strong. One of the major problems that we face in fighting for the mining industry is the lack of realization among the people of our Nation as to just how dependent we all are on minerals.

Mr. Rowland, who I am proud to say comes from Mariposa, Calif., a community in the heart of the mother lode mining area, which I represent here in Congress made an excellent presentation on this very issue summing it all up with the title: "All Activities of Mankind are Dependent Upon the Mining Industry."

Mr. Speaker, so that my colleagues from throughout the country may benefit from Mr. Rowland's remarks, I insert them at this point in the RECORD:

ALL ACTIVITIES OF MANKIND ARE DEPENDENT UPON THE MINING INDUSTRY

Abraham Lincoln's message to the miners of the western states, given to Schuyler Colfax who was preparing to leave for the Pacific Coast the day Lincoln was assassinated, was, "I want you to take a message from me to the miners whom you visit. I have very large ideas of the mineral wealth of our nation. I believe it is practically inexhaustible. Tell the miners for me that I shall promote their interests to the utmost of my ability; because their prosperity is the prosperity of the nation, and we shall prove in a very few years that we are indeed the treasury of the world." Lincoln was a thinking person.

As guest speaker at a mining meeting in Sacramento, California, in the early nineteen thirties, Governor Stephens opened his address with the following statement—"There are only two basic industries; they are Mining and Agriculture. We might exist without mining but we would return to savagery almost over-night. When these two basic industries are in a healthy condition our economy is in a healthy condition."

Without mining there would not, and could not be either industrial prosperity of any kind of progress of, by or for the human race.

In order to verify the foregoing irrefutable statements it is perhaps necessary to present at least a partial analysis in considerable detail with reference to the various phases of man's activities, but first let it be thoroughly understood that it is the Mining Industry which produces the many and various types of minerals and metals used in all industrial activities of the human race.

Transportation: Transportation is one of the most important of our daily needs and activities, yet if it were not for the iron, lead, zinc, copper, aluminum and other minerals produced by mining, there would not, and could not be the hundreds of thousands of automotive vehicles, nor the highways over which they travel. It would be interesting to know the number of persons traveling the highways in an automobile who have ever realized that if it were not for the mining industry they would have neither the automobile nor the highway. There would be no iron for the construction of the body and the manufacture of springs, various gears, engine, drive shaft, wheels and other parts of automotive vehicles; no lead, zinc, copper and aluminum for batteries, wiring, trim, etc., and there would be no bulldozers, graders, compressors, drilling equipment or transportation equipment with which to build and maintain the thousands of miles of highways.

There would be no airborne equipment of any type for transportation of passengers or materials and supplies.

There would be no locomotives, railroad cars or the rails upon which trains travel;

there would not and could not be any ocean going vessels such as passenger ships, freight carrying ships, warships or any other type of ship or boat and no bridges over streams or other bodies of water because all are completely dependent upon the removal of various minerals and metals from the earth by the Mining Industry.

Communication: Communication facilities of all kinds would not and could not exist (as we know them) because there would be no printing presses or paper to use in connection with the presses; no telephone or telegraph equipment; no radio or television sending stations or receiving equipment and no transportation for the distribution of newspapers and other printed material. There would not be the thousands of Post Offices throughout the nation and no buildings, equipment, material and supplies for the processing, handling and delivery of any kind of mail. All are dependent upon the minerals and metals produced by the Mining Industry.

Farming and other agricultural industries: All agricultural products are very important and necessary in connection with the existence, activities and progress of mankind, yet those products are dependent upon the minerals and metals produced by the Mining Industry and without which there would not be the necessary tools, equipment and facilities to carry on such operations. There would be no farming and other agricultural tools and equipment such as hoes, rakes, plows, harrows, mowing machines, cultivating equipment, tractors, trucks, grain and food processing and packaging equipment; no wire or other materials used for fencing; no gardening or lawn tools or equipment and no saws, axes, sawmills, stackers and other equipment for the production and processing of lumber and other wood products, in fact there would be no lumbering industry as we know it.

Food processing: There would be no fruit or other harvesting equipment, processing, canning or bottling facilities and equipment and no refrigeration equipment for the processing of food—and no transportation or labeling equipment for distribution and labeling.

Educational institutions: There would be no educational institutions, buildings or equipment and facilities such as printed books, writing instruments or material, typewriters, adding machines and other equipment, even the desks and tables.

Household appliances and equipment: There would be no household appliances or equipment of any kind, electrical or otherwise, such as washing machines, wringers, irons, vacuum cleaners, cook stoves, heaters, motors, tableware, crockery, organs, pianos and all other types of musical instruments, television or radio equipment, furniture of any kind or type, clocks, refrigerators, wiring for bringing in electricity for lighting and appliance and equipment operation, or any and all other household items used by mankind.

Clothing: There would be no clothing garments including buttons and shoe laces, shoes, hats or other wearing apparel, articles of personal adornment including watches and jewelry of all kinds—all are either manufactured by equipment constructed from, or made of the minerals and metals produced and made available by the Mining Industry.

Sports and recreation: There would be no stadium for field or other sporting events such as baseball, football, hockey, tennis and the Olympic Games or other types of sports as we know them including hunting and fishing. No golf balls, baseballs or bats, hockey sticks and pucks or the type of protective clothing worn by the players, and no ice or roller skates. No guns of any kind for hunting or target shooting and no fishing poles, reels, lines or other equipment and again—no transportation to hunting and fishing locations or crossing the ocean or flying to various sports festivals. There would be no equipment or facilities for extinguishing fires in the National Forests or recreational areas.

Mining: Even the Mining Industry itself could not function without the use of picks, shovels, mine cars and rails, drills, pumps and drilling equipment, hoisting equipment, underground mucking machines, ventilating pipe and fans, ore treatment plants, trucks, assaying chemicals, equipment and supplies, explosives and all other types of equipment, appliances, material and supplies used in connection with mining activities which are purchased throughout the United States—and all of which are dependent upon the Mining Industry. Some of the minerals and metals are being used faster than they are being produced. This applies to gold especially which cannot be mined at a profit at a fixed price of $35.00 per ounce, made mandatory during 1934.

To sum up the foregoing irrefutable facts—there is not a single manufactured article that would be available for our use if it were not for the Mining Industry, therefore, the stability of our national and world economy and all the progress that has been made, or ever will be made by the human race—even the discovery of America—has been and will continue to be completely dependent upon the extraction and processing of the minerals and metals from the mineralized deposits of the earth by the Mining Industry no matter what type of governmental setup—Capitalistic, Republic, Communist, Socialist or whatever.

Has the reader thought about this matter while enjoying the luxuries, comfort, travel, recreational pursuits and the fact that it is not at all impractical so far as time is concerned—to live in San Francisco and work in Los Angeles as compared with ferry boat transportation from Oakland to San Francisco during the early nineteen hundreds?

Is it too much to hope that thinking people may lend their support to those of us who are selfishly endeavoring to protect the rights of legitimate mining claim holders and the Mining Industry from the harassment of government employees of the people and other organizations that have no concern for the importance and necessity of the Mining Industry?

In conclusion let me say that the necessities in our everyday activities made available by mining is of basic importance and the vital concern of every individual, not just to those of us engaged in or connected with mining or other extractive operations.

CONCURRENT RESOLUTION ON NIGERIA-BIAFRA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. HAMILTON. Mr. Speaker, as one of 87 cosponsors of the concurrent resolution expressing the sense of the Congress that the President should act to increase significantly the amount of surplus food stocks and relief moneys for the assistance of civilians affected by the Nigerian-Biafran conflict, I wish to support passage of the proposed resolution through the following remarks.

THE RELIEF PROBLEM

The area in Nigeria requiring relief includes the former eastern region, which proclaimed itself the Republic of Biafra in May 1967, and certain areas of the midwest state. Best estimates available indicate that at least 4.5 million, and perhaps as many as 10 million people are affected by the conflict. Reports from relief experts on the scene vary, but it is clear that vast numbers of civilians have been dying daily, particularly children afflicted by malnutrition.

As a result of the worldwide relief response, a large-scale relief effort has been operating under the supervision of the International Committee of the Red Cross—ICRC—in cooperation with other international relief agencies. Observers have noted a decline in infant mortality due to the influx of protein foods, but it is now feared that local carbohydrate foods are being exhausted, which will lead to an intensification of the disaster.

THE RELIEF EFFORT

In the areas under the control of the Federal Government, food, medicine, and other relief supplies are stockpiled in and being distributed from Zagos, Enugu, Calabar and Agbor. Most of the supplies for Biafra are being stockpiled on the offshore islands of Fernando Po and Sao Tome for delivery by airlift.

As of the first of January, relief supplies reaching Biafra totaled 3,000 to 4,000 tons per month. There are approximately 260 relief personnel representing the ICRC and other relief organizations in Biafra. The ICRC estimates that it is feeding 850,000 persons in Biafra through its airlift from Fernando Po and 800,000 persons in areas under Federal Government control. Additionally, joint church aid, a group of religious organizations including Caritas and Church World Service, have delivered considerable supplies of food into Biafra from Sao Tome and estimate they are feeding approximately 400,000 people in Biafra.

The United States has thus far made about two-thirds of the global contribution for relief in Nigeria-Biafra. As of January 1, the U.S. Government has donated a total of $22.6 million in cash and surplus food commodities. Of this total, $5.9 million in cash has been provided to the International Red Cross. A major part of the U.S. Government contribution to the ICRC is used for the the chartering of aircraft for the airlift to Biafra. On December 27 the U.S. Government announced that it was making available for the airlift to Biafra four surplus C–976 cargo aircraft to the ICRC and an additional four to the American voluntary agencies participating in joint church aid.

Of the total U.S. Government contribution, $15.6 million in surplus food—dried milk, bulgur wheat, and high-protein blended food products totaling over 51,000 tons—have been donated to voluntary relief agencies. The Catholic Relief Services is receiving $5.6 million of these foods; UNICEF, $6.2 million; Church World Service, $3.6 million; and World Food Program, $161,000. The U.S. Government also has paid overseas transport costs of the relief supplies donated by accredited American voluntary agencies.

The private American voluntary organizations have made substantial donations of food and other supplies totaling more than $4.1 million as of January 1 on behalf of the relief effort.

THE RELIEF IMPASSE

Despite proposed safeguards, the Biafrans have consistently opposed the surface relief corridors the Federal Military Government has offered. Most observers view surface transport as the only means of conveying adequate supplies to the needy in Biafra. The Federal Government was initially opposed to the air corridors preferred by the Biafrans because of concern that they would be used to bring in military supplies as well. In September the Federal Military Government made a temporary agreement with the ICRC for regular daylight airlifts but the Biafran authorities refused to accept last.

The most recent example is 500 tons of foods collected in the New York area and loaded aboard the Norwegian freighter *Forra* on January 12. In addition, the *Forra* will carry 347 tons of goods and medicines from Israel, Britain, and the Netherlands as well as 2,000 more tons of food donated by CARE, and the National Catholic Welfare Organization to Sao Tome. The food and medicines will then be flown to Biafra.

In early November the Federal Military Government told the ICRC that it would agree to daytime relief flights to Uli if no arms flights occur at the same time. The Biafran authorities responded that daytime flights could occur only if the relief agencies created an airstrip to receive them. If both parties continue to disagree over badly needed air and surface relief corridors, one of the most terrible famines in modern times appears inevitable.

On January 13 the International Committee of the Red Cross hinted it would have to consider ending its relief work in Nigeria should it continue to be prevented from aiding Biafra. A week before, the ICRC halted its airlift to Biafra because Equatorial Guinea banned the carrying of motor fuel on the ICRC planes. The ICRC is now negotiating with Caritas, the Roman Catholic International Aid Organization, to fly in the fuel needed for Red Cross trucks as a stopgap solution.

U.S. POLICY

Because humanitarian, political, and military factors are interwoven, it has been the policy of the U.S. Government to avoid political-military involvement by channeling support for the international relief effort through the nonpolitical ICRC and those agencies, including UNICEF, operating under its aegis. Both the Federal Government of Nigeria and the Organization for African Unity—OAU—have taken the position that all international relief efforts should be coordinated through the ICRC.

The feasibility and probable effectiveness of a possible referral of the problem to the U.N. General Assembly has been strongly influenced by the views of the Secretary General and the African states that the matter should continue to be dealt with by the OAU under chapter VIII of the U.N. Charter. If the Assembly were prepared to take up the matter, it has been U.S. policy that the United States would cooperate fully in seeking U.N. action.

No political consideration is of greater importance than the prevention of wholesale famine in Nigeria. Former President Johnson consistently backed efforts by the OAU and the ICRC to bring about agreement on the opening of land and air relief corridors to the needy in Biafra. He has appealed to the parties to set aside the political issues of the war in the interest of reaching agreement on relief. The former President publicly backed the December 21 appeal to both sides by the Emperor of Ethiopia for a 7-day truce.

CONCLUSION

On September 10, 1968, President Nixon stated:

> Until now efforts to relieve the Biafran people have been thwarted by the desire of the Central Government of Nigeria to pursue total and unconditional victory and by the fear of the Ibo people that surrender means wholesale atrocities and genocide. But genocide is what is taking place right now—And starvation is the grim reaper. This is not the time to stand on ceremony and to go through channels or to observe the diplomatic niceties. . . . The destruction of an entire people is an immoral objective, even in the most moral of wars. It can never be justified, it can never be condoned. . . . The time is long past for the wringing of hands about what is going on. While America is not the world's policeman, let us at least act as the world's conscience in this matter of life and death for millions.

With only 200 tons of food a day reaching a people whose minimum relief needs are estimated at 2,000 tons a day, it is obvious that much needs to be done. I believe that the United States must find a way to bring relief to those in need without directly involving our country in the war itself.

Thus, as a cosponsor of this concurrent resolution, I call upon the President to significantly increase U.S. relief assistance to Nigeria-Biafra.

By passing the proposed concurrent resolution, the Congress will give public support to increased Presidential efforts to meet the human needs of those caught in the Nigeria-Biafra conflict.

SAFETY FIRST CLUB'S YEAR-ROUND DRIVE TO TRIM TRAFFIC TOLL

HON. GEORGE H. FALLON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. FALLON. Mr. Speaker, the Safety First Club of Maryland, a citizens' organization crusading for safety on our streets and highways, has established an excellent record for itself during the past 12 years. Headquarters of the group are located in Baltimore, Md.

With the Safety First Club now preparing for its 13th anniversary, it is fitting to call attention, in the CONGRESSIONAL RECORD, to the work of this fine group, as described in an article originally published in the Baltimore Beacon of January 1969:

SAFETY FIRST CLUB'S YEAR-ROUND DRIVE TO TRIM TRAFFIC TOLL

The Safety First Club of Maryland, cofounded February 13, 1956, by J. O. Shuger, Past President (1956–62), and Maurice R. Shochatt, Executive Vice-President, crusades for safety on our streets and highways.

The Safety First Club is now making preparations to mark its 13th anniversary on February 13, 1969, the exact date of its founding.

The prominence of the leaders from various walks of life affiliated with the organization, the traffic authorities who serve as members of the Advisory Board, the traffic safety statutes to which the organization lent its efforts prior to their adoption, the calibre of speakers who address the club meetings—all indicate that the Safety First Club of Maryland has played a leading role in Maryland's traffic safety sphere for over a dozen years.

OFFICERS

President: Bernard Potts.
Executive Vice-President: Maurice R. Shochatt.
Senior Vice-President: David Gordon.
First Vice-President: Philip Kershner.
Second Vice-President: W. A. Duffy.
Third Vice-President: Benjamin G. Caplan.
Treasurer: Samuel Matz.
Assistant Treasurer: Morris Lasover.
Counsel: Sidney B. Needle.
Chairman of Administrative Board: Maurice Cardin.
Vice-Chairman of Administrative Board: Dr. Stanley Z. Felsenberg.
Chairman of Executive Committee: J. O. Shuger.
Vice-Chairman of Executive Committee: S. Sylvan Farber.
Chairman of Board of Trustees: William J. Ryan.
Vice-Chairman of Board of Trustees: Paul Huddles.

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Sydney H. Cohen.
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Delegate Allen B. Spector.
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Paul Tatelbaum.
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EXECUTIVE COMMITTEE

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Delegate Benjamin L. Cardin.
Jerome S. Cardin.
Delegate Isaiah Dixon, Jr.
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Mose Ottenheimer, 2nd.
Theodore J. Phillips.
Robert A. Pinkner.
Charles W. Purcell.
Sylvan H. Sack
Joseph R. Sallese.
David Seidman.
Rube Shofer.

Senator Melvin A. Steinberg.

U.S. Marshal Frank Udoff.

Al Weinstein.

Philip Willen.

Among its various activities, the Safety First Club of Maryland:

Received a National Safety Council Trophy in 1959 "for outstanding contributions to traffic safety." This was a national award limited to the Safety First Club and 10 other organizations throughout the entire country.

Received a Certificate of Appreciation from the National Safety Council and the Advertising Council "in grateful appreciation for help given in the 1960 Stop Accidents Campaign . . . A campaign designed in the public interest to save lives and thereby make America a safer place in which to live."

* * * * *

The Safety First Club campaigned for several years for the adoption of a statute specifying that Driver Education courses be offered in Maryland's public high schools. Bill was approved by Maryland Legislature and signed by Governor Tawes on April 24, 1961. Governor Tawes subsequently declared: "The major credit for the adoption of the Driver Education bill belongs to the Safety First Club of Maryland because of its inspired leadership and vigorous and effective campaigning for this safety education measure."

* * * * *

Since its inception twelve years ago, the Safety First Club of Maryland has worked diligently for the adoption of traffic safety legislation to help reduce accidents on our highways. The organization has advocated:

Employment of Meter Maids.

Point System.

Seat Belts.

Reflectorized motor vehicle tags.

Installation of devices on motor vehicles to eliminate air pollution from this source.

Adoption and enforcement of a Pedestrian Safety Program in Baltimore City.

Annual grant be made available by the State of Maryland to study, in depth, reasons for traffic accidents.

State Accident Control Records Bureau—established several years ago, and a valuable instrument in the field of traffic safety.

Compulsory chemical tests for drivers "under the influence."

Laminated photographs on drivers' registration cards.

Re-examination of drivers every four years.

Regulations for motorcycles and motorcycle operators.

Expansion of driver education programs.

Many of these recommendations have been adopted; others have not. The Safety First Club has learned through experience that campaigning successfully for traffic safety legislation is a long and arduous task.

* * * * *

The Safety First Club believes that traffic supervision and control belong in the sphere of duly-constituted experts and authorities; but, nevertheless, such groups as the Safety First Club of Maryland can render services through planned and consistent safety programs, campaigns and activities aimed at helping to reduce our mounting traffic toll.

Safety First Club's major objectives are:

1. Help reduce traffic fatalities and injuries.
2. Stress the importance of traffic safety among our youth.
3. Work for the passage and enforcement of statutes aiming to reduce our tragic traffic toll.
4. Give proper recognition to the deserving for attainments in the field of traffic safety.

* * * * *

In an article published in the Congressional Record, Congressman Samuel N. Friedel stated:

The Safety First Club of Maryland advocates that "Safety Is Everybody's Problem." How I wish that it might be possible to instill this thought in consciousness of every man and woman, boy and girl, who lays a hand on the steering wheel of an automobile, truck, or other automotive vehicle, releases the brake and steps on the gas, that each one of them is part of that group called everybody; and that it is highly essential for them to operate that vehicle with utmost care, that they may not snuff out either their own lives or the lives of innocent victims."

CONGRESSMAN TUCK WELCOMES WESTINGHOUSE AND COMMENDS VIRGINIA ELECTRIC & POWER CO.

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. DANIEL of Virginia. Mr. Speaker, in 1961 the Commonwealth of Virginia adopted an aggressive policy of encouraging the upgrading of existing industry and of actively seeking new industry. A principal purpose for the adoption of this policy was to create additional jobs for the young people graduating from our high schools, technical colleges, and institutions of higher learning. The industrial and business leaders of America have invested millions of dollars in plants and equipment in the Commonwealth since that time.

Westinghouse broke ground for a transformer plant in Halifax County, near South Boston, Va., on November 9, 1967. The plant currently employs 213, with a projected employment of 450 within the next 12 to 18 months. We are proud to have this new corporate citizen in the district which I have the honor to represent. Through the leadership provided by Mr. Ellis Cox, plant manager, and the dedicated employees, the first transformer was delivered to the Virginia Electric & Power Co. on December 19, 1968. At the ceremonies recognizing this milestone, former Governor and then Congressman William M. Tuck delivered an address which it is my pleasure to insert in the CONGRESSIONAL RECORD:

REMARKS OF CONGRESSMAN WILLIAM M. TUCK, AT THE DEDICATION CEREMONIES OF THE WESTINGHOUSE TRANSFORMER PLANT IN SOUTH BOSTON, VA., DECEMBER 19, 1968

Ladies and Gentlemen: It is a genuine privilege and pleasure for me to be here with you on this auspicious occasion when the first transformer produced by the Westinghouse Plant at South Boston is being turned out and delivered to the Virginia Electric and Power Company.

I appreciate the fact that my friend, Ellis Cox, could still introduce me as Congressman from the Fifth Congressional District of Virginia. I am just a temporary Congressman and I am getting more temporary every day. Although I enjoyed my associations in Washington, I look forward to leaving the confusion and dissension existing there and to returning to this picturesque and tranquil Southside Virginia community where I can enjoy the pleasure of a closer association with my friends after such a long and somewhat tempestuous career as a public official. I hope that when I am relieved of the heavy burdens and responsibilities, as well as the time-consuming duties, of the office of Congressman that I will be enabled to see more of you and I trust that you will not hesitate to command me freely and fully to assist in every appropriate manner in all community projects.

We are delighted to have the great Westinghouse Corporation in Halifax County, Virginia, and the City of South Boston. In fact, this corporation and its dexterous and skillful personnel are already a very important part of this splendid locality. We regard them as our own.

Virginia is quite fortunate in the great industrial growth and development which we have experienced in the past several years. It is due not only to the foresight and the activity of our Chambers of Commerce and our industrial committees, but is due to the exemplary government which we have provided and with which we are blessed here in this grand old Commonwealth. We have enjoyed, and will continue to enjoy, splendid labor-management relations. Although I do not have at hand the exact figures for the present year, I do know that in recent years the record will show that there is probably fewer strikes and work stoppages in Virginia than in any of our neighboring states or our sister Southern states. At the same time, our people have had full employment and are blessed with satisfactory hourly, daily or weekly wages.

We are delighted to have these industries here. We have fair management-labor relations laws in Virginia, but best of all we are blessed by the fact that those employed in industry here desire to see Virginia progress along the best lines of safe and sane betterment. We are greatly indebted to the officers and directors of the Westinghouse Corporation for the establishment of this plant in Halifax County.

We are also proud of our other industries and our public service corporations such as the two splendid railroads that serve this community; and particularly the Virginia Electric and Power Company serving approximately ⅔ of the Commonwealth of Virginia. This organization has probably done more to stimulate the growth of industry in Virginia than any other group. My public duties throughout the years have enabled me to observe closely the methods of the operations conducted by the officials of VEPCO. I know that these gentlemen who manage this company are devoted and dedicated to the highest public service and interest. The management of these organizations to which I have referred has done much to enhance the cultural, economical, and educational development of the people of our State. We are delighted to have their representatives here amongst us today. We have cooperated with them 100 per cent and I am convinced that we will continue to cooperate with them to the end that this fine Southside Virginia community may maintain in the future a desirable balance between industry and agriculture and may give full employment to the people of this region.

I thank you very much.

THE DETERIORATING SITUATION IN THE MIDDLE EAST

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. CORMAN. Mr. Speaker, I share the apprehensions of many of my constituents of the 22d District of California about the deteriorating situation in the Middle East, and what we feel is a failure on the part of the United Nations to examine recent events there in their total context.

We are disturbed that the United States concurred in a Security Council resolution which can only be viewed as a one-sided condemnation of Israel for recent acts on her part. The December 31 resolution, the catalyst of which was the Beirut bombing raids by Israel, failed to take account of the very real threat to the survival of Israel caused by activities of various Arab Nations surrounding Israel and including activities originating in Lebanon.

If we are sincere in our pursuit of an honorable Arab-Israel peace, and I believe we are, then we must profit from mistakes of the past, on our part and on the part of the United Nations. In 1956 and 1957 our Government exerted great pressure on Israel to withdraw its forces from the Sinai. To the later regret of President Eisenhower, promises made at the time were not fulfilled and they were breached—to Israel's severe disadvantage.

Since that time Israel's survival has been continually threatened by constant raids into her land by Arab guerrillas, guerrillas operating from states that have maintained a state of war with Israel for 20 years and which harbor and officially encourage terrorism.

One need only look at the events which precipitated the 6-day war of 1967 to realize the injustice of the recent U.N. condemnation.

In May of 1967 Egyptian troops massed on Israel's borders with more than 100,000 reservists. Nasser imposed a blockade against Israel ships to the Red Sea through the Gulf of Aqaba; he dared Israel to go to war over the move knowing well that the gulf was an international water and the lifeblood of Israel. Harassment from Syrian raids continued on Israel's borders. Incredibly, Secretary General U Thant chose that time to withdraw U.N. security forces from the area.

Since the cease-fire after the 6-day war, there have been 1,002 incidents of guerrilla attacks against Israel with more than 259 Israelis killed and 1,005 wounded—many of them civilians. Even since the December 31 U.N. resolution condemning Israel, six more Israelis have been killed by terrorist attacks.

Throughout all this, the Arab States have maintained their boycotts and blockades. The United States, a Nation which understands well the importance of freedom of the seas, should appreciate the significance to Israel of Arab attempts to blockade international waterways. We should likewise understand the implications of the hijacking of planes. When Arab terrorists from Beirut attacked an El Al plane in Athens with machine guns and Molotov cocktails, they killed an innocent passenger, wounded another, and endangered the lives of 49 others, including American citizens.

Israel, a nation fighting for her life, made clear to the Arab governments supporting the terrorists that she was prepared to defend her skylanes to the outside world, and that she would not allow her enemies to isolate and strangle her.

It must be made clear that Israel's Beirut air response came after she had complained to the U.N. Security Council following the El Al plane attack, and after she received a silent and indifferent response from this world body.

Mr. Speaker, I share the fear of many of my colleagues in the House that the U.N. resolution will encourage the Arabs to intensify their terrorism, secure in the knowledge that a sympathetic Security Council will protect them by threatening anyone who tries to resist them. I share the fear that the Soviet Union will exploit the censure of Israel to whip up international opinion against Israel and to intensify pressures for a Soviet-dictated settlement which would force Israel to withdraw from occupied territories without requiring the Arab States to enter into a genuine peace with her.

We owe it to ourselves and to the Arabs and the Israelis to take strong measures to curb terrorism and to bring Arabs and Jews to the peace table.

CAMPUS RIOTS

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. CARTER. Mr. Speaker, I wish to call the attention of my colleagues to an article which appeared this morning in the Washington Post, expressing some of the thinking of the distinguished lady from Oregon, Representative EDITH GREEN.

It is recognized by all Members that this lady's knowledge of our educational programs is superior. I commend to you her thoughts and recommendations concerning those students who are recipients of Federal loans and at the same time are disrupting orderly campus procedures. I also commend the distinguished gentlewoman upon her forthrightness and I support the premise that no student who incites rebellion on our campuses should receive our taxpayers' money in the form of grants or loans.

The article follows:

CAMPUS RIOTS IRK REPRESENTATIVE GREEN

(By Ellen Hoffman)

Students who disrupt college campuses should not receive Federal aid for their education, Rep. Edith Green (D-Ore.) said yesterday.

"I'm sick and tired of a minority . . . making it impossible for the majority who want to attend classes" to do so, Mrs. Green, chairman of the House subcommittee on higher education, said.

As a result, she plans to hold hearings next month to take "a total look at higher education," focusing on campus disorders.

Mrs. Green believes that other members of Congress "feel much more strongly than they did last year" about denying aid to demonstrators because of continuing campus unrest.

Last year, Congress authorized college administrators to withdraw Federal loans and scholarships from students who disrupt campuses. Mrs. Green said she wants to find out how often funds have actually been cut off.

"We are faced with the fact that we have romantic revolutionaries, anarchists who are simply out to destroy" the colleges and universities in which they are enrolled, Mrs. Green said.

Before the rioting at Columbia University in the spring of 1967, Mrs. Green recalled, she preferred to leave decisions on Federal aid completely up to campus administrators.

But when she saw that "the same agitators who were at Columbia were in Chicago" at the Democratic National Convention last summer, Mrs. Green decided it was time for Congress to re-examine the law.

"If a person on a college campus is not there to gain a college education, he does not have a right to an education" paid for by taxpayers, Mrs. Green said in an interview.

She sees the question of supporting demonstrators with Federal aid as part of a larger issue raised by recent studies of higher education: "That every qualified student is entitled to an education."

Congress should determine who is "qualified" for support by taxpayers, she said. Special programs that encourage minority students to enter college by lowering admissions standards should also be studied, Mrs. Green said.

She said she has heard that some of these students cannot read or write.

Although no higher education laws are up for renewal this year, Mrs. Green believes "it's high time we took a look" at the Federal programs.

College students, faculty and administrators as well as sociologists and other experts will be called to appear before the subcommittee. Details of the hearings have not been worked out because new members have not been assigned to the subcommittee yet.

AMEND FEED GRAIN ACT OF 1965

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. ZWACH. Mr. Speaker, I have introduced a bill today to provide the same statutory right for feed grains producers to receive prepayment for cooperation in feed grain control programs that cotton and tobacco enjoy.

The fact that these producers have had some chance of receiving this in the past was only because my colleague from Minnesota was able to amend the original Feed Grain Act of 1965, to give discretionary authority to the Secretary of Agriculture. My bill makes it mandatory, effective with the passage of this bill.

The cost of producing corn today is in the neighborhood of $40 to $60 an acre. With farm credit facilities being taxed to the hilt, and with the high interest rates that now prevail, farmers have a very definite need for receiving some prepayment at the time of signing the contract to curtail their production.

It is significant to note that the outgoing administration, in its budget that was submitted to us on January 15, specifically eliminated all prepayment for feed grains in 1970, and cutback one-half of the prepayments for this year. Thus if farmers do not receive their full one-half payment this year, it can truthfully be said that it was because of the recommendation of President Johnson.

This is a bookkeeping trick of an outgoing administration—it does not save any money—it only transfers the financial transaction from one fiscal year to another. Therefore, it becomes only a political trick to try to deceive farmers into blaming this on the newly elected President and Secretary of Agriculture.

It would seem folly to have to come up

with emergency funding programs for many of our farmers later this year—when it may be largely avoided by simply passing this bill now.

"PUEBLO": ORGANIZATIONAL FAILURE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. MICHEL. Mr. Speaker, many of my constituents have phoned me while home in the district or written me after reading and hearing press accounts of the naval board of inquiry's investigation of the *Pueblo* affair. I find there is considerable misunderstanding among the general public as to just what the issues are. It's quite natural, I think, for emotions to be aroused when one such as Commander Bucher, who has undergone such a trying experience, finds himself put on the pan, so to speak, and asked to undergo the kind of interrogation that is reported from the naval board of inquiry. I have made the point that from what disclosures have been made thus far, it would seem that Commander Bucher is headed for a court-martial, but I certainly don't mean by saying this that I believe this is what he deserves by any stretch of the imagination.

The Navy inquiry is limited in scope to matters wholly within the jurisdiction of the Navy, but it's quite possible that other branches of the Department of Defense shared in responsibility for the policies and conditions under which the ship operated. I don't think this will ever be disclosed fully unless we have an appropriate committee from the Congress conduct our own independent investigation and airing of the facts. Ultimately blame will have to be fixed, but it is quite obvious to me at this juncture that we cannot permit Commander Bucher alone to shoulder this responsibility. It is quite understandable that the Navy should want to know from a captain of one of its ships why he turned it over to a foreign power without firing a shot and what options were available to Commander Bucher, notwithstanding his being shortchanged topside so far as defensive weapons were concerned, air cover, sea support, and adequate destruct equipment aboard for disposing of the secret and sensitive equipment aboard. Over and above this concern, we as Members of Congress want to know and I think the American public is deserving of knowing just who were those responsible in varying degrees for nakedly exposing this ship and making those decisions which obviously led to this most sorry chapter in our naval history.

Mr. Chuck Dancey, editor of the Peoria Journal Star and himself a colonel in the Marine Corps Reserves, makes a good point in his editorial of January 27 entitled: "*Pueblo*: Organizational Failure" and I, Mr. Speaker, include the full text of that editorial at this point in the RECORD:

"PUEBLO": ORGANIZATIONAL FAILURE

(By C. L. Dancey)

The bystander focus on the court of inquiry into the Pueblo incident is naturally and instinctively on the personality, the personal trials, and the performance of Commander Bucher—but that is not the key role of the court.

The key role, and one suspects the major problem in this event, is not an individual or personal assessment, but a review of the organizational structure and over-all systems used. A system which failed, whether Commander Bucher failed in any respect or not in his place in that system.

His place in it put him in a pretty horrible situation which was hardly his sole responsibility. Nor was it his task alone to extricate himself.

As far as the Commander, himself, is concerned, the only thing that he has testified to which is professionally shocking is his comment that he never thought about or considered the possibility of being attacked.

(This is belied somewhat by his request for "destruct" equipment.)

SHOULD DESTRUCT AUTOMATICALLY

Nevertheless, it was a strange answer, because in military doctrine which must certainly be taught as basic to every officer the very first automatic responsibility of every unit commander is to provide for the "local security" of his unit.

One suspects that the larger question may be, however, how his security was to be protected within the over-all military setup in the areas where he operated.

And at this point it appears that nothing whatever existed of that nature.

It would begin to look as if the favorite game of the "Whiz Kids" who took charge of the admirals and generals in recent years was to bypass the regular military establishment and play with intelligence operations and special operations themselves.

If such was again the case in the operations of the Pueblo, the very people who might have and should have been responsible for both its operations and its protection were left on the outside of the whole deal, in no position to plan, to be prepared, or to accept responsibility for a prompt reaction.

SYSTEM CONFUSED

Washington is a very long way off, and unless the area people have a responsible part to play it is already too late to prepare systems when something happens. That preparation needs to have been made in advance.

It is hardly a coincidence that confusion has surrounded two ships of the Pueblo type, the Pueblo and the Liberty, at opposite ends of the world, with tragic consequences in both cases.

One cannot help but suspect that there is something basically wrong with the organization structure and systems by which these special operations are controlled—and that it arises from the recent tendency of civilian brain boys to enjoy the freedom of bypassing professional military establishment and "go it alone."

This is a dangerous practice indeed and unfair to its victims. It should have been abandoned after the Bay of Pigs—where it began. It seems to be a continuing disaster.

LAW AND ORDER AND THE SCHOOLS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, former Commissioner of Education Harold Howe has never been noted for his reluctance to speak out on major issues. The consistency with which he insisted on "telling it like it is" was, in my judgment, a very refreshing quality during the years he headed the Office of Education.

I was pleased to read in the New York Times recently that Dr. Howe's departure from Federal service has not prevented him from continuing to speak his mind on the issues with which he is familiar. I refer to a letter to the editor of the Times of January 19 in which Dr. Howe gives the new Secretary of Health, Education, and Welfare some good advice on the subject of law and order as it relates to school desegregation.

For the benefit of my colleagues who may not have read Dr. Howe's letter, I include it at this point in the RECORD:

[From the New York Times, Jan. 19, 1969]

FINCH'S ALTERNATIVES

ASHLAND, N.H.,
January 11, 1969.

To the EDITOR:

Your Jan. 11 issue reports that Secretary-designate Robert H. Finch of Health, Education and Welfare is considering alternatives to the withholding of Federal funds in school districts where desegregation is an issue.

Certainly every effort should be made by Federal officials to work with local school authorities to desegregate the schools without depriving children of the benefit of Federal programs. The outgoing Administration has made much effort and has achieved some progress in bringing about voluntary compliance with the law.

But the record clearly shows that voluntary compliance is not likely to be successful unless backed up by the willingness to use the legal procedure to withhold funds in places where racial discrimination continues. Indeed, the mere suggestion by Mr. Finch that he is considering using other methods will almost certainly encourage those currently practicing discrimination in the schools to continue it until he clarifies his views.

Mr. Finch needs to remember some facts as he makes up his mind about these matters:

Title VI of the Civil Rights Act requires the withholding of Federal funds from any grantee practicing discrimination on the basis of race; even if Federal funds are withheld, school districts have a constitutional obligation enforceable in the courts to cease discriminatory practice; the courts have firmly upheld the principles embodied in the H.E.W. guidelines for school desegregation.

The incoming Secretary of H.E.W. can do the new Administration and the cause of law and order a service by making it clear that he intends to enforce the law, even if it is not very popular in some quarters. If the law is not enforced by those whose duty it is to do so, what can we say to those who choose to disobey laws which are not agreeable to them?

HAROLD HOWE 2d.

"HOOSIER," A WORD WITH A HISTORY ALL AROUND IT

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. MYERS. Mr. Speaker, the term "Hoosier" is one of the most distinctive of all State nicknames. As a native of the Hoosier State, I am well aware of the

continuing discussion about the possible origins of the nickname. Because of the many inquiries, I believe the following explanation is especially worthy of reproduction:

"HOOSIER," A WORD WITH A HISTORY ALL AROUND IT

Since the Indiana centennial of 1916, historians, teachers, and research scholars have been delving into pioneer archives seeking the origin of the distinctive nickname: "Hoosier." It is a term of dignity and character, they conclude, and applies to anyone native to Indiana or who is a resident within the State's borders.

Specifically, the scholars have concluded the word Hoosier means: An important caller, and a dignified, self-reliant person.

But reports in the files of the Indiana Historical Society disclose there are three schools of thought concerning the manner in which the word might have been born, perhaps between 1810 to 1830, and got into common usage.

AN IMPORTANT CALLER

There are many claimants for "who's hyer?" said to have been hallooed by a cabin settler to a wayfarer on horseback, or vice versa, during territorial times. The traveler, according to a poem written in 1830 by John Finley, titled "The Hoosier Nest," proved to be an important caller and a fine gentleman. Novelists of Indiana's later golden age of literature, including Lew Wallace, of Ben Hur fame, and Booth Tarkington, liked the idea of "who's hyer?" becoming in time "Hoosier," and meaning important caller or friendly traveler.

The second school gives the word military dignity—from hussar.

It is said Colonel Lehmanowski, a Polish hussar of the Napoleonic wars, appeared so resplendent in his uniform of military braid and decoration during a sojourn across the new State of Indiana that he inspired coonskin-capped riflemen of the frontier militia to glorify themselves as hussars, which they pronounced "Hoosier." The scholars declare that in the war with Mexico and long after the Civil War all parade soldiers in Indiana were called Hoosiers.

The poet, James Whitcomb Riley, believed either of these legends could have been the true source of Indiana's nickname, but in his lyceum recitals he pointed out that much of Indiana's speech, quality talk, and slang stemmed from a southern immigration.

THE THIRD SCHOOL

The third school suspects this southern group of immigrants gave the word "Hoosier" to Indiana, and remarks that it was popularized by riverman Mike Fink from Pittsburgh. He was a man of invincible strength, who picked up the word "husher" and used it often while traveling up and down the Ohio and Mississippi Rivers.

"There is not another like myself in all this country. I'm a hoosher"; the keelboatsman is said to have remarked with gusto.

"Hoosier" was Mike's pronunciation for "husher" meaning mighty man. Researchers found husher is out of the particular dialect of settlers in the Carolinas and Georgia, who hailed from Cumberland, England. "Husher" means big, important, large, able.

Tracing the word back to England the scholars found it was written "hoozer," and that Mike Fink, the skull cracker and braggart, used the word "hoosher" to proclaim he was the best man in a crowd. When challenged he promptly staged an eye-gouging hand knuckle fist fight. For years his strength, vocabulary, and use of firearms provided fabulous tales for rivermen and settlers throughout southern Indiana.

His skill and gusto gave the word "hoosher" real meaning as it became hoosier and denoted a unique individual of exceptional abilities, the historians declare.

FEW CHALLENGERS

Few dared to say that Mike wasn't a very remarkable fellow, nor did they argue about the prowess of his 100 boatmen. Most rivermen agreed that Mike was something they didn't want to get tangled up with, yet were his friends. Mike roared, boasted, fought, and raced up and down the length of the Ohio and Mississippi Rivers from the close of the American Revolution to 1821. "Then," says an idolatrous historian, "to use the words of Mark Twain, he moved westward with the jug of empire."

Wandering ahead of the tide of settlers, Mike accompanied a fur-trading expedition up the Missouri River, and met his death at a lonely post near the Yellowstone in the winter of 1822–23.

COMPROMISE ON CENSUS

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. BUSH. Mr. Speaker, the gentleman from Ohio, the Honorable JACKSON E. BETTS, has labored long and hard for the passage of a bill to limit the questions of the decennial census to six and to remove the criminal penalties for failure to answer the questions. A good indication of the support this bill has within the House is evidenced by the fact that 86 Members have already sponsored this bill in this Congress. Recently the Dallas Morning News published an editorial that indicates the kind of support the bill has across the country and I include it in the RECORD at this time:

COMPROMISE ON CENSUS

The Census Bureau's long questionnaire, backed by the power of compulsion to force a proportion of respondents to answer, is again the subject of legislative battle.

In this session of Congress, the attack on the compulsory feature of this long form is being led by Rep. Jackson Betts. In the past, similar attempts have been made to eliminate this feature by Rep. George Bush of Texas and others who feel that the threat of fine or jail should not be used to elicit what many believe to be personal information.

The question is one of benefits and disadvantages, complicated by such sensitive issues as the right of individual privacy and the traditional American suspicion of governmental power. Basically, the controversy centers not on the form itself, but on the existence of a provision to fine or jail the citizen who refuses to answer.

In the past, we have disagreed with such attempts, on the basis of a belief that the usefulness of the data to society outweighed the objections of the few. However, in light of the steady loss of individual privacy and the increasing bitterness against government compulsion, The News believes there is merit in seeking an alternative to the government's power to punish those who prefer not to give such information.

The information that is gained by this portion of the Census survey is undoubtedly of great benefit to government planners and statisticians, as well as to the many businesses and other private users of the demographic and economic data compiled by the Census Bureau.

The Bureau's officials maintain that there is no intention to snoop into private affairs of citizens, and that the compulsory feature is, in fact, rarely brought to bear. There is little cause to doubt these assertions.

It is probable that a large proportion of the Census respondents answer the long form questions such as those dealing with sources of income, employment record and bathroom facilities without considering them unduly personal.

But on the other hand, there are also Americans who object bitterly to giving this information, particularly under threat of punishment. In recent years as the growth of government and the urbanization of society have increasingly infringed on the individual citizen's privacy and the area in which he can freely make his own decisions, this objection has gained increasing weight.

Americans have become painfully aware of the steady loss of privacy, and this awareness has stimulated a determination among many citizens to protest vigorously against further encroachment. This determination is reflected in laws and rulings against electronic surveillance and wiretapping as well as the measure to remove the compulsory provision from the long Census form.

The question then becomes a matter of weighing the undoubted benefits to government and business that are furnished by the form against the growing opposition by citizens and lawmakers who feel the use of compulsion is unwarranted in gaining these benefits. Can the benefit be gained without the compulsion?

Rep. Betts and the supporters of his bill say that it can. By the provisions of the Betts bill, answering the long form would be voluntary, not compulsory. He contends that, since the long form is used only for one fourth of the Census interviews, census takers should be able to gather the necessary data from those respondents who do not object to giving it. The compulsory feature would apply only to the few basic questions.

This approach would appear to be a compromise that could give the benefits to government and business without producing the backlash from those who bitterly object to answering these questions against their will.

The area in which the individual is free to mind his own affairs and make his own decisions is shrinking, and to an extent this cannot be avoided in our modern interdependent society. But as personal autonomy becomes more limited, that which remains becomes more precious to the individual and is therefore more vigorously defended.

The Betts bill may be able to preserve one small fraction of that autonomy. It is worth a try.

STATEMENT BY REPRESENTATIVE PATSY T. MINK RELATING TO THE 91ST CONGRESS, JANUARY 1969

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mrs. MINK. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following newsletter, which was sent to my constituents:

STATEMENT BY REPRESENTATIVE PATSY T. MINK RELATING TO THE 91ST CONGRESS, JANUARY 1969

WASHINGTON, D.C., January 14.—Representative Patsy T. Mink was re-elected today as Vice President of the Democratic Study Group for the 91st Congress.

The Democratic Study Group (DSG) is made up of approximately 120 liberal members of the House and has been responsible for many reforms in House operations, including modification of the rules and, most recently, in gaining approval of monthly meetings of the Democratic Caucus.

Mrs. Mink says she expects the DSG to play an even more vital role in the 91st Congress than it has in the past.

I begin my third term in the U.S. House of Representatives with great pride in having served in the 89th and 90th Congresses and in what we have been able to accomplish. I sincerely hope that the 91st Congress can be as productive of social legislation as the two preceding congresses were.

But I must confess to certain misgivings when I consider the Democratic loss of the White House. President Johnson, in his State of the Union Message, carefully reminded the Congress of its commitment to the Democratic programs of progress which must be upheld.

It may be expected that the new administration will attempt to stem the tide of social progress generated by the Democratic administrations of the last eight years, and this danger will require renewed vigilance and diligence by the Congress to keep the tide moving in the right direction.

I pledge all my energies during the next two years to that task.

THE 91st CONGRESS

The first session of the 91st Congress got under way on January 3rd with two major battles, both of them dealing, on the surface, with personalities, but with important underlying principles involved.

The battle over the speakership

The first of these two battles concerned the leadership of the new House of Representatives. John McCormack of Massachusetts was making a bid for another term as the Speaker, and Morris K. Udall of Arizona was trying to unseat him in favor of someone younger, more vigorous and progressive. I aligned myself with Mr. Udall and the young liberals.

The national Democratic campaigns for the presidency in 1968 cannot be lightly dismissed. The message was clear: the old Democratic leadership, too long entrenched, had lost touch with the country, and there were those who would no longer tolerate that kind of leadership.

As Time magazine put it, the challenge to the McCormack leadership "established beyond dispute that the lessons of 1968 have not been lost on substantial numbers of younger, activist members of the Democratic Party."

But in the end, older and grayer heads prevailed and the old leadership was returned to its seat of power despite those painful lessons of 1968, but I believe, only temporarily.

The election of Senator Kennedy in the Senate as Majority Whip was a parallel movement; and its success will have a very great bearing upon continued efforts in the House to bring our procedures and actions in line with those which will undoubtedly take place in the Senate under Senator Kennedy's leadership.

The Honolulu Star Bulletin said later that I had gotten myself in the dog house by siding with the Udall forces. Again I quote from Time: "Udall and his hardy backers—only 58 of 435 House Members—did their careers no damage, and may well have assured a more responsive leadership for the future."

If that is true, and we are eventually able to invigorate the House leadership—and I believe we will—I shall be proud of my part in bringing about such progress.

But aside from what we may accomplish in the future, we were able to make some immediate gains.

In order to defeat Mr. Udall, Speaker McCormack was forced to make some meaningful concessions: all Party Members will henceforth sit in on our monthly policy meetings, thus assuring that the voice of the young activists will be heard. Another concession by the old guard was that committee appointments will now be subject to approval by a caucus of all House Democrats; in the past, these were arbitrarily dictated by a tight-knit circle of congressional elders.

So we lost the Speakership, but we made some gains, and we will make more so long as we don't give up and so long as we don't take the easy way out through acceptance of an outmoded system.

I do not intend to do that, and I don't think you would want me to.

The battle over Adam Clayton Powell

The other opening day battle was over the seating of Congressman Adam Clayton Powell of the 18th District in New York City. Many Republicans and the Southern Democrats sought to bar Mr. Powell, but I voted to seat him for the reason that to do otherwise would be unconstitutional. The Constitution sets forth only three qualifications for a Member of the House, and Mr. Powell meets those qualifications. He is over the minimum age, he has been a citizen of the United States for seven years, and he is a resident of the state in which he was elected. Those are the only constitutional requirements and the rest is left to the voters. Mr. Powell's constituents have made it clear that he is their Congressman and he is entitled to their seat in the U.S. House.

The House barred Mr. Powell two years ago, and the Supreme Court has agreed to hear his arguments on the constitutionality of that action. I suspect that the Court will find it unconstitutional, as I believe it was.

In any case, the House did finally seat Mr. Powell and I believe that to be the only rightful thing we could have done. If the voters of the 18th District want him, it is their right to have him. It is not the duty of Congress knowingly to thwart the will of the people.

The troublesome Electoral College

Three days later, on January 6, the Congress met to count and ascertain the electoral votes for President and Vice President, and again we ran headlong into a constitutional problem. One member of the Electoral College from the state of North Carolina—Dr. Lloyd Bailey—cast his vote for George Wallace and Curtis LeMay despite the fact that a plurality of the votes in his state had been cast for Richard Nixon and Spiro Agnew. The North Carolina votes were therefore challenged and a resolution offered to nullify Dr. Bailey's improper votes.

I voted against the resolution because no member of the Electoral College is constitutionally required to vote in accordance with the popular vote of his state and there is no law that says he must. The Congress is not empowered to change the vote of any member of the Electoral College.

The fact that Dr. Bailey could do this only highlights another defect in the constitutional device of the Electoral College which so long has been severely and justifiably criticized. We in Congress should correct this flaw in the Constitution by abolishing the Electoral College and having the chief registrar of elections in each state cast that state's vote according to the plurality of the voters.

THE DITCHLEY CONFERENCE

On January 30, I will fly to London as the guest of the British Government to attend the Ditchley Anglo-American Conference sponsored by the Ditchley Foundation. Ditchley is a non-profit, British Foundation dedicated to furthering knowledge and understanding between the leaders of the English-speaking nations of the world.

It is a great honor for me to have been invited to participate in this year's conference with Members of the British Parliament and other government leaders. I am further honored to be the first woman ever invited to participate in a Ditchley Conference.

The subject of this year's conference will be: new political ideas and movements in the U.S.A., Britain and other western democratic countries, with particular reference to student unrest, Negro movements and other minority expressions.

The conference will be conducted during the week end of January 31 to February 3.

THE DRAFT AND OUR TEACHERS

I have been working for many months on the problem of the drafting of teachers. Young, male teachers are in demand in nearly every school system in the country, and we in Hawaii have a general teacher shortage. Despite this shortage, our teachers continue to be called away from their classrooms and inducted into the service.

I have corresponded with Selective Service Director General Lewis Hershey on this matter, and he has said that teachers should be given occupational deferments when they are teaching in areas which have a teacher shortage. He has also explained how this must be done; that when a teacher is qualified for the draft, the local draft board must give weighty consideration to the testimony of local school officials. If the school officials say there is a teacher shortage, and if they say that the teacher in question cannot be replaced, then, according to General Hershey, that teacher should be given an occupational deferment.

The problem in Hawaii is that our teachers are given only postponements until the end of the current school year and then drafted during the summer vacation. The effect is the same: we end up losing another qualified teacher.

I have tried to impress upon our local school officials that this can be avoided by requesting an occupational deferment for each individual teacher who is classified as 1–A, and if such request is rejected by the local draft board, an appeal to higher authorities should be made. This course of action should be made a matter of policy by our school officials.

I receive numerous letters from Hawaii teachers who ask me to help them get deferments so they can stay in their important work. But there is not much I can do unless the school officials do their part.

So I have informed all members of Hawaii's Board of Education and also the School Advisory Councils that they are responsible for action to save our badly needed teachers from the draft, and they must take action to show the draft boards that our teachers ought to be given occupational deferments.

I see no reason why they should not do this, and I sincerely hope they will make it a policy in the very near future.

DR. DELLIQUADRI

For the first time in 56 years, an incoming Administration is seeking to fire the Chief of the Children's Bureau at the Department of Health, Education and Welfare.

The man presently holding that post is Dr. P. Frederick DelliQuadri, a former Dean at Columbia University and the University of Hawaii, who was appointed last April by President Johnson.

The job has traditionally been above partisan politics, but Mr. Nixon's Administration has asked for Dr. DelliQuadri's resignation.

I have wired the new President urging his reconsideration of this action. The job of administering the Children's Bureau should continue to be safe from the vagaries of partisan politics.

OIL IMPORT, AGAIN

In the last weeks of the Johnson Administration, I was working toward the establishment of a second oil refinery for Hawaii to be located in a Foreign Trade Sub-Zone at Barber's Point. On January 8, I appeared in Washington before the Trade Zone Examining Committee to testify in favor of the Barber's Point Sub-Zone. But honesty compels me to say that the outlook has never been very good.

Mr. C. R. Smith, Secretary of Commerce under President Johnson, had decided to make no decision on the application and left it for the Nixon Administration.

In his final days in office, Interior Secretary Stewart Udall signed new Oil Import Regulations which permit Hawaii to import low-sulphur, foreign crude oil into a trade zone, and that is a big step in the right direction; but without the trade zone approval, there is still nothing we can do.

No one knows what the Nixon administration will do about this, but the whole oil import problem is expected to come in for intensive review. That may take years, and our sub zone application may be shelved during that time. However, I intend to keep working for its approval.

THE MATTER OF WALLY HICKEL

I look with great disfavor on the appointment of Governor Walter Hickel as the Secretary of the Interior. In a letter to Senator Edmund Muskie of Maine, I strongly urged the Senator to insist on an intensive investigation of Governor Hickel when his appointment was before the Senate, and Senator Muskie, who shares my concern, did so.

Governor Hickel's appointment had rough sledding in the Senate, but in the end, he was confirmed; and so the natural resources of our country, our mineral reserves, our mountains, streams and rivers, our parks and scenic areas and our wildlife resources have been given into the keeping of a man who, by his own statements, has little regard for the concept of conservation and is annoyed by the growing demands in the country for pollution control.

Aside from his alarming statements on matters of national policy, Governor Hickel also intervened directly against Hawaii's application for a trade zone oil refinery, after he had been appointed Secretary of Interior. His connections with the oil industry are vague. He once said that he had no interest in the industry, then later said he had about a million dollars invested in the gas industry. The distinction between the oil industry and the gas industry is a bit hard to find.

In any case, Mr. Hickel has now been confirmed, but the roll of Senators voting against him is impressive: James Allen, Alan Cranston, Fred Harris, Vance Hartke, Edward Kennedy, Eugene McCarthy, George McGovern, Thomas McIntyre, Frank Moss, Edmund Muskie, Gaylord Nelson, John Pastore, Claiborne Pell, William Proxmire, Joseph Tydings, and Stephen Young.

There will be many Members of the Congress who will keep Secretary Hickel under close scrutiny in his new position, and I shall be among them.

IMPORTANT NOTICE

We are now in a new enrollment period for medical insurance under Medicare. This is a period in which those over 65 may sign up for insurance to help pay for doctors' and surgeons' bills and other expenses not covered by the basic Medicare program. For many eligible people, this is the last chance to enroll for these added benefits. This enrollment period closes at the end of March.

If you are eligible, or if you know someone who is, check into it at your nearest Social Security Office.

Do it now.

THE BELLOWS FIELD DECISION

The Department of Defense notified me on December 26 that it is agreeable to releasing a part of Bellows Field for Civil aviation, and so we came to the brink of settling this ancient problem.

The only thing that now remains to be done is for our State officials to negotiate a lease agreement with the Department of Defense. The Pentagon has recommended some rather harsh lease conditions which our State officials are not pleased with, but if negotiations are opened promptly and diligently pursued, we should be able to achieve an acceptable lease.

I was most gratified to receive the Pentagon's decision, and I hope that a final settlement of this matter can be achieved in the near future.

FISH AND WILDLIFE PRESERVATION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. DINGELL. Mr. Speaker, mankind is disturbing its environment in mighty ways and, more often than not, little or no thought is given to the impact of these changes on fish and wildlife, or in fact upon man himself.

It seems inevitable that we must accept an expanding population in most areas of the world. This expanding population, when coupled with rapid economic growth and technological development, will unquestionably bring changes in our environment. However, there is no reason for us to compound our problems by allowing the destruction of fish and wildlife through insensate slaughter, particularly when it is based on ignorance, avarice, or plain brutality.

The truth is, though, that this is exactly what is happening throughout the so-called civilized world today. Many species of fish and wildlife are becoming endangered and others are rapidly disappearing from the face of the earth.

In the United States and Puerto Rico alone, some 24 species of birds and 12 species of mammals have become extinct. In 1966, the Congress expressed its concern on a national level over the disappearance of these species by enactment of Public Law 89–669, which provides for the conservation, protection, and propagation of native species of fish and wildlife that are threatened with extinction. However, much more needs to be done, particularly on an international level, to assist in protecting rare and endangered species.

It was because of my concern over the disappearance of these species that I was prompted in the 90th Congress to introduce legislation which would assist on a worldwide basis in protecting species that are threatened with extinction. H.R. 11618, which was identical to my bill, was unanimously reported out of the Committee on Merchant Marine and Fisheries and passed by the House, but the Senate failed to act. The legislation would prohibit the importation of endangered species of fish and wildlife or parts thereof into the United States, except by special permit from the Secretary of the Interior for zoological, educational, scientific, and breeding purposes. Under this legislation, no lengthy negotiations or international treaties would be required before the Secretary could make a determination as to species that are threatened with extinction. The Secretary would only be required to consult with the affected foreign countries or with the International Union for the Conservation of Nature and Natural Resources before making such a determination. The world's rare and endangered wildlife lists now include about 250 mammals and more than 300 birds. Among the species listed are such well-known animals as the mountain gorilla, the orangutan, the chinchilla, and many species of the cat family, such as the leopard, ocelot, and jaguar.

Equally important, H.R. 11618 would extend protection to mammals, birds, reptiles—alligators—amphibians, mollusks, and crustaceans by prohibiting the interstate shipment of these species which are taken contrary to Federal, State, or foreign laws.

Mr. Speaker, I have just recently joined as a cosponsor in introducing legislation in the 91st Congress which is identical to the House-passed bill of the last Congress. It is H.R. 248, introduced by Congressmen LENNON, PELLY, KARTH, and myself.

This legislation is admittedly only a partial answer to man's rapacious destruction of the world's natural resources. But it would serve as an important step toward the preservation of a portion of nature's endowment.

The legislation is designed to protect those many species of animals which are endangered because they are in demand for novelty uses or because their skins provide specialty or decorative wearing apparel promoted as being very chic. The hides of spotted cats and zebras are in demand as luxury apparel and status symbols—better that these symbols should be a dead alley cat or common rat, species which are all too abundant.

Poaching to supply the market for these status symbol hides is a lucrative enterprise in Asia and Africa. The slaughter is well beyond the ability of the species to reproduce themselves, particularly since man is taking over so much of the land where these animals used to flourish. As the animals become rarer and rarer, their value as status symbols apparently increases in direct, or perhaps greater, proportion. Therefore, the prices that so-called luxury consumers are willing to pay for a hide gets higher and higher and the poachers become more and more avid in their efforts at destruction. The final result, of course, would be the extinction of the species of wildlife in question and, incidently, the end of any job or industry which is based on the utilization of such species.

The developing countries of Asia and Africa, with their limited economic and governmental resources, are for the most part incapable of halting the activities of poachers as long as the demand for status symbol hides and skins remains high and the traffic in them unencumbered.

Since the market for these status symbols is heavily concentrated in the United States and other prosperous countries, there is a heavy obligation for these countries to halt the traffic in these items.

The endangered species legislation now before the Committee on Merchant Marine and Fisheries would do much to accomplish this objective. Its adoption would also provide the Department of State with a strong argument to be used in an effort to secure cooperative international agreements to halt the traffic in endangered species of fish and wildlife.

The legislation also is aimed at a major domestic problem. Here in the United States poachers can and do invade the marsh areas of such States as Florida, Texas, and Louisiana at night and illegally take alligators. For these illegal activities, the poachers often make $500 a week and more. If a poacher is caught, the penalty imposed upon him is usually only a small fine. Poaching is profitable, the danger of being caught is small, and when caught the penalty is nominal. Thus, poaching flourishes. The real solution to the problem is to remove the market. This is the objective of H.R. 248.

Mr. Speaker, the United States is the leading market for birds, monkeys, furs, hides, and other animals and animal products which have been taken illegally or in violation of the tenets of good natural resource conservation practice.

If threatened species of fish and wildlife are to be protected, it is imperative that the United States take the lead with effective legislation to halt the traffic in such species, whether they come from the United States or other parts of the world.

The Congress must approve legislation to protect endangered species of fish and wildlife at the earliest possible moment. As chairman of the Subcommittee on Fisheries and Wildlife Conservation of the Merchant Marine and Fisheries Committee, I shall hold hearings on this legislation in February or March.

Mr. Speaker, I urge my colleagues in the House and in the Senate to give their wholehearted support so that the bill can become law during the first session of the 91st Congress.

INTEREST RATES SET BY FEDERAL RESERVE, NOT BY THE FREE MARKET

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. PATMAN. Mr. Speaker, unfortunately, there is still a great deal of misunderstanding about how interest rates are set in the economy. Some people still cling to the outmoded notion that high interest rates are the result of actions of a free and open money market.

This is simply not true.

Interest rates are set by the Federal Reserve System and its Open Market Committee through the purchase and sale of Government securities. The Federal Reserve has the full power to peg these interest rates at any level that it desires.

This morning's Wall Street Journal once again repeated the old theory that high interest rates are the result of free market action. I have written the Wall Street Journal in an effort to set the record straight on this issue.

Mr. Speaker, I place a copy of the Wall Street Journal editorial in the RECORD along with my letter:

THE INTEREST IN HOUSING

When the Administration raised the maximum interest rate on Government-underwritten home loans, it was no more than a belated recognition of market reality. There are those, however, who see it as something else.

"It is significant," declared House Banking Committee Chairman Wright Patman, "that the first major decision of the Nixon Administration is to raise interest rates for home owners." Interest rates, in the Texas Democrat's view, are whatever the Government declares them to be.

Actually, lenders for some time have been interested in Government-underwritten mortgages only when homesellers have come up with "discounts"—lump sum payments—that bring their yield close to the going market rate. The red tape involved is great enough that, even with discounts, the loans sometimes have found no takers.

If Mr. Patman and his Congressional colleagues really want to do something for home owners and buyers, as well as other Americans, they can cooperate with current efforts to curb the inflation brought on by Federal financial excesses. As long as lenders are so unsure what their dollars will be worth in the future they're sure to go on demanding higher interest rates to try to offset the erosion of their funds.

In our relatively free economy, in sum, the Government cannot order interest rates to fall. It can, however, promote that objective by getting its fiscal and monetary affairs in order—and keeping them that way.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 29, 1969.

THE EDITOR,
The Wall Street Journal,
New York, N.Y.

DEAR SIR: Your editorial, "The Interest In Housing", (Wednesday, January 29) renews the old and discredited claim that interest rates are set in a free and open market place.

Interest rates, of course, are not set by a free market, but are pegged by the Federal Reserve Board and its Open Market Committee through the purchase and the sale of massive amounts of Government securities. In addition, of course, the Federal Reserve has the power to set the so-called discount rate which, in effect, becomes the floor for all interest rates.

Few economists, either in or outside of the banking industry, cling any longer to the theory that there is a "free market" in interest rates.

Years ago, leading officials of the Federal Reserve conceded that there is no free market in interest rates and that these rates are indeed established by the Federal Reserve. For example, the *American Banker* of May 7, 1954, quotes Mr. Allan Sproul, who was then president of the New York Federal Reserve Bank and for years a leading influence in the Federal Reserve System:

"So far as 'free markets' are concerned, I think we are all attracted by the phrase. It suits our habit of mind. But we haven't had a free market in money and credit, at least since the Federal Reserve System was established, and we haven't had a free market in Government securities, and therefore a wholly free securities market, since the Government debt climbed to the higher magnitudes, and open market operations by the Federal Reserve System came to be used as a principal instrument of credit policy."

The Federal Reserve System has full power to lower interest rates and to bring the nation out of the chaos of the current high interest rate policies. It has the power to allocate credit to the sorely-pressed housing market.

The question now is whether the President and the Congress will require the Federal Reserve System to do this in the public interest.

Sincerely,

WRIGHT PATMAN.

EQUALITY: BUT NOT IN NEWS COVERAGE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. RARICK. Mr. Speaker, what the people do not read about they do not know about—and a public opinion gap results.

People seem to be dying all over the world today but only certain deaths, detentions, enslavement ever seem to get equal treatment in the communications media.

Zanzibar, the government in exile, reports great atrocities against their people.

Why the news gap on the plight of these people who suffer injustice and brutality?

Mr. Speaker, I include the following press releases from the Zanzibar Organization, 68 Hudson Road, Southsea Hampshire:

ZANZIBAR'S PLIGHT

(1) Do you know that 12,000 people were murdered in Zanzibar when the elected Government was overthrown in 1964?

(2) Do you know that today there are hundreds of political prisoners, among them former Ministers, still imprisoned without trial since 1964?

(3) Do you know that there are to be no free elections for fifty years?

(4) Do you know that as recently as last October about 50 Zanzibaris were rounded up in Dar-es-Salaam (capital of Tanzania) and flown to Zanzibar, and since then nobody knows of their fate?

(5) Do you know that three of the nine detained Zanzibar Ministers who had been released from the mainland Tanzania's prisons last November were flown to Zanzibar a month later where they are languishing in the torture cells?

(6) Do you know that many of the population are deprived of enough food, clothing and medical care?

(7) Forced labour has been introduced.

(8) The islands are becoming major bases for the training of foreign Guerrilla forces and for Soviet and Chinese subversion on the mainland of Africa.

(9) Do you know that death sentences are being carried out without trial?

We the Zanzibaris need your help—like the Czechs we had had to accept a rule of tyranny.

How you can help us: By writing immediately to the United Nations the conditions under which the people of Zanzibar are living are a gross violation of the declaration of Human Rights; and by bringing the matter to the attention of your member of Parliament.

NYERERE AND ZANZIBAR MISERIES

(By Ahmed Seif Kharusi)

In 1964 Zanzibar witnessed a rape of her democracy when her legal Government was violently overthrown. Ever since the people of Zanzibar have suffered untold misery under the tyrannical regime. Innocent people have been arrested, flogged, tortured, indefinitely imprisoned without trial and even murdered; and yet the whole world has been oblivious to their sufferings.

In April of the same year a union between Zanzibar and Tanganyika was proclaimed without the consent of the people on either side. It was then believed that through this union Nyerere would be able to curb the strong arm of the gangsters in Zanzibar. However the people of Zanzibar knew then that the marriage of convenience between Zanzibar and Tanganyika would never be consummated; and the union is still the legal fiction that it ever was. Nyerere may be referred as the President of Tanzania, but his authority in Zanzibar is not at all clear.

It is a common belief amongst the Western Powers that Nyerere does not condone the atrocities perpetrated by the tyrannical regime of Zanzibar, but a quick glance at his own actions would show that he not only condones them but also connives in their happenings.

In 1965 the Zanzibar ruling tyrants arrested Mr. Othman Sharif, who was then their Ambassador in Washington, on the pretext that he was engaged in a plot to overthrow First Vice-President Karume. The regime in Zanzibar was all set to execute him, but he was released on the intervention of Nyerere and he is now living in Tanzania mainland. On the other hand only as late as October 1968 President Nyerere ordered a down swoop in Daressalaam, where forty-seven Zanzibaris, mostly who had left Zanzibar and sought refuge in the capital of Tanzania, were arrested and handed over to the tyrants of Zanzibar. No charges have been preferred against these innocent people—nor indeed, any reason given for their arrest—and yet they are now being tortured in Zanzibar. It is even rumoured that some of them have died through torture.

On 26th November 1968 "a great show of mercy" was enacted by President Nyerere probably in his endeavour to fool the world. He released three of the nine detained former Zanzibar Ministers who have been languishing in mainland prisons without trial since 1964. They were: Dr. A. A. Idarus Baalawy, Mr. Abadhar Juma and Mr. Salim Kombo. A week later they were flown to Zanzibar to pay homage to Karume, and returned to Daressalaam after two hours in the islands. However, when they asked for passports so that they could leave Tanzania for some other Commonwealth country where they might find more security, they were flown to Zanzibar on false pretences allegedly to bid farewell to Karume, whereupon on their arrival were immediately arrested and sent to the torture cells of the dreaded security force. To this day nobody knows of their fate.

The people of Zanzibar have made repeated appeals to the world outside to put pressure to bear on the current regime so that law and order may once more be restored. Appeals have been lodged with the United Nations, Amnesty International, International Commission of Jurists, Commission on Human Rights, etc., yet atrocities still continue to be committed against the helpless people of Zanzibar. Thus the once beautiful happy islands of Zanzibar and Pemba are now a Police State and a centre of political intrigues and subversion. Military training centres for saboteurs and foreign guerrilla forces have sprung up like toadstools all over the islands.

GREAT EVENTS

The three Zanzibar Ministers (out of nine imprisoned since 1964) were released on 26th November, 1968. A week later they were flown to Zanzibar by government plane "to pay homage" to the present puppet tyrannical rulers, and returned to Daressalaam after two hours in the Islands. On 27th December they were again flown to Zanzibar where they have been thrown into torture cells since then. They are Dr. A. A. Idarus Baalawy, Mr. Abadhar Juma and Mr. Salim Kombo.

We have accordingly informed all the organisations concerned.

On 7th January, 1969, about one hundred and twenty Zanzibaris staged a demonstration outside the Marlborough House, London, when the Commonwealth Prime Ministers' Conference opened. Some of the demonstrators had been already at the spot by 2 a.m. regardless of a bitterly cold night. A photograph of all the Zanzibar demonstrators with their banners bearing such messages as "Release All Political Prisoners", "Zanzibar Demands Elections Now", "Stop "Reign Of Terror In Zanzibar", "Democracy Must Prevail In Zanzibar", etc. appeared in the Times of January 8, 1969. There was a distribution of various leaflets and handouts.

On 11th January the Anglo/Zanzibar Society convened a meeting on Zanzibar at the Church House (Bishop Partridge Hall), Westminster, London. About one hundred members of the Society, Zanzibaris and distinguished sympathisers attended. Lady Marion Bennet was on the Chair; speakers were Mr. John Biggs Davison, M P, and A. S. Kharusi. Mrs. Fatma Tayabali (daughter of the former Zanzibar Prime Minister) read a poem (published elsewhere in this issue). After the meeting a letter addressed to the Secretary-General of the Commonwealth was read and signed by Lady Bennet, Mr. Biggs Davison and A. S. Kharusi. (The letter is inserted elsewhere in this issue.) Leaflets were distributed.

The Daily Telegraph, January 14, 1969: "Mr. Duncan Sandys, Conservative M.P. for Streatham, commenting on the Commonwealth Prime Ministers' Conference, said on 13th January: 'The Commonwealth Prime Ministers have talked much about democratic rights in Rhodesia.' It was time someone spoke up about the reign of terror in Zanzibar.

"There, the last vestige of political freedom had disappeared, and the former political leaders have been illegally imprisoned for five years, and in some cases brutally tortured.

"Mr. Sandys said: 'President Nyerere should restore basic rights in his own country before lecturing Britain about democracy and justice.' "

Extracts from Sheikh Abdulla Chaurembo's letter, Daressalaam: "May I reply to Mr. Karume's recent anti-Islamic speeches?

"At the Daressalaam Saba Saba rally, he translated a number of Quranic verses which to put it briefly, were completely, self-composed. In Islam, this is a great sin. Mr. Karume went on to attack the composer of *Moulid Barazanji* (Prophets way of life) and argued that this man could not have written accurately about a man who lived at a different time to himself. He went on to claim that the Prophet Muhammaed was a great socialist. Now how did Mr. Karume know this? . . .

"In another recent speech in Zanzibar, he declared that fasting in Islam was not obligatory . . .

"A few years ago a non-citizen Muslim was expelled from the country for mixing politics with religion. Yet recently Mr. Karume declared that politics cannot be kept out of religion. I fear that as a result there will be a religious crisis in Tanzania if these things are not properly explained, particulary to the Muslim." (Reporter, published in Nairobi January 10.)

EXTRACTS FROM OUR SYMPATHISERS' LETTERS

December 12, 1968: "We pray to God that He will deliver us all, both black and white from those evil creatures who are setting brother against brother, religion against religion, race against race, for the benefit of the Red Beast of Biblical prophecy. . . .

"Today I was handed a leaflet from your Organisation . . . so great is it that I am sure it will do so much to wake up both Black peoples and White as to the Vileness and devilry of this murderous creed of International Communism. If it is possible I would esteem it a great Christian favour if you could forward me as many of the above leaflets as possible to distribute amongst my Christian Organizations.

"Believe me, you . . . who have escaped into this free country of Britain, by your persecution and your endeavours, will wake up some of our stupid blind Church leaders as to the truth about the plight of the menaced millions of Africa. . . . Believe me I have many friends, not only in Britain but in the Commonwealth and the U.S.A."

December 12, 1968: "Alas, unfortunately nowadays people don't seem to care very much what happens to anyone else, especially in foreign parts, so the cause of justice has never been weaker. I only hope . . . that things will improve.

"So it is in that spirit that I wish you a very happy New Year and many more of them."

January 11, 1969: "I believe that if you put your trust in . . . and the great and good things they stand for, and work with them to free your beloved people, you will be successful. A great friend of mine—one of the finest men I have ever met—would like to meet you as quickly as possible. . . . Please believe that I will do everything in my power to help free your people."

FROM THE PRESS

The Daily Telegraph, January 3, 1969: "Many Westminster onlookers will be amused to learn that Mr. Humphry Berkeley, a Conservative of the far Left, and Mr. John Biggs-Davison, MP for Chigwell and one of the staunchest of the Right, have joined forces in the same cause.

"Mr. Biggs-Davison, who is vice-chairman of the Anglo-Zanzibar Society, has persuaded Mr. Berkeley to interest the United Nations Association, of which he is chairman, in the fate of political prisoners in Zanzibar. For five years members of the Sultan's government have been held prisoner in the island without trial.

"Mr. Berkeley has forwarded a resolution to Mr. Michael Stewart on this case, and promised to raise the matter with his friend President Nyerere. But even Mr. Nyerere's influence is not decisive in what has become a Chinese island off Africa."

The Daily Telegraph, January 15, 1969: "Three former Zanzibar Ministers, in whose release from prison Mr. Stewart, Foreign and Commonwealth Secretary, was asked to assist, have been re-arrested in Daressalaam and sent back to what are described as 'torture cells,' it is learned.

"A spokesman from the Zanzibar Organisation said in London yesterday: 'Their crime was simply to have asked for passports so that they could leave Tanzania for some other Commonwealth country, where they might feel more secure.' "

Daily Nation, Nairobi, January 14, 1969: "Abeir Amani Karume, First Vice-President of Tanzania, had a cordial talk in Zanzibar yesterday with two Communist Chinese representatives, the New China (Hsinhua) News Agency (NCNA) reported today.

"NCNA said the two Chinese—Chou Po-Ching, temporary charge d'affaires of the Chinese Embassy in Tanzania, and Chao Hsin-jan, a representative of the Chinese Army—had been invited to celebrations of the fifth anniversary of the Zanzibar Revolution."

Daily Telegraph, January 14, 1969: "An Indian and a Goan employed by the British High Commission office in Zanzibar were detained at the weekend, it was learned in Daressalaam yesterday."

Daily Telegraph, January 11, 1968: "Sir: I invite the attention of the visiting leaders of the so-called union of Tanzania on behalf of the people of Zanzibar and Pemba, who are being deprived by the existing regime of all that which makes life worth living.

"Urgently they demand, without undue delay, fair elections to elect their own leaders, on whom they would have faith and trust. Similarly they wish to make it abundantly clear that the majority of the inhabitants do not support this imposed union, which has not served any useful purpose for them. Each and every one of us will not rest or tire till there has been a change for better in our own country.

"MUHAMED BIN ABDULLA."

Daily Telegraph, January 16, 1969: "SIR: I have been shocked to note that President

Nyerere, of Tanzania, said at the Commonwealth Prime Ministers' Conference on the question of Rhodesia that the British Government has handed power to a minority Government in Zanzibar.

"The former legitimate Government of Zanzibar was formed on the basis of one man one vote. The ZNP/ZPPP Alliance won 18 seats out of 31; hence it came to power.

"If President Nyerere tries to justify the atrocities and genocide that are the lot of the Zanzibar people since the violent overthrow of the freely elected Government then he had better find some other excuse.

"AHMED SEIF KHARUSI."

By Terrence Clarke in the Portsmouth Evening News: "Mr. Frank Judd (M.P., for Portsmouth West) is reported (E.N. Jan. 4) as having said at Lusaka airport 'Britain has a responsibility to bring home to Portugal that Zambian territorial integrity must be preserved.'

"Why Mr. Judd should think we have any responsibility vis-a-vis Zambia and Portugal is difficult to understand.

"Would it not have been better if he had pointed out that Zambia must respect the integrity of Rhodesia, instead of recommending Britain to use force against Rhodesia, and encourage Zambian guerrillas to do the same?

"While he was in Tanzania did he ask his friend President Julius Nyerere why he had annexed Zanzibar? Doesn't Zanzibar have some rights to freedom too?

"Did he do anything to help the African refugee ruler who lives in Southsea? Did he do anything to help King Freddie who is a refugee over here or ask why his daughter Princess Victoria is under arrest?

"Does Mr. Judd not think that Asians who have lived for 20 or more years in Kenya and Zambia have some moral rights to stay there?"

RAMSEY CLARK SPEAKS OUT

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. RYAN. Mr. Speaker, I would like to take this opportunity to pay tribute to former Attorney General Ramsey Clark who, in my opinion, has been an outstanding chief executive of the Justice Department.

Ramsey Clark's understanding of contemporary issues has been especially noteworthy. The emphasis he has given to the enforcement of civil rights legislation and the alleviation of strained relations between police and large portions of the black community has provided an important balance to the simplistic call for law and order which has been so much in vogue in recent months.

At this point in the RECORD I include an interview with Ramsey Clark, which appeared in the January 3, 1969, issue of Congressional Quarterly, and which I commend to my colleagues:

[From the Congressional Quarterly, Jan. 3, 1969]

RAMSEY CLARK SUMS UP IN WIDE-RANGING CQ INTERVIEW

Attorney General Ramsey Clark Dec. 10, 1968, summed up his views on major national issues in a wide-ranging interview by Congressional Quarterly. (*For excerpts from the transcript of the interview, see below.*)

The Attorney General emphasized two areas which he considered of primary importance: civil rights and the conduct of police.

He said that it was necessary for the Federal Government to enforce vigorously the major civil rights legislation which Congress had enacted. In particular, he said that enforcement of the open housing provisions of the Civil Rights Act of 1968 and the voting provisions of the Voting Rights Act of 1965 should be enforced. In regard to the latter Act, he said that its automatic sanctions, due to expire Sept. 5, 1970, should be continued by Congress.

Clark also said that federal laws regarding the desegregation of public schools and prohibiting racial discrimination in employment and union membership should continue to be enforced vigorously.

Concerning the school desegregation provisions of the Civil Rights Act of 1964, the Attorney General said that the use of lawsuits by the Justice Department to accomplish the legislative goals was "too slow, too cumbersome." He said that the threat of a cut-off in federal funds, provided for in Title VI of that Act, was much more effective as a method.

In regard to police conduct, Clark said that the issue of police-community relations was the "most important and the most difficult law enforcement problem of today and the next several decades." Without improved relations between police and the community served by the police, he suggested, the opportunity to reduce crime would be jeopardized. Failure to improve police-community relations, he said, could "divide the country."

Clark said the Johnson Administration had laid the groundwork for a major federal attack on crime through the Omnibus Crime Control and Safe Streets Act of 1968 and the Juvenile Delinquency Prevention and Control Act of 1968. He said he hoped that the Nixon Administration would ask for the full funding of $300 million for the Safe Streets Act, which was intended to asisst State and local governments in upgrading their law enforcement operations. The Juvenile Delinquency Act was intended to do the same thing through federal financial aid for programs involving juveniles.

Turning to organized crime, the Attorney General said that it was a problem which could be eradicated. He said, however, that a key factor in the existence of organized crime was its dependence in corruption of certain local officials, including police.

The Attorney General said that the whole problem of crime was a complex one, not conducive to simple solutions. The deeper causes of crime, he said, stemmed from mass living and long-range dynamics of the society.

Excerpts from the interview follow:

Q. What are some important areas to watch to see that major legislative purposes of the last decade are implemented, such as school desegregation?

A. When the school year started in September 1963, the percentage of Negro children in the 11 states that comprised the Confederacy who were in schools classified as desegregated was one percent. That's nine years after *Brown* v. *Board of Education*.

Under the powers that were granted with Title VI of the 1964 (Civil Rights) Act, very significant progress has been made. Our estimate is that the percentage will be above 20 when we get the final statistics for January 1968. When you consider just the few short years that you've had to work there with the new techniques, you see that this is real progress. It's important that this be carried forward in the Northern school districts as well.

Q. Which has been more effective, the lawsuit route or the Title VI cut-off (of federal funds) route?

A. Unquestionably the administrative technique is the only one that really meaningfully works. There are 6,000 school districts in the south alone; 2,000 with very substantial desegregation problems. So the litigative route is too slow, too cumbersome. You need something much more effective and efficient.

The whole history of the development of the administrative process tells you that's what is needed in a mass society. It's got to be moved very effectively to the Northern school districts as well, where there are many, many manifestations of state action that require careful investigation and careful development of cases.

OPEN HOUSING

The HEW has to move in this area. Housing clearly provides a most important responsibility. With a lot of fanfare, we promulgated in 1968 the right of American citizens to own, rent, buy, sell, lease, advertise a home, a place to live and raise a family regardless of their race.

But it would be very unfortunate if we did not enforce that law. Better to have never put it on the books than to tell the American people we stand for a principle and then not enforce it. People who've been deprived of rights for a long time won't understand that, and it certainly won't increase faith in our institutions. It's imperative that we move effectively in that area.

In employment, there is vast discrimination on account of race. It's quite discouraging to see it in major corporations and in major labor unions, but it's a fact of life. Title VII of the '64 Act provides a major obligation and opportunity to give people in this country, regardless of race, an opportunity to fare for themselves, to get a job, to make some money, to be somebody and to do something. And enforcement of this statute to many is, perhaps, the most important responsibility that we'll have.

VOTING RIGHTS

Q. What other areas are important?

A. There'll be the issue of the Voting Rights Act of 1965, and whether its automatic sanctions should be continued beyond Sept. 5, 1970. . . . This is one of the really remarkable experiments in democracy in voting that you'll find in history, I imagine, because there were hundreds of thousands of people historically disenfranchised and for very strongly felt reasons in the community. And here all of a sudden with one Act you achieve in a couple of years a doubling of registrations and a doubling of voting and a lot of elected (Negro) officials.

Q. Don't you think the Voting Rights Act of 1965 is part of the historical trend on opening the right to vote, and really if properly implemented is the last step toward a completely universal constituency in this country, for everyone except those in mental hospitals or jails?

A. There may be another step. That may be compulsory or obligatory voting. They have this in a sense in Australia and some other places. You don't like to think about it until you see a 40-percent vote in an important election. We've just got to involve people in our political processes if we're going to make our institutions really effective and responsive.

Q. If we do more things like making a Social Security card equivalent to a voting registration card, we can push quite a ways before we go compulsory.

A. We'd all hope you wouldn't go to the compulsory, but we've got to do something to concern people with their political destinies and to make them believe what must in fact be true—that they make a difference.

Q. Can former convicts be constitutionally disfranchised?

A. Well, I don't know, I guess the one thing I know is you have to keep pretty tentative in your judgments about these things because we're learning and changing awfully quickly. . . . It would seem quite clear to me that the state has the power to deprive people who have offended it very seriously, who have done serious injury to persons or property. To deprive them of participation in the democratic process? I would be very cautious about that. I would feel somewhat as I feel in the field of citizenship. It's a rare situation where you deprive either a naturalized or a natural born citizen of his citizenship. You've got to learn to deal more meaningfully than that. Because this world just can't take much of that, really.

Q. Do you think it is imperative that the 1965 Act be renewed and perhaps strengthened? Do you think we'd retrogress if its automatic sanctions expire?

A. I would be concerned about it. We're still studying the results of this election, and we haven't really decided here. But I know this. You should err on the side of implementation of the policy, because it's such a terribly important policy and we just can't stand backsliding. And if as we examine the evidence we see risks there, then we'll just have to be very careful.

POLICE MISCONDUCT

Another area that has to be looked to that's very delicate and very difficult is police misconduct. We've had to get into this area. It's not anything anyone likes to do, but you have a duty. And above all, the police themselves must not violate the law or the rights of citizens. This is an area that, if the Federal Government doesn't stand up to its responsibility, can divide the country, really divide the country.

It's something that typically almost by definition, in many instances, local governments and even state governments are unable to work effectively with. They are in the very community of all the emotion that gave rise to a particular series of acts. Just as historically in the South we've had to move where white sheriffs had beaten Negro prisoners, because all history and experience told us that local authority could not and would not move, we have to be ready to meet this responsibility, anywhere in the nation. As a result we've looked at a lot of cases. We've had to bring quite a few in the last couple of years and there may be more.

We have a new statute, a very important statute in this area, in the 1968 Civil Rights Act, that is designed to protect federal rights from violation by law enforcement and it's imperative that it be enforced, as difficult and uncomfortable and unpopular as it may seem at the time.

Because if your rights have any meaning at all, it's in connection with their protection when there's trouble. You don't have to worry about rights when times are calm and when nobody is going to bother you. This must be an important priority area.

NEW CRIME LAW

Q. This is related to civil rights and to the general area of criminal law?

A. Oh yes, it goes far beyond the rights of minorities or Negroes. It's a question of deprivation of constitutional rights or federal rights by law enforcement.

The Congress enacted the Omnibus Crime Control bill. It provides the best opportunity the Federal Government will have to really help local law enforcement. It's funds, but more than funds, it's guidance, because so frequently and in so many places more of the same is exactly what you don't want.

Q. What kind of funding levels would you like to see in Title I (of the Crime Control law) in the coming two or three or four years? You got $63 million for this year, and you asked for $94 million.

A. We asked for $100 million, really, but there was an adjustment at the end because of some FBI problems.

Q. You asked for full funding.

A. Right. Next year we will ask for $300 million. I would hope that the Nixon Administration would ask for the full $300 million, too. I would hope that the Congress would grant it, and that it would be very wisely distributed to local law enforcement, to state administration of prisons, to reform of court systems at state and local levels.

JUVENILE DELINQUENCY

Q. Do you see the Crime Control law and the Juvenile Delinquency law, both of this year, as providing a framework for very significant national action?

A. Absolutely. That's the plan. The Juvenile Delinquency Prevention Act is the happier side of the docket, you might say. It can work creatively, and it really can with kids in pre-delinquency and even delinquency situations.

We know where these kids are. We don't have to kid ourselves. They're not the rich suburban kids, not that we don't have some problems there, but if you want to put crime on a map, you will see that it's concentrated in the slums in every city in the United States. It's where all your other deprivations are, and it will be 10, 20 and 100 times more frequent per capita down there, and there's just no use fooling ourselves about it.

So what we need to do is to work with the Juvenile Delinquency Prevention Act massively and effectively in these areas, and we can prevent crime at the very happiest time, before it happens, before the guy's got a stick or a gun in his hand or even the intent in his mind, or capability in his heart.

It starts at the very beginning. The youngest person who lives in an environment where there's street gangs, where there's dope peddling, and 11 other kinds of illicit activities right in the street—where there's poor health, inadequate housing, it's substandard, it's not safe—there're rats running around.

Q. And the police are scarcely looked upon as protectors.

A. And the police are looked upon as the enemy, the occupying force. The Act will work with a youth and give him an opportunity to really do something with his time and himself, that won't mean trouble for other people.

LAW AND ORDER

Q. The Nixon campaign emphasized law and order. Can the Nixon Administration, using the tools open to it now, move effectively to have an impact nationally in terms of reducing the crime rate between now and, let's say, the next presidential election? Is this a deliverable promise? Can there be appreciable and visable progress?

A. Well, we undoubtedly have the techniques available. We haven't made the commitment to them yet. Many we've just really authorized. If they are fully pursued, unquestionably a very major difference can be made.

A real difference won't be made quickly. I don't think we should fool ourselves. This is a much deeper problem than that. You can't blow a whistle and have everyone start behaving differently.

But we really don't know, in terms of measurement, where we've been or where we are or where we're going. Most crime has never been reported. A very clear obligation of anyone concerned with the control of crime is to see that as much crime—ideally all crime—is reported.

I'll be very concerned to see that we work effectively to that end, because you don't know the universe that you're working with until you have its dimensions finally and fully described. You can make some rough estimates, but you won't know. We don't know today if there's more crime than there was in 1900 or 1908.

Q. But that's a preparatory step for working on the problem.

A. Well, ideally, but you've got to do everything at once. You don't wait. You just go forward at once.

But the only way that there can be shown any dramatic reduction in crime in a few short years is through manipulation of statistics, when you get right down to it, because crime is a much vaster and more difficult problem than that.

It stems from all the problems of mass society and all the turbulence of our time. It comes from long-range dynamics with population growth, urbanization and science and technology. And we have barely begun to understand the individual.

NEW LEADERSHIP

Q. Aren't some cities doing quite a good job?

A. I think we do have new and imaginative leadership in law enforcement—men who are very sensitive to police-community relations, which from any measurement that I can make, is the most important and the most difficult law enforcement problem of today and the next several decades.

The police must serve communities, and the communities must recognize their service. And until that happens, crime control is a contest. The mere fact that most crime is not reported shows the dimensions of the police-community relation problem. Why isn't it reported? How can you hope to do anything about it until it is reported? Is it fear of the police that causes the failure to report? Is it the feeling that they are hopelessly incompetent? What are all these reasons?

If your community won't report crime to you, you won't control crime. And to have the community report crime to you, it not only has to be in close contact and constant communication with you, you have to have its full confidence. They have to think you really serve them, you serve their people, and then this by definition eliminates organized crime. By definition it brings you right in quickly when crime occurs for control purposes, and by definition it gives you the opportunity to chart your preventive techniques. Of course, in terms of race relations, in terms of student situations, you can see that we will have some very strenuous contests until we get a lot closer relation between police and people they serve.

ORGANIZED CRIME

Q. The President's Crime Commission found a connection between organized crime and local politics. Could you address yourself to that?

A. There is no question that organized crime cannot flourish without at least the neutralization, if not the corruption, of segments of local government.

Now it doesn't mean the entire police department, it doesn't mean even 10 percent of the police department, but it means this lieutenant or this captain and these three sergeants or these five patrolmen, something like that. And they don't all have to be in one part of town, even. It may mean this assistant district attorney or this court administrator or judge, even.

But the reason is perfectly clear. It was recognized by the Wickersham Commission report in 1931 and by anybody else that has ever studied it. Organized crime is dealing in goods and services on a daily basis that the public wants to buy. They want to gamble—that's about 70 percent of the illegal income right there. They want to borrow money—at excessive rates of interest. Shylocks and loansharks will provide these monies and they'll provide strongarm tactics of collection, and the rates of interest will be exorbitant. They'll provide prostitution, narcotics and other things that the public wants to deal in.

That can't happen in a city without local law enforcement knowing about it. Any of us could go in any town in the United States and if we had 50 bucks, just roll them up in tens or fives and crinkle them like that and say: "Where can a fellow gamble around here?" or "Where can he find a prostitute?" Well, if they're around they may circle you for a little while, for a couple of hours, depending on what's going on at the time, or they may just walk right in and shake you by the hand and say: "Come on back in here. We've been looking for you." Because they've been looking for you just like you're looking for them.

If you and I could do it, can't the police, who live there, who know the people and know the streets and the places? Of course they can. So the professionalization of law enforcement is the key in the long run.

CORRUPTION AND CRIME

Q. In the more sophisticated organized crime operations, doesn't the corruption go farther up the line?

A. Yes, that's right. It tends to and it can involve a good part of a precinct, a good part of the manpower of a precinct.

We've seen situations where it has, but it doesn't have to involve everybody in the precinct, and common sense would tell you it wouldn't. Why bother? Why cut him in? He's making his $325 a month. Just let him walk the streets out there, and don't worry about these three girls who answer the telephone—they don't need to be involved in it.

But we've got to have Sergeant Jones and Lt. Smith because this is their area and if they close that place down, why we're going to lose income for 10 days until we get relocated and all our customers find out where we are.

Q. Is there great variation among cities in the United States in terms of how pervasive this influence is?

A. Sure. The Crime Commission report (President Johnson's) surveyed roughly 72 cities in the organized crime task force area. By the broadest combination of counts—admission by local authorities, intelligence from federal investigative agencies or state investigations—or just a rough estimate, only 26 had organized crime existing at all. That doesn't mean there wasn't a little burglary ring. That doesn't mean there weren't guys working in the stolen car racket. It just means there wasn't regular ongoing organized crime.

That tells you a number of things. As you know from just being alive, you don't have to have organized crime. That's the happy thing about it. That's a ball game you can win altogether—72–0. You can win that one. There have been whole societies and whole countries today that have been free of organized crime, It's a very peculiar phenomenon, and you can control it, you can eliminate it.

Q. What are some of the more critical areas in which the organized crime connection with the political structure is substantial and important? Is the President's Crime Commission report the place to get the leads?

A. It will give you some information. Some of the people who worked on the thing can give you some assistance on it, and then you can just look where our strike forces go, and you can assume that those tend to be our estimates of the more critical areas. You've got seven or eight on the way now and we hope to have a couple of more.

Q. Where are they working, these strike forces?

A. Detroit, Buffalo, Chicago, Philadelphia, Miami and Brooklyn.

PRESIDENT NIXON VISITS WITH AND GREETS MEMBERS OF THE HOUSE OF REPRESENTATIVES

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. **SMITH** of New York. Mr. Speaker, I wish to take this occasion to commend President Nixon, our 37th President of the United States, for coming here to the House of Representatives this morning and for giving us the opportunity to greet him and wish him well. I am sure it was a pleasure for all of us here in the House of Representatives. In my opinion it augurs well for America that the President has taken time to come up to the Hill to greet the Members of this House of Representatives.

NIXON'S FIRST NEWS CONFERENCE IS SKILLFUL

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. **FULTON** of Pennsylvania. Mr. Speaker, it is a pleasure to call an excellent column by David Lawrence, appearing in the Washington Evening Star for January 28, 1969, to the attention of the Congress and the American people.

President Nixon is certainly off to a fine start.

The Lawrence column follows:

NIXON'S FIRST NEWS CONFERENCE IS SKILLFUL

President Nixon, at the first news conference of his administration, handled himself with a skill and forthrightness rather unusual and unexpected from a chief executive who has been in office only a week. He obviously could not have done it if he had not been studying public questions carefully. His televised meeting with the press indicates that he has chosen a clear-cut rather than an ambiguous approach.

Nixon, for instance, in a simple manner disposed of a question on a highly controversial subject—the admission of Communist China to the United Nations. He said his policy would be to continue to oppose Red China's entry—first, because Peking has not indicated any interest in becoming a member and, second, because it has not shown any intent "to abide by the principles of the U.N. Charter."

He added that Communist China also continues to call for the expulsion of the Republic of China from the United Nations even though the Formosan government "has met its responsibilities without any question over these past few years." Nixon suggested, too, that the resumption of talks at Warsaw soon by American and Red Chinese representatives may disclose "whether new changes of attitude on major, substantive issues may have occurred."

The President made it clear that he does not think policies—particularly foreign policy—should be made "by off-the-cuff responses in press conferences, or any other kind of conferences." He stated that he believes decisions should be reached in an orderly way, and that this is why he has established the Urban Affairs Council and a Cabinet committee on economic policy, and has revitalized the National Security Council for foreign affairs.

Nixon referred to two very long meetings of the National Security Council at which foreign policy was discussed. He declared that he regards the Middle East "a powder keg, very explosive" and that it is very important to "cool it off" so as to avoid "a confrontation between the nuclear powers."

Perhaps the most interesting explanation that the President gave was related to the possibility of a "cease-fire" in Vietnam. He said the word applies more to a conventional war than to a guerrilla war. He pointed out that, in the latter, "one side may not even be able to control many of those who are responsible for the violence in the area," and that a cease-fire could then be "meaningless." He feels that an agreement on mutual withdrawal of military forces and other factors should have priority in the peace talks at Paris.

As for the armament strength of the United States, Nixon declared that "sufficiency" is a better term than either "superiority" or "parity." He said that the important objective is to get "sufficient military power to defend our interests and to maintain the commitments which this administration determines are in the interest of the United States around the world."

With respect to the problem of inflation, Nixon gave assurances that he is considering what actions can be taken which will not bring "an unacceptable rise in unemployment." He said that, without "too much managing of the economy," it is going to be necessary to "have some fine tuning of our fiscal monetary affairs in order to control inflation."

The President revealed that he does not go along with the suggestion that inflation can be effectively controlled merly "by exhorting labor and management and industry to follow certain guidelines." He commented that, much as the leaders on both sides "might personally want to do what is in the best interest of the Nation," they have to be guided by the interests of their own organizations. He added:

"So the primary responsibility for controlling inflation rests with the national administration, and its handling of fiscal and monetary affairs. That is why we will have some new approaches in this area. We assume that responsibility. We think we can meet it, that we can control inflation without an increase in unemployment."

These were some of the various issues which the President discussed in a candid way with the members of the press, many of whom said afterwards it had been one of the most interesting and satisfactory news conferences in years.

MERITS OF THE BLOCK GRANT SYSTEM

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. **MESKILL**. Mr. Speaker, in light of the continuing discussion over the relative merits of adopting a system of "block" grants, in place of the present system of grants for specific, federally approved projects, I would like to insert an excellent editorial on the subject which appeared in the Torrington Register.

The editorial follows:

CASE AGAINST BLOCK GRANTS

It seems to be generally agreed that when the new Congress assembles in January, one of the first orders of business will be setting the wheels in motion for a general overhaul of the present system of distributing federal funds to state and local government.

Specifically, what has been proposed—and endorsed by both parties in the late presidential campaign—is a major shift toward a system of "block" grants, in place of grants made for specific, federally approved purposes. Under the new arrangement Uncle Sam would dole out the funds with no strings attached, letting the states and the communities decide for themselves how they wish to spend them.

Superficially this is an appealing idea. The federal tax base is much broader than that of the state and local government, and the federal tax collection system is much more efficient. What's more, the present system of earmarked grants has created an extremely complicated and cumbersome bureaucratic jungle in which 21 federal agencies are trying to administer more than 150 separate aid programs through hundreds of regional offices. Too often the gravy goes not to the localities that need it most but to the ones which are most adept at the fine arts of grantsmanship.

But there is another side of the coin—and it's a side that ought to be considered very carefully before we blithely proceed to junk the whole concept of earmarked funding. For all its bureaucratic shortcomings the strings-attached approach has scored important social gains that couldn't possibly have been scored otherwise.

Consider, as one of many examples, the stream pollution program. The only reason that real progress is at last being made in the fight against pollution is that the federal government is now offering liberal quantities of earmarked aid to communities that undertake programs meeting certain federally prescribed standards.

Or take the case of regional planning, an obviously desirable concept which was getting nowhere until the federal government initiated the policy of specifically subsidizing it by making the availability of federal funds for various local purposes contingent upon the existence of regional planning commissions.

Countless other examples could be cited. Most crucial of all, perhaps, is the case of federal aid to education, where earmarked funds provide by far the most practical method of imposing certain minimal standards, particularly in regard to school integration. If federal aid is to be dispensed without any control over its use, this means among other things that it will be used to fatten the budgets of countless Southern school districts which are segregated in patent violation of the law of the land.

The fact is that federal aid is an enormously powerful weapon for persuading state and local government to pursue more progressive policies—but it is a weapon which can only be effective if it is granted with strings attached. The system needs to be made less cumbersome, of course. But the basic idea of earmarked aid is sound, and to picture its abandonment as a "reform" is plainly nonsense.

FREE CZECHOSLOVAKIA ANNIVERSARY

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. PHILBIN. Mr. Speaker, I was highly privileged last October to be able to participate in impressive exercises at the Cathedral of the Pines in Rindge, N.H., to commemorate the 50th anniversary of free Czechoslovakia.

Under unanimous consent I place in the CONGRESSIONAL RECORD the inspiring remarks of George F. Pavlik, of Medway, Mass., the dedicated president of the American Czechoslovakian Society of Massachusetts, at these moving exercises.

The material follows:

We Americans, of Czechoslovakian origin, meet here today at, "the Cathedral of the Pines", to present the Czechoslovakian flag and in a sense to rededicate this symbol of the land of our forefathers. Let this flag join the flags of so many other nations in this beautiful spot of America, representative to people everywhere of *freedom and courage*.

Freedom . . . experienced for so short a time in Czechoslovakia, but the fires of which burn in the hearts of the Czechoslovakian people, and inspires the courage to defy the forces of oppression, and to keep alive that dream of freedom for Czechoslovakia again . . . someday.

Let the Czechoslovakian flag float here in majestic silence, and yet, though silent, it speaks to us of the glorious past . . . the dark present . . . and the hopeful future of Czechoslovakia to *rise and shine again*. It speaks to us of the men and women, who have gone before us and of the inspiring record they wrote upon it.

We Americans, of Czechoslovakian descent, commemorate the day of this flag's birth, which until now has witnessed a great history . . . which has floated on high countless times through great events, and great plans, in the life of the Czechoslovakian people, who, though small in number, have nevertheless been great in deeds.

The proud country of Czechoslovakia, will never follow the pattern of the Baltic States or of Hungary. Czechoslovakia will never become the 16th Republic of the Soviet Union. The Czechoslovakian people have ably demonstrated that they do not live under communism by choice, but only by oppression which is maintained today by the presence and constant threats of the Soviet Union and her allies.

We present this flag today, in the memory of our forefathers, and for the oppressed Czechoslovakians who do not now have what we so enjoy in America . . . freedom . . . but they have known it . . . and will someday again enjoy it.

It is with pride and with love that we see the flag of Czechoslovakia raised here today in this noble setting . . . in this great country . . . we have now adopted for our own.

MOTHER ALBERTA STANGO

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. BIAGGI. Mr. Speaker, I am pleased to include the following front page story from the Italian Tribune, about a truly great and remarkable lady with tremendous faith and courage. Mother Alberta received her education at St. John's Villa in Staten Island and her higher education at Fordham University. The entire world benefits from and needs more people like Mother Alberta Stango.

The story follows:

MOTHER ALBERTA STANGO

Mother Alberta was born in Newark, New Jersey, where she attended St. Lucy's Grammar School. During her early school days she was known to be a fun-loving tomboy—who put aside her baseball bat and gloves to enter a convent at the age of 14. She graduated from St. John's Villa in Staten Island and furthered her education at Fordham University. She is the daughter of the late Mr. and Mrs. Albert Stango. Her parents left Italy during their childhood and resided in Newark, N.J.

Mother Alberta was called to the Religious Life in the Congregation of the Sisters of St. John the Baptist and spent four years in New York doing Parish work. From her early youth, Mother Alberta demonstrated a great human quality—a sincere dedication to the welfare of others. She is now one of the many outstanding missionaries who went to Africa (Zambia) over 21 years ago as a stranger to the land. She and a group of five Nuns sought to know the people, to understand their customs, and by this attitude to convince them of their sincerity. After winning their confidence, they sought to bring the truths of Christianity within the circle of their own traditions rather than starting them with mysteries and admonitions they could not accept. Her second principle of missionary work was always to bring religion to the children first. If children would hear her and believe, the adults would soon follow. Since love of neighbor is the distinguishing feature of the Christian, she and other Nuns spend countless hours ministering to the sick and poor, particularly to the lepers.

Today, with self-sacrifice and endurance she is working deep in the bush with the St. Francis Mission Hospital and leprosy colony. Her day begins at 5 o'clock in the morning when she rises and together with the other Nuns on her staff, ends the day's work at 10 o'clock at night. The leprosy colony has many problems. There is no cure for this disease but it can be treated to lessen the pain with medicine and general hygiene. With this disease a finger may drop off or a nose or a foot. Some are unrecognizable with sick mothers still feeding their children. Children, too, are lepers.

Mother Alberta is the only Missionary Nun (while visiting every five years in Newark) known to spearhead a committee to raise funds so she may continue with her missionary work to ease her desperate plight in Africa. Because Mother Alberta was able to return to the dark reaches of Africa with the financial aid she so urgently needed much progress was realized. Today in Zambia there is an excellent clinic that was not there five years ago. Because of funds raised at a Newark cocktail party "running water" is now available for lepers. The many lepers families who lived primitively in small overcrowded huts now live in homes with beds. Although medical capability is limited, the hospital facilities with modern equipment has greatly improved. There is also a bus—purchased only because of the funds raised. With deep appreciation and humility Mother tells us "God bless our contributors in the U.S.A. who are 95 percent (wonderful) Newarkers who made this all possible.

Tropical disease, jungle rot, leprosy, diseases transmitted by insects, snakes and vicious animals; a place where poverty, ignorance, superstition and depravity are rampant . . . these are the conditions that Mother Alberta and her staff encountered day after day, year after year for the past 21 years in Zambia, Africa. The staff of Nuns that began with six (21 years ago) has now grown to 32 with an additional nine African sisters. Yes, progress has been made but there is much to be done. For the clinic sulfone drugs, quinine, aspirin, antibiotics and other medicines are needed. To crown a remarkable career of unselfish accomplishment, Mother Alberta hopes to build a girls' orphanage. Their mothers died in childbirth. Many orphans are now living with the Nuns. Besides spiritual help these young girls need nourishing food, clean clothes and loving care by the Nuns.

For her work among the English children, Queen Elizabeth has made her an honorary member of the British Empire. She was the recipient of a "Humanitarian" award by an outstanding organization called the Amita. Mother Alberta Stango—You will love her magnetism and strength stemming from her humility, compassion and respect for the dignity of the human spirit. Then, too, you will love her happy way. This good work must go on. With your help it will continue. Help them provide food and medicine as they bring Christ to those who do not know Him! Remember: "As long as you did it to one of these, my least brethren, you have done it unto me."

SEPARATING PLANES FROM CITIES

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. ROSENTHAL. Mr. Speaker, I wrote this week to Acting FAA Administrator David Thomas, to request raising the minimum altitude of planes flying over a congested area which means over our cities.

This change could be made without serious inconvenience to any pilot. It would increase the margin of safety for the innocent city dweller who may be jeopardized by the present 1,000-foot altitude limitation.

I frankly can see no reason why planes should be that close to a city under any circumstances, even in 1926 when the regulation went into effect. Certainly in 1969, with the great growth of our urban areas, we must provide the urban residents with every possible reasonable protection from aircraft.

I also suggested to Mr. Thomas that this same rule be clarified in relating its self-evident exception for planes taking off and landing to those approaching and leaving approved airports only. This has always been FAA's view of its rule but recently the National Transportation Safety Board overruled FAA by saying that the rule, as presently written, allows pilots to land or take off wherever they want, including public highways, golf courses, or anyplace else.

The text of my letter follows:

JANUARY 28, 1969.

Mr. DAVID THOMAS,
Acting Administrator,
Federal Aviation Administration,
Washington, D.C.

DEAR MR. THOMAS: I am convinced that the minimum safe altitude regulation for flying over congested areas (FAA Regulations, Section 91.79) is outdated and potentially dangerous to both aircraft occupants, but particularly to completely innocent city residents.

The fundamental altitude restriction has remained the same since it first went into effect in 1926. In the last forty-three years, however, the size and complexity of our urban areas have increased dramatically. One thousand feet of altitude, while sufficient in 1926 to insure a safe glide to open areas, is no longer safe. I believe I can see no justification for any plane to fly within 1000 feet of city buildings except during take-offs and landings.

I also strongly believe that present regulations must be amended to include a requirement that landing or take-off be restricted to an approved field, except in an emergency.

In *FAA* v. *Pendleton* (NTSB, Docket SC-949, February 26, 1968) FAA argued that Section 91.79 of FAA Regulations—stating that an aircraft in a take-off or landing pattern was legally exempt from adhering to the minimum safe altitudes—contained an assumption that this exception would only apply to aircraft in the process of take-off and landing at areas recognized for these purposes. The NTSB examiner disagreed, refusing to interpret the exemption as pertaining solely to aircraft using areas allocated for landing-take-off purposes.

Therefore, I urge you to include in Section 91.79 a provision specifically prohibiting the right to take-off or land at areas which are not airports, except under emergency circumstances. This would enforce what I believe was FAA's correct assessment of 91.79 in the Pendleton case.

These changes I advocate are basic to the safety of those who do not fly, but whose interests in air safety is, nonetheless, considerable. It is imperative that their interests—and lives—be protected.

Sincerely yours,
BENJAMIN S. ROSENTHAL,
Member of Congress.

THE CONSUMER VOICE WILL CONTINUE TO GROW IN VOLUME

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. PODELL. Mr. Speaker, all over the Nation there is a rising tide of protest from the forgotten American—the consumer. This is the citizen who is tired of warranties that are not worth the paper they are printed on. Sick of unsafe automobiles. Disgusted with automobile insurance that discriminates and overcharges. Aghast at what happens to him when he ventures into an automobile repair shop. Appalled at rising costs for items that should not rise in price.

This is the person who is asking uncomfortable questions about phony games used as come-ons in the marketplace. He questions the worth of trading stamps, demanding a cut in price, instead.

He and his wife are finished with unsafe tires, fixed drug prices, and unsafe drugs that have not been fully tested. They have no patience left for poor-quality food and worse quality appliances.

These are the citizens among us who have put all their support behind the recently enacted truth-in-lending and truth-in-packaging acts that are in the process of being implemented.

This is an aroused and growing consumer protection movement, and it will be heard. It cannot be put off with flimsy excuses and political placebo.

If industry and business do not listen to their legitimate grievances, then they will make an impact in another manner. At first their voices were few and weak. Now they grow in strength each day.

One of these groups, The Consumer Assembly of Greater New York, is meeting here in this city as part of the national gathering of the Consumer Federation of America.

I welcome them here, hoping that they will make a greater impact this year than ever before in advancing the consumer cause. I heartily espouse their goals and methods, and it is my intention to see that their positions are espoused and advanced on the floor of the U.S. Congress.

Every major interest, be it national or corporate, has its champions here. I believe that the consumer movement must gain strength here if America is to give its citizens a square deal when they enter the marketplace.

CREDIT INDUSTRY RESPONDS TO GALLAGHER SUBCOMMITTEE

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. GALLAGHER. Mr. Speaker, consumer installment credit is now over $100 billion and 60 percent of the average individual's income is used to pay off credit obligations. The focal point of the information necessary to grant credit and thereby continue America's unprecedented prosperity is the local credit bureau. While credit bureau reports do not themselves recommend the granting of credit—this decision is in the hands of the merchant—this data on the consumer is crucial, not only to the credit granter, not only to the American economy, but most importantly to the individual consumer himself.

For, without the ability to obtain the privilege of credit, the consumer is excluded from enjoying much that is good in American society.

Over a year ago, my Special Subcommittee on Invasion of Privacy became aware of a startling number of complaints about the procedures and practices of credit bureaus. Individuals were unjustly denied credit by errors or by negligence, credit reports were filled with irrelevant or outdated information, and the citizen was unable to correct or even be informed of the content of the report which so vitally affected the life of himself and his family.

GALLAGHER STEPS IN

Acting upon this information, the Special Sucommittee convened hearings in March of 1968. For 3 days the credit bureau system was analyzed and discussed and, for the first time, the public had a clear view of a segment of the economy which many regarded as a "closed society." Prof. Alan Westin of Columbia University provided a broad overview of the industry which confirmed, in general terms, the research about specific individuals we had assembled. The ease with which organizations unrelated to credit granting could obtain supposedly confidential credit reports was demonstrated. The range and tone of the letters received from individuals all over America was described. It seemed that everybody could have access to credit reports except the individual himself. Parents check the references of a prospective son-in-law; neighbors could find out just why they were having difficulty keeping up with the Joneses; and Federal and State agencies could casually conduct "fishing expeditions" through credit bureau files with no adherence to due process of law.

The entire credit bureau industry had developed free from any legal restraint or public scrutiny. One hundred and ten million Americans were on file and information about them was widely exchanged and yet they had no legal recourse and little knowledge about how to correct mistakes. I described the situation this way at the hearings:

> In every State and every township in the country there are regulations concerning the transfer of ownership of dogs . . . yet there are really no regulations whatsoever pertaining to the transfer of this kind of information affecting a man's standing in the community, his dignity, his economic transactions, his private life, his very name itself . . .

THE CREDIT BUREAUS RESPOND

Stung by the criticism, credit bureau spokesmen at the hearings agreed to formulate new procedures for their industry. The Associated Credit Bureaus, Inc., the major trade association comprising some 2,200 bureaus around the country, promised to accelerate its efforts to modernize and reform the practices of its members. A series of industrywide meetings were sponsored by the ACB after the March 1968 hearings and a blue ribbon panel was formed.

Because of the close relationship between credit granters and credit bureaus, this privacy protection panel consisted of representatives from the American Bankers Association, the American Retail Federation, the National Retail Merchants Association, the American Petroleum Credit Association, the Associated Credit Bureaus, Inc., and other influential groups. As wholly new guidelines were under discussion, the meetings were full of vigorous debate. Spokesmen for some organizations represented on the panel were reluctant to change practices which they had not altered since the turn of the century.

Yet, the necessity to respond to changed social attitudes, coupled with the validity of the criticism disclosed at the hearings, compelled the industry to reform itself. By spearheading the movement for change, the leadership of the ACB showed social responsibility and a willingness to cooperate with my urgent call for self-regulation.

GALLAGHER ANNOUNCES GUIDELINES

On January 13, 1969, I was pleased to release the results: The credit industry has reached a consensus and issued its "Credit Bureau Guidelines To Protect Consumer Privacy." These guidelines contain a number of significant departures from former procedures:

For the first time, a consumer can now demand to be informed of the total range of information in his file at a local credit bureau. The industry has pledged to have trained personnel on hand to explain the credit report and to counsel the consumer on his credit difficulties. If the individual has not been refused credit but is merely curious, a "modest fee—not exceeding the cost of a revised report—may be charged" if reinvestigation of certain items in a report seem called for. Otherwise, this service is free.

Second. Service to Government agencies will be strictly limited and due process of law will be followed in all cases except those involving investigations for "security purposes."

Third. Member bureaus of the ACB will refuse reports to credit granters and their employees if a business transaction is not involved. Thus the privacy destroying gossiping uncovered at our March hearings will be controlled or at least diminished.

Fourth. The content of credit bureau files will attempt to reflect the individual's current state of credit-worthiness and every effort will be made to record the outcome of any legal action involving the individual. Time limits on the retention of information are established; thus, meeting my often expressed charge that one derogatory item could damn a man for his entire life.

A PROMISING FIRST STEP

I would like to praise the ACB and its lenders for formulating this extremely promising first step.

I have a great deal of faith in American industry and in our free enterprise system and I fully recognize the vital part credit plays in our economic success. Before I initiated congressional concern with credit bureaus, I was worried that their procedures were frequently so outmoded that they represented a threat to the continuation of the free flow of credit and, thus, to the health of our economy. At the same time, I felt that if the Congress were to rush in with legislation severely restricting the exchange of credit information, we might do more harm than good. Self-regulation and self-policing, whenever feasible, is wise national policy in an economy which emphasizes self-reliance and personal responsibility.

These new guidelines are a vital beginning. Their effectiveness is now in the hands of over 2,200 ACB member bureaus, credit granting firms, and their employees. Their mere existence has two salutory effects: The individual credit bureau is now widely known as a focal point for consumer activity and the content of the guidelines provide a useful basis for further evaluation of credit bureaus.

It may be shown that legislative assistance is needed to translate the guidelines' generally adequate provisions into legally enforceable practice. However, such a sincere response to my special subcommittee hearings shows that the credit bureau industry is not afraid of sound and practical change.

REAL PROBLEMS REMAIN

Mr. Speaker, none of this is meant to imply that serious problems do not remain, to be faced by the credit industry and the American people. Perhaps the major problem is the one of accurately identifying the various segments of the credit industry. When I expanded the special subcommittee's concern and on May 16, 1968, heard testimony from Mr. W. Lee Burge, president of Retail Credit Co. of Atlanta, Ga., my opening statement contained the following two paragraphs:

> When Mr. John Spafford, Vice President of the Associated Credit Bureaus, Inc., testified before this Subcommittee on March 14, 1968, he was quite careful to draw the distinction between credit bureaus and credit reporting organizations. Credit bureaus report to retail firms information they already have in their files and they confine themselves, in large part, specifically to individual credit transactions. Credit reporting firms, on the other hand, generate information at the request of clients on specific individuals, customarily for employment or insurance reasons.
>
> If these hearings accomplish nothing else, it is my fervent hope that the distinction between credit bureaus and credit reporting organizations may be clarified.

The guidelines under discussion now refer to credit bureaus and not to credit reporting organizations. I would hope that their content can be expanded to cover the activities of firms like Retail Credit Co.; but it must be emphasized at this time, that these guidelines are only applicable to credit bureaus and the credit granting firms they service.

Mr. Speaker, the Newark Star-Ledger of Sunday, January 26, 1969, carried a brief description of the ACB sponsored guidelines. I am pleased to insert it into the RECORD at this point:

CREDIT BUREAUS NOW ON YOUR SIDE

> America's $100 billion-a-year credit industry says its new set of self-regulatory guidelines will protect consumer privacy.
>
> The Associated Credit Bureaus Inc., representing 2,000 credit bureaus in the U.S., claimed the rules would wipe out unauthorized snooping into confidential records and would guarantee fairer reports on borrowers.
>
> In the past, the ACB admitted, there were few restraints to prevent individuals, state and federal agencies from conducting "fishing expeditions" through credit bureau files.
>
> In addition, a survey of the industry showed that many installment buyers were denied credit because of errors or negligence and that credit reports often contained irrelevant and outdated information.

SHOW ME

> Under the new guidelines, a consumer can demand to see what information is in his personal credit file at a local credit bureau.
>
> The credit industry has promised to have trained personnel on hand to explain credit reports and to counsel a consumer on difficulties.
>
> Service to government agencies will be strictly limited and due process of law will be followed in all cases. ACB member bureaus will refuse reports to credit granters and their employers if a business transaction is not involved.
>
> Finally the industry will attempt to assure that its files reflect an individual's current state of credit-worthiness.

DAMNATION QUALIFIED

> Time limits on retention of information have been established to meet a charge by a congressional committee that "one derogatory item may damn a man for his entire life."
>
> The committee, which studied invasion of privacy, was headed by Rep. Cornelius E. Gallagher (D–13th).
>
> Gallagher was instrumental in pressing the credit industry to clean its house. He expressed confidence that the new guidelines will protect consumer privacy as well as insure more accurate and faster credit transactions.

BASIC ROLE OF SPECIAL SUBCOMMITTEE ON INVASION OF PRIVACY

Mr. Speaker, underlying this specific affect on the credit industry are the motivating principles of all the activities of my Special Subcommittee on Invasion of Privacy. America has become a data-rich society; yet, we are in great danger of becoming privacy poor. Spontaneity and creative risk-taking are largely responsible for our success as a society and this certainly implies the ability of the individual to control, at least to some extent, the spread of information about himself. The new technology has given society the tools with which to inhibit and demean our essential individuality and I am convinced that human values must be made the vital part of any system of recordkeeping or research.

Perhaps the key to the new technology is the computer. The computer has now made it possible to pull together all the facts and all the hearsay about a man. In the very near future, a single reel of plastic tape will be able to store a five-page dossier on every man, woman, and child in the United States. The individual's whole history, idle speculation as well as confirmable fact, can tumble out of the computerized information system within 10 minutes. Computer technology is permitting records surveillance to advance at such an incredible pace—for example, one credit firm plans to have data on every American in its computerized system within 5 years—that we may lose control of our own destiny and human nature itself may be radically altered by the machines we have created.

Mr. Speaker, let me relate a relevant example of the new technology at work. Farmers in California built a machine to pick tomatoes. The only difficulty was that it bruised the thin skins; instead of redesigning the machine, they developed a strain of thicker skinned tomatoes. I do not believe that humans should surrender their rights or their lives to the demands of the new technology; Americans should not have to develop thicker skins just to make our machines work better.

NORTHERN NEW YORK REMEMBERS AND SALUTES A NATIVE SON: HON. WILLIAM P. ROGERS

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. McEWEN. Mr. Speaker, the 31st Congressional District of New York, which I have the honor to represent, is proud to claim as its native son, the new Secretary of State of the United States, the Honorable William P. Rogers. Leading newspapers in the 31st District have made fine editorial comment on his appointment and reflect this local pride.

Mr. Rogers was born on June 23, 1913, in Norfolk, a son of Harrison A. and Myra Beswick Rogers. Later Mr. Rogers moved to Canton where he was graduated from high school. He went on to receive his bachelor of arts degree from Colgate University, Hamilton, N.Y., in 1934 and his bachelor of law degree from Cornell Law School, Ithaca, N.Y., in 1937.

Mr. Rogers becomes the fifth Secretary of State having direct ties with the northern section of New York State. The first was Gen. John W. Foster, of Evansville, Ind., who served under President Benjamin Harrison in 1892, filling out the unexpired term of James G. Blaine. Secretary Foster owned property at Henderson Harbor on Lake Ontario where he spent his summers. One of Secretary Foster's daughters, Eleanor, married Robert Lansing, of Watertown, who was Secretary of State under President Woodrow Wilson. The third connection between a Secretary of State and the north country was when another daughter of Secretary Foster, Edith, married the Reverend Dr. Allen Macy Dulles, father of Secretary of State John Foster Dulles. Dr. Dulles was pastor of the First Presbyterian Church in Watertown from 1887 to 1904.

The fourth was Secretary Frank Billings Kellogg who was born in Potsdam in 1856.

Mr. Speaker, the following are editorials and comments from newspapers in the 31st Congressional District where the new Secretary of State, the Honorable William P. Rogers, was born and raised, which I would like to share with my colleagues:

[From the Watertown (N.Y.) Daily Times]

THE NEW SECRETARY OF STATE

The appointment of William P. Rogers as secretary of state in the new cabinet showed the deftness and the shrewdness of the real professional that President-elect Nixon is. Perhaps the surprise element has created some of the excitement. However, Mr. Rogers has been a man on the go during his whole career and deserved an elevation beyond the cabinet role of attorney general which he held the last three years of the Eisenhower administration. Reappointment as the nations chief lawyer would have been routine. Designation as secretary of state demonstrates a perceptiveness that Nixon backers are always hopeful that they will see.

Mr. Rogers on the one hand knows the nation from experience, yet is as fresh as though he had been drafted because of brilliance from a successful but non-public career. How could there have been combined such attributes in such a person? The question may be unanswerable, but it may be the much used word "charisma" offers the explanation.

Most of us in northern New York know his career because we watched him from his days of high school graduation at Canton, his years in Colgate as an undergraduate, his editorship of the Cornell Law quarterly more than 30 years ago. He became a part of Thomas E. Dewey's staff as an assistant district attorney. He had a naval career during World War II, and came out as a lieutenant commander.

After the war he was a special counsel of the senate war frauds investigating committee. This led to an assistanceship under Attorney General Herbert Brownell during the fore part of the Eisenhower administration. During the latter part he took over as attorney general.

What does all this have to do with becoming secretary of state? In the first place, he is physically and mentally attractive; he has had success for which he alone has worked to achieve. Energetic, he should be able to impart some of his personal drive on the State department which has been for too long a time a one-man show, both during the days of John Foster Dulles and more recently with Dean Rusk as the head man. Mr. Rogers is not necessarily a team player, but on the other hand, he can be expected to insist upon a team performance from the many echelons below him in the State department.

Of great importance also is the close association between Mr. Rogers and President-elect Nixon. There always has been an intimacy between the two, perhaps because of the similarity in their careers as investigative types in the 40's and the testing under political fire which goes back to the 1952 campaign. He must well remember, as do many of us, those hours when he was sitting in the Pullman car in Oregon during the campaign, out of touch with the charge that Nixon had been the beneficiary of a private fund. Mr. Rogers was the campaign director for Mr. Nixon in those days and as late as 1952 communications were rudimentary at best in moments of political crisis.

When he was with the Department of Justice as assistant attorney general and later as attorney general, he assembled a youthful team that may have suggested to the successor administration of President Kennedy where to reach for the talent necessary in this modern governmental system. He put in his hours at work not before the television cameras or on the speaking circuit. He was not seeking higher office but rather directed his efforts wholly to attorney assignment.

In a sense, therefore, he kept himself under wraps which made him all the more attractive on those few occasions when he emerged.

So after eight years out of public office during which he continued to show a measure of restraint when others were raising their own political flags, he takes over as secretary of state.

We congratulate him and President-elect Nixon for naming him.

[From the Ogdensburg (N.Y.) Journal]

BILL ROGERS OF NORFOLK AND CANTON IS NAMED THE NEW SECRETARY OF STATE

The appointment of a native of Norfolk and graduate of Canton High School to be Secretary of State was a surprise to Northern New York as well as to the rest of the world. There had been general speculation on who Mr. Nixon would name to that most important of Cabinet posts, but William P. Rogers had not been even mentioned until the news got out Tuesday. The names of C. Douglas Dillon, former Secretary of the Treasury and Ambassador to France; Gov. Nelson Rockefeller, Henry A. Kissinger were frequently mentioned while Mr. Rogers was not.

Mr. Nixon and Bill Rogers, as his friends in St. Lawrence County have always called him and always will, have had a long and close political and personal association.

He first became associated publicly with Nixon in 1948 when Nixon, then a first-term congressman, was looking for an outsider to evaluate Whittaker Chambers' charges against Alger Hiss, a high State Department official who was accused of passing secrets to the Russians. It was Rogers' opinion that Chambers was telling the truth that helped Nixon make up his mind to pursue the Hiss case.

Rogers and Nixon became close friends. The attorney helped the politician in his 1952 campaign for the Vice Presidency. Then he worked with Nixon in trying to stifle the Red-hunting Sen. Joseph R. McCarthy of Wisconsin during the early years of the Eisenhower administration.

In 1955, when President Eisenhower suffered a serious heart attack, Nixon relied on Rogers, then Deputy Attorney General, for advice and even took refuge against the press in Rogers' suburban home.

Rogers served as Attorney General during General Eisenhower's second term as President. He traveled with Nixon during the 1960 presidential campaign.

In Sept. 1958 then Attorney General Rogers was given a testimonial dinner at Massena, when he was honored as the first native son of St. Lawrence County to have attained Cabinet rank. We were on the committee which arranged the dinner and met Bill Rogers for the first time. We thought he was a most attractive and impressive person. He is handsome, witty, warm and friendly. He invited us to call on him in Washington which we did one time and later saw him again after he had resigned as Attorney General when John Kennedy was elected President and was practicing in New York. We always found him a stimulating and extremely gracious person completely without any pretense or sense of his own importance. He was unassuming and modest despite his great success while still a young man. We always found him deeply interested in St. Lawrence County and his boyhood friends here.

Mrs. Merhl Doren of our staff wrote one of her typically excellent stories about Bill Rogers in yesterday's Journal. She talked to Mr. Hugh C. Williams who was principal of Canton High School when Bill Rogers was a student there during his last two years of high school. She also talked to Mrs. Williams who was then Miss Claire Gage and speech instructor at the school at the time. Mrs. Doren told us: "I thought both Mr. and Mrs. Williams might remember Bill Rogers as a young 'hell raiser' or possibly some kind of a major problem. To my disappointment they didn't. They remembered him as a very good student, very bright, well behaved and no problem at all. I was disappointed. So often a great success like Bill Rogers has skeletons in his youthful closet and youthful escapades which make a good story. He was so well behaved that no one suspected he would ever become Secretary of State."

Bill Rogers joins three other Northern New Yorkers who reached the exalted position of Secretary of State: Secretary Kellogg who was born in Potsdam, moved to Minnesota with his family when a small boy, served as Secretary of State under President Coolidge; Robert Lansing, Secretary of State under President Woodrow Wilson; John Foster Dulles who served as Secretary of State in the Eisenhower Administration.

St. Lawrence County and Northern New York are proud of Bill Rogers and sincerely wish him a highly successful career in the high position to which he has been named. Those who know Bill Rogers have no doubt that he will be a great Secretary of State.

—F. R. L.

[From the Pulaski (N.Y.) Democrat]

William Pierce Rogers

The State of New York has provided many political leaders of national prominence over the years. Every resident can easily compile a long list of men from this state who have held high posts in the United States Government in addition to those men elected to Congress.

William Pierce Rogers, who will be Secretary of State in the administration of Richard Nixon, is a New York State man, and of even greater interest to Pulaski residents, he is a North Country man.

Rogers was born in Norfolk, St. Lawrence County, on June 23, 1913, lived in Canton, where he was first in his high school graduating class; received his Bachelor of Arts Degree from Colgate and his Bachelor of Law Degree from Cornell Law School in 1937. He served as a Lt. Commander in the U.S. Navy.

William Rogers became part of Governor Thomas E. Dewey's staff and later achieved prominence as Special Counsel to the Senate War Frauds Investigating Committee. He was Assistant Attorney General under Herbert Brownell and became Attorney General during the last three years of the Eisenhower administration.

Four other Secretaries of State have had North Country ties. John W. Foster, who owned property at Henderson Harbor, served under President Benjamin Harrison. His daughter, Eleanor, married Robert Lansing of Watertown, who became Woodrow Wilson's Secretary of State. Another daughter of Foster's, Edith, married Reverend Doctor Allen Dulles whose son, John Foster Dulles served under Eisenhower. Frank Billings Kellogg, who was born in Potsdam in 1856 was Secretary of State in the administration of Calvin Coolidge.

The rural and recreational land areas on the banks of the St. Lawrence River and the shores of Lake Ontario have brought forth many men of strong character and of high caliber.

The people of the North Country are proud that President-elect Nixon has selected William Pierce Rogers to become Secretary of State of the United States of America and our prayers and best wishes go with him as he assumes his high office.

[From the Massena (N.Y.) Observer]

William P. Rogers as Secretary of State

Selection of William P. Rogers, native of Norfolk, by President-elect Nixon as secretary of state in the new administration pleases everybody throughout the area.

But this appointment is more than the recognition of the ability of a man who was born in Norfolk, graduated from Canton High School, Cornell University Law School and has since held responsible positions in government and in private enterprise.

It is more than just recognition of the splendid job Mr. Rogers did as attorney general in the Eisenhower-Nixon administration.

This appointment is assurance that the office of secretary of state will be conducted in the best possible manner.

President-elect Nixon wants a successful administration; he wants to solve the problems of the world, or at least to alleviate them as much as possible.

And he is selecting top men on his team.

William P. Rogers, our man from Norfolk, is a top man for this job.

[From the Oswego County (Mexico, N.Y.) Weeklies]

U.S. Secretary of State From Northern New York

Secretary of State, William P. Rogers of Canton, New York is the fifth United States Secretary of State in history to have upstate New York ties.

Secretary Rogers was born in Norfolk, New York on June 23, 1913. He graduated from Canton High School and received his BA degree from Colgate University in Hamilton, New York. He graduated from Cornell University Law School in 1937.

Upstate New Yorkers should be proud that these important men in history were from our area.

[From the Jefferson County (Adams, N.Y.) Journal]

The New Secretary of State

William Pierce Rogers, born in Norfolk, Northern New York on June 23, 1913, will become the third secretary of state from this area when he takes office in the administration of Richard M. Nixon on Monday, Jan. 20.

It is noteworthy that leaders in the federal government have three times chosen their secretary of state from this section of the country. The first named was Robert Lansing in the World War I Woodrow Wilson administration, and then John Foster Dulles in the Eisenhower era. Both were from Watertown, New York, and both served with distinction through some of the most trying times the Republic has ever known.

William P. Rogers, a lawyer who has had wide experience before the bar and in government office, will also serve during some of the most critical times of the nation as did his predecessors from Northern New York. We have every confidence that when his chapter in history is written he will rank with Lansing and Dulles as among the greatest Secretaries of State; all three men born within 70 miles of Adams.

Mr. Speaker, two other northern New York newspapers recalled Secretary Rogers' boyhood, calling upon the memories of old-time friends and neighbors.

THE ST. LAWRENCE PLAINDEALER, CANTON, N.Y.

The St. Lawrence Plaindealer which is published in Canton, N.Y., the community where Mr. Rogers spent part of his boyhood, reflected the pride felt by the long-time friends of the new Secretary of State.

Mr. Rogers, in letters to Canton residents, said "I will never forget what wonderful people there are in Canton," the newspaper reported.

The Plaindealer noted Mr. Rogers was graduated first in his class from Canton High School where he played varsity basketball and managed the school football team. A close friend of Dr. Eugene Bewkes, under whom he had studied at Colgate University, Mr. Rogers returned to Canton in 1959 to receive an honorary doctorate in law degree from St. Lawrence University during the Bewkes presidency there.

Canton residents recalled Mr. Rogers' pleasing personality as a boy. Among them cited by the Plaindealer is Atwood Manley who recalled:

> I remember him as a handsome, polite boy who used to walk past our home on his way to High School every day, often eating an apple as he walked.

Dr. Bewkes, now retired, recalled:

> Mr. Rogers was an extremely able lawyer, with a very broad legal base. As a student he was quick, bright, and later, in the government of General Eisenhower, he proved to be a very able, tough negotiator, tied to no man.

Another Canton friend, Roy H. Bassett, remembers Bill Rogers' early days in northern New York and recalled "He always was a leader when he was a boy here," recalled the Plaindealer.

THE ADIRONDACK DAILY ENTERPRISE, SARANAC LAKE, N.Y.

The Adirondack Daily Enterprise of Saranac Lake, N.Y., reported a glimpse back into Mr. Rogers' early days as a businessman. Danny Sheehan, a Saranac Lake friend, remembers Bill Rogers with a fondness that time fails to diminish.

"Young Bill," as Mr. Sheehan refers to him, was a 15-year-old junior high school student when he asked if he could join the mobile summer photography unit operated by Mr. Sheehan and a partner who specialized in taking pictures of business houses and personnel and selling the finished photos back to the owners in lots of a dozen or more.

Bill Rogers got reluctant permission from his parents to take the summer job and traveled through towns from Massena, N.Y., to Burlington, Vt., taking picture orders and setting up appointments for the camera specialists who followed.

Some days, the Enterprise commented, Mr. Rogers was picked to hold the explosive flash powder tray and once or twice scorched a ceiling causing the crew to move on faster than usual.

Mr. Sheehan recalls the new Secretary of State was quick to learn. The Enterprise said:

> Tell him something once and that was it. He must have developed a photographic mind from taking pictures with our company.

LET US SAVE THE LIVING: IRAQI GOVERNMENT, PLEASE NOTE

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. CELLER. Mr. Speaker, 14 men are dead because the revolutionary court of the Government of Iraq so decreed. These deaths, against the canons of law, reason, and humanity, are irreversible. Nine of these men were of the Jewish faith. What of the remaining Jews in Iraq?

The Jewish community once numbered 150,000 in Iraq. Now there are approximately 2,500. We have been able to learn that of the 2,500, hundreds are in jail. Others are under house arrest. All of them are subject to curfews and economic and social deprivation. The Iraqi Government will not let them leave. They are imprisoned within a land that will neither permit them to live a normal life nor permit them to seek other lands where they can begin anew their shattered lives.

In short, the Jews of Iraq are being held as hostages in a conflict not of their making, only because they are Jews. Certainly the world is not so bereft of conscience that it cannot, through the medium of international agencies, devise ways and means of persuading and influencing the Iraqi Government to permit the remaining fragment of Iraq's Jews to depart.

We have every reason to fear that these will not be the only hangings. In fact, we know that another trial behind closed doors is already in process and that the suspects are accused of working with the CIA. Who these accused are, we do not know, but the pattern has already been set. There are willing hands throughout the world ready to give asylum. It is at least conceivable that the government of Iraq would not be completely deaf to concerted world opinion. At the very minimum, we must try.

The condemnation by our State Department was forthright. The people of the United States were quick to applaud the vigorous statement of Secretary Rogers. We have set an example which others will surely follow. Let the nations of the world now join together in the recsue of the living Jews. All governments who have engaged in persecution of the Jews have claimed this to be an internal matter. Is it, or is it a matter of the collective humanity of mankind?

ECOLOGY AND THE INTERRELATION OF THE SCIENCES

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. MARSH. Mr. Speaker, more and more, public attention is being directed toward the field of human ecology and the interrelation of the sciences, the advancement of technology and the forces of change on man and his environment.

It is becoming increasingly apparent that rather than being independent, our society and our economy is interdependent. No longer can areas of our national life be considered wholly detached and isolated from other parts of our society because, invariably, there are substantial side and filter-down effects that go far beyond areas of immediate concern.

One of the first conferences on human ecology was conducted at Airlie House near Warrenton, Va. I think it significant that this landmark step should occur in the Commonwealth of Virginia, which traditionally has placed great emphasis on history and conservation of natural and human resources. I believe the remarks of Charles O. Johnson, Jr., Administrator, Consumer Protection and Environmental Health Service, Public Health Service of the U.S. Department of Health, Education, and Welfare, are most significant, and place in perspective the question of human ecology in a modern technological society. For this reason, I wanted to bring it to the attention of the membership.

REMARKS BY CHARLES C. JOHNSON, JR.

First, let me again say how pleased and grateful I am to have you here at this Symposium. My staff and I look forward to our discussions with you. I hope that in the years to come you will be able to look back on these few days as a gathering of minds that truly marked a turning point in our national approach to the problems of human ecology.

The Department of Health, Education, and Welfare has established the Consumer Protection and Environmental Health Service to provide a new and broader kind of national leadership in dealing with these problems and specifically to provide that focus on man without which all ecological considerations become purely academic.

We approach our new task, not with optimism—for no one who looks at what we have done to ourselves and our planet in a comparatively few years can be guilty of optimism—but with determination. Secretary Cohen has charged the new Service with making this "a cleaner, safer, more healthful land for all." And we do feel sure that it can be done. Man, as a rational being, did not set out deliberately to destroy or contaminate the earth that gives him life, and surely he cannot, once the consequences are made clear, persist in a course which clearly leads to environmental chaos or even self-destruction. We are therefore moving ahead as quickly as possible to create a program whose impact will be felt throughout our society.

As we set about creating such a program, we need the best advice, the best guidance, possible. That is why I have asked this outstanding group to come together and consult with us. I am confident you will be able to give us a deeper insight into the man-environment relationship, assist us in defining the constants and the variables of human ecology, and help us avoid the pitfalls which surely lie ahead.

We live in troubled times, and they show all too clearly the terrible interplay of forces between man and the whole biocommunity of which he is a part. We find ourselves today catapulted into a new kind of world which we approach as strangers in a strange land. At times, the very structure of society seems in danger of being overwhelmed by a torrent of technological change which man has set in motion but sometimes seems incapable of controlling. Urbanization, a soaring population, and inequities nurtured in the darkness of the past and long ignored have released a slumbering discontent which jars the very foundations of the American dream. In our cities, this discontent has shown itself in attempts to destroy what no longer seems tolerable. Among our young people, there is a kindred frustration—and they would turn their backs on a society which they find "irrelevant."

In the year 1968, the greatest nation in the world must face a harsh and frightening fact: in spite of our tremendous advances in medicine, in science, engineering, and technology; in spite of a lengthening span of human life through improved health services and victories over communicable disease; in spite of affluence and high standards of living; in spite of all these things—perhaps even because of these very things—we have not succeeded in creating a physical, social, and cultural environment in which we can find that satisfaction for the "whole man" which was surely the purpose of all our strivings.

With regard to the physical environment, we have reached, or at the very least are rapidly approaching, a critical point. Every year, pollution gets worse, rather than better; the threat from unsafe food, drugs, water, and a variety of consumer products is increasing; the quality of American life, particularly urban life, is deteriorating in a morass of environmental problems so complex as to appear almost beyond remedy.

In the image of our adventurous ancestors, we are always drawn to the distant frontier and find it easy to close our eyes to the unplowed field that lies in front of us.

We are challenged by the potential miracles of organ transplants—while we drop steadily backward in such measures of medical progress as infant mortality. (We ranked sixth among the nations of the world in 1950 and by 1961 had moved down to about fifteenth place.)

We are about to land a man on the moon—and have not yet figured out what to do with the growing mountains of trash that litter our countryside.

Believe me, I do not question the value of these explorations whether they be in space or in medicine—but I am reminded, and I think our generation needs to be reminded, of that old proverb: "A man gazing at the stars is at the mercy of the puddles on the road."

Certainly our progress in meeting human needs has been great, but it has been uneven and our failure to come to grips with our consumer and environmental problems has—as the saying goes—been worse than a crime; it has been a blunder.

Let me, very briefly, review for you just a few more of the problems that demand our attention:

Toxic matter is being released into the air over the United States at the rate of more than 142 million tons a year, or three-quarters of a ton for every American. It comes from 90 million motor vehicles, from factories, power plants, municipal dumps and backyard incinerators.

The use of food additives to impart flavor, color, or other qualities has increased 50 percent in the past ten years, and each of us now consumes an average of three pounds of these chemicals yearly. Pesticides leave residues on food crops, and traces of veterinary drugs occur in meat, milk and eggs—all this in addition to the chemical barrage that reaches us from other parts of the environment.

Over two million Americans are stricken with illness each year from microbiological contamination of food; increased use of "convenience" foods requiring little or no heating in the home complicates this problem.

Not counting industrial and agricultural wastes, we discard more than 165 million tons of solid wastes every year. Auto graveyards mar our landscapes; smoking, foul-smelling dumps pollute the air; no-return bottles, cans, and other packaging that cannot be recycled create mountains of trash. In low-income urban areas, garbage breeds rats, disease, and filth.

Every year, more than 500 new chemicals and chemical compounds are introduced into industry, along with countless operational innovations; thousands of workers suffer from cancer, lung disease, hearing loss, dermatitis, or other preventable diseases because industry, unions, and government at all levels have failed to give really adequate attention to occupational hazards.

Much of the drinking water available in our Nation's communities is of unknown quality. There are over 19 thousand communities whose public water supplies serve about 58 million people which are not covered by U.S. Public Health standards. About 750 community water supplies serving about 92 million people are covered, but the standards themselves need updating, particularly with regard to chemical contaminants.

Accidents—many of them involving hazardous products—take the lives of 100,000 Americans every year and injure 52 million more. Some 3,000 deaths occur every year from accidental ingestion of poisons—most of these among children.

Radiation as an environmental hazard is a growing threat to ours and future generations which we have barely begun to understand. Radiation sources are now to be found throughout the environment. They range from the large-scale applications of nuclear energy, particularly in electric power generation, through laser and microwave technology in industry, to the use of radionuclides and X-rays in the healing arts and the use of microwave ovens and other electronic equipment in the home. And our scientific protection against radiation is at a beginning stage of development.

The world clamors for the thousands of new miracle drugs which our pharmaceutical research produces to treat specific disease problems. Yet in spite of our best efforts at testing, labeling, and other controls, they often produce unforeseen side effects and may even offer sinister genetic threats. What these new chemical formulations mean in terms of the total chemical barrage to which modern man is exposed is an area we have not even begun to explore.

Scientist-philosophers like Dr. Dubos and others in this distinguished company have pointed out for years the hazards of our heedless and random manipulation of the ecological system. As a Nation, we have been slow to understand, and even slower to act—and yet we have not remained completely idle.

For some years, the Department of Health, Education and Welfare has been engaged in programs to assure safe food, drugs, and drinking water; to control air pollution, occupational disease, radiation hazards, and other environmental threats. In the last few years, we have attempted to adopt a broader, more comprehensive approach to these problems. We have established a national laboratory for environmental health research. We have tried several organizational alignments in an effort to create more effective action. We have recognized that several of our diverse activities—in food protection, sanitation, safe drugs, clean air, and the like—all relate to the same overwhelming problem, the problem of man's ability or inability to adapt to an environment which he himself is subjecting to constant change.

But although our perception of the man-environment relationship matured and clarified and although our sense of urgency grew, we in Health, Education and Welfare, no less than the rest of the Nation—seemed unable to translate this new understanding and urgency into meaningful action, with man—the whole man—as the focus of our efforts.

Even as the holistic nature of the man-environment relationship became an article of faith with us, we somehow still remained too often locked into narrow, categorical approaches to our environmental problems. And in spite of broader concepts of human health and a growing understanding of the whole man, we have unquestionably limited ourselves to too narrow and rigid a definition of environmental health. We have thought that before we could prove health hazards in the environment we had to be able to count the corpses—and furthermore to establish a direct, incontrovertible causal relationship, based on immutable scientific data in strict accordance with Koch's Postulates. Unfortunately, in an environment of multiple impacts, direct, incontrovertible causal relationships between health and individual insults are difficult to define even when the evidence is abundantly clear. Furthermore, science is never immutable; what we know today is always modified by what we learn tomorrow.

Unless our Nation learns and learns quickly to apply the scientific knowledge we have—and it will always be incomplete—to the problems of the environment, we are courting inevitable disaster.

We in Health, Education, and Welfare have at last in our organizational structure, taken into account the interdependence and interrelatedness of all environmental factors in their effect on man. We have brought together in a situation in which they can be mutually supportive the Food and Drug Administration, the National Air Pollution Control Administration, and the Environmental Control Administration. We intend to provide coordination to our total effort. We want to assure that no important line of research is neglected. And, most importantly, we want to consolidate all that we know today—and all the knowledge that we can develop in the future—into a sensible, revealing picture of what is happening to man in the contemporary environment.

It is our purpose to define as well as possible, and to enunciate as clearly as possible, the effect on man—the combined and total effect wherever this can be determined with some degree of validity—of the various environmental impacts to which he is subjected. We intend to give first priority to the development of broad environmental criteria based on our current understanding of human health and well being; we hope such criteria can become the baseline for the thousands of daily decisions, in both the public and private sector, which determine the kind of world we live in.

We suffer no illusion, either as to our own limitations or the difficulty of the task. We cannot manage the environment, and no single agency of government can do so. For just as every human activity has contributed to our environmental problems, every human activity—probably without exception—is going to have to be involved in their solution.

No agency of government can single-handedly design and build transportation systems, and cities, and industrial plants; it cannot remove pollution from the air, and assure pure drinking water, and uncontaminated food. Consumer Protection and Environmental Health Service cannot single-handedly rebuild our ghettos, or update our sewage systems, or eliminate the noise and stress and crowding that mar the quality of our lifes. It cannot construct a safe and healthful environment for every American.

But we in the Consumer Protection and Environmental Health Service can provide the focus on human health and welfare which is so essential to the attainment of these vitally important goals. And all Americans, working together, can transform the face of the nation, if we are determined to put science and technology to work to solve the very problems which science and technology have created.

We intend to use those regulatory authorities vested in us fully and fairly, and to seek new authorities where we find they are needed. We intend to work closely with industry and government of all levels to achieve prevention or control of environmental hazards. We intend to work with State and local jurisdictions to help them develop broad, effective environmental and consumer protection programs. And, as I emphasized earlier, we intend to develop criteria which can guide their action.

We intend to become the spokesman, not just for conservation or pollution abatement or food and drug protection or sanitation, but for man the citizen and consumer. We intend to become the advocate and spokesman for human ecological wisdom applied throughout our society.

We intend to make common cause with all the other organizations and movements that are concerned with any aspect of the environmental problem. And we hope that by providing a more meaningful focus on man, we can weld all these separate approaches into a coherent and effective design for national action.

Never before has there been such general public concern about the quality of the environment. Increasingly, as environmental deterioration has more and more affected the lives of all, uneasiness on the part of all has created a demand for more sensible use of the environment. Universities and other private organizations have turned their attention to the problem. State and local governments have established programs to cope with various aspects of it. Industry has shown increasing awareness of its responsibilities. Throughout the Federal structure, agencies charged with such matters as transportation, natural resources, city planning, and agriculture, are thinking in terms of environmental impact and striving to reconcile their actions with some elusive principle of ecological wisdom.

And yet, our national efforts have not been effective in holding back the tide of environmental ills. The Nation as a whole has failed, I think, to grasp the complete meaning of what Dr. Dubos and others have tried to tell us—that the object of our concern is, or certainly ought to be, man. I our search for neat, single solutions to neat, single problems, we have tended to classify them as though they were parts of an exercise in planetary property management. We have looked too long through the wrong end of a telescope, and have lost sight of the principal figure which should demand our attention—man himself. As Action is the child of Thought, obsolete thinking has produced—in accordance with the immutable laws of Nature—obsolete actions.

If we are going to replace outworn attitudes with new ones, all of the disciplines and institutions who in the past have been concerned with man's environment must reexamine their traditional positions. In the field of public health, only a few pioneers have shown real concern for the important role of environmental factors in the causation of disease and disability. We set up clinics in rural and city slums where we patiently treat and re-treat the same child for recurring bouts of diarrhea, for instance—without ever concerning ourselves with the environmental source of the infection. We set up mental health clinics which try to mitigate the terrible effects of poverty and ignorance and degradation, but regard an attack on the causes as beyond our province. Too many public health workers in short, are still capable of showing genuine compassion for the person who is already ill or injured, coupled with genuine indifference to the environmental causes.

For years, our conservationists have been "voices crying in the wilderness" maintaining the ecological truth that man cannot be totally estranged from the natural world and remain whole. They have helped stem the tide of devastation. But their efforts, too, must be attuned to a broader ecological view—that relates the "Natural environment" to the "Man-Made" urban environment in truly meaningful ways. Pesticides do threaten the balance of Nature, and water pollution is indeed destroying aquatic life, and the effect of sonic booms will assuredly be felt by wildlife in our wilderness areas. But all of these things, it must be made clear, are important fundamentally because they have sooner or later an adverse effect on man himself.

Those who are concerned primarily with preserving and enhancing the beauty of the world about us are in possession of a higher order of ecological grace than most of the rest of us, for they never forget that "man does not live by bread alone." But their efforts, too, must be taken in awareness of the complex interrelatedness of all environmental problems; otherwise their best efforts could do no more than erect visible barriers between man and the ugliness he has created.

Those who are concerned with the consumer must recognize that he is also a citizen, and the hazards to which he is subjected go beyond those of contaminated milk and food, hazardous products, etc. They include the air he breathes, the water he drinks and the many hazards which he encounters as he moves through the environments of home, job and neighborhood. With regard to their effects on him, the environmental hazards he encounters as a citizen cannot be differentiated from the hazards to which he is subjected as a consumer.

I hope that we can provide for all of these various groups a common view on the problem of human ecology and give new impetus and definition to all their efforts. And I hope that we can establish some new priorities for saving the environment.

As for the future, the population of the United States now numbers 200 million and is expected to reach at least 230 million by 1980; urban areas will absorb the increase. and their environmental problems will be intensified. Technology may be expected to increase the risk of food-borne disease and chemical contamination. Unless we apply the lessons of human ecology the future can only bring more physiological, biological, and psychological hazards for man.

We in the Consumer Protection and Environmental Health Service hope that we can help America apply these lessons. We will certainly need help in doing so. Your charge, then, during these three days of discussions, is to distill the varied and vast body of knowledge which you represent into a series of recommendations which we can consider as we strive to carry out the mission with which we have been charged.

RHODESIA: TO UNDERSTAND A SERIOUS CRISIS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. RARICK. Mr. Speaker, Mr. Claudius G. Pendill, 44 Broad Street, Newburyport, Mass., has prepared a factual and informative handbook on Rhodesia which may be of interest to our colleagues and under unanimous consent I submit the handbook for inclusion in the CONGRESSIONAL RECORD, as follows:

RHODESIA: AN EFFORT TO UNDERSTAND A SERIOUS CRISIS

(By Claudius G. Pendill, November 1968)

It is more difficult each year for a private citizen, as it is for a member of Congress, to keep accurately informed on the ever increasing number of important events in this country and in the world, where our interests are directly involved. Conflicting statements are published. Propaganda is poured out. There is often an absence of hard facts or of an objective point of view.

One situation much in the limelight today is Southern Rhodesia, or just Rhodesia as it is now called.

The main events in the news have been the refusal of Great Britain to grant independence to Rhodesia, even after doing so to more than 20 other countries including Northern Rhodesia and Nyasaland in 1964; the Unilateral Declaration of Independence by Rhodesia after the final breakdown of negotiations in October 1965; the application of voluntary sanctions by the United Nations on Nov. 20, 1965; the further UN action on April 9, 1966 directing the U.K. to prevent oil tankers with oil for Rhodesia from reaching Beira, a Mozambique port, "by force if necessary"; the UN imposition of selective *mandatory* sanctions on Dec. 16, 1966 and increased *mandatory* sanctions on May 29, 1968, all of this supported and implemented with devastating detail by the United States. And the vote on Nov. 7, 1968, by the UN General Assembly, bringing this closer to a serious crisis and another war, as reported in the New York Times of Nov. 8th, "to strengthen sanctions against Rhodesia, extend them to include Portgual and South Africa and demand that Britain use *force* to bring down the regime of Prime Minister Ian D. Smith." Only 9 nations opposed—Australia, Belgium, Luxembourg, Netherlands, New Zealand, Portugal, South Africa, Britain and the United States.

What is this all about? What are the issues? Why did it build up to this international danger point? It is important to know so that we can either back the U.S. position or get it changed.

The details have been studied in thousands of pages of information gathered in books, reports, pamphlets, letters, speeches and documents of all sorts, including several hundred pages recently received from the Department of State.

This paper will review, in summary form, these matters:

I. The settling and economic development of Rhodesia;

II. The characteristics and tribal nature of the Africans;

III. Several different developments of political organization in Rhodesia;

IV. The Rhodesian way (the principle of merit) its constitution, education and voting franchise requirements;

V. A 17 point chronological summary of developments in Rhodesia and with the British, United Nations and United States;

VI. The new proposed constitution for Rhodesia, the internal situation, the Communist aspect;

VII. A critical look at the main arguments advanced to justify actions taken;

VIII. A concluding statement by Dean Acheson.

I. THE SETTLING AND ECONOMIC DEVELOPMENT OF RHODESIA

Africa as a whole is 3 times the size of the United States. The part generally referred to as Southern Africa is nearly ⅓ of it and lies below the Congo and Tanzania. It runs 2000 miles from about 7° south down to the tip at 35°. It includes Portuguese Angola and Mozambique, Zambia (formerly Northern Rhodesia), Malawi (Nyasaland), Rhodesia, Botswana (Bechuanaland), South Africa and its mandate South West Africa. Rhodesia is about 500 miles each way, as big as New England, New York and Pennsylvania together; the size of California.

It is mostly high plateau country, 3000–5000 feet altitude, the climate like Southern California. There is also a fertile lower part, the "lowveld". Rainfall is generally good, there are few droughts, floods or cyclones. The Zambezi River on the north is the boundary with Zambia, the Limpopo River the border with South Africa.

The site of Zimbabwe is evidence of an early indigenous Rhodesian civilization between the 9th and 13th centuries A.D. They were driven out by waves of Bantu from the north who are the main foundations of the Africans of Rhodesia. They are of two tribal groups, the Mashona in the center and north, the older and larger tribe, and the Matabele in the southwest around Bulawayo. The latter came from the South African warrior Zulu tribe. A large portion of the Africans are Christians.

In 1888 Cecil Rhodes got a concession for mineral rights and all of Southern and Northern Rhodesia were proclaimed a British sphere of influence. In 1890 there were about 400,000 Africans. The British settlers ran the country until 1923 when it was formally annexed by Great Britain and granted self government. Today there are 4,400,000 Africans, 235,000 Europeans (whites), 23,000 other ethnic groups. About 500,000 of the Africans come from nearby countries to work for a few months and then return to their own tribes.

Rhodesia is a country of private enterprise. It has had more exports than imports.

In mining, it has the world's largest metallurgical deposit of chrome. It has the world's greatest deposit and is the principal world producer of lithium. It has the world's biggest single deposit of coal with one vein about 30 feet thick. It is the third largest world producer of asbestos. With sanctions, the U.S. no longer bought high grade chrome from Rhodesia but turned to the USSR, the only other major producer, for lower grade ore. In 1968 the latter raised the price some 20%.

In agriculture, ownership of farming land is of three kinds: European areas restricted to ownership by Europeans; Tribal Trust Lands restricted to African use in accordance with tribal customs and usages; and African purchase areas which can be purchased only by Africans. European owners may apply to have their lands converted into lands available for African purchase but Tribal Trust lands cannot be transferred to European ownership. There is extensive help for African farmers, including that given by white farmers to their nearby African neighbors in such ways as use of machinery and instruction in modern methods.

Tobacco was more than half of all agricultural earnings. It was hard hit by sanctions, since most was sold to Great Britain. The government had to buy and store it. A crash program of diversification was begun. Other crops are sugar, cotton, maize, groundnuts, tea, vegetables and citrus fruits, with wheat and coffee now started.

Cattle in 1965 amounted to 3½ million head, more than half of them owned by Africans. There is enough production of pigs, milk and cheese for home use and export. There is large scale forestration and growing paper manufacturing.

II. THE CHARACTERISTICS AND TRIBAL NATURE OF THE AFRICANS

After the whites came in 1890 the warlike Matabele continued to fight the more numerous but more peaceful Mashona as they had for years. Then a small white force helped the Mashona defeat the Matabele. However, the latter rose again in much the way that the American Indians attacked our early settlers here, and in 1896 killed 103 unsuspecting white men and their families. A force of 2000 whites and 600 black troops put down that uprising. Then the Mashona surprised everyone by rising. Both African groups thought the white man was weak and the Mashona did not want to pay the price if the Matabele should win and again be able to beat up the Mashonas. The same methods were used as more recently in Kenya. Servants thought to be faithful suddenly killed women and children, prospectors and farmers.

At this point Cecil Rhodes took a small unprotected party including two women, to meet the Matabele chiefs. In some amazing way he induced them to lay down their arms. The Mashona and the settlers were no longer attacked. Thus began 70 years of peaceful living together between the tribes themselves and with the whites. Yet people who live there say that the tribal feuds still simmer, that if there were "instant Democracy", the Mashona could impose their majority rule by vote which the Matabele would never accept. Tribal wars could come again, as in Nigeria today. Both groups have had the white man's protection and want it to continue. The whites also kept out other tribes who raided both these tribes for slaves. The two rebellions cost the whites about one-tenth of their numbers, a percentage loss not equalled in our wars.

Practices of the Africans are laden with superstitution and traditional ways of doing things. A handful of bones, cast by night upon the floor of a native hut, still will evoke an unimaginable terror. In a drought one tribe sacrifices a child to the spirit of the Rain God. Another kills bulls as a sacrifice to their ancestors. Parents universally sold and still sell daughters for marriage. The price of one girl is 5 cows. We saw superstition when we visited in Kenya in 1960. An African worker came to our host saying he must move from the district. Pay and everything were alright but a certain kind of hawk had landed on his hut. That was a bad omen and meant that he must burn down the hut and leave the area.

Another instance shows the depth of their beliefs. The Mau Mau sent fire arrows into the thatched roofs of the huts and burned them down, and they also easily entered the huts to kill with knives in the dark. Our host Bill offered all his Africans cinder block homes. These could not be burned. Their doors and windows could be barred. He offered to provide all the material free and as each man built his house he would pay him the same as though working in the fields. The offer was unanimously turned down. The reason, when a person died in a hut it was necessary to burn it down. They could not burn down cinder block homes so they could not accept them to live in even though it would save them from the Mau Mau.

People who have lived long with the black African community make it clear that individual Africans have no tradition whatever for "voting" as we know it. The tribal enclaves are organized like a pyramid, from the villagers, to the elders, to the district head men, to the chiefs who are either hereditary or chosen in tribal fashion. There is no thought that "the children" at the lowest level could ever challenge the tribal authority. They believe "that the ancestors, consulted through the medium of the chiefs, ultimately decide the tribe's weal or woe". Again "the educated and well-to-do African townsman with a business remains subject to his tribe's communal custom of sharing possessions. If a man has 6 wives and 61 children, (a case known to one author), he well may not wish to declare even the modest amount of property he has which would qualify him for a vote."

III. SEVERAL DIFFERENT DEVELOPMENTS OF POLITICAL ORGANIZATION IN SOUTHERN AFRICA

Many countries in Central and Northern Africa are ruled by dictatorships with totalitarian methods and much bloodshed. In many of them Africans rule and exclude whites from positions of responsibility. There have been different and more peaceful developments in that third of the continent which is Southern Africa. In *Malawi*, African rule depends to a great extent on the Europeans for administration of government and for operations of services and the economy. In *Botswana*, Africans rule and depend on Africans for support in the administration while leaning on Europeans for assistance. In general, the question posed is, what is the best political organization and method of operation for a state in which the inhabitants range from primitive, superstitious, tribal people living in huts and kraals, to highly sophisticated and educated people, when they are diversified so widely by tribes, languages, interests, race, color, religion and education or lack of it? What is the best method for each country at this particular stage of its development, now?

As we consider what is happening, it is a good idea to remind ourselves that when the first settlers came to America it was already inhabited by Indian tribes estimated to number some 800,000 individuals. It was the practice of our ancesters here in settling this land to exploit, kill and to nearly exterminate the native Indians. In 1865, after 2½ centuries of settling, there were only 248,000 Indians left, instead of their making a normal growth to some two million population. As one American student of Africa put it, "this was our solution for the only real colonial problem we ever faced". In 1776 when we made our Declaration of Independence, after 150 years of establishing colonies, the white population was fractional as compared to the Indians and the Negroes then inhabiting this land. I wonder how we would have responded then if a United Nations had supported England with sanctions to strangle us because we did not have "majority rule" or "one-man one vote!" It took centuries here to free the slaves. Women only got the vote in 1920.

One solution for the African problem is that being worked on in South Africa. When the Dutch and English first came there some 300 years ago there were only a few scattered tribes such as the Hottentots. The great area lay empty. As they moved north hundreds of miles they encountered black Bantus pushing down into south central Africa. The racial problem began that way. But the whites did not kill off these other races as we did. Even today thousands of blacks in Northern Africa come into South Africa for better living and economic development. The whites are now about 3,500,000. Coloreds, a combination of whites and Hottentots, are nearly 2,000,000. People from India total about 500,000. There are 12,500,000 blacks or Bantus of many different tribes with 7 different languages and many more dialects.

It is South African policy that no good can come now of trying to mix this great diversity of racial groups. So blacks and whites live in close contact with each other in city and on farm. They work together by day but must occupy separate living areas. Movement is restricted and a "passbook" is used for movement within the country. One reason is that the experiment was tried of letting the Bantu immigrate to the city as we let our Negroes move anywhere. This bred some of the worst slums in the world. Their solution was not to have a Harlem or a Watts but to control the influx, have them live in their own areas near the cities, and make it possible for the Bantus to develop their own culture. 80% of all Bantu children of school age are in school. New homes for more than 100,000 non-whites are being built each year. There is today strong pressure from within to solve one problem after another. This is one way which is evolving to reach ultimately the most workable solution to the problem. Only 6% of the population of the African continent is in the Republic of South Africa. Yet it produces 40% of the continent's industrial output. The blacks share well in this economic development. Of the dozens of countries in the world which have received U.S. aid, loans and lend lease, only South Africa has repaid in full all principal and interest.

A second way of organizing a political state is the way that Southwest Africa is run by South Africa under mandate. This uses home rule, a kind of federalism. It recognizes and develops each major tribe and then ties them together as parts of a state. In South Africa itself this is being tried with the Bantus in the Transkei. It is also about what has developed in the former British Protectorate of Basutoland, now independent Lesotho, and in the British protectorate of Swaziland.

Southwest Africa is twice the size of Rhodesia, population 75,000 whites, 450,000 blacks, very sparsely settled. The tribe of Ovambos in the far north is 45% of the black population. If majority rule were granted, this one tribe would overwhelm the others leading to the same violence as in the Congo and Nigeria. This area is being developed in peace and with great economic gains as a separate entity within the larger whole. Between 1940 and 1965 the per capita income went from $42 to $380 a year, an enormous advance, far faster than in most of Africa.

IV. THE RHODESIAN WAY (THE PRINCIPLE OF MERIT), ITS CONSTITUTION, EDUCATION AND VOTING FRANCHISE REQUIREMENTS

From the founding by Cecil Rhodes and his British South African Company and the coming of the first white settlers in 1890, the Company ran the colony until 1922. Then Rhodesia began a third way of political development in Southern Africa. The 400,000 Africans there in 1890 were not killed off but increased to the 4,400,000 who are there today. The Rhodesian idea recognizes that if European restraints were removed the powerful and warlike Matebeles could again war against the larger and peaceful Mashonas. It recognizes that many Africans have moved to the cities and are detribalized, and that many are fully integrated into the Rhodesian social and political system. The constitutional approach of Mr. Ian Smith has taken into account all these factors and assumes that Europeans, Matabeles and Mashonas will exist in any future Rhodesian political system and that all have a part to play in it.

(*a*) *The Constitution*

The 1923 constitution made it a self governing colony with a British-appointed governor. All matters were in its own hands except international. The British government reserved certain powers to prevent legislation which discriminated against Africans or amended the Constitution. It could also disallow any active legislation if it deemed that necessary. It never exercised those powers. That constitution also laid down the *principle of merit* as the criterion for participating in government. It provided for a single House of Parliament with 30 members. Voting was open to all adult British subjects regardless of race, with annual income over $960.

In 1953 the British got Southern and Northern Rhodesia and Nyasaland to form a Federation. It succeeded economically but after several years of rioting it broke up and was dissolved in 1963. Nyasaland became the independent state of Malawi in July 1964. Northern Rhodesia the independent state of Zambia in October 1964.

In 1961 during the break up, a new constitution for Southern Rhodesia was worked out, to be the basis for Rhodesian independence. It was approved by both the British and Rhodesians in December 1961. It increased African representation markedly. British powers were further limited but the Crown could still prevent discrimination against Africans.

(*b*) *Education*

The educational situation in Rhodesia is summarized in a report by Representative Ashbrook, Ohio, after his visit there. (CONGRESSIONAL RECORD, volume 112, part 4, page 5342.) The facts given are also reported in other sources. "African education is the single largest expenditure of the Rhodesian government. 98% of all direct taxation is paid by whites. The government has subscribed to the western idea of providing as much education as possible, rather than to the practice prevelent in most former British and French Colonies of training only a small elite group and ignoring the rest of the African population. In 1966 Rhodesia's ratio of children in school to total population was comparable to Britain's. In Britain it is 1 in 5, in Rhodesia 1 in 6, in Tanzania 1 in 18, in Malawi 1 in 43, in Ethopia 1 in 80."

"In 1968 there are about 700,000 African school children. The primary school is now a 5 year course. More than 40% complete that and receive further 3 year schooling in the upper primary. The new plan, however, now in effect provides that every African child able to reach a school by 1969 will get a full primary education of 7 years as in European schools. . . . Half of those completing the primary course will receive further education in four year academic secondary schools or two year courses qualifying for apprenticeships. The other 50% are not barred from further study but those who want it will get assistance from teachers, in available class rooms and by correspondence courses. As a matter of fact, the demand of Africans for the few but steadily increasing places in secondary schools is not as yet equal to the supply. All who want to go further can do so today."

(c) *Voting franchise requirements*

The franchise is for voters of all races, registered on one of two rolls. It extends to all citizens aged 21 years or over, resident in the country for more than two years, subject to property, income or educational qualifications as stated below.

Parliament went from 30 to 65 members. Of these 50 are selected by "A" roll voters to represent constituencies. The 15 selected by the "B" roll voters represent the much larger electoral districts which overlap the constituencies. Each voter casts two votes, one for constituency, one for district. By this system of cross-voting the "A" voters can influence the result of a "B" roll contest, and vice versa. This is designed to broaden the appeal of candidates to voters on both rolls. A married woman is deemed to have the same means of qualifications as her husband if she does not qualify in her own right. This applies to one wife only. She has also to fulfill the other appropriate qualifications herself.

There are now 14 Africans in the Parliament. In 1966 "A" roll voters numbered 101,000—95,700 whites, 2,400 Africans, 3,000 others. The "B" roll numbered 11,700—10,780 Africans, 589 whites. Qualifications required for both rolls as to ownership, income and education are on the next page. They were made much lower for the "B" roll. Nothing prevents any African from gaining access to the "A" roll.

	Annual income and value of property owned	Education	
		Primary	Secondary
"A" roll:			
(a)	$2,220 or $4,620		
or (b)	$1,480 or $3,080	Complete 5 years	
or (c)	$924 or $1,540	do	4 years.
or (d)	Appointment to office of chief or headman		
"B" roll:			
(a)	$739 or $1,386		
or (b)	$370 or $770	2 years	
or (c)	Over 30 years of age and $370 or $770	Complete 5 years	
(d)	Over 30 years of age and $524 or $1,078		
(e)	Kraal heads with a following of 20 or more heads of families		
(f)	Ministers of religion		

V. CHRONOLOGICAL SUMMARY (17 POINTS) OF DEVELOPMENTS IN RHODESIA WITH THE BRITISH, UNITED NATIONS AND UNITED STATES

1. Rhodesia was self governing throughout its history. Its premier sat on an equal basis with all other premiers in the British Empire and Commonwealth.

2. Rhodesia developed with voting based on certain modest property and educational requirements as we have seen, with adult male and female suffrage. Voter qualifications are nothing new. They were in effect in the United States and in other countries during early stages of representative government, when education was not common and when cultural and economic development was unequal.

3. In 1963, as the Federation broke up, and in 1964 as independence was being granted to Malawi and Zambia, Rhodesia began to press for it. Two years of conferences were held. In 1964 British Prime Minister Sir Alex Douglas-Home indicated that progress might be made if Rhodesia's Prime Minister Ian Smith could show that the majority of all the population of Rhodesia favored independence under the basic provisions of the 1961 Constitution. The tribal chiefs, acknowledged leaders of more than 60% of the African population, held a four day "indaba." At it's conclusion, October 26, 1964, they voted unanimously in favor of the independence plan. So did the registered voters 10–1. This was unsatisfactory to Britain. Nothing would suffice short of a new constitution assuring prompt transition to African majority rule.

4. In later conferences with Premier Harold Wilson he took a new position, No Independence Before Majority African Rule, referred to as NIBMAR. On their part, the Rhodesians demanded the right of continued evolution, not revolution, and the right to determine and control the pace of transition to majority rule, as is stated on page 3 of the Department of State Bulletin March 6, 1967. The two years of negotiations broke down in October 1965.

5. On Nov. 5, 1965—the General Assembly of the U.N. adopted a resolution calling on Great Britain to suspend the 1961 constitution and convene a new constitutional convention, to arrange independence based on universal suffrage. (State Dept. Bulletin 3–6–67)

6. On Nov. 11, 1965 the government of Ian Smith *U*nilaterally *D*eclared *I*ndependence for Rhodesia, referred to as UDI.

7. Great Britain at once invoked economic war against Rhodesia, embargoed shipments to and from, and froze Rhodesian assets in British Banks.

8. On Nov. 11, 1965, after UDI, the U.N. General Assembly condemned the UDI. The Security Council did so on Nov. 12th.

9. On Nov. 20, 1965, by Resolution 217, the Security Council of the United Nations voted unanimously (France alone abstained) "that the situation in Southern Rhodesia constitutes *a threat to international peace* and security" and called for *voluntary sanctions* by all members, including arms, equipment, military material and oil. U.S. Ambassador Goldberg supported this. His first reason was "we are irrevocably dedicated to the principle of self-determination and independence for and by *all* people of South Rhodesia."

10. On Apr. 9, 1966 the U.N. Security Council passed Resolution 221, noting that oil tankers were arriving at the Mozambique port of Beira, Portuguese, and called on the U.K. "to prevent *by the use of force if necessary* the arrival at Beira of vessels reasonably believed to be carrying oil destined for Rhodesia." This was done by British warships.

11. On Friday, Dec. 2, 1966 Prime Ministers Wilson and Smith met aboard HMS Tiger at sea off Gibralter on a new Constitution. After two days of strenuous meetings both sides compromised in what seemed to be fair, reasonable and responsible constitutional changes as to parts I and II. They included a further development of African voting power. But Mr. Wilson then did three things; (1) He adopted a peremptory tone amounting to an ultimatum. (2) He demanded that Mr. Smith at once commit his government to the whole agreement. The latter questioned part III and steadfastly insisted upon consulting his associates at home. (3) Wilson demanded, at 1 o'clock Sunday morning, Dec. 4, that Rhodesia give a final answer at 10 o'clock Monday morning December 5th. Ian Smith made the long flight back home after a gruelling 3 days aboard the British vessel.

12. The meeting failed when the Rhodesian cabinet found Part III of the working document utterly unacceptable. In this part Britain proposed to change completely from the independent relationship with Rhodesia that had lasted 70 years and in which they had never had a single occasion to exercise any vote. Instead, they would dissolve the legislature, give most power to the Royal Governor, hold new elections, the government would be appointed by the Governor at his discretion, the Royal Governor would be responsible "for the maintenance of law and order and the protection of human rights and would exercise these powers as Commander-in-Chief of the defense forces." There was no commitment as to how long these conditions would prevail. There was no guarantee that if conditions were met, independence could be achieved. When advised that Rhodesia could not accept the proposal the British Government thereupon withdrew the proposals it had previously advanced and accepted. It restated its position that no solution would be acceptable which would grant independence prior to majority rule.

13. On Dec. 16, 1966, as the voluntary sanctions in force for a year had not proved effective enough to topple its government, the Security Council of the U.N. at the request of Great Britain, passed resolution No. 232 which imposed selective *mandatory economic sanctions* for the first time in U.N. history. The United States supported this. By Article 25 of the Charter all U.N. members are obligated to accept and carry out such a decision of the Council. The use of force was urged by Jordan, India, Bulgaria, Nigeria, Mali and Senegal.

14. On Jan. 5, 1967 President Johnson signed executive order 11332 implementing the above resolution. He acted under the United Nations Participation Act of 1945. No action by congress is called for as the law stands today.

15. On May 29, 1968 the U.N. Security Council passed a resolution extending *mandatory* economic sanctions from a selected list of products to all trade with Rhodesia. This was agreed to and implemented by the U.S.

16. On Nov. 7, 1968 (New York Times of Nov. 8) the General Assembly of the U.N. voted to strengthen sanctions against Rhodesia, extend them to include Portugal and South Africa, and demand that Britain use force to bring down the regime of Prime Minister Ian D. Smith. The vote was 86 to 9 with 19 abstentions. The 9 nations opposing were Australia, Belgium, Luxembourg, Netherlands, New Zealand, Portugal, South Africa, Britain and the United States.

17. The U.S. has taken extraordinary measures to enforce the mandatory sanctions. There are many pages of detailed orders and restrictions imposed by the Departments of State, Commerce and the Treasury. It is stated by those who should know, that the oil embargo on Rhodesia is only effective because President Johnson put the pressure on major U.S. oil companies. This is *our* blockade.

A new measure by the Treasury just hit the little Rhodesian Information Office at 2824 McGill Terrace, Washington, D.C. 20008. A letter went to Washington's Riggs National Bank on Sat. Sept. 28, 1968. It informed the bank that the bank accounts of Kenneth Towsey, Director of RIO, and his associate John Hooper were suspended. This freeze covered their personal household accounts as well as the RIO. As this became known such protests poured in that they recovered their personal funds, though the office accounts remain frozen. Strange thing in a country supposedly for freedom of speech and freedom of the press, to prevent the dissemination of information in such a way.

VI. (a) THE NEW PROPOSED CONSTITUTION FOR RHODESIA, (b) THE INTERNAL SITUATION, (c) THE COMMUNIST ASPECT

(*a*) *The new proposed constitution for Rhodesia*

(a) In Feb. 1967 three observers went to Rhodesia and made a study of the increasingly serious situation. It was published in the "National Review" of May 16, 1967 entitled "Rhodesia: a Case History. How the U.S. is Helping to Bring Down Rhodesia's George Washington." Members of the reporting team were Rene A. Wormser, a distinguished member of the New York State Bar; Walter Darnell Jacobs, professor of political science at the University of Maryland, and James J. Kilpatrick, editor of the Richmond News Leader and writer of a well known syndicated column. The report states "at least 60,000 Africans are thought to be qualified by education or property ownership for "A" registration now. It is only apathy or disinterest in politics that keeps them from the polls". It is evident that with the accelerated rate of education and economic development, in only a few years there will be many more Africans qualified for the "A" roll and hence voting for all 65 members of the Parliament, than there are whites.

The dangerous developments of the last year and a half caused a recent updating of that study. Just available in October 1968, it was made by the same professor Walter Jacobs in an analysis and report entitled *"A Constitution for Rhodesia"*. In it he states "Rhodesians argue that the standard of merit is the fairest one and that it is certainly far fairer than any standard of immediate African rule without consideration of merit. In any case, however, a merit standard for participation must be seasoned with serious attempts to improve the merits of all citizens. The government contends that it is doing exactly this by its expenditures on education, by its high tax rate on Europeans to pay for them and by its assistance to those who create new job opportunities for Africans."

He continues "Rhodesia is presently not a society based on apartheid. The new proposed 1968 constitution does not create a society based on apartheid. The franchise provisions are based on economic considerations, the theory being that those who contribute to the system should make its decisions. There are provisions providing for the broadening of the franchise without reference to race."

Professor Jacobs concludes his study on the present status of the proposed new constitution for Rhodesia, "The first principle of the proposed constitution, to be submitted for vote by December 1968, is that it does permit and provide a guide to western-type democracy in both Stage I and Stage II."

"The second principle is complete and final independence from Britain."

"The third principle, that of advancement and selection on the basis of merit, accords with the practical reality in Rhodesia. Preferred treatment for Africans is excluded and so is legal discrimination by excluding Africans.

"Mr. Smith insists that the control of Rhodesia will be retained in civilized hands for all time. To Mr. Smith that means that Africans and Europeans have an equal right to power; that merit is the only qualification.

"The proposed Rhodesian constitution is not perfect. It is an attempt to provide a present solution for present problems and to avoid the creation of new problems. The plan seems to have been designed by men of authentic good will. It would appear to meet the needs of Rhodesia and provide a reasonable guide for future actions."

In all of this work toward a new constitution Premier Ian Smith represents a middle course. He has been too liberal for the extreme right which would move more toward an apartheid solution. He is too conservative for the liberals. After 80 amendments had been proposed, the final vote on this constitution was very close but he won. Some indication of his status and of the standing of his Rhodesian Front in the country was shown in a 1968 by-election when a Smith supporter won 870 to 65 for an opposition candidate.

Jacobs further states "Mr. Smith re-defines the basic political nature of his party and of his government as a little right of center because it insists on the principle of merit, and because it insists on present and future African representation in Parliament as well as maintaining the possibility of extended African suffrage. It rejects immediate implementation of a one-man, one-vote formula which has so signally failed to bring stability to Africans north of the Zambezi."

The new Smith Constitution proposes a Stage I to last for 5 years or until the next general election, whichever comes first. The legislature would continue as at present. But it would have opportunities for the extention of the franchise to African voters and continued African representation in Parliament.

It would be supplemented by a Senate in place of the existing Constitutional Council. This would also be open to African and European membership. In it various elements of the population would be represented on a sort of ex officio basis. To quote Professor Jacobs "tribal chiefs will be present, cultural and economic groups will be represented. The Senate will have fewer legislative powers than the other body but it will serve to assist in political matters somewhat as the House of Lords in Britain." He further notes that Stage I serves to encourage the growth of political parties in Rhodesia.

In Stage II which would follow at the end of Stage I the legislature would be changed. There would be a National Parliament sitting in Salisbury, with powers of legislation on affairs of national concern. In addition, 3 Provincial Legislatures will deal with local matters, one representing the Matabele, one the Mashonas and one the Europeans. These would be more like our U.S. state legislatures. Professor Jacobs notes that the qualification system for the "A" roll may with some reason be used as an incentive for Africans to improve their economic situation and thereby to participate more fully in the political life of the country.

This new Constitution is being decided by Rhodesia alone. The question of the legality of the Smith government was raised in connection with the conviction of 32 terrorists, three of whom were convicted of murder under aggravated circumstances and were hanged by the Rhodesian authorities. The three judges of the Appellate Division of the High Court of Rhodesia, after citing numerous British decisions, the law of Pakistan, Justice Story of the U.S. Supreme Court and Grotius, decided, as Chief Justice Beadle put it (Sept. 13, 1968), "that the 1961 Constitution has been annulled, that the present government is now the *de jure* government and the 1965 Constitution is the only valid constitution."

(*b*) *The internal situation*

Looking at Rhodesia as a whole, it is a peaceful, quiet, tranquil place. More than 2½ million Africans, 60% of the total, live in tribal arrangements as they have for a long, long time. They conduct their affairs in the normal way through their elders and some 600 chiefs who hold that office as hereditary or by tribal selection. The chiefs are paid a small amount by the government for the performance of judicial and administrative duties. But the government does not appoint them and cannot remove them. Africans are about half of the armed forces and of the police. The police are unarmed. There has been no uprising.

There are in Rhodesia, as in every society, people who dissent and who want to overthrow the present organized government. Such groups usually want to replace it with themselves. Rhodesia has two organizations of Africans which are small but dedicated to extremism and terror. The government has taken the position that most countries would take when someone is trying by terror to overthrow it. They have put in camps or prisons the heads of the two organizations and other leaders. They have not done this when peaceful means of dissent were used. They have felt that they are in a terroristic war and an economic war, and under great and unjustified pressure by the outside world.

They felt they had to impose a censorship. Trade figures must not be released to let anyone know the extent to which sanctions are successful or not. The newspapers cannot publish certain information. Yet many of them freely oppose the administration. The report of May 16, 1967 by the committee of Kilpatrick, Wormser and Jacobs quotes one African minister of Home Affairs in a statement Oct. 1966 "any government worth its salt must put the preservation of public security above the convenience of a handful of persons who are doing their most to undermine it." Rhodesia has not acted against any person for wholly political reasons. Those who have been arrested are thugs, assassins, arsonists, saboteurs and terrorists, many of them Communist trained and financed. Almost all of them have been black Africans preying upon other black Africans. The victims and those endangered by terrorist activities seek government protection, yet are often too terrified of reprisals to be willing to testify in court. There were 35 petrol bomb raids a month before the Rhodesian Government clamped down. (CONGRESSIONAL RECORD, volume 112, part 4, page 5342.) Thus, for the protection of the black Africans themselves, it has been necessary for the government to take drastic action. A Law and Maintenance Act was passed in 1962 and a more strict Emergency Powers Act in 1965, permitting renewable 3 month detention of persons found to be terrorists or collaborators. In 1966 the number of persons restricted under these acts averaged from 358 to 603 at any one time.

It is true that western ways with rules of due process of law are not applied. No writs of habeas corpus are available to persons held because of terrorist actions—no jury trials, rights of counsel or other protections as used by Americans and Britans. Reports state frankly that it is regrettable that this should be true. Prof. Jacobs goes on to say,—"When public safety permits we were told that this system will be suspended. Meanwhile, the two Acts have served so effectively that terrorism, a serious problem late in 1965 and part of 1966, had almost ceased in early 1967. Crop slashing, maiming and the poisoning of stock and the burning of villages decreased in 1967. Under the existing conditions in Africa only the misguided idealist would expect a perfect adherence to rules of due process of law. The number of persons affected by these laws is relatively small. The principal African extremists are under restriction. Others are free to foment trouble from Lusaka and Zambia. Another was last heard from in Princeton, N.J."

Other criminal activity in Rhodesia is remarkably low. In 1966 there were only 156 murders, 195 house breakings and 143 thefts in a nation of over 4 million.

(*c*) *The Communist aspect*

As to Communist efforts against Rhodesia, Prof. Jacobs reports on page 7 "the Communists, led by the Soviet Union, used Rhodesia as a weak spot in the West, a spot which can be attacked with benefit to world Communism. There is every reason why Moscow should view Rhodesia as a base from which to launch the 'final solution' for all Africa—the elimination of the Republic of South Africa and the raising of a Communist system dependent on Moscow. Moscow supports terrorists in Zambia, and other African locations."

The Chinese presence in Africa complicates the picture. China is especially active in Tanzania. Chinese trained terrorists have frequently been apprehended inside the borders of Rhodesia with Chinese arms and supplies. Communist China has agreed to build a major rail line from Zambia to Tanzania. Many "technicians" and "specialists" from China are involved. Communist China also has an advantage in African politics which is not available to Soviet activist or other Communist agents. It derives from the fact that many Africans still hold to old beliefs from mythology and primitive religion. In some areas of Africa, the Chinese is said to be the personification of Uhkanyana, a character from Zulu folklore. He is described as crafty and deceitful and of a physical nature which makes him look like a Chinese. This analysis may seem far fetched but many persons who have encountered Africans after the latter have had dealings with the Chinese, say that the influence of folklore and mythology among Africans has indeed been exploited by the Chinese Communists.

The newspaper South African Communist reported the attendance at a Cairo seminar, in October 1966, of representatives of Communist Parties from many African countries. The list included "the Zimbabwe African Union (Rhodesia)," one of the extremist terrorist groups. Its leader refused to oppose Ian Smith's government by constitutional and legal means so he was held in detention.

The importance of Rhodesia, as an integral part of all anti-communist Southern Africa, must always be kept in mind in appraising the Communist danger in the total world situation. Freedom of the seas is vital to survival of the free world. About 98% of intercontinental shipments go by ship—oil, grain, coffee, farm and industry products of all kinds. These include dozens of scarce strategic minerals, absolutely vital to our industries and our defense. They can only come when there is freedom of the seas, secured for all the world only by the British fleet for more than a century and by our fleet with them for the last half century.

Note, however, the threat in the rapidly changing situation. The British fleet is gone from east of Suez, is a minor world factor today. The Soviet fleet is now a clear challenge to control of the Mediterranean. Its nuclear submarines with missiles cruise off our coast, shadow our surface fleet and Polaris subs thruout the world, intrude in NATO war exercises. Soviet growth and aggressiveness leave no doubt that the ultimte intent is to control the seas, deny their free use in area after area.

The Suez Canal is blocked. Shipping must go via South Africa. Control of those ports means bases to control all shipping which would pass. Each year 16,000 ships pass the Cape of Good Hope. Yet our Alice in Blunderland attitude already compels 8,000 of them to make no stops. It includes denial of use for U.S. Navy ships even for normal liberty. With dismay and disbelief one sees a combination of power seeking black Africans and Soviet and Chinese Communists bent on world domination, using ruthless, terrorist methods with the approval of a U.N. which silently watched India invade little Goa, Nigerian tribes needlessly starve millions and the USSR itself conduct a full scale invasion of Czechoslovakia. And to cap it all, our own country unaccountably collaborates to ruin friends of freedom and assist its declared world enemies.

What a crazy situation the U.S. has got itself into here. We have fought Communism in many places for many years—Berlin, Korea, Cuba, Vietnam to name a few, and at enormous cost. Here is strongly anti-communist Rhodesia which has offered to send up to 5,000 volunteers to Vietnam, highly trained in guerrilla warfare, just what we need, to join Australia, New Zealand and the rest. We refuse that help, and by rigid sanctions we put on the economic screws and do our best to overturn its government.

VII. A CRITICAL LOOK AT THE MAIN ARGUMENTS ADVANCED TO JUSTIFY U.N. AND U.S. ACTIONS

1. *The voluntary sanctions* voted by the U.N. and backed by our State Department were in part based on the idea that we should support our old ally Britain. If that is so, we should expect Britain to similarly support us. But Britain has continued shipments to Cuba, cooly refusing our request to stop. Great Britain has not contributed in any way to our war in Vietnam. In fact, British ships carry supplies to North Vietnam for use against our war effort there.

2. *Among the arguments for mandatory sanctions,* one was that the Smith Government was denying majority rule in Rhodesia, hence violated the purpose of the U.N. to promote "respect for human rights, for fundamental freedoms for all without distinction as to race, sex, language or religion." Yet, as we have seen, the Rhodesian constitution in principle and in practice in 1961 and reaffirmed in 1965, has no mention of race, creed or color as far as the franchise is concerned and is openly working toward black majority rule. And how about asking the question: Does majority rule now obtain in the Soviet Union, in Czechoslovakia, in Eastern Europe, in dozens of countries in South America, Asia and Africa? What kind of logic are we using? Should we also logically declare economic war against two-thirds of the civilized and non-civilized world?

3. *Another argument* for the application of sanctions is that Rhodesia is *"a threat to the peace."* Chapter 7 of the U.N. Charter indicates that what was meant by that was armed aggression at or across state borders, such as Soviet armies going into Hungary and Czechoslovakia. But Rhodesia is making no such threat.

In his column "A Conservative View" James J. Kilpatrick wrote "When Rhodesia is accused of being "a threat to the peace" the mind reels at the inversion of the language and the corruption of law. Under Britain's Humpty Dumpty view, the owner of a jewelry store becomes a criminal when he displays diamonds in his window because the gems provoke potential thieves. Rhodesia's tranquil presence in this weird view is thus in itself a threat to the peace."

4. *As to the method of handling the Rhodesian affair* by the U.N., a curious contradiction arises. Article 33 of the U.N. Charter established the procedure that must be followed by "the parties of any dispute, the continuance of which is likely to endanger the maintenance of peace and security." These proceedings include negotiating, mediation and conciliation. None of these proceedings have been evoked with Rhodesia, apparently upon the reasoning that Rhodesia is not a "state" and hence could not be a party to any dispute.

But if Rhodesia is not a state it must therefore be a colony subject to the jurisdiction of Great Britain. Yet if this were so, says the article of May 16, 1967 from which I quoted, "Article 2, Section 7 of the U.N. Charter would apply which says 'nothing contained in the present charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state.' France adopted this view in abstaining."

5. *Denial of participation to Rhodesia.* Article 32 of the U.N. Charter guarantees that any country not a member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate. Three times Rhodesia was refused permission to appear before the Security Council.

An almost precisely similar case occurred, however, with Indonesia in 1947. Indonesia had unilaterally asserted its independence from and was in dispute with the Netherlands. Notwithstanding its deficiencies from the point of view of acknowledged sovereignty, Indonesia was given a hearing in the Security Council. It was argued by the Australian representative at the time that "there is no provision in the Charter stipulating that, in order to appear before the Council or to participate in its discussions, a state must be sovereign. This is a case where we have to act with a sense of fair play. We have heard one side; surely we are entitled to hear the other."

Secretary General U Thant expressed in 1966 this identical sentiment in discussing the possible appearance before the Security Council of Communist China, not a member of the U.N. He said: "My attitude is guided by one single consideration; if the Security Council has to take any action on any dispute the first prerequisite is that it must be in a position to hear both sides; this is a must." (quoted from the American-Southern African REVIEW—May-June issue 1968).

What motivates the U.S. actions? On May 26, 1966 President Johnson said at a White House reception celebrating the third anniversary of the Organization of African Unity, "The foreign policy of the United States is rooted in its life at home. We will not permit human rights to be restricted in our country. We will not support policies abroad which are based upon the rule of the minority." We have supported self determination and an orderly transition to the majority rule in every quarter of the globe (he named India, Phillipines, Vietnam, Pakistan). They guide our policy towards Rhodesia. Only when this is accomplished can steps be taken to open the full power and responsibility of nations to all the people of Rhodesia not just 6% of them."

Ambassador Arthur J. Goldberg, U.S. representative to the U.N. said in part in an address on January 27, 1967 before the American Negro Leadership Conference on Africa, speaking specifically about Rhodesia: "Our country, founded on the proposition that all men are created equal—and have equal rights before the law—and currently engaged in a vigorous nationwide program to make equality rule for all citizens—cannot adopt a double standard on what is happening in Rhodesia. Experience demonstrates that in Africa today peace and stability are inseparable from orderly progress towards self determination and equality for all the peoples of that continent."

It seems obvious from the above quotes that great pressure was put on the administration by Negroes in this country, and the administration wanted those Negro votes: and that great pressure was also put on by the black ruled African countries in the U.N—and the administration wants those colored votes there, too.

VIII. A CONCLUDING STATEMENT BY DEAN ACHESON

Finally, let me quote Dean Acheson, former Secretary of State, his remarks made May 24, 1968 before the International and Comparative Law Section of the American Bar Association, Washington, D.C., published in full in Barrons of June 3, 1968.

"The United States is engaged in an international conspiracy, instigated by Britain, and blessed by the United Nations, to overthrow the government of a country that has done us no harm and threatens no one. This is barefaced aggression, unprovoked and unjustified by a single legal or moral principle.

"What did the Rhodesian Constitutional Commission see as the end of the matter? A progressive extension of the franchise but not majority rule. "For a time which cannot be measured by clock or calendar" Europeans would exercise the more authoritative voice at national government level; the Africans would have a voice that must be allowed increasing, but not limitless, power. The ultimate solution recommended was based on racial parity of representation as most likely to produce immediate and long-term confidence and stability. This was not everyone's cup of tea; neither was it everyone's business; nor was it apartheid. It was a matter relating solely to the internal affairs of Rhodesia—in which the United Nations was forbidden by its Charter to meddle—and to the political relations between Rhodesia and the United Kingdom. When the latter sought to impose a majority rule, in time measured by the calendar, Rhodesia severed the bands that bound them.

"It was this act and Rhodesia's assumption, among the powers of the earth, of the separate and equal station to which the Laws of Nature and of Nature's God entitled her which the General Assembly and the Security Council said created a situation that threatened the peace.

"Contemplating the possibilities, I am moved to salute the shade of Senator Tom Connally and thank him for his reservation, which at the time I regretted, providing that our acceptance of the World Court's jurisdiction should not apply to disputes with regard to matters that are essentially within the domestic jurisdiction of the United States as determined by the United States.

"One of the troubles of the troubled age in which we live is that too many people are trying to achieve harmony of interest by forcing everyone to harmonize with them. Conscience used to be an inner voice of self-discipline; now it is a clarion urge to discipline others. It took a long time to develop the international precept that peace would be furthered by governments' having respect for each other's autonomy. That should apply to them when acting in concert. This is the notion embedded in Paragraph 7 of Article 2 of the Charter. Whatever mistakes they may otherwise have made, the draftsmen of the Charter, at least, did not intend to open the way for endless conflict through unbridled impulses to reform. The new romantic impulse is to overthrow that wise inhibition in favor of a compulsion to reshape the world to fit all sorts of shared subjectivities.

"Another thought also occurs. Perhaps, if the meek are to inherit the earth, they might consider adding a clause to the litany. It could follow 'From all blindness of heart; from pride, vainglory and hyprocrisy; from envy, hatred, and malice, and all uncharitableness' and would add 'and from the United Nations Charter as distorted by professors of international law.'

"Good Lord, deliver us."

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A PORTRAIT OF NEW YORK'S WELFARE POPULATION

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. RYAN. Mr. Speaker, during the past several years I have on numerous occasions pointed out the critical deficiences which pervade our National, State, and local welfare systems. I have been especially—but by no means exclusively—concerned with the inadequacies of the welfare structure in New York City, which, according to the New York Times, now carries a welfare budget of $1.4 billion. Recently it has been estimated that the welfare population in New York City will soon exceed 1 million people, which will make the welfare population of New York City alone larger than the total population of 15 American States. The critical lack of funds, staff, and rehabilitation programs necessary for a truly humane and effective welfare program constitute one of the most pressing problems facing our major urban centers.

For a particularly insightful analysis of the condition of New York City's welfare population, I commend for my colleagues' attention an article by Julius Horowitz entitled "A Portrait of New York's Welfare Population" which was published in the Sunday, January 26 issue of the New York Times Magazine. Mr. Horowitz's article provides a vivid—and sometimes horrifying—picture of the plight of human beings caught in a self-perpetuating cycle of poverty, deprivation, and inadequate opportunity. If we are to upgrade and humanize this woefully inadequate relief structure, it is imperative that we understand the effects the present system has on the lives of welfare recipients.

I enclose at this point in the RECORD the article by Julius Horowitz:

A PORTRAIT OF NEW YORK'S WELFARE POPULATION

(By Julius Horowitz)

Until the present decade the welfare population in New York City and throughout the nation was invisible to most of America. Occasionally a mink-coat scandal would create some excitement, but the scandals never excited the general population to the extent that it began to view people on welfare as living beings. Welfare was a place for the living dead.

A New York State welfare study published in 1961 made the alarming (then) prediction that 703,150 persons would be receiving welfare throughout this state by 1970. The study also estimated that statewide welfare costs would reach a high of $536,665,000 by 1970. In fact, the current welfare budget in New York City alone is $1.4-billion. By now, or within a few weeks at most, it is estimated that one million persons are or will be on welfare in the city. This is a population more than twice as large as Buffalo, the second largest city in New York State. It is larger than 15 American states.

In 1965, the welfare population in New York City was increasing at a steady average rate of 4,956 a month. In 1966, the average began a rise to 8,311. In 1967, the increase leaped to 14,284 persons a month.

Last August, the 40 Social Service Centers in New York City received 23,996 applications for public assistance. Of these, the Department of Social Services accepted 21,506—or a total of more than 50,000 human beings.* Who are these new 50,000 welfare recipients, why did they come onto the rolls during a time of supposedly unruffled affluence?

The 50,000 new persons added to the welfare population in August were accepted from the following applications: Home Relief, 10,867 cases; Aid to Dependent Children (A.D.C.), 8,292 applications; Temporary Aid to Dependent Children, 1,060; Blind Assistance, 44; Aid to the Disabled, 1,660; Old Age Assistance, 2,073. Of the 50,000 about half were children.

FOR SOME, WELFARE IS A BANK

The traditional pattern of welfare as a form of paternalism began to change with the influx of low-income Puerto Rican families in the nineteen-forties and fifties. They used welfare as an economic stabilizer, a guaranteed income in case low-paying restaurant, hotel, nursing-home, hospital, garment-industry jobs could not support a family, or if the exorbitant rents in the West Side slums ate up the take-home pay. They paid little attention to the caseworkers. They saw welfare as a source of money, nothing else.

Similarly, the low-income Negro families who come to New York City from the South in search of the American experience of opportunity use welfare as a "bank." They know that they have "on deposit" in New York City enough money to take care of them—to compensate for the lack of jobs, the lack of enough money on a job.

In a welfare center on 14th Street off Fifth Avenue, a Negro man of 20, waiting to see his caseworker, told me: "I don't find welfare a shame. I paid my taxes even if they didn't believe it in Alabama. I heard about welfare being a kind of bank in New York. This is only tax money they're giving out. I lost my job at $85 a week. I can make out on the $66 they give me every two weeks. It really worked like a bank when I applied at the end of July. I filled out an application no more complicated than a short income-tax form, and that same day they gave me money for rent and food because my money ran out."

New York City is an open city: No passport or identity card is required to take up residence. As a result, it is almost impossible to measure the so-called in-migration to New York from the South and Puerto Rico. At best, there are only estimates and they are dated. From 1960 to 1965, according to the Community Renewal Program, the net addition of nonwhites in New York City was 154,-120 persons; the net addition of Puerto Ricans was 36,692—and the out-migration of whites was 450,115. But these are estimates based on population projections—not hard data.

Nor is there any way of knowing how many of these in-migrants are motivated by the higher welfare payments in the North. But the hard fact is that while Mississippi, for example, estimates that a family of four requires $201 a month to meet basic needs, including rent, Mississippi actually pays an A.D.C. family of four only $55—meeting 27 per cent of the family's basic needs. Alabama has a similar standard of $177 a month, but pays $89. New York, where living costs are higher, pays 100 per cent of the budget deficit—an average of $278 a month for a family of four, including rent. It is a situation that prompted a task force appointed by President Nixon to recommend that the Federal Government set uniform minimum standards and take over a larger share of the costs.

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*During the same month, the department closed out 12,552 cases for such reasons as reclassification to other welfare categories, whereabouts unknown, refusal to comply with departmental policy, employment. Thus, the net increase was 8.984 cases, representing 20,301 individuals—an annual rate of increase of 243,612.

I went out to talk to men who had made the migration. On a stoop on West 103d Street I found Mr. Williams, who came to New York from Georgia in 1959, and found himself on welfare in August, 1968. He said to me, "You don't want to go up to my room. Some junkie might hit you over the head. They stole all my clothes when I came out of the hospital."

"What did they take?"

"They took three shirts, two pants, one pair of shoes, six pairs of underwear, tops and bottoms, a razor, a comb. They left me one dirty pair of underwear. The shoes were brand-new. They cost me $14.81. But I've also got some clothes in pawn. They're out in Long Island. When the pawn shops closed in Harlem during what I call the so-called riots—they weren't the real riots—my clothes went there. You can't find a pawnshop now in Harlem; they're closing up."

"What do you need from welfare?" I asked.

"Mostly money to get my clothes out of pawn." Mr. Williams took a card out of his wallet and showed me a job referral he had as a messenger for a Madison Avenue firm. "I'm supposed to go to work on Tuesday," he said. "I want to go on the new job looking like a gentleman. I don't have to take the job, you know. I can stay on welfare. But I want to see how they treat me, if they give me the money I really need to get back to work. I don't want to become a welfare addict."

"Why did you come to New York?" I asked.

"I got tired of segregation. I wanted free movement. You've got to leave the South to be free. But that doesn't mean the North is better than the South. You don't see welfare kids running around the South like crazy, not knowing who they belong to, or thinking they can rob or beat up whoever they see first on the street. You don't see kids on drugs in the South.

"Without being prejudiced, my own people turn on themselves in the North. They use the so-called freedom up here to rob from one another. In the South they call New York a gravy train. A woman here with three kids on welfare calls up her sister in Georgia with five kids and says, "Come up here where the welfare is better.' It's not better, it's just more money to buy the same things you get in the South for less money, and here with the extra money you get the pimps, the dope, the killings, the robberies.

"A lot of people come full of frustrations, they get lost in freedom here, they run wild, till a man who wants to live a clean life has to run away from his own people. Well, welfare adds to this crazy kind of freedom, but anybody is crazy if they think they'll find freedom on welfare."

Thomas Edwards, 26, came to New York from Mississippi. When I met him he was wearing a Harris tweed jacket, neat gray slacks, a button-down white shirt, a striped tie. He wore black-rimmed glasses, and had a beard. He seemed to have thrown off his origins as thoroughly as the young men from Cleveland who become New Yorkers overnight.

"My family is still in Mississippi," he told me. "Nothing has changed there. They just offered my mother $13 a week to work as a cook. Mississippi hasn't been touched by what's happening in this country. That's why the South laughs at the North. There's still the company store, the company towns, and there's still that insane feeling that a black man is nothing but an overgrown boy or puppy.

"They're still a little stunned when one of their overgrown puppies takes off for the North. They talk about the men who take off for the North like they're children who have run away from a birthday party. I was one of those happy puppies that took off. When I go back home the whole place looks like a crazy zoo to me. You still can't really talk to a white man there any more than you can talk to a zebra in the Bronx Zoo."

"What about welfare? What got you on?"

"I was in Roosevelt Hospital with back trouble. When I came out my job was gone. It came to me as a shock that I was completely without money. I was completely up against the wall. It seemed wrong to me to ask for money without working for it. But I had no choice after awhile. I came down here and they looked at my clothes a little suspiciously—too suspiciously, I thought—but anyway they gave me money to live on, which I needed."

"What do you think of welfare now?"

"There has to be welfare. What's going to happen to people when they need money and they have no way of getting any? Do you know why I'm here now? I'm working now. I got a job as a trainee salesman. I get $75 a week. But I don't get my first check until next Friday. My rent is due tonight in a place where you're out if you don't have it. I don't have a brother or sister, or aunt or uncle or friend who can loan me the money I need to live on until next Friday. Right now, they're discussing upstairs whether to give me the money."

"What will you do if they don't give you an emergency check?"

"What would you do?" he asked me.

THE CITY GROWS MORE RESPONSIVE

Quite aside from inmigration, the welfare population in New York has been rising because of a change in policy under the Lindsay Administration. For years, the right to public assistance was kept carefully unpublicized in New York, as elsewhere. There has always been the fear that the welfare population would soar if all the poor who were eligible for welfare should apply. Welfare officials accepted this code of silence, except for some Southern officials who passed out handbills urging the poor to migrate to New York. Every study of public welfare has criticized the secrecy of welfare bureaucracies. It was not until former Welfare Commissioner Mitchell I. Ginsberg, now Administrator of the Human Resources Administration, took over the department in 1966 that the paralyzing fear of public attention was brought to an end. Mr. Ginsberg revealed the magnitude of poverty in New York City. He made welfare a serious topic for national discussion.

The new attitude is reflected in the rise in the rate of acceptance of applications. The A.D.C. rate of acceptance rose from 66.5 per cent in 1965 to 81.4 per cent in 1968. The Home Relief acceptance rate went from 52.9 per cent in 1965 to 74.2 per cent in 1968.

As a result, thousands of New Yorkers who would otherwise be surviving—or not surviving—by who knows what means have been brought under the welfare umbrella. I talked to a 56-year-old Negro woman, a domestic, who came to New York 20 years ago. She told me she would never have needed welfare if her varicose veins had held out. But she had to go into the hospital and, when she came out, she needed money for rent, and her landlord had an eviction notice for her.

On 103d Street, I saw a 19-year-old girl who didn't know she was pregnant until she went to a clinic for stomach pains. She had to give up her job and go on Home Relief.

On West 85th Street, I talked to a woman who came to New York from Virginia 20 years ago. She was working in a dress factory on West 37th Street when her 15-year-old son came from Virginia to live with her. She had to give up her job when she found out that he was a heavy drinker, stealing money from her to buy liquor. She needed welfare so that she could stay home to watch him. She said she had to do what she could to save her son's life.

At the St. Nicholas Center, I spoke to a 20-year-old girl who left home when she was 15. She had supported herself for five years by hustling, and now she was pregnant and unable to continue her business.

A 19-year-old girl wrote on her welfare application: "I have no one to help me. I was living with my grandmother, but she put me out on the street with my two children."

A 17-year-old girl told me: "My baby's milk bill is $7 every two weeks. I have to pay my baby sitter $30 every two weeks so that I can stay in high school and graduate. My full check is only $76 every two weeks. I need more money for my baby sitter or else I can't finish school." "What about the baby's father?" I asked her. "Him? I don't want to be bothered with him. Why should he see the baby? It's my baby. He did nothing for the baby."

A white man wearing the clothes of a longshoreman, but unable to do a longshoreman's work, told me: "I had to go on relief in August when I came out of the hospital. I didnt want to go back to the Bowery. I've lived there. I dont want to live that way again. This way, with welfare, I know where my check is coming from. I know just what I've got.

"But I also know I can't do what a working guy can do. I buy Bugler and Tops for smoking. I live like a loner. On welfare, you've got to live alone. If you go overboard and spend $4 or $5 on beer, you have to lock yourself in your room until your next check comes. You can't buy a friend a beer at a bar. I read old newspapers and paperback books that I find."

In the office of a director of a welfare center, I heard a discussion about a $25,000-a-year public-relations man who lost his job, couldn't find another and had to apply for welfare to keep from starving.

On West 109th Street, I talked to a Puerto Rican mother who had to quit her job, after nine years, so that she could take care of her daughter's baby—so that her daughter could return to school. Her daughter was in the eighth grade.

A drug addict at the East End Center told me: "It's better for me to get welfare than to go out and steal. Do you see those eight guys against the wall? They're all addicts." At the St. Nicholas Center, I watched an addict haggle with an investigator for $1.20 carfare. Another addict, sitting next to me, said: "That means he won't have to steal some poor bastard's clothes."

ACTIVISTS EDUCATE THE POOR

Closely related to the city's new attitude is a campaign being waged by activists to educate the poor in their welfare rights. The pioneers in this movement are Richard A. Cloward and Frances Fox Piven, authors of "A Strategy To End Poverty," which, after being privately circulated, was published in The Nation in May, 1966. They had observed that most of the people applying for help at Mobilization for Youth offices and the like were welfare clients complaining about the treatment they received at welfare centers. In addition, they estimated, on the basis of census studies, that for every person receiving welfare there was at least another in the community who was also eligible for welfare but did not apply because of shame or lack of information. They urged the poor to express themselves by getting on welfare and fighting for their legitimate legislative rights by exerting the pressure of their numbers on public officials. In the long run, they hoped, the rising case load would bring a crisis in the welfare system and force the nation to adopt some such alternative as the negative income tax or guaranteed annual income.

Today, some 200 storefront centers are being operated by welfare groups in New York City. A typical one is the United Welfare League in a storefront at 105th Street and Columbus Avenue. Its rent and personnel are paid for by funds from the Office of Economic Opportunity. Its field director is Mrs. Sydelle Moore, who went from being on welfare to her present job. She has more than 3,500 cases in her files.

"How did you add to the welfare population in the city?" I asked Mrs. Moore, who speaks quietly but with the power of experience. Her tone is that of an assistant professor and she probably knows more about welfare than most of the sociology professors in America.

"We can't take credit for all of the increase," she said.

"But we did bring welfare clients together for the first time, and that brought other people out too. We made them look at one another. We got them to talk about their troubles. We brought them out of their dirty rooms, their isolation. They were mostly ashamed, frightened, isolated. They took it for granted that the rats, the stopped toilets, the broken plaster, the hot-water pipes that only gave cold water, the steam pipes that never worked were their punishment for being on welfare.

"Then we began to find a lot of people who needed welfare but who were ashamed to go to the welfare offices. They would rather starve than ask for financial assistance. We began what we call our 'outreach program.'

"We think of our territory as covering most of the Upper West Side from Central Park West to Riverside Drive from about 125th Street down to the West 80's. This is a big part of the welfare world of New York. We go through the buildings on the West Side, knocking on the doors, talking to the people in their rooms, finding out if they need help. We've located a lot of people who needed welfare but who wouldn't have been found dead in a welfare center. We tell them about the Social Welfare Law. We let them know what their legitimate rights are, and we help them get through the intake process, which is often the most humiliating, though it doesn't have to be."

"How many people did you add to the welfare population in August?" I asked Mrs. Moore.

"We'd have to check our files. We found a lady on Central Park West who was behind in her rent. A lady and her son on West 107th Street. We find a lot of people who need welfare, who don't even know about supplementation. We're finding that people aren't afraid of welfare now. Not just us but all the poverty programs are making welfare more open. The VISTA workers are bringing people into welfare.

"But in the beginning the people on welfare were ashamed to come to our meetings. The poor don't trust one another. That's why the welfare workers have been able to get away with doing nothing for the poor. But now the poor have learned that they can demand their legitimate rights. This is what the welfare revolution is all about, the poor for the first time are demanding their legitimate rights and the public is angry at the poor for speaking up, when for years the public has said the poor are too apathetic and lazy to care about themselves."

"What are legitimate rights?" I asked Mrs. Moore.

"The right to your full budget allowance. The right to proper clothing. The right to job training. The right to proper day-care centers. The right to demand an increase in the budget allowances. Our studies show that the total costs for a year of a welfare family of four persons living on the Upper West Side of Manhattan are $7,199.47. And all that a A.D.C. family of four gets today is about $4,000 a year. The children on welfare do not get money for movies, toys, games, books."

"About 45 per cent of all the people who work in New York City don't earn as much as $7,199 a year," I told Mrs. Moore.

She said, "The welfare families need money to stay alive, to give them what they can't get by working. The people who work have something that money can't buy, no matter how little they earn. And if your figures are official, welfare may then become the biggest *employer* of persons in New York City."

During recent months, 500 to 1,000 West Side neighborhood people have crowded the offices of the United Welfare League each week seeking information about welfare or asking the League to intervene for them in problems they had with welfare. One was Mrs. Tonic Weston—her husband had died—his $15,000-a-year income suddenly cut off. She was five months pregnant, she had an eviction notice, and the welfare investigator was insisting that she vacate her six-room apartment on the West Side that rented for $138.50 a month.

"I never dreamt I would ever need welfare," Mrs. Weston told me. "I never knew there was an organization like the United Welfare League that could step in for people. I never dreamt a government employee would be sitting in my living room telling me that I had to move. Move where? Where can you get six decent rooms in New York City today for $138.50?

"Welfare makes people ignorant. They confuse you. They make you feel like you're stumbling around in the dark. I'm an actress. I'm used to taking direction. I can understand explanations. But I was as confused as hell about what was happening to me. Can you imagine the experience of people with less education and experience than I've had? You don't get reasonable explanations of what welfare is all about when you go into the office. When a caseworker talks to you there's no explanation of a lot of things; it's as though they're not talking to people but to objects. I know it's a heartbreaking job if you try to see every person as a human being, but that's the job."

"To do what?" I asked.

"The investigators shouldn't play guessing games with you. They should level with you about your rights and what you're entitled to. I was left really broke. But I had to find out through gossip that I was entitled to a layette, a crib and a lot of other things I'll need for my baby. It's eerie when you speak to an investigator. They don't hear what you say. They probably have a built-in recorder that speaks for them and that turns people off. It must make the job easier if they act on the assumption that all the people they're talking to are ignorant. When the investigator came into my living room he was surprised to see a wall of books and he kept talking about it as though it was the strangest sight he had ever seen in his life. A black woman with a wall of books.

"There's another funny thing about welfare. I only applied during the summer but I feel like I've been on welfare all of my life. I think it's because nobody sees a future for you. I'd like to see the welfare centers a place of hope, where people get excited about the changes that are going to take place in their lives and not sit the way I see them do, like they've been dead for 10 years. Welfare should be the starting place for people, not the end.

"I used to hear about the 15-year-old girls who were pregnant and who were second- and third-generation welfare mothers. I've seen them now in the flesh. They're sick kids. They have the look of doom about them. Who helps them? I wouldn't stay on welfare a minute after I get my Social Security check, my baby is born and I can find someone to look after it so that I can get to work."

The most tragic group among welfare recipients is the children. There are 600,000 welfare children in New York, and 445,300 of them are fatherless.

The basic rule in New York is that a man can be in the home but he must contribute whatever income he has toward the support of his family. This applies to married and unmarried men. Nobody knows how many men "abandon" their families so the families can receive welfare payments to "supplement" low-paying jobs. Nor does anybody know how many men desert their families because they are afraid of fatherhood.

But the results are clear. The children, whatever their age, become adults before they ever have a childhood. They leap from infancy into a fatherless world. They suffer a grade retardation twice as great as non-welfare school children. As many as 60 per cent of the referrals to mental retardation institutions come from welfare families. In more than 85 out of 100 cases the retardation results from environmental deprivation rather than organic brain damage. These children, except for the few who live in families where there is a link to stability, are exposed to a world that no child can survive without damage. They see adults as enemies. They understand perfectly their status as welfare children but they are helpless to change what they understand. How can any child be expected to stand up against the American way of seeing welfare recipients as the living dead?

In a welfare center in Harlem I talked to a father who had deserted his children. I asked him why he never went once to look at the face of the child he had fathered. He told me he had never seen the face of his own father. "So what?" I said. He said, "What good is it seeing the face of my boy if I can't support him?"

"Did your father ever support you?" I asked. "No," he said. "Then you're just repeating history; you're not changing history," I said. He said "What the hell do I care about history? Whatever I do my boy has a long hard way to go."

"They're going to ask you now to sign a paper saying that you're the father of your boy. Are you going to sign it?" "It won't make me his father." "What will make you his father?" He was silent. He gripped the table as if he might tear it to pieces. He didn't answer my question. He didn't know how to answer it.

Where is welfare heading? In a welfare center on Eighth Avenue I sat down next to a Negro man in his late 30's. His name was Mr. Mitchell. He wore a leather jacket. His slacks were neat. He had a strong quiet face. His eyes studied the room. They had focus; they did not stare inward, which is what you usually see in a welfare center—row after row of people unable to see the world around them or to feel they have a place in it.

I said, "I'd like to talk to you about welfare. What it does for you. What it doesn't do. What kind of hang-ups welfare has for you. Is that all right with you?"

He looked at me for an instant to see if I was out of focus and then he said, "Sure."

"What do you think of welfare?" I asked.

"It's like being in bondage," he said, as though he had spent a lifetime thinking about it. "You can survive, but that's about all. I feel they should abolish welfare. The kids grow up on welfare with the attitude that everything should be free and easy. With parents that work, the kids are different, they look different, they think different, they see things ahead of them, they're moving toward something real in this world. The kids I see on welfare in the neighborhood around the West 140's are looking for a handout. It's killing them. I see kids of 10 and 11 and 12 on dope. They have babies when they're 12 and 13. They're pulling down whatever the rest of the black people are pulling up. These kids need leadership. They need it bad."

"How would you give it to them?"

"Nobody ever asked me that before," he said. "But welfare should let a man in the house. Forget the rules. If he's the kind of man you see around the blocks in Harlem he can't make enough money to take care of a family. But he makes some money. He can't take on the responsibility for a whole family. Some men can't face that kind of responsibility. It drives them away. But let them face whatever responsibility they can take and they might stay on."

"Would it drive you away?"

"No, it wouldn't," he said. "I don't have any children yet but one is on its way. It won't set me running. I wouldn't leave my kids. I take that seriously, having kids."

"What about the men you talk to, what kind of reasons do they give for leaving their children?"

"They say they don't make enough money. They say they don't have enough money for themselves if they have to give to the family. They never grew up in families where they saw a father giving money to the family. They don't know what it means to support a child. They never saw it done. They grew up without support. You can tell the guys who never saw their fathers. Something is cut out of them, like they don't belong to anyone, like everyone is an enemy. They produce babies but they never had any training to be a father. They never saw it done, being a father. They never come around to see their babies, most of them. You got a lot of guys that need to be made into fathers."

"Why are you here today, sitting in a welfare office?" I asked. "You look like you can make out."

"I can. I got on welfare in August because the place where I was working on 38th Street closed down. Then I had to go into Harlem Hospital for two weeks. When I came out I needed money to pay the rent that was due on my apartment. You don't get a chance to save for emergencies on $84 a week. But now I found a job with the Board of Education. I'll be starting work next Monday."

"Then why are you here today?"

"Just to ask them for some money to buy working clothes. I need some winter clothes for this new job."

"Will the job pay you much money?"

"It'll pay me less than what they say a poverty wage is here in New York City. I'll get $2,800 a year for a six-hour day. That's less than poverty. But I need a job. And I got it. After that stay in the hospital I can't take the kind of jobs I used to be able to handle."

"When did you come to New York City?"

"In September, 1957."

"Do you remember how you came, why you came, what made you give up your home in the South?"

"That's something you don't forget," he said. "I was doing construction work in Columbia, S.C., I was making $1.50 an hour. I thought I could make more money in that same trade in New York. Some of my family was living here. I had some cousins, aunts, an uncle. I had a long talk with my mother about going. She said it was my decision. The South was getting worse. The court decisions made the whites begin to go by the rules, and they made all the rules go against you.

"I got on a bus and came to New York. I thought I could go right into construction work. I learned I had to get into a union first. No union would take me. I got a job in a restaurant I didn't want to do. I kept getting jobs I didn't want to do. There was no job I wanted to stick to because I knew that construction was my real job.

"That happens to a lot of guys from the South here in New York. They come knowing what they want, but nobody in this city wants to know it. That sets you drifting. You keep drifting. One day you find out that the only thing out there for you is welfare. Without welfare you have to kill or steal just to keep alive. I never thought I would end up needing welfare."

"Now that you're on welfare, what would you like it to be like for you?" I asked.

"Welfare should be quick, swift. They should have people working here who can immediately size up a person, they know what to do for them, real quick, to get them off and going again. There should be no more suspicion about money, thinking people are cheating. The important thing is to get people moving. But these people who work here are all blind. They don't look at you. They don't know you or want to know you. They want to keep things moving for themselves, not for you. They're supposed to be here working for you, not for themselves."

There would be nothing really wrong with the present system of public assistance if America would forget its punitive, deep-rooted, almost hysterical hatred of poor people who speak up before they are spoken to. The legal structure guiding welfare is not inhuman. The intake interview does not have to be dehumanizing. The welfare caseworker does not have to be faceless. The energy it now takes to destroy welfare children could be used to help the children get through the bleak days of dependency.

Somehow or other, America has to forget its puffed up image as a polite, pious, inviolate society, protecting the aged, the sick and dependent children. The image simply does not square with the facts. The welfare poor are now forcing this confrontation. For the first time in America the poor are throwing off the mask of meekness imposed on them by organized systems of welfare and charity. The Communists could not arouse the American poor. The radicals never did. But now the American poor have surfaced, whatever the historical reasons, and it is unlikely they will permit themselves to be drowned again by the milk of human kindness.

As President, Mr. Nixon will have to face a problem almost as great as that which confronted Mr. Lincoln, the emancipation of the American poor.

A TIRED AMERICAN

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. MADDEN. Mr. Speaker, Raymond J. Vince, 3442 Fir Street, East Chicago, Ind., has forwarded to me the following article which was printed in the Calumet News of East Chicago, Ind., in one of its recent editions.

U.S. Marine S. Sgt. Ralph A. Garcia, of East Chicago, Ind., now serving in South Vietnam, sent this article written by a service buddy expressing the feelings of the brave boys in his Marine outfit, "I Am a Tired American."

The article follows:

EAST CHICAGO MARINE TELLS HIS FEELINGS ON WAR FRONT

I am a tired American . . . I am tired of being called the ugly American. I am tired of having the world panhandlers use my country as a whipping boy 365 days a year.

I am a tired American . . . weary of having American embassies and information centers stoned, burned and sacked by mobs operating under the orders of dictators who preach peace and breed conflict.

I am a tired American . . . weary of being lectured by Gen. DeGaulle (who never won a battle) who poses as a second Jehovah on righteousness and wisdom.

I am a tired American . . . weary of Nasser and all the other blood sucking leeches who bleed Uncle Sam white and kick him in the shins and yank his beard if the flow falters.

I am a tired American . . . weary of the beatniks who say they should have the right to determine what laws of the land they are willing to obey.

I am a tired American . . . fed up with the mobs of scabby faced, long haired youths and short-haired girls who claim they represent the "new wave" of America and sneer at the old fashioned virtues of honesty, integrity and morality on which America grew to greatness.

I am a tired American . . . weary of having my tax dollar go to dictators who play both sides against the middle with threats of what will happen if we cut off the golden stream of dollars.

I am a tired American . . . who is tired of supporting families who have known no other source of income than the government for three generations.

I am a tired American . . . who is getting madder by the minute at the filth peddlers who have launched America in an obscenity race, who try to force on us the belief that filth is an integral part of culture, the arts, the movies, literature, and on the stage.

I am a tired American . . . weary of the bums who tramp the picket lines and the sit-ins, who prefer Chinese Communism to capitalism, who see no evil in Castro but sneer at our president as a threat to peace.

I am a tired American . . . who has lost all patience with the groups who show propaganda movies on college campuses from coast to coast; movies denouncing the United States; made in Communist China.

I am a tired American . . . who is angered by the self-righteous breast-beating critics in America and abroad who set impossible yardsticks for the United States to follow but never apply the same standards to the French, British, Russians or the Chinese.

I am a tired American . . . sickened by the slack-jawed bigots who wrap themselves in bedsheets in the dead of night and roam the countryside looking for innocent victims.

I am a tired American . . . who dislikes clergymen who make a career out of integration causes, yet send their children to private schools.

I am a tired American . . . who resents those who try to peddle the ideas in schools and colleges that capitalism is a dirty word and that free enterprise and private initiative are only synonyms for greed. They say hate capitalism but are always at the head of the line demanding their share of the American way of life.

I am a tired American . . . real tired of those who are trying to sell me the idea that America is not the greatest nation in the world, a generous nation, a nation dedicated to a policy of helping the "have nots" achieve some of the good things that our system of free enterprise has brought about.

I am a tired American who gets a lump in his throat when he hears "The Star Spangled Banner" and who must fight to hold back tears when he hears those chilling high notes of the brassy trumpets when Old Glory reaches the top of the flagpole.

I am a tired American who thanks a merciful Lord that he was so lucky to be born an American citizen, one nation under God, truly with mercy and justice for all.

A NEWSPAPER DIES

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. ZWACH. Mr. Speaker, some of my good colleagues in the House Committee on Agriculture call me Mr. 100 Percent of Parity because of my efforts to get better prices for our farm products.

But higher prices for farm products are but a small part of my fight. I am waging a war for the development of the countryside. If that fight is to be successful, we must first have full parity for the farmer.

Farm prices determine the economic climate of our thousands of rural towns. We, in the countryside, know this, but we have a problem convincing our urban brothers.

Mr. Speaker and Members of the 91st Congress: Death is a sad thing. It chastens all of us, whether it is the death of friend or loved one, the death of a family farm—and we are observing those at the rate of 100,000 a year—or the death of a newspaper.

Today, with your leave, I herewith insert in the Record the story of the death of a newspaper. This editorial, written by that very discerning rural daily newspaper publisher, O. B. Augustson, in the West Central Daily Tribune of Willmar, in Minnesota's Sixth Congressional District, ties the death of the Brooten Review to inadequate farm income.

It has been said that $1 of farm income generates $7 worth of business in the community, so it is easy to understand why, with our farm prices at only 73 percent of parity, our rural towns' economy is in the doldrums.

Mr. Speaker, and colleagues, I recommend the reading of this insertion to each of you. As Editor Augustson says:

> Truly it is always a sad day when a newspaper writes "thirty".

The editorial follows:

A Newspaper Dies

In the December 26 issue of the Belgrade Tribune there was a regrettable announcement by its editor. It was relative to the Brooten Review which the Belgrade editor and publisher has also owned in the past four years.

The announcement stated in terms of disappointment that he has been forced to discontinue the publishing of the Review at Brooten as a separate enterprise. From now on the circulation of the Tribune and the Review will be combined to receive one weekly paper which will aim to cover both towns and area around. The Review as such will be no more.

If this announcement is done with regret by the Belgrade publisher it is heard with a similar regret by all of us in the Fourth Estate. We hate to see any paper fold up. There should be more papers, not less. Every community of any reasonable size should have "its home town paper." When it is gone that community will have lost something.

But we know the reasons. It's all because of what is happening in rural America. The loss of family farms, the inadequate farm income—both these factors are basic causes. The less farm families you have, the lower is your rural economy—this is all bound to show up in less business on Main Street and including the newspaper. The latter will lose circulation revenues with less subscribers and when business is not good on Main Street there will also be less advertisers and less advertising revenue. It is that simple—but tragically so.

We during the past 15 years have been both writing and speaking about the farm problem, the preservation of the family farm, the need for a decent farm income. Added to this we have warned of what will happen to our rural America over a period of time. Well—the chickens have come home to roost. The predicted ill fruits have arrived. They are there in stark reality.

The sad part has been at times that when this message was endeavored to be brought before our towns we at times did not see many from Main Street at meetings where the farm problem was discussed and considered. Even in the days of 90% of parity when our family farms were still with us and when prosperity was relatively oozing out of our ears, when all our stores and some more were doing well on Main Street—there was hardly a peep when certain big business interests declared to the nation that millions upon millions of small farms must go—that the road should be cleared for the big farmer and the big agriculturist. This plot conceived in the minds of the Committee on Economic Development has been carried out—a Committee on Economic "Destruction" as far as rural America is concerned.

As publisher of this daily newspaper we have always been mindful of the weeklies in our area. With the growth of newspaper syndicates in this nation, such weeklies may be the last bulwark of a free press in this country. As a daily we have merely sought to be the rural daily for this part of Minnesota as against the Twin City press. A daily trying to serve our rural area and speaking for it as well as we could. But we always have had a standing rule that we limited our news from each weekly town only to those news items which a daily should have—to get all the local news you simply would have to keep the home weekly. As to advertising we have not gone into any of those weekly paper towns to solicit advertising. Have always felt that if Willmar advertising cannot support our daily—we will have to do something else. There is such a thing as live and let live. Our competition has been the Twin City dailies, not the weekly papers in our area.

And let us say this—if the family farms were all preserved, if the farm income had been as it should be—the weeklies would survive with ample circulation and ample advertising revenue—if such weekly paper is enterprising at all. But you simply cannot operate a newspaper with less and less subscribers and less and less advertising. They are the financial life blood of any paper. If you don't have them—it's curtains.

When we have both written and spoken for the preservation of the family farm, greater farm income, we know that also meant the preservation of our rural villages, their Main Street business and also their newspapers. We have written extensively on this subject but it is all done with a feeling of regret—that another nail has been driven into the coffin of journalism out here in rural America and another voice in a free press, stilled. Truly it is always a sad day when a newspaper writes "Thirty".

HOUSE OF REPRESENTATIVES—*Thursday, January 30, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

I have strength for anything through Him who gives me power.—Philippians 4: 13.

In Thy presence, our Father, we pause for a moment, lifting our hearts unto Thee in prayer. As we pray, our strength is renewed, our courage restored, and our path is made plain. What we felt we could not do, now we can do; what we thought hopeless, is now full of hope; what seemed impossible, now becomes possible. We are ready for anything through the strength of Thy spirit living in our hearts.

Bless our Nation with Thy favor and make her a channel for peace and good will in our world. In Thy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on January 17, 1969, the President approved and signed a bill of the House of the following title:

H.R. 10. An act to increase the per annum rate of compensation of the President of the United States.

BIRTHDAY TRIBUTE TO FRANKLIN DELANO ROOSEVELT

(Mr. McCORMACK (at the request of Mr. Albert) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. McCORMACK. Mr. Speaker, the continuities of our political traditions were reflected in President Johnson's choice, during the last hours of his administration, of a name for a tranquil and beautiful park in our Nation's Capital. President Johnson named the park for a national leader whose memory he reveres, a man dead these many years yet still regarded as their personal hero by an entire generation of Americans, Franklin Delano Roosevelt.

On the anniversary of his birth on January 30, 1882, as my tribute to his Presidential achievements during the depression years of terrible economic hardship for our people and during wartime years of peril for our country and the cause of freedom, I acknowledge that, for me, as for President Johnson and for those millions of Americans whom President Roosevelt casually, appropriately, and famously addressed only as "my friends," his memory is ever fresh.

Franklin Roosevelt's influence on our history has not been confined to the eventful and progressive years of his Presidency. That influence is also to be found in the record of legislative achievement of the Presidency so recently ended. Not the least of F. D. R.'s accomplishments was the fierce, lifetime dedication to the national welfare that he inspired in the young Texas Congressman of New Deal days who became our 36th President. It is not too much to say that the fruit of our labors for progressive and humane legislation in all the long years since President Roosevelt's death in 1945 owes much to the inspiration of his leadership, his devotion to the progress of the American people, and his dedication to the success of our economic system and the preservation of our security and our freedom.

Franklin Roosevelt's words have echoed down the long corridors of time, and, through the electoral and legislative process which reflects the will of the American people, those words, in statutory form, have become the law of the land he loved:

> We have accepted, so to speak, a second Bill of Rights under which a new basis of security and prosperity can be established for all—regardless of station, race, or creed.
>
> Among these are:
>
> The right to a useful and remunerative job in the industries or shops or farms or mines of the Nation;
>
> The right to earn enough to provide adequate food and clothing and recreation;
>
> The right of every farmer to raise and sell his products at a return which will give him and his family a decent living;
>
> The right of every businessman, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad;
>
> The right of every family to a decent home;
>
> The right to adequate medical care and the opportunity to achieve and enjoy good health;
>
> The right to adequate protection from the economic fears of old age, sickness, accident, and unemployment;
>
> The right to a good education.

Those who knew well the great man who uttered these words have recently affirmed their belief in the importance of his role in the saga of our times. The Honorable James A. Farley, in a speech made in New York City last November, said:

> When President Roosevelt entered the White House there were millions of unemployed, and he was faced with a bank crisis. People were openly wondering whether capitalism could recover from the slump we were in. Beyond anything else, Mr. Roosevelt brought courage and daring to the office. The whole Nation took heart after he went on radio to discuss the banking problem. I still think it was one of the greatest utterances of any American President. In the next 100 days he put on a tremendous display of daring, proposing one farsighted reform after another. Few, if any, can dispute the value of such organizations as the Securities and Exchange Commission, the Federal Deposit Insurance Corporation, the Homeowners Loan Corporation, the Civilian Conservation Corps, and the Public Works Administration.

Justice Hugo Black, interviewed on television in December, said that, in his judgment, Franklin Roosevelt, as a President, had been "magnificent"; that he had been, in those times, "our greatest man."

Those who remember Franklin Delano Roosevelt, as I do, so clearly and so gratefully today, his birthday, I ask to join me in honoring his memory.

GRANGE FRIENDSHIP GAVEL

(Mr. MEEDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEDS. Mr. Speaker, the gavel which was used to open and to call the session to order today was presented to the Speaker this morning by Mr. Richard Trombley from the State of Washington on behalf of himself and the Washington State Grange.

Mr. Speaker, this gavel was made of maple burl which was raised in the State of Washington and aged for 2 years. The handle was made of English walnut which Mr. Trombley grew in Mr. Trombley's yard. Mr. Trombley spent over 15 hours making the gavel. The gavel's finish was done by Mrs. Trombley. Both Mr. and Mrs. Trombley are in attendance today.

I believe, Mr. Speaker, that this gavel is sufficiently large to bring order to the House, even should the House be unruly.

A SPECIAL IMMIGRANT STATUS URGED FOR JEWISH VICTIMS OF IRAQI PERSECUTION

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, the Government of Iraq's public execution of 14 individuals, including nine Iraqi Jews, ranks as one of the most repugnant acts by a government in recent memory. The executions follow a record of deliberate governmental discrimination and persecution, which must be condemned and abhorred by the United States. Accordingly, yesterday I wrote to the President urging him to do his utmost to prevent any further executions which may result from the additional "trials" which Iraqi Minister of Information Abdullah Salum has indicated will soon take place.

Specifically, I called upon the President to instruct our Ambassador to the United Nations, Charles Yost, to present a resolution to the Security Council which strongly condemns Iraq for this outrageous action and warns the government of that country against carrying out any additional executions which it may contemplate.

In addition, I have urged that the President direct Ambassador Yost to call upon Secretary-General U Thant to appoint a special United Nations committee to investigate the condition of the Jewish population in Iraq.

Iraq's execution of nine of its Jewish citizens—to which the United Nations has yet to make an official response—is the culmination of a long and deliberate campaign of discrimination and persecution by the Government of Iraq directed at its 2,500 Jewish citizens. For as repugnant as these executions are, they do not exist in isolation. Even before the Arab-Israel war of June 1967, Iraqi Jews were restricted in various ways and were not issued passports. Those few Jews who did manage to escape from Iraq had to be smuggled out of the country via the seaport of Basra.

Since the replacement of the Arif regime in July of 1968, Jews have been the victims of increased governmental discrimination and persecution. Shortly after the June war of 1967, 100 leaders of the Iraqi-Jewish community were imprisoned without trials. Although some have been released over a period of time, as of last December, 25 still remained in jail.

In addition, new restrictions were imposed by the present regime when it came to power in July of last year. These restrictions include: First, the withdrawal of professional licenses to Jews; second, the compelling of employers to dismiss Jewish employees; third, restrictions forbidding Jews to sell property; fourth, limitations on the amount of money which Jews may withdraw from their bank accounts; fifth, the discontinuance of telephones in Jewish homes and businesses; and sixth, restrictions on the movement of Jews to a 5-kilometer radius of their homes.

Having denied its Jewish population the means to earn a livelihood, the Iraqi Government nonetheless refuses to allow Jews to migrate to other countries. The State Department has recently received reports that Jews are now being forced to sell even their personal property in order to survive.

Since July of 1968 the Department of State has been attempting to inquire into these reports of widespread discrimination and harassment. Each of these efforts, however, has been rebuffed by the Iraqi Government.

Mr. Speaker, in order to provide relief to the hundreds of Iraqi Jews who are the victims of this persecution, I have today introduced a bill which would give special immigration status to Jewish citizens of Iraq who seek to immigrate to the United States. In view of the deplorable conditions facing the Jewish population in Iraq, I urge the Congress to take action on this legislation as soon as possible.

The persecution of Jews which has been officially and deliberately carried on by the Government of Iraq cannot be tolerated by the United States. We must insist, through our own diplomatic channels and those of the United Nations, that Iraq cease any plans for further executions and that the United Nations investigate the condition of Jews in that country. Special immigration status—such as that provided for by the bill I have introduced today—should also be provided for Jewish citizens of Iraq.

If we fail to make clear our determination to stop the persecution which Iraq continues to perpetrate on its Jewish citizens, the results—as we can deduce from the most recent manifestation of that persecution—will be even more drastic.

Mr. REID of New York. Mr. Speaker, Americans deplore the secret trials followed by barbaric and inhumane hangings in Iraq. With 65 others reportedly facing espionage charges, our sense of moral outrage is equalled by our continuing concern that this atrocity must not be repeated.

I would hope that the United Nations, the Vatican, the United States and other interested governments will make continuing strong representations to condemn these atrocities, to discourage any repetition whatsoever, and to emphasize fundamental human rights, due process, and the quality of mercy.

Mr. BARRETT. Mr. Speaker, all men of conscience and the consciences of the civilized nations of the world must have been shocked this past Monday when the Iraqi Government announced and displayed the public hanging of 14 men. These men—nine Jews, one Christian, and four Moslems—were supposed to have been spies and were condemned by Iraq's revolutionary court.

We are now told that a new mass trial by this same court has been started against an unknown number accused of spying for the U.S. Central Intelligence Agency. It is reported that at least 65 persons of unknown nationality are being held under charges of espionage in the continuing acts of terrorism. Our State Department yesterday announced that two American citizens, Mr. and Mrs. Paul Bail, are being held by the Iraqi Government. Mr. Bail, an employee of the Iraqi Petroleum Co., is in jail and Mrs. Bail is under house arrest. Mr. and Mrs. Bail have been held for about 2 weeks even though no charges have been made against them.

The people throughout the world know that this revolutionary court is merely a "kangaroo court," and can easily envision the results of this latest facade—a facade designed to hide the barbarism that is taking place in that country.

These executions were nationally televised in Iraq. In view of the general living conditions in Iraq and the unrest that prevails it is safe to assume that the intent was to focus the attention of the populous on this matter rather than their own misery. This, as we all know, is a common practice among the Arab leaders who call for a holy war of extermination against the Israelis.

The Iraqi Government now expresses surprise and indignation at the concern of world leaders over these proceedings, claiming that this is an internal affair. The same was said of Hitler, who murdered millions of Jews and millions of Christians. When will this barbarity stop?

Under normal conditions and in other places, such action could possibly be strictly speaking an internal affair. But, in the Middle East and in the Arab countries, which have vowed to destroy the State of Israel and exterminate her people, we must look at the facts and then judge. There are an estimated 2,500 Jews remaining in Iraq, many of whom are the aged, of what was once a great Iraqi Jewish community of 100,000. The Iraqi Government has declared them to be the "enemy of the people" and those who associate with them are "fifth columnists." Helplessly they live and now die at the hands of a regime that has made them virtual prisoners.

Since June 1967, nearly 100 have been imprisoned—in many cases tortured, beaten, and starved. The remainder of the Jewish population has been in effect under house arrest, permitted to leave their homes for only a few hours a day. Severe restrictions have made their involvement in commerce impossible. Employees in private firms have been summarily dismissed. Universities are barred to them. Passports denied them. Their lives in Iraq are made unbearable, and they are prevented from emigrating.

The gallows is the ultimate act of the brutality suffered by the Iraqi Jews for months and years, while the world has remained indifferent to their fate.

While the United Nations has adopted a resolution to inquire into the conditions and claims of the displaced Palestinian Arabs, it has refused to adopt such a resolution to inquire into the conditions of the Jews residing in Arab countries. Even the International Red Cross has had little success in obtaining the cooperation of the Arab States in its efforts to determine the condition of those Jews living in Arab countries.

The Jewish Community Relations Council of Greater Philadelphia, an association of 34 metropolitan-wide Jewish agencies representing more than 500 chapters, posts, and synagogues has issued a statement of conscience on this situation expressing their grave concern over the increased acts of terror and barbarism in Iraq, urging United Nations action and intervention. The council boasts among its members some of the best people—people who are civic and community leaders.

I have received a telegram from Mr. Charles Kahn, Jr., president of the Philadelphia chapter of the American Jewish Committee, and one from Mr. J. C. Leff, president of the Pennsylvania, Delaware, Maryland regional council of the American Jewish Committee, who also express their deep concern about this situation. The American Jewish Committee is asking that our Government act as spokesman to the Iraq Government in calling for permission of the remaining Jews to emigrate and for our Government to offer asylum for these unfortunate people.

Mr. Speaker, it is apparent that the Iraqi Government and the other Arab governments do not want the Jews in their countries—except for use as scapegoats. These people are all children of God, as we all are and it is imperative that the United Nations, our own Government and all governments of good conscience request the Arab nations to offer a gate of freedom for these people rather than the present offer of death as relief from their existence. These people should be allowed to emigrate to those countries that want to accept them.

Mr. Speaker, the dignity of man, the concern that must exist and be displayed by civilized peoples and nations for their fellow human beings, demands no less than an insistence that the Jews remaining in Arab countries be allowed to leave—to emigrate to countries that respect this dignity and will welcome them.

GENERAL LEAVE TO EXTEND

Mr. RYAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my 1-minute speech.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

SCHOOL SUPERINTENDENTS SURVEY

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, legislation to extend the Elementary and Secondary Education Act of 1965 will have high priority in the Committee on Education and Labor during this session. In anticipation of the committee's consideration of this and related legislation, I wrote to over 20,000 local school superintendents last fall requesting their views on a number of questions. My purpose in contacting them was to draw upon their experience as administrators in the elementary and secondary school system. After having personally reviewed the responses, I am convinced that the survey will be of immeasurable assistance to the committee in making objective judgments with regard to the future direction of Federal education legislation.

Responses to the questionnaire are still being received. At this time, well over 4,000 answers have been received from school districts with enrollments ranging from less than 1,000 students to districts with well over 100,000 students. These responses have provided me with valuable suggestions and recommendations. The Legislative Reference Service of the Library of Congress, as well as the committee staff, have been assisting me in tabulating and analyzing the returns.

As I have indicated, the first order of business before the committee this year will be legislation to extend the Elementary and Secondary Education Act. The pattern of responses received to date indicate that they contain information and recommendations which are very much related to the proposed extension of the Elementary and Secondary Education Act. This week the Committee on Education and Labor began consideration of this legislation through public hearings with school superintendents. As we begin our work, I would like to share with my colleagues some of the results of the questionnaire, and to share with my colleagues summaries of some of the responses we have received.

In determining the role of the Federal Government in education, the first question asked "Do you feel the Federal Government is doing its share in providing funds for improving the quality of elementary and secondary education? If not, what suggestions do you have?" The responses overwhelmingly indicate that the Federal Government is not doing its share as evidenced in the tables which follow:

[In percent]

	Yes	No
United States	25.4	64.7
New England	13.0	81.2
Mideast	22.5	70.4
Great Lakes	18.9	72.4
Plains	25.0	64.3
Southeast	29.7	56.2
Southwest	38.9	49.2
Rocky Mountains	33.9	56.4
Far West	23.6	6.86
Under 1,000	31.5	57.7
1,000 to 4,999	21.9	68.5
5,000 to 34,999	21.9	70.7
35,000 to 99,999	2.0	60.4
100,000 plus	9.1	81.8

PERCENT OF RESPONSES INDICATING THAT THE FEDERAL GOVERNMENT IS NOT DOING ITS SHARE

States by region	Total	Size of enrollment				
		Under 1,000	1,000 to 4,999	5,000 to 34,999	35,000 to 99,999	100,000 plus
New England	81.2	82.8	84.2	69.4	100.0	------
Connecticut	91.1	100.0	90.0	88.8	------	------
Maine	96.8	100.0	95.8	100.0	------	------
Massachusetts	76.0	73.3	82.5	60.0	100.0	------
New Hampshire	63.6	50.0	75.0	25.0	------	------
Rhode Island	75.0	100.0	50.0	80.0	------	------
Vermont	82.4	66.6	85.7	------	------	------
Mideast	70.4	53.4	68.8	91.3	66.6	100.0
Delaware	45.4	0	16.6	100.0	------	------
Maryland	100.0	0	100.0	100.0	------	------
New Jersey	60.2	57.8	57.4	73.6	------	------
New York	73.4	51.1	73.8	92.0	50.0	100.0
Pennsylvania	73.9	52.6	72.3	89.4	100.0	------
Great Lakes	72.4	68.4	73.3	77.3	66.6	80.0
Illinois	69.9	66.4	74.7	66.6	------	100.0
Indiana	59.4	30.0	59.7	40.0	100.0	0
Michigan	78.8	78.6	77.1	84.0	------	100.0
Ohio	72.6	68.2	73.1	75.0	50.0	100.0
Wisconsin	78.2	74.2	80.2	83.3	------	100.0
Plains	64.3	59.1	75.2	54.0	100.0	100.0
Iowa	57.7	53.6	64.7	58.3	50.0	------
Kansas	75.2	72.5	81.0	66.6	100.0	------
Minnesota	66.6	65.4	80.0	8.3	100.0	------
Missouri	73.2	68.0	77.6	78.6	100.0	100.0
Nebraska	51.6	52.9	50.0	33.3	------	------
North Dakota	49.2	41.6	77.7	100.0	------	------
South Dakota	61.3	50.9	94.1	100.0	------	------
Southeast	56.2	65.0	53.6	55.3	66.6	50.0
Alabama	86.3	100.0	66.6	89.5	100.0	------
Arkansas	74.1	66.1	82.9	85.7	------	------
Florida	62.5	50.0	50.0	83.3	------	------
Georgia	50.9	33.3	51.4	58.3	33.3	------
Kentucky	60.3	50.0	75.0	15.4	100.0	------
Louisiana	47.0	------	0	58.3	100.0	------
Mississippi	29.2	------	25.9	35.7	------	------
North Carolina	57.4	------	61.1	57.1	0	------
South Carolina	40.0	------	36.3	37.5	100.0	------
Tennessee	13.3	62.5	0	0	100.0	100.0
Virginia	60.8	------	51.9	71.4	50.0	0
West Virginia	55.0	------	44.4	60.0	100.0	------
Southwest	49.2	41.1	57.4	57.1	100.0	100.0
Arizona	53.3	28.6	78.9	50.0	100.0	------
New Mexico	45.7	50.0	37.5	66.6	------	------
Oklahoma	59.7	57.5	69.7	25.0	------	------
Texas	44.4	38.3	52.7	62.5	100.0	100.0
Rocky Mountain	56.4	54.7	57.6	57.9	100.0	------
Colorado	76.2	75.6	80.0	50.0	100.0	------
Idaho	40.0	29.2	58.3	50.0	------	------
Montana	54.2	49.1	75.0	100.0	------	------
Utah	46.1	------	50.0	33.3	100.0	------
Wyoming	46.6	63.2	0	100.0	------	------
Far West	68.6	58.1	71.3	85.3	14.2	100.0
Alaska	37.5	75.0	0	------	0	------
California	70.4	56.9	77.1	84.6	18.1	100.0
Nevada	55.6	100.0	40.0	100.0	0	------
Oregon	66.1	45.1	82.8	100.0	------	------
Washington	67.8	66.6	51.7	78.6	0	------
United States	64.7	57.7	68.5	70.7	60.4	81.8

Many of those who responded "yes"—that is, the Federal Government is doing its share in providing funds for improving the quality of elementary and secondary education—qualified their affirmative response. A number of superintendents share the view of the superintendent of schools for King's County, Calif., who stated "Yes," if the programs were fully funded. Still others shared the view of the superintendent of schools for Mountain View School District, California, who responded:

> I feel the Federal Government is doing its share in providing funds to improve the quality of secondary and elementary education in the present fiscal set-up. If the Vietnam war ends shortly, I believe the Federal Government should increase its share to those districts and those areas having large numbers of disadvantaged children.

A great deal of valuable information may be found in the responses to the second part of the question—"What suggestions do you have?" Certain superintendents recommended a general aid program, not as a substitute for, but in addition to existing programs. The response of the superintendent of the Redlands Unified School District in California, with 12,325 students, is an example of this type of recommendation:

> I certainly do not feel the federal government is doing its share in providing funds for improving the quality of elementary and secondary education. I think categorical aid is a good way of providing badly needed funds because it encourages school districts to enter into educational programs that heretofor have not received attention. A very good example of this is the funds provided for Head Start. In addition, however, there should be large sums provided for general aid. If we are to do the job of education as required, it is extremely expensive. The federal government has pre-empted the great source of tax revenue, i.e., the income tax. Therefore, this tremendous national need should have a large share of its financing from federal funds. I would think a good share of the cost of education might be thirty percent local effort, thirty percent state effort and thirty percent from the Federal Government.

Many of the superintendents were quite specific in their recommendations, with a good number recommending a program of grants to assist in the construction of school facilities. The response of the superintendent of Memphis City schools is illustrative:

> The Federal Government is making a major contribution in providing funds for improving the quality of Elementary and Secondary Education and exactly what its share should be is, I am sure, subject to a variety of professional opinions. I would suggest, however, that public school systems across the country can not continue to introduce an increasing variety of innovative educational programs without some assistance by the Federal Government in the provision of funds for school construction. Boards of Education are experiencing increased difficulty in raising capital funds. The shortage of capital funds is curtailing educational programs and activities. I recommend that the Congress give serious consideration to enacting The Elementary and Secondary Construction Bill and funding it liberally.

By far the highest percentage of those who made suggestions recommended that the Federal Government increase its support for existing programs. Of those who felt the Federal Government was not doing its share, 41.2 percent recommended as a solution that support for these programs be increased. This was particularly the case with officials of school districts enrolling 100,000 or more students, where 66.6 percent made this recommendation. The following table indicates by State, region, and size of school district, percentages of those who responded that the Federal Government is not doing its share and suggested "increased support."

The question was: "Do you feel the Federal Government is doing its share in providing funds for improving the quality of elementary and secondary education? If not, what suggestions do you have?"

PERCENT OF "QUALIFIED NO" RESPONSES SUGGESTING "INCREASED SUPPORT"

States by region	Total	Size of enrollment				
		Under 1,000	1,000 to 4,999	5,000 to 34,999	35,000 to 99,999	100,000 plus
New England	39.0	44.1	35.6	50.0	0	------
Connecticut	36.1	100.0	38.8	12.5	------	------
Maine	29.6	20.0	31.6	33.3	------	------
Massachusetts	37.7	27.2	34.4	75.0	0	------
Rhode Island	71.4	80.0	0	0	------	------
New Hampshire	63.6	0	75.0	100.0	------	------
Vermont	33.3	100.0	20.0	0	------	------
Mideast	48.0	42.0	47.0	53.2	0	100.0
Delaware	60.0	------	0	75.0	------	------
Maryland	75.0	------	50.0	71.4	------	------
New Jersey	58.7	63.2	28.1	50.0	------	------
New York	37.3	27.2	36.4	43.2	------	100.0
Pennsylvania	51.6	33.3	51.2	59.4	0	------

PERCENT OF "QUALIFIED NO" RESPONSES SUGGESTING "INCREASED SUPPORT"—Continued

States by region	Total	Size of enrollment				
		Under 1,000	1,000 to 4,999	5,000 to 34,999	35,000 to 99,999	100,000 plus
Great Lakes	38.3	34.6	39.2	40.8	0	60.0
Illinois	32.5	30.2	35.2	26.6	----------	100.0
Indiana	48.1	66.6	48.8	40.0	----------	0
Michigan	50.0	44.4	47.4	60.0	----------	100.0
Ohio	32.0	23.0	34.0	31.2	0	0
Wisconsin	38.9	40.0	37.0	40.0	----------	100.0
Plains	35.9	36.0	34.8	42.4	40.0	100.0
Iowa	40.4	41.3	35.4	66.6	0	----------
Kansas	44.6	46.2	34.8	50.0	100.0	----------
Minnesota	32.8	33.3	31.7	37.5	0	----------
Missouri	32.7	31.4	32.6	36.4	0	100.0
Nebraska	38.4	35.4	42.8	100.0	----------	----------
North Dakota	23.0	11.8	57.1	0	----------	----------
South Dakota	35.7	37.0	35.8	0	----------	----------
Southeast	50.0	36.4	54.8	52.8	20.0	100.0
Alabama	35.2	50.0	46.2	29.4	0	----------
Arkansas	40.6	36.3	41.9	60.0	----------	----------
Florida	40.0	0	50.0	40.0	----------	----------
Georgia	55.5	0	61.1	42.8	100.0	----------
Kentucky	58.5	100.0	52.0	70.0	33.3	----------
Louisiana	50.0	----------	0	57.2	0	----------
Mississippi	33.3	----------	28.6	40.0	----------	----------
North Carolina	54.2	----------	55.5	53.3	----------	----------
South Carolina	62.5	----------	75.0	66.6	0	----------
Tennessee	66.6	0	100.0	44.4	----------	100.0
Virginia	38.4	----------	60.0	36.4	0	----------
West Virginia	100.0	----------	66.5	100.0	0	----------
Southwest	40.2	36.8	45.5	31.6	66.6	0
Arizona	38.0	16.6	50.0	0	100.0	----------
New Mexico	58.3	62.5	15.4	0	----------	----------
Oklahoma	43.8	43.9	40.9	100.0	----------	----------
Texas	37.0	29.2	45.2	33.3	50.0	0
Rocky Mountain	25.8	15.8	28.6	54.5	100.0	----------
Colorado	30.2	25.0	33.3	0	100.0	----------
Idaho	25.0	0	25.0	100.0	----------	----------
Montana	15.6	13.0	16.6	33.3	----------	----------
Utah	66.6	----------	66.6	50.0	100.0	----------
Wyoming	22.2	10.0	14.2	100.0	----------	----------
Far West	45.2	46.0	43.8	44.6	71.4	0
Alaska	25.0	0	----------	0	100.0	----------
California	48.0	50.0	49.4	43.0	80.0	0
Nevada	0	0	0	0	0	----
Oregon	40.0	33.3	40.9	100.0	----------	----------
Washington	44.8	63.6	18.2	57.1	----------	----------
United States	41.2	32.2	42.0	47.4	45.2	66.6

The responses clearly indicate acceptance, appreciation, and in many instances, enthusiasm for existing programs, particularly programs carried on under the Elementary and Secondary Education Act. Based on my review of the responses we have received to date, I am convinced that local school officials indeed want the extension of ESEA. I should like to share with my colleagues examples of the types of responses which have led me to this conclusion. These are responses to the question, "Do you feel the Federal Government is doing its share in providing funds for improving the quality of elementary and secondary education?" The number in parentheses following the State is the student enrollment for that particular district:

Comstock Public Schools, Mich. (3,401): "We commend the effort the federal government is making. However, available funds and support of education fall far short of meeting needs. Every child should be assured of an opportunity for a quality education. Many are not getting more than a bare minimum."

Sacramento City Unified School District, Calif. (52,741): "Federal financing has assisted districts like Sacramento to provide compensatory programs and integrated educational opportunities for economically and culturally disadvantaged pupils from 'target areas.' However, the current level of financing allows us only to deal with those most in need of help. The educational problems faced by urban school districts are so many and varied, that much larger expenditures than currently are available from local and state sources will be needed before we are able to make any significant impact on the quality of education in the cities. There is a great need for general aid in addiiton to categorical aid, but it is recognized that this may be difficult to achieve at present."

Milwaukee, Wis. (130,000): "The Federal Government is doing a commendable job for elementary and secondary education through its enactment of funds. These funds could be tripled in order to make provision for building construction, increased teacher salaries, and the reduction of class size."

Louisa-Muscatine Community, Letts, Iowa (900): "I feel that the Federal Government has only begun to scratch the surface in aid to local school districts. The United States of America can no longer afford the luxury of allowing local communities to set the level of educational expenditures because the products of our schools are mobile. Inferior education anywhere immediately becomes a national problem. We need money."

Norfolk, Va. (56,000): "Although it is difficult to know just what the Federal Government's share is in assisting to improve the quality of elementary and secondary schools, the Federal Government has failed to support fully *its own* appraisal and estimate of its obligation. The Congress has passed a volume of highly significant legislation authorizing financial support for schools in recent years, but the actual appropriation of funds seldom matches the authorization. Our first recommendation to strengthen the Federal Government's role in improving elementary and secondary education is to fully fund the authorizing legislation already in existence."

New York, N.Y. (1,160,000): "The Federal Government is not doing its share in providing funds for improving the quality of elementary and secondary education. The problems of the large cities are caused by migrations of peoples from other sections of the country and therefore become national problems and should be financed more heavily by the national government."

Clay County, Celina, Tenn. (1,617): "The Federal Government has done much to help improve the quality of elementary and secondary education by providing funds through Public Law 89–10 of the ESEA, but these funds are insufficient to meet our needs. I would like to suggest that a larger appropriation be made and a quicker funding of the Federal level. These appropriations should be made before the end of each fiscal year."

Elizabethtown, Ky. (2,600): "Efforts of the Federal Government to improve the quality of education have been outstanding but so much, so very much remains to be done for us to really provide the facilities our children need and our society must have to survive."

Claiborne County Schools, Tazewell, Tenn. (4,500): "We sincerely feel that the funds provided by the Federal Government through ESEA has been very helpful to the local educational agencies in the improvement of educational opportunities for the elementary and secondary children of this area. It has enabled us to provide much needed additional instructional personnel, library books, instructional equipment and supplies which could have never been provided from local and state funds. We still have critical needs, such as additional facilities and classrooms, additional personnel to reduce class size, especially in the early elementary grades."

Bertie County, Windsor, N.C. (6,500): "The contributions from the Federal Government have been a blessing for those of us who reside in economically deprived areas that have a low property evaluation and not an adequate source of funds. Only in the past few years have we been able to compete, to any degree, with the more affluent school districts in the provision of equipment, instructional aids and the provision of a varied number of services."

Leflore County Schools, Greenwood, Miss. (6,068): "No. There is over a century of 'catching up' to do. The Federal Government has made a promising and adequate start. Enough has been learned to show the effectiveness of financial assistance from Federal resources. However, a much greater share of Federal effort must be assumed to reach a stage of high educational return for the economic application being made. The 'engine has been primed.' A start has been made. We will get somewhere when the program is shifted into gear and continuously fueled."

That local school officials are enthusiastic about ESEA but concerned about the level of funding can readily be seen when one reads individual responses to question one—is the Federal Government doing its share?—together with question three—to what extent is ESEA underfunded in your particular district? The following examples, I believe, represent well a widespread appreciation of what we have done thus far and a plea for the continuation and more adequate financing of the Elementary and Secondary Education Act.

Louisville, Ky. (55,209): "1. Considering the amount of revenue raised locally by the Louisville School District and the amount we are receiving from the State of Kentucky, we do not believe the federal government is assuming its fair share in educating our pupils.

"We are grateful for what the federal government is doing in providing funds for improving the quality of elementary and secondary education, but we believe infusion of additional federal funds is necessary if we are to really make a difference in achievement levels of our disadvantaged youth. For example, to provide the minimum recommended number of teacher aides alone in Louisville's Title I, eligible elementary schools would require expenditure of approximately $500,000 or five times the $100,000 we are now able to spend.

"3. Please see the answer to question one. We would translate this underfunding into a figure of approximately ten million dollars."

White Plains, N.Y. (8,826):

"1. Federal funds for elementary and secondary education have enabled children in our community to receive vital assistance to counteract educational and economic deprivation which are not able to provide through local funds. Federal funds have also enabled us to operate some innovative programs for able secondary students that we would not have been able to attempt without federal assistance.

"Since the ESEA was passed per pupil allocations have been reduced considerably with the consequent reduction in the size and scope of certain programs. We believe the federal funding needs to be increased substantially if current programs are to be maintained in an effective manner. This means that school districts should be able to count on two or three year allocations which recognize such factors as increases in staff salaries and increasing costs of supplies and equipment.

"3. Title I funds of the ESEA for our district have been reduced each year so that services to some children have been curtailed or eliminated entirely. All of our Title I funds have gone into operation of a special reading program. At the moment the program reaches elementary children only. We would like to be able to expand it to assist secondary students also."

San Jose, Calif. (36,000): "1. I can indicate that the effort of the federal government to call for the improvement of the quality of elementary and secondary education through the ESEA entitlement provides sufficient funds for only a small portion of the children who are in need of additional assistance. Currently, by following state and federal guidelines for Title I monies, we find that we are able to reach only thirty percent of the children who would be eligible if more money were made available. There is no doubt in my mind but what the federal funds that have been made available have improved the quality of educational services for those children the funds have reached.

3. By approximately 70%."

Rifle, Colo. (1,395): "1. With the great improvement in education since the federal government has given this recent assistance, I feel that the federal government should should share much greater. I feel the quality of education has improved very much.

"3. It appears that the Elementary and Secondary Education Act ought to be funded about four hundred per cent in our particular district."

Danforth, Maine (480): "1. In my opinion the federal government has been doing an increasingly good job in providing funds for education. However, extremely depressed areas (this is one) must be provided even greater assistance in the future.

"3. The money we have received under ESEA has been expended wisely and has been of tremendous value in helping us to provide a good educational program. It is still not enough, however. So much more could be accomplished if only we had additional funds. A 50% increase would aid our situation immensely."

Kansas City, Kans. (35,050): "1. I think the Federal Government could and should increase funds for elementary and secondary education and that such increase should, primarily, be directed through the Title I channel of the present Public Law 89-10.

"3. In this district, Title I of the Elementary and Secondary Education Act should have at least a doubling of funds to begin to meet the needs for education of disadvantaged children. Title III funds could also be used much more effectively if they were adequate to permit development of necessary facilities for the implementation of innovative programs."

San Marcos, Tex. (4,300): "1. I think the Federal Government has made an admirable start, but I feel that it is now time to make a significant financial contribution to public education.

"3. An increase of at least 50% is needed to adequately finance the type of program such affected children should have."

Further insight into the attitudes of local superintendents with respect to ESEA can be obtained by examining the following table of the percent of responses which indicate that ESEA funding was inadequate. The question was: "To what extent is the Elementary and Secondary Education Act underfunded in your particular school district?"

PERCENT OF RESPONSES INDICATING THAT ESEA IS UNDERFUNDED

States by region	Total	Size of enrollment				
		Under 1,000	1,000 to 4,999	5,000 to 34,999	35,000 to 99,999	100,000 plus
New England	71.4	68.6	67.5	86.1	100.0	0
Connecticut	67.6	80.0	50.0	100.0	0	0
Maine	71.8	60.0	70.8	100.0	0	0
Massachusetts	69.0	53.3	67.5	86.6	100.0	0
New Hampshire	68.1	100.0	68.8	50.0	0	0
Rhode Island	81.2	80.0	83.3	80.0	0	0
Vermont	82.4	100.0	78.6	0	0	0
Mideast	73.1	82.2	69.8	72.8	100.0	100.0
Delaware	72.7	100.0	66.6	75.0	0	0
Maryland	88.8	0	100.0	85.7	0	0
New Jersey	71.1	84.2	62.2	73.6	0	0
New York	80.9	86.0	78.6	80.0	100.0	100.0
Pennsylvania	65.4	68.4	66.1	60.5	100.0	0
Great Lakes	68.4	68.4	67.5	70.1	100.0	100.0
Illinois	67.8	31.1	64.6	62.5	0	100.0
Indiana	74.0	50.0	76.4	75.0	100.0	100.0
Michigan	70.8	64.2	69.8	80.0	0	100.0
Ohio	67.5	77.2	65.5	66.6	100.0	100.0
Wisconsin	64.7	64.5	64.2	66.6	0	100.0
Plains	65.2	60.2	73.0	62.5	80.0	100.0
Iowa	66.4	63.9	70.6	75.0	0	0
Kansas	63.2	57.5	75.6	50.0	100.0	0
Minnesota	63.4	59.2	70.0	66.6	100.0	0
Missouri	70.7	65.4	71.6	92.8	100.0	100.0
Nebraska	64.0	61.8	77.7	33.3	0	0
North Dakota	57.6	52.0	77.7	100.0	0	0
South Dakota	64.0	57.8	82.4	100.0	0	0
Southeast	72.4	76.6	70.7	67.0	86.6	50.0
Alabama	88.6	100.0	100.0	78.9	50.0	0
Arkansas	79.8	82.1	73.2	100.0	0	0
Florida	68.8	50.0	62.5	83.3	0	0
Georgia	49.0	0	54.0	41.6	66.6	0
Kentucky	87.9	66.6	88.8	92.3	100.0	0
Louisiana	64.7	0	25.0	75.0	100.0	0
Mississippi	63.4	0	59.3	71.4	0	0
North Carolina	66.0	0	72.2	60.7	100.0	0
South Carolina	75.0	0	54.5	100.0	100.0	0
Tennessee	75.6	75.0	75.0	90.9	0	0
Virginia	68.6	0	66.6	66.6	100.0	100.0
West Virginia	60.0	0	66.6	50.0	100.0	0
Southwest	68.4	62.8	76.7	68.6	75.0	100.0
Arizona	53.3	52.4	47.4	75.0	100.0	0
New Mexico	77.1	62.5	87.5	100.0	0	0
Oklahoma	70.1	68.9	75.8	50.0	0	0
Texas	69.0	60.8	80.5	66.6	66.6	100.0
Rocky Mountain	70.2	66.4	74.6	78.9	100.0	0
Colorado	79.4	70.2	9.05	75.0	100.0	0
Idaho	57.5	58.3	41.6	100.0	0	0
Montana	66.6	66.6	58.3	100.0	0	0
Utah	61.5	0	66.6	50.0	100.0	0
Wyoming	80.0	68.4	100.0	100.0	100.0	0
Far West	71.7	59.3	75.4	88.4	64.2	100.0
Alaska	100.0	100.0	100.0	0	100.0	0
California	68.8	53.8	69.5	87.2	54.5	100.0
Nevada	88.8	100.0	80.0	100.0	100.0	0
Oregon	71.0	58.0	82.8	100.0	0	0
Washington	77.9	66.6	86.2	92.8	100.0	0
United States	69.4	64.8	70.9	75.6	79.1	90.9

The following examples are illustrative of the extent to which local officials indicate ESEA is underfunded in their particular district:

San Diego, Calif. (121,705): "The Elementary and Secondary Education Act has been seriously underfunded in this district. It will probably require two to three times the present level of support to finance programs that will effectively compensate for the educational deprivation that has been inflicted upon urban ghetto children. Allocations to this district have amounted to approximately $200 for each pupil seriously in need of compensatory services. It will require at least $600 to provide the concentrated effort that these students require."

Greenfield, Mass. (3,676): "The initial funding was fine, but there has been a steady erosion of the program to the point that we are now getting less than half the amount originally funded, despite the fact that the number of eligible students has increased."

Fort Worth, Tex. (77,885): "The Act is providing about 25% of what the Act intended to provide. The figure is unrealistic as to what is an underprivileged economically or educationally deprived child in a school system. In Fort Worth or any other large school system, approximately 40% of all its students are underprivileged or educationally deprived. Therefore, it would take additional sums of money in order to provide the services necessary, such as preschool and remedial programs. The programs now in progress are having very excellent results. The benefits of such programs should reach more people; therefore, more money is needed. We are now reaching approximately one-fourth of those pupils who need additional educational help."

Ardmore, Pa. (37,000): "In the beginning, the allocation was ample, but with our Title I grant cut from 182,000 to 117,000, drastic curtailments in services have been necessary: i.e., in in-service training of pre-school aides, psychological testing of pre-school children, pre-school summer session, hours of work per week for speech counselors, hours for junior high recreation-counseling program, hours of work for counselors of drop-outs, elimination of summer adapted physical education program, staff of program for neglected children, and in instructional materials for all programs.

Sun Prairie, Wis. (3,841): "The Elementary and Secondary Education Act is underfunded by approximately 35% in our particular school district."

Richmond, Calif. (43,770): "The current level of ESEA Title I funding meets approximately one-fourth the need in this district. It should, therefore, be increased fourfold."

Chicago, Ill. (553,338): "In the Chicago Public Schools, it is estimated that ESEA is underfunded by approximately 50% at this time."

Stewart County, Tenn. (1,650): "We are very grateful for the amount we are receiving now from ESEA, but I believe we could improve the quality of education much faster if we could receive 50% more than at the present time."

Salt Lake City, Utah (35,000): "We could use twice the present allotment and show effective results."

Columbus, Ga. (43,067): "The Elementary and Secondary Education Act is underfunded in our district. We are required to concentrate on approximately one-fourth of our culturally disadvantaged pupils to the extent required by directives from the Department of Health, Education and Welfare. The limitations on the purchase of equipment have been most unreasonable. If we are able to purchase equipment, this may last for a number of years. If we must concentrate on personnel, we can retain little after the term of service is completed."

Buffalo, N.Y. (70,000): "By approximately 45%."

East Baton Rouge Parish, La. (61,501): "It is felt that twice as much funds as are presently granted are necessary to get the job done."

Kansas City, Mo. (75,000): "Since it is believed that massive application of money and resources to a few disadvantaged schools will effect growth over a thin diffusion over many schools, only half of the pupils eligible for Title I funds in our district are being served. We need at least twice the amount we are securing."

Boston, Mass. (94,000): "Based on its being used strictly for low income and disadvantaged children, to do the type of program we envisage we could use at least three times the amount of money now available."

Long Beach, Calif. (72,265): "Our initial funding for ESEA Title I was $2,004,000—estimated to be approximately half the amount needed to serve all educationally disadvantaged pupils in our district. Present funding (1968–69) is $1,087,000. Present need, then, is approximately $3,000,000 greater than funding."

Denver, Colo. (96,848): "The funds we receive for special programs are inadequate when matched with state and local funds to develop the programs that should be developed. Certainly, doubly present funding would only begin to meet our needs. When one considers the full range of needs, much more would be necessary."

San Jose, Calif. (14,459; elementary students only): "3,300 of our 15,000 students are from A.F.D.C. families. Since we have a large Mexican-American population, which often does not take part in welfare support, we estimate that nearly ⅓ of the student population is at a poverty level. Our present ESEA Title I funding limits service to only 1,900 youngsters."

Orleans Parish, La. (109,684): "It is difficult to indicate specifically to what extent the Elementary and Secondary Education Act is underfunded in this particular school district. It is obvious, however, that the needs are significantly greater than the available resources. Seventy-one of our 128 schools qualify for Title I funds. Attempts to concentrate resources in such a manner as to increase the impact upon individual children have created serious local political problems because of the legitimate complaints by those segments of the community which do not receive allocations in spite of the fact that the need is clearly evident. My own 'top of the head' estimate is that ESEA funds should be increased at least tenfold in the immediate future."

Anderson County, Tenn. (7,682): "The ESEA funds have been of tremendous help in upgrading education. We could use twice the amount to excellent benefit."

Bloomington, Tex. (1,006): "The Elementary and Secondary Education Act has greatly improved the educational program in the local school district; however, there is an acute need for twice the sum received."

The tabulation and analyses of the questionnaire survey will continue with the very able assistance of members of the staff of the Legislative Reference Service of the Library of Congress. As additional information becomes available, it is my intention to share these findings with my colleagues.

LET'S ARRANGE OUR PRIORITIES

(Mr. MONAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONAGAN. Mr. Speaker, I am today introducing legislation, which I first proposed in the 90th Congress, to provide for a Government Program Evaluation Commission.

This bill seeks to establish a commission of 12 members to be appointed in equal numbers by the President of the United States, the President pro tempore of the Senate, and the Speaker of the House. The Commission would undertake a complete evaluation of existing Federal programs—their desirability and the effectiveness of their operations—with a view toward assuring the relative priority which should be assigned to such programs in light of the imperatives of national policy and the limitations of the Federal budget.

Unfortunately, the circumstances that led to my introduction of this legislation last year still obtain. Federal spending continues high, new programs are offered, old programs continue at their previous levels without sufficient examination into their worth or effectiveness.

While the "surplus" projected in the last budget message is an encouraging sign, its significance should not be exaggerated. Were it not for the concept under which the income from trust funds such as social security is included in Federal receipts, the "surplus" would be replaced by a deficit.

It is clear then, that constant attention must be paid wherever possible to reducing Federal expenditures, to operating Government programs at the highest level of effectiveness, and to ordering our budget priorities to reflect the true and changing needs of the Nation.

Although I do not underestimate the difficulty of accomplishing these objectives or the strength of the policy differences that will be certain to emerge, this is a task that must be begun. I sincerely hope that this legislation will be given early and favorable consideration by the Congress.

AMENDING SECTION 8 OF NATIONAL LABOR RELATIONS ACT

(Mr. PIKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PIKE. Mr. Speaker, today I have for the first time ventured into the murky waters of labor legislation, by introducing a bill to amend section 8 of the National Labor Relations Act.

I do not pretend that the bill is a cure-all. It is not compulsory arbitration. It will not eliminate strikes, but if properly implemented, it should prevent some of them, and shorten others.

What this bill seeks to accomplish is quite simple. It says that when the representatives of management and labor sit down to negotiate a contract, they shall have the power to bind management and labor to that contract. It says that a labor agreement carefully and painstakingly hammered out by the duly appointed representatives of management or labor shall not be overturned either by dissatisfied owners or stockholders on the one hand, or dissatisfied union members on the other.

Under existing law, management and labor are already compelled to bargain collectively on conditions of employment, and they do so. Too often, however, we have seen agreements arrived at in good faith by the negotiators rejected by the principals, with the result that strikes start and drag on interminably. This bill does not tell management or labor who shall represent them at the bargaining table. It does not tell them that they must agree. It does tell them that having picked their own representatives, each shall be bound by the actions of those representatives. It tells them that when their representatives have reached agreement, they shall be bound by that agreement.

It is not a cure-all. It weighs evenly on management and labor. It may be somewhat distasteful to both, but I believe it will be welcomed by the public at large, which is deeply concerned with finding fair ways to eliminate, or at least lessen, the duration, impact and suffering caused to all parties and the public at large, by any breakdown in the collective bargaining process.

DOCK STRIKE MUST BE STOPPED

(Mr. FISHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FISHER. Mr. Speaker, the disastrous effects of the dock strike is being reported every day, with scores of businesses being closed or forced into bankruptcy. This development makes it imperative that the President, in accordance with the Taft-Hartley Act, submit to the Congress recommendations for appropriate action, and that this be done without further delay.

I include a copy of a telegram I sent to the Secretary of Labor concerning the problem. The telegram follows:

WASHINGTON, D.C.,
January 27, 1969.

Hon. GEORGE P. SHULTZ,
Secretary of Labor,
Washington, D.C.:

Constituents engaged in manufacturing business have informed me that the dock strike is forcing bankruptcy on scores of businesses in that area. Some have already gone out of business and others are on the verge. I cannot overemphasize the seriousness of this problem. I urge your department to employ every possible means of helping to bring about a settlement of the controversy which has caused this strike.

Congressman O. C. FISHER.

I also include a copy of a telegram, dated January 24, addressed to the President, from John M. Will, president of New York Shipping Association. The substance of that telegram follows:

NEW YORK, N.Y.,
January 24, 1969.

Hon. O. C. FISHER,
Washington, D.C.:

The following telegram was sent to President Nixon at the White House today. We urge you to direct your attention to the national crisis which is growing and to cooperate fully with any effective legislative actions that might be proposed. Text of the telegram to President Nixon follows:

"With longshore strike now in thirty-fourth day with no prospect of immediate return to work in all ports of east and gulf coast, we urgently request your intervention to end this irreparable loss to Nation. President Johnson invoked national emergency provision of Taft-Hartley law on October first that led to an 80-day injunction which expired December 20. That law provides that the President shall submit to the Congress a full report of the proceedings 'together with such recommendations as he may see fit to make for consideration and appropriate action'. On January eighth we appealed to President Johnson to recommend congressional action to end the disruptive longshore strike but unfortunately, no action was taken. The grounds for court order enjoining the strike in October was the threat to national health and safety, which threat is as true now as it was in October.

Although full agreement was reached January fourteenth on all issues in the port of New York, ILA has not yet called for ratification vote. Instead union insists that other and different employer associations in ports unrelated to New York must meet certain conditions before New York or any port returns to work. Under such a procedure the present intolerable situation could continue with no prospect of solution for many weeks.

In view of adverse effects on balance of payments, increased unemployment due to lack of materials, irreparable harm to shippers and economy, loss of wages to employees, we respectfully and strongly urge that in accordance with section 210 of the Taft-Hartley Act you make appropriate recommendations to Congress to assure the immediate return to work and procedures to resolve any outstanding issues in any port that has not yet resolved its dispute."

JOHN M. WILL,
President, New York Shipping Association, Inc.

Mr. Speaker, this strike has continued now for 40 days, and something must be done. Hundreds of businesses and thousands of workers are involved. We all know President Nixon is interested as much as any of us in finding a solution to this tragic work stoppage. Let us hope that he can give it his prompt and urgent attention.

CLOSING TAX LOOPHOLES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the Los Angeles Times of January 22, 1969, carries an editorial which I think will be of interest to all the Members of Congress. I would, therefore, like to insert it in the RECORD at this point:

NEEDED: CLOSING OF TAX LOOPHOLES

(Issue: Will the Nixon Administration and the 91st Congress act promptly to avert the possibility of a "revolt" by taxpayers?)

Of all the pressing problems confronting the Nixon Administration on the domestic front none is more urgent, from the standpoint of middle-bracket wage earners than reform of income tax laws.

Families with incomes from $7,000 to $20,000 a year generate more than half of the personal income tax revenue accruing to government. Yet in 1967, 155 returns on incomes above $200,000, including 21 with incomes over $1 million, resulted in no tax payments.

Former secretary of the treasury Joseph W. Barr cited those figures in warning Congress that a taxpayer revolt might lie ahead.

Obviously some loopholes, albeit legal, must be plugged. While it is unrealistic to think all of them can be closed, there should be a proviso that the wealthy pay at least a minimum tax, even if all their income is from tax exempt sources such as interest on municipal bonds.

The 10% income tax surcharge has served to alert many taxpayers to the inequities in our tax system.

Major changes are needed to improve the fairness and simplicity of tax laws, Barr insists, because "public confidence in our income tax system is threatened."

Although some criticism may be leveled at other portions of a survey report compiled by his aides, Barr was correct in his dim view of tax loopholes. We commend this outlook to his successor.

Another area which cries out for attention is the status of more than 30,000 tax-free private foundations. While the vast majority undoubtedly serve a worthy purpose, there is reason to believe a sizable number of exemptions are questionable.

Organizations win tax exemption if they promote charitable, educational, religious or scientific purposes. But there are no ground rules covering their goals.

Rep. Wright Patman (D-Tex.), who has been fighting for closer scrutiny of such foundations for eight years, notes that there is virtually no government regulation once exempt status is granted. The potential for abuse, he rightly contends, is great.

Both subjects deserve top priority attention from the Administration and the 91st Congress.

ON MY CENSURESHIP

(Mr. RARICK asked and was given permission to address the House for 1 minute.)

Mr. RARICK. Mr. Speaker, yesterday I was forced into a fifth election for the right to represent my people, and was elected to the position of a resident commissioner of liberty-loving free Americans.

Yesterday was also my birthday. I was 45 years of age. My 21st birthday was spent in the service of our country—as a prisoner of war in a Nazi camp of horror and suffering.

I have felt the hand of tyranny and I say with clear conscience that I would rather be last and free to represent my people than first as a political prostitute.

Scars of persecution in support of constitutional government become badges of honor and respect in the hearts of free men.

I will not compromise my duty.

CRIME IN THE CAPITAL

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, frequently I have been critical of rampant crime in the Nation's Capital. I have suspected that crime in the city of Washington may be worse than that in any other important world capital. Now I am qualified to speak as an expert. My house has been robbed, and I live in the shadow of the Capitol Building. The house next door has been robbed twice within a week. As a matter of fact, in very recent months, a dozen houses in my block have been robbed. In that period, there have been 150 robberies in the police precinct in which I live, one of them a half block from the police station. Our families are frightened half to death. They have to live behind barred windows and chained doors. All this in civilized, enlightened, modern, progressive Washington.

The word is out that Washington is not a fit or safe place in which to live. I am asked time and again if it is safe to come here. The answer is "No, it is not safe to come to Washington. Do not come here if you can avoid it."

It is high time, Mr. Speaker, to start cleaning up crime; to give the police the power to do so; to stop weak-kneed judges from freeing criminals at the slightest pretext; to tighten bail requirements, and to see that criminals get punished rather than petted. Restrictive court rulings and administrative procedures under which police now must work cause them to be harassed more than the criminals.

NEED FOR MORE FORCEFUL U.S. INFLUENCE IN THE MIDDLE EAST

(Mr. FRIEDEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRIEDEL. Mr. Speaker, the situation in the Middle East is rapidly getting worse. Attempts to peacefully resolve the differences between Jews and Arabs is continuously thwarted by the unwillingness of the Arab nations to sit down and enter into discussions.

This past Monday, the attention of the world was drawn to the barbaric, inhuman, and immoral actions of the Government of Iraq in a so-called execution of 14 people supposedly found guilty of spying for Israel by a revolutionary court. What really took place was a lynching as a spectacle for gleeful, cheering, frenzied mobs. These acts were televised by the Iraq Government in an effort to cater to the lowest animal instincts of its citizens. Undoubtedly this was done to divert the attention of the Iraq citizens from their own misery in view of the living conditions that prevail and the unrest that results.

The persecution of the Jews in Iraq and in the other Arab countries is not a new happening. The history of Jewish suffering in Iraq goes back to 1932, when Iraq gained its independence. Jewish functionaries were dismissed from all government offices and replaced by Moslems. Officially incited pogroms took place in the Jewish quarters, the biggest of them occurring on June 2, 1941, during the Shavuot holiday. Scores of Jews were massacred while the police stood by as interested onlookers. At the establishment of the State of Israel, the persecution of the Jews reached new heights and one of the leaders of the community was hanged in the central square in front of thousands of cheerling Moslems. On September 3, 1950, a law was promulgated permitting Jews to quit the country if they left all their property behind. Most of the Jews fled at that time. Jewish property confiscated by the Iraq Government has been estimated at £350 million.

At the end of the 1940's, the Jews in Iraq numbered 130,000 souls. At present there are only about 3,000 Jews left, most of them living in Baghdad. Despite harsh discriminatory laws curbing civil right, freedom of movement, employment and property, the Jews somehow got along—until the 6-day war of June 1967. When hostilities broke out, the Iraqi authorities forced the chief rabbi of Baghdad to denounce the "treacherous Zionist aggress," to contribute money to the Iraqi Army and to thank the Government for its treatment of the Jews. And what treatment it was. Scores and scores of Jews were arrested. The telephones in Jewish homes were cut off. Radio and TV to this day carry on incessant vicious attacks on the Jews. The Jews are held in quarantine like lepers. Arabs are forbidden to have anything to do with them, commercially or socially. The Iraqi authorities do not permit international humanitarian organizations to render them any asistance. A Red Cross representative who visited Iraq after the 6-day war reported the Jews there as living in a state of terror and total isolation. She did not succeed in establishing contact with the Jewish communities—they were afraid to meet with her.

It is long past the time that action be taken to relieve the plight of those Jews still living in Arab countries. Again and again the United Nations has been petitioned about their plight, most recently in December by the International League for the Rights of Man. But the U.N. has been silent even though it has adopted a resolution to inquire into the claims of the displaced Palestinian Arabs.

The actions of this past Monday by the Iraqi Government has brought the plight of the Jews in Arab lands to the attention of the world. These actions have aroused the conscience of world leaders. Now is the time to act.

While we can applaud the Secretary of State's recent response to such inhuman acts, firmer and more determined actions must be taken by our Government. There is a need to appeal to the United Nations, the heads of states, and the leaders of international humanitarian organizations to act to prevent the threatened genocide of the Jewish community in Iraq and other Arab lands.

The U.S. Government must act as a spokesman to the Iraqi Government and those of other Arab countries in calling for the permission of the remaining Jews to emigrate and offer an asylum for these unfortunate people.

In addition, the U.S. Government must more forcefully declare its concern for the State of Israel. This little country is the bastion of democracy in the Middle East. We must use prestige, pressure, and influence to bring the Arab nations to the conference table. We must also use our resources to insist that the Arab nations prevent the continuing acts of terrorism by the Arab guerrillas upon the Israelis.

CAB'S ANNUAL REPORT GETS WIDE RECOGNITION

(**Mr. DAVIS** of Georgia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Georgia. Mr. Speaker, in recent years the publication of the Civil Aeronautics Board's annual report to Congress has become a challenge for other agencies, not only for its contents but its timeliness. This year's report is no exception.

Distributed on December 12, 1968, the earliest publication date in Board history, the CAB's report is being referred to as "the best ever" by the news media, airline and financial representatives. The report is a well-written document and one of the most informative reports ever issued by the agency. It is more than a digest of the Board's work during the past fiscal year. It is a worthwhile reference book because it tells the development of all segments of the airline industry over the last 30 years—the lifespan of the CAB—and the Board's role in this development.

CRIME IN THE DISTRICT OF COLUMBIA

(**Mr. BURLESON** of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURLESON of Texas. Mr. Speaker, the comments of my distinguished colleague the gentleman from Florida (Mr. SIKES), reminds me that on three occasions before today I have introduced legislation which would more nearly meet the problem of controlling crime in the District of Columbia than any approach heard yet.

On August 25, 1959, and February 26, 1963, and again on July 15, 1965, I introduced legislation which would enable the Metropolitan Police force to be augmented by military personnel. For the fourth time today, I am introducing the same or a similar proposal.

Mr. Speaker, if an adequate number of marines from nearby military installations were brought into Washington to assist in patrolling its crime-ridden streets, we would see an immediate decline in the disgraceful crime rate now besetting this Capital City which belongs to everyone.

Now I know this is not the total answer. As indicated by others, there must be measures taken to strengthen the system of law enforcement in the District of Columbia. Law-enforcement officers should not have to carry these punk criminals around on a feather pillow. It should be made known to the courts that they are expected to more promptly bring to trial those charged with crime.

In addition, the disgraceful bail bond system and the release of repeater criminals should be no longer tolerated.

Whatever it takes should be done to protect people and property in this city. It is time to resort to the most stringent action. Military personnel was brought in to assist in maintaining order during the recent Presidential inauguration. They have been used on other occasions and there is no sound constitutional reason why they cannot be used every day to assist in maintaining order if they can be used 1 day. The District of Columbia is a Federal City. It is not Little Rock or other cities where troops have been sent to maintain order and, if this sort of action was justified, how much more critical it is to preserve the decency of our Nation's Capital.

Mr. Speaker, I ask the committee to which this measure is referred to give early consideration to it. This city is in an emergency and will continue to be until drastic action is taken.

THE $2 MINIMUM WAGE AND EXPANSION OF PROTECTION UNDER THE FAIR LABOR STANDARDS ACT OF 1938

(Mr. CLAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLAY. Mr. Speaker, this bill is the first that I shall offer to this Congress. It is to amend the Fair Labor Standards Act of 1938 to raise the minimum wage to $2 an hour, to expand its protection to employees of the Federal Government and of State and local governments, and for other purposes.

It may be cited as the "Government Employees' Fair Labor Standards Amendments of 1969."

Along with increasing the minimum wage of covered employees to $2 an hour, from the present $1.60 an hour, this bill will also extend coverage to all persons engaged in activities of the Government of the United States or of any State or political subdivision of a State.

The enactment of this bill into law

will only provide about $4,000 a year income to a worker who is employed 40 hours a week for a complete year. Surely, in this day of enlightenment, all workers should be compensated for their labors with at least this amount of money—which is still far below what is adequate to meet the bare necessities of life for an average family.

The inclusion of employees of the Federal Government and of State and local governments is long overdue; these faithful and dedicated public servants have too long been treated as second-class citizens. This Congress, in this year of 1969, should demonstrate its compassion for all workers—including those in public service—by providing this minimum wage of $2 an hour as the policy of this land.

I urge this great and deliberating body to give this measure its serious attention and consideration, and I most humbly ask your support as it progresses through these Chambers to final enactment.

Obviously, I stand ready to offer a further explanation or clarification that you may seek.

THE UNITED STATES MUST OPPOSE ANY FOUR-POWER MEETING ON THE MIDDLE EAST UNLESS ISRAEL PARTICIPATES AS A FULL PARTNER

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, U Thant has again urged that the United States, Russia, and France get together on a Middle East peace agreement and then send it to the United Nations Security Council for final approval. He said:

> I don't see any other sensible or realistic solution.

I submit, Mr. Speaker, U Thant is tragically wrong and again shows his bias and prejudice against Israel. I do not believe any solution can be reached by the four powers unless Israel and the Arab States are permitted fully to participate in such conferences.

It is the height of folly to suggest that Israel be left out of any four-power conferences.

It is even greater folly to expect Israel to accept any recommendations when she has not participated in the search for a Middle East solution.

Mr. U Thant should be reminded Israel won the 6-day war in 1967 and should not be expected to give up her hard fought victory without being a partner in full standing toward any solution.

What Mr. U Thant proposes today is another Yalta, where the major powers cut up the spoils and decided the destiny of 180 million people in East Central Europe against their will. The tragic results of Yalta continue to plague us to this day. The United States cannot again be a party to such an action.

No, Mr. Speaker, the United States should not agree to any four-power meetings unless Israel is included as a full partner with an unequivocal right to participate in those meetings.

We have agreed to peace talks in Paris, but only after agreeing to let the National Liberation Front and the Vietcong participate in those discussions even though they are our proven enemy.

Why should we apply a different standard to Israel today, in searching for a solution to the Middle East when Israel is our proven friend?

The massacre of the Jewish nationals in Iraq has shocked the entire world. But more important, it is testing beyond endurance Israel's patience.

President Nixon has quite properly warned of the danger in the Middle East. I submit the United States can make its greatest contribution toward peace today by insisting that Israel and the Arab States be permitted to participate in any four-power conferences. Only then can we find a peaceful solution to the Middle East.

For the United States to seek any solution without the full participation by the Israelis is to intensify tension in an already explosive area.

Let there be no mistake, the Soviet Union wants a four-power conference because it wants to impose a forced peace plan on Israel by bypassing both the United Nations General Assembly and the Security Council. More important, by pressing for four-power conferences, the Soviet Union wants to dictate the kind of peace formula Israel must accept.

Mr. Speaker, let us make no mistake, the Soviet Union wants the destruction of Israel at all cost. That is why she wants to bypass the United Nations under the guise of seeking peace in the Middle East.

I have too much respect for President Nixon to believe he could fail to see through this Soviet scheme and be a party to Israel's destruction. I hope Mr. Nixon will provide the leadership for talks between the Israelis and the Arabs toward a just and meaningful peace in the Middle East. If the four powers want to sit in on such a meeting, let them. Since all of them have been supplying arms to both sides, they should sit in on such a meeting but not without Israel.

PRESIDENTIAL INAUGURATION DAY

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mr. WILLIAMS. Mr. Speaker, it is my privilege today to insert a poem in the CONGRESSIONAL RECORD that my constituent, Mr. Robert Gordon Smith, of Aldan, Pa., has written, entitled "Presidential Inauguration Day":

PRESIDENTIAL INAUGURATION DAY

(By Robert Gordon Smith)

Our Father,
We, Thy children,
Who know
The blessings and
Responsibilities
That are ours
As Americans,
Come to Thee this day
With grateful hearts.

Once again
Two men of our choice
Stand together before us,
And before Thee,
While one passes to the
Other
The proud but
Simple title,
"Mr. President."

We Thank Thee,
Our Father,
That whatever our failings [1]
We have learned to
Put aside our differences
This day,
Not only in pledging
The support of free men to
The one who puts on
The lonely mantle of
The Presidency,
But also in commending him [1]
To Thy special care
And protection.

We know full well
The fearful burdens that
He now assumes
For us,
Our children,
And all the peoples
Of the earth.

May he share the
Weight of those burdens
With Thee,
Our Father,
And ask of Thee,
As did Solomon of old,

"An understanding heart
to judge thy people
that I may discern
between good and bad:
for who is able to
judge this thy so
great a people?" [1]

Yet even while we
Honor him
And ask Thy
Blessing upon him
We also pray,
Our Father,
For the one who,
His service to us done,
Now steps aside
For his successor.

As these two men
Ride together
To the Capitol
For the
Presidential Inauguration
We thank Thee
That in this gracious act
They remind us that
We are, in truth,
One Nation Under God.

Bless our Presidents,
Father,
This
Inauguration Day.

[1] Quotation from I Kings 3: 9.

BRINGING PAY INCREASE RECOMMENDATIONS TO HOUSE FLOOR

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, I want to thank the chairman of the Rules Committee, the gentleman from Mississippi (Mr. COLMER), for scheduling a hearing at 10:30 o'clock next Wednesday morning on the resolution I have introduced to take from the Post Office and Civil Service Committee and bring to the House floor a resolution disapproving the outrageous pay increase recommendations for the legislative, executive, and judicial branches of Government.

I trust that all Members of the House who have introduced disapproving resolutions will immediately notify the gentleman from Mississippi (Mr. COLMER) that they wish to be heard at the hearing.

It is my further hope that the members of the Rules Committee, as a result of the hearing, will promptly vote to bring a resolution to the floor so that the Members of the House will have the opportunity to work their will on at least the mechanism of approval or rejection of this outlandish proposal.

It is reported in the press that one member of the Rules Committee has said:

> I personally would rather take the heat in committee than have my colleagues stick their necks out down there on the floor.

Mr. Speaker, if pay increase legislation for Members of Congress and others is to be bottled up in the Rules Committee for this reason, then may the Lord have mercy on the taxpayers of this country for no one else will.

SOYBEANS

(Mr. RAILSBACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAILSBACK. Mr. Speaker, on December 10, 1968, a proposal was made to the Council of Ministers of the European Community that would impose a tax on certain domestic and imported oils, meals, and oil-bearing materials consumed in the European Common Market. Under this proposal, soybean meal and oil imported from the United States would be taxed. The particular problem that the proposed tax is designed to alleviate is the huge butter surplus which has arisen in Europe as a result of the European Community's agricultural policies.

If implemented, however, these taxes would have a serious detrimental effect on our agricultural community. At the present time our annual exports of soybeans and soybean products, which are in excess of $1 billion, are vital to farm income as well as being a major contributor toward maintaining our balance of payments. Of the $1 billion worth of exports in this commodity, the European Community accounts for about one-half. In addition, soybeans and soybean product exports to the EEC represent over one-third of all U.S. agricultural exports to the Common Market.

In my judgment, the proposed tax violates the present duty-free status of soybeans, soybean meal, and soybean oil agreed to in the Dillon rounds. It would most clearly violate our rights under the General Agreement on Tariffs and Trade.

As the Representative of the 19th Congressional District of Illinois, I am extremely concerned by this apparent violation of our trade agreements. Many of the farmers who live in the 19th Congressional District grow soybeans and depend directly on foreign markets to help them make a living. For example, in 1967 a total of 8,533,400 bushels of soybeans were produced in the 19th Congressional District alone and the yield for 1968 is expected to reach 10,103,300 bushels. My concern is deepened by the fact that Illinois is the leading producer of soybeans and in addition to being the leading State in the exporting of agricultural products. The future of Illinois will be decided, in large measure, by the outcome of our present trade negotiations regarding the proposed tax.

It is my understanding that our negotiators have voiced strong objections to the proposed move and have indicated that if such a move is made our Government will retaliate by increasing our import duties in order to right our balance of payments. In this regard, it is my feeling that our intentions and willingness to so protect our economic interests should continue to be explicitly and forcefully stated. I, therefore, fully endorse our present opposition to the proposed tax and will support whatever measures are necessary to protect and preserve access to the European market for soybeans and soybean products.

SALARY INCREASES SHOULD BE DEFERRED

(Mr. DENNIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENNIS. Mr. Speaker, I have introduced a resolution that the House disapprove the recommendations of President Johnson with respect to increases in Federal salaries.

I believe that any possible salary increases should be deferred, and that those proposed—including specifically a 41-percent increase in congressional salaries—are excessive. Further, I question the wisdom and the principle of the Salary Act of 1967, which in large measure abdicates the authority of the Congress over Federal salaries and transfers it to a salary commission, and to the Executive.

The increases proposed will add over $6½ million to the annual budget in congressional salaries alone.

Such action feeds inflation and makes it doubly difficult to resist other new demands on the Treasury.

I urge the House to join me in rejecting these increases.

TO STRENGTHEN PENALTIES APPLICABLE TO FEDERAL FELONIES COMMITTED WITH FIREARMS

(Mr. HUNT asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. HUNT. Mr. Speaker, today I am introducing a bill for myself and the gentleman from Pennsylvania (Mr. WATKINS) to amend the Gun Control Act of 1968 to strengthen the penalty provisions applicable to a Federal felony committed with a firearm.

At the time of consideration of this measure by the House, I felt that the Casey amendment, for which I had introduced identical legislation—providing for stiff, mandatory penalties for persons who, during the commission of certain crimes, use or carry a firearm—should have been an essential addition to the provisions designed to preclude the indiscriminate availability of firearms through mail-order and over-the-counter sales. Instead, the penalty provisions which ultimately survived in subsequent Senate and conference action diluted the effect of a strong deterrent action aimed specifically at the criminal.

First, the minimum sentences for first, second, and subsequent offenses are too lenient, in my estimation, under existing law. I believe the minimum sentence for conviction on the first offense should be 5 years and for the second and subsequent offenses, 10 years.

Second, there is nothing in the law which prohibits the courts from suspending the sentence upon conviction for the first offense.

Finally, existing law does not prohibit the imposition of sentences, upon conviction for the first, second, or subsequent offenses, to run concurrent with any term of imprisonment imposed for the commission of the crime.

Mr. Speaker, these exclusions from the law virtually nullify the desired effect of mandatory penalties to deter the potential criminal, and as a last resort, to keep the convicted criminal off the streets. My bill, by correcting these inadequacies, would put teeth into the law by placing the onus where it belongs—squarely on the criminal. Although this bill deals only with Federal felonies, I feel its enactment would be a strong incentive for the States to follow suit.

The rising incidence of crime, especially those in which a firearm is involved, is convincing evidence that the criminal must be punished more severely. I do not subscribe to the theory that a criminal is the product of his society, and that society must, therefore, suffer the consequences of a permissive system of justice which in securing the rights of the individual, fails to insure the security of the public at large.

This issue is not dead, Mr. Speaker, and a glance at any daily newspaper, with its accounts of the day's murders, rapes, robberies, and assaults, will attest to that. For the interest of the Members, I call your attention to recent editorials, pertinent to this subject, which are included at this point in my remarks:

[From the Evening Star, Washington, D.C., Dec. 16, 1968]

NAACP ON CRIME

The New York branch of the National Association for the Advancement of Colored People has taken a long, hard look at crime in Harlem. It is both dismayed and up in arms as the result of its discoveries.

Among the findings spelled out in a six-page report released last week is that a "reign of criminal terror" prevails in Harlem. This is hardly news. But the recommendations in the report, which was made after a 10-month study, and some of the comments by Vincent Baker, chairman of the branch's anti-crime committee, are significant in their newsworthiness.

There is no doubt, Baker said, that crime is the product of "vast social evils that demand solution." But he added that "with people being beaten, robbed and murdered, something should be done right now."

What is proposed by Baker and the report? Here are some of their recommendations: More policemen on Harlem beats and armed guards in every house in all public housing projects. Severe prison sentences upon conviction for serious crimes. For example: A mandatory five-year term, with no provision for time off for good behavior and no eligibility for parole, in mugging cases, including first offenders. A 10-year minimum sentence for selling narcotics, and at least a 30-year sentence for first degree murder.

The report said the committee was "shocked" to learn of the large number of people charged with or convicted of crimes who are permitted "to roam the streets and hallways without hindrance." This, said the report, calls for swifter court disposition of criminal cases and a tougher attitude on the part of judges. In the case of judges who are lax or indifferent, the committee proposes to maintain a record of their performance to "publish it widely" when they come up for re-election or reappointment.

Finally, Baker had a word to say about "police brutality". The NAACP, he said, will continue to combat it. But police brutality, he added, is declining, and is being superseded by "criminal brutality." "Certainly," he declared, "it is not police brutality that makes people afraid to walk the streets at night."

The ominous rise in vicious crimes is not something that is peculiar to Harlem. Other studies have shown it to be widespread in New York City, and we have more than our share of it right here in Washington.

Too many people have been inclined to shrug off the crime menace as long as they are not among its victims. This has been especially true of some civil rights groups and their spokesmen. Perhaps this report signals the beginning of a change in attitude. It should. For crime exacts its heaviest toll from Negroes and other minority groups.

Richard Nixon will take office next month pledged to do all in his power to stem and roll back the criminal wave. The awakening that is reflected in this NAACP report, if it should become widespread, will be of enormous assistance to him.

[An editorial broadcast by WMAL/AM/FM/TV, Washington, D.C., week of Dec. 15, 1968]

STIFF, MANDATORY SENTENCES

The FBI reports that armed robbery in the nation increased 37 per cent in the first nine months of this year over the same period last year.

The need for stiff, mandatory sentences for carrying a concealed weapon or using a gun in committing a crime is once again revealed. Congress should write stiff, mandatory sentences into law for the District of Columbia. The Maryland and Virginia legislatures should follow suit. In fact, all the states should pass similar legislation.

People commit crimes. Guns do not. The knowledge that long, mandatory prison terms are the penalty for carrying a concealed weapon or using a gun in committing a crime should make even hardened criminals think twice. It is quite obvious that the permissive system of suspended sentences, token sentences and early parole has failed. It is time that the punishment is patterned to fit the crime.

[An editorial broadcast by WMAL/AM/FM/TV, Washington, D.C., week of Dec. 15, 1968]

STIFF, MANDATORY SENTENCES

D.C. crime statistics for October were released last Thursday, showing that robberies alone rose 63 per cent over the same month of 1967. Most robberies involve guns. On the very day the crime statistics were released, police records show there were 39 robberies in the District in which the suspect carried a gun. Four people were shot.

This is dramatic proof that there should be stiff, mandatory sentences for carrying a concealed weapon or using a gun in committing a crime. The new Congress should write stiff, mandatory sentences into laws without delay.

The House of Representatives approved stiff, mandatory sentences for crimes of violence in 1966 as part of the D.C. omnibus crime bill. But the Senate watered the provisions down and President Johnson vetoed the bill.

The philosophy of permissiveness has failed. This is proven day after day on the streets of Washington. Stiff, mandatory sentences must now be adopted. Better late than never.

TOP-LEVEL PAY RAISES INFLATIONARY

(Mr. WYMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYMAN. Mr. Speaker, I cannot support a pay increase for Members of Congress at the level and in the manner recommended by the Presidential Commission. It seems to me that it is wrong for the Congress to allow by indirection that which it would not and should not support directly; namely, an increase in pay for Members of Congress already elected to office.

I take an almost equally dim view of the level of other increases proposed, for the reason that once implemented they will inevitably precipitate demands for another go-round of price increases, wage increases, and salary increases. This the Nation can ill afford in the year following the highest annual increase in the cost of living in the past 17 years.

I believe it is the duty of the Congress to act to check inflation rather than to encourage it.

This is not to say that I would oppose some increase in pay for the other branches of Government, or certain indirect benefits for Members of Congress such as an increase in the available deduction for living expenses in the District of Columbia, which is not limited to the unrealistic figure of $3,000 per year. Nor am I particularly impressed by the argument that a $12,500 annual increase in pay for Members of Congress nets less than one-half this sum and leaves Members with a net income of still less than $30,000 after taxes. Everyone pays, or should pay, taxes, including Members of Congress.

I remain convinced that probably the most important, even urgent, domestic priority is the preservation of the purchasing power of the dollar by holding the line against inflation. The pending proposal is a breach in the dike and we ought not to allow it even by indirection. For these reasons I will vote against the recommended increases despite the fact that it may prove increasingly difficult to recruit qualified men and women for Federal employment if something is not done to maintain some kind of comparability with the pay of similarly qualified individuals in the private sector.

DETERRING HIJACKERS OF AIRCRAFT

(Mr. WYMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WYMAN. Mr. Speaker, again I rise to urge the House Commerce Committee to hold hearings on legislation to stop the continuing hijacking of our American airplanes. Two more the other day, added to dozens already history, adding insult to injury, costing unnecessary landing fees, harming our reputation, and involving a very serious risk of loss of life to the inconvenience of an unexpected and undesired change in passenger destination. These hijackings can be lessened if not completely stopped.

It does not matter whether the committee decides to hear my bill, H.R. 721, or any bill. It can put together a bill with ease. Nor does it concern me particularly that the Federal Aviation Administration or some commercial carriers may contend that the added costs resulting from changes in interior aircraft design required by H.R. 721 are undesirable. What is before us is of the essence of the legislative process—a situation in which there is something the Congress can do to help stop this hijacking. The Congress owes it to the American flying public to take action and take it now. I cannot understand the continued delay.

That additional costs which may be involved for locks, or bulletproof doors, or armed guards is a negligible factor compared with the risk to human life involved in any hijacking. Suppose the hijacker pulls the trigger on the gun some day and shoots the pilot? Certain basic objectives by legislation continue to be possible:

First. To protect the pilot and the flight crew and the operating mechanism of the aircraft against intrusion.

Second. To provide a substantially increased risk of death or serious injury to any hijacker in the attempt itself.

Third. To present the prospect of real probability to any hijacker that the government of any nation in which a hijacked aircraft lands will find it profitable to return the hijacker to the United States where the offense itself is punishable by sentence to death.

Mr. Speaker, the protection of Americans who are forced to fly in and out of areas presenting the possibility of Cuba as an alternate landing field within fuel capacity, requires action to deter this continued hijacking of our airplanes. There is no doubt whatsoever that legislation can help deter this. It may not be able to stop all of it but it will reduce the incidents substantially. I again urge hearings, a report, and the enactment of a law to deter hijacking as a matter of priority. It is undeniable that this is a matter of urgency.

PROPOSED SALARY INCREASE SHOULD BE PUT TO THE FAIR TEST OF A ROLLCALL VOTE

(Mr. MAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAYNE. Mr. Speaker, on January 16 I introduced for myself and other Members, House Resolution 138 which would block the proposed $12,500 pay increase for Senators and Congressmen. It was referred to the Committee on Post Office and Civil Service the same day. There has unfortunately been a considerable time lag since then and the members of the Committee on Post Office and Civil Service were not elected by this House until yesterday. But now that they have been elected the committee should promptly organize and consider House Resolution 138, House Resolution 133, and other resolutions on this subject. There have been disturbing rumors that the chairman has no plans even to call the committee together until after the pay increase will automatically have gone into effect if no action is taken.

Such a failure to act would be a very cynical frustration of the democratic process and would subject not only the committee but the entire House to severe and justified public condemnation. To accept a 41-percent pay increase for Members of Congress after our pious pronouncements of the urgent necessity to curb inflation would be hypocritical in the extreme. Such an increase would inevitably have a snowball effect which would seriously cripple the new administration's anti-inflation campaign before it ever gets off the ground.

I call upon the chairman and all members of the Committee on Post Office and Civil Service to report these resolutions to the floor immediately so that the House can act upon them next week. I hope that other Members of this body will make the same request while there is yet time. Whether you are for or against the increase, you should be willing to have the issue debated openly and fully and then put to the only fair test of a rollcall vote. Certainly the people of this country have a right to know how each Representative stands on this unjustifiable and inflationary pay raise. It could not come at a worse time.

PROPOSAL TO FURTHER IMPLEMENT THE 15TH AMENDMENT TO THE CONSITUTION

(Mr. McCULLOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCULLOCH. Mr. Speaker, I have today introduced a bill to further implement the 15th amendment to the Constitution. There is at present only one piece of legislation on the statute books that does so. That is the Voting Rights Act of 1965. My bill will continue such implementation for another 5 years.

Our prior attempts in 1957, 1960, and 1964 to secure to every citizen the right to vote regardless of race were inadequate. In each instance, Congress relied exclusively upon judicial remedies, which cost too much in time, effort, and money.

But justice denied was only justice delayed. The Voting Rights Act of 1965 does work. Black people are registering. Black people are voting. But many black people are not. And time is running out.

The distinguishing feature of the Voting Rights Act is that it can apply to a jurisdiction automatically by means of a formula stated in the act. That feature will cease to operate next year and we will be relegated to using judicial remedies not unlike those that proved unsuccessful in the past.

We have made progress since 1965, but more time is needed. This is demonstrated by comparing the percentage of white voting-age population that is registered with the nonwhite percentage in the Southern States where the act applies automatically by formula. The statistics are those of the U.S. Commission on Civil Rights and the Southern Regional Council. I include them in the RECORD at this point:

[In percent]

	1964	1968
Alabama:		
White	69.2	82.6
Nonwhite	19.3	56.7
Georgia:		
White	62.6	84.7
Nonwhite	27.4	56.1
Louisiana:		
White	80.5	87.9
Nonwhite	31.6	59.3
Mississippi:		
White	69.9	92.4
Nonwhite	6.7	59.4
North Carolina:		
White	96.8	78.7
Nonwhite	46.8	55.1
South Carolina:		
White	75.7	65.6
Nonwhite	37.3	50.8
Virginia:		
White	61.1	67.0
Nonwhite	38.3	58.4

I believe that those figures show the strides we have made and the strides we will have to make. When I voted for the Voting Rights Act of 1965, I hoped that 5 years would be ample time. But resistance to progress has been more subtle and more effective than I thought possible. A whole arsenal of racist weapons has been perfected. Boundary lines have been gerrymandered, elections have switched to an at-large basis, counties have been consolidated, full-slate voting has been instituted, elective offices have been abolished where blacks had a chance of winning, the terms of white officials have been extended, the appointment process has been substituted for the elective process, filing fees have been increased, election officials have withheld the necessary information for voting or running for office, bonding companies have been reluctant to bond blacks who do get to win an election, and both physical and economic intimidation have been employed. Yes, these techniques and many more—many more—have been utilized to slow the march to political equality.

Because of such obstacles, we need more time. The bill which I introduced today would allow the act to continue for 5 more years as presently in effect. The bill does not change present law but rather retains it. It preserves the only voting-rights law that really works, the only law that is capable of fulfilling the promise of the 15th amendment.

Black power is voting power. The cry of a nonvoter in a representative government is a silent cry. Let the black voices be heard.

NATIONAL PRAYER OBSERVANCE

(Mr. HALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. HALL. Mr. Speaker, the inaugural committee had a subcommittee on rededication and spiritual or moral renewal, and this came to pass so that pause across the Nation was held at 11 a.m. eastern standard time. Chimes were rung and prayers were said in the churches of the Nation at that time.

Today, in this the Federal City, we have had our annual congressional prayer breakfast. Many of our leaders, indeed the Speaker, the minority leader, and our leaders of the House themselves, as well as the leaders of the other body, participated along with the President of the United States, the Vice President, the Cabinet members, and others, all with their wives.

The format was different this year. Subsequent to this there was the invitational presidential prayer breakfast and simultaneously across the land there were many States having their Governor's prayer breakfasts. All originated in 1953 by the Congress weekly prayer breakfasts in both Houses, and coordinated by the International Christian Leadership Group of this city.

The import of all of these breakfasts, of the testimonials given, the statements made, and prayers offered—has been that we must have renewed faith in our Supreme Being and must prayerfully rededicate ourselves and indeed reorient and challenge ourselves. Certainly this is a time for spiritual renewal as called for in the President's inaugural address, by all people who have left only faith in the Almighty to steer us out of today's turmoil and chaos. Certainly it is time that we pause, pray, and reflect.

I commend to the Members the review of all that has been said so well by the prayer breakfasts participants from without and within the executive, the legislative, and the judicial branches here in Washington today.

I hope that we can have spiritual renewal and moral rearmament as we seek our way out of the wilderness, through trust, belief, prayer and faith.

Mr. Speaker, I have asked unanimous consent that the proceedings of both the congressional prayer breakfast and the Presidential prayer breakfast held in the city of Washington today be printed in the CONGRESSIONAL RECORD.

REAPPRAISAL OF OUR COMMITMENTS AND APPROACHES TO FOREIGN AID

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, increasingly over the past several years, we have heard talk about the need to reappraise our commitments and responsibilities in the world community and to reevaluate our approaches to foreign aid.

In Congress for the past several years, the final dollar sum appropriated for the aid program has shown a distinct downward trend, and it is my feeling that this fact reflects the belief that a fundamental reassessment is needed. It is my opinion that our Government and our President, whether he is Democrat or Republican, needs some kind of program of this nature, and the problem is to determine what kind of program now.

Today I am introducing a bill to help promote our peaceful foreign policy objectives through the creation of a nonprofit corporation to assume much of the administrative burden connected with our current foreign aid efforts.

This body, the World Peace Corporation, would gain its initial financial footing through U.S. Treasury solicitation of its debentures, with later authority to market bonds to the general public.

With the proceeds from these sales, the Corporation would be empowered to execute economic development loans when such loans will promote the foreign aid objectives of the United States; when the receiving country is in need of the assistance; and when the loan is to be used for a purpose which demonstrates a financially sound probability of payment.

The Corporation is designed to operate in such a manner as to prevent its duplicating the efforts of other Government functions, and it is my intention that this Corporation would lighten the President's foreign policy responsibilities.

The Corporation is to be governed by a seven-man bipartisan Board of Directors. The Chairman of the Board is responsible for reporting the activities of the Corporation to the President, and the President is specifically given the authority to veto any activities of the Corporation.

In this manner, the Corporation might alleviate the President of much of the routine aid endeavors, without depriving him of his constitutional foreign policy responsibilities.

To assist the Corporation in carrying out its responsibilities, the bill provides for the creation of technical advisory councils, operating under the Corporation. These task forces will be available to provide recipient countries with technical advice and guidance in connection with loans made or proposed by the Corporation.

The United States has played a large and important role on the foreign scene since the end of the Second World War. The efforts originally emphasizing reconstruction grants are now almost wholly converted to development loans.

The foreign assistance program annual report to Congress for fiscal year 1968 indicates that of the total program of $2.178 billion, over $1.039 billion involved direct U.S. loan operations. In addition to this amount are those portions of the aid budget dealing with contributions to international multilateral assistance organizations.

It has been said of foreign aid in the past that it is our best means for preventing those situations which give rise to the need for armed involvement. When a country sees the hope and opportunity available through economic growth, the frustrations of that country are more apt to be reflected in constructive endeavors, rather than in social upheaval.

Mankind benefited immeasurably by the reversal of emphasis from remedial to preventive medicine in the first half of this century. WPC, accelerating the reversal of war to peace through preventive socioeconomic medicine, will also benefit mankind, immeasurably in the second half of this century. Americans are hereby afforded the millenium opportunity to beat enemy swords into plowshares.

A new strategy aimed at preventive initiative is proposed in the World Peace Corporation Act of 1969. WPC, with its socioeconomic task forces, activates a new American doctrine. This quick-acting geoeconomic strategy is necessary to prevent Communist infiltration and help impel a durable world peace. WPC is designed to promote business development organizations. It provides a unique opportunity for American and other free world business enterprises to join hands in mutually profitable developments and partnerships. It offers troubled countries the opportunity to capitalize on U.S. technical know-how, the backing of WPC capital, planning capability of other countries, and the employment of their lagging labor forces. It offers us the opportunity to contribute a preventive geoeconomic approach to geopolitical problems.

We propose inviting as emeriti members of the Corporation's bipartisan advisory council, three war veterans and dedicated apostles of peace, Lyndon B. Johnson, Dwight D. Eisenhower, and Harry S. Truman, who, under the new American doctrine just mentioned, will attract other world figures.

Thus, Mr. Speaker, this Corporation is designed to add strength to U.S. foreign relations and our national security by taking the preventive initiative in critical areas. Let me mention additional considerations that support the bill's strategy:

1. U.S. WORLD NUCLEAR ARMS CONTROL MORE LIKELY

WPC supports Defense Secretary Laird's thesis that we can negotiate with the Soviets better from a position of strength. In implementing the new American doctrine, it will help provide the strength of economic partnerships to impel nuclear arms control.

2. U.S. POLITICAL POSITION STRENGTHENED BY "GEO-ECONOMICS"

Confrontation by Communist infiltration that invites armed advances through U.S. world lifelines can now be reduced by U.S. counteroffensives. Our World Peace Corp. and the U.S. Defense Department incorporate a double-edged sword. One edge defends freedom against enemy armed aggression, while the cutting edge, WPC, slashes away to clear the sprouting causes of new wars. Thus, increased savings by reducing wars and the augmenting profit from developing world trade can be plowed by this sword-plowshare into cultivating both a better and more comfortable life for every American.

3. ESSENTIAL MARINE CORPS PARALLEL

History can now repeat itself. John Adams in George Washington's Cabinet organized our indispensable U.S. Marine Corps as "the advanced base force" which in turn reinforced the Monroe Doctrine. WPC can now activate the new American doctrine, with its own economic initiative. It parallels the corps' unique role in America's growth and world security. Since the time of our first and second Presidents Washington and Adams, the Marines have provided the preemptive initiative to preclude incipient world wars and help win larger U.S. wars. Thus, WPC is the American Doctrine, utilizing private enterprise to solve development problems.

4. TASK FORCE APPROACH UTILIZED

WPC backs its capital assistance to business development with task forces—teams of experts armed with applicable technology and an understanding of comprehensive planning. They will energize the socioeconomy in strategic areas along U.S. world lifelines. Projects can be implemented through private enterprise initiated with pump-priming, self-liquidating loans from the Corporation. In accelerating this peaceful but potent penetration, the task forces apply timing, the fourth dimension in winning the socioeconomic war. Following the perspective given development planning capability, projects can be implemented through private enterprise initiated with pump-priming self-liquidating loans from the Corporation.

5. WPC AVOIDS DUPLICATION

WPC complements rather than duplicates the World Bank, AID, and other international development organizations. It is concerned with business loans and guarantees especially in troubled strategic areas and does not provide public works' grants. Self-supporting and armed with a revolving credit eventually of $10 billion, WPC may transfer its notes and obligations to development institutions, governments, banks, industrial enterprises, engineering firms, and others. The Corporation also invites at home and abroad subscription to its securities, gifts and grants from various sources, including the many large foundations, government, industries, and world religious bodies.

6. COST TO TAXPAYER IS NOMINAL

By way of cost comparison, consider the increasing military danger to us from outer space. Astronaut Col. Frank Borman says the cost of the $24 billion Apollo 8 moon program is "technical life insurance" for our country's future. In contrast, WPC, operating at no cost to the American taxpayer, appears simple compared to the phenomenal precision-engineering required to place man on the moon. It is our new "economic life insurance" on earth and is not designed to require appropriations because the loans will be repaid with interest. Furthermore, additional amounts over the initial $1 billion "public debt transaction" are expected to be recovered through public subscriptions and revolving credits, as was the case for RFC—Reconstruction Finance Corporation—and other successful Government-backed institutions. Through the reduction of military conflicts, WPC is expected to save us much more than the $24 billion spent for the Apollo 8 moonshot.

7. PLANNING PLUS PRIVATE ENTERPRISE

WPC's mission is designed to help people rather than political bodies in solving socioeconomic problems. To help reach their objectives, WPC task forces employ the kind of development planning and strategy being utilized in America at the State and local level, but adjusted to foreign needs and capabilities. We include here an American composite state plan as an example of the kind of approach to be utilized in evaluating development potentials. Within this kind of planned strategy, WPC will apply the same philosophy of free enterprise that has produced for Americans the socioeconomic dynamism unequaled in all human history.

8. SURPLUS EQUIPMENT AND PERSONNEL

Mr. Speaker, my membership on the Interstate and Foreign Commerce Committee reveals that accelerating American automation, computerization, and proficiency create increasing surpluses of excellent serviceable machinery, equipment, plans, and personnel that can be profitable for developing countries as well as for the United States. Our being the economic powerhouse of the modern world, we can trade our last year's surplus models in on this year's new model world friendships.

More important still to our foreign friends are the many Americans available for teaching tours of duty. It is exciting to calculate our skilled millions in industry, agriculture, government, military, and universities who are reaching the retirement age—who are young in their American patriotism, who desire to teach, and who would welcome the opportunity to travel abroad. This wealth of skill, technology, and equipment will encourage our foreign friends in joining us to speed world peace.

9. WOODROW WILSON'S THESIS UNDERSCORED

In World War I, President Wilson told our people they were fighting the "war to end wars" and that modern wars had their origin largely in economics. Today, three wars later, costing innumerable lives and hundreds of billions of dollars with no military solutions in sight, the new WPC-American Doctrine idea is designed to win the economic peace. We are the legatees of our fallen comrades and the trustees of our children and grandchildren.

10. VETERANS SUPPORT INDICATED

I offer this new bipartisan national security proposal as the living monument to our comrades who have given their lives, to our disabled veterans, to U.S. military personnel defending us this minute in Vietnam and around the world, and to our 25 million U.S. veterans, many millions of whom have served in the four quarters of the globe—all in the cause of freedom of man and the U.S. national security.

Our veterans serve our cause of peace now as they did in combat. The primer, in our present Corporation concept, the "point 4" the technical foreign aid instrument designed to win friends and allies, was endorsed by the American Legion, VFW, DAV, and others "point 4," adopted from the Veterans Economic Development Corporation, bill S. 529, was sponsored in the 81st Congress by 24 Senators including Vice-President-Elect Barkley, Bridges, FULBRIGHT, EASTLAND, SPARKMAN, MUNDT, Morse, and Kefauver and House Banking Committee Chairman Spence, Past Chairman Wolcott, VFW Past Commanders Kearney and Van Zandt, and other Members of the House. This Corporation enables veterans, with first-hand experience in foreign lands and others to participate in our international development projects. As may be seen in the bill, veterans are specifically afforded new opportunities.

11. REPLACES COMMUNIST IDEOLOGY

Refortifying U.S. foreign policy, WPC helps secure the Western World against the increasing Communist world expansion by initiating the economic system against which Communists dare not compete. The American Doctrine replaces bullets with ballots in confronting Brezhnev's doctrine and Mao Tse-tung's strategy that "political power comes from the barrel of a gun." WPC is the one secret weapon, unlike our cosmic bomb, Communists can neither steal nor challenge beyond Red army front lines. It vitiates Lenin's strategy that "the main battle line for communism is in the economy," reaffirmed by Khrushchev's prediction "communism will bury the United States." Around the world, WPC task forces can preempt Communist infiltration faster than Red armies can occupy the trouble spots.

BLOOD BANKS OF AMERICA

(Mr. TIERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIERNAN. Mr. Speaker, one of the most noteworthy and humane efforts that can be undertaken is the donation of blood to local blood banks.

As we are all well aware, the supply of blood on a national level is at a dangerously low point. The American Red Cross blood program, alone, collects almost 3,000,000 units of blood each year from volunteer donors. They provide whole blood and blood components to 4,300 hospitals on a regular basis. They provide a safe and dependable supply of blood products and furnish services to meet all blood needs in a community, the needs of certain hospitals, the blood needs of individual donors or donor groups and their families wherever they may be hospitalized. They are, however, understaffed.

The service supplied by local blood banks throughout the country is indeed an invaluable one. Many a life that has hung in the balance has been redeemed only because of the foresight of the administrators of hospital blood banks. Acquiring reserves of whole blood and plasma is, however, a difficult task. It requires much time and a great deal of voluntary public service on the part of radio and TV stations, local citizens groups and hospital and Red Cross officials. The contribution that these people make cannot be aptly described with words.

With this in mind, I am today introducing a joint resolution which would authorize the Postmaster General to issue a special postage stamp in honor of American blood banks. I urge my colleagues to wholeheartedly support this resolution. We would honor ourselves by honoring this group and its works.

PERMISSION FOR COMMITTEE ON SCIENCE AND ASTRONAUTICS TO SIT DURING SESSIONS OF THE HOUSE FEBRUARY 4, 5, AND 6

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that the Committee on Science and Astronautics may be permitted to sit while the House is in session on February 4, 5, and 6. This is the occasion of the scientific panel that is meeting here at that time.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

THE 51ST ANNIVERSARY OF UKRAINIAN INDEPENDENCE

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Illinois. Mr. Speaker, today we commemorate the 51st anniversary of the independence of Ukraine. In doing so, it affords us the opportunity to renew our hopes for a long-sought rapprochement among world rivals.

Bellicosity must give way to quiet, dispassionate probings to ease world tensions. These efforts should not be construed as a lessening of our Nation's firm commitment to the principles of self-determination and independence. Rather, these actions reflect the realities of the world in the nuclear age. Interdependence, not so subtly reinforced by the threat of nuclear terror, is becoming the tenor of the times.

By its definition, the concept of interdependence can hold out the promise of restoring the sovereignty of subject nations. By cooperation through full and open communication, negotiation, deescalation of the weapons race, and a defusing of rhetorical combat, the world can move toward being one earth of many different peoples, not torn asunder by ancient rivalries. Peaceful competition in the marketplace can replace destruction and human suffering on the battlefield.

I salute our Ukrainian friends who have stood the lonely vigil these many years, searching for and seeking the restoration of their homeland. As a leader in the free world, we have an obligation to help them through our efforts to rationalize world relations. We can help them by recognizing that the world is not our beat, but a heterogenous, diverse setting of many people with different values.

The moral stature that we have commanded must be refurbished by our desire and quest for world peace. It serves no legitimate purpose for us to pose as champions of liberty if we attempt to impose our culture on others. We or any other world power must not be colonialists or imperialists, but internationalists dedicated to the proposition of a functional commonwealth whose people are diverse but equal.

GOVERNMENT ORGANIZATION—A MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–70)

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the Congress of the United States:

New times call for new ideas and fresh approaches. To meet the needs of today and tomorrow, and to achieve a new level of efficiency, the Executive Branch requires flexibility in its organization.

Government organization is created to serve, not to exist; as functions change, the organization must be ready to adapt itself to those changes.

Ever since the Economy Act of 1932, the Congress has recognized the need of the President to modernize the Federal Government continually. During most of that time, the Congress has provided the President the authority to reorganize the Executive Branch.

The current reorganization statute—Chapter 9 of Title 5 of the United States Code—is derived from the Reorganization Act of 1949. That law places upon the President a permanent responsibility "from time to time to examine the organization of all agencies" and "to determine what changes therein are necessary" to accomplish the purposes of the statute. Those purposes include promoting the better execution of the laws, cutting expenditures, increasing efficiency in Government operations, abolishing unnecessary agencies and eliminating duplication of effort. The law also authorizes the President to transmit reorganization plans to the Congress to make the changes he considers necessary.

Unfortunately, the authority to transmit such plans expired on December 31, 1968. The President cannot, therefore, now fulfill his reorganization responsibilities. He is severely limited in his ability to organize and manage the Executive Branch in a manner responsive to new needs.

CALL OF THE HOUSE

Mrs. GRIFFITHS (during the reading). Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Does the distinguished gentlewoman insist upon the point of order?

Mrs. GRIFFITHS. Mr. Speaker, I insist upon my point of order.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 13]

Abbitt
Anderson, Tenn.
Ashbrook
Aspinall
Ayres
Barrett
Bates
Bell, Calif.
Blatnik
Boggs
Brademas
Brasco
Bray
Buchanan
Burton, Utah
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Celler
Chappell
Chisholm
Clark
Conte
Conyers
Corbett
Culver
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Dawson
de la Garza
Dent
Diggs
Dingell
Donohue
Downing
Dulski
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Evins, Tenn.
Farbstein
Feighan
Foley
Fountain
Frelinghuysen
Fulton, Tenn.
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gray
Green, Pa.
Groover
Hansen, Wash.
Harvey
Hastings
Hawkins
Hays
Holifield
Howard
Jarman
Johnson, Pa.
Jones, Ala.
Kee
Kirwan
Landrum
Leggett
Long, La.
Lukens
McCloskey
Macdonald, Mass.
Martin
Mills
Mink
Mize
Mizell
Mollohan
Morgan
Morse
Morton
Moss
Nix
O'Konski
Ottinger
Passman
Pelly
Pepper
Philbin
Poage
Powell
Pryor, Ark.
Quillen
Rees
Reuss
Rhodes
Rivers
Rogers, Fla.
Ronan
Rooney, Pa.
Rostenkowski
St. Onge
Sandman
Scheuer
Schneebeli
Sebelius
Shipley
Shriver
Skubitz
Smith, Calif.
Springer
Staggers
Stuckey
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tunney
Ullman
Van Deerlin
Watkins
Watson
Watts
Whitten
Wiggins
Wilson, Charles H.
Winn
Wold
Wydler
Yates

The SPEAKER. On this rollcall 293 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

GOVERNMENT ORGANIZATION—A MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–70)

The SPEAKER. The Clerk will proceed with the reading of the message from the President of the United States.

The Clerk read as follows:

I, therefore, urge that the Congress promptly enact legislation to extend for at least two years the President's authority to transmit reorganization plans.

This time-tested reorganization procedure is not only a means for curtailing ineffective and uneconomical Government operations, but it also provides a climate that enables good managers to manage well.

Under the procedure, reorganization plans are sent to the Congress by the President and generally take effect after 60 days unless either House passes a resolution of disapproval during that time. In this way the President may initiate improvements, and the Congress retains the power of review.

This cooperative executive-legislative approach to reorganization has shown itself to be sensible and effective for more than three decades, regardless of party alignments. It is more efficient than the alternative of passing specific legislation to achieve each organizational change. The cooperative approach is tested; it is responsive; it works.

Reorganization authority is the tool a President needs to shape his Administration to meet the new needs of the times, and I urgently request its extension.

RICHARD NIXON.

THE WHITE HOUSE, *January 30, 1969.*

The message was referred to the Committee on Government Operations and ordered to be printed.

APPOINTMENT AS MEMBERS OF JOINT ECONOMIC COMMITTEE

The SPEAKER. Pursuant to the provisions of title 15, United States Code, section 1024(a), the Chair appoints as members of the Joint Economic Committee the following Members on the part of the House: Mr. PATMAN, of Texas; Mr. BOLLING, of Missouri; Mr. BOGGS, of Louisiana; Mr. REUSS, of Wisconsin; Mrs. GRIFFITHS, of Michigan; Mr. MOORHEAD, of Pennsylvania; Mr. WIDNALL, of New Jersey; Mr. RUMSFELD, of Illinois; Mr. BROCK, of Tennessee; Mr. CONABLE, of New York.

APPOINTMENT AS MEMBERS TO THE BOARD OF DIRECTORS OF GALLAUDET COLLEGE

The SPEAKER. Pursuant to the provisions of section 5, Public Law 420, 83d Congress, as amended, the Chair appoints as members of the Board of Directors of Gallaudet College the following Members on the part of the House: Mr. CAREY, of New York; Mr. ZWACH, of Minnesota.

APPOINTMENT AS MEMBERS OF BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The SPEAKER. Pursuant to the provisions of title 20, United States Code, sections 42 and 43, the Chair appoints as members of the Board of Regents of the Smithsonian Institution the following members on the part of the House: Mr. MAHON, of Texas; Mr. KIRWAN, of Ohio; Mr. BOW, of Ohio.

APPOINTMENT AS MEMBERS EX OFFICIO OF THE BOARD OF TRUSTEES OF THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The SPEAKER. Pursuant to the provisions of section 2(a), Public Law 85–874, as amended, the Chair appoints as members ex officio of the Board of Trustees of the John F. Kennedy Center for the Performing Arts the following members on the part of the House: Mr. WRIGHT, of Texas; Mr. THOMPSON of New Jersey; Mr. FRELINGHUYSEN, of New Jersey.

APPOINTMENT AS MEMBERS OF THE BOARD OF VISITORS TO THE U.S. AIR FORCE ACADEMY

The SPEAKER. Pursuant to the provisions of title 10, United States Code, section 9355(a), the Chair appoints as members of the Board of Visitors to the U.S. Air Force Academy the following Members on the part of the House: Mr. ROGERS of Colorado; Mr. FLYNT, of Georgia; Mr. MINSHALL, of Ohio; Mr. BROTZMAN, of Colorado.

APPOINTMENT AS MEMBERS OF THE BOARD OF VISITORS TO THE U.S. COAST GUARD ACADEMY

The SPEAKER. Pursuant to the provisions of title 14, United States Code, section 194(a), the Chair appoints as members of the Board of Visitors to the U.S. Coast Guard Academy the following Members on the part of the House: Mr. ST. ONGE, of Connecticut; Mr. MESKILL, of Connecticut.

APPOINTMENT AS MEMBERS OF THE BOARD OF VISITORS TO THE U.S. MERCHANT MARINE ACADEMY

The SPEAKER. Pursuant to the provisions of title 46, United States Code, section 1126c, the Chair appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy the following Members on the part of the

House; Mr. Carey, of New York; Mr. Weicker, of Connecticut.

APPOINTMENT AS MEMBERS OF THE BOARD OF VISITORS TO THE U.S. MILITARY ACADEMY

The SPEAKER. Pursuant to the provisions of title 10, United States Code, section 5355(a), the Chair appoints as members of the Board of Visitors to the U.S. Military Academy the following Members on the part of the House: Mr. Teague of Texas; Mr. Natcher, of Kentucky; Mr. Rhodes, of Arizona; Mr. McKneally, of New York.

APPOINTMENT AS MEMBERS OF THE BOARD OF VISITORS TO THE U.S. NAVAL ACADEMY

The SPEAKER. Pursuant to the provisions of title 10, United States Code, section 6968(a), the Chair appoints as members of the Board of Visitors to the U.S. Naval Academy the following members on the part of the House: Mr. Flood, of Pennsylvania, Mr. Stratton, of New York, Mr. Lipscomb, of California, Mr. Morton, of Maryland.

APPOINTMENT AS MEMBERS OF THE JOINT COMMISSION ON THE COINAGE

The SPEAKER. Pursuant to the provisions of section 301, Public Law 89-81, the Chair appoints as members of the Joint Commission on the Coinage the following members on the part of the House: Mr. Edmondson, of Oklahoma, Mr. Giaimo, of Connecticut, Mr. Conte, of Massachusetts, Mr. Battin, of Montana.

APPOINTMENT AS MEMBERS OF THE FATHER MARQUETTE TERCENTENARY COMMISSION

The SPEAKER. Pursuant to the provisions of section 1(a), Public Law 89-187, the Chair appoints as members of the Father Marquette Tercentenary Commission the following members on the part of the House: Mr. Zablocki, of Wisconsin; Mr. Gray, of Illinois; Mr. Byrnes, of Wisconsin; Mr. Ruppe, of Michigan.

APPOINTMENT AS MEMBERS OF THE NATIONAL COMMISSION ON REFORM OF FEDERAL CRIMINAL LAWS

The SPEAKER. Pursuant to the provisions of section 2(a), Public Law 89-801, the Chair appoints as members of the National Commission on Reform of Federal Criminal Laws the following members on the part of the House: Mr. Kastenmeier, of Wisconsin; Mr. Edwards of California; Mr. Poff, of Virginia.

APPOINTMENT AS MEMBERS OF THE GOLDEN SPIKE CENTENNIAL CELEBRATION COMMISSION

The SPEAKER. Pursuant to the provisions of section 1(a), Public Law 90-70, the Chair appoints as members of the Golden Spike Centennial Celebration Commission the following members on the part of the House: Mr. Rogers of Colorado; Mr. Moss, of California; Mr. Burton of Utah; Mr. Brotzman, of Colorado.

APPOINTMENT AS MEMBERS OF THE PUBLIC LAND LAW REVIEW COMMISSION

The SPEAKER. Pursuant to the provisions of section 3(b), Public Law 88-606, as amended, the Chair appoints as members of the Public Land Law Review Commission the following members on the part of the House: Mr. Baring, of Nevada; Mr. Taylor, of North Carolina; Mr. Udall, of Arizona; Mr. Saylor, of Pennsylvania; Mr. Burton of Utah; and Mr. Kyl, of Iowa.

APPOINTMENT AS MEMBERS OF THE NATIONAL COMMISSION FOR THE REVIEW OF FEDERAL AND STATE LAWS RELATING TO WIRETAPPING AND ELECTRONIC SURVEILLANCE

The SPEAKER. Pursuant to the provisions of section 804(b), Public Law 90-351, the Chair appoints as members of the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance the following Members on the part of the House: Mr. St. Onge, of Connecticut; Mr. Rogers of Colorado; Mr. McCulloch, of Ohio; Mr. Poff, of Virginia.

LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARENDS. Mr. Speaker, I have asked for this time in order to inquire of the majority leader if he will advise the House as to the program for the following week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished acting minority leader, the program for next week is as follows:

There is no legislative business on Monday or Tuesday.

On Wednesday and the balance of the week—and it is expected that all of these will be called on Wednesday—are the following resolutions:

House Resolution 66, creating a Select Committee To Conduct Studies and Investigations of the Problems of Small Business;

House Resolution 93, investigative authority, Committee on the Judiciary;

House Resolution 105, investigative authority, Committee on Armed Services;

House Resolution 116, investigative authority, Committee on Interstate and Foreign Commerce;

House Resolution 47, investigative authority, Committee on Veterans' Affairs;

House Resolution 21, investigative authority, Committee on Interior and Insular Affairs; and

House Resolution 76, investigative authority, Committee on the District of Columbia.

Of course, this announcement is made subject to the usual reservation that any further program may be announced later.

Mr. ARENDS. I thank the gentleman.

ADJOURNMENT TO MONDAY NEXT

Mr. ALBERT. Mr. Speaker, we have finished the legislative business of the House for this week, and I therefore ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

HORTON CITES VOLUNTEER ARMY AS GOAL OF DRAFT REFORM

The SPEAKER pro tempore (Mr. Hanna). Under previous order of the House, the gentleman from New York (Mr. Horton) is recognized for 60 minutes.

Mr. HORTON. Mr. Speaker, for several years now I have been striving in a joint effort with many of our colleagues to bring about effective and reasonable changes in the selective service laws.

It is obvious that the present system is unfair and inequitable. It hangs like a "Sword of Damocles" over the heads of our youth. The last administration set up two special commissions to review the draft, but the recommendations of both commissions were shelved.

On the opening day of this 91st Congress I offered legislation which would bring about desperately needed reforms.

The key to this measure is its statement of purpose that points our Government toward the establishment of an all-volunteer army.

I fully realize that the end of conscription cannot be realized overnight, but it must be an immediate goal.

As stopgap measures, my legislation includes procedures to remove the most undemocratic and inequitable thorns from present law. These measures would—

Require the drafting of younger registrants first, to shorten the agonizing period of uncertainty for young men trying to plan their lives;

Require uniform national deferment criteria; and

Require physical and mental draft standards be no lower than those for volunteer enlistment.

But let me emphasize that these are only stopgap measures. The key to my bill is a policy statement that the Government must first attempt to meet its military manpower needs through voluntary enlistment.

In November 1967 I joined with Congressmen Robert T. Stafford, of Vermont; Charles W. Whalen, Jr., of Ohio; Garner E. Shriver, of Kansas; and Senator Richard S. Schweiker, of Pennsylvania, in publishing a book which points the way toward eliminating the draft in favor of an all-volunteer force.

Our book, "How To End the Draft: The Case for an All-Volunteer Army," outlines a 31-point plan which can be carried out under existing law. Each proposal is aimed at reforms which individually and collectively would work toward reducing the draft call to zero.

Reform of the draft law cannot be accomplished emotionally. It must come through careful and responsible action. I believe the time to start is now.

There are some who countenance evasion of the draft. I do not.

There are some who are opposed to the draft primarily because they are opposed to the war in Vietnam. Our study was not undertaken because of the war in Vietnam, nor should it be interpreted in any way as criticism of military or foreign policies of the United States.

There are some people who advocate an end to the draft regardless of its consequences for the national security of the country. I do not.

Most of the recommendations specified in "How To End the Draft" require no congressional or legislative action. They can be implemented immediately by the Department of Defense.

Not a single recommendation in the 31-point program would commit the U.S. Government to an irreversible course toward a voluntary system which would jeopardize national security. Each of the reforms described would amount to an adjustment of current policy leading toward the evolution of an all-voluntary system. We do not advocate the abolition of selective service. We advocate a program of reforms which individually and collectively can work to reduce the size of draft calls—eventually down to zero.

Certainly no single reform, by itself, will result in sufficient voluntary enlistments to remove the necessity of relying upon the draft. But, collectively, reliance on the draft will in our judgment be unnecessary if our 31-point reform package is adopted and implemented.

The 31 recommendations described in "How To End the Draft" include the following points:

Rather than assume reliance on the draft by assigning draft quotas before enlistment quotas are fixed for recruiting stations, recruiting station quotas should reflect total service needs and should serve only as minimum objectives for recruiting personnel. Draft calls for each month should be equivalent only to the difference between enlistment quotas and actual enlistment for the previous month.

The basic pay of a new service volunteer or draftee should be raised to the minimum wage level.

Eventually service pay should approximate civilian pay for the equivalent job.

The military services should change their pay system from one of multiple allowances to one of salaries.

Under a salary system of pay the services should permit enlistment at ranks higher than recruit for those who are fully qualified and wish to volunteer for specific jobs which carry the higher rank.

With a new salary system for pay the military services may find it possible to do away with reenlistment bonuses and similar incentives.

With a new salary system of pay, a new program for retirement benefits can be adopted in which a serviceman would not contribute from his pay to the retirement benefits of others, as is now the case, in effect.

When opportunities for advancement in the military services occur, those who have volunteered to enter the military should be considered before those who were drafted, assuming equivalent skills and performance.

A modest enlistment bonus should be granted to those members of the reserves who volunteer to active duty service.

The Defense Department should give constant attention to the adequacy of non-pay-related benefits, such as on-base and off-base housing conditions, comfortable and convenient recreational activity centers, and increased opportunity for low-cost—or free—travel on leave time both within the region of assignment and even overseas.

In the field of inservice education available for off-duty study, the program of technical training courses should be expanded to assure that it is similar to apprenticeship programs available in civilian life.

Educational programs available for service personnel for study in off-duty hours should be made equally available to dependants of military personnel on active duty.

The inservice off-duty program of educational opportunities now available to active duty personnel should be made available to all members of the Reserve Forces.

Rather than utilizing a fluctuating recruitment advertising budget that varies in accordance with the number of service personnel needed, the Department of Defense should establish a fixed recruiting advertising budget. The Army recruitment budget should be fixed at $7 million a year which would be twice the level of the highest budget in recent years. This is one area in which a relatively small expenditure might yield very wide results.

The Department of Defense should prepare a fully comprehensive booklet outlining the various service alternatives and advantages available through voluntary enlistment, for the information of young men registering with the draft. No such information is now provided by Selective Service.

Under no circumstances should the services' standards of acceptability for voluntary enlistment be more difficult than they are for the draft. At the present time in both the areas of mental and "moral" standards it is possible to be unacceptable for voluntary enlistment but to be drafted nonetheless.

Project 100,000, designed to accept into service those with remediable physical or mental deficiencies should be limited exclusively to volunteers, rather than to include draftees as is presently the case.

In the light of the Defense Department's own testimony, Project 100,000 can and should be expanded—to that point where the financial costs of special training approach a point of diminishing returns.

In view of the Project 100,000 experience, Defense Department mental and acceptability standards should and can be lowered without impairing the efficiency of the military service.

The Defense Department should permit the voluntary enlistment of young men who do not meet physical standards of combat, and whose deficiencies are not remediable, but who can perform technical and clerical jobs unrelated to combat service.

The Defense Department's program to replace some noncombat uniformed personnel with civilians should be significantly expanded.

A current Defense Department study should be undertaken of total manpower service needs—including analysis of the necessary level of U.S. troops stationed abroad, and the optimum means of maintaining adequate numbers of rotation personnel to replace combat casualties or unit.

The Defense Department should analyze the optimum organization of the Reserves to treat the following issued without prejudgment: The proper priority of recourse for procurement of rotation personnel for combat assignments among active duty personnel, the Reserves, and the draft; the appropriate size and structure of the Reserve Forces; the best feasible means of assuring a uniformly high state of readiness and training among Reserve personnel.

The subject of the draft is generally treated only in emotional terms.

Those of us who wrote "How To End the Draft" firmly believe that the debate on the draft must be kept as constructive and responsible as possible.

Among the most constructive and responsible voices to be heard on this subject recently is that of W. Allen Wallis, president of the University of Rochester, who very clearly states the case for a volunteer army.

I would like to share his recent speech with our colleagues:

MILITARY CONSCRIPTION

(An address by W. Allen Wallis to the American Legion, of Monroe County, N.Y., November 11, 1968)

To be invited to participate with you today is a pleasure which I am enjoying greatly, at least up to this point in the proceedings. To be invited to speak to you on so significant an occasion is an honor which I appreciate deeply, especially since it is an honor that you can bestow only once in every fifty years.

Today marks the fiftieth anniversary of the end of the First World War and the founding of your organization. From the looks of this audience, only a minority of you can remember that historic eleventh day of November in the year nineteen hundred and eighteen.

I am among that minority. The Armistice came less than a week after my sixth birthday. It was significant to me in two ways, both purely personal. First, I was assured that the Armistice meant that my father would soon be home from the Army, in which he was a lieutenant. Second, I could sense a real change in the attitude of grownups—the lifting of doubts, worries, and uncertainties. This dramatic change of spirit was in contrast with my only other vivid recollection of the First World War, the sense of dread and gloom that infected all the grownups during Germany's Argonne offensive.

Of course I do remember some other things about the War: being admonished to eat everything on my plate because "the Belgian children were starving"—an admonition whose illogicality was transparent even to a five year old; saving tinfoil and peach seeds; and, of course, the false Armistice a few days early, which is actually more clear in my recollections than the true Armistice, for the false news reached us in daylight while my mother was in the process of buying me a new pair of shoes in a store downtown in Fresno, California.

The 1918 Armistice came more than a century after the end of the last previous war that had involved most of Europe and the United States. From the final defeat of Napoleon by the British and Prussians at Waterloo on June 18, 1815, until the declaration of war by Austria against Serbia on July 28, 1914, there was a period of 99 years and 40 days of unparalleled peace and freedom, accompanied by social progress such as had never been dreamed of earlier.

So when the Armistice came it was natural that we expected the peace after the First World War to be at least as permanent as had been the peace before the First World War. But we did not just take it for granted that peace would be permanent. We worked to make it permanent. We established the League of Nations. Many treaties were negotiated to insure peace. War was renounced as an instrument of national policy. The major naval powers, including the United States, signed and carried out disarmament agreements, scrapping enough war ships to reduce their navies substantially.

On the first day of September, 1939, all the hopes, efforts, and accomplishments of twenty-one years were wiped out with the invasion of Poland by Germany.

Ironically, one of the major causes of the destruction of the peace for which so many had worked so hard and so well was an excess of passion for peace. It became apparent that for many citizens of England, France, the United States, and their friends, peace outweighed all other goals, values, and purposes together. No evil could be so great, we declared, as deliberately killing one's fellow man in war.

Even when Hitler had already imprisoned hundreds of thousands or perhaps millions of people, and even after he had begun their systematic torture and annihilation, young men in England, France, America, and other countries, took the "Oxford pledge" not under any circumstances to fight for King or Country. As a result of the pledge, and of the basic spirit of which it was only one manifestation, the leaders of these countries were deprived of credibility in international negotiations when they tried to suggest that their countries would not countenance unbridled aggression and tyranny, but would draw a line where they would stand and fight.

We know now that when Hitler's Army occupied the Rhineland they carried orders to retreat if any resistance were encountered. Hitler had issued these orders to back up the guarantees he gave his poorly armed generals that they would meet no resistance from the overwhelmingly better-armed French and the other signers of the Treaty of Versailles.

It is now more than 23 years since the end of the Second World War. This peace has already proved to be at least two years more enduring than that after the First World War. But of the Viet Nam conflict's many disastrous consequences for the United States, none seems to me so fraught with lasting peril as the fact that it has demonstrated clearly to the world that it is still true, as it has been true throughout our history, that we will not follow our leaders when they judge that the national interest requires resort to arms.

The Revolutionary War was marked by dissent no less violent than that of today. So was the War of 1812, and the Mexican War, and above all the Civil War. Only in the two World Wars, when we considered ourselves the victims of attacks initiated by aggressors, has this country shown the unity, determination, and perseverance required for the successful prosecution of a war.

Do not misunderstand me. Though I recognize that the basic pacifism of Americans is fraught with peril in the modern world, and I regret that Viet Nam has etched it in the minds of our enemies, it is one of the things that I love most about my country. I am one of those who would dearly love to see *America the Beautiful* replace our present national anthem—not only because it can be sung even if you are not an opera star, but because of the sentiments its words express so poetically: "Crown thy good with brotherhood, From sea to shining sea."

How can we preserve our national security in a world in which, unfortunately, "only the strong can be free" (as Wendell Willkie put it 28 years ago) and at the same time preserve one of the most admirable traits of our American character, our deep-seated love of peace and hatred of war and militarism?

We must not again underestimate the strength and the depth of American devotion to peace. Of all the considerations that led our forebears to come to this far-off land with its unknown risks, strange institutions, a language foreign to many, and little chance of ever again seeing home or loved-ones, probably none were more powerful than the desire for peace and freedom. These values continue to be instilled in us generation after generation by our parents, our schools, our churches, our literature, and our political leaders.

Just as we must not underestimate the strength of American devotion to peace and repugnance for war, so also must we not undervalue it. To weaken it would be to jeopardize one of the traits of character that makes America great, that makes it loved and admired throughout the world—much to the despair of the rulers of some countries who try strenuously to inculcate hate for America.

Yet we must also reckon with the danger that this peaceful spirit creates for our country in a world in which the preservation of freedom depends ultimately upon a clear and credible commitment and capacity to fight and die if necessary. It will no longer suffice to wait until after a Pearl Harbor before we firm up our resolution convincingly. It may be necessary, as the Israelis have found, to take military initiative. But such initiative clearly imposes almost impossible requirements on national leaders. How can they, much less everyone else, ever be certain that military initiative *really* was essential, or even justified? Unless such certainty is held almost unanimously, and sustained however long the conflict may require, the country is paralyzed and loses its will.

There is one measure we can take and should take immediately that would do much to resolve the dilemma that arises because, on the one horn, one of America's most fundamental—and also most admirable—characteristics is repugnance for war and, on the other horn, the ability to wage war is essential to the preservation of freedom.

The measure I propose will, I fear, shock some of you. I respectfully request that you nevertheless hear me out and think over my proposal carefully, rather than reject it out of hand. It is not a view I have come to lightly nor recently, but one I have held for over 20 years. It is not original with me nor is it without strong support from many respectable citizens of unquestionable patriotism.

A step that would do much toward resolving our dilemma is to abolish the draft: abolish it completely, lock, stock, and barrel; abolish it immediately, with no ifs, ands, or buts.

This ought to be first on the agenda when the new Congress convenes next January 20. The President-elect already is on record unambiguously as favoring abolition of the draft, though he has not, so far as I know, said unequivocally *when* it should be abolished, beyond "as soon as possible". I suggest that April 20 would be an appropriate date—90 days after the Inauguration.

At the time the draft is abolished it will be necessary to raise the pay of the military forces to obtain enough volunteers. Should a total, or near-total, mobilization become necessary, as in the two World Wars, a draft would again be appropriate.

My objections to the draft are of two kinds. First, it is immutably immoral in principle and inevitably inequitable in practice. Second, it is ineffective, inefficient, and detrimental to national security.

As to the point of principle, conscription involves taking bodily control of a person and subjecting him completely to the will of others. Nothing is more diametrically opposed to all our ethical, religious, and political principles. If this were necessary for the preservation of the nation, if it were necessary in order to assure that each person does his duty for the survival or safety of his neighbors, then the objections in principle would be outweighed by equally cogent conflicting principles, and the draft would be justifiable. This is obviously true in total mobilization. Equally obviously, it has been nowhere near true at any time since 1945.

I will turn in a moment to some of the inevitable inequities in the operation of the draft, but while we have in mind the basic immorality of the draft, we should note that proposals to require some form of universal national service, so that everyone will be equally mistreated, seem to me to magnify the immorality. Under that plan, even more people would be subjected to improper treatment. It implies that all human beings are chattels of the government.

Inequities in the operation of the draft have been well documented in several responsible studies of Selective Service data. Thus, one study showed that 77 per cent of qualified high school graduates serve two or more years in the military, but only 32 per cent of college graduates.

Now it is not clear how inequitable that is. It may be in some ways a greater sacrifice for a college graduate to be drafted than for a high school graduate. The college graduate, for example, loses more money in civilian pay than does the high school graduate. It may not be inequitable that an obligation be imposed mostly on those on whom it rests most lightly.

One of the most extreme inequities is to draft a star professional athlete, for example a heavyweight boxing champion. Such a person has a very brief period, often only two or three years, of peak earning power; he will probably not be able in all the rest of his life to earn a million dollars, much less a million dollars in one or two years. The burden on him is incomparably greater than on others. On the other hand actual cases taper off gradually and continuously from this extreme to the man who simply has a good chance to become champion or otherwise to earn a million dollars, or the man who is in the midst of a period of rare artistic inspiration and achievement, or the man for whom internal psychological factors make this the most critical year of his life.

Local boards, of course, make some effort to allow for these special circumstances. But every human being is special, and evaluations of circumstances are subjective. If a boy's mother is dying, his board would probably defer him. What if it is his aunt? Or simply a dear friend of the family?

A lottery, which some have suggested, would not be any more fair or equitable than the present arrangement. It is simply not fair to subject someone who is heavyweight boxing champion, or whose mother is dying, to exactly the same risk of being drafted as everyone else, because the consequences for them are so much more serious than for others. If we had one dish of diabetic ice cream, and one of regular ice cream, and you want the diabetic serving because you have diabetes but I want it because I have a slight preference for its flavor, would it be fair simply to toss a coin?

One of the most serious inequities of the draft is that the draftee bears not only the personal hardship of the armed forces, but also a large part of the financial hardship. With voluntary armed forces, other taxpayers would transfer to the men in the forces enough money to make up for what they lost in civilian pay, adjusted upward or downward for the special disadvantages or advantages of the armed forces. This would come about simply by setting the pay at levels where sufficient men would volunteer.

Draftees make for ineffective armed forces. A large proportion of their whole time in the armed forces is required for processing, training, and travel. Furthermore, they may be forced into combats of which they or their relatives disapprove, thus helping to demoralize the country in pursuit of any necessary military activities.

Although there are many other arguments in favor of volunteers instead of draftees, it would not be fair to use my short remaining time on those arguments and not have time to acknowledge that there are objections to an all-volunteer force. Some of the objections seem at first glance to have merit; but on examination none that I have heard really do have merit. The case against the draft is about as lopsided a case as one ever encounters in questions of public policy.

The most common objection is that all-volunteer forces would cost too much. Actually, the true cost would probably be less than with the draft, but more of the cost would be out in the open and paid by the taxpayers. Draftees bear large hidden costs, namely the higher civilian earnings they could have made. In addition to the obvious unfairness of adding the monetary to the personal costs of serving in the armed forces, a less obvious unfairness arises because draftees are usually young and impecunious in comparison with the taxpayers who avoid these hidden costs.

General Hershey and others have referred to volnteers as "mercenaries", "hired killers", and "in there just for the money". Actually, at present 90 per cent of the commissioned officers and all of the highest-ranking non-commissioned officers are volunteers. As Professor Harry Gilman of the University of Rochester College of Business has asked, "Why . . . are officers who are encouraged to enter and to remain in the service by reasonably high levels of pay called 'dedicated career men' but privates who would volunteer when they too received higher levels of pay called 'mercenaries'?"

In conclusion, let me reiterate that abolishing the draft promptly is important to the welfare and security of our country. That is precisely why I bring the matter before this audience. You are a group whose dedication to the welfare of our country cannot be disputed, for it is amply witnessed by your services to America and the world. My hope is that if you appreciate fully how much the draft undermines the very things for which you have risked your life, you can do our country another great service by helping to get it abolished.

It has been an interesting 50 years since 1918, in many ways a great 50 years, in some ways a terrifying 50 years. I hope you will invite me back to celebrate the completion of your next 50 years, and that all of you will be here.

Mr. Speaker, clear and responsible voices for reform, such as that of President Wallis are making evident the task before the 91st Congress.

Our President, Richard M. Nixon, has actively urged draft reform, and has endorsed the volunteer force concept. We in Congress must work to bring about the fulfillment of what has truly become a national commitment to draft reform. Empty words, and promises of reform "later on" will no longer satisfy our constituents, if indeed they ever did. The Congress cannot beg the urgency of this issue, which daily plagues the minds, the families, the attitudes and the ideals of American young people.

Action on draft reform must be a foregone conclusion for this Congress. I have offered my colleagues the results of my research and thoughts and that of other Congressmen. I have submitted my reform bill. I would welcome reform recommendations from other Members whose sincere goal is to enact meaningful changes in our military manpower policies.

THE SILENT DEATH

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 15 minutes.

Mr. WOLFF. Mr. Speaker, during the past year there has been a great deal of talk about the problems of crime and violence in this country. Certainly these are problems of great magnitude demanding our complete attention and full resources, one appropriate way to reduce the incidence of crime and violence is to make it more difficult for people to secure the weapons of violent crimes.

Switchblades, gravity knives, and similar long-bladed, folding knives are such violent weapons. These murderous instruments are truly a menace to our society. And they have no legitimate purpose for which other knives, such as sheath knives, are not equally well or better suited.

Yet despite existing Federal and State laws against switchblades and gravity knives, these tools of the "silent death" are readily available throughout the United States. The existing legislation simply lacks the power to control the distribution and sale of these vicious knives. Moreover, certain existing laws, such as the ban on importation of switchblades, are not being rigidly enforced.

Mr. Speaker, we are dealing here with a severe and threatening problem. These switchblades and gravity knives are lethal weapons: They are used to inflict terrible injuries or mortal wounds, and they have no other purpose. These knives are audaciously displayed and indiscriminately sold to drug addicts, to juveniles—to anyone.

The proliferation of dangerous knives is evident in the crime statistics compiled by the FBI. In all parts of the country the number of knife murders is steadily climbing. During 1965 and 1966 there were approximately 20,000 homicides in the United States, of those, 4,700 were committed with knives. That is just under 25 percent, Mr. Speaker, and it has been reported that in some communities, where there is meaningful gun legislation, knife murders exceed gun murders by as much as 5 to 1.

To finally and effectively end the proliferation of switchblades and gravity knives, I am today introducing legislation that will banish these terrible weapons from the American scene. Eighty of my colleagues have joined with me in sponsoring this legislation and I shall take the liberty of appending their names to the end of my comments here today.

The legislation we are introducing will ban the manufacture and distribution of these knives within the United States. The bill also contains strict provisions to plug the loopholes which have been used to evade existing Federal legislation, known as the Switchblade Knife Act of 1958. My bill strengthens and clarifies the 10-year-old law by amending it in order to add the following prohibitions: It will be illegal to sell a prohibited knife to a nonresident of the State in which the sale takes place; it specifically prohibits any individual from carrying a switchblade or gravity knife across State lines; it prohibits the use of any interstate facility to buy or sell such a knife; and it makes it illegal to possess a prohibited knife with the intention of violating any of the above provisions. Most importantly, this bill directs that any person who engages in interstate commerce of any kind may not manufacture, sell, distribute, or possess any of the designated knives.

Now, no one claims that writing laws will end crime and violence. But no one can doubt that depriving an insane person or a criminal of a deadly weapon will be a major deterrent to violence. My bill is designed to provide just such a deterrent.

Mr. Speaker, we have recently been witness to the type of problem that can be caused by easy access to switchblades. Two of the recent wave of airplane hijackings were accomplished with switchblades providing further evidence that these weapons are a grave threat to safety and a successful tool of crime.

As I have noted, existing legislation against switchblades and gravity knives has simply not done the job. In the decade since the Federal law was passed there have been less than twenty convictions. And illegally imported knives are being sold openly. I had no difficulty last summer purchasing such knives in the Times Square area of New York City.

In summary, Mr. Speaker, switchblades, gravity knives, and folding knives with excessively long blades have no constructive use; they are used only by those who use them for crime and violence. State and local authorities have not been successful in solving this problem. Existing Federal legislation has likewise proved ineffective. These knives are boldly displayed and openly sold, even to minors. Unless the Federal Government moves to halt their manufacture and distribution, the problem will not be solved. Something must be done to end "the silent death." The bill I propose will finally accomplish that, and so doing will be another positive step in the war against crime and violence.

Now, under leave to extend my remarks, I wish to include the names of my colleagues who are joining in sponsoring this legislation:

Cosponsors of Wolff Switchblade Knife Bill

Hon. Lester L. Wolff.
Hon. Joseph P. Addabbo.
Hon. Frank Annunzio.
Hon. William A. Barrett.
Hon. Mario Biaggi.

Hon. Jonathan B. Bingham.
Hon. Edward P. Boland.
Hon. John Brademas.
Hon. George E. Brown, Jr.
Hon. Daniel E. Button.
Hon. Hugh L. Carey.
Hon. Frank M. Clark.
Hon. Harold R. Collier.
Hon. Emilio Q. Daddario.
Hon. Dominick V. Daniels.
Hon. James J. Delaney.
Hon. John H. Dent.
Hon. Charles C. Diggs, Jr.
Hon. Florence P. Dwyer.
Hon. Don Edwards.
Hon. Joshua Eilberg.
Hon. Leonard Farbstein.
Hon. Michael A. Feighan.
Hon. Daniel J. Flood.
Hon. William D. Ford.
Hon. Samuel M. Friedel.
Hon. Peter Frelinghuysen.
Hon. Edward Garmatz.
Hon. Robert N. Giaimo.
Hon. Jacob Gilbert.
Hon. Martha W. Griffiths.
Hon. Seymour Halpern.
Hon. Julia Butler Hansen.
Hon. William D. Hathaway.
Hon. Ken Hechler.
Hon. Henry Helstoski.
Hon. Chet Holifield.
Hon. Lawrence J. Hogan.
Hon. Frank Horton.
Hon. James J. Howard.
Hon. Joseph E. Karth.
Hon. Edward I. Koch.
Hon. Peter N. Kyros.
Hon. Robert L. Leggett.
Hon. Donald E. Lukens.
Hon. Richard D. McCarthy.
Hon. Robert McClory.
Hon. Paul N. McCloskey, Jr.
Hon. Robert C. McEwen.
Hon. Spark Matsunaga.
Hon. Joseph G. Minish.
Hon. Abner J. Mikva.
Hon. Lloyd Meeds.
Hon. Robert H. Mollahan.
Hon. William T. Murphy.
Hon. Richard Ottinger.
Hon. Claude Pepper.
Hon. Melvin Price.
Hon. Roman Pucinski.
Hon. Ogden R. Reid.
Hon. Howard W. Robison.
Hon. Peter W. Rodino.
Hon. Daniel J. Ronan.
Hon. Benjamin S. Rosenthal.
Hon. Charles W. Sandman, Jr.
Hon. James H. Scheuer.
Hon. Fred Schwengel.
Hon. B. F. Sisk.
Hon. Henry Smith III.
Hon. Samuel S. Stratton.
Hon. Leonor K. Sullivan.
Hon. Burt L. Talcott.
Hon. Frank Thompson, Jr.
Hon. Morris K. Udall.
Hon. Lionel Van Deerlin.
Hon. Guy Vander Jagt.
Hon. Charles Vanik.
Hon. Joseph P. Vigorito.
Hon. William B. Widnall.
Hon. Lawrence G. Williams.
Hon. Charles H. Wilson.
Hon. William Whitehurst.
Hon. Larry Winn, Jr.
Hon. Gus Yatron.
Hon. Clement Zablocki.

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to my colleague, the gentleman from New York.

Mr. BIAGGI. Mr. Speaker, as a cosponsor of this proposed legislation I would like to say that statistics alone tell the tragic story of silent death visited upon our citizens by those armed with weapons our bill seeks to control. But these are more than statistics to me. They are live, unassailable facts, supported by personal knowledge, observation, and experience acquired in some 23 years of duty as a police officer.

Switchblades, gravity knives, and similar lethal instruments used in the commission of crime against the person are weapons of terror. They are easy to obtain, easy to carry, easy to conceal, and only too easy to use. They are fast, and they are deadly. Unlike guns, switchblades need no ammunition, they leave nothing behind, and there are no ballistic traces. They are efficient and superior conveyors of instant death.

Perhaps no one fully realizes how much fear these weapons strike in the heart of a victim until he has actually seen the flash of steel, like the fang of a viper, put to use on a city street. They are weapons of the jungle. They have no place on the American scene. They should be banned from American society.

Those who sell these weapons are merchants of sudden and silent violence. They ply their trade to those bent on crime. Few people carry these knives to defend themselves. They are, for all practical purposes, solely offensive weapons.

The time has come to take positive action in this Congress to apply all the power at our command to curb both their availability and their use.

Mr. Speaker, we who have dedicated our lives to law enforcement are well aware that the ease with which weapons are obtained is a major factor in the skyrocketing rate of crime. Many State legislatures are increasingly directing their attention to the problem, but without standardization of State laws, which we cannot depend upon, we owe it to the Nation to do what we can to help those States which do have effective knife laws by adopting the steps proposed by our bill.

We can, if we will it, put a stop to the manufacture or distribution of these knives by any firm engaging in interstate commerce, prohibit carrying them in interstate commerce, bar their sale to a nonresident of a State in which the sale takes place, forbid the use of interstate facilities for the purchase or sale of such weapons, and make it a crime to possess such a knife with the intent to violate any section of the proposed legislation.

In short, Mr. Speaker, we can, if we will it, make it more difficult to obtain switchblade knives, gravity knives, and similar death-dealing devices, and by so doing we will take vast strides in the continuing war on crime.

Mr. WOLFF. I thank the gentleman for his remarks.

Mr. Speaker, knowing of the great experience that my colleague, the gentleman from New York (Mr. BIAGGI) has had in the area of law enforcement, I am particularly pleased by his remarks on this matter.

Mr. ANNUNZIO. Mr. Speaker, I am pleased to be one of the Members who have reintroduced today a bill to curb the use of deadly switchblade knives in the United States by strengthening and clarifying the law prohibiting interstate traffic in these kinds of knives. The bill, which is presented by my able and distinguished colleague from New York, Hon. LESTER L. WOLFF, is known as the switchblade knife bill.

I have joined in the sponsorship of this bill, because of the deep concern I share with my fellow citizens over the rapidly increasing number of violent crimes committed throughout the country.

The seriousness of the problem is evident in the most recent available crime statistics compiled by the FBI. These figures illustrate the dangerously high rate of knife assaults and knife murders and make clear the need for a strong Federal law aimed at removing switchblades from our society.

In calendar year 1967, the FBI reported 253,300 aggravated assaults in the entire country. This means, Mr. Speaker, that for every 100,000 persons in the United States during 1967, there were 128 victims of an aggravated assault. A knife was used as the weapon in 33 percent of the assaults. Firearms, however, accounted for only 21 percent of aggravated assaults. It is apparent that we now have the responsibility to parallel our recent efforts to halt the irresponsible traffic in firearms by strengthening the Federal laws to control the use of the switchblade—another, equally threatening, deadly weapon.

As the aggravated assault statistics show, knives cause far more trouble than guns. According to a recent article in Parade magazine, the ratio of knife crimes to gun crimes, is as high as 5 to 1 in many communities. The article, previously cited by the gentleman from New York (Mr. WOLFF), at the time of his original introduction of the bill, was forcefully written by a nationally known writer, Jack Harrison Pollack. Mr. Pollack offers a shocking revelation of the abuse of switchblade knives.

The knife murder statistics are equally as appalling as the assault figures. Of the 12,090 murders committed in the United States in 1967, 20 percent were the victims of stabbing or cutting. Here in the District of Columbia, alone, there were 32 murders committed with knives in statistical year 1968. For the same period, a total of 983 aggravated assaults involved the use of a knife as the only weapon.

Clearly, we must rid ourselves and our society of this weapon which is designed exclusively for violence, if we are to be able to affect our rapidly increasing crime rate. By taking the tools of violence out of the hands of juveniles, we can hope to avert a significant number of senseless murders and assaults. Countless tragedies could have been avoided if these lethal weapons had not been available to criminals and severely disturbed persons.

The Switchblade Knife Act of 1958 did prohibit the introduction, or manufacture for introduction, into interstate commerce of switchblades. The bill introduced today plugs the loopholes in that law. The present bill strengthens and clarifies the older law by amending it in order to add the following prohibitions: First, it outlaws the sale of a switchblade or gravity knife to anyone who is not a resident of the State in which the sale occurs; second, it specifically prohibits any individual from carrying one of these knives across State lines; third, it prohibits the use of any interstate communications facility for purposes of buying or selling switchblades or gravity knives; and, fourth, it makes illegal the possession of a switchblade with the intention of violating any of these provisions. Most importantly, it outlaws the manufacture, sale or possession of these knives by any person engaged in interstate commerce of any kind.

Presently, 27 jurisdictions prohibit the sale of switchblade knives. Fifteen prohibit their manufacture within the State borders. Twenty jurisdictions prohibit the carrying of switchblade knives. Twenty prohibit their possession. Twenty prohibit the carrying of "dangerous knives" and four regulate the carrying of knives with blades in excess of stated length. But the laws are generally vague and frequently not enforced. For example, there is a new York State law prohibiting the sale, manufacture, or possession—except for hunting—of a switchblade knife. However, many New York stores brazenly display an ample selection of switchblade knives. The present State laws and the existing Federal law are evidently not sufficient. In the past 5 years only five convictions have resulted from the existing Federal law; a total of only 17 since the law became effective 10 years ago.

The bill introduced today recognizes that only through adequate Federal control over interstate and foreign commerce in these knives, and over all persons engaging in the business of importing, manufacturing, or dealing in them, can this grave problem be properly dealt with, and effective State and local regulation of this traffic be made possible.

Mr. Speaker, passage of this bill would mark a beginning to the end of a rampant violence that is sweeping our country. For this reason I strongly urge early and favorable consideration of the bill.

I am including at this point in the Record an article which appeared in the May 26, 1968, issue of Parade magazine. It is written by Jack Pollack and is entitled "We must Stop the Sale of Switchblade Knives." I feel sure this article will be of interest to my colleagues as it graphically explains the compelling need to control sales of these dangerous weapons.

The article follows:

We Must Stop the Sale of Switchblade Knives

(By Jack Harrison Pollack)

It could happen to you or any member of your family, any time, anywhere—on a crowded subway or a lonely suburban street. The motive could be robbery, rape or senseless slaughter. Tempers flare. Suddenly a hand streaks toward a pocket. There is a swift click. A hidden, dagger-tipped blade darts out like a snake's tongue. Clutched in a fist is a murderous "switchblade" or "gravity" type knife which in close quarters, police say, is as lethal as a loaded revolver.

Millions of words have been written and spoken in and out of Congress about the menace of guns; civic organizations press for legislation to curtail their sale. Too little has been said about concealed knives. Yet crime statistics show that knives cause far more trouble than guns. They accounted for 23 percent of U.S. murders in 1966, and the rate is probably higher today. In many communities, the ratio of knife crimes to gun crimes is as high as five to one. When newspapers report these crimes, they usually say "knife stabbings." But police records often reveal that switchblade or gravity knives were the weapons used.

Isn't it against the law to possess these dangerous knives? Most states have a law against carrying concealed weapons. And in at least 12 states these knives are specifically prohibited—and federal law prohibits their interstate shipment. But the laws are often so vaguely written that they are rarely enforced, and as a result are cynically flouted.

KNIVES AND SCHOOL

Parade learned in a nationwide survey that these switchblade and gravity knives (also called "springblade," "swingback" and "snap" knives)—*which are designed exclusively for violence*—are frequently as easy to buy in many parts of the U.S. as a package of gum or cigarettes. In many fair-sized cities, they are prominently displayed in store windows, and are sold openly, even to teenagers—no questions asked. Some cautious storekeepers, though, sell them from under the counter or cache them in the rear of the shop.

In New York City, the knives are advertised in seedy Times Square store windows with the come-on price—"from 88 cents up." On Chicago's South Side, they are for sale not far from a public school, and they have indeed been bought by thrill-seeking juveniles, who take them up as a fad, and take them to classes and school dances. In some California cities, where a state law prohibits the carrying of any knife with a blade of over two inches, knives and daggers with blades up to nine inches are illegally acquired by hoodlums and others.

In these and other communities, I recently purchased some of these knives. I saw them being sold to scores of minors and grownups, in flagrant violation of local and state laws, often with policemen passively patrolling outside the stores or in the vicinity. You can even charge these illegal purchases to your credit card service!

The knives are mainly manufactured in Japan, Germany and Italy and are smuggled into the U.S. Many have gaudy handles and are labeled "007." Others, also to attract the unhealthy fascination of teenagers and sophomoric adults, are emblazoned with such words as "Lion," "Tiger," and "Eagle." These knives cost from $3.98 to $25 for the more elegant Italian models.

What is the difference between these and conventional knives? First, they have a daggerpoint tip. Second, unlike ordinary pocketknives, they can be operated with one hand. To open a switchblade, you merely press a button, and the blade flies out instantly and locks into position. A gravity knife opens when held firmly by the fingers and quickly snapped with the arm and wrist. The blade leaps forward, automatically locked into place. In states where there is a specific prohibition against switchblades, gravity knives are now coming into greater circulation. These one-handed weapons may not be as multi-purpose as a Boy Scout's jackknife but they are infinitely swifter to open, and thus are favorites with street fighters, muggers and strongarm robbers. "I never even saw the knife," said one victim of a switchblade attack, "I only *felt* it."

I asked merchants why they sold these deadly knives. Here are some of their cynical, if whimsical replies: "People want them for protection." "You don't break your fingernails opening them." "They're easy to peel potatoes with." "You couldn't get a kid a nicer present." "Girls like to use them instead of hatpins."

Salesmen and manufacturers also have an ever-ready alibi: "If people can't get these knives, they'll find other weapons to commit crimes with—guns, icepicks, baseball bats and what-have-you." But countless crimes would never have been committed if switchblade and gravity knives were not so readily available. Police, judges, teachers, social workers and other responsible citizens are increasingly disturbed by the growing use of these weapons. A Midwestern police officer admits: "Nearly three out of four of our stabbing cases this year involved these knives. We sure need a tough law against them."

In 1958, Congress did pass a law to ban the interstate shipment of switch-blade knives. Penalties for violation are up to five years in prison and a $2000 fine. The bill was introduced by Sen. Warren G. Magnuson (D., Wash.) in response to urging of police chiefs across the nation, who were trying to cut down street warfare by youthful gangs. But the Justice Department admits there have been only eight convictions in the past five years. People who were vitally interested in the legislation at the time of its passage seem almost to have forgotten its existence. Senator Magnuson said he hasn't followed the progress of the law, but he has the impression it has "gone a long way toward correcting the situation." However, when asked whether the law had been effective, Attorney General Ramsey Clark declined to comment.

Knives are also on the list of forbidden imports. Customs men say they have seized 2500 knives from persons returning from Europe in the past 12 months, but only one commercial shipment was confiscated, a consignment of Japanese knives seized in Los Angeles.

MORE THAN A MILLION

A decade ago, switchblade production in the U.S. was reported at 1 million knives a year. This was supplemented by the importation of another 200,000 knives. The federal law exempts from its provisions members of the armed forces when engaged in the pursuit of their duties, and one-armed persons, who may carry switchblades of less than three inches in interstate travel. When I told a storekeeper that I wanted a switchblade for a one-armed friend, he said: "Here's a gravity knife that's just as good. I'll show you how to open it." Another merchant hesitated to sell me a switchblade, but he produced a knife with the usual pushbutton removed, and then told me that I could replace the mechanism in a hardware store!

Most state and local laws are weasel-worded on the subject of the knives, and are often contradictory. Some do not make clear that it is a crime to buy and sell them, but only to "possess" or "carry" them.

Laws have also been handicapped by poor enforcement. Last month in New York City a detective saw a man pull a switchblade on the doorman of my apartment house. The detective seized the knife and told the man to move on. "Why didn't you lock him up?" asked the doorman. "Maybe I should have," said the detective, "but I'd have to go to court to testify against him—and so would you."

A few localities have taken effective action against knives. Philadelphia has passed an ordinance which carries penalties of up to 90 days in prison and a $300 fine for any seller or carrier of switchblade and gravity knives. When storekeepers display the weapons, police crack down. "This law has virtually dried up knives at the source," Ephraim R. Gomberg, executive vice-president of the Philadelphia Crime Commission, says.

How can you protect yourself and your family from this threat? Here are three things you can do immediately:

1. Find out if any of your local storekeepers display or sell switchblades or gravity knives. If they do—and are violating local or state law—notify the police and help prosecute them. Preferably, this can be done through your civic, religious, fraternal or PTA organizations.

2. If your local or state law needs clarify-

ing, or if your state and town has no law against these knives, you can work for the passage of new laws. And add your voice to others demanding strict enforcement.

3. Make certain that your children and their friends do not buy or carry the knives.

Not long ago, a decorated young war hero—who had survived several overseas battle wounds—was getting off a bus with his girl friend. Suddenly, without warning or provocation, a drunken stranger pulled a four-inch switchblade from his pocket and plunged it into the veteran's heart, killing him almost instantly. Who was the murderer? A mentally ill man with a long police record of assault. He couldn't carry a gun without a permit. If needed laws were enacted and enforced, he wouldn't have found it so easy to roam the streets and ride the buses with an equally murderous weapon.

Mr. HORTON. Mr. Speaker, I am proud to join in cosponsorship of a bill to step up the fight against crime by curbing interstate commerce in switchblade knives.

Existing legislation only bans the manufacture or distribution of switchblade and gravity knives from interstate commerce. The legislation which I am cosponsoring today goes one step further by prohibiting any person who deals in interstate commerce of any kind from manufacturing, selling, or distributing these knives.

The only use for a switchblade is violence, Mr. Speaker. This instrument of terror has long been associated with muggings and theft. It is the most frequently used weapon of the back-alley thug and street gang.

By prohibiting the manufacture and distribution of switchblades, and by making it illegal for them to be carried by persons traveling interstate or to be sold to nonresidents of a State, this legislation, with proper enforcement, strongly supports the attack on crime started in the 90th Congress with the passage of legislation to curb the interstate commerce in rifles and handguns.

Silent and small, the switchblade knife is the deadliest companion of crime and terror. Ignoring the fact that these weapons are easily accessible for a few dollars in any State is a complete disregard for the public safety.

Crime cannot be ignored. It must be combated with well-planned laws which are properly enforced.

Our colleagues' support of this measure is a vote to eliminate these weapons of violence from the streets and back alleys of America.

GENERAL LEAVE TO EXTEND REMARKS

Mr. WOLFF. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days to extend their remarks on this subject.

The **SPEAKER** pro tempore. Without objection, it is so ordered.

There was no objection.

ADAIR COMMENDS NIXON APPOINTMENTS

The **SPEAKER** pro tempore (Mr. Hanna). Under previous order of the House, the gentleman from Indiana (Mr. Adair) is recognized for 30 minutes.

Mr. ADAIR. Mr. Speaker, on Monday, January 20, Richard Nixon was inaugurated as the 37th President of the United States.

We are fortunate to have as President this man of great experience, dedication, and vision, who trained for the job under Gen. Dwight D. Eisenhower. But we all know that the President does not serve alone.

In fact, to a considerable degree the success of Mr. Nixon's Presidency will depend upon the caliber of the men selected to work with him in meeting the difficult problems he will face as President. By that criterion, Mr. Nixon's Presidency is off to a good start.

His Cabinet choices are each men of demonstrated leadership and ability—dedicated professionals in every sense of the word—not men chosen merely to represent some special geographic, political, or other interest regardless of ability.

These are men who can help us move "forward together" through their ability to develop and carry out programs that will best serve America and all its people in the years ahead. This ability was perhaps best illustrated by President Nixon's description of Mr. Robert Finch, his Secretary of Health, Education, and Welfare. Mr. Nixon said:

> Few men in political life so combine vision with meticulous attention to detail.

And so it is with this outstanding Cabinet. Men from throughout America have put "service to their country" ahead of personal considerations: Melvin Laird of our own House of Representatives, as Secretary of Defense; banker David M. Kennedy, Secretary of the Treasury; Gov. George Romney, Secretary of Housing and Urban Development; Maurice H. Stans, former Director of the Budget Bureau under President Eisenhower, as Secretary of Commerce; Gov. Walter Hickel, Secretary of the Interior; George Shultz, labor economist and industrial relations expert, as Secretary of Labor; Nixon law partner John Mitchell, Attorney General; Dr. Clifford Hardin, university chancellor and agricultural economist, as Secretary of Agriculture; Gov. John Volpe, Secretary of Transportation; and successful businessman, Winton Blount, as Postmaster General.

I have left to the last my comments regarding the men who serve Mr. Nixon in the foreign policy area. In this critical area we have an excellent blend of men experienced in foreign affairs and men of broad experience in government, but relatively new to foreign affairs.

The nomination of Mr. William P. Rogers as Secretary of State was widely applauded by leaders of both parties. This outstanding American was Attorney General during the Eisenhower administration and is a former member of the U.S. delegation to the General Assembly of the United Nations.

Mr. Rogers has been widely recognized for his foresight, his coolness under fire, his administrative ability, his skill as a negotiator and for his good judgment. These are qualities urgently needed in the Office of Secretary of State.

I am equally pleased with the appointments announced thus far of those who will work with Mr. Rogers at the Department of State.

Mr. Elliot Richardson, the new Under Secretary of State, is a distinguished public official and lawyer. He began his career as a law clerk to Judge Learned Hand and to Justice Felix Frankfurter. Later, he was an assistant to Senator Saltonstall and to former Secretary of State Herter, when Mr. Herter was Governor of Massachusetts.

Under President Eisenhower, Mr. Richardson served as Assistant Secretary of Health, Education, and Welfare. Subsequently, he served in elective office as Lieutenant Governor of Massachusetts and as attorney general of Massachusetts.

For the position of Under Secretary of State for Political Affairs, Mr. Nixon chose one of our most distinguished career ambassadors—U. Alexis Johnson—the Ambassador to Japan. He has twice served as Deputy Under Secretary for Political Affairs, and has held delicate ambassadorial posts.

He served as Ambassador to Czechoslovakia and Thailand and, during 1964–65, was Deputy Ambassador in South Vietnam. Also, as Deputy Assistant Secretary of State for Far Eastern Affairs, he made a major contribution toward achieving the Korean armistice in 1953.

The new counselor of the State Department—Mr. Richard F. Pedersen—will serve as a special adviser and consultant to the Secretary of State on major foreign policy problems. In addition he will be responsible for the Department's Secretariat. A career officer and United Nations specialist, who was brought to the U.N. by Ambassador Lodge, Ambassador Pedersen has been an active participant in our diplomatic efforts to resolve a wide variety of world crises over the years, ranging from the Hungarian invasion to the Cuban missile crisis and the Soviet invasion of Czechoslovakia. He first served as an adviser to Secretary Rogers when the Secretary served on the U.S. delegation to the General Assembly in 1965.

With Ambassador Pedersen's knowledge of the complexities of day-to-day diplomacy, and his broad experience on major world problems, he will be a most useful adviser to Mr. Rogers.

Mr. William B. Macomber, Jr., has been asked by Mr. Rogers to continue as Assistant Secretary of State for Congressional Relations. All of us know and appreciate the excellent job that "Bill" Macomber has done over the years in working with Members of the Congress. In the critical days that lie ahead, it will be helpful to us to continue to have the able assistance of this outstanding public servant.

I would also like to comment briefly and favorably upon Mr. Nixon's appointments of his top assistants to the National Security Council. Both Dr. Henry A. Kissinger, his Assistant for National Security Affairs, and Dr. Richard V. Allen, who will be chief aide to Dr. Kissinger, bring to the National Security Council distinguished backgrounds. Dr. Kissinger has headed Harvard University's International Seminar as well as its defense studies program. Dr. Allen has been senior staff member of the Hoover Institution on War, Revolution, and Peace at Stanford University.

To head the U.S. Information Agency, President Nixon has chosen a man with experience in television and international communications. Mr. Frank J. Shakespeare, Jr., the new Director of USIA, has served as president of the television division of a major network with responsibility for worldwide distribution of television programs and news services to foreign television operations.

I am confident that this experience will be of great value to Mr. Shakespeare as he directs USIA in the fulfillment of its mission to help achieve U.S. foreign policy objectives by influencing public attitudes of other nations. He is a competent and very capable individual and will, I am sure, serve with distinction.

As the senior Republican on the House Committee on Foreign Affairs, it has been my pleasure to report to this body upon the Nixon appointments in the crucial area of foreign affairs. Like the Members of this body, these dedicated men seek only to serve our country well. They need our help and we need theirs. By working together we can advance the cause of peace and the security of the United States of America in a troubled world.

In conclusion, I would like to pay tribute to a member of the former administration, Mr. Rogers' predecessor as Secretary of State—Mr. Dean Rusk.

Through 8 long and tumultuous years this dedicated public servant served his country with courage, perseverance and a quiet dignity that earned him the respect of Members on both sides of the aisle.

In the transition from the Johnson to the Nixon administration, Dean Rusk was considerate and helpful to his successor in every way, placing his country first, as always.

As Dean Rusk lays down the burden he has borne, I am proud to join in an expression of thanks to this distinguished American for his service to our country—and to extend my very best wishes to Dean and Mrs. Rusk as they return to private life.

THE "LIEU OF TAXES" PROBLEM

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROBISON) is recognized for 15 minutes.

Mr. **ROBISON**. Mr. Speaker, on Monday of this week I was joined by 13 of my colleagues in introducing H.R. 4599 providing for a 2-year extension of the payments-in-lieu-of-taxes law. Those who cosponsored the bill with me are: Mr. BATES, Mr. CLANCY, Mr. DEVINE, Mr. DONOHUE, Mr. FRIEDEL, Mr. KARTH, Mr. MACDONALD of Massachusetts, Mr. SHRIVER, Mr. THOMPSON of New Jersey, Mr. VANDER JAGT, Mr. WALDIE, Mr. WILLIAMS, and Mr. WRIGHT. The gentleman from Pennsylvania (Mr. FULTON) introduced an identical companion bill—H.R. 4811—on Tuesday.

We all share a common problem in that there is situate in each of our districts certain real property formerly transferred by the old Reconstruction Finance Corporation to other Federal departments, on which, for a number of years now, the Federal Government has been making "payments in lieu of taxes." These payments have been made by virtue of authority stemming from Public Law 388 of the 84th Congress, which law was enacted as a temporary measure to alleviate the hardship to communities created by the removal of RFC properties from the tax rolls of State and local taxing authorities. Because of the inequity and hardship which would otherwise ensue, Congress has seen fit to extend this legislation for 2-year intervals, and it was last extended in 1967 on the passage of H.R. 4241—90th Congress—as introduced by the gentleman from California (Mr. HOLIFIELD).

As a result of the expiration of this last extension on December 31, 1968, a number of communities are faced with unanticipated financial hardship. Among these are taxing districts in my congressional district in Broome County, N.Y. According to my information, the county of Broome, the town of Union and the Johnson City Central School District—all of which did receive payments in lieu of taxes by virtue of the Department of the Air Force ownership of Air Force plant No. 59 in Johnson City—stand to lose over $136,000 in anticipated Federal revenues in this tax year if a new extension is not approved. In particular, the cost to the town of Union will be in excess of $70,000 in real estate taxes and the elimination of a $28,000 payment for fire protection. The number of areas in this country affected in this manner is relatively few, but this does not diminish the gravity of the situation for those who have this problem.

There is no question but that this payment-in-lieu-of-taxes arrangement was intended to be temporary in nature, only, presumably to allow the passage of sufficient time after the date when these former RFC properties were transferred to other Federal agencies, and thus stricken from local tax rolls, for those various Federal agencies to dispose of the same, getting them into private hands and so back on those tax rolls, all without causing undue hardship on the affected local municipalities.

But, Mr. Speaker, like so many other plans around here, matters have not worked out quite as hoped for. Even as late as 1967, the Air Force owned 11 such facilities, besides the one in my district, the Navy still owned eight such facilities, and the Army an additional nine, all scattered at various points across the Nation. As for Air Force Plant No. 59, however, the Air Force declared it "surplus" to its needs some years back; the General Services Administration, accordingly, offered it for sale; the General Electric Co., according to my understanding, was the only bidder and things then progressed to the point where General Electric's offer, following some negotiations, came before the Department of Justice for review. The then Attorney General—or the Department of Justice—apparently influenced by some difficulties the company was having at the time under the antitrust laws, thereupon rejected GSA's request for an antitrust clearance, and General Electric's bid of $2,610,000 was turned down. Thereafter, matters reverted to the status quo, and there they still rest.

Unfortunately, the GSA and the Bureau of the Budget have in the past year stated that they believe the purposes of the original payments-in-lieu-of-taxes legislation, enacted in 1956, have been met, and the Committee on Government Operations warned, when approving the last extension in 1967, that it might well be the last such extension—citing GSA and BOB opposition—and suggested that the local taxing authorities ought to begin to "adjust their finances," accordingly. The Department of the Air Force, however—directly concerned in my district—does not object to the further extension of Public Law 388 feeling that the plant should not be put up for sale, and I have not subsequently been informed of any change in their policy. Therefore, in the case of this particular plant we have a situation in which the Air Force once declared the building surplus; Justice refused to approve its sale to the present tenant and logical buyer; the Air Force now believes the plant should not be sold, and the extension of Public Law 388 has expired. Given these circumstances, I feel that the only feasible course of action at this time is to approve a bill extending the law for another two years so that the several communities where these various plants are located will be able to count on the payments in lieu of taxes for at least 2 additional years.

However, Mr. Speaker, the overall picture and policy regarding these plants should also concern us. When the Committee on Government Operations issued its warning on further extensions it recognized this concern by stating in the last sentence of the committee report:

> We will, however, make a careful study of this matter before we reach a final decision.

So far as I can discover, this contemplated "study" has not progressed beyond consultations with the Bureau of the Budget. I deeply believe that such a study should be made, not only for Air Force plant No. 59 and the others which are in Government ownership, but as a possible step toward an overall policy study of federally owned property throughout the country and its effect on local tax situations.

For the long term, the only real solution to the problem of these plants is sale to private ownership—thus putting them back on local tax rolls. Though the military departments seem to resist such a move during this period of combat in the Far East, I still believe that they should be influenced to change their minds. Therefore, whether or not the committee decides to extend Public Law 388—and I certainly hope they do, for at least 2 years—I would hope that it would be the sense of the committee that these properties should be returned to private ownership at the earliest possible date, and I believe that all possible influence should be brought to bear on the service departments to effect this disposal.

SWITCHBLADE KNIFE BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 15 minutes.

Mr. SCHWENGEL. Mr. Speaker, we Americans live in the wealthiest and freest nation in the history of the world. Our Nation has done more than any other in history to bring about the Biblical promise of an abundant life to our fellow men. Yet, in spite of all of our wealth and all our freedom, we are caught in the grips of a moral epidemic—an epidemic no amount of money or medicine can stem.

Crime and violence in all their vicious, ugly manifestations are turning American cities into asphalt jungles where property rights, personal rights, and even personal safety no longer exist.

The businessman traveling to and from work, the busdriver making his rounds, the housewife in her own home, innocent children at play—all have fallen and will continue to fall victims to America's crime epidemic until something is done to stem the tide of lawlessness which is engulfing the Nation.

The rate of violence and lawlessness continues to skyrocket day by day. The Federal Bureau of Investigation reports that in the first quarter of 1968, crimes of all types have climbed 17 percent above the rate at the same time in the prior year. The only thing we have been able to count on from the Great Society thus far are rising prices, taxes, and crime rates.

Just how bad is the crime epidemic, you may wonder. Even worse than most Americans realize.

In August of 1967, the Federal Bureau of Investigation came out with its most recent, complete tabulation of nationwide crime. Here are some of the shocking facts it included.

In the 2 minutes since I began speaking, somewhere in the United States, a murder, forcible rape, or assault to kill has already been committed.

Day in, day out, all year around, America averages one murder every 48 hours.

Six serious crimes are committed every minute. Every 21 minutes, a housewife, mother, or working girl, is forcibly raped.

Every 57 seconds, another car is stolen. Every 23 seconds, an act of burglary is committed.

And there is every indication that these figures will jump even higher this year. That is how bad it is.

There is no simple answer to this problem, because there is no single cause for crime. A comprehensive answer can only be found in a comprehensive attack on the social and economic problems of the people in a determined long-range assault on all of our domestic ills. Crime is only a symptom of other failures in our society. A comprehensive Federal effort to lower the crime rate can be truly effective only with a major reorganization of the Federal Government's departments, agencies, and bureaus charged with the task. Today that organization is less than optimum. There must be horizontal coordination at the Federal level and vertical coordination with the States and cities. There appears to be little system, little method, little order, in the Federal Government's approach to the solution of the crime problem.

It is a crazy quiltwork of departments, bureaus, and agencies, with competing responsibilities, duplicated staffing, poor communications, and self-defeating jealousies.

In order to fully correct this situation there is need for a joint committee in the Congress to oversee the crime-fighting efforts of the executive branch. To assure better solution to this problem, I have recently introduced a resolution—House Concurrent Resolution 22—which calls for the creation of a joint committee to investigate crime. The purposes of this joint committee are clearly set forth in section 2 of the resolution.

> SEC. 2. (a) The joint committee shall make continuing investigations and studies of all aspects of crime in the United States, including (1) its elements, causes, and extent; (2) the preparation, collection, and dissemination of statistics thereon, and the availability of reciprocity of information among law enforcement agencies, Federal, State, and local, including exchange of information with foreign nations; (3) the adequacy of law enforcement and the administration of justice, including constitutional issues pertaining thereto; (4) the effect of crime and disturbances in the metropolitan urban areas; (5) the effect, directly, or indirectly, of crime on the commerce of the Nation; (6) the treatment and rehabilitation of persons convicted of crime; (7) measures for the reduction, control, or prevention of crime; (8) measures for the improvement of a) detection of crime, b) law enforcement, including increased cooperation among the agencies thereof, c) the administration of justice; and (9) measures and programs for increased respect for the law.

These are some of the things which the joint committee we propose would study. I say "we" because a number of Members of Congress have joined me in this, and there are a number of bills in addition to my own which are aimed at this kind of solution.

Because of my extensive research on crime and especially in the area of the needless weapon, the switchblade knife, I am glad to join today with the gentleman from New York (Mr. WOLFF) and others—some 85—in cosponsoring a very specific attack on one phase of the problem of crime in this Nation.

The bill we present would finally put an end to the shipment in interstate commerce of switchblade knives. The need for and the validity of this bill is so clear it is almost amazing it was not passed years ago.

The knives covered by this bill have no legitimate purpose whatsoever. It is inconceivable that there could be any opposition to this bill. This bill has the potential for saving hundreds of lives monthly, and thousands of personal injuries, and in addition it would greatly reduce the state of fear in the hearts and minds of our people as they walk on the streets of our cities.

Again, I cannot overemphasize the fact that the type of knife covered here has no valid use or purpose. It can be used only to further the interests and activities of criminals. Any legitimate need for a knife can easily be met by other styles and models of knives.

This bill has my fullest and most enthusiastic support. I heartily commend it to all the Members.

I reiterate: Let us remove these tools of violence from our way of life. I plead with the committee to start hearings immediately on this and bring it to the House floor for our consideration.

Mr. WOLFF. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I am glad to yield to the gentleman from New York.

Mr. WOLFF. I thank the gentleman for his support and also for the work he has done and is continuing to do to outlaw this type of weapon, which is contributing to crime in this Nation.

Mr. SCHWENGEL. I thank the gentleman.

Mr. ZWACH. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I am glad to yield to the gentleman.

Mr. ZWACH. Mr. Speaker, I would like to commend the distinguished gentleman from Iowa for the statement he has made and associate myself with him and I hope that we may proceed to carry out some of his recommendations.

Mr. SCHWENGEL. Mr. Speaker, I thank the gentleman and yield back the balance of my time.

FOREIGN TRADE ZONE IN MAINE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas (Mr. BUSH) is recognized for 10 minutes.

Mr. BUSH. Mr. Speaker, lately, I have become increasingly concerned by the mammoth public relations campaign being waged to speed up the establishment of a foreign trade zone in Maine. I can well understand the enthusiasm of Senators KENNEDY and MUSKIE for the economic development that would be gained from a crude oil refinery in Machiasport, Maine. But what concerns me is the attempt to improve regional conditions by undermining a Federal program that was established for our national security.

Every section of the country is dependent upon a strong oil industry. The oil import program was established by the President under authority of the "National Security" clause of the Trade Agreements Extension Act in 1959 because it was determined that a strong domestic oil industry was vital to the defense of this country. The correctness of this determination was proven during two Suez crises when Europe was cut off from Middle East oil.

I wonder if some of the critics of the program stop to think what would happen if we were absolutely dependent upon the Middle East for oil. We would find ourselves facing the prospect of having our oil supply being cut off whenever this highly volatile portion of the world erupted.

Does it make sense to take a program whose basic justification lies formulated upon the concept of defense for this country and the vital necessity of a strong domestic oil industry, and then use that program for social or economic goals no matter how justifiable?

The oil import program was established for defense reasons. If we are going to scuttle it, we should do so because the requirements of our national security no longer require the program. But we should not use the program for social development thereby jeopardizing the whole program.

The choice that the authorities must make is a clear one—namely, should short term benefits be bestowed on one region in our country to the detriment of the long term security interests of the entire country?

The issue has become emotional. The mimeograph machines of some powerful political figures are cranking out releases berating the oil industry. I am confident that when the whole proposal is considered in the light of our defense posture, in the light of the petroleum requirements of our allies, and in the light of the turmoil in the Middle East, this Government will reject the free trade zone application.

SALUTE TO SECRETARY RUSK

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York (Mr. Rooney) is recognized for 10 minutes.

Mr. ROONEY of New York. Mr. Speaker, the position of Secretary of State has often been called an almost impossible job in that the man who holds it is indeed the man in the middle. Yet, for the past 8 years, this difficult, taxing, and demanding position has been more than ably filled by one of the finest public servants I have ever met—the Honorable Dean Rusk.

The state of the world during Dean Rusk's tenure as Secretary can be summed up in a word—crisis. But the summing up does little to explain the pressures, the torment, the abuses that daily are the lot of the Secretary of State. Nor does it delineate the awesome realization that nuclear carnage could be just one mistake away.

Dean Rusk has lived with these things for 8 years. He has faced the problems of Cuba, the Far East, the Near East, Berlin, Europe, the emerging nations, and Latin America the same way he has faced things all his life—with determination, integrity, dignity, and strength. We should all be thankful that we have had such a man on the firing line for us.

Over the years I have had many occasions, in the House Committee on Appropriations and elsewhere, to work with Dean Rusk. They have been rewarding years, beginning with his tour of duty as Assistant Secretary of State in President Truman's administration, for one cannot know this loyal, courteous, patient, and "unflapable" man and not feel the better for it. I think that as these past 8 years as Secretary are analyzed by future historians, the names of Dean Rusk and the two Presidents he so ably served will be counted among the giants.

Mr. Speaker, I join with my colleagues in saluting a great statesman, a great American and a true friend. I wish Dean and his lovely wife, Virginia, Godspeed and can only add that they both will be sorely missed here.

THE HOME NEWS: A GREAT NEWSPAPER

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New Jersey (Mr. Patten) is recognized for 15 minutes.

Mr. PATTEN. Mr. Speaker, on Saturday, February 1, 1969, a great newspaper, the Home News, of New Brunswick, N.J., celebrates its 90th anniversary.

I have read and known many newspapers in my 35 years of public service and I am convinced that the Home News is one of the best in the entire Nation.

It is responsible, it is progressive, and it is responsive—not only to the needs of Middlesex and Somerset Counties, N.J., but to the State and Nation, as well.

The Home News consistently wins awards, because its stories are written by men and women of exceptional talent and because the articles are warm, understanding, and compassionate.

Another reason it is a great newspaper is its excellent leadership. Under the fine and dedicated leadership of publisher Hugh N. Boyd, the Home News has achieved a prominence that has made it one of the most successful, respected, and coveted newspapers in the United States.

The newspapers of America have a vital function—to publish the truth and keep its readers informed with not only the achievements of Government, but its problems and failures. Free newspapers are indispensable to the democratic process—to praise Government when it is right and to criticize it when it is wrong—their preeminent interest and concern always the people.

For 90 years—since February 1, 1879—the Home News has been a strong and vigorous advocate and supporter of good government—government that is efficient, honest, and progressive. I know that it will continue to publish what is right and good, benefiting not only its 53,000 daily readers, but all levels of government.

Freedom, justice, and progress could never prevail and flourish without newspapers, which are often the conscience of government.

That is why Thomas Jefferson, in his letter to Col. Edward Carrington on January 16, 1787, wrote that:

> Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.

The kind of newspapers that Jefferson had in mind were those that know what is right and have the courage and zeal to fight for the right until victory is achieved. The Home News is such a newspaper.

Mr. Speaker, I hereby insert in the Congressional Record a brief history of the Home News, a truly great newspaper and loyal public servant:

History of the Home News

The 90-year history of The Home News begins with its start as a five-column, four-page newspaper in 1879 and a circulation of a few hundred, to the present day newspaper printed on a 96-page press, with a circulation of over 53,000 copies every weekday and over 55,000 on Sundays.

Except for its first early months, the name of the publisher has been Boyd and the property has remained with this family since The Home News was acquired by the late Hugh Boyd the same year it was founded.

Mr. Boyd learned the printing trade in Belfast, Ireland, and was employed by a competing publication as a compositor and city editor when he purchased The Home News. This was less than 10 months after it had been started on February 1, 1879 by Joseph Fisher and A. L. Blue. Mr. Fisher withdrew from the business after the first six months. About three months later Mr. Boyd purchased the printing business that included a job plant and the new daily newspaper.

In a little more than a year Mr. Boyd moved his printing shop from the third floor of the Hope Building on Hiram Street to a property at the corner of Hiram and Dennis Streets where it was to remain for 42 years.

In 1880 Mr. Boyd started the Weekly Home News. It was then that The Home News was given the title of The Daily Home News for the first time to distinguish it from the weekly publication.

The Home News Publishing Company was incorporated on December 24, 1908 by Hugh Boyd, Arthur H. Boyd and William B. Boyd.

On May 13, 1915, The Home News purchased the New Brunswick Times, a competing daily founded in 1786, ten years after the American Revolution, and after continuing its operation as an afternoon and later a morning newspaper, converted it to a Sunday newspaper on January 1, 1917.

The name of the Sunday newspaper was changed on June 3, 1956 to The Sunday Home News to provide greater continuity as a seven-day newspaper.

Mr. Boyd was 35 years old when he took over the newspaper in 1879. He continued as publisher until his death on November 18, 1923, when William B. Boyd, one of his three sons, succeeded him.

In 1918 job printing work was discontinued at the printing plant to permit all efforts to be directed toward the publication of the daily and Sunday newspapers.

Gradual expansion and the addition of a new building at the downtown location at Hiram and Dennis Streets did not provide for the rapid growth of the newspaper and in 1921 it was necessary to move for the second time.

The need for moving "uptown" was foreseen many years before it became necessary to do so and the site was acquired in 1909. The moving was completed on Washington's Birthday in 1922. The company later acquired a large office building nearby and constructed a building which connected with the office building and the original "uptown" site.

William B. Boyd continued as publisher of The Home News until his death, February 8, 1933, when he was succeeded by his brother, Elmer B. Boyd. A third son of the late Hugh Boyd, Arthur H. Boyd, died August 22, 1926, after serving as managing editor.

Elmer B. Boyd continued as publisher until his death on February 7, 1955, when he was succeeded by his nephew, Hugh N. Boyd, son of the late William B. Boyd.

Present officers and members of the Board of Directors of the company are Hugh N. Boyd, President and Publisher; Mrs. Victor F. Ridder, widow of William B. Boyd; William M. Boyd, Vice President; Richard N. Sheble, General Manager, Vice President; John K. Quad, Executive Editor, and James J. Castles, Controller.

In 1956 the continued growth of "The Home News area" and the expansion at the newspaper prompted the publisher to seek a new site. On October 2, 1956, twelve acres of land were purchased on How Lane for the development of a modern newspaper building, with ample parking space for customers and employees and a potential railroad siding for the transportation of newsprint.

On August 26, 1958, contracts were signed for the construction of this modern newspaper building. The general contract was awarded to the Gumina Building and Construction Co., of New Brunswick, N.J.

Ground was broken at the site shortly after contracts were signed, and on October 4 and 5, 1959 the Company and its personnel moved to the new, modern building.

Greatly increased working space has been provided for all departments in the new home of The Home News. Several of the newspaper's departments now have working space almost double that which they formerly had. The building is 317 feet long and 160 feet wide.

Louis T. Klauder and Associates, consulting engineers of Philadelphia, designed the building.

Still further growth of the area it serves and the newspaper itself has occurred since the present building was occupied in 1959.

During those almost ten years, the twin county population has grown from 500,000 persons to 750,000 persons.

The Home News circulation in 1959 was 40,362 daily and 37,593 Sunday, compared with today's 50,000 daily and 55,000 Sunday figures.

Weekly newspapers in Connecticut, two radio stations in Brookfield, Conn., and two radio stations in Kingsport, Tennessee, have also been acquired by The Home News in recent years.

HONORED WITH MANY AWARDS

Throughout its 90 year existence, it has been honored with many awards from organizations, both within and outside of the newspaper industry.

In 1958, it won the American Trucking Association's award for Highway Safety Writing.

The School Board Publications Association made a special award to this newspaper in 1963, "in recognition of outstanding service."

In 1963 also, the New Jersey Education Association awarded its silver medal to The Home News. The accompanying certificate read "in recognition of its editorial maturity, in commendation for its support of worthwhile educational proposals and projects, and in appreciation for its comprehensive coverage of school activities in New Jersey over a period of many years."

In 1963 and 1966 the Sunday edition of The Home News was awarded first place for General Excellence by the New Jersey Press Association in its annual Better Newspaper Contest.

The daily edition of The Home News also received the same first place award by the New Jersey Press Association in 1964 and 1967.

In 1963 and again in 1968 the New Jersey Federation of Planning Officials awarded The Home News its Certificate of Merit, "For the Newspaper that through its journalistic efforts has made an excellent contribution to planning in New Jersey."

One of its most recent awards is a placque from New Brunswick's Joyce Kilmer Post 25 of the American Legion given to the publisher in late 1968 which reads: "In recognition of the many years of service to the community, state and nation through its support of patriotic and Americanism programs."

The newspaper has published many special series of articles throughout its history also.

These extensively researched series, written by staff reporters, illuminated a wide variety of vital public subjects and served to further enlighten thousands of central New Jersey readers.

The Home News has observed area and statewide major anniversaries also by publishing special sections in observance thereof.

On June 21, 1964, for example, The Home News published a 96 page special supplement to its regular Sunday edition observing the state of New Jersey's 300th Anniversary Year.

Again, in 1966, a special anniversary edition was published commemorating the 200th year of the founding of Rutgers University located in New Brunswick, N.J., county of Middlesex.

Also in 1966, this newspaper helped the neighboring township of Piscataway in Middlesex county to celebrate its 300th anniversary through the publication of a special commemorative section. Piscataway Township was incorporated in 1666, just two years after the state of New Jersey.

For 44 consecutive years The Home News has published an Annual Review edition recounting the enormous progress made by business, industry, finance and the municipalities of Middlesex and Somerset counties in New Jersey. The 1969 edition of this annual review has as its theme "We, the People—The Human Side of the Raritan Valley" and was published in two installments on January 20 and January 27, 1969.

The publisher of The Home News is Hugh N. Boyd, a third generation member of the Boyd Family which has operated the newspaper since its beginning in 1879. Mr. Boyd has been active in newspaper circles and in many other endeavors where he has gained substantial recognition.

He was educated at the Browning School in New York, the Choate School, Wallingford, Conn., and Yale University, New Haven, Conn.

His career on the newspaper started in 1932. In the years between 1932 and 1955, when he became publisher of The Home News, he worked in almost all departments including the jobs of staff reporter, feature and column writer.

In 1955 he received the National Editorial Association's "President's Award" as chairman of its Freedom of Information Committee "for outstanding work on the committee in behalf of the newspaper industry."

In 1961 he also received the NEA 'Amos Award' for "vigorous leadership in support of a free and unfettered press in America."

A member of the International Press Institute since 1954, he was named vice-chairman of its American Committee in 1965.

Starting in April 1959, he has served three successive, three-year terms on the Board of Directors of the Associated Press representing newspapers in cities under 50,000 population.

His World War II service beginning in 1942 was first with the War Department Bureau of Public Relations for one year and for the following two years until 1945 with the Office of Strategic Services in the United States, England and France.

He has been a member of the English Speaking Union since 1958, member of the Executive Committee of the U.S. branch from 1960 to 1965 and president of the New Brunswick branch in 1965 and 1966.

In September 1965 he was appointed by New Jersey Governor Richard J. Hughes as one of seven people to serve on the Rutgers University Bicentennial Commission.

He is a member of the Council on Foreign Relations, N.Y.C., National Planning Association, National Press Club, Washington, D.C., Overseas Press Club, N.Y.C., Regional Plan Association, Inc. N.Y.C. and a member of its Second Regional Plan Conference, Sigma Delta Chi, Illinois Athletic Club, Chicago, The Metropolitan Club, Washington, D.C., The Nassau Club, Princeton, N.J., The Yale Club, New York City, Veterans of the Office of Strategic Services and The Century Association of New York City.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FOUNTAIN (at the request of Mr. ALBERT), for today, on account of illness.

Mrs. MINK (at the request of Mr. ALBERT), for today through February 7, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GIAIMO, for 30 minutes, Tuesday, February 4; to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. ZWACH) to address the House and to revise and to extend their remarks and include extraneous matter:)

Mr. SCHWENGEL, for 15 minutes, today.

Mr. BUSH, for 10 minutes, today.

Mr. CUNNINGHAM, for 20 minutes, today.

(The following Members (at the request of Mr. FLOWERS) and to revise and extend their remarks and include extraneous matter:)

Mr. ROONEY of New York, for 10 minutes, today.

Mr. PATTEN, for 15 minutes, today.

Mr. HOWARD, for 60 minutes, on February 5.

EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

Mr. BURLESON of Texas in two instances.

Mr. RARICK in three instances.

(The following Members (at the request of Mr. ZWACH) and to include extraneous matter:)

Mr. BYRNES of Wisconsin.

Mr. FULTON of Pennsylvania in five instances.

Mr. BOB WILSON.

Mr. DUNCAN.

Mr. SCHADEBERG.

Mr. ASHBROOK in two instances.

Mr. DERWINSKI in two instances.

Mr. KUYKENDALL.

Mr. GUDE.

Mr. BROCK in three instances.

Mr. HOSMER in two instances.

Mr. ANDREWS of North Dakota.

Mr. REID of New York.

Mr. ESCH.

Mr. SCHWENGEL.

Mr. COLLINS.

Mr. STEIGER of Wisconsin.

(The following Members (at the request of Mr. FLOWERS) and to include extraneous matter:)

Mr. LONG of Maryland in three instances.

Mr. CASEY.

Mr. NATCHER in two instances.

Mr. HANNA in two instances.

Mr. JARMAN in two instances.

Mr. DANIELS of New Jersey.

Mr. FISHER in three instances.

Mr. PODELL in two instances.

Mr. ALBERT.

Mrs. SULLIVAN in two instances.

Mr. GRIFFIN in two instances.
Mr. GONZALEZ in four instances.
Mr. WHITE.
Mr. SISK.
Mr. PICKLE in two instances.
Mr. EILBERG in two instances.
Mr. STUCKEY in two instances.
Mr. ADAMS.
Mr. MATSUNAGA.
Mr. BLANTON in two instances.
Mr. RIVERS.
Mr. ROSENTHAL in eight instances.
Mr. FLOWERS in three instances.

ADJOURNMENT

Mr. FLOWERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 37 minutes p.m.), under its previous order, the House adjourned until Monday, February 3, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

458. A letter from the Secretary of Agriculture, transmitting the annual report pursuant to section 201(b), Public Law 540, 84th Congress; to the Committee on Agriculture.

459. A letter from the Chairman, Advisory Commission on Intergovernmental Relations transmitting the 10th annual report, pursuant to Public Law 86–380; to the Committee on Government Operations.

460. A letter from the Assistant Secretary of Defense, Manpower and Reserve Affairs, transmitting a report on civilian positions allocated or placed in grades GS–16, GS–17, and GS–18 during the calendar year 1968; to the Committee on Post Office and Civil Service.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 5484. A bill to amend the Small Business Investment Act of 1958; to the Committee on Banking and Currency.

H.R. 5485. A bill to amend the Securities Act of 1933; to the Committee on Interstate and Foreign Commerce.

H.R. 5486. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of small business investment companies and shareholders in such companies; to the Committee on Ways and Means.

By Mr. BENNETT (for himself, Mr. WHITEHURST, Mr. MOORHEAD, and Mr. POLLOCK):

H.R. 5487. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for employers who employ members of the hard-core unemployed; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 5488. A bill to provide that an impression of Mount Rushmore, S. Dak. shall appear on the back of all U.S. currency in the denomination of $1; to the Committee on Banking and Currency

By Mr. BLANTON:

H.R. 5489. A bill to designate a bridge over the Mississippi River in the vicinity of Dyersburg, Tenn., as the "Robert A. Everett Memorial Bridge"; to the Committee on Public Works.

By Mr. BROCK:

H.R. 5490. A bill to exempt ambulance drivers and attendants from the minimum wage and overtime provisions of the Fair Labor Standards Act of 1938; to the Committee on Education and Labor.

By Mr. BURLESON of Texas:

H.R. 5491. A bill to authorize the Board of Commissioners of the District of Columbia to request the assignment of U.S. Marines to assist in law enforcement in the District of Columbia; to the Committee on Armed Services.

H.R. 5492. A bill to amend the Natural Gas Act to provide that, in fixing rates for the transportation of natural gas in interstate commerce or for the sale in interstate commerce of natural gas for resale, the Federal Power Commission shall reflect changes in the purchasing power of the dollar after December 31, 1968, in determining the utility plant and related reserve for depreciation components of rate base for natural gas pipeline companies; to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON of California:

H.R. 5493. A bill to prohibit the use of draftees in undeclared wars without their consent; to the Committee on Armed Services.

By Mr. BYRNE of Pennsylvania:

H.R. 5494. A bill to authorize the release of 100,000 short tons of lead from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. CARTER:

H.R. 5495. A bill to provide for orderly trade in iron and steel mill products; to the Committee on Ways and Means.

H.R. 5496. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least six quarters of coverage, and for other purposes; to the Committee on Ways and Means.

By Mr. CASEY (for himself and Mr. PEPPER):

H.R. 5497. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. CLAY:

H.R. 5498. A bill to amend the Fair Labor Standards Act of 1938, as amended, to raise the minimum wage to $2 an hour, to expand its protection to employees of the Federal Government and of local and State governments, and for other purposes; to the Committee on Education and Labor.

By Mr. CLEVELAND:

H.R. 5499. A bill to amend the Internal Revenue Code of 1954 to provide a 20-percent credit against the individual income tax for certain educational expenses incurred at an institution of higher education; to the Committee on Ways and Means.

By Mr. CONTE:

H.R. 5500. A bill to establish the Commission for the Improvement of Government Management and Organization; to the Committee on Government Operations.

By Mr. CORMAN:

H.R. 5501. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. COWGER:

H.R. 5502. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DAVIS of Wisconsin:

H.R. 5503. A bill to authorize the disposal of 100,000 short tons of lead from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

H.R. 5504. A bill to prohibit the dissemination through interstate commerce or the mails of materials harmful to persons under the age of 18 years, and to restrict the exhibition of movies or other presentations harmful to such persons; to the Committee on the Judiciary.

By Mr. DENNEY:

H.R. 5505. A bill to provide funds on behalf of a grateful Nation in honor of John Fitzgerald Kennedy, 35th President of the United States, to be used in support of educational facilities at John F. Kennedy College, Wahoo, Nebr., as a distinguished and permanent living memorial to his life and deeds; to the Committee on Education and Labor.

By Mr. DENT:

H.R. 5506. A bill to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child care centers for preschool and school-age dependents of employees; to the Committee on Education and Labor.

H.R. 5507. A bill to amend the Internal Revenue Code of 1954 to extend the head-of-household benefits to all unremarried widows and widowers and to all individuals who attained age 35 and who have never been married or who have been separated or divorced for 1 year or more; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 5508. A bill to establish an Urban Development Bank to assist in broadening the sources and decreasing the costs of capital funds for State and local governments, and for other purposes; to the Committee on Banking and Currency.

H.R. 5509. A bill to amend title II of the Merchant Marine Act, 1936, to create an independent Federal Maritime Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 5510. A bill to require a Federal permit for the taking of any migratory game birds other than migratory waterfowl, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 5511. A bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

By Mr. DONOHUE:

H.R. 5512. A bill to amend the Internal Revenue Code of 1954 to provide an income tax deduction for certain expenses of attending colleges and universities; to the Committee on Ways and Means.

H.R. 5513. A bill to amend the Internal Revenue Code of 1954 to provide that any unmarried person who maintains his or her own home shall be entitled to be taxed at the rate provided for the head of a household; to the Committee on Ways and Means.

H.R. 5514. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. DULSKI:

H.R. 5515. A bill to amend section 411 of title 38, United States Code, to provide additional dependency and indemnity compensation payments to widows with one or more children; to the Committee on Veterans' Affairs.

H.R. 5516. A bill to amend title 38 of the United States Code to increase the base on which dependency and indemnity compensation for widows is computed; to the Committee on Veterans' Affairs.

H.R. 5517. A bill to amend title 38 of the United States Code to restore entitlement to benefits on termination of a widow's remarriage; to the Committee on Veterans' Affairs.

H.R. 5518. A bill to amend title 38 of the

United State Code to provide increased dependency and indemnity compensation to widows in need of the regular aid and attendance of another person; to the Committee on Veterans' Affairs.

By Mr. DUNCAN:

H.R. 5519. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

H.R. 5520. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink, whether or not dressed; to the Committee on Ways and Means.

H.R. 5521. A bill to extend health insurance benefits under title XVIII of the Social Security Act to individuals over 21 who are mentally retarded; to the Committee on Ways and Means.

By Mr. FASCELL:

H.R. 5522. A bill to amend the Budget and Accounting Act, 1921, to direct the Comptroller General to establish information and data processing systems, and for other purposes; to the Committee on Government Operations.

By Mr. FISH:

H.R. 5523. A bill to amend chapter 44 of title 18, United States Code, to strengthen the penalty provision applicable to a Federal felony committed with a firearm; to the Committee on the Judiciary.

By Mr. FLOOD:

H.R. 5524. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemption for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 5525. A bill to authorize participation by the United States in the construction of a dual-purpose electrical power generation and desalting plant in Israel; to the Committee on Foreign Affairs.

By Mr. GONZALEZ:

H.R. 5526. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mrs. GRIFFITHS:

H.R. 5527. A bill to amend title II of the Social Security Act to provide that, for benefit computation purposes, a man's insured status and average monthly wage will be figured on the basis of an age-62 cutoff (the same as is presently done in the case of women); to the Committee on Ways and Means.

By Mr. HAWKINS:

H.R. 5528. A bill to authorize realistic, economic, and modern building heights and bulk in the District of Columbia, to provide new housing and employment opportunities for all, to expand the tax base, to stimulate and assist efforts to break the poverty cycle and strengthen the economy, to provide parking, to rebuild and renew blighted, slum, burned-out, and underdeveloped areas, to conserve and make the best, and maximum, use of land, to achieve the best design, to save tax funds, and for other purposes; to the Committee on the District of Columbia.

By Mr. HALEY (for himself, Mr. Berry, and Mr. Cohelan):

H.R. 5529. A bill relating to certain Indian claims; to the Committee on the Judiciary.

By Mr. HOWARD:

H.R. 5530. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. HUNT (for himself and Mr. Watkins):

H.R. 5531. A bill to amend the Gun Control Act of 1968 to strengthen the penalty provision applicable to a Federal felony committed with a firearm; to the Committee on the Judiciary.

By Mr. KARTH:

H.R. 5532. A bill to prevent vessels built or rebuilt outside the United States or documented under foreign registry from carrying cargoes restricted to vessels of the United States; to Committee on Merchant Marine and Fisheries.

By Mr. KARTH (for himself, Mr. Fulton of Pennsylvania, Mr. Hechler of West Virginia, Mr. Mosher, Mr. Fuqua, Mr. Brown of California, Mr. Podell, Mr. Mize, and Mr. Patten):

H.R. 5533. A bill to promote the advancement of science and the education of scientists through a national program of institutional grants to the colleges and universities of the United States; to the Committee on Science and Astronautics.

By Mr. KASTENMEIER:

H.R. 5534. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. KING:

H.R. 5535. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer a deduction from gross income for tuition and certain transportation expenses paid by him in connection with the education of himself, his spouse, or any of his dependents at an institution of higher education; to the Committee on Ways and Means.

H.R. 5536. A bill to increase the personal income tax exemption of a taxpayer and the additional exemption for his spouse from $600 to $1,000, and to increase the exemption for a dependent from $600 to $1,000; to the Committee on Ways and Means.

By Mr. KLUCZYNSKI:

H.R. 5537. A bill to authorize the release of 100,000 short tons of lead from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. McCULLOCH (for himself, Mr. Gerald R. Ford, Mr. Cahill, Mr. MacGregor, Mr. Hutchinson, Mr. McClory, Mr. Smith of New York, Mr. Meskill, Mr. Sandman, Mr. Railsback, Mr. Biester, Mr. Coughlin, and Mr. Fish):

H.R. 5538. A bill to amend the Voting Rights Act of 1965; to the Committee on the Judiciary.

By Mr. McFALL:

H.R. 5539. A bill to amend title II of the Social Security Act to permit the payment of disability insurance benefits (after an individual has been under a disability for 6 months) from the beginning of the individual's disability; to the Committee on Ways and Means.

H.R. 5540. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 5541. A bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the uniformed services to receive compensation concurrently with retired pay, without deduction from either; to the Committee on Veterans' Affairs.

By Mr. MESKILL:

H.R. 5542. A bill to amend title II of the Social Security Act to provide a 13-percent across-the-board increase in benefits thereunder; to the Committee on Ways and Means.

H.R. 5543. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder, with the cost of such increases being financed out of the general revenues; to the Committee on Ways and Means.

By Mr. MILLS:

H.R. 5544. A bill to amend section 166 of the Internal Revenue Code of 1954 with respect to additions to reserves for bad debts in the case of banks for cooperatives which are subject to income taxes; to the Committee on Ways and Means.

By Mr. MONAGAN:

H.R. 5545. A bill to establish the Government Program Evaluation Commission; to the Committee on Government Operations.

By Mr. MOORHEAD:

H.R. 5546. A bill to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and loal employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes; to the Committee on Education and Labor.

By Mr. NICHOLS:

H.R. 5547. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. O'NEAL of Georgia:

H.R. 5548. A bill to amend the Uniform Time Act of 1966 in order to change the period during which daylight saving time shall be in effect in the United States to the period from Memorial Day to Labor Day of each year; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H.R. 5549. A bill to establish an Urban Development Bank to assist in broadening the sources and decreasing the costs of capital funds for State and local governments, and for other purposes; to the Committee on Banking and Currency.

By Mr. PEPPER (for himself and Mr. Dingell):

H.R. 5550. A bill to protect the Nation's consumers and to assist the commercial fishing industry through the inspection of establishments processing fish and fishery products in commerce; to the Committee on Merchant Marine and Fisheries.

By Mr. PERKINS:

H.R. 5551. A bill to amend title II of the Social Security Act to provide a more liberal definition of the term "disability" for purposes of entitlement to disability insurance benefits and the disability freeze; to the Committee on Ways and Means.

By Mr. PICKLE:

H.R. 5552. A bill to promote world peace and help peoples of the world to help themselves defeat subversion and conquest through strategic area development and two-way trade in free competitive economics; to the Committee on Foreign Affairs.

By Mr. PIKE:

H.R. 5553. A bill to amend the National Labor Relations Act to require employers and labor organizations to bargain collectively through agents whose agreements are not subject to ratification; to the Committee on Education and Labor.

By Mr. POAGE:

H.R. 5554. A bill to provide a special milk program for children; to the Committee on Agriculture.

By Mr. PODELL:

H.R. 5555. A bill to amend the National Labor Relations Act, as amended, so as to make its provisions applicable to agriculture; to the Committee on Education and Labor.

By Mr. POLLOCK:

H.R. 5556. A bill to amend title 39, United States Code, to permit mail sent under the franking privilege to be transmitted in the mails as airmail; to the Committee on Post Office and Civil Service.

By Mr. PRICE of Illinois:

H.R. 5557. A bill to enable citizens of the United States who change their residences to vote in presidential elections, and for other purposes; to the Committee on House Administration.

H.R. 5558. A bill to improve law enforcement in cities by making availabile funds to be used to increase police salaries and to add more police officers; to the Committee on the Judiciary.

By Mr. ROBERTS:

H.R. 5559. A bill to amend title 28 of the United States Code so as to provide for the appointment of two additional district judges for the eastern district of Texas; to the Committee on the Judiciary.

H.R. 5560. A bill to create a public works program for the purpose of reducing unemployment; to the Committee on Public Works.

By Mr. ROSENTHAL:

H.R. 5561. A bill to provide Federal leadership and grants to the States for developing and implementing State programs for youth camp safety standards; to the Committee on Education and Labor.

By Mr. RYAN:

H.R. 5562. A bill to provide supplemental appropriations to fully fund programs to build 300,000 units of low- and moderate-income housing for the fiscal year 1969, and for other purposes, including jobs in housing; to the Committee on Appropriations.

H.R. 5563. A bill for the relief of certain distressed aliens; to the Committee on the Judiciary.

By Mr. SCHADEBERG:

H.R. 5564. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. SCHERLE (for himself, Mr. Denney, Mr. Gross, Mr. Kyl, Mr. Schwengel, Mr. Mayne, Mr. Mathias, Mr. Zwach, Mr. Skubitz, Mr. Miller of Ohio, Mr. Hall, Mr. Roudebush, Mr. Burke of Florida, Mr. Bray, Mr. Brock, Mr. Michel, Mr. Wampler, Mr. Price of Texas, Mr. Esch, and Mr. Berry):

H.R. 5565. A bill to amend the act of March 4, 1909, as amended, to obtain information for agricultural estimates from county extension agents; to the Committee on Agriculture.

By Mr. SCHEUER:

H.R. 5566. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. SCHEUER (for himself, Mr. Farbstein, Mr. Halpern, and Mr. Podell):

H.R. 5567. A bill to permit the mailing by nonprofit organizations under the third-class bulk mail provisions of title 39, United States Code, of circulars and pamphlets constituting notice of bingo and similar contests held by such organizations in States where such contests are lawful, and for other purposes; to the Committee on the Judiciary.

By Mr. SISK:

H.R. 5568. A bill to amend section 3 of the Child Nutrition Act of 1966 to provide a special milk program for children; to the Committee on Agriculture.

By Mr. TALCOTT:

H.R. 5569. A bill to prohibit the payment of subsidies and similar benefits to producers in States which have failed to enact adequate farm labor laws; to the Committee on Agriculture.

H.R. 5570. A bill to amend the Railroad Retirement Act of 1937 to provide for cost-of-living increases in benefits payable thereunder; to the Committee on Interstate and Foreign Commerce.

H.R. 5571. A bill to amend section 4181 of the Internal Revenue Code of 1954 relating to the excise tax on shells and cartridges; to the Committee on Ways and Means.

H.R. 5572. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in benefits payable thereunder; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas:

H.R. 5573. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. THOMPSON of Georgia:

H.R. 5574. A bill to provide for orderly trade in iron and steel mill products; to the Committee on Ways and Means.

By Mr. UTT:

H.R. 5575. A bill to encourage equity investment in new and small business, to provide additional revenue to the Federal Government, and for other purposes; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 5576. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 5577. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5578. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. WHITE:

H.R. 5579. A bill to authorize the county of Presidio, Tex., to construct, maintain, and operate a toll bridge across the Rio Grande near Presidio, Tex.; to the Committee on Foreign Affairs.

H.R. 5580. A bill to provide for the establishment of a national historic park on the island of Guam, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 5581. A bill to permit El Paso County, Tex., and Hudspeth County, Tex., to be placed in the mountain standard time zone; to the Committee on Interstate and Foreign Commerce.

By Mr. BOB WILSON (for himself, Mr. Utt, Mr. Van Deerlin, and Mr. Tunney):

H.R. 5582. A bill to provide for the appointment of three additional district judges for the southern district of California; to the Committee on the Judiciary.

By Mr. WOLFF (for himself, Mr. Addabbo, Mr. Annunzio, Mr. Barrett, Mr. Biaggi, Mr. Bingham, Mr. Boland, Mr. Brademas, Mr. Brown of California, Mr. Button, Mr. Carey, Mr. Clark, Mr. Collier, Mr. Daddario, Mr. Daniels of New Jersey, Mr. Delaney, Mr. Dent, Mr. Diggs, Mrs. Dwyer, Mr. Edwards of California, Mr. Eilberg, Mr. Farbstein, Mr. Feighan, Mr. Flood, and Mr. William D. Ford):

H.R. 5583. A bill to amend title 18, United States Code, to strengthen and clarify the law prohibiting the introduction, or manufacture for introduction, of switchblade knives into interstate commerce; to the Committee on the Judiciary.

By Mr. WOLFF (for himself, Mr. Friedel, Mr. Frelinghuysen, Mr. Garmatz, Mr. Gilbert, Mrs. Griffiths, Mr. Halpern, Mrs. Hansen of Washington, Mr. Hathaway, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Holifield, Mr. Hogan, Mr. Horton, Mr. Howard, Mr. Karth, Mr. Koch, Mr. Kyros, Mr. Leggett, Mr. Lukens, Mr. McCarthy, Mr. McClory, Mr. McCloskey, Mr. McEwen, and Mr. Matsunaga):

H.R. 5584. A bill to amend title 18, United States Code, to strengthen and clarify the law prohibiting the introduction, or manufacture for introduction, of switchblade knives into interstate commerce; to the Committee on the Judiciary.

By Mr. WOLFF (for himself, Mr. Meeds, Mr. Mikva, Mr. Mollohan, Mr. Murphy of Illinois, Mr. Ottinger, Mr. Pepper, Mr. Price of Illinois, Mr. Reid of New York, Mr. Robison, Mr. Rodino, Mr. Ronan, Mr. Sandman, Mr. Scheuer, Mr. Schwengel, Mr. Sisk, Mr. Stratton, Mrs. Sullivan, Mr. Talcott, Mr. Thompson of New Jersey, Mr. Udall, Mr. Van Deerlin, Mr. Vander Jagt, Mr. Vanik, and Mr. Vigorito):

H.R. 5585. A bill to amend title 18, United States Code, to strengthen and clarify the law prohibiting the introduction, or manufacture for introduction, of switchblade knives into interstate commerce; to the Committee on the Judiciary.

By Mr. WOLFF (for himself, Mr. Whitehurst, Mr. Widnall, Mr. Williams, Mr. Charles H. Wilson, Mr. Winn, Mr. Yatron, Mr. Zablocki, Mr. Rosenthal, Mr. Hechler of West Virginia, Mr. Minish, Mr. Smith of New York, and Mr. Pucinski):

H.R. 5586. A bill to amend title 18, United States Code, to strengthen and clarify the law prohibiting the introduction, or manufacture for introduction, of switchblade knives into interstate commerce; to the Committee on the Judiciary.

By Mr. BARRETT:

H.J. Res. 335. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.J. Res. 336. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. CARTER:

H.J. Res. 337. Joint resolution proposing an amendment to the Constitution of the United States to permit voluntary participation in prayer in public schools; to the Committee on the Judiciary.

By Mr. COLLINS:

H.J. Res. 338. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayers in public centers for primary, secondary, or higher education; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.J. Res. 339. Joint resolution creating a Federal Committee on Nuclear Development to review and reevaluate the existing civilian nuclear program of the United States; to the Joint Committee on Atomic Energy.

By Mr. SLACK:

H.J. Res. 340. Joint resolution creating a Federal Committee on Nuclear Development to review and reevalute the existing civilian nuclear program of the United States; to the Joint Committee on Atomic Energy.

By Mr. TIERNAN:

H.J. Res. 341. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of American blood bank; to the Committee on Post Office and Civil Service.

By Mr. ASHBROOK:

H. Con. Res. 109. Concurrent resolution to establish a joint congressional committee to investigate the capture of the U.S.S. *Pueblo;* to the Committee on Rules.

By Mr. CONTE:

H. Con. Res. 110. Concurrent resolution creating the Joint Select Committee on Government Program Analysis and Evaluation; to the Committee on Rules.

By Mr. DULSKI:

H. Con. Res. 111. Concurrent resolution expressing the sense of the Congress relating to the furnishing of relief assistance to persons affected by the Nigerian civil war; to the Committee on Foreign Affairs.

By Mr. FLOOD:

H. Con. Res. 112. Concurrent resolution relating to the furnishing of relief assistance to persons affected by the Nigerian civil war; to the Committee on Foreign Affairs.

By Mr. GIAIMO:

H. Con. Res. 113. Concurrent resolution expressing the sense of Congress with respect to an effective international agreement on hijacking; to the Committee on Foreign Affairs.

By Mr. McCLORY (for himself, Mr. MARTIN, Mr. SCHNEEBELI, Mr. MONAGAN, Mr. SMITH of New York, Mr. MACGREGOR, and Mr. CLEVELAND):

H. Con. Res. 114. Concurrent resolution commemorating the 200th anniversary of Dartmouth College; to the Committee on the Judiciary.

By Mr. WINN:

H. Con. Res. 115. Concurrent resolution expressing the sense of the Congress relating to the furnishing of relief assistance to persons affected by the Nigerian civil war; to the Committee on Foreign Affairs.

By Mr. BURTON of Utah:

H. Res. 183. Resolution disapproving the recommendations of the President with respect to the rates of pay of Members of Congress transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

By Mr. CONTE:

H. Res. 184. Resolution to amend the Rules of the House of Representatives; to the Committee on Rules.

By Mr. DAWSON:

H. Res. 185. Resolution authorizing the printing of additional copies of a House report of the 90th Congress, second session, entitled "Unshackling Local Government (Revised Edition)"; to the Committee on House Administration.

By Mr. DENNIS (for himself, Mr. LANDGREBE, Mr. ZION, and Mr. LUJAN):

H. Res. 186. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

By Mr. DEVINE:

H. Res. 187. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

H. Res. 188. Resolution relative to consideration of House Resolution 133; to the Committee on Rules.

By Mr. FALLON:

H. Res. 189. Resolution authorizing the Committee on Public Works to conduct studies and investigations within the jurisdiction of such committee; to the Committee on Rules.

By Mr. JARMAN:

H. Res. 190. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

By Mr. KYL:

H. Res. 191. Resolution relative to consideration of House Resolution 133; to the Committee on Rules.

By Mr. MILLER of California:

H. Res. 192. Resolution to authorize the Committee on Science and Astronautics to conduct studies and investigations and make inquiries with respect to aeronautical and other scientific research and development and outer space; to the Committee on Rules.

By Mr. O'NEAL of Georgia:

H. Res. 193. Resolution relative to consideration of House Resolution 133; to the Committee on Rules.

By Mr. SIKES:

H. Res. 194. Resolution relative to consideration of House Resolution 133; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

7. The **SPEAKER** presented a memorial of the House of Representatives of the State of South Carolina, relative to reconsidering the closing of the Tobacco Insects Investigation Department Branch located in Florence County, S.C., which was referred to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 5587. A bill for the relief of Encarnacion Brillantes; to the Committee on the Judiciary.

By Mr. ADDABBO:

H.R. 5588. A bill for the relief of Carmine Aletto; to the Committee on the Judiciary.

H.R. 5589. A bill for the relief of Maria Barretta; to the Committee on the Judiciary.

H.R. 5590. A bill for the relief of Vittorio and Rita Campolattaro; to the Committee on the Judiciary.

H.R. 5591. A bill for the relief of Rafael Ching (also known as Tong Kit Chat); to the Committee on the Judiciary.

H.R. 5592. A bill for the relief of Anna Crifasi; to the Committee on the Judiciary.

H.R. 5593. A bill for the relief of Manuel Marques Da Silva; to the Committee on the Judiciary.

H.R. 5594. A bill for the relief of Rosa DiGiovanna; to the Committee on the Judiciary.

H.R. 5595. A bill for the relief of Alfio Di Maggio; to the Committee on the Judiciary.

H.R. 5596. A bill for the relief of Stefano DiMatteo; to the Committee on the Judiciary.

H.R. 5597. A bill for the relief of Shum Chun Fat (also known as Shum Chun Fat Sang); to the Committee on the Judiciary.

H.R. 5598. A bill for the relief of Benedetta Gambino; to the Committee on the Judiciary.

H.R. 5599. A bill for the relief of Antonio Gargano; to the Committee on the Judiciary.

H.R. 5600. A bill for the relief of Lillian Marie Gederon; to the Committee on the Judiciary.

H.R. 5601. A bill for the relief of Lee Wai Kan; to the Committee on the Judiciary.

H.R. 5602. A bill for the relief of Fen Iang Kuo; to the Committee on the Judiciary.

H.R. 5603. A bill for the relief of Shing Gee Kwan; to the Committee on the Judiciary.

H.R. 5604. A bill for the relief of Kheng Hoon Ng (also known as Yu Chu Sun Ng); to the Committee on the Judiciary.

H.R. 5605. A bill for the relief of Georgios Nikolaros; to the Committee on the Judiciary.

H.R. 5606. A bill for the relief of Giuseppa Barone Parisi; to the Committee on the Judiciary.

H.R. 5607. A bill for the relief of Salvatore Petruso; to the Committee on the Judiciary.

H.R. 5608. A bill for the relief of Vito Scherma; to the Committee on the Judiciary.

H.R. 5609. A bill for the relief of Alberto Sciuto; to the Committee on the Judiciary.

H.R. 5610. A bill for the relief of Teresa Giacoboni Volpe; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois:

H.R. 5611. A bill for the relief of Antonios Koklas; to the Committee on the Judiciary.

H.R. 5612. A bill for the relief of Maria Likourinou; to the Committee on the Judiciary.

H.R. 5613. A bill for the relief of Michael Michalos; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.R. 5614. A bill for the relief of Father Angel Marzal; to the Committee on the Judiciary.

By Mr. BARRETT:

H.R. 5615. A bill for the relief of Maria Camilla Giuliani Niro; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 5616. A bill for the relief of Mrs. Taji Eshraghi; to the Committee on the Judiciary.

By Mr. BOW:

H.R. 5617. A bill for the relief of Sara Laredo; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 5618. A bill for the relief of Pietro Biondolillo; to the Committee on the Judiciary.

H.R. 5619. A bill for the relief of Antonina Giovanna Livoti; to the Committee on the Judiciary.

H.R. 5620. A bill for the relief of Vincenzo Montanino, Mrs. Lina Siesto Montanino, and their children, Sabato and Pasquale Montanino; to the Committee on the Judiciary.

H.R. 5621. A bill for the relief of Leonard and Giuseppa Patti; to the Committee on the Judiciary.

H.R. 5622. A bill for the relief of Antonino Turriciano; to the Committee on the Judiciary.

By Mr. BROWN of California:

H.R. 5623. A bill for the relief of Sung Ja Hyun; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 5624. A bill for the relief of Evripides Thomas Kofos; to the Committee on the Judiciary.

H.R. 5625. A bill for the relief of Fung Chung; to the Committee on the Judiciary.

By Mr. BUTTON:

H.R. 5626. A bill for the relief of Meri Kohana; to the Committee on the Judiciary.

H.R. 5627. A bill for the relief of Israel Meyer Kouhana; to the Committee on the Judiciary.

H.R. 5628. A bill for the relief of Miriam Mrinat Malul; to the Committee on the Judiciary.

H.R. 5629. A bill for the relief of Jan Pawelczak; to the Committee on the Judiciary.

By Mr. CONYERS:

H.R. 5630. A bill for the relief of Bokary Bangoura; to the Committee on the Judiciary.

H.R. 5631. A bill for the relief of Dr. Andres Parras; to the Committee on the Judiciary.

By Mr. CORBETT:

H.R. 5632. A bill for the relief of Francesco Alfano and his brother, Salvatore Alfano; to the Committee on the Judiciary.

H.R. 5633. A bill for the relief of Francesco Cavaliere; to the Committee on the Judiciary.

H.R. 5634. A bill for the relief of Benito Mauro; to the Committee on the Judiciary.

H.R. 5635. A bill for the relief of Gennaro Perna, his wife, Luigina Geltrude, and children, Vincenzo, Carmela Marie Rosaria, Antonio Nazario, and Franco; to the Committee on the Judiciary

H.R. 5636. A bill for the relief of Vincenza Perna; to the Committee on the Judiciary.

H.R. 5637. A bill for the relief of Enrico Provenzano, his wife, Annina, and daughter, Carmela; to the Committee on the Judiciary.

By Mr. DAWSON:

H.R. 5638. A bill for the relief of Nandalal Yepuri; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 5639. A bill for the relief of Maria Stanislawa Zagorska Prochazka; to the Committee on the Judiciary.

By Mr. DELANEY (by request):

H.R. 5640. A bill for the relief of Maria Lourdes S. Reyes; to the Committee on the Judiciary.

By Mr. DERWINSKI:

H.R. 5641. A bill for the relief of Dr. Jacques Charbonniez; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 5642. A bill for the relief of Narendar Prakash Mathur; to the Committee on the Judiciary.

By Mr. EILBERG:

H.R. 5643. A bill for the relief of Sangki La and Myung Sook La; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 5644. A bill for the relief of Dr. Grace Aquitania; to the Committee on the Judiciary.

H.R. 5645. A bill for the relief of Yehuda Ben Porat, Nehama Ben Porat, and Razya Ben Porat; to the Committee on the Judiciary.

H.R. 5646. A bill for the relief of Dr. Julietta Tang; to the Committee on the Judiciary.

By Mr. FRIEDEL:

H.R. 5647. A bill for the relief of Adeline Miller Alonso; to the Committee on the Judiciary.

By Mr. GALLAGHER:

H.R. 5648. A bill for the relief of Erlinda Romulo Leobrera; to the Committee on the Judiciary.

By Mr. GIAIMO:

H.R. 5649. A bill for the relief of Guerino Allevato and Vienna Mazzei Allevato; to the Committee on the Judiciary.

H.R. 5650. A bill for the relief of Ciro DeFlora, Olimpia Ricci DeFlora, and Luigi DeFlora; to the Committee on the Judiciary.

H.R. 5651. A bill for the relief of Arie Eliazarov; to the Committee on the Judiciary.

H.R. 5652. A bill for the relief of Cesare Anthony Luciani; to the Committee on the Judiciary.

H.R. 5653. A bill for the relief of Fabrizio Mariano Tazzioli; to the Committee on the Judiciary.

By Mr. GILBERT:

H.R. 5654. A bill for the relief of Horace Daley; to the Committee on the Judiciary.

By Mrs. GREEN of Oregon:

H.R. 5655. A bill for the relief of Low Yin (also known as Low Ying); to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 5656. A bill for the relief of Agnes Renee Davis; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 5657. A bill for the relief of Marta Elena Alvarez Flores; to the Committee on the Judiciary.

By Mr. HATHAWAY:

H.R. 5658. A bill to authorize and direct the Secretary of the Department in which the Coast Guard is operating to cause the vessel *Patricia* to be documented as a vessel of the United States with full coastwise privileges; to the Committee on Merchant Marine and Fisheries.

By Mr. HELSTOSKI:

H.R. 5659. A bill for the relief of Santo and Serafina Accurso; to the Committee on the Judiciary.

H.R. 5660. A bill for the relief of Rocco Aloe; to the Committee on the Judiciary.

H.R. 5661. A bill for the relief of Adman Jamil Anz; to the Committee on the Judiciary.

H.R. 5662. A bill for the relief of Carmine Avolio; to the Committee on the Judiciary.

H.R. 5663. A bill for the relief of Mr. and Mrs. Giovanni Bagnato; to the Committee on the Judiciary.

H.R. 5664. A bill for the relief of Manuel Benzer; to the Committee on the Judiciary.

H.R. 5665. A bill for the relief of Pietro Binaggia; to the Committee on the Judiciary.

H.R. 5666. A bill for the relief of Stephen Blachewicz; to the Committee on the Judiciary.

H.R. 5667. A bill for the relief of Salvatore, Giovanna, and Mary Lou Calandra; to the Committee on the Judiciary.

H.R. 5668. A bill for the relief of Francesco Chiaravallotti; to the Committee on the Judiciary.

H.R. 5669. A bill for the relief of Mario Ciccone; to the Committee on the Judiciary.

H.R. 5670. A bill for the relief of Antonio Ferraiuolo; to the Committee on the Judiciary.

H.R. 5671. A bill for the relief of Catherine Maria Fraser; to the Committee on the Judiciary.

H.R. 5672. A bill for the relief of Lolita Hampton; to the Committee on the Judiciary.

H.R. 5673. A bill for the relief of Mr. and Mrs. Salvatore Ilardi; to the Committee on the Judiciary.

H.R. 5674. A bill for the relief of Makrouhi Kerekian; to the Committee on the Judiciary.

H.R. 5675. A bill for the relief of Domenico Lo Faro; to the Committee on the Judiciary.

H.R. 5676. A bill for the relief of Teresita Luy; to the Committee on the Judiciary.

H.R. 5677. A bill for the relief of Salvatore Mazzola; to the Committee on the Judiciary.

H.R. 5678. A bill for the relief of Carmen Mercado; to the Committee on the Judiciary.

H.R. 5679. A bill for the relief of Reuben A. Moreira; to the Committee on the Judiciary.

H.R. 5680. A bill for the relief of Adolfo Nicola; to the Committee on the Judiciary.

H.R. 5681. A bill for the relief of Gennaro Orlando; to the Committee on the Judiciary.

H.R. 5682. A bill for the relief of Vitantonio Presidio; to the Committee on the Judiciary.

H.R. 5683. A bill for the relief of Vincenza Profita; to the Committee on the Judiciary.

H.R. 5684. A bill for the relief of Antonio Romeo; to the Committee on the Judiciary.

H.R. 5685. A bill for the relief of Antonio Mario Russo and Mauro Giuseppe Russo; to the Committee on the Judiciary.

H.R. 5686. A bill for the relief of Michele Salerno; to the Committee on the Judiciary.

H.R. 5687. A bill for the relief of Salvatore and Lydia Santarella; to the Committee on the Judiciary.

H.R. 5688. A bill for the relief of Mrs. Caterina Scafuro; to the Committee on the Judiciary.

H.R. 5689. A bill for the relief of Erlinda Inducil Sison; to the Committee on the Judiciary.

H.R. 5690. A bill for the relief of Miss Giorgia Terranova; to the Committee on the Judiciary.

H.R. 5691. A bill for the relief of Ester Tolentino; to the Committee on the Judiciary.

H.R. 5692. A bill for the relief of Andrea Vitrano; to the Committee on the Judiciary.

H.R. 5693. A bill for the relief of Helena Wilk; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 5694. A bill for the relief of Semir Ghamar; to the Committee on the Judiciary.

By Mr. LIPSCOMB:

H.R. 5695. A bill for the relief of Dominador Flaviano Santos, Jr.; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H.R. 5696. A bill for the relief of Zenaida S. Evangelista; to the Committee on the Judiciary.

By Mr. McDONALD of Michigan:

H.R. 5697. A bill for the relief of Ezzat Dawood Hanna; to the Committee on the Judiciary.

By Mr. MACDONALD of Massachusetts:

H.R. 5698. A bill for the relief of Antonio Cavaliero; to the Committee on the Judiciary.

By Mr. MATHIAS:

H.R. 5699. A bill for the relief of Rafael Lizasoain Adensa; to the Committee on the Judiciary.

H.R. 5700. A bill for the relief of Juan Echenique Arburua; to the Committee on the Judiciary.

H.R. 5701. A bill for the relief of Jose Huarte Arregui; to the Committee on the Judiciary.

H.R. 5702. A bill for the relief of Jose Marie Arregui; to the Committee on the Judiciary.

H.R. 5703. A bill for the relief of Bautista Irissari Arrijuria; to the Committee on the Judiciary.

H.R. 5704. A bill for the relief of Florentino Elicegui Arrijuria; to the Committee on the Judiciary.

H.R. 5705. A bill for the relief of Joaquin Echenique Arrijuria; to the Committee on the Judiciary.

H.R. 5706. A bill for the relief of Joaquin Elicegui Arrijuria; to the Committee on the Judiciary.

H.R. 5707. A bill for the relief of Lucio Irissari Arrijuria; to the Committee on the Judiciary.

H.R. 5708. A bill for the relief of Pedro Salaburu Arrijuria; to the Committee on the Judiciary.

H.R. 5709. A bill for the relief of Francisco Campos-Gonzales; to the Committee on the Judiciary.

H.R. 5710. A bill for the relief of Virgilio Lazaro Domingo; to the Committee on the Judiciary.

H.R. 5711. A bill for the relief of Fernando Arraztoa Echartea; to the Committee on the Judiciary.

H.R. 5712. A bill for the relief of Santiago Maria Elizagoyen; to the Committee on the Judiciary.

H.R. 5713. A bill for the relief of Louie Etulain; to the Committee on the Judiciary.

H.R. 5714. A bill for the relief of Angel Goni; to the Committee on the Judiciary.

H.R. 5715. A bill for the relief of Clemente Mendiburu Gortari; to the Committee on the Judiciary.

H.R. 5716. A bill for the relief of Mateo Mendiburu Gortari; to the Committee on the Judiciary.

H.R. 5717. A bill for the relief of Jose Cruz Uglade Inda; to the Committee on the Judiciary.

H.R. 5718. A bill for the relief of Jesus Marticorena Irigoyen; to the Committee on the Judiciary.

H.R. 5719. A bill for the relief of Jose Lizaso Jauregui; to the Committee on the Judiciary.

H.R. 5720. A bill for the relief of Esteban Agesta Jorajuria; to the Committee on the Judiciary.

H.R. 5721. A bill for the relief of Trinidad Lizaso Juaregui; to the Committee on the Judiciary.

H.R. 5722. A bill for the relief of Jesus Esclarin Larraz; to the Committee on the Judiciary.

H.R. 5723. A bill for the relief of Jose Aleman Larregui; to the Committee on the Judiciary.

H.R. 5724. A bill for the relief of Luis Maria Elizaincin Larregui; to the Committee on the Judiciary.

H.R. 5725. A bill for the relief of Angel Cordoba Lizasoain; to the Committee on the Judiciary.

H.R. 5726. A bill for the relief of Francisco Errea Loizu; to the Committee on the Judiciary.

H.R. 5727. A bill for the relief of Gabriel Orquin Maisterrena; to the Committee on the Judiciary.

H.R. 5728. A bill for the relief of Julian Goni Olaechea; to the Committee on the Judiciary.

H.R. 5729. A bill for the relief of Javier Recarte; to the Committee on the Judiciary.

H.R. 5730. A bill for the relief of Ignacio Vicondoa Vicondoa; to the Committee on the Judiciary.

H.R. 5731. A bill for the relief of Leonico Irigoyen Vicondoa; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 5732. A bill for the relief of Mose Fenika Fa'anana; to the Committee on the Judiciary.

By Mr. MESKILL:

H.R. 5733. A bill for the relief of Arthur J. DeMichiel and his spouse; to the Committee on the Judiciary.

H.R. 5734. A bill for the relief of Vincenzo Marotta; to the Committee on the Judiciary.

By Mr. MURPHY of Illinois:

H.R. 5735. A bill for the relief of Jean Wong; to the Committee on the Judiciary.

H.R. 5736. A bill for the relief of Dr. Nandalal Yepuri; to the Committee on the Judiciary.

H.R. 5737. A bill for the relief of Theresita F. Lagmay; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 5738. A bill for the relief of Jai Doh Kim; to the Committee on the Judiciary.

H.R. 5739. A bill for the relief of Gaetano and Gaetana Porcello; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 5740. A bill for the relief of Maria Deolinada and Joao da Conceicao Albano; to the Committee on the Judiciary.

H.R. 5741. A bill for the relief of Idalina Vieira de Silva Cavaco; to the Committee on the Judiciary.

H.R. 5742. A bill for the relief of Wong Tsang Hei, also known as Roberto Ching; to the Committee on the Judiciary.

H.R. 5743. A bill for the relief of Harontian Hammalian; to the Committee on the Judiciary.

H.R. 5744. A bill for the relief of Hae Cha Lee; to the Committee on the Judiciary.

H.R. 5745. A bill for the relief of Won Chan Lowe; to the Committee on the Judiciary.

H.R. 5746. A bill for the relief of Jirgir M. Mardirossian; to the Committee on the Judiciary.

H.R. 5747. A bill for the relief of Rosalba Ruiz Osorio; to the Committee on the Judiciary.

H.R. 5748. A bill for the relief of Jose Sepulveda Suarez; to the Committee on the Judiciary.

H.R. 5749. A bill for the relief of Chan Yun Tai; to the Committee on the Judiciary.

H.R. 5750. A bill for the relief of Adolf L. Vandendorpe; to the Committee on the Judiciary.

By Mr. PHILBIN:

H.R. 5751. A bill for the relief of Gilan Tehranchi; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 5752. A bill for the relief of Olive R. Lawrence; to the Committee on the Judiciary.

H.R. 5753. A bill for the relief of Maria Luchi; to the Committee on the Judiciary.

By Mr. QUIE:

H.R. 5754. A bill for the relief of Dr. Manuel E. Tayko; to the Committee on the Judiciary.

By Mr. ROBISON:

H.R. 5755. A bill for the relief of Dr. Orlando L. Fernandez; to the Committee on the Judiciary.

By Mr. ROONEY of New York:

H.R. 5756. A bill for the relief of Mrs. Estrella Gatdula Ledisma; to the Committee on the Judiciary.

H.R. 5757. A bill for the relief of Vito Vavallo; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 5758. A bill for the relief of Pietro Addamo; to the Committee on the Judiciary.

H.R. 5759. A bill for the relief of Giuseppe Barile; to the Committee on the Judiciary.

H.R. 5760. A bill for the relief of Mrs. Marcelle Bean; to the Committee on the Judiciary.

H.R. 5761. A bill for the relief of Miss Giuseppa Bulla; to the Committee on the Judiciary.

H.R. 5762. A bill for the relief of Fanny G. Chavez; to the Committee on the Judiciary.

H.R. 5763. A bill for the relief of Mrs. Khorodik Chirinian (Shirinian); to the Committee on the Judiciary.

H.R. 5764. A bill for the relief of Mrs. Marjorie Christian; to the Committee on the Judiciary.

H.R. 5765. A bill for the relief of Dr. Maximo C. Chua and his wife, Dr. Victoria Sy Chua; to the Committee on the Judiciary.

H.R. 5766. A bill for the relief of Natale J. Colosi; to the Committee on the Judiciary.

H.R. 5767. A bill for the relief of Esther Gonzalez Criado; to the Committee on the Judiciary.

H.R. 5768. A bill for the relief of Antonia Francisca Saumell de Santacaterina; to the Committee on the Judiciary.

H.R. 5769. A bill for the relief of Mr. and Mrs. Alberto Furelli, and their children, Franca, and Concesione; to the Committee on the Judiciary.

H.R. 5770. A bill for the relief of Mrs. Maria Gigante; to the Committee on the Judiciary.

H.R. 5771. A bill for the relief of Thomas M. Gilmore; to the Committee on the Judiciary.

H.R. 5772. A bill for the relief of Mr. and Mrs. Jerzy Gulbas, and their daughter, Ilana; to the Committee on the Judiciary.

H.R. 5773. A bill for the relief of Anthony Hsieh; to the Committee on the Judiciary.

H.R. 5774. A bill for the relief of Arie and Tova Gutman; to the Committee on the Judiciary.

H.R. 5775. A bill for the relief of Dr. Romulo A. Jardiel; to the Committee on the Judiciary.

H.R. 5776. A bill for the relief of Josefina A. Leano; to the Committee on the Judiciary.

H.R. 5777. A bill for the relief of Mrs. Caridad G. Lorenzana and her two children, Elizabeth and Gerardo; to the Committee on the Judiciary.

H.R. 5778. A bill for the relief of Fausto Lucignani; to the Committee on the Judiciary.

H.R. 5779. A bill for the relief of Menashe Menashe; to the Committee on the Judiciary.

H.R. 5780. A bill for the relief of Miss Emilie N. Argonza; to the Committee on the Judiciary.

H.R. 5781. A bill for the relief of Giuseppe Pecora; to the Committee on the Judiciary.

H.R. 5782. A bill for the relief of Mrs. Maria Rosa Penati, and her two children, Mario and Paolo; to the Committee on the Judiciary.

H.R. 5783. A bill for the relief of Dr. Sadashiv V. Phansalkar; to the Committee on the Judiciary.

H.R. 5784. A bill for the relief of Mrs. Irma Ruggeri; to the Committee on the Judiciary.

H.R. 5785. A bill for the relief of Miss Margherita Russo; to the Committee on the Judiciary.

H.R. 5786. A bill for the relief of Salvatore Russo; to the Committee on the Judiciary.

H.R. 5787. A bill for the relief of Dr. Iluminada L. Santos; to the Committee on the Judiciary.

H.R. 5788. A bill for the relief of Lorenzo Selini; to the Committee on the Judiciary.

H.R. 5789. A bill for the relief of Mrs. York Wong Chin Shun; to the Committee on the Judiciary.

H.R. 5790. A bill for the relief of Aurelio Tortora; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 5791. A bill for the relief of Jesus Castro Gonzalez; to the Committee on the Judiciary.

H.R. 5792. A bill for the relief of Nader and Shahindokht Rezvani; to the Committee on the Judiciary.

H.R. 5793. A bill for the relief of Jose Isidro Rodriguez; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 5794. A bill for the relief of Wallace Chevez and his wife, Tensie; to the Committee on the Judiciary.

H.R. 5795. A bill for the relief of Gilbert Linford Escalante, Yvonne Marie Escalante, and Jacqueline Elizabeth Escalante; to the Committee on the Judiciary.

By Mr. SCHNEEBELI:

H.R. 5796. A bill for the relief of Andrea Sciumbata; to the Committee on the Judiciary.

By Mr. SLACK:

H.R. 5797. A bill for the relief of Dr. Manohar U. Hasrajani; to the Committee on the Judiciary.

H.R. 5798. A bill for the relief of Drs. Godofredo and Ana Maria Hilado; to the Committee on the Judiciary.

By Mr. UDALL:

H.R. 5799. A bill relating to cancellation of an agreement issued to Jack Gray, Henry Gray, and Robert Louis Gray for grazing cattle within the confines of Organ Pipe Cactus National Monument, Ariz.; to the Committee on Interior and Insular Affairs.

By Mr. BOB WILSON:

H.R. 5800. A bill for the relief of Betty Jean Brown; to the Committee on the Judiciary.

By Mr. WOLFF:

H.R. 5801. A bill for the relief of Carmine Buffolino; to the Committee on the Judiciary.

H.R. 5802. A bill for the relief of David Yorck; to the Committee on the Judiciary.

By Mr. ADDABBO:

H.R. 5803. A bill for the relief of Chin Hau Puo (also known as Chin How Po); to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

45. The SPEAKER presented a petition of Rev. Floyd B. Rhoades, president, Harrison County Community Action Board of Directors, West Clarksburg, Va., relative to budgeting funds for the elderly poor, which was referred to the Committee on Education and Labor.

EXTENSIONS OF REMARKS

MARINES IN VIETNAM MAKE POSSIBLE NEW HAND FOR FORT KNOX YOUTH

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. DUNCAN. Mr. Speaker, today I would like to place in the RECORD a story to warm the hearts of readers. A young man in Tennessee is getting an artificial left hand thanks to members of the 3d Marine Amphibious Force in South Vietnam headed by Lt. Col. W. E. "Elrod" Cheatham.

Certainly, the story, written by Mrs. Pat Fields and published in the January 11 Knoxville Journal, speaks for itself:

MARINES IN VIETNAM MAKE POSSIBLE NEW HAND FOR KNOX YOUTH

(By Pat Fields)

Jimmy Wollard, the Talbott youth who wanted a left hand for Christmas so he could become an automobile mechanic, is going to get his hand, thanks to some United States Marines in South Vietnam.

Jimmy lost his hand Christmas a year ago in a firecracker accident. The Knoxville Journal had a story Dec. 18 concerning his ambitions and hopes that he could get an artificial hand.

A fat brown envelope, postage free, came to The Knoxville Journal Thursday, addressed to Jimmy Wollard. The return address: Lt. Col. W. E. Cheatham, USMC, H–S Co., 3rd Military Police Battalion, FPO San Francisco. (Remember W. E. (Elrod) Cheatham, former Young High football star? His parents are Mr. and Mrs. M. H. Cheatham of Alpine Drive. He gets The Knoxville Journal overseas and read about Jimmy.)

In the envelope were 17 letters each from a man in the 20-member Motor Transport Section. In a separate letter from the commanding officer, Colonel Cheatham, came two checks amounting to $500. "Raised in only 12 hours!" he wrote.

Lt. Donald R. Saunders, second in command, explains most lucidly. "Dear Jim," he wrote, "A few days ago my commanding officer brought to my attention an article in a Tennessee newspaper and asked if I could convince my motor transport section to write a few letters of encouragement to you. I showed them the article, and we decided a few letters would not suffice. The section took time to collect money to send you on behalf of the battalion. I realize that the nominal amount we are sending is not much compared to the actual cost needed for you to start your steps to complete recovery. But we hope to give you that start, along with the inspiration to guide you to success.

"I have 20 men in my section; the greatest men in the world. We have over 70 pieces of gear to maintain. The men will work under any and all situations to keep the equipment in a state of readiness. I know the Marine Corps will be proud of these men, mechanics and drivers, who took precious time from the war effort to help an American citizen become a self-made man. . . . We realize, Jim that our support is not enough. . . . Our motor pool, on behalf of the battalion, wishes you the best of luck and hopes that our support will be an inspiration to you and your loved ones to carry on in a proud and confident manner. In a few years I hope to see you as one of the finest mechanics in your section of the country. . . ."

Jimmy was almost overcome by that one, and there was a lot more in it about the battalion and its work—including a dog operations center—that interested him. "This man's from Detroit. But he went to college, he says. Graduated in 1967 from Murray State University in Murray, Kentucky . . . Imagine him—and all those others—going to that much trouble for me!" Jimmy's voice trailed off.

Another letter that made an impression on the entire Wollard family—parents, Mr. and Mrs. Alton Wollard, Jimmy and sister Margie (Mrs. Harold Woods, who lives across the road), as they read them all in turn (Jimmy first) around a woodburning stove in the tiny backroad home, came from Gunnery Sgt. A. Lemelin Jr., who gave no hometown address.

The sergeant's letter read: "I am just writing a few lines to let you know that someone cares, even here in Vietnam. Sorry to hear about your accident, but I know you won't just give up. We learned about your problem in a newspaper and we decided to do something about it. Jimmy, with God's help and a lot of hard work you'll become an excellent mechanic, as good a mechanic as I have here. I run the Happy Valley Speed Shop; that's what my troops like to call it anyway. Actually, it's the Motor Transport Section of 3rd MP Battalion. The Marines here took up a small collection. Jimmy, I know nothing could take the place of that hand, but I sincerely hope the money helps you to become the mechanic that you always wanted to be . . . So keep your chin up."

Jimmy is 18 and back in school this year. Jefferson High. He's making good grades and hopes to graduate next year.

"One of my teachers has been encouraging me to go on to college," he said. "But after reading the letters from these men . . . Well, maybe I could study mechanical engineering. Then I'd really be a good mechanic, wouldn't I?

"One thing certain, I'm going to answer every one of those letters. Every one!"

Besides the officers mentioned above, Marines who wrote Jimmy and added to the fund for his hand, and whom Jimmy will be writing to thank personally are:

Cpl. John C. Wintreith, Cpl. R. B. Hunt, Cpl. A. Steiner, Sgt. Larry Brown, Cpl. Danny Jones, Sgt. D. P. Wallis, Pfc. Ernie Kreitlow, Cpl. L. H. Edder, Cpl. C. J Lange, Cpl. A. Garcia, Cpl. C. Clendennin, Sgt. R. M. Verla, Cpl. Barry Simawski, Cpl. Gregory Novak, and Lt. D. R. Saunders.

JESSE WOLCOTT

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. ROONEY of New York. Mr. Speaker, I was deeply saddened, as were many of us here, to learn of the passing of the Honorable Jesse Wolcott who for 26 years ably represented the people of the Seventh Congressional District of Michigan. For many of those 26 years I was privileged to know Jesse. With my colleagues I regretted his decision to retire from the House of Representatives in 1957. He was a warm, selfless, able, and completely dedicated man who spent his life serving the people of his district and his country. To his widow and his family I extend my deepest sympathy in their great loss.

ECONOMIC BONDAGE

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. BROCK. Mr. Speaker, the Wall Street Journal of January 6, 1969, carried an excellent editorial discussing America's existing welfare system and several suggested alternatives. I feel that this sober, intelligent analysis of the growing welfare problem will be of considerable interest to the Members of this body, and I include it in the RECORD:

DESTROYER OF THE SPIRIT

"The lessons of history . . . show conclusively . . . that continued dependence on relief induces a spiritual and moral disintegration fundamentally destructive to the national fiber. To dole out relief . . . is to administer a narcotic, a subtle destroyer of the human spirit. . . ."

History's lessons are just as plain now as they were in 1935, when Franklin D. Roosevelt thus warned of welfarism's effects in his State of the Union message. Yet many well-meaning Americans largely ignore those lessons now, just as Mr. Roosevelt himself did later on.

Confronted by the failures of the existing welfare system, nearly everyone would like to supplement it or replace it with something else. Three of the proposals—all very much alive as a new Administration nears office—were discussed in a recent speech by Roger A. Freeman, senior staff member of the Hoover Institution at Stanford University.

One of these is the guaranteed annual income. "To guarantee everyone an adequate income," notes Mr. Freeman, "appears to be the most direct and simple method to end poverty; also, when we study it more closely, potentially the most destructive."

If everyone's income were raised to the Federal 'poverty' level of $3,335, for a four-person nonfarm family, the immediate cost to the Government would be $11 billion. That's a large sum, certainly, but by itself it just as surely is one that the nation could afford.

A major problem nonetheless is that such a program could not help but have massive effects—on people and on the economy. It isn't necessary to believe that Americans are naturally indolent to think that a great many persons, offered $3,335 a year for doing nothing, would take it in preference to a job paying $3,000 to $4,000 or so.

Some people who quit their jobs to take the guaranteed income might justify the action, for themselves at least, by saying it was only temporary while they looked for something better. But the cost of the guarantee would climb very quickly; Mr. Freeman thinks it would be several times $11 billion.

"Entire occupations," predicts Mr. Freeman, "would be wiped out overnight. A large part of the labor force of several states—particularly in the South—would immediately retire and most agricultural employment would end." Moreover, wage scales at medium and higher levels would be thrown into chaos. Even if the money supply remained unchanged, a reduced supply of goods and service would generate explosive inflation.

A second proposal is the family allowance which would pay every family—rich or poor—a specified sum for each child. At $25 per child per month which is hardly adequate to support true poverty families, the national cost would be $21.5 billion a year.

"Why should child allowances go to all families, rich and poor alike," asks Mr. Freeman, "when only one American family in ten is now held to be poor. The reason given by the plan's advocates is simple: So that the poor would not feel singled out and stigmatized as relief recipients. Moreover . . . nonpoor families . . . . would then feel that they have a stake in the program and would rally to its support."

Assuming the nonpoor would in fact act that way, it is at best a questionable tactic to construct a welfare program so that it will bribe voters to support it. In a country where population pressures are already a problem, furthermore, it would be strange strategy for the Government to subsidize still greater pressure.

Like family allowances, a third proposal—the negative income tax—also is aimed partly at erasing the "stigma" of relief. It would use the existing tax machinery; if individuals earned less than a specified amount the Government would pay them, instead of the reverse. Welfare could be made less demeaning, however, by reasonable revision of existing methods; it doesn't necessarily require an entirely new system. Revision would seem a sensible way to proceed in any case, since most of the advocates of various income-support plans do not see them as replacements for existing assistance but as supplements to it.

The present setup is in such sorry shape that any reform will take time, perhaps a great deal of it. The direction, though, should be clear; it has been stated often but never adequately pursued. Society has an obligation to care for its citizens who cannot care for themselves. For others the overriding aim should be to provide an opportunity to work, not an opportunity to avoid it.

In other words, the goal must be rehabilitation rather than relief. Too many of the current income-support schemes would only destroy initiative which, in the end, means the destruction of the human spirit.

GONZALEZ COMMENDS ARTICLES ON DEFENSE REPORTS

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. GONZALEZ. Mr. Speaker, I am very pleased and encouraged that more and more newspapers across the Nation are concerned about the effect of military spending on the economy, and are attempting to answer the question of how well our defense procurement system is functioning. It was not always so.

Two Washington correspondents, in particular, have versed themselves well in the often mysterious ways of Government contracting. One, Sanford Watzman, was among the pioneers to relate the Renegotiation Board to excess profits from Vietnam spending. In the latest issue of the Nation magazine, he uses the case method to give us an informative look at the workings of renegotiation. I commend this article to my colleagues' attention.

The other correspondent, William K. Wyant, Jr., has put together the many pieces of military procurement, most recently in a three-part series initiated by the St. Louis Review and distributed by the Catholic Features Cooperative to a great many Catholic weeklies across the country, including the Alamo Messenger in my hometown of San Antonio. I also include this series at this point in my remarks:

WAR PROFITS: THE TAX-COURT PEEPHOLE

(By Sanford Watzman)

WASHINGTON.—Although much is known about *some* costs of the war in Vietnam—for instance, casualty figures and spending totals are updated and reported endlessly—it is still premature and rather naive to ask how much profiteering there has been. Those in the know realize that to get an answer one must peer through the only peephole in Washington which affords an overall, if imperfect, view. Anyone may go and squint; the place is the Public Records Room of the U.S. Tax Court, where corporations that are secretly accused of profiteering make their troubles known when (but only when) they file an appeal.

But this peephole is like an astronomer's telescope. Because it takes time for starlight to reach the earth, scientists see galaxies, not as they exist today but as they blazed in space hundreds or thousands or millions of years ago. Similarly, a sighting through the Tax-Court peephole reveals almost nothing yet about Vietnam. Instead, more than fifteen years after the truce at Panmunjom, one gets today, for the first time, a panoramic view of the Korean War. It takes that much time to adjudicate cases.

December 16, 1968, was a great day for the excessive-profits watchers. For them, the Korean War was finally brought to a close in a ruling handed down by Judge Charles R. Simpson. It was the end of an era, and those at the peephole were now free to turn their attention to the war in Vietnam. Patience will be required, for the first tantalizing glimpses of the stepped-up war in Vietnam, as it was in 1965, are just now coming over the horizon in Tax Court.

Judge Simpson held that the LTV Aerospace Corp., a subsidiary of Ling-Temco-Vought, Inc., No. 8 on the fiscal 1968 list of the top 100 defense contractors, had indeed realized $750,000 and $3.5 million in unwarranted profits. When? Why, in 1952 and 1953. Judge Simpson told the story in a highly technical written opinion that covered 92 pages, including charts and statistics. The opinion was noteworthy because it decided the last of the so-called "air-frame" lawsuits which, taken together, dominated profiteering determinations made by the U.S. Renegotiation Board as a result of the Korean War and its aftermath. The first such dispute to be resolved involved the Grumman Aircraft Engineering Corp. A Tax-Court action on October 12, 1959, upheld board findings against Grumman that totaled $3 million for 1951 and $5.5 million for 1953. LTV Aerospace, too, wound up getting no relief in the court.

Eight corporations were hit in the "air-frame" cases.* Each is a member of the select 100 club. The biggest blow was dealt to the Boeing Co., which the board assessed a total of $34,284,165 for four years. Boeing challenged the board's gross accounting methods and took its chances on an appeal to the court, thereby laying its books open to a more detailed audit by the FBI, as provided in the Renegotiation Act of 1951. The result was that Boeing was found to have amassed not $34 million plus in excessive profits but *$41 million*. North American Rockwell Corp. had better luck; a determination of $33 million for four years was knocked down to $27 million. Martin Marietta Corp. went from $19,175,000 to $17,875,000; Lockheed Aircraft Corp. from $19,579,227 to $15,750,000; McDonnell Douglas Corp. from $19.5 million to $18.5 million, and Fairchild Hiller Corp. from $2 million to $1.8 million. As already indicated, Grumman and LTV came out *"even."* These figures do not incude interest paid the government, but that was a relatively minor factor. Interest on the assessments stopped running three years after appeals were filed in court. Not until 1962 was the law changed (but not retroactive) to keep the interest going until cases were finally settled. In any event, the rate is only 4 per cent with no added penalties, compared with the 6 per cent and heavy penalties that individuals and corporations pay on income tax debts. On the other hand, what the eight corporations paid out in lawyers' fees is not visible through the peephole, and government officials will not even hazard a guess. The findings of the board in the eight groups of cases came to $140,288,392. Justice Department attorneys acting for the board did not lose a single case; they were sustained on a total of $134,675,000 in the decisions and settlements that followed appeals.

Viewing all this as background, the observer begins to develop a sense of eternity. For now emerging in the context of Vietnam are two of the same eight corporations that figured in the Korean War "air-frame" cases. On July 26, 1968, McDonnell Douglas returned to the court to protest a board finding of $8 million. Thirteen days later, Grumman reappeared to challenge a determination of $7.5 million. Both cases involved the companies' 1965 fiscal years, but watchers with visual acuity were treated to a surprise bonus. The McDonnell papers referred incidentally to a 1960 case in which the board and the corporation quietly agreed that McDonnell should refund $2 million to the U.S. Treasury. This brought the known cases against McDonnell (since 1953) to four, not counting the current appeal. Like the Internal Revenue Service, the board is bound by strict laws of confidentiality. It must not divulge the identity of any corporation that it duns; its proceedings are conducted in private. Therefore, except for McDonnell's own disclosure, tangential to the 1965 case, the 1960 finding would not have become a public record.

The McDonnell papers included a letter from the board dated last April 30. The communication praised the company for its production of the F-4 Phantom airplane—"one of the finest of its type"—and the Gemini spacecraft—"an outstanding success." But the board went on to say: "It is apparent that the government's requirements were responsible for the contractor's significant growth." And: "In view of the contractor's long experience in the . . . space programs and the years of development and production of the F-4, the Board is of the opinion that the government should receive significant benefit from this expansion of [sales] volume, either through lower prices or in renegotiation." The letter continued:

"In conducting its renegotiable business during the review year (1965), the largest volume in its twenty-six years of operation, the contractor benefited greatly from government financial assistance. In addition to the use of government-owned facilities reported at a cost value of $43.7 million at the beginning of the year, the contractor also received a very large amount of progress payments. Such payments amounted to $323.4 million at the beginning of the year, or 63.9% of inventory applicable to contracts in process."

The board observed that renegotiable sales (those sales falling under the board's jurisdiction) were up 15.6 per cent over 1964, were 77 per cent higher than in 1963, and more than double those of 1960. The letter concluded:

Returns on captial and net worth at the beginning of the review year, allocated to renegotiable business on the cost of sales ratio, amounted to 32.6% and 76.6% respectively. In the prior year the return on capital was 25% and on net worth 52%. In fiscal year 1960, returns were 26.6% and 58.9% after elimination of excessive profits. . . . The effect of the determination is that the contractor will retain a renegotiable profit of $75,420,00, or a profit margin of 7.6% on adjusted renegotiable sales of $990,915,000. . . . The determination would leave the contractor returns on capital and net worth of 29.4% and 69.2%.

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* In each case the corporation is identified here by its current name; for instance, the LTV litigation was begun by the old Temco Aircraft Corp., a predecessor of Ling-Temco-Vought, Inc.

McDonnell replied that the board juggled figures, with the result that it "bunched earnings" of the company in the year in question, to the disadvantage of the corporation. It also disputed the board's decision to disallow $2.5 million in charitable contributions as part of the company's cost of doing business. McDonnell asserted that the board erred in failing to give weight to the contractor's efficiency, to the financial risk that was involved, and to the company's inventive contributions to America's defense.

Grumman in 1965 was a designer and developer of naval aircraft, a major subcontractor for the F–111 fighter plane, and a producer of an orbiting astronomical observatory and a lunar module for the Apollo space vehicle. A board notice dated last May 21 alleged that the company had renegotiable sales in 1965 of $813,717,000, with a profit of $52,760,000, or 6.5 per cent. Grumman was said to have had "a return on beginning-of-the-year allocated net worth of 81 per cent, a rate which, in the opinion of the board, clearly indicates excessive profits." The board asserted that the company benefited from government-owned facilities valued at $61 million. It further charged that "44 per cent of . . . renegotiable sales were under comparatively riskless, rapid-pay type contracts that put no great financial burden on the contractor." The board found that "an increase of 47 per cent in sales was accompanied by an increase of 162 per cent in profits," and that the additional profits for the year "exceeded the contractor's total profits in any prior year in its history." The finding was intended to reduce the profit margin to 5.6 per cent. Grumman retorted that the board unfairly refused to allow certain costs, did not properly credit the company for its increasing independence from government aid, and that insufficient weight was given to corporate efficiency, know-how and risk. Grumman's view, paralleling McDonnell's, was that the board had acted "erroneously and arbitrarily and capriciously."

As these pleadings were entered in court, the board was fighting for its life in Congress—and, in fact, it was technically dead. This tiny and obscure independent agency, headed by five men who serve at the President's pleasure, subsists on a budget of merely $2.6 million and has less than 200 employees—making it something of a flyweight champion among government bureaus, both in terms of its size and its pound-for-pound (or dollar-for-dollar) effectiveness in recovering for the government far more than it spends. It is not a permanent agency; Congress must periodically renew its lease on life. By June 30, 1968, the board had "died," its authority to require annual statements from defense contractors having expired while a renewal bill was pending in Congress. However, the board remained in business, occupying itself with a formidable backlog as it waited for the lawmakers' decision.

At the beginning of the year, the Cleveland Plain Dealer, The Nation and a group of Ohio Congressmen, inspired by speeches delivered earlier by Rep. Henry Gonzalez (D., Tex.), had launched a crusade to retain and strengthen the board. During the Korean War the board had had 742 employees and a much broader jurisdiction. But its staff and its powers to review corporate records began to deteriorate after that war, and even the steady escalation in Vietnam had failed to revive White House and Congressional interest in the agency. The campaign to save the board ended with a measure of success last September, when Congress finally agreed to give it a three-year extension (a longer life span than it had ever been accorded before), and to enlarge slightly the scope of its operations.

During this period of tension for the board, some interesting disclosures were made. For instance, Gonzalez brought out the fact that fourteen corporations that kept getting called on the carpet by the board were having no trouble winning new defense contracts. The Texan had Congress' General Accounting Office (GAO) conduct an investigation for him. Then he reported to his colleagues that, in the four years before 1968, nine companies were cited twice for profiteering by the board, three others were accused three times each, and two corporations had become the object of proceedings in each of four years. GAO officials had informed Gonzalez that, "to the best of our knowledge, the Defense Department does not give weight to the Board's findings in selecting suppliers of defense materials . . . nor do the Board's findings diminish a company's chances of receiving another contract." GAO recommended exchange of more data between the Defense Department and the board, adding that facts supplied by the board could help the Defense Department to sharpen its procurement practices. Because of the rules of confidentiality, GAO did not identify the fourteen corporations. About the same time, Rep. William E. Minshall (R., Ohio) inserted a statement in the Congressional Record showing how the board was instrumental in disallowing excessively high salaries paid to executives of defense-oriented corporations. One case cited by Minshall concerned two brothers who had paid themselves a total of $94,000 in one year. But the board found that the pair had done nothing to earn their pay since they were devoting all their time to another company. Salaries are a factor in renegotiation proceedings because, to the extent that they are part of a company's overhead, they have the effect of ostensibly reducing profits.

The board's 1968 annual report, released on December 31, contains fresh indicators of excessive profits traceable to the Vietnamese War. Nearly one out of every five corporate statements filed with the board were denied immediate clearance and closer scrutiny was ordered. The comparable percentages were 16.8 in 1967, 13 in 1966, and 9.6 in 1965. Although only part of a contractor's business is reviewable by the agency, the board, reporting on what it *did* see, disclosed that 3,351 corporations, with renegotiable sales totaling $35.3 billion, enjoyed profits of $1.9 billion, while 676 other companies, with renegotiable sales of $3.5 billion, suffered a loss of $125 million. "When compared with earlier fiscal years," the board observed, "these figures indicate a continuing decline in both the number of 'loss' contractors and the amount of 'loss' sales." In fiscal 1968 the agency made forty-six determinations of excessive profits totaling $23 million, against eighteen for $15.9 million the previous year. Also, a new trend appears to be developing. In the first sixteen years of the board's existence, it won grudging agreement from contractors nine times out of ten when excessive profits were alleged. But in fiscal 1968, corporations refused to accept the finding in nineteen of the forty-six cases.

The annual report, the only meaningful document made public by the board in the course of a given year, deals with generalities and overall statistics. It never discusses individual cases. So one is forced back to the peephole at Tax Court, and the confrontation with eternity. As it happens, eternity squares with the official view.

"There is no foreseeable end to the conditions which make the [Renegotiation Board] necessary," House Speaker John W. McCormack was advised in a letter from the Administration last February 23. Pleading for an indefinite extension of the board's authority, the letter pointed out: "Even if the Vietnam conflict were to end in the near future, the end of international tensions is not in sight. Hence, there will be a continuing demand for new and increasingly complex aircraft, missiles, space vehicles and other specialized items; and huge purchases will continue to be made under conditions similar to those now prevailing. Market-tested prices do not and cannot exist for costly, novel and complex military and space products. For this reason, prices must be negotiated, often with sole source contractors. Such negotiated prices are necessarily based upon uncertain cost estimates because reliable cost experience is not available. . . . The profitability of the contractor's performance of all his contracts are recorded for his fiscal year. Renegotiation provides an after-the-fact review of such profits. Thus it affords the only means for assuring that the profit outcome of procurement is reasonable."

[From the St. Louis (Mo.) Review,
Jan. 10, 1969]

America's Huge Military-Industrial Complex: Defense Spending, Profits Examined—I

(By William K. Wyant, Jr.)

(NOTE.—William K. Wyant, Jr. is a Washington correspondent of the St. Louis Post-Dispatch.)

WASHINGTON.—"The Department of Defense and the Department of Commerce have an industry-oriented philosophy. Many of their officials come from industry. They think like industry. And that is the problem."

Thus spoke Vice Admiral Hyman G. Rickover, the architect of the nuclear Navy, in his headline-making testimony before the House Banking and Currency Committee last April. The Admiral delights Congress because he says what he thinks.

Rickover will fight anybody—the industrial giants, his superiors in the Navy, the Defense Department itself—in order to carry out what he considers his duty. He wants more nuclear ships for the United States, well-built at the lowest possible cost.

What was bothering the 68-year-old Admiral, when he testified on renewal of the Defense Production Act, was the increase in the dollar outlay for major weapons, the absence of effective competition, and the difficulty of persuading industry to build his complicated ships, and build them right.

He was troubled by a tendency for the government to identify with big industry, a failure by government to use laws provided by Congress, the lack of any real check on defense profits—in fact, a widespread ignorance of just what profits are being made.

"Business exists to make profits," Rickover said. "That is its primary purpose regardless of the large number of speeches being made by business leaders—where they say that their constituency consists of the government, the public, the local community, their employees and their stockholders, and that their loyalties encompass all these constituencies.

HAD NO CHOICE

The United States, the soldier-President said, had no choice but to create a permanent arms industry and a defense establishment of great size. He did not quarrel with this, but pointed out it was "new in American experience" and must be understood and controlled by the people if grave dangers were to be avoided.

"In the councils of government," he said, "we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist. We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted."

Then President Eisenhower said this: "Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together."

When the departing President Eisenhower flashed the alert signal eight years ago, the Department of Defense was awarding more than $29 billion a year in prime contracts. Now the figure has grown to $43 billion. Last January, in a magazine interview, the former President again expressed his worries on the score of peace and war.

"Possibly $35 billion for hardware alone!" he exclaimed at his Gettysburg farm in talking with Mary Kersey Harvey for VISTA, published by the United Nations Association. He mentioned politicians eager to obtain defense work for their districts, universities that would have to close up shop if grants for military research were ended. He spoke of the demands of the armed services and of organized labor.

Eighteen of the 25 leading defense contractors in the Eisenhower period a decade ago were still in the top 25 last year. Small business got only 20 per cent of the prime contracts in 1967, dropping to 18 per cent in 1968. The Pentagon's outlays for research and development were under $3 billion a year when the Eisenhower Administration began. They are now around $8 billion.

Of the $2 billion a year that the Defense Department spends on education, some $100,000,000 goes for defense-related research at universities. The penetration of military funds into American academic life is deep and controversial. In many areas of life the eager scrambling for military funds has a corrosive effect.

"These fellows couldn't get out of it if they wanted to," said the multi-starred General who led the allied forces to victory in Europe. In the interview, he was frankly dubious about the McNamara Defense Department's decision to deploy the anti-ballistic missile system. Five billion dollars for that venture, he said, was only the beginning.

SIZE AND GROWTH

One of the obvious things about the military-industrial complex is the fact it has grown to great size. The defense budget alone is around $80 billion, the major item in total expenditures creeping toward $150 billion. Defense spending has nearly doubled in the last 10 years and is about 40 times what the United States was spending for all purposes a half century ago.

In addition to the inflationary factor, there has been a quantum jump in the complexity and therefore the cost of weapons. An airplane has become a weapons system. World War II's propeller-driven F-15 fighter cost a paltry $54,000. The F-4 Phantom jet costs $2,100,000. A submarine nowadays is nuclear-powered and may be a platform for launching missiles. Nearly everything is crammed with prodigiously expensive electronics gear.

Late last October, after much prodding from Congress, Defense Secretary Clark M. Clifford announced a decision to go ahead with building a "quiet" nuclear submarine with turbine electric drive. He noted the new ship would cost $150,000,000 to $200,000,000 a copy compared to $78,000,000 for a Sturgeon-class nuclear submarine. Back in the dim past, a World War II attack sub could be had for $4,700,000.

"That all sounds good. Actually they are in business to make money, and I am all for their making an adequate profit. I think that is fine . . ."

The Russian-born Admiral touched delicate nerves. He charged the Commerce Department with not enforcing the law against business concerns reluctant to do defense work. He spoke of soaring profits, of businessmen who come into government for a short time to learn the ropes, of the fat, slick-paper "trade" magazines swollen with ads of defense contractors.

"Industry will not police itself," he said. "You do not put a skulk of foxes to guard the chickens in the barnyard."

Admiral Rickover's trenchment observations before various Congressional panels in 1968, particularly what he has said about a tendency for big government to merge with big industry, have provided a textbook on ramifications of the nation's huge military-industrial complex.

FEW COMPANIES INVOLVED

The lion's share of military business goes to a few companies. In fiscal 1968, the top 100 concerns got $26.2 billion or about 67 per cent of military prime contracts of $10,000 or more. Many of the same companies also are among the 100 which, in 1967, received 93 per cent of the government's non-defense space awards.

General Dynamics Corp. led the list of defense contractors this year with more than $2.2 billion in awards for aircraft, missiles and ships. Nearly half of the total business went to the first 25 companies. There is not much turnover among the dominant firms. For two years running, 1967 and 1968, the same five received prime awards of more than $1 billion each.

It was President Dwight D. Eisenhower, saying farewell in January 1961, after eight years in the White House, who issued the most effective recent warning about the military-industrial complex. The term evokes an image of cabals of generals and industrialists who sit around smoking big cigars and promoting war. What Eisenhower had in mind was something more subtle.

PROFIT NOT AT FAULT

There is nothing wrong, as Admiral Rickover said, with industry making a legitimate profit on defense contracts. That is the American system. The difficulty has been to prevent waste and curb excessive profit-taking at times of national stress. Traditionally, an odor of corruption has arisen when the arms buildup is rapid.

In times past, war profiteering and graft have been much more blatant than now. The Civil War is a notorious example. Long and colorful is the history of efforts in Congress and elsewhere to root out boodlers and bring their malefactions to light. Defense purchasing is more sophisticated than it used to be.

For reasons nobody has fully explained to the public—perhaps because of the well-oiled machinery of the military-industrial complex against which Eisenhower warned—Congress and the Exectuive Branch have shown reluctance to take a hard look at the expansion of military spending associated with Vietnam.

Without success, Representative Henry B. Gonzalez, a Texas Democrat, made eloquent pleas this year that a special committee be set up to probe into defense profits. In the opinion of Gonzalez, Congress is not doing its duty.

The Department of Defense insists that profits are not excessive—in fact, may be running too low. In Congress, this viewpoint is challenged by Gonzalez, Senator William Proxmire (Dem.) of Wisconsin, and others. Committees are nibbling at the question, but as yet no Senator Harry S. Truman has emerged to lead the kind of fighting inquiry that seizes and holds national attention.

Back in 1941, when the United States was tooling up for war, the future President Truman saw evidence of waste, favoritism and profiteering. With little or no cooperation from President Franklin D. Roosevelt at the outset, the Missourian managed to organize the famed Truman Committee. Originally, the Senate allowed him only $15,000 a year to finance the effort.

"I have never yet found a contractor who, if not watched, wouldn't leave the government holding the bag," Truman told his colleagues. "We are not doing him a favor if we don't watch him."

Truman was little known when his far-reaching investigation of the defense establishment started. He worked very hard. The Truman Committee established him as fearless and forthright. It made his reputation. He was credited with saving the nation billions of dollars at a time when a billion dollars was still a lot of money.

In the Pentagon, a series of Defense Secretaries from James Forrestal, who took office under Truman in 1947, through Clifford have tried with varying success to achieve order, honesty and control in arms spending. The most successful thus far was the much-maligned and brilliant Robert S. McNamara, who came in with President John F. Kennedy in 1961 and resigned early in 1968.

A Phi Beta Kappa, Harvard Business School graduate and former head of Ford Motor Co., McNamara set up mechanisms to guide and brake the defense juggernaut. He dug aggressively for the facts with which he faced down generals, admirals and Congress. His "cost-effectiveness" approach introduced a new logic. For the first time, the Pentagon seemed to know where it was going.

Secretary McNamara had the Pentagon Tyrannosaurus so firmly between his knees that he succeeded in fending off for years the adoption of new weapons systems he considered unnecessary, such as the proposed new manned bomber to replace the aging B–52 fleet. He resisted pressure to deploy an anti-ballistic missile system until late in 1967, when he yielded.

McNamara's successor, Secretary Clifford, has a different style. He is an able lawyer, tough and resourceful. But he has shown little tendency, in public at least, to cross swords with the military. He has gotten along with the military-industrial complex and concentrated on ending the war.

[From the St. Louis (Mo.) Review, Jan. 17, 1969]

Strong, Steady Pressures Advance Military Spending—II

(By William K. Wyant, Jr.)

Washington.—"Mr. President, the test of a weapons system is not in what it does when it is used; it is whether it is effective or not to avoid its use. That is the real test of the effectiveness of a weapons system. And if you have one that is so effective you do not have to use it, you have a success."

With this and other arguments, Senator Richard B. Russell (Dem.) of Georgia stood up in the Senate last June and helped beat off an attack on the Pentagon's decision to deploy the Sentinel anti-ballistic missile system. It will cost $5 billion for a starter, and some predict it will cost $40 billion or more in the end.

The ABM controversy, as everybody knows who follows the arms race, is a classic example of the pressures and counter-pressures that develop when the United States is trying to make up its collective mind whether to invest in a new super-weapon. It revealed the workings of the so-called military-industrial complex.

A BOONDOGGLE

Some Senators consider the ABM—designed initially to guard against a future missile threat from Red China—to be a monstrous boondoggle, a waste of money and worse. But proponents argued that the Soviet Union is setting up a missile defense, and this country must do likewise. They won. An American ABM was as inevitable as death and taxes.

In the never-never land of nuclear weaponry, Senator Russell took his stand on high ground and left others to fight in the swamps. Let it be conceded, he was saying, that the nation's costly offensive ballistic missiles and its new ABM's may grow obsolete, may never be fired in anger. Not only is that possible, it is desirable. It is the best hope.

For as the Georgian suggested, the missiles will have failed in their purpose if they ever have to be used. On that fateful day, if it ever comes, they will have failed to deter an aggressor from attacking the United States. The cost of that failure, begging other costs, will be the incineration of many millions of people in a nuclear Armageddon.

In this context, ordinary considerations that argue for delay—such as economy and whether or not the new gadget will really do its job of destruction—come to have little meaning. The veteran Illinois Republican, Senator Everett Dirksen, followed his esteemed colleague in the debate and acknowledged that war and weaponry are matters in which immense sums of money go down the drain.

"Mr. President," said Dirksen after saying the United States must keep ahead of the Russians, "so long as there is war, let us make up our minds that it is going to be wasteful; that it is going to be extravagant."

Dirksen recalled that what he had seen in the Persian Gulf Command after World War II had been enough to make him weep. He said he had seen beer piled up in cases for a distance of a mile, 20 feet high and a block wide. "Who in the world was ever going to drink it?", the Senator asked.

Senate opponents of ABM, a powerful and eloquent group, got nowhere with their protests that the system would not work against an attack from a first-class nuclear power like the Soviet Union, that it was not necessary, that the best defense is a good offense, and so on.

Nor could the opponents persuade the majority to wait for President Lyndon B. Johnson to work out a deal with the Russians to curb ABM deployment. Equally ineffective, in June and later, was the effort of the Senate's doves to show that the "thin" $5 billion umbrella to ward off a Chinese missile was in fact the framework for a $40 to $50 billion defense against the much more real Soviet threat.

Former Defense Secretary Robert S. McNamara had warned the nation against just such a metamorphosis. Senator Mike Mansfield (Dem.) of Montana, the majority leader who sided with the minority against the ABM, recalled McNamara's words on the subject, given in the speech in which McNamara finally plumped for the "thin" ABM late in 1967. He quoted McNamara as follows:

KIND OF MADNESS

"There is a kind of mad momentum intrinsic to the development of all nuclear weaponry. If the weapon system works—and works well—there is a strong pressure from many directions to procure and deploy the weapon out of all proportion to the prudent level required.

"The danger in deploying this relatively light and reliable Chinese-oriented ABM system is going to be that pressures will develop to expand it into a heavy Soviet-oriented system."

All this was to no avail, as was the adverse testimony of some of the nation's leading scientists who contended that no defense is technologically possible against the kind of nuclear attack either the United States or the Soviet Union could launch. As Senator Henry M. Jackson (Dem.) of Washington observed, even scientists can be wrong.

On such decisions hang the fate and fortunes of multitudes of Americans outside the Congress and the Pentagon. With the pursestrings loosed by the legislative branch, the way was clear to prepare the sites, dig the holes, build the long-range and short-range anti-missiles, construct the elaborate radars, prepare the warheads, and so on.

Yet men like Senator George McGovern (Dem.) of South Dakota and Senator Joseph Clark (Dem.) of Pennsylvania, the latter defeated in the November election, have made determined efforts to curb the arms outlay. In 1963 McGovern urged a $5 billion cut in the defense budget. Traditionally, he has urged such a reduction.

COULD BUILD SCHOOLS

"Five billion dollars will not buy very many aircraft carriers or supersonic bombers or nuclear submarines," he told the Senate, "but it would build a $1,000,000 school in every one of the nation's 3,000 counties, plus 500 hospitals costing $1,000,000 apiece, plus college scholarships worth $5,000 each to 100,000 students—and still permit a tax reduction of a billion dollars.

Another sore subject with defense critics is the United States military assistance and military sales effort, which has been running about $2 billion a year. Some find it particularly distasteful that this nation, which stands for peace, is an enthusiastic vendor of arms to other nations. On occasion, American military hardware has been used on both sides of a brushfire war.

The temptations involved in going along with a burgeoning defense outlay are great. Congressional Quarterly, a respected private reporting service, issued a special report on the military-industrial complex last May showing the wide geographical spread of defense installations and defense payrolls in this country. It gave a breakdown of major defense activity in congressional districts.

This nation's arms outlay leads the rest by a country mile, but is only part of worldwide military expenditures that in 1965 were estimated at close to $140 billion by the United States Arms Control and Disarmament Agency. By contrast, global spending for public education was $116 billion and for public health, by governments, only $46 billion.

At a given moment in time, such as when people grow sick of a Vietnam war, the clamor for peace can be strong. But ordinarily the drum-beat for a bigger and better military machine is stronger and steadier. Much of the outcry for weapons reflects genuine concern about the state of national defenses and is not inconsistent with an equally genuine desire for peace. Some of it obviously is self-serving, combining commercial advantage with patriotism.

An important facet of the military lobby is the rapport between the regular Armed Forces establishment, industry and interested civilians by such quasi-military groups of high respectability as the Association of the United States Army, the Air Force Association, the Navy League. These organizations publish magazines and hold meetings in furtherance of defense objectives.

Military "trade fairs" are put on in connection with Washington conferences at which high-ranking officers of the Armed Services may rub shoulders with civilian counterparts, some of them retired officers who have gone to lucrative jobs with industry. The Pentagon has regulations about the activities of men on its retired list, but the rules are not sabertoothed.

A brief but fascinating glimpse of the hanky-panky that sometimes goes on in the 20th century expense account world of defense contracting was offered by a Congressional report published last year. It told of wheeling and dealing, trips to Mexico, deer hunts in Michigan. As Representative Porter Hardy Jr. (Dem.) of Virginia commented, "some of it is not a pretty picture."

But Congress is not always in a position to throw stones. Members of Congress accept favors and go on junkets, too. Congress, as former President Eisenhower said, is itself an essential element of the military-industrial complex.

Most Americans take it for granted that at this time in history, the Soviet Union being what it is, the nation has no choice but to undertake gigantic spending for arms. The incoming administration of Republican President-elect Richard M. Nixon is expected to keep the outlay at present levels or higher. Accepting that, what should defense profits be? Everybody is against war profiteering, but setting up effective curbs is difficult.

SUSPICION WIDESPREAD

There is widespread suspicion that the nation is not getting its full money's worth from defense procurements that in 1967 soared to $44.6 billion, overshadowing the Korean War peak of $43.6 billion. The Pentagon holds that industry's profit from all this may be running too low for efficiency. Others say profits are too high. Nobody seems to know for sure.

A bizarre fact is that the government's Renegotiation Board, which has the task of trying to recoup excessive profits, is weaker now in personnel and jurisdiction than it was when it grappled with Korean War contracts in the 1950's. The board is a watch dog without a bark, a Texas politician has said. Congress has filed down its teeth and shortened its chain.

WAR PROFITS DEBATE—III

(By William K. Wyant, Jr.)

WASHINGTON.—Vice Admiral Hyman G. Rickover urged Congress this year to curb excessive defense profits by requiring that contractors who do business with the government report their costs and profits in accordance with "a uniform standard of accounting."

The peppery, plainspoken Admiral has a legion of admirers on Capitol Hill but his advice was substantially ignored when the lawmakers extended the enfeebled Renegotiation Act for another three years. Congress did order a study of the uniform accounting proposal.

Rickover claims defense profits have risen sharply—by about 25 per cent since 1963. Defense Secretary Clark M. Clifford says actual profits have not gone up and are, in fact, lower than for civilian commercial work. There is evidence that nobody, as things are now, knows for sure.

HIDDEN PROFITS

It takes a Philadelphia lawyer to understand the contractual relationships between government and industry, but the Admiral cleared the air somewhat this year when he pointed out that "profits" are not necessarily what they seem to be, particularly when based on data volunteered by contractors who may exploit the figures as they choose.

"We must have standard accounting practices so that the government can learn what it actually costs to make an article and what the actual profit is," Rickover told the House Committee on Banking and Currency.

"The way it is today, industry can change their accounting practices at will and in any manner they wish. And, under the present rules the government can't object and doesn't have the people to check."

Rickover pointed out that profit is only a part of a company's real income. Companies can charge "overhead" costs to the government in ways that help them improve their ability to do commercial work. Additional profits can be hidden in various ways.

"We have no way of knowing whether the cost is proper or whether it covers excess profit, subsidy for . . . commercial work, or both," the Admiral explained in simple language.

"You have first got to find out what the manufacturing cost actually is. Knowing this, you will be able to learn what the actual profit is. Today you don't know the cost or the profit. We only know the total amount we pay. We simply don't know what we are doing . . ."

It was Rickover's estimate that the Pentagon could have saved $2 billion or more a year through a tightening of the way the cost and profit figures are racked up. This is in excess of what the American government spends annually on either foreign aid or the domestic anti-poverty program.

Under orders from Congress, the Comptroller General of the United States, Elmer B. Staats, is looking into the feasibility of uniform standards. It will be a tough job, and the prospect causes pain not only to industry but to the accounting profession.

Proponents insist a greater measure of uniformity can be achieved. Cynics among them remark that accountants, like lawyers, have a vested interest in keeping their field of expertise so foggy that only an expert can hope to penetrate it.

Testifying in November before the Joint Economic Committee's panel on economy in Government, chairman of which is Senator William Proxmire (Dem.) of Wisconsin, Comptroller General Staats pointed to the ignorance that prevails.

". . . . We know of no complete and comprehensive study that has ever been made," he said, speaking of the General Accounting Office which he heads, "on profits actually realized by defense contractors."

The interest in profiteering has thrown the limelight on one of Washington's little-publicized and neglected agencies, the five-member Renegotiation Board. The Board has been likened to a goldminer digging in a rich lode with a peanut hull.

Congress and the defense lobbyists of the military-industrial complex wanted it that way. Through successive amendments since the board was authorized in 1951, it has been weakened in jurisdiction and in personnel. With Vietnam contracts now flooding in for review, and with the Vietnam defense bulge already greater than the highest point of the Korean splurge, Chairman Lawrence E. Hartwig is getting further behind every day.

In 1953 the Renegotiation Board had 742 people and a budget of more than $5,000,000 whereas now it has only 175, with another 27 authorized reluctantly, and a budget of $3,000,000. In 1955, reflecting the Korean War, the board determined excessive profits of $167,256,288. For 1967 the figure had dropped to only $15,980,214 and in 1968 it was $23,069,748.

A variety of factors contributed to the decline. Federal agencies have sharpened up their buying habits. There were economic recessions. Congress in 1956 raised the "floor" under which the board cannot look, making it $1,000,000 instead of $500,000. This move, like the exemption for commercial articles sold to the government, provided safe refuge for billions in defense transactions.

AN 18-TO-1 RECOUPMENT

Despite exemptions and other curbs so extensive that it looks as if the law were written by the defense lobby rather than by Congress, Hartwig's agency in 1968 reviewed more than 30 billion dollars worth of defense and other federal sales. Looking at reports filed by contractors, it determined that profits were excessive in 46 cases. The board does not make its own audits, which is one reason it can get by with a small staff.

In terms of paying for its keep, the Renegotiation Board has done well. It has spent about $53,000,000 since its inception 17 years ago and ferreted out $975,505,785 in profits considered too high. That was an 18-to-one recoupment. In addition, the board has generated voluntary refunds and price reductions totaling another $1.3 billion.

Hartwig's agency suffers from an uncertain lease on life. This year he urged that the Renegotiation Act be extended indefinitely, but Congress gave it only another three-year lease. As a temporary agency, unsure of its future, the board is exposed to periodic bushwhacking by its enemies and is hampered in recruitment of career personnel.

As it is, the board's relations with industry are gentlemanly rather than aggressive. The act does not spell out what a "reasonable" profit is. There is no contract-by-contract survey. Where it appears the profit on a year's aggregate renegotiable dealings is excessive, the board gets in touch with the contractor. If they cannot agree, the issue may be taken to the United States Tax Court.

The controversy on defense profits is hard for the public to follow. One set of figures offered to show that profits are high is not strictly comparable with another, showing profits are too low. Apples are compared with oranges, and kumquats with grapefruit or watermelon.

One day the headlines may deal with a case in which the Defense Department is paying $312 apiece for plastic knobs that the contractor buys for $1.62. On another occasion, as recently before the Proxmire panel, the numbered citizen hears that the contract for the giant C–5A transport aircraft will run about 1.2 billion dollars more than its targeted three billions.

Military procurement obviously is not what it used to be when the Army Quartermaster advertised for bids on hay, saddles, beef and uniforms. There cannot be much real competition when a super-power shops for super-weapons that only a few industrial giants could possibly undertake—and which, in numerous instances, have never been made before by anybody.

Admiral Rickover complained to Congress that five years ago it was possible to buy the propulsion turbines and gears for an aircraft carrier for about $5,500,000 but today the price is up to about $10,000,000. This is only one item tucked into a nuclear carrier like the Nimitz, which will cost about $545,000,000—more than half a billion—or about 10 times the cost of a World War II Essex-class carrier.

PROFITS BIG FACTOR

For the turbines, Rickover said, the only possible contractors are General Electric and Westinghouse. He said the $10,000,000 turbines would provide $2,000,000 profit, or 25 per cent on cost compared with 10 per cent previously. The difference in profit in five years is about $1,500,000, he reported.

Although this kind of escalation is due partly to labor and material costs, Rickover told Congress, a rise in profits has been a big factor.

Defense Secretary Clifford wrote a letter to Capitol Hill last June in which he explained he found no basis for charges of war profiteering. He said that the Pentagon had been trying to achieve lower overall costs by moving toward contracts that shift the responsibility and risk from government to industry.

In that context, Clifford maintained, it was only fair that improved profit opportunities be provided in return for increased risk-taking and greater efficiency. He said the average "going in" negotiated profit had indeed gone up since January 1964 by 22 per cent, but the profits actually realized had been disappointing.

Unless there is improvement in the future as to profits from the new type of contracts, the Defense Secretary warned, the Pentagon will be under pressure to return to the old, less advantageous, less efficient "cost plus" type of deal. He pointed to a Pentagon-financed study by Logistics Management Institute, showing defense concerns are not doing as well as commercial concerns.

POLITICAL HAY

In September, Senator Proxmire, whose panel is looking into defense profits, wrote Clifford that he, Proxmire, had examined the available evidence and "arrived at a conclusion the opposite of yours." He charged the Pentagon with paying higher profits across the board, not just on high-risk contracts. He dismissed the Defense Department's LMI study as based on "unverified statements" of defense contractors.

Proxmire cited Rickover against the Defense Department and also threw into the struggle a study by Murray L. Weidenbaum, professor of economics at Washington University in St. Louis. Weidenbaum's findings, contrasting with those of LMI, were that defense contractors are making higher profits than their commercial brethren.

Defense contractors typically show a relatively low profit rate on sales, Weidenbaum said, but their return on investment is high because they have large infusions of government-supplied capital. The value of government-owned equipment in the hands of private industry more than doubled in the last few years, rising to $14.7 billion in 1967.

There is political hay to be made, of course, in attacking war profiteers whether real or imaginary. Assistant Secretary of Defense Thomas D. Morris defends the "prudent and skillful management job" done by defense managers and defense contractors. He says defense procurement involves 15,000,000 purchase actions a year, 65,000 defense personnel, and 24,000 companies with more than 3,000,000 workers.

"Fairness, integrity, quality and economy are the watchwords of those who manage this vast and complex process," Morris says. Contracts are policed by the Defense Contract Audit Agency, which has about 4,000 people—all civilians—and costs the government some $43 million a year.

What the layman has to conclude, after listening to those who argue that profits are too high and those who say they are too low, is that somebody has to be wrong.

It may be that the Nixon Administration will bring with it, in addition to an even greater enthusiasm for complex military hardware than its predecessor, an effort to find out whether industry gets a fair profit—no more and no less. However, veteran students of the military-industrial complex are not betting on it.

TRIBUTE TO HON. PAUL F. SCHENCK

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. MATSUNAGA. Mr. Speaker, those of us who had the opportunity of serving with the late Paul F. Schenck will long remember him for his warmth and sincerity and for the sense of dedication which marked his outstanding public service.

I had the privilege, on several occasions, of discussing with our former colleague legislative matters in the area in which he was so knowledgeable as a member of the House Committee on Interstate and Foreign Commerce, and he was always most cooperative and generous with his time and counsel.

The State of Ohio and the Nation have lost an outstanding citizen, and we in the House have lost a great friend.

I would like to join with my colleagues in expressing deepest sympathy to Mrs. Schenck, to the other members of the family, and to the people of the Third District of Ohio over the loss of this distinguished American.

NIXON'S OPTIONS IN VIETNAM

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. FISHER. Mr. Speaker, under leave to extend my remarks I include an article written by Lt. Gen. Ira C. Eaker, U.S. Air Force, retired, which appeared in the January 23 issue of the San Antonio Express. Entitled "Nixon's Options in Vietnam," the author advances some thought-provoking comments and raises some pertinent questions.

General Eaker is a widely recognized authority on military strategy and on the subject of airpower. His views are worthy of careful scrutiny.

The article follows:

NIXON'S OPTIONS IN VIETNAM

(By Ira C. Eaker)

Two campaign promises, to secure peace in Vietnam and reduce crime in the United States, appear to have been largely responsible for the election of President Nixon.

One of his primary concerns and tasks will now be to eliminate or drastically reduce the vast expenditure of U.S. blood and treasure in Southeast Asia—50,000 casualties and $30 billion last year.

These appear to be the President's options in Vietnam:

He can admit that our effort there has failed, begin at once the withdrawal of U.S. forces and abandon the South Vietnamese and our Asian allies to their certain and cruel fate. But this would not be consistent with his promise to obtain an honorable peace. There is nothing in Mr. Nixon's background to suggest that he is indifferent to or tolerant of Communist aggression. The members of his Cabinet and his principal advisory group are remarkably free of appeasers.

The new President can continue the policy of the Johnson administration: Remain on the defensive, defend the South Vietnamese from invasion from the north and from the Viet Cong as best we can through the limited application of force, while sparing North Vietnam from attack and hoping to achieve an acceptable settlement at the Paris peace table.

Nothing which has occurred in Paris or in Vietnam since the peace talks began lends any hope that an honorable peace can come from this option. More than 7,000 U.S. troops and 10,000 South Vietnamese have been killed since the Paris negotiations began.

It should now be evident to the most hopeful and sanguine that Ho Chi Minh agreed to send his team to Paris to stop the bombing of North Vietnam until our November election, when, he believed, antiwar sentiment would force the withdrawal of U.S. troops from Vietnam. There is not the slightest evidence that he and his Russian and Chinese allies have abandoned their plan to unite Vietnam under a Communist government.

Next, Mr. Nixon can follow the example set by President Eisenhower in Korea. Gen. Eisenhower convinced the North Koreans that they must discontinue their invasion of the south and negotiate a settlement or he would use our vastly superior resources to destroy their capacity to continue the conflict. There is another Korean example pertinent now in Vietnam. We trained and equipped South Korean forces at maximum effort and supplied them with all modern weapons.

There can be no honorable withdrawal of U.S. forces from Vietnam until South Vietnamese armed forces and the provincial police have been adequately trained and equipped to deal with the North Vietnamese invaders and the Viet Cong.

We have furnished the South Vietnamese no modern weapons except M16 rifles, and this began only last year. They cannot defend themselves until their ground forces have artillery, rockets, helicopters, transports, tanks and supporting tactical air forces. They must also have naval forces adequate to patrol their extensive waterways and defend their long coastline, vital functions now being performed by the U.S. Navy.

There will be no solution in Vietnam until our leaders and our people understand and accept reality about conditions there. The National Liberation Front is not a political party like Democrats or Republicans in this country. The NLF, the VC political leaders, are criminals. In the Tet offensive they attacked every provincial capital, murdering more than 30,000 unarmed civilians.

If the American Communist Party, with arms supplied by Russia, began hitting our villages at night with rockets, murdering mayors and police, kidnapping our young men for forced labor and young women for forced prostitution, there would be no demand in this country to admit them to our government or treat them as a reputable political party. Yet that is exactly what we are asking of the South Vietnamese.

Strangely, it appears that the solution to international crime, like the Red invasion of South Vietnam, and domestic crime, may be the same: Certain and prompt punishment with penalties more severe than the criminals are willing to pay.

FAITH IN A STRESS SITUATION

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. SCHADEBERG. Mr. Speaker, recently a good friend of mine, Rear Adm. James W. Kelly, Navy Chief of Chaplains, reported on a very moving experience which I believe should be shared by every Member of Congress.

The text of his remarks concerned the reaction of members of the crew of the *Pueblo*, who were, appropriately enough, greeted upon their release from captivity by a Navy chaplain, the first free American they had laid eyes on after months of Communist torture. What these brave American boys had to say and how they reacted is beautifully and movingly set down by Chaplain Kelly. In reading it my own faith in American courage and the strongly held belief in God among our youth was lifted to new heights. I am confident it will do the same for any good American who takes the time to read Chaplain Kelly's moving account of the incident. I pray each Member of Congress takes time to do so.

The material referred to follows:

FAITH IN A STRESS SITUATION

(A report to the American churches on religious experiences of *Pueblo* crew, by Rear Adm. James W. Kelly, Navy Chief of Chaplains)

"The uniform is beautiful! The cross is beautiful!"

These were among the first words spoken by the *Pueblo* crew when they met Navy Chaplain Marvin E. Snyder, Jr., at the base camp near Panmunjon on the day of their release, Dec. 23, 1968. Most of the men expressed their joy of seeing the chaplain with a broad smile; some were moved to tears. They described their release as a "miracle." It was "an answer to our prayers." "This is a happy day. We are going back to our wonderful country."

Commander Snyder, a Protestant chaplain, and Lieutenant Commander Edward A. Hamilton, a Catholic chaplain, were part of the Escort Team which met the *Pueblo* Crew upon release and stayed with them until they were admitted to the U.S. Naval Hospital, San Diego, Cal.

The chaplains have given me a thrilling account of the religious experiences of these men, and have reported that almost to the man Protestant and Catholic Crew members during their confinement had moved in the direction of a deeper religious commitment, greater faith, and habitual prayer life. Their morale, patriotism, and their respect for their commanding officer and loyalty to one another were an inspiration. This is a report of some of their religious experiences.

One of the *Pueblo* Lay Leaders (person who assists his command in religious ministrations), Lt. Stephen Harris, told how he had given up efforts to have worship services before the capture of the *Pueblo* since never more than two showed up. But as one man said of his captivity, "All we had left was religion."

Some of the men said their memories of Sunday School days were dim, but they worked together to come up with a reasonably accurate list of the books of the Bible. Such familiar Scriptures as the 23rd Psalm were written out and shared. One mentioned that he had trouble remembering the Ten Commandments but with help came up with them. It seems everyone prayed openly before one another, although they had to avoid being seen in acts of worship by their captors.

They had no Bibles or religious materials. No worship services were permitted. They were told, "The Russians shot God down with a rocket!"

They were reprimanded for thanking God for their food (potato soup, rice, and turnips). They were told, "These are the gifts of the Korean people." One man when called out of the mess hall for saying grace said, "I was thanking God for His blessings." He was informed, "This is a mess hall, not a church. You can't pray here." When one man made a wooden cross for his room it was kicked about by the guards, he reported, then later taken away from him.

Missionaries and ministers were held up to scorn by the North Koreans. They presented a picture of a priest sicking his dog on a child and another of a missionary branding a small boy in the forehead with the word "thief" for stealing an apple. The *Pueblo* men were told that every cross in Korea was an antenna for sending espionage messages.

A petty officer related, "I left religion out of my life when I joined the Navy. I have a Japanese wife, and two lovely children who just love Sunday School, but I haven't helped my wife to become a Christian or encouraged the children. It is going to be different now." These sentiments were echoed time and again by these men.

There were other indicators given to the two chaplains of the spirit of the men during their captivity and of their efforts to keep their sanity. One man made his own "Monopoly" game with available materials. At night they played "Movie Hour." A man would endeavor to relate a movie he had seen. Others would piece in details. Soon they became very skilled at reconstruction as they probed their memories. This became an interesting diversion.

According to one of the men, efforts to drive a wedge between two Negro crew members and the others were as unsuccessful as were the efforts to destroy their faith or sell communism. This man said that his Negro roommate was called aside and told what a superior job he did in cleaning the building. He saw through efforts to "butter him up." When Martin Luther King was assassinated, the same man was taken aside and given sympathy for the terrible treatment which the American Negro was said to suffer. But his roommate related that the Negro lad stood up for his country and asserted that Negro and white alike enjoyed wonderful freedom in our country, probably even exaggerating the degree of equality which the Negro enjoys in America.

Everyone seemed to be asking about a worship service following their release. An Army Jewish Rabbi was made available to the two Jewish members of the *Pueblo* Crew. Protestant Divine Services were conducted by Chaplain Snyder and a Catholic Mass by Chaplain Hamilton at the 121st Army Hospital at 7:00 p.m. and 7:30 p.m., respectively, on the day of the release. Almost every man attended and some must have attended both services. One or two were involved in medical procedures and were not present.

The following day a joint Protestant-Catholic Christmas Eve Service was held with Army Chaplain Morgan of the hospital joining our two Navy chaplains in the service. Every man attended. RADM Edward M. Rosenberg, USN, the officer in charge of the *Pueblo* Escort Team, had made a very favorable impression on our two chaplains by his personal concern for the *Pueblo* Crew and by his sincere interest in religion. He offered to participate in the service as did LT Harris of the *Pueblo*. A Red Cross worker sang a solo. Admiral Rosenberg said of the service, "That is one wonderful Christmas Eve Service I will never forget." He was moved to tears during the worship, as were others.

It may be appropriate to mention the loyalty and admiration of the men for their commanding officer. As Captain Bucher entered one of the dining areas where Chaplain Snyder was visiting with the men as they ate, there was a spontaneous standing ovation for their skipper.

Perhaps the religious experience of the *Pueblo* Crew during the long eleven months of their captivity can be summed up by saying that every effort to take away their faith in God only caused them to move in the direction of God. Every effort to subvert their faith only caused them to re-affirm it. I am certain that the men of the *Pueblo* would want to give full credit for this to Almighty God.

A TRIBUTE TO "CYE" FEATHERLY

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. HANNA. Mr. Speaker, I wish to call to the attention of my colleagues the retirement of an outstanding public servant, C. M. "Cye" Featherly. For 20 years "Cye," as he is affectionately known, served as a county supervisor of Orange County.

During those two decades of distinguished service, this dedicated public official helped guide our county through an era of unparalleled growth and development. The wise counsel furnished by this good man has been of inestimable value to the people of Orange County.

I count it a distinct privilege to have had the opportunity to work with "Cye" Featherly over the past years, and know that I echo the sentiments of all the area's residents when I wish him well.

HON. ROBERT A. "FATS" EVERETT

HON. RAY BLANTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. BLANTON. Mr. Speaker, I wish at this time to respectfully pay tribute to Congressman Robert A. "Fats" Everett, whose untimely death January 26, has left a sorrowful void in these halls of Congress. He was loved, respected, and esteemed by his colleagues, his constituents, his family, and friends. He was indeed a friend to all, and this tragic loss will be shared by all.

I respectfully request that the eulogy delivered at the funeral rites of Representative Robert A. Everett by the Reverend Scott Johnson, of Union City, Tenn., be incorporated into the proceedings of the House of Representatives this day, January 30, 1969. It is my feeling that this message so aptly portrays the character and achievements of the late Representative Robert A. Everett.

The eulogy follows:

"Fear thou not for I am with thee. Be not dismayed for I am God. I will strengthen thee, yea I will help thee. Yea I will uphold thee with the right hand of my righteousness, for I the Lord thy God will hold thy right hand saying unto thee fear not, I will help thee." (Isaiah 41.)

A week after assuming the Pastorate here, I received a letter from Congressman Everett pledging his continued Church support and offering his personal assistance day or night. This characterized Mr. Everett's life. Unselfish service and untiring helpfulness.

The news media termed it a rash that two years ago hospitalized our beloved Congressman. Keenly aware of my pastoral responsibilities, I proceeded to write Mr. Everett in jest regarding his rash, yet assuring him that we had genuine concern for his physical well-being. Three days later, I received a letter thanking me for my concern. However, the burden of his communication had to do with his clarifying my salutation. For you see, I had addressed him "Congressman Robert Ashton Everett." He requested I call him "Fats," as did all his friends.

This, too, characterized his life, humility and an absence of pride. He refused to change a life-long name among the titles of deserving and recognized honors. To his beloved family and innumerable friends, the nickname "Fats" described not so much his physique as it pictures his heart.

Magnanimous was his soul in its burning zeal to help others. Here he harvested his deepest satisfaction and his highest joy, be it for widow, teenager, governor, or clergyman.

The Angle of Death touched with angelic softness our beloved Fats a little past the noon hour of his life. However, the early hour failed to rob him of a rich and abundant life. He was to taste early the responsibilities reserved for those of more mature years. Here, at this altar in his early 20's, he was ordained as an Elder, the youngest in the Church's history. The year he received his college diploma, he was elected to the court of his native county. Yes, life with its vision filled his vessel early, enabling its outpouring to realize comfortable completeness.

Our jovial giant, our Representative and Legislator, no doubt looks down upon his assembly with approving smiles and celestial joy, for here are gathered his beloved family, his staff, his distinguished colleagues, and his cherished fellow men.

The youth who aspire to heights of political achievement in public service will in wisdom study the life of this great political figure. His was an envious position, coveted by all who seek the opinion of their fellow men at the polls. The answer may or may not be unique. Fats, early in life, sought voters out which he could cultivate as friends, whereas too often, others seek friends out of which they can cultivate voters.

Yesterday, while we mourned his passing, it was as if the angels shed their soft snowflake tears to blanket in white the purity of his native soil. I like to think of this world as a park filled with frozen lakes for skating, playgrounds, trees and grassy lawns, museums and swimming pools. We, like children, are privileged to spend a day in this great park. The time we are privileged to spend is not the same in length, in light, nor in beauty. Some days are long and sunlit; others are cloudy and stormy, as in a winter's tale. Some are able to stay only a few short hours. Some must go home at noon while the sun is still shining. For each of us, the moment comes when the Nurse Death takes us by the hand and quietly says, "It's going time now, my Love . . . come, come with me."

This our beloved one now has answered that summons. For him, the menace of the world has hushed. The fervor of life is over, and his work is done. One need not eulogize his life to you who have known him. His life tells its own story. The friendships expressed here demonstrate his influence. Though he never married, through kindness, helpfulness, encouragement and love, he gathered about him a family synonomous with his stature and his big heart.

Some come to the end of life filled with remorse and regret. "Take my wasted years and bury them with me," said one. He had misused his life and furthered no great cause of human welfare, and buried his abilities in cheap, selfish security. Of such the Master said, "Thou wicked and slothful servant," and instructed that he be cast into outer darkness.

The sweetest words which one can ever hear and the most beautiful benediction that concludes life, the most coveted epitaph, was Christ's farewell, by these words spoken by Jesus when He said, "Well done, thy good and faithful servant, thou hast been faithful over all things. I will make thee ruler over many. Enter thou into the joy of thy Lord."

This one we honor led an unselfish, devoted life. The world has been made better for his having lived. Surely the congratulatory hand of life's all-wise Judge reaches out with the accompaniment, "Well done." Death comes to him as a friend. We often wish in a childish wonder why God created the universe, and Death comes to all of us.

We too often feel that Death is an enemy of life, and not a friend, but this is not right. It is the knowledge that our years are limited that makes them so precious. Plato was right when he declared that infinite life on this earth for us human beings would not be desirable even if it were possible. Who would want to live a never-ending existence on earth, through endless years of struggle and revolution, pain and worry, conflict and labor, with no possibility of escape? What drudgery of day would never end? If you toil through the cold bitter damp day looking forward to the evening shadows, time moves so slowly it seems the day would never end. Then, when evening finally came, how welcome. What peace and embracing rest, what satisfied relief, what a wonderful friend.

Death came as a wonderful friend to this one. The best is yet to be. Death is only a new beginning. It is like going to bed on a bleak night and waking with the sun always shining. Victor Hugo, the French author wrote, "When I go down to the grave, I can say like many others, I have finished my day's work, but I cannot say I have finished my life. My day's work will begin the next day." The tomb is not a blind alley; it is a thoroughfare. It closes on the twilight, and opens on the dawn.

A giant pine, magnificent and bold, stood staunch against the sky, and all around shed beauty and grace and power. Within its folds, birds safely reared their young. The velvet ground beneath was gentle, and the cooling shade gave cheers to passersby. Its towering arms, a landmark, stood erect and unafraid, as if to say "Fear not, my life's love." It fell one day, where it had dauntly stood with loneliness and void, but men who passed paid tribute and said,"To know this life was good; it left its mark on Thee." Its work stands fast, and so it lives such life no bonds can hold, this giant pine, magnificent and bold.

For Fats, life's gavel has struck its final adjournment. It was a great and productive session. The rush and fervor of life is over; the office phone comes to rest in its cradle.

However, "He is not dead. Why should we weep because he takes an hour of sleep? A rest before God's greater morn, answers a new world is born, a world where he may do the things he failed in here, where sorrows, stains, and disappointments yield to joy, where cares and fears cannot destroy. He is not dead. He hurried on ahead of us to greet the dawn, that he might meet the loved who left us yesterday. We are bereaved, but weep not. Hail him where afar he waits for us on some bright star. He is not dead. Beyond all strife at last he wins the prize of life."

PFC. RUDOLPH PEARSON

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. LONG of Maryland. Mr. Speaker, Pfc. Rudolph Pearson, an outstanding young soldier from Maryland, was killed recently in Vietnam. I wish to commend his courage and honor his memory by including the following article in the RECORD:

PEARSON, CITY GI, DIES IN VIETNAM—MEDIC KILLED WHILE TRYING TO RESCUE SOLDIER

Army Pfc. Rudolph Pearson, 26, of Baltimore, died January 13 when he was hit by a fragment from a bobby trap in Vietnam, the Defense Department reported yesterday.

Officials informed his family that Private Pearson, a medic, was killed while attempting to rescue a wounded soldier.

A native Baltimorean, he attended local schools and continued his studies at home with LaSalle University extension courses.

Drafted in March, 1968, he trained at Fort Sam Houston, Texas. He was sent to Vietnam in September where he was stationed with the 9th Infantry Division.

SURVIVORS LISTED

A brother, Clarence L. Pearson, said that recent letters from Private Pearson indicated he "was not in favor of the war."

In addition to his brother, survivors include his mother, Mrs. Sarah Pearson; his father, Levi Pearson; two brothers, Levi, Jr., and Raymond Pearson; two sisters, Miss Dorothy Pearson and Mrs. Shirley Richardson, all of Baltimore. Two more sisters, Mrs. Emma Rogers, of Catonsville, and Mrs. Frances Anderson, of Washington, also survive.

CHATTANOOGA'S PROUD CHAMPIONS

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. BROCK. Mr. Speaker, the value of sportsmanlike competition and pride in achievement is important in building character. The champion basketball team of Chattanooga's Riverside High is an example of this. Recently, the Washington Daily News carried a UPI story hailing this outstanding group of athletes and their coach, Mr. Dorsey Sims. The success story of the Riverside Trojans is a case of hard work and good sportsmanship combining to strengthen self-respect and build a better community. I include it in the RECORD, as follows:

[From the Washington (D.C.) Daily News, Jan. 24, 1969]

CHATTANOOGA RIVERSIDE HIGH: A KEY TO ONE TEAM'S SUCCESS: PRIDE AND DEFENSE

CHATTANOOGA, TENN., January 24.—"We don't wear long hair, we don't ball up the fist. We just go out there and beat your brains out and you know we're black."

Using black pride and coaching skills picked up from watching the pros on television, outspoken Dorsey Sims has turned 14 Negro youths from Chattanooga Riverside into the best high school basketball team in Tennessee.

"We enjoy being the best," says Sims.

"We work hard at it. Our students here want to be a part of the best."

A TRADITION

Being the best is getting to be a tradition as far as Riverside basketball is concerned. The Trojans, defending state champions, have rolled up 45 straight wins and are 16–0 this season.

Since Sims came to the school three years ago, Riverside has won 93 and lost only 15.

"We don't make a lot of ruckus," the 36-year-old coach says. "Our boys are well disciplined and get haircuts. But they're proud."

Pride and defense, says Sims, are the two reasons Riverside is a winner. "Pride is something you've got to feel. Our boys feel it. They just don't believe they can be knocked down."

Riverside is an all-Negro high school, but has been competing for several years with both white and Negro athletic teams in the State in accord with a ruling by the Tennessee Secondary Schools Athletic Association. Sims believes his squad has an advantage over the white teams.

"The Negro athlete has something to prove. In a black athlete, appreciation runs a little deeper. Once he gets a taste of success and the bright lights he wants to keep on winning."

Sims, who was a quarterback in college, has little prior basketball experience. "I went to coaching clinics, read books and studied the pros playing on TV. Then one day it all began to fall into place," he says.

DEFENSE "KEY"

"Defense is the key. Our defense goes for the other team's strong point. We try to bust up their bread and butter." The tactic works well for the Trojans.

However, Riverside also knows how to score and is averaging more than 70 points per game this season. The Trojan gunners have hit as high as 82 per cent of their shots from the field.

Trojan basketball is crowd pleasing and draws as many as 5,000 fans for a game, white fans as well as Negroes. "People come to see us play not because we're black," says Sims, "but because we play good basketball.

"Our boys do some fantastic shooting and ball handling for high school. And we don't put anybody to sleep with the stall.

"Everybody expects us to win," the coach says, "but we're not getting fatheaded. If you get fatheaded you get beat."

THE HEART OF AMERICA

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. KUYKENDALL. Mr. Speaker, under permission to extend my remarks in the RECORD I would like to include a great and inspiring speech delivered before the Memphis Optimist Club by Mr. Frank C. Holloman, director of the division of fire and police in the city of Memphis.

Mr. Holloman is an outstanding advocate of law enforcement with equality and justice. He is a proud American, a courageous citizen and public servant who reminds all of us of our greatness as a nation and challenges us to meet the challenges forced upon us by apathy, permissiveness, and a willingness to sit by and watch our most sacred institutions destroyed.

Mr. Holloman's remarks follow:

THE HEART OF AMERICA

(By Frank C. Holloman, director, Division of fire, and police, Memphis, Tenn.)

I am sick and tired—and all of us should be sick and tired—sick and tired of a "Fat Cat" society, which has never had it so good, economically and materialistically, refusing to become involved and concerned with the concerted efforts now being made to destroy our American way of life;

Sick and tired of non-involvement of citizens who watch women raped, men assaulted, people drown, old people bleed to death before their very eyes without raising a finger and who practice every trick to escape jury duty, court appearances in the interest of justice and otherwise avoid civic duty and decent behavior;

Sick and tired of litter on the streets, violations of traffic laws, and everyday public discourtesies which reflect a lack of citizen discipline;

Sick and tired of parents and others who refuse to practice self-discipline and fail to impose discipline on those for whom they have a parental or moral responsibility;

Sick and tired of the complacency and apathy reflected in the failure of citizens to register and to vote and who permit, without protest, their elected represenatives in the executive, judicial and legislative branches of government to represent themselves and not the people:

Sick and tired of the attitude of business-as-usual, while the great heritages of America are being pulled down on our heads;

Sick and tired of compromise as practiced by individuals, and by national leaders as reflected by the capture of The Pueblo and its crew on the high seas and the subsequent failure to forcibly effect its release;

Sick and tired of the prevalent disrespect for authority and its teaching to the youth of America;

Sick and tired of the screams of police brutality while there is no concern for police fatality;

Sick and tired of national leaders who decry that "some preach fear, fear of ourselves, as twenty years ago they preached fear of alien communism. The threat they say is the criminal stranger among us: Crime in the streets" while every thinking American knows it is the threat of the criminal among us that would destroy America today just as the alien communist of yesteryear would have done but for those preachments;

Sick and tired of national political leaders who claim "law and order" is a bad phrase and is only used by many to conceal their opposition to Civil rights advances and "cannot be had by a slogan or a stick";

Sick and tired of people who cry for law and order and safe streets but blanche at the mention of the cost to provide law enforcement officers a decent income, and law enforcement agencies adequate personnel and equipment to win the battle of crime in the streets, and in the homes of America;

Sick and tired of Supreme Court and other Court decisions that give all the rights to the accused and few, if any, to the accuser and society and on technicalities turn loose on society rapists, murderers, thieves and burglars;

Sick and tired of ridiculously low appearance bonds, or no bonds at all, for confirmed criminals who benefit by being repeatedly released to continue their depredations on society and law abiding citizens;

Sick and tired of courts that give criminals a slap on the wrist for "resisting arrest" when police officers put their lives on the line and in many instances lose them;

Sick and tired of abuses in the parole and probation systems which permit hardened criminals to be released to victimize society by do-gooders who think all criminals are merely misguided victims of our social order;

Sick and tired of extortion and blackmail practiced by a small criminal minority through the use of fear and intimidation under the cloak of any type of cause;

Sick and tired of intolerance in the name of tolerance, whatever the cause;

Sick and tired of a small percentage of a minority that preaches the destruction of the greatest democracy in all history by burning, looting and sniping, while no nation in history has ever given its people a standard of living better than few ever thought possible, while millions starve to death in other countries;

Sick and tired of white minority groups who think and preach that the color of one's skin determines if he is a first class or second class citizen, and would deny equal opportunity to all—regardless of race, creed or economic status;

Sick and tired of rag-a-tag, dirty, filthy and foul-smelling hippies and yippies who refuse to accept any responsibilities in our society and who preach that one should obey only the laws with which he or she agrees;

Sick and tired of so called freedom of speech or intellectual freedom that decries decency and advocates filthy four letter words as proper expression of "ideas";

Sick and tired of filthy, lascivious and smutty movies and books which are flaunted before the youth of our communities and nation and permitted to stay there by a permissive and complacent public;

Sick and tired of government hand-outs and give-away welfare programs which encourage and perpetuates laziness and rewards lack of industry and refusal to work and earn by the sweat of the brow;

Sick and tired of national church organizations who judge without facts the actions of law enforcement officers and condemn police brutality as a sweeping judgment of all police officers, then proceed to condemn American military efforts against communism in Southeast Asia, and assume a position as labor organizations in involvement in purely labor disputes;

Sick and tired of churches acting as social/clubs instead of agencies for religious revival in America, and who draw a circle to include the respectable of the community—but exclude the sinners, the drunks, the prostitutes, the thieves and the "undesirables" who might contaminate the congregation;

Sick and tired of parents and adults condemning and criticizing the teen-agers of America in an effort to assuage their own delinquencies, when it is obvious the hope of America lies with our teen-agers, who in general, are better than we were at that age and are better citizens than we are today;

Sick and tired of a small percentage of the teen-agers who give all teen-agers a bad name, and the vast majority of teen-agers who permit a small percentage to get away with it;

Sick and tired—sick and tired—of the general unconcern of so many for the future of our great Country and who refuse to roll up their sleeves and go to work to restore it to what it was when our forefathers handed it to us;

Sick and tired of godlessness and materialism, which are eating away the very moral fiber of America;

Sick and tired of the flag of America being defiled, spit upon, burned and disgraced—and people who pledge allegiance to it who really don't know what they pledge, or really mean it;

Sick and tired of America being in the gutters and sewers of indecency, expediency, unmorality, dishonesty, lawlessness and crime when she should be in the stars of morality, integrity, honesty and decency where she belongs as "One Nation Under God;"

Sick and tired of an America that forgets God—because God might forget America.

On a recent jet plane flight, I was captivated with the wondrous beauty of America. Super-highways appeared as narrow ribbons and highways and roads as shimmering threads; small communities as groups of Pearls as white house-tops reflected the sun. Lakes and rivers looked to be expanses of diamonds reflecting the brilliant sunlight. The green patches of cultivated fields blended with the brown uncultivated pastures as they framed themselves into squares and rectangles. The green of the woods and forests reached up to the deep blue of the sky as if to splash these natural colors in defiance of the man-made color schemes. What splendor—what beauty—what charm—I thought of the face of America! The strains of "America, the Beautiful" occupied the attention of my memories. For moments I was captivated by the beauty of my country—my nation—*My America*.

I thought of my nation—not one of streets, highways, architectural wonders, lakes, forests, plains, mountains and deserts—but rather as a warm, breathing being—a mother—yes, the motherland. A being with a heart, a soul, and blood coursing through her veins. A being of churches, PTA's, civic clubs, people of all races: Negro, Whites, Poles, Italians and Greeks—a nation of all religions: Methodist, Catholic, Jewish, Baptist and Presbyterian. A being of individuals with pride, decency, liberty and freedom. A being of people fiercely jealous of her sacred heritages of integrity, morality, honesty and truth. A warm being of Captain Colin Kelly's, Abraham Lincoln's, Thomas Jefferson's, Unknown Soldiers, Henry Clay's and Patrick Henry's. A war being with ancestral pioneers who fought, bled, died, sweated and wept, to carve out of a wilderness a Nation of liberty, freedom and justice to all. I thought of a nation that breathes and sighs, that laughs and cries, that shares and cares, that is humble in victory—defiant in war.

And then in the silence of it all, I abruptly was brought to realities as I remembered what I had left on earth—a nation of lawlessness, permissiveness, unmorality, expedience, dishonesty, complacency and compromise. I remembered that ours is a nation of 3¾ million serious crimes being committed each year, with crime increasing some 20% a year, and 9 times as fast as our population. I remembered that ours is a nation of filth, smut, lasciviousness and indecency as reflected by the movies, books and paperbacks flooding our society and homes and directed towards the minds of our youth. I remembered the compromise of our nation that permitted one of our ships to be captured on the high seas by a 5th rate nation while we stood by without rescuing it and its crew, but rather wrung our hands and tried to "diplomatically" arrange a ransom for its, and their, return. I remembered a nation whose churches do not draw a circle to include the poor, the evil, the sinful, the social outcasts. I thought, as I looked—the face of America has not changed—only her heart has changed.

What has happened to my nation—what has happened to her people—where are the citizen disciplines and prides—where the courtesies and the decencies—where the old-fashioned patriotisms?

I thought of Benjamin Franklin's statement as he proudly walked out of the Constitutional Convention and said to the gathered crowd "you have a Republic, if you can keep it."

And then as I thought—I remembered the youth of America in whose hands the future of our Nation rests. I knew them—the vast majority—who are better citizens than we were at their age, and who are better citizens than we are today. I knew they dreamed of an America of decency, morality, integrity, honesty and truth. I knew they dreamed of "One Nation, under God," and a nation not in the filth and dirt and lawlessness and crime and indecency, but a nation in the stars where our God is. And I knew, as I smiled, that there is where our Nation belongs and that these young people will reach for the stars and will hold the stars with one hand and will reach with the other hand and pull America up where she belongs.

Through the smoke and mist of a nation staggered with crime and lawlessness, unsafe streets and riots, I could see that the flag was still there and will once more proudly wave in the breeze. And I knew that my generation will somehow shake itself of its lethargy, its complacency, permissiveness, compromise, apathy and unconcern and put its arms on the shoulders of our youth—and march proudly together again beneath the banner of the greatest and grandest Nation of all history—America—"One Nation Under God!"

LEES OF THE WINE

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. SISK. Mr. Speaker, a great American newspaper, the Washington Evening Star, has recently on its editorial page cited a product of my State. I will refrain from any comments at this time as I feel the Star very appropriately states the case. Accordingly, at this time, I would like to share the editorial with you and my colleagues:

LEES OF THE WINE

As it was in so many other ways, 1968 turns out to have been a disastrous year for wine-making in Europe, according to reports from the Common Market's cellarage division. The sun didn't shine enough, there was too much rain, grapes rotted on the vine and there will be no great Burgundies or Hocks of 1968.

That, however, is only the bubble at the brim of the beaker of bitter wine being quaffed by the industry over there. The

Frenchman, the sturdy foundation of the vintner's art, could always be counted on to put away 147 quarts a year Last year, he was down to 124 and sinking steadily. French youth, a Common Market official has sadly noted, are either hooked on soft drinks or going "right into whiskey."

Beyond the Alps lies Italy, and the Italians have discovered you don't need grapes to make wines. Under current prosecution are almost 200 ingenious purveyors of 50 million bottles of water, acids, sugar and artificial coloring under the name of vino. That kind of thing shakes public confidence and Italians are moving over to beer as a mealtime beverage. The end was in sight when a few years ago, the traditional straw cradle for the wine flask was replaced by plastic. Clearly, if you can get away with plastic on the outside of the bottle, you can on the inside as well, and that's what's happened.

Not to make capital of others' misfortune, but still that does leave our native American wines of California and New York untouched by scandal or stormy weather, still made from real grapes and steadily gaining in patronage. There is not an ordinary wine in Europe that can't be equalled in America and occasionally our wines rise to something approaching greatness.

If present European trends continue, America may yet become an exporter of wine to old-fashioned Europeans who cannot drink plastic and will not drink beer.

GOV. AVERELL HARRIMAN

HON. JAMES M. HANLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. HANLEY. Mr. Speaker, I want to take this opportunity to join with my many colleagues here today in paying our deep respect and homage to a great American, and one of the finest statesmen ever produced by the United States—Gov. Averell Harriman.

For over two generations, Averell Harriman has been in the forefront of American life. He has served in the Presidential Cabinet; he has served as Ambassador to England; he has served as Ambassador to Russia; he has served as Ambassador at Large; he has served as the chief negotiator in Paris; he has served as Governor of New York. In short, Mr. Speaker, Averell Harriman has spent the whole of his adult life serving his fellow Americans—and he has done so well and unstintingly.

As he retires from public life, I want to offer him the heartfelt thanks of all the people of New York's 34th Congressional District. More than that, though, I want to make a request of Governor Harriman—that he not retire completely. It is my fondest hope that he will write his memoirs, that he will maintain the vigorous pace he has kept up for so many years, and that he will continue to appear in public and to speak out on the vital issues which confront America and the world.

It is given to few generations to know the likes of Averell Harriman and to be the beneficiaries of such wisdom and dedication. We wish him Godspeed in the days and years ahead.

A KINDER VERDICT ON L. B. J.

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. ALBERT. Mr. Speaker, under leave to extend my remarks, I include in the CONGRESSIONAL RECORD a recent editorial from the London Economist, one of the earliest efforts to appraise the policies and record of the Johnson administration, only 5½ days after the President left office. The perspective of less than a week, of course, is limited but already the soundness of the administration's policies, particularly from the broad view, shape up well under rational and objective judgment. Doubtless many such assessments will be made, particularly as time brings many of the Johnson administration efforts to fruition. This first post-administration analysis may well foretell a historical judgment which will place the Johnson government among the greatest and most responsible in modern history. The article is as follows:

A KINDER VERDICT ON L. B. J.?

LONDON.—On Monday Lyndon Johnson passed into the hands of the historians he is so worried about, and the historians will be kinder to him than his contemporaries have been. There have been very few American Presidents—Harry S. Truman is the only other one in this century—who have so plainly had to wait until they were out of office before they could hope for an objective assessment of their Presidency.

There is no mystery about the reason for this. Mr. Johnson's weaknesses, which are obvious ones, are largely weaknesses of style, of manner and of tactics. It is these things that have scratched the nerve-ends of the men who have had to work with him, and write about him. He would have been judged more generously if he had been blander, or wittier, or more self-deprecating, or more transparent; in fact, if he had been almost anything except the leathery, convoluted and ruseful old Texan he is.

The result is that many of his contemporaries have failed to do justice to the aims which he set himself, and which to a fair extent he has achieved, because of their obsession with the manner in which he went about it. It has been the judgment of men too deep among the trees to see the wood. Mr. Johnson will have to wait for the men of the 1970s to deliver a more detached verdict; and their verdict is likely to be that he was a much better President than most people yet realize.

The gods were good to Mr. Johnson on his way to power. They gave him, in Texas, the best sort of springboard into national politics for a man of his populist temperament; in the Senate, they gave him the ideal forum for his particular type of political skill; and in 1963, with the assassination of John Kennedy, they gave him the key to the White House in the only way in which that key might have come to a Southerner. But once he had got to the top the gods withdrew their favor.

The mid-1960s have been an abominably but unavoidably difficult period for the United States. This was the period in which the countries of Western Europe had recovered from the destruction of the second world war well enough to produce at least one sustained rebellion against the American leadership of the 1940s and 1950s. As it happened, the rebel was Gen. Charles de Gaulle, but if he had not tried it somebody else probably would have. This was the period in which the much greater revulsion in Eastern Europe against Russia's far more brutal domination of that half of the continent pushed the leaders of the Soviet Union back into a neo-Stalinist conservatism, and thereby made a Russian-American understanding harder to achieve. The mid-1960s brought the challenge by Southeast Asia's Communists to the point where the United States either had to fight on the mainland of Asia or accept its exclusion from most of the area.

Above all, these years saw the slow emancipation of the Negroes in America itself come to its moment of crisis: the moment when the lid had been unscrewed just enough for passive resistance to turn itself into a violent assertion of rights. All these things would have happened whoever was President of the United States. It was Mr. Johnson's bad luck that he was there when they happened.

The historians will almost certainly decide, that the main decision of Mr. Johnson's foreign policy was the right one. He saw that the combination of a pugnacious China and an increasingly quiescent Russia, which is how Russia looked until last August, required two quite different policies for the two parts of the Communist world. President Kennedy had half-seen this, but he had not carried it through to its logical conclusion. Kennedy's preoccupation with de Gaulle's threat to the unity of the Western alliance led him into a search for a nuclear partnership with Germany that would probably have ruled out the hope of an understanding with the Soviet Union for a long time.

Mr. Johnson saw the danger, and acted accordingly. He decided to ignore de Gaulle's rebellion, in the belief that it would eventually collapse out of its own weakness; the events of the last year suggest that his belief was sound. He decided that an agreement with Russia was more important than giving satisfaction to the Germans, and dropped the plan for a fleet of nuclear-armed submarines with the Germans aboard. The full flowering of this new policy came in October, 1966, when Mr. Johnson in effect offered to accept the status quo in Europe in return for Russian co-operation in other matters. He could not foresee then that the liberal movement in Eastern Europe, and particularly in Czechoslovakia, was going to produce a panic-stricken relapse into obscurantism in Russia itself. It did, and the success or failure of his policy now depends on how long the new obscurantism in Russia lasts.

Yet is remains true that Mr. Johnson's policy is the only way in which the West can actively encourage Russia's return to some kind of normality. If Russia's leaders realize that before it is too late, President Nixon may gather the crop that Mr. Johnson sowed.

But the other side to the search for an understanding with Europe's Communists was resistance to the overt expansionism of the Asian Communists. It is clear that Mr. Johnson and his advisers made a number of tactical miscalculations when they sent an American army to Vietnam in 1965. They overestimated what the American advantage in firepower could achieve in a terrain like Vietnam's. They therefore underestimated the length of time North Vietnam could go on fighting.

Their long-term aim was the creation of an American-Asian community that could balance the power of China as the American-European community has balanced the power of Russia in the last 20 years; but they found themselves fighting in Vietnam before they had worked out how such a community was to be constructed in the very different environment of backward and bickering Asia.

That is why Mr. Johnson left office not knowing whether the second half of the foreign policy will survive him. The next couple of years will decide that. But at least Mr Johnson has kept alive the possibility that the United States will be able to play more than a spectator's part in what happens on the southern periphery of the Asian Communist world. It is still possible that South Vietnam will emerge from the war under a non-Communist government. The United States has established a position in Thailand which it may be able to use even if South Vietnam falls.

The effort has cost the Americans a great deal, and it has cost Mr. Johnson the Presidency. But if he had not made the effort, and if South Vietnam had collapsed in 1965, the probability is that much else in Southeast Asia would be in the melting pot today, and that the Russians as well as the Chinese would be in there stirring the pot. His choice in 1965 lay between two appalling options. The one he chose still seems, on balance, likely to be the less appalling in the long run.

In his Asian policy, and in his dealings with Russia, Mr. Johnson has pursued the logic of the policies started by his immediate predecessors. What he has done in the United States itself has deeper roots. History will probably decide that Mr. Johnson has not been a great innovator, but it will have to recognize his talents as the Great Completer.

The America he has had to deal with is a country in transition between the last stages of the old sort of industrial society and the first stages of a new kind of society, which will be as different from the industrial society we have known in the 19th and 20th Centuries as this industrial society was from the rural societies that preceded it.

Mr. Johnson deserves to be remembered as the man who made it possible for the tail-end of the American population to catch up with the benefits of the industrial society while the vanguard was pushing on into the new world ahead. The communities of the left-behind—above all, the Negro poor—have now been provided with laws, if not always much more than the bare laws, that give them a chance to narrow the gap that separates them from the others. In this sense Mr. Johnson has been the latest, and perhaps even the most successful, one of the great reformers of the American liberal tradition.

LOBBY AGAINST MY PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. RARICK. Mr. Speaker, many forces were at work yesterday to deny my people their party seniority and supposedly to embarrass me.

Indicative of the vendetta promoted to single me out as a cause celebre by the extreme left is a wire misdirected to my office, which I submit for inclusion in the CONGRESSIONAL RECORD, as follows:

PHILADELPHIA, PA.,
January 28, 1969.

Hon. ———,
House Office Building,
Washington, D.C.:

The United Auto Workers Community Action Programs Council feel very strongly that Representative John R. Rarick of Louisiana should be denied his seniority at the rollcall vote Wednesday, Jan. 29, 1969.

WARREN T. CORBIN,
Director, Community Action Program.

SALUTE TO THE SCOUTS

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. NATCHER. Mr. Speaker, it is once again my very high privilege to pay tribute to the Boy Scouts of America who, on February 7, will begin their national week of celebration. I must admit that it is hard for me to put into words the enormous pride and affection I feel for this organization which for almost six decades now has provided constructive outlets for the diverse and always magnificent energy of the American boy.

The theme for Scout Year, 1969, is "Scouting rounds a guy out." The Boy Scout movement was founded with this policy in mind and its basic purpose and outline has remained unchanged. This is not to say that the program is or has ever been inflexible. I know of no other organization more adaptable or more sympathetic to the needs of youth and for that reason it is an intensely personal experience for a boy. I know. I was a Boy Scout. It is an experience that one retains. It is an experience that is relived, especially on the day when a young Cub, marching in his first parade, casts a sideways grin at his proud family on the sidewalk. I know about that, too.

The boy sees Scouting as a game of fun, adventure, and fellowship. His world becomes an exciting and important world of hikes and trails, tents and ropes, messkits and sleeping bags, songs and jokes, campfires and smoke, plus the best burned potatoes and limp bacon this side of Heaven.

Adults, too, look upon Scouting as a game—but as a game with a purpose. With this in mind Scout leaders strive to develop character, health, mental alertness and manual skills, teamwork, self-reliance, and the desire and ability to help others. Thus the boy is prepared for his responsibilities as a man.

The lesson of citizenship is early learned and when his Nation calls, the boy—the Scout, can assume responsibilities far beyond his years. During periods of crisis the full resources of Scouting are placed at the disposal of our country. The Scout is ready. He has responded to every request made by his Government in the past from salvage collections to victory gardens, and will answer again when called.

The activities of the Boy Scouts are familiar to all of us. We know about the hikes, the jamborees, the collection drives, and wildlife conservation. But these activities, and they are fine ones, do not alone round the guy out. What then is the success of Scouting? I sincerely believe that it is giving the Scout a code. It is teaching him about a thing called honor. It is teaching him fair play, respect for authority, and the other ingredients of good citizenship. As a result the Scout symbolizes the highest ideals of American living. The boy who spends his hours in Scout work will not be the one who is caught throwing rocks at passing cars or school windows. Nor will he be a part of a street gang looking for trouble. Scouting has taught him values and discipline—Scouting has rounded him out.

Four million boys in our country are committed to the principles of Scouting. Truly the Boy Scouts of America are one of our biggest assets and on the eve of their 59th year I wish them continued good fortune and success.

PROPOSED AMENDMENT OF SECTION 6(A) OF THE NATURAL GAS ACT

HON. OMAR BURLESON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. BURLESON of Texas. Mr. Speaker, I have today introduced a bill which would amend section 6(a) of the Natural Gas Act, to require the Federal Power Commission, for ratemaking purposes under sections 4 and 5 of that act, to give effect to changes in the purchasing power of the dollar, in determining the utility plant and related reserve for depreciation components of the rate base of natural gas pipeline companies.

This bill is identical with the one which I introduced on August 2, 1967, except that, as we are now in 1969, the requirement that the Federal Power Commission give effect to changes in the purchasing power of the dollar would run from and after December 31, 1968, instead of from and after December 31, 1966. This makes it abundantly clear that the current bill, like its predecessor, seeks no retroactive adjustments for the natural gas pipeline industry for the damage done to it thus far by inflationary trends not properly allowed for in the ratemaking processes of the Commission. Instead, the bill merely establishes an approach to appropriate adjustments for the industry for inflation in the future.

I shall not undertake, at this time, to reiterate at length the detailed explanation of this proposal, nor the reasons for it, which are set forth fully in the CONGRESSIONAL RECORD, volume 113, part 16, pages 21110–21112. But I deem it desirable briefly to call to the attention of the Congress and the country the following facts: The period of almost a year and a half since I last introduced this proposal has brought forth a wealth of new factual developments which further substantiate the need for the proposed legislation. The facts which I presented on August 2, 1967, ran only through calendar 1965. Those which I shall now present run 2 full years later, through calendar 1967. Within a month or 2 at longest, this record of the facts can and will be brought forward through calendar 1968.

Just to capsule the importance of these recent developments, the rate of consumer price inflation averaged annually 3.3 percent during 1965–68, 3.5 percent during 1966–68, and was 4.2 percent from 1967 to 1968. Yet the Federal Power

Commission still refuses to make any allowance for inflation in its treatment of prices received by the gas pipeline companies; in fact these prices are lower now than they were in 1965 or 1968.

The natural gas pipeline industry, with investments of many billions of dollars, employing many thousands of people, and servicing the whole Nation with a vital commodity at unusually low competitive costs, has been for some years, and now is, confronted by ever-increasing economic and financial difficulties.

Comparing the period 1960–67 with the previous period 1953–60, the average annual growth rate in the net physical volume of sales by the major pipeline companies has declined from 8 to 5 percent, even though our national economic growth in real terms was almost twice as high during the later period as during the earlier period.

Held back by adverse trends in income and other factors, the annual volume of investment in plant and equipment by the major natural gas pipeline companies registered virtually no change from 1960 to 1967 while U.S. industry at large increased this type of investment at an average annual rate of 8.1 percent during the same period of time.

The average annual increase in net income after taxes, among the major natural gas pipelines, declined from 11.4 percent during 1953–60 to 4.9 percent during 1960–67. In sharp contrast, during the later period, the average annual increase in profits after taxes was 8.5 percent for all U.S. industries, 9.1 percent for total manufacturing, and 9.7 percent for public utilities, transportation, and communication.

Reflecting the reaction to these unfavorable trends, on the parts of prudent and knowledgeable investors, the common stock prices of the natural gas pipelines have lagged substantially behind those of the public utilities, the combined stock average, and the capital goods stocks average.

Another factor bearing down oppressively upon the industry has been the tremendous upward spiral of interest rates, with only minor interruptions, since 1952. This has had an unusually severe impact upon the gas pipeline industry, because traditionally and continuously its bonded indebtedness shows an unusually if not uniquely high ratio to its capital and surplus, and to its total assets. It is estimated that, from 1953 through 1967, rising interest rates alone have imposed additional costs of far above $600 million upon the industry.

Squeezed on all fronts and relieved on none, the industry, after meeting fixed costs, has not had enough left over to pay equity investors a fair competitive rate of return, and to retain enough earnings—in addition to its borrowing capacities—to invest adequately. Thus, the industry has not been achieving enough fundamental expansion of primary investment to bring to the maximum number of industrial and household consumers the great cost benefits which gas offers. In 1966—I shall supply later data when available—the average fuel cost per season for the average home which used gas was lower by from 20 to 61 percent than the cost of the three competitive fuels in Brooklyn, N.Y.; lower by from 32 to 75 percent in Detroit; lower by 12 to 53 percent in Washington, D.C.; lower by 22 to 30 percent in the case of two of the three competitive fuels in Seattle; lower by 33 to 57 percent in Memphis; and lower by 38 to 71 percent in Atlanta.

Basically, there has been and still is one towering reason for these adverse developments, so unfavorable to the national interest. The Federal Power Commission has related allowable rates of return to a rate base composed principally of the depreciated original cost of plant and equipment used and useful in serving the public, without allowance for changes in the purchasing power of the dollar. But this concept of regulation developed and has validity only when there is general expectancy that the purchasing power of the dollar will remain reasonably stable. But actually, looking at the Consumer Price Index which is the most meaningful measurement of the decline in the purchasing power of the dollar—the use of industrial or wholesale price indexes would not essentially alter the picture—the average annual advance in the Consumer Price Index has been 1.9 percent during 1948–68, 1.9 percent during 1958–68, 2.6 percent during 1963–68, and 3.5 percent during 1966–68, and was 4.2 percent from 1967 to 1968.

The vast preponderance of American enterprise has been able to adjust itself to this inflationary trend, and to live under it. We all know that, if dollar incomes had not been able to adjust themselves to price change, economic stagnation and depression would have resulted. But the pipeline companies have not been permitted by the Federal Power Commission to make this adjustment. From 1960 to 1967, their prices declined at an average annual rate of 0.8 percent, even while the average annual rate of advance in prices was 0.2 percent for public utilities in general, 0.7 percent for all U.S. industries, 0.8 percent for total manufacturing, 0.7 percent for industrial prices, and 1.7 percent for consumer prices. From 1967 to 1968, there was a further slight decline in gas prices, while consumer prices rose 4.2 percent.

Let me conclude with just a few examples to round out the picture. In 1968, the total operating income of the major gas pipeline companies stood at $717.5 million. It has been professionally estimated that this total operating income was $177 million, or almost 20 percent, below the total needed to enable these companies to deal equitably with investors, attract sufficient investment capital, expand plant and equipment adequately, and provide optimum service to an optimum number of individual consumers. It is further estimated that, by 1970, if current regulatory practices continue and the average annual decline in the purchasing power of the dollar is held to only 2 percent a year—which is the best any of the experts expect—the operating income received by the major pipeline companies in 1970 will be $244.5 million short, or more than 22.4 percent short, of the level required for these sound purposes in that year.

The proposal contained in the bill would have a very small impact upon prices paid by consumers. To illustrate, if the Consumer Price Index showed an average annual rate of increase of 2 percent for 10 years, the cost of gas per season for the average home in a number of representative cities examined, under the adjustment formula provided in the bill, would increase only 5.9 percent over the 10-year period, representing an average annual increase of less than 0.6 percent. In the 10th year, the average cost per week to the residential consumer—spread over a year of 52 weeks—would be only from 6 to 17½ cents higher—depending upon the city—representing an average increase in weekly costs from year to year of only 0.6 to 1.75 cents in the various cities.

On the other hand, if the Consumer Price Index should be stabilized over the next 10 years, the bill's proposal would by its very terms not be invoked, and would have no effect upon price levels.

The bill I am now introducing is, as I explained more fully on August 2, 1967, a genuinely conservative approach to the correction of these difficulties.

I urge that this bill be scheduled for committee hearings without delay and that it be acted upon favorably by the committee and the Congress at the earliest possible date.

A TRIBUTE TO WILLIAM AVERELL HARRIMAN

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. BOLAND. Mr. Speaker, the President of the United States can hardly pay greater tribute to a man's abilities than by requesting his services repeatedly and in varying highly responsible capacities. This tribute has been paid—and justly so—innumerable times to William Averell Harriman. No man since President John Quincy Adams has held so many Government positions. Mr. Harriman's career has been long and impressive. His name has been familiar in Democratic Party councils since the early days of the New Deal. The son of railroad baron E. H. Harriman, young Averell became an investment banker and successful businessman after earning his B.A. at Yale in 1913. While serving in 1933 as chairman of the board for Union Pacific Railroad, he was recruited to Government service by Roosevelt aid Harry Hopkins. Since that time, he has distinguished himself admirably in the service of four Presidents. His diplomatic experience spans the entire cold war period, making him an invaluable source of experience.

This experience began with a high position in the National Recovery Administration, and a role in the lend-lease negotiations with Great Britain in 1941. He soon became Minister and later Ambassador to both the Court of St. James and to Moscow. During the late forties, he accompanied President Roosevelt to Yalta and Teheran, and Truman to Potsdam. From 1950 to 1951, he served as special assistant to the President, a position assumed after a 2-year term as

Secretary of Commerce. Mr. Harriman's concern with peace and the post-war development of Europe account for his early participation in the birth of the United Nations, and for his position as Ambassador Extraordinary and Plenipotentiary to Europe under the Economic Cooperative Act.

With the change of administrations in Washington, Mr. Harriman directed his career to national and then State politics. From 1951 to 1953 he served as Director of the Mutual Security Agency, and in 1954 was elected to a 4-year term as Governor of New York.

On behalf of the Kennedy administration, Harriman conducted the delicate Geneva negotiations which led to a cease-fire in Laos. He served as a Presidential observer during the Sino-Indian border war and the Kashmir dispute. In 1963, he headed the successful test-ban treaty negotiations with the U.S.S.R. At the same time, he served as Assistant Secretary of State for the Far East, 1961–63, and then as Under Secretary of State for Political Affairs in 1963–65. In 1967, Mr. Harriman received the distinguished honor award.

The brilliance, style, and remarkable achievements of Mr. Harriman have made him something of a legend in Washington. At 77 he is a match for most men half his age. His enthusiasm and stamina enable him to undertake difficult assignments on short notice. Endowed with the ability to demolish his opponent's arguments with terse, trenchant statements, he has earned himself the affectionate title of "the crocodile."

On the occasion of his retirement after more than 30 years in the service of his Government, I should like to pay tribute to a man whose contribution to American world politics is virtually unmatched.

THE POWER OF PRAYER

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. COLLINS. Mr. Speaker, the first amendment to the Constitution states:

> Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

On June 17, 1963, the Supreme Court of the United States, however, saw fit to usurp the powers of the Congress, oppose the specific instructions of the framers of the Constitution, and revoke a fundamental right of every American.

One of the most precious freedoms, the freedom of religion, has been callously swept aside by the Supreme Court. This freedom—so very significant that the Founding Fathers placed it as the cornerstone to the Bill of Rights, has been crushed by the voices of nine men. Nine men whose ears are unable to hear the clear, resonant voice of America. Nine men who stand directly in the path of American principles and the wisdom of our Founding Fathers.

Mr. Speaker, as I stand here today, I feel the strong influence of religious freedom in every action of this body. Our session was opened today—just as it is opened every day, with a prayer by our Chaplain. A prayer to inspire and guide us as we strive to find solutions to the Nation's problems.

Mr. Speaker, as you direct activities of this Congress, you stand under the marble arch with the words emblazoned in gold for all to see—In God We Trust.

As I stand at the rostrum, I take strength from the statue of Moses as he looks down upon me and the Members of this House. From Moses, we received the code that has guided civilization.

On January 9, Astronauts Borman, Lovell, and Anders addressed a joint session of Congress following the successful completion of the dangerous and historic mission of Apollo 8. Mr. Speaker, you stressed on that most momentous occasion that "the prayers of countless millions of persons were with them—the astronauts." While the Apollo 8 crew recorded many firsts in space history, Commander Borman saw fit to emphasize before the Congress, and in the presence of the nine Supreme Court Justices, the strength and inspiration that the crew gained from the reading of the Bible while in orbit.

The lesson is clear. Let us resolve today that our youth who are in attendance at public centers for primary, secondary, and higher education have their first freedom under the first amendment to the Constitution reinstated. As the U.S. Congressman for the Third District of Texas, I have sworn to uphold the Constitution of the United States of America—and I cannot stand idly by and see our Constitution go unheeded. One body of government, and one body only, has the right and duty to legislate for these United States. That body is the Congress—a body of, by, and for the people of these United States.

As a member of the House Education and Labor Committee, I feel it most imperative that all those who would learn in America—must have the basic freedom to learn of the God in whom we trust.

With God's guidance, we built this Nation, and through prayer and God's blessings we are going to build for a stronger America for our children's future.

THE RESPONSIBILITY REMAINS—CONFRONT IT—DON'T RUN

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. ADAMS. Mr. Speaker, I recently had called to my attention an editorial that appeared in the Western Breeze, which is the paper of the Western High School located at 35th and R Streets, NW., here in the District of Columbia. The editorial was written by Alan Baldinger, a student at the school, and demonstrates the growing concern of our youth about the problems facing the Nation's Capital.

I share some of the concerns expressed by Alan and would like to offer the editorial entitled, "The Responsibility Remains—Confront It—Don't Run" for inclusion in the RECORD.

THE RESPONSIBILITY REMAINS—CONFRONT IT—DON'T RUN

The recent national elections will bring many new Senators and Congressmen to work in the District of Columbia. These people have been elected to serve as responsible leaders and decision-makers for the next two to six years. We would, therefore hope their first decision concerning the whereabouts of their residence—and schools for their children—is carefully made. If they are to improve and propose solutions to the many problems of the Federal City, then their living within the city, itself, is as much a requirement as it is a responsibility.

We are continually reminded that public service demands facing the challenge. Therefore, by removing one's self from the situation—such as seeking "refuge" in Washington's suburban communities—will not prove anything but failure to meet the duty of a public servant. Plenty of ink has been put to paper about our public schools and the poor image they generally reflect. However, if the new Congress intends to raise this image, sending their children to "county and private" schools will certainly not be very constructive.

We hope Mrs. Agnew, who stated in the summer she would prefer sending her children to the Montgomery County Schools because "the schools there are excellent", has had a change of mind. Governor Agnew was not elected to "take from" the system but rather to "put into" the system. It is the people who help to make good public schools.

Surely, Vice-President Elect Agnew is willing to lend his prestige, energies, and talents in this direction. Only by investing his children can he help make D. C. schools "excellent" for us—and himself.

Any one of us can choose a school that might already have an "excellent" image—justifiably or unjustifiably. We want to involve ourselves in our own and make it an "excellent" one, too. Perhaps all it needs is the support of those who "run away" to look for perfection elsewhere.

Governor Agnew was elected by the people on a platform to help cure urban ills. Here he has an excellent place to start. We hope Mrs. Agnew changes her mind. We don't need to seek something someone else has built—but rather someone who can stay home and add to our own structure.

The point here is that responsible leaders must not run away from those problems which are "everyone else's but theirs". It is, above all, their job not to criticize but to confront.

ARMY TELLS BOY ABOUT HIS FATHER

HON. RICHARD WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. WHITE. Mr. Speaker, every Member of this House has occasion, many times, to call upon our military services for many acts of assistance regarding members of the Armed Forces. I am sure answering these many inquiries often becomes an onerous task, but it is a task which our armed services meet with skill, dedication, and humanity.

An inspiring human story concerning the Army's attitude toward a question, not from a Congressman, but from a 13-year-old boy, is told in today's issue of the Washington Post, in the Federal Diary column by Willard Clopton, Jr., and Mike Causey.

For the information of my colleagues and others who may find inspiration in the Army's approach to a schoolboy's question, I would like to insert the story in the RECORD at this point:

Army Tells Boy About His Father

(By Willard Clopton Jr. and Mike Causey)

Next time junior tosses out a what-did-you-do-in-the-war-Daddy question, be careful not to confuse your service record with that of Sgt. Alvin York. Your offspring can, and just might, check your story.

Such an inquiry arrived at the Pentagon not long ago. A grateful father credited the Army's quick response to it for saving his image. This is what happened:

A letter addressed "U.S. Army, Washington" came into the Pentagon mailroom. It was from a 13-year-old Belleville, N.J., boy. He said he had learned that his father had lied about his wartime exploits, and he didn't know what to do about it.

The boy, whose first name is Michael, said his father had always told him he worked on the Alaska highway during the war. Michael thought that was pretty great. He told his friends and classmates.

Then one day at school, the question of the Alaska highway came up. Michael told the young substitute teacher about his father's wartime service, and got a horse laugh from the teacher.

The Army was busy fighting during the war, the teacher advised, and didn't have time to build roads in Alaska. He said that civilian contractors had built the highway, and implied that the father was probably picking up cigarette butts at some Army post during the hostilities.

Michael was crushed, and put the freeze on his bewildered father.

Finally, Michael wrote the "U.S. Army" and asked what was going on. Instead of getting lost in the bureaucratic paper mill, the letter wound up on the desk of Maj. Gen. Kenneth G. Wickham. He's the Army adjutant general. Wickham told his aides to check it out.

The civilian-military team pulled the Alaska file, and started looking for a private who worked up there 26 years ago. They found him.

Wickham then sent a letter to Michael, suggesting that he read a book on the Alaska highway. He said that Army records showed that Michael's father was where he said he was when he said he was, and referred to the "great accomplishment of the men, including your father, who built the Alaska highway."

The General closed his letter by saying:

"I'll also hope that with this information in hand, you will agree that your father did not lie to you. I think that an apology to him will not be too embarrassing for you."

Not long afterward, Michael's father wrote to say that all was well. He thanked the general and the correspondence and records team for taking time to run down a problem that could have been treated as trivial.

PRESIDENT NIXON: STRONG SUPPORT FOR SCIENCE

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. HOSMER. Mr. Speaker, President Nixon has already taken some significant steps which will provide a great deal of encouragement and reassurance to the Nation's scientific community. I recall that during the campaign, Mr. Nixon had some forceful statements to make about what role scientific research and development would play in his administration.

He said:

> Research and development should be among the highest priorities in any national budget, and that is where it will be in the next Administration.

I think his actions since the election, and particularly in the past 10 days, have proven that he does indeed hold a high regard for and deep interest in research and development.

First, he appointed the distinguished president of California Institute of Technology, Dr. Lee DuBridge, as his Scientific Adviser. I have already had a chance to chat with Dr. DuBridge since his arrival in Washington and I am confident that this eminent scientist will have a creative and forceful impact on the scientific posture of the Nixon administration.

Second was the President's decision to ask Dr. Glenn T. Seaborg to continue as Chairman of the Atomic Energy Commission, a post he has so ably filled since 1961. I am personally delighted at this decision because, as ranking Republican member of the Joint Committee on Atomic Energy, I have come to know Dr. Seaborg well over the past 8 years and have the highest regard for his ability, vision, and leadership.

And in asking Chairman Seaborg to continue his public service, President Nixon gave him a full-speed-ahead order on one of the most exciting scientific projects yet proposed in the atomic energy field. I refer, of course, to the proposal to create a new deepwater harbor at Cape Keraudren in western Australia. I do not think I need remind the scientific community how refreshing it is to see a national administration move so decisively ahead on a major scientific program.

In less than a week following the Australian Government's formal request for U.S. cooperation on the Cape Keraudren project, the AEC's Plowshare program to develop peaceful uses of nuclear explosives is moving ahead with an excitement and a sense of urgency that only positive leadership from the White House can generate. And I might add as a long-time supporter of the Plowshare program, this is indeed a welcome change.

I can only compare this quick response to the reply I received from the former administration's Budget Bureau on January 17—3 days before President Nixon took office. They were responding to a letter I wrote President Johnson on December 27 regarding the Cape Keraudren project.

Their reply was that the proposal was "worthy of further study" but "premature." And this despite their acknowledgment that a former request from the Australian Government was expected in a matter of days.

It is significant, I think, that President Nixon has proved that despite bureaucratic bungling and Washington redtape, the Federal Government still has vitality and the ability to move quickly when it has a mind to.

I am certain, Mr. Speaker, that the first 10 days of the Nixon administration are a source of great encouragement to the scientific community, which makes such a significant contribution to our national well-being.

The Washington Evening Star carried a fine story on Dr. Seaborg, which follows:

Nixon Retains Seaborg as Chairman of AEC

Dr. Glenn T. Seaborg, chairman of the Atomic Energy Commission since 1961, will continue in that position in the Nixon administration.

Seaborg conferred with President Nixon late yesterday and told reporters afterward that the President had asked him to stay on and he had agreed to do so.

His present term as an AEC member expires on June 30, 1970.

Meanwhile, the White House announced that the President is nominating George B. Hansen, former Idaho congressman, as deputy undersecretary of agriculture for congressional relations.

Hansen served two terms in the House, from 1965 through last year. He was defeated as a Republican candidate for the Senate from Idaho in November.

Nixon also nominated Fred J. Russell of Beverly Hills, Calif., former president of the Weiser Lock Co. and owner of numerous apartments and real estate projects, as deputy director of the Office of Emergency Preparedness.

MEETS SECURITY COUNCIL

The President was meeting with his National Security Council today, for the third time within a week, as he seeks to develop policies in various areas of international concern.

The NSC meeting today was called primarily for discussion of how soon the new administration should seek Senate ratification of the nuclear nonproliferation treaty.

Seaborg said the President told him he would visit the AEC headquarters in Germantown, Md., probably some time in February, for a full briefing on the entire range of the commission's program.

During their discussion yesterday, Seaborg said Nixon expressed great interest in development of atomic energy for peaceful uses, particularly in such projects as Plowshare.

INTERESTED IN HARBOR PLAN

He said the President also asked him to do everything he could to accelerate a project for using atomic explosions to build a harbor in Northwest Australia and test the feasibility of using nuclear explosions to dig a new canal across the isthmus of Panama.

Seaborg explained that the Australian harbor project would use a row of five nuclear explosives, buried about 200 feet underground, to blast out a narrow harbor needed to get access to minerals in the interior.

He said it would serve a double purpose in that it could be used as part of the program of test to determine the economic feasibility of using nuclear explosions in construction of the new canal.

PRAISE FOR JAYCEES

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. SCHWENGEL. Mr. Speaker, I have long been a backer of the U.S. Junior Chamber of Commerce. During my early business career I was very active in the Davenport and Iowa Jaycee organizations. In fact, it was my pleasure to serve as State president of the Iowa Jaycees. This wonderful organization does a splendid job of providing leadership opportunities for our young people, and at the same time involving them in the problems of the community in a meaningful way.

The Times-Democrat recently carried a guest editorial by Mr. Robert Wulf, president of the Davenport Jaycees. In his editorial he does a fine job of outlining the goals of this organization. Under unanimous consent I include his editorial in the RECORD, as follows:

A YOUNG MAN ON THE GO

In conjunction with National Jaycee Week, Jan. 19–25, our guest editorialist today is Robert Wulf, president of the Davenport Jaycees. He is a design engineer employed by the Kartridg Pak Co. and is representing the Davenport Jaycees at the Ten Outstanding Young Men of America Congress in Syracuse, N.Y. Wulf, 32, is married, has two children and lives at 2832 Kelling St., Davenport. He is a graduate of Davenport Central High School and Northwestern University, Evanston, Ill.

A young man steps forward and, raising his right hand, states he will uphold the beliefs of the organization expressed in its creed.

We believe:

That faith in God gives meaning and purpose to human life;

That the brotherhood of man transcends the sovereignty of nations;

That economic justice can best be won by free men through free enterprise;

The government should be of laws rather than of men;

That earth's great treasure lies in human personality;

And that service to humanity is the best work of life.

He has just joined the Jaycees, a unique organization where the only requirement for membership is that he be between the ages of 21 and 36. As a member of the Davenport Jaycees, totaling 250 young men, he will also belong to the state organization with a membership of 12,000, the national organization with membership of 300,000, and the international organization with a total membership of 400,000 in more than 90 countries in the free world. But what is this organization? What will happen to this young man in the years to come?

A Jaycee chapter exists for one primary purpose—to offer leadership training to young men in all walks of life, through serving his community, state and nation. The new Jaycee immediately is given the opportunity to learn by doing. During his career as a Jaycee he will be working long and hard on projects for the betterment of his community. In Davenport he may be working with youth in constructing a soap box derby car, conducting a gun safety clinic or hosting children from the Fairmount School at a picnic and tour of the Children's Zoo. He may conduct a community survey, host a foreign student, deliver toys for Jaycee Santa, arrest a traveler for a night on the town, or promote hiring the handicapped. Whether it be assisting with a mental retardation program, working on neighborhood rehabilitation, the Miss Iowa Pageant or any of about 75 other projects, he will be busy with other members of the organization gaining experience in leadership. This young man is on the go; youth, rather than a handicap, is his biggest asset.

Jaycees may at times embark upon controversial projects, one that other organizations pass by, because the Jaycees would rather rock the boat than miss it.

As the Jaycee progresses in the organization, he will be asked to take on more responsibility, to seek higher office, to introduce projects and ideas and through this he will be in contact with civic and industrial leaders. He will be seeking self-improvement through experience.

During all this, he and his family will gain knowledge. He will learn the meaning of free enterprise, self-government, human rights, service to humanity and the dignity of man. He will learn because as a Jaycee he believes in these things and will work to make them a part of his community.

If you are a young man between the ages of 21 and 36 we would like to have you join us. Just send a card to the Davenport Jaycees, 404 Main St. If you are under 21, we're waiting for you. If you have passed the age of 36 we hope we didn't miss you. If you believe in the six tenets of our creed, and you're proud of continuing community progress, back the Jaycees. Help us to help the community. The Davenport Jaycees thank you for your support.

NEW JERSEY NEWSPAPER URGES TAX REFORM, HUDSON DISPATCH PRAISES DANIELS TAX REFORM BILL

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. DANIELS of New Jersey. Mr. Speaker, on the opening day of this session of Congress, I introduced legislation to plug tax loopholes and provide some kind of relief for America's overburdened middle-income taxpayers.

Mr. Speaker, I am encouraged by the support I have received but especially so from the support I have received from residents of the 14th Congressional District of New Jersey. Within the last few days this cause received a major boost as a result of a very fine editorial in the Hudson Dispatch of Union City, N.J. I include this editorial which was published on January 17, 1969, at this point in the RECORD.

The editorial follows:

RESHAPING THE TAX FORMULA

What the 91st Congress will do about reforming the nation's tax structure, eliminating many glaring inequities will hold the close attention of the ones most affected—the middle income citizens. Current events compel the suggestion that they not raise their hopes too high.

This country's fiscal structure is riddled with anomalies. It's a peculiar situation that develops when a government hands down guidelines on prices and salaries to industry and in the next breath imposes heavier taxes, continues a reprehensible tax surcharge and tops it off with doubling the presidential salary and substantially increasing the take-home pay of the federal legislators. It is also somewhat "nutsy" for an outgoing president to present a budget for a fiscal year that will not begin until six months after a new chief executive is inaugurated.

It requires no great intellect to recognize the need for reform. The present tax code, for instance, is replete with exemptions in favor of the very rich and against the hard-pressed middle income taxpayer who has become somewhat heartened by the prospects of some changes by the Nixon administration. He doesn't object to paying his fair share of taxes but rightfully protests paying more than persons with far greater incomes. Peculiarities in tax statutes make it possible for those in top income brackets to pay little or no taxes.

Cognizant of the disparities in taxing formulas, Congressman Dominick V. Daniels, of Jersey City, has reintroduced legislation which will provide a "break" for the middle-income person.

By coincidence his thinking matches that of the incoming administration's advisers. Both agree on the need to tighten provisions which permit wealthy persons to avoid paying taxes by contributing to charities or investing their income in tax-free government bonds. The oil depletion allowance will also come under scrutiny. A reduction of the 27.5 percent allowance is proposed. Mr. Daniels would make it a standard 15 percent figure for oil and other minerals. The allowance, under fire for a long time, was intended to encourage development of the U.S. petroleum industry. It was allowed to subtract the 27.5 percentage from gross earnings when calculating taxes. Abuses have creeped in that make continuance of the practice questionable.

In granting the allowance, however, something in kind might be considered for the class that represents the nation's backbone. It would not be amiss to ease the burden of single persons, married couples and the elderly by either increasing the $600 exemption for dependents or giving special deductions for education and medical costs.

NIXON ADMINISTRATION URGED TO REVIEW BUDGET ESTIMATES

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. ESCH. Mr. Speaker, I noted with interest the directive from the Bureau of the Budget to all members of the Nixon administration to review budget estimates and to recommend appropriate changes. Mr. Mayo urged all Department heads to "set priorities," and it is in that connection that I address the House today.

I am seriously concerned that the budget recommended by outgoing President Johnson sets priorities too low in the area of education. While we all recognize the need to hold down the level of Government spending, I believe it is wrong to make cuts in the areas where funds are needed most urgently. It is unwise, I feel, to cut back on those educational programs which are designed specifically to help those who are in the greatest need.

The budget recommended by President Johnson just 5 days before his retirement would force a serious curtailment of our commitments to expand our vocational education program and to assist the most needy students in obtaining a college education. It might eliminate some of our most effective efforts to improve teaching in the classrooms and laboratories of both schools and colleges.

I call upon Secretary Finch to give careful consideration to the cuts made in four specific educational programs and urge that the Department of Health, Education, and Welfare give a higher priority to these vital programs.

Throughout the past few months, there has been great emphasis on the need for increased vocational-technical education to assure that every student is prepared to take his place as a constructive member of society. Yet the Johnson budget actually recommends a reduction in per pupil Federal support for vocational education. This is highly inconsistent with our national goal of full educational opportunity for all our citizens and would be a step backward in our fight for equality.

Johnson recommended an expenditure for the educational opportunity grants—scholarships for the very neediest and disadvantaged students—which would result in a severe reduction of the number of such students who could be helped to enter college next year and in the fall of 1970. I think this is a good program because it holds out hope to those who otherwise would not even consider going to college, and it encourages the colleges to actively seek out such students. These opportunity grants—together with the work-study program, which would be given only a very modest increase—help to make good our boasts of an open society of truly equal opportunities, and I feel that we should think long and hard before we throttle back funding for them.

Our principal program for assisting needy students is the direct loan program under the National Defense Education Act, which was initiated by President Eisenhower. For several years the Johnson administration has sought to cut back these loans—which are administered directly by colleges and universities—in favor of federally insured loans made by banks and other private lending institutions. While the insured loans are extremely useful, their availability tends to fluctuate with the money market, decreasing as interest rates on more attractive risks increase. Yet despite the current tight money situation, President Johnson again recommended a cut in national defense student loans of more than $30 million. I think this is unwise.

Finally, the Johnson budget completely eliminates the Federal programs to help schools and colleges obtain instructional equipment—title III of NDEA and title VI of the 1965 Higher Education Act. I doubt that the Congress will go along with this recommendation. If there is one place where we can see educational improvement from Federal expenditures, it is in modern, adequate equipment and materials in our classrooms and laboratories.

In short, to follow the Johson budget would force a serious curtailment of our commitments to assist the most needy students in obtaining a college education, and it might also eliminate some of our most effective efforts to improve teaching in the classrooms and laboratories of both schools and colleges. I recognize the urgent need for economy in Government, but I am hopeful that we can find better ways of economizing than by cutting back programs essential to progress in education.

ON PROPAGANDA FRONT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. DERWINSKI. Mr. Speaker, we are hopeful that an end to military activities in Vietnam can be reached and that explosive situations such as in the Middle East can be handled with effective diplomacy to avert an outbreak of war.

However, despite the efforts to avoid hot wars, we must realize and recognize that the cold war will continue.

The Communists are obviously intending to continue their efforts at world conquest and it is especially important that the United States develop, through the U.S. Information Agency, an effective counter effort to Communist propaganda.

The noted international columnist of the Copley Press, Dumitru Danielopol, has made a thorough study of the propaganda front and thus, his column of January 18 in the Elgin, Ill., Daily Courier-News takes on special significance, and I include it in the RECORD as follows:

INTERNATIONAL SCENE: ON PROPAGANDA FRONT

(By Dumitru Danielopol)

WASHINGTON.—"I can report proudly that the exhibits, broadcasts, telecasts, films, books, pamphlets and periodicals produced by the U.S. Information Agency are now regarded as models by professionals engaged in the arts and crafts of persuasion," said Leonard H. Marks, director of the agency in his valedictory report to Congress.

It sounds great. It sounds as if America was winning the global propaganda war.

The only trouble is, it isn't so.

To the Americans who have traveled abroad in the last few years, the Marks report will read like the "tales of the Brothers Grimm." Too much of it is nothing but a clumsy attempt to whitewash a USIA operation that too often is inept, incompetent and inefficient.

How can Marks call his operation a "model" when the American image abroad has sagged to its low ebb in history?

In his report Marks chose to disregard criticism at home and abroad against his agency.

"The image of the U.S. abroad has obviously worsened in recent years," Lloyd S. Free, director of the Institute for International Social Research, told a congressional subcommittee last summer. "We are on the verge of a public relations debacle . . ."

The presidential directives to USIA are to help achieve U.S. foreign policy objectives by . . . influencing public attitudes of other nations," Marks wrote.

Anyone traveling through Europe knows that we are far from attaining this goal. On the contrary, while the United States was losing friends and prestige, the Soviet Union has been gaining strength even among our allies. Moscow has even begun to recover from its black eye.

In Paris, the French elder statesman, Ambassador Andre Francois Poncet, said: "Your propaganda . . . is zero."

"We are just not selling America," I wrote on Sept. 17, 1966, after an extended tour of Europe." USIA officials themselves admit failures in Western Europe . . . It is about time President Johnson awoke to the fact that his points are just not getting across . . ."

What kind of man or woman goes to work for USIA?

"A very special kind of individual," says Marks. "In his makeup are elements of missionary, teacher, publicist, diplomat . . . rugged individualist and loyal organization man."

Not everyone would agree. USIA has many highly competent people, but is also plagued with low caliber workers who fail to comprehend their mission, or simply ignore it.

Many of them have been outspoken in their opposition to our Vietnam policy—a policy they are paid to explain and defend.

One high official who came to the agency from a highly successful business career inspected USIA posts overseas and returned in disgust. He told friends that he would only retain less than half if USIA was a profit-making organization.

Despite Marks' self-serving essay, the new Nixon administration should make a thorough review of the USIA and similar operations like Radio Free Europe. It would be interesting, for example, to find out why competent writers and editors from Eastern European desks have been set aside—because of their anti-Communist opinions—while Communists from those countries have been hired to broadcast from American stations.

THE HONORABLE JESSE P. WOLCOTT—A LONG AND PRODUCTIVE CAREER

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. PATMAN. Mr. Speaker, all of us who served with the Honorable Jesse Wolcott were saddened by the news of his death on Tuesday.

Jesse Wolcott, of course, served for more than 20 years on the Banking and Currency Committee and those of us on this committee are particularly familiar with his long and productive role in the House of Representatives. And, of course, we on the Banking and Currency Committee had the opportunity to follow Mr. Wolcott's career after he left the Congress and joined the Federal Deposit Insurance Corporation.

Mr. Speaker, Mr. Wolcott and I came to the House about the same time and we both served together on the Joint Economic Committee as well as the Banking and Currency Committee.

Although we did not always see to eye to eye on legislative matters, I had the deepest respect for his dedication and hard work. His contributions to the Banking and Currency Committee and to Congress as a whole are well known.

He certainly was one of the most influential members of the Banking and Currency Committee and as my colleagues know, he served as chairman of that committee in the 80th and 83d Congresses. He also served as chairman of the Joint Economic Committee.

Mr. Speaker, I join my distinguished colleague from Michigan (Mr. HARVEY) in paying tribute to Jesse P. Wolcott who served the Seventh District of Michigan so well and for so many years.

Mr. Speaker, I place in the RECORD an article which appeared in the Washington Evening Star Tuesday, January 28, telling of Mr. Wolcott's death and of his long and illustrious career in the House of Representatives:

JESSE P. WOLCOTT DIES—IN CONGRESS 26 YEARS

Former Rep. Jesse P. Wolcott, 75, a Michigan Republican who served 26 years in Congress and six years as chairman of the Federal Deposit Insurance Corp., died today at his home, 3707 Thornapple St., Chevy Chase. He had been ailing since early in 1965.

Wolcott retired from Congress at the end of his 13th term in 1957. He was then appointed director of the FDIC by President Eisenhower and served as chairman until January, 1964.

Born in Gardner, Mass., Wolcott went to work at the age of 11 in a chair factory, of which his father was superintendent. He went to Detroit when he was 18 and attended Detroit Technical Institute and the Detroit College of Law, paying his way by working parttime as an electrician and as a drummer in several Detroit dance bands.

SERVED IN FRANCE

After serving 28 months in France as a lieutenant during World War I, he went to Port Huron, Mich., and entered law practice with Burt Cady, then chairman of the Michigan Republican state central committee. He was elected to his first term in 1930 as a "mighty wet" Republican after defeating in the GOP primary prohibitionist Louis C. Cramton, a House veteran of 18 years with powerful backing from the Anti-Saloon League and other dry forces.

Wolcott was chairman of the House Banking Committee in the Republican-controlled 80th Congress in 1947–49 and again in the 83rd Congress of 1953–55, when he also headed the Senate-House Committee on the Economic Report.

Immediately after World War II, he played a major role in handling legislation that provided the basis for transition from strict wartime economic controls to the more lenient regulations of a period marked by shortages of housing and various consumer goods.

HONORED IN 1946

He received the Colliers' Congressional Award in 1946 "because of his remarkable poise and sanity in a year characterized by extreme positions and frenzied propaganda" during the transition from war to peace.

He also was an early proponent of efforts to fight pollution in the Potomac River.

He was a member of the Army-Navy Club here and was district governor of the Lions Clubs of Michigan from 1952 to 1956. He was a Michigan state commander of Veterans of Foreign Wars in 1926–27. He also was a member of the Knights of Pythias and a Mason.

He leaves his wife, the former Grace Sullivan, a son, Jesse P. Jr. of Rockford, Ill., and five grandchildren.

UKRAINIAN INDEPENDENCE DAY

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. WYDLER. Mr. Speaker, this is a memorable day for Ukrainians everywhere, for it was on this day 51 years ago that they took their destiny in their own hands and proclaimed their national independence. So many world-shaking events have occurred since that time that we are apt to forget that important event. It is true that many revolutionary and convulsive developments have altered many things in this world, including man's view of these events, but man himself has remained unchanged, especially in his appreciation of freedom and in his willingness to fight and die for it. This is well illustrated in the modern history of the Ukrainian people.

The Ukrainians have endured the oppressive yoke of Russia's ruthless regime, both czarist and Communist, longer than any other people. For more than 300 years they have suffered under Russian tyranny and unfortunately they are still suffering. But through indescribable hardship and oppression they have steadfastly clung to their national ideals. Even at the risk of their lives they have succeeded in keeping these ideals alive. In the year 1918, when they saw their chance of attaining their independence, they proclaimed it and set up the Ukrainian Republic. Even though they were to lose this most cherished and richly deserved prize in the fall of 1920 under the onslaught of the Red army, their Independence Day remains a solemn national holiday. Today I am indeed happy to join my many Ukrainian-American friends in the observance of Ukrainian Independence Day, and in the hope that the day of ultimate freedom of the Urkainian people from their Communist oppressors will not be long in coming.

SOUTHWEST ALABAMA FARMER'S COOPERATIVE ASSOCIATION

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. FLOWERS. Mr. Speaker, pursuant to a request made by my distinguished colleague (Mr. ANDREWS) chairman of the Subcommittee on Legislative Appropriations, the Comptroller General has this week rendered his report on the Southwest Alabama Farmer's Cooperative Association.

SWAFCA, as it is commonly referred to, was created for the purpose of providing vegetable markets and farm services for low-income—predominently Negro—farms in 10 Alabama counties, including five—Hale, Greene, Perry, Marengo, and Sumter—located in the Fifth District which I represent. This cooperative has been heavily funded by several Government agencies—including the Office of Economic Opportunity—in sums totaling almost $2 million.

The Comptroller General's report—even allowing for the guarded language used by the auditors—presents a glaring example of taxpayers' money thrown to the wind. This cooperative was ill conceived in the beginning. It has been mismanaged throughout its 2-year history. It has been totally unsuccessful in raising anyone's standards of living—except perhaps those of some of its own officers, directors, and employees.

On two separate occasions, the Office of Economic Opportunity overruled grant vetoes imposed first by Alabama's late Gov. Lurleen B. Wallace and subsequently by our present Gov. Albert P. Brewer. The Comptroller General's report certainly establishes the propriety of both of these vetoes and, in fact, points out beyond the shadow of a doubt that the only accomplishment of this organization from conception to date has been its ability to waste the taxpayers' money in the most expeditious manner possible.

Just a few of the glaring examples of mismanagement which were pointed out in the report include the following:

SWAFCA officials failed to obtain and make available fertilizer and seed on a timely basis to its member farmers. As a result, the member farmers were not able to produce the quality and quantity of produce demanded by the market.

SWAFCA field representatives took some $54,700 in cash, ostensibly to pay members for produce. However, the audit only accounted for some $31,200 in executed purchase orders.

SWAFCA's former manager diverted $85,000 into an unauthorized bank account.

SWAFCA purchased farm machinery which was inoperable—or which required more technical skill to operate than SWAFCA representatives possessed—thus causing considerable delay and waste in processing member-produced goods.

SWAFCA attempted to operate without any technical personnel as required by law.

SWAFCA was authorizbed to purchase 10 trucks at a cost of some $20,000 for the purpose of delivering the members' produce to the market. Instead, SWAFCA officials purchased three trucks not as suitable for this purpose for a total cost of $29,000.

SWAFCA's president signed blank checks which were apparently left in the checkbook to be filled out by whoever happened to have access to the checkbook.

Perhaps most outrageous of all, SWAFCA claimed a membership in excess of 2,000 farmers, but the Comptroller General's auditors were able to verify the membership of only 242 persons.

Any appropriations to the Office of Economic Opportunity should receive the most careful scrutiny before passage. There are many areas and uses for Federal funds, but we as a Nation cannot afford to permit further waste of our resources, as has been the hallmark with SWAFCA.

AGRICULTURAL WORKERS AND THE NATIONAL LABOR RELATIONS ACT

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. PODELL. Mr. Speaker, I have this day introduced a bill to extend coverage of the National Labor Relations Act to agricultural workers. I suggest that equity, fairness, and a decent respect for the opinions of mankind make imperative immediate action on this bill.

For too many years, agricultural workers have been denied the simple, democratic right to bargain collectively through unions of their own choosing. The ancient but false argument that unions of agricultural workers would destroy the family farm never had any substance. Yet the myth of the family farmer remains even though such a farmer is as obsolete as the dodo bird, destroyed, in fact, by the vast agricultural complexes who perennially trot out the family farmer as a reason for denying to agricultural workers rights granted to industrial workers a generation ago.

It is a part of the uneven record of progress in our Nation that we are more compassionate over the fate of the migratory bird than we are over the plight of the migratory farmworker. The notion that the farmworker has not earned the right to bargain collectively through unions of his own choosing is as obscene and as immoral as peonage and slavery. It is high time that we brought to these people the fresh breath of freedom and equality.

This is a right which cannot long be denied. The United Farm Workers Organizing Committee has already signed contracts with 12 vineyards. All of these will enjoy the benefits of stable labor relations and decent labor conditions. These vineyards will enjoy these benefits despite the fact that their competitors are engaged in cruel, ruthless, and inhuman exploitation of their fellowmen. This House can no longer remain insensitive to the poverty, depravations, and indignities that are the daily lives of the agricultural workers.

I am taking the liberty, Mr. Speaker, of bringing to the attention of our colleagues an article entitled "The Bitter Grapes" by Jimmy Breslin, published in the New York Post on December 6, 1968.

The text of Mr. Breslin's article follows:

The Bitter Grapes

The snow came out of the dark afternoon sky and whipped across the sprays of Christmas lights covering the fronts of the department stores on Fifth Av. There was organ music somewhere and chimes ringing softly and the world's best dressed people walking in the snow and the lights and the faint music. It was the first day of the Christmas season in New York and it was beautiful and of course it was so wrong.

It was right in Brooklyn, on Fourth Av. and 21st St., with the wind coming off the bleakness of the docks just down the block. The snow was the first snow Lori Huerta, 16, ever had seen. She was wearing a red blouse and dungarees and she shivered while the thick snowflakes covered her black hair and shoulders. Her brother, Emilio, 11, put his hands in his pockets against the cold. The two old Filipinos with them bent their heads against the wind. The four were going to picket a supermarket selling California grapes, and they wore the buttons of Cesar Chavez' United Farm Workers Union, but the snow had them confused.

"We went into this supermarket yesterday," the girl said, "and I said, 'Sir, we're from California and we are striking against the people who grow the grapes you're selling. Sir, we ask you not to sell them.' The manager said, 'Oh, they're not California grapes, they're Michigan grapes.' "

"Michigan grapes," the boy said. "They don't have grapes in Michigan. We told him."

"So then he said they were from Arizona," the girl said.

"Yeah," the boy said. "There are no Arizona grapes now. Only grapes from California. So now we're going to picket. Yeah!"

The two old Phillipinos nodded. One was Emilio Pajemola and the other was Freddie Caleo. They are sad-faced, soft-mannered men. Starting in the 1930s, they worked at grapes in the fields of California. In 1965, when Cezar Chavez stepped out of the fields to lead one of the great labor fights, they followed him. The California growers refuse to negotiate with the union. They bring in illegal workers from Mexico, over 200,000 in the San Joaquin Valley alone last fall. To fight this, Chavez has sent little groups of union people to the major cities where table grapes are bought. The boy and the girl and the two old Filipinos standing in a snowstorm on a street corner in South Brooklyn, are one of the groups. The boy and the girl came here with their mother, Dolores Huerto, a union vice president.

"What was the most money you ever made picking grapes?" the men were asked.

"I make $1500 the last year before I joined the strike," Pajemola said.

"That's all?"

"No more, no compensation, nothing if you get sick. When you are sick, the boss says to you, 'That's too bad, I'm sorry to hear that.' And then he goes away and you are not paid."

"How do you live?" he was asked.

"The camp. Wood buildings. Too low for a person to live. Only animals should live there."

"Yeah!" the boy said. "Even prisoners in a war get treated better."

The other old man, Calleo, said, "The floor is dirt and the rains make mud of the floor. You sleep in mud."

"They take from your check the cost of the place to live," Pajemola said.

"What kind of food do you get?" they were asked.

"Here, you eat the food, you don't think," Pajemola said. "But it's different when you don't have to eat. In California, sometimes people have no food."

He took out a meal book which allows him to eat at the Seafarers International Union Hall. The union has been supporting the strikers, who came to New York on a $5 per day allowance from the United Farm Workers.

"What do the people say to you when you picket a store?" they were asked.

"They don't know what it means," the girl said. "They see only a few of us and they don't know. We give them leaflets and we tell them please not to buy grapes. We have thousands of people on strike in California. Families are separated because they don't have enough money to live together."

"Let's go picket!" the boy said.

"Let's just sit in the car first so I can get warm," the girl said.

The four of them went to a station wagon that had a sign on top of it saying, "Don't Buy California Grapes."

They must be a strange sight, a little group like this coming into a neighborhood in a big city and starting a little picket line about grapes from California. But John Steinbeck wrote "The Grapes of Wrath" almost 30 years ago and it is one of the few truly meaningful novels ever written in America and in California they still grow grapes of wrath. Anybody in a city who buys grapes sins against the meaning of the season. For the only thing the days of Christmas stand for are the boy and the girl and the two old Filipinos who got into the station wagon and went to picket a supermarket in the cold afternoon yesterday.

CECIL POOLE

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. COHELAN. Mr. Speaker, Mr. Cecil Poole is currently the U.S attorney for San Francisco. His name had twice been submitted for appointment to the Federal district court to sit in the city of Oakland, Calif. President Nixon has now seen fit to remove Mr. Poole's name from nomination. The regrettable failure of the Senate to act on Mr. Poole's nomination, and the further action of Mr. Nixon in withdrawing the nomination have clouded the character and ability of Mr. Poole.

Furthermore, the actions of Mr. Nixon and certain Members of the Senate have left considerable suspicion in the minds of many people that Mr. Poole's nomination has been held up because Mr. Poole is a Negro.

I believe that it is the duty of Mr. Nixon to resubmit Mr. Poole's nomination and for the Senate to consider that nomination free from any discrimination. Any other course will leave a cloud on the reputation of a most talented and able lawyer and will leave the even more distasteful thought that racial discrimination is practiced in the U.S. Senate.

These views are stated in a recent editorial in the Los Angeles Times, which I would like to insert at this point in the Record for the benefit of the readers of the Record.

I would also like to include an article from the Washington Post on the same subject.

The material referred to follows:

[From the Los Angeles (Calif.) Times, Jan. 24, 1969]

Poole Case Should Be Resolved

Issue: U.S. Atty. Cecil Poole is a Negro and Democrat. Are those sufficient reasons to block his nomination as a federal judge?

Cecil Poole, U.S. attorney at San Francisco, was renominated for a federal judgeship by President Johnson before he left office.

Unfortunately President Nixon Thursday saw fit to withdraw that and other nominations made by his predecessor.

In the interest of justice Mr. Nixon should now resubmit Poole's name. More than that, he should take whatever affirmative steps are necessary to see that roadblocks which prevented consideration of Poole's name when it was first presented last May are now removed.

The Senate Judiciary Committee failed to consider Poole reportedly because of opposition from Sen. George Murphy (R-Calif.). The senator said he neither approved nor disapproved of the first nomination, but forwarded to the committee objections from constituents. Poole was left under a cloud as a result.

When President Johnson sent the Poole nomination to Capitol Hill a second time, Murphy reiterated his opposition and he was joined by other senators.

Since Poole has an impressive record of government service and has been endorsed by the American Bar Assn., the impression is left that confirmation was blocked simply because he is a Negro and a Democrat. If the objection were based on other grounds, the opposition should be required to lay its case on the table.

As matters now stand there is a blot on Poole's reputation. There is also a blot on the Senate Judiciary Committee and the Senate "system."

President Nixon could ameliorate what is plainly an unsatisfactory situation by guaranteeing Poole his "day in court."

Poole is entitled to such a hearing. And the public is entitled to know exactly what motivates the opposition to his becoming the first Negro west of the Mississippi to reach the federal bench.

[From the Washington (D.C.) Post, Jan. 29, 1969]

REVIEW OF L. B. J. NOMINATIONS CREATES PROBLEMS FOR NIXON

(By Laurence Stern)

Whether or not President Nixon realized it, he may have created a prickly political dilemma for himself by withdrawing en masse last week the 485 nominations he inherited from his predecessor, Lyndon B. Johnson.

One of the names that ranked high on the list of prospective appointees was that of a fellow Californian, Cecil F. Poole, United States Attorney for the northern California district. Poole was nominated for a Federal judgeship by President Johnson eight months ago and the appointment has languished ever since in the Senate.

What gives the case its political piquancy is that Poole, if appointed, would have become the first Negro Federal judge not only in the new President's home state but anywhere west of the Mississippi.

Poole has amassed an impressive array of support in the long-frustrated quest for appointment. Former Attorney General Ramsey Clark dsecribes him as "most exceptional" and maintains "there is no better qualified lawyer in the country" for the job.

He was endorsed by the American Bar Association's Committee on the Federal Judiciary. Both of San Francisco's newspapers, as well as the Los Angeles Times and California's McClatchey newspapers have given strong editorial support to Poole's appointment.

Though a Democrat, Poole won the immediate support of Thomas H. Kuchel, California's former Republican senior Senator. Several Republican members of the state's Congressional delegation have quietly supported the San Francisco lawyer along the tortuous trail. And his cause has enlisted the backing of prominent Senate liberals outside the State, such men as Philip A. Hart (D-Mich.), Edward W. Brooke (R-Mass.) Edward M. Kennedy (D-Mass.), and Joseph D. Tydings (D-Md.).

His personal credentials are also impeccable: He was in the top 10 per cent of his class at the University of Michigan law school and won his master's degree at Harvard Law School—two of the Nation's toughest academic training grounds for lawyers.

The Poole appointment has foundered on the opposition of one man, Sen. George Murphy (R-Cal.), who refused to concur in the President's choice. Although Murphy has failed to discuss his role in the original nomination of Poole last May, members of Congress who followed the case insist that the California Republican sent his blue appointment slip back to the Senate Judiciary Committee unsigned. This is the Senate Club's equivalent of the "thumbs down" gesture used on early Christians by Roman potentates.

One theory is that Murphy wants to be able to name his own man to the judgeship position in the new Republican Administration. A harsher view held by some Californians on Capitol Hill is that Poole's confirmation is being held up because he is black.

Murphy did acknowledge that he passed on to Judiciary Committee Chairman James O. Eastland (D-Miss.) complaints from California against Poole's conduct of the U.S. Attorney's office. One such complaint centered on the nominee's release of five Oakland draft demonstrators in December 1967. They were arrested by U.S. marshals for failure to carry draft cards. Poole later explained that the demonstrators were properly registered and that there was no evidence they were wilfully violating the law.

After his original nomination of Poole expired with the departure of the 90th Congress, President Johnson resubmitted the nomination to Congress last Jan. 9, along with four other appointments to the Federal judiciary.

This time Murphy and Sen. Strom Thurmond (R-S.C.), a member of the Judiciary Committee and the pillar of Richard Nixon's Southern strength in the Republican convention, announced that they would oppose the nominations. The South Carolina Republican said the new President should fill all judgeships and all other vacancies in Government.

Mr. Nixon clearly agreed. His decision to withdraw all outstanding nominations, including those of Poole and the four other judgeship nominees, prompted former Attorney General Clark to accuse the new-President of not keeping his word. Whichever version of the dispute is correct, the political reverberations will not die soon.

"It's an absolute and total tragedy not only to Cecil Poole personally but to our society," says Rep. Phillip Burton (D-Calif.), a fellow San Franciscan and a friend of the former nominee. "It's small wonder that young blacks figure that things are rigged against them. Here's a Negro who has played the game according to the established rules and gets dinged for no apparent reason. I'll tell you, it makes it damned hard to face those kids."

Richard Nixon, the epitome of white middle-class America, rankled some Negroes by his failure to follow the symbolic procedent of his Democratic predecessors. He has not nominated a black man to the Cabinet.

Nevertheless early this month the new President told a group of Negro leaders in New York that he proposes to do more for Negroes than any other President, perhaps Mr. Nixon's only excursion of the year into extravagant statement. It certainly can be argued that there has not been a decent lapse of time in which to judge the intentions of this Administration on participation by qualified Negroes.

That is why the fate of Cecil F. Poole is being followed so intently, by so many.

PFC. LEE R. BRUCE, JR.

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. LONG of Maryland. Mr. Speaker, Pfc. Lee R. Bruce, Jr., a fine young man from Maryland, was killed recently in Vietnam. I wish to commend his courage and honor his memory by including the following article in the RECORD:

PASADENA SOLDIER, 20, OF VIET COMBAT BURNS

Army Pfc. Lee R. Bruce, Jr., 20, of Pasadena, died January 11 from burns received in combat in Vietnam, the Defense Department reported yesterday.

Drafted into the Army in May, 1968, Private Bruce was trained in guerrilla warfare at Fort Polk, La. He was sent to Vietnam in October and was a member of the 9th Infantry Division, stationed in the Mekong Delta.

His wife, Mrs. Berry W. Bruce, said her husband's chief complaint was the delay in mail from home. He wrote about it in a letter received by his wife six days before he was killed, saying, "Something is really wrong back in that world."

Born in Baltimore, Private Bruce moved with his family to Anne Arundel county 16 years ago. He attended Northeast High School in Pasadena and was employed for a time by the Glidden-Durkee division of SCM Corporation.

In addition to his wife, survivors include a 6-week-old son, Lee R. Bruce, 3d; his parents, Mr. and Mrs. Lee R. Bruce, Sr.; two sisters, Mrs. Carlo Reitober and Mrs. Kenneth Smith, and a brother, Edward A. Bruce, all of Pasadena.

THE RETIREMENT OF CLARENCE T. LUNDQUIST, ADMINISTRATOR OF THE WAGE AND HOUR DIVISION OF THE DEPARTMENT OF LABOR

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. PUCINSKI. Mr. Speaker, during the past few weeks, we have all been saying goodby to a number of persons who had become familiar and friendly faces in the Washington area.

My good friend and an able public servant, Clarence T. Lundquist, has retired as the Administrator of the Wage and Hour Division of the Department of Labor after serving 33 years with the Government.

Clarence Lundquist joined the Wage and Hour Division in 1938—the first year of its existence. He started as an investigator in the Chicago area and had become by 1955 the Deputy Administrator of the Division.

For the past decade, Clarence Lundquist has been the energetic and indefatigable Administrator of the Division. His leadership and expertise has been of immeasurable assistance to me and to the Education and Labor Committee upon which I serve. President Johnson stated quite accurately that Clarence Lundquist "exhibited a combination of talents which mark few individuals."

Clarence Lundquist knew how to get things done and the outstanding record of his service is eloquent testimony to that fact.

Mr. Speaker, I am including in my remarks a letter from President Johnson regretfully accepting Mr. Lundquist's resignation. I join the former President, as well as the many, many friends of Clarence T. Lundquist in wishing him well in his future endeavors. The letter follows:

THE WHITE HOUSE,
Washington, December 18, 1968.

Hon. CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts Divisions, Department of Labor, Washington, D.C.

DEAR MR. LUNDQUIST: It is with regret, but also with understanding, that I accept your resignation from the Federal service, effective January 4, 1969. I know the mixed emotions you must have felt in making your decisions, for I shared those emotions in reaching my own decision to return to private life.

You and I arrived in Washington during the same exciting, challenging decade. We both have seen a great deal accomplished for our Nation's citizens. And I believe we both can say with pride that we have contributed to the building of a better country.

Your dedication and hard work over the past 33 years have been exemplary. You have exhibited a combination of talents which mark few individuals. That you channeled those talents to serving your fellow citizens is all the more admirable.

I extend to you my sincere appreciation for the job you have done. May you be equally successful in your future endeavors.

Sincerely,

LYNDON B. JOHNSON.

NORTH KOREA'S SAVAGERY BARED

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. ASHBROOK. Mr. Speaker, a little over 15 years ago a Senate subcommittee of the Committee on Government Operations issued a report titled, "Korean War Atrocities." The report stated in part:

> The evidence before the subcommittee conclusively proves that American prisoners of war who were not deliberately murdered at the time of capture or shortly after capture, were beaten, wounded, starved, and tortured; molested, displayed, and humiliated before the civilian populace and/or forced to march long distances without benefit of adequate food, water, shelter, clothing, or medical care to Communist prison camps, and there to experience further acts of human indignities.

The report further observed:

> Communist massacres and the wholesale extermination of their victims is a calculated part of Communist psychological warfare. The atrocities perpetrated in Korea against the United Nations troops by Chinese and North Korean Communists are not unique in Communist history, nor can they be explained away on the grounds that inhumanity is often associated with so-called civilized warfare.

The ordeal of Comdr. Lloyd Bucher and his men illustrates graphically that the Communists of North Korea still employ the weapon of terror to reach their ends just as the Soviet Union did in its August 1968 invasion of Czechoslovakia.

David Lawrence, the nationally syndicated columnist, strikes the same theme in his column, "North Korea's Savagery Bared," which appeared in the Washington Post of January 27:

> Training in how to torture prisoners is part of a Communist technique and has long been used to frighten citizens who show the slightest signs of disobeying the edicts of the dictatorship regime.

The mistreatment of the *Pueblo's* men is but the latest in a long list of cases which prove beyond reasonable doubt the basic inhumanity of communism. It is one of the greatest enigmas of our times that men in high places can still treat Communist regimes as though they belonged to that circle of free and respectable nations throughout the world.

I insert the above-mentioned column by David Lawrence in the RECORD at this point:

NORTH KOREA'S SAVAGERY BARED

The North Korean government stands before the world today as guilty of brutality and savagery in the treatment of the crew taken from the American naval ship Pueblo, and held as prisoners for 11 months. Behind this regime are the Communist governments in Moscow and Peking.

Will nations which believe in humanitarianism—even when they take into custody individuals from enemy forces—allow the incident to go unnoticed? Will the protests come from far and wide so that the principles of civilized practice in dealing fairly with prisoners will be widely publicized?

Why do the Communist governments tolerate vicious tactics by their own puppet states? Do they think that they themselves escape responsibility?

The story told by Cmdr. Lloyd M. Bucher last week to a naval court of inquiry might have been regarded as commonplace in the jungles of Africa. But most of the people throughout the world have hitherto assumed that the Soviet government would not have permitted the men who manage its enslaved countries to risk the worldwide publication of the way Communists sometimes handle prisoners.

The Communist extremists believe in torture, and they exact "confessions" for the purpose of publicity and propaganda. One thing that would frustrate such tactics would be for the United States government to announce that any Americans hereafter seized by the Communists anywhere have been authorized to "confess" or admit anything they are asked to say by their captors. This would render these documents immediately valueless as propaganda, and perhaps would save prisoners from such cruelties as the Pueblo's crewmen experienced.

But it wasn't only the American sailors who were subjected to the savage and inhumane ordeals. A South Korean who had previously been taken prisoner was strapped to a wall, after having been tortured. He was shown to Cmdr. Bucher, who testified last week as follows:

"He was alive. But he had been through a terrible ordeal. He had a compound fracture of the arm and the bone was sticking out. He had completely bitten through his lower lip. . . . It was hanging down. His right eye had been put out. His head was hanging down and a black substance from the put-out eye was dripping down.

All this was done to warn Cmdr. Bucher what might be his own fate and that of his crewmen. He had already been close to death with a revolver at his head. Finally, when he refused to submit, he was beaten into unconsciousness. After several days of such harassment, Bucher was informed that all his men would be shot unless he agreed to sign a "confession." He did so because, he says, he felt that North Korean officers were "animals" who would not hesitate to carry out the threat.

Training in how to torture prisoners is part of a Communist technique and has long been used to frighten citizens who show the slightest signs of disobeying the edicts of the dictatorship regime.

The rest of the world can do much to teach the Communists that this doesn't help them gain either the respect or the cooperation of other nations. International law requires that prisoners be given humane treatment.

North Korea has not proved that the Pueblo was inside her 12-mile limit, but certainly it will be hard for anyone to show that veering a mile or two from the prescribed line deserves the punishment accorded to the men on the Pueblo. What they saw from a 13-mile position as contrasted with 11 miles or even three—which has been the customary territorial limit—was surely nothing that could threaten the safety of North Korea to the point where such stern measures were necessary.

Some day North Korea will need the friendship of free peoples as it emerges from an era of tyranny and despotism, but between now and such a time the American people will be wondering whether any of the sensible human beings north of the 38th parallel will care enough about their own future to persuade the North Korean government to correct the wrong which has been done. Will the proper punishment be administered even belatedly to the officials who have portrayed their country before the world as a nation of savagery and inhumanity?

MIDDLE EAST DEVELOPMENT PLAN

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article by Marshall McNeil which appeared in the January 29, 1969, edition of the Washington Daily News:

MIDDLE EAST DEVELOPMENT PLAN

(By Marshall McNeil)

In a last-minute gesture to Israel, ex-President Johnson took the first step toward the imaginative but practical Eisenhower-Strauss plan to promote peace between the Arabs and Jews.

Congress and the Nixon Administration, nevertheless, have a chance now to advance this water-and-power proposal of former President Eisenhower and Adm. Lewis L. Strauss. The plan is given a big push in the report just filed with Mr. Nixon by his special emissary to the Middle East, former Gov. William W. Scranton of Pennsylvania.

Mr. Scranton, obviously with the long-standing Eisenhower-Strauss plan in mind, said a massive nuclear-powered undertaking to provide desalted water for irrigation and industrial power would help both Arabs and Jews develop their resources and "go a long way toward solving a very bad situation."

These plants would be financed in part by private interests, with the United States providing the technology and perhaps the nuclear fuel.

Mr. Eisenhower and Mr. Strauss—and now Mr. Scranton—see this project as a means of promoting economic co-operation between the Arabs and Jews, feeling that peace in the trouble area must be founded on such mutually helpful and economically sound projects to produce food and energy.

The Senate last year gave its unanimous approval to the idea.

But Mr. Johnson carried in his last budget message these two sentences;

"Legislation is proposed to authorize U.S. participation in a large-scale desalting plant to be constructed in Israel. This project will significantly advance the development of desalting technology."

He sent draft bills to Congress to carry out his proposal, and these have been referred to committees.

Premier Levi Eshkol announced to a political meeting in Jerusalem last week that Mr. Johnson had written him of his request to Congress for a $40 million grant and an $18 million loan to construct the desalting plant on the Mediterranean coast of Israel.

The project, as proposed by the Johnson Administration after joint studies by the Israeli and American governments, does not require production of power. It entails, with the use of conventional fuels, production of 40 to 50 million gallons a day of sweet water whose price might preclude its use for irrigation.

Clearly, from Mr. Johnson's budget statement, his Administration was interested in the Israeli project as a means of testing the technology of the desalinization experts of the Interior Department. They believe a big prototype plant is needed, the one that had been projected just off the California coast having failed to materialize.

The plant would, of course, do some good for the desalting art and for Israel.

But men like Mr. Eisenhower and Mr. Strauss, with bigger vision, are convinced that thru the use of nuclear energy, which would also provide electricity, large quantities of low-cost water could be produced cooperatively by the Arabs and the Jews in a region that needs water, food and power so badly. In such a joint business venture—in which there is a good chance for eventual profit making—they see a new and durable foundation for peace.

In his inaugural President Nixon consecrated "my office, my energies and all the wisdom I can summon to the cause of peace among nations." With those who are willing to join with us, Mr. Nixon also said, "let us co-operate to . . . strengthen the structure of peace, to lift up the poor and hungry."

Congress applauded this.

Now, together, the President and Congress have the chance to act upon his words, enlarge upon the Johnson offer, make it compatible with the Eisenhower-Strauss proposal, all in behalf of peace in the Middle East.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, on January 3 I introduced legislation to establish a National Commission on Libraries and Information Science, H.R. 908.

I am proud to note that this proposal was formally endorsed today by the American Library Association Council at its meeting here in Washington.

For the benefit of my colleagues, under unanimous consent I include the full text of the ALA resolution as part of my remarks:

RESOLUTION TO SUPPORT RECOMMENDATIONS OF THE NATIONAL ADVISORY COMMISSION ON LIBRARIES

(Proposed by the ALA Committee on Legislation for adoption by the ALA Council January 30, 1969)

Whereas, the Report of the National Advisory Commission on Libraries is the result of comprehensive study into the current status and future needs of the Nation's libraries and of extensive citizen hearings; and,

Whereas, the Commission's Report, received by the President of the United States October 15, 1968, is the most far-reaching statement of library needs and goals ever enunciated by an official body of the Federal Government; and,

Whereas, this document presents a perceptive appraisal of the immediate and future requirements of all types of libraries to enable them to serve more effectively as vital, relevant institutions for all the people, and proposes responsible and realistic objectives to overcome current inadequacies and develop library services to their full potential; and,

Whereas, the National Advisory Commission on Libraries has recommended "That it be declared National Policy that the American people should be provided with library and information services adequate to their needs, and that the Federal Government, in collaboration with State and local governments and private agencies, should exercise leadership in assuring the provisions of such services"; and,

Whereas, the necessity for coordinated, long-range planning and evaluation to determine feasible ways of meeting the new and growing demands of library users is widely recognized;

Now, therefore, be it resolved, that we, the Council of the American Library Association, do hereby endorse and support the statement of National Policy and the establishment by Congress of a permanent National Commission on Libraries and Information Science as a continuing Federal planning agency.

AMBASSADOR W. AVERELL HARRIMAN

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. GIAIMO. Mr. Speaker, it is an honor and a privilege to join my colleagues today in paying tribute to America's "Ambassador of Ambassadors," W. Averell Harriman. As we all know, Ambassador Harriman has recently returned home from his latest, and I might add, I hope not his last, assignment abroad. I think it is appropriate that we take this opportunity to note some of the highlights of his distinguished and brilliant career in the service of his country, and to say thank you for all he has done for present and future generations.

W. Averell Harriman is a man who has served his country well for over three decades. He has served in times of depression and times of prosperity. He has served in times of war and times of peace. In good times and bad he has never refused to serve and has always given unselfishly of himself, so that others might enjoy a better America.

Ambassador Harriman is a man who exemplifies the high ideals of public service in the American tradition.

Ambassador Harriman began his illustrious public career in 1933, when he became a member of the Business Advisory Council for the Department of Commerce. After 8 years as a domestic New Dealer, he received his first international assignment when, in 1941, he was sent to England as President Roosevelt's special representative. Since that time Mr. Harriman has served as Ambassador to the U.S.S.R., Ambassador to Great Britain, Secretary of Commerce, Special Assistant to President Truman, Director of the Mutual Security Agency, Governor of New York, Ambassador-at-Large, Secretary of State for Far Eastern Affairs, and Under Secretary of State for Political Affairs. Ambassador Harriman has also served as special envoy and U.S. Representative to international conferences and meetings, too numerous to mention.

Ambassador Harriman's accomplishments are legend, but one of his greatest contributions to world peace was the role he played in negotiating the 1963 Test Ban Treaty, prohibiting nuclear tests in the atmosphere.

Mr. Speaker, I could not conclude my remarks without mentioning the magnificent job Ambassador Harriman has done in moving the Paris peace talks to a point where substantive negotiating could begin. He has shown the vigor and stamina of a man half his age. He has persevered where others might have failed. Without him, these vital negotiations might never have progressed at all. I think that when peace becomes a reality in Southeast Asia, we can look to Averell Harriman as the man who played a most important roll in its achievement.

Upon his recent return from Paris, Ambassador Harriman was welcomed by over 200 of Washington's most prominent personalities. Someone suggested that this was the Ambassador's "Last Great Hurrah." Great yes, but let us hope it was not the last for "Ave" Harriman, who has been called back from private life to Government service so many times before.

Mr. Speaker, I know that history will look favorably on Averell Harriman, for Averell Harriman has favorably shaped history.

REPORT TO CONSTITUENTS

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. ANDREWS of North Dakota. Mr. Speaker, it is my custom, from time to time, to send reports to my constituents concerning my activities in the Congress, along with my views on events of interest to them which have taken place in our Nation's Capitol. At this time I would like to ask unanimous consent to have the following report inserted in the RECORD:

JANUARY 1969.

At the start of this, my first report to you in this Session of Congress, I want to express my gratitude to the voters of the East District for your support last November. You have my pledge to continue to work hard to retain the trust and confidence you've placed in me as your Representative.

Much of the action this first month in Congress has centered around making committee assignments, President Johnson's State of the Union Message and budget recommendations for fiscal 1970, and, of course, participation in the Inaugural of our new President: Richard Nixon.

The budget message the out-going President sent Congress is an interesting document, both for what it contains and for what has been glossed over. We all read the newspaper headlines indicating a $3.4 billion surplus for fiscal 1970. The headlines didn't say that this "surplus" was the result of an unparalleled feat of fiscal juggling. Actually, a $6.8 billion deficit was set out in the Federal Funds section, which includes all of the activities of government with the exception of trust funds. This deficit is "covered" by a surplus in trust funds of $10.2 billion, monies specifically collected for and dedicated to such purposes as Social Security benefits and highway construction, which under the law will be more than needed two or three years hence in providing the benefits of these programs. In order to show a temporary surplus, President Johnson recommends borrowing from these trust funds. The money would

have to be repaid, of course, with interest, and in the meantime it would constitute an increase in the Federal debt—a strange situation indeed for a so-called "surplus" budget, postponing in a sense, but actually making worse our nation's fiscal problems. After we receive budget amendments from the Nixon Administration, our Appropriations Committee will have to make necessary modifications so that we do approach a more balanced budget to avoid continuing inflation and high interest rates.

Most political analysts feel that the new Administration will not have to call for much new legislation, but rather overhaul those laws already on the books to make them more responsive to the needs of our people. Because of this the attention of Congress will be turned more to appropriations and the budget than ever before.

The one year extension of the Farm Program should give Ag. Secretary Hardin sufficient time to develop a new farm plan by going to farmers themselves for comments, suggestions and ideas. Later in the year, Committee hearings can be scheduled and final Congressional action taken by early 1970. In the meantime, everyone will have had a chance to study it, make recommendations for improvement and point out inequities before it is enacted into law. Certainly, this is the best way to develop such important legislation.

While the full facts may never be released to the public, the tragedy of errors surrounding the capture of the U.S.S. *Pueblo* is being revealed bit by bit and it is clear some "higher-ups" failed to provide the ship proper equipment and protection for its ill-fated voyage. It has also been revealed that of eleven principal weapon systems purchased by the Pentagon in this decade only two performed up to standard. Meanwhile, practices initiated by McNamara had allowed the poorest performers in the aero-space industry to enjoy the highest profits. This makes us all realize how important sound policies in the Pentagon are to the security of our nation and the peace of the world. It is gratifying to me that a man I have known for many years, Mel Laird, an able, inquisitive, straight-shooting and very practical Midwesterner is our new Secretary of Defense. We are all wishing him success in a most difficult job.

PROCLAMATION OBSERVING THE 50TH ANNIVERSARY OF THE BIRTH OF CZECHOSLOVAKIA

HON. JOHN JARMAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. JARMAN. Mr. Speaker, I would like to call the attention of my colleagues to the following proclamation issued by Gov. Dewey F. Bartlett, of Oklahoma, observing the 50th anniversary of the birth of the Republic of Czechoslovakia:

PROCLAMATION

Whereas, the Fiftieth Anniversary of the birth of the Republic of Czechoslovakia will be observed on October 28, 1968; and

Whereas, countless Americans of Czech and Slovak descent will remember this day for the important part they played in helping to win the independence of Czechoslovakia out of the carnage of World War I by their support of Professor Thomas G. Masaryk's liberation movement, of the war effort of the United States, and of President Wilson's sincere desire to attain freedom and democracy for the peoples of all nations; and

Whereas, these same Americans are proud of the remarkable peace time record that Czechoslovakia established as a progressive democracy, closely identified with the principles of the democratic political philosophy, which was originated and developed in our own United States of America; and

Whereas, these people and their nation today and under the heel of oppressor nations, yet their courage and devotion to the principles of freedom and democracy still burns brightly as a beacon of hope that Czechoslovakia will once again stand as a free country among other free and independent peoples of the world; and

Whereas, in spite of the most recent grievous tragedies to which the Czechoslovak nation has been subjected, we are sincerely hopeful that, in keeping with its past history and traditions, the Czechoslovak nation will again emerge victorious from its present struggle for freedom and independence;

Now, therefore, I, Dewey F. Bartlett, Governor of the State of Oklahoma do hereby proclaim Monday October 28, 1968, as Czechoslovak Independence Day in Oklahoma.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed.

Done at the Capitol, in the City of Oklahoma City, this twenty-fifth day of October, in the Year of Our Lord one thousand nine hundred and sixty-eight, and of the State of Oklahoma the Sixtieth Year.

DEWEY F. BARTLETT,
Governor.
JOHN ROGERS,
Secretary of State.
L. L. CALLAWAY,

THE CASEY-PEPPER GUN CRIME BILL

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. CASEY. Mr. Speaker, the criminal use of firearms continues to be a growing national disgrace—and the efforts made here last June in the Gun Control Act of 1968 are going to have little, if any, impact.

Today, my distinguished colleague from Florida, Representative CLAUDE PEPPER, joined with me in introducing a bill which can end the disgrace of crimes committed with firearms.

Our bill has a unique approach. Unique, that is, in that it has not been followed by Congress in recent years. It would, first of all, set stiff mandatory penal sentences for use of a firearm during the commission of your major crimes of violence. The sentence would be 10 years on first offense, and 25 years on any subsequent offense. This sentence would be specifically prohibited from being suspended, or assessed to run concurrently with any sentence imposed for the commission of the crime, or probation being granted.

But equally important is the provision which would empower State courts to enforce provisions of the bill.

You may recall that during House debate on the Gun Control Act of 1968, when the Casey amendment was before the House, this provision was offered as an amendment by my colleague from Florida. The chief objections to my amendment to impose stiff mandatory prison terms for illegal use of guns were that it would overload the Federal courts, the law enforcement agencies, the Federal prisons, and possibly require a defendant to undergo two trials—one for commission of the crime in a State court, another on use of the firearm in a Federal court.

My colleague cut through the heart of that argument with his brilliant amendment to give State courts power to enforce this provision, and it caught the opponents flatfooted.

The strongest argument put forth was that the members of our distinguished Judiciary Committee needed time to study this provision. Some expressed doubt Congress had the constitutional authority to give this power to the States, and they asked that it be defeated.

Mr. Speaker, research has proven there is ample precedent and ample authority for enactment of this provision, dating all the way back to 1794. It is only in recent years that the Congress has given exclusive jurisdiction to the Federal courts in many cases.

Never in our history has there been a greater need for a new approach to criminal law and law enforcement. Gun crimes are no longer a local or a State problem—but nationwide in scope and impact, and should be dealt with on a nationwide basis.

Here, in the District of Columbia alone, armed robberies during the month of December jumped 452 percent over December 1965. We have seen financial institutions here robbed at the unbelievable rate of nearly one a day.

Nationally, our violent crime rate since 1961 has jumped nearly 80 percent. And yet, we have 25,000 fewer inmates in State and Federal prisons today than we had in 1961.

Surely, the answer to this problem should be obvious. Criminals are free, continuing a career of crime, preying on society. And the answer is just as obvious—crackdown hard on those who use guns to rob, rape, and murder.

Our bill will do just that, and I urge my colleague to give it careful consideration and to join with us in every effort to end the national disgrace of gun crimes.

HON. FREDERICK C. BELEN RECEIVES DISTINGUISHED SERVICE AWARD

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. MILLER of California. Mr. Speaker, recently, the U.S. Army awarded to Frederick C. Belen, former Deputy Postmaster General, its Decoration for Distinguished Service, which is the highest award it can bestow on a civilian.

Mr. Belen recently retired from Government service after an outstanding career. I have had the privilege of being able to call him a personal friend for many years, going back to when he was counsel and I was a member of the House Post Office and Civil Service Committee. Many Members will remember the excellent record he established in that capacity.

His abilities were recognized by President John F. Kennedy who in 1961 nominated him to be Assistant Postmaster General, Bureau of Operations, and later by President Lyndon B. Johnson who nominated him to be Deputy Postmaster General in 1964.

During his term of office with the Post Office Department, Mr. Belen made significant contributions to the operation of that Department including the initiation and development of the ZIP code as well as many other innovations. This required his making visitations to facilities in all parts of the country to make firsthand observations of Post Office operations.

Having himself served in the Armed Forces in World War II and knowing the importance of mail to the morale of our servicemen, Mr. Belen visited postal facilities in Vietnam to make a personal inspection of mail handling procedures and to determine the needs of our military personnel serving there. As a result of these visits, automated equipment was installed by the Post Office Department which replaced a time-consuming mail sorting process and resulted in faster mail service to servicemen no matter where they were stationed or how often they moved.

The citation which accompanied the decoration reads as follows:

> As Deputy Postmaster General, Post Office Department, the Honorable Frederick C. Belen rendered exceptionally distinguished service in support of the Department of the Army. By his dynamic leadership and indomitable spirit he successfully managed to provide our servicemen and women stationed throughout the world with the most complete and efficient postal service in the history of this nation. Their high morale stands witness to his outstanding success in this vital area of communications. His devotion to duty and country reflect the highest credit upon himself, the Post Office Department, and the United States of America.

I am happy to bring to the attention of my colleagues in the House the fact that this honor has been conferred upon a man who worked here with us for many years. I am sure that all Members join in offering congratulations upon his receiving this award and in extending best wishes for continued success in his future endeavors.

ANOTHER WAVE OF TERROR IN THE MIDDLE EAST

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. EILBERG. Mr. Speaker, all civilized men devoutly hope for peace with justice and honor in the Middle East. But yet another wave of terror seems about to break over those troubled shores.

The Iraqi Government has hung as spies 14 men, nine of them Jews. There is no doubt that this brutal act was aimed at retribution and warning to Israel.

I am shocked and dismayed at this continuing disregard for humanitarian sense and sensibility shown by Israel's enemies as I continue to view with alarm the cynical exploitation of Middle East tension by General De Gaulle.

One thousand rabbis this day have petitioned the Honorable William P. Rogers, Secretary of State seeking an end to this new barbarism in the Middle East.

It is with pride that I note that 36 colleagues have joined me in a statement sent to Mr. Rogers supporting the rabbis' resolution and urging his office and energy in bringing an early and swift end to the death and bloodshed in the Middle East.

I include for the Record both this statement of support, its signers and the rabbis' resolution, as follows:

Longworth House Office Building,
Washington, D.C., January 30, 1969.

Hon. William P. Rogers,
The Secretary of State,
Washington, D.C.

Dear Mr. Secretary: We have read the attached resolution and subscribe fully to the positions taken therein. As members of the United States Congress, we urge you and the Executive Branch to do everything possible within the context of the proposals stated to bring an end to Arab terrorism and killings in the Middle East. We stand ready to back you up in any action taken to accomplish the above stated purposes.

Sincerely,

Joshua Eilberg, Joseph P. Addabbo, William A. Barrett, Mario Biaggi, Edward G. Biester, Jr., Jonathan B. Bingham, Frank J. Brasco, Daniel Button, James A. Byrne, Hugh L. Carey, Frank M. Clark, R. Lawrence Coughlin, Thaddeus J. Dulski, Leonard Farbstein, Hamilton Fish, Jr., Daniel J. Flood, James G. Fulton, Jacob H. Gilbert, William J. Green, Seymour Halpern, Frank Horton, Edward I. Koch, Allard K. Lowenstein, Martin B. McKneally, William S. Moorhead, John M. Murphy, Robert N. C. Nix, Richard L. Ottinger, Bertram L. Podell, Benjamin S. Rosenthal, William F. Ryan, James H. Scheuer, Samuel S. Stratton, Joseph P. Vigorito, Lawrence G. Williams, Lester L. Wolff, Gus Yatron.

Resolution to the Secretary of State

This delegation of rabbis, representing more than 1,000 rabbis serving the Jews of the Eastern Seaboard, from New York to Washington, present the following resolution to the Secretary of State, the Honorable William P. Rogers, for his serious consideration:

"Whereas, the State of Israel has been forced into three wars during the 21 years of its existence despite its continuous efforts to seek and to offer peace;

"Whereas, a consistent stream of vicious acts of terrorism has flown from the Arab lands surrounding Israel before and since the war of June 1967;

"Whereas, ruthless and useless acts of murder have been committed over and over again exacting the lives of children on a summer tour, shoppers in a Jerusalem market, passengers at a Tel Aviv bus depot, travelers in an Athens airport, and many others;

"Whereas, the government of Iraq has catered to the lowest animalistic instincts of their citizens by lynching 14 people, nine of whom were Jews, as a spectacle for gleeful, cheering, frenzied mobs.

"Whereas, the Russian and French governments have seen fit to further encourage and inflame the Arabs in their openly declared aim of annihilating the State of Israel, and by so doing, wiping out America's only reliable friend in the mideast;

"Whereas from a political, moral, and spiritual standpoint, it is the duty of this country to stand up for the basic rights of life and liberty;

"Therefore, we the rabbis of these states applaud the Secretary of State's recent response to such inhuman acts. However, being fearful of the dreadful signs which forebode a continuation of such murders, we ask the United States government to make the most weighty representations to the Unitd Nations and to those countries which maintain relations with Iraq that they utilize every diplomatic, humanitarian and moral means to dissuade the government of Iraq from continuing its barbarious course so alien to the highest concepts of humanity and justice.

"We hope and pray to Almighty God that the thousands of Jews still under Arab domination will not be added to the six million Jews already plaguing the world's conscience because of its hesitation to act in their behalf."

UTAH LEGISLATURE PROTESTS ENLARGEMENT OF ARCHES AND CAPITOL REEF NATIONAL MONUMENTS

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. BURTON of Utah. Mr. Speaker, I received notification today of adoption by the Utah State Legislature of a resolution protesting President Johnson's enlargement by last-minute Executive order of two national monuments in Utah. Earlier this week I addressed the House on this same subject, also in protest, and introduced a bill that would prohibit future actions of this type. At that time I expressed my firm conviction that the enlargement of the monuments—Capitol Reef and Arches—should have not been done by Executive order, but rather by the orderly processes of congressional enactment. The Legislature of the State of Utah is in agreement with that position, as evidenced by the joint resolution, the text of which follows:

H.J. Res. 5

A joint resolution of the House of Representatives and the Senate of the State of Utah memorializing the President of the United States and the Congress of the United States to restore to the public domain certain lands withdrawn by Presidential proclamation for national monument purposes

Be it resolved by the Legislature of the State of Utah:

Whereas, the immediate past President of the United States in the final hours of his administration withdrew approximately 264,000 acres of public lands and included them in Arches and Capitol Reef National Monuments without any opportunity for proper hearing; and

Whereas, the area withdrawn is known to contain valuable minerals and has good potential for the development of substantial reserves of oil, gas, uranium and other minerals as evidenced by the fact that more than 200,000 acres in the immediate area are under oil and gas lease and extensive exploration for other minerals is now being conducted; and

Whereas, the lands withdrawn contain large areas valuable for grazing; and

Whereas, state lands checkerboard the area of the lands withdrawn, and these state lands are isolated by the withdrawal; and

Whereas, the withdrawal has deprived the state of Utah, its industries and people of access to valuable resources both in the lands withdrawn and state lands affected; and

Whereas, the state of Utah is largely dependent for its economic growth upon the multiple use of its natural resources: Now, therefore, be it *Resolved, by the Legislature of the State of Utah,* That we oppose the action of the former President of the United States in withdrawing these valuable lands without providing the opportunity for parties concerned to be heard: be it further

Resolved, That the President of the United States and the Congress of the United States take such action as necessary to restore these lands to the public domain, so they are available for multiple use until all issues involving their inclusion in national monuments have been fully considered.

THE MESS IN THE MERCHANT MARINE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. BOB WILSON. Mr. Speaker, attention in recent weeks has been focused on our Nation's poor stature in all areas of ocean research and development. Charles F. Duchein, president of the Navy League of the United States, made an excellent presentation on our national ocean posture before the Commonwealth Club of California in San Francisco several weeks ago and I would like to share his thoughts on oceanography in general, and the development of our merchant marine in specific, with my colleagues. The text of his speech is as follows:

THE MESS IN THE MERCHANT MARINE

Isn't it high time we stopped talking about the mess in the merchant marine and started giving a positive American touch to our crucial situation at sea?

What needs to be done is to build up our maritime posture to a preeminent world position. The Soviet Union's new oceanic vision dictates a vastly accelerated build-up of our merchant fleet. Instead, we tamper with the long term prosperity of this nation through or neglect of what I am convinced can be the chief stimulator of the national economy—the foundation for future prosperity.

Our fast moving 20th Centry industry depends increasingly on strategic materials carried from overseas in ships. The burgeoning trade along the sea lanes of the world affords the most inviting possibility for economic growth in our history. But you and I know we now carry only a fraction of even our own trade. The tragedy is we are not capitalizing on the exploding lucrative world markets—we continue to talk when positive action is called for. While we talk about the mess in the merchant marine, we ignore the positive action our government must take to get back up on the maritime step.

My message today is not to decry this "mess in the merchant marine" nor to try to fix the blame. Instead, I choose to highlight the tremendous oceanic opportunity unfolding. As part of the educational process, as a first step we need to know more about the economic situation of the sea. We must delve deeply into the complexity of the U.S. waterborne transportation industry. There are high stakes involved in bulding up our overall oceanic strength and we need to know the facts.

I say, let's get on with it, let's start building a merchant fleet that will be the pride of every American—that's my answer to the mess in the merchant marine.

In simple terms, during the period of my presidency of the Navy League, the American merchant marine slipped down the totem pole of our own trade carrying from 7.3% to a mere 5%. As this slippage was taking place, the American merchant marine declined from 1900 ships in 1950 to 1100 ships in 1968. During this same period, the Soviet fleet mushroomed from 1.9 million tons to 1400 ships of 10.4 million tons.

Deplorable as this comparative record seems, the implications are tremendous. Frankly, based on hard economic facts, as a business-man I see a long-term bullish trend in the maritime market. For example, an authoritative Harbridge House study concluded that while carrying a fraction over 7% of our trade, the United States saved a billion dollars yearly in gold flow from the revenue of this trade. It doesn't take a mathematics major to see what this would mean toward gold flow reversal if we carried 50% of our trade.

Economically, this is an index of what carrying trade can mean if we go after the market. This tantalizing fact has not escaped Mr. Nixon. This is precisely why he has made the revitalization of the merchant marine "highest priority economic task." But while the President-elect knows this economic fact of life, few Americans do. And their lack of interest, understanding and concern, to my mind, is the chief reason why we are in such serious trouble.

The problem boiled down to basics is an educational one. Yes, educational—and the aggressive merchandising of the American maritime product. We might well take a page out of the bold aerospace industry's promotional book to regain a number one world maritime position.

Speaking of modern methods of merchandising, Jack Gilbride, President of Todd, and a good friend of mine, and I must say one of the most progressive American shipbuilders, is telling the nation through a fine program of educational communications—"you can't walk on ¾ of the earth's surface." How strange that the American people and their government, at this late hour, need such elementary oceanic education; but, unfortunately, they do. No, you can't walk on the water. But there is gold in the oceans of the world—and strength—and security. Actually, Americans are just beginning to grasp the fact that the modern gold rush of today is toward the new, the challenging last world frontier—the oceans. Talk to your stock broker if you are not convinced that what I am saying is accurate—your fabulous Californian gold rush of '49 is now exploding to the entire world of water.

Whether it was slothful thinking, sporadic strikes, the indifference of the decision-makers in our government, the failure to comprehend the vital importance of the merchant fleet brought about the present plight. Whatever it was and it was many things, bold imaginative plans are needed now.

In terms of the American touch, the almost flawless flight to within 60 miles of the moon by the Apollo 8 shows there is still plenty of vitality in the American people—when they are pressed. I watched the launch at Cape Kennedy; what a marvelous experience! While catching my breath as I stared at the rocket soaring into space, to myself I humbly thanked Stalin, Khrushchev, Breshnev, and Mikoyan. Who launched Apollo 8? I would say, "unquestionably Sputnik." The Soviets touched a sensitive American nerve—we can't stand a second place position, and that is good. The psychological shock of Sputnik's first spin in space awakened this nation. And Apollo 8, if it did nothing else, showed the tremendous American potential to produce, to create, to think—it showed the strength of our will and our determination and it came at a time when the world was beginning to wonder.

What we need now is some sort of shock treatment; Americans will then demand that we build our merchant marine to the strong, modern, competitive position world conditions dictate. Actually, the Russian revolution at sea provides the same competitive challenge. Though hardly as dramatic, the exploding Soviet maritime strength has far more ominous political, economic and military implications.

Focusing on the Red revolution at sea, the central significance of the competitive merchant marine stands out. How do we stack up? Four out of five of our merchant ships are of World War II vintage. But not Soviet ships—four out of five of their ships are less than 10 years old. While the Soviet Union builds better than 1,000,000 tons of merchant ships each year, 448 ships this year, for example, we build 48. In point of relative priorities, in 1965 the Soviet government spent more than $600 million on merchant ship construction, in the same year we spent a mere $150 million. Her vigorous ship construction program already has given her 10.4 million tons of merchant shipping and 1400 ships, with a projection of 27 million tons by 1980. Having already passed us by the end of this year, unless the trend is reversed, the Soviets in ship count will knock us out of our fifth place position as a merchant power.

What does this maritime morbidity report mean in terms of military readiness? For many months public interest has been sharply focused on Viet Nam. Our merchant marine has done a marvelous job in meeting the shipping requirements for Southeast Asia. Over 98% of the beans, bullets and jet fuel is carried to our military forces there and the merchant marine deserves great credit. But another "hot spot" somewhere else would stretch our ship elastic limit beyond the breaking point. For this reason, watching the Middle East tinder box starting to flare up again is not only a nightmare for our strategic planners, it is a warning to remind us of our global responsibilities and requirements.

The Soviet merchant marine serves as the spearhead of her foreign policy, and even more than her navy reveals her global ambitions. Her pattern of commerce and trade objectives conveys intentions that extend world wide. To protect her planned world trade she will need a global surface fleet—a navy that can project its powers overseas and compete for control of the seas.

How do we shape up in our merchant fleet planning to meet this mounting menace? Current thinking on the U.S. merchant marine is pegged almost exclusively to two points. First the defense needs and second the U.S. import and export trade. The policy position for the latter is "to support and expand U.S. commerce and carry a fair share of U.S. cargo". That's hardly good enough to reap the great rewards of the exploding market.

Perhaps instead of thinking of the U.S. merchant marine, we should think of the "U.S. Maritime Transportation Industry". The goal should be to compete aggressively for world markets for U.S. built ships and for a proportion of the total world ocean shipping—but to do so will take a progressive national maritime policy.

Look for a moment at the U.S. air lines industry. It did not achieve its present position nor is it maintaining and advancing it without government assistance. But the assistance was deliberately aimed at achieving U.S. dominance in air transport world wide.

A framework of sound military planning accentuates the importance of a build-up in shipping. While the Viet Nam experience reinforces the vital statistics for logistical war support, Mr. McNamara, as Secretary of Defense, failed to establish even the rock bottom ship requirements. This specious money saving tactic accelerated the decline of our ocean transport. We've paid the price in Viet Nam. We've seen what it means to be dependent, even to a small degree, upon foreign ships in time of war. With valid defense requirements met, however, the merchant marine will gain a marked impetus toward the posture that is mandatory. The defense interest demands the revitalization of our trade carrying shipping, as the new administration proposes to do. The requirement must be met by ships which bolster the American economy with the revenue reaped from carrying the great volume of American overseas trade.

Congressional leaders like your Representative Bill Mailliard, who comprehend the significance of the sea, are alert to the issues. They already have moved to put the U.S. maritime transportation industry on a solid footing. Their leadership toward establishing a separate Maritime Department is gratifying as a first step in building an enlightened, vigorous maritime voice in our government, as Defense Department organizational trends will confirm.

This positive action is indeed timely, for the Soviet ship construction geared to population growth reveals its strategic goals of carrying a major portion of world trade. Observing Soviet merchant shipping carrying nearly 95% of the war supplies to North Viet Nam gives us an insight into their tactics. After unloading at Haiphong Harbor these ships slip down to Australia and pick up cargo for their return trip to Europe. And they don't have much difficulty getting this cargo, for they under-cut the freight rates of other nations on the order of 15% to 25%. This is their economic package approach to cornering the ocean trade market for Communist shipping.

The Soviet merchant marine is centrally controlled and part and parcel of their government power structure. A single signal from the Kremlin, as we observed in Cuba, turns all of their merchant ships around in a disciplined way that impresses seafarers on all of the seven seas.

Now what does this mean in terms of competitive tactics as an instrument of political and economic penetration? It means that the individual elements of our merchant marine are competing with total economic power of the Soviet Union. And their tactics are rough and tough. If our ship owners and shipbuilders do not receive the help—competitive incentives—from our government, quite evidently they will be driven off the seas. And this is exactly what is happening. Subsidies in the shipping business have come in for considerable discussion in our press and in our Congress. For the most part these are open subsidies of other segments of the economy. We deplore spending money on subsidies and obviously indulging in an oversimplification, we tend to beat labor across the knuckles for forcing this kind of support. Subsidies somehow don't have a good American ring. Semantically, they are poison.

Similarly, Americans don't like to put their money on a "sick horse" and what they are constantly hearing is that our merchant marine, rusty and poorly painted, is going down the drain and dying. You don't buy much stock with that kind of commercial. Not that this is necessarily a Madison Avenue problem, but our self image at sea requires repair. Nor do Americans, as a rule, like to look too deeply into complex problems. In other words, our plight on the oceans is largely a problem of understanding. Growing up with ideas of competitive trade and transportation, every child in England and Japan knows what the merchant marine means to his nation. They see a lot of ships, they learn early in life what these ships mean to their economy. It's in their blood. This is the reason why I say WE have got to start with some grass roots education if this island country is going to capitalize on the economics of the oceans.

Americans simply don't understand how much they are affected by world trade, and what it means to their own pocket books in dollars and cents to compete successfully in trade carrying and ship construction.

The pragmatic economist and most of our scholars and scientists, just as Mr. John Q. Citizen for that matter, and-bound in their thinking and their interests, too, must be lured to look inquisitively at the oceans with objective intellectual interest. Now, what I propose is that we bring the oceans of the world to the American people in a way that invites their attention to what the waters of the world mean in concrete economic terms.

For the past 18 months, I have toured the greater part of this nation and have talked largely about my reaction to the way we have conducted the Viet Nam War in context of global strategy. And I might add that I have been somewhat critical. Had the maritime concept been understood and accepted. Haiphong Harbor many months ago would have been blocked to the Communist ships that have carried the preponderance of arms used against our men in combat. As a consequence, the war would have long since been won or at least we would have talked on our terms, rather than from a pusillanimous position at the peace table confrontation.

What has impressed me most has not been the handling of the war by our political leadership, but the spirit of our American fighting men—the youth of our nation—in the fox holes of this distant battle field.

From the youthful American viewpoint of our forces at sea—there is room for much optimism in the prospect for the oceanic future. Make no mistake, America's destiny is oceanic.

To you, friends, and the maritime leadership of this distinguished group in this delightful world port of San Francisco, I propose for your consideration the following five point program to give our merchant fleet a preeminent world position.

First, and foremost, the formulation of national maritime policy providing positive incentive to gain a competitive maritime position on the oceans of the world. The failure of our government to formulate basic policy is the most critical element in cleaning up "the mess of the past in our merchant marine". The new Administration, with a minimum of delay must provide national policy, undergirded by an oceanic doctrine, to guide our government in the military and merchant marine and oceanic programs of a scientific, technological and educational nature. A platform plank provides for such.

Second is strategy. Our nation must orient its national strategy to the oceans of the world, just as the Kremlin has done in recent years. In so doing, our planners must recognize the valid need, both military and economically, of a modern, competitive merchant marine that confidently sails the seas and carries a preponderant portion of the burgeoning world commerce. To do so will require the construction of many more naval and merchant ships than we are producing at present.

My third point is, therefore, ship construction. America must go after the merchant marine market by building a minimum of 100 ships a year for at least the next decade.

Fourth, oceanic education must be fostered in our school systems to give our youth as good a subject grounding in the seas as they now receive on the land environment. The Sea Grant College program on the college and university level must be pursued with the utmost vigor to mobilize the best minds of this nation; the scientists, the scholars, the student in the pursuit of oceanic solutions to the pressing problems of state. I know I don't have to remind you that in recent history when great powers lost control of the seas, they lost their greatness. Consider Spain after the defeat of the Armada, France after Trafalgar, Japan after Midway, England after the exhaustion of two wars.

My fifth point is a proposal I have previously made for the establishment of a Maritime Manhattan Project that gives the magnitude impetus to the maritime research programs largely neglected of late. My concept follows along the same lines as the Manhattan Project that produced the atomic bomb. Its purpose would be to give a sea based profile to the revolutionary technological advances this nation is capable of achieving—in our 20th Century. Obviously, I am thinking in terms of the swiftest, most modern, streamlined merchant and naval ships, the kind that can compete and maintain a strategic mastery of the environment of the oceans.

A single sentence sums up my proposal, "The security and prosperity of the United States and its allies depend increasing upon the military, economic and political exploitation of the world oceans". If we pursue this program that I propose with vigor, vision and determination, I am confident that our flag will fly with pride world-wide in recognition of American supremacy of the high seas and our mastery of the World ocean. But above all, America will be made more prosperous and secure.

CONGRESSWOMAN SULLIVAN SOUNDS CONSUMER ALERT ON DRIVE IN STATE LEGISLATURES TO WEAKEN CREDIT PROTECTION

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mrs. SULLIVAN. Mr. Speaker, one of the little-noticed provisions of the Truth in Lending Act of 1968—Title I of the Consumer Credit Protection Act—permits the Boards of Governors of the Federal Reserve System, under certain circumstances, to exempt from Federal regulation under this act, and leave up to the States, various classifications of consumer credit transactions where the State laws are at least equal in effectiveness to the Federal statute.

I had no objection to this provision in my bill, H.R. 11601, when it was drafted or when it was included in the final version of the bill signed into law. The purpose of that provision is to encourage the States to improve their consumer credit laws, which cover many, many aspects of borrower-lender and seller-buyer relationships which are not regulated in any way by the Federal statute on disclosure of the true and accurate costs of credit.

There is now a drive underway in the States to pass new consumer credit laws which would, its sponsors hope, achieve exemption of those States from Federal truth in lending. This effort is being led by the National Conference of Commissioners of Uniform State Laws, which, over the years, has drafted many model State laws.

I am deeply fearful, however, that in the process of trying to win a State's exemption from Federal truth in lending regulations, some States will end up with consumer credit laws on interest rates or legal defenses in credit transactions which would be far worse than the present laws in those States, or, in any event, less than adequate to protect consumers.

Consequently, when I addressed a conference this morning of the Machinists Non-Partisan Political League on the subject of "Consumer Prospects and Problems," I went into this issue in some depth. Following is a summary of my talk:

Congresswoman Sullivan Sounds Consumer Alert on Drive in State Legislatures To Weaken Credit Protection

Congresswoman Leonor K. Sullivan, Democrat, of Missouri, principal author of the Consumer Credit Protection Act of 1968, which includes the Federal Truth in Lending law, sounded an alarm to consumers today to watch closely expected attempts in the 50 legislatures this year to pass inadequate or defective state consumer credit laws.

Speaking at a morning session of the three-day conference in Washington of the Machinists Union's Non-Partisan Political League, Mrs. Sullivan said many provisions of a proposed Uniform State Consumer Credit Code are superior in their protections for consumers to existing credit laws in some states, but in other states, some, or all of the same provisions would be a step backward from present strong credit requirements. She mentioned particularly the strong anti-garnishment laws of Pennsylvania and Texas as an example, and urged consumers to "be as diligent—as alert" as the credit industry will be at the state level in seeking credit law changes to their benefit.

"What many of us fear—and what all consumers should be deeply concerned about," the Congresswoman added, "is the possibility that the state legislatures—certainly some of them—will use the Truth in Lending portion of the Uniform Consumer Credit Code, which is substantially similar to the Federal Truth in Lending Law, as a stalking horse to open the way to passage of other credit laws which will weaken, not strengthen consumer protections." States can be exempted from the Federal Truth in Lending Act if they have substantially similar laws and enforcement programs.

SUBCOMMITTEE HEARINGS INTENDED ON UNIFORM CODE

She expressed the view that where the proposed Code goes beyond existing state protections for consumers, credit industry groups in those states will seek to "do everything they can to modify or eliminate those provisions in the state legislatures. Make sure that in return for a state truth in lending law virtually identical to the Federal statute which goes into effect July 1, consumers are not 'buying' less-than-adequate provisions of law dealing with interest rate ceilings, confession of judgment notes, balloon notes, garnishment and many other aspects of consumer credit regulation now exclusively under the states."

Congresswoman Sullivan revealed that she plans to hold hearings early in this session of Congress in her Subcommittee on Consumer Affairs of the House Committee on Banking and Currency on the proposed regulations of the Board of Governors of the Federal Reserve System under the Federal Truth in Lending statute, and also on the provisions of the proposed uniform state law.

In connection with the proposed model state law, she said: "I think our Subcommittee can provide some ventilation of the pros and cons of this issue and give them some visibility here in Washington in case an effort is made to jam new credit laws through the legislatures behind closed doors or in the welter of legislation ground out in the final hours of a session."

PROSPECTS FOR CONSUMER LEGISLATION

Long identified as a consumer champion in the House, Mrs. Sullivan was pessimistic over the status of consumer representation in the Nixon Administration, citing the apparent decision to abandon the office of Special Assistant to the President for Consumer Affairs established by President Johnson with Esther Peterson, and later Betty Furness, in charge. She also noted the sudden sharp increase in FHA-VA interest rate ceilings last Friday by Secretary of Housing and Urban Development George Romney who raised the limit from 6¾ to 7½%. This action, Mrs. Sullivan said, could add 10% to the cost of buying a home, not only through FHA but under conventional financing as well. And she questioned whether the new Secretary of Commerce would use the authority he possesses under the Truth in Packaging Law to recommend legislation to achieve more standardization of package sizes.

"We who believe in the importance of the consumer as a factor in national policy have been given little reason so far (in the Nixon administration) to stand up and cheer, or otherwise become enthusiastic, about the prospects for consumer support and consumer legislation originating in the Executive Department," she continued.

"The first action taken by the new Administration in a field directly related to consumer well-being (the FHA interest rate hike) was certainly not a propitious one. It could lead to an increase of nearly 10 percent in the cost of buying a home."

WILL THE NEW ADMINISTRATION RECOGNIZE CONSUMER NEEDS?

She added that even before President Nixon took office, consumers were shaken by "a good indication of the direction of the new Administration's attitude on consumer issues when the president of the leading organization of Republican women dismissed out of hand the importance of the work done by Betty Furness as being primarily concerned with trying to make all packages in the grocery store look alike.

"It must have been a source of great disappointment, and of some despair, to Betty Furness, as it was to me, that the work of this office was considered of such minor scope. President Nixon has given no indication as yet whether he intends to continue such an office in the White House or to establish some other clearance procedure for coordinating the vast number of activities of government agencies in the consumer field, and in making sure that those agencies recognize the importance of the consumer interest."

Thus, she said, consumers must demonstrate greater activity at all levels of government, federal, state and local. She told The Machinists' political arm that "consumer education is the most effective kind of political education, too."

NO PREJUDGING OF THE PROVISIONS OF THE UNIFORM CODE

As the summary makes clear, Mr. Speaker, I have not in any way prejudged the provisions of the proposed Uniform Consumer Credit Code. Since it is my intention to arrange for hearings by the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency on the pros and cons of the proposed model State law, as well as on the regulations soon to be issued by the Federal Reserve on Federal truth in lending, I want to maintain an open mind and let the facts speak for themselves, as they are developed in the hearing.

My main fear, as I said this morning, is that efforts will be made to jam a series of new consumer credit laws through the legislatures of the 50 States without an opportunity for consumers to know their stake in the various proposals, good or bad. Even if the proposed code were perfect when submitted to the legislatures, we all know that bills have a tendency to come out of the legislative mills completely different from the way they went in, but if all people look at is the title of the bill, they think they are getting the original legislation.

TEXT OF REMARKS AT MACHINISTS NONPARTISAN POLITICAL LEAGUE

For those who wish to go beyond the summary of my remarks this morning on this issue, and on related consumer problems and controversies, Mr. Speaker, I submit herewith the full text of my talk at the conference of the Machinists Non-Partisan Political League meeting at the Machinists Building, as follows:

"Consumer Prospects and Problems"—Talk by Congresswoman Leonor K. Sullivan, Democrat, of St. Louis, Mo., Chairman, Subcommittee on Consumer Affairs, House Committee on Banking and Currency, at Conference of Machinists Non-Partisan Political League, Machinists Building, Thursday Morning, January 30, 1969

The Machinists' Non-partisan Political League certainly is to be commended for this early start on the year's political efforts. Even though the Congress has just convened and hasn't really gotten down to serious business as yet—we're still in the organizational stage and the committees in the House have just been appointed—and downtown, in the Executive agencies, brand new cabinet officers and their top assistants are still trying to find their way through the maze of their own bureaucracies—the fact is, that it is nearly three months since the last election and there is an awful lot of work to be done before the next one.

Knowing how hard your organization worked for the election of Hubert Humphrey to the Presidency, I am sure you are still in somewhat of a state of disbelief over the outcome; but politics is too dynamic a process to permit extended immobilization. We are faced with the reality that we now have in the White House and in the Executive Department leaders whom most of us here did not favor. Nevertheless, we have the responsibility of giving them our full support on those issues on which we recognize they are carrying out the wishes of the American people, and we wish them well in their tasks because *so much* depends upon their successful carrying out of programs and policies which are important to the country.

But we have already seen numerous instances of changes in direction, particularly in domestic affairs, and where those changes in direction are contrary to our best judgment as to the welfare of this country and of its people, we have a responsibility to speak up, and a duty to make sure that we are heard. Fortunately, there is machinery through the committees of the Congress to maintain close scrutiny over all of the policy changes which are made, and those committees are going to need your help, and the help of all informed Americans, in monitoring the effects of the changes as they occur.

IS THAT ALL—TO MAKE ALL PACKAGES "LOOK ALIKE"?

My assignment this morning is to discuss the prospects and the problems in the consumer field, which is one which I have made my specialty during the past sixteen years in the Congress. From every indication, this is going to be a major battleground during the next four years because the new Administration has indicated *in many ways* that it has a much different attitude from that of the Kennedy and Johnson Administrations about the importance of the consumer in the overall economic policies of this country. We received a good indication of the direction of the new Administration's attitude on consumer issues even before Mr. Nixon took office as President. That was when the president of the leading organization of Republican women dismissed out of hand the importance of the work done by the office of the Special Assistant to the President for Consumer Affairs, Betty Furness, as being concerned primarily with trying to make all packages in the grocery store look alike. It must have been a source of great disappointment, and of some despair, to Betty Furness, as it was to me, that the *work* of this office was considered of such minor scope.

President Nixon has given no indication as yet whether he intends to continue such an office in the White House, or to establish some other clearance procedure for coordinating the vast number of activities of government agencies in the consumer field, and in making sure that those agencies recognize the importance of the consumer interest.

I certainly did not expect the new President at his first press conference on Monday to give us a blueprint for every action that his Administration plans to take in the next four years, just as it was not logical to expect a blueprint in the Inaugural Address. But I think we who believe in the importance of the consumer as a factor in national policy have been given little reason *so far* to stand up and cheer, or otherwise become enthusiastic, about the prospects for consumer support and consumer legislation originating in the Executive Department.

SHARP INCREASE IN HOUSING COST THROUGH INTEREST HIKE

The first action taken by the new Administration in a field directly related to consumer well-being was certainly not a propitious one. By a stroke of his pen, the new Secretary of Housing and Urban Development, Governor Romney, has raised from 6¾% to 7½% the ceiling on interest rates on FHA and GI mortgages. A tremendous increase! Governor Romney implied that this will bring out more housing for middle-income and lower-income families. Perhaps it will increase somewhat the volume of investment money going into government-insured mortgages, but I do not foresee from this action any significant increase in the *overall* supply of mortgage money; the result very well may be merely a substantial increase in the interest rates which are paid by those who do buy homes. The immediate consequence of the increase in interest rates for government-insured mortgages is to remove some of the burden of the financing costs from the sellers of government-insured housing and place it instead on the buyers. That is because there is a limitation in the law prohibiting fees larger than 1% to be assessed against the buyer, whereas those who are selling property under FHA or GI mortgages have been paying up to 7 points—up to *7% of the face amount of the mortgage*—in order to give the mortgage companies a higher return through the back door or the side door than the government permits them to receive from the home buyer directly.

But as some additional investment money goes into FHA and GI mortgages, as may very well happen at least temporarily, then those who buy homes through conventional mortgages will probably have to pay an even greater premium in obtaining financing, and this of course applies to the vast bulk of home financing which is available in this country. This action by Secretary Romney would lead to an increase of nearly 10% in the cost of buying a home.

IMPORTANCE OF INTEREST RATES TO AVERAGE FAMILY

There is no question at all that the points charged against the seller of an FHA or VA insured home have constituted a hardship to the family disposing of one home in order to buy another. But I am not at all convinced that a very, very substantial increase in interest rates across the board is going to solve the problem; instead, I am afraid it is going to aggravate the problem even more. The problem cannot be solved by a general increase all along the line, of all interest rates, in an attempt to try to attract investment funds into housing. Housing is still going to have to compete with other forms of investment. What is *basically* necessary is a policy which will *reverse* the trend in interest rates and bring them down without at the same time bringing down the whole economy in a recession. Undoubtedly, this will be one of the first issues to be taken up in the Committee on Banking and Currency after we are organized and begin to dig into the substantive provisions of legislation pending before us. But I am afraid we have been given a tip-off to the trend of Administration policies as they affect the average family, and I am not very happy over the direction this trend already has taken.

There was a time, not too many years ago, when the decisions of the Federal Government on interest rates were of little concern to the average person.

It was hard for him to see the direct connection between the decisions made by the Board of Governors of the Federal Reserve System on the rediscount rate or on the price of government bonds and his own ability to buy a home and pay for it, or buy a car and pay for it, or make other major purchases. The relationship has always been present, but most people just were not aware of it. Now, more than ever, this cause-and-effect relationship must be brought home to the rank and file of your members and impressed upon them so that they do have an understanding of their own stake in these issues. I would say that is one of your major assignments in the political action field over the next two, and, in fact, over the next four years.

NEED TO INFORM CONSUMERS ON THE ISSUES

You have not started a moment too soon in getting organized for future political campaigns and also for the day-to-day discussion of political issues among your members and supporters. Fortunately, in the Machinists' Union you have one of the best labor and general interest newspapers published in this country, and one which has been vigorous and effective in educating your members to the importance of national issues which affect them. One of the best things that you could do at this conference would be to voice your full support for the kind of job Gordon Cole and his staff on *The Machinist* have been doing.

When truly aroused about a consumer issue, the people of this country can accomplish political miracles. But in order to get them aroused, you have to inform them—you have to make sure that they have the facts, and those facts have to be put in their proper perspective and thoroughly explained and clearly evaluated. It is by no means an easy task. You will be bucking some very powerful interests which feel that they prosper by withholding facts or fogging facts which get out to the public.

Just consider for a moment the uproar three years ago over Senator Hart's Truth in Packaging Bill. The consumer was fed-up with the proliferation of package sizes in the supermarkets for competing brands of the same products and even among packages in different sizes of the same brand of a particular product. It was almost impossible for the housewife, trying to buy a week's supply of food in a half-hour's time, to figure out which was the better buy between competing brands or even between two sizes of the same brand. There was often a good deal of outright deception intended to mislead the consumer into buying the larger size at a higher price per ounce than the smaller size. In other instances, using a slide rule, you could figure out that the unit price was exactly the same for the larger size as for the smaller size so there was no advantage whatsoever in buying the larger size, and often a disadvantage, if the product is one which deteriorates after the package has been opened, resulting in waste. Yet, if you remember the debates in the Congress over the packaging law only three years ago, you will recall that this rather innocuous and long-overdue piece of legislation was denounced as a threat to the whole free enterprise system which would lead to dreary monotony in the packaging of consumer goods.

BITTERLY FOUGHT PACKAGING LAW BROUGHT MILD REFORMS

The law has had only modest effect so far, and most consumers have had a difficult time in seeing much change at all. The most important change has been to require in clear and easily readable type a statement on the front of the package giving its actual contents. Another reform brought about by the law has been the elimination of misleading illustrations on the package of the alleged contents. But these reforms are so modest that they have given us nothing more than the consumer always had a right to expect.

We are still a long way from the development of standards for the marketing of most food items and it will be interesting to see if the new Secretary of Commerce pursues the authority he has been given under that law to recommend legislation to Congress to bring about more standardization of product sizes.

If butter can be marketed in one-pound packages, and sugar in five or ten-pound packages, why should not other food items be sold in a similar *straightforward* manner? The previous Secretary of Commerce had some success in persuading processors to reduce the fantastic variety of package sizes for some of their products on a voluntary basis, but that is as far as it's going to go unless the consumer continues to press, to speak up, for more help than he has been given so far. Too often, however, the public is led to believe that the passage of a good law—or even of a weak law with a good title, like the packaging law—will solve his problems. The passage of the law—of any law—is just the start; it is then a question of the implementation of that law, of the regulations issued under it, and of the enforcement of it, and the amount of imagination which the administrators of the law put into their task—and the recommendations they make to Congress for further improvements—which determine how well a problem is really solved.

CONSUMERS MUST LOOK IN MANY DIRECTIONS AT ONCE

A good illustration of that is the Truth-In-Lending Act passed by Congress last year. I think all of you know that this was one of my major activities in the 90th Congress and I believe we succeeded in passing probably the most far-reaching and comprehensive consumer law ever enacted. Truth-In-Lending was just one part of it, although a very important part—the heart of the bill. At the present time, the Board of Governors of the Federal Reserve System is in the final stages of drafting regulations to be issued very shortly for implementation of Truth-in-Lending and these regulations, in turn, will be enforced by a variety of government agencies having responsibility for certain aspects of consumer credit.

Truth-in-Lending for real estate credit will be administered largely by the Federal Home Loan Bank Board, which has jurisdiction over all of the insured savings and loans; and also by the agencies which have regulatory powers over the banks—the Federal Reserve itself; the Comptroller of the Currency, who has jurisdiction over national banks; and the Federal Deposit Insurance Corporation. The Bureau of Federal Credit

Unions will supervise Truth-in-Lending enforcement among credit unions; the Federal Aviation Administration will have responsibility over airline credit, and so on, with the Federal Trade Commission having the largest area of responsibility for enforcement of this law. Each of those agencies will be issuing its own regulations or guidelines for the information of the segments of the credit industry which it supervises, and so consumers will have to learn where to go to get help in case of a question about the application of the law to a particular type of consumer credit transaction. A lot of us are going to have to be looking over the shoulders of the enforcement agencies to make sure they are carrying out the intent of Congress in the administration of this landmark law. The Secretary of Labor, meanwhile, will be drafting Federal regulations dealing with garnishment, while the Department of Justice will be administering and enforcing Title II of the Act which deals with extortionate extensions of credit by racketeering elements.

The Consumer Credit Protection Act is a good law. It was a most difficult battle to get it enacted. But now we face the need for continuing surveillance over the actions taken by the Administrative agencies in carrying it out. So, do not let your people feel that all of the abuses and all of the problems in the consumer credit field have been taken care of because a law has been passed. How well is the law going to work? Is it going to need amendment or improvements? Individual experience will go a long way toward answering those questions. So make sure you know what is happening to individual consumers under that law. And then let us know about it.

KEEPING AN EYE ON THE LEGISLATURES, TOO

However, while many of us have our eyes and our attention riveted on the proposed regulations for the *Federal* Truth-in-Lending Act which takes effect July 1, or for the Federal Restriction of Garnishment Act which takes effect July 1, *1970*, every consumer group in the 50 States should be keeping a very close eye on their own Legislatures, particularly in the next few months. This is something I would like to call to your attention right now. The Truth-in-Lending Act passed by Congress provides that, under certain circumstances, the Board of Governors of the Federal Reserve System *can exempt* from Federal jurisdiction certain classifications of consumer credit transactions *in any State which has a State law at least equal* to the Federal statute in its protection of the consumer. The National Conference of Commissioners on Uniform State Laws, which strongly supported this provision of the Federal Act, has had a special committee at work for several years drafting a *model* consumer credit code for the States and in that model law, as now drafted, there are Truth-in-Lending provisions very similar, if not identical, to the Federal law. This was done with the express intention of having the States retain jurisdiction over consumer credit—a field which has been exclusively theirs up until now. The Uniform Consumer Credit Code is now being submitted to all of the Legislatures. Because the States have many responsibilities in the regulation of the terms of consumer credit, which the Federal Consumer Credit Protection Act does not touch, such as the *rates* which can be charged for various types of installment loans, or on mortgages or on automobiles or other consumer goods, the Uniform Consumer Credit Code is a complete package—a codification of a State's entire catalog of laws dealing with the lender-borrower relations, or buyer-seller relations where credit is involved. The Federal law, as you know, is primarily a disclosure statute—it does not regulate the terms of credit in any way but does provide strong penalties for failure to disclose all of the relevant facts in a credit transaction. The State laws, therefore, go much further into every aspect of credit regulation.

THE CONSUMER GAINS NOTHING BY STATE EXEMPTION FROM TRUTH IN LENDING

I have not as yet made as thorough a study as I intend to make of all of the provisions of the proposed Uniform Consumer Credit Code drafted by the National Conference of Commissioners on Uniform State Laws but it is my belief that, generally, this proposed model State law is an improvement *in many States* over existing laws dealing with consumer credit in those States. For other States, however, certain provisions of the Uniform Consumer Credit Code would be a step *backward*—particularly, in Pennsylvania and Texas and some other States on the issue of garnishment. Also some of the States now have limitations on interest rates or fianance charges which are much more stringent than the proposed model law. If a State now has very *inadequate* consumer credit laws, the Uniform Code might be a great step forward; in other States, as I said, some of the provisions of the Code would be a step *backward*. *That* is what the consumers in each State should carefully study and take into consideration *before* their Legislatures get down to this issue in earnest.

There will be a determined effort made in the next few months, I am sure, to get as many States as possible to take up the Code at their present session. One of the arguments which will be used is that passage of a good State law on Truth-in-Lending would exempt the State from the application of the Federal law. This would undoubtedly appeal to many of the *businesses* in the consumer credit field, for they have traditionally had a lot of influence with the State Legislatures. Consumers, however, should be wary of this particular appeal. The consumer gains *nothing* by this exemption from Federal Truth-in-Lending in his State because if a State already has consumer credit disclosure requirements which are more effective than the Federal law—and Massachusetts is a good example of that—the stronger provisions of the State law would prevail wherever they are not in conflict with the Federal law. This was one of the things that I definitely established during our hearings, when we had consumer officials from Massachusetts before us to tell us about the operation of their very fine truth-in-lending law. They did not feel that a Federal statute would take away, in any respect, the authority they are now exercising in assuring the consumer full information.

I do not want to give the impression that I think the Uniform Credit Code is bad law or that it should be dismissed or rejected out of hand. I *do* think that consumers have an obligation to be *just as diligent* as the *business interests* in their States will be in studying every provision of the proposed Code in making sure that in *their* States, the Code would be preferable to existing law.

Undoubtedly those segments of the credit industry which object to the strong provisions of the Uniform Code will do everything they can to modify or eliminate those provisions in the State Legislatures. So be as diligent—be as alert—as *they* are going to be on this matter. Get out the word to all of your own people, and to the organizations to which your members belong, to make sure that they are represented at the State Capitol when the Legislatures meet and consider this issue. Have them make certain that in return for a strong *State* truth-in-lending law similar to—virtually identical to—the Federal statute which goes into effect July 1, they are not "buying" less-than-adequate provisions of law dealing with interest rate ceilings, confession of judgment notes, balloon notes, garnishment and many other aspects of consumer credit regulation now exclusively regulated by the States.

HEARINGS BY SUBCOMMITTEE ON CONSUMER AFFAIRS

It is my intention to hold hearings of my Subcommittee on Consumer Affairs in the House Banking and Currency Committee on the Uniform Consumer Credit Code either following, or at the same time that we hold hearings on the proposed regulations of the Federal Reserve on the Federal Truth-in-Lending Act. There have been some very sharp criticisms voiced about some of the provisions of the Code; there has also been very strong support for other provisions. So I think our Subcommittee can provide some ventilation of the pros and cons of this issue and give them some visibility here in Washington in case an effort is made to jam new credit laws through some of the Legislatures behind closed doors or in the welter of legislation ground out in the Legislatures in the final hours of a session.

THE CHALLENGE OF CONSUMER EDUCATION

There are many areas where consumers must be organized and alert on the State and local level, not just in Washington. Last year, we passed the most comprehensive housing law ever put through Congress of the United States—exceeding anything ever done in the New Deal days or in the Truman Administration or at any time up to 1968. This is a law to make home ownership more practical for the moderate-income family and also for the low-income family.

We have had some experience to go on in some of our cities where nonprofit organizations, such as the Bicentennial Civic Improvement Corporation in St. Louis, have enlisted businessmen and professional people and the clergy and the various voluntary organizations in the community in helping to restore deteriorating neighborhoods by purchasing older homes and rehabilitating them and then finding low-income families to live in those homes, and to buy them, and take care of them and take pride in them. The experience in St. Louis has been dramatic and exciting, and succesful, too, although on a limited scale.

We are trying to expand that experience to the rest of the country through the assistance of special financing arrangements and subsidized interest rates, so that very poor families would pay the equivalent of about 1% interest on the mortgage; others would pay 3%, and so on, depending upon their financial ability to meet the mortgage payments, with the Federal government making up the difference between those rates and the prevailing rates in the community. A program of this nature can work, however, only if the people who are attracted to these homes, and who are given an opportunity to own something of their own, are also *taught* how to undertake the responsibilities of home ownership; are taught how to meet their monthly mortgage obligations, how to budget for taxes and repairs, how to maintain the property and do all of the things that must be done in order to take care of a home. Some of these families need instruction in other things, too: sometimes the wage-earner in the family has to be taught how to hold a job, and almost always the family has to be instructed on how to buy economically and what *not* to buy. What they need is consumer education, and the community must be equipped to provide that kind of education—either through social agencies or through volunteers working with the individual family. That is what we have had in St. Louis and that is what has made our limited, low-income home ownership program there, a success.

CONSUMER EDUCATION IS EFFECTIVE POLITICAL EDUCATION, TOO

Personally, I think consumer education is the most effective kind of political education, too. People learn, through consumer education, that they have rights which are not always respected in the market place but which should be: they learn how to make their voices heard when they have a legitimate complaint; they learn that the "Establishment", if that's what you want to call it, can be influenced and moved by sufficient voices making intelligent protests directed at specific problems. This is far different from protest merely for the sake of protest; this is channeling protest—legitimate protest—into paths which can lead to effective reform. Labor has always been in the forefront of this kind of effort, and I particularly commend the Machinists Union for its intelligent use over the years of the processes of democracy and of citizen petition. I will work with you in every way I can to advance this process in the coming years.

In my opinion, the big political drive of the next four years must be directed at the problems which confront the average family every day. They are consumer problems, and all of us interested in politics must become specialists and experts in consumer education. Perhaps then—undoubtedly then—the election of 1972 will see a much different result in consumer well-being than the election of 1968.

"DO CONSUMERS BELONG IN THE UNIFORM CONSUMER CREDIT CODE?"—SPEECH BY JUDGE GEORGE BRUNN OF CALIFORNIA BEFORE CONSUMER ASSEMBLY 1969

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mrs. SULLIVAN. Mr. Speaker, this morning I spoke at a conference of the Machinists Non-Partisan Political League on "Consumer Prospects and Problems," devoting much of my talk to the drive in the State legislatures to enact new consumer credit laws in order to win exemption for the State from some phases of Federal regulation under the Truth in Lending Act we passed last year. My remarks to the Machinists appear elsewhere in today's Congressional Record. I took no firm position on any of the provisions of the proposed Uniform Consumer Credit Code, but talked about the dangers to consumers if the States act hastily.

After making my talk, I found that Judge George Brunn of the Municipal Court for the Berkeley-Albany Judicial District, Berkeley, Calif., had written a strong attack on specific provisions of the proposed model State law drafted by the National Conference of Commissioners of Uniform State Laws. Judge Brunn's views are worth reading, for he is one of the outstanding students in the United States of the many injustices to the poor under much of our body of lender-vendor law. I am sure some other prominent lawyers and jurists have differing opinions of some provisions of the proposed State code, and would argue passionately with Judge Brunn's conclusions, I think all sides should be heard.

WROTE COMPREHENSIVE STUDY ON GARNISHMENT

The reason I am placing Judge Brunn's hard-hitting speech in the Congressional Record is to encourage as much public discussion as possible of the issues involved, prior to action by the State legislatures. I might add that it was a comprehensive and scholarly article by Judge Brunn which provided us two years ago and last year with some of the best ammunition consumer advocates could possibly have had in fighting for retention in the Consumer Credit Protection Act of strong provisions dealing with the frequently cruel practice of wage garnishment. Judge Brunn's study showed a direct relationship between the alarming increase in the number of personal bankruptcies in many States and the degree of harshness of the garnishment laws of those States. The conclusion was inescapable that unless we passed a Federal law restricting the garnishment practice, the Federal courts of many States would become even more clogged than they were already in the morass of collecting or disposing of questionable consumer credit debts through bankruptcy proceedings.

The article by Judge Brunn on the garnishment-bankruptcy relationship was included in full in the printed record of the August 1967, hearings of the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency on the Consumer Credit Protection Act.

TEXT OF JUDGE BRUNN'S SPEECH AT CONSUMER ASSEMBLY 1969

Following, Mr. Speaker, is the text of Judge Brunn's speech this afternoon at a session of Consumer Assembly 1969 devoted to the proposed Uniform Consumer Credit Code:

Do Consumers Belong in the Uniform Consumer Credit Code?

(Address by Honorable George Brunn* before Consumer Assembly 69; Washington, D.C., January 30, 1969)

At the outset let me do two things; state my bias and answer the question posed by the title to this speech.

My bias is in favor of consumers. It is in favor of rational and fair relationships between consumers and the sellers of goods, services and credit—relations that frequently do not now exist. We must ask whether the proposed code will further such relations or not, and trying to develop an answer will be the main thrust of my remarks. Let me make very clear that I am in no way antibusiness. I believe in the free enterprise system; I am convinced that fair and equitable dealings between buyers and sellers are essential to its preservation. I also recognize the enormous importance of consumer credit and the businesses that utilize and sell it. Very simply, without consumer credit we would not have the prosperity, the high standard of living most of us enjoy today. I am familiar with the consumer credit industry; I have worked on consumer credit problems most of my professional life; at one time I was with a law firm that represented important segments of the industry; small loan companies, banks, retailers. Consumer credit is the life blood of our economy. It now stands at over 100 billion dollars, not counting home mortgages; it has multiplied many times since the end of World War II; it goes up by several billion dollars each year; car owners alone will pay at least two and a half billion dollars in interest charges this year.

That's why the proposed code is the most important piece of legislation I have encountered. It would directly and significantly affect the life of more Americans than any piece of legislation I can recall.

Now to answer the question of the title. Yes, consumers do belong in the proposed code—not because what the code does for them.

The code, now being pushed in most states by the credit industry is an enormously complicated piece of legislation with over two hundred sections dealing with the kind of credit offered by stores and car dealers, such as installment contracts and revolving charge accounts, as well as with consumer loans, especially the so-called small loans (they may actually be pretty big) made by your friendly neighborhood finance company whose advertisements you see everywhere.

A couple of things quickly strike one in reading through the code. One is its unintelligibility and the other is some clues as to its fairness.

Despite the pious statement at the beginning of the code that one of its purposes is "to further consumer understanding of the terms of credit transactions," it is one of the most technical and difficult to understand pieces of legislation I have ever seen, difficult even for lawyers, let alone laymen, far more difficult than existing laws. As one example, let me read you part of one subsection of one section dealing with prepayments:

"(5) This subsection applies only if the schedule of payments is not regular (subsection (6) of Section 2.304).

(a) If the computational period is one month, and

(i) if the number of days in the interval to the due date of the first scheduled installment is less than one month by more than 5 days, or more than one month by more than 5 but not more than 15 days, the unearned credit service charge shall be increased by an adjustment for each day by which the interval is less than one month and, at the option of the seller, may be reduced by an adjustment for each day by which the interval is more than one month; the adjustment for each day shall be 1/30th of that part of the credit service charge earned in the computational period to the due date of the first scheduled installment assuming that period to be one month; and"—we haven't come to a period yet—

"(ii) if the interval to the final scheduled payment date is a number of computational periods plus an additional number of days less than a full month, the additional number of days shall be considered a computational period only if 16 days or more. This subparagraph applies whether or not subparagraph (i) applies."

This is only sub-subsection (a) of subsection (5). There is also a subsection (b) and a subsection (c), which I will spare you. "Further consumer understanding", indeed. The trouble of course is that retailers and finance companies have lawyers who will put this into English for them, but consumers usually do not and cannot be expected to.

Now for some early warning signs—clues as to what the drafters of this code, a finance-industry dominated special committee of the National Commissioners on Uniform Laws, consider a fair balance between the rights of the public and the rights of the credit industry. Let me give you three, out of many that are available:

First, the code, in one of its alternative provisions lets the seller collect attorneys fees up to 15% when he sues and wins. It gives no such right to the consumer if he wins, unless he can prove a violation of the code. This is not only somewhat less than fair but runs counter to many existing installment sales laws.

Secondly, the code has what we might call escalator clauses. The most important relate to interest rates. For instance, you can charge 36% on the first three hundred dollars and lower rates on higher amounts. (We'll talk more about these rates later.) If the cost of living goes up, say 10%, the highest rate could then be charged on the first $330. But in the admittedly unlikely event that the cost of living ever goes down, the process would not work in reverse. If, for instance, it should drop 10%, sellers would not be limited to the highest rate to $270—they could still charge it on the first three hundred.

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*Judge of the Municipal Court, Berkeley-Albany Judicial District, Berkeley, California.

Finally, it is reasonable and many existing laws so provide that if the seller or the finance company violate the law, the agreement is void. The customer may rescind or at least not pay the interest charges. But not the code. Only a small handful of violations by the seller make the code void and even as to most of these the seller has an out if his violation is "unintentional or the result of a bona fide error." In most cases the seller can violate the law and the buyer is still stuck. The buyer has no such loopholes. If he falls behind on his payments, he can be hit with the full panoply of weapons the creditor has—collection tactics, repossessions, suits, garnishment (except as limited in pretty much the same manner as by the truth-in-lending act), and in many situations deficiency judgments. No unintentional or bona fide errors for the buyer.

Let us now take a little closer look at the code and let's begin with small loans. All states except Arkansas have laws patterned after the uniform small loan law—incidentally laws sponsored by the finance industry itself. These would be replaced by the code. Would this replacement be beneficial to the public—particularly to the thousands of middle-class and lower-middle-class citizens who have to borrow from small loan companies?

In this discussion I will be relying heavily on the California statutes, but many other states have similar provisions:

1. First we notice a striking difference in the basic power of the regulatory agency. Let me say by way of background that small loan companies, in return for the privilege of charging high interest, have—with their consent—long been tightly regulated. Under California law and that of many other states, the license of a small loan company can be suspended or revoked for any violation of the law. Under the code this can only be done for "repeated and willful violations." To those familiar with the regulatory process this is a shift from strong enforcement to weak enforcement. This provision is buried in the back of the code, without a word of explanation or even acknowledgment that a shift is being made.

2. Present law forbids the taking of realty as security; the code allows it in loans over $1,000.

3. Present law forbids charges in addition to interest other than official fees and insurance. The code would allow a host of other charges, including delinquency charges, deferral charges, and a vaguely worded loophole allowing "charges for other benefits . . . conferred on the debtor."

4. Present law forbids the small loan company from conducting other businesses on the premises; the code allows it.

5. Under present law the borrower cannot be required to purchase anything in connection with the loan. The code contains no such provision.

6. The present law provides for bonding; the code does not.

7. Present law provides for lower interest where property securing the loan is insured in favor of the lender. The code does not.

8. Unlike present law, the code does not prohibit loan companies from transacting business under a different name.

9. Unlike present law, the codes does not prohibit the loan company from advertising that it is supervised by the state.

10. Unlike present law, there is no requirement to give the borrower a receipt for each payment.

11. Unlike present law, there is no prohibition against the use of incomplete instruments.

The list could be extended, but the point is clear; the code in many, many respects *decreases* the protection of the borrower. And not in a single significant respect does it increase the borrower's rights when he deals with a small loan company, as compared to the law as it now stands in California and many other states. And yet the drafters of the code have the unlimited gall to say that their bill is of benefit to consumers.

Aside from diminishing our rights, the loan provisions do something else: they raise interest ceilings, if not for every state then at least for a good many of them; California, Illinois, Massachusetts, Michigan, New Jersey, New York and Pennsylvania, to mention only some of the larger ones.

Under the code permissible interest rates are 36% on the first three hundred dollars, 21% on the next $700, and 15% on any excess over $1,000. And these rates, under loopholes the code allows, may be increased another 8% in some cases.

In the states I have mentioned, on a three hundred dollar loan, the code would boost ceilings by between 20 to almost 40%, and on a five hundred dollar loan from 15 to 56%.

The same high rate ceilings incidentally apply under the code to installment purchases—and that in many cases would mean a doubling of what is now permissible. To illustrate graphically:

Mrs. Jones buys a refrigerator for $350, paying $50 down, and the balance in twelve equal monthly installments. The maximum interest she can be charged under present California law and the law of many other states is $30. Under the code she could be charged $54 and under the code's fudge factors that could be boosted to as high as $58.32—that's an increase of from 80 to almost 100 percent.

As to revolving credit—those charge accounts with the not-so-nominal monthly service charge—the code boosts interest ceilings from a now prevailing 18% to 24%, again with fudge factors allowing even higher interest in many cases.

For these incredible permitted interest rates—about to be foisted on a people who already pay more interest than any other nation in history, foisted in a way that would, as usual, fall most heavily on the poor and the minorities, but that would also harm every citizen who uses credit—for these incredible ceilings, the drafters of the code and their propagandists have a disarming explanation.

"We don't set rates," they say, "we only set ceilings. Maybe the rates won't go that high. Maybe more people will be attracted to industry and competition will produce lower rates."

This is very small comfort, even if it were true. If rates won't go that high, then why allow it? The drafters of the code have not said one single, solitary word to the effect that present rates don't permit an adequate profit and, indeed, any such claim would be ridiculous. Among the stocks that did best on the New York Stock Exchange last year were banks (up 46% as a group), small loan companies (up 47%) and finance companies (up 69%.) (*Newsweek,* January 20, 1969).

Moreover, we all know that many rates will go as high as the law permits, as, indeed, they have traditionally done. This will especially be true in the ghettos, where the exploited minorities will be victimized even more. It is also true as to small loans. As to the pious hope for increased competition leading to lower rates, it is just that: a pious hope without any evidence to back it up. The last thing in the world the consumer finance industry wants is increased rate competition.

We have seen that as far as small loans are concerned, the code, in return for allowing higher rates, would give consumers nothing and in fact take a great many things away from us. How would we fare in the field of credit sales?

Here the proposed code has a few good things. Like most existing laws in this area it outlaws wage assignments, waivers of rights and confession of judgments. Since those who drafted the code want it to supersede the federal truth-in-lending law adopted by Congress last year, the code picks up many of the federal law's provisions, especially those requiring disclosure and limiting wage garnishments. The code also outlaws the sleezy practice of referral selling—a deceptive, high-pressure selling method where the salesman promises the buyer money for referring other customers.

Like some of the recent state laws, the code gives buyers from door-to-door salesman a right to change their mind, as long as they do it within three days and pay a 5% cancellation fee. Finally, unlike most of the now existing laws, the code would give a state agency the power to enforce the law—in theory, at least, the customer would no longer be entirely on his own.

So far so good. But overall the code's provisions on credit sales do not even come close to striking a reasonably fair balance between the rights of buyers and sellers. They do not come close to dealing with many of the problems in today's marketplace and reading the draft leaves one with the indelible impression that the men who prepared it were either unaware of these problems or deliberately disregarded them. Permit me to give you a few specifics, in no particular order of importance.

1. The code permits the pernicious practice, outlawed by many present laws and favored by auto dealers, of having the customer sign a sales contract in blank or imperfectly filled in. The customer then wakes up and finds his payment terms entirely different from what the salesman had told him.

2. The code permits the seller who installs anything in the home to take real estate as security. In other words, a family can jeopardize its home because of an aluminum siding job or a fire alarm system—articles that are often sold by fraudulent high pressure tactics. Families have in fact lost their homes through such purchases.

3. The code, if I understand it correctly, does not prevent the every-day practice of side note financing. Here the car dealer sends the buyer to the friendly finance company next door to borrow the down payment. The dealer can collect the highest interest rate on the first $300 and so can the finance company. The amount of money on which 36% interest can be collected is doubled. Nor is that all. Where the customer is short of money, the dealer can tell him to borrow it and bring it in tomorrow, writing up the contract in the meantime. On this money, the amount to be brought in tomorrow, the dealer can collect interest over the whole life of the contract. I repeat, over the whole length of the contract. This is a widespread practice that goes on every day. But evidently it doesn't strike those who prepared the code as unfair.

4. The code permits the deceptive practice of balloon payments, though it gives the customer the right to refinance them.

5. The code, at least in one of its alternatives, allows the evil practice of taking away the buyer's rights by the simple device of the seller assigning the sales contract to a finance company—a practice that is extremely common. Under this section, even if the buyer was defrauded by the seller or the seller seriously violated the law, the buyer would have to pay the finance company

unless he, the buyer, notified the finance company within three months of his claim—something buyers are not likely either to know or to do.

No one has spoken more eloquently against this kind of provision than Robert L. Jordan and William D. Warren. Of all people, they are the ones who did the basic drafting of the code for the special committee of the Comimssioners on Uniform Laws. In the Columbia Law Review, Jordan and Warren wrote last year (68 Col. Law Rev. at 435):

"When this kind of provision is studied more carefully, . . . it is apparent that it is much more beneficial to creditors than to consumers. It gives the financial institution the best of all worlds: (a) if the consumer has a defense and notifies the assignee, the latter can then decide whether to keep the paper or send it back to the dealer; (b) if the consumer does not notify the assignee of the defense, the assignee has a strong negotiating position with the consumer, who may be told that he has lost his right to complain; and (c) if the consumer fails to give notice the assignee has a strong position in suing the complaining consumer since the statute seems to allow the financial institution to take free even of fraud and of defenses that the consumer could not have known about at the time of the assignment."

". . . (F)or the poor consumer beset by a ruthless finance company a notice-type statute can be disastrous. The principal consumer complaint about this type of statute is that it requires quick, affirmative action on the consumer's part. The lower the intelligence and the sophistication of the consumer, the less likely he is to comply with the statute by writing out a notice accurately raising his claims and sending it to the assignee within the required time."

Jordan and Warren also note that the possibility that a customer has a defense is merely one of many risks the finance company takes and that the price the finance company pays the dealer for the contract is negotiated with these risks in mind. Finally, Jordan and Warren make the point that:

"It is questionable social policy to allow a financial institution to deal with a disreputable dealer and stand free of the claims that consumers have against the seller. Surely one of the strongest influences on a dealer can be exerted by the financial institution buying his paper. If that financer is subject to the same defense as the dealer, it is more likely to use this influence to insist upon the upgrading of the quality of the dealer's paper."

But Jordan and Warren to the contrary, and the laws of a great many states to the contrary, the code in one of its alternatives, would destroy the fundamental right of a customer: the right to assert a defense. Few things indicate more clearly the industry domination of the drafting committee than the appearance of this vicious, sock-it-to-the-consumer provision.

6. Alas, this is not all. Many present state laws, among them those of New York, Michigan, Pennsylvania and California, prohibit the seller from taking a power of attorney appointing him as the buyer's agent in case of collection or repossession. The code does not. It permits this tricky power of attorney by which sellers can legalize all kinds of threatening or violent collection and repossession practices.

7. The code allows deficiency judgments in all sales over $1,000, that is—for practical purposes—in auto sales, and it is precisely there that the practice is most common. A deficiency judgment is a device that allows the seller to repossess the car from the defaulting buyer, resell it and then sue the buyer for any difference between the resale price and the amount the buyer still owes on the contract. Deficiency judgments, in my experience as a judge and in the experience of many other judges are one of the most widely abused privileges a dealer has. He can and typically does load up his claim with phony repair charges and commissions; he fails to credit back unearned interest; he can and often does resell the car at a price far below its real market value, often to a friend or to someone acting for himself and the buyer in 99 cases out of a 100 is not in a financial position to contest the deficiency judgment suit. I know of cases where buyers have paid the dealer hundreds of dollars on the contract and still the deficiency judgment was almost as large as the original price. It seems to me eminently reasonable to give sellers a choice when the buyer fails to keep up his payments: the seller should be able to sue the buyer or to repossess the car. He should not be able to do both.

But the code doesn't see it this way. It not only allows deficiency judgments for cars and other costly purchases, but it doesn't even make a minimum effort to curb the widespread abuses.

8. In the hugely profitable area of selling the customer all kinds of insurance along with what he buys or borrows, the code contains no meaningful protection. Let me very briefly call attention to just one practice. It is an every day tragedy for a car buyer to be assured by the salesman that he is also being sold complete insurance and then to wake up the day after an accident and find out that he has no liability insurance. Legal aid attorneys have seen these sad cases by the hundreds, usually when the car owner is about to lose his driver's license because he can't comply with the state's financial responsibility laws. Yet the code does not even have a requirement, similar to California's not particularly effective one, that if the dealer doesn't provide liability insurance, a notice in large type to that effect must be included in the contract. The minimum requirement should be that if the dealer doesn't provide liability insurance, a notice in large type to that effect must be included in the contract. The minimum requirement should be that if the dealer sells any auto insurance to the customer he must supply liability insurance and will be held responsible if he fails to do so. Actually the whole practice of selling insurance along with goods is a pernicious one, leading to overcharges, coercion, deceptive practices and useless policies as the U.S. Senate hearings on credit insurance amply documented last year. The code chooses to ignore the problem.

9. The code does not cover pawnbrokers. Pawnbrokers are the credit supply for many of our poorest citizens. But in dealing with pawnbrokers they will not even get such protection as the code provides. Thirty-six per cent apparently is not enough for them.

10. Finally, as to disclosure of interest rates, the code allows dealers and finance companies to follow either the code or the federal truth-in-lending law, at their option. This cute little provision which gives the dealer the choice of whatever regulation is weakest, requires a word of background. The federal law, whose disclosure provisions go into effect July 1, gives states the right to enact their own truth-in-lending laws. As long as the state law is at least as strong, it pre-empts the federal law. In other words, the law passed by Congress won't operate in states that pass at least as strong a law. The credit code is designed to be such a law. As I have noted, it has disclosure provisions very similar to Congress' law. But just in case some state agency writes even stronger regulations than the Federal Reserve Boards, which will enforce the federal act, the code gives the finance industry the out of following the weaker regulation.

The finance industry is in a big rush to get the code enacted in as many states as possible before the truth-in-lending law goes into effect. This is frankly acknowledged by Mr. William J. Pierce, president of the National Conference of Commissioners on Uniform State Laws. Writing to Father Robert McEwen on December 16, 1968, he explains why the commissioners could not honor requests for postponement from consumer groups:

"It was impossible for us to postpone further action on the Code because the federal law requires some type of state legislation, if the states are to act, by July 1, 1969."

Aside from the fact that the federal law doesn't require any state legislation, the point is clear. The financial community would greatly prefer to have truth-in-lending enforced by the states than by the federal government. We may note in passing the irony of pushing a so-called uniform law one of whose major purposes is to destroy uniformity in one major area because some differences in interpretation among the fifty states are inevitable. It is clearly the hope of the consumer finance industry that state enforcement will prove more palatable than federal. Many state regulatory agencies are notoriously dominated by the industries they are supposed to regulate, although federal agencies are not immune. In any event, as far as consumers are concerned there is no rush. We can let the Federal Reserve Board enforce the truth-in-lending law and wait for a credit code—even help prepare it—that meets minimum standards of fairness, as this one does not.

To sum up: this is a very bad code, worse in many respects than many existing laws and better in very few. It has been argued even by some consumer spokesmen, that at least the code provides a "floor" to consumer credit legislation; that it is, in other words, better than nothing. This argument may sound seductive in states that now have little legislation, but it does not stand the light of reason. A quack is not necessarily better than no doctor at all. A bad singer, as those who have attended weddings, funerals, and the openings of baseball games know, can be more painful than no singer. A bad law is not necessarily better than no law. The code would deprive us of many existing rights as to consumer loans, without giving us any new ones. It is grossly inadequate in the field of sales. And to boot, it would allow much higher interest rates, in some cases double what we are now paying.

The history of the nineteen sixties has in part been the history of the rising voice of consumers. On all levels we have begun to speak—and act—with greater clarity and strength. The consumer credit code represents a last ditch effort to head us off before we get any stronger. Its sponsors hope that we will be too dumb to understand the law, too unsophisticated to resist their high-priced propaganda, and too weak to do anything about it. It is up to us to prove them wrong. It is up to us to do better.

TAX REFORM

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. BYRNES of Wisconsin. Mr. Speaker, the following is the text of a speech I have prepared for delivery today before the tax section of the New York State Bar Association:

REMARKS OF CONGRESSMAN JOHN W. BYRNES

Today we are in a period when what is referred to as "The Establishment" is being questioned and challenged on all sides. Daily we see vigorous challenges to the home, to our schools, to the churches, to our economic, social and political systems. Certainly it is not unreasonable that there should also be attacks on that aspect of organized society which not only exerts a major influence on our social and economic life but has throughout history been the greatest irritant to the individual. I refer, of course, to our tax laws.

While part of the challenge to established institutions stems from a desire to be fashionable, the attack on our tax laws, I'm convinced, rests on more than just current unrest. While over-all we have a basically sound system, there are real grounds for constructive criticism.

In our growing urban society, with its many problems and complexities, with the numerous pressures for government services within the framework of a federal system, there is no more serious question confronting us than how we shall properly raise and distribute the tax dollar. We can broaden the problem by including the question of how to stretch the tax dollar.

We are a great and a rich country. There should be no question about our capacity to meet our real needs, and we will meet those needs. Yet, in these changing times, with the growing needs and demands of our urban centers, our states, and the federal government, a serious question must be raised about the efficacy of a system of tax distribution based on a rural society of earlier days.

Our municipalities, burdened with growing debt and higher and higher real estate taxes, are pressuring the states for a greater share of state revenues. The states, pressured with growing demands for government services, seek greater assistance from the federal government. They either want the federal government to relieve them from providing certain services—note the demand from some quarters that the federal government take on the whole field of public assistance—or they demand that the federal government provide the states with greater financial aid—witness the proposals for federal tax sharing with the states. At the same time, the federal government is unable to live within its revenues even with high tax rates, plus a surtax. In spite of the talk about a surplus of $2.4 billion, projected for this year and $3.4 billion next year, let it be understood that the administrative budget—namely the governmental expenses and revenue, independent of the trust funds dedicated to specific and committed expenditures, shows a deficit of $6 billion for this year and $7 billion for next year, and this assumes a continuation of the surtax.

There is no question that we should give real and urgent attention to the distribution of the tax dollar as an integral part of the serious problem of raising the tax dollar.

But it is to the latter problem—the raising of the tax dollar—that I would like particularly to address myself.

As a preliminary, let me make a basic point. The method of raising and distributing the tax dollar in the final analysis, no matter what system is used, comes to a focal point at one very sensitive place—the taxpayer. And, there is a limit to the burden he can bear. We make a serious mistake if we think only in terms of raising and distributing money. We must be aware that, in spite of our riches, there is a limit to what our people can pay in taxes and a limit to how much the nation can borrow.

Let me make this point real clear because it seems to me it is too often ignored: neither the federal government, the state governments, or local governments, all put together, have the tax resources to finance all the programs that everybody might deem desirable at any given time. Because there are limits to our resources, there must be priorities established with respect to the needs that will be met.

Equally clear to me is the proposition that, because the needs today are great and the burden of taxes heavy, we must make the system of raising the tax dollar as fair and equitable as is humanly possible.

Ours is a system based essentially on voluntary compliance—self-assessment by the taxpayer. We cannot expect such a system to long prevail unless there is confidence in its general fairness and the capacity of the average taxpayer to make that self-assessment.

Fairness and reasonable simplicity must be the hallmarks. But, on this score, I don't believe there is a person here who would give the federal code a very high rating.

A review and reform of the code is essential.

As tax attorneys, you know that, while you and H. R. Block are engaged in making self-assessments which are beyond the competence of the untrained because of the complications of the code, a great share of your efforts lies in devising ways and means, within the provision of the code, of avoiding, as far as possible, the full impact of the tax rates.

When I suggest the need for greater simplification, I'm not implying the millennium for the taxpayer or the death of the tax lawyer or accountant. Many complications serve a real and most legitimate need. In a complex economy, there will always be complexities in the tax law, but the average taxpayer ought to be given a fair shake at self-assessment on a basis he can understand. At the same time, the unaverage taxpayer should not be able to rely on the complexities of the code to avoid paying his equitable share of the costs of government.

Is there any reason why millions of taxpayers between now and April 15th should have to go through the frustrations of the 150 pages of small print in the government publication, "Your Federal Income Tax" and the maze of deductions, exclusions, exemptions, and special rules, and then after burning the midnight oil, drop his return, at the last minute, in the corner mailbox with a feeling that the entire operation was more an exercise in futility than the performance of a civic responsibility?

We are living in an era when we can send men to the moon and beyond and make all the intricate calculations that this requires.

Is there any reason why we cannot adjust our tax laws so as to bring the computer to the aid of the individual taxpayer? I think not and, at the very least, we should try. I can't tell you how it can be done but I'm convinced there is the talent in this nation to tell us how. That talent should be given the task and opportunity.

But simplification need not wait until we have the answer from the experts. A first step should be taken immediately by bringing the standard deduction up-to-date. It should be made to conform to the itemized deduction claimed by the average taxpayer.

The present 10 percent of adjusted gross income is unrealistic. With the increase in local taxes, interest and other items, an increase to between 18 percent and 20 percent would more nearly conform to the average taxpayer's deductions. In addition, there is no justification for the cut-off at $10,000 of adjusted gross income. This should be raised to at least $20,000. If graduated reductions in the percentage over $10,000 is necessary to meet the average taxpayer's situation, that can be done. There is no reason why itemization should not be limited to the exceptional case. In order to prevent the taxpayer from "whip sawing" the new program by taking the standard deduction one year and bunching certain deductions in alternate years, it can be required that the taxpayer, once he uses the standard deduction, be limited to its use, except in very unusual situations, to a definite period.

Because it has not been revised to reflect changing conditions, the standard deduction is now used on about 57 percent of the returns. Our target, it seems to me, should envision its use by 90 percent.

There are other simplifications that can and should be made immediately, but let me move on to the other area of reform I think necessary.

It is essential to any tax system that it be fair—that all people capable of doing so pay their reasonable proportion of the cost of government.

When we find the extreme cases where some 155 tax returns with adjusted gross incomes above $200,000 pay no income tax, including 21 with gross income over $1 million, it cannot be said that the law imposes on all capable of doing so the responsibility of paying a reasonable proportion of the cost of government. No matter by what device, no matter how laudable the nature of the deduction or exclusion that produces this result, the fact remains that there is no justification for these individuals being non-taxpayers.

The public conscience cannot permit this kind of a situation to continue or the whole system will become a victim to a lack of confidence and abuse.

In some cases, it can be said, "They are giving 90 percent of their taxable income to charity," but we must ask—with the heavy burden of government and debt—should not government needs be given an equal, if not higher, priority than the charity?

Or it can be said that the taxpayers are buying municipal bonds at reduced yields which benefit the local communities in building schools and streets and needed facilities. But we must ask—Is the benefit to the local community equivalent to the loss of revenue to the federal government, and the answer is no. The tax benefits far outweigh the benefits in lower cost to the locality. Let me ask—why should not the bonds be taxed and the federal government turn back the resulting revenue to the local government?

An examination of returns where the adjusted gross income exceeds $200,000 and still results in no tax—these, of course, are the extreme rather than the usual cases—show that a number of features of our tax laws are used in combination to achieve this result of no tax liability.

In addition to the unlimited charitable contribution deduction and the exclusion of interest on tax-exempt State and municipal bonds, the following provisions are usually found in some combination on the tax returns of those with larger incomes who nevertheless pay no tax:

1. Charitable contributions of appreciated property where the contribution deduction includes gains which have not been taxed to the individual;
2. Percentage depletion derived from income from the extractive industries;
3. Large amounts of income taxed at capital gains rates;
4. Depreciation on real estate making use of the fast depreciation methods; and
5. Farm losses which have been offset against nonfarm income.

The result of the combination of these provisions frequently is no tax liability. In most cases the result is obtained by seeing to it that the income is taxed at a relatively low rate while the deductions are used as offsets against ordinary income which would be taxed at quite high rates.

For example, the income reported may be reduced for any one of several reasons such as the fact that part of it represents municipal bond interest or income eligible for the percentage depletion deduction or, still more likely, income taxed as capital gains which means that in any event no more than 50% of it is taken into account. Against this reduced income base large deductions are taken for farm losses, for depreciation deductions which may be unusually large because of the fast depreciation methods being used, or for charitable contributions where the deductions are largely for appreciated property which reflects little if any income taxed currently. In addition, the more usual types of deductions in these cases, such as interest, taxes, and so forth, can be used to offset any ordinary income the taxpayer may have from dividends or salary. I should add, however, that the stock holdings of some of these taxpayers are likely to reflect few dividends since they have invested in growth stocks.

Two things, I believe, are especially worth noting. First, it is the combination of a series of provisions, each one of which by itself can perhaps be justified at least to some extent, which gives rise to the absence of tax. Second, usually the gain when it is realized is realized as capital gain—or perhaps not at all if the property is held to the taxpayer's death—while the deductions attributable to this same income in most cases are used to wipe out gain on ordinary income.

If there are 155 returns with adjusted gross incomes in excess of $200,000 on which no income tax is paid, there are many more that have, by the use of these and other provisions of law, produced results not contemplated by Congress and inconsistent with the basic concept of fairness in sharing the tax burden.

Just as an aside, it is interesting to note, as you examine the statistics of income, that the average size of farm losses rise as nonfarm income increases. Does this mean that farming efficiency drops off as the ability to earn other income increases?

Now I'm not suggesting the non-recognition of farm losses, or the taxation of unrealized gains, or the taxing of capital gains at ordinary income rates, or the elimination of charitable contributions or depletion allowance. These and other provisions of the code have justification for their existence. There is no justification, however, in permitting their use to produce results which are inconsistent with fairness and equity among taxpayers.

The basic point I would make is that a review and reform of our tax laws is not only in order but is absolutely essential. It should be the first order of business.

I am not suggesting that it can all be done over night or even during the current Congress. There are, however, some things that can be done with reasonable dispatch and done this year. No matter what the situation may be, we should start now.

It has been 15 years since there has been an over-all review of the Code. While an element of permanency and continuity is essential—I can imagine nothing more disruptive to our economy than constant uncertainty with respect to the structure and substantive provisions of our tax law—it is also desirable that there be a periodic review at 15-year intervals to assure that the tax system and its provisions are in keeping with current conditions and needs.

As just one example of basic reform, should we not examine the desirability of a broad transactions tax, or value-added tax, as a substitute for at least a portion of the corporate tax? I can see certain advantages in it, not only as an economic tool but also to equalize our competitive position with respect particularly to Western Europe, where this tax is used as an incentive to exports and border tax on goods manufactured abroad.

Incentives and special provisions enacted 15, 20 or 30 years ago may or may not still be desirable and needed today.

The recently issued annual report of the Secretary of the Treasury contains a detailed description of what he describes as special tax provisions designed to accomplish objectives other than raising revenue. They are listed as "Tax Expenditures." The tabulation of these so-called "tax expenditures" adds up to some $44 billion. Whether many are truly tax expenditures, and the accuracy of amounts involved, is subject to serious question and controversy. Even the Secretary acknowledges their controversial character.

But public confidence requires that these items should be reviewed and examined in the light of present day needs and, on the basis of that examination, continued, revised, or eliminated.

It may be that some new items should be added. While the basic purpose of the Code must be to raise the needed revenue, we cannot flatly condemn out-of-hand new proposals for tax credits or incentives while continuing those already on the books. Neither should we add new incentives without reviewing the desirability of those presently in the law.

Admittedly, such a broad review is no small task. It would be impractical, in my opinion, for the Ways and Means Committee to undertake such a review in the first instance. It should be undertaken, using the format of the 1954 structural review of the Code. In the preliminary stages, we called on every resource available. The groundwork was laid by congressional staff studies with the assistance and cooperation of professional and academic groups and individuals outside of government. I recall the major role, at all stages of its development, played by the Tax Section of the New York Bar in the 1954 revision.

This review and revision should be our long-range program. It will be an arduous and time-consuming task, but it should begin now.

For the short range, we should immediately undertake a review and reform of those aspects of the tax law which have been used to produce results not contemplated by Congress, or results inconsistent with fairness in sharing the burdens of government.

Studies in this area are already available. Congress last year directed the President to submit a program of tax reform to the Congress by December 31st, 1968. While this was not done—and I'm not quarreling with President Johnson's reasons for not submitting his recommendations—studies were made and are available to the Congress. As soon as the Committee on Ways and Means of the new Congress is organized, it should request these studies and make them available for public analyses. Shortly thereafter, public hearings should be held on whatever recommendations are contained in the Treasury study and any recommendations which may be made by the new Administration and by the general public, including your group.

I know you have some studies already completed. It was last month I received a copy of your most recent "Analysis of Proposals as to Federal Income Tax Relief for Persons Over Age 65."

Reform legislation should then be developed and enacted by this Congress.

I appreciate that the tasks I have outlined are not easy, that they involve controversy, and that they do not assure a perfect system of raising and distributing the tax dollar. But, to delay is to invite a greater need and greater and greater discontent. Revision must and will come. Let us hope it comes while reason can prevail rather than during the emotionalism of a public revolt.

We all know the need for action is present now. With the help of groups such as yours, the job can be done. We can have a code capable of meeting our needs and one in which all Americans can have confidence.

SECRETARY OF INTERIOR UDALL EMBARKS ON NEW CAREER

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, we Congressmen who have worked with U.S. Interior Secretary Stewart L. Udall know the fine work that he has accomplished during the Kennedy and Johnson years. It is a pleasure to thank Secretary Udall on behalf of the American people for his competence and ability as well as his progressive thinking in the responsible position of U.S. Secretary of the Interior.

I offer my special congratulations to Secretary Udall in his leadership in planning for the future of our Nation as a whole. We citizens of Pittsburgh have been particularly interested in Secretary Udall's progressive approach to water- and air-pollution abatement and emphasis on the necessity for planning increased open spaces in our cities, as well as the saving and protection and development of our national parks, which are the tremendous goodly heritage of every citizen of the United States.

I am enclosing for the RECORD the article on the new career of Secretary Udall from the Evening Star of Tuesday, January 28, 1969, as follows:

UDALL FIRM WOULD AID HUMAN ENVIRONMENT

(By Roberta Hornig)

Former Interior Secretary Stewart L. Udall today announced the formation of an international consulting firm that hopes to work for governments and industries "to create a better environment for man." It is called the Overview Group.

Joining Udall in the venture are several widely known architects and planners.

Lawrence Halprin of San Francisco, who heads a landscape architectural-environmental planning firm is chairman of the executive committee. Henry L. Kimelman, former commissioner of commerce of the U.S. Virgin Islands and, for the last year, assistant to Udall at Interior, is president and treasurer.

Among the principal advisers are I. M. Pei, internationally known architect who works out of New York; Teodore Moscoso of Puerto Rico, former head of the Alliance for Progress; architect Moshe Safdie, who designed "Habitat" at Expo '67 in Montreal; architect Kenzo Tange of Tokyo; Edmund N. Bacon, Philadelphia's city planner, and Charles M. Haar, who was assistant secretary of HUD for metropolitan development from 1966 through the end of the Johnson administration.

Overview's vice president is Henry S. Bloomgarden, who was Udall's special assistant at Interior. Mrs. Sharon Francis, who served as Mrs. Lyndon B. Johnson's beautification aide, is secretary.

In his new firm, Udall will attempt to carry out some of the ideas and concepts he developed during his eight years as Interior Secretary in the Kennedy and Johnson administrations.

Udall generally is credited with changing Interior's image as a "Western department" to one dealing with the nation's environment, and for building public awareness of the problems of rapidly decreasing open space, and increasing population, dirty water, dirty air and noise.

Besides an office here at 1700 Pennsylvania Avenue NW., Overview initially also has an office in San Francisco.

It will take on assignments such as planning "new towns, city development aid and transportation systems."

STRENGTHENING FEDERAL SERVICE THROUGH A FEDERAL ADMINISTRATIVE JUSTICE CENTER

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. GUDE. Mr. Speaker, I would like to bring to the attention of the House an address given by John T. Miller, Esq., at the sixth annual seminar of the Trial Examiners Conference on October 23, 1968. This address entitled "Continuing Legal Education of Lawyers in Federal Service and the Federal Administrative Justice Center Proposal" embodies the recommendation of the administrative law section of the American Bar Association.

The proposal to establish a Federal Administrative Justice Center for the training of hearing examiners and other lawyers in the Federal service offers tremendous potential in providing specialized professional training for a very vital area of Government service. Just 3 days ago the house of delegates of the American Bar Association endorsed the principles set forth in this address by resolution and made specific legislative proposal to bring such an institution into being.

It is with enthusiasm I bring the address, the resolution and the proposed legislation to the attention of my colleagues.

CONTINUING LEGAL EDUCATION OF LAWYERS IN FEDERAL SERVICE AND THE FEDERAL ADMINISTRATIVE JUSTICE CENTER PROPOSAL

Among the qualifications most necessary for those in the highest rank of government, Aristotle listed "An affection for the established constitution," and "abilities every way completely equal to the business of their office."[1]

In our evolving society today these standards must include an ability to grow, to adapt, and to cope with new problems.

While the philosopher was speaking specifically of those who rule, his standards might be applied with felicity I think to the Hearing Examiner in Federal service.

"Adjudication" wrote Plucknett, the English historian of Common Law, "like any other questions of human conduct, depends upon a nice balance between law and equity, rule and exception, tradition and innovation."[2]

This balance requires a prudent judgment formed by experience and education and based on the facts of record in the particular case.

As lawyers, we realize we learned our craft in large measure after we left law school. Retaining our proficiency is a constant educational process. Continuing legal education, in the sense of attendance of lectures, workshops, discussion groups, and other organized meetings with experts, is ordinarily considered a useful tool in the process.

My remarks today will be concerned with continuing legal education. How does it stand with the lawyer in federal service?

Over 10,000 lawyers are employed by the federal government. Since the late 1940's they have been outside the competitive civil service. Consequently, administration and training have been handled by each agency or department in its own way. One of the less attractive by-products of this status has been a malaise in continuing legal education within the government.

In September 1962 the Committee on Personnel of the Administrative Conference of the United States noted the need for, and lack of, advanced training of hearing examiners and government attorneys. A variety of remedial programs was suggested: in-service training on a part-time basis; short-term training programs prepared with the assistance of private organizations and professional groups; and university training for advanced study and research. Looking down the road, the Committee urged the Civil Service Commission, or the successor organization of what was then a temporary Administrative Conference, to undertake a study of the long-range problem of training and education of professional personnel in the regulatory agencies.

Four years later, in a memorable speech delivered before the Federal Bar Association, Civil Service Commission Chairman John Macy stated:

"The Commission recently conducted an inquiry in a number of federal agencies, and failed to locate a single program that might be regarded as a well-rounded career development and training program specifically designed for attorneys. This gap in development facilities does not presently exist in the federal government for professional people in other fields. It is in sharp contrast with excellent programs for professionals in such fields as physics, engineering and agricultural sciences."

From this, Mr. Macy concluded:

"We are neglecting attorneys when it comes to post entry training and career development."

When making these statements, Chairman Macy certainly was aware of training programs already in existence in some departments and agencies. He obviously found them inadequate to meet the needs of the government lawyer. He also knew of the efforts being made by the bar and the law schools to meet the interests and needs of all lawyers. Despite their grand work, the deficiency for the government lawyer endured, as it does down to the present time.

I might observe, in passing, that Chairman Macy's analysis was confirmed by the report of the Presidential Task Force on Career Advancement published in 1967.

Looking about for possible solutions, Mr. Macy mentioned some of the programs suggested by the Committee on Personnel. He pointed to the establishment of the Commission's Executive Seminar Center at Kings Point, New York in 1963, and another center at Berkeley, California adjacent to the University of California campus, as contributions to the growing need for career development facilities in government training. He noted the proposed founding of a senior staff college with residential programs for career executives in the rank of GS–16 and above. This college, I might add, has become a reality. It commenced operations ten days ago at Charlottesville, Virginia.

The only program which Chairman Macy could identify in September 1966 as the Commission's contribution to the needs he had identified was a seminar for hearing examiners then in the planning stages.

A year and a half before that, the ABA had studied how the newly-appointed hearing examiner was introduced to his duties. It appeared that most departments and agencies used the informal approach: an amiable greeting on arrival, a guided tour of the premises, a complimentary copy of the statutes and agency rules and an invitation to drop in for a chat. In a few instances a more elaborate program was provided; the most sophisticated being that offered to new appointees by the Social Security Administration of HEW. As a consequence of this study, in October 1965 ABA President Edward Kuhn conveyed to Chairman Macy a request that this probelm of training on first appointment be studied and appropriate remedial steps be adopted.

The Agency did react. On August 16, 1966 Mr. Macy reported to Mr. Kuhn that the Commission's staff was "in the process of developing a training program to meet the broad and continuing educational and developmental needs of Hearing Examiners". He also advised that "in the process of development is a training course for indoctrinating new appointees to hearing examiners positions."

The Commission's Office of Career Development assigned Dr. Thomas V. Garcia the painstaking task of initiating the program of seminars for hearing examiners. After months of discussions within and outside the government, the first seminar was launched in December 1966, an event well known to all of you.

Six of these seminars have been held to date, attended by 111 out of the 600 men in the corps. Three more seminars are planned for the remainder of fiscal year 1969 with an anticipated attendance of about 60. In other words, in the course of a three-year period, slightly less than one-third of the corps of hearing examiners will participate in the first program.

While some newly-appointed examiners have attended the seminars, they are not designed specifically to meet the needs of lawyers upon their first appointment. Nor has any such program yet materialized. Nonetheless, after a thoughtful analysis of the program and faculty of the first seminar and a careful study of notes taken of the lectures and discussions, the ABA urged the Commission to continue its seminar program. We concluded that if the quality of the faculty were maintained, the participating hearing examiners would be provided with an excellent opportunity to meet and to discuss meaningful problems with men having rich backgrounds relevant to the administrative process. It seems quite obvious that these seminars are but the threshold of what continuing legal education might be for hearing examiners.

Turning to the broader picture, what has been done under government auspices for government lawyers since Chairman Macy's address in 1966? Two programs have been completed, each undertaken for the first time this year.

The Bureau of Training of the Commission organized four evening sessions in the Spring and early Summer of 1968 designed to expose attorneys to authors and their ideas. In May, Professor Walter Gellhorn, discussed his book "When Americans Complain". During succeeding months, Alan F. Westin discussed "Privacy and Freedom", Ronald L. Goldfarb presented his book, "Crime and Publicity," and Samuel E. Stumpf considered his "Morality and the Law." The sessions, intended for attorneys in Grades GS–13 and above, were attended by thirty attorneys.

In July of this year, the Commission's Bureau of Training ran a Management Institute for Attorneys. The program was focused on some of the newer approaches to developing the effectiveness and efficiency of a supervisor and explored certain critical aspects of the management of a government law office. Participants were expected to master substantial reading assignments prior to the discussions. The courses were intended primarily for attorneys in executive and managerial positions in the rank of GS–14 and above. About thirty attended the Institute.

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[1] Politics, Bk. V, Chap. IX (Everyman's Ed., Trans. Wm. Ellis 1912) p. 164.

[2] A Concise History of the Common Law, p. 609.

The Commission is now planning an Institute for new Government attorneys. Through case studies, lectures, reading assignments, discussions and other instructional methods, the particants are expected to gain a better understanding of the role of the government attorney and his relations with other agencies, a familiarity with the materials used by the government attorney and a better knowledge of the far reaching significance of his work. This program is designed for attorneys who have entered the government service within the last two years.

These programs of the Civil Service Commission developed within the last two years have so far reached 60 of the 10,000 government attorneys. They represent a small but helpful response to the need for providing continuing legal education for the lawyer in the federal service. But they fall far short of providing the well-rounded career development and training program specifically designed for attorneys, the absence of which was noted by the Committee on Personnel six years ago and decried by Chairman Macy in 1966.

Where may we look for effective solutions to this need?

For many years the deficiencies have been known to the executive departments and the regulatory agencies which might have provided the answers. They have not risen to the challenge. Each of you could no doubt add reasons to the ones I would suggest.

First has been a lack of leadership; probably the greatest impediment. Then there are certain interwoven factors. On the one hand there seems to be such concentration on programming to meet current workloads that little attention, time, or talent are available to assure that future challenges might be more capably met. Related to this is an apparent reluctance to include in department and agency budgets the costs of continuing legal education (which must include the cost of employing a large enough staff of lawyers to permit scheduling of absences on educational assignments).

Contrast this lassitude with developments among the judiciary. A National College for State Trial Judges has been established at the University of Nevada. An Academy of the Judiciary was formed in December 1967 in New York City to provide continuing legal education of local judges. And the newly-established Federal Judicial Center which begins operations this month at its headquarters in the Dolly Madison House on Lafayette Square will conduct, as one of its first major events, a seminar from October 25 to November 1 for newly-appointed Federal judges.

What the judiciary on the federal, state and local levels have come to recognize as necessary for judges should not be ignored by officers serving in a judiciary capacity throughot the federal government.

We have little confidence that further exhortations will overcome the inertia holding up continuing legal education within the government. What is needed now, I think, is a catalyst; one which focuses attention on the need for continuing legal education and, at the same time, provides a remedy of such compelling quality that it commands the needed leadership, encouragement and support from within the government and without.

For several years, the ABA has been concerned with the lack of continuing legal education for hearing examiners and lawyers in federal service. As a result of our studies of the problem, and in response to Chairman Macy's request in 1966 for constructive suggestions, the Administrative Law Section has recommended the founding of a Federal Administrative Justice Center. This recommendation is now before the House of Delegates of the ABA. I would like to discuss the proposal with you briefly.

We believe that an essential ingredient of any resolution of the problem is the assignment to an independent federal agency of responsibility for organizing and coordinating continuing legal education and for providing necessary faculties and facilities for such training.

The Administratve Conference of the United States might seem the logical organization for the task. But Congress has not given the Conference the organic power to play this activist role.

The Civil Service Commission—although making a beginning—has not shown the inclination, capability or tradition to undertake the task in its full dimensions.

If this job is to be done effectively, it apears to us necessary to establish a new agency, by statute, which at this stage we call the Federal Administrative Justice Center.

Congressional sponsorship of the Center would provide official recognition of the desirability for quality continuing legal education by the ultimate custodian of the purse strings of federal funds, and ought to encourage diffident officials to include the necessary costs of such programs in their department and agency budgets.

Organized within the Government, the Administrative Justice Center would be guided by a Board made up predominantly of officials and lawyers in federal service. In this respect, it would resemble the Administrative Conference of the United States.

The Board of Visitors of the Center would include interested representatives of the broad spectrum of our society directly interested in ensuring that the administrative process is efficient and just: The Attorney General, the Chief Judge of the United States Court of Appeals for the District of Columbia Circuit, Chairman of the Civil Service Commission, the Chairmen of several regulatory agencies, general counsels, hearing examiners, the Bar, and those interested in promoting continuing legal education including the deans of representative law schools. To assure necessary coordination with the Administrative Conference, its Chairman would be appointed to the Board of Visitors.

The Board would lay down the general guidelines for the operation of the Center, leaving detailed administration to a Dean.

The Center would have a small permanent staff. Like a university law school, it would be administered by lawyers.

Courses at the Center would be tailored to meet specific needs. An orientation course for newly-appointed recent law school graduates might differ materially from one designed to serve the needs, let us say, of General Counsels. Courses would be designed to meet the evolving needs of the Government and to provide for the particular developmental requirements of the participating lawyers. A recognition of the responsibilities that go with public service would not be neglected.

I do not see the need for the Center to take over courses already being presented competently by others.

The Center would not have a permanent faculty—at least initially. With a first rate Dean, the Center would seek its professors from among the faculties of our leading law schools, the best of the talent in federal service, the cream of the private bar and outside specialists.

Training at the Center would be rigorous. While non-lawyers would not attend the Center as students, they might be called upon to serve on the faculty to present courses in specialties for which they are uniquely qualified.

Periodic attendance at the Center would be officially encouraged. To the extent feasible, expenses would be defrayed by the participating regulatory agencies and departments.

Without the active cooperation of the departments and agencies in discovering the continuing legal education needs of the lawyer, the Center would resemble a well-appointed table without a menu or a nourishing meal; without their financial support, the Center might briefly provide a groaning table of appetizing dishes but without guests to enjoy them.

The Center would also provide the locus and resources for the conduct of technical legal research in areas of administrative law involving critical problems. This activity would be coordinated with that of the Administrative Conference of the United States to avoid unnecessary duplication of effort.

The Center might be housed initially on or adjacent to one of the campuses in the District of Columbia, or possibly, in connection with the Consortium of Universities which has been organized in our nation's capital. Such a locus would encourage the hoped-for emphasis on quality. At the same time, removal of the participating lawyer from the cares and concerns of his daily occupation should promote the vigorous participation and thoughtful reflection essential to a profitable matriculation.

You might well ask why the Federal Hearing Examiners should be interested in the establishment of such a Center.

You have an essential stake in the success of the administrative process. As Justice Frankfurter observed in the *Steel Seizure* Case:

"Our society is more dependent than any other form of government on knowledge and wisdom and self-discipline for the achievement of its aims. For our democracy implies the reign of reason on the most extensive scale. * * *"[2]

I do not think that you need to be persuaded as to the desirability of continuing legal education. Your attendance at this fine seminar sponsored by the George Washington University and the Federal Trial Examiners Conference under the capable direction of Professor Forrester Davison shows where you stand on that question.

How might you participate in a Center such as I have described? Through representation on the Board of Visitors, which determines policy for the Center; as informal advisers in organizing curricula; as members of the faculty, leaders of workshops and discussion groups; and, not the least important, as students. I would not attempt to guess what curricula could be developed. Needs must be uncovered through careful study. But I might suggest a few areas of potential activity.

Such a Center might be very influential in paving the way for the skillful use of computers in legal research, rate reviews, marketing analyses and other phases of administrative cases where substantial amounts of financial and economic data must be quickly mastered in the interest of speedy decisions.

Perhaps, too, the Center might explore the possibility of developing the art of oral opinions for use in suitable cases, particularly where there is a great need for early publication of a decision.

The Center might provide courses which would help hearing examiners serving in the lower grades prepare themselves for appointment in the agencies providing more challenging work and paying higher salaries. Such an activity would be entirely consistent with the concept that a newly-appointed hearing examiner embarks upon a career service within a corps of hearing examiners dedicated to the efficient administration of justice.

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[2] *Youngstown Sheet & Tube Co.* v. *Sawyer*, 72 S. Ct. 863 at 888–9 (1952).

The Federal Administrative Justice Center could serve you well in meeting the challenge of excellence which you accepted when you became federal hearing examiners. I hope that you will help bring it into being.

JOHN T. MILLER, Jr.

WASHINGTON, D.C.

BIOGRAPHICAL NOTES OF JOHN T. MILLER, JR., OCTOBER 1, 1968

Office: 1001 Connecticut Avenue, NW., Washington, D.C., 20036.

Home: 4721 Rodman Street, NW., Washington, D.C., 20016.

EDUCATION

Clark University (A.B. with high honors 1944); Georgetown University (J.D. 1948); University of Geneva, Switzerland (Docteur en Droit 1951); also attended University of Paris, Purdue University, North Carolina State College, Ball State Teachers College, Academy of International Law of The Hague.

MILITARY EXPERIENCE

Served in the United States Army, from Private, Infantry Rifleman, to First Lieutenant, Corps of Engineers (served in the Ryukyus campaign), 1943–1946. Intelligence Officer, Staff, The Engineer School, Fort Belvoir, Virginia, 1948–49.

FOREIGN SERVICE

Economic Cooperation Administration, American Embassy, London, Junior Economic Analyst; Industrial Analyst, 1950–1951.

LEGAL EXPERIENCE

Member of the Bars of the State of Connecticut and the District of Columbia; Supreme Court of the United States; United States Court of Claims; five different United States Courts of Appeal; Interstate Commerce Commission Practitioner.

Active practice of law for the past sixteen years in the District of Columbia: the first ten years with two different law firms; the last six years in private practice alone.

BAR ACTIVITIES

Chairman, Hearing Examiners Committee, and Council Member, Administrative Law Section, American Bar Association; Member, D.C. Bar Association, Federal Power Bar Association, and the International Bar Association.

TEACHING EXPERIENCE

Adjunct Professor of Law in Georgetown University Law Center: courses on Trade Regulation, Corporation Problems, Antitrust Law, and International Law. Also Associate Director of the Institute for International and Foreign Trade Law of Georgetown Unisity (1962–68).

WRITINGS

Les Gouvernements et les Placements Privés a l'Etranger, Paris, 1951.

"The ECA Guarantees and the Protection and Stimulation of Foreign Private Investment," *Georgetown Law Journal*, 1950.

Regulation of Trade, Fallon Law Book Co., 1953 (together with Professor Heinrich Kronstein).

Book review: Lamb & Kittelle, "Trade Association Law and Practice", Georgetown Law Journal, 1958.

"Competition in Regulated Industries: Interstate Natural Gas Pipelines", *Georgetown Law Journal*, 1958.

Modern American Antitrust Law, Oceana, 1958 (with Professor Kronstein).

Book review: Kaysen and Turner, "Antitrust Policy: An Economic and Legal Analysis", *Georgetown Law Journal*, 1960.

"Some Observations on the Lawfulness of Long-Term Contracts for the Purchase of Energy Supplies of Public Utilities in Interstate Commerce", *Georgetown Law Journal*, 1961.

Book review: Fulda, "Competition in the Regulated Industries: Transportation", *Georgetown Law Journal*, 1962.

"The Proposed European Trademark Convention in the Light of European-American Trade", in "Conference on the Proposed European Trademark Convention" (edited by Drs. Kronstein and Miller), 1963.

Book review: Massel, "Competition and Monopoly: Legal and Economic Issues," *Georgetown Law Journal*, 1963.

"Extraterritorial Effects of Trade Regulation", *University of Pennsylvania Law Review*, 1963.

"The Civil Service Commission's New Hearing Examiners Program", *Administrative Law Review*, Fall 1964.

Major American Antitrust Laws, Oceana, 1965 (With Kronstein and Dommer).

"The American Corporation in American Foreign Trade: A Case of Ill-Defined Private Rights and Unrefined Public Power", *Dickinson Law Review*, Summer 1966.

"The Peaceful and Responsible Resolution of Disputes between States and Foreign Corporations in International Trade", *Das Unternehmen in der Rechtsordnung*, 1967.

"Federal Administrative Justice Center", *Administrative Law Review*, April 1968.

"The Vice of Selective Certification in the Appointment of Hearing Examiners", *Administrative Law Review*, June 1968.

Family: Married to Dorothy Shaen Dawe. Nine children: Kent, 12; Lauren, 11; Clare, 10; Miriam, 8; Michael 7; Sheila, 6; Lisa, 5; Colin, 3; Margaret, 9 months.

RECOMMENDATION No. 2

Be it resolved, that the American Bar Association initiate and support the founding of a Federal Administrative Justice Center which would have responsibility for developing and supervising the orientation and training of hearing examiners and other lawyers in government service; and

Resolved further, that the Section of Administrative Law be authorized to undertake and further all steps appropriate towards accomplishing these objectives as soon as practicable.

REPORT No. 2

SECTION OF ADMINISTRATIVE LAW ON THE ESTABLISHMENT OF A FEDERAL ADMINISTRATIVE JUSTICE CENTER

1. Origin of the proposal: This proposal is the outgrowth of several years of study and experience of the Section with the Civil Service Commission's programs for the recruitment and training of federal hearing examiners. The specific proposal originated with the Section's Hearing Examiners Committee (and the Committee's Chairman), which has been called upon to serve as liaison between the Association and the Commission and to evaluate and recommend constructive improvements in the Commission's programs.

2. Coordination: An earlier text of this report, and a copy of the resolution which it supports, were sent to the Chairman of the Administrative Conference of the United States and to the following committees and sections of the Association and other groups which might have an interest in the subject matter:

Continuing Education of the Bar,
Federal Judiciary,
Federal Legislation,
Code of Federal Administrative Procedure,
American Law Institute, American Bar Association, Committee on Continuing Legal Education,
Judicial Administration,
Association of Continuing Legal Education Administrators, and
The Association Program for Lawyers in Government.

The Association's sections expressed no opposition to the proposal. The Committee on the Government Lawyer and the Section of Public Utility Law expressed positive approval.

The Administrative Conference will initiate a study in 1969 which will eventually investigate continuing legal education of government lawyers. It is impossible to tell when it will be completed. Chairman Jerre S. Williams advises that the Conference, as a firm policy, does not suggest delay in the development of any proposals for improvement of administrative practices and procedures to await investigation and recommendation by the Conference.

Chairman Williams sees no significant area of overlap between the statutory function of the Administrative Conference and the proposed fundamental purpose of the Administrative Justice Center to further continuing legal education of attorneys in federal service.

3. Needs: There can be no disagreement that it is essential to good government that its legal personnel, such as its hearing examiners entrusted with awesome decisional responsibilities, and its trial counsel with prosecutory and defense obligations of substantial magnitude and grave import, should be professionals of the highest caliber, possessed of the best of professional skills attuned to the very moment. Yet, there is very little professional postgraduate training designed to meet this important need.

Civil Service Commission Chairman John W. Macy, Jr., acknowledged this void and the correlative need for remedy in his keynote address before the 1966 Annual Convention of the Federal Bar Association:

"The need for the talented attorney in Government today is greater than ever before * * * Federal programs . . . will only meet expectations if the lawyer of capacity and imagination contributes his very best. * * * I would hope that in this endeavor we can meet and work with . . . representatives of the American Bar Association. * * * The necessity of post-entry training for professionals has been recognized for some time by the legal profession. As long ago as 1947, for example, a special committee of the American Law Institute characterized continuing education for lawyers after their admission to the Bar as 'a matter of first importance to the profession and the community.' . . . On March 1st of this year [1966] the [Joint] Committee [on Continuing Legal Education of the American Law Institute and the American Bar Association] issued a new Catalog of Continuing Education Programs in which, I am interested to see, it lists 194 separate programs of education, available in 29 States. The Federal Government has no comparable development for continuing education for attorneys.

"The Commission recently conducted an inquiry in a number of Federal agencies, and failed to locate a single program that might be regarded as a well-rounded career development and training program specifically designed for attorneys. This gap in the career development facilities for attorneys does not presently exist in the Federal Government for professional people in other fields. * * * To me, those figures indicate that we are neglecting attorneys when it comes to post-entry training and career development. * * * If we are to create for attorneys those elements of a career system which are within our authority, it seems obvious we must speedily make plans and establish facilities within the Government for their continuing legal education. * * * The potential is great. The need is obvious * * * The possibilities for progress compel us to move ahead."

Chairman Macy added:

"Although I would hope that the experience and capacity of the Civil Service Commission would contribute to the formation and operation of such a system, I would not feel that it would necessarily have to be 'under civil service' if that location was viewed negatively by the members of the profession." (Federal Bar News, January 1967, pp. 8–13).

Since Chairman Macy's speech, a Federal Judicial Center has been established by statute, charged among other things with fostering continuing education programs for judicial personnel, under direction of a board consisting exclusively of judges and the director of the Administration Office of the United States Courts. In signing the bill, President Johnson pointed out that the Center will "make our federal court system a model for all the courts in all the states and all the cities of America." (ABA News, January, 1968, p. 4).

Pressing comparable need exists for creation of a like facility for the administrative process to make it, too, a model and source of justifiable price to all Americans. The Section accordingly recommends that the American Bar Association accept Chairman Macy's invitation and undertake and further all necessary measures to provide an appropriate educational and research facility at a postgraduate professional level, for the continuing professional enhancement of hearing examiners and other governmental legal personnel. There is no inconsistency between this program and the 1954 Resolution of the Association relating to the establishment of an Office of Administrative Procedure. The latter does not deal with the orientation and continuing education of hearing examiners.

4. The Remedy: The nature of the need indicates the scope of the remedy. Essential ingredients of a solution include attraction into government service of the most highly qualified professional persons of the highest ethical standards; the maintenance of a climate in government for those professionals to preserve their skills and ideals; and encouragement of those professionals to dedicate those skills and ideals toward significant improvement of the administrative process and government.

The need can be met effectively only through provision of a postgraduate legal educational-research facility of the highest order of professional excellence, fully equivalent to if not the peer of the best American law faculties; one which will draw a top-grade faculty and a high-quality student body by reason of its acknowledged professional excellence. Periodic attendance by hearing examiners and other governmental legal personnel should be officially encouraged, assisted and, to the extent feasible, required with all expenses defrayed. In view of the technical professional level at which the facility would be maintained, nonlawyers would be ineligible to attend.

The proposed facility would conduct orientation courses at a sufficiently stringent professional postgraduate level to assure provision of Federal hearing examiners of the professional calibre contemplated by the Administrative Procedure Act and essential to vigorous viability of the administrative process. It would also assure, in the public interest, that such career officials could keep their technical professional knowledge current and their professional techniques honed to maximum sharpness. Like provisions would be afforded for government trial and other attorneys.

A further objective of the proposed facility would be to provide locus and resources for the conduct of intensive high-level technical legal research designed to support continuing legal education objectives in areas where such research would not duplicate that undertaken by the Administrative Conference of the United States.

5. Organization and Operations of the Federal Administrative Justice Center:

a. Location. It is contemplated that the Center would be based in Washington, D.C. From time to time, for good reason, courses, lectures, seminars, and institutes may be provided at other locations.

b. Basic Operational Guiding Principles. The basic operational guiding principles of the Center would be: (1) level of input, both of faculty and student body, would be of the highest professional quality; (2) level of instruction and research would be at least the equivalent of any leading American postgraduate law faculty; (3) administration of the Center would be fully in the hands of the highest level professional persons themselves—as in the case of the best University law school faculties and the various judicial training facilities, and all supporting administration would be under the control of the professional persons themselves; (4) course planning and structuring, faculty procurement, instructional methods and media, etc., would be under exclusive control of the professional persons charged with operating the Center—again, comparably to a University law school or judicial training center.

Suggested operational details for such a Center are set out in a report of the Section on the Federal Administrative Justice Center published in Vol. 20, No. 4 of the Administrative Law Review (1968).

c. Basic Planning and Operational Policies. Responsibility for basic planning and policy decisions would be entrusted to a Board of Visitors consisting of 20 members:

1. Attorney General of the United States.
2. Chairman, U.S. Civil Service Commission.
3. Chairman, Administrative Conference of the United States.
4. Chief Judge, United States Court of Appeals for the District of Columbia Circuit.
5. Chairman, Section of Administrative Law, American Bar Association.
6. President, Federal Bar Association.
7. Chairman, Joint Committee on Continuing Legal Education of the American Law Institute and the American Bar Association.
8. President, Federal Trial Examiners Conference.
9. Head of Federal Regulatory Agency No. 1.
10. Head of Federal Regulatory Agency No. 2.
11. General Counsel of Federal Regulatory Agency No. 3.
12. General Counsel of Federal Regulatory Agency No. 4.
13. Hearing Examiner, Federal Regulatory Agency No. 5.
14. Hearing Examiner, Federal Regulatory Agency No. 6.
15. Hearing Examiner, Federal Regulatory Agency No. 7.
16. Dean, Law School No. 1 (Washington, D.C.).
17. Dean, Law School No. 2.
18. Dean, Law School No. 3.
19. Private legal practitioner, designated by Chairman of Board of Visitors.
20. Private legal practitioners, designated by Chairman of Board of Visitors.

d. Administration of the Center. Administration of the Center would be under an academic Dean—as in the case of a University law faculty.

e. Faculty and Staff. It is not contemplated that the Center would have any full-time resident faculty, at least initially. Faculty would be drawn from the following sources, by invitation on an honorary basis: leading American law school professors; justices and judges of the highest degree of expertise in the administrative law field; hearing examiners of the highest professional competence and experience; highly qualified legal practitioners in the various specialty fields of administrative law; members of agencies and their supporting staffs (lawyers and nonlawyers); others as appropriate.

f. Liaison. It would be appropriate for the Center to maintain continuing liaison with relevant governmental and nongovernmental resource elements, including the various federal regulatory agencies, notably the general counsels thereof; the Administrative Conference of the United States; bar associations; various judicial training facilities, federal and state; various postgraduate legal educational establishments (ALI, PLI, etc.); individual hearing examiners; judges and lawyers of acknowledged expertise in the various specialty administrative law fields; deans of leading American law school faculties; legal scholars in the specialty fields; the Federal Judicial Center; and the National Foundation of Law, if established (introduced by Congressman Celler as H.R. 13584 on October 19, 1967, 90th Cong., 1st Sess.; endorsed by ABA).

6. Implementation. A draft of proposed legislation establishing a Federal Administrative Justice Center is attached.

7. Association action. The Section, through action of its Council, urges the Association to adopt this resolution. No funds need be specifically appropriated to implement the resolution.

Respectfully submitted,

SECTION OF ADMINISTRATIVE LAW,
BEN C. FISHER, *Chairman*.

JANUARY 1969.

PROPOSED LEGISLATION, FEDERAL ADMINISTRATIVE JUSTICE CENTER

A bill to amend title 28 of the United States Code to establish the Federal Administrative Justice Center to enhance the quality of administrative law operations in the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Administrative Justice Center Act."

FINDINGS AND PURPOSE

SEC. 2. The Congress hereby finds—

(1) that continuing improvement in the operations of the administrative process in the United States is essential to maintenance of the freedom, liberties, and general welfare of the people of the United States, to fulfilment of domestic peace and tranquility under law, to social and economic advancement, and to peace and security;

(2) that significant continuing needs exist for the attraction into and maintenance within the service of the Federal Government, of exceptionally highly qualified legal personnel to fulfil exacting responsibilities at the core of the administrative process and upon which its efficient and fair execution depend; viz., the conducting of fair adversary hearings and rendering of decisions therein, and the legal preparation and prosecution thereof;

(3) that it is essential to the proper provision and fulfilment of such needs to provide adequate educational facilities for initial technical orientation training of such personnel and for continued maintenance of professional knowledges and skills;

(4) that it is desirable and appropriate, in connection with providing such continuing legal education, to encourage high-level technical professional research in solution of significance and pressing problems in administrative law;

(5) that in order to meet these needs and implement those findings it is desirable, appropriate, and essential in the national interest to establish a Federal Administrative Justice Center to—

(A) provide facilities for initial technical professional orientation, and continued maintenance of requisite levels of technical knowledge and professional skill, of Federal hearing examiners and Federal career attorneys;

(B) stimulate and provide facilities for carrying out. as part of and in connection with such education, published technical professional research pointed toward solution of significant and pressing problems of administrative law; and

(C) provide an effective mechanism for continuing elevation of the level of performance and efficacy of the administrative process, in enhancement of the quality of Federal government in the national interest.

FEDERAL ADMINISTRATIVE JUSTICE CENTER

SEC. 3. There is established an agency to be known as the Federal Administrative Justice Center (hereinafter referred to as the "Center"), to be located in the District of Columbia.

BOARD OF VISITORS

SEC. 4. (a) There is established in the Federal Administrative Justice Center a Board of Visitors (hereinafter referred to as the "Board").

(b) The Board shall be composed of twenty members, as follows:

(1) the following members ex officio: the Attorney General of the United States (who shall act as Chairman of the Board); the Chairman of the United States Civil Service Commission; the Chairman of the Administrative Conference of the United States; the Chief Judge of the United States Court of Appeals, District of Columbia Circuit;

(2) in accordance with procedures established by the foregoing members, the Chairmen of the two Federal regulatory agencies; the general counsel of two other Federal regulatory agencies; one hearing examiner from each of three other Federal regulatory agencies; three deans of fully accredited American law schools (to include at least one located in the District of Columbia); one representative of the American Bar Association; one representative of the Federal Bar Association; one representative of the American Law Institute; one representative of the Federal Trial Examiners Conference; and

(3) two attorneys, selected on the basis of distinguished legal service, practice, or scholarship in the field of administrative law, to be designated by the Chairman of the Board.

(c) Each member of the Board appointed or designated pursuant to subsection (b)(2) and (3) of this section shall, as specified at the time of appointment or designation, be appointed or designated for a term not exceeding four years to expire on June 30 of a calendar year in which not more than four other members' terms are scheduled to expire.

(d) The Board shall meet at the call of the Chairman, not less often than once each calendar year; or at any time, at the request or notification of not less than seven members. Fourteen members shall constitute a quorum.

(e) Members of the Board not otherwise employed in a full-time capacity by the United States shall receive compensation at a per diem rate equal to the rate for GS-18 of the General Schedule under section 5332 of title 5 of the United States Code, and may be paid per diem, travel, and transportation expenses in accordance with section 5703 of that title.

(f) The Board shall:—

(1) establish policies, procedures, and guidelines in furtherance of the objectives of this Act; and

(2) exercise a visitorial function to assure compliance by the Center with the policies, procedures, and guidelines of the Board.

EXECUTIVE COMMITTEE

SEC. 5. (a) There shall be an Executive Committee of the Board (referred to as the "Executive Committee"), to be composed of five members elected by the Board from the membership of the Board. The five members so elected shall to the degree feasible reflect and be fairly representative of a cross-section of the Board.

(b) The Executive Committee shall elect from its membership a Chairman.

(c) The Executive Committee shall perform the functions of the Board, for and on behalf of the Board, between meetings of the Board, and shall meet for this purpose or otherwise be consulted at the call of the Chairman of the Executive Committee, or upon request or notification of not less than three members of the Executive Committee.

THE CENTER

SEC. 6. (a) There shall be a dean and two assistant deans in full-time residence at and to administer the academic operations of the Center.

(b) The affairs of the Center shall be executed within policies, procedures, and guidelines established by the Board.

(c) The dean of the Center shall formulate and may at any time recommend to the Board, policies, procedures, or guidelines or changes therein. The dean shall be in charge of day-to-day operations of the Center, including detailed planning, programming, curriculum structuring, preparation and approval of specific courses of study, procurement of faculty and classroom space and other facilities, admission and accreditation and dismissal or suspension of students, and control of all employees and personnel at the Center.

(d) Courses of instruction, lectures, and research may be arranged and conducted, within Board policies, procedures, and guidelines, at any time and from time to time at any designated university or consortium of universities in the District of Columbia or elsewhere in the United States.

(e) Federal hearing examiners and attorneys in the employ of the United States Government shall, upon designation of any Federal agency in which they are employed, within the policies established by and in coordination with the Civil Service Commission, or upon designation by the Civil Service Commission, or by invitation of the Center, be admitted to full-time, part-time, or other attendance at the Center for educational or research purposes. Such attendance shall be at the expense of the agency in which such Federal hearing examiner or attorney is employed.

(f) Academic instruction and research at the Center shall be conducted on a postgraduate professional level.

(g) Research publications dealing with problems in administrative law prepared as an adjunct to continuing legal education may be issued by the Center in the form of treatises, annuals, monographs, articles, studies, or otherwise as appropriate or feasible.

(h) In order to assure accomplishment of the aims and purposes of the Center, the dean shall maintain continuing liaison with relevant governmental and nongovernmetal elemets, instrumentalities, and institutions concerned with postgraduate, technical, and continuing legal education.

ANNUAL REPORTS

SEC. 7. (a) The dean of the Center shall file an annual report with the Chairman of the Board on or before the 20th day of January of each year, summarizing the activities of the Center during the preceding year, including recommendations.

(b) The Chairman of the Board shall transmit a copy of the annual report of the dean of the Center, to each member of the Board, on or before the 10th day of February of each year, together with the Chairman's observations and recommendations.

ADMINISTRATIVE PROVISIONS

SEC. 8. (a) In addition to any authorities vested in him hereunder or by virtue of his authority as Chairman, in carrying out his responsibilities on behalf of the Board and within its policies and guidelines, the Chairman of the Board—

(1) may receive nonappropriated money and other property donated, bequeathed, devised, exchanged, or loaned, without condition, to the use of the purposes of the Center;

(2) may use, sell, exchange, lend, or otherwise dispose of such nonappropriated money and property or any part thereof;

(3) may obtain the services of experts and consultants in accordance with section 3109 of title 5 of the United States Code, and reimburse them for travel, transportation, and per diem expenses in accordance with section 5703 of that title;

(4) may accept and utilize services of voluntary and uncompensated personnel and reimburse them for travel, transportation, and per diem expenses in accordance with section 5703 of title 5 of the United States Code;

(5) shall rent space and make other necessary and appropriate expenditures (including the salaries of not less than three stenographers-clerks for employment at the Center) for the carrying out of the functions of the Center.

SALARIES

SEC. 9. (a) Section [5314] of title 5 of the United States Code is amended by adding:

"[(51)] Dean of the Federal Administrative Justice Center."

(b) Section [ ] of title 5 of the United States Code is amended by adding:

"[ ] Assistant Dean of the Federal Administrative Justice Center."

(c) Section [ ] of title 5 of the United States Code is amended by adding:

"[ ] Assistant to the Dean of the Federal Administrative Justice Center."

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. There are authorized to be appropriated such sums as may be necessary for the establishment and operation of the Center. Any sums appropriated under authority of this section shall remain available until expended.

VICE ADM. ROBERT B. BROWN RETIRES

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. RIVERS. Mr. Speaker, on February 1, 1969, Vice Adm. Robert B. Brown, Medical Corps, U.S. Navy, retires.

Admiral Brown has served with great distinction since reporting for active duty in the Navy in 1942. He had an impressive background in his profession at the time he entered naval service, including two specialties and teaching positions in outstanding medical institutions. Since reporting to the Navy, he served with great distinction both afloat and ashore, and was awarded the Bronze Star Medal for his outstanding performance on board the medical ship, U.S.S. *Repose*, during the Korean war.

His exceptional ability and devotion to duty were recognized by the Navy and, in 1956, he was elevated to the position of Surgeon General of the Navy and promoted to vice admiral. Dr. Brown has received many honors and awards both in the military and civilian fields.

Dr. Brown is a fellow of the American College of Surgeons and a diplomate of the American Board of Surgery. He is a member of the Philadelphia County, the Pennsylvania State, and American Medical Associations; the Society of University Surgeons; the American Surgical Association; the International Surgical Society; the Philadelphia College of Physicians; the Halsted Society; the Eastern Surgical Association; the Society of Vascular Surgery; the Southern Surgical Association; the American Association for the Surgery of Trauma; and Associate Member, Clinico-Pathological Society, Washington, D.C., and Philadelphia Academy of Surgery. In 1962 he received an honorary doctor of science degree from Allegheny College, Meadville, Pa., and in 1963 was awarded the Founder's Medal by the Association of Military Surgeons of the United States, and last year he was named a vice president of the Southern Surgical Society and second vice president of the American College of Surgeons.

I would like to take this opportunity to congratulate Admiral Brown on his distinguished career, and express my best wishes to Admiral and Mrs. Brown for a life of happiness in the retirement which is so richly deserved. I understand that Admiral and Mrs. Brown intend to live in Kill Devil Hills, N.C., and I hope they will enjoy many years of a rich, rewarding life together in their adopted State.

TRIBUTE TO AVERELL HARRIMAN

HON. EDITH GREEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mrs. GREEN of Oregon. Mr. Speaker, seldom has a man touched the inner fabric of history in his own time as intimately as the man we honor today. The procession of personal involvements is staggering: conversations with Trotsky and the other Soviet leaders in the first years after the October Revolution, Ambassador to Moscow during World War II, participant in the crucial Teheran Conference, perennial Presidential aid and personal friend to all of them, trouble-shooter and Ambassador at Large all over the globe, Governor of New York, and a candidate for presidential nomination. The man they call simply "Ave" has made the world his home, the world's problems his daily chore, the world's great personalities his constant coworkers, and a portion of the world's history his personal diary.

There can be no doubt, then, that Averell Harriman has already taken his place on the roster of the world's great statesmen and diplomats. But in this varied and colorful career there is a distinction which must engulf all others. Averell Harriman is a peacemaker—and the peacemaker is "blessed" indeed. For we need the peacemaker most, and he is hardest to find. The peacemaker must bring to the negotiating table the sort of experience, talent, comprehensive knowledge, and single-minded purpose which few men can ever hope to possess. And, perhaps of special significance, the peacemaker must possess one of the rarest of human virtues—eternal patience. There is a Chinese proverb:

> Patience is power; with time and patience the mulberry leaf becomes silk.

When Mr. Harriman was instrumental in the neutralization of Laos, the signing of the historic test ban treaty, and the first major breakthrough in the Paris negotiations a few days ago—the mulberry leaf became silk.

Averell Harriman, the peacemaker, reminds us that Milton was right:

> Peace hath her victories, no less renowned than war.

It is fitting that the Congress pay him tribute today, and welcome him back once again to a grateful Nation.

MISSISSIPPI REDUCES HIGHWAY DEATHS

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. GRIFFIN. Mr. Speaker, the alarming upsurge in traffic fatalities on our Nation's highways has been a source of grave concern to all Americans. Congress has long recognized the necessity of taking positive steps to reduce the tragic toll which highway deaths take each year.

This need has been advanced as a convincing argument in behalf of accelerating development of our Interstate Highway System. Moreover, the Highway Safety Act of 1966 was an outgrowth of the consensus that bold innovative action is essential in dealing with this mushrooming problem. It is obvious that these two Federal programs are making significant contributions toward the goal of curbing deaths on our thoroughfares. Yet, there can be no doubt that prime responsibility for highway safety remains with the various agencies of the respective States.

For this reason, I wish to call your attention to the splendid accomplishments of the Mississippi Highway Patrol in reducing highway fatalities last year. Under the able guidance of Commissioner Giles Crisler, the patrol launched a program 12 months ago to stem the rising fatality ratio which had grown to 9.1 deaths per 100 million miles traveled. This figure was reduced to 5.6 during 1968. This resulted from a decline in the annual fatality toll by 152, exceeding by two the goal set by Commissioner Crisler when he was appointed last January.

This impressive record, in my opinion, is a direct result of the diligent determination of Commissioner Crisler and his fine staff, who has cited the cooperative efforts of the public, the news media, and local police as contributing factors. A basic ingredient of the formula to achieve these objectives has been absolute insistence on equitable enforcement free of politics—a guideline which has been strictly adhered to during the administration of Gov. John Bell Williams.

Mr. Speaker, I believe the people of Mississippi have set an example which can be emulated throughout the Nation. It is an example of the tangible progress which can be made by dedicated leaders and individual citizens. I commend, particularly, the Mississippi Highway Patrol for its notable contribution to extending lives by making our highways safer for the public.

For the benefit of my colleagues, I include an article by Kenneth Fairly which appeared in the Jackson, Miss., Clarion-Ledger on this subject:

FAIR ENFORCEMENT, FEWER ROAD DEATHS

(By Kenneth Fairly)

Fair, impartial, effective law enforcement—without political interference.

That was the formula, according to Freeman Evans of the Mississippi Safety Council, which resulted in a reduction of traffic fatalities in Mississippi during 1968.

Evans' summation of what caused the reduction, by 152 deaths, of the death toll on Mississippi's highways during 1968—the first year of the John Bell Williams administration—came at a press conference at the Mississippi Law Enforcement Officer's Training Academy near Whitfield Thursday.

Gov. Williams, who attended the press conference and preceding luncheon, praised the Highway Patrol and its top leaders, Commissioner Giles Crisler and Chief J. D. Gardner, for affecting the reduction in traffic deaths.

When Crisler was appointed—on the day the governor was sworn into office—a goal was set to reduce by 150 the 1967 death toll of 908 lives, the governor said.

He said that due to the diligence and hard work of the patrol personnel and the cooperation of the public, news media and police, the goal had been accomplished.

It was the first year since 1965, when 637 persons died on the highways, that the patrol has had less than 800 people killed in traffic accidents, Williams said.

The governor said the goal was reached "with the handicap of having to patrol highways some 30 years old and antiquated by modern standards."

"Commissioner Crisler, Chief Gardner and the men of the Highway Patrol have done a remarkably outstanding job for the people of Mississippi." Williams said.

Crisler said that while final official tabulations have not been completed by the National Safety Council, unofficial reports from 40 states indicate that Mississippi is leading the nation in reducing traffic deaths in 1968.

The commissioner credited the public, the press and hard police work with attainment of the goal set last January when he assumed office.

Crisler said the fatality ratio of 9.1 deaths per 100 million miles traveled had been reduced in Mississippi to 5.6. The national average, he said, is 5.3.

He said the patrol estimates that 50,000 new drivers will be licensed in the coming year and that more vehicles will be licensed to operate on the highways and that no specific goal has been set for 1969, although the matter is under study.

Chief Gardner, said the patrol's auto theft bureau had recovered 1,361 stolen cars, valued at $1,877,082; that the Livestock Theft Bureau had recovered livestock and farm implement and materials valued at $80,474; and that the Identification Bureau had assisted in solution of 21 of 27 murder cases, 17 of 18 rape cases, and had recovered stolen property valued at $146,239.

Of 13 bank robberies committed in the state during 1968, Gardner said, 12 have been solved and six suspects were apprehended.

Art Richardson of the headquarters staff, using a map dotted with location of traffic fatalities, said that completion of interstate roads had helped in reduction of traffic deaths. He pointed out that I–55 from Valden to the Tennessee line was virtually free of fatal accidents. The same situation existed,

he said, on I-59 from Meridian to the Louisiana line.

Tom Shelton, director of the Training Academy, reported that 1,265 officers graduated from the academy during 1968 and that the crime lab located there handled evidence in 408 cases, a number expected to double during 1969.

He said the patrol would continue its strict enforcement policies and would concentrate its strength on highways during the most hazardous driving hours—such as weekends.

CHAIRMAN WILBUR MILLS' ADDRESS TO NATIONAL COTTON COUNCIL

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. DORN. Mr. Speaker, imports in the United States exceeded exports by $81 million in the month of December—the fifth straight monthly deficit of the year. Our textile industry has been particularly vulnerable to a flood of low-wage foreign imports. The Congress and the administration are concerned. There is general agreement that action must be taken. Our own distinguished, able, and beloved Wilbur Mills, chairman of the great Committee on Ways and Means, delivered a forthright and timely address dealing with this subject to the National Cotton Council of America meeting in Hot Springs, Ark., on January 27. In seeking a solution to this growing problem which threatens our textile industry and the jobs of its employees, I commend to the attention of the Congress and the people of our country Mr. Mills' outstanding address:

Remarks of the Honorable Wilbur D. Mills Before the Annual Meeting of the National Cotton Council of America, Hot Springs, Ark., January 27, 1969

When my good friend Tom Murchison extended to me an invitation to speak with you at your annual meeting, I was happy to accept.

First of all, it is an honor for us in Arkansas to be hosts for the Annual Meeting of the National Cotton Council. We in Arkansas are proud of our past and jealous of our future as a major cotton producing state.

Second, I was glad you chose Hot Springs for we are always pleased to have visitors come here and enjoy our scenery and become familiar with the promise of our resources.

Third, I have known many of you in the National Cotton Council and your member organizations for a number of years. Having discussed with some of you from time to time the problems and prospects of cotton, I welcomed the opportunity to meet old friends and renew acquaintances.

It just so happens that the year that the National Cotton Council was founded, 1938, was the year that I was first elected to Congress. I am, therefore, familiar with the work of your organization. It has been my observation over these three decades that the National Cotton Council, representing as it does the cotton producer, the ginner, the warehouseman, the merchant, the cooperative spinners and the cottonseed crushers in the 19 cotton producing states, can be justly proud of its research and market promotion activities on behalf of cotton.

I urge you to continue your fine efforts. I think we all recognize that your efforts to expand the consumption of cotton will be crucial at this time when our cotton economy is challenged as never before.

You in the National Cotton Council represent one of the most important crops produced by United States agriculture. The value of our cotton crop usually exceeds $2½ billion annually. Several million persons are engaged in producing and marketing cotton. However, the position of this historically important commodity in our domestic economy and export trade is being threatened.

The challenges to the cotton economy can well be summed up by paraphrasing a recent outlook statement published by the Department of Agriculture.

The 1968 cotton crop was just under 11 million bales. This was an increase of 46 percent over the 1967 crop but more then ⅕ below the 1962–66 average.

In foreign, free-world countries, production of cotton is increasing by over a million bales annually which is greater than the increase in cotton use. Although cotton use abroad is expected to increase, the rise has been moderated by expanding use of manmade fibers.

It has been indicated that U.S. exports in the 1969 crop year may total no more than 3 million bales which will further erode the position of the United States as the major cotton exporting nation.

It is expected that U.S. mill consumption of cotton during the 1968–69 crop year probably will fall a little short of last year's 9-million-bale level which may be the smallest U.S. mill consumption since 1963–64. Thus, we will continue to experience the trend evident over the past few years, that of cotton's declining share in an increasing total fiber demand. For calendar year 1968, the cotton percentage of the total fiber market will probably drop to a record low.

On top of the competition from manmade fibers in the domestic market is the competition from the rapidly increasing imports of textile products of manmade fibers. It is this last problem—the problem of the impact of imports—that I would like to discuss with you today.

As you know, in the last session of the Congress, I introduced a bill which would have established a program under which imports of textile products not presently subject to voluntary agreement would be brought under control. Under this proposal, the voluntary export controls on cotton textiles would have been extended by international agreement to textiles of wool and of manmade fibers. Increases in imports would have been related to the overall growth in demand for textile products in the United States market.

This bill, which was the result of many discussions with representatives of the textile industry and others, was one approach which I thought offered a possible solution to some of the problems we face. It was an attempt to make clear to the textile exporting nations that the United States cannot afford and will not permit the destruction of the productive capabilities and employment in our textile and apparel industries and of the producers which supply those industries.

In my discussions with representatives of the textile industry, I made clear that despite a strong conviction that action needs to be taken on textile imports, I did have reservations as to the "statutory quota" approach to the problems, and that I did not feel that statutory quotas are the best means of solving our problems of import competition. Further while I did sponsor the legislation, I committed myself in cooperation with other Members of Congress and with the interested agencies in the Executive Branch to try to find other and better solutions to the competitive problems in this industry.

I have not reintroduced the textile quota bill this year although I recognize that it is imperative to get a solution to the problem as soon as possible. Recognizing the position that the National Cotton Council has taken in favor of quotas on imports of textile products, I do want to discuss with you why I feel that statutory quotas are not now the proper means of dealing with injurious import competition. What is involved are problems of implementing legislation, administration and results.

The Congress always has trouble approving import quota legislation affecting a single industry. However sympathetic individual Representatives or Senators are to the textile import problem, there are other industries which are seeking the same form of relief, and which also have supporters in the Congress. Thus, it appears difficult, if not impossible, to work out an import quota law for one industry and prevent its extension to the products of other industries.

I need not remind this audience that our national interest, both economic and political, would not be served by Congressional action proposing to limit the quantity of trade in total as would be provided by *all* of the quota bills already pending in this Congress.

An objective look at the record would indicate that the long-term arrangement on cotton textile products has not been wholly successful. The arrangement has not resulted in the degree of control of imports that many of us anticipated when President Kennedy announced his 7-point program for the textile industry in 1961. Despite the multilateral agreement and the bilateral undertakings which have been negotiated, cotton textile imports have continued to increase and to account for a rising share of domestic consumption of such textiles.

In establishing the volume of imports of cotton textiles by country and by product under the arrangement, we have had to accommodate the requests of new exporting countries, principally developing nations, for a share of the United States import market. As a result, we are importing more cotton textiles from many more countries than was the case prior to the long-term arrangement.

The negotiations of the bilateral agreements to establish the level of cotton textile imports for the various product categories from each country in some cases have tended to create problems in foreign relations. Moreover, these negotiations necessitate much time and energy on the part of interested government agencies as well as those representatives in the industry who serve on the Textile Advisory Committee.

I do not want to appear critical of those in the Executive Branch who have had the responsibility for administering the restraint program under the long-term arrangement for they have worked long and hard to make the program a success. But, we must face the fact that this program on balance has not turned the tide toward a more reasonable level of textile imports.

Not only has the long-term arrangement on cotton textiles resulted in a greater number of cotton textile exporting countries, but the restraints on cotton textiles may have accelerated the shift to manmade fibers. The competition from manmade fibers is, of course, a problem domestic cotton producers are experiencing to a severe degree in our own mills. Abroad the increase in production and world exports of textiles of manmade fibers make them the most dynamic sector in the world textile market.

We have had experience with other problems in the administration of present import quotas that have lead me to believe that their imposition in present form would not at this time be helpful to the problems of the textile industry and to your own problem of increasing cotton consumption. For example, the oil import program, administered by the President under the National Security provisions of the Trade Expansion Act, has been much in the papers in recent months. Under this program, license to import specified quantities of petroleum and petroleum products is granted on a historical basis. It has apparently been felt that this rather rigid control of imports has not been responsive to the developing needs for access to foreign petroleum, particularly in the petrochemical industry. As with the long-term arrangement on cotton textiles, it has been found difficult to make room for new entrants, in this case, new consumers, and still retain the overall volume control on imports. This situation has been responsible for creating a whole range of controversies, most of them not directly related to the question of national security, the original basis for the oil import quota system.

Holders of licenses to import have an obvious economic advantage over those who have no access to imports. The development of vested interests can often be a drawback to meeting changing economic conditions and new competitive challenges. Just as importantly, the administration of import quotas ultimately involves the creation of a bureaucracy and the issuing of import licenses is ultimately followed by various forms of Government control.

Government controls are often onerous on the businesses involved. Moreover, the administration of statutory quotas doubtlessly involves the development of bureaucracies in the business community which adds nothing to the efficiency but undoubtedly increases the cost of business operations. Knowing as I do some of the problems that businessmen face in complying with the multitude of government laws and regulations, I am sometimes surprised that our business leaders are so willing to subject themselves to the government controls that could stem from a program of statutory import quotas.

Finally, such quotas tend to add rigidities to the market place, and in reality are the antithesis of what we say we hold important—an open and competitive economy.

Let me hasten to add that I am aware that we can only avoid the type of trade controls that statutory quotas involve by making every effort to see that foreign trade is conducted on a fair and equitable basis, and by finding other, more desirable, solutions to our problems. In this regard, I believe we can do more to develop and enforce meaningful principles and rules governing the conduct of international commerce by seeking positive solutions to particular trade problems than by unilateral actions.

The lack of success in the long-term arrangement on cotton textiles is due in some degree to the absence of similar controls of imports of textiles of manmade fibers and of wool. Both prior to and after I introduced my textile bill, I discussed this problem of extending the long-term arrangement to the wool and the manmade fiber sector of our textile market with representatives of the Executive Branch agencies. I was told that the attempts to convince the major textile exporting countries to enter into such agreements and to control the volume of their textile exports to us have failed because these countries are just not willing to enter into such agreements.

Moreover, these countries have indicated that unilateral action on our part to impose import quotas would be met by similar measures on United States exports, particularly to the detriment of our major agricultural exports, including cotton.

I am not convinced that should the United States find it necessary to seek further controls on trade in textile products, that other countries would be unwilling to recognize the necessity of that action.

It does appear, however, that we have reached an impasse, at least insofar as the extension of the long-term arrangement on cotton textiles to textile products of other fibers is concerned. Therefore, we need a new initiative in the area of voluntary agreements if we are to be responsive to the overall problems of textile and apparel imports.

A new approach to voluntary arrangements on cotton textiles would be to negotiate dollar amounts of total textile imports that would be permitted from any country. Under this approach, we would request that any country exporting textiles to the United States would restrain their exports to a previously agreed upon value base. Further, such an agreement could provide for increases in the value of textile imports from each country as the total U.S. production of textiles and apparel increases. In order to avoid the problem of foreign countries concentrating their exports in any one product area, the agreements could provide that the annual increases in the value of exports would not be permitted if it were shown that the exporting country was attempting to change the product pattern of their exports in a manner that was disrupting to the United States market.

I have not yet had the opportunity to develop in detail this value control approach. I believe it would avoid many of the problems of administration and other difficulties of the present program, some of which I have discussed above. I am hopeful that there can be an early exploration of this approach by all concerned.

When I say all concerned, I am not merely referring to those within our own industry and government but also to the governments and industries of exporting countries as well. For I must repeat what I said earlier, that before our government will allow this industry to be destroyed it will consider the imposition of whatever limitations are required to preserve it. Among these limitations, under those circumstances, would be Congressionally passed mandatory import quotas.

In examining the problems of import competition in the textile and apparel markets, I have reached the conclusion that while we are debating the need and the means for overall industry relief, we are failing to respond to the need for relief from import competition in particular product lines. I am aware that critics of the efforts of the textile industry have often pointed to the failure of that industry to follow the procedures for relief from imports under the so-called escape clause provision. However, I sympathize with the textile industry and agree with its judgment that it would not have been able to meet the criteria for escape clause relief as presently set forth in the law.

It has become obvious that this provision needs to be changed and the language which has resulted in unfortunate interpretations deleted. While I have no specific proposal to make at this time, I feel that any change in the escape clause provision must recognize the great increase in competitive ability on the part of foreign producers and the greater vulnerability of United States industry to injurious import competition.

In addition to amending the overall escape clause provision and providing more reasonable criteria for affording relief, I suggest the possible establishment of an additional procedure under which quick and meaningful relief can be afforded with the maximum degree of flexibility in the form of such relief granted.

We may well have to establish a provision in our trade law which would permit individual producers who account for a substantial portion of the domestic production of an article to petition the Tariff Commission for relief from import competition. Thus, under such a provision, the relief could be granted when injury to such producers or workers involves a particular product line but does not involve injury or threat of injury to the entire industry.

In establishing such a selective import relief procedure, consideration should be given to authorizing the President to take alternatives courses of action: the remedies might involve temporary increases in rates of duty, including increases in rates of duty by price brackets, quotas on the particular product, including tariff quotas, or the negotiation of an agreement with the supplying countries to control their exports of the product in question at a particular level for a specified period of time. The criteria for such relief should not be hampered by tying the increased imports to a tariff concession nor as I indicated previously, should it be necessary to demonstrate that a whole industry was being threatened or injured by the imports of the particular product.

Finally, in addition to the measures to restrain imports, provisions might be made to enable the President to undertake other measures which could assist the affected producers in improving their competitive position.

In your own efforts to deal with the increasing competition from manmade fibers, it is necessary that your research and market promotion activities be directed at demonstrating the natural advantages of cotton fiber for the particular product at hand. Similarly, I am convinced that we can no longer afford, while discussing overall industry problems, to overlook the needs for relief from imports in individual product lines.

I am sure that you agree that in the face of growing production of cotton abroad, the only means of maintaining our position as a major cotton exporter is to take every measure available to increase our competitive abilities. Unilateral measures to restrict trade either by this country or by other countries can adversely affect our export trade which is so important to our overall national interest as well as to our individual producer interests.

Insofar as our domestic market is concerned, it would appear that voluntary export arrangements, if approached on a reasonable and imaginative basis, can relieve much of the competitive pressures on our most vulnerable industries. Selective measures which deal quickly and effectively with individual product problems can also contribute to the reduction in competitive pressures. Through such measures in cooperation with our trading partners, we can maintain our commitment to expanded and mutually advantageous trade.

I can most certainly assure you of my own continuing and intense interest in the problems you face, and those faced by the textile industry. We can and must find the sound solutions to these problems.

THE SPIRIT OF FREEDOM LIVES IN THE UKRAINE

HON. WILLIAM H. BATES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. BATES. Mr. Speaker, just 51 years ago on January 22, the people of the Ukraine united as a free and independent nation, but a scant 3 years later they were mercilessly crushed into subjugation by the forces of Soviet Russia.

As we again restate our prayers for the deliverance of these people from the tyranny which has ruled them for over a half century, we know that the spirit of freedom still lives among the Ukrainians. What we have seen in Czechoslovakia in recent months shows that that spirit survives there, and what the Soviet Union has done to quell the flames of freedom cannot but help all enslaved peoples to become more determined than ever to throw off the yoke of totalitarianism.

Russian action in sending more troops into Czechoslovakia than the United States, for a completely opposite purpose, has had in Vietnam must make all thinking people pause to reflect on what world domination by communism would mean. Such domination is still the objective of the Red leaders everywhere, and as we pray for the freedom of the captive peoples in the Ukraine, Czechoslovakia, and elsewhere, we must also rededicate ourselves to preservation of our own freedom from the tyrannical forces in the world.

We must also continue to encourage the Ukrainians and others to hold to their desire to be free from Communist subservience—a desire we all fervently hope one day may be realized.

UKRAINE'S INDEPENDENCE DAY

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. FRIEDEL. Mr. Speaker, in the light of recent events in world history, particularly the tragic invasion of Czechoslovakia and its occupation by the military forces of Soviet-bloc countries, it is all the more important for us and the entire free world to take note of the observance this month of the 51st anniversary of the independence of Ukraine. However, it should not be forgotten that the Ukraine is not free today, nor is it independent. Unfortunately, it is one of the captive nations behind the Iron Curtain.

In this connection we should recall the words of President John F. Kennedy who said:

> This country must never recognize the situation behind the Iron Curtain as a permanent one, but must, by all peaceful means, keep alive the hopes of freedom for the peoples of the captive nations.

In implementation of this recommendation of our late and beloved President, we here in the Congress take time out from our duties to mark this important anniversary of the brave Ukrainian people. The Ukrainians, as well as other enslaved people of the captive nations look to the United States as the citadel of human freedom, for leadership in creating an atmosphere which will ultimately aid in bringing about their liberation and independence and in restoring to them the enjoyment of their religious freedoms and of their individual liberties.

The United States became the great Nation it is through the work and genius of countless peoples whose forebears came from distant lands across the seas. Today, among our loyal, industrious, God-fearing, and best American citizens, are good men and women of Ukrainian origin. We are justly proud of them and gratefully acknowledge their lasting contributions in enriching our own economy and culture.

We are confident that in the end, justice will prevail and Ukraine will take its rightful place in the family of truly free and independent nations. In the immortal words of Taras Shevchenko, Ukrainia's great poet laureate and national hero and Eastern Europe's champion of liberty, in writing about his own native land, he said:

> when—
> When will we receive our Washington
> With a new and righteous law?
> And receive him we *will* someday.

A NEW YOUTH CAMP SAFETY BILL

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. ROSENTHAL. Mr. Speaker, I introduce today a revised version of the youth camp safety legislation I introduced in the 90th Congress.

I am joined by Senator ABRAHAM RIBICOFF, of Connecticut, who will introduce the same bill when the Senate next meets tomorrow. Senator RIBICOFF was the original sponsor of youth camp safety legislation in 1967. I sponsored identical legislation the same year.

In my efforts to encourage the Department of Health, Education, and Welfare and the appropriate congressional committees to act on this important legislation, I proposed a revised bill in 1968 titled the "Youth Camp Safety Survey Act." This proposal was based on the HEW report on the earlier legislation which stated that while the seriousness of the problem of youth camp safety was undisputed, there was not sufficient information in HEW on the facts of the camp problem to support our original legislation.

The Youth Camp Safety Survey Act, therefore, authorized an initial study of camp safety practices which, in my view, could serve as a basis for the broader legislation.

The Select Subcommittee on Education of the Education and Labor Committee, under the alert and rigorous chairmanship of the gentleman from New Jersey (Mr. DANIELS), held hearings last year on both the original youth camp safety bill and on my survey bill. Although adjournment prevented final committee action, I am hopeful that early action will be taken by the subcommittee soon.

A REVISED BILL

The revised bill I introduce today combines key elements of my two earlier proposals. It authorizes, first, a survey of State, local, and private youth camp laws and regulations; second, setting Federal standards for all-day, resident, and travel camps; third, aiding States which cooperate by grants to carry out improved camp safety programs; and fourth, naming a youth camp advisory council which will aid the HEW Secretary on Federal standards and to consult with camping associations.

Over 6 million children participate in about 12,000 youth camps each year. We don't know nearly enough about the hazards of summer camps; therefore, parents have no way to check prospective camps. By studying camping laws and regulations and then helping States meet new Federal standards, we can help parents and society obtain the reasonable assurance they deserve before sending their children to a youth camp.

We spend billions each year, as we should, on educational programs where Federal, State, and local officials cooperate in seeking the best interests of our children. In youth camps, which can take children from their homes and schools for 3 months a year, we do not even know what safety standards exist nor how they are observed.

I send my children to camp often and I know the frustrating job parents have in trying to find out how safe they will be during the weeks and months in camp.

While at camp, these lucky children will participate in a wide variety of activities. Other activities will be proscribed from these campers, and when asked why, they will be told that camp staffs must act "in loco parentis" and must therefore worry about their health and safety. My concern is that many camps and the States charged with their supervision have been shockingly lax in performing as surregate parents.

A POTENTIAL THREAT

Most good camps subscribe to voluntary health and safety standards, and such codes are often reinforced by State laws, but only 26 States have general camp regulatory codes, and these are of varying toughness. Incredibly, in 1967, only 17 States required that a camp operator be licensed before opening his camp.

Anybody who has ever been to a summer sleep-away, or on a camp travel program knows full well that almost every camp activity can also be viewed as a potential threat to camper health or safety. Swimming and boating activities are perhaps the clearest examples of this, but all crafts activities, all athletic activities, all hikes and camp-outs, and even dramatic activities have dangerous elements in them.

Camps are artificially created total environments whose administrators must plan carefully to guarantee that all of the basic needs of group living are provided in a safe, clean, and healthy manner. All questions of food supply, preparation, and distribution, all questions of adequate sleeping arrangements, fire safety, water supply and sewerage, and health services become the responsibility of camp directors. Parents are almost helpless after they transfer this responsibility to camps which they find difficult to evaluate.

Perhaps even more fundamentally, the group focus of most camps requires the guiding hand of skilled, mature, and sensitive counselors, for in the hands of an incompetent counselor, even rest periods can become hazardous.

From this necessarily brief list, it can be easily seen, that all camps contain within themselves room for enormous mischief and misfeasance. To meet this grave threat, various camping associations have formulated basic safety codes, but these are adhered to with widely differing degrees of enthusiasm by subscriber camps. Worse, as Senator RIBICOFF indicates, only half of our summer camps can be said to match even the most minimal of safety standards.

A DISMAL FAILURE

Under these conditions, I contend that most of our States have failed dismally to live up to their obligations "in loco parentis." In 1966, 40 States had still not established minimal qualifications for staff and supervisory personnel; 19 States had no camp licensing provisions; 31 States still had no health or sanitation codes for camps; and 24 States had no water safety and equipment regulations.

My bill seeks no direct parental role for the Federal Government, and no new bureaucracy. The youth camp safety bill does fill a frightening gap by providing for the establishment of Federal standards for camp health and safety, but would leave to the States the enforcement powers in health matters that most States now so earnestly claim.

The only things "Federal" in this bill are the standards themselves and the money to be used via State agencies for the improvement of camp facilities. As long as States choose to adhere to their proper role as the protectors of public health, I see the Federal involvement here as essentially advisory and facilitative. The Federal Government would set forth patterns of appropriate behavior, and would establish rewards for compliance, but code enforcement would remain under the responsibility of our States.

Critics of the youth camp safety bill have expressed concern over what they see in this bill as the threat of standardized camping. This could not be further from the truth. Camps should be encouraged to sponsor the widest possible variety of programs.

Very frankly, I have no interest in encouraging any specific philosophy, or ideology, or knowledge, or any specific program goals, or even any favorite activity through camping. It is accident and disease statistics alone for which I seek standardization, at the zero level.

It is this very minimum standardization that eludes us at present and which we can correct with these bills.

RARICK VOTE: YEAS AND NAYS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. RARICK. Mr. Speaker, yesterday a minority of the Democratic Members, in a party caucus, took action to deny me and my district our seniority.

There are 241 Democrats. The vote was 101, yea; 73, nay; 67, absent or not voting.

I insert rollcall on the yeas and nays, and a newsclipping following my remarks. A "yea" vote was for denial of seniority; a "nay" vote was to retain seniority.

The material referred to follows:

DEMOCRATIC CAUCUS, 91ST CONGRESS—ROLLCALL VOTE ON THE HOLIFIELD AMENDMENT TO STRIP CONGRESSMAN JOHN R. RARICK OF SENIORITY

YEAS (101)

Adams, Brock, Washington.
Addabbo, Joseph, New York.
Anderson, Glenn, California.
Annunzio, Frank, Illinois.
Ashley, Thomas, Ohio.
Biaggi, Mario, New York.
Bingham, Jonathan, New York.
Blatnik, John, Minnesota.
Boland, Edward, Massachusetts.
Bolling, Richard, Missouri.
Brademas, John, Indiana.
Brasco, Frank, New York.
Brown, George, California.
Carey, Hugh, New York.
Celler, Emanuel, New York.
Chisholm, Shirley, New York.
Clay, William, Missouri.
Cohelan, Jeffery, California.
Corman, James, California.
Daddario, Emilio, Connecticut.
Dawson, William, Illinois.
Dingell, John, Michigan.
Eckhardt, Bob, Texas.
Evans, Frank, Colorado.
Farbstein, Leonard, New York.
Fascell, Dante, Florida.
Ford, William, Michigan.
Fraser, Donald, Minnesota.
Friedel, Samuel, Maryland.
Gaydos, Joseph, Pennsylvania.
Giaimo, Robert, Connecticut.
Gilbert, Jacob, New York.
Hamilton, Lee, Indiana.
Hanley, James, New York.
Hanna, Richard, California.
Hansen, Julia, Washington.
Hathaway, William, Maine.
Hawkins, Augustus, California.
Hechler, Ken, West Virginia.
Hicks, Floyd, Washington.
Holifield, Chet, California.
Howard, James, New Jersey.
Hungate, William, Missouri.
Jacobs, Andrew, Indiana.
Joelson, Charles, New Jersey.
Karth, Joseph, Minnesota.
Kastenmeier, Robert W., Wisconsin.
Kluczynski, John C., Illinois.
Koch, Edward, New York.
Leggett, Robert, California.
Long, Clarence, Maryland.
Lowenstein, Allard, New York.
McCarthy, Richard D., New York.
McFall, John J., California.
Madden, Ray J., Indiana.
Matsunaga, Spark, Hawaii.
Meeds, Lloyd, Washington.
Mikva, Abner, Illinois.
Miller, George, California.
Minish, Joseph, New Jersey.
Mink, Patsy, Hawaii.
Mollohan, Robert H., West Virginia.
Monagan, John S., Connecticut.
Moorhead, William, Pennsylvania.
Moss, John, California.
Murphy, William, Illinois.
Medzi, Lucien, Michigan.
O'Hara, James G., Michigan.
Olsen, Arnold, Montana.
O'Neill, Thomas, Massachusetts.
Ottinger, Richard, New York.
Patman, Wright, Texas.
Patten, Edward, New Jersey.
Pike, Otis, New York.
Podell, Bertram, New York.
Price, Melvin, Illinois.
Pucinsky, Roman, Illinois.
Reuss, Henry, Wisconsin.
Rodino, Peter, New Jersey.
Rosenthal, Benjamin, New York.
Roybal, Edward, California.
Ryan, William, New York.
St Germain, Fernand, Rhode Island.
St. Onge, William, Connecticut.
Slack, John M., West Virginia.
Smith, Neal, Iowa.
Staggers, Harley O., West Virginia.
Stokes, Louis, Ohio.
Stratton, Samuel, New York.
Sullivan, Leonor, Missouri.
Symington, James, Missouri.
Thompson, Frank, New Jersey.
Tiernan, Robert O., Rhode Island.
Udall, Morris, Arizona.
Van Deerlin, Lionel, California.
Vanik, Charles A., Ohio.
Vigorito, Joseph, Pennsylvania.
Waldie, Jerome, California.
Wolff, Lester, New York.
Yatron, Gus, Pennsylvania.
Zablocki, Clement, Wisconsin.

NAYS (73)

Abernethy, Mississippi.
Albert, Oklahoma.
Alexander, Arkansas.
Andrews, Alabama.
Aspinall, Colorado.
Baring, Nevada.
Bennett, Florida.
Bevill, Alabama.
Blanton, Tennessee.
Brinkley, Georgia.
Burke, Massachusetts.
Burleson, Texas.
Burlison, Missouri.
Caffery, Louisiana.
Casey, Texas.
Chappell, Florida.
Colmer, Mississippi.
Daniel, Virginia.
Dorn, South Carolina.
Dowdy, Texas.
Downing, Virginia.
Edmondson, Oklahoma.
Fallon, Maryland.
Flood, Pennsylvania.
Flowers, Alabama.
Flynt, Georgia.
Fuqua, Florida.
Galifianakis, North Carolina.
Garmatz, Maryland.
Gettys, South Carolina.
Griffin, Mississippi.
Griffiths, Michigan.
Haley, Florida.
Hébert, Louisiana.
Henderson, North Carolina.
Hull, Missouri.
Ichord, Missouri.
Jones, Alabama.
Jones, North Carolina.
Kazen, Texas.
Lennon, North Carolina.
Long, Louisiana.
McCormack, Massachusetts.
McMillan, South Carolina.
Mann, South Carolina.
Marsh, Virginia.
Mills, Arkansas.
Montgomery, Mississippi.
Natcher, Kentucky.
Nichols, Alabama.
O'Neal, Georgia
Pickle, Texas.
Poage, Texas.
Preyer, North Carolina.
Pryor, Arkansas.
Purcell, Texas.
Randall, Missouri.
Rarick, Louisiana.
Rivers, South Carolina.
Rogers, Colorado.
Rogers, Florida.
Rostenkowski, Illinois.
Satterfield, Virginia.
Sikes, Florida.
Sisk, California.
Stephens, Georgia.
Stubblefield, Kentucky.
Stuckey, Georgia.
Taylor, North Carolina.
Teague, Texas.
Ullman, Oregon.
Waggonner, Louisiana.
White, Texas.

ABSENT OR NOT VOTING (67)

Abbitt, Virginia.
Anderson, Tennessee.
Barrett, Pennsylvania.
Boggs, Louisiana.
Brooks, Texas.
Burton, California.
Byrne, Pennsylvania.
Cabell, Texas.

Clark, Pennsylvania.
Conyers, Michigan.
Culver, Iowa.
Daniels, New Jersey.
Davis, Georgia.
de la Garza, Texas.
Delaney, New York.
Dent, Pennsylvania.
Diggs, Michigan.
Donohue, Massachusetts.
Dulski, New York.
Edwards, California.
Edwards, Edwin, Louisiana.
Eilberg, Pennsylvania.
Evins, Tennessee.
Feighan, Ohio.
Fisher, Texas.
Foley, Washington.
Fountain, North Carolina.
Fulton, Tennessee.
Gallagher, New Jersey.
Gibbons, Florida.
Gonzalez, Texas.
Gray, Illinois.
Green, Oregon.
Green, Pennsylvania.
Hagan, Georgia.
Hays, Ohio.
Helstoski, New Jersey.
Jarman, Oklahoma.
Johnson, California.
Kee, West Virginia.
Kirwan, Ohio.
Kyros, Maine.
Landrum, Georgia.
Macdonald, Massachusetts.
Mahon, Texas.
Morgan, Pennsylvania.
Murphy, New York.
Nix, Pennsylvania.
Passman, Louisiana.
Pepper, Florida.
Perkins, Kentucky.
Philbin, Massachusetts.
Powell, New York.
Rees, California.
Roberts, Texas.
Ronan, Illinois.
Rooney, Pennsylvania.
Rooney, New York.
Scheuer, New York.
Shipley, Illinois.
Steed, Oklahoma.
Tunney, California.
Watts, Kentucky.
Whitten, Mississippi.
Wilson, California.
Yates, Illinois.
Wright, Texas.
Young, Texas.

[From the Washington (D.C.) Post, Jan. 30, 1969]

Pro-Wallace Congressman Is Demoted

(By William Greider)

Fellow Democrats spoiled Rep. John R. Rarick's 45th birthday yesterday by stripping the Louisiana congressman of his House seniority because he supported George Wallace for President.

Rarick, a second-termer from St. Francisville, La., responded: "I would rather be last in seniority and be able to live with my conscience, instead of becoming a political prostitute."

The disciplinary action was taken in the Democratic caucus over the opposition of the party's House leadership.

The 101-to-73 vote represented a comeback for liberal forces led by the Democratic Study Group. Earlier this month, the liberals lost, 87 to 85, when they attempted to do the same thing.

The difference in the outcome was partly the result of more vigorous campaigning by DSG leaders this time. But several liberals said they also benefited by having a roll-call vote recording each member's ballot.

The roll call "smoked out" some northern Congressmen who supported Rarick earlier on a secret ballot because of their devotion to the seniority system, but who couldn't afford to be recorded in favor of a Wallace man.

"I think we preserved an important principle," said Rep. James O'Hara (D-Mich.). "It guided the behavior of Congressional candidates in this last election and this will certainly guide them in future elections."

Four years ago, the Democrats took seniority rights from Rep. Albert Watson of South Carolina and Rep. John Bell Williams of Mississippi for supporting Barry Goldwater, the Republican presidential candidate in 1964.

Both men gained a certain appeal as "martyrs" in their home states. Watson switched to the GOP and has been reelected since. Williams was elected Governor of Mississippi.

Liberals, however, contend that the disciplinary action makes it easier for moderate southerners to remain loyal to the national party. When constituents pressure them to endorse other candidates such as Wallace, they can plead that they must remain loyal or lose their Congressional seniority.

In Rarick's case, he drops to the bottom of the House Agriculture Committee, from 13th to 18th. He said he will discuss with his constituents the possibility of dropping his Democratic affiliation altogether.

"I was made the cause celebre of the Red Guards or the New Turks, whatever you want to call them," said Rarick, a passionate anti-Communist. "I was proud to support Wallace. I have a right to do that. I'm a free American. History shows that parties don't discipline the people. The people discipline the parties."

"A fine birthday present," he scoffed. "And you know, 24 years ago today I was a prisoner in a Nazi prison camp."

Rep. Chet Holifield (D-Calif.) spoke in favor of the action and Rep F. Edward Hébert, dean of the Louisiana delegation, opposed it. According to one source, seven committee chairmen voted for the move and 10 opposed it, together with House Speaker John McCormack, Majority Leader Carl Albert, and Caucus Chairman Dan Rostenkowski.

In his speech, Hébert warned that, if the Democratic caucus could do this to Rarick, it could strip the dean of the House of his seniority, too.

Rep. Emanuel Celler, of New York, who is the dean, now serving his 24th term, intervened to announce: "If I ever supported anyone but the nominee of my party, I would ask to be put at the bottom."

PFC. RONALD E. STOKER

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday,. January 30, 1969

Mr. LONG of Maryland. Mr. Speaker, Pfc. Ronald E. Stoker, a fine young soldier from Maryland, was killed recently in Vietnam. I wish to commend his courage and honor his memory by including the following article in the Record:

College Park GI Killed in Combat—Pfc. R. E. Stoker, 18, Dies in Viet Jungle-Fighting

Army Pfc. Ronald E. Stoker, 18, of College Park, died January 20 in Vietnam, the Defense Department reported yesterday.

Officials informed his family that Private Stoker, "head man" of his platoon, was killed by 16-mm. mortar fire in jungle fighting 3 miles from the Cambodian border.

Private Stoker enlisted in the Army in August, 1968. He trained at Fort Bragg, N.C. and Fort Polk, La. Sent to Vietnam in December, he was a member of the 1st Cavalry Division.

His stepmother, Mrs. Louise Stoker, said that the family was extremely bitter about the soldier's death. She said the family had been assured by the recruiting sergeant at the time of Private Stoker's enlistment that he was too young to be sent to Vietnam and would go to Germany first.

Mrs. Stoker said, "We've asked the Pentagon to investigate the promises made to the family. Our son is dead, but we might be able to save other young boys."

In addition to his stepmother, survivors include his father, Edward D. Stoker, of College Park; his mother, Mrs. Elsie McClenny, of District Heights, Prince Georges County; four sisters, Mrs. Albert D'Ascarangelo, of Woodbridge, Va., Mrs. Oliver G. McPherson, of Hyattsville, Miss Nancy Stoker, of New York, and Cynthia Stoker, of College Park; and a brother, Randolph Stoker, also of College Park.

LEGISLATION TO STRENGTHEN THE CIGARETTE LABELING AND ADVERTISING ACT

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. COHELAN. Mr. Speaker, I was pleased to join today with the gentleman from California (Mr. Moss) and 41 other of my colleagues to sponsor the proposed amendment to the Cigarette Labeling and Advertising Act.

In spite of the factual evidence on the dangers of smoking, almost a quarter of our population today smokes. In spite of the warning attached to cigarette packages, sales continue to go up. And more importantly, in spite of every effort to educate the young, the young still acquire the smoking habit at earlier and earlier ages.

Obviously, the Congress has the responsibility to make the public fully aware of the possible and probable effects of smoking. We cannot outlaw smoking and that is not our intention. We have no wish to cripple any industry—although we do wish that industry would take steps to discover ways to correct the harmful elements in the cigarette. What we seek is the fullest possible dissemination of information and warning regarding the dangers of this habit.

This legislation would strengthen the warning already attached to cigarette packages and would also require this warning to be used in any advertising. Surely this is necessary. How can we require packaging to carry a warning and then be inundated with cheerful advertising that carries only a message of pleasure, excitement, and sociability.

Additionally, the Secretary of Health, Education, and Welfare's authority to regulate cigarette length if found to be necessary is required in view of the rash of new, successful "longer" cigarettes which may in fact only be increasing the dangers present in the older variety.

Surely we can do no less than this bill would require—possibly we should do more.

GONZALEZ AGAIN SPONSORS EQUITABLE RECOMPUTATION OF RETIRED MILITARY PAY

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. GONZALEZ. Mr. Speaker, I am pleased to reintroduce today into the 91st Congress legislation keeping faith with many of our military men in the matter of retired pay. By dropping in 1958 the system of paying retired military personnel as a percentage of current active duty pay, Congress and the Nation was guilty of using the services of her career defenders—and sometimes even their blood and tears—under pretenses.

Traditionally, increases in retired pay for commissioned officers and noncoms alike corresponded to current active duty increases. But this system was suspended in 1958. At that time I was a member of the Texas State Senate and I sponsored a resolution which passed unanimously in 1959 memoralizing Congress and deploring the change in retired pay computation. Still, the traditional system was abandoned fully in 1963 for cost-of-living increases.

The cost-of-living system has quickly produced eight different pay rates for servicemen with identical ranks and years of service, simply because of different retirement dates. In each case, the lowest rate is for the oldest group of retirees, and the disparity is compounded against the older group of retirees, and the disparity is compounded against the older groups with each successive rise in the cost-of-living computation.

The cost-of-living system is so clumsy that even unintentional inequities have cropped up which had to be corrected.

I do not believe there is any doubt that we have betrayed a trust to many of our military men. The career servicemen we have retired to date served in the Armed Forces at pay rates inferior to comparable civilian jobs. They did so out of dedication and love of country. Probably they did so for the several unique aspects of military life. But, undeniably and justifiably, they did so out of anticipation of decent retired pay. They joined the service when the traditional retirement system was in effect. They joined the service at a time when retirement programs in private industry were generally nonexistent and when social security benefits were small. Now they are being punished for their foresight. Retired pay is no longer pegged to active duty pay. In cruel irony, not only would a career in the private sector have been more lucrative, but private pension plans have become considerably more liberal.

The legislation I sponsored in the last Congress provided recomputation of retired pay on the traditional formula for all members of the armed services. However, this year, on the advice of the Retired Officers Association, I am sponsoring recomputation legislation which would be limited to military personnel who joined the armed services prior to 1958. It would benefit, in other words, those servicemen who have every reason to believe their retired pay would be computed as a percentage of current active duty pay. This year's change is recognition that the traditional system was switched, however callously, over 10 years ago, and thus notice was served to those military men who joined the service since 1958 not to expect retirement pay reflecting active duty pay.

The 1958 cutoff in the new recomputation legislation means that it would cost progressively less each year it is in operation.

Mr. Speaker, both the Democratic and the Republican nominees for President endorsed the principle of equality in retired pay. I hope and trust that this Congress will act in that bipartisan to keep faith with our Nation's servicemen who served in the fully justified belief that they would receive equitable retired pay.

A NEW APPRAISAL OF TFX BY THE PILOTS WHO FLEW THEM

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. FISHER. Mr. Speaker, unfortunately it has been all too rare a thing to find a fair and objective appraisal of the F–111 warplane. Such did appear in the January 13 issue of the U.S. News & World Report, and I insert this revealing article in the RECORD.

The article follows:

A NEW APPRAISAL OF TFX BY THE PILOTS WHO FLEW IT

NELLIS AIR FORCE BASE, NEV.—While policy makers in Washington are hotly debating the merits and the future of the F–111 warplane, some Air Force pilots already think the world of the swing-wing aircraft.

These combat veterans, who flew the plane in 55 missions over North Vietnam, were recalled here with their F–111 detachment after a halt was ordered in the air war over North Vietnam.

To a man, the pilots profess amazement at the ability of the controversial plane—once called the TFX—to fly blind," and its uncanny" accuracy in bombing missions.

The model that these men flew is the F–111–A, a fighter-bomber. The future of the fighter-bomber and another version of the F–111, a strategic bomber, is now being studied at the Pentagon and in the Congress.

NO MORE "COMMONALITY"

Already, the original concept of "commonality"—one basic plane for all services—has been dropped. The Navy version of the F–111 became an early casualty because of weight problems. British orders for the complex plane have been canceled.

But the men who have flown the F–111 for the Air Force have had no complaints.

"At first I was a little apprehensive," one pilot said. "But I made up my mind not to 'bad mouth' it until after I had flown it—and I'm glad I didn't."

Exact figures on the accuracy of the plane in bombing targets in North Vietnam are still an official secret, but the pilots indicate that the F–111 was considered roughly four times as accurate as any other Air Force fighter-bomber.

The plane's record as an all-weather bomber was considered even more significant. Said one of the officers:

"Air Force pilots have always wanted a fighter that could deliver its bombs around the clock, regardless of the weather. Now we have one that will do the job—at longer distances and with more bombs aboard, to boot."

THE "BLACK BOXES"

Praise for the F–111 by the combat pilots centered largely on its improved "avionics"—new-model radar, revolutionary navigation equipment, and high-speed computers.

These "black boxes," as the airmen call them, permit much of the flight to be programed before the plane leaves the ground. The pilot can preset the location of all his targets, as well as the altitude he wants to fly.

Then, on a typical combat mission, the plane's wings could be extended to take off at slow speed in as little as 2,000 feet of runway—a third the distance normally required for jet fighters.

Shortly after takeoff, all missions being at night, the pilot would turn the plane over to its advanced automatic pilot. A control panel full of gauges helped to verify that the automatic features were functioning properly.

The complex electronic system would guide the plane to a series of targets, automatically taking the aircraft up over any mountains along the way.

As far as 30 miles from the target area, a clear picture of the target would show on the bombing radar. Crosshaired sights pinpointing the target would be plainly visible, the information having been fed into the plane's computer before takeoff. Minor adjustments on the radar target sometimes were made by the copilot for additional accuracy, all without actually seeing the target.

HEDGE-HOPPING

Approaching the target, the pilot would fly as low as 200 feet above the ground, using terrain-following radar to guide the plane over humps and down into dips.

At the touch of a button, the computer would take over and drop the bombs at the right instant to compensate for wind, speed and altitude.

The technique of flying at night and using a "low profile," the pilots say, permitted the F–111 to fly into areas heavily defended by antiaircraft guns and missiles, without being picked up by either sight or radar. The planes repeatedly dropped bombs and left before antiaircraft defenses could react.

The pilots say that no F–111 that returned to base from a bombing mission was ever hit, in fact.

Of the three F–111s which did not return, the evidence is that enemy fire was not the cause of their crashing. That is the tentative conclusion, based upon the locations where the missing planes were believed to have gone down.

In addition to the "black boxes," two other features of the plane are given high praise from the men who flew it in combat—an advanced engine and a detachable crew module for bailing out.

The twin fan-jet engines are reported to be far more economical of fuel giving the plane its longer range. The pilots have asked for more power, so later models are to be equipped with refined jets that have even more thrust.

THE SAFETY RECORD

The crew module, in turn, is similar to the one used by astronauts to return from orbit. It contains both pilot and copilot, separates from the plane in seconds, and drops slowly by parachute. Its impact on the ground or water is eased by inflated cushions on the bottom of the module.

On the five occasions when the module has been used to save the crew—once in combat—not one pilot has suffered any injuries, the airmen report.

Up to now, 11 of the Air Force F–111s have crashed, including the three in Southeast Asia. This is after 7,797 flights, totaling 17,000 hours, by 103 aircraft.

The pilots insist that this record, widely publicized, is better than that of other AF planes in use in Vietnam.

After 5,000 hours of flying time, Air Force figures show that the F–111 had fewer accidents than did any other AF jet fighter at that stage.

After 10,000 hours of flying, the swing-wing plane was still the best of the lot. And when it passed 15,000 hours, the F–111 was tied with the F–4 plane at 10 crashes each—but even then no plane had a lower crash record.

During this period, moreover, the new aircraft proved that it could carry twice the bomb load for twice the distance of any other Air Force fighter-bomber—and deliver its bombs with four times the accuracy.

When calculated by the complex formulas of bombing planners, the proponents here say, the "effective cost" of the F–111 was found to be about one third that of any other fighter-bomber in combat.

Here is why:

To guarantee the destruction of such targets as vital bridges, up to 48 F–105s were dispatched to do the job in North Vietnam. But because of its all-weather and round-the-clock capabilities, plus its high accuracy, only one F–111 was needed for a similar mission.

In addition, the F–105s would have to be refueled in the air by about four tankers, from their bases in Thailand. And one or two electronic-countermeasure aircraft would precede the mission to confuse the enemy's ground radar. Neither procedure was needed by the single F–111, with its longer range and ground-hugging ability.

Also, from four to eight F–4 jet fighters would normally accompany the bomb-laden F–105s, to ward off the threat of attack by North Vietnam's MIG fighters. None were needed to guard the F–111.

This difference in the number of required planes per target in Vietnam, the pilots say, makes the F–111 relatively cheap to use in combat. They estimate that the present force of F–105s, A–7s and F–4s in Vietnam is four times as costly as the number of F–111s that would be needed to replace it—despite the initial cost of the F–111.

POSSIBILITIES FOR EUROPE

As these combat veterans see it, the new Air Force plane would be even more effective in Europe.

The F–111's low-level, supersonic bombing runs, for one thing, could be used to better advantage against the advanced radar defenses and more effective interceptor force in Europe.

The swing-wing plane's longer range, they add, would permit F–111s based as far away as Britain to fly deep into Russia, and return without refueling.

And the all-weather capability of the new aircraft is said to be particularly valuable for Europe, where present fighter-bombers can be used only 20 percent of the time owing to darkness or to bad flying weather in daytime.

If the Air Force version of the F–111 becomes available in quantity, the plan now is to station many of these aircraft in West Germany and Britain, with the mission of penetrating deep into Russia with nuclear bombs in the event of war.

For emergency strength at Allied bases in Europe, reinforcements would be ferried from the U.S. in a hurry, without need for refueling in the air.

But the decision on whether the Air Force's new F–111 will be a mainstay of U.S. Air Force power in the coming decade, or merely a stopgap plane until newer models can be gotten into production, is still hanging fire.

In the end, the Nixon Administration will have to decide whether the F–111 has proven to be "cost-effective." Here in the Nevada desert, the pilots who flew the plane in combat hope their views will get careful consideration.

KAPPEL COMMISSION CLAIM ON POST OFFICE DEFICIT IS CHALLENGED

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article by John Cramer which appeared in the January 29, 1969, edition of the Washington Daily News:

KAPPEL COMMISSION CLAIM ON POST OFFICE DEFICIT IS CHALLENGED

(By John Cramer)

Postal employe leaders continue to hammer away at the LBJ-Indorsed Kappel Commission proposal that the postal service be turned over to a self-supporting public corporation.

Thus, AFL-CIO Letter Carrier President James H. Rademacher, editorializing in the current issue of the carrier magazine, challenges, as "most disturbing", the Kappel contention that a corporation could eliminate the billion dollar postal deficit.

"It is disturbing", he writes, "because it's untrue."

In support of his contention, he invokes no less an authority than Maurice Stans, ex-deputy postmaster general, ex-budget director, and now commerce secretary in the new administration.

Says Mr. Rademacher:

"The annual report of the postmaster general for fiscal year 1966 describes how the postal dollar is spent.

"Out of every dollar, 80.2 cents goes for wages. The only way money can be saved in this area is to reduce wages (an unthinkable alternative) or to reduce the number of personnel (an equally unthinkable alternative under present conditions).

"Another 12.8 cents goes for transportations. These are fixed costs which are not totally, or even primarily under the control of the Post Office Department.

"The Kappel people claim they can save 30 per cent of these costs in the next five years. This must be quite a rude shock to the railroads, airlines and truckers who seem to expect a cost trend in the opposite direction. . . .

"Still another 4.7 cents out of every dollar goes for rents, communications, utilities, supplies, printing and incidentals. Here again, the Post Office Department does not have much control over these costs. Many of the costs, indeed, are committed well in advance, and cannot be reduced.

"These virtually irreducible costs amount to 97.7 cents out of every dollar the Post Office is now spending. The other 2.3 cents goes for the capital program and research. (Only three-tenths of a cent for research, a grotesquely inaccurate figure.

"It is obvious from these figures that there is no way that a billion dollars a year can be 'saved' . . . obvious that the only ways the Postal Corporation could eliminate the billion dollar 'deficit' would be thru: (1) keeping wages at a bare minimum; (2) reducing services and thereby reducing payrolls; (3) raising postage rates out of sight."

SEES REVERSAL

Mr. Rademacher notes that Secretary Stans recently endorsed the Kappel proposals, but finds this "curious, because, in 1954, when Mr. Stans was deputy postmaster general, he believed just the opposite."

In that year, Mr. Stans wrote a book which, among other things, challenged a published claim that the Post Office could save "hundreds of millions."

The book analyzed the $2,760 million postal budget for 1953 . . . found $1,993 million spent for salaries . . . $565 million for transportation . . . only $202 million "within the control of management" . . . and little chance for savings even there.

Mr. Rademacher continues:

"As an example of the unrealistic thinking of the Kappel people, we point to the fact that they estimate that 15 per cent of the total cost of city delivery can be saved 'partly thru mechanization and partly thru better methods' in the sorting book-keeping that letter carriers must perform.

"Anybody who feels that the enormous saving can be achieved in these relatively minor areas of a letter carrier's activities, simply does not understand much about what goes on in a Post Office."

The "fatal flaw" in the Kappel report, he concludes, is that "it was compiled by people who have very little, if any, practical experience of postal operations."

McNAMARA'S MAGINOT LINE A COSTLY FIASCO

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. BROCK. Mr. Speaker, one of the many silent testaments to Robert McNamara's unsuccessful term as Secretary of Defense is the costly, abandoned "maginot line" which was to have spanned the bloody demilitarized zone. This $2 billion brainstorm of the former Defense Secretary, like so many of his other unfortunate projects, has proven a dismal failure.

In a recent article for the American Newspaper Alliance, appearing in the December 15 issue of the Chattanooga Times, Col. R. D. Heinl, Jr., has told the whole story of this wasteful blunder. Because of its importance, I include it in the RECORD:

McNAMARA LINE IS BIG FAILURE—$2 BILLION VENTURE IN VIETNAM DOESN'T DO THE JOB

(By Col. R. D. Heinl, Jr.)

SAIGON.—By long odds the most impassable barrier in the controversial McNamara Line across the DMZ is the tight barrier of embarrassed silence that envelops this $2 billion scheme.

The quickest way to get a general to clam up in Vietnam is to say, "General, can you tell me about the McNamara line?"

Supposedly sired in early 1967 by then Defense Secretary Robert McNamara himself (but also pressed hard, in the face of unanimous military objections, by Deputy Defense Secretary Paul Nitze), the McNamara Line was to be an electronic and infra-red detection belt of sensors, sniffers, wire and guardposts stretching from the South China Sea to Laos, and ultimately across Laos to Thailand.

The concept of this great wall of gadgets was that it was to reveal and record North Vietnamese line-crossing through the DMZ as the Communists struggled over a 600-meter defoliated belt strung with barbed wire and "German tape" (fiendish mile-long strips of double edge razor-blade).

Behind these obstacles, a fixed chain of defense posts such as Con Thien and Khe Sahn—"Little Alamos," somebody called them—was to stop anybody who made it through the barrier belt.

NITZE CAN'T UNDERSTAND

With inarticulate stubbornness the generals bucked the project from the first. Patiently citing the Chinese Wall and the Maginot Line, they tried to explain that no fixed barrier in the history of war had ever stopped an invader.

When one senior staff officer in the Pentagon repeated this to Nitze, that sharp-tongued intellectual, more used to explaining than being explained to, burst out, "I just don't understand you military people. What harm can it do?"

Nitze's question probably reflects just about the extent of critical examination the project ever received.

In the Pentagon a $1,500 proposal from people in uniform gets ten thousand dollars worth of systems analysis, qualification, social-scientific evaluation, and four years' program definition before approval.

If the McNamara line concept—which so far has cost at least $2 billion—ever fell under Alain Enthoven's basilisk eye, nobody will admit it.

Apparently when hunches originate within the Pentagon's civilian oligarchy, they are immune to the exasperating scrutiny of the statisticians and economists who in the sacred name of cost-effectiveness have put old-fashioned oil-fuel engines into new super-carriers, have frustrated the authentic genius of Admiral Rickover, and have built white-elephant aircraft like the F–111.

COST UNIMPORTANT

"Forget the cost, General!" was the abrupt civilian cut-off received by one senior officer who in seven years under McNamara's tight fist had learned to worry about little else.

So the dozers and harrows of the engineer battalions were put to work—under steady Communist fire, inflicting costs somewhat more difficult to forget—to clear six miles from the sea of Con Thien.

"Ranch-hand" aircraft, which have fruitlessly tried to defoliate some of the world's wettest and lushest jungle, sprayed the strip, and the troops patiently set in the electronic sniffers and sensors.

During the past year, although the sniffers have registered the pungent smells of many hundreds of stray water buffalo, the detection system has proved less sensitive to at least four North Vietnamese regiments and their vehicles.

And finally, about the time that Clark Clifford replaced obstinate Robert S. McNamara, work on the barrier stopped—very quietly.

Today, from the air, you can see the sword-grass thriving on the defoliants. Also from the air you can see acres of dumps containing unused German tape, prefabricated bunkers, and many large crates of gadgets—deteriorating expensively in the monsoon rains.

Whenever anyone asks about the McNamara Line he is greeted with tight-lipped official silence. "We can't talk about it—not at all," one general told me.

His caution is understandable. If he were to discuss the McNamara Line with a reporter, it would be worth his next star. Civilian supremacy over the military has never been more effective than in its ability to cover up a $2 billion civilian blunder.

SENATE—*Friday, January 31, 1969*

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Reverend Robert W. Galloway, pastor, Towson Presbyterian Church, Towson, Md., offered the following prayer:

In the name of the Father, and of the Son, and of the Holy Spirit. Amen.

Gracious God, our Father, in humility and with grateful hearts, we thank Thee for the blessings which we have known at Thy hand. Thou hast taught us life's proper attitudes and postures. We recite our lines on cue and the ritual continues. Yet within Thy grace, there is love, there is laughter, there is music, and Thy gifts and inspiration have lifted us as individuals and as a nation to moments of glory. Lead us then, O Father, that we may continue in faith—that there may be the miracle of peace and brotherhood in every heart. Let our purpose be high and in keeping with Thy holy will.

Give Thy servants Thy blessing, O Father, through Jesus Christ our Lord. Amen.

MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT (H. DOC NO. 91–70)

Under authority of the order of the Senate of January 29, 1969, the Secretary of the Senate, on January 30, 1969, received the following message from the President of the United States, which was referred to the Committee on Government Operations:

To the Congress of the United States:

New times call for new ideas and fresh approaches. To meet the needs of today and tomorrow, and to achieve a new level of efficiency, the Executive Branch requires flexibility in its organization.

Government organization is created to serve, not to exist; as functions change, the organization must be ready to adapt itself to those changes.

Ever since the Economy Act of 1932, the Congress has recognized the need of the President to modernize the Federal Government continually. During most of that time, the Congress has provided the President the authority to reorganize the Executive Branch.

The current reorganization statute—Chapter 9 of Title 5 of the United States Code—is derived from the Reorganization Act of 1949. That law places upon the President a permanent responsibility "from time to time to examine the organization of all agencies" and "to determine what changes therein are necessary" to accomplish the purposes of the statute. Those purposes include promoting the better execution of the laws, cutting expenditures, increasing efficiency in Government operations, abolishing unnecessary agencies and eliminating duplication of effort. The law also authorizes the President to transmit reorganization plans to the Congress to make the changes he considers necessary.

Unfortunately, the authority to transmit such plans expired on December 31, 1968. The President cannot, therefore, now fulfill his reorganization responsibilities. He is severely limited in his ability to organize and manage the Executive Branch in a manner responsive to new needs.

I, therefore, urge that the Congress promptly enact legislation to extend for at least two years the President's authority to transmit reorganization plans.

This time-tested reorganization procedure is not only a means for curtailing ineffective and uneconomical Government operations, but it also provides a climate that enables good managers to manage well.

Under the procedure, reorganization plans are sent to the Congress by the President and generally take effect after 60 days unless either House passes a resolution of disapproval during that time. In this way the President may initiate improvements, and the Congress retains the power of review.

This cooperative executive-legislative approach to reorganization has shown itself to be sensible and effective for more than three decades, regardless of party alignments. It is more efficient than the alternative of passing specific legislation to achieve each organizational change. The cooperative approach is tested; it is responsive; it works.

Reorganization authority is the tool a President needs to shape his Administration to meet the new needs of the times, and I urgently request its extension.

RICHARD NIXON.

THE WHITE HOUSE, *January 30, 1969.*

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, January 29, 1969, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the morning hour, statements in connection with the transaction of routine morning business be limited to 3 minutes.

The VICE PRESIDENT. Is there objection?

Mr. WILLIAMS of Delaware. Mr. President, reserving the right to object—and I do not intend to object—as I understand it, this would not change the rule with respect to the morning hour whereby a resolution would be automatically handed down after the transaction of routine business with the 3-minute limitation.

Mr. MANSFIELD. That is correct. I had hoped the Senator would receive some information about that before I made my request.

Mr. WILLIAMS of Delaware. It would not change the rule?

Mr. MANSFIELD. No.

Mr. WILLIAMS of Delaware. I have no objection.

The VICE PRESIDENT. Without objection, it is so ordered.

SENATE RESOLUTION 11 AND SENATE RESOLUTION 12 PLACED UNDER "SUBJECTS ON THE TABLE"

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Order No. 1, Senate Resolution 11, and Senate Resolution 12, which are contained under "Resolutions and Motions Over, Under the Rule," be placed under the heading "Subjects on the Table."

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. May I say, for the information of the Senate, that the placing of these matters in this position does not prevent the bringing up of these resolutions at any time if any Senator desires to do so.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The VICE PRESIDENT. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF COMMERCE

The bill clerk read the nomination of Rocco C. Siciliano, of California, to be Under Secretary of Commerce.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

U.S. COAST GUARD

The bill clerk proceeded to read sundry nominations in the U.S. Coast Guard.

Mr. MANSFIELD. Mr. President. I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 804(b), Public Law 90-351, the Speaker had appointed Mr. St. Onge of Connecticut, Mr. Rogers of Colorado, Mr. McCulloch of Ohio, and Mr. Poff of Virginia as members of the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 3(b), Public Law 88-606, as amended, the Speaker had appointed Mr. Baring of Nevada, Mr. Taylor of North Carolina, Mr. Udall of Arizona, Mr. Saylor of Pennsylvania, Mr. Burton of Utah, and Mr. Kyl of Iowa as members of the Public Land Law Review Commission, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 1(a), Public Law 90-70, the Speaker had appointed Mr. Rogers of Colorado, Mr. Moss of California, Mr. Burton of Utah, and Mr. Brotzman of Colorado as members of the Golden Spike Centennial Celebration Commission, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of 10 United States Code 6968(a), the Speaker had appointed Mr. Flood of Pennsylvania, Mr. Stratton of New York, Mr. Lipscomb of California, and Mr. Morton of Maryland as members of the Board of Visitors to the U.S. Naval Academy, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of 15 United States Code 1024(a), the Speaker had appointed Mr. Patman of Texas, Mr. Bolling of Missouri, Mr. Boggs of Louisiana, Mr. Reuss of Wisconsin, Mrs. Griffiths of Michigan, Mr. Moorhead of Pennsylvania, Mr. Widnall of New Jersey, Mr. Rumsfeld of Illinois, Mr. Brock of Tennessee, and Mr. Conable of New York as members of the Joint Economic Committee, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 2(a), Public Law 89-801, the Speaker had appointed Mr. Kastenmeier of Wisconsin, Mr. Edwards of California, and Mr. Poff of Virginia as members of the National Commission on Reform of Federal Criminal Laws, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 301, Public Law 89-81, the Speaker had appointed Mr. Edmondson of Oklahoma, Mr. Giaimo of Connecticut, Mr. Conte of Massachusetts, and Mr. Battin of Montana as members of the Joint Commission on Coinage, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 1(a), Public Law 89-187, the Speaker had appointed Mr. Zablocki of Wisconsin, Mr. Gray of Illinois, Mr. Byrnes of Wisconsin, and Mr. Ruppe of Michigan as members of the Father Marquette Tercentenary Commission, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of 10 United States Code 4355(a), the Speaker had appointed Mr. Teague of Texas, Mr. Natcher, of Kentucky, Mr. Rhodes of Arizona, and Mr. McKneally, of New York, as members of the Board of Visitors to the U.S. Military Academy, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of 46 United States Code 1126c, the Speaker had appointed Mr. Carey, of New York, and Mr. Weicker, of Connecticut, as members of the Board of Visitors to the U.S. Merchant Marine Academy, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of 14 United States Code 194(a), the Speaker had appointed Mr. St. Onge, of Connecticut, and Mr. Meskill, of Connecticut, as members of the Board of Visitors to the U.S. Coast Guard Academy, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of 10 United States Code 9355(a), the Speaker had appointed Mr. Rogers of Colorado, Mr. Flynt, of Georgia, Mr. Minshall, of Ohio, and Mr. Brotzman, of Colorado, as members of the Board of Visitors to the U.S. Air Force Academy, on the part of the House.

The message further informed the Senate that, pursuant to the provision of section 2(a), Public Law 85-874, as amended, the Speaker had appointed Mr. Wright of Texas, Mr. Thompson of New Jersey as members ex officio of the Board of Trustees of the John F. Kennedy Center for the Performing Arts, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 5, Public Law 420, 83d Congress, as amended, the Speaker had appointed Mr. Carey of New York and Mr. Zwach of Minnesota as members of the Board of Directors of Gallaudet College, on the part of the House.

The message further informed the

Senate that, pursuant to the provisions of 20 United States Code 42, 43, the Speaker had appointed Mr. MAHON of Texas, Mr. KIRWAN of Ohio, and Mr. Bow of Ohio as members of the Board of Regents of the Smithsonian Institution, on the House.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

Report on Operations Under Food Stamp Act of 1964

A letter from the Secretary of Agriculture, transmitting, pursuant to law, a report on operations under the Food Stamp Act of 1964, for calendar year 1968 (with an accompanying report); to the Committee on Agriculture and Forestry.

Report of Farm Credit Administration

A letter from the Governor of the Farm Credit Administration, transmitting, pursuant to law, the 35th annual report of the Administration, for the fiscal year ended June 30, 1968 (with an accompanying report); to the Committee on Agriculture and Forestry.

Report of Secretary of Agriculture on Surplus Commodities

A letter from the Secretary of Agriculture, transmitting, pursuant to law, a report on the orderly liquidation of stocks of agricultural commodities held by the Commodity Credit Corporation and the expansion of markets for surplus agricultural commodities (with an accompanying report); to the Committee on Agriculture and Forestry.

Report on Exemplary Rehabilitation Certificates

A letter from the Secretary of Labor, reporting, pursuant to law, on exemplary rehabilitation certificates for the calendar year 1968; to the Committee on Armed Services.

Proposed Regulation of Depreciation Accounting of Air Carriers

A letter from the Chairman, Civil Aeronautics Board, transmitting a draft of proposed legislation to amend the Federal Aviation Act of 1958 so as to authorize the Civil Aeronautics Board to regulate the depreciation accounting of air carriers (with accompanying papers); to the Committee on Commerce.

Report of Activities Under the Fair Packaging and Labeling Act

A letter from the Acting Secretary of Commerce, transmitting pursuant to law, a report of the activities of the Department under the Fair Packaging and Labeling Act (with accompanying report and papers); to the Committee on Commerce.

Report of Potomac Electric Power Co.

A letter from the president, Potomac Electric Power Co., transmitting, pursuant to law, a report on the financial condition of the company as of December 31, 1968 (with an accompanying report); to the Committee on the District of Columbia.

Improving the Financial Effectiveness of the Congress

A letter from the former Secretary of the Treasury, transmitting a copy of a paper entitled "Improving the Financial Effectiveness of the Congress" (with an accompanying paper); to the Committee on Finance.

Proposed Concession Contract, Lake Mead National Recreation Area, Arizona and Nevada

A letter from the Acting Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a copy of a proposed concession contract for the Lake Mead National Recreation Area, Arizona and Nevada (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Report of Bonneville Power Administration

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report of the Bonneville Power Administration, for the fiscal year 1968 (with an accompanying report); to the Committee on Interior and Insular Affairs.

Report on Progress in the Prevention and Control of Air Pollution

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the second report of the Department on progress in the prevention and control of air pollution (with an accompanying report); to the Committee on Public Works.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A resolution of the Legislature of the Territory of Guam; to the Committee on Armed Services:

"RESOLUTION 527 (6–S)

"A resolution relative to expressing to the national administration the willingness of the people of Guam to welcome and support the relocation of military facilities from Okinawa to Guam and the other islands of the Marianas

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, it is clear that the American military bases in the Ryukyu Islands are living on borrowed time, the recent elections in Okinawa of a Chief Executive and Mayor of Naha both dedicated to the immediate removal of all American bases demonstrating unequivocably the objection of the people of Okinawa to the American presence, despite the undoubted economic benefits they obtain from these bases; and

"Whereas, 'Newsweek' magazine and other news media have reported that the Department of Defense has surveyed Guam and some of the other islands of the Marianas as a possible replacement area for the American facilities in Okinawa should they have to be removed; and

"Whereas, the island of Guam has long been a vital link in the chain of American defense bases in the Pacific, and, far from opposing this function, the people of Guam have welcomed enthusiastically the military forces and facilities located here, many thousands working on the bases and a large number of the military and other Federal forces here becoming integrated into the local community, the relationship between the civilian and military spheres being extremely warm and cordial; and

"Whereas, in addition the people of Guam are intensely patriotic, as evidenced by their single-minded devotion to the American cause during the Second World War when the island was the only populated part of America occupied by the enemy, and, more recently, by the admirable history of their young men serving in Vietnam where the territory of Guam has suffered, on a per capita basis, the highest casualties of any American community, being six times the national average, and thus, the people of Guam in reviewing the question of absorbing more military bases look first to determine whether the security of America is benefited thereby; and

"Whereas, Guam is an integral part of the United States, and there is not the slightest hint of any local desire to break the close relationship between the United States and its most distant territory, the unanimous desire being in the other direction, to build ever closer bonds and become more and more integrated with the mainland United States, and, therefore in the event the Okinawa military facilities are moved to Guam, our Defense officials need never concern themselves whether because of local reaction they would have to be moved once more; and

"Whereas, although the territory of Guam cannot speak for the other islands of the Marianas, which make up the Marianas District of the United States Trust Territory of the Pacific Islands, nevertheless these islands are inhabited by people who speak the same language and are of the same culture, religion, and ancestry as the people of Guam, and there has been an ever-increasing demand both in Guam and in remaining islands of the Marianas for reintegration of these islands of common history, economy, and culture within the governmental framework of the territory of Guam, and, therefore the people of Guam are certain that their cousins in the remaining islands in the Marianas would also welcome and support any American defense activities moved to these islands from Okinawa; now therefore be it

"Resolved, that the Ninth Guam Legislature does hereby on behalf of the people of Guam express to the National Administration, and in particular the Department of Defense, the willingness of the territory of Guam to welcome and support any movement of defense facilities from the Ryukyu Islands to Guam and the other islands of the Marianas; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives, to the Secretary of State, to the Secretary of Defense, to the Chairman, Joint Chiefs of Staff, to the Chief of Staff, United States Army, to the Commandant, United States Marine Corps, to the Chairmen, United States Senate and House Committees on Interior and Insular Affairs, to the Chairmen, United States Senate and House Committees on Armed Services, to Guam's Washington Representative, and to the Governor of Guam.

"Duly and regularly adopted on the 16th day of December, 1968.

"F. T. RAMIREZ,
"Legislative Secretary.
"J. C. ARRIOLA,
"Speaker."

A petition from the Okinawa Cities, Towns & Villages Association, praying for the immediate removal of B–52 strategic bombers from Okinawa; to the Committee on Armed Services.

A petition from the Okinawa Cities, Towns & Villages Association, praying for the early return of Okinawa to Japan; to the Committee on Foreign Relations.

Two resolutions of the Legislature of the Territory of Guam; to the Committee on Interior and Insular Affairs:

"RESOLUTION 510(6–S)

"A resolution relative to expressing to the President and the Congress of the United States the deep gratitude of the people of Guam for the enactment of the 'Guam Development Fund Act of 1968'

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, on October 17, 1968, the Honorable Lyndon B. Johnson, President of the United States, signed Public Law 90–601 of the 90th Congress of the United States, which public law is the 'Guam Development Fund Act of 1968,' a measure designed to promote the economic development of Guam by authorizing the appropriation of $5,000,000, to be used in furthering such development; and

"Whereas, the Honorable Hugh Carey, Chairman of the Subcommittee on Interior and Insular Affairs of the United States House of Representatives, reported out the proposal on September 26, 1968, and recommended passage of the Act, noting that the purpose of the bill is to promote the economic development of Guam through the establishment of a capital loan and guarantee fund to encourage the development of private enterprise and industry on Guam, the House Committee further reporting that neither the government of Guam nor the local financial institutions have been able to provide adequate investment capital, the unavailability of this capital being a major restraint in the long range economic development of the territory; and

"Whereas, the people of Guam have long been attempting to develop an economy independent of defense expenditures, a matter over which they have no control, and the Congress has both been conscious of this desire and extremely helpful in developing the overall economic plan needed for such long range development, the Guam Rehabilitation Act (Public 88–170) having provided the territory with an economic development plan, which plan noted the need for the long term investment capital as is now made available by the Guam Development Fund Act of 1968, the people of Guam thereby again witnessing not only the concern that the Congress and the President have for the territory of Guam but their willingness to take effective action to solve the territory's problems; now therefore be it

"Resolved, that the Ninth Guam Legislature does hereby on behalf of the people of Guam express to the president and the Congress of the United States the warm appreciation and deep gratitude of all the inhabitants of the territory for the enactment of the "Guam Development Fund Act of 1968," a measure that promises to make possible the long range development of a viable Guam economy independent of defense spending, a goal long sought by the people of Guam and now made possible by the generosity of the Federal government;

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States, to the President of the Senate, to the Speaker of the U.S. House of Representatives, to the Chairmen of the Committees on Interior and Insular Affairs, Senate and House, to the Chairmen of the Subcommittee on Interior and Insular Affairs Committee, Senate and House, to Guam's Washington Representative, and to the Governor of Guam.

"Duly and regularly adopted on the 12th day of December, 1968.

"F. T. RAMIREZ,
"Legislative Secretary.
"J. C. ARRIOLA,
"Speaker."

"RESOLUTION NO. 511 (6–S)

"A resolution relative to expressing the grateful appreciation of the people of Guam to the President and Congress of the United States and to those other Federal officials who assisted in the enactment of the recent amendment to the Guam Rehabilitation Act increasing the authorized expenditure thereunder by $30,000,000

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, following the devastating typhoons of 1962 and 1963 which so badly ravaged the territory of Guam, the Congress of the United States enacted the Guam Rehabilitation Act, which, among other things, authorized the appropriation of $45,000,000 to assist in rehabilitating the public facilities of the territory; and

"Whereas, as a direct result of this legislation and the grants and loans made thereunder, the territory has undergone a remarkable development, which is more in the nature of a basic improvement in the capital plant of the territory than in merely rehabilitating the territory back to pre-typhoon conditions, the Guam that has arisen as a result of this Federal money being much finer and much more solid than the rather ramshackle island so badly torn up by the great storms, the temporary quonsets destroyed by the winds being replaced with permanent reinforced concrete buildings; and

"Whereas, among the many projects made possible by the Rehabilitation Act are the island-wide sewer system now underway, the new Commercial Port almost completed, the civilian air terminal, a number of brand new elementary and secondary public schools, the substantial additions to the local water system, and the funding of the urban renewal projects for the typhoon-devastated villages of Sinajana and Yona, all of which projects have been of enormous benefit to the inhabitants of Guam, both military and civilian, and have helped to create the basic capital underpinnings Guam needs to become a modern American community and the Showcase of Democracy in the Far East; and

"Whereas, the projects originally envisioned at the time of the enactment of the Act could not all be completed under the original ceiling of funds available since in many instances the expenses of construction increased to the point that the budget would no longer cover all of the projects, and, in addition, it became clear that certain other projects of a capital nature were absolutely vital to complete the necessary infrastructure of the territory's public facilities; and

"Whereas, responding to these needs, the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives, working in conjunction with executive branch officials in the Department of the Interior and Office of the Budget, drafted legislation to increase the authorized appropriation limitation under the Guam Rehabilitation Act from $45,000,000 to $75,000,000, an enormous increase and one that puts all of the needed capital projects within the means of the territorial government, which legislation received early and favorable consideration from the appropriate committees and subcommittees of the Congress, was acted favorably upon by the Senate and House, and was signed into law by President Johnson, the 90th Congress and the Johnson Administration thus demonstrating once again that insofar as the territory of Guam is concerned no other Congress and no other Administration has done so much, and thereby refuting for all time the baseless charge of American exploitation of its off-island dependencies, quite the contrary being shown to be true, the $75,000,000 being made available under the Guam Rehabilitation Act, as recently amended, being an unequaled and unprecedented example of American generosity to a tiny and distant community for which it is responsible; and

"Whereas, it is impossible to single out any one individual or official in Washington as being most responsible for this so vitally needed legislation, all those Federal officers having any jurisdiction over the question cooperating enthusiastically and efficiently to coordinate the enactment of the legislation in a remarkably short time, thereby winning the gratitude and earning the commendation of the people of Guam; now therefore be it

"Resolved, that the Ninth Guam Legislature does hereby on behalf of the people of Guam express deep gratitude and sincere commendation to the President of the United States, to the Congress of the United States and to all those Federal officials responsible for the enactment of the amendment to the Guam Rehabilitation Act increasing the funds authorized thereunder by $30,000,000; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States, to the President of the Senate, to the Speaker of the U.S. House of Representatives, to the Chairmen of the Committees on Interior and Insular Affairs, Senate and House, to the Chairmen of the Subcommittees on Interior and Insular Affairs, Senate and House, to the Secretary of the Interior, to the Director of the Office of Budget, to Guma's Washington Representative, and to the Governor of Guam.

"Duly and regularly adopted on the 12th day of December, 1968.

"F. T. RAMIREZ,
"Legislative Secretary.
"J. C. ARRIOLA,
"Speaker."

A joint resolution of the Legislature of the State of Utah; to the Committee on Interior and Insular Affairs:

"HOUSE JOINT RESOLUTION 5

"A joint resolution of the House of Representatives and the Senate of the State of Utah memorializing the President of the United States and the Congress of the United States to restore to the public domain certain lands withdrawn by Presidential proclamation for national monument purposes

"Be it resolved by the Legislature of the State of Utah:

"Whereas, the immediate past President of the United States in the final hours of his administration withdrew approximately 264,000 acres of public lands and included them in Arches and Capitol Reef National Monuments without any opportunity for proper hearing; and

"Whereas, the area withdrawn is known to contain valuable minerals and has good potential for the development of substantial reserves of oil, gas, uranium and other minerals as evidenced by the fact that more than 200,000 acres in the immediate area are under oil and gas lease and extensive exploration for other minerals is now being conducted; and

"Whereas, the lands withdrawn contain large areas valuable for grazing; and

"Whereas, state lands checkerboard the area of the lands withdrawn, and these state lands are isolated by the withdrawal; and

"Whereas, the withdrawal has deprived the state of Utah, its industries and people of access to valuable resources both in the lands withdrawn and state lands affected; and

"Whereas, the state of Utah is largely dependent for its economic growth upon the multiple use of its natural resources.

"Now, therefore, be it resolved, by the Legislature of the State of Utah that we oppose the action of the former President of the United States in withdrawing these valuable lands without providing the opportunity for parties concerned to be heard.

"Be it further resolved, that the President of the United States and the Congress of the United States take such action as necessary to restore these lands to the public domain, so they are available for multiple use until all issues involving their inclusion in national monuments have been fully considered."

A resolution adopted by the board of commissioners, Lafourche Basin Levee District, Donaldsonville, La., praying for the delay of diversion of Mississippi River water to west Texas and eastern New Mexico; to the Committee on Public Works.

A resolution of the Legislature of the Territory of Guam; ordered to lie on the table:

"RESOLUTION 526(6–S)

"A resolution relative to congratulating the Honorable Richard M. Nixon and the Honorable Spiro T. Agnew, President-Elect and Vice President-Elect, upon their recent election, and to expressing the desire and willingness of the people of Guam to work with the new administration

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, in the recent presidential campaign in the United States, the Republican candidates, Richard M. Nixon, and Spiro T. Agnew, narrowly defeated the Democratic candidates and thus returned the Republican Party to power after eight years in the wilderness; and

"Whereas, although the majority of the people of Guam are supporters of the Democratic Party as evidenced by the results of the recent local election held contemporaneously with the national election, nevertheless, there is an active local Republican Party in Guam, and no animosity whatsoever between the people of Guam and the national Republican Party, the people of Guam being aware that the many benefits and privileges extended to them by the national administrations, ranging from the grant of U.S. citizenship and limited self-government in 1950 up to and including the recent enactment of the Elected Governorship Act authorizing Guam for the first time in its recorded history to elect its own Chief Executive, would never have been so extended were it not for the support of the Republican members of Congress, many of these benefits themselves being extended by the Republican administration of President Eisenhower under whom Guam's first native born Governor was appointed; and

"Whereas, it therefore behooves the people of Guam to extend to Richard Milhous Nixon and Spiro T. Agnew their congratulations upon the Republican victory, their best wishes for a successful administration, and their sincere intention to work together with the new administration in solving their common problems; now, therefore, be it

"Resolved, that the Ninth Guam Legislature does hereby on behalf of the people of Guam warmly congratulate the Honorable Richard Milhous Nixon and the Honorable Spiro T. Agnew upon their election as President and Vice President of the United States; and be it further

"Resolved, that this resolution do also serve as a commitment on the part of the people of Guam and their elected leaders to work constructively with the new Republican administration in attempting to solve the problems that confront Guam and the Nation; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Honorable Richard Milhous Nixon, President-elect, to the Honorable Spiro T. Agnew, Vice President-Elect, and to the Governor of Guam.

"Duly and regularly adopted on the 16th day of December, 1968.

"F. T. RAMIREZ,
"Legislative Secretary.
"J. C. ARRIOLA,
"Speaker."

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Richard G. Kleindienst, of Arizona, to be Deputy Attorney General;

Jerris Leonard, of Wisconsin, to be an Assistant Attorney General;

Richard W. McLaren, of Illinois, to be an Assistant Attorney General;

William H. Rehnquist, of Arizona, to be an Assistant Attorney General;

William D. Ruckelshaus, of Indiana, to be an Assistant Attorney General;

Johnnie M. Walters, of South Carolina, to be an Assistant Attorney General and

Will Wilson, of Texas, to be an Assistant Attorney General.

By Mr. SPONG, from the Committee on the District of Columbia:

Walter E. Washington, of the District of Columbia, to be Commissioner of the District of Columbia.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. STEVENS:

S. 778. A bill to amend the 1964 Amendments to the Alaska Omnibus Act; to the Committee on Interior and Insular Affairs.

By Mr. STENNIS (for himself and Mrs. SMITH):

S. 779. A bill to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Forces.

(See the remarks of Mr. STENNIS when he introduced the above bill, which appear under a separate heading.)

By Mr. HOLLAND:

S. 780. A bill for the relief of Harvey E. Ward; to the Committee on the Judiciary.

By Mr. SCOTT:

S. 781. A bill to establish a temporary Commission to consider the feasibility of meeting the military manpower requirement of the Nation through a completely voluntary system of enlistments; to the Committee on Armed Services.

(See the remarks of Mr. SCOTT when he introduced the above bill, which appear under a separate heading.)

By Mr. ERVIN (for himself, Mr. BAYH, Mr. FONG, Mr. HRUSKA, Mr. THURMOND, Mr. DODD, Mr. BURDICK, Mr. TYDINGS, Mr. DIRKSEN, Mr. SCOTT, Mr. COOK, Mr. MATHIAS, Mr. BIBLE, Mr. BROOKE, Mr. BYRD of Virginia, Mr. CHURCH, Mr. COOPER, Mr. DOLE, Mr. DOMINICK, Mr. EAGLETON, Mr. FANNIN, Mr. GOLDWATER, Mr. GRAVEL, Mr. HANSEN, Mr. HATFIELD, Mr. INOUYE, Mr. JORDAN of North Carolina, Mr. JORDAN of Idaho, Mr. MAGNUSON, Mr. MCCARTHY, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MILLER, Mr. MONTOYA, Mr. MUNDT, Mr. MUSKIE, Mr. NELSON, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. SAXBE, Mr. SCHWEIKER, Mr. SPARKMAN, Mr. SPONG, Mr. STEVENS, Mr. TALMADGE, Mr. TOWER, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. GURNEY):

S. 782. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; to the Committee on the Judiciary.

(See the remarks of Mr. ERVIN when he introduced the above bill, which appear under a separate heading.)

By Mr. MANSFIELD:

S. 783. A bill for the relief of Mrs. Wanda Martens; and

S. 784. A bill for the relief of Hamilton Gibson; to the Committee on the Judiciary.

By Mr. MANSFIELD (for himself and Mr. METCALF):

S. 785. A bill to authorize the Secretary of Agriculture to indemnify farmers whose hay is contaminated with residues of economic poisons; to the Committee on Agriculture and Forestry.

S. 786. A bill to grant all minerals, including coal, oil and gas, on certain lands on the Fort Belknap Indian Reservation, Mont., to certain Indians, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. METCALF:

S. 787. A bill for the relief of Siu Pong Chau; and

S. 788. A bill for the relief of Cristina Carmen Perez y Arellano; to the Committee on the Judiciary.

S. 789. A bill to provide that the appropriation requests of certain regulatory agencies be transmitted directly to Congress; to the Committee on Government Operations.

By Mr. JAVITS:

S. 790. A bill for the relief of Miss Angiolina Filippone;

S. 791. A bill for the relief of Sezan Osoktay;

S. 792. A bill for the relief of Dr. Adnan Abu Ghazaleh, his wife, Samira Abu Ghazaleh, and his son, Samir Abu Ghazaleh;

S. 793. A bill for the relief of Peter Chung Ren Huang;

S. 794. A bill for the relief of Nguyen Thi Thu Cuc;

S. 795. A bill for the relief of Juan Manuel Gomez Quiroz;

S. 796. A bill for the relief of Norma Serabia;

S. 797. A bill to fix date of citizenship of Alfred Lorman for purposes of War Claims Act of 1948;

S. 798. A bill for the relief of Lucio Martella;

S. 799. A bill for the relief of Aristidis Chrestatos;

S. 800. A bill for the relief of Giovanni and Elena Ciatto;

S. 801. A bill for the relief of Bertrand Cramer; and

S. 802. A bill for the relief of De and Mrs. Jose L. Cabezon; to the Committee on the Judiciary.

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 803. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Monmouth-Dallas division, Willamette River project, Oregon, and for other purposes;

S. 804. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon, and for other purposes;

S. 805. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Illinois Valley division, Rogue River Basin project, Oregon, and for other purposes; and

S. 806. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Olalla division of the Umpqua project, Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 807. A bill to provide for holding terms of the U.S. District Court for the District of Oregon at Coquille; to the Committee on the Judiciary.

S. 808. A bill to provide for the designation of that portion of U.S. Highway numbered 30 between Portland and Astoria, Oreg., as part of the National System of Interstate and Defense Highways; to the Committee on Public Works.

By Mr. RIBICOFF (for himself and Mr. BAYH, Mr. CASE, Mr. DODD, Mr. INOUYE, Mr. JAVITS, Mr. MAGNUSON, Mr. MCINTYRE, Mr. MONDALE, Mr. MUSKIE, Mr. PELL, and Mr. TYDINGS):

S. 809. A bill to provide Federal leadership and grants to the States for developing and implementing State programs for youth camp safety standards; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. RIBICOFF when he introduced the above bill, which appear under a separate heading.)

By Mr. MONDALE:

S. 810. A bill for the relief of Alfred Harrison, his wife Ingrid Gertrude, daughter Kirsten Viola, and son Martin Lenz; to the Committee on the Judiciary.

By Mr. MONDALE (for himself and Mr. Burdick, Mr. Cook, Mr. Cooper, Mr. Eagleton, Mr. Hartke, Mr. Inouye, Mr. Mansfield, Mr. McGee, Mr. McGovern, Mr. Metcalf, Mr. Miller, Mr. Montoya, Mr. Muskie, Mr. Nelson, Mr. Packwood, Mr. Proxmire, Mr. Scott, Mr. Yarborough, Mr. Young of North Dakota, and Mr. Young of Ohio):

S. 811. A bill to require the Secretary of Agriculture and the Director of the Bureau of the Budget to make a separate accounting of funds requested for the Department of Agriculture for programs and activities that primarily stabilize farm income and those that primarily benefit consumers, businessmen, and the general public, and for other purposes; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. Mondale when he introduced the above bill, which appear under a separate heading.)

By Mr. MONDALE (for himself and Mr. Burdick, Mr. Harris, Mr. Hart, Mr. Magnuson, Mr. Mansfield, Mr. McCarthy, Mr. McGee, Mr. McGovern, Mr. Metcalf, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Proxmire, Mr. Yarborough, and Mr. Young of North Dakota):

S. 812. A bill to provide for the orderly marketing of agricultural commodities by the producers thereof, and for other purposes; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. Mondale when he introduced the above bill, which appear under a separate heading.)

By Mr. SPARKMAN:

S. 813. A bill to provide for continuation of authority for regulation of exports; to the Committee on Banking and Currency.

(See the remarks of Mr. Sparkman when he introduced the above bill, which appear under a separate heading.)

By Mr. ELLENDER (by request):

S. 814. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide a supplemental source of credit to cooperatives serving rural people, and for other purposes;

S. 815. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for insured operating loans, including loans to low-income farmers and ranchers, and for other purposes; and

S. 816. A bill to amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, to provide for payment by handler assessments of the administrative costs of the Department of Agriculture; to the Committee on Agriculture and Forestry.

By Mr. FANNIN (for himself and Mr. Bennett, Mr. Cotton, Mr. Curtis, Mr. Ervin, Mr. Goldwater, Mr. Hansen, Mr. Mundt, Mr. Thurmond, and Mr. Williams of Delaware):

S. 817. A bill to provide for strike ballots in certain cases; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Fannin when he introduced the above bill, which appear under a separate heading.)

By Mr. MATHIAS (for himself and Mr. Scott and Mr. Fong):

S. 818. A bill to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices; to the Committee on the Judiciary.

(See the remarks of Mr. Mathias when he introduced the above bill, which appear under a separate heading.)

By Mr. CANNON:

S. 819. A bill to exempt citizens who are 65 years of age or over from paying entrance, admission, or user fees; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Cannon when he introduced the above bill, which appear under a separate heading.)

By Mr. HARRIS:

S. 820. A bill to increase the maximum rate of per diem allowance for employees of the Government traveling on official business, and for other purposes; to the Committee on Government Operations.

S. 821. A bill to permit negotiation of a modification to a contract for sale of certain real property by the United States to the city of Lawton, Oklahoma; to the Committee on Interior and Insular Affairs.

S. 822. A bill for the relief of A. G. Bartlett Company; to the Committee on the Judiciary.

(See the remarks of Mr. Harris when he introduced the above bills, which appear under separate headings.)

By Mr. PROXMIRE (for himself and Mr. Williams of New Jersey, Mr. Mondale, Mr. Nelson, Mr. Magnuson, Mr. McGee, Mr. Moss, Mr. Yarborough, Mr. Young of Ohio, and Mr. Javits):

S. 823. A bill to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information to the Committee on Banking and Currency.

(See the remarks of Mr. Proxmire when he introduced the above bill, which appear under a separate heading.)

By Mr. NELSON:

S. 824. A bill for the relief of Apostole Bourexis; and

S. 825. A bill for the relief of Nikolaos G. Kalaras; to the Committee on the Judiciary.

By Mr. NELSON (for himself and Mr. Proxmire, Mr. Hart, and Mr. Griffin):

S. 826. A bill to designate certain lands in the Seney, Huron Island, and Michigan Islands National Wildlife Refuges in Michigan, the Gravel Island and Green Bay National Wildlife Refuges in Wisconsin, and the Moosehorn National Wildlife Refuge in Maine, as wilderness; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Nelson when he introduced the above bill, which appear under a separate heading.)

By Mr. FONG:

S. 827. A bill for the relief of Honorato D. Dela Cruz;

S. 828. A bill for the relief of Anita Pagala Ramos;

S. 829. A bill for the relief of Dai Pao Wang; and

S. 830. A bill for the relief of Corazon F. Mesina; to the Committee on the Judiciary.

By Mr. McGOVERN:

S. 831. A bill for the relief of Kamal Hadji-Reza-Polvi and for his family, Razieh and Afshin Polvi;

S. 832. A bill for the relief of Katherine L. Domaguing; and

S. 833. A bill for the relief of Miguel Apaza; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 834. A bill for the relief of Tommy Kin Ip Leung; to the Committee on the Judiciary.

By Mr. HART:

S. 835. A bill to amend the act of September 5, 1962 (76 Stat. 435), providing for the establishment of the Frederick Douglass home as a part of the park system in the National Capital; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Hart when he introduced the above bill, which appear under a separate heading.)

By Mr. SPARKMAN:

S. 836. A bill for the relief of Wha Wang; to the Committee on the Judiciary.

By Mr. MANSFIELD:

S.J. Res. 36. A joint resolution proposing an amendment to the Constitution of the United States relating to limitation of debate in the Senate; to the Committee on the Judiciary.

(See the remarks of Mr. Mansfield when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. SPARKMAN:

S.J. Res. 37. A joint resolution to extend the time for the making of a final report by the Commission To Study Mortgage Interest Rates; to the Committee on Banking and Currency.

By Mr. BAKER:

S.J. Res. 38. A joint resolution proposing an amendment to the Constitution of the United States extending the right to vote in Federal elections to citizens 18 years of age or older; to the Committee on the Judiciary.

(See the remarks of Mr. Baker when he introduced the above joint resolution, which appear under a separate heading.)

S. 779—INTRODUCTION OF BILL TO AUTHORIZE CERTAIN CONSTRUCTION AT MILITARY INSTALLATIONS

Mr. STENNIS. Mr. President, for myself and the senior Senator from Maine (Mrs. Smith), I introduce, by request, a bill to authorize certain construction at military installations, and for other purposes.

I ask unanimous consent that the letter of transmittal requesting introduction of this bill and explaining its purpose be printed in the Record immediately following the listing of the bill.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the Record.

The bill (S. 779) to authorize certain construction at military installations, and for other purposes, introduced by Mr. Stennis (for himself and Mrs. Smith), was received, read twice by its title, and referred to the Committee on Armed Services.

The letter presented by Mr. Stennis is as follows:

The Secretary of Defense,
Washington, January 17, 1969.

Hon. Hubert H. Humphrey,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is forwarded herewith a draft of legislation "To authorize certain construction at military installations and for other purposes."

This proposal is a part of the Department of Defense legislative program for Fiscal Year 1970. The Bureau of the Budget on January 6, 1969, advised that its enactment would be in accordance with the program of the President.

This legislation would authorize military construction needed by the Department of Defense at this time, and would provide additional authority to cover deficiencies in essential construction previously authorized. Appropriations in support of this legislation are provided for in the Budget of the United States Government for FY 1970.

Titles I, II, III, and IV of this proposal would authorize $1,737,746,000 in new construction for requirements of the Active Forces, of which $959,343,000 are for the Department of the Army; $353,774,000 for the Department of the Navy; $352,129,000 for the

Department of the Air Force; and $72,500,000 for the Defense agencies.

Title V contains legislative recommendations considered necessary to implement the Department of Defense family housing program and authorizes $694,418,000 for all costs of that program for FY 1970.

Title VI requests authorization for appropriation of $1,850,000 for homeowners assistance in base closure areas.

Title VII contains general provisions generally applicable to the Military Construction Program.

Title VIII, totaling $40,000,000, would authorize construction for the Reserve Components, of which $10,000,000 is for the Army National Guard; $6,000,000 for the Army Reserve; $8,500,000 for the Navy and Marine Corps Reserves; $11,500,000 for the Air National Guard; and $4,000,000 for the Air Force Reserve. These authorizations are in lump sum amounts in accordance with the amendments to Chapter 133, Title 10, United States Code, which were enacted in Public Law 87-554.

Sincerely,

CLARK M. CLIFFORD.

REREFERRAL OF SENATE BILL 734

Mr. CANNON. Mr. President, I ask unanimous consent that Senate bill 734—to revise the Federal election laws—which was introduced in the Senate on Tuesday, January 28, 1969, and was referred to the Committee on Finance be rereferred to the Committee on Rules and Administration.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 781—INTRODUCTION OF BILL RELATING TO COMMISSION ON A VOLUNTARY MILITARY SERVICE

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, a bill to establish a Presidential Commission on a Voluntary Military Service. This legislation, which has as its ultimate goal the abolishment of the draft, is intended to carry out a proposal which I first advanced last year. I am pleased that a similar interest has been confirmed by the President with his directive of yesterday to Defense Secretary Laird.

Of course, I am well aware of the fine work which has been done by the Burke Marshall, Gen. Mark Clark, and other advisory commissions in recommending revisions badly needed in the current Selective Service System. I, for example, participated directly in the efforts in the last session of Congress which led successfully to the change in policy which now grants equally to students pursuing academic degrees through junior and community colleges the same deferment treatment afforded to students at regular 4-year universities. My interest in a correction of these distasteful injustices will continue. I could not do otherwise at a time when the manpower demands of the Vietnam war especially, and the increasingly uneasy world situation generally, focus critical attention on the inequities implied in the question, "Who serves when not all serve?"

But, Mr. President, I feel we are now in a position to go further in this direction than we have before. While other Commission studies of the draft have been aimed primarily at the inequities of Selective Service, they have tended to look on the question of a voluntary military service—if indeed they have looked on it at all—only as one of a number of alternatives to the present system. By contrast, the Presidential Commission I have in mind would deal with a voluntary military service exclusively. The President's directive of yesterday, too, appears to have this intent in mind. But, while members of the Defense Department would also serve on the Commission I propose, my bill is designed to obtain a further balance on this question by specifically bringing to the Commission as well persons from civilian life whose knowledge of business management, labor relations, education, and other related fields could be expected to result in a meaningful contribution to a study of this kind. The Commission's mandate would be to conduct a detailed study of the full ramifications of a voluntary military service so that Congress might know how best, and when, to proceed in making a voluntary military service a reality. It would be the statutory responsibility of this Commission to recommend, consistent with its findings, enabling legislation for the implementation of this goal. Ultimately, I believe Congress, as well as the Defense Department, must deal with this issue.

I do not feel that it is too early now to initiate such a study. At last, we have in Paris the beginnings of what we all hope will be the negotiations that lead finally to the long-sought honorable conclusion of the Vietnam conflict. I think we can hope, too, that the skills which the new administration will bring to the area of foreign policy, and its relationships with Congress, will preclude the chance that this country will again become involved in another war of such a tragic nature and scope as that which has evolved in Vietnam.

Nor, can I agree with those who would characterize the concept of a voluntary military service as "impossible." Nothing should be more in keeping with our American tradition of encouraging individual freedom of choice to the maximum extent possible.

I recognize, however, that such a proposal will be workable only if it is preceded by careful thought and planning. Realistic arrangements for transition pay scales, promotions, training and other professional incentives are but a few of the related issues which must first be thoroughly examined. Solutions to these problems will not be found overnight.

We can, however, begin now. This is the task of the Presidential Commission which I am today proposing be established. I urge the speedy enactment of my bill so that this Commission can get on with its important work.

Mr. President, I ask that the text of my bill to establish a Commission on Voluntary Military Service, and an essay entitled "The Case for a Volunteer Army," from the January 10, 1969, issue of Time magazine, be printed at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and article will be printed in the RECORD.

The bill (S. 781) to establish a temporary Commission to consider the feasibility of meeting the military manpower requirement of the Nation through a completely voluntary system of enlistments, introduced by Mr. SCOTT, was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S. 781

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF COMMISSION

SECTION 1. (a) There is hereby established a commission to be known as the Commission on Voluntary Military Service (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of eleven members appointed by the President without regard to political affiliation. Members of the Commission shall be appointed from among persons especially qualified to serve on such Commission by virtue of their education, training, and experience. Not more than four of the members of the Commission may be appointed from the Department of Defense, and at least one member of the Commission shall be selected from business or business management, one from labor, and one from the field of higher education.

(c) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission. If a member of the Commission from the Department of Defense is designated to serve as Chairman, a member from private life shall be designated to serve as Vice Chairman; and if a member of the Commission from the Department of Defense is designated to serve as Vice Chairman, a member from private life shall be designated to serve as Chairman.

(d) Any vacancy in the Commission shall not affect its powers.

(e) Six members of the Commission shall constitute a quorum.

DUTIES OF THE COMMISSION

SEC. 2. (a) The Commission shall conduct a comprehensive study and investigation of the feasibility of providing for the military manpower requirements of the Nation through a completely voluntary program of enlistments. In carrying out such study and investigation the Commission shall consider such matters as it deems appropriate to determine whether such a voluntary program is workable and practicable, including—

(1) means of making a military career more attractive to young men;

(2) the estimated costs of achieving a complete voluntary system; and

(3) measures which might be instituted to provide for an effective and efficient transition during any changeover from the present system to a completely voluntary system.

(b) The Commission shall transmit to the President and to the Congress a final report not later than eighteen months after the date of enactment of this Act. Such report shall contain a detailed statement of the findings and conclusions of the Commission together with such recommendations for legislation as it deems appropriate. The Commission shall cease to exist thirty days after the submission of its final report to the President and to the Congress.

POWERS OF THE COMMISSION

SEC. 3. (a) The Commission or any committee thereof may, in carrying out its duties under this Act, hold such hearings, take such testimony, and sit and act at such times and places as the Commission or such committee may deem advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission or any committee thereof.

(b) Subject to the requirements of national security, the Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purpose of this Act; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

(c) The Commission shall have the power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 57 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(d) The Commission may procure temporary or intermittent services of experts and consultants to the same extent as is authorized for the departments by section 3109 of title 5, United States Code, but at rates not to exceed $75 a day for individuals.

COMPENSATION OF COMMISSION MEMBERS

Sec. 4. (a) Members of the Commission who are officers or employees of the Federal Government shall serve as members of the Commission without compensation in addition to that received in their regular public employment. Members of the Commission from private life shall each receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of the Commission.

(b) All members of the Commission shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

EXPENSES OF THE COMMISSION

Sec. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The article presented by Mr. Scott is as follows:

The Case for a Volunteer Army

The concept of a volunteer armed force for the U.S. is one of the few national propositions that have scarcely a single enemy. President-elect Richard Nixon is strongly for it. The Department of Defense holds that "reliance upon volunteers is clearly in the interest of the armed forces." Such conservatives as Barry Goldwater and William Buckley back the idea, and so do many liberals, including James Farmer and David Dellinger. Young men under the shadow of the draft want it, and so do their parents. Most of American tradition from the Founding Fathers on down is in favor, as were the untold millions of immigrants who came to America to avoid forced service in the conscript armies of czars and kaisers.

A volunteer armed force would seem to have something for everybody. For the Pentagon, it would provide a careerist body of men staying in the ranks long enough to learn their jobs and do them well; as it is, 93% of drafted soldiers leave the service when their two-year tour of duty ends. For constitutionalists, a volunteer army would affirm the principle that free men should not be forced into involuntary servitude in violation of the 13th Amendment. For philosophers, it would restore freedom of choice; if a man wants to be a soldier, he can do so, and if not, he does not have to. The idea also appeals to all those who have become increasingly aware that the draft weighs unfairly upon the poor and the black, the dropout and the kid who does not get to college.

For all this rare unanimity of opinion, however, it seems hardly likely that the U.S. will soon achieve what Nixon has promised to build toward: "an all-volunteer armed force." A main reason for this is that the Pentagon's basic support for the idea of a volunteer army is heavily qualified by worries that it will not work—while the draft has now delivered the bodies without fail for two decades.

WORRIES IN THE PENTAGON

Burned into military memories is the hasty dismantlement of the U.S. armed forces after World War II, when the nation returned to its traditional military stance: a small number of voluntary regulars, backed up by reserves and the National Guard. The Army managed to attract 300,000 volunteers, of whom West Point's Colonel Samuel H. Hays wrote: "In an infantry battalion during that period one might find only two or three high school graduates in nearly a thousand men. Technical poficiency was not at a high level; delinquency and court-martial rates were." Getting choosier, the Army raised qualifying scores on aptitude tests from 59 to 70, 80, and finally 90. Simultaneously, it limited recruits to men without dependents and those willing to sign up for a three-year hitch. When the Berlin blockade and the Communist seizure of Czechoslovakia took place in 1948, the Pentagon complained that it was far under strength and that relying on volunteers had failed, Congress was told that the draft was needed to get manpower and show U.S. determination to check Communist aggression. The clumsily titled Universal Military Training and Service Act was passed, After that, proposals for returning to a volunteer army were not heard for years.

The military arguments against the volunteer army nowadays derive from new judgments about the size of the forces needed, the cost, and the necessity of flexibility. Certainly nothing but a draft could have supplied the 2,800,000 doughboys of World War I or the 10 million G.I.'s of World War II, and the Pentagon's estimate of its current needs run to similar magnitudes: 3,454,160 of the present moment, and 2,700,000 when peace returns. To raise the Viet Nam-inflated forces, the Department of Defense has relied on the draft to bring in about one-third of new troops and on the scare power of the draft to induce thousands of others to "volunteer." The draftees go to the Army, mostly to the infantry; the glamorous Air Force never has to draft anyone, and the Navy and Marines only rarely.

The Defense Department's study of the practicability of a volunteer army, made five years ago, proved to the department's satisfaction that it still would not work. Even allowing for growth in military-age population, DOD found that it could not expect to get more than 2,000,000 men, at least 700,000 short of pre-Viet Nam needs. As for the possibilities of increasing incentives, the Pentagon concluded that "pay alone is a less potent factor than might be expected" and that fringe benefits have small appeal for young men not deeply conscious of the value of medical care or retirement pay. On the other hand, Richard Nixon holds to the old American idea that it should be possible to devise incentives—pay among them—that will draw men into service.

The Pentagon's estimates of pay increases sufficient to attract a volunteer army ranged startlingly from $4 billion to $17 billion a year; Nixon says that he has found "authoritative studies" suggesting that a volunteer force could be set up for $5 billion to $7 billion extra. The Pentagon speculates that pensions for a volunteer army might be astronomical, but presumably they would at least partly and eventually replace the $6 billion a year (sixth largest single item in the federal budget) that the nation pays to the ex-servicemen who feel that something is their due for having been drafted. Savings in training costs could run to $750 million a year, according to the Department of Defense; another economy would result because the proportion of time spent in training would be smaller in relation to a volunteer's long hitch than to a draftee's quick in-and-out. More basically, the extra cost of a volunteer army would be more apparent than real, because paying servicemen wages lower than they could get in a free market is, in effect, a subsidy for the Department of Defense. "We shift the cost of military service from the well-to-do taxpayer, who benefits by lower taxes, to the impecunious young draftee," explains Economist John Kenneth Galbraith.

A number of military thinkers contend that establishing a volunteer armed force limits the flexibility of response to threats. When Khrushchev got tough with President Kennedy in 1961, for example, the President easily increased U.S. might by authorizing Selective Service to have each of its 4,000 draft boards pull in more men. Presumably war on a big scale could rapidly outrun the capacities of a volunteer army, possibly requiring every able-bodied man. Reserves therefore would have to be maintained—with incentives for reservists instead of the threat of the draft. Even the draft itself probably should be kept on stand-by, perhaps for use with the permission of Congress or in case of declared wars.

Another reason that military men would hate to see the draft go is that they think it provides them with manpower of greater quality as well as quantity. As Colonel Hays noted, volunteers, unpressured by the draft, tended to be "marginal" when the Army last tried them. But he was speaking of men who had grown up in the pinched and deprived Depression years. With the right inducements, a modern technological army should be able to attract technology-minded volunteers, educated and educable enough to cope with missile guidance, intelligence analysis, computer programming, medical care and other demanding jobs. Given five or ten years in service, volunteers should be trainable to considerable skills, to judge from the experience of Canada and Britain, the only major nations that have volunteer forces. Though these armies are small, not having the great global responsibilities of the American forces, they provide enviable examples of high effectiveness, low turnover and contented officers. Lieut. General A. M. Sharp, Vice Chief of the Defense Staff of Canada, contends that freewill soldiers are "unquestionably going to be better motivated than men who are just serving time."

PHANTOM FEARS

Civilian reservations about volunteer armed forces also focus on some fears that tend to dissolve upon examination. Some critics have raised the specter of well-paid careerists becoming either mercenaries or a "state within a state." Nixon, for one, dismisses the mercenary argument as nonsense. The U.S. already pays soldiers a salary. Why should a rise in pay—which for an enlisted man might go from the present $2,900 a year to as much as $7,300—turn Americans into mercenaries? Said Nixon: "We're talking about the same kind of citizen armed force America has had ever since it began, excepting only in the period when we have relied on the draft." The Pentagon itself rejects the Wehrmacht-type army, in which men spend all their professional lives in service.

Nixon has also addressed himself to the possibility that a careerist army might become a seedbed for future military coups. That danger is probably inherent in any military force, but as the President-elect points out, a coup would necessarily come from "the top officer ranks, not from the enlisted ranks, and we already have a career-officer corps. It is hard to see how replacing draftees with volunteers would make officers more influential." Nixon might have added that conscript armies have seldom proved any barrier to military coups. Greece's army is made up of conscripts, but in last year's revolution they remained loyal to their officers, not to their King.

Might not the volunteer army become disproportionately black, perhaps a sort of internal Negro Foreign Legion? Labor Leader Gus Tyler is one who holds that view; he says that a volunteer army would be "low-income and, ultimately, overwhelmingly Negro. These victims of our social order 'prefer' the uniform because of socio-economic compulsions—for the three square meals a day, for the relative egalitarianism of the barracks or the foxhole, for the chance to be promoted." Conceivably, Negroes could flock to the volunteer forces for both a respectable reason, upward mobility, and a deplorable one, to form a domestic revolutionary force.

As a matter of practice rather than theory, powerful factors would work in a volunteer army toward keeping the proportion of blacks about where it is in the draft army—11%, or roughly the same as the nation as a whole. Pay rises would attract whites as much as blacks, just as both are drawn into police forces for similar compensation.

The educational magnets, which tend to rule out many Negroes as too poorly schooled and leave many whites in college through deferments, would continue to exert their effect. Black Power militancy would work against Negroes' joining the Army. Ronald V. Dellums, a Marine volunteer 13 years ago and now one of two black councilmen in Berkeley, opposes the whole idea of enlistment as a "way for the black people to get up and out of the ghetto existence. If a black man has to become a paid killer in order to take care of himself and family economically, there must be something very sick about this society." But even if all qualified Negroes were enrolled, the black proportion of the volunteer army could not top 25%. Nixon holds that fear of a black army is fantasy: "It supposes that raising military pay would in some way slow up or stop the flow of white volunteers, even as it stepped up the flow of black volunteers. Most of our volunteers now are white. Better pay and better conditions would obviously make military service more attractive to black and white alike."

One consideration about the volunteer army is that it could eventually become the only orderly way to raise armed forces. The draft, though it will prevail by law at least through 1971, is under growing attack. In the mid-'50s, most military-age men eventually got drafted, and the inequities of exempting the remainder were not flagrant. Now, despite Viet Nam, military draft needs are dropping, partly because in 1966 Secretary of Defense Robert McNamara started a "project 100,000," which slightly lowered mental and physical standards and drew 70,000 unanticipated volunteers into the forces. Meanwhile, the pool of men in the draftable years is rising, increasingly replenished by the baby boom of the late '40s. Armed forces manpower needs have run at 300,000 a year lately, but they will probably drop to 240,000 this year. On the other hand, the number of men aged 19 to 25 has jumped from 8,000,000 in 1958 to 11.5 million now—and will top 13 million by 1974. The unfairness inherent in the task of arbitrarily determining the few who shall serve and the many who shall be exempt will probably overshadow by far the controversies over college deferments and the morality of the Viet Nam war. In the American conscience, the draft-card burners planted a point: that conscription should be re-examined and not necessarily perpetuated. The blending of war protest with draft protest, plus the ever more apparent inequities of Selective Service, led Richard Nixon to move his proposal for a volutneer army to near the top of his priorities.

HEALING TENSIONS

The position from which to start working for a volunteer army is that, to a large extent, the nation already has one—in the sense that two-thirds of its present troops are enlistees. Neither Nixon nor anyone else visualizes a rapid changeover. The draft will doubtless endure until the war in Viet Nam ends, but it could then be phased out gradually. After that, the draft structure can be kept in stand-by readiness, thinks Nixon, "without leaving 20 million young Americans who will come of age during the next decade in constant uncertainty and apprehension."

If Nixon and his executive staff can move ahead with legislation and the new Secretary of Defense prod and cajole his generals and admirals, the new Administration will go far toward its aim. A volunteer army might help ease racial tensions, perhaps by ending the imbalance that has blacks serving in the front lines at almost three times their proportion in the population and certainly by removing the arbitrariness of the draft that puts them there. The move would also eliminate the need to force men to go to war against their consciences, and end such other distortions as paying soldiers far less than they would get if they were civilians, or forcing other young men into early marriages and profitless studies to avoid the draft. Incentive, substituted for compulsion, could cut waste and motivate pride. Not least, a volunteer army would work substantially toward restoring the national unity so sundered by the present inequalities of the draft.

S. 782—INTRODUCTION OF BILL FOR PROTECTION OF CONSTITUTIONAL RIGHTS OF GOVERNMENT EMPLOYEES AND TO PREVENT UNWARRANTED INVASIONS OF THEIR PRIVACY

Mr. ERVIN. Mr. President, I introduce for appropriate reference a bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy.

I take this action on behalf of myself and the following 53 Members who have jointed in cosponsorship of this measure: Senators Bayh, Fong, Hruska, Thurmond, Dodd, Burdick, Tydings, Dirksen, Scott, Cook, Mathias, Bible, Brooke, Byrd of Virginia, Church, Cooper, Dole, Dominick, Eagleton, Fannin, Goldwater, Gravel, Hansen, Hatfield, Inouye, Jordan of North Carolina, Jordan of Idaho, Magnuson, McCarthy, McGee, McGovern, McIntyre, Metcalf, Miller, Montoya, Mundt, Muskie, Nelson, Pearson, Percy, Prouty, Proxmire, Randolph, Saxbe, Schweiker, Sparkman, Spong, Stevens, Talmadge, Tower, Williams of New Jersey, Yarborough, and Gurney.

This measure has already been approved once by this body. The bill I introduce today is identical with a former bill, S. 1035, which was sponsored by 55 Senators and which the Senate passed on September 13, 1967, by a vote of 79 to 4. By the time absentees recorded their stand on S. 1035, a total of 90 Senators had registered their approval.

Despite the widespread support this proposal has had from citizens throughout the country, from individual Government employees and from every major Government employee organization and union, the bill died in the House Subcommittee on Manpower and Civil Service.

Several weeks ago, Americans circled the moon, and we can only wonder at the anomaly of a free society whose wondrous meshing of governmental machinery could produce such a feat but whose Congress could not enact a bill to protect the rights and liberties of its Federal employees.

On reflection, however, it may be that the concerted opposition to the bill mounted by the Federal agencies and departments is only one more example of the effective and smooth cooperation which Government agencies can demonstrate when the occasion demands. As they viewed it, I suppose impending enactment of S. 1035 was such an occasion, for it did threaten their power of arbitrary and unlimited invasion of the privacy of citizens who work for Government or who apply to work for it. It did prohibit Government officials at all levels from violating certain basic rights which employees possess as citizens under a democratic form of government. And it did spell out for all to see in the statute books what rights and what remedies those 3 million citizens had with respect to the policies, methods and techniques specifically proscribed by the bill.

The purpose and background of the measure I am again introducing is spelled out in Senate Report No. 534 of the 90th Congress. It is to prohibit indiscriminate requirements that employees and applicants for Government employment disclose their race, religion or national origin; attend Government-sponsored meetings and lectures or participate in outside activities unrelated to their employment; report on their outside activities or undertakings unrelated to their work; submit to questioning about their religion, personal relationships or sexual attitudes, through interviews, psychological tests, or polygraphs; support political candidates, or attend political meetings.

It makes it illegal to coerce an employe to buy bonds or make charitable contributions; or to require him to disclose his own personal assets, liabilities, or expenditures, or those of any member of his family, unless, in the case of certain specified employees, such items would tend to show a conflict of interest.

It provides a right to have a counsel or other person present, if the employee wishes, at an interview which may lead to disciplinary proceedings.

It accords the right to a civil action in a Federal court for violation or threatened violation of the act.

Finally, it establishes a Board on Employees' Rights to receive and conduct hearings on complaints of violation of the act, and to determine and administer remedies and penalties.

Some people will say, "Let us wait. There has been a change of administration." I submit, Mr. President, that although they have a new umpire, it is still the same old ball game for Federal employees. And it will continue to be until Congress takes action to protect the citizen who may be subjected to official pressures, coercions, and commands inconsistent with citizenship in a free society.

Some administrative changes have been made by the able former Chairman of the Civil Service Commission, Mr. Macy. Under Mr. Macy, the Commission last year produced new personnel forms after deleting some privacy-invading questions previously asked of applicants; they codified and strengthened their own guidelines for investigations of personnel; and they encouraged management action and concern with problems uncovered by the subcommittee study.

I ask unanimous consent to have printed in the Record an exchange of correspondence between Mr. Macy and me concerning our mutual interests in behalf of the privacy and other rights of Government employees as citizens.

There being no objection, the correspondence was ordered to be printed in the Record, as follows:

January 27, 1969.

Hon. John W. Macy, Jr.,
McLean, Va.

Dear Mr. Macy: This is to thank you for your reply to my inquiry January 7 concerning letters of reprimand.

I also want to tell you of my appreciation for your cooperation with the Subcommittee during our study of the constitutional rights of employees. I have come to admire your strength of purpose and your dedication to good government. I believe you and your colleagues have made a sincere effort to remedy some of the human problems which have been evolving for federal workers with the growth of the Federal Government. You carried burdens for the Chief Executive, for government, and for your party beyond the strengths of any average man.

As you return to private life, I know you do so with the knowledge that you have rendered unique and outstanding service to your country.

With best personal wishes, I am.

Sincerely yours,
Sam J. Ervin, Jr.,
Chairman.

U.S. Civil Service Commission,
Washington, D.C., January 16, 1969.

Hon. Sam J. Ervin, Jr.,
Chairman, Subcommittee on Constitutional Rights, Committee on the Judiciary, U.S. Senate, Washington, D.C.

Dear Senator: In looking over the unfinished business which remains in the final days of my service and the Civil Service Commission, I have given particular attention to your thoughtful letter of January 7 concerning letters of reprimand. I regret that the time remaining is not sufficient to permit an appropriate reply from me prior to January 20. The Commission staff advises me that an analysis of the questions you have raised will necessitate inquiries to the agencies prior to the preparation of a response which will provide you with the significant information you seek.

Since this will be my final communication with you in my role as Commission Chairman I want to take the opportunity to express my sincere appreciation to you for your vigorous interest in the rights of Federal employees. While we have not always been in agreement—or even near it—on how to assure the best protection of employee rights, I believe that our values and our objectives are basically identical. Your advocacy on this issue has prompted action within the Commission and elsewhere in the Federal Government which would not have occurred without it. You have directed the spotlight of Congressional concern on human issues which required executive attention. I only hope that our conscientious response has contributed to the improvement we both seek.

I am certain that additional recognition and protection of the rights of Federal employees will evolve in the months ahead. I am equally certain that as in the past you and your Subcommittee will play an affirmative and significant role in that evolution.

With every best wish for future health and happiness,

Sincerely yours,
John W. Macy, Jr.,
Chairman.

Mr. ERVIN. Mr. President, these changes, however, have not altered the basic legal and administrative structures which can produce the injustices at which this measure is directed. Nor, under the existing system, can orders or suggestions of the Commission reach the acts and policies of agencies which are beyond the scope of civil service supervision. The Senate report describes examples of such practices which continue in effect.

It is clear that moral exhortations, whether pronounced by Congress or by the Civil Service Commission, or even by the President himself, are not sufficient to remedy this particular type of infringement on liberties. These complaints involve freedom of thought, of speech, of private action or inaction: freedoms of free men. These must be matters of law, not subjects for the discretion of whatever government official sits at a desk at any given moment.

The bill is based on complaints which, in some cases, have been coming to Congress for many years, regardless of the party in power.

The bipartisan nature of the support for the bill is illustrated in its sponsorship by 28 Democrats and 26 Republicans, representing 38 States.

The candidates of both major parties, in policy statements during the Presidential campaign, strongly supported new protections for the constitutional rights of Federal employees and guarantees against unwarranted invasions of their personal privacy.

Last October, for instance, former Vice President Humphrey wisely recognized the need for such protections and promised legislation based on the findings of the Constitutional Rights Subcommittee and other congressional committees.

Platforms of both major parties acknowledged the problem. In the platform adopted by their convention in Miami Beach last August, the Republican Party stated:

> The increasing government intrusion into the privacy of its employees and of citizens in general is intolerable. All such snooping, meddling and pressure by the federal government on its employees and other citizens will be stopped and such employees, whether or not union members, will be provided a prompt and fair method of settling their grievances.

This bill will help Members of Congress and the new administration to exchange their votes for their promises.

I am particularly encouraged by the recent endorsement and sponsorship of the bill by the new chairman of the Senate Post Office and Civil Service Committee, the senior Senator from Wyoming.

Enactment of this measure will signify that the spiritual and intellectual freedom of the individual, whatever his employment, is the value our society cherishes above the goals of any momentary Government program. Its passage will also put Congress on record that it means to take the lead in meeting the threat to individual privacy caused by the computer age. It will show that Congress means that the individual should take precedence over the machine: that neither the computer nor the manila file should be fed subjective, irrelevant judgments based on information the citizen was coerced to reveal about his personal life, his religious beliefs, his sexual attitudes, his participation or nonparticipation in community life, or his personal finances. It reflects a principle as old as our country, that a man should be judged by his ability and his performance; not by the extent to which government can control his private thoughts and beliefs.

I have received letters from people in every State asking why the scope of this bill is not extended to cover everyone, and not just Federal employees and applicants. Their questions are justified. The simple principles of fair play and due process on which it is based should guide the actions of all governments in their dealings with citizens.

Employers in State and local government and in private industry have already demonstrated considerable interest in adopting provisions of the bill into their own practices. State legislative committees have looked to it for guidance, and there is no doubt that congressional action to protect against unwarranted privacy invasion, with specific remedies, will encourage extensive local reforms to protect all citizens.

If this measure is enacted, it will at least mark a beginning. The Constitution of the United States calls for more; it demands no less.

Mr. President, when this bill was introduced before, I had a conference with the distinguished former chairman of the Committee on Post Office and Civil Service, Senator Monroney. Pursuant to our conversation, he agreed with me that the bill could be appropriately referred to his committee or the Committee on the Judiciary, and the bill was referred by unanimous consent to the Committee on the Judiciary which conducted hearings on the bill. I have consulted with the present distinguished chairman of the Committee on Post Office and Civil Service, the able Senator from Wyoming (Mr. McGee). He has agreed with me that a similar course should be followed at this time.

Therefore, I ask unanimous consent, pursuant to the agreement between Mr. McGee and me, that the bill be referred to the Committee on the Judiciary; and that the bill be printed in the Record.

The VICE PRESIDENT. Without objection the bill will be received, by unanimous consent referred to the Committee on the Judiciary; and, without objection, the bill will be printed in the Record.

The bill (S. 782) to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy, introduced by Mr. Ervin (for himself and 53 other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, by unanimous consent, and ordered to be printed in the Record, as follows:

S. 782

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. It shall be unlawful for any officer of any executive department or any executive agency of the United States Government, or for any person acting or purporting to act under his authority, to do any of the following things:

(a) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, or any person seeking employment in the executive branch of the United States Government, to disclose his race, religion, or national origin, or the race, religion, or national origin of any of his forebears: *Provided, however,* That nothing contained in this subsection shall be construed to prohibit inquiry concerning the citizenship of any such employee or person if his citizenship is a statutory condition of his obtaining or retaining his employment: *Provided further,* That nothing contained in this subsection shall be construed to prohibit inquiry concerning the national origin of any such employee when such inquiry is deemed necessary or advisable to determine suitability for assignment to activities or undertakings related to the national security within the United States or to activities or undertakings of any nature outside the United States.

(b) To state or intimate, or to attempt to state or intimate, to any civilian employee of the United States serving in the department or agency that any notice will be taken of his attendance or lack of attendance at any assemblage, discussion, or lecture held or called by any officer of the executive branch of the United States Government, or by any person acting or purporting to act under his authority, or by any outside parties or organizations to advise, instruct, or indoctrinate any civilian employee of the United States serving in the department or agency in respect to any matter or subject other than the performance of official duties to which he is or may be assigned in the department or agency, or the development of skills, knowledge, or abilities which qualify him for the performance of such duties: *Provided, however,* That nothing contained in this subsection shall be construed to prohibit taking notice of the participation of a civilian employee in the activities of any professional group or association.

(c) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to participate in any way in any activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned in the department or agency, or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

(d) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to make any report concerning any of his activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned in the department or agency, or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties, or unless there is reason to believe that the civilian employee is engaged in outside activities or employment in conflict with his official duties.

(e) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, or any person applying for employment as a civilian employee in the executive branch of the United States Government, to submit to any interrogation or examination or to take any psychological test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters: *Provided, however,* That nothing contained in this subsection shall be construed to prevent a physician from eliciting such information or authorizing such tests in the diagnosis or treatment of any civilian employee or applicant where such physician deems such information necessary to enable him to determine whether or not such individual is suffering from mental illness: *Provided further, however,* That this determination shall be made in individual cases and not pursuant to general practice or regulation governing the examination of employees or applicants according to grade, agency, or duties: *Provided further, however,* That nothing contained in this subsection shall be construed to prohibit an officer of the department or agency from advising any civilian employee or applicant of a specific charge of sexual misconduct made against that person, and affording him an opportunity to refute the charge.

(f) To require or request, or attempt to require or request, any civilian employee of the United States serving in the department or agency, or any person applying for employment as a civilian employee in the executive branch of the United States Government, to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

(g) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to support by personal endeavor or contribution of money or any other thing of value the nomination or the election of any person or group of persons to public office in the Government of the United States or of any State, district, Commonwealth, territory, or possession of the United States, or to attend any meeting held to promote or support the activities or undertakings of any political party of the United States or of any State, district, Commonwealth, territory, or possession of the United States.

(h) To coerce or attempt to coerce any civilian employee of the United States serving in the department or agency to invest his earnings in bonds or other obligations or securities issued by the United States or any of its departments or agencies, or to make donations to any institution or cause of any kind: *Provided, however,* That nothing contained in this subsection shall be construed to prohibit any officer of any executive department or any person acting or purporting to act under his authority, from calling meetings and taking any action appropriate to afford any civilian employee of the United States the opportunity voluntarily to invest his earnings in bonds or other obligations or securities issued by the United States or any of its departments or agencies, or voluntarily to make donations to any institution or cause.

(i) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the Department or agency to disclose any items of his property, income, or other assets, source of income, or liabilities, or his personal or domestic expenditures or those of any member of his family or household: *Provided, however,* That this subsection shall not apply to any civilian employee who has authority to make any final determination with respect to the tax or other liability of any person, corporation, or other legal entity to the United States, or claims which require expenditure of moneys of the United States: *Provided further, however,* That nothing contained in this subsection shall prohibit the Department of the Treasury or any other executive department or agency of the United States Government from requiring any civilian employee of the United States to make such reports as may be necessary or appropriate for the determination of his liability for taxes, tariffs, custom duties, or other obligations imposed by law.

(j) To require or request, or to attempt to require or request, any civilian employee of the United States embraced within the terms of the proviso in subsection (i) to disclose any items of his property, income, or other assets, source of income, or liabilities, or his personal or domestic expenditures or those of any member of his family or household other than specific items tending to indicate a conflict of interest in respect to the performance of any of the official duties to which he is or may be assigned.

(k) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, who is under investigation for misconduct, to submit to interrogation which could lead to disciplinary action without the presence of counsel or other person of his choice, if he so requests.

(l) To discharge, discipline, demote, deny promotion to, relocate, reassign, or otherwise discriminate in regard to any term or condition of employment of, any civilian employee of the United States serving in the department or agency, or to threaten to commit any of such acts, by reason of the refusal or failure of such employee to submit to or comply with any requirement, request, or action made unlawful by this Act, or by reason of the exercise by such civilian employee of any right granted or secured by this Act.

Sec. 2. It shall be unlawful for any officer of the United States Civil Service Commission, or for any person acting or purporting to act under his authority, to do any of the following things:

(a) To require or request, or to attempt to require or request, any executive department or any executive agency of the United States Government, or any officer or employee serving in such department or agency, to violate any of the provisions of section 1 of this Act.

(b) To require or request, or to attempt to require or request, any person seeking to establish civil service status or eligibility for employment in the executive branch of the United States Government, or any person applying for employment in the executive branch of the United States Government, or any civilian employee of the United States serving in any department or agency of the United States Government, to submit to any interrogation or examination or to take any psychological test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters: *Provided, however,* That nothing contained in this subsection shall be construed to prevent a physician from eliciting such information or authorizing such tests in the diagnosis or treatment of any civilian employee or applicant where such physician deems such information necessary to enable him to determine whether or not such individual is suffering from mental illness: *Provided further, however,* That this determination shall be made in individual cases and not pursuant to general practice or regulation governing the examination of employees or applicants according to grade, agency, or duties: *Provided further, however,* That nothing contained in this subsection shall be construed to prohibit an officer of the Civil Service Commission from advising any civilian employee or applicant of a specific charge of sexual misconduct made against that person, and affording him an opportunity to refute the charge.

(c) To require or request, or to attempt to require or request, any person seeking to establish civil service status or eligibility for employment in the executive branch of the United States Government, or any person applying for employment in the executive branch of the United States Government, or any civilian employee of the United States serving in any department or agency of the United States Government, to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

SEC. 3. It shall be unlawul for any commissioned officer, as defined in section 101 of title 10, United States Code, or any member of the Armed Forces acting or purporting to act under his authority, to require or request, or to attempt to require or request, any civilian employee of the executive branch of the United States Government under his authority or subject to his supervision to perform any of the acts or submit to any of the requirements made unlawful by section 1 of this Act.

SEC. 4. Whenever any officer of any executive department or any executive agency of the United States Government, or any person acting or purporting to act under his authority, or any commissioned officer as defined in section 101 of title 10, United States Code, or any member of the Armed Forces acting or purporting to act under his authority, violates or threatens to violate any of the provisions of section 1, 2, or 3 of this Act, any civilian employee of the United States serving in any department or agency of the United States Government, or any person applying for employment in the executive branch of the United States Government, or any person seeking to establish civil service status or eligibility for employment in the executive branch of the United States Government, affected or aggrieved by the violation or threatened violation, may bring a civil action in his own behalf or in behalf of himself and others similarly situated, against the offending officer or person in the United States district court for the district in which the violation occurs or is threatened, or the district in which the offending officer or person is found, or in the United States District Court for the District of Columbia, to prevent the threatened violation or to obtain redress against the consequences of the violation. The Attorney General shall defend all officers or persons sued under this section who acted pursuant to an order, regulation, or directive, or who, in his opinion, did not willfully violate the provisions of this Act. Such United States district court shall have jurisdiction to try and determine such civil action irrespective of the actuality or amount of pecuniary injury done or threatened, and without regard to whether the aggrieved party shall have exhausted any administrative remedies that may be provided by law, and to issue such restraining order, interlocutory injunction, permanent injunction, or mandatory injunction, or enter such other judgment or decree as may be necessary or appropriate to prevent the threatened violation, or to afford the plaintiff and others similarly situated complete relief against the consequences of the violation. With the written consent of any person affected or aggrieved by a violation or threatened violation of section 1, 2, or 3 of this Act, any employee organization may bring such action on behalf of such person, or may intervene in such action. For the purposes of this section, employee organizations shall be construed to include any brotherhood, council, federation, organization, union, or professional association made up in whole or in part of civilian employees of the United States and which has as one of its purposes dealing with departments, agencies, commissions, and independent agencies of the United States concerning the conditions and terms of employment of such employees.

SEC. 5. (a) There is hereby established a Board on Employees' Rights (hereinafter referred to as the "Board"). The Board shall be composed of three members, appointed by the President, by and with the advice and consent of the Senate. The President shall designate one member as chairman. No more than two members of the Board may be of the same political party. No member of the Board shall be an officer or employee of the United States Government.

(b) The term of office of each member of the Board shall be five years, except that (1) of those members first appointed, one shall serve for five years, one for three years, and one for one year, respectively, from the date of enactment of this Act, and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(c) Members of the Board shall be compensated at the rate of $75 a day for each day spent in the work of the Board, and shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from their usual places of residence, as authorized by section 5703 of title 5, United States Code.

(d) Two members shall constitute a quorum for the transaction of business.

(e) The Board may appoint and fix the compensation of such officers, attorneys, and employees, and make such expenditures, as may be necessary to carry out its functions.

(f) The Board shall make such rules and regulations as shall be necessary and proper to carry out its functions.

(g) The Board shall have the authority and duty to receive and investigate written complaints from or on behalf of any person claiming to be affected or aggrieved by any violation or threatened violation of this Act and to conduct a hearing on each such complaint. Within ten days after the receipt of any such complaint, the Board shall furnish notice of the time, place, and nature of the hearing thereon to all interested parties. The Board shall render its final decision with respect to any complaint within thirty days after the conclusion of its hearing thereon.

(h) Officers or representatives of any Federal employee organization in any degree concerned with employment of the category in which any alleged violation of this Act occurred or is threatened shall be given an opportunity to participate in each hearing conducted under this section, through submission of written data, views, or arguments, and in the discretion of the Board, with opportunity for oral presentation. Government employees called upon by any party or by any Federal employee organization to participate in any phase of any administrative or judicial proceeding under this section shall be free to do so without incurring travel cost or suffering loss in leave or pay; and all such employees shall be free from restraint, coercion, interference, intimidation, or reprisal in or because of their participation. Any periods of time spent by Government employees during such participation shall be held and considered to be Federal employment for all purposes.

(i) Insofar as consistent with the purposes of this section, the provisions of subchapter II of chapter 5 of title 5, United States Code. relating to the furnishing of notice and manner of conducting agency hearings, shall be applicable to hearings conducted by the Board under this section.

(j) If the Board shall determine after hearing that a violation of this Act has not occurred or is not threatened, the Board shall state its determination and notify all interested parties of such determination. Each such determination shall constitute a final decision of the Board for purposes of judicial review.

(k) If the Board shall determine that any violation of this Act has been committed or threatened by any civilian officer or employee of the United States, the Board shall immediately (1) issue and cause to be served on such officer or employee an order requiring such officer or employee to cease and desist from the unlawful act or practice which constitutes a violation, (2) endeavor to eliminate any such unlawful act or practice by informal methods of conference, conciliation, and persuasion; and (3) may—

(A)(i) in the case of the first offense by any civilian officer or employee of the United States, other than any officer appointed by the President, by and with the advice and consent of the Senate, issue an official reprimand against such officer or employee or order the suspension without pay of such officer or employee from the position or office held by him for a period of not to exceed fifteen days, and (ii) in the case of a second or subsequent offense by any such officer or employee, order the suspension without pay of such officer or employee from the position or office held by him for a period of not to exceed thirty days or order the removal of such officer or employee from such position or office; and

(B) in the case of any offense by any officer appointed by the President by and with the advice and consent of the Senate, transmit a report concerning such violation to the President and the Congress.

(l) If the Board shall determine that any violation of this Act has been committed or threatened by any officer of any of the Armed Forces of the United States, or any person purporting to act under authority conferred by such officer, the Board shall (1) submit a report thereon to the President, the Congress, and the Secretary of the military department concerned, (2) endeavor to eliminate any unlawful act or practice which constitutes such a violation by informal methods of conference, conciliation, and persuasion, and (3) refer its determination and the record in the case to any person authorized to convene general courts martial under section 822 (article 22) of title 10, United States Code. Thereupon such person shall take immediate steps to dispose of the matter under chapter 47 of title 10, United States Code (Uniform Code of Military Justice).

(m) Any party aggrieved by any final determination or order of the Board may institute, in the district court of the United States for the judicial district wherein the violation or threatened violation of this Act, occurred, or in the United States District Court for the District of Columbia, a civil action for the review of such determination or order. In any such action, the court shall have jurisdiction to (1) affirm, modify, or set aside any determination or order made by the Board which is under review, or (2) require the Board to make any determination or order which it is authorized to make under subsection (k), but which it has refused to make. The reviewing court shall set aside any finding, conclusion, determination, or order of the Board as to which complaint is made which is unsupported by substantial evidence on the record considered as a whole.

(n) The Board shall submit, not later than March 31 of each year, to the Senate and House of Representatives, respectively, a report on its activities under this section during the immediately preceding calendar year, including a statement concerning the nature of all complaints filed with it, its determinations and orders resulting from hearings thereon, and the names of all officers or employees of the United States with respect to whom any penalties have been imposed under this section.

(o) There are authorized to be appropriated sums necessary, not in excess of $100,000, to carry out the provisions of this section.

SEC. 6. Nothing contained in this Act shall be construed to prohibit an officer of the Central Intelligence Agency or of the National Security Agency or of the Federal Bureau of Investigation from requesting any civilian employee or applicant to take a polygraph test, or to take a psychological test, designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters, or to provide a personal financial statement, if the Director of the Central Intelligence Agency or his designee or the Director of the National Security Agency or his designee or the Director of the Federal Bureau of Investigation or his designee makes a personal finding with regard to each individual to be so tested or examined that such test or information is required to protect the national security.

SEC. 7. Nothing contained in sections 4 and 5 shall be construed to prevent establishment of department and agency grievance procedures to enforce this Act, but the existence of such procedures shall not preclude any applicant or employee from pursuing the remedies established by this Act or any other remedies provided by law: *Provided, however,* That if under the procedures established, the employee or applicant has obtained complete protection against threatened violations or complete redress for violations, such action may be pleaded in bar in the United States District Court or in proceedings before the Board on Employee Rights: *Provided further, however,* That if an employee elects to seek a remedy under either section 4 or section 5, he waives his right to proceed by an independent action under the remaining section.

SEC. 8. If any provision of this Act or the application of any provision to any person or circumstance shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected.

S. 809—INTRODUCTION OF BILL TO ESTABLISH A FEDERAL LEADERSHIP PROGRAM TO PROMOTE YOUTH CAMP SAFETY

Mr. RIBICOFF. Mr. President, I introduce, for appropriate reference, a bill to establish a Federal leadership program to promote youth camp safety.

Each year more than 7 million children go off to residential, day or travel camps. These campers are mainly schoolchildren, and the vast majority attend camps during the summer vacation months. But while a parent finds little difficulty in ascertaining the relative safety of a child at school, millions of parents are forced to send their offspring to camps with little or no knowledge of whether the place meets basic minimum safety standards. And too often they do not.

Camping is a rapidly growing industry. The best estimates place the number of camps in the United States at between 10,000 and 12,000. Resident camps alone have tripled in the last 10 years. There are camps established in every State in the Union.

In many cases camps virtually take the place of parents for several weeks in the year. Yet in 19 States there are no regulations governing camping at all, and, in many of the remaining States only isolated aspects of camping are covered by law or regulation.

For instance, 40 States have no training requirements for counselors who supervise aquatic activities. Forty-six States have no regulations regarding the condition of vehicles used for transportation or the qualifications of drivers. The same number of States have no regulations restricting the age of counselors. Twenty-nine States fail to require annual camp inspections.

In the absence of State regulations there are a number of excellent camping organizations which have established standards for camping. The American Camping Association, with 3,400 member camps, the scouting organizations, the Association of Private Camps, and church oriented groups have all made a substantial contribution to better camping. But a great many camps in America do not belong to these organizations, and it is well understood that the standards set by private organizations lack any real enforcement provisions behind them. One out of every eight camps visited by representatives of the American Camping Association in 1967 failed to meet ACA standards. And it is generally recognized these are some of the best camps in the Nation.

The failure to establish adequate standards for many of our camps has had tragic consequences. In my own review of this situation, I have heard enough vertifiable horror stories to persuade me to seek better protection for our youngsters.

The only real camp safety survey took place 40 years ago when a group of distinguished youth leaders and camping enthusiasts met in New York City to discuss camping in general. It was the consensus of this group that the time had come to establish minimum standards for camp health and safety. The group commissioned a nationwide camp safety study which remains today the only full study of the situation. The report concluded that 65 percent of all accidents at camp could have been prevented by better supervision or higher standards of camp maintenance and administration. Only a quarter of the accidents were attributable to the camper's negligence, and half of these could have been prevented with more adequate supervision. A high percentage of the injuries covered by this report were due to faulty structures, dangerous pathways, and the very location of the camp itself. Despite this report, however, the call for action issued in 1929 has never been answered.

In 1966, a report issued by the Division of Accident Prevention of the Public Health Service pointed to the injury and death hazards involved in recreational camping.

Mr. President, the purpose of this youth camp safety bill is to provide Federal leadership in the area of camping safety. It seems to me to be only reasonable that our society provide parents with a simple way of judging whether a camp meets basic safety standards.

This bill would instruct the Secretary of Health, Education, and Welfare, in consultation with camping and safety experts, to establish camp safety standards. After the publication of these standards, each State would be encouraged to establish a program to insure compliance. The bill provides for incentive grants to the States to pay up to half the cost of administering the inspection and compliance program. Camps which met the Federal standards would be urged to display this fact to assist parents in their choice.

The bill would establish an Advisory Council on Youth Camp Safety to consult with the Secretary on the promulgation of safety standards. Members of the Council would come from all areas of the camping industry.

Before establishing safety standards, the bill provides that the Secretary shall survey existing safety standards published by State and private organizations and the effectiveness of these standards.

Mr. President, I first became aware of the problems of camp safety through the efforts of Mr. Mitch Kurman. Mr. Kurman, from Westport, Conn., lost a son several years ago in a tragic canoeing accident in Maine. Since that time Mr. Kurman has become a crusader, in the best sense of that word, for greater camp safety. This bill is to a great extent the result of his unceasing efforts.

There are many excellent and safe camps which operate every year. Camping at its best can provide unmatched opportunities for recreation and close contact with our natural environment. It is a memorable escape for many of the underprivileged children trapped in the city.

This bill would not affect the finest camps. The bill is aimed at fly-by-night operations and those camps which are unaffiliated and unaccredited by responsible camping organizations.

I have no desire to take the adventure out of camping, but I see no reason why the benefits of camping cannot be rendered in a safe and healthy atmosphere. Many camps already measure up to the highest safety standards. Others will be given the incentive to improve. Those that fail to provide a safe environment do not belong in business.

During the years that I have sponsored this legislation, it has gained widespread public support. Additionally, I have had the assistance and backing of most of the major camping organizations. It is significant that those people closest to the camping industry believe this bill to be necessary.

This legislation provides an opportunity to enhance the constructive growth of the camping business while protecting the welfare of millions of children.

I am very pleased to say that Senators Bayh, Case, Dodd, Inouye, Javits, Magnuson, McIntyre, Mondale, Muskie, Pell, and Tydings have joined me in sponsoring this legislation, and I ask unanimous consent that the bill be printed at this point in the Record.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 809) to provide Federal leadership and grants to the States for developing and implementing State programs for youth camp safety standards, introduced by Mr. Ribicoff (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Youth Camp Safety Act".

STATEMENT OF PURPOSE

Sec. 2. It is the purpose of this Act to protect and safeguard the health and well-being of the youth of the Nation attending day camps, resident camps, and travel camps, by providing for establishment of Federal standards for safe operation of youth camps, and to provide Federal assistance and leadership to the States in developing programs for implementing safety standards for youth camps, thereby providing assurance to parents and interested citizens that youth camps meet minimum safety standards.

DEFINITIONS

Sec. 3. As used in this Act—

(a) The term "youth camp" means:

(1) any parcel or parcels of land having the general characteristics and features of a camp as the term is generally understood, used wholly or in part for recreational or educational purposes and accommodating for profit or under philanthropic or charitable auspices five or more children under eighteen years of age, living apart from their relatives, parents, or legal guardians for a period of, or portions of, five days or more, and includes a site that is operated as a day camp or as a resident camp; and

(2) any travel camp which for profit or under philanthropic or charitable auspices, sponsors or conducts group tours within the United States, or foreign group tours originating or terminating within the United States, for educational or recreational purposes, accommodating within the group five or more children under eighteen years of age living apart from their relatives, parents, or legal guardians for a period of five days or more.

(b) The term "person" means any individual, partnership, corporation, association, or other form of business enterprises.

(c) The term "safety standards" means criteria directed toward safe operation of youth camps, in such areas as—but not limited to—personnel qualifications for director and staff; ratio of staff to campers; sanitation and public health; personal health, first aid, and medical services; food handling, mass feeding, and cleanliness; water supply and waste disposal; water safety including use of lakes and rivers, swimming and boating equipment and practices; vehicle condition and operation; building and site design; equipment; and condition and density of use.

(d) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(e) The term "State" includes each of the several States and the District of Columbia.

GRANTS TO STATES FOR YOUTH CAMP SAFETY STANDARDS

Sec. 4. From sums appropriated pursuant to section 11 of this Act, but not to exceed $2,500,000 of such appropriation for any fiscal year, the Secretary is authorized to make grants to States which have State plans approved by him under section 6 to pay up to 50 per centum of the cost of developing and administering State programs for youth camp safety standards.

Sec. 5. In developing Federal standards for youth camps, the Secretary shall—

(a) undertake a study of existing State and local regulations and standards, and standards developed by private organizations, applicable to youth camp safety, including the enforcement of such State, local, and private regulations and standards;

(b) establish and publish youth camp safety standards within one year after enactment of the Act, after consultation with State officials and with representatives of appropriate private and public organizations after opportunity for hearings and notification published in the Federal Register; and

(c) authorize and encourage camps certified by the States as complying with the published Federal youth camp standards to advertise their compliance with minimum safety standards.

STATE PLANS

Sec. 6. (a) Any State desiring to participate in the grant program under this Act shall designate or create an appropriate State agency for the purpose of this section, and submit, through such State agency a State plan which shall—

(1) set forth a program for State supervised annual inspection of, and certification of compliance with, minimum safety standards developed under the provisions of sections 5 and 9(a) of this Act, at youth camps located in such State;

(2) provide assurances that the State will accept and apply such minimum youth camp safety standards as the Secretary shall by regulations prescribe;

(3) provide for the administration of such plan by such State agency;

(4) provide for an advisory committee, to advise the State agency on the general policy involved in inspection and certification procedures under the State plan, which committee shall include among its members representatives of other State agencies concerned with camping or programs related thereto and persons representative of professional or civic or other public or nonprofit private agencies, organizations, or groups concerned with organized camping;

(5) provide that such State agency will make such reports in such form and containing such information as the Secretary may reasonably require;

(6) provide assurance that the State will pay from non-Federal sources the remaining cost of such program; and

(7) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this Act.

(b) Any State desiring to enable youth camps in the State to advertise compliance with Federal youth camp standards, but which does not wish to participate in the grant programs under this Act, shall designate or create an appropriate State agency for the purpose of this section, and submit, through such State agency a State plan which shall accomplish the steps specified in (a) (1) through (3) of this section, and which provides for availability of information so that the Secretary may be assured of compliance with the standards.

(c) the Secretary shall not finally disapprove any State plan submitted under this Act or any modification thereof, without first affording such State agency reasonable notice and opportunity for a hearing.

DETERMINATION OF FEDERAL SHARE; PAYMENTS

Sec. 7. (a) The Secretary shall determine the amount of the Federal share of the cost of programs approved by him under section 6 based upon the funds appropriated therefor pursuant to section 10 for that fiscal year and upon the number of participating States; except that no State may receive a grant under this Act for any fiscal year in excess of $50,000.

(b) Payments to a State under this Act may be made in installments and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments.

OPERATION OF STATE PLANS; HEARINGS AND JUDICIAL REVIEW

Sec. 8. (a) Whenever the Secretary after reasonable notice and opportunity for hearing to the State agency administering a State plan approved under this Act, finds that—

(1) the State plan has been so changed that it no longer complies with the provisions of section 6, or

(2) in the administration of the plan there is a failure to comply substantially with any such provision,

the Secretary shall notify such State agency that no further payments will be made to the State under this Act (or in his discretion, that further payments to the State will be limited to programs or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments may be made to such State under this Act (or payment shall be limited to programs or portions of the State plan not affected by such failure).

(b) A State agency dissatisfied with a final action of the Secretary under section 6 or subsection (a) of this section may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or

any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

ADVISORY COUNCIL ON YOUTH CAMP SAFETY

SEC. 9. (a) The Secretary shall establish in the Department of Health, Education, and Welfare an Advisory Council on Youth Camp Safety to advise and consult on policy matters relating to youth camp safety, particularly the promulgation of youth camp safety standards. The Council shall consist of the Secretary, who shall be Chairman, and eighteen members appointed by him, without regard to the civil service laws, from persons who are specially qualified by experience and competence to render such service. Prior to making such appointments, the Secretary shall consult with appropriate associations representing organized camping.

(b) The Secretary may appoint such special advisory and technical experts and consultants as may be necessary in carrying out the functions of the Council.

(c) Members of the Advisory Council, while serving on business of the Advisory Council, shall receive compensation at a rate to be fixed by the Secretary, but not exceeding $100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of Title 5, United States Code for persons in the Government service employed intermittently.

ADMINISTRATION

SEC. 10. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress at least once in each fiscal year a comprehensive and detailed report on the administration of this Act.

(b) The Secretary is authorized to request directly from any department or agency of the Federal Government information, suggestions, estimates, and statistics needed to carry out his functions under this Act; and such department or agency is authorized to furnish such information, suggestions, estimates, and statistics directly to the Secretary.

(c) Nothing in this Act or regulations issued hereunder shall authorize the Secretary, a State agency, or any official acting under this law to restrict, determine, or influence the curriculum, program, or ministry of any youth camp.

AUTHORIZATION

SEC. 11. There are authorized to be appropriated to carry out the provisions of this Act the sum of $3,000,000 for the fiscal year ending June 30, 1970, and for each of the five succeeding fiscal years.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the position papers of the American Camping Association and the Association of Private Camps, as well as editorials from the Washington Post and the New York Times, and a table describing State camping regulations prepared by Dr. John Kirk of the ACA be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 7, 1967]

SAFETY IN YOUTH CAMPS

Every parent of the 6,000,000 children who attend resident or day camps or participate in organized tours each year doubtless has some concern for their safety. Yet it is estimated that less than half of the camps of this type functioning in the United States meet minimum safety standards. Accidents are frequent, and it is difficult for parents to determine whether the camps to which their children may go are properly managed from the viewpoint of safety.

Senator Ribicoff is attempting to do something about the problem by sponsoring a bill to set up Federal standards for youth camp safety. His measure would encourage the states to accept those standards and to provide camp inspection machinery, with the aid of Federal grants. The problem is primarily one for the states to deal with, but only a few states have adequate regulations of their own and 19 states provide no regulation whatever of youth camps.

The bill has the support of the American Camping Association and of several similar groups. Certainly its objective is a worthy one, and it seems to fall in an area where Federal-state cooperation could be useful.

[From the New York Times, Aug. 14, 1968]

MAKING SUMMER CAMPS SAFE

More than six million youngsters have attended thousands of camps scattered in woodland areas across the United States this summer. The experience of life close to nature will undoubtedly have strengthened and enriched them in many ways. As another camping season begins to draw to an end, however, Federal legislation to make all camps meet minimum safety standards hasn't gone anywhere. It languishes in committee.

No hearings have been held on a bill introduced by Senator Ribicoff of Connecticut this session, just as no hearings were held on a similar bill he introduced last session. Only subcommittee hearings have been held on a companion bill in the House.

State regulation of camps is virtually nonexistent. Private garbage collectors must prove themselves morally fit to operate in New York, but camp directors and their personnel need pass no such screening. Most states have no safety requirements for camps, aside from requiring them to offer pure food and clean water. Moreover, because camping is nationwide there is a need for national safety standards.

Some groups have begun distributing literature aimed, they say, "at keeping government out of camping." It is incredible that anyone interested in camping would oppose establishing minimum safety standards.

With more camps opening every year and more children being sent to them, including increasing numbers of disadvantaged inner-city youngsters, the nation must not continue to ignore camping tragedies. It must insist on some basic safeguards against needless loss of young lives.

[From the American Camping Association, Inc., Bradford Woods, Martinsville, Ind.]

POSITION PAPER: YOUTH CAMP SAFETY ACT, 1966 SENATE BILL 3773

INTRODUCTION

On August 26, 1966, Senator Abraham Ribicoff of Connecticut introduced the Youth Camp Safety Act of 1966 (S. 3773) into the United States Senate. The American Camping Association had been aware of this pending legislation, and at the request of Senator Ribicoff's Administrative Assistant, the ACA Executive Director had, on several occasions been in contact with Senator Ribicoff's office.

The purpose of this Act is to protect and safeguard the health and well-being of the youth of the nation attending camps by providing minimum safety regulations to be implemented by states electing to participate in this program. The Federal Government will provide financial assistance and leadership for the states in order to accomplish this goal.

At the present time there are 17 states which require camps to be licensed and inspected annually, 26 states have regulatory programs intended to supervise the operation of various aspects of children's camps.

After much discussion and serious study, the ACA National Board of Directors at their October meeting, voted to submit a position paper that would support the intent of the Youth Camp Safety Act, since it is educational in scope. In the same motion, the National Board called for a Consultation to be held in order to provide the various elements of organized camping in the United States an opportunity to react to the provisions of Senate Bill 3773. This consultation, chaired by Dr. John J. Kirk, chairman of the ACA National Standards Committee, was held November 19, 1966, in New York City. A list of the participants is included as Appendix B. As a result of the consultation, a working paper was developed by Dr. Kirk and reviewed by Howard Gibbs, National President of ACA, Mrs. Hattie Smith, National Legislative Chairman, and Ernest F. Schmidt, Executive Director of ACA. The working paper was then sent to the forty Sections of the American Camping Association requesting that a special meeting be set up at which time the reaction and opinion of the general membership could be solicited.

The working paper reflected, in essence, the opinion of the representatives in attendance at the consultation, and that consensus was that Senate Bill 3773, and the principles embodied therein, should be supported. Thirty of the forty Sections of the American Camping Association have reacted to the working paper and the majority also support the principles and purpose of Senate Bill 3773. Some concerns and suggestions have been made by the various Sections of the American Camping Association, and these suggestions and concerns will be reflected in the Section-by-Section discussion of the bill which follows. In order that the minority opinion may also be heard, certain selected comments from Section representatives will be included in Appendix A.

The following Section-by-Section analysis of the bill represent the official opinion and position taken by the majority of the Sections reacting to the bill and the working paper which was developed as a result of the special consultation on November 19th:

AMERICAN CAMPING ASSOCIATION OFFICIAL POSITION ON SENATE BILL 3773

Section 2. *Statement of Purpose*. The majority of the membership of the American Camping Association is in agreement with the purpose of the Act as stated. This bill would serve, primarily, as an educational tool, whereby the participating states would have trained camp evaluators visit the camps in the state and determine whether or not the camps were meeting the established minimum criteria. Those camps that were satisfactorily complying with the minimum federal safety regulations would receive a statement of compliance. *ACA does not recommend using the term "Seal of Approval," "Accreditation" or "Certification" for camps meeting the minimum criteria.* Camps that failed to meet the minimum federal regulations would be deprived of the privileges of indicating compliance, but would not be closed or placed on any provisional status as a result of the provisions of this bill.

Section 3. *Definitions.* In the definition of a Youth Camp, the membership expressed concern over the use of the term "instructional" rather than "educational," and it is recommended that Line 8, Page 2, be amended to read *"for educational and recreational purposes,"* rather than "recreational or instructional," as it now appears. It was also suggested that consideration be given to including the evaluation of travel camps, in addition to resident and day camps. Since the majority of travel camps move across state lines they are frequently excluded from any state regulatory programs which are now in existence. In order to provide the general public with an awareness concerning minimum standards for travel camps, and in order to more adequately protect children attending these camps, it is recommended that the bill include a provision to evaluate such camps.

It was also recognized that some national organizations conduct rather extensive programs through travel camps and such organizations should be given consideration as a certifying agency and that under the provision of the state programs being developed would be permitted to certify their own travel camps. This provision would only apply when the standards of the organization in question were at least equal to, or above, the minimum stafety regulations that would be developed by the Advisory Council and approved by the Secretary of Health, Education and Welfare. This suggestion is made, since it might prove administratively impossible for state evaluators to visit and evaluate the many travel camps operated by some national organizations.

In order to standardize the language as applied to organized camping, it is further recommended that a glossary of camp terminology be developed in order that there be uniform understanding and interpretation of the various terms now applied to a summer camp operation. Such a glossary of terms would be of considerable assistance to those organizations which operate camps in several states.

Section 4. *Grants to States for Youth Camp Safety Standards.* The general reaction to this section of the bill is that the financial provisions appear adequate for the implementation of the program in the fifty states. With the federal government providing fifty percent of the cost to implement the program, this should be sufficient to encourage states to initiate a program intended to safeguard the health and welfare of children while participating in a summer camp experience.

Section 6. *State Plans.* The provision that a state agency be designated or created to supervise the program caused some concern. It seems that within the existing framework of the state health department, the state welfare department, or the state department of education, this program could be initiated, and it would be unnecessary to establish or create a new state agency. A provision should be added to this section that would require the participating states to hire a person to serve as supervisor for the new program. It is strongly recommended that the National Office of the American Camping Association be designated as the cooperating agency with which the states work in developing the job specifications for such an individual. This recommendation is made since ACA is the only national organization which includes in its membership representatives from all segments of the organized camping profession, such as agency, private, church, government, and family. The strength and success of the programs could depend to a great extent on the qualifications of the supervisor of the program, such an individual should be trained in outdoor education, camping, and outdoor recreation.

Although implied, it is not specifically stated that the participating states would be required to *annually* visit and evaluate the camps in order for a said camp to qualify. Such wording should be included in the provisions of the bill.

This section of the bill also suggests that the participating states encourage the camps to advertise compliance with the federal minimum safety regulations. In any such advertising, the camps should be required to use the term "compliance with minimum regulations" rather than "certified" or accredited" in order to avoid any confusion with the American Camping Association accreditation programs, which stresses optimum camp operation rather than compliance with minimum safety regulations. The American Camping Association must educate the general public regarding the difference between compliance with minimum federal regulations and meeting the American Camping Association's standards, which are pointing towards the optimum of camp operation. A camp which satisfactorily complies with the federal minimum safety regulations means only that a child is less likely to be killed or injured in said camp. The federal minimum safety regulations in no way could be used as a measurement of the *quality* of the camping experience provided. This should be clearly stated in any literature or pronouncements made by the state or federal government.

Under Section 6, describing State Plans, there should also be a provision that camp directors be granted the right to an "Executive Hearing," in those cases where they feel the state has been unfair in the appraisal of their camps. In the bill, there is the implied provision that camp operators be entitled to a judicial hearing, and this provision would remain even with the addition of an Executive Hearing. The advantage of an Executive Hearing is that it would not be necessary for the camp director to hire counsel and such a hearing could be scheduled more quickly than a judicial review, which would have to follow the various steps which are common in any such court action.

Section 7. *Determination Federal Share.* The provisions under this Section of the bill seem adequate and would not adversely affect the administration or implementation of the bill in any way. The $50,000 maximum appears to be quite generous, and it appears doubtful that any state would require this amount on a fifty percent matching basis.

Section 8. *Operation of State Plans.* The provisions under this Section provide for the states to appeal the decision of the federal government to disapprove or terminate participation in the program. It appears that this Section adequately protects the right of the state to accept or reject the provisions of the bill, and it also provides adequately for appeal, if and when said state is dissatisfied with the ruling of the Secretary of the Department of Health, Education and Welfare.

Section 9. *Advisory Council on Youth Camp Safety.* Considerable concern has been expressed by the general membership regarding the make-up and number of the National Advisory Council. The feeling has been expressed that this Council should be composed of camping professionals. It was further recommended that the make-up of the Council be predetermined by designating the organization that should be represented. Since the American Camping Association stands as the only professional organization in the United States representing all segments of the organized camping movement, it is felt that one-third of the membership of the Advisory Council consists of American Camping Association representatives. The following groups and individuals are suggested for membership on the National Advisory Council: The Executive Director, American Camping Association; Chairman, American Camping Association, National Standards Committee; Chairman, American Camping Association National Legislation Committee; Vice-President for Private Camps, American Camping Associations; Director of Camping Services and Conservation, or designated representative, Boy Scouts of America; Director of Camping, or designated representative. Girl Scouts of the United States; Director of Camping, or designated representative, Camp Fire Girls, Inc.; designated representative from the National Council of Churches; designated representative from the National 4–H Programs; designated representative from the National Society for Crippled Children and Adults; designated representative from the Boys' Clubs of America; designated representative from the National Catholic Camping Association; designated representative from the Young Men's Christian Association; designated representative from the Young Women's Christian Association; Camping Consultant from the National Jewish Welfare Board; designated representative from the Christian Camps and Conferences Association, Inc. By selecting the twelve or more representatives from organizations of this type, it would insure that the voice of organized camping was represented to the fullest and that any safety standards developed by this group would truly represent the current and best thinking of organizations concerned with organized camping. This Advisory Council should also be empowered to call upon the services of such organizations as the National Safety Council, the American Medical Association, the American Academy of Pediatrics, and other specialized professional organizations which might have information and suggestions for the development of adequate safety regulations.

It was further suggested that the provisions of the bill specifically state that each participating state be required to establish a State Advisory Council made up of similar membership as that represented on the National Council. This would insure a local voice in the implementation of the federal minimum safety regulations and also provide an opportunity for closer supervision on the implementation and enforcement of the state program.

Section 11. *Authorization.* The financial provisions under Authorization in the bill seem appropriate in order to pursue and carry out the intent and purpose of the Act.

GENERAL STATEMENT

The provisions of the Youth Camp Safety Act appear to strengthen organized camping and, if enacted, would actually contribute significantly to a safer milieu in all participating camps.

At the present time, there are over a million children attending camps that do not affiliate with any national organization and do not necessarily adhere to any established set of operating standards. Under the provisions of the Youth Camp Safety Act, a minimum set of safety regulations would be developed and through an appropriate state agency, camps in participating states would be able to have the educational benefit of being alerted to the need for following these minimum regulations in order to adequately safeguard the health and welfare of the children they serve. This would also provide a means whereby parents could, at least, be aware of the minimum safety provisions necessary in order to adequately safeguard the child during the camping experience. *It must be stressed that the provisions of this bill and application of this bill by state programs in no way guarantees a quality camping experience, nor does it guarantee that all camps in a participating state would be operating at a level of competence which would adequately safeguard the health, welfare, and safety of children.* It does, however, require that states that participate will annually evaluate camps within their boundaries and measure the operation of these camps against an established criteria which would be the federal minimum safety regulations. The program would also provide an educational tool for those camp operators who do not, at the present time, have the benefit of guidance and supervision from a professional camping organization.

It must also be pointed out that some states already have very adequate regulatory programs, and this bill should in no way adversely affect the continuation and expansion of such existing programs. If a state with a regulatory program already has in effect regulations which are above the federal minimum safety regulations, then the state in question should not be required to lower or modify its regulations in any way in order to qualify for participation in the federal program, nor should such a state be denied the benefit of federal financial aid to assist in financing their existing programs. The advantage of having one uniform set of minimum safety regulations rather than 50 or more possibly conflicting operating codes is self-evident.

In summary, the majority of the membership of the American Camping Association conclude that the enactment of a Youth Camp Safety Act by the federal government would contribute significantly to providing a safer milieu among all camps operating in the fifty states and, on that basis, the majority of the general membership in the American Camping Association and the National Board of Directors support and endorse the efforts of Senator Ribicoff to bring such a bill into reality in this session of the Congress.

Approved by ACA Executive Committee, January 20, 1967.

Appendix A—Concerns fears expressed by some members of the American Camping Association

The following comments were gleaned from the Section Reports, and although they do not reflect the majority opinion of the general membership of the American Camping Association, are being included in order that a more complete view of the opinions of the total membership might be reflected in this Position Paper:

1. "The National Advisory Council should be expanded in order to provide for broader representation. Fifteen or eighteen members would provide a more representative voice for all segments of the camping profession."

2. "The bill, as written, lacks 'teeth,' and unless a provision is added which would force camps to adhere to the minimum safety regulations, the bill has no real value. Unless a camp which fails to meet the regulations can be forced to comply, the bill fails to accomplish its purpose."

3. "Federal funds are not necessary, and the states should be encouraged to voluntarily develop minimum safety regulations to serve as a guide for organized camps. Federal funds only lead to federal control which is not needed or desired."

4. "The American Camping Association Standards Visitation Program should be used in lieu of state inspections. Camp directors are already subjected to more inspections and evaluations than really required."

5. "There is a danger that government bureaucracy will smother all real camping experiences. Program areas should not be regulated in any way. This bill might open a 'Pandora's Box' of government regulations with applications going far beyond those now foreseen."

6. "There is no guarantee that state evaluators will have any professional training in measuring the effectiveness of a camp operation. This could be a 'pork barrel,' whereby states could award jobs based on political patronage rather than professional competence."

7. "Several states now have adequate programs and a federal program is not needed."

8. "The passage of such a bill will adversely affect the Standards Program of the American Camping Association."

9. "The federal government has no business in organized camping, and the implementation of regulations should be left to private agencies."

10. "There was a strong feeling that ACA might well be legislating itself out of business."

11. "A federal program will adversely affect present ACA relationships with state agencies."

12. "Before any federal legislation on camping is introduced, a thorough nationwide survey should be made to determine whether a real need for such legislation exists."

13. "The Federal Advisory Council could draft a model set of regulations to satisfy the intent of the bill—but without federal subsidy."

[From the Association of Private Camps, Inc., New York, N.Y.]

Report of a Study Group of the Association of Private Camps Concerning the Youth Camp Safety Act of 1966, Senate Bill S. 3773

On September 12, 1966, at the direction of the Board of Governors of the Association of Private Camps, a Study Group was organized consisting of the Officers of the Association of Private Camps and all Past Presidents of said organization for the purpose of considering the "Youth Camp Safety Act of 1966."

On the basis of the reports of said committee, representatives were appointed to meet with Senator Ribicoff's staff in order to discuss the provisions of the bill and to present the recommendations of the Study Group, as unanimously approved by the Board of Governors.

On February 21st, Mr. Abner Rabbino, Chairman of the Committee on "Youth Camp Safety Act"; Mr. Edwin Shapiro, President of the Association of Private Camps; Dr. S. L. Winnick, Past President and Mr. Lloyd A. Albin, Member; met with Mr. Wayne Granquist, Administrative Assistant and Mr. James Dorsch, Legislative Assistant to Senator Abraham Ribicoff in Washington, D.C.

Senator Ribicoff's office was advised that the Association of Private Camps, an organization representing professional camping for over 28 years, was wholeheartedly in approval of Senate Bill S. 3773.

It was indicated to the Senator's staff that our membership covers many of the states of our country and presently has more than 250 of the recognized leaders in the camping field. Nine years ago, realizing the necessity of maintaining high level standards, the Association passed a law making it mandatory for all of its member camps to be Standards examined, in order to maintain accredited membership. Each of the member camps has been visited and its Standards have been evaluated by highly qualified professional people trained and experienced in the fields of camping, education, recreation and evaluation. The carefully selected staff of evaluators has no affiliation with any APC or other camp. This evaluating staff is comprised of faculty members from leading colleges and universities across the Country. Total membership compliance with up-dated APC Standards is insured by a continuing program of accreditation that schedules each member camp for a re-visit and a re-evaluation periodically, on a rotation basis.

We have contributed by way of Conventions and Symposiums in all phases of camping. A vast amount of material is in the libraries of many Universities and also the Library of Congress. A number of our member directors have lectured at Universities and are on the Board of Trustees of many institutional camps. They have also served as advisors, without fee in this regard. Many colleges now give Point Credit to students who serve as counselors in our private camps, because these institutions of learning are aware of the vast opportunities that the student has under the aegis of our knowledgable camp directors.

Most of our states have regulatory rules to which we subscribe. We enthusiastically support the passing of any meaningful laws that will constructively contribute to raising the level of performance, leadership training, supervision, health and safety of camping. It is always true, however, that the implementation of any rules or laws becomes the dramatic and important objective.

We believe that we have outstanding and recognized professionals heading our camps. For the great contribution in thought and action that these people are capable of giving to a Council of from 12–18 members, we respectfully recommend that a minimum of five members of such a panel should come from the Association of Private Camps.

ANALYSIS OF STATE CAMP SAFETY REGULATIONS

[Code—1 excellent; 2 good; 3 fair; 4 no regulations]

Category	Alabama	Alaska	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	Florida	Georgia	Hawaii	Idaho	Illinois
I. Camp personnel:													
Age requirement for counselors	4	4	4	4	1	2	4	4	4	4	4	4	4
Counselor to camper ratio	4	4	4	4	1	1	4	4	4	4	4	4	3
Minimum age of director	4	4	4	4	2	3	4	4	4	4	4	4	4
Required training for aquatic staff	4	4	4	3	2	1	4	4	4	4	4	4	4
II. Program:													
Supervision of activities	4	4	4	4	4	1	4	4	4	4	4	4	4
Restriction for hazardous activities	4	4	4	4	4	2	4	4	4	4	4	4	4

ANALYSIS OF STATE CAMP SAFETY REGULATIONS—Continued

[Code—1 excellent; 2 good; 3 fair; 4 no regulations]

Category	Alabama	Alaska	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	Florida	Georgia	Hawaii	Idaho	Illinois
III. Site and facilities:													
Location and drainage of site	4	2	2	2	1	1	4	1	1	4	4	4	1
Type and size of living quarters	4	2	4	2	3	3	4	2	1	4	4	4	2
Sleeping accommodations	4	1	4	1	3	1	4	1	1	4	4	4	1
IV. Administration:													
Responsibilities of the director	4	4	4	4	4	1	3	4	1	4	4	4	4
Personal histories						1	4	4	4	4	4	4	4
V. Health:													
Doctor on call	4	4	4	2	1	2	4	4	4	4	4	4	1
Physical exam required	4	4	4	1	2	2	4	2	4	4	4	4	1
Isolation quarters or camp infirmary	4	4	4	2	1	2	4	4	3	4	4	4	2
Health supervisor on staff	4	4	4	2	2	1	4	4	3	4	4	4	1
First-aid supplies	4	4	4	2	1	1	3	2	4	4	4	4	4
Medical treatment record	4	4	4	4	1	2	4	4	4	4	4	4	4
VI. Sanitation:													
Ratio of toilet facilities	3	1	1	4	1	1	1	4	1	4	4	4	4
Sewage disposal	2	2	2	1	1	1	2	1	1	4	4	4	1
Garbage and waste disposal	2	2	2	1	1	1	2	1	1	4	4	4	1
Food protection and food handling	4	2	2	1	1	1	1	1	1	4	4	4	1
Food storage and refrigeration	4	2	2	1	1	1	1	1	1	1	4	4	1
Milk supply and serving methods	4	2	4	1	1	1	4	3	3	4	4	4	1
Safe water supply	2	1	1	1	1	1	1	1	1	4	4	4	1
Sanitation of dishes and utensils	4	3	3	1	1	1	1	1	1	4	4	4	1
Insect, weed, and rodent control	4	4	3	4	1	2	4	2	2	4	4	4	2
Animal regulations	4	4	4	4	3	4	4	4	3	4	4	4	4
Camp cleanliness	3	1	3	1	1	2	3	3	1	4	4	4	-
VII. Safety:													
Aquatic facilities	4	4	4	1	2	1	3	1	4	4	4	4	1
Archery ranges	4	4	4	4	4	1	4	4	4	4	4	4	4
Rifle ranges	4	4	4	4	4	1	4	4	4	4	4	4	4
Horseback riding procedures	4	4	4	4	4	1	4	4	4	4	4	4	4
Fire regulations	4	3	3	4	1	1	3	2	3	4	4	4	1
Heating equipment	4	1	4	4	1	4	3	4	1	4	4	4	1
VIII. Transportation:													
Condition of camp vehicles	4	4	4	4	4	1	4	4	4	4	4	4	4
Age and qualifications for drivers	4	4	4	4	4	1	4	4	4	4	4	4	4

Category	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts	Michigan	Minnesota	Mississippi	Missouri	Montana
I. Camp personnel:													
Age requirement for counselors	4	4	4	4	4	4	4	4	1	4	4	4	4
Counselor to camper ratio	4	4	4	4	4	4	4	4	1	4	4	4	4
Minimum age of director	4	4	4	4	4	4	4	4	4	4	4	4	4
Required training for aquatic staff	4	4	4	4	4	4	4	4	1	4	4	4	4
II. Program:													
Supervision of activities	4	4	4	4	4	4	4	2	2	4	4	4	4
Restriction of hazardous activities	4	4	4	4	4	4	4	4	2	4	4	4	
III. Site and facilities:													
Location and drainage of site	4	4	2	1	4	1	4	1	3	3	4	4	1
Type and size of living quarters	4	4	4	4	4	3	4	1	3	3	4	4	4
Sleeping accommodations	4	4	4	4	4	3	4	1	2	1	4	4	4
IV. Administration:													
Responsibilities of the director	4	4	3	3	4	4	4	4	1	3	4	4	3
Personal histories of campers	4	4	4	4	4	4	4	2	1	4	4	4	4
V. Health:													
Doctor on call	4	4	4	4	4	4	4	1	2	1	4	4	4
Physical exam required	4	4	4	4	4	4	4	1	2	2	4	4	4
Isolation quarters or camp infirmary	4	4	4	4	4	2	4	1	1	1	4	4	4
Health supervisor on staff	4	4	4	4	4	4	4	1	1	4	4	4	4
First-aid supplies	4	4	4	4	4	2	4	1	1	1	4	4	4
Medical treatment record	4	4	4	4	4	4	4	4	1	1	4	4	4
VI. Sanitation:													
Ratio of toilet facilities	4	4	4	2	4	1	4	1	1	1	4	4	3
Sewage disposal	4	4	2	2	4	1	4	1	1	1	4	4	2
Garbage and waste disposal	4	4	2	3	4	1	4	1	1	1	4	4	2
Food protection and handling	4	4	4	4	4	1	4	1	1	1	4	4	3
Food storage and refrigeration	4	4	4	4	4	1	4	1	1	1	4	4	4
Milk supply and serving methods	4	4	4	4	4	2	4	1	1	1	4	4	4
Safe water supply	4	4	3	1	4	1	4	1	1	1	4	4	1
Sanitation of dishes and utensils	4	4	4	4	4	1	4	1	1	1	4	4	4
Insect, weed, and rodent control	4	4	4	4	4	3	4	2	1	4	4	4	4
Animal regulations	4	4	4	4	4	4	4	4	1	3	4	4	4
Camp cleanliness	4	4	4	4	4	4	4	2	1	2	4	1	1
VII. Safety:													
Aquatic facilities	4	4	4	4	4	3	4	1	1	3	4	4	4
Archery ranges	4	4	4	4	4	4	4	4	2	3	4	4	4
Rifle ranges	4	4	4	4	4	4	4	4	2	2	4	4	4
Horseback riding procedures	4	4	4	4	4	4	4	4	2	4	4	4	4
Fire regulations	4	4	4	4	4	4	4	2	2	4	4	4	4
Heating equipment	4	4	4	4	4	4	4	4	4	4	4	4	4
VIII. Transportation:													
Condition of camp vehicles	4	4	4	4	4	4	4	4	4	4	4	4	4
Age and qualifications for drivers	4	4	4	4	4	4	4	4	3	4	4	4	4

Category	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Pennsylvania	Rhode Island
I. Camp personnel:													
Age requirement for counselors	4	4	4	4	4	4	4	4	4	4	4	4	4
Counselor to camper ratio	4	4	4	4	4	4	4	4	4	4	4	4	4
Minimum age of director	4	4	4	4	4	4	4	4	4	4	4	4	4
Required training for aquatic staff	4	4	4	4	4	4	4	4	1	4	4	2	2
II. Program:													
Supervision of activities	4	4	4	4	4	3	4	4	4	4	4	4	4
Restriction for hazardous activities	4	4	4	4	4	4	4	4	4	4	4	4	3
III. Site and facilities:													
Location and drainage of site	2	4	1	4	4	2	1	4	2	4	4	1	4
Type and size of living quarters	3	4	1	4	4	2	3	4	2	4	4	4	4
Sleeping accommodations	1	4	1	4	4	3	2	4	1	4	4	4	3

ANALYSIS OF STATE CAMP SAFETY REGULATIONS—Continued

[Code—1 excellent; 2 good; 3 fair; 4 no regulations]

Category	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Pennsylvania	Rhode Island
IV. Administration:													
Responsibilities of the director	4	4	4	4	4	3	4	4	2	4	4	4	3
Personal histories of campers	4	4	4	4	4	4	4	4	1	4	4	4	4
V. Health:													
Doctor on call	1	4	1	4	4	3	3	4	4	4	4	4	4
Physical exam required	4	4	1	4	4	4	2	4	1	4	4	4	4
Isolation quarters or camp infirmary	1	4	1	4	4	4	3	4	1	4	4	4	4
Health supervisor on staff	4	4	1	4	4	4	2	4	4	4	4	4	4
First aid supplies	1	4	1	4	4	4	2	4	1	4	4	4	4
Medical treatment record	1	4	4	4	4	4	4	4	4	4	4	4	4
VI. Sanitation:													
Ratio of toilet facilities	1	4	1	4	4	4	2	4	1	4	4	4	1
Sewage disposal	1	4	1	4	4	1	1	4	1	4	4	1	2
Garbage and waste disposal	2	4	1	4	4	1	1	4	1	4	4	1	2
Food protection and food handling	1	4	1	4	4	1	1	4	1	4	4	1	1
Food storage and refrigeration	1	4	1	4	4	1	1	4	1	4	4	1	1
Milk supply and serving methods	1	4	2	4	4	2	1	4	1	4	4	1	1
Safe water supply	1	4	1	4	4	1	1	4	1	4	4	1	2
Sanitation of dishes and utensils	1	4	1	4	4	1	1	4	1	4	4	1	1
Insect, weed, and rodent control	2	4	2	4	4	4	3	4	1	4	4	4	4
Animal regulations	3	4	4	4	4	4	4	4	1	4	4	4	4
Camp cleanliness	1	4	1	4	4	3	1	4	1	4	4	2	3
VII. Safety:													
Aquatic facilities	2	4	2	4	4	3	3	4	4	4	4	2	2
Archery ranges	3	4	4	4	4	4	4	4	2	4	4	4	4
Rifle ranges	1	4	4	4	4	4	4	4	2	4	4	4	4
Horseback riding procedures	4	4	4	4	4	4	4	4	4	4	4	4	4
Fire regulations	1	4	2	4	4	3	4	4	1	4	4	3	4
Heating equipment	4	4	4	4	4	4	4	4	4	4	4	4	4
VIII. Transportation:													
Condition of camp vehicles	4	4	4	4	4	4	4	4	4	4	4	4	4
Age and qualifications for drivers	4	4	4	4	4	4	4	4	4	4	4	4	4

Category	South Carolina	South Dakota	Tennessee	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin		Wyoming
										Residential	Day	
I. Camp personnel:												
Age requirement for counselors	4	4	4	4	4	4	4	4	4	1	4	4
Counselor to camper ratio	4	4	4	4	4	4	4	4	4	1	2	4
Minimum age of director	4	4	4	4	4	4	4	4	4	4	1	4
Required training for aquatic staff	1	4	4	4	4	4	4	4	1	2	1	4
II. Program:												
Supervision of activities	4	4	4	4	4	4	4	4	4	4	2	4
Restriction for hazardous activities	4	4	4	4	4	4	4	4	4	4	4	4
III. Site and facilities:												
Location and drainage of site	1	4	4	4	4	3	2	1	1	4	4	1
Type and size of living quarters	2	4	4	4	4	3	3	2	1	3	4	4
Sleeping accommodations	1	4	4	4	4	3	4	1	1	1	4	4
IV. Administration:												
Responsibilities of the director	4	4	4	4	4	4	4	3	3	4	3	3
Personal histories of campers	4	4	4	4	4	4	4	4	4	4	2	4
V. Health:												
Doctor on call	1	4	4	4	4	4	4	4	2	2	1	4
Physical exam required	1	4	4	4	4	4	4	4	3	1	2	4
Isolation quarters or camp infirmary	4	4	4	4	4	4	4	4	1	1	3	4
Health supervisor on staff	3	4	4	4	4	4	4	4	2	3	2	4
First-aid supplies	4	4	4	4	4	4	4	4	1	1	1	4
Medical treatment record	4	4	4	4	4	4	4	4	4	1	2	4
VI. Sanitation:												
Ratio of toilet facilities	1	4	4	4	4	3	4	1	1	1	1	4
Sewage disposal	1	4	4	4	4	1	2	1	1	1	1	2
Garbage and waste disposal	1	4	4	4	4	1	2	1	1	2	2	2
Food protection and food handling	1	4	4	4	4	1	1	1	1	2	2	2
Food storage and refrigeration	1	4	4	4	4	1	1	1	1	2	2	2
Milk supply and serving methods	3	4	4	4	4	1	2	1	1	3	3	2
Safe water supply	1	4	4	4	4	1	2	1	1	1	1	2
Sanitation of dishes and utensils	1	4	4	4	4	1	1	1	1	1	1	2
Insect, weed, and rodent control	4	4	4	4	4	3	4	2	2	3	3	4
Animal regulations	4	4	4	4	4	4	4	3	1	2	2	4
Camp cleanliness	2	4	4	4	4	4	3	1	1	1	1	2
VII. Safety:												
Aquatic facilities	1	4	4	4	4	3	3	3	1	1	1	4
Archery ranges	2	4	4	4	4	4	4	4	2	4	4	4
Rifle ranges	2	4	4	4	4	4	4	4	2	1	4	4
Horseback riding procedures	4	4	4	4	4	4	4	4	4	4	4	4
Fire regulations	2	4	4	4	4	4	4	4	1	2	1	4
Heating equipment	4	4	4	4	4	4	4	4	1	4	4	4
VIII. Transportation:												
Condition of camp vehicles	4	4	4	4	4	4	4	4	4	4	1	4
Age and qualifications for drivers	4	4	4	4	4	4	4	4	4	4	1	—

S. 811—INTRODUCTION OF FAIR FARM BUDGET ACT

Mr. MONDALE. Mr. President, I introduce, for myself and the following Senators, the Fair Farm Budget Act of 1969. The Senators sponsoring this legislation this year are Messrs. BURDICK, COOK, COOPER, EAGLETON, HARRIS, HARTKE, INOUYE, MANSFIELD, MCGEE, MCGOVERN, METCALF, MILLER, MONTOYA, MUSKIE, NELSON, PACKWOOD, PROXMIRE, SCOTT, YARBOROUGH, YOUNG of North Dakota, and YOUNG of Ohio.

This legislation is designed and intended to make quite clear to the public that the budget of the Department of Agriculture is not a $7-billion subsidy to the American farmer. It should make clear that in reality consumers, businessmen, and the general public receive substantial benefits from the USDA budget. The fact is that every year from half to two-thirds of the USDA budget goes for programs benefiting the general public, rather than the farmer alone. The following table, prepared by the Office of Budget and Finance in the Department of Agriculture, shows that in 1967, 63 percent of the budget expenditures were for the benefit of the general public; and 53 percent in 1968. Estimates for 1969 place farm income support at roughly 50 percent of the total USDA budget.

Mr. President, I ask unanimous consent that that tabulation be inserted in the RECORD at this point.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE BUDGET OUTLAYS, FISCAL YEARS 1967, 1968, AND 1969 CURRENT ESTIMATE (INCLUDES TRUST FUNDS AND REFLECTS RECEIPTS IN ACCORDANCE BUDGET CONCEPTS USED IN THE 1969 BUDGET)

[In millions]

	1967	1968	1969 current estimate
PROGRAMS WHICH CLEARLY PROVIDE BENEFITS TO CONSUMERS BUSINESSMEN, AND THE GENERAL PUBLIC			
Programs having foreign relations and defense aspects:			
Sales of agricultural commodities for foreign currencies and for dollars on credit terms (Title I, Public Law 480)	$1,070	$860	$677
Commodities and other costs in connection with donations abroad (title II, Public Law 480)	381	344	360
Transfer of bartered materials to supplemental stockpile (net)	24	24	−2
Donations of dairy products to armed services and others	----------	15	17
Other	−2	----------	1
Total	1,473	1,243	1,053
Food distribution programs (domestic):			
Commodities distributed to the needy and others	282	394	595
Food stamp program	114	185	273
School lunch program	208	217	246
Special milk program	96	104	104
Total	700	900	1,218
REA and FHA repayable loans:			
REA loans	412	495	528
Repayments of principal and interest	−274	−304	−296
FHA loans	−15	104	−193
Salaries and expenses for loan programs	69	77	82
Total	192	372	121
Long-range programs for the improvement of agricultural and natural resources:			
Forestry	198	189	190
Agricultural and forestry research	247	270	266
Plant and animal disease and pest control	77	82	85
Soil and water resource protection and development:			
Agricultural conservation program	257	255	244
All other	255	275	308
Cooperative agricultural extension work	92	90	97
PROGRAMS WHICH CLEARLY PROVIDE BENEFITS TO CONSUMERS, BUSINESSMEN, AND THE GENERAL PUBLIC—Continued			
Long-range programs for the improvement of agricultural and natural resources—Continued			
Inspection of commodities and other marketing services	$85	$92	$122
Other	81	91	98
Total	1,292	1,344	1,410
Total	3,657	3,859	3,802
OTHER PROGRAMS WHICH ARE PREDOMINANTLY FOR STABILIZATION OF FARM INCOME, BUT WHICH ALSO BENEFIT OTHERS			
CCC price-support and related programs:			
CCC loan, purchase, export, and related programs	−1,317	472	426
Storage, handling, and transportation expenses	261	92	110
Interest expenses (net)	302	311	299
Acreage diversion payments:			
Feed grains	542	510	787
Wheat	27	----------	35
Cotton	303	244	103
Price-support payments:			
Feed grains	799	322	628
Cotton	489	611	639
Wheat certificate program	276	346	334
Cotton equalization payments	20	----------	----------
National Wool Act program	33	70	62
Total	1,735	2,978	3,423
Cropland adjustment program, adjustment payments	44	79	75
Conservation reserve program	141	122	109
Federal crop insurance program (net)	−6	15	−2
Sugar Act program	82	84	88
Salaries and expenses for above programs	175	177	190
Total	2,171	3,455	3,883
Grand total	5,828	7,314	7,685

Mr. MONDALE. Mr. President, the Senate Agriculture Committee held hearings on this legislation in 1966, and received testimony from nearly every farm organization in the United States in support of this legislation. Subsequently, the American Farm Bureau Federation endorsed the purpose of this proposal at their annual convention.

The organizations supporting this measure are the National Farmers Union, the National Grange, the National Council of Farmer Cooperatives, National Milk Producers Federation, National Federation of Grain Cooperatives, American Farm Bureau Federation, National Creameries Association, and the National Farmers Organization.

The American farmer is rightly tired of being accused of annual Treasury raids, of being told that he somehow each year puts in his pocket enough of the agriculture budget to enable him to live well, and tired of being told that he never had it so good.

This legislation is designed to correct the myth that the entire USDA budget goes each year into the farmer's pocket. I hope it will have that result.

While this legislation does isolate the amount of money spent on farm income support programs, it does not make clear that the one-third of the budget spent on farm income programs also provides a clear benefit to the general public by helping to maintain a healthy and sound agricultural economy. It does not make clear that the money we invest in our farm programs is one of the best investments we can make today, because the American farmer contributes tremendous efficiency and productivity to our economy—so much so that if the price of food had increased as much as the price of all other products since 1952, the housewives of America would have had to spend over $7 billion more for food last year than they actually did.

Mr. President, I ask that this bill be received and appropriately referred.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 811) to require the Secretary of Agriculture and the Director of the Bureau of the Budget to make a separate accounting of funds requested for the Department of Agriculture for programs and activities that primarily stabilize farm income and those that primarily benefit consumers, businessmen, and the general public, and for other purposes, introduced by Mr. MONDALE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

S. 812—INTRODUCTION OF THE NATIONAL AGRICULTURAL BARGAINING ACT OF 1969

Mr. MONDALE. Mr. President, I introduce, for appropriate reference, the National Agricultural Bargaining Act of 1969, for myself and Senators BURDICK, HARRIS, HART, MAGNUSON, MANSFIELD, MCCARTHY, MCGEE, MCGOVERN, METCALF, MONTOYA, MOSS, MUSKIE, NELSON, PROXMIRE, YARBOROUGH, and YOUNG of North Dakota, and ask that it be received and appropriately referred.

None of those who join in support of this proposal are wedded to its specific and detailed language. Our purpose is to express our deep interest in finding out through hearings whether legislation is possible or workable.

This legislation, which would create a national collective bargaining system for determining fair prices, offers two approaches toward providing greater economic muscle for farmers. Title I of the bill enables farmer-elected marketing committees to bargain and negotiate with processors and other buyers for decent and adequate prices on a commodity by commodity basis.

Title II makes all commodities eligible for marketing orders, and provides a broad new range of powers for farmers under market orders—including collective bargaining for minimum price and nonprice terms of sale of the particular commodity involved. We have had extensive hearings on this measure in the 90th Congress, but no legislation was reported or recommended by the Senate Agriculture Committee. The hearings disclosed a great deal of controversy, but at the same time widespread and deep support for the concept of farmer bargaining legislation across the country.

The distinguished chairman of the Senate Agriculture and Forestry Committee, the Senator from Louisiana, has contributed a great deal of interest, energy, and enthusiasm in statesmanlike fashion to the discussion of the objective of improving the bargaining power of farmers. He pressed very hard for specific and detailed comments on the legislation which I introduced, but in my judgment this was not done either to his satisfaction or to the satisfaction of the members of the committee.

I think we have to proceed because the

time has come finally to get down to the hard specifics of legislation, and see whether or not this concept can be achieved at all in legislative form. It is my hope that reintroduction of this legislation will encourage and focus debate on the benefits and problems that may be associated with farmer collective bargaining.

This legislation, or something very nearly like it, is sorely needed and must be passed if we expect the American family farmer to continue in the business of farming. Without it, the farmers are doomed to economic disenfranchisement. Without it, farmers will continue to be the low man on our economic totem pole without any real hope of attaining the just portion of national income to which they are entitled.

No business—and farmers do run substantially large businesses—could function or stay in operation under the conditions faced by most farmers. They are, first of all, at the mercy of many variables, including the weather, entirely outside their control. In addition, farmers have no economic power to establish the price on the commodities they produce. They must take, in all reality, whatever is offered by way of the market price or Federal programs. They have no alternative.

There is no doubt, and the records are clear, that this inherently weak bargaining position has caused the American family farmer to lag far behind the prosperity enjoyed by nearly every other segment of our society. The record is quite clear. Consumers in this country are estimated to have expended about $85.5 billion during 1967 for domestic farm products. This represents an increase over the last 20 years of 100 percent.

The farmer's share, or the farm value of that food marketing bill, is only $27½ billion and has increased in the last 20 years by only one-half.

For example, the farmer receives only 2.7 cents for the wheat in a pound loaf of white bread, or 12 percent of the cost of that loaf. It is a fact that the American farmer subsidizes his consumer counterpart, by continuing to produce food for substandard returns. At the same time, the farmer has been increasing his own productivity fourfold over the last 30 years. Between 1950 and 1965 alone, the output per man-hour in agriculture rose nearly three times as fast as in nonfarming occupations, 132 percent in agriculture against 47 percent for the rest of the economy. In one sentence, that sums up the farm subsidy to consumers. Consumers pay more, but farmers get less.

The legislation that we introduce today is not intended to replace existing farm programs. We have not regarded the National Labor Relations Act as a total solution for all the ills of the working man, and neither will this bill. The National Labor Relations Act has not superseded the need for minimum wage legislation or unemployment compensation legislation, and I do not expect that we can regard farm bargaining as a complete substitute for existing programs, at least not without much experience under it.

I will briefly explain the provisions of the bill and describe the general framework of its provisions.

Title I of the bill provides that when the price of a particular agricultural commodity is unfair and unreasonable, the farmers producing that commodity may ask the newly established National Agricultural Relations Board to conduct a farmer referendum for the purpose of electing a bargaining committee to negotiate a fair price and other terms of sale in bargaining sessions with a similar committee representing processors and other purchasers of that commodity.

The Board is established as an independent agency to assist farmers and buyers in the process of bargaining. If no agreement can be reached—whether on price or nonprice terms of sale—or if the purchasers fail to bargain in good faith, the unsettled or disputed issues would be resolved by a three-man Joint Settlement Committee. This Joint Settlement Committee would be composed of a farmer representative, a purchasers representative, and a neutral party.

The price and nonprice terms of sale of the commodity, whether reached through the bargaining process or the joint settlement committee would be binding on all producers and all buyers.

This procedure is available to the producers of all commodities under the proposed legislation without exception, and would also permit the farmer bargaining committee to recommend a plan of marketing controls for approval by farmers in an additional referendum.

The bill does not provide a specific, detailed test for determining whether farm prices are unfair or unreasonable, but relies on basic economic realities and prevailing market factors to achieve this objective. While farmer bargaining committees would be free to ask for any price level they feel necessary, they could not demand an unreasonably high price without running a very serious risk of competition from substitutes, increased integrated farming, loss of export markets, increased imports, or, in the absence of supply control, tremendous surplus-producing increases in production.

But while this proposal will require the fullest consideration of the realities of the marketplace it does seek to overcome the American family farmer's chief handicap; namely, that he is the weakest link in the marketing chain from the land to the table.

The bill does not describe in detailed terms who may serve on a purchasers committee, nor spell out how that committee must be selected by the purchasers. It seems to me that this question may be more fairly and expeditiously reviewed during hearings in the Agriculture Committee.

Title II of the legislation is an amendment to the Agricultural Marketing Agreements Act of 1937. It would enable the producers of any agricultural commodity to form a market order, with a new broad range of powers available for use in the order—including collective bargaining for establishment of minimum prices.

Under this title, an agricultural commodity is eligible for a market order if a majority of the producers favor the establishment of minimum prices.

Title II is an amendment to the Agricultural Marketing Agreements Act of 1937. It would enable the producers of any agricultural commodity to form a market order, with a new broad range of powers available for use in the order—including collective bargaining for the establishment of minimum prices.

Under this title, an agricultural commodity is eligible for a market order if a majority of the producers favor the establishment of an order in a special referendum conducted for that purpose by the Secretary. Orders could include collective bargaining, minimum pricing, pooling of proceeds for commodities in addition to milk when prices are established on a use-classification basis, and producer allotments based on historical marketings or quantities currently available or any combination to assure equitable distribution of returns.

Prices or other terms agreed upon between farmers and processors or handlers would become binding on all producers and all buyers on the approval of the Secretary and, further, on reaching agreement with processors or handlers taking 50 percent of the volume of the commodity.

Provision is also made for the establishment of a producer advisory committee for the guidance of the Secretary on formulation of new market orders and specific order provisions.

In my judgment, titles I and II are not contradictory. Congress could pass either or both or a combination of the two. They are different approaches to the same objective—bargaining power for farmers.

Mr. President, I ask unanimous consent that the proposed legislation, as well as a section-by-section analysis of it, be printed in the RECORD at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and analysis will be printed in the RECORD.

The bill (S. 812) to provide for the orderly marketing of agricultural commodities by the producers thereof, and for other purposes, introduced by Mr. MONDALE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 812

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Agricultural Bargaining Act."

TITLE I

POLICY AND FINDINGS

SEC. 101. The Congress finds that the production and marketing of agricultural commodities is a basic and essential industry of the United States, involving the supply of the Nation's food, feed, and fiber which must be available in adequate volume without impairing or wasting the soil resources of the country.

Agricultural commodities produced for commercial purposes are marketed either in the current of interstate and foreign commerce or in a manner which directly burdens, obstructs or affects such commerce and the marketing of that part of such commodity as enters directly into the current of interstate and foreign commerce cannot be effectively regulated without also extending the regulations, in the manner provided in this Act, to that part which is marketed within the State of production.

Farmers, ranchers, and other producers of agricultural commodities are located and operate throughout the United States, produce the same or similar or competitive crops in many States, carry on their farming operations with the use of borrowed funds and on leased land as well as their own land, and their operations are subject to uncontrollable and unforeseeable natural causes which often adversely affect the supply and directly affect consumer and national welfare.

Agricultural producers do not now enjoy the opportunity, comparable to that of industrial workers and those in many other forms of enterprise or employment, to organize and bargain effectively for a just and reasonable return or compensation for the commodities they offer for sale in domestic and foreign commerce. Adequate government protection or assistance is not available to the vast majority of them in their effort to market their agricultural commodities in an orderly manner at reasonable prices. The producers of agricultural commodities are one of the very few economic groups, if not the only economic group, which must sell in markets largely controlled by the buyers, brokers, commission agents, and other representatives of buyers. As a result, producers of agricultural commodities are unable to effectively prevent or avoid the wasting of natural resources, the disorderly marketing of their commodities, congestion in transportation, storage and processing and other burdens on interstate and foreign commerce.

Disorderly marketing and abnormally excessive supplies of agricultural commodities unduly depress the prices received by the producers, burden and obstruct interstate and foreign commerce, cause wide and injurious disparity between the prices received by producers of such commodities and the cost to such producers of the materials and supplies required to produce such agricultural commodities, thus depressing the net return received by such producers, and threaten the maintenance of a continuous and stable supply of agricultural commodities to meet the requirement of the Nation and the consumers of said commodities.

NATIONAL AGRICULTURAL RELATIONS BOARD

SEC. 102. (1) There is hereby created a board, to be known as the National Agricultural Relations Board (hereinafter referred to as the "Board"), which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, two for a term of three years, and two for a term of five years, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

(2) The Board is authorized to delegate to any group of three or more members any or all of the powers which it may itself exercise. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and three members of the Board shall, at all times, constitute a quorum of the Board, except that two members shall constitute a quorum of any group designated pursuant to the first sentence hereof. The Board shall have an official seal which shall be judicially noticed.

(3) The Board shall at the close of each fiscal year make a report in writing to Congress and to the President stating in detail the business it has conducted over the preceding year, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

(4) Each member of the Board shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint an executive secretary, and such other employees as it may from time to time find necessary for the proper performance of its duties.

(5) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or by any individual it designates for that purpose.

(6) The Board shall have authority from time to time to make, amend, and rescind, in the manner prescribed by the Administrative Procedure Act, such rules and regulations as may be necessary to carry out the provisions of title I of this Act.

(7) The Board is authorized to use the services of the employees of the Department of Agriculture and of the committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, in the performance of all of its duties and responsibilities provided for herein.

MARKETING COMMITTEES

SEC. 103. (a) In order to effectuate the policy of this title, whenever a representative group of producers of any agricultural commodity or relative group of commodities or any market classification or product thereof the initial sale of which is customarily made by the producer or his cooperative or other marketing representative, shall file with the Board a written petition stating that the average market price received by the producers of said agricultural commodity or commodities is below a fair and reasonable price to the producers thereof or that the price to the producer of said agricultural commodity or commodities may reasonably be expected to be below a fair and reasonable price to the producer thereof during the next marketing season or seasons and shall define the area within which said agricultural commodity or commodities is commercially produced or, if said agricultural commodity is produced in a lesser area than the entire United States, shall define the boundaries of the lesser area by States or political subdivision of States; or, if the Board finds and determines that the average market price received by the producers of any agricultural commodity is below a fair and reasonable price to the producers thereof or that the price to the producers of such agricultural commodity or commodities during a future marketing season may reasonably be expected to be below a fair and reasonable price to the producers thereof, taking into account: (1) the direct cost of production, including hired labor; (2) the reasonable value of the time, skill, and experience of the individual producing such commodity or commodities; (3) a fair return upon essential invested capital; (4) continuation of the American family farm pattern of agricultural production; and (5) other appropriate factors, including compensation comparable with that of other persons engaged in other means of earning a livelihood for themselves and their families, the Board shall announce the receipt of said petition or its findings and determination and promptly thereafter shall initiate and conduct a referendum among producers of such agricultural commodity to determine whether or not said producers favor the establishment of a representative marketing committee of the producers of said commodity to be chosen by such producers for the purpose of negotiating with purchasers of the commodity to determine a fair minimum price or nonprice terms for the sale and purchase of said commodity. If the Board determines that such agricultural commodity is commercially produced in a lesser area than the entire United States it shall so state in its announcement and define the boundaries of the lesser area by States or political subdivisions of States. Commodities of the same general class or which are used wholly or in part for the same purpose may be treated as a separate commodity for the purposes of this title.

(b) All phases of said referendum, including preparation and distribution of ballots, establishment of voting places and procedures defining the further qualification of producers eligible to vote, the tallying of the vote upon the issue of whether or not a marketing committee shall be created and authorized and the number of the initial members of the marketing committee for said commodity as hereinafter provided shall be prepared and conducted by the Board.

(c) Said referendum ballot shall contain the names of at least twice as many persons as the membership of the proposed initial marketing committee, to be selected by the Board from recommendations submitted to it by the Agricultural Stabilization and Conservation County Committees established by section 8(b) of the Soil Conservation and Domestic Allotments Act, as amended, in which capacity such Committees shall merely act as conduits, transmitting to the Board the names of all eligible candidates. The membership of the marketing committee shall be elected at large or the whole area may be divided into divisions or subareas and the number of members to be selected from each division or subarea to be elected by the eligible producers resident in such division or subarea shall be fixed by the Board. No person shall be eligible to vote for or serve on any marketing committee unless more than 60 per centum of his annual gross income received from production during each of the preceding three calendar years has been derived from farming or ranching as owner operator or lessee-operator and the commodity named in the Board's announcement constitutes a significant portion of the total farming or ranching operations of said proposed marketing committee member.

(d) If a majority of producers eligible to vote and voting in said referendum shall approve the establishment of such a marketing committee, the Board shall so publicly announce and shall promptly notify the persons elected as the initial members of said marketing committee that a meeting of said committee will be convened at a time and place, either in Washington, District of Columbia, or elsewhere, for the purpose of organizing and planning the work of the committee.

(e) Concurrently with its announcement of the creation of a marketing committee as provided for in this title, the Board shall give notice to prospective purchasers of such commodity and request such prospective purchasers to select a purchasers committee for the purpose of participating in negotiating a minimum price at which said commodity shall be offered for sale and sold by the producers thereof and negotiating nonprice terms of such sales.

(f) If prospective purchasers do not select a committee which is fairly representative of all prospective purchasers of the commodity within thirty days after date said invitation was issued by the Board, or within such additional period as the Board may fix, the Board is authorized to select a committee which it determines is fairly representative of all commercial purchasers of said commodity. The Board is authorized to fix the time and place of a meeting or meetings of the marketing committee and the purchasers committee for the purpose of negotiating a minimum price at which such commodity is to be offered for sale and sold by producers and on nonprice terms of such sales. The marketing committee and the purchasers committee shall bargain in good faith during such meeting or meetings. The marketing committee shall also invite the Chairman of the President's Advisory Council on Consumer Problems to designate one or more persons to represent the interest of consumers in said meeting and to present such data and information, recommendations and suggestions on behalf of consumers as said consumer representatives deem desirable.

(g) The Board and the Secretary of Agriculture are authorized and directed to make available to the marketing and purchaser committees such information, statistics, and assistance as are reasonably available to them and will assist in determining the facts relating to the production and marketing of said agricultural commodity and a fair and reasonable minimum price. But no employee of the Board or of the Department of Agriculture shall participate in any meetings of such committees except that the Board or its delegate may act as an arbitrator in any bargaining negotiations between the marketing and purchaser committees if invited by a majority vote of the membership of both committees and both committees accept the terms and conditions prescribed by the Board concerning the scope and nature of its participation in such negotiations.

(h) If less than a majority of the producers eligible to vote and voting in the referendum favor the establishment of a marketing committee, the Board shall make public announcement of that fact and shall not take any further action to establish a marketing committee for that commodity during the current marketing year or season. The Board shall, however, be authorized to submit a referendum to the producers within the same area applicable to a subsequent marketing year or season, except that if a majority of said producers voting fail to vote in favor of a marketing committee in three successive referendums, the Board shall take no further action to establish a marketing committee for said commodity produced within said area unless at least 20 per centum of the producers of said agricultural commodity in such area shall sign and submit to the Board a petition requesting another referendum.

(i) Each marketing committee constituted pursuant to this title shall be authorized and empowered—

(1) to establish the minimum price by size, grade, quality or other type of condition, and other nonprice terms of sale, and the date upon which said price and terms shall become effective, for the agricultural commodity described in and produced within the area defined in the Board's announcement, in accord with agreements reached after negotiations with representatives of prospective purchasers of such commodity as provided in this title; or, if said representatives of the prospective purchasers of the product fail or refuse to negotiate, or, if after a reasonable period of negotiations in good faith as determined by the Board, the parties fail to agree upon a minimum price, then the Board shall promptly offer and provide such conciliation and mediation services to the marketing committee and purchasers committee as may be useful and helpful in bringing them to agreement. If such agreement is not thereupon reached within thirty days, the issues under dispute shall be submitted to a joint settlement committee to be selected as follows: One member to be chosen by the marketing committee, and one member by the purchasers committee, and the third member to be chosen within five days by the first two. If the first two members cannot agree upon such third member within such period, the latter shall be a neutral appointed by the Board. The Board may apply to the appropriate Federal district court to compel action unlawfully withheld or unreasonably delayed under this section. The joint settlement committee shall proceed to resolve such issues, allowing the marketing committee and purchasers committee reasonable opportunity to present pertinent information and argument, through submission of written data, views, or arguments, with or without opportunity to present the same orally in any manner. The decision of the joint settlement committee on the issues in dispute shall be judicially reviewable in the appropriate Federal district court to the extent provided hereafter. The reviewing court shall hold unlawful and set aside decisions found to be (1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with this Act; (2) affected with bias or prejudice on the part of the neutral member of the joint settlement committee; (3) in excess of jurisdiction or authority granted under this Act; or (4) without observance of procedures required herein;

(2) to announce said minimum price and the effective date thereof of the commodity by any one or more of the usual and available media of publication and communication;

(3) to establish reasonable rules for the operation of the committee, including the rules and procedures for the election of their successors and to fill vacancies on the committee;

(4) to establish terms of service on the committee;

(5) to request the Board to submit referendums to producers from time to time for the committee's guidance;

(6) after the second year or season of its operations, to recommend to the Board a reasonable assessment on the producers of the commodity, by unit or by value, for the cost of carrying on the activities of the committee, to be assessed and collected by the Board through the committees established by section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended;

(7) to recommend to the Board that injunctive or related actions be instituted to prevent any buyers from purchasing or any producers from selling the commodity at less than the minimum price established under this section or in violation of other, nonprice terms of sale so established; and

(8) to establish additional penalties for violation of section 103(k) by producers after approval in a referendum by a majority of producers eligible to vote and voting.

(j) All marketing committees created pursuant to this title shall cease to have any authority and shall be dissolved by the Board after three years from the date of its first meeting if, during the third year of said three-year period, at least a majority of the producers then eligible to vote and voting fail to vote in favor of the continuation of the marketing committee in a referendum conducted by the Board.

(k) In order to effectuate the purposes of this title, no producer shall offer to sell or sell and no buyer shall offer to purchase or purchase from a producer said commodity at a price lower than the minimum price agreed upon and fixed by the marketing and purchasers committees or, in the absence of an agreement by said committees, at the price established by the joint settlement committee under this section. Compliance by a producer with the minimum prices established by a marketing committee under this title for a commodity shall be established by the Secretary as a condition of eligibility for price support, loans, purchases and other similar payments authorized under any other Act.

Sec. 104. All producers of a commodity covered by the provisions of this title for which a marketing committee has been elected shall keep such records and furnish such reports with respect to production, storage, marketing and other relevant matters as the marketing committee may require; and all persons purchasing or acquiring possession of any such commodity shall supply such information concerning such commodity as the marketing committee finds to be necessary to enable it to carry out the provisions of this title. Any such person failing to make any report or keep any record as required by this subsection or making any false report or record shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500.

Sec. 105. Notwithstanding the foregoing provisions of this title the Board may, with the approval of the marketing committee, if it deems such action will not substantially interfere with the achievement of the purposes of this title or the effective operation of the marketing committee, determine for any agricultural commodity a uniform amount of production (in terms of acreage, production units or commodity units) per form which may be marketed in specified markets free of restriction for all uses or limited uses.

Sec. 106. Injunctive proceedings or other penalties provided for by this title shall be brought by the Board in the name of the United States. The several district courts of the United States are vested with jurisdiction of such suits, and it shall be the duty of the United States attorneys in their respective districts, at the request of the Board and under the direction of the Attorney General, to prosecute such proceedings. The remedies and penalties provided for herein shall be in addition to and not exclusive of any of the remedies or penalties under existing law.

Sec. 107. To effectuate the purposes of this title, the Board is directed and authorized to pay the costs of conducting any referendum required to be submitted to producers, including the cost of publishing notice in newspapers, radio, and television announcements, posting notices throughout the area, giving notices to prospective purchasers of the commodity, pay the costs of operation of the marketing and purchasers committees including a meeting room, temporary clerical and stenographic assistance, necessary transportation, meals and housing costs of members while traveling to and attending such meeting or any adjournment or continuation thereof.

Sec. 108. The decision of the Board with respect to the boundaries of the area and the commodity to be affected by his announcement and the results of the referendum conducted pursuant thereto shall be final.

Sec. 109. There is authorized to be appropriated to the Board such sums as Congress may from time to time determine to be necessary to enable it to carry out the purposes of this title I including the reasonable and necessary expenses and per diem of any marketing committee elected by the producers of a commodity. Obligations may be incurred in advance of appropriations therefor and the Commodity Credit Corporation is authorized to advance from its capital fund such sums as may be necessary to implement this title during any current fiscal year.

Sec. 110. No bargaining or negotiating activities by a marketing committee pursuant to this title and no price agreement reached as a result of such negotiations and bargaining shall be deemed to be in violation of any of the antitrust laws of the United States.

Sec. 111. Whenever a marketing committee shall have established a minimum price for any commodity and thereafter shall also determine that the total supply of said commodity produced within the defined area will so substantially exceed the effective demand for said commodity during the market year as to nullify or defeat the purposes of this title, said marketing committee, in consultation with the Board and the Secretary of Agriculture, shall develop a plan or program of marketing allotment, with or without acreage or production limitations, and shall request the Board to submit said plan or program by referendum to the producers of said commodity within said defined area for the approval or rejection of said producers. If a majority of producers eligible to vote and voting in said referendum approve said plan or program, the Board shall instruct the Secretary of Agriculture to proceed immediately to put said plan or program into effect.

SEC. 112. The Secretary of Agriculture is hereby authorized to establish all reasonable rules and regulations necessary to effectuate such plan and program, including the fixing of reasonable penalties for the violation of said rules and regulations. The Secretary is further authorized to use any existing authorities available to him for the purpose of putting said plan or program into effect and, in the event he determines that he is without sufficient authority to effectuate any part of said plan or program, the Secretary is directed to suggest enabling legislation before the Congress of the United States.

SEC. 113. For the purposes of this title, the following definitions shall apply:

(1) "Secretary" shall mean the Secretary of Agriculture.

(2) "Commodity" shall mean any agricultural commodity or any regional or market classification, or product thereof, the initial sale of which is customarily made by the producer, or his cooperative, or other marketing representative, and shall further include a combination of agricultural commodities of the same general class which are used wholly or in part for the same purpose. The plural shall be included whenever the context so requires.

(3) "Total supply" of any agricultural commodity for any marketing year shall be the carryover at the beginning of such marketing year, plus the estimated production of the commodity in the United States during the calendar year in which such marketing year begins and the estimated imports of the commodity into the United States during such marketing year.

(4) "Marketing year" for an agricultural commodity shall be any period determined by the Board during which substantially all of a crop or production of such commodity is normally marketed by the producers.

SEC. 114. If any provision of this title, or any section thereof, is declared unconstitutional or the applicability thereof to any person, circumstance, commodity, or product is held invalid, the validity of the remainder of this title and the applicability thereof to other persons, circumstances, commodities or products, shall not be affected thereby.

TITLE II—MARKETING ORDERS

SEC. 201. The Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended as follows:

(1) Section 8c(2) is amended by inserting after the third sentence ending with the words "Southwest production area." the following: "Notwithstanding any of the commodity, product, area, or approval exceptions or limitations in the foregoing sentences hereof, any agricultural commodity or product (except canned or frozen products) thereof, or any regional or market classification thereof, shall be eligible for an order, exempt from any special approval required by the preceding sentences hereof, if after referendum of the affected producers of such commodity the Secretary finds that a majority of such producers voting in such referendum favor making such commodity or product thereof, or the regional or market classification thereof specified in the referendum, eligible for an order: *Provided, however,* That such referendum shall not be required for any commodity or product for which an order otherwise is authorized under the preceding sentences of this subsection (2) and for which no special approval or area limitation is specified therein."

(2) Section 2(3) is amended by inserting "such minimum prices and other terms and conditions for the acquisition of commodities by handlers as are provided for in section 8c(6) (J)," immediately after "establish and maintain".

(3) Section 8c(5) (A) is amended by inserting "by collective bargaining in good faith (including provisions for the designation, by election of committees of producer representatives to bargain with handlers, or groups of handlers), or otherwise," after the phrase "method for fixing."

(4) Sections 8(c) (6) (A), (B), (C), (D), and (E) are amended by inserting ", species or other classification" after the words "grade, size, or quality" wherever the latter words appear.

(5) Section 8c(6), as amended, is further amended by adding the following at the end thereof:

"(J) Providing a method for establishing by collective bargaining in good faith between producers and handlers (including provision for the designation by election of committees of producer representatives to bargain with handlers or groups of handlers), the minimum price or prices and other minimum terms and conditions under which any such commodity or product, or any grade, size, quality, variety, species, container, pack, use, disposition, or volume thereof may be acquired by handlers from producers or associations of producers: *Provided,* That no such minimum price or prices or other terms and conditions shall become effective unless agreed to by handlers who during the preceding marketing year acquired from producers at least 50 per centum of the commodity sold by producers which was produced in the production area subject to the order and unless thereafter approved by the Secretary of Agriculture: *Provided further,* That if the Secretary of Agriculture finds that the parity price of any such commodity, other than milk or its products, for which such minimum prices or other terms or conditions are to be established is not adequate in view of production costs, prices to consumers, and other economic conditions which affect market supply and demand for such commodity subject to such order (including any marketing limitation of the commodity otherwise provided by such order), the Secretary of Agriculture shall determine a price or prices for such commodity at such levels as he finds will insure a sufficient market supply of the commodity, reflect such factors, and be in the public interest, and such price or prices shall be used in lieu of the parity price for the purpose of section 2 of this title: *Provided further,* That the agency designated to administer provisions authorized under this subsection shall be a committee primarily composed of producers of the commodity: *And provided further,* That an order containing provisions authorized under this subsection shall also contain provisions authorized under section 8c(6) (K) or section 8c(7) (E), or both, if the Secretary of Agriculture finds that such combination of provisions is necessary to provide an equitable distribution of market opportunity and returns among producers.

"(K) With respect to orders providing for minimum prices on a classified use basis (i) providing for the payment to all producers or associations of producers of uniform minimum prices for the commodity or product marketed by them (within their allotments, if any), irrespective of the use or disposition thereof, subject, however, to adjustments specified by the order, including but not limited to adjustments for place of production or delivery, grade, condition, size, weight, quality, or maturity, or any other adjustments found to be appropriate to provide equity among producers, and (ii) providing a method for making adjustments in payments as among handlers (including producers who are also handlers), to the end that the total sums paid by each handler shall equal the value of the commodity or product purchased or acquired by him at the classified use minimum prices fixed pursuant to such order."

(6) Section 8c(7), as amended, is further amended by adding the following at the end thereof:

"(E) Notwithstanding any other provisions of this title—

"(1) allotting, or providing methods for allotting the quantity of such commodity or product or any grade, size, or quality thereof, which each producer may be permitted to market or dispose of in any or all markets or use classifications during any specified period or periods on the basis of (i) the amount produced or marketed by such producer or produced on or marketed from the farm on which he is a producer in such prior period as the Secretary of Agriculture determines to be representative, subject to such adjustment for abnormal conditions and other factors affecting production or marketing as the Secretary may determine, or (ii) the current quantities available for marketing by such producer, or (iii) any combination of (i) and (ii), to the end that the total allotment during any specified period or periods shall be apportioned equitably among producers. Allotments hereunder may be in terms of quantities or production from given acres or other production units. If the Secretary determines that such action will facilitate the administration of a marketing order hereunder and will not substantially impair the effective operation thereof he may fix, or provide a method for fixing, a minimum allotment applicable to producers and producers whose production does not exceed such minimum shall not be subject to the regulatory provisions of the order except as prescribed therein;

"(2) any producer for whom an allotment is established or refused under the authority of this subsection may obtain a review of the lawfulness of his allotment as prescribed by the order of the Secretary establishing the allotment and rules and regulations thereunder, which shall constitute the exclusive procedure for review thereof and section 8c(15) (A) of this title shall not apply thereto. Under such order, rules or regulations any officers or employees of the Department or any committees or boards created or designated by the Secretary of Agriculture may be vested with authority to perform any or all functions in connection with such review proceedings including ruling thereon. Committees or boards created or designated for this purpose shall be deemed agencies of the Secretary within the meaning of subsection 8c(7) (C) and section 10 of this title. The ruling upon such review shall be final if in accordance with law. The producer may obtain a judicial review of such ruling in accordance with the provisions of section 8c (15) (B) of this title;

"(3) when allotments for producers are established under this subsection the order may contain provisions allotting or providing a method for allotting the quantity which any handler may handle so that any and all handlers will be limited as to any producer to the allotment established for such producer, and such allotment shall constitute an allotment fixed for each handler within the meaning of section 8a(5) of this title."

(7) Amend section 8c by adding at the end thereof a new paragraph (20) as follows:

"(20) PRODUCER ADVISORY COMMITTEES.—The Secretary of Agriculture may establish a producer advisory committee with respect to any commodity, or group of commodities, for which a marketing order is potentially authorized. Such committee shall be composed of producers of the commodity or commodities for which the committee is established. Such committees may be called on by the Secretary of Agriculture to provide advice and counsel with respect to the initiation of proceedings for the promulgation of a marketing agreement or marketing order for such commodity or commodities and may also formulate specific proposals for purposes of a public hearing concerning such a proposed marketing agreement or marketing order. The establishment of such a committee shall not, however, be deemed necessary to the initiation of any such proceeding to promulgate a marketing agreement or marketing order."

(8) Amend section 10(b)(2) by adding at the end thereof a new subparagraph (iv) as follows:

"(iv) If the order contains provisions authorized by section 8c(6)(J) or section 8c(7)(E) it shall provide that the assessments payable by handlers under subsections (i) or (ii) shall initially be payable pro rata by the producers of the commodity to such handlers thereof, who shall be responsible for the collection thereof from producers and payment to the authority or agency established under such order."

Sec. 202. Nothing in this title shall supersede the provisions of other statutes relating to marketing quotas, acreage allotments or limitations, or price support, with respect to agricultural commodities and no action taken or provisions in an order issued under this title shall be inconsistent with the provisions of such other statutes or actions taken by the Secretary of Agriculture under such other statutes.

The analysis presented by Mr. Mondale is as follows:

Section-by-Section Analysis of the National Agricultural Bargaining Act

TITLE I. NATIONAL AGRICULTURAL BARGAINING ACT

Section 101. *Policy and Findings.* Farmers do not have the opportunity to bargain effectively for a fair and reasonable return for their production, because of an inherently weak economic position.

Section 102. *National Agricultural Relations Board.* This independent five-member Board, appointed by the President with Senate confirmation, is established to provide administrative, technical, and supporting assistance to farmer Marketing Committees and Purchasers Committees. It does not represent either farmers or buyers. It would administer farmer referendums and assist the Committees in holding meetings.

Section 103. *Marketing Committees.*

Section 103(a). *Petition and Referendum.* When the Board receives a petition from the producers of a particular agricultural commodity, stating that the average market price is below a fair and reasonable level, it shall proceed to conduct a referendum among producers to determine whether a Marketing Committee should be established and who should be elected to that Committee. The Board may also initiate a referendum upon its independent determination that the market price is below a fair and reasonable price. This procedure may be used for any commodity or commodity group.

Section 103(b). *Referendum.* The Board supervises and administers all phases of the balloting, including voting qualifications in addition to 103(c).

Section 103(c). *Voting and Candidates.* ASC County Committees will act conduits in furnishing names of candidates to the Board, which shall include on the ballot at least twice as many as will be elected. Candidates may be elected at large or from lesser subdivisions. Basic eligibility for voting and membership requires that at least 65% of income must be from farming or ranching, and the particular commodity must be a "significant portion" of the farming operation.

Section 103(d). *First Meeting.* Upon a majority referendum vote, the Board will convene the first meeting of the Marketing Committee.

Section 103(e). *Notification to Prospective Buyers.* The Board must notify prospective purchasers of the existence of the farmer Marketing Committee, requesting them to select a Purchasers Committee to meet and negotiate price and nonprice terms of sale of the particular commodity involved.

Section 103(f). Board is authorized to fix the time and place of a meeting between the Purchasers Committee and the Marketing Committee. The Marketing Committee must invite consumer representatives to present the viewpoint and information on behalf of consumers at such meetings.

Section 103(g). Statistical and factual data are to be supplied to the respective Committees by the Board and USDA. Provides that the Board may act as an arbitrator if both Committees invite its participation and if both Committees accept the Board's conditions.

Section 103(h). *Failure of Referendum.* Provides procedures for resubmission through referendum on the questions of establishing the Marketing Committee and the membership in following years.

Section 103(i). *Powers of the Marketing Committee.*

Establish minimum price and nonprice terms of sale pursuant to agreements in negotiations.

Where negotiations for whatever reason do not result in a minimum price, the Board is required to mediate the dispute. If this does not lead to agreement within 30 days, the disputed issues are referred to a Joint Settlement Committee composed of a Purchasers representative, a farmers representative, and a neutral selected by each. The Joint Settlement Committe, after reasonable opportunity for the parties to be heard, must decide the questions at issue, and its decision is judicially reviewable.

Other powers dealing with operation of the Marketing Committee, and enforcement of their responsibilities. See also Section 111.

Section 103(j). *Dissolution of Marketing Committees.* Provides for termination of a Marketing Committee unless approved by referendum every three years.

Section 103(k). Prohibition. Prohibits the sale or purchase of the commodity below the established price.

Section 104. Recordkeeping. Farmers are required to keep certain records to aid in carrying out the Marketing Committee's functions.

Section 105. Exemption. The Board may, with the approval of the Marketing Committee, where it will not interfere with the purposes of this Act, allow some farm production in the commodity to be marketed for specific markets outside the limitations of this Act.

Section 106. Injunctions and District Courts. Injunctive proceedings provided, through U.S. Attorneys in U.S. District Courts.

Section 107. The Board is required to pay for and conduct all referenda, and cost of operation of the Marketing Committee.

Section 108. The Board's decisions on the boundaries of marketing areas, the scope of the commodity, and the results of the referenda are final.

Section 109. Appropriation authorization,.

Section 110. Antitrust exemption.

Section 111. Supply Control. Provides that the Marketing Committee, when necessary to achieve the purposes of the Act, may prepare in consultation with the Board and the Secretary of Agriculture a plan of marketing allotments, with or without acreage or production limitations, for submission to farmers for approval in a referendum. If approved, the Secretary of Agriculture will administer the program.

Section 112. Authorization for the Secretary to implement the plan approved under Section 111.

Section 113. Definitions.

Section 114. Separability.

TITLE II. MARKETING ORDERS

Section 201. Amends the Agricultural Marketing Agreement Act of 1937, as amended, in eight respects, as follows:

Section 201(1). Amends Section 8c(2) to make any additional agricultural commodity or product (except canned or frozen products) eligible for a marketing order if the Secretary, after a special preliminary referendum of affected producers, finds that a majority of those voting favor making that commodity or product eligible for such an order.

Sections 201(2) and 201(5). Provide authority to include in marketing orders provisions establishing a method of establishing, by collective bargaining (including provisions for the designation by election of committees of producer representatives to bargain with handlers of groups of handlers), minimum prices and terms and conditions under which handlers may acquire a regulated commodity or product thereof (other than milk and its products) from producers or associations of producers. The minimum prices and other terms prior to becoming effective would have to be agreed to by the handlers of 50 per cent of the commodity and would be subject to approval by the Secretary.

These provisions also specify special pricing standards to be the statutory objective for such price determining purposes if the Secretary finds that parity for a regulated commodity is not adequate. The alternative pricing standard would take into account factors such as production costs, prices to consumers, and other factors affecting supply and demand for the commodity, including any limitations or marketings that may otherwise be included in the marketing order.

In addition, Section 201(5) would authorize the pooling of proceeds of sale of a commodity other than milk when minimum prices are established on a use-classification basis. If the Secretary found that pooling and producer marketing quotas were necessary in conjunction with pricing provisions to provide equitable distribution of returns and market opportunity among producers, he could require the use of such combined authority.

Section 201(3). Authorizes the establishment of minimum pricing for milk through a collective bargaining process.

Section 201(4). Amends Section 8c(6)(A) through (e) by adding "species or other classification" after "grade, size, or quality" to make this regulation available by such categories with respect to livestock and other commodities.

Section 201(6). Adds a section 8c(7)(E) to:

(1) authorize the Secretary to issue producer allotment bases for any commodity including milk on the basis of (i) the amount produced or marketed by such producer or from the farm on which he is a producer in a representative prior period, subject to adjustment for abnormal conditions and other factors the Secretary may determine, or (ii) the current quantities available for marketing by such producer, or (iii) any combination of (i) and (ii) that will result in the total allotment being apportioned equitably among producers. A minimum allotment could be fixed for producers whose production does not exceed that amount.

(2) establish an administrative procedure, with subsequent court review, for reviewing the lawfulness of a producer's allotment. This would be similar to the section 8c(15)(A) and (B) review procedure for handlers.

(3) specify that a handler may not handle more of a producer's allotment base than is authorized to be marketed.

Section 201(7). Section 8c(2) to authorize the Secretary to establish a producer advisory committee for any commodity to provide advice on starting proceedings to promulgate a new order and formulate specific hearing proposals.

Section 201(8). Provides that orders containing price bargaining or producer allotment provisions under proposed Section 8c(6)(j) or Section 8c(7)(E) (see items 5, 6) would impose administrative assessments pro rata on producers, payable through handlers to the agency administering the order. Handlers would have the responsibility of collection from producers.

Section 202. Would make it clear that the new authorities provided by Title II shall not supersede the provisions of other statutes relating to marketing quotas, acreage allotments or limitations, or price support and that no action taken or any provision of an order issued under Title II shall be inconsistent with such other statutes or actions taken by the Secretary thereunder.

S. 813—INTRODUCTION OF BILL TO PROVIDE FOR CONTINUATION OF AUTHORITY FOR REGULATION OF EXPORTS

Mr. SPARKMAN. Mr. President, I introduce, for appropriate reference, a bill to provide for continuation of authority for regulation of exports. I ask unanimous consent that a statement of purpose and need for the proposed legislation be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The bill (S. 813) to provide for continuation of authority for regulation of exports, introduced by Mr. SPARKMAN, was received, read twice by its title, and referred to the Committee on Banking and Currency.

The statement presented by Mr. SPARKMAN is as follows:

STATEMENT OF PURPOSE AND NEEDS FOR LEGISLATION

This proposed legislation would extend until June 30, 1973, the Export Control Act of 1949, as amended (50 U.S.C. App. §§ 2021–2032), which is now scheduled to expire by its terms on June 30, 1969.

The Export Control Act authorizes the President to regulate exports from the United States to the extent necessary to safeguard our national security and domestic economy and to further our foreign policy. The Department of Commerce administers the Act by delegation of authority from the President. Under current administrative policies and procedures, specific export licenses, issued on the basis of applications submitted by exporters, are required for exports of certain strategic commodities and technical data to destinations other than Canada, in order to prevent the Sino-Soviet bloc from obtaining them by direct or indirect means from United States sources. Practically all exports are prohibited to Cuba, Communist China, North Korea, and North Viet-Nam in accordance with our security and foreign policy interests.

Exports to friendly nations are encouraged and are kept free of restrictive export controls except to the extent necessary to prevent diversion of U.S. commodities to unauthorized destinations or an excessive drain of materials in domestic scarce supply or other significant frustrations of U.S. export control objectives.

In view of prevailing world political tensions and uncertainties, it would be very harmful to our security and foreign policy interests to allow the authority to restrict strategic exports to lapse, as it will if the Export Control Act is permitted to expire next June 30. Realistically, a need for control over exports of strategic commodities will probably continue for some time in the future. The United States should not be left without authority to exercise such control. The Act provides the flexibility necessary to permit changes to be made in the scope and direction of export controls, as and when conditions change.

We urge consideration of the enclosed draft bill by the Congress as early in this session as possible, in view of the Act's scheduled expiration on June 30, 1969. Prompt passage of the legislation is needed in the United States or abroad concerning the continuance of this important facet of our economic defense program.

S. 817—INTRODUCTION OF BILL TO PROVIDE FOR STRIKE BALLOTS IN CERTAIN CASES

Mr. FANNIN. Mr. President, on behalf of myself and other Senators, I introduce, for appropriate reference, a bill to give union members a voice in determining whether they wish to remain on strike. I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 817) to provide for strike ballots in certain cases, introduced by Mr. FANNIN (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act—

(1) The term "Board" means the National Labor Relations Board.

(2) The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(3) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any territory of the United States and any State or other territory, or between any foreign country and any State, territory, or the District of Columbia, or within the District of Columbia or any territory, or between points in the same State but through any other State or any territory or the District of Columbia or any foreign country.

(4) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

(5) The term "strike" includes any concerted stoppage of work by employees, including a stoppage by reason of the expiration of a collective bargaining agreement, and any concerted slowdown or other concerted interruption of operations by employees.

SEC. 2. Upon the filing with the Board of a petition therefor signed by at least 20 per centum of the employees in the appropriate bargaining unit or units involved in a strike which has been pending for thirty days or more in any industry affecting commerce, the Board shall conduct a referendum among the employees of such unit or units on the question whether such strike should be continued. If a majority of the employees voting in the referendum vote against the strike, the labor organization representing the employees shall order such employees to discontinue the strike and such strike shall not be resumed until at least ninety days have elapsed following the referendum. If a majority of those voting in the referendum vote in favor of the strike no subsequent petition may be filed under this section until at least sixty days have elapsed following such referendum, and unless such subsequent petition has been signed by at least 30 per centum of the employees in the appropriate bargaining unit or units involved in the strike. In determining whether a petition under this section has been signed by the requisite percentage of employees, such petition shall be deemed to have been signed by any employee whose approval in writing of such petition is filed with the Board not later than thirty days following the filing of the petition.

SEC. 3. Any employee who participates in a strike which has been continued, or resumed prior to the expiration of ninety days, after a majority of the employees in the appropriate bargaining unit or units involved in the strike voting in the most recent referendum conducted with respect to such strike under this Act shall have voted against such strike, shall not during the existence of the strike or thereafter, unless reemployed or reinstated by the employer, be considered to be an employee of such employee for the purposes of the National Labor Relations Act or the Railway Labor Act.

SEC. 4. Referendums provided for in this Act shall be conducted by the Board, except that the Board may delegate, generally or in specific cases, authority to conduct such referendums to any public or private agency or organization which, in the opinion of the Board, is qualified to conduct such referendums.

SEC. 5. Nothing contained in this Act shall be construed to supersede or modify in any way the requirements of section 8(d) of the National Labor Relations Act.

Mr. FANNIN. I introduced a substantially similar bill in the previous Congress. As I noted at the time, the idea of providing for a secret strike vote is not new. It was recommended to the Congress by President Eisenhower in 1954. What was new about my proposal was that it recognized that there are legitimate reasons why a prestrike vote may adversely affect free collective bargaining. The bill, accordingly, provides for a secret ballot by the workers concerned only on continuing the strike and only after the right to strike has been exercised and the positions of the parties have tended to become stalemated.

Under my proposal a petition for an election to determine whether a strike should continue could not be filed until after a strike had been in effect for 30 days. The bill further provides that no more than one strike-vote election can be held within any 60-day period. The purpose of this proviso is to insure that the union's ability to bargain effectively will continue after a vote favorable to a continuation of the strike.

The bill also contains a provision designed to protect the identity of petitioners. Thus, under this proposal the required percentages necessary for an election could be secured through the filing with the board by individuals of their approval of the petition.

Within these limitations the bill provides workers caught in a protracted bargaining stalemate with a means of ending a strike which has gone beyond the point of economic return or, alternatively, with a means of expressing to management and to the public their determination to continue the strike, despite the economic costs.

Mr. President, consider the workers

whose lives and livelihoods are directly affected by these struggles between the giants of labor and the giants of industry. These are the real victims in labor disputes that drag on in long and costly strikes. I know about these workers because we had more than 10,000 of them in the State of Arizona—the victims of a copper strike who still have not recovered from the long strike. My distinguished colleagues from New Mexico, Montana, Nevada, and Utah, as well as the other copper-producing States, had thousands more of these "forgotten men" in their constituencies.

The situation in the copper industry was symptomatic of a nationwide problem that can affect almost every working man and woman in America. Consider the copper worker who endured months of enforced idleness. And think also of what the situation is in other industries around the Nation. I think it can be said with accuracy that almost any time a strike lasts more than 30 days, the worker stands to lose more than he can gain. Take the recent Ford strike, for example. It will take the average automobile production worker at Ford many, many years to make up what he lost during those 46 days of enforced idleness.

Take the machinists' strike against the major airlines during the summer of 1966—73 days of enforced idleness. Who won? Only the high chiefs of the IAM—they showed them who was top dog, all right. And they showed the general public too and thousands of vacationers who had to give up their vacation plans or who were left stranded around the country.

Take the strike in the rubber industry last year—107 days of enforced idleness. Or the long steel strike in 1959. Or the General Motors strike in 1964—it is the same story right down the line. Who wins? Well, really nobody wins in a strike, but in each instance the union high command shows who is running the ball game, who has the economic stranglehold. And who loses? The worker. Every time, it is the worker.

Strikes are becoming not only more frequent, but they are becoming more severe. The length of strikes has tended to increase in many instances. Stubborn issues affecting the prerogatives of both labor and management have impeded the settlement of many strikes. In such protracted strikes the forgotten man has become the striking worker, who has paid the price in lost earnings while the unions and management have struggled for power.

I note, for example, taking available data for the first 10 months of 1968 and comparing it with the same period in previous years, that the number of strikes taking place during the first 10 months of 1963 was only 3,143, while the number going on during the first 10 months of 1968 was 4,630. In 1967, the number had been only 4,210. But, and this is the crux of the matter, Mr. President, the number of man-days of working time lost has been higher in recent years than at any time since 1959, when we had the long, disastrous strike in the basic steel industry.

In the first 10 months of 1963, we lost some 13.7 million working days. In January through October 1967, we lost 36.4 million man-days. In the same period in 1968, we lost 38.5 million.

Now it may seem of no great significance, Mr. President, that we lost more man-days in 1968 than in 1967. We had more strikes and a greater loss was to be expected. But in the 1967 period, we had 2,590,000 workers on strike while in 1968 we have had only 2,170,000 workers idle. So the number of days lost per worker rose quite sharply between last year and this. This is the significance of these data, Mr. President.

Strikes are getting longer, harder to settle, and less and less meaningful to the workers involved in terms of economic gain. It is less and less often a day or two on the picket line and a return to a fattened pay envelope. More and more often, a strike involves weeks of unemployment and lost production: repossessed automobiles and lost profits: foreclosed mortgages and bankrupt businesses.

I think that the time is at hand when the Congress will stop automatically labeling any bill which the union leaders oppose as an "antilabor" bill and consider each such bill on its merits. Is it not just as important to protect the rights of workers to vote for an end to a strike as it is to protect their right to strike? If they strike and it proves to have been a mistake, must they, their families, management, and the public suffer the results indefinitely, with no opportunity for them to reconsider, when the point of economic return for all parties involved has been reached and passed?

I sincerely hope, Mr. President, that my bill will receive early and fair consideration on its merits, and that this Congress, like the striking workers, be given an opportunity to vote the issue, up or down.

Mr. President, I ask unanimous consent that there be included in the Record an article appearing in the Evening Star of January 13, 1969, showing the hours lost in strikes in 1968.

There being no objection, the article was ordered to be printed in the Record, as follows:

Hours Lost in Strikes in 1968 Most Since 1959

(By Richard Critchfield)

Last year's rash of strikes—fed by wage demands to offset inflationary living costs and technological changes—made 1968 the worst year for working hours lost since 1959, the Bureau of Labor Statistics announced today.

The bureau also reported that the total number of strikes last year, 4,950, was 7 percent higher than in 1967 and the highest number in 15 years.

The number of workers involved, however, was down to 2.6 million from 2.9 million in 1967.

Thirty-three of the strikes involved more than 10,000 workers. The average employe involved was idled 10 days.

Wage settlements average what President Johnson's Committee on Price Stability in its final report called a "disturbing" rise of 6.5 percent. The committee conceded there is no longer any possibility of holding wage increases to the 3.2 percent a year justified by improvements in productivity.

This appeal has fallen on deaf ears. President-elect Nixon has condemned the guideposts as focusing on symptoms rather than the underlying causes.

Organized labor contends businessmen should absorb more of the cost increases without raising prices by holding down their profit margins.

The business community has counterattacked by trying to win bipartisan support in Congress for legislation to deal with crucial stoppages in a way more satisfactory than temporary injunctions and has pushed for other measures to curb labor's power.

This division in opinions, coupled with intensified pressures from inflation and urban crisis problems, suggests the outlook is for more strikes in 1969, not less.

Last year's biggest strike—at American Telephone & Telegraph Co.—involved a quarter of a million telephone operators and maintenance men in Illinois. It lasted a near-record 137 days.

Teachers' strikes became a major labor development in 1968. In March, school systems were struck for 19 days in Florida and a day each in Pennsylvania and Oklahoma. They centered on demands for higher wages.

In contrast, the 54-day New York City teacher's strike last fall was mainly a contest between teachers and Negro parents over control of inner city schools.

There were major 1968 strikes in steel, railroad, metal, aluminum, automobiles and chemicals; 47,000 workers in the glass container industry staged a 56-day walkout; and more than 50,000 bituminous coal miners struck for 10 days in January and for 13 days in October.

New York City had its worst year of labor disputes. Its taxi drivers started it all by leaving thousands of travelers stranded for 24 hours on New Year's Day. The city's garbage collectors walked out for eight days in February; dockers left the piers for 11 days in March; telephone operators and maintenance men struck for 47 days in April and May; the teachers followed in September, closing the city's schools for almost three months and the dockers again struck in October, resuming the strike just before Christmas after an 80-day cooling-off period.

S. 818—INTRODUCTION OF BILL TO EXTEND THE VOTING RIGHTS ACT OF 1965

Mr. MATHIAS. Mr. President, I am today introducing, on my behalf and on behalf of Senator Scott and Senator Fong, a bill to extend the application of the Voting Rights Act of 1965 for 5 additional years.

Similar legislation was introduced in the other body on January 30 by Mr. McCulloch, the distinguished ranking minority member of the House Judiciary Committee, Mr. Ford, the distinguished minority leader, and 11 Republican members of the House Committee on the Judiciary.

Mr. President, the Voting Rights Act of 1965 was one of the great milestones of our national advance toward full equality under the law. In enacting that measure, we secured for the first time effective machinery to tear down the discriminatory barriers which for so long had denied millions of Americans the right to vote.

This act was approved only after years of frustrating experience had proved that judicial remedies and the case-by-case approach were inadequate weapons against determined, sophisticated patterns of discrimination.

The Voting Rights Act has worked. During the past few years, nonwhite registration in States and counties covered by the act has increased dramatically. Where only a small fraction of eligible nonwhite adults had been able to register and vote before 1965, we now find substantial and vigorous Negro participation in the political process. Negro candidates have asserted their right to run for offices, ranging from congressional seats to county and town positions, on a more equal footing with whites. Real political competition has emerged in areas where politics used to be the province of a few.

For the first time, the 15th amendment has been effectively enforced throughout the Nation, and millions of Americans have at last begun to enjoy in fact the right to vote which was guaranteed by law a century ago.

The central feature of the Voting Rights Act, which has proved to be the key to its effectiveness, was its "automatic trigger," which suspended the use of literacy tests or other such devices in any jurisdiction in which, as of November 1, 1964, less than 50 percent of the persons of voting age residing therein were registered to vote. Such tests and devices were to be suspended unless it could be shown that, during the preceding 5 years, they had not been used for the purpose or with the effect of denying or abridging the right to vote on the grounds of race or color.

Mr. President, although tremendous progress has been made since 1965, there are ample signs that the right to vote, so long denied, cannot be secured beyond a doubt in 5 short years. New techniques of resistance have emerged, including gerrymandering, at-large elections, consolidation of counties, full-slate voting, abolition of offices, extension of the term of officials, substitution of appointment for election, increase of filing fees, refusal to bond black officeholders, and physical and economic intimidation.

It is difficult enough to deal with these methods of resistance now. Unless we act to extend the application of the Voting Rights Act, within the lifespan of this Congress we may also see the reappearance of the same types of discriminatory tests and devices which were suspended in 1965.

This would be a tragic step backward. It would amount to breaking the solemn promise which we made to the Nation in 1965, the promise that the 15th amendment would be finally and fully enforced.

Mr. President, we should not wait until the last minute to review the operations of the Voting Rights Act, and take the legislative steps required to insure that its full intent will be realized. Thus I am offering this bill today to provide a spur for full hearings and review by the appropriate committee early this Congress, while we still have ample time to discuss and debate rationally.

Let me emphasize that in sponsoring this simple extension of the act, both I and the distinguished Senators, also members of the Committee on the Judiciary, who have agreed to cosponsor this bill, are reserving our rights to sponsor or support any other amendments to the act which we find, after further study and reflection, are appropriate and constructive. Our intent today is simply to call attention to the need for review of the impact of the act and the import of the current 5-year limitation on its effectiveness.

Mr. President, I ask unanimous consent that the text of S. 818 be printed in the Record at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 818) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, introduced by Mr. Mathias (for himself and other Senators), was received, read twice by its title, referred to the Committee on Rules and Administration, and ordered to be printed in the Record, as follows:

S. 818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(a) of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973b(a)) is amended as follows:

In the first and third paragraphs, after the words "during the", strike the word "five" and substitute the word "ten".

In the first paragraph, after the words "a period of", strike the word "five" and substitute the word "ten".

S. 819—INTRODUCTION OF BILL TO EXEMPT SENIOR CITIZENS FROM PAYING ENTRANCE FEES TO NATIONAL PARKS AND RECREATION AREAS

Mr. CANNON. Mr. President, the Federal Government is ofttimes portrayed as a cold, impersonal, structure, largely unresponsive to the needs of individuals or minority groups. We in the Congress realize that an organization as large as our Government is almost certain to draw such criticism. When needs are pointed out, however, Congress often is in the forefront of attempts to assist.

I am introducing today, for appropriate referral, a bill designed to provide a tenth of the Nation's citizens, 20 million people, with an expanded opportunity to enjoy the beauty and splendor of our national parks and forests. These people—our senior citizens—are to a large extent living on fixed, small incomes which in the face of rising costs grow even smaller.

A report which appeared about a year ago said:

> According to the best expenditure data available, older people, who have about half the income of the younger, also spend about half as much as do younger people. However, the proportions of their total expenditures going to various types of goods and services differed considerably. Older consumers followed a pattern more closely related to low income groups in general. For instance, the older units spent proportionately more on food, housing and household operations, and medical care than did the younger units. Younger units, on the other hand, spent proportionately more on house furnishings, clothing, transportation, alcohol, tobacco, recreation and education.
>
> Smaller expenditures by older consumers in many categories probably reflects their low-income position rather than lack of need for the goods or services.

I am aware that the admission fees to Federal recreational areas do not constitute the greatest expense of recreational travel. Nonetheless, I believe that by eliminating the entrance fee for our elderly, we will be expressing, in some small degree, our appreciation for the contributions these people have made during their working years. This is an altogether fitting and proper contribution on our part to their leisure years.

Such action is not without precedent, for in many States and municipalities there are provisions to exempt those over 65 of property or other taxes. The State of Nevada, which has long understood the social and financial requirements of the over-65 group, grants them exemptions from payments of hunting and fishing licenses.

Mr. President, I urge the acceptance by my colleagues of this proposal to make in part a present of our country's magnificent scenery to the golden age people of our Nation.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 819) to exempt citizens who are 65 years of age or over from paying entrance, admission, or user fees, introduced by Mr. Cannon, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 820—INTRODUCTION OF BILL TO INCREASE THE MAXIMUM RATE OF PER DIEM ALLOWANCE FOR EMPLOYEES OF THE GOVERNMENT

Mr. HARRIS. Mr. President, I introduce, for appropriate reference, a bill to increase the maximum rate of per diem allowance for employees of the Government traveling on official business. There is now strong evidence that the present per diem allowance for Government employees is inadequate. Numerous cases are known where the cost of hotel or motel accommodation alone exceeds $16 a day, the minimum allowance under present statutes. The bill I introduce today would increase per diem allowable from $16 to $25 per day. The vast majority of Federal employees now receive the minimum amount of $16 per day while traveling on Government business unless they are traveling into an extremely expensive area. The legislation I introduce today would increase that minimum from $16 to $25 a day, which I believe is a more realistic amount. The legislation also increases the statutory maximum per diem from $30 a day to $50 per day and increases per diem allowances for railway clerks from $10 per day to $18 per day. Mr. President, I feel that these per diem increases are justified, and I, therefore, hope that the Senate will act favorably on this legislation.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 820) to increase the maximum rate of per diem allowance for employees of the Government traveling on official business, and for other purposes, introduced by Mr. Harris, was received, read twice by its title, and referred to the Committee on Government Operations.

S. 821—INTRODUCTION OF MODIFICATION OF CONTRACT FOR SALE OF CERTAIN REAL PROPERTY TO CITY OF LAWTON, OKLA.

Mr. HARRIS. Mr. President, I introduce, for appropriate reference, a bill to permit negotiation of a modification of a contract for sale of certain real property by the United States to the city of Lawton, Okla. The bill I introduce today is intended to correct a situation which has existed for some 42 years and has become a burden on the city of Lawton.

Under the provisions of an indenture signed by the Secretary of the Interior on June 11, 1926, 270 acres of Kiowa, Comanche, and Apache reserve lands were conveyed to the city of Lawton in consideration of the payment, $2,880, and a promise to furnish, without cost to the Government, a sufficient supply of water for domestic use at the Fort Sill Indian School and the Kiowa Indian Hospital.

Since the signing of this indenture, the facilities of the Fort Sill Indian School and the Kiowa Indian Hospital have expanded considerably, which has required the city of Lawton to construct an 8-inch water main to the facilities of the Fort Sill Indian School and the Kiowa Indian Hospital. Also, the daily requirements of the Fort Sill Indian School have now reached approximately 45,000 to 50,000 gallons, which constitutes a sizable expense to the city of Lawton and which would appear to be somewhat beyond the intentions of the indenture agreed to in 1926.

The bill I introduce today would allow the Secretary of the Interior and the city of Lawton to negotiate an agreement under which the United States would pay for such water that is used at the Fort Sill Indian School and the Kiowa Indian Hospital.

I feel that this bill will be fair and just to both parties concerned. It will permit a renegotiation of the contract based upon changed conditions.

A bill identical to the one I introduce today was passed by the Senate last session, however, due to a lack of time, the House was unable to act. I would hope, therefore, that the Senate might act expeditiously this year so that the bill may become law.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 821) to permit negotiation of a modification to a contract for sale of certain real property by the United States to the city of Lawton, Okla., introduced by Mr. HARRIS, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 822—INTRODUCTION OF BILL FOR THE RELIEF OF A. G. BARTLETT CO.

Mr. HARRIS. Mr. President, I introduce for appropriate reference, again this session of Congress, a bill for the relief of the A. G. Bartlett Co.

In a letter to me, dated August 30, 1967, Mr. A. G. Bartlett explained the problem to me as follows: This company was base contractor at Williams Air Force Base, Ariz., from May 1, 1966, through April 30, 1967. At the time the bid offer was submitted and accepted, the minimum wage to be paid to employees per hour was $1.25. On September 14, 1966, Congress passed the Minimum Wage Act calling for an increase of wages to $1.40 per hour. As a result, the A. G. Bartlett Co. suffered a loss of $8,718.53. This bill would reimburse the company for the loss it incurred due to the passage of that act.

Mr. President, I hope that favorable action can be taken on this bill both by the appropriate committees and the Congress during this session, and I ask unanimous consent that the bill be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 822) for the relief of A. G. Bartlett Co., introduced by Mr. HARRIS, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 822

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the A. G. Bartlett Company of Tulsa, Oklahoma, the sum of $8,718.53, in full satisfaction of all claims of such company against the United States for reimbursement for losses incurred under contract numbered AF-02(600)2590, entered into by the United States with such company, such losses having resulted from increased wage costs arising out of an increase in the Federal minimum wage rate imposed after such company had computed its bid and been awarded such contract: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

S. 826—INTRODUCTION OF IMPLEMENTATION OF THE WILDERNESS ACT

Mr. NELSON. Mr. President, I introduce today, for appropriate reference, a bill to add six new areas in three States to the National Wilderness Preservation System. This bill marks the first step to acquire lands in the Midwest and the East under the authority of the 1964 Wilderness Act.

Since passage of the act, 30 proposals have been made to the Congress and already two Forest Service areas have been fully considered by Congress. Acts of Congress have made the San Rafael and San Gabriel Wilderness Areas in California the first two additions to the system.

The bill I am proposing today is almost identical to one I introduced on May 16, 1968. It received hearings by the Senate Interior Committee on June 20, 1968, and was passed by the Senate on July 10, 1968.

Unfortunately, the time remaining was too limited for the other body to consider and complete action, and so I hope this early introduction will allow sufficient time during this Congress for both Houses to act favorably.

The passage of this bill will be another giant step forward in supplementing the unrivaled achievements of this conservation decade.

Since 1960 Congress has recognized the necessity to reverse the tragedies visited on our land and waters by thoughtless despoilers. Only the future can tell whether we have, in fact, stopped this insidious disaster or if we have only postponed the day of reckoning for an eyeblink of time.

The 1960's have seen a rejuvenation in the spirit of fighting for our natural heritage.

By acts of Congress and by executive proclamation we have saved over 3,800,000 acres of land for the National Park System. Over 50 new areas have been added. National seashores, lakeshores, national recreation areas, national trails, and national scenic and wild rivers have been established. Water and air quality standards for all the States to eliminate pollution are almost ready.

Over 40 pollution control enforcement conferences have been called to clean up our interstate waters.

Since 1960 attendance at our national parks has increased by 100 percent from 70 million visitors to 153 million last year.

A definite need has been established that millions need to escape the concrete jungle, the smoke-filled, jammed-up cities, and the deafening clang of the auto-strewn highways if only for an hour or two to regain their strength of spirit.

The contrast I am seeking to preserve will be abrupt and deep for our urban dwellers, but we must act if we are to withstand the pressures of the developer.

This bill would set aside in their present unspoiled and natural state important areas in Wisconsin, Michigan, and Maine.

Two of the six areas proposed will protect existing breeding and nesting grounds for waterfowl. Two other areas in Maine will offer excellent camping and hiking grounds for those who seek to appreciate the beauty of nature at close range. A fifth area contains an unusual land formation, a rarity in the northern part of our Nation, containing strips of a bog forest.

The Wisconsin Islands proposal concerns three islands just off the Door Peninsula in Lake Michigan. They total 29 acres and are in the Green Bay and Gravel Island National Wildlife Refuges. These islands are isolated because of difficult access but they offer an excellent wilderness experience to those who visit them.

The quiet and solitude of these rugged, wave-battered and windswept islands deserve the greatest protection we can offer. The islands are important nesting and breeding areas for a wide variety of waterfowl, including herons and gulls. Their importance was recognized early in this century when they were protected by Executive orders of the President in 1912 and 1913.

The citizens of Wisconsin long have endorsed this proposal for the Wisconsin Islands Wilderness. A hearing was held in 1967 at Sturgeon Bay, Wis., and received unanimous support from local and statewide conservationists for the wilderness. Some 200 written and oral statements were received, all fully endorsing the proposal.

This bill also calls for establishing the Edmunds Wilderness and the Birch Islands Wilderness, containing a total of about 2,780 acres within the Moosehorn National Wildlife Refuge in Maine. This national wildlife refuge is one of the very few Federal areas in the Northeast which is protected for the fisherman, the hunter, the family, or the individual seeking to hike or paddle deep into the woodlands of America. These two wilderness proposals may eventually be the only areas left even in the State of Maine, where the awe-inspiring vastness of the forests and beauty of true wilderness will be guaranteed for generations to come.

In Michigan, the bill calls for protecting three areas, each of which has a unique attraction for visitors. The proposed Seney Wilderness contains about 25,150 acres in the popular Seney National Wildlife Refuge in Schoolcraft County, Mich. A receding glacier formed an outwash plain which now covers approximately two-thirds of the area. Within this area are treeless bogs and topographically oriented strips of bog forest which form an unusual land formation called a string bog. The Seney Wilderness is considered to contain the southernmost example of this unique feature in North America.

Should Congress enact this bill, and I strenuously urge its adoption, this little-used portion of the refuge should enhance the recreational use of the refuge as a result of the national publicity which the wilderness will stimulate.

The second area in Michigan that is proposed in this bill is the Huron Islands Wilderness which contains eight small islands in Lake Superior within the Huron Islands National Wildlife Refuge. These islands are relatively isolated and are seldom visited because of the rough seas and the limited landing locations available. The islands total 147 acres. Two-thirds of the surface of the islands are covered by trees, shrubs, and herbaceous plants while the remainder is barren or moss- and lichen-covered rocks.

The Michigan Islands Wilderness proposal is another group of islands which are also isolated because of difficult access. These three islands total approximately 12 acres and are considered extremely important breeding and nesting grounds for herring and ring-billed gulls. The abundant bird populations and picturesque terrain have unique beauty and are of great interest to the scientist, the student, and the nature lover.

The preservation of these six wilderness areas is a necessary part of our fight to restore quality to our environment.

We must reverse the tragic trend now spoiling our environment. The mountainous quantities of wastes being dumped into our air and water and onto our land each day must cease. We must stop the reckless pollution by tons of pesticides being sprayed into the air, water, and soil. We despoil the countryside and jar our senses with man-made intrusions such as rusting cars, broken glass, and aluminum cans with increasing ferocity.

Setting aside of these six wilderness areas, protecting them forever from the thoughtless disregard by man, is but a small part of what is needed to restore the quality of our environment. If we do not act quickly, few other areas in the Midwest and in the East will be available for protection as wilderness.

Though no mineral wealth is found on these areas, though the land is all federally owned already, and though no cost will be incurred by this designation, these wild lands are priceless. It is to secure the perpetuation of these treasured islands, that I urge your favorable support of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 826) to designate certain lands in the Seney, Huron Island, and Michigan Islands National Wildlife Refuges in Michigan, the Gravel Island and Green Bay National Wildlife Refuges in Wisconsin, and the Moosehorn National Wildlife Refuge in Maine, as wilderness, introduced by Mr. NELSON (for himself and other Senators), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 892; 16 U.S.C. 1132(c)), certain lands in (1) in the Seney, Huron Islands, and Michigan Islands National Wildlife Refuges, Michigan, as depicted on maps entitled "Seney Wilderness-Proposed", "Huron Islands Wilderness-Proposed", and "Michigan Islands Wilderness-Proposed", (2) the Gravel Island and Green Bay National Wildlife Refuges, Wisconsin, as depicted on a map entitled "Wisconsin Islands Wilderness-Proposed", and (3) the Moosehorn National Wildlife Refuge, Maine, as depicted on a map entitled "Edmunds Wilderness and Birch Islands Wilderness-Proposed", all said maps being dated August 1967, are hereby designated as wilderness. The maps shall be on file and available for public inspection in the offices of the Bureau of Sport Fisheries and Wildlife, Department of the Interior.

SEC. 2. The areas designated by this Act as wilderness shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act.

S. 835—INTRODUCTION OF BILL PROVIDING FOR THE ESTABLISHMENT OF THE FREDERICK DOUGLASS HOME AS A PART OF THE PARK SYSTEM IN THE NATIONAL CAPITAL

Mr. HART. Mr. President, one of the greatest figures the Nation has ever produced was Frederick Douglass.

Others are able, far better than I can, to give an account of the life of Frederick Douglass. New facets of the career of this extraordinary man are constantly coming to my attention. Born a slave near the beginning of the 19th century, his life spanned the period in our Nation's history when the struggle for freedom reached into the lives of all Americans, even to the point of civil war.

Frederick Douglass died in 1895 and was mourned throughout this country and abroad. The Legislature of North Carolina adjourned for the day as a mark of respect. The Legislatures of Indiana, Illinois, Massachusetts, and New York noted in resolutions the passing of this great American.

The London Daily News editorialized:

> From first to last, he was a noble life. His own people have lost a father and a friend, and all good men have lost a comrade in the fight for the legal emancipation of one race and the spiritual emancipation of the other.

High on a hill, overlooking the community of Anacostia, stands the Victorian home purchased by Frederick Douglass on September 1, 1877. "Cedar Hill," the name given to the home, was built by one of the developers of the community, John Van Hook. This substantial house was a symbol of Douglass' achievements. In the fine rooms of Cedar Hill, he kept the mementos of an active and satisfying life—the bill of sale which released him from slavery, pictures of his coworkers in the cause of abolition and civil rights, an order signed by Lincoln, and a gift of silver from Queen Victoria. Here he lived; and was visited frequently by friends, children, and grandchildren. Douglass died in his home on February 20, 1895.

The National Association of Colored Women's Clubs wisely and generously preserved his home in Southeast Washington so that each new generation would be reminded of this man and of those events in our history which permitted Frederick Douglass, born a slave, to rise to high service in his National Government and become a world figure in the perennial struggle for human rights.

In 1962, Representative Charles Diggs and I sponsored legislation, which became Public Law 87–633, providing for the establishment of the Frederick Douglass home in Anacostia as a part of the park system in the National Capital.

It was intended that the home would be restored and refurbished, and developed as an "historic house museum" with proper safeguards to protect the historic furnishings and library. At the time it was hoped that the home would be staffed, and open to the public, in about 2 years.

The 1962 act, however, authorized only $25,000 for repairing and refurbishing the home of this famous man. More detailed examination of the property has since shown that damage to the house by Hurricane Hazel and other storms, plus termite damage, have resulted in severe deterioration.

As a result, the house has been boarded up, the public is not admitted and, instead of a fine monument to a great American, we have in Anacostia a symbol of rot and decay.

This situation must not be allowed to continue. I have been in touch with officials of the Department of Interior and they have made available to me copies of a communication to the President of the Senate, dated August 20, 1968, detailing the need for funds in the amount of $450,000 for carrying out the purposes of the act of September 5, 1962, and enclosing a draft bill to authorize this amount. The draft bill was approved by the Bureau of the Budget.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the Department's letter and draft bill—which I am today introducing; a portion of an article from Life magazine of November 22, 1968—on which date the picture of Frederick Douglass was on the cover of Life—and an article from the Saturday Review of December 28, 1968, bearing on the significance of Frederick Douglass in our Nation's history.

The need for prompt congressional action to remedy this present intolerable situation is evident to all who pass by the property in its present condition.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and articles will be printed in the RECORD.

The bill (S. 835) to amend the act of September 5, 1962 (76 Stat. 435), providing for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, introduced by Mr. HART, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 835

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act entitled "An Act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes", approved September 5, 1962 (76 Stat. 435), is amended to read as follows:

"SEC. 4. There are authorized to be appropriated not more than $450,000 for repairing and refurbishing Cedar Hill in furtherance of the purposes of this Act."

The letter and articles, presented by Mr. HART, follow:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 20, 1968.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill, "To amend the Act of September 5, 1962 (76 Stat. 435), providing for the establishment of the Frederick Douglass home as a part of the park system in the National Capital."

We recommend that the draft bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The Act of September 5, 1962 (76 Stat. 435), established the Frederick Douglass home as part of the park system of the National Capital. It authorized the appropriation of not more than $25,000 for repairing and refurbishing the home of this famous educator. The enclosed bill will increase the appropriation authorization to $450,000 for repairing and refurbishing Cedar Hill.

At the time the 1962 Act was passed, only a surface examination had been made of the Frederick Douglass home. This examination indicated that the house was structurally sound. It was anticipated at that time that donated funds would cover any cost in excess of the amount authorized to be appropriated in the 1962 Act. Donations have not been forthcoming, however, and it now appears only small donations, if any, can be expected in the future.

When the Department assumed control of the Frederick Douglass home on June 25, 1964, an intensive study was made of the interior structure of the home. The study revealed that structural members of the building had decomposed to such extent that it would be unsafe to permit the public to enter the home. Such decomposition is apparently the result of termite and water damage or dry rot, and it is now proceeding rapidly.

Furthermore, we learned after the Department assumed control of the home that damage to the roof of the house in 1958 by Hurricane Hazel and in 1962 by another storm resulted in serious water damage to furnishings such as floor coverings, draperies, paintings, and furniture. The roof had been repaired after these storms and the damage to the furnishings was not readily apparent. The damage was discovered in our recent intensive studies of the home, which revealed that the furnishings of the house will require extensive restoration before they can be placed on public display again.

The condition of the grounds around the home has also deteriorated in recent years. We believe the grounds must be improved to make the site suitable for an interpretative program and for public enjoyment.

The $25,000 authorized in the 1962 Act has already been appropriated. Of that sum $12,959 has been obligated as follows:

Historical research	$3,000
Plans, surveys and supervision	4,250
Removal and storage of mantel, mirrors and other items of historic interest	1,375
Miscellaneous expenses such as pest control, removal of items not associated with the original structure and repairs to prevent further deterioration	4,334
Total	12,959

After a careful analysis of the home and the surrounding grounds, we find that an additional $437,000, beyond the approximately $13,000 already obligated, is required to enable the Department to repair and refurbish the home. The additional costs are as follows:

1. $59,300 for repair of the furnishings;
2. $16,200 for exhibits and interpretive devices;
3. $37,800 for the historic road leading to the home, additional foot trails and a parking area; and
4. $323,700 for general restoration of the interior and exterior of the home including the utility system, the heating system and related research.

The enclosed bill will enable the Department to restore the Frederick Douglass home for the benefit and inspiration of the American people, and to provide adequate visitor use facilities.

The Bureau of the Budget has advised that there would be no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely yours,

C. F. LAYTON,
Acting Deputy Assistant Secretary of the Interior.

Enclosure.

A bill to amend the Act of September 5, 1962 (76 Stat. 435), providing for the establishment of the Frederick Douglass home as a part of the park system in the National Capital

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act entitled "An Act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes", approved September 5, 1962 (76 Stat. 435), is amended to read as follows:

"SEC. 4. There are authorized to be appropriated not more than $450,000 for repairing and refurbishing Cedar Hill in furtherance of the purposes of this Act."

[From Life magazine, Nov. 22, 1968]

FOR ALL NEGROES, FREDERICK DOUGLASS WAS THEIR LEADER

Frederick Douglass looked so much like a President that one day in the White House a visiting judge mistook him for Abraham Lincoln. Douglass' skin was a middling brown color, and he was never bashful about his mixed parentage. "The son of a slaveholder stands before you, by a colored mother," he told a New York audience.

Douglass was, in fact, the unofficial president of American Negroes in the years before and immediately after the Civil War. His achievements made the careers of most men seem puny. He was born, probably in February 1817, on a plantation in Talbot County, Md. His owner was rich but held down maintenance costs on even small slaves. "In hottest summer and coldest winter I was kept almost in a state of nudity," Douglass recalled. "My only clothing—a little coarse sackcloth or tow-linen sort of shirt, scarcely reaching to my knees, was worn night and day and changed once a week. . . . I slept generally in a little closet, without even a blanket to cover me. In very cold weather. I sometimes got down the bag in which corn was carried to the mill, and crawled into that. . . . My feet have been so cracked with the frost that the pen with which I am writing might be laid in the gashes."

Dinner for the young slaves was cornmeal mush poured in a trough. "This was set down either on the floor of the kitchen, or out of doors on the ground, and the children were called like so many pigs, and like so many pigs would come, some with oyster-shells, some with pieces of shingles . . . but few left the trough really satisfied."

Despite this he grew up tall and handsome, and eager to learn. At 8 he was sent as a house servant to Baltimore, where his new mistress gave him spelling lessons until her husband angrily intervened. He taught himself to write by tracing carpenters' chalk marks at his master's shipyard and by copying passages from white boys' schoolbooks. With 50 cents in saved pennies he bought a schoolbook of famous orations, printed in the North. This contained several speeches on "Liberty," which he made the theme of his own harangues to other teen-age slaves.

Put in the care of a slave-breaker—a man who contracted to break the spirit of troublesome Negroes—Douglass tried to run away but failed. His second effort, in 1838, was more carefully planned. Wearing sailor's clothes and carrying a legal pass—lent to him at great risk by a Negro—he went by train and steamboat to New Bedford, Mass., where he began free life as a shipyard laborer at $1 a day.

His real career opened in 1841, when he stood up at a white antislavery meeting and described the brutal experiences he had lived through as a slave. His eloquence and fearless demeanor lifted him at once to the forefront of the antislavery crusade. He became a paid abolitionist lecturer and organizer, then a newspaper publisher. In 1846 English admirers made him legally free by paying his Maryland master £150 sterling.

Douglass broke with leading white abolitionists when he began to ask for something more than freedom—he demanded black equality as well. During the Civil War, when he was the Negroes' voice in the White House, he proclaimed that the war was not just against slavery but for all the rights that would make the slaves full citizens, including the right to vote. Later he included "the poor whites of the South," who were to be "lifted up from their social and political debasement" after the war.

Douglass' wife for 44 years was a free Negro woman he met while he was still a slave in Baltimore. Two years after she died in 1882, he married a white woman, Helen Pitts, who had been his secretary. This brought him a storm of criticism from both blacks and whites. In reply Douglass sought to give an exact definition of his feelings about color and race. "The fundamental and everlasting objection to slavery is not that it sinks a Negro to the condition of a brute, but that it sinks a *man* to that condition," he wrote. "I base no man's right upon his color and plead no man's rights because of his color. My interest in any man is objectively in his manhood and subjectively in my own manhood."

[From Saturday Review, Dec. 28, 1968]

Frederick Douglass

(By Kenneth Rexroth)

If the function of a classic is to provide archetypes of human motives and relationships that will form myths for a usable past, the early literature of Black America suffers from a limitation which might well be assumed to be crippling. It is conditioned by slavery, and therefore by the highly abnormal relationship between white and black people in a slave society.

This is true whether the subject is a Southern plantation or the Abolitionist movement in the North. The slave is forced to live a fundamentally perverted life, as though an ant were forced by his colleagues to behave like an aphid. The Abolitionist is engaged in the struggle against an absurdity, an ant protesting against being treated as an aphid. So those earliest works of Black Americans are of greatest value when their subject is not simple escape from slavery, but the achievement of true freedom. This is the essence of the program of the radical exponents of black culture today. They point out most correctly that as long as black literature concerns itself with racial conflict in terms that appeal primarily to a white audience it is not a free literature. A classic of black literature would transcend racial conflict and exist in a realm of the fully human. Its terms would be self-sufficient, self-determining—and black. This is a subtle matter and has nothing to do with overt subject matter, which, as long as racial conflict exists, must include it.

Frederick Douglass was born free. His servile status was a juridical delusion of his owner. His race, his existence as a Negro, was the "custom of the country." It was also his deliberate choice. His mother was a house servant and not fully black. His father was white. In more civilized countries than the United States he would have been considered, if anyone bothered to think about it, a white man with some mixture of Negro ancestry, no more a "black" than Pushkin or the elder Dumas. Although his adult life was spent almost entirely with white people, Frederick Douglass chose to think as a black man. This in itself was no small accomplishment. It is more difficult to avoid becoming an *assimilado* than, for Douglass, at least, to escape from slavery.

The most remarkable thing about Frederick Douglass's story of his childhood and youth, the thing that gives the narrative its simple and yet overwhelming power, is his total inability to think with servility. Aristotle said that it was impossible for a slave to be the subject of tragedy because a slave had no will of his own and could not determine his own conduct. Aristotle probably meant this as a permanent, indelible condition conferred by servile status. So that, for instance, the rise and fall of Spartacus, the leader of the Great Roman slave revolt, could not be a tragedy, because it was conditioned entirely by his relationship to slavery. Aristotle's is a false assumption. It does not apply to Douglass. He does not escape from slavery, he does not revolt against it, he simply walks away from it, as soon as he gets a chance, as from an absurdity which has nothing to do with him.

We accept the preconditions of Frederick Douglass's life far too easily. We forget how extraordinary it is to witness the growth and ultimate victory of a truly autonomous man in such a situation. The details are amazing enough, his struggle to obtain an education, to learn a trade, his adventures with cruel or kind or indifferent owners. Most amazing is the indestructible humanity of one whom society called a thing, a chattel to be bought and sold.

Douglass's fame in his own day was primarily as an orator, and that of course to audiences mostly of white people. He was the most powerful speaker of a fairly large number of ex-slaves who were professional agitators in the Abolitionist movement. So his writing is colored by the oratorical rhetoric of the first half of the nineteenth century, yet this has singularly little effect upon the present cogency of his style. We find similar rhetoric on the part of white men unreadable today. Douglass's is as effective as ever. It's not just that he is in fact simpler and more direct than his white contemporaries. It is that his rhetoric is true. He believes and means what he says. He is not trying to seduce the reader with false promises of a flowery style. A hard, true rhetoric is not rhetoric in the pejorative sense. So today his autobiography is completely meaningful. His poetry and quotations from his speeches are being recited in churches and meetings all over America. One of the great values to us of Frederick Douglass is that he makes it abundantly clear that not all white people even in the slave states, partook of the collective guilt of mastership. Most of his early education was due to the sister-in-law of one of his owners, Mrs. Hugh Auld. The Aulds later took him back from an owner who had imprisoned him for "suspicion of planning an escape," and apprenticed him to a ship caulker. Thus they gave Douglass a trade which enabled him at last to get away.

In these days when black people go about shouting indiscriminately, "You kept me in slavery for 400 years," many white Americans forget that among their own ancestry were people who spent their time and substance in the Abolitionist movement, or risked and sometimes lost their lives on the Underground Railroad. We all forget that, although the economic interpreters of history tell us that the Civil War was a quarrel between the industrialists of the North and the great land owners of the South, the thousands of young men who died in the bloodiest battles in history to that date were under the impression they were fighting to free the slaves.

It is horrifying to think that this great man with his indomitable, massive mind was eventually able to purchase his own freedom for 150 pounds subscribed by the antislavery movement. It is as though Michelangelo or Thomas Jefferson had price tags of $500 hung about their necks. The autobiography of Frederick Douglass is a "Great Book," a classic—not because it is the story of a Negro who escaped from slavery, but because it is the story of a human being who always knew he was free and who devoted his life to helping other men realize freedom.

The original edition, *Narrative of the Life of Frederick Douglass, an American Slave,* and *The Life and Times of Frederick Douglass,* and selections from his poems and speeches are all available in paperback.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for approximately 8 to 10 minutes.

The VICE PRESIDENT. Without objection, the Senator from Montana is recognized for 10 minutes.

SENATE JOINT RESOLUTION 36—INTRODUCTION OF PROPOSED CONSTITUTIONAL AMENDMENT TO LIMIT SENATE DEBATE

Mr. MANSFIELD. Mr. President, this year's debate on rule XXII may be over, but the issue is still very much alive. The Senate finds itself approaching the day when majority cloture will be firmly established as a procedure of the Senate. It shall come, I think, for a number of reasons—reasons that I have attempted to outline in the discussions thus far this year.

It has been because of the rigid opposition to cloture by some which has done much to bring the existing requirement of two-thirds into question. It has been the determined effort of others—increasing in numbers—to obtain a majority cloture rule that compelled me this year to seek a compromise with the Church-Pearson three-fifths resolution. I simply suggested that the Senate adopt a three-fifths rule now as a sensible way out of this dilemma—a dilemma finding a majority of the Senate today in favor of three-fifths, but unable to work its will because of the rigidity some of us have demonstrated on this question.

As I have said already, my suggestion met little success; not, I feel because of its merits, but simply because there is no ironclad guarantee contained in a rules change—in any rules change—that at some time in the not far off future the Senate will use this precedent for cloture relaxation to obtain ultimately a majority cloture rule. This cannot be avoided, since it is inherent in any parliamentary body for a simple majority with a cooperative presiding officer to effect any action it desires regardless of self-imposed rules.

In the light of this situation, I have endeavored to find some way of obtaining such a guarantee, of locking in, so to speak, a three-fifths rule that will withstand the assaults of the future, and thereby eliminate the chance of an ultimate change to majority cloture. I believe that a reduction to three-fifths will be difficult to obtain and dangerous to impose unless such a guarantee is ironclad.

The change I suggest is contained in a proposed amendment to the Constitution that provides for three-fifths of those present and voting to limit debate in the Senate. This is the only real guarantee that can ever be obtained. It is the only logical way of meeting the desires of the frustrated and the fears of the frustrators.

I think all Members will agree that an amendment to the Constitution will provide the necessary safeguards against future efforts to further relax cloture procedures. If obtained, it is difficult indeed to imagine that at any time in the future both bodies of Congress together with the requisite number of State legislatures could muster enough support to sustain a successful attack.

In suggesting this procedure, I must say that I was greatly impressed with the remarks on this matter by the junior Senator from Arkansas (Mr. FULBRIGHT) and also by the position of the senior Senator from Florida (Mr. HOLLAND).

I would only add that it is my hope in introducing this proposal that the Subcommittee on Constitutional Amendments—and its parent Committee on the Judiciary—give the matter its earliest attention. It is action that may seem burdensome, but certainly no more so than the procedural inhibitions of the Senate under rule XXII as it now applies.

In conclusion, may I say that because of the time which will be consumed, even under the most favorable circumstances, in achieving and making a constitutional amendment operative, efforts will be continued in future Congresses to achieve a dilution of rule XXII. And while the issue is unresolved, majority cloture efforts will be in evidence to a degree probably equal to any three-fifths effort. I believe it is in the best interest of all Senators to lend their efforts to a swift disposition, one way or the other, on the merits of the approach offered today.

Mr. President, I introduce a joint resolution and ask that it be appropriately referred.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. First, I wish to express my appreciation to the majority leader for carrying through on the program he suggested the other day. I believe that his suggestion, if carried out, would give some assurance, not possible in any other way, against changes in the future except by the most careful procedure, and one that would take considerable time.

I call attention to the fact that none of us has seen the proposed amendment. I also call attention to the fact that heretofore I have made it very clear that on matters relating to the security of the Nation in the military field, I have thought there should be the assurance of our ability to reach a determination on such questions very quickly whenever it is necessary.

I certainly shall appear at the hearings, and I shall have some suggestions that I hope will be rather favorable to the proposal made by the Senator from Montana. I may have suggestions which will be by way of amendment to the proposed constitutional amendment, which I have not yet been privileged to see.

I want the RECORD to show that I am appreciative of the fact that the majority leader recognizes the fact that there are many Senators here who have been greatly disturbed by the prospect of majority cloture being voted, and properly so, in view of the fact that there were many Senators who voted to sustain the ruling of the former Presiding Officer of the Senate, the former Vice President, which would have upheld majority cloture, at least in certain cases.

I think we are entitled to have some assurance and that we are entitled to have some security as we proceed in a very guarded way to this question.

I thank the Senator for what he is doing. I shall be cooperative, at least to the degree of appearing before a committee to testify, and I may make some suggestions. I have not yet seen the text of the proposed constitutional amendment, but I am grateful to the Senator for proceeding in the cautious and deliberative way he has proceeded.

Mr. MANSFIELD. Mr. President, I appreciate the remarks of the distinguished Senator from Florida. I wish to emphasize that this joint resolution in no way would preclude proposals in the future to try to bring about a change in rule XXII.

I also want it thoroughly understood that the introduction of the joint resolution does not represent a stalling procedure but only a way to try to resolve a problem which confronts the Congress at the opening of every new Congress, and I would hope it could be disposed of one way or another.

My position, of course, is known. I am not in favor of majority cloture; I am in favor of three-fifths. That is about as far as I can go in good conscience.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 36) proposing an amendment to the Constitution of the United States relating to limitation of debate in the Senate, introduced by Mr. MANSFIELD, was received, read twice by its title, and referred to the Committee on the Judiciary.

SENATE JOINT RESOLUTION 38—INTRODUCTION OF JOINT RESOLUTION EXTENDING THE RIGHT TO VOTE IN FEDERAL ELECTIONS TO CITIZENS 18 YEARS OF AGE OR OLDER

Mr. BAKER. Mr. President, I introduce a proposed amendment to the Constitution extending to 18-year-olds the right to vote in all Federal elections. I request that the joint resolution be printed in the RECORD at this point.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 38) proposing an amendment to the Constitution of the United States extending the right to vote in Federal elections to citizens 18 years of age or older, introduced by Mr. BAKER, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 38

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The right of any citizen of the United States to vote in Federal elections shall not be denied or abridged by the United States or by any State on account of age if such a citizen is eighteen years of age or older. The Congress shall have power to enforce this article by appropriate legislation.

"SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

Mr. BAKER. Mr. President, I have a deep reverence for the fundamental right and privilege of the various States to make their own election laws and determine their own election procedures within the framework of constitutional federalism. I would neither propose nor support any reform that would interfere with or in any way endanger these rights.

On the other hand, I must say in all frankness that I do believe that in Federal elections it is both proper and equitable that some national qualifications be enacted, including the reduction of the voting age to 18 years in Federal elections. Not only is it unfair that today's active and educated young Americans should have no voice in the future of the country, it is also true that the country will benefit from their participation.

Full effectiveness of a governing system which depends on self-determination and self-government requires maximum involvement of those mature enough to be aware of the problems that confront this Nation, and it is for this reason that I support efforts to lower the legal voting age.

The basic question underlying any consideration of changing the legal voting age is how we can best capture the energy and enthusiasm of the youth of America and channel them into directions of more idealism and less cynicism in the decisionmaking process of our representative government. Total involvement and total participation of these young people through the exercise of suffrage will, I believe, bring a new vitality to the American political scene.

ADDITIONAL COSPONSORS OF BILLS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Rhode Island (Mr. PELL) and the Senator from Maryland (Mr. TYDINGS) be added as cosponsors of the bill (S. 721) to safeguard the consumer by requiring greater standards of care in the issuance of unsolicited credit cards and by limiting the liability of consumers for the unauthorized use of credit cards, and for other purposes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from South Dakota (Mr. MCGOVERN) I ask unanimous consent that, at its next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of the bill (S. 562) the Full Opportunity Act.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Oklahoma (Mr. HARRIS), I ask unanimous consent that, at its next printing, the names of the Senator from Missouri (Mr. EAGLETON) and the Senator from Virginia (Mr. SPONG) be added as cosponsors of the bill (S. 15) the Rural Job Development Act of 1969.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MOSS. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Texas (Mr. TOWER) be added as a cosponsor of the bill (S. 583) to provide for the flying of the American flag over the remains of the U.S.S. *Utah* in honor of the heroic men who were entombed in her hull on December 7, 1941.

The VICE PRESIDENT. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 8—BIAFRA: THE NEED FOR AN IMMEDIATE CEASE-FIRE

Mr. DODD. Mr. President, I submit, for appropriate reference, a concurrent resolution which states that it is the sense of the Congress of the United States that our Government should do everything in its power for the purpose of bringing about an immediate cease-fire between the Nigerian and Biafran forces; and that it should thereafter lend its good offices and use its diplomatic resources on the African continent to promote the conclusion of a just and durable settlement of the Biafran conflict.

In submitting this resolution, I am honored to be joined as cosponsors by Senators BENNETT, BYRD of West Virginia, FONG, GRAVEL, HART, HARTKE, INOUYE, MAGNUSON, MILLER, MOSS, MURPHY, NELSON, PASTORE, RIBICOFF, STEVENS, and WILLIAMS of New Jersey.

Mr. President, the deep concern which Congress feels over the appalling loss of life in the Nigerian-Biafran conflict is evident from the many statements that have been made on the floor of the House and on the floor of the Senate. It is also evident from the fact that some 60 Members of the Senate have cosponsored a resolution calling upon the U.S. Government to take the lead in stepping up the scale of relief operations in Nigeria-Biafra.

This resolution represents a first step. But in my opinion, in order to give this resolution meaning and plausibility, a second resolution is necessary calling upon the Government of the United States to use its good offices and diplomatic resources in the interests of an immediate cease-fire.

It is reported that more than 2 million people have died in the Nigerian-Biafran war over the past 18 months. The great majority of these are women and children who have died of starvation. All reports indicate that more than 10,000 people are still dying every day from the mass famine which afflicts Biafra.

No matter how much we may step up our relief shipments, it is clear that without a cease-fire more hundreds of thousands of women and children are bound to die over the coming months.

That is why I am introducing my resolution.

The tragedy of Biafra has moved and united the American people in a manner that cuts across all racial, religious, and even political lines. What has moved them more than anything else were the heartrending pictures of starving Biafran children with their swollen bellies and matchstick limbs and pleading eyes.

War is war. But the American people find it morally intolerable that any war should be fought by methods which result in the mass starvation of millions of civilians, especially women and children.

Across the country, Protestant, Catholic, and Jewish clergymen, university and high school students, Republican and Democratic leaders, conservative and liberal editors have joined in a crusade to save the people of Biafra.

In a series of statements which I made on the floor of the Senate beginning last July, I repeatedly urged the Department of State to use all of its influence with Nigeria and with the countries of Africa, in the interest of bringing about an immediate cease-fire. Until recently our policy seemed to be governed by a tendency to regard the frontiers of every former colonial country as something sacred. Because of this, even though we have shipped no arms, we have been in the position of morally supporting the Nigerian Government in its efforts to crush Biafran independence.

But can we take the stand that the national unity of every newly born country in Africa must be maintained intact, no matter how many millions of human lives this may cost? Can we morally defend the proposition that Nigerian unity must be maintained even if it means the total destruction of the 12 million Biafrans? I don't think so.

So much blood has already been shed between the Nigerians and Biafrans that it is highly questionable whether a unified Nigeria can be put together again. In my opinion, the best that one can hope for once peace is reestablished is a loose economic confederation that preserves the advantages of economic unity.

In the closing days of the Johnson administration, the State Department appears to have had some new thoughts on the Biafran conflict and on the advisability of working for a cease-fire.

The fact is that the continuation of the Biafran conflict is not in the interest of Nigeria nor is it in the interest of the African community of nations.

There is only one country that stands to benefit from it and that is the Soviet Union.

The Soviet Union has from the beginning been the prime supporter of this genocidal war. In addition to large quantities of small arms, it has given the Nigerian Government an air force consisting of some 30 Soviet fighters and a half dozen bombers; and this air force has been used with murderous effect against the civilian population of Biafra.

The Soviet Government, of course, does not give anything for nothing. One of the things it seeks is a foothold in Nigeria from which it can pursue the infiltration of western Africa. There are also persistent reports that it has asked for and been promised port facilities for the Red navy in Nigeria. This would bring the Red navy into the Atlantic Ocean.

Because every month's delay costs hundreds of thousands of human lives, it is my earnest hope that the new administration will waste no time in moving to organize a massive international emergency program adequate to deal with the Biafran famine, and that it will bend every effort to bring about an immediate cease-fire and a peaceful settlement of this senseless genocidal conflict.

I hope that the administration will be encouraged to move in this direction by the resolution which I have today introduced.

There is reason for believing that the present moment is opportune for such an initiative. Six months ago the Nigerian Government was talking hopefully about winding up the war in a matter of weeks or months. Since then, it has become evident that the war has degenerated into a stalemate, and that the chances of a military solution in the foreseeable future are virtually nil.

Until recently, although four African governments had recognized Biafra, the great majority of the African leaders were disposed to back the Nigerian Government for fear that an independent Biafra would spark secessionist movements in other parts of Africa. But recent reports indicate that an increasing number of African leaders are beginning to have doubts about the Biafran conflict on both political and humanitarian grounds, and that they are now more disposed to favor a negotiated compromise.

The governments of black Africa, because of their experience with European colonialism, are disposed to be suspicious of any outside intervention, even by the United Nations, unless they themselves request it. This is an understandable and proper attitude.

The settlement of the Biafran conflict will have to be an African settlement, and the prime initiative will have to come from the African states themselves.

Our own diplomacy will have to be used with restraint and delicacy.

But I am certain that it can be used, and that an increasing number of African countries would welcome an American commitment to a cease-fire because events have compelled them to recognize the validity of the statement made almost a year ago by Felix Houphouet-Boigny, the esteemed president of the Ivory Coast. This is what he said:

> I want . . . to cry out my indignation in the face of the inexplicable indifference—culpable indifference—of the whole world with respect to the massacres of which Biafra has been the theatre for more than ten months. I rejoin my country, pained, indignant, deeply upset and revolted by the prolongation of this atrocious war which rages in Biafra and which has already cost more than 200,000 human lives, not to count the immeasurable cost in destruction of all kinds, in a country definitely rich but still underdeveloped.
>
> Unity will be the fruit of the common will to live together. It should not be imposed by force by one group upon another.
>
> Insofar as we Africans form a part of the world, we could not but be astonished at how little we are valued; at the indifference with which people treat everything that concerns us.
>
> We must realize this ineluctable fact: even if, as a result of this military superiority in men and materials, Nigeria succeeds in occupying the whole of Biafra, the problem of the secession will not be involved. There will, therefore, be no real peace in Nigeria as long as Biafra fights for its independence.

Mr. President, I ask unanimous consent that the full text of my concurrent resolution be printed in the RECORD at this point.

The VICE PRESIDENT. The concurrent resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 8) was referred to the Committee on Foreign Relations, as follows:

S. CON. RES. 8

Whereas the war that has been going on for 18 months now between the government of Nigeria and the breakaway state of Biafra has resulted in a tragic loss of life, including the death by starvation of many hundreds of thousands of women and children; and

Whereas the American people have been deeply moved by this tragedy, in a manner that cuts across all political, racial and religious lines, while Congress has manifested its concern through numerous individual statements in the House and Senate, and most recently through a Senate resolution calling for a greatly enhanced international relief operation to cope with the famine conditions now prevailing in Biafra and certain parts of Nigeria; and

Whereas, despite emergency relief shipments, more than 10,000 people are still dying every day from the mass famine which afflicts Biafra; and

Whereas, according to relief experts working in the area, the coming months are bound to witness a grave intensification of the famine because most of the seed for next year's crop has already been eaten, so that the protein starvation from which the Biafrans are now suffering will soon be compounded by carbohydrate starvation; and

Whereas the famine in Biafra has now grown to such dimensions that without a cease-fire it will be impossible to mount an adequate relief operation; and

Whereas, in addition to resulting in the mass starvation of the civilian population of Biafra, the war is impoverishing and exhausting Nigeria and imperiling its future security because of the machinations of the growing corps of Soviet technicians and advisers; and

Whereas the continuation of this tragic conflict does not serve the interests of the people of Nigeria or the people of Biafra or the peoples of Africa; and

Whereas it is clear from all that has happened that the Biafran people are prepared to fight to the last man rather than submit, and that there can therefore be no military solution to the Nigerian-Biafran conflict: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the United States Government, in the interest of putting an end to the killing and starvation, should lend its good offices and utilize all of its diplomatic resources for the purpose of bringing about an immediate cease-fire between the Nigerian and Biafran forces and to thereafter promote the conclusion of a just and durable settlement of the Biafran conflict; and

Be it further resolved, That it is the hope of the Congress that, whatever the political terms of such a settlement, the settlement will at least provide for some form of continuing economic integration because of the manifest advantages of economic unity to the peoples on both sides of this conflict.

SENATE RESOLUTION 84—RESOLUTION AUTHORIZING THE COMMITTEE ON THE DISTRICT OF COLUMBIA TO INVESTIGATE CERTAIN MATTERS WITHIN ITS JURISDICTION—REPORT OF A COMMITTEE

S. Res. 84

Mr. SPONG, from the Committee on the District of Columbia, reported the following original resolution (S. Res. 84); which was referred to the Committee on Rules and Administration:

Resolved, That the Committee on the District of Columbia, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the District of Columbia, particularly, as rule XXV provides, in the matters of public safety, the municipal and juvenile courts, the municipal code and amendments to the criminal laws.

Sec. 2. For the purpose of this resolution the committee from February 1, 1969, to January 31, 1970, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than the highest rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations, to the Senate at the earliest practicable date, but not later than January 31, 1970.

Sec. 4. Expenses of the committee, under this resolution, which shall not exceed $129,400.00 shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

NOTICE OF HEARING ON NOMINATIONS TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on Banking and Currency will hold a hearing on Monday, February 3, 1969, on the following nominations to the Department of Housing and Urban Development:

Richard C. Van Duesen, of Michigan, to be Under Secretary;

Floyd H. Hyde, of California, to be Assistant Secretary;

Samuel C. Jackson, of District of Columbia, to be Assistant Secretary;

Samuel J. Simmons, of Michigan, to be Assistant Secretary; and

Sherman Unger, of Ohio, to be general counsel.

The hearing will commence at 10:30 a.m., in room 5302 New Senate Office Building.

HEARINGS BY SMALL BUSINESS SUBCOMMITTEE

Mr. McINTYRE. Mr. President, I wish to announce that the Small Business Subcommittee of the Senate Banking and Currency Committee will hold a hearing to review the Government's disaster loan program. The hearing will be held on Thursday, February 6, 1969, at 10 o'clock in room 5302 of the New Senate Office Building. Anyone wishing to testify should contact Mr. Reginald W. Barnes, assistant counsel, Senate Banking and Currency Committee, 5300 New Senate Office Building, Washington, D.C. 20510, telephone 225-7391, as soon as possible.

NOTICE OF RECEIPT OF NOMINATIONS BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the following nominations:

Gerard C. Smith, of the District of Columbia, to be Director of the U.S. Arms Control and Disarmament Agency.

Albert W. Sherer, Jr., of Illinois, a Foreign Service officer of class 1, now Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Togo, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea, to which office he was appointed during the last recess of the Senate.

In accordance with the committee rule, these pending nominations may not be considered prior to the expiration of 6 days of their receipt in the Senate.

LOVE WHICH TRANSCENDS EMOTIONS

Mr. STENNIS. Mr. President, Mrs. Virginia Kelly, a Washington columnist, wrote an inspiring and elevating editorial entitled "Love Which Transcends Emotions," which appeared in the December 25, 1968, edition of the newspaper Independent and Press-Telegram, Long Beach, Calif., and other newspapers. This editorial not only reflects the true meaning of Christmas, but challenges the serious-minded person, and in order to share both its spirit and thought, I ask unanimous consent that the editorial be inserted in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Love Which Transcends Emotions

(By Virginia Kelly)

Jesus, whose birth we celebrate, said, "Except a man be born of water and the spirit, he cannot enter into the Kingdom of God."

Spiritual rebirth is urgently needed in this era of violence, war and alienation of races, age groups and nations. Only citizens of superior moral character can preserve our Republic which is founded on noble concepts.

Rebirth requires God's Grace, self-analysis and lifelong commitment. Jesus gave directions for rebirth and eternal life basic to the Judaic-Christian faiths: You shall love the Lord with all your heart, soul and mind, and your neighbor as yourself.

In "Anti-Memories," Andre Malraux wrote "Christianity's genius is that the path to the deepest mystery is love which transcends men's emotions like the soul of the world, more powerful than death and justice."

Jesus gave wonderful gifts when he said "God is love" and "The Kingdom of God is within you." Judaism and Christianity teach that one aspect of heaven is the consciousness of perfect love.

St. Paul said that love encompasses patience, kindness, humility, generosity, forgiveness, modesty, innocence, endurance and truth.

Our Christmas wish is that you shall radiate love and exemplify St. Paul's promise: "Christ in you, the hope of Glory."

WILL MOSCOW HELP RESTRAIN IRAQ?

Mr. DODD. Mr. President, the entire civilized world has been horrified by the gruesome public hanging in Iraq a few days ago of 14 alleged Israel agents, of whom nine were Iraqi Jews.

These hangings, followed by the announcement that there would be further mass trials, and, obviously, more group hangings, mark a new stage in the terror which the extremist pro-Marxist government in Iraq has been waging against the several thousand Jews who still remain in their country.

The fact that the trials had been conducted in secret has only served to confirm the general suspicion of the world community that the Jewish victims of these hangings were not executed because they were spies but simply because they were Jews.

Apart from the shocking inhumanity of the executions, and the threat of genocide which now hangs over the Iraqi-Jewish community, the hangings have served to dangerously inflame the entire Mideastern situation and to bring it one step nearer the brink of a general conflagration.

The Iraqi action has already gravely undermined the efforts of the U.N. and of the many concerned governments to promote a peaceful settlement of the Mideast crisis. It has also undercut the efforts of moderate Arab leaders to bring about a compromise with Israel, acceptable to both sides.

Let us hope that the general condemnation of world opinion will serve to restrain the Iraq leaders from indulging in any more public executions of Iraq Jews on the pretense of espionage.

In this situation, the Soviet Government, because of the very great influence it has in Iraq, bears a heavy responsibility.

Since 1959 the Soviets have given Iraq almost $200 million worth of economic aid, and over the past 5 years alone they have invested in Iraq one quarter of a billion dollars worth of military assistance. Indeed, virtually the entire equipment of the Iraq Armed Forces today was provided to them by the Soviet Government.

The question which remains to be answered is whether Moscow is willing to use the influence which has inevitably accrued to it as a result of its massive military and economic aid, in the cause of urging restraint on its Iraq proteges.

I believe it necessary to emphasize that the action of the extremists in charge of the Iraq Government is not characteristic of the entire Arab world. Indeed, the Iraq actions have horrified more moderate Arabs, as well as moderate elements in the Iraq nation.

Yesterday's Washington Post, for example, carried one article reporting that Iraq's envoy to the U.N. was resigning in protest against his Government's policies, and another article reporting that the Syrian Government had charged the Iraq Government with planning the assassination of a Syrian diplomat in Baghdad.

A third article reported that the Iraq Government was teetering.

It said:

> Violence and venom and the wild accusations of Zionist activity, of Central Intelligence Agency maneuvering, of "counter-revolution," are often signs of an Arab regime that feels the skids are under it.

There was one particularly significant paragraph in this latter article which I would like to quote in full:

> With the public hanging Monday of 14 alleged Israeli spies, nine of them Iraq Jews, the regime has dealt one more blow to the efforts of responsible Arab leaders to convince the world that the conflict between Israel and the Arabs is not one between civilization and reasonableness on the one hand and barbarism on the other.

Mr. President, I ask unanimous consent to insert into the RECORD at this point the text of the three articles in the Washington Post to which I refer.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Jan. 30, 1969]

IRAQ'S U.N. ENVOY SAID TO QUIT

(By Robert H. Estabrook)

UNITED NATIONS, N.Y., January 29.—Iraq's permanent representative to the United Nations, Ambassador Adnan Pachachi, has resigned in protest against his government's policies, reliable sources said today.

There were unconfirmed reports that Pachachi's deputy, Adnan Raouf, also has resigned separately in the wake of the new spy trials in Iraq that have followed the hanging on Monday of 14 persons accused of spying for Israel. Raouf was not available for comment, but an Arab source doubted he would resign on an issue affecting trials of Jews.

American Ambassador Charles W. Yost, meanwhile, sent a letter to Security Council President Max Jakobson of Finland this afternoon saying that "the spectacular way" in which the previous trials were carried out "seems to have been designed to arouse emotions and to intensify the very explosive atmosphere of suspicion and hostility in the Middle East.

"The United States hopes that the worldwide revulsion aroused by the reports of these trials and executions will induce those responsible to carry out their solemn Charter obligations to promote 'universal respect for observance of human rights and fundamental freedoms for all,' " the letter said.

One consideration in sending the U.S. note was said to be the report that two American citizens have been arrested with no statement of charges against htem.

Secretary General U Thant, who strongly criticized the Iraqi executions, decided to comment today on what steps he is taking in respect to the new trials. Yost discussed the issue in a meeting with him this afternoon that also touched on other Middle East problems.

Thant plans to leave Friday for an official visit to Ethiopia, returning Feb. 6, but some diplomats believed the situation might force him to change his plans.

Pachachi's resignation occurred approximately three weeks ago and was not directly connected with the world uproar over the hangings, the sources said. It appeared to have been related, however, to the government's decision to hold the mass trials that began Jan. 4.

In any event, the resignation takes on special significance because of the 45-year-old Pachachi's ability to survive previous coups and changes of government.

A former foreign minister, he had been Iraqi ambassador to the U.N. from 1959 to 1965 and again since 1967 and is widely respected here.

Pachachi reportedly has been in Switzerland the last two weeks looking for a job. He left New York after Thant called him in on Jan. 13 to stress his anxiety about the explosive effects of the spy trials.

An Iraq diplomat denied today that Pachachi has resigned, contending that he has been in Switzerland on vacation. The diplomat said the ambassador will return to New York after another week of vacation.

This diplomat made available a copy of the English-language Baghdad Observer of Jan. 5 recounting the start of the first mass spy trial.

It said that some of the 19 persons on trial—two in absentia—were accused of using a clandestine radio transmitter in the "Adventist Church" in Basra to transmit information to a foreign consul.

Information about the transmitter was given to the Iraqi government by a foreign steamship which intercepted the broadcasts, the account said.

The statement accused Iraqi Jews of being recruited by Israeli intelligence and said they had been asked to furnish information about Soviet weapons supplied to Iraq. Nine of the 14 persons hanged Monday were Jews.

The situation in Iraq distracted attention from new activities here by U.N. Middle East representative Gunnar Jarring. He met with Yost for an hour this morning and was expected also to have consultations with the Soviet, British and French ambassadors.

An eastern European diplomat said today that the Russians are extremely worried about the possibility of a new flareup in the Middle East and are particularly affronted by the actions in Iraq.

He contended that recently the Soviet Union has reduced arms shipment to Egypt. As a result, he said, the Egyptians are complaining that they are not receiving enough and have begun buying surplus Soviet arms previously sent to Indonesia.

The source expressed concern that the Palestine commando organizations such as El Fatah are getting out of control and may pose a threat not only to a peace settlement but also to some Arab governments themselves.

The Communist source asserted that the Russians also have clamped down on arms going to the guerrilla organizations. This conflicts with American estimates that the Russians are supporting the organizations.

[From the Washington (D.C.) Post, Jan. 30, 1969]

SYRIANS ASSAIL BAGHDAD—CLAIM IRAQI SHOT AT ENVOY—TRIAL CONTINUES

The Syrian Foreign Ministry charged yesterday that an Iraqi intelligence officer fired a shot into the automobile of a Syrian political attaché in Baghdad.

A Ministry spokesman said the diplomat, Abdul Karim Sabbagh, was unhurt but Syria has lodged an official protest and coupled it with a demand that an inquiry be made immediately into the "disgraceful attack." The date of the shooting was not disclosed.

Syria and Iraq are ruled by separate leftwing factions of Baathist Socialists.

TRIAL GOES ON

Iraq was believed to be going ahead with another trial of accused spies despite the furor of international protest which followed the public execution Monday of 14 alleged Israeli agents, including nine Iraqi Jews.

The number of persons being tried and details of the charges were not disclosed. Col. Ali Hadi Witwit, president of the revolutionary court, was quoted Tuesday as saying only that the trial began that day and involved members of a CIA-imperialist network. Baghdad Radio made no mention of the trial today, and no Western news dispatches of any kind were received from Iraq.

The charge of CIA involvement was described as "far-fetched" by State Department spokesman Robert J. McCloskey in Washington.

"This sort of allegation about the CIA is constantly made wherever difficulties of this sort, situations like this, arise," McCloskey said.

SIXTY-FIVE BEING HELD

Arab and Israeli sources estimate that as many as 65 persons may be facing espionage charges in Baghdad. Several observers believe the six-month-old government of President Ahmed al-Bakr is using the trials to suppress political opposition.

Baghdad Radio said 10,000 persons demonstrated for two hours before the British Embassy in the Iraqi capital in protest over an all-night pro-Jewish demonstration in London on Tuesday.

According to Baghdad Radio, the demonstrators consisted of workers, students and teachers who shouted slogans denouncing "Britain's interference in Iraq's internal affairs and the chaotic attack on the Iraqi Embasy in London."

Britain expressed regret for damage to the Iraqi Embassy during the London demonstration. A onetime Israeli paratrooper was stabbed in a rooftop struggle while he was attempting to hang two Israeli flags from an Embassy parapet.

ISRAELI APPEAL

Israeli Foreign Minister Abba Eban yesterday appealed to "the conscience of civilized mankind" to rescue any Iraqi Jews sentenced to the gallows in the future.

Eban called Monday's execution "persecution of a helpless and defenseless community" and said "the moral abyss revealed by the murders themselves is matched by the public display of the bodies amidst obscene manifestations of official rejoicing."

Abdullah Salloum al Samarri, Iraqi Culture and Information Minister, was quoted by Baghdad Radio as denying that any Iraqi citizen, Jewish or otherwise, was being persecuted. He reportedly invited foreign correspondents to visit Baghdad and follow future trials.

A cautionary word to the Israeli people came from Defense Minister Moshe Dayan, who said Israel must refrain from any move liable to endanger the 3000 Jews living in Iraq.

Dayan said it would be up to other foreign powers as well as international bodies to rescue the Iraqi Jews.

"Israel must refrain from any action that could hamper such attempts or endanger the lives of these Jews," Dayan told youth leaders of his Labor Party.

The Israeli army officially denied Iraq's charge that it was massing troops for an attack on Iraqi military units stationed in Jordan.

The State Department reported that two American citizens, Mr. and Mrs. Paul Bail, had been arrested in Iraq on unspecified charges. Bail was said to have been imprisoned for several weeks while his wife is under "what amounts to a house arrest."

A member of the Belgian mission in Baghdad, which looks after U.S. interests in Iraq, reported that both had told him they are being well-treated. There are about 400 Americans in the country.

In Paris, a statement issued in the name of President de Gaulle called again for efforts by the so-called Big Four—France, the United States, the Soviet Union and Great Britain—to work out a solution to the Middle East situation.

Canada yesterday added its voice to the international condemnation of the Iraqi executions, saying it was "deeply disturbed."

In Vatican City, Pope Paul, who had appealed for a stay of execution, told his weekly general audience that the Iraqi action "can engender suspicion that racist motives were not extraneous to this episode."

Washington area synagogues plan memorial observances, in their services Friday night and Saturday, for the Jews hanged by Iraq.

[From the Washington (D.C.) Post, Jan. 30, 1969]

Iraq Government Teetering in Power

(By Gavin Young)

London, January 29—Iraq's six-month-old government of Gen. Ahmed al-Bakr is already widely unpopular—in other Arab states as well as in Iraq itself—for its violent and erratic ways. Now the left-wing Baathist regime has shown itself as indifferent to the general good name of the Arabs as it seems to be to its own.

With the public hanging Monday of 14 alleged Israeli spies, nine of them Iraqi Jews, the regime has dealt one more blow to the efforts of responsible Arab leaders to convince the world that the conflict between Israel and the Arabs is not one between civilization and reasonableness on the one hand and barbarism on the other.

There are said to be some 65 other Iraqis awaiting trial on charges of espionage. They include Abdul Rahman el-Bazzaz, the widely respected former premier, and a former defense minister, Major Gen. Abdul Aziz el-Uquaili.

Bazzaz held office for only a short time. But he is one of the few Iraqi politicians since the 1958 revolution against the unpopular Hashemite monarchy to attempt to pull the bitterly conflicting political factions together and achieve some form of positive government.

Whoever succeeds in doing this will be owed a massive debt of gratitude by the people of Iraq. For over 10 years they have been obliged to live in confusion, economic stagnation and often fear, though their country is potentially one of the richest in the Arab world.

Bazzaz, accused of spying for Israel, faces the death penalty if the special revolutionary court finds him guilty. Yet he is a well-known and respected nationalist of the middle-of-the-road variety. Imprisoned under the old monarchy, he is neither a leftist extremist nor pro-American. He is a man, many say, whom it is ludicrous to call an Israeli agent.

His only crime may well be that he has no love for the present Baathist rulers as they pursue an authoritarian policy that has increasingly toughened.

Since he returned to Baghdad—against his friends' advice—last November he has been closely watched. According to reports, he has had no opportunity to engage in any political activities, let alone active espionage. But the Baathists recognize in him a dangerously popular opponent.

His friend, Nasir el-Hani, an equally respected moderate diplomat and academic, was found dead in a Baghdad ditch last year, apparently the victim of a strong-arm group of Baathist security men.

Having bloodlessly overthrown the autocratic government of Gen. Abdul Rahman Arif last July, the Baath regime then spent a few months in political fence-mending. But after the initial phase, in which Communists and other non-Baathists seemed to be encouraged to make common cause with Bakr, it swung into an orgy of intolerance and intimidation of political enemies.

The regime is now the isolated center of a latent political storm. Violence and venom, and the wild accusations of Zionist activity, of Central Intelligence Agency maneuvering, of "counter-revolution," are often signs of an Arab regime that feels the skids are under it.

Thus, Iraq, with its oil, its great agricultural potential, its abundant water, its enviable small population of about 8.2 million, its intellectual and technical resources, flounders on in the 10-year-old quagmire of political infighting.

And, with Monday's executions, an era of violent repression seems to have settled once more on Iraq. But it may not last long. The Baathists are no more firmly in power than other Iraqi regimes have been, and, in fact, the signs indicate their tenure of office is less firm than most.

ORDER OF BUSINESS

Mr. MOSS. Mr. President, I ask unanimous consent that I may proceed without regard to the 3-minute limitation for approximately 15 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

CIGARETTE ADVERTISING

Mr. MOSS. Mr. President, since coming to the Senate in 1959, I have sponsored or cosponsored one or more bills aimed at reducing the tragic toll caused by cigarette smoking in every Congress. I do not now intend to introduce such legislation this year, not because cigarette smoking is no longer the No. 1 public health problem in this Nation; not because the American people have come to comprehend fully the magnitude of the risk in smoking; not because the cigarette industry has finally faced its responsibilities to the public. I will not introduce such legislation this year because, in my judgment, the forces of health in this country today stand to gain more by stopping legislation designed to bind the hands of the regulatory agencies than by vainly pressing for new regulatory authority.

In mid-1964, the Federal Trade Commission, in perhaps its finest hour, issued a rule scheduled to take effect on January 1, 1965. This rule would have required all cigarette packages and all cigarette advertising to bear a warning that cigarette smoking causes death through lung cancer and other diseases. The rule was stillborn.

Instead, Congress forced the FTC to suspend its rule, and on July 27, 1964, the Federal Cigarette Labeling and Advertising Act was signed into law. Most people know that that act required every package of cigarettes manufactured for sale in the United States after January 1, 1966, to bear the warning: "Caution: Cigarette smoking may be hazardous to your health."

Few people realize that the same act prohibited any agency of government, local and State as well as Federal, from requiring a warning in cigarette advertising.

Many Members of Congress sincerely viewed the act as a step forward. In retrospect, it was a tragic step backward.

In urging the President to veto the bill on July 9, 1965, the New York Times said, in part:

> The Federal Trade Commission has the legal responsibility to regulate advertising of any substance that may be injurious to health. Eighteen months ago the Surgeon General's Advisory Committee on Smoking and Health unanimously concluded that "cigarette smoking is a health hazard of sufficient importance in the United States to warrant appropriate remedial action."
>
> Acting on this clear medical judgment and pursuant to its duty under the law, the F.T.C. issued regulations for cigarette advertising. But it held up the effective date of the regulations while Congress reviewed the question.
>
> Congress has now virtually completed action on a shocking piece of special interest legislation in this field. The bill forbids not only the F.T.C. but also state and local governments from regulating cigarette advertising in any way for the next four years. As a maneuver to distract attention from this surrender to the tobacco interests, the bill also directs that cigarette packages carry

> an innocuous warning that smoking *"may be hazardous"* . . .
>
> The central issue now confronting the President is the integrity and independence of the Federal Trade Commission. What possible objective justification can there be for Congress intervening to strip a regulatory agency of its authority over a particular industry? This bill confers a favor on one industry that all the other industries under the commission's jurisdiction would naturally like to have.
>
> Sound governmental practice requires a veto of this bill. Otherwise, the President and Congress will be flashing a green signal to the lobbyists that any regulatory agency is open to invasion and emasculation.

On July 16, the Washington Post carried an editorial entitled "Veto in Order" which read:

> The bill to regulate the labeling of cigarettes, which Congress has sent to the White House, is itself mislabeled. It would be more appropriately called a bill for relief of the tobacco industry. For its effect will be to revoke an order by the Federal Trade Commission requiring a warning against the health hazards of cigarettes in advertising as well as on the packages. That order was to become effective on July 1. The bill which Congress passed would postpone the effective date so far as advertising is concerned until July 1, 1969.
>
> Representative Moss made the point which seems to us most vital in regard to warning the public about the dangers of smoking. The mild "caution" which Congress would require on all cigarette packages would necessarily be addressed to current smokers—the men and women who are already hooked, as the Congressman put it. His major concern was for the warning of the 4000 young people who start smoking every day. Instead of requiring an effective warning to these young consumers, Congress would strip the FTC of the authority it now has to require a proper relation between cigarette promotion and the health problem.
>
> In these circumstances the best course would be for President Johnson to veto the bill. There is no sound reason for excepting this one industry from supervision by appropriate authority. If every new discovery about substances that are menacing the health of the Nation were to be nullified by legislation, the basic philosophy behind the Food and Drug Act and the Federal Trade Commission Act could be undermined.

In other words, in exchange for 11 words on the side of the cigarette package, Congress had exempted the cigarette industry from the normal regulatory processes of Federal, State, and local regulations.

But Congress now has the opportunity to redeem itself. Thanks to the determined opposition of our former colleague from Oregon, Mrs. Neuberger, and of the Chairman of the Commerce Committee (Mr. Magnuson), the prohibition against the regulation of advertising was not made permanent. Senator Magnuson and Mrs. Neuberger insisted both in the committee and in conference with the House—which had voted for a permanent ban—that, if the agencies' hands were to be tied, at least the prohibition should be limited in time. And they were successful. Through their efforts, the straitjacket imposed by the act on the regulatory agencies terminates on July 1 of this year.

As of that date, the Federal Trade Commission will be free to move ahead to carry out its responsibilities in restricting cigarette advertising, unless Congress acts to stop them. Last year, a majority of the Commission, in the report to Congress required by the Cigarette Labeling Act, expressed the belief that the only adequate response to the threat posed by cigarette smoking to the American public is a ban on the broadcast advertising of cigarettes. I believe that the FTC can be relied upon to move against cigarette advertising to the limits of its powers. In addition, the Federal Communications Commission which had long been dormant on the responsibilities of broadcasters relating to cigarette advertising, has taken a significant step by requiring broadcasters who accept cigarette advertising to carry antismoking commercials in significant numbers and at prime times.

If the Cigarette Labeling Act's provisions banning agency regulation of cigarette advertising expire on schedule, I would hope that the FCC would examine its authority to determine if it cannot take even more vigorous steps consonant with the severity of the problem.

Past experience tells us that the cigarette industry will attempt to extend or to make permanent the ban against agency regulation of cigarette advertising. One of the ways in which this might be accomplished, as it was in 1965, is by the passage of legislation seemingly taking a step forward but, in reality, primarily intended to prevent the responsible agencies of Government from carrying out their duties.

It is no secret that the tobacco industry has its friends in Congress. Committee chairmanships in both Houses abound with Representatives of tobacco-growing States. And those Congressmen and Senators who need not be sensitive to the demands of the tobacco industry are too often reluctant to incur the wrath of the broadcasters and other media which derive substantial income from cigarette advertising.

Perhaps we can sympathize with those who defend the economic heartland of their region, serving their own people as they interpret their responsibilities. In fact, I pledge my full support to my colleagues for programs to alleviate the plight of the tobacco farmers. But economic dislocation cannot be permitted to outweigh the health of the Nation.

But to offset such concentrated political and economic power, the public health forces need more than moral outrage and a fistful of proposed new laws. What has been lacking is a realistic legislative strategy. Now, for the first time we have such a strategy. For the first time, the legislative advantage lies with the public. It is the cigarette industry which has the burden of getting Congress to act. If there is no new legislation extending the ban on agency regulation, then the agencies will again be free to act on July 1.

Mr. President, I want to serve notice here and now that I shall do all within my power to see that no such law to continue the ban passes.

Although, as my colleagues know, I have long and steadfastly opposed rules which make it possible for a small group of Senators to prevent the passage of legislation through a filibuster, when it comes to a matter involving the lives and health of millions of Americans, I shall not hesitate to take full advantage of the existing rules, and to enlist the support of my many colleagues of like mind in the Senate—and there are many—to stop the passage of "disabling" legislation.

My general purpose here today—and it has been my general purpose ever since I introduced my first cigarette bill—has been to try to discourage young people from adopting the cigarette habit.

Last year, for the first time in 4 years, there was a decrease in the number of cigarettes sold in this country. A billion fewer cigarettes were sold in 1968 than in 1967—571.5 billion in 1968 and 572.5 billion in 1967.

But the best news is that while there is a decline in smokers in all groups, smoking is dropping fastest among teenagers. The National Clearing House of Smoking and Health reports that only 3 percent of high school students say they expect to take up smoking in the next 5 years, and that furthermore, 91 percent are now aware of the connection between the habit and their health.

We should try to help those teenagers who have resolved not to take up smoking to keep that resolve—we should stop constantly putting before their eyes in their own living room tantalizing pictures and messages which make it appear that the most virile and accomplished of men, the most attractive and feminine of women, and our leaders in almost every field are all cigarette smokers.

I recognize the efforts the broadcasting industry has made to counterbalance cigarette advertising with public service announcements on the dangers of smoking—ads which I have already credited with helping to cut the number of cigarettes smoked and the number of smokers. I would strongly urge that those public service ads continue after cigarette advertising leaves the air.

May I say also that I am sure that if the tobacco industry could make a cigarette which was not in any way injurious to health—could make a safe cigarette—that they would do it. But we have no such cigarette.

My own record on tobacco advertising is clear. I have tried the legislative route. As I mentioned earlier, I have sponsored or cosponsored one or more bills relating to some aspect of smoking and health in every Congress in which I have served since coming to the Senate in 1959. For the Record, I ask that a list of these bills be carried at this point in my statement.

There being no objection, the list was ordered to be printed in the Record, as follows:

Tobacco Legislation Introduced or Cosponsored by Senator Frank E. Moss

86TH CONGRESS

S. 1394: Providing for study in schools of effects of alcohol and tobacco.

87TH CONGRESS

S. 21: Providing for study in schools of effects of alcohol and tobacco.

S.J. Res. 174: Asking the President to create the Commission on Tobacco and Health to conduct a massive educational program on hazards of cigarette smoking, particularly on the relationship between smoking and lung cancer.

88TH CONGRESS

S. 1682: To amend Federal Food, Drug and Cosmetic Act so as to make it applicable to tobacco on smoking products.

89TH CONGRESS

S. 559: To require warning of possible ill effects of tar and nicotine contents of tobacco on cigarette packages.

90TH CONGRESS

S. 1803: To amend Federal Cigarette Labeling Act to require a full statement of quantity of tar and nicotine contained in each cigarette on each package, and in all advertising.

S. 2394: To provide for a new warning and a statement of tar and nicotine content on cigarette packages and in advertising.

Mr. MOSS. I have also tried the voluntary route. On several occasions I have encouraged both the major television networks and the tobacco companies to do more themselves to take the glamour out of cigarette advertising, and particularly not to show people smoking, in the same way that they have voluntarily agreed not to show people drinking alcoholic beverages. I wrote my first letter to the presidents of the major television and tobacco companies in 1962, and wrote again on other occasions in the succeeding years. Much has been done in this field since that time, but not as much as must be done.

The cigarette industry could, if it chose, take responsible charge of its own destiny by voluntarily abandoning broadcast advertising. If the industry, publicly and unequivocally, agreed to do this, then I would be the first to assist them to attain antitrust immunity. But nothing less is acceptable.

If what I have had to say today appears to be an ultimatum to the cigarette industry, perhaps 5 years after the devastating verdict of the Surgeon General's Committee on Smoking and Health, it is time for ultimatum. This year, for all those groups and citizens dedicated to the public health, let our motto be: "It shall not pass."

NO BANG FOR A BUCK?

Mr. PROXMIRE. Mr. President, last Sunday, January 26, 1969, the Washington Post carried a brilliant article by Bernard Nossiter on the failures of the military electronic weapons systems during the past two decades. What Mr. Nossiter revealed is shocking, indeed. His article is based on a paper authored by one of the Budget Bureau's senior experts in the examination and analysis of defense systems expenditures. It has since been revealed that the identity of the author is Richard A. Stubbings. In 1966 he received the Budget Bureau Director's Professional Achievement Award and in 1967–68 was selected to attend the Woodrow Wilson School at Princeton. The article, therefore, merits the most serious attention. It raises fundamental questions about our weapons systems and their costs.

FAILURE TO MEET PERFORMANCE STANDARDS

Among the findings in the paper are:

First. Of 13 major aircraft and missile programs with sophisticated electronic systems built for the Air Force and the Navy since 1955, at a cost of $40 billion, only four costing $5 billion could be relied upon to reach a performance level of 75 percent or above of their specifications; four more were poor performers and broke down at a performance level which was 75 percent or less than their specifications. These systems cost $13 billion. Two more, costing $10 billion, were dropped within 3 years because of "low reliability"; two more, costing $2 billion, were canceled.

Second. The performance record of the electronic systems themselves in 12 programs started in the 1950's show that only five performed up to specifications or better; only one performed at the 75-percent level; four performed up to 50 percent of their promised performance; two met only the 25-percent performance level of their original specification requirements.

Third. The performance record of 11 major systems begun in the 1960's is worse than that of the systems begun in the 1950's. The record shows only two performed up to standard; one more met a 75-percent level of performance standard based on the contract specifications; two met a 50-percent performance level. six performed at only 25 percent of the standards specified in the contracts.

Mr. President, this certainly appears to be a shocking situation. We are talking about the computers, radar, and gyroscopes in these weapons systems.

In the past the system managers and efficiency experts talked about "more bang for a buck." But the analysis Mr. Nossiter reported on raises the question if we are not approaching the time when there will be "No bang for a buck."

Electronic airplane and missile systems which do not perform one-quarter or half or three-quarters of the time raise fundamental issues about the basic reliability of our weapons.

EXCESSIVE COST AND HIGH PROFITS

But there are additional shocking revelations which Mr. Nossiter points out and which are raised by the facts in the original paper. Among them are the highest profits often go to the most inefficient firms. This is truly an upside down, Alice in Wonderland world. After-tax earnings, as a percent of investment by the aerospace firms in the 1957–66 decade, were higher by one-eighth, or 12.5 percent than top American industry as a whole.

REWARDS FOR LATE DELIVERY

The complex electronic systems typically cost 200 to 300 percent more than the Pentagon expects and are delivered 2 years later than promised. Generally speaking, one would expect increased payments for speedier performance, and lower payments for slower performance. But, again the Pentagon seems to pay more for those who do less.

Two firms with very bad performance records nevertheless had good to superior profit records. In the case of one, which had high failures on five out of seven major systems, it earned 40 percent more than the rest of the aerospace industry and 50 percent more than industry as a whole.

The other company, none of whose seven weapon systems has measured up to the performance specifications, had earnings in excess of the industry average.

Mr. President, these revelations raise the most serious questions. We have high profits without performance. Rewards are in inverse relationship to time taken and funds spent. Failures are rewarded and minimum standards seldom met. Prices soar, profits rise, and contracts continue.

This matter must be examined both from the viewpoint of the security of our Nation and excessive costs; and, I may add, of course it is the heaviest burden of all on the American taxpayer, because this is where we spend a very large proportion of our taxes.

I ask unanimous consent that Mr. Nossiter's article of Sunday, January 26, 1969, and an editorial in the Washintgon Post of Thursday, January 30, 1969, be printed in the RECORD.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 26, 1969]

WEAPONS SYSTEMS: A STORY OF FAILURE

(By Bernard D. Nossiter)

The complex electronic gadgetry at the heart of new warplanes and missiles generally works only a fraction of the time that its builders had promised.

The performance of the multi-billion-dollar weapons systems started in the 1950s was bad; those of the 1960s are worse.

The Pentagon appears to be giving the highest profits to the poorer performers in the aerospace industry.

These are the conclusions of an abstruse 41-page paper now circulating in Government and academic circles. The document, a copy of which has been made available to The Washington Post, is believed to be the first systematic effort to measure how well or ill the Pentagon's expensive weapons perform.

Its author is a key Government official with access to secret data and responsibility for examining the costs of the Pentagon's complex ventures. He and his agency cannot be identified here.

His paper, entitled "Improving the Acquisition Process for High Risk Military Electronics Systems," aims at bringing down the costs and bettering the dismal performance of weapons. It does not discuss a question that might occur to others: if these weapons behave so badly, why is the money being spent at all?

For security reasons, many of the planes and missiles examined are not identified by name.

The paper first examined 13 major aircraft and missile programs, all with "sophisticated" electronic systems, built for the Air Force and the Navy beginning in 1955, at a cost of $40 billion.

Of the 13, only four, costing $5 billion, could be relied upon to perform at more than 75 per cent of their specifications. Five others, costing $13 billion, were rated as "poor" performers, breaking down 25 per cent more often than promised or worse. Two more systems, costing $10 billion, were dropped within three years because of "low reliability." The last two, the B–70 bomber and the Skybolt missile, worked so badly they were canceled outright after an outlay of $2 billion.

LOSES FURTHER LUSTER

The paper sums up: "Less than 40 per cent of the effort produced systems with acceptable electronic performance—an uninspiring record that loses further luster when cost overruns and schedule delays are also evaluated."

The paper measures "reliability" in this context: The electronic core of a modern plane or missile consists essentially of three devices. One is a computer that is supposed to improve the navigation and automatically control the fire of the vehicle's weapons and explosives. Another is a radar that spots enemy planes and targets. The third is a gyroscope that keeps the plane or missile on a steady course.

When the Pentagon buys a new gadget, its contract with the aerospace company calls for a specified "mean time between failure of the electronic system." In lay language, this is the average number of continuous hours that the systems will work.

In a hypothetical contract for a new jet bomber, Universal Avionics will sell the Air Force on its new * * * by promising that the three crucial electronic elements will operate continuously for at least 50 hours without a breakdown. In the reliability measures used in the paper described here, the plane is said to meet 100 per cent of the performance standards, if, in fact, its gadgetry did run 50 consecutive hours. However, if a key element breaks down every twelve and a half hours, it gets a rating of 25 per cent; every 25 hours, 50 per cent and so on. Should a system operate with a breakdown interval of 62.5 hours—a phenomenon that happens rarely—its reliability is rated at 125 per cent.

TEST FOR THE PILOT

Quite obviously, the more frequent the breakdown, the more the pilot of a plane has to rely on his wit and imagination to navigate, find targets and fly a steady course. Over-frequent breakdowns in a missile can render it worthless as an instrument of destruction.

Curiously enough, as the paper demonstrates, the Pentagon and the aerospace industry apparently learned * * * the systems of the 1960s are even worse.

The document first looks at the performance record of the electronic systems in 12 important programs begun in the 1950s. As the accompanying chart shows, all but four missiles can be identified by name without breaching security.

Of the 12, only five perform up to standard or better; one breaks down 25 per cent more frequently than promised; four fail twice as often and two break down four times as frequently as the specifications allow.

The document discusses some of the good and bad performers in this group. It observes that the F–102, the Delta wing interceptor for the Air Defense Command, was bedevilled by an unsatisfactory fire control system. It first had to be replaced; the next was also unsatisfactory, and an extensive, two-year program to modify the device was then undertaken.

SIDEWINDER DID WELL

In contrast, the Sidewinder, a heat sensing missile, performed very well. The study attributes this to the fact that the missile was developed in a liesurely fashion, without a "crash" sechedule, and that several contractors were brought in to compete for key components.

The paper next examines eleven principal systems of the 1960's. These cannot be identified beyond a letter designation.

Thus, in the chart (chart not printed in RECORD), A1 is the first version of a plane or missile; A2 is the second version, possibly one for a sister service; A3 is the third version and so on. B1 is the first version of an entirely different system; so on C1, D1 and E1.

To make the best possible case for the Pentagon and its contractors, this survey does not include two systems costing $2 billion that performed so badly they were killed off. The eleven systems of the 1960s evaluated here account for more than half of those begun in the most recent decade and their electronic hearts cost well in excess of $100 million each.

Of the eleven systems, only two perform to standard. One breaks down 25 per cent more rapidly than promised; two break down twice as fast and six, four times as fast.

As a group, the eleven average a breakdown more than twice as fast as the specifications demand. Oddly enough, the first version of the system designated as "A" met the standard. But the same unidentified contractor produced three succeeding versions that fail on the average more than three times as often as they should. All these successors, the paper observes, were ordered on a "pressure cooker" basis, on crash schedules.

HIGHEST REWARDS

The paper also examines the relationship between contractors' profits and performance, and suggests that, contrary to what might be expected, some of the most inefficient firms doing business with the Pentagon earn the highest rewards.

The second chart looks at profits, after-tax returns as a percentage of investment, the only valid basis for determining profitability, for the ten years from 1957 through 1966. During the decade, the aerospace firms managed to earn consistently more than American industry as a whole, piling up nine dollars (or billions of dollars) in profits for every eight garnered by companies not doing business with the Pentagon.

Even more peculiar is the brilliant earnings record of two of the biggest contractors, North American and General Dynamics, Both, except for a brief period when General Dynamics tried its hand at some civilian business, made profits far above the industrial average and generally in excess of their colleagues in aerospace.

During the ten years, North American did all but two per cent of its business with the Government. The study reports that it produced one highly successful plane in the mid-50s, another system that met performance specifications, one that was canceled and four that broke down four times as frequently as promised. Nevertheless, the company's profits were 40 per cent above those of the aerospace industry and 50 per cent above the average for all industries.

NONE MEASURES UP

General Dynamics had, as the chart shows, a much more uneven profits record. But its years of disaster and even losses were those when it ventured into the economically colder climate of the civilian world to produce a commercial jet airliner. Having learned its lesson, it retreated to the warmer regions of defense procurement and, in recent years, has netted more than the industry average. It has compiled this happy earnings score, the study observes, despite the fact that none of the seven weapons systems it built for the Pentagon "measured up to expectations." Its most notorious failure is the F–111 swing-wing fighter-bomber.

As a final touch, the study notes that complex electronic systems typically cost 200 to 300 per cent more than the Pentagon expects and generally are turned out two years later than promised. But both of these phenomena have been examined so frequently by specialists in the field that the paper does not dwell on them.

HOW MUCH PROTECTION?

These findings raise some serious questions. Perhaps the most important is how much protection the United States is getting for the tens of billions of dollars invested in expensive weaponry. Another is whether the whole process should be turned off and improvements made in the existing devices. Secretaries of Defense have repeatedly assured the Nation that present weaponry guarantees the destruction of any Nation that attacks the United States.

The document under study here, however, takes a different line, one aimed at getting less costly weapons that measure up to the promised performance.

It blames the dismal record on several factors. One is the relentless search for newer and more complicated electronic "systems." The aerospace contractors has an obvious vested interest in promoting "breakthrough" gadgetry. This is the way he gets new, and clearly profitable business.

CLOSE CORRELATION SHOWN

But the study asks, do the services need it? Since the Air Force and the Navy almost always accept a plane or a missile that performs at a fraction of its promised standard, it would appear from an exclusively military standpoint that a device of a much lower order of performance fits the Nation's defense needs.

The document also shows a close correlation between "crash" programs and poor performance. Thus, it proposes more realistic schedules. If a weapon is wanted in short order, five years or less, the study recommends that its electronic gradgetry be limited to familiar items.

If the Pentagon wants something that makes a "technical breakthrough," it should allow a minimum development period of five to seven years, it is pointed out.

Another factor in poor performance, the study says, is the absence of competition for new systems after the initial designs are accepted. Typically, the Pentagon requires five or so aerospace firms to bid on its original proposal. But typically, it selects one winner on the basis of blueprint papers. The study says that the military could save more money and get a better product if it financed two competitors to build prototypes after the design stage. Such a technique was followed, it recalls, with the F–4, a supersonic Navy interceptor. Even though the F–4 employed both a new radar and a new computer, it performed up to the promised standard.

At first glance, such a technique might seem like throwing good money after dubious dollars. But the study contends that if two aerospace competitors are forced to build and fly prototypes before they win the big prize—the contract to produce a series of planes or missiles—they will be under a genuine incentive to be efficient, hold costs down and make things that work.

[From the Washington Post, Jan. 30, 1969]

THE MILITARY SPENDING SPONGE

Any survey of Federal spending these days leads inevitably to the conclusion that the needs of national defense outrank, in our priorities, the urgent domestic programs which may make the difference between a bearable and an unbearable life in the Nation's cities or farms. There is some logic in this, of course, for we cannot deal effectively with our domestic ills unless we are, first of all, free from external threat. So, on its face, there is nothing wrong with the fact that it is easier to sell Congress a shiny new missile than a slum clearance project, or that the Defense Department gets almost 40 per cent of the Federal budget, or that just one part of the Pentagon's activities—research, development and testing of new weapons—gets more money than all the programs of the Department of Urban Development. There is some logic in this, however, only if this massive grant of money to the military is wisely spent. And that is what is so disquieting about the recent report by Bernard D. Nossiter in this newspaper about the performance of our defense planners and our military contractors—because what it says, quite starkly, is that new weapons systems consistently cost far more than originally estimated and consistently fail to perform up to the specifications set for them.

A report by a Government analyst involved in military programs says that weapons systems with sophisticated electronic components encounter delays averaging two years in their completion, run up costs of 200 to 300 per cent more than anticipated, and have reliability, when they are completed, of less than half of that promised. It is hard to keep from wondering whether military dollars are being well spent and whether Congress would authorize the new systems in the first place if it knew what the ultimate results would be. It is even harder to keep from wondering about these questions when it is clear that the failure of some aerospace contractors to meet the terms of the contracts they will has nothing to do with the profits they make.

It is undoubtedly true, as the Pentagon is sure to tell us soon, that modern weapons systems are fantastically complex and that a high degree of risk is involved in their development. It may also be true that a new weapons system, developed at three times its anticipated cost and reliable at less than 50 per cent of its contract specifications, provides, nevertheless, a substantial improvement in the Nation's defenses. But the question that needs to be answered is whether the aerospace contractors and the military promise far more than they can deliver in order to win funds from Congress. If Congress approves a new system that is claimed to improve our defenses by a factor of 4 three years from now at a cost of $1 billion, it ought not to wind up buying a system that takes 5 years to install at a cost of $2 billion and improves defenses by a factor of 2. It may be that the latter would be worth the additional cost and time but it may also be that Congress wouldn't have approved the program if it had known what it was really buying.

On this kind of issue, of course, it is almost impossible for laymen to oppose the judgment of military experts and systems analysts. Yet, the questions persist. Why does the Government Accounting Office have more men poking into the affairs of Pride, Inc., the local antipoverty agency, than it does poking into the affairs of the aerospace contractors who spend more money before lunch than Pride will ever spend? Would Congress tolerate for a second the kind of performance on the development of antipoverty and anticrime programs that it tolerates on the development of military weapons systems? Why does a company that consistently promises more than it delivers continue to make substantial profits? Do the vast outlays for weapons development and procurement really bolster national defense as much as they appear to?

These questions are particularly pertinent this year. The military wants to embark on a vast, new antiballistic missile system that will, before it is completed, eat up billions of dollars. Yet every proposal to Congress for mundane things—from funds for the Washington area's rapid transit system to new outlays for housing or education—encounters the argument that the money simply isn't there. Even the hope of many that an end to the war in Vietnam would free great sums of money for domestic programs—programs, we are now told, which may be illusory. Pentagon officials now warn that lower expenditures in Vietnam will simply break the dam that has been imposed on requests for all three military services for substantial investments in new weapons systems.

Somewhere in this maze, Congress must begin to face the realities. Military needs seem to be like a sponge that is never filled. If the money soaked up frequently buys less than is bargained for, the question is how much more should be poured in before the methods of development and procurement are radically changed. Just as there is a minimum level of national security that must be maintained, so there is a minimum level of domestic programs that must be sustained; the Government ought not to have lower standards of performance in one field than in the other; on the contrary, the greatest caution and the greatest care should be given to that category of spending which has been granted, of necessity, the highest priority; it is the ease with which Congress will contemplate an outpouring of billions in the name of defense that makes it so easy for this sort of spending to get out of hand.

THE MEANING OF THE CONVENTION FOR THE POLITICAL RIGHTS OF WOMEN—XV

Mr. PROXMIRE. Mr. President, some Members of the Senate, as well as the general public, may not be aware of the intent of the Convention for the Political Rights of Women. Let me explore todav the meaning of the Convention.

The preamble to the Convention states its intent to implement the principles of the United Nations Charter, which we signed in 1945. This Convention recognizes, as does our Constitution, the right of every citizen to take part in his Nation's government. In addition, the preamble recognizes the need to implement the provisions not only of the United Nations Charter, but of the Universal Declaration of Human Rights. This declaration sets "a common standard of achievement for all peoples and all nations," and virtually repeats what our own Constitution and laws declare.

Of the 11 articles contained in the Convention, four are substantive in nature. Article I is a rewording of the 19th amendment to our Constitution—that women may vote on an equal basis with men. Article II, pertaining to the right of women to be elected to "all publicly elected bodies, established by national law," and rephrases concepts included in our own body of laws. Article III of the Convention entitles women not only to election but to hold public office, which is both an extension of their eligibility for election to public office, and guaranteed in our national laws. Finally, article IX addresses itself to problems arising from differing interpretations of the Convention. It states that disputes be referred to the International Court of Justice, unless the parties "agree to another mode of settlement."

The great similarity of these articles to our own national body of laws is a strong reason for our ratification of this Convention. If we have accorded these rights to the women of this Nation, why should we fail to extend the same rights—human rights—to women throughout the world? Let us ratify the Convention for the Political Rights of Women.

THE CIGARETTE LABELING ACT

Mr. COOK. Mr. President, the Senator from Utah (Mr. Moss) appears to want the Congress to abdicate the responsibility it assumed in 1965, and to do it without any hearings to check the state of knowledge about smoking and health. There is, in fact, every reason to believe that there has been very little clarification of this picture in the past 4 years. I would hope Congress would not allow the Cigarette Labeling Act's provisions banning agency regulation of cigarette advertising to expire on time.

After all, it was the Congress which delegated this regulatory authority to the FTC in the first place, and Congress has a perfect constitutional right to reassume its authority in this area.

Senator Moss is correct that the burden is with those who favor extension of the ban on agency regulation to extend the legislation. We shall be very vigorous in our support of the right of Congress to regulate in this area, if it so chooses.

Congress, which has the power to delegate authority to a commission, certainly has the privilege and the right to rescind that authority. This the Congress did in the 1965 act, and I favor extension of the ban on FTC regulation of the tobacco industry, in this area, in the absence of specific congressional authorization.

The Senator's ultimatum seems to be directed much more at the Congress than at the tobacco industry.

COMMITTEE MEETING DURING SENATE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Rules be permitted to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL TUESDAY, FEBRUARY 4, 1969

Mr. KENNEDY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Tuesday next.

The VICE PRESIDENT. Without objection, it is so ordered.

U.S.-U.S.S.R. FISHERY TALKS CONCLUDED

Mr. STEVENS. Mr. President, the Russian-United States negotiations on the Northwestern Pacific fisheries have been completed. Agreement has been reached and announcement of the details of this agreement was made at noon today.

The results of the negotiations were not all that Alaskans might have wished. But by the same token the results were not all the Russians wished either. There was give and there was take. Alaska's fishing experts who were consulted during the course of the meetings tell me that Alaska will definitely benefit from the agreement. The King Crab catch by Alaska fishermen will be increased, the Soviet catch will be cut in half. The area in which crab pots only may be used has been increased and the area will now be closed to trawling to avoid conflicts. It is hoped that the new agreement will improve relations and lessen tensions between the fishing industries of the two countries.

I have talked with Alaskans in the fishing industry, Alaskans of both parties. They are united in endorsing the work of the U.S. negotiator, Ambassador Donald L. McKernan, special assistant for fisheries and wildlife to the Secretary of State.

I ask unanimous consent that the text of the announcement, the background document provided by Ambassador McKernan, and the list of the Alaskans who participated in these negotiations be printed in the RECORD.

There being no objection, the items requested were ordered to be printed in the RECORD, as follows:

U.S.-U.S.S.R. Fishery Talks Concluded

Representatives of the United States and the Soviet Union today concluded three weeks of discussions on northeastern Pacific fishery problems with the signing of new agreements on various matters relating to the fisheries of both countries off the coasts of Alaska, Washington, Oregon and California. Today's agreements were signed for the United States by Ambassador Donald L. McKernan, Special Assistant for Fisheries and Wildlife to the Secretary of State, and for the Soviet Union by Mr. M. N. Sukhoruchenko, Deputy Minister of Fisheries of the U.S.S.R.

The new agreements extend for two years, with substantial changes, the provisions of three existing agreements having to do with the king crab fisheries in the eastern Bering Sea and the fisheries for various other species off the U.S. Pacific coast. Both delegations considered the new agreements to be a further positive step in the development of cooperation in the fisheries field, looking to the rational use of the sea's resources.

In the case of the king crab fisheries, it was agreed that the annual Soviet catch quota in the eastern Bering Sea will be reduced from 100,000 cases of canned crab to 52,000 cases in order to meet conservation needs while providing for an increased catch by U.S. fishermen. The new agreement also provides, for the first time, for controls over the Soviet catch of tanner crab, a resource of considerable future potential. In addition, the area in which only crab pots (or traps) may be used is enlarged, and the area will now be closed to trawling in order to avoid conflicts arising from the use of stationary as opposed to mobile fishing gear.

In other aspects, the new agreements provide improved protection for the fishing gear of American crab fishermen by changing to conform to the current king crab fishing season the period of closure to mobile fishing gear of certain areas of the high seas near Kodiak Island, Alaska. A new area on the high seas south of Unimak Island, known as Davidson Bank, is also closed to Soviet trawling during the crab fishing season. In order to lessen the risks of gear conflicts between trawl fishermen and US halibut fishermen, special measures are provided for two main halibut fishing grounds in the eastern Bering Sea, including a closure to mobile fishing gear during the first half of the halibut fishing season.

Off Washington, Oregon and California, for purposes of conservation of Pacific Ocean perch and other rockfish, it was agreed that bottom trawling would not be permitted during the winter months in areas where the major winter concentrations of ocean perch and other rockfish occur, and that there would be no specialized Soviet fishery for these species during the remainder of the year.

Under the previous agreements Soviet vessels have been permitted to fish within the nine-mile zone contiguous to the US territorial sea in areas of the central and western Aleutians and a smaller area in the northern Gulf of Alaska. The new agreements provide additional areas for Soviet fishing within the contiguous fishing zone off the Aleutians in certain periods of the year. The areas within the contiguous zone designated for use by Soviet fishing vessels as cargo transfer points have been adjusted by eliminating the areas off Washington and Oregon and adding new areas off Alaska near St. George Island and Nunivak Island in the Bering Sea and Marmot Island in the Gulf of Alaska.

The agreements continue to provide for cooperation in scientific research, exchange of scientific data and personnel and general procedures for reducing conflicts between vessels and gear of the two countries.

The US delegation included, in addition to US Government officials, advisers from the state fishery agencies and commercial and sports fisheries of Alaska, Washington, Oregon and California.

U.S.-U.S.S.R. Conference on Northeastern Pacific Fishery Problems, Washington, D.C., January 8–31, 1969

BACKGROUND

Negotiations between the United States and the Soviet Union involving three existing fishery agreements between the two countries came to an end with the signing of new agreements Friday morning, January 31. The three new agreements involve: (1) king crab fishing in the eastern Bering Sea on the US continental shelf off Alaska. This agreement includes the regulation of fishing for tanner crabs as well as provisions for joint research by the two countries on both species of crab; (2) fishing for various species of fish in waters off Alaska, Washington, Oregon and California; and (3) the regulation of Soviet fishing operations in the vicinity of Kodiak Island to prevent conflict between United States king crab fishing gear and Soviet trawlers.

The new arrangements are of two-years duration and will enter into effect immediately.

The United States Delegation was headed by Ambassador Donald L. McKernan and the Soviet Delegation was headed by Deputy Minister of Fisheries, Mr. Mikhail N. Sukhoruchenko. The United States Delegation included about 40 state, federal and industry representatives from Alaska, Washington, Oregon, and California. The discussions extended over a period of nearly four weeks and involved questions of conservation of fishery resources found off the coast of North America and questions of the regulation of fishing so as to prevent interference with the operations and success of American coastal fishermen in the northeastern Pacific Ocean.

Examination of the provisions of the new agreements negotiated with the Soviet Union indicate that they are more favorable to the interests of the United States than the provisions of the past agreements. Considering the fishing agreements between the U.S. and the Soviet Union and Japan together, it seems clear that improved conservation of resources of concern to the U.S. and better opportunity for American fishermen are provided for in the new agreements.

THE KING CRAB AGREEMENT

In the case of king crabs in the Bering Sea, the US asserts total jurisdiction over these crabs, but because of the previous fishery of the Soviet Union in the area, they have been allowed to continue to fish for a limited quantity of this species. The new agreement reduces the annual quota of the Soviet Union from 100,000 cases to 52,000 cases of king crab during the next two years, an approximately 50% reduction. An annual quota of 40,000 cases of tanner crab was allowed the Soviet Union, which brings the catch of this species of crab under the control of the US for the first time.

Scientists on the US side indicate that provisions in the new agreement calling for the reduction in king crab fishing by the Soviet Union were necessary to preserve the king crab stocks in the eastern Bering Sea. Regulation of the catch of tanner crabs is necessary to ensure adequate conservation of this resource so that it will remain at a high level of abundance. Ambassador McKernan pointed out that American fishermen are rapidly moving into the Bering Sea and it is necessary to control and reduce the catch of both species of crabs from the Bering Sea in order to provide for both the conservation of resources as well as ensuring an adequate supply of crabs for American fishermen.

In addition to the reduction in king crab quota and the regulation of tanner crab fishing by the Soviet Union, the new king crab agreement provides for an enlarged crab pot sanctuary in the southeastern Bering Sea which will be available for American fishermen and within which no tanglenet fishing or trawling will be allowed.

The discussions of king and tanner crab fishing in the Bering Sea included a detailed examination of research being carried out by both countries and plans have been made between the scientists to continue and expand research programs on these species. It is anticipated that the results of the research will lead in the future to improved management of the resources and more adequate conservation.

THE FISHING AGREEMENT

United States halibut fishermen have had increasing difficulty in recent years, with a decline in the abundance of halibut occurring generally throughout northeastern Pacific halibut grounds. There has also been increasing interference with US halibut fishermen by the large mobile trawlers from Japan and the Soviet Union. The new agreements with the Soviet Union provide for restrictions on Soviet fishing operations in both waters in the vicinity of Kodiak and in the southern Bering Sea. American fishermen have a short but intensive season for halibut in the Bering Sea and it is during this relatively brief period of two weeks that major instances of gear conflict between US and Soviet fishing gear have occurred. The new agreement calls for Soviet trawlers to refrain from fishing in two areas of heaviest US fishing—on the "Misty Moon" grounds south of the Pribilof Islands and on the "Polaris" grounds north of the Aleutians. In addition to the complete abstention from fishing on the grounds during a portion of the season, the Soviet Union agreed to take special precautions to refrain from interfering with American halibut fishing gear. It is hoped by these measures to prevent the preemption of the halibut grounds by foreign vessels and to prevent damage to the American fishing gear once it is set.

On the Davidsons Bank area south of Unalaska and Unimak Islands, the Soviet Union has agreed to refrain from trawling during a five-month period of the year when the Alaska king crab fishing season is open and heavy gear concentrations are found there. Thus, another potentially serious area of gear conflict between Soviet trawlers and American king crab fishermen will be eliminated.

In the Pacific Northwest off the coast of Washington, Oregon and California, special concern has been expressed by fishermen and scientists about Pacific ocean perch and other stocks of rockfish. Fishing by Japan and the Soviet Union during the past several years has seriously reduced the abundance of these species to a point where the US fishermen's catch is very low. The new agreement with the Soviet Union provides for six large closed areas located in areas of the contential shelf and slope where rockfish, flounders and other species of fish important to US trawl fisheries are concentrated during the winter. The closures will be effective generally during December through mid-April, varying in time from California northward to the Strait of Juan de Fuca. In addition, the Soviet Union has agreed to refrain from fishing for Pacific ocean perch and other species of rockfish during any time of the year off the coast of Washington, Oregon or California. They will confine their fishery to hake and other species not now fished intensively by the United States. Conservation measures agreed to would limit the size and kind of trawl nets used off the coast so as to reduce the retention in the trawl nets of small immature fish of all species. Five loading zones located off the coast of Washington and Oregon, included in the original agreement, were eliminated in this latest arrangement.

In return for the concessions to the United States by the Soviet Union on the high seas, the United States on its part agreed to add three new loading zones, one off Marmot Island north of Kodiak Island, Alaska, and two others in the Bering Sea—off St. George Island and Nunivak Island. In addition, the fishing area allowed the Soviet Union in the Aleutian Islands within the contiguous fishing zone of the United States was altered so that it now coincides with the same fishing zones provided the Japanese. Other provisions of the new agreement were continued as in the previous agreement.

THE KODIAK KING CRAB FISHING GEAR AGREEMENT

The Soviets agreed to continue their abstention from fishing in six areas of the high seas in the vicinity of Kodiak where concentrations of American king crab gear are located. They also agreed to increase the time of closure of these areas to five months to correspond with the open season for American king crab fishing. Thus, in three major areas of the high seas off the coast of the United States, in the Bering Sea as well as in the North Pacific Ocean in areas of very heavy king crab fishing, the Soviets have agreed to refrain from trawling either throughout the entire year or during the crab fishing season. Thus, interference with U.S. fishing gear is minimized and the incidental catch of king crabs is also reduced.

Alaskans who participated in the negotiations were Charles H. Meacham, Director of International Fisheries, Office of the Governor, State of Alaska, Juneau; Wallace H. Noerenberg, Deputy Commissioner, Alaska Department of Fish and Game, Juneau; Harry L. Rietze, Regional Director, Bureau of Commercial Fisheries, Juneau, Alaska; David T. Hoopes, Biological Laboratory, Bureau of Commercial Fisheries, Auke Bay, Alaska; Donald E. Smith, Alaska Board of Fish and Game, Kodiak, Alaska; Lowell A. Wakefield, Wakefield Fisheries, Port Wakefield, Alaska.

NIXON ADMINISTRATION FACES THE SCHOOL DESEGREGATION ISSUE

Mr. JAVITS. Mr. President, I wish to address myself today to a very important test which the new administration is facing in the school desegregation issue. It comes very shortly, of course, after inauguration; but nonetheless, it was anticipated, and it is going to be very important, in my judgment, to see how the administration measures up to it.

The facts, Mr. President, are well known. The previous administration, under Secretary of Health, Education, and Welfare Wilbur Cohen, actually withheld funds for Federal aid to elementary and secondary education from public school systems which persisted, 14 years after the Supreme Court decision in some form of segregation, or in practices conducive to segregation; and there was a very real effort to see through and to pierce subterfuges like pupil placement and similar strategies.

This administration, Mr. President, has adopted a somewhat new procedure, though it has not broken with the basic proposition that title VI of the Civil Rights Act of 1964 requires that funds be cut off from a school district operating a public school system which continues practices of segregation with respect to color.

Mr. President, this whole matter is given greater importance by the fact that the President is said to have advised Secretary Finch on his course of conduct, which, therefore, will be taken, and I think quite properly, as basic administration policy—which, in turn, is the issue.

First and foremost, Mr. President, I agree—and I believe that this is a general sentiment among those who favored the Civil Rights Act of 1964—that title VI should and must be enforced. There were many rumors, based upon various campaign statements, that perhaps this administration would take a different view, and would not actually withhold Federal aid to education money in such situations.

The fundamental proposition, it seems to me, has now been laid down that the administration will not do that, but that it will continue to interpret title VI so as to require the denial of funds. Mr. President, I support that proposition, and I would feel it my duty to fight very hard against any other point of view.

Now the question arises as to dynamics within that context. Here there has been a variance on the part of the new administration, in this respect: The previous administration, when it cut off funds, would not restore them until the segregative practices were changed, or there was a real factual basis to assume that they would be changed; and when the payments were restored, there was no retroactivity.

Under yesterday's announced procedure, which the Secretary stressed was unique and not a new pattern, there will be, a provision for retroactivity, because the money has been deposited in trusts, and if there is a correction of the practices complained of within 60 days, then money paid out of the trusts will constitute a retroactive payment.

Mr. President, the impact of yesterday's action depends upon four things: First, the actual results, what actually happens; second, whether the teams that he puts in are effective; third, whether he is permitted to put teams in given school districts which are in that situation, and whether he will make it a condition of adopting this practice that the teams be put in; and, fourth, that there is some promise, in such districts, that what the teams recommend will be done, and that the whole thing will not be just a front for really not dealing with such districts as firmly as the previous administration did.

He is a new Secretary, Mr. President. He is entitled to a chance to try out what he thinks is the best way to proceed, and I am for giving him that opportunity. I have so advised the Secretary, both orally and in writing.

But, Mr. President, I take to the floor of the Senate because this is congressional legislation we are dealing with. I must say, first, that I thoroughly approve of the fact that there is no basic change in policy with respect to the cutting off of funds from districts which persistently refuse to desegregate, or try, by the adoption of stratagems, to get around it. Second, Mr. President, if the Secretary wishes to try out this practice, as I say, I am for giving him a chance to do it, but he should know that we will be looking over his shoulder very carefully, to see if it works, and that if I or others who feel as I do believe it does not work or will not work, we reserve the right to protest very strongly against it. I believe that, Mr. President, is the composite of my attitude.

It is interesting that, side by side with the new stress on this subject, we now find another court ruling, right down in Mississippi, which prevents the State of Mississippi from making contributions to private schools, which is another way of trying to evade the desegregation mandate of the law. I believe this is a very helpful indication of the fact that the whole country, including the courts, and now even courts in the South, is determined that there shall be no avoidance or evasion of the mandate of the U.S. Supreme Court, now incorporated in the law of the land, the Civil Rights Act of 1964, that our schools shall not be segregated.

I emphasize, Mr. President, that the reason for my statement today is to preserve my right and those of others in this matter to protest, if protest is justified, to advise the Secretary that what he has done is very much on trial, and to express approval of the fact that it does not represent a fundamental break with the policy which has heretofore been pursued in the enforcement of what I consider to be both the letter and the spirit of the Civil Rights Act of 1964, that Federal aid to education shall be denied to school districts which persist in disregarding the legislative and constitutional mandate requiring that there be no segregation in our public school systems.

Mr. President, I yield the floor.

The VICE PRESIDENT. Is there further morning business?

Mr. SCOTT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

CRIME IN THE NATION'S CAPITAL

Mr. SCOTT. Mr. President, I understand that President Nixon will soon send to Congress his proposals to deal with the very serious crime problem in the Nation's Capital. The alarming rate of serious crimes in Washington, D.C., and every other major city in every part of the country, is a vital problem to every American. Too often, unfortunately, it is a matter of life and death.

Last night I had a brush with a violent crime on one of Washington's busiest streets. Shortly before midnight, several other Members of Congress and I, accompanied by our wives, were leaving a reception for a member of the press and her fiance near Dupont Circle, where Connecticut and Massachusetts Avenues intersect. Among the group were the Senator from Tennessee (Mr. BAKER), the Senator from Oregon (Mr. HATFIELD), and Mr. Herbert Klein, the President's Director of Communications, as well as our respective wives.

We heard several gunshots, and rushed to the aid of a gentleman who had been held up and shot because he refused to hand over his money.

I say "rushed" to his aid, although he

was well able to take care of himself in the sense that he was shot in the calf; and, being in training as a Treasury agent, he had a considerable amount of personal aplomb and courage, and seemed as much interested in meeting several Senators as in having his wound dressed.

The victim, Thomas Dunleavey, of Philadelphia, Pa., is in training as a Treasury agent. Fortunately, the wound was not critical. He was given emergency first aid treatment by Representative TIM LEE CARTER, of Kentucky, a physician, who was also at the scene, and then taken to George Washington University Hospital.

The suspect escaped, although the Washington police, to their great credit, arrived within 5 minutes of the shooting.

The crime problem is not unique to Washington, D.C. But I hope that improvements here can serve as guidelines for other cities similarly afflicted. I urge full support of the President's proposals to reduce crime in the District of Columbia, and throughout the Nation.

There are many root causes for criminal behavior, and the President and Congress must work vigorously to eliminate them. But in the meantime, we must take effective action to restore law and order with justice and with full attention to the rights of the accused and the rights of innocent citizens.

As one who has been exposed so recently to this aspect of violent crime, as one who is aware of the fact that for every 45 felonies committed in the District of Columbia, there is only one conviction, and as one who is aware, as I have noted, that President Nixon and the Attorney General shortly plan to suggest some very concrete and, I would sincerely hope, effective proposals to lower the level of violence in the District of Columbia, so that we might establish the Capital as a place of safety for our citizens to visit, I thought I would recite this incident.

Last August, I was in Russia for the first time in my life—in the streets of Moscow. I arrived about the same hour, midnight. I asked American Embassy officials whether I could walk around the streets with safety; and the answer was, "Yes, you can walk around with perfect safety."

This is not cited in praise of any other regime—far from it; and their method of achieving order is not the method I would hope we would pursue. But it is an ironic situation when the Nation's Capital is so crime ridden that it now becomes customary for its citizens, its residents and its visitors to be able freely to recite to each other their own personal brushes with criminal law violations.

If I may, I yield the floor to the Senator from Tennessee.

Mr. BAKER. Mr. President, I commend the Senator from Pennsylvania (Mr. SCOTT) for bringing this matter to the attention of the Senate and, hopefully, to the attention of the country.

The uniqueness of Members of this body having witnessed, or virtually witnessed, a violent crime on the streets of the Nation's Capital is not an important item, although it is a traumatic experience to leave a social function and to encounter a victim of three gunshot wounds in the downtown metropolitan area of Washington, D.C. This is not unique. And our witnessing it is not the unique feature.

The importance of the event—and the justification for these remarks, I believe—is to underline and to underscore the necessity for doing two things: First, to provide for an orderly effort to reduce the level of crime and lawlessness in the District of Columbia and in the country, as I understand will be done in the recommendations of the President shortly; and, second, to create an atmosphere that will permit the symbolism of law, justice, equity, and order to become the norm in this Nation, the expected mode of conduct, and to once again become the civilizing force in this, the greatest nation on earth.

I very much fear that the symbolism of civilization is ebbing away for lack of effective law, equity, justice, and order. The District of Columbia is the place to start, and now is the time to start. I urge this administration and Congress to take effective action, not only by way of statutory enactments but also by pronouncements, in an effort to mobilize the conscience of the Nation in support of reasonable efforts to restore civilization to this city and to this Nation.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me for a brief comment?

Mr. SCOTT. The Senator from Tennessee has the floor.

Mr. BAKER. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I congratulate the Senator from Tennessee and the Senator from Pennsylvania on the statements they have just made.

As chairman of the Appropriations Subcommittee on the District of Columbia for 8 years, and as a member of that subcommittee for 10 years, I have had occasion to study the situation with regard to crime in this city; and for a long, long time I have urged that adequate steps be taken to provide additional judges, and to appoint judges who would be realistic and hard-nosed, if you please, in dealing with criminals.

I supported President Johnson's request of last year for 1,000 additional policemen in the District of Columbia; and, as chairman of the subcommittee, I recommended that moneys for 1,000 additional policemen be included in the fiscal year 1969 bill making appropriations for the District of Columbia.

I hesitate to express a great deal of optimism with regard to the chances of securing this number of additional policemen, especially in view of the very difficult experiences and difficult problems which confront policemen themselves in the District of Columbia. I sometimes wonder why any individual would apply for a position on the Police Department in the District of Columbia if he realized at all the background and the experience of the past 8 or 10 years, which would indicate that the policeman, if he does his job, would be highly criticized by some militant pressure groups in the city. If he makes an arrest, likely as not, he will be charged with police brutality; and if he has to use force to make and maintain an arrest he may end up finding himself in greater trouble than does the person arrested.

Whether or not any of these things happen, he will find that the individual arrested for the crime is usually back on the streets before the policeman himself can get back on the streets. I think the courts have been entirely too lenient with criminals, not only in the District of Columbia but also throughout the country. Of course, the court which more or less has set the pace for this convenient molly-coddling of criminals has been the Supreme Court of the United States.

I would hope that the Nixon administration has read the mood of the people of the country. The people are sick and tired and completely fed up with crime, violence, demonstrations, and college insurrection. I would hope that the administration would not forget promises which were made to the people during the campaign, leaving the people of the country with the impression that this administration is going to do something about crime and the criminal.

I believe Mr. Nixon knows this and there are indications that he intends to crack down on the criminals. If he does, I am all for it, because this is what I have been advocating for a long time.

I hope we will get away from so much theory and sociology and be more practical in dealing with criminals.

I am glad that these two Senators have related their experience of last evening. Mr. President, Senators may go down to the morgue any day of the week and see what is happening in the city. I have been there many times. It is not a pleasant place, but if one wants to see the hideous aspects of crime in this city, one may visit the morgue on any day. The gentleman victim of last evening to whom the able Senators have referred was lucky. He was only shot in the calf of the leg.

I pity the women of this city who have to keep their shades drawn and their doors locked, who are afraid to go into the streets without escorts. I pity the staffs in Senators' offices who are afraid to go home after they have worked the day in the office.

There is entirely too much concern expressed for the rights of the rioters, the rapists, and the murderers, and not enough concern for the rights of the law-abiding citizen. We hear much about civil rights. Every citizen has a civil right to be able to go to the grocery store, the movies, the office where he works, or to return to his home after he works. Every citizen has a constitutional right and a civil right to be able to do all of these things without fear of violence against his person and property and without suffering the fears and the dangers that the people of the District of Columbia constantly suffer.

Mr. President, the victims are soon forgotten. Many of the people who are beaten over the head and stabbed and shot live the remainder of their lives perhaps blind or crippled or incapacitated physically or even mentally as a result of the crimes committed against them. They are forgotten about, but they have to continue to pay their doctor bills and medical bills.

But the criminal—what happens to him? He may be arrested or he may not be arrested. If he is arrested he may be convicted or he may not be convicted. If he is convicted he may serve a sentence or he may not. If he is punished, he is pitied by the theorists. But the poor victim has to go on paying the nursing bill, the doctor bill, the hospital bill, and suffering whatever the result might have been of the crime perpetrated against him. He is forgotten by all but his immediate family.

I say society should be tough on these criminals and let them realize once again that crime does not pay. We have gotten away from that concept in this country and in this city. So if the administration really means business, let it lead the way and appoint hard-nosed, realistic, practical judges to the courts of the country and especially to the Supreme Court of the United States. When this is done, we will begin to see the criminals take for cover.

I am in favor of additional policemen. I saw something in the newspaper the other day to the effect that the new administration is going to ask for 2,000 more policemen. I am for it. I would be for adding 5,000 more policemen if we could get them. However, for 8 long years I have seen the Police Department in this city unable to fill vacancies for which moneys were appropriated by my subcommittee. I would like to see the Department fill those vacancies.

These militant civil rights groups are always shouting about discrimination. Let them bring forth qualified Negroes from the Negro community in the city to fill these positions. Surely, in a city which is 65 percent Negro, the Negro community can bring forward enough qualified Negro applicants to fill police positions that are vacant; and let them stop shouting discrimination from the steeples and housetops.

Certainly with a 65-percent Negro population there should be more than a 22- or 23-percent representation on the police department in the District. As I remember, as of the last time I conducted hearings about a year ago, only about 22 or 23 percent of the total police force was Negro. In a city that is 65 percent Negro, surely the Negro community can do better than that. Let them fill these jobs.

When the courts start handing out stiff penalties to these rapists, muggers, murderers, and thieves, and making sure that criminals understand punishment is going to be severe, sure, and prompt, then we will begin to see a little improvement in the crime situation in the District of Columbia.

I am tired of letting criminals run over the rest of the community roughshod. As far as I am concerned, society should get back to executing a few of the rapists and murderers.

Mr. President, I witnessed one execution at the West Virginia Penetentiary 18 years ago. There was a time when I would have voted against capital punishment, but as I observe day after day the spiraling crime rate, and as I observe men and women in the city of Washington afraid to go to the park or to the supermarket, afraid to go to the offices where they work, teachers afraid to go to the schools where they teach, and the rapists having a field day, I have changed my mind about capital punishment. I think there are certain crimes for which there should be capital punishment and if there were a few executions of these rapists and confessed murderers, there would no longer be open season on rape in the Nation's Capital.

Mr. BAKER. Mr. President, I thank the Senator from West Virginia for his remarks in this regard, and the Senator from Pennsylvania for his remarks in connection with this important matter.

I do not presume to advise the administration how to solve the problems outlined today in this Chamber, but there are one or two points I would make that I think should be considered.

First, we are not going to solve the problem simply by the addition of more policemen. I agree that we need more policemen. We need more courts because we must have the judicial machinery to bring to prompt and speedy justice those charged with crime. For this purpose I hope the Department of Justice would consider calling to active duty district judges who have retired, and other judges, so that we might set up a sufficiently large body of machinery to try promptly, within days or weeks, those charged with crime in this city; and if need be, that we recruit or call on the bar associations throughout the country to assign competent counsel who might be appointed to defend the rights of those persons so that there would not be a bottleneck. That is infinitely superior to any sort of abridgement of the right of habeas corpus, or the right to a swift, fair, and prompt justice, the meting out of justice within a matter of weeks. So that not only can we decrease violence on the streets, but we can also create that symbolism of civilization which is the missing ingredient, which is contributing to the spiraling crime rate throughout the Nation.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Tennessee yield?

Mr. BAKER. I yield.

Mr. BYRD of West Virginia. I agree with the Senator that we need additional judges—does the Senator yield to me?

Mr. BAKER. I yield the floor.

Mr. BYRD of West Virginia. I do not want the floor again, because I have already had it. I want to make this known: The Senator is correct, we do need additional judges and court personnel. The court dockets in this city, I noted 2 years ago, were going backward at the rate of about 40 cases per week. An effort was made then to get judges to come to Washington, D.C., from other jurisdictions to help the courts in this city with their very heavy caseloads.

I think this is one important approach to the problem. I think another important approach would be to amend the Bail Reform Act. In the hearings which my subcommittee conducted, it was stated by various judges in the city that they felt they were being restricted by the Bail Reform Act and could not consider the potential danger of an individual to the community when it came to considering his release on bail.

Finally, it is important that probation and parole officers consider how to deal more rapidly with parolees and those on probation. As was indicated in those hearings, individuals often commit additional crimes while out on probation or on parole. The officers took no steps to revoke probation or parole. We must deal more strictly and rigidly—and harshly, if you please, if I may use that word—with criminals.

LOSS OF NUCLEAR SUBMARINE "SCORPION"

Mr. PASTORE. Mr. President, today the U.S. Navy released the unclassified portion of its findings concerning the loss of the nuclear submarine *Scorpion* last May.

Before I comment on the findings, I again want to pay tribute to the crew of *Scorpion*. A total of 99 brave and courageous men who had dedicated themselves to the Nation's and the free world's security were lost in that tragic event. I placed the names of these valiant men in the CONGRESSIONAL RECORD on June 12, 1968. All we can offer in payment of the great debt we owe these brave men is our prayers; and all we can offer their families and friends are our sympathies.

In the deepest sense of responsibility the Joint Committee on Atomic Energy has followed events in the inquiry concerning the loss of the nuclear attack submarine *Scorpion* very closely. The committee has dedicated and will continue to dedicate its efforts toward the development of nuclear submarines which are as reliable and safe as we can provide for those who man our first line of defense. I, as chairman of the Joint Committee, last year assigned a specially qualified member of our staff as an observer at the inquiry. I had the same unhappy responsibility in 1963, when another great ship, the nuclear submarine *Thresher*, was lost at sea in April of that year. Our objective, as always, was to get prompt and firsthand information on these vital matters. Our most important task when such tragic events occur is to learn all we can about it and do whatever is humanly possible to keep things of this nature from recurring.

I am able to report that the information we have obtained indicates that the Court of Inquiry sitting in review of the *Scorpion* loss performed in a highly thorough and professional way. I expected this would be the case when I learned last May that Adm. Bernard L. Austin, U.S. Navy, retired, was designated to head up the inquiry. Admiral Austin had the same responsibility during the inquiry on the loss of *Thresher*. The committee had the opportunity to get to know Admiral Austin very well during the 1963–64 *Thresher* inquiry and, based on this personal observation, holds him in the highest esteem. I believe we can be assured that with his leadership every fact that was obtainable was obtained.

Much of the technical material developed in the inquiry and the recommendations which were made are, of course, classified for reasons of military security. These must be followed up on by all of the organizations responsible in the particular areas. I am sure the Armed Services Committee in addition to the Joint Committee will want to go over the information which was developed in detail. We also look forward to reviewing whatever information the *Trieste* will obtain on *Scorpion* next spring. I note that, although "the certain cause of the loss of *Scorpion* cannot be ascertained from any evidence now available" as quoted from the court's report, the Navy is going to continue to try to get more information in its attempt to fix the cause.

The data made available today by the Navy contains the unclassified facts on the loss of *Scorpion*. I believe it is important for all interested parties to have these facts and, accordingly, I ask unanimous consent to have them printed in the Record.

There being no objection, the facts were ordered to be printed in the Record, as follows:

Summary of Findings of Court of Inquiry Convened To Inquire Into the Loss of the U.S.S. "Scorpion" (SSN 589) Between May 21–27, 1968

The USS *Scorpion* (SSN 589) commissioned on 29 July, 1960, was built by the Electric Boat Division, General Dynamics Corporation, at Groton, Connecticut, as the second nuclear submarine of her class. She was overhauled by the manufacturer after shakedown operations. This overhaul took place over October-January 1960–61. She underwent a regular overhaul at the Naval Shipyard in Charleston, South Carolina, from June, 1963, to April, 1964. From February to October, 1967, she underwent further overhaul at the Naval Shipyard, Norfolk, Virginia. The Court of Inquiry was of the opinion that overhaul work had been well and conscientiously performed, and that at the time of the loss of the *Scorpion* there was no known discrepancy which would have significantly affected her operational capability, reliability, or safety.

On 17 October, 1967, Commander Francis A. Slattery, U.S. Navy, took command of the *Scorpion*. He had previously served for 23 months as Executive Officer of the submarine USS *Nautilus* (SSN 571). Immediately prior to reporting on board, he had received 3 months Prospective Commanding Officer training in nuclear reactors. On 18 October, the *Scorpion* began refresher training at New London, Connecticut, under the supervision of the Submarine School; 10 of the 12 officers and 71 of the 87 enlisted men subsequently lost were on board at that time. From 31 October to 23 November, the *Scorpion* conducted individual ship exercises and weapons systems accuracy tests while enroute to and in the Caribbean. Commander, Submarine Squadron Six, conducted an administrative inspection of the *Scorpion* on 28–29 November, assigning a grade of "outstanding" to her engineering department, and an overall grade of "excellent." During the week of 4 December, 1967, the *Scorpion* engaged in type training exercises off the Virginia Capes. In January, 1968, she participated in an advanced submarine versus submarine exercise. In February, the *Scorpion* was inspected for damage control readiness by the Inspector General, U.S. Atlantic Fleet, who reported that her ability to fight fires and to control damage was good. At the time of the *Scorpion's* loss, Commander Submarine Force, U.S. Atlantic Fleet (Comsublant) carried her in a "C–1" or "fully combat ready" status.

In February, 1968, the *Scorpion* was deployed to the Mediterranean. She underwent pre-deployment sea trials and upkeep at Norfolk, Virginia, and departed on 15 February. She was in company with Task Group 83.4 (an anti-submarine warfare carrier-destroyer task group) which was enroute to the Mediterranean, and both the *Scorpion* and ships in the Task Group conducted exercises during the crossing. The Plans Officer of the Task Group testified that the *Scorpion* earned a good reputation in every facet of these operations. Upon arrival in Europe, the *Scorpion* underwent a brief in port maintenance period. Thereafter she made port visits to Italian and Sicilian cities, and participated in NATO (North Atlantic Treaty Organization) exercises and Sixth Fleet operations. Her performance was favorably noted by Commander, Allied Naval Forces, Southern Europe (a NATO command) and by the Commander, U.S. Sixth Fleet.

USS *Scorpion* was returning to the United States in May, 1968. On the night of 16 May she transferred ashore Sonar Technician (SS) First Class Bill G. Elrod, U.S. Navy, to permit him to return by air to the United States due to a family emergency, and Interior Communications Electrician (SS) First Class Joseph D. Underwood, U.S. Navy, to permit medical observation of some respiratory symptoms. She engaged in some further operations, and on 21 May was underway on her return to Norfolk. Shortly before midnight on the 21st (Tuesday) she reported her position as south of the Azores, and indicated that she should arrive at Norfolk at about 1:00 p.m., local time, the following Monday, the 27th. Over the 21–27 May period the weather over the course which the *Scorpion* had indicated intent to follow was good. The maximum wind velocity was about 25 knots; the maximum sea height, about 12 feet. It was the opinion of the Court of Inquiry that there is slight likelihood that the state of the weather played a significant role in the loss of the *Scorpion*.

At 12:40 p.m. (local time) on Monday, 27 May 1968, the submarine tender USS *Orion* (AS 18) advised the Commander Submarine Force, U.S. Atlantic Fleet, that no word had been received from the *Scorpion* relative to assignment of a berth and tug services. Intensive efforts were made to establish radio communications with the *Scorpion*, with no success. At 3:15 p.m., the announcement Submarine Missing was made and operation SubMis instituted. The units initially assigned to the search included 18 destroyer type vessels, 12 submarines, 5 submarine rescue ships, 1 oceanographic survey ship, and 1 fleet oiler. In addition, there were up to 27 flights per day of long range patrol aircraft. The Western Atlantic shelf, from 73° West to the 30 fathom curve, was searched intensively in the area of the *Scorpion's* probable track, with negative results.

On 5 June 1968, Admiral Thomas H. Moorer, U.S. Navy, Chief of Naval Operations, declared that USS *Scorpion* must be presumed lost and the 99 men aboard her, dead. The communication of shortly before midnight (Greenwich time) on 21 May 1968, was the last word ever received from anyone on board that vessel.

Search operations continued, although the scale of such operations was later reduced, until the 29th of October, 1968. At that time, the USNS *Mizar* located portions of the hull of the submarine in more than 10,000 feet of water, at a point some 400 miles southwest of the Azores.

A Court of Inquiry composed of seven members, with Vice Admiral Bernard L. Austin, U.S. Navy (retired), as president, was convened on 5 June 1968 to investigate the loss of the *Scorpion*. The Court conducted its proceedings at U.S. Atlantic Fleet Headquarters at the Naval Base in Norfolk, Virginia. After the discovery of the portions of the *Scorpion* hull the Court of Inquiry reconvened. The Court was in session for an aggregate of some eleven weeks. During that time ninety witnesses were examined, including military and civilian technical experts in the nuclear design and construction fields, photographic interpretation analysts, cartographers, naval officers and enlisted men who previously served in the *Scorpion* or nuclear submarines of the same class, naval officers from various submarine staffs, and many other individuals who were associated with USS *Scorpion* or similar submarines. Much of the testimony was received in open sessions. The aggregate record to date includes 1334 pages of testimony, findings of fact, opinion, and recommendation, and 232 numbered exhibits, including photographs, charts, graphs, radio messages, diagrams, letters, and other pertinent documents. Some of the numbered exhibits include several representative photographs, diagrams, or other documentary items.

The Court of Inquiry considered a wide range of possibilities in seeking to ascertain the cause of the loss of the submarine. The photographs made of portions of the wreckage that were found did not furnish definite clues to the cause of her loss. After full study of the available evidence the Court dismissed the nuclear reactor plant as a possible cause of the loss. The Court also gave the opinion that "the loss of *Scorpion* is not attributed to the delayed completion of her full Subsafe (Submarine Safety) Program."

The Court further stated that "*Scorpion's* overall material condition was excellent and none of the outstanding ship alterations . . . were required for safe operation to her restricted depth." In addition, none of the pending work requests "were of a nature that would affect safe operation of the ship."

From the testimony of officers and men who had previously been on board the ship for duty or who had observed the ship, it was unanimously agreed that the crew was well trained. Witnesses were also in agreement that the *Scorpion* crew could be expected to take proper action in event of a ship control casualty in order to prevent the submarine from descending to crush depth. A flooding accident would normally be brought quickly under control by a crew as well trained and experienced as *Scorpion's*.

From these same witnesses and experts in submarine torpedoes it was developed that *Scorpion's* torpedomen were well trained and that procedures used in handling ordnance on board were consistent with established safety precautions. Testimony also established the long history of safety in submarine torpedoes.

The Court found no evidence that collision with another submarine or ship caused *Scorpion's* loss. No U.S. ships or submarines have reported such a collision, nor have those of any other nation. Additionally, no wreckage other than *Scorpion's* has appeared in the thousands of photographs taken by *Mizar*. There is also no sea mount in the area of the *Scorpion's* loss with which the submarine might have collided.

No evidence of any kind to suggest foul play or sabotage was found by the Court.

Testimony before the court established that *Scorpion's* crew was stable and mature with no indication that anyone was other than fully reliable. In addressing this question, the Court stated that "the evidence does not establish that the loss of *Scorpion* and deaths of those embarked were caused by the intent, fault, negligence or inefficiency of any person or persons in the naval service or connected therewith."

Upon fully appraising the various possible causes, and after examining the *Mizar* photographs as well as other evidence surrounding the loss of the *Scorpion*, the Court of Inquiry concluded: "The certain cause of the loss of *Scorpion* cannot be ascertained from any evidence now available."

The Court of Inquiry included in its report a recommendation for further examination of the wreckage in an effort to determine the cause of the tragedy and to prevent others. In pursuance of this recommendation, the Navy's deep diving submersible *Trieste II* will be moved from the West Coast to the Atlantic early this year to take additional photographs and afford on-the-spot observation of portions of the *Scorpion*'s hull. *Trieste*'s crewmen will be able to conduct visual inspection of *Scorpion's* hull through the use of powerful spotlights, and will be able to make photographs from different angles than was possible with the *Mizar*'s towed underwater camera.

The comment of Admiral Thomas H. Moorer, U.S. Navy, Chief of Naval Operations, upon considering all data relating to the loss of *Scorpion* was:

"I have no doubt that the concepts, procedures, and operating practices employed by the United States Navy in submarine operations are sound and effective. Nevertheless, such practices will continue to be reviewed in the future as they have been in the past. The long history of outstandingly successful submarine operations; the current state of our advanced submarine technology; and the knowledge, experience, and training of our submarine personnel warrant the continued confidence of the public in this naval capability which is of such paramount importance to our nation's future security."

A SALUTE TO ITALY BY CITY OF BIRMINGHAM, ALA.

Mr. SPARKMAN. Mr. President, the city of Birmingham, Ala., each year has a great spring festival and fair, at which some friendly nation is honored.

This year the festival is to be held on March 14 through 30, and it is to be called A Salute to Italy. I have had some small part in preparing for this affair, and I know that it will be a great event. The Italian Ambassador, the Honorable Edigio Ortona, and His Excellency Archbishop Raimondi, the apostolic delegate, are coming for the event. I invite my congressional colleagues and all other Americans to visit Birmingham and Alabama at this beautiful spring season, and to join in Birmingham's "Salute to Italy."

In keeping with the festival plans, Birmingham's 19th and 20th Streets will be renamed Via Veneto and Via Condotti. Important Italian art, much of it from Italy, will be displayed. There will be Italian food, Italian dancing, and Italian costumes.

Signor Franco Corelli will appear in concert. There will be special showing of Italian films. The Vatican is sending the Pope's tiara to be exhibited. The University of Rome will show centuries-old anatomical drawings.

These are only a few of the attractions which will bring thousands to Birmingham during the second half of March. The city of Birmingham and the officials of the city and of the State of Alabama join me in this invitation to come to Alabama at that time.

STABILITY FOR DOMESTIC STEEL INDUSTRY

Mr. DIRKSEN. Mr. President, very shortly there will be introduced in the Senate a measure designed to provide some stability for our domestic steel industry. Originally I had not intended to be a cosponsor of that measure and had so notified the Senator from Indiana (Mr. HARTKE), who will introduce it. However, information that was available only yesterday caused me to reconsider my position. As a Senator from Illinois, one of the principal steel-producing States in the Nation. I cannot stand aside and permit imports to capture an ever-increasing share of our domestic market to the further injury of our domestic industry. I will be a cosponsor of the steel quota bill.

Preliminary figures given me yesterday show that steel imports for 1968 were far higher than anyone had expected—they total 17,959,886 tons, an increase of over 56 percent from 1967. In fact, for the month of August, imports were running at an annual rate of 30 percent of domestic consumption. Imports in 1967 represented 12.2 percent of consumption, in 1968 even with the dock strike they jumped to 16.7 percent of consumption. Unquestionably a situation such as this cannot be permitted to continue. The measure that will soon be introduced will restore some stability while permitting imports a fair share of our growing market.

We do have a recognition by foreign producers of the injury they have inflicted upon our domestic industry. In letters directed to our Government last month they have indicated their willingness to voluntarily curtail their exports to our market. But I question whether this unilateral offer will sufficiently reduce imports to the level needed to assure our domestic producers of an equitable share of the market. It is to be hoped that the new administration will quickly undertake to negotiate a voluntary agreement with the Japanese, E.E.C. and other steel producing nations, one that will be meaningful, one that will preserve for our domestic producers a fair and equitable share of the domestic market. Such a voluntary agreement is a far more preferable way of solving this problem than legislative quotas. But, if they cannot obtain such an agreement, then legislation is the only solution.

THE NUCLEAR NONPROLIFERATION TREATY—IT WILL NOT WAIT

Mr. MONTOYA. Mr. President, underlying the nonproliferation treaty is the premise that the larger the number of countries that possess nuclear weapons, the greater becomes the danger of nuclear war. The possibility of nuclear war beginning by accident or miscalculation will multiply with each addition to the current number of nuclear powers, proponents of the treaty contend, particularly since few other nations will have the resources to devote to safety precautions such as those devised by the United States. Moreover, they fear, with proliferation the danger increases that nuclear weapons will fall under the control of irresponsible persons or governments who will deliberately initiate a nuclear war without regard to the consequences.

More than 40 non-nuclear nations already possess operating nuclear reactors, proponents point out, and power reactors fueled with natural uranium produce plutonium, which can be used in the manufacture of nuclear bombs, as a byproduct. In his message transmitting the treaty to the Senate, President Johnson said that "by 1985 the world's peaceful nuclear power stations will probably be turning out enough byproduct plutonium for the production of tens of nuclear bombs every day."

A growing number of countries are developing the nuclear technology industrial capacity, wealth, and access to fissionable material which would make it possible for them to enter the ranks of nuclear-weapons powers within a few years if they chose. A memorandum from the Atomic Energy Commission has stated:

> The resources necessary for the manufacture of a few rudimentary nuclear weapons are within the means of many nations. The essentials are a cadre of trained personnel, uranium, and an industrial base adequate to permit the construction of a nuclear reactor and auxiliary facilities large enough to provide the necessary quantities of plutonium. Thus many nations possess resources sufficient to undertake, without special outside assistance, to manufacture a few rudimentary nuclear weapons, given the national will to do so and the readiness, in some cases, to forego the benefits from the endeavors to which those resources might otherwise be applied. The time required would vary among the group of countries, and for those which have only the minimum resources, the time might be ten years or more.
>
> At the upper end of the scale, highly industrialized nations, with substantial national income, large numbers of trained scientific, technical and managerial personnel and a reasonable available source of uranium could become capable of manufacturing a few rudimentary nuclear weapons within a few years or less.
>
> Among those non-nuclear-weapon countries whose industrial economies are probably adequate to support a program for the manufacture of a sizable number of reasonably sophisticated nuclear weapons and systems for their delivery, within five to ten years from a national decision to do so, are those such as Australia, Canada, the Federal Republic of Germany, India, Italy, Japan and Sweden. Those states whose resources are somewhat more limited, and might therefore take somewhat longer to reach that level of numbers or types of weapons systems, could include Argentina, Austria, Belgium, Brazil, Chile, Czechoslovakia, Hungary, Israel, Netherlands, Pakistan, Poland, South Africa, Spain, Switzerland, United Arab Republic, and Yugoslavia.[1]

Proponents point out that the prevention of the proliferation of nuclear weapons has been a major objection of U.S. foreign policy for several years. In testimony before the Joint Committee on Atomic Energy on February 23, 1966, Secretary of State Rusk said:

> The further spread of nuclear weapons increases the danger of nuclear war and diminishes the security of all nations, including the United States. This is true for a variety of reasons, and it may be useful to spell out some of the reasons that have led the executive branch to make nonproliferation a major objective of our foreign policy.
>
> Nuclear proliferation could add a new and dangerous dimension to historical ethnic and territorial disputes existing between nations. A decision by one party to acquire nuclear weapons could generate pressures on others to "go nuclear"—or to destroy the nuclear facilities of the acquiring state before the program reaches completion. In other words, it stimulates the threat of preventive war.
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> Nuclear weapons in the hands of more

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[1] Nonproliferation Treaty. Hearings before the Senate Committee on Foreign Relations, July 10–17, 1968. p. 31.

> countries could have consequences for world security which no one can foresee. Every additional country having nuclear weapons, no matter how responsibly governed—and may I inject that not all countries are always responsibly governed—is an additional center of independent decision-making on the use of nuclear weapons. International relations are thereby made more complex and more dangerous, and the risk that one of such centers could fall into irresponsible hands is increased. Indeed, the United States believed—and this is something that is easy for everyone in the world to forget—that even one nuclear power was too many, and immediately after World War II we sought to remove nuclear energy from the military field. It is a great tragedy that our proposals were not accepted at that time.
>
> Efforts of the present nuclear powers to negotiate mutually advantageous nuclear arms control agreements will be more complex and hence more difficult as the number of such powers increases, and, of course, the overall chance of accident or unauthorized use would increase as more nations acquired nuclear weapons.
>
> Our efforts to maintain friendly relations with as many countries as possible would become more difficult by virtue of nuclear weapons spread. This is because we are seriously and solemnly committed to nonproliferation. If one of two parties to a continuing dispute should decide to produce a nuclear arsenal, the United States might have to decide whether to assist the other party, either through direct military assistance or security assurances; whether to continue economic assistance for the acquiring country; or whether to attempt to disengage completely from the area, with all the consequences that that would entail. The impact of any of these decisions would be far-reaching and complex.
>
> The spread of national nuclear capabilities would interfere with vitally needed economic growth in the less developed countries. Some potential nth countries are attempting to promote their economic development with the support of the United States. The cost of developing nuclear weapons and delivery systems could force curtailment of that effort and tend to cancel out benefits of economic assistance provided by the United States.[2]

Those in favor of the nonproliferation treaty believe it will be a major step toward preventing proliferation of nuclear weapons. First, they say, it will represent a formal mutual commitment by the two largest nuclear powers, the United States and the Soviet Union, not to disseminate nuclear weapons or help other nations manufacture them, and to pursue a policy aimed at preventing further spread of nuclear weapons. Without assistance by the major nuclear powers, achievement of a significant nuclear capability by any other country would be more difficult.

Second, conclusion of the treaty would create considerable pressure in world opinion for each non-nuclear state to become a signatory. At the same time, it would relieve some pressures which would otherwise push nations in the direction of seeking nuclear weapons. In those areas where strong local rivalries exist, as between Arab States and Israel, for example, suspicion that one side may be acquiring nuclear weapons may make similar acquisitions seem imperative to the other side. On the other hand, if Egypt and Israel signed the nonproliferation treaty, suspicion between the two sides could be replaced by assurance that each was pledged not to acquire nuclear weapons and would submit its peaceful nuclear facilities to international inspection.

Pressures to enhance status and prestige through obtaining of nuclear weapons can also be reduced by the nonproliferation treaty. Without conclusion of a treaty it is only a matter of time till some additional nation manufactures nuclear weapons. Then other nations will feel they too must have nuclear weapons to maintain equal status. The five current nuclear powers already have special status because, except for the special problem of China, they coincide with the five permanent members of the United Nations Security Council. Achievement of nuclear weapons by a sixth power might generate a nuclear arms race among other nations to become the strongest of the middle powers. The only way to prevent this race is through convincing non-nuclear powers of greater advantages of remaining non-nuclear and obtaining their adherence to the nonproliferation treaty.

A representative of Mexico at the Eighteen Nation Disarmament Commission has said:

> We believe that no treaty on the nonproliferation of nuclear weapons that could be signed, or even conceived, would satisfy everybody. . . .
>
> But it is equally certain, or even more so, that, unless a radical change comes about in the international situation, either the nonproliferation treaty will be concluded with all its limitations and inevitable shortcomings, or all reasonable possibility of stopping the arms race and making progress towards general and complete disarmament will be removed forever. The non-proliferation treaty is only one step on the long road to disarmament. But it is a necessary step. If it is not taken, this road will not be travelled. And if it is not taken soon, within a short time this road will be closed.[3]

SENATOR COOPER'S VIEWS ON FOREIGN POLICY

Mr. CASE. Mr. President, the senior Senator from Kentucky (Mr. COOPER) always speaks with great authority on matters of foreign policy, and it is a pleasure to call attention to two of his recent statements: An article entitled "Foreign Affairs," published in the Hearst newspapers, and a paper on "U.S. Policy in Asia," prepared for the Japanese-American Conference sponsored by the Center for the Study of Democratic Institutions. Because of the wide interest that his views enjoy, I ask unanimous consent that the statements be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

FOREIGN AFFAIRS

(By JOHN SHERMAN COOPER, Senate Foreign Relations Committee)

In suggesting the immediate tasks and future trends of American foreign policy, one must take into account the fact that President-elect Richard Nixon will make the decisions upon issues as they arise—at times in consultation with the Congress—and that he will set out long-term policies and goals for our country.

Nevertheless, it is important that private citizens and members of Congress give their views, for our foreign policy must express the will and have the support of the people. Although my views cannot be comprehensive, I would like to emphasize three urgent tasks:

First, and of critical importance, is the settlement of several dangerous situations in the world which continuously threaten war, with the possibility of an American confrontation with the Soviet Union, and nuclear catastrophe.

The second task is to examine means to avoid future military engagements throughout the world, unless it is determined by both branches of our government to be clearly in our national interest and within the scope of our national resources.

Third is the imperative task of reducing the arms race, and of fostering peaceful associations throughout the world, if we are to have any reasonable and positive hope of a stable and peaceful world.

Since World War II, the United States has grappled with situations of danger all around the world. They remain unsettled—the war in divided Vietnam, the potentially explosive situation in the Middle East, the problems of a divided Korea and China, and the security of Western Europe and the United States under the NATO shield. It may be argued that as the United States has maintained a constant and fairly successful policy toward these problems, no radical changes are required. But new developments have occurred in all of these situations in the past year. There are new necessities, and new opportunities to deal with them now in a more radical and effective way than in the past.

The war in Vietnam remains the most troubling issue. Great credit is due President Johnson for his unselfish initiative, in ceasing the bombing, as many of us advocated in order to bring about talks in Paris, and we hope that progress will be made during the remainder of his term. Advances have been made, and if North Vietnam and the National Liberation Front will discuss with the United States and South Vietnam matters of substance, and if the level of fighting is reduced by the North Vietnamese, true negotiations and a settlement may be reached.

If progress is not made in Paris and the heavy fighting continues, I would urge, as I have in the past, that the United States take the initiative in proposing that the Vietnam question be referred to a reconvened Geneva Conference.

Such an initiative would determine whether the Soviet Union is genuinely interested in a settlement, and whether Communist China's recent statement about coexistence has any substance. A reconvened conference should include all the Southeast Asian countries and the National Liberation Front, and would provide an opportunity for a settlement of the problems of the entire area as well as Vietnam. The participation of the United States, the Soviet Union, Communist China and, I would hope, France, would give authority for the establishment of an effective international body, backed by these powers, to supervise and to assist in implementing the terms of any settlement.

But whether from the Paris meetings, or a reconvened Geneva Conference, a final agreement emerges for free and adequately supervised elections in South Vietnam, I would consider that the United States had performed its full duty, that the securing for South Vietnam the right of self-determination of its form of government and institutions, and that our country could then honorably withdraw its forces.

We know that President-elect Nixon will support strongly negotiations for an honorable political settlement. As he is not committed to any particular formulation for a settlement, or to the support of any personality in South Vietnam, he enjoys the freedom to lead in the formulation of a settlement through which the processes of self-determination may be commenced.

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[2] Hearings before Joint Committee on Atomic Energy on S. Res. 179, pp. 4–5.

[3] Mr. J. Castaneda, Rep. of Mexico to ENDC, June 13, 1967, ENDC/PV. 304, p. 4–5.

The second obvious area of danger is in Europe. The deployment by the Soviet Union of ten divisions in Eastern Europe during and before its invasion of Czechoslovakia, increasing its forces to 32 divisions, upset any assumed balance of power between the NATO and Warsaw Pact forces.

Implications of the invasion were made more ominous by the statements of Soviet leaders and Pravda, claiming the right to intervene in the affairs of nations within the "socialist commonwealth" in the name of the "class struggle," whenever the Soviet Union determines to do so. It is a declaration of policy unknown in any concept of international law. It raises serious questions about the stability of Soviet leadership, and their intentions toward the areas protected by the North Atlantic Treaty Organization, and the nearby states of Rumania and Yugoslavia.

The purpose of NATO is essentially defensive. Its objectives are to maintain forces sufficient to deter military aggression by the Soviet bloc and to meet and restrain an attack if it comes. But its purpose also is to provide the security necessary to seek detente with the Soviet bloc and the eventual settlement of the issues left from World War II.

The immediate and urgent task of the United States and its NATO partners is to restore the credibility of the NATO mission.

I have obtained an estimate from our Defense Department, and I believe it is the first made public of the cost of maintaining our forces in Europe, including the Sixth Fleet, and backup forces in the United States. It is in the neighborhood of $12 billion annually.

Despite this vast expenditure the United States must continue to improve the quality of its ground forces, but the test of NATO's future lies with our allies who have never met their military requirements. Mr. Nixon has indicated that he will insist strongly that our NATO allies, who for the most part are quite prosperous, take the required steps to increase their strength, manpower, training, equipment, and reserve forces. Unless our NATO allies take these steps, I foresee opposition in the United States to the continued presence of our forces in Europe.

To prevent future involvements such as Vietnam, the Executive and the Congress should examine critically the multi-lateral and bilateral security agreements to which the United States has become a party since World War II—the essential party, since its major allies, Great Britain and France, are disengaging themselves from many burdens of responsibility.

I do not propose that the U.S. abandon constitutional agreements essential to our security, but I do propose that we find out to what degree—whether by treaty or executive agreement—the United States has committed itself to provide assistance, and particularly troops, to the defense of other countries. We should know if these agreements are constitutional, are in the interest of our national security, and within the capabilities of our resources.

Generally, the agreements require that in the event of an armed attack upon a party to the treaty, the other signatories will assist in meeting the danger "in accordance with its constitutional processes." The term "constitutional processes" is not defined, but it should mean congressional approval.

The deployment of large American forces on the territory of another country, even in peacetime, increases the danger of an American engagement, for if they are fired upon they must be defended and our national honor becomes an issue. This is the lesson of Vietnam. The manpower of the United States should not be committed to the territory of another country without the approval of the Congress.

These suggestions do not restrict the constitutional powers of the President—his authority to dispatch forces to protect American lives and property, to defend our troops, and to defend our country. But my proposal would provide to the Executive and the Congress and the people the opportunity to determine, in advance, under what conditions we should commit our military forces.

I believe that my suggestions are in accord with the statements of the President-elect. For if one reads Mr. Nixon's statements closely and in connection with his plans to "review our commitments," he makes a distinction between the defense of the United States and the defense of a region, such as the NATO area and the western hemisphere, on one hand, and becoming involved militarily in other areas which are not in the scope of our security interests or within the capability of our resources.

A further step should be taken to reduce tensions and the chance of war between the divided countries. The time is near when we should support the admittance of North and South Korea, North and South Vietnam, and of Communist China to the United Nations, while continuing our support of the membership of Nationalist China.

The United States has discharged faithfully its obligations to South Korea on behalf of the United Nations, and its obligations to Nationalist China and to South Vietnam. It is time to transfer at least part of our vast responsibilities to the world community represented in the United Nations. The United Nations could bring to bear on these divided states a considerable influence toward the settlement of their problems, the protection of their integrity as states, and without prejudice to their ultimate reunification.

These immediate tasks and long-range policies which our country must examine and undertake do not suggest any return to isolationism. The United States will look more closely at its capabilities and the purpose of its foreign policy and this, I believe, will bring a larger involvement and appreciation of our people in the development of a more realistic and constructive foreign policy.

They include our commitment to assist our Latin American neighbors through the Alliance For Progress; the strengthening of our ties with Western Europe through support of the Common Market and the establishment of a workable international monetary system; the return of Okinawa to Japan and the strengthening of our naval and merchant marine fleets to deter hostile pressures in Asia as well as Europe.

U.S. POLICY IN ASIA

(By Senator JOHN SHERMAN COOPER)

(NOTE.—A paper prepared for the Japanese-American Conference under the auspices of the Center for the Study of Democratic Institutions at Santa Barbara, Calif., January 24–25, 1969.)

I appreciate very much the opportunity to take part in this discussion concerning the relations of the United States with the countries of Asia and to consider whether a modification of existing policy, particularly toward Communist China, would be in the interest of our country and of the countries of Asia.

This is a field in which I do not have special knowledge or experience, and I think it better that I stay on familiar ground. Perhaps, as a member of the Senate, I can suggest an inquiry into the attitudes which the Congress holds toward present policy, and more particularly, whether there are any indications that the Congress would support a modification of our policy toward Communist China. While the Executive Branch has jurisdiction to take initiatives, the influence of the Congress and the people it represents, either to resist or to support change, could be a determining factor. This influence, as we know so well, has been demonstrated with respect to Vietnam.

Great bitterness remains in the Congress and in the country over the Communist takeover of China. This bitterness derives in part from a widely held opinion, sentimental and exaggerated, that the United States had a special relationship with China prior to World War II, because of trade and the selfless service of our churches and missionaries.

It was fostered, and I believe correctly so, by admiration for the Chinese during World War II for their long struggle against the Japanese under very critical conditions, and their refusal to surrender. The reality of Communist expansion in Eastern Europe after World War II and the threat of its vast extension over Asia was felt very strongly. It was not lessened by our experience in the Korean War. Whatever the merits of the issues between Communist China, India and Tibet, China's action toward them, and its training and support of anti-government forces in Laos, Thailand, and South Vietnam have strengthened the view that Communist China is set on an aggressive and expansionist course.

This view of Communist China has been expressed clearly by a series of treaties and resolutions which were approved overwhelmingly. Security treaties were entered into with Australia and New Zealand, the Philippines, Korea, the Republic of China, Japan and the SEATO countries including the protocol states of South Vietnam, Cambodia and Laos. Each of these treaties commits the United States in case of "an armed attack" on a specified geographical area to "act to meet the common danger in accordance with its constitutional processes," although "constitutional processes" is nowhere defined.

The Formosa Resolution of 1955 granted to the President broad powers to employ the armed forces to defend Formosa, the Pescadores, Quemoy and Matsu, and the Tonkin Bay Resolution of 1964 gave the President much broader authority to take all necessary steps not only to repel an armed attack but also to "prevent further aggression."

There is no need to review the history of our involvement in Vietnam, but I am sure we would agree that a very strong factor was the official position that without our intervention, South Vietnam and the whole of Southeast Asia would be subject, if not now, certainly later, to the pressure and power of Communist China.

A ring of military bases, our Seventh Fleet and 1,200,000 men in our military forces have been ranged around China to isolate and contain the Communist threat.

Year after year the Congress expresses its view upon another aspect of containment—that of China's participation in world trade—by amendments offered to many bills to bar trade of the United States with third countries, which trade with North Vietnam and with China. Only last year, the Administration recommended and the Congress authorized and appropriated funds for the deployment of a so-called "thin" ABM system for protection against the nuclear weapons capability of Communist China. It represented the position of many in the Executive Branch and in the Congress that Communist China's development of nuclear weapons is a threat to the countries of Asia and to the United States, from considered purpose or irrational action.

Communist China's public statements, its propaganda and behavior toward the United States support the dominant belief that it is implacably hostile and that it would not respond to our initiatives for better relationships.

Nevertheless the judgment of many scholars and of those who know China and Asia better than the vast majority of our people, that the United States should seek better relationships, and even the modification of present policy, has made an educational impact upon the Congress. And the hearings held by the Senate Foreign Relations Committee under the leadership of Senator Fulbright in 1966, in which many eminent scholars testified, was of great educational value.

Perhaps greater than any other factor, the experience of the Vietnam War has brought into question and debate the policy of containment. We have learned that our country, possessing the greatest military power in the world, could not use its full power and, in fact, did not want to use it. From a moral viewpoint, it could not destroy the countries of North and South Vietnam and, as a responsible nation, it had to take into account the possible intervention of Communist China and perhaps the Soviet Union, and a military engagement which could lead to nuclear war. We have also learned much about the appeal and strength of nationalism, and that it can be directed against the United States by friend or foe, however good our motives may be.

These issues hold particular importance at the beginning of a new Administration under President Nixon. The Vietnam War, negotiations, and our problems and policy in Asia have fallen into the lap of the new Administration. It has the benefit of the experience of past Administrations. It has the freedom and flexibility to consider alternatives and to take initiatives to determine if improvements in policy can be made.

The statement of the spokesman for the Ministry of Foreign Affairs on November 26, 1968, that "the two sides might as well meet on February 20, next year. By that time, the new United States President will have been in office for a month, and the United States side will probably be able to make up its mind", provides an opportunity to the Administration, which I am sure it will use, to search out the possibilities for substantive talks with the Communist Chinese.

President Nixon was criticized during the recent campaign for not discussing in depth and detail his position upon major aspects of our foreign policy. But from hindsight it appears to me that it was an advantage that he did not do so. For without commitments, he has freedom to review our policies and to determine what short-term and long-range improvements should be made.

I think it would be helpful to quote some of the statements made by President Nixon during the campaign:

"Any American policy toward Asia must come urgently to grips with the reality of China. This does not mean, as many would simplistically have it, rushing to grant recognition to Peking, to admit to the United Nations and to ply it with offers of trade—all of which would serve to confirm its rulers in their present course. It does mean recognizing the present and potential danger from Communist China, and taking measures designed to meet that danger. It also means distinguishing carefully between long-range and short-range policies, and fashioning short-range programs so as to advance our long-range goals.

"Taking the long view, we simply cannot afford to leave China forever outside the family of nations, there to nurture its fantasies, cherish its hates and threaten its neighbors. There is no place on this small planet for a billion of its potentially most able people to live in angry isolation. But we could go disastrously wrong if, in pursuing this long-range goal, we failed in the short range to read the lessons of history.

"For the short run, then, this means a policy of firm restraint, of no reward, of a creative counterpressure designed to persuade Peking that its interests can be served only by accepting the basic rules of international civility. For the long run, it means pulling China back into the world community—but as a great and progressing nation, not as the epicenter of world revolution.

"The dialogue with Communist China must come, I think, during the two terms of the next President. I do not believe we should recognize Communist China now or admit it to the United Nations, because that would be in effect putting the seal of approval on Communist China's present very aggressive course against India and against our forces of course in Vietnam and against all of its neighbors." I call attention to the sentence, "The dialogue with Communist China must come, I think, during the two terms of the next President".

It has been stressed by scholars that China's foreign policy has been basically defensive; that its invasion of India was to assert its legitimate boundary claim and to discredit a rival power in Asia; that Tibet is a part of greater China (and I do not believe these claims are questioned by the Republic of China); that its assistance to North Vietnam is directed against the United States presence; that its activities in neighboring countries are in reaction to the threat of encirclement by America and hostile pro-American countries, and indeed the USSR. If these claims are justifiable from the Chinese point of view. nevertheless their activities are militant expressions of policy that clash and offend the interests of the United States and other countries. They make change in American policy toward Communist China, or support by the Congress extremely difficult.

Taiwan is the major source of difficulty. Matsu and Quemoy remain a potential irritant and danger to Communist Chinese-American relations. It can be expected that from time to time military action centering on these offshore islands will be used by both mainland and Nationalist China to secure the militant support of their peoples. We can expect also that Peking with its view of its "socialist" mission and for domestic purposes, including the strengthening of its internal controls, will continue to support wars of liberation, and subversion of the governments of the countries on its borders.

The proposals for a new China policy that have been made in past years by experts on China, including some of the distinguished scholars attending this conference, generally suggest the same changes. They include the relaxation of the United States embargo on trade with China, except for strategic items, and that trade between other countries and China should be expanded; the free movement of journalists, scholars and scientists, and cultural exchanges, would further understanding between the two countries. Some urge the offer of recognition by the United States, and the admission of Communist China to the United Nations, even at the expense of the Republic of China.

It seems to me that there is at present no workable suggestion as to how the question of Taiwan can be resolved unless by agreement between the two countries. And I am not so certain that Communist China would be admitted to the United Nations if the expulsion of Taiwan is required, even if the United States should reduce its opposition and pressure against its admission.

At the recent session of the General Assembly to which I was a delegate, it appeared to me that an increasing number of countries look upon Taiwan as an independent country, without reference to the mainland of China, peopled by a new generation, and would support its continuing membership in the United Nations.

Many experts have stated their doubts that Communist China would accept an American initiative toward mutual trade, the exchange of newspapermen and scholars, recognition, and I incline to their views. I believe it is correct that in the long series of talks held with Communist Chinese representatives at Warsaw, they have refused to discuss any "small steps" until the question of Taiwan is settled.

It is natural that China wishes to preserve and strengthen its national identity, and because of its geographical position, size, population, and cultural and political history, to be considered a great power with influence among the nations of Asia. We must recognize this fact and that Communist China fears a bipolar world dominated by the United States and the Soviet Union. With this in view, I believe there are changes in policy which the United States can appropriately consider and make.

First, as to trade. While I doubt that a change in our trade policy toward China would result in any immediate American trade with China, and if so, only minimal, it would encourage the expansion of China's trade with other countries. We should not resist such an expansion of trade, and similarly we should not discourage recognition of Communist China, and the establishment of diplomatic relations by other countries, particularly Asian countries if they so desire. I believe this action on our part would have the positive effect on improving our relations with allies and neutrals and of promoting their economic well-being.

The very complexities of commercial, diplomatic and cultural associations that Communist China would be required to understand and undertake with other countries would cause it to be more aware of the interests of such countries, of the nature of world problems, and as some believe, would tend to make it more conservative and less hostile in the conduct of its foreign affairs.

If the war in Vietnam can be settled, the experiment of a withdrawal of the Seventh Fleet from the Quemoy Straits could be tried to find out if it would be followed by any change in the attitude of the Communist Chinese towards the United States and Taiwan. It would represent a lessening of the containment policy of our country.

A most important indication of our future policy toward Communist China may be found in the nature of the proceedings and the substance of a Vietnam settlement. I do not urge any change in the parties to the negotiations if it would obstruct or delay a settlement of this tragic war.

But the beginning of a new approach in the Far East and with Communist China could be the Vietnam settlement. I had urged, prior to the commencement of the Paris negotiations, that efforts toward reconvening the Geneva Conference be pressed, believing that the participation of the United States and Communist China particularly, would provide a framework for the settlement of the problems of the Southeast Asian area as well as Vietnam. If Communist China should insist on participation, supported by North Vietnam, these issues might be considered in two stages. The first would involve the end of the fighting between North Vietnam and the Viet Cong, and the United States and South Vietnam. The second stage would concern a peace settlement for all of Southeast Asia. I doubt that a lasting settlement can be secured without the participation, or at least the acceptance of Communist China. But as I have said above, our first goal is the end of the fighting.

A settlement leading to an independent Vietnam, determined by the people of Vietnam, and to the security of Laos, Cambodia and Thailand—independent of the United States and Communist China and with economic and diplomatic relations with both—would provide evidence of the understanding of both the United States and China of their interests and could lead to a betterment of relations.

We do have important security interests, economic ties and diplomatic relations in Asia which we want to maintain—with

Japan, a major economic power in the world, and with the Philippines, Australia and New Zealand. Leaders of these countries such as President Marcos and Foreign Minister Romulo of the Philippines, and Lee Kuan Yew of Singapore, have begun to suggest the betterment of relationships with Communist China, and I believe this to be in their interest and our long-term interest.

While there are few positive evidences, the need for an examination of our policy toward Communist China and in Asia and for necessary change is recognized by an increasing number in the Congress and by some of its most influential members.

Senator Fulbright has spoken for himself in this conference in his well-reasoned paper.

The Majority Leader, Senator Mike Mansfield, has long been a student of Asian affairs. I quote one paragraph from a speech he made last year that I believe describes the growing sense that a change in policy must be considered.

"I urge you to think for yourselves about China. I urge you to approach, with a new objectivity, that vast nation, with its great population of industrious and intelligent people. Bear in mind that the peace of Asia and the world will depend on China as much as it does on this nation, the Soviet Union, or any other, not because China is Communist but because China is China—among the largest countries in the world and the most populous."

Senator Richard B. Russell, formerly Chairman of the Armed Services Committee and now Chairman of the Senate Appropriations Committee, said on December 31, 1968, that the United States should have diplomatic contacts with Communist China. He stated:

"But I think it would be a step for the welfare of this country and the world if we could have some kind of intercourse or exchange with them on some kind of level, even if it was just a minister to China and they had one here."

Senator Russell's important statement recognized the necessity of bringing before the Congress and the people the full nature of the issues that face us concerning China.

Much more needs to be done in the way of education and discussion about China before the people of the United States and their elected representatives will support policies which should be put into effect. The Congress through hearings can do much to educate itself and the public. Much valuable work has been done by individual scholars. These efforts are, however, only a beginning. I hope very much that the dialogue suggested by President Nixon will begin in the first four years of his administration. But in the meantime, the cautious and tentative, almost imperceptible efforts that have been made toward a better relationship must be continued. I hope very much that this meeting of interested Japanese and Americans will be a helpful step.

CUT IN EDUCATIONAL OPPORTUNITY GRANTS DEPLORED

Mr. HART. Mr. President, the $16 million cut in funds for the educational opportunity grants program is one that concerns me very deeply. This is the program under which students from low-income families can be helped to acquire a college education.

Many colleges and universities in Michigan have written to me, deploring this cut which will hit the freshman class of this coming September and reduce it from the current year's 145,000 to some 31,000. I intend to seek an opportunity to restore this $16 million cut in a supplemental appropriation.

The Michigan Daily, of Ann Arbor, the always exciting daily edited by students of the University of Michigan, carries an excellent article on this subject in its January 26, 1969, issue. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Aid Cut To Hit Class of 1973

(By Nadine Cohodas)

A year ago an in-state student from a low income family would have had a good chance to attend the University, even if his parents could not pay the entire cost of his education.

Through the three-year-old program of Educational Opportunity Grants (EOG), the University was able to use federal funds to assist some 400 first-year students last year.

However, Congressional cutbacks in appropriations may force the University to limit aid to help only one-fourth as many incoming students with federal money in 1969–70.

The EOG program is designed to assist students from low-income families. Any recipient is automatically entitled to renew his grant at the end of his freshman, sophomore and junior years. Thus, the decrease in available funds hits the incoming freshmen hardest.

At the end of the last Congressional session a Senate-House conference committee slashed $16 million from President Johnson's $140.6 million 1969–70 appropriation for the program.

Last year's appropriation was about $145 million, of which only $136.7 million was spent, leaving a $9 million carryover for next year.

Consequently, even with the carryover, the total amount available for the grants next year will be $3 million less than last year's expenditure.

"At a time when we have the greatest demand we have less money," says University Financial Aids Director Ronald Brown. Because much of the federal money will be used to renew scholarships of sophomores and juniors, Brown says freshmen will get the "short end of the stick."

"If Congress fails to restore the cuts," he says, "the University will find itself making initial awards to something between 86–115 students where last year 412 received initial aid."

Last year the University was allotted $389,425 from the program, which was divided among 903 students. Almost half of those were freshmen. Some 190 were also part of the Michigan Opportunity Award Program (MOA), designed to aid black students. Most MOA students are freshmen.

Because MOA students are given priority in the federal grants, no funds will be available for initial grants to non-MOA students next year. In addition, Brown explains, there will be no funds to increase the number of MOA students.

"It is unfortunate that we should have to cut back at the very time we should be trying to push forward," Brown admits. "Institutions finally are realizing the promise in programs geared to recruiting students from low-income families."

Not only will there be less money allotted next year, but 1969–70 is the first year colleges and universities in the program can use three per cent of their allotment for administrative costs.

"It is a rare university indeed that could not use the money," Brown says. This probably means another reduction in the amount available for scholarships.

On the national level, the effect of the cutback is devastating. Where grants were given to 144,600 freshmen last year, there may only be enough money to assist from 31,000–44,000 next year.

There may be a solution, however.

Brown says the Nixon administration has been informed of the possible consequences of the cutback. He also indicates that financial aid officers from several universities hope to persuade Congress to make a "deficiency appropriation" which would restore the cuts.

CONGESTION AT WASHINGTON NATIONAL AIRPORT

Mr. BYRD of Virginia. Mr. President, Washington National Airport was designed to accommodate 4 million passengers a year, but more than 10 million will use it this year. And if the recommendations of a Philadelphia consulting firm are carried out, that number could double by 1980.

Those recommendations are part of a new master plan report prepared for the Federal Aviation Administration by Vincent G. Kling and Associates.

For their fee of $297,000, the authors have come up with four alternative plans for doubling National's capacity. They range in cost to the Federal Government from $97 million to $152 million, with the authors strongly favoring the more expensive version.

No one who has used National Airport needs to be told that its present terminal facilities could stand improvement. But facelifting is one thing; rebuilding and expanding the facility as the Kling report recommends is quite another.

Still, it is clear that something must be done to relieve congestion at National. Air traffic there already constitutes a serious potential safety hazard and, as airline business triples in the next 5 years, this will increase. So will the noise and pollution caused by jet taffic over northern Virginia and the District.

But the fact is that Congress long ago acted to meet this growing crisis when it appropriated $110 million for the construction of Dulles International Airport. That facility was built with one purpose in mind—to provide for the day when National could no longer safely and conveniently accommodate the bulk of Washington's airport traffic. That day is clearly upon us.

For no matter what amount is spent in modernizing National's terminal facilities, there is no way to expand its air space and that is already alarmingly full.

The solution is not to expand National but to stimulate the better use of Dulles Airport, and I call upon the Federal Aviation Administration to concentrate its efforts in this direction.

ADDITIONS TO NATIONAL PARKS IN UTAH

Mr. MOSS. Mr. President, on the last day that he held office, President Johnson issued an Executive proclamation adding 49,000 acres of land to the Arches National Monument, just north of Moab, Utah; and some 215,000 acres of land to the Capitol Reef National Monument, which lies between Richfield and Hanksville, Utah. At the same time, President Johnson recommended that these two expanded national monuments be considered for the status of national parks.

Consequently, I have introduced two bills to convert these two great national monuments into national parks, and the chairman of the Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs, the Senator from Nevada (Mr. Bible), has agreed to early hearings on my bills. In my State of Utah there has been some concern expressed because of the addition of large amounts of public domain land to the national parks and the impact that this would have upon grazing and mining in these areas. On the other hand, many of our citizens have welcomed these additions to the national monuments because of the beautiful scenic areas which are added and will now be preserved as part of our national heritage. The hearings will bring out all of the arguments—pro and con—on this action.

The Ogden Standard-Examiner, a great daily newspaper published in Ogden, Utah, has printed an editorial on this subject entitled "Utah's National Parks May Grow." I believe that this is a thoughtful and well reasoned editorial; therefore, I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Utah's National Parks May Grow

The last-hour action by former President Lyndon B. Johnson in proclaiming expansion of the Arches and Capitol Reef National Monuments should be welcomed by most Utahans as a move that could gain our state two more national parks.

Mr. Johnson has ordered the Arches National Monument, just north of Moab, increased by 49,000 acres and Capitol Reef National Monument, between Richfield and Hanksville, enlarged by 215,000 acres.

The expansions would bring Arches to a total of 83,010 acres and Capitol Reef to 254,172 acres.

With these changes, both monuments could now become eligible for national park status, as recommended in legislation already supported by members of the Utah congressional delegation from both political parties.

Utah is the home of Canyonlands, Bryce Canyon and Zion National Parks. If Capitol Reef and Arches were upgraded, we would have five. There are also proposals pending to make Cedar Breaks National Monument and Antelope Island into national parks—so, conceivably, our state could eventually have seven of these valuable recreation attractions. In addition, we have a network of national monuments, recreation areas and historic sites.

We grant that Mr. Johnson acted without consulting Utah authorities in proclaiming the expansion of the two Southern Utah monuments. As a result, we can expect to see signs of hurt feelings.

It is also characteristic of Utah that opposition to expansion of parks and monuments is always voiced by mining and livestock interests.

If hearings are conducted on the LBJ orders—and these may be forced by the opponents—we doubt that much evidence can be found to prove that valuable natural resources are being "locked up" by the changes in boundaries.

Some quarters are claiming that oil shales may be found in the expansion areas. May we point out that there are millions of tons of shales in other portions of Utah, Colorado and Wyoming where they are much closer to the surface and easier to mine. However, when bids for development of Colorado shales were opened recently, little enthusiasm was found among priviate enterprises who might attempt the production of petroleum from them.

Uranium? The government recently asked producers to slow down in their mining activities, so much uranium is already available that the market is glutted.

There are possibilities of oil being trapped in the Waterpocket Fold area of Capitol Reef Monument. However, its production—should the oil actually be there—would be so expensive and so ruinous to the natural terrain that we doubt commercial development would ever prove feasible.

There is some sheep grazing land in the expansion area at Arches National Monument. But it is poor grazing country and the revenue derived from it should not even be a fraction of what an expanded monument—or an Arches National Park—would produce in the form of new profits from an expanded tourist industry.

It is uniquely attractive country that is involved. Its maximum benefit to the people of Utah—and the nation—is in its recreational benefits, not in the exploitation of its questionable mineral resources or meager grazing use.

TRUTH AND CONFUSION IN LENDING

Mr. SPARKMAN. Mr. President, the January 1969 issue of the American Bar Association Journal contains an excellent article entitled "Truth and Confusion in Lending," by Mr. Nathaniel E. Butler. Mr. Butler is the educational director of the National Conference of Commissioners on Uniform State Laws. His article is a comprehensive and most interesting paper on the Federal Truth-in-Lending Act and the proposed Uniform Consumer Credit Code. The article will be a helpful reference to anyone having need for information about the Truth-in-Lending Act or the proposed Consumer Credit Code. Accordingly, I ask unanimous consent that the article be printed in the body of the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Truth and Confusion in Lending

(By Nathaniel E. Butler)

(Note.—On July 1, when the Federal Truth in Lending Act goes into force, there will be a bewildering and divergent array of federal and state law governing consumer credit transactions. The new Uniform Consumer Credit Code is designed to secure for any state enacting it exemption from the federal act, and it provides a modern, comprehensive and fair plan for regulating consumer credit in the interests of both consumers and creditors.)

On May 29, 1968, President Johnson signed into law the Federal Consumer Protection Act (Public Law 90–321). The first of the five titles[1] of this act, Title I, which is formally entitled the Truth in Lending Act, substantially revolutionizes the way creditors are required to disclose the terms of a consumer transaction and the costs the consumer must pay. It takes effect on July 1, 1969, and marks the first step by the Federal Government into the consumer credit field.

There is today no void in consumer credit laws in the states, but rather there are many laws in each state regulating consumer credit. Many of these require disclosure of the terms of the transaction, and the disclosures required by them are different from the disclosures required by the new federal act. As a consequence, each of these state laws must be reviewed in the light of the Federal Truth in Lending Act.

This article will point out the highlights of the federal law and its effect on existing state law. The Uniform Consumer Credit Code, which was drafted and promulgated by the National Conference of Commissioners on Uniform State Laws and was approved by the American Bar Association last August, is recommended as a vehicle for remedying some of the substantive shortcomings of existing state law. At the same time the code will solve the problems brought about by the enactment of the Federal Truth in Lending Act and preserve the realm of consumer credit regulation for the states.

WHAT THE FEDERAL TRUTH-IN-LENDING ACT DOES

The Federal Truth in Lending Act requires disclosure of the terms of a consumer credit transaction and regulates advertising. Consumer credit includes all credit extended to an individual for personal, family, household or agricultural purposes. Although treating them slightly differently, the act covers loan credit and credit extended by sellers, real estate credit and chattel credit, retail revolving credit, and bank and other credit card arrangements. Virtually everyone who extends consumer credit is subject to the disclosure requirements, although governmental bodies are exempt from the penalties contained in the act.

Basically, in a credit sale of a chattel the seller is required to set forth: (1) the cash price; (2) the down payment itemized as to cash and trade-in; (3) the unpaid balance of the cash price; (4) other charges that may be included in the cash price and are not part of the finance charge, such as official fees, taxes imposed on the customer, etc.; (5) the unpaid balance; (6) any prepaid finance charge or required deposit balances; (7) the amount financed; (8) the total finance charge; (9) the time sale price; (10) the time balance; and (11) the annual percentage rate of finance charge. In addition, balloon final payments, if any, must be disclosed, default or delinquency charges payable in the event of late payment must be disclosed, a description of any security interest held or acquired by the seller must be given and a description of any penalty charges for prepayment and the method of computing the prepayment rebate must be disclosed. The dollar amount of the finance charge is not required to be disclosed if the credit is secured by an interest in a dwelling.

Similar disclosure is required in the case of loans and, under somewhat different mechanical requirements, in the case of revolving sale and loan accounts.

The percentage rate disclosed must be computed according to what is known as the actuarial method. This is the method traditionally employed in first mortgage real estate financing, in which payments are applied first to accrued interest and then to the reduction of principal. Although common in real estate transactions, the annual actuarial rate represents a departure from existing practice in most chattel financing, in which per cent per month, add-on, discount or the like has been used.

The finance charge, which must be disclosed as a rate and in most cases as a dollar amount, of course, includes interest in the case of a loan and the time price differential in the case of a sale. In addition, the finance charge includes fees and charges sometimes thought to be distinct from interest and time price differential, e.g., points, loan fees, finder's fees, carrying charges, and credit investigation fees are all within the finance charge. Charges for credit life, health and accident insurance may be excluded from the finance charge only if (1) the insurance is not a factor in the granting of the credit and the debtor is so told and (2) the debtor gives affirmative written indication of his desire to have the insurance after the cost of it has been disclosed to him. Casualty and liability insurance may be excluded from the finance charge only if the debtor is told in writing the cost of the insurance and that he may choose the agent through which the insurance is to be obtained.

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[1] Title I (Truth in Lending Act) requires disclosure of the terms of a consumer credit transaction and regulates credit advertising; Title II makes extortionate extensions of credit illegal; Title III regulates garnishment; Title IV establishes the National Commission on Consumer Finance; and Title V contains general provisions.

The items that may be excluded from the finance charge are very limited. Certain insurance charges as explained above, official fees, taxes imposed upon the customer, and license, certificate of title and registration fees may be excluded. Other charges "not for credit" may be excluded if approval from the Federal Reserve Board is obtained. In the case of credit secured by real property, fees for title examination or insurance, preparation of a deed, escrows, notaries, appraisals and credit reports may be excluded from the finance charge if they are bona fide and reasonable in amount.

The disclosure requirements of the Federal Truth in Lending Act are designed to facilitate comparing the costs of alternative credit sources. The theory of the disclosure requirements is that the buyer or borrower will be able to shop for credit just as he shops for other commodities. The dollar cost of having goods or money immediately rather than waiting will be clear to him. The requirement that all creditors state a rate in the same manner (in terms of an annual percentage) will permit the consumer to make meaningful comparisons, choose between alternative sources of credit and get the best deal. Looking at the dollar cost and the rate, the consumer might decide to use savings rather than to incur new debt.

COEXISTENCE WITH STATE CREDIT LAWS

The Federal Truth in Lending Act has two sections directly relevant to its effect on state disclosure laws. Section 111(a) provides that the act does not "annul, alter, or affect, or exempt any creditor from complying with, the laws of any State relating to the disclosure of information in connection with credit transactions, except to the extent those laws are inconsistent with the provisions of this title or regulations thereunder, and then only to the extent of the inconsistency".

Whether a particular state disclosure requirement is "inconsistent" with the federal requirement, within the meaning of Section 111(a), is extremely difficult to determine. Although most state credit laws require that the interest, time price differential or credit service charge be disclosed, few, if any, define it in the encompassing way that the federal law does. Hence, one could come up with a different dollar amount of finance charge under the federal law from that under the state statute. A few states have enacted annual percentage rate disclosure laws that require a different mathematical formula for computing the rate. Hence, one gets a different rate under each law. Some state laws go beyond the federal disclosure requirements, for instance, to require that the dollar amount of the finance charge be disclosed in some or all transactions secured by real estate. Would this be inconsistent?

Looked at one by one, these problems appear simpler than they may be. State disclosure laws also have a scheme, and that scheme may be broader or narrower, better or worse than the disclosure scheme of the federal law. Nevertheless, it is a scheme. Selectively extracting one element or another from a state disclosure law throws the state scheme out of queue and frustrates the whole purpose of the state law.

On the other hand, wholesale elimination of state disclosure provisions may not be the solution, since under Section 111(a) they are affected "only to the extent of the inconsistency".

Clearly, the existing situation—with both state credit disclosure laws and the Federal Truth in Lending Act—is unsatisfactory. Under the "inconsistency" test of Section 111(a), there is a strong likelihood of a creditor's having to disclose under two laws, and there is little likelihood of this being clarified substantially by cases in the near future. The Federal Reserve Board may attempt to clarify the situation by regulation, but the extent to which it can be done by regulation is doubtful. Both the creditor and debtor are disadvantaged. The creditor is burdened with complying with two laws requiring similar but divergent disclosures, and the debtor is confused.

The other section dealing with the interrelationship of state and federal law, Section 123, gives the states an opportunity to solve the double disclosure problem and keep jurisdiction in this area. The Federal Reserve Board is directed to exempt from the disclosure requirements of the federal act "any class of credit transactions within any State if it determines that under the law of that State that class of transactions is subject to requirements substantially similar to those imposed by [the federal act], and that there is adequate provision for enforcement."

Few if any existing state laws are adequate to support an exemption ruling under this statute. Certainly, the common small loan or installment sales laws are not.

UNIFORM CONSUMERS CREDIT CODE'S PROVISIONS

The Uniform Consumer Credit Code is designed and intended to have disclosure requirements which meet the "substantially similar" test of Section 123 of the Federal Truth in Lending Act so that any state enacting the code will be exempt from the disclosure requirements of the federal law as to the transactions covered by the code. Since the code requires substantially similar or more stringent disclosure, all of the consumer protection aspects of disclosure contained in the federal law are embodied in it as well. Therefore, the major difference between being under the federal act or the code, so far as disclosure goes, is that the administrator will be a state official rather than one of the nine federal agencies that will administer the Federal Truth in Lending Act.

The code addresses the hodge-podge of laws regulating consumer credit in each state today and replaces them with one comprehensive code. It supplants existing usury laws and the multitude of exceptions to them that has been created by the courts and legislatures—small loans laws, installment loan laws, industrial loan laws, installment sales laws, insurance premium financing laws, etc. Generally, these existing laws are limited to consumer transactions, but occasionally they have broader application. Not infrequently they provide different ceilings on rates that can be charged and express the rate ceilings differently (add-on, discount, per cent per month, etc.). Often these laws treat substantially similar aspects of different credit transactions differently, although no reason for the difference in treatment exists.

While the Federal Consumer Credit Protection Act, which includes the Truth in Lending Act as Title I, does not purport to be a comprehensive consumer credit law, the Uniform Consumer Credit Code is. It restructures all laws limiting maximum charges on the cost of money or credit, regulates the substance of consumer credit transactions and brings substantially all consumer credit under one comprehensive code. In the area of maximum charges and rate ceilings, it imposes a single and standard set of maximum charges on substantially all types of consumer credit and, except in the case of extortionate charges, frees substantially all types of business credit from any maximum charge or rate ceiling. It puts all creditors extending consumer credit on a substantially equal footing so far as maximum charges and control of practices are concerned. It stimulates competition by eliminating artificial barriers to entry into the credit granting business and by requiring disclosure of the cost of credit. While the code sets maximum ceilings on rates that may be charged in consumer transactions, it relies on competition to fix actual effective rates. It restricts certain practices of creditors that have been shown to be particularly subject to abuse, and it has broad provisions to eliminate unconscionable conduct.

TO WHAT TRANSACTIONS DOES THE CODE APPLY?

Generally, the code applies to consumer credit transactions and excludes business transactions. The basic test is the kind of debtor involved. If the debtor is an individual, some or all of the provisions of the code apply. If the debtor is an organization (a corporation, partnership, trust, governmental body or the like), with one minor exception, regulatory and maximum rate provisions of the code do not apply. The nonapplication of the code to organizations eliminates the major portion of all business credit from regulatory coverage.

If an individual debtor (sometimes called a sole proprietor) seeks not in excess of $25,000 of credit for a business purpose, the transaction will be covered only by the provisions of the code relating to maximum rates and charges that can be made. In other words, the sole proprietor of a corner grocery is given maximum rate protection under the code in transactions up to $25,000, but otherwise the transaction is not covered by the code.

The major concern of the code is with consumer credit, and except for the provisions on rates and maximum charges having limited applicability to nonconsumer transactions, all of the code's provisions apply only to consumer credit. Consumer credit includes and is limited to credit extended for the personal, family, household or agricultural purpose of the debtor.

Credit extended for agricultural purposes is included in consumer credit, but it is excluded from a number of the substantive provisions found to be unsuited to the particular characteristics of farm financing. Of course, if the debtor is not an individual, regulatory provisions of the code do not apply.

Credit sales of homes and home mortgages entered into for a consumer purpose are covered by the maximum rate and charge limitations as well as the disclosure requirements of the code. Transactions in which the rate of credit service or loan finance charge exceeds 10 per cent, calculated as prescribed in the code, are subject to all of the substantive provisions of the code.

HELPING THE CONSUMER DEAL WITH THE CREDITOR

The code takes three basic approaches to the problem of better enabling the consumer to deal with the professional creditor. First, it requires full disclosure of the cost of credit to the consumer prior to or at the time the transaction is entered into. Second, it makes illegal or severely limits certain specific practices of creditors that have been shown to be subject to abuse. Finally, it has broad provisions for attacking and eliminating unconscionable conduct.

The first approach is the requirement of complete disclosure of the terms of the credit transaction, including disclosure of the cost to the debtor both in dollar amounts and in terms of an annual percentage rate. The disclosure provisions are substantially identical to the federal law's provisions discussed above.

The second approach is to prohibit or greatly limit certain kinds of agreements and practices. In deciding what practices to prohibit or limit, the Commissioners on Uniform

State Laws recognized that unless there were very real and corresponding benefits to the consumer, restrictions on the rights of creditors could, in fact, hurt consumers because the restrictions might result in higher costs and consequently higher rates throughout the consumer credit market. With this process of evaluating and balancing in mind, the commissioners sought only to restrict rights and practices in which evidence of serious abuse of consumers was strong.

Among the specific restrictions the code imposes is the prohibition of negotiable promissory notes in sales credit transactions. Closely related to this is the treatment of the buyer's waiving as to an assignee of the consumer's contract any defenses he might have against the seller. The code offers alternative sections, either of which might be enacted. The first prohibits and renders noneffective the buyer's waiving of his defenses. The second requires the buyer promptly to inform the assignee of any defenses that arise within three months of the notice of assignment, and if he fails to do so, the assignee is freed from defenses arising during the three-month period. Under the present law of most states, once the contract is assigned, the buyer must pay the finance company and try to seek his remedy from the seller. The theory of the code's provision is that the financing institution is in a better position to guard against the seller's pushing shoddy and substandard goods or services than is the buyer, who very likely has only a single isolated transaction with the seller.

Another practice the code prohibits in sales credit transactions is the seeking of a deficiency judgment after goods have been repossessed if the original cash price of the goods was less than $1,000. In effect, when the cash price is less than $1,000, the code provides that the creditor must either elect to sue on the contract or repossess the goods; he may not do both. The theory of this section is that in transactions in which the cash price is under $1,000, the right to seek a deficiency after repossession is worth little to the legitimate creditor, but it can be used abusively by the unscrupulous creditor.

The code eliminates in sales credit the practice of the seller's taking a security interest in a house full of furniture to secure the payment of the price of a single refrigerator or television set. Although the code does permit taking a security interest in more than the goods sold when debts arising from other sales are consolidated, it requires payments to be allocated so that the goods are freed from the security interest on a first-in, first-out basis.

The code regulates balloon payments by permitting the debtor to refinance the balloon on the original terms, thus avoiding a surprise that might force the debtor into default. It also prohibits irrevocable assignments of earnings, garnishment proceedings prior to judgment, and authorizations to third persons to confess judgment in consumer credit transactions. It sets limits on charges which can be made on default, attorney's fees which can be collected from debtors, and the amount of a debtor's earnings subject to garnishment. It limits small loans to twenty-five months, or thirty-seven months when the annual rate of loan finance charge exceeds 10 per cent. It gives buyers three days to cancel home solicitation sales and prohibits referral sales. It includes provisions on credit life insurance and credit accident and health insurance similar to those now in force in states that effectively regulate this type of insurance.

The third approach of the code toward eliminating harmful practices and enabling consumers to deal more effectively with creditors is contained in the provisions that permit courts in proceedings commenced by the state administrator to declare any agreement or a part of an agreement unconscionable and unenforceable, either in whole or in part. The court is empowered to order the enforcement of the agreement in such a way as to avoid any unconscionable result. Debtors themselves and the administrator may bring proceedings to recover excess charges, the administrator himself may order creditors to cease violating the code, and the administrator may bring court proceedings to obtain injunctions against violations of the code and against unconscionable conduct. Varying special civil and criminal penalties are provided for different kinds of violations.

Studies have shown that the major part of overreaching and abuse stems from a relatively small percentage of creditors. In total effect, the code sets standards of conduct for all creditors participating in consumer credit and provides strong and effective remedies against creditors' committing serious abuses without impairing the rights of legitimate creditors and without seriously arising the general cost of credit to consumers.

RATE PROVISIONS FAVOR PRINCIPLE OF COMPETITION

The rates in the code are based on the underlying principle that legislation should not attempt to fix rates in the sense that public utility commissions fix rates for public utilities, but rather that the economic forces of free enterprise and supply and demand should set rates through improved competition within maximum ceilings prescribed for consumer credit. In consumer credit, ceilings are imposed in part because they have been used frequently in the past and in part because consumers generally are considered not to have equal bargaining power with creditors. On the other hand, with two narrow exceptions, no ceilings are imposed for business credit, and any residual ceilings still applicable to business credit under general usuary statutes are removed.

In deciding what the rate maximums should be, the commissioners took into account that raising or lowering maximum rates has the inevitable effect of increasing or decreasing the size of the consumer credit market. High maximums permit more persons to obtain credit from legitimate sources; low maximums decrease the number of persons who may obtain credit. The maximum ceilings provided in the code are designed to permit most credit-worthy consumers to have access to the consumer credit market.

The basic maximum rate in the code is 18 per cent per annum. There are higher graduated rates where the amount of the credit is small. Thirty-six per cent per annum is permitted on the amount of the unpaid balance up to $300, 21 percent on the amount from $300 to $1,000 and 15 per cent on the amount over $1,000, with the composite actual rate under these graduated rates leveling off at 18 percent. In order to charge rates in excess of 18 per cent, a lender (but not a seller) must either be licensed or a supervised financial organization, e.g., a bank, credit union or the like.

On revolving charge accounts in sale credit, the maximum permitted rate is 2 per cent per month (24 per cent per year) on the amount outstanding up to $500, and 1½ per cent per month (18 per cent per year) on the amount in excess of $500.

LICENSING, FEES AND ADMINISTRATION PROVISIONS

Each creditor who is regularly in the business of granting consumer credit is required to notify the state administrator that he is so engaged. In addition, he is required to pay an annual fee based on the amount of the consumer credit obligations owed to him. This fee is designed to defray all or part of the cost of administering the act.

In order to make loans at rates in excess of 18 per cent, a lender must first obtain a license from the administrator. The administrator is directed to investigate the applicant and grant the license only if he finds that the financial responsibility, character and fitness of the applicant are such as to warrant belief that the business will be conducted fairly.

Banks and other institutions supervised by other governmental agencies are not subject to the licensing requirement.

The administrator has broad powers to investigate, issue orders and go to court to obtain compliance by creditors with the act. His actions, however, are subject to notice, fair hearing and other due process requirements. Among his other powers, the administrator is authorized to seek an injunction against unconscionable agreements or conduct.

EFFECT OF CODE ON POWERS OF ORGANIZATIONS

The code prescribes maximum charges for all creditors extending consumer credit and displaces existing limitations on the powers of creditors based on maximum charges.

In the case of sellers of goods or services, small loan companies, licensed lenders, consumer and sales finance companies, industrial banks and loan companies and commerical banks and trust companies, the code displaces existing limitations on their powers based solely on amount or duration of credit.

Except as to maximum charges, the code does not displace limitations on powers of credit unions, savings banks, savings and loan associations, or other thrift institutions. Except as to maximum charges, the code does not displace limitations on powers either of commercial banks or thrift institutions with respect to the amount of a loan to a single borrower, the ratio of a loan to the value of collateral, the duration of a loan secured by an interest in land or other similar restrictions designed to protect deposits.

HOW THE CODE FITS WITH THE UNIFORM COMMERCIAL CODE

The Uniform Commercial Code provides that the rules it sets forth are subject to regulatory legislation, particularly in consumer transactions. Thus, the Consumer Credit Code will supplement the Commercial Code. The Commercial Code sets the background, and its rules will continue to apply to consumer transactions, except where the Consumer Credit Code provides different rules for consumer credit transactions.

CODE OFFERS SOLUTION TO STATE-FEDERAL PUZZLE

Next July 1 creditors will be complying with the disclosure requirements of the Federal Truth in Lending Act. If state legislatures do nothing, creditors and consumers may be faced with the perplexing and divergent provisions of two disclosure laws, one state and one federal. The Uniform Consumer Credit Code is designed to solve the problem of divergent state and federal disclosure laws. By requiring disclosure substantially similar to or more stringent than the federal law, it is intended to secure for any state enacting it exemption from the disclosure provisions of the federal act.

The Uniform Consumer Credit Code goes far beyond disclosure. It is a comprehensive and well-balanced consumer protection law. It offers substantial safeguards to consumers through its provisions regulating practices and agreements and its provisions on administration and unconscionability. The disclosure provisions and the elimination of artificial barriers to entry into the credit granting business will stimulate competition. The code frees substantially all business credit from archaic usury laws and sets rate ceilings for consumer credit under which creditors can compete for the consumers' business.

THE "PUEBLO" HEARING

Mr. ALLEN. Mr. President, the crew of the *Pueblo* has been in the minds and thoughts and prayers of the American people for the last year.

An editorial entitled "The *Pueblo*

Hearing," published in the January 27, 1969, issue of the Birmingham News, raises some of the questions and suggests some of the thoughts that are in the mind of the American people with regard to Commander Bucher and the crew of the *Pueblo*.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE "PUEBLO" HEARING

The ordeal Cmdr. Lloyd Bucher is undergoing at San Diego must be in some respects even more trying than the one he and the other members of the *Pueblo* crew underwent during 11 months of North Korean imprisonment and torture.

Then his tormentors were the enemy. Now he faces the torment of doubt. Not only the naval officers conducting the inquiry and his fellow countrymen, but Cmdr. Bucher himself, we are certain, have asked themselves over and over whether the *Pueblo's* skipper carried out his command properly. They have asked themselves what he might have done differently—and, those who are honest, have asked what they might have done under similar circumstances.

We daresay neither the commander nor his countrymen have come up with totally satisfactory answers.

There is no question of the human reaction of Americans to Cmdr. Bucher's testimony. It is equally divided between great sympathy for the captain and his men, and seething outrage at their treatment by the animals who held them captive.

But equally there can be no question but that Americans are deeply disturbed by many aspects of this whole affair.

The actions and decisions of Cmdr. Bucher are immediately at issue in the San Diego inquiry. But the questions raised go far beyond him. They reach to the highest levels of government and of military command.

Why was the *Pueblo* not equipped with devices to destroy secret, sensitive material—or, if that failed, to scuttle the ship as a last resort before an enemy could board and capture her?

Why was no provision made for air or sea protection for the ship in the event it encountered hostile action? Certainly no one could have been completely surprised when the North Koreans made their bold gamble. They had been more and more aggressive in the preceding months, stepping up their incursions into South Korea (even including an attempt to assassinate its president) and engaging in other provocations.

Neither can it be said that there was no precedent. The communications ship *Liberty*, engaged in a similar mission off the coast of Africa during the Six Day War in June, 1967, was attacked and heavily damaged by Israeli jets. It, too, got no assistance, although U.S. carrier-based interceptors were only minutes away.

Although the Israelis apologized that the attack was a case of mistaken identity and although the *Liberty* eventually made port safely, the lesson should have been clear that no ship engaged in intelligence operations in sensitive areas can be assumed to be safe from potential danger. Apparently that never occurred to the Navy when the *Pueblo* embarked on its mission off the coast of North Korea.

Questions remain to be answered in the case of Cmdr. Bucher. They are agonizing questions, and answers will not come easily or unanimously.

But let the Navy be on notice that the American public is not going to permit use of Capt. Bucher as a scapegoat to get the higher-ups in the defense establishment—military and civilian alike—off an uncomfortable hook.

The commander has indicated that he is prepared to state his case and accept his country's verdict on his performance. Let that performance be judged fairly and honestly.

But there are other feet which must be held to the fire before this case is closed. Let their owners, too, be prepared to answer searching questions.

COMMUNIST TERROR IN SOUTH KOREA

Mr. DODD. Mr. President, while the American press has focused on events like the capture of the *Pueblo* and the attempt on the life of President Park, of South Korea, by a group of North Korean commandos, it has said very little about the murderous terror practices by the Communist marauders from the north against the South Korean civilian population.

Atrocity stories are always unpleasant. But I think it is important that the full facts be made available to the American public so that they will have a better understanding of the nature of the enemy we are up against.

For this reason I invite the attention of Senators to an article and an editorial published in the Korea Herald of Sunday, December 15, 1968. The article describes some of the atrocities perpetrated against South Korean civilians by terrorists who had infiltrated from North Korea. Among other things, it tells the story of the coldblooded murder of a mother and three young children, aged 10, 7, and 4, whom the Communists considered uncooperative. After compelling the mother to cook food for them, the Communists took the family to a rubbish heap and brutally murdered them. When the oldest child, a 10-year-old boy, said that he did not like Communists, they tore his mouth apart.

The paper reproduces a photograph of the mutilated bodies of the South Korean mother and her three children.

The incredible savagery which the North Korean Communists have practiced against South Korean civilians and prisoners was recently attested to by Comdr. Lloyd M. Bucher in his testimony before the naval court of inquiry. Commander Bucher told the court that, in their efforts to break his resistance, his North Korean captors showed him a South Korean prisoner who was strapped to the wall after having been mercilessly tortured. Let me quote one paragraph from Commander Bucher's testimony:

> He was alive. But he had been through a terrible ordeal. He had a compound fracture of the arm and the bone was sticking out. He had completely bitten through his lower lip. . . . It was hanging down. His right eye had been put out. His head was hanging down and a black substance from the put-out eye was dripping down.

The barbarism of the North Korean Communists is no isolated phenomenon. The pattern, indeed, is identical in Vietnam and in China and in every other country where the Communists have either seized power or sought to seize power. This is something which we must keep in mind in the current negotiations in Paris.

Mr. President, I ask unanimous consent that the editorial and the article be printed in the RECORD.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

RED ATROCITIES

Red atrocities are assuming more and more heinous aspects these days. It was something more than a month ago that a big group of armed north Korean Communist intruders were guilty of the cold-blooded killing of innocent villagers, young and old, men and women, at Uljin. At first it was estimated that the Red infiltrators numbered 30 or so. Later the estimate doubled and then tripled. Thanks to timely and efficient mopping-up operations by the military, the police and the Homeland Reserve Forces, most of the Communist bandits have been shot and five have been captured alive. A handful of fleeing murderers are still hiding in mountains, trying to grab every chance to murder innocent villagers indiscriminately in their futile attempts to sow seeds of insecurity among the people.

Uljin citizens have proved brave and thoroughly anti-Communist by tipping off the police and other authorities concerned on the Red infiltration at the right times. It is especially noteworthy that their positive and timely cooperation was extended in very dangerous circumstances. Citizens elsewhere have proven as brave and as anti-Communist. Even a little tot risked his life to denounce Red atrocities. The Red intruders tore the boy's mouth apart when they heard him pledge his loyalty to the Republic of Korea, saying he would in no circumstances be cheated by the Communists. The villagers' resistance cost them many lives. Close to a score of them were shot, stoned and stabbed to death with bayonets. Only last Monday, a band of escaping Red infiltrators broke into a farm house near Kangnung, Kangwon-do, and killed four of seven-member family. The 56-year-old mother of the head of the family was lucky enough to be away from home on a visit.

Since the abortive Jan. 21 Communist commando foray into Seoul, our counterinfiltration posture has been much improved. It is encouraging, that a modern helicopter unit has recently been activated to make the anti-Communist mopping-up operations more effective. Helicopters have played a significant part in rounding up fleeing Red agents since last January. It is with this fact in mind that we wholeheartedly welcome the birth of the helicopter unit.

Equally encouraging to learn is the fact that the ROK–U.S. joint defense posture is in far better shape than ever, with still better prospects for the months and years to come. We are gratified to learn that a substantial amount of U.S. military assistance has been extended to our armed forces since the visit last April by presidential envoy Cyrus Vance to Korea and the subsequent summit talks between President Chung Hee Park and President Lyndon B. Johnson. U.S. assistance, needless to say, plays a decisive part not only in the overall national defense against the north Korean Communists but also in antiguerrilla operations. The United States never once failed to prove itself equal to the commitments it solemnly made to the Republic of Korea. We have no doubt at all that the military partnership between the United States and the Republic of Korea will continue to improve as time goes on.

RED MARAUDERS SLAUGHTER TOTS

A group of north Korean armed intruders tore apart the mouth of a 10-year-old boy when he said, "I don't like the Communists."

The cold-blooded Communists then killed with rocks and bayonets the boy, his mother, younger brother and sister.

The murdered were identified as Mrs. Daehwa Chu, 33, her sons, Sung-bok, 10, Song-su, 7, and daughter Sung-nyo, 4.

The innocent victims were about to go to bed when about five north Korean armed marauders broke into their house in Pyongchanggun, Kangwon-do, on the night of Dec. 9.

Pointing their rifles at the forehead of Mrs. Chu, the intruders ordered her to cook rice for them.

When Mrs. Chu replied that she did not have rice to cook, they told her to cook corn, according to an eyewitness story given by Sung-won, 15, the eldest son of Mrs. Chu. The eldest son was also stoned but escaped death. Mrs. Chu's husband was away from home when his family was massacred.

After the intruders ate corn cooked by Mrs. Chu, the Communists then began propagandizing about north Korea. At this point, Mrs. Chu's second son told the intruders, "I don't like the Communists."

Then, the Communists took Mrs. Chu's family to a rubbish heap about 10m from their house and killed them with rocks and bayonets.

The Communists dumped the mutilated bodies on the heap and made away with a few chickens and some rice and corn.

This was one of the many atrocities committed by the north Korean intruders against innocent and peaceful villagers on the East Coast of Korea.

It was on Nov. 2 that a large group of north Korean marauders, estimated at around 90, landed on the East Coast in Kangwon-do to sow the seeds of terror among the people of free Korea as part of north Korea's scheme to communize the whole Korean peninsula by force.

Thanks to timely and efficient sweeping operations by the military, police and Homeland Reserve Forces, most of the Communist bandits have been shot and several have been captured alive.

A handful of fleeing murderers are still hiding in mountains, trying to grab every chance to murder innocent villagers indiscriminately in their futile attempt to set up bases for guerrilla warfare.

The infiltration of about 90 North Korean armed bandits into the Republic of Korea was the second attempt this year to send large groups of thoroughly trained North Korean regular army officers for dreadful missions in the south.

As confessed by the captured North Korean intruders, their goals included such vicious missions as assassination, destruction of government offices and other important facilities, and the organization of the local populace to work for them once guerrilla bases had been set up.

All of these are in clear and evident violation of the Armistice Agreement with the United Nations Command.

In the first attempt this year, a command unit of 31 men in January came across the Demilitarized Zone through the section guarded by the Second U.S. Infantry Division.

The group managed to get into the capital city of Seoul, and was only 500m from the presidential residence at 10 p.m. Jan. 21, when they were intercepted by police.

One of the 31, Sin-jo Kim, was captured during the ensuing manhunt by combined forces of the military and police. Kim told the press that the assassination of the President of the Republic of Korea was their prime mission.

The two cases of infiltration of groups of regular army officers trained in guerrila warfare proved that the northern puppet regime's policy towards the Republic of Korea has become even more belligerent than before.

The Communist north Korean premier, Il-sung Kim, is deliberately calculating that such a series of maneuvers his regime will upset and obstruct the political stability and economic progress of the Republic of Korea, and will apply braking pressure on Korea in her assistance to the Republic of Vietnam.

Some of the atrocious acts committed by North Korean armed intruders who came ashore on the East Coast of Korea on Nov. 2 will be described here.

VILLAGER SLAIN

On Nov. 2, an estimated 30 armed north Korean intruders, who entered a village in Puk-myon, Kyongsang Pukto, killed a visitor to the village by smashing in his head with stones and bayonetting him in the chest, abdomen and neck—at five different points.

The savage act was committed in the presence of all villagers apparently as a means of threatening them into supporting the Communist cause. Immediately after the murder, the Communist agents forced the villagers, which they brought together in a house at gun point, to sign up for membership in the Communist Labor Party.

The murdered civilian, identified as Byongdu Chon, was a visitor to the village. During the seven hours of atrocities, the infiltrators distributed a four-page pamphlet entitled the "Revolutionary Pledge" and ordered the villagers to recite it.

They also distributed counterfeit 100 won Bank of Korea notes, ordering them to use the money in places far from the village. It is presumed that the distribution of the bogus money was apparently aimed not only at soliciting cooperation from the villagers but also at disrupting the economic order in this country.

But the death-defying villagers, as it was discovered later, reported the barbarous acts by the north Koreans to a nearby police box as promptly as they could. The report prompted ROK task forces to stage a giant manhunt for the escaping marauders.

The villagers, in reporting the incident to the police, used a secret message, written on a small piece of paper. They delivered the message by a three-man relay to the police box which was almost 10km away. In so doing, the brave villagers had to hide the message in their socks and in a bundle of rice straw.

MAILMAN

In their attack on the mountainous village, the Communist marauders took a mailman named Tae-hi Kang away with them. Later the mailman was found stabbed to death in a nearby valley on Nov. 14.

The mutilated body of the 39-year-old mailman was covered with a layer of rocks. The Communists apparently used "bayonets and stones" in killing him, said his brother-in-law, who discovered the body.

Kang's body was found close to his mail bag and cap. But the bag, supposed to contain 40 pieces of undelivered mail, was empty. Investigators presumed that the Communist took the letters away.

The scene of the atrocity was about 100 km away from the spot where another civilian from the village of Pukmyon was murdered by the armed agents.

FARMER

Also on Nov. 14, ROK task forces sweeping the eastern coastal mountains stumbled upon the three bodies of a farmer and his family in the operation area near Samchok, Kangwon-do.

The dead were identified as Chan-sok Choe, a 80-year-old fire-farmer; his daughter-in-law Myong-sul Sim, 52; and his grandson Dong-hak, 15.

They were stabbed and beaten with stones by a band of escaping Communist north Korean agents who were intercepted along the East Coast.

The bodies were found near their home in the mountain area.

TWO LITTLE GIRLS

A group of some 20 Communist agents broke into an isolated farmer's house in Pyongchang-gun, Dec. 20. The farmer was identified as Won-sik Ko, 36.

The bandits bayonetted and clubbed to death Ko's family of six. Ko, who was away from home, at the time escaped the massacre.

Slaughtered by the marauders were Ko's father Yong-nin Ko, 62, mother Hak-yo, 60, wife, Ae-gi, 21; daughters, Sang-ok, 5, and Sang-gum, 3.

The Communist bandits dumped the bodies of two daughters into a nearby ditch, stripping them of clothes.

FAMILY MASSACRED

Five days later, on Nov. 25 another group of seven armed Communist agents entered the farm house of Pong-tae U, 26, in Yongwol-gun, killing four members of the farmer's family and injuring two others.

The bandits strafed with their submachine guns U's mother, Mrs. Ok-sun U, 50, his brother, Sang-gyu, 14, and his daughter, Yong-a, 3.

The Marauders kicked and trampled his wife Pun-nam, 22, and a baby she was holding in her arms, critically injuring them.

A REMEMBRANCE OF FRANKLIN DELANO ROOSEVELT

Mr. MONTOYA. Mr. President, as history rushes past us, we are often too involved in daily rigors to reflect upon the past. Yet it is that past that shapes our present and influences our future. Yesterday was the anniversary of the birthday of Franklin Delano Roosevelt, President of the United States. He was born on January 30, 1882, and died in the midst of the rush to a victory he was instrumental in shaping. He was a war casualty, who, after triumphing in peace, sought to insure that peace after deadly conflict at last ended.

I remember vividly the state of our Republic when Franklin Delano Roosevelt shot a thrill of hope through a despairing nation. Millions were hungry. Tens of millions were unemployed. Those palls of smoke over America's industrial cities were almost completely dissipated. Hunger stalked our American land. Fear stood beside the head of every household. Want was an ever-present companion. Violence then, as now, reared its head as an increasingly desperate country thrashed about for solutions.

Franklin Delano Roosevelt provided them. Men went to work. Experiments, not all successful, were tried. Public works projects came to the fore. The land revived. Chimneys smoked. The wolf was driven from our national door. America had room to breathe again.

Unions had the right to organize. Men had the right assured them to go on strike. Social security, real in Europe, opposed at home, became tangible instead of a hoped-for dream. Unemployment insurance and a hundred other reforms were institutionalized under the inspired leadership of Franklin Delano Roosevelt.

Compare it with the solution evolved by another national leader in another stricken nation. F. D. R. built for peace while Hitler prepared for war. F. D. R. led toward tomorrow as Hitler looked to yesterday. F. D. R. advanced human dignity as Hitler advocated human slavery.

Memories are short and pain fades under the mind's desire to suppress harsh times. But the reforms that remade American society today are the cornerstones of our strength. They provided foundations upon which we have built.

When I studied here in this city for a law degree, I had the opportunity once to go to the White House as an employee. There for a moment I met Franklin Delano Roosevelt, and the memory is as green in my mind as the small plot in front of the National Archives is in spring.

It warms my heart to know that millions upon millions of those Americans he loved so dearly live in greater dignity and freedom because of what he accomplished. Small men have sought to diminish his stature. Their failure is as great as their motives were small. Franklin Delano Roosevelt grows in America's memories as our historical perspective deepens. He is remembered and revered. He shall never be forgotten or lessened in the esteem of those of his fellow countrymen who love his memory so much.

"ODE TO ALABAMA"—POEM IN HONOR OF ALABAMA'S SESQUICENTENNIAL YEAR

Mr. SPARKMAN. Mr. President, this is the State of Alabama's Sesquicentennial Year, and a great many special events are planned. In honor of the State, the Alabama Sunday magazine recently published a poem honoring the State of Alabama and its people. The poem was written by my friend, J. Mitchell Pilcher, of Montgomery, Ala. The poem follows:

Ode to Alabama

When Alabama called her own,
  Were our staunch patriots dismayed?
For Freedom, when they stood as one,
  Were ever nobler ranks arrayed?

It was small wonder that the foe,
  Broken, fell back before her might.
Against God's will what storms can blow,
  What tyrant's power can conquer right?

Henceforth, Alabamians inspire
  Nations and people to be free—
For Freedom's longing is the fire.
  That lights our land with Loyalty!

TV STATEMENTS BY SENATOR BYRD OF WEST VIRGINIA ON CRIME, SURTAX, AND "PUEBLO" INQUIRY, JANUARY 29, 1969

Mr. BYRD of West Virginia. Mr. President, on January 29, 1969, I made statements for television regarding the Nixon administration and crime, the surtax, and the *Pueblo* inquiry.

I ask unanimous consent that the transcript of these statements be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

Nixon Administration

I hope that Mr. Nixon has read the mood of the people correctly. The country has had enough radical social programs to last it for some time to come. The people are tired of having every aspect of their lives directed from Washington. They are tired of paying more and more taxes and seeing more and more government waste. And they are completely fed up with crime, demonstrations, violence, and college insurrections. It is time to let the militant types, the black power revolutionaries, and the hoodlums and punks know that they are not going to get away with destroying the country. I think Mr. Nixon feels about the same way, and it is becoming increasingly clear that he intends to crack down on the criminals. And, if he does, I am all for it, because that is what I have been advocating for a long time.

Byrd Favors Dropping Surtax

For the average American family inflation is of growing concern. The average family is caught in a squeeze between rising prices, high interest rates, high federal, state, and local taxes, and a resultant decrease in purchasing power. The 10 percent surtax, which I voted against, has not had the effect it should have had because the federal government, at the same time it was raising taxes, has continued to fund huge new programs and projects, some of which are of doubtful value. The new administration will have an opportunity to review all spending programs, and hopefully it will recommend reductions in some outlays. I think some reductions could be made in the new budget and, as of now, I definitely favor dropping the 10 percent surtax this year.

The "Pueblo" Case

The Pueblo incident was a sorry chapter in our naval history. But whatever one may think of Commander Bucher's surrender of his ship, and his admission of spying, one can hardly escape the feeling that higher echelons in the Defense Department should have to bear a large part of the responsibility for what happened. Of course, all the facts are not in. But certainly the Pueblo was ill-equipped to defend itself, and there is considerable doubt as to the necessity and the wisdom of the mission it was on. I think that the commanding officers for such missions in the future should be carefully screened and briefed, a destruct capability should be provided for sensitive equipment, and air defense should be in close communication and certainly near enough to render effective assistance. And, moreover, I believe that we should try to develop an intelligence-gathering technology which would render unnecessary dangerous naval missions of this type.

HUNGER IN AMERICA

Mr. McGOVERN. Mr. President, last year the Citizens' Board of Inquiry published a dramatic and generally excellent report entitled "Hunger, U.S.A." At about the same time, CBS sponsored a television documentary which focused the attention of the Nation on hunger and malnutrition in this country. Another excellent report by several women's groups on the national school lunch program made a further contribution to our understanding of food problems affecting our schoolchildren.

Investigations in Mississippi and hearings in Washington by the Senate subcommittee under the direction of former Senator Clark of Pennsylvania, and including the vigorous efforts of the late Senator Robert Kennedy, served to alert Congress, the administration, and the Nation to the seriousness of hunger problems in this country.

These reports, of course, were not without challenge from other groups, and a series of countercharges quickly developed.

Given this situation, I submitted a resolution to create a Select Committee on Nutrition and Related Human Needs. That committee was unanimously authorized by the Senate on July 30, and hearings are now going forward.

In the course of my preparation for these hearings, I have read a number of articles, studies, and reports on the problem of hunger. No one item has been more helpful than the excellent article by Elizabeth B. Drew, which was published in the Atlantic for December 1968. Mrs. Drew is the Atlantic's Washington editor and one of the really fine journalists in America today. Her article is a superb summary of the overall problem of hunger in the United States and some of its causes, and is an indication of the direction we should move to put an end to hunger. I strongly recommend the article to every Member of Congress and to interested citizens.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Going Hungry in America: Government's Failure

(By Elizabeth B. Drew)

("I don't know, Orville," said Senator Robert Kennedy to the Secretary of Agriculture, "I'd just get the food down there. I can't believe that in this country we can't get some food down there." Others too will find it difficult to believe the facts revealed here about the failure of the Congress and the federal government to assure that millions of people in the richest, most bounteous land in the world are saved from malnutrition or starvation. This is the latest in a continuing observation of how government works—or doesn't.—By the Atlantic's Washington editor.)

From time to time during the past few years, there has come to public attention the jarring news that a great many Americans do not get enough to eat because they are too poor. The words "starvation," "hunger," and "malnutrition" have all been used to describe the phenomenon. Each of these conditions is difficult to isolate, or even describe, or to separate from related diseases, because there has been little scientific or official interest in the problem. Yet it is generally agreed, even among government circles, that, at a minimum, ten million Americans are malnourished, and some of these are chronically hungry, even starving, because they are poor.

In 1967, a group of doctors, including Robert Coles of Harvard University, Joseph Brenner of MIT, Alan Mermann and Milton J. E. Senn of Yale, and private practitioners from Yazoo City, Mississippi, and Charlotte, North Carolina, took a foundation-sponsored trip to Mississippi to investigate the problem and returned to tell the Senate Subcommittee on Poverty what they had seen:

"In Delta counties . . . we saw children whose nutritional and medical condition we can only describe as shocking—even to a group of physicians whose work involves daily confrontation with disease and suffering: In child after child we saw: evidence of vitamin and mineral deficiencies; serious untreated skin infestation and ulcerations; eye and ear diseases, also unattended bone diseases secondary to poor food intake; the prevalence of bacterial and parasitic disease, as well as severe anemia . . . in boys and girls in every county we visited, obvious evidence of severe malnutrition, with injury to the body's tissues—its muscles, bones, and skin as well as an associated psychological state of fatigue, listlessness, and exhaustion. . . . We saw children who don't get to drink milk, don't get to eat fruit, green vegetables, or meat. They live on starches—grits, bread, Kool Aid. . . . In sum, we saw children who are hungry and who are sick—

children for whom hunger is a daily fact of life and sickness, in many forms, an inevitability. We do not want to quibble over words, but "malnutrition" is not quite what we found. . . . They are suffering from hunger and disease and directly or indirectly they are dying from them—which is exactly what "starvation" means.

There is developing, moreover, a disturbing body of scientific information that indicates a connection between malnutrition in children, in particular insufficient protein, and brain damage. Seventy-five percent of the mental retardation in this country is estimated to occur in areas of urban and rural poverty.

The situation in the Mississippi Delta has been particularly acute because of unemployment as a result of mechanization, and among other things, other government programs: controlled planting, and a new one-dollar-an-hour minimum wage, which led many plantation owners to lay workers off rather than pay it. Mississippi's welfare program pays an average of $50 a month to a family with four children, but payments are made only if the wage earner is old or disabled or blind or has left his family. Thus there are thousands of families in the Delta with no jobs and no income.

There are two basic government programs which are intended to improve the diet of the poor—the sale of food stamps and the distribution of food. The local county chooses one or the other—or neither. Government officials point out that for some time every county in Mississippi has had one of the programs. In response to the reports that people still were not getting enough to eat, the Secretary of Agriculture said to the same Senate subcommittee: "They got some food because they were obviously walking around. I don't know where they got it."

For some time, in fact, it has been known within the government that the food programs had serious shortcomings, in the number of people being reached and in the form of the assistance. In addition, over the past year and a half or so, domestic hunger has been the subject of a great deal of publicity. A solution would not be all that expensive: government studies have indicated that adequate food distribution for everyone who needed it would cost between $1.5 billion and $2 billion more than the roughly half billion being spent on stamps and commodities now. (No one has calculated, in terms of illness and wasted and dependent lives, what it costs not to provide everyone with an adequate diet.) There were also short-range and less expensive actions that could have been taken to alleviate the mot severe distress. While it would be inaccurate to say that nothing was done, the response was slow, piecemeal, and, it often seemed, reluctant. More thorough responses, including a national commitment to see that no one was denied an adequate diet because of low income, were considered, and at several points they were almost made. Because of the impact on the lives, every day, of several million people, the reasons why they were not are worth exploring.

The food programs are run by the Department of Agriculture because they were begun not so much to help the poor as to dispose of embarrassing agricultural curpluses. Food packages are distributed once a month to the poor who live in counties which happen to want the distribution and are willing to pay for it. (Only recently, the federal government began to pay for the packages in a few of the poorest counties.) "But," Orville Freeman, the Secretary of Agriculture, has testified to Congress, "that doesn't mean that every person gets it, because a poor person who lives miles away from the distributing point where 100 pounds of food is made available for a month may very well (a) not even know about the distribution; (b) not be able to get there; and (c) not be able to carry it away." (One congressman replied: "I know dead soldiers who didn't miss out because they lived 10 miles from a recruiting office.")

The commodity packages have only recently approximated what even the Agriculture Department considers a "minimum adequate" diet, but the cheerful assumption is made that they are a "supplement" to a family's food supply. The commodity package has been periodically expanded, to the point where last summer, under public pressure, the Department announced that it would now contain some twenty-two items. The list is theoretical, however; whether the various items actually end up in the package depends on whether they are in sufficient supply and whether the local community elects to include them. It takes tolerance for tedium and some culinary ingenuity to make edible meals of the surplus packages, which until last summer consisted mainly of such things as flour, cornmeal, rice, dried peas, dried beans, bulgur. Formerly they contained thirty ounces of meat for each person for an entire month; now the packages are supposed to contain more meat, dried eggs, evaporated milk, canned chicken, canned vegetables, and some others. The wrapping is to be prettier, and recipes are to be supplied, although many of the recipients can't read.

The food stamp program, in which participants buy stamps which are worth more than the purchase price and use them to buy groceries, is preferred by just about everyone, including the local grocers. Long part of the Democrats' agenda, food stamps were started on a pilot basis in 1961, and were finally authorized by Congress three years later. The stamps are actually a form of income supplement, but that is not the sort of thing that is said out loud, and thus a great emphasis is always placed on how this, too, is to supplement a family's "normal" expenditure for food. It is difficult to divine just what was in the minds of the federal officials who worked out the details of how the food stamp program should work. Each month, a family may purchase a given amount's worth of stamps, depending on their income, in exchange for a given amount of bonus. Somehow, although people in general pay about 18 percent of their income for food, the poor, under the food stamp plan, are sometimes required to pay as much as 35 to 50 percent in order to obtain any stamps at all. If they cannot afford that because of the other demands on their income, or if they do not happen to have enough cash on hand on the day that the stamps are sold, they get no help at all. For example, after eight counties in Mississippi switched from commodity distribution to food stamps, some 32,000 fewer people were receiving food aid one year later. In Arkansas, of the 54,531 households on welfare in counties with the food stamp program, only 9700 buy the stamps. This is not peculiar to these states; while some 6 million people are estimated to be receiving either commodities or food stamps now—roughly 3 million under each program—it is seldom mentioned that six years ago even more people were being helped, albeit the great part by the inferior commodities program.

Another quirk is that the bonuses go up as the income goes up, so that the higher-income poor end up with more food than those at the bottom of the scale. The Agriculture Department explains that this is because it would not be wise to give those who are accustomed to being worst off too much too soon. In order to be certified as eligible for the program, families must run the gauntlet of the welfare agencies, many of which are not known for their sympathy toward Negroes. The food programs are sometimes used as an instrument of control: people who participate in civil rights activities or who are needed when it is time for the crops to be picked find that the programs are suddenly unavailable. In many areas, food prices go up on the day the stamps are issued.

When the uproar over these failings developed in 1967, the Agriculture Department made a study of the situation in Washington County Mississippi. It found, among other things, that more than half of those qualified to receive food stamps were not doing so. The investigators were not, however, greatly perturbed. "In general," they reported, "the study indicates that low-income households in this Mississippi Delta county accommodate themselves to a diet which low-income families elsewhere would reject. . . . It may be that low-income families place less value on food than we think."

The Department of Agriculture should not, in all fairness, be expected to demonstrate dazzling expertise in the needs and life-styles of the poor. Its essential mission is to nurture the agricultural economy; the poor are somebody else's department. The typical employee in Agriculture has been there a long, long time. He may have come in with Henry Wallace, or he may have been a dirt farmer who was down and out during the Depression, got a government job measuring acreage, moved up through the ranks, and was promoted to Washington when he was in his fifties.

Nobody envies Orville Freeman his job; frequently described as "the worst one in town." Freeman's own official biography says it all: "He has been shot at not only by Congressmen, rural and urban, but also by consumers protesting food prices, farmers protesting farm prices, and dissidents of all job descriptions and all colors protesting food programs and poverty." Freeman is a liberal out of the Democratic-Farmer-Labor movement, where he was a three-term boy-wonder governor. From the time that John F. Kennedy appointed him in 1961, Freeman has probably stirred up less than the traditional amount of controversy for Secretaries of Agriculture. "The Administration wanted him to cultivate the farmers, not the poor or the civil rights crowd," said one of his associates. "His tendency, in the earlier years, when the subject of hungry people came up, was to look embarrassed and change the subject." When it could no longer be ignored, Freeman behaved like a man in a trap. Moreover, he could, and frequently did, claim with justification that during his tenure, through initiating food stamps and expanding food packages, an unprecedented amount had been done toward feeding the poor. His injured pride and his combative nature served to deepen his troubles.

Jamie Whitten, a fifty-eight-year-old congressman from Charleston, Mississippi, chairman of the subcommittee which provides funds for the Agriculture Department's programs and one of the most powerful members of the House of Representatives, does not believe that anybody in this country is unavoidably hungry, "except," he says, "when there has been parental neglect through drunkenness or mental illness. You're dealing with people who for some reason or other are in a condition of poverty. If they had the training and foresight of other people, they wouldn't be in poverty."

Whitten has installed a number of employees at the Agriculture Department, and there is little that Orville Freeman does that Jamie Whitten doesn't know about. Whitten expects Freeman to consult him before he makes any policy move, and Freeman has decided it is the better part of wisdom to do just that. The congressman is a skilled legislator, however, and knows better than to stand intransigently against the majority opinion of the House. He hasn't often, in fact, made significant cuts in the food stamp program's funds once the House has approved the program. Neither, if he doesn't like what

Freeman is doing, is he likely to cut into crop-support funds of such importance to the farm bloc. Whitten had denied money for work in the general area of rural poverty; Freeman is also anxious not to annoy Whitten to the point where he might cut funds which the Department lends to rural areas to build ski slides and golf courses that Freeman feels are important community programs. After a while, the relationship between a Cabinet officer and his House appropriations subcommittee chairman blurs beyond a rational if-I-do-this-he-will-do-that situation. "He simply becomes part of your thinking," says one former Cabinet officer. "He is an automatic part of all your decisions."

The House Agriculture Committee, which sets the policies for which Whitten's group then provides the money, is, to state it gently, disinterested in the poor. The committee's concerns are sheep scrapie and hog cholera and agricultural subsidies. The members of most committees see to it that the benefits of programs they preside over reach their constituents in full measure, but it is no accident that the home districts of a number of the Agriculture Committee members do not have food stamp programs. "These programs are not desired by the power structures back home," says one close observer, "and that's what elects them. The recipients of these programs don't vote."

The situation is similar in the Senate. In all cases, the Agriculture committees are almost entirely populated by representatives of Southern and Midwestern farm districts, with, in a Democratic Congress, the representatives of Southern landholders in charge. Senator James O. Eastland, for example, is the third-ranking member of the Senate Agriculture Committee and its most important determiner of cotton policy. Last year, the Eastland family plantations in Sunflower County, Mississippi, received $211,364 in subsidies. Despite the slipping popularity of the farm programs, and the increasing urban and suburban orientation of Congress, these men have enough seniority, and serve on enough other important committees, to make their influence felt. To the extent that the Agriculture Department budget is under attack, they try to keep the budget down by curbing the Department's noncrop programs. "Freeman decided as a matter of policy," says one of his former colleagues, "that he was not going to antagonize these men. He checked out appointments with them and went to enormous lengths to cultivate them socially. When the food issue came up and he got caught in his conspiracy with the Southerners on the Hill, his instinctive reaction was to deny that anything was wrong. After all, he was relying on memos from his staff, and they were defending themselves, too."

In April, 1967, the Senate Labor and Public Welfare Committee's Subcommittee on Employment, Manpower, and Poverty went to Mississippi. The subcommittee, headed by Senator Joseph S. Clark of Pennsylvania, was making a nationwide study of the poverty program, and since Senator Robert Kennedy was a member of the group, wherever it went, the press went too. At a hearing in Jackson, Mississippi, Marian Wright, an attractive, soft-spoken attorney for the NAACP's Legal Defense Fund, Incorporated, who had been working in Mississippi, talked about welfare, poverty, and the situation in the Delta. "They are starving," she concluded. "They are starving, and those who can get the bus fare to go north are trying to go north. But there is absolutely nothing for them to do. There is nowhere to go, and somebody must begin to respond to them."

Kennedy and Clark said they would take it to the Department of Agriculture when they returned to Washington. Senator George Murphy went them one better and said that the group should "notify the President of the United States that there is an emergency situation, and send investigators and help in immediately." On the following day, Clark and Kennedy toured the Delta. The cameras were not there when Robert Kennedy sat on the floor in one particularly fetid shack watching a listless child toy with a plate of rice, feeling the child's body, trying to get the child to respond, and trying to comprehend. Until then, the senators really had not known how bad, it was.

After they returned to Washington, all nine members of the subcommittee signed a letter to the President describing the situation as "shocking" and constituting an "emergency," and calling for specific Administration action. The White House, after trying not to receive it at all, bucked the letter to the Office of Economic Opportunity, which runs the poverty program, and OEO responded with a press release, its outlines dictated by the White House. The release said there was poverty in each of the senators' home states, too; that the crisis of poverty had been greater before Lyndon Johnson took office; that the Administration had started a lot of programs in Mississippi; that the Congress had cut funds for the poverty program; that "every recommendation in the letter by the Senators has the hearty concurrence of the administration," but there were some legal problems; and "we already know what needs to be done."

The senators' concern and the attendant publicity might, of course, have been seen by the White House as an opportunity to make major moves to correct the problem, just as it had made it a point to get out in front on any number of issues, such as auto safety or home ownership for the poor, raised in Congress. But this time the President was in no mood to be pushed. Neither he nor Freeman believed that the problem was as serious as Clark and Kennedy said, and both saw "politics" in the whole affair. (Department officials say that Clark and Kennedy were taken on a "pre-arranged" tour by "professionals.") The President knew that neither senator had influence with, in fact they had highly angered, the Agriculture establishment on Capitol Hill, and to the White House these were important people not to anger. When he did move, and it was not doubted that he would, it would be at a time and in a manner of his choosing.

The problem of malnutrition had, like most conceivable domestic problems, been put before a secret interagency task force by the White House the year before, as part of the preparations for the Administration's 1967 legislative program. The appointment of the task force, the task force was told, reflected the White House's deep conviction that every American should have an adequate nutritional diet. The task force, headed by Agriculture Department representatives, did not, in the view of the White House, provide sufficient information on either the dimensions of the problem or possible new approaches. Neither presidential aide Joseph Califano, who had hoped to be able to propose a food program, nor his new assistant, James Gaither, was familiar enough with the complexities of the food programs to ask the right questions. Therefore nothing of any consequence was proposed. Following the senator's letter, renewed efforts within the Administration to work something out devolved into angry disputes between OEO, particularly Director Sargent Shriver, who accused Agriculture of incapacity to deal with the problem, and Agriculture, particularly Freeman, who accused OEO of trying to damage their Department and take away the programs. It was a classic bureaucratic fight over turf.

There were two basic issues between the subcommittee and the Administration: the price of the food stamps, and the Secretary's authority to declare an emergency in the Delta and send in extra food. After several months of subcommittee pressure and after prodding by the White House and harassment by Shriver, the Agriculture Department did lower the price of food stamps for those with an income of less than $20 a month to 50 cents per person a month, with a maximum of $3 per family. (This buys $72 worth of food for a family of six, about half what the Department estimates such a family needs.) It also decided to charge all families only half the price in the first month. Prices could not be lowered generally until there was substantially more money for the program, a decision the President would have to make.

The Department resisted the argument that there were people with no income at all who should be charged nothing for their food stamps. For one thing, the Department thought that this was a problem in a small number of cases, and therefore not worthy of great concern. For another, the Secretary believed, as he told congressional committees on several occasions, that the poor could not be trusted with free stamps. "If you proceed, then, to have free stamps," he said, "and you give free stamps to everybody who wants them, what will happen to those stamps? Those stamps, I am afraid, in many cases will be bootlegged. That is what happened back in the 1940s and the 1930s, with the food stamp program. That destroyed the program. The food stamp program was discredited because those stamps became common currency for all kinds of things, from a wild party, to a beer party, to legitimate uses, to buy shoes." Another view of what ended the earlier program was the almost full employment during World War II.

The senators and others argued that the Secretary should have invoked his emergency power to send extra food to the Delta, using money from a special multipurpose fund (known as Section 32 for its place in an agriculture law), as he had used it to begin the food stamp programs and expand the commodity packages. The Department argued that it didn't really have the power (despite the precedents), that the money really hadn't been budgeted, that it would be bad precedent and administratively inefficient to distribute free food where there were already food stamps; and there was also that danger that if there were two programs the people might start bootlegging. There was also the problem that the Agriculture committees frown on such use of the money.

As the arguments tumbled forth at one private meeting, Kennedy looked at Freeman and shook his head. "I don't know, Orville," he said, "I'd just get the food down there. I can't believe that in this country we can't get some food down there."

Oddly, the one senator who took matters in his own hands and introduced a bill was John Stennis of Mississippi. The Stennis bill would have provided money for emergency food and medical programs, and required a government study of the true extent of malnutrition. (The government had made almost no studies of malnutrition in the United States; the Public Health Service had not seen that to be its concern. The Pentagon, wanting to know about the connection between malnutrition and defense preparedness of foreign countries, had sponsored several studies of nutrition overseas, and there were minor studies of the eating habits of Eskimoes and Indian tribes in the United States.)

The Stennis bill went through the Senate quickly. But his shrewd move to cut off talk about his state was not appreciated by the House Agriculture Committee, which let the bill die. Through other congressional routes, OEO was given $10 million in emergency food money and the Department of Health, Education, and Welfare was ordered to study the extent of malnutrition.

In September of 1967, in the only public statement on the issue he was to make for a long time, President Johnson said that "we want no American in this country to go hungry. We believe that we have the knowledge, the compassion, and the resources to banish hunger and to do away with malnutrition if we only apply those resources and those energies." He ordered the Department of Agriculture to see to it that, one way or the other, every one of the thousand poorest counties in the nation had a food program. The Department said that there were 331 of those counties that did not, and, to give it a little of the old pizzazz, it embarked on "Project 331." As it turned out, it was a full year before each of the 331 was said to have a program, for the Department remained highly reluctant to fly in the face of tradition by using federal money and federal personnel to establish a program if the counties resisted. It was also concerned about what it felt was a bad precedent of having the federal government pay the full costs. In May of the following year, with the Poor People's Campaign beating at his door, Freeman finally announced that this would be done.

Extending the programs to more counties had nothing to do with improving matters for recipients, as in Mississippi. Since greater amounts of money were not committed, it also meant that other less poor counties that were on the waiting list for the food stamp program would have to continue to wait. Finally, sometime after Project 331 was under way it was discovered that Agriculture defined a "poorest" country as one with the lowest average income, rather than one with the largest number of poor people. Therefore, poor people who had the misfortune of living near too many rich people were out of luck. This covered more counties at less expense, and fewer people were helped.

The President's encouraging statement may have been prompted by the fact that by the fall of 1967 the White House had set up another secret task force, which once more reflected their deep conviction, they said, that every American should have an adequate nutritional diet. The task force, now headed by representatives of the Budget Bureau, reported that for another $1.5 to $2 billion and in relatively short time the government could provide that adequate diet to every American. Now, however, and for months to come, the Administration was locked in its fight to secure a 10 percent income surtax from Congress and Congress' demand that there be sustantial cuts in government spending in return. "I don't think anyone realizes how paralyzed we became by that fight," says one Administration official. "I don't think even we realized it." With the White House feeling under particular pressure to do something about the cities (the Detroit riot had just taken place), and with their own expertise tending in that direction, Califano's staff that fall concerned itself with devising new programs for jobs and housing. Whatever the limitations of these programs in terms of delayed spending, they at least represented a commitment and an effort at new approaches, which were not made on giving the poor sufficient food. Through it all, Mr. Johnson remained unconvinced that the problem was as serious as the critics said, reluctant to take the fight to the Hill, where he had enough problems, and annoyed that no one could tell him exactly how many people were going hungry. (No one knows exactly how many unemployed or how much substandard housing there is either.)

Moreover, there was now no great public pressure on the White House to act on hunger, as there was on behalf of the cities. During all of 1967 and 1968, only a small coterie made the issue a continuing preoccupation: Miss Wright; Peter Edelman of Kennedy's staff; William Smith of Clark's staff; and Robert Choate, a young businessman of some means who took a sabbatical to become a freelance, largely behind the scenes, and highly effective crusader on the issue. Of the enormous Washington press corps, only Nick Kotz of the Des Moines *Register* saw the hunger issue as worthy of continuing coverage, whether or not it was "in the news."

Of all the lobby organizations, only a few of the more liberal labor groups found the issue to be of even intermittent concern.

The Citizens Crusade Against Poverty, an organization with United Auto Workers backing, was the closest there was to a group with a fulltime concern. Early in 1968, it had established a Citizens Board of Inquiry, which published "Hunger, U.S.A.," a stinging indictment of the food programs. Around the same time, a coalition of women's organizations published a study of the federal school lunch program which could help children of the poor secure a better meal at least while they were in school. The women's groups found that of the 18 million children receiving free or reduced-price lunches under the program, only 2 million were poor; another 4 million poor children were not being helped. The Johnson Administration had tried to get Congress to restructure this so that less would go to the middle class and more to the poor, and Congress had adamantly refused. On May 21, CBS broadcast a powerful documentary called *Hunger in America*.

Several members of Congress reacted to all of this with outrage at the idea that anyone would charge that people in their areas were going hungry. Representative W. R. Poage of Texas, chairman of the House Agriculture Committee, wrote to county health officials, the very ones who would be most culpable, and asked if they personally knew of anyone in their county who was starving or seriously hungry. No, replied most of the health officers, and if the people were hungry it was mostly because they were lazy or ignorant. A few said the food programs were inadequate, but Poage did not emphasize that in his report to his colleagues.

The response of the politicians was understandable. More puzzling, in light of his professed zeal to get more done, were Freeman's own persistent attacks on the reports. Finding factual errors in the small (they didn't mention that grandma had a pension of $82-a-month), he condemned them in the large. The CBS telecast, he said, was "a biased, one-sided dishonest presentation of a serious national problem."

As the Poor People's Campaign, under the direction of the Southern Christian Leadership Conference, prepared for its March on Washington in the spring of 1968, strategists for both the SCLC and the federal government knew that, as always in these situations, there would have to be a governmental response which would enable the Campaign's leaders to make an honorable withdrawal from the city. First Attorney General Ramsey Clark, then the President himself asked the various government agencies to draw up a list of administrative actions—which would not cost money—which could alleviate some of the difficulties of the poor. A March on Washington by a grand coalition of white, black, brown, and red poor, who would encamp in the federal city, bringing their plight to the attention of the country, had been the idea of Martin Luther King. After Dr. King was assassinated, the leadership of the SCLC under Dr. Ralph Abernathy was in disarray. Goals and tactics became difficult to resolve. Miss Wright, who had moved to Washington, was placed in charge of the Campaign's dealings with the government agencies, and worked exhaustingly for weeks for a semblance of order and progress in the demands and responses. On the advice of Miss Wright and others, the Campaign leaders decided upon hunger as the central, most dramatic issue.

Now the issue was at its highest point of public attention. Most of the government agencies did what they could to respond to the marchers' demands. Agriculture, however, remained defensive. In the end, the Agriculture response consisting of promising to get a food program into each of the thousand counties—which the President had already done nine months earlier; making more commodities available for surplus distribution; regulations to improve the school lunch program; and improved food packages for infants and expectant mothers. Some Administration officials think the poor were not grateful enough.

As it happened, the major reason this response was so paltry was that the White House was preparing one on a grander scale for the President himself to present, probably in the form of a special message to Congress. It would have revised the entire food stamp schedule and perhaps lowered the cost to the very poorest to either nothing or a token amount; it would have expanded the size of the food programs so that many more areas could receive them; and it would have carried a commitment to build the programs over time, to the point where every American had an adequate diet. The Budget Bureau squirreled away some money to go with the message. The thought was that it would be delivered around the time of "Solidarity Day," on June 19, when thousands of others were to come to Washington to join the poor in a climactic march.

A number of reasons have been offered for why the President's Solidarity Day Message was never delivered: the mail in the White House was overwhelmingly against the Poor People's Campaign, and Resurrection City was out of control; Abernathy's final speech was likely to carry a stinging denunciation of the war in Vietnam; and the House of Representatives was going to vote at last on the tax bill the following day, and any move at that point by the President to increase government spending might jeopardize the long-negotiated compromise. The most important reason, however, was that the President simply did not want to be in the position of appearing to "respond to pressure." More startling to many was that after the poor had left town and the tax bill had passed, he still declined to move. He was focusing on the budget cuts that had to be made, annoyed at Freeman for getting out in front of him on the issue, still concerned at appearing to respond to pressure, and convinced that now that some legislation was moving on the Hill, it would be unseemly for him, the President, to appear to be running to catch up.

By this time, things were most uncomfortable for Freeman, and he began to press hard at the White House for help—belatedly, in the opinion of many. His friend Vice President Humphrey tried to help. First Humphrey offered his services as a mediator with the Poor People's Campaign, but the offer was rejected by the White House. Then the Vice President of the United States tried indirect means of communicating with the President. Humphrey wrote to Mrs. Arthur Krim, wife of the President's chief money raiser: "It is just intolerable to me that there is such a problem of malnutrition and undernourishment in the United States. . . . Through it all, there are ways the President could have helped—in approving some of Orville Freeman's budget requests, in supporting legislation on the Hill, and suggesting administrative change—but he has not. The thought came that you might be the person who could say a word or two to encourage him."

On Capitol Hill, a bill to expand the food stamp program was moving forward. Originally an Administration request to make a minimal expansion of $20 million (over the $225 million already authorized), under pressure from urban liberals, who threatened to retaliate against a farm bill that was also in the mill, the bill ultimately authorized the program to grow by $90 million in the first year and more after that. After endorsing a substantial increase in the program, Freeman was reprimanded by both

Poage and the White House, but when an increase seemed probable, the White House joined in. More spending for the school lunch program was approved, and a special Senate committee was established to "study" the food problem, with a view to trying to maneuver the food programs away from Agriculture committees.

In the very last days of the congressional session, with the President about to make a routine request for additional funds for various agencies that had fallen short of funds, the machinery around the government—in the Agriculture Department, in the Budget Bureau, in his own staff—geared up once more for a presidential request for more funds for food stamps and a major statement on the issue. Instead, he simply requested the $90 million and in the closing rush Congress gave him $55 million. Wait, it was said, for his farewell messages in 1969.

The failure of the Johnson Administration to make substantial progress toward feeding the poor is viewed by many as its most serious domestic failure. It is the cause of disappointment and even anguish on the part of many people within the government. Orville Freeman, for one, professes himself satisfied: "Everything I suggested from the beginning that should be in Lyndon Johnson's program, or damn near it, I have gotten. If he had gone up to Congress with a big feeding program like a bull in a china shop he'd have been under fire, and what would he have gotten? Some newspaper accolades and plaudits in some liberal magazines and trouble with Congress."

The food issue is an unhappy example of a great deal that can go wrong in Washington. It is also an example, however, of the dangers of the latest fad of "local control." The food programs are examples of programs that are subject to local control—the local governments request, pay for, and run them—with the result that those areas which are least responsive to the needs of the poor can also deny them federally proffered food.

The problem is not nearly so insoluble as the events of the past two years would suggest. First of all, given enough money and flexibility, it is generally agreed the food stamp program is not at all a bad device. Choate, for one, suggests that in addition the program be federalized and computerized, to work as automatically and without continual harassment for the recipient as social security. He and a number of others believe that ultimately the food programs ought to be recognized as income supplements and become part of an income maintenance system. That, however, seems a long way off. When asked by the space agency, the food companies have found ingenious ways to pack meals for astronauts in Tootsie-Roll-sized bars or toothpaste-sized tubes. The Pentagon seems to have no trouble keeping the troops in the field well nourished. There are problems of tastes and habits to meet, but if the food industry were less apprehensive about change, or did less cohabiting with the farm bloc in that great combine they call "agribusiness," a lot more could be done to feed the poor efficiently and inexpensively. The food companies have lately shown more interest in exploring this field—with government subsidies, of course.

Yet so little was accomplished not because of mechanical or industrial failures, but because of what can happen to men in policymaking positions in Washington. When they stay in a difficult job too long, they can be overwhelmed by the complexity of it all, and they become overly defensive. Man's pride, particularly the pride of a man who can tell himself he has done some good, can overtake his intellectual honesty. Thus, not Southern policians, not Orville Freeman, not Lyndon Johnson can face the fact when it was pointed out that many people were hungry, that they weren't wearing any clothes. In this they reflected a national trait: it has been easier to stir sustained national concern over hunger in Bihar or Biafra than places at home for which we are more directly responsible. The problems are looked at in terms of the workings of Washington, not in terms of the problems. Decent men could sit and discuss statistical reliability and administrative neatness and the importance of good precedents while people went hungry.

The niceties of consensus politics were more important than the needs of some 10 million people. A new Congress and a new Administration ought to be able to improve on that kind of government.

THE IRAQI EXECUTIONS

Mr. HARRIS. Last Wednesday, Mr. President, the senior Senator from New York (Mr. Javits) presented a statement on behalf of himself and 13 other Senators, denouncing the Iraqi executions which have so stirred public indignation throughout the world.

Through inadvertence, I did not indicate to the Senator my desire to be associated with his remarks. I wish to do so at this time and ask unanimous consent that the statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Senators Denounce Iraq Executions

The show execution before a half million spectators in Baghdad today is not a single incident but the culmination of the bitter persecution of some 2,500 Iraqi Jews, the last small remnant of a once thriving community dating back to Babylon which asks now but to be left alone and live in peace with its neighbors. The concern expressed by Secretary of State Rogers and Secretary U Thant over the mass public executions of Jews and others in Iraq reflect, I believe, the abhorrence felt by the civilized world at such foul deeds. Even now the Iraqi have yet another opportunity to show some human compassion in the eyes of the civilized world by permitting the relatively few remaining Iraqi Jews to emigrate to freedom rather than to remain in a land where their freedom to work, to communicate and to move about is denied and where the very lives of those who remain are so threatened. The people of Iraq must know that the conscience of all mankind cannot be affronted by such bloody deeds with impunity for very long! The voices of anguish from within Iraq will be heard.

NOT DISCRIMINATING BECOMES NOT ENOUGH

Mr. FANNIN. Mr. President, I have had a continuing interest in the enforcement procedures of our Federal agencies in the field of equal employment opportunity. It has come to my attention that during the last week he was in office Secretary of Labor Wirtz signed an order barring from prime contracts or subcontracts a company which was found innocent by the OFCC of discriminating against either applicants or its employees, but which had failed to "actively seek" minority group job applicants. This matter is the subject of an article entitled "Not Discriminating Becomes Not Enough," published in the January 11 issue of Business Week. Mr. President, I ask unanimous consent that the article and several related items be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1, 2, and 3.)

Mr. FANNIN. Mr. President, I became interested in this matter last summer when a notice of hearing regarding breach of contracts for the Allen-Bradley Co. was printed in the Federal Register. The notice stated that "the allegation on which the Director's proposed action is based are as follows" and, following a rundown of the company's place of business and so forth, the Director states:

> In 1960, the City of Milwaukee had a population of 741,324, of whom 62,458 were Negro. The estimated present population of the city of Milwaukee is 776,000, of whom 87,000 are estimated to be Negro. Respondent's present workforce is approximately 6,800 of whom 32 (less than one-half of one percent) are Negro. Respondent's plant is located approximately 2 miles from the nearest Negro residential community. Public transportation is available to the door, and the facility is located near a major bus transfer point.

Mr. President, title VII, section 703 of the Civil Rights Act of 1964 states:

> No employer shall be required to . . . grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area.

Because of this explicit language in the statute prohibiting the use of quotas or percentages in the determination of employment bias, on July 29 I wrote to the Director of the OFCC asking for clarification. The Director replied in his letter dated September 10, approximately a month and a half later, that the purpose intended in using population ratios and minority utilization figures in the notice of hearing was "to provide factual information against which specific violations will be considered. Admittedly, statistics are only rough guides to reality, but we do not believe that they can be dismissed as irrelevant and certainly can be used to raise questions which require further investigation."

Mr. President, the best legal minds in this country prohibited by law the use of statistics as a "guide to reality," as Mr. McCready poetically calls employment discrimination.

In addition, the notice included as a violation the utilization of hiring standards "including preemployment tests which have the effect of discriminating"—and I repeat—"the effect of discriminating against Negro applicants for employment because of their race or color."

Again I must refer to the Civil Rights Act of 1964, which states in section 703:

> It shall not be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended or used to discriminate because of race, color, etc.

I am familiar with the "rule of thumb" used by the OFCC and other Federal agencies in the area of testing. They reason that if a member of the minority fails an ability or preemployment test, the test discriminates by virtue of its effect—regardless of the employer's intent.

I have not seen Allen-Bradley's preemployment tests, and I am not in a position to comment on them. I have seen, however, the rules for "validation of employment tests by contractors and subcontractors subject to the provisions of Executive Order 11246," which according to the OFCC represents policy guidance for Government agencies and contractors in this area. I will not take the time to read this order to my colleagues except to offer this simple language for minimum validation:

> For the purpose of satisfying this order, empirical evidence in support of a test's validity must be based on studies employing generally accepted procedures for determining criterion-related validity, such as those described in the American Psychological Association's "Standards for Education and Psychological Tests and Manuals." (Evidence of content or construct validity may also be appropriate where criterion-related validity is not technically feasible, but it should be accompanied by sufficient information from job analyses to demonstrate the relevance of the content in the case of job knowledge or proficiency tests or the construct in the case of trait measures.)

I am sure that contractors dealing with the Federal Government will find these guidelines a great boon in determining whether or not their tests discriminate. I might also add that the OFCC has promised to issue, and perhaps already has, specific guidelines concerning test usage.

As a result of the hearings in Milwaukee conducted by the OFCC, Allen-Bradley was cleared of the charges of discrimination against either applicants or employees, according to the article in Business Week. The panel did find, however, that it was not actively seeking minority group job applicants and thereupon suggested an "action program" designed to broaden its recruitment base. In so doing, however, the company must, as directed by the panel, "avoid any implication of quota or preferential hiring based on race." Thus, the OFCC may use quotas as its "guide to reality" but it directs the company to "avoid any implication of quota or preferential hiring."

A question also arises as to who will finance this broadened recruitment program where the employer is required to seek out additional ways of entreating minority groups to apply for employment?

Despite the panel's finding that the company has not discriminated against applicants or employees, former Labor Secretary Willard Wirtz signed an order designed to bar the Allen-Bradley Co. from prime contracts or subcontracts with the Federal Government which, according to the article, will run about $25 to $30 million a year. As the title of this article indicates—not discriminating becomes not enough.

There can be no doubt, Mr. President, that the OFCC has completely ignored the legislative guidelines established by Congress and has, in fact, flouted the law in its overzealous attempts to fulfill its mission. It is my feeling that this agency should be made to follow the legislation enacted by Congress for this very purpose or be abolished and its functions transferred to another office which can. In this connection, I am considering proposed legislation for this purpose.

Exhibit 1

[From Business Week, Jan. 11, 1969]

Not Discriminating Becomes Not Enough

(Note.—Federal panel in case involving Allen-Bradley Co. rules employer with government contracts must actively seek minority workers. Decision should cost millions of dollars in contracts.)

Employers charged with discriminatory hiring are going to have to do more than agree to end bias in employment; they also must try to increase the number of minority group applicants—and so increase nondiscriminatory hiring—by recruitment policies and advertising aimed at minorities.

To enforce this government policy—first laid down in an executive order in September, 1967, and made explicit in regulations adopted last year—the government is on the verge of ordering federal procurement agencies to cancel purchase contracts with the Allen-Bradley Co., Milwaukee, and bar additional orders to the company.

Such a drastic step follows formal hearings held in Milwaukee by a three-man panel which found that Allen-Bradley's "failure to take some affirmative action to broaden its recruitment base and increase the flow of minority applicants was . . . a violation of the "equal opportunity clause."

The panel warned, in effect, that employers can't defend their hiring practices simply by arguing that few minority workers are employed because few apply for jobs.

Allen-Bradley has filed exceptions to the panel findings with the Office of Contract Compliance in Washington. The company contends that the panel erred in concluding that the equal opportunity clause of Executive Order 11246 requires more than "effective nondiscrimination." The company argues that the panel's conclusion that A-B must "take some action designed to broaden its recruitment base" goes beyond the intent and legal force of the order under which the panel must operate.

BARS PLANNED

Nevertheless, Labor Secretary W. Willard Wirtz had before him at midweek an order to all government agencies designed to bar A–B from prime or sub-contracts said to run about $25-million to $30-million a year.

If, as expected, Wirtz signs the order, only products "essential to the national security" could be bought from Allen-Bradley—items for which the company is the only source, on which another source would be unable to get into production fast enough, or which are protected by patents held by the company.

Labor Dept. aides say there's no thought of leaving the decision to incoming Labor Secretary George P. Shultz. And they hint that A–B wouldn't get off any easier if the order were to be delayed.

HEARINGS END

The action that appeared imminent at midweek followed final hearings in Milwaukee to determine whether the company is complying with the "equal opportunity" clause which must be included in all government contracts.

This clause says that "the contractor . . . will take affirmative action to make sure" that job applicants are employed and treated during employment equally, without regard to race, creed, color, or national origin.

Among its conclusions, the three-man panel headed by Professor Bernard J. Meltzer of the University of Chicago Law School found there was no evidence that the company "overtly discriminated" in its hiring.

However, the panel called the company's "failure to take affirmative action to broaden the recruitment base and increase the flow of minority applicants" a violation of the equal opportunity clause in federal contracts.

The decision in the A–B case, if it stands, could become important precedent. A Labor Dept. spokesman called the case a "landmark," and industry generally was watching developments in it closely—and in some instances angrily, as an encroachment on management.

One major employer, Bethlehem Steel Co., is particularly concerned; it is involved in a case that is about to enter final hearings.

Timken Roller Bearing Co., B & P Motor Express, Inc., and Pullman, Inc., other companies that initially bucked the government's contract compliance program, have moved to give in to the government's enforcement pressures instead of fighting to the end.

OBJECTIONS

Allen-Bradley was "pleased with the finding which clears [it] of any charges of discrimination against either applicants or employees," according to George Megow, executive vice-president. But the manufacturer of motor controls and electronic components filed objections to the finding that it wasn't actively seeking minority group job applicants.

In early November, said Megow, A–B inserted ads in two local Negro newspapers as well as the Milwaukee Journal to call attention to general factory and office employment openings. The display ads "were among the first we have ever scheduled for general employment purposes," Megow said. Before A–B got entangled in charges and pressures based on its hiring policies early last year, it frequently filled jobs through employee recommendations.

Milwaukee civil rights groups—Negro and Latin American—charged that through the years this practice perpetuated what was virtually white-only employment.

PRACTICE ENDED

The panel found that prior to formal hearings on the charges, the company had ended its frequent reliance on employee referrals to fill job openings.

Further, it agreed that A–B had revised employment standards and some other restrictive hiring policies. For instance, it relaxed requirements of Wisconsin residency and a high school diploma and opened the gates to those who have passed vocational school general education development tests.

But the panel said that A–B must do even more. It suggested that in filling jobs the company make use of such agencies as the Wisconsin State Employment Service, the Milwaukee Inner City Development Project, the Congress of Racial Equality, the Negro-American Labor Council in Milwaukee, the Urban League, and the Youth Council of the National Assn. for the Advancement of Colored People. A–B says it contacted the Urban League but that it's "not certain" that the league sent any jobseekers.

Further, the panel said that while it didn't have enough information to develop "an action program" for A–B, the company and the federal compliance office should consider as adequate a program that would tend to:

Increase the flow of minority group job applicants.

Advise minority groups of its nondiscriminatory policies.

Remedy A–B's "image among Negroes."

Avoid excessive costs for A–B.

Avoid increases in racial tensions by not implying there are job openings for minority applicants when none actually exists.

Avoid any implication of quota or preferential hiring based on race.

The panel urged A–B to make a "clear public announcement" that it has discontinued its reliance on referrals by employees; that it place recruitment ads in general media which read substantial numbers of Negroes and others, and that it also place ads in "primarily Negro media," and that A–B should utilize "schools serving substantial numbers of Negroes." These guidelines could be precedent.

ENOUGH?

Milwaukee civil rights spokesmen have mixed feelings about the panel's decision. Some are encouraged; others say they still aren't pleased—and that "action against Allen-Bradley" is possible in the spring.

Civil rights activist Father James E. Groppi of St. Boniface Catholic Church in the city's inner core said, "The federal report says Allen-Bradley is guilty of a violation of contract but not of overt acts of discrimination. I would question this finding. Negroes make up less than 1% of A–B's work force.

"We're waiting to see what the government will do now. We're not pleased with the situation at Allen-Bradley, and we're not going to put up with it."

But Armando Orellana, president of the Milwaukee Latin-American Union for Civil Rights, which demanded preferential hiring by A–B in proportion to the minority ratio in the Milwaukee population, said: "We consider the ruling . . . a victory for the Latin American people. We are encouraged. More Latin Americans are working for Allen-Bradley. Before this fall, 14 were employed. Now 38 are."

Orellana's group met with the company in October to ask that Spanish Americans (5% of Milwaukee's population) make up at least 5% of the A–B work force, and that the company train and hire 100 Spanish Americans a year.

Allen-Bradley balked at "any hiring quotas or training programs" but agreed to give special consideration to minority applicants equally qualified for jobs.

EXHIBIT 2A

JULY 29, 1968.

EDWARD SYLVESTER,
Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C.

DEAR MR. SYLVESTER: Reference is made to the Federal Register of Tuesday, July 23, 1968, Vol. 23, No. 142, beginning on page 10478, relating to Notice of Hearing Regarding Breach of Contracts for the Timken Roller Bearing Company and the Allen-Bradley Company. As a member of the Senate Labor and Public Welfare Committee, I am somewhat familiar with the activities of the Equal Employment Opportunity Commission established under title VII of the Civil Rights Act of 1964. I am also aware that there are a number of other offices, bureaus, and agencies active in the area of equal employment opportunity.

Although I know that your office exists and operates under Executive Order No. 11246, I feel that the provisions of title VII of the Civil Rights Act have some application to your operations. For this reason, I am at a loss to understand the purpose of paragraph III (a) and (b) of the Notice and I would appreciate your clarifying for me just what your Office has in mind in setting forth these ratios. As you know, section 703(j) of the Civil Rights Act of 1964 provides that no employer shall be required to: ". . . grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number of percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area."

Specifically, my questions are:

1. Was this ratio listed in order to give the impression that the low ratio of Negroes was itself contrary to law? If not, was reference made to this proportion in order to establish a background for other violations?

2. It is the position of the Office that the provisions of the Civil Rights Act or any part thereof applies to your Office? If not, do you give any consideration to or feel bound by the expression of intent by the Congress in this statute? Do you feel that the President's Executive Order supersedes the statute by way of preemption and in effect gives the Executive broader authority than Congress legislated?

3. Do you not think that referring to racial ratios or imbalances in effect requires an employer subject to the Act to violate this statute?

As I indicated, I am aware that your Office operates in a number of areas and with many of the agencies in this field. I would appreciate your furnishing me with a complete list of the programs in which your office is involved and the departments or agencies which administer these programs.

Your early attention to these matters will be most appreciated.

With kindest regards,
Sincerely,

PAUL FANNIN,
U.S. Senator.

EXHIBIT 2B

[From the Federal Register, July 23, 1968]

TIMKEN ROLLER BEARING CO.—NOTICE OF HEARING REGARDING BREACH OF CONTRACTS

(Department of Labor, Office of Federal Contract Compliance, Docket No. 100–68; Executive Order 11246)

The Director of the Office of Federal Contract Compliance, U.S. Department of Labor (hereinafter the Director), having reason to believe that the provisions of the contracts referred to herein have been breached, having given Respondent notice of proposed termination of existing contracts and determination of contract ineligibility under the authority of Executive Order 11246, 30 F.R. 12319 (1965) and the rules and regulations pursuant thereto, 41 CFR Part 60–1, and Respondent having requested a hearing on said proposed actions, hereby sets the matter down for a hearing to be conducted in accordance with rules of procedure which are available at Room 4136, U.S. Department of Labor, Washington, D.C., and which specify the terms on which others may participate.

The allegations on which the Director's proposed action is based are as follows:

I. Timken Roller Bearing Co. (hereinafter the Respondent) is an Ohio corporation, maintaining its principal office in Canton, Ohio. It maintains production facilities in Canton, Ohio, and Columbus, Ohio, where it manufactures tapered roller bearings, steel and steel tubing, and engages in maintenance and repair of railroad rolling stock.

II. (A) At all times pertinent hereto, Respondent has regularly contracted and continues to regularly contract with departments and agencies of the U.S. Government.

(B) Pursuant to the requirements of section 202, Executive Order 11246, 30 F.R. 12320 (1965) (and the corresponding section of preceding Executive orders), the contracts between Respondent and the U.S. Government contain an "equal opportunity clause" in the form attached hereto as Exhibit A. This "equal opportunity clause" provides in part: "(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, creed, color, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship."

III. (A) In 1960, Columbus, Ohio, had a population of 471,316, of which approximately 77,140 were Negro. In 1960 Canton, Ohio, had a population of 113,631, of which approximately 11,055 were Negroes.

(B) Respondent employs approximately 14,646 persons of whom approximately 1,123 are Negroes. Of approximately 1,857 persons employed as officials, managers, professionals, technicians, and sales workers, approximately 10 are Negroes. Of approximately 1,565 office and clerical workers approximately 41 are Negroes. Of approximately 3,800 skilled workers, approximately 108 are Negroes.

Over one-third (446) of the 1,123 Negroes employed by the Respondent are assigned to unskilled labor or service jobs. Only one-sixth of the white workers are assigned to such jobs.

IV. Since March 6, 1961, Respondent has violated, and continues to violate its contracts with agencies and Departments of the Federal Government. These violations include:

(a) Discriminating against Negroes in the recruitment, selection, and employment of officials and managers, professionals, technicians, sales workers, and office and clerical workers, apprentices, and other trainees.

(b) Engaging in employment practices which favor white applicants and discriminate against Negroes by preferential hiring and assignment of whites without regard to qualifications while placing stringent requirements upon Negroes who apply for employment or assignment in the same or similar jobs, units, or departments, such practices have resulted in the concentration of Negro employees in less desirable jobs.

(c) Employing transfer procedures and seniority regulations which limit the ability of Negro employees to gain access to the more desirable jobs, units, and departments because of loss of seniority, and loss of pay and other benefits. Such procedures and regulations perpetuate the effects of racially discriminatory employment and assignment practices.

(d) Failing to take affirmative action to ensure that persons are recruited, hired, and treated during employment without regard to their race or color.

V. The Government has made reasonable efforts to secure compliance by the Respondent with the "equal opportunity clause" by methods of conference, conciliation, mediation, and persuasion. These reasonable efforts include numerous conciliation meetings between Respondent and the Department of Defense since 1964, including an informal hearing on February 27–28, 1968, in Washington, D.C., attended by Respondent's officials and representatives of the Office of Federal Contract Compliance and the Department of Defense. At that time, as in the past, Respondent failed and refused to take adequate steps to eliminate the conditions described in paragraph IV of this notice.

Wherefore, the Secretary of Labor has designated as the Panel to hear and determine this matter in accordance with the rules of procedure, heretofore referred to,

Mr. Harold Summers, Associate Chief Trial Examiner, National Labor Relations Board, Room 852, Washington, D.C. 20570, Chairman.

Mr. Dallas Young, Western Reserve University, 332 Newton Baker Building, Cleveland, Ohio 44105.

Mr. Jack G. Day, 1748 Standard Building, Cleveland, Ohio 44113.

and to recommend to the Director whether,

(a) Pursuant to section 209(a) (5) of Executive Order 11246, the Director shall cause to be terminated all existing contracts or any portion or portions thereof which the Respondent holds with agencies and departments of the Federal Government and all subcontracts as defined in 41 CFR 60–1.2(k); and

(b) Pursuant to sections 202 and 209(a) (6) of Executive Order 11246 and 41 CFR 60.127(b), the Director shall declare the Respondent ineligible for further contracts, subcontracts, and extensions of existing contracts or subcontracts until the Respondent has satisfied the Director that it has established and will carry out personnel and employment policies in compliance with the provisions of Executive Order 11246; and

(c) Other appropriate action authorized by section 209 of Executive Order 11246 shall be taken.

The Hearing will be convened at 9:30 a.m., on August 27, 1968, at Conference Room B, Interstate Commerce Commission Building, Constitution Avenue NW., Washington, D.C.

This notice has been signed and issued pursuant to 41 CFR 60–1.26(b) and 60–1.27 at Washington, D.C., this 16th day of July 1968.

WARD McCREEDY,
Acting Director, Office of Federal Contract Compliance.

Exhibit A

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimation clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States. Executive Order 11246, § 202 (30 F.R. 12319 (1965)).

[F.R. Doc. 68–8725; Filed, July 22, 1968; 8:46 a.m.]

ALLEN-BRADLEY CO.—NOTICE OF HEARING REGARDING BREACH OF CONTRACTS

(Docket No. 101–68; Executive Order 11246)

The Director of the Office of Federal Contract Compliance, U.S. Department of Labor (hereinafter the Director), having reason to believe that the provisions of the contracts referred to herein have been breached, having given Respondent notice of proposed termination of existing contracts and determination of contract ineligibility under the authority of Executive Order 11246, 30 F.R. 12319 (1965), and the rules and regulations pursuant thereto, 41 CFR Part 60–1, and Respondent having requested a hearing on said proposed actions, hereby sets the matter down for a hearing to be conducted in accordance with rules of procedure which are available at Room 4136, 14th and Constitution Avenue, Washington, D.C., and which specify the terms on which others may participate.

The allegations on which the Director's proposed action is based are as follows:

I. Allen-Bradley Co. (hereinafter the Respondent) is a Wisconsin corporation, maintaining its principal office and principal facility at 1201 South Second Street in the city of Milwaukee, Wis., where it is engaged in the manufacture of motor controls, electronic components, ferrite products, and ceramics.

II. (A) At all times pertinent hereto, Respondent has regularly contracted and continues to regularly contract with departments and agencies of the U.S. Government.

(B) Pursuant to the requirements of section 202, Executive Order 11246, 30 F.R. 12320 (1965) (and the corresponding section of preceding Executive orders), the contracts between Respondent and the U.S. Government contain an "equal opportunity clause" in the form attached hereto as Exhibit A. This "equal opportunity clause" provides in part: "(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, creed, color, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship."

III. In 1960, the city of Milwaukee had a population of 741,324, of whom 62,458 were Negro. The estimated present population of the city of Milwaukee is 776,000, of whom 87,000 are estimated to be Negro. Respondent's present work-force is approximately 6,800, of whom 32 (less than one-half of 1 percent) are Negro. Respondent's plant is located approximately 2 miles from the nearest Negro residential community. Public transportation is available to the door, and the facility is located near a major bus transfer point.

IV. Since March 6, 1961, Respondent has violated, and continues to violate its contracts with agencies and departments of the Federal Government by discriminating against employees and applicants for employment because of their race or color, and by failing or refusing to take affirmative action to ensure that persons are recruited, hired, and treated during employment without regard to their race or color. These violations include:

(a) Respondent, as its primary source of employees, relies and for many years has relied upon the referral by its employees of their friends and relatives and upon its reputation as a desirable employer. Respondent disseminates and for many years has disseminated information about job opportunities almost entirely through its employees. Since Respondent's workforce is and for many years has been over 99 percent white, knowledge of new job opportunities is and has been almost entirely limited to the white community, giving the white community a preference to and denying Negro persons equal access to jobs at Respondent's facility;

(b) Respondent gives, and for many years, has given preference to relatives and friends of present employees in the filling of job vacancies, and as over 99 percent of its workforce is and has been drawn from the white community, Respondent thereby engages in a hiring practice which has the effect of discriminating against Negro persons;

(c) Respondent utilizes hiring standards, including preemployment tests, which have the effect of discriminating against Negro applicants for employment because of their race or color; and

(d) Respondent has failed or has refused to utilize employment sources which primarily serve the Negro community and to take other action to dispel its image in the Negro community as an employer which discriminates against Negro persons on the basis of race and color, which image discourages the referral of Negro applicants to and discourages Negro persons from applying for employment with Respondent and thereby denies to them equal employment opportunity with Respondent.

V. The Government has made reasonable efforts to secure compliance by the Respondent with the "equal opportunity clause" by methods of conference, conciliation, mediation, and persuasion. These reasonable efforts included numerous conciliation meetings between Respondent and the Department of Defense since 1964, including a conference on April 4, 1968, in Washington, D.C., attended by Respondent officials and representatives of the Office of Federal Contract

Compliance and the Department of Defense. At that time, as in the past, Respondent failed and refused to take adequate steps to eliminate the conditions described in paragraph IV of this notice.

Wherefore, the Secretary of Labor has designated as the Panel to hear and determine this matter in accordance with the rules of procedure heretofore referred to,

Professor Bernard Meltzer, University of Chicago Law School, 1121 East 60th Street, Chicago, Ill. 60637, Chairman.

Mr. Boyd Leedom, Trial Examiner, National Labor Relations Board, Room 419, 1717 Pennsylvania Avenue NW., Washington, D.C. 20570.

Mr. Philip G. Marshall, Attorney at Law, 110 East Wisconsin Avenue, Milwaukee, Wis. 53203.

and to recommend to the Director whether,

(a) Pursuant to section 209(a) (5) of Executive Order 11246, the Director shall cause to be terminated all existing contracts or any portion or portions thereof which the Respondent holds with agencies and departments of the Federal Government and all subcontracts as defined in 41 CFR 60–1.2(k); and

(b) Pursuant to sections 202 and 209 (a) (6) of Executive Order 11246 and 41 CFR 60–1.27 (b), the Director shall declare the Respondent ineligible for further contracts, subcontracts, and extensions of existing contracts or subcontracts until the Respondent has satisfied the Director that it has established and will carry out personnel and employment policies in compliance with the provisions of Executive Order 11246; and

(c) Other appropriate action authorized by section 209 of Executive Order 11246 shall be taken.

The Hearing will be held at 9:30 a.m., on August 20, 1968, in Room 498, the U.S. Courthouse and Federal Building, 517 East Wisconsin Avenue, Milwaukee, Wis.

This notice has been signed and issued pursuant to 41 CFR 60–1.26(b) and 60–1.27 at Washington, D.C., this 16th day of July 1968.

WARD MCCREEDY,
Acting Director, Office of Federal Contract Compliance.

Exhibit A

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States. Executive Order 11246, § 202 (30 F.R. 12319 (1965)).

[F.R. Doc. 68–8726; Filed, January 22, 1968; 8:46 a.m.]

EXHIBIT 2C

U.S. DEPARTMENT OF LABOR, OFFICE OF FEDERAL CONTRACT COMPLIANCE,
Washington, D.C., September 10, 1968.

Hon. PAUL J. FANNIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FANNIN: This is in response to your recent letter in which you raised certain questions regarding the relationship of Executive Order 11246 and Title VII of the Civil Rights Act of 1964, and inquire about certain practices in the administration of the contract compliance program.

With regard to your general inquiry on the relationship between the Civil Rights Act and the Executive Order, it is our view that it was the intent of the Congress that these two programs complement each other. As you know, the design of Title VII, and to some extent of Title VI as it relates to employment, anticipates the operation of the Equal Employment Opportunity Commission in areas supplemented by the Federal contract compliance program as well as by State fair employment practices laws and commissions. Section 709(d) of Title VII specifically recognizes the Executive Order program. The full resolution of the problems of employment discrimination depends upon vigorous and effective action by all of these entities. We believe this view is supported by the language and the legislative history of Title VI and Title VII of the Civil Rights Act. We believe that Congress recognized in the enactment of the basic fair employment law that the programs of the two Federal entities differed in approach and were designed to reach different aspects of the same problem, and we are aware of no inconsistency in the operations of this Office and the mandates of Title VII.

With regard to your specific inquiry as to the purpose intended in using population ratios and minority utilization figures in the notices of hearings in the Timken Roller Bearing Company and Allen-Bradley Company cases, the primary purpose of such references is to provide factual information against which specific violations will be considered. We see no basis for an inference that mere referral to "racial ratios or imbalances" requires an employer subject to Title VII to violate that Act. As you can appreciate, I am sure, the very nature of quantitative measurement ultimately requires some resort to numbers. The Congress itself resorts to numbers to give precision to many flexible standards which it enacts. Such is the case in Title VII with regard to the size of employers and unions covered, so too in our basic labor relations statute in those provisions which establish the level at which the National Labor Relations Board will exercise jurisdiction. Admittedly, statistics are only rough guides to reality, but we do not believe that they can be dismissed as irrelevant and certainly can be used to raise questions which require further investigation.

Obviously the Executive Order does not supersede the statute. However, it is also clear that Congress, in enacting the Civil Rights Act of 1964, did not intend to restrict existing authority with regard to an area in which both co-equal branches of the Government recognize a constitutional responsibility.

As you can appreciate, both the Congress and the courts, as well as the Executive Branch, are continuing to address themselves to this very difficult problem of securing to minorities the equal enjoyments of rights guaranteed by law to all citizens. I am sure you will agree that all branches of Government must become ever more vigorous in enforcement activities in order to translate its promise into reality. You may be assured we are bending every effort to coordinate its administration in a fair, lawful, and effective manner.

In response to your request for a list of programs and departments involved, we are enclosing a summary for your convenience. I hope this information will be useful to you and, if we can be of further help, please do not hesitate to call upon us.

Sincerely yours,
WARD MCCREEDY,
Acting Director.

EXHIBIT 3

[From the Federal Register, Sept. 24, 1968]

VALIDATION OF EMPLOYMENT TESTS BY CONTRACTORS AND SUBCONTRACTORS SUBJECT TO THE PROVISIONS OF EXECUTIVE ORDER 11246—DEPARTMENT OF LABOR, OFFICE OF THE SECRETARY

Validation of employment tests by contractors and subcontractors subject to the provisions of Executive Order 11246.

1. *General.* (a) The following order regarding the use of employment tests by contractors subject to the provisions of Executive Order 11246 is being issued in response to numerous requests for policy guidance by Government agencies and by contractors.

(b) Two matters regarding selection procedures are of foremost concern to the Government: (1) Recognizing the importance of proper procedures in the utilization and conservation of human resources generally, and (2) pointing out the possible adverse effects of improper procedures on the utilization of minority group personnel.

(c) The order is founded on the belief that properly validated and standardized tests, by virtue of their relative objectivity and freedom from the biases that are apt to characterize more subjective evaluation techniques can contribute substantially to the implementation of equitable and nondiscriminatory personnel policies. Moreover, professionally developed tests, carefully used in conjunction with other tools of personnel assessment and complemented by sound programs of training and job design can significantly aid in the development and maintenance of an efficient work force.

(d) An examination by the Office of Federal Contract Compliance of compliance reviews of contractors has affirmed the increasing reliance on tests in the conduct of personnel activities. In many cases contractors have come to rely almost exclusively on tests as the basis for making employment and promotion decisions, with candidates sometimes selected or rejected on the basis of a single test score. The examination also disclosed that where employment tests are so used, minority candidates frequently experience disproportionately high rates of rejection through failing to attain score levels that have been established as minimum standards for qualification.

(e) The examination further suggests that there has been a decided increase since 1963 in total test usage and a particularly notable increase in the incidence of doubtful testing practices which, experience indicates, tend to have racially discriminatory effects. These findings are particularly evident in testing programs related to blue-collar and clerical job categories.

(f) It has become clear that in many instances contractors are using tests to determine qualification for hire, transfer, or promotion without evidence that they are valid indices of performance potential. Where evidence in support of presumed relationships between test performance and job behavior is lacking, the possibility of discrimination in the application of test results must be recognized. A test lacking validity (i.e., having no significant relationship to job behavior) and yielding lower scores for minority candidates may resultantly reject many who have probabilities of successful work performance equal to those of nonminority candidates.

(g) The order that follows, dealing with basic issues of validity and fairness in those selection programs in which blue-collar and clerical job categories are primarily involved, was developed only after extensive discussions of the many complex problems and technical considerations with test experts and personnel management specialists from both academia and industry. The provisions of the order are designed to serve as a workable set of criteria for agencies and contractors in determining whether or not selection practices are in compliance with Executive Order 11246.

It is recognized that the tests used by the State Employment Agencies should be similarly validated, and it is expected that the U.S. Employment Service will expand, as necessary, its test validation program for State Agencies.

It is also recognized that test usage, as well as test validity, must be reviewed to determine its effect on the employment of minorities. For example, a test may be suspect when it is given in a language in which a significant number of minority applicants are not proficient and where language proficiency itself is not a bona fide requirement for the job. Similarly, a test or other qualification standard should not be used in a situation involving the transfer or promotion of minority employees when such employees would already have occupied the positions involved without such qualifications were it not for past discriminatory practices.

Specific directives concerning test usage will be issued by the Office of Federal Contract Compliance within a short time.

2. *Evidence of validity.* (a) It is directed that each agency require each contractor regularly using tests to select from among candidates for hire, transfer or promotion to jobs other than professional, technical and managerial occupations (defined as occupational groups "O" and "1" in the "Dictionary of Occupational Titles," Third Ed.) to have available for inspection, within a reasonable time, evidence that the tests are valid for their intended purposes. Such evidence shall be examined in compliance reviews for indications of possible discrimination, such as instances of higher rejection rates for minority candidates than nonminority candidates.

(b) Evidence of a test's validity should consist of empirical data demonstrating that the test is predictive of or significantly correlated with important elements of work behavior comprising or relevant to the job(s) for which candidates are being evaluated.

(1) If job progression structures and seniority provisions are so established that a new employee will probably, within a reasonable period of time and in a great majority of cases, progress to a higher level, it may be considered that candidates are being evaluated for jobs at that higher level. However, where job progression is not so nearly automatic, or the time span is such that higher level jobs may be expected to change in significant ways, it shall be considered that candidates are being evaluated for a job at or near the entry level. In the latter case, it would be appropriate for a contractor to institute performance or other tests as a condition of promotion provided such tests also have been validated pursuant to the provisions of this order.

(2) Where a test is to be used in different units of a multiunit organization and no significant differences exist between units, jobs, and applicant populations, evidence obtained in one unit may also suffice for the other. Similarly, where the validation process requires the collection of data throughout a multiunit organization, evidence of validity specific to each unit may not be required.

3. *Minimum standards for validation.* For the purpose of satisfying this order, empirical evidence in support of a test's validity must be based on studies employing generally accepted procedures for determining criterion-related validity, such as those described in the American Psychological Association's "Standards for Education and Psychological Tests and Manuals." (Evidence of content or construct validity may also be appropriate where criterion-related validity is not technically feasible, but it should be accompanied by sufficient information from job analyses to demonstrate the relevance of the content in the case of job knowledge or proficiency tests or the construct in the case of trait measures.) Although any appropriate validation strategy may be used to develop such empirical evidence, the following minimum standards must be met by any approach used so far as applicable:

(1) Where a predictive validity study is conducted, the sample of subjects must be representative of the normal or typical candidate group for the job(s) in question. Where a concurrent validity study is conducted, the sample should be, so far as technically feasible, representative of the minority groups currently included in the candidate population.

(2) Tests must be administered and scored under controlled and standardized conditions, with proper safeguards employed to protect the security of test scores and insure that scores do not enter into any judgments of individual adequacy that are to be used as criterion measures.

(3) The work behaviors or other criteria of employee adequacy which the test is intended to predict or identify must be fully described. Such criteria may include measures other than actual work proficiency, such as training time, supervisory ratings, regularity of attendance, and tenure. In view of the possibility of bias inherent in subjective evaluations, supervisory rating techniques should be developed carefully and the ratings themselves examined closely for evidence of bias. Whatever criteria are used, however, they should represent major or critical work behaviors as revealed by careful job analyses.

(4) Presentations of the results of a validation study must include graphical and statistical representations of the relationships between the test and the criteria, permitting judgments of the test's utility in making predictions of future work behavior.

(5) Data must be generated and results reported separately for minority and nonminority groups wherever technically feasible.

4. *U.S. employment service validation.* Compliance with this order shall be the responsibility of the contractor; however, where testing services of a State Employment Agency are used, the following rules shall apply:

(1) In cases where a contractor uses the testing services of a State Employment Service Office, and the tests used by the State Office have been validated pursuant to the requirements of this order, the employer shall have on file the U.S. Employment Service certification of this fact, which shall be accepted as compliance with this order. (If further tests are required by the contractor, he remains responsible for determination of the validity of such further tests.)

(2) In cases where a contractor uses the testing services of a State Employment Service Office and the tests used by the State Office have not been validated for particular jobs pursuant to the requirements of this order, the contractor shall, as a condition for future use, cooperate with the State Office to effect validation of tests as they relate to job requirements of the contractor.

5. *Use of validity studies.* In cases where the validity of a test cannot be determined pursuant to section 3 above (e.g., the number of subjects is less than that required for a technically adequate validation study, or an appropriate criterion measure cannot be developed), evidence from validity studies conducted in other organizations, such as that reported in test manuals and professional literature, may be considered acceptable when: (a) The studies pertain to jobs which are comparable (i.e., have basically the same task elements), and (b) there are no major differences in contextual variables or sample composition which are likely to significantly affect validity.

6. *Assumptions of validity.* (a) Under no circumstances will the general reputation of a test, its author or its publisher, or casual reports of test utility be accepted in lieu of evidence of validity. Specifically ruled out are: assumptions of validity based on test names or descriptive labels, all forms of promotional literature, data bearing on the frequency of a test's usage, testimonial statements of sellers or users, and other nonempirically based and anecdotal accounts of testing practices or testing outcomes.

(b) Although professional supervision of testing activities may help greatly to insure technically sound and nondiscriminatory test usage, such involvement alone shall not be regarded as constituting satisfactory evidence of test validity.

7. *Continued use of tests.* Under certain conditions, a contractor may be permitted to continue the use of a test which is not at the moment fully supported by the required evidence of validity. If, for example, evidence of criterion-related validity in a specific setting is technically feasible and required but not yet obtained, the use of the test may continue *Provided:* (a) The con-

tractor can cite substantial evidence of validity as described in section 5 above, and (b) he has in progress, validation procedures which are designed to produce, within a reasonable time, the additional data required. It is expected also that the contractor will use cut-off scores which yield score ranges broad enough to permit the identification of criterion-related validity.

8. *Affirmative action*. Nothing in this order shall be interpreted as diminishing a contractor's obligation to undertake affirmative action to ensure that applicants and current employees are treated without regard to race, creed, color or national origin. Specifically, the use of tests which have been validated pursuant to this order does not relieve the contractor of his obligation to take positive and affirmative action in affording employment and training to minority group personnel.

9. *Definition of "test."* For the purpose of this order, "test" is defined as any paper-and-pencil or performance measure used to judge qualifications for hire, transfer or promotion. This definition includes, but is not restricted to, measures of general intelligence, mental ability, and learning ability; specific intellectual abilities; mechanical, clerical and other aptitudes; knowledge and proficiency; occupational and other interests; and personality or temperament.

10. *Other selection techniques*. Selection techniques other than tests may also be improperly used so as to have the effect of discriminating against minority groups. Such techniques include, but are not restricted to, unscored interviews, unscored application forms, and records of educational and work history. Where there are data suggesting that such unfair discrimination exists (e.g., differential rates of rejecting applicants from different ethnic groups or disproportionate representation of some ethnic groups in employment in certain classes of jobs), then the contractor may be called upon to present evidence concerning the validity of his unscored procedures as well as of any tests which may be used, the evidence of validity being of the same types referred to in sections 2 and 3. If the contractor is unable or unwilling to perform such validation studies, he has the option of adjusting employment procedures so as to eliminate the conditions suggestive of unfair discrimination.

11. *Compliance review*. (a) Contractor practices in the use of employment tests and other selection techniques as qualification standards should be examined carefully for possible noncompliance with the requirements of Executive Order 11246 when:

(1) There is a lack of evidence of test validity, but the contractor continues to use test scores as a basis for personnel decisions; or,

(2) The contractor is unwilling to conduct test validation studies, where such studies are technically feasible, or otherwise provide evidence of validity as a requirement for continued test usage; or,

(3) When other selection techniques are used as identified in section 10 above, and there is information suggesting unfair discrimination in employment of minority groups, and the contractor refuses to validate these techniques or to eliminate the conditions suggestive of unfair discrimination.

(b) A determination on noncompliance pursuant to the provisions of this order shall be grounds for the imposition of sanctions under Executive Order 11246.

(c) The use by a contractor of tests or other selection techniques for which there is evidence of unfair discrimination or differential validity patterns for minority and nonminority groups, and no adjustment has been made for this finding, shall be grounds for the imposition of sanctions under Executive Order 11246.

12. *Exemptions*. (a) Requests for exemptions from this order or any part thereof must be made in writing, with justification, to the Director, Office of Federal Contract Compliance, Washington, D.C., and shall be forwarded through and with the endorsement of the agency head.

(b) The provisions set forth above shall not apply to any contract when the head of the contracting agency determines that such contract is essential to the national security. Upon making such a determination, the agency head will notify the Director, in writing, within 30 days.

13. *Agency implementation program*. (a) Each agency shall, within 90 days of the date of this order submit a program to implement this order. The program shall include the establishment of priorities for enforcement that meet the following criteria: Reviews of the selection programs of—

(1) Contractors employing 2,500 or more beginning 6 months from the date of this order;

(2) Contractors employing 1,000 or more beginning 1 year from the date of this order;

(3) All other contractors beginning 18 months from the date of this order.

(b) Notwithstanding subsection (a) of this section, each agency shall identify from agency files of compliance reviews or complaints those files which indicate a probability of the use of tests and other selection techniques not in accordance with the provisions of this order.

(c) The agency shall after such identification and consultation with the Office of Federal Contract Compliance, inform the contractor of the possible violation of the order and ask for a written program to be submitted within 30 days that will conform to the order.

(d) Each agency shall assign responsibility for compliance with this order at Headquarters level and furnish the name of the assigned officer to the Office of Federal Contract Compliance.

(e) Each contracting and administering agency shall issue the following instructions to field personnel concerning procedures to be adopted on investigations under this order:

(1) The investigator will make only a determination of facts from the company records and appropriate interviews with management.

(2) He will carefully document the effect of the current selection program on minority applicants and employees.

(3) He will inquire as to whether validation studies have been completed for any tests being used. If the contractor's answer is affirmative, the investigator will obtain copies of the validation studies to include in the report.

(4) With respect to other selection techniques as discussed in section 10, if information suggests the existence of unfair discrimination against minority groups, we will inquire as to whether validation studies have been completed for these techniques. If the contractor's answer is affirmative, the investigator will obtain copies of the validation studies to include in the report. If the answer is negative, he will inquire as to whether such validation studies are being undertaken or, if not, what measures the contractor contemplates to eliminate the conditions suggestive of unfair discrimination.

14. *Effect of this order on other rules and regulations*. (a) All orders, instructions, regulations, and memoranda of the Secretary of Labor, other officials of the Department of Labor and contracting agencies are superseded to the extent that they are inconsistent herewith.

(b) Nothing in this order shall be interpreted to diminish the present contract compliance review and complaint investigation programs.

15. *Authority*. (a) General: Executive Order 11246, dated September 24, 1965, and Secretary's Order No. 26–65, dated October 5, 1965 (31 F.R. 6921).

(b) Specific:

(1) Part II, Subpart C, section 205 of Executive Order 11246.

(2) Part II, Subpart C, section 206(a) and (b) of Executive Order 11246.

(3) Part III, section 301 of Executive Order 11246.

(4) Part III, section 303(a) and (b) of Executive Order 11246.

(5) Part IV, section 403(b) of Executive Order 11246.

16. *Effective date*. This order shall be effective immediately.

Signed at Washington, D.C., this 9th day of September 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68–11467; Filed, Sept. 23, 1968; 8:45 a.m.]

THE LATEST CRISIS IN ISRAEL

Mr. WILLIAMS of New Jersey. Mr. President, it has long been my hope that an honorable Arab-Israeli peace would be sought and reached. This goal would benefit the Middle East, the United States, and the entire world. There is great danger of a new war in the Middle East. I must, therefore, express my deep concern over the rapidly deteriorating situation respecting peace in this vital area.

I have always been deeply impressed by Israel. Common historic experience, common devotion to democracy are reinforced in the relations between our two countries; reinforced by strong links which are of the spirit. They are no ordinary people—these people of Israel—whom the American people have so long admired and respected. They have done a remarkable job with their small piece of land. The Israelis have watered the strip of desert allocated to them by the family of nations—the U.N.—made it blossom—defended it—raised their children there, and turned it in 20 short years, into almost an oasis.

For instance, a recent survey stated:

> In general, Israel standards of health, education, and nutrition approach or even surpass United States norms.

If given the chance, Israel could share her knowledge—agricultural, medical, and educational—with her neighbors. This is the desire and should be the aim.

Certainly the maintenance of the democratic State of Israel is paramount in importance. Our commitment to the preservation of the national integrity of Israel dates back to President Truman's recognition of this nation as an independent state on May 14, 1948. It took President Truman only 4 minutes to make that decision. This Nation was the first to recognize the independent status of Israel. Explicitly, our commitment dates to the Tripartite Declaration issued by England, France, and the United States. We, the United States, and Israel, must maintain our historical friendship as we move toward the unfulfilled objectives which we hold in common.

In the great peril of war which now confronts the world, a shadow is cast over every peaceful home. It is essential that man devote himself in every way possible to the attainment of peace. For peace must be the No. 1 priority.

On January 6 of this year I joined with a number of my Senate colleagues in condemning the United Nations' censure of Israel. I feel that this type of one-sided decision to censure Israel and ignore Arab terrorism is hardly helpful to the attainment of a genuine peace. Arab violence, terrorism, and violations of the cease-fire agreements have harassed Israel continuously and without reprieve.

President Nasser announced on May 26, 1967:

> We have been biding our time until we are perfectly ready and prepared * * * we now feel that we are sufficiently ready and that, in engaging in war with Israel, we can, with God's help, be victorious.

If that statement was not clear enough, the one later that day heard on Radio Cairo was. It stated:

> The Arab people is firmly resolved to wipe Israel off the face of the globe.

The 6-day war which ensued proved that the vast Arab countries were no match for the small, yet wholly determined, State of Israel. The Israelis are still fighting for their lives as their Arab neighbors, bolstered by Soviet military and diplomatic support, again openly threaten to obliterate them.

Three days ago, one more heinous atrocity was committed in an Arab state. Fourteen men, nine of whom were Jews, were hanged in front of a cheering mob. To further excite this blood-hungry mob, news was released that more trials will follow. The trial was not only a mockery, but a travesty of justice. It is impossible for a Jew even to lead a normal life in Iraq. The Iraqi Jew is constantly under surveillance by the government. A large number of them have been removed from their jobs. They also suffer the loss of their basic freedoms. Yet social and economic deprivation is not enough—the government now appears to be engaged in a deliberate policy of extermination. The saddest part is that there is no escape for the 2,500 Jews who remain of a Jewish community once totaling 150,000. They are virtual hostages in a state which will not allow them freedom and peace in other lands. Their only obvious "crime" is that they and the Israelis share the same faith.

But how are we to stop the perpetuation of the persecution of these Jews? What impediments can we throw in front of a nation apparently bent on genocide? If words can be our only answer at the present time, let us at least use them vigorously. I applaud the statements of Ambassador Yost, Secretary Rogers, and Secretary-General U Thant. For certainly no rational nor compassionate man can help but be repulsed by the actions of the Iraqi Government. It remains the collective duty of mankind to exhaust every possible avenue to stop this outrageous, deplorable situation from continuing.

It seems that if we are to approach a time of talk, we must stand firmly by the side of Israel. Our "even-handed" inaction will shortly give the Arab States an advantage. The Soviets have greatly bolstered the Arabs militarily. I was very pleased that our sale of the 50 Phantom jets to Israel was finally consummated. I was disturbed to learn, recently, that Jordanians, Saudi Arabians, and Lebanese are presently being trained by the U.S. military under the AID program. They are then sent back to their countries where they participate in vicious terrorist atrocities on women and children. At the same time, we are supplying weapons to Arab countries. There has to be a limit somewhere. I believe that actions of this nature by our Government must stop.

There is already evidence that the Arab States regard the U.N. as a shelter against the necessity of peace. This is the precise antithesis of the meaning of this organization. The U.N. must be an instrument for ending conflicts, not an arena for waging them. The Security Council must especially not be an obstacle and alibi to prevent the attainment of peace.

The time for settlement must be imminent. Never before in our history has there been a greater need for all forces interested in the rights of all people to bring the full force of reason into our commitment for mutual understanding. Abba Eban, Israel's eloquent Foreign Minister, in his speech before the General Assembly of the United Nations on October 8, 1968, stated to the Arab States:

> For you and us alone the Middle East is not a distant concern, or a strategic interest, or a problem of conflict, but the cherished home in which our cultures were born, in which our nationhood was fashioned and in which we and you and all our posterity must henceforth live together in mutuality of interest and respect. The hour is ripe for the creative adventure of peace.

I pray that Mr. Eban is right.

The United States and the Soviet Union—indeed the concerned nations of the entire world—must encourage peace talks to begin and, most importantly, to begin between the two sides—the Israelis and the Arabs. The consequences of the alternative are too great for the Middle East and the world.

LAND GRAB REACTION

Mr. BENNETT. Mr. President, the reaction in Utah has been almost unanimously critical of President Johnson's last-minute action enlarging Arches and Capitol Reef National Monuments.

I have received protests from representatives of Utah mining, livestock, and petroleum industries as well as from elected officials and individual citizens. The town board of the ranching community of Boulder, Utah, has even adopted a resolution changing its name to "Johnson's Folly."

Senators will recall that I filed a strong protest to this action in a Senate speech on January 21. Since then, I have been assured that the Senate Committee on Interior and Insular Affairs will hold hearings on this Executive order which would summarily withdraw about 264,000 acres in my State of Utah, where some 70 percent of the land is owned by the Federal Government.

In order that Senators may be aware of the widespread resentment this action has engendered, I ask unanimous consent that a number of editorials from Utah newspapers be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Salt Lake City (Utah) Tribune, Jan. 26, 1969]

UTAHANS RESPOND SPEEDILY, CRITICALLY TO ENLARGEMENT OF TWO MONUMENTS

(By Frank Brunsman)

Utah's red rock country is in a state of turmoil since President Johnson signed proclamations enlarging Arches and Capitol Reef national monuments during the last 90 minutes of his presidency Monday.

The presidential proclamations added 48,943 acres to Arches, increasing its size to 82,953 acres. Capitol Reef was enlarged six times. The President added 215,056 acres, increasing the monument to 245,229 acres.

Involved in the action in addition to federal land were 5,920 acres of state land and 2,400 acres of private holdings at Arches and 25,280 acres of state land and 1,080 acres of private land at Capitol Reef.

UTAHANS REACT SHARPLY

Reaction during the week included:

Adoption of a resolution by the Town Board at the ranching community of Boulder, Garfield County, changing its name to "Johnson's Folly."

Announcement by Rep. Laurence J. Burton, R-Utah, that would introduce legislation to limit the President's authority to set aside national monuments under the Antiquities Act.

Protests from representatives of Utah mining, livestock and petroleum industries and state officials because mining and oil prospecting will be barred in the affected areas and grazing will be phased out.

A Senate speech by Sen. Wallace F. Bennett, R-Utah, in which he said, "To see the Interior Department in one final gesture, sweep into Utah and withdraw some 264,000 acres of land without any concern for anybody except a few sightseers, to me is the most blatant type of greed that I can imagine."

MOSS DEMANDS HEARINGS

Demands from Sen. Frank E. Moss, D-Utah, that Congress hold hearings in Utah on proposals to convert Arches and Capitol Reef national monuments into national parks and a statement that outgoing Secretary of the Interior Stewart L. Udall had conceded that Congress may either ratify or modify any executive order enlarging monuments.

The proclamations signed by the outgoing President noted, ". . . it would be in the public interest to add to the Arches National Monument certain adjoining lands which encompass a variety of additional features which constitute objects of geological and scientific interest to complete the geologic story presented at the monument . . ." and ". . . it would be in the public interest to add to the Capitol Reef National Monument certain adjoining lands which encompass the outstanding geological features known as Waterpocket Fold and other complementing geological features which constitute objects of scientific interest. . ."

Nearly 90 natural stone arches have been discovered along the anticline formed by the earth's crust warping upward to comprise Arches National Monument.

According to the Department of Interior, "As now enlarged, its 82,953 acres encompass the two central valleys (Salt Valley and Cache Valley) as well as such striking formations as the Marching Men and the huge fins in Herdina Park.

"Two important ecosystems—the deeply entrenched stream valley of Courthouse Wash and Dry Mesa, 1,200 feet higher than the surrounding area—are protected for study and public understanding. In addition, the enlarged national monument stretches now to the Colorado River Canyon where more than a third of its 1,500-foot walls is a sheer precipice of red sandstone."

Along Waterpocket Fold, so named for potholes eroded in canyon rocks, the earth's crust tilted sharply downward to form one of the most spectacular and readily understood monoclines in the United States.

In 1937, a scenic spur of this huge monocline, Capitol Reef, the only part accessible at the time, was proclaimed Capitol Reef National Monument.

"Now with the addition of 215,056 acres," the Department of the Interior notes, "the entire Waterpocket Fold running north to south and striking downward west to east, is brought within the National Park System in order to present a complete geologic story and to preserve in its entirety this classic monocline.

"Seventy miles of it are now in the national monument in Wayne, Emery and Garfield counties and the other 30 miles will be in the Glen Canyon National Recreation Area to the south."

[From the Salt Lake City (Utah) Tribune, Jan. 22, 1969]

Mr. Johnson's Arbitrary Land Grab

President Johnson's action in issuing proclamations adding 264,000 acres to two national monuments in Utah should not be allowed to stand. The action was taken without consulting any interested parties, including the state of Utah, and without holding public hearings to determine the advisability of the proclamations. It was arbitrary in the extreme and, even worse, it was taken just before Mr. Johnson left office.

The best that can be said is that Mr. Johnson did not do as much as he once intended. But he pulled back only because of violent protests from Chairman Wayne N. Aspinall of the House Interior Committee and limited the expansion to the Capitol Reef and Arches National Monuments in Utah, the Katmai National Monument in Alaska and the creation, by executive order, of the Marble Arch National Monument in Arizona. Otherwise, 7.2 million acres would have been taken over for national monuments in Alaska and Arizona.

Mr. Johnson explained that the largest proposals were dropped because of the fear he might be straining his legal authority by issuing the proclamations during the last hours of his administration. However, since a legal point is involved, what difference does the number of acres make? A land grab is still a land grab despite the size.

It is true all the land involved already belongs to the federal government. But once included in a national monument, it is effectively locked up as far as most other beneficial uses are concerned. Grazing will be phased out, mineral and oil prospecting barred, timbering strictly limited and hunting forbidden.

For cattle and sheep raisers this means the immediate loss of some grazing land. For Utah and other Western states, it may mean a potential loss of incalculable size. In the Capitol Reef area, for example, rich hydrocarbon deposits are not likely to be developed commercially since the federal government, though it has the authority, seldom grants oil and mineral leases at national monuments.

Utah mining men and stock raisers are outraged by Mr. Johnson's decision. If he had called public hearings before he acted, he would have known what to expect. More important, if hearings had been held, the economic meaning of the monument expansion could have been thoroughly explored.

Mr. Johnson apparently wasn't interested. We hope Congress will be. Indeed we call on Congress to consider legislation rescinding the proclamation. Although President Nixon has the authority to do this, we believe it would be better for Congress to examine the whole affair. When economic issues of such vital importance in this area are involved, arbitrary executive action cannot be tolerated.

[From the Salt Lake City (Utah) Deseret News, Jan. 23, 1969]

Hold Park Hearings

Just when Lyndon Johnson was basking in the glow of an America inclined to remember only his accomplishments as he bowed out of office and forget his mistakes, he blew it.

At least he did as far as Utah is concerned when, in the last minutes of his administration, he signed proclamations adding 266,000 acres to Arches and Capitol Reef national monuments.

He did so without consulting Utah's elected representatives or the people to be affected. Whether the park additions turn out to be good or bad, certainly such arbitrariness is not the way to do it.

We say this more in sorrow than in anger. Few administrations have done as much for conservation as has that of Lyndon Johnson; his reputation in this regard was secure without this final gesture. Moreover, there can be no doubt that in Mr. Johnson's mind, what he did was in the nation's best interests—and that very well may turn out to be the case.

Before anything is done about the national monument additions, Congress should hold hearings in the areas involved. Even in the best of causes, government action should avoid being so arbitrary.

[From the University of Utah Chronicle, Jan. 23, 1969]

Three Professors Oppose Utah Monument Addition

(By Frank Erickson)

Three members of the Utah Geological and Mineralogical Survey (UGMS) have voiced opposition to President Johnson's withdrawal of 264,000 acres of southern Utah land for addition to two National Monuments.

Dr. William P. Hewitt, UGMS director, Dr. Hellmut Doelling, economic geologist, and Howard R. Ritzma, petroleum geologist, said they were "shocked, to say the least," by the action.

The President signed proclamations Monday that added 49,000 acres to Arches National Monument and 215,000 acres to Capitol Reef National Monument.

OPPOSE WITHDRAWAL

The men oppose the withdrawal because, they said:

The land was withdrawn before any public hearing on the proposal was held,

Under National Monument status, mineral development on the land will be curtailed, and

The locking up of the land takes both revenue and land away from the state of Utah.

Dr. Hewitt said the proposal to withdraw the land was pushed through the Department of Interior by a powerful preservation group, without a public hearing being held.

Mr. Ritzma added a proposal for such a withdrawal had been rumored two months ago, "but it was such a ridiculous proposal it was passed off as impossible."

"It is unfortunate when any area is withdrawn at the command of a single group, without regard for the thoughts, needs or wants of other groups," Dr. Hewitt said. "Our concern is that the land was withdrawn before the people of the state had a chance to know what they were losing."

Tar sand deposits in the Circle Cliffs area to be added to Capitol Reef have been under study for two years by the UGMS, according to Mr. Ritzma. Tar sands is sandstone saturated with crude oil, and the deposits in this area are very large. "There are also several working uranium mines and thousands of uranium claims on the land to be added to Capitol Reef," he said.

Mr. Ritzma added that the Bureau of Land Management spent two years working out a multiple use plan for the areas now withdrawn. "The plan was made with mining and grazing interests in mind, but also contained provisions for primitive areas and recreation development. A hearing on this proposal was to be held within 90 days.

BOUNDARIES NOT KNOWN

The boundaries of the expanded Arches Monument are not yet known, but near the present boundaries are deposits of magnesium, potash, oil, gas and uranium according to Dr. Hewitt.

National Monument status does not close the land to study of surface geology, but "no one is ever going to study the minerals in these areas again when they know they can never be developed," Dr. Doelling said.

The men feel that the state of Utah and citizens of southern Utah are the losers in this withdrawal.

WILL LOSE REVENUE

"37.5 per cent of money collected in rents, royalties and leases for use of federal land is returned to the state and by law is put into education funds," Dr. Hewitt explained. "With the locking-up of this land, the state will lose this revenue forever. Some people think this can be replaced by revenue from tourists, but not one cent of the money taken in by the Park Service for these National Monuments will be turned over to the state."

Mr. Ritzma said, also, that the state owns four square miles in each township in Utah. "The Capitol Reef expansion takes in nine townships, which means the state will give up 36 square miles to the federal government. The land isn't actually lost, because it can be traded for federal land elsewhere. However, these trades take about 10 years to enact, and when they are made, the state usually ends up with poorer land."

PROVIDE INDUSTRIAL DEVELOPMENT

Dr. Doelling added that the mineral potential of the withdrawn areas could have provided industrial development in southern Utah where industry is severely needed. "There are a surplus of people in southern Utah who need jobs. Besides limiting mineral development, the locking up of the Circle Cliffs calls for grazing to be phased out, which will place a hardship on some cattlemen. As one rancher put, 'that scenery is nice, but you can't eat it.' "

"Conservationists justify these withdrawals by saying that the minerals locked up are still there, and in time of national emergency they can be utilized if necessary," Dr. Hewitt said, "but there are two fallacies in this argument.

CAN USE RESOURCES

He continued, "It is not necessary to destroy an area to utilize its resources. Nobody in their right mind would go in and destroy Capitol Reed or the Arches."

Around the turn of the century, the mining industry used some practices that would be scorned by today's standards, Dr. Hewitt said, "But the mining industry has shown every effort to become a good citizen and not destroy."

[From the Deseret News, Salt Lake City (Utah) Jan. 25, 1969]

(By Gordon Eliot White)

WASHINGTON.—The inside story of how 7.5 million acres of public domain, State, and private land were almost—but not quite—put into the National Park system by a stroke of President Johnson's pen is one of a Cabinet-Member's intrigue, jealousy at the highest levels of the Johnson Administration, and an attempted squeeze play on the President that didn't work.

The tale began last spring. Interior Secretary Stewart L. Udall wanted to go out of office with a record as the man who added the greatest number of new parks and monuments to the National Park system in a half-century. He asked the park service for its suggestions, to be presented in time for President Johnson to sign the necessary proclamations before he left office.

President Johnson was aware of the history of last-minute actions by previous administrations during their final hours. In August, 1968, he asked the members of his cabinet for their ideas on executive acts that might be undertaken before inauguration day. He also issued strict orders: Any last-minute moves to be made during the transition period between election day and January 20 would have to be non-controversial. He wanted no contretemps to mar the orderly transfer of power to the new administration, be it Hubert Humphrey's or Richard Nixon's.

Secretary Udall suggested his plan that the President create new major national monuments, using his powers to withdraw federal land from the public domain under several acts of Congress. Apparently the President seemed favorably disposed toward the proposal.

Mr. Udall quietly issued feelers to the major conservation groups—the Sierra Club, the Izaac Walton League, the National Wildlife Federation, and others for suggestions of areas suitable for protection as national monuments. At least 17 were named, from which he chose four new monuments and decided on additions to three others. A total of 264,000 acres would be added to arches and capitol reef monuments in Utah and 94,500 acres to Katmai National Monument in Alaska. New monuments covering more than 7.2 million acres would be created at Marble Canyon, in the Sonora Desert of Arizona; on land adjacent to Mount McKinley National Park in Alaska; and in the Brooks mountain range of Alaska.

The Sonoran Desert monument would have taken in several thousand acres of Air Force air-to-air gunnery range, so the withdrawal had to be cleared with the Defense Department. It went straight to Secretary Clark Clifford, who, on investigating, found that any restriction on hunting in the Sonoran area would be hotly opposed and that the Air Force refused to be pushed off its range.

In a session with President Johnson and Udall, late in the summer, Clifford brought up the monument proposal, which he now knew would violate the White House stricture on last-minute controversy.

"If the Secretary of Interior is going to be allowed to set up this kind of controversial addition to his national park system," Clifford is reported to have told the President, "I have some projects I'd like to see put into effect after the election and I know some other members of the cabinet have, too." The President repeated his order that controversial projects be dropped. He demanded that Udall get clearance from the Congressional delegations of the affected states as well as from the House and Senate Interior and Appropriations Committees before asking the White House to act.

Here some background is necessary. Rep. Wayne N. Aspinall, D-Colo., chairman of the House Interior Committee since 1959, is a man who believes the public lands should be controlled by Congress through the legislative process, not by the President acting by executive fiat. The President, however, does possess limited legal authority over the public lands.

Early in Rep. Aspinall's tenure as House committee chairman, President Eisenhower set aside the C & O Canal near Washington as a national monument without consulting Congress. In retaliation, Mr. Aspinall has blocked authorizations for development funds for it ever since.

President Kennedy, acting at Mr. Udall's request, created small monuments in the Virgin Islands and in Alabama, to Mr. Aspinall's annoyance. In the aftermath of that disagreement, Mr. Udall agreed for the administration that no major withdrawals would be made by the White House without clearance from the congressional committees. This was known as the "Gentleman's agreement."

With this agreement regarding land withdrawals in the background, Mr. Udall went ahead with his plans. During the late fall, Interior Department teams mapped precise boundaries for the new monuments, covering their activities with the explanation that they were just outlining grazing areas. Legal descriptions were drawn up and proclamations prepared for Mr. Johnson's signature. Precedents for Presidential action were listed that went back to Theodore Roosevelt's administration. Elaborate maps were drawn and a press release an inch thick was mimeographed.

During the second week in December, Mr. Udall presented his detailed plans to Mr. Johnson, showing him how, in a grand final gesture, he could become the President who had added the most acreage to the National Park System. Mr. Udall reinforced his arguments—particularly for the vast six million acre tract in Alaska—by noting that Alaska Governor Walter J. Hickel had just been named Interior Secretary in the Nixon Cabinet and presumably would be unlikely to support the same kind of huge withdrawal later. Mr. Johnson, still favorable toward the plan, asked again for the congressional clearances. Secretary Udall told him in his "opinion" there would be no trouble. He either did not mention the gentleman's agreement or glossed over it. The President told him to get a firmer picture of Hill reaction.

Secretary Udall answered the White House insistence for congressional clearance with general reports that "there is not opposition" There wasn't any. No one knew any such proposal had been made.

Mr. Johnson, not satisfied, refused to act until he had a "head count" from the committees and the interested State delegations in Utah, Arizona, and Alaska.

After Christmas, Mr. Udall was still under pressure from Mr. Johnson to get full clearance from the Hill. Finally, in January, he went to three men in Congress who, in all likelihood, would approve of the plan. He told Rep. John Saylor, R-Pa., ranking Republican on the House Interior Committee, a dedicated conservationist. Saylor has long wished to create more monuments and parks and had himself proposed that Marble Canyon be added to Grand Canyon National Park. Sketchy details were given to Sen. Henry M. Jackson, D-Wash., chairman of the Senate Interior Committee and a man who is usually neutral or favorably disposed to new monuments. He "cleared" the plan with Utah by telling Sen. Frank E. Moss, D-Utah, that he had plans for arches and Capitol reef, but did not give the Utahan details of the plan. He mentioned that the President would act on Monday, the final day of his administration. Objections then would come too late to stop the withdrawals. He told Sen. Moss the plan was secret. "Don't even tell your wife," he admonished the Senator.

Mr. Udall did not brief Rep. Wayne N. Aspinall, D-Colo., chairman of the House Interior Committee; Sen. Alan Bible, D-Nev., chairman of the Senate Parks and Recreation Subcommittee; any of the other Utah members; any of the Arizona members except, possibly, his brother, Rep. Morris K. Udall; or any Alaskan member unless he told Sen. Bob Bartlett, now dead.

The Secretary was a little surprised to find that Sen. Moss was not overjoyed at the plan. Moss did keep his promise to keep it secret, however.

It was a dangerous game. Secretary Udall knew two things: To act without consultations was a violation of the gentleman's agreement between the administration and the congressional leaders. The Antiquities Act, under which he proposed to move, carried no acreage limits but had already been under threat of congressional repeal if the "agreement" was violated. Under the two other land-withdrawal laws there is a 5,000 acre limit on the Executive.

Until January 14th, six days before the administration left office, things went according to plan. The congressional leaders who knew about it had no complaints, as Udall told the President, adding, under Mr. Johnson's questioning, that, in "his opinion", there would be no controversy.

Then on January 14 Mr. Johnson delivered his last State of the Union message before a joint session of Congress. He described his accomplishments during five years in office, ticking off new parks created: At Canyonlands, the Redwoods Park in California, and others. The President looked up from his prepared speech and added, "and there's going to be more set aside before this administration ends."

The cat was out of the bag. Sen. Moss knew at once what was up. This reporter left the House gallery and began asking people who should have known, what did the President mean? Was Utah involved? No one knew.

Watching from Colorado, Chairman Aspinall heard the President's words on television and was puzzled. The Washington Post, however, did not include those words in its version of the Johnson speech, taken from the prepared remarks issued earlier by the White House.

This reporter pressed the Interior Department for details, but none were forthcoming. Sources in the Department said yes, something was up, but they couldn't talk about it.

On Wednesday, Mr. Udall, worried that the ad lib by the President might alert possible opponents, decided to try to box in Mr. Johnson. He asked Sen. Jackson to mention the plan in general terms, alluding to "a couple of million acres in Alaska, Utah, and Arizona," as though the President had already made his decision, thus making it embarrassing for him to back down. Sen. Jackson brought up the idea in the Interior Committee's hearing on Gov. Walter J. Hickel, the controversial Interior Secretary-designate.

Sen. Jackson observed at the hearing, "I might mention that which I listened to and observed last night at the Joint Session of the Congress. The President indicated that he has under consideration a proposal to create a number of national monuments by Executive order. This would remove these lands from multiple-use development and add them to the national park system. Some of the land is in Alaska and some of it in the Southwest.

"Now I gather that the Presidential action would be accompanied by a request to the Congress to create National parks on these lands.

"I understand informally, he has in mind some additions to Mount McKinley National Park, and I believe the setting aside of a certain amount of acreage in the Arctic Slope area.

"I do not know the exact details. Some of it is in Arizona . . . and some, I believe, in Utah. But it is a question of the action that the President will take, I gather, before January 20."

Sen. Jackson had mentioned the proposal before the conservationist witnesses arrived at the Hickel hearing, and most of the reporters at the session were more interested in Hickel than in monuments. Only the Deseret News reported the story and the fact that Sen. Bible hadn't been told about the plan. When questioned, Sen. Moss had said he knew about it but none of his previous proposals were involved. He couldn't say more, and Sen. Jackson "may have spoken out of turn," he added.

The Interior Department was still noncommital under questioning by this reporter, but a new player entered the game at this point.

Rep. Aspinall, alterted by the press, called the department. He got the details and promptly went through the ceiling. His committee was being bypassed, he wasn't being consulted, and a long-standing agreement was being dishonored. The chairman won't say he called Mr. Johnson, but the President got the word, probably through Assistant White House Counsel W. Devier Pierson. The President called Udall and insisted that all the interested Members of Congress be briefed or the plan was off.

Thursday night the Arizona delegation went downtown to hear about the plan to create Sonoran Desert and Marble Canyon Monuments. Marble Canyon was bad; Sonoran Desert, a planned 911,000 acre tract, was unacceptable. Some of the best hunting in the State was in the land along the Mexican Border, and oil and gas and other minerals were suspected there.

The Utah and Alaskan delegations were notified late Thursday of briefings to be held early Friday. Both groups were stunned by the plans, which could hardly be evaluated in a few minutes. They felt that some of the area probably belonged in parks. Indeed, Sen. Wallace F. Bennett, R-Utah, had introduced bills to make arches and Capitol Reef into parks, but on a smaller basis. Initial reactions were blank, but by the time they got back to the Capitol, anger had set in over the manner of making the withdrawals.

All had been sworn to secrecy, but bits and pieces leaked out. Sources at Interior by now were giving a general description of the area involved and members of the Utah delegation added enough to the puzzle that the outline could be seen in some detail. Friday morning Rep. Burton, Sen. Bennett, and Sen. Moss were all calling for hearings on the plan to give Utahans a chance to discuss it.

The story of the proposed withdrawals was broken by the Deseret News in its Friday afternoon editions.

Meanwhile, Mr. Udall took his proclamations to the President at a final Cabinet meeting Friday noon. His department prepared to put out its press release under an embargo for Sunday use, but at 2:00 p.m. Mr. Udall was back; the President had not acted. "The release is just wastebasket material until the President acts," Interior said. "Maybe we will get it by 10 a.m. Saturday."

Friday night Mr. Udall called the President again. The proclamations were not signed. Rep. Aspinall had threatened to block any development funds for the monuments if they were rammed through over his objetcions. Mr. Johnson was furious that he had been misled.

On Saturday, the 10 a.m. deadline passed. At 2:00 p.m. nothing had happened. The President knew that the C & O Canal National Monument had received no funds, that Rep. Aspinall did not bluff.

Late Saturday afternoon the Secretary, apparently thinking the proclamations had been signed, released the announcement. "President Johnson has signed proclamations adding more than 7.5 million acres. . . ." Also, in another release, Interior noted that Mr. Udall had named D.C. Stadium the Robert F. Kennedy Memorial Stadium. Mr. Johnson might have looked upon that idea with little enthusiasm, though his argument with Udall was based on far more than a name.

By 6 p.m. Saturday, Interior was calling back its release. Mr. Johnson had not signed the proclamations. Saturday night Mr. Udall and the President again quarreled on the phone. Mr. Udall offered his resignation. At one time, Mr. Udall simply made himself unavailable for the Johnson wrath. He went to the Justice Department to discuss the plan with Government lawyers there. Nothing was done.

Representative Aspinall was livid. People who saw him described his anger as "violent." Mr. Johnson was only slightly less angry.

All day Sunday the proclamations simmered, unsigned, on Mr. Johnson's desk. Mr. Udall waited, fretting, at his office, amid boxes of books and paintings awaiting the movers.

Monday morning the President was still undecided. He wanted to make his mark on the park system as had his predecessors for half a century. In 5 years he had used his executive authority to create only one monument: tiny 27.5 acre Ellis Island in New York Harbor was added to Liberty Island National Monument.

As Lyndon Johnson prepared to leave the White House for the last time as President, he signed withdrawals of 384,500 acres in Utah, Arizona, and Alaska, but rejected 7.2 million acres of Mr. Udall's proposal. Devier Pierson said at 10:30 that Mr. Johnson had acted. The Johnson administration expired 90 minutes later.

In a final press release the President said:

"I am happy to be able to dedicate this portion of the public domain to the purposes of conservation. The areas I have chosen are not large—but they are superb landmarks of major historic and scientific interest, and action is needed now to insure that this land is put to its finest use.

"A number of additional national monument proposals were presented to me for consideration by the Secretary of Interior. They include the Sonoran Desert area in Arizona, an enlargement of the Mount McKinley National Park in Alaska, and the creation of a vast new park area above the Arctic Circle in Alaska. Each would be an exciting addition to our park system.

"After a careful review of these proposals, I have concluded that it would not be desirable to take executive action for the acquisition of this land in the last few days of my term. The proposals include over 7 million acres—an enormous increase in our total park holdings. I believe the taking of this land—without any opportunity for congressional study—would strain the antiquities act far beyond its intent and would be poor public policy. Understandably, such action, I am informed, would be opposed by leading Members of Congress having authority in this field who have not had the opportunity to review or pass judgment on the desirability of the taking.

"Under these circumstances, I have directed the Secretary of Interior to submit these additional proposals to the Interior Committees of the Senate and the House of Representatives for their consideration as new national parks. I hope the committees will see fit to give the proposed areas careful study at the earliest possible time."

RESTRICTIONS PROPOSED ON TAX-LOSS FARMING

Mr. NELSON. Mr. President, last week I was pleased to join the Senator from Montana (Mr. METCALF) and 22 other Senators in sponsoring legislation to limit the use of financial losses from farming to offset taxes on nonfarm income.

Our present farm tax system is being greatly abused by corporations and wealthy persons who are farming at a loss in order to reduce the taxes they pay on income from their other nonfarm enterprises.

If these tax loopholes are allowed to continue, the future of family farming in America will be jeopardized. Tax-loss farming disrupts normal market prices and creates ruthless and unfair price competition for legitimate family farmers who are simply trying to earn a living.

In 1966, 108 individuals with annual incomes of more than a million dollars were involved in some phase of farming and 93 of them reported losses for income tax purposes.

This legislation will restrict the amount of excess farm losses that a corporation or individual can use to offset taxes against their nonfarm income. It also includes safeguards to exempt bona fide family farmers who find it necessary to supplement their regular farm incomes by other means.

Under our proposal, nonfarm income up to $15,000 could be completely offset by farming losses in paying income taxes. This provision is aimed at protecting the person who is primarily a farmer but has a part-time job or other additional income.

Each $1 of nonfarm income between $15,001 and $30,000 would reduce the original tax deductions allowed by $1. Therefore, individuals with more than $30,000 nonfarm income could not deduct losses from farming.

This legislation will not stop city people from owning farms. But it will prevent any corporation or individual from misusing tax provisions that have been developed primarily to help the bona fide farmer.

URBAN LEAGUE'S ENDORSEMENT OF COUNCIL OF SOCIAL ADVISERS

Mr. MONDALE. Mr. President, on January 20 the National Urban League presented President Nixon with its recommendations for action to be taken by the new administration in order to "solve our most pervasive and corrosive problems."

I was pleased to find that the League has endorsed my own call for the creation of a Council of Social Advisers in the Office of the President. The Full Opportunity Act, S. 5, which I introduced on January 15, declares full social opportunity a new national goal and establishes a Council of Social Advisers to monitor our success in achieving that objective. It would also require the preparation of an annual social report and creates a joint congressional committee to review the report.

Mr. President, I hope the League's recommendations, and its support for the creation of a Council of Social Advisers in particular, will receive President Nixon's personal attention as well as that of the Senate. I ask unanimous consent that a New York Times article discussing the League's recommendations be printed in its entirety in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

URBAN LEAGUE URGES GUARANTEED ANNUAL INCOME TO REPLACE WELFARE SYSTEM

(By John Leo)

The National Urban League has urged that the welfare system be abolished and replaced with a program guaranteeing a minimum income for all American families.

This was the major recommendation in a 51-page memoranduum presented by the league to President Nixon on Monday and released yesterday.

The document also urged a $2-minimum

wage, with automatic increases tied to the Consumer Price Index; a White House conference to deal with friction between the police and Negro communities, and an immediate investigation of reports of "a rapidly deteriorating racial climate in the armed services."

Attacking the welfare system as "obsolete, punitive, ineffective and bankrupt," the league said it would give the details of a plan to replace it sometime after its mid-February board meeting.

Whitney M. Young Jr., the league's executive director, said the plan would look "something like" proposals for a negative income tax recommended by various Government and business committees. A minimum income proposal was studied by President Johnson and his advisers but was never espoused as Administration policy.

"THIS IS AN INVESTMENT"

Mr. Young called on President Nixon to "convince the American people that this is an investment, like the G. I. Bill, that will ultimately bring in far more money in taxes than it costs."

Current estimates are that a workable minimum income program could cost as much as $30-billion a year, as against the present welfare bill to Federal, state and city governments of $5.5-billion a year.

"The one prompt, effective solution to the problem of poverty in an affluent society," the memorandum said, "is to provide everyone with a minimum income."

The report contained no dramatic new proposals, arguing that action must be taken along the lines sketched out by the Johnson Administration, the National Advisory Commission on Civil Disorders, the President's Committee on Urban Housing and the President's Commission on Automation, Technology and Economic Progress.

"The National Urban League believes," said the report, "that the new Administration has entered office at a time when the foundations for a massive crusade to solve our most pervasive and corrosive problems have been well established."

The report called for a sweeping eight-year program to eradicate slums and solve the urban crisis by the nation's 200th anniversary in 1976.

Mr. Young said he believed that the President was "anxious to deny, through his actions, the suspicions many Negroes have of him."

Urging Mr. Nixon to act immediately, he said:

"The President is now going through a honeymoon period. Before his detractors and the conservatives start acting, he should put these programs into action."

The memorandum called for a comprehensive plan for Government and industry, working in partnership, to develop the slums. It rejected proposals to curb inflation by permitting an increase in unemployment.

"Such a policy would wreak havoc in black communities where the unemployment rate runs as high as 40 per cent," the memo said.

The league asked for the establishment of a Council of Social Advisers, along the lines of the Council of Economic Advisers, to warn of danger signals on the racial front, and requested a special program to integrate the 100,000 Negroes in the armed services who are to return to civilian society this year.

President Nixon asked the league to put its proposals into a memorandum when he talked with Mr. Young last Nov. 15.

THE SAFE STREETS ACT—HOW IT WORKS

Mr. HART. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Safe Streets Act: How It Works," written by W. Carey Parker, and published in the December 1968 issue of Public Management.

In his well-reasoned article, Mr. Parker lucidly explains the workings of title I of the Safe Streets Act of 1968, an act which inaugurates a major new program of Federal assistance to State and local law enforcement in the United States.

Mr. Parker brings no little expertise to his topic. During the 15-month journey of the Safe Streets Act through Congress, Carey Parker, as speical assistant to the head of the Justice Department's Criminal Division, played a key role in passage of the act.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SAFE STREETS ACT: HOW IT WORKS

(By W. Carey Parker)

(NOTE.—The opinions expressed in this article are the author's, and do not necessarily represent the views of the Department of Justice.)

The Omnibus Crime Control and Safe Streets Act of 1968, signed into law by President Johnson last June, inaugurates a major new program of federal assistance to state and local law enforcement in the United States. The Safe Streets program is designed to provide massive federal aid to help our states and cities improve and strengthen all aspects of their law enforcement systems. It promises to become the most important contribution ever made by the federal government in the war against crime.

The new Act is a direct outgrowth of the comprehensive studies carried out by the President's National Crime Commission. The Commission's report, *The Challenge of Crime in a Free Society*, emphasized that crime in America is primarily a state and local responsibility. The Commission found, however, that there were many urgent problems that state and local governments could not solve on their own. To help these governments carry out their law enforcement responsibility, the Commission recommended a program of sustained and substantial federal financial assistance in all areas related to law enforcement.

Acting on the Commission's recommendation, President Johnson proposed the Safe Streets bill to Congress in February, 1967. In the course of its 15-month journey through the Senate, the bill took on its "omnibus" quality with the addition of a series of titles dealing with controversial law enforcement problems such as police interrogation, wiretapping, and gun control. The essence of the law enforcement assistance program remained unchanged, however, and became Title I of the Act.

The phrase "law enforcement" in Title I is a comprehensive term covering all aspects of the law enforcement and criminal justice system. It encompasses each of the basic elements of the system—police, courts, and corrections—as well as general programs for crime prevention and public safety. More specifically, the phrase covers detection and investigation of crime and apprehension of offenders; pretrial procedures; prosecution and defense of criminal cases; conviction and sentencing of offenders; post-conviction procedures; and imprisonment, probation, parole, and rehabilitation of offenders.

No part of the system is beyond the scope of the Act. In every area of law enforcement, federal funds will be available to support a variety of programs to develop new approaches, equipment, and techniques for better law enforcement.

To carry out the provisions of Title I, the Act creates a Law Enforcement Assistance Administration, located within the Department of Justice under the general authority of the Attorney General. The Administration will be headed by three high-level officers, appointed by the President with the advice and consent of the Senate.

Together, they will have the responsibility for administering four principal categories of federal grants under Title I:

Planning grants, to enable state and local governments to prepare and develop comprehensive plans covering their entire law enforcement systems. Federal funds may be used to pay up to 90 per cent of the cost of such planning programs.

Action grants, to enable state and local governments to carry out programs and projects to implement their law enforcement plans. In most cases, federal action funds may be used to pay up to 60 per cent of the total cost of a program. Grants for riot control or control of organized crime may be used to pay up to 75 percent of the cost of a program, and grants for salaries or construction may be used to pay up to 50 per cent of the cost of a program.

Research, development, and special project grants, to encourage the application of modern science and technology to law enforcement. Grants in this category may be used to pay up to 100 per cent of the cost of a project, and may be made not only to state and local governments, but also to other public agencies, and to private organizations as well.

Education grants, consisting of student loans up to $1,800 per year and tuition aid up to $200 per quarter or $300 per semester for law enforcement personnel and students planning careers in law enforcement.

In addition to these grants, the Act contains a significant provision authorizing the Federal Bureau of Investigation to expand its training programs for state and local law enforcement personnel, both in the field and at the FBI National Academy at Quantico, Va.

For the current fiscal year, Congress has appropriated a total of $63 million for the Safe Streets Act. Of this amount $19 million will be available for planning grants and $29 million for action grants. Under the terms of the Act, both planning and action funds must be allocated among the states according to population. In addition, for the current fiscal year, $3 million will be available for research grants, $6.5 million for education grants, $3 million for FBI training programs, and $2.5 million for organization and operation of the Law Enforcement Assistance Administration. In future years, appropriations under the Act are expected to increase substantially with expenditures eventually reaching approximately $1 billion a year.

The Safe Streets Act draws no distinction between state and local governments with respect to eligibility for research grants, education grants, and FBI training. Under the education grant program, for example, student loans will be available to local law enforcement officers enrolled on a full-time basis in college degree programs related to law enforcement. Similarly, local officers enrolled full-time or part-time in college-level courses will be eligible for assistance under the tuition aid aspect of the grant program.

The Act requires that special consideration must be given to student loans for police or correctional personnel on academic leave to earn degrees. Repayment of the loans will be cancelled at the rate of 25 per cent per year for each subsequent year of service in law enforcement.

With respect to eligibility for planning grants and action grants, the Act does draw a distinction between state and local governments, since essentially all such grants must be made in the first instance to state governments. At the same time, however, the Act places strict controls on state governments to insure full and adequate participation by local governments in the planning and action programs, including specific requirements as to the amount of federal funds that must be made available by the states to local governments.

In the case of planning grants, federal funds awarded to a state must be used to establish and operate a state-level law enforcement planning agency, whose principal responsibility is the preparation of the state's comprehensive law enforcement plan. The Act specifically requires that local governments and local law enforcement agencies must be given reasonable representation on the state agency. Moreover, under the terms of the Act, 40 per cent of the federal planning funds granted to a state must be made available by the state to local governments within the state, to enable the local governments to participate in the formulation of the state plan.

In the case of action grants, an even larger share—75 per cent—of the total funds granted to a state must be made available by the state to local governments. The Act lists seven major examples of law enforcement programs for which action grants may be used: public protection, recruiting and training of personnel, public education, construction, control of organized crime, riot control, and community service officer programs. In each of these areas, as well as many others, the success of the law enforcement assistance program will depend on extensive participation by local governments.

One of the most significant features of the action grant program for local governments is the provision authorizing federal funds to be used to pay higher salaries to law enforcement personnel. Under the terms of the Act, up to one-third of any action grant may be used for the compensation of personnel, subject only to two requirements—federal funds may be used only to increase salaries, and any increase must be matched by an equal increase paid out of state or local funds. Even these limitations, however, do not apply to salaries of personnel engaged in training programs.

To insure that local governments are not disadvantaged by undue delay in applications by states for grants under the Act, Title I sets strict time limits for state compliance. A state must apply for its planning grant within six months after the enactment of the statute—that is, by Dec. 19, 1968. Furthermore, the state must file its comprehensive law enforcement plan within six months after the approval of its planning grant by the Law Enforcement Assistance Administration. If a state fails to meet these deadlines, the Act authorizes the administration to make planning grants and action grants directly to cities, counties, and other units of local government within the state.

Implementation of the Safe Streets program is well under way in the Department of Justice. Shortly before the statute was enacted, Attorney General Ramsey Clark designated a special task force within the Department to prepare a blueprint for the Law Enforcement Assistance Administration. On June 20, 1968, the day after the bill was signed into law, the Attorney General announced preliminary plans for the organization of the Administration into three separate divisions:

An Office of Planning and Law Enforcement Grants will administer the planning grant and action grant programs and provide technical assistance to help state and local governments formulate their law enforcement plans and action programs.

The National Institute of Law Enforcement and Criminal Justice, created by the Act itself, will administer the research grant program. The Institute will also develop its own in-house research capability, and, in cooperation with the Federal Bureau of Investigation, will establish a crime statistics center for the collection and dissemination of data on all aspects of law enforcement in the United States.

An Office of Academic Assistance will administer the program of student loans and tuition aid.

In July and August, 1968, the Department of Justice arranged a series of conferences around the country with representatives of state and local governments and numerous citizens' groups, to discuss a variety of proposals for launching the law enforcement assistance program.

In late August, acting under a special provision of the Act, the Attorney General awarded riot control grants totaling $4,350,000 to 40 states, the District of Columbia, and Puerto Rico. Pursuant to the requirements of the Act, 75 per cent of these funds will be made available by the states to local governments.

In September, tentative guidelines for the planning grant program were distributed to the 50 state governors, mayors of the 135 largest cities, and 400 other key figures in state and local law enforcement. To facilitate the rapid distribution of planning funds, the administration adopted a two-page grant procedure under which a state may apply for an immediate grant of "initial" planning funds to establish and staff its law enforcement planning agency. Subsequently, the state may obtain the remainder of its planning funds by submitting an application demonstrating that its planning operation meets the requirements of the Act, including adequate representation by local governments on the state agency, and adequate state procedures for distributing federal funds to local governments.

In October, detailed plans were announced for the education program, offering student loans and tuition aid for study in areas such as police science, police administration, corrections, public safety, criminology, criminalistics, and law enforcement technology, as well as in related aeras such as sociology, psychology, and computer technology. Loans and grants will be made directly by the 1,800 colleges and universities expected to participate in the program.

The Safe Streets Act holds immense promise for local law enforcement in the United States, not least because it establishes a creative new federal-state-local partnership that gives the federal government its first significant role in the nationwide struggle to upgrade law enforcement. The range of innovations and improvements to be funded under the Act is as vast as the imagination of state and local law enforcement. The means are at hand. As the eloquent closing passage of the Crime Commission's Report declares, "Controlling crime in America is an endeavor that will be slow and hard and costly. But America can control crime if it will."

PROJECT REHAB

Mr. JAVITS. Mr. President, for the past 5 years the Central Labor Council of New York City has been conducting a project to provide physical, emotional, and vocational rehabilitation services to workers and workers' families. Project Rehab, under three distinguished trade union leaders, Michael Sampson of the Utility Workers, chairman of the project, Harry Van Arsdale of the Electrical Workers, overall president of the council, and Gerald R. Waters, Sr., director of the project, was originally funded by a grant from the Department of Health, Education, and Welfare, supplemented by matching funds from the New York City Central Labor Council. It utilized the skills of both a professional staff and, of volunteer counselors from local unions throughout New York City. Nearly 4,000 workers have been reached through this program, and its success in helping otherwise unemployable persons find and hold jobs led to the decision of the council to continue the project through union contributions when the Federal demonstration funds run out. The officials of the New York City Central Labor Council and the local union volunteers who have made Project Rehab such a tremendous achievement are examples of the great public spirit of the trade union movement in New York City. I ask unanimous consent that several articles describing Project Rehab be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, Dec. 27, 1968]

Union Pioneering

All but obliterated in the grim tide of strike news that has enveloped the city in recent weeks is organized labor's assumption of direct responsibility for underwriting a pioneering project in physical, mental and vocational rehabilitation. The project was initiated five years ago by the New York City Central Labor Council, with the aid of $580,000 in grants from the Federal Department of Health, Education and Welfare. Unions here have put in another $280,000 of their own funds to provide counseling and treatment for workers who would otherwise have been unable to hold a job.

The results have been hailed by distinguished medical authorities as a significant contribution to community well-being. Now that the Federal demonstration funds have run out, labor itself is paying the bill and seeking to integrate the program into the regular operation of established union-management health and welfare funds. The local A.F.L.–C.I.O. has thus taken a long forward step in social involvement.

[From the Labor Chronicle, December 1968]

Project Rehab Issues 5-Year Report as Program for Council Continues

"Project Rehab" of the New York City Central Labor Council has reached the stage of its "final report" on a five-year program of worker rehabilitation counseling aided by government grants. Council President Harry Van Arsdale, Jr., notes in a foreward to the report, that the affiliated unions are determined to carry it on through voluntary contributions.

PRESIDENT MEANY HAS REPORT

The first copy of the report was presented to AFL–CIO President George Meany by Michael Sampson, chairman of the project and of the Community Services Committee of the Council. The report analyzes the cases of 3,261 workers or members of workers' families who were guided to rehabilitative services for physical, emotional or vocational impairments. In many of the cases, the counseling and treatment meant the difference between holding a job or being unemployed.

START IN 1963

The project was initiated in 1963 as a demonstration of what labor could do in liaison and counseling services to help members in need of rehabilitation. At the start, it received a three-year grant of $270,000 from the U.S. Dept. of Health, Education & Welfare's Social Rehabilitation Service with the labor council to supply matching funds over the period. It was the first such grant ever given to a central labor council. Six months before the grant expired, the project had proved so productive that the government provided funds to extend it for two more years.

In all, $580,000 in federal funds have gone into the demonstration project, with the city AFL–CIO supplying an additional $280,000. The funds enabled the Community Services Committee to launch the project with a professional staff and to recruit and train volunteer counselors in local unions throughout the city.

Director is Gerald R. Waters, Sr., Margaret Barry is assistant director and John J. Gehan associate director. Medical Advisers are Dr. Guy F. Robbins and Dr. Howard A. Rusk.

President Van Arsdale expressed appreciation to them and to Chairman Sampson who had assumed responsibility for the program. He also gave credit to Administrator Mary Switzer of HEW Social Rehabilitation Service who encouraged the city AFL–CIO to undertake the project.

FUTURE PLANS

Chairman Sampson reported that 180 local and international unions already have contributed $30,000 to continue the program. But the real answer, he suggested, may be in efforts to establish it as a tax-exempt, non-profit organization.

NEW YORK LOCALS PLAN TO KEEP UP WORKER REHABILITATION PROGRAM

The New York City Central Labor Council's "Project Rehab" has reached the stage of its "final report" on a five-year program of worker rehabilitation counseling aided by government grants.

But the project has proved so successful, Council Pres. Harry Van Arsdale, Jr., notes in a foreword to the report, that the 500 unions affiliated with the central body are determined to carry it on through voluntary contributions.

First copy of the report was presented to AFL–CIO Pres. George Meany by Michael Sampson, chairman of the project and of the labor council's Community Services Committee.

It analyzes the cases of 3,261 workers or members of workers' families who were guided to rehabilitative services for physical, emotional or vocational impairments. In many of the cases, the counseling and treatment meant the difference between holding a job or being unemployed.

Actually, Sampson pointed out, for purposes of the report the analysis was limited to cases referred prior to Nov. 15, 1967. In the past year, he noted, additional hundreds of workers were helped, bringing the total to nearly 4,000.

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At the start, it received a three-year grant of $270,000 from the U.S. Dept. of Health, Education & Welfare's Social Rehabilitation Service with the labor council to supply matching funds over the period. It was the first such grant ever given to a central labor body. Six months before the grant expired, the project had proved so productive that the government provided funds for two more years.

In all, some $580,000 in federal funds have gone into the demonstration project, with the city AFL–CIO supplying an additional $280,000.

The funds enabled the Community Services Committee to launch the project with a professional staff and to recruit and train hundreds of volunteer counselors in local unions throughout the city.

First director of "Project Rehab" was Louis L. Levine, who continues as a consultant. His successor and current director is Gerald R. Waters, Sr. Margaret Barry is assistant director and John J. Gehan associate director.

Medical advisers to the project are Dr. Guy F. Robbins and Dr. Howard A. Rusk.

Van Arsdale paid tribute to all of them, and to Sampson who had assumed overall responsibility for the program. He also gave special credit to Administrator Mary Switzer of HEW's Social Rehabilitation Service who encouraged the city AFL–CIO to undertake the project and carry it through.

But the key to the project's success, the report makes clear, have been the local union volunteers.

"The union representative became an important member of the team," the report observes.

"For all practical purposes he was an effective vocational counselor to the professionals involved in treatment. He knew the job duties on which job recommendations could be based. He could negotiate with an employer in a way that no professional counselor could approximate.

"Because of his special relationship to the patient and coworkers, he could make the member's return to work a relatively smooth process. The project made a beginning in developing this particular aspect of vocational rehabilitation. It is worth further consideration."

Sampson noted that throughout the five-year period, the project had the strong support and cooperation of voluntary and government agencies, the medical profession, medical centers and schools.

As for the future, he reported that 180 local and international unions already have contributed some $30,000 to continue the program. But the real answer, he suggested, may lie in efforts now being explored to establish it as a tax-exempt, non-profit organization that will be able to attract large contributions and establish working relationships with labor-management health and welfare funds.

THE NIXON RESPONSIBILITY FOR DESEGREGATION

Mr. MONDALE. Mr. President, we are at an important junction in the battle to insure that all Americans enjoy equal opportunity and equal justice under law. The issue, quite simply, is whether and when basic civil rights will be extended to, and enforced for, all the citizens of our country. Unprecedented and important civil rights laws have been passed during the past decade, and the Nixon administration is now faced with the responsibility of implementing them fully and effectively.

An article in last Sunday's Washington Post indicated that the Nixon administration was confronting its first test in civil rights enforcement. This article, which I ask unanimous consent to insert at this point in my remarks, suggested that Robert H. Finch, Secretary of the Department of Health, Education, and Welfare, might grant 60-day extensions to five southern school districts for which funds were scheduled to be terminated on January 29, 1969, for failure to comply with provisions of the Civil Rights Act of 1964.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEED FOR REVIEW HALTS SCHOOL FUNDS CUTOFFS

In its first move on the ticklish topic of school desegregation, the Nixon Administration has decided to keep Federal funds flowing, at least temporarily to several embattled Southern school districts.

Health, Education and Welfare Secretary Robert H. Finch has concluded that reprieves should be granted to districts where fund cutoffs had been imminent.

The extra time will be used to permit Finch and his staff to conduct the case-by-case reviews they have promised in dealing with districts whose desegregation pace has been challenged by HEW.

Finch's decision represents at least a small victory for Southern Republicans, including Sen. Strom Thurmond of South Carolina, who have been urging a fresh look at pending desegregation disputes.

One White House source said that the new HEW Secretary felt the impending cutoff deadlines had been set by departing Democrats "just to embarrass the new Administration."

At least six Southern school systems, and perhaps more, are believed included in Finch's decision to defer final cutoffs.

Rep. Charles Raper Jonas (R.-N.C.) reported on Friday that the White House congressional liaison office had informed him Thursday that Martin County, N.C., would be granted a 60-day stay. The cutoff of funds was scheduled next Wednesday.

The Martin County case has taken on considerable symbolic significance, because despite four years of noisy controversy, not a single school district in North Carolina has yet had its Federal funds terminated for insufficient desegregation.

In the cases of five other Southern districts, notification of final funds cutoffs has been sent to the House Education and Labor Committee and the Senate Labor and Public Welfare Committee. The cutoffs take effect 30 days after notification of the Committees.

Finch aides were busy Friday checking out the details on Martin County and the five others. They are Abbeville County School District No. 60, Anderson County District No. 4 and Barnwell County District No. 45, all in South Carolina, and the Water Valley and South Panola Districts in Mississippi.

Mr. MONDALE. Mr. President, I was deeply concerned to read this article. I was deeply concerned to learn of the possibility that fair and firm enforcement of the law of the land might be unduly delayed or postponed, and I wrote Secretary Finch urging him to permit these termination orders to take place as scheduled.

I ask unanimous consent that my letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 29, 1969.

Hon. ROBERT H. FINCH,
Secretary of Health, Education, and Welfare, Department of Health, Education, and Welfare, Washington, D.C.

DEAR SECRETARY FINCH: Since the passage of the Civil Rights Act of 1964 an important beginning has been made toward the elimination of the dual racially segregated school system. Recently the Office for Civil Rights in your Department reported a significant increase during the past year in the desegregation of formerly dual school systems in eleven Southern states. This progress must continue.

I was very concerned, therefore, to read the enclosed article indicating that you may grant 60-day extensions to the five Southern school districts for which federal funds are scheduled to be terminated today under the provisions of Title VI of the Civil Rights Act of 1964. I sincerely hope that you will permit these termination actions to take place as scheduled, and that the Department will continue its practice of enforcing Title VI fairly and firmly.

I am deeply committed to the intent and the implementation of the Civil Rights Act passed in this last decade, and to the goals of equal justice and equal opportunity.

I would appreciate being informed of your decision in these cases.

With best regards.
Sincerely,

WALTER F. MONDALE.

Mr. MONDALE. Mr. President, Secretary Finch has now acted. Although he has permitted the termination of funds to take place on the day originally scheduled, he added a potentially dangerous new amendment to the termination order. I ask unanimous consent to insert the Secretary's statement at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

U.S. Department of Health, Education, and Welfare, Office of the Secretary,
Washington, D.C.

Statement by Robert H. Finch, Secretary of Health, Education, and Welfare

(Regarding Disposition of the Following Title VI Compliance Cases: *Martin County Board of Education, North Carolina; Abbeville School District No. 60, South Carolina; Barnwell School District No. 45, South Carolina; Water Valley Consolidated School District, Mississippi;* and *South Panola Consolidated School District, Mississippi.*)

One of my sensitive responsibilities as Secretary of Health, Education, and Welfare concerns the enforcement of Title VI of the 1964 Civil Rights Act. *The President set forth on several occasions during the campaign what I believe is the proper construction of this provision of the law.* It is my intention to adopt procedures which are consistent with that interpretation in my enforcement of the law.

The spirit and even the life of a community and the short and long term wellbeing of its citizens, *both black and white,* are at stake in every decision in this area. Misunderstandings respecting the law, confusion as to its enforcement and the encouragement of false hopes can pit man against man, student against student, and government against government. The total effort in this area must be such as will reopen lines of communication that have been closed by past controversy; to develop new incentives to encourage a continuing dialogue between all the parties concerned; and provide as much flexibility and as many options as possible to ensure that the law is objectively enforced with understanding, compassion and fairness to every American.

It was my initial hope that sufficient time would be available to my Department to develop a broad policy encouraging negotiation. I am, however, today faced with an immediate decision in this area affecting five school districts which well before my tenure were adjudged to be in violation of Title VI of the Civil Rights Act of 1964. In each of these difficult cases, the administrative procedures provided under the law have been exhausted. On December 29, 1968, the former Secretary of HEW, Wilbur Cohen, before he left office, transmitted the findings of the Reviewing Authority withholding federal assistance to these districts to the appropriate Committee Chairmen in the Congress. Thirty days having now elapsed, that decision becomes effective today.

When all of the alternatives have been exhausted as they have been in these instances, the law must in the end be enforced.

However, because of the urgency of this immediate situation and also because of my hope that federal funds can be restored as soon as possible, I am immediately dispatching forthwith negotiation teams from Washington to each of those five districts involved in order for them to sit down with the local school officials, fairly and fully establish the facts, and develop workable and effective alternatives within the law. In addition I am amending the termination order for each of the five districts to allow for the retroactive restoration of federal funds within 60 days once the teams and local officials agree on an acceptable plan. Also I am requesting the several state school authorities involved to hold the federal funds in trust during the period of negotiation.

I want to make it clear that because of the urgency of this situation, the use of these negotiation teams and the possible retroactive restoration of funds will apply only to these five districts and should not be interpreted as establishing a permanent policy approach in this area. This emergency action is being taken because obviously I have not had an opportunity to carefully establish and review the facts in these particular cases and because I believe every avenue must be explored to reopen lines of communication to these school districts and re-instate federal funding as soon as possible. It is not an enjoyable responsibility to withhold funds from any school district, particularly when dire consequences will ensue for all students involved.

In the future, it is my intent to reassess all of the Department's procedures to develop policies which will encourage negotiations, provide flexibility and fairness, and assure enforcement of the law consistent with the interpretation the President repeatedly expressed in the campaign and in these ways assist in providing just and equal educational opportunity for every school child in the country.

Mr. MONDALE. Mr. President, in essence, this termination order, as amended, represents a serious procedural departure from the established method for implementing title VI of the Civil Rights Act of 1964. It establishes a virtual trust fund—of Federal funds—for these school districts which have failed to comply with the law. And it provides an additional 60-day period for these districts to submit acceptable desegregation plans and thereby qualify for their trust fund money.

Mr. President, I seriously doubt whether this additional 60-day extension, and this trust fund arrangement, are justified in these cases. None of these districts has made significant progress toward the elimination of their dual, racially segregated school systems since the Supreme Court ruled them unconstitutional back in 1954. Mr. Roy Wilkins, executive director of the National Association for the Advancement of Colored People stated:

> The districts in question do not need another 60 days since they have been dodging compliance with the law for more than 14 years.

Furthermore, the Department of Health, Education, and Welfare has been negotiating with each of these districts for over a year. Each one has failed to even submit alternative desegregation plans to replace the "freedom of choice" plans which have not resulted in progress.

The implications of this decision to the Nation in general, and to southern school superintendents in particular, were clearly stated in an editorial that appeared in the Atlanta Journal, January 30, 1969, which I submit for insertion in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A Costly Nixon Retreat

President Nixon has done law enforcement and Constitutional process a great disservice in begining his Administration with encouragement of those who defy the law on school desegregation in the South.

This was exactly what was done Wednesday when Mr. Nixon's Secretary of HEW, Robert H. Finch announced the Administration's decision to grant a 60-day reprieve to five Southern school districts scheduled to lose Federal funds for refusal to abolish segregation.

Mr. Finch, a Californian unacquainted with the ramifications of such actions, thus slaps the face of every Southern school board and every Southern school superintendent who has moved with great difficulty to obey the law. He strengthens the forces of defiance, threatens the political futures of those who have tried to do the right thing and offers subtle promise that the law really is not the law.

No official words about careful review or finding "effective alternatives" can remedy the damage done by an act of this kind, at this moment, on the part of a Federal agency charged with enforcement of the law. Already there have been long delays for reviews and finding alternatives. A school system does not reach the fund cut-off point until it has persistently evaded the law.

Officials of 700 to 800 Southern school districts are in various stages of negotiations with the Federal government over how or whether they will comply with the law. We believe most of these officials are conscientious men trying to respect the Constitution and the law their civics classes teach children about. But they are human. They need support in doing a difficult job, not discouragement to skip out on it and to yield to forces of lawlessness which have been powerful throughout the South.

A firm hand at HEW and in the White House is needed. Mr. Nixon has begun his Administration with a very shaky hand, indeed, on this matter. To him and to Mr. Finch this may seem to be merely a matter of being cautious but anyone who really knows the South is aware of the damage that that can be done by such hesitation and evidence of vacillation. It plays into the hands of hoodlums on one end of the spectrum of "respectability" and of the Strom Thurmond's on the other. The law is the loser in either case.

There can be no doubt today what the law is. Some Southern politicians who now look hopefully to the Nixon Administration for vacillation, were arguing heretofore that HEW guidelines were illegal, going beyond the law. The Fifth Circuit Court of Appeals composed of Southern Federal judges resoundingly repudiated that notion and affirmed the validity of the guidelines and the way in which they were being applied as a means of enforcing the law. The U.S. Supreme Court later affirmed this position by the court that has handled these matters in this region.

There is no doubt about the law but there is doubt now about the law's enforcement—just enough doubt to subtly undermine the best elements in the South. Hope springs anew in the hearts of those high and low who are essentially contemptuous of Constitutional process; and those who have tried to do their duty, have good cause for discouragement. In this field of supreme importance to the South, its stability and its continued orderly progress, the Nixon Administration is off to the worst possible start. Shortly we shall see if this is to be the pattern.

Mr. MONDALE. Mr. President, I remain seriously concerned about the recent decision in these cases, and I intend to follow very closely the future actions in this area. I am deeply committed to the intent and the implementation of the Civil Rights Act of 1964, and I believe the ultimate decisions rendered in these five cases will have far-reaching effects on civil rights and educational progress in this country.

PROPOSED DISAPPROVAL OF EXECUTIVE, LEGISLATIVE, AND JUDICIAL PAY RATES

Mr. WILLIAMS of Delaware. Mr. President, under the rules, if there is no further morning business is it in order to call up Senate Resolution 82?

The PRESIDING OFFICER. Is there further morning business?

Mr. DIRKSEN. Mr. President, reserving the right to object, if that is in order, I thought our understanding was that this resolution would not be made the pending business until the end of the day.

Mr. WILLIAMS of Delaware. That was my understanding.

Mr. DIRKSEN. That we would then take it up on Tuesday next at the end of the policy committee session, about 2 o'clock.

Mr. WILLIAMS of Delaware. That was the agreement.

Mr. DIRKSEN. I have no objection.

Mr. WILLIAMS of Delaware. I have no objection, either. It was my understanding in accepting the agreement, that it would not be discussed or acted on today but that Senate Resolution 82 would be the unfinished business when the Senate completed its business tonight and that on Tuesday next, upon the completion of morning business, it would still be the unfinished business. On Tuesday we would then proceed to consider the resolution as the unfinished business until it was disposed of. In order to do that it would take unanimous consent at this time for Resolution 82 to be made the unfinished business. I thought we had reached an agreement. However, I have been told within the last couple of minutes that there may be a misunderstanding about that agreement which the Senator from Illinois and I thought we had——

Mr. DIRKSEN. I know nothing about a misunderstanding.

Mr. WILLIAMS of Delaware. If there is a misunderstanding, it leaves us no choice under the rules of the Senate except to do what we can at this time. I hope that the acting majority leader, who I thought was familiar with the agreement, can settle this, but if not, I have no choice——

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Senate Resolution 82 be placed on the calendar, and that the Senate proceed to its consideration, and that it continue to be the pending business beyond 2 o'clock.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

> *Resolved*, That the Senate disapproves the recommendations of the President with respect to rates of pay transmitted to the Congress in the budget for fiscal year 1970 pursuant to section 225(h) of the Federal Salary Act of 1967.

Mr. WILLIAMS of Delaware. Mr. President——

Mr. KENNEDY. Mr. President, it is my understanding that there will be no votes on this resolution today, and that this matter will be brought up, in accordance with the motion, on Tuesday next.

Mr. WILLIAMS of Delaware. That is right.

Mr. KENNEDY. Excuse me.

Mr. WILLIAMS of Delaware. Mr. President, if I may interject here, it is my understanding that the unanimous-consent would automatically make——

The PRESIDING OFFICER. First, is there objection to the request of the Senator from Massachusetts?

Mr. WILLIAMS of Delaware, Well, Mr. President, reserving the right to object—and I do not have any objection—it is my understanding, however, that unanimous consent on Senate Resolution 82 will automatically make it the pending business now in the Senate, and will remain the pending business beyond the hour of 2 o'clock today. When we adjourn today it will automatically be the unfinished business when the Senate completes the morning hour on Tuesday next. I have no objection.

Mr. McCARTHY. Mr. President, reserving the right to object——

Mr. WILLIAMS of Delaware. There will be no discussion or action today; I agree on that, unless——

The PRESIDING OFFICER. Unless it is displaced by any other motion.

Mr. WILLIAMS of Delaware. Unless disposed of in some manner.

Mr. KENNEDY. Also, the leadership has stated that there will be no Senate votes on that matter today.

Mr. WILLIAMS of Delaware. That is correct.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is Senate Resolution 82.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that, in spite of the provisions of germaneness under rule VIII, I be permitted to speak on a matter not pertaining to the pending resolution.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

S. 823—INTRODUCTION OF THE FAIR CREDIT REPORTING BILL

Mr. PROXMIRE. Mr. President, I introduce a bill and ask for its appropriate referral.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 823) to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information, introduced by Mr. Proxmire (for himself, Mr. Williams of New Jersey, Mr. Mondale, Mr. Nelson, Mr. Magnuson, Mr. McGee, Mr. Moss, Mr. Yarborough, Mr. Young of Ohio, and Mr. Javits), was received, read twice by its title, and referred to the Committee on Banking and Currency.

Mr. PROXMIRE. Mr. President, it is an amendment to the Truth-in-Lending Act which passed the Congress last year. The bill would establish certain Federal safeguards over the activities of credit reporting agencies in order to protect consumers against arbitrary, erroneous, and malicious credit information. I am delighted that nine Senators have joined me in sponsoring this much-needed reform, including Senators McGee, Nelson, Moss, Yarborough, Young of Ohio, Javits, Magnuson, Williams of New Jersey, and Mondale.

Although a number of congressional committees have recently begun to investigate the activities of credit reporting agencies, most Americans still do not realize the vast size and scope of today's credit reporting industry or the tremendous amount of information which these agencies maintain and distribute. For example, the Associated Credit Bureaus of America have over 2,200 members serving 400,000 creditors in 36,000 communities. These credit bureaus maintain credit files on more than 110 million individuals and in 1967 they issued over 97 million credit reports. Credit bureaus typically supply information on a person's financial status, bill paying record, and items of public record such as arrests, suits, judgments and the like. The information is furnished to creditors for the purpose of extending credit.

One firm based in Atlanta, Ga.—the Retail Credit Co.—has 1,800 offices in the United States and Canada. As a recent story in the Wall Street Journal put it:

> You may not have heard of retail credit, but there is a good chance it has heard of you.

The Retail Credit Co. investigates individuals who apply for insurance or employment and supplies 35 million reports a year to their 40,000 customers. Their files include dossiers on 45 million individuals and contain information on drinking, marital discords, adulterous behavor, as well as a person's general reputation, habits and morals. A typical investigation takes 30 minutes, with much of the information coming from neighbors.

Another nationwide firm, Hooper-Holmes of Morristown, N.J., specializes in maintaining derogatory information on "deadbeats" and providing investigative reports to insurance companies. They have files on 9 million persons.

One of the fastest growing credit reporting firms is the Credit Data Corp. of California which has 20 million credit files on computer tape. During recent hearings, the firm's president testified they were adding 50,000 new files a week and estimated that within 5 years information on every American who has applied for credit could be in their computer data bank.

While the growth of this information network is somewhat alarming, what is even more alarming is the fact the system has been built up with virtually no public regulation or supervision. A few years ago, the executive branch proposed the establishment of a national data bank with personal information on every U.S.

citizen. The "big-brother is watching" overtones of this project plus congressional opposition led to its quick abandonment. Yet we are building roughly the same type of data bank under private auspices but with none of the public safeguards.

I do not mean to suggest that credit reporting agencies perform no worthwhile function or that we should arbitrarily curb their growth. Credit reporting agencies are absolutely essential in today's credit economy where consumer debt has passed the $100 billion mark. The credit reporting industry has come into being and has grown in response to the demand by retailers, banks, and other financial institutions for sound information about the credit worthiness of consumers. Creditors need this information, and they need it as quickly as possible, in order to make sound credit decisions. And consumers need an efficient credit reporting industry in order to obtain credit promptly with a minimum of redtape.

Therefore, my objective in introducing the fair credit reporting bill is to correct certain abuses which have occurred within the industry and to insure that the credit information system is responsive to the needs of consumers as well as creditors. During the last few years, the Congress has made great progress in passing consumer protection legislation including truth in packaging, auto safety, cigarette labeling, truth in lending, and meat inspection. I believe the fair credit reporting bill carries on this fine tradition.

CREDIT REPORTING ABUSES

Mr. President, before describing the details of the fair credit reporting bill, I would like to outline some of the abuses which have grown up within the existing credit reporting system. The main problems can be classified under three main headings: First, the problem of inaccurate or misleading information; second, the problem of irrelevant information; and, third, the problem of confidentiality.

INACCURATE INFORMATION

Perhaps the most serious problem in the credit reporting industry is the problem of inaccurate or misleading information There have been no definitive studies made of just how accurate is the information in the files of credit reporting agencies. But even if it is 99 percent accurate—and I doubt it is that good—the 1 percent inaccuracy represents over a million people. While the credit industry might be satisfied with a 1-percent error, this is small comfort to the 1 million citizens whose reputations are unjustly maligned. Moreover the composition of the 1 million persons is constantly shifting. Everyone is a potential victim of an inaccurate credit report. If not today, then perhaps tomorrow.

Given the inherent difficulties involved in collecting, storing, and distributing information, it is unrealistic to expect 100 percent accuracy. Errors can crop up in a variety of ways.

First. Confusion with other persons: Each year, millions of Americans get married, get divorced, change their name, their job or their residence. Millions of people have the same or similar name. Therefore, it is no wonder that credit bureaus frequently confuse one individual with another, sometimes with tragic results. Recently, a New York assemblyman was denied credit for no apparent reason. Only after repeated calls to the credit bureau did he learn that the credit bureau had confused him with someone else. A person less persistent might still have a falsely blemished record, particularly if he did not happen to be an assemblyman.

Second. Biased information: A record of slow or nonpayment in a person's credit file does not necessarily mean he is a poor risk. Perhaps he had a legitimate dispute with a merchant and withheld payment until the merchant lived up to the terms of the contract. While merchants have a wide variety of collection weapons, about the only bargaining power consumers have is the threat to hold up payment. Unfortunately, the consumer's side of the story does not find its way as easily into the files of the credit bureau as does the merchant's version.

Third. Malicious gossip and hearsay: Perhaps the most serious misinformation in credit reporting agency files is malicious gossip and hearsay. This type of information is most prevalent in the files of credit reporting agencies which specialize in investigating people who apply for insurance or employment. The information is often obtained from neighbors or coworkers where the opportunity is ripe for anonymous character assassination. These kinds of investigations usually include detailed information on highly personal items such as drinking habits, marital strife, private morals, and the like. Many people have written to me citing specific examples of this kind of abuse. Some of these cases are as follows:

A Maine housewife has lost virtually all her credit and her life, hospital, and car insurance due to "bad morals" cited in a credit report. The reason? For 12 years she has been a common law wife to a man whose wife will not divorce him.

A college student from Ohio lost his car insurance on the strength of a neighbor's secret testimony.

A Pennsylvania woman was turned down for major medical coverage by an insurance company. After repeated interviews with company officials and the Pennsylvania insurance commissioner, the woman's husband finally learned the reason. A credit report indicated she was an alcoholic. In actual fact, the woman had never consumed more than a dozen drinks in 20 years of married life.

A Florida insurance man with 20 years of experience writes that credit investigations are frequently characterized by hearsay evidence, inaccuracies, incompetent investigators, and snide insinuations.

The attitude of credit reporting industry officials on hearsay evidence is not exactly reassuring. For example, the general counsel of Retail Credit testified at a recent hearing. "What's wrong with hearsay? We all operate on hearsay everyday. We couldn't have a civilized society without hearsay."

Fourth. Computer errors: With the growing trend toward computerization, the incidence of computer errors is on the increase. Such errors are particularly prevalent during periods of conversion when all of the "bugs" in the new computer system have not yet been worked out. For example, a California credit reporting agency mistakenly labeled a whole file drawer of good credit risks as bad credit risks. I have received numerous letters from people badgered by computer-written letters hounding them to pay for goods never received.

A young Wisconsin housewife has written me about her experience with a major oil company which for some reason failed to send a bill for 2 months. To quote from her letter:

> In September, my husband and I received an overdue bill notice. We paid the amount at once and sent with it a covering letter explaining that my change of name and address probably confused their billing department. In reply, we received a letter demanding payment of the same overdue bill and return of our credit cards. At this point, we were only too happy to get rid of the cards, but we still owed the . . . Corporation more than they had attempted to collect . . . We have sent two letter requesting to be billed. Eventually, the . . . Corporation will tell us the amount we still owe, and we will pay. But their computer will have recorded us as delinquent, and a poor credit rating will be foisted on us as a result of *their* mistake. As young marrieds, we are just beginning to need a good credit rating. This company's mistakes can cause us grief.

A highly knowledgeable aerospace engineer has written:

> I am especially concerned by the possibilities of error afforded by computer systems, which spew forth incorrect data and half-truths due to the dogmatic nature of computer programming and the limitations of human operations. We desperately need legislation to protect all of us.

Recently, the "Judd for the Defense" TV program dramatized the case of a man who lost his job and ultimately his sanity as a result of a credit bureau computer error. The transcript of this program appears on page 1424 of the RECORD for January 22.

Fifth. Incomplete information: Because of the increased computerization and standardization of credit bureau files, all of the relevant information is not always reflected in a person's file. For example, one housewife had difficulty obtaining credit. She finally discovered the credit bureau had categorized her as a "slow payer" despite the fact that the credit manager at the store involved was fully aware of and had agreed to the extenuating circumstances causing the late payment. However, under the credit bureau's file system, these additional facts were not recorded. The trend toward standard computerized reporting should increase this type of inaccuracy.

Recently the Consumer Finance News reported the case of a man repeatedly rejected for bank loans for no apparent reason. It turned out the banks were relying on an unfavorable credit report from a computerized credit bureau. Some years earlier, the man had missed several payments on his auto loan due to a severe injury. Although the man obtained the specific permission of the lending offices to delay the payments, the computer showed only that the payments were late.

Another type of incomplete information is concerned with adverse items of public records. Most credit reporting agencies assiduously cull adverse information on people from newspapers, court records, and other public documents. These items include records of arrests, judgments, liens, bankruptcies, suits, and the like. However, most agencies are not anywhere nearly as diligent in following up on the case to record information favorable to the consumer. Action following arrest is often dropped because of a lack of evidence. Suits are dismissed or settled out of court. Judgments are reversed. However, these facts are seldom recorded by the credit reporting agencies with the result that their records are systematically biased against the consumers.

To cite but one example of this type of abuse, let me recount the experience of a California man who recently wrote to me. He was falsely arrested and convicted of a felony in 1962 on a case of mistaken identity. In 1963 the real criminal confessed. Despite his innocence, the man has never been able to obtain any credit since even though he is a successful real estate broker.

CORRECTING ADVERSE INFORMATION

The problem of inaccurate information is compounded by the difficulty consumers have in getting their adverse records corrected. It would be unrealistic to expect credit reporting agencies to be absolutely accurate on every single case. But it seems to me that consumers affected by an adverse rating do have a right to present their side of the story and to have inaccurate information expunged from their file. Considering the growing importance of credit in our economy, the right to fair credit reporting is becoming more and more essential. We certainly would not tolerate a Government agency depriving a citizen of his livelihood or freedom on the basis of unsubstantiated gossip without an opportunity to present his case. And yet this is entirely possible on the part of a credit reporting agency.

There are a number of reasons why it is difficult for consumers to correct inaccurate information.

First, many consumers simply are unaware of the existence of credit reporting agencies or of the fact that their file contains inaccurate information. A person who applied for credit and is turned down is not always told the reason. In the absence of such disclosure he may not connect the rejection with an adverse credit rating, particularly if he has a limited education and is less sophisticated about financial matters.

Even more serious is the practice of many retailers of not even informing a person he has been rejected for credit. His application is simply pigeonholed. In such a case, the individual does not know whether his application is rejected, lost, or merely pending. He would thus have no way of knowing a credit reporting agency is sending out adverse information on him which may be entirely inaccurate.

But the most disturbing fact of all is that the service agreement between some credit reporting agencies and its business customers prohibits the customer from disclosing the identity of the credit reporting agency to any consumer. For example, until recently a standard service contract of the Retail Credit Agency required its clients to agree that "all reports, whether oral or written, will be kept strictly confidential; except as required by law, no information from reports nor your identity as the reporting agency will be revealed to the persons reported on."

To illustrate the workings of this clause, let us assume Retail Credit investigated an applicant for an insurance policy. Let us further assume the report included a completely baseless charge that the person was an alcoholic. As a result of the report, the insurance company rejects the person for insurance. However, the company is precluded by the service agreement from revealing the reason why or from identifying the Retail Credit Co. as the purveyor of the charge. Thus the individual has no opportunity whatsoever of correcting the falsehood. Moreover, such a lie could even affect his future employment. Surely this kind of protected character assassination has no place in a democracy where the right of procedural due process is guaranteed to every citizen.

Following House hearings chaired by Congressman GALLAGHER, Retail Credit deleted the no-disclosure clause from its contract. However, it is not known how many other credit reporting agencies impose a similar requirement.

A second reason why consumers have difficulty in correcting inaccurate information is that such procedures are costly to credit reporting agencies. Most credit reporting agencies operate on a high-volume basis. The typical investigation by the Retail Credit Co. takes 30 minutes. Since a credit reporting agency earns its income from creditors or its other business customers, time spent with consumers going over individual reports reduces the agency's profits.

While it is no doubt true that many individual credit reporting agency managers feel a moral obligation to help consumers correct their files, it is also true that no single agency can spend too much time on such consumer services without driving up the cost of their reports. If the cost goes too high, the agency could lose business to a rival credit reporting agency with a more limited consumer service program. The Credit Bureau in the District of Columbia probably has one of the best consumer service programs in the country, yet only 2 percent of its total budget is allocated to this function.

Some credit reporting agencies set up artificial roadblocks to discourage consumer attempts to correct their files. For example, the manager of the Fort Smith, Ark., credit bureau has written in a credit bureau trade publication that—

> If the declined applicant is interested enough in his or her record to visit the bureau, and feels strongly enough that an error has been made, we should take the time to investigate. In checking with other bureau managers, I find most of them are willing to investigate. However, some bureaus discourage this by placing a nuisance charge on the investigation, or merely placing the date of the interview as much as two weeks away.

When such practices are openly acknowledged in the industry's own trade magazine, it is difficult to deny that they exist.

Many credit reporting agencies refuse to show consumers their files possibly out of fear of litigation and partly to protect its information sources. Retail Credit will neither confirm nor deny that it made a report on an individual on the grounds that if it did so, its information would dry up, litigation would increase, and its reporting activities would be slowed down. This argument is but another example of the needs of business taking precedence over consumer rights.

A third reason why consumers have trouble correcting their credit records is that many credit bureaus also serve as debt collection agencies. Thus when a particular bill is in dispute, the credit bureau acting as a collector has a direct financial interest in upholding the merchant's version of the dispute. Under these circumstances it is no wonder that the consumer has trouble getting his side reflected in the credit bureau files.

If the problem were confined to that one particular case, the problem would not be so bad. But the adverse credit information can jeopardize an individual's credit standing with all of his other creditors. He could wind up losing all his credit, his insurance, perhaps even his job, all because of a dispute on a single unjust bill. When credit bureaus become collection agencies, the opportunities for vindictive action against a recalcitrant debtor become enormous. In such a case the individual is helpless regardless of whether he is right or wrong. I have received mail from numerous individuals who have been harassed and hounded unmercifully by credit bureaus acting as bill collectors. One Wisconsin couple was even forced to move to California because of the unconscionable collection tactics employed by a credit bureau.

IRRELEVANT INFORMATION

In addition to supplying inaccurate information, a second major abuse of credit reporting agencies is the dissemination of irrelevant information—that is, the information may be technically accurate but it may not serve any useful purpose.

One of the most common irrelevancies perpetuated by credit reporting agencies is furnishing information on minor offenses committed many years ago. Although our legal system recognizes a statute of limitations on even the most serious offenses, this concept does not appear to have invaded the thinking of some credit reporting agencies. The fact that a man was arrested as a youth 10 or 15 years ago has little bearing on his credit worthiness today. But some credit reporting agencies seem to think it does. To illustrate:

A Washington attorney was recently denied employment because his credit report included information about two cases of intoxication that occurred 20 years ago.

An Oregon businessman, having difficulty obtaining credit, finally managed to see his credit report. He discovered a false charge of bankruptcy which had allegedly occurred 16 years ago. The credit bureau refused to make the correction.

A New Orleans photographer, testifying before Senator HART's Antitrust Subcommittee, indicated he is still being damaged by derogatory credit reports concerning a suit filed 10 years ago and subsequently dismissed.

A second kind of irrelevant information goes beyond the immediate purpose for acquiring the information and includes all kinds of extraneous details, frequently of a highly personal nature. For example, standard credit reports used to judge an applicant for credit sometimes include information on the person's "character," "habits," and "morals." First, it is difficult to define what these terms mean. Second, it is doubtful a credit bureau can come up with any definitive judgment on a person's morals given the time taken to investigate—about 30 minutes. Third, it is difficult to see what business it is of the creditors anyway unless they are just downright nosey. A creditor does not have an absolute right to obtain details on any and all aspects of a person's private life merely because he has applied for credit, even if the creditor can demonstrate some vague and tenuous relationship between the information and the decision as to whether or not to grant credit. At some point the individual's right to privacy takes precedent over the creditor's right to obtain information.

The Associated Credit Bureaus of America—ACB of A—Inc. has indicated this item has been deleted from ACB of A standard reporting forms. However, it is unclear to what extent information is still reported by individual members or nonmembers. According to ACB of A officials, only two-thirds of all credit bureaus belong to ACB of A.

HOW CONFIDENTIAL ARE CREDIT BUREAUS?

The fact that credit reporting agencies maintain files on millions of Americans, including their employment, income, billpaying record, marital status, habits, character and morals is not in and of itself so disturbing. What is disturbing is that this practice will continue, and will have to continue, if we continue to have an insurance system and a consumer credit system of the kind we have. What is disturbing is the lack of any public standards to insure that the information is kept confidential and used only for its intended purpose. The growing accessibility of this information through computer- and data-transmission techniques makes the problem of confidentiality even more important.

One aspect of the confidentiality problem is the fact that some credit reporting agencies have only a vague policy as to whom they will furnish the information. This point was forcefully demonstrated by a Columbia law professor, who wrote a credit bureau to see whether the agency would supply information about a research assistant on the grounds that she was being considered for a promotion. The credit bureau quickly responded, supplying information on her marital and financial status, previous employment record, police record, character, habits, and morals. All this was freely given despite the fact that Columbia was not a credit granter and was not a member of the local bureau.

The testimony of the president of Retail Credit before the Gallagher subcommittee is instructive on the problem of confidentiality:

> From its beginning, our Company has followed a positive philosophy in helping our customers to market their goods and services. Our aim has been to develop, and present objectively, the facts, favorable or otherwise, which our customers need for making valid business decisions. . . . The users of our services must be reputable, responsible, financially sound firms with a legitimate need for business information.

It is interesting to note that in this statement of basic philosophy, nowhere is the need of business counterbalanced by the individual's right to privacy. Just what is a "legitimate business need" is not very clear. Would the information in the files of Retail Credit be given to a private detective agency on the grounds that it had a "legitimate business need"? Could the information be used by a market research firm planning a sales campaign? This would certainly appear to be a legitimate need from the point of view of the business. Would information on a person's sex habits developed in an insurance report be given to a business firm on the grounds that the firm was considering the person for employment? Must the person have applied for employment or can a business firm obtain the information on its own, claiming "legitimate business need"?

Going beyond the field of business needs, other writers have given examples of a labor union obtaining credit reports on prospective jurors in a Federal prosecution, and of credit reports being obtained to check on prospective husbands or sons-in-law.

A second aspect to the problem of confidentiality is the use of information inconsistent with the purposes indicated when the information was collected. When an individual seeks to buy an insurance policy, it might be argued that he has given his implied consent to be investigated. Likewise, when he applies for employment. But surely the doctrine of implied consent cannot be stretched to infer that the individual has agreed that information acquired in an insurance investigation or filled out on a credit application can be furnished to prospective employers. Considering the gossipy personal information included in Retail Credit's insurance investigations it is frightening to think such information could affect a person's entire career. It is bad enough to be turned down for insurance. It is much worse to lose a job on the basis of an erroneous piece of gossip in a credit file.

A third aspect to the confidentiality problem is the maintenance of adequate internal security procedures. The pay of credit bureau employees is extremely low and the turnover is very high. Under these conditions a large and constantly changing group of people have access to the files. Just how many are able to fulfill their proclivities for snooping and gossip is hard to tell. What is certain, however, is that tight security standards are expensive. Since credit bureaus are almost entirely responsive to the needs of business and have little responsibility to consumers, it is difficult to see major expenditures on security systems in the absence of public standards.

A fourth aspect to the problem of confidentiality is whether or not the information in the files of credit reporting agencies should be made available to governmental agencies. On this question, the industry appears divided. Harry C. Jordan, president of the Credit Data Corp., refuses to give any information to a governmental law-enforcement agency unless pursuant to a legal process. On the other hand, the Retail Credit Co. makes such information freely available to governmental agencies including the FBI and the Internal Revenue Service. The president of the firm, W. Lee Burge, has testified that "we have considered our voluntary cooperation with these agencies to be in the public interest."

One can certainly be sympathetic to the problems of the FBI and IRS in meeting their heavy responsibilities. But, nonetheless, their right to investigate is not absolute and is subject to various constitutional restraints including the rights guaranteed by the fourth amendment on unreasonable search and seizure. Regardless of whether the individual has any legal control over the information on him in a credit reporting agency's file, I certainly feel he has a moral claim to controlling its use. He should not be entirely dependent upon the policies of the particular credit reporting agencies to protect his basic rights.

BIAS TOWARD GHETTO RESIDENTS

One consequence of the present credit reporting system is to systematically exclude ghetto residents from the mainstream of the American credit economy. There is a vicious cycle element to the problem. Ghetto residents cannot get credit with the reputable downtown retailers because they have bad credit records. Therefore, they deal with the ghetto merchants who charge exorbitant prices for inferior and often defective merchandise. An FTC survey of retailing in the District of Columbia showed prices in ghetto stores averaged 60 percent more.

There is no doubt in my mind that one of the principal reasons for the riots we have suffered in ghetto areas has been the distress and the indignation of people who live in the ghettos that they are being overcharged. As a matter of fact, we can see it documented when the stores that are broken into and burned and looted are the stores where merchants who allegedly have overcharged them are in business. The FTC survey, in showing that they are charged 60 percent more, it seems to me, is the clearest kind of documentation.

As a result of being bilked, many of these ghetto residents discontinue payments, thereby incurring an even worse credit record, thus making it even more difficult to obtain credit at the lower cost stores.

What we need is a credit reporting system that is more socially oriented—one that serves the needs of consumers and particularly low-income consumers as well as creditors. We need to develop more precise methods of credit evaluation in order to establish the credit worthiness of the many ghetto residents capable of meeting their obligations.

That study indicated, incidentally, that the overwhelming majority of ghetto residents do meet their obligations and are concerned about their credit and have a good credit record.

Such methods should not be passive and rely upon consumer initiative to bring corrections to the attention of the credit bureau. Instead, a more active approach is called for in which the credit bureau itself takes the initiative. However, such a system would be more costly than the existing system. From the creditor's point of view, the added cost of such "social frills" may not be commensurate with the added revenue, although from a broader social point of view the added benefits substantially exceed the cost. Since the creditor pays the bill for credit reporting services, he calls the tune. Thus, in the absence of public standards, it is unlikely that a socially responsive credit reporting system will evolve.

LEGAL STATUS OF CREDIT REPORTING AGENCIES

Only one State, Oklahoma, has undertaken to regulate credit reporting agencies. A statute passed in 1910 requires:

> Whenever an opinion upon the financial or credit standing of any person is about to be submitted for the purpose of establishing a financial or credit rating of customers, to be used by the retail business concerns, the person . . . submitting such opinion shall first mail a copy of such opinion to the person about whom the opinion is given.

Note that the statute applies only to "opinions" and not "facts." Facts which turn out to be wrong can be as damaging as any opinion.

What little regulation there is exists in judicial decisions, but even here, the dominant trend is to uphold the interests of the credit reporting agency rather than the consumer. According to a forthcoming note in the Georgetown Law Review:

> Despite the scope and nature of credit investigations and the serious inaccuracies or misinformation they may produce, the individual who is the subject of a credit report is all but unprotected in most jurisdictions. The bulk of actions against credit bureaus are libel suits. They are seldom successful, however, because the majority view is that a report by a credit bureau to a particular subscriber whose legitimate business interests are involved or appear to be involved is conditionally privileged. Thus, in the absence of malice, the subject of the report has no cause of action against the credit bureau, regardless of the falsity of the report. The basis for the privilege is that the credit bureau is performing a necessary and useful business which benefits those who have a legitimate interest in the report.

The privilege is, however, conditional and may be lost if the credit reporting agency releases the report to the general public or to distinterested parties or with malice. A few courts hold that the privilege is lost if the credit reporting agency failed to exercise "due care" or meet similar standards, but this is a minority view. The majority of courts hold that negligence does not destroy the credit reporting agency immunity from libel actions.

What we have, then, is a credit reporting system operating as a quasi-public utility with virtually no public regulation. Almost every segment of the credit industry is subjected to detailed regulation, both State and Federal, to uphold the rights of the consumer. And yet the credit reporting industry, one of the most vital links in our credit system, has gone unregulated despite the existence of serious abuses. Under what theory of public policy can this anomaly be justified?

One theory advanced by credit reporting industry spokesman to justify inaction is that there are no basic rights at stake. According to this argument, "credit is a privilege, not a right." It is the individual who submits the application for the credit; therefore, he must expect to be investigated. The creditor has the right to ascertain whatever information he feels he needs to make a decision. Since the creditor is paying for the information, the credit bureau must naturally follow the wishes of the creditor.

The basic fallacy in this argument is that because the creditor pays the bill his needs are paramount. In the final analysis, the consumer pays the bill, either as a separate charge added to the finance charge, or in the form of higher prices for the merchandise. If a merchant rejects an applicant for a 30-day charge account and the applicant pays cash instead, he is indirectly subsidizing the credit reporting system but with no collateral benefits. Since the consumer pays the bill in the end, he has a right to have his interests represented and protected. The credit reporting system can only be justified if it serves the consumer as well as business. But nowhere in the system are consumer interests represented or articulated. Whatever reform has occurred has been in response to critical newspaper or magazine articles or congressional hearings.

A second argument advanced by the industry to head off public safeguards is the notion of voluntary regulation. Since the Gallagher hearings early last year, the Associated Credit Bureaus of America and various creditor organizations have been working to develop a code of voluntary guidelines. On January 13, an advisory committee on protection of privacy consisting of ACB of A and eight creditor organizations recommended a set of guidelines to protect consumer privacy. While these guidelines are an encouraging step, certain points about the guidelines should be noted:

First. Not one single consumer organization participated in the development of the guidelines although eight creditor groups were represented. This fact alone reveals the basic orientation of the credit reporting industry.

Second. The guidelines are only recommendations. There is no assurance they will be followed by individual credit reporting agencies. In fact there is considerable opposition to any consumer protection guidelines by some credit reporting agencies as evidenced by a rather stormy meeting held on the subject last December.

Third. No adequate means exists for the national trade association to enforce the guidelines. If adoption of the guidelines become a condition of membership, member agencies could simply withdraw from the association if they disagreed with the guidelines. Little would be lost since a Supreme Court antitrust decree requires member agencies to make information available to nonmembers on the same terms and conditions such information is furnished to members.

Fourth. Voluntary guidelines are inherently unstable and to a large extent, unfair. If they have any degree of effectiveness, they impose extra costs on those who comply. Thus, noncompliers are rewarded and are given an unfair competitive advantage over those who comply.

Fifth. Even if the guidelines were followed by all ACB of A members, approximately one-third of all credit bureaus do not belong to the association.

Sixth. The guidelines do not cover firms engaged in insurance or personnel investigations where some of the most serious invasions of privacy have occurred.

Seventh. The guidelines impose no requirements on creditors or other users of information to disclose to consumers that they are being rejected because of an adverse credit report. That is the very heart of the bill I have offered. Thus the individual has no sure way of knowing he is the victim of an inaccurate credit report.

WHAT THE FAIR CREDIT REPORTING BILL DOES

Mr. President, in response to these abuses, I have drafted a fair credit reporting bill designed to provide consumers with more protection than they are now getting. I believe the bill is a sensible and moderate approach to the problem and reflects what many of the best credit reporting agencies are already doing. The bill does not seek to curb the growth of credit reporting agencies but rather to make uniform throughout the industry procedures designed to insure the consumer's right to a reporting system that is accurate and relevant and which safeguards confidentiality.

The guidelines apply to all credit reporting agencies using the facilities of interstate commerce and who provide information on an individual's credit worthiness, credit standing, credit capacity, character, or general reputation. The act would cover all agencies reporting such information to business firms and others for the purpose of granting credit, providing insurance, or for employment or personnel purposes or for other business purposes.

In order to protect consumer interests, the following requirements would apply:

A. ACCURACY OF INFORMATION

First. Credit reporting agencies would have to provide, upon request, a reasonable opportunity for an individual to correct inaccurate or misleading information in his file;

Second. In order to make the first provision effective, creditors and other firms using credit reports would have to disclose to individuals that they are being rejected for credit, insurance, employment, and so forth, wholly or partly on the basis of a credit report when such is the case and to disclose the name and address of the credit reporting agency. In this way the individual is alerted to the existence of possible inaccuracies in his credit file and has an opportunity to take corrective action.

Third. Whenever credit reporting agencies enter a derogatory item in a person's credit file based upon public records such as notices of judgments, suits, arrests, and so forth, they would be required to notify the individual. This alerts the individual to the fact the credit bureau has recorded the adverse item. If the matter is subsequently settled in favor of the individual he then has an opportunity to contact the agency to seek a record. In the absence of such notification to the individual, the adverse information could remain in the file indefinitely.

B. RELEVANCE OF INFORMATION

First. Credit reporting agencies would be required to keep information current and to destroy such information after it has become obsolete or after the expiration of a reasonable period of time.

Second. Credit reporting agencies would be required to limit their information to those items essential to the purpose for which the information is used. Likewise, they would be precluded from handling information only remotely related to the purpose for which it is used or which represents an undue invasion of the individual's right to privacy. For example, a credit report furnished to a retail merchant on a person seeking to open a charge account could properly include information on the person's bill-paying record, but not information on the person's private habits or morals.

C. CONFIDENTIALITY OF INFORMATION

First. Credit reporting agencies would be required to maintain general procedures to insure the confidentiality of information obtained by the agency. This would extend to internal security procedures to safeguard information as well as appropriate checks on prospective customers to insure the preservation of confidentiality.

Second. Credit reporting agencies could furnish information on individuals only to persons with a legitimate business need for the information and who intend to use the information in connection with a prospective consumer credit or other transaction—such as the sale of insurance—with the individual, unless the individual consents otherwise in writing. This would preclude the furnishing of information to Government agencies or to market research firms or to other business firms who are simply on fishing expeditions.

Third. Credit reporting agencies could not furnish information for purposes different from the purposes disclosed in the collection of the information unless agreed to in writing by the individual concerned. This provision would preclude an agency from giving information it collects pursuant to a credit or insurance investigation to current or prospective employers.

The act would be administered by the Federal Reserve Board which also administers the Federal Truth-in-Lending Act. The Board is given the authority to write more detailed regulations to achieve the purposes of the act. Individuals are given the right to bring civil actions against credit reporting agencies which willfully violate the act or regulations issued thereunder and collect actual damages, court costs, and attorney fees, and punitive damages of not less than $100 nor more than $1,000.

Mr. President, I believe the fair credit reporting bill is a reasonable approach to the problem. It gives consumers the protection they need against unfounded or malicious credit reports, while at the same time it permits the credit reporting industry to fulfill its important function in our economy. I am hopeful that the Congress can take early action on this measure.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD at the end of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 823

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled—

SECTION 1. (a) The Truth in Lending Act is amended by adding at the end thereof the following new chapter:

"CHAPTER 4—CREDIT REPORTING AGENCIES

"Sec.
"161. Short title.
"162. Findings and purpose.
"163. Definitions and rules of construction.
"164. Requirements on credit reporting agencies.
"165. Requirements on users of credit reports.
"166. Civil liability.

"§ 161. Short title

"This chapter may be cited as the Fair Credit Reporting Act.

"§ 162. Findings and purpose.

"(a) The Congress makes the following findings:

"(1) An elaborate interstate mechanism has been developed for investigating and evaluating the credit worthiness, credit standing, credit capacity, character and general reputation of individuals.

"(2) In an economy which depends increasingly upon information on individuals for the extension of credit and the movement of goods and services there is a need that such information be accurate and readily ascertainable.

"(3) Credit reporting agencies have assumed a vital role in assembling and evaluating consumer credit and other information on consumers and individuals.

"(4) There is a need to insure that credit reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the individual right to privacy.

"(b) It is the purpose of this chapter to require that all credit reporting agencies, utilizing the facilities of interstate commerce, adopt reasonable procedures, in accordance with regulations prescribed by the Board, for meeting the needs of commerce for credit and other information in a manner which is fair and equitable to the individual.

"§ 163. Definitions and rules of construction

"(a) Definitions and rules of construction set forth in this section are applicable for the purposes of this chapter.

"(b) The term 'credit rating' means any evaluation or representation as to the credit worthiness, credit standing, credit capacity, character, or general reputation of any individual.

"(c) The term 'credit report' means any written, oral, or other communication of any credit rating, or of any information which is sought or given for the purpose of serving as a basis for a credit rating.

"(d) The term 'credit reporting agency' means any person which regularly engages in whole or in part in the business of furnishing credit reports, and for the purpose of preparing or furnishing them uses any means or facility of interstate commerce.

"§ 164. Requirements on credit reporting agencies

"Every credit reporting agency shall follow procedures, in conformity with regulations prescribed by the Board, to achieve the following objectives:

"(a) To insure the confidentiality of information obtained by the agency which bears upon the credit rating of any individual.

"(b) To provide any individual, upon request, a reasonable opportunity to correct information obtained by the agency which may bear adversely upon his credit rating.

"(c) To limit the collection, retention, or furnishing of information bearing upon the credit rating of any individual to those items essential for the purposes for which the information is sought and to preclude the collection, retention, or furnishing of information which only marginally benefits the purposes for which the information is sought or which represents an undue invasion of the individual's right to privacy.

"(d) To keep current information bearing on the credit rating of any individual and to destroy such information after it has become obsolete or after the expiration of a reasonable period of time.

"(e) To notify promptly any individual whenever information which is a matter of public record is obtained by the agency and which is, or is likely to be interpreted by the agency or its clients as, adverse to the credit rating of the individual, and to provide a reasonable opportunity to the individual to submit an explanatory statement with respect thereto.

"(f) To insure that, unless the individual on whom the information is being furnished agrees otherwise in writing, the information obtained by the agency is furnished only—

"(1) to persons with a legitimate business need for the information and who intend to use the information in connection with a prospective consumer credit or other transaction with the individual on whom the information is furnished; and

"(2) for the purposes disclosed in the collection of the information.

"§ 165. Requirements on users of credit reports

"Whenever credit pursuant to a consumer credit transaction is denied or other prospective transaction with an individual is cancelled wholly or partly because a report from a credit reporting agency, the person involved shall so notify the individual to whom the credit is denied or with whom the prospective transaction is cancelled and shall supply the name and address of the credit reporting agency making the report.

"§ 166. Civil liability

"(a) Any credit reporting agency or user of information which willfully fails to comply with any requirement imposed under this chapter with respect to any individual is liable to that individual in an amount equal to the sum of—

"(1) any actual damages sustained by the individual as a result of the failure;

"(2) such amount of punitive damages as the court may allow, which shall be not less than $100 nor greater than $1,000; and

"(3) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

"(b) Any action under this section may be brought in any United States District Court, or in any other court of competent jurisdiction, within two years from the date of the occurrence of the violation."

(b) The table of chapters at the beginning of the Truth in Lending Act is amended by adding at the end thereof the following:

"4. Credit reporting agencies---------- 161"

(c) The caption at the beginning of the Truth in Lending Act is amended to read as follows:

"TITLE I—TRUTH IN LENDING"

Mr. LONG. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, I congratulate the Senator for the very interesting and able presentation he has made in this area. It is very clear from his remarks that this matter certainly deserves a great amount of study. Having listened to the Senator's remarks, I assure him of my interest and I believe the matter should be directed to the attention of every Senator because this is an important problem and we should look carefully into it.

Mr. PROXMIRE. I thank the Senator from Louisiana, who is an outstanding Senator. He has studied all kinds of problems from all sorts of angles and who understands the credit industry. We all know he is the fine chairman of the Committee on Finance. I am most flattered and gratified that he has expressed interest in the bill. I agree that the matter should be called to the attention of all Senators.

Mr. LONG. I am sure the Senator has discussed his bill with the parliamentarian. Is the bill to go to the Committee on Banking and Currency?

Mr. PROXMIRE. It is my understanding the bill will go to that committee. It is an amendment to the truth-in-lending bill. It affects primarily credit. There is no tax angle involved. Possibly the Committee on Commerce would have an interest, but fundamentally it is a matter for the Committee on Banking and Currency.

Mr. LONG. It would occur to me that the Committee on Banking and Currency would be the committee to study the matter, although, as the Senator indicated it would be of interest to some of the other committees. Logically, however, I think the Committee on Banking and Currency would be the proper committee to study the matter.

Mr. PROXMIRE. The staff has informed me that the matter has been discussed with the parliamentarian and in their judgment the matter would go to the Committee on Banking and Currency.

Mr. LONG. Now, we have a truth-in-lending law, and we are getting into that area. It is very appropriate to try to see to it that persons are not victimized by falsehoods that get into credit reports.

I am happy to hear the Senator outline what the bill would do. I know it contains a great number of facets, and I am curious to know how the Senator became interested in these problems.

Mr. PROXMIRE. We received quite a bit of mail on this subject, the newspapers have been aware of this problem, and we have a very diligent staff man, Mr. Kenneth McLean, who has gone into this matter and discussed it with people in the industry. He has done a marvelous job of research. Obviously, he had much to do with the speech I have just delivered.

Mr. LONG. I did not hear all of the Senator's speech. Did the Senator speak of individuals stealing a large number of credit cards, in some instances from post offices?

Mr. PROXMIRE. No. Recently I did introduce a bill dealing with unsolicited distribution of credit cards. I think that matter also deserves the attention of Congress. This is an industry which has grown fantastically in the last few years. I understand the Mafia was selling credit cards at $200 apiece.

This is an area that has not been given enough attention by Congress, and we should study this new industry.

Mr. LONG. It seems to me that perhaps we should have a Federal law in this area, similar to obtaining by false pretense laws, in a situation where someone steals, buys, or fraudulently obtains a credit card other than his own and proceeds to use that credit card to run up large amounts of credit. That is becoming an increasing problem where there are a large number of credit cards outstanding.

Mr. PROXMIRE. That is exactly right. That is why the main thrust of the bill I introduced on that matter is to provide that credit card issuers are required to meet certain safeguards and if they do not meet those safeguards then they, rather than the recipient of credit cards, will be responsible and liable.

The difficulty is that if, say, the Senator from Louisiana, or I, were to receive a credit card and we did not use it or want to use it, and someone should steal it, we are likely to be liable for thousands of dollars that could be run up against us. It is one purpose of that bill to protect the consumer so that he will not be placed in that vulnerable position.

I thank the Senator from Louisiana very much.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations now at the desk, and which were reported earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF JUSTICE

The legislative clerk read the nominations of Richard G. Kleindienst, of Arizona, to be Deputy Attorney General vice Warren Christopher, resigned; Jerris Leonard, of Wisconsin, to be an Assistant Attorney General vice Stephen J. Pollak; Richard W. McLaren, of Illinois, to be an Assistant Attorney General vice Edwin M. Zimmerman, resigned; William H. Rehnquist, of Arizona, to be an Assistant Attorney General vice Frank M. Wozencraft; William D. Ruckelshaus, of Indiana, to be an Assistant Attorney General vice Edwin L. Weisl, Jr.; Johnnie M. Walters, of South Carolina, to be an Assistant Attorney General vice Mitchell Rogovin; and Will Wilson, of Texas, to be an Assistant Attorney General vice Fred M. Vinson.

The PRESIDING OFFICER. Without objection, the nominations are confirmed.

DISTRICT OF COLUMBIA

The chief clerk read the nomination of Walter E. Washington, to be Commissioner of the District of Columbia for a term expiring February 1, 1973.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. KENNEDY. Mr. President, I ask unanimous consent that, beginning with Calendar No. 2, the calendar be called in sequence.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, these items have all been cleared on both sides of the aisle.

ELEANOR S. WHELAN

The resolution (S. Res. 72), to pay a gratuity to Eleanor S. Whelan, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Eleanor S. Whelan, sister of Joseph M. Whelan, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

LOUIS C. STREETS

The resolution (S. Res. 71) to pay a gratuity to Louis C. Streets, was considered, and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Louis C. Streets, widower of Clementine E. Streets, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of her death, a sum equal to six months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

LULU M. TOWLES

The resolution (S. Res. 70), to pay a gratuity to Lulu M. Towles, was considered, and agreed to, as follows:

S. Res. 70

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Lulu M. Towles, widow of George A. Towles, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE MANUAL

The resolution (S. Res. 75), authorizing the revision and printing of the Senate Manual for use during the 91st Congress, was considered and agreed to, as follows:

Resolved, That the Committee on Rules and Administration be, and it is hereby, directed to prepare a revised edition of the Senate Rules and Manual for the use of the Ninety-first Congress, that said Rules and Manual shall be printed as a Senate document, and that two thousand additional copies shall be printed and bound, of which one thousand copies shall be for the use of the Senate, five hundred and fifty copies shall be for the use of the Committee on Rules and Administration, and the remaining four hundred and fifty copies shall be bound in full morocco and tagged as to contents and delivered as may be directed by the committee.

JOINT COMMITTEE ON PRINTING AND JOINT COMMITTEE ON THE LIBRARY

The resolution (S. Res. 74), providing for Members of the Senate of the Joint Committee on Printing and the Joint Committee on the Library, was considered, and agreed to, as follows:

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress:

Joint Committee on Printing: Mr. Jordan of North Carolina; Mr. Allen, of Alabama; and Mr. Scott, of Pennsylvania.

Joint Committee of Congress on the Library: Mr. Jordan of North Carolina; Mr. Pell, of Rhode Island; Mr. Cannon, of Nevada; Mr. Cooper, of Kentucky; and Mr. Thurmond, of South Carolina.

THE 69TH ANNUAL REPORT, NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

The resolution (S. Res. 73), authorizing the printing of the 69th annual report of the National Society of the Daughters of the American Revolution as a Senate document, was considered, and agreed to, as follows:

S. Res. 73

Resolved, That the sixty-ninth annual report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1966, be printed, with an illustration, as a Senate document.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–5), explaining the purposes of the resolution.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The National Society of the Daughters of the American Revolution was incorporated by act of Congress on February 20, 1896 (29 Stat. 8–9), which act included the provision "that said society shall report annually to the Secretary of the Smithsonian Institution concerning its proceedings, and said Secretary shall communicate to Congress such portions thereof as he may deem of national interest and importance," but did not provide that such report be printed. When, in 1889, during the 55th Congress, the first report of the society was transmitted, as required by law, it was printed as a Senate document pursuant to a simple resolution agreed to by the Senate. All subsequent DAR reports, to date, have been printed as Senate documents under the same procedure.

The printing-cost estimate, supplied by the Public Printer, is as follows:

To print as a Senate document
(1,500 copies) ------------------ $3,933.41

COMSAT BOARD OF DIRECTORS

The bill (S. 17), to amend the Communication Satellite Act of 1962 with respect to election of the board of the Communications Satellite Corp., was announced as next in order.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ANDERSON. Mr. President, on January 15, 1969, the Senator from Rhode Island (Mr. Pastore) and I introduced a bill (S. 17) which would amend the Communications Satellite Act of 1962 to provide for a more equitable representation of stockholders on the board of the Communications Satellite Corp.

It is my understanding that as a result of the sale of stock by the carriers during 1967 and 1968, the total number of shares held by stockholders who are communications common carriers has been reduced to less than 40 percent of the total common Comsat shares outstanding. Therefore, Mr. President, the adoption of this amendment is urgently needed to correct an inequity with respect to the representation of the public stockholders on the board of the Comsat Corp. I believe that the formula set out in S. 17 will provide for an equitable representation of both public and common carrier stockholders.

I have always felt that a provision as provided for by S. 17 should have been a part of the act so that in the event that communications carriers did not purchase substantially 50 percent of the voting stock which was to be held for them, their right to elect six of the 12 members of the board elected by stockholders should be reduced proportionately.

When the Aeronautical and Space Sciences Committee held hearings in March 1963 on the nominations of the incorporators of the Communications Satellite Corp., I addressed myself to this very problem and was assured that should the shares of stock held by communications carriers be reduced substantially below 50 percent of the total Comsat shares outstanding, the corporation would request that an amendment be enacted which would adjust the carriers' representation and public shareholders' representation on the Comsat board. This now being the case, the Comsat Corp. has now suggested that this amendment be enacted.

Mr. President, to make this record complete, I ask unanimous consent to have printed in the Record at the end of my remarks a letter dated March 30, 1963, sent to me by Mr. Sam Harris, vice chairman of the incorporators of the Communications Satellite Corp., and my response to him dated April 1, 1963.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ANDERSON. Mr. President, in closing, let me say again that the formula for stockholders' representation on the corporate board of the Communications Satellite Corp. as set forth in the proposed amendment, S. 17, provides for an equitable representation of both the public and common carriers.

I urge Congress to act favorably on this bill at an early date to correct the existing inequitable formula.

Exhibit 1

Letter From Vice Chairman of Incorporators to Chairman of Senate Space Committee, March 30, 1963

Hon. Clinton P. Anderson,
Chairman, Senate Committee on Aeronautical and Space Sciences, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: We are pleased to confirm the statement made to you during the course of the conference in your office on March 29, 1963—attended by you, Senator Symington, Senator Smith, Mr. Leo D. Welch, Dr. Joseph V. Charyk, Mr. Bruce G. Sundlun and the undersigned—concerning the number of Directors the carriers are entitled to elect to the Board of the Communications Satellite Corporation.

If the carriers do not purchase substantially 50% of the voting stock offered at the time of the initial public offering, the Incorporators will request the Congress to adopt an amendment to the Act so as to reduce proportionately the number of Directors the carrier stockholders may elect.

As mentioned to you during the course of our conference, it is the considered view of counsel to the Incorporators that the number of carrier-elected Directors can be reduced in this manner only by an amendment to the Act, and that such an amendment of the Act would lawfully supersede any contrary provision of the Articles of Incorporation. We are advised that the Department of Justice is submitting to you an opinion to the same effect.

We are most grateful for the courtesy shown to us by you and your colleagues. We wish to thank each of you again for the opportunity to exchange views and to obtain the benefit of your advice.

Yours sincerely,

SAM HARRIS.

LETTER FROM CHAIRMAN OF SENATE SPACE COMMITTEE TO VICE CHAIRMAN OF INCORPORATORS, APRIL 1, 1963

Mr. SAM HARRIS,
Vice Chairman,
Communications Satellite Corp.,
Washington, D.C.

DEAR MR. HARRIS: I appreciate your letter of March 30, with reference to the stock to be acquired by the carriers in the Communications Satellite Corporation.

I appreciate your assurance that if the carriers do not purchase substantially 50 percent of the voting stock offered at the time of the initial public offering, the Incorporators will request the Congress to adopt an amendment to the Act so as to reduce proportionately the number of Directors the carrier stockholders may elect.

I think this will help very materially in discussions that may take place before the Congress, and I am glad that we had this opportunity to exchange views.

Sincerely yours,

CLINTON P. ANDERSON.

The PRESIDING OFFICER. The bill (S. 17) is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 17

A bill to amend the Communications Satellite Act of 1962 with respect to the election of the board of the Communications Satellite Corporation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303(a) of the Communications Satellite Act of 1962 (47 U.S.C. 733(a)) is amended to read as follows:

"SEC. 303. (a) The corporation shall have a board of directors consisting of fifteen individuals who are citizens of the United States, of whom one shall be elected annually by the board to serve as chairman. Three members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate, effective the date on which the other members are elected, and for terms of three years or until their successors have been appointed and qualified, and any member so appointed to fill a vacancy shall be appointed only for the unexpired term of the director whom he succeeds. The remaining twelve members of the board shall be elected annually by the stockholders. Six of such members shall be elected by those stockholders who are not communications common carriers, and the remaining six such members shall be elected by the stockholders who are communications common carriers, except that if the number of shares of the voting capital stock of the corporation issued and outstanding and owned either directly or indirectly by communications common carriers as of the record date for the annual meeting of stockholders is less than 45 per centum of the total number of shares of the voting capital stock of the corporation issued and outstanding, the number of members to be elected at such meeting by each group of stockholders shall be determined in accordance with the following table:

When the number of shares of the voting capital stock of the corporation issued and outstanding and owned either directly or indirectly by communications common carriers is less than—	But not less than—	The number of members which stockholders who are communications common carriers are entitled to elect shall be—	And the number of members which other stockholders are entitled to elect shall be—
45 per centum	40 per centum	5	7
40 per centum	35 per centum	4	8
35 per centum	25 per centum	3	9
25 per centum	15 per centum	2	10
15 per centum	8 per centum	1	11
8 per centum		0	12

No stockholder who is a communications common carrier and no trustee for such a stockholder shall vote, either directly or indirectly, through the votes of subsidiaries or affiliated companies, nominees, or any persons subject to his direction or control, for more than three candidates for membership on the board, except that in the event the number of shares of the voting capital stock of the corporation issued and outstanding and owned either directly or indirectly by communications common carriers as of the record date for the annual meeting is less than 8 per centum of the total number of shares of the voting capital stock of the corporation issued and outstanding, any stockholder who is a communications common carrier shall be entitled to vote at such meeting for candidates for membership on the board in the same manner as all other stockholders. Subject to the foregoing limitations, the articles of incorporation of the corporation shall provide for cumulative voting under section 27(d) of the District of Columbia Business Corporation Act (D.C. Code, sec. 29-911(d)). The articles of incorporation of the corporation may be amended, altered, changed, or repealed by a vote of not less than 66⅔ per centum of the outstanding shares of the voting capital stock of the corporation owned by stockholders who are communications common carriers and by stockholders who are not communications common carriers, voting together, provided that such vote complies with all other requirements of this Act and of the articles of incorporation of the corporation with respect to the amendment, alteration, change or repeal of such articles. The corporation may adopt such bylaws as shall, notwithstanding the provisions of section 36 of the District of Columbia Business Corporation Act (D.C. Code, sec. 29-916d), provide in the event of a national emergency for the continued ability of the board to transact business."

SEC. 2. As promptly as the board of directors of the Communications Satellite Corporation shall determine to be practical after this Act takes effect, a meeting of the stockholders of the corporation shall be called for the purpose of electing twelve members of the board in accordance with section 1 of this Act. The members of the board elected at such meeting shall serve until the next annual meeting of stockholders or until their successors have been elected and qualified.

SEC. 3. The status and authority of the members of the board of the Communications Satellite Corporation who were elected in conformity with the provisions of the Communications Satellite Act of 1962 prior to amendment by this Act and who are serving when this Act takes effect shall not be in any way impaired or affected until their successors have been elected and qualified in accordance with section 2 of this Act.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-6), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The principal purpose of S. 17 is to amend the Communications Satellite Act of 1962 (the act), so that the composition of the board of directors of the Communications Satellite Corp. will more nearly reflect the relative holdings of stock by stockholders who are communications common carriers and stockholders who are not communications common carriers.

PURPOSE OF LEGISLATION

The Communications Satellite Corp. was incorporated under District of Columbia law on February 1, 1963, as authorized by the act. The act authorized the corporation to issue and have outstanding no par value voting capital stock in such amounts as it should determine. The act required that 50 percent of such stock be reserved for purchase by authorized communications common carriers. In June 1964, the corporation offered for sale 10 million shares of no par value common stock at an offering price of $20 per share. As was anticipated by the Congress, 50 percent of that stock (5 million shares) was subscribed to by communications common carriers and the remaining 50 percent was subscribed to by members of the general public.

Common stock subscribed to and held by stockholders who are not communications common carriers has, for administrative purposes, been designated by the corporation as series I stock and the holders of such shares have been designated as series I stockholders. Similarly, common stock subscribed to and held by stockholders who are communications common carriers has been designated as series II stock and the holders of such shares have been designated as series II stockholders. All stock is, however, a single class of common stock, and, subject to the limitations of the act on total amount of ownership, series II stockholders may sell their stock to the general public, and series I stockholders may sell their shares to authorized communications common carriers.

Pursuant to section 303(a) of the act, the corporation is managed by a 15-member board of directors. Three members of the board are appointed by the President of the United States, by and with the advice and consent of the Senate, for terms of 3 years and the remaining 12 members of the board are elected annually by the stockholders. In view of the fact that the Congress anticipated that 50 percent of the corporation's stock would initially be owned by the communications common carriers, section 303(a) of the act provided specifically that six of the elected members of the board should be elected annually by those stockholders who are communications common carriers and that six should be elected annually by other stockholders of the corporation. Thus, the initial board of directors and all subsequent boards of directors, including the present one, have, in addition to the three directors appointed by the President, been composed of six directors elected by the series I stockholders and six directors elected by the series II stockholders.

The question of whether carrier representation on the board should be reduced as carrier stockholdings were substantially diminished was considered by the Congress in 1962, but was not dealt with in the act as finally passed. The House version of the act[1] contained a provision which, if it had been enacted into law would have made the carriers' representation on the board dependent upon the percentage of common stock of the corporation that they owned in the aggregate.

Both the incorporators of the corporation and the Department of Justice expressed concern about the problem to Members of the Congress during the process of organizing the corporation. On March 30, 1963, Mr. Sam Harris, vice chairman of the incorporators, advised the chairman of the Senate Space Committee, Senator Anderson, by letter, as follows:

"If the carriers do not purchase substantially 50 percent of the voting stock offered at the time of the initial public offering, the incorporators will request the Congress to adopt an amendment to the act so as to reduce proportionately the number of directors carrier stockholders may elect."

On April 1, 1963, the Department of Justice advised the chairman of the Senate Space Committee by letter that, upon a showing at any time that the carriers have elected six directors without retaining substantially half of the voting stock, it would be appropriate, and the Department would recommend, that Congress adopt an amendment to the Communications Satellite Act of 1962 which would relate the number of directors which the carrier stockholders are entitled to elect to the percentage of the corporation's common stock owned by the carriers.

On May 3, 1967, International Telephone & Telegraph Co. (ITT), a communications common carrier, disposed of 235,000 shares of the corporation's common stock by a sale to a group of underwriters and other securities dealers for resale to the public. As a result of such distribution and previous sales by other communications common carriers of lesser numbers of shares, the number of shares held by communications common carriers was reduced to 45.25 percent of the total number of shares of common stock issued and outstanding. Shortly thereafter, the board of directors of the corporation unanimously determined that carrier representation on the board should be reasonably proportionate to that percentage which the series II shares of common stock outstanding bears to the total of shares of common stock outstanding. The board authorized the management of the corporation to take appropriate action in order to give effect to such policy, if the number of series II shares fell below 45 percent of the total number of shares outstanding.

On June 4, 1968, ITT sold to a group of underwriters and securities dealers for resale to the public an additional 316,250 shares of the corporation's common stock. As a result of such sale, the series II shares outstanding were reduced to 42.06 percent of the total shares of common stock outstanding. Thereafter, the board of directors of the corporation, after again reviewing the matter, unanimously reaffirmed the policy enunciated at its meeting of May 9, 1967, and the corporation management recommended to the Congress an amendment to the act which would permit a reduction in the number of carrier directors elected to the board and a corresponding increase in the number of noncarrier directors. That amendment was introduced by Senator Pastore on July 25, 1968 as S. 3884 (90th Cong.). The committee was advised that the directors of the corporation, including the carrier directors, unanimously endorsed the bill.

Following the June sale of stock, one of two ITT directors on the corporation board, Mr. Eugene Black, resigned from the corporation's board.

On December 5, 1968, ITT again sold to a group of underwriters and securities dealers 400,000 additional shares of its stock of the corporation. That sale left ITT holding 100,000 shares of the corporation's stock, and reduced the total number of shares held by communications common carriers to 38.06 percent of the total common stock outstanding. Following that sale, the remaining ITT director, Mr. Ted B. Westfall, resigned from the corporation's board.

GENERAL STATEMENT

Section 1 of this bill amends section 303(a) of the act to provide a formula for electing 12 members of the board in such a manner that representation on the board will be reasonably proportionate to the relative shareholdings of stockholders who are communications common carriers and stockholders who are not communications common carriers. The first adjustment in relative representation on the board between series I and series II stockholders would be made as promptly as the board shall determine to be practical after the enactment of the bill (sec. 2) and thereafter once each year by the election of directors at the annual meeting of the corporation. Although it is recognized that it is possible that substantial changes in shareholdings could occur during the year, so that the composition of the board might not at any particular time precisely reflect the relative holdings of the two series of stock, the committee feels that the probable infrequency of this, and the expense and other practical problems incident to special meetings of stockholders, militate against a statutory requirement of interim adjustments.

The formula set forth in the bill provides that if the shares of the voting capital stock of the corporation issued and outstanding and owned either directly or indirectly by communications common carriers on the record date for the annual meeting of stockholders is less than 45 percent of the total number of shares of the voting capital stock of the corporation issued and outstanding on such date, then the number of members to be elected at such meeting by each group of stockholders shall be determined in accordance with the following table:

When the number of shares of the voting capital stock of the corporation issued and outstanding and owned either directly or indirectly by communications common carriers is less than—	But not less than—	The number of members which stockholders who are communications common carriers are entitled to elect shall be—	And the number of members which other stockholders are entitled to elect shall be—
45 per centum	40 per centum	5	7
40 per centum	35 per centum	4	8
35 per centum	25 per centum	3	9
25 per centum	15 per centum	2	10
15 per centum	8 per centum	1	11
8 per centum		0	12

It should be emphasized that the total number of members of the board always would remain at 15. The only adjustment would be in the relative number of carrier and noncarrier directors to be elected annually. When carrier shareholdings are less than 8 percent of the total number of shares outstanding, the carriers no longer would be entitled by law to elect any reserved number of directors, but would be entitled to cast their votes for directors in the same manner as all other stockholders and may apply the rules of cumulative voting.

This legislation retains the limitation of the original act that no carrier shall vote, either directly or indirectly, through the votes of subsidiaries or affiliated companies, nominees, or any persons subject to his direction or control, for more than three candidates for membership on the board.

The bill declares that the articles of incorporation of the corporation may be amended, altered, changed, or repealed by a vote of not less than 66⅔ percent of the outstanding shares of the voting capital stock of the corporation owned by the public and carrier stockholders, voting together. This makes clear that series I and series II stock are not to be treated as separate classes of stock under the District of Columbia Business Corporation Act or any other law. It is anticipated that the stockholders will be asked to approve amendments to the articles of incorporation which will implement the changes provided for by this legislation.

The last sentence of section 1 of the bill authorizes the corporation to adopt such bylaws as shall, notwithstanding the provisions of section 36 of the District of Columbia Business Corporation Act (District of Columbia Code, sec. 29-916d), provide in the event of a national emergency for the continued ability of the board to transact business. Section 36 of the Business Corporation Act provides that a majority of the directors of a corporation must be present in order to constitute a quorum for the transaction of business. The last sentence of section 1 of the bill permits the Communications Satellite Corp. to adopt more flexible bylaws which would help to assure the continuity of the decisionmaking process of this important international communications corporation in the event of a national emergency. As to the term national emergency, the committee accepts the observations made by the Chairman of the Federal Communications Commission, Rosel H. Hyde, and the chairman of the Communications Satellite Corp., James McCormack, that this provision will be applicable only in those situations specified in section 606 of the Communications Act of 1934, as amended.

Section 2 of the bill provides for an initial adjustment of the relative number of series I and series II directors in accordance with the table set forth in section 1 at a meeting of the stockholders to be called as promptly as the board deems practical. The exact time of the meeting is left to the discretion of the board. This is a desirable discretion in the event this legislation is not enacted in time to become effective for the May 1969 meeting of Comsat.

Finally, section 3 provides that, until their successors are elected and qualified, the enactment of the bill does not in any way impair or affect the status or authority of any member of the board who was elected in conformity with the provisions of the act prior to the enactment of this legislation.

CONCLUSION

From the point of view of the corporation and its public stockholders, there is a degree of urgency to the prompt enactment of this legislation. Similar legislation was sought in the second session of the 90th Congress, but time did not permit committee action. Since that time, the sales of stock by communications common carriers have increased the imbalance between the representation of the public and such carriers on the corporation's board. In the absence of legislation, the corporation's solicitation of proxies and other arrangements for the election of directors at the annual meeting in May 1969 must now go forward on the basis of the Communications Satellite Act's present provision for six carrier directors and six public directors, an arrangement which will leave the public (series I) stockholders substantially underrepresented. Hence, time is of the essence.

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[1] H.R. 11040, 87th Cong., second sess. sec. 303(a) (1962).

The Department of Justice, the Federal Communications Commission, the Office of Telecommunications Management, and the Communications Satellite Corp., and the common carrier representatives serving on the board of directors of Comsat all support the legislation.

APPOINTMENT BY THE VICE PRESIDENT

The **PRESIDING OFFICER**. The Chair, on behalf of the Vice President, pursuant to Public Law 90-448, appoints the Senator from Alabama (Mr. Sparkman) and the Senator from South Carolina (Mr. Hollings) as members of the National Advisory Commission on Low-Income Housing.

ORDER OF BUSINESS

Mr. **KENNEDY**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **KENNEDY**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

SEIZURE OF AMERICAN OIL PROPERTIES

Mr. **LONG**. Mr. President, an advertisement was published in the Washington Post this morning regarding the seizure by Peru of the assets of the International Petroleum Co., Ltd., by means of less than direct confiscation.

This advertisement illustrates the uncertainty of foreign oil supplies and the complete and arbitrary way in which certain nations can act when those nations feel, for one reason or another, because of a military overthrow of the elected government or because of an unreasonable attitude on the part of the government, that they wish to demand a higher price for oil or wish to confiscate or, in fact, to seize the oil company.

Some time ago, as a member of the Foreign Relations Committee, I fought successfully for an amendment that would remove any discretion whatsoever with respect to a President's right to continue foreign aid to a country that had confiscated American investments. A somewhat similar effort had been made previously, but discretion had been left to the President. When the time came to act, somehow, this Government, at the executive level, determined that it was in the national interest to avoid applying the provisions of the antinationalization or anticonfiscation amendment. When we removed all the discretion from the President, we then began to have an effective amendment.

Senator Hickenlooper, of Iowa, at that time suggested that that amendment touched only a part of the problem, because a great deal of the nationalizations or confiscations actually occurred through discriminatory taxation, import or export quotas, and by various and sundry methods, achieved the same result, but not by a direct confiscation of someone's assets.

The position stated by the International Petroleum Co. in its advertisement today is very clearly illustrative of the kind of thing some nations can resort to. It also illustrates that, while it is one thing to save the consumers money by having this country rely on foreign oil, those who advocate that overlook the fact that just because the world price may be below the price of domestic oil, the oil could not be bought by us that cheaply if those other countries are in a position to engage in international blackmail or extortion against the United States or our allies.

I have in mind the kind of things that occurred when Nasser closed the Suez Canal or when war broke out between Israel and the Arabs and the Arab nations decided they would boycott virtually the whole free world with regard to oil, until they were satisfied with the way that dispute was settled.

I also have in mind the arbitrary way in which countries which had signed agreements with companies in this country suddenly decided they were not satisfied with contracts previously negotiated and that they were going to insist that the price be doubled, or their share of the profits be doubled, or perhaps tripled, as the case may be.

In a case of that sort, the oil companies have had right on their side time and again, but they have had no court on which they could rely. The traditional story is told that the oil company lawyer goes before the man who signed the confiscation order and explains how the company had been forcibly seized, at which time the man who signed the order turned his three-cornered hat to the other side, where, instead of "President," it said "Chief Judge," and then proceeded to rule that he had not seized anything.

In this particular case it will be noted that the court in Peru, recognizing that the seizure order violated the Peruvian constitution, proceeded to rule that the constitutional rights of one in Peru do not exist if they would violate or in any way conflict with the order of the military junta that had taken over down there—a very arbitrary and difficult thing for a company to contend with.

I think Senators and others will read this advertisement with interest. It is obviously restrained, because the company would like to negotiate for a reasonable settlement of its grievance. I ask unanimous consent that the advertisement be printed in the Record.

There being no objection, the advertisement was ordered to be printed in the Record, as follows:

PERU'S BIGGEST TAXPAYER SEIZED BY JUNTA

International Petroleum Company, Ltd., in Peru, an affiliate of Standard Oil Company (New Jersey), has now been seized by a Military Junta—less than six months after an agreement had been reached with the Constitutional Government of Peru.

In recent weeks, many statements have been made regarding the confiscation of the producing, refining and related properties of International Petroleum (IPC) in Peru. These facilities served the local market and were the country's principal source of petroleum products. In view of developments, it seems appropriate to present a few facts to clarify the situation.

The dispute originated with the La Brea y Pariñas oil fields in northern Peru. In 1826, the mineral rights were acquired by a Peruvian. Sixty-three years later, the fields were sold to a British company.

In 1911, a disagreement arose regarding the tax status of the properties. This dispute was submitted to international arbitration in 1922 as agreed to in a treaty between Peru and Great Britain. In the course of its award settling the tax dispute, the arbitral tribunal confirmed the title which the British company held.

SUCCESSIVE PERUVIAN GOVERNMENTS RESPECT TITLE

This title to the La Brea y Pariñas fields was acquired by International Petroleum in 1924. For more than 40 years, successive Peruvian governments further recognized, through numerous actions, the validity of International Petroleum's property rights. Such actions included inscription of the title in the Public Register; purchase of land by the government through contracts which preserved the company's subsoil rights; and acceptance of tax and other payments derived from the properties. In view of this, the words and actions of the Military Junta mean that past governments—over more than 40 years—failed to defend the Nation's sovereignty and dignity.

EFFORTS TO ACCOMMODATE

During this time, International Petroleum offered on several occasions to cede its subsoil titles to the government and operate under Peru's general petroleum legislation. The government rejected these offers on the grounds that IPC would then pay lower taxes. So the company then agreed to pay at least as high taxes as it was currently paying. The proposal was never accepted. Nevertheless, the company continued negotiations with successive regimes in the hope of reaching a settlement.

In 1963, Peru declared the international treaties with Great Britain and titles to the La Brea y Pariñas oil fields to be null *ipso jure* (*which means in effect that they never existed*). Based on this retroactive legislation, a concept was advanced by some political sectors that the profits of IPC for many years from its operations in La Brea y Pariñas constituted a company "debt" to the State.

DEFINITE SETTLEMENT AGREED TO

Despite these actions and allegations against the company, an agreement was reached with the Constitutional Government of Peru on August 12, 1968.

The company accepted the basic demand of President Fernando Belaúnde and the Peruvian government to turn over the La Brea y Pariñas oil fields to the Nation. In addition, the company ceded compressor plants, pipelines, tankage and other producing facilities connected with the fields.

For its part, the government renounced any and all claims against International Petroleum arising from this controversy.

Under powers granted by the Peruvian Congress, this agreement was incorporated in an Executive Order, signed by the President and approved by all Cabinet members, including the three representatives of the Armed Forces.

With the controversy eliminated, the government granted International Petroleum's marketing and refining activities the same status accorded other private oil companies under Peru's general petroleum law.

Although the terms of the agreement were very onerous to IPC, the company regarded is as a necessary prelude to workable relations with the Peruvian government and one which would permit it to plan future investments. The agreement was widely publicized in the Peruvian press and hailed by practically all sectors of public opinion.

JUNTA ABROGATES AGREEMENT

But this solution was to last only briefly. On October 3, 1968, a Military Junta deposed the President and took over the government. The following day, the Military Junta issued a Decree Law declaring the contracts with the constitutional regime of President Belaúnde null and void. It also charged government officials with corruption in concluding the agreement. This charge has no foundation.

On October 9, military forces seized the La Brea y Pariñas oil fields and also took over the Talara refinery, industrial complex and other surface installations. Moreover, the Military Junta made it clear that any compensation for the seized assets of International Petroleum would have to take into account the company's alleged "debts."

These were reported to be very large as a result of the latest adopted line of reasoning. It goes like this. International Petroleum has been a trespasser in La Brea y Pariñas since 1924.

This reasoning is clearly absurd.

DUE PROCESS DENIED

The company requested relief from the Peruvian courts on the basis that it had been deprived of its property and other rights without due process of law, as established by the Peruvian Constitution. Its petition was denied on the grounds that laws and Decree Laws must be applied even if in conflict with the Constitution. Since the Military Junta has assumed all legislative as well as executive functions, the decrees it issued in seizing International Petroleum's properties have prevailed over constitutional guarantees.

COMPANY CONTINUES SUPPLY

Since the seizure of the refinery was illegal and the Government refused to negotiate a settlement, the company could not establish a normal business relationship with Empresa Petrolera Fiscal (EPF). However, to avoid a shortage of vital petroleum products throughout Peru, it agreed to take supplies from the refinery. It was prepared to make payments covering cash costs which it would normally have incurred had the seizure not take place, *pending a settlement of the overall issue*. On this basis, payments were made and were accepted by the government oil company which now operates the refinery.

ANOTHER "DEBT" TURNS UP

More recently, yet another claim of a company debt has been raised and has been used as a pretext to take over the financial and operating management of International Petroleum. On January 8 of this year the government oil company, EPF, presented International Petroleum with a bill for $14 million. This is claimed to represent the value of products delivered to the company since the takeover of its oil producing properties and refinery. The sum is based on an unrealistically high price structure which would cause the company to operate at a loss.

On January 16, EPF attached International Petroleum's assets and bank accounts in Lima to collect this claim, pursuant to a Decree Law which had been enacted *two weeks before*. The same day the company was intervened and agents of the Empresa moved into its offices and installations to control financial operations.

On January 28, company officials were removed and EPF took over total operational management of International Petroleum in Peru.

A PUZZLING STATEMENT BY EPF

In view of all that has transpired, it is strange that EPF placed an advertisement in the U.S. press on January 20 to assure the American public that the "solution" to International Petroleum's problem "will open the path to greater confidence . . . between our two countries."

To call this assertion puzzling is an understatement.

International Petroleum Co., Ltd.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE POLITICAL SITUATION IN GREECE

Mr. PELL. Mr. President, on October 3 and 12, 1968, while addressing the Senate on the question of the political situation in Greece, I referred to reports of brutal beatings inflicted upon persons arrested as enemies of the military regime. I mentioned the investigation being made into this matter by the Commission on Human Rights of the Council of Europe, of which Greece is a member. This examination, still going on, includes testimony from Greek citizens who have knowledge of some of these disgraceful incidents. A public report will be issued later this year. In the meantime, observers of the hearings in Strasbourg, France, are aware of some of the details of these tortures which flagrantly violate the European Convention on Human Rights; a convention to which Greece is a party.

Two articles have recently appeared on this subject which I think will be of interest to Senators. Without objection, I wish to place the articles, "The Man Who Told the Truth" by Terence Prittie in the Guardian Weekly of January 2, 1969, and "Greek Junta on Trial," by James Becket in the Nation magazine of January 6, 1969, in the Congressional Record at this point.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From Guardian Weekly, Jan. 2, 1969]

The Man Who Told the Truth

(By Terence Prittie)

A great deal has been written in the past month about Pantelis Marketakis—the "missing witness" who was brought to Strasbourg by the Greek military regime to testify before the Council of Europe's Human Rights Commission, who escaped into the arms of Greeks in exile, who took him to Oslo with the collaboration of Scandinavian diplomats, and who handed himself over to the Greek Embassy in Stockholm and returned to his home in Crete under the protection of the regime. One incident in this confused yet quite explicable story has not yet been described in any detail. It is the most revealing incident, since it has to do with what happened to Marketakis in Strasbourg.

Marketakis was in effect a prisoner in Strasbourg, just as long as he was being held by the military regime as a witness who would "disprove" accusations of the torture of political prisoners in Greece. In the early afternoon of November 24 he and the three other key witnesses were in the Diligence restaurant close to the cathedral for a meal. The four witnesses were accompanied by half a dozen trusties who were instructed to feed them but never let them out of their sight. They sat down at a table to order food.

They had scarcely done so when the exile Greek leader, Professor Andreas Papandreou, came into the restaurant with several of his friends. Ostensibly, this was a fortuitous meeting; in all probability Papandreou had learnt where the party was going and had followed. For his immediate action was to walk past the table where the witnesses and their guards were sitting and to say loudly, not to them but at them, that anyone who gave false testimony before the Human Rights Commission was a traitor to his country.

Having caused some confusion among the ill-assorted party of prisoners and thugs, Papandreou rejoined his friends. But another Greek exile, a former diplomat, entered the restaurant almost at once and sat down at the table next to the prisoners. He was travelling incognito, as a business man, but evidently had his instructions beforehand from Papandreou. He found an easy pretext for engaging his compatriots at the next table in conversation, as they were having some difficulty with the menu.

Mr. X became so popular that he returned with the party to their hotel, the Maison Rouge. He waited for an opportunity to take Marketakis aside, duly did so, and explained to him that his testimony could only result in more Greeks being tortured by the regime. Probably he picked on Marketakis because he was so obviously a simple man—in fact he is a Cretan peasant—and was also so obviously in a state of mental torment.

Marketakis asked Mr. X what he should do. The answer—tell the truth, encourage other Government-primed witnesses to do the same, and come and talk to Papandreou about it all. Marketakis sought out one of the other witnesses, Constantin Meletis, and talked to him. Meletis agreed that they should escape, with Mr. X's help. Marketakis accordingly took the two Greek Government guards who were on duty on their floor of the Hotel Maison Rouge out on to the Place Kléber to make a small purchase. Meletis went, on the instructions of Mr. X, to the Hotel Union, on the Quai Kellermann, about half a mile away. From the Union he was escorted to the Grand Hotel on the Place de la Gare, Papandreou's headquarters.

Marketakis returned to the Maison Rouge with his guards, and Mr. X at once engaged them in conversation. While he was doing so, Marketakis made his way out of the hotel and into a white Citroen car which was waiting for him outside and was piloted by a Greek exile, Dr. Dimitrios Papamentellos. Papamentellos drove him to the Grand Hotel.

The escape of Marketakis and Meletis, both simple but brave men, reflected much credit on them. Subsequently, they gave a great deal of information both to Papandreou and his friends, and to representatives of the Human Rights Commission. The Greeks in exile collected plenty of other information while they were in Strasbourg, some of it tape-recorded, which will be added to the growing dossier on the methods of police persuasion used by the present Greek regime. The return of Marketakis to Greece will make no difference to that, and the full story of how it occurred will become known in due course. It seems probable that the junta's agents threatened reprisals against his family. That he himself suffered torture and other indignities seems beyond doubt; it was reported in the "Guardian" as long ago as last May, and both his confirmation and denial were superfluous.

[From Nation Magazine, Jan. 6, 1969]

GREEK JUNTA ON TRIAL

(By James Becket)

STRASBOURG, FRANCE.—In September of 1967 the governments of Norway, Sweden, Denmark and Holland filed an application with the European Human Rights Commission charging the Greek junta with violating nearly all the basic articles of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The case dragged on for more than a year through purely legal and procedural stages, but last month when a subcommission convened in Strasbourg to hear testimony on torture, the human element of human rights burst upon the commission. The French provincial city was the scene of a drama reminiscent of both James Bond and the Keystone Cops. Two witnesses brought by the junta escaped their guards. Rushing about Strasbourg all week were officers of the French *Sûreté*, armed junta thugs, international lawyers, Greek exiles and hordes of journalists. Not only is the case on its way to becoming a landmark in the history of the international protection of human rights, but it has assumed an immediate political importance.

The European Commission on Human Rights came into existence after World War II. Empowered to hear cases brought by individuals or member states, the basic functions of the commission are to find the facts of a dispute and to attempt a "friendly settlement." It has not been easy for the Scandinavians to press the case. Not only has pressure from many quarters been exerted on them to abandon their efforts, but it has been difficult to find witnesses outside Greece, who were willing to testify, especially witnesses who had been tortured. The junta does not permit anyone who has been tortured to leave Greece, and recently they have been forcing torture victims to sign declarations that they were well treated.

The delegation of the Greek regime flew from Athens to Paris on Saturday, November 23. In this delegation of forty-nine which took the train to Strasbourg were not only lawyers and witnesses but members of the Greek security police, the military police (ESA), the Greek CIA (KYP), and *pistoleros* attached to the Prime Minister's office. Three of the witnesses were soon to find themselves on the front pages of the world press—two because they appeared before the commission and one because she didn't.

On Sunday Constantine Melitis, 33, a grocer from Salonika, and Pandelis Marketakis, 38, a car mechanic from Crete, sat with their guards in the hotel dining room puzzling over the menu. A Greek came up and offered to help. This man belonged to Andreas Papandreou's Panhellenic Liberation Movement (PAK). Through him the two witnesses found the chance they were looking for; they managed to elude their guards and arrive at the Grand Hotel to ask the Norwegian delegation for protection. The story had still not broken on Monday when an emissary of the junta came to the Grand Hotel "on his own" to ask that the "kidnapped" witnesses be handed over for "humanitarian reasons."

The two witnesses turned out to have quite a story to tell. Melitis had been the driver of the car in which a leftist deputy named Tsarouchas was arrested last May between Salonika and Athens. Melitis was savagely beaten, his cheekbone shattered, but at least he arrived alive in Salonika. Tsarouchas died of a "heart attack." Melitis broke under the KYP tortures of *falanga* (bastinado), mock execution, and worst of all electric torture when electrodes were attached to his genitals. Marketakis, who lost an eye fighting the Communists in 1948, was arrested in Crete after an explosion in a factory. He went through seventy-five days of systematic torture, nearly dying of internal bleeding. When both men were finally released the police spread the story that they had betrayed their comrades. Isolated and without work, they were cultivated by the police, who planned to use them as prosecution witnesses whenever needed. Given the ever-present threat to their families, the police believed they could count on them. They were brought to France as "tame" witnesses.

The subcommission began hearing evidence on Monday morning in a highly charged atmosphere. Proceedings before the commission are absolutely secret. (It is doubtful that any sovereign state would sign the Convention if they were public.) However, the witnesses themselves, if unable to tell what happened inside the commission, were able to relate their experiences in Greece. Lieutenant (j.g.) Marotis-Lanas of the Greek Navy's South Aegean Command, formerly in charge of the junta's security office for Piraeus and the Aegean islands (he defected after the King's coup) told of watching Greeks being tortured, told of picking bodies up on the beaches around Athens, and told of a secret interrogation center in Agios Paraskevas, near the American College, where the camp commander proudly showed him his latest torture equipment. (The Greek delegation admitted the existence of this hitherto secret camp, but claimed it was a NATO camp for "interrogating" Eastern Europeans.) The witness also told of a police list of nearly 1,000 names of those in hiding who were to be killed on capture. (Tsarouchas had been on the list.) Most important as to direct junta responsibility was Lieutenant Marotis-Lanas' testimony that in his presence Minister of the Interior Pattakos gave orders to torture and kill specific persons. Miss Kiti Arseni, 30, told of her nightmarish torture a year ago on the notorious "terraza" of the Bouboulinas Street Security Police Station. Arrested for passing along a "freedom poem" of Theodorakis, she suffered *falanga* as well as being beaten all over her naked body with a plaited steel wire. The climax was when her brother, an army draftee, was brought in and forced to beat her himself. Even those observers who knew about torture in Greece were shocked by the picture that emerged. Rather than the work of an occasional Balkan sadist, it is a highly programmed modern enterprise.

On Wednesday morning the two Greek *transfuges* left the Grand Hotel under heavy police escort, ran the gauntlet of television and press to enter the modern commission building where armed Greek heavies and Council of Europe police milled about the corridors. The French, aware that the Greeks were armed, were under orders from Paris to avoid any incidents on the premises. After the witnesses had testified, they were whisked back by the *Sûreté* to their original hotel to retrieve their luggage. In a dramatic confrontation, the head of the Greek delegation, Mr. Koutoupis, told Marketakis: "For what you have done today your children will pay."[1]

The drama then shifted to the fate of a third Greek witness, Miss Zaira Peta, who never appeared before the commission. (She had been in Bouboulinas at the same time as Miss Arseni.) Sunday she was in tears at dinner and each time she left her room she was flanked by two Greek guards. At least one journalist was roughed up for inquiring about her. Wednesday Miss Peta disappeared. The Greek delegation gave out three different stories as to why she was unable to appear: she was sick, her sister was sick, and business commitments necessitated her immediate return to Athens. Miss Peta is a seamstress.

Meanwhile the case gradually proceeds. More evidence on torture is being heard in mid-December, then the commission plans to hear witnesses in Greece. If a "friendly settlement" is not reached (and it is difficult to imagine how wholesale torture and murder can be subject to this formula), the commission will submit a report to the Council of Ministers, which is made up of the Foreign Ministers of the Council of Europe countries. After a three-month waiting period, they will seek a solution.

For international law and the developing international protection of human rights, this case is an important test. Here the concepts of national sovereignty and human rights clash. Before leaving Greece, Marketakis and Melitis had been told that foreigners were attacking Greece and that they would go to the Greek consulate in Strasbourg to give testimony. True, they had been beaten some themselves, but that was between Greeks and abroad they would be patriots. The exciting aspect of this case from the standpoint of human rights law (as well as from the standpoint of the victims) is that it is a Norwegian's business when a fellow European's human rights are violated. The question remains whether the rather fragile international mechanism can bear the strain of this case, the most important it has ever faced. The Greek investigation will make or break the commission. If it is unable to protect such basic human rights as the right to be free from torture, it will be exposed as an institution able to handle only procedural issues which provide articles in learned legal periodicals. The case is dynamite for its political implications—not only in Greece, where heads are sure to roll as a result of last month's fiasco but also in Europe and the Atlantic Alliance.

Even though this is supposedly a European matter, the proceedings were held under the long shadow of the United States. American diplomats at such institutions as the Council of Europe, the Common Market and NATO have put considerable pressure on the Europeans to ease up on the Colonels. The United States argues that "communications must be kept open" with the Papadopoulos regime. If the allies were to push too hard, dangerous hard-liners might take over. But given the situation in the Mediterranean, stability not democracy has top priority. Observers at the Council of Europe, believing that NATO calls the tune, are pessimistic that the Council of Ministers would act even on a finding of genocide by the commission if it opposed what the United States conceived its NATO interests to be. But pressure is building up on the Colonels and the Americans. After the drama of Strasbourg, the one newspaper in Norway which has been sympathetic to the Colonels, the conservative *Morgenblatt*, wrote: "NATO must choose—Greece or Norway."

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[1] A Reuters story of December 18 reported that Mr. Marketakis was in London, accompanied by Greek Government officials, en route from Stockholm to Athens. His official "interpreter" said that Marketakis retracted allegations of torture, alleged that he had been kidnapped by "Communists in Strasbourg," and had been forced to say what he did under the threat of "twenty revolvers." The Greek Embassy in Stockholm also announced that he had been held earlier in Norway by "twenty anarchists" (a number apparently favored by junta spokesmen). Before turning him over to his countrymen, the Swedish police questioned Mr. Marketakis, who however, maintained that he was returning home of his own volition.

Mr. PELL. Mr. President, these articles offer clear evidence that the military regime continues to deny Greek citizens their right to human dignity and justice.

Mr. President, in May 1967, shortly after the military regime had come to power in Greece, I said in a speech to this body that I deplored the illegal military seizure and that I deplored, moreover, the lack of any kind of strong, public reaction or expression of disapproval from the United States. I pointed out that we as a nation have come to hold a rather benign attitude toward military coups and forced right-wing political settlements, while at the same time registering great alarm over similar assaults from the left wing; I pointed out that we have given at least tacit approval to seven regimes resulting from right-wing coups since 1960, while supporting only one left-wing coup during that same period. And I expressed the view that, even if elections in Greece led to a left-wing government that necessitated Greece's withdrawal from NATO, we would be better off dealing with a neutral government that represented popular choice than we would be with an allied government that had no support from its people. I hold to that view now more strongly than ever, and I urge the Senate to give it deep consideration. It seems to me that the inescapable conclusion can only be that the revitalization of democracy in Greece is as much in our own interest as it is in the interests of the people of Greece. We should, therefore, do everything we can to encourage its prompt evolution.

POLICY PAPER ON EAST-WEST TRADE

Mr. PELL. Mr. President, in February 1966, a Committee for the Promotion of East-West Trade was established within the framework of the New York Regional Export Expansion Council. The members of the committee are prominent business executives.

The committee has prepared a policy paper on East-West trade which contains a number of recommendations for expanding peaceful trade with the Soviet Union and the Communist countries of Eastern Europe.

The paper notes that present U.S. restrictive trade policies have forfeited our export sales to the advantage of Western European and Japanese firms. The paper also notes that these restrictive policies have made it more difficult for the U.S. Government and U.S. business to respond to the general movement in Eastern Europe toward nationalism, economic decentralization, and the establishment of closer ties with the Western World.

I believe that the recommendations of the policy paper are sound and are in the national interest. I ask unanimous consent that the full text of the report be placed in the RECORD, together with a list of the members of the Committee for the Promotion of East-West Trade.

There being no objection, the report and list were ordered to be printed in the RECORD, as follows:

POLICY PAPER ON EAST-WEST TRADE

(Prepared by Committee for the Promotion of East-West Trade, New York Regional Export Expansion Council)

During the early 1950's, United States trade with the Soviet Union and other communist countries almost disappeared. With the emergence of the Geneva spirit fostered by President Eisenhower, United States-Soviet relations began to improve and trade followed.

In July, 1955, President Eisenhower at the Heads of Government Meeting at Geneva urged the creation of "conditions which will encourage nations to increase the exchange of peaceful goods throughout the world." Later, at the Four Power Foreign Ministers Conference in October, 1955, Secretary of State Dulles committed the United States to "progressively simplifying certain of our operating procedures concerning exports to the Soviet-bloc countries so that the pathway to commercial enterprise might become smoother."

When Premier Khrushchev took the initiative in proposing a considerable increase in U.S. Soviet trade in 1958, President Eisenhower made it clear in a letter to him that the U.S. favored expansion of peaceful trade with the Soviet Union pointing out that "it could be of mutual benefit and serve to improve our relations in general, especially if it were accompanied by broad contacts between our peoples . . ." The policies initiated by President Eisenhower to improve relations with Eastern Europe were supported and strengthened by the Kennedy and Johnson administrations.

The economic and political changes which have taken place in Eastern Europe in the last few years are significant and far-reaching. The general movement in Eastern Europe towards nationalism, economic decentralization and their attempt to establish closer ties with the Western World should be encouraged by our policies and actions. However, our existing policies, particularly on export and credit restrictions, have made it more difficult for the U.S. Government, U.S. business and the public to respond to these changes and to improve relations.

The restrictive policies of the U.S. towards trade with Eastern Europe have not achieved the intended objective of preventing goods from going to the East European communist countries. The main result has been the forfeiture of U.S. export sales to our West European and Japanese competitors and the forfeiture of political and economic leverage in an area of the world where normalization of relations would be a true benefit to mankind.

Trade between Eastern Europe and the non-communist world in 1967 was $15 billion. Western Europe and Japan claimed $9.4 billion of this trade. The U.S. share of this trade was only $372.5 million, or 2.5%. This miniscule figure is even more striking when compared to our world trade which in 1957 was $57 billion, making our trade with Eastern Europe an insignificant 0.15% of our world trade.[1]

The small share of U.S. trade to Eastern Europe can be attributed primarily to our one-sided, self-imposed limitations. Mr. Harold Linder, former president of the Export-Import Bank, Mr. Robert Roosa, partner of Brown Brothers Harriman and former Under Secretary of the Treasury, and a number of other leaders of American industry and finance have stated that if these barriers were removed, we could expect at least to double or triple our trade with Eastern Europe.[2]

A substantial number of American commercial and industrial firms would like to participate in the East European market which is expanding at the rate of 15–17% per year. Because of advanced technology, and in many cases because of pricing and servicing, the East European Trading Organizations have often affirmed their preference for American products and plants. Some American firms are working in the market, but most hesitate partially because of the psychological barrier and partially because of U.S. Government restrictions.

During the past year there have been increasing official and unofficial overtures from the East European governments to improve relations with the U.S. We believe that the New Administration and the Congress have a great opportunity to explore these overtures with the objective of improving overall relations, increasing contacts between the American people and the peoples of Eastern Europe and, in general, lessening East-West tensions. Towards this end, this Committee submits the following recommendations:

1. The New Administration should make an early policy statement setting forth its position on East-West relations and indicating its support for all efforts to improve relations, including the expansion of trade in nonmilitary goods. This policy statement should point out that such trade is in the national interest. Such a policy statement will open up channels of communication to Eastern Europe and also help to clear the air and remove the stigma attached to East-West trade in the American business community and in the public.

2. The President should be authorized by the Congress to grant, at his discretion, Most Favored Nation treatment to any or all of the communist countries. Existing tariff barriers prevent the countries of Eastern Europe from exporting many of their products to the U.S. market which, in effect, also prevents them from earning dollars for U.S. purchases. The lack of Most Favored Nation status is also looked upon by the East European countries as an attempt on our part to treat them as "second-class citizens of the world." We should note that our allies in Europe and Asia do not raise these arbitrary barriers to their trade with Eastern Europe.

In exchange for granting Most Favored Nation status, the Administration can negotiate for reciprocal trade concessions on an individual basis regarding such matters as settlement of lend-lease loans, property claims and non-discriminatory treatment of U.S. exports.

3. The Export-Import Bank should be given the authority to make guarantees available to U.S. exporters for normal, medium and long-term credit to the East European countries.

The governments of Eastern Europe have made it clear that they will not engage in substantial trade with the U.S. unless we offer credit terms which are competitive with those they are receiving from Western Europe and Japan. The granting of credit is a recognized and established means of doing international business. Our Government should recognize it as such and, accordingly, authorize the Export-Import Bank to provide guarantees permitting U.S. corporations to obtain commercial financing for Eastern Europe.

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[1] Source: International Trade Analysis Division, Bureau of International Commerce, U.S. Department of Commerce.

[2] East European trade referred to in this paper is defined as trade between the non-communist world and the U.S.S.R., Poland, Czechoslovakia, Roumania, Hungary, Bulgaria and East Germany.

4. The President should recommend to the Congress that the Export Control Act be amended to encourage trade rather than to restrict it. Specifically, the Export Control Act should be modified:

a. so that it restricts exports only of goods which have *"direct military applicability."* The present language of the Act restricting exports which may have "potential military and economic significance" is too broad and the emphasis is upon the prevention rather than the encouragement of trade. The Office of Export Control has frequently used this wording to prohibit the export of such items as wigs and artificial beards, the military significance of which is somewhat difficult to comprehend.

b. so that many items on the restricted list are removed to make it conform essentially to the COCOM list being applied by the countries of Western Europe and Japan. Many of the present U.S. restricted categories of items have no strategic or military importance and the list only penalizes American business since these items are available from our allies. Adjusting the American restricted list of categories to conform with the COCOM list would have the immediate effect of permitting U.S. firms to export items now being exported from Western Europe and Japan. It would have the additional benefit of avoiding the issue of extra territoriality which has been a serious irritant to foreign governments who regard it as interference with their sovereign rights.

c. so that no financial or credit restriction is placed upon export of goods and services which are authorized under the Act. This would permit the Export-Import Bank to grant guarantees for financing of items authorized by the Act.

d. so that special carrier and port restrictions are removed, thereby permitting increased shipments of U.S. grain and other commodities to Eastern Europe. For making such concessions, the U.S. should seek similar concessions from the East European governments.

e. so that it is not necessary for an exporter to apply for a special license unless it is likely that an item may be used for military purposes.

5. The President should direct the Secretary of Commerce to establish a new division of trade expansion under the Assistant Secretary for Domestic and International Business to permit trading in peaceful goods with communist countries. This division would have the task of encouraging U.S. companies to export their products to Eastern Europe and to establish joint ventures in the East European countries.

6. The President should direct the Secretary of Commerce to establish industry wide committees, comprised of representatives of a cross section of American business for regular consultations concerning policy and administration of export controls and ways of expanding East-West trade.

We believe the above recommendations on East-West trade are in the national interest and, if implemented by the New Administration and the Congress, would have a positive effect on trade with these countries and a long-range impact on U.S. relations with this important area of the world. This committee wishes to state that it will support the decisions taken by the Administration and Congress and employ its efforts to further these policies and actions.

This paper and its recommendations were unanimously approved by members of the New York Committee on East-West Trade (Regional Committee for the Promotion of East-West Trade) at its meeting held in New York on January 8, 1969.

New York Regional Export Expansion Council, Committee for Promotion of East-West Trade: Members

Chairman: Tino Perutz, Managing Director, OMNI Division, C. Tennant, Sons & Co., of New York, 100 Park Avenue, New York, New York.

Vice Chairman: William E. Knox, President, William E. Knox Associates, Inc., 200 Park Avenue, New York, New York.

Executive Secretary, New York REEC: Arthur C. Rutzen, Director, New York Field Office, U.S. Department of Commerce, 26 Federal Plaza, New York, New York.

Theodore C. Barreaux, Program Director, American Management Association, 135 West 50th Street, New York, New York.

George H. Bookbinder, President, Rand Development Corporation, 420 Lexington Avenue, New York, New York.

William Bynum, Chairman of the Board, Carrier Corporation, Carrier Parkway, Syracuse, New York.

Dudley T. Colton, Vice President & General Banager, Johns-Manville International Corp., 22 East 40th Street, New York, New York.

Joseph F. Condon, Vice President, Parsons & Whittemore, Inc., 200 Park Avenue, New York, New York.

G. M. Garbarino, Director of Foreign Operations, Westinghouse Electric International Co., 200 Park Avenue, New York, New York.

Collingwood J. Harris, Executive Director, Institute of Airline Marketing, 109 East 36th Street, New York, New York.

Richard F. Kelly, President, Richard F. Kelly Company, 117 Liberty Street, New York, New York.

William S. Kingson, President, Durham-Huntingdon Ltd., 866 United Nations Plaza, New York, New York.

George R. Moore, Manager, Cargo Sales Service, Pan-American World Airways, Pan-American Building, New York, New York.

Clifford B. O'Hara, Director of Port Commerce, The Port of New York Authority, 111 Eighth Avenue, New York, New York.

Maurice Sonnenberg, Investment Consultant, 580 Fifth Avenue, New York, New York.

John O. Teeter, Vice President, Pfizer International, Inc., 235 East 42nd Street, New York, New York.

George C. Wells, Vice President, Union Carbide Corporation, 270 Park Avenue, New York, New York.

William H. Winfield, Consultant, 21 Owenoke Way, Riverside, Connecticut.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TUESDAY, FEBRUARY 4, 1969

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate today, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Tuesday next.

The motion was agreed to; and (at 2 o'clock and 40 minutes p.m.) the Senate adjourned until Tuesday, February 4, 1969, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 31, 1969:

Post Office Department

Elmer T. Klassen, of Massachusetts, to be Deputy Postmaster General.

James W. Hargrove, of Texas, to be an Assistant Postmaster General.

Kenneth A. Housman, of Connecticut, to be an Assistant Postmaster General.

David A. Nelson, of Ohio, to be general counsel of the Post Office Department.

U.S. Arms Control and Disarmament Agency

Gerard C. Smith, of the District of Columbia, to be Director of the U.S. Arms Control and Disarmament Agency.

U.S. Attorneys

Richard A. Dier, of Nebraska, to be U.S. attorney for the district of Nebraska for the term of 4 years vice Theodore L. Richling, resigned.

Allen L. Donielson, of Iowa, to be U.S. attorney for the southern district of Iowa for the term of 4 years vice James P. Rielly, resigned.

Diplomatic and Foreign Service

Albert W. Shorer, Jr., of Illinois, a Foreign Service officer of class 1, new Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Togo, to serve concurrently and without additional compensation as Ambassador Extradordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea, to which offices he was appointed during the last recess of the Senate.

In the Navy

John W. Warner, of Virginia, to be Under Secretary of the Navy.

Frank Sanders, of Maryland, to be an Assistant Secretary of the Navy.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 31, 1969:

Department of Commerce

Rocco C. Siciliano, of California, to be Under Secretary of Commerce.

In the Coast Guard

The following-named officers of the U.S. Coast Guard for promotion to the grade of rear admiral:

Capt. Joseph J. McClelland.
Capt. Helmer S. Pearson.
Capt. Chester A. Richmond, Jr.

Department of Justice

Richard G. Kleindienst, of Arizona, to be Deputy Attorney General.

Jerris Leonard, of Wisconsin, to be an Assistant Attorney General.

Richard W. McLaren, of Illinois, to be an Assistant Attorney General.

William H. Rehnquist, of Arizona, to be an Assistant Attorney General.

William D. Ruckelshaus, of Indiana, to be an Assistant Attorney General.

Johnnie M. Walters, of South Carolina, to be an Assistant Attorney General.

Will Wilson, of Texas, to be an Assistant Attorney General.

District of Columbia Commissioner

Walter E. Washington, of the District of Columbia, to be Commissioner of the District of Columbia for a term expiring February 1, 1973.

EXTENSIONS OF REMARKS

ELECTION REFORM

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Friday, January 31, 1969

Mr. SCOTT. Mr. President, on January 23, 1969, I proposed a constitutional amendment to abolish the electoral college and provide for the allocation of electoral votes by congressional district.

An editorial published in the Harrisburg Patriot of January 24, 1969, further exemplifies the need for this amendment.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Election Reform: Scott's Proposal Makes Sense

The bolting last month by Dr. Lloyd W. Bailey, the North Carolina maverick who voted for George C. Wallace in the Electoral College even though the Republicans carried his state, reinforced the popular notion that the nation's 18th-Century election system requires some careful tinkering to accommodate it to 20th-Century demands.

This does not necessarily mean the entire system should be consigned to the scrap heap. What is needed is cautious reform, not revolution.

The "district plan"—proposed in a constitutional amendment by Sen. Hugh Scott yesterday as a Senate judiciary subcommittee opened hearings on election reform—would seem to fill the bill. It promises to preserve the best in the Electoral College system while avoiding the pitfalls of a direct popular vote.

Under the Scott approach, which would continue the Electoral College in the federal tradition, each state would continue to have a number of electoral votes equal to its representation in Congress. A candidate would win one vote for every congressional district he carried, plus two for every state he carried. Each vote would tally in the national count.

The plan would thereby help to underwrite the two-party system by encouraging political efforts in all districts and states, especially perhaps in those areas where minority parties now tend to have a defeatist attitude. Republicans in Mississippi are a case in point; it is conceivable they could muster enough popular votes in some districts to earn an Electoral College vote under the Scott proposal.

Thus the plan would also overcome the unfairness of the present scheme of winner-take-all. And since it would block delegates to the Electoral College from defecting as Bailey did, it would assure the "little man" of a more direct voice.

The chief drawback to the proposal is that if no candidate were to receive a clear majority, the House and Senate in joint session would choose a President from the top three tickets.

But even so, unlike a direct popular vote, it would safeguard the fundamental American concept of a federal republic whereby the people are "citizens of the United States and of the state wherein they reside."

This concept is too intimately associated with the American idea of states' rights and citizens' rights to be abandoned in a stampede brought on by the Bailey defection or the recent fear that Congress might have had to break a presidential vote deadlock because of Wallace's candidacy.

MOTTO OF "FATS" EVERETT WAS WORK

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Bill King, staff writer for the Daily Messenger, Union City, Tenn., has written a most memorable tribute to our late colleague, Congressman "Fats" Everett. As you all know, "Fats" served on my Committee of Veterans' Affairs and he was a real worker. It is only fitting that the press has recognized this great attribute of "Fats."

The article referred to follows:

His Motto Was "Work"

(By Bill King)

There were many thousands of friends he called by name—there were countless other thousands who called him "Fats" and who considered him their friend.

Perhaps this is the best way to remember that unusual and gifted man whose love for people turned him into one of the finest and most dedicated civil servants that Tennessee—and perhaps the country—has ever known.

Robert Ashton "Fats" Everett was a man of simple yet great heritage. He sprang from the fertile soil of Obion County, a soil he carried proudly on his massive shoes the rest of his life.

His booming and infectious laugh, the voice that could be heard for blocks and his native and homey wit enhanced the "country boy" role he enjoyed and never sought to abandon.

But beneath the sometimes brash exterior was an astute and canny politician. A man who got things done, red tape was no match for the scissors he wielded when he sought the core and the cure of a problem.

The secret of his success was simple and direct—just like the man.

"Let's just go to the head of the stream," he was fond of saying when confronted by a problem involving one of his constituents. This meant going directly to the man, no matter who he was, who would most likely be able to solve the problem. And he knew personally hundreds of such persons.

Those who worked with him soon learned he was no prey for the "city slickers" despite his country boy exterior.

Mr. Everett, if he was anything, was a realist, an earthy but lovable man who saw things like they were. It was this quality that enabled him to accomplish so much during his relatively short life.

He grew up in a county which suffered annually from the ravages of floods and he, like other Obion Countians, heard the oft-repeated promises that something would be done. But it wasn't until he reached the halls of Congress that the red tape surrounding the flood control work was snipped away and the project undertaken.

Because of his membership on the House Public Works Committee he was able to make sure his people in the Eighth Congressional District were not left out when it came to projects for their benefit.

In addition to his flood control projects and the vital role he played in making the Reelfoot-Indian Creek Watershed District project a reality, Mr. Everett helped industries in his district obtain federal contracts, used his influence to help the University of Tennessee at Martin to become a four-year institution, aided farmers in obtaining permission for them to hay and graze restricted land during periods of drought, and obtained federal appropriations for hospitals, nursing homes and libraries throughout the district.

Because he was instrumental in getting the federal government to transfer ownership of the airport to Obion County, its name—Everett-Stewart Airport—has become a monument to his labors. And in Dyer County, a lake created by a drainage project he promoted is called Everett Lake.

These will help to perpetuate the memory of Congressman Everett but the individual things he did for individual persons make it certain he will never be forgotten as long as these people live.

He was never too busy to talk to anyone and it didn't matter if his visitor was dressed in overalls or a business suit. A letter to him often was answered in less than a week. It was a rare occurrence when he couldn't be reached by telephone.

"I will always be as near to you as your telephone or mailbox," he said thousands of times while addressing civic or service clubs and other special groups in the Eighth District. And he meant every word.

Asked by a reporter a few years ago how he managed to handle so many different problems for so many different people, he laughed and said: "If a man don't want to work, he hadn't ought to hire out."

Working for his people was his philosophy in life. Truly, we shall not see his like again.

THE MILITANT VISION

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Friday, January 31, 1969

Mr. TALMADGE. Mr. President, Mr. Francis Merchant, of Demorest, Ga., has forwarded to me an article by Mr. M. A. Larkee entitled "The Militant Vision."

Although written in satire, many of the very good points made by Mr. Larkee are more truth than fiction. There is no need to comment further on this article, which speaks eloquently by itself.

I wish to bring the article to the attention of Senators and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Militant Vision

(By M. A. Larkee)

The militant spirit abroad in the land is transforming society under our very eyes. The full implications are as yet not clear, but already it has done much. Our educational system is in turmoil, and our cities are torn by dissension and demonstrations. All this is but a foretaste, however, of what is to come. The drift of the times will produce even more radical changes than any we have seen—and it behooves us to be prepared for coming upheavals.

The fundamental principle of the new radicalism is that all rules, laws, and regulations are man-made, and hence, ought to be challenged. Society has been created by men, and therefore it is right and proper for those who find its demands oppressive to change its very structure. This principle may be called the inversion of values.

For example, we have long held that students go to school to be taught by teachers. Inverting this relationship, we arrive at the conclusion that teachers should go to school to be taught by students. The consequences may, of course, be unorthodox, but that is surely to be expected.

Again, the police have traditionally been considered the guardians of law and order. The result of their endeavors has been a static society in which human beings are restricted and inhibited. The militant rebels against the drabness and oppression of such a society. He prefers a more creative atmosphere of disorder, riot, and excitement. Naturally, he resents the fact that policemen wish to impose laws upon him that prescribe forms of behavior uncongenial to him. Hence, he would like to be free of the law's heavy and restrictive hand. All action, he holds, should be the result of free choice, not of coercive prescriptions. If the militants have their way, the police of the future, far from enforcing repressive laws, will become the promoters of disorder and encourage the average citizen to express his pent-up emotions and dislikes. In this way a freer, richer society, unflawed by present stereotyped and repressed urges, will come into being.

In the past, those who govern made laws, and those who are governed obeyed them. This simple relationship has been impugned. Why shouldn't those who are governed—a majority, to be sure—make the laws, and those selected to govern merely enforce them? Were this principle generally accepted, the Supreme Court might have no function to fulfill. The people would interpret the law, not nine elderly gentlemen who have little sympathy for the innovative tendencies of youth.

The militants have taken seriously the belief that all men are created equal. From this basic assumption it follows logically that no one is inferior and no one is superior. In other generations this conclusion was not drawn. Today, however, the militants tell us that the assumed superiority of any particular group is a myth. The ignorant need no longer bend the knee to those who have knowledge, and the dishonest no longer feel guilty before those who obey moral prescriptions. The worst criminal in prison is the equal of the president of the country, and were the mores different their roles might be reversed. Criminals, felons, homicides, and sadists will take new heart from this modern view of the world and will understand that there is a respectable place for them in our society. They are no longer the alienated and excluded. Pornographers—formerly condemned as moral perverts—are now coming into their own. Even the Supreme Court is acknowledging their right to thrive and grow rich.

The new militants are altering our attitudes to words that have become stereotyped. For example, *violence* has been a middle-class, bourgeois expression with unpleasant connotations. Recently the significance of this term has been more carefully studied. The newly liberated individual asks himself, What's so wrong about violence? Wasn't the American Revolution an example of direct action? Does not the government rule by force? Are not labor unions effective only to the degree that they can impose their will on employers? Nature herself expresses violence in tornadoes and thunderstorms. Why, then, should we have such an abhorrence for the coercive method? Violence has created our society, violence sustains it, and violence produces new values for the future. Those who destroy our cities and engage in unlawful action are, by this reasoning, our benefactors, that is, the forgers of new attitudes and a new vision of life.

There are some persons, it is true, who may feel that the destruction of our society and the harm done to a few individuals are too great a price to pay for developing a truly free and truly inclusive society. To such persons, who haven't caught up with the twentieth century, the militants reply that every great revolution required sacrifices. How can we expect to bring the new order into being if we are timorous and anxious? In a time of ferment, we must expect a few contretemps every now and then.

Even ministers are beginning to see the light. Not so long ago they were talking about man's relation to God and the need to cleanse the soul from sin. Now, however, they declare that true Christianity involves participation in social and political violence, in the disruption of society, in direct action to produce creative anarchy. It is most refreshing that these men of the cloth have been so quickly converted to a view that their predecessors considered wholly unchristian. Of course, the change is not so remarkable when they explain that they have simply shifted their emphasis from the sinning individual to the sinning society.

It was thought at one time that only persons with good minds and a thirst for knowledge should attend college. This theory was upheld by trustees and administrators, but it is now considered old-fashioned and obsolete. Colleges are not for the special few, but for the sociable many. A diploma should be regarded as a status symbol, not a mark of intellectual achievement. Admission requirements are wholly irrelevant. The issue should not be whether colleges are willing to accept prospective students, but whether those who apply for admission are willing to endure what the college offers.

Of course, many of the subjects taught at college have little life value and ought to be stricken from the curriculum. Higher education should teach students about life, not about such abstract subjects as mathematics, grammar, anthropology, history, and language. Teachers should be chosen by students and the chief criterion should be the instructor's willingness to re-shape society along the lines that the pupils recommend. There is no real reason why the teacher should have a degree or why he should have been exposed to deadening academic discipline. If criminals and pickpockets know more about life, why should they not be given the opportunity to share their knowledge with students?

How invigorating it is to live in a time when the world is exchanging old lamps for new. It is our good fortune to witness the substitution of creative violence for passive obedience, the inversion of values at our universities so that teachers and administrators are becoming pupils of those they formerly taught, and the development of new rights that make it possible for the most case-hardened criminal to live at ease with his conscience in a society that honors rather than rejects him. It is a time when youth, with its idealistic candor and refreshing ignorance, moves into the center of the stage, brushing aside old and archaic customs, and blows the trumpet of a new day.

What the future will bring, no one knows. The brave hope of the hour is that anarchy and disruption will succeed where order and reason have failed, and that those who are fundamentally ignorant may achieve what the wise and experienced could not.

In this atmosphere of confusion bordering on chaos, let us always remember that the worse the social strife becomes, the closer we are to the brotherhood of uninhibited free men. Therein lies hope. Let no one count the cost when the dawn of a new age appears on the far horizon.

WILLIAM AVERELL HARRIMAN

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. EDWARDS of California. Mr. Speaker, few of us were surprised when President Johnson asked W. Averell Harriman to represent our country in the delicate peace negotiations to be undertaken in Paris. It is the kind of critical assignment he has been asked to assume time and again by Presidents of the last three decades, for no American is so highly respected by heads of state and the diplomats of the world than W. Averell Harriman.

That trust and respect which he enjoys throughout the world is only a limited reflection of our own pride and affection. It is as though we could all take some credit for his being what he is—the best public servant this country has produced in our time. Although he has had a variety of titles, from Governor of New York to Ambassador Extraordinary and Plenipotentiary to Europe, the title has not always indicated the importance of his mission. Indeed, it is very likely that much of his highest service to his country was done without benefit of title. In the dark days immediately following Pearl Harbor, it was plain Mr. Harriman who met repeatedly with Prime Minister Churchill and his aides. There were two men with whom President Roosevelt shared an extraordinary rapport and confidence during that difficult period and one of them was Averell Harriman. He made repeated trips for the President, sometimes in response to a terse cable from Winston Churchill, "Send Harriman."

Averell Harriman's service to his country in its foreign relations has been so outstanding that we tend to forget that he entered government to fight depression and poverty in the 1930's, leaving a substantial career in private business. Never wedded to old dogma, he became a Democrat and worked in various capacities for New Deal programs that are now part of our social and economic life. He served in President Truman's Cabinet as Secretary of Commerce. Thereafter his gifts for international diplomacy were always in competition with his keenness for national and local politics.

After the Marshall plan days and the setting up of NATO, he ran and was elected Governor of New York. Although he competed for the highest elective office in our country, that defeat was quickly shaken off and he made himself available for any job where he was needed. In his own words, "I started as a private with Roosevelt and worked to the top. And then I had to start as a private all over again with Truman and work to the top. This is what I intend to do again," and this is what he did do. Although he had been a member of the Cabinet and a Governor of our largest State, he did not hesitate to accept the job he was offered by President Kennedy that some thought too lowly, in the Department of State. But he soon became indispensable to President Kennedy and was named Ambassador at Large so that he could go where needed—whether it was Geneva to head the negotiations on a cease-fire in Laos, or Moscow to get the test ban treaty.

Although Ave Harriman has already lived at least a half-dozen careers, it is a relief to all of us that he will be here where he can be called, as he has been called so many times before when his country needed him. He has our highest gratitude and thanks.

ROCKET PLANE PIONEER PUSHING STOL IDEA

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, January 31, 1969

Mr. RANDOLPH. Mr. President, speaking here yesterday, I called attention to the favorable report on short take-off and landing aircraft experiments conducted by Eastern Airlines and McDonnell-Douglas. The report to which I referred was made by A. Scott Crossfield, a vice president of Eastern Airlines, in addressing the Aero Club of Washington at a Tuesday luncheon meeting.

I noted with gratification that the Washington Post report on Mr. Crossfield's discussion of the STOL trials quoted the Eastern vice president for flight research and development as having termed those trials an unqualified success.

Last night, I read in the Washington Evening Star the article written by the Star's aviation editor, Charles Yarbrough, and I noted that Charley had emphasized some significant points which are worthy of special attention as we study this vital subject of aviation, airport/airways development to overcome air traffic and airport congestion.

Mr. President, I ask unanimous consent that Mr. Yarbrough's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ROCKET PLANE PIONEER PUSHING STOL IDEA

(By Charles Yarbrough)

A test pilot-engineer who literally rocketed to speed records, has proposed a tantalizing lower and slower solution to airline congestion in what he terms "that combat zone known as the Northeast corridor."

A. Scott Crossfield, a pioneer of the spectacular X15 rocket plane, yesterday told an Aero Club audience of the vast potential of the airline-type STOL (short-takeoff-and-landing) airplane which could double the capacity of National Airport.

Crossfield, now division vice president of flight research and development for Eastern Airlines, summarized the test program on a STOL-type aircraft which the airline and McDonnell Douglas operated out of National late last summer.

The aircraft, a modified version of the French Breguet, also plied Eastern's routes in the busy Northeast corridor using New York's LaGuardia and Boston's Logan airports.

ENCOURAGEMENT CITED

He acknowledged the "great encouragement" the program received from the Federal Aviation Administration and, by inference, admitted that the ultimate STOL aircraft which would truly answer the congestion and delay problems is a long way off.

But considering the time envisioned for complete modernization of the airways and airports system, the STOL concept he so hopefully described from the test experience might arrive first.

Quick "endorsement" of the proposal by the Aero Club was seen in presentation of the club award to Eastern President Floyd D. Hall.

Crossfield, in lauding the capability of the STOL operation, pointed out that it "uses unused concrete on the airports and unused space in the air." Its rapid climb-out and quick descent reduces noise and would eliminate some of today's noise-abatement turns, which he described as the "most dangerous maneuver."

Loaded with its own electronic navigation gear, the STOL needs a minimum of attention from air traffic control; can fly on and off the established airways.

MINIMUM ATTENTION

The late summer tests with the McDonnell Douglas Model 188 also demonstrated, Crossfield said, an ability to "operate without precision approach radar" and to give air traffic controllers confidence that the STOL "can do what we promised it would do."

The ultimate in STOL aircraft, he said, might be large enough for 200 passengers ("the bigger the better for Eastern," he grinned) and as small as 50 to 60 for smaller airlines.

The United States aircraft industry has no such plane, but Crossfield says a number of proposals have been received since the STOL tests started last year.

American Airlines is preparing a STOL test program, largely in the Midwest, using a similar McDonnell Douglas plane.

Retired Air Force Maj. Gen. Clifton von Kann, vice president of the Air Transport Association, was elected president of the Aero Club and Edward Lightfoot, vice president of Lockheed, named club vice president at the Hotel Washington luncheon.

THE LATE HONORABLE JESSE P. WOLCOTT

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. WIDNALL. Mr. Speaker, for a third of my 19 years as a member of the Banking and Currency Committee it was my high privilege to serve under the able leadership of the late Jesse P. Wolcott. As ranking minority member, then as chairman, and again as ranking minority member he enjoyed the love, trust, and respect of his colleagues on both sides of the aisle not alone in committee but also on the floor of the House.

Although short and rotund in stature, the "Little General" was a commanding leader. His warm personality eased tensions in acrimonious floor debate and his incisive analysis of complex problems pointed the way for the House to achieve sound legislative accomplishments. He was a master of the art of constructive compromise.

Jesse Wolcott was a foe of the blight of bureaucracy. He was a vigorous champion of the constructive force of our private enterprise system. He had the courage to insist that it be given the opportunity to work. He believed in the abundant life for our citizens. All of us are beneficiaries of the wisdom and work of this great American.

After his voluntary retirement at the end of the 84th Congress, Jesse Wolcott served with distinction as a member of the Board and Chairman of the Federal Deposit Insurance Corporation.

In this hour of bereavement, his lovely wife, Grace, their children and grandchildren can take comfort in the rich heritage left by their departed loved one. Our sympathy is extended to all.

"FATS" EVERETT GRIEVED BY MANY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. TEAGUE of Texas. Mr. Speaker, the press of Union City, Tenn., rendered a great service to the people of that State in reporting to them the greatness and character of our late colleague, "Fats" Everett. Under leave to extend my remarks, I include an article carried by the Daily Messenger of Union City in which appear the comments of many of "Fats" closest friends made about this truly wonderful man:

NATION GRIEVES OVER EVERETT

The death of Rep. Robert A. Everett Sunday has drawn many expressions of sadness, ranging from the poor of Obion County to the President of the United States.

One local official burst into tears while talking to a Messenger reporter about Mr. Everett.

Obion County Judge Dan McKinnis expressed the sentiments of Obion Countians when he said, "Our people are heartbroken, our state is stunned and from the sidewalks of the nation a great voice has been hushed—our voice."

Similar comments were heard today from State Senator Milton Hamilton Jr., Mayor Charles "Red" Adams, former Mayor James L. Rippy and Circuit Court Judge Phil Harris.

Judge McKinnis went on to say:

"From the ranks of the common people, the Eighth District has suffered its greatest loss.

"The only man I ever knew who could 'walk with kings nor lose the common touch' is gone.

"From the depths of our sympathy and depression, we pause in respect and tribute to one of our own.

"Our greatest honor to him would be to resolve to serve every man, every woman and every child faithfully, honestly, and diligently as he has done.

"His great mind could open the gates to the lowly as well as the nation's great.

"But nature has ordained that we must suffer and submit.

"In our sadness, let us carry on as he would have us to do."

Of Mr. Everett, a man who at the age of 23 was elected Obion County Circuit Court Clerk, the youngest man in the nation to hold such a position, Senator Hamilton had this to say:

"Fats was truly a representative of the people. He knew and loved people from all walks of life, from the coon hunter to the banker, from the farmer to the businessman and from the poor to the very wealthy.

"Anyone who wrote him always received an answer. He had an approach to problems which can best be illustrated by quoting him. He often said, 'If you want to get things done, go to the head of the stream.' His heart was as big as he was big.

"In his years in congress he accomplished the drainage of the Obion River, a project that was much talked about but very little done about until he came along. Through his efforts on both the state and national levels, the Reelfoot-Indian Creek Watershed was formed and now is becoming reality.

"The greatest tribute I could pay Fats is to change a song title and say 'Fats Everett was a big, big man'.

"Fats will be missed by the Eighth Congressional District. We in Obion County will miss him more than most because we knew him better and we loved him more. May he rest in peace for a job well done."

A close friend of the congressman, Mayor Adams said:

"All of his friends suffered with him during his several weeks of illness but I don't think the shock Sunday morning could have been greater. Personally, I didn't have a dearer friend and I don't suppose I ever will. He couldn't have been closer to me had he been my own brother.

"He was the most dedicated man I ever met. And he did more personally for individuals in Union City, Obion County and the Eighth District than any other man has ever done or probably ever will do.

"He was important to everybody. He was a friend to everybody. As sick as he was, he was still interested in helping people. He sat in that office and worked when we knew he had no business working.

"Grief has always been difficult for me to express. At a time like this, the right words just won't come."

Former Mayor James L. Rippy recalled some of the many projects upon which Rep. Everett had lent his help.

"The State of Tennessee, the Eighth Congressional District, Obion County and Union City have suffered the loss of a dynamic congressman.

"Despite his size, I knew few such untiring workers as 'Fats' Everett. He was ready at any hour of the day or night to help anyone who called on him for assistance.

"As former mayor of Union City, I am thankful for his assistance to our city in securing federal aid for expansion of our water and sewer systems and on a number of other programs.

"The Houser Creek, Grove Creek, and Reelfoot-Indian Creek watersheds, plus his drainage work on the Obion River, will affect the lives of many people for years to come.

"Although we cannot forget the material benefits, his booming voice, welcoming smile, friendly greetings and love of life also will be missed by all of us. Our thanks and prayers go out to the mother of a tireless worker."

And Circuit Court Judge Phil Harris of Greenfield said:

"Fats was a representative who has meant more to the individuals of this district than any other congressman I have ever known. He was able to be a representative of his district and, at the same time, he was close to his people.

"Whether you were rich or whether you were poor you still had equal access to him and he took each person's problem to heart.

"I think this was an attribute few people possess and this was what made him a great congressman and a true representative of the people.

The President's message to Mrs. Lelia Ashton Everett, expressed President and Mrs. Nixon's sadness and pointed out that the Congressman's "public contribution came in many ways, in both county and state government, the military service and—most recently—in the Congress of the United States.

"He will be missed by all who knew him."

Tennessee political leaders referred to Everett, a 6-foot-4 and 300-pound "giant," as a "provider of good humor" an able representative, and a "wheelhorse" for the Democratic Party.

Sen. Albert Gore, D-Tenn., said:

"The nation has lost a patriot, Tennessee has lost a dedicated and distinguished son, and the Democratic Party has lost a wheelhorse.

"One of the most colorful political leaders, he was warm, jovial, earthy, beloved by the people. His personality was a strange mixture; he mixed humor and reality, humility and energy, the common touch and a doggedness to achieve.

"These characteristics made of him an effective representative of the people."

Gov. Buford Ellington, a close personal friend of the congressman, said he cherished Everett's friendship and "respected him as a man who had spent a lifetime doing something for others . . . he was a man of great intelligence and possessed a great understanding of people."

Expressions of sympathy also came from Tennessee Reps. Joe L. Evins, James Quillen, Ray Blanton, William Brock, William R. Anderson and Dan Kuykendall and from Sen. Howard Baker.

Rep. Kuykendall of Memphis, a Republican, said:

Congressman Everett's greatness as a person and as a public servant has been best demonstrated to me by the way he helped me, a freshman congressman from the opposite party, with problems far beyond all formal courtesy. I shall miss him as a true friend, as our community will miss him."

AUSTIN'S REAGAN RAIDERS MAKE IT TWO IN A ROW

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. PICKLE. Mr. Speaker, about this time last year I called to the attention of my colleagues in the House the fact that Austin, Tex., Reagan High School had won the 1967 Texas AAAA State Football Championship.

Now I have the pride and pleasure to announce again that the Raiders performed the same feat for 1968. Topping off a tough season by an encounter with the Odessa Permian High School team, the Raiders again seized the championship title for the 4-A division—the top high school sports category in the State. This is only the fourth time in the sports history of our State that a high school has won State championships, back to back, in consecutive years.

Mr. Speaker, I do not have to tell you how proud we are of the Raiders. Their kind of success reflects hours of hard work and training as well as the spirit of teamwork so essential in this sport.

At a time when so many of our youths are engaging in some form of riots or disturbance, when a few of the hippies get the headlines, and when even educational processes are interrupted because of the improper antics of a few misguided youths, it is heartwarming to see the young men of Reagan High School band themselves together in such a splendid unit and win the State championship.

These young men have almost done the impossible. Last year few gave them much of a chance when the season started, and few gave them much of a chance when the State championship game was played. But they came through to win that victory which showed they wanted to win that much.

Again this season not too many thought they would go all the way to the State championship a second time. But the boys did, and that was what mattered. This proves they are made of the stuff that champions are made of and I am proud to know that they live in the 10th District of Texas—Austin—where we have splendid educational and recreational opportunities, and where young men are taught to become young leaders. And, when this happens, you know that each boy comes from a good home where parents love them and encourage them to do their best.

I believe that their coach, Travis Raven, deserves a special word of credit for maintaining the high standards he has demanded in the past. Also, each member of the squad is due our admiration for reflecting so well the spirit and enthusiasm of our American youth.

At this point, Mr. Speaker, I include a full roster of the team.

ROSTER OF JOHN H. REAGAN HIGH SCHOOL RAIDERS

Billy Schott, Emory Bellard, Robert Miller, Chuck Lipscomb, Steve Phillips, Howard Shaw, Pete Huffman, Alan Moore, Jackie Linam, Steve Grant, Jerry Johnson, Donald Ealey, Lester Ealey, Gene Sanders, James Hendricks, Morris Hoover, Mickey Vann, Bobby Bacon, Preston Matthews, Hap Feurbacher, Stan McElrath, Tom Kelly, Tobin Haynes.

Tommy Moorman, Curt Swenson, Jerry Carpenter, Cary Kipp, Donald Nichols, Doyle Bridgefarmer, Troy Schulz, Jimmy Williams, Bill Bluntzer, Tim Harkins, Bobby Reynolds, Rusty Campbell, Larry Arrants, Mike Bayer, Rickey Smith, Gary Morrison, Stan Manley, James Cawthon, Leven Deputy, Roger Roeglin, Mike Ray.

APOLLO STATUS SUMMARY

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, as the ranking minority member of the Committee on Science and Astronautics as well as the Subcommittee on Manned Space Flight, it is a pleasure to call to the attention of Congress and the American people the most recent status report of the Apollo program to place an American astronaut on the moon this year. We in Congress have applauded the flight of Apollo 8, marking the first time that man has escaped the gravitational pull of the earth and the first time man has orbited the moon. With the rest of mankind, we watch anxiously as the preparations proceed for the flight of Apollo 9, scheduled for launch on the 28th of February.

The status report follows:

APOLLO STATUS SUMMARY

The Apollo 9 flight readiness test was successfully completed last week with the prime and back-up crews participating in the mission simulations. On Saturday, a successful manned test of the launch Complex 39A slide wire was completed. The slide wire is an emergency egress system to evacuate up to nine men from the spacecraft level of the mobile launcher to the outskirts of the launch pad. Astronaut Stuart Roosa of the Apollo 9 support crew, Arthur Porcher of Kennedy Space Center Design Engineering, and Charles Billings, a Kennedy Space Center Safety Officer rode the 2,200-foot-long wire in the test.

Leak checks are now being conducted on the ground support equipment for loading hypergolic fuels aboard the Apollo 9 space vehicle. Hypergolic fueling is scheduled to get underway late this week.

Guidance and control checks are underway on the Apollo 10 launch vehicle assembled on its mobile launcher in the Vehicle Assembly Building. The Apollo 10 spacecraft is in the Manned Spacecraft Operations Building undergoing final tests and preparations before being mated with the launch vehicle in early February. The service module SPS engine nozzle was installed and leak checks were conducted this week. The high gain antenna has been installed and is being checked out. The command/service module will be mated to the lunar module adapter later this week.

Apollo 11 command/service module arrived at Kennedy Space Center last week where it underwent receiving inspection prior to being placed in the altitude chamber. The lunar module leak and functional checks are expected to be completed later this week.

The launch vehicle third stage is in the Vehicle Assembly Building low bay undergoing checkout. The second stage is scheduled to arrive at Kennedy Space Center the end of this week and the booster is due in mid-February.

ELECTORAL COLLEGE REFORM

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. WYMAN. Mr. Speaker, among the various proposals for reforming the electoral college is the congressional district plan. Mr. H. L. Hunt, of Dallas, Tex., who has been active in many civic causes and helpful in the continuing quest for sound government, has stated his view of 123 reasons why the congressional district plan is the best.

These reasons were presented in testimony before the Senate Judiciary Subcommittee on Constitutional Amendments in August 1967. Because of continuing interest in this important subject, I believe they ought now to be included in the RECORD for general review:

SOME REASONS WHY THE CONGRESSIONAL DISTRICT PLAN IS THE BEST

(By H. L. Hunt)

We who favor a Congressional District Plan introduced as SJR 86 and HJR 584 say and give the following reasons why the district plan is best.

1. The Direct Vote could prevent the election of a minority vote President only by employing run-off elections. A run-off nation-wide election is not practical.

2. The reduction in the excessive power of the big city machines by the direct vote would be no more than 20% and the Congressional District Plan would reduce the excessive voting power of big city machines 80% or four times as much.

3. During the past 97 years Abraham Lincoln was elected in 1860 with 39.79% of the popular vote; Grover Cleveland with a minority of the popular vote in both his terms; and Woodrow Wilson in 1912 with 41.85% and in 1916 with 49.26% of the popular vote.

With these two lonesome arguments for the direct vote plan thoroughly disproven we may proceed to give the reasons why the direct vote plan is wrong and why the Congressional District Plan is right:

4. The infant nation that fashioned the political miracle of Constitutional Government at Philadelphia in 1787 has become the 20th century colossus of the world. The constitutional fabric woven by those patriots through eloquence, persuasion, a strong sense of justice, logic, and love of liberty has held firm through the ages.

5. The reform in an orderly manner of our historic Electoral College system would win a great testimonial from free world and from Communist nations abroad to the workability of government to meet problems within the framework of our Republic, which has built the greatest nation in history.

6. There is nothing sacred about direct voting. Whether or not there is, dictators sanctimoniously claim to have been "elected" through the direct vote.

7. The direct vote cannot impress the enslaved subjects in dictatorships that Republic USA affords the participation of the governed. Their masters have pretended to give them a direct voting privilege which they found to be only a delusion and a snare, although a direct vote.

8. With the direct vote the prestige of Republic USA would be further decimated. It would be considered little if any better than the "direct vote" their dictators enforce on them with an ultimatum of "vote or else," the penalty being "get out of the party" and sometimes worse.

9. James Madison said that the district system of choosing electors was "mostly, if not exclusively, in view when the Constitution was framed and adopted." The electoral system was foremost in the minds of the delegates.

10. On July 26, 1787, George Mason of Virginia told the Convention that at least 7 proposals had been considered for the selection of a President. It had been open to full debate and study for nearly two months.

11. He said it was proposed that the Chief Executive should be elected by popular vote and this proposal for the "direct vote" had always failed.

12. The direct vote was most criticized. Mason said of it, "It has been proposed that the election should be made by the people themselves; that is, that an act which ought to be performed by those who know most of eminent characters and qualifications should be performed by those who know least." The popularizing of universal suffrage should not replace wisdom.

13. Later on August 24, a motion in the Convention that the President be elected by direct vote was rejected, seven states to three.

14. The Congressional District Plan instead of a direct vote would cause presidential electors to be chosen by people who know them best and they would be citizens of stature instead of nonentities.

15. Under the Congressional District Plan the qualifications and attributes of the nominees for the two electors representing the State and the elector from the District would be well known to the electorate of their State or District.

16. The prominence and reputation of electors would add to the prestige of the candidates for whom they are pledged to vote and all other candidates and officials of their political party.

17. Nominees to the Electoral College would be expected to campaign for the candidate for whom they are pledged to vote and in the event of his election to become Presidential advisors, Cabinet Members, Ambassadors and occupy other positions vital to the nation's interest.

18. Nominees for Presidential electors would campaign for other candidates of their party, its pledges and principles and popularize the party's officials already serving in office, making their party greater and more responsible and responsive.

19. On September 6, 1787, Alexander Hamilton declared, "Let the election of the President be confined to electors." Hamilton had been leading the fight for a highly centralized government.

20. The electoral method of selecting a President was decided upon after long weeks of debate, deliberation and thorough consideration.

21. At the end of many weeks of study and debate at the Constitutional Convention, Benjamin Franklin was asked by interested parties outside the convention, "What do we have?" His reply was, "A Republic if you can keep it." Congress, in the adoption of an amendment, should feel a responsibility to the memory of Benjamin Franklin.

22. The present system which needs reforming makes of the electors straw men, and the direct vote would dispense completely with electors destroying their tremendous potential as public servants.

23. Former nominees could constitute an unofficial committee influential in rendering services such as the Hoover Commission performed.

24. A committee of former nominees for presidential elector (FNPEC) would have a wide range of activities open to it, giving significance to everything they did.

25. Members of such a committee could grant press interviews on subjects of public interest, write articles, appear on public affairs programs on network television, and make reports to the President that would be more objective and helpful than those he receives from his advisors.

26. The committee could name a spokesman for its membership in such fields as foreign affairs, agriculture, defense and other vital areas.

27. Even the Supreme Court might be less supreme when wrong, such as in event of a series of decisions favorable to communists and other subversives which such committee may find not in the public interest or unfavorable to continued survival of the Republic.

28. A committee of Former Nominees for Presidential Elector would be a great force for good and a source of strength for the country's future.

29. Early in the Convention it was apparent that the least populous states were fearful of the power that might be wielded by the more populous states. This fear was a factor in the rejection of the direct vote as a manner of electing the President of the United States. Their fears were well-founded. Of the first six Presidents of the United States, four were from Virginia and two from Mass.

30. If Members of Congress and State Legislatures abolish the Electoral College with the direct vote plan as a result of a catch phrase or a whim, they will show little veneration for the Founders of Freedom, who after many weeks of deliberation, debate and balloting wrote a Constitution which nurtured Republic USA, the greatest nation ever on earth.

31. The contest between Alexander Hamilton who advocated a strong central government and Thomas Jefferson who was dedicated to a democracy fortunately gave birth to our Republic.

32. The need of the immortals for the smaller of the States in founding our Republic was imperative. The States with less population were granted a bonus of Electoral College votes with an elector for each of the two U.S. Senators and one elector for each of their Representatives in the House. The direct vote plan would destroy this bonus system which has been wisely followed for them and for new states when admitted.

33. The generous assignment of presidential electors to the scantly populated states was to compensate for the failure in their being given Cabinet posts, Supreme Court Justices and other high positions in government.

34. Many of the best informed people in the nation today who deplore the present electoral college system say that a direct vote would be far worse than the present system by advancing the centralization of our government.

35. It would cause the Federal Government to come into the States to conduct each Presidential election.

36. The direct vote would nullify the present system of absentee voting formulated for the convenience of the citizens of each state.

37. The Federal Government would establish rules for absentee voting if direct vote prevails.

38. In two states suffrage begins at age 18; in one state at age 19; in four states at age 20. The zealous Federal Government would impose age limits for voting to apply to all states.

39. The direct vote necessitating the Federal Government conducting elections will bring highly centralized government into the states to prescribe the required residence in the state for suffrage.

40. The centralized government's necessity to conduct presidential elections within the states under the direct vote plan would be the forerunner of its conducting the elections for U.S. Senators, Governors, Congressmen, State Legislators, County Officials, Mayors and School Directors.

41. It would increase the size and centralization of the big Federal system and add to the power of the big city bosses.

42. The Constitutional Convention at which this miracle was fashioned opened May 14, 1787. A quorum of 7 states was attained on May 25, 1787.

43. On July 19, James Madison of Virginia declared that the substitution of electors for the direct vote in electing a President of the United States seemed likely to encounter fewest objections.

44. Madison continued, "It is a fundamental principle of free government that the Legislative, Executive and Judicial powers shall be separately exercised; it is equally so that they be independently exercised."

45. James Monroe, the fifth President of the United States and famous for originating the Monroe Doctrine which protected the Western Hemisphere from foreign aggression up to a few years ago, was one of the immortal founders who decided for the Republic of the United States of America to use an Electoral College system and not a direct vote in the election of Presidents. To abandon the Electoral College system instead of reforming it would be to abandon the principles of James Monroe today, just as the Monroe Doctrine was abandoned in permitting the setting up of the Communist dictator Fidel Castro.

46. The election of a President by direct vote would be tantamount to electing Senators and Representatives on a national basis rather than each State and District electing its own, and probably will eventually result in a nationwide election of Congressmen and Senators without regard for their place of residence.

47. Any delegate voting system is better than direct voting.

48. Members of Congress are delegates and electors for the people. The laws which members of Congress enact are far superior than if the people convened to enact them.

49. The direct vote in abolishing the Electoral College would elect the President without the states participating as individual entities.

50. It would result in a government without "maintaining our nation as a union of states" as requested in President Johnson's message to Congress, January 28, 1965.

51. In the current debate for reform, it should be remembered that the direct vote system of elections is far inferior to delegate voting.

52. None would feel safe in the choice of the Secretary of Defense or an Army Chief of Staff by direct vote.

53. In spite of the deep disappointment with the present Supreme Court, there has never been a time in the life of our Republic that the people would have tolerated choice of a Supreme Court Justice by the direct vote.

54. Members of the Catholic faith venerate their Pope who is elected by Cardinals serving as electors as effectively as presidential electors serve. The laity would never venerate a Pope who was elected by direct vote of the laity.

55. When the heads of Protestant denominations are selected, it would be impractical to try to elect them by a direct vote of the laity; and few of the members of any denomination would have confidence in a head of their denomination elected by direct vote.

56. Donors of great universities and the students attending them would have little confidence in a Chancellor or University President who was elected by their direct vote.

57. Nominating committees are nearly always employed in the selection of a President of large corporations and associations. These officers are no doubt better officials than if elected by the stockholders through "one man-one vote" suffrage.

58. Vermont, Delaware, and New Hampshire, all of which participated in the ratification of the Constitution, and a fourth state, Rhode Island, were never given an appointment to the Supreme Court bench until Levi Woodbury, of New Hampshire, was appointed in 1845. This one appointment from these four States was the first and only one to the Supreme Court.

59. In transmitting the Constitution to the President of the Continental Congress, George Washington wrote in a letter of September 17, 1787: "It is obviously impractical in the Federal Government of these States, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all: Individuals entering into society must give up a share of liberty to preserve the rest." In making this sacrifice, everyone, regardless of where they live, should be treated as fairly as possible.

60. Direct vote would lead to big government. George Washington said, "Government, like fire, is a dangerous servant and a fearful master."

61. More and more, students of government are realizing that the district electoral plan presented to the Constitutional Convention by James Wilson of Pennsylvania on June 2, 1787, is the best method by which the intentions of our forefathers to create a republic form of government in the United States can be realized and perpetuated. Now antiquated, the Electoral College system needs only to be wisely reformed, never abolished.

62. The Congressional District Plan, SJR 86 and HJR 584, for reform of the Electoral College system will help guarantee and perpetuate what our Founding Fathers sought to achieve.

63. The direct vote plan popularized with catch phrases would go a long way toward destroying their creation when they appear to the greatest students of government to have been "guided by Divine Providence." It was appraised by Gladstone a hundred years later as the most wonderful work ever struck off at a given time by the brain and purpose of man.

64. Nearly without exception the Founders feared the creation of a democracy, and the adoption of a direct vote now would confirm their fears.

65. To substitute the Electoral College system with the direct vote would be to abandon an important provision the Founding Fathers relied upon to establish our nation as a Republic.

66. The proportional Plan, which does have merit, unfortunately abolishes the Electoral College system, a vital part of our republic form of government which has nurtured the greatest nation on earth. The abolishment of the Electoral College system should not be toyed with in any way which is not needed in effecting a reform.

67. The Mundt Plan for districts to be formed to elect presidential electors equal to the number of Representatives in the Lower House from a Senate and 2 for each Senator, and the Lodge-Gossett Proportionate Resolution, both with good merit, have differed enough to nullify each other for many years, blocking much needed reform of the Electoral College system. Their supporters may now center on the Congressional District Plan (SJR 86 and HJR 584) for a needed victory.

68. The direct vote does not have sufficient merit for it to win a replacement of the present antiquated Electoral College system, however much it needs reforming.

69. A great storm reduces materially the voter turnout in one or several states. Under direct voting, the weather could become more decisive in a Presidential election.

70. A power failure in one section of the country could likewise alter the outcome of a national election.

71. Under the Congressional District Plan nearly every state with 10 or more electors would give a part of its electoral vote to each of the major party candidates and break the big-population-state monopoly.

72. Members of State Legislatures are delegates elected by the people to make laws for their state. They will be influential in elections for Congressmen and presidential electors.

73. With the District Plan, a Congressman would be influential in the election of a presidential elector from his district.

74. Since the time element now precludes a ratification by the State Legislatures in time for the reform amendment to affect the 1968 presidential elections it has become a truly non-partisan issue, for none can say which of the major political parties might benefit most in 1972 from its enactment.

75. In a recent poll only 10% favored continuation of the Electoral College system in its present form. The time for action is now.

76. The direct popular vote proposals are co-sponsored by Senators from Vermont, North Dakota, Nev., Mont., Maine and Idaho, lessening the voting power of their constituents drastically.

77. Eight of the original 13 states and 28 other states, 41 in all, have never had any of their citizens elected President.

78. The direct vote would result in the people of 35 States losing voting power, and 15 States gaining from both the Present Electoral College system and from the Congressional District Plan if in effect.

79. It would take away much of the voting power from the states whose citizens suffer near disenfranchisement in presidential elections.

80. Judging from the population trend since the 1960 census the population increase in large population states is growing faster than the other states, and a projection to the 1970 census is even more awesome.

81. Highly populated States have predominated in having their citizens become U.S. Presidents. Twenty-two of the 32 Presidents who have been elected to office were from only four States.

82. The direct vote would result in a gain of voting power for California of 18%, for New York and Pennsylvania each a gain of 17%, for Illinois a gain of 16%, for Ohio and Michigan each a gain of 12%.

83. The direct vote plan would reduce the voting power of the people of Alaska down to 23% of their present voting strength; Nevada to 29%; Wyoming to 32%; Vermont to 39%; Delaware to 45%; and Hawaii and North Dakota each to 47%.

84. Under the Electoral College system a combination of many small states where calm thinking prevails could be the deciding factor in a candidate being elected President.

85. Under the direct vote plan small states would lose even this possibility. For example, in 1966 the combined plurality obtained by the Governors of New York and California exceeded the population of 24 of the individual states of the Union.

86. Reforming the Electoral College system of allocating votes protects small states and small groups and minorities.

87. The direct vote would utterly destroy the Electoral College system, an important tenet of the Founders of Freedom to make our government a Republic protecting minorities, and not a democracy, often ruled by the uncertain whims of a majority.

88. The election of electors by popular vote within Congressional Districts would enable every American to have a fair voice in the selection of the President of the United States, regardless of whether he lived in the municipality of a city, a suburb, town or rural area.

89. Under the direct vote plan, the premium for fraud would be greatly increased.

90. In times past Kansas City, Mo. and recently Chicago, Ill. have been noted regarding their questionable tallying of votes which decide the election of officials in those states. Greater harm would come from this practice being extended to the election of President through a direct vote.

91. When suspicions arise concerning the adequacy of poll watchers or the vote count in some states in a close national election, if the election was a direct vote there would be less assurance of its fairness and less chance of a correction of a fraudulent return of a vote than there would be in the election of the two presidential electors from each state.

92. There would be far more assurance of the integrity of an election for a presidential elector in a Congressional District, for the voters would be choosing from among candidates of their own or their neighbor's acquaintance and in many instances whom they know well.

93. With a direct nationwide vote, a question could arise, as sometimes it has in past State elections, regarding any ballot box among thousands in any country in the USA.

94. In some cases the validity of the total election returns have been questioned because of the votes for presidential electors in one or two States. In a direct vote this suspicion could arise as to any or all of the 50 States of the Union.

95 In the past 97 years, two other Presidents were elected with a minority of the popular vote—Benjamin Harrison and John F. Kennedy.

96. President John F. Kennedy and Vice President Lyndon Johnson might have been forced into a run-off election under some of the direct vote plans which are proposed.

97. The Congressional District Plan could truly be the application of the "one man-one vote" principle. When these districts become Electoral College Districts as well as Congressional Districts, the necessity for proper proportionment of districts to the total population of the Nation and the best delineation of boundaries of these districts becomes two times more imperative than before.

98. The importance of the Districts for dual purposes would be cumulative, and as dual purpose districts they could become four times more important. Any artifice or misconstruction of these districts such as gerrymandering would no longer be tolerated by an aroused public.

99. The philosophies in dual purpose districts woud be more bi-partisan and the residents would take increased pride in their Congressman as well as great pride in the presidential electors they had nominated and the presidential elector which they elect.

100. An ideal delegate (presidential elector) plan would be for voters in the precinct where they would be voting on elector candidates within their acquaintance, to elect a delegate elector from those in the precinct most familiar with and interested in the Executive Department. The elector from this precinct would meet in a convention with other Executive Department electors from other precincts within their Congressional Districts. This convention of electors would in turn elect an elector to the National Convention which would elect the President. In addition to this delegate there would be a duplicate delegate who would attend only to the choice of officials at each respective level. The same system could be employed in the Legislative Department and in the Judicial Department.

101. The Congressional District Plan, SJR 86 and HJR 584 is of highest merit. If an election ever resulted in a tie, which might be once in a thousand years, the election would be resolved by the House of Representatives by secret ballot.

102. The most populous states are continuing to increase in population rapidly. Unless the Electoral College system is reformed and the direct vote is not a reform, within a few years, 9, 8, or 7 states can completely dominate the election of the President and Vice-President. The voters from the other states are practically disenfranchised. Without reform, the manipulated vote prevalent in the mid-city section of large metropolises would be increasingly difficult to control. Suburbs where calmer views may prevail would often comprise a large part of an Electoral College district and their people's voice would be heard in the presidential race through their District Plan presidential elector.

103. A provision for a presidential elector from a Congressional District would add to the stature of presidential electors. It is likely that the outstanding theologian, educator, community leader, could be nominated and campaign for the office of presidential elector from his Congressional District.

104. The members of the United States Senate and the House of Representatives will have studied in vain if they send a Constitutional Amendment to the state legislatures which the state legislatures will not confirm.

105. If the Congressional District Plan is not right, it should not be transmitted to the state legislatures nor confirmed. If it is right and the best solution for the reform of the Electoral College, every member of the Congress who supported it in sending it to the State legislatures can aspire to a higher office or more prestige in exercising the prerogatives of the office which he now occupies.

106. Of the portraits of the five Senate "immortals" on the wall of the Senate visiting room, only one, Taft, was elected by the direct vote method.

107. Only a select few of the public would have confidence in and feel comfortable with a Chief of Police who was elected by a direct vote.

108. It is agreed that Mayors elected by a City Council deliver a better administration than Mayors elected by a direct vote.

109. Appointed officials, if not bureaucrats, serve better than those elected by the direct vote.

110. The President elected with a minority vote may be much better than a President who commanded a landslide majority in his election with friends delighting in telling him he received a "mandate."

111. A President can be elected over the opposition of 41 States. The direct vote would further penalize these 41 states in an election.

112. These states under the present system can be overridden by the 9 states containig very large cities and this is true under a direct vote, but could hardly be possible with the District Plan. Any few suburbs or small cities could break the pattern.

113. The Congressional District Plan (SJR 86 and HJR 584), different from any other proposal, provides that in the event of death, disability or inability to act of any elector prior to completing his duties of office, a substitute who shall honor his pledge shall be designated by a standing committee of seven established for that purpose by the State Legislature.

114. SJR 86 and HJR 584 of the 90th Congress wisely originates the provision that in the event of the death of any candidate for President and Vice President during the election campaign, substitutions shall promptly be made by a committee of seven established for that purpose by the convention at which they were nominated.

115. It provides that in addition to the District of Columbia and other areas (with Puerto Rico the first area involved) to which suffrage may be extended, suffrage shall be treated in such manner as Congress may direct.

116. In the Soviet Union, China, and many Communist countries, the ruling elite is now wavering. Khrushchev's total loss of power overnight has disturbed them. The defection of Stalin's daughter to the free world seeking religious freedom makes their "liberation" system questionable.

117. Dictator Mao's resort to dependence on the Red Guard, many of whom are mere children, in order to maintain his domination indicates they are considering other types of government.

118. The extreme bitterness between Soviets and Chinese Reds was unexpected and a departure from the amicable meetings they have convened for the purpose of denouncing freedom as "imperialism." They may have been reading a model Constitution which has been translated into Mandarin and made available to them in quantity, printed and on radio.

119. Riots started by students in Indonesia and continued by long suffering anti-Communists where there was supposed to be none, have dethroned Sukarno who was supported for years by the U.S.A. and the Soviet Union. Indonesia is another one of the series of unsual problems of the Communist world. Indonesia is another Communist mishap which establishes a fertile field wherein Republic U.S.A. with the best handling of its Electoral College system could win a bloodless victory.

120. The direct vote plan has too little merit and too many serious faults to win in the campaign to change the present Electoral College system. A poll would have shown a few months ago that 7 to 1 of the electorate wanted a change, but there has been a dirth of publicity, and members of Congress are becoming confused with the different changes under consideration. Time is of the essence, and action will be appreciated by the public.

121. A sensible and logical improvement in the Electoral College system will be a fine testimonial in favor of individual initiative and the Republic form of government as compared with dictatorship, Communists or otherwise directed.

122. SJR 86 and HJR 584 of the 90th Congress will build a strong two-party system in U.S.A. Communist countries take pride in their one-party system and the penalty for trying and failing to start a second party in their country would be a ghastly death. The desirability of the two-party system in the U.S.A. is recognized by 90% of its citizens, but is being lost by ineptness such as the failure to reform the Electoral College system within the framework of our Constitution. The Electoral College system must be reformed.

123. The members of our Armed Forces in South Vietnam deserve no less than the best we can do at home in maintaining our Republic against the onslaught of Communism directed at our Republic from throughout the world. Our heroes are giving their all. They suffer, bleed and die. We at home, whom they protect, must, in turn, give our best.

HON. ROBERT ASHTON EVERETT

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 1969

Mr. TEAGUE of Texas. Mr. Speaker, the Daily Messenger, Union City, Tenn., carried a front page editorial on the late Congressman Robert Everett. "Fats," as he was popularly known to us all, was a most remarkable man as the following editorial sets forth:

"FATS" EVERETT DIES—SERVICES SET TUESDAY

Robert Ashton Everett, regarded by thousands of his friends as the best congressman in the United States, died in his sleep about 5:15 Sunday morning in Veterans Hospital at Nashville following an illness which dated from early last October when he entered Bethesda Hospital in Maryland.

Services will be held at 2 Tuesday afternoon at the Cumberland Presbyterian Church of Union City with the Rev. Scott Johnson, church pastor, officiating, assisted by the Rev. Dr. Morris Pepper of Scottsboro, Ala., former pastor of the local church.

The body is at White-Ranson Funeral Home and will be taken to the Cumberland Presbyterian Church at 10 Tuesday morning where it will lie in state until the hour of the service.

Though Mr. Everett accomplished the passage of major legislation and served his area most effectively, he will be remembered too for the services which he just as energetically gave to persons in all walks of life. No individual was ever slighted by Congressman Everett and he was as pleased to get a mail box moved for an elderly person in Troy as he was to obtain thousands of dollars both from the federal government and the state for the major improvements of the Obion and Forked Deer Rivers, improvements which are still in progress, which have halted flooding of the two rivers and which have reclaimed thousands of acres of good farm land.

As a congressman, Mr. Everett also attained many objectives for the good of the people as a member of the Public Works Committee and of the Veterans Affairs Committee.

One of his most notable achievements in Obion County was the attainment of approval, both by the federal government and the state, of the Reelfoot-Indian Creek Watershed project which will see numerous small lakes formed with the plan aimed at saving Reelfoot Lake, by stopping the flow of silt into that body of water.

Over the years, Congressman Everett was one of the leaders in the campaign in which both Tennessee and Missouri participated for the erection of a bridge across the Mississippi River to serve this wide area. Success came when the project was given a final approval by ex-President Lyndon B. Johnson.

Bids are soon to be received for the first actual work on this structure, the building of piers.

A large delegation of congressmen, headed by Rep. Richard Fulton of Nashville, one of Mr. Everett's closest friends, will be flown in U.S. Air Force planes to Union City for the funeral. Heading a delegation of state officials who will attend the services will be Gov. Buford Ellington, who will fly home from Florida.

With Mr. Everett at the time of his death, in addition to doctors, was his assistant, W. C. Tate of Union City. Mr. Tate said that Mr. Everett was awake and talked with him a number of times through the night and that he appeared drowsy and lapsed into sleep about 4:30.

Cause of death was given as heart failure which followed a kidney ailment, which was discovered last October, and a lung infection which sent him back to the Nashville hospital in January.

Mr. Everett was born on the Everett farm on the Troy highway (now the Johnny Semones farm) on Feb. 24, 1915, son of the late Charles Everett, farmer and livestock dealer, who died in 1954, and Lelia Ashton Everett, who has been the congressman's home companion during the period he served in Congress. Mrs. Everett was at her home at 519 Washington Ave. when death came to the congressman.

Mr. Everett first attended Westover School, attended a school at Jordan when the family moved to their farm on the State Line Road, and returned to Union City to finish high school in 1932.

The following fall, Mr. Everett entered Murray State College, graduating in 1936. And in the same year he was elected a member of the Obion County Court. He taught school at Cloverdale for two years and was elected Circuit Court Clerk in 1938.

Mr. Everett entered the Army at Fort Oglethorpe in 1942 and, at the time, was the subject of widespread publicity and photographs because there was not a uniform in stock that would fit him. The government made his to measure.

On his release from the service after 31 months, he became administrative assistant to Senator Tom Stewart, serving in that capacity until January 1949. He served as administrative assistant to Gov. Gordon Browning of Tennessee in 1950–52. He was executive secretary of the Tennessee County Services Association from Jan. 1, 1954 until Feb. 1, 1958. He also served for a number of years as secretary of the Tennessee Cotton Growers Association.

For years, Mr. Everett was a leader in the Junior Chamber of Commerce and he served a year as state president of this organization.

Mr. Everett was elected to Congress in February 1958 in a special election called following the death of Congressman Jere Cooper of Dyersburg. Mr. Everett won, defeating E. T. "Rocky" Palmer of Dyersburg and Z. D. Atkins of Trenton.

Since that election Mr. Everett had been re-elected, most of the time without opposition, every two years and he had no opposition at the polls last November.

Mr. Everett was a member of the American Legion, the Farm Bureau, the Cumberland Presbyterian Church, the Masonic Lodge, the Shrine and was an honorary member of the Union City Rotary Club.

Upon taking office, Mr. Everett realized that one of the greatest tasks he faced was the obtaining of a cooperative move on both the part of the federal government and the state to eliminate the annual flooding of the Obion and Forked Deer Rivers. This was a project which long had been worked on and for which funds were appropriated but which was never activated because of failure to obtain the agreement of the state to maintain the river work once it was done.

Mr. Everett did succeed in this great project where all others had failed.

Mr. Everett, as a member of the Veterans Committee, visited many of the veterans hospitals in the U.S. and served veterans well by obtaining passage of a bill four years ago which re-opened veterans insurance after the original time limit had expired. He also sponsored a measure which has opened insurance for servicemen who are veterans of the Vietnam war.

His mother spent much of her time with the congressman in their apartment in the Congressional Hotel in Washington. Mrs. Everett accompanied the congressman back to Washington after Christmas but then returned to her home in Union City after Mr. Everett entered the Veterans Hospital in Nashville on Jan. 8.

Mr. Everett's illness sent him to Bethesda Hospital in Maryland last Oct. 3, where he was a patient until Oct. 16 when he was flown to Nashville Veterans Hospital where he was a patient until the last week in November. He suffered a kidney ailment which necessitated treatment regularly by a kidney machine.

Leaving the hospital Mr. Everett returned to Union City and opened his office here in the old Union City Clinic Building. He was active during the Christmas season, addressed a number of groups and made calls on many of his friends.

Although he had been out of the hospital but a short time, and although he was so weak he had to have assistance to stand and walk, Mr. Everett went to New Orleans on Dec. 3 to a meeting of the Lower Mississippi Valley Flood Control Association and was elected president of that body.

He ascended to the presidency from the office of first vice-president. He was accompanied on this trip by P. T. English and Aaron Prather and both said that his speech of acceptance was one of the best he ever delivered. On Dec. 27, he and his mother returned to Washington.

Members of Congressman Everett's staff who will be winding up the affairs of his office are: Woodfin McLean of Alamo, administrative assistant; Mrs. Mary Louise Rowe of Washington, Miss Katie Bailey of Murray, Mrs. Linda Perry of Union City, Miss Andrea May of Trenton and Miss Jane Myers of Medina.

Mr. Everett is survived by his mother, Mrs. Lelia Ashton Everett; an aunt, Mrs. Effie Hays of Union City; first cousins, Edwin Stone and Mrs. Jess Rose, both of Union City, Mrs. L. D. Allen and Mrs. George Hall, both of Martin, Mrs. Abe Burchard of Knoxville, Frank Hays of Union City, Mrs. Martha Hall of Battle Creek, Mich., Mrs. Clay Barnes of Clarksville and Charles Nolan of Paris.

Pallbearers will be Lt. Billy Moore, Barry White, Aaron Prather, David Wells, Dr. M. A. Blanton, W. C. Tate, Mayor Charles Adams and Allen Pierce of Michigan.

Among the honorary pallbearers will be members of the United States House of Representatives and of the U.S. Senate, Gov. Ellington, Lewis H. Allen, former vice-president of the L&N Railroad, and V. T. Moss.

Accompanying members of Congress to Union City will be one of Mr. Everett's close friends, Zeake W. Johnson, sergeant-at-arms of the House.

UKRAINIAN INDEPENDENCE DAY

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. WIDNALL. Mr. Speaker, on January 22 of this year, Ukraine patriots in the United States and in free nations around the world celebrated the 51st anniversary of the Ukrainian National Republic, declared in 1918. This small Republic of less than 45,000,000 people has been an involuntary part of Soviet Russia for almost 50 years, yet their valiant fight for independence and freedom in 1918, continuing in exile even today, can certainly be an example to us all in these troubled times.

In commemorating this independence day, we are forced to remember the continuing acts of Soviet oppression still existing in the so-called Soviet republics and in the Eastern European countries, which make up the Communist bloc. The jailing of intellectuals who dare to deviate from the Soviet line, the suppression of all the basic freedoms which Americans hold dear, and finally, the ruthless invasion of Czechoslovakia in 1968, are all part of Soviet policy, both past and present, and an indication that attitudes and methods have not changed in the Soviet Union since the Ukraine was invaded in 1919.

Mr. Speaker, I am pleased to join my colleagues today in commemorating this 51st anniversary, and I want to extend my special regards to the Ukrainian Americans for keeping up a fight involving incredible odds, for a country an ocean away, which some of them have never seen.

HOUSE OF REPRESENTATIVES—*Monday, February 3, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Our sufficiency is from God.—2 Corinthians 3: 5.

Eternal Father of our spirits, whose grace makes us sufficient for every task and whose strength holds us steady as we live through troubled times, speak Thou Thy word to us this day and make known Thy will that we may now and always walk along the paths of righteousness and justice and love.

Unite us as a nation that we may continue to seek the release of the captives, give light to those who sit in darkness, bridge the gulf which separates our people, and support every endeavor which creates and maintains understanding and good will in our national life.

In the spirit of Christ we offer this our morning prayer. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, January 30, 1969, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 17. An act to amend the Communications Satellite Act of 1962 with respect to the election of the board of the Communications Satellite Corp.

The message also announced that the Vice President, pursuant to Public Law 90–448, appointed Mr. SPARKMAN and Mr. HOLLINGS as members, on the part of the Senate, of the National Advisory Commission on Low Income Housing.

APPOINTMENT AS MEMBERS OF JOINT COMMITTEE ON ATOMIC ENERGY

The SPEAKER. Pursuant to the provisions of title 42, United States Code, section 2251, the Chair appoints as members of the Joint Committee on Atomic Energy the following members on the part of the House: Mr. HOLIFIELD, Mr. PRICE of Illinois, Mr. ASPINALL, Mr. YOUNG, Mr. EDMONDSON, Mr. HOSMER, Mr. BATES, Mr. ANDERSON of Illinois, and Mr. MCCULLOCH.

APPOINTMENT AS MEMBERS OF COMMITTEE TO INVESTIGATE NONESSENTIAL FEDERAL EXPENDITURES

The SPEAKER. Pursuant to the provisions of section 601, title 6, Public Law 250, 77th Congress, the Chair appoints as members of the Committee To Investigate Nonessential Federal Expenditures the following members of the Committee on Ways and Means: Mr. MILLS, Mr. BOGGS, Mr. BYRNES of Wisconsin; and the following members of the Committee on Appropriations: Mr. MAHON, Mr. KIRWAN, and Mr. BOW.

APPOINTMENT AS MEMBERS OF NATIONAL HISTORICAL PUBLICATIONS COMMISSION

The SPEAKER. Pursuant to the provisions of title 44, United States Code, section 2501, the Chair appoints as a member of the National Historical Publications Commission, the gentleman from California (Mr. MILLER).

VACATING PROCEEDINGS ON AND RECONSIDERATION OF HOUSE RESOLUTION 177

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to vacate the proceedings whereby the House agreed to House Resolution 177 on January 29, and ask for its immediate reconsideration with an amendment which I send to the desk.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Well, Mr. Speaker, reserving the right to object, what is the resolution and what is sought to be done?

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from Oklahoma.

Mr. ALBERT. The resolution was the regular resolution assigning the Resident Commissioner from Puerto Rico to various committees and there was merely a technical error contained therein.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 177

Resolved, That Jorge Luis Córdova-Díaz, the Resident Commissioner to the United States from Puerto Rico, be, and he is hereby, elected an additional member of the following standing committees of the House of Representatives: Committee on Agriculture, Committee on Armed Services, and Committee on Interior and Insular Affairs.

AMENDMENT OFFERED BY MR. ALBERT

The Clerk read as follows:

Amendment offered by Mr. ALBERT: Strike out all of line 1, after the word "*Resolved,*" and insert: "That Jorge L. Córdova, the Resident".

The amendment was agreed to.

The resolution as amended was agreed to.

A motion to reconsider was laid on the table.

VACATING PROCEEDINGS ON AND RECONSIDERATION OF HOUSE RESOLUTION 176

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to vacate the proceedings whereby the House agreed to House Resolution 176 on January 29, and ask for its immediate consideration with an amendment which I send to the desk.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 176

Resolved, That the following-named Members be, and they are hereby, elected members of the following standing committees of the House of Representatives:

COMMITTEE ON AGRICULTURE: Page Belcher, Oklahoma; Charles M. Teague, California; Catherine May, Washington; William C. Wampler, Virginia; George A. Goodling, Pennsylvania; Clarence E. Miller, Ohio; Robert B. Mathias, California; Wiley Mayne, Iowa; John Zwach, Minnesota; Thomas S. Kleppe, North Dakota; Robert D. Price, Texas; John T. Myers, Indiana; Keith G. Sebelius, Kansas; Martin B. McKneally, New York; Wilmer D. Mizell, North Carolina.

COMMITTEE ON APPROPRIATIONS: Jack Edwards, Alabama.

COMMITTEE ON ARMED SERVICES: William H. Bates, Massachusetts; Leslie C. Arends, Illinois; Alvin E. O'Konski, Wisconsin; William G. Bray, Indiana; Bob Wilson, California; Charles S. Gubser, California; Charles E. Chamberlain, Michigan; Alexander Pirnie, New York; Durward G. Hall, Missouri; Donald D. Clancy, Ohio; Robert T. Stafford, Vermont; Carleton J. King, New York; William L. Dickinson, Alabama; Charles W. Whalen, Jr., Ohio; Ed Foreman, New Mexico; John E. Hunt, New Jersey; G. William Whitehurst, Virginia.

Committee on Banking and Currency: William B. Widnall, New Jersey; Florence P. Dwyer, New Jersey; Seymour Halpern, New York; W. E. (Bill) Brock, Tennessee; Del Clawson, California; Albert W. Johnson, Pennsylvania; J. William Stanton, Ohio; Chester L. Mize, Kansas; Benjamin B. Blackburn, Georgia; Garry E. Brown, Michigan; Lawrence G. Williams, Pennsylvania; Chalmers P. Wylie, Ohio; Margaret M. Heckler, Massachusetts; William O. Cowger, Kentucky; J. Glenn Beall, Jr., Maryland.

Committee on the District of Columbia: Ancher Nelsen, Minnesota; William L. Springer, Illinois; Alvin E. O'Konski, Wisconsin; William H. Harsha, Ohio; Frank Horton, New York; Joel T. Broyhill, Virginia; Larry Winn, Jr., Kansas; Gilbert Gude, Maryland; Sam Steiger, Arizona; Catherine May, Washington; Lawrence J. Hogan, Maryland.

Committee on Education and Labor: William H. Ayres, Ohio; Albert H. Quie, Minnesota; John M. Ashbrook, Ohio; Alphonzo Bell, California; Ogden R. Reid, New York; John N. Erlenborn, Illinois; William J. Scherle, Iowa; John R. Dellenbach, Oregon; Marvin L. Esch, Michigan; Edwin D. Eshleman, Pennsylvania; William A. Steiger, Wisconsin; James M. Collins, Texas; Earl F. Landgrebe, Indiana; Orval Hansen, Idaho; Earl B. Ruth, North Carolina.

Committee on Foreign Affairs: E. Ross Adair, Indiana; William S. Mailliard, California; Peter H. B. Frelinghuysen, New Jersey; William S. Broomfield, Michigan; J. Irving Whalley, Pennsylvania; H. R. Gross, Iowa; E. Y. Berry, South Dakota; Edward J. Derwinski, Illinois; F. Bradford Morse, Massachusetts; Vernon W. Thomson, Wisconsin; James G. Fulton, Pennsylvania; Paul Findley, Illinois; John H. Buchanan, Jr., Alabama; Robert Taft, Jr., Ohio; Sherman P. Lloyd, Utah; J. Herbert Burke, Florida; William V. Roth, Jr., Delaware.

Committee on Government Operations: Florence P. Dwyer, New Jersey; Ogden R. Reid, New York; Frank Horton, New York; Donald Rumsfeld, Illinois; John N. Erlenborn, Illinois; John W. Wydler, New York; Clarence J. Brown, Jr., Ohio; Guy Vander Jagt, Michigan; John T. Myers, Indiana; William O. Cowger, Kentucky; Gilbert Gude, Maryland; Paul N. McCloskey, Jr., California; Paul Findley, Illinois; John H. Buchanan, Jr., Alabama; Lowell P. Weicker, Jr., Connecticut.

Committee on House Administration: James Harvey, Michigan.

Committee on Interior and Insular Affairs: John P. Saylor, Pennsylvania; E. Y. Berry, South Dakota; Craig Hosmer, California; Joe Skubitz, Kansas; Laurence J. Burton, Utah; John Kyl, Iowa; Sam Steiger, Arizona; Howard W. Pollock, Alaska; James A. McClure, Idaho; Don H. Clausen, California; Philip E. Ruppe, Michigan; John Wold, Wyoming; John N. Happy Camp, Oklahoma; Manuel Lujan, New Mexico.

Committee on Interstate and Foreign Commerce: William L. Springer, Illinois; Samuel L. Devine, Ohio; Ancher Nelsen, Minnesota; Hastings Keith, Massachusetts; Glenn Cunningham, Nebraska; James T. Broyhill, North Carolina; James Harvey, Michigan; Albert W. Watson, South Carolina; Tim Lee Carter, Kentucky; G. Robert Watkins, Pennsylvania; Donald G. Brotzman, Colorado; Clarence J. Brown, Jr., Ohio; Dan Kuykendall, Tennessee; Joe Skubitz, Kansas; Fletcher Thompson, Georgia; James F. Hastings, New York.

Committee on the Judiciary: William M. McCulloch, Ohio; Richard H. Poff, Virginia; William T. Cahill, New Jersey; Clark MacGregor, Minnesota; Edward Hutchinson, Michigan; Robert McClory, Illinois; Henry P. Smith III, New York; Thomas J. Meskill, Connecticut; Charles W. Sandman, Jr., New Jersey; Thomas F. Railsback, Illinois; Edward G. Biester, Jr., Pennsylvania; Charles E. Wiggins, California; David W. Dennis, Indiana; Hamilton Fish, Jr., New York; R. Lawrence Coughlin, Pennsylvania.

Committee on Merchant Marine and Fisheries: William S. Mailliard, California; Thomas M. Pelly, Washington; Charles A. Mosher, Ohio; James R. Grover, Jr., New York; Hastings Keith, Massachusetts; G. Robert Watkins, Pennsylvania; Henry C. Schadeberg, Wisconsin; John R. Dellenback, Oregon; Howard W. Pollock, Alaska; Philip E. Ruppe, Michigan; Daniel E. Button, New York; George A. Goodling, Pennsylvania; William C. Bray, Indiana; Paul N. McCloskey, Jr., California; Louis Frey, Jr., Florida.

Committee on Post Office and Civil Service: Robert J. Corbett, Pennsylvania; H. R. Gross, Iowa; Glenn Cunningham, Nebraska; Edward J. Derwinski, Illinois; Albert W. Johnson, Pennsylvania; Daniel E. Button, New York; William L. Scott, Virginia; James A. McClure, Idaho; Thomas J. Meskill, Connecticut; Donald E. Lukens, Ohio; Lawrence J. Hogan, Maryland.

Committee on Public Works: William C. Cramer, Florida; William H. Harsha, Ohio; James R. Grover, Jr., New York; James C. Cleveland, New Hampshire; Don H. Clausen, California; Robert C. McEwen, New York; John J. Duncan, Tennessee; Fred Schwengel, Iowa; Henry C. Schadeberg, Wisconsin; M. G. (Gene) Snyder, Kentucky; Robert V. Denney, Nebraska; Roger H. Zion, Indiana; Jack H. McDonald, Michigan; John Paul Hammerschmidt, Arkansas; Clarence E. Miller, Ohio.

Committee on Science and Astronautics: James G. Fulton, Pennsylvania; Charles A. Mosher, Ohio; Richard L. Roudebush, Indiana; Alphonzo Bell, California; Thomas M. Pelly, Washington; Donald Rumsfeld, Illinois; John W. Wydler, New York; Guy Vander Jagt, Michigan; Larry Winn, Jr., Kansas; Jerry L. Pettis, California; Donald E. Lukens, Ohio; Robert Price, Texas; Lowell P. Weicker, Jr., Connecticut; Louis Frey, Jr., Florida.

Committee on Standards of Official Conduct: Leslie C. Arends, Illinois; Jackson E. Betts, Ohio; Robert T. Stafford, Vermont; James H. Quillen, Tennessee; Lawrence G. Williams, Pennsylvania; Edward Hutchinson, Michigan.

Committee on Un-American Activities: John M. Ashbrook, Ohio; Del Clawson, California; Richard L. Roudebush, Indiana; Albert W. Watson, South Carolina.

Committee on Veterans' Affairs: Charles M. Teague, California; E. Ross Adair, Indiana; William H. Ayres, Ohio; John P. Saylor, Pennsylvania; Seymour Halpern, New York; John J. Duncan, Tennessee; John Paul Hammerschmidt, Arkansas; William L. Scott, Virginia; Margaret M. Heckler, Massachusetts; John M. Zwach, Minnesota; Robert V. Denney, Nebraska.

Committee on Ways and Means: Rogers C. B. Morton, Maryland.

AMENDMENT OFFERED BY MR. GERALD R. FORD

The Clerk read as follows:

Amendment offered by Mr. Gerald R. Ford: On page 7, lines 5 and 6, strike out "E. Ross Adair, Indiana; William H. Ayres, Ohio;" and insert: "William H. Ayres, Ohio; E. Ross Adair, Indiana;"

Mr. GERALD R. FORD. Mr. Speaker, my amendment, which has just been read by the Clerk, will correct the seniority standing of the gentleman from Ohio (Mr. Ayres) on the Committee on Veterans' Affairs.

The amendment was agreed to.

The resolution as amended was agreed to.

A motion to reconsider was laid on the table.

MIDDLE EAST REPORT

(Mr. BROWN of California asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BROWN of California. Mr. Speaker, I would like to call to the attention of my colleagues another in the series of articles which Carol Stevens Kovner, managing editor of Kovner Publications in Los Angeles, has written on the Middle East situation.

In this article, Miss Kovner points up the determination of Israel to defend her borders from aggression and the loneliness which the Jews feel in this battle. The article follows:

Abba Eban Deplores Stereotype of Passive Victims of Violence

(By Carol Stevens Kovner)

In an interview with Time Magazine in their January 10 issue, Abba Eban, articulate Foreign Minister of Israel, said there is a stereotype of Jews as the passive victims of others violence.

In Israel the Jews resist. They do not suffer passively. But the world, personified by the government leaders and news media who speak for the world community, has not fully absorbed this change in the Jewish picture.

Mr. Eban said, "I have no other explanation for the fact that the Soviet Union, which invaded Czechoslovakia, can condemn alleged Israeli "aggression" at the UN . . . without the public gallery bursting into laughter."

"If someone could prove that we could survive by giving Arab violence a free rein, then we would do so. But nobody has proved this."

The Pope's sympathetic message to Lebanon's president "deploring violent acts" and asking Lebanon to refrain from taking countermeasues was astonishing, because this was in the context of not uttering a single word of protest when 13 Jewish and Arab shoppers were killed by a terrorist bomb in a Jerusalem marketplace, in the same geographical area.

Was the Pope's message to Lebanon, where there was no loss of life involved, an act of unbiased justice at a delicate moment in history? With his deep interest in the Middle East and the Holy Land, why not speak when Jewish children were being terrorized in Israeli northern villages with unrelenting bombardment in December by Iraqi trained army regulars. Or even when the Israeli engineer, ironically on his way to a UN help mission, was shot to death in Athens by trained-in-Lebanon terrorists.

But when Israel, defending her small population from guerrilla bands, even eventually from Lebanon, finally after some months of terrorism, struck in warning to the Arab nations that they must control the terrorists or suffer the consequences and destroy 13 aircraft in Beirut—not a drop of blood was spilled.

Yet this "metal and wire and upholstery" as Israeli Ambassador to the UN Yosef Tekoah called it, this is what brought the Pope to speak out. Not in protest to the copious blood spilled by Israeli civilians in Jerusalem, not the innocent life of a Jew on a mercy mission for the UN, but the mere destruction of material objects.

"Are we to hear that the scrap iron of airplanes is worth more than Jewish blood?" Tekoah asked in the UN, his voice angry and heartsore, as he stood before the UN Security Council after a decision which never mentioned in the unanimous condemnation a single act of the terrorists from Arab countries, but only Israeli response to the acts of the terrorists.

Abba Eban deplored, "Those who were silent in the face of 13 mangled bodies in Mahane Yehuda market now cry with choking voices over 13 steel skeletons that never breathed life . . . there was an angry outcry only over property that was destroyed—and is insured."

There are six countries sitting on the Security Council which have no diplomatic ties with Israel.

There is the Soviet Union with Czechoslovakian hopes for a freer life crushed under Soviet invading tanks. Continuous anti-Semitic campaigns ricochet to other countries from her shores and the Soviet Union presumes to judge a Jewish country.

There is Britain, still enamoured of her personal romantic myth of the Arab riding in the clean open desert (with an Englishman by his side), holding a grudge against Israel for not strangling during the years after World War II, when she did her level best to throttle the emerging country.

There is France, in the grip of an ancient autocrat who suddenly announced a complete arms embargo after the Beirut raid on Israel with no return of $160 million paid in advance by Israel. Israelis met his announcement with resigned dismay, realizing this was the logical conclusion to the courtship of de Gaulle and the Arabs, with the Russians providing much of his wooing words.

And there is the United States, too, who joined this frivolous and irresponsible farce at the UN, condemning a small country for what we have done ourselves unscathed and uncensured by the UN . . . in the effort to be more "evenhanded."

There has been much talk in the last two weeks of an imposed settlement by the Big Four, France, Britain, the Soviet Union and the United States. Given their present attitudes, the Russian and French newly sealed trade agreement and support of every Arab move politically, the British psychological antipathy of Israel, and the US's new, weighted evenhandedness, what kind of Great Power intervention would be proposed?

The new Soviet formula going the rounds of diplomatic circles looks similar to the Arab demands for a return to the May 1967 situation. France has proposed putting Great Power troops into all countries involved, but de Gaulle's arms embargo has ruled France out as a future mediator in the Middle East because of his one-sided stand.

Like the Four Horsemen of the Apocalypse, once the Big Four got rolling together, could they stop short of erasing Israel and the Jewish people off the globe, as their self-imposed silence nearly did in World War II?

ALEXANDER PIRNIE'S TERM AS IPU PRESIDENT

(Mr. MONAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, last Wednesday our colleague, the gentleman from New York (Mr. Pirnie) completed his term as President of the Interparliamentary Union and he did this without fanfare or celebration, but it does seem to me that this occasion should not be allowed to pass by the House without some notice of the achievement of Alexander Pirnie and some expression of appreciation on the part of the House for his work on that august body which was performed essentially as a Representative of the House of Representatives.

Alexander Pirnie was elected to the Presidency of the Interparliamentary Union in 1968 and served from that time to the present. As a member of that group, I am familiar with his work and with the outstanding contribution that he made not only to the successful functioning of that historic international organization but also in fostering the image of the United States and improving relations between the people of our country and the people of innumerable other countries throughout the world.

Representative Pirnie capped his service with his election as chairman of a committee composed of members from five countries to study the question of universality and he served in this capacity at the next to the last meeting of the union at Dakar, Senegal.

Mr. Pirnie performed magnificently at the formal sessions of the Interparliamentary Union. He took an active part in the deliberations of the Union's most active committee, as well as in its ruling council, and in these areas he stanchly defended the record and policies of the United States and proved himself to be a worthy foeman of those who attacked our country. In addition to his formal activities and in some ways more importantly, Mr. Pirnie devoted himself tirelessly to the extraofficial activities of the various conferences. It is an accepted fact that in these extracurricular contacts parliamentarians are able to achieve more for their countries than in the formal exchanges of the scheduled sessions and Alexander Pirnie performed superbly in this department. I am confident that he was responsible for greatly improving the understanding of many of our policies on the part of delegates to the conference who would otherwise have based their judgment of policy on insufficient information.

In addition to this performance, I must also pay tribute to Representative Pirnie personally as I praise his qualities as a delegation leader. His tact, his courtesy, his thoughtfulness, and his gentle but firm scheduling and performance of delegation responsibilities made it a particular pleasure to serve with him.

I am pleased to bring this brief report to the House today and I am confident that all Members will agree that Representative Pirnie's service should be a source of great pride and satisfaction to this body. In the name of my colleagues, I thank Mr. Pirnie for his outstanding service.

LT. COL. WILLIAM ST. JOHN

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, one of Connecticut's most distinguished military officers has announced his retirement from the National Guard after 42 years of service. He is Lt. Col. William St. John, who for this period approaching half a century has contributed his efforts to the successful operation of our Military Establishment. I have known Colonel St. John for the greatest part of his life and I am personally familiar with he outstanding record that he has compiled.

He has not only been interested in military affairs, but he has always taken an active part in political party activities and civic affairs in our hometown in Waterbury where he was at one time a formidable and popular candidate for mayor.

Not only has he been a friend of mine for many years, but he acted as my campaign manager in my first successful campaign for Congress in 1958.

Colonel St. John is not the only military member of his family. His son, Capt. Richard L. St. John, whom I was proud to designate is a graduate of the U.S. Military Academy, a soldier with a distinguished record in Vietnam and at present a professor of military science at Lafayette College in Easton, Pa.

The Hartford Courant recently carried a complete and interesting account of Colonel St. John's career and I think it only fitting at this juncture in the life of one who has served the United States so well to make this account a part of the Record, as follows:

OFFICER ENDS COLORFUL CAREER

(By Theodore Driscoll)

It was July 6, 1944, and the Chinese 36th Division had been thrown back by a surprise Japanese counter-attack that drove them to the Solween River. The river was wide and swift. There could be no retreating across it.

Lt. Col. William St. John, then commander of the American combat section with the Chinese unit, listened with his men to the nightly BBC news broadcast.

There had been a tragic circus fire in Hartford, Conn., 168 were dead, 500 others injured. For St. John it was one of the saddest days he would ever know.

It would be several weeks before he could be sure that his wife and his five-year-old son in Waterbury, his life-long home, had not been at the circus that day.

Half a world away in the jungles of Southwest China this gnawed at St. John, a constant worry, until he got a letter from his wife five weeks after she sent it. They were safe.

NOW RETIRING

St. John sat in his office at the State Armory on Broad Street one day last week reminiscing about this and other things. He had just announced that he was retiring from the National Guard after 42 years of service.

On his desk was a letter to Gov. Dempsey with the latest accounting of the $25,156,592 worth of state-owned property used by the Connecticut National Guard.

St. John is a kind of overseer for this property. He is the state military property and procurement officer and will continue in this position after his retirement from the National Guard.

His boyhood was spent in Waterbury, at St. Thomas School and Crosby High School and later Brooklyn Polytechnical Institute in New York. He joined the National Guard when he was in high school. That was 1926.

St. John tried and almost got into West Point. He was very proud when his son, Richard, tried and made it. Capt. Richard L. St. John just returned from Vietnam with the Purple Heart and the Silver Star. Now, he is a professor of military science at Lafayette College in Easton, Pa.

St. John and his wife, Mary, have three other sons, William St. John Jr., who is with Travelers Insurance Cos., and a student at Suffolk Law School in Boston; Mark J. St. John, a senior at Sacred Heart College in Bridgeport, and Gregory G. St. John, a sophomore at Boston College.

The Connecticut National Guard was activated shortly after Pearl Harbor. St. John went to the South Pacific where he spent 37 months of the war.

INTELLIGENCE OFFICER

He was an intelligence officer with the Bobcat Task Force and was later assigned to the 20th Route Army of the Chinese National Army. Then he was with the Chinese 36th Division which fought its way through southwest China, over "the Hump" and finally opened the Burma Road.

Chinese soldiers could classify anything growing as edible or inedible, St. John said, and they ate things no one else would.

"The 36th was the damndest dog-loving outfit you ever saw." When St. John joined them, at least half the Chinese soldiers had dogs.

"Ever had dog stew. It's good—tastes like rabbit," that's what the dogs were for and in those circumstances, St. John said it made an "elegant stew."

Memories came to St. John in spurts, as they do after 20 years. Some came alone, some were tied to other memories with no apparent design or reason. Food kept popping up.

"Once we went 21 days without food—real food—we ate blades of grass and things like that. And when finally there was an air drop. Everyone stuffed himself and got sick."

This was St. John's rag-tag army. Army issue clothes soon rotted away and after that they took what they could get. For most that meant Indian Army overalls, size 48 to 50, so the sleeves had to be rolled up and the crotch fell to the knees, St. John said.

St. John commanded about 900 Americans attached to the 36th Division. He was a combination soldier and horsetrader.

When he wanted the Chineses to carry out a particular operation he would bargain with them, "You want rifles . . . then we'll do things this way." The rifles were coming anyway but the Chinese didn't know that. Only St. John did.

A HORSETRADER

The 35-year-old commander of the Chinese understood horsetrading and he understood St. John, who said he would have made an excellent general in any army.

Some things confused the Chinese commander. Why, for instance, did the president of the United States get only $75,000 while some industrialists got $100,000.

St. John said the commander asked the question, then answered it himself. His eyes lit up and he said, "Ah, but the kun-cha."

Kun-cha means graft. And St. John said it might not be spelled like that but that is the way it is pronounced.

The commander understood horsetrading. So did the Japanese.

For several weeks the 36th and the Japanese each occupied half a small city in southwest China. Wednesday was market day and there was tactic agreement that the men of the 36th could go to the Japanese-held marketplace safely.

Orders were put in for the following week. St. John remembers bargaining for tangerines and paying extra because the merchant had to bribe the Japanese to get tangerines through their lines.

"You ever hear my famous pigeon story?" St. John asked, letting it become known that just about everyone around the armory had.

One of the things St. John's underfed and under-equipped army didn't need was carrier pigeons. At least that's what his men were saying as they carted eight of the big breasted birds along, feeding them every day while they themselves went hungry.

"Those pigeons served a very useful purpose," St. John said. They ate them.

Not all St. John's food stories were like that. Some of them were gruesome.

For instance, there was a Canadian priest who was freed when the 36th liberated a prisoner-of-war camp who explained how he, a thin man, had survived while a fatter colleague starved to death.

"He was squeamish" the priest told St. John.

"I would turn over a rock and eat whatever I found. He wouldn't," St. John recalled the priest saying.

And there was the impressment of women and children to carry supplies over the hump". It was a brutal system, St. John said—"It was theirs not ours."

The impressed citizens carried equipment, as did mules, to heights of 16,000 feet over the Himalayas. "The bones of most of them, people and mules, are still up there," St. John said.

St. John remembered the POW camps and how, toward the end of things, they liberated one after another in Burma. Sometimes there were just a dozen men, sometimes there were a thousand.

Some were only starving. Others had completely lost their minds and St. John said that was the saddest thing of all. He remembered one POW, eyes sunken, gaunt and filthy, who stumbled up to him and said, "Hey Saint".

He could not recognize the man by his looks. He remembered the name. The man had come to the South Pacific with St. John three years before.

Not all the memories of war were pleasant.

St. John said it was good to have such things behind him, but he would not like to go through them again.

The 36th Division secured the Burma Road and the supplies that had been flown over the "hump" from India to China could then go by land.

In the spring of 1945 St. John went to eastern China where he and others plotted an attack on Canton, still held by the Japanese.

But in July the plotting ended. The word was out, but only in rumors, that the end was near. St. John returned to the United States at the end of the month. He was at Ft. Gordon, Ga., on V-J Day, Aug. 14.

For most of America's 12-million fighting men that was the end. For St. John it was really only the middle. He would spend another 24 years in the National Guard.

MORE ON LEGALIZED USURY AND PROPOSED UNIFORM CONSUMER CREDIT CODE

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, on January 23, 1969, I placed in the CONGRESSIONAL RECORD a statement concerning the dangers of the proposed Uniform Consumer Credit Code, which was prepared under the auspices of the National Conference of Commissioners on Uniform State Laws and financed in major part by the American Bankers Association and other segments of the credit industry. This code, calling as it does for interest rates as high as 36 percent on installment sales and loans, would be a great travesty on the American public if enacted. It has many other anticonsumer and public provisions which will be the subject of subsequent analysis. What few beneficial provisions it contains simply are not worth the great detriment to be suffered by consumers if the code is enacted in the States.

Unfortunately, the sponsors of the code have ordered full speed ahead and are mounting a heavy pressure campaign to secure its earliest possible adoption in the State legislatures. The bill is now before the State Legislature of Massachusetts and other State legislatures. Apparently Massachusetts, one of the first States to adopt strong truth-in-lending and other consumer protection laws, is a prime target for adoption of the code. Fortunately, the Commonwealth of Massachusetts has an experienced and effective Consumers Council. The council appeared before the judiciary committee of the State senate, recommending against hasty action on the code and its referral to the Consumers Council for detailed analysis.

Prof. William F. Willier of the Boston College Law School presented the council's position. His statement is an eloquent argument against the code, pointing out the great harm it threatens to progressive consumer legislation in the Commonwealth of Massachusetts.

Professor Willier's statement and the accompanying press release from the Consumers Council follow:

STATEMENT BY PROF. WILLIAM F. WILLIER, ON BEHALF OF THE MASSACHUSETTS CONSUMERS' COUNCIL CONCERNING HOUSE BILL 778, THE UNIFORM CONSUMER CREDIT CODE, BEFORE THE COMMITTEE ON THE JUDICIARY, JANUARY 29, 1969

The Massachusetts Consumers' Council, after study and consultation, opposes the enactment of the Uniform Consumer Credit Code in Massachusetts at this time.

The Uniform Consumer Credit Code would change many laws and regulations in Massachusetts which were designed and enacted to protect the consumer. Many problems and conflicting viewpoints have been brought to the Council's attention, some obvious and some not so obvious. The General Court should not hastily enact a statute beset with so little understanding and so much controversy. Instead, thorough study by a competent body should be given to the changes, problems and conflicts which enactment of the Code would create. What may be good enough for Colorado consumers may not be good enough for consumers in Massachusetts.

THE FALLACY OF UNIFORMITY

There is serious fallacy in one of the major premises upon which the Uniform Consumer Credit Code was promulgated: that regulation of consumer credit can or ever will be uniform among the fifty states and territories. Population patterns and composition, standards of living, levels of employment, size of communities and the extent and kinds of business enterprises all affect the demand for and supply of consumer credit and the nature of its regulation, and these factors differ from state to state and region to region. The Massachusetts General Court must deal with the problems as they exist in Massachusetts; it must be concerned with the consumers in this state and not with those in other states.

RATE CEILINGS—COST TO MASSACHUSETTS CONSUMERS

In all cases the rate ceilings for consumer credit in the Uniform Consumer Credit Code exceed those in Massachusetts, even though they may equal or be lower than those in other states. The Commissioners argue that high ceilings will allow competition to flourish in the consumer credit market resulting in actual rates below the ceilings. There is ample evidence that for many debtors the ceiling becomes the floor, that high cost creditors always charge the maximum rates. The Council requires much more evidence to the contrary before it could endorse any increase in the rate ceilings in Massachusetts.

The Council concedes that the pattern of rate ceilings in Massachusetts has little consistency, but it has been functioning so far as anyone knows with little hardship on creditors or consumers. The data supplied to the Committee by the Department of Banks, prepared so ably by Mr. Ledbetter, indicates the potential cost to Massachusetts consumers by the Credit Code's rate ceilings. At maximum rates, the first $200 of indebtedness (which is the lowest breaking point for present rates) payable over one year in twelve installments would cost the consumer the following additional amounts if the Credit Code were enacted:

A small loan	$7.14
A new car	25.10
Home appliance	21.10
Insurance premiums	7.14

Consumers are frequently shocked when they learn how high the rate ceilings already are in Massachusetts. For example, on the first $200 of debt, they are 30% for small loans; 14¼% for new cars; 17¾% for goods and services; 30% for insurance premiums. In all of these cases the Uniform Consumer Credit Code would raise the ceiling to 36%.

OTHER PROBLEMS AND WEAKNESSES

Nothing prevents the legislature from lowering the rate ceilings in the Credit Code so that they approximate present ceilings, although the Commissioners insist that the high ceilings are necessary if competition is to work to lower rates. Were this the Consumer Council's only difficulty with the Code, it might recommend passage with lower ceilings. But there are other problems and weaknesses. At a casual glance, the Credit Code appears to offer protections and benefits to the consumer very much like the ones we have in Massachusetts and to add some new benefits to those. However, a careful look reveals that in a number of instances the Credit Code actually weakens protections already law in Massachusetts. A few examples will make the point.

NEGOTIABLE INSTRUMENTS

Under ordinary rules of law, a buyer who gives a negotiable promissory note to a seller in a credit sale can be forced to pay the finance company to which the seller sells his note for cash even though the seller does not deliver all or part of the goods or services or the goods prove to be defective. Massachusetts forbids the use of negotiable instruments in such cases. So does the Uniform Consumer Credit Code. But Massachusetts also requires that the note be labeled "Consumer Note" so that no finance company can force payment of it if the seller defaults. Such enforcement remains possible under the Credit Code. A violation in Massachusetts subjects the seller to a possible fine and the debtor can recover the entire finance charge as a penalty. The Credit Code does not make the violation a crime and allows the buyer a penalty only at the discretion of a court. Further, the seller can weasel out entirely by showing the violation to be unintentional or the result of bona fide error.

WAIVER OF DEFENSES

To avoid the negotiable instrument problems, creditors often insert clauses in the credit agreement which state that debtors agree not to assert their claims and defenses (such as nondelivery or defective goods) against third parties (usually finance companies or banks) who buy the agreements from the creditors. In Massachusetts, such clauses are unenforceable by decision of the Supreme Judicial Court and by statute. The Uniform Consumer Credit Code as introduced in Massachusetts would give third parties *some* benefit from such clauses: the third party would never be liable for more than the amount owing to him at the time and the debtor would be limited to set-off against that amount. Presently, the debtor can bring action on his own initiative and does not have to rely upon set-off.

CASH PRICE

Both Massachusetts and the Uniform Consumer Credit Code require a credit seller to reveal as the cash price the price the goods and services are offered to cash buyers. If a buyer in Massachusetts can show the cash price in a credit sale to be more than in a cash sale, he can recover penalties. The Credit Code *presumes* that the cash price quoted by the seller is a cash price, creating an almost impossible legal burden for the buyer to overcome in court.

HOME SOLICITATION SALES

The Massachusetts law gives a buyer one day in which to cancel a credit sale made away from the seller's place of business; the Uniform Consumer Credit Code gives three days, which is better. But the Credit Code applies only to sales made at the buyer's residence (not even at his neighbor's), and then penalizes him the lesser of his downpayment or 5% of the price for exercising his right to cancel. Massachusetts has no such limitations or penalties.

BALLOON PAYMENTS

Some creditors induce debtors to enter into a credit transaction by scheduling early low installment payments and then hitting the debtor with a final payment many times the amount of the others. When the debtor cannot pay the final amount, the creditor takes possession of collateral or, usually, offers to refinance that amount often with additional credit on terms similar to the original and, of course, with additional finance charge. Debtors seldom get off the hook in such cases. Massachusetts requires that installment payments be substantially equal unless the debtor is given the right to spread the balloon payment out in amounts and periods equivalent to the other payments or unless the balloon payment reflects the irregular income of the debtor and that fact is stated. The Uniform Consumer Credit Code allows balloon payments of up to double the average of others; if greater than that, the debtor is merely given the right to refinance the payment, which is exactly the abuse which causes the problem.

INSURANCE AND INSURANCE FINANCING

A number of sections of the Uniform Consumer Credit Code indicate that financing of insurance premiums is not regulated at all and it clearly is not if the financing is by the insurer. In c. 255C Massachusetts regulates such financing. Further, there seems to be no restrictions on the kinds of insurance a creditor can require in connection with a consumer credit transaction and for which the creditor makes a separate charge, while in Massachusetts the kinds of insurance are limited.

ACKNOWLEDGMENTS

Buyers of goods and services frequently are asked to sign acknowledgments at the time they enter into a credit transaction stating that all goods had been delivered and services performed even though this was not so. This has been used in home improvement transactions more than any others. When third parties to whom the seller sold the credit agreement sought to enforce payment, courts held debtors to these acknowledgments even though the debtor had obviously been defrauded. Massachusetts gives such acknowledgments no evidentiary effect against a debtor. The Uniform Consumer Credit Code ignores the problem. However, as to disclosure, such an acknowledgment creates a presumtpion against the debtor *even as to the original creditor* that he has complied with the statute; as to third parties, the presumption is conclusive. There are no such presumptions in Massachusetts.

REMEDIES

Massachusetts allows a debtor *as a matter of right* to recover a penalty of all credit charges for most violations, and even more for some violations. The Uniform Consumer Credit Code leaves award of a penalty to the discretion of a court. Massachusetts allows a debtor to take affirmative action in court to have a violation declared void. The Credit Code does not provide for such a right. Massachusetts allows a creditor to avoid the penalty if the violation was accidental or the result of bona fide error in only three limited situations. The Credit Code allows this escape from all penalties without limit. Mere violation of our Retail Installment Sales Act is a crime (the Attorney General is currently in the process of prosecuting a violator). Only a few violations are crimes under the Credit Code and they must be willful, which is almost impossible to prove.

CONCLUSION

There are many other weaknesses and problems in the Consumer Credit Code too complex or subtle to chronical in this statement. There are some good points and innovations in the Credit Code which would benefit Massachusetts consumers and the concept of one tightly knit consumer credit code has much to recommend it. But if a scale could be created upon which to balance the gains and losses to Massachusetts consumers, the Council is convinced it would tip in favor of losses if the Uniform Consumer Credit Code were enacted in the form of House Bill 778.

[From the Consumers' Council News, Jan. 29, 1969]

THE POSITION OF THE MASSACHUSETTS CONSUMERS' COUNCIL ON HOUSE BILL 778, THE UNIFORM CONSUMER CREDIT CODE, AS STATED BY PROF. WILLIAM F. WILLIER, STATE HOUSE, BOSTON, MASS., JANUARY 29, 1969

Dr. Edward R. Willett, Chairman of the Consumers' Council, designated Professor William F. Willier of Boston College Law School to speak for the Council. Professor Willier is the Credit Law Consultant to the Council and, also, is a member of the Advisory Board on Truth-in-Lending to the Federal Reserve Board.

The following is an excerpt from Prof. Willier's testimony: "The State Consumers' Council, after study and consultation, opposes the enactment of the Uniform Consumer Credit Code in Massachusetts at this time.

"The Council's position is as follows: The Uniform Consumer Credit Code would change many laws and regulations in Massachusetts which were designed and enacted to protect the consumer. Many problems and conflicting viewpoints have been brought to the Council's attention, some obvious and some not so obvious. The General Court should not hastily enact a statute beset with so little understanding and so much controversy. Instead, thorough study by a competent body should be given to the changes, problems and conflicts which enactment of the Code would create. What may be good enough for Colorado consumers may not be good enough for consumers in Massachusetts."

Prof. Willier made the following additional points:

"(1) There is serious fallacy in one of the major premises upon which the Uniform Consumer Credit Code was promulgated: that regulation of consumer credit can or ever will be uniform among the fifty states and territories. . . . The Massachusetts General Court must deal with *the problems as they exist in Massachusetts;* it must be concerned with the consumers in this State and not with those in other states.

"(2) In all cases the rate ceilings for consumer credit in the Uniform Consumer Credit Code *exceed those in Massachusetts,* even though they may equal or be lower than those in other states. There is ample evidence that for many debtors the ceiling becomes the floor, that high cost creditors always charge the maximum rates.

"The Uniform Consumer Credit Code would raise the ceiling to 36% interest at maximum rates of this new proposed Code. The first $200 of indebtedness (which is the lowest breaking point for present rates) payable over one year in twelve installments would cost the consumer the following additional amounts if the Credit Code were enacted:

	"Increase
"A small plan	$7.14
A new car	25.10
Home appliance	21.10
Insurance premiums	7.14

"(3) At a casual glance, the Credit Code appears to offer protections and benefits to the consumer very much like the ones we have in Massachusetts and to add some new benefits to those. However, a careful look reveals that in a number of instances the Credit Code actually weakens protections that are already in the laws of Massachusetts."

The Executive Secretary, Mr. Dermont P. Shea of the Council, stated that: "These are just some of the reasons why the Consumers' Council recommends that a thorough study be made in order to protect the rights of the citizens of the Commonwealth. This code might be suitable for other states that do not have the consumer protection credit laws that Massachusetts has, but it is not acceptable to the Consumer's Council as presently drafted."

CONGRESS SHOULD WORK ITS WILL ON SALARY INCREASES

(Mr. FLYNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FLYNT. Mr. Speaker, I have introduced House Resolution 178 calling for the disapproval of the salary increase proposal for certain officials in the executive, legislative, and judicial branches of Government. This resolution was referred to the House Committee on Post Office and Civil Service.

Since it is clear that the Committee on Post Office and Civil Service will not take this subject up prior to the deadline at which time the proposed increase will automatically become law by nonaction, I simultaneously introduced House Resolution 179 which was referred to the House Committee on Rules. This resolution, if favorably reported, would have the effect of bringing the question of the pending salary increase to the floor of the House for a vote.

The chairman of the Rules Committee has scheduled a hearing on this and other identical House resolutions for 10:30 a.m. on Wednesday, February 5, 1969. I expect to appear before the Committee on Rules and to ask the committee to report such a resolution to the floor. The House can vote it up or down.

I do not think that a salary increase—amounting in one case to an increase of 171 percent of present salary—should become effective by congressional nonaction, and such an increase at a time when efforts should be made to reduce instead of increase Federal spending is outrageous.

The annual cost of the salary increases for the executive, legislative, and judicial branches is $34,700,000. At a time when there is relatively little flexibility in our budget and when conflicting pressures are being exerted to both reduced Federal spending and to increase spending on certain programs, we cannot by nonaction authorize a salary increase of this magnitude with a clear conscience.

When this method of salary adjustment was considered and the Presidential Commission was established by act of Congress in 1967, I opposed the legislation. I think that the creation of the Commission of Executive, Legislative, and Judicial Salaries was unfortunate and constitutes a great mistake. To perpetuate the mistake instead of correcting it constitutes an unwillingness to face up to our responsibilities.

We have delegated our legislative authority and responsibility to an Executive Commission, and by doing so, have disclaimed ourselves of our responsibility to legislate important matters dealing with Federal expenditures. If the House of Representatives wants to approve the provisions of the Commission's report, that is a matter on which the House can and should work its will. The enactment of a salary increase amounting to more than $35 million annually, however, should not, under any circumstances, be done by nonaction. It should be done only by a rollcall vote.

RECONSIDERATION URGED ON WHITE HOUSE USE OF FOREIGN PRODUCTS

(Mr. SISK asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SISK. Mr. Speaker, it is customary for the Congress to give a new administration a reasonable amount of time to get itself oriented, to reappraise past policies, to review its options, and then chart its course. I intend to follow this policy with regard to the Nixon administration.

Nevertheless, I intend also to speak out on issues of importance when the circumstances indicate to me that the administration is receiving bad advice.

One such circumstance apparently has developed already. I refer to an article which appeared in the Washington Post of Saturday, February 1, which contained a report of a formal reception of the diplomatic corps.

It seems to me that the new administration has blundered badly already by deciding to serve French champagne at the White House. I hope that this does not represent an abandonment of the policies of the two previous administrations, which not only were proud to serve American wines, brandies, and champagnes at the White House, but also insisted that American products be served at American posts overseas.

The first Saturday after assuming office President Nixon devoted to a review of our Southeast Asia policies. The second Saturday he devoted to Mideast policies. I hope that the President will set aside an early Saturday for a discussion of White House beverage policies.

I am confident that an unbiased review of this matter would show that unquestionably the best policy would be to serve good California beverages or, in a pinch, those produced in the State of New York, but in no event those products which come from the vineyards of Charles de Gaulle.

Because of my grave concern over this matter I am directing a letter to President Nixon asking that henceforth, where the fruit of the vine is concerned, only American products be used at official American functions.

PRIZEWINNING ESSAY BY MIKE BUNN

(Mr. HALEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HALEY. Mr. Speaker, today, when the subject of crime is discussed so much, individually and through our news media, I would like to submit to you to be printed in the CONGRESSIONAL RECORD the following essay written by one of my young constituents, Mike Bunn, a high school senior from Bartow, Fla. Mike won first place in the impromptu essay competition at the Key Club International Convention held in Montreal this past summer on the subject of "How We as Youth Can Prevent the Growth of Crime and Violence in Our Societies." I think that you will join me in applauding this young man's efforts to summarize how best youth—and I might add—adults might help in combating crime and violence in our society today. The essay appeared in the December 30, 1968, edition of one of our fine Florida newspapers, the Polk County Democrat, Bartow, Fla.

The essay follows:

PRIZEWINNING ESSAY: BARTOW KEY CLUBBER REFLECTS ON YOUTH LAW AND ORDER ROLE

Mike Bunn, a senior at Bartow high school, won first place in the impromptu essay competition at the Key Club International convention held in Montreal this past July.

In the contest, participants were given no advance warning concerning the topic. Mike's essay, which follows, was on the topic, "How we as youth can prevent the growth of crime and violence in our societies":

"Since history was first recorded, man has a record of crime and violence. When civilizations progressed to high levels, they made laws to protect their citizens by suppressing the animal character of man.

"But laws are not always obeyed nor is the animal nature of man tamed. Men strike out against each other in wrath and in jealousy. Men steal to live or for 'kicks'. They fail to see the obligation they have toward others.

"Today society tolerates crime or excuses criminals because they are underprivileged. Society first must change its attitudes before crime can be successfully combatted.

"Youth will play an important role in the fight against crime. Men are not born thieves or murderers, but learn to steal or kill.

"It is the duty of the youth of a country to aid in the prevention of crime. Violence in modern society is inexcusable and should be dealt with promptly. The 'problem' children, the unreachables, must be brought back into society before they become threats to society.

"Only at a young age can the future criminals be reformed. Thus it will be their peers who must reach them. Example is the best of teachers; therefore youth must set a good example for the generation that follows. Friendship, too, must be given to the problem child; lack of social contact or lasting relationships with their fellow men can be seen in the depraved assassins of the last few years. Communication between individuals and between generations in society must be strengthened.

"Perhaps the greatest weapon against crime is respect. For if men respect the rights of each other how can they deny a man those rights or infringe on his personal freedom? A campaign among the youth of all nations upholding the worth and dignity of the individual would do much to fight crime.

"Criminals should be justly punished on conviction, but when their debt is paid to society, they should be allowed to return as free of stigma as one who has never committed a crime.

"By making contacts with children in underprivileged areas, by setting a suitable example for our peers and the generations to come, by establishing better communications between individuals, and by campaigning for the dignity of all men, crime can be successfully fought. It is the young leaders of today who must fight for a better tomorrow. It is the work of today that assures the success of tomorrow."

RACIAL JUSTICE, NOT SEPARATISM

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FEIGHAN. Mr. Speaker, recent demands by Negroes for separatism are very disturbing. I have devoted much energy during my tenure in Congress, as have a great number of my colleagues, to assure the Negro a position of true equality in our society. I was pleased to find the following editorial in the Cleveland Plain Dealer of January 27, 1969, dealing with this timely subject.

It is my hope that my colleagues will read this noteworthy editorial:

If the Negro wants to improve his lot, he should be concentrating on developing unity and racial dignity, not separatism. And whites could make an important contribution to the cause of equality by working to change the attitudes of friends and neighbors who are prejudiced.

This is the advice of two leaders here—Dr. Kenneth W. Clement of the Urban League and William Pickard of the NAACP—and it bears repeating.

Dr. Clement has joined civil rights leader Roy Wilkins and others in condemning racial separatism.

In view of the years of frustration and oppression, it is not difficult to see why some Negroes today are urging black separation with perhaps even the setting aside of entire states for Negroes.

But separatism is not the answer. Now, when the national conscience is awakening, is a time to strive for racial justice and a truly harmonious American society in which a man is not judged on the color of his skin.

This does not preclude the cultivation of racial pride in the Negro and the development of knowledge about his heritage. These are laudable goals and they should and can be attained within a single society, without whites and blacks going separate ways.

The Negro, however, is not the only one responsible for bringing about the transition. Whites hold the balance of power in this country and their commitment to racial equality is essential.

Pickard suggests that whites can help by changing the attitudes of fellow whites who are not sympathetic to the plight of the Negro. He is correct.

Prejudice must be actively combatted. As fast as the walls of bigotry topple, the Negro will progress in his struggle. Every white who realizes this should be reasoning with his less enlightened neighbors.

POST APPROVES OF DISCIPLINING PEOPLE

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, the Washington Post now editorializes that free speech is rightfully subject to party punishment if essential to preservation of morale in the party.

I do not recall the Post editorializing against those free-speech dissenters who tore up the National Democratic Convention in Chicago.

On the other hand, they have eulogized Castro and even defended the Supreme Court in deciding that a Communist has a right to freedom of association and can work in a defense factory.

One wonders why the editors find no concern for the morale of the people. Should not the people—not the party—have the right to punish?

Who would the Post's editors suggest should pass on the morale of the party—news editors? Other politicians? My people's morale is low—but never beaten.

How would the Post define representative government? Of the people? Or of the party?

The editor of the paper who has been so prodigiously outspoken for free speech, dissent, and an alphabet of other rights suddenly finds more concern about party discipline than he does about the right of our people to vote—free from persecution, intimidation, or punishment.

Does the Washington Post now repudiate the one-man, one-vote theory?

Noteworthy, no suggestion was made of any constitutional provision, law, or statute as authority for the party action. The Post would seem to approve of making laws to fit the occasion and with retroactive effect.

In fact, the action the Post seeks to defend is at most unwritten political tradition or custom—which the same paper bitterly opposed when they moralized against racial segregation in the South as an evil institution of tradition or custom, which denied basic human rights.

A contradictory position from an oracle of the communication media. It even suggests additional punishment of my people by banishing them from the party altogether. Makes one wonder, would the Post extend its extremistic logic to refuse the people of my district any representation in Congress because their philosophy of life and country may differ from the feelings of others, including the editorial policies of the Post?

But then, the Post is in the business of selling newspapers. And everyone knows in Washington, D.C., you can sell venom by turning your pen against the people of the South.

The editorial follows:

PARTY DISCIPLINE

The disciplined Congressman from Louisiana, John R. Rarick, missed the point when he said that he is a free American who has a right to support George Wallace if he wants to. Of course he has. But he can't claim all the privileges of a Democratic member of the House of Representatives when he insists on knifing his party in the back.

We think the action of the House Democrats in stripping Mr. Rarick of his seniority was not only fair but also essential to the preservation of morale in that party. Some allowance must be made for party members who stand on the sidelines during a presidential contest because they cannot conscientiously go along with the nominee of their party. But open support of a rival is a breach of party discipline that cannot reasonably be tolerated. The Congressman from Louisiana will be fortunate if he loses only his seniority and not the right to masquerade under the Democratic label.

PATRIOTISM IS NOT DEAD

(Mr. DORN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DORN. Mr. Speaker, it was my privilege to attend a magnificent program, "Salute to the Armed Forces," on November 1, 1968, conducted by the Aiken High School Band, faculty, and students. This was a half-time show dedicated to our Armed Forces at the Greenwood High-Aiken High football game. The following editorial appeared in the Aiken Standard and Review of November 6, 1968, and is a tribute to this splendid occasion:

AIKEN—U.S.A.

Though the prophets of gloom depict this era as one of darkness, hippies, yippies, draft card burners and chaos, on Friday, November 1, at Aiken High School's Hagood Stadium, a light as strong as a laser beam appeared and proved that waving Old Glory is not as old fashioned as some would have us believe.

The Aiken High School band, faculty and students' "Salute To The Armed Forces" moved thousands of fans with a program as stirring as the Spirit of '76. Imagine, if you will, the theme songs of the United States Army, U.S. Marine Corps, United States Navy and United States Air Force being played by the spirited Aiken High School band as each of the Armed Forces Color Guards marched to take their positions on the center of the gridiron. What a magnificent display of the national colors. The stirring music of the Aiken High band brought everyone to their feet and as a welcome was thundered out by the students and fans, the roar became deafening and shattering. The tumultous welcome for the color guards, the visiting Major General John C. T. Tillson III—Commanding General of Ft. Gordon—Mrs. J. C. T. Tillson, the 861st Radar Squadron, and the soldiers who are now in recuperation at Ft. Gordon Hospital certainly proved that Americans do care.

Following the very warm and dramatic welcome, 5000 fans came to a dead silence as a U.S. Army firing squad from Ft. Gordon echoed the volleys of a 21 gun salute. The silence as Old Glory was placed at half mast as the Bugler and echo sounded Taps made the night take on a reverence never to be forgotten. With this tribute to those who made the supreme sacrifice, the Aiken Band then marched forming a huge letter "A" to signify America, our wonderful country, under God, while the entire audience joined in singing "God Bless America" as 1000 and more American Flags waved.

Indeed, this is America and Aiken is fortunate to have the dedication of its youth, city officials and fraternal organizations who united as a community to pay homage to the greatest country in the world. Old Glory, long may it wave.

POLICE REPORTER

(Mr. DORN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DORN. Mr. Speaker, the following article appeared in the Charlotte Observer on November 29, 1968. Mr. York, author of this article, until recently was a reporter for the Charlotte Observer for 15 years. I commend this superb article to the attention of my colleagues and to the American people:

Police Reporting: Naked Life and the Odor of Blood

(By John York)

Police reporter.

On television and in the movies he's the fast-talking, well dressed cat with a secretary and a camera and he's always one step ahead of the fuzz.

Grabbing off the criminals to get his story before the law moves in.

Oh, baby.

I've been a police reporter for 12 years and I think I've seen it all.

My secretary is the copy boy who loses my telephone calls, and I gave up carting a camera around when I learned that people love to try to slug people who carry cameras.

They asked me to tell you what 12 years of police reporting is like.

I have tried on page after page of gray copy paper and it comes out one way . . .

Bitter and bloody.

Bitter because I have been there a thousand times and I have seen the victims, minutes after the crime, and after awhile you wonder at the sort of subhuman who could do this sort of thing and at the intelligent people who ignore the victims in favor of the criminal.

Bloody because that's the way it is.

There's an odor to blood. There's something about the smell of blood mixed with gunpowder in the air of a small, cluttered room that can drop your body temperature 10 degrees.

There's something about a dead body that shouts, "This man is dead" and the moment you see him you know, even though the formalities of legally establishing death are yet to come.

The people?

Con men with silvery tongues who suckered me a time or two until I learned two basic facts.

Anyone in trouble who will talk freely to a reporter is selling something, and . . .

The man who asks you to come to jail to talk with him wants out, and he is going to say or do anything to get out.

The people?

How about the first kid to walk through the doors of the Juvenile Diagnostic Center years ago. He merited an interview because he was the first, and he said the things he was supposed to say. He just wanted to get straightened out and learn a trade and make something of himself.

He was up then for housebreaking. He's not even out of his 20s now and he's doing time for rape and kidnaping, and escape and a host of other little exercises in how not to be good citizen.

How about the man I talked with who was being sent up for his third prison term for murder.

Three notches on his gun. Think he's learned anything?

Or the man who walked into a local hospital, shot his wife to death and then asked me, "Is she dead? If she ain't I'll sure as God kill her when I get out of here."

Or the countless kids I've talked with who steal and apologize and beg forgiveness and then go out to steal again.

Or the professional shoplifters who clean the merchant's daily, operating in gangs, some of whom divert the salespeople while the others load up, and the fantastic amounts of money they make. Crime doesn't pay? Try to tell them that.

Or the pimp, a flim-flam man who drives the new air-conditioned luxury car with a pair of well-dressed gals in the front seat. Two hundred dollar suits and nobody can touch him because you have to have evidence.

He walks in and out of the police department and grins at the policemen, and their stomachs hurt.

Or the child molesters and the countless men who expose themselves to women and children and roar away in their cars before the shocked victims think to get a tag number.

Or the fire-blackened bodies carried out of the still smoking building and the limp, wet kids pulled from the river and the lakes and the bloody, torn messes taken out of demolished automobiles.

This is what police reporting is.

This and being there when the man tells everyone who will listen that he did it and how he did it and all he wants is to get it off his chest—and then he gets a lawyer and two months later in court you hear him say the confession was beaten out of him by vicious, mad-dog officers who laughed at his screams.

Or standing beside the car and watching the drunk driver fall down when he tries to take a step and then seeing him in court later, clean and sober, with a retinue of friends who are prepared to swear that they were with old Joe that night and he never took a drink.

Or watching the sullen youth stand poker faced while they book him at headquarters after a 90-mile-an-hour chase which could have killed a half dozen innocent people and then learning that his mother called headquarters the next day to complain that the officers stole his watch, which he probably lost in the foot race across dark back yards after he had wrecked the car.

Or listening on the telephone extension while the snooty resident of a snooty section bawls the duty captain out because a police car drove down his street and he wants police to know, "This is not a street where police are needed."

And wishing that some night he would need them badly, and that they would refuse to come down his street.

Or watching the furious citizens who don't believe they can be arrested as they raise pure hell with the officer who stopped them for running a red light or running through a stop sign, or doing 60 in a school zone at 3 p.m. And watching the officer stand there white-faced and silent, taking it because he has been told he must not argue.

Or seeing the blind man whose throat was cut over a couple of beers by a couple of animals.

Or seeing the bleeding women limp into headquarters on Saturday night.

This is what it is all about.

This is police reporting.

You cannot tell much of it when it happens because the lawyers claim that you prejudice juries.

You cannot tell much of it anyway because the nice little ladies are offended and they write to the newspaper to complain about such "trash" and such horrible things being printed.

You will never forget the one who called in to complain and then topped things off beautifully by adding, "People might think those stories are true."

Good Lord.

You think about these things and you analyze public reaction and you decide, after 12 years, that only the victims are truly offended by crime and that the solution lies only in enough of us becoming victims.

You tell this to people and they smile at the pure idiocy of it and then being quoting from social studies and the assorted texts of people who have never known a real honest to God hood.

It's ugly.

It will drive you to your knees and tear out your heart and mold you into a man who can stand over the bodies and study them with the impartiality of a doctor signing the death certificate of someone he does not know.

That's the way it is.

But if a reporter wants to be a well-rounded reporter, and if he is curious about people, he cannot help but be attracted to the police beat, where life is stripped of its pretenses and he sees people without their guard up. In this atmosphere the phonies are so obvious they are comical.

There is a world of difference between covering the police beat and, for example, the business beat. On one, the reporter is usually welcome because he represents free publicity and the world he sees is mostly rosy.

The police reporter is often—make that almost always—unwelcome wherever he goes. Even some of the policemen he works with are wary of him and some of them try in devious ways to block him from getting information—without being so obvious about it that they attract the attention of their more realistic, better-educated superiors.

But violence is a sudden thing, and when it comes it strips away the veneer everyone hides behind, and the things you see under those circumstances are real.

The people are real. They say what they feel. Later they may regret it and deny it, but for this single moment you have been privileged to see people as God created them, tormented by their weaknesses and vanities, plagued by their selfishness, or sometimes able to endure almost unbelievable pressure without yielding. The ugly and the good.

The tigers who stalk the night and their soft victims.

There are three things that make the police beat worthwhile for a reporter:

The friendship of the men with whom you have sometimes shared danger, brave men who, 100 years ago, would have opened up the wilderness.

The unforgettable lessons in human nature from observing people under these circumstances.

And the tearful smile on the face of the young mother when an officer returns her lost child.

MEMBER OF AUSTRALIAN PARLIAMENT FLIES IN F-111, CALLS IT "THE GREATEST"

(Mr. WRIGHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WRIGHT. Mr. Speaker, it is common knowledge that the strongest advocates of the F-111 aircraft are the pilots who fly it. Time and again these veteran fliers have paid tribute to this remarkably advanced aircraft.

Now come words of praise from an entirely different quarter. During debate on the defense bill in the Australian Parliament some weeks ago, Member B. W. Graham described a flight he made in the F-111 and called it "the greatest flying machine of its type in the world today."

So that my colleagues may share Mr. Graham's assessment of this aircraft and its capabilities, I insert in the Record excerpts from his speech:

On 24th October last I had the privilege of flying in an F111 aircraft at speeds ranging

> from 450 knots at about 250 feet to mach 1.56 at 36,000 feet over Texas, Oklahoma and Arkansas.
>
> I admit that there was some difficulty in knowing over what States of the United States one was flying. Nevertheless it was a remarkable experience, and I personally say to the Parliament that I believe this aircraft to be the greatest flying machine of its type in the world today.
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> * * * * *
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> Acting upon the best advice they could get from the senior officers of the Royal Air Force, the colleagues of honourable members opposite in London, the Right Honourable Harold Wilson, Mr. Callaghan and Mr. Brown—all solid Labour men—made the decision to buy (the F-111) from the United States. They said to their own Air Force leaders: "What sort of aircraft will we need for the protection of the United Kingdom?" They were told that the TSR2 would be suitable and that, if they decided not to choose the aircraft built in Britain, without doubt the TFX (F111) should be chosen. They ordered fifty TFX (F111) aircraft from the United States. The Royal Air Force leaders today are crying because their Government lost the courage to try to find the money to buy this aeroplane. The Government of the United Kingdom came with great ease to the decision not to buy the TFX once it realised that it would no longer have a strategic need for the aircraft. The reason why the United Kingdom Government does not want an aircraft with the range, bomb load and other capabilities of the F111 is that Britain is now withdrawing into Europe, where it can rely on the Luftwaffe, which is the most powerful air force in the whole or the North Atlantic Treaty Organisation. Let us be clear about the situation: The United Kingdom does not need a strategic weapon of this sort. For this reason, added to the salient fact that it was short of money, it cancelled its order for the aeroplane.
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> * * * * *
>
> I would like to discuss capability briefly. It will not benefit Australians generally or the people in this Parliament if we talk about the possibility of targets and look into a crystal ball in an attempt to find some strategic target that might be worthy of an atomic weapon. There is no merit in this. We seek to base our common defence on regional pacts in South East Asia. We seek to stand side by side with our friends in Malaysia, Indonesia, the Philippines, Thailand, Vietnam and Singapore. We will co-operate with them in the future in the creation of the defence forces necessary to protect the area in which we live. We will be able to do this more effectively with a force of F111 aircraft under the control of Royal Australian Air Force pilots who have confidence and high morale and who have been trained to a high standard than we would be able to with any other aircraft that is operating in the world today. This aircraft is a fighter bomber which will be able to carry out a multiplicity of operations.

MARINE SANCTUARY LEGISLATION

(Mr. KEITH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KEITH. Mr. Speaker, the weekend papers have been filled with reports and comments on the 10-mile oil slick which floats off the coast of southern California. Unfortunately, this is a story which many of us knew we would read about sooner or later.

In July 1967, I filed legislation which, if enacted, might have prevented such a tragedy. I urged then that ocean areas of vital economic and public concern, such as Georges Bank—and, if the Secretary should so determine, the Santa Barbara Channel—be set aside by the Secretary of the Interior as a marine sanctuary. Under this concept, the Congress could indicate its concern and would accordingly protect wildlife, public recreation areas, and the fishing and beach resort industries. Unfortunately, the Department of the Interior opposed the bill, although it did indicate its interest in working out an acceptable redraft. Regrettably, they have not yet submitted anything to the Committee on Merchant Marine and Fisheries.

I also introduced legislation in 1967—H.R. 16559—which would have given the President the authority to devise methods and provide resources to act quickly and effectively to combat oil spills and leaks whenever and wherever they endangered our seas and shores. Instead, the Nation had to settle for an Executive order that falls far short of what we need.

My distinguished colleague, the gentleman from California, the Honorable CHARLES M. TEAGUE, recently introduced a bill to provide protection against oil pollution. Unfortunately, it is the shoreline of his district that may soon be littered with oil. Passage of my bill might have forestalled this tragedy.

This problem is not an isolated one. The threat of oil pollution faces other areas. In the waters off the Cape Cod National Seashore, oil companies are today conducting research looking for future oil rig sites. The oil industry has stated that the possibility of polluting the shores of Cape Cod and its adjacent waters is remote; it has claimed that there is no proof that contamination will take place when oil drilling sites are located near shore. Well, it has happened, and the proof that the oil industry is looking for is now all too evident along the Santa Barbara coast.

And so, Mr. Speaker, today I am refiling a bill to provide for marine sanctuaries.

We in the Congress have the responsibility to cope with problems of this kind. We must find ways to deal with oil slicks of this magnitude. We must be concerned, also, with the safety and well-being of residents and workers who use these offshore areas. And we must, above all, for the sake of posterity, make certain that we balance the use of our Nation's resources.

I hope that the Merchant Marine Committee will take up this legislation at the earliest possible date. And I trust that Secretary Hickel and the new administration will take a positive and balanced approach to the whole subject.

PROPOSED PAY INCREASE

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, I have been assuming that the House would have the opportunity to vote on the Federal pay raise proposal recommended by President Johnson. Delay in organizing the Post Office and Civil Service Committee, to which the resolutions of disapproval have been referred, indicate to me that this opportunity is an uncertain one and that our time to act may run out unless we move quickly.

It would be unfortunate if no vote were taken. Apparently the Senate expects to vote, judging from weekend news reports, and that distinguished body's involvement in money matters is or should be less direct than ours. Pride in our own institution should lead us to do no less than the Senate in this respect, regardless of how justified we may feel the pay raise is. We made a mistake in giving control over the top level of Government pay to an executive commission; we should not compound that mistake now by putting our reliance in the other legislative body.

I understand there are those in the Rules Committee who are considering taking action to permit the House to work its will on this issue. Mr. Speaker, I want by these remarks to encourage them, and to urge my colleagues likewise to urge the procedural steps which could bring the resolution of disapproval to the floor.

I oppose the proposed pay increase primarily on economic grounds. Those of us who feel strongly that Government expenditures must be kept under strict control at this time if we are to slow inflation and hold the line on taxes, cannot help but view with misgiving the raising of the only effective ceiling on executive branch pay. This proposal, and the manner of its implementation, weaken the lever of congressional restraint when we should be strengthening it.

But even those who favor the pay increase owe it to themselves and to the public respect for our institution to ask for a specific opportunity to vote, rather than backing into an increase by inaction.

CONGRESSIONAL PAY INCREASE

(Mr. LUJAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LUJAN. Mr. Speaker, I would like to enter into the RECORD my position on President Johnson's recommendations to increase congressional pay.

I have previously taken a stand against overinflation caused directly by overspending. By remaining silent, I would make myself a part of the problem itself.

I join with the Member from Indiana, Mr. DENNIS, in cosponsoring a resolution disapproving President Johnson's recommendations for additional salary.

As a new Congressman, I am put in a position of having to automatically ask for a pay raise for myself before I draw my first paycheck. In all good conscience I cannot do this. I shall vote against the increase.

PROTESTING HANGING OF JEWS IN IRAQ

(Mr. LUJAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LUJAN. Mr. Speaker, in the name

of humanity, I wish to register my protest against the recent public hanging of the nine Jews in Iraq.

This is a step backward in civilization—a step away from eventual peace in the Middle East—a step back in the Dark Ages.

I extend my sympathy to family, friends, and kinsmen of these citizens of Iraq, and join with men of good will all over the world in pledging to work actively against these hasty and inhumane actions, wherever and whenever they occur.

PROPOSED AMENDMENT TO THE CONSTITUTION RELATING TO THE ELECTION OF THE PRESIDENT AND VICE PRESIDENT

(Mr. KLEPPE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. KLEPPE. Mr. Speaker, I am today proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President.

It would combine apportionment of electoral votes to States on the basis of their representation in Congress with a direct election process which would be invoked if no presidential candidacy received a majority of electoral votes.

The amendment would eliminate the electoral college and with this the "faithless" elector. It retains the long-established concept of a federal system by continuing to assign to each State one electoral vote for each Member of the Senate and House. It continues the award of all electoral votes apportioned to a State to candidates receiving the largest number of popular votes for President and Vice President.

It provides, however, that in the event no candidacy receives a majority of electoral votes, victory goes to persons receiving the greatest number of popular votes for President and Vice President. This provision may appeal to proponents of a direct election system who object quite rightly to the present process under which the House could elect as President any one of the three candidates receiving the highest numbers of electoral votes, in the event of an electoral college deadlock.

History suggests this provision would rarely, if ever, be invoked. Not since the Adams-Jackson election of 1824 has a presidential candidate failed to receive a majority of electoral votes, although there have been close calls.

My amendment would remove any uncertainties which could arise under the present system by directing that Congress shall "provide procedures to be followed in consequence of the death or withdrawal of a candidate on or before the date of an election," or in the case of a tie.

There is general agreement that the present system of electing the President and Vice President needs reform. There seems to be no solid consensus, however, concerning any one of the several alternative proposals which have been put forward.

There may be so much debate over the size and shape of the table that proponents of a change will never get around to agreeing upon a constitutional amendment Congress would approve or the States would ratify. This possibility is reinforced by the fact that of the several hundred attempts, over the past 165 years, to reform the electoral college system, most got nowhere at all and only a handful moved through even a single branch of the Congress.

Unless there can be devised a constitutional amendment which will meet the test of acceptance, this newest quest for electoral reform will be nothing more than another exercise in futility.

I believe the smaller States would ratify an amendment preserving the electoral strength they now have under the federal system, even though it contained this provision for a decision on a popular vote basis in the event of an electoral vote deadlock. As the attached table shows, 36 of the 50 States now have electoral vote representation which exceeds—from slightly to greatly—the weight their respective populations would give them under the direct election process.

Based on the 1960 census, Alaska, for example, has a ratio of 1 electoral vote to 75,380 people. My State of North Dakota has a ratio of 1 to 158,112. For California, the ratio is 1 to 392,930. Abandonment of the electoral vote system in favor of the direct election process would diminish by more than one-half North Dakota's present voice in the selection of a President.

I do not believe the smaller States would willingly surrender the protection they have under the Federal system any more quickly than they could be persuaded to give up their present basis of representation in the U.S. Senate.

During Senate debate on proposed electoral system reform in March 1956, the then Senator from Massachusetts, John F. Kennedy, spoke specifically on the question of direct elections:

> On theoretical grounds it seems to me it would be a breach of the agreement made with the States when they came into the Union. At that time it was understood that they would have the same number of electoral votes as they had Senators and Representatives.

Expanding on this, he said:

> After all, the States came into the Union as units. Electoral votes are not given out on the basis of the voting numbers, but on the basis of population. The electoral votes belong to each State. The way the system works now is that we carry on a campaign in 48 States, and the electoral votes of that State belong to that party which carries each State. If we are going to change that system, it seems to me it would strike a blow at States rights in major proportions. It would probably end States rights and make this country one great unit.

Had my proposed amendment been in force through the years, it would certainly have changed only one election. The election of 1824 would have gone to Jackson. It probably would have reversed the outcome of the Tilden-Hayes election, because there would have been no disputed electors. It would not have changed the outcome of the 1888 Harrison-Cleveland election, in which Cleveland polled about 100,000 more popular votes but lost to Harrison by 65 electoral votes.

Mr. Speaker, the following table shows the ratio of electoral votes to population in each State for 1964 and 1968 presidential elections—based on 1960 census:

Rank and State:	*Ratio*
1. Alaska	75,380
2. Nevada	95,093
3. Wyoming	110,022
4. Vermont	129,960
5. Delaware	148,764
6. New Hampshire	151,730
7. North Dakota	158,112
8. Hawaii	158,193
9. Idaho	166,798
10. Montana	168,692
11. South Dakota	170,129
12. Rhode Island	214,872
13. Utah	222,657
14. New Mexico	237,756
15. Maine	242,316
16. District of Columbia	254,652
17. Arizona	260,452
18. West Virginia	265,774
19. Nebraska	282,266
20. Oklahoma	291,036
21. Colorado	292,325
22. Oregon	294,781
23. Arkansas	297,712
24. South Carolina	297,824
25. Iowa	306,369
26. Maryland	310,069
27. Mississippi	311,163
28. Kansas	311,230
29. Connecticut	316,904
30. Washington	317,024
31. Tennessee	324,281
32. Louisiana	325,702
33. Alabama	326,674
34. Georgia	328,593
35. Wisconsin	329,315
36. Virginia	330,579
36. National average	333,314
37. Kentucky	337,573
38. Minnesota	341,386
39. North Carolina	350,473
40. Florida	353,682
41. New Jersey	356,870
42. Indiana	358,654
43. Missouri	359,984
44. Massachusetts	359,984
45. Michigan	372,533
46. Ohio	373,325
47. Texas	383,187
48. Illinois	387,736
49. New York	390,286
50. Pennsylvania	390,323
51. California	392,930

The text of the joint resolution I am offering follows:

Joint resolution proposing an amendment to the Constitution of the United States relating to the election of President and Vice President

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

"ARTICLE —

"SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice President chosen for the same term, be elected as provided in this Constitution. No person constitutionally ineligible to the office of President shall be eligible to that of Vice President.

"SEC. 2. An election shall be held in each State and in the District constituting the seat of Government of the United States (referred to in this article as the 'District') to determine which candidates for the office of President and Vice President are entitled to the electoral votes of such State or the District. An election held pursuant to this section shall be held on a day which is uniform throughout the United States, determined in such manner as the Congress shall by law prescribe. The Congress shall prescribe by law the time, place, and manner in which the results of an election held pursuant to this article shall be ascertained and declared.

"SEC. 3. The law of each State shall govern within such State as to any matter with respect to which the Congress is granted legislative power under the next sentence, but only to the extent that such State law is not inconsistent with any Act of Congress in effect pursuant to that sentence. In the case of any election in a State under this article, the Congress shall have power to provide by law for the places at which and the manner in which the election shall be held. The Congress shall by law prescribe the places at which and the manner in which an election required by this article shall be held in the District.

"SEC. 4. The qualifications for voters in any State in an election held pursuant to this article shall be the same as apply in the case of voters in such State in elections of Senators under the Constitution, except that any State may prescribe a residence qualification less restrictive than that which applies in such State with respect to voters in elections of Senators. The Congress shall by law prescribe the qualifications for voters in the District in an election held pursuant to this article.

"SEC. 5. In each election held pursuant to this article a vote may be cast only as a joint vote for the election of two persons (referred to in this article as a 'presidential candidacy') one of whom has consented that his name appear as candidate for President on the ballot with the name of the other as candidate for Vice President, and the other of whom has consented that his name appear as candidate for Vice President on the ballot with the name of the other as candidate for President. No person may consent to have his name appear on the ballot with more than one other person. The Congress shall have the power to enforce this section by appropriate legislation.

"SEC. 6. Each State shall be entitled to a number of electoral votes equal to the number of Senators and Representatives to which such State may be entitled in the Congress. The District shall be entitled to a number of electoral votes equal to the number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State. In the case of each State and the District, the presidential candidacy receiving the greatest number of votes shall be entitled to the whole number of the electoral votes of such State or District. If a presidential candidacy receives a majority of the electoral votes, the persons comprising such candidacy shall be the President-elect and the Vice President-elect. If no presidential candidacy receives a majority of the electoral votes, the persons comprising the presidential candidacy which received the greatest number of popular votes in the election held pursuant to section 2 of this article shall become the President-elect and the Vice President-elect.

"SEC. 7. The Congress shall by law provide procedures to be followed in consequence of the death or withdrawal of a candidate on or before the date of an election under this article, or in the case of a tie.

"SEC. 8. The first four paragraphs of section 1 of article II of the Constitution, the twelfth article of amendment to the Constitution, section 4 of the twentieth article of amendment to the Constitution and the twenty-third article of amendment to the Constitution are repealed.

"SEC. 9. This article shall not apply to any election of the President or Vice President for a term of office beginning earlier than two years after the date of ratification of this article."

This constitutional amendment would:

First. Preserve the long-established concept of the federal system by continuing to assign each State one electoral vote for each of its two U.S. Senators and one vote for each Member of the U.S. House of Representatives. For the District of Columbia, the number of electoral votes would be equal to the number it would be allocated if it were represented in Congress in the same way as the 50 States, "but in no event more than the least populous State."

Second. Abolish the electoral college but retain the present system of awarding all electoral votes apportioned to each State to the candidates receiving the largest number of popular votes for President and Vice President. Under my amendment, Congress would "prescribe by law the time, place and manner in which the results of an election held pursuant to this article shall be ascertained and declared." This would remove a basic objection to the present system under which the "faithless" elector can cast his vote for candidates other than those on whose slate he ran. It would also eliminate the present possibility that a President and Vice President of different political parties could be elected at the same time.

Third. Prevent any possible deadlock by providing that if no presidential candidacy receives a majority of electoral votes, the "persons comprising the presidential candidacy which received the greatest number of popular votes in the election, shall become the President-elect and the Vice-President-elect." This would eliminate the present provision under which selection of the Nation's Chief Executive would then fall to the House of Representatives or the Senate—through election of a Vice President. This provision should calm the fears of proponents of a direct election system who are rightly apprehensive of the present method which makes it possible for any one of the three presidential candidates receiving the highest numbers of electoral votes to be elected by the House.

Fourth. Remove the uncertainties which could arise under the present system by directing that Congress shall "provide procedures to be followed in consequence of the death or withdrawal of a candidate on or before the date of an election under this article, or in the case of a tie."

Fifth. Offer an alternative which stands a strong chance of being ratified by the required three-fourths of the States. It seems unlikely the smaller States are prepared to accept a diminished voice in the selection of the President and Vice President, as they clearly would under either the direct or proportional election systems which are being proposed. My amendment preserves the principle of federalism in the selection of the Nation's two top officials. The smaller States are no more ready to surrender this principle than they are to surrender their constitutional right to elect two Members of the U.S. Senate.

Despite its obvious imperfections, the electoral college system has functioned remarkably well. It clearly misfired 144 years ago when John Quincy Adams was elected President over Andrew Jackson, who had received more electoral votes, as well as more popular votes, than his opponents.

During the next 144 years there were two cases in which the candidate receiving a majority of electoral college votes won fewer popular votes than his opponent. In 1876 Samuel J. Tilden received about 250,000 more popular votes than Rutherford B. Hayes, but lost by one electoral vote. In 1888 Grover Cleveland polled about 100,000 more popular votes than Benjamin Harrison, but Harrison received 65 more electoral votes. In all other presidential elections, including the close ones of 1960 and 1968, the candidate with the largest number of popular votes received a majority in the electoral college.

Under my amendment the 1824 election would have gone to Jackson. Tilden probably would have been elected in 1876, because there would have been no disputed electoral votes. Result of the Harrison-Cleveland contest would not have been changed. Had a direct election system been in effect, Jackson, Tilden, and Cleveland would have won.

The proportional system would also have changed the results of at least two past presidential elections. "Proposals To Reform Our Electoral System," a study published by the Legislative Reference Service of the Library of Congress, says:

> In at least two elections since 1860, proportionate distribution would have given the Presidency to a minority candidate who was defeated under the present system. In 1880 Winfield S. Hancock had over 7,000 fewer votes than James A. Garfield, but he would have won by a margin of 6 to 8 electoral votes if proportionate distribution had been in effect. In 1896 William Jennings Bryan won less than 47 per cent of the popular vote to William McKinley's nearly 51 per cent, but proportionate distribution would have given him an electoral vote margin of 6. Although Bryan carried only 17 States, 11 of them were in the South. McKinley carried 28 States in other sections of the country, but under the proportional system he would have lost many more electoral votes outside the South because of Democratic minority votes than he would have gained from Republican minority votes in the solidly Democratic South, and he would have lost the election.

The same publication notes that under the "district" system, which allocates most of the electoral votes on a congressional district basis, results of presidential elections from 1916 through 1964 would not have been changed, except in one case—1960. Under the present system John F. Kennedy won 303 electoral votes to Richard M. Nixon's 219. Under the district system Nixon would have received 280 electoral votes to Kennedy's 254.

Several of the proposals put forward in connection with both direct and proportional elections call for a runoff election if the candidate fails to receive at least 40 percent of the popular or proportional vote. The amendment I have proposed contains no provision for a runoff in the event that no candidate receives a majority of electoral votes and final determination of the winner is made on the basis of the popular vote.

There are two reasons for this omission. First, it is unlikely that the leading candidate under any of the proposed amendments would have less than 40 percent of either the popular or electoral votes. The electoral college method of electing a President has governed 46 elections, including 1968. In only one case—Abraham Lincoln in 1860—did the top vote-getter receive less than 40 percent of the popular vote. Lincoln's percentage was 39.79, but he was not on the ballot in 10 States. Second, in the unlikely event of a runoff under the 40-percent provision, there would be a period of prolonged uncertainty—weeks, if not months—over who the new President would be. Such a transition gap would be extremely dangerous in this age. Moreover, in a runoff election which might come in midwinter, weather conditions could well disfranchise large numbers of voters.

The amendment I am introducing is quite similar, with one exception, to the proposal drafted by the Honorable HALE BOGGS, assistant majority leader of the House. My amendment additionally provides for what amounts to a direct election of the President and Vice President in the event that no candidacy receives an electoral vote majority. As I noted earlier, this has happened only once in 144 years. The gentleman from Louisiana makes what I believe is a convincing case for retention of our electoral system. He says:

> This proposal will remove the evils of the present system while maintaining our Federalism. Of course, any role of the House of Representatives will be removed once and for all.
>
> I see no other logical approach, in view of the fact that the candidates of our two major parties are nominated by conventions with delegates elected either in primaries or in conventions in the respective 50 States and the District of Columbia. Thus, Federalism is still basic in the nomination of a Presidential candidate. It should be so in the election. I doubt that the system could be maintained with a direct popular vote.

In March 1956, when several proposed electoral reform amendments were being debated, John F. Kennedy, then a U.S. Senator, strongly opposed any changes which would scrap the allocation of electoral votes to the States on the basis of their congressional representation. He spoke against both the direct election and proportional representation systems, as well as against the district system. He said:

> I think we would do well not to abandon the present system. There is an old saying to the effect that one should not take down a fence until he knows why it was put up. In my case, I would be reluctant to take down a fence which has served us pretty well in the past.

Speaking specifically on the direct election proposal, Senator Kennedy said:

> On theoretical grounds it seems to me it would be a breach of the agreement made with the States when they came into the Union. At that time it was understood that they would have the same number of electoral votes as they had Senators and Representatives.

Expanding on this, he said:

> After all, the States came into the Union as units. Electoral votes are not given out on the basis of the voting numbers, but on the basis of population. The electoral votes belong to each State. The way the system works now is that we carry on a campaign in 48 States, and the electoral votes of that State belong to that party which carries each State. If we are going to change that system, it seems to me it would strike a blow at States rights in major proportions. It would probably end States rights and make this country one great unit.

Senator Kennedy feared, and I believe rightly, that "under the proportional system, splinter parties would be greatly encouraged." I think the same argument is valid in connection with the direct election system. It was Senator Kennedy's contention that under the electoral vote system "various minority pressure groups are discouraged from forming their own party." He added:

> Thus they find it necessary to work within the two major parties, moderating their own narrow policies to fit the party structure. Thus the American preference for moderation instead of extremities is continued. But the proportional voting system would enable any number of parties able to attract a sufficient number of its own adherents within a single State to obtain official electoral vote recognition never before possible; and by awarding them electoral votes it will give to such splinter groups a new power they may use to coerce one of the major parties to accede to their demands.

Senator Kennedy had this comment on the contention that the electoral vote system "disfranchises" voters:

> The report alleges that millions of voters are disenfranchised under the prevailing system of winner take all, inasmuch as all those who cast votes for the presidential nominee Senator on this floor "might just as well have stayed home. In a sense, that is true, although it is hardly a deterrent on voters hoping to win the State for their candidate—but it is also true of every election for every office under any system other than the European system of proportional representation. Those who voted for the opponent of any Senator on this floor "might just as well have stayed home," too—for, of course, the winner takes all, and those votes are to no avail. Even under Senate Joint Resolution 31 the winner of the presidential race is going to take all—and all the votes cast for his opponent, in that sense, will have been wasted. Indeed, one of the dangers of Senate Joint Resolution 31 is that it may undermine the winner-take-all idea in other spheres—and we will then have a plural executive and a proportionately represented Congress, in which no one's vote is lost but in which no one has any confidence.
>
> Confronted with the fact that winner take all within each State is the accepted system in practically all American elections, proponents then reply that they mean to abolish State lines for purposes of presidential elections, so that each pocket of minority votes within each State can be counted in electoral votes to be added to those from pockets of votes within other States. This is a revolutionary change in our Federal system, and it violates the basic premise that each State acts as a unit in its relations with the Central Government. That is the way the Constitution was ratified; that is the way constitutional amendments are approved—not by pooling the negative votes cast in the legislatures of each State. That is the way the Senate is constituted—even when the party with the fewer Senators elected received, in all senatorial elections combined, the most votes cast. And that is the way our Presidents have been, and should continue to be, elected.

HON. GUY GILLETTE CELEBRATES 90TH BIRTHDAY

(Mr. MAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAYNE. Mr. Speaker, today marks the birthday of a truly outstanding American statesman, the Honorable Guy Gillette, former U.S. Congressman and Senator. Senator Gillette is celebrating his 90th birthday in Cherokee, Iowa, the place of his birth on February 3, 1879, and the place which he has called home ever since.

Guy Gillette began a distinguished career serving the people of northwest Iowa as a lawyer and county attorney in Cherokee County and then as a State senator. He was first elected to the U.S. House of Representatives in 1932. At that time he represented the 13 counties of the then Ninth District of Iowa in the 73d Congress. Twelve of those counties are in the present Sixth District which I am privileged to represent.

After representing his district with great distinction for two terms in the House, Guy Gillette was elected to the U.S. Senate in 1936. With the exception of one 4-year period, he served in the Senate until January 1955, when he retired from Government service.

While he made outstanding contributions in many areas, Senator Gillette was perhaps best known for his work on the Foreign Relations Committee. His eloquent voice was one of the most influential in the discussions which led to the organization of the United Nations after the Second World War. During a 4-year absence from the Senate from 1945–49 he remained actively involved in public affairs carrying out a series of highly important special assignments for Presidents Roosevelt and Truman. When he again ran for the Senate in 1948, he won with the highest majority which had ever been received by a senatorial candidate in the history of Iowa.

In and out of public service Guy Gillette has proved himself worthy of the title "Citizen of the Republic" and a true humanitarian. One of his outstanding characteristics has been a commanding appearance, dignified and quietly impressive, earning him the respect and attention of all who heard him.

I well remember what I believe was his last public appearance before he was stricken by illness in the fall of 1966. Guy Gillette very fittingly was invited to give the principal address at the dedication of the new Cherokee County Courthouse on October 16. As he spoke all of us who were privileged to hear him knew that we were in the presence of greatness.

Not only all Iowans but all Americans should be grateful for his outstanding record of service to our State and Nation. But we in northwest Iowa have a special claim on Guy Gillette, as he has on us. I know that the Senator will be receiving many tributes and greetings on this his 90th birthday, and I am proud to add mine as a former constituent and longtime admirer and friend. And I cordially invite my colleagues to join me in wishing our distinguished former Member, Senator Guy Gillette, a very happy 90th birthday.

EFFECT OF PROPOSED ACTIONS OF THE EUROPEAN ECONOMIC COMMUNITY ON THE SOYBEAN INDUSTRY

(Mr. ARENDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARENDS. Mr. Speaker, I should consider it of great importance that I call to the attention of the Congress the very real concern of the soybean industry over the proposed actions of the European Economic Community.

On December 10, 1968, Mr. Sicco Mansholt, vice president of the European Economic Community's Commission for Agriculture, made several proposals for restructuring the agriculture of the Common Market. One of these proposals sent shock waves throughout the length and breadth of not only the 17th Congressional District of Illinois, but throughout the 30 soybean States of the Nation.

All segments of the soybean industry are deeply concerned about the proposed actions of the European Economic Community as they affect soybean oil and soybean meal.

The European Economic Community now has under very serious consideration an internal tax on soybean oil of $60 per metric ton, and one on soybean meal of $30 per metric ton. The purpose of these internal taxes is to raise the price and thereby deliberately reduce the import demand for high protein feeds in the EEC. The net effect of these proposed taxes, especially as they relate to soybean meal will be to reduce the importation of soybeans and soybean meal from the United States by the European Economic Community.

During the last marketing year, the European Economic Community purchased about 93 million bushels of soybeans and 2,063,000 short tons of soybean meal from the United States. All of these sales were for dollars, and returned approximately $500 million in hard currency to the U.S. economy. A loss of a major share of this market would adversely affect our balance of payments.

During the 1967–68 marketing year these exports to the EEC amounted to about 31 percent of the soybeans exported from the United States, and 70 percent of the soybean meal exported.

Competent economists advise me that the proposed internal taxes, especially as they relate to soybean meal, will reduce consumption within the European Economic Community by the equivalent of about 60 million bushels of soybeans. This is the production from over 2 million acres of soybeans. Such a loss of market would have deleterious effects upon the U.S. soybean producer, processor and distributor. The futures markets would be adversely affected.

This is especially catastrophic in view of the increasing carryover of soybeans which by the end of the current marketing year will amount to 315 million bushels—over 10 times the level at the end of the 1964 marketing year.

In addition, the loss of this market would result in a further sharp increase in the budgetary outlays for soybean price support by some $150 million. By the end of this marketing year, CCC will have invested some $700 million in soybeans—under current conditions.

Reduced processing and transportation will sharply curtail labor requirements. I know that my friends in the labor group are conscious of this.

I know that the executive branch of the U.S. Government has protested, and will continue its protest against this proposal in the strongest possible terms. There is unanimity on this issue between the various agencies of the executive branch. Every objective student of this matter knows that this proposal would seriously impair present conditions of access negotiated between the EEC and the U.S. Government.

I would urge the executive branch to take the position that such action would result in a swift reprisal in restoring the balance of trade; for the proposed tax is a violation of the recently concluded GATT negotiations. The proposed items for increased duty have been bound against increase in these negotiations. Soybeans, cottonseed, rapeseed, and all oilcake and meal are bound at zero to the United States. The edible oils are dutiable at rates ranging from 8 to 15 percent.

I want to make one point abundantly clear. I do not intend to stand idly by while this effort is being made to shift the costs of helping EEC agriculture to the backs of the American farmer, U.S. agri-business, American labor, and the U.S. Treasury.

This whole matter is of such serious consequence that I believe our House Committee on Agriculture should hold a hearing on the subject. Such a hearing would be of value not only to acquaint all the members of that committee with the seriousness of the proposed taxes, but would also give impetus to representations being made by the executive branch of the Government to the EEC countries. After looking into this matter the Agriculture Committee may have a recommendation of action that could be taken by the executive branch as well as the Congress.

WHY REAPPOINT FAUNTROY?

(Mr. SCHERLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHERLE. Mr. Speaker, serious consideration by the Nixon administration to the reappointment of the Reverend Walter Fauntroy to the Washington, D.C., City Council is "incredible."

As a member of the Black United Front, a group organized and headed by Stokely Carmichael, and while serving as Vice Chairman of the City Council, Fauntroy attempted to wear "two hats" which frequently embarrassed and handicapped the operation of the government of the Nation's Capital.

The history of Reverend Fauntroy's ineffectiveness as a mediator between black militants and the law-abiding citizens is well documented. In fact, the record indicates that he was more often a "convenient tool" of the militants than a public official who could effectively bridge the various segments in the city.

During the riots last spring, Reverend Fauntroy was ignored and laughed off the television screen when he pleaded with the rioters and looters to "cool it."

Fauntroy was a key figure in the formation and establishment of the infamous Resurrection City, an administrative debacle, which eventually degenerated into a disgraceful "island of lawlessness."

The reappointment of Reverend Fauntroy to the City Council would sabotage and submarine President Nixon's District of Columbia anticrime program.

The present low morale of law-enforcement officers in the District could not be expected to change if Fauntroy, a top official in the Black United Front, an organization guilty of calling a murdered local police officer "justifiable homicide," continues in office.

There are many qualified citizens of every race, color, and creed who could serve on the District of Columbia City Council with the complete dedication and responsibility the position demands. What reason can there be to turn again to one who has been more often a source of embarrassment than of leadership?

All evidence surrounding the reappointment of Fauntroy as a member of the Council proves that the citizens of the District do not approve of his actions and that his continued service in this capacity will only undermine and weaken the city government.

HORTON BILL EXCLUDES SPORTS AWARDS FROM TAXABLE INCOME

(Mr. HORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORTON. Mr. Speaker, this year when the winners of the Nobel Prizes are announced, these cash awards and other prizes for high achievement in science, art, music, literature, and civic affairs will be excludable from gross income under section 74(b) of the Internal Revenue Code.

However, in a Nation which places great importance on physical fitness, teamwork, and sportsmanlike competition, awards for athletic achievement are taxed as ordinary income. This is true even when the award, unlike the cash Nobel Prize, has no utilitarian value.

Today I am proposing a measure to add "sports" to the categories of awards excludable under section 74(b) of the Internal Revenue Code. This will include athletic awards given for overall sports achievement, not the cash awards and trophies given for victory in a particular contest or series of contests.

This inequity in our Internal Revenue Code was brought to my attention last year by a tax court decision on the suit brought by Mr. Maurice Wills against the Commissioner of Internal Revenue after a deficiency claim had been asserted against him for the 1963 tax year.

This claim was asserted, Mr. Speaker, because Mr. Wills did not include in his taxable income several awards which he had been given as a result of outstanding performance as a baseball player with the Los Angeles Dodgers in 1963.

Among these awards was the S. Rae Hickok belt, a jewel-studded belt which is presented each year to the Nation's outstanding professional athlete.

This coveted award is given in recognition of overall excellence in athletic performance and achievement. Its value is primarily symbolic, recognizing the recipient as a champion among champions. Although the Hickok belt cost $10,000 to manufacture, it provides no direct financial gain to the recipient.

Nevertheless, the Tax Court ruled that the recipient of the S. Rae Hickok belt was liable for tax on the value of the components of the belt.

The effect of this decision, Mr. Speaker, created a serious uncertainty about the taxability of all other amateur and professional sports awards.

Even though the Tax Court decision correctly interpreted the law as it is presently written, I do not feel that our tax laws ever intended that athletic achievement is to be discriminated from achievement in other fields or that it was to penalize champion athletes through tax liability for nonutilitarian awards.

When the purpose of the trophy is honorary and decorative, the payment of a tax on its component value imposes a serious financial burden upon its recipient.

The bill I am introducing today would amend section 74(b) of the Internal Revenue Code to include within its coverage certain awards and prizes received by athletes.

Section 74(b) already excludes from gross income the value of certain prizes and awards granted in recognition of achievements in the fields of art, music, literature, religion, charity, science, and civic achievement.

In addition, section 74(b) of the Internal Revenue Code requires that the recipient must not be required to render substantial future service as a condition precedent to receiving the award, or have entered into competition for the award.

Mr. Speaker, my bill would extend this category to include sports awards with the same limitations and conditions. When an American athlete has lived up to the finest traditions of American sports and sportsmanship and excelled in his particular sport, he is an inspiration to millions of young, aspiring athletes.

Tonight, Ray and Alan Hickok of the Hickok Manufacturing Co., in Rochester, N.Y., are awarding this year's S. Rae Hickok belt. To require the winning athlete whoever he will be, to pay for the privilege of retaining his trophy is, in effect, discrimination in our tax laws.

The Ways and Means Committee will shortly be holding hearings on tax reform. I feel this is a particularly fitting occasion to ask my colleagues to join with me in support of this bill to extend to our outstanding athletes the same privileges, honors, and tax benefits, that we extend to those who achieve national recognition in the arts and sciences.

CONGRESSIONAL RECORD MAKES INTERESTING READING

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, the Congressional Record is a most historic and interesting document. As Representative to Congress, I am confident that all of us realize the Record's importance in performing our daily tasks.

Mr. Speaker on January 16, 1969, the Upper Arlington News, published in a progressive municipality in the district I have the honor to represent, carried an article entitled "Congressional Record Makes Interesting Reading."

The author is Dr. Ruth Browning of the Upper Arlington Library Reference Department.

Demonstrating how the Record is put to good use in one community library, I am confident that republication here of Dr. Browning's article will suggest greater and better use in libraries elsewhere:

Congressional Record Makes Interesting Reading

(By Dr. Ruth Browning)

Anyone not actually acquainted with the Congressional Record might be inclined to assume that the proceedings and debates of our national legislature would make dull reading. However, when one digs into these daily reports from Congress (Upper Arlington Public Library receives the Congressional Record through the courtesy of the Honorable Chalmers P. Wylie; our thanks to Congressman Wylie!), one discovers some very interesting reading material.

Even a quick glance at the opening paragraphs of Vol. 115, No. 1, the Record for Jan. 3, gives us a clear picture of our national life. This is revealed both through the phraseology used and through the activity reported: "The 3d of January being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the first session of the 91st Congress commenced this day." The present concern of our country for "togetherness" comes through in the prayer of the Chaplain of the Senate, the Rev. Fred Brown Harris, as reported in the Record: "In this high hour, may there be lifted at the very beginning of this session the fervent petition whose melody makes us one—God bless America."

The wide range of congressional concerns, and hence, also, of reading matter in the Congressional Record can be seen in these "random" selections of some of the speeches printed in the Jan. 3 issue: "Recommendations of the National Advisory Commission on Libraries" ("required reading" for everyone interested in libraries); "Tax Relief for America's Hard-Pressed Middle-Income Taxpayers" (of interest to quite a few people); "Apollo 8: Fantastic Voyage" (of interest to all Americans).

Presumably, the Congressional Record is a complete, verbatim account of the words spoken in the Senate and in the House of Representatives, but actually the remarks are revised and edited before printing. The Record also contains many speeches not delivered before the legislative body, but inserted in the Record under the congressman's "leave to print" privilege. Included also are the president's messages and records of votes on bills (though not the text of the bills).

Library patrons who wish to have other current information on Congressional activity can find this in the Congressional Quarterly Weekly Report and the Congressional Quarterly Almanac. The Almanac, published annually, sums up the year in politics, in Congress, and in the presidency. It provides a permanent record of the United States governmental and political action. The Weekly Reports, on which the Almanac is later based, keep the reader up-to-date on political affairs. Evaluating these reports, Dean Louis Shores in Basic Reference Sources says, "All of the reporting, although detailed, is free from bias and is readable."

Two other significant sources of information on congressional matters are available in the Reference Room at the Tremont Library: the Congressional Index, published by Commerce Clearing House, and the Congressional Directory. The latter is an official directory of the Congress, giving biographical sketches of the congressmen, information about the organization and personnel of the executive and judiciary branches of the government also, maps of the Congressional Districts, and other useful information.

The Congressional Index contains weekly reports in loose-leaf format which provides an index to all congressional bills and resolutions of general interest. The Index makes possible quick research on the status of pending legislation and provides the researcher with information on individual voting records.

Students who are particularly concerned with the "pros" and "cons" of legislative activity are finding the Congressional Digest a helpful resource. This independent monthly (really 10 times a year) features controversies in Congress. Among the 1968 topics dealt with by the Digest were the following controversies: "Community Action Programs"; "Federal Anti-Riot Legislation"; "Public Welfare Revision"; and "Revision of the Military Draft." The Congressional Digest is not an official organ of the Congress and as an independent publication it disclaims control "by any party, interest, class or sect."

In the Reading Room at Tremont Library in addition to the Congressional Digest is the Kiplinger Washington Letter which discusses current events and the future "outlook" in the area of business, labor, legislation, and politics.

Among the books now being added to the Reference Room collection is a 14-volume set of the United States Code, 1964 Edition, which contains the general and permanent laws of the United States in force Jan. 3, 1965. Two Supplements contain the laws enacted during the 89th and 90th Congress.

Any way you look at it—through the legislation enacted by Congress in the past, or through the debating and legislating by Congress in the present—the "Congressional record" does make interesting, and important, reading for all Americans.

ALL-VOLUNTEER MILITARY FORCE

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASTENMEIER. Mr. Speaker,

since 1940, with the exception of one brief period from March 1947 to June 1948, this Nation has had a military conscription policy. As we have come to realize, the 1940 peacetime draft, which was viewed as a temporary conscription, has become, for all practical purposes, institutionalized as a permanent fixture in American life. An entire generation of young men have almost reached maturity without knowing a time when the draft did not exist.

By the early 1960's however, the principles that guided our military conscription policy, stemming from the experiences derived from World War II, were no longer applicable. In 1940, the need for an enormous expansion of our Armed Forces was readily apparent; the 300,000 men then under arms were clearly inadequate to insure even neutrality. The country, just beginning to recover from a 10-year depression, did not have the wealth to bid competitively in the labor market for the military manpower that was necessary to secure our defenses. Because of the imminent danger of war, the overriding need of national security demanded that our citizens be deprived of some liberty in the interests of vanquishing a greater evil. Thus, in view of the probability that the demand for this military buildup would utilize all available human resources and the inability to meet it by other than summary means, some form of draft was the only plausible step at that time. Under such conditions, a peacetime conscription, which inherently deprives men of freedom and the direction and control of their own lives, can be justified by what James Madison spoke of as "the impulse of self-preservation."

In the absence of such overriding circumstances, however, the draft becomes intolerable. A peacetime draft, an alien institution in American life, is absolutely opposed to the principles which have always been considered a part of American democracy. Compulsory military service not only results in a severe deprivation of civil liberties, it is also a wrenching departure from the traditional American ideal of liberty and this Nation's most cherished heritage, that of personal freedom.

Furthermore, any system of compulsory military service that selects some and not others cannot be justified under the American concept of justice and equality under law. Approximately 1.8 million young men are being added to the 18½ to 26 draft-age pool. This figure will climb to 2.1 million by 1974. As a consequence of this growing population, the percentage of the Nation's manpower in the draft ages who have entered the service, voluntarily or otherwise, has steadily declined, from 57.7 percent in 1962 to 46.4 percent in 1966. By 1974, this figure will decrease to 34 percent according to Department of Defense projections. As a result, the system which selects the few who are required to serve when many are available has become notoriously inequitable, and perpetuates the discrimination resulting from economic and educational disadvantages within our society for it is a disproportionate number of Negroes, the poor, and the uneducated who are conscripted.

Another disturbing factor associated with the draft is that a number of local draft boards have unlawfully suppressed criticism of the Government's involvement in Vietnam by reclassifying those who protest this policy. Of all our constitutional rights, the freedoms of speech and of assembly are the most perishable, yet the most vital to the preservation of American democracy. Once the erosion of these rights is permitted to begin, it is exceedingly difficult to halt, and the intervening damage may be irreparable. The free expression of views on issues of national importance must never be jeopardized and the reclassification of college students was nothing more than blatantly using the threat of the draft to stifle the first amendment rights of free speech.

The draft, also, is inefficient, both economically and militarily. Military strategy and tactics are continually undergoing radical changes in anticipation of future developments. America's defenses now are so complex, the demands for highly skilled and specialized manpower so great, that the old-fashioned conscript army in which men serve short terms of duty, is less and less suited to the needs of the modern age and it is more and more expensive to maintain. Two years service is by no means sufficient for the making of a competent soldier in a highly technological age. Yet, young men are drafted and sent through costly military training, with the end result being that 93 percent of the conscripts, many employed in distinctly nonmilitary tasks, leave after their 2 years.

The mission of the Defense Department is to make the National Defense Establishment as efficient as possible. Yet, strangely enough, the principles and practices which guide the recruitment, motivation, compensation, and development of men have not changed substantially or kept pace with other changes over the years.

The present American involvement in the armed conflict makes it unrealistic to assume that the draft can be abolished at this time. However, once our participation in the Vietnam war is over, there will be no need for a draft and it should be phased out of American life.

Thus, I am introducing legislation today that would establish an all-volunteer military force, to become effective 6 months following the end of direct U.S. involvement in the hostilities in South Vietnam. A voluntary army is consistent with our American heritage, and with proper salary and career incentives, we can secure the military manpower we need without social or economic injustice.

Mr. Speaker, I am also introducing another bill which would prohibit the use of draftees in undeclared wars without first obtaining their consent. Conscripts should not be forced to serve in any hostility in which Congress has not declared a state of war.

PROSECUTION OF PLANE HIJACKERS

(Mr. PEPPER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I am sure that all Members of the House are aware of the fact that since January of this year, including an Eastern Airlines plane this morning, 12 planes, usually bound for Florida, have been hijacked and diverted to Cuba. So far, by good fortune, there have been no injuries or losses of life or losses of planes. But it is almost inevitable that if this practice continues—and it is growing in frequency—sometimes there have been two in 1 day lately—there will be a tragic loss of life of many of our citizens who are passengers on commercial planes bound for Florida or some other destination in the United States. So today I am introducing a resolution providing that it is the sense of this House—

First, that the President make the strongest demand upon the Castro government through the proper channels for the return, for appropriate prosecution, of the hijackers;

Second, that our Government bring the matter directly to the urgent attention of the United Nations, because eventually we are going to have to do something about it and it therefore threatens the peace that presently sort of exists between the United States and Cuba;

Third, that the Congress make available, or the President should provide for, an immediate funding of a reward of $100,000 to any person or persons causing the return of a hijacker to the United States if that person is prosecuted and convicted of the grievous offense of hijacking.

Mr. Speaker, I include a copy of the resolution which I have referred to:

Whereas the many instances of the hijacking, sometimes as many as two in one day, of United States airlines enroute to Miami or other Florida points, endangers the lives of the passengers and crew of the planes hijacked, causes great delay to the passengers on such planes and forces the airlines whose planes are hijacked to spend large sums at the Cuban airport where such planes are forced to land;

Whereas such practices are growing in frequency and in all probability will on some occasion lead to the death or injury of all or many of the passengers on such airplanes;

Whereas the Castro government in Cuba has given sanctuary to those hijacking such planes and has refused to return them for prosecution for the grievous offense such hijacking constitutes;

Whereas such sanctuary to such hijackers by the Castro government encourages the vicious practice of hijacking and jeopardizes the lives of United States citizens and is an affront to the Government and to the people of the United States; and,

Whereas such practices have become intolerable to the Government and people of the United States and must be stopped: Now, therefore, be it

Resolved by the House of Representatives of the Congress of the United States, That it is the sense of the House:

1. That the President immediately make the strongest demand through proper channels upon the Castro government in Cuba to return promptly the persons responsible for the hijacking of planes in the United States and diverting them to Cuba to the United States for proper prosecution for their felonious acts endangering the lives of citizens of the United States;

2. That the President urgently call upon the United Nations to exercise its offices and utmost influence to induce the Castro government of Cuba to return promptly to the United States all persons guilty of or charged with the hijacking of United States planes in the United States or within its jurisdiction and diverting them to Cuba; and

3. That the Congress or the President from his contingent fund make available to the Federal Aviation Administration sufficient funds to authorize the Federal Aviation Administration to pay a reward of $100,000 to the person or persons returning any person hijacking any commercial airline in the United States or within its jurisdiction and diverting such plane to Cuba, upon the conviction of such hijacker for such offense.

VALENTINE'S DAY MASSACRE

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, although Valentine's Day is traditionally a time for expressing love and affection, there are ominous signs that this year will be the occasion for another "Valentine's Day massacre," this time the victims will be the U.S. taxpayers, with the Congress wielding the ax by dereliction.

I refer to the massive pay raise for top officials of the legislative, judicial, and executive branches. Under the unique "reverse veto," a clever little mechanism that was written into the last pay bill commission, the taxpayer is confronted by the old "shell game" when he tries to fix responsibility for this raid on the Treasury. All fingers point back to a Presidental pay commission, whose members few people know, and who bear no responsibility to anyone for their recommendations. The President who, with only minor changes, formally submitted their recommendations, is now back on the ranch in Texas, and he, too, cannot be held liable by anyone since he no longer holds elective office.

The Congress is the only remaining obstacle as the 41-percent pay raise rolls irresistibly along like lava from an erupting volcano. But the House seems frozen, overwhelmed by the ease with which their salaries are to be hiked, and obviously content to say "que sera sera"—what will be, will be.

It should not be allowed to happen and this body, one of two coequal parts of the legislative branch of Government should not hide behind the skirts of our colleagues in the other. I understand there will be debate and a vote taken in that body this Tuesday or Wednesday. Fine, if Congress is to strip itself of its constitutional power to initiate legislation and settle for the power to veto what someone else has decreed, at least they are carrying out even this limited function. But has this body of the people's personal representatives become so timid, that it shies away from allowing its Members to say "yea" or "nay," on a matter of vital concern to the taxpayers of this Nation who will have to foot the bill for our own excesses? Can we then, in good conscience, ask the people to stop the spiral of inflation and truly balance the budget? I think not?

Why do we renege and let the other body carry the entire burden of decision? The people will not look kindly on men who were chosen to accept responsibility for their actions, and who fail to do so when their own interests are at stake. This is constitutionally and historically a prerogative of this body. The timing as to our recess and the reverse veto stratagem are abominable.

If the increases are allowed to happen without a vote, I at least will be certain that my own decision as to its allocation for charities and other purposes are sounder than the Government which is bestowing them has demonstrated.

W. AVERELL HARRIMAN—CITIZEN OF OUTSTANDING MERIT

(Mr. MAHON asked and was given permission to extend his remarks at this point in the Record.)

Mr. MAHON. Mr. Speaker, I observe from the Record of January 29 that favorable references have been made in the House to the services of Gov. Averell Harriman who recently completed his responsibility at the Paris peace talks.

I wish to join my colleagues in taking note of the great record—and I use the word "great" advisedly—of Governor Harriman. He has served his Nation in many capacities and has always brought credit upon the United States in the services which he has rendered.

We are fortunate to live in a country which produces men of the stature and dedication of W. Averell Harriman.

HIJACKING IS AN INTERNATIONAL PROBLEM

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, a suggestion was made yesterday by a responsible Member of Congress that the United States enter into some sort of bilateral discussions with Castro regarding the problem of hijacked aircraft taken to Cuba. I could not think of any greater mistake this country could make.

Obviously this is exactly what Castro wants. There is ample reason to believe some of the hijackings have been inspired by the Castro regime precisely to put the United States into that posture, because after 10 years the Castro regime does want some sort of recognition from the United States.

I believe the wise approach to this problem would be to strengthen existing international treaties by proposing an international extradition treaty on hijacking of aircraft, limited to hijackers of commercial aircraft so that we would not disturb the traditional and historic precedents of our own and other countries in giving political asylum to political refugees.

Such treaties must be limited to a precise definition of a hijacker, otherwise Castro could demand of us the return of political refugees who have been given asylum in this country for other reasons.

I think it would be a great mistake for the United States to enter into any bilateral discussions with Castro alone. This is an international problem and it should be so treated. We should not do anything alone that would constitute a recognition by the United States of a Communist regime 90 miles off our shore.

VIEWPOINT FROM MID-AMERICA

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MICHEL. Mr. Speaker, those of us who have known Dave Broder over the years and have watched him move steadily up the ladder of recognition in the field of political reporting have come to respect him more and more for his straightforward and candid style of reporting. Mr. Broder's article, appearing in volume 1, No. 1, of the Washington Monthly, is still another example of his candor and integrity as he discusses the attitudes, prejudices, and influence of his colleagues in the field of political commentary.

A column, "Viewpoint From Mid-America," by William H. Rentschler, quotes at length from Mr. Broder's article and also provides some significant commentary from Mr. Rentschler. I include the article in the Record at this point:

Viewpoint From Mid-America

(By William H. Rentschler)

Imagine the flap that would erupt if it were disclosed tomorrow that the President of the United States, or any highly-visible Senator is a member of a very small and exclusive private club with no Negro members.

Thunder would rumble all across the land—as it did during the 1968 campaign when such a charge was made—and there would be righteous demands in the press that the President resign his membership forthwith.

Yet perhaps the most exclusive "club" in the nation, with only "a couple of dozen members," is restricted entirely to white newsmen.

Such is the confession of a member of that small, select group, able, scrupulous, refreshingly candid Davis S. Broder of the Washington Post, whose fascinating revelations are carried in Volume One, Number One, of "The Washington Monthly," a brand-new political journal published in the nation's capitol.

Broder describes this potent handful of political reporters as a sort of "screening committee" which has almost life-or-death power over the yearnings of potential candidates for the Presidency and other lofty elective posts.

The political writer, says Broder, performs "a positive service" in his role as "talent scout." After all, he notes, "the reporter's job makes him a constant traveler in the political community; he is uniquely well positioned to detect the early intimations of greatness, and to discover these statesmen in embryo and bring their rare qualities to the attention of a wider public.

"But, alas," Broder admits, "it is not quite that simple—or noncontroversial. In his function as a talent scout, the political reporter not only puts some men forward, he rather ruthlessly bars the door to advancement for other men. . . . It's a formidable power, and one that the screening committee of reporters is thoroughly conscious of possessing."

Now about the makeup of that little coterie of reporters who comprise the screening committee. Let David Broder describe it:

"It is small. . . . Its characteristics make it a highly typical group of Americans. Its members are all Easterners, by residence if not by birth. They are all college graduates. They all enjoy . . . incomes well over the national median. Not one of them is a Negro. Ony two are women. Most of them vote Democratic. . . They—or we, I should say—represent a narrow and rather peculiar slice of society."

"I often thought," writes Broder, "as I saw (George) Romney during his Presidential campaign, surrounded by our circle—men a generation younger than he, many of us with cigarettes in our mouths, drinks in our hands, and cynicism in our hearts—that he must have felt as helpless with us as I would feel if my fate or future as a journalist were being decided by a committee of Romney's colleagues among the elders of the Mormon Church."

Closely related to the political reporter's function as talent scout is his role as oracle, or, as Broder puts it "race caller or handicapper". He is supposed to tell his public, every day, how the Presidential (or gubernatorial or senatorial) sweepstakes stands.

What the public wants to know is not what went on yesterday, but what's going to happen tomorrow, and who's going to win or lose.

And that, says Broder—"if the reporter has even a vestige of conscience—is the one question he can never answer with any confidence.

"Yet much of political journalism is an artful effort to disguise prediction as reporting. Look at the use of public opinion polls by newspapers. A public opinion poll, when properly conducted and presented, is a perfectly legitimate tool for measuring opinion at a point in the past, that is, the period of several days when the questions were actually being asked. But if the significance of the polls were accepted in those limited terms, few newspapers would give the polls the prominence they now accord them. . . . Newspapers print and give prominence to the polls because they know their readers will take the poll to be exactly what it is not—a predictive device for guessing how the actual vote will come out. . . ."

"There are literally dozens of examples of inaccurate private polls," writes Broder, "distorting the journalists' and the public's judgment of a political race. Do such misjudgments have an effect on the outcome? Obviously, in many cases they do. The candidate reported trailing in these polls has a substantially harder time raising money, building an organization, or attracting publicity than the presumed front-runner."

Broder's indictment is harsh yet accurate and telling, and he rightly challenges both his fellow reporters and the nation's publishers to lift their sights and meet their obligations to a reliant public.

In still another role, Broder says, the political reporter "tends to carve out for himself a function just a bit more glorious than any that his employer or his readers ever envisaged for him. He becomes, in his own eyes, the Public Defender."

"Reporters," according to Broder, "really don't start the campaign with this role in mind. They couldn't care less who wins, they assure each other. . . . But for months on end, they are locked up covering one of these mortals. . . . Eventually, some of them, at least, will discover that the Candidate Is Trying to Pull Something We Don't Like. The candidate and his men are artful manipulators, propagandists, slick Madison Avenue operators. The reporter is the truth-seeker. . . . A wave of moral outrage sweeps over the reporters. It is expressed in the declarations, "We're not going to let him get away with this." Demands are sounded for press conferences. Questions are plotted that will cut off every avenue of escape or evasion for the candidate. The trap is carefully set and, unless he is very wary, the candidate sooner or later walks into it.

". . . Once the reporter appoints himself Public Defender, he abandons almost all pretense of being anything less than an arbiter of the outcome of the election. There is no consistency and no predictability as to when or whether he will adopt the role of Public Defender. Usually, he is provoked into it by the candidate's repeated use of an argument that is offensive to the reporter's own prejudices."

Reporters covering Richard Nixon pounced on him one day late in the campaign for what they felt was his over-emphasis on the upsurge of crime under "the unconcerned Democrats."

"That night," Broder reports, "a wave of 'we-can't-let-him-get-away-with-it' talk swept the Nixon press corps, and the toughest stories of the campaign went whizzing out over the wires. Nixon averted a new press crisis by softening his tone on that issue in succeeding days, a response that was in itself a measure of the power of the press when it goes on the warpath."

"But," pointedly notes Broder, "it doesn't always go on the warpath. Often it is strangely passive. In 1960, for example, when John F. Kennedy promised day after day to get the country moving again, no petitions were passed in the press car demanding that he spell out how. When he spoke of a missile gap, no proof of evidence was demanded. When he spoke of America's falling prestige, no one pressed him on the definition and relevance of that word."

"By contrast, Humphrey last year was hounded at almost every press conference to spell out his difference on Vietnam policy with the Johnson Administration. First Romney and then Nixon were pressed unceasingly to specify their program for ending the war."

This is strong stuff. David Broder, at the risk of alienating his clubmates, raises hard questions. He rates plaudits for raising them.

And many Americans, I am sure, would welcome straight answers from the fellows who usually ask the hard questions.

THANK YOU, MR. PRESIDENT

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. Rooney) is recognized for 30 minutes.

Mr. ROONEY of New York. Mr. Speaker, with a deep sense of pride and an unashamed sadness, I would like to join my colleagues in paying tribute to one of the greatest Presidents this, or any other, century is likely to know—President Lyndon Baines Johnson.

Part of the pride I feel is for the accomplishments of the Johnson administration. For, with his prodding, leadership and help, America has seen enacted into law more social improvements than even seen in any prior administration. In fact, it is hard to imagine any nation whose people have so benefited by the services of one man. Civil rights and justice, medicare, the war on poverty and joblessness, urban rebirth, aid to education, consumer protection, and conservation—these are just a few of the areas in which President Johnson brought the country to accept heretofore impossible and unbelievable horizons. His goals were formed in the crucible of more than three decades of service to his country. His progress toward those goals in 5 short years was nothing less than amazing. Thank God, we could all share in those dreams.

It is often said that the Presidency is the world's loneliest job. And there were many times in the last 5 years when Lyndon Johnson was a lonely and beset man. As cities burned he could have whined and said the ghetto was not of his creation, as most assuredly it was not. He did not. He asked for reason, for calm, and set about the herculean job of removing the ills of the past 200 years that have so manifested themselves in our cities today. No man has ever done more for the oppressed—be they oppressed by poverty or by color. He could have answered those who criticize the war in Vietnam that the war, too, was not of his creation—as indeed it was not. But he did not; instead he sought peace at every possibility or opportunity. The glimmer of hope that appears now in Paris is certainly a monument to his efforts in the face of what at times seemed like hopeless adversity.

Mr. Speaker, I consider myself fortunate, indeed, that I have been afforded the privilege of serving with Lyndon Johnson when he was a Member of this body and of knowing and working with him as he became a U.S. Senator, distinguished majority leader, Vice President, and President of these United States. I feel very privileged that I have also had the honor of knowing the gracious and wonderful Lady Bird and her daughters. No man could ever have asked for more loyalty and support than the President received from those lovely ladies.

In closing, Mr. Speaker, I would like to borrow a phrase that our friends in the Press Gallery use from time to time, I think it sums up the feelings of all of us about President Lyndon Baines Johnson. It is, "Thank you, Mr. President."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mrs. Hansen of Washington (at the request of Mr. Albert), for today, and the balance of the week, on account of official business.

SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. Rooney of New York (at the request of Mr. Albert), for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Horton and to include extraneous matter.

(The following Members (at the request of Mr. McClure) and to include extraneous matter:)

Mr. Findley.

Mr. Ashbrook in two instances.

Mr. Byrnes of Wisconsin.

Mr. Cleveland in two instances.

Mr. Quillen in four instances.

Mr. Del Clawson.

Mr. Skubitz.

Mr. Cramer.

Mr. Fulton of Pennsylvania in five instances.

Mr. Rumsfeld in four instances.

Mr. Eshleman.

Mr. McCulloch.

Mr. Morse.

(The following Members (at the request of Mr. Albert) and to include extraneous matter:)

Mr. William D. Ford.

Mr. Feighan in 10 instances.

Mr. Corman in five instances.

Mr. Edwards of California in five instances.

Mr. Matsunaga in two instances.

Mrs. Griffiths.

Mr. Boggs in two instances.

Mr. Charles H. Wilson.

Mr. Farbstein in four instances.

Mrs. Hansen of Washington in two instances.

Mr. Mills in two instances.

Mrs. Green of Oregon in six instances.

Mr. Brown of California.

Mrs. Sullivan in two instances.

Mr. Marsh in two instances.

Mr. Cohelan in five instances.

Mr. Gonzalez in three instances.

Mr. Rarick in four instances.

Mr. Kyros.

Mr. Helstoski in two instances.

Mr. Ashley.

Mr. Bevill in two instances.

Mr. Lennon.

Mr. Taylor in two instances.

Mr. Patten in two instances.

Mr. Pucinski in six instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 17. An act to amend the Communications Satellite Act of 1962 with respect to the election of the board of the Communications Satellite Corp.; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 4, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

461. A letter from the Governor, Farm Credit Administration, transmitting the 35th annual report of the Farm Credit Administration on the work of the cooperative farm credit system (including the report of the Federal Farm Credit Board) for fiscal year 1968, pursuant to law (H. Doc. No. 91–18); to the Committee on Agriculture and ordered to be printed with illustrations.

462. A letter from the Acting Secretary of the Navy, transmitting the report of the Naval Reserve Officers' Training Corps flight instruction program for fiscal year 1968, pursuant to the provisions of 10 U.S.C. 2110(b); to the Committee on Armed Services.

463. A letter from the President, Potomac Electric Power Co., transmitting a copy of the balance sheet of the Potomac Electric Power Co. as of December 31, 1968, pursuant to paragraph 14 of section 8 of the act of March 4, 1913 (37 Stat. 979); to the Committee on the District of Columbia.

464. A letter from the Assistant Secretary, National Institute of Arts and Letters, transmitting the annual report of the Institute for 1968, pursuant to section 4 of its charter; to the Committee on House Administration.

465. A letter from the Deputy Assistant Secretary of the Interior, transmitting certain revisions in the 12th annual report on the status of the Colorado River storage project and participating projects, transmitted December 27, 1968; to the Committee on Interior and Insular Affairs.

466. A letter from the Chairman, Indian Claims Commission, transmitting a report that proceedings have been finally concluded with respect to docket No. 332–A, *Yankton Sioux Tribe, Petitioner*, v. *The United States of America, Defendant*, pursuant to the provisions of 60 Stat. 1055 (25 U.S.C. 70t); to the Committee on Interior and Insular Affairs.

467. A letter from the Chairman, Federal Power Commission, transmitting the annual report of the Commission for fiscal year 1968; to the Committee on Interstate and Foreign Commerce.

468. A letter from the adjutant general, military Order of the Purple Heart, transmitting a report of the annual audit of the order for the fiscal period ending July 31, 1968, pursuant to the provisions of section 14 of Public Law 85–761; to the Committee on the Judiciary.

469. A letter from the Director, Administrative Office of the United States Courts, transmitting the annual report of the agency on positions in grade GS–17 under section 5108(c)(3) of title 5 of the United States Code, pursuant to the provisions of 5 U.S.C. 5114(a); to the Committee on Post Office and Civil Service.

470. A letter from the Assistant Attorney General for Administration, transmitting the annual report of the Department of Justice on positions in grades GS–16 and GS–17 under section 5108(c) (7) and (8) of title 5 of the United States Code, pursuant to the provisions of 5 U.S.C. 5114(a); to the Committee on Post Office and Civil Service.

471. A letter from the Postmaster General, transmitting the annual report on the estimated amount of the losses or costs (or percentage of costs) incurred by the postal service in the performance of public services during the current fiscal year, pursuant to the provisions of section 201 of Public Law 87–793; to the Committee on Post Office and Civil Service.

472. A letter from the Chairman, U.S. Civil Service Commission, transmitting the annual report of the Commission on positions in grades GS–16, GS–17, and GS–18 under section 5108(a) of title 5 of the United States Code, pursuant to the provisions of 5 U.S.C. 5114; to the Committee on Post Office and Civil Service.

473. A letter from the Federal and State cochairman, Four Corners Regional Commission, transmitting the first annual report of the commission, for fiscal year 1968, pursuant to the provisions of section 509 of the Public Works and Economic Development Act of 1965, as amended; to the Committee on Public Works.

474. A letter from the Federal and State cochairmen, Ozark Regional Commission, transmitting the annual report on the activities of the commission for the calendar year 1968, pursuant to the provisions of section 510 of the Public Works and Economic Development Act of 1965, as amended; to the Committee on Public Works.

475. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of grants approved by that office which are financed wholly with Federal funds, for the period October 31, 1968, to December 31, 1968, pursuant to the provisions of section 1120b of the Social Security Act; to the Committee on Ways and Means.

476. A letter from the Chairman and Commissioners, U.S. Atomic Energy Commission, transmitting the 1968 annual report of the Commission, pursuant to the provisions of the Atomic Energy Act of 1954; to the Joint Committee on Atomic Energy.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY:

H.R. 5804. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

Mr. ASPINALL (for himself, Mr. Brotzman, Mr. Evans of Colorado, and Mr. Rogers of Colorado):

H.R. 5805. A bill to provide for orderly trade in iron ore, iron, and steel mill products; to the Committee on Ways and Means.

By Mr. BURLESON of Texas:

H.R. 5806. A bill to amend the Internal Revenue Code of 1954 with respect to the rental value of parsonages; to the Committee on Ways and Means.

By Mr. CEDERBERG:

H.R. 5807. A bill to amend the Internal Revenue Code of 1954 to allow an incentive tax credit for a part of the cost of constructing or otherwise providing facilities for the control of water or air pollution, and to permit the amortization of such cost within a period of from 1 to 5 years; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 5808. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. CONTE:

H.R. 5809. A bill to provide for the establishment of a national cemetery at Westfield, Mass.; to the Committee on Veterans' Affairs.

H.R. 5810. A bill to amend title 38 of the United States Code in order to establish a national cemetery system within the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CORMAN:

H.R. 5811. A bill to amend the Older Americans Act of 1965 to provide for an older Americans community service program; to the Committee on Education and Labor.

By Mr. ERLENBORN:

H.R. 5812. A bill to expand the definition of deductible moving expenses incurred by an employee; to the Committee on Ways and Means.

H.R. 5813. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. FALLON:

H.R. 5814. A bill to provide for orderly trade in iron and steel mill products; to the Committee on Ways and Means.

By Mr. FLYNT:

H.R. 5815. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. FRELINGHUYSEN:

H.R. 5816. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 5817. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. GUBSER:

H.R. 5818. A bill to amend title 39, United States Code, to provide for the regulation of mailing list dealers, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HORTON:

H.R. 5819. A bill to amend the Internal Revenue Code of 1954 to provide that certain awards in recognition of outstanding achievement in the field of sports shall be excluded from gross income; to the Committee on Ways and Means.

By Mr. KARTH:

H.R. 5820. A bill to amend section 8(b)(4) of the National Labor Relations Act, as amended, with respect to strike at the sites of construction projects; to the Committee on Education and Labor.

H.R. 5821. A bill to direct the Interstate Commerce Commission to make regulations that certain railroad vehicles be equipped with reflectors or luminous material so that they can be readily seen at night; to the Committee on Interstate and Foreign Commerce.

By Mr. KASTENMEIER:

H.R. 5822. A bill to prohibit the use of draftees in undeclared wars without their consent; to the Committee on Armed Services.

H.R. 5823. A bill to provide for meeting the manpower needs of the Armed Forces of the United States through a completely voluntary system of enlistments, and to further improve, upgrade, and strengthen such Armed Forces, and for other purposes; to the Committee on Rules.

By Mr. KEITH:

H.R. 5824. A bill to authorize the Secretary of the Interior to study the most feasible and desirable means of establishing certain portions of the tidelands, Outer Continental Shelf, seaward areas, and Great Lakes of the United States as marine sanctuaries and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. LENNON:

H.R. 5825. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

H.R. 5826. A bill to amend title 10 of the United States Code so as to provide that the Chief of the Medical Service Corps of the Navy and Air Force shall be a brigadier general or rear admiral, as the case may be; and for other purposes; to the Committee on Armed Services.

H.R. 5827. A bill to amend titles 10 and 37, United States Code, to provide career incentives for certain professionally trained officers of the Armed Forces; to the Committee on Armed Services.

H.R. 5828. A bill to amend title II of the Merchant Marine Act, 1936, to create an independent Federal Maritime Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 5829. A bill to amend the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development for a period of 1 year; to the Committee on Merchant Marine and Fisheries.

By Mr. McCULLOCH:

H.R. 5830. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MATSUNAGA:

H.R. 5831. A bill to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MICHEL:

H.R. 5832. A bill to extend from 30 to 60 days the minimum period of time which must elapse between the required publication or service of a proposed Federal regulation and its effective date; to the Committee on the Judiciary.

By Mr. MILLS:

H.R. 5833. A bill to continue until the close of June 30, 1972, the existing suspension of duty on certain copying shoe lathes; to the Committee on Ways and Means.

H.R. 5834. A bill to amend the Tariff Schedules of the United States with respect to articles in part of reprocessed or reused wool; to the Committee on Ways and Means.

By Mr. MOLLOHAN:

H.R. 5835. A bill for the elimination of health dangers to coal miners resulting from the inhalation of coal dust; to the Committee on Education and Labor.

By Mr. MOORHEAD:

H.R. 5836. A bill to amend the Internal Revenue Code of 1954 to extend the head of household benefits to unremarried widows and widowers, and individuals who have never been married or who have been separated or divorced for 1 year or more, who maintain their own households; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 5837. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. NICHOLS (for himself, Mr. BEVILL, and Mr. HECHLER of West Virginia):

H.R. 5838. A bill to amend title XVII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. PATMAN:

H.R. 5839. A bill to amend the Clayton Act, as amended, to strengthen our competitive enterprise system by providing for competitive acts, practices, and methods of competition, and for other purposes; to the Committee on the Judiciary.

H.R. 5840. A bill relating to certain discriminatory pricing practices affecting commerce; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 5841. A bill to amend the Federal Power Act to facilitate the provision of reliable, abundant, and economical electric power supply by strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the proper conservation of scenic and other natural resources; to the Committee on Interstate and Foreign Commerce.

H.R. 5842. A bill to amend the Public Health Service Act by adding a new title X thereto which will establish a program to protect adult health by providing assistance in the establishment and operation of regional and community health protection centers for the detection of disease, by providing assistance for the training of personnel to operate such centers, and by providing assistance in the conduct of certain research related to such centers and their operation; to the Committee on Interstate and Foreign Commerce.

H.R. 5843. A bill to prohibit any State from levying income taxes on nonresidents of the State; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 5844. A bill appropriating funds for 10 additional mediators to be employed by the National Mediation Board; to the Committee on Appropriations.

H.R. 5845. A bill to amend the Employment Act of 1946 to declare a national policy with respect to the right of Americans to employment without regard to sex or age; to the Committee on Government Operations.

H.R. 5846. A bill to provide additional mediators for the National Mediation Board; to the Committee on Interstate and Foreign Commerce.

H.R. 5847. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

H.R. 5848. A bill to amend title XVIII of the Social Security Act to provide that a chiropractor, naturopath, podiatrist, or other licensed practitioner of the healing arts shall be considered a physician for purposes of health insurance benefits thereunder; to the Committee on Ways and Means.

H.R. 5849. A bill to amend the Social Security Act to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits under title II of such act, and to add thereto a new title under which aged individuals are guaranteed a minimum annual income; to the Committee on Ways and Means.

By Mr. POAGE:

H.R. 5850. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide a flexible interest rate on loans to associations for water and waste disposal, and for other purposes; to the Committee on Agriculture.

By Mr. POLLOCK:

H.R. 5851. A bill to repeal section 2 of the act of June 8, 1906, authorizing the President by proclamation to establish national monuments; to the Committee on Interior and Insular Affairs.

By Mr. PURCELL:

H.R. 5852. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 5853. A bill to appropriate funds for the construction of a multilevel parking facility in connection with the Federal building, 300 North Los Angeles Street, Los Angeles, Calif.; to the Committee on Appropriations.

H.R. 5854. A bill to establish the Interagency Committee on Mexican-American Affairs, and for other purposes; to the Committee on Foreign Affairs.

H.R. 5855. A bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on the Judiciary.

H.R. 5856. A bill to amend title XVIII of the Social Security Act so as to include, among the health insurance benefits covered under part B thereof, coverage of certain drugs; to the Committee on Ways and Means.

By Mr. SHIPLEY:

H.R. 5857. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SISK (for himself, Mr. BETTS, Mr. BURKE of Massachusetts, Mr. DON H. CLAUSEN, Mr. CORMAN, Mr. GUBSER, Mr. HELSTOSKI, Mr. JOHNSON of California, Mr. LEGGETT, Mr. MATHIAS, Mr. MCFALL, Mr. MOSS, Mr. TALCOTT, Mr. TEAGUE of California, Mr. TUNNEY, and Mr. UTT):

H.R. 5858. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on olives packed in certain airtight containers; to the Committee on Ways and Means.

By Mr. TALCOTT:

H.R. 5859. A bill to authorize pay and benefits for members and survivors of members of the Philippine Scouts on the same basis as such pay and benefits are authorized for other members of the Armed Forces and their survivors; to the Committee on Armed Services.

H.R. 5860. A bill to amend title I of the Housing Act of 1949 to provide that no urban renewal project in a city of less than 1 million population shall receive Federal financial assistance thereunder unless it is approved in a referendum by the residents of the city, if 5 percent or more of the voters in such city have requested such a referendum; to the Committee on Banking and Currency.

H.R. 5861. A bill to amend title 5, United States Code, to include as creditable service for civil service retirement purposes certain periods of service in the armed forces of a government-in-exile allied or associated with the United States in World War II, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 5862. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. TALCOTT (for himself and Mr. GUBSER):

H.R. 5863. A bill to designate certain lands in the Pinnacles National Monument in California as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. TAYLOR:

H.R. 5864. A bill to amend section 3146 of title 18, United States Code, to provide that a person who poses a danger to any other person or to the community shall not be admitted to bail; to the Committee on the Judiciary.

By Mr. UDALL:

H.R. 5865. A bill to amend the Agricultural Adjustment Act to remove certain import prohibitions on tomatoes; to the Committee on Agriculture.

By Mr. WAMPLER:

H.R. 5866. A bill to amend the Public Health Service Act to provide for the establishment of a National Lung Institute; to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES H. WILSON:

H.R. 5867. A bill to provide increased annuities under the Civil Service Retirement Act; to the Committee on Post Office and Civil Service.

H.R. 5868. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

H.R. 5869. A bill to provide for orderly trade in iron and steel mill products; to the Committee on Ways and Means.

By Mr. YATRON:

H.R. 5870. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. ADAMS:

H.J. Res. 342. Resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By Mr. GARMATZ:

H.J. Res. 343. Resolution proposing an amendment to the Constitution of the United States to permit voluntary participation in prayer in public schools; to the Committee on the Judiciary.

By Mr. HATHAWAY (for himself and Mr. JACOBS):

H.J. Res. 344. Resolution to provide for the revision of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. HORTON:

H.J. Res. 345. Resolution proposing an amendment to the Constitution of the United States relating to the election of President and Vice President; to the Committee on the Judiciary.

By Mr. KLEPPE:

H.J. Res. 346. Resolution proposing an amendment to the Constitution of the United States relating to the election of President and Vice President; to the Committee on the Judiciary.

By Mr. MESKILL:

H.J. Res. 347. Resolution proposing an amendment to the Constitution of the United States relating to the manner of electing President and Vice President and granting the right to vote in certain elections to citizens who are 18 or more years of age; to the Committee on the Judiciary.

By Mr. MOLLOHAN:

H.J. Res. 348. Resolution creating a Federal Committee on Nuclear Development to review and reevaluate the existing civilian nuclear program of the United States; to the Joint Committee on Atomic Energy.

By Mr. MOORHEAD:

H.J. Res. 349. Resolution proposing an amendment to the Constitution of the United States providing that the right to vote shall not be denied or abridged on account of age in the case of citizens of the United States who have attained the age of 18 years; to the Committee on the Judiciary.

By Mr. PATMAN:

H.J. Res. 350. Resolution proposing an amendment to the Constitution of the United States providing that the right to vote shall not be denied or abridged on account of age in the case of citizens of the United States who have attained the age of 18 years; to the Committee on the Judiciary.

By Mr. PEPPER:

H.J. Res. 351. Resolution to authorize the President to proclaim October 15 of each years as "National Poetry Day"; to the Committee on the Judiciary.

H.J. Res. 352. Resolution to authorize the President to proclaim the 26th day of March of each year as "Robert Frost Memorial Day"; to the Committee on the Judiciary.

By Mr. RIVERS:

H.J. Res. 353. Resolution to authorize the President to pay awards for the delivery into American hands of North Korean officials and military personnel who tortured the personnel of the U.S.S. *Pueblo;* to the Committee on Appropriations.

By Mr. ROYBAL:

H.J. Res. 354. Resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. SHIPLEY:

H.J. Res. 355. Resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

H.J. Res. 356. Resolution creating a Federal Committee on Nuclear Development, to review and reevaluate the existing civilian nuclear program of the United States; to the Joint Committee on Atomic Energy.

By Mr. ABERNETHY:

H. Con. Res. 116. Resolution expressing the opposition of the Congress to the proposed consumption taxes of the European Economic Community on oilseed products; to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H. Con. Res. 117. Resolution creating the Joint Select Committee on Program Analysis and Evaluation; to the Committee on Rules.

By Mr. PEPPER:

H. Con. Res. 118. Resolution expressing the sense of the Congress with respect to an international convention on aircraft hijacking; to the Committee on Foreign Affairs.

H. Con. Res. 119. Resolution expressing the sense of Congress with respect to aggression in the Middle East; to the Committee on Foreign Affairs.

H. Con. Res. 120. Resolution to require the collection of the French World War I debt to the United States; to the Committee on Ways and Means.

By Mr. RIVERS:

H. Con. Res. 121. Resolution expressing the sense of Congress that those North Koreans responsible for the capture of the U.S. ship *Pueblo* and the atrocities committed against the captured Americans shall be branded as international criminals; to the Committee on Foreign Affairs.

By Mr. BEVILL:

H. Res. 195. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

By Mr. CONABLE:

H. Res. 196. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

By Mr. CORMAN:

H. Res. 197. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. MILLS (for himself and Mr. BYRNES of Wisconsin):

H. Res. 198. Resolution to provide funds for necessary expenses of the Committee on Ways and Means; to the Committee on House Administration.

By Mr. PEPPER:

H. Res. 199. Resolution relative to the hijacking of U.S. aircraft; to the Committee on Foreign Affairs.

By Mr. PERKINS:

H. Res. 200. Resolution authorizing the Committee on Education and Labor to conduct certain studies and investigations; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 5871. A bill for the relief of Domenico and Vincenza Amato and minor children, Guiseppe and Cosimo Amato; to the Committee on the Judiciary.

H.R. 5872. A bill for the relief of Calogero Armandini; to the Committee on the Judiciary.

H.R. 5873. A bill for the relief of Felicula C. Busog, M.D.; to the Committee on the Judiciary.

H.R. 5874. A bill for the relief of Michele Cafarelli; to the Committee on the Judiciary.

H.R. 5875. A bill for the relief of Antonio and Beatrice Candela and minor child, Giovanni Candela; to the Committee on the Judiciary.

H.R. 5876. A bill for the relief of Calogero Candella; to the Committee on the Judiciary.

H.R. 5877. A bill for the relief of Angel Chia; to the Committee on the Judiciary.

H.R. 5878. A bill for the relief of Vito Colomba; to the Committee on the Judiciary.

H.R. 5879. A bill for the relief of Ciro D'Amico; to the Committee on the Judiciary.

H.R. 5880. A bill for the relief of Giovanni DiMaggio; to the Committee on the Judiciary.

H.R. 5881. A bill for the relief of Elsa Dowden; to the Committee on the Judiciary.

H.R. 5882. A bill for the relief of Konstantinos Ekonomides; to the Committee on the Judiciary.

H.R. 5883. A bill for the relief of Eleftherios Ekonomou; to the Committee on the Judiciary.

H.R. 5884. A bill for the relief of Emmanuel E. and Dalva Lazidis and minor children, Elena and Triantafyllia Lazidis; to the Committee on the Judiciary.

H.R. 5885. A bill for the relief of Panagiotis Leontaritis; to the Committee on the Judiciary.

H.R. 5886. A bill for the relief of Giovanni Marazano; to the Committee on the Judiciary.

H.R. 5887. A bill for the relief of Diego and Maria Melodia and their minor son, Ignazio Melodia; to the Committee on the Judiciary.

H.R. 5888. A bill for the relief of Rosario Panepinto; to the Committee on the Judiciary.

H.R. 5889. A bill for the relief of Dimitrios Papaiconstantopoulos; to the Committee on the Judiciary.

H.R. 5890. A bill for the relief of Ricardo D. Sambat, M.D.; to the Committee on the Judiciary.

H.R. 5891. A bill for the relief of Francesco Scalice; to the Committee on the Judiciary.

H.R. 5892. A bill for the relief of Calogera Tranchina; to the Committee on the Judiciary.

H.R. 5893. A bill for the relief of Christopher Selimis; to the Committee on the Judiciary.

H.R. 5894. A bill for the relief of Francesco Troia; to the Committee on the Judiciary.

H.R. 5895. A bill for the relief of Giovanni Valenti; to the Committee on the Judiciary.

H.R. 5896. A bill for the relief of Antonio Zambianchi; to the Committee on the Judiciary.

By Mr. BARING:

H.R. 5897. A bill for the relief of Elena Salvo Areno; to the Committee on the Judiciary.

By Mr. BEVILL:

H.R. 5898. A bill for the relief of H. A. Parr; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 5899. A bill for the relief of Juana V. Then-Rodriguez; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 5900. A bill for the relief of Gioacchino, Giovanna, and Antonio Giuseppe Gancitano; to the Committee on the Judiciary.

H.R. 5901. A bill for the relief of Francesco Ingrao; to the Committee on the Judiciary.

H.R. 5902. A bill for the relief of Mrs. Giovanna Maria Lunetta; to the Committee on the Judiciary.

H.R. 5903. A bill for the relief of Angelo, Antonina, and Nunzia Brigida Zuzze; to the Committee on the Judiciary.

By Mr. CEDERBERG:

H.R. 5904. A bill for the relief of Carl C. Strauss and Mary Ann Strauss; to the Committee on the Judiciary.

By Mrs. CHISHOLM:

H.R. 5905. A bill for the relief of Margarita Badolamenti; to the Committee on the Judiciary.

H.R. 5906. A bill for the relief of Gioacchino Maggio; to the Committee on the Judiciary.

H.R. 5907. A bill for the relief of Leslie Gerard Paul; to the Committee on the Judiciary.

H.R. 5908. A bill for the relief of Claudio Salerno; to the Committee on the Judiciary.

By Mr. CONYERS:

H.R. 5909. A bill for the relief of Barbara Sears Carroll, nee Barbara Sears; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 5910. A bill for the relief of Aurelio Basile; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 5911. A bill for the relief of Gertrudes Cabagungan; to the Committee on the Judiciary.

H.R. 5912. A bill for the relief of Joan Caponong; to the Committee on the Judiciary.

H.R. 5913. A bill for the relief of Mary Felace; to the Committee on the Judiciary.

H.R. 5914. A bill for the relief of Gaetano La Porta; to the Committee on the Judiciary.

H.R. 5915. A bill for the relief of Zenaida C., Delco G., and Marivi Macias; to the Committee on the Judiciary.

H.R. 5916. A bill for the relief of Florentino Meo; to the Committee on the Judiciary.

By Mr. GALLAGHER:

H.R. 5917. A bill for the relief of Amante and Rizalina Cabalda; to the Committee on the Judiciary.

By Mr. GIAIMO:

H.R. 5918. A bill for the relief of Mrs. Taeko (Natale Anthony) Lauritano; to the Committee on the Judiciary.

By Mr. JOELSON:

H.R. 5919. A bill for the relief of Carmelo Andolina; to the Committee on the Judiciary.

H.R. 5920. A bill for the relief of Mr. and Mrs. Giovanni Battista Asaro; to the Committee on the Judiciary.

H.R. 5921. A bill for the relief of Maria Luisa Bona; to the Committee on the Judiciary.

H.R. 5922. A bill for the relief of Mrs. Lucia Tommasi and Maria Carbonaro; to the Committee on the Judiciary.

H.R. 5923. A bill for the relief of Consolata Monti; to the Committee on the Judiciary.

H.R. 5924. A bill for the relief of Cheung Wun Yung; to the Committee on the Judiciary.

By Mr. KYROS:

H.R. 5925. A bill for the relief of Herman Boxer; to the Committee on the Judiciary.

H.R. 5926. A bill for the relief of Dr. Chandra Prabha Lal; her husband, Daya N. Lal; and two minor children, Padma Lal and Ashis K. Lal; to the Committee on the Judiciary.

H.R. 5927. A bill for the relief of Michael T. Mouzas; to the Committee on the Judiciary.

H.R. 5928. A bill for the relief of Sylvia Z. Sison; to the Committee on the Judiciary.

H.R. 5929. A bill for the relief of Charles C. Smith; to the Committee on the Judiciary.

H.R. 5930. A bill for the relief of Ng Chan Sun; to the Committee on the Judiciary.

H.R. 5931. A bill to provide for the consideration under the War Claims Act of 1948 of certain claims arising out of the sinking of U.S. fishing vessel *Snoopy*; to the Committee on the Judiciary.

H.R. 5932. A bill to authorize and direct the Secretary of Transportation to cause the vessel *Cap'n Frank*, owned by Ernest R. Darling, of South Portland, Maine, to be documented as a vessel of the United States with full coastwise privileges; to the Committee on Merchant Marine and Fisheries.

H.R. 5933. A bill to permit certain vessels to be documented for use in the fisheries and coastwise trade; to the Committee on Merchant Marine and Fisheries.

By Mr. MATSUNAGA:

H.R. 5934. A bill for the relief of Julita Funtanilla and her minor children, Wilhelmina Funtanilla, Sylvia Funtanilla, and Josephine Funtanilla; to the Committee on the Judiciary.

By Mr. MESKILL:

H.R. 5935. A bill for the relief of Lt. Col. Henry F. Baker; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 5936. A bill for the relief of Kong Wan Nor; to the Committee on the Judiciary.

H.R. 5937. A bill for the relief of Agripino Erano Tenchavez, Jr.: to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 5938. A bill for the relief of Accursia Billera; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 5939. A bill for the relief of Lajos Heredy; to the Committee on the Judiciary.

By Mr. PIRNIE:

H.R. 5940. A bill for the relief of Rosalia Manta Marchese; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 5941. A bill for the relief of Mr. and Mrs. Leonard Musso; to the Committee on the Judiciary.

H.R. 5942. A bill for the relief of Mr. and Mrs. Stephen Paskor; to the Committee on the Judiciary.

H.R. 5943. A bill for the relief of Roger Stanley, and the successor partnership, Roger Stanley & Hal Irwin, doing business as the Roger Stanley Orchestra; to the Committee on the Judiciary.

By Mr. SHIPLEY:

H.R. 5944. A bill for the relief of S. Sgt. Vernell Burris; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 5945. A bill for the relief of Masakatsu Kawano; to the Committee on the Judiciary.

By Mr. WOLFF:

H.R. 5946. A bill for the relief of Thalia Simos; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

8. By the SPEAKER: A memorial of the Legislature of the Commonwealth of Massachusetts, relative to absorption of the cost of public welfare by the Federal Government; to the Committee on Ways and Means.

9. Also, a memorial of the Legislature of the State of South Dakota, relative to providing educational opportunity to students seeking careers in the health professions; to the Committee on Interstate and Foreign Commerce.

10. Also, a memorial of the Legislature of the State of Utah, relative to restoring certain lands to the public domain; to the Committee on Interior and Insular Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

46. By the SPEAKER: Petition of Henry Stoner, Portland, Oreg., relative to circulation of the Congressional Record; to the Committee on House Administration.

47. Also, petition of the City Council, Elizabeth, N.J., relative to making Inauguration Day a national holiday; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

VETERANS' DAY SPEECH

HON. ALTON LENNON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. LENNON. Mr. Speaker, Capt. G. E. Lockee, a constituent and naval officer who is rendering outstanding service to our country, addressed his townsmen in Pembroke, N.C., at special Veterans' Day ceremonies. I am pleased to bring to attention his excellent remarks honoring our veterans and depicting the Navy's role in national defense.

The address follows:

ADDRESS BY CAPT. G. E. LOCKEE, U.S.N., VETERANS' DAY CEREMONIES, PEMBROKE, N.C., NOVEMBER 11, 1968

Mayor Maynor, Reverend Cummings, Doctor Courtner, Post Commander Locklear, fellow Veterans, Distinguished Guests, Ladies and Gentlemen.

First, I wish to thank you for inviting me to come home again to Pembroke. I have many friends here and am rather sentimental about this part of the country. As many of you know, I was born about a half mile from where I now stand. I have hunted many quail in the surrounding countryside. I also have many pleasant memories of my Grammar School and High School days here.

Joining with you here today, to honor our Veterans, is indeed a pleasure and a privilege for me. Too often, and too soon the world and even our own Countrymen forget the very men to whom they owe the most. As Americans, we are all indebted to our Veterans, because it is they who proved to the world that Americans have integrity, that we are willing to fight for the very same principles, the real values for which our first veterans fought so valiantly 200 years ago. As we pay tribute to the many men and women who served so well in the cause of freedom, it is well that we not overlook these values for which so many have laid down their lives.

Foremost among these are such basic things as the several freedoms guaranteed by the constitution, liberty, the dignity of man and our national and personal responsibility to preserve them. Each generation must for itself preserve or lose them. They are the very foundations upon which the security of our country rests. I wish to emphasize that these freedoms and rights, which most of us take for granted, did not come without cost. Every right and privilege comes with a responsibility. A responsibility to our creator, a responsibility to our country and a responsibility to our fellowman. Increased responsibility often is accompanied by increased authority and recognition. I am sure that you can conclude that increased responsibility and authority is accompanied by greater accountability. Our veterans have assumed these responsibilities well.

I don't know the names of all our Veterans here today, but I believe that it is most fitting at a time like this that I name a few of them. Miles S. Jones, my Uncle, Jack Sampson, Willie Dial, Bunion Locklear, John L. Locklear, W. P. Godwin, Martin Luther Lowry; served in World War I.

Two other World War I Veterans, Mr. James R. Lowry and Mr. L. W. Jacobs, now deceased, were dear friends of mine as they were of many of you. Mr. James R. Lowry was one of my high school teachers. He was my school principal. He was my counselor and was very helpful to me in many ways.

Likewise, World War II brings to my mind many veterans, who were my schoolmates and friends, as well as a host of others. The following names immediately come to mind:

Howard Oxendine, Simeon Oxendine (Distinguished Flying Cross), James Arnold Jacobs, Rudolph Carter, Edison Carter, Cleo Maynor, Jimmy Maynor, Col. Earl Lowry, Rudolph Godwin, Willie Von Lowry, Bracey Sampson, my uncle, my brothers: Otto and Col. Archie Stanton Lockee; Wade Lowry who was killed in action at Midway, Dr. Telford Lowry.

I join you in saluting all World War I and World War II veterans as well as those who participated in the Korean War and the current War in Vietnam.

In case you don't know it, Commander Thomas Oxendine and I have crossed paths many times over the past 25 years as we have served in our wonderful Navy. In talking with Tom before coming down here from Washington, he requested that I pass along to you his personal greetings. Until recently Tom and I worked near each other in the Pentagon. He has just moved across the Potomac River from the Pentagon into Washington and now works for the Commander, Naval Air Systems Command in the Public Affairs Office.

Although to my knowledge, they are not War Veterans, there are a few men to whom I would like to now pay special recognition and thanks because they have had such a great influence on the lives of so many of our Countrymen, and especially me. They are:

Mr. Lonnie Oxendine, Mr. Clifton Oxendine, Mr. Marvin Lowry, Mr. Ira Pate Lowry, Mr. Zeb Lowry, Mr. Paul Sampson, Mr. Elmer Lowry.

These gentlemen were my teachers while attending school here, I'm sure they have taught many of you. They have been the reflection of education. They have instilled in so many the real desire to excel. The desire to move higher. The desire to reach the sky. I want to thank them for what I consider to be a noble contribution to their country in the field of education.

Education has increased importance today. It is important because many of you here today are engaged in it. Many students look at their education with mixed emotions because it is easy to look at it that way.

With but few exceptions the leaders of tomorrow in all walks of life are on the college campus today. Some of them are here in this audience today.

While preparation for positions of responsibility generally is accomplished in the college classroom, many of the qualities possessed by men who become our leaders are acquired by practical experience and training which are not a part of the normal college curriculum. Many of these qualities are developed on the athletic field or thru extracurricular activities.

I wish there were some way that this important aspect of growing up could be more emphatically impressed upon our young people. Our complex world needs more highly educated and trained men and women. I recommend that you who are engaged in attaining an education give this part of your preparation your best effort. If you do, it will stand you well in the future.

In addition to honoring our Veterans today, I would like to talk a bit about one of my favorite subjects.

Being a Naval Officer, I would not want to disappoint any of you by not saying something about my own Service—the United States Navy. Today, I will assume this privilege with a great deal of enthusiasm. I think that I have a reputation, regardless of the occasion, for sprinkling a bit of salt water on any inland audience at every opportunity.

I have been told that after my Air Force brother was here last year he made a low level pass over town with his big Boeing 707 airplane. I have been here a time or two when Tom Oxendine has made a low-level navigation flight over town in his jet fighter. I want to assure you that after I leave here today you will not find a big guided missile ship steaming up Lumber River heckling with great noises all the citizens of Robeson County.

We should all be aware of the importance of sea power, and the influence of sea power as a deterrent of war. The Navy has been the country's first line of defense and has usually been the first to strike an enemy when all other peaceful efforts failed.

Deterrence of nuclear war by U.S. Naval power is an important aspect of modern seapower. Our sea-based Polaris ballistic missile forces and the carrier-based nuclear strike forces with their characteristics of mobility and concealment have been an important part of our Country's strike capability.

Seapower is more than just war ships. Seapower embraces total naval power, the Merchant Marine, the fishing industry and knowledge of the vast oceans.

Now for a few examples and some facts. As long as three quarters of the World's surface is covered by water, any war must necessarily include a wet water war waged in support of our Army, our Air Force, and our Marine Corps. Did you know that it takes a ton of supplies per month to support a foot soldier in Vietnam?

There are over 500,000 Americans in Vietnam. Did you know that our supply line to Vietnam is nearly 10,000 miles long? Did you know that 98% of all supplies and equipment going to Vietnam to support our troops there make that 10,000 mile trip by ship? Did you know that it was the Navy planes from mobile ocean airfields, our carriers in the Gulf of Tonkin, that made the first Air Strikes on targets in North Vietnam in February 1965? This is true because they were there, they were ready. They were operating on the free oceans when the Commander in Chief made the decision to strike. Did you know that it was the Navy that landed 15,000 Marines and Soldiers at Santo Domingo when help was requested there in April 1965? I could name many other occasions when the Navy was the first to strike a blow in defense of our country. My point is simply this; the Fleet, through its unique ability to gain immediate proximity to areas of tension, has always been ready to apply, if necessary, its strength, its mobility and its flexibility to protect our Nation's interest, if so directed by the President.

In spite of all my pride in the Navy, I would in no way infer that the Navy can do the total job of defending our country alone. Far from it. The Navy believes that the coordinated combat power of all the United States Armed Service must be projected overseas—away from our own shores—in any type of conflict. We in the Navy fully recognize the Navy's role in the support of the other Services in this matter.

We also believe that the roles of all the Armed Forces are played best if they are coordinated, and that the combined strengths of the Army, Navy, Marine Corps, and Air Force forces engaged in concert is far greater than the sum of their separate strengths. We in the Navy believe that no matter how complex or how awesome you build the weapons of war that the man—the Individual—is still the most vital element of our defense team. Men make decisions—men fight battles—men win wars.

For nearly two centuries it has been the individual man—each accomplishing his task—that has enabled the Navy to excel both in time of war and peace. It was the individual sailor who manned the topsails and guns that brought the first victories to our fledgling Navy during the Revoluntionary War, and it's the talented and educated Navyman of 1968 that keeps nuclear powered ships roaming the high seas and the supersonic aircraft battle ready throughout the year.

We have made tremendous advances in electronics, propulsion, guided missiles, nuclear physics, and push button computer systems which coordinate our Command and Control evolutions. This sophistication is good and is necessary but it is still the man who must make the decision as to which button is pushed, and when it is pushed.

Surely we cannot say too much about the individual, since he is the key to success in any endeavor.

While most of our people live in an environment of plenty and only a few of our people feel a personal impact from the War in Vietnam, I cannot say enough about the devotion to duty—the high degree of skill and training—the courage and sacrifice that is demonstrated daily by the men and women in all branches of our Armed Forces. They are giving their best twenty-four hours a day. And, in so doing, they do honor to the highest traditions of you—the American Veteran—who has gone before them.

This is also a most appropriate time to salute our families for their understanding and support as we carry out the many duties required of the man and woman in uniform.

I would like to thank you for this opportunity to share this day with you. Your Countrymen are indebted to you, her Veterans, for your sacrifices and your service which have been necessary in order to keep our nation great in a rapidly changing and troubled world. We would also not forget the sacrifices of those who have died in battle. I pray God's richest blessings on all of you.

AMBASSADOR W. AVERELL HARRIMAN

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. BOGGS. Mr. Speaker, it is with a great deal of humility that I rise to pay tribute to one of the most gifted and dedicated leaders in modern American history—a man who embodies the spirit and the ideals of our people—Ambassador W. Averell Harriman.

It has been said that great men hallow a people and lift up all who live in their time. I know of no one of whom this is more true than Averell Harriman.

When I consider the founders of this Republic—Washington, Madison, Franklin, Hamilton, and others—I often wonder who among my contemporaries might measure up to their greatness. Inevitably, W. Averell Harriman comes to mind, for he alone seems to combine their wisdom and intellect, their compassion and courage.

It hardly approaches the measure of the man to say that Averell Harriman has been a dedicated public servant, a distinguished Ambassador, a Governor of New York, a Secretary of Commerce, and an adviser to four American Presidents.

We come closer if we recall that he successfully negotiated a difficult nuclear test ban treaty which, at this moment, is preventing the pollution by radiation of the air we breathe and the food we eat.

Perhaps the measure of this man is best summed up by simply noting that he returns now to his native land having brought a war to the beginning of real peace negotiations.

Averell Harriman is home now for a well-deserved rest. But I know that he will not be inactive for long, for he is too energetic, too concerned, too dedicated not to continue his service.

I am honored to call Averell Harriman my friend, and I am happy that he and his lovely wife, Marie, are home again.

PITTSBURGH SOLDIER AWARDED SILVER STAR

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to join in honoring young Capt. David F. Guerrieri, U.S. Army, who today was decorated with the Silver Star for heroism in Vietnam. In a special ceremony at the Walter Reed Army Medical Center, Brig. Gen. Frederic J. Hughes, Jr., pinned our Nations third highest military award on Captain Guerrieri for "gallantry in action" during an enemy attack on the Fourth of July, 1968.

Captain Guerrieri's parents, Mr. and Mrs. Francis Guerrieri, of 305 Parkway Drive, Pittsburgh, Pa., and his brother Daniel Guerrieri came to Washington to witness proudly the presentation ceremony.

As Congressman for the Guerrieri family I wish to congratulate them on his fine heroism under the pressure of enemy fire, and commend David F. Guerrieri as an excellent example of courage and patriotism in our country's young people.

We Americans owe a great debt to the men like Captain Guerrieri who have served our Nation well in our armed services. It is a special pleasure to include the citation of the award of the Silver Star to Capt. David F. Guerrieri in the RECORD, as follows:

AWARD OF THE SILVER STAR, SEPTEMBER 23, 1968

The following award is announced:

Guerrieri, David F., Captain, Artillery, U.S. Army, HHB, 2d Bn, 77th Arty, 25th Inf Div.

Awarded: Silver Star.

Date action: 4 July 1968.

Theater: Republic of Vietnam.

Reason: For gallantry in action: Captain Guerrieri distinguished himself by heroic actions on 4 July 1968, while serving with Headquarters and Headquarters Battery, 2d Battalion, 77th Artillery in the Republic of Vietnam. A numerically superior enemy force launched a massive rocket, mortar, and ground attack against a friendly base camp. During the ensuing action, Captain Guerrieri immediately proceeded to the perimeter and deployed the reactionary force. As he was deploying his men, Captain Guerrieri, with complete disregard for his personal safety, threw a grenade and killed two enemy soldiers who were about to fire an RPG at the command bunker. Although seriously wounded, Captain Guerrieri continued to lead his men until he was evacuated. His valorous actions contributed immeasurably to the success of the mission and the defeat of the enemy force. Captain Guerrieri's personal bravery, aggressiveness, and devotion to duty are in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit, the 25th Infantry Division and the United States Army.

Authority: By direction of the President under the provisions of the Act of Congress, approved 9 July 1918, and USARV message 16695, 1 July 1966.

ENFORCEMENT OF THE CONSTITUTION

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. COHELAN. Mr. Speaker, last year a majority of the Members of the House of Representatives waged a difficult but successful fight to assure that the Federal Government would continue to enforce title VI of the Civil Rights Act of 1964. In defeating the Whitten amendment to the HEW appropriation, we reaffirmed our instruction that the Government would continue to enforce southern school desegregation by withholding Federal funds from unconstitutionally segregated school districts.

Earlier this month, the Department of Health, Education, and Welfare issued its report on progress under the school desegregation guidelines. The report showed progress—albeit much too slow progress—in achieving a system of integrated and equal schools for white and black alike.

But last week, the new Secretary of the Department of Health, Education, and Welfare refused to cut off Federal school aid funds from five unconstitutionally segregated southern school districts. Instead, the new Secretary granted an additional 60 days to the schools to negotiate a satisfactory desegregation program.

In ordinary circumstances, a 60-day delay might seem unobjectionable, especially where a new administration had so recently come to power. However, the U.S. Supreme Court in 1954, 15 years ago, better than half a generation ago, declared that the law of the land absolutely forbade State-compelled racial segregation. Sixty days' delay added to 15 years' delay is a much more serious matter.

In the strongest possible terms, I urge the Members of this body to make known to the new administration the fact that we, a majority of the House of Representatives, will not tolerate the flaunting of our will. We voted just last year to continue the enforcement of school desegregation under title VI of the Civil Rights Act of 1964.

Our will is clear.

Our expectation for the new administration in the vigorous enforcement of the civil rights laws is no less clear.

FIRST PICAYUNE ISSUE RECALLED

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. BOGGS. Mr. Speaker, last January 25, one of the most active leaders in my part of the country interrupted a very busy schedule to celebrate a 132d birthday.

This individual carries her years well and shows no sign of slowing down. If anything, she is more alive and more active today than ever before. I speak of the New Orleans Times-Picayune, one of the Nation's oldest and greatest newspapers.

When the Picayune was born, Andrew Jackson was President and this Republic was barely a generation old. In the years that have followed, her reporters have covered war and peace, depression and prosperity, yellow fever epidemics, and in general, the trials and successes of America's most interesting city. The ranks of her contributors include Mark Twain—the original one, from whom Samuel Clemens drew his name—Lafcadio Hearne, and William Faulkner, to name just a few.

The Times-Picayune is a grand old newspaper, steeped in Americana, and I am delighted to salute it on this, its 132d birthday.

I am attaching an article from its anniversary edition on January 25, 1969, which I know will be of interest to my colleagues:

First Picayune Issue Recalled: Newspaper Today Begins Its 133d Year

(By Don Lee Keith)

Andrew Jackson was president then. In Washington, there was a circulating petition to abolish slavery.

Back home in New Orleans, it was a wet and blusterous winter day, that Wednesday, Jan. 25, 1837. Those who cared to brave the elements that evening could be entertained at the Camp Street Theater, featuring a play known as "Cinderella!" Over at the St. Charles Theater, something called "Charles II" starred Mr. Hunt, Mr. Finn, T. Bishop and Mrs. Keeley.

The players may have been forgotten, but the newspaper which chronicled their performance in its first issue is still very much around. One hundred and thirty-two years later, you're looking at the same publication.

And as The Times Picayune begins its 133rd year, it does so with the same fervor it exhibited in Vol. 1, No. 1, when it stated, "There is no doubt that if we deserve patronage we shall receive it; and if we do not, the public will not extend it."

That first issue came from an obscure building at 38 Gravier st. It was edited in a 160-square foot office and published with $400 worth of equipment.

In that issue, Mrs. E. Green placed a notice that she had opened a fashionable boarding house at No. 122 Tchoupitoulas st., "where several gentlemen can be accommodated with board on reasonable terms."

John Walker advertised that he had opened an office for real estate and the purchase and sale of slaves.

So went the arrival issue of The Picayune, named because it sold for the price of the small Spanish coin, the picayune. Since the picayune was worth 6¼ cents, the newspaper later dropped its price to a nickel, and until recent years, was unique in that it sold for less than it did when first founded.

The first editors, George Wilkins Kendall and Francis A. Lumsden, were printers operating on borrowed capital, but apparently, they deserved and got patronage. The Picayune was only 10 years old when it organized a pony express system to cover the Mexican War and Kendall was American journalism's first full-fledged war correspondent. His dispatching service was so fast that other newspapers clipped The Picayune's correspondence.

The transition that necessarily accompanies time occurred, of course, and throughout the years, there were merger transactions involving other newspapers. Eventually, The Times Picayune emerged. That was in 1914.

But the granddaddy of them all, The Picayune, remained as steadfast to the cause of journalism as it did back in 1837, when the population of New Orleans was about 46,000.

With the city going into its 251st year, and The Times-Picayune its 133rd, the two seem to be progressing together after adopting the words of Robert Browning: "Grow old along with me? The best is yet to be."

"PUEBLO" COMMEMORATIVE STAMP

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. PATTEN. Mr. Speaker, we are daily reading in the newspapers of clamors for further investigations of the *Pueblo* crisis—investigations which propose to study not only this incident but the very nature of our foreign policy.

Amid all this controversy I would like to take a moment to reflect on the men who manned this ship in her hour of peril, and who endured the hardships of confinement by the North Koreans. Every day from our college campuses come the shouts of our youth for peace. The men of the *Pueblo* also want peace, and they were willing to die for that cause—one young sailor actually did give his life. The moral strength of these men to survive the hardships following their seizure should remain as a living tribute to patriotism and freedom.

The National Committee for Responsible Patriotism remembered as the sponsor in 1967 of the "Support Our Men in Vietnam" parade down Fifth Avenue in New York worked long and hard for the past year to secure the release of the *Pueblo* crew. Now this organization is encouraging the Post Office Department to issue a *Pueblo* commemorative stamp as a lasting tribute to the bravery of these men and as a constant reminder of the outside forces which would destroy the freedom which we often take for granted.

I support the efforts of this organization headed by its able, dedicated, and dynamic executive director, Charles W. Wiley, of Sayreville, N.J., for the issuance of a *Pueblo* commemorative stamp. The simple fact is that the American citizens on the *Pueblo* serve at the request of our Government to protect this free Nation—for that alone we should honor them. That they endured so much with such courage should make us ever proud that these men are willing to defend our freedom, and it should encourage us all to work even harder to secure peace in our world in their time.

ONE OF THE GIANTS IS NOW GONE

HON. ROY A. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. TAYLOR. Mr. Speaker, a national museum and cradle of forestry were authorized by the 90th Congress and are being established in the Pisgah National Forest of western North Carolina on the site where the first field school of forestry in America was operated some 71 years ago, and near the site where the first national forest tract of land was purchased under the Weeks law.

We are proud of North Carolina's historic role as a pioneer in preserving, developing, and conserving forests and other natural resources. We are proud that much of the sentiment toward establishment and proper management of national forests and national parks in the eastern part of the United States originated and developed in western North Carolina.

We are proud that much of the land comprising the Smoky Mountains National Park was purchased by interested citizens and by the States of North Carolina and Tennessee and given to the Federal Government some 40 years ago, making it the first national park in eastern America.

Verne Rhoades was one of the graduates of this first field school of forestry. Later he became the first supervisor of the Pisgah National Forest and later was in charge of the acquisition of much of the Smoky Mountains National Park lands, and in recent years he raised funds to restore the original forestry schoolhouse and was one of the moving spirits behind the creation of the Cradle of Forestry. This great pioneer in conservation and forestry died about 10 days ago, and I recommend to my colleagues two editorials, the first appearing in the Asheville Citizen of January 24, 1969, and the second appearing in the Asheville Times of January 25, 1969.

[From the Asheville (N.C.) Citizen, Jan. 24, 1969]

One of the Giants Is Now Gone

Verne Rhoades, who died in Florida this week, was one of the most beloved men who has lived in Asheville.

He had a quality of gentleness that belied his strength of purpose, and a quiet generosity that masked his essential firmness.

A graduate of the Forestry School on the Biltmore Forest Estate, he became the first supervisor of Pisgah National Forest and later was in charge of the acquisition of much of the land for the Great Smoky Mountains National Park.

His business and civic interests were extensive and varied; his contributions in time and money to all manner of worthy causes were substantial. He sought no public acclaim; he often sought anonymity. But his good works were recognized by a wide circle of friends—rich and poor, high and low—who revered him.

One of his major interests in recent years was the Cradle of Forestry project in Pisgah National Forest and restoration of Dr. Schenck's original schoolhouse, for which he raised the necessary funds.

Verne Rhoades was 86 and thus had lived a long and useful life. His death still comes as a shock.

Here, truly, was a Christian gentleman—always, courteous, always kind, always thoughtful of others. Asheville and Western North Carolina have lost a pioneer who will be long remembered. He walked in grace.

[From the Asheville (N.C.) Times, Jan. 25, 1969]

A PIONEER PASSES

Asheville has lost one of its worthiest citizens in the death at 86 of Verne Rhoades. His services extended far beyond this city, and he was in truth a citizen of all of Western North Carolina.

Forester, naturalist, conservationist—Verne Rhoades was all of these things, beginning as a potent pioneer in a day when scientific forestry and conservation were at the very beginnings. He was, it could be said, one of the founders of the Great Smoky Mountains National Park. He worked tirelessly for the park's establishment, and supervised much of the land acquisition.

Verne Rhoades' handiwork is all around us. It exists in the vast woodlands which are one of Western North Carolina's most precious possessions. It lives in Scouting and woodlands recreation. It continues in the wellbeing of his adopted city. He will be remembered with honor and affection.

CUYAHOGA COUNTY JOINT VETERANS TO SALUTE MAUSSER

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. FEIGHAN. Mr. Speaker, on Monday, February 3, 1969, Daniel Mausser, a prominent Cleveland community leader, will be honored by the Cuyahoga County Joint Veterans' Commission.

It is most fitting that this singular honor which has been bestowed only four times in the past 31 years be presented to Mr. Mausser in recognition of his accomplishments in the field of public relations. Mr. Mausser has worked for, and with, veterans, ethnic, and minority groups for many years in Cleveland and elsewhere. His tireless efforts to help bring mankind together in harmony to solve problems should be an example for all of us who consider ourselves good Americans.

Under leave granted, I insert the following article which appeared in the Plain Dealer:

JOINT VETS TO SALUTE MAUSSER

A "citation of appreciation and merit" will be presented Monday to Daniel L. Mausser, 16337 Brewster Road, Cleveland Heights, by the Cuyahoga County Joint Veterans' Commission during the commission's annual installation and awards dinner at Hotel Sheraton-Cleveland.

The award, for "his great contribution in the field of Public Relations to the Veterans and Civic Organizations," is only the fourth such citation the commission has given in 31 years.

Mausser, a public relations counselor here, has received national recognition for his work, including twice being commended in congressional speeches—on May 3, 1967, and May 10, 1968.

It was just a year ago that Bishop Clarence G. Issenmann of the Cleveland Catholic Diocese cited him for his "commended leadership in the ecumenical and interfaith developments" in Greater Cleveland.

SOCIALISM EXEMPLIFIED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. RARICK. Mr. Speaker, a thought-provoking paper on our slipshod age may well acquaint our people with life in our Socialist future.

Time was when a craftsman was just that. He was proud of his work and even affixed his name to his product. But then, time was when work was honorable and a way of life. But, alas, in too many instances the job has been replaced by a right to put in time for pay.

Mr. Speaker, I include Jenkin Lloyd Jones' column of February 1, from the Washington Evening Star:

SLIPSHOD AGE DESERVES WARNING

The other day I walked into a hotel room in the Bahamas. As the bellman set down my bags the headboard fell off the bed. The new dresser had a split that extended across two drawers. The bathtub fixtures, punched crudely through the wall, hadn't even been anchored. An hour later the marbled grand foyer was blocked while workmen tried to stanch rain pouring through the roof.

All this for only $40 a day.

Not long ago I was talking to an old friend in his auto showroom.

"I used to be a car dealer," he said. "Now I seem to spend most of my time running the final assembly line. You have no idea of the condition in which some of our new cars arrive. Knobs falling off, floating chrome strips, sloppy painting, even important linkages involving the safety of the vehicle that just seem to have been hurled together.

Perhaps this is the natural fallout of "full employment." In spite of joblessness among the hard core it has been a fact that almost anyone who is willing to show up and not walk off before quitting time can command a wage.

If a man is fired it is usually a short stroll down the street to another wage. And in shops where unions are both strong and militant the firing of even the laziest or most incompetent employe has never been so hazardous to the boss, for the local can "fine" him many thousands of dollars by pulling a wildcat strike.

But you can't point fingers at labor only. The fault goes right on up to the paneled executive suites, vice presidents, engineers, chemists, accountants, college professors—every educated skill or management experience that is in short supply has bred its quota of prima donnas, job-jumpers, go-to-hell hounds and stock-option hawks. Most of us are getting pretty greedy.

We've been cheating each other.

The careless man on the auto assembly line is robbed when his sly TV repairman replaces perfectly good tubes.

The TV man cusses when buttons fall off his new shirt.

The lazy foreman in the shirt factory is outraged that the walls of his new apartment seem to be made out of drum skins.

And the corner-cutting contractor on the apartment job is killed by a sticking accelerator on the car whammed together by the auto assemblyman.

What has happened to us is a lack of discipline. We all need to be kicked a little. Very few of us will do very good work unless we are a little fearful of the consequences of doing bad work. We're not bad people. We're just people.

Our ancestors found this out in the Revolutionary War. The militia started out by electing their officers and noncoms on the basis of their easygoing popularity. Most of this militia fled at the first volley.

It wasn't until tough and sometimes pretty unpopular officers took over that Americans began to win battles. The fear of the consequences of bugging out and to at least equal the distaste for standing firm.

Those of us who wear the campaign ribbons of the Great Depression remember when there was too much job discipline in America. There seemed to be 10 hungry guys standing behind every worker and fouling up was rough. Men of skill and integrity peddled from door to door. The lecherous boss of the dime store often, as the Victorians put it, had his will with the poor little girl clerk, for it was sometimes either that or starve.

Today the girl can tell him to fly his kite. The classified sections are stuffed with ads for men of skill and the employer who wants to exploit is having heavy going. This is a lot better.

But in the meantime, we have heated the economy up until the dollar is in real danger. Prices and wages have been leaping far ahead of any improvements in quality or productivity. There is no system of job security or relief that could survive the national bankruptcy of a runaway inflation, and the consequences of a busted dollar would be catastrophic to the whole Free World.

So we've got to cool it. Even our most profligate of governments has been driven to impose a surtax. It would be naive to assume that the building boom can be sustained with a 7 percent prime rate and $9-an-hour plumbers.

This, then, would seem to be the strategic moment to get a reputation for being an Honest John and a Willing Willie. When customers get picky—as they will—and when the frantic Help Wanted signs come down, reputation will become important once again.

The wind will blow most gently on the manufacturer who has pushed quality control, the merchant swift to act upon complaints, the reliable repairman and the employe who is cherished by the boss.

GOV. W. AVERELL HARRIMAN

HON. WAYNE N. ASPINALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. ASPINALL. Mr. Speaker, I am pleased to join with my colleagues, under the leadership of Congressman BINGHAM, of New York, in giving a personal word of appreciation to Gov. W. Averell Harriman for his outstanding work in behalf of his fellow men in his State, the Nation, and the world.

No one has given more unselfishly of his talents for the benefit of mankind than has Governor Harriman and all of us are his debtors for the opportunity to share his outstanding capabilities and his dedication to public service.

I am privileged to say thank you, Governor Harriman.

TAX REFORM

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, I have introduced legislation to bring the issue of tax reform before Congress. And I now urge the Congress to take heed of the growing demand throughout the Nation for quick and decisive action on this long-neglected problem.

I am cosponsor of H.R. 5250, "The Tax Reform Act of 1969." This bill presents a 13-point program to eliminate loopholes which each year cost the Federal Government more than $9 billion in tax income, and at the same time distribute the burden of Federal income tax unfairly on the ordinary wage earner.

The new administration has indicated that it will seek to have the 10-percent surcharge extended past the original termination date of next June 30. It is unfair to the American taxpayer to continue this "temporary" tax when we can raise an equal sum of money simply by closing some of the loopholes in our present tax laws.

Closing these loopholes would result in the collection of this money from those who have been avoiding their fair share of taxes for years, rather than from the low- and middle-income taxpayers who are already staggering under the burden of taxes at all levels.

Joseph W. Barr, former Secretary of the Treasury, reported last month that 155 Americans with adjusted gross incomes of over $200,000, including 21 whose income exceeded $1,000,000, paid no income tax at all in 1967. This was made possible by the loopholes that we are seeking to eliminate in H.R. 5250.

Thousands of other wealthy persons and corporations pay relatively low tax rates because of these unfair "gimmicks" and glaring inequities in our tax laws.

The bill which I am cosponsoring has the following provisions:

First. Provide for taxation of capital gains upon death, to prevent wealthy persons from passing large amounts of accumulated wealth to their heirs, without payment of capital gains tax. This would increase Federal revenues by an estimated $2.5 billion annually.

Second. Eliminate the unlimited charitable deduction, a little-known device used by millionaires which costs the Federal Government some $60,000,000 a year in tax income.

Third. Eliminate the special tax treatment on stock options, which enables top executives of large corporations to pay taxes on part of their incomes at low capital gains rate, rather than the full income tax rate. This loophole deprives the Government of an estimated $150,000,000 a year.

Fourth. Eliminate the $100 dividend exclusion, by which taxpayers with stock holdings get their first $100 of dividends tax free. This benefit is not available to the average person, whose savings are in bank accounts or savings bonds. Tax loss to the Government through this loophole has been estimated at $150,000,000.

Fifth. Eliminate the multiple-corporation gimmick, which permits large corporations to be split into a number of smaller corporations, for the purpose of evading full taxation. This loophole cost the Treasury $200,000,000 annually.

Sixth. Remove the tax exemption on municipal industrial development bonds, which subsidize plant construction for large corporations that are fully capable of financing the costs themselves. Closing this loophole would bring in at least $50 million a year.

Seventh. Establish a municipal bond guarantee corporation to guarantee State and local bonds against default, and pay an interest subsidy sufficient to reduce interest payments by one-third. This would discourage the issuance of tax-exempt State and municipal bonds, which are purchased primarily by high-income persons as a tax-savings device. Estimated savings—$900 million.

Eighth. Reduce the oil depletion allowance from 27½ percent to 15 percent, and the mineral depletion allowance from 23 percent to 15 percent. These depletion allowances permit big oil corporations to pay Federal income taxes of only 4 and 5 percent, and some oil companies with multi-million-dollar incomes have used this loophole to avoid payment of any Federal income tax. Reduction of the depletion allowances to 15 percent would mean a revenue gain of nearly a billion dollars a year.

Ninth. Establish similar rates for gift and estate taxes. The present law sets a gift tax rate 25 percent lower than estate taxes, which permits wealthy persons to give away some of their holdings during their lifetime and thus reduce their estate taxes. This reform would mean $150 million in additional Federal revenues.

Tenth. Eliminate payment of estate taxes by redemption of Government bonds at face value. The treasury loses $50 million a year through this little-known gimmick, which is used only by wealthy families with large estates.

Eleventh. Limit the use of farm losses to offset other income. Wealthy persons use "hobby farms" with no intention of making money from them, and then use their loss to reduce the tax rate on their regular income. This is not only a $400 million annual drain on the Treasury, but it provides unfair competition for genuine farmers who depend on farming for their livelihood.

Twelfth. Eliminate the accelerated depreciation on speculative real estate, a loophole that permits real estate speculators to reduce their income tax payments by surprisingly large amounts. Repeal of this gimmick would bring in an estimated $150 million annually.

Thirteenth. Repeal the 7-percent investment tax credit, which permits business firms to subtract, from their tax bills, 7 percent of the value of certain new equipment installed during the year. Originally intended to stimulate the economy, it is now helping to overheat an already inflated economy, as well as costing some $3 billion annually in tax income.

Mr. Speaker, for so long as these loopholes stay in our income tax law as avenues for tax escape for the very-large-income group at the expense of the ordinary middle-class workman, I will oppose the continuance of the 10-percent surtax and any tax increase that falls unfairly and most heavily upon wage earners. We should take note of the statement of outgoing Secretary of the Treasury, Joseph W. Barr, before the Joint Economic Committee on January 17 that we face an incipient "taxpayers revolt" unless we take care of these loopholes.

McCULLOCH URGES CENSUS REFORM

HON. WILLIAM M. McCULLOCH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. McCULLOCH. Mr. Speaker, the 1970 census will contain over 120 questions, all compulsory, many infringing on personal privacy, unless action is taken to change present law. I am today introducing legislation to repeal criminal penalties attached to all but subjects essential to counting the population.

The American people should not be faced with a $100 fine or 60 days in jail if they decline to reveal some overly personal information about themselves and their households. I see no justification for the mandatory requirement that forces all citizens to provide such information as first, income, dollar by dollar, from all sources including public assistance, alimony, unemployment and disability insurance, pensions and investments; second, the value of property or the amount of rent paid; third, educational, marital, employment, and military history; fourth, with whom bathroom and kitchen facilities are shared; fifth, a long list of household items including dishwasher, television, radios, automobiles, and second home; and sixth, where each person and his parents were born.

The constitutional purpose of the decennial census is to count the people resulting in the equitable apportionment of the U.S. House of Representatives but the planned 1970 census extends far beyond this objective. I am pleased to join with over 100 of my colleagues who want all questions on a voluntary basis except name, address, age, sex, head of household and persons in the home at the time of the census, which are essential to the enumeration of population. The Government will get better public cooperation if it asks rather than demands answers from our citizens. The Census Bureau missed some 5.7 million people in 1960 which must not be repeated if we are to properly redistrict congressional seats, apportionment of State legislatures and in distribution of billions of dollars in Federal assistance to the States based on a population formula. I believe a largely voluntary and hopefully more simplified census will lend to a more complete count of our people.

DATELINE WASHINGTON: REPORT FROM YOUR CONGRESSMAN, ED ESHLEMAN

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. ESHLEMAN. Mr. Speaker, during the 90th Congress, I found it worthwhile to poll periodically the opinions of my constituents on a variety of national issues. I intend to use questionnaires throughout the 91st Congress as a means of sampling the views of the people I am privileged to represent. The text of the first of those questionnaires is as follows:

DATELINE WASHINGTON: REPORT FROM YOUR CONGRESSMAN, ED ESHLEMAN

(1) Vietnam continues to be our most serious foreign problem. Consider each of the following statements and check the *one* that most closely resembles your own opinion about U.S. policy.

(a) The United States should withdraw all of its troops from Vietnam and let South and North Vietnam settle the whole issue by themselves. Agree ( )

(b) The United States should resume the bombing of North Vietnam and try to get a military settlement of the conflict. Agree ( )

(c) The United States should pursue a policy similar to the present one of limited fighting while negotiating. Agree ( )

(d) The United States should assume a more forceful role in the Paris peace talks, but begin a gradual withdrawal of troops from Vietnam. Agree ( )

(e) The United States should let South Vietnam do most of the talking in Paris, and also turn most of the fighting over to the South Vietnamese. Agree ( )

(f) The United States should negotiate with the North Vietnamese strictly about questions involving troop withdrawals and let the South Vietnamese work out a political settlement with the Viet Cong. Agree ( )

(g) None of the above, but my own thoughts as follows:

(2) Some changes in Social Security are likely to be considered in the 91st Congress. Which *one* of the following proposals might you favor?

(a) Provide for automatic cost-of-living adjustments to Social Security benefits. Agree ( )

(b) Increase benefits overall by 13 percent and raise the minimum amount received from $55 a month to $80. Agree ( )

(c) Both of the above. Agree ( )

(d) None of the above. Agree ( )

(3) Are you in favor of the Congress allowing the recommendations of the President's Salary Commission to take effect? Those recommendations would raise Congressional salaries from $30,000 to $42,500 per year, Supreme Court salaries from $39,500 to $60,000 and Cabinet salaries from $35,000 to $60,000.

Yes ( ) No. ( )

(4) Do you believe that the Postal Service should be reorganized and converted into a Government-owned, nonprofit corporation?

Yes ( ) No. ( )

(5) Our economic experts seem to feel that the income tax surcharge must be extended at least until the Vietnam War expenses become less. Would you favor such an extension based upon Vietnam needs?

Yes ( ) No. ( )

(6) Should the first class postage rate be raised to 7¢ with a guarantee of air-mail delivery and the air-mail rate of 10¢ eliminated completely?

Yes ( ) No. ( )

(7) Do you favor a partial dismantling of the Office of Economic Opportunity with a transfer of the more successful antipoverty programs into the regular Cabinet-level Departments?

Yes ( ) No. ( )

(8) Do you believe that the use of tax credits as an incentive for private industry to help in solving social problems is preferable to expanding Federal Government programs in the social field. The use of tax credits would allow private industry a tax break on money it expends for social betterment.

Yes ( ) No. ( )

(9) Do you favor reforming the Electoral College system which we now use to select our Presidents?

Yes ( ) No. ( )

(10) Regardless of the type of electoral reform that may be enacted, would you favor a second runoff election process instead of the House choosing the President?

Yes ( ) No. ( )

(11) Should the United States adopt a more "evenhanded" approach to the problems in the Middle East which would continue support of Israel but also would attempt to better our relations with various receptive Arab nations?

Yes ( ) No. ( )

Please return to:
Hon. Edwin D. Eshleman,
1009 Longworth Building,
Washington, D.C. 20515.

Name and address not required.

Name ___________________________________

Address _________________________________

________________ Zip Code ______________

JESSE P. WOLCOTT

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, I regret that I was not present in the Chamber last week when my distinguished colleague, the gentleman from Michigan (Mr. HARVEY) led in the tributes which were expressed to the life and service of the late Jesse P. Wolcott, a former Member of this body from the State of Michigan. I wish to take this opportunity to record my appreciation for the record of public service which Mr. Wolcott compiled during his lifetime and to express my condolences to the members of his family.

As the chairman of the important House Committee on Banking and Currency, Mr. Wolcott left his creative imprint on some of the major legislation enacted by the Congress, particularly in the field of housing. It was obvious from the many tributes paid to him the other day by those who had the opportunity of serving with him that he was not only respected as a legislator but beloved for his personal qualities of steadfastness and courage. He was extremely knowledgeable about those matters within the jurisdiction of his committee, and enjoyed the respect and high regard of Members on both sides of the aisle. Although the record of his life has now been closed, his accomplishments as a dedicated American and a distinguished legislator survive as an integral and living part of the history of our times.

I RISE IN DEFENSE OF MY COUNTRY'S WEALTH

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mrs. HANSEN of Washington. Mr. Speaker, I rise in defense of my country's wealth.

After a study of the 1970 budget, I find we are failing to make the proper investment in our natural resources; we are creating a "national natural resources debt" and calling it economy. Savings, in this disguise, are a loss.

The point of my statement today is this: We must increase the budget for natural resources development and protection; and we must remove all ceilings, except that of commonsense, on personnel in the Department of the Interior.

This is not a partisan challenge I am issuing, for I am one who fights only to build the Nation, and I fear our country is in jeopardy. No aggressor would have to use armed might to destroy us; we could do it to ourselves by depleting our natural resources.

As an example, the budget we have received does not adequately provide for good forest management and replenishment of our fish resources.

The U.S. Forest Service reports we are importing 13 percent of the lumber we use. Future prospects are even more bleak, for tree planting and forest management practices are limited by budgeting restrictions. In order to have sufficient lumber by the year 2000, the trees must be in the ground now. The critical lumber shortage in America today is linked directly to poor forest management and lack of visionary planting during the 1920's.

We are importing 71 percent of the fish products we consume. Salmon hatched this year will be ready for eating in 4 years. Yet our hatcheries are not being fully funded.

These are perilous and unnecessary steps down the road of unbalanced payments.

While we are skimping in investments in natural resources, the Soviet Union is increasing its emphasis on natural resources.

These economies are going to cost us bitterly. Our savings, based on these premises, are false. Less than 1 percent of the Federal budget, an inadequate amount, goes toward natural resources. Let there be no mystery; the only place meaningful savings are possible is in defense.

I am well aware of the fact that we are fighting a war and I want it to be abundantly clear; every American in combat has my unqualified support. There should be no hesitation in support of them.

But when those servicemen return home, they must find preserved land and enriched environment.

According to the Bureau of the Budget, from 1965 through next fiscal year, this Nation will have spent $419.5 billion for defense. Of that amount, during these

6 years, $108.5 billion was for special support of Southeast Asia.

During the same period, according to the Budget Bureau, the gross outlays for natural resources was $19.9 billion. Because of some $8.5 billion in revenues from the sale or leasing of resources owned by the Federal Government, the net outlay was $11.4 billion.

Following are some interesting figures supplied by the Bureau of the Budget, together with my questions:

Q. How much have we spent for Vietnam since the conflict there escalated?

A. Outlays for "special support of Southeast Asia" began in fiscal 1965. The record is as follows:

[Dollar amounts in billions]

Fiscal year	Outlays for— Special support of Southeast Asia[1]	Outlays for— Total, national defense
1964		$53.6
1965	$0.1	49.6
1966	6.1	56.8
1967	20.6	70.1
1968	26.8	80.5
1969 (estimate)	29.2	81.0
1970 (estimate)	25.7	81.5
Total, 1965–70	108.5	419.5
Annual increase between 1964 and 1970:		
Billions of dollars	25.7	27.9
Percent	(2)	52.2

[1] Includes a small amount of economic assistance classified in "international affairs and finance."

[2] Not available.

Q. How much have we increased outlays for housing activities since the Vietnam war escalated?

A. In many community development and housing programs, outlays are not a good measure of Federal activity. Housing construction is begun, or projects to better the urban environment are started, on the basis of commitments—which include contracts for loan insurance, grants, loans, or annual payments for low- and moderate-income housing. Moreover, in some years sales of Government-held mortgages (or participation certificates involving them) have produced the anomaly of negative outlays. Outlays for community development and housing are shown below, as requested, along with data on publicly assisted housing starts, which are a better measure of Federal activities in housing.

Fiscal year	Outlays for community development and housing (billions of dollars)	Publicly assisted housing starts (thousands)
1964	−0.2	43
1965	.3	59
1966	2.6	49
1967	2.6	51
1968	4.1	159
1969 (estimate)	2.3	225
1970 (estimate)	2.8	500
Total, 1965–70	14.7	1,043
Annual increase between 1964 and 1970:		
Billions of dollars or thousands of starts	3.0	457
Percent	(1)	1,062.8

[1] Not available.

Q. How much have we increased outlays for education since the Vietnam war escalated?

A. Federal education programs serve two main purposes: to support education per se, and to draw upon the resources of educational institutions as a means of advancing knowledge and achieving other national objectives. Outlays for the first are included in the "education and manpower" function of the budget; outlays for the second are included in other functions, including national defense. Outlays for each are as follows:

[Dollar amounts in billions]

Fiscal year	Aids to education	Other educational activities	Total
1964	$1.6	$1.8	$3.1
1965	1.6	2.1	3.6
1966	2.9	2.8	5.7
1967	4.4	3.1	7.5
1968	5.0	3.8	8.8
1969 (estimate)	4.8	4.2	9.0
1970 (estimate)	5.3	4.5	9.8
Total, 1965–70	24.0	20.5	44.4
Annual increase between 1964 and 1970:			
Billions of dollars	4.0	2.7	6.7
Percent	307.7	150.0	216.1

Q. How much have we increased outlays for health activities since the Vietnam War escalated?

A. Federal outlays for health cover a wide range of activities. They are summarized below:

[Dollar amounts in billions]

Fiscal year	Development of health resources: Research, training, and education	Development of health resources: Facilities construction and other	Development of health resources: Total	Provision of services: Direct services	Provision of services: Indirect[1]	Provision of services: Total	Prevention and control of health problems	Total
1964	$1.4	$0.4	$1.8	$2.0	$0.9	$2.9	$0.4	$5.1
1965	1.4	.4	1.8	2.0	.9	2.9	.4	5.2
1966	1.6	.4	2.0	2.2	1.3	3.5	.5	5.9
1967	2.0	.5	2.4	2.6	5.3	7.8	.5	10.8
1968	2.2	.6	2.8	2.7	8.0	10.8	.6	14.1
1969 (estimate)	2.3	.7	3.1	2.9	9.6	12.5	.7	16.3
1970 (estimate)	2.6	.9	3.5	3.0	11.0	14.0	.8	18.3
Total, 1965–70	12.0	3.5	15.5	15.4	36.1	51.5	3.5	70.6
Total increase between 1964–70:								13.2
Dollars	1.2	.5	1.7	1.0	10.0	11.1	.4	
Percent	88.1	111.2	93.6	52.0	1,077.0	381.3	104.6	258.2

[1] Mostly medicare and medicaid.

Q. How much have we increased outlays for natural resources since the Vietnam War escalated?

A. There was a decrease in net outlays for natural resources programs between 1964 and 1970 because of a sharp increase in receipts from the sale or leasing of resources owned by the Federal Government. Gross outlays continued to increase throughout the period. Both net and gross outlays are shown below:

[Dollar amounts in billions]

Fiscal year	Net outlays	Gross outlays
1964	$2.0	$2.6
1965	2.1	2.8
1966	2.0	3.1
1967	1.9	3.3
1968	1.7	3.5
1969 (estimate)	1.9	3.6
1970 (estimate)	1.9	3.7
Total, 1965–70	11.4	19.9
Annual increase between 1964 and 1970:		
Billions of dollars	−$.1	$1.1
Percent	−4.1	42.4

Q. How much have we increased outlays for public works since the Vietnam War escalated?

A. Federal outlays for public works activities during the period 1964–70 (fiscal years) were as follows:

[Dollar amounts in billions]

Fiscal year	Direct Federal construction: Civil	Direct Federal construction: Defense	Direct Federal construction: Total	Grants	Net lending	Total
1964	$2.7	$1.3	$4.0	$4.2	$0.1	$8.3
1965	2.8	1.4	4.2	4.6	.2	8.9
1966	3.0	1.7	4.7	4.4	.3	9.4
1967	2.8	1.7	4.5	4.7	.4	9.6
1968	2.5	1.5	4.0	5.3	.3	9.5
1969 (estimate)	2.4	1.9	4.3	5.4	.3	10.0
1970 (estimate)	2.6	1.8	4.3	6.5	.3	11.1
Total, 1965–70	16.0	9.9	25.9	30.9	1.7	58.5
Annual increase between 1964 and 1970:						
Billions of dollars	−.1	.5	.3	2.3	.2	2.8
Percent	−5.1	34.5	8.2	54.3	126.8	33.3

Mr. Speaker, we have limited employment in the Park Service. Yet, according to page 33 of the Budget in Brief, fiscal 1970, 56 million more Americans and foreign visitors will visit our parks this year than were present last year. We are placing more land into public protection—but are providing inadequate personnel to see that the trust of the American people is kept through sound public land protection and service.

Let me explain to you what it means to limit the number of employees in the U.S. Forest Service. It means that trees—that is, lumber for homes in the year 2000—will not be planted. Instead, harvested timberland will lie bare.

We have seen in California the havoc caused by unsound geological practices and limited consideration of the forces of weather and nature. It has cost lives, untold millions of dollars, besides grief and suffering.

Yet, in our budget we are thinking of less than $100 million for the U.S. Geological Survey to do its job—studying the crust of the planet.

Last year, during my subcommittee hearings, I warned what budget cuts would do to our national resources. These slim investments, by order of the Bureau of the Budget, are exerting unhealthy pressures on our resources and our economy of tomorrow. We are not keeping a sacred trust that we owe posterity.

So-called economies of last year set the stage for this weak 1970 budget. As I understand things, the new administration is studying the budget and may be suggesting changes. I urge sharp increases in these investments in the future of our resources. The limitation on personnel for our parks, forests, and other essential functions concerning our resources must be lifted.

Mr. Speaker, we must put the necessary money back into our budget and be prepared to defend these increases. It is our Nation which is at stake. I urge the support of my colleagues, the administration, and all Americans to assist us in this vital effort.

STATEMENT BY PRESIDENT S. I. HAYAKAWA, OF SAN FRANCISCO STATE COLLEGE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. ASHBROOK. Mr. Speaker, today the Special Subcommittee on Education of the House Education and Labor Committee began hearings relating to legislation which comes within the jurisdiction of the subcommittee. Testifying before the subcomittee today was Dr. S. I. Hayakawa, the third president of San Francisco State College in less than 12 months and the eighth president of that beleaguered institution in the last 10 years. The disruptive antics of various radical groups have succeeded in keeping the State college in the headlines during the past few months, and with the help of police protection Dr. Hayakawa has succeeded in keeping the school open to complete the first semester. The hard-nosed handling of the dispute by the president has won the support and admiration of many citizens throughout the country who are seriously concerned about the attacks upon our centers of learning by extremist elements.

Indicative of Dr. Hayakawa's approach to the problem is this excerpt from his prepared statement before the subcommittee:

> I believe that I have introduced something new to this business of preserving order on campuses. At most institutions the use of police is delayed as long as possible and when assistance is finally requested, the force is usually too small to handle the situation and new troubles develop. I went the other way. I had ample force available and demonstrated a willingness to use it quickly to protect people and property from attack. The opposition has received my message. I think I have communicated successfully.

On February 17 San Francisco State College is scheduled to begin its spring semester. Dr. Hayakawa stated in a TV appearance yesterday that there is a "reasonable chance" that the school would open and that it would complete its academic year.

The recent experience of San Francisco State in dealing with the militants' program of disruption provides an object lesson for educators and administrators in other institutions of learning, and for that reason I place Dr. Hayakawa's prepared statement before the House Special Subcommittee on Education in the RECORD at this point:

PREPARED STATEMENT OF DR. S. I. HAYAKAWA, PRESIDENT, SAN FRANCISCO STATE COLLEGE

INTRODUCTION

San Francisco State College, earlier known as San Francisco State Teachers' College, began as a teacher's training institution just before the turn of the century. It began to offer bachelor's degrees in primary, elementary and junior high school teaching in the 1920s. Since 1935, the institution has been called San Francisco State College, with broad programs in the liberal arts and sciences to supplement the professional work in education. In 1945, the state authorized a five-year program for the general secondary credential and by 1949, the graduate program was extended to grant the Master's degree.

The majority of our liberal arts students come from the San Francisco Bay area. Our creative arts school, with an excellent reputation in drama, film, television and music, draws from the entire country and abroad. Our education school draws from a wide area of the state.

Our students are not rich. Seventy-five percent or more work full or part time to pay their way through college. The average age is between 24 and 25 years, with a substantial number of married students who carry full loads and work at outside jobs. Of our 18,000 undergraduate and graduate students, only 800 live in the two campus dormitories. An additional 800 will be housed when the third dormitory is available later this year.

About 3,500 students received money under federal aid programs. Dr. Helen Bedesem, the college financial aids officer, has detailed information on the entire aid picture. This is one area I cannot discuss with any great degree of competence since my major effort in eight weeks as president has been to restore order and to keep classrooms open for those who wish to teach and to study.

The ethnic composition, unfortunately, does not reflect either the statewide or the area figure. It includes something in the area of 3.6% Negro and a total of 15–17% nonwhite. The Negro percentage is down from an estimated 11% a decade ago, in part because of the growth of the junior colleges and in part because the college entrance standards worked to the disadvantage of many nonwhite young people whose earlier education suffered deficiencies. I do not believe there is any social or educational justification for trying to maintain a student ethnic composition in direct proportion to that of the area or the state, but I do believe that we must do more to increase opportunities for minority and disadvantaged groups, even at the expense of additional teachers and counselors to assist these young people.

A PORTRAIT OF THE FACULTY

San Francisco State College has long been known for its liberal and interesting faculty. It is a college that operated successfully for years with fewer rules and regulations than most any institution of higher education. Academic freedom has been a way of life and an incentive to attract exciting students and professors. This atmosphere may have had something to do with the rise of faculty militancy and the close relationship between some extremely liberal faculty members and students who became leaders of militant or ultra-liberal groups.

The faculty is represented in many ways through professional groupings and by a senate which sets academic policy for the institution. Our senate is only about five years old and still experiencing growing pains.

Generally, administrative control over the faculty cannot be described as dictatorial in the least, despite the present clamor over the state law which says that anyone who absents himself without leave for five consecutive days is considered to have resigned. The faculty has autonomy in essential matters, such as hiring, retention, tenure and promotion. The president cannot even fire a faculty member. He can only recommend action to the Chancellor.

Basically, the turnover rate is low. For the last few years, our faculty turnover rate has been below the rate of the state college system as a whole.

A relatively small segment of the faculty is close to the small segment of the students who are the militant or dissident leadership. This is a strange alliance. I believe that some faculty may be radicals and may develop close association with radical students because of professional inadequacies. For example, a faculty member who is not considered to be a strong scholar among his peers may seek recognition from students. Then there are at least a few, I am sure, who are dedicated revolutionaries. We do know that there is a certain amount of coaching of radical students by radical faculty but I think we have reached the point where the students have much to teach their tutors. The relationship of the faculty to the administration is one of those strange bureaucratic arrangements. Some teachers are professional politicians within the institution, very close to administrators at all levels, influencing decisions, carrying messages and frequently contributing worthwhile feedback of general faculty opinion. Then there are some on our campus—and every other campus—who ignore the administration completely as they come and go from home to the classroom, laboratory and library. Our strongest ties between the administration and the faculty stem from the Council of Academic Deans, which includes all school deans and administrative deans working under the academic vice president. This is the body of experience, reason, intelligence and total college concern that any president will rely on for sound advice and good counsel. The deans are close to their department chairmen who, in most cases, are close to their departmental faculty members.

Our administration is one of the problems in the sense that it needs additional manpower. We have excellent men in every key position, but the budget does not allow for assistance of equal calibre. Thus, when a crisis develops, our first line men are completely occupied. Their routine work suffers and, in the case of a prolonged episode like our recent 13 weeks, fatigue eventually takes its toll. I imagine the same is true in most other urban colleges and universities and I look for the day when we have time to consider some basic reorganization to add strength in numbers at the top. Our administrative turnover is exceedingly low considering what the college has experienced in recent years—low except in the office of president. As you may know, I am the third president in less than 12 months, the eighth in ten years. This is another story and one that probably has had some effect on administration functions. I have not had time to analyze the effects of frequent presidential changes.

A PORTRAIT OF STUDENT UNREST GROUPS

We have several white radical or ultraliberal groups. Their numbers total something around 300 when their allies are mobilized. Their central control is probably vested in less than 50 people. These 50 or so are dedicated, experienced and effective in the field of organizing or disruption. And to answer a question in advance, we cannot eliminate any of these people without exercising due process, which includes finding them guilty of offenses. Recent events may have helped to solve our problem since most if not all of the white activist leaders have been arrested at least once each.

Of our 800 or 900 black students, I would estimate that less than 100 have been involved in the recent disruptions, although many more attend rallies under pressure from their leaders. The bravest young people on our campus are the non-violent young black students who keep on attending classes at the risk of physical attack from black militants and in the face of distrust on the part of the majority of white students. I have praised these young people before in public and appreciate the opportunity to repeat my feelings of admiration for them today.

There is an important difference between black and white activists. Generally speaking, the black students are fighting for a place in society. White activists, such as the Students for a Democratic Society, are fighting to destroy the society, even though they have nothing better to propose as a substitute. It is only during periods of particular kinds of strife that both groups find enough in common to join forces as they have on our campus this year. And when they do join together the bonds are weak. The alliance is to execute tactics, not to achieve common objectives.

The Third World Liberation Front is relatively new. It was meant to include all the non-white and non-black minorities. It is supposed to unite the oppressed peoples of the world; it is said to be the rallying point for victims of both capitalism and communism. Since its formation on our campus last April, the Third World has been dominated by a handful of Spanish-speaking students who claim to represent the much larger Latin and Oriental population of the campus and the community. There is little evidence to substantiate this claim.

We have some off-campus agitators involved in the present affair. But actually our home-grown brand need little outside help, except in numbers at those senseless rallies and endless marches. We have all the militant leadership that is needed for a first-class revolt and I understand that we have also exported some talent for disruptions at other campuses on both coasts.

Dissidents of all colors have worked exceedingly hard to build sympathy in ethnic communities throughout the area, with the objective of turning a campus problem into a much larger community problem. But their efforts have failed miserably. They have been able to attract as many as 100 students from other campuses for a one-day rally and march. But they have failed completely to attract any large numbers of citizens from the Spanish-speaking, black or Oriental communities of San Francisco. From these facts, it is clear that the majority of the ethnic minority population is more interested in education as conducted or proposed by the college than in the wild plans for education by mob rule as proposed by our dissident students.

Some militants are genuine in their desire to improve the educational system. But it is also clear that some militants, especially in the Black Students Union, are more concerned with personal power than with education. We saw evidence of this in the very first press conference the BSU conducted on November 6, the first day of the strike. The leaders said boldly that their real objective was to seize power. They have never wavered from this plan. They have never attempted to hide their real purposes. What is unfortunate is that some many well-meaning supporters of increased opportunity for black students have attached different meanings to the struggle. The people on the fringes are the ones saying the noble things about opportunity and progress. The BSU leaders keep saying they want absolute control, with no accountability to anyone except their constituents, constituents ruled by force, intimidation, and gangster tactics.

The white militants are as explicit as the blacks. Their story is now familiar on every major campus. They believe our society is so corrupt that there is no hope except to destroy the entire structure and rebuild from the ground up. But their idea of rebuilding along the lines of a participatory democracy is to deny the very freedoms they claim are sacred. We have seen them in action. In their system, there is no more room for debate than at a Nazi rally in the days of Adolf Hitler. If you doubt this, try defending the American commitment in Vietnam at an S.D.S. meeting.

We are asked frequently whether channels of communications are open to students. I cannot think of a college or university in this country where the channels are more open. Many imaginative proposals for changes in education and administration have resulted from the ability of our students to present new ideas to their professors, departments, schools and presidents. We have supported a large experimental program for years, allowing for experimental courses within the regular structure of the departments and additionally through the Experimental College operated on the campus, usually in the evenings, with unlimited opportunities for either students or faculty to try new modes of teaching or to experiments with new subject matter. Most of the courses now included in the black studies program were first tested through the cooperation of willing faculty and administrators.

The people we are forced to deal with in the present crisis—people trying to seize power or to destroy the institution—have used every device to corrupt the channels of communication. Their style of confrontation to achieve ends does not allow for free and open communication because communication in that sense might lead to reason and negotiation.

Our present difficulties were not triggered by a specific event, even though the temporary suspension of Black Panther George Murray, a part-time instructor and graduate student, is often cited as the reason for the BSU action. The crisis was not triggered at all. It was planned very carefully over a long period of time. To illustrate, the strike started on the anniversary of the date in 1967—November 6—when nine black students attacked the campus newspaper editor and his staff in their offices. Many of those nine are the present student strike leaders.

From the very first day, our present strike has been characterized by planned violence. The objective was to cripple instruction. There was no attempt to seize buildings or to disrupt the administration. The first actions were directed toward the classroom. At first, bands of black students entered academic buildings to terrorize instructors and students by shouting, overturning furniture and just pushing people around. Then we had a rash of minor bombing attempts and arson intended to frighten rather than to damage. For example, on one day, we had fifty fires, all in waste baskets, on desk tops or in rest rooms, so the results would disrupt classes rather than to destroy buildings.

After the white and Third World militants joined the BSU, which was only a matter of a few days, the action took on more massive proportions and for a time, we had a combination of guerilla tactics and mob action. Every midday in December, there was an outdoor rally, usually resulting in attacks on one or more of the classroom buildings.

The people who deplore the use of police on campus seem to forget that the first days of this strike saw violence introduced by the students themselves as essential to their plan. The college use of police was a response to violence, not the cause. What we have succeeded in doing is to move the action from the classroom to the space between buildings and from there to the streets surrounding the campus. For weeks now, the classrooms and the inner campus have been quiet and safe.

I believe that I have introduced something new to this business of preserving order on campuses. At most institutions the use of police is delayed as long as possible and when assistance is finally requested, the force is usually too small to handle the situation and new troubles develop. I went the other way. I had ample force available and demonstrated a willingness to use it quickly to protect people and property from attack. The opposition has received my message. I think I have communicated successfully.

During my eight weeks in office, my principal action has been to restore order. But I would not want anyone to believe that I think this is the solution for campus unrest. It is merely a first step. This is where my beliefs vary from those of many of the conservative supporters who have communicated with me. Several things must be accomplished if we are to end the present trend toward confrontation and violence. First, we must reassess many of our educational objectives and administrative systems. We must modernize quickly and on a vast scale to make the entire system more responsive to the times and to the needs of our young people. Second, we must look realistically at problems of discipline and devise systems that will work without resorting to outside help. We must eventually put campus discipline in the hands of responsible faculty and student groups who will work cooperatively with administrations for the greater good of institutions. Our faculty and student disciplinary systems are not geared for today's problems.

In a sense, the issues behind most present troubles are valid. As a nation, we have said that education is vital for success for every citizen. Yet we still have an overwhelming number of elementary and secondary school systems that are crippling the poor and the minorities educationally. What we see now is a body of Negro, Spanish-speaking and other youth hammering on the door for an opportunity to obtain the education we have told them is so important to their future.

If we were dealing with hunger instead of education, you can imagine what would happen if we had a walled city in which the citizens had all the food they needed while outside there were hordes of starving people. We could not open the gates just a little to admit handfuls of the starving and expect the rest to remain patient outside. No. We would have to be prepared to open the gates wide and admit everyone, or be prepared for a riot. That is the situation now with higher education. We have opened the doors just a little with special programs that serve hundreds while thousands are clamoring for education. I believe we should open the gates fully, even at enormous expense, to provide educational opportunity at every level—in high schools, adult schools, junior colleges, state colleges, and the universities—for our entire minority and poor populations. We should mobilize the best brains available, just as we did when the nation attacked our problems of modern science, to solve an educational crisis that means as much to our national welfare as our efforts in outer space.

THE RELATIONSHIP OF UNREST TO FEDERAL AID PROGRAMS

Generally, students under aid programs are not the ones who have caused the troubles. Dr. Bedesem is better qualified to discuss this matter than I. But from what I understand after a preliminary study of records still being assembled, there may be upward of 100 students receiving aid under one of the many federal programs among those 500 or 600 arrested for all causes during the past thirteen weeks. All people arrested are not necessarily trouble-makers. Some, as in the large group arrested at the recent illegal rally, were just too close and failed to leave when ordered to do so. They are violators of the law, but their crime is far different than being plotters, planners, attackers, or arsonists.

Of the hundreds arrested since November 6, only one has so far been tried by civil authorities. He was not an aid recipient. Our college disciplinary system proved inadequate for the situation and is being revised to provide better procedures. During the next few weeks, we will begin hearings on the people who have been arrested as well as on others who have been involved or cited by college officials. I can assure this Committee that the provisions of Federal law applying to students receiving financial aid will be observed faithfully.

PROGNOSIS

It is not easy at this point to predict the course of events on our campus or elsewhere. I feel that the danger to the nation and to higher education has been vastly underestimated by a majority of people. Most of the news and much of the commentary deals with the action rather than the underlying causes of dissent and the methods to correct obvious ills.

If we are to end campus rebellion without destroying the educational institutions we must redirect our energies. We must look beyond the day-to-day combat to the reasons underlying this deadly attack on higher education. We must learn to deal both with the dedicated revolutionary leaders and the unsolved problems that enable those leaders to enlist followers. The solution to these problems will take time, brains and money. This nation is amply endowed with those resources. But we must act promptly and decisively.

A REMARKABLE PROGRAM

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. KYROS. Mr. Speaker, I would like to take this opportunity to inform my colleagues of a remarkable program which has recently been initiated by the New England Telephone & Telegraph Co. in Portland, Maine.

The telephone company has undertaken to provide needy children at the Jackson School, Portland, with a hearty breakfast before the school day begins. I attended the Jackson School, and I can testify from personal experience how important it is for children there to begin the day with sufficient energy for their demanding school activities.

This is, to my knowledge, the first time that a utility company has undertaken such a breakfast program. Up to 80 children will be served breakfast in the cafeteria in the phone company headquarters. Menus will include cereal, scrambled eggs, bacon, sausage, doughnuts and muffins, with milk. Federal and city funds will be used to reimburse the telephone company 22½ cents for each meal served.

This is a heartwarming example of what can be done when the business sector seeks to assist in meeting the needs of the local community. I would like to especially commend Mr. Raymond H. Frost, general manager of the New England Telephone & Telegraph Co. for Maine; Mr. Henry C. Adams, operations staff supervisor for the telephone company; and Mr. William Eckerson, former commercial manager for the telephone company. The idea for this imaginative program originated with Mr. Eckerson. I would also like to thank Mr. Peter Conlon, director of the New England Telephone Co. dining service office in Boston, and Mrs. Edith Armstrong, dining service supervisor in Portland, who have together worked hard to make this program a success. We are also indebted to the members of the Portland Council, Jasper C. Keller Chapter, of the Telephone Pioneers of America and especially to their president, Mr. Joseph W. Walsh, for assistance in providing the breakfast services to the children. I would like to close by thanking my good friends Miss Peggy-Lee Ragan of the Jackson School and the many other persons of the Jackson School and the Portland School Board who have worked hard to see that students can begin the day with sufficient nutrition and energy. I am proud of my school, the Jackson School, and grateful to the New England Telephone & Telegraph Co. for their cooperation in this wonderful effort.

HON. JESSE P. WOLCOTT

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. O'HARA. Mr. Speaker, it was with great sorrow that I learned of the death of our friend, Jesse P. Wolcott.

Jesse Wolcott served in the House for nearly 30 years as the representative of the district I was elected to represent in 1958. His service in the U.S. Congress was outstanding. As the chairman and as the ranking minority member of the Committee on Banking and Currency, he won a well-deserved reputation as a leading authority on the matters within the jurisdiction of that committee. He was one of the great legislators to serve in the House of Representatives.

Jesse Wolcott will be missed by all who knew him and by all who respect integrity, ability, and dedication in our country's public service.

NORTH AMERICAN ROCKWELL: TECHNOLOGY IN THE SERVICE OF MANKIND

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, recently the American Broadcasting Co. and North American Rockwell presented an outstanding television program, "Cosmopolis," meaning "world city," and showing how today's urban problems can be transformed, via technology, into an urban utopia of tomorrow.

Certainly, there is little argument that we must do something to relieve urban congestion and its associated ills before man is completely engulfed by the labyrinthine metropolis he has created. There is argument, however, in just how best to solve these manifold problems.

In "Cosmopolis," ABC and North American Rockwell presented a dazzling visual and verbal view of the future of the city—a hopeful future if the wonders of modern technology coupled with broad-scale regional planning are allowed to operate unfettered. Certainly, despite the problems of today, it is reassuring to know that, if this Nation has the will, we can find the way to solve the urban dilemma. For, indeed, "the center of man's life should be the source of his inspiration."

I am proud that North American Rockwell, an industrial leader in my congressional district, chose to sponsor this excellent program. This outstanding aerospace corporation does not customarily sponsor commercial television programs; indeed, their product cannot be bought, like a bar of soap, by the average consumer-viewer. North American is consistently in the vanguard of public service; it has won wide civic recognition for its laudable efforts in the field of labor-management relations and it has made a valuable contribution to the development of space-age technology and research. Its 115,000 employees are all dedicated to harnessing the miracles of science for the benefit of mankind.

The problems of the cities concern North American Rockwell, for it is a company with a crystal ball: it is vitally interested in the future of America and it is channeling its considerable resources toward meeting the demands of that future.

AIM TO SWAT INFLATION

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. SKUBITZ. Mr. Speaker, according to figures just released from the Department of Commerce, the cost-of-living index has again increased. Needless to say, we all are concerned with the problem of inflation. The housewife knows all too well how the cost of groceries has greatly increased in the last few years. Parents throughout the Nation are faced with the alarming cost increase of providing for their families. Without a doubt the persons living on social security and fixed incomes are finding themselves in a position where they are unable to escape from the high cost of living.

The El Dorado Times, a widely respected newspaper in Kansas, recently submitted an editorial which I insert in the RECORD at this time. As the article states, every effort should be made to abate the inflationary evil, regardless of political affiliation.

The editorial referred to follows:

AIM TO SWAT INFLATION

Best news as yet to come out of the fledgling Nixon administration involves a positive action against inflation.

These tidings came from David M. Kennedy, secretary of the Treasury, who said the administration would seek to contain inflation without bringing about any "unnecessary unemployment."

Government officials have always said that inflation, when it gets out of hand, can always be stopped. We have been doubtful about this statement in recent months since about the only move to that end has been a hike in the interest rates by the Federal Reserve banks.

Secretary Kennedy gave relief to many deeply concerned observers when he volunteered the promise that "we will not seek an answer to our problem by a change in the monetary price of gold." When he was first interviewed after his appointment was announced, many financiers had believed he might tinker with the gold price—causing wide speculation.

Asked what measures he would employ to fight inflation, Mr. Kennedy mentioned "tax proposals" and control of expenditures. The tax proposals, he indicated, have to do with the question of whether the 10 per cent income tax surcharge will be maintained or not. "We are going to try to take the steam out of the boiler," he said.

Everybody who read these words must have felt a sense of relief. The rule in the past has been for the government to continue its over-spending while the economy ran wild. That a sincere effort is to be made to abate the inflationary evil should give the public cause for cheer—no matter what party is or what brand of politics any person prefers.

The two biggest problems up for settlement just now are how to end the Vietnam war, and how to remove the sting of inflation. Given a successful solution in those particulars, other knotty problems should help to solve themselves.

Congress, which is Democratic, should forget its partisan beliefs in helping to swat inflation hard.

UKRAINIAN INDEPENDENCE DAY

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. HELSTOSKI. Mr. Speaker, January 22 is a memorable day in the memory of all Ukrainians of America and the entire world. For it was on that day, 51 years ago, that the people of the Ukraine have proclaimed their independence.

The people of Ukraine have long suffered from the oppression of the Romanoffs, the Hapsburgs, and the Hohenzollerns who made every effort to destroy the national traditions and ideals of the Ukrainian people. However, these valiant people have steadfastly repulsed every such effort and have sought to preserve their national identity.

On January 22, 1918, they were able to announce that their efforts have been successful and that they were establishing a free and independent republic.

The history of the Ukraine is one of the great tragedies of our century. Shortly after declaring its independence, Ukraine became one of the first victims of Soviet Russian conquest. The freedom which the Ukrainian people so desired and finally attained was only 3 years in duration. Since then they have been a puppet state of the Soviets, the largest captive non-Russian nation in all of eastern Europe.

The plight of over 45 million people is well known to all the Americans. The freedom-loving people of Ukraine have not accepted the Soviet Russian domination and have been fighting for the reestablishment of their independence by all the means accessible to them for the past 50 years.

From all the available evidence which could be obtained by Western observers we can readily see that the ever increasing tempo of repression has failed to intimidate the Ukrainian people.

Now we are witnessing what may be the final blow to the aspirations of the men and women of central Europe who sought national identity and independence in 1918.

We are faced with the startling truth that the Soviet Union cannot tolerate freedom was confirmed during the past year with the military invasion of Czechoslovakia by the Soviet forces. Czechoslovakia has been able to sustain an appearance of freedom and independence since World War II, but events of recent days indicate that Czechoslovakia may shortly bring to this small nation the same fate suffered by the Ukrainians nearly 50 years ago.

These events should serve as a reminder to everyone that the Communist Soviet Union is and always has been a prison for the people of many nations who aspire to be free.

It is quite fitting that we in this country, regardless of our ethnic or cultural background, pause for a few moments in tribute to the Ukrainian people and their never-ending quest for national sovereignty and individual freedom.

As Americans, let us never forget that freedom was the objective for which our forefathers fought so hard to achieve for us. May we in this country be blessed with the many freedoms we enjoy and may we in the near future be joined in those blessings with the peoples of all the nations of the world.

Mr. Speaker, I say again that it has never been in the minds of the Ukrainians to accept the domination of the Soviet Union and they will continue to fight for their freedom and independence as long as there remains any semblance of hope for these objectives.

REPORT TO CONSTITUENTS

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. BYRNES of Wisconsin. Mr. Speaker, under leave to extend my remarks, I include the following report to my constituents:

MEMO

TAX SYSTEM—Speaking in New York last week, I called for immediate action to begin the long, hard job of reforming and revising the federal tax laws. I suggested this task proceed along two paths: first, as a long-range program, the initiation of staff studies leading to a review and revision of the entire Internal Revenue Code, and second, the immediate undertaking by the Ways and Means Committee of a reform of those aspects of the tax law which are being used to produce results not intended by Congress, or results inconsistent with fairness. I am glad to report that the Ways and Means Committee has agreed to begin this latter, short-range task this session.

NEED—One of the results not intended by Congress, for example, is that some 155 taxpayers with adjusted incomes over $200,000 (21 over $1,000,000) pay no taxes at all. This is done perfectly legally by using well-intended tax law provisions both to reduce taxable income and to reduce the rates at which income is taxed. These provisions must be examined and revised. If this kind of situation is allowed to persist, the whole tax system will become victim to a lack of confidence and abuse.

SIMPLIFY—I also suggested we could take steps at once to simplify the job of filing returns for the average taxpayer. One thing that can be done at once is to bring the standard deduction up-to-date. It is now set at 10% of adjusted gross income and it should be made to conform to the *itemized* deduction claimed by the average taxpayer—probably to around 18–20%, with the cut-off at $10,000 raised to $20,000, perhaps by a graduated method. 57% of the taxpayers use the standard deduction; our target should be 90%—with a greatly simplified return thus made possible for all but the most unusual taxpayer.

BUDGET—President Johnson, before leaving office, submitted to Congress a budget which shows a surplus of $2.4 billion for Fiscal 1969 and $3.4 billion for Fiscal 1970. It is important that we not be misled by this optimistic estimate. The "surpluses" are made possible only by including in the total budget the operation of the various federal trust funds, including the Social Security trust fund. These funds, of course, are segregated funds having no bearing upon actual government operations which determine whether the government operates in the red or not, and how much it will have to borrow. Excluding the trust funds, the actual federal deficits, which must be borrowed, are estimated to be $6.9 billion in Fiscal 1969 and the same amount in Fiscal 1970.

POSTMASTERS—In line with my November announcement that I would not recommend postmaster and rural carrier appointments on a political basis, I have written to the Postmaster General informing him that, should my advice be sought, I will request that the appointment be given to the highest ranking competitor in an open Civil Service examination.

OFFICE HOURS—I will hold district office hours in my Green Bay office, 207 Federal Building, on Wednesday, February 12. On Thursday, February 13, I will be at the Manitowoc County Court House, and on Friday, February 14, I will be at the Outagamie County Court House. Hours each day will be from 9:00 a.m. to 12 Noon. I hope you will stop by if you would like to discuss a federal matter.

CONGRESSWOMAN LEONOR K. SULLIVAN CHALLENGES SAVINGS AND LOAN INDUSTRY TO UNDERTAKE LEADERSHIP ROLE IN SOLVING THE URBAN HOUSING CRISIS

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mrs. SULLIVAN. Mr. Speaker, as a member of the Banking and Currency Committee and of its Subcommittee on Housing since the start of my second term in Congress beginning in 1955, I have learned over the years that the housing goals of this country are nothing more than pious words and meaningless objectives unless the savings and loan industry is able to accumulate the funds through the savings of its member-shareholders to finance the mortgages of individual home buyers at reasonable rates of interest. There is a clear-cut and direct relationship between availability of mortgage funds through the savings and loans and our ability to bring home-ownership to more American families.

The insured savings and loans are strictly regulated by the Federal Home Loan Bank Board, and must conform to high standards of responsibility in the use of their members' savings, which are insured by the Federal Government up to $15,000. Sometimes, as noted recently in a series of articles in the Washington Post, abuses have been uncovered, involving a small fraction of this large industry, and these abuses have properly led to demands for more thorough examination of the savings and loans by the regulatory agency, and the full use of powers voted by Congress in 1966 to permit the Board to step in and stop these abuses promptly, through the issuance of cease-and-desist orders.

Chairman WRIGHT PATMAN of the Committee on Banking and Currency has designated me as chairman of an ad hoc subcommittee which he intends to appoint to make a full investigation into the adequacy of regulatory policies in light of the Washington Post series. But this is only a small part of the whole picture of the savings and loan industry and its role in the financing of American home-ownership.

HOW SAVINGS AND LOANS CAN IMPLEMENT 1968 HOUSING ACT

Consequently, when I met at noon today with the legislative committee of the U.S. Savings & Loan League to discuss current problems and concerns in the home finance field, I devoted only a small part of my talk to the pending investigation of the ad hoc subcommittee; instead I talked about the challenges to and opportunities for this great industry in providing intelligent leadership in the drive in every city in this country to solve our urban housing crisis and bring homeownership—and the civic responsibility which goes with it—to more of our low-income families.

This is a terribly complex problem. The Congress last year, in the monumental 1968 Housing Act, provided many new and far-reaching tools to accomplish this goal. But no one savings and loan institution in any city can undertake the burden by itself of meeting and solving the home-financing needs of the urban poor. The entire industry, however, working together with definite goals and an assigned share of the responsibility, can do wonders. This was the theme of my talk today.

Mr. Speaker, under unanimous consent I submit for inclusion in the CONGRESSIONAL RECORD the text of my remarks today at a luncheon meeting of the legislative committee of the U.S. Savings & Loan League. The chairman of the committee, and of the luncheon, was Mr. C. R. Mitchell, president of the First Federal Savings & Loan of Kansas City, Mo., one of the outstanding national leaders of the savings and loan industry and a man who has served his country in a most important role as a member of the Board of Directors of the Panama Canal Company.

The speech referred to is as follows:

ADDRESS BY CONGRESSWOMAN LEONOR K. SULLIVAN, DEMOCRAT, MISSOURI, AT LUNCHEON MEETING OF THE LEGISLATIVE COMMITTEE, U.S. SAVINGS & LOAN LEAGUE, MONDAY, FEBRUARY 3, 1969, AT THE STATLER-HILTON, WASHINGTON, D.C.

When Bob Mitchell invited me to speak at this luncheon today, I could think of a lot of reasons why it would be difficult, if not impossible, for me to be here, because of all my responsibilities up on the Hill, the legislation on which I am working, the committee assignments I hold, and so on. Instead, I said I would be glad to accept, not only because I recognize the great importance of the savings and loan industry to so many of the causes to which I am dedicated in the Congress—particularly the task of housing the American people—but also because Bob Mitchell asked me to come, and because he is the head of your Committee.

We are both from Missouri, but we come from opposite ends of the State, and there is not too much community of interest or of action between Kansas City and St. Louis, except in fighting in the State Legislature for policies and programs which will help both our major cities. I came to know Bob Mitchell, and to respect him deeply, as a result of his service on the Board of Directors of the Panama Canal Company, which is a government corporation which operates the Panama Canal for the United States. I am Chairman of the Subcommittee on the Panama Canal of the House Committee of Merchant Marine and Fisheries, and vitally interested in this waterway and in the activities of our government in the Canal Zone, and I was impressed by Mr. Mitchell's grasp of our problems there and his willingness to devote time and effort and thought—to give of himself—to this public service assignment.

As we became friends through discussion of Panama Canal issues, we found we had a great many other interests in common as a result of his work in the savings and loan field and mine as a Member of the House Committee on Banking and Currency, and of the Subcommittee on Housing on which I have served since 1955. So I am indeed happy to be Bob Mitchell's guest, and to speak to his Committee of the United States Savings and Loan League.

WE HAVE ENOUGH HOUSING LAWS FOR THE TIME BEING

Usually when I appear at a meeting of this kind to talk to people whose interest is primarily in the housing field, I try to bring with me a catalogue of issues and proposals pending before the Housing Subcommittee, and to talk about the prospects for further improvements in the Housing Laws, and go into some of the specifics about the amendments I have introduced or the bills I have joined in sponsoring and the prospects for their passage. But I did not bring such a catalogue with me today, and for a good reason. You see, I am not, *at the moment*, proposing any changes or improvements in the Housing Laws. Speaking for myself, at least, and I suspect for the other Members of the Housing Subcommittee, too, I think that when we finished our labors on housing legislation in the 90th Congress last August, we did *enough* for awhile!

We don't *need* any new housing laws right now. We have the most comprehensive housing law ever enacted. It is going to take all of you, and all of the other groups in fields directly related to housing, a long time to learn about all of the things which we put into that law, and about the manner in which you can take advantage of them and put them to good use. So if any of you have a suggestion for a change in the law, or are promoting any new piece of legislation in the housing field, I would just as soon not have you take it up with me right now. Maybe I will be interested in looking at a housing bill later in this session, but frankly I doubt it.

APPROPRIATIONS AND PRIVATE FINANCING BOTH NEEDED

Does that mean I have lost interest in this type of legislation? Not at all. I think we all recognize where the bottlenecks are right now in the effort to provide more and better housing for the American people, and the bottlenecks are not in the housing laws. There is very little wrong with the housing picture today that couldn't be corrected, or vastly improved, by a much more plentiful supply of a single commodity, and I don't mean cement or bricks or steel or copper wiring or that kind of commodity—I mean m-o-n-e-y. The money I am talking about, of course, is the kind which goes into your share accounts, where it is earmarked almost entirely for housing loans, but this same commodity is in great demand and goes into a great many other investment avenues and not enough of it is available, at reasonable rates of interest, for the socially desirable and economically vital housing function.

While we are talking about money as the missing ingredient in making our housing laws more effective, we shouldn't forget the fact that some of the new housing programs are almost completely dependent upon the appropriation process in the Congress of the United States, and some of the programs, like rent supplements and the new home ownership mortgage subsidy program, did not fare very well last year.

Considering the enthusiastic support we received in the Housing Subcommittee, and in the House, for many of the innovative programs included in the 1968 Act, there must have been some surprise throughout the country last fall when the Congress failed to appropriate sufficient funds to put the new programs into effective operation. But anyone who has followed housing legislation over the years should not be too surprised, because for years we have had this same funding problem on almost every new Federal housing aid program—unless we solved the problem in advance, as we used to do in the Banking Committee, by providing what the late Jesse Wolcott always denounced as "back-door financing." Incidentally, I am sure many of you here were saddened, as I was, at Mr. Wolcott's death a few days ago.

SAVING OUR CENTRAL CITIES

Whether we solve it by back-door financing, front-door financing, direct appropriations, debentures, stock offerings, or by corporation capital aided by government loans or grants or tax write-offs or however, the biggest and most urgent housing problem we have in this country is in our central core areas of our major cities, and the more we do to try to solve it, the more serious the problem seems to become from a social and economic standpoint. I know that the savings and loan business, collectively and individually, is deeply aware of this problem and is already doing a good job in some areas of financing low-cost home ownership and rehabilitating older neighborhoods. The formation nearly a year ago of your Special Joint Committee on Urban Problems is an excellent example of your organization's commitment to this problem, and of its effort to provide leadership to its member organizations.

I have seen the publication "Urban Financing Guide" and I am truly impressed. I think it is one of the best compilations of the opportunities available to the home financing industry in taking advantage of the 1968 Housing Law and of the previous housing laws, including the 1966 Act which contained the Model Cities program. This publication is a very good start, and I was pleased to see that in your descriptions of the programs being undertaken in a number of our cities, the work done in St. Louis receives special attention. We have a very good and forward-looking savings and loan industry in my city and I have always been delighted to work with the leaders of the savings and loans in St. Louis and they in turn have been very helpful to me. Without the help of Mr. Michael A. Burdzy of the Pulaski Savings and Loan, the St. Louis Bicentennial Civic Improvement Corporation would never have gotten off the ground—the whole program, of which all of us in St. Louis are so proud, could never even have gotten started. This is the program, as I think most of you know, which led to the enactment of Section 221(H) in the 1966 Housing Act, and which then led to the much more liberalized mortgage rate subsidy program for home ownership for low-income families in the 1968 Act. There is a good capsule description of the origin of this program in your publication "Urban Financing Guide", as there is also of the work of the St. Louis Service Corporation organized by the Greater St. Louis Savings and Loan League.

EACH SAVINGS AND LOAN MUST SHARE THE BURDEN

All in all, you have an excellent base in this organization, and in your industry, on which to build and expand your role as leaders in the field of rehabilitation of housing in our major cities. I know it is not going to be an easy task. No one segment of the housing and financing industry can solve this problem by itself. There are all sorts of nagging and serious aspects of this problem which will confront you every step of the way. I realize that. It was rather easy for President Johnson—and if anybody had a right to do it, I suppose he did—but it was rather easy for him to set a target goal in terms of the number of housing units which we are going to build in any one year, and it is also a rather easy thing for the insurance industry to set up a dollar-target as to how much it intends to invest in this area of ghetto and central city housing improvement. But, I think, for an industry such as yours, where you are regulated by the Federal Government in all of your activities, including the dividend rate that you can pay on your share accounts and the reserves you must maintain and so on, you have to translate national goals into terms of specific goals for *individual* savings and loan associations. The target has to be one which is meaningful to the Board of Directors of the 'X' Federal Savings and Loan, or the 'Y' Federal Savings and Loan, and be based on some sort of *fairness* doctrine which is *general* in the industry.

WHAT IS A FAIR SHARE OF THE BURDEN?

Whenever a charitable organization sets out to raise a certain amount of money and establishes a goal, and then says to its potential contributors "Give whatever you feel you can," a lot of people give much less than their fair share because they have no way of judging *what* their fair share is of the projected goal. On the other hand, when we are running for election to Congress, or to other office, our Party organizations have a pretty good idea of what a candidate's "fair share" is of the Party's campaign war chest, and we always have to come through with *our share* in order to be included in the Party's campaign literature or advertising of any kind. If each savings and loan which belongs to the United States Savings and Loan League had to figure out for itself what it thought it could afford, or wished, to pay in dues to the League, I am sure at least some of the member-associations would pay far less than they should.

What I am leading up to is, that in this mammoth housing challenge which faces the American people—and particularly in our low-income areas in our cities—the savings and loan industry, as an industry, has to provide not only much of the funds, but a lot more of the leadership. *No one* savings and loan association can afford to undertake, by itself, the major burden of rehabilitating the slum areas of *any* city. But if *all* of the savings and loans in a particular area—all of those belonging to your Association, say—were to figure out how much of their total resources could be devoted to the central city housing problem, and set a guideline to which all of the associations were committed, I think you could undertake a larger share of this challenge without risk to your own financial structure or to your shareholders.

LOTS OF REASONS WHY YOU CANNOT HELP SOLVE THE PROBLEM

I mentioned the outstanding assistance provided by the Pulaski Savings and Loan Association in St. Louis in financing the first efforts of the organization which later became known as the St. Louis Bicentennial Civic Improvement Corporation. But since a single savings and loan could only do *so much*, a point was soon reached where it could not—it dared not—invest a higher percentage of its resources in this kind of effort. Help from other sources was also needed. That is why I say that if you really want to help in this program—as I know you do—then *each* savings and loan has to have a "fair-share" obligation laid out for it. Perhaps it could be 5% of its total portfolio, or 10% or 20% of new financing. Maybe some other figure would be better. But all that the Board of Directors and the members of a savings and loan would have to do in order to see if their *own* association was meeting its obligations in this field, would be to compare its efforts to the percentage objectives set by the U.S. League, or by State or local leagues.

I have heard many reasons from officials of savings and loans why their associations cannot undertake the burden of financing home ownership for low-income families in the poor areas of their cities which so desperately need the stabilizing influence of home ownership. For a while, it was the insurance problem—but I think we have solved that, are on the way to solving it, as a result of the passage of the 1968 Act. Then, of course, there is the lack of family stability, or the lack of income stability, or the other social problems of the slum areas which might jeopardize the investment. This is the problem which the St. Louis Bicentennial Civic Improvement Corporation has been remarkably effective in dealing with.

It has worked with the *families* which are participating in the home ownership experiment in St. Louis and it has taught them how to care for their homes, and how to budget their limited incomes so they can meet their obligations each month in paying off their mortgages; it has helped to instill pride in these people and civic and community consciousness. The greatest boast made to me by the leaders of the St. Louis Bicentennial Civic Improvement Corporation was that not a single member of any family participating in the program had gone to jail. They were so proud of this fact because many of the families participating in this program had previously experienced the periodic absence of a member of the family while serving a jail term. This kind of *caring* about a borrowers ability to cope with the complex problems he faces as a citizen and as a home-owner is a challenge to you. If you do expand your loan program into low-income areas, you have to become involved *with* the family.

THE GOVERNMENT REGULATORY AGENCY MUST ALSO RECOGNIZE THE PROBLEM

If a savings and loan association just doesn't want to get into this area of home ownership financing for low-income families in the central city areas, it can easily find a million reasons not to do so. But even those associations which do want to make greater contribution to their communities by helping to rehabilitate and restore the deteriorating areas of their cities have real problems in doing so, and I think these problems should be recognized by all concerned, *including the* regulatory agency, the Federal Home Loan Bank Board. As I understand it, there is absolutely no special recognition given by the Board to this category of loan. The Board will make allowances for occasional delinquency in FHA-VA loans but it is my understanding that there is a real problem, from a reserves standpoint, growing out of the occasional delinquency or slow-pay status of conventional loans, even when they involve low-income families whose home financing the savings and loan has undertaken more out of the spirit of community service than of "business as usual." Many of the special programs contained in the 1968 Act for the rehabilitation of housing for low-income families, and for the sale of housing to low-income families, do involve FHA insurance and special subsidies, so presumably these would qualify for the less stringent regulatory restrictions the Board now maintains for FHA loans, compared to conventional loans. But I would urge the Board to examine into the possibility of according somewhat more relaxed regulatory surveillance over the conventional loan made to a family which is buying a home say in the $10,000 range. Is there any reason this cannot be done—if this type of loan represents only a small percentage of total assets?

THE RISK IS GREATER THAN FINANCIAL

I realize, of course, that the Federal Home Loan Bank Board is obliged and required to maintain the highest standards of business practice and depositor safety and public confidence in the savings and loans, but I do not think that the savings and loan insurance system, or the industry itself, would topple if there were allowances made for the fact that certain types of loans which *we are anxious* to have the savings and loans undertake for social reasons—for the good of the whole community—are not necessarily gilt-edged, top-drawer investments. Sure, they are a bit riskier than loans made to middle-income, educated families out in the suburbs. But if we can't save our cities—if we cannot restore stability and a sense of ownership participation on the part of the people who live in our cities—the suburbs will eventually be satellites of urban volcanoes spewing ashes and destruction over the entire metropolitan area.

Through urban renewal we have been trying since 1949 to make the central city areas more attractive to higher-income families, and we have built many high-rise luxury apartment houses and provided excellent designs for modern living in the downtown areas. Undoubtedly this replacement of urban blight with modern delights will continue. But the poor people who are displaced by the luxury high-rises can't very well go out to the suburbs to take over the housing left behind by the family which moved to the city. We have been considering all sorts of ideas and proposals for rehousing the unhoused, and we have many programs for that, but when you come right down to it, the suburban areas form a solid ring around the cities and say "You keep those people in there—we don't want them out here." I am afraid we have come to the point in our society when the words "low-income" and "undesirable" seem to be synonymous. It certainly wasn't always that way, but it is now.

NEED AREAWIDE COUNCILS OF ALL GROUPS CONCERNED IN HOUSING

I have been urging you gentlemen to take the lead in your associations to involve all of the savings and loans more deeply in the problems of home financing for the low-income families now living in the cities. But *you* do not go out and plan housing developments. *You* do not do the contracting. *You* do not handle the problems of zoning and building codes and all the other things which go hand in hand with the solution of our housing problems. Yet your business is a decisive factor in the solution of housing problems. If you don't finance the housing, the chances are it is not going to get financed.

The savings and loan industry includes in its leadership men with a wide range of skills and interests and abilities. You are respected in your communities; you represent thousands of members of your associations who are the thrifty, home-buying, savings-oriented members of the community. I therefore think that the savings and loan industry *could* take the lead in your metropolitan areas in organizing *committees* and *councils* of *all* of the people involved in housing—the banks, the builders, the engineers and architects, the public officials, including the planners and those who write the zoning ordinances and who determine the geographic development of a community—organize them into a task force to solve housing problems on a *community-wide* basis, an area-wide basis, not just inside the city alone. It can't be done *just* in the city alone.

If you people don't do it, I am afraid *no one* is doing to do it. Our municipalities are compartmentalized and unable to reach across their borders or to take positions which involve any really effective metropolitan planning or cooperation. But *you* people can do it. Your interests cross city lines and county lines. I would like to see you try.

AD HOC SUBCOMMITTEE INVESTIGATION OF SPECULATION IN SLUM HOUSING

And now I would like to touch on several other matters in which I know you are deeply interested—matters involving the Committee on Banking and Currency and which also involve your industry. One is the proposed investigation by an Ad Hoc Subcommittee of the Banking and Currency Committee into the kind of practices in ghetto area mortgage financing by some savings and loans in the Washington area, uncovered in a series of articles in the *Washington Post*. As you may know, Chairman Patman has asked me to be the Chairman of such an investigation and I have had the Home Loan Bank Board and the Federal Reserve and the Comptroller of the Currency and the FDIC all working on reports to me on the information they have about the prevalence of the kind of thing the *Washington Post* described. In case you are not familiar with that series of articles, it documented numerous instances in which certain savings and loans here in Washington recklessly financed big speculators in slum housing, extending loans at what appeared to be vastly inflated values, and the speculators in turn then disposed of the properties to low-income families whom they saddled with two and three mortgages on which the buyers could not afford the monthly payments.

What I am concerned about, and I am sure you are, too, is that under the laws relating to savings and loans, and under the regulations of the Board and the examination procedures which are carried out by the Board, practices of this kind *can* be prevented. I think the authority we provided in 1966 now gives the Federal Home Loan Bank Board all of the power it needs to issue cease and desist orders when it uncovers abuses of this kind, but we want to make sure that the law is adequate and that the regulations are adequate and that the examination into the individual association's actions is thorough enough.

The savings and loan industry is too vital an industry to the well-being of the American people to permit a small but unprincipled element within the industry—if this element is still operating—to undermine public confidence in the solidity and the integrity and the decency of this great industry. We cannot tolerate that.

Regardless of what you might have heard or might have read about the plans for this investigation—and they are still only tentative because the Committee on Banking and Currency has not as yet authorized this investigation, nor have the members of the Ad Hoc Committee been appointed to it,—but regardless of what you might have heard or read about plans for this investigation, I can assure you that, if I conduct it, I will do my best to do a *constructive* job of investigation to uncover faults *in the law* or *in the regulations which need correction* rather than to seek out morning and afternoon headlines by finding that some fellow, two or three years ago, misused his power as an executive of a savings and loan to conspire with shady characters in violation of his trust and of the law as well. I am a firm believer in the punishment of wrongdoers, but I do not believe a Congressional Committee investigation is a Grand Jury. Our ultimate job is to write necessary legislation—the right kind of legislation. That will be the purpose of any investigation I undertake into the operations of any savings and loans in financing big speculators in ghetto real estate.

REGULATIONS UNDER TRUTH-IN-LENDING ACT

A final note on another subject of close interest to this audience—the proposed regulations of the Board of Governors of the Federal Reserve System for the implementation of the Truth-in-Lending Act. I understand that there is some unhappiness in the savings and loan industry over the first draft of those regulations, which treated real estate mortgages in exactly the same way as any other type of consumer credit transaction. As you know, I was under strong pressure at the time the Consumer Credit Protection Act was drafted and introduced, and then during our hearings and the committee deliberations afterwards, to *exempt all first mortgages from the bill.* This I refused to do, even though the Senate had done so. I think the hearings I conducted in the Subcommittee on Consumer Affairs established clearly that a first mortgage is not necessarily a good mortgage just because it's a first mortgage. However, there was agreement in Conference that *purchase-money first mortgages* should *not* be subject to all of the restrictions and requirements of the Truth-in-Lending bill as it applied to small loans, and revolving credit, and to installment purchases, and modernization loans, or refinancing. So we did make special provisions in the bill for *purchase-money first mortgages.* To the largest extent possible we allowed for the customary closing costs. And we recognized that the mortgage executed at the time one purchases a home generally provides most, if not all, of the information which the Truth-in-Lending Act is intended to require. Like you, however, I am still awaiting the final version of the Federal Reserve's Truth-in-Lending regulations, so I cannot tell you how they will look. But I can say that it is my intention, once the regulations are issued in final form by the Board, to arrange for hearings on the regulations by my Subcommittee on Consumer Affairs. If there are any serious technical problems for any industry in connection with those regulations, I think we want to have them all ironed out *before* the law takes effect on July 1.

I do not promise that I will take *your* side in any controversy with the Board over any specific regulation applying to real estate mortgages, but I *do* promise to provide an objective forum in which any technical problems can be reviewed in the light of what we are trying to accomplish in the law, and *be reviewed by those who wrote the law.*

If there are any questions about what Congress intended in any provision in this law, I think *we* are the people who would know that. So probably we can be helpful both to the Board and to the various industry groups which would be affected by the Regulations, and also—and of course this is paramount—to the consumers who have the greatest stake of all in this issue.

And now let me conclude by thanking you for inviting me and for listening to me with such courtesy. I have enjoyed our many associations over the years and I look forward to working with you in the 91st Congress. Thank you.

CHARLES W. YOST, U.N. AMBASSADOR

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. RARICK. Mr. Speaker, since the hearings on Mr. Yost for confirmation as Ambassador to the United Nations may not be published, I include a letter by Mr. Ginzburg to various newspapers and the testimony of Mr. Benjamin Ginzburg before the Foreign Relations Committee in the RECORD:

ARLINGTON, VA.,
January 26, 1969.

Re: Charles W. Yost to the U.N.

SIR: On January 21, the Senate Foreign Relations Committee, held hearings on the nomination of Charles W. Yost as Ambassador to the UN. The Associated Press Report on these hearings gave the mistaken impression that there was no opposition to Mr. Yost. The fact is that two witnesses testified against him. I was one of them.

I pointed out that Mr. Yost had published some strange views about foreign policy and national security. The reason these views have not aroused a storm of controversy is because the public has not been informed of them.

For example, Mr. Yost has said that the quest for military security is the cause of our insecurity. He believes we should abandon the effort to retain military superiority over our potential enemies. He does not think our security is threatened as much by communist aggression as by nuclear arms race.

He has a great deal of difficulty in recognizing communist aggression when he sees it. He has publicly described the Soviet invasion of Czechoslovakia as "an internally defensive rather than an externally aggressive action". He would appear to regard Czechoslovakia as an integral part of the Soviet empire, not an independent, sovereign state. Not even the Kremlin has dared go that far.

Mr. Yost also advocates dropping our opposition to seating Red China in the UN. He apparently disagrees with this statement by Adlai Stevenson in this issue: "The government of Peiping is not peace-loving; it does not concur in the obligations the charter imposes; and it is clearly neither able nor willing to carry them out."

On all of these issues, Yost is diametrically opposed to President Nixon. President Nixon has said that it is our nuclear superiority that has kept the peace. He believes that we must maintain arms superiority in order to deter aggression. He denounced the invasion of Czechoslovakia as an "outrage against the conscience of the world" that proved again and again that weakness is an invitation to aggression. He has opposed the admission of Red China to the UN, saying that it would only encourage the hardliners in Red China and discourage the noncommunists all over Free Asia.

How can Amb. Yost speak for President Nixon? At best, he will be an insincere advocate of the American position. At worst, he may undermine it. I regret that members of the committee did nothing to expose this contradiction in the views of Mr. Yost and the President in the Foreign Relations Committee hearings.

Sincerely yours,

BENJAMIN GINZBURG.

STATEMENT OF BENJAMIN GINZBURG BEFORE THE FOREIGN RELATIONS COMMITTEE OF THE U.S. SENATE, WITH REGARD TO THE NOMINANATION OF CHARLES W. YOST TO SERVE AS AMBASSADOR TO THE UNITED NATIONS, JANUARY 21, 1969

Mr. Chairman, I have come to you as a private citizen to urge your distinguished committee not to recommend the confirmation of Charles W. Yost as Ambassador to the United Nations until you have read, digested and are willing to subscribe to Mr. Yost's published views on national security and foreign policy. Since the members of the committee are endowed with moral common sense, I am confident that you will not knowingly give your approval to Mr. Yost's views by voting to confirm him for the important post to which he has been nominated.

I realize that I am asking you to go counter to the judgment of our new President, who nominated Mr. Yost. But I am convinced that Mr. Yost's nomination resulted from a slip-up in staff work. Somebody made a judgment on the basis of external appearances without inquiring into the substance of Mr. Yost's views. Thus Mr. Yost has had a long career at the State Department; he has just published a book under the sponsorship of the Council on Foreign Relations—the organization that publishes the distinguished periodical, Foreign Affairs; and on top of all that he served as foreign policy adviser to Vice President Humphrey in his presidential campaign. All these things seemed to make Mr. Yost an ideal choice for a position for which President Nixon had decided to select a Democrat.

But anybody who reads, as I have done, Mr. Yost's statement on foreign policy which he presented to the Democratic Party platform writers (it was inserted in the CONGRESSIONAL RECORD of Sept. 10, 1968 by Congressman Jonathan Bingham of New York) and then reads the book, the Insecurity of Nations, which endeavors to provide a philosophic basis for Mr. Yost's views, will see at once that a great blunder has been made. President Nixon has nominated a dreamer who rejects all realism in foreign policy.

Thus President Nixon constantly emphasized during his campaign that in negotiating with Russia it was necessary to negotiate from a position of strength. To Mr. Yost this is nonsense. He believes that the quest for national strength, for military security, is the cause of all our troubles. It is the quest of each nation for national security that creates the mounting insecurity of nations. That is the theme and title of his book. He insists that there can be no real security for any nation without security for all nations, and that security for all nations requires international organization and international control and limitation of national armaments.

It may be objected that these eccentric views of Mr. Yost will not do our country any harm since as Ambassador to the United Nations he will not be called upon to make United States policy but rather to expound the policy decisions made by others.

But it is elementary wisdom that in selecting a spokesman for a policy it is best to pick a man who believes in the policy. An insincere advocate is bound to be an ineffective advocate.

I want to point out, however, that much more is involved here than the question of Mr. Yost's fitness to represent the United States at the United Nations. Mr. Yost is not an isolated figure. He represents a line of doctrinaire thought which is strongly intrenched in the State Department and in other sections of our government. Thus if you vote to approve Mr. Yost's nomination as Ambassador, you will be simultaneously voting to approve a line of doctrine which has greatly handicapped the defense of American interests and the protection of the Western way of life.

On the other hand, if you vote to disapprove Mr. Yost's nomination, you will be doing more than to block an unfit appointment—you will be attacking a dangerous delusion.

The delusion is the belief than mankind has now reached the international or world order stage of human behavior. Or, as Mr. Yost puts it, that the time has come to break away from the "nation-state" and "its fatal charisma." This belief has arisen because weak-minded people have taken too literally the glowing rhetoric which accompanied the creation and development of the United Nations. Under the influence of this belief, doctrinaires posing as experts have contended that national policy decisions should be directed towards strengthening international controls and reaching out for a complete system of world government or world law. They think that nations should behave towards one another in accordance with the same tenets of morality which are preached regarding the conduct of individuals in a national community—that is to say, that they should be brotherly and generous to the point of turning the other cheek, and that above all they should abide by the arbitrament of law when disputes break out.

It would be nice if the nations were able to act that way. But unfortunately we are not yet living in what Jews call the Messiatime of the world and what Christians call the era of the Second Coming. We are living in an everyday world in which national governments provide shelter and security for their peoples' way of life. Even if we were not confronted with the ruthless and inhuman drive of communist imperialism—that is to say, even if the world of nations comprised only peoples adhering broadly to the Western way of life—we would still have to go quite slowly in abandoning national interests in favor or as yet uncrystallized international interests. But given the existence of communist imperialism, it is positively immoral to make deals with Russia or China which mitigate against the protection of our way of life. It is just as immoral as to preach the beauties of pacifism and non-resistance to evil to a man who is being attacked by an armed robber. Instead of recognizing today's realities, people like Mr. Yost are so bewitched by the dream of internationalism that they are constantly minimizing and excusing the brutal egoism of Soviet actions while attacking American actions as being insufficiently generous and trusting. They are compelled to do so because in no other way can they sustain the illusion of mankind progressing in our time to a world order.

Thus in surveying U.S.-Soviet relations after World War II, Mr. Yost puts the onus of blame for the part of the Cold War on the American abandonment of economic aid to Russia "for fear it would strengthen a rival." In other words, we should have been more trusting to Stalin. We should have overlooked the vices of his character, even as Mr. Yost overlooks them when he praises Stalin as "a great leader" who led Russia "successfully through the most terrible war to the most brilliant triumph of her history." (Nothing is said of Stalin's role in unleashing World War II through his pact with Hitler nor of the crucial part played by American lend-lease in saving Russia from destruction).

When he discusses United States dealings with Khrushchev, Mr. Yost again harps on our lack of trust and generosity. "It is not suggested," he writes, "that the West could or should have surrendered Berlin or any other essential Western position. It is suggested that a more flexible, imaginative and conciliatory tactic during 1959 and early 1960, including cheerful and constructive participation in a summit meeting, including dignified but ungrudging cordiality toward himself, might have borne fruit in some partial accommodations at the summit, have preserved much longer a decent semblance of detent, and possibly have avoided the two fearsome confrontations" over Berlin and Cuba.

So anxious is Mr. Yost to believe in progress towards internationalism that he is ready to settle for appearances of progress as sufficient for this purpose, and attacks American leaders for demanding substance rather than semblance of progress. In an amazing passage reminiscent of the doctrines of the French psychiatrist Coue, Mr. Yost tells us that "if tension *seems* to have relaxed, it *has* relaxed, and the new psychological climate arising therefrom makes new departures possible, whether or not other objective conditions have changed." He adds that this is the reason why highlevel or summit negotiations "are almost always desirable, whenever they are possible, precisely because the high level of the participants puts a premium on at least partial success." This was written—or at least published—after the Kosygin-Johnson summit at Glassboro and its moonshine of "the spirit of Glassboro." Presumably Mr. Yost would attribute the collapse of the spirit of Glassboro to the failure on our part to follow up the summit with sufficient give-aways of American positions.

Not only is Mr. Yost satisfied to accept a seeming relaxation of tension as equivalent to the real thing, but he is ready to convert all problems, all conflicts of interest, into states of mind. Thus he suggests in a rhetorical question that today's East-West confrontation is "a reflection not so much of clashing interests as of clashing and outdated states of mind." In his summary presentation to the Democratic Party platform writers, he declares categorically that "the chief threat to international and U.S. security is not, at least in the near future, communist aggression but (a) the costly, dangerous and needless nuclear arms race and (b) uncontrolled turbulence in Asia, Africa and Latin America sucking in and contraposing great powers."

What about the threat of war created by the Soviet invasion of Czechoslovakia?—the man in the street may ask. Is that, too, a fiction created by our own state of mind? Yes, indeed, says Mr. Yost. The invasion of Czechoslovakia though brutal, was "an internally defensive rather than an externally aggressive action." For this reason Mr. Yost recommends that the pursuit of detente should not be abandoned but resumed and that we can look forward to the time when "U.S. troops in the NATO area can and should be gradually reduced."

In vain will the realist point out that as a result of the invasion of Czechoslovakia Soviet troops, for the first time since World War II, are poised on the borders of West Germany, and that the excuse of internal defense has been the standard basis used by both Czarist Russia and the Soviet empire for launching a step-by-step aggressive expansion. Mr. Yost will not hear of these things since he is out to prove that only mental, not real obstacles, stand in the way of achieving and international world order.

The constant attempt to reassure us, by any and all arguments, that there is no threat to the free world from communism makes Mr. Yost's book read at times like a political satire. Thus Mr. Yost tells us, with a straight face, that since the faith of communism has "mostly material goals, its zeal tends to be subdued as these are approached." The last time we heard this type of argument was when Hitler and his apologists told us that the Nazi appetite for "living space" was in process of being appeased, and that all the Nazis wanted was this piece of territory and no more!

Not satisfied with assuring us that the zeal of the communists is being abated, Mr. Yost trots out the hoary argument that the communists and the men of the free world are coming more and more to resemble each other. He puts a scientific gloss on the argument by claiming that the technological processes which we and they use "are causing the various systems more and more to converge and conform," so that "capitalism is tending to become more 'collectivist', communism more 'individualist', and the differences between them more political than structural." Thank God, one may say, that he has left some minor differences between the communist regimes and our own. Otherwise we would be really stuck in explaining why the communist rulers have to build Berlin walls and barbed wire fences and station soldiers with machine guns in order to prevent their ungrateful subjects from escaping from the communist paradises.

At any rate for Mr. Yost the international prospect is objectively quite beautiful. The only flaw on the horizon is the addiction of the free world and the Communists to modern nuclear weapons. "Both systems," he tells us, "have become so caught up in the momentum of weapons-making, in the 'military-industrial complex', that many of their managers share an unhealthy vested interest in the continuation of international confrontation and insecurity." Mr. Yost concludes therefore that we shall have to control and eventually limit "these preposterous and seditious arms."

How is this to be accomplished? By turning an intellectual switch which will transmute the activity of weapons-making into the activity of weapons-controlling. "Once people are persuaded generally that these weapons are not a protection but a plague—a plague like malaria, cancer, pollution, overpopulation and venereal disease—then the same ingenuity and resources that cured or are curing those plagues, indeed the same ingenuity and resources that created these weapons, can no doubt be as successfully employed to control, reduce, and eventually do away with them."

What a simple solution for the problem of nuclear weapons! Set up a new Manhattan project to put the genie back into the bottle by devising a scientific scheme for international non-use of these weapons on the theory that they weaken rather than strengthen a nation's security. Unfortunately, while the Russians are quite ready to have us abandon nuclear weapons on the sophistical ground that they weaken our security, they themselves have persistently clung to the belief that weapons are weapons and not crazy things invented when we have nothing to fight about. Thus Mr. Yost's solution, for all its international dress, amounts to an argument for unilateral disarmament and for rendering our country naken in the face of the enemy.

It is part of the sickness of our time that many Americans are seduced by the dream pictures which Mr. Yost and others draw about the world. They portray a world in which men have no values to defend but confront one another and fight because they have invented arms which need to be exercised.

But is this the world we live in? We live in a world of flesh and blood, sin and moral struggle. We live in a world where we have to defend our moral ideals, our civilization, against an upsurge of evil forces, against lunatics like Hitler, Mussolini, and Stalin. While the invention of nuclear weapons has heightened the ordeal of human life, it has by no means abolished the necessity of defending moral values. Just as we cannot yield to nuclear blackmail by the Communists—such as Khrushchev attempted when he planted Soviet missiles 90 miles from our shore—so we cannot yield to the nuclear shell game preached by the pacifists and internationalists, who would have us surrender our values in exchange for life in a world government animal farm run by our enemies.

Mr. Chairman, I repeat that much more is involved than the appointment of Mr. Yost as Ambassador to the United Nations. If Mr. Yost's nomination is confirmed, even though with the understanding that he is not to make policy, a great boost will be given to the stultifying doctrines advocated by his school of thought. I therefore pray that you recommend against his nomination, and that President Nixon be persuaded to withdraw his nomination without bringing it to a vote in the Senate.

INFLATION

HON. WILBUR D. MILLS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. MILLS. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following address delivered by Dr. George S. Benson, president emeritus of Harding College, to the Kiwanis Club, Searcy, Ark., on January 9, 1969:

INFLATION

(An address by Dr. George S. Benson, president emeritus of Harding College, to the Kiwanis Club, Searcy, Ark., January 9, 1969)

In talking with top officials in major national corporations, in talking with leading government officials and from reading leading magazines, I find they now very generally rate inflation as the leading problem facing the nation. First, let me attempt the difficult task of defining inflation. To put it simply, inflation is a situation in which purchasing power is increasing faster than desirable goods to be purchased are increasing. For example, suppose in Searcy all salaries, wages, relief payments and all other sources of income should increase at the rate of 7% a year for five years, making a total increase of 35%, while at the same time incoming goods to be purchased increased at only 2% a year, making a total of 10% in five years. This would definitely cause the prices of goods to go up.

This is actually, in general, what is happening to the entire nation at this time. There are numerous pressures contributing to the increase of purchasing power at a faster rate than desirable goods are becoming available for purchase. In fact, anything that increases the flow of money without increasing the flow of goods correspondingly is inflationary.

An easy example to understand is the way the wages keep going up faster than productivity. Personally, I am very much interested in employees. They constitute a very big segment of our American society and a very important segment. I would like to see wages go up and the standard of living for working people go up, just as fast as it can be sustained without tending to kill the goose that lays the golden eggs.

But wages at the present time are climbing at what is often estimated at about 8% whereas productivity is increasing at about 2% a year. This means that the labor which is producing goods is being paid 8% more for producing goods but is only producing 2% more goods. The steel industry is a fair example. It is estimated that the new wage package in steel is equivalent to about 8% increase per year for the duration of the contract but the rate at which productivity is increasing in the steel industry is approximately 2%. When you apply this to the automobile industry and all other industries, then it means that the wages which create purchasing power were increasing about four times as fast as the goods being produced as a result of those wages.

President Johnson recognized this danger and several years ago set a guideline urging that wages not go up faster than 3.2% but the guideline has ceased to be followed and now wages are going up at two and one-half times the rate of guideline recommendation. Productivity, on the contrary, is going up scarcely as fast as was projected when the guideline was set. All of this definitely creates an inflationary situation. It is estimated that the purchasing power of the American dollar during 1968 alone lost about 4.6% of its power. A savings account created in 1940 or a government bond purchased in 1940 and sold on today's market would purchase only 40% of its 1940 purchasing power. That's an indication of what inflation does to pensions, annuities, and all other fixed dollar incomes.

Another inflationary pressure results from big government spending and extended government credits, all of which is partially financed by new money printed by the Treasury Department. New printed money increases purchasing power but does not increase the goods to be purchased and therefore, is distinctly inflationary. Private borrowing tends to do the same thing. For instance, if I borrow from the bank in Searcy $1000, I have increased my purchasing power by $1000 but I haven't increased the goods to be purchased at all. The borrowings of the federal government, the state governments, the cities and municipalities, and private individuals in America runs far beyond $1 trillion.

A third inflationary pressure comes from the rapid increase of crime and lawlessness. Many businesses which were burned out in the big fires in certain major cities have indicated no desire to build back. Many other business men who had thought of expanding their businesses and increasing the production of goods, on the contrary are delaying action because of the fear of crime and lawlessness. They put their money out on interest instead of investing it to produce goods. This creates additional inflationary pressures and also pushes up the inflated prices of common stocks.

When we combine the fear of rapidly rising wages which some people think will go to the 10% level by the end of 1969 and when we recognize the encouragement this gives to foreign competition in America and accordingly, the squeeze that may be expected on profits, a squeeze made still more serious by rising taxes; and when we recognize the tremendous pressure from big government spending and when we recognize the fears from crime and lawlessness, we can see much to restrain American capital from investing in the production of goods, all of which tends to increase purchasing power faster than desirable goods are being produced.

This can be very, very serious for America's future. It is high time the entire American public take note of these serious problems and move for their correction.

America one time was 85% agricultural. Today, only 6% of the American people live on farms and less than 6% of the national income is from agriculture. We are an industrial nation. Our employers and the 70 million employees are the very backbone of the nation. This is the only country in the world where an employee on hourly wages can look forward to owning a home, an automobile, a radio, a TV, and sending his son to college. Employees fare better here than anywhere else in the world. Personally, I'd like to see these superior wages that make possible superior living conditions long prevail in our country but if the inflationary pressures mentioned above are long continued, these good jobs will be destroyed and America will be reduced to mediocrity.

As the results of these problems are becoming better and better recognized, I think we may feel assured that attempts will be made for a reasonable solution to the imbalance between wages increases and productivity, for reductions in extensive government spending, and for reduction of crime and lawlessness.

Whether these efforts for improvement can succeed or not will depend upon the general atmosphere in the nation. If we can create a general atmosphere in which these problems are properly recognized and in which solutions are really desired, then improvements will come. If, on the contrary, the general public has no realization of the problems and consequently, the problems continue to grow instead of being solved, then the efforts for improvement will fail and America will go on moving in the same direction in all three of these areas, which will be very, very detrimental.

Therefore, I appeal to the American public to encourage an atmosphere favorable to the adoption of some sound method for obtaining a better balance in the industrial area, for properly reducing big government spending, and for effectively curbing lawlessness and crime in America. The final decisions will be determined at the bar of public opinion in this great democratic republic. But remember that sound money is essential to the long range well-being of any nation. Inflation must not be allowed to wreck our financial structure, and with it our industrial structure.

DEALERS IN PORNOGRAPHY

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. ASHLEY. Mr. Speaker, today I have introduced legislation which would provide postal authorities with decisive powers to crack down on dealers in pornography who increasingly are using the U.S. mails as a pipeline for the unconscionable flow of smut and obscenity to minors.

Last year alone the Post Office Department received over 165,000 formal complaints from recipients of unsolicited offensive mailings and I am advised that the volume of complaints is growing each month.

The bill that I have introduced is aimed squarely at the odious creatures in our society who deal in pornography. First, the measure would prohibit mail-order sales of obscene materials to children of school age; second, it would make the unsolicited mailing of "hard core" pornography, or offers to sell "hard core" pornography, to any family with children under the age of 16 a Federal crime punishable by fine and jail sentence.

Unlike previous Federal legislation designed to regulate the distribution of objectionable sexual materials, the measure being introduced today is specifically directed to the protection of children. It therefore does not attempt to employ the typical criteria of obscenity set forth by the Supreme Court Roth decision but instead sets forth with particularity the materials proscribed for mailing to children or families with children; namely, explicit portrayals of sexual intercourse, sodomy, homosexuality and sadomasochistic abuse, with no artistic purpose other than appeal to prurient interests.

I want to emphasize that my bill does not seek to limit freedom of speech or expression in the adult world. It does, however, place responsibility for unsolicited offensive mailings to children and families on obscenity racketeers who obviously are little concerned by artistic values. By requiring smut merchants to determine whether their mailing lists include the names of families with school-age children, traffic in obscenity—especially through the mails—will be substantially reduced and perhaps all but eliminated.

It is high time for Congress to take meaningful action of this kind.

HONOLULU YMCA MARKS ITS CENTENNIAL YEAR: CHARTING A COURSE FOR TODAY AND TOMORROW

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. MATSUNAGA. Mr. Speaker, the Young Men's Christian Association is known the world over for its work in helping boys to achieve their maximum potential, physically and mentally, with a solid Christian foundation, as they grow into manhood. During the past 100 years, the YMCA of Honolulu, of which several years ago I was privileged to be a board member, has been involved in this outstanding and laudatory endeavor. While its main concern in the past has been the development of the spirit, mind and body of Island youngsters who sought to avail themselves of its facilities, the Honolulu YMCA, according to Henry B. Clarke, Jr., its president, has now pledged to "go out to seek those who need its services."

Projecting an exciting new role for the Y, Mr. Clarke in his centennial message promises that the Honolulu YMCA workers in the future will become "mobile vendors of a Y idea."

The work of the YMCA in Honolulu began 100 years ago when 10 men signed the rolls of the first meeting. The work then consisted of prayer meetings, helping with Sunday schools and the maintenance of a reading room in the Seaman's Home in Honolulu. The association later came to the aid of immigrant Chinese laborers who arrived in Hawaii in large numbers. It will not until 1883, however, that the Honolulu association was able to erect its first permanent two-story brick building. Later, after a gymnasium was added, classes were held and work with boys was undertaken. Since those early meager years the YMCA in Honolulu has grown to the point where it was necessary to establish branches in the outlying areas.

On April 30, 1969, the Honolulu YMCA will observe its first 100 years of progress. Since those simple beginnings in 1869, the Honolulu association has continually kept pace with the increasing needs of the Island community. As a former member of the board of governors of the Kaimuki branch, YMCA, I commend all who have played a part in the growth of the Honolulu YMCA.

Mr. Speaker, my colleagues and other readers of the CONGRESSIONAL RECORD will find of interest, I am sure, the editorial on the Honolulu YMCA centennial which appeared in the January 24, 1969 edition of the Honolulu Star-Bulletin:

"Y" CENTENNIAL

A hundred years ago next April 30, the Honolulu YMCA came into being with 10 members. They had been called together by Peter Cushman Jones, Thomas Rain Walker and Sanford Ballard Dole who became the association's first president and was later to write history as Hawaii's chief executive in the turbulent years following the overthrow of the monarchy.

Around the triangle that is its symbol it built a program of physical, mental and spiritual development.

One of its earliest decisions was to prove of profound importance in setting the tone for Hawaii's human relations. It offered help to the Chinese who were coming to the Islands in large numbers, encouraging them to become a part of the total community.

A little over half a century ago, the establishment of the Nuuanu YMCA advanced this program. Its mission was to carry on work in the native tongues of the older Japanese, Chinese and Korean generations as well as in English for their Hawaii-born children. Here as much as anywhere was rooted the strong tree of a fully integrated Hawaii. Indeed, Nuuanu Y leaders were prominently identified with the resolute stand Hawaii took when efforts were made to organize the first Lions club here. They insisted that the Lions open membership to all races. This was done and the Lions became the worldwide organization it now is.

Today, the YMCA is as alert to contemporary needs as it was 100 or 50 years ago. In the words of Henry B. Clark, Jr., president of the YMCA of Honolulu, the Y "is now caught up in the continuing revolution of our time. Even as we attack our decaying environment, and encounter problems requiring vast concentrations of power to solve, we must also create new institutions and energize old ones like the Y.

"The basic need is human energy—the Liberation of inventive intelligent, flexible energy and its use to develop new processes to meet human need. Relevancy is the modern word and this may be what we are searching for . . ."

Since the early 1950s, the Y has been working to bridge the "generation gap" with its father-and-son Y-Indian Guides program. It has leaped across the Pacific to share a student exchange program with Hiroshima in Japan. It provides a training ground for citizenship in its Model Legislature. It stimulates brotherhood through its world service program. It sends workers out of its buildings to bring help to "disadvantaged" youth in their own neighborhoods.

What of the future? Arthur J. Jackson, the metropolitan executive, puts it this way: "Our future, to be worthy of the past, cannot be envisioned in buildings, services, budgets, public image, or the numbers of people engaged in activities. It must be sought in more subtle fashion—in the quality of life for which we influence youth—and it has to be matched by knowledge of program, materials, and training toward concrete objectives—goals in terms of what we stand and work for."

The YMCA occupies an honored place in the social fabric of Hawaii. It has earned high rank and seems intent upon going even higher by keeping pace with the changing needs of a changing community.

PAY INCREASES

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. BEVILL. Mr. Speaker, I support the pending resolutions which would prohibit the pay increases of the members of the legislative, judicial, and executive branches of our Government. In my opinion, it is wrong to seek an office knowing the salary that it pays, and then, after election, using the power of the office to get one's own pay increased.

I feel that if any pay raise is made that it should not be effective during the term of office for which the Members of Congress have been elected.

Considering the economic condition of our Government at this time, I feel that the proposed pay raise is not to the best interest of our country.

Therefore, I urge that you support the resolutions which would prohibit the increase in salaries for the members of the U.S. Supreme Court, Members of Congress, and members of the executive branch of the Government.

A GRADUATE PROSECUTOR FELLOWSHIP PROGRAM PROPOSED BY PROFESSOR STARRS

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. ROGERS of Florida. Mr. Speaker, the District of Columbia is experiencing a serious crime wave and many public and private citizens have rallied to the call and submitted suggested solutions to meet the problem now, and to prevent its recurrence.

One such individual is Mr. James E. Starrs, professor of law, George Washington University, the National Law Center, who has proposed the establishment of a graduate prosecutor fellowship program to expand the expertise of those who must prosecute the criminal defendant.

I insert Professor Starrs' proposal at this point in the Record for the benefit of my colleagues:

A Proposal of the George Washington University National Law Center for a Graduate Prosecutor Fellowship Program

(Presented by James E. Starrs, professor of law, George Washington University, the National Law Center)

1. BRIEF DESCRIPTION

It is proposed that the George Washington University National Law Center inaugurate a graduate course of training for persons interested in a career as public prosecutors. This training program shall involve a two year program involving evening attendance at classes at the National Law Center and daily assignment for in-service training to the office of the U.S. Attorney for the District of Columbia. Qualified persons shall, upon acceptance into this program, be designated Prosecutor Fellows and shall be awarded a stipend for tuition and expenses which shall be sufficient to enable them to devote their full-time efforts to the in-service and academic phases of the program.

BACKGROUND AND PURPOSE OF THE PROGRAM

As early as 1931, the Wickersham Commission referred to the prosecutor as "the pivot on which the administration of criminal justice . . . turns." (*National Commission on Law Observance and Enforcement, Report on Prosecution* 11). But the paucity of available programs for intensive training of persons who are interested in a career as public prosecutors, either on the state, local or federal level, has been glaringly apparent in recent days. The *Task Force Report on the Courts* issued by the *President's Commission on Law Enforcement and Administration of Justice* reflects an awareness of the magnitude of this problem. In the words of that Report:

"It is clear that existing programs do not meet the need for prosecutor training techniques in the investigative, administrative, and broader law enforcement policy roles played by the prosecutor. These matters have not been seen as suitable subjects for the attention of law schools and the legal scholarly community . . . the problems posed are challenging, and their resolution should be the object of federal, local and professional projects." (p. 74).

The number of existing, formalized law school-affiliated programs to train potential career prosecutors is indeed spare. Northwestern University has a short one-week course for those who are already prosecutors. Harvard Law School encourages its undergraduate law students to engage in service in the local prosecutor's offices under a unique Massachusetts rule allowing law students to practice as prosecutors in limited situations without formal bar admission. But there is not yet in existence any graduate law program designed for career prosecutors which will enable them to obtain on-the-job training in conjunction with regular attendance at law school classes, all of which will lead towards a master of laws degree. The proposed Prosecutor Fellowship Program is intended as one effort to remedy the inadequacies in the professional training of prosecutors which are described in the Task Force Report of the U.S. Crime Commission.

The dearth of programs designed to train prosecutors is all the more disturbing in light of the development of numerous programs geared to train lawyers on the defense side of a criminal case or to prepare lawyers to undertake the representation of the indigent in civil and criminal litigations in general. This proposal in no way challenges the legitimacy or necessity of those programs. But if effective justice is to be achieved a balanced perspective must be sought so that both sides in any adversary proceeding are at their optimum with respect to competence and responsibility. As Mr. Justice Cardozo once put it:

"Justice, though due to the accused, is due to the accuser also. The concept of fairness must not be strained till it is narrowed to a filament. We are to keep the balance true. *Snyder* v. *Massachusetts,* 291 U.S. 97, 122 (1934)."

In short, justice will not be served by training defense counsel to the exclusion of prosecutor training programs. This proposal is intended to be a medium for keeping the balance true between prosecution and defense in any criminal proceeding.

The necessity for righting the imbalance which presently exists in the training of prosecutors vis-a-vis defense attorneys was recently alluded to in the *Report of the President's Commission on Crime in the District of Columbia* (D.C. Crime Commission Report). That report states:

"The improved training for defense counsel through criminal law seminars, law school programs, and coordinated planning by the Legal Aid Agency offers a challenge to prosecution in the District of Columbia which *must be met.*" (329) (emphasis supplied)

As an incidental matter, it is interesting to note that the District of Columbia now hosts one of the most seasoned and well-recognized training programs for defense counsel in the nation. Reference is made, of course, to the Georgetown University Prettyman Fellows. To have a Prosecutor Fellowship Program functioning in the same community might provide an ideal opportunity to evaluate the long-range impact of such training programs upon the operation of the criminal justice system.

It is, of course, an essential, although somewhat collateral, objective of this proposal to encourage prosecutors to engage in a continuing program of training in new developments of law, science and practice related to their functions. The implicit expectation is that the Prosecutor Fellows who complete this program's course of study will depart with a recognition of "the importance of superior training programs" (D.C. Crime Commission Report, p. 328) in the future on a parallel to that which they have just undertaken.

This proposal is submitted, furthermore, in the recognition that the training of a skilled and competent prosecutor requires more than in-classroom time "book learning") but must involve simultaneous activities in service in the prosecutor's office. Indeed, these duties outside the classroom must be a concrete and exacting effort to learn while on the job. And the work experience, we believe, should include exposure to police practices and procedures by tours of police precincts and the like, where feasible. The benefit in this suggestion is obvious. The police-prosecutor relation will be improved and strengthened by the increased insights each will gain of the operations and responsibilities of the other.

In addition, we hope to familiarize the Prosecutor Fellows with the services of the Federal Bureau of Investigation which are available to qualified State, county and municipal law enforcement agencies without charge. This feature of the program will include a tour of the F.B.I. facilities and an explanation of the functions of that agency and the ways in which the F.B.I. can be most useful to these fellows as career prosecutors in the future. We are fortunate in having ready access to the national offices of the F.B.I. in downtown Washington, D.C.

We will also attempt to develop closer ties with the F.B.I. by establishing a continuing working relationship between the F.B.I. Laboratory and our Prosecutor Fellows. Such a relationship could be of great benefit to the fellows by integrating the most advanced scientific investigation techniques and materials with their academic work and making them familiar with the most advantageous methods of presenting this type of evidence to the judge or jury in a trial court. The fact that the F.B.I. Laboratory is located in close proximity to the National Law Center makes it very feasible to undertake such a coordinated program.

2. SPECIFICS OF THE PROGRAM

a. The number of prosecutor fellows:

Eleven qualified applicants will be selected for the program. To insure geographical diversity among the applicants, an attempt shall be made to accept an applicant from each of the Judicial Circuits. However, the primary standard of acceptability will be competence and enthusiasm not geography. Since the total number of fellows is not intended to exceed eleven during any one year and since the program is to have a two year duration, five applicants will be accepted for the first year and six the following. Succeeding years, assuming the program continues beyond the proposed two year term, will be on a five-six applicant rotation basis.

b. Qualifications of prosecutor fellows:

Each applicant in order to qualify for acceptance as a fellow must fulfill at least the following minimum qualifications:

1. The award of a basic degree (either LL.B. or J.D.) from an ABA and AALS approved and accredited law school.

2. A law school class standing in the top 20% of their class.

3. The receipt of any required F.B.I. or police clearances. In certain cases, conditional acceptance will be extended to an applicant conditioned on his later completing this requirement.

4. Acceptance for the program approved by the United States Attorney for the District of Columbia or the Department of Justice or both.

5. Admission to practice before the highest court of any state or the District Court for the District of Columbia. This requirement can be satisfied by admission to practice shortly after acceptance as a Prosecutor Fellow.

6. A demonstrated interest in such a program or in a career of public service as evidenced by the successful completion of specialized courses in undergraduate law school in related areas, such as advanced courses in Criminal Law and Criminal Procedure, participation in Legal Aid or public prosecutor activities at the law student level, etc.

c. Duration of the program

Each Prosecutor Fellow shall be expected to be in full-time residence in the program for two years commencing in the fall of the year in which selected and terminating two years later. This full-time residence requirement shall include assignment to the Office of the United States Attorney of the District of Columbia, where the Prosecutor Fellow will be employed, on a full working day's basis, in those tasks or divisions to which he shall be directed by the U.S. Attorney.

d. Fellowship stipend

Each Prosecutor Fellow shall be awarded an annual stipend in an amount not less than $5000 nor more than $7000, the exact amount of which to be determined by his prior experience and present circumstances of financial necessity. This amount is expected to cover the fellow's living expenses for the year for which awarded. In addition to this stipend, each fellow shall be allowed to complete the in-classroom phase of the program without the payment of tuition or fees.

3. THE PROGRAM OF TRAINING

1. In-classroom phase.

a. In general

Each fellow will be required to complete 24 semester hours of courses listed in the George Washington University Bulletin for the National Law Center as 300 or 400 series (advanced courses) or when special permission is received, 200 series elective courses with a minimum average of 75(B). Ordinarily, each fellow will be in attendance at classes commencing at 5:50 P.M. and ending at 7:40 P.M. Attendance at three such sessions per week will fulfill the classroom requirements for six semester hours. In exceptional circumstances, a fellow may be permitted to undertake more than six semester hours but normally six semester hours will be the maximum allowable.

Assuming that a fellow undertakes a course of study involving six semester hours of training per semester for the required two year fellowship period, he will be able to complete his course-study requirements for his LL.M. (master of laws degree) in two years. Variations from this procedure will be permitted where the fellow wishes to reduce his individual course selections in any one or more semester if he intends to take other courses during the summer school sessions at the National Law Center.

In addition, the fellow may, with the consent of the U.S. Attorney and the Director of this program at the National Law Center, receive credit towards his masters degree for substantial research projects undertaken for and under the supervision of the U.S. Attorney or his assistants. A maximum of four credit hours will be allowed for this type of endeavor. The purpose of this provision is to encourage the fellows to make a positive and constructive contribution of a significant nature within the Office of the U.S. Attorney as well as to enable the fellows to devote themselves to projects which have a realistic and meaningful relation to the real world of the prosecutor's office.

(b) Specific courses of study

The course offerings available to the Prosecutor Fellows will include seminar courses, courses in inter-disciplinary matters and advanced courses in the established curriculum of the National Law Center. It will also include the development of new courses for the National Law Center which shall be open to Prosecutor Fellows as well as other graduate students or, when permitted by the Law Center's applicable rules, under-graduate law students.

The existing courses in the National Law Center for which the Prosecutor Fellows shall be eligible, including a brief description of their contents (as abstracted from our current bulletin) are:

"1. Appellate Practice and Procedure (2 credits).

"Students participate in preparing an actual criminal case on appeal, starting with review of trial transcript and culminating with preparation of brief and oral argument before U.S. Court of Appeals for the District of Columbia Circuit or the U.S. Supreme Court. Appellate practice and procedure studied through texts; consultation with appellate judges, law clerks, and attorneys with cases pending on appeal; observation of arguments in the Supreme Court and the Court of Appeals. Admission by permission of the instructor.

"2. Forensic Medicine (2 credits).

"Examples drawn from the range of problems arising when the professional interests of lawyers and physicians overlap. Problem contexts include malpractice, personal injury litigation, licensure and discipline, ethics and economics, hospitals and other institutions of practice, and compelled treatment. Open to third-year medical students.

"3. Administration of Criminal Justice (2 credits).

"Consideration and analysis of selected advanced problems in the administration of criminal justice. The subject matter covered will vary from year to year, with concentration in areas of current interest and dynamic change (e.g., right to counsel, arrest and interrogation, search and seizure, prejudicial publicity, discovery, electronic interception, mental impairment). Emphasis will be placed on the role and professional responsibilities of prosecutor and defense counsel and on developmental trends in the law.

"4. Seminar: Constitutional Law (2 credits).

"Group study of contemporary problems in constitutional law; process of constitutional litigation; problems of effectuating constitutional guarantees.

"5. Post-conviction Dispositions—Dynamics of the Law of Criminal Corrections (2 credits).

"Study of the statutes, practice, problems, and potentials of the alternatives facing a defendant including: mental fitness to proceed to trial, probation, sentencing, parole, correctional institutions, rights of prisoners.

"6. Law and Criminology I: Search for the Causes of Criminal Behavior (2 credits).

"Role which criminological knowledge of crime causation may play in assisting lawyers to appraise the effectiveness of various alternative social and legal devices in controlling deviant behavior. The search for factors related to criminal behavior will be developed historically, with emphasis on current causal theories developed by various disciplines. Model as well as operational penal codes, sentencing and probation practices, and specialized facilities will be analyzed in terms of their relationship to such causal theories.

"7. Law and Criminology II: Society's Responses to the Criminal Offender (2 credits).

"Study of the development and current use of society's three major approaches to the handling of offenders: punitive, mechanical, and correctional. Emphasis on society's changing responses to criminal and delinquent behavior, and research findings concerning effectiveness of these responses. Analysis of treatment strategies to facilitate communication between members of the legal profession and behavior scientists charged with effectuating these strategies.

"8. The Police and the Community (2 credits).

"Analysis of the variety, prevalence and causes of urban crime forces and proposals for improvement; the exercise of discretion, abuse or "brutality" at the time of arrest; problems of police-community relations and the role of review boards; crimes of the urban poor (such as vagrancy, "failure to move on," and public drunkenness and their relationship to more serious criminal activity; the poor as victims as crime and efforts to protect them other than by police activity (e.g., compensation for victims of crime and crime prevention through minimization of opportunity).

"9. Interdisciplinary Seminar on the Juvenile Court (2 credits).

"Lectures and reading materials include sociological, psychological, and psychiatric views on prevention, diagnosis, and treatment in addition to analysis of statutes, court rules, and reported cases pertaining to delinquency, dependency, custody, and child abuse. Emphasis on the role of the lawyer in this court.

"10. Seminar: Law and Psychiatry (2 credits)

"This seminar is designed (1) to expose the lawyer to some of the constructs of dynamic psychiatry dealing with human personality and behavior, and to relate them to problems encountered in legal practice; (2) to provide information—both psychiatric and legal—bearing upon such topics as mental illness and tort liability ("traumatic neurosis," malpractice, commission of torts by mentally ill persons); hospitalization of the mentally ill and mentally retarded; guardianship; ad hoc determinations of incompetency (testamentary, contractual, and donative capacity; capacity to marry, have custody of children; mental illness as a ground for divorce; eugenic sterilization); mental illness and the criminal law (psychiatric evaluations in criminal cases, determinations of competency to stand trial, criminal responsibility); and (3) to examine the role of psychiatry in legal settings, including the effective use of the psychiatrist and psychologist as expert witness."

Other courses which would be specially designed and offered to fulfill the objectives of this program would include at least the following subjects as described:

"1. *Advanced Evidence* (2).

"The examination of expert witnesses on scientific matters would be the pre-eminent, although not the exclusive, concern of this course. (It is to be hoped that experts from the F.B.I. Laboratory will be able to participate in structuring and presenting this course. If this possibility materializes, it is expected that experts from the F.B.I. would be available to discuss document examination, serology, petrography, show and tire examinations, etc.)

"2. *Problems in Professional Responsibility* (2).

"This course will include an evaluation of the prosecutor's discretion in charging and dismissing offenses as well as the methods used in the presentation of his case. Matters of current concern and controversy such as the discovery of evidence or information in the possession of the prosecutor will be discussed. The Canons of Ethics and other sources will be employed.

"3. *Criminal Trial Tactics* (2).

"Although there is bound to be some duplication between this course and the materials offered in Advanced Evidence and Problems in Professional Responsibility, it is our conviction that this overlap will not detract from the independent value of this course. This course shall cover matters of strategy in the presentation of the government's case and in cross-examining witnesses. Coverage shall extend from the preliminary hearing to the sentencing phase and shall include situations as basic as preparing witnesses for trial to somewhat more complex matters, such as the prosecutor's opening and closing statements."

2. Field work phase:

Each fellow will be assigned to the Office of the U.S. Attorney for the District of Columbia and will be under the direct supervision of that office for his two year fellowship period. Each fellow will be expected to give his full-time attention to the duties and responsibilities assigned to him by the Office of the U.S. Attorney.

It is anticipated that the fellows will be assigned for varying periods, according to a system of rotation designed by the U.S. Attorney to any of the various branches of the U.S. Attorney's office to which the U.S. Attorney may find it desirable and timely to appoint them. The presently existing divisions of the U.S. Attorney's office are the Grand Jury, Criminal Trial, Appellate, General Sessions and Special Proceedings Divisions. The listing of these divisions is not intended in any way to bind the U.S. Attorney to assign any or all of the fellows at any time to any one or more of these divisions. However, it does now seem necessary for these Prosecutor Fellows to receive interim appointments to the U.S. Attorney's Office for the District of Columbia, as special assistant U.S. Attorneys. This would seem to be both a legal and practical prerequisite to their performing their tasks in that office. Discussions are now underway with members of the Department of Justice for the purpose of obtaining the approval of the U.S. Attorney General on this matter.

More complete and specific details on this phase of the program will, it is anticipated, be proposed by the Office of the U.S. Attorney and made a part of this proposal.

Estimated budget

1st year:	
Fellowship stipends: at an average of $6,000 per annum for 6 persons	$36,000
Tuition and fees: at $750 per student	4,500
Faculty support of program at ⅓ salary	7,000
Preparation of course materials	3,000
Printing and mailing	1,000
Miscellaneous expenses	2,500
Total	54,000
2d year:	
Fellowship stipends: at an average of $6,000 per annum for 11 persons	66,000
Tuition and fees: at $800 per student	8,800
Faculty support of program at ½ salary	11,000
Printing and mailing	1,000
Miscellaneous expenses	2,500
Total	89,300
2-year total	143,300

TRIBUTE TO AVERELL W. HARRIMAN

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. COHELAN. Mr. Speaker, I join today in paying tribute to an extraordinary man, Mr. Averell Harriman.

I will leave it to others to recount the remarkable involvement and prodigious contributions of Mr. Harriman to the cause of world peace and domestic progress.

Suffice it to say that Mr. Harriman was at the arm of every Democratic President from Franklin Roosevelt to Lyndon Johnson, offering sage counsel, boundless energy, incisive wit, and total dedication.

Whether at Yalta, Teheran, or Potsdam; in Geneva on a Laos cease-fire; or in Paris on a Vietnam peace, Averell Harriman was an elegant, effective statesman. He is in fact one of the few men in history who in achievement and in ability, and not merely in title, deserved the "rank and status of Ambassador Extraordinary and Plenipotentiary."

It was my great pleasure to work with Ambassador Harriman on problems of East-West trade during and subsequent to an American Assembly at Harriman House and to consult with him frequently while he served at the Department of State.

A man of Mr. Harriman's enthusiasm and intelligence will be missed in public life. But he will not be able to retire entirely from public life. His ideas and advice will be of large value to the Nation.

I think, from past experience, that we can expect that we have yet to see the last of Averell Harriman's contributions to the United States of America and the people of the world.

CHICAGO SUN-TIMES MAKES TWO EXCELLENT PROMOTIONS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. PUCINSKI. Mr. Speaker, the Chicago Sun-Times announced over the weekend two promotions which I believe will bring to Midwest journalism two outstanding journalists in management positions.

The Sun-Times has promoted its city editor, Kenneth D. Towers, to the position of assistant managing editor in charge of administration and its assistant city editor, James Peneff, to the position of city editor.

The announcements made by James F. Hoge, Jr., editor of the Sun-Times, are particularly welcome to me since it has been my great pleasure to know both Mr. Towers and Mr. Peneff for many, many years and consider both of them newspapermen's newspapermen.

I am extremely happy to see both Mr. Towers and Mr. Peneff promoted and I believe this is in keeping with a policy started by the Chicago Sun-Times some years back in attracting to its management team working newspapermen who know from their own experience the day-to-day problems of running a modern newspaper.

This policy of promoting from within has raised the Chicago Sun-Times to one of the most highly respected newspapers in American journalism and it is not by accident that this fine publication is today called—with a considerable degree of pride—the bright one.

Mr. Towers and Mr. Peneff join an excellent management team at the Chicago Sun-Times and I am sure their promotion will add to the paper's stature and growth.

It is my privilege today to place in the RECORD Mr. Hoge's official announcement as published in the Sunday editions of the Chicago Sun-Times. I wish both Mr. Towers and Mr. Peneff the very best of success in their difficult assignment. American journalism benefits when men of their caliber are promoted to responsible management positions.

The Sun-Times article follows:

TOWERS NAMED AN ASSISTANT MANAGING EDITOR—PENEFF IS APPOINTED CITY EDITOR

The promotion of Kenneth D. Towers to assistant managing editor-administration was announced Sunday by James F. Hoge Jr., editor of The Sunday Times.

Hoge also announced that James Peneff has been promoted to city editor, succeeding Towers in that post. Peneff formerly was first assistant city editor.

"These appointments reflect the continued growth of The Sun-Times and the consequent need of an expanded executive structure," Hoge said.

"In addition to his wide-ranging administrative duties, Ken Towers will participate in editorial planning and supervise special news projects that take advantage of his knowledge of Chicago and of the newspaper business.

AWARD WINNER

"Jim Peneff brings to his new post the repertorial understanding of an award-winning labor correspondent and the administrative know-how of an excellent assistant city editor."

Towers, 33, who has served as city editor since 1967, began his newspaper career as copy boy for The Sun-Times. He worked as a reporter and rewriteman for 10 years before he was named assistant city editor in 1965.

As a reporter, Towers won a Chicago Newspaper Guild award for the best feature story of 1959—an account of how a steelworker's family weathered a long strike.

NATIVE CHICAGOAN

Towers is a native Chicagoan and the holder of a bachelor's degree in philosophy from Northwestern University.

He and his wife, Rita, live in the South Shore district.

Peneff, 57, is marking his 25th year with this newspaper. He started with The Chicago Times, a predecessor of The Sun-Times in 1944 and quickly won a reputation as a top labor reporter.

WIDE EXPERIENCE

He received a Chicago Newspaper Guild award in 1946 for a series of articles on the life of a coal miner, Peneff took a job in a mine to get the story.

In addition to labor coverage, he has worked as a rewriteman and on a wide variety of general assignments.

Peneff has been first assistant city editor since 1967 and served as an assistant city editor for seven years prior to that promotion.

He attended Crane Junior College from 1929 to 1931 and Lewis Institute (now Illinois Institute of Technology) from 1931 to 1933, majoring in chemistry.

Peneff and his wife, Jean, live in Mount Prospect. They have three children.

GUNNAR MYRDAL

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. EDWARDS of California. Mr. Speaker, Gunnar Myrdal is probably the best known sociologist in the world. The Swedes are known for excellence in many fields and Gunnar Myrdal year after year has added to that reputation. His work on the Negro in America which delineated problems few of our social scientists recognized at the time, established his reputation in this country many years ago. Last year, social scientists and students of world problems anxiously received his great new three-volume work, "Asian Drama: An Inquiry Into the Poverty of Nations." It was the product of many years of study and observation in Asia.

Mr. Speaker, I have had the honor of knowing this brilliant and charming man, and it gives me great pleasure to insert in the CONGRESSIONAL RECORD a recent trenchant and down-to-earth statement made to the second Asian Regional Conference on the subject of the public work force in the so-called underdeveloped countries. I trust that not only my colleagues will read Mr. Myrdal's analysis, but that our AID and State Department people will do likewise:

THE ROLE OF THE PUBLIC SERVICES IN UNDERDEVELOPED COUNTRIES

(Lecture at the Second Asian Regional Conference of Public Services International in Singapore, November 14, 1968, by Gunnar Myrdal)

I

I would first like to express my great appreciation for having been invited to appear before this important assembly to express my views on the role of the Public Services in the efforts to spur and direct development in underdeveloped countries through planning.

I have read with great interest the Report of Proceedings of the First Asian Conference of the Public Services International held at Kuala Lumpur in September 1965. That Report has increased my insight into the practical problems in the several countries of the region that are meeting the drive to organize the public employees: in regard to freedom of association, methods of fixing conditions of employment and settling disputes, unifying the organizations by counteracting splits along ethnic and religious lines, making the unions instruments for education and entertainment of the members and their families, and bringing about the participation of the unions and their members in planning, and so on. I have also noted the importance to them of being affiliated with the Public Services International and of their bringing to use the activity of the International Labor Organization. The deliberations of this conference, like the one three years ago, have been focussed upon these practical problems, and to listen in today and yesterday has contributed to my continuing strivings to inform myself of the development problems of the region.

I have not understood my function at this conference to be to discuss those specific problems that for natural reasons have priority when you meet for a regional conference. From me you must expect rather an attempt to sketch in broad outlines the general problems of development in the underdeveloped countries of the region and, more particularly, the role the public services play, and could play, in planning. In my opinion that role is important.

Although the title of my lecture is more encompassing and although underdeveloped countries in the whole world have problems in common, I will be speaking primarily about the region I call South Asia—including Southeast Asia—stretching from Pakistan in the West to the Philippines in the East. That delimitation includes the majority of the countries actually represented here and of those whose presence should have been desirable and appropriate. About the problems in West Asia—what is commonly called the "Middle East" or "Near East"—Northern Asia, including Russian Siberia and China, or East Asia with Japan, Korea and Formosa, my knowledge is more scanty.

For substantiation of what I have to say, I refer to a work of mine published this spring under the title Asian Drama, An Inquiry into the Poverty of Nations (Twentieth Century Fund and Pantheon Books, New York; Penguin Books, London).

II

Except for Thailand, the countries in the region were not countries at all until after the Second World War but were colonial dependencies of one appellation or another, and they were commonly referred to as "backward areas." After their gaining independence, a political revolution that went forward as an avalanche in the wake of the war, this static term became changed into a dynamic one: they characterized themselves, and were generally recognized, as "underdeveloped countries." The later terminological change to "developing countries" represents in my view confusion of thought. Their problem is not that they are "developing"—some are actually not, others are not developing very rapidly or in the right direction—but that they are underdeveloped and have set as their goals to develop by means of state planning.[1]

This matter of terminology is not altogether unimportant. The term "developing countries" signifies a deeper tendency to severely biased thinking about their development problems. In both the highly developed and the underdeveloped countries, the problems we are facing together would be very much less serious if this "diplomacy in terminology," as I have called it, actually represented a realistic view.[2]

This opportunistic—and generally over-optimistic—bias in appraising the situation of the underdeveloped countries is strengthened by the tendency to use the concepts, models and theories we have forged for the analysis of the economic problems of the highly developed countries, without questioning whether they are adequate to reality in South Asia. Most of these conceptual tools are meaningless, or nearly so, for the larger part of the economic life in this region. When in the entire economic discussion and in all plans we reason in terms of national product or income, savings, investment, employment and underemployment, markets, prices, and technical coefficients, and so on, what we are abstracting from is attitudes, institutions, and the productivity-depressing effects of substandard levels of living. We have the right to make this simplification in highly developed countries—although in my opinion less completely than most of my colleagues believe—but in the underdeveloped countries this abstraction is closing our

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Footnotes at end of speech.

eyes to some of the peculiar traits that raise difficulties for development.

A realistic analysis must be in terms of institutional economics and must account also for levels of living, attitudes and institutions. And planning for development must include policies directed upon changing these elements of reality that are excluded in the conventional economic analysis.

Let me add here that if I thus insist that the analysis of the underdeveloped countries in the region, in order to be realistic, must take into account factors that are irrational from a modernization point of view, this does not imply that the value premises should not be the modernization ideals.[3] As we all know, these ideals—and among them, in the first hand, the gradual breaking down of the inegalitarian social and economic stratification inherited from colonialism and before that from the traditional society—have become a sort of modern state religion and have determined the conceptual frame and the vocabulary of all present discussion of public issues in countries of the region. Moreover, all these countries have in one sense passed the point of no return. With the present and for decades foreseeable development of the population and the labor force, a rather rapid modernization of these societies is necessary not only to speed development but to prevent a turn towards increased misery.

III

There are several reasons why conditions in the underdeveloped countries in South Asia are very much less favorable to development than they once were in the now highly developed countries.[4]

The climate in the tropical and subtropical zones implies on the whole for many reasons greater inhibitions for development. Generally speaking, the resource basis in the region is poorer. The trading position of these countries has on the whole been deteriorating almost since the First World War. The population increase is two or three times faster than it ever was in Europe.

Although there is a very much improved technology that can be borrowed—which by itself should imply a comparative advantage—its adjustment to local conditions in South Asia meets various difficulties. More important is, however, the dynamic effect of the fact that the development of science and technology to the very largest extent is directed upon the further development of the highly developed countries, whose governments, universities and industries are paying for it. When for natural reasons it is steered by interests in those countries, it often works to the detriment of the underdeveloped countries. The continuous substitution of synthetic products for traditional exports from the region is one example.

In view of the facts I have thus hinted at, the presently underdeveloped countries in South Asia cannot expect to develop rapidly and continuously by leaving their economies to the free evolution of economic forces, as was largely true in the now highly developed countries during the liberal era. They need state planning, which means the instigation of coordinated state policies aimed at spurring and directing developments, and as I have already mentioned, these policies must include systematic efforts to change attitudes and institutions in the direction of modernization.[5]

Planning in this sense of coordinated policies will imply the state itself going into enterprises and investment in public utilities of all sorts, banking, sometimes trading, and even in manufacturing industry. Some countries in the region prefer to call their policies "socialistic", while others characterize themselves as "free enterprise societies"; but a study of what actually is taking place in the two types of countries does not show too great differences.[6] All countries, though to a different degree, must control private enterprise in various respects.[7]

The state both as entrepreneur and when controlling private enterprise has to rely on public services as the instrument of carrying out its policies. The very fact of planning, therefore, enhances very decisively the role of the public services for development. These countries will have little chance of rapid and continuing development, if they do not succeed to build up an efficient cadre of public servants, reaching from the highest positions in the state civil service down to the local men in the police forces, the teachers in the schools, and all the others employed by public authorities.

IV

The role of public services in development is thus to be the executors of public policies, and this role is becoming ever more important as these countries find themselves under the desirability and, indeed, necessity of planning for development. Let me on this point first stress that the organization of the public services in unions should from a planning point of view be viewed as a mighty vehicle for progress.

It is an experience from all over the world that when workers in a particular profession or trade organize themselves in an association, this has regularly led to building up pride in their responsibility and their work, the demand for proper education and training, and generally the raising by collective efforts of standards of work being done and the status in society of the workers. As I will come to develop later, even the raising of levels of remuneration in the public services in the region, if that becomes an effect of organization, will in the ordinary case imply greater efficiency and even higher economy in the longer run.

When the political authorities in some of the countries in South Asia have not understood this, but tried to restrict freedom of association of public employees, to evade the settlement of wages and other conditions of employment by collective bargaining, and to counteract the efforts to strengthen and centralize the unions, they have acted against the true national interest in development. They have then not understood that, by itself, the organization of the public servants in unions represents a change towards the realization of the modernization ideals that are the basic value premises for planning for development, a change that should be the more important because of the crucial role in the development process of the public services.

V

The student can detect several serious and systematic deficiencies in the functioning of the public services present to a varying degree in all South Asian countries. These deficiencies are all interrelated and they are all signs of, or rather elements in, these countries' state of underdevelopment. With the crucial role of the public services in the development process, the overcoming of these deficiencies becomes a particularly important part in the policies to spur and direct development by planning.

One common deficiency of the public services is *overstaffing*, particularly at the lower levels.[8] They are overstaffed at the present, irrationally extensive and complicated system of rules and regulations (see below) and would be still more so in a more rational system of administration. The tremendously rapid increase of persons employed in public services since liberation is generally known. The great numbers of "hangers around", who do little useful work, in offices and the low efficiency generally in work performance is apparent at even a superficial inspection.

The *low wages* paid public employees is related to overstaffing. Exceedingly low wages are the rule almost everywhere at the lower levels of public services and often also at the highest levels, particularly in those countries of the region which have not been British dependencies and which after liberation adhered to the British tradition of paying higher officials generously. At the lower levels the low wages and also the overstaffing in the public services are related to the underutilization of labor generally in these economies and the cheapness of labor that is a main characteristic of underdevelopment in all the countries of the region.[9]

Related to both overstaffing and low wages is *inferior competence* for fulfilling their duties, due to deficient education and training. Better trained personnel in public services would decrease the need—and the excuse—for having the overgrown staffs and would, at the same time, motivate higher wages.

Having better trained but fewer employees even at higher wages would not only raise the efficiency of the public services in the interest of development but would in the normal case actually imply an economy in the total costs for public services. Reforms in these directions would be easier to carry out if there was not that tremendous pressure of unused, or underutilized, cheap labor in the whole economy that now characterizes these countries. It is a main goal of planning for development to reach a higher level of the utilization of the labor force, but a main policy instrument in the planning for that development is an improvement of the public services.

This is the type of circular causation that is sometimes characterized as a vicious circle, holding down an underdeveloped country in continued relative stagnation. But it should be remembered that the circle can be changed into becoming a virtuous one. This is actually what we mean by development, in this case implying an improvement of the public services *pari passu* with a better utilization of the labor force all around.[10]

Conditions vary, of course, as between different countries. And there are also partial exceptions to the above broad generalizations. The schools, for instance, are not overstaffed by teachers, and certainly not if we count only the qualified ones.[11] Particularly in the largest and poorest countries of the region, Pakistan and India, a main deterrent for choosing the teaching profession and also a hindrance for the teachers to win the social status in their communities necessary for having the beneficient influence that from a development point of view they should have, is the exceedingly low wages. Also when tax assessment and tax payment is deplorably inefficient in the countries of the region, part of the explanation is that both the number and the competence of officials engaged for this purpose have been kept down by the vested interests of people who want to avoid as much as possible paying taxes; keeping the salaries low also has made the officials more amenable to corruption (see below).[12]

One important cause of deficiencies in public services is the *extended and complicated system of rules and regulations* in these countries and generally their *excessive bureaucracy*. Part of this characteristic is an inheritance from the paternalistic colonial regimes that preceded the present politically independent governments. To most of those newly independent governments, and of all individual persons stepping into responsibility, doing the things the foreign rulers had been doing, and exerting the controls they had exerted, was seen to be the essence of their countries' independence. Generally, the proliferation of regulations in every section of national life and on every level became their ambition, as again can be observed even in a superficial contact with these countries. Meanwhile the administrative services on the higher level had been severely depleted by the expatriation of the colonial officials, par-

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Footnotes at end of speech.

ticularly in countries like Burma and Indonesia where in colonial time few of the indigenous peoples had been permitted to aspire to entrance to the services on that level, but even in Pakistan where the great majority of them opted for India.

In regard to economic planning, all the countries in the region—although to a varying degree—have preferred what I call *discretionary operational controls* over private enterprise before non-discretionary ones carried out through price policy measures and other non-discretionary measures.[12] They usually institute all sorts of what I call positive controls in order to promote private enterprise and investment, such as import controls and other protective measures, low interest rates, tax holidays, et cetera, and they do it so much that they then have to counteract their effects by negative controls.

This is like driving a car with the accelerator to the floor and all brakes on, which is not an economic way of getting it to move at the desired speed and in the desired direction. In the present context, the important thing is that this type of planning economic development is severely overtaxing the administrative resources, which are weak to begin with.

All the countries in the region are *soft states*, again to a varying degree.[14] By that term I want to characterize a general lack of social discipline, signified by deficiencies in their legislation and, in particular, in law observance and enforcement, lack of obedience to rules and directives handed down to public officials on various levels, often their collusion with powerful persons or groups of persons whose conduct they should regulate, and, at the bottom, a general inclination of people in all strata to resist public controls and their implementation. This situation is to a large extent an inheritance from colonial and precolonial time and from the struggle for independence. The proliferation of regulations and controls and the overstaffing of the public services, particularly at the lower strate, have not improved it. It is my opinion that without much more social discipline, development will meet great difficulties and, in any case, be hampered and delayed.

To the concept of the soft state belongs also *corruption*, which also has a long history.[15] It seems generally to be on the increase in the countries of the region under the influence of almost everything that happens and particularly the increase of discretionary controls. There are too many permissions worth money, depending upon the decisions of officials and sometimes politicians. There has been a tendency in the scientific literature to play down the detrimental effects of corruption on development. The situation is sometimes rationalized in the idea that corruption is natural in a "developing" country. The effect of this is to spread cynicism and to lower further the resistance to giving or taking bribes.

Corruption is, however, endangering stability of governments, as any analysis of the political coups in the region will testify. Besides this, it counteracts the strivings for greater integration of these newly independent countries and for building up loyalties of their peoples to the state and to all communities in the infrastructure. It introduces an element of irrationality in all planning and plan fulfillment. As a common method of exploiting a position of public responsibility for private gain is by obstruction and delay, it impedes the processes of decision-making and execution on all levels. It increases the needs for controls to check the dishonest official, at the same time as it makes the honest official reluctant to make decisions on his own. In both ways it tends to make administration cumbersome and slow and contributes to the bureaucratization of the public services and the trend to overstaffing.

VI

The deficiencies in the public services represent serious impediments blocking and slowing down development in the South Asian countries. As they are rooted in the present state of underdevelopment and have become fastened upon society by a long history, they are not easily remedied.

The general underutilization of labor in these countries and, of course, the misdirection of education resulting in the phenomenon known as the "educated unemployed" raise hindrances against overcoming the general overstaffing in the public services. Without a radical reform of the direction and content of education it is also difficult to raise competence levels in the public services. Higher wage levels are difficult to press through in countries with severely strained public finances and with cheap labor available all around. The rationalization of the overextended system of rules and procedures and of bureaucracy assumes a rather fundamental change in people's ideas about policies and administration and, what is even more difficult to bring about, the gradual overcoming of the "soft state". Part of this huge practical problem is the eradication of corruption as a widespread pattern of life and work.

I am then in condensed form formulating some important tasks for planning for development which are generally overlooked in most economic literature, which is focused on investment, including the most recent contributions that are also stressing "investment in man". The important problem I finally want to raise with this assembly of representatives for the organizations of public employees is the following: what role can they play in the gradual overcoming of the deficiencies in the functioning of the public services which social and economic studies of these countries reveal, and thus for furthering development which is now hindered, and inhibited by those deficiencies? I feel no hesitation to answer this question very definitely that they can play an important and positive role.

I have already pointed out that by itself the organization of workers implies a change towards *modernization*. When workers become organized this will tend to lift them from the apathy and aimlessness which is so much at the root of underdevelopment. Becoming organized implies to the public employees their becoming conscious of their problems. The leaders of the organizations, in particular, will be brought to become aware of the wider social and economic problems which provide the setting of the workers' own personal and group interests. An almost necessary condition for organizing workers is to appeal to, and build up, pride in performance. All experiences in all countries testify to this truth. As one of the more hopeful things in this region may actually be reckoned the fact that public employees are becoming organized at an earlier stage of development than usually was the case in the now highly developed countries.

Another general experience is that with organization follows an interest in raising and standardizing the level of competence set for entrance into a particular type of public employment. It is incredible that a strong organization of the several groups of teachers will not insist on improved teachers' training and on progressive strivings to fill the jobs only with qualified teachers, as on a higher level medical personnel and engineers have already done in most South Asian countries.

The immediate natural efforts of the unions to raise wage levels are in harmony with these attempts to raise and standardize levels of competence. To the extent the organizations succeeded in raising wage levels, the authorities will be pressed to enforce the competence requirements and also to decrease overstaffing. What I am here sketching is nothing but the general theory of the effects of unionization which has been tested in many countries for long times.

In such a development the organizations and their leaders will undoubtedly encounter conflicts of interest. One obvious case is to what extent they shall defend those employees who should lose their jobs in any effort to counteract overstaffing or the enforcement of stricter competence requirements. Such efforts conflict, of course, with the interests to press up wage levels. It is my opinion that the latter interests should be given precedence although I am aware of the fact that often union policy will have to strike a compromise and move by gradual steps.

Generally speaking, I believe that the policies of the public employees unions, in order to be maximally successful over the longer stretch of time, need to keep themselves aware of the broader problems of planning for development and the need to fashion their own policies to fit the wider goals of development. I can see few conflicts between the true interests of public employees and the development interests of the wider society, if both types of interests are viewed in the broader and longer perspective and conceived in the light of a more accomplished theory of underdevelopment, development and planning for development than the conventional one.

When in this as in the first Asian Conference of the Public Services International the demand has been raised for participation of the organizations in planning, I see in this a recognition of this fundamental interdependence and congruity between your strivings as labor unions and the wider goals for induced change of your society to higher rationality and productive efficiency.

FOOTNOTES

[1] Ibid,. Appendix 1.

[2] Ibid., Prologue.

[3] Ibid., Chapter 2, Sections 3 and 4; Postscript, Section 2.

[4] Ibid., Chapter 14.

[5] Ibid., Chapter 15 *et passim*.

[6] Ibid., Chapter 17.

[7] Ibid., Chapter 19.

[8] Ibid., Chapter 11, Section 4, and Chapter 23, Section 4.

[9] Ibid., Fifth Part *passim*.

[10] Ibid., Appendix 2, *et passim*.

[11] Ibid., Chapter 33.

[12] Ibid., Appendix 8, Part 3.

[13] Ibid., Chapter 19.

[14] Ibid., Chapter 18, Sections 13 and 14 *et passim*.

[15] Ibid., Chapter 20.

LAST WEEK CULVER BLACK HORSE TROOP PARTICIPANTS IN PRESIDENTIAL INAUGURAL PARADE

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. BRADEMAS. Mr. Speaker, I take this opportunity to call to the attention of the Members of the House a unique anniversary this month. Culver Military Academy, Culver, Ind., an internationally famous college preparatory school in the district I have the honor to represent, made its sixth appearance in a Presidential Inaugural Parade on January 20.

In keeping with President Nixon's theme of "Forward Together," the alumni, staff, and students of the Black Horse Troop organized a presentation of the flags of all States and territories in America.

The flags are gifts of alumni and friends of Culver throughout the country and will remain for years to come as tangible evidence of the affection and esteem in which they regard the Culver Military Academy.

U.N. ASSOCIATION SUGGESTS NATO IMPROVEMENTS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. FINDLEY. Mr. Speaker, a policy panel headed by Theodore C. Sorensen, counsel to former Presidents Kennedy and Johnson, yesterday announced a series of recommendations intended to elevate the prestige and utility of the North Atlantic Treaty Organization.

This was done under the auspices of the United Nations Association. The proposals come like a breath of fresh air and show that President Nixon can expect broad public support if, as expected, he acts to end the stagnation that has set in concerning Atlantic community development.

Several of the proposals—upgrading the prestige of U.S. Ambassador to NATO; inviting other NATO nations to join in space exploration in order to give it an Atlantic character; calling for a NATO summit meeting; the selection of a European SACEUR, the exploration of the Atlantic free-trade association idea; the use of NATO for broader consultation at the highest possible level—have been previously proposed by the House Republican task forces on NATO and the Atlantic community. This makes the recommendations of the UNA group doubly welcome.

Here is the text of the recommendations of the panel under the caption, "New Measures for Strengthening the Unity of the West":

NEW MEASURES FOR STRENGTHENING THE UNITY OF THE WEST

The invasion of Czechoslovakia by the Soviet Union and four of its Warsaw Pact allies and the subsequent stationing of Soviet forces on the Czech-West German border have set back progress in relaxing East-West tensions and in resolving the problem of Germany.

What should be the Western response? How can that response be handled in a manner which does not fuel a mutual escalation—only adding to the dangers of military confrontation? What should United States policy now be?

The Panel believes that the answers lie in a dual approach: new measures to strengthen the West and, at the same time, new efforts to reduce both the dangers and ultimately the division in present day Germany and Europe.

We turn first to the measures we believe to be required to strengthen the West.

THE CHARACTER AND QUALITY OF CONSULTATION IN THE ALLIANCE

As the United States has become more and more deeply involved in Vietnam and Southeast Asia, major new strains have developed in the Alliance. Our allies believe that they were not adequately consulted about our growing Vietnam involvement. Some were fearful that Asia had replaced Europe in our scale of priorities.

But U.S. Vietnam policy has not been the only European anxiety. Their growing awareness of a major technological gap, new anxieties over the inroads of American business in Europe and over financial and monetary instability in the Atlantic area, and uncertainities over future nuclear security policies—based on the Non-Proliferation Treaty and on the anticipated U.S.-Soviet negotiations on strategic weapons—have all contributed to the malaise in U.S.-West European relationships.

The Panel recommends that the new Administration, as one of its first moves, stress the importance which the United States attaches to its relationships to Western Europe, and stress likewise its belief that those relationships can become the foundation for a more stable and more lasting security system for all Europe.

Cohesion and unity of the West will be required if negotiations for such a system are to be successful and not be endangered by the unpredictabilities of East-West bilateral relationships.

Mechanisms for consultation can be important to strengthen the Alliance. But the real key is the frequency and character of consultation. Our North Atlantic partners must feel that on the issues which touch their vital interests, the U.S. will consult them promptly, at the most senior level, and in whatever forum is most appropriate, and with a deep perception as to their options and dilemmas. Of equal importance is their understanding of our options and dilemmas—and their willingness to engage in close consultation on matters of concern to the United States.

The Panel recommends that the United States make clear to our European allies our intention to engage in close and continuing consultations with them, covering, inter alia, any principal new political or military commitments to be undertaken outside the Treaty area, and any basic developments in weapons technology which could significantly change the value and effectiveness of national defense programs within the Alliance and the defensive posture of the Alliance.

As the U.S. and the Soviet Union move into bilateral negotiations in an effort to bring the strategic arms race under control, our partners in the North Atlantic Alliance should be kept informed. Of equal if not grater importance, they should have an opportunity to assist in formulating overall nuclear doctrine and policy as that applies to the defense of Western Europe. The sensitive manner in which these new bilateral consultations are handled could either facilitate or complicate the necessary European adherence to the Nuclear Non-Proliferation Treaty.

The Panel believes that according our Permanent Representative on the North Atlantic Council membership on the President's National Security Council would give both symbol and reality to a higher priority in our Alliance relationships.

April 1969 will mark the 20th Anniversary of NATO. The NATO Council meeting is presently scheduled to be in the United States at that time.

The Panel recommends that the occasion be used for a NATO summit meeting—designed both to develop and to reinforce a new sense of solidarity in the Alliance.

THE NORTH ATLANTIC ALLIANCE

The Soviet invasion of Czechoslovakia has already given a new sense of purpose to NATO.

The apparent arrangement for the indefinite stationing of Soviet forces on the Czech-West German frontier is only one of the aspects of the recent crisis which has altered the outlook in Central Europe. We face increased uncertainty concerning Soviet intentions and grave misgivings about stability in Soviet decision-making.

Taken together, the new stationing of forces and the new uncertainties in decision-making have made necessary, the Panel believes, both the retention of present United States forces in Europe and enlargement of present military contingents of other NATO partners much nearer to previously agreed force levels.

Questions of force levels in NATO have been accompanied in the past, and continue to be beset, by problems of how the forces are to be financed. The principle that foreign exchange consequences of deployments in the common defense are a common problem seems unexceptionable. In view of the recurring serious balance of payment problems, the Panel believes that the time has come for a new approach. It proposes that troop unit costs be projected on a four-year basis with the understanding that, if balance of payment problems prevent the payment of obligated costs in any one year, payment can be deferred for one year. No country would be permitted to fall more than two years behind in its payments.

In order to prevent the cumulative effects of continued bilateral borrowing from those countries in a surplus position, the Panel believes that NATO should establish a NATO Payments Settlements Authority (NPSA) whose membership would include all NATO countries (except France). NPSA would "buy" medium-term bonds, paying normal commercial interest, from deficit countries in the amount of their deficit. It would, in turn, issue to surplus countries bonds of its own for the same total face value and period.

If a country wished, for balance of payment reasons, to pay in advance for more than one year, for costs arising from deployments in the common defense, it would be free to do so.

The Panel believes that moves such as those above to reinforce NATO's military capabilities should be accompanied by assurances to the East, either in public or in private, that the North Atlantic Council will be used actively for consultation on measures designed to decrease tension over Germany and work toward a new pattern of all-European security. The "message to the East" communicated following the NATO meeting in June 1968, indicating a continued interest in mutual NATO-Warsaw Pact force reductions, should be re-emphasized as official and continuing NATO policy.

A GREATER EUROPEAN ROLE IN NATO

Another divisive factor has been the dominant United States role in NATO. This role has been based, of course, on the predominant power of the United States, especially in strategic nuclear weapons for deterrence. It is clear that the United States should not and will not give up its statutory control over nuclear weapons. With the rapid continuing development of new weapons systems, such as Multiple Independently-targeted Re-entry Vehicles (MIRVs), that predominant power position is likely to continue. For that very reason it would behoove the United States to seek actively ways of helping to promote the sense of collective responsibility of European NATO members.

The Panel believes that the United States should encourage the development of a European caucus in NATO. The Europeans themselves should determine those issues on which they would attempt to reach a concensus. The United States should continue to be available for discussions on any issue and indeed, as we shall point out later, will need on certain issues such as arms control to take more leadership than it has heretofore. However, for the United States to encourage the Europeans to develop more of their own initiative in the NATO framework would be one way to remove some of the ambiguity which has characterized United

States' relationships with Europe during the past decade. Such European consultation should lead to the Europeans strengthening their joint decision-making on matters of defense and military procurement.

Should the impetus to improve NATO force levels, generated by the repositioning of Soviet forces, result in larger and more effective contributions by the European members, questions of command and control may well arise. The United States should make it clear that in principle it would support an appointment of a European Supreme Allied Commander in Europe, provided an American remains in a position to fulfill U.S. statutory requirements on the control of nuclear weapons.

The Nuclear Planning Group of NATO and the Defense Planning Committee have now become a part of the Alliance structure. The deliberations in these bodies seem to have satisfied some the needs for allied consultation about Europe's nuclear defense that gave rise to the ill-fated Multilateral Force (MLF) proposal. The concept of a European caucus would be appropriate in these bodies. The caucus might want at some point to consider movement toward a European defense community within the Atlantic Alliance.

ATLANTIC FINANCIAL AND TRADE POLICY: A NEW "NIXON ROUND"

We have referred earlier to the strains in Atlantic relationships based on financial and monetary instability and balance of payment problems. While these sets of problems are not the primary concern of this report, they cannot be avoided in our considerations.

Strengthened international cooperation in the financial field will be essential to assure the continued growth and stability of the economies of the North Atlantic nations and of the less-developed countries as well. To assure an adequate supply of liquidity to finance a growing volume of trade, it is essential that the new facility for Special Drawing Rights in the International Monetary Fund be quickly activated, in sufficient amounts to assure an orderly growth in the total reserves over the years.

Even if the problems of liquidity are dealt with successfully, there will still remain the difficult problems of confidence and of improving the balance of payments adjustment process. Intensified efforts should be made through the Organization for Economic Cooperation and Development (OECD), the IMF and the Group of Ten, supplemented by central bank cooperation, to encourage surplus and deficit nations to assume their fair share of responsibility for adjustment. Surplus countries like Germany can do more by accelerating their economic growth and enlarging their contributions to cooperative aid and military programs, but the U.S. must also do a better job than it has in the past in managing its domestic economy in the direction of non-inflationary economic growth in order to reduce its payments deficit and maintain confidence in the dollar.

One of the destablizing elements in the present situation is the uncertainty over whether and when Britain will be accepted into the Common Market. This is a major inhibition to orderly planning by British, and indeed by Western business and commercial enterprise. It is a principal source of instability for the pound. The Common Market is more than an economic union. With its supra-national character it constitutes an important political force in Western Europe—one which would be greatly strengthened with British membership.

Further explorations might be undertaken of the advantages and disadvantages of an Atlantic free trade area which would be openended, but which might be composed initially of the United States, United Kingdom and Canada. But this would not be an adequate substitute for British entry into the Common Market.

The Panel urges, therefore, that the new Administration shape its new European policy in ways which would favor and not impede British entry—although Europe itself must take the initiative in this field. This may mean interim steps prior to full British membership.

One of the unexpected developments in Atlantic relationships was the speed with which United States business interests jumped the tariff walls of the Common Market and established operations in Europe—at times aided by the new instrument of the multinational corporation. A substantial number of national barriers still exist which inhibit West Europeans from doing more efficient business in neighboring Common Market countries. One approach to stimulate more U.S.-West European business competition within the Atlantic area would be the development of multinational corporations whose stock ownership as well as whose management are more equally distributed among Atlantic Alliance countries. This will require a study of the extent to which changes in domestic legislation in the U.S. and Western Europe are needed to permit the lowering of a wide variety of national barriers in such areas as taxes, patents, payments restraints and corporation charter restrictions.

A concerted new effort is required to free trade from present nontariff restrictions, such as import surcharges, export rebates, and border taxes. Governmental price support policies are in many cases in need of review.

The Panel recommends that the new Administration propose at the earliest date a "Nixon Round" of negotiation on non-tariff barriers to trade.

COMMON APPROACHES TO COMMON PROBLEMS

It is not enough for the countries of the Atlantic Alliance to join together in the defense of their countries, of their currencies, or of their balance of payments.

If such defenses are to mean something beyond a shelter against the future, the Western Alliance must join together in more far-reaching approaches to the common problems we share in national life. It is imperative that our technology and our affluence become invested with more meaning to people. A more humanistic approach, the Panel believes, is required by the contemporary setting.

Current ratios comparing our national effort on measures of national security to our efforts to cope with the problems of our urban ghettos and the pollution of our environment are causing increasing uneasiness and concern.

Urban Life: We might best begin by saying to Europeans that they have made their cities more habitable, more human, than ours. We might find them saying their cities are not habitable enough.

The Panel believes the United States should encourage the Europeans to set up an International Urban Institute either in Europe, or wherever our allies would prefer, in which the U.S. would participate.[1]

Such an Institute would bring together the leading urban practitioners, scholars, builders, and most certainly students to look at our urban crisis, and to consider and propose new and more adequate approaches. These approaches need not only the discipline of scholars, and the rules of pragmatism, but the utopian impulse of our youth—endowed with a new sense of common international purpose.

The Institute would coalesce the piecemeal efforts of individual disciplines. It could mount a concerted attack on the pollution of air and water, the irony of poverty and joblessness in the midst of affluence, the paradox of supersonic speeds in the air and slow crowded commuting on the ground, and congested housing for the poor.

Some important work in these areas is currently underway within the United Nations system, in UNESCO and the UN regional Economic Commission for Europe. The International Urban Institute would need to draw on the work of appropriate UN bodies and commissions. At its most recent session, the 23rd, the General Assembly, on the initiative of Sweden, decided to convene in 1972 a UN Conference on Human Environment. Atlantic Alliance countries, whose technologies are responsible for so much of the changes in the planet's environment, should make every effort to assist the UN Conference in identifying those aspects of the problem that can best be handled through international cooperation and agreement.

The urban crisis, however, is more than a physical disarrangement in our societies—on both side of all "curtains". Our young people believe that at the same time as we proclaim the morals of personal welfare and individual liberty, our political and social systems tend to become more massive, more rigid, more insensitive, more monolithic and impersonal, and less human. In an era of constant technological innovation we continue to rely on unchanged political processes and establishments. Thus the International Urban Institute needs to do more than develop systems for coping with the physical disarrangements of our time; it needs to address itself to this wider set of social relationships.

Technological Partnership: Technological exploration should not remain another area of U.S. domination and superiority. Upsetting the "balance of science", like upsetting the balance of payments, can be divisive and destructive. As we have pointed out, technological development knows no national boundaries. To make it a national pursuit is not consistent with the goal of making the Western Alliance a contemporary and common adventure. For example, the Panel strongly supports action now going forward in the NATO Science Council to create a European institute for computer programming.

We would recommend that the Nixon Administration take immediate steps to invite our allies to join in a space program, to join us on the moon and beyond. Our allies need to see and feel a new spirit of common adventure and an Atlantic astronaut could do much to symbolize this to the man on the street.

The Soviet Union should be offered the opportunity to decide if it would join in a more cooperative international space program.[2]

Education: We have moved, in the Atlantic area, toward freer trade in commodities by tariff reduction and a common market. We have moved to internationalize money through convertible currencies.

The time is now at hand to explore ways in which the ultimate "commodity" in the modern world—education—can be more firmly established on an international base.

An "educational common market" should be devised—a program of "free trade" of students and faculty between countries—beginning in the Atlantic area. Multi-national educational institutions, faculty, and students should become commonplace in a contemporary world. We again need to call upon our humility to recognize and admit that we know little about some of the seminal educational questions we should be asking.

What are the best ways to educate the very young? How can we reach the culturally disadvantaged, to remotivate their flagging aspirations? How can we develop the innova-

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[1] For reservation by James N. Hyde, see page 34.

[2] For comment by Richard N. Gardner, see page 34.

> tiveness that the modern world demands? How do we train the skilled workers and the scarce but vital entrepreneurs and managers that a modern technological world demands?
>
> The Panel recommends the creation of an International Foundation for Education supported by private and governmental funds and directed multi-nationally. This project could lead the way in setting up mutually agreeable trans-national standards that would allow students and faculty to move more freely from country to country; in sponsoring both educational research and the development and assessment of international educational levels; in pooling the knowledge of the educational process into a "World Bank" of knowledge; and by energetically supporting a greatly expanded international scholarship program—one which might indeed emphasize environmental studies.[3]
>
> If we are to build a meaningful Atlantic Community in the modern context, it must be rooted firmly in a genuine community of objectives—not just military and economic objectives—but one based on common aspirations to improve the quality of human life in a world where things tend to become more important than people.

Mr. Speaker, the panel consisted of the following:

Theodore C. Sorensen, chairman, partner, Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison.

Walker L. Cisler, chairman of the board, the Detroit Edison Co.

Oscar A. de Lima, chairman of the board, Roger Smith Hotels, Inc.

Thomas K. Finletter, partner, Coudert Bros.

Richard N. Gardner, Henry L. Moses professor of law and international organization, Columbia University.

Ernest A. Gross, partner, Curtis, Mallet-Prevost, Colt & Mosle.

Edwin Huddleson, Jr., partner, Cooley, Crowley, Gaither, Godward, Castro & Huddleson.

James N. Hyde, lawyer, consultant to Rockefeller Brothers Fund.

Peter G. Peterson, vice chairman, chairman of the board, Bell & Howell Co.

Joseph D. Keenan, international secretary, International Brotherhood of Electrical Workers.

Henry A. Kissinger, professor of government, Center for International Affairs, Harvard University. Dr. Kissinger served as a member of the panel until his selection by the President-elect as his special assistant for National Security Affairs. He did not participate in the drafting of the final report.

Robert Kleiman, editorial board of the New York Times.

Philip M. Klutznick, senior partner, Urban Investment & Development Co.

Col. Laurence J. Legere, Institute for Defense Analyses.

John J. McCloy, Milbank, Tweed, Hadley & McCloy.

James S. McDonnell, chairman of the board, McDonnell-Douglas Corp.

G. William Miller, president, Textron, Inc.

Emanuel R. Piore, vice president and chief scientist, International Business Machines Corp.

Thomas C. Schelling, professor of economics, Center for International Affairs, Harvard University.

Gen. Cortland V. R. Schuyler, commissioner of general services, executive department, State of New York.

Marshall D. Shulman, director, Russian Institute, Columbia University.

Joseph E. Slater, president, Salk Institute for Biological Studies.

Mrs. Robert J. Stuart, former president, League of Women Voters of the U.S.A.

FOREIGN RESEARCH AND DEVELOPMENT ON ROADS AND ROAD TRANSPORT

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. CRAMER. Mr. Speaker, a recently completed survey of current research and development on roads and road transport in 40 countries outside the United States discloses the fact that over 5,000 research projects in those countries are currently active, have recently been completed, or are planned for the immediate future. The results of this survey have just been released in a report prepared for the Federal Highway Administration, Bureau of Public Roads, by the International Road Federation of Washington, D.C., under a cost sharing, cooperative contract entered into between FHWA and IRF.

The report contains brief information on each of the 5,000-plus projects which comprise the broadest possible coverage of specific areas of concern from highway planning and design to the psychology of drivers and the causes of accidents. The rapid increase in the volume of such research, the diversity of subjects directly or indirectly affecting roads and road transport and the utilization of modern technology therein, especially during recent years, has made it impossible for an individual involved in research to maintain, from his own perusal of recearch reports and technical publications, an awareness of the research activity going on even in his own specialized field of competence. The report itself illustrates the extent to which research projects have been undertaken on the same subject in many different countries and even by numerous research organizations in some individual countries.

It has become a matter of prime concern and immediate urgency that a system be developed through which information on specific research projects can be collected from research organizations wherever they are, stored in a computerized or other type type of storage and retrieval system, and made available to researchers on request as "file searches" by manual or computer retrieval, printouts of information stored on single projects, or as lists of references on particular subjects. A computerized storage and retrieval system has been developed by the Highway Research Information Service of the Highway Research Board here in the United States and a partially computerized system by the Road Research Laboratory in the United Kingdom. A somewhat different system has been developed and is being used by the International Road Research Documentation Scheme of the OECD in Paris. Utilization of these storage and retrieval services permits a researcher to determine, with a minimum of time and effort, what is going on in a chosen field of interest. He can determine the ground already covered by research, which may make unnecessary, or restrict the scope of, a project which is being considered or planned, with a resultant saving of funds. The information can be of great help to organizations in the planning of their own research programs, and it can also serve as a stimulus to further research efforts.

Research budgets and research personnel are both too limited to afford the luxury of unnecessary and wasteful duplication and overlapping of effort. Both funds and personnel must be used in such a way that optimum utilization of both will be achieved.

It was recently discovered that in Germany and Australia, as well as in some other countries, studies were being made of the visual comprehension of motor vehicle drivers. Studies have been made in many countries, including the United States, to determine the relation between alcohol and/or drug consumption by drivers and the rate of involvement in accidents. In certain countries this has led to the adoption of stringent regulations affecting drivers and their use of alcohol or drugs. High mast lighting of road intersections and interchanges, the IRF reports, has been the subject of research in the United Kingdom, France, and Holland as well as in the United States.

The survey report by IRF, the information facilities of HRIS and the similar facilities of IRRD are sources of information available to researchers not only in the United States but throughout the world. Some 2,000 copies of the report prepared by IRF will be distributed free of charge to research organizations and researchers in all of the countries contributing to it as well as in the United States.

Many hundreds, probably thousands, of highway administrators and researchers in the countries surveyed have cooperated with the International Road Federation by furnishing assistance to the professional surveyors sent out by IRF and by supplying the information requested. Their knowledge of and interest in the current research activities reported will be augmented as a result. The survey will be continued on an annual basis by IRF under its contract with BPR, thus keeping the fund of information on current research and development activities as nearly current as possible.

IRAQI HANGINGS: A BRUTAL SPECTACLE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. PEPPER. Mr. Speaker, on January 27, 1969, it appeared the world was swept back to the dark ages by the inhuman and intemporate acts that transpired in the main square of the city of Baghdad. Civilized man, for all his progress and sensitivity to the well-being of his fellows, was given a rude view of just how far we may have come, and a shocking realization that there were still people on this earth who had not yet cast off the savagery of primitive man. Not since Hitler has the world of civilized men witnessed such insane behavior, and the parallel is an appropriate one, for the reasons that drove the Iraqi generals were the same reasons spouted by the murderer of Europe three decades ago.

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[3] For reservation by James N. Hyde, see page 34.

It is inconceivable that today men should die because of their religious faith, but that was the case in Iraq. It is inconceivable that the world should again see the return of Nazi racism, but it lives in Iraq. It is inconceivable that law should be corrupted by the forced lending of its name to the so-called trial that condemned to death nine Jews in Iraq, but the kangaroo court did just that. It is inconceivable that the screams of anguish from respectable people in nations around the globe should not shatter the night, but too few have raised the voice of protest against the hangings in Baghdad. All humanity stood with those nine men on the scaffolds of tyranny, and all humanity suffers for their loss.

The immediate repercussions of the mass execution in Iraq will be an increase in the already electric atmosphere of the Middle East, where an embattled Israel awaits another thrust at its borders. Israel's defensive measures in the past have drawn strong protest from many governments and world leaders, but as Israeli officials have noted, not to answer could only be considered a sign of weakness in the Arab capitals. So long as the United Nations and the diplomats can find no solution and can gain no cooperation from the intransigent few, the only course open to Israel is to maintain its strength and fight fire with fire. The thousands of appeals for peace that have come from Israel have been met with thousands of acts of terrorism and violence.

The possibilities of another war in the Middle East are great and the chance that another war could entangle the United States and the Soviet Union in a nuclear confrontation is particularly frightening. President Johnson referred to the "fires of hostility" in the Middle East and President Nixon has said those fires could set off the "powder keg." The task of extinguishing those fires and defusing that powder keg was made all the more difficult by the Iraqis and their death penalty to the 14 supposed spies. It is up to the statesmen to dissuade the Iraqis from pursuing their course of political folly and inhumanity.

Mr. Speaker, I shall not recall the many times I have stood in this House to reaffirm my support for Israel, the record is clear and I am proud of that record. It was satisfying to me that the United States and Israel have concluded the preliminary discussions for the sale of the F–4 Phantom jet aircraft so vitally necessary for the defense of Israel. It would be even more satisfying if the other suggestions for mutual defense and a firm commitment of support were also enacted. It is saddening, however, to hear the rebukes cast at the Israelis for the defensive measures they have taken to protect themselves. After the public execution of 14 men in Baghdad, nine of whom were apparently killed because of their religious faith, I wonder if perhaps some of those who castigated Israel can now see the necessity for self-preservation that motivates the Israeli defense policy.

SOVIET ECONOMIC BLOC STALLED BY TWO KEY PROBLEMS

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. MARSH. Mr. Speaker, continually there is a barrage of Soviet propaganda boasting of the tremendous economic progress that they are making. Apparently, these boasts are aimed principally at the uncommitted nations of the world to convince them that the communistic economic system is the wave of the future, as well as to indict our own economic system.

Because these Soviet claims are really their own Alice in Wonderland edition of economics, I thought the following news story, which appeared in the Sunday, February 2, 1969, edition of the New York Times, describes the true state of affairs in their economy, and would be of interest to the Members. In all events, I think the news story shows that they are not telling it like it is.

The article follows:

[From the New York Times, Feb. 2, 1969]

SOVIET ECONOMIC BLOC STALLED BY TWO KEY PROBLEMS

(By Tad Szulc)

VIENNA, January 31.—After 20 years of existence, Comecon, the Soviet-bloc Council for Mutual Economic Assistance, finds itself at a crossroads and bogged down in controversies and disagreements.

Public speeches and articles in Communist capitals as Comecon was celebrating its twentieth anniversary on Jan. 25 in East Berlin reflected the organization's shortcomings.

Trade statistics show that most of Comecon's eight members—the Soviet Union, East Germany, Poland, Hungary, Bulgaria, Rumania, Czechoslovakia and Mongolia—run deficits with the West and even with underdeveloped nations because of their inability to gain solid export markets and compete with Western producers.

Within the bloc, Poland, for example, buys from East Germany almost twice as much as she is capable of selling the Germans. Czechoslovakia is owed by the Soviet Union perhaps as much as $1-billion for credits and the delivery of industrial goods, although precise amounts cannot be calculated because of the complexity of artificial exchange rates within Comecon.

DEVELOPMENT GAP WIDENS

Open criticism in the European Communist countries shows concern not only that Comecon is lagging in foreign trade, but also that the gap in economic development between Eastern and Western Europe is steadily widening.

The Comecon countries recognize that they have not come to grips with the modern technical-scientific revolution, ranging from adequate use of computers to quality control in production.

When individual countries have attempted to remedy these problems, Communist ideological considerations dictated from Moscow and the weight of tradition and bureaucracy have interfered.

Czechoslovakia's plans to reform and modernize the economy to make it competitive were halted by the Soviet-led invasion last Aug. 20–21. Hungary is proceeding slowly and cautiously with her economical reform. Bulgaria, in grave economic trouble, has mapped but not yet begun a "new economic mode."

RUMANIA TESTS REFORMS

Rumania, still something of a maverick in the Communist system despite the Soviet example in Czechoslovakia, has been experimenting for a year with an economic reform. This emphasizes decentralization, self-management in industry and "intensive," rather than "extensive" industrialization.

Rumania has broken with Soviet dogma in de-emphasizing "extensive" development, spreading all through a country's industries in favor of "intensive" development of specific industries in selected areas.

The two key problems facing Comecon are possible economic integration—advocated by the Soviet Union, which launched Comecon in 1949—and appeals for the creation of a multilateral convertible currency to make trade more realistic.

The Comecon council session in East Berlin pointed up the disagreements within the bloc on these two points. Aside from Poland, Bulgaria and Mongolia, the other Comecon countries oppose integration because they think it will damage their economies.

The Soviet Union is against a "hard" bloc currency presumably because this would deprive it of control over Comecon trade through the manipulation of the others' artificial currency rates.

EARLY MEETING WAS FORESEEN

Since late last year, the expectation was that the top Communist party and Government leaders of the eight countries would convene early this spring to debate the problems of both economic integration within Comecon and greater military integration under the Warsaw Pact military alliance.

Indications that the economic integration problem had not been resolved in East Berlin were given by Horst Maurer, writing last Sunday in Neuer Weg, a German-language daily published in Rumania. Because the Rumanians stanchly oppose economic integration in Comecon and all other forms of communist "supra-national" arrangements? Mr. Maurer remarked, integration would have to be discussed at a "fuller meeting" of Comecon members and Government leaders.

Sentiments on integration vary sharply from country to country, according to individual economic positions.

SOVIET WANTS INTEGRATION

The Soviet Union advocates integration, with a meshing of national economic plans, joint investment policies and a controlled division of industrial production. The Soviet stand reflects annoyance over the country's position as a supplier of raw materials to Comecon partners.

Soviet statistics published last month show that in the last 16 years the Soviet Union was the only Comecon country where the percentage share of national income derived from industry had fallen.

Economists attribute this situation to new Soviet concentration on agriculture and to trade patterns in Comecon.

To combat this trend, Soviet publications indicate, Moscow would like to raise the prices of raw materials sold to Comecon partners in the 1970–75 period and to encourage industrial investments by them in the Soviet Union. Neither possibility appears to have produced much enthusiasm in Comecon, many of whose members are heavy exporters of industrial goods to the Russians.

Poland strongly favors integration because of concern that without it East Germany's trade links with the West will be further strengthened. Poland has a deficit in trade with the East Germans.

The East Germans are perhaps the closest to Moscow in ideology, but they nonetheless oppose Comecon integration because of advantages of their mounting trade with West Germany. The East Germans' relatively high living standards likewise make the thought of integration with less-developed Communist countries unattractive.

For this reason, presumably, a member of the Polish Communist leadership, Zenon Kliszko emphasized in a speech last week that political as well as economic considerations must be weighed in Comecon integration.

Rumania opposes integration for political reasons, contending that under integration smaller nations would be penalized.

COMPULSORY INTEGRATION BARRED

The East Berlin communiqué stressed this point, too, recognizing in effect that integration could not be compulsory. Under Comecon statutes, all decisions must be unanimous and this gives opponents of Soviet policies a veto right.

Hungary, to judge from recent public comments, pays lip service to integration. But as the country's economic reform progresses, Hungary's interest is in practical measures such as the agreement, resisted by Moscow, on convertible currency.

Czechoslovakia and Bulgaria have not taken public positions on integration. Mongolia favors it.

COLUMN BY JOSEPH ALSOP APPEARS TO SUPPORT POSITION TAKEN BY THE HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. DEL CLAWSON. Mr. Speaker, in recent days it has been encouraging to note the editorial recognition granted by the Washington Post to the festering crime situation in the District of Columbia and the dawning realization by the Post that the problem may even be of the exact proportions outlined by the President during the campaign. Perhaps similar sanguine emotions are also to be invoked by a column in this morning's Post by Joseph Alsop which would appear to support the position taken by the House Committee on Un-American Activities that there are subversive forces at work in much of the strife in our educational system. Mr. Alsop should be warned that such a point of view automatically makes him eligible for dismissal as a mere "red-baiter" and "alarmist" in some quarters, as committee members individually and as groups have discovered. Whether Mr. Alsop is willing to assume the titles which go to those who furnish reports like his, or whether those of us who have been so labelled are now to be publicly absolved is still not clear. Hopefully, as in the fight against District of Columbia crime we will go "forward together" to cope with the problem, with the editorial policy of the Post lagging only slightly behind. Under leave to extend my remarks in the CONGRESSIONAL RECORD the column by Joseph Alsop is included:

FBI SEES NEW YORK SCHOOL CRISIS AS SIGN OF NATIONAL SUBVERSION

(By Joseph Alsop)

NEW YORK.—Anyone who wants to measure the real depth and danger of the race problem in America, has only to come to this worried city, endlessly strife-torn by an endless school crisis. The FBI reached the same conclusion as early as mid-October, and has been on the job ever since.

J. Edgar Hoover was shrewd enough, apparently, to spot something that almost everyone else has rather unaccountably missed. The New York school crisis, which is really a horrendous racial confrontation, has been generally treated as a dire but strictly local mess. Instead, it is a national portent.

Obviously, the school crisis, in and of itself, has no interest for the FBI. But if one may judge by the questions FBI agents have been asking large numbers of persons, notably including the able city school superintendent, Dr. Bernard Donovan, the FBI has developed a lively interest in a good many individuals and organizations with major roles in the school crisis.

Nor is this so very surprising, if you think about it. It is normal, to begin with, for the FBI to interest itself in the Revolutionary Action Movement. RAM, as it is better known, openly professes allegiance to Robert Williams, Mao Tse-Tung's Peking-based house Negro; and RAM has equally openly sought to recruit "black guards"—junior guerrillas modelled on China's Red Guards.

The RAM leader, Herman Ferguson, recently convicted of conspiracy to murder the two black moderates, Roy Wilkins and Whitney Young, has played a considerable role in both the "demonstration school districts" where the present devil's brew first boiled up in the New York schools. But Ferguson is an old story. What is new is the suggestion, now rather widely heard, that Ferguson's peculiar affiliations are far from unique among the black extremists.

If that were all, however, the whole matter could be left to the FBI. Unfortunately, it is by no means all. Consider, for instance, the just published, truly despairing report on student dissent in New York's High schools by the city's High School Principals Association. The report remarks pointedly:

"Evidence strongly suggest that outside groups and individuals are providing encouragement, leadership and legal advice to students involved in these campaigns (of disruption)."

Abraham Lass, of Abraham Lincoln High School, Brooklyn, chairman of the committee that wrote the report, was asked the real meaning of the foregoing fairly ominous statement. He replied that "kids all over the city don't do the same thing in the same way at the same time without some organization somewhere; and that organization seems to us to be of a highly professional character."

He had some details to add, such as the existence of the well printed, widely circulated High School Free Press, bristling with incitements to violence. "Somebody's paying for it, and the kids certainly aren't," he said.

He would name no names, but it is commonly believed that elements in the Students for Democratic Action and the African-American Teachers Association are among the "outside groups" mentioned in the principals' report. The African-American teachers, incidentally, are headed by Albert Vann, now under charges for vicious anti-semitism.

A week hardly passes in New York without bringing news that violent student dissent and outbursts of race hatred have forced the closing of this or that high school, or have required police action to keep the school open. Here again, is something very new.

In former, happier times, the Board of Education would not permit plain clothes policemen to enter any New York school, even in cases of suspected dope-peddling to the school's pupils. Today, uniformed policemen are on regular duty at 165 of the city's 900 schools, by the Board of Education's own request.

What is going on, in plain truth, is nothing more nor less than an attempt to take over the New York schools by very far out extremists, both black and white. Their tools are hot-headed kids—in most schools, a small minority—and those people in "the black community," again a small minority, whom the black extremists can lead by the nose.

"Community control" is the slogan. Extremists' control is the aim, and behind this aim is the larger purpose of using the schools for propaganda and indoctrination, including black racist propaganda that might embarrass the Ku Klux Klan. And if all this goes on and gets worse, as seems likely, some very hard choices will unavoidably have to be made.

WHAT A LAYMAN EXPECTS OF HIS MINISTER

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. MIZELL. Mr. Speaker, while in Davidson County in my district in North Carolina this past week, a talk by Mr. Sim DeLapp before the Civitan Club on Monday came to my attention. Mr. DeLapp is a lifelong resident of Davidson County, and is an outstanding leader and Sunday school teacher in his church.

A copy of his lay speech was handed to me and I was very much impressed by it. How we could all benefit from the challenges offered by Mr. DeLapp. I feel that his message could not only apply to the ministers of our country, but to all laymen of our churches as well.

One generation's Christian experiences will not suffice for another, but each generation must have its own personal experience with the Person of Christ. What a tragedy it would be if the ministers of today should fail this generation. Or will they respond to the commandmant the Lord gave to Peter: "Feed my sheep!"

With permission given, I place Mr. DeLapp's speech at this point in the RECORD, thinking that my colleagues would like the opportunity of reading it:

WHAT A LAYMAN EXPECTS OF HIS MINISTER

Please be assured that only the specific request of the members of this Civitan Club that I speak briefly to the ministers of Davidson County was sufficient to persuade me to brave the dangers incident to my speaking here today on the subject, "What A Layman Expects of the Minister". It was only when your president promised me the security of a rear, escape door that I finally came.

One of the simple, but essential things that the layman expects of his minister is that he be a devout, godly man. Of course, he does not expect perfection, but he expects the minister to be a better man than he is. The minister must have a clearer, more direct line to the Almighty. He must be more like Him, more like His Son, Jesus Christ. The blind can never lead the blind.

2. The serious layman expects his minister to keep the religion he preaches and practices pure and unadulterated. There must be no dilution of religion, no getting down in the gutter, no stretching of the moral code, no happy-go-lucky drinking, no profanity spreading or dirty joke telling in order to bridge the gap between goodness and evil. I have never yet met a worldly man who admired or even respected a loose living, insincere preacher.

3. None of us selects for our family physician or for our surgeon, in case of an operation, a man who does not know more about medicine or surgery than we. He must be a specialist in his field. The layman feels that way about his preacher—if the minister is not a man of God, he should not pose as one. He must have love and forgiveness, tolerance and goodness. The godliness of his profession must show on his face and in his life.

4. Since God made an orderly world, since the quadrillion of solar systems and the satellites surrounding them are never a second late or an inch off course in this vast universe, it is apparent that God is a being who believes in law and order. Thus, His servants should be. No serious minded layman wants his minister to encourage or to countenance the breaking of federal, state or local laws, regardless of the cause being espoused or of his own opinion of the justice of the law. The savior of mankind favored rendering to "Caesar the Things That Are Caesar's." He was no insurrectionist. St. Paul, the greatest preacher since Christ, and living at a time when the tyranny of Rome was most brutal, and when slavery was a well-established institution, was never an insurrectionist. Yet there two, Jesus Christ and St. Paul, by their preaching of Christianity, without the pressures of lobbying, rioting, and without sponsoring or introducing a single bill or the enactment of a single law, so moved and changed the hearts and minds of men that the leaven of their religious philosophy brought freedom and true civilization to a dark world in a few short centuries. The present ministry must have no place for insurrectionists.

5. The Mighty Ruler of our universe believes in work. The tree in the forest grows night and day. The sun pours out its warm rays every second, even if part of our world is turned away from it a portion of the twenty-four hour period. The rivers roll endlessly and constantly toward the sea. Nature works tirelessly in its manufacture of oxygen for us to breathe and carbon dioxide for the plant, and throughout the day and night, it pulls up moisture out of the seas to form clouds, out of which the rain falls to prevent the burning and the parching of the blessed earth. God means for man to work and save, to earn for himself. Christianity has no place for louts and loafers. Thus, the layman expects his minister to work and to preach the sacredness and the necessity for work for all able-bodied people. Thus, the minister must not be afraid to say with Abraham Lincoln:

"You cannot bring about prosperity by discouraging thrift. You cannot strengthen the weak by weakening the strong. You cannot help the wage earner by pulling down the wage payer. You cannot further the brotherhood of man by encouraging class hatred. You cannot help the poor by destroying the rich. You cannot keep out of trouble by spending more than you earn. You cannot build character and courage by taking away man's initiative and independence. You cannot help men permanently by doing for them what they could and should do for themselves."

6. One simple but fundamental truth must prevail in every minister's mind and heart if he is to satisfy the expectations of the layman. Man has the power to destroy himself. But great as he is, he does not have the power to save himself. Somebody greater than he, something more powerful, more saving, more everlasting than he must complete the job. A layman has the right to expect his minister to point the way to that saving power.

7. The layman expects his minister to preach the doctrine of a forgiving God and of a redeeming Savior, Jesus Christ. That is his job. The doctor attends to the problems of health. The lawyer looks after the matters of justice and the courts. The educator strives to master the task of teaching children. The statesmen and the political leaders study the affairs of government. Of course, they all blend into each other, but each should know his field better than the other. The preacher cannot properly operate a gallstone, or try a lawsuit or run the government any better than a lawyer can lead a flock of church people to the gates of heaven. Each must stick to his field. The bird dog that starts running rabbits is always discarded.

After all, why should a minister want to veer away from his profession? He works for the greatest employer in all the universe. The one who hires him runs a billion worlds. He makes our sun and billions of other suns to rise and set. All the oxygen, all the rocks and trees, all the stars and moons, all the diamonds, the uranium, the food, the soil, the silver and gold, all the lives of all the people belong to Him. Why should the minister ever want to leave His employment and go elsewhere? His profession is the most honored of any in the world. The products he is supposed to handle are more powerful than those of U.S. Steel, General Motors, and all the rest; they are love, kindness, humility, goodness, cleanliness, morality, and everlasting life.

You represent the grandest profession of them all. Stay with your job. Preach sincerely about the love of God, the Father of mankind. Close within your heart, fix your aim upon making the individual man better. Forget the idea of mass production of Christians by legislative fiat and save each individual soul by pointing him to the matchless one, the one altogether lovely, spread a ring of goodness around the world. Turn loose the love of God and let it permeate education, medicine, law, business, justice, politics, race, science, morality, men, women and children. That is your honored calling. Do not expect government to make the world better. That is your work, and it is the greatest, the most challenging task in all this confused world.

Maybe this sounds old fashioned, and contains nothing new and spectacular, certainly it will not please the hippies and the anarchists and the troublemakers, but these are the things the layman, young and old expects of his minister and the things for which his heart hungers. Feed him.

APOLLO 9: NEXT STEP TOWARD THE MOON

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, on February 28, 1969, the United States of America will launch the mission of Apollo 9. Designed to test and evaluate the lunar excursion module, this mission is an important step in our progress toward a lunar landing later this very year.

It is a pleasure to call the attention of Congress to an excellent description of the Apollo 9 flight appearing in the February 3 edition of Aviation Week & Space Technology. Without becoming too technical, this article provides us with an appreciation of the intricate and precise maneuvers planned for our next venture into space.

The article follows:

APOLLO 9 READIED TO TEST LUNAR MODULE

HOUSTON.—Most complex and critical U.S. manned space flight to date will concentrate on a complete evaluation of the lunar module, without which astronauts cannot land on the moon and return to earth.

Flight plan for the Apollo 9 mission is divided into two primary portions:

Full exercise of the lunar module as both an integral and independent member of the Apollo system—a period lasting for about half of the 9-day 22-hr. mission.

Subsequent evaluation by the crew of the command module as a final man-rating of the vehicle for a lunar landing mission.

Flight readiness review for the Apollo 9 flight was completed without major problem areas here last week. National Aeronautics and Space Administration Headquarters Office of Manned Space Flight will be briefed on the operational readiness of the Apollo 9 systems Feb. 6.

There is a list of about a half dozen items still outstanding on the pre-flight check list. These are being resolved, according to program officials at the Manned Spacecraft Center here.

They include items which were found to be behind schedule or lacking in complete qualification some time ago, and which are being routinely brought into the flight system loop.

Pending final approval, the Apollo 9 flight is to be launched at 11 a.m. EST Feb. 28 from Complex 39A at the Kennedy Space Center into a nearly circular, 103-naut. mi. orbit on a Saturn 5.

It is to be the second manned flight of the Saturn 5. The first was so successful that it placed the three-man Apollo 8 crew onto an almost-precise lunar trajectory.

The Apollo 9 Boeing S–1C first stage, the North American Rockwell S–2 second stage and the McDonnell Douglas S–4B third and injection stage are programed to achieve insertion at 11 min. 35 sec. of flight with the payload still mated to the S–4B.

It will be the first time in which the North American Rockwell command and service modules will be orbited manned with an operational Grumman Aircraft Engineering lunar module.

NASA has programed the specific flight time into six periods of activity. Five of them are concerned directly with a demonstration of crew/space vehicle interface covering half of the overall mission.

The Apollo 9 crew throughout the mission will, in effect, be simulating an actual lunar landing and return.

The crew includes Air Force Cols. James M. McDivitt and David R. Scott, both of whom flew in Gemini missions, and a space rookie, Russell L. Schweickart, one of the first civilian astronauts selected.

McDivitt, as spacecraft commander, will initiate separation of the command and service module from the S–4B and lunar module. Separation, at about 2 hr. 43 min. ground-elapsed time, will be effected with a 7-sec. burn of the service module's reaction control system for a 1-fps. velocity increase.

Planners expect that the command and service modules will be maintained at about 10–50 ft. from the S–4B stage and the lunar module during a 1 hr. 25 min. coast period for continued systems evaluation.

At about 4 hr. 8 min. ground-elapsed time, McDivitt and his crew will turn the command and service module around to face the lunar module and begin the docking and ejection sequence.

NASA has completed a relatively major change in that sequence. It involves explosive separation of the four panels of the spacecraft/lunar module adapter, blowing the panels physically away from the S-4B and leaving the lunar module exposed.

There was some fear that the exhaust plume of the command module's reaction control system might impinge on thermal protective areas of the lunar module if the panels were left open at 45 deg. as it had been originally planned.

The command and service module will be docked to the upper hatch of the lunar module, and the mated system will be separated from the S-4B at about 3 fps. to a distance of 500 ft. The S-4B itself will be fired out of plane to a solar trajectory in the same method used during the Apollo 8 mission.

In a docked mode, the Apollo 9 crew will initiate a series of firings of the Aerojet-General service module engine, the Rocketdyne attitude control system and the TRW lunar module descent engine.

The Bell lunar module ascent engine, critical to the lunar landing in that it is necessary to launch the upper stage of the module from the moon's surface, will be fired on the flight only briefly while the system is docked.

First docked burn of the service propulsion system's 20,500-lb.-thrust engine will be at 6 hr. 1 min. ground-elapsed time to change orbit to 131 x 113 naut. mi. The 5-sec. burn will effect a 36.8-fps. velocity increase.

After that, the crew will be permitted to rest—starting at about 8 p.m. EST—lasting to the second activity period beginning at 22 hr. ground-elapsed time.

The second period will make extensive use of the service propulsion system, which is necessary on a lunar-oriented flight to achieve lunar-orbital insertion and a transfer to an earth-return trajectory.

THREE BURNS SET

Three burns are scheduled, resulting in a 115 x 271 naut. mi. orbit over a 6-hr. duration. The burns range from 28 sec. to 277.6 sec., the last imparting a 2,548-fps. velocity increase.

Key period of evaluation of the lunar module systems is to start at 40 hr. ground-elapsed time.

A major concern during lunar module systems evaluation is the necessity of removing the probe and drogue connecting the two spacecraft through a combined docking hatch and tunnel.

Schweickart is to open the command module hatch and remove the probe and drogue. He will store them inside the command module, crawl through the tunnel and attach his environmental control system to the lunar module hookups.

Schweickart will be joined by McDivitt, and the two will activate the lunar module systems while Scott, remaining in the command module, will monitor command module systems.

McDivitt and Schweickart will fire the descent propulsion engine of the lunar module for 364 sec. at about 49 hr. 43 min. ground-elapsed time.

The total velocity increase of 1,698 fps. will be exercised under full use of the lunar module's primary guidance/navigation/communications system but will have little effect upon orbital parameters.

On that maneuver, the crew will throttle the descent engine over its full range, from about 10% of thrust to 100%.

If they are satisfied that the lunar module systems are operative, the crew will return to the command module for a fifth burn of the service propulsion system.

The burn will circularize the orbit at 133 naut. mi. to prepare for the fourth period of activity.

After a period of rest ending at about 69 hr. into the flight, Schweickart and McDivitt again will transfer into the lunar module. Schweickart will don his Hamilton Standard portable life-support system and will exit the lunar module through the forward hatch.

Schweickart's extra-vehicular activity first for the U.S. manned space flight program since the end of the Gemini series in November, 1966, will last about 2 hr.

Schweickart will leave the lunar module at about 71 hr. 40 min. ground-elapsed time and will first stand on the small ledge outside the hatch to evaluate the so-called "golden slippers" placed there to enhance stability while he takes photographs.

Schweickart's main task during initial extra-vehicular activity will be to examine whatever pluming of the reaction control system has impinged on the lunar module's thermal skin and to retrieve some samples of affected areas.

HAND RAILS

His primary task will be to work his way, using small hand rails, over the top of the lunar module to the command module and to enter it. He will deposit his camera and samples there, and then will exit the command module and return to the lunar module along the same route.

NASA wants to insure that it is possible for crew members to transfer from the lunar module through a separate hatch to the command module if, for some reason, the docking tunnel is blocked.

McDivitt is not scheduled to perform any extra-vehicular activities during the mission, although he will have a portable life-support system in case Schweickart needs assistance.

Schweickart need be attached only by tether, since his backpack will supply both environmental controls and communications to the lunar module.

The two crewmen will transfer back to the command module for a rest period.

The next critical phase of the mission will be to have the two crewmen return to the lunar module and separate it from the command and service modules.

The service module's reaction control system will be fired at about 93 hr. ground-elapsed time to effect separation at a rate of 5 fps. for 10.9 sec. The maneuver will phase the two spacecraft over a period of 5 hr. to simulate the descent and ascent portions of the lunar landing mission.

The first lunar module descent stage burn in the rendezvous profile for 5 fps. will be radially down. In gross perspective, the path will resemble a football, in that the lunar module's motion follows such an outline.

The command module will be relatively passive, but can maneuver in mirror image of the lunar module's profile if the smaller vehicle does not perform as well as expected.

McDivitt and Schweickart will fire the descent propulsion system first for 7 sec. to settle propellant ullage, then at 10% thrust for 15 sec. and again at 40% throttle for 10.2 sec.

That will initiate an 85-fps. velocity change radially upward and backward from the command module to start the trace of the football.

The equiperiod trajectory will have an apogee and perigee about 11.2 naut. mi. above and below that of the command module. Maximum range between the two at the horizontal crossing of the football will be 47.9 naut. mi.

The maneuver to simulate insertion into lunar orbit after ascent from the surface is designed to fire the descent engine for 24.8 sec. at 10% thrust level.

Resulting coast period of 40.32 min. will be interrupted by manual staging of the lunar module, firing the reaction control jets on it for about 30 sec. to achieve a downward thrust that will bring the spacecraft curving forward again along the football profile. The descent stage will remain in orbit.

Alone in the ascent stage, McDivitt and Schweickart will once again thrust, this time firing the Bell engine for 3.1 sec. to provide forward and increasing upward motion to reach the command module.

Final maneuvering along that trajectory will use the lunar module's reaction controls to complete the terminal phase and permit docking.

The crew will transfer to the command module and will jettison the lunar module ascent stage after setting up the program to fire the ascent engine in an unmanned mode.

That burn, of 360 sec., is designed in length to simulate the lunar ascent from the surface of the moon to the orbit of the command module.

NASA has deliberately scheduled the period between 121 hr. ground-elapsed time to the re-entry and landing at 238 hr. after lift-off for the three-man crew to have time to evaluate the command module and to rest.

They will fire the service propulsion system at least three more times and will prepare the reaction control system as a backup re-entry propulsion in case the main engine becomes inoperable.

But major objectives will have been accomplished during the maneuvers with the lunar module. In addition to firing of the various engines and docking of the spacecraft, the rendezvous radar will have been exercised along with the abort guidance system.

The abort guidance system is only scheduled to be used once. The TRW system will be used in place of the AC Electronics primary guidance and navigation as a test during the phasing maneuver while the descent propulsion engine is being fired.

TAX REVOLT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. RARICK. Mr. Speaker, most Americans are good loyal citzens and comply voluntarily with the laws—including the payment of their taxes to insure proper operation of their Government.

But taxes continue to rise, seemingly commensurate with inflation, and there is a growing discontent—a revolt—by the taxpayers of America, who have grown tired of a continued barrage of tax increases with a showing of less return from Government for their voluntary contribution.

In the payment of taxes most Americans feel in fairness that every producer or owner should pay his just share and that no one should be given preferential treatments or loopholes to avoid his share of the debt obligation.

I include an interesting report from the U.S. News & World Report for February 10 on the tax revolt and a clipping from the Evening Star for January 31, 1969, following my comments:

[From the Washington (D.C.) Evening Star, Jan. 31, 1969]

WHAT EVER HAPPENED TO PIERRE SALINGER?

Pierre Salinger is alive—and living in Paris. His former neighbors in Lake Barcroft, Va., will be happy to hear that he's doing quite well on more than $50,000 a year from a new endeavor.

He and several other former Kennedy men have gone into real estate. And they've done it in a whooping, far-flung, jet-set way typical of that indomitable cigar chewer and his fellow knights of Camelot.

Salinger, who was President Kennedy's press secretary, is board chairman of GRAMCO International, a holding company headquartered in Paris. It operates a Bahamas-based real estate mutual fund that bought $185 million worth of income-producing property in the United States last year.

The fund's first investment in the Washington area was announced last week—the six-story Wilson Plaza office building at 2425 Wilson Blvd., Arlington, bought for $1.5 million.

But a spokesman said the fund, favoring New York, Washington, Atlanta, Los Angeles and Detroit for its investments, is studying the purchase of another $50 million worth of property in the Washington area.

Known as the United States Investment Fund, it seeks to sell foreigners on the profit potential of owning a bit of America. It has been successful in Central and South America and is catching on in the Middle East and Europe.

Investment in the fund is barred to American citizens, however, because it offers secret, numbered accounts and is based in the Bahamas—where there are no income, sales or inheritance taxes, and where American taxes cannot apply.

With Salinger, overseeing the ambitious two-year-old fund, is Richard K. Donahue, one of Kennedy's staff assistants and close friends. He is board chairman of the Great America Management & Research Co., Ltd., which manages the investment fund.

And among the board members are William P. Mahoney Jr., Kennedy's ambassador to Ghana; Ivan A. Nestigen, who served as undersecretary of health, education and welfare, and other Kennedy men.

But the real estate expert behind the whole organization is incredibly young Keith Barish, a 25-year-old Miami investor who started his first bank at age 19. He originated the international real estate mutual fund concept and brought in the other well-known figures as stockholders.

"Our acquisition program in the past year has made us one of the world's largest purchasers of U.S. income property," said Barish. "By the end of this year, our real estate holdings should approach the half-billion-dollar mark."

[From U.S. News & World Report, Feb. 10, 1969]

TAX REVOLT BREWING IN UNITED STATES

(NOTE.—People are starting to rebel against the tax crunch. In local elections, the lid is being slammed on spending. Politicians are getting the message. But many States, even so, are forced to propose additional levies.)

All over the U.S., taxpayers are showing signs of revolt.

More and more bond issues are being turned down. School districts are having to pare budgets as voters get tough.

One city—Youngstown, Ohio—had to close all schools for four weeks at the end of 1968 when money ran out. Similar shutdowns are threatened in some other places. Many schools have had to cut out "frills," pull back on plans to add to teaching staffs.

In the State of New York, Governor Nelson A. Rockefeller seeks to hold down tax boosts by cutting spending on education, health and welfare programs.

An outcry against the constant rise in property taxes is heard almost everywhere. In California, more than 2 million voters are on record as favoring a fixed limit on these levies.

Cities find themselves at the end of the rope on taxation. Voters are not in a mood to put up with heavier burdens. Mayor John V. Lindsay of New York City leads a nationwide chorus of mayors in calls for more help from Washington and State capitals.

Pressure on Congress: President Nixon seeks sharp cuts in federal spending and promises to get rid of the 10 per cent income surtax as soon as practicable. Congress is under tremendous pressure to end that tax.

Politicians on all levels are having to pay attention to the clamor against tax increases. This points toward limitations on pay boosts for such public employes as teachers and policemen, and less spending by local governments on welfare programs.

Also, it adds to demands that the Federal Government find ways to siphon more of its tax revenue to States and localities.

Intensifying the reluctance to submit to heavier taxes is the purchasing-power shrinkage that goes along with the rise in prices.

What taxpayers are doing: Surveys by staff members of "U.S. News & World Report" show how resistance to higher taxes is being expressed.

In the Midwest, particularly, this resistance is having a marked effect on school operations.

A large number of school districts have had to eliminate some teaching positions and cut out extracurricular activities after voters turned down proposals for school-tax rises.

A case in point: At La Crosse, Wis., the board of education was forced to slash the school budget by 10 percent—$707,000. The cutback eliminated interscholastic athletics, killed plans to hire 43 new teachers, wiped out 23 specialist jobs in the school system, did away with after-school intramural sports involving faculty supervision, ended free bus transportation for students who live inside the city limits, and spiked proposed purchases of new textbooks.

In Champaign, Ill., where tax boosts for education were defeated last year, the school district has started paying its teachers with "teacher orders" that can be cashed only at a local bank which is helping to bail the school district out of its financial mess.

A taxpayers' group in Champaign which fought the tax boost charged that there was "too much fat" in the school budgets.

In Danville, Ill., taxpayer refusal to vote more funds for schools has necessitated budget reductions which have resulted in half-day sessions for elementary schools and junior high schools and drastic curtailment of extracurricular activities at the senior-high level.

In Decatur, Ill., schools, officials cut out 84 teaching positions and trimmed 1 million dollars off a 13-million-dollar budget when voters rejected tax-increase proposals. The school day has been reduced by one hour.

Three times during 1968, voters in St. Louis defeated a bond issue of 30 million dollars for schools.

Rising burden of State and local taxes—tax collections, 1957

[In billions of dollars]

Property taxes	12.9
Sales tax	9.5
Personal income taxes	1.8
Corporate income taxes	1.0
Other taxes	3.6
Total	28.8

"All they can pay . . .": Why are people voting against school taxes?

Said Maurice W. Scott, executive secretary of the Taxpayers Federation of Illinois: "I think people feel they're paying all they can pay, that they should have a few dollars left for themselves. School spending is one thing they can control, so they vote 'No' "

Mr. Scott added that opposition to taxes generally "is the worst I've seen in 22 years." He said he feared that when the State legislature considers new tax bills this spring "there'll be strikes or marches on the Statehouse for property tax relief."

Farmers in Du Page County, Ill., staged a tax-protest march on the courthouse last August. An organizer of the march said that "farmers' taxes have risen, in various instances, between 33 and 150 per cent in one year—and this is just too big a hike."

In Detroit—where voters rejected a school-levy rise last November—an extended shutdown may occur later this year, officials warn. The school system will show an 8-million-dollar deficit in the current fiscal year.

Detroit's school district is suing the State for more aid, contending that costs of "equal education" are greater in city slums than in affluent suburbs.

A month-long closing of the schools in Youngstown came after voters, over a two-year period, had turned down six consecutive requests for more money.

On another front in the tax rebellion, opposition to higher property taxes is growing rapidly. This is particularly evident in California, according to Howard Jarvis, the chairman of United Organizations, which includes 300 affiliated groups of taxpayers in the State. Mr. Jarvis said:

"If the legislature does not make a very substantial move this year toward total tax reform, they're going to have a real revolt on taxes." Property owners, Mr. Jarvis contends, pay an inordinate share of State taxes.

Tax collections, 1967

[In billions of dollars; latest available]

Property taxes	26.3
Sales taxes	20.6
Personal income taxes	5.8
Corporate income taxes	2.2
Other taxes	6.3
Total	61.2

Thus: State and local taxes more than doubled from 1957 to 1967. In 1968, State levies of one kind or another were raised in 14 States and the District of Columbia, and 13 States and D.C. already have announced plans for boosts in 1969. Thousands of counties, cities, towns and special tax districts also are increasing taxes, through higher property assessments or tax-rate increases, or both.

Source: U.S. Census Bureau.

Tripled taxes ahead? Current property tax rates in Los Angeles County average about $10.35 per $100 of assessed valuation. Mr. Javits said that the rate may triple in five years "unless something is done to create a new system." He added:

"It's pretty well conceded among our members that some will be forced out of their homes. At the end of the year, we were getting 80 telephone calls a day from people asking such questions as, 'What in the world can I do to save my home?' I tell you, there is a revolt in the making, no question about it."

From Melvin Horton, executive vice president of the Property Owners Tax Association of California: "I don't see any organized refusal to pay taxes. Any revolt is likely to be the denial by the voters of various public-financing proposals, such as bond issues and school taxes, where the voting public has the opportunity to express directly its feeling that, as taxpayers, they've had it."

An indication of taxpayer dissatisfaction in California was seen in last November's election:

Although defeated, a proposition to limit property taxes to 1 per cent of market value and to remove property taxes as a source of revenue for welfare and schools was backed by more than 2 million voters.

Also defeated on the November ballot was a 2.5-billion-dollar bond issue to finance construction of a rapid-transit system for Los Angeles County. It would have been paid for by an increase in the sales tax. The proposed tax rise was considered a major reason for rejection of the bond issue.

WHY YOUR STATE AND LOCAL TAXES ARE CLIMBING: SPENDING BY GOVERNMENT GOES UP . . . UP . . . UP

[Dollar amounts in billions]

	State-local expenditures		
	1957	1967	Increase (in percent)
Social programs:			
Education	$14.1	$38.2	171
Welfare	3.5	8.2	134
Health	3.1	6.6	113
Housing, urban renewal	.5	1.5	200
Public services:			
Police	1.5	3.0	100
Fire protection	.8	1.5	88
Sanitation	1.4	2.6	86
Recreation, natural resources	1.5	3.6	140
Transportation:			
Highways	7.8	14.0	79
Airports, water transportation	.4	.8	100
General administration	1.7	3.3	94
Interest on debt	1.1	3.0	172
Other programs	3.0	7.5	150
Total	40.4	93.8	132

Source: U.S. Census Bureau.

Potential trouble: In northern California, trouble is brewing over a proposed sales-tax boost in San Francisco, Alameda and Contra Costa counties to finance the half-completed 1.2-billion-dollar bay Area Rapid Transit system, which needs another 146 million dollars before it can be operable.

Opponents of the sales-tax rise claim that the levy would "soak the poor" who would not use the system. One group is demanding that the money be raised through special assessments on property whose value would be enhanced by the system. Affected property owners oppose that idea.

If some way isn't found to raise the money, San Francisco Bay area residents will wind up with a billion-dollar system of holes in the ground and no rapid transit.

Property taxes in San Francisco were hoisted in December from $8.60 per $100 of assessed valuation to $10.23. This has led to higher rents and bitter complaints from tenants. Taxes elsewhere in the area also are skyrocketing.

Says a "San Francisco Chronicle" reporter, about to retire, whose home in Berkeley now costs him $120 a month in property taxes: "I've heard of people being taxed out of their homes, but now it looks like it's happening to me. It's unbelievable."

Discontent in Southwest: Signs of taxpayer unrest are seen even in the Southwest, where the total tax load generally is lighter than in most other parts of the country. Take Houston, Tex., for instance:

In January, 1968, Houston voters refused to sanction pay boosts for the mayor and city council, and approved only 4 million dollars out of public-works proposals totaling 70 million. Another attempt was made to win approval of the remaining 66 million dollars in public-works outlays. Again, the voters' answer was, "No."

In the same area, in July, 1968, voters cold-shouldered a 61-million-dollar county proposal for flood-control and road bonds. Two months later, a 75-million-dollar proposal for a community-college system was voted down.

In Louisiana, Governor John J. McKeithen asked his State legislature for 123.5 million dollars in a broadly based program of new taxes late last year. The legislators balked at adding taxes on anything but gasoline and special fuels.

One strong indication of how politicians are reacting to an "austerity" mood among taxpayers came in New York on January 21, when Governor Rockefeller sent the legislature a 6.7-billion-dollar budget, but asked the legislators to trim that request "across the board" to 6.4 billion.

The Governor said that such a cutback, combined with a 1-cent rise in the State sales tax, would bring the budget into balance. Mr. Rockefeller said that to raise State taxes any higher than the proposed sales-tax boost would harm New York's competitive position with other States and, furthermore, would "wreck our economy." One budget official commented:

"The basic thing was that we decided we'd had it on taxes."

Governor Rockefeller called for cuts in State aid to education, in welfare spending, and in the State's medicaid program. The Governor said: "To put the brakes on accelerating expenditures will require courage, but a proper sense of responsibility makes the task inescapable."

For the past 10 years, New Yorkers have been asked, year after year, to accept big tax increases to pay for increases in State aid for social programs.

Here are comments from several authorities on tax matters, sizing up the new attitudes of taxpayers—

"GROUNDSWELL OF REVOLT": James E. Finke, executive vice president of Citizens Public Expenditure Survey, a taxpayers' organization based in New York City:

"The groundswell of revolt against the continued upward leaps of taxes is very strong. But as yet it is unorganized."

C. Lowell Harriss, professor of economics, Columbia University: "Where increases in local expenditures are for welfare and schools, the retired person who has worked and saved may have little sympathy for giving additional pay to teachers or for welfare payments to persons who are alleged to be on welfare because of unwillingness to work."

Elsie M. Watters, director of State and local tax research for the Tax Foundation, with headquarters in New York City: "Reports from taxpayers' associations across the country show that there is more feeling on the part of businessmen and other voters that property taxes are as high as they should go."

Hubert W. Stone, executive director, Connecticut Public Expenditure Council:

"The biggest opposition is to additional taxes to provide additional government spending in the whole area of welfare. Generally the feeling in Connecticut is that this is an area which has gotten out of hand."

A NATIONWIDE TREND: Frank J. Zeo, executive vice president, Massachusetts Taxpayers Foundation:

"We have noticed in recent months an increased resistance to the whole tax situation, which encompasses federal as well as State and local taxes. I view it as part of a nationwide trend."

Sentiments that appear to be widely held were expressed this way in an editorial—headed "Rebellion by Taxpayers"—in a Wisconsin newspaper, "The Wausau Daily Record-Herald":

". . . [There are] a number of indications that taxpayers everywhere are insisting that government services be curtailed to check the spiraling taxes. . . . Economy in budgets . . . will be insisted upon. Attempting to find new sources of revenue, or new taxes, or substantial increase in aid from either the State or Federal Government, is not the answer, because taxes at all levels are pinching the purse of the average American."

STATES PLANNING TO RAISE TAXES IN 1969

Proposals by Governors and official groups

Arkansas: Raise income taxes, boost sales tax from 3 to 4 per cent, cigarette tax by a nickel a pack.

Colorado: Increase gasoline tax a penny a gallon, raise income taxes.

District of Columbia: Sweeping increases in sales taxes—3¢ a pack on cigarettes; autos from 3 to 4 per cent; liquor, restaurant meals from 4 to 5 per cent; new tax on movies, repairs.

Indiana: Plans to close tax "loopholes," raising tax collections.

Maine: New personal income tax equal to 25 per cent of individual's federal tax bill; new corporate income tax; penny-a-gallon-increase in gasoline taxes.

New Mexico: A 50 per cent boost in personal income tax.

Nevada: Liquor and cigarette taxes heading higher.

New York: Sales tax to go from 2 to 3 per cent.

Oregon: A new 3 per cent sales tax, along with higher income taxes.

Pennsylvania: New tax on personal incomes.

Vermont: New sales tax of 4 per cent; higher liquor, tobacco, corporate taxes.

These are just samples of proposals made in the opening weeks of 1969. Plans for tax boosts in other States are expected as the year goes on.

UNITED NATIONS DEVELOPMENT PROGRAM

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. COHELAN. Mr. Speaker, 20 years ago the United States embarked on the noble adventure of providing economic assistance to nations less well off than ourselves.

With diminishing vigor we have continued to contribute to the development of the rest of the world.

At the same time our enthusiasm has slackened, the prospects of a world food shortage or overpopulation, or poverty-induced political instability have not slackened.

Today, the two-thirds of the world's population who exist on per capita incomes of around $100 a year are looking to the United States and the developed countries for help. With the new administration in Washington, these people's governments are searching for an indication that the United States will continue, with increased determination, the effort to help the development of their nations.

One of the most effective, and under-appreciated programs of assistance to this development effort is the United Nations Development Program, headed by the extraordinarily able Mr. Paul G. Hoffman. The UNDP efforts have been quite successful. Their success serves to kindle the optimism of Mr. Hoffman that the developed nations can be convinced to provide adequate and timely aid to the less developed.

A recent article in the San Juan Star reports on the interest of representatives of developing nations in the U.S. attitude toward foreign aid and the accomplishments of the U.N. Development Program under Mr. Hoffman.

I commend this article to the readers of this RECORD and include it at this point:

THE COST OF FOREIGN AID

(By William R. Frye)

MAYAGUEZ.—The greatest challenge, and the greatest opportunity, facing President-elect Richard M. Nixon, in the eyes of many foreign observers, is not the Middle East or Vietnam or Soviet-American relations. It is the need to recover lost momentum in the area of foreign aid.

The extent to which development assistance (as they call it) dominates the mental horizons of millions of people in a phenomenon little appreciated in the richer parts of the world. To poor countries, there is no preoccupation that remotely approaches it in importance and urgency.

I have just had this fact brought home to me, once again, here at an inter-American "Water for Peace" conference at the Mayaguez Hilton Hotel, a pleasant country-club-sized resort on the attractive but little-visited west coast of Puerto Rico.

Of the 35 governmental and private experts from 22 countries and seven international organizations here to study ways of using water more effectively in economic development, eight approached me in the first 24 hours to ask anxiously and earnestly what Nixon would do about foreign aid.

They are well aware that in recent weeks two major American study groups have released comprehensive reports, after long inquiry, urging a revamping and revitalization of the foreign-aid program.

But, they ask, will Nixon's heart be in it? Does he understand its importance? If so, can he get it through Congress? Have the American people irrevocably soured on foreign aid?

There are no ready answers. Nixon has not shown his hand; he may not have given the subject much thought. It probably has low priority with him.

The President-elect was exposed during a UN visit last month, to the highly persuasive and superbly informed commander-in-chief of the UN's war on poverty, Paul G. Hoffman. Nixon came away sounding impressed.

Hoffman is still the grand old man of economic development. Despite all rebuffs for the UN's first "Decade of Development" (1961–1971), he refuses to take a defeatist view.

It took a generation for the idea of conservation to catch on with the American people he recalls. When first broached by Gifford Pinchot in 1912, it was scorned as nonsense. Two hundred years may be necessary before everyone pitches in to help with development, he says.

Things are moving somewhat faster than that.

Ten years ago, when Hoffman first joined the UN's humanitarian "general staff," there was exactly $26.5 million a year to spend on helping two-thirds of the world—2 billion people—lift themselves by their bootstraps.

Now the UN Development Program has a yearly budget of $180 million. This is still peanuts, but it is a lot more than it was.

It is not enough to win the war. Population growth in many of the poorer countries is eating up so much of the increase in gross national product (GNP) that the average net per capita improvement is something like 1.5 per cent—roughly $1.50 a year, the average per capita income in two-thirds of the world being $100 a year or less.

But that is not the full story. In 25 of the 44 countries getting the most UN aid, the unadjusted growth rate has been boosted to 5 per cent or more, and in two (South Korea and Malawi) it is over 10 per cent. When adjusted to population, economic growth in the 25 countries averaged 3 per cent per capita.

This is not sensational; it is nowhere near good enough. But it represents some progress, and proves that poverty can be licked.

If the birth rate could be kept under reasonable control, the results would be good. The per capita American growth rate is about 5 per cent.

Public dissatisfaction with foreign aid, especially in leading donor countries, is a drag on development and a serious challenge to the second Development Decade (1971–1981).

The United States no longer is the world's principal donor country. In proportion to GNP, it ranks seventh.

The American contribution has slipped to 0.7 per cent of the GNP (1967 figures) as against 1.24 per cent for France and 1.01 per cent for the Netherlands. Germany, Britain, Belgium and Australia also devote more of their GNP to development aid than the United States does, though in several cases "aid" is broadly defined. The figure for the Soviet Union is roughly 0.1 per cent.

Roughly 85 per cent of the cost of development has been paid, and must be paid, Hoffman says, by the people of the developing countries themselves. The remaining 15 per cent, while relatively small, is indispensible "if we are to compress within 30–40 years the process of development which took the western world 200 years."

Growing recognition that this goal must be reached, he says, is "one of the most important developments in the history of mankind." If so, he is having a great deal to do with making history.

STRIKES AGAINST THE PUBLIC

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. ASHBROOK. Mr. Speaker, recent experiences in the area of strikes by public employees illustrate that not only is there required adequate laws to discourage this disruption of public service but firm authorities fully prepared to punish violators. As the Chicago Tribune noted in one of its editorials of February 3, the State of New York has had its share of difficulties in trying to cope with strikes of public employees. The Condon-Wadlin law of 1947 was considered too harsh and was replaced in New York by the Taylor law. Since this law went into effect in 1966 there have been nine illegal strikes to date, the statute has been described as too lenient, and at the present time corrective legislation is again being considered.

As the controversy continues in New York as to best protect the public welfare against strikes by those on public payrolls, it would behoove other States throughout the Nation to review their legislative machinery for coping with similar eventualities. New York's recent history regarding public employee strikes should be a warning that this issue is fraught with potential strife in which, it seems, the public has suffered the most.

I include the above-mentioned editorial, "New York's Quest for Labor Peace," from the Chicago Tribune of February 3, 1969, in the RECORD at this point:

NEW YORK'S QUEST FOR LABOR PEACE

Nothing that New York state does, as it thrashes about in search of a law which will stop a crippling series of strikes by public employes, seems to work.

The Condon-Wadlin law, passed in 1947 when Thomas E. Dewey was governor, was never wholeheartedly enforced. Its failure was blamed on its severity. It required that any public employe engaging in a strike be summarily fired.

After the particularly frustrating transit strike of early 1966, Gov. Rockefeller urged revision of the law, and appointed a committee headed by Prof. George W. Taylor of the University of Pennsylvania to suggest changes. The committee recommended doing away with the mandatory provision for dismissal but proposed that courts be able to impose unlimited fines against unions and deprive them of their dues checkoff privilege [whereby the employer deducts union dues from paychecks and turns the money over to the union] for an unlimited period.

The unions denounced these proposals and demanded a law, if it can be called that, without any penalties at all. The haggling went on for two months, until the threat of a police and fire strike in New York City brought passage of a compromise bill backed by Gov. Rockefeller. The Taylor law, as it is called, limits the maximum fine against a union to $10,000 a day and limits the dues checkoff suspension to 18 months.

The strikes against the public have gone on as usual. The garbage collectors are appealing a fine of $80,000 against the union and $250 against their president, but even if they lose, the amount involved is too small to be an adequate deterrent. Teachers, transit workers, and hospital workers, too, have walked off their jobs. In all, there have been nine illegal strikes since the Taylor law was enacted. Dr. Taylor lamented that New York was setting a bad example for other states which face the same problem.

What is wrong? Gov. Rockefeller asked the committee to study the matter again, and the committee reported that the Taylor law is too weak. It repeated its original recommendations with respect to fines and dues checkoffs. Gov. Rockefeller says that the recommendations will be put before the legislature, and we can expect another long verbal battle in Albany.

New York's trouble should serve as an example for the Illinois legislature, which is going to have to face the problems of strikes against the public here. Already there have been strikes by teachers and bus drivers. The Supreme court has ruled such strikes illegal, but a law is still needed to provide for procedures and penalties to avert them.

New York's experiences should help our legislature to draft the best law possible. But they should also serve as a reminder that the best law possible is not going to stop strikes by public employes unless local authorities are determined to enforce it. The unions in New York have made up their minds that they are going to strike when they want, no matter who is hurt or what the law says, and neither Gov. Rockefeller nor Mayor Lindsay has done very much to cure them of their arrogance.

A TRIBUTE TO A LEADING CLEVELAND CITIZEN

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. FEIGHAN. Mr. Speaker, some weeks ago, an old and dear friend, Judge Felix T. Matia, of the court of common pleas, Cleveland, Ohio, celebrated his 78th birthday. This festive occasion served to remind us in Cleveland how fortunate we are that our city can claim a man of Judge Matia's talent.

Since Judge Matia has over 50 years of dedicated public service to his credit, together with a host of other laudable endeavors, I thought my colleagues would certainly want to share in a most deserving tribute to a man of great stature and intergrity.

Judge Matia has been a longtime leader of the Polish community and Greater Cleveland. When city parks director, he vigorously championed thoughtful and innovative programs to benefit Cleveland's residents. Judge Matia made an enviable record as city prosecutor. He performed ably as a member of the board of elections and his chairmanship of the executive and central committee was noteworthy.

Judge Matia participated actively in our military efforts during World War I as a lieutenant in the Cavalry and has unceasingly continued to work for the ideas and aims that have helped to make this country great.

Cleveland is proud of him and I am proud to have him as my friend.

STUDENT STATION WRHS OPENS EDUCATIONAL DOORS

HON. ROY A. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. TAYLOR. Mr. Speaker, the following article from the National Observer of January 20, 1969, tells an interesting story of a unique radio station serving the town of Robbinsville, N.C., located near the Smoky Mountains National Park.

This radio station is unique because it was built and is operated by students of Robbinsville High School, assisted by two faculty members. The students prepare educational and community interest programs, do the announcing, and operate the technical equipment. On two occasions I was interviewed on this station by student announcers, and I was impressed by their dedication and skills and knowledge of government. I know of no better example of the energy and creativity of youth being channeled into a worthwhile operation.

The article follows:

VILLAGE VOICE: STUDENT STATION WRHS OPENS EDUCATIONAL DOORS

Among the giants of broadcasting, radio station WRHS speaks with a whisper, but its voice is having an unmistakable impact in its community. Through the interest the station has aroused, its voice is echoing too in dozens of other communities in other states.

WRHS is a year-old campus radio station designed and built by two teachers and staffed by students at Robbinsville, N.C., High School. WRHS is on the air six days a week, providing educational programs to schools and news and features to 3,000 of Graham County's residents who can tune in within its seven-mile range. It is the county's only radio station.

By itself, WRHS would be only an interesting and minor exercise in ingenuity in the village of 587 isolated in the Smoky Mountains. But speech teacher Henry W. Lamb, Jr., hit upon the radio station as a way to motivate the students to learn better speech. He and electronics-teacher Walter Denton wangled $2,000 from the Graham County school system, and built the station.

The idea, of course, isn't new. There are student stations in towns such as Albuquerque; Portland, Oreg.; St. Louis, East Orange, N.J.; and Buffalo, Mo. But these are FM stations, which limit student participation. WRHS is an AM station, whose signal is fed into power lines, which act as antenna. Under Federal Communications Commission rules, students can handle any job on such a station with limited range.

WRHS' key is student involvement. They write many of the programs, do all the announcing, and learn the electronics skills needed to run a radio station. For the parents, of course, there is news, cultural enrichment, and a chance to catch up on some of their own missing education.

WRHS' success has brought inquiries from scores of towns in North Carolina, Ohio, Florida, Georgia, and Colorado, all of which see campus radio as a useful educational tool.

DR. BETTELHEIM CALLS UNIVERSITY OF CHICAGO REBELS PARANOIC

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. PUCINSKI. Mr. Speaker, Mr. Bruno Bettelheim, the very distinguished psychologist and educator who teaches at the University of Chicago, said during a press conference in Chicago this weekend that student demonstrators are "sick and in need of psychiatric treatment."

Professor Bettelheim, who was in Germany during the 1930's and saw the rise of Adolf Hitler and fascism, said the demonstrators at the University of Chicago remind him of student unrest in that country.

Dr. Bettelheim personally endured indescribable brutality and terror at the hands of the Nazis and he speaks today of their brutal tactics with a voice of bitter experience.

I am placing in the RECORD today the interview with Dr. Bettelheim as printed in Sunday's Chicago Tribune.

I call my colleagues' attention particularly to that statement by Dr. Bettelheim in which he points out that the leaders of the demonstrations are "very rational people" who use the mass of "irrational students" to gain their ends.

Dr. Bettelheim's observations follow:

DR. BETTELHEIM CALLS UNIVERSITY OF CHICAGO REBELS PARANOIC

Dr. Bruno Bettelheim, widely known University of Chicago educator and psychologist, said yesterday that student demonstrators are "sick and in need of psychiatric treatment."

Prof. Bettelheim, who was in Germany during the 1930s and the rise of Adolf Hitler and facism, said the demonstrations at the U. of C. remind him of the student unrests in that country.

"I saw the same thing in German universities which spearheaded the facist government which led to the rule of Hitler," he said. "More disturbing than the minorities who are trying to take over the universities is the attitude of the nation which promotes it."

SPEAKS FOR HIMSELF

Bettelheim, who called a press conference to give his views on the student sit-in which has halted the activities of the school's administration offices, emphasized that he was speaking only for himself.

He said some of the demonstrators are "paranoics," but that "there are no more paranoics around than before, but now the mass media give them more attention."

Bettelheim, professor of education, psychology, and psychiatry at the university, is a well known authority on child psychology.

He said the leaders of the demonstrators are "very rational people who are trying to foment a revolution."

"They use the mass of irrational students to gain this end," he said. "What they want is Maoism, nihilism, and anarchy."

He said he hoped that the university administration will not try to use force to clear the six-story administration building of the protestors who have taken it over and held it since Thursday noon.

"I don't believe in violence and I don't want to make martyrs out of anyone," he said.

SYMPATHY REACTION NOTED

He said universities in all countries are "soft spots" in society because students get public sympathy when they are involved in a "confrontation" with police.

He said the ringleaders of anarchy often go to universities to breed revolt because "one, there are lots of young people who are excitable, two, universities won't call in police, and three, if police are called they won't shoot."

Students attending the university enter into a contract with the school, he said, and "if a student disrupts this university, then, in my opinion, he is guilty of a breach of contract."

HON. WILBUR J. COHEN RETURNS TO THE UNIVERSITY OF MICHIGAN

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, the tremendous contributions of Wilbur J. Cohen to this Nation for the past 35 years were climaxed by his appointment last year as Secretary of Health, Education, and Welfare. His 9 months as Secretary served to emphasize Mr. Cohen's great insight into the problems of our country, and his amazing ability to find ways of solving them.

Mr. Cohen has returned to the University of Michigan faculty as dean of the School of Education, but he has left an indelible mark on the history of this Nation.

Judith Randal, in an article in the Washington Star, commented:

> Cohen has so long been the workhorse of HEW that it is hard to realize he is gone.

We in Michigan are exceedingly proud of Wilbur J. Cohen. Miss Randal's article, reprinted January 26 by the Detroit News, gives an excellent analysis of his many contributions, and I insert it at this point in the RECORD:

CAPITAL APPLAUSE SPEEDS COHEN TO UNIVERSITY OF MICHIGAN

(By Judith Randal)

WASHINGTON.—Probably no top-ranking official involved in the Democratic exodus from Washington evoked so much affectionate respect from his staff as the nation's eighth secretary of health, education and welfare.

Wilbur J. Cohen came to Washington in 1934 as a $1,500-a-year aide to help draft the original social security legislation. He remained here almost continuously for a third of a century, in the last eight years guiding HEW as a top echelon adviser to a succession of politically appointed superiors.

(Cohen, on the University of Michigan faculty since 1955 but on leave since 1961, is returning to Ann Arbor as the new dean of the School of Education.)

"It's too bad," one young Washington associate mused recently, "that Wilbur couldn't have been the J. Edgar Hoover of this department. No one knows social issues as he does or can present them as palatably to Congress. And no one knows the temper of the country so well either—its regional and professional pressure groups, its leaders, its rank and file."

Cohen has so long been the workhorse of HEW that it is hard to realize he is gone. For example, when Anthony J. Celebrezze, the former mayor of Cleveland, was secretary during the Kennedy administration, he was so inept at dealing with the multibillion dollar agency that it was Cohen who kept a large part of the department on an even keel.

He also could be a loyal and effective alter ego. When John Gardner was secretary in Mr. Johnson's time, Cohen's knowledgeable assistance as under-secretary was of inestimable help to the Great Society programs that concerned HEW, most of which—including medicare—bore a strong Cohen imprimatur.

The ardor of many a lesser man than Cohen might have been dampened by a lame duck appointment as secretary made just before Mr. Johnson announced that he would not seek reelection. But that was not Cohen's style.

His record in nine months as secretary reflected a vigorous, ongoing concern with the needs of the American people rather than what must have been his disappointment at being several times a bridesmaid and only belatedly and briefly the bride.

As recently as his last week in office, Cohen was still holding news briefings to explain the 11½ pounds of recommendations and reports he submitted after Congress reconvened on January 3.

The 90-page annual report of HEW alone contains 106 recommendations—a measure of Cohen's breadth of interest and grasp of his department's functions and limitations.

They range from the suggested enactment of legislation which would pump money into education by using federal revenues from oil shale and other mineral deposits, to the extension of medicare to the disabled, higher social security benefits for the aged and stepped up efforts against hunger, poverty, disease and environmental pollution.

What is perhaps more important than the details of these proposals is a warning found in the report:

"We are," said Cohen, "increasingly required to make very important and very expensive long-range decisions which, while not irreversible, are very hard to change. If we are not careful, inaction—or doing nothing—will become our chief strategic device, our policy tool."

To lessen this danger Cohen would have the federal government become more active in gathering and disseminating the kind of information which the public can use in formulating its thinking about social planning. He is ever a populist at heart.

Cohen is also a visionary, who sees need of a new approach to top-level public service, at least in the department he once headed. The secretary of health, education and welfare should not, he believes, be a man or woman who intends to seek election to public office, or a professional specialist in one of the fields of the department's work.

"The decision-making responsibility for health, education and welfare . . . should not be based even in part upon possible impact on the secretary's political future . . . (nor should he) lean toward any individual specialty or group," he has written.

Wilbur Cohen obviously believes that the stewardship of the nation's largest agency concerned with domestic matters should be an end in itself. As he remarked rather wistfully to an acquaintance just before leaving office: "Had it been possible, I would have paid government for the privilege of having this job."

CULLMAN, DE KALB TOP COUNTIES IN FARM INCOME

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. BEVILL. Mr. Speaker, the Alabama counties of Cullman and De Kalb in my congressional district, placed one-two among all Alabama counties in farm income last year for the fifth consecutive time.

This is a record of which we are very proud, Mr. Speaker, and at this time I place in the Extensions of Remarks a recent news story covering farm income in Alabama. The story follows:

CULLMAN, DE KALB TOP TWO COUNTIES IN FARM INCOME

(By Bob Chesnutt)

AUBURN.—Cullman and DeKalb placed one-two among Alabama counties in farm income last year for the fifth consecutive time.

The gross was $36 million in Cullman and $32.5 million in DeKalb, according to Auburn University estimates.

Madison County's $25.2 million was enough to rank it third, the spot Baldwin had held for several years. Monroe was the only newcomer on the list of 10 counties with highest gross farm income in 1968. It placed seventh with $19.3 million, and Dallas dropped from the list.

The other seven counties ranking highest and the income of each (in millions of dollars) were Marshall $25; Mobile $23.4; Baldwin $23.2; Blount $20.1; Houston $18.1; and Walker 17.7.

Figures were compiled from preliminary estimates in annual reports of county Extension chairmen, explained Allen Brown, Extension Service marketing specialist with government farm payments included.

Overall, the state's 1968 gross farm income has been estimated at 165 million. That's $82 million more than in 1967 and $37 million above 1966, the previous high year.

Livestock accounted for $444 million and crops $321 million of the 1968 gross.

Brown's report also ranked counties according to gross income by commodities. The high five in each of the state's major commodities, with income listed in millions of dollars, were:

Beef cattle: Dallas $5.3; Marengo $5.3; Madison $5.2; Sumter $5.0; Montgomery $4.5.

Broilers: Cullman 17.5; Walker $13.5; Winston $11.9; DeKalb 11.0; Marshall $10.0.

Cash grain (including corn): DeKalb $3.4; Marshall $2.6; Jackson $2.4; Cullman $2.2; Monroe $2.1.

Cotton: Madison 8.3; Limestone $7.7; Lawrence 6.3; Marshall $4.6; Cherokee $4.3.

Dairying: Montgomery $4.0; Hale $3.1; Shelby $3.0; Baldwin $3.0; Perry $2.5.

Eggs: DeKalb 6.9; Cullman $5.4; St. Clair $4.3; Shelby 3.6; Marshall $3.4.

Fruits and Vegetables: Chilton $3.0; Baldwin $2.7; Jackson $2.4; Houston 2.3.

Hogs: Madison $2.6; Houston $2.6; Geneva $2.4; Covington 2.2; Pike $2.2; Cullman $2.1.

Peanuts: Houston 5.9; Henry 3.8; Coffee $3.0; Geneva $2.8; Pike $2.8.

Soybeans: Baldwin $5.0; Morgan $1.9; Escambia 1.5; Marengo $1.5; Jackson $1.4.

Timber: Monroe $5.5; Covington $5.4; Clarke $5.3; Mobile $3.9; Tallapoosa $3.7.

THE SUPREME COURT AND ITS WEIRD DECISIONS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. RARICK. Mr. Speaker, more and more Americans are being jolted into the realization that a revolution is being forced on our people under the smokescreen of "social justice."

The average American is quiet and law-abiding, and may never come in conflict with the laws of his society which were tempered by his ancestors in order to perpetuate a society with mutual duties and responsibilities as well as rights.

Now many of these same quiet Americans are being rudely awakened by the enforcement of court decisions which are destructive in nature and are not law in the historic sense that they represent the direction or the feelings of the masses of the people.

The overwhelming majority of the problems which confront the average American today can readily be traced back to the weird and warped opinions of the Supreme Court of the United States.

These awakened citizens are demanding action to regain control of our country under the constitutional system of limited powers always responsible to the people.

Two interesting editorials by Eugene Butler, the editor-in-chief, appeared in the Progressive Farmer for November 1968, entitled, "The Supreme Court and its Weird Decisions," and for December 1968 entitled "The Constitution and the Court."

Under unanimous consent I submit the editorials for inclusion in the CONGRESSIONAL RECORD, as follows:

[From the Progressive Farmer, November 1968]

THE SUPREME COURT AND ITS WEIRD DECISIONS

(By Eugene Butler, editor-in-chief)

There are several clauses in the U.S. Constitution which the legal gymnasts and mental contortionists on the Supreme Court have misconstrued time and time again in such a way as to riddle the spirit and intention of the Constitution.

One of these is the general welfare clause in the preamble to the Constitution which says: "The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States. . . ."

This has been interpreted to mean that Congress can do anything that contributes to the general welfare of the nation, regardless of whether it is included among the powers specifically delegated to Congress. Such an interpretation ignores the 10th amendment which reserves to the individual states all powers not granted to the Federal Government. Moreover, it destroys the major parts and purpose of the entire Constitution. Under such an interpretation, the Federal Government can go into any field of activity on the ground that it is promoting the public welfare. If this had been intended, there would have been no need for the founding fathers to specify the fields into which the Federal Government could enter.

Another gadget the Supreme Court has used to amend the Constitution by judicial interpretation is the interstate commerce clause. The Constitution gives Congress the power to regulate interstate commerce. But where does interstate commerce begin and where does it end? For instance, the trade of a restaurant in Birmingham, Ala., was limited to local people; but it was ruled in interstate commerce because some of the food it serves was produced outside the state.

Certainly Congress has the power to regulate interstate commerce. But if the phrase "interstate commerce" is to be applied arbitrarily to regulate the entire economic and social life of the nation, the power of the Federal Government goes far beyond the intentions of the founding fathers.

A number of years ago, Woodrow Wilson raised the question and gave the answer as to what part of commerce Congress can regulate under the Constitution. "Clearly," he said, "any part of the active movement of merchandise and persons from state to state.

"May it also regulate the conditions under which the merchandise is produced? May it regulate the conditions of labor in field and factory?

"Clearly not—for that would be to destroy all lines of division between the field of state legislation and the field of federal legislation. Back of the conditions of labor in field and factory lie all the intimate matters of morals and of domestic and business relations, which have always been recognized as the undisputed field of state law."

A third gadget the Court has used time and time again to sanction its interference in local affairs is that part of the 14th amendment which states: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

It was this part of the amendment that the Court used to force integration of the races and practically take schools out of the hands of local people. Yet the original Constitution does not mention education and neither does the 14th nor any other amendment. The debates in Congress when the amendment was passed and in the States when it was submitted clearly show there was no intention by its supporters that it should affect the systems of education maintained by the states. In fact, of the 37 states in the Union at that time, 24 had legally sanctioned segregation in their schools. None of the framers of the amendment referred to segregation in any way. At the time, it simply was not an issue. And there is every reason to believe that had such an interpretation been placed upon it, the amendment would have been rejected.

In its historic school desegregation decision in 1954, the Court was unable to point to a single law or legal precedent to support its position. It refused to consider what the framers of the 14th amendment had in mind or the soundness of previous court decisions. Basing its decisions on the unsworn writings of psychologists of questionable background, the Court excused itself by saying "we cannot turn the clock back" to 1868 when the amendment was adopted or to 1891 when a former Court ruled in favor of state control of education. What it meant to say was that the Constitution changes with the times and that it is the prerogative of nine men appointed for life to modify and amend the Constitution by judicial interpretation rather than allow these changes to be made by the people through Constitutional amendments.

Laws must be reasonably stable so that people may know what to expect. If they come to believe that constitutional law is nothing more than what the Supreme Court thinks it is on a particular day, there is danger that acceptance of and respect for the Court will decline, and public support for law and order will suffer.

The present Court has made a fetish of overturning decisions of previous Courts composed of men with far greater knowledge of the law and understanding of the Constitution. For example, the Supreme Court on which sat such eminent judges as Taft, Holmes, Brandeis, and Stone unanimously ruled in favor of the right of states to decide the issue of segregation without interference of federal courts under the Constitution. How could a Court composed of Taft, Holmes, Brandeis, and Stone be wrong, and one dominated by Warren, Black, and Douglas be right?

As a result of its usurpation of legislative power, some weird decisions have been handed down by the Warren Court during the past 10 or 15 years. In a series of decisions, the Court has produced these changes in our lives:

1. Barred all religious exercises in schools.
2. Given the green light to obscenity.
3. Made the task of law enforcement more difficult.
4. Weakened our internal security.
5. Ordered a drastic and unprecedented reapportionment of state legislatures and other government bodies. (By forcing government bodies to base representation on the one man-one vote principle, the Court destroyed a practice of two centuries and did serious damage to our system of checks and balances. To conform to the wishes of the majority of a power-mad Court, we have been forced to alter our whole political structure.)
6. Invalidated state trespass law.
7. Ruled that the 14th amendment prohibits a state from denying aid to mothers living with men other than their husbands.
8. Forced schools to move their students into particular buildings.
9. Ordered states to allow illiterates to vote.
10. Ordered states to ask a federal court to approve the validity of a law before it is enforced.
11. Acted to wipe out local self-government and the rights of the people and states.
12. Upheld the right of demonstrators to invade a privately owned supermarket in a privately owned shopping center. (Ironically, nine days later the Court's own building was overrun by a group of demonstrators who were quickly evicted. The Court had ruled that under the Constitution's free speech guarantee, peaceful demonstrators may invade any location "generally open to the public" because it is the "functional equivalent of public property." But the Court locked demonstrators out of its own building, which is not only the functional equivalent of public property. but is public property.)
13. Practically forced the abolishment of the death penalty by abrogating the right to exclude from juries those with scruples against the death penalty.

Members of the Supreme Court are responsible to no one but themselves. They are appointed for life so that they may be above and beyond political strife. Far too often now, appointment to the Court is not based on judicial wisdom and experience. The Court is often used as a sop to Labor, to reward political favors, to give balance to racial and religious groups, or to balance off one section of the country against another. Many of the reasons for life tenure seem to have vanished. So maybe we should recognize the political nature of the Court and subject its members to the same controls imposed on other branches of the Government. Perhaps a constitutional amendment limiting Supreme Court members to 12 years' service is in order. Certainly if the Court is to continue to revise the Constitution to achieve its ideals, it should be made accountable to the people. But how much better it would be if its members imposed on themselves that judicial restraint so important if we are to continue to have a Government of balanced powers.

[From the Progressive Farmer,
December 1968]

THE CONSTITUTION AND THE COURT

(By Eugene Butler, editor-in-chief)

The great majority of people in this country couldn't care less about appointments to the U.S. Supreme Court. Even the U.S. Senate, which is specifically charged in the Constitution with passing judgment on Presidential nominations to the Court, seldom shows much more than perfunctory interest. It has been 30 years since the Senate blocked a President's nomination to the Court. But if five men (court majority) appointed to the office for life are to decide for us such intimate and close-to-home matters as where and how our children go to school and how we are represented in the state legislature, it is high time all of us took more interest in such appointments.

Time was when the Supreme Court interpreted the Constitution as it was written and in the light of the intentions of the wise men who framed it.

In recent years, however, the Court has embraced the philosophy that the Constitution is not a declaration of fixed or definite principles. The Court's majority now believes that as social and economic conditions change, the Constitution also changes. In fact, the Court has acted as though anything it considers good for the nation is possible under the Constitution. And so it is if the Constitution is amended by the people. But certainly our founding fathers never intended to place so great powers over the lives and property of all the people in the hands of nine men appointed for life.

No matter how clearly a document is written, it is likely to be interpreted differently by different people at different times. So it is reasonable to expect some disagreement between Supreme Courts of different periods of our history. But today's Court has gone far beyond any reasonable interpretation as to what the Constitution meant to say. It has so twisted, tortured, and strained its meaning that it would not be recognized by its framers.

Some say that each age is better than the preceding one and that the spirit of our times is more important than adherence to a written constitution. Therefore, they insist, the Constitution must be a living document that changes with the times. They argue that the framers of the Constitution, having never seen an airplane nor having lived under the threat of a nuclear bomb, couldn't possibly know the demands of modern morality and equity.

Except for relatively few amendments, the text of the Constitution has remained unchanged. The old symbols are still there. But the present Court keeps dragging new meanings from the same old text. It reinterprets the text according to what it regards as the felt needs of our contemporary society. It seeks to find in the Constitution an "ideal." Then when it thinks the country is ready to accept that "ideal," it acts to give it effect. What this means is that the Court is revising the Constitution by judicial interpretation.

In fact, the Court has come to consider itself the conscience of the nation. It says in effect: "The President has failed to urge and Congress has failed to act in doing what needs to be done. Therefore, we will do the job they failed to do."

But there is nothing in the Constitution that gives the Supreme Court this right, and to the degree to which it has usurped the legislative function, the balance of power between the executive, judicial, and legislative branches has been destroyed.

The Courts' use of judicial power to force social and political reform on the nation is endorsed by many because they approve of the reforms. And we are certain that the majority of our people fully recognize that many of the governmental changes made during the past 30 to 40 years, although of dubious constitutionality, were badly needed. But everything good for the nation is not necessarily constitutional. And many such changes, badly needed as they were, would cause the constitutional fathers to writhe in their graves. Such changes should have been made by the people through amendments to the Constitution rather than by nine fallible men sitting on a high court. This is important because if the Court is allowed to amend the Constitution through judicial interpretation to accomplish good results, in time the use of such power by the Court will be firmly established and in the hands of those who will abuse it.

George Washington recognized this danger, and in his farewell address, he cautioned:

"If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way in which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free government is destroyed." * * *

Our forefathers came to this country to escape an oppressive government. They had had a belly full of an arbitrary central government far removed from local affairs. And they were in no frame of mind to allow members of a court appointed for life to rule the country through judicial interpretation. The 39 men who signed the document realized they could not draft a Constitution that would be right for all time to come. So they provided a manner and means of adapting it to changing conditions. This method—amendment by the people—has been used 24 times and is the only legal way to change the meaning of the Constitution from that intended by its framers.

THE MILITARY SPENDING SPONGE

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. COHELAN. Mr. Speaker, increasingly Congress, the press, and the American public are becoming aware of the tremendous drain on our economy and on the quality of American life that our defense expenditures now exert. The intricacy of complex defense weapons systems, the lack of competition which would insure efficient production, and the tenuous nature of checking defense profits—all these make even more urgent the need for carefully scrutinizing defense budget requests and for auditing defense expenditures.

The United States was rightfully impressed in 1960 when President Dwight Eisenhower, in a speech that promises to have historical significance, warned us about the dangers of the industrial-military complex. At that time the Department of Defense was awarding approximately $29 billion a year in prime contracts. Now the figure has grown to more than $43 billion. The so-called thin antiballistic-missile deployment alone will cost over $5 billion.

Recently, in its lead editorial for January 30, the Washington Post sounded a timely warning to Congress about the disproportionate demands which the military makes in comparison with funds spent on domestic programs, so crucial to the well-being of our citizens. It warns that somewhere, in the maze of increasingly fantastic demands, "Congress must begin to face the realities. Military needs seem to be like a sponge that is never filled."

Mr. Speaker, I insert the full text of the editorial at this time and urge its careful consideration by Congress, as follows:

The Military Spending Sponge

Any survey of Federal spending these days leads inevitably to the conclusion that the needs of national defense outrank, in our priorities, the urgent domestic programs which may make the difference between a bearable and an unbearable life in the Nation's cities or farms. There is some logic in this, of course, for we cannot deal effectively with our domestic ills unless we are, first of all, free from external threat. So, on its face, there is nothing wrong with the fact that it is easier to sell Congress a shiny new missile than a slum clearance project, or that the Defense Department gets almost 40 percent of the Federal budget, or that just one part of the Pentagon's activities—research, development and testing of new weapons—gets more money than all the programs of the Department of Urban Development. There is some logic in this, however, only if this massive grant of money to the military is wisely spent. And that is what is so disquieting about the recent report by Bernard D. Nossiter in this newspaper about the performance of our defense planners and our military contractors—because what it says, quite starkly, is that new weapons systems consistently cost far more than originally estimated and consistently fail to perform up to the specifications set for them.

A report by a Government analyst involved in military programs says that weapons systems with sophisticated electronic components encounter delays averaging two years in their completion, run up costs of 200 to 300 per cent more than anticipated, and have reliability, when they are completed, of less than half of that promised. It is hard to keep from wondering whether military dollars are being well spent and whether Congress would authorize the new systems in the first place if it knew what the ultimate results would be. It is even harder to keep from wondering about these questions when it is clear that the failure of some aerospace contractors to meet the terms of the contracts they win has nothing to do with the profits they make.

It is undoubtedly true, as the Pentagon is sure to tell us soon, that modern weapons systems are fantastically complex and that a high degree of risk is involved in their development. It may also be true that a new weapons system, developed at three times its anticipated cost and reliable at less than 50 per cent of its contract specifications, provides, nevertheless, a substantial improvement in the Nation's defenses. But the question that needs to be answered is whether the aerospace contractors and the military promise far more than they can deliver in order to win funds from Congress. If Congress approves a new system that is claimed to improve our defenses by a factor of 4 three years from now at a cost of $1 billion, it ought not to wind up buying a system that takes 5 years to install at a cost of $2 billion and improves defenses by a factor of 2. It may be that the latter would be worth the additional cost and time but it may also be that Congress wouldn't have approved the program if it had known what it was really buying.

On this kind of issue, of course, it is almost impossible for laymen to oppose the judgment of military experts and systems analysts. Yet, the questions persist. Why does the Government accounting Office have more men poking into the affairs of Pride, Inc., the local antipoverty agency, than it does poking into the affairs of the aerospace contractors who spend more money before lunch than Pride will ever spend? Would Congress tolerate for a second the kind of performance on the development of antipoverty and anticrime programs that it tolerates on the development of military weapons systems? Why does a company that consistently promises more than it delivers continue to make substantial profits? Do the vest outlays for weapons development and procurement really bolster national defense as much as they appear to?

These questions are particularly pertinent this year. The military wants to embark on a vast, new antiballistic missile system that will, before it is completed, eat up billions of dollars. Yet every proposal to Congress for mundane things from funds for the Washington area's rapid transit system to new outlays for housing or education—encounters the argument that the money simply isn't there. Even the hope of many that an end to the war in Vietnam would free great sums of money for domestic programs—programs, we are now told, which may be illusory. Pentagon officials now warn that lower expenditures in Vietnam will simply break the dam that has been imposed on requests for all three military services for substantial investments in new weapons systems.

Somewhere in this maze, Congress must begin to face the realities. Military needs seem to be like a sponge that is never filled. If the money soaked up frequently buys less than is bargained for, the question is how much more should be poured in before the methods of development and procurement are radically changed. Just as there is a minimum level of national security that must be maintained, so there is a minimum level of domestic programs that must be sustained; the Government ought not to have lower standards of performance in one field than in the other; on the contrary, the greatest caution and the greatest care should be given to that category of spending which has been granted, of necessity, the highest priority; it is the ease with which Congress will contemplate an outpouring of billions in the name of defense that makes it so easy for this sort of spending to get out of hand.

IRV KUPCINET—DEAN OF AMERICA'S CONVERSATIONALISTS—OBSERVES 11TH ANNIVERSARY OF KUP'S SHOW

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

Mr. PUCINSKI. Mr. Speaker, this week marks the 11th anniversary of one of the most interesting, innovative, enterprising, informative, and intelligent television shows in America.

It marks the anniversary of Kup's Show, which is telecast every Saturday evening on the National Broadcasting affiliate in Chicago, WMAQ—Channel 5.

The originator of this very exciting program is Sun-Times columnist, Irv Kupcinet, who today stands out as one of the Nation's most eloquent columnists and whose reputation as a perceptive conversationalist is recognized all over the world.

Kup is today the dean of American conversationalists. During the past 11 years, Kup has brought to the people of the Midwest conversations with practically every individual of consequence in every sector of social achievement.

Kup's Show is an institution and one

in which every American can take pride. Through his Saturday evening talk sessions, Kup has given television a whole new dimension of meaning.

Because of his own personal sense of fair play, he has been able to bring into the living rooms of millions of American families discussions and conversations with people from all over the world whom Americans otherwise would never have an opportunity to meet or hear.

The fact that this program has survived 11 years in the highly competitive marketplace of American television is perhaps the highest singular tribute that anyone can pay to Kup and all those who assist him in putting his program together every week.

Kup's "secret weapon" is his lovely wife, Essee, who does a great deal of the research for his programs and who in her own right stands today as one of the most highly respected ladies of television in America.

Working together, the Kupcinets have made a tremendous impact on our Nation. It would be difficult to fully measure the enormous contribution Kup has made for American televiewers to observe first hand the lively art of discussion on major issues and problems confronting our Nation and the world.

Kup's own uncanny ability to lead a discussion into never-ending facets of excitement has helped build and keep an audience for more than a decade.

The National Broadcasting Co. and Television Station WMAQ in Chicago perform an outstanding service to the American community by carrying Kup's show.

The distinguished television critic Paul Molloy paid a well deserved tribute to Irv Kupcinet in last Sunday's edition of the Chicago Sun-Times.

I consider it a privilege to reprint Mr. Molloy's article in the Record today.

Irv Kupcinet belongs among those meaningful Americans who through hard work, zeal, dedication, and an undaunted search for the truth, has given television an imposing dimension of service to the Nation.

Kup is no ordinary reporter. His 11 years on television and his many years as a columnist for the Chicago Sun-Times raise him to enviable heights in American journalism.

It is a privilege to join today in the tribute to Irv Kupcinet, and his wife Essee, on their 11th anniversary as moderators of Kup's Show.

Mr. Paul Molloy's article follows:

Hardiest Talk Show

(By Paul Molloy)

The cover picture of Sun-Times columnist Irv Kupcinet in this issue of TV Prevue shows him in possession of a very ordinary-looking left ear. This is extraordinary because the appendage should bear some resemblance to a cauliflower.

That it appears normal is remarkable for Kupcinet, as part of the hazards of being a newspaper-television-radio celebrity, receives or makes at least 100 telephone calls each day.

"There are many days," says his secretary, Raeona Jordan, "when the calls go as high as 135."

This week, Kupcinet's videoaudience-grabber, Kup's Show, now on Ch. 5, goes into its 11th year—the longest-running conversation program on American television. For most of its video run Kup's Show was seen, on other stations, at the post-midnight hour on Saturdays and, for various reasons, a good many viewers found it difficult or impossible to sit through 3 a.m. (or sometimes later) to hear all of his guests.

Kup's show started as At Random on Ch. 2 during the first week of February in 1958. Four years later it moved to Ch. 7 and, last November, found a more comfortable berth at Ch. 5, the NBC outlet. It now airs after Ch. 5's 10 p.m. newscast, a welcome change of niche for viewers who must be out-of-bed-and-about on Sunday mornings.

One of the things that are little known about Kupcinet is that his wife, Essee, spends a great deal of time doing research for him.

Kupcinet's format, whose guests have ranged from heads of state to hopeful Hollywood starlets, is now syndicated in Rockford, Milwaukee, Cleveland, Philadelphia and San Francisco. This year there will be an increase in out-of-town originations, such as New York and Washington, and, in April, Kupcinet will emanate a show-business discussion from Hollywood during the Oscar Awards hoopla.

The wonder of it all is that Kupcinet can squeeze so many activities within his allotted working time which takes in most of the day and a good part of the night. Besides his widely-quoted six-a-week column in The Sun-Times and his Kup's Show on television, he is also Jack Brickhouse's WGN–Radio partner during the Chicago Bears broadcasts and does numerous radio and television appearances here and in many other cities.

His other public appearances are simply too numerous to mention. They include benefits and charity functions for individuals as well as civic, business, church and school groups and being master of ceremonies or guest speaker at countless public affairs. Often, when he shows up late at a luncheon, it is because he is on his third or fourth in-and-out stop-in since noon.

Kupcinet is both too busy and modest to talk about his activities. But Paul Frumkin, who has been his TV producer since the video program started in 1958, puts it this way:

"Despite all of the things that Kup does, he has always considered himself (and still does) a newspaperman who happens to do television and radio and other chores.

"A couple of days before the taping of his show he does his homework, preparing for the program, reading up on his guests and their accomplishments. He gets to the studio a couple of hours before taping begins, still making notes. When taping is to begin and he walks to the set he looks completely relaxed. But he does admit having butterflies in the stomach. After all, even Bob Hope, who is supposed to be the most relaxed person on television, concedes to a certain nervousness before the show begins.

"With him, it's a matter of a good constitution, an excellent memory, lots of preparation and very little sleep."

Quite often readers will ask me, or ask "Mr. Chicago" himself, the recipe for breaking into television and making a go of it.

I can think of no better response than to repeat Frumkin's words: ". . . a good constitution, an excellent memory, lots of preparation and very little sleep."

And the key phrase is: "Lots of preparation."

HOUSE OF REPRESENTATIVES—*Tuesday, February 4, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

This I command you, that you love one another.—John 15: 17.

Dear Lord and Father of mankind, our spirit's unseen friend, we pray for every effort which is being made for peace and justice, for brotherhood and good will in our Nation, and throughout the world.

Breathe Thy spirit into every human heart that men may brothers be, and learn to live together in love, with understanding, and for the benefit of all Thy creatures.

Bless Thou our President, our Speaker, the Members of this House of Representatives, and all who labor under the glowing dome of this glorious Capitol. Preserve their health, give them wisdom, broaden their vision, and guide their aspirations that together we may seek the good of all mankind.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

APPOINTMENT AS MEMBERS OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The SPEAKER. Pursuant to the provisions of section 2(b), Public Law 89–491, as amended, the Chair appoints as members of the American Revolution Bicentennial Commission the following Members on the part of the House: Mr. Donohue, Mr. Marsh, Mr. Saylor, and Mr. Whitehurst.

APPOINTMENT AS MEMBERS OF THE NATIONAL COMMISSION ON CONSUMER FINANCE

The SPEAKER. Pursuant to the provisions of section 402(a), Public Law 90–321, the Chair appoints as members of the National Commission on Consumer Finance the following Members on the part of the House: Mr. Patman, Mrs. Sullivan, and Mr. Halpern.

APPOINTMENT AS MEMBERS OF THE NATIONAL FOREST RESERVATION COMMISSION

The SPEAKER. Pursuant to the provisions of title 16, United States Code, section 513, the Chair appoints as members of the National Forest Reservation Commission the following Members on the part of the House: Mr. Colmer and Mr. Saylor.

APPOINTMENT AS MEMBERS OF THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

The SPEAKER. Pursuant to the provisions of section 3(a), Public Law 86–380, the Chair appoints as members of the Advisory Commission on Intergovernmental Relations the following Members on the part of the House: Mr. Fountain, Mr. Ullman, and Mrs. Dwyer.

APPOINTMENT AS MEMBERS OF THE JAMES MADISON MEMORIAL COMMISSION

The SPEAKER. Pursuant to the provisions of section 1, Public Law 86–417, the Chair appoints as members of the James Madison Memorial Commission the following Members on the part of the House: Mr. Slack, Mr. Celler, Mr. Thompson of Georgia, and Mr. Wampler.

APPOINTMENT AS MEMBERS OF THE NATIONAL MEMORIAL STADIUM COMMISSION

The SPEAKER. Pursuant to the provisions of section 1, Public Law 523, 78th Congress, the Chair appoints as members of the National Memorial Stadium Commission the following Members on the part of the House: Mr. Teague of Texas, Mr. Long of Maryland, and Mr. Mizell.

APPOINTMENT AS MEMBERS OF THE NATIONAL VISITOR FACILITIES ADVISORY COMMISSION

The SPEAKER. Pursuant to the provisions of section 202(a), Public Law 90–264, the Chair appoints as members of the National Visitor Facilities Advisory Commission the following Members on the part of the House: Mr. Gray, Mr. Jones of Alabama, Mr. Fallon, Mr. Cramer, Mr. McEwen, and Mr. Schwengel.

OFFSHORE OIL POLLUTION TRAGEDY MUST NOT REOCCUR

(Mr. BROWN of California asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BROWN of California. Mr. Speaker, a tragic episode resulting from thoughtless resource planning now is taking place offshore from Santa Barbara, Calif. Frantic efforts by Federal and State Government officials along with oil industry representatives continue to attempt plugging a week-old undersea oilwell leak which has spread up to 100,000 gallons of crude oil into a 200-mile-square ocean area. Thousands of birds and marine animals have been affected, and it is probably too early yet to estimate the total damage done to beaches by the oil flow which washed ashore.

The tragedy of Santa Barbara comes not only from the immediate effects, but from the fact that prudent Executive and congressional action could have been taken last year which would have prevented the situation altogether.

Had Congress approved bills that I—along with many other Members—introduced dealing with establishing a series of marine sanctuaries, not only along the Santa Barbara channel but along our entire national coastline, the oil industry would have been halted in exploiting offshore oil reservoirs until master plans had been drawn up equating commercial interests with other factors such as conservation, recreation, and esthetic values.

But, not surprisingly, oil interests overwhelmed other views. The Johnson administration disapproved of the marine sanctuary bills. Let me quote a portion of the testimony from the Interior Department given in hearings on the bills last year:

> We believe that this prohibition is undesirable because it would restrict the recovery of valuable and needed minerals and would also curb a substantial income to the Federal Treasury from bonus bids and royalty payments. It is unnecessary, because to coordinate the utilization of the mineral resources along with the aquatic resources of the Shelf, the Department has recently developed more adequate administrative procedures for the management of the Outer Continental Shelf, particularly with respect to the aquatic resources of the Shelf.
>
> Actions are taken to coordinate exploration activities by industry in order to minimize effects on fish and fishing activities. In many areas this is done through cooperation with State agencies; in others by Interior Bureaus and the industry. The technology used for seismic measurements in the exploration for oil is advancing rapidly so there is now very little use of explosives which have been harmful to fish in the past. Explorations can also be controlled and timed to avoid concentrations of fish and other aquatic life.
>
> The Department will take every step possible to regulate operations and placement of oil drilling platforms to avoid pollution and interference with navigation. When test holes are abandoned, the bottom must be left free of obstructions. Where necessary, pipelines are buried to avoid interference with other sea bottom activities.
>
> We believe it is possible to manage the resource development of the Continental Shelf so that the many values such as living and mineral resources and esthetic considerations can be utilized and protected. This will achieve multiple use for the greatest national advantage and there is no need for special interests to be harmed.

That very careful language is both vague and misleading. Although the Interior Department said it would "take every step possible to regulate operations and placement of oil drilling platforms to avoid pollution," judging by last week's eruption, that statement is just a sham. Neither the industry nor the Government has developed proper guidelines for offshore drilling.

Nor are there viable plans for combating leakages. Union Oil has been unable to control the eruption and the resulting oil slick. The company admits it knew it was drilling in an area where fissure faults abound, but it took no fail-safe procedures to prevent what has happened. The Federal Government has committed itself to an interagency task force approach, but coordination appears weak, and some of the methods tried have serious repercussions on all marine life in the affected area.

Even though Secretary Hickel yesterday put into effect a voluntary temporary restriction on drilling operations, that move is no more than just that—temporary and voluntary. Stronger action is imperative. I suggest that the 1-year moratorium, as proposed in the marine sanctuary bills that were vetoed by the Interior Department last year. be instituted immediately and continued until rigid Federal, State, and industry standards can be drawn up.

Mr. Speaker, at this point I would like to insert into the Record two articles from the February 4, 1969, Washington Post and one article from the February 2, 1969, New York Times, and one from the January 31, 1969, Los Angeles Times:

[From the New York Times, Feb. 2, 1969]

Slick Off California Coast Revives Oil Deal Disputes

(By Gladwin Hill)

Santa Barbara, Calif., February 1.—Just a year ago, in one of the biggest Federal oil transactions on record, the Department of the Interior auctioned oil-drilling rights on nearly 1,000 square miles of ocean floor off Santa Barbara to a dozen of the country's major oil companies for $603-million.

At the time, many Santa Barbara residents and conservationists expressed great concern that the Continental shelf exploitation—of little local economic value—would besmirch the renowned beauty of the affluent beach community, with its stucco and red-tiled modern-Spanish architecture and the palm trees gleaming in smog-free sunshine.

Today their fears seem to be coming true. There was talk, among the staid citizens, of staging a protest demonstration in which oil company credit cards would be burned in a city park.

Offshore, a runaway drilling of the Union Oil Company has been seeping for five days thousands of gallons of crude oil, forming a slick that spread over about 40 per cent of a 200-square-mile ocean area and was dispersing occasional black, viscous streamers into the green surf pounding on some nearby beaches.

The big questions are whether the existing slick can be largely neutralized and dispersed and whether the ocean-floor hole from which the oil is coming can be effectively plugged.

Beyond that loomed the larger questions of governmental policies regarding oil exploitation; chiefly the question, as one vexed conservationist put it, of "how far do we go in sacrificing the pleasantness of everyone's surroundings for short-term economic gains for a relative few?"

The emergency presented the first full-fledged test of the Federal "contingency plan" for interagency coordination in such pollution situations. The plan was drawn up at President Johnson's instance last September, as bills to minimize marine oil spills were bogging down in Congress.

The plan calls for the Coast Guard to take immediate operational charge of such emergencies. Secretary of the Interior Walter J. Hickel dispatched the Water Pollution Control Administration's director of technical support, Kenneth Biglane, to the scene to oversee remedial and clean-up measures and, if ultimately necessary, enforcement procedures.

On Union Oil's "Platform A," a 150-foot-high steel structure 130 feet by 115 feet, anchored six miles off shore, 30 men have been toiling around the clock to plug the leak, pumping down various types of "mud," a gooey drilling compound, into a shaft that runs 3,486 feet deep.

What had happened was that last Tuesday morning, a drill had cut a hole into a high-pressure deposit of oil and gas. Withdrawing the drill to renew the worn bit was like pulling a cork out of a bottle.

The underground pressure forced the oil and gas sideways, below the 500-foot-deep drilling pipe, into natural fissures. Oil and gas burbled up through the ocean at five "boil" points.

LEAKAGE DIMINISHING

Four of these were stopped by tapping into their area of origin and relieving pressure with a previously constructed horizontal pipeline leading ashore to the oil company's "separation facility" at nearby Ventura where oil and gas go into different distribution lines.

A widely publicized 21,000-gallon-a-day leakage figure has been entirely speculative, based on the yield of an average well in the area.

The outlook regarding the remaining "boil," right under the platform, was uncertain today, but all involved drew encouragement from the fact that the flow seemed to be diminishing rather than increasing.

In addition to a contract drilling team of 24 men on the platform, there were six men from Red Adair, Inc., of Houston, Tex., a concern that specializes in coping with oil well emergencies.

Meanwhile two Coast Guard cutters, the 95-foot Cape Hatteras and the 82-foot Point Evans, were circling the 10-mile-long slick, extending from Santa Barbara to the Ventura area, spraying the edges with "dispersant," a chemical emulsifier that tends to turn the oil into soap.

BARRIERS AT HARBORS

Miles of "booms"—chain-like floating barriers of logs, foam plastic or inflated bags—had been stretched across all threatened harbors and marinas.

Crop-dusting planes engaged by the oil company were dousing the slick with dispersant and with talc in an effort to coagulate the oil so that it could be scooped up if it drifted ashore.

This morning Federal officials ordered the chemical applications confined to the immediate area of the tower, lest the large amount of floating compounds create as much of a problem as the oil.

The restriction came shortly after two local conservation leaders sent telegrams to Interior Secretary Hickel saying that the attempted chemical remedies threatened to compound the problem from the standpoint of wildlife.

The two were Frederick Eissler, a national director of the Sierra Club; and Mrs. E. A. Parkinson, local chapter president of the National Audubon Society.

Union Oil took several new corrective steps today. A drilling barge arrived from Los Angeles to start boring a "relief hole" Monday obliquely to a point near the bottom of the shaft, as a new channel for "mud" to plug the eruption at its source.

A work boat was equipped with a pump to begin sucking up the oil, and preparations were made to deploy barge-borne trucks with similar "vacuum cleaning" equipment. In addition a 1,000-foot "boom" was floated out to surround the tower and confine the emerging oil.

Spokesmen for the state Fish and Game Commission Administration reported that injury to birds and fish had been minimal so far, and that at the moment no extensive damage was foreseen.

Conservationists said, however, that the accumulation of oil and other chemicals, even if dispersed or sunk, could work severe long-term injury to the ecology of the area.

Some oil has been observed along about 10 miles of beaches—where land is worth up to $2,000 a front foot—but no severe pollution has been reported yet.

Smatterings of oil on beaches in the vicinity have occurred for centuries, because of natural fissures over vast oil deposits.

There has been extensive offshore oil drilling in California for at least 75 years, with thousands of wells all the way from Santa Barbara, 125 miles south to Huntington Beach below Los Angeles.

The troublesome well was the fourth drilled from Union's Platform A which had a projected capacity of 56 wells.

Platform A is the first of four projected platforms in a 8.2-square-mile lease designated "Block 402," toward which Union paid $61-million in a combination with the Gulf, Mobile and Texaco Companies.

This was a "bonus" payment on top of the usual 12.5 percent royalty to the Government on oil extracted. Altogether 110 leases on 540,600 acres were let last Feb. 6.

[From the Washington Post, Feb. 3, 1969]

Hickel Views Leak—Oil Drilling Halted

(By George Lardner, Jr.)

Santa Barbara, Calif., February 3.—Evidently surprised by the sprawling oil slick he had just seen, Interior Secretary Walter J. Hickel today brought a temporary halt to drilling in Federal waters off the Santa Barbara County coastline.

"The pollution is much more severe than I anticipated," Hickel said moments after stepping off a Coast Guard amphibian.

The plane had just flown him over the Union Oil Co.'s leaking oil well in the Santa Barbara Channel.

It has already tossed close to 150,000 gallons of oil into the ocean waters here since last week when it spurted out of control.

Hickel quickly met with executives of six oil companies and a spokesman for California Gov. Ronald Reagan at the Santa Barbara Biltmore. The hotel, as the San Francisco Chronicle observed this morning, affords "a fine view of the catastrophe."

Announcement of the drilling halt came after that, in a release handed out while the Secretary and two aides boarded an Air Force jet to return to Washington. They had no comment on the announcement, and no one from the meeting was left behind to explain it.

The one-page release appeared to fall considerably short of what the new chief at Interior indicated he had in mind after his aerial inspection.

In the announcement Hickel said that all actual drilling in Federal waters off the coastline here was being "temporarily placed in a standby condition." The oil companies agreed to it voluntarily, he said.

"Our first concern at this time must be to take all possible steps to avoid a repetition of the incident I have just seen," the Secretary said. He said the temporary drilling halt "will afford a breathing spell until it can be determined whether corrective measures are necessary."

Hickel had said earlier, before meeting with the oil men, that he felt "stricter regulations" were plainly needed for offshore oil operations under Federal leases.

UNITED STATES SHARES BLAME

"It's as much the fault of the Federal Government as anything else," he had said of the oil leakage here. The Government's regulations, he said, haven't been overhauled in 15 years.

In a noontime press conference after the flight over the oil slick, Hickel also gave the impression that the moratorium he wanted should last until more stringent rules could be adopted.

The official announcement, however, said each drilling operation would be given "prompt clearance to resume" if it passed individual Federal reviews that have already been started. Any that fail to pass muster would wait "until collective measures can be put into effect," it said.

Nothing was said of tougher rules that would apply to off-shore oil drilling around the Nation.

Union Oil has already suspended its operations here under a $61.4-million Federal lease, but three other big oil companies have been keeping "wildcat" barges at work drilling in the huge ocean channel.

Federal officials said Humble Oil has had two barges hunting for petroleum about 30 miles west of Santa Barbara. Texaco has another some nine miles from Union's oil rigs, and Mobil Oil has one drilling a well 30 miles from here.

SIX FIRMS REPRESENTED

Officials of these three companies together with executives from Union, Gulf Oil and Phillips Petroleum, met with Hickel at the Biltmore.

Gulf is one of Union's partners in the eight-square-mile leasehold where the "blowout" occurred.

Phillips is the only company with an oil rig on Federal waters off Santa Barbara whose wells are in production. These are not covered by the moratorium.

Although Hickel had said at noon that he would ask the companies operating here to "'cease operations," he told newsmen he wanted to talk to the oil men first before deciding about producing wells. Most are within the three-mile limit, under California's jurisdiction.

"There's nothing that can go wrong with a producing well," a Federal oil and gas official said later, "unless a boat hits it."

The Secretary's press relations on the whirlwind trip, apparently commissioned by the White House, were nothing short of breathtaking.

He arrived Sunday night saying that he had no plans to halt any drilling. Then he implied that he might halt everything until stricter controls were adopted. Then he halted the drilling, but not so firmly in the afternoon as he had indicated in the morning.

Conservationists here had been hoping to "get oil out" of the Channel altogether, charging, among other things, that the area's unpredictable geology and earth faults make it unfit for oil production.

In Washington, Rep. John V. Tunney (D-Calif.) called for appointment of a Federal "board of inquiry" to look into the oil leak. He said it would appear "the conservationists were correct" in protesting about geological faults since before the Federal leases were granted.

PULLING PIPE

The oil leak far below the Union Oil platform began when its crews were pulling up pipe from the 3500-foot well-shaft to get at a clogged drilling bit at the bottom.

Unexpectedly, oil started to gush up through the pipe. "We weren't ready for it," said Union spokesman Jerry L. Luboviski. "We weren't quite at what we expected to be the producing depth, so we capped it. Blowout preventers went on automatically to keep it from gushing up."

The oil, however, apparently found a fissure or "fault" beneath the ocean bottom for an outlet. With the six-inch pipe capped, the oil apparently raced up the earthen sides of the larger 12-inch well-shaft. There, Union officials theorized, it found the fissure and burst along that toward the ocean floor. On the way, the company suspects, the gushing oil and gas sped into another oil pool, added that to its flow, and roared up through the same or other fissures into the ocean.

Oil company troubleshooters are now trying to send heavy mud down the six-inch pipe, then blast an outlet for it at the bottom so the mud will go up the shaft until it finds and plugs the fissure.

A metal valve about 700 feet down the pipe, however, has been holding them up. As the result, the company has also started drilling an emergency shaft, on a slant aimed at the old shaft.

If it simply comes close, oil men say, mud forced down the emergency shaft will then make its way over to the old shaft and flow up to plug the fissure.

[From the Washington Post]

Oil Industry To Give Its Endorsement to Legislation on Offshore Pollution

(By Spencer Rich)

The American Petroleum Institute will endorse legislation to clean up oil pollution from offshore drilling rigs.

The API's testimony before a Senate subcommittee Wednesday is scheduled to follow an appearance by George Clyde, a supervisor of California's Santa Barbara County, whose shorelines are threatened by oil escaping from an offshore oil drilling operation.

The details of the API's position are not known, but a reliable source said the organization, which speaks for the Nation's oil industry, will endorse the cleanup requirements "in principle" for the first time.

The subcommittee, headed by Sen. Edmund S. Muskie (D.-Maine), opened hearings yesterday on an omnibus water pollution control bill sponsored by Muskie, ranking Republican J. Caleb Boggs (R.-Del.), several other Republicans and a large number of Democrats.

The Interior Department last week asked for a postponement of its testimony until the end of the month to give it time to work out its position, and late yesterday the Atomic Energy Commission and the Coast Guard also asked to delay their appearances. They had been scheduled to appear Thursday.

Yesterday's testimony centered on "thermal pollution"—the overheating of water used to cool nuclear power plants. It can damage marine life and upset the ecology of rivers and lakes.

Muskie's bill requires Federal agencies, before issuing licenses for the construction of nuclear plants, docking facilities and hydroelectric plants, to obtain certification from the states that the proposed installation will not violate state water quality standards, including those on thermal pollution.

Joseph E. Moody, president of the National Coal Policy Conference, testified yesterday that a study done for his group by the Travelers Research Corp. showed adoption of cooling devices to avoid thermal pollution of rivers and lakes by nuclear and coal-electric plants would add 1.5 to 2 per cent to power costs for the consumer. But he said too little was known about thermal pollution to move ahead on legislation yet.

Robert Gerdes, president of the Edison Electric Institute, said there was no need for any special legislation like Muskie's, requiring advance design of power plants to avoid thermal pollution. If any power installation discharged too much heat into the water, the states could bring an abatement action under the existing Water Quality Act, he said.

The Manufacturing Chemists Association endorsed the Muskie provision. The American Iron and Steel Institute said it feared that requiring advance certification for building docks for industrial plants would force it to submit final plant designs six to eight months earlier than they were normally prepared.

[From the New York Times]

OIL SLICK SPREADING TOWARD BEACHES—WILDLIFE PERILED

(By David Larsen)

A vast and steadily growing oil slick began moving toward the beaches of Santa Barbara and Ventura counties Thursday as workmen on an offshore drilling platform sought to seal a bubbling leak beneath the sea.

Oil was said to be flowing unchecked to the surface at a rate of 21,000 gallons a day.

Late in the afternoon, Ventura County firemen reported oil in the surf at Rincon Point, which is near the boundary line of the two counties.

Conservation officials are concerned about the threat the oil poses to wildlife.

The migration of gray whales is at its height now, a spokesman for the State Fish and Game Department pointed out. The route they generally take is through the slick and whales are mammals which must come to the surface to breathe.

BIRDS TRAPPED ON BEACHES

Already the effect of the seepage on birds has been seen.

Mrs. Agnes Parrish, director of the Ventura County Humane Society, said her office had received about 60 calls from residents reporting birds struggling on the beaches with their feathers fouled by the oil.

Clifford Matthews, patrol captain for the Ventura-Santa Barbara area of the State Division of Fish and Game, said most of the reports of stricken birds involved either seagulls or grebes.

Matthews explained that the birds pick at their feathers, thereby ingesting the oil. This is often fatal to them, he said.

Lt. Tom Omri of the Coast Guard said that as of Thursday night the slick was in the shape of a reverse "J"—about 4 miles wide at the hook and 10 miles long. The northernmost point of the slick was off Carpinteria and the southernmost near Pitas Joint, which is about 6 miles northwest of Ventura.

The Coast Guard warned that oil might wash ashore at Carpinteria and in the strip from Pitas Point to Port Hueneme.

During the morning the concentration was being blown seaward, but in the afternoon the wind shifted and pushed it toward shore.

Union Oil Co. of California, the drilling concern, transported logs on barges from Long Beach, and shortly before nightfall lashed booms off the Ventura Marina at Ventura, the Channel Islands Small Craft Harbor at Oxnard, at Port Hueneme, and at the Southern California Edison Co. plant at Oxnard. It was hoped the floating barricades might trap the oil.

An oil company spokesman said a drilling bit was being retrieved from 3,000 feet below the ocean floor when oil and gas erupted through the pipe Tuesday.

Thursday night, oil was surging to the surface in two major bubbles about 800 feet from the drilling platform. There were probably other smaller flows, according to a spokesman for the oil company.

Natural gas was leaking in the vicinity of the drilling rig six miles off Santa Barbara.

Workmen were trying to "kill the well" by forcing mud into it, thereby alleviating pressures.

A crew from the Red Adair Fire Fighting Co.—which battled a stubborn blaze last month at an oil company field in Granada Hills—arrived to deal with this problem.

In Washington, Secretary of the Interior Walter J. Hickel dispatched a team of experts to the scene. He said he is considering tightening the regulations on offshore drilling.

In Sacramento, Gov. Reagan said: "We must move imediately to do everything possible to prevent major pollution of our coast." He asked that the federal government give the state permission to inspect all offshore oil platforms beyond the three-mile limit.

When the Interior Department was asked to evaluate merits of a bill to establish a marine sanctuary in the Santa Barbara Channel, the Department said:

> In reference to H.R. 11460, which concerns the study for establishment of all or part of the Santa Barbara Channel as a marine sanctuary, I am sure that members of the committee know that there was an oil and gas lease sale in February of this year in certain parts of this area. Our formulation of this particular program took into account the wide variety of marine interests for this area. Activities of military, shipping, fishing, recreational, and industrial users were already blended into the channel. Onshore was located one of the largest oilfields in California. This petroleum resource had every indication of extending out under the waters of the channel. The willingness of the oil and gas industry to bid $603 million for drilling and production rights indicates the potentially large oil deposits that underlie the channel area. Proper multiple resource management dictated that we utilize this resource.

Again, this is a misleading statement. Even before the oil leases were granted in the Santa Barbara area, there was great controversy over the need for such drilling operations. In December 1967, prior to the action of the Santa Barbara oil rights, the County Democratic Central Committee passed this resolution:

> Whereas the Santa Barbara County shoreline and channel are possessed of unique natural beauty, recognized by residents and visitors from the world over, and
>
> Whereas the Democratic administration has proclaimed its support of conservation and beautification, and
>
> Whereas the legislature of the State of California, recognizing that this scenic beauty is of greater importance than oil, in 1958 established a sanctuary from Summerland to Isla Vista, and
>
> Whereas the prospect of Federal leases in offshore submerged lands poses a serious threat to esthetic values as well as pollution of beaches and oceans: Now, therefore, be it
>
> *Resolved* That the Secretary of the Interior declare a moratorium on leasing in this area until it can be demonstrated incontrovertibly that oil operations will not damage or destroy one of the world's most beautiful and recreational shorelines and that copies of this resolution be sent to each of the following: Secretary of the Interior Stewart L. Udall, Congressman Philip Burton, Congressman George E. Brown, Jr., National Committeeman Eugene L. Wyman, National Committeewoman Ann Alanson.
>
> Passed and adopted by the Santa Barbara County Democratic Central Committee, December 7, 1967.

Nevertheless, the oil interests prevailed again. There were solid reasons for Government support. Both the industry and the Government would gain, at the expense of taxpayers and conservationists in particular, from domestic oil production expansion as compared to expansion from foreign sources—the industry from its favorable oil depletion allowances, and the Government from its royalty intakes.

So it is understandable that certain other discrepancies also may have been overlooked in the auction process. For example, over half of the 75 parcels bid on were essentially noncompetitive; 29 had only one bidder, 11 had differences between high and low bid which amounted to no competition, and only 10 had any real margin. And the final price paid, $603 million, amounted to what the oil industry had itself suggested 6 months earlier.

Even after the auction was completed, there were significant cautions raised in the State. In March and in June, the California State Assembly and Senate adopted the following two resolutions:

ASSEMBLY JOINT RESOLUTION 3

Joint resolution relative to establishment of an insurance fund for offshore oil leasing

> Whereas, The United States Department of the Interior has leased certain lands situate offshore of the State of California outside of the three-mile limit for offshore oil operations; and
>
> Whereas, The shoreline along the California coast is one of the state's magnificent heritages, a scene of unrivaled natural beauty; and
>
> Whereas, Any leakage, contamination, or beach pollution emanating from such oil operations, whether caused by negligence of man or forces of nature, or any other cause, could cause great damage to the valuable shoreline areas; and
>
> Whereas, The public interest would be well served through creation of an insurance fund for the protection and preservation of the California shoreline; now, therefore, be it
>
> *Resolved by the Assembly and Senate of*

the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to establish an insurance fund from revenue produced through offshore oil development and production, to be used for removal of pollution, contamination, or debris resulting from such development and operations which affect the California shoreline and for the compensation of landowners, including public agencies, for private or public property damage; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Interior.

SENATE JOINT RESOLUTION 4

Joint resolution relative to establishment of insurance fund for protection of shorelines from offshore oil development

Whereas, The government of the United States through the Secretary of the Interior, is letting oil leases outside of the three-mile limit offshore of the coastline of the State of California; and

Whereas, The California shoreline is of unique scenic beauty and is highly developed for residential, commercial, and tourism uses; and

Whereas, Any leakage, contamination, subsidence, or beach pollution emanating from such oil operations, whether caused by negligence of man or forces of nature, or any other cause, could cause great damage to the valuable California shoreline areas; and

Whereas, Recent events have demonstrated that there is a potential danger to shore properties resulting from shipwrecks occurring beyond the three-mile limit; and

Whereas, It is in the public interest that an insurance fund be established to protect the shoreline against such eventualities; and

Whereas, There exists a precedent for establishing such a fund in that the State of California has required that a reserve fund for subsidence contingencies, in an annual amount of two million dollars ($2,000,000), be provided for in contracts between the City of Long Beach and oil developers with respect to oil and gas extraction from tidelands granted in trust to the City of Long Beach; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to establish an insurance fund from moneys derived from the offshore oil leasing and oil production, and require that in instances when the person responsible for debris, contamination, pollution, or subsidence cannot be determined, such fund be available to remove and clean up any debris, contamination, or pollution, and mitigate the effects of subsidence, which may occur by reason of oil leasing, oil operations, or shipwreck and to compensate landowners, including public agencies, for any loss or damage occasioned thereby to private or public property; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Interior.

Of course, by June, it was too late to affect the Federal Government's decision. The negative response from the Interior Department came in early April, and no action was taken on all the bills dealing with marine sanctuary development.

Last week's accidental leakage came as no huge surprise to many residents of the Santa Barbara area. In his testimony before the Oceanography Subcommittee of the Merchant Marine and Fisheries Committee, Frederick Eissler, a national director of the Sierra Club and Santa Barbara high school teacher, presented a very revealing analysis of the problem:

Mr. Chairman, I am a director of the governing board of the Sierra Club a conservation group with headquarters in San Francisco and chapters throughout the nation. As a resident of Santa Barbara in Southern California, I am familiar with the Channel Islands region that some of the bills before you today indicate should be evaluated for sanctuary status.

The marine sanctuaries proposal adapts the principles of the historic Wilderness Act of 1964 to ocean areas. Our organization endorses this far sighted application of these principles. Now that industry at an ever increasing pace competes for use of the sea, particularly for the mineral resources, sections of offshore areas should be preserved as nearly as possible in a natural state for scientific study, wilderness recreation, sport and commercial fishing, enjoyment of beautiful scenery, and similar compatible uses.

We wish to support the recommendations in this matter of the Panel on Oceanography of the President's Science Advisory Committee (Sec. 3.0, "Modification of the Ocean Environment" in *Effective Use of the Sea,* June 1966). The Panel concluded: "Establishment of a system of marine wilderness preserves (would be) an extension to marine environments of the basic principles established in the Wilderness Act of 1964 . . . In the present context, specific reasons for such preserves include: (a) provision of ecological baselines against which to compare modified areas; (b) preservation of major types of unmodified habitats for research and education in marine sciences; (c) provision of continuing opportunities for marine wilderness recreation".

There is enthusiastic nationwide support for this dramatic and appealing concept. When we circulated our views on these bills several months ago, we invariably received a favorable response, a reaction from editorials, letters and other comments more positive than we have received on any other issue recently endorsed by the Sierra Club.

The *Providence Journal* (Rhode Island, 8–18–67) observed: "The Sierra Club correctly points out that the move is not prompted by any desire to keep oil companies from developing potential resources." The editorial stated that the earlier American experience of unchecked waste on the western frontier "demonstrates the wisdom of planning now to save the best underwater areas . . . not least along New England's rocky shore".

The St. Louis *Post-Dispatch* (8–25–67) continued in the same vein: "Man has only begun to learn about the potential beneficence of the sea, and he will not learn as much as he should unless some areas of undersea wilderness are protected from mineral exploitation and shore pollution".

"Most disinterested persons would agree that undersea areas of wilderness quality should not be unnecessarily damaged," said the *Baltimore Sun* (8–21–67). "It won't be long before man starts re-creating his land environment under the sea and the job of Congress is to see that he doesn't re-create his problems as well."

Here is but a sample of the editorial reaction. There was no disagreement in principle with the establishment of sanctuaries; there was unanimity that studies be conducted, as the bills propose, in order to determine how these sanctuaries should be dedicated.

The Torrey Canyon accident, and similar pollution disasters at Puerto Rico and the Bahamas, have no doubt focused public attention upon the future of our ocean resources and heightened the enthusiastic response to the sanctuaries bills. It is dramatically evident to those of us who live in the Santa Barbara region that we need wise planning for protection of our offshore environment from the many conflicts arising because of the oil development programs in the outer shelf.

The communities here for over forty years have protected their hillside and ocean setting by a combination of architectural and zoning measures, and prohibition against smoke and fumes. In the near-ocean on the other side of the channel lie the Channel Islands, described by the Park Service as "the greatest remaining opportunity for preservation of representative seashore values" and designated as a prospective national park in several bills now before Congress—H.R. 911 (Moss), H.R. 5457 (Miller), and H.R. 6108 (Burton) all introduced in 1967. The communities in this Mediterranean-type climatic and scenic areas, with an international reputation as the "Riviera of the West", discover virtually overnight that their birthright is in jeopardy. Their renowned attractions are being threatened by a forest of twenty-two-story-high drilling derricks offshore and the pollution from oil activity as fabulous oil reserves are being developed almost at the community's front door.

Santa Barbara community leaders, civic groups, conservationists and the citizenry in general have been dismayed by the failure of the oil interests and the federal government to consider adequately the masterplanning of the Channel so that all values can be given proper weight in a balanced use of the various channel resources. The oil companies are the first pioneers of the shelf and frankly they are pursuing their single purpose objectives at the expense of practically every other resource in the Channel. The people locally are seeing more clearly every day as new drilling barges and platforms move in that this unilateral development is going to wreck one of the nation's most beautiful tourist centers. This is needless destruction when the technology is available to obtain the oil without wholesale damage to the scene and the ecology. Oil rights must not be permitted to obliterate the rights of Americans to enjoy uncluttered ocean views, unpolluted seascapes and beaches, and unimpaired fisheries. A series of residential communities that have been conscientious about zoning on shore are shocked to find themselves powerless to insist on zoning and other orderly balanced development principles of planning allocation of uses offshore. They have been completely dominated and overwhelmed by the power politics of the oil companies.

And the question they ask themselves as good Americans and as stewards of their shoreline for the benefit of all those citizens in the nation that do not live near an ocean is simply this—if we cannot save our coastline in view of our devotion to conservation traditions how can other communities be effective either in saving theirs. In a sense the channel then offers one of the most significant opportunities in the nation to establish a model or test area for the protection of shoreline resources.

Portions of the extensive Santa Barbara Channel are listed in some of the sanctuary bills for study as potential marine reserves. Certainly here is a region in which an "ecological baseline" is necessary, to quote the Science Advisory Committee report, "against which to compare modified areas". The Channel as the meeting place of colder northern and warmer southern currents is especially conspicuous for the richness and variety of its biota.

The Park Service observes that the five Channel Islands "exhibit a unique combination of islands, seashore, and related marine values, including plant and animal life resulting from a million-year isolation from the mainland, extraordinary marine fauna (sea elephants, fur seals, sea lions, sea otters), great rookeries of nesting sea birds, and significant geological structures and processes . . . Dr. Thomas C. Poulter, Senior Scientific Advisor and Director, Biological Sonar Laboratory, Stanford Research Institute, states that the elephant seal rookery on San Miguel Island (Point Bennett) is the most important such rookery along the entire coastline of the United States and every effort should be made to protect it."

These waters at San Miguel Island, for example, should be studied cooperatively by the State of California and the federal government under the terms of Section 3(b) and Section 4(b) of the Sanctuary bills, providing for such cooperation as a basis for evaluating the feasibility of establishing a protective zone.

The Sierra Club and its members along the Atlantic Coast are troubled by the conflict arising between oil exploration and development at such important fishing grounds as the Georges Bank. The fish kills from undersea seismic testing; the pollution dangers from tanker accidents; the flushing of bilges in the fishing areas; the constant threat of the oily mess from an oil well blow-out; all of these hazards that can be anticipated when oil activity is intensified are a major concern to us.

We believe that both the Georges Bank and the Santa Barbara Channel should be given priority consideration as model study areas in which to pioneer the sanctuary concept where answers to the complicated conflicts between mineral-industrial development and the need to protect the natural environment for scenic, scientific, recreational, fishery and other purposes can be weighed and balanced.

The Sierra Club is impressed with the Section 3 provisions in the bills that require consultation in the study program with interested agencies, public and private organizations; the coordination of federal studies to the extent feasible, with applicable planning activities; and the scheduling of hearings in areas contiguous to the proposed sanctuary sites. The provision in Section 4 on the moratoriums upon mineral exploration and development in study areas also, we believe, is essential.

The requirement under Section 5 that the Secretary of the Interior shall submit the results of his studies to Congress through the President within two years after the date of this act should, we believe, be revised to allow the Secretary to submit through the President annually, on a two year basis, the result of any studies that are completed pursuant to the other provisions of the bill. During the lengthy two year period between passage of the bill and the submission of study recommendations certain potential marine sanctuaries might be presented for other uses.

We know that during the westward migration along the American frontier vast wildlife and land resources were unnecessarily destroyed. The resources of the ocean frontier must not be similarly wasted. The Sierra Club firmly supports the principles of these bills designed to save some of the best examples of our ocean environment in a system of wilderness ecological reserves.

Despite all the controversy the oil companies never hesitated in starting their drilling operations. Perhaps, if the oil industry were facing a declining market and had fears of available resources petering out, their helter-skelter rush to drill off Santa Barbara might be excused. However, that is not the case. As the following story from the January 28, 1969, Los Angeles Times shows, many of the companies with leases in the Santa Barbara area are enjoying record profit levels:

FOUR MORE OIL FIRMS REPORT HIGHER PROFITS

(By Joe R. Nevarez)

Four more oil companies Monday reported increased profits and revenues for 1968, following the trend set by other industry giants last week. Two major oil firms, reporting Monday, however, said their earnings declined.

Getty Oil Co., Los Angeles, and Phillips Petroleum of Bartlesville, Okla., were the two which showed lower earnings.

Standard Oil Co. of New Jersey, New York, world's largest, led Monday's group of oil companies reporting profit gains. The others were Union Oil Co. of California, Los Angeles; Gulf Oil Corp., Pittsburgh; and Standard Oil Co. of Indiana, Chicago. Previously Texaco, Mobil, Shell and Sun Oil had reported record profits.

Record earnings of $1,275,000,000 for 1968 equal to $5.93 a share were reported by Standard of New Jersey, up 10.4% over 1967's net of $1,155,000,000 or $5.36 a share. "The earnings improvement," noted M. L. Haider, chairman, "was attributed in large part to record operations, particularly in crude oil production.

Jersey Standard said changes in accounting principles resulted in a reduction of $30 million or 14 cents a share for 1968. Earnings for 1967, restated on a comparable basis, have been adjusted downward by $37 million or 17 cents a share from the $1,192,000,000 previously reported.

Getty Oil Co.'s decrease in earnings to $98 million from $118,166,000 in 1967 results from increased exploratory expenditures for petroleum, uranium and other minerals; from accelerated depreciation on international tankers of subsidiary companies; from write-offs of costs and expenses applicable to prior years; and lesser gains from nonrecurring sales of properties. Per share net for 1968 was $4.75 vs. $5.72 per share in 1967.

EARNINGS STEADY

Union Oil's fourth quarter earnings were steady and its preliminary 1968 earnings were the best in the company's 79-year history. The 1968 net rose 4% to $151.2 million or $4.53 from $145 million or $4.33 per share in 1967. Assuming conversion of preferred stock and debentures, net would have been $3.69 in 1968 and $3.54 in 1967. Revenues also hit a new high for 1968, up 9% to $1.9 billion from $1.7 billion in 1967.

Operating income for Union Oil in the fourth quarter was $37.2 million or $1.11 a share vs. $36.2 million or $1.08 a share in the same 1967 period. This was before a gain on sale of assets of $500,000 equal to 2 cents a share vs. $1,300,000 or 5 cents a share in the fourth quarter of 1967. Fourth quarter net earnings were $37.7 million vs. $37.5 million a year earlier. Per share earnings were $1.13 each year. Revenues totaled $480.0 million in the 1968 fourth quarter vs. $445.0 million in the same 1967 period.

Gulf Oil Corp. 1968 earnings increased 10.2% to $626 million, compared with $568 million in 1967, before extraordinary items. Earnings are equal to $3.02 a share, or 28 cents more than the comparable $2.74 earnings per share for 1967, adjusted to reflect a 2-for-1 stock split in September, 1968.

Final revenues figures are not available but are estimated to be over $5.5 billion.

Standard Oil Co. of Indiana 1968 earnings were $309.4 million or $4.37 a share vs. $282.2 million or $3.98 a share a year earlier. Revenues were $3.99 billion vs. $3.58 billion in 1967.

Phillips Petroleum 1968 earnings were $136.8 million vs. $164.0 million in 1967. The 1968 earnings included $6.8 million from the sale of securities. Earnings per share were $3.75 in 1968 based on 5.5% greater average number of shares outstanding than in 1967, when net was equal to $4.74 or $4.49 based on 1968 average shares outstanding.

Gross income for the year rose 6% to $2.1 billion.

As I mentioned earlier, the Santa Barbara tragedy is disheartening because it easily could have been avoided. At the least, it should not be allowed to happen again. Today I am reintroducing three bills which can be a first step toward preventing further incidents. These three bills, first, authorize a feasibility study of establishing a marine sanctuary in the Santa Barbara channel while setting a 1 year moratorium on commercial development; second, established the Channel Islands National Park; and third, asks for a broad study which would result in an expanded national system of marine sanctuaries.

At the same time, I am now working on draft legislation to directly affect offshore oil drilling operations. This new legislation will aim at setting standardized drilling procedures, establish stringent building codes for drilling platforms, and require fail-safe systems to prevent major leakages.

SOME THOUGHTS ON THE PROBLEMS OF OUR TIMES—PART I

(Mr. BROWN of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROWN of California. Mr. Speaker, we are at the beginning of a new year, a new session of Congress, and a new administration. It is appropriate that all of us give renewed thought to the problems which confront our country and to the courses of action which we can take. Each of us can make a contribution to understanding. Each of us has the responsibility to do so.

It has been pointed out to us by our leaders that our country has enjoyed great economic gains over the past several years. Incomes are higher. More people are working. Despite the demands of war, we are also spending large sums on education, health, housing and many other social programs. We have made great strides also in removing the last vestiges of legalized segregation and discrimination and in developing positive guarantees of equal treatment under law to all people. We are asked to look to these and many other signs with pride, as marks of progress.

Yet despite these signs, we find ourselves a troubled Nation. The elections of last year revealed the depths of discontent. Those leaders promising change were the ones who generated enthusiasm. The final choices presented in November made few happy, and the leader finally chosen has the mandate, not of Heaven, but of only a precarious, earthly plurality, far from a majority of the voters, or the people.

The new administration must seek to quell the discontent of the Nation as a matter of political survival if for no other reason. But discontent can sometimes be tempered, or at least made manageable, without attacking basic problems. It is my thesis that such will be the course of this administration. And it is my purpose to focus our attention on the basic problems confronting us, not on making the discontent of our times manageable through the illusion of progress or change.

It is quite obvious that in the forefront of the causes of our discontent is the war in Vietnam. It makes very few people happy. Even those who see it as a holy crusade against the forces of evil bitterly resent our failure to unleash maximum force in support of it. Those who see the war in a different light, as a mistaken and immoral action in support of outmoded policies, are equally resentful. And the large majority, who normally accept with little question any military involvement, are restless and unhappy that our great effort is so difficult to rationalize and so indefinite in its outcome.

Those most directly concerned by the war—the youth whose lives are managed by the draft and may be forfeit to the war—have been motivated to attain a degree of activism to which our society is unaccustomed. This activism has spread, of its own dynamic, to questioning many other institutions of our society which they see with increasing clearness as part of a system which encourages and supports war. Not the least of these institutions which they question is the one with which they are most involved, the institutions of learning.

Activists from the black and brown communities, both young and old, have likewise seized upon the war as a convenient target. For a few it has been a target because of the policies it represents—for most because it represents a diversion of interest and resources from the cause which they consider greater, creating a just society within our own land.

Aside from those direct impingements on segments of the population, the war is also a major factor in stimulating inflation, creating an adverse balance of trade, accelerating our gold outflow, alienating many of our allies, and reducing our capacity to deal with other potential trouble spots around the world. For all of these reasons, a President of reasonable political acumen, if he can do so, will at a minimum reduce our involvement in Vietnam to "acceptable" levels.

This in itself would do much to reduce our national discontent, and might even be sufficient to insure the political survival of the President for a second term. But it would not solve the underlying problems.

The basic situation represented by Vietnam is nothing less than how well we see the reality of those forces moving humanity today and how these forces can be influenced. If this Nation persists in seeing reality as the inevitability of conflict between "good" and "evil," with "good" residing in the so-called free capitalist—or semi-capitalist—nations and "evil" residing in the so-called slave Communist—or semi-Communist—nations, then we have solved no problems. If we see our role in the world as the knight in shining armor riding to the rescue of every fair damsel threatened by the dragon of communism, we have solved no problems. Or, in more modern terms, if we see ourselves as the powerful and paternalistic policeman of the world, obligated by our strength and the justice of our cause, to intervene on the side of righteousness in every conflict, then we have solved no problems. We have merely postponed for a day the results of our folly.

To solve the problem represented by our involvement in Vietnam requires that we adopt, and as quickly as possible, a different world view, and with that view a correspondingly different set of policies in our relations with the rest of the world. This new view must encompass a large and unaccustomed measure of national humility, restraint, and realism in seeking to enforce our will around the world. As a nation we are 6 percent of humanity. That is the true and lasting measures of the influence we have and should seek. The fact that we have the highest per capita GNP in the world, or produce half the world's hardware, or can wipe out the remainder of the human race with our H-bombs, is basically immaterial in the long light of history. All of these measures can and will change within a hundred years, or sooner. We have only to ask ourselves how we would feel about our role when, say, Japan, or Brazil, or Nigeria have achieved a degree of parity with us on these measures, to know that our present course is presumptuous, to say the least. Or, if our hindsight is better than our foresight, as is usually the case, we need look only at the history of empires from prehistoric times to that of Britain and most modern European countries to see how the mighty have fallen.

For us to act in accordance with the reality of the world does not mean abdication from any world role. We need not even bare our national breast and confess our sins to the world, salutary as that might be. We are in truth not much worse, and not much better, than most other countries. We have merely succumbed to illusions generated by material power in much the same way that all past and present nations have. The issue is how to eliminate, or at least reduce, the effect of these illusions on our national policies. The power we have is real. It can be used meaningfully for our benefit and the world's, if used without illusions. If we can come to see ourselves in a different light on the world's stage, then the changes of policy required will not appear too difficult to achieve. I would suggest, without undue elaboration, a few of the more obvious.

We have no fundamental national interest, security or otherwise, in Vietnam, and should seek total military disengagement there as promptly as possible. Our concern should be primarily for an orderly transition to a stable and representative government, over which our influence should be minimal. Our future involvement with Vietnam should be one of seeking to repair the damages of war throughout the country, participating in international efforts to accelerate the economic development of the country, and encouraging the solution of regional political problems, of which there are many, within the framework of a regional security arrangement in which all or most of the Southeast Asian countries participate. If we follow this course there is a possibility that we might regain some measure of the capital we have lost—the capital of international prestige, respect for our judgment, and even goodwill, in Asia and around the world—over a period of time. It is also possible that we might accomplish our only legitimate aims in this area of the world—establishment of reasonably friendly relations with the various governments, and the opportunity for U.S. investment and trade under mutually agreeable conditions.

The tragic and costly U.S. involvement in Vietnam has been from the beginning merely an incident in a far more significant conflict. This is our blind and stupid confrontation with Communist China. Having sided with the loser in China's revolutionary civil war, we have persisted in the fiction that Mao Tse-tung and Communist China do not exist, and that Chiang Kai-shek and his exiled countrymen on Formosa are the true government of a quarter of the world's people. To persist in such a delusion for more than 20 years is an indication of how deeprooted are the irrational drives behind our foreign policy role in the world. China has never in the past, nor is likely in the foreseeable future, to pose a credible military threat to the United States. Yet, in our arrogance, we have followed precisely the course that makes most probable a military conflict with China. We have supported, protected and encouraged a rump government on Formosa. We have deployed our Army, our Navy, and our Air Force around China's borders, and participated in clandestine violations of her sovereignty in the air, the sea, and on the ground. We have sought to influence the countries on her borders against her with massive infusions of U.S. dollars, which we describe as "foreign aid." We have used our power, political, economic and military, to deny her the role in the United Nations provided by its Charter, and to prevent economic or diplomatic relations between her and other countries under our influence around the world. This policy has cost us billions of dollars every year for a generation. Because the only fruit of this policy is a continual worsening of our relations with China, it will eventually cost us hundreds of billions more. For the ultimate hypocrisy will occur one day when our leaders, having committed our military forces against China, tell us that we were forced into the confrontation by China's unreasonable and aggressive actions.

Obviously, our policy toward China must change. Born out of our obsession that the victory of Mao Tse-tung represented an extension of monolithic Communist power over Asia, and directed from Moscow, the policy has survived while the facts proved themselves ephemeral. Today the policy survives on inertia, fueled by an arrogant power that insists on its own interpretation of reality merely because of its power. The nature of the changes required are clear. A satisfactory conclusion to our adventure in Vietnam is the first step. A Presidential announcement of a desire to change our posture would be desirable. Concrete steps evidencing this desire would include a reduction in our military deployment around China, a discontinuance of our efforts to deny China her seat in the U.N., a willingness to begin the exchange of visitors, particularly writers, scholars and businessmen, and most important, ending our obstruction to a resolution of the status of Formosa.

The probability that we will undertake

these policy changes toward China in the near future is remote. It hinges on our ability as a nation to act in accordance with the reality of the world, to see ourselves in a different light on the world's stage, as I said earlier. Important elements in the power structure of our country—economic, political, and military—see the cold war as ultimate reality. To these elements the Communist—and Socialist—system of organizing society is so evil, so monolithic, so unchanging, and so set on controlling the world; and our system is so good, and so determined to resist, that one must destroy the other. In acting on this perception of reality the power structure does that which will create the reality—the model of the self-fulfilling prophecy. This has tended to be the pattern of our relations with the U.S.S.R. and even more so with China.

Beneficial policy changes in critical areas of the world, and even in our domestic affairs, can only be achieved as this false perception of reality is destroyed or drastically weakened. The rulers in the Kremlin have no magic power over Communist China. The dogma of communism means different things to each of them, and even if its meaning were similarly interpreted the force of dogma could not and does not prevail over conflicts of vital national interests. The communism of China does not dictate to the communism of North Korea or North Vietnam, nor that of the U.S.S.R. to Czechoslovakia or Poland when there is a conflict of national interest, as there appears to be on a growing scale. So the case for a monolithic communism can no longer stand.

Just as communism is not monolithic, neither is it unchanging. Obviously, the relationships among the Communist nations and parties are in a state of flux. More so since the August 1968 invasion of Czechoslovakia than ever before. Not so apparent are the changes taking place within each Communist country in the methods of economic organization and in the mechanics of political control. But these changes are nonetheless real and important. Consumer choice operating in the marketplace is of growing importance; decentralized management governed by the profit mechanism is expanding in the U.S.S.R. and other Communist industrial establishments; and freedom to criticize and to deviate from the Party line is becoming less dangerous. We should be under no illusions, however, that these changes mark the beginning of our style of capitalist democracy in the U.S.S.R. They do not, but they are changes toward a system more compatible with our concepts of freedom.

When we can see the Communist system in a perspective more approaching reality—as pluralistic, nationalistic, competitive, changing, under the constant pressure of demands for individual and national autonomy—the imminent possibility of either the ideology or any of its varied national practitioners seriously threatening to conquer the rest of the world becomes highly questionable. If overwhelming Communist military power cannot hold Czechoslovakia within the orbit of Communist orthodoxy in Europe; if North Korea and North Vietnam, on the borders of the world's largest and most paranoid Communist country, can still make clear with impunity their commitment to their own nationalist goals independently of Chinese approval, what real prospect is there of any foreign Communist nation absorbing England or Germany, much less the United States?

That there is evil in the dogma and practices of communism cannot and should not be denied. That we should resist the imposition of this evil on ourselves is indisputable. That we should assist any other nation to achieve the form of political and economic organization it desires without external coercion seems most reasonable. But for us to assume a world view that has us absolutely committed to slaying the dragon of communism with the sword of Galahad is insanity. And for us to see every move toward the overthrow of domestic dictatorial elites in the underdeveloped world as an externally controlled Communist conspiracy is equally insane.

The corollary to seeing communism in its true persepctive is, of course, seeing our own system as it is. Obsession with the evils of communism is all too frequently a cover for complete refusal to see evil and to consider changes in our system, particularly changes which operate adversely to the presumed interests of the current holders of power. While we talk in the language of our revolutionary forefathers about individual freedom, our Nation today has become a vast corporate state ruled by varied bureaucracies, of which the most powerful are the least susceptible to or concerned about individual freedom. This is another reality we must face, if we hope to create national harmony, not just "manage" discontent. I shall speak more on this later.

Returning to the problem of the U.S. role in the world, if we can disengage from Vietnam, change our policy toward China, and cease living by the shibboleths of cold war anti-communism, have we not then solved most of our foreign policy problems? Unfortunately, such is not the case. These delusions of the past have served to screen from us the ugly face of humanity's real and more complicated problems, and have taken most of the resources desperately needed for them.

Of these the most pressing and most intractable is population control in the third world. At current rates of increase among the poor three quarters of the human race, their numbers will double about every 30 years. There is no conceivable way that food production can keep up with this flood of human beings. Even less are the chances for progress toward a humane life at some minimum level of education and technological development. In the developed countries population growth is manageable because they have both the technological resources for nearly universal distribution of contraceptive information and devices, and the motivations of individual economic self-interest to limit family size. Both of these are lacking in the underdeveloped world. The only methods of population control open to them are war, disease and starvation. All will take their toll, at ever increasing rates and with ever greater threats to the complacent well-being of the rich countries.

Food production and economic development of the third world would be massive problems even with a stable population. As a nation we have sought to add to our moral luster by pointing to our foreign aid program as proof of our unselfish concern for a suffering humanity. The truth of the matter is that any good we have done for suffering humanity has been an accidental bonus from, not the primary intended result of, our foreign aid dollars. The reconstruction of Europe through the post World War II Marshall plan was part of our cold war program to inhibit the potential expansion of the U.S.S.R. It involved neither the underdeveloped world or morality, but a calculation, now seen by some as in error, that it was a necessary action to prevent Russian armies from marching to the Atlantic and the Mediterranean.

After the Marshall plan, the larger part of our generosity went to the circle of countries surrounding China. Those great friends of freedom, Chiang Kai-shek, Syngman Rhee, and Ngo Dinh Diem were the favored recipients in return for commitments to serve as outposts of the U.S. containment policy in Asia. Pakistan and India received a modest portion, again tied to support of United States-China policy. The military component of this assistance is the largest, and is invariably used to suppress indigenous unrest, or, as with Pakistan and India, to attempt to settle old grudges against each other.

Africa and Latin America, being peripheral to the cold war containment of the U.S.S.R. and China, received correspondingly less assistance. Even their meager share was doled out with the attached strings of adherence to U.S. economic and political policies.

Today, most nations of the third world are losing ground, relatively speaking, to the rich industrial nations, both Communist and non-Communists, in the drive for economic well-being. Foreign economic assistance to them is increasingly being offset by demands for payment of interest and principal on former loans. The rich nations manipulate the prices for third world products, largely raw materials, while keeping the prices of their products, largely the sophisticated products of technology, as high as possible. The trained and educated personnel of many parts of the third world are being drained off to the rich nations by the attraction of higher economic rewards.

Instead of the old-style political Imperialism of the 19th Century, the United States—and most rich Western countries—today practices a more sophisticated form of economic imperialism. Its goal is to maintain the largest possible area into which the products and the capital of the United States can flow freely and safely. This is apparently the real meaning of the "freedom" which we have armed ourselves to the teeth to protect around the world.

Imperialism, whether old-style colonialism or new style economic domination—and whether practiced by nations calling themselves capitalist or socialist or Communist—represents denial of a peoples' most fundamental aspirations.

The United States should not persist in deluding itself into thinking that it is expanding freedom around the world, by taking up the "white man's burden" passed on by the aged and weakening powers of Western Europe. Unfortunately this is the direction of our present policies.

The greatest good that the United States can do for itself in today's world is to speed the day when hunger, poverty, and ignorance no longer afflict three quarters of mankind. Action to accomplish this is at once selfish, in the sense of serving our own interests, and unselfish, in the highest sense of helping others. But the actions we take must be radically different from our present course.

There must be a massive increase in the net flow of capital, technological know-how, and trained manpower to the underdeveloped world. This flow of resources must be divorced from allegiance to the economic or political policies of any one country. This should be accomplished preferably by pooling aid from all developed countries and administering the resultant resources through international or regional bodies. The primary focus of this program should be on population control, food production, and education. Maximum emphasis must be placed upon the development of local and national leadership, enhancing local and national culture, and solving local and national problems by more effective use of their own resources. Where this requires revolutionary changes in the distribution of power, such change should be permitted, if not encouraged, instead of inhibited as is the case today. The delusion held by the United States, and most rich countries, that the underdeveloped world must inevitably follow our path to "technology land," a world in which progress is measured by the amount of resources consumed, hardware created, and waste produced, must be exorcised.

Today, most developed nations pay for a precarious security an amount which runs between 5 and 10 percent of their GNP. Instead of security, this payment for military purposes is one of the best guarantees of world insecurity. Properly administered, 1 or 2 percent of the GNP of the rich nations used for the programs necessary to control population, hunger, and ignorance would provide the only real security for the human race. The problem is compounded because of our insistence that the ultimate arbiter of all causes must be national force. This is probably the first and most easily absorbed lesson mastered by the new nations of the world. Hence, following our example, and frequently with our encouragement, they waste the precious resources available to them in a show of spurious nationhood, rather than in attacking the more complicated problems of achieving human progress.

It follows from this that our lipservice to the goal of world law and international peacekeeping must be replaced by the real article. The $150 billion per year or more now spent on armaments, largely by the rich nations, must be drastically reduced. The efficacy of this step alone in promoting economic development is demonstrated by the near-miraculous rates of growth shown by West Germany and Japan in the post-World War II period when they were prohibited from military expenditures. International tensions, such as in the Middle East, India-Pakistan, and numerous other areas of the world, must be alleviated. The structure of the United Nations should be revised to whatever extent necessary to make it an instrument for the peaceful resolution of international conflict, and the force necessary to make its mandate credible must be provided. Competing national military forces must be gradually subordinated to the mechanism of the world body.

There is little room for optimism that the United States will undertake the changes in its own perception of its role in the world necessary to make a beginning toward the conditions of world peace and security. Today, our course is set in the opposite direction. No great wisdom is needed to foresee that this country will, as did every other great country of history, play out its fantasy of being the chosen people of the Lord. But the fruits of this fantasy will bring immeasurably greater tragedy to the human race today than ever before.

I have made these brief remarks about America's role in the world from a deep concern for the welfare of this country. I conceive of that welfare as now inextricably tied to that of the entire human family, in a measure unique in history. If such is the reality of the world, and all signs now so indicate, then old ways of thought no longer suffice to meet the crisis of these times. I have no illusions, however, that the course I am suggesting will bring instant utopia. Even if we follow this course, the human race faces unknown generations of war, revolution and suffering. But we can and should be on the course which gives some hope for our survival, and for the emergence of a more desirable life for all humanity on this planet. This is the least we should expect in an era which marks man's first departure from his age-long earth-bound role.

In a second part of these remarks, I shall deal with some of the sources of discontent and division within our own society.

SENATOR KENNEDY PUTS ANTI-BALLISTIC-MISSILE SYSTEM IN PERSPECTIVE

(Mr. BOLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BOLAND. Mr. Speaker, Senator EDWARD M. KENNEDY has urged the Nixon administration to put a freeze on the construction of sites for the planned Sentinel anti-ballistic-missile system. Senator KENNEDY's plea— made in a letter to the Secretary of Defense—deserves spirited support from the Congress and the Nation at large.

The deployment of a "thin" Sentinel ABM system, Mr. Speaker, might reach the staggering total cost of $7 to $10 billion. Yet this sum—a sum that could help meet this Nation's pressing social needs—would buy a defensive system of only the most trivial value. Last July, in supporting a proposed amendment to strike $263 million in appropriations for the construction of a Sentinel ABM system, I pointed out that this system is plainly and demonstrably unnecessary to shield the United States against a nuclear attack from Red China. Only now recovering from years of domestic tumult, China has fallen more than 12 months behind in her timetable to develop an effective ICBM force by the middle 1970's. Does any reasonable man—indeed, any sane man—believe that China would flirt with certain disaster by launching a nuclear attack at this time. China, in any case, is capable of making a "thin" ABM system wholly obsolete by the time it is constructed. Military and scientific evidence makes clear that sophisticated penetration aids—aids that Red China has already incorporated into its ICBM development program—would make a "thin" ABM system next to useless. And the system, of course, would be clearly worthless as a defense against the Soviet Union's nuclear might.

We have no assurance that this system could even achieve the quite limited objectives its proponents have cited. Sentinel missiles have never been tested in the atmosphere, a fact that makes their potential military value highly dubious.

The Sentinel ABM system, in short, would serve no other purpose but to waste billions of the taxpayers' dollars and accelerate the arms race to a far more dangerous level.

Senator KENNEDY has pointed out, moreover, that the American cities chosen as Sentinel ABM sites would become primary targets in the event of nuclear attack and their populaces would be exposed to the danger of accidental Sentinel explosions.

Mr. Speaker, I would like to put in the RECORD at this point a copy of Senator KENNEDY's letter to the Secretary of Defense and a Washington Post article outlining the letter's major points:

KENNEDY URGES FREEZE ON SITES FOR ANTIMISSILES

(By Morton Mintz)

Sen. Edward M. Kennedy (D.-Mass.) has urged the Nixon Administration to freeze construction of sites for the "thin" Sentinel anti-ballistic missile system—the controversial project proposed as a deterrent against China.

The Assistant Senator Majority Leader said that a freeze would "make a definite contribution to the cause of world peace," reassure the Nation that its defense programs are "sound and rational" and expand the possibility of dealing "more effectively with our domestic needs."

Kennedy's plea was voiced in a letter mailed Friday to Defense Secretary Melvin R. Laird, who has said the ABM system is needed as a bargaining tool for possible disarmament talks with the Soviet Union.

In the meantime, Laird has ordered a review of the system and of the decisions to proceed with deployment. The review provides, Kennedy said, "yet another reason" for freezing site construction.

Kennedy's letter holds to his previously expressed position—against construction of the ABM system but in favor of research and development for * * *.

Last April 18, for example, Kennedy was paired in support of an amendment of Sen. John Sherman Cooper (R.-Ky.) to delay deployment of the Sentinel. The amendment was defeated, 28 to 31. Last Oct. 2, Kennedy was in the minority again when a similar Cooper amendment was rejected, 25 to 45.

Kennedy's letter to Laird included these arguments for a freeze on Sentinel site construction:

Technical: There is "no conclusive evidence" the system will work in combat conditions.

Relations with the Russians: The choice might be a freeze and "an unparalleled opportunity to lessen world tensions," or the possible "folly" of forcing the Soviets to continue with an ABM system of their own.

Site location: In Massachusetts and elsewhere, populated areas will be exposed to accidental ABM explosions and made "a prime target."

Cost: Although the Defense Department has estimated a "thin" system will cost $5 billion, "all of us with experience in estimates for the military systems expect this . . . figure to be low."

Text of a Letter From Senator Edward M. Kennedy to Secretary Laird on Construction of Anti-Ballistic-Missile Sites

January 31, 1969.

My Dear Mr. Secretary: There has been a steadily rising tide of opposition in Massachusetts to the construction of the Missile Site Radar facility at Camp Curtis Guild in Reading, Massachusetts, just outside Boston. This facility is one component of the projected "thin" sentinel anti-ballistic system presently planned for fourteen sites across the Northern United States.

This tide of opposition in Massachusetts is matched by growing opposition elsewhere in the country, opposition based on an increasing conviction that a major financial commitment by the United States at this time would be a serious mistake. While I am sure you are familiar with some of the threads of the arguments in opposition to the Sentinel system, it may be helpful if I reviewed them as they were expressed at a meeting last Wednesday evening at the Reading High School, a meeting arranged by the Department of Army to explain to those who live near Camp Curtis Guild what the Reading Missile Site Radar facility involved. In attendance at this meeting were some of our nation's most eminent scientists, a number of whom have served at the highest policy levels of the government.

The questions raised at this meeting, it seems to me, go to the heart of the debate over the Sentinel system's efficacy:

First, technical questions. There is apparently no conclusive evidence that the Sentinel system will work under combat conditions. To be sure, under laboratory conditions—a single ABM launched against a single ICBM of known trajectory—the chances of an intercept are good. On the other hand, we know that a nuclear explosion in the atmosphere creates a cloud of ionized gas, and we know that our ground-based radars—which provide the guidance information for the ABMs—cannot penetrate this cloud. Highly-respected authorities believe that during the several minutes required for these clouds to dissipate, our entire ABM system would be inoperative. There are, too, many other technical questions which are, in my mind, unresolved—such as the number of ABMs we would need to provide an adequate shield against a sophisticated saturation ICBM attack, which would include MIRVs, orbital delivery systems, and a multiplicity of delivery vehicle types.

Second, our relations with the Soviet Union. A number of my colleagues have spoken directly and personally to the leadership of the Soviet Union. They came away from these discussions with the strong conviction that the Soviets stand ready to seek an agreement with the United States on avoiding yet another lap in the arms race. Our government has been striving for more than three years to seek such an understanding, an effort we should not permit to lapse. At a time when we seek to lessen tensions between our two nations, it appears folly to step forward towards a commitment of tens of billions of dollars, which would force the Soviets to do likewise and in all probability force both countries to push development of newer, more sophisticated and more expensive offensive delivery systems. In short—a major United States commitment to deployment of a major ABM system should vitiate an unparalleled opportunity to lessen world tensions.

Third, site location. Testimony from this country's most knowledgeable scientists indicates that the effectiveness of an ABM system—assuming its deployment—does not require the placement of sites in populated areas. Let me use the Reading, Massachusetts, site as an example. Although the precise figures are classified, the best estimates indicate that accidental explosion on the ground of a Sentinel warhead would cause total destruction in an area five miles in diameter, and serious damage over a far greater area. Even though accidental explosions are only a remote possibility, I simply cannot understand why the Missile Site Radar facilities are not placed as distant from populous areas as possible—as are our offensive missiles. In the case of Reading, there are many isolated areas within a radius of 100 miles; since with a theoretical enemy attack, we are dealing in distances of many thousands of miles over which the ICBMs must come, 100 miles distance from Reading could hardly make any major difference. Then, of course, there is the corollary issue: in an enemy attack, the ABM sites would of necessity be a prime target—why should they be located in populated areas?

Fourth, costs. The cost estimate for the "thin" Sentinel system is presently $5 billion. Yet all of us with experience in estimates for military systems of this sort expect this $5 billion figure to be low; the C–5A is a notable example. There is the further question of expanding the "thin" system to a more extensive one. Estimates of the cost of expanding the "thin" Sentinel system run anywhere up to $60 billion—a figure which must give us all pause. I do think, consequently, that we need some further examination and explanation of the costs involved in the Sentinel project before we proceed too much further along.

Fifth, distortion of Federal funding priorities. The budget squeeze caused by the costs of the Vietnam war forced us to neglect our domestic program needs, forced us to turn our attention away from the problems of the world outside of Vietnam, and forced our economy into a state of imbalance. There has been considerable discussion in the Congress of the "peace dividend," those funds which would be freed up for purposes other than Vietnam when the war there is scaled down. It is my own opinion that we would do more to divide the country than unite it, should we apply this dividend—whatever it may be—to deployment of an ABM system rather than to our domestic housing employment, health, education, conservation and other needs.

There are many other arguments against going forward with construction of the Sentinel system, and I know that you are aware of them from your participation in the House debates on the Sentinel system last year. But the five I have just summarized appear the most persuasive.

I am sure that when the fiscal year 1970 budget request for funds to continue the deployment of the Sentinel system comes before the Senate, there will be an extensive examination of the wisdom of authorizing and appropriating the many billions of dollars projected as needed for the system.

Pending this examination, and pending its resolution, may I urge you to place a freeze on any Department of Defense activities involved with the construction of Sentinel sites. This would, of course, not preclude continued research and development work on an anti-missile system, work which I have in the past supported and will continue to support as essential to our national preparedness.

It is my understanding that you and your associates are presently carrying out an intensive review of the Sentinel system, and on the bases for the decision to go forward with deployment. This review gives us as a nation a unique opportunity and is, I think, yet another reason for freezing activity related to the construction of Sentinel sites.

It seems to me that such a freeze would make a definite contribution to the cause of world peace, and would reassure the nation that our national defense programs are sound and rational, and would heighten the possibility that we will be able to deal more effectively with our domestic needs.

There does, too, appear to be an analogy to the Administration's decisions regarding the nuclear non-proliferation treaty. President Nixon has determined that the National Security Council should recommend an appropriate national policy to him with respect to the treaty; it might well be appropriate for the Administration to treat the Sentinel system similarly.

I look forward to hearing from you at your earliest convenience.

Sincerely,

Edward M. Kennedy.

CREATE A DEPARTMENT OF CONSUMER AFFAIRS

(Mr. ROSENTHAL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ROSENTHAL. Mr. Speaker, I introduce today, with the cosponsorship of 87 colleagues, a bill to create a Department of Consumer Affairs. I am also joined by my colleague in the Senate, Senator Gaylord Nelson, of Wisconsin, who will introduce the same bill.

This proposal has been before the Congress for 10 years since Senator Estes Kefauver first introduced it in 1959.

I include below the text of the bill, and its cosponsors, a descriptive and a section-by-section summary, a statement explaining the legislation which I read at today's meeting, and a list of the 33 Federal agencies and departments which have programs affecting the consumer.

Seventy-nine colleagues also join me today in introducing a bill to provide Federal grants to local and State consumer programs. Similar explanatory material is included below concerning this bill also.

The material referred to follows:

Cosponsors of Bills To Establish a Department of Consumer Affairs, Introduced by Congressman Benjamin S. Rosenthal, Democrat of New York, February 4, 1969

*Adams, Brock (Washington).
Addabbo, Joseph (New York).
Annunzio, Frank (Illinois).
Ashley, Thomas (Ohio).
Biaggi, Mario (New York).
Bingham, Jonathan (New York).
Blatnik, John (Minnesota).
Brasco, Frank (New York).
Brown, George (California).
Burton, Phillip (California).
Carey, Hugh (New York).
Chisholm, Shirley (New York).

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*Department of Consumer Affairs bill only.

Clark, Frank (Pennsylvania).
Cohelan, Jeffery (California).
Conyers, John (Michigan).
Coughlin, R. Lawrence (Pennsylvania).
Daniels, Dominick (New Jersey).
Dent, John (Pennsylvania).
Diggs, Charles (Michigan).
Dulski, Thaddeus (New York).
Edwards, Don (California).
Eilberg, Joshua (Pennsylvania).
Farbstein, Leonard (New York).
*Foley, Thomas (Washington).
Fraser, Donald (Minnesota).
Friedel, Samuel (Maryland).
Fulton, James (Pennsylvania).
Gallagher, Cornelius (New Jersey).
Gilbert, Jacob (New York).
Gonzalez, Henry (Texas).
Halpern, Seymour (New York).
Hansen, Julia (Washington).
*Hathaway, William (Maine).
Hawkins, Augustus (California).
Hechler, Ken (West Virginia).
Helstoski, Henry (New Jersey).
Hicks, Floyd (Washington).
Howard, James (New Jersey).
Jacobs, Andrew (Indiana).
Joelson, Charles (New Jersey).
Kastenmeier, Robert (Wisconsin).
Koch, Edward (New York).
Leggett, Robert (California).
Long, Clarence (Maryland).
*Lowenstein, Allard (New York).
McCarthy, Richard (New York).
*Macdonald, Torbert (Massachusetts).
Madden, Ray (Indiana).
Matsunaga, Spark (Hawaii).
Meeds, Lloyd (Washington).
Mikva, Abner (Illinois).
Minish, Joseph (New Jersey).
Mink, Patsy (Hawaii).
Moorhead, William (Pennsylvania).
Murphy, John (New York).
Nedzi, Lucien (Michigan).
Nix, Robert (Pennsylvania).
Olsen, Arnold (Montana).
Ottinger, Richard (New York).
Patten, Edward (New Jersey).
Pepper, Claude (Florida).
Podell, Bertram (New York).
Pollock, Howard (Alaska).
Price, Melvin (Illinois).
Pucinski, Roman (Illinois).
Rees, Thomas (California).
*Reuss, Henry (Wisconsin).
Rodino, Peter W. (New Jersey).
Rogers, Byron (Colorado).
*Ronan, Daniel (Illinois).
Rooney, Fred (Pennsylvania).
Roybal, Edward (California).
*Ryan, William (New York).
*St Germain, Fernand (Rhode Island).
St. Onge, William (Connecticut).
*Scheuer, James (New York).
Stokes, Louis (Ohio).
Tiernan, Robert (Rhode Island).
Vanik, Charles (Ohio).
Waldie, Jerome (California).
Wilson, Charles (California).
Wolff, Lester (New York).
Wright, Jim (Texas).
Wydler, John (New York).
Yatron, Gus (Pennsylvania).
Zablocki, Clement (Wisconsin).

H.R. ——

A bill to establish a Department of Consumer Affairs in order to secure within the Federal Government effective representation of the interests of consumers; to coordinate the administration of consumer services by transferring to such Department certain functions of the Departments of Commerce; Labor; Agriculture; and Health, Education, and Welfare; and other agencies; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Consumer Affairs Act of 1969".

DEPARTMENT OF CONSUMER AFFAIRS ESTABLISHED

SEC. 2. (a) There is hereby established, as an executive department of the Government, the Department of Consumer Affairs (referred to hereinafter as the "Department").

(b) Section 101 of title 5, United States Code, is amended by adding at the end thereof the following:

"The Department of Consumer Affairs,"

(c) Section 19(d)(1) of title 3, United Code, is amended by inserting therein, immediately after "Secretary of Transportation" the following: ", Secretary of Consumer Affairs".

OFFICERS OF THE DEPARTMENT

SEC. 3. (a)(1) The Department shall be headed by a Secretary of Consumer Affairs (referred to hereinafter as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following:

"(13) Secretary of Consumer Affairs."

(b)(1) There shall be in the Department an Under Secretary of Consumer Affairs (referred to hereinafter as the "Under Secretary") who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary shall perform such duties and exercise such powers as the Secretary shall prescribe. During the absence or disability of the Secretary, or in the event of a vacancy in the office of the Secretary, the Under Secretary shall act as Secretary.

(2) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"(46) Under Secretary of Consumer Affairs."

(c)(1) There shall be in the Department three Assistant Secretaries of Consumer Affairs (each referred to hereinafter as an "Assistant Secretary") who shall be appointed by the President by and with the advice and consent of the Senate. Each Assistant Secretary shall perform such duties and exercise such powers as the Secretary shall prescribe.

(2) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"(84) Assistant Secretaries of Consumer Affairs (3)."

(d)(1) There shall be in the Department a General Counsel (referred to hereinafter as the "Consumer Counsel") who shall be appointed by the President, by and with the advice and consent of the Senate. The Consumer Counsel shall be the chief legal officer of the Department, and shall perform such duties as the Secretary may direct. During the absence or disability, or in the event of vacancies in the offices, of the Secretary, the Under Secretary, and the Assistant Secretaries, the Consumer Counsel shall act as Secretary.

(2) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"(118) Consumer Counsel of the Department of Consumer Affairs."

(e) No officer of the Department may engage in any other business, vocation, or employment while serving as such. No individual may be appointed or serve as an officer of the Department—

(1) while he holds legal title to, or beneficial equitable interest in, share capital (A) exceeding in market value $ —— in any corporation engaged in the production, distribution, or sale of goods or services affecting consumers, or (B) exceeding in market value $—— in more than one such corporation; or

(2) if within years he has served as an officer or director of any such corporation.

POWERS AND DUTIES OF THE SECRETARY

SEC. 4. (a) The Secretary shall be responsible for the exercise of all powers and the discharge of all duties of the Department, and shall have authority to direct and supervise all personnel and activities thereof.

The Secretary is authorized to appoint and fix the compensation of such personnel as may be required for the performance of the functions of the Department.

(c) The Secretary may promulgate such rules as may be necessary to carry out the functions vested in him or in the Department, and he may delegate authority for the performance of any such function to any officer or employee under his direction and supervision.

(d) The Secretary shall cause a seal of office to be made for the Department, of such design as the President shall approve, and judicial notice shall be taken thereof.

(e) The Secretary shall transmit to the Congress in January of each year a report which shall include a comprehensive statement of the activities and accomplishments of the Department during the preceding calendar year, and such recommendations for additional legislation as he may determine to be necessary or desirable to protect the interests of consumers within the United States. A separate report shall be prepared and submitted by the National Consumers Information Foundation established by section 10 of this Act.

FUNCTIONS OF THE DEPARTMENT

SEC. 5. (a) It is the duty of the Department, in the performance of its functions, to protect and promote the interests of the people of the United States as consumers of goods and services made available to them through the trade and commerce of the United States.

(b) The functions of the Department include the following:

(1) To present the viewpoint of consumers of goods and services within the United States in the formulation of policies of the Government;

(2) To represent the interests of consumers of the United States in proceedings before courts and regulatory agencies of the United States to the extent to which authorization therefor is provided by section 7 of this Act;

(3) To develop and disseminate systematically, information from Federal agencies and other public and private sources, helpful to consumers of the United States, including test results and analyses of consumer products and services and information concerning commercial and trade practices adversely affecting their interests, as provided by section 8 of this Act;

(4) To serve as a center for the collection, study, and, if necessary, referral of complaints from consumers of the United States;

(5) To conduct annually a National Consumers' Conference, to be attended by experts on consumer affairs and by representatives of organizations engaged in fostering and protecting the interests of consumers of goods and services within the United States, for the purpose of obtaining information, recommendations, and suggestions necessary or desirable for the effective performance of other functions of the Department;

(6) To discharge in the public interest the powers and duties transferred to the Department by section 6 of this Act; and

(7) To perform such other functions as may be prescribed by law.

TRANSFER OF FUNCTIONS

SEC. 6 (a) All functions, powers, duties, and obligations; all officers, employees, property, and records; and all unexpended balances of appropriations, allocations, and other funds (available or to be made available), of the following agencies or parts of agencies are hereby transferred to the Secretary:

(1) All functions, powers, and duties vested

in the Secretary of Health, Education, and Welfare, the Federal Trade Commission, and the Secretary of Commerce by the Fair Packaging and Labeling Act (Public Law 89–755; 80 Stat. 1296);

(2) All functions, powers and duties under Title I (Truth-In-Lending) of the Credit Protection Act (Public Law 90–321);

(3) Those elements of the Consumer and Marketing Service, Department of Agriculture, which relate to the standardization, grading, or classing of agricultural commodities for consumer consumption;

(4) All functions, powers, and duties vested in the Secretary of Health, Education, and Welfare under the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040) which relate to establishing for any food a reasonable definition and standard of identity, standard of quality, and/or standards of fill of container (21 U.S.C. 341) and the misbranding of food (21 U.S.C. 343); and such functions, powers, and duties transferred to and vested in the Secretary shall be administered in the manner prescribed in subsections (a), (d), (e), (f), and (g) of section 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371).

(5) The Division of Prices and Cost of Living of the Bureau of Labor Statistics of the Department of Labor;

(6) The Home Economics Research Branch and the Human Nutrition Research Branch of the Agricultural Research Service of the Department of Agriculture;

REPRESENTATION OF CONSUMERS

SEC. 7. (a) Whenever there is pending before any regulatory agency of the United States (as defined by section 12 of this Act) any matter or proceeding which does not involve the adjudication of the alleged violation, by any individual or corporation named as a defendant or respondent therein, of any statute of the United States or any rule promulgated thereunder, and the Secretary finds that the determinaiton of such matter or proceeding may affect substantially the interests of consumers within the United States, the Department shall be entitled as a matter of right to intervene in such matter or proceeding as a party to represent the interest of consumers by filing with such agency a duly certified copy of the finding so made by the Secretary. Upon any such intervention, the Department, through the Consumer Counsel or any other officer or employee of the Department designated by the Secretary for that purpose, shall present to such regulatory agency, in conformity with the rules of practice and procedure thereof, such evidence, briefs, and argument as it shall determine to be necessary for the effective protection of the interests of such consumers.

(b) Whenever—

(1) there is pending before any regulatory agency of the United States any matter or proceeding relating to the trade or commerce of the United States which does involve the adjudication of the alleged violation, by any individual or corporation named as a defendant or respondent therein, of any statute of the United States, or any rule promulgated thereunder, or

(2) there is pending before any district court of the United States any matter or proceeding involving the trade or commerce of the United States to which the United States or any regulatory agency of the United States is a party,

the Department upon its own motion may, and upon written request made by the officer or employee of the United States or such regulatory agency who is charged with the duty of presenting the case for the Government in that matter or proceeding shall, certify to such officer or employee all evidence and information in the possession of the Department relevant to that matter or proceeding.

(c) Whenever there is pending before an appellate court of the United States any matter or proceeding involving the review of—

(1) an order or determination made by any regulatory agency of the United States relating to the trade or commerce of the United States, or

(2) any judgment, decree, or order entered by a district court of the United States in any civil action involving the trade or commerce of the United States,

and the Secretary finds that the action taken by the appellate court upon such review may affect substantially the interests of consumers within the United States, the Department, subject to the rules of practice and procedure of such appellate court, may make application to that court for leave to file in such matter or proceeding a brief as amicus curiae, or to present to the court oral argument therein, or both, except that no such application may be filed by the Department without the consent of the Attorney General in any matter or proceeding (A) to which the United States or any regulatory agancy of the United States is a party, or (B) in which the Attorney General has been granted leave to intervene on behalf of the United States or any regulatory agency of the United States. Upon the filing by the Department of such application, supported by a duly certified copy of the findings so made by the Secretary and such other showing as the court may require to demonstrate that the action taken upon such review may substantially affect the interests of consumers within the United States, the appellate court in its discretion may grant such application.

(d) Whenever there is pending before any department or independent agency of the United States any matter or proceeding relating to the trade or commerce of the United States which does not involve the adjudication of the alleged violation, by any individual or corporation named as a defendant or respondent therein, of any statute of the United States, or any rule promulgated thereunder, the Secretary finds that the determination of such matter or proceeding may affect substantially the interests of consumers within the United States, the Department shall be entitled as a matter of right to intervene in such matter or proceeding as a party to represent the interests of consumers by filing with such agency a duly certified copy of the finding so made by the Secretary. Upon any such intervention, the Department shall present to such agency, in conformity with the rules of practice and procedures thereof, all evidence and information in the possession of the Department relevant to that matter or proceeding.

(e) The Consumer Counsel, or any other attorney of the Department specially designated by the Secretary for that purpose, shall be entitled to enter an appearance on behalf of the Department before any court (except the United States Supreme Court) or regulatory agency of the United States, without other compliance with any requirement for admission to practice before such court or agency, for the purpose of making any application or taking any action which is authorized by subsection (a), (b), (c), or (d) of this section.

CONSUMER COMPLAINTS

SEC. 8. (a) It shall be the duty of the Department to receive from consumers of the United States, and to evaluate, complaints concerning commercial and trade practices employed in the production, distribution, and furnishing of goods and services to or for the use of such consumers which may be detrimental to their interests.

(b) Upon receipt of any complaint disclosing the use of any commercial or trade practice detrimental to the interests of consumers within the United States by any producer, distributor, or supplier of goods or services, the Department may transmit to such producer, distributor, or supplier written notice as to the nature of the practice concerning which complaint has been made, and shall take such other action within the authority of the Department as may be appropriate to secure for the complainant relief from such practice. If effective action to secure such relief for the complainant cannot be taken by the Department under authority conferred upon it, such complaint shall be transmitted by the Department to the department or agency of the United States whose regulatory or other authority provides the most effective available means to secure such relief for the complainant. The department or agency shall then consider the complaint so transmitted, take such action thereon as that department or agency shall determine to be appropriate, and transmit to the complainant a written reply describing the action so taken or, if no action is taken upon such complaint, the reason for its inaction. A copy of each such reply shall be transmitted to the Department.

(c) Whenever the Department receives from any source any information disclosing a probable violation of (1) any law of the United States, (2) any rule or order of any administrative officer or regulatory agency of the United States, or (3) any judgment, decree, or order of any court of the United States, relating to the trade or commerce of the United States, the Department shall transmit promptly, to the officer or agency charged with the duty of enforcing such law, rule, order, judgment, or decree, for appropriate action, such evidence and information as the Department may have concerning such probable violation. It shall be the continuing duty of the Department to ascertain the nature and extent of action taken with regard to probable violations so reported.

(d) Whenever the Department receives or develops on its own initiative information disclosing the existence of an act or practice in the trade or commerce of the United States which is inimical to the interests of consumers, the Department shall take such action within its authority as may be appropriate to cause a cessation of such act or practice. If effective action cannot be taken by the Department under authority conferred upon it, notice of the existence of such act or practice shall be transmitted by the Department to the department or agency of the United States whose regulatory or other authority provides the most effective available means to cause a cessation of such act or practice inimical to the interests of consumers. That department or agency shall then consider the act or practice, notice of which has been transmitted, take such action thereon as that department or agency shall determine to be appropriate, and keep the Department of Consumer Affairs advised as to any action taken.

CONSUMER INFORMATION; OFFICE OF CONSUMER INFORMATION

SEC. 9. (a) It shall be the duty of the Department to develop on its own initiative, gather from other Federal departments and agencies and non-Federal sources, and to disseminate to the public in such manner, at such times, and in such form as the Department determines to be most effective, information, statistics, and other data concerning—

(1) the functions and duties of the Department;

(2) the problems encountered by consumers generally within the United States, including particular commercial and trade practices which are detrimental to the interests of such consumers;

(3) test results, analyses, and studies of consumer products and services in the possession of departments and agencies of the United States which, in the judgment of the Department, would be useful to consumers, and to this end, each Federal agency is authorized and directed to cooperate with the Department to the fullest extent practicable.

(b) There shall be in the Department an Office of Consumer Information (hereinafter in this section referred to as the "Office"). The head of the Office shall be an Assistant Secretary of Consumer Affairs designated by the Secretary. It shall be the duty of the Assistant Secretary to administer the functions prescribed by this section and to serve as Chairman of the Board of the National Consumer Information Foundation.

(c) The Secretary shall include as a part of his annual report specific information with respect to the activities of the Office and its success in obtaining and disseminating information with respect to information available from other departments and agencies of the Federal Government.

NATIONAL CONSUMER INFORMATION FOUNDATION; INFO-TAG SYSTEM

SEC. 10. (a) There shall be in the Department a foundation which shall be known as the National Consumer Information Foundation (hereinafter in this section referred to as the "Foundation").

(b)(1) The Foundation shall be headed by a Board of Directors composed of four Directors appointed by the President by and with the advice and consent of the Senate and the Assistant Secretary having jurisdiction over the Office of Consumer Information who shall serve as Chairman. A vacancy among appointive members of the Board of Directors shall be filled in the same manner as the original appointment was made.

(2) Except as provided in paragraphs (3) and (4) of this subsection, Directors of the Foundation other than the Assistant Secretary who is Chairman ex officio of the Foundation shall be appointed for terms of three years.

(3) Of the Directors first appointed, one shall be appointed for a term of one year, two shall be appointed for terms of two years, and one shall be appointed for a term of three years, as designated by the President at the time of appointment.

(4) Any Director of the Foundation appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A Director may serve after the expiration of his term until his successor has taken office.

(5) In the exercise of its functions, powers, and duties, the Foundation shall be independent of the Secretary and other offices and officers of the Department; except that the Assistant Secretary having jurisdiction over the Office of Consumer Information shall serve as Chairman of the Board of Directors.

(c) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"(78) Directors, National Consumer Information Foundation."

(d) Three Directors of the Foundation shall constitute a quorum.

(e)(1) The Foundation shall have an Administrator who shall be appointed by the Board of Directors. The Administrator shall administer the Foundation in accordance with directives of the Board of Directors.

(2) The Board of Directors may appoint and fix the compensation of such additional personnel as it deems advisable to carry out the provisions of this section.

INFO-TAG SYSTEM

(f)(1) The Foundation shall establish and operate a system under which it may grant authority to a person who manufactures for sale at retail a nonperishable manufactured consumer product to affix to such product a label to be called an info-tag.

(2) The Foundation shall have the authority to develop and approve a standard info-tag which specifies the kind of information to be provided for each type of product for which info-tags are to be made available. A standard info-tag shall bear (A) the name, seal, or other distinctive mark of the Foundation and (B) such information with respect to performance, content, safety, durability, care, and other characteristics as the Foundation determines to be necessary or useful to permit a reasonably prudent consumer to evaluate a particular product for purposes of purchase.

(3) The standard info-tag for any type of product shall be developed by the Foundation after consultation with interested manufacturers, distributors, and users, and shall be prescribed in rules of the Foundation. The Foundation may, if it determines it to be in the public interest, prescribe data formulated by reputable standard-making bodies, including trade associations and similar groups.

(4) At least ninety days before any such rules are prescribed by the Foundation for any product, such rules shall be published in the Federal Register.

(5) Any person may file written objections to the adoption of any such rules until the sixtieth day after the date of publication of such proposed rules in the Federal Register. After reviewing such objections and other pertinent information, the Foundation may, by order, adopt and promulgate such rules, amend such rules, or refuse to adopt such rules. Such an order of the Foundation shall not be subject to review.

(6) The Foundation shall by rule establish schedules of fees and charges which shall be paid by persons participating or seeking participation in the info-tag system. Such fees and charges shall be related to the cost to the Foundation of carrying out the functions and providing the materials and services for which they are paid, but shall include such surcharge as the Foundation determines to be equitable but necessary in order to place the Foundation on a self-sustaining financial basis.

(7) Before authority is granted to any applicant to affix info-tags to any product, the Foundation must (1) have on file a report from the Institute for Consumer Research (established by section 11) or an independent testing laboratory determined by it to be reliable setting forth the information which should be on the info-tag to be affixed to such product, and (2) have received payment of all fees and charges fixed by it and due in connection with the granting of such authority.

(8) The Foundation shall not declare one product to be better, or a better buy, than any other product.

(9) The Foundation shall maintain constant surveillance over products to which info-tags are affixed to assure that such products conform to information on the info-tag affixed to them and may require additional testing to assure that specimens of the product to which an info-tag has been affixed conform in every respect with information on such info-tag.

(10) The Foundation may revoke or suspend authority granted under this section for willful or repeated violations of rules issued by the Foundation in connection with the info-tag system under this section.

(11) The Foundation may by rule exclude any nonperishable manufactured consumer product or class of such products from the info-tag system under this section if it determines that inclusion of such product or class of products would not be beneficial to a substantial number of the consumers of such product or class of products, or would not lend itself to such a system.

(g) Whoever counterfeits an info-tag, or knowingly and willfully affixes an info-tag to any product other than a product with respect to which authority granted by the Foundation is in effect therefor, for the purpose of selling such product to another person, shall be fined not more than $5,000 or imprisoned not more than one year, or both.

(h) For the purpose of carrying out its functions under this section, the Foundation may—

(1) Establish and maintain a reference library and related facilities and utilize the facilities of the Institute for Consumer Research;

(2) Make such investigations as it deems necessary (A) to determine if any person has violated or is about to violate any provision of this section or any rule or order of the Foundation or (B) to aid in enforcing this section or in formulating rules or orders;

(3) Use, on a reimbursable basis, the services, equipment, personnel, supplies, and facilities of Federal departments and agencies and, on a reimbursable or other basis, other public or nonprofit persons, institutions, or organizations;

(4) Enter into and perform such contracts, leases, cooperative agreements, or other transactions as it may determine to be necessary on such terms as it may determine to be appropriate;

(5) Appoint such advisory committees and consultants for such periods of time as it determines;

(6) Make, issue, rescind, or amend rules governing the manner of its operation and the exercise of its functions;

(7) Publish and disseminate reports and publications;

(8) Establish an official seal which shall be judicially noticed;

(9) Establish and maintain such field offices in the United States and abroad as it may determine to be necessary; and

(10) Engage in. and support, by grant or contract, research with respect to, and development of, objective or quantitative standards for nonperishable manufactured consumer products.

(i) The Foundation shall transmit to the President and the Congress in January of each year a report which shall include a comprehensive statement of the activities of the Foundation during the preceding calendar year, together with such recommendations for additional legislation as it may deem useful or necessary to carry out any of the provisions of this section.

(j) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section until the Foundation is operating on a financially self-sustaining basis.

OFFICE OF CONSUMER SAFETY

SEC. 11. (a) There shall be in the Department an Office of Consumer Safety (hereinafter in this section referred to as the "Office").

(b) The head of the Office shall be an Assistant Secretary of Consumer Affairs designated by the Secretary.

(c) It shall be the duty of the Office—

(1) To conduct a continuing study and investigation of the scope and adequacy of measures now employed to protect consumers against unreasonable risk of injuries which may be caused by hazardous household products. Such study and investigation shall include consideration of the following:

(A) the identity of household products, except such products excluded in subsection (d) of this section, which are determined to present an unreasonable hazard to the health and safety of the consuming public;

(B) the extent to which self-regulation by industry affords such protection;

(C) the protection against such hazardous products afforded at common law in the States, including the relationship of product warranty to such protection; and

(D) a review of Federal, State, and local laws relating to the protection of consumers against such hazardous products, including the scope of coverage, the effectiveness of sanctions, the adequacy of investgatory powers, the uniformity of application, and the quality of enforcement.

(2) Pursuant to rules to be established by the Secretary protecting the right of all interested parties to be heard, to identify and publish information concerning consumer products determined to present an unreasonable hazard to the health and safety of the consuming public; except that the Office shall avoid to the greatest extent practicable publishing such information in a form which would give an unfair competitive advantage to any person. Information which would separately disclose the business transactions of any person, trade secrets, or names of cus-

tomers shall be held confidential and shall not be disclosed.

(d) There shall be excluded from the operation of this section, products regulated under the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.), the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Federal Hazardous Substances Labeling Act (15 U.S.C. 1261 et seq.), the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331 et seq.), and the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.).

INSTITUTE FOR CONSUMER RESEARCH

SEC. 12. (a) There shall be in the Department an Institute for Consumer Research (hereinafter in this section referred to as the "Institute").

(b) The Institute shall—

(1) develop methods for testing materials, mechanisms, and structures used in consumer products;

(2) test articles used or intended for use by consumers and make tests requested by the National Consumer Information Foundation;

(3) compile, analyze, and publish statistical data and other information and data of benefit and interest to consumers, whether resulting from activities of the Department or other departments or agencies of the Federal Government or from other sources; and

(4) make recommendations to other departments and agencies of the Federal Government as to research, studies, analyses, and other information which could result from carrying out their functions, powers, or duties which would be useful and beneficial to consumers.

(c) Insofar as personnel and equipment are available therefor, the Institute may carry out studies and research for other departments and agencies of the Federal Government.

ECONOMIC SURVEYS AND INVESTIGATIONS

SEC. 13. (a). It shall be the duty of the Department, in the public interest—

(1) to conduct economic surveys and investigations with respect to—

(A) the productive capacity for, and the production of, goods affecting consumers within the United States;

(B) the systems and mechanisms in use for the distribution of such goods, and the effects thereof;

(C) the levels of prices for goods and services affecting consumers, the factors entering into their establishment, and their reasonableness;

(D) the quality and suitability of goods affecting consumers, and the factors influencing the quality and suitability of such goods; and

(E) the degree to which the trade and commerce of the United States succeeds in satisfying consumer needs for goods and services; and

(2) to analyze and disseminate to the public information obtained through such investigations and surveys.

(b) In the conduct of such surveys and investigations, the Department shall have power—

(1) to gather and compile information concerning, and from time to time to investigate, the productive capacity; volume of production; selling prices; costs of production and distribution; volume of sales, assets, and earnings; and relationship to any other corporation, of any corporation engaged in commerce which has assets exceeding $5,000,000 in value, and of any division or subsidiary thereof;

(2) to require any such corporation, or any division or subsidiary thereof, to file with the Department in such form as it may prescribe annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to the Department such information as it may require with regard to the factors described in clause (1), which reports and answers shall be made under oath if so prescribed by the Department, and shall be filed with the Department within such reasonable period as it may prescribe;

(3) to investigate from time to time trade conditions in and with foreign countries affecting the foreign trade and commerce of the United States, and their influence upon domestic price levels; and

(4) except as provided by subsection (c), to make public from time to time such portions of the information obtained by it hereunder as it deems expedient in the public interest, and to provide for the publication of its reports in such manner and form as may be best adapted for public information and use.

(c) Information received by the Department concerning the cost of production or distribution of any product by any such corporation, or any division or subsidiary thereof, may be made public only in a form which does not disclose such information with respect to any particular corporation, or any division or subsidiary thereof.

(d) For the purpose of conducting surveys and investigations under this Act, the Department shall have all powers which are conferred upon the Federal Trade Commission by section 9 of the Federal Trade Commission Act with respect to the conduct of investigations made by that Commission under that Act, except that the Department may not grant to any person any immunity from prosecution, penalty, or forfeiture in accordance with the provisions of that section without first obtaining the written consent of the Attorney General and serving upon such person a duly certified copy of any consent therefor granted by the Attorney General. The provisions of section 10 of the Federal Trade Commission Act shall apply to the act or omission of any person, partnership, or corporation with regard to any subpena, order, requirement, or information of the Department to the same extent, and with the same effect, as if such act or omission had occurred with regard to a like subpena, order, or requirement, or with reference to like information, of the Federal Trade Commission.

(e) Prior to conducting major economic surveys and investigations authorized by this section, the Secretary shall take all practicable and reasonable steps to ascertain whether any such economic survey and investigation would duplicate in significant degree recent economic surveys and investigations by the Antitrust Division of the Department of Justice or the Federal Trade Commission. If, in the determination of the Secretary of Consumer Affairs, such a duplication would occur, the Secretary shall not undertake such proposed economic survey or investigation, unless he determines that said economic survey or investigation is absolutely essential to the performance of the duties of the Department.

CONSULTING SERVICES AND COOPERATIVE ACTIVITIES

SEC. 14. (a) In the performance of its functions, the Department is authorized—

(1) to procure by contract services as provided by section 3109 of title 5, United States Code, at rates of compensation not exceeding $100 per diem for the personal services of individuals;

(2) to appoint such advisory committees as it may determine to be necessary for the effective performance of its functions;

(3) to designate representatives to serve on such committees as the Department may determine to be necessary or desirable to maintain effective liaison with other departments, agencies, and instrumentalities of the United States or any State, and with nongovernmental organizations, engaged in activities related to the functions of the Department; and

(4) to use the services, personnel, and facilities of other Federal, State, and private agencies and instrumentalities with the consent of such agencies and instrumentalities, with or without reimbursement therefor.

(b) Upon request made by the Secretary, each department, agency, and instrumentality of the United States is authorized and directed—

(1) to make its services, personnel, and facilities available to the greatest practicable extent within its capability to the Department in the performance of its functions; and

(2) subject to provisions of law, Executive orders, and rules relating to the classification of information in the interest of national security, to furnish to the Department such information, suggestions, estimates, and statistics as the Secretary may determine to be necessary for the performance of the functions of the Department.

SAVING PROVISION

SEC. 15. (a) Nothing contained in this Act shall be construed to alter, modify, or impair the statutory responsibility and authority contained in section 201(a)(4) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 481(a)(4)), or of any provision of the antitrust laws, or of any Act providing for the regulation of the trade or commerce of the United States, or to prevent or impair the administration or enforcement of any such provision of law.

(b) Nothing contained in this Act shall be construed as relieving any department or agency of the Federal Government of any authority or responsibility, not transferred to or authorized by this Act to be performed by the Department, to protect and promote the economic interests of the American consumer.

DEFINITIONS

SEC. 16. As used in this Act—

(a) The terms "commerce" and "corporation" have the meaning given to such terms by section 4 of the Federal Trade Commission Act (15 U.S.C. 44);

(b) The term "regulatory agency of the United States" includes the Civil Aeronautics Board, the Federal Communications Commission, the Federal Power Commission, the Federal Maritime Commission, the Federal Reserve Board, the Federal Trade Commission, the Interstate Commerce Commission, the Securities and Exchange Commission, the United States Tariff Commission, and any other board, commission, or other agency of the United States hereafter established which is charged with administrative or regulatory duties with respect to the trade or commerce of the United States.

(c) The term "antitrust law" includes—

(1) each provision of law defined as one of the antitrust laws by the first section of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (38 Stat. 730, as amended; 15 U.S.C. 12), commonly known as the Clayton Act;

(2) the Federal Trade Commission Act (15 U.S.C. 41 and the following);

(3) section 3 of the Act entitled "An Act to amend section 2 of the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914, as amended (15 U.S.C. 13), and for other purposes", approved June 19, 1936 (15 U.S.C. 13a), commonly known as the Robinson-Patman Act; and

(4) any statute hereafter enacted by the Congress which prohibits, or makes available to the United States any remedy with respect to, any restraint upon or monopolization of commerce, or any unfair trade practice or unfair method of competition in or affecting commerce.

(d) The term "State" includes any State or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

APPROPRIATIONS

SEC. 17. There are hereby authorized to be appropriated to the Department such sums as may be required to carry out the provisions of this Act.

Department of Consumer Affairs Bill

During the last several years, the Congress has enacted a large number of important consumer laws but without any consideration of how these laws, in toto, should be administered or by whom. Thirty-three Federal departments and agencies in Government are now administering some 260 consumer protection programs. These programs, proliferated as they are throughout the Government and almost always administered by agencies having overriding interests to protect, provide the American consumer with uneven and weak protection.

The steadily increasing body of consumer laws to be administered by the Federal Government is now beyond the efficient reach of any haphazard combination of agency appendages. This was true of urban problems in 1965 when the Department of Housing and Urban Development was established; it was true of transportation problems in 1966 when the Department of Transportation was created; it is true today of consumer problems.

Two recent examples of the organizational weaknesses in the Federal consumer protection apparatus can be found in the administration of the Fair Packaging and Labeling Act and in Title I of the Credit Protection Act (Truth-in-Lending). Administration of the Packaging and Labeling Act is divided among three agencies—the Federal Trade Commission, the Food and Drug Administration, and the Department of Commerce. Responsibility for the enforcement of the Truth-in-Lending Act is vested in nine separate Federal agencies.

The lesson of public administration in the United States is that inefficient organization inhibits effective policy. If consumer protection at the Federal level is to be truly effective, if gaps and duplications in consumer programs are to be eliminated, then a single institutional framework for action must be created—a Cabinet-level Department devoted exclusively to representing and protecting the consumer interest.

Summary of H.R. ——, To Establish a Department of Consumer Affairs

Sections 1–4: Title, Establishment, Officers and their duties.

Section 5: Sets forth the broad functions of the Department:

To protect and promote the interests of the people of the United States as consumers of goods and services;

To present the consumer viewpoint before federal departments and agencies in the formulation of policies of the federal government;

To represent the interests of consumers of the United States in proceedings before courts and regulatory agencies;

To assemble, evaluate and disseminate information helpful to consumers.

Section 6: Transfers all functions, powers and duties of certain agencies or parts of agencies with major consumer responsibilities to the Department as follows: (1) All functions, powers, and duties vested in the Secretary of Health, Education, and Welfare, the Federal Trade Commission, and the Secretary of Commerce by the Fair Packaging and Labelling Act (PL 89–755; 80 Stat 1296) and (2) All functions, powers and duties under Title I (Truth-in-Lending Act) of the Credit Protection Act (PL 90–321); (3) Those elements of the Consumer and Marketing Service, Department of Agriculture, which relate to the standardization, grading, or classing of agricultural commodities for consumer consumption; (4) All functions, powers and duties vested in the Secretary of Health, Education, and Welfare under the Federal Food, Drug, and Cosmetic Act which relate to establishing for any food a reasonable definition and standard of identity, standard of quality, and/or standards of fill of container and the misbranding of food; (5) The division of prices and cost of living at the Bureau of Labor Statistics of the Department of Labor; (6) The Home Economics Research Branch and the Human Nutrition Research Branch of the Agricultural Research Service of the Department of Agriculture.

Section 7: Authorizes the Department to appear before any regulatory agency and most courts of the United States on matters or proceedings affecting the interests of consumers within the United States.

Authorizes the Department to appear before any department or independent agency of the United States whenever there is pending any matter the determination of which affects substantially the interests of consumer within the United States.

Section 8: Requires the Department to receive, evaluate and take appropriate action with respect to complaints concerning commercial and trade practices detrimental to the interests of consumers. Action to secure relief for a complainant would be taken by the Department in those instances when the subject matter of the complaint falls within the Department's jurisdiction. Complaints involving the jurisdiction of other departments and agencies would be referred to the appropriate agency.

Similar action would be taken or requested by the Department whenever the Department received information disclosing a probable violation of (1) any law of the United States, (2) any rule or order of any administrative officer or regulatory agency of the United States or (3) any judgments, decree, or order of any court of the United States, relating to the interests of consumers.

Section 9: Establishes within the Department an office of consumer information presided over by an Assistant Secretary. This office would be responsible for providing consumers with information and data concerning (1) the functions and duties of the Department, and (2) problems encountered by consumers generally within the United States, including particular practices which are detrimental to the interests of consumers (3) information within the possession of the federal government relating to consumer products.

Section 10: Establishes as a semi-autonomous unit within the Department a National Consumer Information Foundation. The Foundation. would administer a voluntary program under which manufacturers would submit their products for testing against specified performance characteristics. The comparative results of these tests would be indicated on information tags affixed to the product in order that the consumer might be better able to judge the relative merits of competing products.

Section 11: Establishes within the Department an Office of Consumer Safety headed by an Assistant Secretary. This office shall conduct a continuing study of the safety of household products and shall identify and publish information concerning these products determined to present an unreasonable hazard to the health and safety of the consuming public.

Section 12: Establishes an Institute for Consumer Research, the major responsibilities of which are to test products for the Consumer Information Foundation and make recommendations to other agencies of the government as to the need for consumer research of various kinds.

Section 13: Requires the Department to conduct economic surveys and investigations with respect to a wide range of consumer interests.

Sections 14–17: Administrative services, saving provision, definitions and appropriations.

Cosponsors of Bill To Provide Federal Grants to State and Local Consumer Programs To Be Introduced by Congressman Benjamin S. Rosenthal, of New York, February 4, 1969

Addabbo, Joseph (New York).
Annunzio, Frank (Illinois).
Ashley, Thomas (Ohio).
Biaggi, Mario (New York).
Bingham, Jonathan (New York).
Blatnik, John (Minnesota).
Brasco, Frank (New York).
Brown, George (California).
Burton, Phillip (California).
Carey, Hugh (New York).
Chisholm, Shirley (New York).
Clark, Frank (Pennsylvania).
Cohelan, Jeffery (California).
Conyers, John (Michigan).
Coughlin, R. Lawrence (Pennsylvania).
Daniels, Dominick (New Jersey).
Dent, John (Pennsylvania).
Diggs, Charles (Michigan).
Dulski, Thaddeus (New York).
Eckhardt, Bob (Texas).
Edwards, Don (California).
Eilberg, Joshua (Pennsylvania).
Farbstein, Leonard (New York).
Fraser, Donald (Minnesota).
Friedel, Samuel (Maryland).
Fulton, James (Pennsylvania).
Gallagher, Cornelius (New Jersey).
Gilbert, Jacob (New York).
Gonzalez, Henry (Texas).
Halpern, Seymour (New York).
Hansen, Julia (Washington).
Hawkins, Augustus (California).
Hechler, Ken (West Virginia).
Helstoski, Henry (New Jersey).
Hicks, Floyd (Washington).
Howard, James (New Jersey).
Jacobs, Andrew (Indiana).
Joelson, Charles (New Jersey).
Kastenmeier, Robert (Wisconsin).
Koch, Edward (New York).
Leggett, Robert (California).
Long, Clarence (Maryland).
McCarthy, Richard (New York).
Madden, Ray (Indiana).
Matsunaga, Spark (Hawaii).
Meeds, Lloyd (Washington).
Mikva, Abner (Illinois).
Minish, Joseph (New Jersey).
Mink, Patsy (Hawaii).
Moorhead, William (Pennsylvania).
Murphy, John (New York).
Nedzi, Lucien (Michigan).
Nix, Robert, Pennsylvania).
Olsen, Arnold (Montana).
Ottinger, Richard (New York).
Patten, Edward (New Jersey).
Pepper, Claude (Florida).
Podell, Bertram (New York).
Pollock, Howard (Alaska).
Price, Melvin (Illinois).
Pucinski, Roman (Illinois).
Rees, Thomas (California).
Rodino, Peter (New Jersey).
Rogers, Byron (Colorado).
Rooney, Fred (Pennsylvania).
Roybal, Edward (California).
St. Onge, William (Connecticut).
Stokes, Louis (Ohio).
Tiernan, Robert (Rhode Island).
Vanik, Charles (Ohio).
Waldie, Jerome (California).
Wilson, Charles (California).
Wolff, Lester (New York).
Wright, Jim (Texas).
Wydler, John (New York).
Yatron, Gus (Pennsylvania).
Zablocki, Clement (Wisconsin).

H.R. ——

A bill to amend the Intergovernmental Cooperation Act of 1968 to improve intergovernmental relationships between the United States and the States and municipalities, and the economy and efficiency of government, by providing Federal cooperation and assistance in the establishment and strengthening of State and local offices of consumer protection

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

AMENDMENT TO INTERGOVERNMENTAL COOPERATION ACT OF 1968

SECTION 1. (a) The Intergovernmental Cooperation Act of 1968 is amended by adding at the end thereof the following new title:

"TITLE VII—INTERGOVERNMENTAL COOPERATION WITH RESPECT TO CONSUMER ASSISTANCE AND PROTECTION

"STATEMENT OF PURPOSE AND AUTHORIZATION OF APPROPRIATIONS

"SEC. 701. (a) (1) The Congress finds that protection of consumers' interests in America requires cooperation and coordination of, and a joint effort by, government at the Federal, State, and local levels; that a well-represented, protected, and knowledgeable consumer is essential to the efficient functioning of our free market economy; that protection of consumers is as legitimate and vital a function of government at all levels as protection of other special interest groups in our society such as workers, farmers, and businessmen and is essential in the public interest.

"(2) It is the purpose of this title, therefore, to encourage and improve cooperation and coordination between Federal agencies having consumer protection responsibilities and agencies of States and local governments concerned with consumer protection matters, and to provide Federal financial assistance to the States and local governments for the establishment and strengthening of consumer protection offices of States and of local governments.

"(b) There is herewith authorized to be appropriated for the purposes of this title the sum of $5,000,000 for the fiscal year ending June 30, 1970; the sum of $7,500,000 for the fiscal year ending June 30, 1971; and the sum of $9,000,000 for the fiscal year ending June 30, 1972. Sums so appropriated for any fiscal year shall not be available for expenditure after the end of such fiscal year.

"DEFINITIONS

"SEC. 702. For the purposes of this title—

"(1) The term 'State' means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico and any possession.

"(2) The term 'possession' means Guam, American Samoa, the Virgin Islands, and the Canal Zone.

"(3) The term 'consumer protection' means any program or activity designed to assist consumers and reasonably to protect, represent, educate, or inform consumers against unlawful, deceptive, misleading, unfair or sharp practices, or against any other practices in the marketplace which are inimical to or tend to disadvantage consumers.

"(4) The term 'consumer plan' means a plan described in section 707(a).

"(5) The term 'consumer protection office' means an agency of a State or of a unit of general local government (or a public or private nonprofit agency or ogranization established or designated by a State or a unit of general local government) the purpose of which is to provide consumer protection services to the public.

"(6) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

"INTERGOVERNMENTAL PROGRAM OF COOPERATION AND ASSISTANCE FOR CONSUMER PROTECTION

"SEC. 703. (a) For the purpose of establishing greater cooperation among the States, local governments, and the Federal Government in advancing the consumer interest in America and for the purpose of assisting States and local governments in developing, establishing, and strengthening consumer protection offices, the Secretary shall make grants pursuant to the provisions of this title.

"(b) The Secretary may promulgate such rules as may be necessary to carry out the functions vested in him by this title.

"FUNCTIONS OF ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

"SEC. 704. Upon request of the Secretary, the Advisory Commission on Intergovernmental Relations shall assist the Secretary in carrying out the purposes of this title, by performing the following functions:

"(1) developing and compiling information on the nature of the organization and activities of consumer protection offices and making that information available to the Secretary and to interested States and local governments;

"(2) studying and evaluating the effectiveness of the organization, activities and programs of such consumer protection offices and making recommendations to the Secretary as to how such offices can be made more efficient and successful;

"(3) studying and reporting to the Secretary on how State consumer protection offices and Federal departments and agencies having consumer protection responsibilities can more effectively cooperate one with the other in their mutual effort to promote the interests of consumers in the United States.

"ALLOTMENTS TO STATES

"SEC. 705. (a) (1) From the sums appropriated under section 701(b), the Secretary shall allot to each possession $10,000 for the fiscal year ending June 30, 1970, and for each of the two succeeding fiscal years, and shall allot to each State (other than a possession) $50,000 for the fiscal year ending June 30, 1970, $75,000 for the fiscal year ending June 30, 1971, and $90,000 for the fiscal year ending June 30, 1972.

"(2) In addition to the sums allotted to the States and possessions under paragraph (1) of this subsection for a fiscal year, the Secretary shall allot to each State (other than a possession) from the remainder of the sums appropriated for such fiscal year, an amount which bears the same ratio to such remainder as the population of the State bears to the population of all the States (excluding the possessions). The population of a State and of all the States (excluding the possessions) shall be determined on the basis of the most recent satisfactory data available from the Census Bureau of the Department of Commerce.

"(b) The amount of any State's allotment under this section not expended in any fiscal year will be available within that same fiscal year for reallotment, from time to time and in such manner as may be prescribed by regulation, to other States in proportion to the original allotments to such States under subsection (a) of this section, but with such proportionate amount for any such other States being reduced to the extent it exceeds the sum that such State needs for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced.

"ELIGIBILITY FOR ASSISTANCE

"SEC. 706. Subject to section 708(a) (2), the allotment of a State under section 705 shall be available to any consumer protection office of such State or of a unit of general local government within such State for the purpose of carrying out the consumer plan submitted by such consumer protection office, if—

"(1) the consumer protection office has been established or designated by such State or unit of general local government for the purpose of carrying out a consumer plan in such State or unit of general local government.

"(2) the consumer protection office has prepared and submitted a consumer plan for such State or unit of general local government which the Secretary has determined meets the requirements for a consumer plan under section 707(a) of this Act; and

"(3) in the case of any State or unit of general local government which has an operating consumer protection office at the date of enactment of this title, Federal funds will not supplant State and local funds but will supplement and expand activities and efforts of existing consumer protection offices.

"CONSUMER PLANS

"SEC. 707. (a) The consumer plan shall be submitted by a consumer protection office for a State or unit of general local government, shall be in such form and in such detail as may be required by regulations of the Secretary, and shall—

"(1) set forth a detailed and comprehensive consumer protection program, which may include but need not be limited to the following:

"(A) providing consumer information and education programs;

"(B) conducting research, studies, and analyses of consumer matters;

"(C) representing consumer interests before administrative and regulatory agencies and legislative groups;

"(D) studying the problems of the low-income consumer;

"(E) serving as consumer complaint centers;

"(F) providing counseling including legal services to the individual consumer on his particular problem;

"(G) mediating disputes between complaining consumers and producers or retailers;

"(H) in the case of a plan submitted by a consumer protection office which is a law-enforcement agency of a State or local government, receiving and investigating complaints and initiating investigations of frauds and unfair practices against consumers.

"(2) provide for cooperation to the greatest possible extent with Federal departments and agencies having major consumer protection responsibilities and with other State and local consumer protection offices and officials concerned with consumer matters;

"(3) set forth such fiscal controls, accounting procedures and recordkeeping practices, and promise access thereto, as may be necessary to assure proper disbursement of and accounting for Federal funds paid to such consumer protection office;

"(4) provide that Federal funds will be used only for the purpose of carrying out the plan;

"(5) prescribe the Federal share of the cost of carrying out the plan, which shall not be exceed 75 percent;

"(6) provide for compliance with other regulations of the Secretary designed to effectuate the purposes of this title.

"(b) The Secretary shall approve any consumer plan and any modification thereof which meets the requirements of this title.

"(c) The Secretary shall have authority, in accordance with section 709 of this Act, to withhold payment of Federal funds from consumer protection offices which do not substantially comply with the approved consumer plan or with the provisions of this title or regulations promulgated thereunder.

"PAYMENT; FUNDING PRIORITIES

"SEC. 708. (a) (1) Payment under this title shall be made to consumer protection offices which are eligible for Federal assistance under section 706.

(2) If the Secretary determines that the funds necessary to carry out in a fiscal year all of the consumer plans which have been submitted by consumer protection offices in a State and approved under section 707 exceed the allotment for such State for such fiscal year under section 705, then he shall make payments from such State's allotment to consumer protection offices in such State in accordance with priorities which he shall establish by regulation.

"(b) Payments from a State's allotment with respect to the cost of effectuating any consumer plan submitted by a consumer protection office in such State shall not exceed the Federal share (determined under section 707(a)(5) of such cost for the fiscal year.

"(c) No payments shall be made to any consumer protection office for any fiscal year unless the Secretary finds that the office will have available during that fiscal year for expenditure from non-Federal sources, an amount equal to the non-Federal share of the cost of effectuating the consumer plan submitted by such office.

"(d) Payments to an office of consumer protection may be made in installments and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments.

"ADMINISTRATION OF CONSUMER PLANS

"SEC. 709. (a) The Secretary shall not make any final determination that an office of consumer protection is not eligible for Federal assistance under this title without first affording reasonable notice and opportunity for the submission of oral or written data, views, or argument under procedures to be established by him.

"(b) Whenever the Secretary finds—

"(1) that a consumer plan has been so changed that it fails to comply with the requirements of this title; or

"(2) that there has been a failure to properly implement and administer a consumer plan approved under section 707(b) or to comply with the provisions of this title or any regulations promulgated thereunder, the Secretary shall notify the consumer protection office which submitted such plan that it is no longer eligible to participate in the program established by this title until the Secretary is satisfied that there is no longer any such failure.

"ANNUAL REPORT

"SEC. 710. The Secretary shall prepare and submit, as part of the annual report of the Department of Health, Education, and Welfare, a detailed report on the administration of this title, including an evaluation of the impact of Federal financial assistance upon the improvement of consumer protection programs in the United States and its effect on the nature and extent of cooperation between the Federal Government and the States and localities in the consumer protection field."

(b) Section 102 of the Intergovernmental Cooperation Act of 1968 is amended by striking out "Sec. 102. The" and inserting in lieu thereof "Sec. 102. Except for purposes of title VII, the".

SHORT TITLE

SEC. 2. This Act may be cited as the "Intergovernmental Consumer Assistance and Protection Act".

Bill To Provide Grants-in-Aid for the Establishment and Strengthening of State and Local Consumer Protection Offices

It has long been evident to me that consumer protection, like so many other areas of great public concern, requires a joint and cooperative effort by Government at the Federal, State, and local levels. Because commerce is frequently interstate in character, it is inevitable that the fortunes of consumers will be affected, for good or for ill, by Federal consumer programs, practices and procedures.

Nevertheless, it is essential that consumer problems of a state and local nature must be handled effectively at the state and local levels.

There is substantial evidence that consumer protection efforts at the State and local levels are being hampered by weaknesses and inefficiencies in the Federal consumer protection apparatus, and that consumer protection at the Federal level is being hampered by the absence of effective consumer at state and local levels. As as result Federal and local agencies assigned with consumer responsibilities are deprived of valuable opportunities to exchange information and ideas relative to fraudulent, deceptive, or unfair practices that disadvantage consumers.

The concept of providing Federal financial assistance to the the states and localities for the establishment or strengthening of consumer protection offices is not new. However, the legislation which I propose avoids, I believe, many of the weaknesses of prior bills on this subject.

For example, prior bills:

(1) have vested authority for the administration of the consumer grant program in either the Department of Commerce (an agency devoted to the cause of producers) or the Federal Trade Commission (an agency which can barely administer existing consumer protection laws). My bill vests in the Secretary of Health, Education, and Welfare, through his new Office of Consumer Services, the responsibility for administering the grant program;

(2) have provided for a single state-wide consumer office only and, thereby, would have effectively blocked progressive local governments from participating in the program. My bill authorizes the participation of both state and local governments.

(3) have authorized Federal funds on a nation-wide basis only thereby raising the possibility that the more aggressive States would monopolize all or most of the funds. My bill sets aside Federal dollars for each of the 50 States and Puerto Rico on an equitable basis until such time as a State or local government within a State chooses not to participate in the plan. This, I believe, will encourage the establishment or strengthening of consumer offices throughout the country in all 50 States and Puerto Rico;

(4) have attempted to define each and every type of action that would constitute a violation of the rights of consumers in the marketplace. My bill, within certain guidelines to be enforced by DHEW, provides the States and localities with maximum latitude in deciding what type of act violates the rights of consumers and what type of consumer program is most likely to effectively combat such violations.

(5) have excluded worthy non-profit private organizations from participation in the grant program. My bill authorizes their participation when they are approved by the State or local government.

Summary of Legislation To Provide Federal Block Grants to States and Localities for the Establishment and Strengthening of Consumer Protection Offices (This Bill Amends the Intergovernmental Cooperation Act of 1968)

Section 701(a) (1) and (2): This section finds that protection of the consumer interest in America requires cooperation and coordination of and a joint effort by government at the Federal, State and local levels; and states that the purpose of the Act is to strengthen cooperation and coordination in consumer protection by funding Federal financial assistance to the States and localities for consumer offices.

(b): Authorizes the appropriation of the sum of $5 million for the fiscal year ending June 30, 1970; and $7.5 million and $9 million for the two successive fiscal years.

Section 702: Definitions.

Section 703: Authorizes the Secretary of Health, Education, and Welfare, through his Office of Consumer Services, to make grants pursuant to the provisions of the Act.

Section 704: Directs the Advisory Commission on Intergovernmental Relations, upon request of the Secretary of Health, Education, and Welfare, to perform certain studies and develop information relative to the effectiveness of State and local consumer protection offices and the adequacy of Federal and State cooperation in the consumer protection field.

Section 705(a)(1): Allots to each of the 50 States and the Commonwealth of Puerto Rico for the purpose of establishing or strengthening consumer offices, $50,000 for the fiscal year ending June 30, 1970 and $75,000 and $90,000 respectively for the 2 successive fiscal years. Ten thousand dollars is allotted to each possession for each of the three related fiscal years.

(2): From the remainder of the sums appropriated for each of the three stated fiscal years, each of the 50 States and Puerto Rico is authorized to receive an amount which bears the same ratio to such remainder as the population of the State and Puerto Rico bears to the population of all the States and Puerto Rico.

(b): Provides that within each of the three named fiscal years, the unused portion of any State's allotment shall be available for reallotment to the other States.

Section 706: Provides that a State or local government shall be eligible to receive its Federal allotment if—

(1) the consumer protection office has been established or designated;

(2) the consumer protection office has submitted a Consumer Plan which meets the requirements of Sec. 707;

(3) Federal funds will not supplant State or local funds in those instances when an operating consumer protection office is in existence on the date of enactment of this Act.

Section 707(a): Requires that the Consumer Plan, pursuant to which the consumer office shall operate,

(1) be in such form and in such detail as may be required by regulations of the Secretary of Health, Education, and Welfare; but affords the States and localities wide latitude in establishing consumer programs and activities;

(2) provides for detailed cooperation between Federal consumer protection agencies and States and local consumer protection offices;

(3) sets forth appropriate fiscal controls and accounting procedures;

(4) prescribes the Federal share of the cost of the consumer office, which shall not exceed 75%.

(c): Authorizes the Secretary of Health, Education, and Welfare, to withdraw or withhold funds from consumer offices which do not substantially comply with the approved Consumer Plan.

Section 708: When the total dollar amount necessary to fund the Consumer Plans of more than one applicant within a State exceeds the allotment available to that State, the Secretary of Health, Education, and Welfare, shall select which plan(s) shall be funded in accordance with priorities which he shall establish by regulation.

Section 709: Establishes "due process" procedures in those instances in which a proposed Consumer Plan is rejected by the Secretary of Health, Education, and Welfare or funds are withdrawn from a Plan previously approved.

Section 710: Requirement for annual report from Secretary of Health, Education, and Welfare on administration of the Act.

STATEMENT OF CONGRESSMAN BENJAMIN S. ROSENTHAL AT A PRESS CONFERENCE ON A FEDERAL DEPARTMENT OF CONSUMER AFFAIRS, FEBRUARY 4, 1969

In 1963, when the late Senator Estes Kefauver introduced, for the third time, legislation to establish a separate federal agency for consumers, he said: "I am hopeful that this will be the last time I shall introduce such proposed legislation and that the need for consumer representation in our government has become so widely recognized that such a bill will be passed at this session of Congress."

We are still waiting. The need for a separate federal agency devoted exclusively to protecting consumers is now more urgent than ever. We have made some progress and there is some room for optimism:

Last year, in the 90th Congress, 58 Members of the House joined with me in proposing legislation to establish a Department of Consumer Affairs. This year, in the 91st Congress, 87 Members of the House have joined in co-sponsoring such legislation. This year, one of the Senate's leading consumer spokesmen, Senator Gaylord Nelson, has joined those who seek to give proper voice within the government to the needs of 200 million American consumers.

In 1966, seven years after the first introduction of a bill to establish a Department of Consumer Affairs, the President's Consumer Advisory Council recommended the establishment of such a Department.

Also in 1966, the President's National Commission on Food Marketing urged the creation of a separate federal agency in government to represent consumers.

Almost every nation in Western Europe, including Denmark, Norway, Sweden, Belgium, France and Great Britain, has established Cabinet-level Departments of Consumer Affairs or centralized government agencies concerned exclusively with consumer matters. Canada has just placed all of its consumer protection activities within a Department of Consumer and Corporate Affairs.

During the last several years, the Congress has enacted a large number of consumer laws but without meaningful consideration to how these laws, in toto, should be administered or by whom. The co-sponsors of this bill, public and private consumer groups, and many other countries understand that basic precept of public administration—the mere enactment of laws without provision for their efficient administration is a disservice to the public and to good government.

Thirty-three federal departments and agencies now administer over 260 consumer-related programs. These programs, proliferated as they are throughout the government and almost always administered by agencies having conflicting interests to protect, provide the consumer with weak and uneven protection:

Responsibility of enforcing the Truth-in-Lending Act is vested in nine separate agencies;

Administration of the Fair Packaging and Labeling Act is divided among three agencies—the Federal Trade Commission, the Food and Drug Administration and the Department of Commerce;

No less than five federal agencies are responsible for consumer protection of the poor;

The Flammable Fabrics Act of 1967 is shared by the Department of Commerce, the FTC, and the FDA;

Responsibility for the wholesomeness of fish and fishery products falls both to the Food and Drug Administration and the Interior Department's Bureau of Commercial Fisheries;

Programs to control air and water pollution can be found in half a dozen agencies.

These laws, individually good, have proliferated beyond the ability of present government to handle them. The same was true of housing problems in 1965 when the Department of Housing and Urban Development was established; of transportation problems in 1966 when the Department of Transportation became a reality; and it is true today of consumer problems.

Let's look at the consumer record of our federal government:

Are we satisfied with the performance of our regulator agencies in advancing the consumer interest in America?

Has the Federal Trade Commission been a vigorous champion of the consumer cause?

Has the Interstate Commerce Commission effectively represented the consumers' interest in matters relating to household moving problems and railroad passenger service? Has the Federal Communication Commission been an effective advocate for the public in policing the airwaves?

Has the Department of Commerce moved with dispatch in approving flammability standards for clothing or in administering its portion of the Fair Packaging Act?

Are we satisfied with the activities of the Interior Department and the FDA in protecting the consumer against unwholesome fish and fish products?

Can we boast that the federal government is doing all it should to assist and protect America's 28 million low income consumers?

Has the Department of Agriculture strived to achieve the most effective and far-reaching consumer food grading programs, as Congress directed it to do?

Is the welfare of consumers a prime consideration of the Interior Department when its Oil Import Administration establishes quotas for cheap foreign petroleum products? Are we satisfied with Interior's efforts at water pollution control and abatement?

Do the efforts of the Department of Transportation's National Highway Safety Bureau in the field of auto safety match the grim reality of 52,000 deaths last year on our highways?

Is it in the long-range best interests of consumers that solutions to many of their most important problems are entrusted to temporary commissions like the Food Market and Product Safety Commission, whose recommendations are largely ignored because of the absence of an institutional framework for continuing action?

Has the General Services Administration, the National Bureau of Standards and other federal product testing agencies, moved to maximize the benefits of those tests by releasing valuable product information to consumers?

A Department of Consumer Affairs would have a salutary effect on these activities either by assuming some of them or by influencing their direction through appearance by its consumer counsel. Until the consumer interest is the primary, exclusive motivation of a *statutory agency* of government, instead of an afterthought as it is in so many agencies today the consumer will remain a second-class citizen in the marketplace.

Let me mention the second consumer bill I introduce today—to provide federal grants-in-aid for the establishment and strengthening of state and local consumer protection offices.

Consumer protection requires a joint and cooperative effort by government at the federal, state, and local levels. Weaknesses at one level of government paralyze the other two. Consumer protection efforts at the state and local levels are being hampered by weaknesses and inefficiencies in the federal consumer protection apparatus. But federal protection is hampered by poor consumer protection at state and local levels. The result: federal and local agencies assigned with consumer responsibilities are deprived of valuable opportunities to exchange information and ideas relative to fraudulent, deceptive, or unfair practices that disadvantage consumers.

The concept of federal help for state and local consumer protection offices is not new. However, the legislation which I propose avoids, I believe, many of the weaknesses of prior bills on this subject. Under my bill HEW administers the grants, not the Commerce Department or FTC as proposed earlier. This bill also gives HEW maximum flexibility in helping local as well as state agencies and in letting local groups decide what kind of consumer protection is needed.

The consumer interest and its proper representation by government at all levels is not a matter to be treated lightly. To do so is to ignore the tragedy of unsafe automobiles and tires, dangerous drugs, hazardous household products, and unwholesome meat, fish and poultry. It is also to ignore the frustration, anger and economic waste associated with a marketplace where deception, misinformation and confusion prevail.

My hope and aim is to see justice in the American marketplace.

MAJOR CONSUMER ACTIVITIES AND PROGRAMS OF FEDERAL DEPARTMENTS AND AGENCIES

AGRICULTURE DEPARTMENT

1. Inspection of poultry and poultry products.
2. Inspection, grading, standardization of meat and poultry and other agricultural commodities, conducting a plentiful foods program.
3. Distribution to school lunch programs, institutions, welfare agencies, and needy persons.
4. Testing of food products and lumber products.
5. Regulation of milk supply and sugar supply.
6. Exports of agricultural commodities.

ATOMIC ENERGY COMMISSION

1. Control of operation of AEC facilities to protect public from harmful radiation.

CIVIL AERONAUTICS BOARD

1. Licensing, regulation of common carriers and air carrier rates.
2. Prevention of unfair deceptive practices and unfair methods of competition among airlines.

CIVIL SERVICE COMMISSION

1. Screening of insurance plans for federal employees.

COMMERCE DEPARTMENT

1. Development of flammability standards.
2. Development of commodity standards.
3. Packaging laws.
4. Standardization of weights and measures, development of standard specs and testing method, calibration services.
5. Testing of consumer products by the National Bureau of Standards for federal use and for industry.
6. Regulation of intercoastal and territorial shipping rates and fares.
7. Flood warnings, weather information for forest fire prevention and control.
8. Weather forecasts.

DEFENSE DEPARTMENT

1. Regulation of: general commercial solicitations, insurance plans and motor vehicle insurance for military personnel.
2. Testing of food products and other consumer-related research for Department of Defense use.
3. Flood prevention and control.
4. Control of beach erosion.
5. Prevention and abatement of oil pollution in navigable waters.

TRANSPORTATION DEPARTMENT

1. Auto and highway safety.
2. Automobile insurance study.
3. Gas pipeline safety.
4. Airline safety.
5. Administration of flight standards and

medical standards for civil aviation personnel.

6. Operation of national capital airports.

FEDERAL COMMUNICATIONS COMMISSION

1. Regulation of broadcast licenses and telephone and telegraph rates and services.

2. Licensing of police, fire, and other radio equipment.

FEDERAL DEPOSIT INSURANCE CORPORATION

1. Truth-in-Lending enforcement powers.

2. Surveillance of advertising practices by banks.

3. Insurance of bank deposits.

FEDERAL HOME LOAN BANK BOARD

1. Truth-in-Lending enforcement powers.

2. Insuring through Federal Savings and Loan Insurance Corporation of withdrawable accounts in savings and loan associations and similar institutions.

FEDERAL MEDIATION AND CONCILIATION SERVICE

1. Avoidance or minimization of labor disputes by providing mediation services.

FEDERAL POWER COMMISSION

1. Regulation of interstate commerce and electric power and utilities concerned.

2. Issuance of licenses and regulation of rates for transportation and sale of natural gas in interstate commerce.

3. Investigation of need for natural gas service.

FEDERAL RESERVE BOARD

1. Truth-in-Lending authority.

2. Examination of member banks to maintain fiscal soundness.

3. Establishment of maximum interest rates payable on savings accounts.

4. Establishment of margin requirements on security loans by brokers and dealers.

5. Influencing flow of money and credit in accordance with the needs of the economy.

FEDERAL TRADE COMMISSION

1. Prevention of false advertising and other unfair and deceptive practices in commerce.

2. Enforcement of labeling requirements for food, wool, fur, and textile products.

3. Control of shipment and marketing of flammable fabrics.

GENERAL SERVICES ADMINISTRATION

1. Representation of federal government in transportation and public utilities rate negotiations.

2. Procurement and testing of consumer products for federal use.

3. Regulation of disposal of excess material to prevent disruption of normal markets.

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

1. Food and Drug Administration powers, including drug safety and labeling of food and drug products and advertising.

2. Radiation control.

3. Prevention and control of air pollution.

4. Licensing of clinical laboratories.

5. Consumer education through home economics programs in secondary schools.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

1. Federal Housing Administration activities, including testing and approval of housing materials; housing safety.

2. Home loan guarantee activities.

3. Consumer components of Model Cities Program.

4. Interstate land sales.

INTERIOR DEPARTMENT

1. Voluntary inspection of fishery products.

2. Establishes oil import quotas.

3. Preservation and enhancement of scenic wildlife, and recreational resources.

4. Water pollution control and abatement.

INTERSTATE COMMERCE COMMISSION

1. Regulation of interstate carrier rates and practices, operating rights, railway and motor carrier assurance and safety activities, and service of water carriers and freight forwarders in interstate commerce.

2. Establishment of traffic preferences and priorities in times of emergency.

JUSTICE DEPARTMENT

1. Prosecution of cases involving violations of consumer protection statute, mail fraud violations, security frauds, home building frauds, and violations of Sherman Anti-Trust Act directly affecting consumers.

LABOR DEPARTMENT

1. Bureau of Labor Statistics gathers and publishes information on the cost of living for the Consumer Price Index.

2. Publishes budget studies for low-income families.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

1. Aeronautical and space research affecting consumer safety.

NATIONAL LABOR RELATIONS BOARD

1. Minimization or prevention of disruption to interstate commerce resulting from labor disputes.

NATIONAL MEDIATION BOARD

1. Achievement of peaceful settlement of labor disputes in the airline and railroad industries.

OFFICE OF ECONOMIC OPPORTUNITY

1. Consumer Action Programs.

OFFICE OF EMERGENCY PLANNING

1. Supervision of the development of standards for home shelters and food for long-term storage in shelters.

POST OFFICE DEPARTMENT

1. Prevention of fraudulent enterprises involving use of mails and protection against theft of property in the mails.

SECURITIES AND EXCHANGE COMMISSION

1. Administration of federal securities laws to protect investors.

SMALL BUSINESS ADMINISTRATION

1. Referral of complaints concerning unfair trade practices to appropriate federal agencies.

STATE DEPARTMENT

1. Import and export control activities.

TARIFF COMMISSION

1. Investigates and advises President as to economic effect of import and trade practices.

TENNESSEE VALLEY AUTHORITY

1. Providing of electric power at lowest possible rates.

2. Conservation activities.

TREASURY DEPARTMENT

1. Boating safety.

2. Regulation of narcotics.

3. Regulation of alcoholic beverages with beverage labeling and advertisement to prevent consumer deception.

VETERANS ADMINISTRATION

1. Loan guarantee activities.

2. Examination of property for reasonable value and suitability for dwelling.

3. Testing of hearing aids and other consumer products.

OUR SALARY INCREASES

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, our taxpayers back home complain that they are being subjected to a new form of mental gymnastics over the pay increase. They cannot understand why there may be no record vote.

All they know is that they are being forced to pay a tax on their duty to pay their tax—accepting the explanation that it was temporarily necessary to finance the war in Vietnam and to combat inflation at home.

Now they learn interest rates have been increased on private construction, the President has had a pay raise, and that while a surplus might be possible, Congress and Federal judges are anticipating a sizable pay raise.

To the folks at home looking to this body for stability and leadership, this is dirty pool. They do not follow the "shell game" which found this House—against my vote—delegating or hiding the Federal salaries-fixing in a commission so that Congress need take no action to get our pay increased. Our people want to know what has Congress done to earn a pay raise, when we have even surrendered our duty and right to control salaries?

Sure, I am like every American—I would like more money—but I am here to voice my constituents' feelings not to approve of more unnecessary spending until the folks at home get a chance to catch up.

Some even suggest that if we ran our financial affairs in a businesslike manner and curbed inflation—we would have a salary raise through increased buying power at our present income.

I was sent here to lobby for my people. They oppose continuing the surtax—and they oppose the Federal salary increases. They and people just like them, paying the highest taxes in the history of our Republic, feel they are entitled to some consideration in the running of this country.

I hold but the stewardship of their one vote—and if I get a chance to vote it will be cast "no" to any salary raise.

I am today filing a bill to disapprove of the recommendation of the President of the United States respecting salary increases.

Mr. Speaker, members of the Post Office and Civil Service Committee have notified Members that they can refuse any salary increase. Let me say that I will be more than willing to forgo any salary raise, if my people are freed from the burden of the surtax.

The text of the proposal follows:

H. Res. —

Resolved, That the House of Representatives hereby disapproves all of the recommendations of the President of the United States, with respect to the rates of pay of offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of section 225(f) of the Federal Salary Act of 1967 (81 Stat. 643; Public Law 90-206), transmitted by the President to the Congress in the budget for the fiscal year ending June 30, 1970.

REAPPRAISAL OF ATOMIC ENERGY

(Mr. MOLLOHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MOLLOHAN. Mr. Speaker, there is a time, I suppose when we aid an infant industry in development without real regard to its usefulness or its costs as a functional part of our industrial plant. But, when that industry begins to compete with others for the markets in our economy, it is time for an appraisal.

This is the situation that we find existing in the power industry today. We have been very concerned about the development of atomic energy as a source of peaceful power since the end of the Second World War and to that end we have invested a great deal of money.

Now, as atomic energy is at the threshold of the domestic power markets, it is time that the Congress consider and reassess the role of atomic energy in America.

Mr. Speaker, I have introduced legislation which will accomplish this end. The legislation calls upon the Congress to establish an impartial committee to study the entire civilian atomic energy program. The committee would consider and assess the impact of subsidized atomic energy industry upon competitive industries not subsidized. It would consider the cost of the nuclear program not only in expended human and material resources but also in lost opportunties in nonnuclear fields.

The committee would also study methods for effectively integrating atomic energy into the general energy complex of the United States so that reasonable priorities may be determined; and the study would also concern itself with the potential impact of rapid atomic development upon the health and safety of the American public, including the effects of waste disposal, radioactive air, and water pollution, the location of plants in urban areas, and possible losses caused by malfunction of nuclear plants.

Mr. Speaker, this committee would consist of 12 members; two members from the House of Representatives, two members from the Senate, the Secretaries of Interior, Commerce, Labor, and Health, Education, and Welfare, as well as six members chosen from the public.

Mr. Speaker, this reappraisal is uniquely within the responsibility of the Congress for it has been the Congress which has created and sustained the atomic power industry.

ON THE ACTION OF THE DEMOCRATIC CAUCUS IN RE JOHN R. RARICK

(Mr. PASSMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PASSMAN. Mr. Speaker, on January 29, 1969, in the Democratic caucus, the gentleman from Louisiana, the Honorable John R. Rarick, was denied the 2 years' seniority he had in the Congress. I was listed among the 67 Democratic Members not present at the caucus.

I was absent on this occasion because I was called to my home district on a matter of urgency. However, had I been present at the Democratic caucus, I most certainly would not have supported the proposal to take away from Mr. Rarick his 2 years' seniority. Rather, I would have supported the views of those who supported Mr. Rarick and I am sure that Mr. Rarick is well aware of this fact.

Incidentally, my friendship for Mr. Rarick predates his election to the Congress. Doubtless, Mr. Rarick would be glad to verify this fact upon request. I am sure he would be the last man to indicate or imply that I purposely avoided this particular Democratic caucus.

It should also be noted that unforeseen circumstances made it necessary for this particular Democratic caucus to be scheduled the third time before it was finally held.

AMERICA DOES NOT NEED THIS EXAMPLE

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous material.)

Mr. SIKES. Mr. Speaker, a great many people who were asked to tighten their belts last summer and pay a 10-percent surtax will recall that they were assured this would be accompanied by economies in Government. It is natural that they would anticipate that the Congress would set an example for economy in the conduct of its own fiscal policies. It is not going to set very well with those same people, some of whom also have been exhorted to limit their own wage increase requests to cost-of-living increases, to see the example of a 40-percent salary increase for Congressmen. The $12,500 annual pay increase which is about to go into effect through administrative order is, in itself, considerably more than most of the people of the United States earn.

The Congress, which the country looks to as its own voice in Government, will be a long time living down this poor exercise in responsibility. At the very least, there should be an opportunity for the House to vote on the question. This apparently, is going to be denied. The congressional pay raise will spur the forces of inflation at a time when we must seek to curb inflation. It creates a bad precedent for future actions of Congress. We have been in session for a month and in that time the Congress has done nothing except double the President's pay and prepare to accept a 40-percent increase for ourselves without even allowing a record vote. If ever there was a need for a sounder example in leadership, it is now. America does not need the kind of example Congress is setting.

TRIBUTE TO HON. FRANK SANDERS, FORMERLY OF THE STAFF OF THE COMMITTEE ON APPROPRIATIONS AND NOW ASSISTANT SECRETARY OF THE NAVY DESIGNEE

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, I think the House will be very pleased to take note of the fact that one of the staff members of the House Committee on Appropriations has been designated as Assistant Secretary of the Department of the Navy. I refer to the Honorable Frank Sanders, one of the ablest of staff members it has been my privilege to know during my tenure in Congress.

Those of us who have known him through the years can attest to the excellence of his services and counsel on Capitol Hill. It will be difficult to replace a man of his ability on the congressional staff, but we are pleased, indeed at the recognition given him by the new administration. He carries with him into his new work years of valuable experience which will stand him in good stead.

Mr. Speaker, I am sure that the House joins me in warm congratulations and cordial good wishes to Secretary Sanders and to his family in his new undertaking.

Mr. Sanders was born in Tarboro, N.C., July 30, 1919. His wife is the former Miss Mary Ellen Gilbert. They were married in September 1948 and have two sons, ages 16 and 13. Mr. Sanders is a graduate of Armstrong Junior College of Savannah, Ga., and George Washington University Law School. He is doing master's work at the University of Maryland in the fields of government and politics. He has been a member of the staff of the House Committee on Appropriations since 1949 and previously was administrative assistant to the Honorable John H. Kerr, of North Carolina.

Mr. Sanders served in World War II, entering the Army as a private in 1941 and was discharged as a captain in 1945. He is a lieutenant colonel in the Army Reserve. His decorations include the Bronze Star and European Theater ribbon with three battle stars. He is an associate member of the Institute for Strategic Studies, London, of the Christian Businessmen's Committee of Washington, and the Fourth Presbyterian Church of Bethesda, Md.

REGULATING TELEVISION NETWORKS

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, the composite picture of today's television networks is one of large corporate interests that wield vast amounts of influence on the daily lives of television viewers. It is not an image that is tarnished or in question, but it is an image that appears vague by its complexity.

Because of several issues which I feel are appropriate to the public interest, I am today introducing legislation that would direct the Federal Communication Commission to promulgate rules and regulations for the major broadcast networks. I invite my colleagues to join me in this measure.

It is a surprising fact to learn that now the extent of jurisdiction of the FCC in the regulation of networks is found only in a relative general provision of the law which affords only general enforcement provisions.

The growing power and influence of our broadcast networks cannot be denied. Already, it is shown that the majority of the people of this country acquire many of their opinion-forming information through networks and their broadcasts. The recent presidential election demonstrated that more than in any other way.

It is my feeling that there should be some means of assuring that the operation of networks is in the public interest.

There should be some effective method of reaching this goal, other than the existing method mentioned above, and the other alternative of applying sanctions to networks indirectly through their wholly owned and operated stations.

The bill I am introducing today will reach toward this goal. It will direct the Federal Communications Commission to issue rules and regulations to assure that networks are operated in the public interest. It will require that these rules include provisions to assure that a network deals fairly with its affiliates; that the programing offered by a network is balanced; and that the programing is objective as to the presentation of views on controversial issues of public importance. Finally, it will require that more competition be engendered in network operations by prohibiting any network from making available to an affiliate any programs of a non-news nature when such programs consume an excessively large portion of the affiliates broadcast time.

I would like to point out one final aspect of this bill, and that is that it provides for the regulation of networks, but does not contain provision for licensing of them. In my view, there is much to be said for licensing, and I probably would have included such a provision in this bill but for the fact that it raises problems of a constitutional nature. To invoke provisions constituting a prior restraint on a communications medium for which there is no technical or engineering reason for such limitations, raises first amendment challenges. It is for this reason that I have not included such a provision, but I would note that this approach might be the best way, by far, of putting teeth into this bill. As now drafted, the bill merely calls for significant fines imposed on the networks for violations, together with other implied penalties, but I realize that a licensing provision could be a much more effective means of enforcement if it can be so drafted.

Too often programs are top heavy, and not balanced. And too often the news is slanted, whether intentional or not. Admittedly there should never be any suppression of free speech, but there should be objectivity. The proper issuance of positive rules and regulations can be a healthy influence for the public good.

AID TO DEPENDENT CHILDREN

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. FEIGHAN. Mr. Speaker, it was not anticipated in 1935 that the newly enacted aid to dependent children program would experience such tremendous growth in our country but the projected 1969 figure of over 6 million AFDC recipients forces us to acknowledge that the program has surpassed all forecasts in terms of cost and coverage. In 1937, the first full operative year of the program, approximately 550,000 persons participated with a combined Federal, State, and local expenditure of $58,501,000. At that time, the Federal share was a mere 20.5 percent. Coverage of an estimated 6 million people in 1969 is expected to cost close to $3 billion with the Federal Government's share at 52 percent.

Since its inception in 1935, the AFDC program has been continually revised and improved upon to accommodate the rising number of poor people. Eligibility requirements have been liberalized and in 1967, a new work incentive program was initiated and the creation of daycare centers was authorized for the children of working mothers.

The 1967 amendments also contained a most controversial provision: the AFDC freeze, which limited Federal matching to the amount of money allotted for the number of all children under 18 years of age who were receiving AFDC payments on the basis of a parent's absence from the home in each State as of January 1, 1968.

The primary purpose of this provision was to force States to reduce or to limit their caseloads. Under the Federal law, States are not allowed to limit arbitrarily their caseload and they must accept and promptly act on all applications. As a result, those States which have an excess number of recipients for which there can be no Federal sharing and Ohio is only one of several States in this category, must decide on another financial arrangement.

Essentially two courses are open to the States. A State could provide assistance in accordance with the current State plan, with the State paying the total assistance cost for the excess children. In Ohio this would mean that the State would be responsible for an additional 46,500 cases with no Federal reimbursement. Certainly, it is obvious that this places a great financial strain on Ohio's State budget; in fact, in many cases it will be impossible for the States to meet this demand.

Another alternative measure available to the States is the reduction of the level of assistance for all AFDC children. In Ohio this would require a reduction in the average payment of about $4 a month, a most undesirable option.

Since the AFDC payments cover the basic necessities of a child's health and well-being, to lessen these allotments could work serious hardship on thousands of deserving families. Parents rely on this assistance and to deny them their full benefits by initiating a "freeze" on payments is a most inadequate solution.

Fortunately, the Congress last year enacted a temporary suspension of the "freeze" but if no action is taken, this provision will become effective on July 1 of this year.

I do not feel that we can justifiably evade the real problem any longer. I have therefore, introduced H.R. 4577, which would repeal this harmful restriction. I am hopeful that my distinguished colleagues will agree that it deserves their favorable consideration.

The opportunities and services provided by the AFDC program are vital to the physical, mental, and emotional advancement of our children. It is imperative that we offer them every opportunity to become responsible citizens.

Our society cannot afford to be plagued by the enormous growth in the welfare rolls witnessed in recent years, but until a comprehensive and workable restructuring of our public assistance programs can be devised, we must not penalize our innocent youngsters in need of financial assistance.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT DURING SESSIONS OF THE HOUSE ON FEBRUARY 5 AND 6

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may be permitted to sit during general debate while the House is in session on Wednesday, February 5, and Thursday, February 6.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

INDUSTRIAL SAFETY: THE TOLL OF NEGLECT

(Mr. O'HARA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. O'HARA. Mr. Speaker, in the current issue of Time magazine, there appears an article entitled "Industrial Safety: The Toll of Neglect."

This article spells out in great detail the cost to the economy in dollars, and to American working people in deaths and disabilities of our failure to act on a nationwide, concerted drive against occupational accident and diseases. It catalogs the 14,200 deaths, the 2,200,000 disabling injuries, the $5 billion in loss to the economy, that annually characterize this problem in the United States. The article points out, also, how much improvement has been achieved by other industrial countries which have made the effort we have neglected to undertake.

The Time article goes on to discuss some of the less well-known occupational hazards which plague our working people—the threat to health and even to life from the handling of asbestos, beryllium, and other toxic substances. The article is pessimistic about the chances of passage of the occupational safety and health legislation now pending before the House Education and Labor Committee, and here alone I would take some issue with the writer of the article. I cannot believe, even in the light of the ferocious opposition similar legislation received last year, even in the light of the failure of the House to act on the legislation reported by the Education and Labor Committee last year—I cannot believe, Mr. Speaker, that the Congress will much longer refuse to act. I find it particularly hard to be this pessimistic about our action on this legislation because I believe firmly that this Congress will not long remain unconcerned when, in the concluding words of the Time article:

> Every month that the acrimonious debate drags on over how best to reach it, another 1,100 U.S. workers will die.

Under permission granted, I include the article at this point in the RECORD:

Industrial Safety: The Toll of Neglect

For the 3,000 coal miners who assembled last week in Charleston, W. Va., it was an occasion for passing collection plates, singing protest songs and heaping scorn on mine operators. The miners, some of whom wore black arm bands inscribed with skull and crossbones, were demonstrating for protection against "black lung," a disease caused by inhaling coal dust that can lead to illness or death. A form of pneumoconiosis estimated to affect three-fourths of the nation's 135,000 coal workers, black lung has become an increasingly serious problem because modern power-operated mining machines churn up far more dust than old-fashioned picks and shovels. Says one United Mineworkers official: "It used to take a lifetime to get black lung. Now it takes only a few years. That's progress."

Public Apathy: Coal mining is by far the most hazardous occupation in the U.S., having killed one out of every 550 miners in 1968 alone. Lumbering, shipping and stevedoring, construction and quarrying also produce a disproportionate share of industrial deaths and injuries. The overall safety record of U.S. industry is far better than that of mining. Yet on-the-job accidents last year killed 14,000 and disabled 2,200,000 of the nation's 82 million workers. Another 5,000,000 suffered lesser work injuries or illnesses. Beyond the incalculable toll they took in pain and suffering, job-related accidents and ailments cost workers $1.5 billion in lost wages and deprived industry of $5 billion in production, an amount larger than the annual output of all but the eight biggest U.S. manufacturers.

That record is certainly an improvement over 50 years ago, when industrial accidents killed nearly twice as many people in a work force half the size of today's. Still, the push for occupational safety appears to have weakened in recent years. The number of deaths has stayed nearly the same since 1963, while disabling injuries have actually been on the increase. A number of other industrial nations pay more attention to safety and have better records to show for it. British fatalities in manufacturing run only half as high per man-hour as those in the U.S. In construction, the U.S. death rate is 30 times that in Belgium and The Netherlands, 50 times that in Poland. Japan, undergoing breakneck economic expansion, has adopted a comprehensive set of job-safety regulations, which are enforced by 2,000 government inspectors. As a result, industrial fatalities have declined by 11% in two years.

The U.S. has marshaled no such effort, in part because of public apathy. Indeed, it usually takes a disaster of the magnitude of last November's underground explosion near Farmington, W. Va., which resulted in the deaths of 78 coal miners, to attract serious attention to the problem of job safety at all. The great majority of on-the-job casualties occur in mundane fashion; and they usually happen one at a time.

The leading causes of injuries are falls and falling objects. Motor vehicles—whether tractors on the farm or forklift trucks within plant gates—account for the largest single category of fatalities. The number of deaths and disabilities caused by work-related illness is harder to gauge because the effects may not appear for years. Lamp-industry workers of the '40s are still dying from berylliosis, a lung disease brought on by exposure to beryllium, a lightweight metal used for coating fluorescent lighting tubes. Similarly, workers who inhale tiny, indestructible fibers of asbestos as they are blown into place for insulation can contract lung cancer more than two decades later. Dr. Irving J. Selikoff of Manhattan's Mount Sinai Hospital, an expert in asbestos-related illness, predicts that 40% of today's 36,000 insulation installers could eventually die of cancer as a result of their work.

Goats' Bladders: The industrial safety problem goes back to prehistoric man, who not only cut himself with axes while skinning bison but developed fatal anthrax from contact with the animal's hide. Roman metal workers wore face masks made from goats' bladders to protect themselves from dust and lead fumes. Recent technological advances have brought new hazards faster than old ones have been controlled. Manufacturers have long since stopped using mercury in the production of men's hats, thus eliminating the "hatter's shakes" disease that may well have accounted for the peculiar behavior of the Mad Hatter in *Alice in Wonderland*. Until the problem was brought under control recently, other garment workers faced a potential health danger from inhaling fumes from the formaldehyde contained in permanent-press fabrics. According to an official government compilation, U.S. workers are exposed to no fewer than 182 "hazardous agents," ranging from acetaldehyde (used in making mirrors) to zirconium compounds (used in manufacturing deodorants). Even secretaries who handle office duplicating machines may contract dermatitis, a skin inflammation caused by sensitivity to solvents and vapors, which has become the leading source of medical complaint in industry.

The unimpressive U.S. record of industrial safety arises mainly from neglect. The subject enjoys a low priority in a nation more concerned with war and peace, civil strife and inflation. Management and union indifference, split jurisdiction and bickering among enforcement agencies and gaps in protective laws all contribute to the problem. When it comes to establishing and enforcing safety standards, the Federal Government is largely limited to jobs under public contracts. The Department of Transportation handles railroad safety. Conditions in the coal fields are the responsibility of the Interior Department's Bureau of Mines. Occupational safety researchers for the Department of Health, Education and Welfare test hearing losses suffered on the job, but can do nothing about muffling the excessive noise that can cause such losses. The U.S. Public Health Service is empowered to inspect toilets, but not machinery that may cause workers to become sick.

Accent on Game Wardens: That leaves regulation largely up to the states, which sometimes do little more than inspect industrial boilers and elevators. Oklahoma, Alabama and Missouri each employ at least eight game wardens for every safety inspector. State laxity in safety enforcement procedures is often blatantly political. Admits the chief safety inspector of one large industrial state: "Everybody who works for me has two bosses, myself and the politician who got him appointed."

The weakness of existing regulations shows clearly in the case of coal mining. Though covered by more safety laws than almost any other industry, the mines continue to be plagued by accidents because of legal loopholes. Federal laws empower the government to close down a mine when enough methane gas or coal-dust particles accumulate to threaten an explosion. But the laws give the U.S. no authority to move against the health hazard inherent in excessive coal dust. Under Pennsylvania's exemplary occupational-disease benefits program, retired coal miners suffering from black lung receive $50 weekly up to a maximum of $12,500 and $75 a month thereafter for life. West Virginia, by contrast, makes no specific provision for payments to black lung victims.

States and industries that make a determined effort at accident prevention can point to impressive results. One Du Pont plant, for example, ran for 45 million man-hours without a disabling injury. U.S. Steel, the leader in an industry that has reduced accidents by 90% since the 1920s, shows workers in a film that depicts the many ways that they can lose fingers through carelessness. Johns-Manville Corp., the nation's largest manufacturer of building products, has teamed with the Asbestos Workers union to finance efforts to reduce worker exposure to asbestos fibers. The automobile industry pushes hard for safety, with the result that it may be safer to work in an auto factory than to drive the finished product. General Motors instructs foremen to "talk about safety to two employees daily for at least five minutes each." To protect the fingers of stamping-press operators, Ford has designed the machines with twin controls widely spaced so that both hands are needed to operate them.

Something Sissified: Progressive companies often seem more interested in worker safety than many labor unions. Reflecting the preferences of their rank and file, unions have traditionally fought for extra pay for hazardous jobs rather than for safer work conditions. Often, unions intervene when companies try to discipline workers for safety violations. Whether out of ignorance, negligence or the feeling that there is something sissified about taking safety precautions, a surprising number of workers refuse to wear safety helmets and dust masks. The National Safety Council, composed of some 5,000 of the nation's largest companies, proudly notes that its members have three times as good a worker safety record as have non-members. The trouble is that only 0.1% of all U.S. manufacturers participate in its programs. Still, argues Roy G. Benson, manager of the council's industrial safety department: "This is a management rather than a regulatory problem. The biggest difficulty is worker education."

Many legislators and officials disagree. "We are all at fault—the employee, the employer and ourselves in government," says Esther Peterson, the Johnson Administration's Assistant Secretary of Labor for Standards. "I'm tired of this buck passing. It's time we did something together about all this." Congress may well enact new coal-mining legislation at this session, but passage of a more general industrial-safety law looks less likely. Last year the Johnson Administration pushed for legislation that would have empowered the Secretary of Labor to issue mandatory health and safety standards and to enforce them—to the point of closing down factories—if "imminent harm" was found to exist. The legislation died, in no small part because of vigorous industry objections. But similar bills have been introduced this year, including one cosponsored by 34 members of the House. The Nixon Administration has yet to take a stand on the issue. Whatever its decision, it is evident that much of U.S. industry needs some sort of spur—economic, moral or legislative—to overcome its lethargy toward the physical dangers Americans face in the course of earning a living. The goal of improving individual safety is beyond dispute. Every month that the acrimonious debate drags on over how best to reach it, another 1,100 U.S. workers will die.

HOUSE JOINT RESOLUTION TO PROVIDE FOR THE DIRECT ELECTION OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

(Mr. HUNGATE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. HUNGATE. Mr. Speaker, I have today introduced a joint resolution to provide for the direct election of the President and Vice President of the United States.

This proposed constitutional amendment is based on the premise that national elections should be truly popular elections decided by all the people.

Like previous joint resolutions sponsored by the dean of the House, the gentleman from New York, Hon. EMANUEL CELLER, and Senator BIRCH BAYH, my proposal would abolish the electoral college and prevent political bargaining over the Presidency.

Direct national election will also assure application of the one-man, one-vote concept to presidential elections. More than once in our history the presidential candidate with the most votes nationwide has lost the election. This year we came very close to a constitutional crisis because of a third party challenge.

The joint resolution which I have sponsored today will replace the present electoral college system with a simple popular vote system. The candidate with the most votes will win provided he receives a plurality of at least 40 percent of the votes cast.

In the event no candidate receives 40 percent, my proposal changes the present rules for election by the House to require each Congressman to vote for the candidate receiving the greater number of votes in that congressional district. The House election would be limited to the top two presidential candidates.

One hundred additional electoral votes would then be added to the total apportioned in the same manner as the national popular vote. No tie will be possible with this additional number of votes.

The new proposal for election by the House is also based on the one-man, one-vote principle applied by congressional district. The present system, which allocates one vote per State congressional delegation, can in cases of an equally divided delegation cause a State to be denied a voice in selecting a President contrary to democratic principles and could lead to a constitutional crisis.

A run-off election would be costly and the delay would itself create a crisis and uncertainty at home as well as abroad. By assigning each congressional district a vote for the candidate favored by the people of that district, we can immediately predict the selection of the President free from backroom political deals.

Mr. Speaker, I hope that the 91st Congress will act quickly to change our electoral system and place the most important decision of selecting the President and Vice President in the hands of the people. I believe the most effective way to insure election of the President by the people is to approve a direct election constitutional amendment.

THE FIFTH ANNUAL LEGISLATIVE QUESTIONNAIRE BY REPRESENTATIVE HUNGATE

(Mr. HUNGATE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HUNGATE. Mr. Speaker, my fifth annual legislative questionnaire is being mailed to citizens of the Ninth Congressional District of Missouri.

While I must vote the best interests of the country and district as my conscience, my judgment and the facts dictate, the opinions of my constituents are invaluable when matters are discussed in committee or on the floor. I have found, as have a majority of the Members of the House, that the questionnaire is a useful tool for measuring the views of a large and diverse congressional district.

I recently had an opportunity to talk with George Gallup, Jr., managing director of the Gallup poll, about sampling techniques, public opinions, polls and their effective use. The Gallup organization uses a scientifically selected sample of some 1,600 persons to measure opinions of some 200 million Americans. I believe the 26,000 replies usually received provide a fair barometer of the views of the 500,000 people in the Ninth Congressional District.

The questions follow:

1. Should the Electoral College be eliminated and the President chosen by direct popular vote?
2. Should election contributions of $50 or less be made tax deductible?
3. Do you favor making the Post Office a nonprofit, public corporation?
4. Should industries receive tax deductions for expenses incurred in reducing air and water pollution?
5. Do you favor an all-out national program to train the hard-core unemployed and put them in jobs?
6. Should the surtax be extended beyond its June 30th expiration?
7. Should the Constitution be amended to lower the voting age?

The results will be announced to my constituents, my colleagues and the news media as soon as received and tabulated, probably sometime in March.

NO PAY RAISE NOW

(Mr. BURLISON of Missouri asked and was given permission to address the House for 1 minute.)

Mr. BURLISON of Missouri. Mr. Speaker, I sense a rising tide of resentment toward the proposed pay raise for top officials in the legislative, executive and judicial branches of the Government. There is ample justification for this attitude among our people.

These public servants are not overpaid by any means. Yet, there are other reasons why the increase should not be granted now. This past year the plague of inflation has been the greatest in many years, with our Nation still engaged in deficit spending. This is a time for governmental belt tightening. A substantial increase in Government salaries is not consistent with the example of fiscal prudence and frugality which our legislators should display at this crucial hour.

Another point should be briefly alluded to. During the course of our last congressional campaign, it was not a matter of public knowledge that the increase in salary was forthcoming. For example, I did not know about it until after the election and my arrival in Washington. Without this knowledge in my district there were 14 candidates for Congress. Had the raise been a matter of common knowledge there may have been many more, and with even better qualifications.

With these manifold factors involved, the least that our constituents should expect is that the Congress have an opportunity to be recorded as for or against the boosts. This Representative was opposed to the 100 percent increase in the President's salary. Stated above are some reasons for opposition for increases now under consideration as well.

NATIONAL CHILDREN'S DENTAL HEALTH WEEK

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, this week the Nation is once more celebrating National Children's Dental Health Week. This is the 21st consecutive year for such an observance. Dental societies, together with civic and educational groups throughout the country, are carrying out special programs to once again call attention to the importance of good dental health and the vital relationship it bears to overall health. I am happy to say that the seventh and 10th district dental societies of Pennsylvania, to which the dentists in my district belong, are playing a substantial role in this massive educational effort. Youngsters everywhere are having an opportunity, both in the classroom and through television, to see films and hear talks designed to enhance their understanding of dentistry and dental health.

In keeping with the custom established by his predecessors, President Nixon has issued a statement in which he says:

> This is a time during which we focus on the admirable achievement of America's modern dental research, and rejoice in the progress we have made to prevent tooth decay and arrest other destructive dental disorders. Water fluoridation . . . today reaches more than 82 million Americans. Those children fortunate enough to have fluoride protection suffer less than half as much tooth decay as those who are denied it. With this in mind, it is well that we now reaffirm our goal of opening for all our children a ready access both to preventive measures such as fluoridation and to a full regimen of personal dental care.

As we all know, dental disease has long been at epidemic proportions in this country, nine out of every 10 of us suffers from one or more manifestations of it. Yet, dental disease is one of the most preventable of diseases given reasonable attention to personal hygiene habits, a good diet and regular visits to the family dentist.

The Federal Government today allocates more than $300 million a year to dental activities. A great portion of that money goes to repair the ravages of unchecked dental disease; almost none goes toward preventive activities such as fluoridation that maintain sound oral health and keep dental disease under control. For many years, the American Dental Association has been saying that this proportion should be better balanced, with more substantial attention being given to preventive measures.

This is particularly so, in dentists' opinion, with regard to children. If we can bring one generation of children to maturity while enjoying consistently good dental health, we will have broken the back of the dental disease epidemic that is the cause of so much discomfort and pain. This observance of National Children's Dental Health Week is an excellent time for all of us to resolve to give greater attention to this matter and to move forward on it in a more reasonable way, with the accent on prevention.

CONSERVATIONISTS OF DISTINCTION

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the winners of the 1968 Bernard M. Baruch Conservation Prize have recently been announced. I would like to extend my congratulations to the winners—Charles A. Lindbergh and Senator Henry M. Jackson—and my appreciation to the Belle W. Baruch Foundation for its help in creating an awareness of the importance of conservation through the presentation of this distinguished award.

The Conservation Catalyst, publication of the Foundation stated:

> The *Baruch Prizes,* in the tradition of *Nobel Prizes,* will encourage others to emulate the recipients; the founder, Miss Belle W. Baruch; and Mr. Bernard M. Baruch, in whose honor the Foundation was created.
>
> By commending work of distinction in conservation, the prizes will not only focus public attention on present achievements but will stimulate and encourage research, education and leadership in the Foundation's field of interest. It is hoped they will also have a catalytic effect in furthering the awakening of concern about conservation.

The awards committee is headed by Harrison Salisbury, managing editor of the New York Times, and includes Judge Kenneth B. Keating, Mayor John V. Lindsay, former Members of Congress, and Senator Ralph W. Yarborough who currently serves with distinction in the other body.

These men and the others who serve with them on the awards committee have chosen well in selecting the new Baruch Laureates.

The award to Charles A. Lindbergh serves not only as an appropriate recognition of dedicated conservation effort, but as recognition of several symbolic relationships as well.

The Baruch Conservation Prize was awarded to Lindberg for his work with the World Wildlife Fund and the International Union for the Conservation of Nature. Thus the man who first flew alone across the Atlantic, drawing tighter the cords of global contact, is still working to insure the strength of those bonds. Now, however, this hero of technology is devoting his efforts to preserve and protect that which is in such large measure threatened by technology—our natural heritage. From conquering the wilds of the Atlantic air to preserving the wilds of the global lands is a lifetime's odyssey deserving of the greatest honor and respect.

The conservation achievements of the other winner, Senator Jackson, are certainly well known to those of us who serve in the Congress, and throughout the land there is a full measure of appreciation among conservationists for his efforts.

Senator Jackson has served for 5 years as chairman of the Senate Interior and Insular Affairs Committee, during which time some 43 new areas of scenic, natural, historic, and recreational value have been added to the national park system and we have achieved the passage of additional landmark conservation legislation as well. In all of this, Senator Jackson's diligent efforts and broad understanding of the natural resources domain have been keystones.

With no sense of detraction to the abilities of our former colleague, Melvin Laird, I can honestly say that many conservationists were extremely hopeful that Senator Jackson would accept the recently proffered Defense Secretaryship. Their thought was not to get a better man in his place as committee chairman, which would be difficult, but rather to have a man with such outstanding resource credentials in charge of the Army Engineers.

Mr. Speaker, it is indeed a great pleasure to extend my congratulations, and I am sure those of this body, to these two outstanding American conservationists Charles A. Lindbergh, and Senator Henry M. Jackson.

HUSH-HUSH DEAL

(Mr. GROSS asked and was given permission to extend his remarks at this point in the Record and to include two newspaper articles.)

Mr. GROSS. Mr. Speaker, the hush-hush deal by which ex-President Johnson, in one of his last acts in office, set in motion a project to build an elaborate, million-dollar memorial to Robert F. Kennedy, must be given the most careful scrutiny by Congress with a view to rejecting it.

Some 3 years ago servicemen and their families were put on notice that space for burial in Arlington National Cemetery was becoming acutely short and restrictive orders were put into effect. To now dedicate approximately a quarter of an acre of ground and nearly a half million dollars of the taxpayers money to a memorial for Robert Kennedy is almost beyond belief.

Let it be remembered that this member of the Kennedy family was but one of a long line of U.S. Attorneys General and U.S. Senators. He was but one of millions of men who have served their country in the military.

Let it also be remembered that the remains of a former President of the United States and Chief Justice of the U.S. Supreme Court, William Howard Taft, also rests in Arlington Cemetery. No part of a quarter of an acre of that hallowed ground is dedicated to his remains or to those of General of the Armies, John J. Pershing.

I call to the attention of Members of Congress two interesting articles on this subject of the dates of January 31, 1969, and February 1, 1969, written by Mr. William McGaffin, a Washington correspondent for the Chicago Daily News:

L.B.J.'s Plan for Bobby's Grave Told

(By William McGaffin)

Washington.—Five days before he left the Presidency, Lyndon B. Johnson secretly set in motion a project to build an elaborate, million-dollar memorial to Sen. Robert F. Kennedy in Arlington National Cemetery.

Mr. Johnson made provision in the budget he sent Congress on Jan. 15 for the government to contribute $431,000 toward the cost of a monument and new grave for Kennedy, who was buried in a plot adjoining the grave of his brother, President John F. Kennedy.

The project, is so secret that it is unlikely that even President Nixon knows about it, although either he or a member of his administration must act on it before it can be carried out.

Herbert G. Klein, White House director of communications, said he doubts that Mr. Nixon knows of the plan. "It's the first I've heard about it," said Klein, who indicated he would give the information to the Chief Executive.

"But I doubt if there will be any reaction (from Mr. Nixon) until we've had a chance to study this," Klein added.

A few Johnson administration officials who were involved in the project are still in the government and they have provided the facts in this account.

The project involves moving the body of Robert Kennedy to a hillside overlooking Washington and the grave of his brother. It has been estimated that up to a quarter of an acre of ground would be required for the memorial.

Paul H. Nitze, then the deputy secretary of defense, said in a Dec. 18, 1968, letter to Charles J. Zwick, director of the Budget Bureau at the time that "the best current estimate" of the cost was $1,016,000.

Nitze said the Kennedy family would pay $585,000 not contributed by the government.

The officials who participated in the project said there was considerable debate as to whether it should be made public when the budget was sent to Congress.

They said the decision was reached to keep the project secret because it was regarded as controversial and "highly sensitive."

What bothered some of the participants, apparently, was whether Robert Kennedy, who had been a senator, merited a memorial in Arlington as massive as that erected to his brother, who had been President.

"No one wanted to take a position against it, however, because of the tragedy that he had suffered," said one official who was involved.

He said Mr. Johnson made certain that a considerable number of officials were on record as favoring the project.

Instead of spelling out to Congress what the $431,000 item was for, said this official, Mr. Johnson buried the sum in his request for $150,000,000 for unspecified "contingencies."

Mr. Johnson left Mr. Nixon with the responsibility of deciding whether the project will be carried out and, if it is, of disclosing the details to Congress.

Because of the way funds for the memorial were included in the budget, the government cannot put up its share until Congress appropriates it. And Congress will not act until the Nixon administration asks it to.

In his letter to Zwick, Nitze said the schedule for the project calls for "starting actual construction" early in the summer of 1969 and completion within a year. "Therefore, it is necessary to award a design contract promptly to allow time for quarrying and cutting stone in advance of actual construction."

L. B. J. Snub on Bobby's Grave Told

(By William McGaffin)

Washington.—President Johnson disregarded the wishes of the Kennedy family in the way he handled the proposed Arlington Cemetery memorial to Sen. Robert F. Kennedy shortly before leaving office.

He also overruled recommendations of high Pentagon officials, it was learned.

The family had hoped that Mr. Johnson himself would take the initiative in getting congressional action started on the $1,000,000 project instead of leaving it to President Nixon.

It also had hoped he would list the project openly in the budget he sent Congress five days before he left office. Instead, he hid it as an item in the presidential contingency fund.

A source close to Sen. Edward M. Kennedy said that he was "surprised" that the retiring President had not followed the recommendations of the Pentagon officials.

The project, as outlined by Paul H. Nitze in a letter to Charles J. Zwick on Dec. 18, will cost an estimated $1,016,000. Nitze at the time was deputy secretary of defense. Zwick was budget bureau director.

Nitze said the government's share of the $1,016,000 would come to $431,000 and the Kennedy family would pay $585,000. He requested that the $431,000 be listed as an appropriation item in the President's revised estimate of the requirements of his fiscal 1969 budget.

Nitze also asked that the budget spell out openly what the money was to be spent for. He even included proposed language.

The project was not Mr. Johnson's idea. It was conceived by Sen. Edward Kennedy and arrangements were worked out, at his request, by Robert S. McNamara, former defense secretary.

Although no one will say so publicly, it is obvious that the persons who handled the details and sent the recommendation to the Budget Bureau are disappointed that Mr. Johnson chose to dispose of the matter in a hush-hush manner.

By making provision for the $431,000 item in his $150,000,000 contingency fund, Mr. Johnson can not be charged with having blocked it. Yet, by doing it this way, he has passed the buck to President Nixon.

Mr. Nixon has said through his press secretary, Ronald Ziegler, that there would be no problem and that he would cooperate in the project.

But the project will be stalled until Mr. Nixon asks Congress to appropriate the $431,000. One person familiar with the details said he thought it would be necessary for Sen. Kennedy to write a letter to Mr. Nixon asking him to take this action. He said it was hoped that the President would include this in his supplemental appropriation request scheduled to be sent to the Congress sometime this spring.

Senator Kennedy, it was learned, did not know that Mr. Johnson had handled the project secretly until the budget was on its way to Capitol Hill. Sen. Kennedy was informed by a telephone call from the Pentagon. The senator had never engaged in any communication with Mr. Johnson about the matter but had hoped it could be carried out, as planned, by going through the Pentagon channels.

An official who participated in the project told how Mr. Johnson let the Pentagon know the action he had taken. This executive-branch official was instructed to write a letter to a key official in the Pentagon stating that provision had been made for the $431,000 item in the contingency fund.

BUNDLES FOR CONGRESS

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, time is running out fast on the ability of the House of Representatives to properly consider and vote on a resolution disapproving the outlandish proposed pay increases of 28 to 71 percent for top level officials and employees in the legislative, executive, and judicial branches of the Government.

Is it possible the leadership of the House will permit these pay increases, costing millions of dollars, to go into effect without any consideration or justification on the part of the proper legislative committee and without a record vote?

Are these unconscionable increases to go into effect automatically next week while Members of Congress are on a vacation and thereby become a Valentine greeting financed by the taxpayers?

It has been a long time since the American public staged a so-called bundles for Congress. It could happen again.

KAPPEL COMMISSION RECOMMENDATION SHOULD BE DECIDED BY ENTIRE MEMBERSHIP OF THE HOUSE

(Mr. ZWACH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ZWACH. Mr. Speaker, so that all Members of this body may have the chance to veto the unreasonable and untimely salary increases as recommended by the President from the Kappel Commission report, I ask the leadership to bring this matter to the floor of the House for full consideration and a determination of the membership.

To allow this matter to remain in committee and to be determined by a small minority of this body is not in keeping with the great tradition of the House of Representatives.

A definite avenue of review was provided in the act and we should be permitted to take advantage of that provision.

Mr. Speaker, I am asking for a chance to cast my vote against the Federal Salary Act. Let the outcome of the Kappel Commission recommendation be decided by the entire membership of the House.

CONGRESSMAN CLEVELAND CALLS FOR RECORD VOTE ON PAY-INCREASE PLAN

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, I want to express my strong support for a record vote on the proposed pay increase for Congressmen.

Two years ago, on October 11, 1967, I voted against the plan—adopted by a vote of 210 to 199—whereby a commission, reporting to the President, sends up pay recommendations which go into effect automatically unless Congress vetoes them in 30 days. I feared then that the recommendations would be unrealistic and I did not think that such a back-door method was right. Although popular opinion caused President Johnson to reduce the Commission's recommended congressional pay from $50,000 to $42,500, I do not think, considering these times, that the President reduced it enough.

I am not necessarily opposing any increase in congressional pay or allowances. Reasonable increases are clearly in order. I feel strongly, however, that there should be a record vote on the matter. The taxpayers are entitled to know where their Congressmen, as individuals, stand on this important question. As one who is especially interested in congressional reform, I would regret to see another example of its apparent need added to our annals.

It should be remembered that the level of congressional pay sets the general standard for the rest of the Federal Government for all but the very highest positions. Beyond that, there is the example which Congress sets for the country as a whole. It strikes me forcibly that this is a very bad time to present the country with an example of substantial increases in our salaries. No matter what the justification for them may be, it is bound to have an inflationary effect on wage demands in both governmental and private sectors of the economy.

The Senate has decided to have a record vote on this matter, for which I commend the Senators.

It would be very wrong, in my opinion, for this body not to do the same; to permit this increase to go into effect through default on our part.

Let us not fear to stand up and be counted on this one, Mr. Speaker. Let us make our decision on the record.

GERALD WHEELER: A GREAT CONSERVATIONIST RETIRES

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, it is with regret that I acknowledge the retirement of a distinguished American who served his country well for 41 years. I speak of Gerald S. Wheeler who has just retired from Federal service with a remarkable record in the Forest Service. I came to know Mr. Wheeler well while he held his last position in the Department as supervisor of the White Mountain National Forest in New Hampshire, a post he held for 14 years. Several times it was my pleasure to tour the forest with him; warm memories I will always cherish.

In his 14-year tenure as head of the White Mountain National Forest, Mr. Wheeler accomplished a great deal not only for the people of New Hampshire but also for the thousands who visit the forest each year from other parts of the country. He undertook with success such projects as the construction of the famous Kancamagus Highway which is recognized for its scenic beauty and majestic atmosphere. Mr. Wheeler was also responsible for the establishment, under lease arrangements, of many popular ski resorts in the White Mountain Range. For those of us who love the freedom of outdoor life, we must thank Gerald Wheeler for making possible the creation of many new recreation areas for camping and picnicking.

One of Mr. Wheeler's last acts as supervisor was to approve the creation of the Lincoln Woods Scenic Area. This region, which is composed of 18,560 acres contains some of the most beautiful territory in the State. According to Mr. Wheeler:

> The objective of this area is to provide for optimum human use consistent with, and without appreciable loss of basic near-natural values.

Mr. Wheeler's monumental contributions to the field of conservation will be remembered by many. His imagination and progressive spirit will be missed by all.

TIMBER HARVEST

A true conservationist, Mr. Wheeler recognized the need to apply modern techniques to the broad range of forestry related problems. Among these innovations was the increase in timber harvest to assure the proper growth of the rest of the forest. Thanks to his parental-like protection there have been only 78 acres of forest land destroyed by only 83 fires in the past 14 years, despite one of the longest droughts in recent New England history.

Upon graduation from Syracuse University in 1927 with a degree in forestry, Gerald Wheeler began the climb through the ranks in the U.S. Forest Service: first as junior forester, then as district ranger and assistant forest supervisor of the White Mountain National Forest and the George Washington National Forest of Virginia. In 1955 he returned to New Hampshire and the position of supervisor at the White Mountain Forest.

WHEELER WIDELY KNOWN

Mr. Wheeler is noted and respected in all areas fo forestry and is an active member in such organizations as the New England Lumberman's Association, the Society for the Protection of New Hampshire Forests, the New England Trail Conference, and he is an honorary member of the Appalachian Mountain Club.

In recognition for his outstanding contributions to the field of forestry, Mr. Wheeler received the Superior Performance Award from the U.S. Forest Service in 1965. Last year he was presented with the Outstanding Forester of the Year Award by the New England chapter of the Society of American Foresters.

Mr. Speaker, those of us who cherish the immeasurable value created by the everlasting beauty and enjoyment of our national forests will be forever indebted to Gerald Wheeler and the contributions he made. I wish him well in his retirement years, and extend to him the Nation's thanks for a job well done.

Mr. Speaker, I am sure my colleagues will be interested in the following information on the Lincoln Woods Scenic Area, the announcement of which was one of the last acts of Mr. Wheeler. It typifies the significant and unique accomplishments of the man who has guided the destiny of the White Mountain National Forest. It is significant to note that there are nine other such areas in the forest and also the Great Gulf Wilderness Area established in 1959 at Mount Washington.

Lincoln Woods Scenic Area

The Lincoln Woods Scenic Area is located north of the Kancamagus Highway and contains major drainages of the East Branch of the Pemigewasset River. The designated boundary follows several well-known landmarks including five of the peaks in the White Mountains over 4,000 feet in elevation—Bond, Carrigain, Field, Willey, and Zealand. Boundary landmarks also include four lesser summits—Whitehall, Bemis, Nancy, and Anderson. The lowest point in the Scenic Area is about 1,800 feet above sea level near North Fork Junction. The highest is 4,714 feet at the summit of Mt. Bond. The scenic attractions include two well-known Notches. On the north lies the Zealand Notch, with the great cliffs of Whitewall Mountain rising above it; and on the south, Carrigain Notch, a narrow defile between the ledges of Mt. Lowell and Vose Spur.

Since 1936 the U.S. Forest Service has managed this area to protect its scenic splendor. Scenic area designation places emphasis on special management practices in this area of steep mountains, sharp notches, crystal-clear ponds and streams.

The objective of management is to provide for optimum human use consistent with, and without appreciable loss of, basic near-natural values. Management decisions have considered the protection of all resources and, particularly, the enhancement of the scenic values.

Some of these decisions provide that no permanent roads will be built within the scenic area. Mechanized travel by the public will be permitted during the period December 1 through March 31 only on the Wilderness Trail, Carrigain Notch Trail, and the Shoal Pond Trail to its junction with the Ethan Pond Trail. No timber cutting will be permitted except where needed to prevent spread of disease or insect infestation or for salvage from forest fire damage. As on all National Forest lands, fishing and hunting is permitted subject to the appropriate New Hampshire laws.

The Lincoln Woods Scenic Area was first explored in the middle 1700's by trappers. Commercial exploitation started in 1884 with construction of a logging railroad through the Zealand Valley. During the subsequent 60 years, a fifty-mile steam railroad system was developed. The entire valley is rich in the lore of railroad logging. In 1903, over 5,000 acres of timber in the scenic area were consumed by an extensive forest fire.

The Scenic Area supports a variety of plant life, ranging from rich growths of hardwood in the valley to alpine flowers on the heights. The most unusual plants found are Pursh Goldenrod and Pickering Bentgrass. Mountain Avens, a rare New Hampshire alpine flower, is found at Thoreau Falls and Zealand Falls. Willow-wort occurs on the ledges of Whitewall Mountain. Bird life is heavy with its active center around the high Stillwater and Shoal Pond-Ethan Pond bog country. Over 136 different species of birds have been recorded, including many of boreal nesting species. Mammal life includes extensive beaver activity with varied populations of deer, bear, moose, pine marten, fisher, weasel, otter, and lynx.

The Lincoln Woods Scenic Area is the tenth area on the White Mountain National Forest to receive special classification. Other scenic areas include Pinkham Notch, Greeley Ponds, Lafayette Brook, Snyder Brook, Nancy Brook, Rocky Gorge, Gibbs Brook, and the Sawyer Ponds Scenic Area. The Great Gulf Wilderness established in 1959 is the only designated wilderness on the Forest.

BROTZMAN REINTRODUCES LEGISLATION TO PERMIT ADVANCE PAYMENTS TO WHEAT PRODUCERS

(Mr. BROTZMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BROTZMAN. Mr. Speaker, today I am introducing legislation to amend the Agriculture Adjustment Act to permit the advance payment of up to 50 percent to wheat producers who participate in the current wheat program. I sponsored similar legislation in the 90th Congress and was pleased to see it pass the House of December 4, 1967. Subsequently, it was referred to the other body where no action was taken.

On February 1, 1967, Mr. Roald Harbo, president of the Rocky Mountain Farmers Union, wrote to me with the suggestion that wheat producers be given the privilege of drawing one-half of their wheat certificate payments in advance. Mr. Harbo explained the need for this legislation, and I quote from his letter:

> I think in most cases it could be determined right now, and most of our producers will soon be needing additional operating capital which because of the tight money policy may not be available in the amounts they need. If available, interest rates, as you know, on farm loans are the highest in 40 years.

After discussing this matter at some length with my friend and colleague, the gentleman from Kansas (Mr. Dole), who served on the House Agriculture Committee, we introduced this measure on March 1, 1967. Subsequently, the House Agriculture Committee held hearings on this measure and favorably reported the bill. The Brotzman-Dole bill passed by the House on December 4, 1967.

Mr. Speaker, the need for this legislation has in no way diminished since its first introduction back in 1967. Interest rates have continued to climb and credit, particularly for the farmer, is still tight. Similar legislation already is on the books to allow advance payments to cotton and feed grain producers and I can see no reason why the same principle cannot be applied to our wheat producers.

In Colorado we produce both spring and winter wheat. Under this bill, winter wheat producers would receive the first half of their payments in the fall, and spring wheat producers would receive theirs in the spring. It is true that spring wheat producers could conceivably receive a payment before the crop is actually in the ground. However, in the case of the feed grains program, a participating farmer receives payment before the crop is planted or shortly thereafter. I can see no reason why the same formula cannot be applied to wheat farmers.

Enactment of this measure would not only relieve the Nation's wheat farmers of the financial burden of high interest-bearing loans to finance his crop investment and to purchase additional machinery, but it also would assist in stimulating the national economy as a whole. I urge its favorable consideration.

BROTZMAN INTRODUCES LEGISLATION TO CREATE FLORISSANT FOSSIL BEDS NATIONAL MONUMENT

(Mr. BROTZMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BROTZMAN. Mr. Speaker, today I am introducing legislation to set aside approximately 6,000 acres located in the ancient Florissant Lake beds in Teller County, Colo., as a national monument.

These ancient lake beds, dating to the Oligocene period, contain some 60,000 specimens of over 1,000 different species of insect and leaf fossils. The Florissant fossil beds are recognized as the most famous and unique fossil deposits of their kind in the Nation and have been studied by geologists, botanists, and entomologists the world over. The deposits are located about 35 miles from Colorado Springs, just west of Pike's Peak. These beds should be preserved as a national monument not only because of their great scientific and academic value, but also for their beauty and scenic value.

Legislation similar to the bill which I am introducing today was passed by the House during the 90th Congress, but was not considered in the other body. This was perhaps fortunate, because had this earlier legislation been enacted the planning at the time would have provided considerably less than the 6,000 acres which is needed to preserve this scientific treasure trove for posterity.

I believe that we can expect enthusiastic support for this comprehensive proposal from the National Park Service and the Department of the Interior, and I urge its favorable consideration by the 91st Congress.

LEGISLATION TO MEET THE CRIME CRISIS IN WASHINGTON

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROGERS of Florida. Mr. Speaker, two merchants were murdered yesterday in Washington and one 16-year-old would-be robber was also killed. The crime crisis continues and the Congress is moving too slowly. We must act quickly to stop this wave of crime, or crime will stop business here in the District of Columbia.

I am today introducing legislation to complement the bills I introduced on January 23 calling for more manpower in judges, prosecutors, and bail agency personnel.

One bill I am introducing today would prescribe a mandatory jail sentence of at least 1 year for anyone who commits a felony while free on bond. This sentence could not be suspended nor could probation or parole be granted.

Moreover, this minimum sentence of 1 year would be in addition to whatever penalty is imposed for the commission of the felony itself, and this 1-year minimum sentence would be served consecutively. The court would not be able to permit the defendant to serve this 1-year minimum, or more years, concurrently with the sentence received for the felony committed.

Mr. Speaker, the present practice of sentencing a defendant to concurrent sentences for crimes committed while on bail, or in some instances, dropping the later charges, only encourages the defendant to commit a crime while on bail.

Criminals should pay the full price for crime. We should eliminate the existing bargain basement variety of justice that gives the criminal two crimes for the price of one.

I might add that much discussion has been centered about the question of preventive detention as a possible solution to the problem of recidivism.

Statistics show that 34 percent of the robbery defendants released under bail commit an additional crime.

Certainly one question that should be asked is whether it is desirable to jail nine defendants who probably would not commit a subsequent crime while on bail in order to prevent one defendant from committing a crime.

I do believe that we should make it clear to any defendant who would be prone to commit a subsequent offense that he will spend some mandatory time in jail. This bill that I am introducing today would make such a provision.

The other bill that I am introducing today would permit the Court of General Sessions for the District of Columbia to share some of the jurisdiction now held exclusively by the U.S. district court.

At the present time, the court of general sessions tries only misdemeanors committed in the District of Columbia, and acts as the principal committing magistrate for the U.S. district court.

On January 23, I introduced H.R. 4304, which would authorize the addition of 10 judges for the U.S. district court.

However, this alone, would not fully bring the criminal docket of that court up to date. As of July 1, 1968, there were 1,374 criminal cases pending in the U.S. district court. As of January 1, 1969, there were 1,719 criminal cases pending, some going back into 1967. We must alleviate this burden.

I believe that by permitting the court of general sessions to share some of the felony jurisdiction now resting solely with the U.S. district court, some of this backlog can be relieved.

This bill would provide that the U.S. district court would retain its present jurisdiction over all felonies, but would permit the court of general sessions to share jurisdiction over the commonly called nonviolent lesser felonies such as housebreaking, embezzlement, gambling, abortion, bribery, and forgery.

I believe that this equitable distribution of jurisdiction will move us forward toward the realization of speedy trials and swift justice to which every accused is entitled.

In conclusion, I would like to add, Mr. Speaker, that I was pleased with the announcement that the President made last Friday to meet the crime crisis. Momentum is beginning to build to obtain the remedies that are urgently needed. We cannot afford to lose this momentum.

FAIR CREDIT REPORTING ACT

(Mr. ZABLOCKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ZABLOCKI. Mr. Speaker, in the interest of extending much-needed protection to the American consumer, I am pleased to introduce today the Fair Credit Reporting Act. It is doubly reassuring to know that I am joined in this effort by 33 other Members of the House as cosponsors: Mr. Addabbo, Mr. Anderson of Tennessee, Mr. Annunzio, Mr. Bingham, Mr. Brown of California, Mr. Burton of California, Mr. Byrne of Pennsylvania, Mr. Carey, Mr. Erlenborn, Mr. Eilberg, Mr. Fascell, Mr. Farbstein, Mr. Friedel, Mr. Halpern, Mr. Hechler of West Virginia, Mr. Kastenmeier, Mr. Matsunaga, Mr. Mikva, Mrs. Mink, Mr. Moorhead, Mr. Morse, Mr. Nix, Mr. Olsen, Mr. Pepper, Mr. Rees, Mr. Reuss, Mr. Rosenthal, Mr. Ruppe, Mr. Scheuer, Mr. Sisk, Mr. Thompson of New Jersey, Mr. Williams, Mr. Wolff, Mr. Buchanan, and Mr. Koch.

Briefly, the bill would establish certain Federal safeguards over the activities of credit rating and reporting agencies in order to protect consumers against arbitrary, erroneous, and malicious credit information. It is being offered as an amendment to the Truth-in-Lending Act which passed the Congress last year.

As a reflection of the growing concern with this problem congressional committees have recently begun to investigate the activities of the credit reporting industry. Our sincere hope is that the House Banking and Currency Committee to which this bill is being referred will conduct early hearings on this measure and favorably report it for floor action.

Out of such hearings I am sure will come a clearer understanding of the credit industry's vast scope of operations. For example, Associated Credit Bureaus of America have over 2,200 member agencies serving 400,000 creditors in 36,000 communities. However, they actually maintain credit files on more than 110 million Americans.

Into such a vast system have crept many problems and some abuses. The basic objective of this measure is to correct those deficiencies by applying the principle of "due process" in the credit reporting business. One of the most valued aspects of the American legal system has always been the individual's right to meet and answer his accusers. This bill would extend this right to the credit area by allowing persons to see a report prepared on themselves and to correct any false information.

I realize that in the vast majority of cases, the information maintained and collected by the credit reporting industry is accurate. As a matter of fact, considering the volume of business done by the industry, the number of complaints might seem minor.

However, when we consider the fact that each time there is an error by an agency, an individual suffers not only embarrassment and inconvenience but financial loss and possibly even the loss of his job, his insurance, and even his mortgage, then we have put the danger of incorrect reports in proper perspective.

If, for example, the credit reporting industry is right 99 percent of the time, that still means that over 1 million persons are in danger of suffering all the consequences that a false credit report can bring about.

It is obvious that the American economy today is largely a credit economy. Americans are acquiring houses, cars, television sets, furniture, and other items on a buy-now, pay-later basis at an ever-increasing rate. It has been estimated that about 60 percent of the average American's net income goes to credit obligations of one kind or another.

One can hardly question the indispensable role which credit plays in our society. Moreover, since credit reporting agencies have become essential in facilitating the flow of traffic in the credit industry, I believe that they are necessary to our society.

At the same time, however, we need not continue to tolerate the many cases of error and mistaken identity which are so frequently reported.

The Fair Credit Reporting Act would protect the individual by requiring the credit reporting agencies to keep his file accurate and relevant to his credit rating. The American consumer wants and deserves nothing less.

BENNETT URGES THE PRESIDENT TO SUBMIT 5-YEAR COST ESTIMATES WITH HIS PROGRAMS

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BENNETT. Mr. Speaker, I have written President Nixon urging that the President submit 5-year cost estimates with his legislation recommendations to the Congress.

Public Law 801, enacted in 1956 during the Eisenhower administration, required the executive branch to give the Congress an estimate for the first 5 fiscal years of specific costs of a proposed program which will entail an estimated annual expenditure of appropriated funds in excess of $1 million.

Unfortunately, this requirement has received little recognition in the past, and because of this the Congress has not had the cost estimates it needed in assessing the long-range impact of programs on the economy and the budget.

Under legislation I introduced on the first day of the 91st Congress, a Member of the House could object to the consideration of any legislative proposal which did not comply with Public Law 801. At the present time there is no way this requirement for cost estimates can be enforced unless a committee of the Congress required the executive branch to submit such estimates during its consideration of a legislative proposal.

My bill, House Resolution 22, will help give Members of the House a better perspective on overall costs of programs by giving them an opportunity to stop House consideration of a bill unless it met the requirements of Public Law 801.

I am hopeful, however, that the Nixon administration will comply with this law, and the purpose of my letter to the President was to alert him to this law and urge that he comply with it. If this is done my bill, House Resolution 22, will not be necessary. A copy of the bill follows:

H. Res. 22

Resolved, That rule XIII of the Rules of the House of Representatives is amended by adding at the end thereof the following:

"7. Whenever a committee reports a bill or joint resolution which, as reported, will entail an estimated annual expenditure of appropriated funds in excess of $1,000,000 and which proposes the creation or expansion of any function, activity, or authority of any department, agency, independent establishment, or instrumentality of the executive branch, or judicial branch, of the Government, in addition to those functions, activities, and authorities existing at the time such bill or joint resolution is reported, it shall include in its report or in an accompanying document a statement; for each of the first five fiscal years during which such additional or expanded function, activity, or authority is proposed to be in effect, disclosing the estimated maximum additional—

"(1) man-years of civilian employment, by general categories of positions,

"(2) expenditures for personal services, and

"(3) expenditures for all purposes other than personal services,

which are attributable to such function, activity, or authority and which will be required to be effected by such department, agency, independent establishment, or instrumentality in connection with the performance of such function, activity, or authority."

CRISIS IN STEEL PRODUCTS

(Mr. MOLLOHAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MOLLOHAN. Mr. Speaker, I would like to call attention to the import crisis in steel products that has developed in the last few years. It is a crisis in which we have seen imports rise from 2 percent of the domestic production in 1958 to 17 percent of domestic production in 1968. In the last year, domestic production actually dropped 20 million tons while foreign imports of steel rose by 8 million tons.

Mr. Speaker, this is a situation which could rapidly cripple the economies of more than 20 congressional districts which depend upon a healthy steel industry as a foundation for the well-being of the community.

This is not a situation which arises out of an inefficient domestic steel industry at home. It still takes about 25 percent more man-hours per ton to produce steel overseas. The problem lies primarily in the overexpansion of the plant capacity of the foreign steel industries, and the concernted efforts of foreign governments to make steel their export commodity so that they might afford to import other commodities. These efforts have resulted in a variety of trade barriers like border taxes, special warehousing charges and pervasive domestic preference buying. These efforts have involved export subsidies from the governments involved.

This coupled with wage scales that vary between one-fourth in Japan to one-third in Europe of the American wage scale have brought pressures to bear in the steel industry that must be corrected, Mr. Speaker.

Accordingly, it is my most sincere wish that the House will give most urgent attention to the legislation which I am today introducing. This bill would restrict the amounts of steel importation to intelligent levels and prevent the kind of massive disruption which threatens our steel industry today.

LEGISLATION TO LESSEN CONFLICTS OF INTEREST AT TREASURY DEPARTMENT

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, many people were shocked by President Nixon's decision to place three leaders of the commercial banking industry in the top policy positions of the Treasury Department.

With the Treasury's day-to-day decisionmaking in the banking area, it is extremely poor public policy to turn these jobs over to commercial bankers. This is the kind of conflict interest situation that seriously diminishes the public's confidence in our Government.

Today, I have introduced legislation which would lessen the potential for conflicts in these Treasury positions. My bill would also tighten the requirements for the members of the Federal Reserve Board, the Comptroller of the Currency and the members of the Federal Deposit Insurance Corporation. It is included at the end of my remarks.

Mr. Speaker, I place in the Record a news release which I issued today concerning this legislation and a copy of the bill. I also place in the Record a column by financial writer Joseph R. Slevin which appeared in the Monday, February 3, edition of the American Banker, entitled "Background in Banking Leaves Treasury Team Open to Criticism":

News Release

Washington, D.C., February 4.—Chairman Wright Patman of the House Banking and Currency Committee today introduced legislation to eliminate conflicts of interest among the top policymaking officials of the Treasury Department.

The bill would also tighten the conflict of interest provisions affecting the Comptroller of the Currency and the members of the Federal Reserve Board and the Federal Deposit Insurance Corporation.

The bill would prohibit the Treasury Secretary and the two under-Secretaries from owning stock in a commercial bank. The bill would also prohibit the officials from holding "any office, position, or employment" in commercial banks while they are in office and for two years thereafter.

Under the legislation, the seven members of the Federal Reserve Board, the Comptroller of the Currency and the two directors of the Federal Deposit Insurance Corporation would be prohibited "from holding any office, position, or employment" in a commercial bank for two years after they leave their position in Government.

Previously, the members of the Federal Reserve Board, the Comptroller, and the F.D.I.C. officials had been allowed to take employment with a commercial bank upon leaving government service providing they had served their full term in those positions. The Patman bill would close this loophole. The bill would also prohibit the officials from owning stock or holding employment in commercial banks while they are in office.

In introducing the bill, Mr. Patman said that a virtual "underground railroad" has existed between the commercial banking industry and the Treasury Department and the various bank supervisory agencies.

"This trading of employees between the banks and the agencies that regulate banks is not in the public interest and has seriously affected public policy in these areas for many years," Mr. Patman said.

Mr. Patman said that President Nixon's appointments to the Treasury Department had highlighted in dramatic terms the "potential for conflicts of interest in the banking area." He noted that the Secretary of the Treasury and the two under-Secretaries were appointed directly from the commercial banking industry.

[From the American Banker, Feb. 3, 1969]

BACKGROUND IN BANKING LEAVES TREASURY TEAM OPEN TO CRITICISM

(By Joseph R. Slevin)

WASHINGTON.—President Nixon has chosen a top-notch but vulnerable team to run the Treasury Department.

The three key officials have close ties to commercial banking. Their experience enhances their ability to deal with the complex questions they will face but it leaves them open to conflict-of-interest charges that certainly will be whispered if not publicly pressed over the months ahead.

Secretary David Kennedy came to the Treasury from the chairmanship of the prestigious Continental Illinois National Bank and Trust Co., Chicago. His No. 2, Under Secretary Charles E. Walker was executive vice president of the influential American Bankers Association for the past eight years. Paul Volcker, the towering Under Secretary for Monetary Affairs, resigned a vice presidency at New York's Chase Manhattan Bank NA to take the third spot in the hierarchy.

The 62-year-old Mr. Kennedy is the first commercial banker to hold the top Treasury post since President Truman tapped John Snyder, an unknown St. Louis banker and personal friend. President Eisenhower's two choices were lawyers who became businessmen—first George Humphrey, then Robert Anderson.

President Kennedy gave his Administration a touch of the conservative bipartisan tone he wanted by choosing Douglas Dillon, an Eisenhower Under Secretary of State, one of the world's wealthiest men and an esrtwhile investment banker. When Mr. Dillon left, President Johnson turned to Washington lawyer Henry Fowler.

Mr. Nixon is lucky he has been able to land the Kennedy-Walker-Volcker trio. The Treasury is up against excruciatingly difficult financial problems at home and abroad. These are skilled men and there is no time to train amateurs.

But that is not quite good enough for the critics. The Treasury officials will be watched as closely in their spheres as controversial Deputy Defense Secretary David Packard will be watched in his. In confirming Mr. Packard despite his ownership of $300 million of Hewlett-Packard Co. stock, many Senators voted their confidence in Mr. Packard's ability and ingenuity despite a clear-cut defense industry conflict of interest.

Messrs. Kennedy, Walker and Volcker received much the same vote of personal confidence, though the only direct financial conflict arises from Mr. Kennedy's ownership of a block of Continental Illinois stock. The Senate confirmed them in belief they will not favor commercial banks against other financial institutions or the public.

Representatives of the intensely competitive mutual savings banks and of savings and loan associations will be wary. While an ABA-opposed bill to grant Federal charters to the savings institutions is not likely to be resurrected, the tax reform hearings will be the target of a commercial bank attempt to increase the relatively insignificant tax burden of mutual savings banks.

If the money crunch bites harder, Mr. Kennedy will be expected to take a stand on whether commercial bank interest rate ceilings should be raised so the banks can compete more effectively for savings deposits.

The white-haired Chicagoan has the prime responsibility for running the balance-of-payments program. Both he and the international expert, Mr. Volcker, will be deeply involved in an inevitable Administration discussion of whether the Federal Reserve Board should change the investment controls that can influence the flow of billions of dollars into and out of U.S. bank deposits. The Treasury watchers will not forget that Mr. Kennedy's Continental Illinois and Mr. Volcker's Chase Manhattan are two of a very small group of banks that do most of this country's international banking business.

There will be many other equally sensitive issues. The Treasury will have a view of whether the Fed should move toward tighter or easier money and toward higher or lower interest rates. Mr. Kennedy, with Mr. Volcker's advice, will set the interest rates that the Treasury will pay on billions of dollars of new government securities it will sell to the public in general, and to banks in particular. If the banks' drive to expand into data processing and other electronic business operations is limited by rulings in cases now before the courts, the Treasury will have to tell Congress whether it thinks the decisions should be overturned by legislation.

Messrs. Kennedy, Walker and Volcker have served previously in both the Fed and the Treasury. All were public officials before they accepted their first private posts. All have that special quality that makes some men initially choose public service rather than private industry as a career.

The new Treasury men will work under a continuing spotlight. Perhaps the best assessment of how well the public interest will be protected came the other day from a commercial banking official who knows the trio well. "They're the kind who will lean over backwards to make sure they don't favor the banks," he said a trifle glumly. But the critics will be waiting, watchfully.

H.R. ——

A bill to prohibit certain conflicts of interest on the part of officers of the Government having responsibilities with respect to the banking and monetary system

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 243 of the Revised Statutes (31 U.S.C. 1003) is amended (1) by inserting "(a)" immediately after "SEC. 243.", and (2) by adding at the end thereof the following new subsection:

"(b) The Secretary of the Treasury and the Under Secretary of the Treasury shall be ineligible during the time they are in office and for two years thereafter to hold any office, position, or employment in any bank whose deposits are insured by the Federal Deposit Insurance Corporation. Neither the Secretary nor the Under Secretaries of the Treasury shall be an officer or director of any such bank or Federal Reserve Bank or hold stock in any such bank; and before entering upon their duties they shall certify under oath that they have complied with this requirement."

SEC. 2. Section 329 of the Revised Statutes (12 U.S.C. 11) is amended to read as follows:

"SEC. 329. It shall not be lawful for the Comptroller or any Deputy Comptroller of the Currency, either directly or indirectly, to be interested in any bank whose deposits are insured by the Federal Deposit Insurance Corporation, nor may they hold any office position, or employment in any such bank during the time they are in office or for two years thereafter."

SEC. 3. The first sentence of the second paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 242) is amended by changing "member bank, except that this restriction shall not apply to a member who has served the full term for which he was appointed" to read "bank whose deposits are insured by the Federal Deposit Insurance Corporation, nor may any such member hold stock in any such bank."

SEC. 4. The next to last sentence of section 2 of the Federal Deposit Insurance Act is amended by striking ", except that this restriction shall not apply to any member who has served the full term for which he was appointed".

AMERICAN PUBLIC OUTRAGED AT FHA AND VA INTEREST RATE INCREASES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, on January 24, the Nixon administration raised interest rates on mortgages insured by the Federal Housing Administration and the Veterans' Administration.

These were unnecessary increases which will hurt an already sagging housing industry. More importantly these interest rate increases will have the effect of pricing thousands of deserving low- and moderate-income families out of the housing market.

Since those increases were announced by Secretary of Housing and Urban Development, George Romney, I have received a great deal of mail expressing the public's outrage at this latest grab at their pocketbooks.

Mr. Speaker, I place in the RECORD a sampling of these letters and telegrams opposing the Nixon administration's interest rate increase:

BROOKLYN, N.Y.,
January 26, 1969.

DEAR MR. PATMAN: The New York Times of January 26, 1969 has quoted you as saying, that the increase in the interest rate, "would price low-income and middle-income families right out of the housing market". I could not agree with you more. I am at present in the process of buying a home here in Brooklyn and the increase is causing me to reconsider such a move.

How an Administration can so blatantly disregard the "little" man is beyond me. Who are they looking to help? Certainly not the builders or the bankers because, with this increase, fewer people will be able to go into the housing market. Certainly not people like me who can ill afford any increase in the cost of money. And what of those who make a living laying bricks, and electricians, and real estate agents, and the clerks in the banks who do the paper work in connection with mortgages? Where will be the work to keep these people making money? I dare say the present Administration is poorly prepared to consider the needs of those of us who have to toil in the vineyards as witnessed by the collective affluence of Mr. Nixons cabinet. Not a laborer in the lot!

I have written to the President as well as to Senator Javits and yourself Mr. Patman in an effort to halt this outrageous maneuver against the "little" man. In your capacity as Chairman of the House Banking Committee I urge you to do whatever you can to keep the Administration from going ahead with this increase.

Thanking you for your attention to this matter, I remain,

Yours truly,

——— ———.

WACO, TEX.
January 30, 1969.

Hon. WRIGHT PATMAN,
Chairman, House Banking Committee, U.S. Congress, Washington, D.C.

DEAR MR. PATMAN: I wish to congratulate you on your criticism of the increase in FHA and VA interest rates. I heartily concur with your sentiments.

I happen to be an appraiser for FHA with orders to move from Waco to Dallas. I have been caught in the middle of this high interest rate period. I am having to sacrifice a beautiful home with a 5¾ per cent loan in Waco, where market conditions are depressed, and lucky to get a 7½ per cent conventional loan with a $4500 (20%) down payment. I refused to pay the 8% FHA required (which is not interim financing when made for 30 years).

The Mortgage Companies tell us that numerous people have cancelled their contracts to purchase an FHA home on the 8% interest. When we are trying to provide homes for moderate and low income families, it is not feasible to do it with high wages and high interest rates, together with increased prices on all construction materials. The cost of purchasing a home has increased in the Dallas area approximately 20 to 25 percent in the past two years.

If we are going to be able to provide homes for the Low and Moderate Income families this inflation has got to be curbed at all levels, and I know no other way to do it without The Government putting restrictions on Interest rates and building materials. Land costs have increased tremendously in the past two years.

I believe the Life Insurance Companies and Mortgage Loan Companies made more money last year than ever in their history. Therefore, I do not understand why money cannot be made available for Home Mortgage Loans at a reasonable rate of interest. I'm cognizant of the fact that there is a tremendous demand for money, both from The Government and Industry.

Your continued efforts to stabilize the economic conditions of this Country is greatly appreciated, which in my opinion is one of the greatest threats facing Our Nation today.

Respectfully yours,

——— ———,
FHA Appraiser.

NORTHRIDGE, CALIF.,
January 25, 1968.

Congressman WRIGHT PATMAN,
Chairman, House Banking Committee, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN PATMAN: With the present increase in the interest rates by the banks of this country, they are without a doubt heading the small business man into a depression and bankruptcy for the building industry.

You have my full support in removing the autonomy of the Federal Reserve Board, that is for the benefit of the bankers and the lending agencies. This power to control should be in the hands of some one that is responsible to *all* the people, and not just a few of the banking fraternity. With each raise in the discount rate to the banks by the Federal Reserve Board, the banks usually announce an increase of profits from 12% to 22%, prior to the increase of interest rates.

With the last increase of the Prime Rate the Savings & Loan's also jumped on the bandwagon and refused to honor their commitments. All are looking for another opportunity to gouge the borrower. Rate of interest has increased as well as the points for the loans. Any other type of business, except the banking interests, would have had the attention of the Justice Department.

I am well aware of the theory behind increased interest rates to reduce the rise of inflation, but at this junction it will be the stimulation that will bring on another round of increase in prices. The big companies only pass it along to the consumer, while the small man is stuck with a loss of profit.

On January 24, 1969, Mr. Romney announced the increased interest rate on. F.H.A. and V.A. loans to 7½% interest, making F.H.A. 8%. He said it was necessary so people could buy homes, this kind of help most of us can do without.

With most of the people not understanding the full effect of this interest increase, the Federal Reserve can give the Banking Interests a free hand, and not much action by the individual. All he will do is quit spending, as he may not know how much longer he will work. Is this another repeat of 1958?

——— ———,
Real Estate Consultant.

CANOGA PARK, CALIF.

Hon. WRIGHT PATMAN,
House Office Building,
Washington, D.C.

HONORABLE SIR: It is ridiculous that George Romney should increase the VA & FHA interest rates, less than a week after taking over the new administration. I am quite sure this will bring on a slump in the building industry and thereby cause a depression.

As for myself, I am now forced to cancel out a new home commitment that I recently undertook.

Please use your good office to secure cancellation of this order, through an urgent consideration of the senate.

Yours very truly,

——— ———.

DENVER, COLO., *January 26, 1969.*

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

HONORABLE SIR: Thank you for your fight against those who would have the "little people" carry more than their share in cooling off the economy. Now that George Romney has added ¾% more to the already usurious GI and FHA rate, we need your help even more. Where a veteran used to pay "only" two times the price of his house at the 5¼% of ten years ago, now he has to pay for his house two and a half times over. For the richest country in the world to do this to their own, seems incredible to me.

Sincerely,

——— ———.

NORTH BERGEN, N.J.,
January 27, 1969.

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PATMAN: I want you to know of my reservation about the action of the Nixon administration stated by Secretary Romney in raising the maximum interest rate on mortgages insured by the government from 6¾% to 7½%.

This increase will effect the low and middle income families and possibly prevent them from purchising their own home.

I feel too that the federal government programs to subsidize housing will be greatly effected by this interest rate increase.

I urge you to review the matter because I know that you have always demonstrated a keen interest in the consumer and private citizen.

Best wishes.

Sincerely,

——— ———.

GRANGEVILLE, IDAHO,
January 28, 1969.

Representative WRIGHT PATMAN,
Chairman, House Banking Committee, House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE PATMAN: Regarding the recent raise in the maximum interest rate of FHA mortgages, we certainly agree with your views, this will not help most families. Perhaps this was increased to help the builders, and lower the discount charges to the builder, however, we find that in our area the raise in material costs in the last three months will offset any lowering of the discount charged the builder.

The cost of some material has risen as much as 100% during these few months. The government should look into these increases as it does with the steel industry when they increase their prices. Wages have not gone up accordingly, and the demand should not have increased, as home building has slowed down so much because of the increased material costs.

To increase the FHA appraisals, because of higher material costs, would only hurt the home buyers more. We have a situation here that is out of line with the larger cities, our only industry is logging and saw-mills, the average pay is under $5,000 per year, and in spite of the fact that the mill owners here are now paying less for their logs, and charging so much more for their finished lumber, the workers are still only making these low wages. Costs for food, clothing, rent, etc., are higher here than they are in say California, where the wages are double. Every one can't move to California.

Mr. Patman, we've watched your record in Congress with interest and respect for many years, we write to you, because we feel that perhaps you can answer some questions for us, as you are familiar with the housing situation.

Profit is not the only reason we are in this business, we build homes so people can have a decent place to live. We've been reading about the 1968 housing bill, and have sent for same. As we understand it, if a family didn't earn $7,800.00 per year, that they could be eligible for a subsidy from the government in order to purchase a home. We talked to the Farm Home Administration here in Grangeville about it, they didn't know too much about the bill, however, they didn't think the bill would apply to this area. Can you tell us if this is true? I find it hard to believe, to me a man is a man wherever he lives, anyone who has to live in a shack because of low wages needs the same help as anyone else, no matter what area he lives in, or what color he is.

The Farm Home Administration does make occasional loans in this area, because the population is under 5,000, but it takes months and months to get a sale completed through them, and most contractors cannot afford to use this method of sale, as they are paying interest on their interim financing costs.

We have two banks in Grangeville, only one will make FHA loans, and they are very particular about who they will loan to, people with certain occupations don't appeal to them. We have also sold through direct Veteran loans, which is very satisfactory.

Is there any way be can help these people who want to buy a home, who are not Veterans, and cannot get an FHA loan through a bank?

Yours truly,

——— ———.

SANGER, TEX., *January 27, 1969.*

Mr. WRIGHT PATMAN,
Chairman, House Banking Committee,
The Capitol Building,
Washington, D.C.

DEAR CHAIRMAN PATMAN: Having read your criticism of Secretary of Housing and Urban Development Romney's decision to raise the interest rates on FHA and VA up to 8%, (including the ½% mandatory insurance charge, (in Times Herald, Jan. 26), I definitely agree with you.

I hope many people will write their Congressmen and Sec. Romney, in hope that he will reverse his decision and also Pres. Nixon will see the effect, is only to force more people to rent.

I am a young parent, under 30, and a house is usually a person's biggest investment—lasts many years; it forces a wife to work, when she'd rather be home with young preschool children.

Surely, inflation is not controlled by causing more inflation! Also, most housing construction for the lower or moderate income is of very poor quality and too small and only the richer can buy better quality.

Sincerely,

——— ———

WACO, TEX.,
January 27, 1969.

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PATMAN: I have for years followed public statements attributed to you about the level of interest rates. On most occasions I disagreed with your concept. However, the recent increase in the prime rate prompted us to take the action locally of clarifying our positions and views.

Your comment this week-end concerning Mr. Romneys authorization for higher mortgage rates was certainly refreshing. A stand needs to be made. You have again led the way.

Respectfully,

——— ———,
Banker.

PANORAMA CITY, CALIF.

Hon. WRIGHT PATMAN,
House Office Building,
Washington, D.C.

HONORABLE SIR: I am very distressed at the George Romney announcement of interest rate increases to 7½ and 8% for VA & FHA mortgages. Rate increases at this time are not justified and I fear depression will set in.

If these rates remain, I will probably have to cancel a committment that I have and which is to be completed shortly. The contract calls for existing rates to take effect at the time of possession.

Please use your influence and good office to get cancellation of this order, by bringing it to the attention of the senate for urgent action.

Very truly yours,

——— ———.

LONG BEACH, CALIF.,
January 26, 1969.

WRIGHT PATMAN,
House Banking Committee,
Washington, D.C.

DEAR MR. PATMAN: As soon as Nixon had named his cabinet, I wrote our local paper and stated; that inflation would be inflicted upon the people by men who represented big business, it did.

I am the widow of a veteran who died from service connected disability and as such, I receive a small monthly pension. I am 63 years old and have been trying to survive on the pension, and small social security, and still keep my small 20 year old home bought under the 100% Veterans Loan.

Until this month my mortgage payments was $75 per month. I have been notified that these payments have jumped to $92.00 per month and I will be charged for Hazzard Insurance Payments.

I cannot sell my home due to the high cost of interest plus point cost and I don't see how I can keep my home and maintain Body and Soul when ⅓ of my income is going to pay my mortgage, and part of another third going for continuous tax increases on the property. As I see it our Legislation and Executive Branches are out to profit while making paupers of the American people. Its bad and dangerous Government.

——— ———,
Veteran's Widow.

LAKE HIAWATHA, N.J.,
January 29 1969.

DEAR REPRESENTATIVE PATMAN: As a faithful member of the Democratic Party I feel that I should write to you to thank you for what you said about the new rise in interest on V.A. home mortgage loans. This does not affect me, but I just recently was hurt by the New Jersey boost in interest rates. We bought a new home two years ago and because of unforeseen problems we still have not moved into this home. When we bought the home the interest rates were 6%. They are now 7½% and I suspect will be up to 8% by the time I move into my home this spring. My husband works for the Government and his raises in no way meet all the raises that we have had to pay. We will struggle when we move into our home. On a $23,000 mortgage we will be paying an additional $30 to $40 a month for our home.

I've just about given up on the Democratic Party, as I feel that it had become a party for the poor, and I still feel (especially since Pres. Nixon is not in office a month, and already he is raising prices) that the Republicans are for the rich man. Your remark mentioning middle income families in the housing market makes me think that there are still some people in the Democratic Party that are for the people in the middle. Please continue thinking of us and maybe convince your fellow Democrats not to desert the faithful middle class of the party.

Respectfully,

——— ———.

ARLINGTON, VA.,
February 1, 1969.

Representative WRIGHT PATMAN,
Rayburn Office Building,
Washington, D.C.

DEAR CONGRESSMAN: Because of your long fight against unfair interest rates I thought I would pass along to you this comment in the Washington Post today about the increase in VA-FHA interest rates. The statement was made by Thomas A. Cary, and, as the article states, he said, "That interest rate is without cause or reason. Money sources are beating the country to death. High interest rates cause inflation, rather than ease it."

I'm enclosing the article with the section quoted marked.

——— ———.

VAN NUYS, CALIF.,
January 30, 1969.

Hon. WRIGHT PATMAN,
Chairman, House Banking Committee,
Washington, D.C.

HONORABLE SIR: I feel that both my wife and I have to release our feelings concerning the administrations recent decision to increase VA and FHA interest rates to 7%.

We purchased a new home, our first, about six months ago. At that time VA loans were 6¾% and we qualified after quite some time of worrying that we would not. Now with less than a month to go, we once again will have to begin our worrying. But now, we have more to worry about since my wife and I have spent so much time planning and buying just for that particular house.

In summary I would like to say that I feel it is unfair that people who were already approved for their loans at the old rate have to be forced to pay the new rate of interest. If we are not approved under the new rates we will have lost the house of our dreams plus all of the money that we spent in furnishing this new home.

Also, is there no reprieve for the service man? I, of course as most ex-GI's did not serve my country to reap the benefits thereof, but I also do not feel that I should have to pay as much interest as the deserters, so-called conscientious objectors or any person with a dishonorable discharge or not willing to serve their country. Is it fair that we who served our country or those because of illness or for some other reason could not serve, be made to pay the same?

Sincerely,

——— ———.

WILMINGTON, OHIO,
January 30, 1969.

Representative WRIGHT PATMAN,
Chairman, House Banking and Currency Committee, House Office Building, Washington, D.C.

DEAR MR. PATMAN: Homes of Wilmington, Inc. is a non-profit corporation who's purpose is to build homes for low-income families.

In reading the Congressional Record of January 27th we note that you protest the increase in FHA interest rates implemented by Secretary George Romney of HUD. We agree and urge you on in your protests. If anti-inflationary action is necessary why not in the military appropriations and not in the basic needs of our citizens.

Thank you.

——— ———,
Homebuilder.

DECATUR, ALA.,
January 26, 1969.

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: As one of America's many million "little people," let me express my gratitude to you in standing up for us after the recent mortgage loan increase announcement. It's nice to know there are some folks in Washington who seem to really want to represent the hard-working, middle-class which supplies most of the money to run the nation but doesn't seem to have much voice in how it's spent.

My case, typical of thousands across the country on Black Friday, Jan. 24, 1969, is found in the attached article in Sunday's Decatur Daily, where I am employed. My wife and I had figured our monthly payments at the very maximum we could afford when Mr. Romney's announcement tacked on another $8 to $10. You certainly hit the nail on the head, when you said the increase would price low- and middle-income families out of the housing market. Despite the setback, however, my wife and I are still determined to move into that house, even if it means an outside job. This will be our first home after four years in apartments and we're looking forward to moving in. It's got my dander up now.

I'm sure I'm not alone and can just imagine how those many hundreds or even thousands of other breadwinners must have felt—especially those who had only to sign on the dotted line. In our case we had just begun processing forms for a VA loan.

You might be interested to know that I am also writing Mr. Lon Worth Crow, president of the Mortgage Bankers Association, voicing my displeasure at his pleasure in the announcement by Mr. Romney.

Once again, thanks for trying to help. It's good to know there are friends in Washington—even if they are making $30,000-plus a year. Come see us if you're ever in the beautiful Tennessee Valley region of Alabama.

Best regards,

——— ———.

CAMARILLO, CALIF.

Hon. WRIGHT PATMAN,
House Office Building,
Washington, D.C.

DEAR MR. PATMAN: It is ridiculous that George Romney can set this outrageous rate on VA and FHA mortgages.

I am having to cancel a new home purchase because of the increase in rates.

Please use your good office and name to secure cancellation of this order and to bring it to the floor of the Senate for urgent consideration.

Further I feel this will throw the country into a tail spin by a complete reversal in building new homes.

Sincerely,

——— ———.

HAGERSTOWN, MD.,
January 27, 1969.

Hon. WRIGHT PATMAN,
Housing Committee Chairman, House of Representatives' Building, Washington, D.C.

DEAR CONGRESSMAN PATMAN: By increasing the interest rate on Government loans for homes to 8% F. H. A. including insurance and 7½% for Veterans' loans will have the opposite effect on home buyers with minimal downpayment requiring government guaranteed loans. In most cases the monthly payments will be prohibitive. It will practically eliminate the low income buyer from the market.

I am at a loss to understand why the Government on one hand is desirous in securing new homes for those in low income brackets, then pass a punitive bill to increase interest rates. As you know some years ago the home loan mortgage act prevented foreclosure on mortgages, hence, is it not possible to create a bill whereby the purchaser can secure direct loans from the Government, the same as the intent and purpose of the VA loan when first conceived. The increased interest rate is a grave injustice, not only to those in low income brackets but to all those who desire to build or buy.

I do not see anything in the bill that will eliminate the point system.

I trust that you will delve into this matter and rectify the grave injustice that only the financial institutions would derive benefits.

Sincerely,

——— ———,
World War I Veteran.

SANTA SUSANA, CALIF.

Hon. WRIGHT PATMAN,
House Office Building,
Washington, D.C.

HONORABLE SIR: It is my intention that I will have to cancel the purchase of a new home due to the increase in VA and FHA mortgage rates as disclosed by George Romney. This is an outrageous decision at this time when a new slump in building is predicted.

Sir, please use your good office to secure cancellation of this order, by bringing it to the floor of the Senate for urgent consideration.

Yours very truly,

——— ———.

THE AIR WE BREATHE, THE WATER WE DRINK

(Mr. HORTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HORTON. Mr. Speaker, the conversion of waters and wetlands into biological deserts through contamination by a seemingly endless variety of polluting agents has been forcefully called to public attention.

Right now thousands of gallons of oil are surging up through the ocean floor, thwarting all efforts of the offshore oil rigs to contain it. Aquatic birds are dying in massive numbers and dead seals and porpoises are being washed up on the shore daily.

Less obvious, Mr. Speaker, are the continuing deaths from lesser amounts of oil and contaminants flushed into lakes and rivers daily by rainfall and discharged by sewers and industrial outlets.

What is being done to call attention to the air we breathe and the water we drink? The public has only in the past few years begun to be aware of the impact and extent of pollution in our land.

In spite of Federal assistance in the form of matching grants to State and local governments for waste treatment facilities and pollution control measures, the overall pollution picture has become more serious.

We have only partially been able to enlist the cooperation of private industry in helping to eliminate pollution caused by industrial wastes.

Like the goldfish at Eastman Kodak that tests the water purification system to insure its pureness before it leaves the plant, the Federal Government must encourage more cooperation from private industry and local government in the fight against water and air pollution.

Two measures I am introducing today offer the stimuli to span "the pollution control gap" in industry and local government.

These bills complement existing Federal programs and, at the same time, encourage private and public institutions to install pollution abatement equipment.

A TAX INCENTIVE

The first measure provides a tax credit to industries that construct or otherwise provide water and air pollution control facilities and an accelerated writeoff of the cost of facility.

Any firm installing a qualifying pollution abatement facility will be allowed a tax credit equal to 20 percent of the cost of the facility. If the firm builds a pollution control facility at a cost of $10,000, for example, it would be allowed to subtract $2,000 from its tax liability for that year.

The tax credit would have no effect on the amount that could be depreciated, for the full cost of the asset can be written off under the provisions of this legislation.

However, if a taxpayer takes the 20-percent tax credit, he will not be allowed to take the 7-percent investment tax credit presently allowed by law for machinery and equipment.

The tax credit offered under these provisions operates largely like an investment tax credit, but where the investment tax credit is limited to machinery and equipment, the tax credit under my proposal would also apply to structures and any land necessary for the pollution control facility.

DEPRECIATING THE FACILITY

Also, instead of depreciating the facility over its ordinary useful life, under these provisions the taxpayer may choose, at his discretion, a shorter time period.

Therefore, if a taxpayer installs a facility that has an estimated useful life of 20 years and he chooses to write off the asset in the first 5 years under these provisions, he would receive no depreciation deductions for the remaining 15 years of the life of the facility.

The incentive aspect of this accelerated 1-to-5-year writeoff is not a larger writeoff over the life of the asset, but a larger writeoff during the early years of the facility's operation.

Present law requires a taxpayer to wait 20 years for full recovery of the cost of the facility.

HIGH COST OF ABATEMENT

Primarily, the unsatisfactory rate of progress of pollution abatement facility installation by private industry is due to the fact that firms are simply not in a position to incur such vast nonproductive expenditures without assistance or financial incentive.

This legislation would make installation of equipment economically feasible and worthwhile. The smaller firms which cannot meet the cost of installation under present tax laws could afford to do so under the provisions of this bill.

The tax credit system and accelerated writeoff I have described are among the most fruitful ways to encourage industry to install antipollution equipment.

Without industry's complete cooperation I fail to see how we will ever counteract the adverse effect of manmade pollution.

RESEARCH GRANTS

Mr. Speaker, the second antipollution measure I am introducing today is divided into two important sections. The first part of this legislation amends the Water Quality Improvement Act of 1968 to provide grants to persons who demonstrate, develop, or improve pollution-abatement methods for Lake Erie and Lake Ontario.

Research grants in the amount of $5,500,000 are authorized for the prevention, removal, and control of natural or manmade pollution in Lake Erie and Lake Ontario under this section of the bill. Acid mine water and untreated waste from vessels are also given special attention.

LAKES IN TROUBLE

Lake Erie and Lake Ontario present a particular area of concern.

Like all lakes, the waters flowing into Lake Erie and Lake Ontario are slow moving. The larger the lake, the slower the inflow and outflow of water. When the rate of pollution into lake waters flows at a steady or increased rate, a lake slowly loses the power to renew itself.

Lake Erie, a shallow lake, is almost biologically dead and Lake Ontario is fast approaching that state. The new technology that could be developed with the aid of the funds provided by this bill could be instrumental in returning these Great Lakes to their original state of beauty and usefulness to man.

MUNICIPAL WASTE TREATMENT CONSTRUCTION

The second section of this bill provides further funds for municipal waste treatment construction started under the Water Quality Control Act of 1965.

To help complete the construction of waste treatment works serving municipalities, adequate funds for fiscal year 1970 and fiscal year 1971 are authorized under my bill.

COOPERATION IS NEEDED

Mr. Speaker, local government, the States and finally the Federal Government must work hand-in-hand to fight air and water pollution. But without the cooperation of private industry we cannot succeed.

It is of national concern that we in Congress, provide the financial assistance necessary to counteract the adverse effects of water and air pollution. Both threaten to upset the delicate ecological balance in which we live.

A polluted environment is a dying environment. It produces less and less as a tax base, contributes to public dissatisfaction, and worst of all deteriorates the health of our people.

These proposals will strengthen the attack on air and water pollution.

A tax credit to encourage private industry, research grants to clean our Great Lakes, and more funds for municipal waste treatment centers would greatly accelerate a united, national program designed to eliminate contamination from our air and water.

Dr. Barry Commoner, director of the center of the Biology of Natural Systems at Washington University in St. Louis, at the 1968 annual meeting of the American Association for the Advancement of Science at the Statler-Hilton set the theme for the future if we fail to act "unless we begin to match our technological power with a deeper understanding of the environment we run the risk of destroying this planet as a suitable place for human habitation."

RESERVOIRS OF CLEAN WATER FOR OUR SMALLER RIVERS AND STREAMS

(Mr. HORTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HORTON. Mr. Speaker, since I first came to Congress in 1963 one of my primary concerns has been air and water pollution.

Now, in the 91st Congress, I am once again submitting a legislative proposal which I feel can prevent even graver threats of pollution in our smaller rivers and streams.

The Watershed Protection and Flood Prevention Act is a proposal to provide Federal assistance to water quality control projects on smaller bodies of water.

Congressional support for this measure would mean we would have a planned and balanced, comprehensive pure waters program for our smaller rivers and streams; and we would have adequate pure water reserves to enable industry to locate future plants in rural areas where job opportunities are so desperately needed.

At present Federal contributions can only be made to localities for dam and reservoir construction, for flood prevention, recreation, and/or wildlife conservation.

It is the purpose of this legislation to enable a municipality to get a 50-percent Federal contribution for storing water to use during critical periods of low streamflow so that highly concentrated pollution does not flow directly to the source without being first somewhat diluted and purified.

The second part of this bill provides matching grants to localities which construct multipurpose water management projects. Each of these two sections provides for $5 million in the form of grants to localities.

To insure that smaller localities maintain the highest water quality standards, the construction of multipurpose water management projects are vital.

To date these water "life lines" of our smaller cities and towns have been virtually ignored by the Federal Government. Across the Nation small rivers and streams are being used for disposal of sewage and other pollutants.

Unless we help small cities and towns install water quality management programs, pollution will become worse.

Water quality management programs would enable continually flowing streams to serve the essential function of diluting and carrying away waste that is not completely purified by treatment. Reservoirs of clean water would keep concentrated pollutants from flowing into larger rivers and lakes during periods of drought.

Another important factor to consider is that money could be saved by assisting localities to install water quality management programs at the initial stage of their watershed or reservoir construction program. During initial construction the cost of including water quality management facilities are only about $25,000. However, when installed at a later date they cost more than twice as much.

The second part of this legislation provides assistance funds for a more complete development of damsites during construction in anticipation of future industrial and municipal growth. Adequate pure water reserves are vital to an economy balanced between the countryside and metropolis.

Projected cost studies in 1966 estimated that the annual costs necessary to meet anticipated municipal or industrial water supply storage needs was approximately $10 million with a Federal contribution of 50 percent, or $5 million.

Mr. Speaker, the assistance planned by the bill I am proposing today would be available through new programs operated by the Department of Agriculture.

INTEREST AND THE PUBLIC DEBT

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MICHEL. Mr. Speaker, the economists who were in power during the days of the New Deal, the Fair Deal, the New Frontier, and the Great Society assured us over and over again that there was no need to worry about the national debt, as "we owe it to ourselves." No matter how much money the executive branch requested, no matter how much the legislative branch provided, no matter how much the taxpayers coughed up, it was never enough for the politicians, bureaucrats, and intellectuals who believe that all problems, foreign as well as domestic, can be solved by throwing money at them. These disciples of deficit spending told us not to worry, that the public debt could be carried in perpetuity, just so we kept up the interest.

Well, it is getting more and more difficult to keep up the interest, as the debt continues to grow and grow and interest rates keep on getting higher and higher. The budget submitted by retiring President Johnson estimated that our interest bill for fiscal 1970 would come to $15,958 million.

This will be over twice what it was for fiscal 1959, when it amounted to $7,070 million.

Let us suppose, Mr. Speaker, that for the next dozen Congresses, a period of 24 years through which many of us will live, our receipts and expenditures will be exactly in balance and that our interest rates will remain constant. Our interest bill for that period would amount to just a shade under $383 billion, which would be more than the present total of the debt—and we would still owe the debt.

These figures are truly frightening, but they will turn out to be conservative if we do not promptly reverse the trend. When referring to the public debt in his recent budget message to the Congress, Mr. Johnson used the words "relatively uncontrollable," "relatively fixed," and "unavoidable." Of course the interest bill must be paid as it falls due.

The best way to reduce the $16 billion that we must pay for interest is to eliminate unnecessary spending. This can be done only if we who are privileged to serve in the Congress will cooperate with the new President in his program of economy.

The following table shows how the interest bill has gone up since fiscal 1959:

Year:	*Million*
1959	$7,070
1960	8,299
1961	8,108
1962	8,321
1963	9,215
1964	9,810
1965	10,357
1966	11,285
1967	12,588
1968	13,744
1969 (estimate)	15,171
1970 (estimate)	15,958

A MODEL OF SELF-HELP

(Mr. SCHADEBERG asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHADEBERG. Mr. Speaker, in 1967, the community of Racine, Wis., in my district, formed the Racine Environment Committee, Inc., to initiate and to deal with the problems of the innercity and its residents. A unique feature of this organization was that it represented a coalition of industry, government, and individual citizens working together to find solutions to local problems.

Since that time, 46 Racine businesses have given over $33,000 to support the operations of this organization, have contributed $62,000 to an educational trust fund, and have supplied substantial manpower, services, and additional funds to carry out its various programs.

The 1968 Racine Environment Committee annual report is now complete. Briefly it describes the programs which were carried out during 1968 and outlines plans for the coming year. I believe every Member of Congress should become ac-

quainted with this splendid effort which I am making available to them with considerable pride.

RACINE ENVIRONMENT COMMITTEE ANNUAL REPORT

The Racine Environment Committee, Inc. (REC) was established in the fall of 1967 to study and recommend action on community problems which affect the industrial, economic and social climate of the Racine metropolitan area. Primary areas of concern are housing, education, employment and business opportunities for minority citizens. Other areas of interest include local government structure, and air and water pollution.

REC was formed as an outgrowth of the now dissolved Hill-Kidd Committee, which was appointed by the mayor in August, 1966 to investigate and recommend action in areas where discrimination existed. In August, 1967, the Hill-Kidd Committee submitted its report, pointing out that discrimination existed and recommending that a permanent group be organized to find solutions to the social problems facing Racine. As a result, the Racine Environment Committee, Inc. was formed.

Because of the importance of this program, the manufacturers of Racine agreed to financially support REC for a period of three years. The membership of REC, however, is not limited to businessmen; it also includes people from all other areas of community life.

We are proud to report that the Racine Environment Committee, Inc. has completed a very successful first year. During this period, we sponsored important and meaningful programs of employment, education, housing and business opportunities for Racine's minority citizens.

The proof of our success is shown by the support given our programs by the minority communities and by their participation in the activities of the Racine Environment Committee.

The following report gives you a brief description of the activities of each operating committee during 1968. Plans for 1969 have also been outlined.

Our plans during 1968, though significant, were small in proportion to the job that must be done. If we are to effectively move toward our goal of improving the environment for all of Racine's citizens and businesses, we need your continued support during 1969, as both contributors and members.

SAMUEL C. JOHNSON,
President.

REPORT

During the past 15 months, the Racine Environment Committee, Inc. has grown from an idea to a functioning, effective organization. Major organizational accomplishments during this period include the following:

Hired an executive director

Incorporated the Racine Environment Committee, Inc., REC Non-Profit Housing Corporation and REC Educational Trust Fund

Received tax exempt status for the above organization from the U.S. Department of Internal Revenue

Incorporated REC Industries

Opened offices at 222 Fifth Street

Elected the first Directors and Officers

Established Operating Committees and appointed chairmen

Appointed trustees for the REC Educational Trust Fund

Forty-seven businesses contributed a total of $33,311 to support the operation of the Racine Environment Committee, Inc. during 1968. In most cases, contributions were made on the "fair share basis" of two dollars per person employed in Racine.

Expenses shown on the financial statement are for the fifteen month period through December 31, 1968. Future annual financial statements will cover the REC fiscal year which runs from January 1 through December 31.

For the 15 month period expenses exceeded contributions by $2,123.49 because of nonrecurring expenses of $7,243.08 for hiring an executive director, renovating and equipping an office and providing working capital for REC Non-profit Housing Corporation. Major operating expenses for this period were salaries and consulting fees. As of December, 1968, consulting fees were discontinued.

*Statement of income and expenses, Oct 1, 1967, through Dec. 31, 1969**

Income: Dues received for 1968	$33, 311. 00
Operating expenses:	
Salaries and wages	18, 612. 81
Payroll taxes and health insurance	1, 647. 72
Office supplies, printing and postage miscellaneous	1, 775. 15
Telephone and telegraph	700. 03
Travel and entertainment	494. 60
Utilities	224. 14
Office equipment and lease	442. 16
Janitorial services	240. 00
Office—rent	1, 100. 00
Consulting fees	2, 531. 80
Insurance—property, liability, workmen's compensation	423. 00
Total operating expenses	28, 141. 41
Nonrecurring expenses:	
Interview and moving expenses	1, 437. 94
Office renovation and equipment	3, 255. 14
REC nonprofit housing	2, 500. 00
REC educational fund	50. 00
Total nonrecurring expenses	7, 243. 08
Total expenses	35, 434. 49
Balance of expenses over income (deficit)	(2, 123. 49)

*Estimated expenses from Dec. 19 through Dec. 31, 1968.

The business opportunities committee was established in May of 1968 to help develop new businesses or assist in the up-grading of existing businesses which were within and of benefit to the innercity of Racine. As a first step, local industry provided a total of $100,000 to initiate a loan guarantee program for inner-city businessmen. Local banks and the Small Business Administration agreed to cooperate in this effort.

During the first six months of operation, three loan guarantees totaling $25,700 were made to help start a service station, to assist a used car dealer and provide the down payment to purchase a "trucking rig" for over-the-road hauling. In addition, REC assisted two applicants in obtaining loans directly from local banks and the Small Business Administration without REC loan guarantee.

To qualify for assistance, an applicant must be a resident of Racine County and must be requesting a loan for a business which provides a needed and worthy service or product. Normally, loan guarantees will be from $500 to $5,000 and will apply only to the high risk portion of the loan. Loans from cooperating banks are made at prevailing commercial interest rates.

During the coming year, this committee will continue to screen applicants for the loan guarantee program and will explore franchising as another method of helping minority citizens to establish their own businesses.

The committee will also investigate the feasibility of setting up a Local Development Corporation. This type of corporation will make it possible to obtain funds from the Small Business Administration to assist any new business in purchasing land, buildings and equipment.

The summer employment committee undertook a program to provide summer jobs in the local business for innercity youths. The primary objective of the program was to offer these youths an opportunity to earn wages and at the same time to have a meaningful work experience.

A total of 189 youths were employed by 32 Racine businesses, and in conjunction with the Unified School District and the community action program, a total of 548 inner-city youths were employed during the summer of 1968.

An evaluation of the REC program by both the employees and employers indicated it was very successful. Only 11 youths out of 189 were terminated or quit during the program. Performance ratings completed by the employers showed that they would consider re-hiring amost 70% of the summer employees for permanent positions.

Key elements in the success of this program were:

1. Pre-employment orientation programs for both the employees and first line supervisors to explain the program and its objectives.

2. The initial screening and strong follow-up conducted by the REC Summer Employment Coordinator, Rev. Mack C. Davis, a long-time resident of Racine and a 21 year employee of J. I. Case Company, was granted a six month leave of absence to work on this program.

3. The formation of a youth council made up of representatives of the summer employees. This council met each week with the REC Summer Employment Coordinator to discuss matters of personal policy and supervision.

A few of the participating companies added enrichment programs on their own in an effort to expose the inner-city youth to the opportunities available in business if they have the necessary qualifications. These programs included personnel testing and counseling and an opportunity for the youths to work at a job of their choice for one week during the summer.

The Wisconsin State Employment Service cooperated in this industry sponsored program by placing the REC Summer Employment Coordinator on their payroll and by providing him with office space, supervisory guidance and clerical help.

Formed in March of 1968, the Education Assistance Committee is geared to evaluate the plans and needs of minority students graduating from Racine high schools in June of 1968. Data collected showed that only 15% of minority students planned to attend colleges or technical training schools after graduation compared to 55% of white students. Personal interviews with minority students showed that lack of funds was a major reason for not continuing their education.

To meet the special needs of these students, the following steps were taken:

1. In July of 1968, the REC Educational Trust Fund was established, and, based upon an estimate of the needs for the 1968 minority graduate, local industry contributed $62,000 to the Trust Fund.

2. 23 students attended special courses in language arts and arithmetic at Dominican college during the summer to correct high school deficiencies.

3. Through a grant received from the Johnson Foundation, Mr. Robert Matson, a Unified School District Counselor, was hired to serve as a coordinator between the colleges and the students applying for admission.

In late spring, the entire program was explained to college administrators who received it enthusiastically and pledged their support wherever possible.

As a result of this program, 87 minority students from Racine enrolled at 28 colleges and technical training schools this fall at a total cost of $135,000. In addition to the $62,000 from industry, $73,000 was raised by grants from other institutions, parental assistance, loans and student savings.

The aim of the general employment committee is to develop the employment potential of the unskilled, unemployed and the underemployed and to retrain workers displaced by automation or transfer of manufacturing operations out of the city. To accomplish this objective, REC Industries was incorporated and currently is located in a building supplied by J. I. Case Company.

REC Industries started production of simple machined items for local industry in October of 1968. Under this arrangement, the training program is accomplished in the atmosphere of a "going concern" and the trainees work on an actual product. As a result, the trainee can identify himself with the business and see the part he plays in the success of the business. At the same time, the trainee is exposed to normal business operations and can adjust to them as part of his training and development.

As the trainee's skills reach the desired level, he will be placed in permanent employment with one of Racine's industries.

A unique feature of this program is the availability of a comprehensive training program based on the needs of each trainee. All employees are individually evaluated to determine the areas in which skills must be developed, and individual training programs are then designed.

Before coming to REC Industries, all trainees should attend the two-week CITE program at the Racine Adult and Vocational School. The program deals with the attitudes of the employee toward work, his supervisor and fellow employees.

The development cycle will vary with placement opportunities, individual ability and job levels, but plans at the present time call for an average cycle of about ten months.

REC Industries have applied for training funds and expects $55,000 shortly after the first of the year.

The Housing Committee is concerned with the availability of adequate housing for innercity residents and with the overall planning for the housing needs of the entire community. During 1968 the REC Non-Profit Housing Corporation purchased seven dilapidated houses, remodeled them and sold to qualified low income families.

This committee was also instrumental in getting the Racine City Council to consider a housing conservation code. This code would help to preserve inner-neighborhoods and would protect the tax base that currently exists. Passage would also enable Racine to participate in additional important federally sponsored housing programs which are currently closed to Racine.

During 1969, this committee will continue to purchase and remodel dilapidated houses and will push for early passage of a housing conservation code. A small housing project in the inner-city of Racine is also being planned.

The public school committee established in November 1968, will advise the REC on the education needs of the community. Areas of investigation will include physical structures, curriculum, school administration and teaching staff; budgets and financing.

The primary objectives of the government committee are to study the governmental needs of the community and to make recommendations on local government structure, the relationship between local government and to advise the REC on the need for local ordinances.

During 1968, the committee worked with other citizens and civic groups in supporting and obtaining passage of a fair housing ordinance, in drafting the "Moratorium Agreement" between Mt. Pleasant and the City of Racine and in working with local governments and the Department of Housing and Urban Development on Housing Conservation Codes.

During 1969, this committee will place special emphasis on the passage of housing conservation codes by local government.

The Public Relations committee was appointed to counsel and assist the Racine Environment Committee, Inc. in making its objectives and purposes known throughout the community and to help prepare public relations releases on its activities.

During 1968, the REC received substantial news coverage from local newspapers and radio stations. A particularly comprehensive series of articles entitled "A Helping Hand" appeared on the front page of six consecutive issues of The Racine Journal Times.

In August, the REC sponsored an appearance at the Golden Rondelle by Mr. F. Eugene Smith, a nationally known industrial designer, who presented a program on the urban ugliness surrounding us. Mr. Smith had previously presented this program to the First Lady, Mrs. Lyndon Johnson, and to his ranking officials of the Department of Housing and Urban Development in Washington.

Two projects will be presented to the community in early 1969. The REC has a copy of a slide and audio tape presentation on Negro history, which will be available to interested civic groups and to schools. A second slide presentation on Racine, its past, present and future, is also being prepared and will be available for similar use.

The full time staff of the Racine Environment Committee, Inc. consists of an executive director, Mr. Joseph B. Nelson, Jr. and his secretary, Mrs. Rosemarie Nelson.

In addition, two other employees have worked in staff positions during 1968. Rev. Mack C. Davis served as the REC Summer Employment Coordinator from May 1 through October 31, 1968. Rev. Davis is on leave of absence from J. I. Case Company.

Mr. Robert Matson, a counselor with the Unified School District, served as the REC Education Assistance Coordinator during the summer of 1968 through a grant from the Johnson Foundation. Mr. Matson will continue to fill this position on a part time basis during the 1968–69 school year.

The directors are: Dr. John Bryant, Roger G. DeLong, Rev. Dale W. Hallberg, Theodore W. Harris, Samuel C. Johnson, James L. Ketelsen, William C. Kidd, Wesley J. Mooney, Sam Rizzo, E. G. Rutherford, Julian Thomas, Gordon R. Walker, Harold C. Weiss, Thomas E. White, and LeRoy Wooley.

The officers are: William C. Kidd, Chairman; Samuel C. Johnson, President; Dr. John Bryant, Vice-President; Julian Thomas, Vice-President; Theodore W. Harris, Secretary; and Gordon R. Walker, Treasurer.

The committee chairmen are: Warren T. Boggs, Government Committee; Dr. Harland N. Cisney & Leland E. Johnson, Co-Chairmen, Educational Assistance Committee; Paul J. Cody, Housing Committee; Robert Dugger, General Employment Committee; William K. Eastham, Summer Employment Committee; Edward E. Hales, Business Opportunities Committee; Thomas B. Martin, Public Relations Committee; and Ruth Weyland, Public School Committee.

The contributors are:

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VIETNAM

The SPEAKER. Under previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 60 minutes.

Mr. MONTGOMERY. Mr. Speaker, I recently had the great opportunity of making my second visit to South Vietnam within a 2-year period. During Christmas of 1967 I was in Vietnam for a week, and this last Christmas season I spent another week in Vietnam, starting in the Mekong Delta and working my way up to the DMZ. I visited all four corps areas, talking to American soldiers, American civilians, South Vietnamese military men, and South Vietnamese civilians.

After 7 days of travel in Vietnam, I have come to the conclusion that there have been many definite changes for the better in this country since my visit there 1 year ago.

Of course, the big question is, When will this war come to a successful conclusion? A great deal depends on the Paris peace talks.

American officials in the Far East feel that North Vietnam has been severely hurt by this war, and that this is the reason they are willing to talk in Paris.

Of the enemy prisoners captured in South Vietnam, the Vietcong seem to be more dedicated to the Communist cause than are the North Vietnamese. The North Vietnamese are more easily captured and are more willing to give valuable information to our troops than the Vietcong.

TET OFFENSIVE

The Tet offensive dealt us a staggering blow at first; however, it ended in a military failure for the enemy. The Tet offensive cost the enemy its squad, platoon, and company leadership as these key people were either killed or captured.

The cruelties committed by the Vietcong and North Vietnamese during the Tet moved the South Vietnamese people who were neutral, waiting to join the winner, to the side of President Thieu and the Republic of South Vietnam.

One of the most heartening signs that I found in South Vietnam is that President Thieu has grown with the job and seems to be well on the road to organizing a stable and democratic government. As I traveled in all parts of South Vietnam, I talked with the Vietnamese people and their faces would light up at the mention of President Thieu. They would comment, "The President came to our province and we saw him." The acceptance by the people of President Thieu as the leader of their nation was one of the most encouraging signs I saw in this country.

SOUTH VIETNAM MILITARY FORCES

The ARVN forces certainly have improved militarily since my visit a year ago. I was told this by American advisers and I also observed the improvements myself. These forces are still lacking in air capability, and logistical support is still a major problem.

Yes, the absent-without-leave or the "going over the hill" percentage of the South Vietnamese troops has been very high: But, I am told that in the last 6 months the figures have been on the decline. I might say that it is not so much a matter of desertion, but that many soldiers on leave are unable to return in time due to transportation problems in Vietnam.

The regional and populist forces, known by Americans as the "rough puffs," also have improved. The regional forces, much like our National Guard, come from a province. They fight in the same province and are usually of company size. The populist forces come from the same villages that they protect, and they usually are of platoon size.

One of the great improvements of the regional and populist forces was the arming of these units with the M–16 rifle. Formerly, these men had been armed with the carbine and the M–14, which could not equal the Russian AK–47's used by the Vietcong. The M–16 has given these South Vietnamese forces new confidence, and they feel now that they can fight on equal terms with the Vietcong and North Vietnamese who are armed with the Russian AK–47.

The North Vietnamese are now doing most of the fighting in South Vietnam. One of the reasons for this, of course, is the terrific casualty loss the Vietcong suffered during the Tet offensive.

DEMILITARIZED ZONE

The danger of any concentrated attack by the North Vietnamese from the DMZ seems to have shifted to the Cambodian border north of Saigon. I was told that the North Vietnamese have rebuilt their roads, bridges, and trails since the air bombardment halt.

Also, some supplies have been moved from the north down near the DMZ. But, there is still not a heavy concentration of troops moving into that area. Even though there are North Vietnamese divisions on the Cambodian border regrouping and resupplying, our forces are not too worried. Some of our military leaders have told us, off the record, that they wish the enemy would attack in division or regimental strength: they feel our forces could soundly defeat the enemy and hasten the conclusion of the war. I spent one night during my trip to Vietnam in the Mekong Delta about 15 kilometers from the Cambodian border. American intelligence reported that the North Vietnamese were watching a movie that same night in Cambodia about 30 kilometers from our location.

I have always questioned our policy of not striking the enemy as they regroup and resupply near the border on the Cambodian side. The area in Cambodia used by the North Vietnamese is sparsely populated.

AMERICAN LEADERSHIP

I talked with Ambassador Ellsworth Bunker in Saigon during both my trips to Vietnam. I found him more optimistic about the war this year. After being briefed by the military a year ago, I told the Ambassador of their optimism. He did not share their opinion at that time—and he was right, for soon afterward came the Tet offensive. This year Ambassador Bunker was of the opinion that conditions have improved and that there was hope for settling the war in Paris. The Ambassador stated that if the North Vietnamese would withdraw divisions from Cambodia and Laos, he saw no reason why we could not start sending American divisions home also.

I had the opportunity to talk personally with Gen. Creighton Abrams, our overall commander, for about 50 minutes. I knew the general during World War II and knew of his great ability then. General Westmoreland is a great military leader, and in my opinion, General Abrams has ably filled the role Westmoreland left.

General Abrams stated that what makes these Americans the best troops in the world is that the individual has the ability to adjust to get the particular mission done.

NATIONAL GUARD AND RESERVE UNITS

I was especially interested in visiting Army National Guard and Army Reserve units that had been called to active duty in early 1968 and are now serving in Vietnam for 1 year. One of the units I visited was the 116th Combat Engineering Battalion from Idaho, now stationed in Lam Dong Province in the 2d Corps. This unit, which includes 802 officers and men from Idaho, arrived in Vietnam in late September, and is commanded by Lt. Col. Donald R. Goremery. This recent callup marks the third time that Colonel Goremery has been called to active duty through the National Guard. Colonel Goremery is a forceful, straight-talking commander. He wants to get the job done and bring his civilian soldiers back to Idaho.

The battalion is located in a heavily infested Viet Cong area, and there have been casualties in the battalion. This unit is performing its mission in a superior manner, and wants to be treated like any other engineering battalion in Vietnam. I got the impression that too many visitors could get in the way.

Mr. McCLURE. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Idaho.

Mr. McCLURE. Mr. Speaker, I thank the gentleman for the observation he has made in regard to the men of the 116th Combat Engineer Battalion who are from my State. The gentleman from Mississippi has made remarks concerning the desires and abilities of these civilian soldiers who are now serving their country as required by their enlistment and as they had expected to do.

Certainly the people of Idaho are proud of this unit and the contributions it is making. We appreciate the remarks of the gentleman in the well.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from Idaho for his comments.

I was certainly impressed with the officers and men whom I met from the State of Idaho. They are doing a good job. Certainly they want to come home, but they know they have a mission, and they signed up in this unit, and they are fulfilling that mission.

I also visited the 197th Artillery Battalion of the New Hampshire National Guard. The battalion commander is Lt. Col. H. R. McCrone, Jr., and he brought to active duty 506 officers and men from New Hampshire. Lieutenant Colonel McCrone is well qualified, and his superiors were highly complimentary of his officers and men. This battalion is located about 25 miles north of Saigon, with the batteries located in different strategic areas. I visited the battalion headquarters and two firing batteries located near Phu Loi.

All of the batteries in this battalion have been firing combat missions for well over 4 months. The corps artillery officer and the commander of the artillery group told me this unit is doing an outstanding job. The firing of the 155 artillery pieces must be exact and pinpointed. Many civilians live in the area, and the firing has to be on target or civilians will be killed. This National Guard battalion is as proficient as any Regular Army artillery battalion in Vietnam. In fact, General Abrams told me the Guard and Reserve units in Vietnam are doing a splendid job. I am sorry that I did not have the time to visit any Air Guard units, or additional Army Guard and Reserve units.

Mr. CLEVELAND. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. I thank the gentleman from Mississippi for yielding. I congratulate him for his interest in the matter we are discussing. I particularly thank him for his words of praise for the truly excellent job which the National Guard units from New Hampshire are doing. All of us in New Hampshire are proud of them.

This has come as no surprise, however, because New Hampshire's motto is, "Live Free or Die." We have a proud tradition of backing up those words with action, when it really counts. At Bunker Hill and Bennington, the gentleman may be interested to know, more New Hampshire men fought than from any other State in our then-small Union.

In the Vietnam conflict the ratio of New Hampshire men who have made the supreme sacrifice has been greater than that of any other State.

Thus, it is pleasing to hear from the gentleman from Mississippi that once again New Hampshire men are writing a proud chapter of valor in defending freedom against aggression.

The adjutant general of New Hampshire, Maj. Gen. Francis McSwiney, just returned from Vietnam, where he spent upward of a week with units of the New Hampshire Guard. He found them doing a great job, their morale and sense of purpose being excellent.

One problem has caused some doubt and misunderstanding, however. General McSwiney knows about it and many men have written to me about it. This is the policy of "infusion." Under this policy, new men will be rotated into the Guard units. Of course, that means some members in turn will have to be rotated out of those units. They will retain their MOS designations, of course, and thus be rotated out to other units that can use their special skills.

This raises a question of why this policy of "infusion," particularly when the National Guard units were recruited on the basis that they would go into action together and stay together as a hometown team.

The reason for "infusion," as explained to me, is simple. It is because of the 1-year rotation policy in Vietnam. Generally speaking, this policy means no man serves in Vietnam for more than 1 year.

This has been a wise policy and has done a great deal for morale. Having served myself, for more than 40 straight months in the Pacific during World War II, I can personally attest how devastating to morale, long, uninterrupted, endless foreign tours of duty in combat areas can become.

Because all members of the New Hampshire Guard went to Vietnam at the same time, that means they are going to come home at the same time under the 1-year rotation policy. But the firepower of their mighty batteries may still be needed at that happy time when they all come home. Thus the policy of "infusion." Their guns, if still needed, will still be firing against the aggressor. There will be no interruption in the mission which the New Hampshire Guard has so proudly and successfully undertaken.

It is unfortunate that this means that gradually friends in the New Hampshire Guard units will have to be separated for short periods of time. However, I am confident that the "infusion" policy, when fully explained and fully understood by those men, will be met with the same fine spirit as were the original orders that called up the New Hampshire units and sent them on their historic mission to resist aggression in a faraway country, a mission which they have done so much to perform, and so well.

I am also confident that the commanders in the field will apply the details of this policy of "infusion" widely, so as to cause a minimum of individual hardship and loss of efficiency and morale. If not, that policy should be reviewed.

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Speaker, I want to observe that we in New Hampshire are tremendously proud of the 3d Battalion of the 197th Artillery Unit. It has a distinguished record both at home and abroad and I am profoundly regretful that I was not able to be with the Representative from Mississippi during his visit with this New Hampshire unit in Vietnam.

The 3d Battalion of this great outfit is composed principally of New Hampshire men. It was called from National Guard status in May of 1968 and from the moment of its orders to active duty the men of this unit have courageously and patriotically accepted their mission and purpose. In October of 1968 the 3d became the first fully combat operational National Guard unit in Vietnam.

The men of the 3d are carrying on in the honorable and proud tradition of their predecessors. They have contributed in substantial measure to the American effort in faraway Vietnam and they make all of us justly proud of them.

Mr. Speaker, not too long ago the Army procedures for infusion of the 3d Battalion caused considerable concern among those who felt this unit has been and should remain New Hampshire through and through. I received many requests to see what could be done to retain the battalion's identity and sought support from Congressman William Bates, the distinguished ranking minority member of the House Armed Services Committee. Congressman Bates received a response from the Department of the Army concerning necessities and rationale of the infusion policy, which was as follows:

Department of the Army,
Office of the Secretary of the Army,
Washington, D.C., January 14, 1969.

Hon. William H. Bates,
House of Representatives

Dear Mr. Bates: This is in reply to your inquiry on behalf of the 3d Battalion, 197th Field Artillery, concerning the Infusion Program being followed in Vietnam.

When a unit deploys to Vietnam it becomes necessary to take certain actions to preclude the loss of that unit to the combat effort a year hence when unit personnel become eligible to return to the United States. One such action is the infusion process, whereby some members are transferred out of the unit and replaced by individuals already in-country. In this manner, the unit gains personnel already experienced in operations in-country as well as insuring a relatively level personnel turnover during each month of its service in Vietnam.

Planning for implementation of the infusion program starts shortly after arrival in Vietnam when the unit is briefed on the program. Within 75 days of arriving in Vietnam, each unit must have developed and submitted to Headquarters USARV its plan for minimizing personnel turnover. Basically, these plans provide for the reassignment of unit personnel to other units and for their replacement by personnel with varied rotation dates so that no more than 25% of the officer and enlisted personnel who remain in the unit will depart in any month during the first year the unit is in Vietnam. The infusion program may commence anytime within the first six months that the unit is in Vietnam; however, few reassignments are usually made in the early part of the period.

The infusion program is applicable to all assigned or attached units of the command regardless of size. Infusion has been applied for some time to all units deploying to Vietnam and applies equally to the deployed mobilized Reserve Component units.

I trust this information will be of assistance to you.

Sincerely,
Lt. Col. William E. Whelan,
(For Raymond T. Reid,
Colonel, GS Office,
Chief of Legislative Liaison).

The morale and esprit de corps of the 3d Battalion of the 197th is of the highest. I feel it is vitally important that it remain at this level and joining my colleague, Congressman Cleveland, I sincerely urge those responsible for implementation of the infusion policy to handle it in the field in such a way as to seek to maintain these vital intangible qualities that contribute greatly to the continued high performance level of this outstanding group of brave men. I am advised that the policy does not destroy the integrity of units but strengthens them by maintaining them at full complement in the face of attrition from combat and other sources. It is a matter of profound concern that attrition in respect to New Hampshire casualties in Vietnam has been one of the highest of any State in relation to the number of combat participants from that State.

Mr. Speaker, the 3d Battalion has a unique identity that is rich in history and tradition. In 1780 it was organized as the New Hampshire Militia and participated in the War of 1812, the Civil War and the Spanish-American War, as well as World War II, when it was organized into the 197th Coast Artillery and was deployed to Australia. Its battle streamers carry the names of Bull Run, and Gettysburg and the Coral Sea.

Those who are, for whatever reason, safely at home in continental United States appreciate the tremendous courage and sacrifice of these men for their country. We salute them and gratefully anticipate their return during the coming fall at which time they will receive a justly deserved heroes welcome and forever carry with each of them the appreciation and respect of all Americans and in particular the pride of all New Hampshire citizens.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for his very fine remarks. I also thank the gentleman for bringing up the situation pertaining to "infusion," which means taking men out of one unit and putting them into another unit. I believe he has ably explained what is happening.

As to the New Hampshire battalion which was sent to Vietnam, they have decided to keep this battalion in South Vietnam.

Therefore, after being there for 1 year, if they did not start bringing new men into the battalion and moving out officers and men, we would find that next September when these men are sent home there would be nobody left to run the battalion. That is the reason why some of these men who joined up to stay in the units are being moved out of this unit and put into other units.

Mr. Speaker, I certainly think the gentleman's explanation is worthwhile. There have been some complaints from the National Guardsmen and reservists, and I am glad that the gentleman brought this point up.

I had the opportunity to visit on Christmas Day an Army Reserve unit from my home State. This unit is the 173d Petroleum Quartermaster Company called to active duty in March 1968 and sent to Vietnam in October 1968.

This was the only unit called to active duty from my State during the callup. Most of the men are from Greenwood, Miss., area. I had Christmas dinner with the officers and men of the 173d. This company is fulfilling its mission in a capable manner.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to my colleague from Mississippi.

Mr. ABERNETHY. I wish to commend my colleague for his fine, interesting, and most informative report. In making his journey to Vietnam, he has rendered a fine service to his Nation and brought back valuable and encouraging information.

I was particularly interested in my colleague's remarks regarding the 173d Petroleum Quartermaster Company, a reserve unit from our State of Mississippi.

This unit is very largely from my own congressional district, with most of its men coming from, in, and near Greenwood, Miss. From time to time we have received many favorable reports of the fine job the men of this unit are doing in fulfilling their mission. I am glad that my colleague had the opportunity of visiting with these men, of having Christmas dinner with them, and to discuss with them firsthand their various problems.

Again, I commend the gentleman for his making this long journey to Vietnam and for taking this time to give us the benefit of a full report on what he saw and learned there.

Mr. MONTGOMERY. I am thoroughly convinced that the Reserve units and National Guard should be called to active duty if needed because they can do the job. Within a very short time after callup, these units adjust to the situation and do just as well and sometimes better than the regular units.

There are some rough spots in calling up certain Guard and Reserve units. I have discussed these problems with the Pentagon.

The agriculture situation certainly has improved since I was in Vietnam a year ago. I found many conscientious, hardworking American agriculture specialists performing in the different provinces.

Large crops of IR–8 and IR–5 rice have now been grown and harvested—especially in the delta. This miracle rice has given the farmer more yield per hectare and, therefore, more profit. I was quite frankly surprised that the farmers could convert so easily to this new rice.

More Vietnamese are raising poultry now. In Saigon many families raise as many as 1,000 birds at a time. When food became scarce during the Tet offensive, the residents of Saigon had this food supply to eat and share with their neighbors. Vegetables are also being grown in a more plentiful supply throughout South Vietnam.

As a result of these and other improvements, most of the inhabitants of South Vietnam now have an adequate food supply.

Programs in animal husbandry, such as the vaccination program, certainly are paying dividends. Forestry service is idle in some areas of Vietnam where the fighting is heaviest. However, seedlings are being planted in some provinces.

The Agricultural Development Bank is being used throughout Vietnam. This gives the farmer and agricultural businessman the opportunity to borrow money on improvements for agriculture.

Agriculture has grown and prospered since my trip last year. However, I feel that it is somewhat like the military situation—how long do we stay to help?

In some cases we are doing more for these people than we have done for the people in my district and in yours.

As a result of my trip to Vietnam, I have come to these general conclusions:

First. The United States is doing what we originally set out to do—to keep the Communists from taking over in South Vietnam, and to give the South Vietnamese time and the opportunity to establish a democratic government.

Second. President Thieu has grown with the job and in my opinion is bringing the people together.

Third. The ARVN units, the regional and populist forces, have improved enough in my estimation to take over a large share of the responsibility of the war.

Fourth. I feel we can now reduce troop strength in Vietnam without affecting the fighting efficiency of the Americans. There are some units we could start sending home without weakening our position. Not only do we need to save American lives, but also we need to cut the cost of the war to the American people.

Fifth. I recommend that Secretary of Defense, Mel Laird go to Vietnam for a firsthand look. I have the names of some of the people I think he should talk with when he goes. I have passed those names on to him.

Sixth. Our military people in South Vietnam have told me that they cannot foresee the enemy launching a full-scale offensive of the same magnitude as the Tet. However, the enemy can continue to harass and kill Americans and South Vietnamese through guerrilla-type tactics.

Seventh. If the Paris peace talks are not successful, this guerrilla-type war could go on for many years. However, I think we do not need as many troops as we have in Vietnam to fight a guerrilla war, and the South Vietnamese can take over much of the responsibility of the fighting.

Mr. FLOWERS. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I am happy to yield to the distinguished gentleman from Alabama.

Mr. FLOWERS. I thank the distinguished gentleman from Mississippi for yielding.

Mr. Speaker, I would like to commend the gentleman upon his two separate trips to Vietnam. However, I am interested in finding out if there has been any change in the morale of the American fighting man between the gentleman's 1967 trip and his 1968 trip?

Mr. MONTGOMERY. I thank the gentleman from Alabama for his first comments and I would like to say that I saw no change from the generally high morale of our troops during the time period of the 1967 trip and the 1968 Christmas trip. Morale was still high if not higher than it was before. Our soldiers who are serving over there have a terrifically high morale. We have no problems with the Americans. When they arrive the troops need no orientation. In other words, they are so trained that they do the job without further orientation. However, I might observe that they have to stay only 1 year and in my opinion that is the biggest morale factor involved.

Mr. FLOWERS. I thank the gentleman and agree that the 1-year tour of duty must have some bearing on the morale factor. However, I am continually made proud of our fellow Americans serving in Vietnam, who maintain their high spirits and morale in the face of danger and long years of conflict over there.

Mr. MONTGOMERY. I think we are witnessing an amazing display of morale on the part of the American fighting men in view of the type of war which they are called upon to fight. The morale of our fighting men is as high or higher than it was during the Korean war and during World Wars I and II. In fact, these young Americans are much better soldiers than we were and much better troops than their dads were. One important fact is that these young Americans are much larger. They weigh anywhere from 20 pounds to 25 pounds more than their predecessor comrades, those who fought in World War II and during the Korean war. They are, in fact, our best-educated troops. They are good soldiers. They are probably the best-educated soldiers we have ever produced.

In closing, I do not want to sound overly optimistic, but I definitely do believe the allied position in South Vietnam has improved greatly over the past year.

Quite frankly, I feel the South Vietnamese are now in a position to carry more of the responsibilities of the war, and I believe we can and should begin the withdrawal of American troops.

We have given South Vietnam the opportunity to get up off their knees and stand erect. It is up to them.

KOREAN COMMENTS

My first visit to Korea was brief, but informative. I was able to see a great deal. I arrived in Seoul about 4 days after the crew of the *Pueblo* had been released. I talked with Maj. Gen. Gilbert Woodward, the chief American negotiator who secured the release of the crewmen.

I had the opportunity to go up to the 38th parallel and to visit the 2d Infantry Division. I was impressed by our strong, effective, defense effort there. American forces seem to be doing a superior job along the border. We have blocked the North Korean soldiers from infiltrating through the DMZ, but the North Koreans have applied new harassing tactics. They are now employing swift boats which land guerrilla forces at scattered points along the thousands of miles of exposed seashore in South Korea. These teams come ashore to kill and harass South Koreans.

The people of South Korea, from the largest city to the smallest hamlet, hate communism. When the South Koreans learn of the shore invasions they quickly notify the military or attempt to stop the invaders themselves.

Quite frankly, I was most impressed with the South Korean people. They love their country and are willing to work and die for it.

In 1968 a total of 355 firefights were reported along the 38th Parallel. The number during 1967 was 219.

We now have about 50,000 American airmen and soldiers in Korea. I hope that in the near future we can begin the reduction of U.S. forces in South Korea. If the war in Vietnam can be brought to a successful conclusion, then the Republic of South Korea can withdraw their splendid troops which number about 50,000 now fighting in Vietnam. The return of these troops to South Korea would mean that they can assume more responsibility for protecting the border area.

North Korea has well over 500 military aircraft, a total which far outnumbers the aircraft of South Korea. Our troops in Korea are, in effect, keeping these two countries from fighting again. The South Koreans are fiercely proud, and believe they can whip the North Koreans at any time.

Mr. **GRIFFIN**. Mr. Speaker, will the gentleman yield?

Mr. **MONTGOMERY**. I am happy to yield to my colleague from Mississippi.

Mr. **GRIFFIN**. Mr. Speaker, I thank the gentleman for yielding. I wish to congratulate and commend the gentleman in the well of the House for the observations he has made on his trip to Vietnam. Certainly the situation in Vietnam is the most burning and most important question before the Congress and our country today. I know that the recommendations made by the gentleman from Mississippi will be of great benefit to the Members of the House as they legislate throughout the year upon this subject.

Mr. Speaker, again I thank the gentleman for yielding.

Mr. **MONTGOMERY**. Mr. Speaker, I thank the gentleman for his remarks.

GENERAL LEAVE TO EXTEND

Mr. **MONTGOMERY**. Mr. Speaker, I ask unanimous consent that Members may have the privilege of extending their remarks on the subject of my special order.

The **SPEAKER**. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

FOR AN EFFECTIVE INTERNATIONAL AGREEMENT ON HIJACKING

The **SPEAKER** pro tempore (Mr. PATTON). Under a previous order of the House, the gentleman from Connecticut (Mr. GIAIMO) is recognized for 30 minutes.

Mr. **GIAIMO**. Mr. Speaker, on Thursday, January 30, I introduced House Concurrent Resolution 113, recommending that the Tokyo Convention be strengthened in an attempt to curb the rapidly increasing number of plane hijackings.

I believe we will all agree that the incidents of hijacking have reached epidemic proportions. Last year a total of 25 planes were hijacked in the Western Hemisphere and flown to Cuba. Of this total, 17 of the aircraft were operated by U.S. carriers.

Just yesterday four Cubans hijacked a Newark-to-Miami airliner with 93 persons aboard and forced it to fly to Havana. Less than 3 hours later, a young college student was foiled in an attempted hijacking of a plane bound from New York to Miami.

The latest successful hijacking marks the 12th time this year a commercial airliner has been diverted from its scheduled destination and forced to fly to Havana.

Not all of the hijackers have been Cubans who for one reason or another wish to return to their country. The majority have been non-Cubans, many with criminal or mental records. At any time one of these deranged or desperate individuals may kill the pilot or a member of the crew or perform some other tragic act. So far, through luck and the calm professional manner of captain and crew, there have been no tragic accidents or loss of lives. Planes, crew, and passengers have all been returned to the United States unharmed. But how long can we trust to luck the safety of our citizens who are passengers on commercial airliners. If we allow this practice to continue, we are inviting disaster.

Mr. Speaker, immediate and positive action is needed to effectively put an end to this growing international problem. There have been numerous proposals to solve this problem. I believe, however, that the solution is a strong international agreement designed to end hijacking.

In 1963, a convention on hijacking was concluded in Tokyo. The signatory states are obligated to release hijacked aircraft, together with passengers and crew. The Tokyo Convention represents a first step toward controlling the problem but, unfortunately, falls short of the mark. To date only 23 nations have signed the convention and only eight ratified it. The United States is a signatory, but has not as yet ratified it.

The Tokyo Convention, as written, is inadequate. The purpose of my resolution is to strengthen the convention by adding clauses that would—

First, call for the extradition of all hijackers to the flag country of the hijacked aircraft;

Second, call for the immediate release of hijacked aircraft, together with their crews and passengers; and

Third, make it mandatory for the signatory nations to terminate bilateral air transport arrangements with any country that refuses to become a party to the new international convention on hijacking.

Mr. Speaker, I include a copy of my resolution to which I have referred:

H. CON. RES. 113

Concurrent resolution expressing the sense of Congress with respect to an effective international agreement on hijacking

Whereas the past two years have witnessed a growing international epidemic of the hijacking of commercial airplanes, which has endangered the lives of many hundreds of passengers and resulted in serious inconvenience to both passengers and airlines; and

Whereas the epidemic has now reached such proportions in the Western Hemisphere that no passenger on a commercial flight in the Caribbean area can be certain that his flight will not terminate in Havana; and

Whereas the Tokyo Convention on Hijacking, although it represents a first step in the direction of controlling the problem, is, by common consent, inadequate to cope with the situation that exists today: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress—

(1) that the administration should move immediately to strengthen the Tokyo Convention by adding clauses to it which (A) call for the automatic extradition of all hijackers to the flag country of the hijacked aircraft, and the immediate release of hijacked aircraft, together with their crews and passengers, and (B) make it mandatory for the signatory nations to terminate bilateral air transport arrangements with any country that refuses to become a party to the new international convention on hijacking; and

(2) that if the machinery of the International Civil Aviation Organization proves inadequate or too slow moving to bring the epidemic of hijacking under control in the immediate future, the Government of the United States should seek to deal with the problem through a special international conference, convened on an emergency basis no later than March 31, 1969.

TWENTY-FIRST ANNIVERSARY OF CEYLON'S INDEPENDENCE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. FOLEY) is recognized for 5 minutes.

Mr. **FOLEY**. Mr. Speaker, today marks the 21st anniversary of the independence of Ceylon. After more then four centuries as a colony of European powers, Ceylon became a sovereign state within the British Commonwealth on February 4, 1948. I would like to take this opportunity to congratulate the people of Ceylon on this joyous occasion in their lives.

The Ceylonese people have good reason to be proud of their independence. Ceylon has had a remarkable record of political stability within a democratic framework of government and has made significant economic and social progress. General elections have been held four times since 1948 on the basis of universal adult suffrage. Governmental leadership has changed on two occasions, both times peacefully.

Under Ceylon's present Constitution the rule of law is firmly entrenched in the country and Parliament is supreme. At the same time Ceylon has an active parliamentary opposition and a free press which are further testimony of the democratic process in Ceylon.

Ceylon also has a good record of achievements under the democratic system of government. Education has been brought within the reach of all and as a result the literacy rate of the population is higher than most of the other countries in the region with the exception of Japan. Medical services have also been greatly expanded and the death rate has been slashed while life expectancy has been increased to 62 years. Ceylon also enjoys higher levels of living than many other Asian countries and malnutrition is far less common.

The present Government has given the highest priority to economic development. The main emphasis in the Government's development program in the last 3 years has been on food production, particularly in growing more rice, the staple food of the people. With this object in view the Government has increased the areas under food production, introduced new high-yielding varieties of rice and extended the use of fertilizers and other agricultural inputs. Incentives were also given to the private sector to participate in the country's food production efforts and spectacular results have been achieved. The rice crops in 1968 have exceeded the Government's target and if present trends continue it is expected that by 1972 Ceylon will be self-supporting in her rice requirements. This would mean a substantial saving in foreign exchange which now goes out on rice imports. In order to stop this drain of foreign exchange on food imports, the Government also took the bold step, 2 years ago, of cutting down the weekly rice ration given to the people by one-half.

Another very significant trend in Ceylon in recent years is the decline in the rate of their population growth. The rate was as high as 2.8 percent in 1960, but it declined to 2.2 percent in 1967. The Government has adopted a population control policy since 1965, and the official target is to reduce the crude birth rate further to 25 per thousand by 1975 at which level the annual rate of population growth would be reduced to 1.7 percent.

The Government has also stepped up industrial development and directed it toward the manufacture of import-substituting goods. Here too incentives were given to the private sector to participate in the nation's development effort. These incentives have been extended to foreign investors as well, and in the case of the United States the Government signed an Investment Guarantee Agreement with the Government of the United States in 1966. There has been encouraging response from the United States to this invitation to participate in the economic development of Ceylon, and the Ceylonese Government looks forward in 1969 to even greater interest and participation by private American capital.

In order to obtain the foreign exchange needed for this development effort, World Bank assistance was sought in 1965 and an economic development program was formulated under its general guidance. Since 1965, Ceylon has been receiving economic assistance from a group of friendly countries, including the United States, to implement this program. After 3 years of this operation the World Bank reported to the aid-to-Ceylon group in March 1968 that Ceylon's economy has now "moved from a holding operation to a growth process." The rate of economic growth in 1968 was 7 percent. The increasing confidence of the World Bank in Ceylon's economic progress is reflected in the credits that the World Bank has given the Government of Ceylon in the past 2 years. Last year they received credits amounting to $9.8 million to help the Government to improve the highways of Ceylon so that export products like tea, rubber, and coconut can be moved more rapidly from the plantations to the ports for export and to accelerate other sectors of economic development. Last year they also received a World Bank credit of $2 million for a lift irrigation project to help their food production efforts, and the year before the World Bank gave them a loan of $4 million to finance private industrial development in Ceylon. In the last 2 years, therefore, they received $15.8 million from the World Bank for development purposes. This is a recognition of the confidence that the World Bank has in the progress that Ceylon is making in the economic development.

The development of tourism in Ceylon is another area that is being given high priority. During 1968, several measures were taken to build new tourist facilities in the country and to promote tourism to Ceylon from Europe and the United States. Already they are beginning to see the first results of these promotional efforts. The beauty of Ceylon has not been adequately publicized but this is now being done. International airlines are now flying to Ceylon and includes the TWA which inaugurated a weekly flight to Ceylon from New York.

In foreign affairs Ceylon has chosen to follow a policy of nonalinement. On account of Ceylon's pressing economic problems the Government has primarily concentrated its efforts on these problems, but they have continued to maintain friendly and close cooperation with other countries including the United States. United States-Ceylon relations have been strengthened in recent years through cultural programs and a better understanding of Ceylon, its people, and its democratic form of Government. These include a program of eight scientific research projects which are being carried out in association with the Smithsonian Institution of Washington, D.C., and a program under the American Field Service which has enabled 36 Ceylonese high school students to visit this country in the last 3 years.

Private foundations have also taken an interest in Ceylon. The Ford Foundation commenced a program in 1965 for the development of new strains of rice and a project in family planning. Encouraging results have been achieved in both these areas.

In April last year the People-to-People Foundation sent the hospital ship S.S. *Hope* to Ceylon which was very warmly received. In 1967 the Peace Corps was invited to Ceylon and a group of volunteers is still serving in the country.

Mr. Speaker, I was recently privileged to visit this dynamic, young country; and I was very impressed with the vigor as well as the cordiality of its people. We wish them every success and full prosperity for the future.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FOLEY, for 5 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. BUSH (at the request of Mr. PRICE of Texas), for 1 hour, on February 24, 1969; and to revise and extend his remarks and include extraneous matter.

Mr. STAFFORD (at the request of Mr. PRICE of Texas), for 1 hour, on February 6, 1969; and to revise and extend his remarks and include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN in two instances.

Mr. HECHLER of West Virginia in three instances and to include editorials and other extraneous material.

Mr. ZABLOCKI in two instances.

Mr. MICHEL in two instances.

(The following Members (at the request of Mr. PRICE of Texas) and to include extraneous matter:)

Mr. HALPERN.
Mr. UTT.
Mr. FREY.
Mr. LUJAN.
Mr. CRAMER.
Mr. MORSE in two instances.
Mr. HALL.
Mr. REID of New York.
Mr. THOMPSON of Georgia.
Mr. ZWACH in four instances.
Mr. CLEVELAND.
Mr. MCCLORY.

(The following Members (at the request of Mr. FLOWERS) and to revise and extend their remarks:)

Mr. PODELL in two instances.

Mr. HANNA.

Mr. ROONEY of Pennsylvania.

Mr. KYROS in two instances.

Mr. BOLAND in two instances.

Mr. PEPPER.

Mrs. GRIFFITHS.

Mr. MURPHY of New York.

Mr. ROONEY of New York.

Mr. MOORHEAD in two instances.

Mr. RARICK in four instances.

Mr. PICKLE in two instances.

Mr. NICHOLS in two instances.

Mr. BEVILL in two instances.

Mr. JOHNSON of California in two instances.

Mr. EILBERG in four instances.

Mr. BLANTON.

Mr. GONZALEZ in three instances.

Mr. MARSH.

Mr. DULSKI in two instances.

Mr. GILBERT in two instances.

Mr. STUCKEY in two instances.

Mr. FALLON.

ADJOURNMENT

Mr. FLOWERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 52 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 5, at 12 o'clock noon.

COMMITTEE EMPLOYEES

JANUARY 21, 1969.

COMMITTEE ON AGRICULTURE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from June 30, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Christine S. Gallagher	Clerk	$12,943.38
Hyde H. Murray	Assistant counsel	12,943.38
George F. Missibeck	Printing editor	7,498.44
Lydia Vacin	Staff assistant	6,921.18
Martha S. Hannah	do	6,921.18
Betty M. Prezioso	do	6,921.18
Marjorie B. Johnson	do	6,921.18
Fowler C. West	Assistant staff consultant.	6,921.18
Louis T. Easley	Staff consultant	10,239.00
William C. Black	General counsel	12,943.38
Investigative staff:		
Mildred P. Baxley	Staff assistant	6,921.18
Catherine L. Bernhardt	do	6,738.36
Mickey L. Holmes	do	1,676.92
Lucile Doris Farmarco	do	4,981.38
Mary P. Shaw	do	4,684.44

Funds authorized or appropriated for committee expenditures	$140,000.00
Amount of expenditures previously reported	81,459.72
Amount expended from June 30 to Dec. 31, 1968	25,484.38
Total amount expended from Jan. 1, 1967, to Dec. 31, 1968	106,944.10
Balance unexpended as of Dec. 31, 1968	33,055.90

W. R. POAGE,
Chairman.

JANUARY 15, 1969.

COMMITTEE ON APPROPRIATIONS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Kenneth Sprankle	Clerk and staff director.	$13,999.98
Paul M. Wilson	Assistant clerk and staff director.	13,999.98
Jay B. Howe	Staff assistant	13,999.98
Robert L. Michaels	do	13,999.98
Robert M. Moyer	do	13,999.98
Ross P. Pope	do	13,999.98
Frank Sanders	do	13,999.98
G. Homer Skarin	do	13,999.98
Eugene B. Wilhelm	do	13,999.98
Aubrey A. Gunnels	do	13,137.78
Francis G. Merrill	do	12,147.12
Samuel R. Preston	do	12,147.12
George E. Evans	do	11,449.32
Earl C. Silsby	do	11,449.32
Keith F. Mainland	do	11,449.32
Peter J. Murphy	do	10,900.02
John M. Garrity	do	8,794.98
George A. Urian	do	6,690.90
Dempsey B. Mizelle	do	6,690.90
Milton B. Meredith	do	6,690.90
Robert C. Nicholas III	do	6,194.64
Thomas Kingfield	do	6,194.64
Donald E. Richbourg	do	6,067.73
Gary C. Michalak	do	4,208.82
Samuel W. Crosby	do	13,999.98
Lawrence C. Miller	Editor	9,834.96
Paul V. Farmer	Assistant editor	6,546.90
Howard E. Knox	Administrative assistant.	5,433.18
Austin G. Smith	Clerical assistant	5,433.18
Naomi A. Rich	do	5,150.76
Francis W. Sady	do	5,150.76
Gerard J. Chouinard	do	4,684.44
Dale M. Shulaw	do	4,264.74
Rudy G. Martin	do	3,619.49
Harold D. Eastridge	do	237.06
Daniel V. Gun Shows	do	2,526.58
Randolph Thomas	Messenger	4,124.88
Robert C. Gresham	Clerk to minority	13,728.90
Enid Morrison	Staff assistant to minority.	7,247.76
Patrick M. Hayes	Clerk-stenographer	5,433.18
Mary L. Moore	do	4,647.86
William J. Neary	do	5,433.18
Mary H. Smallwood	do	5,433.18
Jerome B. Walker	do	1,811.06
Catherine M. Voytko	do	5,433.18
Lorraine G. Inman	do	5,433.18
John F. Walsh	do	5,433.18
T. Robert Garretson	do	5,433.18
Joanne Mitchell	do	1,421.58
Armistead I. Selden. III	do	1,358.16
Peggy C. Cooke	do	5,433.18
Jimmy Ray Fairchild	do	5,433.18
Judith H. Quattlebaum	do	5,433.18
Patricia Hutchinson	do	5,433.18
Neta C. Messersmith	do	5,433.18
Ann L. Obrokta	do	5,292.00
John A. Lindley	do	3,546.54
Winifred A. Pizzano	do	5,312.44
William T. Reece	do	5,094.30
Susie D. Ellwein	do	3,553.95
Michael A. Forgash	do	5,433.18
James R. Adams	do	1,358.29
Mark M. Haller	do	1,811.06
Adrienne Olson	do	724.78

Total amount expended from July 1 to Dec. 31, 1968, $458,760.26.

GEORGE MAHON,
Chairman.

COMMITTEE ON APPROPRIATIONS

JANUARY 15, 1969.

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Robert G. Kunkel	Director, surveys and investigations staff.	$12,537.78
Paul J. Mohr	Assistant director, surveys and investigations staff.	11,070.54
Cornelius R. Anderson	do	11,232.84
Lillian M. Mackie	Stenographer	5,973.84
Mary Alice Sauer	do	5,646.18
Reimbursements to Government agencies		
Agriculture, Department of:		
Canada, T. C	Investigator	$2,311.14
Sicola, M. J	Editorial assistant	3,912.11
Werkman, K. S	Investigator	4,170.80
Air Force, Department of:		
Hayes, J. J., Jr	do	7,768.11
Civil Service Commission: Beane, J. C	do	3,211.27
Federal Bureau of Investigation:		
Bennett, C. L	do	10,395.04
Brummitt, D. A	do	9,428.32
Cummings, J. J	do	3,473.92
Currall, W. G	do	7,882.56
Davis, W. L	do	7,537.92
Franklin, R. M	do	9,554.24
Funkhouser, P. K	do	4,797.76
Goedtel, J. G	do	7,694.88
Groover, L. C., Jr	do	7,948.16
Hanson, J. F	do	5,431.68
Keblusek, E. R	do	9,911.68
Kirkpatrick, L. R	do	10,593.28
Linnert, F. C	do	5,649.92
McGahey, H. B	do	3,323.04
Michalski, J. E	do	6,940.48
Nolan, J. E., Jr	do	5,063.68
Scully, J. E	do	9,729.28
Shannon, A. J	do	6,741.76
Szoka, C. E	do	9,670.40
Walter, D. E	do	9,911.68
Welch, W. H., Jr	do	8,257.92
West, S. W	do	9,911.68
Wood, H. B	do	10,395.04
Wultich, N	do	9,766.08
Health benefits		1,027.19
Life insurance fund		697.64
Retirement fund		10,820.65
Federal Highway Administration: Marikle, H. J.	Investigator	4,751.87
General Services Administration: Fishburn, R. T.	do	7,935.1
National Aeronautics and Space Administration: Carey, B. F.	do	4,762.75
Small Business Administration: Harbour, S. L.	do	2,804.15
Veterans' Administration: Austin, W. C.	do	4,904.25
Travel expenses		71,004.53
Miscellaneous expenses		799.88

Funds authorized or appropriated for committee expenditures	$890,000.00
Amount of expenditures previously reported	
Amount expended from July 1, to Dec. 31, 1968	367,353.05
Total amount expended from July 1 to Dec. 31, 1968	367,353.05
Balance unexpended as of Dec. 31, 1968	522,646.95

GEORGE MAHON,
Chairman.

JANUARY 10, 1969.

COMMITTEE ON ARMED SERVICES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John R. Blandford	Chief counsel	$13,999.98
Philip W. Kelleher	Counsel (to Dec. 14)	12,755.54
Frank M. Slatinshek	Counsel	13,999.98
Earl J. Morgan	Professional staff member.	13,999.98
William H. Cook	Counsel	13,999.98
Ralph Marshall	Professional staff member.	11,719.92
John J. Ford	do	11,719.92
George Norris	Counsel	10,773.18
Mary Jo Sottile	do	5,824.26
Oneta L. Stockstill	Executive secretary	9,061.62
Berniece Kalinowski	Secretary	7,373.10
L. Louise Ellis	do	7,373.10
Edna E. Johnson	do	7,373.10
Dorothy R. Britton	do	7,373.10
Doris L. Scott	do	7,373.10
Innis E. McDonald	do	5,532.18
Ann R. Willett	do	4,600.50
Brenda J. Graves	do	3,998.94
Constance E. Hobart	do	3,851.52
Emma A. Brown	Secretary (to Nov. 8)	3,201.83
James A. Deakins	Clerical staff assistant	5,574.90
Isaiah Hardy	Messenger	3,754.44

SUBCOMMITTEE FOR SPECIAL INVESTIGATIONS

(Pursuant to H. Res. 124, 125, and 842, 90th Cong.)

Name of employee	Profession	Total gross salary during 6-month period
John T. M. Reddan	Counsel	13,999.98
L. R. Garcia	Assistant counsel	11,719.92
Richard Ransom	Professional staff member.	10,098.54
Walton Woods	Investigator (to Sept. 30)	5,859.96
Phyllis Seymour	Secretary	7,373.10
Rose C. Beck	do	4,981.38
William B. Short	Clerical staff assistant	6,052.14
Sanford T. Saunders	Security officer	5,299.02
Adeline Tolerton	Clerk	4,488.60

Funds authorized or appropriated for committee expenditures (H. Res. 125 and 842)	$300,000.00
Amount of expenditures previously reported	208,813.56
Amount expended from July 1, 1968, to Jan. 2, 1969	73,740.66
Total amount expended from Jan. 1, 1967, to Jan. 2, 1969	282,554.22
Balance unexpended as of Jan. 2, 1969	17,445.78

L. MENDEL RIVERS,
Chairman.

JANUARY 2, 1969.

COMMITTEE ON BANKING AND CURRENCY

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee staff:		
Paul Nelson	Clerk and staff director.	$13,999.98
Orman S. Fink	Minority professional staff member.	13,999.98
Daniel J. Edwards	Chief economist	13,221.06
Charles B. Holstein	Professional staff member.	13,999.98
Benet D. Gellman	Investigative counsel	12,804.54
Curtis A. Prins	Chief investigator	12,825.36
Jane M. Deem	Administrative assistant.	8,327.79
Mary W. Layton	Secretary to minority	8,327.79
Donald G. Vaughn	Assistant clerk	7,037.89
Total		104,544.37
Investigative staff (H. Res. 379 and 959):		
Jeanne M. Abrams	Secretary	4,242.62
Linda M. Barnes	do	4,197.02
Timothy A. Colcord	Professional staff member.	12,776.82
Richard K. Cook	Minority staff investigator.	13,879.42
Jane N. D'Aiista	Research assistant	$2,898.60
James F. Doherty	Counsel	13,151.64
Dolores Dougherty	Assistant clerk	6,633.60
Helen C. Hitz	do	7,014.99
Linda L. Hoff	Secretary	3,944.26
Francis P. Jackman	Professional staff member.	12,016.92
Joseph J. Jasinski	do	10,492.74
Mary E. Kirk	Assistant clerk	3,803.50
Mildred S. Mitchell	do	7,456.68
Margaret L. Rayhawk	Secretary	6,102.00
Alicia F. Shoemaker	Minority staff secretary	8,101.15
Robert E. Torrance	Assistant clerk	3,073.15
Robert E. Weintraub	Economist	11,017.55
Richard W. Wilson	Professional staff member.	10,606.80
Total		141,409.16

Funds authorized or appropriated for committee expenditures (H. Res. 379 and 959)	$550,000.00
Amount of expenditures previously reported	364,949.51
Amount expended from July 1 to Dec. 31, 1968	151,497.82
Total amount expended from Jan. 3, 1967, to Dec. 31, 1968	516,447.33
Balance unexpended as of Dec. 31, 1968	33,552.67

WRIGHT PATMAN,
Chairman.

JANUARY 2, 1969.

SUBCOMMITTEE ON HOUSING, BANKING AND CURRENCY COMMITTEE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the "Legislative Reorganization Act of 1946," Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Anita F. Allison	Secretary	$5,654.88
Terrence Boyle	Minority research assistant.	2,538.39
Kenneth W. Burrows	Deputy staff director	13,999.98
Michael Corbett	Assistant clerk	3,080.05
Patricia A. Eley	do	3,607.77
David Glick	Counsel	12,284.22
Casey Ireland	Minority staff member	13,999.98
Barbara C. Kling	Minority secretary	4,208.82
Margaret J. Leary	Secretary	7,456.68
John J. McEwan, Jr	Staff director	13,999.98
Gerald R. McMurray	Research associate	6,421.70
Margaret J. Seeley	Minority research assistant.	1,846.62
Ellen M. Stamper	Secretary	3,524.56
Doris M. Young	Assistant clerk	6,046.21
Total		98,669.84

Funds authorized or appropriated for committee expenditures (H. Res. 378 and 975)	$375,000.00
Amount of expenditures previously reported	255,513.30
Amount expended from July 1 to Dec. 31, 1968	103,286.85
Total amount expended from Jan. 3, to Dec. 31, 1968	358,800.15
Balance unexpended as of Dec. 31, 1968	16,199.85

WRIGHT PATMAN,
Chairman.

COMMITTEE ON THE DISTRICT OF COLUMBIA

JANUARY 15, 1969.

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to January 1, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Hayden S. Garber	Counsel	$12,558.36
Clayton D. Gasque	Staff director	9,834.96
Donald J. Tubridy	Minority clerk	9,315.18
Leonard O. Hilder	Investigator	8,794.98
James T. Clark	Clerk	13,999.98
Othello Steinkuller	Secretary	6,633.30
Ellen M. Coxeter	Secretary (terminated Jan. 10, 1969).	6,978.72
Peggy L. Thornton	Secretary	5,624.76
Sara Anna Watson	Assistant counsel	6,194.64
Leslie S. Ariail	Stenographer	4,180.80
Frances E. Crowson	Secretary (terminated Dec. 31, 1968.)	4,516.56
Betty C. Alexander	Secretary	5,881.20
Camile G. Butler	do	3,726.72
Susan E. Spitler	Stenographer	1,475.34
Victor Christgau	Investigator	2,241.08
Temporary (July-September).	Clerk-typist and stenographer, clerical.	9,100.77
Total		111,057.35

Funds authorized or appropriated for committee expenditures	$100,000.00
Amount of expenditures previously reported	54,148.43
Amount expended from July 1, 1968 Jan. 1, 1968.	26,960.79
Total amount expended from Jan. 3, 1967 to Jan. 1, 1969	81,109.22
Balance unexpended as of Jan. 1, 1969	18,890.78

JOHN L. MCMILLAN,
Chairman.

JANUARY 15, 1969.

COMMITTEE ON EDUCATION AND LABOR—STANDING COMMITTEE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the "Legislative Reorganization Act of 1946", Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Robert E. McCord	Chief clerk and senior specialist (from July 1 to Dec. 31, 1968).	$13,999.98
Hartwell D. Reed, Jr	General counsel (from July 1 to Dec. 31, 1968).	13,999.98
William F. Gaul	Associate general counsel (from July 1 to Dec. 31, 1968).	13,999.98
Louise M. Dargans	Research director (from July 1 to Dec. 31, 1968).	13,999.98
Benjamin F. Reeves	Editor of committee publications (from July 1 to Dec. 31, 1968)	13,346.00
Marian R. Wyman	Special assistant to chairman (from July 1 to Dec. 31 1968).	8,925.06
Austin P. Sullivan, Jr	Legislative specialist (from July 1 to Dec. 31, 1968).	8,299.74
Louise M. Wright	Administrative assistant to chief clerk (from July 1 to Dec. 31, 1968).	7,999.85
Minority:		
Michael J. Bernstein	Minority counsel for education and labor (from July 1 to Dec. 31, 1968).	13,999.98
Charles W. Radcliffe	Minority counsel for education (from July 1 to Dec 31, 1968).	13,999.98

Funds authorized or appropriated for committee expenditures	[1]
Amount of expenditures previously reported	$324,476.81
Amount expended from July 1 to Dec. 31, 1968	122,570.53
Total amount expended from Jan. 3, 1967, to Dec. 31, 1968	447,047.34
Balance unexpended as of Dec. 31, 1968	[1]

[1] Contingent fund.

CARL D. PERKINS, *Chairman*,

JANUARY 15, 1969.

COMMITTEE ON EDUCATION AND LABOR—FULL COMMITTEE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Jeannine M. Anderson	Secretary (from July 1 to Dec. 31, 1968).	$3,949.59
Goldie A. Baldwin	Legislative assistant (from July 1 to Dec. 31, 1968).	5,341.38
Donald F. Berens	Administrative assistant (from July 1 to Dec. 31, 1968).	7,451.74
William H. Cable	Assistant clerk (from July 1 to Sept. 30, 1968); junior researcher (from Oct. 1 to Dec. 31, 1968).	2,809.47
Eydie Gaskins	Administrative assistant (from July 1 to Dec. 31, 1968).	5,129.64
Walter J. Graham, Jr	Assistant clerk (from Dec. 11 to Dec. 31, 1968).	61.30
Thomas J. Hart	Assistant clerk (from July 1 to Sept. 10, 1968).	865.15
Arlene Horowitz	Assistant clerk (from Nov. 1 to Dec. 31, 1968).	1,101.30
Janet R. Inscore	Secretary (from Nov. 25 to Dec. 31, 1968).	680.20
Richard G. Lim	Assistant clerk (from July 1 to Sept. 30, 1968); junior researcher (from Oct. 1 to Dec. 31, 1968).	2,621.19
Lewis F. McLaren	Compensatory education specialist (from July 15 to Sept. 15, 1968).	1,423.94
Winston E. Miller	Assistant clerk (from July 1 to Aug. 31, 1968).	741.56
Shirley R. Mills	Secretary (from July 1 to Dec. 31, 1968).	5,703.12
Mary L. Shuler	Secretary (from July 1 to Dec. 31, 1968).	5,129.64
Jeanne E. Thomson	Legislative assistant (from July 1 to Dec. 31, 1968).	7,443.23
Lelia W. Troup	Administrative assistant (from July 1 to Dec. 31, 1968).	5,084.35
John E. Warren	Office clerk (from July 1 to Sept. 30, 1968); junior researcher (from Oct. 1 to Dec. 31, 1968).	3,456.42
E. Pamela Williams	Assistant clerk (from July 1 to Sept. 30, 1968).	1,272.39
Minority:		
Dixie A. Barger	Research assistant (from July 1 to 31, 1968).	1,092.35
David Baumhart III	Clerical assistant (from July 1 to Aug. 31, 1968).	848.26
John R. Buckley	Chief investigator (from July 1 to Dec. 31, 1968).	11,503.44
Sue Ann Clark (Grimes).	Clerical assistant (from July 1 to Dec. 31, 1968).	2,928.34
Minority—Continued		
Mary Jane Fiske	Research analyst (from Nov. 9 to Dec. 31, 1968).	$1,594.08
Louise W. Finke	Secretary (from July 1 to Dec. 31, 1968).	5,603.40
Thaddeaus A. Garrett, Jr.	Clerical assistant (from July 1 to Sept. 30, 1968).	1,272.39
Crawford C. Heerlein	Minority clerk (from July 1 to Dec. 31, 1968).	10,239.00
Will Henderson	Assistant clerk (from July 1 to Dec. 31, 1968).	3,816.84
Margaret Jo Humbert	Clerical assistant (from July 1 to Dec. 31, 1968).	2,224.68
Peter Kobrak	Clerical assistant (from July 1 to Dec. 31, 1968).	2,544.78
Anita Kreke	Secretary (from July 1 to Dec. 31, 1968).	4,033.92
Martin L. LaVor	Research consultant (from July 1 to Dec. 31, 1968).	8,545.40
Dorothy I. Livingston	Secretary (from July 1 to Dec. 31, 1968).	3,532.68
Ruth G. Macknet	do	5,603.40
Stephanie Pappas	Clerical assistant (from July 1 to Aug. 31, 1968).	848.26
Patricia R. Porter	Clerical assistant (from Oct. 1 to Oct. 31, 1968).	458.97
Warren Phillips Rockefeller	Research specialist (from July 1 to Dec. 31, 1968).	7,240.80
Walter J. Sears III	Clerical assistant (from July 1 to Aug. 31, 1968).	848.26

Funds authorized or appropriated for committee expenditures (1967–68)	$482,400.00
Amount of expenditures previously reported	264,741.20
Amount expended from July 1, to Dec. 31, 1968	142,827.23
Total amount expended from Jan. 3, 1967, to Dec. 31, 1968	407,568.43
Balance unexpended as of Dec. 31, 1968	74,831.57

CARL D. PERKINS, *Chairman.*

JANUARY 15, 1969.

SPECIAL SUBCOMMITTEE ON EDUCATION, NO. 1, REPRESENTATIVE EDITH GREEN, CHAIRMAN

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Rena M. Boyce	Secretary (from July 1 to Aug. 31, 1968).	$1,468.22
Truman B. Cross	Director of staff (from Aug. 1 to Dec. 31, 1968).	8,415.45
Richard H. Fay	Counsel (from July 1 to July 31, 1968).	1,338.43
Carol E. Friedman	Research assistant (from July 1 to Dec. 31, 1968).	3,671.31
Elizabeth K. Hahn	Staff assistant (from Aug. 1 to Dec. 31, 1968).	6,248.70
Cynthia Lang	Assistant clerk (from July 1 to Sept. 13, 1968).	1,032.05
Marilyn R. Stapleton	Staff assistant (from Dec. 1 to Dec. 31, 1968).	1,044.37

Funds authorized or appropriated for committee expenditures (1967–68)	$96,000.00
Amount of expenditures previously reported	$63,906.39
Amount expended from July 1 to Dec. 31, 1968	23,654.38
Total amount expended from Jan. 3, 1967, to Dec. 31, 1968	87,560.77
Balance unexpended as of Dec. 31, 1968	8,439.23

CARL D. PERKINS, *Chairman.*

JANUARY 15, 1969.

SPECIAL SUBCOMMITTEE ON LABOR, NO. 2, REPRESENTATIVE FRANK THOMPSON, JR., CHAIRMAN

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Jeunesse M. Beaumont	Clerk (from July 1 to Dec. 31, 1968).	$5,463.62
Carol Linda Berkelhammer.	Assistant clerk (from July 1 to Aug. 12 and Sept. 6 to Dec. 31, 1968).	761.92
Dorrie L. Bosley	Assistant clerk (from July 1 to Nov. 30, 1968).	2,242.80
Carol Elliott	Consulting counsel (from Dec. 1 to 31, 1968).	100.43
James D. Ferrucci	Assistant clerk (from Aug. 1 to 31, 1968).	293.93
Bianca E. Iovine	Assistant clerk (from July 1 to Aug. 12, 1968).	445.93
Patricia L. McAdams	Assistant clerk (from Sept. 4 to Dec. 23, 1968).	1,468.94
Daniel H. Pollitt	Special counsel (from Sept. 1 to Nov. 30, 1968).	1,502.82
Daniel Rutledge Pollitt	Assistant clerk (from July 1 to Aug. 12, 1968).	259.78
George R. Steffener	Assistant clerk (from July 1 to Aug. 31, 1968 and from Oct. 1 to Dec. 31, 1968).	927.84
Peter W. Tredick	Counsel (from July 1 to Dec. 31, 1968).	12,187.84

Funds authorized or appropriated for committee expenditures	$96,000.00
Amount of expenditures previously reported	68,948.85
Amount expended from July 1 to Dec. 31, 1968	26,446.40
Total amount expended from Jan. 3, 1967, to Dec. 31, 1968	95,395.25
Balance unexpended as of Dec. 31, 1968	604.75

CARL D. PERKINS, *Chairman.*

JANUARY 15, 1969.

SELECT SUBCOMMITTEE ON LABOR, NO. 3, REPRESENTATIVE JOHN BRADEMAS, CHAIRMAN (FROM AUGUST 5 TO DECEMBER 31, 1968); THE LATE REPRESENTATIVE ELMER J. HOLLAND, CHAIRMAN (FROM JULY 1 TO AUGUST 5, 1968)

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Ruth Rosamond Bates	Special assistant (from Aug. 28 to Oct. 19, 1968).	$858. 29
Walter J. Graham Jr.	Assistant clerk. (from July 1 to Dec. 10, 1968).	2, 986. 10
James B. Harrison	Director (from July 1 to Dec. 31, 1968).	11, 232. 84
Arlene Horowitz	Assistant clerk (from Sept. 1 to Sept. 23, 1968) and (from Oct. 12 to Oct. 31, 1968).	934. 45
Nancy A. Neilen	Clerk (from Aug. 30 to Dec. 31, 1968).	2, 253. 58
Marilyn M. Trezise	Clerk (from July 1 to Aug. 31, 1968).	1, 412. 26
Nancy J. Tyler	Assistant clerk (from July 1 to Dec. 31, 1968).	2, 064. 98

Funds authorized or appropriated for committee expenditures (1967–68)	$96, 000. 00
Amount of expenditures previously reported	72, 477. 83
Amount expended from July 1 to Dec. 31, 1968	22, 976. 44
Total amount expended from Jan. 3, 1967 to Dec. 31, 1968	95, 454. 27
Balance unexpended as of Dec. 31, 1968	545. 37

CARL D. PERKINS,
Chairman.

JANUARY 15, 1969.

GENERAL SUBCOMMITTEE ON LABOR, NO. 4, REPRESENTATIVE JOHN H. DENT, CHAIRMAN

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the "Legislative Reorganization Act of 1946," Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

CARL D. PERKINS,
Chairman.

Name of employee	Profession	Total gross salary during 6-month period
Anna Marie D'Amico	Assistant clerk (from Sept. 1 to Sept. 30, 1968).	$300. 93
Adrienne Fields	Clerk (from July 1 to Dec. 31, 1968).	7, 318. 59
James F. Gallagher	Researcher (from July 1 to Aug. 31, 1968).	1, 620. 46
Hugh J. McMenamin	Research analyst (from Sept. 1 to Oct. 6, 1968).	801. 41
Robert E. Vagley	Director (from July 1 to Dec. 31, 1968).	12, 630. 75
Beverly A. Villella	Assistant clerk (from Sept. 1 to Sept. 30, 1968).	300. 93
Paul L. Warren	Assistant clerk (from July 1 to Sept. 15, 1968).	926. 95

Funds authorized or appropriated for committee expenditures (1967–68)	$96, 000. 00
Amount of expenditures previously reported	64, 395. 40
Amount expended from July 1, to Dec. 31, 1968	26, 659. 51
Total amount expended from Jan. 3, 1967, to Dec. 31, 1968	91, 054. 91
Balance unexpended as of Dec. 31, 1968	4, 945. 09

JANUARY 15, 1969.

GENERAL SUBCOMMITTEE ON EDUCATION, NO. 5, REPRESENTATIVE ROMAN C. PUCINSKI, CHAIRMAN

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Thomas J. Gerber	Assistant (from July 1 to Dec. 31, 1968).	$2, 965. 37
John F. Jennings	Counsel (from July 1 to Dec. 31, 1968).	8, 689. 14
Mattie L. Maynard	Clerk (from July 1 to Aug. 31, 1968).	1, 632. 22
Sharlene A. Pearlman	Education specialist (from July 1 to Dec. 31, 1968).	5, 560. 68

Funds authorized or appropriated for committee expenditures (1967–68)	$96, 000. 00
Amount of expenditures previously reported	75, 609. 55
Amount expended from July 1 to Dec. 31, 1968	19, 916. 25
Total amount expended from Jan. 3, 1967, to Dec. 31, 1968	95, 525. 80
Balance unexpended as of Dec. 31, 1968	474. 20

CARL D. PERKINS,
Chairman.

JANUARY 15, 1969.

SELECT SUBCOMMITTEE ON EDUCATION, NO. 6, REPRESENTATIVE DOMINICK V. DANIELS, CHAIRMAN

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Loretta A. Bowen	Secretary (July 1 to Dec. 31, 1968).	$5, 109. 74
Daniel H. Krivit	Counsel (July 1 to Dec. 31, 1968).	9, 209. 05

Funds authorized or appropriated for committee expenditures (1967–68)	$96, 000. 00
Amount of expenditures previously reported	51, 081. 93
Amount expended from July 1 to Dec. 31, 1968	15, 345. 40
Total amount expended from Jan. 3, 1967, to Dec. 31, 1968	66, 427. 33
Balance unexpended as of Dec. 31, 1968	29, 572. 67

CARL D. PERKINS,
Chairman.

JANUARY 10, 1969.

COMMITTEE ON FOREIGN AFFAIRS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Boyd Crawford	Staff administrator	$13, 999. 98
Roy J. Bullock	Senior staff consultant.	13, 999. 98
Albert C. F. Westphal	Staff consultant	13, 999. 98
Franklin J. Schupp	do	13, 999. 98
Robert F. Brandt	do	13, 999. 98
Harry C. Cromer	do	13, 999. 98
Philip B. Billings	do	10, 900. 02
Marian A. Czarnecki	do	13, 999. 98
Melvin O. Benson	do	12, 030. 66
Everett E. Bierman	do	9, 610. 92
John J. Brady, Jr	do	7, 987. 88
June Nigh	Senior staff assistant	10, 639. 62
Helen C. Mattas	Staff assistant	9, 465. 90
Helen L. Hashagen	do	8, 697. 48
Louise O'Brien	do	8, 447. 28
Mary M. Lalos	do	5, 703. 12
Dora B. McCracken	do	6, 978. 72
Jean E. Smith	do	5, 115. 48
Mary Burns	do	7, 938. 78
Robert J. Bowen	Clerical assistant	5, 539. 32

Funds authorized or appropriated for committee expenditures	$235, 000. 00
Amount of expenditures previously reported	+152, 489. 90
Amount expended from July 1, 1968 to Dec. 31, 1968	68, 918. 87
Total amount expended from Jan. 1, 1968 to Dec. 31, 1968	221, 408. 77
Balance unexpended as of Dec. 31, 1968	13, 591. 23

THOMAS E. MORGAN,
Chairman.

JANUARY 29, 1969.

COMMITTEE ON GOVERNMENT OPERATIONS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to January 2, 1969, inclusive, together with total funds authorized or appropriated and expended by it:

Expenses, July 1, 1968, to Jan. 2, 1969:	
Full committee	$4, 524. 48
Special Studies Subcommittee	35, 149. 42
Military Operations Subcommittee	50, 245. 85
Government Activities Subcommittee	33, 604. 04
Intergovernmental Relations Subcommittee	44, 593. 01
Executive and Legislative Reorganization Subcommittee	30, 619. 67
Natural Resources and Power Subcommittee	36, 437. 01
Foreign Operations and Government Information Subcommittee	54, 590. 21
Legal and Monetary Affairs Subcommittee	34, 969. 99
Research and Technical Programs Subcommittee	23, 210. 97
Special Subcommittee on Donable Property	21, 802. 41
Special Subcommittee on Invasion of Privacy	6, 798. 07
Total	376, 545. 13

Name of employee	Profession	Total gross salary during 6-month period
Salaries, full committee, July 1 to Dec. 31, 1968:		
Christine Ray Davis	Staff director	$13, 999. 98
James A. Lanigan	General counsel	13, 999. 98
Miles Q. Romney	Associate general counsel.	12, 957. 30
Dolores L. Fel'Dotto	Staff member	7, 081. 26
Ann E. McLachlan	do	6, 863. 58
Charlotte C. Bickett	do	6, 316. 62
Mabel C. Baker	do	6, 087. 78
John Philip Carlson	Minority counsel	12, 957. 30
William H. Copenhaver	Minority staff member	9, 815. 16
Expenses, full committee: travel, publications, telephone, stationery supplies, etc. July 1 to Jan. 2, 1969.		4, 524. 48
Special Studies Subcommittee, Hon. William L. Dawson, chairman:		
Louis I. Freed	Staff administrator	12, 697. 88
Jacob N. Wasserman	Counsel	11, 172. 98

Name of employee	Profession	Total gross salary during 6-month period
Special Studies Subcommittee, Hon. William L. Dawson, chairman—Continued		
Marilyn F. Jarvis	Stenographer	$6,155.42
John L. Dodson	Clerical staff	4,198.98
Expenses		924.16
Total		35,149.42
Military Operations Subcommittee, Hon. Chet Holifield, chairman:		
Herbert Roback	Staff administrator	14,155.52
Douglas G. Dahlin	Staff attorney	8,879.52
John Paul Ridgely	Investigator	8,515.22
Joseph C. Luman	Research analyst	6,852.54
Catherine L. Koeberlein	Research assistant	6,090.56
Mollie Jo Hughes	Clerk-stenographer	5,687.24
Expenses		65.25
Total		50,245.85
Government Activities Subcommittee, Hon. Jack Brooks, chairman:		
Ernest C. Baynard	Staff administrator	12,697.88
William Mark Jones	Counsel	8,767.78
Lynne Higginbotham	Clerk-stenographer	5,687.24
Irma Reel	Clerk	5,687.24
Expenses		763.90
Total		33,604.04
Intergovernmental Relations Subcommittee, Hon. L. H. Fountain, chairman:		
James R. Naughton	Counsel	12,697.88
Delphis C. Goldberg	Professional staff member.	12,697.88
William Donald Gray	Research analyst	8,787.50
Bebe B. Terry	Clerk-stenographer	5,350.80
Lexine Rollins	do	4,566.74
Expenses		492.21
Total		44,593.01
Executive and Legislative Reorganization Subcommittee, Hon. John A. Blatnik, chairman:		
Elmer W. Henderson	Counsel	13,262.70
I. Warren Harrison	Legal assistant	6,580.89
Veronica B. Johnson	Clerk	6,386.80
Janet A. Hurtack	Secretary (July 1 to July 31, 1968).	519.25
Stuart E. Bossom	Legal assistant (transferred to Legal and Monetary Affairs Subcommittee Sept. 30, 1968).	2,766.09
Expenses		1,103.94
Total		30,619.67
Natural Resources and Power Subcommittee, Hon. Robert E. Jones, chairman:		
Phineas Indritz	Counsel	12,697.88
Laurence A. Davis	Assistant counsel	10,406.82
Josephine Scheiber	Research analyst	6,539.62
Catherine L. Hartke	Stenographer	5,687.24
Expenses		1,105.45
Total		36,437.01
Foreign Operations and Government Information Subcommittee; Hon. John E. Moss, chairman:		
Vincent J. Augliere	Staff administrator	12,697.88
Norman G. Cornish	Professional staff member.	12,697.88
Jack Matteson	do	11,439.72
James L. Nelligan	do	10,184.04
Elizabeth Jayne Bodecker.	Secretary	5,010.74
Mario E. Bryan	Counsel (July 1 to July 15, 1968).	669.21
Expenses		1,890.74
Total		54,590.21
Legal and Monetary Affairs Subcommittee, Hon. Dante B. Fascell, chairman:		
M. Joseph Matan	Chief counsel	$12,697.88
Charles A. Intriago	Legal assistant	5,350.80
Stuart E. Bossom	Legal assistant (transferred from Executive and Legislative Reorganization Subcommittee on Sept. 30, 1968).	
Millicent Y. Myers	Stenographer	5,687.24
Pearl H. Sigel	Stenographer (July 1 to Dec. 31, 1968).	4,222.80
Charles Rothenberg	Counsel (July 1 to Aug. 31, 1968).	3,816.44
Expenses		367.28
Total		34,969.99
Research and Technical Programs Subcommittee, Hon. Henry S. Reuss, chairman:		
Edna Gass	Staff administrator	12,697.88
Gerald S. Schatz	Professional staff member.	6,191.44
Catherine S. Cash	Secretary (transferred to Special Subcommittee on Donable Property on Nov. 30, 1968).	4,154.20
Expenses		167.45
Total		23,210.97
Special Subcommittee on Donable Property, Hon. John S Monagan, chairman:		
Peter S. Barash	Legal analyst	8,091.22
Clara Katherine Armstrong.	Clerical staff	6,386.80
Catherine S. Cash	Secretary (transferred from Research and Technical Programs Subcommittee on Nov. 30, 1968).	999.94
Marcia Bresee	Clerk	4,714.11
Thomas A. Smith	Research analyst (July 1 to July 31, 1968).	1,314.90
Expenses		295.44
Total		21,802.41
Special Subcommittee on Invasion of Privacy, Hon. Cornelius E. Gallagher, chairman:		
Charles P. Witter	Staff member	6,699.72
Expenses		98.35
Total		6,798.07
Funds authorized or appropriated for committee expenditures (H. Res. 109, 1027, 1160, 90th Cong.)		$1,500,000.00
Amount of expenditures previously reported		1,089,841.85
Amount expended from July 1, 1968, to Jan. 2, 1969		376,545.13
Total amount expended from Jan. 3, 1967, to Jan. 2, 1969		1,466,386.98
Balance unexpended as of Jan. 2, 1969		33,,613.02

WILLIAM L. DAWSON,
Chairman.

DECEMEBER 31, 1968.

COMMITTEE ON HOUSE ADMINISTRATION

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Julian P. Langston	Chief clerk	$13,999.98
David S. Wolman	Personnel analyst	11,719.92
Robert D. Gray	Chief auditor	10,900.02
Louis Silverman	Assistant clerk	7,776.96
Irene D. Stolman	do	5,009.58
Gurney S. Jaynes	do	4,685.04
Judith Kay Holes	do	3,746.35
Ava S. Jacobs	do	3,501.50
Rita A. Stewart	do	3,177.36
Funds authorized or appropriated for committee expenditures		$50,000.00
Amount of expenditures previously reported		19,186.44
Amount expended from July 1, 1968 to Dec. 31, 1968.		1,735.96
Total amount expended from Jan. 3, 1967 to Dec. 31, 1968		20,922.40
Balance unexpended as of Dec. 31, 1968		29,077.60

SAMUEL N. FRIEDEL,
Chairman.

JANUARY 14, 1969.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Sidney L. McFarland	Professional staff director and engineering consultant.	$13,999.98
T. Richard Witmer	Counsel and consultant on national parks and recreation.	13,999.98
William L. Shafer	Consultant on mining, minerals, and public lands.	13,953.90
Lewis A. Sigler	Consultant on Indian affairs.	13,359.90
Nancy J. Arnold	Chief clerk (retired as of Dec. 31, 1968).	13,999.98
Dixie S. Barton	Clerk	6,575.70
Patricia Ann Murray	do	6,575.70
Virginia E. Bedsole	do	6,066.42
Patricia B. Freeman	do	5,966.70
Susan W. Gardner	do	5,624.76
Salaries paid pursuant to H. Res. 114, 90th Cong.:		
Charles Leppert, Jr	Assistant counsel and consultant on territorial and insular affairs.	11,719.92
Lee McElvain	Assistant counsel	8,344.62
Kathleen Vance	Clerk	5,201.97
Edward Gaddis	Messenger	3,643.56
Funds authorized or appropriated for committee expenditures		$180,000.00
Amount of expenditures previously reported		127,630.99
Amount expended from July 1, to Dec. 31, 1968		36,162.63
Total amount expended from Jan. 3, 1967, to Dec. 31, 1968		163,793.62
Balance unexpended as of Dec. 31, 1968		16,206.38

WAYNE N. ASPINALL,
Chairman.

JANUARY 2, 1969.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Clerical staff:		
W. E. Williamson	Clerk	$13,999.98
Kenneth J. Painter	First assistant clerk	12,160.86
Marcella Johnson	Assistant clerk	7,219.92
Glenn L. Johnson	Printing editor (to Sept. 30, 1968).	4,592.58
Mary Ryan	Clerical assistant	5,710.26
Mildred H. Lang	do	5,710.26
Hazel J. Collie	Staff assistant	7,183.44
Elsie M. Karpowich	Clerical assistant	5,710.26
Edwin Earl Thomas	Staff assistant	5,376.66
Marion M. Burson	Staff assistant (minority).	12,160.86
Professional staff:		
Andrew Stevenson	Professional staff coordinator.	13,999.98
William J. Dixon	Professional staff member.	13,999.98
James M. Menger	do	13,999.98
Robert F. Guthrie	do	13,999.98
Additional temporary employees under H. Res. 168 and 354:		
Lewis E. Berry, Jr	Minority counsel	13,999.98
Helen M. Dubino	Staff assistant (minority)	10,900.02
Barbara L. Bullard	Clerical assistant (minority).	4,264.74
Dolores D. Jones	do	3,809.94
Sarah L. Court	Staff assistant (minority) (from Aug. 15, 1968).	2,296.74
John I. Burton	Staff assistant	5,362.56
Edward J. Miller	Staff assistant (to Aug. 31, 1968).	1,108.24
Eleanor A. Dinkins	Clerical assistant	5,710.26
Dave Nuttall	Clerical assistant (Aug. 1 to Sept. 30, 1968).	878.40
Special Subcommittee on investigations:		
Robert W. Lishman	Chief counsel	13,999.98
Daniel J. Manelli	Attorney	10,312.44
James R. Connor	Staff assistant	9,834.96
Elizabeth G. Paola	Clerical assistant	5,710.26
George T. Turner	Special assistant	10,492.74
Russell D. Mosher	Staff assistant	4,236.78
S. Arnold Smith	Attorney	9,597.72
William T. Druhan	Staff assistant	10,539.48
Dorothy K. Cavanaugh	Clerical assistant (to Oct. 6, 1968).	2,634.14
James P. Kelly	Chief investigator	11,395.20
William D. Kane	Staff investigator	10,239.00
Martha J. San Fellipo	Clerical assistant (from Nov. 25, 1968).	820.98

Funds authorized or appropriated for committee expenditures	$720,000.00
Amount of expenditures previously reported	415,543.86
Amount expended from July 1 to Dec. 31, 1968	174,976.54
Total amount expended from Jan. 3, 1967 to Dec. 31, 1968	590,520.40
Balance unexpended as of Jan. 1, 1969 (approximate)	129,479.60

HARLEY O. STAGGERS,
Chairman.

JANUARY 15, 1969.

COMMITTEE ON THE JUDICIARY

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Bess Effrat Dick	Staff director	$13,999.98
Herbert Fuchs	Counsel	13,999.98
Benjamin L. Zelenko	General counsel	13,255.80
Donald G. Benn	Associate counsel	10,006.26
Garner J. Cline	Counsel	10,239.00
Uzal H. Martz, Jr	Legislative assistant (through Sept. 15, 1968).	3,476.93
Frances Christy	Clerical	8,023.50
Jane C. Caldwell	do	7,359.18
Gertrude Clara Burak	do	6,546.90
Carrie Lou Allen	do	6,194.64
Lorraine W. Beland	do	6,194.64
Elizabeth G. Meekins	do	6,194.64
Roberta E. Eisenberg	do	5,767.26

SALARIES PAID JULY 1 THROUGH DEC. 31, 1968, PURSUANT TO H. RES. 40, 132, AND 1018, 90TH CONG.

Employee	Position	Salary
Brightman, Harold W	Assistant counsel (through Nov. 30, 1968).	$4,616.10
Chellman, Pearl	Clerical	3,442.56
Fogt, Howard W., Jr	Assistant counsel (as of July 10, 1968).	4,993.83
Fragomen, Austin T., Jr	Assistant counsel	5,539.32
Haardt, Alma B	Clerical	5,009.58
Jett, R. Frederick	Counsel	11,449.32
Jordan, Mary	Clerical	3,851.52
Kelemonick, Michael	do	5,292.00
Lokos, John J	Assistant counsel	7,125.06
McGrady, Florence T	Clerical	5,433.18
Mooney, Thomas E	Assistant counsel (as of Aug. 5, 1968).	3,095.34
Polk, Franklin J	Associate counsel	6,755.64
Resweber, Harold J., Jr	Clerical	4,734.30
Santarelli, Donald E	Associate counsel	6,755.64
Sourwine Mary G	Clerical	4,811.94
Vance, Louis S	Messenger	3,816.84
Zeifman, Jerome M	Counsel	9,993.06

Funds authorized or appropriated for committee expenditures	$500,000.00
Amount of expenditures previously reported	301,890.98
Amount expended from July 30 through Dec. 31, 1968	98,888.93
Total amount expended from Jan. 3, 1967, through Dec. 31, 1968	400,779.91
Balance unexpended as of Dec. 31, 1968	99,220.09

EMANUEL CELLER,
Chairman.

FUNDS FOR PREPARATION OF UNITED STATES CODE, DISTRICT OF COLUMBIA CODE, AND REVISION OF THE LAWS

A. Preparation of new edition of United States Code (no year):	
Unexpended balance June 30, 1968	$65,147.43
Expended July 1–Dec. 31, 1968	27,201.62
Balance Dec. 31, 1968	37,945.81
B. Preparation of new edition of District of Columbia Code:	
Unexpended balance June 30, 1968	14,574.18
Legislative Appropriation Act, 1969	75,000.00
	89,574.18
Expended July 1–Dec. 31, 1968	27,273.92
Balance Dec. 31, 1968	62,300.26
C. Revision of the laws 1969:	
Legislative Appropriation Act, 1969	29,260.00
Expended July 1–Dec. 31, 1968	14,011.86
Balance Dec. 31, 1968	15,248.14

DECEMBER 31, 1968.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
John M. Drewry	Chief counsel	$13,999.98
Bernard J. Zincke	Counsel	13,999.98
Ned P. Everett	do	12,201.96
Arthur Pankopf, Jr	Minority counsel	12,530.94
Robert J. McElroy	Chief clerk	13,077.92
William B. Winfield	Clerk	9,597.72
Frances P. Still	Assistant clerk	7,414.86
Ruth A. Brookshire	do	6,052.14
Vera A. Barker	Secretary	7,095.90
Virginia L. Noah	do	6,719.64
Investigating staff:		
Gus Bakas	Counsel	8,671.44
Donald A. Watt	Editor	7,749.12
Albert J. Dennis	Investigator	7,544.16
Norman M. Barnes	do	3,560.40
Lucye L. Summers	Secretary	4,432.62
Diane G. Kirchenbauer	do	3,580.51
Jane C. Wojcik	do	5,539.32
Ronald L. Schwartz	Assistant clerk	1,207.29

Funds authorized or appropriated for committee expenditures	$270,000.00
Amount of expenditures previously reported	157,997.82
Amount expended from July 1 to Dec. 31, 1968	50,513.79
Total amount expended from Jan. 3, 1967, to Dec. 31, 1968	208,511.61
Balance unexpended as of Dec. 31, 1968	61,488.39

EDWARD A. GARMATZ,
Chairman.

JANUARY 16, 1969.

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee staff:		
Johnson, Charles E	Chief counsel and staff director.	$13,999.98
Bray, B. Benton	Associate staff director.	13,999.98
Martiny, John H	Counsel	13,999.98
Irvine, William A	Assistant staff director.	13,999.98
Kazy, Theodore James	Senior staff assistant	13,999.98
Fortune, Francis C	Coordinator	11,178.72
Thornton, Elsie E	Executive secretary	8,184.74
Wells, Barbara M	Secretary	6,593.69
Simons, Blanche M	do	6,385.01
Snipes, Justine P	do	5,767.26

Investigative staff, pursuant to H. Res. 209, 210, and 1053, 90th Cong., 2d sess.

Arvizu, Rafael, Jr	Staff intern (to Aug. 31, 1968).	$876.32
Bates, Kathryn E	Secretary	4,847.22
Barton, Richard	Staff assistant	7,324.32
Bebick, Joan E	Secretary	3,283.14
Berner, Joan H	do	3,809.94
Bingaman, Deanne L	do	4,235.78
Carroll, Patricia G	Staff assistant (to July 31, 1968).	636.14
Davis, Stewart A	Staff assistant	6,842.04
Devlin, Ralph J	Staff member	10,332.48
Flanagan, Carol A	Secretary	4,306.74
Green, Thelma R	do	5,433.18
Johnson, Margaret Ann	Clerk-stenographer (Aug. 1–31, 1968).	486.06
Karoly, Edmund R	Staff member	8,030.58
Keating, Michael M	Staff assistant	5,136.66
Kennedy, Thomas R	do	7,742.16

Investigative staff, pursuant to H. Res. 209, 210, and 1053, 90th Cong., 2d Sess.—Continued

Kirsch, Nancy G	Research assistant (July 1-31, 1968).	$636.14
Matchett, Francis T	Investigator	6,484.02
Napier, Margaret G	Clerk-stenographer	3,742.88
Pendleton, Maria R	Document clerk	6,050.21
Peters, Dorothy L	Staff assistant	5,525.04
Powell, John W	do	7,081.26
Tansill, Helen C	Stenographer	3,615.78
Vaughn, Evelyn F	Clerk-typist	3,872.28
Ward, Ella R	Staff assistant	7,183.44
Ward, Sara L	Secretary	5,898.66
Wenchel, Anne E	Typist (to Aug. 9, 1968)	550.20
Williss, Donna Linn	Secretary	3,872.28
Woolever, James J	Staff intern (to Aug. 31, 1968).	1,101.30

Name of employee	Profession	Total gross salary during 6-month period
Contract consultant, pursuant to H. Res. 209, 210, and 1053, 90th Cong., 2d sess.		
Winslow, Joseph E	Position classification consultant.	12,500.00

Funds authorized or appropriated for committee expenditures	$595,000.00
Amount of expenditures previously reported	377,180.02
Amount expended from July 1 to Dec. 31, 1968	147,153.83
Total amount expended from Jan. 1, 1967 to Dec. 31, 1968	524,333.85
Balance unexpended as of Dec. 31, 1968	70,666.15

THADDEUS J. DULSKI,
Chairman.

DECEMBER 31, 1968.

COMMITTEE ON PUBLIC WORKS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Richard J. Sullivan	Chief counsel	$13,999.98
Lester Edelman	Counsel	12,051.24
Clifton W. Enfield	Minority counsel	13,999.98
Stephen V. Feeley	Subcommittee clerk	9,315.18
Dorothy A. Beam	Executive staff assistant.	8,344.62
Meriam R. Buckley	Staff assistant	6,273.42
Sterlyn B. Carroll	do	5,221.38
Anne C. Kennedy	do	5,150.76
Investigating staff (H. Res. 248):		
Maurice B. Tobin	Subcommittee clerk	10,446.00
Audrey G. Warren	do	8,944.56
Robert F. Spence	do	6,978.72
Augusta P. Peterson	do	6,978.72
Erla S. Youmans	Minority staff assistant.	6,647.70
Sheldon S. Gilbert	do	7,721.28
Joseph A. Italiano	Editorial assistant (as of Oct. 15, 1968).	2,825.38
Jeannine A. Marcoux	Staff assistant	4,981.38
Florence S. Spaulding	Minority staff assistant.	4,439.64
Sara B. Hilber	do	4,425.66
Joan L. Pasquali	Staff assistant	3,872.28
Julie E. Wood	do	2,967.00
Harvey C. Simms Jr	Clerical assistant (through Aug. 31 1968)	754.22

SPECIAL SUBCOMMITTEE ON THE FEDERAL-AID HIGHWAY PROGRAM

Name of employee	Profession	Total gross salary during 6-month period
Walter R. May	Chief counsel	$13,999.98
John P. Constandy	Assistant chief counsel.	13,953.90
Robert L. May	Minority counsel	13,869.54
Salvatore J. D'Amico	Associate counsel	10,526.10
John P. O'Hara	do	10,526.10
Carl J. Lorenz Jr	do	10,686.36
Robert G. Lawrence	do	9,575.76
George M. Kopecky	Chief investigator	13,110.00
Sherman S. Willse	Professional staff member.	10,526.10
Paul R. S. Yates	Minority professional staff member.	$10,285.74
Kathryn M. Keeney	Chief clerk	6,633.30
Stuart M. Harrison	Staff assistant	7,974.12
Mildred E. Rupert	do	5,404.92
Agnes M. GaNun	do	5,235.48
Shirley B. Knighten	do	4,509.60
Martha A. Downie	Minority staff assistant.	4,889.58

Funds authorized or appropriated for committee expenditures:	
(H. Res. 248)	$460,000.00
(H. Res. 1071)	550,000.00
Total	1,010,000.00
Amount of expenditures previously reported	640,831.24
Amount expended from July 1, 1968, to Dec. 31, 1968	242,227.16
Total amount expended from Jan. 3, 1967, to Dec. 31, 1968	883,058.40
Balance unexpended as of Dec. 31, 1968	126,941.60

GEORGE H. FALLON,
Chairman.

JANUARY 13, 1969.

COMMITTEE ON RULES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Laurie C. Battle	Counsel, standing committee (P).	$13,999.98
Robert D. Hynes, Jr	Minority counsel (P)	11,476.38
Mary Spencer Forrest	Assistant counsel (P)	8,344.62
Winifred L. Watts	Secretary (C)	5,320.20
Jonna Lynne Cullen	do	4,502.58

Funds authorized or appropriated for committee expenditures	$5,000.00
Amount of expenditures previously reported	2,298.49
Amount expended from July 1, 1968, to Dec. 31, 1968	1,465.00
Total amount expended from Jan. 10, 1967 to Dec. 31, 1968	3,763.49
Balance unexpended as of Dec. 31, 1968	1,236.51

WILLIAM M. COLMER,
Chairman.

JANUARY 10, 1969.

COMMITTEE ON SCIENCE AND ASTRONAUTICS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Charles F. Ducander	Executive director and chief counsel.	$13,999.98
John A. Carstarphen, Jr	Chief clerk and counsel.	$13,999.98
Philip B. Yeager	Counsel	13,999.98
Frank R. Hammill, Jr	do	13,904.70
W. H. Boone	Technical consultant (July 1 to Sept. 10, 1968).	4,899.99
Mary Ann Robert	Secretary	5,809.98
Carol F. Rodgers	do	5,433.18
June C. Stafford	do	5,433.18
Emily Dodson	do	5,567.82
Virginia Robison	do	5,433.18
James E. Wilson	Technical consultant (Oct. 1 to Dec. 31, 1938).	6,638.31
Investigating staff:		
Richard P. Hines	Staff consultant	13,276.62
Peter A. Gerardi	Technical consultant	13,276.62
Harold A. Gould	do	13,276.62
Philip P. Dickinson	do	11,510.22
Joseph M. Felton	Counsel	8,143.90
Richard E. Beeman	Minority staff	12,044.34
Frank J. Giroux	Printing clerk	6,762.84
Elizabeth S. Kernan	Scientific research assistant.	6,532.50
Denis C. Quigley	Publications clerk	4,953.12
Kieran U. Cashman	Secretary	4,495.62
Martha N. Rees	do	3,115.50
Richard K. Shullaw	Assistant publications clerk Aug. 1 to Nov. 7, 1968.	939.21
George B. Hartzog III	Clerical assistant (July 1 to Aug. 31, 1968).	635.10
James E. Wilson	Technical consultant (July 1 to Sept. 30 1968).	6,638.31
Donald S. Hershman	Minority staff (Nov. 8 to Nov. 30, 1968).	766.96

Funds authorized or appropriated for committee expenditures	$550,000.00
Amount of expenditures previously reported	366,360.76
Amount expended from July 1, 1968, to Dec. 31, 1968	178,631.64
Total amount expended from Jan. 3, 1967, to Dec. 31, 1968	544,992.40
Balance unexpended as of Dec. 31, 1968	5,007.60

GEORGE P. MILLER,
Chairman.

JANUARY 2, 1969.

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John M. Swanner	Staff director	$13,999.98
Bennett Wolfe	Assistant staff director.	11,774.61
Mariann R. Mackenzie	Secretary	7,174.05
Tempie W. Whittington	Assistant clerk	3,413.88
Ute Debus	do	4,904.79

Funds authorized or appropriated for committee expenditures (H. Res. 871, Sept. 21, 1967)	$10,000.00
Amount of expenditures previously reported	3,138.24
Amount expended from July 1 to Dec. 31, 1968	602.20
Total amount expended from Sept. 21, 1967, to Dec. 31, 1968	3,740.44
Balance unexpended as of Dec. 31, 1968	6,259.56

MELVIN PRICE,
Chairman.

JANUARY 16, 1969.

COMMITTEE ON UN-AMERICAN ACTIVITIES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Donald T. Appell	Investigator	$11,564.28
Anniel Cunningham	Chief of files and reference.	6,928.38
Helen M. Gittings	Research analyst	6,906.78
Juliette P. Joray	Recording clerk	8,925.06
Francis J. McNamara	Staff director	13,999.98
Josephine Randolph	Clerk-stenographer	4,376.70
Chester D. Smith	General counsel	13,869.54
Mary M. Valente	Administrative secretary.	7,387.02
Lorraine N. Veley	Secretary to investigators.	5,433.18
William A. Wheeler	Investigator	10,766.46
Investigating committee:		
Bette Mae Ayers	Clerk-typist (Oct. 1–Dec. 31).	1,228.98
Robert Lee Blackburn	Assistant document clerk (Sept. 3–Dec. 31).	1,772.52
Daniel Butler	Assistant document clerk	3,890.73
Susan Kay Daniels	Information analyst	3,197.94
Mary Jo Chapman	Clerk-stenographer	2,691.36
S. Janice Coil	Secretary to counsel (Dec. 1–31).	648.85
Jean W. Curll	Secretary to staff director.	4,734.30
Florence B. Doyle	Clerk-stenographer	3,428.70
David J. Duross	Clerk-typist (July 8–Aug. 31).	844.56
Elizabeth L. Edinger	Editor	6,266.22
Rochelle E. Epstein	Clerk-typist	2,579.64
Kathryn Fogle	do	2,766.30
James W. Freeman	Clerk-typist (July 1–Aug.31).	956.10
Emily R. Francis	Information analyst	3,747.54
James L. Gallagher	Research analyst	6,647.70
Christine Haynes	Information classifier (Oct. 21–Dec. 31).	1,120.79
Paul C. Higgins	Information classifier (Oct. 1–15; Nov. 6–Dec. 31).	2,561.81
Doris R. Jaeck	Information analyst	3,407.88
Mildred V. James	Clerk-typist	2,804.56
Eve B. Jarvis	Secretary to counsel (July 1–Sept. 30).	1,946.55
B. R. McConnon, Jr	Investigator	7,125.06
William J. McMahon	do	6,892.38
Kathleen C. Marche	Information classifier	2,882.04
Robert H. Mehaffey	Research consultant (July 1–19; Aug. 15–31).	1,724.52
E. Anne Meiselman	Information classifier (July 1–Sept. 9).	1,104.78
Artie Moreland	Secretary to general counsel.	5,256.66
Jefferson J. Moss, Jr	Clerk-typist (July 1–19).	302.77
David E. Muffley, Jr	Documents clerk	3,948.54
Alfred M. Nittle	Counsel	11,138.16
Maureen P. Ontrich	Information analyst	3,595.02
Steve Otterstatter	Clerk-typist (July 10–Aug. 31).	812.69
Alma T. Pfaff	Research analyst	4,131.84
Katharine Phillips	Switchboard operator	3,498.00
Peggy F. Pixley	Editorial assistant	3,595.02
William T. Poole	Research assistant	3,560.40
Rosella A. Purdy	Clerk-typist	899.82
Herbert Romerstein	Investigator	6,892.38
Freda J. Sheppard	Secretary in chairman's office.	6,332.82
Linda E. Spirt	Clerk-stenographer	3,816.84
Donald I. Sweany, Jr	Research analyst	6,402.96
Barbara C. Sweeny	Clerk-stenographer	3,539.58
Sylvia J. Webre	Clerk-typist (July 1–Aug. 31).	956.10
Neil E. Wetterman	Investigator	5,958.12
Billie Wheeler	Clerk-stenographer	2,691.36
Katherine E. White	Information classifier (Oct. 1–Dec. 31.)	1,441.02

Funds authorized or appropriated for committee expenditures	$725,000.00
Amount of expenditures previously reported	509,041.28
Amount expended from July 1, 1968, to Jan. 2, 1969	171,704.41
Total amount expended from Jan. 3, 1967, to Jan. 2, 1969	680,745.69
Balance unexpended as of Jan. 2, 1969	44,254.31

E. E. WILLIS,
Chairman.

JANUARY 15, 1969.

COMMITTEE ON VETERANS' AFFAIRS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee staff:		
Oliver E. Meadows	Staff director	$13,999.98
Edwin B. Patterson	Counsel	13,999.98
John R. Holden	Professional staff	12,530.94
Billy E. Kirby	Professional aide	10,285.74
George W. Fisher	Clerk	13,999.98
Helen A. Biondi	Assistant clerk	8,023.50
Alice V. Matthews	Clerk-stenographer	6,052.14
George J. Turner	Assistant clerk	6,052.14
Wilma Jean Johnson	Clerk-stenographer	3,273.45
Morvie Ann Colby	do	5,881.20
Investigative staff:		
Marjorie J. Kidd	do	4,811.94
Audrey A. Powelson	do	4,432.62
Patricia J. Wilton	do	4,432.62
Thomas R. Link	Clerk-messenger	2,115.09
William L. Sweet, Jr	Clerk-intern	903.36
Marc L. Black	Clerk-messenger	903.36

Funds authorized or appropriated for committee expenditures	$175,000.00
Amount of expenditures previously reported	102,548.52
Amount expended from July 1 to Dec. 31, 1968	32,530.33
Total amount expended from Jan. 1, 1967 to Dec. 31, 1968	135,078.85
Balance unexpended as of Dec. 31, 1968	39,921.15

OLIN E. TEAGUE,
Chairman.

JANUARY 10, 1969.

COMMITTEE ON WAYS AND MEANS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John M. Martin, Jr	Chief counsel (C)	$13,999.98
William H. Quealy	Minority counsel (P)	13,999.98
John Patrick Baker	Assistant chief counsel (P).	13,595.28
Raymond Driscoll	Professional staff (to Oct. 20, 1968).	7,899.84
Robert B. Hill	Professional staff (from Aug. 26, 1968).	5,552.29
James W. Kelley	Professional staff (P)	12,448.68
Harold Lamar	do	11,719.92
Florence Burkett	Staff assistant (C)	4,924.86
Virginia Butler	do	6,683.64
William C. Byrd	do	3,991.92
Shirley Furnier	do	4,684.44
Grace Kagan	do	6,683.64
June Kendall	do	7,282.56
Jerry Knebel	do	3,872.88
Elizabeth Price	do	4,523.58
Jean Ratliff	do	3,310.86
Susan Saylor	Staff assistant (C) to July 31, 1968.	445.44
Gloria Shaver	Staff assistant (C)	6,109.14
Eileen Sonnett	do	5,596.26
Susan Taylor	do	7,282.56
Richard Wilbur	do	12,503.52
Hughlon Greene	Document clerk	5,150.76
Walter Little	do	5,150.76

Funds authorized or appropriated for committee expenditures	$50,000.00
Amount of expenditures previously reported	7,165.29
Amount expended from July 1, to Dec. 31, 1968	3,300.37
Total amount expended from Jan. 1, 1967, to Dec. 31, 1968	10,465.66
Balance unexpended as of Dec. 31, 1968	39,534.34

WILBUR D. MILLS,
Chairman.

JANUARY 8, 1969.

JOINT COMMITTEE ON DEFENSE PRODUCTION

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Harold J. Warren	Clerk and counsel	$12,558.36
George T. Ault	Professional staff member.	8,549.94
Cary H. Copeland	do	6,774.84
James T. Entrekin	do	5,348.46
Richard W. Wilson	do	1,979.98
Mattie I. Echols	Secretary	4,425.66

Funds authorized or appropriated for committee expenditures	$100,000.00
Amount of expenditures previously reported	None
Total amount expended from July 1 to Dec. 31, 1968	39,637.24
Balance unexpended as of Dec. 31, 1968	60,362.76

WRIGHT PATMAN,
Chairman.

JANUARY 6, 1969.

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to January 1, 1969, inclusive together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
L. N. Woodworth	Chief of staff	$14,749.98
Lincoln Arnold	Assistant chief of staff	13,999.98
Nicholas A. Tomasulo	Legislation counsel	13,318.26
Robert R. Smyers	Refund counsel	13,234.98
James H. Symons	Statistical analyst	12,728.16
Alan P. Murray	Economist	4,541.14
Grace T. Gunn	Statistical analyst	9,048.69
James M. LaMarche	Administrative assistant.	9,881.04
Harrison B. McCawley	Refund attorney	9,729.48
Herbert L. Chabot	Legislation attorney	8,977.02
Joseph P. Spellman	do	8,549.94
Joseph E. Fink	Statistical clerk	5,254.80
Anastasia Connaughton	do	8,254.80
Michael E. Fox	Legislation attorney	6,412.45
Dennis P. Bedell	Assistant legislation counsel.	8,459.94
William B. Forti	Economic assistant	5,824.26
Joanne B. McDermott	Secretary	5,710.26
James L. Boring	Refund attorney	5,225.10
Blanche F. Nagro	Secretary	4,748.28
Linda R. Savage	do	4,544.58
Elizabeth L. Ruth	do	4,755.48
Mary W. Gattie	do	4,236.78
Linda Buckley	do	1,482.24
Richard P. Trotter	Legislation attorney	3,414.84
Leon W. Klud	Economist	4,359.42
Marcia Rowzie	Secretary	3,643.56

Name of employee	Profession	Total gross salary during 6-month period
Sheila L. Johnson	Secretary	$3,491.10
John Broadbent	Legislation attorney	9,139.62
Sharon M. Feinsilber	Secretary	3,177.36
Jamie L. Daley	do	4,047.90
Michael D. Bird	Economist	5,485.61
F. Morse Hubbard	Attorney	1,667.60
John J. Germanis	Statistical analyst	4,752.72
June M. Matthews	Secretary	3,865.38
Bernard M. Shapiro	Legislation attorney	4,769.58

Funds authorized or appropriated for committee expenditures	$531,905.00
Amount of expenditures previously reported, Jan. 1 to June 30, 1968	234,889.39
Amount expended from July 1, 1968 to Jan. 1, 1969	238,572.33
Total amount expended from Jan. 1, to Dec. 31, 1968	473,461.72
Balance unexpended as of Dec. 31, 1968	58,443.28

WILBUR D. MILLS,
Chairman.

JANUARY 23, 1969.

SELECT COMMITTEE ON SMALL BUSINESS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1968, to December 31, 1968, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Gregg R. Potvin	Counsel	$13,869.54
Patricia Anne Bishop	Secretary	3,802.15
Worth Crowley	Counsel	5,433.18
Henry A. Robinson	do	12,790.68
Bryan H. Jacques	Staff director and general counsel.	13,999.98
Harry A. Olsher	Consultant	13,283.52
Carol Ann Polk	Secretary	3,802.15
Justinus Gould	Counsel	12,790.68
Marjorie Ann Mele	Secretary	3,726.72
Evelyn M. Blomquist	do	3,705.96
Charles E. O'Connor	Counsel	13,742.94
Donna M. Santoro	Secretary	2,916.36
William A. Keel, Jr	Research analyst	13,999.98
Myrtle Ruth Foutch	Clerk	6,665.69
Duane G. Derrick, Jr	Research analyst	4,018.74
Marlyn Wilkinson	Secretary	2,049.32
Sharon H. Davis	do	1,292.42
Gertrude Maxine Dean	do	2,768.56
Barbara R. McLane	do	1,663.30
Olga Kay Greene	do	804.75
James P. Qualls, Jr	Staff assistant	550.65
Beth Suzanne Schultheis	Secretary	368.81
Theresa A. O'Connell	do	299.58
John J. Williams	Minority counsel	9,630.66
Maxine M. Porter	Secretary, minority	3,324.72
Norman L. Yost	Staff assistant, minority.	2,629.80
Susan R. Rodocker	Secretary, minority	2,216.48
Nancy R. Painter	do	960.68

Funds authorized or appropriated for committee expenditures	$715,000.00
Amount of expenditures previously reported	457,659.15
Amount expended from July 1 to Dec. 31, 1968	169,575.97
Total amount expended from Jan. 3, 1967, to Dec. 31, 1968	627,235.12
Balance unexpended as of Dec. 31, 1968	87,764.88

JOE L. EVINS,
Chairman.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

477. A letter from the Director, Administrative Office of the U.S. Courts, transmitting his annual report for fiscal year 1968, pursuant to the provisions of 28 U.S.C. 604(a)(4), together with the reports of the annual and special meetings of the Judicial Conference of the United States held in 1968; to the Committee on the Judiciary.

478. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to the provisions of section 212(d)(6) of the act; to the Committee on the Judiciary.

479. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

480. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a)(2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

481. A letter from the Chairman, National Labor Relations Board, transmitting lists containing names, salaries, and duties of all employees and officers, pursuant to section 3(c) of the act of 1947; cases heard and/or decided by the Board and the fiscal statement showing total obligations and expenditures for the fiscal year ended June 30, 1968; to the Committee on Education and Labor.

482. A letter from the Comptroller General of the United States, transmitting a review of policies and practices for acquiring land for reservoir projects, Corps of Engineers (Civil Functions), Department of the Army; to the Committee on Government Operations.

483. A letter from the Comptroller General of the United States, transmitting a report of improvements needed in procedures for determining supplementary grant assistance for public works and development facility projects, Economic Development Administration, Department of Commerce; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 4622. A bill to amend section 110 of title 38, United States Code to insure preservation of all disability compensation evaluations in effect for 20 or more years; (Report No. 91–12). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 3689. A bill to cede to the State of Montana concurrent jurisdiction with the United States over the real property comprising the Veterans' Administration Center, Fort Harrison, Mont. (Report No. 91–13). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 684. A bill to amend title 38 of the United States Code in order to make certain technical corrections therein, and for other purposes. With amendments (Report No. 91–14). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR:

H.R. 5947. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. BARING:

H.R. 5948. A bill to provide for a Veterans' Administration general medical and surgical hospital of 400 beds at Clark County, Nev.; to the Committee on Veterans' Affairs.

By Mr. BENNETT:

H.R. 5949. A bill to revise eligibility requirements for burial in national cemeteries; to the Committee on Veterans' Affairs.

By Mr. BENNETT (for himself and Mr. GROVER):

H.R. 5950. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for employers who employ members of the hard-core unemployed; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 5951. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink; to the Committee on Ways and Means.

By Mr. BROTZMAN:

H.R. 5952. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to permit advance payments to wheat producers; to the Committee on Agriculture.

H.R. 5953. A bill to provide for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado; to the Committee on Interior and Insular Affairs.

By Mr. BROWN of California:

H.R. 5954. A bill to establish the Channel Islands National Park in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 5955. A bill to authorize the Secretary of the Interior to study the most feasible and desirable means of establishing certain portions of the tidelands, Outer Continental Shelf, seaward areas, and Great Lakes of the United States as marine sanctuaries, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 5956. A bill to authorize the Secretary of the Interior to study the feasible and desirable means of establishing a marine sanctuary in the Santa Barbara Channel, Calif.; to the Committee on Merchant Marine and Fisheries.

By Mr. BURTON of Utah:

H.R. 5957. A bill to provide for the disposition of the judgment in favor of the Shoshone Tribe and others in Indian Claims Commission dockets 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 5958. A bill to prohibit the dissemination through interstate commerce or the mails of materials harmful to persons under the age of 18 years, and to restrict the exhibition of movies or other presentations harmful to such persons; to the Committee on the Judiciary.

By Mr. BUSH:

H.R. 5959. A bill that section 481(a) of the Internal Revenue Code of 1954 be amended; to the Committee on Ways and Means.

By Mr. CARTER:

H.R. 5960. A bill to increase the penalty applicable to the commission of a crime of violence in the District of Columbia when armed with a dangerous or deadly weapon; to the Committee on the District of Columbia.

H.R. 5961. A bill to enable citizens of the United States who change their residences to vote in presidential elections, and for other purposes; to the Committee on House Administration.

H.R. 5962. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. COHELAN:

H.R. 5963. A bill to amend the National Labor Relations Act, as amended, so as to make its provisions applicable to agriculture; to the Committee on Education and Labor.

H.R. 5964. A bill to amend the Public Health Service Act to provide for the establishment of a National Lung Institute; to the Committee on Interstate and Foreign Commerce.

H.R. 5965. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. DELLENBACK:

H.R. 5966. A bill to amend chapter 44 of title 18, United States Code, with respect to the sale or delivery of ammunition; to the Committee on the Judiciary.

By Mr. DIGGS:

H.R. 5967. A bill to amend the District of Columbia Traffic Act, 1925, to provide for the issuance of an additional congressional tag to Senators and Representatives; to the Committee on the District of Columbia.

H.R. 5868. A bill to amend the act entitled "An act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes", approved September 5, 1962; to the Committee on Interior and Insular Affairs.

By Mr. DINGELL:

H.R. 5969. A bill to limit agricultural subsidy payments to an aggregate of $20,000 to any one farmer in any 1 calendar year; to the Committee on Agriculture.

H.R. 5970. A bill to consolidate water quality management and pollution control authorities and functions in the Federal Water Pollution Control Administration; to the Committee on Government Operations.

H.R. 5971. A bill to provide full and fair disclosure of the nature of interests in real estate subdivisions sold through the mails and instruments of transportation or communication in interstate commerce, and to prevent frauds in the sale thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5972. A bill to amend the Federal Trade Commission Act by providing for temporary injunctions or restraining orders for certain violations of that act; to the Committee on Interstate and Foreign Commerce.

H.R. 5973. A bill to amend the Communications Act of 1934 in order to impose certain safeguards on editorializing by radio and television broadcasting station licensees; to the Committee on Interstate and Foreign Commerce.

H.R. 5974. A bill to amend the Federal Water Pollution Control Act to authorize certain grants for assisting in improved operation of waste treatment plants; to the Committee on Public Works.

H.R. 5975. A bill to amend the Internal Revenue Code of 1954 to provide a credit against the Federal income tax for State and local income taxes paid by an individual during the taxable year; to the Committee on Ways and Means.

By Mr. DULSKI:

H.R. 5976. A bill to amend title II of the Socal Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. FALLON:

H.R. 5977. A bill to amend the definition of "metal bearing ores" in the Tariff Schedules of the United States; to the Committee on Ways and Means.

By Mr. FARBSTEIN:

H.R. 5978. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. FEIGHAN:

H.R. 5979. A bill to enable citizens of the United States who change their residences to vote in presidential elections, and for other purposes; to the Committee on House Administration.

H.R. 5980. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemption for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 5981. A bill to amend title 28, United States Code, to provide that Madison County, Fla., shall be included in the northern judicial district of Florida; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 5982. A bill to equalize civil service retirement annuities, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 5983. A bill to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemption for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. HANNA:

H.R. 5984. A bill to permit persons discharged from the uniformed services before October 1, 1949, for service-connected disabilities of 100 percent, to apply for and, if qualified, be awarded retired pay under chapter 61 of title 10, United States Code; to the Committee on Armed Services.

H.R. 5985. A bill to amend the Federal Deposit Insurance Act with respect to the scope of the audit by the General Accounting Office; to the Committee on Banking and Currency.

H.R. 5986. A bill to amend the Federal Deposit Insurance Act; to the Committee on Banking and Currency.

H.R. 5987. A bill to provide for an independent agency for the supervision of Federal credit unions, and for other purposes; to the Committee on Banking and Currency.

H.R. 5988. A bill to establish a Commission on Hunger; to the Committee on Education and Labor.

H.R. 5989. A bill to establish the Government Program Evaluation Commission; to the Committee on Government Operations.

H.R. 5990. A bill to provide for the disclosure of certain information relating to certain public-opinion polls; to the Committee on House Administration.

H.R. 5991. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of "food supplements," and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5992. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 5993. A bill to amend the Marine Resources and Engineering Development Act of 1966 and the National Sea Grant College and Program Act of 1966, in order to provide financing for programs under such acts; to the Committee on Merchant Marine and Fisheries.

H.R. 5994. A bill to permit certain letters to be carried out of the mail by common or contract carriers subject to regulation of the Interstate Commerce Commission or the public utilities commission of any State when carriage is wholly within the State between certain plants, divisions, branches, departments, and offices of business organizations; to the Committee on Post Office and Civil Service.

H.R. 5995. A bill to amend title 5, United States Code, to improve the classification of civilian positions of security guard at stations and installations of the military departments under the Department of Defense; to the Committee on Post Office and Civil Service.

H.R. 5996. A bill to amend title 38 of the United States Code so as to increase the period of presumption of service connection for certain cases of multiple sclerosis from 7 to 20 years; to the Committee on Veterans' Affairs.

H.R. 5997. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for employers who employ, and provide job training for, members of the hard-core unemployed; to the Committee on Ways and Means.

H.R. 5998. A bill to establish a Small Tax Division within the Tax Court of the United States; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho:

H.R. 5999. A bill to establish the Sawtooth National Recreation Area in the State of Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARVEY:

H.R. 6000. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

H.R. 6001. A bill to amend the act of August 30, 1935, to permit the reimposition of tolls on a bridge across the Saint Clair River between Port Huron, Mich., and Sarnia, Ontario, Canada; to the Committee on Public Works.

H.R. 6002. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. HAYS:

H.R. 6003. A bill to amend title II of the Social Security Act to eliminate the reduction in disability benefits which is presently required in the case of an individual receiving workmen's compensation benefits; to the Committee on Ways and Means.

By Mr. HÉBERT:

H.R. 6004. A bill to amend title 10, United States Code, to provide for the investigation by a military department of certain aircraft accidents and for the use of reports resulting from those investigations in actions for damages; to the Committee on Armed Services.

H.R. 6005. A bill to provide pecuniary liability by the States or members of the National Guard if loss or damage to Federal property resulted from gross negligence or willful misconduct; to the Committee on Armed Services.

H.R. 6006. A bill to permit National Guard officers to act as inspecting officers under section 710(f) of title 32, United States Code; to the Committee on Armed Services.

H.R. 6007. A bill to amend the Dependents Assistance Act of 1950 in order to make members of the Reserve and National Guard ordered to active duty for training for periods of 30 days or more eligible for quarters allowances and to make allotments; to the Committee on Armed Services.

H.R. 6008. A bill to amend section 1333(3) of title 10, United States Code, to provide retirement credit for attendance at each prescribed training assembly or period of equivalent instruction; to the Committee on Armed Services.

H.R. 6009. A bill to provide authority for the payment of proficiency pay to enlisted members of the Reserve components of the

Armed Forces; to the Committee on Armed Services.

H.R. 6010. A bill to amend title 32, United States Code, with respect to the system of courts-martial for the National Guard not in Federal service; to the Committee on Armed Services.

H.R. 6011. A bill to amend titles 10 and 32, United States Code, to provide Federal support for defense forces established under section 109(c) of title 32; to the Committee on Armed Services.

H.R. 6012. A bill to amend titles 10, 14, and 32, United States Code, with respect to the remission or cancellation of indebtedness of members or former members of the Armed Forces and the National Guard; to the Committee on Armed Services.

H.R. 6013. A bill to provide for the furnishing of a uniform and the presentation of a flag of the United States for deceased members of the National Guard and Ready Reserve; to the Committee on Armed Services.

H.R. 6014. A bill to amend title 37, United States Code, to provide an incentive plan for participation in the Ready Reserve; to the Committee on Armed Services.

H.R. 6015. A bill to amend section 8901(8) of title 5, United States Code, with respect to persons employed under Public Law 90-486; to the Committee on Post Office and Civil Service.

H.R. 6016. A bill to extend servicemen's group life insurance to Reserves of the Armed Forces and members of the National Guard when engaged in federally prescribed full-time training or duty; to the Committee on Veterans' Affairs.

H.R. 6017. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 in order to clarify the provisions of that act with respect to certain persons in the Reserves and National Guard ordered to active duty for training for a period of more than 30 days; to the Committee on Veterans' Affairs.

By Mr. HORTON:

H.R. 6018. A bill to amend the Watershed Protection and Flood Prevention Act, as amended; to the Committee on Agriculture.

H.R. 6019. A bill to amend the Federal Water Pollution Control Act to authorize grants for assistance in research and development of methods to abate pollution of Lake Ontario, Lake Erie, and for other purposes; to the Committee on Public Works.

H.R. 6020. A bill to amend the Internal Revenue Code of 1954 to allow an incentive tax credit for a part of the cost of constructing or otherwise providing facilities for the control of water of air pollution, and to permit the amortization of such cost within a period of from 1 to 5 years; to the Committee on Ways and Means.

By Mr. HOSMER:

H.R. 6021. A bill to amend title II of the Social Security Act to provide for increases based on rises in the cost of living; to the Committee on Ways and Means.

By Mr. KING:

H.R. 6022. A bill to amend the Tariff Act of 1930 with respect to the tariff treatment of certain imported dress gloves; to the Committee on Ways and Means.

H.R. 6023. A bill to limit the quantity of baseball and softball gloves and mitts which may be imported into the United States; to the Committee on Ways and Means.

By Mr. MIKVA:

H.R. 6024. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. MINSHALL:

H.R. 6025. A bill to amend the Merchant Marine Act, 1920, to prohibit transportation of articles to or from the United States aboard certain foreign vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MOLLOHAN:

H.R. 6026. A bill to establish a commission to make a comprehensive study and evaluation of the methods of selecting candidates for the offices of President and Vice President of the United States; to the Committee on House Administration.

H.R. 6027. A bill to provide for orderly trade in iron and steel mill products; to the Committee on Ways and Means.

By Mr. O'HARA:

H.R. 6028. A bill to amend the Internal Revenue Code of 1964 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemption for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

H.R. 6029. A bill to amend the Internal Revenue Code to designate the home of a State legislator for income tax purposes; to the Committee on Ways and Means.

By Mr. PICKLE:

H.R. 6030. A bill to amend the Communications Act of 1934 to provide for the regulation of broadcasting networks to assure that their operations are in the public interest; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN:

H.R. 6031. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. RARICK:

H.R. 6032. A bill to amend chapter 44 of title 18, United States Code, to exempt ammunition from Federal regulation under the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. REID of New York:

H.R. 6033. A bill to provide Federal assistance to States for establishing and strengthening consumer protection programs; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS of Florida:

H.R. 6034. A bill to enlarge the criminal Court of General Sessions; to the Committee on the District of Columbia.

H.R. 6035. A bill to provide for the mandatory imprisonment of persons who commit felonies while released under section 3146 of title 18, United States Code; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.R. 6036. A bill to expand the definition of deductible moving expenses incurred by an employee; to the Committee on Ways and Means.

By Mr. ROSENTHAL (for himself, Mr. Adams, Mr. Addabbo, Mr. Annunzio, Mr. Ashley, Mr. Biaggi, Mr. Bingham, Mr. Blatnik, Mr. Brasco, Mr. Brown of California, Mr. Burton of California, Mr. Carey, Mrs. Chisholm, Mr. Clark, Mr. Cohelan, Mr. Conyers, Mr. Coughlin, Mr. Daniels of New Jersey, Mr. Dent, Mr. Diggs, Mr. Dulski, Mr. Eckhardt, Mr. Edwards of California, Mr. Eilberg, and Mr. Farbstein):

H.R. 6037. A bill to establish a Department of Consumer Affairs in order to secure within the Federal Government effective representation of the interests of consumers; to coordinate the administration of consumer services by transferring to such Department certain functions of the Departments of Commerce, Labor, Agriculture, and Health, Education, and Welfare, and other agencies, and for other purposes; to the Committee on Government Operations.

By Mr. ROSENTHAL (for himself, Mr. Foley, Mr. Fraser, Mr. Friedel, Mr. Fulton of Pennsylvania, Mr. Gallagher, Mr. Gilbert, Mr. Gonzalez, Mr. Halpern, Mrs. Hansen of Washington, Mr. Hathaway, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Hicks, Mr. Howard, Mr. Jacobs, Mr. Joelson, Mr. Kastenmeier, Mr. Koch, Mr. Leggett, Mr. Long of Maryland, Mr. McCarthy, Mr. Macdonald of Massachusetts, and Mr. Madden):

H.R. 6038. A bill to establish a Department of Consumer Affairs in order to secure within the Federal Government effective representation of the interests of consumers; to coordinate the administration of consumer services by transferring to such Department certain functions of the Departments of Commerce, Labor, Agriculture, and Health, Education, and Welfare, and other agencies, and for other purposes; to the Committee on Government Operations.

By Mr. ROSENTHAL (for himself, Mr. Matsunaga, Mr. Meeds, Mr. Mikva, Mr. Minish, Mrs. Mink, Mr. Moorhead, Mr. Murphy of New York, Mr. Nedzi, Mr. Nix, Mr. Olsen, Mr. Ottinger, Mr. Patten, Mr. Pepper, Mr. Podell, Mr. Pollock, Mr. Price of Illinois, Mr. Pucinski, Mr. Rees, Mr. Reuss, and Mr. Rogers of Colorado):

H.R. 6039. A bill to establish a Department of Consumer Affairs in order to secure within the Federal Government effective representation of the interests of consumers; to coordinate the administration of consumer services by transferring to such Department certain functions of the Departments of Commerce, Labor, Agriculture, and Health, Education, and Welfare, and other agencies, and for other purposes; to the Committee on Government Operations.

By Mr. ROSENTHAL (for himself, Mr. Ronan, Mr. Rooney of Pennsylvania, Mr. Roybal, Mr. Ryan, Mr. St Germain, Mr. St. Onge, Mr. Scheuer, Mr. Stokes, Mr. Tiernan, Mr. Vanik, Mr. Waldie, Mr. Charles H. Wilson, Mr. Wolff, Mr. Wright, Mr. Wydler, Mr. Yatron, Mr. Zablocki, Mr. Lowenstein, and Mr. Rodino):

H.R. 6040. A bill to establish a Department of Consumer Affairs in order to secure within the Federal Government effective representation of the interests of consumers; to coordinate the administration of consumer services by transferring to such Department certain functions of the Departments of Commerce, Labor, Agriculture, and Health, Education, and Welfare, and other agencies, and for other purposes; to the Committee on Government Operations.

By Mr. ROSENTHAL (for himself, Mr. Addabbo, Mr. Annunzio, Mr. Ashley, Mr. Biaggi, Mr. Bingham, Mr. Blatnik, Mr. Brasco, Mr. Brown of California, Mr. Burton of California, Mr. Carey, Mrs. Chisholm, Mr. Clark, Mr. Cohelan, Mr. Conyers, Mr. Coughlin, Mr. Daniels of New Jersey, Mr. Dent, Mr. Diggs, Mr. Dulski, Mr. Eckhardt, Mr. Edwards of California, Mr. Eilberg, and Mr. Farbstein):

H.R. 6041. A bill to amend the Intergovernmental Cooperation Act of 1968 to improve intergovernmental relationships between the United States and the States and municipalities, and the economy and efficiency of government, by providing Federal cooperation and assistance in the establishment and strengthening of State and local offices of consumer protection; to the Committee on Government Operations.

By Mr. ROSENTHAL (for himself, Mr. Fraser, Mr. Friedel, Mr. Fulton of Pennsylvania, Mr. Gallagher, Mr. Gilbert, Mr. Gonzalez, Mr. Halpern, Mrs. Hansen of Washington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Hicks, Mr. Howard, Mr. Jacobs, Mr. Joelson, Mr. Kastenmeier, Mr. Koch, Mr. Leggett, Mr. Long of Maryland, Mr. McCarthy, Mr. Madden, Mr. Matsunaga, Mr. Meeds, and Mr. Mikva):

H.R. 6042. A bill to amend the Intergovernmental Cooperation Act of 1968 to improve intergovernmental relationships between the United States and the States and municipalities, and the economy and efficiency of government, by providing Federal cooperation and assistance in the establishment and strengthening of State and local offices of consumer protection; to the Committee on Government Operations.

By Mr. ROSENTHAL (for himself, Mr. Minish, Mrs. Mink, Mr. Moorhead, Mr. Murphy of New York, Mr. Nedzi, Mr. Nix, Mr. Olsen, Mr. Ottinger, Mr. Patten, Mr. Pepper, Mr. Podell, Mr. Pollock, Mr. Price of Illinois, Mr. Pucinski, Mr. Rees, and Mr. Rogers of Colorado):

H.R. 6043. A bill to amend the Intergovernmental Cooperation Act of 1968 to improve intergovernmental relationships between the United States and the States and municipalities, and the economy and efficiency of government, by providing Federal cooperation and assistance in the establishment and strengthening of State and local offices of consumer protection; to the Committee on Government Operations.

By Mr. ROSENTHAL (for himself, Mr. Rooney of Pennsylvania, Mr. Roybal, Mr. St. Onge, Mr. Stokes, Mr. Tiernan, Mr. Vanik, Mr. Waldie, Mr. Charles H. Wilson, Mr. Wolff, Mr. Wright, Mr. Wydler, Mr. Yatron, Mr. Zablocki, and Mr. Rodino):

H.R. 6044. A bill to amend the Intergovernmental Cooperation Act of 1968 to improve intergovernmental relationships between the United States and the States and municipalities, and the economy and efficiency of government, by providing Federal cooperation and assistance in the establishment and strengthening of State and local offices of consumer protection; to the Committee on Government Operations.

By Mr. ROUDEBUSH:

H.R. 6045. A bill to amend the Davis-Bacon Act to extend its protection to workers employed in the demolition, dismantling, removal, and/or salvaging of public buildings; to the Committee on Education and Labor.

H.R. 6046. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption for each dependent who is a full-time undergraduate student at a college or university; to the Committee on Ways and Means.

By Mr. ROUDEBUSH (for himself and Mr. Abernethy):

H.R. 6047. A bill to amend title 38, United States Code, to provide that service of a veteran of the Armed Forces of the United States involving armed conflict shall be considered wartime service for the purposes of granting benefits to veterans and their dependents under that title; to the Committee on Veterans' Affairs.

By Mr. SANDMAN:

H.R. 6048. A bill to amend the Federal Water Pollution Control Act to prevent pollution of water by oil, and to establish a revolving fund for the removal of oil discharged into or upon the navigable waters of the United States or adjoining shorelines; to the Committee on Public Works.

By Mr. SCHNEEBELI:

H.R. 6049. A bill to amend the definition of "metal bearing ores" in the Tariff Schedules of the United States; to the Committee on Ways and Means.

By Mrs. SULLIVAN:

H.R. 6050. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

By Mr. SYMINGTON:

H.R. 6051. A bill to prohibit the dissemination through interstate commerce or the mails of materials harmful to persons under the age of 16 years, and to restrict the exhibition of movies or other presentations harmful to such persons; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas:

H.R. 6052. A bill to foster the exploration of outer space by providing for the award by the President of the United States, in the name of the Congress, of the Congressional Space Medal to astronauts who contribute thereto; to the Committee on Banking and Currency.

H.R. 6053. A bill to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs; to the Committee on Public Works.

H.R. 6054. A bill to provide uniform, fair, and equitable treatment of persons, businesses, or farms displaced by Federal and federally assisted programs; to the Committee on Public Works.

By Mr. TEAGUE of Texas (for himself and Mr. Fascell):

H.R. 6055. A bill to provide for the striking of medals in honor of Virgil I. Grissom, Edward H. White II, and Roger B. Chaffee; to the Committee on Banking and Currency.

By Mr. THOMSON of Wisconsin:

H.R. 6056. A bill to provide a special milk program for children; to the Committee on Agriculture.

H.R. 6057. A bill to provide for the appointment of postmasters and rural carriers on the basis of merit; to the Committee on Post Office and Civil Service.

By Mr. TUNNEY:

H.R. 6058. A bill to establish the Channel Islands National Park in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 6059. A bill to authorize the Secretary of the Interior to study the most feasible and desirable means of establishing certain portions of the tidelands, bays and estuaries, Outer Continental Shelf, seaward areas, and Great Lakes of the United States as marine sanctuaries, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. UTT:

H.R. 6060. A bill to amend section 48 of the Internal Revenue Code of 1954 to provide that the $50,000 limitation on the used property which may be used for investment credit purposes shall not apply in the case of machine tools; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 6061. A bill to provide for the selection of candidates for President of the United States in a national presidential primary election, and for the election of a President and a Vice President by direct vote of the people, and for other purposes; to the Committee on House Administration.

H.R. 6062. A bill to authorize the Secretary of the Interior to establish a national wildlife refuge in the south San Francisco Bay area; to the Committee on Merchant Marine and Fisheries.

By Mr. WINN:

H.R. 6063. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

H.R. 6064. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemption of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

H.R. 6065. A bill to amend the Internal Revenue Code of 1954 to encourage the construction of facilities to control water and air pollution by allowing a tax credit for expenditures incurred in constructing such facilities and by permitting the deduction, or amortization over a period of 1 to 5 years, of such expenditures; to the Committee on Ways and Means.

H.R. 6066. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

By Mr. WRIGHT:

H.R. 6067. A bill to amend the Internal Revenue Code of 1954 to provide a deduction for amounts expended by firemen for meals which they are required to eat at their post of duty; to the Committee on Ways and Means.

By Mr. YATRON:

H.R. 6068. A bill to amend title II of the Interstate Commerce Act with respect to the issuance of brokerage licenses to certain persons authorizing them to arrange for the transportation by motor vehicle of groups of passengers and their baggage; to the Committee on Interstate and Foreign Commerce.

By Mr. ZABLOCKI:

H.R. 6069. A bill to amend title 10 of the United States Code to prohibit the assignment of a member of an armed force to combat area duty if any of certain relatives of such member dies, is captured, is missing in action, or is totally disabled as a result of service in the Armed Forces; to the Committee on Armed Services.

H.R. 6070. A bill to amend section 109 of title 38, United States Code, to provide benefits for members of the armed forces of nations allied with the United States in World War I or World War II; to the Committee on Veterans' Affairs.

By Mr. ZABLOCKI (for himself, Mr. Addabbo, Mr. Anderson of Tennessee, Mr. Annunzio, Mr. Bingham, Mr. Brown of California, Mr. Burton of California, Mr. Byrne of Pennsylvania, Mr. Carey, Mr. Erlenborn, Mr. Eilberg, Mr. Fascell, Mr. Farbstein, Mr. Friedel, Mr. Halpern, Mr. Hechler of West Virginia, Mr. Kastenmeier, Mr. Matsunaga, Mr. Mikva, Mrs. Mink, Mr. Moorhead, Mr. Morse, Mr. Nix, Mr. Olsen, and Mr. Pepper):

H.R. 6071. A bill to enable consumers to protect themselves against arbitrary, erroneous and malicious credit information; to the Committee on Banking and Currency.

By Mr. ZABLOCKI (for himself, Mr. Rees, Mr. Reuss, Mr. Rosenthal, Mr. Ruppe, Mr. Scheuer, Mr. Sisk, Mr. Thompson of New Jersey, Mr. Williams, Mr. Wolff, Mr. Buchanan, and Mr. Koch):

H.R. 6072. A bill to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information; to the Committee on Banking and Currency.

By Mr. ZWACH:

H.R. 6073. A bill to amend section 32 of Public Law 320, 74th Congress, to make funds available for loans and grants to assist cities and villages in the installation of public and municipal services necessary to support industrial development; to the Committee on Agriculture.

H.R. 6074. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. ADAIR:

H.J. Res. 357. Joint Resolution proposing an amendment to the Constitution of the United States providing for the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.J. Res. 358. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BUCHANAN:

H.J. Res. 359. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. DIGGS:

H.J. Res. 360. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.J. Res. 361. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. ESHLEMAN:

H.J. Res. 362. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. FALLON:

H.J. Res. 363. Joint resolution proposing an amendment to the Constitution of the United States to permit the use of prayer in public schools; to the Committee on the Judiciary.

By Mr. FEIGHAN:

H.J. Res. 364. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. FREY:

H.J. Res. 365. Joint resolution proposing an amendment to the Constitution to provide the right of persons lawfully assembled to participate in nondenominational prayer; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.J. Res. 366. Joint resolution proposing an amendment to the Constitution of the United States to permit voluntary participation in prayer in public schools; to the Committee on the Judiciary.

By Mr. HOSMER:

H.J. Res. 367. Joint resolution proposing an amendment to the Constitution of the United States relating to the privilege against self-incrimination; to the Committee on the Judiciary.

By Mr. HUNGATE:

H.J. Res. 368. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. KING:

H.J. Res. 369. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public schools; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.J. Res. 370. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. MOLLOHAN:

H.J. Res. 371. Joint resolution proposing an amendment to the Constitution to provide the right of persons lawfully assembled to participate in nondenominational prayer; to the Committee on the Judiciary.

By Mr. PODELL:

H.J. Res. 372. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By Mr. SCHADEBERG:

H.J. Res. 373. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. STAFFORD:

H.J. Res. 374. Joint resolution proposing an amendment to the Constitution of the United States regarding the election of the President and Vice President and the nomination of candidates for the Presidency; to the Committee on the Judiciary.

By Mr. UTT (for himself, Mr. VAN DEERLIN, and Mr. BOB WILSON):

H.J. Res. 375. Joint resolution authorizing the President to proclaim the period June 29 through July 5, 1969, as "God Bless America Week"; to the Committee on the Judiciary.

By Mr. UTT:

H.J. Res. 376. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. WALDIE:

H.J. Res. 377. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

H.J. Res. 378. Joint resolution proposing an amendment to the Constitution of the United States regarding the election of the President and Vice President and the nomination of candidates for the Presidency; to the Committee on the Judiciary.

By Mr. WIGGINS:

H.J. Res. 379. Joint resolution authorizing the President to proclaim the period April 21 through April 26, 1969, as "School Bus Safety Week"; to the Committee on the Judiciary.

By Mr. COHELAN:

H. Con. Res. 122. Concurrent resolution expressing the sense of the Congress relating to the furnishing of relief assistance to victims of the Nigerian civil war; to the Committee on Foreign Affairs.

By Mr. DUNCAN:

H. Con. Res. 123. Concurrent resolution to amend the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

By Mr. COHELAN:

H. Res. 201. Resolution to direct the Committee on Interstate and Foreign Commerce to conduct an investigation and study of Federal regulation of community antenna television systems; to the Committee on Rules.

By Mr. GARMATZ.

H. Res. 202. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

By Mr. NICHOLS:

H. Res. 203. Resolution relative to consideration of House Resolution 133; to the Committee on Rules.

By Mr. PRICE of Illinois:

H. Res. 204. Resolution authorizing funds for the operation of the Committee on Standards of Official Conduct; to the Committee on House Administration.

By Mr. PRICE of Texas:

H. Res. 205. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

H. Res. 206. Resolution relative to consideration of House Resolution 133; to the Committee on Rules.

By Mr. RARICK:

H. Res. 207. Resolution relative to consideration of H. Res. 133; to the Committee on Rules.

H. Res. 208. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

By Mr. WATSON:

H. Res. 209. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 6075. A bill for the relief of Jamean Chow; to the Committee on the Judiciary.

H.R. 6076. A bill for the relief of Salvatore Cinelli; to the Committee on the Judiciary.

H.R. 6077. A bill for the relief of Alberto Cori; to the Committee on the Judiciary.

H.R. 6078. A bill for the relief of Elizabeth DiPalo; to the Committee on the Judiciary.

H.R. 6079. A bill for the relief of Angelo Duca; to the Committee on the Judiciary.

H.R. 6080. A bill for the relief of Michele Florio; to the Committee on the Judiciary.

H.R. 6081. A bill for the relief of Vincenzo Florio; to the Committee on the Judiciary.

H.R. 6082. A bill for the relief of Giuseppe Francesco Fosco; to the Committee on the Judiciary.

H.R. 6083. A bill for the relief of Saverio and Letizia Genna and minor, child Pietro Genna; to the Committee on the Judiciary.

H.R. 6084. A bill for the relief of Giovanni Gioia; to the Committee on the Judiciary.

H.R. 6085. A bill for the relief Hom Wai Hong; to the Committee on the Judiciary.

H.R. 6086. A bill for the relief of Alfredo and Caterina Iannitelli and minor son, Ricardo Jose Iannitelli; to the Committee on the Judiciary.

H.R. 6087. A bill for the relief of Josefa Kucek; to the Committee on the Judiciary.

H.R. 6088. A bill for the relief of Alfredo Licatini; to the Committee on the Judiciary.

H.R. 6089. A bill for the relief of Erasmo and Caterina LoPiparo and minor child, Guiseppino LoPiparo; to the Committee on the Judiciary.

H.R. 6090. A bill for the relief of Ignzio LoPiparo; to the Committee on the Judiciary.

H.R. 6091. A bill for the relief of Raffaele Mazza; to the Committee on the Judiciary.

H.R. 6092. A bill for the relief of Luca Misiletto; to the Committee on the Judiciary.

H.R. 6093. A bill for the relief of Aniello Napolitano; to the Committee on the Judiciary.

H.R. 6094. A bill for the relief of Geuseppe and Virgilia Pappalardo; to the Committee on the Judiciary.

H.R. 6095. A bill for the relief of Antonio and Maria Puleo and minor child, Claudia Puleo; to the Committee on the Judiciary.

H.R. 6096. A bill for the relief of Carlo Schiliro; to the Committee on the Judiciary.

H.R. 6097. A bill for the relief of Antonio and Maria Sferrazza and minor child, Giovanna Sferrazza; to the Committee on the Judiciary.

H.R. 6098. A bill for the relief of Francesco Sorce; to the Committee on the Judiciary.

H.R. 6099. A bill for the relief of Giuseppe Vitale; to the Committee on the Judiciary.

By Mr. ALBERT:

H.R. 6100. A bill for the relief of Hershel Smith, publisher of the Lindsay News, of Lindsay, Okla.; to the Committee on the Judiciary.

By Mr. BARRETT:

H.R. 6101. A bill for the relief of Maria Martinangelo; to the Committee on the Judiciary.

By Mr. BERRY:

H.R. 6102. A bill for the relief of Rosa White Eyes Garreau; to the Committee on the Judiciary.

By Mr. BEVILL:

H.R. 6103. A bill for the relief of Col. James A. Branyon; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 6104. A bill for the relief of Filippo Ardizzone; to the Committee on the Judiciary.

H.R. 6105. A bill for the relief of Santa Ardizzone; to the Committee on the Judiciary.

H.R. 6106. A bill for the relief of Alfonso Iuliano; to the Committee on the Judiciary.

H.R. 6107. A bill for the relief of Leonardo Lopane; to the Committee on the Judiciary.

H.R. 6108. A bill for the relief of Aurora Madonna; to the Committee on the Judiciary.

H.R. 6109. A bill for the relief of Michele Ponte-Affronti; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H.R. 6110. A bill for the relief of Konstantina Christina Panagopuolou; to the Committee on the Judiciary.

By Mr. BROWN of California:

H.R. 6111. A bill for the relief of Pietro Gallidoro; to the Committee on the Judiciary.

H.R. 6112. A bill for the relief of Hisao Iwasa; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 6113. A bill for the relief of Doris M. Brinkman; to the Committee on the Judiciary.

H.R. 6114. A bill for the relief of Elmer M. Grade; to the Committee on the Judiciary.

H.R. 6115. A bill for the relief of Zoran Mijic; to the Committee on the Judiciary.

H.R. 6116. A bill for the relief of Peter F. Nepi; to the Committee on the Judiciary.

H.R. 6117. A bill for the relief of Pasqualino La Penna; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 6118. A bill for the relief of Visitacion Daa Estaris; to the Committee on the Judiciary.

H.R. 6119. A bill for the relief of Aida G. Yuzon; to the Committee on the Judiciary.

By Mr. BUTTON:

H.R. 6120. A bill for the relief of Reginald Laksham Rajapakse and Mrs. Nancy Rajapakse; to the Committee on the Judiciary.

By Mrs. CHISHOLM:

H.R. 6121. A bill for the relief of Stefano Patti, Filippa Scaturro Patti, and Benedetto Patti; to the Committee on the Judiciary.

By Mr. CLARK:

H.R. 6122. A bill for the relief of Carolina Rizzo; to the Committee on the Judiciary.

By Mr. DADDARIO:

H.R. 6123. A bill for the relief of Ioulia A. Argyridou; to the Committee on the Judiciary.

H.R. 6124. A bill for the relief of Lucio Fazio; to the Committee on the Judiciary.

H.R. 6125. A bill for the relief of Anne Reale Pietrandrea; to the Committee on the Judiciary.

H.R. 6126. A bill for the relief of Vincenzo Zocco; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 6127. A bill for the relief of Dr. Rafael Arias; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 6128. A bill for the relief of Mrs. Tomris Zeliha Ozdil and her minor daughter, Umit Sukriye Balim; to the Committee on the Judiciary.

By Mr. ESCH:

H.R. 6129. A bill for the relief of Mary K. Mafee and Reza F. Mafee; to the Committee on the Judiciary.

By Mr. FRIEDEL:

H.R. 6130. A bill for the relief of Myrna G. Tayag; to the Committee on the Judiciary.

By Mr. FUQUA:

H.R. 6131. A bill for the relief of Mrs. Fong Chao Sin Hwa; to the Committee on the Judiciary.

H.R. 6132. A bill for the relief of Dr. Jacinto Felix de la Presilla-Elias; to the Committee on the Judiciary.

By Mr. GALLAGHER:

H.R. 6133. A bill for the relief of Antonio Ladogana; to the Committee on the Judiciary.

By Mr. GIAIMO:

H.R. 6134. A bill for the relief of Renate Evelin Sayfried; to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 6135. A bill for the relief of Antoine Salem Shubash and wife, Georgette Tubban Shubash; to the Committee on the Judiciary.

By Mr. HOSMER:

H.R. 6136. A bill for the relief of Mildred Riveria de Velasco; to the Committee on the Judiciary.

By Mr. LANDGREBE:

H.R. 6137. A bill for the relief of Tommy Tung Ming Hall; to the Committee on the Judiciary.

By Mr. LOWENSTEIN:

H.R. 6138. A bill for the relief of Miss Lenny Y. Alikpala; to the Committee on the Judiciary.

H.R. 6139. A bill for the relief of Beulah V. Hughes; to the Committee on the Judiciary.

By Mr. McCLORY:

H.R. 6140. A bill for the relief of Radisa Ratkovic; to the Committee on the Judiciary.

By Mr. McDADE:

H.R. 6141. A bill for the relief of Andrea Montano; to the Committee on the Judiciary.

By Mr. McKNEALLY:

H.R. 6142. A bill for the relief of Agostino Maggiore; to the Committee on the Judiciary.

H.R. 6143. A bill for the relief of Isaac Perlmutter; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 6144. A bill for the relief of Francesca Biccheri; to the Committee on the Judiciary.

H.R. 6145. A bill for the relief of Giovannina Cefalo; to the Committee on the Judiciary.

H.R. 6146. A bill for the relief of Angiolina Chioccariello; to the Committee on the Judiciary.

H.R. 6147. A bill for the relief of Oli-Gario Lobo Depina; to the Committee on the Judiciary.

H.R. 6148. A bill for the relief of Giuseppe DeRosa; to the Committee on the Judiciary.

H.R. 6149. A bill for the relief of Jose M. Monteiro Fontes; to the Committee on the Judiciary.

H.R. 6150. A bill for the relief of Pui Yuen Lee (also known as Dario Chin); to the Committee on the Judiciary.

H.R. 6151. A bill for the relief of Lise, Martine, Florence Marie, and Fritz, Junior, Momplaisir; to the Committee on the Judiciary.

H.R. 6152. A bill for the relief of Jesus Cabrera Yap; to the Committee on the Judiciary.

H.R. 6153. A bill for the relief of Rosario Campos Zita; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 6154. A bill for the relief of Nasser Shahoulian; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 6155. A bill for the relief of Rose and Giulio Ciccone; to the Committee on the Judiciary.

H.R. 6156. A bill for the relief of Judy Conching Tan; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:

H.R. 6157. A bill for the relief of the Outlet Stores, Inc.; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 6158. A bill for the relief of Rizalino D. Manuel; to the Committee on the Judiciary.

H.R. 6159. A bill for the relief of Amelia C. Dizon; to the Committee on the Judiciary.

By Mr. RUPPE:

H.R. 6160. A bill for the relief of Simon Kim; to the Committee on the Judiciary.

By Mr. St. ONGE:

H.R. 6161. A bill for the relief of Christopher Sloane (Bosmos); to the Committee on the Judiciary.

By Mr. TUNNEY:

H.R. 6162. A bill for the relief of Mario Frenda, his wife, Enza Romano Frenda, and their children, Maurizio and Antonio Frenda; to the Committee on the Judiciary.

H.R. 6163. A bill for the relief of Francisco Javier De La Paz O'Mara (also known as Pancho O'Mara); to the Committee on the Judiciary.

By Mr. WHALLEY:

H.R. 6164. A bill for the relief of Marianito D. Alaan; to the Committee on the Judiciary.

H.R. 6165. A bill for the relief of Abdul Rashid Khan; to the Committee on the Judiciary.

By Mr. YATES:

H.R. 6166. A bill for the relief of Mrs. Kam Yoong Lau; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

48. By the SPEAKER: Petition of Benjamin L. Erlich, Chicago, Ill., relative to redress of grievances; to the Committee on the Judiciary.

SENATE—*Tuesday, February 4, 1969*

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, wilt Thou now make this forum of freedom a holy of holies and each heart a silent sanctuary. Drive out all lesser voices that only Thy still small voice may be heard. Deal with each of us according to our necessities. Make us to know that we live under Thy judgment, that what we think Thou dost know, what we speak Thou dost hear, what we do Thou dost see. Make our lives beacons which shine for justice, truth, and goodness in a nation whose God is the Lord.

In Jesus' name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, January 31, 1969, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, informed the Senate that pursuant to the provisions of 42 U.S.C. 2251, the Speaker had appointed Mr. Holifield, Mr. Price of Illinois, Mr. Aspinall, Mr. Young, Mr. Edmondson, Mr. Hosmer, Mr. Bates, Mr. Anderson of Illinois, and Mr. McCulloch as members of the Joint Committee on Atomic Energy, on the part of the House.

The message also informed the Senate that pursuant to the provisions of section 601, title 6, Public Law 250, 77th Congress, the Speaker had appointed Mr. Mills, Mr. Boggs, and Mr. Byrnes of Wisconsin, members of the Committee on Ways and Means, and Mr. Mahon, Mr. Kirwan, and Mr. Bow, members of the Committee on Appropriations, as members of the Committee To Investigate Nonessential Federal Expenditures, on the part of the House.

The message further informed the Senare that, pursuant to the provisions of title 44, United States Code, section 2501, the Speaker had appointed the gentleman from California, Mr. Miller, as a member of the National Historical Publications Commission, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 1, Public Law 86–417, the Speaker had appointed Mr. Slack, Mr. Celler, Mr. Thompson of Georgia, and Mr. Wampler as members of the James Madison Memorial Commission, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 202(a), Public Law 90–264, the Speaker had appointed Mr. Gray, Mr. Jones of Alabama, Mr. Fallon, Mr. Cramer, Mr. McEwen, and Mr. Schwengel as members of the National Visitor Facilities Advisory Commission, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 1, Public Law 523, 78th Congress, the Speaker had appointed Mr. Teague of Texas, Mr. Long of Maryland, and Mr. Mizell as members of the National Memorial Stadium Commission, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 3(a), Public Law 86–380, the Speaker has appointed Mr. Fountain, Mr. Ullman, and Mrs. Dwyer as members of the Advisory Commission on Intergovernmental Relations, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of 16 United States Code 513, the Speaker had appointed Mr. Colmer and Mr. Saylor as members of the National Forest Reservation Commission, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 402(a), Public Law 90–321, the Speaker had appointed Mr. Patman, Mrs. Sullivan, and Mr. Halpern as members of the National Commission on Consumer Finance, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 2(b), Public Law 89–491, as amended, the Speaker had appointed Mr. Donohue, Mr. Marsh, Mr. Saylor, and Mr. Whitehurst as members of the American Revolution Bicentennial Commission, on the part of the House.

SUBCOMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Constitutional Rights of the Committee on the Judiciary and the Subcommittee on Air and Water Pollution of the Committee on Public Works be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

Report on Overobligation of Appropriation

A letter from the Assistant Secretary for Administration, Department of Agriculture, reporting, pursuant to law, an overobligation of appropriations; to the Committee on Appropriations.

Report on Claim of Yankton Sioux Tribe

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, that the Commission has concluded proceeding with respect to the claim of the Yankton Sioux Tribe (with an accompanying paper); to the Committee on Appropriations.

Report on Working Capital Funds of the Department of Defense

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on the financial condition and operating results of working capital funds of the Department as of June 30, 1968 (with an accompanying report); to the Committee on Armed Services.

Report on ROTC Flight Instruction Program, Department of the Navy

A letter from the Acting Secretary of the Navy, transmitting, pursuant to law, a report on the NROTC flight instruction program for the fiscal year 1968 (with an accompanying report); to the Committee on Armed Services.

Proposed Legislation To Unify and Consolidate the Rules for Navigation on the Waters of the United States

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to unify and consolidate the rules for navigation on the waters of the United States (with an accompanying paper); to the Committee on Commerce.

Report of the Secretary of Commerce

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report of the Secretary for the fiscal year ended June 30, 1968 (with an accompanying report); to the Committee on Commerce.

Proposed Legislation Permitting Secretary of Transportation To Arm His Employees

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize the Secretary of Transportation to arm his employees, and for other purposes (with an accompanying paper); to the Committee on Commerce.

Report of Federal Power Commission

A letter from the Chairman, Federal Power Commission, transmitting, pursuant to law, the annual report of the Commission for the fiscal year ended June 30, 1968 (with an accompanying report); to the Committee on Commerce.

Report of Grants Approved by Department of Health, Education, and Welfare

A letter from the Secretary of Health, Education and Welfare, transmitting, pursuant to law, a report of grants approved by this Department which are financed wholly with Federal funds (with an accompanying report); to the Committee on Finance.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improvements needed in procedures for determining supplementary grant assistance for public works and development facility projects, Economic Development Administration, Department of Commerce, dated February 4, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of policies and practices for acquiring land for reservoir projects, Corps of Engineers (Civil Functions), Department of the Army (with an accompanying report); to the Committee on Government Operations.

Report of Advisory Commission on Intergovernmental Relations

A letter from the Chairman, Advisory Commission on Intergovernmental Relations, transmitting, pursuant to law, the 10th annual report of the Commission, dated January 31, 1969 (with an accompanying report); to the Committee on Government Operations.

Report on Status of Colorado River Storage Project

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, the 12th annual report on the status of the Colorado River storage project and participating projects, for the fiscal year ended June 30, 1968 (with an accompanying report and papers); to the Committee on Interior and Insular Affairs.

Report on Negotiated Sales Contracts for Disposal of Materials

A letter from the Director, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, a report of negotiated sales contracts for disposal of materials during the period July 1 through December 31, 1968 (with an accompanying report); to the Committee on Interior and Insular Affairs.

Proposed Amendment to Act Establishing the American Revolution Bicentennial Commission

A letter from the Chairman, American Revolution Bicentennial Commission, transmitting a draft of proposed legislation to amend the act of July 4, 1966 (80 Stat. 259), as amended by the act of December 12, 1967 (81 Stat. 567) (with an accompanying paper); to the Committee on the Judiciary.

Temporary Admission Into the United States of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Two letters from the Commissioners, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT OF AUDIT OF MILITARY ORDER OF THE PURPLE HEART

A letter from the Adjutant General, Military Order of the Purple Heart, transmitting, pursuant to law, a report of the annual audit of the organization for the fiscal period ended July 31, 1968 (with an accompanying report); to the Committee on the Judiciary.

REPORT ON ACTIVITIES IN CERTAIN COUNTRIES RELATING TO APPLICATIONS FOR CONDITIONAL ENTRY

A letter from the Commissioner, U.S. Department of Justice, Immigration and Naturalization Service, transmitting, pursuant to law, a report on activities in certain countries relating to applications for conditional entry, for the period July 1, 1968 and December 31, 1968 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE U.S. COURTS

A letter from the Director of the Administrative Office of the U.S. Courts, transmitting, pursuant to law, a report of the Director, including a report on the proceedings of the Judiciary Conference of the United States, dated 1968 (with an accompanying report); to the Committee on the Judiciary.

REPORT AND RECOMMENDATION CONCERNING CLAIM OF MR. AND MRS. A. F. ELGIN

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report and recommendation to the Congress concerning the claim of Mr. and Mrs. A. F. Elgin against the United States (with an accompanying report and letter); to the Committee on the Judiciary.

PROPOSED OLDER AMERICANS ACT AMENDMENTS OF 1969

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend, strengthen, and improve the Older Americans Act of 1965 (with an accompanying paper); to the Committee on Labor and Public Welfare.

REPORT OF DEPARTMENT OF JUSTICE ON POSITIONS IN GRADES GS-16 AND GS-17

A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting a report on positions in grades GS-16 and GS-17, for the calendar year ended December 31, 1968 (with an accompanying report); to the Committee on Post Office and Civil Service.

REPORT OF THE POSTMASTER GENERAL

A letter from the Postmaster General of the United States, reporting, pursuant to law, on the estimated amount of losses or costs incurred by the postal service in the performance of public services during the current fiscal year; to the Committee on Post Office and Civil Service.

REPORT OF DEPARTMENT OF DEFENSE ON POSITIONS IN GRADES GS-16, GS-17, AND GS-18

A letter from the Assistant Secretary of Defense, Manpower and Reserve Affairs, transmitting, pursuant to law, a report on civilian positions in the Department in grades GS-16, GS-17, and GS-18 (with an accompanying report); to the Committee on Post Office and Civil Service.

REPORT OF FOUR CORNERS REGIONAL COMMISSION

A letter from the Federal and State Cochairmen of the Four Corners Regional Commission, transmitting, pursuant to law, a report on the activities of the Commission during fiscal year 1968 (with an accompanying report); to the Committee on Public Works.

REPORT OF THE OZARKS REGIONAL COMMISSION

A letter from the Cochairmen, the Ozarks Regional Commission, transmitting, pursuant to law, a report of the activities of the Commission for the calendar year ended December 31, 1968 (with an accompanying report); to the Committee on Public Works.

REPORT ON NATURE AND CONTROL OF AIRCRAFT ENGINE EXHAUST EMISSIONS

A letter from the Secretary of Health, Education and Welfare, transmitting, pursuant to law, a report on the control of aircraft engine emissions (with an accompanying report); to the Committee on Public Works.

REPORT ON AIR POLLUTION ABATEMENT BY FEDERAL FACILITIES

A letter from the Secretary of Health, Education and Welfare, transmitting, pursuant to law, a report on air pollution abatement by Federal facilities, dated January 1969 (with an accompanying report); to the Committee on Public Works.

REPORT OF ATOMIC ENERGY COMMISSION

A letter from the Chairman and members of the U.S. Atomic Energy Commission, transmitting, pursuant to law, a report of the Commission for 1968, dated January 1969 (with an accompanying report); to the Joint Committee on Atomic Energy.

REPORT OF NATIONAL LABOR RELATIONS BOARD

A letter from the Chairman, National Labor Relations Board, transmitting, pursuant to law, a report containing the names, salaries, and duties of all employees and officers in the employ or under the supervision of the National Labor Relations Board, cases heard and/or decided by the Board, and the fiscal statement showing total obligations and expenditures for the fiscal year ended June 30, 1968 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A resolution of the House of Representatives of the State of South Carolina; to the Committee on Agriculture and Forestry:

"House resolution to memorialize the congress of the United States to continue in existence the Tobacco Insects Investigation Branch at Pee Dee Station in Florence County

"Whereas, the Tobacco Insects Investigation Department, an agricultural research service of the United States Department of Agriculture, has for many years performed a most valuable service to the tobacco farmers of South Carolina and other states; and

"Whereas, tobacco is the leading money crop in South Carolina and the controversies and problems concerning tobacco would seem to require more, rather than less, research activity; and

"Whereas, the contemplated closing of the Tobacco Insects Investigation Branch at Pee Dee Station would effect a negligible saving of funds in relation to the services performed. Now, therefore, be it

"Resolved by the House of Representatives of the State of South Carolina, That the Congress of the United States be and hereby is memorialized to reconsider the closing of the Tobacco Insects Investigation Department Branch located at Pee Dee Station, in Florence County, South Carolina in view of the valuable and necessary services this organization has performed for the area of its present location in the heart of the tobacco-growing country and in further recognition that the location of the Department now easily accessible to the farmers and tobacco-growing lands with which its work is connected is of major importance to its continued effective contributions to agricultural research. Be it further

"Resolved, That a copy of this Resolution be forwarded to the Speaker of the United States House of Representatives, the President of the United States Senate, Congressman John L. McMillan, Senator Ernest F. Hollings and Senator Strom Thurmond.

"I hereby certify that the foregoing is a true and correct copy of a Resolution passed in the House of Representatives.

"INEZ WATSON,
"Clerk of the House."

A resolution adopted by the Carpinteria City Council, Carpinteria, Calif., praying for the enactment of legislation relating to a watershed work plan for the Carpinteria Valley watershed; to the Committee on Agriculture and Forestry.

A letter in the nature of a petition, from **Frank Palumbo, Jr., of Barrington, R.I., praying for the enactment of legislation to raise the limit of earnings under the Social Security Act; to the Committee on Finance.**

A concurrent resolution of the Legislature of the State of South Dakota; to the Committee on Labor and Public Welfare:

"H. CON. RES. 501

"Concurrent resolution Memorializing the Congress of the United States to give priority consideration to the needs of medical education as they relate to the national shortage of medical doctors and other health professions

"Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

"Whereas, there is a national shortage of medical doctors and other health practitioners to tend to the health needs of our growing population; and

"Whereas, numerous clinics and hospitals in the rural areas of our nation are forced to close for lack of staff to adequately man these facilities; and

"Whereas, federal funds are currently provided for research grants with matching requirements that utilize large sums of state and local funds necessary to provide teaching and educational facilities to train additional medical doctors and other health professions; and

"Whereas, qualified students are often denied admittance to study medicine or other health related subjects because of lack of facilities and inadequate financial resources; and

"Whereas, the health needs of our nation are indeed a problem that is national in scope and deserving of immediate attention by the Congress of the United States;

"Now, therefore, be it resolved, by the House of Representatives of the Forty-fourth Legislature of the State of South Dakota, the Senate concurring therein, that the Congress of the United States be memorialized to take whatever action it deems appropriate to assure that additional funds are made available for the purpose of providing increased educational opportunity to students seeking careers as medical doctors or other health professions; and

"Be it further resolved, that ways and means be provided to assure that such studies and funding be designed to encourage students of medical and other health professions to practice their professions in the rural areas of our nation where the need is the most critical; and

"Be it further resolved, that copies of this concurrent resolution be transmitted by the Clerk of the House of Representatives of the State of South Dakota to the Offices of the President and Vice-President of the United States, the Speaker of the House of Representatives of the United States, the Members of the Congressional delegation of the State of South Dakota, and the Governor of the State of South Dakota.

"Adopted by the House of Representatives January 24, 1969.

"Concurred in by the Senate January 28, 1969.

"DEXTER H. GUNDERSON,
"*Speaker of the House.*

"Attest:

"PAUL INMAN,
"*Chief Clerk of the House.*

"JAMES ABDNOR,
"*President of the Senate.*

"Attest:

"NIELS P. JENSEN,
"*Secretary of the Senate.*"

A letter, in the nature of a petition, from Howard Hillier, of Dafter, Mich., praying for a redress of grievances; to the Committee on Public Works.

RESOLUTION OF THE HOUSE OF REPRESENTATIVES, STATE OF SOUTH CAROLINA

Mr. HOLLINGS. Mr. President, on behalf of myself and my colleague, the senior Senator from the State of South Carolina (Mr. THURMOND), I ask unanimous consent that a resolution adopted by the House of Representatives of the State of South Carolina, be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The resolution is as follows:

House resolution to memorialize the Congress of the United States to continue in existence the tobacco insects investigation branch at Pee Dee Station in Florence County

Whereas, the Tobacco Insects Investigation Department, an agricultural research service of the United States Department of Agriculture, has for many years performed a most valuable service to the tobacco farmers of South Carolina and other states; and

Whereas, tobacco is the leading money crop in South Carolina and the controversies and problems concerning tobacco would seem to require more, rather than less, research activity; and

Whereas, the contemplated closing of the Tobacco Insects Investigation Branch at Pee Dee Station would effect a negligible saving of funds in relation to the services performed. Now, therefore be it

Resolved by the House of Representatives of the State of South Carolina, That the Congress of the United States be and hereby is memorialized to reconsider the closing of the Tobacco Insects Investigation Department Branch located at Pee Dee Station, in Florence County, South Carolina in view of the valuable and necessary services this organization has performed for the area of its present location in the heart of the tobacco-growing country and in further recognition that the location of the Department now easily accessible to the farmers and tobacco-growing lands with which its work is connected is of major importance to its continued effective contributions to agricultural research. Be it further

Resolved, That a copy of this Resolution be forwarded to the Speaker of the United States House of Representatives, the President of the United States Senate, Congressman John L. McMillan, Senator Ernest F. Hollings and Senator Strom Thurmond.

I hereby certify that the foregoing is a true and correct copy of a Resolution passed in the House of Representatives.

INEZ WATSON,
Clerk of the House.

WELFARE COSTS IN MASSACHUSETTS

Mr. BROOKE. Mr. President, welfare represents a very large share of the budget of my State of Massachusetts. The burden of these payments is increasingly cutting into the ability of the State to meet its other commitments and responsibilities.

Mr. President, I ask unanimous consent that a resolution pertaining to this matter, which was recently passed by the Senate and the House of Representatives of the Commonwealth of Massachusetts be printed at this point in the RECORD.

There being no objection, the resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Resolutions memorializing the Congress of the United States to enact legislation providing for the absorption by the Federal Government of the total cost of public welfare

Whereas, Public welfare currently comprises over 40% of Massachusetts' annual budget; and

Whereas, The present state budget for public welfare in the current fiscal year amounts to over five hundred million dollars, and is expected to increase greatly; and

Whereas, The increasing costs of Medicaid under present conditions will appreciably add to state budgets in the future; and

Whereas, Medicaid is a valuable program for the people of Massachusetts and should be continued; and

Whereas, The cost of welfare programs is basically a federal responsibility; and

Whereas, Absorption of welfare costs by the federal government would release hundreds of millions of dollars for both property tax reduction at the local level and needed new progressive programs for the underprivileged at the state level; now, therefore, be it

Resolved, That the General Court of Massachusetts strongly urges the Congress of the United States to take early favorable action on absorption of costs of public welfare by the federal government so that appropriate planning for property tax reduction and needed new programs for the underprivileged can be initiated in the Commonwealth; and be it further

Resolved, That copies of these resolutions be forwarded by the Secretary of State to the President of the United States, the presiding officer of each branch of the Congress and to the members thereof from the Commonwealth.

Senate, adopted, January 15, 1969.

NORMAN L. PIDGEON,
Clerk.

House of Representatives, adopted in concurrence, January 20, 1969.

WALLACE C. MILLS,
Clerk.

Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. RANDOLPH, from the Committee on Public Works, without amendment:

S. 769. A bill to name the bridge to be constructed across the Mississippi River linking the States of Tennessee and Missouri in honor of a former Member of the House, Robert A. "Fats" Everett (Rept. No. 7).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency:

Richard C. Van Dusen, of Michigan, to be Under Secretary of Housing and Urban Development;

Floyd H. Hyde, of California, to be an Assistant Secretary of Housing and Urban Development;

Samuel C. Jackson, of the District of Columbia, to be an Assistant Secretary of Housing and Urban Development;

Samuel J. Simmons, of Michigan, to be an Assistant Secretary of Housing and Urban Development; and

Sherman Unger, of Ohio, to be General Counsel of the Department of Housing and Urban Development.

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs:

Russell E. Train, of the District of Columbia, to be Under Secretary of the Interior.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

U. Alexis Johnson, of California, a Foreign Service officer of the class of career ambassador, to be Under Secretary of State for Political Affairs;

Frank J. Shakespeare, Jr., of Connecticut, to be Director of the U.S. Information Agency; and

Albert W. Sherer, Jr., of Illinois, a Foreign Service officer of class 1, now Ambassador Extraordinary and Plenipotentiary to the Republic of Togo, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary to the Republic of Equatorial Guinea.

EXTENSION OF TIME FOR FILING REPORT OF COMMITTEE ON AGING

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the time for filing the report of the Senate Special Committee on Aging be extended from January 31, 1969, as authorized by Senate Resolution 223, until March 15, 1969, in order to provide time for study of hearings conducted late in 1968 and early 1969, and also to provide adequate time for minority members to consider the draft of the report.

The VICE PRESIDENT. Without objection, it is so ordered.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. DIRKSEN:

S. 837. A bill relating to the status under the Internal Revenue Code of 1954 of the Local 738, I.B.T.-National Tea Co. Employees' Retirement Fund;

S. 838. A bill to amend the Internal Revenue Code of 1954 to allow an income tax deduction for certain State and local utility taxes; to the Committee on Finance.

S. 839. A bill making the birthday of Abraham Lincoln a legal holiday;

S. 840. A bill to amend the act entitled "An act to incorporate the National Education Association of the United States," approved June 30, 1906 (34 Stat. 804); to the Committee on the Judiciary.

By Mr. DIRKSEN (by request):

S. 841. A bill for the relief of Helen M. Danley; to the Committee on Post Office and Civil Service.

By Mr. WILLIAMS of Delaware:

S. 842. A bill to limit to $20,000 the amount that may be paid to any producer in any year under certain agricultural programs, and for other purposes; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. Williams of Delaware when he introduced the above bill, which appear under a separate heading.)

By Mr. MUNDT:

S. 843. A bill to give farmers an additional month in which to meet the requirement of filing a declaration of estimated tax by filing an income tax return for the taxable year for which the declaration is required; to the Committee on Finance.

By Mr. MUNDT (for himself, Mr. Boggs, Mr. Case, Mr. Metcalf, Mr. Sparkman, Mr. Percy, and Mr. Stevens):

S. 844. A bill to improve the operation of the legislative branch of the Federal Government, and for other purposes; to the Committee on Government Operations.

(See the remarks of Mr. Mundt when he introduced the above bill, which appear under a separate heading.)

By Mr. BENNETT (for himself, Mr. Allott, Mr. Cannon, Mr. Cotton, Mr. Curtis, Mr. Dole, Mr. Dominick, Mr. Eastland, Mr. Ervin, Mr. Fannin, Mr. Goldwater, Mr. Gravel, Mr. Hansen, Mr. Hruska, Mr. Jordan of Idaho, Mr. McGee, Mr. Metcalf, Mr. Moss, Mr. Mundt, Mr. Pearson, Mr. Sparkman, Mr. Stevens, Mr. Talmadge, Mr. Thurmond, and Mr. Young of North Dakota):

S. 845. A bill to change the definition of ammunition for purposes of chapter 44 of title 18 of the United States Code; to the Committee on the Judiciary.

(See the remarks of Mr. Bennett when he introduced the above bill, which appear under a separate heading.)

By Mr. BENNETT:

S. 846. A bill to provide compensation to certain silver-dealer claimants by authorizing the sale of silver bullion; to the Committee on Banking and Currency.

By Mr. MILLER (for himself, Mr. Baker, Mr. Boggs, Mr. Cook, Mr. Cotton, Mr. Dole, Mr. Fong, Mr. Hruska, Mr. Javits, Mr. Jordan of Idaho, Mr. Packwood, and Mr. Stevens):

S. 847. A bill to amend title II of the Social Security Act to provide cost-of-living increases in the insurance benefits payable thereunder; to the Committee on Finance.

S. 848. A bill to amend the Railroad Retirement Act of 1937 to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Miller when he introduced the above bills, which appear under a separate heading.)

By Mr. MANSFIELD:

S. 849. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

(See the remarks of Mr. Mansfield when he introduced the above bill, which appear under a separate heading.)

By Mr. BROOKE:

S. 850. A bill for the relief of Kwok Kuen (Kwen) Ng; to the Committee on the Judiciary.

By Mr. GOODELL:

S. 851. A bill for the relief of Mila Sabarre; to the Committee on the Judiciary.

By Mr. MURPHY (for himself and Mr. Cranston):

S. 852. A bill to provide for the appointment of eight additional, permanent district judgeships for certain judicial districts within California; to the Committee on the Judiciary.

(See the remarks of Mr. Murphy when he introduced the above bill, which appear under a separate heading.)

By Mr. CHURCH (for himself and Mr. Jordan of Idaho):

S. 853. A bill to establish the Sawtooth National Recreation Area in the State of Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Church when he introduced the above bill, which appear under a separate heading.)

By Mr. TALMADGE:

S. 854. A bill for the relief of Dr. Gumersinco Vicente Garay; to the Committee on the Judiciary.

By Mr. FULBRIGHT (for himself and Mr. McClellan):

S. 855. A bill to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Fulbright when he introduced the above bill, which appear under a separate heading.)

By Mr. FULBRIGHT:

S. 856. A bill to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes; to the Committee on Foreign Relations.

(See the remarks of Mr. Fulbright when he introduced the above bill, which appear under a separate heading.)

By Mr. MOSS:

S. 857. A bill to designate the High Uintas Wilderness, Ashley and Wasatch National Forests, in the State of Utah; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Moss when he introduced the above bill, which appear under a separate heading.)

By Mr. MURPHY (for himself and Mr. Cranston):

S. 858. A bill to amend the Agricultural Adjustment Act of 1938 with respect to wheat; to the Committee on Agriculture and Foresty.

(See the remarks of Mr. Murphy when he introduced the above bill, which appear under a separate heading.)

By Mr. MONTOYA:

S. 859. A bill for the relief of Dr. Peter F. X. O'Neill; to the Committee on the Judiciary.

By Mr. NELSON (for himself, Mr. Ribicoff, Mr. Moss, Mr. Young of Ohio, Mr. Eagleton, Mr. Randolph, Mr. Gravel, Mr. Burdick, Mr. Tydings, and Mr. Yarborough):

S. 860. A bill to establish a Department of Consumer Affairs in order to secure within the Federal Government effective representation of the interests of consumers; to coordinate the administration of consumer services by transferring to such Department certain functions of the Departments of Commerce; Labor; Agriculture; Health, Education, and Welfare; and other agencies; and for other purposes; to the Committee on Government Operations.

(See the remarks of Mr. Nelson when he introduced the above bill, which appear under a separate heading.)

By Mr. JAVITS (for himself, Mr. Goodell, Mr. Brooke, Mr. Scott, Mr. Hatfield, Mr. Schweiker, Mr. Mondale, Mr. Tydings, and Mr. Yarborough):

S. 861. A bill to provide Federal assistance to States for establishing and strengthening consumer protection programs; to the Committee on Commerce.

(See the remarks of Mr. Javits when he introduced the above bill, which appear under a separate heading.)

By Mr. GRIFFIN:

S. 862. A bill for the relief of Pasqualina D'Aguanno; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota:

S. 863. A bill for the relief of Dr. Lorenzo de la Fuente Trajano, his wife, Leonora A. Trajano, and their child, Cesar A. Trajano; to the Committee on the Judiciary.

By Mr. COTTON:

S. 864. A bill to provide for the orderly expansion of trade in manufactured products; to the Committee on Finance.

(See the remarks of Mr. Cotton when he introduced the above bill, which appears under a separate heading.)

By Mr. DOLE:

S. 865. A bill for the relief of Jafar Hadaegh; to the Committee on the Judiciary.

By Mr. MOSS:

S. 866. A bill to authorize for a limited period the issuance of national service life insurance to certain totally disabled veterans; to the Committee on Finance.

S. 867. A bill providing an equitable basis for the sale to collectors of standard silver dollars now held in the Treasury; to the Committee on Banking and Currency.

(See the remarks of Mr. Moss when he introduced the above bills, which appear under separate headings.)

By Mr. BROOKE:

S. 868. A bill for the relief of the New Bedford Storage Warehouse Co.; to the Committee on the Judiciary.

By Mr. WILLIAMS of New Jersey (for himself, Mr. Kennedy, Mr. Mondale, Mr. Muskie, Mr. Prouty, Mr. Randolph, Mr. Young of Ohio, and Mr. Yarborough):

S. 869. A bill to provide for the establishment of an Institute on Retirement Income which shall conduct studies and make recommendations designed to enable retired individuals to enjoy an adequate retirement income; to the Committee on Government Operations.

S. 870. A bill to promote the advancement of biological research in aging through a comprehensive and intensive 5-year program for the systematic study of the basic origins of the aging process in human beings; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Williams of New Jersey when he introduced the above bills, which appear under separate headings.)

By Mr. JORDAN of North Carolina:

S. 871. A bill for the relief of Iaonnis D. Iliopoulos (John Poulos);

S. 872. A bill for the relief of Shu Ling Lee;

S. 873. A bill for the relief of King-Fa Yu; and

S. 874. A bill for the relief of Ah Gee Yue (also known as Ah Kin Yu); to the Committee on the Judiciary.

By Mr. HARRIS:

S. 875. A bill for the relief of Esther Tsui Ai Ho Chau; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 876. A bill for the relief of Marie M. Ridgely;

S. 877. A bill for the relief of John S. Attinello;

S. 878. A bill for the relief of James E. Miller;

S. 879. A bill for the relief of the estate of Albert W. Small;

S. 880. A bill for the relief of Gisela Hanke;

S. 881. A bill for the relief of Comdr. Edward White Rawlins, U.S. Navy (retired); and

S. 882. A bill for the relief of Capt. William O. Hanle; to the Committee on the Judiciary.

(See the remarks of Mr. Tydings when he introduced Senate bill 881, which appears under a separate heading.)

By Mr. JORDAN of North Carolina:

S. 883. A bill to revise the pay structure of the police force of the National Zoological Park, and for other purposes; to the Committee on Rules and Administration.

By Mr. HARRIS:

S. 884. A bill to provide for disposition of estates of interstate members of the Cherokee, Chickasaw, Choctaw and Seminole Nations of Oklahoma dying without heirs;

S. 885. A bill to authorize the preparation of a roll of persons whose lineal ancestors were members of the Confederated Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, merged under the treaty of May 30, 1854 (10 Stat. 1082), and to provide for the disposition of funds appropriated to pay a judgment in Indian Claims Commission docket No. 314, amended, and for other purposes;

S. 886. A bill to convey certain land of the United States to the Intertribal Council, Inc., Miami, Okla.; and

S. 887. A bill to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Harris when he introduced the above bills, which appear under separate headings.)

By Mr. ERVIN:

S. 888. A bill for the relief of Tsui Yan Wa; to the Committee on the Judiciary.

By Mr. ERVIN (for himself and Mr. Jordan of North Carolina):

S. 889. A bill for the relief of Dr. Yoshiaki Kitani; and

S. 890. A bill for the relief of the Pine Hall Brick & Pipe Co.; to the Committee on the Judiciary.

By Mr. DOMINICK:

S. 891. A bill for the relief of Lugarda Losoya Damian-Ruiz;

S. 892. A bill for the relief of Fung Yut Ma (Mar);

S. 893. A bill for the relief of Dr. Ediltrodito Quianzon;

S. 894. A bill for the relief of Dr. Joseph E. Stapleton;

S. 895. A bill for the relief of Dr. Paul S. Franco; and

S. 896. A bill for the relief of Chan Oi Tai Wong; to the Committee on the Judiciary.

By Mr. SYMINGTON (for himself and Mr. Eagleton):

S. 897. A bill authorizing the construction of certain improvements on the Blue River, vicinity of Kansas City, Mo. and Kans., in the interest of flood control, water quality control, recreation, and fish and wildlife enhancement; to the Committee on Public Works.

(See the remarks of Mr. Symington when he introduced the above bill, which appear under a separate heading.)

By Mr. GORE:

S. 898. A bill to provide for the appointment of an additional district judge for the western district of Tennessee; to the Committee on the Judiciary.

By Mr. GOLDWATER (for himself and Mr. Fannin):

S. 899. A bill to provide for the establishment of the Hohokam Pima National Monument in the vicinity of the Snaketown archeological site, Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GRAVEL:

S. 900. A bill to amend the 1964 amendments to the Alaska Omnibus Act; to the Committee on Interior and Insular Affairs.

S. 901. A bill for the relief of William D. Pender; and

S. 902. A bill to amend section 1162 of title 18, United States Code, relating to State jurisdiction over offenses committed by or against Indians in the Indian country; to the Committee on the Judiciary.

By Mr. METCALF:

S. 903. A bill for the relief of Hao Chin Sun;

S. 904. A bill for the relief of Sik Leung Kei;

S. 905. A bill for the relief of Shui Wong;

S. 906. A bill for the relief of Tak On Li;

S. 907. A bill for the relief of Siu Hung Ng;

S. 908. A bill for the relief of Hok Kwong Lam; and

S. 909. A bill for the relief of Choi Hing Yuen; to the Committee on the Judiciary.

S. 910. A bill to assist the States in raising revenues by making more uniform the incidence and rate of tax imposed by States on the severance of minerals; to the Committee on Finance.

(See the remarks of Mr. Metcalf when he introduced the last above-mentioned bill, which appear under a separate heading.)

By Mr. HOLLINGS:

S. 911. A bill to assist the States and their political subdivisions to meet their needs for increased revenues by sharing with them a portion of the revenues derived from the Federal individual income tax; to the Committee on Finance.

(See the remarks of Mr. Hollings when he introduced the above bill, which appear under a separate heading.)

By Mr. ALLOTT (for himself and Mr. Dominick):

S. 912. A bill to provide for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Allott when he introduced the above bill, which appear under a separate heading.)

By Mr. FANNIN:

S. 913. A bill relating to the commission of a crime of violence in the District of Columbia when armed with any firearm or other dangerous or deadly weapon; to the Committee on the District of Columbia.

By Mr. PELL:

S. 914. A bill to encourage the preservation and development of a modern and efficient passenger rail transportation service in the northeastern seaboard area by granting the consent and approval of Congress to the States of Massachusetts, Rhode Island, Connecticut, and New York to negotiate and enter into a compact to create their own northeast rail authority, and by guaranteeing certain loans and other credit to such authority; to the Committee on Commerce.

(See the remarks of Mr. Pell when he introduced the above bill, which appear under a separate heading.)

By Mr. JAVITS (for himself, Mr. Goodell, Mr. Brooke, Mr. Kennedy, Mr. Pell, Mr. Scott, Mr. Schweiker, and Mr. Mathias):

S. 915. A bill to authorize the Small Business Administration to provide financial assistance to certain small business concerns suffering substantial economic injury as a result of the current work stoppages at east and gulf coast ports; to the Committee on Banking and Currency.

(See the remarks of Mr. Javits when he introduced the above bill, which appear under a separate heading.)

By Mr. RIBICOFF:

S. 916. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on Finance.

(See the remarks of Mr. Ribicoff when he introduced the above bill, which appear under a separate heading.)

By Mr. DOLE:

S. 917. A bill for the relief of John C. Cadwell; to the Committee on the Judiciary.

By Mr. McGOVERN (by request):

S. 918. A bill to be cited as the "Indian Financing Act of 1969";

S. 919. A bill to provide for the establishment of Indian corporate entities for the economic development of Indian tribes and other organizations of Indians, and for other purposes; and

S. 920. A bill to provide for the resolution of the Indian fractionated ownership problem, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. McGovern when he introduced the above three bills, which appear under a separate heading.)

By Mr. McGOVERN:

S. 921. A bill to declare that certain federally owned land is held by the United States in trust for the Cheyenne River Sioux Tribe of the Cheyenne River Indian Reservation; to the Committee on Interior and Insular Affairs.

By Mr. PERCY:

S. 922. A bill for the relief of Niklaus Morgenthaler, his wife, Nelly Morgenthaler, and their three children, Caroline Morgenthaler, Michael Morgenthaler, and David Morgenthaler; and

S. 923. A bill for the relief of Zumrata Salihbegovic de Kulenovic; to the Committee on the Judiciary.

By Mr. PELL:

S. 924. A bill to encourage the development and preservation of a modern and efficient intercity passenger rail transportation service in the United States by granting the consent and approval of Congress to the States to negotiate and enter into compacts to create their own regional intercity rail passenger service authorities, and by guaranteeing certain loans and other credit to such authorities; to the Committee on Commerce.

By Mr. DIRKSEN (by request):

S.J. Res. 39. Joint resolution designating the American marigold (Tagetes erecta) as the national floral emblem of the United States; to the Committee on the Judiciary.

(See the remarks of Mr. Dirksen when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. DIRKSEN:

S.J. Res. 40. Joint resolution to authorize the President to issue a proclamation designating the last full calendar week in July of each year as "National Legal Secretaries Week"; to the Committee on the Judiciary.

By Mr. SCOTT:

S.J. Res. 41. Joint resolution requesting the President to issue an annual proclamation calling upon the people of the United States to observe the 7-day period which includes February 12 and February 14 as Negro History Week; to the Committee on the Judiciary.

(See the remarks of Mr. Scott when he introduced the above joint resolution, which appear under a separate heading.)

S. 842—INTRODUCTION OF BILL—AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954 LIMITING PAYMENTS UNDER AGRICULTURAL PROGRAMS TO $20,000

Mr. WILLIAMS of Delaware. Mr. President, I introduce for appropriate reference, a bill.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 842) to limit to $20,000 the amount that may be paid to any producer in any year under certain agricultural programs, and for other purposes, introduced by Mr. Williams of Delaware, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. WILLIAMS of Delaware. The purpose of the first section of the proposed bill is to limit to $20,000 the aggregate amount of money which may be paid to any producer under certain agricultural programs in any one year. The limitation would be applicable beginning with the 1970 crop years and would be applicable with respect to payments made under programs provided for or extended under titles II through V of the Agricultural Act of 1965. Those programs include: First, the National Wool Act of 1954, extended and amended by title II; second, the feed grains program provided for under title III; third, the cotton program provided for under title IV; and, fourth, the wheat program provided for under title V.

The bill provides that in determining the $20,000 limit the following type of paments are to be included: First, wool incentive payments; second, wheat marketing certificates; third, price support and diversion payments; and, fourth, the dollar value of any payment-in-kind made to a producer. The dollar value of payment-in-kind is to be determined by the Secretary of Agriculture. The limitation on payments is not intended to include the amount of any price support loan made to a producer and the bill draft so provides.

Section 2 of the bill draft provides for the repeal of paragraph (12) of section 103(d) of the Agricultural Act of 1949, as amended, effective with the 1970 crop of upland cotton. Paragraph (12) of such section was enacted by the Food and Agriculture Act of 1965 and is the so-called snap-back provision for upland cotton. It provides that if limitations are later enacted with respect to price support provided under such section 103(d) and the Secretary of Agriculture is unable to make available to all cooperators the full amount of the price support to which they would otherwise be entitled under paragraphs (2) and (3) of such section 103(d), a program of price support for upland cotton providing for price support from 65 to 90 percent of parity would automatically come—or snap back—into operation. Paragraph (12) also provides that whenever the provision is in operation the Secretary of Agriculture will have authority to sell surplus cotton at prices below the loan level.

S. 844—INTRODUCTION OF LEGISLATIVE REORGANIZATION ACT OF 1969

Mr. MUNDT, Mr. President, I introduce, for appropriate reference, along with Senators BOGGS, CASE, METCALF, SPARKMAN, PERCY, STEVENS, FANNIN, and GRIFFIN, the Legislative Reorganization Act of 1969. I ask unanimous consent that at the conclusion of my remarks, the text of the bill be made a part of the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, will be printed in the RECORD at the conclusion of the Senator's remarks.

The bill (S. 844) to improve the operation of the legislative branch of the Federal Government, and for other purposes, introduced by Mr. MUNDT (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Government Operations.

(For text of bill, see exhibit 1.)

Mr. MUNDT. Mr. President, the bill incorporates, with certain minor revisions, the provisions of S. 355 as it passed the Senate in the 90th Congress. As my colleagues will remember, the Senate overwhelmingly approved this version 75 to 9, only to have it die in the House.

This legislation will have, I believe, wide bipartisan support. As I mentioned earlier, all the remaining Senate members of the Special Committee on Organization of the Congress have joined in cosponsoring the Legislative Reorganization Act of 1969. They are Senators BOGGS, CASE, METCALF, and SPARKMAN. Outside of that, I did not solicit for cosponsors. Two Senators, Senator PERCY, of Illinois, and Senator STEVENS, of Alaska, on hearing news reports to the effect that I would introduce such legislation, called my office and requested that they be listed as cosponsors. I was, of course, delighted to do so, just as I will be happy to extend the same courtesy to any other Senators who may wish to join now or at some later date.

It was, naturally, a disappointment not to see Congress complete action on this vitally needed housekeeping measure. We must not, however, accept the result as final. What was necessary in the last Congress is even more necessary in the 91st Congress. In addition, there are new indications of interest from across the Capitol in giving serious House consideration this year to congressional reform.

The Legislative Reorganization Act was the result of a 17-month study of the organization and operation of the Congress of the United States by the Special Committee on the Organization of the Congress. It was further refined by floor amendments prior to passage in 1967.

I would like to add, at this point, Mr. President, that a lion's share of the credit for steering the bill through the Senate in the 90th Congress belonged to our former colleague, Senator Mike Monroney, of Oklahoma. As the ranking Senate majority member of the joint committee, he labored long and skillfully to bring about a compromise acceptable to a majority of the Senate and yet one which still contained the necessary reorganizational features to allow Congress to function more effectively. As the ranking Republican member, it was a privilege for me to serve by his side, and his counsel and leadership will be sorely missed as we start down the legislative road again.

I am happy that all of the Senate members from the now expired Special Committee on the Organization of Congress have joined me in introducing this legislation. They believe, as I do, that we must go on. Congress faces an organizational crisis. It is imperative that we adopt the changes making it possible for Congress to stay on top of the increasingly complex domestic and foreign policy problems facing all branches of Government.

It has been over 20 years since any major revisions have occurred in Congress. The last major legislative reorganization was in 1946, when I also had a modest hand in shaping the results. Compared to the executive branch which has undergone comprehensive organizational changes on more or less a regular basis during the last 50 years, this is only the second time in this century that Congress has stopped to take a long, hard look at its own organizational framework.

Mr. President, this legislation has several significant features. It makes substantial modifications in the procedures of the standing committees. Included in this category is the very important "committee bill of rights" which would give a majority of each standing committee the right to call meetings and report legislation if the chairman failed to do so. It makes changes in hearing procedures to provide for more advance notice to the public and encourages open hearings and more public access to committee information.

One crucial reform is the protection of the rights of the minority. I say this as a member of the present minority but it should be pointed out that the last election makes it clear that we are once again approaching that equality of strength under which the minority in November could easily become the majority in January.

Regardless of party and present strength, these protections should be supported by all Senators. They include additional committee staff for the minority, the right to present minority views and reports, the right of equal time in debate on conference reports and the right to schedule witnesses during at least one day of committee hearings.

This legislation would also provide for the possible employment of an additional committee staff member to act as a legislative review specialist of the administration of existing legislation. In my estimation, this "oversight," or review, function is essential to the continued efficient operation of our legislative operations and is in complete accord with the current feeling in Congress and around the country to consolidate and build upon existing programs rather than striking out in new and uncharted directions.

If adopted, the Legislative Reorganization Act would create a new Senate Committee on Veterans' Affairs. This goal, long sought by several Members of this body, including myself, is desperately needed to provide expert attention to the requirements of the ever-increasing number of veterans.

Membership on the various committees in the Senate would also be changed. There would be a general reduction in the size of some committees and prohibition against any one Senator serving on more than one of certain selected major committees.

The bill authorizes greater congressional fiscal controls, with emphasis on the budget and the appropriation process. This would be accomplished through the use of a standardized information and data processing system for all Government expenditures and for budgetary and fiscal data, through a greater staff capability in the General Accounting Office to provide current and complete budget information to Members, through hearings of the full Appropriations Committee at the beginning of each session permitting a more coordinated look at the entire budget, greater attention to the cost-effectiveness studies currently conducted by the Executive, and by better liaison between the legislative committees, Appropriations Committees, and the General Accounting Office, and through increased committee staff capability.

Mr. President, many other worthwhile objectives would be obtained by adoption of this legislation. They include strengthening of the Legislative Reference Service of the Library of Congress, full-time legislative assistants for Senators, an automatic August recess, elimination of patronage appointments of postmasters, professionalizing the Capitol Police force, and increasing the age requirements for Senate and House pages.

Some of these provisions have been partially adopted by other means, but they are more by informal agreement than anything else. Others could be adopted by the same method. This, however, is not satisfactory. The reforms are needed and should be made permanent by force of law.

Mr. President, I have eliminated one title from the bill that passed the Senate in 1967. Title V amended the Regulation of Lobbying Act of 1946. This is not included in the Legislative Reorganization Act of 1969.

I have taken this action, not because I feel we no longer need corrective action in this area—we do—but because I believe further study of this problem is necessary. This is a section of the act which is far different than the others, which are primarily internal housekeeping matters. Because it involves individuals whose connection with Congress is other than a Member or an employee, I believe legislative hearings should be held on the language. This has never been done. I would hope a separate bill will be introduced on this subject and enacted into law by this Congress after adequate hearings are held on its provisions.

The outgoing Johnson administration sent to Congress on January 15 of this year its recommendations to amend the present lobbying law. It is entirely possible that the Nixon administration will want to do likewise.

Finally, Mr. President, I would like to point out sections of the 1969 bill which differ from the Senate-passed version of the 90th Congress. All these changes were made to accommodate separate legislative actions adopted following the passage of our bill in 1967.

The text relating exclusively to the Senate has been adjusted to reflect subsequent action by the Senate except that the table showing the number of Senators on each standing committee has not been changed in consequence of adoption of Senate Resolution 13 on January 14 of this year. Senate Resolution 13 reduced the size of the Committee on Appropriations and the Committee on Foreign Relations. If the Senate, in its wisdom wants to incorporate this latest change in this reorganization act, it will have ample opportunity to do so.

Provisions of the 1967 bill which have been taken care of administratively or in other legislation have been omitted. These include sections relating to telecommunications, conversion of Senate pay rates to gross rate basis, and stationery allowances. The section relating to legislative assistants for Senators has been included and that provision of the so-called Tydings amendment added to the legislative appropriation bill would be rescinded. The amendment increased the clerk hire allowance for Senators and was intended as a stopgap measure until Congress adopted the legislative assistant provision of the Congressional Reorganization Act.

Provisions relating to salary rates have been updated to conform to existing levels.

As a matter of comity, the text relating exclusively to the House has not been altered to reflect any action taken by that body since the passage of S. 355 by the Senate.

Mr. President, I hope that the Senate will take up this legislation in the near future and send it to the House so that body may continue its consideration. There is nothing more powerful than an idea whose time has come, and certainly the time for legislative reorganization has not only come but is in fact overdue.

The text of the bill is as follows:

EXHIBIT 1

S. 844

A bill to improve the operation of the legislative branch of the Federal Government, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into titles, parts, and sections according to the following table of contents, may be cited as the "Legislative Reorganization Act of 1969".

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TITLE I—THE COMMITTEE SYSTEM

RULEMAKING POWER OF SENATE AND HOUSE

SEC. 101. The following sections of this title are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in

such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

PART 1—PROVISIONS APPLICABLE TO BOTH HOUSES

COMMITTEE PROCEDURE

SEC. 102. (a) Section 133(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190a) is amended by adding at the end thereof the following new sentences: "If the chairman of any such committee, after three days' consideration, refuses or fails, upon the request of at least three members of the committee, to call a special meeting of the committee within seven calendar days from the date of said request, then upon the filing with the clerk of the committee of the written and signed request of a majority of the committee for a called special meeting of the committee, the committee shall meet on the day and hour specified in said written request. It shall be the duty of the clerk of the committee to notify all members of the committee in the usual way of such called special meeting. If the chairman of the committee is not present at any committee meeting, the senior member of the majority party who is present shall preside at that meeting.".

(b) Section 133(b) of that Act is amended to read as follows:

"(b) Meetings for the transaction of business of each such committee, other than the conduct of hearings, shall be open to the public except during executive sessions for marking up bills or for voting or when the committee by a majority vote orders an executive session. Each such committee shall keep a complete record of all committee action. Such record shall include a record of the votes on any question on which a record vote is demanded. The results of rollcall votes taken in any meeting of any such committee upon any measure, or any amendment thereto, shall be announced in the committee report on that measure unless previously announced by the committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee who was present at that meeting.".

(c) Section 133(c) of that Act is amended by adding at the end thereof the following new sentences: "In any event, the report of any such committee upon a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the Senate or House of Representatives, as the case may be, is not in session) after the day on which there has been filed with the clerk of the committee a written and signed request of a majority of the committee for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing thereof.".

(d) Section 133(d) of that Act is amended by adding at the end thereof the following new sentences: "The vote of the committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are present. No vote of any member of any such committee to report a measure or matter may be cast by proxy if rules adopted by such committee forbid the casting of votes for that purpose by proxy, however, proxies shall not be voted for such purpose except when the absent committee member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. Action by any such committee in reporting any measure or matter in accordance with the requirements of this subsection shall constitute the ratification by the committee of all action theretofore taken by the committee with respect to that measure or matter, including votes taken upon the measure or matter or any amendment thereto, and no point of order shall lie with respect to that measure or matter on the ground that such previous action with respect thereto by such committee was not taken in compliance with such requirements. Whenever any such committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee. Nothing contained in this subsection shall abrogate the power of any committee of either House to adopt rules (1) providing for proxy voting on all matters other than the reporting of a measure or matter, or (2) providing in accordance with the rules of that House for a lesser number as a quorum for any action other than the reporting of a measure or matter.".

(e) Section 133 of that Act is amended by striking out subsections (e) and (f), and inserting in lieu thereof the following:

"(e) If, at the time of approval of a measure or matter by any such committee, any member of the committee gives notice of intention to file supplemental or minority views; each such member shall be entitled to no less than one day in which to file such views with the clerk of the committee in writing. All such views so filed by one or more members of the committee shall be included within and shall be a part of the report filed by the committee with respect to that measure or matter. The report of such committee upon such measure or matter shall be printed in a single volume which shall include all supplemental or minority views which have been submitted at the time of the filing of the committee report, and shall bear upon its cover a recital that supplemental or minority views are included as a part of the report.

"Nothing contained in this subsection shall preclude—

"(A) The immediate filing and printing of a committee report unless a timely request for the opportunity to file supplemental or minority views has been made as provided by this subsection; or

"(B) The filing by any standing committee of any supplemental report upon any measure which may be required for the correction of any technical error in a previous report made by such committee upon such measure.

"(f) The report of any such committee of either House of the Congress upon any measure or matter shall be filed in that House at least three calendar days (exclusive of Saturdays, Sundays, and legal holidays) before any vote is taken upon that measure or matter in that House. If there have been hearings held upon any such measure or matter so reported in either such House, the committee shall make every reasonable effort to have such hearings printed and available for distribution to Members of that House prior to consideration of the measure. This section shall not apply to any measure for the declaration of war or the declaration of a national emergency by the Congress. In any event, this section may be waived by joint agreement of the majority leader and minority leader of the Senate or the Speaker and the minority leader of the House of Representatives upon finding that in their opinion such waiver is required because of the imminence of sine die adjournment, the expiration of the Act sought to be amended, or to meet the immediate financial needs of the Government.

"(g) Each such committee which, in any year beginning on or after January 1, 1970, requires authorization for the expenditure of funds in excess of the amount specified by section 134(a) of this Act shall offer one annual authorization resolution to procure such authorization. Each such annual authorization resolution shall include a specification of the amount of all such funds sought by such committee for expenditure by all subcommittees thereof during that year and the amount so sought for each such subcommittee. The annual authorization resolution of any such committee of either House of the Congress for each year beginning on or after January 1, 1970, shall be offered not later than January 31 of that year, except that, whenever the designation of members of standing committees of that House occurs during the first session of any Congress at a date later than January 20 such resolution may be offered by any standing committee of that House at any time within thirty days after the date on which a majority of the members of such committee have been designated during that session. After the date on which an annual authorization resolution has been offered by any such committee in any year, or the last date on which such committee pursuant to the preceding sentence may offer such a resolution, whichever date occurs earlier, such committee in any year may procure authorization for the expenditure of funds in excess of the amount specified by section 134 (a) of this Act only by offering a supplemental authorization resolution. Each such supplemental authorization resolution shall specify with particularity the purpose for which such authorization is sought, and shall contain an explicit statement of the reason why authorization for the expenditures described therein could not have been sought at the time of, or within the period provided for, the submission by such committee of an annual authorization resolution for that year. The minority shall receive fair consideration in the appointment of staff personnel pursuant to such resolution."

"(h) The foregoing provisions of this section do not apply to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.".

COMMITTEE HEARING PROCEDURE

SEC. 103. (a) Part 3 of title I of the Legislative Reorganization Act of 1946 is amended by inserting therein, immediately after section 133 thereof, the following new section:

"COMMITTEE HEARING PROCEDURE

"SEC. 133A. (a) Each standing committee of the Senate and the House of Representatives (except the Committee on Appropriations) shall make public announcement of the date, place, and subject matter of any hearing to be conducted by the committee upon any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date.

"(b) Each hearing conducted by each such committee shall be open to the public except when the committee determines that the testimony to be taken at that hearing may relate to a matter of national security, may tend to reflect adversely on the character or reputation of the witness or any other individual, or may divulge matters deemed confidential under other provisions of law or Government regulation. Whenever any such hearing is open to the public, that hearing may be broadcast by radio or television, or both, under such rules that the committee may adopt.

"(c) Each such committee shall require each witness who is to appear before the committee in any hearing to file with the clerk of the committee, at least one day before the date of the appearance of that witness, a written statement of his proposed testimony unless the committee chairman and ranking minority member determine that there is good cause for the failure of the witness to file such a statement in compliance with this subsection. If so requested by any such committee, the staff of the committee shall prepare for the use of members of the committee before each day of hearing before the committee a digest of the statements which have been so filed by witnesses who are to appear before the committee on that day.

"(d) After the conclusion of each day of hearing, if so requested by any such committee, the staff shall prepare for the use of members of the committee a summary of the testimony given before the committee on that day. After approval by the chairman and the ranking minority member of the committee, each such summary may be printed as a part of the committee hearings if such hearings are ordered by the committee to be printed.

"(e) Whenever any hearing is conducted by any such committee upon any measure or matter, the minority of the committee shall be entitled, upon request made by a majority of the minority members to the chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

"(f) Whenever any such committee has reported any measure, by action taken in conformity with the requirements of section 133(d) of this Act, no point of order shall lie with respect to that measure on the ground that hearings upon that measure by that committee were not conducted in accordance with the provisions of this section.

"(g) The foregoing provisions of this section do not apply to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.".

(b) Title I of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by inserting—

"Sec. 133A. Committee hearing procedure."

immediately below—

"Sec. 133. Committee procedure.".

COMMITTEE POWERS

Sec. 104. Section 134(c) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190b (b)) is amended to read as follows:

"(c) Except as hereinafter provided, no standing committee of the Senate or the House shall sit, without special leave, while the Senate or the House, as the case may be, is in session. The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations of the Senate or to the following committees of the House of Representatives: the Committee on Appropriations, the Committee on Government Operations, the Committee on Rules, and the Committee on Un-American Activities. Any other standing committee of the Senate may sit for any purpose while the Senate is in session if consent therefor has been obtained from the majority leader and the minority leader of the Senate. Any other standing committee of the House of Representatives may conduct a hearing while the House is in session if consent therefor has been obtained from the Speaker and the minority leader of the House. In the event of the absence of any such officer or leader, the consent of such officer or leader may be given by a Member of that House of which such officer or leader is a Member designated by him for that purpose. Notwithstanding the provisions of this subsection, any standing committee of the Senate may sit without special leave for any purpose as authorized by paragraph 7 (paragraph 5 as redesignated by section 122(b) of the Legislative Reorganization Act of 1969) of rule XXV of the Standing Rules of the Senate.".

LEGISLATIVE REVIEW BY STANDING COMMITTEES

Sec. 105. (a) Section 136 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190d) is amended to read as follows:

"LEGISLATIVE REVIEW BY STANDING COMMITTEES

"Sec. 136. (a) In order to assist the Congress in—

"(1) its analysis, appraisal, and evaluation of the application, operation, administration, and execution of the laws enacted by the Congress, and

"(2) its formulation, consideration, and enactment of such modifications of or changes in such laws, and of such additional legislation, as it deems necessary or appropriate,

each standing committee of the Senate and House of Representatives shall review and study, on a continuing basis, the application, operation, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of such committee.

"(b) Each standing committee of the Senate and House of Representatives shall—

"(1) conduct the reviews and studies required generally by subsection (a) of this section;

"(2) analyze, appraise, and evaluate reports and other data of the Comptroller General of the United States, and of any other officer or agency of the Government, which are pertinent to reviews, studies, programs, projects, and other matters within the purview of this section and may request the Comptroller General to investigate any report on any matter relating to the receipt, disbursement, and application of public funds under such laws;

"(3) keep currently informed with respect to the regulations, procedures, practices, and policies of the Government pertaining to the application, operation, administration, and execution of the laws, and parts of laws, the subject matter of which is within the jurisdiction of the committee;

"(4) conduct such activities as are necessary and appropriate to carry out the general review and study policies of the committee under this section, including reviews of programs of grants-in-aid referred to in section 252(c) of the Legislative Reorganization Act of 1969; and

"(5) obtain current information regarding—

"(A) the progress, status, and results of reviews, studies, programs, and projects conducted under this section,

"(B) the regulations, procedures, practices, and policies of the Government referred to in subparagraph (3) of this subsection, and

"(C) all other matters within the purview of this subsection.

"(c) Each standing committee of the Senate and House of Representatives is entitled to employ a Review Specialist as a member of the professional staff of such committee in addition to the number of members of such professional staff to which such committee otherwise is entitled. Such Review Specialist shall be selected and appointed by the chairman of such committee, with the prior approval of the ranking minority member, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties of the position. Such Review Specialist shall, under the joint direction and supervision of the chairman and the ranking minority member, assist the committee in the performance of its review functions under this section.

"(d) Each standing committee of the Senate and House of Representatives shall submit, not later than March 31 of each year beginning on or after January 1, 1970, to the Senate and House of Representatives, respectively, a report on its activities under this section during the immediately preceding calendar year. Such report shall include—

"(1) an analysis of the reviews, studies, programs, and projects of the committee under this section;

"(2) an appraisal and evaluation of the application, operation, administration, and execution of the laws, and parts of laws, the subject matter of which is within the jurisdiction of the committee; and

"(3) such other matters within the purview of this section as may be appropriate to carry out the purposes of this section.

Each such committee shall omit in such report all matters which, in the opinion of the committee, should not be made public in the interest of the national security.

"(e) Within ten days after the submission of all such reports to the Senate and House of Representatives, respectively, the President of the Senate, with respect to the reports submitted to the Senate, and the Speaker of the House of Representatives, with respect to the reports submitted to the House, shall transmit such reports to—

"(1) the President, with respect to matters concerning the executive branch;

"(2) the Director of the Administrative Office of the United States Courts, with respect to matters concerning the judicial branch;

"(3) the Board of Commissioners of the District of Columbia with respect to matters concerning the municipal government of the District of Columbia; and

"(4) the heads of other appropriate agencies, corporations, and instrumentalities of the Government.

"(f) As used in this section, the term 'Government' includes the municipal government of the District of Columbia.

"(g) The foregoing provisions of this section do not apply to the Committee on Appropriations of the Senate and the Committee on Appropriations and the Committee on Standards and Conduct of the House of Representatives.".

(b) Title I of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 136. Legislative oversight by standing committees."

and inserting in lieu thereof—

"Sec. 136. Legislative review by standing committees.".

CONFERENCE REPORTS

Sec. 106. (a) The section caption of section 135 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190c) is amended to read as follows:

"CONFERENCE REPORTS"

(b) Section 135 of that Act is amended by adding at the end thereof the following new subsections:

"(c) Each report of a committee of conference shall be printed as a report of each House of the Congress. As printed in each House, each such report shall be accompanied by an explanatory statement prepared by the conferees on the part of that House. Each such statement shall be sufficiently detailed and explicit to inform the House for which it is prepared as to the effect which amendments or propositions contained in such report will have upon the measure to which it relates. If any conferee on the part of either House desires to submit to the House of which he is a member an additional individual explanatory statement with respect to any such report, such individual statement may be filed as an appendix to, and may be printed together with, the explanatory statement made by the conferees on the part of the House of which he is a Member, if such individual statement is available at the time of the filing of the report of the committee of conference to that House.

"(d) If time for debate in the consideration of any report of a committee of conference upon the floor of either House of the Congress is limited, the time allotted for debate thereon shall be divided equally between Members of that House who favor agreement to such report and Members of that House who do not favor agreement to such report.".

(c) The item relating to section 135 contained in the table of contents of that Act is amended to read:

"Sec. 135. Conference reports.".

PART 2—PROVISIONS APPLICABLE TO THE SENATE

JURISDICTION OF STANDING COMMITTEES OF THE SENATE

SEC. 121. Paragraph 1 of Rule XXV of the Standing Rules of the Senate is amended—

(1) by striking out in subparagraph (e)—

"Committee on Banking and Currency,"

and inserting in lieu thereof—

"Committee on Banking, Housing and Urban Affairs,";

(2) by adding at the end of subparagraph (e) the following item:

"10. Urban affairs generally.";

(3) by striking out in subparagraph (h) (relating to the Committee on Finance) the following numbered items—

"10. Veterans' measures generally.

"11. Pensions of all the wars of the United States, general and special.

"12. Life insurance issued by the Government on account of service in the armed forces.

"13. Compensation of veterans.";

(4) by striking out in subparagraph (m) (relating to the Committee on Labor and Public Welfare)—

"16. Vocational rehabilitation and education of veterans.

"17. Veterans' hospitals, medica care and treatment of veterans.

"18. Soldiers' and sailors' civil relief.

"19. Readjustment of servicemen to civil life.";

(5) by adding at the end thereof the following new subparagraph—

"(q) Committee on Veterans' Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Veterans' measures generally.

"2. Pensions of all the wars of the United States, general and special.

"3. Life insurance issued by the Government on account of service in the armed forces.

"4. Compensation of veterans.

"5. Vocational rehabilitation and education of veterans.

"6. Veterans' hospitals, medical care and treatment of veterans.

"7. Soldiers' and sailors' civil relief.

"8. Readjustment of servicemen to civil life.

"9. National cemeteries."; and

(6) by striking out in subparagraph (k) (relating to the Committee on Interior and Insular Affairs) the following item—

"5. Military parks and battlefields, and National cemeteries."

and inserting in lieu thereof—

"5. Military parks and battlefields."

COMMITTEE MEMBERSHIP

SEC. 122. (a) Paragraph 1 of rule XXV of the Standing Rules of the Senate, as such paragraph existed on the day preceding the date of enactment of section 121 of this Act, is amended—

(1) by striking out in subparagraph (a) the words "to consist of fifteen Senators,";

(2) by striking out in subparagraph (b) the words "to consist of thirteen Senators,";

(3) by striking out in subparagraph (c) the words "to consist of twenty-four Senators,";

(4) by striking out in subparagraph (d) the words "to consist of eighteen Senators,";

(5) by striking out in subparagraph (e) the words "to consist of fifteen Senators,";

(6) by striking out in subparagraph (f) the words "to consist of nineteen Senators,";

(7) by striking out in subparagraph (g) the words "to consist of seven Senators,";

(8) by striking out in subparagraph (h) the words "to consist of seventeen Senators,";

(9) by striking out in subparagraph (i) the words "to consist of fifteen Senators,";

(10) by striking out in subparagraph (j)(1) the words "to consist of fifteen Senators,";

(11) by striking out in subparagraph (k) the words "to consist of seventeen Senators,";

(12) by striking out in subparagraph (l) the words "to consist of seventeen Senators,";

(13) by striking out in subparagraph (m) the words "to consist of seventeen Senators,";

(14) by striking out in subparagraph (n) the words "to consist of twelve Senators,";

(15) by striking out in subparagraph (o) the words "to consist of fifteen Senators,"; and

(16) by striking out in subparagraph (p)(1) the words "to consist of nine Senators,".

(b) Paragraphs 2, 3, 4, and 5 of rule XXV of the Standing Rules of the Senate are redesignated as paragraphs 4, 5, 6, and 7 thereof, respectively.

(c) Rule XXV of the Standing Rules of the Senate is amended by inserting, immediately after paragraph 1, the following new paragraphs:

"2. Except as otherwise provided by paragraph 6 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

"Committee	*Members*
"Aeronautical and Space Sciences	14
"Agriculture and Forestry	13
"Appropriations	26
"Armed Services	15
"Banking, Housing, and Urban Affairs	15
"Commerce	15
"Finance	15
"Foreign Relations	15
"Government Operations	14
"Interior and Insular Affairs	14
"Judiciary	15
"Labor and Public Welfare	15
"Public Works	14

"3. Except as otherwise provided by paragraph 6 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

"Committee	*Members*
"District of Columbia	7
"Post Office and Civil Service	9
"Rules and Administration	9
"Veterans' Affairs	9."

(d) Paragraph 6 of rule XXV of the Standing Rules of the Senate (as redesignated) is amended to read as follows:

"6. (a) Except as otherwise provided by this paragraph, each Senator shall serve on two and no more of the standing committees named in paragraph 2. Except as otherwise provided by this paragraph, no Senator shall serve on more than one committee included within the following classes: standing committees named in paragraph 3; select and special committees of the Senate; and joint committees of the Congress.

"(b) Each Senator who on the day preceding the effective date of title I of the Legislative Reorganization Act of 1969 was serving as a member of any standing committee shall be entitled to continue to serve on each such committee of which he was a member on that day as long as his service as a member of such committee remains continuous after that day. Each Senator who (1) on that day was serving as a member of the Committee on Aeronautical and Space Sciences or the Committee on Government Operations, (2) on that date was entitled, under the proviso contained in the first sentence of paragraph 4 of this rule as such rule existed on that day, to serve on three committees named in that sentence, and (3) on June 30, 1971, is serving on three such committees, of which at least one is the Committee on Aeronautical and Space Sciences or the Committee on Government Operations, shall be entitled to continue to serve on each of the committees of which he is a member on June 30, 1971, so long as his service as a member of each such committee remains continuous thereafter. Each Senator who on the day preceding the effective date of title I of the Legislative Reorganization Act of 1969 was a member of more than one committee of the classes described in the second sentence of subparagraph (a) shall be entitled to serve on each such committee of which he was a member on that day as long as his service as a member of that committee remains continuous after that day. Notwithstanding the provisions of paragraphs 2 and 3, each committee of the Senate shall be temporarily increased in membership by such number as may be required to carry into effect the provisions of this subparagraph.

"(c) By agreement entered into by the majority leader and the minority leader, the membership of one or more of the standing committees named in paragraph 2 or paragraph 3 of this rule may be increased temporarily from time to time by such number or numbers as may be required to accord to the majority party a majority of the membership of all standing committees. When any such temporary increase is necessary to accord to the majority party a majority of the membership of all standing committees, members of the majority party in such number as may be required for that purpose may serve as members of three standing committees named in paragraph 2. No such temporary increase in the membership of one or more standing committees under this subparagraph or subparagraph (a) shall be continued in effect after the need therefor has ended. No standing committee may be increased in membership under this subparagraph or subparagraph (a) by more than four members in excess of the number prescribed for that committee by paragraph 2 or paragraph 3 of this rule.

"(b) Notwithstanding the limitations contained in subparagraph (a), a Senator may serve at any time on one additional committee included within the following classes: a temporary committee of the Senate or a temporary joint committee of the Congress which, by the terms of the measure by which it was established as initially agreed to, will not continue in existence for more than one Congress; or a joint committee of the Congress having jurisdiction with respect to a subject matter which is directly related to the jurisdiction of a committee named in paragraph 3 of which that Senator is a member.

"(e) No Senator shall serve at any time on more than one of the following committees: Committee on Appropriations, Committee on Armed Services, Committee on Finance, and Committee on Foreign Relations. Notwithstanding the limitation contained in this paragraph, a Senator who on the day preceding the effective date of title I of the Legislative Reorganization Act of 1969 was a member of more than one such committee may continue to serve as a member of each such committee of which he was a member on that day as long as his service on that committee remains continuous after that day.

"(f) No Senator shall serve at any time as chairman of more than one committee included within the following classes: standing, select, and special committees of the

Senate; and joint committees of the Congress, except that—

"(1) A Senator may serve as chairman of a joint committee of the Congress having jurisdiction with respect to a subject matter which is directly related to the jurisdiction of a committee named in paragraph 2 or paragraph 3 of which that Senator is the chairman;

"(2) A Senator who on the day preceding the effective date of title I of the Legislative Reorganization Act of 1969 was serving as chairman of more than one committee included within the classes described in this subparagraph may continue to serve as chairman of each such committee of which he was chairman on that day as long as his service as chairman of that committee remains continuous after that day; and

"(3) A Senator who is serving at any time as chairman of a committee included within the classes described in this subparagraph may at the same time serve also as chairman of one temporary committee of the Senate or temporary joint committee of the Congress which, by the terms of the measure by which it was established as originally agreed to, will not continue in existence for more than one Congress.

"(g) No Senator shall serve at any time as chairman of more than one subcommittee of the same committee if that committee is named in paragraph 2. Notwithstanding the limitation contained in this subparagraph, a Senator who on the day preceding the effective date of title I of the Legislative Reorganization Act of 1969 was serving as chairman of more than one such subcommittee may continue to serve as chairman of each such subcommittee of which he was chairman on that day as long as his service as chairman of that subcommittee remains continuous after that day.".

PART 3—PROVISIONS APPLICABLE TO THE HOUSE OF REPRESENTATIVES

JURISDICTION OF STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

SEC. 131. (a) Clause 1 of rule X of the Rules of the House of Representatives is amended—

(1) by striking out—

"(d) Committee on Banking and Currency, to consist of twenty-seven Members."

and inserting in lieu thereof—

"(d) Committee on Banking, Housing, and Urban Affairs, to consist of twenty-seven Members.";

(2) by striking out—

"(f) Committee on Education and Labor, to consist of twenty-five Members."

and inserting in lieu thereof—

"(f) Committee on Education, to consist of twenty-five Members.";

(3) by inserting—

"(m) Committee on Labor and Public Welfare, to consist of twenty-five Members."

immediately below—

"(l) Committee on the Judiciary, to consist of twenty-seven Members.";

(4) by redesignating paragraphs (m), (n), (o), (p), and (q) as paragraphs (n), (o), (p), (q), and (r), respectively;

(5) by inserting immediately below paragraph (q) thereof (relating to the Committee on Science and Astronautics), redesignated as paragraph (r) by subparagraph (4) of this subsection, the following new paragraph (s):

"(s) Committee on Standards and Conduct, to consist of twelve Members."; and

(6) by redesignating paragraphs (r), (s), and (t) as paragraphs (t), (u), and (v), respectively.

(b) Rule XI of the Rules of the House of Representatives is amended—

(1) by striking out in clause 1 thereof (relating to the Committee on Agriculture—

"(d) Agricultural colleges and experiment stations.

"(e) Agricultural economics and research.

"(f) Agricultural education extension services."

and inserting in lieu thereof—

"(d) Agricultural economics and research.";

(2) by redesignating paragraphs (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), and (q) of such clause 1 as paragraphs (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), and (o), respectively;

(3) by striking out—

"4. Committee on Banking and Currency."

and inserting in lieu thereof—

"4. Committee on Banking, Housing, and Urban Affairs.";

(4) by adding at the end of clause 4 thereof (relating to the Committee on Banking, Housing, and Urban Affairs)—

"(j) Urban affairs generally.";

(5) by striking out—

"6. Committee on Education and Labor.

"(a) Measures relating to education or labor generally.

"(b) child labor.

"(c) Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedmen's Hospital; and Saint Elizabeths Hospital.

"(d) Convict labor and the entry of goods made by convicts into interstate commerce.

"(e) Labor standards.

"(f) Labor statistics.

"(g) Mediation and arbitration of labor disputes.

"(h) Regulation or prevention of importation of foreign laborers under contract.

"(i) School-lunch program.

"(j) United States Employees' Compensation Commission.

"(k) Vocational rehabilitation.

"(l) Wages and hours of labor.

"(m) Welfare of miners."

and inserting in lieu thereof—

"6. Committee on Education.

"(a) Measures relating to education generally.

"(b) Agricultural colleges and experiment stations.

"(c) Agricultural educational extension services.

"(d) Mining schools.

"(e) Gallaudet College.

"(f) Howard University (including Freedmen's Hospital).

"(g) Library services and construction.

"(h) School construction.

"(i) Arts and humanities.

"(j) Vocational education and vocational rehabilitation.

"(k) Scholarships and intercultural activities.

"(l) Special educational programs.

"(m) Measures relating to economic opportunity and alleviation of poverty.

"(n) Public health and quarantine, including the Public Health Service and the National Institutes of Health.";

(6) by striking out in clause 10 thereof (relating to the Committee on Interior and Insular Affairs)—

"(l) Mining schools and experimental stations"

and inserting in lieu thereof—

"(l) Mining experimental stations.";

(7) by striking out in clause 11 thereof (relating to the Committee on Interstate and Foreign Commerce)—

"(e) Public health and quarantine.

"(f) Railroad labor and railroad retirement and unemployment, except revenue measures relating thereto."

and inserting in lieu thereof—

"(e) Railroad retirement and unemployment, except revenue measures relating thereto.";

(8) by redesignating paragraphs (g), (h), (i), and (j) of such clause 11 as paragraphs (f), (g), (h), and (i), respectively;

(9) by striking out in such clause 11—

"(k) Weather Bureau.";

(10) by inserting immediately following clause 12 thereof the following new clause 13:

"13. Committee on Labor and Public Welfare.

"(a) Measures relating to labor or public welfare generally.

"(b) Child labor.

"(c) Labor standards.

"(d) Labor statistics.

"(e) Mediation and arbitration of labor disputes.

"(f) Convict labor and the entry of goods made by convicts into interstate commerce.

"(g) Maritime unions.

"(h) Railroad labor.

"(i) Regulation or prevention of importation of foreign laborers under contract.

"(j) Bureau of Employees' Compensation.

"(k) Wages and hours of labor.

"(l) Welfare of miners.

"(m) Saint Elizabeths Hospital.

"(n) School-lunch program.

"(o) Industrial safety.

"(p) Equal employment opportunities and fair employment practices.

"(q) Manpower development and training generally.";

(11) by redesignating clauses 13, 14, 15, 16, and 17 thereof as clauses 14, 15, 16, 17, and 18 thereof, respectively;

(12) by striking out in clause 13 thereof redesignated as clause 14 by subparagraph (11) of this subsection (relating to the Committee on Merchant Marine and Fisheries)—

"(f) Merchant marine officers and seamen."

and inserting in lieu thereof—

"(f) Merchant marine officers and seamen (except maritime unions).";

(13) by striking out at the end of clause 17 thereof redesignated as clause 18 by subparagraph (11) of this subsection (relating to the Committee on Science and Astronautics)—

"(h) Scientific research and development."

and inserting in lieu thereof—

"(h) Research and development in environmental science, including the Environmental Science Services Administration.

"(i) Scientific research and development generally.";

(14) by inserting immediately following clause 17 thereof, redesignated as clause 18 by subparagraph (11) of this subsection, the following new clause 19:

"19. Committee on Standards and Conduct.

"(a) Ethical standards and conduct of Members, officers, and employees of the House of Representatives.

"(b) The Committee on Standards and Conduct shall consist at all times of an even number of Members equally divided between the majority party and the minority party. The committee shall select a chairman and a vice chairman from among its members. The chairman shall be a member of the majority party. The vice chairman shall be a member of the minority party.

"(c) The Committee on Standards and Conduct shall—

"(1) recommend to the House of Representatives, by report or resolution, such rules and regulations as the committee determines necessary or desirable to insure proper standards of conduct by Members of the House and by officers and employees of the House, in the performance of their duties and the discharge of their responsibilities; and

"(2) report, by majority vote of its entire membership, violations of law to the proper Federal and State authorities.

"(d) The committee shall transmit to the House of Representatives its recommendations as to any legislative measures which the committee determines necessary for the effective discharge of its duties whenever the committee, by majority vote of its entire membership, orders such action.

"(e) The committee is authorized to—

"(1) hold such hearings,

"(2) sit and act at such times and places within the United States, including any Commonwealth or possession thereof, whether the House is in session, has recessed, or adjourned, and

"(3) require, by subpena or otherwise, the attendance and testimony (orally or by deposition) of such witnesses, and the production of such books, records, correspondence, papers, and documents,

as the committee deems necessary. Subpenas may be issued under the signature of the chairman of the committee, or by any member of the committee designated by the chairman, and may be served by any person designated by such chairman or committee member so designated. The chairman of the committee, or any member thereof, may administer oaths to witnesses.

"(f) Any hearing held by the committee shall not be open to the public unless and until the committee, by majority vote of its entire membership, orders such hearing to be open to the public.

"(g) As used in this clause, the term 'officers and employees of the House' includes—

"(1) an elected officer of the House who is not a Member of the House;

"(2) an employee of the House, of any committee or subcommittee of the House, or of any Member of the House;

"(3) the Legislative Counsel of the House and any employee of his office;

"(4) an Official Reporter of Debates of the House, an Official Reporter to Committees, and any person employed by the Official Reporters in connection with the performance of their official duties;

"(5) a member of the Capitol Police Force whose compensation is disbursed by the Clerk of the House;

"(6) telephone operators whose compensation is disbursed by the Clerk of the House;

"(7) an employee of the Government Printing Office assigned to duty in any capacity with the House; and

"(8) an employee of a joint committee of the Congress whose compensation is disbursed by the Clerk of the House.";

(15) by redesignating clauses 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30 thereof as clauses 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32 thereof, respectively; and

(16) by striking out in clause 24 thereof redesignated as clause 26 by subparagraph (15) of this subsection (relating to reports of the Committee on House Administration in contested-election cases)—

"except in a contest from the Territory of Alaska, in which case the time shall not exceed nine months".

(c) Rule XII of the Rules of the House of Representatives is amended to read as follows:

"Rule XII

"RESIDENT COMMISSIONER

"The Resident Commissioner to the United States from Puerto Rico shall be elected to serve as an additional member on the Committees on Agriculture, Armed Services, and Interior and Insular Affairs, shall possess in such committees the same powers and privileges as in the House, and may make any motion except a motion to reconsider.".

TITLE II—FISCAL CONTROLS

RULEMAKING POWER OF SENATE AND HOUSE

Sec. 201. Part 3 and part 5 of this title are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

Part 1—Budgetary and Fiscal Information and Data

DATA PROCESSING SYSTEM

Sec. 202. The Comptroller General of the United States, the Secretary of the Treasury, and the Director of the Bureau of the Budget shall develop, establish, and maintain, for use by all Federal agencies, a standardized information and data processing system for budgetary and fiscal data.

STANDARD CLASSIFICATIONS

Sec. 203. (a) The Comptroller General, the Secretary of the Treasury, and the Director of the Bureau of the Budget shall develop, establish, and maintain standard classifications of programs, activities, receipts, and expenditures of Federal agencies in order—

(1) to meet the needs of the various branches of the Government; and

(2) to facilitate the development, establishment, and maintenance of the data processing system under section 202 through the utilization of modern automatic data processing techniques.

The initial classifications under this subsection shall be established on or before December 31, 1971.

(b) The Comptroller General, the Secretary of the Treasury, and the Director of the Bureau of the Budget shall perform their functions under section 202 and subsection (a) of this section as part of the joint program established pursuant to section 111(f) of the Accounting and Auditing Act of 1950.

(c) The Comptroller General, the Secretary of the Treasury, and the Director of the Bureau of the Budget shall submit a report to the Senate and the House of Representatives on or before September 1 of each year, commencing with 1970, with respect to the performance during the preceding fiscal year of the functions and duties imposed on them by section 202 and subsection (a) of this section. The reports made under this subsection in 1970 and 1971 shall set forth the progress achieved in the development of classifications under subsection (a) of this section, and the reports made in years thereafter shall include information with respect to changes in, and additions to, classifications previously established.

AVAILABILITY OF DATA

Sec. 204. The Comptroller General shall provide information to the Congress, as provided in this section, on the location and nature of data available in the various Federal agencies with respect to programs, activities, receipts, and expenditures of such agencies. Upon request of any Member of the House or Senate, of any committee of either House, or of any joint committee of the two Houses, the Comptroller General shall—

(1) furnish to such Member, committee, or joint committee information as to the location and nature of such data, and

(2) to the extent feasible, prepare for such Member, committee, or joint committee summary tables of such data.

COST EFFECTIVENESS STUDIES

Sec. 205. The Comptroller General shall have available in the General Accounting Office employees who are expert in analyzing and conducting cost effectiveness studies of Government programs. Upon request of any committee of either House or of any joint committee of the two Houses, the Comptroller General shall assign, on a temporary basis, employees of the General Accounting Office to assist such committee or joint committee, or the staff of such committee or joint committee—

(1) in analyzing cost effectiveness studies furnished by any Federal agency to such committee or joint committee, or

(2) in conducting cost effectiveness studies of programs under the jurisdiction of such committee or joint committee.

CURRENT BUDGET INFORMATION

Sec. 206 (a) After the submission of the budget for any fiscal year by the President, the Comptroller General shall collect information and data available in the various Federal agencies with respect to changes in the figures shown in such budget as submitted, including changes caused by—

(1) new or supplemental requests for appropriations;

(2) the enactment of appropriation Acts, or the action of either the House or Senate on appropriation bills, or of the Committee on Appropriations, or any subcommittees thereof, of the House or Senate on appropriation bills or requests for appropriations;

(3) increases or decreases in expenditures of prior appropriations;

(4) increases or decreases in revenue receipts or estimated revenue receipts; and

(5) increases or decreases in expenditures or estimated expenditures by reason of the enactment of laws (other than appropriation Acts).

(b) The Comptroller General shall, from time to time, furnish a report showing revised budget information and totals to reflect the information and data collected by him under subsection (a) to each Member of the House and Senate, each committee of the House and Senate, and each joint committee of the two Houses. All such reports shall identify, to the extent necessary, the sources of the information and data reflected in the revised budget information and totals.

(c) Upon request of any Member of the House or Senate, any committee of either House, or any joint committee of the two Houses, the Comptroller General shall, to the extent feasible, prepare and furnish to such Member, committee, or joint committee tabulations of such budget information and data as collected pursuant to this section.

POWERS AND DUTIES OF COMPTROLLER GENERAL

Sec. 207. (a) The Comptroller General shall establish within the General Accounting Office such office or division, or such offices or divisions, as he deems necessary to carry out the functions and duties imposed on him by the provisions of this Part.

(b) The Comptroller General is authorized to obtain, during the period ending December 31, 1971, the services of individual experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not in excess of $200 per diem. Not more than fifteen such experts and consultants may be so employed at any one time and no expert or consultant may be so employed for more than one hundred and twenty days during any calendar year.

(c) The Comptroller General shall include in his annual report to the Congress a report with respect to the performance of the functions and duties imposed on him by the provisions of this Part.

DEFINITION

Sec. 208. As used in this title, the term "Federal agency" means any department, agency, wholly owned Government corporation, establishment, or instrumentality of the Government of the United States or the government of the District of Columbia.

Part 2—The Budget

SUPPLEMENTAL BUDGET INFORMATION

Sec. 221. (a) Section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11) is amended by striking out subsections (b), (c), (d), (e), and (f), and inserting in lieu thereof the following:

"(b) On June 1 of each year, beginning with 1970, the President shall transmit to the Congress a supplemental summary of the Budget transmitted in January of such year for the ensuing fiscal year. Such supplemental summary shall reflect all changes relating to that fiscal year which have occurred since the transmittal of the Budget, including changes caused by—

"(1) revisions in estimates of expenditures and receipts,

"(2) estimated expenditures and proposed appropriations which were not included in the Budget as transmitted,

"(3) appropriations enacted after transmittal of the Budget, and

"(4) the enactment of laws (other than appropriation Acts) after the transmittal of the Budget.

"(c) On or before June 1 of each year, the President shall transmit to the Congress, in such form and detail as he may determine—

"(1) summaries of estimated expenditures, for the four fiscal years following the ensuing fiscal year for which the Budget was transmitted in January of such year, which will be required under continuing programs which have a legal commitment for future years or are considered mandatory under existing law, and

"(2) summaries of estimated expenditures in fiscal years following such ensuing fiscal year of balances carried over from such ensuing fiscal year.

"(d) The Budget shall include information showing the gross amount of expenditures and estimated expenditures of all programs of the Government.".

(b) Subsections (c) and (d) of section 201 of the Budget and Accounting Act, 1921 (as amended by subsection (a)) shall apply only with respect to the Budget transmitted to the Congress for the fiscal year ending June 30, 1972, and for succeeding fiscal years.

PART 3—THE APPROPRIATION PROCESS

COMMITTEE HEARINGS

SEC. 231. (a) Each hearing conducted by the Committee on Appropriations of the House of Representatives or the Senate shall be open to the public except when the committee determines that the testimony to be taken at that hearing may relate to a matter of national security, may tend to reflect adversely on the character or reputation of the witness or any other individual, or may divulge matters deemed confidential under other provisions of law or Government regulation. Whenever any such hearing is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee may adopt.

(b) The Committee on Appropriations of the House and the Committee on Appropriations of the Senate shall, within thirty days after the transmittal of the Budget to the Congress each year, hold hearings on the Budget as a whole with particular reference to—

(1) the basic recommendations and budgetary policies of the President in the presentation of the Budget, and

(2) the fiscal, financial, and economic assumptions, used as bases in arriving at total estimated expenditures and receipts.

(c) In holding hearings pursuant to subsection (b), the committees shall receive testimony from the Secretary of the Treasury, the Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers, and such other persons as the committee may desire.

(d) Hearings pursuant to subsection (b) shall be held in open session. A transcript of all such hearings shall be printed and a copy thereof furnished to each Member of the House or Senate, as the case may be.

(e) Hearings pursuant to subsection (b), or any part thereof, may be held before joint meetings of the two committees.

(f)(1) Section 138 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190e) is repealed.

(2) Title I of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 138. Legislative Budget.".

BUDGET REVIEW

SEC. 232. The Committee on Appropriations of the House, or a duly authorized subcommittee thereof, and the Committee on Appropriations of the Senate, or a duly authorized subcommittee thereof, shall review the Budget transmitted for each fiscal year for the specific purpose of examining and reviewing those programs for which estimated expenditures or proposed appropriations contained in the Budget would be made by, or be under the control of, two or more Federal agencies.

COMMITTEE ACTION

SEC. 233. (a) The vote of the Committee on Appropriations of the House of Representatives or the Senate to report a measure or matter shall require the concurrence of a majority of the members of the committee who are present. No vote of any member of such committee to report a measure or matter may be cast by proxy if rules adopted by such committee forbid the casting of votes for that purpose by proxy; however, proxies shall not be voted for such purpose except when the absent committee member has been informed on the matter on which he is being recorded and has affirmatively requested that he be so recorded. Action by any such committee in reporting any measure or matter in accordance with the requirements of this subsection shall constitute the ratification by the committee of all action theretofore taken by the committee with respect to that measure or matter, including votes taken upon the measure or matter or any amendment thereto, and no point of order shall lie with respect to that measure or matter on the ground that such previous action with respect thereto by such committee was not taken in compliance with such requirements. Whenever any such committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee. Nothing contained in this subsection shall abrogate the power of any committee of either House to adopt rules (1) providing for proxy voting on all matters other than the reporting of a measure or matter, or (2) providing in accordance with the rules of that House for a lesser number as a quorum for any action other than the reporting of a measure or matter.

(b) The report of the Committee on Appropriations of the House or the Senate, as the case may be, accompanying each appropriation bill shall include an analysis of the major factors taken into consideration by the committee in reporting the bill and recommending the appropriations contained therein. In any case in which any cost effectiveness analysis or study of any program for which funds are appropriated in the bill has been furnished by any Federal agency to any committee of the House or Senate or any joint committee of the two Houses or has been made by any such committee or joint committee, such report shall also state the consideration given by the Committee on Appropriations to such analysis or study and shall inform the Members of the House or Senate, as the case may be, where they may obtain copies of such analysis or study.

(c) In the case of any bill reported by the Committee on Appropriations of the House or the Senate which makes supplemental or deficiency appropriations for any fiscal year, the report accompanying such bill shall include a complete explanation of the nature of the request for such appropriation and the reason such request was not made or could not have been made for inclusion in the regular appropriation bill for such fiscal year, or could not be withheld for inclusion in the regular appropriation bill for the following fiscal year.

PASSAGE OF BILLS

SEC. 234. The question of the final passage in both the House and the Senate of any appropriation bill shall be decided by a yea and nay vote. The preceding sentence shall not apply to the adoption of the report of a committee of conference on any such bill.

ROLLCALL VOTE REQUIRED ON MEASURES CHANGING COMPENSATION OF MEMBERS OF CONGRESS

SEC. 235. (a) No bill or joint resolution containing a provision increasing or decreasing the rate of compensation of Members of Congress shall be passed by the Senate or House of Representatives unless (1) such increase or decrease in compensation is set forth as a separate proposition from any other provision in the bill or joint resolution, and (2) such proposition shall have been approved by the Senate or House of Representatives, as the case may be, by a yea-and-nay vote.

(b) As used in this section, "Member of Congress" means a Senator, Representative in Congress, and the Resident Commissioner from Puerto Rico.

PART 4—UTILIZATION OF REPORTS OF GENERAL ACCOUNTING OFFICE

ASSISTANCE TO COMMITTEES

SEC. 241. At the request of any committee of the House or Senate, or of any joint committee of the two Houses, the Comptroller General shall designate employees of the General Accounting Office to explain to, and discuss with, the committee or joint committee making the request, or the staff of such committee or joint committee, any report made by the General Accounting Office which would assist such committee in connection with—

(1) its consideration of proposed legislation, including requests for appropriations, or

(2) its review of any program, or of any activities of any Federal agency, which is within the jurisdiction of such committee or joint committee.

REPORTS TO COMMITTEES

SEC. 242. (a) Whenever the General Accounting Office submits any report to the Congress, the Comptroller General shall deliver copies of such report to—

(1) the Committee on Appropriations of the House and Senate,

(2) the Committees on Government Operations of the House and Senate, and

(3) any other committee of the House or Senate, or any joint committee of the two Houses, which has jurisdiction over any program or part thereof, or any Federal agency, which is the subject of such report.

(b) At the request of any committee of the House or Senate, or of any joint committee of the two Houses, the Comptroller General shall make available to such committee or joint committee a copy of any report made by the General Accounting Office which was not delivered to such committee or joint committee pursuant to subsection (a).

AGENCY REPORTS

SEC. 243. Whenever the General Accounting Office has made a report which contains recommendations to the head of any Federal agency, such agency shall, in connection with the first request for appropriations for that agency submitted to the Congress more than sixty days after the date of such report, submit a written statement to the Committees on Appropriations of the House and Senate of the action taken by such agency with respect to such recommendations.

PART 5—LEGISLATIVE COMMITTEES

COST ESTIMATES

SEC. 251. (a) The report accompanying each bill or joint resolution reported by any committee of the House or Senate which has legislative jurisdiction shall contain—

(1) an estimate, made by such committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following such fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution, if less than five years), except that in the case of measures affecting the revenues, such reports shall require only an estimate of the gain or loss in revenues for a one-year period, and

(2) a comparison of the estimate of costs described in paragraph (1) made by such committee with any estimate of costs made by any Federal agency in the executive branch of the Government, or

(3) a statement of the reasons why compliance by the committee with the requirements of paragraphs (1) and (2) is impracticable.

(b) It shall not be in order in either House to consider a bill or joint resolution if such bill or joint resolution was reported in that House after the effective date of this section and the report of the committee of that House does not comply with the provisions of subsection (a).

APPROPRIATIONS ON ANNUAL BASIS

SEC. 252. (a) Each committee of the House and Senate, and each joint committee of the two Houses, which has legislative jurisdiction shall, in recommending the enactment of legislation, endeavor to insure that all continuing programs of the Government are designed, and all continuing activities of Federal agencies are carried on, so that appropriations therefor will be made annually.

(b) Each committee of the House and Senate, and each joint committee of the two Houses, which has legislative jurisdiction over any continuing program for which appropriations are not made annually shall, from time to time, review such program to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) Each committee of the House and Senate, and each joint committee of the two Houses, which has legislative jurisdiction over any program under which grants-in-aid are made, shall periodically make a complete review of such program.

COMMITTEE JURISDICTION

SEC. 253. (a) For purposes of the provisions of this Part, a committee of either House, or a joint committee of the two Houses, shall be considered to have legislative jurisdiction over any matter only if, under the rules of the respective Houses, legislation relating to such matter is referred to such committee and such committee is authorized to report and recommend the enactment of such legislation, except that the Committees on Appropriations of the two Houses shall not be considered to be legislative committees.

(b) For purposes of the provisions of section 251 of this Part, the members of the Joint Committee on Atomic Energy who are Members of the House shall be treated as a committee of the House, and the members of the Joint Committee who are Members of the Senate shall be treated as a committee of the Senate.

TITLE III—SOURCES OF INFORMATION

PART 1—STAFFS OF SENATE AND HOUSE STANDING COMMITTEES

COMMITTEE STAFFING AND RELATED PROVISIONS

SEC. 301. (a) Subsection (a) of section 202 of the Legislative Reorganization Act of 1946, as amended (2) U.S.C. 72a(a)), is amended to read as follows:

"(a) Each standing committee of the Senate and House of Representatives (other than the Committee on Appropriations of each House) is authorized to appoint by majority vote of the committee not more than six professional staff members in addition to the clerical staffs. Such professional staff members shall be assigned to the chairman and the ranking minority member of such committee as the committee may deem advisable, except that whenever a majority of the minority members of such committee (other than the Committee on Standards and Conduct of the House of Representatives) so request, two of such professional staff members may be selected for appointment by majority vote of the minority members and the committee shall appoint any staff members so selected. A staff member or members appointed pursuant to a request by the minority members of the committee shall be assigned to such committee business as such minority members deem advisable. Services of professional staff members appointed by majority vote of the committee may be terminated by majority vote of the committee and services of professional staff members appointed pursuant to a request by the minority members of the committee shall be terminated by the committee when a majority of such minority members so request. Professional staff members authorized by this subsection shall be appointed on a permanent basis without regard to political affiliations and solely on the basis of fitness to perform the duties of the office. Such professional staff members shall not engage in any work other than committee business and no other duties may be assigned to them.".

(b) Subsection (c) of such section 202 (2 U.S.C. 72a(c)) is amended to read as follows:

"(c) The clerical staff of each standing committee of the Senate and the House of Representatives (other than the Committee on Appropriations of each House), which shall be appointed by a majority vote of the committee, shall consist of not more than six clerks to be attached to the office of the chairman, to the ranking minority member, and to the professional staff, as the committee may deem advisable, except that whenever a majority of the minority members of such committee (other than the Committee on Standards and Conduct of the House of Representatives) so requests, one of the members of the clerical staff may be selected for appointment by majority vote of such minority members and the committee shall appoint any staff member so selected. The clerical staff shall handle committee correspondence and stenographic work, both for the committee staff and for the chairman and ranking minority member on matters related to committee work, except that if a member of the clerical staff is appointed pursuant to a request by the minority members of the committee, such clerical staff member shall handle committee correspondence and stenographic work for the minority members of the committee and for any members of the committee staff appointed under subsection (a) pursuant to request by such minority members, on matters related to committee work. Services of clerical staff members appointed by majority vote of the committee may be terminated by majority vote of the committee and services of clerical staff members appointed pursuant to a request by the minority members of the committee shall be terminated by the committee when a majority of such minority members so request.".

(c) Such section 202 is amended by striking out subsection (h), and by adding after subsection (f) the following new subsections:

"(g) In any case in which a request for the appointment of a minority staff member under subsection (a) or subsection (c) is made at any time when no vacancy exists to which the appointment requested may be made, the person appointed pursuant to such request may serve in addition to any other staff members authorized by such subsections and may be paid from the contingent fund of the Senate or House of Representatives, as the case may be, until such time as such a vacancy occurs, at which time such person shall be considered to have been appointed to such vacancy.

"(h) Staff members appointed pursuant to a request by minority members of a committee under subsection (a) or subsection (c), and staff members appointed to assist minority members of subcommittees pursuant to authority of Senate or House resolution, shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

"(i)(1) Each standing committee of the Senate or House of Representatives is authorized, with the approval of the Committee on Rules and Administration in the case of standing committees of the Senate, or the Committee on House Administration in the case of standing committees of the House of Representatives, within the limits of funds made available from the contingent funds of the respective Houses pursuant to resolutions, which shall specify the maximum amounts which may be used for such purpose, approved by such respective Houses, to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, to make studies or advise the committee with respect to any matter within its jurisdiction.

"(2) Such services in the case of individuals or organizations may be procured by contract as independent contractors, or in the case of individuals by employment at daily rates of compensation not in excess of the per diem equivalent of the highest gross rate of compensation which may be paid to a regular employee of the committee, including payments of such rates for necessary travel time. Such contracts shall not be subject to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) or any other provision of law requiring advertising.

"(3) Any such consultant or organization shall be selected by the chairman and ranking minority member of the committee, acting jointly. The committee shall submit to the Committee on Rules and Administration in the case of standing committees of the Senate, and the Committee on House Administration in the case of standing committees of the House of Representatives, information bearing on the qualifications of each consultant whose services are procured pursuant to this subsection, including organizations, and such information shall be retained by that committee and shall be made available for public inspection upon request.

"(j)(1) Each standing committee of the Senate or House of Representatives is authorized, with the approval of the Committee on Rules and Administration in the case of standing committees of the Senate, and the Committee on House Administration in the case of standing committees of the House of Representatives, and within the limits of funds made available from the contingent funds of the respective Houses pursuant to resolutions, which shall specify the maximum amounts which may be used for such purpose, approved by such respective Houses, to provide assistance for members of its professional staff in obtaining specialized training, whenever it determines that such training will aid it in the discharge of its responsibilities.

"(2) Such assistance may be in the form of continuance of pay during periods of training or grants of funds to pay tuition, fees, or such other expenses of training, or both, as may be approved by the Committee on Rules and Administration or the Committee on House Administration, as the case may be.

"(3) A committee providing assistance under this subsection shall obtain from any employee receiving such assistance such agreement with respect to continued employment as it may deem necessary to assure that it will receive the benefits of such employee's services upon completion of his training.

"(4) During any period for which an employee is separated from employment with a committee for the purpose of undergoing training under this subsection, such employee shall be considered to have performed service as an employee of the committee at the rate of compensation received immediately prior to commencing such training (including any increases in compensation provided by law during the period of training) for the purposes of—

"(A) subchapter III (relating to civil service retirement) of chapter 83 of title 5, United States Code,

"(B) chapter 87 (relating to Federal employees group life insurance) of title 5, United States Code, and

"(C) chapter 89 (relating to Federal employees group health insurance) of title 5, United States Code.".

(d) (1) Subsections (e) and (f) of section 105 of the Legislative Branch Appropriations Act, 1968, are amended to read as follows:

"(e) (1) Subject to the provisions of paragraph (3), the professional staff members of standing committee of the Senate shall receive gross annual compensation to be fixed by the chairman ranging from $15,721 to $25,671.

"(2) The rates of gross compensation of the clerical staff of each standing committee of the Senate shall be fixed by the chairman as follows:

"(A) for each committee (other than the Committee on Appropriations), one chief clerk and one assistant chief clerk at $6,766 to $25,671, and not to exceed four other clerical assistants at $6,766 to $11,741; and

"(B) for the Committee on Appropriations, one chief clerk and one assistant chief clerk and two assistant clerks at $17,512 to $25,671; such assistant clerks as may be necessary at $11,940 to $17,313; and such other clerical assistants as may be necessary at $6,766 to $11,741.

"(3) No employee of any standing or select committee of the Senate (including the majority and minority policy committees and the conference majority and conference minority of the Senate), or of any joint committee the expenses of which are paid from the contingent fund of the Senate, shall be paid at a gross rate in excess of $25,671 per annum, except that—

"(A) four employees of any such committee (other than the Committee on Appropriations), who are otherwise authorized to be paid at such rate, may be paid at gross rates not in excess of $26,865 per annum, and two such employees may be paid at gross rates not in excess of $28,000 per annum; and

"(B) sixteen employees of the Committee on Appropriations who are otherwise authorized to be paid at such rate, may be paid at gross rates not in excess of $26,865 per annum, and two such employees may be paid at gross rates not in excess of $28,000 per annum.

For the purpose of this paragraph, an employee of a subcommittee shall be considered to be an employee of the full committee.

"(f) No officer or employee whose compensation is disbursed by the Secretary of the Senate shall be paid gross compensation at a rate less than $1,194 or in excess of $28,000, unless expressly authorized by law."

(2) If the annual rate of basic pay for positions in level V of the Executive Schedule under section 5316 of title 5, United States Code, is increased effective on or before May 31, 1969, to $30,000 or more, subsections (e) and (f) of section 105 of the Legislative Branch Appropriation Act, 1968, as amended by paragraph (1) of this subsection, are further amended, effective on the first day of the month following the effective date of such increase in the rate for positions in level V, by striking out "$25,671", "$26,865", and "$28,000" wherever they appear and inserting in lieu thereof "$27,860", "$29,054", and "$30,248", respectively.

(e) Nothing in the amendments made by subsections (a) and (b) of this section shall be construed—

(1) to require a reduction in—

(A) the number of staff members authorized, prior to January 1, 1970, to be employed by any committee of the Senate or House of Representatives, by statute or by annual or permanent resolution, or

(B) the number of such staff members on such date assigned to, or authorized to be selected for appointment by or with the approval of, the minority members of any such committee; or

(2) to authorize the selection for appointment of staff members by the minority members of a committee in any case in which two or more professional staff members or one or more clerical staff members, as the case may be, who are satisfactory to a majority of such minority members, are otherwise assigned to assist such minority members.

(f) The additional professional staff members authorized to be employed by a committee by the amendment made by subsection (a) of this section shall be in addition to any other additional staff members authorized, prior to January 1, 1970, to be employed by any such committee.

Part 2—Office Staffs and Allowances of Members of Congress

LEGISLATIVE ASSISTANTS FOR SENATORS

Sec. 321. (a) Each Senator is authorized to appoint a legislative assistant whose primary function shall be to assist the Senator in performing duties related to legislation. The basic compensation of the legislative assistant shall be fixed, in accordance with section 105(d) (2) of the Legislative Branch Appropriation Act, 1968, at a gross rate not in excess of $25,870 per annum (or, if the annual rate of basic pay for positions in level V of the Executive Schedule under section 5316 of title 5, United States Code, is increased effective on or before May 31, 1969, to $30,000 or more, not in excess of $27,263 per annum on or after the first day of the month following the effective date of such increase), said sum to be available to each Senator in addition to the aggregate amount of the compensation authorized to be paid to employees in the office of such Senator. No part of such additional sum shall be available for the salary of any employee other than the legislative assistant authorized by this section.

(b) (1) Section 105(d) (1) of the Legislative Branch Appropriation Act, 1968, is amended by reducing each of the amounts in the table therein relating to Senator's clerk hire allowances by $25,870.

(2) Section 105(d) (2) (iii) of such Act is amended by striking out "two employees" and inserting in lieu thereof "one employee (in addition to the legislative assistant authorized by section 321(a) of the Legislative Reorganization Act of 1969)".

ADDITIONAL TRAVEL ALLOWANCES

Sec. 322. (a) The third paragraph under the heading "Administrative Provisions" in the appropriation for the Senate in the Legislative Branch Appropriation Act, 1959, as amended (2 U.S.C. 43b), is amended by striking out "six" and inserting in lieu thereof "seven".

(2) by striking out "four" and inserting in lieu thereof "seven".

(b) The second paragraph under the heading "Administrative Provisions" in the Legislative Branch Appropriation Act, 1962, as amended (2 U.S.C. 127), is amended by striking out "four" and inserting in lieu thereof "five".

(c) Section 3 of the Act entitled "An Act to amend the Legislative Branch Appropriation Act, 1959, to provide for reimbursement of transportation expenses for Members of the House of Representatives, and for other purposes", approved August 28, 1965 (2 U.S.C. 127a), is amended by striking out "not to exceed two employees in the office of a Member of the House of Representatives (including the Resident Commissioner from Puerto Rico) for one round trip each, or incurred by not to exceed one employee for two round trips" and inserting in lieu thereof "employees in the office of each Member of the House of Representatives (including the Resident Commissioner from Puerto Rico) for not to exceed four round trips".

Part 3—Legislative Research Service

IMPROVEMENT OF LEGISLATIVE RESEARCH FACILITIES OF CONGRESS

Sec. 331. (a) Section 203 of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 166), is amended to read as follows:

"LEGISLATIVE RESEARCH SERVICE

"Sec. 203. (a) The Legislative Reference Service in the Library of Congress is hereby continued as a separate department in the Library of Congress and is redesignated the 'Legislative Research Service'.

"(b) It is the policy of Congress that—

"(1) the Librarian of Congress shall, in every possible way, encourage, assist, and promote the Legislative Research Service in—

"(A) rendering to Congress the most effective and efficient service,

"(B) responding most expeditiously, effectively, and efficiently to the special needs of Congress, and

"(C) discharging its responsibilities to Congress;

and

"(2) the Librarian of Congress shall grant and accord to the Legislative Research Service the maximum practicable administrative independence consistent with these objectives.

"(c) (1) After consultation with the Joint Committee on the Library, the Librarian of Congress shall appoint the Director of the Legislative Research Service. The compensation of the Director shall be at a per annum rate equal to the rate provided for level V of the Executive Schedule contained in section 5316 of title 5, United States Code.

"(2) The Librarian of Congress, upon the recommendation of the Director, shall appoint a Deputy Director of the Legislative Research Service and all other necessary personnel thereof. The compensation of the Deputy Director shall be fixed in accordance with chapter 51 (relating to classification) and subchapter III (relating to General Schedule pay rates) of chapter 53 of title 5, United States Code, but without regard to section 5108(a) of such title. The compensation of all other necessary personnel of the Legislative Research Service shall be fixed in accordance with chapter 51 (relating to classification) and subchapter III (relating to General Schedule pay rates) of chapter 53 of title 5, United States Code, except that—

"(A) the grade of Senior Specialist in each field within the purview of subsection (e) of this section shall not be less than the highest grade in the executive branch of the Government to which research analysts and consultants without supervisory responsibility are currently assigned; and

"(B) the positions of Specialist and Senior Specialist in the Legislative Research Service may be placed in GS–16, 17, and 18 of the General Schedule of section 5332 of title 5, United States Code, without regard to section 5108(a) of such title, subject to the prior approval of the Joint Committee of Congress on the Library, by record vote of a majority of the members of the Joint Committee, of the placement of each such position in any of such grades.

"(3) Each appointment made under paragraphs (1) and (2) of this subsection and subsection (e) of this section shall be without regard to the civil service laws, without regard to political affiliation, and solely on the basis of fitness to perform the duties of the position.

"(d) It shall be the duty of the Legislative Research Service, without partisan bias—

"(1) upon request, to advise and assist any committee or Member of the Senate or House of Representatives and any joint committee of Congress in the analysis, appraisal, and evaluation of legislative proposals, or of recommendations submitted to Congress by the President or any executive agency, and otherwise to assist in providing a basis for the proper evaluation and determination of legislative proposals and recommendations generally;

"(2) upon request, or upon its own initiative in anticipation of requests, to collect, classify, and analyze in the form of translations, indexes, digests, compilations, bulletins, reports, and otherwise, data having a bearing on legislation, and to make such data available and serviceable to committees and Members of the Senate and House of Representatives and joint committees of Congress;

"(3) to prepare summaries and digests of bills and resolutions of a public general nature introduced in the Senate or House of Representatives; and

"(4) upon request made by any committee or Member of the Congress, to prepare and transmit to such committee or Member a concise memorandum with respect to one or more legislative measures upon which hearings by any committee of the Congress have been announced, which memorandum shall contain a statement of the purpose and effect of each such measure, a description of other relevant measures of similar purpose or effect previously introduced in the Congress, and a recitation of all action taken theretofore by or within the Congress with respect to each such other measure.

"(e) The Librarian of Congress is authorized to appoint in the Legislative Research Service, upon the recommendation of the Director, Specialists and Senior Specialists in the following broad fields:

"(1) agriculture;

"(2) American government and public administration;

"(3) American public law;

"(4) conservation;

"(5) education;

"(6) employment;

"(7) engineering and public works;

"(8) housing;

"(9) industrial organization and corporation finance;

"(10) international affairs;

"(11) international trade and economic geography;

"(12) labor;

"(13) mineral economics;

"(14) money and banking;

"(15) national defense;

"(16) price economics;

"(17) science;

"(18) social welfare;

"(19) taxation and fiscal policy;

"(20) technology;

"(21) transportation and communications;

"(22) veterans' affairs; and

"(23) such other broad fields as the Director may deem appropriate.

Such Specialists and Senior Specialists, together with such other employees of the Legislative Research Service as may be necessary, shall be available for special work with the committees and Members of the Senate and House of Representatives and the joint committees of Congress for any of the purposes of subsection (d) of this section.

"(f) The Director is authorized—

"(1) to classify, organize, arrange, group, and divide, from time to time, as he deems advisable, the requests for advice, assistance, and other services submitted to the Legislative Research Service by committees and Members of the Senate and House of Representatives and joint committees of Congress, into such classes and categories as he deems necessary to—

"(A) expedite and facilitate the handling of the individual requests submitted by Members of the Senate and House of Representatives,

"(B) promote efficiency in the performance of services for committees of the Senate and House of Representatives and joint committees of Congress, and

"(C) provide a basis for the efficient performance by the Legislative Research Service of its legislative research and related functions generally;

and

"(2) to establish and change, from time to time, as he deems advisable, within the Legislative Research Service, such research and reference divisions or other organizational units, or both, as he deems necessary to accomplish the purposes of this subsection.

"(g) In order to facilitate the study, consideration, evaluation, and determination by the Congress of the budget requirements of the Legislative Research Service for each fiscal year, the Librarian of Congress shall receive from the Director and submit, for inclusion in the Budget of the United States Government, the budget estimates of the Legislative Research Service prepared separately by the Director in detail for each fiscal year, as a separate item of the budget estimates of the Library of Congress for such fiscal year.

"(h) (1) The Director of the Legislative Research Service is authorized to procure the temporary services (not in excess of one year) or intermittent services of individual experts or consultants (including stenographic reporters) and persons learned in particular fields of knowledge—

"(A) by contract as independent contractors without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any other law requiring advertising, or

"(B) by employment in the Legislative Research Service without regard to the civil service and position classification laws, at rates of compensation not in excess of the per diem equivalent of the highest rate of basic compensation set forth in the General Schedule of section 5332 of title 5, United States Code, including payment of such rates for necessary travel time.

"(2) The Director of the Legislative Research Service is authorized to procure by contract, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any other law requiring advertising, the temporary services (not in excess of one year) or intermittent services of educational, research, or other organizations of experts and consultants (including stenographic reporters) and persons learned in particular fields of knowledge.

"(1) The Director of the Legislative Research Service shall file with the Joint Committee of Congress on the Library at the beginning of each regular session of Congress a separate and special report covering, in summary and in detail, all phases of activity of the Legislative Research Service for the immediately preceding fiscal year. In order to facilitate its performance of any function specified in this section, the Legislative Research Service may—

"(1) prepare information for machine processing,

"(2) process information by machine by performing mathematical or logical operations thereon, selective retrieval, integration, or other machine operations, and

"(3) prepare for presentation or other use information processed by machine.

The Service may acquire automatic data processing equipment and retain personnel needed for any activity authorized by this subsection.

"(j) There are hereby authorized to be appropriated to the Legislative Research Service each fiscal year such sums as may be necessary to carry on the work of the Service.".

(b) Title II of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 203. Legislative Reference Service."

and inserting in lieu thereof—

"Sec. 203. Legislative Research Service.".

JOINT COMMITTEE ON THE LIBRARY

SEC. 332. Section 223 of the Legislative Reorganization Act of 1946 (2 U.S.C. 132b) is amended to read as follows:

"JOINT COMMITTEE ON THE LIBRARY

"SEC. 223. (a) The Joint Committee of Congress on the Library shall consist of the chairman and four members of the Committee on Rules and Administration of the Senate and the chairman and four members of the Committee on House Administration of the House of Representatives.

"(b) In order to provide for the expeditious and efficient consideration of matters within the jurisdiction of the Joint Committee, including review of the operations of the Legislative Research Service, the Joint Committee is authorized to employ one professional staff member and not to exceed two employees as members of the clerical staff of the Committee. Such professional and clerical staff members shall be appointed by majority vote of the Committee, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties of their position. The staff, under the joint direction and supervision of the chairman and the vice chairman, shall assist the Committee in the performance of its review functions with respect to matters within the general jurisdiction of the Committee and shall perform such other duties as may be prescribed by the Committee. The chairman and vice chairman shall fix their compensation at rates authorized by section 202(e) of this Act. The Committee may terminate the employment of the members of the professional and clerical staff as it may deem appropriate.

"(c) The expenses of the Joint Committee shall be paid out of the contingent fund of the House of Representatives, from funds appropriated for the Joint Committee, upon vouchers signed by the chairman of the Joint Committee.

"(d) In order to provide the Congress with current information regarding the operation of the Legislative Research Service and regarding other matters within the general jurisdiction of the Joint Committee, the Joint Committee shall submit to the Senate and House of Representatives an annual report with respect to (1) the activities of the Legislative Research Service and (2) such other matters within its general jurisdiction as it deems appropriate.".

ABOLISHMENT OF OFFICE OF COORDINATOR OF INFORMATION

SEC. 333. The Office and position of the Coordinator of Information of the House of Representatives are hereby abolished. The personnel (including the former incumbent of the position of Coordinator of Information), records, functions, property, and unexpended balances of appropriations of the Office of Coordinator of Information are hereby transferred to the Legislative Research Service of the Library of Congress.

SAVING PROVISION

SEC. 334. (a) Except as otherwise provided by this Part, the changes in existing law made by, and other provisions of, this Part shall not affect any office or position existing immediately prior to the effective date of this Part, the compensation attached to such office or position, and any incumbent thereof, his appointment thereto, and his entitlement to receive the compensation attached thereto, until appropriate action is taken in accordance with this Part or other law.

(b) Notwithstanding any provision of this Part, the rate of compensation received by any officer or employee immediately prior to the effective date of this Part shall not be reduced by reason of enactment of this Part.

SENATE PUBLIC ADDRESS SYSTEM

SEC. 335. (a) In order to insure that debates of the Senate may be heard in all parts of the Senate Chamber and in the galleries thereof, the majority and minority leaders are authorized to take such action as may be appropriate for the installation and operation within the Senate Chamber of a suitable electrical public address system approved by them.

(b) The expenses incurred for the installation and operation of such public address system shall be considered in the legislative appropriation bill.

TITLE IV—CONGRESS AS AN INSTITUTION

PART 1—JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

ESTABLISHMENT OF JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

SEC. 401. (a) There is hereby created a Joint Committee on Congressional Operations (hereafter in this Part referred to as the "Joint Committee").

(b) The Joint Committee shall be composed of ten members as follows:

(1) five Members of the Senate, appointed by the President pro tempore of the Senate; two from the Committee on Government Operations of the Senate, two from the Committee on Rules and Administration of the Senate, and one from among the remaining Members of the Senate (including but not limited to members of the committees referred to in this paragraph); and

(2) five Members of the House of Representatives, appointed by the Speaker of the House of Representatives; two from the Committee on Government Operations of the House of Representatives, two from the Committee on House Administration of the House of Representatives, and one from among the remaining Members of the House of Representatives (including but not limited to members of the committees referred to in this paragraph).

(c) Of each class of two members referred to in subsection (b), one shall be from the political party having the greatest number, and one shall be from the political party having the second greatest number, of Members of the Senate, or of the House of Representatives, as the case may be.

(d) Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee and shall be filled in the same manner as in the case of the original appointment.

(e) The Joint Committee shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship and the vice chairmanship shall alternate between the Senate and the House of Representatives with each Congress. The chairman during each even-numbered Congress shall be selected by the Members of the House of Representatives on the Joint Committee from among their number and the chairman during each odd-numbered Congress shall be selected by the Members of the Senate on the Joint Committee from among their number. The vice chairman during each Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a Member.

DUTIES OF JOINT COMMITTEE

SEC. 402. (a) The Joint Committee shall—

(1) make a continuing study of the organization and operation of the Congress of the United States and shall recommend improvements in such organization and operation with a view toward strengthening Congress, simplifying its operations, improving its relationships with other branches of the United States Government, and enabling it better to meet it responsibilities under the Constitution of the United States;

(2) make a continuing study of automatic data processing and information retrieval systems with a view to determining the feasibility of the use of such systems in the operations of the Senate or the House of Representatives, or both, and make such recommendations with respect to the use of such systems as the Joint Committee may deem appropriate; and

(3) identify and call to the attention of the Congress any court proceeding or action which, in the opinion of the Joint Committee, is of vital interest to the Congress, or to either House of the Congress, as a constitutionally established institution of the Federal Government.

Subject to the approval of the President pro tempore of the Senate, the Speaker of the House of Representatives, and the majority and minority leaders of the Senate and of the House of Representatives, the Joint Committee is authorized to provide for appropriate representation on behalf of the Congress or either House thereof in any proceeding or action referred to in paragraph (3) of this subsection.

(b) The Joint Committee shall exercise all functions vested in it by sections 406 and 407 of this Part.

(c) The Joint Committee shall report, from time to time, to the Senate and House of Representatives their recommendations with respect to matters within the jurisdiction of the Joint Committee.

(d) Nothing in this Part shall be construed to authorize the Joint Committee to make any recommendations with respect to the rules, parliamentary procedure, practices, or precedents of either House, or the consideration of any matter on the floor of either House.

POWERS OF JOINT COMMITTEE

SEC. 403. The Joint Committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses and adjourned periods of Congress, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable. The Joint Committee may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Joint Committee unless a majority of the Joint Committee assent. Subpenas may be issued over the signature of the chairman of the Joint Committee or of any member designated by him or by the Joint Committee, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the Joint Committee or any member thereof may administer oaths or affirmations to witnesses.

STAFF OF JOINT COMMITTEE

SEC. 404. (a) In carrying out its functions under subsections (a) and (c) of section 402 of this Part, the Joint Committee is authorized, by record vote of a majority of the members of the Joint Committee—

(1) to appoint, on a permanent basis, without regard to political affiliation and solely on the basis of fitness to perform their duties, not more than six professional staff members and not more than six clerical staff members;

(2) to prescribe their duties and responsibilities;

(3) to fix their compensation at rates authorized by section 202(e) of the Legislative Reorganization Act of 1946; and

(4) to terminate their employment as the Joint Committee may deem appropriate.

(b) In carrying out its functions under section 406 of this Part, the Joint Committee is authorized, by record vote of a majority of the members of the Joint Committee—

(1) to appoint, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties concerned, such additional personnel as the Joint Committee deems necessary;

(2) to prescribe their duties and responsibilities;

(3) to fix their compensation at rates authorized by section 202(e) of the Legislative Reorganization Act of 1946; and

(4) to terminate their employment, as the Joint Committee may deem appropriate.

(c) In carrying out any of its functions under this Part, the Joint Committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government, and to procure the temporary (not to exceed one year) or intermittent services of experts or consultants or organizations thereof by contract at rates not in excess of $100 per diem.

RECORDS OF JOINT COMMITTEE

SEC. 405. The Joint Committee shall keep a complete record of all Joint Committee actions, including a record of the votes on any question on which a record vote is demanded. All records, data, charts, and files of the Joint Committee shall be the property of the Joint Committee and shall be kept in the offices of the Joint Committee or such other places as the Joint Committee may direct.

TRANSFER OF FUNCTIONS

SEC. 406. There are transferred to the Joint Committee all of the functions, records, and property of the Joint Committee on Disposition of Executive Papers, created by the Act approved July 7, 1943 (57 Stat. 380), and such Joint Committee is hereby abolished.

OFFICE OF PLACEMENT AND OFFICE MANAGEMENT

SEC. 407. (a) There is hereby established for the Congress an Office of Placement and Office Management which shall be subject to the supervision and control of the Joint Committee. The Joint Committee is authorized, by record vote of a majority of the members of the Joint Committee—

(1) to appoint, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform his duties, a Director of the Office of Placement and Office Management to serve as the head of the staff of the Office;

(2) to prescribe his duties and responsibilities;

(3) to fix his compensation at a rate authorized by section 202(e)(1) of the Legislative Reorganization Act of 1946; and

(4) to terminate his employment, as the Joint Committee may deem appropriate.

Subject to the prior approval of the Joint Committee, the Director shall appoint and fix the compensation of such personnel as may be necessary to carry out the duties of the Office under this section.

(b) It shall be the duty of the Office, upon request, to assist Members, committees, and officers of the Senate and House of Representatives seeking competent personnel with specified qualifications and to furnish advice and information with respect to office management procedures. In carrying out the provisions of this section, the Office shall—

(1) operate as a central clearinghouse for applications for employment with the Congress;

(2) test the qualifications of individuals submitting such applications for employment;

(3) furnish advice and information to Members, committees, and officers of the Senate and House of Representatives, on request, with respect to better office management practices and efficient utilization of office equipment; and

(4) maintain, for the benefit of such Members, committees, and officers desiring detailed office studies to improve the efficiency of their operations, a list of private management concerns capable of rendering such service on request.

(c) Nothing in this section shall be held or considered to require the use of the facilities of the Office by any Member, committee, or officer of the Senate or House of Representatives, if, in the opinion of such Member, committee, or officer, the use of such facilities is inappropriate.

EXPENSES

Sec. 408. The expenses of the Joint Committee shall be paid from the contingent fund of the House of Representatives, from funds appropriated for the Joint Committee, upon vouchers approved by the Chairman.

Part 2—Authority of Officers of the Congress

AUTHORITY

Sec. 421. (a) Any officer of the Congress having responsibility for the supervision of employees, including employees appointed upon recommendation of Members of Congress, shall have authority—

(1) to prescribe a period of training to be completed by any such employee prior to or upon his assignment to duties;

(2) to promulgate rules and regulations governing the performance by any such employee of his assigned duties;

(3) to remove or otherwise discipline any such employee (A) who fails or refuses to complete satisfactorily the period of training referred to in paragraph (1), or (B) who fails or refuses to abide by rules or regulations referred to in paragraph (2) or otherwise fails to perform his assigned duties in a satisfactory manner.

(b) As used in this section, the term "officer of the Congress" means an elected officer of the Senate or the House of Representatives who is not a Member of the Senate or House, the Architect of the Capitol, and the Postmaster of the Senate.

CAPITOL POLICE

Sec. 422. (a) The Capitol Police Board is authorized and directed to formulate a plan for converting the Capitol Police force to a professional force which shall operate under rules and regulations promulgated by the Capitol Police Board. In the formulation of such plan, consideration shall be given to the feasibility of providing for the operation of such force on the basis of standards for personnel which are the same as the standards for personnel of the Metropolitan Police force of the District of Columbia. Such plan shall include provisions for giving members of the existing Capitol Police force such additional instruction and training as the Capitol Police Board shall deem necessary to improve the quality of their performance, and for replacing such members with persons recruited on the same basis that recruits are selected by the Metropolitan Police force as vacancies occur.

(b) The Chief of Police of the Metropolitan Police force of the District of Columbia shall provide the Capitol Police Board with such information and assistance as it may require in carrying out its duties and responsibilities under this section.

(c) The Capitol Police Board shall make a report to the Senate and House of Representatives at the earliest practicable date setting forth the plan formulated pursuant to this section, together with its recommendations for any legislation necessary to effectuate such plan.

SENATE AND HOUSE PAGES

Sec. 423. (a) No person shall serve as a page of the Senate or House of Representatives before he has completed the twelfth grade of his secondary school education, or (except in the case of a chief page, telephone page, or riding page) during any session of the Congress which begins after he has attained the age of twenty-two years.

(b) No person shall be appointed as a page of the Senate or House of Representatives unless he agrees that in the absence of unforeseen circumstances preventing such service he will continue to serve as a page for a period of not less than three months.

(c)(1) Section 243 of the Legislative Reorganization Act of 1946 (2 U.S.C. 88a), and the proviso in the paragraph under the heading "Education of Senate and House Pages" in title I of the Urgent Deficiency Appropriation Act, 1947 (2 U.S.C. 88b), are hereby repealed.

(2) Title II of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 243. Senate and House pages.".

(d) Subsection (a) shall take effect on January 3, 1970, but the provisions of such subsection limiting service as a page to persons who have completed the twelfth grade shall not be construed to prohibit the continued service of any page appointed prior to the date of enactment of this Act. Subsection (c) shall take effect at the end of the 1969–1970 school year.

(e) The proviso under the heading "Office of Sergeant at Arms and Doorkeeper" in the appropriations for the Senate in the Legislative Branch Appropriation Act, 1952 (2 U.S.C. 88c) is amended to read as follows: "*Provided*, That hereafter the pay of pages shall begin not more than five days before the convening of a session of the Congress or of the Senate, and shall continue until the end of the month during which the Congress or the Senate adjourns or recesses, or the fourteenth day after such adjournment or recess, whichever is the later date, except that in any case in which the Congress or the Senate adjourns or recesses on or before the last day of July for a period of at least thirty but not more than forty-five days such pay shall continue until the end of such adjournment or recess.".

CAPITOL GUIDE SERVICE

Sec. 424. (a) When used in this section, unless the context indicates otherwise—

(1) the term "Service" means the Capitol Guide Service created by subsection (b);

(2) the term "Board" means the Board created by subsection (b);

(3) the term "guide" means any member of the Capitol Guide Service; and

(4) the term "building" means the United States Capitol Building.

(b) There is hereby created an organization, to be known as the Capitol Guide Service, which shall be under the supervision of a Board consisting of the Architect of the Capitol, the Sergeant at Arms of the Senate, and the Sergeant at Arms of the House of Representatives.

(c) It shall be the duty of the Service, under regulations promulgated by the Board, to furnish free guide services to any person desiring to view the interior of the building. The Service shall consist of a chief guide who shall receive gross compensation at the rate of $9,800 per annum, and not less than ten, nor more than twenty guides who shall each receive gross compensation at the rate of $7,200 per annum. Appointments to and removals from the Service shall be made by the Board. Appointees to the Service shall be chosen solely upon the basis of the special qualifications which fit them for the duties to be performed.

(d) The Board shall make and promulgate the regulations necessary for the operation of the Service. Such regulations shall cover the schedules and routings of tours through the building, the oral informative data to be supplied to the public, the personal conduct of members of the Service when on duty, the uniforms and insignia for the Service, and such other phases of the work as in its judgment may be necessary.

(e) No guide shall make any charge for his official services, nor accept any gratuity, nor shall he, in the course of official duty, speak in praise or censure of any person. Any violation of the provisions of this subsection shall be punished by immediate dismissal.

(f) The headquarters of the Service shall be maintained in the rotunda of the building, and a guide shall be on duty there at all times during the hours the building is open to the public.

(g) The necessary expenses incident to the establishment and maintenance of the Service, including uniforms and insignia for each guide, shall be paid from the contingent fund of the House of Representatives on vouchers approved by the Board.

(h) The Board may detail any guide to supplement the Capitol Police when special occasions in the building or on the Capitol Grounds require additional police and the performance of the regular duties of the Service are temporarily suspended by such occasion.

Part 3—Congressional Adjournment

CONGRESSIONAL ADJOURNMENT

Sec. 433. (a) This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it shall be considered as part of the rules of each House, respectively; and such rule shall supersede other rules only to the extent inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

(b) Section 132 of the Legislative Reorganization Act of 1946 (2 U.S.C. 198) is amended to read as follows:

"CONGRESSIONAL ADJOURNMENT

"Sec. 132. (a) Not later than the last day in the month of July in each year, the two Houses shall adjourn—

"(1) sine die, or

"(2) to a day certain subsequent to August 31 of such year, which shall be fixed by concurrent resolution adopted in each House by rollcall vote.

"(b) This section shall not be applicable in any year if on the last day of July of such year a state of war exists pursuant to a declaration of war by the Congress.".

Part 4—Appointment of Postmasters

APPOINTMENT OF POSTMASTERS BY POSTMASTER GENERAL

Sec. 441. Section 3311 (relating to method of appointment of postmasters) of title 39, United States Code, is amended to read as follows:

"§ 3311. Method of appointment

"(a) The Postmaster General shall appoint postmasters at post offices of the first, second, and third classes in the competitive civil service without term. He shall make the appointments in accordance with the civil service laws and rules by—

"(1) competitive examinations; and

"(2) promotions from within the postal service.

"(b) The Postmaster General shall appoint postmasters at post offices of the fourth class without term.

"(c) Notwithstanding any other provision of law, the Postmaster General shall make each appointment to a position of postmaster at a post office of any class without regard to any recommendation or statement, with respect to any applicant for such appointment, made by—

"(1) any Member of the Senate or House of Representatives (including the Resident Commissioner from Puerto Rico); or

"(2) any official of a partisan National, State, county, or municipal or other local political party.

"(d) Notwithstanding any other provision of law, a person within the purview of subparagraph (1) or (2) of subsection (c) of this section is hereby prohibited from making or transmitting to the Postmaster General, or to any other officer or employee of the Federal Government, any recommendation or statement with respect to any applicant for appointment to a position of postmaster of any class. The Postmaster General and any other officer or employee of the Federal Government—

"(1) shall not solicit, request, consider, or accept any such recommendation or statement; and

"(2) shall return any such recommendation or statement received by him, appropriately marked as in violation of this section, to the person making or transmitting the same.

"(e) An applicant for appointment to a position of postmaster at a post office of any class is hereby prohibited from requesting or soliciting any such recommendation or statement from any person within the purview of subparagraph (1) or (2) of subsection (c) of this section. An applicant making such solicitation or request, knowing the same to be in violation of this subsection, is disqualified for appointment to the position of postmaster concerned.

"(f) Each application form of the Federal Government used in connection with an application for appointment to a position of postmaster at a post office of any class shall contain appropriate language in boldface type informing the applicant of the provisions of this section.".

VACANCIES IN POSITIONS OF POSTMASTER

Sec. 442. Section 3315 (relating to the filling of vacancies in positions of postmaster) of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The prohibitions, restrictions, and related provisions of section 3311 of this title governing the appointment of postmasters also shall apply with respect to the interim appointment, assignment, or designation of any person in accordance with subparagraphs (1) to (4), inclusive, of subsection (a) of this section.".

VACANCIES ON RURAL ROUTES

Sec. 443. Section 3338 (relating to the filling of vacancies on rural routes) of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) The prohibitions, restrictions, and related provisions of section 3311 of this title governing the appointment of postmasters also shall apply with respect to the appointment of any person to a position of rural carrier and the application and assignment of any rural carrier with respect to any rural route.".

SAVING PROVISION

Sec. 444. The amendments made by this Part shall not affect the status or tenure, on the effective date of this Part, of—

(1) postmasters in office;

(2) persons appointed, assigned, or designated in accordance with subparagraphs (1) to (4), inclusive, of section 3315(a) of title 39, United States Code; and

(3) persons holding positions of rural carrier.

Part 5—Revision of House Employees Position Classification Act

APPLICATION OF HOUSE EMPLOYEES POSITION CLASSIFICATION ACT

Sec. 451. Section 3 of the House Employees Position Classification Act (78 Stat. 1079; Public Law 88–652; 2 U.S.C. 292) is amended—

(1) by striking out "(2) the position of minority pair clerk in the House;"; and

(2) by redesignating subparagraphs (3) and (4) of such section as subparagraphs (2) and (3) thereof, respectively.

AUTHORITY TO RECOMMEND COMPENSATION REVISIONS

Sec. 452. Section 4 of the House Employees Position Classification Act (78 Stat. 1079; Public Law 88–652; 2 U.S.C. 293) is amended—

(1) by striking out, in subsection (a)(1) (C) thereof, "the Classification Act of 1949, as amended" and inserting in lieu thereof "section 5332 of title 5, United States Code"; and

(2) by adding at the end thereof the following new subsection;

"(c) The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, are authorized to transmit to the committee their joint recommendations for revision of the rates of compensation of the House Employees Schedule or the House Wage Schedule, or both such schedules, in accordance with subsections (a) and (b) of this section, together with their justification for such recommended revision, whenever in their judgment such revision is necessary and appropriate to provide for the acquisition or retention of competent personnel, to facilitate the maintenance of equitable compensation relationships, or to promote the orderly and efficient operation of the House of Representatives.".

REVISIONS WITH RESPECT TO POSITION STANDARDS AND DESCRIPTIONS AND POSITION PLACEMENT IN COMPENSATION SCHEDULES

Sec. 453. Sections 5 and 6 of the House Employees Position Classification Act (78 Stat. 1080–1081; Public Law 88–652; 2 U.S.C. 294 and 295) are amended to read as follows:

"POSITION STANDARDS AND DESCRIPTIONS

"Sec. 5. (a)(1) The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, jointly shall prescribe, revise, and (on a current basis) maintain position standards which shall apply to positions under the House of Representatives to which this Act applies.

"(2) The position standards shall—

"(A) provide for the separation of such positions into appropriate classes for pay and personnel purposes on the basis of reasonable similarity with respect to types of positions, qualification requirements of positions, and levels of difficulty and responsibility of work, and

"(B) govern the placement of such positions in their respective appropriate compensation levels at the appropriate compensation schedule.

"(b)(1) The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, severally shall prepare, revise, and (on a current basis) maintain, in such forms as may be appropriate to carry out the purpose of this Act, position descriptions of the respective positions under the House of Representatives to which this Act applies which are under their respective jurisdictions, including—

"(A) with respect to the Clerk, positions under the House Recording Studio, and

"(B) with respect to the Doorkeeper, positions under the House Radio and Television Correspondents' Gallery and the House Periodical Press Gallery.

"(2) The position descriptions shall—

"(A) describe in detail the actual duties, responsibilities, and qualification requirements of the work of each of such positions.

"(B) provide a position title for each of such positions which accurately reflects such duties and responsibilities, and

"(C) govern the placement of such position in its appropriate class.

"(c) The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, shall keep in their respective offices copies of the position standards jointly prepared by them together with copies of the position descriptions of those positions under the House of Representatives to which this Act applies which are under their respective jurisdictions.

"(d) Upon request of the committee at any time, the Clerk, the Sergeant at Arms, the Doorkeeper, or the Postmaster, of the House of Representatives, as the case may be, shall transmit to the committee copies of the position standards and position descriptions required by this section to be prepared, revised, and currently maintained by them, and such other related information as the committee may require, in order that the committee may have, whenever the committee deems it advisable, current information with respect to position standards, position descriptions, the positions to which such descriptions apply, and related personnel matters within the purview of this Act.

"PLACEMENT OF POSITIONS IN COMPENSATION SCHEDULES

"Sec. 6. The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, each shall place each position under the House of Representatives to which this Act applies, which is under his jurisdiction, in its appropriate class and in its appropriate compensation level of the appropriate compensation schedule, in accordance with the position standards and position descriptions provided for in section 5 of this Act. Each such House officer is authorized, when in his opinion circumstances so warrant, to change any such position under his jurisdiction from any class in which such position is then currently placed to any other class which he deems appropriate, and from any compensation level of the schedule in which such position is then currently placed to any other compensation level of either the House Employees Schedule (HS) or the House Wage Schedule (HWS) as such House officer deems appropriate. All actions under this section shall be the basis for payment of compensation and for other personnel benefits and transactions until otherwise changed in accordance with appropriate authority.".

STEP INCREASES

Sec. 454. Section 7 of the House Employees Position Classification Act (78 Stat. 1081–1082; Public Law 88–652; 2 U.S.C. 296) is amended to read as follows:

"STEP INCREASES

"Sec. 7. (a) Each employee in a compensation level of the House Employees Schedule, who has not attained the highest scheduled rate of compensation for the compensation level (HS level) in which his position is placed, shall be advanced successively to the next higher step of such HS level, as follows:

"(1) to steps 2, 3, 4, 5, 6, 7, 8, and 9, respectively—at the beginning of the first pay period following the completion, without break in service of more than thirty months, of one year of satisfactory service in the next lower step; and

"(2) to steps 10, 11, and 12, respectively—at the beginning of the first pay period following the completion, without break in service of more than thirty months, of two years of satisfactory service in the next lower step.

"(b) The receipt of an increase in compensation during any of the waiting periods of service specified in subsection (a) of this section shall cause a new full waiting period of service to commence for further step increases under such subsection.

"(c) Any increase in compensation granted by law, or granted by reason of an increase made by the committee in the rates of compensation of the House Employees Schedule, to employees within the purview of subsection (a) of this section shall not be held or considered to be an increase in compensation for the purposes of subsection (b) of this section.

"(d) The benefit of successive step increases under subsection (a) of this section shall be preserved, under regulations jointly prescribed by the Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, for employees whose continuous service is interrupted by service in the Armed Forces of the United States.

"(e) The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, jointly shall establish and maintain, and, from time to time, jointly may revise, a system of automatic advancement, by successive step increases in compensation, on the basis of satisfactory service performed, without break in service of more than thirty months, for employees subject to the House Wage Schedule. In the operation of such system of step increases, such House officers jointly may prescribe regulations to the effect that—

"(1) the receipt of an increase in compensation during any of the waiting periods of service required for advancement by step increases under such system shall cause a new full waiting period of service to commence for further step increases under such system;

"(2) any increase in compensation granted by law, or granted by reason of an increase made by the committee in the rates of compensation of the House Wage Schedule, to employees within the purview of such system of step increases, shall not be held or considered to be an increase in compensation for the purposes of subparagraph (1) of this subsection; and

"(3) the benefit of successive step increases under such system of step increases shall be preserved, under regulations jointly prescribed by such House officers, for employees whose continuous service is interrupted by service in the Armed Forces of the United States.".

APPOINTMENTS AND RECLASSIFICATIONS TO HIGHER COMPENSATION LEVELS

SEC. 455. Section 8(b) of the House Employees Position Classification Act (78 Stat. 1083; Public Law 88–652; 2 U.S.C. 297(b)) is amended to read as follows:

"(b) The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, jointly may provide by regulation for the payment of compensation, at an appropriate compensation step determined in accordance with such regulation, to each employee subject to the House Wage Schedule who is appointed to a position in a higher compensation level of such schedule or whose position is placed in a higher compensation level of such schedule pursuant to a reclassification of such position.".

REDUCTIONS IN COMPENSATION LEVEL

SEC. 456. Section 9 of the House Employees Position Classification Act (78 Stat. 1083; public Law 88–652; 2 U.S.C. 298) is amended to read as follows:

"REDUCTIONS IN COMPENSATION LEVEL

"SEC. 9. Each employee under the jurisdiction of the Clerk, the Sergeant at Arms, the Doorkeeper, or the Postmaster, of the House of Representatives, as the case may be, in a position in a compensation level of the House Employees Schedule or the House Wage Schedule whose employment in such position and level is terminated and who is reemployed, with or without break in service, in a position in a lower compensation level (HS level or HWS level) of such schedule, or whose position is placed in a lower compensation level of such schedule pursuant to a reclassification of such position, shall be placed by the Clerk, the Sergeant at Arms, the Doorkeeper, or the Postmaster, as the case may be, in such step of such lower compensation level as the House officer concerned deems appropriate.".

INITIAL APPOINTMENTS

SEC. 457. Section 10 of the House Employees Position Classification Act (78 Stat. 1083; Public Law 88–652; 2 U.S.C. 299) is amended—

(1) by inserting "(a)" immediately following "SEC. 10."; and

(2) by adding at the end thereof the following new subsection:

"(b) The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, each is authorized to make the initial appointment of any individual to a position under the jurisdiction of such House officer, which is subject to the House Employees Schedule or the House Wage Schedule, at any compensation step above the minimum compensation step of the appropriate compensation level (HS level or HWS level) of such schedule, whenever such House officer deems such action to be necessary and appropriate to acquire competent personnel or to promote the orderly and efficient operation of the House of Representatives.".

ESTABLISHMENT OF POSITIONS

SEC. 458. Section 11 of the House Employees Position Classification Act (78 Stat. 1083; Public Law 88–652; 2 U.S.C. 300) is amended to read as follows:

"ESTABLISHMENT OF POSITIONS

"SEC. 11. The Clerk, the Sergeant at Arms, the Doorkeeper, or the Postmaster, of the House of Representatives, as the case may be, may authorize the establishment of additional positions of the kind to which this Act applies, on a permanent basis or on a temporary basis of not to exceed six months' duration, whenever, in his judgment, such action is warranted in the interests of the orderly and efficient operation of the House of Representatives.".

AUTHORITY GENERALLY

SEC. 459. Section 13 of the House Employees Position Classification Act (78 Stat. 1084; Public Law 88–652; 2 U.S.C. 302) is amended to read as follows:

"REGULATIONS

"SEC. 13. (a) The committee is authorized to prescribe such regulations as may be necessary to carry out the functions, duties, and obligations imposed upon the committee by this Act.

"(b) The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, are authorized to prescribe such joint regulations as may be necessary to carry out the functions, duties, and obligations imposed upon such House officers by this Act.

"(c) Nothing in this Act shall be held or considered to curtail, diminish, or otherwise affect the jurisdiction of the committee with respect to all matters within the purview of this Act.".

CONFORMING AMENDMENT

SEC. 460. Section 105(f) of the Legislative Branch Appropriation Act, 1957, as amended (70 Stat. 371, 78 Stat. 1084; Public Law 624, Eighty-fourth Congress, Public Law 88–652; 2 U.S.C. 123b(f)), is amended by inserting "and fix the compensation of" immediately following "to appoint".

SAVING PROVISION

SEC. 461. The amendments made by this Part shall not be construed to eliminate, change, or otherwise affect—

(1) the compensation schedules prescribed under authority of the House Employees Position Classification Act,

(2) the position standards and position descriptions prepared under authority of such Act,

(3) the application of such position standards and position descriptions,

(4) the placement of positions in compensation schedules under such Act.

(5) the compensation paid to employees under such Act,

(6) the regulations prescribed under such Act, or

(7) any other action taken under such Act,

as in effect immediately prior to the effective date of this Part, until appropriate action is taken by appropriate authority in accordance with the House Employees Position Classification Act as amended by this Part, or in accordance with section 105(f) of the Legislative Branch Appropriation Act, 1957, as amended by this Part.

HOUSE PUBLICATIONS DISTRIBUTION SERVICE

SEC. 462. (a) The organization under the jurisdiction of the Doorkeeper of the House of Representatives engaged in folding, packaging, and related activities with respect to papers, documents, and other materials for the House of Representatives (commonly referred to as the "House Folding Room") is hereby designated the "House Publications Distribution Service".

(b) The Doorkeeper of the House of Representatives is authorized to establish for employees under the House Publications Distributions Service a system of compensation for extra services performed by such employees.

PART 6—PAYROLL ADMINISTRATION IN THE HOUSE OF REPRESENTATIVES

CONVERSION OF PAY TO AGGREGATE RATE BASIS IN HOUSE OF REPRESENTATIVES

SEC. 471. (a) Beginning with the effective date of this section, the aggregate compensation of each employee (except a telephone operator on the United States Capitol telephone exchange and a member of the United States Capitol Police)—

(1) who is on the employment rolls of the House of Representatives on such date,

(2) whose compensation is disbursed by the Clerk of the House of Representatives and was fixed or adjusted prior to such date, and

(3) whose compensation is not fixed at a single per annum (gross) rate,

shall be a single per annum (gross) rate, constituting his total rate of compensation, in an amount equal to the sum of—

(A) the rate of the per annum basic compensation of such employee in effect immediately prior to such date, adjusted to the lowest multiple of $60 which produces a rate of per annum basic compensation for such employee which is not less than his rate of per annum basic compensation immediately prior to such date, and

(B) the rate of his total per annum additional compensation, computed on such adjusted basic rate.

Such single per annum (gross) rate shall be rounded to the next higher dollar.

(b) Beginning with the effective date of this section, the aggregate compensation of each officer or employee (except a telephone operator on the United States Capitol telephone exchange and a member of the United States Capitol Police)—

(1) who is on the employment rolls of the House of Representatives on or after such date,

(2) whose compensation is disbursed by the Clerk of the House of Representatives, and

(3) whose compensation is fixed or adjusted on or after such date,

shall be a single per annum (gross) rate, in a whole dollar amount, constituting his total rate of compensation.

(c) The Clerk of the House of Representatives shall prepare and establish a compensation schedule of single per annum rates for employees of the House of Representatives whose compensation is disbursed by the Clerk of the House, except—

(1) employees subject to the House Employees Position Classification Act (2 U.S.C. 291 and following),

(2) telephone operators on the United States Capitol telephone exchange,

(3) members of the United States Capitol Police, and

(4) officers and employees of the House whose compensation consisted of a single per annum (gross) rate immediately prior to the effective date of this section.

Such compensation schedule shall—

(A) contain each of the single per annum (gross) rates determined under subsection (a) of this section, and

(B) be designated the "House General Schedule" and have the symbol "HGS".

(d) Section 11(a) of the Legislative Appropriation Act, 1956, as amended (2 U.S.C. 60g–1), is amended to read as follows:

"(a) The clerk hire of each Member of the House of Representatives and the Resident Commissioner from Puerto Rico shall be at a single per annum (gross) rate determined in accordance with section 471(e) of the Legislative Reorganization Act of 1969. No person shall be paid from such clerk hire at a single per annum (gross) rate in excess of $23,482.".

(e) The Clerk of the House of Representatives is authorized and directed to—

(1) adjust to a single per annum (gross) rate the basic rate of clerk hire allowance of each Member of the House of Representatives authorized by section 11(a) of the Legislative Appropriation Act, 1956, as in effect immediately prior to the effective date of this Part (2 U.S.C. 60g–1), and

(2) adjust to a single per annum (gross) rate each other basic rate allowance provided by law for the compensation of employees whose compensation is disbursed by the Clerk of the House (except telephone operators on the United States Capitol telephone exchange and members of the United States Capitol Police),

in a manner which reflects the most favorable projection of basic rates to aggregate rates, as determined by the Clerk of the House, in accordance with the foregoing provisions of this section and other applicable law.

(f) Section 202(e) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(e)), is amended to read as follows:

"(e)(1) Each employee of the professional staff, and each employee of the clerical staff, of each standing committee of the House of Representatives shall receive a per annum (gross) rate of compensation, constituting his total rate of compensation, to be fixed by the chairman, which is not in excess of the highest rate of compensation set forth in the General Schedule of section 5332 of title 5, United States Code."

(g)(1) This subsection is enacted as an exercise of the rulemaking power of the House of Representatives with full recognition of the constitutional right of the House of Representatives to change the rule amended by this subsection at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

(2) Clause 28(c) of rule XI of the Rules of the House of Representatives is amended to read as follows:

"(c) Each employee on the professional staff, and each employee on the clerical staff, of each standing committee shall receive a per annum (gross) rate of compensation, constituting his total rate of compensation, to be fixed by the chairman, which is not in excess of the highest rate of compensation of the General Schedule of section 5332 of title 5, United States Code.".

(h) Each Member of the House of Representatives and the Resident Commissioner from Puerto Rico shall certify in writing, on or before, the tenth day of any month in which rearrangements or changes of salary schedules of employees in his office are to become effective, to the Clerk of the House, such rearrangements or changes of salary schedules. The Clerk of the House shall disburse the compensation of such employees in accordance with such rearrangements or changes of salary schedules.

(i) The first section of the Act entitled "An Act to increase clerk hire, and for other purposes", approved December 20, 1944 (58 Stat. 831; Public Law 512, Seventy-eighth Congress; 2 U.S.C. 60g), is hereby repealed.

(j) For the purposes of applicable law relating to the payment to any person of compensation from more than one civilian office or position, each employee of the House of Representatives to whom this Part applies who, immediately prior to the effective date of this Part—

(1) is receiving compensation from more than one civilian office or position, and

(2) is in compliance with such law,

shall be held and considered to be in compliance with such law on and after such effective date, notwithstanding the enactment of this Part, so long as such person does not receive any new appointment to a position on the employment rolls of the House of Representatives.

(k) Except as specifically provided in this section, the foregoing subsections of this section shall not be construed to—

(1) limit or otherwise affect any authority for the making of any appointment to, or for fixing or adjusting the compensation for, any position for which the compensation is disbursed by the Clerk of the House of Representatives;

(2) affect the continuity of employment of, or reduce the compensation of, any employee whose compensation is disbursed by the Clerk of the House; or

(3) affect the rates of basic compensation (including longevity compensation), plus increased and additional compensation, of telephone operators on the United States Capitol telephone exchange, or of members of the United States Capitol Police, whose compensation is disbursed by the Clerk of the House.

(l) All provisions of law inconsistent with this section are hereby superseded to the extent of such inconsistency.

TITLE V—EFFECTIVE DATES

EFFECTIVE DATES

Sec. 501. This Act shall take effect as follows:

(1) Title I, section 201 of title II, Parts 1, 4, and 5 of title II, Parts 2 and 3 of title III, Parts 1, 2, and 3 of title IV, section 235, section 301(d), and this section shall take effect on the thirtieth day after the date of enactment of this Act.

(2) Parts 2 and 3 of title II (except section 235), Part 1 of title III (except section 301(d) thereof), and Part 4 of title IV shall take effect on January 1, 1970.

(3) Parts 5 and 6 of title IV shall take effect on the first day of the third month which begins after the date of enactment of this Act, except that, until such first day of such third month, for the purposes of section 223(b) of the Legislative Reorganization Act of 1946, as amended by section 333 of this Act, and for the purposes of sections 404 and 407 of this Act, references to section 202(e) of the Legislative Reorganization Act of 1946, as enacted by section 471(f) of this Act, shall be held and considered to refer to section 202(e) of the Legislative Reorganization Act of 1946, as in effect on the date of enactment of this Act and as applicable to the House of Representatives.

S. 845—INTRODUCTION OF BILL TO REPEAL BACKDOOR GUN REGISTRATION

Mr. BENNETT. Mr. President, I introduce for appropriate reference, a bill to change the definition of "ammunition" for purposes of chapter 44 under title 18 of the United States Code. Joining me in sponsoring this bill are the following Senators: Mr. Allott, Mr. Cannon, Mr. Cotton, Mr. Curtis, Mr. Dole, Mr. Dominick, Mr. Eastland, Mr. Ervin, Mr. Fannin, Mr. Goldwater, Mr. Gravel, Mr. Hansen, Mr. Hruska, Mr. Jordan of Idaho, Mr. McGee, Mr. Metcalf, Mr. Moss, Mr. Mundt, Mr. Pearson, Mr. Sparkman, Mr. Stevens, Mr. Talmadge, Mr. Thurmond, and Mr. Young of North Dakota.

Our purpose for introducing this bill is to remove an ineffectual and burdensome set of regulations imposed upon American sportsmen by the Gun Control Act of 1968. The present definition reads:

> The term "ammunition" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

This bill would eliminate that language and substitute the definition of ammunition reported by the Senate Judiciary Committee in its report No. 1501, dated September 6, 1968. That language reads as follows:

> The term "ammunition" shall include only ammunition for a destructive device and pistol or revolver ammunition. It shall not include shotgun shells, metallic ammunition suitable for use only in rifles, or any .22 caliber rimfire ammunition.

Under the present law and regulations the Congress and the Treasury Department have imposed upon all buyers of firearms and ammunition a clear-cut case of registration. I am aware that some people will argue that this is not registration in fact. I am prepared to argue to the contrary. In the Gun Control Act of 1968 under section 922(b)(5), it states:

> It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver—(5) any firearm or ammunition to any person unless the licensee notes in his record, required to be kept pursuant to section 923 of this chapter, the name, age, and place of residence of such person if the person is an individual, or the identity and principal and local place of business of such person if the person is a corporation or other business entity.

Under section 923(g) the law reads:

> Each licensed importer, licensed manufacturer, licensed dealer, and licensed collector shall maintain such records of importation, production, shipment, receipt, sale, or other disposition, of firearms and ammunition at such place, for such period, and in such form as the Secretary may by regulations prescribe.

It is my feeling that the intent of Congress has been misconstrued by the Treasury Department under the Johnson Administration.

The regulations issued by the Secretary call for the following: First, date; second, manufacturer; third, caliber, gage or type of component; fourth, quantity; fifth, name; sixth, address; seventh, date of birth; eighth, mode of identification, driver's license—other specify.

One might argue that under section 923(g), the Secretary has this authority, however, the Secretary under section 922(b)(5) is told precisely what shall be required in the sale of ammunition. These include only name, age, and place of residence. I cannot accept the argument that if a person gives the date, manufacturer, caliber, gage or type of component, quantity, name, address, date of birth, and his driver's license, that he is not in fact registering himself, his ammunition, and his firearm. Furthermore, I fail to see the need and justification for registering to buy ammunition components.

The runaway interpretation by the former Treasury Department regulation writer is grounds enough to go back to the original Judiciary Committee definition of ammunition. However there are other reasons as well and they are more compelling. To force this kind of registration upon persons who buy rifle, shotgun, and .22 caliber rimfire ammunition is not going to affect the incidence of crime. The citizens of Utah and from many other areas of this Nation are deeply disturbed. Congress and the Treasury have imposed upon law-abiding citizens an unnecessary and ineffectual set of backdoor registration regulations. Consequently, I believe that my bill is not only fair, but it is necessary to correct an unnecessary burden, a deceptive form of registration, and to curb the bureaucratic excesses which have arisen under the regulations.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 845) to change the definition of ammunition for purposes of chapter 44 of title 18 of the United States Code, introduced by Mr. BENNETT (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 847 AND S. 848—INTRODUCTION OF BILLS TO PROVIDE COST-OF-LIVING INCREASES PAYABLE UNDER THE SOCIAL SECURITY AND RAILROAD RETIREMENT ACTS

Mr. MILLER. Mr. President, on behalf of myself and Senators BAKER, BOGGS, COOK, COTTON, DOLE, FONG, HRUSKA, JAVITS, JORDAN of Idaho, PACKWOOD, and STEVENS, I introduce for printing and appropriate reference two bills, and I ask unanimous consent that they be printed in the RECORD at the conclusion of my remarks.

Mr. President, one of these bills has to do with Social Security Act pension increases and the other has to do with Railroad Retirement Act pension increases. They would provide for automatic increases, based upon the rise in the cost of living, in benefits under the respective acts.

Both bills provide for initial increases in the benefits payable to individuals under the respective acts equal to the rise in the consumer price index, as of the first month after enactment, over the price index for the month of February 1968, adjusted to the nearest one-tenth of 1 percent. These initial increases would actually commence with the first day of the third month after date of enactment in order to give the Social Security Administration and the Railroad Retirement Board time to reprogram their computers.

After the initial increases, both bills provide for automatic increases in the respective benefits payable under the two acts. These automatic increases would be effective with the first day of the third month beginning after the price index has risen at least 3 percent for 3 consecutive months over the price index for the last base month. These increases would equal this percentum rise in the price index, adjusted to the nearest one-tenth of 1 percent.

For some time, I have been concerned over this problem. The social tragedy of inflation—and this is what my proposed bills are designed to counteract—is that those who are hurt most are the ones least able to bear it. Inflation strikes most deeply at older people who are living on their savings, insurance, and pensions. Most of these older Americans are relatively defenseless against higher living costs produced by the inflationary spiral.

Another reason for these bills, however, is that such automatic provisions would tend to reassure the worker, whose taxes now support the programs, that he will not be short changed when he reaches retirement age.

Mr. President, I ask unanimous consent that I may continue for 3 additional minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MILLER. Inflation in the cost of living is best measured by the amount of increase in the consumer—retail—price index. During 1968 this price index rose from 118.6 to 123.7.

This, of course, means that the purchasing power of the dollar has gone down. Based upon a 1939 dollar worth 100 cents, the dollar had fallen to 46.6 cents by December 1960. By December 1968, it was down to 39 cents. Preliminary estimates show that cost of living inflation for 1968 amounted to over $37 billion; and erosion in the value of bank deposits, savings, pension and life insurance reserves, and Federal and corporate bonds amounted to another $38 billion. In short, inflation for 1968 took away more purchasing power from the people than the individual income tax collected during 1968.

Congress has not been entirely unmindful of the impact of inflation on social security pensions and has periodically increased them. But, there has usually been a timelag of several years during which the pensioners have suffered from a drop in their purchasing power. Since the last increases were effective under both the Social Security Act and the Railroad Retirement Act in February 1968, the consumer price index rose 4 percent through December 1968. Prompt help should be available to pensioners under these acts when they are hit by the loss in purchasing power of the dollar. They should not have to wait 1, 2, or 5 years for such relief through general amendments to the Social Security and Railroad Retirement Acts. This is especially so when such increases often fail to compensate fully for changes in living costs.

Our older people on social security have had $3 billion in purchasing power taken away by inflation from their pensions alone since 1965. Even with the 7 percent increase in social security pensions in 1965 and the 13-percent increase of last February, most social security pensions today are worth less than they were in 1958.

In this connection, I ask unanimous consent to have printed in the RECORD at this point a table and an explanatory note which illustrates the problem of the loss of purchasing power of social security pensions.

There being no objection, the table and note were ordered to be printed in the RECORD, as follows:

TABLE 1.—Showing increases in social security pensions legislated by Congress in order to enable pensioners to maintain their purchasing power in view of decline in value of the dollar.

[The example is a worker having a $3,000 annual income base, single at retirement and "fully covered." The 1940 year figure is for a worker retired under the 1935 act. Other figures are for a worker retired under successive acts for years indicated.]

Year	Annual pension	Purchasing power of dollar compared to 1939 dollar worth 100 cents (in cents)	Real value of pension
1940	$499.20	99.2	$495.20
1950	870.00	57.8	502.86
1952	930.00	52.3	486.39
1954	1,062.00	51.7	549.05
1958	1,140.00	48.1	548.34
1965	1,220.00	44.0	537.00
1966	1,220.00	42.7	510.94
1967	1,220.00	41.6	507.52
1968	1,367.00	39.9	545.43

Mr. MILLER. Mr. President, there is ample precedent for doing what the two bills I am introducing today call for. In the Federal Salary Reform Act of 1962 Congress did something about the situation insofar as retired civil service employees are concerned. As now contained in title 5 of the United States Code, section 8340, there is provision for an automatic increase in civil service retirement annuities when there has been an increase of 3 percent in the Consumer Price Index for 3 consecutive months over the price index for the base month. Because of this provision, civil service retirees will receive a 3.9 percent annuity increase effective March 1. The annuity increase was triggered by the Bureau of Labor Statistics data released on January 29 showing that living costs had risen 3.9 percent since the last Federal retiree hike in May of 1968. Furthermore, under title 10 of the United States Code, section 1401a, military retirees receive automatic adjustments in their retired pay based upon increases in the cost of living. This provision is very similar to the civil service provision, and under it military retirees have been guaranteed a 4-percent increase, to be reflected in their March 1 checks. The two bills I am introducing today follow the format of the civil service provision.

There is much to be said for the fairness of such a change in the law. After all, if a majority of the Members of Congress persist in deficit spending, why should not the Congress provide for an automatic offset against the hardship the resulting inflation brings on?

The measures I am introducing today, if passed, would be a great step toward helping the elderly of America obtain the independence, dignity, and opportunity for continued useful participation which they both desire and deserve.

The VICE PRESIDENT. The bills will be received and appropriately referred; and, without objection, the bills will be printed in the Record.

The bills (S. 847) to amend title II of the Social Security Act to provide cost-of-living increases in the insurance benefits payable thereunder, and (S. 848) to amend the Railroad Retirement Act of 1937 to provide for cost-of-living increases in the benefits payable thereunder, introduced by Mr. Miller (for himself and other Senators) were received, read twice by their titles, referred to the Committee on Finance and the Committee on Labor and Public Welfare, respectively, and ordered to be printed in the Record, as follows:

S. 847

A bill to amend title II of the Social Security Act to provide cost-of-living increases in the insurance benefits payable thereunder

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"COST-OF-LIVING INCREASES IN BENEFITS

"(w)(1) The first month after enactment of this subsection the Secretary shall determine the per centum change in the price index from February 1968 to such first month, and such month shall, for purposes of this subsection, be the first 'base month'. Commencing with the first day of the third month following such first base month, each monthly insurance benefit payable to any individual for or after such third month under this title shall be increased by the per centum rise in the price index, adjusted to the nearest one-tenth of 1 per centum, over the price index for the month of February 1968.

"(2) Each month after the first increase under this subsection, the Secretary shall determine the per centum change in the price index. Effective the first day of the third month which begins after the price index shall have equaled a rise of at least 3 per centum for three consecutive months over the price index for the last preceding base month, each monthly insurance benefit payable for or after such third month to any individual under this title shall be increased by the per centum rise in the price index (calculated on the highest level of the price index during the three consecutive months) adjusted to the nearest one-tenth of 1 per centum.

"(3) The monthly insurance benefit of an individual under this title, after adjustment under this subsection, shall be fixed at the nearest dollar, except that such benefit shall after adjustment reflect an increase of at least $1.

"(4) For purposes of this subsection, (A) the term 'price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics, and (B) the term 'base month' shall mean the base month referred to in paragraph (1), or if later, any other month for which the price index showed a per centum rise forming the basis for a cost-of-living increase in benefits.

"(5) In determining the amount of any individual's monthly insurance benefit for purposes of applying the provisions of section 203(a) (relating to reductions of benefits when necessary to prevent certain maximum benefits from being exceeded), amounts payable by reason of this subsection shall not be regarded as part of the monthly benefit of such individual.

"(6) Any increase under this subsection to be made in the monthly benefits payable to or with respect to any individual shall be applied after all other provisions of this title relating to the amount of such benefit have been applied."

S. 848

A bill to amend the Railroad Retirement Act of 1937 to provide for cost-of-living increases in the benefits payable thereunder

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Railroad Retirement Act of 1937 is amended by adding after section 21 the following new section:

"COST-OF-LIVING INCREASES IN BENEFITS

"Sec. 22. (a) The first month after the enactment of this subsection the Board shall determine the per centum increase in the price index from February 1968 to such first month, and such month shall, for purposes of this section, be the first 'base month'. Commencing with the first day of the third month following such first base month, each annuity, pension, and other benefit payable under this Act shall be increased by the per centum rise in the price index, adjusted to the nearest one-tenth of 1 per centum, over the price index for the month of February 1968.

"(b)(1) Each month after the first increase under this section, the Board shall determine the per centum change in the price index. Effective the first day of the third month which begins after the price index shall have equaled a rise of at least 3 per centum for three consecutive months over the price index for the last preceding base month, each annuity, pension, and other benefit payable under this Act for or after such third month shall be increased by the per centum rise in the price index (calculated on the highest level of the price index during the three consecutive months) adjusted to the nearest one-tenth of 1 per centum.

"(2) The monthly amount of any annuity, pension, or other benefit payable under this Act, after adjustment under this section, shall be fixed at the nearest dollar, except that such benefit shall after adjustment reflect an increase of at least $1.

"(c) Any increase under subsection (a) shall apply with respect to all benefits payable under this Act after such increase becomes effective regardless of the provisions under which such benefits are payable or the manner in which the amounts payable are determined, but shall be applied with respect to the benefit payable to or with respect to any particular individual only after all of the other provisions of this Act which relate to eligibility for and the amount of such benefit have been applied; except that (1) the provisions of section 5(i) shall not be applied until after such increase is applied, and (2) in determining the amount of any individual's annuity for purposes of applying the first sentence of section 5(h), any amount payable by reason of this section shall not be regarded as part of such annuity.

"(d) For purposes of this section—

"(1) the term 'price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics, and

"(2) the term 'base month' means the base month referred to in subsection (a), or, if later, any other month for which the price index showed a per centum rise forming the basis for a cost-of-living increase in benefits."

S. 849—INTRODUCTION OF BILL—GUNS AND CRIMINALS

Mr. MANSFIELD. Mr. President, like so many others, I am alarmed with the increasing use of firearms by criminals in our society; I am appalled by the criminal's quick resort to a gun when deciding to commit his insidious acts. In this respect, the Congress saw fit last fall to make it more difficult for the lawless and untrained to obtain weapons. It is my belief that in its implementation this law—the Gun Control Act of 1968—will serve more effectively as time passes to cut down on the inordinate flow of firearms into the hands of the criminal and the incompetent, the drug addict, and the alcoholic. For the present, however, the ease with which any element of our society has been able to obtain weapons precludes the dramatic effects this legislation can expect to bring in the future.

But there remains another approach to curtailing gun crimes—an approach that says to the criminal in terms that are clear and simple that the use of a gun will be met with punishment that fits such an act of violence. This approach is contained in an amendment to the Gun Control Act of 1968 which would provide a mandatory additional prison sentence for criminals who choose to resort to firearms.

For a first offender the penalty would be 1 to 10 years in prison. For a subsequent offense—25 years. This proposal varies from the present law in two major respects. Under no circumstances can the sentence imposed against the criminal gun user be suspended or assessed concurrently with the sentence applied for the commission of the crime. In other words, the criminal will be compelled to serve additional time in prison solely for deciding to use a firearm. Second, under the provisions of this proposal, a subsequent offender will be compelled to serve 25 years for his choosing to use a gun It seems to me no leeway or discretion is needed in the case of a criminal gun user who employs this weapon of violence a second time.

I agree that in providing mandatory sentences on the congressional level, questions will be raised. But just as the ease of gun accessibility by the lawless reached national proportions justifying congressional action with the 1968 gun law so does the penalty for the criminal use of guns warrant equally close attention and careful consideration by the Congress. To put it frankly, gun crimes have become a national disgrace.

It is in this light that I offer this proposal for a mandatory prison sentence against perpetrators of violent gun crimes. It will serve, I hope, as a focal point. For ultimately it is up to the criminal. In the first instance, it is he who decides to resort to a gun. If he finds the penalty so severe as to deter its use, only then can society be protected from the violence it produces.

AMENDMENT OF GUN CONTROL ACT OF 1968

Mr. President, I introduce, for appropriate reference, a bill to amend the Gun Control Act of 1968 and ask unanimous consent that its text be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 849) to strengthen the penalty provisions of the Gun Control Act of 1968, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 849

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 924 of title 18, United States Code, is amended to read as follows:

"(a) Whoever—

"(1) uses a firearm to commit any felony which may be prosecuted in a court of the United States, or

"(2) carries a firearm unlawfully during the commission of any felony which may be prosecuted in a court of the United States,

"shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than one year nor more than 10 years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than 25 years and, notwithstanding any other provision of law, the court shall not suspend the sentence of such person or give him a probationary sentence nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony."

S. 852—INTRODUCTION OF BILL TO PROVIDE ADDITIONAL JUDGESHIPS IN CALIFORNIA

Mr. MURPHY. Mr. President, for Senator CRANSTON and myself, I introduce a bill to carry out the recommendations of the U.S. Judicial Conference with respect to the additional judgeships for the U.S. District Courts in California. The bill, as the Judicial Conference recommends, provides eight additional judgeships for the U.S. District Courts in California. Specifically, the measure would authorize two additional Federal district judges for the northern district of California and three additional judges for both the central district and southern district in California.

Mr. President, it is clear that if our courts are to conduct their important business efficiently, expeditiously, and equitably, we must provide them with the necessary resources and manpower. While this is true for both civil and criminal cases, the rising crime rate across the country makes it imperative that this Nation take whatever steps are necessary to deal with this problem. I am pleased that the Nixon administration has promised to give the highest priority to a war on crime.

While there are many facets to the overall crime problem, one part of the total picture is the need to make certain that justice is sure and swift. In fact, the Constitution of the United States requires that an accused person be given a "speedy and public trial." If the word goes out that violation of criminal law will result in sure and swift justice, it is bound to have a deterrent effect on potential criminals. Yet, too many of our court dockets are hopelessly overcrowded. The backlog of cases, both criminal and civil, grows. Judge Fred Kunzel advises me that not only has there been a heavy increase in criminal cases filed in his district over the past 5 years, but "the seriousness of offenses also seems to be increasing." I hope that the Senate Judiciary Committee will act early and favorably on this measure which is so badly needed in California. I ask unanimous consent that a letter that I have received from Judge Kunzel and a copy of his letter sent to Congressman CELLER be printed in full at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the letters will be printed in the RECORD.

The bill (S. 852) to provide for the appointment of eight additional, permanent district judgeships for certain judicial districts within California, introduced by Mr. MURPHY, for himself and Mr. CRANSTON, was received, read twice by its title, and referred to the Committee on the Judiciary.

The letters, presented by Mr. MURPHY, are as follows:

U.S. DISTRICT COURT, SOUTHERN
DISTRICT OF CALIFORNIA,
San Diego, Calif., January 10, 1969.

Re Additional judgeships for the southern district of California.

Hon. GEORGE MURPHY,
U.S. Senator, Senate Office Building, Washington, D.C.

DEAR SENATOR: Enclosed copy of letter to Congressman Emanuel Celler, which portrays our dire need for additional judges.

Would you please join with Senator Cranston in the introduction of a counterpart bill in the Senate.

Very sincerely,

FRED KUNZEL,
Chief Judge.

U.S. DISTRICT COURT,
SOUTHERN DISTRICT OF CALIFORNIA,
San Diego, Calif., January 10, 1969.

Re Additional judgeships for the southern district of California.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary of the House of Representatives, House Office Building, Washington, D.C.

DEAR SIR: There has been introduced by Congressmen Wilson, Utt, Van Deerlin and Tunney, a bill which would provide three additional judgeships for our district. I do not as yet have the number of the bill.

As you know, the Judicial Conference of the United States, at their September 1968 meeting, approved three additional judgeships for this district. The approval came after extensive studies over a two-year period by both the Statistics and Court Administrative Committees.

Supplementing my letter to you of August 28, 1968, our records reflect a very heavy increase in criminal filings over the past five years. In addition to the increase in the number of cases, the seriousness of the offenses also seems to be increasing.

Our records indicate the following comparative statistics:

Calendar year	Cases commenced		Number of defendants disposed of	Cases pending	
	Civil	Criminal		Civil	Criminal
1963	165	1,130	----------	161	246
1964	229	1,407	----------	159	315
1965	228	2,070	2,352	194	475
1966	318	1,799	2,124	310	579
1967	274	2,094	2,298	299	803
1968	297	2,580	2,735	304	1,242

As of now we have approximately 240 defendants in jail despite our very liberal bail policy. We are unable to reach custody cases, to which we give high priority, in less than five months.

Despite having at least one visiting judge at all times during 1968, and sometimes two, we have been steadily losing ground in the processing of cases.

We have two active judges and a senior judge. Our senior judge, without whom we would be in deeper trouble, is 87 years of age and now handles all the "wet-back" cases and naturalization proceedings. I am afraid he will not be able to continue much longer.

The visiting judges have carried substantial burdens. However, they are unable to handle the very heavy day-to-day matters such as bail reviews, arraignments and pleas, pre-trials, pre-trial motions, trial setting calendars, sentencing, and post sentencing and trial motions. Nor can they handle the routine administrative functions such as jury impanelment, grand jury supervision, and the processing of appointments and claims under the Criminal Justice Act.

Handling of the daily calendars and administrative matters takes almost the full time of the resident judges, leaving virtually no time for the trial of cases. Additionally, the resident judges must spend many hours reading the voluminous pre-sentence reports. Each of us sentence an average of 25 defendants every Monday.

We have some very important civil litigation pending, the trials of which we have been unable to reach and will not be able to reach in the foreseeable future—this, by reason of having to give priority to the criminal cases.

Enclosed a copy of page II–37 of the 1968 Report of the Director of the Administrative Office, which indicates that this district has, by far, the largest weighted caseload of any district in the United States.

It would be very much appreciated if the bill for additional judgeships be given early consideration by your committee. The situation here is chaotic and requires emergency legislation to correct it. Copies of this letter are being sent to various interested parties.

With kindest regards, I am

Very sincerely yours,

FRED KUNZEL,
Chief Judge.

20 U.S. DISTRICT COURTS HAVING THE LARGEST WEIGHTED CASELOAD PER JUDGESHIP, FISCAL YEAR 1968

District	Number of judgeships, June 30, 1968	Weighted caseload per judgeship		
		Total	Civil	Criminal
89 districts	323	265	207	58
California, southern	2	1,025	123	902
Georgia, southern	1	455	333	122
Georgia, northern	3	445	344	101
Puerto Rico	2	432	358	74
Texas, eastern	2	397	360	37
Kentucky, eastern	1½	390	272	118
Tennessee, eastern	3	375	331	44
Alabama, northern	3	372	305	67
Virginia, eastern	5	354	279	75
West Virginia, southern	1½	354	270	84
New Mexico	2	348	230	118
Missouri, eastern	3	339	262	77
Kentucky, western	2½	330	267	63
Texas, northern	5	325	249	76
South Carolina	4	322	267	55
Alabama, southern	1½	318	275	43
North Carolina, eastern	2	318	176	142
Louisiana, eastern	8	317	285	32
Illinois, northern	11	314	267	47
Colorado	3	314	257	57

S. 853—INTRODUCTION OF BILL TO ESTABLISH THE SAWTOOTH NATIONAL RECREATION AREA

Mr. CHURCH. Mr. President, on behalf of myself and my colleague, Senator JORDAN of Idaho, I introduce, for appropriate reference, a bill to establish the Sawtooth National Recreation Area in Idaho. The measure was approved by the Senate in the 90th Congress, but did not receive House consideration.

I am most hopeful of early action on this bill, because it is designed to preserve one of the most beautiful mountain and valley settings in the West. Some undesirable development is now encroaching, and the need for protection is urgent.

There has been a lively argument for many years over how to best preserve this rugged and scenic section of central Idaho. Early sessions of the Idaho Legislature memorialized Congress for a national park in the Sawtooths. Bills proposing such a park were introduced in Congress by the late Senators James P. Pope and William E. Borah. In the 88th Congress I introduced a bill calling for establishment of such a park, my major purpose being to provide a vehicle for a thorough feasibility study of the area by both the Forest and the National Park Services. The study revealed that the then comparatively new concept of a national recreation area should be considered as an alternative to a park. In the following Congress, the 89th, I introduced a bill for a park and Senator JORDAN joined me in sponsoring one for a national recreation area. In June of 1966 the Senate Subcommittee on Parks and Recreation conducted 2 days of hearings on both measures, and the people of the region, gathered at Sun Valley, Idaho, gave overwhelming support to a national recreation area. Senator JORDAN and I have also believe that the recreation area provides the best plan for the highest public use and management of this magnificent mountain chain and its adjoining lowlands.

Mr. President, this area is so spectacular as to almost beggar description. Forty-two snowcapped peaks rise to more than 10,000 feet, an escarpment which towers over blue alpine lakes, rushing white water and vast evergreen forests. Flush against this dramatic backdrop are two grass and sagebrush covered valleys where sheep, cattle, and horses graze behind log-fenced pastures near the banks of the winding Salmon River. Scattered ranch houses accentuate this authentic western panorama. The bill we introduce today would save this scenic foreground to the mountains by preventing, through the procurement of scenic easements, unsightly commercial development of the valley lands. It also calls upon the Secretary of Agriculture to expedite studies which we hope will lead to the inclusion of the high mountain country, now the Sawtooth primitive area—in the National Wilderness Preservation System. The Forest Service would administer the approximately 350,000 acres in the proposed national recreation area.

Mr. President, the creation of a Sawtooth National Recreation Area will also assure the additional facilities needed to accommodate the increasing thousands of visitors to this unique area. It will cater to the type of family vacation so many Americans wish to enjoy. It will protect part of the upper reaches of streams which constitute the last remaining nursery for the anadromous fish which fight their way all the way from the ocean to spawn in the mountain shallows. It will encourage new winter sports facilities leading to year round recreation opportunities. It will allow for the preservation, and open the way, perhaps, for the restoration of the old mining town of Atlanta and the frontier ranch-type town of Stanley.

But perhaps most importantly it will help guarantee the upland wilderness, not only because of its primeval beauty and recreation potential, but also because this is the fountainhead of three great rivers, the Salmon, Payette and Boise—rivers which pour down from the snowfields to irrigate our rich Idaho agricultural lands.

Mr. President, this bill is the distillation of years of study and effort by the people of Idaho, their elected Senators, Congressmen, and agencies of the Government, and I hope it soon can be reported out of Committee and approved by the Senate.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 853) to establish the Sawtooth National Recreation Area in the State of Idaho, and for other purposes, introduced by Mr. CHURCH, for himself and Mr. JORDAN of Idaho, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

SAWTOOTH NATIONAL RECREATION AREA IN THE STATE OF IDAHO

Mr. JORDAN of Idaho. Mr. President, my colleague Senator CHURCH and I as joint sponsors, introduce today the Sawtooth National Recreation Area bill. In this bill we present one of the most unique and coordinated programs for diversified outdoor enjoyment that has ever been proposed in Congress.

Sawtooth is a magnificent area comprising some 350,000 acres of rugged mountains, beautiful lakes and streams, the scenic Stanley Basin Valley and the historic mining town of Atlanta. Of this total area about 200,000 acres are now in the national forest primitive area which will be studied for the possibility of becoming wilderness; 117,000 acres are of national forest lands, mostly forest and range between the valley and the high mountain area; 23,000 acres are privately owned valley lands on which ranching, timber harvest, and mining operations will be continued; 10,000 acres of Federal unreserved public domain lands which may be classified for its highest use compatible with the overall management program. The State of Idaho also owns 1,600 acres of endowment fund lands within these boundaries.

The Forest Service, with its major responsibility already there, will administer the recreation area. Incentive for private landowners to cooperate will be through scenic easements rather than in the purchase of fee title by the Government of privately owned land. Landowners will be compensated for keeping their operations compatible with the national recreation environment concept. In this way the authentic ranching atmosphere of the Sawtooth Valley will be maintained and enhanced.

Certain Federal, private, and State lands may be developed and improved so the optimum capacity for camping, swimming, fishing, hunting, hiking, horseback riding, pleasure driving, and winter sports may be enjoyed.

Private investments for visitor accommodations, winter sports sites, and for visitor services on either private, State, or Federal lands will be encouraged.

It is planned to safeguard and enhance the outstanding natural beauty of the Sawtooth Range and to protect fragile areas from overuse. This is one of the most important watershed areas which feeds streams necessary for the propagation of the nationally famous Salmon and Steelhead fish. Special attention will be given in this program to maintain high water quality for the protection of this valuable fishing resource.

This beautiful scenic and historic area is accessible from Sun Valley from the east, which is only 60 miles away and from all points to the west coast through Boise, our State capital. It may well become a year-round recreation site.

By retaining the natural frontier character of the valley and towns such as Stanley and Atlanta and the magnificent views of the snow-covered rugged peaks of the Sawtooth Mountains the visitor will enjoy breathtaking scenic grandeur which is unsurpassed. Hearings have been held on this proposed bill in Idaho and in Washington, D.C. It has received nearly unanimous approval. The cost of acquisition, development, and management will be reasonable because most of the lands are now in Federal ownership. Mr. President, I hope Congress will agree that this is an opportunity to properly manage Federal, State, and private lands, in balance, for its highest and best use now and for the future.

S. 855—INTRODUCTION OF BILL TO PROVIDE FOR THE ESTABLISHMENT OF THE BUFFALO NATIONAL RIVER, STATE OF ARKANSAS

Mr. FULBRIGHT. Mr. President, on behalf of myself and my senior colleague from Arkansas, Mr. McClellan, I introduce, for appropriate reference, a bill to establish the Buffalo River in Arkansas as the Buffalo National River.

The Senate will recall that a similar bill—S. 704—was introduced in the last session of Congress, but final action could not be taken before adjournment.

This bill would enable the preservation, in its free-flowing, natural state, of an important segment of this beautiful river in an area which contains unique scenic and scientific features.

Mr. President, the Buffalo River is truly one of the most remarkable rivers in the world. An editorial in the Baxter Bulletin, Baxter County, Ark., recently referred to the river as "a natural prize of national significance." The editorial continued:

> It should be preserved as a national park-type area for the same reasons that the giant redwoods should not be mowed down to make boards and the Grand Canyon should not be dammed to carry out local economic designs. The national river would, in fact, aid the economy of the area by providing a new kind of outdoor preserve and recreational area.

I would also like to refer to a passage from a report prepared by the National Park Service in 1963, which I think makes apparent some of the reasons why the Buffalo should be a national river:

> Although man-made impoundments are causing the rapid disappearance of free-flowing streams in mid-America, the Buffalo River remains one of the few rivers still possessing exceptional wilderness value.
>
> The Buffalo River, deeply entrenched in a meandering course, flows eastward across Newton and Searcy Counties, entering briefly Marion and Baxter Counties before joining the White River in northwest Arkansas. In places the Buffalo lies 650 feet almost sheer below its canyon rim. Towering multi-colored cliffs sharply accent the mild mountain beauty into which nature has set the blue-green waters of this spring-fed stream. Born on summits almost 2400 feet above sea level, this river flows down to elevations of less than 400 feet before joining the White River.
>
> The scenic grandeur of unimpeded rivers—surging over rapids, moving lazily through long shaded eddies, and sweeping gracefully against streaked canyon walls that proclaim the handiwork of a free-flowing stream—is fast disappearing. Urbanization has altered and impoundments have tamed river after river until little is left to represent the wilderness waters known by first comers to these hills.
>
> Flora of the study area is perhaps the most diverse of any other area of equal extent in Arkansas and ranks noteworthy on a national basis. The wild life constitutes one of the area's chief attractions. Practically every wild animal common to an oak-hickory type forest is found in great numbers. The red wolf, not known to be residing within any unit of the National Park System, is found here. In colder latitudes black bears and woodchucks hibernate during part or all of the winter season; in this locale they are active throughout the year.
>
> Known archeological sites within the immediate area of the river number at least twenty, and it is likely that others are present.
>
> The study area includes an expansive climax of wildness, ruggedness, and elevation contrasts in two sections of the Ozark Plateaus Province of the Interior Highlands Division of American Landscape Forms. The upper course of the Buffalo River is etched into the Boston Mountains Section, while the lower course with its tortuous canyons typifies the Springfield-Salem Plateaus Sections. No other feasible management unit in the entire Ozarks portion of the Interior Highlands Division can likely surpass the combined resources of the area studied.
>
> Geologically the area is outstanding and typifies the Arkansas Ozarks with their numerous caves, waterfalls, persistent springs, interesting side canyons, and impressive bluffs.
>
> Being the last of the choice remaining major free-flowing streams in the Arkansas Ozarks, the Buffalo River offers an outstanding opportunity for preservation of a unique segment of outdoor America.
>
> The area is centrally located with respect to large urban populations and is well suited to provide increasing outdoor recreational opportunities for the nation.
>
> In combination, the scenic, scientific, and archeological values and the recreation potential of the area clearly indicate that consideration for preservation and administration at the national level is warranted. Therefore, the study area is recommended for establishment as a National River, administered by the National Park Service.

I feel certain that the Buffalo River will be a credit to our national park system and offer great benefit and enjoyment to the present and future generations.

Mr. President, I would also like to add that the establishment of the Buffalo as a national river will be done with the minimum possible disruption to the residents of the area. Where land is not specifically needed for park facilities, property owners will be able to continue in their present residences, and wherever possible only scenic easements will be taken.

I would like to thank the Legislative Drafting Service of the Department of the Interior for their assistance in preparing this bill. I hope that it will receive prompt and favorable consideration by the Committee on Interior and Insular Affairs and subsequently by the Senate.

The bill I introduce today is different in some respects from S. 704, and these differences are identified in a letter addressed to me by the Office of the Solicitor of the Department of the Interior. I ask unanimous consent that the text of this letter and the text of the bill be printed in the Record following my remarks.

Mr. President, I have not attempted to analyze thoroughly the details of the bill drafted by the Department, and there may be differences of opinion concerning the wisdom of some of the provisions. I am sure, however, that all opinions will be considered carefully by the Interior Committee, and desirable modifications may be made by the committee during such consideration.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the Record.

The bill (S. 855) to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes, introduced by Mr. Fulbright (for himself and Mr. McClellan), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 855

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of conserving and interpreting an area containing unique scenic and scientific features, and preserving as a free-flowing stream an important segment of the Buffalo River in Arkansas for the benefit and enjoyment of present and future generations, the Secretary of the Interior (hereinafter referred to as the "Secretary") may establish and administer the Buffalo National River. The boundaries of the national river shall be as generally depicted on the drawing entitled, "Proposed Buffalo National River", numbered NR–BUF–7103 and dated December 1967, which shall be on file and available for public inspection in the Offices of the National Park Service, Department of the Interior. The Secretary may revise the boundaries of the national river from time to time, but the total acreage within such boundaries shall not exceed 95,730 acres.

Sec. 2. (a) Within the boundaries of the Buffalo National River, the Secretary may acquire lands and waters or interests therein by donation, purchase with donated or appropriated funds, or exchange, except that lands owned by the State of Arkansas or a political subdivision thereof may be acquired only by donation. When an individual tract of land is only partly within the boundaries of the national river, the Secretary may acquire all of the tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the national river may be exchanged by the Secretary for non-Federal lands within the national river boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 471 *et seq.*), as amended. With the concurrence of the agency having custody thereof, any Federal property within the boundaries of the national river may be transferred without consideration to the administrative jurisdiction of the Secretary for administration as part of the national river.

(b) With the exception of property that the Secretary determines is necessary for purposes of administration, preservation, or public use, any owner or owners (hereinafter in this section referred to as "owner") of improved property on the date of its acquisition by the Secretary may retain the right of use and occupancy of the improved property for noncommercial residential purposes, for a term, as the owner may elect, ending either (1) upon the death of the owner or his spouse, whichever occurs later, or (2) not more than twenty-five years from the date of acquisition. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the term retained by the owner. Such right (1) shall be subject to such terms and conditions as the Secretary deems appropriate to assure that the property is used in accordance with the purposes of this Act, (2) may be transferred or assigned and (3) may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential purposes, and upon tender to the holder of the right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(c) As used in this section the term "improved property" means a detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and construction of which was begun before January 1, 1967, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use: *Provided*, That the Secretary may exclude from any improved property any waters or land fronting thereon, together with so much of the land adjoining such waters or land as he deems necessary for public access thereto.

Sec. 3. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the Buffalo National River in accordance with applicable Federal and State laws, except that he may designate zones where and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the Arkansas Fish and Game Commission.

Sec. 4. The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting the Buffalo National River and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above the Buffalo National River or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

Sec. 5. The Secretary shall administer, protect, and develop the Buffalo National River in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented; except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

Sec. 6. Any person authorized by the Secretary to enforce any Federal laws or regulations applicable to the Buffalo National River may, with or without a warrant, arrest any person who violates such laws and regulations in his presence or view, and may execute any warrant or other process issued by an officer or court of competent jurisdiction, and may with a search warrant or as an incident to a lawful arrest, search for and seize property taken, used or possessed in violation of said laws and regulations. Anything so seized shall be held by such person or by the United States Marshall pending disposition of the case by the court, magistrate, or commissioner. Upon conviction, any fish, bird, mammal, or other wild vertebrate or invertebrate animal, or part or nest or egg thereof seized shall be forfeited to the United States or otherwise disposed of by the court, magistrate, or commissioner Upon conviction, any other property, except property of the United States, used or possessed in violation of said laws or regulations, including but not limited to any gun, net, or trap, may be forfeited to the United States or otherwise disposed of by the court, magistrate, or commissioner, except that this discretionary authority to forfeit or otherwise dispose of such other property shall apply only in the case of a conviction for an offense involving the taking or possession of property of the United States, or the taking, possession, capturing, hunting, or killing, or attempt thereof, of any fish, bird, mammal, or other wild vertebrate or invertebrate animal, or part or nest or egg thereof.

Sec. 7. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The letter presented by Mr. Fulbright is as follows:

U.S. Department of the Interior,
Office of the Solicitor,
Washington, D.C., January 27, 1969.

Hon. J. W. Fulbright,
U.S. Senate, Washington, D.C.

Dear Senator Fulbright: Mr. James Cash of your office orally requested this office to set out the differences between S. 704, which you introduced in the 90th Congress, and the draft bill on the Buffalo National River which we forwarded to your office on January 17, 1969, as a drafting service.

The differences between the two versions of the Buffalo National River bills are:

1. The acreage has been reduced from 103,000 to 95,730 acres. A new map reference has been inserted. The new map shows the new boundaries.

2. The last sentence of section 2(a) of the draft bill has been changed to require the concurrence of the agency having administration over Federal lands within the proposed national river before such lands can be transferred to the Secretary of the Interior for purposes of the proposed national river.

3. Section 2(b) of S. 704 has been deleted, and all subsequent subparagraphs have been relettered. Paragraph 5(b) of the Act of July 15, 1968 (82 Stat. 354, 356), amended the Land and Water Conservation Act of 1965 (78 Stat. 897), to provide the Secretary of the Interior with authority to exchange non-Federal lands within a unit of the National Park System or miscellaneous area for other Federal lands within the same state. This exchange authority would apply to the proposed national river.

4. There are some changes in section 2(c) of S. 704 which appear in section 2(b) of the draft bill. The first change allows the Secretary to take improved noncommercial residential property, if the Secretary determines that such property is needed "for purposes of administration, preservation, or public use. . . ." Section 2(b) of the draft provides that the right retained by the owner, if the Secretary does not take the land under the above provision, is subject to the three enumerated conditions in the last sentence of section 2(b) of the draft and also provides for the termination of the owner's interest, if the property ceases to be used for noncommercial residential purposes. These enumerated conditions and the termination of the owner's interest are new provisions in the draft.

5. There are some minor changes made to section 2(d) of S. 704 which may be found in section 2(c) of the draft. Most of the changes are intended to clarify section 2(d) in S. 704. One substantive change has been made in section 2(c) of the draft. The provision in S. 704 which would allow agricultural use of the private lands within the proposed national river has been deleted from the draft bill.

6. Section 4 of S. 704 has been entirely rewritten. Section 4 of the draft bill, with minor changes in language, is identical to section 7(a) of the Act of October 2, 1968 (82 Stat. 906).

7. Section 6 of the draft bill gives the Secretary arrest authority in the proposed national river. There was no such provision in S. 704.

None of the statements made above should be construed as stating the Department's position with respect to any provision in the draft bill, since this letter is only intended to point up the differences between the draft bill and S. 704.

If we can be of any further assistance to you in this matter, please feel free to contact this office.

Sincerely yours,
David B. Finnegan,
Acting Legislative Counsel.

S. 856—INTRODUCTION OF A BILL TO PROVIDE FOR FEDERAL GOVERNMENT RECOGNITION OF AND PARTICIPATION IN INTERNATIONAL EXPOSITIONS TO BE HELD IN THE UNITED STATES

Mr. FULBRIGHT. Mr. President, I introduce, for appropriate reference, a bill to provide for Federal Government recognition of and participation in international expositions to be held in the United States, and for other purposes.

The identical bill was introduced in my absence in 1968 by the Senator from Montana (Mr. Mansfield) as S. 3737. I want to express my appreciation to the majority leader for the tribute he paid me at that time for having stimulated the drafting of this bill, a fact which is noted this time by the Secretary of Commerce in his letter submitting the draft. I ask unanimous consent that this letter, together with the bill, and a statement of purposes and needs, be printed in the Record at the conclusion of my remarks.

As customary, I reserve my right with respect to any amendments that might be suggested when the matter is considered by the Committee on Foreign Relations.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and the material will be printed in the Record.

The bill (S. 856) to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes, introduced by Mr. FULBRIGHT, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 856

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that:

(a) International expositions, when properly organized, financed, and executed have a significant impact on the economic growth of the region surrounding the exposition and under appropriate international sanction, are important instruments of national policy, particularly in the exchange of ideas and the demonstration of cultural achievements between peoples;

(b) In view of the widely varying circumstances under which international expositions have developed in the United States, the different degrees to which the Federal Government has assisted and participated in such expositions, and the increasing number of proposals for future expositions, the national interest requires that Federal action concerning such expositions be given orderly consideration; and

(c) Such orderly consideration is best achieved by the development of uniform standards, criteria, and procedures to establish the conditions under which the Government hereafter will (A) recognize international expositions proposed to be held in the United States, and (B) take part in such expositions.

SEC. 2. Federal recognition. (a) Any international exposition proposed to be held in the United States shall be eligible on application from its sponsors to receive the recognition of the Federal Government upon a finding of the President that recognition will be in the national interest. In making such a finding the President shall consider:

(1) a report by the Secretary of Commerce which shall include (A) an evaluation of purposes and reasons for the exposition, and (B) a determination that guaranteed financial and other support has been secured by the exposition from affected State and local governments and from business and civic leadership of the region and others, in amounts sufficient in his judgment to assure the successful development and progress of the exposition;

(2) a report by the Secretary of State that the proposed exposition qualifies for consideration of registration by the Bureau of International Expositions (hereafter referred to as BIE); and

(3) such other evidence as the President may consider to be appropriate.

(b) Upon a finding by the President that an international exposition is eligible for Federal recognition, the President may take such measures recognizing the exposition as he deems proper including, but not limited to:

(1) presenting of an official request by the United States for registration of the exposition by the BIE;

(2) providing for fulfillment of the requirements of the Convention of November 22, 1928, as amended, relating to international expositions; and

(3) extending invitations, by proclamation or by such other manner he deems proper, to the several States of the Union and to foreign governments to take part in the exposition, provided that he shall not extend such an invitation until he has been notified officially of BIE registration for the exposition.

(c) The President shall report his actions under this section promptly to the Congress.

SEC. 3. Federal Participation. The Federal Government may participate in an international exposition proposed to be held in the United States only upon the authorization of the Congress. If the President finds that Federal participation is in the national interest, he shall transmit to the Congress his proposal for such participation, which proposal shall include:

(a) evidence that the international exposition has met the criteria for Federal recognition and, pursuant to section 2 of this Act, it has been so recognized;

(b) a statement that the international exposition has been registered by the BIE; and

(c) a plan prepared by the Secretary of Commerce in cooperation with other interested departments and agencies of the Federal Government for Federal participation in the exposition. In developing such a plan, the Secretary shall give due consideration to whether or not the plan should include the construction of a Federal pavilion and, if so, whether or not the Government would have need for a permanent structure in the area of the exposition. In the event such need is established, the Secretary may include in his plan a recommendation that, as a condition of participation, the Government should be deeded a satisfactory site for the Federal pavilion, in fee simple and free of liens or other encumbrances. The Secretary shall seek the advice of the Administrator of the General Services Administration to the extent necessary in carrying out the provisions of this subsection.

SEC. 4. Establishment and Publication of Standards and Criteria.

(a) The Secretary of Commerce is hereby authorized and directed to establish and maintain standards, defintions, and criteria which are adequate to carry out the purposes of Sec. 2(a)(1) and Sec. 3(c) of this Act; and

(b) Standards, definitions, and criteria established by the Secretary and such revisions in them as he may make from time to time shall be published in the Federal Register.

SEC. 5. The President may withdraw Federal recognition or participation whenever he finds that continuing recognition or participation would be inconsistent with the national interest and with the purposes of this Act.

SEC. 6. Nothing in this Act shall affect or limit the authority of Federal Departments and Agencies to participate in international expositions or events otherwise authorized by law.

SEC. 7. Section 8 of Public Law 89–685 is hereby repealed.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The letter and statement presented by Mr. FULBRIGHT are as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., January 10, 1969.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill "To provide for Federal Government recognition of and participation in international expositions to be held in the United States, and for other purposes," and four copies of a statement of purpose and need in support thereof.

An identical draft bill was transmitted to the 90th Congress on June 24, 1968, and was introduced as S. 3737 and H.R. 18881.

International expositions have traditionally played a role in commorating major human achievements or in celebrating outstanding national events—current and historical. However, during the last several years there have been proposals for holding many such expositions in the United States and a concomitant increase in the frequency of requests by local sponsors for Federal recognition and participation.

The bill submitted to you today reflects the conclusion of the Executive Branch that a more orderly approach toward international expositions is necessary. Enactment of the bill will provide both the Congress and the Executive Branch a meaningful framework by which a rational assessment can be made of exposition proposals, whether Federal involvement wouldl be in the national interest, and the extent and nature of such involvement.

The benefits of the bill would not, however, accrue solely to the Federal Government. Local sponsors would have available clear guidelines to be followed before their plans would be eligible for consideration by the Federal Government.

The objectives of the bill go hand in hand with, and are a necessary supplement to, the recent Senate-approved accession to the Paris Convention which provides for United States membership in the Bureau of International Expositions (BIE). While membership in this organization will subject the United States to regulations dealing with the organization, operation and frequency of international expositions, the BIE rules are not concerned with purely internal exposition procedures of member nations. The bill is directed towards establishing such internal procedures for the United States.

We would like to call attention to the interest and contribution of Senator Fulbright, Chairman of the Senate Foreign Relations Committee, in the formulation of legislation for this purpose.

The Department of Commerce urges enactment of the draft bill.

We were advised by the Bureau of the Budget on January 2, 1969 that from the standpoint of the Administration's program there would be no objection to the submission to the Congress of this legislation.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce.

STATEMENT OF PURPOSE AND NEED

Over the past several years there have been an increasing number of proposals by local sponsors for international expositions to be held in the United States. These proposals, for the most part, have included efforts by sponsoring authorities to obtain the recognition and participation of both the Federal Government and foreign governments. It is in the national interest for the Federal Government to recognize, endorse and/or participate in only the most worthy and viable of these projects. However, it has become apparent that some form of Federal action would become necessary so that proposals might be evaluated in the light of general criteria bearing on the national interest. To this end, the Executive Branch has concluded that (a) the United States should accede to the Paris Convention of 1928, which established the Bureau of International Expositions (B.I.E.), and (b) permanent legislation should be enacted which would establish basic criteria for Federal Government recognition and participation in future domestic expositions.

On April 30, 1968, the Senate agreed to the accession of the United States to the Paris Convention. The Senate Committee recognized during its hearings on this matter that United States membership in the B.I.E. was a necessary first step, but that accession should be supplemented by permanent legislation that would establish complementary standards and criteria governing recognition and participation by the Federal Government in any exposition held in the United States. The Department of Commerce has been the agency primarily responsible for Federal assistance to, and participation in, international expositions held within the United States, and we urge enactment of the draft bill.

While the B.I.E. provides discipline in the organization, operation and frequency of international expositions, it is not concerned with internal exposition procedures of a member nation. The bill is directed toward establishing internal procedures for the United States.

The bill would provide specific guidelines to prospective sponsors in the United States as to the terms and conditions under which the Federal Government will (a) recognize a given exposition, and (b) be an official participant in it. With respect to recognition, the bill would establish criteria under which the President could determine the national interest of an exposition before granting official recognition. The bill would provide that recognition take the form of an official request by the President to the B.I.E. for international registration and an invitation to the several States of the Union and foreign governments to take part in the event.

The bill also would establish orderly procedures under which the Federal Government would consider becoming a participant in the proposed event. Basically, these procedures would provide that the President, after finding that Federal participation in an international exposition is in the national interest, transmit a proposal for such participation to the Congress for approval. The bill would require evidence that the event meets the criteria for, and has received, Federal recognition, a statement that the proposed event has received the sanction of the B.I.E., and an approved plan for the Federal participation prepared by the Secretary of Commerce.

The President is empowered by the bill to withdraw Federal recognition or participation in cases where subsequent events have shown that continued Federal interest in the exposition would no longer be in the national interest.

The bill would leave the ultimate authority to approve Federal participation in Congress while providing a better basis for the Executive Branch to give orderly preliminary consideration to proposed events.

S. 857—INTRODUCTION OF BILL TO DESIGNATE THE HIGH UINTAS WILDERNESS, ASHLEY AND WASATCH NATIONAL FORESTS, STATE OF UTAH

Mr. MOSS. Mr. President, I am today introducing a bill which would designate a region of supreme beauty and great natural value as the High Uintas Wilderness. Located in northeastern Utah, this portion of the Wasatch and Ashley National Forests has long been regarded as worthy of preservation in its wild natural state. Having been one of the leading advocates of the Wilderness Act of 1964, it is a pleasure for me to seek congressional approval to place this natural treasure under the protection of the national wilderness preservation system. This land would be the first in the State of Utah to receive such designation.

The measure which I now introduce is structured to respond both to the need of this country to preserve its remaining regions of wilderness, and to Utah's particular need to provide for full development of its scarce water resources. The boundaries of the wilderness areas as defined in my bill omit a single unit of 102,011 acres, or slightly less than one-third of the total acreage that the Forest Service recommended to the President for inclusion. I have made this reduction not out of a disregard for the pristine values of the region, but because that portion, generally referred to as area D or the Uintas River drainage, is under study by the Bureau of Reclamation to complete planning for the ultimate phase of the central Utah project. The Bureau's investigation may show that it will be necessary to locate a water storage facility within that region, or that water from a facility would be backed up into it. This would violate the wilderness standards and such area would have to be excluded. It is hoped that the progress of the study will permit a decision on this matter later this year. Perhaps no such inconsistent usage will be required, in which event area D could be added to the wilderness area.

The State of Utah is dependent upon the full development of all available water resources if it is to meet today's and tomorrow's water requirements. Completion of the ultimate phase of the central Utah project is vital to this effort. I could not consciously inhibit progress toward that objective by allowing an area of land which may be needed for the project to be hastily designated as wilderness.

Omission of this one portion from the Uintas Wilderness proposal at this time will not detract from the physical and spiritual attractiveness of the region. Furthermore, I will introduce legislation to add all or such part of this land to the wilderness to the extent that the ultimate phase permits.

The Governor of Utah has advocated the establishment of the High Uintas Wilderness, with the proviso that action on the Uintas River drainage be delayed. Hearings in Utah have also revealed broad popular support for the designation of these lands as wilderness.

Mr. President, in passing the Wilderness Act, Congress declared a policy "to secure for the American people of present and future generations the benefits of an enduring resource of wilderness."

A wilderness—

The Congress stated—

> is an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain.

The land of the High Uintas is that kind of area, and its preservation is distinctly in keeping with the spirit that led to the realization of a national wilderness system. Now is the time for Congress to give this resource that unique form of protection.

I ask unanimous consent to print the text of the bill at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 857) to designate the High Uintas Wilderness, Ashley and Wasatch National Forests, in the State of Utah, introduced by Mr. Moss, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 857

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891) the area classified as the High Uintas Primitive Area, with the proposed additions thereto, other than Area D, and deletions therefrom, as generally depicted on a map entitled "High Uintas Wilderness—Proposed," dated August 21, 1967, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the High Uintas Wilderness within and as a part of the Ashley and Wasatch National Forests, comprising an area of approximately 220,989 acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the High Uintas Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and maps may be made.

SEC. 3. The High Uintas Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be reference to the effective date of this Act.

SEC. 4. The previous classification of the High Uintas Primitive Area is hereby abolished.

S. 858—INTRODUCTION OF BILL TO AMEND THE AGRICULTURAL ADJUSTMENT ACT OF 1938 WITH RESPECT TO WHEAT

Mr. MURPHY. Mr. President, today, in behalf of my distinguished colleague, Senator CRANSTON, and myself, I introduce a bill to amend the Agricultural Adjustment Act of 1938 with regard to wheat.

This bill would require the Secretary of Agriculture to increase to 12,000 acres the acreage allotments for the 1969 and subsequent crops of wheat for privately owned farms in the irrigable portion of the Tulelake area in Modoc and Siskiyou Counties of California.

The increase in the wheat acreage allotment shall be for the production of Durum wheat only on both the original allotment and on the increased acreage.

The producers on a farm receiving an increased allotment under this subsection shall not be eligible for diversion payments.

Similar legislation was introduced in the 90th Congress, but because of adverse reports from the Department of Agriculture, no action was taken.

The Department of Agriculture position was based on a contention that it would give preferential treatment to producers in the Tulelake area and that Durum wheat was not in short supply.

While it is true that Durum wheat is not in short supply nationally, it is short on the Pacific coast, and the U.S. Durum

Wheat Growers Association supports this legislation.

Durum wheat grown in the Tulelake area is the only wheat available for Pacific coast manufacture of pasta products, and if the entire Tulelake basin were planted in Durum wheat, it could not, even then, meet the needs of the west coast.

I would like to point out, in conclusion, that this is the only place that Durum is grown on the Pacific coast.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 858) to amend the Agricultural Adjustment Act of 1938 with respect to wheat, introduced by Mr. Murphy (for himself and Mr. Cranston), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

S. 860—INTRODUCTION OF BILL ESTABLISHING A FEDERAL DEPARTMENT OF CONSUMER AFFAIRS

Mr. NELSON. Mr. President, I introduce, for appropriate reference, a bill establishing a Federal Department of Consumer Affairs.

Almost every economic, political, social, professional, and religious group in America is organized to make its voice heard in some fashion or another. If an issue is raised that touches their special concern they have a voice that is heard and weighed. They have political power that is listened to and respected. The consumer does not. He spends his dollar in an incredibly sophisticated and deceitful marketplace where his lone wit and native intelligence count for very little.

No matter how intelligent the shopper, he is unable to judge the quality or reliability of innumerable items in the marketplace. He can look at a tire all day long and still not figure out what weight it will safely bear, how well it will wear or whether it is worth $10 or $50. Furthermore, the tire dealer can sit there all day with him and he cannot do any better.

The consumer is the forgotten man in this overorganized and overplanned economic system. It is time his voice was heard and his interests fairly represented. To achieve some measure of equity for the consumer we propose the creation of a Cabinet-level Department of Consumer Affairs.

The legitimate demand for new and stronger laws to protect the consumer has been heard. Congress has enacted some useful legislation designed to protect consumers from misleading interest rates, poorly constructed automobiles and tires, flammable clothing, unwholesome meat and poultry, deceptive packaging, hazardous toys, and loansharking.

The job that now lies ahead for the Congress is correcting the lack of coordination in the administration of these laws. It is folly to lull ourselves into thinking that consumers are, at long last, really getting the full protection they so badly need, when there are some 33 departments and agencies making only a fragmented and halfhearted attempt to protect the consumer. The laws are there, but the spirit and drive to administer these laws are lacking.

If this Department of Consumer Affairs is established, it would be the watchdog over those agencies whose duty it is to protect the consumer. It is important to note that this bill would not only protect consumers from fraudulent practices in the private sector, but also would prod those Government agencies which are slow to respond to the needs of the consumer.

This bill would establish a Consumer Counsel. It would provide a place to register complaints and create an agency to speak and fight for the consumer's interest.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 860) to establish a Department of Consumer Affairs in order to secure within the Federal Government effective representation of the interests of consumers; to coordinate the administration of consumer services by transferring to such Department certain functions of the Departments of Commerce; Labor; Agriculture; Health, Education, and Welfare; and other agencies; and for other purposes, introduced by Mr. Nelson (for himself and Senators Ribicoff, Moss, Young of Ohio, Eagleton, Randolph, Gravel, Burdick, Tydings, and Yarborough), was received, read twice by its title, and referred to the Committee on Government Operations.

S. 861—INTRODUCTION OF CONSUMER PROTECTION ASSISTANCE BILL

Mr. JAVITS. Mr. President, on behalf of myself and my colleagues, Mr. Goodell, Mr. Brooke, Mr. Scott, Mr. Hatfield, Mr. Schweiker, Mr. Prouty, Mr. Mondale, Mr. Tydings, and Mr. Yarborough, I introduce a bill, the Consumer Protection Assistance Act. This is a companion bill to one which will be introduced in the other body by Representative Reid of New York.

The Consumer Protection Assistance Act is based upon my experience as attorney general of New York in 1955 and 1956 and the subsequent experience of my successor in that office, Judge Louis Lefkowitz.

The Consumer Protection Assistance Act would provide Federal grants to the States to cover up to 50 percent of the cost of the State's consumer protection plan. To be eligible, the State plan would have to be approved by the Secretary of Commerce and must include:

First. A consumer protection office within the State to deal with dishonest practices;

Second. Programs to license or otherwise regulate business activities including, but not limited to household appliance repairmen, motor vehicle repairmen, home movers, and home improvement contractors, in order to provide consumer protection. State regulation may include, but not be limited to, protection against false advertising, failure to perform the work or service as advertised, performing unnecessary and unrequested work or services, failure to perform work or services as represented to the consumer and for which the consumer was billed;

Third. Programs to require credit reporting agencies to adopt reasonable procedures for meeting the needs of commerce for credit information in a manner which is fair and equitable to the individual person. State regulation would seek to insure that credit reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the individual right of privacy and provide the individual an opportunity to correct erroneous information; and

Fourth. Consumer education programs to assist consumers residing in urban areas with high concentration of low-income individuals, and to encourage the introduction of consumer education courses in public school curriculums.

All of us are—without exception—consumers.

Our concerns as consumers start in the marketplace where we live. In Metropolitan New York the Better Business Bureau received more than a quarter of a million complaints from consumers about various problems which they met in their local marketplace—consumer complaints about seller behavior and demands for corrective action.

Appropriate action should be taken to protect the public from the unethical practices of the unenlightened and unprogressive segment of our business community, the unscrupulous few preying on the unwary buyer.

The intent of the Consumer Protection Assistance Act is to identify those relatively few in the business community who practice deception and intimidation and to provide such regulation as will allow the consumer to deal on an even basis in the marketplace.

The advance technology and increased sophistication of modern consumer goods have often turned the once fair exchange between the parties into a one-way street. There is an impressive selection of new products and new versions of old products. Our urbanized consumer has a houseful of intricate gadgets. The consumer marketplace has grown exceedingly complex. Technological progress and modern marketing methods have contributed to an unparalleled standard of living. But technology, with a language of its own, and modern marketing, with its emphasis on "mass" have made it more and more difficult for the individual consumer to make his selection with complete and accurate information.

Yesterday's rather unsophisticated hand-operated can opener is today's all-electric machine which not only opens the can and removes the top, but also sharpens knives and crushes ice. Advances are not confined to the consumer's home.

With the refining of the internal combustion engine, repairs can only be made by highly specialized mechanics. Again the reliance must be placed on those who sell and service today's automobiles, television sets, and other home electrical appliances.

The home-moving field is another area in which the homeowner finds himself at a disadvantage. The estimated 2-hour move often turns into a full-day and even a week's affair.

The increase in home improvement frauds is another area of concern. The home-improvement industry is a $15 billion annual enterprise. The services it performs and the raw materials and techniques it has introduced have greatly contributed to the material well-being of millions of American families. Yet, the industry's performance and reputation have been scarred by those operating on the fringe. The products and services these unscrupulous sellers offer are numerous—siding, fire alarm systems, furnace repairs, to name a few. Many an unwary customer has found himself victim of the home-improvement shark. Lured with false and deceptive offers of attractive home repairs, the victim finds he has paid too much, received inferior work and material, and worst of all has sometimes unknowingly mortgaged his home in the bargain.

We are all aware of consumer tales of woe—the anguish awaiting the repairman who cannot repair the dishwasher; the television set that will never readjust itself; a refrigerator with missing ice cube trays; appliance and auto warranty service that conclusively establish that the warranties that many consumer products come with are not worth the computer cards they are printed on.

I believe most advertising is honest but some of it is not, and this is wasteful of the consumer's dollar. However, for the American consumer, today's sales pitch and full-blown advertising campaigns can be all too convincing.

The problems the consumer is faced with are quite diverse and complex. Action has been taken within past years to come to grips with consumer concerns. At the Federal level—Esther Peterson and Betty Furness, each a former Presidential Special Assistant for Consumer Affairs—stimulated movement in the right direction. We have had recognition of consumer interest—auto safety standards; meat inspection; Flammable Fabrics Act; truth-in-lending; and truth-in-packaging—and there are at least 33 separate Government agencies engaged in some form of consumer protection activity.

There is a real problem, however, at the grassroots level—our concerns as consumers start in the local marketplace. It is there that immediate and forceful action is most needed and it is for this reason that my proposal provides for the channeling of funds to the individual States. The recently enacted Consumer Credit Protection Act—the so-called truth-in-lending bill—is a major development in dealing with the problems of installment sales financing. However, the problem goes much further, and the protection must begin before the goods have been contracted for and continue after the price has been paid.

My bill, therefore, seeks to tap the most effective resources by placing primary reliance on State action, with Federal funds being used essentially as a lever to move the State into consumer protection programs. For when Federal funds are used in conjunction with, and to stimulate State efforts, the Federal funds can have a multiplier effect and hence a far greater impact.

The State consumer protection office as conceived by this bill may be in such department or agency as the individual State may determine. The office would take such steps as consultation, mediation, and where necessary, litigation, in order to provide the consumer with an effective remedy.

As an example of what can be accomplished through such offices, it is hoped that States will look to the work which has been done in my own State of New York under the outstanding leadership of Attorney General Louis J. Lefkowitz.

The consumer protection office within the New York Attorney General's office, the Bureau of Consumer Frauds and Protection, has made great strides in bringing about a decrease in the number of unscrupulous practices. The focusing on the problem by one office allows for more immediate and direct action and it gives the public a central agency to which to bring its complaints. Under the auspices of the New York City office of the attorney general, through mediation and court action, $766,486.02 was returned to the public in money, goods, and/or services in 1 year. This is an example of what the States can do if given the chance.

It is the express intent of this bill that all tactics to bilk the public including bogus contests, fictitious bargains, inaccurate and biased credit reporting, and misrepresentations of guarantees will be subject to its penalties.

Protection for the consumer after the fact is an important and effective step. A far better solution, however, is in the education of the consumer. My proposal gives authorization to the States to establish consumer education programs and also recommends that courses be established within the curriculum of the public schools to give today's consumer an awareness of the problem and tomorrow's consumer the understanding to deal in the marketplace intelligently. Consumer education programs have as their purpose not the elimination of product difference but to help the consumer's evaluation in product selection. It is essential if there is to be a meaningful dialog at the marketplace that the consumer be able to efficiently determine product cost differential considering price, quantity, quality, and subjective consumer preference.

It is hoped that the enactment of the Consumer Protection Assistance Act into law and specific regulations under it will provide the public with the safeguards which will allow the public to deal with greater confidence in the marketplace.

Mr. President, I strongly urge that Senators give consideration to similar programs in their States which would be enormously encouraged by Federal legislation such as I am introducing today.

Mr. President, I send the bill to the desk for appropriate reference and ask that its text be printed in the Record.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 861) to provide Federal assistance to States for establishing and strengthening consumer protection programs, introduced by Mr. Javits (for himself and other Senators), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Protection Assistance Act".

AUTHORIZATION

Sec. 2. For the purpose of assisting the States to develop, establish, and strengthen State consumer protection programs, the Secretary of Commerce (hereinafter referred to as the "Secretary") is authorized to make grants pursuant to the provisions of this Act.

(b) For the purpose of making such grants there is hereby authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1969, and $15,000,000 for the fiscal year ending June 30, 1970.

ALLOTMENTS

Sec. 3. (a) From the sums appropriated pursuant to the preceding section for each fiscal year the Secretary shall reserve such amount, but not in excess of 2 per centum thereof, as he may determine, and shall allot such amount to the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, according to their respective needs. From the remainder of such sums, the Secretary shall allot to each State an amount which bears the same ratio to such remainder as the population of such State bears to the population of all the States. For the purposes of this subsection the term "State" shall not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) The amount any State's allotment under subsection (a) for any fiscal year which the Secretary determines will not be required for such fiscal year shall be available for reallotment from time to time, on such dates during such year as the Secretary may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a year from funds appropriated pursuant to the preceding section shall be deemed part of its allotment under subsection (a) for such year.

USES OF ALLOTTED FUNDS

Sec. 4. Grants under this Act may be used, in accordance with State plans approved under section 5, for—

(1) the establishment or strengthening of a consumer protection office which, in the case of the establishment of such an office, shall be located in such department or agency

of the State as the chief executive or the legislature of the State determines;

(2) the establishment, operation, and expansion of programs to license, or otherwise regulate, household appliance repairmen, motor vehicle repairmen, and home improvement contractors in order to provide improved consumer protection, including protection against—

(A) false advertising;

(B) failure to perform the work or service as advertised;

(C) performing unnecessary and unrequested work or services;

(D) failure to perform work or services as represented to the consumer and for which the consumer was billed;

(3) the establishment, operation and expansion of programs requiring credit reporting agencies to adopt reasonable procedures for meeting the needs of commerce for credit information in a manner which is fair and equitable to the individual person; and

(4) the establishment and expansion of consumer education programs, with particular emphasis upon projects which give promise of assisting persons who reside in urban areas of high concentration of unemployed or low-income individuals and the encouraging of the introduction of consumer education courses in public school curriculums.

STATE PLANS

SEC. 5. (a) Any State desiring to participate in the grant program under this Act shall designate or create an appropriate State agency for the purpose of this section, and submit, through such State agency, a State plan which shall—

(1) set forth a program under which funds paid to the State from its allotment under section 3 will be expended solely for the purposes described in the preceding section;

(2) provide for the proper and efficient administration of such plan by such State agency, and in the case of programs to carry out the purposes described in paragraph (2) of the preceding section, the proper and efficient administration of such plan by such agency or any other appropriate State agency designated in such plan;

(3) provide for cooperation and coordination with State and local legal services programs and other consumer oriented programs carried out by community action agencies under the Economic Opportunity Act of 1964;

(4) provide assurances that the State will pay from non-Federal sources the remaining cost of such plan;

(5) set forth policies and procedures designed to assure that Federal funds made available under this Act will be so used as not to supplant State funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for the purposes set forth in the preceding section;

(6) provide that such State agency will make such reports in such form and containing such information as the Secretary may reasonably require; and

(7) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this Act.

(b) The Secretary shall approve any State plan and any modifications thereof which comply with the provisions of subsection (a).

PAYMENTS

SEC. 6 (a) From the amounts allotted to each State under section 3, the Secretary shall pay to each State which has a plan approved under section 5(b) an amount equal to the Federal share of the amount needed for the purposes set forth in such plan.

(b) For the purposes of subsection (a), the Federal share for each State shall be 50 per centum for each fiscal year.

(c) Payments under this Act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

OPERATION OF STATE PLANS; HEARINGS AND JUDICIAL REVIEW

SEC. 7. (a) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency administering a State plan approved under this Act, finds that—

(1) the State plan has been so changed that it no longer complies with the provisions of section 5, or

(2) in the administration of the plan there is a failure to comply substantially with any such provision, the Secretary shall notify such State agency that no further payments will be made to the State under this Act (or in his discretion, that further payments to the State will be limited to programs or portions of the State plan not affected by such failure), until he is satisfied that there will be no longer be any failure to comply. Until he is so satisfied, no further payments may be made to such State under this Act (or payment shall be limited to programs or portions of the State plan not affected by such failure).

(b) A State agency dissatisfied with a final action of the Secretary under section 5 or subsection (a) of this section may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

REPORT

SEC. 8. The Secretary shall prepare and submit, as part of the annual report of the Department of Commerce, a report on the administration of this Act, including an evaluation of the impact of Federal financial assistance upon the improvement of consumer protection programs in the United States.

Mr. JAVITS. I have every feeling, Mr. President, that this measure deserves and will receive very early consideration by Congress. It follows the very finest examples in Federal-State relation, with the Federal Government giving help and establishing criteria, but with the States actually administering the plan of regulation which the public need requires.

Mr. PROUTY. Mr. President, I am pleased to join with the distinguished senior Senator from New York (Mr. JAVITS) and others in sponsoring a bill to provide Federal assistance to States for establishing and strengthening consumer protection programs. I do have reservations concerning the formula contained in the bill for allotting funds to particular States. However, I am sure that this matter can be worked out in the Senate Commerce Committee, of which I am a member.

Mr. President, consumer protection has become recognized as essential in our sophisticated, highly technological society. Many States, including my own State of Vermont, have taken the initial steps toward creating State-run consumer protection agencies. However, in most cases they are hampered by the budget squeeze effecting States because their tax sources have been siphoned off by the Federal Government.

The bill we are introducing today will enable those States who have established consumer protection bureaus to adequately fund them while at the same time encouraging those States who have not established such bureaus to do so.

Perhaps the most important aspect of the bill is the encouragement of consumer education. In our highly specialized educational system we often fail to provide any consumer education at all. For example, young women who used to received some consumer education in home economics classes often find that their particular course of study does not permit the time for such courses. Others find the courses themselves fail to contain subject matter geared to our sophisticated credit system, mass advertising or money management.

Young men in our secondary schools usually have even a lesser chance of consumer education than young women. A young man may become a medical doctor or a Ph. D. and never learn how to manage his family budget sufficiently well to provide for adequate insurance and retirement.

Over the years, I have been very concerned with the inadequacy of social security and other retirement benefits. In that area of interest I have often argued that the social security system itself had lulled people into a false sense of security. I cannot help but to believe that greater consumer education and money management education would have encouraged thousands of individuals to have better prepared for economic security in retirement. The bill we are introducing today will encourage States to introduce such course study into the public school curriculum. Hopefully the retirees of tomorrow will learn that it is unwise to rely exclusively on the social security system for income after retirement.

Some of the fruits of consumer education will exist in the future, others will be ripe as soon as State consumer bureaus begin. For example, older Americans will have recourse even if they buy quack medical cures. Americans, regardless of age will become aware of guidelines everyone should consider in buying a product for cash or on credit. Our economy depends on consumers and for consumers to best help our economy they should be wise consumers.

As a member of the Senate Commerce Committee, I know this bill will be given serious consideration. I for one am convinced that with slight modification of the formula for allotting money to the States this bill will be a big step forward in the Federal-State partnership for consumer protection.

S. 864—INTRODUCTION OF BILL TO PROVIDE FOR THE ORDERLY EXPANSION OF TRADE IN MANUFACTURED PRODUCTS

Mr. COTTON. Mr. President, I am introducing today a bill to provide the President with a new, important, and very flexible set of tools with which he will be able to deal smoothly and without international repercussions with the widespread problem of the disruption of U.S. markets for the products of import-sensitive manufacturing industries.

This is not import-quota commodity legislation of the type which found the support of 90 Members of this body during the last Congress. It is a somewhat different approach which attempts to avoid the major problems that were believed by many to exist in the simple import-quota legislation which was typified by most of the bills introduced during the past 2 years.

My present bill identifies the major import-sensitive industries whose markets have been so seriously disrupted by excessive amounts and rates of increases in imports as to require prompt attention. Very importantly, it also contains a general procedure under which any other industry as seriously affected by imports could secure comparable attention to its problem.

Mr. President, this bill would impose import quotas on basic steel mill, including rolling mill, products; consumer electronic products and components; footwear; flat glass; manmade fiber textiles; and fresh, chilled, and frozen meat. In each of these industry sectors there is a rapidly rising volume of imports disrupting the domestic market.

In the case of steel mill products, imports in 1968 amounted to nearly 18 million tons, equivalent to 17 percent of the domestic market In the past 4 years imports increased 70 percent.

In the case of consumer electronic products, imports in dollar terms in 1968 reached $718 million, equivalent to 16 percent of the domestic market in value and several times that level of market penetration in terms of units. In the case of electronic components, imports consisted both of the articles imported in the form of components and those imported as part of finished consumer products. Together these imports accounted for 29 percent of the domestic market for electronic components. Since 1965, electronic imports have increased by 96 percent for consumer products and 109 percent for components.

Footwear imports reached the value of $286 million in 1968, equivalent to 9 percent of the domestic market in value terms. This represents an increase of nearly 80 percent since 1965. The Tariff Commission's recent report on footwear indicated that in terms of units, nonrubber footwear imports in 1968 accounted for 22 percent of domestic consumption.

Imports of flat glass in its various forms totaled 730 million square feet in 1968, equivalent to 30 percent of the domestic market, up 64 percent since 1965.

Manmade fiber textile imports in 1968 totaled nearly 500 million fiber equivalent pounds, equal to 13 percent of the domestic consumption of manmade fiber. Since 1965, manmade fiber textile imports have increased by 98 percent.

Imports of fresh, chilled, and frozen meat exceeded 1 billion pounds in 1968 for the first time in our Nation's history. This is equivalent to about 5 percent of the domestic market and represents an increase of 67 percent since 1965.

Mr. President, Members of this body who have establishments of these industries in their States are well acquainted with the distress that these excessive and rising levels of imports have caused to the workers in these industries and the communities in which the plants and manufacturing establishments are located. The figures speak for themselves.

The executive branch of the Government has already taken limited action in the field of textiles where imports of cotton textiles subject to the long-term cotton textile arrangement are presently equivalent to about 13 percent of domestic consumption. Action has been promised by the President on wool and manmade fiber textiles. While the authority to limit imports of cotton and wool textiles is clearly conferred on the President by section 204 of the Agricultural Act of 1956, as amended, and this provision may well cover manmade fiber textiles, as I assume it does, my bill includes manmade fiber textiles within its scope to emphasize the concern of the Congress in regard to this sector of the textile import problem in which imports and market penetration are increasing more rapidly than in the other sectors of the industry.

Mr. President, the lesson of the last 2 years in connection with import-quota legislation is that it is neither just nor feasible for the committees and Members of the Congress to address themselves to the import problem on a piecemeal or commodity-by-commodity basis. Any legislation dealing with the problem must include every major sector of the problem and contain, as well, a general provision which would make relief available to any other sector of our Nation's economy which is distressed by excessive import competition in the future. This is the genesis of my bill.

This bill is drawn with the realization that if Congress merely imposed mandatory quotas without giving the President authority to negotiate with the affected countries, the international repercussions could be quite serious. Our obligations under the General Agreement on Tariffs and Trade require us to consult and negotiate with countries affected by our actions in the trade area. We have learned from the textile and steel experience that it is more feasible to secure corrective action on serious import problems through negotiation than through unilateral action. Accordingly, my bill contains a broad grant of authority to the President to enter into trade agreement negotiations with countries that would be affected by the quotas provided for in the bill. The President is specifically authorized to carry out the provisions of any such trade agreement without regard to the quota limits set forth in the bill.

The simple essence of my bill is that its enactment and the machinery which it provides would create a negotiating position for the President in which he would find that he had real bargaining power to conclude effective agreements with the countries that are the source of the damaging volumes of imports which are affecting so many of our basic industries. Since the bill contemplates negotiation of agreements by the President with the affected countries, it would not leave the United States in the position of violating our undertakings under GATT, since the fact of the agreements with the affected countries would eliminate any technical violation which might exist if it were not possible for the President to reach an amicable settlement with such countries which is in the mutual interest of those countries as well as the United States.

The principle of my bill is, therefore, quite simple. If the countries whose excessive volumes and rates of increase in exports to the United States are causing such serious problems for our domestic industries, are willing to negotiate, amicable solutions to our difficult trade problems can be achieved under the authority of the bill. If they are unwilling to negotiate, the Congress will impose its own solution through the quota formula set out in the bill.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 864) to provide for the orderly expansion of trade in manufactured products, introduced by Mr. COTTON, was received, read twice by its title, and referred to the Committee on Finance.

S. 866—INTRODUCTION OF BILL TO AUTHORIZE FOR A LIMITED PERIOD THE ISSUANCE OF NATIONAL SERVICE LIFE INSURANCE TO CERTAIN TOTALLY DISABLED VETERANS

Mr. MOSS. Mr. President, I introduce, for appropriate reference, a bill to reopen national service life insurance for totally disabled veterans who were discharged after June 27, 1950.

I am doing this in an attempt to help a Utah veteran who has become totally disabled since he left the service and who so far has been unable to get any private life insurance to provide any measure of security for his family. The veteran was in excellent health when he left the service, and neglected to continue his life insurance. Now that ill health has struck him he has no way to provide for the future of his wife and family.

The veteran realizes that he would have to pay extremely high premiums for any type of insurance he might be able to get but he is willing to do so.

I realize that there are many problems inherent in the type of legislation I am introducing today. We faced some of these problems several years ago when we reopened national life insurance for 1 year—Public Law 88-664—and included in the categories of those eligible to apply the totally disabled veteran whose disability was nonservice connected, and who was uninsurable by private insurance companies. In order to make this category of life insurance self-supportable, the premiums had to be so high that many veterans who qualified for the insurance could not finance it.

This bill raises the same problem. But surely we can find time to bring this problem under scrutiny again and see if there is anything we can do about it at this time. Our objective, of course, must be to protect the veteran who kept his national life insurance policy when he left military service, and who now has low premiums, and at the same time to try to help his less fortunate brothers in arms who did not have that foresight, but who is now in financial trouble because of ill health.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 866) to authorize for a limited period the issuance of national service life insurance to certain totally disabled veterans, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Finance.

S. 867—INTRODUCTION OF BILL RELATING TO DISPOSAL OF SILVER DOLLARS

Mr. MOSS. Mr. President, I am today introducing a bill to provide for the sale to collectors of the 2.9 million rare silver dollars being held by the Treasury Department.

The bill would provide for the orderly disposal of these dollars, sought by millions of Americans, without windfall profits to coin speculators. It would set up a random selection system, with all dollars regardless of their market value—or their "red book" value, priced the same—at $30 a coin.

Under the bill, each of the silver dollars would be placed in a numbered envelope, and orders would be filled on a first-come, first-served basis by the Treasury Department, with no more than one coin sold to any one buyer.

Most of the 2.9 million coins now being held by the Treasury Department are Carson City silver dollars. Their categories by dates range from 1878 to 1891; their prices range on today's market from $12 to $185 a coin, and some of them are in much better condition than others.

The 60,000 not-so-rare coins are worth about $12 each, but at the other end of the scale, there are 131,000 coins worth $60 and 150,000 coins worth $65 and 147,000 coins worth $80 and 5,105 coins worth $185 each. All the remainder are in the $30 to $35 category. So at $30 a coin the vast majority of the collectors who sent an order would get a bargain.

What I am seeking is an equitable method of making these rare dollars available to all Americans who want them. I think this is the fairest way to do it.

The Joint Commission on Coinage has recommended a system whereby the rare silver dollars held by the Treasury would be sold by the GSA at minimum fixed prices with an option to the buyer to include an alternate bid price to be considered in the event the number of coins ordered exceeded the number of coins available.

This would have the same effect of spreading out the coins to all collectors. However, it seems to me its administration would be more costly because the applications would have to be separated as to which coin was desired, and then separated as to the level of the alternate bid, and then considered on a first-come, first-served basis in case there were too many alternate bids for the coins. This would require a tremendous amount of staff work. The advance work to prepare for the sale would take far more time, also, because not only would the coins have to be cataloged as to value, but as to condition.

My system of random selection would be much simpler, take less money to prepare and administer, and in the long run the Federal Government would probably realize almost as much money. It has been estimated that the full value of all of the coins now being held runs somewhere in the neighborhood of $100 million if they were all sold for their full retail price. If sold at $30 a coin, the Treasury Department would realize somewhere in the neighborhood of $90 million. And administrative costs would be less.

Since no legislation is required for the Treasury Department to proceed with the silver dollar distribution plan recommended by the Joint Commission on Coinage, I am introducing my bill in order to get the whole matter before the Congress. I am aware that my plan is by no means perfect, and that amendments may be desirable after hearings. But I do think the whole procedure should be thoroughly threshed out in Congress, with individual collectors given ample opportunity to testify, before any action is taken.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 867) providing an equitable basis for the sale to collectors of standard silver dollars now held in the Treasury, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Banking and Currency.

S. 869—INTRODUCTION OF BILL TO ESTABLISH AN INSTITUTE ON RETIREMENT INCOME

Mr. WILLIAMS of New Jersey. Mr. President, income maintenance is the No. 1 problem facing older Americans. This is the conclusion to which I have been brought inescapably as a result of studies by the Senate Special Committee on Aging, on which I now serve as chairman.

I speak not only of those Americans who, after a lifetime of poverty, endure an even more impoverished old age. I also have in mind those who may have been accustomed to living in relatively comfortable circumstances but who, all too often as things now stand, find that their standard of living becomes marginal when they retire.

Because income maintenance dominates our concerns regarding America's elderly, and because the problems associated with income maintenance for the elderly are so complex, I introduced on October 1, 1968, a bill, S. 4115, to establish an Institute on Retirement Income—which would be charged with the task of planning and implementing programs to meet the needs of retirement. I am today reintroducing that bill, in order that it may be considered during the 91st Congress.

The Institute would be a think tank agency, designed to carry out intensive study and make specific recommendations. It would touch on all aspects of retirement income—private pensions, social security, and other systems of retirement assistance—and would plan action to improve these plans. Finally, the Institute would propose new ways to meet the demand for adequate retirement income, ways not necessarily limited to existing plans or programs. A model and a precedent for this Institute already exists—in the Institute on Urban Affairs, already at work.

These new approaches are needed because the traditional means of providing retirement income cannot keep pace with the problem. Increases in social security, while welcome, will require new funding mechanisms possibly out of general revenue funds, if they are to have major effect. Pension plans cover some 27 million workers, but this is only about 45 percent of the work force; moreover, workers in the higher income brackets have far greater participation in pension plans than those in the lower brackets—those who need it more. Pensions, in fact, are based on income levels which were adequate during the working years, but which fail to provide for sufficient income during retirement. These statements are documented in the annual report for 1967 of the Special Committee on Aging. One of the major recommendations in that report called for the creation of this institute.

When I introduced this measure late in the 1968 session, I realized that action on it could not be expected during 1968. Nevertheless, I thought that the matter was important enough to bring it to the attention of Senators, and I stated my intention when I introduced it last year to press for prompt and thorough consideration during the 91st Congress.

Mr. President, millions of older Americans are waiting for a solution to their serious economic problems. The longer we make them wait, the wider will grow the gap between the income levels of workers and retirees. I urge the Senate to give this proposal its early and active attention.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 869) to provide for the establishment of an Institute on Retirement Income which shall conduct studies and make recommendations designed to enable retired individuals to enjoy an adequate retirement income, introduced by Mr. WILLIAMS of New Jersey (for himself and other Senators), was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, this Act may be cited as the "Institute on Retirement Income Act".

SEC. 2. (a) In order to conduct studies, demonstrations, and research of the income needs of retired individuals with a view to devising and recommending methods by which such income needs may be met by such individuals, the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") is authorized to enter into an agreement with any public or nonprofit private agency or organization (either existing or organized expressly to enter into the agreement authorized by this Act) for the payment by the United States of all or part of the costs of the establishment and operation, including equipment but not construction, of an Institute on Retirement Income.

(b) Before entering into the agreement provided for in subsection (a), the Secretary shall consult with the Secretaries of Defense and Labor, the Administrator of the Veterans' Administration, the Chairman of the Civil Service Commission, the Director of the Office of Economic Opportunity, and with such other officers of the executive branch of the Government as he may choose who have a responsibility for retirement incomes, with reference to the terms to be included in such agreement and the effectiveness of the plan to establish and operate an Institute on Retirement Income.

(c) Any agency or organization desiring to enter into such an agreement shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed by the Secretary. In considering such proposals, the Secretary shall give preference to those proposals which give promise of ability to achieve the purposes of this Act with minimum expense and maximum effectiveness, including ability to attract and retain personnel who are well qualified to study problems and opportunities relating to retirement income and ability to find and recommend appropriate solutions to such problems independent of coercion from individuals outside the Institute.

(d) The agreement shall—

(1) provide that Federal funds paid to the agency or organization for the Institute will be used only for purposes for which paid and in accordance with the applicable provisions of this Act and the agreement made pursuant thereto;

(2) provide that the agency or organization making the agreement will make an annual report to the Secretary, which the Secretary in turn shall transmit to the Congress with such comments and recommendations as he may deem appropriate; and

(3) include such other conditions as the Secretary deems necessary to carry out the purposes of this Act.

SEC. 3. It shall be the duty and function of the Institute to study all aspects of the problems and opportunities relating to the attainment of adequate retirement income, including, but not limited to, the following:

(a) possible methods whereby increased retirement benefits may be paid on a fiscally sound basis by Federal retirement programs such as the social security retirement program, the railroad retirement program, the civil service retirement program, and the military retirement programs;

(b) means whereby the coverage of workers by private pension programs can be increased and means whereby such programs can be encouraged and assisted to provide more adequately retirement incomes for aged individuals;

(c) actions that might be taken by the Federal Government to assist State and local governments in paying increased retirement benefits to their employees, or in making such employees eligible for retirement and health insurance benefits under the Social Security Act;

(d) actions which might be taken by the Federal Government to encourage and assist young and middle-aged wage earners more adequately to meet their retirement needs through systematic savings;

(e) actions that the Federal Government might take to encourage and assist young and middle-aged persons to contribute to needy elderly relatives;

(f) actions that the Federal Government might take to increase opportunities for full-time or part-time employment for elderly individuals who desire to supplement inadequate retirement income by working;

(g) actions which the Federal Government might take to cause existing Federal programs combating poverty more adequately to meet the needs of aged persons for adequate retirement income; and

(h) actions the Federal Government might take to assist elderly individuals in establishing and operating small businesses to provide services in locations where such services otherwise would not be provided.

SEC. 4. There are hereby authorized to be appropriated for each fiscal year such amounts as may be necessary to carry out the provisions of this Act.

S. 870—INTRODUCTION OF RESEARCH ON AGING ACT

Mr. WILLIAMS of New Jersey. Mr. President, I introduce, for appropriate reference, the Research in Aging Act, a bill to establish a comprehensive, intensive, and coordinated study into the biological aspects of aging.

The bill would establish a Research Commission on Aging to gather, analyze, and evaluate all information related to the biological aspects of aging, and through a Biological Research Board within the Commission, prepare a plan of research for a 5-year period.

Social scientists, physicians, and gerontological experts agree that basic research into the process of aging could possibly lead to mastery over the process which makes men old.

Present efforts in aging research are simply not going to get this important job done. What we need is a body of accurate information about the basic physical changes which accompany the aging process. We need exploration into the mysteries of the cell and the gene.

What we need, too, is a truly comprehensive effort to conduct such exploration. At the moment, our effort is insufficient and without specific goals.

Our present level of funding is unrealistically low. Current total Federal expenditures for basic aging research come to about $7.4 million annually, or less than 5 cents per person. In addition, aging research has never been given adequate visability as a research area.

It is true that the Federal Government is at work to provide facilities in aging research. The new Gerontology Research Center within the National Institute of Child Health and Human Development of the National Institutes of Health, will house more than 300 scientists and supporting personnel. It should provide a start for the effort needed to carry out biological research into the process of aging.

But we need to match this new physical facility with an equally innovative approach in overall research planning.

New findings in molecular biology have important applications in genetics, basic cell biology, and immunology; and the application of this knowledge to aging awaits coordinated attention by the investigators.

It would be one of the purposes of a program of research in aging to discover the processes which inhibit aging, thus making older people less susceptible to the many diseases associated with the later part of the life span.

The bill I am introducing would provide the strong leadership of the Federal Government which is required to bring to fruition the dramatic potential of such a program of research.

I introduced a similar proposal last July as S. 3784, and I am reintroducing it today with the hope that the Senate will give it early consideration.

I ask unanimous consent that the bill be reprinted in the RECORD at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 870) to promote the advancement of biological research in aging through a comprehensive and intensive 5-year program for the systematic study of the basic origins of the aging process in human beings, introduced by Mr. WILLIAMS of New Jersey (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Research on Aging Act".

FINDINGS

SEC. 2. The Congress hereby finds and declares—

(a) that, despite the effects of the aging process on virtually every aspect of life, there is not yet in the United States any comprehensive program to study this process at its fundamental biological level in a systematic and intensive manner;

(b) that there is a need to develop a coordinated national approach to research on the biological aspects of aging;

(c) that there is a need to establish research priorities and to expand support allocated to studies of the aging processes by basic biological scientists; and

(d) that there is a need for an organized effort to encourage the involvement of additional scientists and students in research on the biological aspects of aging.

ESTABLISHMENT OF COMMISSION

SEC. 3. There is hereby established an independent commission to be known as the Research Commission on Aging (hereinafter called the "Commission"). The Commission shall be located within the Department of Health, Education, and Welfare for administrative purposes only.

FUNCTIONS OF THE COMMISSION

SEC. 4. (a) The Commission shall be responsible for preparing a five-year program, to be known as the gerontological quinquennial research plan, designed to promote intensive coordinated research in the biological origins of aging. Such plan shall be submitted to the President and the Congress within one year after the date of enactment of this Act.

(b) The Commission shall carry out the following preliminary studies:

(1) The collection, analysis, interpretation, and evaluation of information and statistical data related to the biological aspects of aging;

(2) the appraisal of programs and activities related to the biological aspects of aging;

(3) the development of priorities for new programs designed to increase knowledge of the biological aspects of aging; and

(4) the development of legislative reports and proposals for new programs to provide greater insight into the biological aspects of aging.

ORGANIZATION OF THE COMMISSION

SEC. 5. (a) The Commission shall be composed of five members to be appointed by the President, by and with the advice and consent of the Senate. Two members of the Commission shall be biological scientists, one shall be a behavior scientist, one shall be an administrator, and one shall be a physician. Each person nominated for appointment shall, as a result of his training, experience, and attainments, be exceptionally qualified to formulate and appraise programs and activities related to the biological aspects of aging.

(b) The President shall designate one of the members of the Commission to serve as Chairman and one to serve as Vice Chairman. The Chairman shall receive compensation at the rate prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code. Each of the other four members shall receive compensation at the rate prescribed for level IV of the Executive Schedule under section 5315 of such title.

(c) Vacancies shall be filled in the same manner in which the original appointments were made. Any vacancy in the Commission shall not affect its powers, and three members of the Commission shall constitute a quorum.

(d) The Commission shall cease to exist eighteen months after the date of enactment of this Act, except that if legislation is enacted on or before such date to implement the gerontological quinquennial research plan, the Commission shall continue in existence and be responsible for carrying out such plan.

BIOLOGICAL RESEARCH BOARD

SEC. 6. (a) There is hereby established within the Commission a Biological Research Board (hereinafter called the "Board").

(b) The Board shall, under the supervision of the Commission, prepare the gerontological quinquennial research plan.

(c) The Board shall consist of not less than five nor more than eight members, a majority of whom are highly recognized scientists who have been engaged in fundamental biological aging research within the preceding decade. The members of the Board shall be appointed by the Commission without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The Commission shall fix the compensation of such members without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no member of the Board shall receive compensation in excess of the rate payable for positions in GS–18 of the General Schedule under section 5332 of such title.

COMMISSION STAFF

SEC. 7. (a) The Commission is authorized to employ such officers and employees as may be necessary to carry out its functions under this Act.

(b) The Commission is authorized to obtain services of consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $100 per diem.

POWERS OF COMMISSION

SEC. 8. To carry out this Act, the Commission shall have the authority—

(a) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel;

(b) to obtain from any department, agency, or instrumentality of the United States, with the consent of the head thereof, such services, advice, and information as the Commission may determine to be required by it to carry out its duties;

(c) to acquire by lease, loan, or gift, and to hold and dispose of by sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority under this Act;

(d) to enter into contracts or other arrangements, or modifications thereof, with State and local governments, and institutions and individuals in the United States, to conduct programs the Commission deems necessary to carry out the purposes of this Act, and such contracts or other arrangements, or modifications thereof, may be entered into without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), or other provision of law relating to competitive bidding;

(e) to make advance, progress, and other payments which the Commission deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);

(f) to receive money and other property donated, bequeathed, or devised to the Commission, without condition or restriction other than that it be used for the purposes of the Commission;

(g) to accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code; and

(h) to make any other expenditures necessary to carry out this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions and purposes of this Act.

S. 881—INTRODUCTION OF BILL FOR THE RELIEF OF COMDR. EDWARD WHITE RAWLINS, U.S. NAVY (RETIRED)

Mr. TYDINGS. Mr. President, yesterday marked the 20th anniversary of the first introduction of a bill to promote Comdr. Edward White Rawlins to the rank of captain in the U.S. Navy. I introduced a measure on his behalf in the last Congress, and I believe that the remarks I made then merit your reconsideration on this occasion.

It was in 1949, during the 81st Congress, that a measure was first introduced on behalf of Commander Rawlins. A subcommittee of the Senate Armed Services Committee held hearings on the bill. The basic justification of that bill was that the wartime promotion panels considering Rawlins' promotion acted hastily and without consideration of all relevant documentation. Moreover, the one apparently unfavorable item in Rawlins' record at the time he was being considered for promotion—an unenthusiastic fitness report from an immediate superior—was later withdrawn by the superior.

The Navy Department stated, at the 1949 hearings, that it agreed Commander Rawlins' record has no blemish. The Armed Services Subcommittee concluded that there was considerable merit to the claim that an injustice had been done to Commander Rawlins by his promotion denial—Senate Report No. 562, 81st Congress, first session.

A House committee considering this matter in 1950 found that:

> There is ample evidence in the record that Commander Rawlins may have suffered due to an administrative error. It appears that a letter was missing from his file which would have refuted a detrimental statement concerning him (H. Rept. No. 3012, 81st Cong., 2nd Sess.).

Commander Rawlins' claim for promotion has been supported by an impressive number of Navy flag officers, including Adm. Robert B. Carney, and Adm. Louis Denfeld, both former Chiefs of Naval Operations.

The Rawlins' promotion bill was not passed by the Congress during the 81st Congress, though the Senate passed a bill which would have required the Navy to reopen his case, among others. In the 83d Congress, the Senate passed a bill promoting Commander Rawlins to captain, but the House refused to accept it. In 1955, during the 84th Congress, hearings were again held on this issue, and at that time a subcommittee of the Senate Armed Services Committee concluded that whatever injustice may have been caused Commander Rawlins by his promotion denial was no greater than the possible injustice to other officers denied promotion by the wartime promotion panels. Specifically, this subcommittee found that whatever documents were absent from Rawlins' file when his promotion was being considered would have had no material impact on his promotion request. The Senate took no action on Rawlins' relief bill.

This matter did not end here. In 1961, another private bill was introduced on Rawlins' behalf, and the Navy then agreed to set up a special board to reconsider Rawlins' claim. That board refused to give Rawlins the rank of captain. Rawlins claims, however, that this board failed to take into account that his early unenthusiastic fitness report had been retracted by the reporting officer and that the board did not have available other evidence of Rawlins' fitness for promotion. Moreover, Rawlins was not permitted to appear before the board, with or without representation by counsel.

It should be noted that if the Navy had not convened a special panel to consider Rawlins' claim, but rather permitted his claim to go before the Board for Correction of Naval Records—as it has done in cases similar to Rawlins'—then Rawlins would have had the right to testify in person, to be accompanied by counsel, to introduce witnesses, and to present all available new evidence in his behalf.

Mr. President, this case has a long history. It seems to me desirable that Rawlins should be given a "day in court" so that the conflicting factual allegations and conflicting views of the equities of the situation can be sorted out. During the 89th Congress, the Subcommittee on Improvements in Judicial Machinery, of which I am chairman, of the Senate Judiciary Committee, did considerable work on a bill to provide for reference of private bills to the Commissioners of the Court of Claims.

My subcommittee believed that Congress could benefit greatly by receiving the impartial judgment of these Commissioners regarding private bills to remedy apparent inequities, particularly where conflicting factual allegations are involved. I am pleased that the Congress enacted this legislation. I believe the machinery set up by that legislation for reference of private bills is most appropriate for the bill I introduced today, on behalf of Commander Rawlins.

Accordingly, I am also submitting a Senate resolution, referring the Rawlins bill to the Chief Commissioner of the Court of Claims, for findings regarding the equities of that bill and a report to the Senate at the earliest practicable date.

Mr. President, I ask that the bill be printed in the Record at this point.

The VICE PRESIDENT. The bill will be received and appropriated referred; and, without objection, the bill will be printed in the Record.

The bill (S. 881) for the relief of Comdr. Edward White Rawlins, U.S. Navy, retired, introduced by Mr. Tydings, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law or any commitment in conflict with this Act, Commander Edward White Rawlins, United States Navy (retired), shall for all purposes, nunc pro tunc, be deemed to have been promoted to the grade of captain on the active list of the Regular Navy on July 1, 1947, to have served continuously in such grade until June 30, 1955, and on this latter date to have been placed on the retired list in such grade.

Sec. 2. The United States shall reimburse Edward White Rawlins in full for all expenses, including attorneys fees, incurred by him in his efforts to secure the relief which this Act grants to him.

Sec. 3. Appropriations currently available for the pay of personnel of the Navy shall be available to pay such sums as are hereby authorized by this Act.

S. 884—INTRODUCTION OF BILL TO PROVIDE FOR THE DISTRIBUTION OF ESTATES OF INTESTATE MEMBERS OF CERTAIN INDIAN TRIBES

Mr. HARRIS. Mr. President, I introduce for appropriate reference a bill to provide for the distribution of estates of intestate members of the Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma dying without heirs. Similar legislation has been introduced in the House of Representatives by my distinguished colleague, Mr. Edmondson, of Oklahoma. Mr. President, the bill provides for escheat to the tribe from which title was derived all restricted or trust lands or interests therein and rents or profits therefrom owned by members of the tribe or the blood thereof who die without heirs. The escheated property would be held by the United States in trust for the tribe involved. The bill would eliminate confusion in those instances where nonenrolled persons are of the blood of more than one tribe by having the property escheat to the tribe which originally owned the land. Mr. President, I ask unanimous consent that the bill be printed in its entirety at the end of my remarks.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 884) to provide for disposition of estates of intestate members of the Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma dying without heirs, introduced by Mr. Harris, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 884

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon the final determination of a court having jurisdiction or by decision of the Secretary of the Interior after a period of five years from the death of the decedent, it is determined that a member of the Cherokee, Chickasaw, Choctaw or Seminole Nations or tribes of Oklahoma or a person of the blood of said tribes has died intestate without heirs, owning trust or restricted Indian lands or an interest therein in Oklahoma, such lands or interests owned, together with all rents and profits occurring therefrom, shall escheat to the Nation or tribe from which title to the trust or restricted Indian land or interest therein was derived and shall be held thereafter in trust by the United States for said Nation or tribe.

S. 885—INTRODUCTION OF BILL—PREPARATION OF ROLL OF CERTAIN INDIANS

Mr. HARRIS. Mr. President, I introduce for appropriate reference a bill to provide for the payment of a judgment in favor of the Confederated Tribes now collectively known as the Peorias. This legislation will also provide the preparation of a roll of persons entitled to their proportionate share under the judgment, the cost of the entire matter to be paid for out of funds now on deposit to the credit of the Peorias in accordance with the terms of the judgment. I ask unanimous consent that the bill be printed in its entirety at the end of my remarks in the Record.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 885) to authorize the preparation of a roll of persons whose lineal ancestors were members of the Confederated Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, merged under the treaty of May 30, 1854 (10 Stat. 1082), and to provide for the disposition of funds appropriated to pay a judgment in Indian Claims Commission docket No. 314, amended, and for other purposes, introduced by Mr. Harris, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 885

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior shall prepare a roll of all persons who meet the following requirements: (1) they were born on or prior to and were living on the date of this Act; (2) their names or the name of a lineal ancestor from whom they claim eligibility appears on (a) the final roll of the Peoria Tribe of Indians of Oklahoma, pursuant to the Act of August 2, 1956 (70 Stat. 937), or (b) the January 1, 1937, census of the Peoria Tribe, or (c) the 1920 census of the Peoria Tribe, or (d) the Indian or Citizen Class lists pursuant to the Treaty of February 23, 1867 (15 Stat. 520), or (e) the Schedule of Persons or Families composing the United Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, annexed to the Treaty of May 30, 1854.

(b) Applications for enrollment must be filed with the area director of the Bureau of Indian Affairs, Muskogee, Oklahoma, in the manner and within the time limits prescribed for that purpose by the Secretary of the Interior. The determination of the Secretary regarding the eligibility of an applicant shall be final.

Sec. 2. The Secretary shall withdraw the funds on deposit in the United States Treasury to the credit of the Peoria Tribe on behalf of the Wea Nation that were appropriated by the Act of May 13, 1966 (80 Stat. 141, 150), in satisfaction of a judgment that was obtained by the Peoria Tribe on behalf of the Wea Nation, in Indian Claims Commission docket numbered 314, amended, together with the interest accrued thereon, after payment of attorneys' fees and expenses and all other expenses, and to distribute such funds in equal shares to those persons whose names appear on the roll prepared pursuant to section 1 of this Act.

SEC. 3. (a) Except as provided in subsection (b) of this section, the Secretary shall distribute a share payable to a living enrollee directly to such enrollee and the Secretary shall distribute a per capita share of a deceased enrollee directly to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive.

(b) A share payable to a person under twenty-one years of age or to a person under legal disability shall be paid in accordance with such procedures as the Secretary determines will adequately protect the best interest of such persons, including the establishment of trusts.

SEC. 4. Funds that may hereafter be deposited in the United States Treasury to the credit of the Peoria Tribe on behalf of the Wea, Kaskaskia, Piankashaw, or Peoria Nation, to pay any judgment arising out of proceedings presently pending before the Indian Claims Commission in dockets numbered 65, 99, 289, 313, 314–A, B, C, D, and E, and 338 and the interest accrued thereon, after payment of attorneys' fees and expenses and all other expenses, shall be distributed on a per capita basis in accordance with section 3 of this Act to persons whose names appear on the roll prepared under section 1, after the roll has been brought current to the date the funds are appropriated by adding names of persons to the roll who were born after the date of this Act and by deleting names of deceased enrollees.

SEC. 5. All costs incurred by the Secretary in the preparation of the roll and in the distribution of payment of shares shall be paid by appropriate withdrawals from the judgment fund. Any costs incurred by the Secretary in connection with the distribution of future awards shall be paid by appropriate withdrawals from such judgment funds.

SEC. 6. The funds distributed under the provisions of this Act shall not be subject to Federal or State income taxes.

SEC. 7. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

S. 886—INTRODUCTION OF BILL CONVEYING CERTAIN LAND TO THE INTER-TRIBAL COUNCIL, INC., MIAMI, OKLA.

Mr. HARRIS. Mr. President, I introduce for appropriate reference a bill to convey certain lands in the United States to the Inter-Tribal Council, Inc., Miami, Okla. At a meeting on September 7, 1968, the Inter-Tribal Council, Inc., of Miami, Okla., organized by the leaders of eight tribes in northeastern Oklahoma, adopted a resolution pertaining to the acquisition of approximately 114 acres of Government land surplus to the needs of the Seneca Indian School.

The Inter-Tribal Council of Miami, Okla., intends to develop this 114 acres which has become surplus to the needs of the Seneca Indian School and the Bureau of Indian Affairs for industrialization. Industrial development on the land would create job opportunities for over 3,600 Indians in Ottawa and surrounding counties, and there is every reason to believe that the location would be attractive to industry. Jobs are a pressing need in rural Oklahoma, especially among the underprivileged Indian population. Therefore, I urge expeditious consideration and enactment of this legislation. Mr. President, I ask unanimous consent that the bill be printed in its entirety following my remarks, and I also ask unanimous consent that a letter from David L. Olds, secretary-treasurer of the Inter-Tribal Council of Miami be printed in the RECORD following my remarks. I also ask unanimous consent that a resolution adopted by the Inter-Tribal Council on September 7, 1968, also be printed at the end of my remarks.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill, letter and resolution will be printed in the RECORD.

The bill (S. 886) to convey certain land of the United States to the Intertribal Council, Inc., Miami, Okla., introduced by Mr. HARRIS, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and, without objection, the bill, letter, and resolution will be printed in the RECORD, as follows:

S. 886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior shall convey, without monetary consideration, to the Inter-Tribal Council, Inc., Miami, Oklahoma, all right, title, and interest of the United States in and to the land more particularly described in subsection (b) of this section consisting of 114 acres more or less.

(b) The land referred to in subsection (a) is more particularly described as follows:

South half of the Northwest Quarter (S½NW¼) and that part of the North Half of the Southwest Quarter (N½SW¼) of Section Twenty-One (21), of the centerline of Highway No. 60, I.B.M., containing 114 acres, more or less, in Ottawa County, Oklahoma.

SEC. 2. Upon conveyance to the Inter-Tribal Council, Inc., Miami, Oklahoma, of the land referred to in the first section of this Act such land shall be subject to taxation to the same extent as any other real property in private ownership in Ottawa County, Oklahoma, and notwithstanding any other provision of law shall be freed of all restrictions which might otherwise attach to such real property by reason of Indian ownership, including but not limited to restrictions on use, management, and disposition.

The letter and resolution, presented by Mr. HARRIS, is as follows:

THE INTER-TRIBAL COUNCIL OF THE SENECA, QUAPAW, PEORIA, MODOC, OTTAWA, SHAWNEE, MIAMI AND WYANDOTTE TRIBES OF OKLAHOMA INTER-TRIBAL COUNCIL, INC.

Miami, Okla., October 2, 1968.

Hon. FRED R. HARRIS,
U.S. Senate,
Washington, D.C.

DEAR SIR: Please find enclosed a copy of a proposed Bill and a Resolution adopted by the Inter-Tribal Council, Inc. on September 7 of this year whereas, the Council is proposing to acquire some 100 acres of land, now owned by the government, for development to benefit the Indian population of our area.

Any assistance you are able to give us in getting this Bill introduced and passed will be greatly appreciated. We consider this to be a very worthwhile project and are sure you will think the same.

If you need to discuss this with us, please feel free to contact us at any time. Also, we would consider it an honor, to have you attend any of our monthly meetings when you are in Oklahoma. Thanking you in advance, we are

The Inter-Tribal Council, Inc., Miami, Oklahoma.

DAVID L. OLD,
Secretary Treasurer.

RESOLUTION

Whereas, Government land described as the S½ NW¼ and that part of the N½SW¼ of Section 21, Township 27 North, Range 24 East, lying North of the centerline of Highway No. 60, I.B.M., containing 114 acres, more or less, in Ottawa County, Oklahoma; has become surplus to the needs of the Seneca Indian School and the Bureau of Indian Affairs.

Whereas, the Inter-Tribal Council, Inc., Miami, Oklahoma, is desirous of acquiring the above land for development as an industrial tract, for a community building, and other purposes to promote the common welfare of Indians in northeastern Oklahoma, as well as all residents of this northeast community,

Now, therefore be it resolved, That this Corporation seek legislation transferring title to the above described land to the Corporation in furtherance of our aims and plans to bring about development in this area for the welfare of all people of northeastern Oklahoma.

Adopted this 7th day of September, 1968, at Miami, Oklahoma.

ROBERT A. WHITEBIRD, Sr.

I certify this Resolution was adopted at a regular meeting of the Inter-Tribal Council, Inc., at Miami, Oklahoma, on September 7, 1968, by a vote of 15 for and 0 against.

DAVID L. OLDS,
Secretary.

Date: September 14, 1968.

S. 887—INTRODUCTION OF BILL EXTENDING RESTRICTIONS ON CERTAIN INDIAN LANDS

Mr. HARRIS. Mr. President, I introduce for appropriate reference a bill to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes. This legislation is identical to legislation I introduced during the second session of the 90th Congress. The chairman of the tribe, Robert Whitebird and the vice chairman, Henry E. Hoffman, Jr., endorse the bill. I ask that a letter dated April 29, 1968, from these two tribal officials be printed in the RECORD following my remarks. I also ask unanimous consent that the bill be printed in its entirety at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 887) to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the existing restrictions, tax exemptions, and limitations affecting lands of Quapaw Indians in Oklahoma that were extended to March 3, 1971, by the Act of July 27, 1939 (53 Stat. 1127), are hereby extended for a further period of twenty-five years from the date on which such restrictions, tax exemptions, and limitations would otherwise expire.

The letter, presented by Mr. HARRIS, follows:

QUAPAW, OKLA.,
April 29, 1968.

Senator FRED R. HARRIS,
U.S. Senate,
Committee on Finance,
Washington, D.C.

DEAR SENATOR HARRIS: In regard to your letter of March 25, 1968 to Mr. Robert Whitebird concerning the extension of restrictions on the Quapaw Tribe. It is our opinion that the bill should include the wording suggested by you, Senator Harris.

This would be "The extension provided for by this Act shall be subject to the proviso contained in the first section of the Act of July 27, 1939, and section 2 thereof".

This section concerns the leasing of restricted lands for business, mining or other purposes in accordance with such rules and regulations as the Secretary of the Interior may prescribe, and not otherwise: Provided, however, that no lease, modification, or assignment thereof shall be made over the written protest of adult Indians owning a majority interest therein.

This section is in the original Act of July 27, 1939 (53 Stat. 1127) and we feel it should be included in this.

We sincerely appreciate your effort in behalf of the Quapaw Indian Tribe.

Yours very truly,
HENRY E. HOFFMAN, Jr.,
Vice Chairman, Quapaw
Tribal Business
Committee.
ROBERT WHITEBIRD,
Chairman, Quapaw
Tribal Business
Committee.

S. 897—INTRODUCTION OF A BILL TO AUTHORIZE THE BIG BLUE RIVER PROJECT, MISSOURI AND KANSAS

Mr. SYMINGTON. Mr. President, on behalf of Senator EAGLETON and myself, I introduce for appropriate reference a bill to authorize certain improvements on the Blue River, vicinity of Kansas City, Mo. and Kans.

Last October I introduced this measure which would provide much-needed flood control, water quality control, recreation, and fish and wildlife enhancement for the Metropolitan Kansas City area.

Resolutions in 1961 and 1962 by Senate and House Public Works Committees requested a study of the proposed project. The plan was recommended for approval by the Board of Engineers for Rivers and Harbors on August 15, 1968.

The estimated Federal cost of the project, including four multiple-purpose reservoirs and channel work, is $101,269,000 of which a part is reimbursable.

This project continues to have the full support of the Honorable RICHARD BOLLING, Congressman from the Fifth District of Missouri, and the Honorable WILLIAM J. RANDALL, Congressman from the Fourth District of Missouri, in whose congressional districts the improvements will be located.

State and local officials have supported the plan and have declared their willingness to furnish the necessary assurances.

The need for authorization of this project is pressing. The heavy damage that occurs during flooding in these industrial areas places a hardship on the entire citizenry in terms of dollars and of health.

An additional need for prompt authorization exists because of rising land costs in the Metropolitan Kansas City area. The longer authorization of the Big Blue project is delayed, the longer land acquisition is delayed, the higher the land costs.

This bill is introduced for the above purposes and I urge its consideration as soon as possible.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 897) authorizing the construction of certain improvements on the Blue River, vicinity of Kansas City, Mo. and Kans., in the interest of flood control, water quality control, recreation, and fish and wildlife enhancement, introduced by Mr. SYMINGTON, for himself and Mr. EAGLETON, was received, read twice by its title, and referred to the Committee on Public Works.

S. 910—INTRODUCTION OF BILL TO ASSIST THE STATES IN RAISING REVENUES

Mr. METCALF. Mr. President, we are all only too well aware of the need of the States and localities for more revenues to finance necessary expenditures. Within recent years a rapid increase in the school-age population, steady demands for improving public services, and, more recently, rising prices, have placed severe strains on the traditional revenue sources of State and local governments. Tax rates under existing State sales, local property, and State and local income taxes have been raised to such high levels that many are beginning to wonder if the limit has not been reached.

Those who seek a solution to the problem have naturally turned to the Federal Government. The solutions usually suggested involve the transfer of funds collected through Federal taxes to the other jurisdictions. However, the various grant programs of the Federal Government are already quite large. The budget just out estimates that Federal aid to the State and local governments will total $25 billion in the coming fiscal year. It is difficult to see how this total can be enlarged significantly under present budgetary circumstances.

The bill I reintroduce today offers an alternative approach. Under this bill, the Federal Government would assist the States to raise additional revenue by enabling them to utilize a tax source which cannot now be fully exploited by the States. The bill is identical to S. 2934 which I introduced in the 90th Congress. In addition, a companion bill, H.R. 1364, has been introduced in the House by the Representative from Kentucky (Mr. SNYDER).

The bill imposes a Federal severance tax of 5 percent of the gross income from all domestic mineral properties. Full credit is to be allowed against the Federal tax, however, for any State or local severance taxes paid with respect to these properties.

Once again, the credit for State and local severance taxes is the heart of this bill. If it becomes law, the States that do not now have severance taxes will speedily impose them. Furthermore, States that have severance taxes on only selected minerals will broaden the coverage of existing taxes and States that tax at lower rates than 5 percent will increase their tax rates. Thus, once the States adjust to the new tax, the Federal Treasury will derive no revenue from it. But that is the purpose of the bill. The important thing is that the tax receipts of most States will be increased significantly.

States find it difficult to impose severance taxes today because a State acting alone runs the risk of placing some mining companies operating within the State at a competitive disadvantage relative to companies operating where there are no severance taxes. They are afraid the enactment of such a tax would reduce mining activities in the State. Interstate competition, in other words, acts to keep severance taxes low. The problem was illustrated by the experience of the Governor of West Virginia in 1953, Governor Marland. The severance tax he proposed was defeated in the State legislature despite the fact that it had won the support of many interested parties.

A severance tax at the rate of 5 percent as proposed in this bill would not place a severe burden on the mining industry. Some States already impose severance taxes of this size on certain mineral products. In the State of Louisiana, for example, the petroleum industry continues to flourish despite the fact that the State's severance tax amounts to more than the 5 percent recommended in this bill.

The principle behind this bill is the same as that adopted by the Congress 43 years ago. At that time, an 80-percent credit was allowed against the Federal estate tax for any State death taxes paid. The credit was granted in an effort to neutralize the interstate competition for wealthy residents that was preventing the States from utilizing estate and inheritance taxes.

The remedy supplied then is needed now. Once this bill is enacted, States need have no fear that a severance tax they enact will place mineral producers in their State at a disadvantage relative to producers in other States.

This bill would be a benefit to all the States. At my request, the staff of the Joint Committee on Internal Revenue Taxation has estimated the severance tax collections which would result from this bill. The table gives a good idea of the general magnitude of the revenue the States could derive by imposing similar taxes.

The table indicates that over 575 million in increased severance tax receipts could be raised under this bill, all of which could be absorbed by the States if they enact complementary statutes. The table shows that only two States are collecting more severance taxes today than would be collected under this bill. Those States are Louisiana and Mississippi. Even in those States, however, this bill would facilitate an increase in State tax receipts. As I understand it, neither of those States imposes severance taxes on all the minerals mined in the State which would be covered under this bill. Coverage of these additional minerals would permit an increase in tax receipts. Furthermore, an increase in severance taxes paid in other States would place taxed mineral producers in Louisiana and Mississippi on more nearly the same basis as producers in other States.

Mr. President, I ask unanimous consent that the table entitled "Data for 1967 on Value of Mineral Production by States, and State Collections of Severance Taxes on Minerals—Fiscal Year 1968" be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DATA FOR 1967 ON VALUE OF MINERAL PRODUCTION BY STATES, AND STATE COLLECTIONS OF SEVERANCE TAXES ON MINERALS—FISCAL YEAR 1968

[In thousands of dollars]

	Value of mineral production (1)	Proposed 5-percent tax (2)	State collections of severance taxes on minerals (3)	Proposed 5-percent tax minus State collections (4)
Alabama	251,391	12,570	1,283	11,287
Alaska	143,066	6,703	2,163	4,540
Arizona	463,863	23,193		23,193
Arkansas	179,453	8,973	3,348	5,625
California	1,696,233	84,812	1,155	83,657
Colorado	346,235	17,312	967	16,345
Connecticut	20,619	1,031		1,031
Delaware	2,383	119		119
District of Columbia				
Florida	309,797	15,490	168	15,322
Georgia	153,458	7,673		7,673
Hawaii	16,936	847		847
Idaho	109,408	5,470	144	5,326
Illinois	636,801	31,840		31,840
Indiana	244,921	12,246	281	11,965
Iowa	113,222	5,661		5,661
Kansas	574,068	28,703	717	27,986
Kentucky	535,705	26,785	221	26,564
Louisiana	3,961,750	198,088	238,460	−40,372
Maine	14,882	744		744
Maryland	72,819	3,641		3,641
Massachusetts	40,612	2,031		2,031
Michigan	610,204	30,510	968	29,542
Minnesota	523,326	26,166	17,661	8,505
Mississippi	217,010	10,850	11,371	−521
Missouri	236,659	11,833	1	11,832
Montana	186,524	9,326	3,084	6,242
Nebraska	70,868	3,543	763	2,780
Nevada	90,883	4,544	48	4,496
New Hampshire	8,117	406		406
New Jersey	72,747	3,637		3,637
New Mexico	874,106	43,705	32,429	11,276
New York	299,318	14,966		14,966
North Carolina	77,094	3,855		3,855
North Dakota	97,538	4,877	3,403	1,474
Ohio	498,888	24,944		24,944
Oklahoma	1,032,126	51,606	45,857	5,749
Oregon	66,560	3,328		3,328
Pennsylvania	898,398	44,920		44,920
Rhode Island	4,035	202		202
South Carolina	48,274	2,414		2,414
South Dakota	52,618	2,631	200	2,431
Tennessee	189,572	9,479		9,479
Texas	5,406,371	270,319	243,601	26,718
Utah	354,477	17,724	2,770	14,954
Vermont	27,268	1,363		1,363
Virginia	283,685	14,184		14,184
Washington	82,067	4,103		4,103
West Virginia	937,858	46,893		46,893
Wisconsin	79,612	3,981		3,981
Wyoming	530,696	26,535	107	26,428
Total	[1] 23,736,000	1,186,776	611,170	575,606

[1] Rounded to nearest million.

Sources:
Column (1) from statistical summary (table 4) preprint from the 1967 Bureau of Mines Mineral Yearbook.
Column (2) computed from column (1).
Column (3) from State Tax Collections in 1968 (table 9), U.S. Department of Commerce, Bureau of the Census.

Mr. METCALF. Also at my request, the staff of the Joint Committee on Internal Revenue Taxation has prepared a table classifying for each State 1968 fiscal year collections from the severance tax in two subcategories: petroleum and natural gas, and minerals other than petroleum and natural gas. This table, together with available relevant production data, reveals several facts about the current situation as to severance taxes. Although the production data are for calendar year 1967 while the tax collection figures are for fiscal year 1968, the 1968 fiscal year collections reflect largely 1967 calendar year production.

Mr. President, I ask unanimous consent that both the table and the comparison of production data to tax collection figures be printed at this point in the RECORD.

There being no objection both the table and the comparison were ordered to be printed in the RECORD, as follows:

STATE COLLECTIONS OF SEVERANCE TAXES ON MINERALS FISCAL YEAR 1968

[In thousands of dollars

	Total	Petroleum and gas	Other minerals
Alabama	1,283	1,238	45
Alaska	2,163	2,163	
Arizona			
Arkansas	3,348	[1] 3,000	[1] 348
California	1,155	1,155	
Colorado	967	929	38
Connecticut			
Delaware			
Florida	168	168	
Georgia			
Hawaii			
Idaho	144		144
Illinois			
Indiana	281	281	
Iowa			
Kansas	717	717	
Kentucky	221	221	
Louisiana	238,460	233,071	5,389
Maine			
Maryland			
Massachusetts			
Michigan	968	968	
Minnesota	17,661		17,661
Mississippi	11,371	11,242	129
Missouri	1		1
Montana	3,084	2,441	643
Nebraska	763	763	
Nevada	48		48
New Hampshire			
New Jersey			
New Mexico	32,429	31,541	888
New York			
North Carolina			
North Dakota	3,403	3,403	
Ohio			
Oklahoma	45,857	[1] 44,000	[1] 1,857
Oregon			
Pennsylvania			
Rhode Island			
South Carolina			
South Dakota	200		200
Tennessee			
Texas	243,601	239,912	3,689
Utah	2,770	1,233	1,537
Vermont			
Virginia			
Washington			
West Virginia			
Wisconsin			
Wyoming	107	107	
All States	611,170	578,553	32,617

[1] Estimated from production figures.

Source: U.S. Bureau of the Census, State Tax Collections in 1968, Series GF–No. 16, U.S. Government Printing Office, Washington, D.C., 1968.

	Value of mineral production in United States, 1967		Severance tax collected from minerals fiscal year 1968	
	Amounts in millions	Percent of total	Amounts in millions	Percent of total
Total mineral production	$23,736	100.0	$611.2	100.0
Petroleum and natural gas	12,276	51.7	578.6	94.7
Other minerals, total	11,460	48.3	32.6	5.3

Mr. METCALF. This statistical data reveals that severance taxes on petroleum and natural gas production account for about 95 percent of total severance taxes collected from mineral production, although the value of these minerals represents only 52 percent of the U.S. mineral production.

It also reveals that production of $11.5 billion in minerals other than petroleum and natural gas yields about $33 million in severance taxes. Moreover, the bulk of this revenue in this subcategory is collected in just a few States, the top three—Minnesota, Louisiana, Texas—account for 82 percent of the collections on minerals other than petroleum and natural gas.

It is obvious that many abundant minerals are subject to little or no severance tax. A preprint from the Bureau of Mines Mineral Yearbook contains in one of its tables a statistical summary of mineral production in the United States, by States. Minerals reported to the Bureau of the Census as being covered by a severance tax in each State are indicated by a "T" which I have placed in the appropriate line entries. This statistical data serves to identify many abundant minerals which are subject to little or no severance tax.

Mr. President, I ask unanimous consent that a portion of the table designated as table 5 in the preprint be printed at this point in the RECORD. The portion to which I refer is the available figures for the year 1967. I also ask that the notations made by me on the table which reflect reported severance taxes on individual minerals in each State be printed as a part of the table.

There being no objection, the portion of the table which relates to the year 1967, together with the notations, were ordered to be printed in the RECORD, as follows:

TABLE 5.—MINERAL PRODUCTION [1] IN THE UNITED STATES, BY STATES

Mineral	1967	
	Quantity	Value (thousands)
ALABAMA		
Cement: [2]		
Portland — thousand 376-pound barrels	15,364	$46,510
Masonry — thousand 280-pound barrels	2,377	6,938
Clays — thousand short tons	2,724	7,422
Coal (bituminous) — do	15,486	110,696
(T)Iron ore (usable) — thousand long tons, gross weight	1,472	8,286
Lime — thousand short tons	624	7,719
(T)Natural gas — million cubic feet	248	31
(T)Petroleum (crude) — thousand 42-gallon barrels	7,348	19,500
Sand and gravel — thousand short tons	7,229	7,969
Stone — do	18,371	33,346
Value of items that cannot be disclosed: Native asphalt, bauxite, slag cement, clays (kaolin 1964–65, bentonite 1964–65), scrap mica, salt, stone (dimension limestone, dimension marble 1964–66, shell 1964–65, crushed sandstone 1965–66), talc, and tripoli (1965)	XX	2,974
Total	XX	251,391
ALASKA		
Antimony ore and concentrate — short tons, antimony content	10	W
Coal (bituminous) — thousand short tons	925	$7,296
Copper (recoverable content of ores, etc.) — short tons	W	W
Gold (recoverable content of ores, etc.) — troy ounces	22,948	803
Lead (recoverable content of ores, etc.) — short tons		
Mercury — 76-pound flasks	W	W
(T) Natural gas — million cubic feet	14,438	3,610
Peat — short tons	1,528	12
(T) Petroleum (crude) — thousand 42-gallon barrels	29,126	91,164
Sand and gravel — thousand short tons	22,370	26,248
Silver (recoverable content of ores, etc.) — thousand troy ounces	6	9
Value of items that cannot be disclosed: Barite (1966–67), gem stones, platinum-group metals, stone, tin, uranium ore (1964–65) and values indicated by symbol W	XX	4,924
Total	XX	134,066
ARIZONA		
Asbestos — short tons	W	W
Clays [3] — thousand short tons	67	$37
Coal (bituminous) — do	1	5
Copper (recoverable content of ores, etc.) — short tons	501,741	383.591
Diatomite — do	W	W
Fluorspar — do	10,000	280
Gem stones	NA	150
Gold (recoverable content of ores, etc.) — troy ounces	80,844	2,830
Gypsum — thousand short tons	W	W
Helium, grade A — thousand cubic feet	73,800	2,066
Iron ore (usable) — thousand long tons, gross weight	W	W
Lead (recoverable content of ores, etc.) — short tons	4.771	1,336
Lime — thousand short tons	186	3,142
Mercury — 76-pound flasks	W	W
Molybdenum (content of concentrate) — thousand pounds	9,261	15,385
Natural gas — million cubic feet	1,255	193
Petroleum (crude) — thousand 42-gallon barrels	2,924	8,188
Pumice — thousand short tons	1,064	904
Sand and gravel — do	16,580	17,017
Silver (recoverable content of ores, etc.) — thousand troy ounces	4,588	7,112
Stone — thousand short tons	1,910	3,491
Tungsten ore and concentrate — short tons, 60-percent WO_3 basis	W	W
Uranium (recoverable content U_3O_8) — thousand pounds	83	666
Vanadium (recoverable in ore and concentrate) — short tons	W	W
Zinc (recoverable content of ores, etc.) — do	14,330	3,967
Value of items that cannot be disclosed: Cement, clays (bentonite, fire clay 1964), feldspar, scrap mica, perlite pyrites, vermiculite (1967), and values indicated by symbol W	XX	13,503
Total	XX	463,863
ARKANSAS		
(T) Barite — thousand short tons	229	$2,266
(T) Bauxite — thousand long tons, dried equivalent	1,571	18,269
(T) Bromine and bromine in compounds — thousand pounds	64,450	14,885
(T) Clays — thousand short tons	941	1,740
(T) Coal (bituminous) — do	189	1,427
(T) Gem stones	NA	35
(T) Lime — thousand short tons	187	2,723
(T) Natural gas — million cubic feet	116,522	17,828
(T) Natural gas liquids:		
Natural gasoline and cycle products — thousand gallons	27,533	1,780
LP gases — do	53,730	3,009
(T) Petroleum (crude) — thousand 42-gallon barrels	21,075	56,902
(T) Sand and gravel — thousand short tons	14,239	15,531
(T) Stone — do	17,454	23,236
Value of items that cannot be disclosed: Abrasive stones, cement, clays (Kaolin and fire clay 1966), gypsum, iron ore (1964–65), mercury (1966–67), phosphate rock (1964–66), soapstone, tripoli (1965–67), and values indicated by symbol W	XX	19,822
Total	XX	179,453
CALIFORNIA		
Antimony ore and concentrate — short tons, antimony content		
Asbestos — short tons	77,091	$6,726
Barite — thousand short tons	10	71
Boron minerals — do	955	74,130
Calcite (optical grade) — pounds		
Cement — thousand 376-pound barrels	42,034	$137,961
Clays — thousand short tons	2,609	6,037
Copper (recoverable content of ores, etc.) — short tons	788	602
Feldspar — long tons	94,769	W
Gem stones	NA	200
Gold (recoverable content of ores, etc.) — troy ounces	40,570	1,420
Gypsum — thousand short tons	1,241	3,150
Lead (recoverable content of ores, etc.) — short tons	1,735	486
Lime — thousand short tons	539	8,696
Magnesium compounds from sea water and bitterns (partly estimated) short tons, MgO equivalent	76,592	6,882
Mercury — 76-pound flasks	16,385	8,018
(T) Natural gas — million cubic feet	681,080	202,290
Natural gas liquids:		
Natural gasoline and cycle products — thousand gallons	643,984	49,122
LP gases — do	366,643	19,065
Peat — short tons	30,014	396
(T) Petroleum (crude) — thousand 42-gallon barrels	359,219	829,133
Pumice — thousand short tons	866	1,357
Salt — do	1,732	W
Sand and gravel — do	116,125	139,212
Silver (recoverable content of ores, etc.) — thousand troy ounces	145	224
Stone — thousand short tons	37,186	55,263
Sulfur ore — long tons	568	3
Talc, soapstone, and pyrophyllite — short tons	143,466	1,945
Tin (content of concentrate) — long tons	W	W
Wollastonite — short tons	W	W
Zinc (recoverable content of ores, etc.) — do	441	122
Value of items that cannot be disclosed: Bromine, calcium-magnesium chloride, carbon dioxide, coal (lignite), diatomite, iodine (1964–66), iron ore, lithium minerals, scrap mica, molybdenum, perlite, platinum group metals (crude) potassium salts, rare-earth metal concentrates, sodium carbonates and sulfates, tungsten concentrate, uranium (1964–66), and values indicated by symbol W	XX	143,722
Total	XX	1,696,233

See footnotes at end of table.

TABLE 5.—MINERAL PRODUCTION[1] IN THE UNITED STATES, BY STATES—Continued

Mineral		1967 Quantity	1967 Value (thousands)
COLORADO			
Carbon dioxide, natural	thousand cubic feet	182, 701	$31
Clays	thousand short tons	596	1, 274
(T) Coal (bituminous)	do	5, 439	25, 920
Copper (recoverable content of ores, etc.)	short tons	3, 993	3, 053
Feldspar	long tons	300	2
Gem stones		NA	118
Gold (recoverable content of ores, etc.)	troy ounces	21, 181	741
Gypsum	thousand short tons	77	265
Iron ore (usable)	thousand long tons, gross weight	W	W
Lead (recoverable content of ores, etc.)	short tons	21, 923	6, 138
Lime	thousand short tons	118	2, 028
Manganiferous ore (5 to 35 percent Mn)	short tons, gross weight	321	3
Molybdenum (content of concentrate)	thousand pounds	52, 040	84, 728
(T) Natural gas	million cubic feet	116, 857	15, 542
Natural gas liquids:			
Natural gasoline	thousand gallons	51, 845	3, 215
LP gases	do	71, 544	3, 649
Peat	short tons	21, 988	204
(T) Petroleum (crude)	thousand 42-gallon barrels	33, 905	99, 003
Pumice	thousand short tons	18	105
Pyrites	thousand long tons	W	W
Sand and gravel	thousand short tons	21, 810	22, 904
Silver (recoverable content of ores, etc.)	thousand troy ounces	1, 818	2, 817
Stone	thousand short tons	2, 992	5, 485
Tin (content of concentrate)	long tons	31	59
Tungsten concentrate	short tons, 60 percent WO_3 basis	1, 276	3, 039
Uranium (recoverable content U_3O_8)	thousand pounds	2, 537	20, 299
Vanadium (recoverable in ore and concentrate)	short tons	3, 317	14, 260
Vermiculite	thousand short tons		
Zinc (recoverable content of ores, etc.)	short tons	52, 442	14, 519
Value of items that cannot be disclosed: Beryllium concentrate, cement, fluorspar, scrap mica (1967), molybdenum (1965) perlite, rare-earth metal concentrates (1966–67), salt, and values indicated by symbol W		XX	16, 834
Total		XX	346, 235
CONNECTICUT			
Clays	thousand short tons	191	$334
Gem stones		NA	8
Lime	thousand short tons	W	W
Sand and gravel	do	8, 320	8, 710
Stone	do	5, 097	10, 141
Value of items that cannot be disclosed: Feldspar, scrap mica, peat (1964–66), and values indicated by symbol W		XX	1, 426
Total		XX	20, 619
DELAWARE			
Clays	thousand short tons	11	$11
Gem stones		NA	1
Sand and gravel	thousand short tons	1, 966	1, 846
Stone	do	210	525
Value of items that cannot be disclosed: Other nonmetals and values indicated by symbol W		XX	
Total		XX	2, 383
FLORIDA			
Clays	thousand short tons	756	$11, 574
Lime	do	155	2, 425
(T) Natural gas	million cubic feet	123	18
Peat	short tons	22, 180	155
(T) Petroleum (crude)	thousand 42-gallon barrels	1, 568	W
Phosphate rock	thousand short tons	W	W
Sand and gravel	do	6, 912	6, 479
Stone	do	33, 971	38, 723
Value of items that cannot be disclosed: Cement, magnesium compounds, natural gas, liquids, rare-earth metal concentrates, staurolite, stone (dimension limestone 1967) titanium concentrate, zirconium concentrate, and values indicated by symbol W		XX	250, 423
Total		XX	809, 797
GEORGIA			
Barite	thousand short tons	W	W
Clays	do	4, 953	$77, 314
Coal (bituminous)	do		
Iron ore (usable)	thousand long tons, gross weight	267	1, 450
Mica:			
Scrap	short tons	17, 158	291
Sheet	pounds		
Sand and gravel	thousand short tons	3, 787	4, 206
Stone	do	23, 418	49, 953
Talc	short tons	46, 150	292
Value of items that cannot be disclosed: Bauxite, cement, feldspar, kyanite, peat, rare-earth metal concentrates (1966–67), titanium concentrate (1965–67), zirconium concentrate (1965–67), and values indicated by symbol W		XX	19, 952
Total		XX	153, 458
HAWAII			
Cement	thousand 376-pound barrels	1, 395	$7, 360
Clays	thousand short tons	W	W
Lime	do	8	265
Pumice	do	290	562
Sand and gravel	do	469	1, 467
Stone	do	4, 100	7, 207
Value of items that cannot be disclosed: Other nonmetals and values indicated by symbol W		XX	75
Total		XX	16, 936
IDAHO			
(T) Antimony ore and concentrate	short tons, antimony content	823	W
Clays[3]	thousand short tons	19	$16
(T) Cobalt	thousand pounds		
(T) Copper (recoverable content of ores, etc.)	short tons	4, 210	3, 219
(T) Gem stones		NA	180
(T) Gold (recoverable content of ores, etc.)	troy ounces	4, 838	169
(T) Iron ore (usable)	thousand long tons, gross weight	W	W
(T) Lead (recoverable content of ores, etc.)	short tons	61, 387	17, 188
Mercury	76-pound flasks	898	439
Peat	short tons	2, 040	16
Pumice	thousand short tons	W	W
Sand and gravel	do	11, 246	11, 490
(T) Silver (recoverable content of ores, etc.)	thousand troy ounces	17, 033	26, 402
Stone	thousand short tons	1, 986	4, 833
(T) Tungsten concentrate	short tons, 60-percent WO_3 basis	68	175
(T) Zinc (recoverable content of ores, etc.)	short tons	56, 528	15, 650
Value of items that cannot be disclosed: Barite (1964), cement, clays (fire clay, bentonite 1964–66, kaolin), abrasive garnet, lime, scrap mica (1964), perlite, phosphate rock, titanium concentrate (1964–66), vanadium, and values indicated by symbol W		XX	29, 631
Total		XX	109, 408
ILLINOIS			
Cement:			
Portland	thousand 376-pound barrels	9, 0690	$30, 186
Masonry	thousand 280-pound barrels	591	1, 851
Clays[3]	thousand short tons	1, 881	3, 799
Coal (bituminous)	do	65, 133	252, 975
Fluospar	short tons	210, 207	9, 859
Lead (recoverable content of ores, etc.)	do	2, 384	668
Natural gas	million cubic feet	5, 144	602
Natural gas liquids:			
Natural gasoline and cycle products	thousand gallons	W	W
LP gases	do	W	W
Peat	short tons	49, 716	697
Petroleum (crude)	thousand 42-gallon barrels	[6] 60, 115	181, 581
Sand and gravel	thousand short tons	38, 801	44, 175
Stone	do	48, 458	66, 757
Zinc (recoverable content of ores etc.)	short tons	20, 416	5, 652
Value of items that cannot be disclosed: Clay (fuller's earth). gem stones lime, tripoli, and values indicated by symbol W		XX	37, 999
Total		XX	636, 801
INDIANA			
Abrasive stones	short tons	5	$16
Cement[2]	thousand 376-pound barrels	15, 924	53, 123
Clays	thousand short tons	1, 489	2, 126
Coat (bituminous)	thousand short tons	18, 772	73, 419
(T) Natural gas	million cubic feet	198	46
Peat	short tons	42, 962	441
(T) Petroleum (crude)	thousand 42-gallon barrels	10, 081	30, 041
Sand and gravel	thousand short tons	26, 265	25, 588
Stone	do	26, 977	46, 725
Value of items that cannot be disclosed: Cement (masonry), gypsum, and lime (1968–67)		XX	13, 396
Total		XX	244, 921
IOWA			
Cement:			
Portland	thousand 376-pound barrels	13, 712	$45, 394
Masonry	thousand 280-pound barrels	612	1, 853
Clays	thousand short tons	1, 208	1, 643
Coal (bituminous)	do	883	3, 227
Gypsum	do	1, 219	5, 186
Sand and gravel	do	17, 734	16, 564
Stone	do	26, 133	37, 912
Value of items that cannot be disclosed: Gem stones, lime, peat, and petroleum (1964)		XX	1, 443
Total		XX	113, 222

See footnotes at end of table.

TABLE 5.—MINERAL PRODUCTION [1] IN THE UNITED STATES, BY STATES—Continued

Mineral		1967	
		Quantity	Value (thousands)
KANSAS			
Cement: [2]			
Portland	thousand 376-pound barrels	8,833	$25,545
Masonry	thousand 280-pound barrels	350	1,000
Clays	thousand short tons	935	1,339
Coal (bituminous)	do	1,136	5,294
Helium: Crude	thousand cubic feet	2,719,700	82,554
Grade A	do	225,000	5,364
Lead (recoverable content of ores, etc.)	short tons	1,031	289
(T) Natural gas	million cubic feet	871,971	116,844
Natural gas liquids:			
Natural gasoline	thousand gallons	194,173	10,703
LP gases	do	665,057	31,923
(T) Petroleum (crude)	thousand 42-gallon barrels	99,200	297,600
Salt [3]	thousand short tons	1,069	14,686
Sand and gravel	do	12,066	8,650
Stone	do	13,551	17,806
Zinc (recoverable contents of ores, etc.)	short tons	4,765	1,319
Value of items that cannot be disclosed: Natural cement, gypsum, muice, and salt (brine)		XX	3,152
Total		XX	574,068
KENTUCKY			
Barite	thousand short tons		
Clays [3]	do	1,195	$2,066
Coal (bituminous)	do	100,294	396,883
Fluorspar	short tons	32,952	1,686
Lead (recoverable content of ores, etc.)	do	845	237
Natural gas	million cubic feet	89,168	21,400
(T) Petroleum (crude)	thousand 42-gallon barrels	15,535	45,052
Sand and gravel	thousand short tons	7,981	7,859
Silver (recoverable content of ores, etc.)	thousand troy ounces	1	1
Stone	thousand short tons	24,812	35,481
Zinc (recoverable content of ores, etc.)	short tons	6,317	1,749
Value of items that cannot be disclosed: Native asphalt (1966–67), cement, ball clay, natural gas liquids, and stone (dimension sandstone 1964)		XX	23,291
Total		XX	535,705
LOUISIANA			
Clays	thousand short tons	995	$1,260
Lime	do	758	9,891
(T) Natural gas	million cubic feet	5,716,857	1,057,619
Natural gas liquids:			
Natural gasoline and cycle products	thousand gallons	1,754,603	130,212
LP gases	do	1,844,689	92,234
(T) Petroleum (crude)	thousand 42-gallon barrels	774,527	2,419,823
(T) Salt	thousand short tons	9,585	48,483
(T) Sand and gravel	do	20,312	27,442
(T) Stone [4]	do	7,599	11,174
(T) Sulfur (Frasch process)	thousand long tons	4,233	139,739
Value of items that cannot be disclosed: Cement, gypsum, and stone (crushed miscellaneous)		XX	23,873
Total		XX	3,961,750
MAINE			
Clays	thousand short tons	42	$54
Gem stones		NA	35
Peat	short tons	W	W
Sand and gravel	thousand short tons	11,627	5,368
Stone	do	1,159	2,999
Value of items that cannot be disclosed: Cement, feldspar, and values indicated by symbol W		XX	6,426
Total		XX	14,882
MARYLAND			
Clays	thousand short tons	998	$1,462
Coal (bituminous)	do	1,305	4,548
Gem stones		NA	3
Lime	thousand short tons	W	W
Natural gas	million cubic feet	621	159
Sand and gravel	thousand short tons	12,868	17,724
Stone	do	14,479	28,581
Value of items that cannot be discolsed: Cement, ball clay (1964–66), greensand marl, peat, potassium salts, talc and soapstone, and values indicated by symbol W		XX	20,342
Total		XX	72,819
MASSACHUSETTS			
Clays	thousand short tons	W	W
Gem stones		NA	$2
Lime	thousand short tons	195	3,044
Sand and gravel	do	17,881	19,504
Stone	do	6,203	17,724
Value of items that cannot be disclosed: Nonmetals and value indicated by symbol W		XX	338
Total		XX	40,612
MICHIGAN			
Cement:			
Portland	thousand 376-pound barrels	29,645	$94,515
Masonry	thousand 280-pound barrels	1,995	5,296
Clays	thousand short tons	2,466	2,636
Copper (recoverable content of ores, etc.)	short tons	58,458	44,692
Gypsum	thousand short tons	1,422	5,085
Iron ore (usable)	thousand long tons, gross weight	14,130	162,610
Lime	thousand short tons	1,787	21,582
Magnesium compounds from sea water and brine (except for metal)	short tons MgO equivalent	309,446	26,388
(T) Natural gas	million cubic feet	33,589	8,296
Natural gas liquids:			
Natural gasoline	thousand gallons	47,817	3,491
LP gases	do	59,390	3,444
Peat	short tons	237,107	2,292
(T) Petroleum (crude)	thousand 42-gallon barrels	13,664	39,455
Salt	thousand short tons	4,789	42,389
Sand and gravel	do	52,310	49,616
Silver (recoverable content of ores, etc.)	thousand troy ounces	302	468
Stone	thousand short tons	36,432	39,910
Value of items that cannot be disclosed: Bromine, calcium-magnesium chloride, gem stones, iodine, potassium salts, and values indicated by sumbol W		XX	58,039
Total		XX	610,204
MINNESOTA			
Clays [3]	thousand short tons	228	$342
(T)Iron ore (usable)	thousand long tons, gross weight	49,457	468,623
Manganiferous ore (5 to 35 percent Mn)	short tons, gross weight	236,753	W
Peat	short tons	13,968	257
Sand and gravel	thousand short tons	41,212	33,132
Stone	do	4,160	11,442
Value of items that cannot be disclosed: Abrasive stones, cement, fire clay, gem stones, lime, and values indicated by symbol W		XX	9,530
Total		XX	523,326
MISSISSIPPI			
Clays	thousand short tons	1,654	$7,852
(T) Natural gas	million cubic feet	139,497	24,133
Natural gas liquids:			
Natural gasoline and cycle products	thousand gallons	17,939	1,167
LP gases	do	17,794	1,085
(T) Petroleum (crude)	thousand 42-gallon barrels	57,147	155,726
Sand and gravel	thousand short tons	14,039	15,485
Stone	do	1,879	2,055
Value of items that cannot be disclosed: Cement, iron ore (1965–67), lime, magnesium compounds, and stone (dimension sandstone 1965–66)		XX	9,507
Total		XX	217-010
MISSOURI			
Asphalt, native	short tons	W	W
Barite	thousand short tons	332	$4,444
Cement:			
Portland	thousand 376-pound barrels	15,044	52,119
Masonry	thousand 280-pound barrels	372	1,172
Clays	thousand short tons	2,305	6,220
Coal (bituminous)	do	3,696	15,573
Copper (recoverable content of ores, etc.)	short tons	3,215	2,458
Iron ore (usable)	thousand long tons, gross weight	1,871	26,673
Lead (recoverable content of ores, etc.)	short tons	152,649	42,742
Lime	thousand short tons	1,434	16,371
Natural gas	million cubic feet	121	30
Petroleum (crude)	thousand 42-gallon barrels	75	W
Sand and gravel	thousand short tons	9,716	12,556
Silver (recoverable content of ores, etc.)	thousand troy ounces		
Stone	thousand short tons	36,585	53,953
Zinc (recoverable content of ores, etc.)	short tons	7,430	2,057
Value of items that cannot be disclosed: Tripoli (1965), and values indicated by symbol W		XX	291
Total		XX	236,659

See footnotes at end of table.

TABLE 5.—MINERAL PRODUCTION[1] IN THE UNITED STATES, BY STATES—Continued

Mineral	1967 Quantity	1967 Value (thousands)
MONTANA		
Clays[1] ... thousand short tons	46	$50
Coal (bituminous and lignite) ... do	371	996
(T) Copper (recoverable content of ores, etc.) ... short tons	65,483	50,063
(T) Gem stones	NA	109
(T) Gold (recoverable content of ores, etc.) ... troy ounces	9,786	343
(T) Iron ore (usable) ... thousand long tons, gross weight	10	81
(T) Lead (recoverable content of ores, etc.) ... short tons	898	251
Lime ... thousand short tons	143	1,765
(T) Manganese ore (35 percent or more Mn) ... short tons, gross weight	W	W
(T) Manganiferous ore (5 to 35 percent Mn) ... do	2,763	16
(T) Natural gas ... million cubic feet	25,866	2,173
(T) Petroleum (crude) ... thousand 42-gallon barrels	34,959	87,543
Pumice ... thousand short tons		
Sand and gravel ... do	12,339	10,655
(T) Silver (recoverable content of ores, etc.) ... thousand troy ounces	2,066	3,203
Stone ... thousand short tons	4,782	6,037
(T) Zinc (recoverable content of ores, etc.) ... short tons	3,341	925
(T) Value of items that cannot be disclosed: Antimony (1966–67), barite (1964–66), cement, clays (fire clay 1964, bentonite), fluorspar, gypsum, natural gas liquids, peat, phosphate rock, talc, tungsten (1966–67), uranium ore (1964, 1966), vermiculite, and values indicated by symbol W	XX	22,314
Total	XX	186,524
NEBRASKA		
Clays ... thousand short tons	126	$142
Gem stones	NA	5
(T) Natural gas ... million cubic feet	8,453	1,454
Na.ural gas liquids:		
Natural gasoline ... thousand gallons	7,805	578
LP gases ... do	20,738	1,223
(T) Petroleum (crude) ... thousand 42-gallon barrels	13,373	36,775
Sand and gravel ... thousand short tons	11,739	10,878
S.one ... do	4,846	7,483
Value of items that cannot be disclosed: Cement, lime, and pumice	XX	12,330
Total	XX	70,868
NEVADA		
Antimony ore and concentrate ... short tons, antimony content	53	$35
Barite ... thousand short tons	154	923
Copper (recoverable content of ores, etc.) ... short tons	50,771	38,815
Gem stones	NA	100
Gold (recoverable content of ores, etc.) ... troy ounces	434,993	15,225
Gypsum ... thousand short tons	409	1,412
Iron ore (usable) ... thousand long tons, gross weight	641	2,858
Lead (recoverable content of ores, etc.) ... short tons	1,500	420
Mercury ... 76-pound flasks	4,703	2,301
Perlite ... short tons	10,712	94
(T) Petroleum (crude) ... thousand 42-gallon barrels	279	W
Pumice ... thousand short tons	105	236
Sand and gravel ... do	10,166	8,644
Silver (recoverable content of ores, etc.) ... thousand troy ounces	566	877
Stone ... thousand short tons	1,375	2,145
Sulfur ore ... long tons		
Talc and soapstone ... short tons	2,096	17
Zinz (recoverable content of ores, etc.) ... do	3,035	840
Value of items that cannot be disclosed: Brucite (1965–67), cement 1965–67), clays, diatomite, fluorspar, lime, lithium minerals (1966–67), magnesite, molybdenum, peat, salt, tungsten, uranium (1964–66), and values indicated by symbol W	XX	15,941
Total	XX	90,883
NEW HAMPSHIRE		
Clays ... thousand short tons	42	$42
Mica, sheet ... pounds	16,000	W
Peat ... short tons	50	(4)
Sand and gravel ... thousand short tons	8,449	5,137
Stone ... do	473	2,887
Value of items that cannot be disclosed: Other nonmetals	XX	51
Total	XX	8,117
NEW JERSEY		
Clays ... thousand short tons	437	$1,189
Gem stones	NA	10
Peat ... short tons	43,045	542
Sand and gravel ... thousand short tons	18,626	29,975
Stone ... do	12,611	28,253
Zinc (recoverable content of ores, etc.)[5] ... short tons	26,041	7,031
Value of items that cannot be disclosed: Iron ore, lime, magnesium compounds, manganiferous residuum, greensand magl, titanium concentrate, and values indicated by symbol W	XX	5,747
Total	XX	72,747
NEW MEXICO		
Barite ... thousand short tons		
Carbon dioxide, natural ... thousand cubic feet	771,516	$57
(T) Clays ... thousand short tons	46	74
(T) Coal (bituminous) ... do	3,463	12,641
(T) Copper (recoverable content of ores, etc.) ... short tons	75,008	57,345
Fluorspar ... do	W	W
Gem stones	NA	60
(T) Gold (recoverable content of ores, etc.) ... troy ounces	5,188	182
Gypsum ... thousand short tons	155	588
Helium, grade A ... thousand cubic feet	71,200	2,492
(T) Lead (recoverable content of ores, etc.) ... short tons	1,827	512
Lime ... thousand short tons	17	243
(T) Manganese ore (35 percent or more Mn) short tons, gross weight	W	W
Maganiferous ore (5 to 35 percent Mn) ... do	49,323	348
Mica: Scrap ... short tons	W	W
(T) Natural gas ... million cubic feet	1,067,510	138,776
Natural gas liquids:		
Natural gasoline and cycle products ... thousand gallons	338,114	20,730
LP gases ... do	909,168	40,003
Perlite ... short tons	346,586	3,424
(T)Petroleum (crude) ... thousand 42-gallon barrels	126,144	368,340
(T)Potassium salts ... thousand short tons, K_2O equivalent	2,883	91,098
Pumice ... thousand short tons	220	639
Salt ... do	82	1,036
(T)Sand and gravel ... do	14,672	14,336
(T)Silver (recoverable content of ores, etc.) ... thousand troy ounces	157	244
Stone ... thousand short tons	1,391	2,403
(T)Uranium (recoverable content U_3O_8) ... thousand pounds	11,202	89,615
Vanadium (recoverable in ore and concentrate) ... short tons	W	W
(T)Zinc (recoverable content of ores, etc.) ... do	21,380	5,919
(T)Value of items that cannot be disclosed: Cement, fire clay (1964), iron ore, molybdenum, tin (1964–66), and values indicated by symbol W	XX	23,001
Total	XX	874,106
NEW YORK		
Clays ... thousand short tons	1,506	$1,814
Emery ... short tons	W	W
Gem stones	NA	10
Gypsum ... thousand short tons	570	3,118
Lead (recoverable content of ores, etc.) ... short tons	1,653	463
Lime ... thousand short tons	1,139	10,570
Natural gas ... million cubic feet	3,837	1,201
Peat ... short tons	23,053	232
Petroleum (crude) ... thousand 42-gallon barrels	1,972	9,026
Salt ... thousand short tons	5,320	41,568
Sand and gravel ... do	43,500	44,499
Silver (recoverable content of ores, etc.) ... thousand troy ounces	31	48
Stone ... thousand short tons	33,389	56,615
Zinc (recoverable content of ores, etc.) ... short tons	70,555	19,534
Value of items that cannot be disclosed: Cement, abrasive garnet, iron ore, talc, titanium concentate, wollastonite, and values indicated by symbol W	XX	110,620
Total	XX	299,318
NORTH CAROLINA		
Barite ... thousand short tons	1	$6
Clays[3] ... do	2,977	2,012
Feldspar ... long tons	265,690	3,113
Gem stones	NA	25
Mica:		
Scrap ... short tons	69,639	1,751
Sheet ... pounds	4,500	W
Phosphate rock ... thousand short tons	W	W
Sand and gravel ... do	10,014	9,962
Stone ... do	24,507	41,488
Talc and pyrophyelite ... short tons	109,393	513
Value of items that cannot be disclosed: Asbestos, cement, clay (kaolin), lithium minerals, olivine, stone (crushed and dimension marble and dimension slate) 1964–66), tungsten concentrate (1964), and values indicated by symbol W	XX	18,224
Total	XX	77,094
NORTH DAKOTA		
Clays ... thousand short tons	W	W
Coal (lignite) ... do	4,156	$7,967
Gem stones	NA	1
(T) Natural gas ... million cubic feet	40,462	6,636
Natural gas liquids:		
Natural gasoline ... thousand gallons	23,284	1,443
LP gases ... do	88,665	3,901
(T) Petroleum (crude) ... thousand 42-gallon barrels	25,315	65,818
Sand and gravel ... thousand short tons	8,822	9,118
Stone ... do	596	1,092
Value of items that cannot be disclosed: Lime (1965–67), molybdenum, peat, salt, uranium, vanadium (1965), and values indicated by symbol W	XX	1,562
Total	XX	97,538

See footnotes at end of table.

TABLE 5.—MINERAL PRODUCTION [1] IN THE UNITED STATES, BY STATES—Continued

Mineral	1967	
	Quantity	Value (thousands)
OHIO		
Cement:		
Portland ... thousand 376-pound barrels	14,726	$46,860
Masonry ... thousand 280-pound barrels	946	2,730
Clays ... thousand short tons	4,670	15,185
Coal (bituminous) ... do	46,014	176,921
Gem stones	NA	3
Lime ... thousand short tons	3,636	48,817
Natural gas ... million cubic feet	41,315	9,957
Peat ... short tons	7,301	100
Petroleum (crude) ... thousand 42-gallon barrels	9,924	31,427
Salt ... thousand short tons	5,407	39,549
Sand and gravel ... do	43,196	52,888
Stone ... do	45,458	72,534
Value of items that cannot be disclosed: Abrasive stone, gypsum, stone (calcareous marl 1964)	XX	1,917
Total	XX	498,888
OKLAHOMA		
Clays [3] ... thousand short tons	744	$869
Coal (bituminous) ... do	823	4,703
Gypsum ... do	804	2,266
Helium, grade A ... thousand cubic feet	309,100	9,835
(T) Lead (recoverable content of ores, etc.) ... short tons	2,727	764
(T) Natural gas ... million cubic feet	1,412,952	202,052
Natural gas liquids:		
Natural gasoline and cycle products ... thousand gallons	568,905	35,846
LP gases ... do	1,005,633	49,276
(T) Petroleum (crude) ... thousand 42-gallon barrels	230,749	676,095
Salt ... thousand short tons	10	76
Sand and gravel ... do	4,540	5,280
Stone ... do	16,355	18,932
(T) Zinc (recoverable content of ores, etc.) ... short tons	10,670	2,954
(T) Value of items that cannot be disclosed: Clay (bentonite), cement, copper (1965–67), line, pumice, silver (1965–67), tripoli, and values indicated by symbol W	XX	23,178
Total	XX	1,032,126
OREGON		
Clays ... thousand short tons	[3] 295	[3] $295
Copper (recoverable content of ores, etc.) ... short tons		
Diatomite ... do	108	2
Gem stones	NA	750
Gold (recoverable content of ores, etc.) ... troy ounces	186	7
Lime ... thousand short tons	99	2,059
Mercury ... 76-pound flasks	943	461
Nickel (content of ore and concentrate) ... short tons	15,287	W
Peat ... do	W	W
Perlite ... do	8	(5)
Pumice	834	1,195
Sand and gravel ... do	19,630	25,250
Silver (recoverable content of ores, etc.) ... thousand troy ounces	(5)	(5)
Stone ... thousand short tons	13,201	20,256
Tungsten concentrate ... short tons, 60-percent WO_3 basis		
Value of items that cannot be disclosed: Cement, clay (fire clay 1967), iron ore (pigment material 1965–66), lead (1964–65), talc (1967), uranium (1964), vanadium (1964), zinc (1964–65), and values indicated by symbol W	XX	16,285
Total	XX	66,560
PENNSYLVANIA		
Cement:		
Portland ... thousand 376-pound barrels	40,197	$114,592
Masonry ... thousand 280-pound barrels	2,929	7,948
Clays [3] ... thousand short tons	2,994	16,703
Coal:		
Anthracite ... do	12,256	96,160
Bituminous ... do	79,412	419,345
Copper (recoverable content of ores, etc.) ... short tons	4,401	3,365
Gem stones	NA	4
Lime ... thousand short tons	1,719	24,715
Natural gas ... million cubic feet	89,966	25,280
Natural gas liquids:		
Natural gasoline ... thousand gallons	1,167	77
LP gases ... do	1,757	114
Peat ... short tons	39,505	437
Petroleum (crude) ... thousand 42-gallon barrels	4,387	19,701
Sand and gravel ... thousand short tons	17,479	29,614
Stone ... do	60,155	103,157
Zinc (recoverable content of ores, etc.) [5] ... short tons	35,067	9,468
Value of items that cannot be disclosed: Clays (kaolin), cobalt, gold, iron ore, scrap mica, pyrites, pyrophyllite, silver, and tripoli	XX	27,718
Total	XX	898,398

Mineral	1967	
	Quantity	Value (thousands)
RHODE ISLAND		
Sand and gravel ... thousand short tons	2,334	$2,416
Stone ... do	481	1,618
Value of items that cannot be disclosed: Other nonmetals	XX	1
Total	XX	4,035
SOUTH CAROLINA		
Clays ... thousand short tons	1,733	$8,048
Sand and gravel ... do	5,248	7,178
Stone ... do	[4] 8,310	[4] 12,366
Value of items that cannot be disclosed: Barite (1964–66), cement, feldspar, kyanite, scrap mica, peat, pyrites, stone (crushed limestone 1964–65 and dimension granite 1965, 1967) and vermiculite	XX	20,682
Total	XX	48,274
SOUTH DAKOTA		
(T) Beryllium concentrate ... short tons, gross weight	W	W
(T) Cement:		
Portland ... thousand 376-pound barrels	1,406	$4,815
Masonry ... thousand 280-pound barrels	54	178
(T) Clays ... thousand short tons	199	799
(T) Coal (lignite) ... do	5	27
(T) Feldspar ... long tons	61,411	420
(T) Gem stones	NA	30
(T) Gold (recoverable content of ores, etc.) ... troy ounces	601,785	21,062
(T) Gypsum ... thousand short tons	12	49
(T) Lithium minerals ... short tons	W	W
(T) Mica: Scrap ... do	W	W
(T) Petroleum (crude) ... thousand 42-gallon barrels	211	502
(T) Sand and gravel ... thousand short tons	13,463	13,737
(T) Silver (recoverable content of ores, etc.) thousand troy ounces	121	188
(T) Stone ... thousand short tons	1,866	9,694
(T) Value of items that cannot be disclosed: Columbium-tantalum concentrates (1967), lime, molybdenum, tin (1966), uranium, vanadium, and values indicated by symbol W	XX	1,117
Total	XX	52,618
TENNESSEE		
Barite ... thousand short tons	15	$235
Cement:		
Portland ... thousand 376-pound barrels	8,062	25,548
Masonry ... thousand 280-pound barrels	1,092	2,992
Clays ... thousand short tons	1,574	5,152
Coal (bituminous) ... do	6,832	26,974
Copper (recoverable content of ores, etc.) ... short tons	14,600	11,162
Gold (recoverable content of ores, etc.) ... troy ounces	181	6
Lead (recoverable content of ores, etc.) ... short tons		
Natural gas ... million cubic feet	58	11
(T) Petroleum (crude) ... thousand 42-gallon barrels	7	W
Phosphate rock ... thousand short tons	2,992	22,571
Sand and gravel ... do	7,975	10,679
Silver (recoverable content of ores, etc.) ... thousand troy ounces	130	202
Stone [4] ... thousand short tons	31,463	41,958
Zinc (recoverable content of ores, etc.) ... short tons	113,065	31,303
Value of items that cannot be disclosed: Clay (fuller's earth) (1964, 1966–67), lime, pyrites, stone (crushed sandstone, dimension sandstone 1967), and values indicated by sumbol W	XX	10,779
Total	XX	189,572
TEXAS		
(T) Cement:		
Portland ... thousand 376-pound barrels	31,944	$99,329
Masonry ... thousand 280-pound barrels	888	2,847
Clays ... thousand short tons	4,497	8,081
Gem stones	NA	150
Gypsum ... thousand short tons	984	3,419
Helium: Crude ... thousand cubic feet	977,600	10,246
Grade A ... do	335,900	9,900
Lime ... thousand short tons	1,564	20,713
(T) Natural gas ... million cubic feet	7,188,900	948,935
Natural gas liquids:		
Natural gasoline and cycle products ... thousand gallons	4,031,589	277,105
LP gases ... do	7,449,439	320,326
Perlite ... short tons	W	W
(T) Petroleum (crude) ... thousand 42-gallon barrels	1,119,962	3,375,565
Salt ... thousand short tons	8,344	36,435
Sand and gravel ... do	31,398	39,170
Stone ... do	49,424	61,577
(T) Sulfur (Frasch process) ... thousand long tons	3,448	111,931
Talc and soapstone ... short tons	90,836	356
Values of items that cannot be disclosed: Native asphalt, barite (1964–66), bromine, clays (fuller's earth 1964–65, kaolin 1964), coal (lignite), graphite, iron ore, magnesium chloride (for metal), magnesium compounds (except for metal), mercury (1965–67), pumice, sodium sulfate, uranium, vermiculite (1967), and values indicated by symbol W	XX	80,286
Total	XX	5,406,371

See footnotes at end of table.

TABLE 5.—MINERAL PRODUCTION [1] IN THE UNITED STATES, BY STATES—Continued

Mineral	1967	
	Quantity	Value (thousands)
UTAH		
Carbon dioxide, natural........thousand cubic feet..	65,664	$5
Clays [3]........thousand short tons..	114	288
Coal (bituminous)........do....	4,175	24,281
(T) Copper (recoverable content of ores, etc.)........short tons..	168,609	128,905
Gem stones........	NA	80
(T) Gold (recoverable content of ores, etc.)........troy ounces..	288,350	10,092
(T) Iron ore (usable)........thousand long tons, gross weight..	1,708	11,916
(T) Lead (recoverable content of ores, etc.)........short tons..	53,813	15,068
Lime........thousand short tons..	169	3,182
(T) Natural gas........million cubic feet..	48,965	6,463
Perlite........short tons..	W	W
(T) Petroleum (crude)........thousand 42-gallon barrels..	24,048	63,221
Salt........thousand short tons..	403	3,525
Sand and gravel........do....	9,412	8,631
(T) Silver (recoverable content of ores, etc.)...thousand troy ounces..	4,875	7,556
Stone........thousand short tons..	1,831	4,108
Sulfur ore........long tons, gross weight..		
(T) Uranium (recoverable content (U_3O_8))........thousand pounds..	1,287	10,300
Vanadium (recoverable in ore and concentrate)........short tons..	471	2,024
(T) Zinc (recoverable content of ores, etc.)........do....	34,251	9,483
Value of items that cannot be disclosed: Asphalt (gilsonite), cement, clays (fire clay, kaolin 1965–67), fluorspar, gypsum, magnesium compounds (1966–67), molybdenum, natural gas liquids, phosphate rock, potassium salts, pumice, pyrites (1966–67), tungsten concentrate (1967), and values indicated by symbol W........	XX	45,349
Total........	XX	354,477
VERMONT		
Peat........short tons..	280	$4
Sand and gravel........thousand short tons..	3,718	2,178
Stone........do....	2,761	20,520
Value of items that cannot be disclosed: Asbestos, clays, gem stones, lime, and talc........	XX	4,566
Total........	XX	27,268
VIRGINIA		
Clays........thousand short tons..	1,382	$1,623
Coal (bituminous)........do....	36,721	171,183
Gem stones........	NA	7
Lead (recoverable content of ores, etc.)........short tons..	3,430	960
Lime........thousand short tons..	829	10,345
Natural gas........million cubic feet..	3,818	1,149
Petroleum (crude)........thousand 42-gallon barrels..	3	W
Sand and gravel........thousand short tons..	9,863	12,494
Soapstone........short tons..	W	W
Stone........thousand short tons..	31,324	52,470
Zinc (recoverable content of ores, etc.)[9]........short tons..	18,846	5,088
Value of items that cannot be disclosed: Aplite, cement, feldspar, gypsum, iron ore (pigment materials), kyanite, salt, titanium concentrate, and values indicated by symbol W........	XX	28,366
Total........	XX	283,685
WASHINGTON		
Barite........thousand short tons..	([5])	$1
Carbon dioxide........thousand cubic feet..	W	W
Cement:		
Portland........thousand 376-pound barrels..	5,614	20,581
Masonry........thousand 280-pound barrels..	65	200
Clay [3]........thousand short tons..	139	203
Coal (bituminous)........do....	59	517
Copper (recoverable content of ores, etc.)........short tons..	21	16
Gem stones........	NA	$75
Lead (recoverable content of ores, etc)........short tons..	2,762	773
Peat........do....	40,608	181
Sand and gravel........thousand short tons..	28,164	27,520
Stone........do....	14,454	19,099
Talc and soapstone........short tons..	4,916	26
Zinc (recoverable content of ores, etc)........do....	21,540	5,964
Value of items that cannot be disclosed: Clays (fire clay, bentonite 1965), diatomite, gold, gypsum (1966–67), lime, pumice, magnesite, mercury (1965), olivine, silver, tungsten (1965, 1967), uranium (1964–66), vanadium (1966), and values indicated by symbol W....	XX	6,911
Total........	XX	82,067
WEST VIRGINIA		
Clays [3]........thousand short tons..	245	$254
Coal (bituminous)........do....	153,749	800,683
Lime........do....	217	3,099
Natural gas........million cubic feet..	211,460	50,962
Petroleum (crude)........thousand 42-gallon barrels..	3,561	14,244
Salt........thousand short tons..	1,127	5,137
Sand and gravel........do....	5,827	12,167
Stone [4]........do....	9,445	16,447
Value of items that cannot be disclosed: Calcium-magnesium chloride, cement, clay (fire clay), gem stones, natural gas liquids, stone (dimension sandstone) and values indicated by symbol W........	XX	34,865
Total........	XX	937,858
WISCONSIN		
Clays........thousand short tons..	89	$112
Iron ore (usable)........thousand long tons, gross weight..		
Lead (recoverable content of ores, etc.)........short tons..	1,596	447
Lime........thousand short tons..	212	3,414
Peat........short tons..	1,823	W
Sand and gravel........thousand short tons..	42,542	32,955
Stone........thousand short tons..	17,122	24,863
Zinc (recoverable content of ores, etc.)........short tons..	28,953	8,016
Value of items that cannot be disclosed: Abrasive stones, cement, gem stores, and values indicated by symbol W........	XX	9,805
Total........	XX	79,612
WYOMING		
Clays........thousand short tons..	1,495	$14,313
Coal (bituminous)........do....	3,588	11,876
Copper (recoverable content of ores, etc.)........short tons		
Gem stones........	NA	125
Gold (recoverable content of ores, etc.)........troy ounces		
Iron ore (usable)........thousand long tons, gross weight..	1,854	19,186
(T) Natural gas........million cubic feet..	240,074	35,051
Natural gas liquids:		
Natural gasoline........thousand gallons..	99,180	6,447
LP gases........do....	173,821	7,648
(T) Petroleum (crude)........thousand 42-gallon barrels..	136,312	351,685
Sand and gravel........thousand short tons..	8,181	8,253
Stone........do....	1,246	2,375
Uranium (recoverable content U_3O_8)........thousand pounds..	4,655	37,243
Vanadium (recoverable in ore and concentrate)........short tons..	W	W
Value of items that cannot be disclosed; Beryllium concentrate (1964–65), cement, feldspar (1965–67), gypsum, lime, phosphate rock, pumice (1964, 1967), silver (1964–65), sodium carbonates and sulfates, vermiculite (1967 and values indicated by symbol W.	XX	36,494
Total........	XX	530,696

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[e] Estimate. [r] Revised. NA Not available. W Withheld to avoid disclosing individual company confidential data. XX Not applicable.

[1] Production as measured by mine shipments, sales, or marketable production (including consumption by producers).

[2] Excludes certain cement, included with "Value of items that cannot be disclosed."

[3] Excludes certain clays, included with "Value of items that cannot be disclosed".

[4] Excludes certain stone, included with "Value of items that cannot be disclosed."

[5] Less than ½ unit.

[6] Final figure, supersedes figure given in commodity section volume I–II.

[7] Excludes shipments from Nye Metals, Inc., included with "Value of items that cannot be disclosed."

[8] Excludes salt in brine, included with "Value of items that cannot be disclosed."

[9] Recoverable zinc valued at the yearly average price of Prime Western slab zinc, East St. Louis market. Represents value established after transportation, smelting and manufacturing charges have been added to the value of ore at mine.

Mr. METCALF. While the increase in tax receipts which would be permitted under this bill is relatively minor in comparison with the yield of existing State taxes, in some States it might be of strategic importance. In the poor but mineral rich States of Appalachia, for example, interstate competition has prevented the States from deriving tax revenues from mineral operations. This has been true even though the profits from these operations have often been a principal benefit to the residents of other States. Under this bill these States would be able to derive greater benefit from the mineral wealth within their borders.

I would not expect all the States to take immediate action to impose their own severance tax once this bill became law. In some cases their reaction would be delayed a few years, so that the Federal Government would derive some revenue from the tax. These amounts would be enough, I believe, to defray any administrative costs. For this reason it is reasonable to permit the entire amount of the tax to be offset by a credit for State tax. Under the bill, a mineral property would be defined to include the same properties as those eligible for percentage depletion deductions under the Federal income tax.

The 5-percent severance tax would apply to the gross income received by the owner of the working interest in a mineral property. That is, gross income would be the same for the purposes of this tax as the figure which forms the basis for computing Federal percentage depletion deductions in cases in which there were no royalty payments or production payments. Gross income would be defined differently when there was a royalty or a production payment: There would be no exclusion for rent or royalties or bonuses paid with respect to the property; any amount paid to the holder of a production payment would be included in computing the gross income of the owner of the working interest; finally, any amount received from the sale of a production payment would be excluded in computing gross income.

The State severance taxes which could be credited against the tax imposed by this bill would have to be based on the gross income derived from the property located within the State. The credit could not be taken for taxes paid with respect to crops or timber grown on the surface of a mineral property and no credit could be taken for taxes paid with respect to minerals that are not eligible for a Federal percentage depletion allowance. Finally, the tax would have to be a severance tax, it could not be a general sales tax or an income tax applied generally to the income from most sources. Any severance tax paid by a holder of a royalty or other nonoperating interest would be treated as if it had been paid by the holder of the working interest.

The bill provides for the exchange of information between the States and the Federal Government. That is, upon request, the Internal Revenue Service would inform a State of the amount claimed by the taxpayer as his gross income from a mineral property located within the State.

Mr. President, this bill would permit the States to utilize an important source of tax revenue which they now are inhibited from using because of interstate competition. The bill, at little or no cost to the Federal Government, would provide much needed assistance to the States. I hope my colleagues in the Senate will give it their support. I ask unanimous consent that the bill be printed at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 910) to assist the States in raising revenues by making more uniform the incidence and rate of tax imposed by States on the severance of minerals; introduced by Mr. METCALF, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subtitle D of the Internal Revenue Code of 1954 (relating to miscellaneous excise taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 42—SEVERANCE TAX

"Sec. 4941. Imposition of severance tax on minerals.

"(a) IMPOSITION.—There is hereby imposed on the severance of minerals from a mineral property located within the United States an excise tax equal to 5 percent of the gross income from the property during the taxable period.

"(b) LIABILITY FOR TAX.—The tax imposed by this section shall be paid by the person who holds the working interest in the mineral property.

"Sec. 4942. Definition and rules.

"For purposes of this chapter—

"(a) MINERAL PROPERTY.—The term 'mineral property' has the same meaning as the term 'property' has for the purposes of section 613 (relating to the allowance for percentage depletion), and any election made under section 614 to treat several mineral properties as a single property, or to divide one mineral property into separate properties, shall be effective for purposes of this chapter.

"(b) GROSS INCOME FROM THE PROPERTY.—The term 'gross income from the property' means the gross income from the property derived by the holder of the working interest during his taxable period, computed in accordance with the provisions of section 613 subject to the following modifications:

"(1) There shall not be excluded any amount on account of rent or royalties or bonuses paid in respect of the property.

"(2) There shall be included in computing such gross income from the property an amount equal to any amount paid to the holder of a production payment in satisfaction or reduction of the production payment.

"(3) There shall be excluded in computing such gross income from the property any amount received from the sale of a production payment.

The provisions of paragraphs (1) and (2) shall not apply with respect to any amount paid to the United States, or to any State or political subdivision thereof.

"(c) WORKING INTEREST.—The term 'working interest' in a mineral property includes only an interest which is an operating mineral interest as defined in section 614(d).

"(d) TAXABLE PERIOD.—The term 'taxable period' means, with respect to any mineral property, the taxable year (as defined in section 7701(a)(23)) of the person who holds the working interest in such property.

"(e) PERSON.—The term 'person' includes a trust, an estate, and a partnership (including a joint venture whose members have made the election provided for in section 761(a)).

"(f) STATE.—The term 'State' includes the District of Columbia.

"Sec. 4943. Credit against tax.

"(a) SEVERANCE TAXES PAID TO A STATE OR POLITICAL SUBDIVISION.—

"(1) The taxpayer may, to the extent provided in this section, credit against the tax imposed by section 4941 with respect to any mineral property the amount of severance taxes paid by him to any State or political subdivision as severance taxes with respect to such mineral property.

"(2) The credit shall be permitted against the tax for the taxable period only for the amount of severance taxes paid with respect to such period. The tax imposed by section 4941 on the gross income from one mineral property shall in no case be credited with severance taxes paid with respect to another mineral property.

"(3) The credit against the tax for any taxable period shall be permitted only for severance taxes paid on or before the last day upon which the taxpayer is required under section 6071 to file a return for such period; except that credits shall be permitted for severance taxes paid after such last day, but such credit shall not exceed 90 percent of the amount which would have been allowable as a credit on account of such severance taxes had they been paid on or before such last day.

"(4) For purposes of this section the term 'severance tax' includes a tax based on the gross income from the property (as defined in section 4942(b)) derived by the holder of the working interest in such property, but such term does not include—

"(A) any tax based on the severance of minerals from a mineral property located outside the territorial boundaries of the State or political subdivision imposing the tax,

"(B) any tax imposed on the severance of timber, or of any crop grown on the surface of the mineral property, or of any mineral with respect to which an allowance for percentage depletion is not allowable under section 613,

"(C) any tax imposed generally on gross sales or gross receipts, or

"(D) an income tax applied generally to income from all or most sources.

"(5) Any severance tax paid by the holder of a royalty or other nonoperating mineral interest with respect to production from a mineral property shall be treated, for the purposes of paragraph (1), as having been paid by the holder of the working interest.

"Sec. 4944. Information to states.

"The Secretary of his delegate shall, upon the request of any official of a State or political subdivision thereof lawfully charged with the administration of a severance tax imposed by such State or political subdivision, furnish to such official a copy of any schedule or statement filed by any taxpayer, with respect to the taxes imposed by chapter 1, which discloses the amount claimed by the taxpayer under section 613 as his gross income from a mineral property located within such State. The information so obtained may be used only for the administration of the severance tax imposed by such State or political subdivision."

SEC. 2. The amendment made by this Act shall apply only to the severance of minerals after December 31, 1968.

S. 911—INTRODUCTION OF BILL RELATING TO SHARING OF REVENUES FROM THE FEDERAL INDIVIDUAL INCOME TAX WITH THE STATES

Mr. HOLLINGS. Mr. President, the first piece of legislation that I presented before this body was the tax sharing measure of 1967. The events of the past year have shown us that the tax sharing principle has become one of the most vital areas for immediate legislative action. I do not overstate the problem when I say that time is fast running out. I speak now not only as a South Carolinian who has dealt with the plight of the States as Governor of my own State but also as a U.S. Senator. As Senator, I have seen the dilemma of two entire school districts in the State of Ohio which had been closed for several months last year because there were no funds available to continue the educational program.

In 1959 as a legislator, I chaired the committee that proposed the existing sales tax program for my State. And as Governor I recommended an additional revenue plan that took South Carolina out of the red and put it in the black.

In 1968, as U.S. Senators each of you must have been moved and perhaps even shocked by one simple but awesome fact; police protection and law enforcement, sanitation, street maintenance, and all the other things that together with housing and schooling spell the difference between a decent and squalid environment, between safe neighborhoods and explosive ghettos—these are specifically the things which will either make or destroy

America. These are the things that must be handled at the local level and if we neglect them we do so at our own peril. And this is one of the reasons why Federal revenue sharing is so crucially important today.

People seem to quite conveniently forget that there are a great many commonplace services provided by State and local governments on their own account with little or no Federal help and these services form an integral part of the healthy environment in which we all seek to live.

The substantive point in all of this being that State problems can and must be solved at the State level. To say that State efforts have not been enough is meaningless in that the reason they have not been sufficient has been the lack of adequate resources, not the lack of talent or desire. This problem we can begin to solve today. No one can rightfully say that the States have not tried. In the past 10 years alone they have increased their budgets by well over $46 billion. And yet today, as I have said, they find themselves with too little in the way of available resources. When we take up this challenge, then we can build up the efficiency, vitality, and independence of these State and local governments. We can begin immediately to relieve some of the pressures on State and local treasuries, and even more important we can make revenues more responsive to economic growth.

My plan is not the first of its kind nor will be the last of the revenue sharing measures. But I welcome them all because we must do something to provide an open grant, broadly based and free of onerous strings. The particular form is not important but the principle is vital.

I can remember from my own personal experience as far back as the mid-1950's, recommending a similar plan to the South Carolina delegates during their annual hearings. And even then the idea was not a completely new one. The reason that the idea has persisted so stubbornly is that the Federal approach simply has not worked. I do not deny that a great deal of good has been done under the present system but we are now racing toward the point of diminishing returns.

The Federal bureaucratic monolith has grown too large. The principle of helping those, who for one reason or another cannot help themselves, has been lost in the maze of building corridors and the nameless, faceless legions that are our Federal structure. And so it is, Mr. President, that we must realize that the States must be given a chance if our federal system is to survive at all. It stands to reason that as the States have developed so have their financial burdens. Today these problems, multiplied by 50 States are far too large for any one central entity to solve—no matter how magnanimous, well disposed, or well financed.

And, Mr. President, there is ample proof that the States are better able to administer the programs of this Congress than is the Federal bureaucracy. In my own State, for example, we have instituted a program of technical training. That program has been praised by State and Federal authorities all over this Nation for its efficiency and effectiveness. With State-managed programs such as these we can begin to arrest the trend toward slowly but constantly growing centralized government by reducing its involvement at every local level. And perhaps most importantly, by working together, the States and the Federal Government can revive the role of American federalism which the Founding Fathers conceived.

And so today I am again introducing for appropriate reference the Federal Tax Sharing Act of 1969. It is my fervent hope that hearings will begin in the immediate future on this proposition of tax sharing so that we may take the first step toward true financial independence for our State and local governments.

I ask unanimous consent that a chart, prepared by the Legislative Reference Service, be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the chart will be printed in the RECORD.

The bill (S. 911) to assist the States and their political subdivisions to meet their needs for increased revenues by sharing with them a portion of the revenues derived from the Federal individual income tax introduced by Mr. HOLLINGS, was received, read twice by its title, and referred to the Committee on Finance.

The chart presented by Mr. HOLLINGS is as follows:

ESTIMATED DISTRIBUTION BY STATE OF $1,846,000,000 UNDER THE FEDERAL TAX SHARING ACT

State (1)	State and local revenue from own sources fiscal year 1966 (2)	Adjusted gross income calendar year 1965 (3)	Revenue effort ratio (col. 2÷3) (4)	Relative State effort ratio (col. 4÷16.3) (5)	Total resident population, July 1, 1967 (6)	State population as a percent ot total population (7)	Allotment of 80 percent of fund $1,477,000,000 (8)	Per capita personal income calendar year 1967 (9)	Per capita income deficiency factor ($3,137÷col. 9) (10)	Weighted population of income deficient states (col. 6×10) (11)	State percentage of weighted population total (12)	Allotment of 20 percent of fund ($369,000,000 ×col. 12) (13)	Total allotment, $1,846,000,000 (col. 8+col. 13) (14)
	millions	millions			thousands		thousands			thousands		thousands	thousands
Alabama	$864.3	$5,100.1	16.9	103.7	3,540	1.79	$27,107	$2,166	1.4483	5,127	5.06	$8,671	$45,778
Alaska	127.2	623.8	20.4	125.2	272	.14	2,560	3,629					2,560
Arizona	597.3	2,890.8	20.7	127.0	1,634	.83	15,393	2,681	1.1701	1,912	1.89	6,974	22,367
Arkansas	456.5	2,495.7	18.3	112.3	1,968	.99	16,235	2,090	1.5010	2,954	2.91	10,738	26,973
California	9,010.4	48,212.7	18.7	114.7	19,153	9.68	162,138	3,660					162,138
Colorado	828.7	4,196.2	19.7	120.9	1,975	1.00	17,655	3,086	1.0165	2,008	1.98	7,306	24,961
Connecticut	1,066.3	8,215.2	13.0	79.8	2,925	1.48	17,247	3,865					17,247
Delaware	225.9	1,416.0	16.0	98.2	523	.26	3,728	3,700					3,728
District of Columbia	299.1	1,968.3	15.2	93.3	809	.41	5,586	4,268					5,586
Florida	1,957.7	11,115.3	17.6	108.0	5,995	3.03	47,787	2,796	1.1220	6,726	6.63	24,464	72,251
Georgia	1,208.2	7,546.6	16.0	98.2	4,509	2.28	32,695	2,513	1.2483	5,629	5.55	20,480	53,175
Hawaii	327.5	1,589.4	20.6	126.4	739	.37	6,830	3,326					6,830
Idaho	248.1	1,220.4	20.3	124.5	699	.35	6,363	2,608	1.2028	841	.83	3,063	9,426
Illinois	3,767.6	28,551.4	13.2	81.0	10,893	5.51	65,175	3,725					65,175
Indiana	1,735.3	10,939.1	15.9	97.5	5,000	2.53	36,022	3,241					36,022
Iowa	1,064.6	5,593.2	19.0	116.6	2,753	1.39	23,667	3,093	1.0142	2,792	2.75	10,148	33,815
Kansas	832.8	4,273.3	19.5	119.6	2,275	1.15	20,085	3,009	1.0425	2,372	2.34	8,635	28,720
Kentucky	795.5	4,853.0	16.4	100.6	3,189	1.61	23,652	2,387	1.3142	4,191	4.13	15,240	38,892
Louisiana	1,206.2	5,469.1	22.1	135.6	3,662	1.85	36,633	2,445	1.2830	4,698	4.63	17,085	53,718
Maine	290.9	1,794.9	16.2	99.4	973	.49	7,113	2,620	1.1973	1,165	1.15	4,244	11,357
Maryland	1,264.1	9,473.0	13.3	81.6	3,682	1.86	22,164	3,434					22,164
Massachusetts	2,067.4	13,394.4	15.4	94.5	5,421	2.74	37,812	3,488					37,812
Michigan	3,252.6	20,959.1	15.5	95.1	8,584	4.34	60,272	3,393					60,272
Minnesota	1,495.4	7,448.5	20.1	123.3	3,582	1.81	32,590	3,111	1.0084	3,612	3.56	13,136	45,726
Mississippi	569.8	2,472.4	23.0	141.1	2,348	1.19	24,520	1,895	1.6554	3,887	3.83	14,133	38,653
Missouri	1,347.5	9,615.3	14.0	85.9	4,603	2.33	29,228	2,993	1.0481	4,824	4.76	17,564	46,792
Montana	261.8	1,335.4	19.6	120.2	701	.35	6,144	2,759	1.1370	797	.79	2,915	9,059
Nebraska	467.9	2,860.7	16.4	100.6	1,435	.73	10,724	2,938	1.0677	1,532	1.51	5,572	16,296
Nevada	202.9	1,155.3	17.6	108.0	444	.22	3,469	3,626					3,469
New Hampshire	195.8	1 417.9	13.8	84.7	686	.35	4,330	3,019	1.0391	713	.70	2,583	6,913
New Jersey	2,365.2	18,661.0	12.7	77.9	7,003	3.54	40,271	3,624					40,271
New Mexico	388.5	1,698.7	22.9	140.5	1,003	.51	10,463	2,462	1.2742	1,278	1.26	4,649	15,112
New York	8,814.1	48,886.4	18.0	110.4	18,336	9.27	149,448	3,726					149,448
North Carolina	1,281.9	7,893.6	16.2	99.4	5,029	2.54	36,869	2,396	1.3093	6,584	6.49	23,948	60,817
North Dakota	253.6	1,060.4	23.9	146.6	639	.32	6,851	2,485	1.2624	807	.80	2,952	9,803
Ohio	3,145.7	24,083.3	13.1	80.4	10,458	5.29	62,109	3,212					62,109
Oklahoma	793.1	4,244.9	18.7	114.7	2,495	1.26	21,105	2,623	1.1960	2,984	2.94	10,849	31,954
Oregon	760.5	4,246.2	17.9	109.8	1,999	1.01	16,195	3,055	1.0268	2,053	2.02	7,454	23,649
Pennsylvania	3,603.5	26,677.5	13.5	82.8	11,629	5.87	70,977	3,149					70,977
Rhode Island	294.2	2,066.0	14.2	87.1	900	.45	5,724	3,238					5,724

ESTIMATED DISTRIBUTION BY STATE OF $1,846,000,000 UNDER THE FEDERAL TAX SHARING ACT—Continued

State (1)	State and local revenue from own sources fiscal year 1966 (2)	Adjusted gross income calendar year 1965 (3)	Revenue effort ratio (col. 2÷3) (4)	Relative State effort ratio (col. 4÷16.3) (5)	Total resident population, July 1, 1967 (6)	State population as a percent of total population (7)	Allotment of 80 percent of fund $1,477,000,000 (8)	Per capita personal income, calendar year 1967 (9)	Per capita income deficiency factor ($3,137÷col. 9) (10)	Weighted population of income deficient states (col. 6×10) (11)	State percentage of weighted population total (12)	Allotment of 20 percent of fund ($369,000,000 ×col. 12) (13)	Total allotment, $1,846,000,000 (col. 8+col. 13) (14)
	millions	millions			thousands		thousands			thousands		thousands	thousands
South Carolina	$588.8	$3,595.5	16.4	100.6	2,599	1.31	$19,245	$2,167	1.4476	3,762	$3.71	$13,690	$32,935
South Dakota	234.6	1,041.4	22.5	138.0	674	.34	6,852	2,550	1.2302	829	.82	3,026	9,878
Tennessee	947.2	6,222.0	15.2	93.3	3,892	1.97	26,840	2,369	1.3242	5,154	5.08	18,745	45,585
Texas	3,101.7	18,976.9	16.3	100.0	10,869	5.49	80,170	2,704	1.1601	12,609	12.44	45,903	126,073
Utah	354.9	1,893.8	18.7	114.7	1,024	.52	8,709	2,617	1.1987	1,227	1.21	4,465	13,174
Vermont	139.8	720.9	19.4	119.0	417	.21	3,649	2,775	1.1305	471	.46	1,697	5,346
Virginia	1,203.7	8,498.4	14.2	87.1	4,536	2.29	29,127	2,776	1.3100	5,126	5.06	18,671	47,798
Washington	1,305.8	7,039.8	18.5	113.5	3,087	1.56	25,856	3,481	----------	----------	----------	----------	25,856
West Virginia	486.9	2,888.0	16.2	99.4	1,798	.91	13,209	2,341	1.3400	2,409	2.38	8,782	21,991
Wisconsin	1,687.6	9,118.4	18.5	113.5	4,189	2.12	35,138	3,153	----------	----------	----------	----------	35,138
Wyoming	146.7	643.9	22.8	139.9	315	.16	3,269	2,997	1.0467	330	.33	1,218	4,487
Total	69,915.5	428,353.5	16.3	100.0	197,863	100.00	1,477,000	3,137	----------	101,403	100.0	369,000	1,846,000

S. 912—INTRODUCTION OF BILL RELATING TO FLORISSANT FOSSIL BEDS NATIONAL MONUMENT

Mr. ALLOTT. Mr. President, today I introduce, on behalf of myself and my distinguished colleague (Mr. DOMINICK), legislation to establish the Florissant Fossil Beds National Monument in Colorado.

This bill is identical to S. 3524 which Senator DOMINICK and I introduced during the 90th Congress. It is designed to set aside 6,000 acres of the distinctively preserved insect and leaf fossils located within the ancient Florissant Lake beds in Teller County, Colo., for the future enjoyment of all our citizens.

The introduction of this legislation during these first days of the 91st Congress dramatizes the deep commitment and sense of urgency which is felt regarding the creation of this national monument. The Florissant fossil beds are without question the most famous fossil deposits of their kind in the Nation. They have been more thoroughly studied, perhaps, than any other single deposit in the Rocky Mountain region and, for that matter, perhaps in the world. Located just west of Pike's Peak and 35 miles from Colorado Springs, these fossil beds offer a kaleidoscopic display of paleontologic interest. This area has for decades provided a classical classroom of geologic study the world over for geologists, botanists, and entomologists, as well as the everpresent and enthusiastic amateur rockhounds. The 60,000 specimens of over 1,000 different species of life which have been extracted here have been acclaimed as a benchmark of the Oligocene period of geologic history.

Mr. President, I had the pleasure of conducting an on-site investigation of this area on May 10, 1968, in the company of some of the leading members of the scientific and conservation organizations in our State. This on-site investigation reinforced my conviction that the 6,000 acres which this legislation would set aside are absolutely essential to protect the best preserved and most famous fossil-bearing lake shales in the area. This investigation also increased my awareness that there is a sense of urgency about the passage of this bill. Presently there are at least two housing developments which are beginning to threaten the area to be set aside for the creation of this national monument. In this instance, time is of the essence. We must act now to be certain that the Florissant Fossil Beds National Monument which will be authorized by the passage of this bill will preserve intact the best fossils for the scientific and educational interests of the people of this Nation.

I have received assurance from the distinguished chairman of the Parks and Recreation Subcommittee (Mr. BIBLE) that we may anticipate early field hearings in Colorado on this legislation. It is my earnest hope that at that time the views of all those who have a deep interest in the creation of this national monument might appear and testify before the members of the subcommittee. These field hearings will certainly enable the broadest spectrum of local opinions regarding concepts on the maximum use of the 6,000 acres in question. My personal hope is that the ultimate preservation of this area will be accompanied by imaginative planning appropriate to the uniqueness of this area. I can well visualize that this approach would lead to the possibility of creating a living museum out of the Florissant fossil beds dramatizing new ways of displaying these fossils without necessarily incurring prohibitive expense for the construction of buildings and roads. The entire effort should be one of developing an overall concept of interpretative interest which is appropriate to the unique scientific treasure house which is part and parcel of the Florissant fossil beds.

Mr. President, I have been most encouraged with the cooperation which has been displayed by members of the National Park Service in working with me and the members of my staff during the preparation of this legislation. I have also received expressions of support from the locally elected representatives of Teller County concerning the size and scope of the national monument which is proposed by the legislation I am introducing today. I have also received a good deal of constructive assistance and encouragement from Mr. Roger Hansen, the executive director of the Colorado Open Space Foundation, as well as Dr. Beatrice E. Willard, the vice president of the Thorne Ecological Foundation, during the initial planning stages leading to the development of this legislation.

Mr. President, there has also been a good deal of comment from those members of the scientific community who are knowledgeable in paleontologic matters. These scientists have enthusiastically supported the concept that is embodied in the legislation that I am introducing today and have actively encouraged the preservation of the national paleontologic heritage which exists in the form of the Florissant Fossil Beds. This support is exemplified in the following paragraph of a letter which I received from the members of the Department of Entomology of the American Museum of Natural History which reads as follows:

> Florissant is a magic word known to scientists throughout the world for one of America's treasures. It identifies a site with unparalleled fossil wealth from which has come almost all knowledge of fauna and flora for a great period in our past history, the Oligocene epoch. In this small area are preserved in readily available form more species of terrestrial fossils than are known from anywhere else in the world. The Florissant insects are classical fossils that give us deep insight into the evolution of these dominant invertebrates. The area, as a reserve available to a mature scientific community, would continue to bring to light a wealth of new information.

Mr. President, it is my hope that after the local hearings have been completed on this legislation that this Congress will move as quickly as possible to authorize the creation of this national monument. In this regard, it is my intention to do all I can to assist the distinguished Chairman of the Parks and Recreation Subcommittee, Mr. BIBLE, and the other members of our Interior and Insular Affairs Committee to enable the passage of this bill at the earliest practicable time during the present session of the 91st Congress.

Mr. President, I ask unanimous consent to have the bill printed in the RECORD at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 912) to provide for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado, introduced by Mr. ALLOTT (for himself and Mr. DOMINICK), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 912

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide for the protection, controlled collection, and scientific interpretation of the unique insect and leaf fossils and related objects of scientific value which have been preserved in the ancient Florissant lakebeds in Teller County, Colorado, the Secretary of the Interior may acquire by donation, purchase with donated or appropriated funds, or exchange such land and interests in land in Teller County, Colorado, as he may designate from the lands shown on the map entitled "proposed Florissant Fossil Beds National Monument", numbered NM–FFB–7100, and dated March 1967, and more particularly described by metes and bounds in an attachment to that map, not exceeding, however, six thousand acres thereof, for the purpose of establishing the Florissant Fossil Beds National Monument.

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property within the area designated, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction in the State of Colorado which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

SEC. 2. The Secretary of the Interior shall administer the property acquired pursuant to section 1 of this Act as the Florissant Fossil Beds National Monument in accordance with the Act entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented.

SEC. 3. There are authorized to be appropriated such sums, but not more than $3,200,000, as may be necessary for the acquisition of lands and interests in land for the Florissant Fossil Beds National Monument and for necessary development expenses in connection therewith.

Mr. DOMINICK. Mr. President, I am delighted to join in sponsoring the bill to authorize the Florissant Fossil Beds National Monument. The importance of this area goes far beyond any local or State interests. It is of great scientific and historical significance.

Florissant, Colo., is a small community about 35 miles west of Colorado Springs and flanks Pikes Peak. The beds themselves lie in a broad grassy valley at an elevation of 8,200 feet. After the birth of the Rocky Mountains, 60 million years ago, erosion took place to the extent that, 20 million years later, the mountains in this region were reduced to rolling hill country. Volcanic eruptions covered the region with ash and other material, blocking the drainage and forming a large lake, Florissant Lake.

The shores were covered with trees and vegetation and habited by numerous varieties of birds, insects and, in the lake itself, fish and mollusks.

Great volcanic eruptions, most probably from the Guffey Volcano 15 miles southwest, covered the lake and surrounding countryside with ash and mud. The mud buried the lakeshore trees which gradually petrified. Leaves, insects, fish and other forms of life were carried to the bottom. There was thus preserved between layer upon layer of volcanic ash, in delicate detail, an impressive record of the life of the area.

The beds were discovered by Dr. A. C. Peale of the Hayden Surveys in 1877 and were investigated by Dr. S. H. Scudder, the world's leading authority on fossilized insects of his time. Since that time, the site has been visited and collections taken by the University of Colorado, Denver Museum of Natural History, Princeton University, American Museum of Natural History, and the British Museum to name only a few. Over 60,000 specimens of insect and plant fossils have been collected here. The beds are known by paleontologists, historical geologists and entomologists the world over.

This site, in terms of numbers of fossils collected, ranks second only to the Baltic Amber site. Almost all fossil butterflies have come from this site. There is no other locality in all the world where so many species of one time have been preserved.

I wish to stress, the rare value of these beds lies in the delicacy and detail of preservation of fragile insects, foliage and other forms of life which occur nowhere else in the world. Florissant depicts in an extremely accessible locality, the environmental conditions, geologic history, the life forms—the whole story of a period in the evolution of our planet which occurred over 40 million years ago.

Encroaching civilization and real estate development threaten to destroy this area forever.

Only Congress can now preserve the Florissant Fossil Reds.

The bill proposes to preserve 6,000 acres which contains a sample of each significant area of fossilization in its environmental setting. It covers only the southern arm of the Florissant Lake which is relatively undamaged by erosion and curio seekers. It covers only the purchase of land and necessary development expenses. It will allow continued scientific study yet preserve the history of this area for generations to come.

My colleagues are aware that I have strongly supported the conservation of our country's natural resources. The preservation of the Florissant Fossil Beds is conservation of the highest order. These beds are unique in all the world yet readily accessible by major highways to any visitor to the Rocky Mountain region. Hundreds of thousands of visitors each year pass this area in Colorado.

This project was proposed by the National Park Service in 1962 and again in 1965.

This bill, in a revised form, was passed by the House in the 90th Congress and on coming to the Senate was referred to the Interior Committee. Hearings were not possible because of the rush of adjournment and the election.

Mr. President, I wish to make my position very clear at this point. The major revision of the bill by the House in the last Congress cut back the acreage from 6,000 to 1,000 acres. This move was prompted by economy but, in my opinion, from the studies and reports made of this site, this type of economy would destroy the importance of this monument. If necessary, I would urge that we first and foremost preserve the total proposed site; purchase the 6,000 acres and develop the museum, service buildings, and roads at a later date. We must act now, affirmatively and effectively, or the opportunity may well be lost.

Mr. President, I propose that the committee not only hold hearings in Washington, but also recommend that field hearings be held in Colorado.

We can no longer ignore the preservation of this unique and historical site. It is a priority of the first order in the conservation and scientific community. It should be preserved and protected for all the people of this great country.

S. 914—INTRODUCTION OF THE NORTHEAST RAIL AUTHORITY ACT

Mr. PELL. Mr. President, in the few short months since the 90th Congress adjourned, there have been noteworthy developments in rail passenger service in the northeast corridor—that string of seaboard cities rapidly melding into a true megalopolis.

Perhaps the most noteworthy of these developments was the final and long-awaited inclusion of the bankrupt New Haven Railroad into the merged Penn Central system.

In addition, we have seen substantial progress in the demonstration rail passenger programs planned by the Department of Transportation under the High Speed Ground Transportation Act of 1965. I had the great pleasure in October of attending the ceremony at which the Department of Transportation accepted the United Aircraft turbotrains to be used in the New York-Boston passenger service demonstration, and last month I rode the Penn Central's Metroliner on its inaugural trip from Washington to New York.

All of these developments are heartening, particularly when we consider the rather precarious position of rail passenger service in recent years, particularly on the New Haven lines. The very existence of rail service, both passenger and freight, has been a matter of constant concern and anxiety for years to the four States served by the New Haven lines.

The joining of the mordant remains of the New Haven to the strong and viable Penn Central system guarantees at least that the wheels shall continue to roll over the rails in southern New England. Considering the almost monthly crises—the Perils of Pauline existence—of this rail service in recent years, that measure of security is welcome indeed.

I believe the Interstate Commerce Commission, the governments of the four States served by the New Haven, and indeed, all of those who have patiently and persistently worked for the inclusion are to be commended and congratulated.

I would particularly like to express admiration for the outstanding contributions of my senior colleague from Rhode Island. As always, Senator PASTORE's ability to determine what is both desirable, just and possible and his vigorous pursuit of these goals has been a source of strength to all of us concerned with the New Haven Railroad problem.

Despite these heartening developments I have mentioned, I think it would be a dangerous delusion to believe that rail passenger service problems have been resolved completely by the Penn Central takeover of the New Haven.

There remains a wide gap between existing rail passenger service in this area and what this service should be to meet reasonable standards. An even wider gap exists between current service and the true high-speed ground transportation service that, I am convinced, will be required to meet passenger transportation needs in the coming decades.

I am confident that the Department of Transportation passenger demonstration programs will show the way to substantial improvements in the near future.

In the longer run, we know that there must be very large investments in public transportation facilities in the Northeast Corridor to meet the rapid growth in travel demands.

Whether this growing demand is met with additional air facilities, highways or new high-speed ground transportation systems, or a blend of all of these, the investments required will be large, and inevitably will involve some form of Government financial participation.

Mechanisms have already been established for Government financial participation to provide facilities for passenger transportation via air and highways. But there is no existing means of Government participation in providing facilities for intercity high-speed ground transportation.

Today, Mr. President, I am introducing a bill designed to establish a framework for such assistance, specifically for passenger rail transportation service in the four States served by the Penn Central Railroad's New Haven lines. The bill is a revised version of legislation I have introduced in each of the last two Congresses. Basically, it gives the consent of the Congress to the States of Massachusetts, Rhode Island, Connecticut, and New York to establish by compact a Northeast Rail Authority, with power to own, lease or otherwise acquire the right to operate a rail passenger service.

The Federal Government participation in the authority would be limited to guaranteeing a portion of the bonds issued by the authority, up to a limit of $1 billion. To protect the Federal Government's interest, the Secretary of Transportation would be represented on the authority, with veto power over issuance of any bonds to be guaranteed by the Federal Government.

For several years, these four States have contributed regularly and substantially to the passenger service deficit incurred by the New Haven Railroad through agreements with the New Haven. The authority would provide a formal and regular basis for participation of State governments in the provision of this vital service.

Mr. President, I have been heartened by increased interest shown in recent years in high speed ground transportation, both generally and by the New England states specifically.

In November, the New England Regional Commission adopted as a priority legislative recommendation a proposal that the Secretary of Transportation be authorized to guarantee obligations of private investors for development of a high speed rail service between Boston and New York. I ask unanimous consent that the text of the Commission recommendation be printed in the RECORD at the conclusion of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. Mr. President, the recommendation is backed up by a comprehensive study conducted for the Commission by Systems Analysis & Research Corp. of Cambridge, Mass. The study concluded that high speed rail passenger service between Boston and New York is the most urgent transportation need for the region. I ask unanimous consent that a report of the study from the New York Times of January 18 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REPORT SUPPORTS FAST RAIL TRAINS—SAYS SERVICE IS PRIMARY NEED OF NEW ENGLAND

(By Farnsworth Fowle)

A massive report on transportation needs of the six New England states has singled out high-speed passenger train service between Boston and New York as the area's most urgent requirement.

This would relieve pressure on air and highway services between the two cities, the report said.

It would also make possible a new international jetport approximately midway on the rail line—somewhere around New London, Conn.—to relieve the long-range strain on airports serving New York, Boston and Hartford.

"Trans-Atlantic SST's would be over water almost immediately upon take-off, probably before reaching supersonic speed and creating sonic boom," the report contended.

Also cited as a "matter of urgent Government concern" was the stimulation of "the essential rail commuting service to Boston and that portion of New York which serves Connecticut."

A LENGTHY REPORT

The 340-page report to the New England Regional Commission, released yesterday, was prepared by Systems Analysis and Research Corporation of Cambridge, Mass. The commission is a Federal-state entity created under the Public Works and Economic Development Act of 1965 for planning and carrying out regional and social development.

A foreword signed by John J. Linnehan, Federal co-chairman of the commission, and Gov. John W. King of New Hampshire, the co-chairman for the governors of six states, cautioned that the recommendations, dated November 1968, "do not represent commission policy." The report is released, they said, "to make available for public discussion much useful information and data."

The consultants' report urged a feasibility study of a highway link that would also carry high-speed rail vehicles between Orient Point at the east end of Long Island and Graves Neck in Rhode Island, by way of Plum and Fisher Islands.

Noting that reports to the New York State Department of Public Works had found that this route would not sustain itself as a highway toll facility, it said that an integrated rail system would have "potential funding advantages."

SPAN OVER SOUND LINKED

Such a Long Island-New England bridge could be, it said, "an entirely new link in the ground transportation network of the northeast corridor and would effect substantial change in travel patterns."

For the Boston-New York high-speed rail services, the consultants called for at least 10 trains daily on a two-and-a-half-hour schedule or faster.

They suggested electric operation with equipment similar to the Metroliners already running in the lower section of the Northeast Corridor, between New York and Washington. But they said incorporation of the new suspension device that lets the new Turbo-Train hit greater speed around the curves of New England might prove advantageous.

If the jet-powered Turbo-Trains, scheduled for testing on the New York-Boston run, are selected for the route rather than electrification, "it will not negate the results" of this recommendation, the consultants added.

Northern New England, according to the report, needs an "East-West Highway" from Maine across New Hampshire and Vermont to the Albany area as part of the Federal interstate highway system. It suggested three possible corridors, northern, central and southern, without expressing any preference.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 914) to encourage the preservation and development of a modern and efficient passenger rail transportation service in the northeastern seaboard area by granting the consent and approval of Congress to the States of Massachusetts, Rhode Island, Connecticut, and New York to negotiate and enter into a compact to create their own Northeast Rail Authority, and by guaranteeing certain loans and other credit to such authority, introduced by Mr. PELL, was received, read twice by its title, and referred to the Committee on Commerce.

EXHIBIT 1

NEW ENGLAND REGIONAL COMMISSION LEGISLATIVE RECOMMENDATION

(1) Guarantees for Financing the Boston-New York High Speed Train: The Commission recommends that the Secretary of Transportation be authorized to guarantee obligations issued by private investors, in order to help finance the development and initiation of high-speed rail service between Boston and New York. Prior to making any commitment to guarantee obligations, the maximum extent of which would be on the order of $400 million, the Secretary would be required to determine if (1) the proposed Boston-New York high speed rail service was economically and technologically feasible, (2) the proposed plan for the service is a practicable one and can be carried out expeditiously, and (3) the States involved in carrying out the public actions required by the plan have approved the plan and certified that it is consistent with existing comprehensive transportation policies.

S. 915—INTRODUCTION OF BILL TO PROVIDE FINANCIAL ASSISTANCE TO CERTAIN SMALL BUSINESS CONCERNS

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill sponsored by me, together with Senators GOODELL, BROOKE, RANDOLPH, KENNEDY, PELL, SCOTT, SCHWEIKER, and MATHIAS, which would provide emergency loans, at low interest rates, to small businesses facing severe economic injury from the longshoremen's strike, but which are not actually parties to the dispute.

During the last several weeks my office has received many letters, wires, and phone calls from small businessmen who have been adversely affected by the labor-management dispute in the longshoremen's industry, now in its 46th day. Many of the persons affected have gone to the trouble of telephoning my office to explain in detail that the continuance of the strike meant economic ruin for them. The concerns most drastically affected have been small trucking companies and warehouses dependent on the flow of goods to and from the docks; manufacturers whose business depends on imports of raw materials or exports of finished products; and those in the export-import business. Newspaper accounts of the strike have also reported that numerous businesses were faced with ruin because of the strike, although they were not parties to the underlying labor dispute.

The bill I have introduced today would in no way interfere with the settlement of the dispute by the parties to it. Indeed, I have received assurances from both the labor and management parties to the dispute that they support the bill. As I stated on the floor last week, the parties to this dispute have a heavy obligation to the Nation to come to a settlement promptly. Happily, some progress has been reported in the negotiations, but at last report there remained issues upon which the parties were deadlocked, particularly in the port of Philadelphia.

The bill I am introducing today would specifically exclude actual parties to the dispute from those eligible for assistance. It would extend emergency economic aid only to the innocent victims. These small business concerns faced with economic ruin as a result of a labor dispute not of their own making, are in precisely the same position as small business concerns that suffer severe economic injury because of natural disasters over which they likewise have no control. Thus, it is a logical extension of the principles underlying the existing disaster loan provision of the Small Business Act to authorize loans to be made available, under the same authority, to small business concerns that have suffered severe economic injury because of the longshoremen's strike.

I trust that the Subcommittee on Small Business of the Committee on Banking and Currency, which has jurisdiction over this legislation, will give it prompt consideration.

I ask unanimous consent that the text of the bill be printed in the RECORD, along with my remarks.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 915) to authorize the Small Business Administration to provide financial assistance to certain small business concerns suffering substantial economic injury as a result of the current work stoppage at east and gulf coast ports, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 915

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Small Business Administration is authorized to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as it may determine to be necessary or appropriate to small business concerns suffering substantial economic injury as a result of the work stoppages which have occurred on and after December 20, 1968 at ports along the East and Gulf Coasts in connection with a labor dispute between certain members of the International Long Shoremen's Association and their employers; except that no assistance under this Act shall be made available to any such concern which is a party to such dispute.

(b) The disaster loan fund, established under section 4 (c) of the Small Business Act, shall be available for providing the assistance authorized by this Act, including administrative expenses in connection therewith, in the same manner and to the same extent as if such assistance was provided under section 7(b)(2) of such Act.

SEC. 2. The authority conferred by this Act shall terminate upon the expiration of one year after the date of its enactment; except that such termination shall not affect the disbursement of funds under, or the carrying out of, any contract, commitment, or other obligation entered into pursuant to this Act prior to the date of such termination.

S. 916—INTRODUCTION OF BILL TO BE KNOWN AS THE INTERSTATE TAXATION ACT

Mr. RIBICOFF. Mr. President, I introduce, for appropriate reference, the Interstate Taxation Act, a bill to simplify the present chaotic system of State taxation of interstate commerce.

The first two-thirds of the 20th century have seen an unprecedented trend of growth in our economy. This growth is, in large part, due to the development of a great national market within the United States. Modern communication and transportation systems have bound this Nation into a dynamic economic unit. Fostered by the unimpeded flow of trade among the States, this internal growth has laid the foundation of our present position of unrivaled worldwide economic strength.

Our Constitution gave to Congress the power to regulate interstate commerce. It was recognized by the framers of the Constitution that Congress, with its overview of the national economy, could best protect the national welfare. We have, in essence, created a common market among our 50 States where manufacturers, wholesalers, and retailers from all parts of the country have free access to every State.

Others have learned from us. In Europe the European Economic Community has created a common market in an effort to compete with our great economic strength.

Recent developments, however, have threatened this free market within the United States. The wide proliferation of State taxation programs has increased manifold the difficulties of conducting an interstate business—particularly when the business is small or middle sized.

The growth of our society has placed increasing demand on our States and local governments. Population growth, particularly in our cities and towns, has burdened local jurisdictions with demands for increased public services—in the form of schools roads, sewers, fire, and police protection. State and local governments, in meeting these demands, have had to open new sources of revenues.

Various tax programs have been established to meet these rising costs. These include income taxes, and sales and complementary use taxes. The multitude of various tax and collection procedures in each State is overwhelming.

The sales tax is collected for the State by the seller. However, when a seller sells in 40 States he is faced with an array of conflicting rules, regulations, forms and procedures imposing an almost insuperable barrier to compliance. Indeed, compliance may be impossible. Often the work to comply costs far more than the actual tax itself. For instance, a toolmaker in Connecticut reports spending several hundred dollars to meet a $53 tax bill.

State income taxes require a business to apportion its income among the States where it must file returns. The apportionment is based on many factors such as the amount of payroll, property or sales in the State. Compliance with these many formulas again requires innumerable accounting techniques. The small businesses are particularly burdened by these costs.

These chaotic conditions unfortunately foster noncompliance with State tax laws. There is a wide gap between the law and actual practice. The State suffers, business suffers, our tax morality suffers.

In my own State of Connecticut, this problem is reaching critical proportions. I have received pleas for action from businesses of all sizes. Products manufactured by Connecticut concerns—many numbering less than 25 employees—travel all over the country. But the present system of State taxation is so unwieldly, so cumbersome, that many companies, particularly smaller ones, simply do not have the ability to meet the taxing requirements of all the jurisdictions in which their goods are sold. I might also add that individuals face many of the same problems. It is imperative that these companies and private citizens be given relief and allowed free access to the single national market which we have developed.

Mr. President, the bill I introduce today is essentially the same as the one I introduced in the 90th Congress, S. 968. Last year, a companion bill, H.R. 2158 passed the House of Representatives by an overwhelming margin. Several constructive amendments were added during consideration by the House which I have incorporated into this bill.

In addition, I have added three changes to the House-passed bill which will strengthen the purpose of the legislation and provide for greater equity.

This new bill, like the original, would establish uniform jurisdictional rules for State and local taxes of all types. For income tax purposes, companies would be subject to tax only in those States in which they have a business location, that is, States in which they own or lease property, or have one or more employees, or regularly maintain a stock of goods for sale in the ordinary course of business. It would also continue the jurisdictional protection of Public Law 86–272, which provides that mere sales solicitation is not a sufficient factor to give the State or locality jurisdiction to tax.

It also provides guidelines for State sales and use taxes. No State or local government could require collection of sales or use taxes unless the seller has a business location in that State, or regularly makes household deliveries in the State.

In any event, the seller would be relieved from collecting sales and use taxes on sales to business purchasers who are already registered with the State to collect sales and use taxes themselves.

A gross receipts tax could be levied only on those sellers having a business in the State.

Out-of-State audit charges would be prohibited and there would be an amnesty of unassessed back liability where no business location was maintained in the State.

Further, the bill would provide for a continuing evaluation by the Congress of the progress made by the States in resolving any remaining difficulties.

The first new amendment I have included would eliminate a discrimination in the previous bill regarding the application of these jurisdictional rules by making a distinction between large and small corporations. The old bill would have applied the new income tax jurisdictional provisions only to corporations with $1 million of average annual income or less. This distinction between large and small corporations was made partly in light of the suggestion of tax administrators who, during the hearings of the House Judiciary Subcommittee on State Taxation of Interstate Commerce, said they wanted more time to resolve the problem of the large corporations. However, considerable time having elapsed since then without action having been taken by the States to remedy the problem of double taxation, it now seems appropriate for the Congress to eliminate the distinction between large and small corporations and to treat them with the same jurisdictional rules. It makes increasing sense as time goes on to include the large corporations as well as smaller ones in the jurisdictional sweep of Federal legislation. It is relevant to note that the proposed multi-State tax compact suggested initially by many State tax administrators does not include provisions on income tax jurisdiction for large or small corporations. Although the proposed contract has not been approved by the Congress, it illustrates how unrealistic it is at present to expect the State tax administrators to agree on jurisdictional limitations that will apply to all taxpayers.

The present bill, however, would continue to provide substantial relief for smaller businesses, those whose average annual income is $1 million or less, by providing the option of using a standard two-factor formula based on property and payroll for apportioning their income among the States in which they are subject to tax.

The second amendment contained in the bill relates to what is called the unitary business concept of applying State income taxes. This practice requires a company within the taxing jurisdiction of a State to include in the measure of its tax income from an affiliate which is not itself subject to the jurisdiction of the taxing State. The unitary business concept has been used extensively by the State of California and, in fact, has become commonly known as the California practice. In my opinion, the unitary concept is open to many questions—economic, as well as legal and constitutional.

A major objection to the unitary concept is that the California practice requires the inclusion in unapportioned tax base of "foreign source income" which is earned in countries outside of the United States and which is not even included in the measure of the Federal income tax imposed by the United States. For example, under the California practice, a Connecticut corporation—with an affiliate in California and other affiliates in such countries as Holland, France, Japan, and so forth—is required to include in the measure of the California tax the income of the foreign affiliates as well as the income of the California affiliate and the Connecticut corporation. Besides being highly inequitable, this practice conflicts directly with international tax policies of the Federal Government and, if permitted to continue, can result in a situation in which various States of the United States are formulating their own international tax policies without taking into account the international trade policies of the Federal Government.

Still another objection to the California practice is that it clearly departs from the present practice of an overwhelming majority of the other States of the United States. As was brought out in the cross-examination of the California tax administrator at the hearings held by the Special Subcommittee on State Taxation of Interstate Commerce—pages 132 and 136 of volume 1 of the hearings on H.R. 17798—the State of California clearly intends to continue the practice despite the fact that the State legislature has enacted the Uniform Division of Income and Tax Purposes Act, which was incorporated in the multi-State tax compact. Since the other States which have enacted this act do not apply the unitary rule, there is, in fact, an extraordinarily high degree of nonuniformity between the California practice and the records required by it and the practice of the other States. At the same time, if each of the other States were conceivably to adopt the unitary practice, the result would be complete chaos, since each tax administrator of each State would be called upon to exercise his own individual discretion with respect to the circumstances in which the unitary rule would be applied, as well as the manner of applying the rule to the complex relationship that exists among multicorporate enterprises. Indeed, the only practical way in which the unitary concept could be applied in a manner that is uniform among all of the States would be for the Federal Government to establish a single Federal authority for making administrative determinations regarding the taxation of multicorporate enterprises. The establishment of such an authority is strongly opposed by both the State tax administrators and the overwhelming majority of taxpayers.

One of the most constructive amendments added by the House of Representatives last year was the provision to extend the protection of this legislation to the individual. Some individuals are presently subject to double taxation on the same income. I strongly endorse the purpose of this provision and have included it in the bill I present today.

A third amendment alters title III of the bill which passed the House last year to make clear that the jurisdictional standards set out in section 101 are not undercut by interstate tax collection agreements which require a seller to pay or collect a sales or use tax in any case where section 101 would forbid subjecting the seller to such responsibilities. Additionally, in section 305 language has been added to clarify the purpose of the section as laid out in the House Judiciary Committee report, pages 9–10. Section 305 is intended to prevent a seller from being forced to collect local sales and use taxes in the situations described in the report.

Mr. President, the problems of dealing with the wide and increasing variety of State and local taxes are reaching critical proportions. This bill answers a crying need to bring order out of chaos. Each State and locality will be able to legitimately tax those interstate businesses within their borders but only under reasonable and commonsense rules which will drastically reduce the formidable and nonsensical paperwork and redtape presently needed to comply with the laws.

This bill will increase taxpayer compliance, and reduce the cost of such compliance.

Public expenses have risen rapidly in recent years and so necessarily has the tax burden. But in addition to the financial levy of the various tax programs, there has developed an unnecessary and highly inefficient barrier of administrative detail coupled with the payment of the many taxes. Congress can perform a great public service by acting quickly to eliminate this additional and unnecessary burden on the economy.

This legislation has long had the support of many major national organizations. A representative list of these national groups follows:

National Association of Manufacturers.

National Association of Wholesalers.

International Ladies' Garment Workers Union.

U.S. Chamber of Commerce.

National Council of Salesmen's Organizations.

American Society of Nurserymen.

Magazine Publishers Association.

American Textile Manufacturers Institute.

Direct Mail Advertising Association.

Manufacturing Chemists Association.

National Small Business Association.

Printing Industries Association.

National Food Brokers Association.

Automotive Services Industries Association.

Financial Executives Institute.

Apparel Industry Association.

National Frozen Food Association.

North American Heating and Air Conditioning Wholesalers Association.

National Candy Wholesalers Association.

Laundry and Cleaners Allied Trades Association.

National Equipment Distributors Association.

National Association of Electrical Distributors.

Wholesale Stationers' Association.

National Association of Sporting Goods Wholesalers.

Southern Industrial Distributors' Association.

Association of Institutional Distributors.

National Building Material Distributors Association.

American Movers Conference.

Movers' and Warehousemen's Association of America.

Society of American Florists.

Point-of-Purchase Advertising Institute.

Automotive Wholesaler Trade Association Executives.

Farm Equipment Wholesalers Association.

National American Wholesale Lumber Association.

Air Conditioning and Refrigeration Wholesalers.

Screen Process Printing Association.

Food Services Equipment Industry Association.

American Advertising Federation.

National Electronic Distributors Association.

American Institute of Supply Associations.

Manufacturers Agents National Association.

American Textbook Publishers Institute.

National Kitchen Distributors Association.

Laundry and Cleaners Allied Trades Association.

National Sash and Door Jobbers Association.

In addition, it has the support of scores of State and local groups, including the Manufacturers Association of Connecticut and the Small Business Association of New England.

Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 916) to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce, introduced by Mr. RIBICOFF, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Interstate Taxation Act".

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TITLE I—JURISDICTION TO TAX

SEC. 101. UNIFORM JURISDICTIONAL STANDARD.

No State or political subdivision thereof shall have power—

(1) to impose a net income tax or capital stock tax on a corporation other than an excluded corporation unless the corporation has a business location in the State during the taxable year;

(2) to require a person to collect a sales or use tax with respect to a sale of tangible personal property unless the person has a business location in the State or regularly makes household deliveries in the State; or

(3) to impose a gross receipts tax with respect to a sale of tangible personal property unless the seller has a business location in the State.

A State or political subdivision shall have power to impose a corporate net income tax or capital stock tax, or a gross receipts tax with respect to a sale of tangible personal property, or to require seller collection of a sales or use tax with respect to a sale of tangible personal property, if it is not denied power to do so under the preceding sentence.

TITLE II—MAXIMUM PERCENTAGE OF INCOME OR CAPITAL ATTRIBUTABLE TO TAXING JURISDICTION

SEC. 201. OPTIONAL TWO-FACTOR FORMULA.

A State or a political subdivision thereof may not impose on a corporation with a business location in more than one State, other than an excluded corporation or a corporation which has an average annual income in excess of $1,000,000, a net income tax (or capital stock tax) measured by an amount of net income (or capital) in excess of the amount determined by multiplying the corporation's base by an apportionment fraction which is the average of the corporation's property factor and the corporation's payroll factor for the State for the taxable year. For this purpose the base to which the apportionment fraction is applied shall be the corporation's entire taxable income as determined under State law for that taxable year (or its entire capital as determined under State law for the valuation date at or after the close of that taxable year).

SEC. 202. PROPERTY FACTOR.

(a) IN GENERAL.—A corporation's property factor for any State is a fraction, the numerator of which is the average value of the corporation's property located in that State and the denominator of which is the average value of all of the corporation's property located in any State.

(b) PROPERTY INCLUDED.—The corporation's property factor shall include all the real and tangible personal property which is owned by or leased to the corporation during the taxable year, except—

(1) property which has been permanently retired from use, and

(2) tangible personal property rented out by the corporation to another person for a term of one year or more.

(c) EXCLUSION OF PERSONALITY FROM DENOMINATOR.—The denominator of the corporation's property factor for all States and political subdivisions shall not include the value of any property located in a State in which the corporation has no business location.

(d) STANDARDS FOR VALUING PROPERTY IN PROPERTY FACTOR.—

(1) OWNED PROPERTY.—Property owned by the corporation shall be valued at its original cost.

(2) LEASED PROPERTY.—Property leased to the corporation shall be valued at eight times the gross rents payable by the corporation during the taxable year without any deduction for amounts received by the corporation from subrentals.

(e) AVERAGING OF PROPERTY VALUES.—The average value of the corporation's property shall be determined by averaging values at the beginning and ending of the taxable year; except that values shall be averaged on a semi-annual, quarterly, or monthly basis if reasonably required to reflect properly the location of the corporation's property during the taxable year.

SEC. 203. PAYROLL FACTOR.

(a) IN GENERAL.—A corporation's payroll factor for any State is a fraction, the numerator of which is the amount of wages paid by the corporation to employees located in that State and the denominator of which is the total amount of wages paid by the corporation to all employees located in any State.

(b) PAYROLL INCLUDED.—The corporation's payroll factor shall include all wages paid by the corporation during the taxable year to its employees, except that there shall be excluded from the factor any amount of wages paid to a retired employee.

(c) EMPLOYEES NOT LOCATED IN ANY STATE.—If an employee is not located in any State, the wages paid to the employee shall not be included in either the numerator or the denominator of the corporation's payroll factor for any State or political subdivision.

(d) DEFINITION OF WAGES.—The term "wages" means wages as defined for purposes of Federal income tax withholding in section 3401(a) of the Internal Revenue Code of 1954, but without regard to paragraph (2) thereof.

SEC. 204. ZERO DENOMINATORS.

If the denominator of either the property factor or the payroll factor is zero, then the other factor shall be used as the apportionment fraction for each State and political subdivision. If the denominators of both the property factor and the payroll factor are zero, then the apportionment fraction for the State where the corporation has its business location shall be 100 percent.

SEC. 205. CAPITAL ACCOUNT TAXES ON DOMESTIC CORPORATIONS.

The State in which a corporation is incorporated may impose a capital account tax on that corporation without division of capital, notwithstanding the jurisdictional standard and limitation on attribution otherwise imposed by this Act.

SEC. 206. LOCAL TAXES.

The maximum percentage of net income (or capital) of a corporation attributable to a political subdivision for tax purposes shall be determined under this title in the same manner as though the political subdivision were a State; except that the denominators of the corporation's property factor and payroll factor shall be the denominators applicable to all States and political subdivisions. For this purpose the numerators of the corporation's property factor and payroll factor shall be determined by treating every reference to location in a State, except the references in sections 202(c) and 203(c), as a reference to location in the political subdivision.

TITLE III—SALES AND USE TAXES

SEC. 301. REDUCTION OF MULTIPLE TAXATION.

(a) LOCATION OF SALES.—A State or political subdivision thereof may impose a sales tax or require a seller to collect a sales or use tax with respect to an interstate sale of tangible personal property only if the destination of the sale is—

(1) in that State, or

(2) in a State or political subdivision for which the tax is required to be collected.

(b) IMPOSITION OF USE TAX.—A State or political subdivision thereof may not impose a use tax with respect to tangible personal property of a person without a business location in the State or an individual without a dwelling place in the State; but nothing in this subsection shall affect the power of a State or political subdivision to impose a use tax if the destination of the sale is in the State and the seller has a business location in the State or regularly makes household deliveries in the State.

(c) CREDIT FOR PRIOR TAXES.—The amount of any use tax imposed with respect to tangible personal property shall be reduced by the amount of any sales or use tax previously paid by the taxpayer with respect to the property on account of liability to another State or political subdivision thereof.

(d) REFUND.—A person who pays a use tax imposed with respect to tangible personal property shall be entitled to a refund from the State or political subdivision thereof imposing the tax, up to the amount of the tax so paid, for any sales or use tax subsequently paid to the seller with respect to the property on account of liability to another State or political subdivision thereof.

(e) MOTOR VEHICLES AND MOTOR FUELS.—

(1) VEHICLES.—Nothing in subsection (a) or (b) shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to motor vehicles that are registered in the State.

(2) FUELS.—Nothing in this section shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to motor fuels consumed in the State.

"SEC. 302. EXEMPTION FOR HOUSEHOLD GOODS, INCLUDING MOTOR VEHICLES, IN THE CASE OF PERSONS WHO ESTABLISH RESIDENCE

No State or political subdivision thereof may impose a sales tax, use tax, or other nonrecurring tax measured by cost or value with respect to household goods, including motor vehicles, brought into the State by a person who establishes residence in that State if the goods were acquired by that person thirty days or more before he establishes such residence.

SEC. 303. TREATMENT OF FREIGHT CHARGES WITH RESPECT TO INTERSTATE SALES

Where the freight charges or other charges for transporting tangible personal property to the purchaser incidental to an interstate sale are not included in the price but are separately stated by the seller, no State or political subdivision may include such charges in the measure of a sales or use tax imposed with respect to the sale or use of the property.

SEC. 304. LIABILITY OF SELLERS ON SALES TO BUSINESS BUYERS

No seller shall be liable for the collection or payment of a sales or use tax with respect to an interstate sale of tangible personal property if the purchaser of such property furnishes or has furnished to the seller—

(1) a registration number or other form of identification indicating that the purchaser is registered with the jurisdiction imposing the tax to collect or pay a sales or use tax imposed by that jurisdiction, or

(2) a certificate or other written form of evidence indicating the basis for exemption or the reason the seller is not required to pay or collect the tax.

SEC. 305. LOCAL SALES TAXES.

No seller shall be required by a State or political subdivision thereof to classify interstate sales for sales tax accounting purposes according to geographic areas of the State in any manner other than to account for interstate sales with destinations in political subdivisions in which the seller has a business location or regularly makes household deliveries. Where in all geographic areas of a State sales taxes are imposed at the same rate on the same transactions, are administered by the State, and are otherwise applied uniformly so that a seller is not required to classify interstate sales according to geographic areas of the State in any manner whatsoever, such sales taxes whether imposed by the State or by political subdivisions shall be treated as State taxes for purposes of this Act.

TITLE IV—EVALUATION OF STATE PROGRESS

SEC. 401. CONGRESSIONAL COMMITTEES.

The Committee on the Judiciary of the House of Representatives and the Committee on Finance of the United States Senate, acting separately or jointly, or both, or any duly authorized subcommittees thereof, shall for four years following the enactment of this Act evaluate the progress which the several States and their political subdivisions are making in resolving the problems arising from State taxation of interstate commerce and if, after four years from the enactment of this Act, the States and their political subdivisions have not made substantial progress in resolving any such problem, shall propose such measures as are determined to be in the national interest.

TITLE VI—DEFINITIONS AND MISCELLANEOUS PROVISIONS

Part A—Definitions

SEC. 501. NET INCOME TAX.

A "net income tax" is a tax which is imposed on or measured by net income, including any tax which is imposed on or measured by an amount arrived at by deducting from gross income expenses one or more forms of which are not specifically and directly related to partciular transactions.

SEC. 502. CAPITAL STOCK TAX; CAPITAL ACCOUNT TAX.

(a) CAPITAL STOCK TAX.—A "capital stock tax" is any tax measured in any way by the capital of a corporation considered in its entirety.

(b) CAPITAL ACCOUNT TAX.—A "capital account tax" is any capital stock tax measured by number of shares, par or nominal values of shares, paid-in capital, or the like, not including any tax the measure of which includes any element of earned surplus.

SEC. 503. SALES TAX.

A "sales tax" is any tax imposed with respect to retail sales, and measured by the sales price of goods or services sold, which is required by State law to be stated separately from the sales price by the seller, or which is customarily stated separately from the sales price.

SEC. 504. USE TAX.

A "use tax" is any nonrecurring tax, other than a sales tax, which is imposed on or with respect to the exercise or enjoyment of any right or power over tangible personal property incident to the ownership of that property or the leasing of that property from another, including any consumption, keeping, retention, or other use of tangible personal property.

SEC. 505. GROSS RECEIPTS TAX.

A "gross receipts tax" is any tax, other than a sales tax, which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which no deduction is allowed which would constitute the tax a net income tax.

SEC. 506. EXCLUDED CORPORATION.

(a) IN GENERAL.—An "excluded corporation" is any corporation—

(1) more than 50 percent of the ordinary gross income of which for the taxable year—

(A) is derived from regularly carrying on any one or more of the following business activities:

(i) the transportation for hire of property or passengers, including the rendering by the transporter of services incidental to such transportation;

(ii) the furnishing of—

(I) telephone service or public telegraph service, or

(II) other communications service if the corporation is substantially engaged in furnishing a service described in subdivision (I);

(iii) the sale of electrical energy, gas, or water;

(iv) the issuing of insurance or annuity contracts or reinsurance; or

(v) banking, the lending of money, or the extending of credit;

(B) is received in the form of one or more of the following:

(i) dividends;

(ii) interest; or

(iii) royalties from patents, copyrights, trademarks, or other intangible property and mineral, oil, or gas royalties (but not payments of the type described in section 543 (a)(5)(B) of the Internal Revenue Code of 1954); or

(C) consists of ordinary gross income described in subparagraph (A) and other ordinary gross income described in subparagraph (B);

(2) which is a "personal holding company" as defined in section 542 of the Internal Revenue Code of 1954 or a "foreign personal holding company" as defined in section 552 of such Code;

(b) ORDINARY GROSS INCOME.—The term "ordinary gross income" means gross income as determined for the taxable year under the applicable provisions of the Internal Revenue Code of 1954, except that there shall be excluded therefrom—

(1) all gains and losses from the sale or other disposition of capital assets, and

(2) all gains and losses from the sale or other disposition of property of a character described in section 1231(b) of the Internal Revenue Code of 1954 (determined without regard to holding period).

SEC. 507. AVERAGE ANNUAL INCOME.

(a) A corporation's "average annual income" with respect to any taxable year (in this subsection referred to as the "computation year") shall be determined as follows:

(1) The period to be used in making the determination (in this subsection referred to as the "averaging period") shall first be established. Such period shall consist of the 5 consecutive taxable years ending with the close of the computation year; except that if the corporation was not required to file a Federal income tax return for 5 consecutive taxable years ending with the close of the computation year, its averaging period shall consist of the 1 or more consecutive taxable years, ending with the close of that year, for which it was required to file such a return.

(2)(A) The amount of the corporation's Federal taxable income for each of the taxable years in its averaging period shall then be determined. Such amount for any year shall be the corporation's taxable income for such year for purposes of the Internal Revenue Code of 1954 (determined without regard to any net operating loss carryback from a taxable year after the computation year), except as otherwise provided in subparagraphs (B) and (C).

(B) If for any portion of its averaging period the corporation's income was included in a consolidated return filed under the Internal Revenue Code of 1954, the corporation's Federal taxable income for that portion of such period shall be considered to be the total consolidated Federal taxable income included in such return (and the corporation's Federal taxable income for any portions of its averaging period to which this subparagraph does not apply shall be determined under the other provisions of this paragraph as though the corporation had no income for any portion of such period to which this subparagraph applies).

(C) If any taxable year in the corporation's averaging period is a period of less than 12 calendar months (and its taxable income for such year is not otherwise annualized for purposes of the Internal Revenue Code of 1954), the corporation's Federal taxable income for such taxable year shall be placed on an annual basis for purposes of this subsection by multiplying such income by 12 and dividing the result by the number of months in such year.

(3) The amounts determined under paragraph (2) for the taxable years in the corporation's averaging period shall be added together, and the total shall be divided by the number of such years. The resulting sum is the corporation's average annual income with respect to the computation year, unless paragraph (4) applies.

(4)(A) If the corporation is affiliated at any time during the computation year with one or more other corporations, its average annual income with respect to the computation year shall be the total of its own average annual income and the average annual income of each of the corporations with which it is so affiliated, as determined under paragraph (3) (with respect to such year) subject to subparagraph (B) of this paragraph.

(B) If two or more of the corporations to which subparagraph (A) applies with respect to any computation year included their income in the same consolidated return filed under the Internal Revenue Code of 1954 for any portion of the applicable averaging period, the total consolidated Federal taxable income included in such return shall be deemed to be their aggregate Federal taxable income for that portion of such period for purposes of subparagraph (A), and paragraph (2)(B) shall be disregarded to the extent that its application would result in a larger aggregate Federal taxable income.

(b) AFFILIATED CORPORATIONS.—For purposes of subsection (a), two or more corporations are "affiliated" if they are members of the same group comprised of one or more corporate members connected through stock ownership with a common owner, which may be either corporate or noncorporate, in the following manner:

(1) more than 50 percent of the voting stock of each member other than the common owner is owned directly by one or more of the other members; and

(2) more than 50 percent of the voting stock of at least one of the members other than the common owner is owned directly by the common owner.

The fact that a corporation is an "excluded corporation" shall not be taken into account in determining whether two or more other corporations are "affiliated".

SEC. 508. SALE; SALES PRICE.

The terms "sale" and "sales price" shall be deemed to include leases and rental payments under leases.

SEC. 509. INTERSTATE SALE.

An "interstate sale" is a sale with either its origin or its destination in a State, but not both in the same State.

SEC. 510. ORIGIN.

The origin of a sale is—

(1) in the State or political subdivision in which the seller owns or leases premises at which the property was last located prior to delivery or shipment of the property by the seller to the purchaser or to a designee of the purchaser, or

(2) if the property was never located at premises owned or leased by the seller, in the State or political subdivision in which a business location of the seller is located and in or from which the sale was chiefly negotiated.

SEC. 511. DESTINATION.

The destination of a sale is in the State or political subdivision where the property is delivered or shipped to the purchaser, regardless of the f.o.b. point or other conditions of the sale.

SEC. 512. BUSINESS LOCATION.

(a) GENERAL RULE.—A person shall be considered to have a business location within a State only if that person—

(1) owns or leases real property within the State,

(2) has one or more employees located in the State, or

(3) regularly maintains a stock of tangible personal property in the State for sale in the ordinary course of its business.

For the purpose of paragraph (3), property which is on consignment in the hands of a consignee, and which is offered for sale by the consignee on his own account, shall not be considered as stock maintained by the consignor; and property which is in the hands of a purchaser under a sale or return arrangement shall not be considered as stock maintained by the seller.

(b) EXCEPTION.—If a corporation's only activities within a State consists of the maintenance of an office for gathering news the corporation shall not be considered to have a business location in that State for purposes of paragraph (1) of section 101, to own or lease real property within that State for purposes of section 202, or to have an employee located in the State for purposes of section 203.

(c) BUSINESS LOCATION IN SPECIAL CASES.—If a person does not own or lease real property within any State or have an employee located in any State or regularly maintain a stock of tangible personal property in any State for sale in the ordinary course of its business (or in a case described in the last sentence of section 204), that person shall be considered to have a business location only—

(1) in the State in which the principal place from which its trade or business is conducted is located, or

(2) if the principal place from which its trade or business is conducted is not located in any State, in the State of its legal domicile.

SEC. 513. LOCATION OF PROPERTY.

(a) GENERAL RULE.—Except as otherwise provided in this section, property shall be considered to be located in a State if it is physically present in that State.

(b) RENTED-OUT PERSONALTY.—Personal property which is rented out by a corporation to another person shall be considered to be located in a State if the last base of operations at or from which the property was delivered to a lessee is in that State. If there is no base of operations in any State at which the corporation regularly maintains property of the same general kind for rental purposes, such personal property shall not be considered to be located in any State.

(c) MOVING PROPERTY WHICH IS NOT RENTED OUT.—Personal property which is not rented out and which is characteristically moving property, such as motor vehicles, rolling stock, aircraft, vessels, mobile equipment, and the like, shall be considered to be located in a State if—

(1) the operation of the property is localized in that State, or

(2) the operation of the property is not localized in any State but the principal base of operations from which the property is regularly sent out is in that State.

If the operation of the property is not localized in any State and there is no principal base of operations in any State from which the property is regularly sent out, the property shall not be considered to be located in any State.

(d) COMBINATION OR CONSOLIDATION OF INCOME.—A State or political subdivision thereof may not require a corporation with a business location in the State to combine or consolidate its income for income tax purposes with any other corporation which does not have a business location within that State. However, if a corporation with a business location in the State has entered into any non-arms length transactions with a corporation which does not have a business location in that State, nothing in the preceding sentence shall prohibit the taxing State from requiring that adjustments be made with respect to such transactions so as clearly to reflect the income which would have been earned by the corporation with a business location in the taxing State had such transactions been conducted at arms length.

(e) MEANING OF TERMS.—

(1) LOCALIZATION OF OPERATION.—The operation of property shall be considered to be localized in a State if during the taxable year it is operated entirely within that State, or it is operated both within and without that State but the operation without the State is—

(A) occasional, or

(B) incidental to its use in the transportation of property or passengers from points within the State to other points within the State, or

(C) incidental to its use in the production, construction, or maintenance of other property located within the State.

(2) BASE OF OPERATIONS.—The term "base of operations", with respect to a corporation's rented-out property or moving property which is not rented out, means the premises at which any such property is regularly maintained by the corporation when—

(A) in the case of rented-out property, it is not in the possession of a lessee, or

(B) in the case of moving property which is not rented out, it is not in operation.

regardless of whether such premises are maintained by the corporation or by some other person; except that if the premises are maintained by an employee of the corporation primarily as a dwelling place they shall not be considered to constitute a base of operations.

SEC. 514. LOCATION OF EMPLOYEE.

(a) GENERAL RULE.—An employee shall be considered to be located in a State if—

(1) the employee's service is localized in that State, or

(2) the employee's service is not localized in any State but some of the service is performed in that State and the employee's base of operations is in that State.

(b) LOCALIZATION OF EMPLOYEE'S SERVICE.—Service of any employee shall be considered to be localized in a State if—

(1) the service is performed entirely within that State, or

(2) the service is performed both within and without that State, but the service performed without the State is incidental to service performed within the State.

(c) EMPLOYEE'S BASE OF OPERATIONS.—The term "base of operations", with respect to an employee, means a single place of business with a permanent location which is maintained by the employer and from which the employee regularly commences his activities and to which he regularly returns in order to perform the functions necessary to the exercise of his trade or profession.

(d) CONTINUATION OF MINIMUM JURISDICTIONAL STANDARD.—An employee shall not be considered to be located in a State if his only business activities within such State on behalf of his employer are either or both of the following:

(1) The solicitation of orders, for sales of tangible personal property, which are sent outside the State for approval or rejection and (if approved) are filled by shipment or delivery from a point outside the State.

(2) The solicitation of orders in the name of or for the benefit of a prospective customer of his employer, if orders by such customer to such employer to enable such customer to fill orders resulting from such solicitation are orders described in paragraph (1).

This subsection shall not apply with respect to business activities carried on by one or more employees within a State if the employer (without regard to those employees) has a business location in such State.

(e) EMPLOYEES OF CONTRACTORS AND EXTRACTORS.—If the employer is engaged in the performance of a contract for the construction of improvements on or to real property in the State or of a contract for the extraction of natural resources located in the State, an employee whose services in the State are related primarily to the performance of the contract shall be presumed to be located in the State. This subsection shall not apply with respect to services performed in installing or repairing tangible property which is the subject of interstate sale by the employer, if such installing or repairing is incidental to the sale.

(f) The term "employee" has the same meaning as it has for purposes of Federal income tax withholding under chapter 24 of the Internal Revenue Code of 1954.

SEC. 515. HOUSEHOLD DELIVERIES.

A seller makes household deliveries in a State or political subdivision if he delivers goods, otherwise than by mail or by a common carrier, to the dwelling places of his purchasers located in that State or subdivision.

SEC. 516. STATE.

The term "State" means the several States of the United States and the District of Columbia.

SEC. 517. STATE LAW.

References in this Act to "State law", "the laws of the State", and the like shall be deemed to include a State constitution, and to include the statutes and other legislative acts, judicial decisions, and administrative regulations and rulings of a State and of any political subdivision.

SEC. 518. TAXABLE YEAR.

A corporation's "taxable year" is the calender year, fiscal year, or other period upon the basis of which its taxable income is computed for purposes of the Federal income tax.

SEC. 519. VALUATION DATE.

The "valuation date", with respect to a capital stock tax, is the date as of which capital is measured.

Part B—Miscellaneous Provisions

SEC. 521. PERMISSIBLE FRANCHISE TAXES.

The fact that a tax to which this Act applies is imposed by a State or political subdivision thereof in the form of a franchise, privilege, or license tax shall not prevent the imposition of the tax on a person engaged exclusively in interstate commerce within the State; but such a tax may be enforced against a person engaged exclusively in interstate commerce within the State solely as a revenue measure and not by ouster from the State or by criminal or other penalty for engaging in commerce within the State without permission from the State.

SEC. 522. PROHIBITION AGAINST GEOGRAPHICAL DISCRIMINATION.

(a) IN GENERAL.—No provision of State law shall make any person liable for a greater amount of sales or use tax with respect to tangible personal property, or gross receipts tax with respect to tangible personal property, by virtue of the location of any occurrence in a State outside the taxing State, than the amount of the tax for which such person would otherwise be liable if such occurrence were within the State (subject to section 523). For purposes of this subsection, the term "occurrence" includes incorporation, qualification to do business, and the making of a tax payment, and includes an activity of the taxpayer or of a person (including an agency of a State or local government) receiving payments from or making payments to the taxpayer.

(b) COMPUTATION OF TAX LIABILITY UNDER DISCRIMINATORY LAWS.—When any State law is in conflict with subsection (a), tax liability may be discharged in the manner which would be provided under State law if the occurrence in question were within the taxing State.

SEC. 523. APPLICABILITY OF ACT.

Nothing in section 101 or in any other provision of this Act shall be considered—

(1) to repeal Public Law 86-272 with respect to any person;

(2) to increase, decrease, or otherwise affect the power of any State or political subdivision to impose or assess a net income or capital stock tax with respect to an excluded corporation; or

(3) to give any State or political subdivision the power to impose a gross receipts tax with respect to a sale of tangible personal property if the seller would not be subject to the imposition of such a gross receipts tax without regard to the provisions of this Act.

SEC. 524. PROHIBITION AGAINST OUT-OF-STATE AUDIT CHARGES.

No charge may be imposed by a State or political subdivision thereof to cover any part of the cost of conducting outside that State an audit for a tax to which this Act applies, including a net income or capital stock tax imposed on an excluded corporation.

SEC. 525. LIABILITY WITH RESPECT TO UNASSESSED TAXES.

(a) PERIODS ENDING PRIOR TO ENACTMENT DATE.—No State or political subdivision thereof shall have the power, after the date of the enactment of this Act, to assess against any person for any period ending on or before such date in or for which that person became liable for the tax involved—

(1) a corporate net income tax, capital stock tax (other than a capital account tax imposed on corporations incorporated in the State), or gross receipts tax with respect to tangible personal property, if during such period that person did not have a business location in the State; or

(2) a sales or use tax with respect to tangible personal property, if during such period that person was not registered in the State for the purpose of collecting tax, had no business location in the State, and did not regularly make household deliveries in the State.

(b) CERTAIN PRIOR ASSESSMENTS AND COLLECTIONS.—The provisions of subsection (a) shall not be construed—

(1) to invalidate the collection of a tax prior to the time assessment became barred under subsection (a), or

(2) to prohibit the collection of a tax at or after the time assessment became barred under subsection (a), if the tax was assessed prior to such time.

SEC. 526. EFFECTIVE DATES.

(a) CORPORATE NET INCOME TAXES AND CAPITAL STOCK TAXES.—Title II of this Act, and the provisions of section 101 and this title (except section 525) insofar as they relate to corporate net income taxes or capital stock taxes, shall apply in the case of corporate net income taxes only with respect to taxable years ending after the date of the enactment of this Act, and in the case of capital stock taxes only with respect to taxes for which the valuation date is later than the close of the first taxable year ending after the date of the enactment of this Act. Any corporation shall be permitted to adjust its reporting period for net income tax purposes to the extent necessary to comply with this Act, effective for the first taxable year to which title II applies.

(b) OTHER PROVISIONS.—The remaining provisions of this Act shall take effect on the date of the enactment of this Act.

TITLE VI—TAXATION OF INDIVIDUALS

SEC. 601.

(a) No State or political subdivision thereof shall have the power to impose for any taxable year ending after the date of the enactment of this Act an income tax on the income or to establish the rate of taxation on the income of any individual—

(1) which was earned or derived during any period while the individual was not domiciled in the State except to the extent the income was earned from sources within the State, or

(2) which was earned or derived from sources without the State during any period while the individual was domiciled in the State except to the extent the tax exceeds any income tax paid on such income to the State (or political subdivision) in which the income was earned or derived.

(b) For purposes of this Act—

(1) the term "State" shall include the District of Columbia, and

(2) "earned" means to acquire by labor, service, or performance and does not include the mere receipt of interest or dividend payments which are merely a return upon an investment and are not paid as a result of labor, service, or performance rendered.

S. 918, S. 919, AND S. 920—INTRODUCTION OF DEPARTMENTAL PROPOSALS OF INDIAN LEGISLATION

Mr. McGOVERN. Mr. President, at the request of the Department of the Interior, I am introducing, for appropriate reference, three separate bills designed to facilitate increased economic development of Indian reservations. If the Indian tribes and the Indian people are to benefit from the many general and specific programs now offered by the Federal Government, they must have the funds and means available to take advantage of these programs. Many of the legal mechanics which have correctly been established by the Congress to protect the Indian people and tribes from their own improvidence and from the avarice of outside interests have, unwittingly, become roadblocks in the path of determined tribal enterprise for economic development. Past mistakes in Indian policy, such as the concept of allotment of Indian land, have come back to haunt efforts of the tribes to raise the standard of living for their people. The pivotal question is how can we continue to protect the interest of the Indian people and yet permit them to use what wealth and resources they have in a competitive world.

Two of the three bills I am introducing were formerly a part of omnibus Indian legislation, the proposed Indian Resource Development Act, which was introduced in the 90th Congress. That bill failed of enactment primarily because of considerable Indian opposition to certain parts of it that they felt impaired statutory safeguards.

The first bill would expand sources of credit available to Indian tribes and individuals by, first, increasing the level of authorization of funds for the Indian revolving loan fund; second, by providing for Federal insurance and guaranty of loans made to Indian tribes and individuals by private lenders; and third, by authorizing the issuance of tribal bonds, the interest on which is tax exempt, for purposes related to the governmental affairs or operations of the tribes.

The second would authorize the Secretary of the Interior to issue corporate charters to Indian tribes, other Indian organizations, and groups of Indian individuals acting with the approval of the governing body of the tribe for the purpose of promoting the economic development of the reservation. The activities of such corporations would be limited to the reservation and to areas nearby.

The third bill is designed to meet the challenge inherent in the fractionated ownership of Indian lands. Because of the nature of the trust allotments of Indian individuals, the inheritance of undivided interests in such land has resulted in fractionation of ownership to the point that such interests are of little economic value. This bill attempts to provide for the consolidation of these interests into economically viable units while, at the same time, safe-guarding the land base of the Indian tribes.

The VICE PRESIDENT. The bills will be received and appropriately referred.

The bills, introduced by Mr. McGovern, by request, were received, read twice by their titles, and referred to the Committee on Interior and Insular Affairs, as follows:

S. 918. A bill to be cited as the "Indian Financing Act of 1969";

S. 919. A bill to provide for the establishment of Indian corporate entities for the economic development of Indian Tribes and other organizations of Indians, and for other purposes; and

S. 920. A bill to provide for the resolution of the Indian fractionated ownership problem, and for other purposes.

SENATE JOINT RESOLUTION 41—INTRODUCTION OF JOINT RESOLUTION TO DESIGNATE NEGRO HISTORY WEEK

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, a joint resolution authorizing the President to proclaim that each year the 7-day period, from Sunday to Saturday during which February 12 and February 14 fall, be designated Negro History Week.

Negro History Week has been observed in many communities throughout our Nation since 1926. A committee of the National Education Association together with the Association for the Study of Negro Life and History sponsor Negro History Week in February during the period embracing Lincoln's Birthday and Frederick Douglass' Birthday, February 12 and 14 respectively. This year, Negro History Week begins on Sunday, February 9 and will be the 43d observance.

Racial prejudice is the product of ignorance. Now the task before America is of reeducation. The difficulty lies in the unlearning of traditional myths in order to learn truth. On January 15, which is Dr. Martin Luther King, Jr.'s birth date, I introduced a bill to establish a Commission on Afro-American History and Culture (S. 14). Negro History Week and the work of the Commission on Afro-American History and Culture can lead to better interracial understanding in America.

I ask unanimous consent that the text of the joint resolution to proclaim Negro History Week, and some background information from The National Education Association's PR&R Committee on Civil and Human Rights of Educators be printed in the Record.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and background information will be printed in the Record.

The joint resolution (S.J. Res. 41) requesting the President to issue an annual proclamation calling upon the people of the United States to observe the 7-day period which includes February 12 and February 14 as Negro History Week, introduced by Mr. Scott, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S.J. Res. 41

Whereas Negroes have made outstanding but little known contributions to the History of the United States;

Whereas an appreciation of this heritage and contribution is essential to the development of a sense of worth and pride in any group;

Whereas an understanding of the contribution of all peoples is essential to the development of better intergroup relations on the part of Americans;

Whereas Negro History Week has been observed throughout the United States since 1926 during the period which includes the birthdays of Abraham Lincoln and Frederick Douglass, February 12 and February 14 respectively: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the seven-day period from Sunday to Saturday during which February 12 and February 14 fall, be designated "Negro History Week".

The President is authorized and requested to issue an annual proclamation calling upon the people of the United States to observe such week with appropriate activities.

The material presented by Mr. Scott is as follows:

Why Negro History Week?

Periodically we pause and specifically turn our attention to activities which will enrich our appreciation of various segments of our daily life which are taken for granted or little understood. We recognize achievement, we renew our dedication to certain guiding principles, we pay homage to our leaders, we reassess our values, we acquire new insights, understanding, and appreciations.

Some evidences of this are shown in the observance of American Education Week and National Brotherhood Week. The implication is not that we concentrate on education, brotherhood and the library only during this time; rather we develop broader concepts of the importance of these things in insuring democratic freedom.

We must be committed to a belief in the true brotherhood of man if we are to live up to our democratic ideals. The most effective way to develop this commitment in our multi-ethnic country is through an understanding and appreciation of individual worth and racial contributions. These understandings and appreciations tend to increase as we discover our similarities, our differences, and our interdependence.

Negro History Week is observed each year during the week in February which includes the birthdays of Abraham Lincoln and Frederick Douglass.

The guiding philosophy of every local association is to attract and hold members. It should also, in the interest of self preservation, seek to give each member a sense of "belonging." This recognition of personal dignity should permeate its educational activities and encompass every member.

Significant progress can be made in building good human relations and the establishment of inter-group understanding through activities centered around contributions of Negro Americans. The substitution of facts for myths can set the stage for wholesome growth and development in racial understanding and appreciation.

The local association is in a strategic position to enhance the development of this appreciation of the diversity of our citizenry through creative approaches to the observance of Negro History Week.

Through the years the American Teachers Association and the Association for the Study of Negro Life and History have cooperated in the sponsorship of Negro History Week.

Since the historic merger of the American Teachers Association and the National Education Association in Miami during July 1966, the NEA–PR&R Committee on Civil and Human Rights of Educators has assumed the ATA's role in helping ASNLH promote the observance.

Educationally, Negro history is or should be taught in its proper historical sequence yearly, but the week which includes the birthdays of Frederick Douglass and Abraham Lincoln is an ideal time for schools, churches and communities to develop creative approaches to the problem of building racial unity through understanding.

The Association for the Study of Negro Life and History selects this week each year to commemorate the democratic ideals of Frederick Douglass and Abraham Lincoln, and in recognition of the contributions of Negroes. This week should be a selective celebration dedicated to publicizing these contributions at the national, state, and local levels.

ADDITIONAL COSPONSORS OF BILLS

Mr. ANDERSON. Mr. President, I ask unanimous consent that, at its next printing, the name of the senior Senator from Arizona (Mr. Fannin) be added as a cosponsor of the bill (S. 201) to make Indian reservations eligible for assistance under Section 117 of the Housing Act of 1949.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MONTOYA. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), and the Senator from New York (Mr. JAVITS) be added as cosponsors of my bill (S. 413) to authorize the Secretary of Agriculture to cooperate with and furnish financial assistance to States and other public bodies and organizations in establishing a system for the prevention, control, and suppression of fires in rural areas.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MONTOYA. I ask unanimous consent that, at its next printing, the names of the Senator from Washington (Mr. MAGNUSON), the Senator from Maine (Mr. MUSKIE), and the Senator from Wisconsin (Mr. NELSON) be added as cosponsors of the bill (S. 740) to establish an Interagency Committee on Mexican-American Affairs.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MONTOYA. I ask unanimous consent that, at its next printing, the names of the Senator from Rhode Island (Mr. PASTORE), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Montana (Mr. METCALF) be added as cosponsors of the bill, (S. 421) to provide increased annuities under the Civil Service Retirement Act; and the bill (S. 422) to provide that the first $5,000 received as civil service retirement annuity be excluded from gross income for tax purposes; and the bill (S. 423) to provide minimum annuities for civil service retirees.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, at the request of Senator DODD, I ask unanimous consent that, at its next printing, the names of the senior Senator from Nevada (Mr. BIBLE) and the senior Senator from Texas (Mr. YARBOROUGH) be added as cosponsors of Senate Concurrent Resolution 8, calling for a cease-fire in Biafra.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of the Senator from Maine (Mr. MUSKIE), I ask unanimous consent that, at its next printing, the name of the Senator from Rhode Island (Mr. PASTORE) be added as a cosponsor of the bill (S. 1), the Uniform Relocation Assistance and Land Acquisition Act of 1969, and the bill (S. 11) known as the Intergovernmental Personnel Act of 1969.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. WILLIAMS of New Jersey. I also ask unanimous consent that, at its next printing, the name of the junior Senator from Iowa (Mr. HUGHES) be added as a cosponsor of the bill (S. 11) the Intergovernmental Personnel Act of 1969.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of the Senator from Maine (Mr. MUSKIE), I ask unanimous consent that the name of the Senator from Oklahoma (Mr. HARRIS) and the Senator from Nebraska (Mr. HRUSKA) be added as cosponsors of the bill (S. 1) the Uniform Relocation Assistance and Land Acquisition Act.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of the Senator from Maine (Mr. MUSKIE) I ask unanimous consent that, at its next printing, the name of the senior Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of the bill (S. 7) the Water Quality Improvement Act of 1969.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of the Senator from North Dakota (Mr. BURDICK) I ask unanimous consent that, at its next printing, the names of the Senators from Montana (Mr. MANSFIELD and Mr. METCALF) be added as cosponsors of the bill (S. 773) to exempt certain private aircraft entering or departing the United States on flights between the United States and Canada at night, Sundays, or holidays from paying overtime services of customs officers and employees.

The VICE PRESIDENT. Without objection, it is so ordered.

REMOVAL OF COSPONSORS OF BILL

Mr. McGEE. Mr. President, last week I introduced a bill (S. 726) to establish the Fossil Butte National Monument, and I inadvertently placed the name of my colleague from Wyoming (Mr. HANSEN) on the bill as a cosponsor.

I ask unanimous consent that Mr. HANSEN's name be removed from sponsorship of S. 726.

The VICE PRESIDENT. Without objection, it is so ordered.

SENATE RESOLUTION 85—RESOLUTION CONCERNING NATIONAL COMMITMENTS

Mr. FULBRIGHT. Mr. President, I resubmit today a sense-of-the-Senate resolution which came to be known in the last Congress as the "national commitments" resolution.

This resolution was the subject of extensive public hearings before the Foreign Relations Committee in the summer of 1967 and was then approved by unanimous vote of the committee. I submit it today not in the rather complex form in which it was adopted by the committee but in the simple and concise language preferred by constitutional historians who commented on the resolution both in the hearings and by other informal means. In its simpled and, in my opinion, better form, the resolution would express the sense of the Senate:

> That a national commitment by the United States to a foreign power necessarily and exclusively results from affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment.

This resolution is concerned particularly but not exclusively with the commitment of American Armed Forces to hostilities abroad. In this respect, it deals with the war power, which, of all foreign policy powers, is the one vested most explicitly in Congress by the Constitution. It is also concerned, however, with the variety of arrangements—be they treaties, laws, executive agreements, or simple executive declarations—by which in current practice the United States commits itself to the defense, military support or other forms of assistance to foreign nations.

Lacking the force of law, this resolution would express a judgment on the part of the Senate that, with full allowance for the right—indeed the duty—of the President to repel an attack on the United States, all significant foreign commitments, military or nonmilitary, immediate, prospective or conditional, ought to be made in accordance with constitutional procedures, these requiring explicit authorization on the part of Congress.

It would not affect our current military involvement in Vietnam. Nor would it prevent or in any way hinder the President from responding immediately and appropriately to an attack on the United States, it being universally understood that the President has not only the right but the duty to take appropriate action to repel an attack on the United States.

What the resolution would do, if honored, would be to inhibit the President from making politically significant foreign commitments solely on his Executive authority, and initiating hostilities, limited or unlimited, with any foreign country or organized force without the prior and explicit authorization of Congress.

In no sense would this resolution alter the language or intent of the Constitution. It purports indeed to bring practices which have strayed far from that intent back into compliance with it. It was the clear intent of the framers, expressed in the language of article I, section 8, of the Constitution, that the authority to initiate war would be exercised by Congress, which was empowered not only to "declare war," but also to "raise and support armies," "provide and maintain a navy," and "make rules for the Government and regulation of the land and naval forces." It was also the clear intent of the framers, sanctioned by usage until recent years, that all significant foreign engagements be contracted by treaty or legislation and that only routine, essentially nonpolitical engagements be left to the sole discretion of the Executive.

In recent years, more by force of circumstance than by deliberate design, these powers have passed largely into the hands of the Executive. All that is required to restore a proper balance is for Congress to reassert its own constitutional authority.

Napoleon is credited with the maxim that "the tools belong to the man that can use them." No Executive can be expected to restore as a free gift powers which Congress has lost by its own default. Nor is that necessary. It is entirely within our competence to recover congressional authority in foreign relations, first and foremost by asserting our intent to exercise it. That is the purpose—indeed the sole purpose—of the present resolution.

The VICE PRESIDENT. The resolution will be received and appropriately referred; and, under the rule, the resolution will be printed in the Record.

The resolution (S. Res. 85) was referred to the Committee on Foreign Relations, as follows:

S. Res. 85

Whereas accurate definition of the term "national commitment" in recent years has become obscured: Now, therefore, be it

Resolved, That it is the sense of the Senate that a national commitment by the United States to a foreign power necessarily and exclusively results from affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment.

SENATE RESOLUTION 86—RESOLUTION TO PRINT A REPORT BY THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE, ON "NATURE AND CONTROL OF AIRCRAFT ENGINE EXHAUST EMISSIONS" AS A SENATE DOCUMENT

Mr. RANDOLPH submitted the following resolution (S. Res. 86); which was referred to the Committee on Rules and Administration:

S. Res. 86

Resolved, That there be printed with illustrations as a Senate document the report of the Secretary of Health, Education, and Welfare, entitled "Nature and Control of Aircraft Engine Exhaust Emissions", submitted to the Congress in accordance with section 306, Public Law 90–148, the Air Quality Act of 1967, and that there be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

SENATE RESOLUTION 87—RESOLUTION TO PRINT A REPORT BY THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE, ON "PROGRESS IN THE PREVENTION AND CONTROL OF AIR POLLUTION" AS A SENATE DOCUMENT

Mr. RANDOLPH submitted the following resolution (S. Res. 87); which was referred to the Committee on Rules and Administration:

S. Res. 87

Resolved, That there be printed with illustrations as a Senate document the second report of the Secretary of Health, Education, and Welfare, entitled "Progress in the Prevention and Control of Air Pollution", submitted to the Congress in accordance with section 306, Public Law 90–148, the Air Quality Act of 1967, and that there be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

SENATE RESOLUTION 88—RESOLUTION TO PRINT A REPORT BY THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE ON "AIR POLLUTION ABATEMENT BY FEDERAL FACILITIES" AS A SENATE DOCUMENT

Mr. RANDOLPH submitted the following resolution (S. Res. 88); which was referred to the Committee on Rules and Administration:

S. Res. 88

Resolved, That there be printed with illustrations as a Senate document the report of the Secretary of Health, Education, and Welfare, entitled "Air Pollution Abatement by Federal Facilities," submitted to the Congress in accordance with section 306, Public Law 90–148, the Air Quality Act of 1967, and that there be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

SENATE RESOLUTION 89—RESOLUTION TO PRINT ADDITIONAL COPIES OF "THE NEW LEFT"

Mr. DODD submitted the following resolution (S. Res. 89); which was referred to the Committee on Rules and Administration:

S. Res. 89

Resolved, That there be printed as a Senate document a study entitled "The New Left," prepared at the request of Senator Thomas J. Dodd for the Senate Subcommittee on Internal Security; and that there be printed three thousand eight hundred additional copies of such document for the use of the Committee on the Judiciary.

SENATE RESOLUTION 90—RESOLUTION TO PROVIDE FOR THE ANNUAL APPOINTMENT OF THE SENATE CHAPLAIN

Mr. WILLIAMS of New Jersey. Mr. President, today I am submitting a resolution to amend the Standing Rules of the Senate to provide for the annual appointment of the Senate Chaplain and I ask unanimous consent that the full text of the resolution be printed in the Record at the conclusion of my remarks.

The VICE PRESIDENT. Without objection it is so ordered.

Mr. WILLIAMS of New Jersey. Mr. President, the idea of Congress electing chaplains to open the daily sessions with prayer no doubt raised a few brows when it was first proposed. The reasons most generally urged for this wave of opposition were the danger of a union of church and state and the diversity of religious views prevalent in the country at that time. In his later years, and subsequent to the adoption of the Bill of Rights, James Madison opposed the system of Chaplains saying that it violated the "no establishment" principle forbidden by the first amendment. Madison also expressed the view that the system of electing chaplains by majority vote was a palpable violation of civil rights and unfair to minorities since some groups like Catholics and Quakers could hardly be elected to the office.

Be that as it may, the Congress established the office of Chaplain in each House on April 15, 1789, when it enacted a law providing each Chaplain with a $500 annual salary. Nevertheless, I believe the First Congress was cognizant of the diverse religious views prevalent in the country and made an attempt to insure fair representation in the office. This is evident from the fact that the committee report required that the two Chaplains be of different denominations and alternate weekly between the two Houses.

The promise that all denominations would have a representative serve as chaplain has not been kept and Madison was aware of this at an early date in our history. In fact only eight denominations have been represented in the office in the Senate. The total number to date by denomination is:

Methodist	16
Episcopalian	15
Presbyterian	12
Baptist	6
Unitarian	2
Lutheran	1
Roman Catholic	1
Congregationalist	1

The religious complexion of the Nation, and the Congress in particular, has undergone considerable change over the years, however. The strongest represented religious group in both Houses of today's Congress, for example, is Roman Catholic with a plurality of 111. The largest Protestant grouping in Congress is the Methodist with a total of 90. In the Senate no less than 16 various religious denominations are represented. The different denominations are as follows:

1. Methodist	23
2. Episcopal	15
3. Roman Catholic	13
4. Presbyterian	13
5. Baptist	10
6. United Church of Christ	6
7. Latter-Day Saints	4
8. Unitarian-Universalist	4
9. Lutheran	3
10. Jewish	2
11. Protestant	2
12. Church of Christ	1
13. Christian Science	1
14. Christian Church Disciples	1
15. Reformed Church in America	1
16. Schwenkfelder	1

Mr. President, I believe the time is ripe for us to reflect the religious changes that have occurred over the years and particularly those that have taken place in our own Senate body. The resolution I am submitting today is directed to that end. I would continue the services of the Senate Chaplain. However, a new Chaplain would be appointed by the President of the Senate at the beginning of each annual session of the Congress. In making the appointments, the President of the Senate would determine the three major faiths and denominations—that is, Catholic, Jewish, Protestant—represented in the Senate by its elected Members and rotate the chaplaincy accordingly on an annual basis.

Floating the office of Chaplain among the various religious denominations in my opinion, would further the cause of the "no preference" doctrine that has always prevailed in the United States with respect to religion. By passing this resolution, we in the Senate would also foster an attitude that shows no partiality to any one group and one that would let each flourish in the best of our traditions. I enlist the support of all Senators to ensure early passage of this resolution so that its provisions might go into effect at the beginning of the next session.

The resolution (S. Res. 90) was referred to the Committee on Rules and Administration, as follows:

S. Res. 90

Resolved, that the Standing Rules of the Senate be amended by adding at the end thereof a new rule to read as follows:

"The term of office of the Chaplain of the

Senate shall be for one year and shall rotate among the three major faiths represented in the Senate by its elected members. Effective at the beginning of the next session of Congress, and at the beginning of each session thereafter, the Chaplain of the Senate shall be appointed by the President of the Senate in accordance with the terms of this rule."

SENATE RESOLUTION 91—RESOLUTION RELATING TO THE "LOST BATTALION" OF WORLD WAR I

Mr. JAVITS. Mr. President, I rise to submit a resolution that would result in the creation of a battle monument, honoring the "Lost Battalion" of World War I.

The September to November 1918 Meuse-Argonne campaign constituted the greatest battle in American history up to that time. More than 1,200,000 Americans took part in this 47-day campaign along a front that extended from southeast of Verdun at the Argonne Forest. Out of this battle action emerged the legend of the "Lost Battalion." For 5 days, a valiant detachment of American soldiers, under constant enemy fire and lacking food, water, and medical supplies, held fast even though completely surrounded by German forces.

On October 2, 1918, Maj. Gen. Robert Alexander, commander of the 77th Division, ordered the understrength 1st and 2d Battalions of the 308th Infantry Regiment to the attack. Maj. Charles Wittlesey, commanding the 1st Battalion, led the assault. The offensive, of which this attack was a part, failed everywhere, but Major Whittlesey and his men reached a ravine just south of their objective.

Thus began the legend of the "Lost Battalion." Cut off from the other U.S. forces—sewed up in a pocket approximately 300 yards long and 60 yards wide—Major Whittlesey's men dug into the thickets of the Argonne Forest to secure their positions.

Attempts made to reach the "Lost Battalion" were repulsed by the Germans. By October 5, Major Whittlesey and his men were suffering severely, having been isolated for 3 nights and lacking sufficient food, water, and medical supplies, and they were surrounded by a fresh German division, the mortars, machineguns, flamethrowers, and rifles of which lashed at them relentlessly.

On October 7, Major Whittlesey received a surrender message from his German counterpart. He sent no reply. The Germans launched a fierce attack with flamethrowers, and were repulsed. Paralleling this action, a major American attack was launched, and the "Lost Battalion" was reached.

The "Lost Battalion," in reality, consisted of the 1st Battalion of the 308th Regiment and elements of the 307th and the 306th Machinegun Company. It would have been lost to the enemy, save for the heroism and tenacity of the American fighting men involved. Published figures vary, but of the 550 men sealed off in the pocket, one source lists 252 survivors, 107 dead, 190 wounded, and 63 missing. Major Whittlesey, Captain McMurty, and Captain Holderman each received the Congressional Medal of Honor and the survivors of the "Lost Battalion" volunteered to remain on the front line.

The deeds of the men of the "Lost Battalion" constitute a legend and a symbol, equaling such other moments in American history as the Alamo, when Americans have done that which has been necessary regardless of the cost to themselves. It is only fitting, therefore, that the Nation should honor the men of the "Lost Battalion" in like manner.

I request that this resolution be referred to the Senate Committee on Interior and Insular Affairs for their consideration.

The VICE PRESIDENT. The resolution will be received and appropriately referred; and, without objection, the resolution will be referred to the Committee on Interior and Insular Affairs; and, under the rule, the resolution will be printed in the RECORD.

The resolution (S. Res. 91) was referred to the Committee on Interior and Insular Affairs, as follows:

S. RES. 91

Whereas the Lost Battalion, portions of two battalions of the Seventy-seventh Division, United States Army, fought heroically during the Battle of the Argonne Forest, in October 1918, for approximately five to six days while being without food, water, and medical supplies, and being completely surrounded by a German division; and

Whereas the Lost Battalion refused to surrender, and suffered great losses, including one hundred and seven killed, one hundred and ninety wounded, and sixty-three missing; and

Whereas it is appropriate to honor the members of the Lost Battalion following the fiftieth anniversary of their acts of bravery: Now, therefore, be it

Resolved, That the American Battle Monuments Commission, with the consent and cooperation of the Secretary of the Army, is urged to erect an appropriate memorial at Arlington National Cemetery, Virginia, to honor the Lost Battalion for its heroism and bravery in October 1918, during the Battle of the Argonne Forest.

SENATE RESOLUTION 92—RESOLUTION RELATIVE TO OCEAN SPACE TREATY

Mr. PELL submitted a resolution (S. Res. 92) relative to Ocean Space Treaty, which was referred to the Committee on Foreign Relations.

(See the above resolution printed in full when submitted by Mr. PELL, which appears under a separate heading.)

MONTANA LEGISLATURE PASSES 19-YEAR-OLD VOTE BILL

Mr. MANSFIELD. Mr. President, I am happy to report to the Senate that Montana is the first State this year to pass a measure in its legislature lowering the voting age from 21 to 19. The Montana House of Representatives approved the measure by a vote of 84 to 17. The Montana State Senate approved the bill by a vote of 46 to 7 on Monday a week ago. On Friday last, Gov. Forrest Anderson signed the measure in Helena.

I should like to extend congratulations to the Montana Legislature and to the Governor of our State for the steps they have taken which will bring this long-sought goal closer to reality. Although only three constitutional amendments will be allowed on the general election ballots in 1970, it is my hope that this amendment will be on the ballot at that time so that the younger citizens of our State will be able to participate in the presidential election of 1972.

I am indeed happy, Mr. President, that at long last my own State has seen fit to accept the realities of our times, and has expressed its approval in such a convincing manner. It is my hope that this is an augury of its final success when it comes before the electorate of Montana.

This is a proposal which I hope will receive the most serious consideration of other States at the earliest opportunity so that these younger citizens will have the right to participate in the making of decisions as well as the responsibility, which is theirs, to carry out these decisions.

Mr. President, I ask unanimous consent that an article published in the Montana Standard of January 28, 1969, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LEGISLATURE PASSES AMENDMENT—19-YEAR-OLD VOTE ISSUE SEEMS HEADED TO POLLS

(By Hugh Van Swearingen)

HELENA.—Montana voters who believe the voting age should be lowered apparently will get the chance to make their feelings known at the polls.

The Montana Senate approved by a 46–7 vote Monday a bill for a constitutional amendment to lower the voting age to 19. The measure previously received an 84–17 approval in the House.

If Gov. Forrest H. Anderson, who called for such legislation in his state-of-the-state mesage, signs the bill as expected, the proposal will be submitted to the voters.

A similar bill was approved in the Senate during the 1967 session but met death in the House.

Since only three constitutional amendments are allowed on general election ballots, it is not certain that the measure will appear on the 1970 general election ballot.

About a dozen amendment proposals are being studied by the legislature.

Among seven bills receiving final senate approval was a measure requiring that the highest treatment facilities technically available be used on new sources of sewage and industrial waste introduced in certain waters.

Another increases hospitalization and other medical benefits to $5,000 from $2,500 for workers covered by the Workmen's.

POLLUTION IN MONTANA

Mr. MANSFIELD. Mr. President, every city and town seeks national publicity. It is most desirable in developing new businesses, tourism, and general good will. Occasionally, however, national publicity can be an embarrassment, but an embarrassment with a purpose.

Yesterday I picked up the latest issue of Life magazine and read their feature on pollution, a problem which has plagued this country for many years, the problem we have ignored and quietly hoped would disappear. Unfortunately, polluted air and water are becoming far more serious and yet very little is being done to stop it. Life magazine features color photographs of some of the Nation's finest cities, each covered with a thick smog and contaminated horizon. Among those photographed is Missoula, Mont. Missoula on a bright, clear day, which is not often, is one of the most beautiful little cities in the United States. It is nestled in a valley with rugged mountains in every direction. It has a moderate climate, it is the home of the University of Montana, and is a sportsmen's paradise. Missoula is also where its people are trapped in a valley of smog. The air pollution created by pulp and sawmills blacks out the sun for approximately a third of the year. This is not the kind of publicity that we like in the Big Sky country, but unfortunately it hits home and reminds us of one of the most serious problems we have in this country today. We have moved forward, but there is still much to do in developing a National and State program with adequate air and water pollution control.

The program we have today is due in a large part to the untiring efforts of our able colleague, the Senator from Maine, Mr. Muskie. This is only one of the many domestic problems we face here at home, but it is something which demands immediate attention. We can no longer overlook and ignore a situation which could become deadly.

Mr. President, I ask unanimous consent to have printed in the Record the Life magazine article, written by Richard Hall, and the captions from the photographs by Martin Schneider, which I believe will also be of interest to the Senate.

There being no objection, the material was ordered to be printed in the Record, as follows:

Pollution: Is This the Air You Want To Breathe?

(By Richard Hall, photographs by Martin Schneider)

This picture (photo caption: Smogbound at rush hour: a 5 p.m. view from the top of the Washington Monument) should stir the feelings of any patriotic American. Washington at dusk: a truly lovely sight. Street lamps like beads of light, the marble of great buildings glowing, all space and nobility. Whether the viewer feels pride, however, or nausea depends on his understanding of that bitter haze through which the moon is trying to shine. The city may seem an enchanted place, but the pall which envelops it is a disgusting mixture of exhaust fumes, smoke and dirt. Polluted air has been with man since the first fire, but in recent years its noxious substances have come to blanket most of us. A peculiar product of our civilization and of our carelessness, it is simply human litter and it is heaved into the atmosphere by all of us—from automobile tail pipes, from incinerator stacks, from power stations and home chimneys. Last year over 143 million tons of it went up and fell right back down on Beautiful America, and there will be more next year. The debris of pollution costs us an estimated $11 billion a year in property damage and it contributes to the illnesses and deaths of many. Yet practically nothing is being done to stop it. Technology exists to control pollution, and there is legislation designed to make us employ that technology. What is obviously lacking is will, the national will to admit that we are *all* to blame, to spend the money and enforce the laws, and possibly, just possibly, save ourselves from choking to death.

Washington, D.C. (Photo caption): To the casual eye, Pennsylvania Avenue looks gleaming clean enough on this cold December morning—you can see the traffic all the way to the Capitol building. But the camera, whose color film here was exposed for half an hour, records a dreadfully different view. The clear scene practically vanishes in a sea of yellowish-brown smog. The cars are lost because their motion leaves only smeared ghost images on the film. But their fumes are most certainly present, on film and in the atmosphere, gassily helping Washington maintain its reputation for some of the dirtiest air in the nation.

Missoula, Mont. (Photo caption): A sunlit grain field almost makes the Hoerner Waldorf pulp mill look beautiful. Some Missoula residents call the mill "Little Hiroshima"; it is the biggest single contributor to their polluted air.

But Missoula is a lumber town, the largest in the state. Fifty-six percent of the people depend, directly or indirectly, on the lumber business. As big as Missoula's big sky is, the smoke from the pulp mill—and the waste burners of the six sawmills inside the city limits—often blacks it out. For at least a third of the year the town—cradled at the foot of the Bitterroot Mountains—is covered by a lid of warm air that traps fumes and people in a valley of smog. As they drive to work through it—sometimes with their car lights turned on in broad daylight—Missoulians complain a lot.

East Chicago, Ind. (Photo caption): No housewife would be well advised to leave the washing on the line for a month and a half, especially in East Chicago, Ind. East Chicago is a typical U.S. steel town, no worse than many others. The bedraggled laundry at right—brand-new to start with—was hung on the roof of the Baltimore Hotel (*at left above*) for 48 days, just to see what would happen to it. It faded, became coated with grit, lost its elasticity, deteriorated and tore in the wind. Surely much of the destruction was caused by the fumes which spew out of the great stacks of works like that of the Inland Steel Company (*above right*) and sift slowly down in the form of dull-red dust over the houses, the trees, the parks where children play. Everything in East Chicago is slightly red. The mills in Chicago, Ill., a few miles away, are under orders to clean up *their* pollution by 1970; very little is being done in East Chicago.

Los Angeles (Photo caption): Viewed from a Hollywood hillside, a layer of the world's most celebrated smog loiters at 1 a.m. During the preceding day it had made its regular trip northeast into the San Gabriel Valley, blown by prevailing winds, and then crept back over the city at nightfall. Thanks to stringent control efforts, the average Los Angeles smog siege—considered as the time smog exceeds the eye-irritation level—has been reduced from eight hours to four. This may be comforting.

Polk County, Fla. (Photo caption): Across a man-made lake, a fertilizer-producing phosphate plant lights up the night sky burning off wastes, including fluoride compounds. When the fluorides hit the ground they contaminate it, stunting and killing citrus trees and softening the bones of grazing cattle. In the last 20 years, pollution from phosphate plants in Polk and Hillsborough counties has cost citrus growers and cattlemen about $14 million in damages. People living there are reluctant to grow vegetables because of this rain of chemicals. Many of them go around all day with sore throats.

New York City (photo caption): Central Park goes dim under a clammy cloak of polluted air as, at left, skaters at Wollman Memorial Rink try bravely for a pleasant afternoon on the ice. Such noxious accumulations are often locked in place over the city during autumn warm spells; on Thanksgiving weekend in 1966 one stayed four days; the death rate went up almost 10% on account of pollution.

ALL AROUND US AND SO EASILY OVERLOOKED

(Photo caption: Surgical masks and a sign plead for clean air in Sewaren, N.J.)

Compared to constant annoyances like taxes and commuter traffic, or apocalyptic horrors like the threat of nuclear war, air pollution is relatively easy to take for granted—and consequently overlooked. This may explain why we are not doing more to put an end to it. If the photographs on the preceding pages fail to point up the seriousness of the problem, consider the following:

Carbon monoxide is a colorless, odorless gas—and a deadly poison. Air containing 80 parts per million of CO breathed over an eight-hour period is enough to render 15% of the body's hemoglobin temporarily useless. Hemoglobin is the oxygen-transporting agent in the body, and the loss of 15% of it is equivalent to the loss of over a pint of blood. In severe traffic jams the carbon monoxide level from automobile exhausts sometimes reaches 370 ppm inside waiting cars.

On Staten Island, N.Y., people are subjected to a prevailing westerly wind that blows smoke from the Bayonne-Elizabeth industrial complex in New Jersey over the northern portion of their island. A study has shown that in northern Staten Island respiratory cancer kills 55 men per 100,000 over 45. Just a few miles south, where the air is cleaner, the rate is only 40 per 100,000. The death rate among women from respiratory cancer in the northern area is exactly double that of women in other sections.

A Public Health Service study showed that polution is actually cutting down on the amount of sunlight reaching us on earth. New York, for example, loses almost 25% of its light to smoke and smog, while Chicago loses about 40%.

Air pollution comes from two major sources—stationary emitters, such as factories, power plants and home heating units; and automobiles. So far most of our efforts to clean up U.S. air have been aimed at the stationary offenders. In 1968, for example, American industries spent no less than half a billion dollars to control pollution. The Manufacturing Chemists Association alone claims that 125 of its 180 members have invested collectively $500 million in control programs since World War II, and are currently spending $35 million a year to operate them. Impressive amounts—yet the National Center for Air Pollution in Washington, D.C. estimates that even if every industry in the country agreed to cooperate, it would still take 10 years and $2.5 billion more than is now being spent to do the job adequately.

Cities such as Los Angeles and Chicago have shown that stationary sources can be controlled by stringently enforcing existing air pollution laws. In Los Angeles, pollution officials got tough with industry and forced it to clean up virtually overnight. Forty since 1954; they include steel mills, oil refineries—not to mention the 1.5 million smoky backyard incinerators that were shut down. L.A. County got convictions in 96% of the cases. Today, industry in Los Angeles is the cleanest anywhere in the country (perhaps in the world).

But there is a catch. In Los Angeles, industry accounts for only 10% of the bad air. The other 90% comes from L.A.'s four million automobiles. Even if stationary sources across the U.S. were to stop polluting immediately, our air would still contain some 86 million tons of contaminants by the end of 1969—all from tailpipes, crankcases, carburetors and fueltank evaporation. There are over 90 million motor vehicles on the road today and every year 2.8 million are added, a growth rate three times greater than that of the nation's annual population increase.

Especially in the last three years, Detroit has been struggling sincerely with the problem of reducing contaminants in automobile exhaust. Manufacturers claim that their '68 and '69 engines are meeting the recently adopted federal emission standard of 275 ppm of hydrocarbons. But the increasing numbers of cars threaten to cancel out the reduction.

California's example is instructive. Beginning with 1966 models, state laws set exhaust emission standards at 275 ppm hydrocarbons and 1.5% carbon monoxide and, at least in theory, permitted no cars to be sold in the state which exceeded these limits.

Test facilities were set up to check sample lots of new cars and highway patrolmen were empowered to stop smoke-belching vehicles and give their drivers $25 summonses. Despite these stringent measures, the soaring car population in Los Angeles has all but nullified their effectiveness. Automobiles still spew 12,000 tons of wastes into the L.A. air each day, as against 13,000 tons a day when the program began. "If it weren't for the automobiles," says Louis J. Fuller, head of L.A. County's air pollution agency, "we'd have the finest air quality of any major metropolitan area in the world." Right now, Los Angeles has the fourth dirtiest air in the nation behind New York, Chicago and Philadelphia.

In Washington, D.C.—where the number of cars per square mile is one and a half times as great as in metropolitan L.A.—automobiles account for more than 50% of the bad air. And in New York the figure is about 33%. Every city in the U.S. with a population of over 50,000 has—or is about to have—a photochemical smog problem due to its automobiles.

Thus the pollution problem could eventually come to be synonymous with the automobile. To expect American society to give up its automobiles is absurd, and it tends to divert attention from what really can be done.

The first hope is that Detroit will be able to develop a truly pollution-free automobile engine. Electric, gas, turbine, steam or some as yet unknown system—the choice will be determined by many factors, not the least of them economic. But laws, public demand and government encouragement all can help speed the day when cars are clean.

In the meantime, as city planners have been telling us for years, private automobiles have no place in the center of most cities. Rail transportation is cheaper, less congesting and far cleaner. The trouble is that there isn't enough of it and what there is has been allowed to deteriorate. But so long as pollution follows the automobile—which will probably be quite a while—we should be doing all we can to keep cars out of urban areas that are already overcrowded with people and bad air.

SENATE JOINT RESOLUTION 39—INTRODUCTION OF JOINT RESOLUTION DESIGNATING THE MARIGOLD AS THE NATIONAL FLORAL EMBLEM

Mr. DIRKSEN. Mr. President, for some years I have been carrying the flag in a cause, and that cause is to have the American marigold officially designated by the Congress as the national floral emblem of the United States.

Incidentally, Mr. President, the American marigold is so rugged that it can resist almost any insect, and it defies air pollution.

I am fully sensible of the fact that all persons, young and old, male and female, rich and poor, have their own preferences when it comes to a flower. But mine goes for the marigold for a variety of reasons. It is actually an American native and really not native to any other place on earth. It is grown in great profusion in every one of the 50 States and strangely enough it is not the official flower of any State. Long ago it was acknowledged as a symbol of religious faith and graced the altars both at home and abroad.

One of the outstanding characteristics of the marigold is its robustness and rugged character. If there is any flower that can resist the onslaught of the insect world better than the marigold, I would not know what it was. I grow thousands of them every year for my own delight and the delight of my neighbors, and I know what this flower will do.

I class it, therefore, with the American eagle when it comes to a symbol of our country that manifests stamina; and when it comes to beauty, I can think of nothing greater or more inspiring than a field of blooming marigolds tossing their heads in the sunshine and giving a glow to the entire landscape.

Today, therefore, I again introduce this joint resolution, stating very simply that the American marigold shall be designated and shall be adopted as the national floral emblem of the United States, and that the President be requested to declare that fact by proclamation.

Mr. President, doubtless to flower growers it will be of interest to note the national flowers of different countries. I believe there are 32 or 33 countries on the appended list and I ask that it be printed in the Record. In addition every State has a State flower and that list I also append with the request that it be printed in the Record. I also ask that a copy of the joint resolution be printed in the Record as a part of my remarks.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and the lists will be printed in the Record.

The joint resolution (S.J. Res. 39) designating the American marigold—*Tagetes erecta*—as the national floral emblem of the United States, introduced by Mr. Dirksen, by request, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S.J. Res. 39

Whereas the peoples of the world have from time immemorial adopted emblems—flags, birds, flowers—for their countries, representative of their national virtues; and

Whereas the people of the United States have similarly adopted emblems—the American flag and the American eagle—to represent the virtues of this country; and

Whereas each of the fifty sovereign States of the United States, in addition to its State flag has a floral emblem which it cherishes as its own; and

Whereas the United States is the only major country in the world without a floral emblem; and

Whereas the American marigold represents the character of the United States more appropriately as an emblem than does any other flower in that it is an American native and native of nowhere else in the world; grown in abundance in the home gardens of every State in the Union yet not the floral emblem of any State in the Union; grown easily and quickly from seed; already acknowledged as a symbol of religious faith; a flower in its very appearance representing not just beauty but a rugged humility of character; and, like the American eagle and the American flag, an exclusively American emblem, unclaimed by any foreign nation: Therefore be it

Resolved by the Senate and House of Representatives of America in Congress assembled, That the flower commonly known as the American marigold is hereby designated and adopted as the national floral emblem of the United States, and the President is requested to declare such fact by proclamation.

The lists ordered to be printed in the Record are as follows:

National Flowers of Other Countries

Argentina: Ceiba (By presidential decree in 1942).
Australia: Wattle, Acacia.
Canada: Sugar Maple Leaf.
Chile: Chilean-bellflower.
China: Narcissus; often Tea is listed.
Costa Rica: Cattleya Orchid.
Ecuador: Chinohona tree (source of quinine).
Egypt: Egyptian Lotus (water lily).
England: Red Rose.
France: Fleur-de-Lis (Iris).
Germany: Cornflower, Kaiserblume, Centaurea cyanus.
Greece: Violet; listed also is the Olive which was sacred to Athena.
Guatemala: Lycaste (Epiphytic and terrestrial orchids).
Holland: Tulip.
Honduras: Rose.
India: Lotus.
Ireland: Shamrock.
Italy: Lily, Violet, Daisy.
Japan: Chrysanthemum is the Imperial emblem but Cherry is the favorite of the people.
Lithuania: Rue.
Luxembourg: Rose.
Mexico: Prickly pear.
Newfoundland: Pitcherplant (Sarracenia).
Norway: Heather (Calluna).
Nova Scotia: Trailing Arbutus.
Panama: Dove Orchid.
Persia: Rose.
Peru: Sunflower.
Salvador: Yucca elephantipes.
Scotland: Thistle.
Spain: Pomegranate.
Sweden: Twinflower, Linnaea.
Wales: Leek.

State Flowers

The different states in the Union have chosen floral emblems, sometimes by the legislature, sometimes by vote of the school children, or by suggestions from garden clubs:

Alabama: Goldenrod (Solidago).
Alaska: Forget-me-not (Myosotis).
Arizona: Giant Cactus (Carnegiea-gigantea) Saguaro.
Arkansas: Apple Blossom (Malus pumila).
California: California Poppy (Eschscholtzia Californica).
Colorado: Blue Columbine (Aquilegia coerulea).
Connecticut: Mountain Laurel (Kalmia latifolia).
Delaware: Peach Blossom (Prunus Persica).
District of Columbia: American Beauty Rose (Rosa var.).
Florida: Orange Blossom (Citrus sinensis).
Georgia: Cherokee Rose (Rosa laevigata).
Hawaii: Hibiscus (Hibiscus Arnottianus).
Idaho: Mock Orange (Philadelphia lewisi).
Illinois: Native Violet (Viola).
Indiana: Zinnia (Zinnia elegans) & Tuliptree, Carnation.
Iowa: Wild Rose (Rosa).
Kansas: Sunflower (Helianthus).
Kentucky: Bluegrass and Trumpetcreeper (Campsis radicans).
Louisiana: Magnolia grandiflora.
Maine: White Pine (Pinus strobus).
Maryland: Black-Eyed Susan (Rudbeckia hirta).
Massachusetts: Trailing Arbutus, Mayflower (Epigaea).
Michigan: Apple Blossom (Malus pumila).
Minnesota: Pink Moccasin Flower (Lady Slipper) Cypripedium acaula.
Mississippi: Magnolia grandiflora.
Missouri: Hawthorn (Crataegus).
Montana: Bitter-root (Lewisia rediviva).
Nebraska: Goldenrod (Solidago).
Nevada: Sagebrush (Artemisia tridentata).
New Hampshire: Purple Lilac (Syringa).
New Jersey: Violet (Viola).
New Mexico: Spanish Bayonet—Yucca aloifolia & filamentosa.
New York: Wild Rose (Rosa).

North Carolina: Common White or Oxeye Daisy (Chrysanthemum leucanthemum).

North Dakota: Wild Rose (Rosa).

Ohio: Red Carnation (Dianthus caryophyllus).

Oklahoma: Mistletoe (Phoradendron flavescens).

Oregon: Oregon Hollygrape (Mahonia aquifolium & nervosa).

Pennsylvania: Mountain Laurel (Kalmia latifolia).

Rhode Island: Violet (Viola).

South Carolina: Carolina-Yellow Jessamine (Celsemium sempervirens).

South Dakota: Pasqueflower (Anemone Pulsatilla).

Tennessee: Passionflower or Maypop (Passiflora incarnata).

Texas: Bluebonnet (Lupinus subcarnosus).

Utah: Glove Tulip (Calochortus).

Vermont: Red Clover (Trifolium pratense).

Virginia: Flowering Dogwood (Cornus florida).

Washington: Rhododendron (Rhododendron californicum).

West Virginia: Great Laurel, Rhododendron (R. maximum).

Wisconsin: Violet (Viola).

Wyoming: Indian Paintbrush, painted cup (Castilleja parviflora californica).

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, in honor of what the distinguished minority leader just said, I would like to yield myself 3 "blooming" minutes on another matter.

The VICE PRESIDENT. The Senator from Pennsylvania is recognized.

DEMOCRACY IN LATIN AMERICA: BRAZILIAN RETREAT

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the Record a statement by the junior Senator from New York (Mr. Goodell).

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Goodell

On December 15, 1968, a correspondent of the New York *Times* in Rio de Janeiro sought to telephone a despatch to his newspaper.

"In a weekend of perfervid activity," the correspondent began, "President Arthur da Costa e Silva re-established a military dictatorship in Brazil after four years of attempting a transition to democracy.

"The President, with the backing of the armed forces . . ." At this point, after a sentence and a half, the transmission ended abruptly, apparently cut off by censors at the source.

To all who have watched from abroad with sympathetic interest the effort of Brazil to master its gigantic internal problems, the incident which I have described must cause anxiety and misgivings. It is disturbing that the correspondent of a great and responsible newspaper interprets recent events in Brazil as a re-establishment of military dictatorship. It is equally disturbing to find that censors interfered with the correspondent, as though to prove him right in his interpretation.

I can speak about the alterations of the political system of Brazil, not as an expert; but as one who has some understanding of the problems and personalities instrumental in bringing about recent changes in that country, and as one who has always believed that a close and cordial relationship between the United States and Brazil is essential to the safety and progress of this hemisphere. In short, I speak as a friend of Brazil.

Somewhat more than two years ago, after the close of the 89th Congress, I made a study tour of Brazil. During a period of two weeks in November and December 1967, I visited that great nation to take a crash course in Brazil in order to understand its problems, its institutions, its customs and to become acquainted with its leading public figures.

My tutors in this crash course were 171 Brazilian and American citizens with whom I held discussions in depth that covered the major problems that confront the government and the people of Brazil. Among those 171 tutors was the incumbent president of Brazil, then President-elect, Arthur da Costa e Silva.

My discussions with President Costa e Silva were informative and encouraging. They deepened my awareness of the difficult internal problems facing the incoming administration. They encouraged me to believe that the new President would meet those problems effectively and humanely. I came away from that conference with the conviction that democratizing the political order would be one of the chief concerns of the new administration.

When I reported on my tour of Brazil to the House of Representatives on June 21, 1967, I gave my impressions of the present President of that nation and my expectations about his administration in these words:

"I was impressed at the then President-elect's detailed grasp of Brazilian problems. The Costa e Silva government promises to provide a fascinating new chapter in Brazilian development.

"Mr. Costa e Silva expresses a strong belief in free government. He said there would be no further limitation of political rights after his inauguration. He flatly assured me there would be political freedom. He said, 'There will be no return to the old ways. There will be a new constitution. We will have democracy.'

"It is my impression that the Marshal is capable of providing the leadersihp needed by Brazil. . . ."

I remember clearly the emphasis which President Costa e Silva placed on the words "We will have democracy" as he spoke them to me. And, remembering the man and his words and his air of earnestness and conviction, I find myself bewildered and saddened as I read press reports of recent events in his country.

Let me review the events in Brazil since December 13 which led the correspondent of the New York *Times* to conclude that a military dictatorship has been re-established there.

On December 13, 1968, President Costa e Silva signed the Fifth Institutional Act, conferring on himself broad powers to govern without regard to many limitations of the Brazilian Constitution. As the title of the Acts suggests, assumption of such power by the President is not unprecedented. Similar enlargement of executive authority had been provided for by previous Institutional Acts since 1964.

The Fifth Institutional Act invests in the President the following powers:

1. To recess the National Congress, as well as state and local legislative bodies, and to exercise all powers of the legislature during a recess.
2. To replace governing officials of states and municipalities.
3. To suspend the political rights of any citizen for ten years.
4. To confiscate the wealth of any person who has illicitly enriched himself through public office.
5. To suspend the right of habeas corpus for crimes.
6. To exclude from judicial review any actions performed under the authority of the Institutional Act.

In the exercise of these powers, President Costa e Silva has recessed the National Congress, has issued a number of legislative decrees, and has taken action against many whom he has accused of participation in "an alliance between corruption and subversion."

In the first four days after the issuance of the Fifth Institutional Act, a government spokesman announced that 200 people had been taken into custody. Many were released within a few days. Those placed under arrest have been prominent critics of the government including former President Juscelino Kubitschek, Carlos Lacerda (former Governor of the State of Guanabara, including Rio de Janeiro), and Darci Ribeiro (Chief of Cabinet under former President Goulart).

Several journalists were among those reported arrested, including three top officials of the newspaper *Jornal do Brasil*—Jose Sette Camara (its director and former delegate to the United Nations), Carlos Castelo Brance (chief political columnist), and Alberto Dines (its editor).

Censorship was clamped on the press, radio, and television. It was enforced during its initial stage by military personnel who were stationed in the offices of newspapers and other communications media. Apparently, censorship of dispatches of foreign correspondents was terminated in a few days.

According to the New York *Times* of December 21, 1968, censorship extends to the following matters: arrests made by the military following the suspension of Congress, dissension and differences of opinion in the Armed Forces, criticism of the regime's acts, and the existence of censorship itself.

The Brazilian government has released two lists of citizens whose political rights have been suspended for ten years, and it is reliably reported that a third such list may be published at any time. On the two lists made public to date are the names of 5 people, including two Senators and 46 Congressmen. In addition, three Justices of the Supreme Court were summarily removed from office—the first time in the history of Brazil that such action has been taken against the highest court in the land. The penalty of deprivation of political rights amounts to banishment from public life, denying those on whom it is imposed the right to speak or to publish as well as to run for or to hold political office.

The restrictions on the Congress, the press, and the political opposition imposed after December 13 were occasioned by a defeat which the government suffered in the Congress on December 12. The government asked the Congress to suspend the immunity of one of its members, Congressman Marcio Moreira Alves, so that he might be brought to trial. The offense which led to the government's request was a speech delivered by Congressman Alves—a persistent critic of the Brazilian military—three months earlier strongly attacking the military establishment and urging the public to boycott the military parades held on Independence Day, September 7. By a vote of 216 to 141, the Chamber of Deputies rejected the government's motion to lift the parliamentary immunity of Congressman Alves.

This incident provoked an overreaction on the part of the government in the issuance of the Fifth Institutional Act and the repression based upon it.

In justification of the repressive measures put into effect, the government has suggested that they were necessary to avert disorder and civil war. No convincing case has been made that Brazil was in fact in so desperate a crisis. No convincing case has been made that there was not a wiser and more lawful way to deal with the difficulties faced by the government.

It is undoubtedly true that the situation which impelled the government's action was more than an isolated speech by a single Congressman and more than the rebuff which the Congress administered to the government on December 12. For a number of reasons, good and bad, the government and the military establishment had come under increasing criticism in 1968 from sources such as the press, the schools, and some religious leaders. Dissatisfaction with the government seemed to become more widespread. Certainly it became more vocal.

I have observed that the Fifth Institutional Act has precedents in recent Brazilian history. In the current situation, however, there is something especially dismaying in the vigorous crackdown on the press.

One of the inconveniences with which democratic government must learn to live is criticism. Freedom of speech and press are essential elements of democracy, and the fact that these freedoms are used to condemn the government is not a valid reason for abolishing them.

One advantage of free speech and a free press is the fact that it provides an avenue for constructive change and nonviolent outlet for dissatisfaction. Suppression of these rights by government runs the risk of hardening dissatisfaction and turning critics into violent revolutionaries. As one of the critics of the Brazilian regime—Alberto Dines, editor of *Journal do Brasil*—said in a speech which led to his arrest, "The engine without an escape valve that they are building in Brazil is ready to explode. Violence is a lesson easily learned. And once learned, it is not forgotten."

The frequency of military coups throughout Latin America has been a disturbing feature of the history of that part of the world. Since 1961, there have been 16 coups in Latin America resulting either in replacement of governments or suspension of constitutions. In the past six months, Panama and Peru as well as Brazil have experienced such upheavals.

The United States must give all the encouragement possible to the development of democratic systems in Latin America. What the United States can do to influence internal policy in these nations is always limited. But neither the United States nor our Latin American partners can treat as empty verbiage the goals and pledges contained in the charter of Punta del Este of 1961 establishing the Alliance for Progress. In the Declaration to the Peoples of America, signed by 20 American Republics in August 1961, the pledge was made "to improve and strengthen democratic institutions through application of the principle of self-determination by the people."

This is a condition on which the aid given by the United States to Latin America is based. When regression from the goals of the Alliance takes place in any nation, as has happened in Brazil, a careful reassessment of aid is in order to determine whether our aid in fact supports repression and whether termination or modification of aid would be efficacious in inducing a return to the principles of the Alliance.

In acting on forthcoming proposals for any aid, I hope and expect that the Congress will carefully evaluate developments in Brazil in the weeks and months ahead and will scrutinize closely the uses proposed for such aid funds.

I am not prepared to make definite recommendations at this time, but I must express skepticism about the wisdom of providing aid for the purpose of enabling any Latin American country to acquire military hardware.

Though I am deeply disappointed about what has happened in Brazil, I am not yet sure that Brazil is irrevocably committed to its present course. There are some hopeful signs that the door is not closed to change.

The government has manifested embarrassment about what it has done and uncertainty about what it will do next. It has hinted that the Congress will be reconvened. It has relaxed somewhat the censorship of communications media imposed after December 13. It has so far moved with some caution in the exercise of its power to deprive citizens of their political rights. It appears to have retreated somewhat from the policy of arresting people merely because they were opponents of the regime.

Brazil is a great country with massive resources, but its patient and talented people will not reach their true destiny under a repressive and undemocratic system of government.

I hope that President Costa e Silva still cherishes the goal he expressed when he said to me, "We will have democracy." I trust that progress toward this goal will be speedily resumed and that such progress will be facilitated by wise policy on the part of the new administration in the United States.

For the Nixon administration, Latin America presents a number of urgent problems. It is essential that Latin American affairs not be put on the back burner to simmer while the administration's attention is monopolized by problems of Southeast Asia, the Middle East, or Europe. The Nixon administration must speedily make clear its policy toward Latin America and must assign the best talent that it can muster to the formulation and execution of this policy.

It is particularly important that closest attention be given to Brazil by the new administration. An ambassador of top competence, who knows the country and its leaders, should be designated without delay. And he should go to his post with clear instructions to convey the disappointment of the government of the United States about Brazil's drift away from the basic practices of democracy and to work to influence a different direction for the future.

FEDERAL FUNDS TO SCHOOL DISTRICTS

Mr. SCOTT. Mr. President, last week the new administration faced a crucial policy decision in the area of civil rights and education. It responded by enforcing title VI of the Civil Rights Act of 1964, cutting off Federal funds to five school districts which failed to comply with the act.

At the same time, however, a unique action was taken which permitted a school district to meet compliance standards within 60 days and receive funds retroactive to the cutoff date. This provision, worked out by Health, Education, and Welfare Secretary Robert Finch in order to give him a chance to establish communications with these five districts, caused some concern and no small amount of confusion as the result of varied interpretations in the press at the time.

I believe the basic point to be kept sight of, is that Secretary Finch did suspend Federal money from these districts and by doing so indicated that a vigorous enforcement policy would continue from administration to administration. To communicate our support for that decision, and to notify the Secretary that we wanted a continuing strong policy made clear to these five and other districts facing action under title VI, five Senators wrote a letter to Secretary Finch last Friday. In addition to the letter, we issued a public statement of essentially the same wording, joined in its introduction by the five signers of the letter and by the senior Senator from New York, who had earlier sent a separate letter to the Secretary.

Mr. President, I ask unanimous consent that a copy of our letter to Secretary Finch be printed in the RECORD as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 31, 1969.

HON. ROBERT H. FINCH,
Secretary of Health, Education, and Welfare,
Washington, D.C.

DEAR MR. SECRETARY: As Senators who deeply believe in equal educational opportunity for every child in this Nation, we believe the Department of Health, Education, and Welfare took the only appropriate action available to it by suspending Federal funds to five school districts which had failed to move toward school desegregation.

We realize that the compliance deadline, set by the previous Administration, thus forcing an immediate action on you, presented unique problems. Therefore, we view your decision to permit a 60-day period in which these five school districts—and only these five—may submit an acceptable desegregation plan to receive suspended funds retroactively to the date of suspension to be, as you indicated in your order, "an opportunity to open communications with each of these school districts."

We feel it is a most generous approach—too generous in any other situation but the one which faced the new Administration.

It must be made crystal clear to all school districts presently in negotiation under desegregation orders, that standards will be strictly enforced by this Administration. We expect it will be made clear that if standards and deadlines are not met by these other school districts, the districts face loss of funds with no retroactive provision. We interpret the document you issued January 29, the "Amendment of Order" relating to the five school districts due to lose funds, as establishing this Administration's intention to insist on compliance with the requirements of desegregaton set down in law.

We request that we be kept advised of the action taken by your Department at the end of the 60-day period.

With all best wishes,
Sincerely,
HUGH SCOTT,
EDWARD W. BROOKE,
CLIFFORD P. CASE,
CHARLES E. GOODELL,
RICHARD S. SCHWEIKER,
U.S. Senators.

THAILAND

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Jack Anderson entitled "Are They Robbing Us Blind in Thailand?" and a letter from the office of the public relations attaché of the Royal Thai Embassy commenting on the article.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Parade, Dec. 29, 1968]

ARE THEY ROBBING US BLIND IN THAILAND?

(By Jack Anderson)

BANGKOK and WASHINGTON, D.C.—Almost next door to Vietnam, in the lush kingdom of Thailand, we're being robbed of millions of dollars. Day in and day out, through extortion and waste, vast sums go down the drain and we're not doing much to stop it. The reason is there isn't much we can do. Our friends in Thailand—a country which a century ago tried to give Abraham Lincoln elephants to use in the Civil War—have us over a barrel.

With 45,000 U.S. troops to maintain in Thailand, most of them manning seven air bases, and with commitments to train and advise the Thai military to fight Communist guerrillas and invaders, Washington is stuck with large spending in the Asian kingdom. And the Thai people, from lowly dock workers to top government officials, have some pretty loose morals when it comes to American dollars. It seems that almost anyone who can get his hand in the till is busy doing so. It's vexing but it's the price to be paid for keeping a military presence in a country where graft is a way of life. And, in the case of Thailand, it's probably cheaper to take the losses rather than try to operate from a distant base such as Guam.

At times, though, it seems that the U.S. has learned little from its mistakes in Vietnam. In Thailand American spending has been conspicuous and poorly planned. Just as in Vietnam, our seven air bases are surrounded by pockets of inflation. American-built roads have crumbled because of bad engineering. American-made locomotives have broken down under heavy work because, mistakenly, small switch engines were brought in.

GI spending sprees are also causing the same resentments in Bangkok that eventually forced the Army to withdraw all but "essential" troops from Saigon. Indeed, the U.S. sends GI's from Vietnam to Bangkok for rest and recreation. The requirement that they wear civilian clothes makes the burly, big-spending soldiers no less noticeable as they wander the streets arm-in-arm with pretty Thai girls.

Although the seven bases were constructed at enormous expense to the U.S., the title to them is held by the Thai government. Yet the U.S. not only erected the facilities but also purchased the land. And when the Americans pull out, Uncle Sam has agreed to turn over all surplus equipment to the Thais. The accumulation already is worth millions.

The U.S. started to build one base at Nam Phong, sank $15.2 million into two magnificent concrete runways, four connecting ramps and an aircraft parking area, then abandoned the whole project. The complex now lies deserted among the scrub brush on a lonely flatland. Yet even as work was stopped on this base, other contractors began constructing an enormous airport 40 miles outside Bangkok as a training academy for the Royal Thai Air Force. The Americans couldn't persuade Thai officers to take their flight training at Nam Phong away from the bright lights of Bangkok. Cost to the taxpayers: another $15 million.

A LUST FOR MONEY

If the gentle, gracious Thai people are less avaricious than the Vietnamese, the aid that the U.S. is pumping into Thailand is awakening in them a lust for money. All highway express, for example, is controlled by the Express Transport Organization. The government owns 51 percent of the stock, but the other 49 percent is in the hands of high government officials who make a profit on the government monopoly.

U.S. shipments to Laos must pass through Thailand, and most of the goods are hauled by ETO. Private truckers are permitted to bid only for the jobs that ETO is too busy to handle. Yet the bids from the independent truckers invariably are lower than the ETO price. An aid official has calculated that one dollar out of every eight spent to move supplies across Thailand has gone to line the pockets of a few Thai officials. Some Americans defended the ETO monopoly, however, by pointing out that its trucks and drivers are more dependable.

The corruption extends all the way down to the dock workers who demand $10 to unload American shipments. At each of the four check-points between Bangkok and the Laos border, too, police demand $1 apiece for every truckload of American material. And at the Mekong River, ferry operators want to be tipped up to $20 for every truck they haul across to Vientiane. In the 300 miles between the Bangkok docks and the Laotian capital, at least five percent of the value of American aid is siphoned off by police, laborers and government officials.

Even Thailand's swinging King Bhumibol, a figurehead in this military dictatorship, appears to have prospered from American aid. His holdings are administered by a semiautonomous government group, called the Crown Property Bureau, which operates, among other things, the Siam Cement Corp.

NO COMPETITION

Unlike the trucking industry, Siam Cement is not a monopoly, and the U.S. is free to purchase cement from any supplier willing to bid. But other businessmen are understandably unwilling to compete against the royal cement works. It may also come as no surprise that Siam Cement has managed to squeeze greater profits out of Uncle Sam than from any other purchasers. Cement shipments recently went from Siam Cement to both Saigon and Singapore for $5 a ton less than the American government pays for cement inside Thailand. All told, the overcharges are figured at more than $200,000 and aid officials are asking for a refund.

If U.S. shipments to Thailand are delivered in a very leaky bucket, the government at least is trying to plug the holes. The Thais, practitioners of a permissive form of Buddhism, don't get as worked up as Americans do over corruption. If the enrichment isn't too blatant, they don't mind that public officials use their political power for personal gain.

Out of concern for American sensibilities, however, some Thai officials have made valiant attempts to change the system. The Prime Minister, for example, ordered his son to give up his directorship of a major bank. The fact that the son refused didn't diminish the Prime Minister's good intention.

In helping Thailand prepare itself against a possibly impending Communist threat, the U.S. is acting under arrangement of the Southeast Asia Treaty Organization. Ironically, the shoe was once on the other foot. During the American Civil War, Thailand became the first nation ever to offer foreign aid to the U.S. King Rama IV—the monarch of *The King and I*—admired Abraham Lincoln and sought to aid the Union army by sending elephants to America. Now Washington is finding that it's quite expensive to help the onetime would-be helper.

OFFICE OF THE PUBLIC RELATIONS ATTACHÉ, THE ROYAL THAI EMBASSY,
Washington, D.C.

Re: Reply to Jack Anderson's Article "Are They Robbing Us Blind in Thailand" in the Parade Magazine of December 29, 1968.

Mr. JESS GORKIN,
Editor, Parade,
New York, N.Y.

DEAR SIR: Jack Anderson in his article entitled "Are They Robbing Us Blind in Thailand" published on December 29, 1968 in Parade Magazine, a Sunday supplement of such American newspaper as the Washington Post, joins Louis Lomax and a few unworthy writers and journalists in bringing discredit and dishonour on the American press and indeed on the whole American nation. There is nothing ethical or moral in propagating blatant falsehoods and those in the United States who come across them can only be pained and perhaps even disgusted to see so sad a specimen of humanity in their midst. This is undoubtedly the case of so much good which has been accomplished by so many brave American soldiers, many competent American diplomats, educators and technicians being undermined and jeopardized by only a few lowly and despicable elements of the American society.

The true facts are that Thailand did not ask either American combat troops or the American rest and recreation soldiers to come into the country. They can also leave as soon as they wish. Nor did Thailand ask for military installations to be constructed on its soil. Furthermore, when the United States Government requested for the permission to build them, Thailand acceded to the request without asking for substantial compensations as has been the case with many European nations which granted bases to the United States. In fact, the United States save hundreds of millions of American taxpayers' dollars. The spending of the United States military fund is controlled entirely by American authorities. If there are irregularities, those responsible can be easily traced and they will be found only among Americans.

Thailand has preserved her own cherished heritage of freedom and independence throughout the centuries by relying on her own efforts. Thus the Thai Government and people are combating communist insurgency in certain remote parts of the country with our own men and our own resources. No American life has been risked and no American life has been lost in the defense of Thailand.

The author even has the impertinence to impugn the dignity and reputation of our beloved sovereign. This deliberate and degrading act serves only to place the author in utter contempt of scores of millions in Southeast Asia who know how energetically and selflessly His Majesty has performed his tasks, often beyond the call of his duty, for the welfare and progress of the Thai people as well as of the regional community of which Thailand is a part. Experience of the past few years has taught the Thai people to be wary of those who pretend to be friends but abuse our hospitality and cowardly disparage what the Thai nation holds dear and in deep respect. Even our foes have not committed such dastardly act.

Under the false pretense of freedom of the press, Jack Anderson has been abusing and misusing it and has turned it into a freedom to mislead and indeed to poison the minds of the public. In fact, he may well have been hired by certain political organizations. The man himself must be a sick man, physically, intellectually and morally, who together with some of his sick confreres have been spreading this kind of sickness which has afflicted the United States for the past year or so. We sympathize with the American people who have to live and put up with these sub-human species. We also commiserate with the newspaper whose standing and prestige must have been lowered by the publication of one of the most sickening press materials ever produced.

Sincerely yours,
PRACHA GUNAKASEM,
Information Department,
Ministry of Foreign Affairs.
BANGKOK, THAILAND.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that beginning at the hour of 2 o'clock p.m. there be a time limitation on the pending resolution for a period not to exceed 3 hours, the time to be equally divided between the majority leader, the Senator from Montana (Mr. MANSFIELD), and the distinguished senior Senator from Delaware (Mr. WILLIAMS), the sponsor of the resolution; that if any amendments or motions are offered, that there be a time limitation of 20 minutes thereon, the time to be equally divided between the sponsor of the amendment or motion and the distinguished senior Senator from Delaware.

The VICE PRESIDENT. Is there objection?

Mr. AIKEN. Mr. President, reserving the right to object, will I be given sufficient time to ask the Senator from Delaware about 30 or 40 questions?

Mr. MANSFIELD. The Senator will be given more than enough time.

Mr. AIKEN. Very well.

The VICE PRESIDENT. Without objection, it is so ordered.

CEYLON'S 21ST ANNIVERSARY OF INDEPENDENCE, FEBRUARY 4, 1969

Mr. AIKEN. Mr. President, the people and the Government of Ceylon are today celebrating their 21st anniversary as an independent nation, and I think it is fitting that this important occasion be brought to the attention of the Senate.

The people of Ceylon are good friends of the people of the United States, and our two governments maintain very cordial and mutually helpful relations.

Ceylon is one of the most stable parliamentary democracies in Asia.

Her record of expanding and protecting the political freedom and economic well-being of her people compares favorably with that of countries which have enjoyed independence over a much longer period of time.

Under her constitution the rule of law is firmly established and the will of the people's representatives in Parliament is controlling, as is proper in a democratic nation.

The people of the United States are proud to be associated with the development program of this industrious and enterprising country in a number of areas.

For example, our two governments signed an investment guarantee agreement in 1966.

During the coming year, partly as a result of this agreement, we look forward to an expanded participation by private American capital in the economic growth of Ceylon.

The World Bank has also demonstrated its confidence in the efforts of the people of Ceylon to further accelerate the growth of their economy and consequently to add to their prosperity.

During the past 2 years, the Bank has granted Ceylon credits of $9.8 million to help the Government improve highways so that the country's important exports of tea, rubber, coconuts, and other products can more quickly reach the ports.

These new roads will also accelerate other economic development projects.

In addition, the Bank last year granted credits of $2 million for a new irrigation system, and of $4 million to finance private industrial development.

In all, Ceylon has received $15.8 million from the Bank since 1967 for development purposes, and the rate of economic growth was 7 percent in 1968, a figure which would be commendable even for a much longer established member of the community of free nations.

It is also satisfying to be able to note that Ceylon has been determined to link progress in the material sense with progress in meeting human needs and fulfilling the personal aspirations of her people.

Education has been brought within the reach of all, and as a result the literacy rate of the population is higher than in many of the other countries in the region.

Medical services have also been greatly expanded and the death rate has been slashed while life expectancy has been increased to 62 years.

Ceylon enjoys a higher living standard than many other Asian countries, and malnutrition is far less common.

For all of these examples of patriotism, industry, humane government and prudent management, we congratulate our friends in Ceylon today, and wish them well in the years to come.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. MANSFIELD. Mr. President, I join the distinguished senior Senator from Vermont, the ranking Republican in the Senate, in what he has had to say about the 21st anniversary of Ceylon's independence.

Ceylon is a small country, it is a beautiful country, and it is a country which has remained nonalined, trying to achieve on the basis of what it can itself do; receiving assistance from outside institutions such as the World Bank, but maintaining respect for and understanding of the problems confronting the rest of the world.

I am happy to join with the distinguished Senator in extending best wishes on this occasion, to this fine republic, this member of the British Commonwealth, this country which does so much under such adverse conditions to make its freedom viable and to keep its people hopeful and prosperous in the days ahead.

Mr. AIKEN. I thank the Senator from Montana for the words he has just spoken.

TEXTILE TRADE POLICIES

Mr. TALMADGE. Mr. President, in recent weeks there has been considerable publicity about rising textile imports and the impact they are having throughout our economy.

It has been gratifying to me, as one who has long labored to restore orderly trade in textiles, to note a growing awareness that our textile trade policies are at cross-purposes with efforts to maintain a high level of employment and a sound economy here at home.

In spite of the fact that the flood of low-wage textile imports is recognized as a major national problem, our outdated trade policies permit them to enter this country in greater and greater volumes each year.

Import statistics compiled by the U.S. Department of Commerce for the first 11 months of 1968 indicate that last year was an alltime record year for textile imports. The volume was in excess of 3 billion square yards, double what it was 5 years ago, and more than five times the level 10 years ago.

In addition to their sheer volume, textile imports are contributing substantially to our balance-of-payments deficit. The United States has not had a favorable textile trade balance since 1957, and the 1968 deficit is estimated at $990 million. In 1967, the textile trade deficit amounted to one-fourth of our entire balance-of-payments deficits.

This tremendous volume of textile imports is particularly devastating when it is viewed in terms of employment. In Georgia 110,000 people depend on the textile industry for a livelihood. An additional 65,000 are employed by the apparel industry. The combined payroll is in excess of $725 million.

It has been estimated that the current level of imports is displacing the equivalent of more than 200,000 jobs in textile and apparel mills throughout the country. Cotton textile imports are the equivalent of more than a million bales of cotton. In addition, imports of textiles of other fibers are equivalent to three-quarters of a million bales of cotton.

While the direct impact of imports has hurt textile and apparel employment, the continuing rise in textile imports is foreboding for the cotton industry. The 1968 cotton crop was just under 11 million bales. This was an increase of 46 percent over the 1967 crop, but it is considerably below the 1962–66 acreage.

Foreign production of cotton is increasing by more than a million bales annually, and domestic mill consumption this year is expected to be the smallest since the 1963–64 crop year.

With cotton facing these severe competitive pressures, it is adding insult to injury to leave the floodgates open to more and more textile imports which sell in the country—not because they are any better, not because they are more attractive, not because they are more efficiently produced, but simply because they are made at wage scales and under working conditions which would be illegal in this country.

At a time like this when we see the integrity of the dollar in international trade in danger, and we have serious problems of underemployment of our low-skilled workers at home, we must ask ourselves how we ever got into such a posture where trade in textiles is concerned.

How did we ever permit textile imports to triple in 10 years? How did we permit a textile trade deficit year after year after year, until it has reached nearly a billion dollars and one-fourth of our balance-of-payments deficit?

The answer is simply that we have not updated our textile trade policies in light of the realities of today. We are still relying on a basic trade policy which was developed 34 years ago to help us out of the Great Depression.

The wage gap between the United States and other textile-producing nations get wider every year. Other nations subsidize their exports in order to obtain dollars. At the same time, they discourage our exports with a number of nontariff barriers which shelter their markets.

For years, we have done nothing to offset these unfair advantages enjoyed by other nations. Instead, we have progressively lowered our tariffs to the point where in many cases they are meaningless as a device to restrain trade, and we are sacrificing hundreds of thousands of potential American jobs to a blind commitment to free trade.

Back in 1961, when cotton textile imports were getting completely out of hand, the United States entered into an international agreement governing cotton textile imports. This multilateral agreement is the Long Term Arrangement on Cotton Textiles, and it recently was extended through 1970.

While the Long Term Arrangement has not operated as well as those of us who supported it had hoped, it has had some restraining effect on the flood of cotton textile imports. The Long Term Arrangement has not been overly restrictive. As a matter of fact, it has been too liberal.

At the time it was negotiated, it was anticipated that the Long Term Arrangement would provide for increases of imports of about 5 percent per year. Actually, the increases have been just about double that.

When the Cotton Arrangement was negotiated, imports of man-made fiber textiles were relatively small. But the situation has changed dramatically. The buildup of man-made fiber textile imports has been phenomenal.

In 1960, we imported only 149 million square yards of manmade fiber textiles. In the first 11 months of 1968, man-made fiber textile imports were a staggering 1.3 billion square yards. For the first time in history, imports of man-made fiber textiles exceeded cotton textile imports in July of last year.

The situation is equally serious where wool textiles are concerned. Today, one out of every 4 yards of wool textiles used in this country is imported.

It can be reasonably expected that this relentless rise of imports will continue unless some system of meaningful controls is developed for textiles of all fibers.

During the last session of Congress, I joined with 67 of my colleagues in the Senate in sponsoring a bill which would have brought about orderly trade in textiles. This measure passed the Senate by a vote of 55 to 31. The House failed to act before Congress adjourned.

Now that we have a new Congress and a new administration, this effort to develop fair and realistic controls over textile imports must be renewed. The problem can only get worse unless something is done and done now.

There is no point in talking about "adjustment assistance." Many industries have had long and bitter experience with the adjustment assistance approach to helping an industry and its employees beseiged by imports. Adjustment assistance is a "too little and too late" approach to foreign trade problems.

The only solution to the problem of textile imports lies in a series of quantitative limitations on textile articles of all fibers.

We have had some experience with this approach with regard to cotton textiles. A similar concept must be applied to textiles of all fibers.

Only when order is restored to world textile trade can the textile industry realize its vast potential to create new jobs in areas of the country where employment is needed the most.

Mr. President, the Augusta Chronicle recently carried an editorial commenting on how imports are sapping the economic strength of the textile industry. I ask unanimous consent that the editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ADVANCE OVER OBSTACLES

The 1968 record of the U.S. textile industry—90 per cent of which is in the South, and exerting an economic effect vital to the Central Savannah River Area—is one of slow advancement over a tough obstacle of cheap imports.

Sales were up 10 per cent, the American Textile Manufacturers Institute said Wednesday, but earnings on net sales were only three cents on the dollar. Profits remained below the 1966 level in the textile field, and below the average for all manufacturing industries. Meanwhile, employment averaged 934,000, a gain from last year of 32,500 of which about 10,000 reflected the industry attention to equal employment opportunities. The average hourly earning for this year will be about $2.23 for all types of workers, as compared with $2.14 in December 1967.

New capital investment, which reached a peak of $1.1 billion in 1966 was down to $820 million—much of it for modern equipment such as has made possible the price stability of the past decade. Despite six rounds of pay increases since 1962, the textile wholesale price index on a base of 100 in 1957–59 now averages only 100.1. The all-manufacturing index, in contrast, is 108.6.

The obstacle to a complete recovery from the 1967 decline is a flood of imports, estimated this year at $1,646,000,000 worth, as against exports of $654,000,000. Here is a trade deficit for the U.S. of nearly a billion dollars. For the first time, textile imports this year will reach three billion square yards. Only increasing efficiency in the domestic mills has enabled the American industry to compete against the much cheaper foreign labor.

This is the background against which the trade policies of the Nixon Administration will assume paramount importance for the South. Government policies which affect import controls, consumer spending and inflation could mean the difference between economic health, or the lack of it, in the textile field.

ANNOUNCEMENT OF INFORMAL HEARING ON RECENTLY ANNOUNCED INCREASE IN GRAZING FEES ON PUBLIC LANDS

Mr. CHURCH. Mr. President, as chairman of the Senate Subcommittee on Public Lands I would like to announce an informational hearing on the recently announced increase in grazing fees on public lands.

The hearings will be conducted February 27 and 28 in room 3110 of the New Senate Office Building, starting at 10 a.m. each day. They will be open and public.

As you may know, Mr. President, the proposed increases were announced a few weeks ago, prior to the advent of the new administration. The scheduled increases have occasioned extensive protests from the western livestock industry, which alleges they would eliminate many operators.

This new fee schedule was promulgated on the basis of a study undertaken at the direction of the Bureau of the Budget and the Agriculture and Interior Departments. It is the intention of the Senate Subcommittee on Public Lands to look into the study and other aspects involving the increase.

It is also the intent of the subcommittee to hear the views of interested parties, including the livestock industry, conservation groups, and any Senator who would like to express an opinion.

Those wishing to appear and testify should contact the Senate Interior and Insular Affairs Committee staff, room 3106, New Senate Office Building.

FLOOD AVERTED IN IDAHO

Mr. CHURCH. Mr. President, at this moment the State of Idaho, as well as most States in the Northwest, is blanketed by the heaviest snowpack in decades. While so much snow can well be a blessing for our farmers and ranchers if it melts slowly down off the mountaintops, it can also be tremendously destructive if a sudden thaw sends it flooding over river and creek banks. We had the first such touch of disaster 10 days ago in eastern Idaho when rains coupled with a warming trend sent the waters of Willow Creek at Idaho Falls spilling over into residential areas near Idaho Falls. That same scene might have been repeated at Pocatello where, in past years, relatively minor rises in river levels inundated portions of the city.

But it was different this year and the difference was the flood control channel on the Portneuf River just completed by the Army Corps of Engineers. It was a job well done and is deserving of note and praise.

It was also the subject of an editorial in the January 23, 1969 issue of the Idaho State Journal.

I ask unanimous consent, Mr. President, to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FLOOD PROJECT PAYS DIVIDEND

Any lingering doubts as to the worth of the $5 million flood control project on the Portneuf River in Pocatello should now be dispelled.

The warm weather and rains which continued for several days raised the level of the Portneuf to nearly seven feet in the city. In the past, that would have been enough to inundate flat land south of the city, and threaten the Riverside golf course.

So what happened this time? The river instead slid through the city with no problem whatsoever, comfortably contained in the concrete channel constructed by the Army Corps of Engineers.

The floods of 1962 and 1963 here saw the river reach levels of more than 11 feet and nine feet, respectively, and havoc resulted. Floods of that proportion still would create problems above Pocatello, and perhaps downstream from us, but there appears to be no danger within the city.

A lot of water has gone over the dam, you might say, since 1963. It required a bond election, months of paperwork, and years of construction, but the Portneuf flood project is a reality that this week paid its first dividend.

LET THE MISSILE TALKS BEGIN

Mr. CHURCH. Mr. President, it is the hope and intention of President Nixon that the next few years will be a period of negotiation rather than confrontation. I am sure we all share this hope.

There is no area where a period of negotiation rather than confrontation is more important than in arms control. I believe that both the United States and the Soviet Union are coming to the realization that ever-increasing investment in offensive and defensive missiles does not bring an increase in security but only makes us poorer and thereby less able to cope with the domestic needs of both countries.

The Soviet Union has recently indicated that it wishes to begin negotiations as soon as possible with the United States in the field of strategic offensive and defensive missiles. According to an excellent article by Victor Zorza, this decision on the part of the Soviet Union came after considerable debate within the Soviet hierarchy. Russia, it seems, also has its hawks and doves. Mr. Zorza points out that the position and credibility of those within the Soviet Government who argue for missile talks will be damaged, perhaps beyond repair, if President Nixon listens to those in the United States who argue against immediate talks on missile limitation.

It is my understanding that a similar debate over immediate missile talks is now in progress within the new administration. I urge President Nixon to give serious consideration to the idea of going ahead immediately with technical missile discussions with the Russians. I can fully appreciate that a new administration might find it difficult to develop a negotiating position within the first few weeks in office. In my view, however, technical discussions, which are the necessary prelude to full-scale negotiations, could begin immediately. If we are to achieve an agreement with the Soviet Union on offensive and defensive missiles we must first establish a technical and factual basis for negotiations. This could be done by beginning missile talks at the earliest possible date.

I urge the President to open the way to these discussions. I would hope the President would announce such a decision as soon as possible. If Mr. Zorza is correct, we run the risk in any further delay of encouraging those in the Soviet Union who oppose any discussions at all.

The time to act is now.

Mr. President, I ask unanimous consent that the article by Victor Zorza, "Nixon Could Aid Soviet Doves by Agreeing to Missile Talks," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Nixon Could Aid Soviet Doves by Agreeing to Missile Talks

(By Victor Zorza)

London.—The Soviet invitation to President Nixon to enter into missile limitation talks might have been designed as a trap.

Whether it was so designed depends on which of the Kremlin factions inspired it. For in addition to those Soviet leaders who really want disarmament, there are those who believe, as is evident from the Soviet press, that genuine disarmament is unattainable in the present state of the world.

Until the middle of last year, this second group balked the repeated efforts of Premier Kosygin, reflected in his public and private utterances, to accept President Johnson's longstanding invitation to join in missile limitation talks. The Kremlin accepted the invitation only when it became evident that, in the absence of missile limitation, the United States would proceed rapidly to vastly increase its strategic forces.

It is thus arguable that the recent Soviet agreement to join in talks, and the calculated and pressing reminder of this issued in Moscow on the day of Mr. Nixon's inauguration, were inspired not by the disarmers, but by their opponents. They might have finally agreed to the talks in the hope that these might lull American suspicions and delay the American arms drive, while giving the Soviet Union additional time to develop secretly its own strategic strength.

Duplicity of this kind is a habitual tool of Soviet diplomacy. The honeyed words and smiles of the Soviet leaders after the Cierna and Bratislava meetings, just before the invasion of Czechoslovakia, are only the most recent example of this.

An even closer parallel is to be found in the repeated Soviet assurances to President Kennedy that the Soviet Union was not introducing offensive missiles to Cuba—at the very time when the Soviet Union was secretly doing just that.

Less obvious, but even more relevant to the prospect of missile limitation talks, is the Kremlin's apparent duplicity during the first months of the Kennedy presidency, when the Soviet Union and the United States were observing a moratorium on nuclear tests while their delegates were trying to negotiate a permanent ban in Geneva.

President Kennedy insisted that the moratorium must be observed. But the Kremlin used the cover of the Geneva talks to prepare its 60-megaton test with which it prefidiously breached the moratorium, and which was later claimed to have given the Russians a 100-megaton bomb and a vast superiority over the United States.

President Kennedy vowed that he would never again allow himself to be caught "with his trousers down," and President Nixon must now consider whether he ought to expose himself to a similar danger while the missile limitation talks proceed in the usual slow and leisurely way.

Certainly the two situations are not exactly similar, but there are enough parallels to invite comparison, and to draw the obvious lesson. But the less obvious parallels should also be considered. For there was considerable evidence at the time that Premier Khrushchev was engaged in a tough struggle with his opponents in the Kremlin over the resources to be devoted to defense.

Khrushchev's power position was challenged, and in order to survive he had to give them what they wanted in the way of arms or at least to make a 60-megaton bang to show that Russia already had much bigger and better weapons than America.

There was evidence of the challenge to Khrushchev between the lines of the Soviet press, and he even went so far as to drop private hints to Western leaders that, unless they met him half-way on the disarmament questions then under discussion, his position in the Kremlin might be endangered.

His greatest need was for rapid progress at the Geneva talks on the nuclear test ban. An agreement at Geneva which he could present to his Kremlin associates as reasonably satisfactory would have eased the pressures on him, and he would not have had to break the moratorium by ordering the 60-megaton test.

But President Kennedy, too, was under pressure from those who advised against any concessions on security grounds, and from those who confidently ridiculed "the notion that Khrushchev's power is far from absolute or secure." These stories, they explained, were being spread "to pave the way for one-sided concessions by the West."

If the concessions which Khrushchev needed had been made by Mr. Kennedy in 1961—as they were ultimately made in 1963 when the President overcame the opposition from the Joint Chiefs of Staff and from others—the test ban treaty might have been signed two years earlier. Russia's 60-megaton test would have been averted, the whole course of international affairs might have been greatly changed.

Now the Soviet leadership is once again locked in struggle, and powerful voices in the West advise against immediate talks on missile limitation. Melvin Laird, the Secretary of Defense, would like to wait eight or nine months. But the Kremlin could use this waiting period just as effectively to build up its strength as it could use a similar period of talks.

If Mr. Nixon listens to Laird, and to those who once again disregard the evidence of the struggle in the Kremlin, the delay might well enable the Soviet hawks to score the kind of irreversible victory that they won when they brought about the fall of Khrushchev.

The issues in the present struggle (as described in my weekly newsletter) are much the same as in the past. Early talks could give the Kremlin doves the chance they need. Further delays could undermine their already shaky positions.

PRESIDENT NIXON'S SPECIAL MESSAGE ON THE DISTRICT OF COLUMBIA

Mr. HRUSKA. Mr. President, last Friday, President Nixon presented to the citizens of the District of Columbia and the American people a special message on the District of Columbia with special emphasis on its crime and law-enforcement problems. This message was not just a comprehensive detailing of the problems which confront us. It was the first installment of a wide-ranging plan of action—and a personal commitment—from President Nixon to do something about them.

The response was immediate and enthusiastic. Mayor Walter Washington pledged the "full support" of the District government. He called last Friday "an exceedingly bright day for the District of Columbia." The Washington Evening Star commented editorially that the President "is off to an excellent start" in his efforts to curb and turn back the mounting wave of crime in Washington. The Washington Post said that the proposals were a "comprehensive attack" and "offer hope and a checklist against which every citizen can measure in the months to come the performance of District and Federal officials."

This message will be supplemented by specific legislative and budgetary proposals to Congress in the near future. But the principal thrust and outline of the President's response is now recorded. It appears that the problems which have chronically plagued the Nation's Capital will receive top priority and sustained attention at the White House level as was pledged during the course of Mr. Nixon's campaign.

It is clearly and forcefully demonstrated by this message, Mr. President, that President Nixon cares about the problems of the District of Columbia and is willing and ready not only to bring the full resources and prestige of his office to bear on them, but to work with responsible officials and concerned citizens to bring about meaningful progress.

Of course, there must be equal priority and commitment given by the Congress, District officials and citizens, regardless of party affiliation. As a member of the

Senate Judiciary and Appropriations Committees and of subcommittees having jurisdiction over many of the areas covered in the message, I pledge to do all that I can to help. I urge my colleagues in the Congress to join with the President to get this essential job done.

While I shall not today comment on the substantive provisions of the message—they speak for themselves—I do salute the President on his wise choice in naming Mr. Donald Santarelli as special counsel for District of Columbia matters. Having known Mr. Santarelli for 2 years and having worked closely with him on a variety of crime-related issues during his service as Minority Counsel on the House Judiciary Committee and as Counsel to the Senate Constitutional Rights Subcommittee, I can attest to his intelligence, competence, and broad experience. He is a thorough, scholarly, yet practical technician who knows the crime problems of the District of Columbia from first hand, having also served in the U.S. Attorney's office in the District for 2 years. I am confident that he will discharge his new responsibilities in the same efficient and effective way he has during his tenure on Capitol Hill.

Mr. President, I ask unanimous consent that the full text of the President's message be printed in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

ACTIONS AND RECOMMENDATIONS OF THE PRESIDENT FOR THE DISTRICT OF COLUMBIA

Responsibility begins at home.

The District of Columbia is the Federal city, and the Federal Government cannot evade its share of responsibility for the conditions of life in the District.

For many who live here, those conditions have become intolerable. Violent crimes in the District have increased by almost three times in the last eight years; only two days ago, the local newspapers carried a report that armed robberies had more than doubled in the past year alone.

This violence—raw, vicious violence, hurting most of all those who are poor and work hard—is the surface manifestation of far deeper troubles.

These troubles have been long building. In part, Washington today is reaping a whirlwind sown long since by rural poverty in the South, by failures in education, by racial prejudice, and by the sometimes explosive strains of rapid social readjustments.

Because its roots are deep and closely woven, crime in the District cannot be brought under control overnight. Neither can poverty be ended or hatred eliminated or despair overcome in a year. But we can begin.

In the 11 days since the new Administration took office, I have asked the departments and agencies concerned to make an intensive study—as a matter of first priority—of actions that could be taken now toward curbing crime and improving the conditions of life in the city of Washington.

I wish I could report that we had produced a magic formula that would end crime and sweep away despair overnight. We have not. I have determined on a number of actions and recommendations which will provide a start.

These include:

A swift start on restoring those areas devastated nearly ten months ago.

A package of proposals that can at least help toward restoring the safety of life and property.

A commitment to give the people of the District of Columbia the voice they legitimately should have in the public policies that affect their lives.

Before detailing these measures I would like to make two points, both of which may help set the measures themselves in perspective.

I am pleased to report, first, that Mayor Washington and I, together with key members of our respective Administrations, have established the basis for what I confidently expect will be the most effective cooperation yet achieved in the relations between the Federal and City governments.

The basic framework within which we both intend to operate is one of local initiative and responsibility, and the fullest possible Federal support—not only in terms of the necessary money, but also by involving the vast array of technical assistance available from within the Federal departments and agencies headquartered here.

Second, the great majority of these actions and recommendations are in the fields of crime control and the administration of justice. I recognize full well that crime and violence are only part of the complex interweave of problems the District faces, and that in the long run crime itself also requires much more far-reaching and subtle approaches. But the rapidly mounting urgency of the crime crisis in the District marks immediate, direct anti-crime measures as the first-priority task.

There is another reason for this early and urgent emphasis. Crime in America today is both a primary local responsibility and a primary national concern. Here in the District, the Federal Government bears a special responsibility and has a unique opportunity. By searching for new ways of applying the resources of the Federal Government in the war against crime here, we may discover new ways of advancing the war against crime elsewhere.

These measures are by no means a comprehensive list. They represent things that are clearly needed and can be done now. Other crime-control measures will follow, and also additional measures to meet the vast array of the District's other needs.

RESTORING THE DEVASTATED AREAS

Scarcely any of the shops and homes destroyed during the riots of last April have been rebuilt, and very few of those damaged have been made habitable or usable again. These rotting, boarded-up structures are a rebuke to us all, and an oppressive, demoralizing environment for those who live in their shadow. They remind us again of the basic fact that the principal victims of violence are those in whose neighborhoods it occurs.

It is not enough merely to patch up what now exists: we must truly rebuild.

The people of the District—especially, of course, the people who live in these areas, and those who own the land—must decide the purposes for which these blocks will be used. The Federal Government can, however, pledge its full support for those Federal programs which can enable such redevelopment to proceed, and can further pledge the utmost Executive energy in responding to formal applications from the District.

We have already begun.

Specifically, Secretary Romney informed me today that the Department of Housing and Urban Development has approved a 29.7 million dollar neighborhood development plan for the Shaw area, including the major portion of the 7th Street neighborhood damaged during last April's riots. This plan, the result of several years of preparation, is an accomplishment of which this city can be proud.

It took Secretary Romney's Department less than 24 hours to approve this plan for the Shaw area, once it was approved by the City Council last Tuesday and submitted for Federal approval Wednesday evening. This unprecedented process illustrates the commitment of this Administration to the meeting of the urgent needs of the Capital city.

Mayor Washington has indicated that he intends to seek similar assistance under the Housing and Urban Development Act of 1968 for rehabilitation of the two major areas of riot damage not covered in the Shaw plan—the areas along 14th Street and H Street. I can assure him that this Administration will respond with the same sense of urgency to his request for help in these areas.

He has promised me a tight but serious timetable under which the first construction in these areas would begin next fall.

While the city prepares for this construction—and decides what to do with the 14th and H Street areas—the Department of Housing and Urban Development will make available $1 million in special interim assistance for improvements in some of the blighted areas. This morning, I watched the first cranes at work clearing rubble to make way for a temporary playground. The District has plans for swings, slides and swimming pools where now there is charred rubble. Street lighting will be improved, roads and sidewalks repaired.

Under Section 514 of the 1968 Housing and Urban Development Act, Mayor Washington has undertaken to provide 1/3 matching funds for this $1 million, and the District Government will take the initiative in deciding how this money will be spent. The limited assistance to be provided by the federal government under this interim program cannot by itself remake these areas. But it is a first step toward making them more livable, an earnest demonstration of our concern, and a first sign of hope.

In this connection, I can announce that the 1969 Inaugural Committee, through its chairman, Mr. J. Willard Marriott, has agreed to devote the net proceeds of the Inaugural to the cost of providing playground equipment and other improvements for these parks and playground areas.

CRIME AND ADMINISTRATION OF JUSTICE

A meaningful assault on crime requires action on a broad array of fronts. But in the midst of a crime crisis, immediate steps are needed to increase the effectiveness of the police and to make justice swifter and more certain.

Toward these ends and as a beginning, I have taken or will propose action in twelve major areas.

1. The courts of the District of Columbia

I am asking Congress to provide 10 more judges for the courts of the District of Columbia. I will ask later for more additional judges as they become necessary upon the reorganization of the District of Columbia court system.

As an interim measure, I would hope that the existing visiting judges program would be expanded in the District. The Chief Judge of the District of Columbia circuit here has diligently sought the services of visiting judges. I will encourage and aid him in his effort to obtain the services of more judges.

To improve the administration of justice in the District, I have directed the Attorney General to consult with the bench, the bar and the various interested groups, to assist in the drafting of appropriate legislation providing for a reorganization and restructuring of our present court system toward the eventual goal of creating one local court of general, civil, criminal and juvenile jurisdiction for the District of Columbia. It is consistent with my support for home rule to urge the creation of a local court system similar to that of the States and other large municipalities.

To perform with full effectiveness, a modern court needs modern computer and management techniques. I have asked the Attorney General to offer his department's assistance to the study groups in the District that are presently seeking to apply such techniques in the court system.

I have asked the Attorney General to submit specific recommendations for such additional court house personnel, including United States Marshals, court clerks, probation officers, law clerks and bailiffs, as are necessary to support not only the present judges but the additional judges that will be requested.

2. U.S. attorney's office

The chronic under staffing of the prosecutor's office has long hampered the efficient administration of justice in the District. It is widely recognized that a ratio of at least two prosecutors for each judge is needed. To achieve that goal, 20 new Assistant U.S. Attorneys are required immediately. With the creation of 10 additional judgeships and the contemplated court reorganization, another 20 prosecutors will be required. Consequently I am recommending the authorization of 40 more Assistant U.S. Attorneys.

A comprehensive reorganization of the Office of the U.S. Attorney is imperative. This should include a restructuring of the office to provide for two-man prosecutor teams in important cases; the development of specialized functions for technical cases such as frauds and other economic crimes; and the creation of a special "violent crimes unit" to handle such crimes as armed bank robberies on a priority basis, as is presently being tried experimentally. In addition, greater emphasis is needed on developing policy guidelines and training programs. On January 14, $120,000 was awarded by the National Institute of Law Enforcement and Criminal Justice for a special study committee. Included in its study is an examination of the prosecutor's office, with a view toward recommending improvements in its operation. I strongly support this study and have instructed the Attorney General to make available the resources of the Department of Justice to assist the committee and to facilitate reorganization found desirable.

In addition, I will seek authorization for the hiring of law clerks and sufficient other personnel for the proper staffing of the U.S. Attorney's office—and for the hiring and use of trained investigators, who are necessary to the effective functioning of the prosecutor's office.

3. Courthouse facilities

The local courts already are overflowing the existing Court of General Sessions buildings. Judges are sitting in three different buildings, and some in temporary courtrooms. With the creation of additional judges and the eventual transfer of greatly expanded jurisdiction to the local courts, a new courthouse complex becomes a pressing necessity. $100,000 has already been utilized for planning for a new courthouse and $3.5 million has been appropriated for site selection. But we must have these facilities now. Consequently, I am vigorously endorsing the requests presently pending before the Congress for $1,240,000 to be used to complete acquisition and for additional planning. The Administration will fully support the Mayor in such additional requests as are needed to speed the building program. Meanwhile, I have instructed the General Services Administration to assist in providing temporary facilities.

4. Bail reform and the bail agency

Problems arising out of the operation of the Bail Reform Act of 1966 are now being considered by the Congress. But substantial changes in this area are needed quickly. Increasing numbers of crimes are being committed by persons already indicted for earlier crimes, but free on pre-trial release. Many are now being arrested two, three, even seven times for new offenses while awaiting trials. This requires that a new provision be made in the law, whereby dangerous hard core recidivists could be held in temporary pre-trial detention when they have been charged with crimes and when their continued pre-trial release presents a clear danger to the community.

Additionally, crimes committed by persons on pre-trial release should be made subject to increased penalties.

Insufficient staffing of the Bail Agency is one of the contributors to crime by those on pre-trial release. I support immediate lifting of the ceiling that now constricts the Agency's funding. I will seek appropriations for an initial expansion of the agency from 13 to 35 permanent positions. If the pre-trial release system is to protect the rights of the community, the agency must have the capacity for adequate investigation and supervision.

5. The District of Columbia Department of Corrections

As the local government is painfully aware, the existing facilities and programs of the Department of Corrections are woefully inadequate. On January 16, 1969, the Director of the Bureau of Prisons submitted a comprehensive report to Mayor Washington identifying the deficiencies and making a number of recommendations. I join with the Mayor in urging immediate implementation of those recommendation, and I will offer whatever Federal assistance is possible in doing so.

All who have studied the problem agree that far-reaching changes are needed in the penal facilities and programs serving the District. I will press vigorously for accomplishment of the needed reforms.

6. Office of Public Defender

The recent bail reform hearings before the Senate Judiciary Subcommittee on Constitutional Rights have emphasized the important contributions skilled defense counsel can make toward expediting criminal trials.

Too often, inexperienced lawyers who are appointed to represent indigent defendants complicate and delay the trial process by their unfamiliarity with the law and criminal practice. Experience has shown that professional public defenders, on the other hand, not only better safeguard the rights of defendants, but also speed the process of justice. The Legal Aid Agency in the District is a pilot project which has given every indication of great success if properly supported. I believe the time has come to convert this project into a full-fledged Public Defender program. To make this project possible, I will support the Legal Aid Agency's 1970 budget request for $700,000 to allow an increase in its staff from 22 to 34 attorneys and to assume responsibility for a successful project in offender rehabilitation. This would allow it to become a full-fledged Public Defenders Office with the capacity to represent almost half of the indigent adult and juvenile defendants in the District.

7. The Metropolitan Police Department

There is no deterrent to crime quite so effective as the public presence of policemen. Several immediate steps are needed to bolster and improve the local police force in the District of Columbia.

The first step is more effective recruitment. Despite diligent recruitment efforts, the police force has hundreds of unfilled vacancies. I have pledged to the Mayor the assistance and full support of this Administration to improve the recruitment process. I will sponsor the establishment of a procedure by which the District can draw upon the experience of other cities. Imaginative and innovative approaches may be necessary.

But even bringing the department up to its presently authorized strength will not secure adequate public protection in these troubled times. Consequently, I am recommending to the Mayor that he request authorization of an additional 1000 police officers for the District, and I will support such a request.

I endorse the Mayor's efforts and those of the police department to reorganize the structure of the department, so as to consolidate functions, reduce duplication and free additional police officers for patrol and enforcement duties. I offer the assistance of the Federal Government in this effort.

I urge our local police officials to give a high priority to planning and development, making use of the increased Federal funds now available for the introduction of new law enforcement techniques.

The police department also needs the increased assistance of competent legal advisers in this era of evermore complicated criminal law and procedures. I laud the Mayor for his recent appointment to the police department of a legal adviser. However, with the increased burdens on the department it seems advisable to increase the staff and capability of such an office. Not only do the police need to be properly advised as to the performance of their duties, but it is also necessary for the police department to be assured of the Government's support of an interest in the officer's performance of his individual duties.

8. Director of public safety

The potential of this office is great. It is presently vacant. The Mayor informs me that he is diligently searching for the right man to fill the job. I have offered the Mayor this Administration's resources to assist him in selecting the best possible Director.

9. Citizen participation

Increased citizen involvement is essential to any program of crime control and prevention; it is also in keeping with the American tradition. I strongly support the Mayor in his plan to appoint a Criminal Justice Coordinating Committee patterned after similar successful programs in other large cities. It is important that the Council be properly staffed. This could be done with help from the recently created Criminal Justice Planning Office and funded under the Law Enforcement Assistance Act, which provides financial support of up to 90% for such planning activity involving citizen participation. Policy making and planning must have citizen participation and coordination if they are to produce programs that are widely acceptable to the community. I pledge the Mayor the support and assistance of the Federal Government in this area.

10. Narcotics

Although the narcotics traffic in the District of Columbia is apparently not dominated by organized crime it has become an acute and growing problem. It is a direct cause of much of the District's crime, by driving the narcotic user to commit crime to support his "habit". Many armed robberies, assaults and bank holdups are directly related to narcotics use.

Consequently, I have instructed the U.S. Bureau of Narcotics and Dangerous Drugs to increase significantly its role in the District of Columbia in enforcing the narcotic and dangerous drug laws. The Bureau has assured me that they will also increase their cooperation with the Metropolitan Police Department in enforcement, training and in making available additional laboratory facilities and expert and technical assistance.

I have also directed the Bureau and the Department of Justice to seek more effective application of the civil commitment provisions of the Narcotics Rehabilitation Act of 1966 which has not yet been widely used.

11. Juvenile crime

In recent years the median age of those charged with crime has been ominously dropping. The National Commission on Violence warned this month: "The key to much of the violence in our society seems to lie with the young. Our youth account for an ever-increasing percentage of crime, greater than their increasing percentage of the population. . . . It may be here, with tomorrow's generation, that much of the emphasis of our studies and the national reponse should lie."

I strongly support the city government's efforts to draft a new Juvenile Code, and I am making available technical assistance by Federal authorities. The Department of Justice is already cooperating with the Corporation Counsel and other local officials on the project.

Under the proposed court reorganization, the now isolated and undernourished Juvenile Court would be brought into the new District of Columbia court of general jurisdiction. Thus juveniles would have the advantage of the comprehensive facilities of the new court, including family services and probation assistance.

The pilot Group Home Rehabilitation Project, in which juveniles enjoy retention of community ties, close adult supervision and peer-group controls, gives every appearance of success. Expansion of the project as a substitute for institutionalization and as a possible supplement to probation is desirable. I support the Mayor in his request for increased funding and authorization for such facilities.

The lack of sufficient psychiatric services for the youthful disturbed is a serious obstacle to crime prevention. Young minds gone astray must be helped while still malleable. I will assist the Mayor in his forthcoming request for a well-staffed psychiatric care residential facility for adolescent delinquents.

I also urge that the local government, together with local school officials, prepare a plan to provide for the education of those school children whose disciplinary and truant absence from schools for long periods now causes them to reach adulthood educationally stunted. A substitute educational program must be devised for them, lest they become a burden to themselves and the community.

12. New attention to the District

The Attorney General has created a new post within the Justice Department, that of Associate Deputy Attorney General for the Administration of Criminal Justice, with one of the new official's special and continuing responsibilities that of helping improve the administration of justice in the District of Columbia. He has named to the post Mr. Donald Santarelli, a widely experienced expert on the special problems of crime control in the District. One of Mr. Santarelli's functions will be to evaluate and help implement new ideas for more effective anti-crime measures in the District.

HOME RULE AND DISTRICT REPRESENTATION

For more than 20 years I have supported home rule for the District of Columbia. I continue to support home rule, but I consider the timing of that effort the key, as is proven by its past history of failure. For the present, I will seek within the present system to strengthen the role of the local government in the solution of local problems.

Beyond this, I will press for Congressional representation for the District. In accordance both with my own conviction and with the platform pledge of my party, I will support a constitutional amendment to give the 850,000 people of the District at last a voting representative in Congress.

Adding an amendment to our Constitution, however, is a long and difficult process. As an interim measure, I will press this year for legislation that would give the District a non-voting delegate. The District is a Federal city, but it should not be a Federal colony. Nearly 200 years ago, the people of America confronted the question of taxation without representation. It was not acceptable then; it hardly is justifiable today.

I cannot overemphasize the fact that these reforms are not a panacea. They are a beginning. Some will show modest results quickly; others may show greater results over a longer period of time. More must be done. But as the city moves to modernize its own government, as improved Federal cooperation provides the support so desperately needed, as the citizens of Washington develop a greater awareness of ways in which citizen action can make their city safer and more livable, as progress is made in tackling the stubborn social problems that have sapped the spirit of so many of the District's people, I am confident that together we can make measurable progress toward reviving the spirit and restoring the safety of the nation's capitol, and making it once again what it ought to be: a proud, glorious city, cherished by every American as part of his heritage and cherished by those who live here as a place of beauty, neighborliness and decency.

MRS. RITA HAUSER, ADVOCATE OF SENATE RATIFICATION OF HUMAN RIGHTS TRENDS, APPOINTED TO U.N. BY NIXON—XVI

Mr. PROXMIRE. Mr. President, during the past several days I have been speaking out on the floor of the Senate for ratification of the Human Rights Convention on the Political Rights of Women. I congratulate President Nixon on his excellent nomination just made of Mrs. Rita Hauser, a prominent international lawyer, to the post of U.S. representative on the Human Rights Commission of the United Nations Economic and Social Council. This is the third major appointment of a woman by the Nixon administration. In this post, Mrs. Hauser will follow such great and dedicated women as Mrs. Eleanor Roosevelt, Mrs. Mary Lord, and Mrs. Marietta Tree.

Mrs. Hauser is particularly interested in the ratification by the U.S. Senate of the United Nations Human Rights Convention, and Conventions on Genocide and the Status of Women. She has promptly called for the Senate, this body, to ratify them. In keeping with this, one of her first duties will be to attend the 5-week meeting of the Human Rights Commission in Geneva beginning on February 14. If some people mistakenly think that the Human Rights Commission is a general theoretical group of do-gooders, let me point out that the first subject on the Commission's agenda will be the grave event of the Iraqi hanging of the nine Iraqi Jews and five others.

Mrs. Hauser is exceptionally well qualified for this post both for her admirable academic background—she has four college degrees including a doctorate in political economy from the University of Strasbourg—and for her dedicated and sincere concern for human rights. I should like to take this opportunity to wish her well in this post.

PUBLIC HANGINGS IN IRAQ

Mr. KENNEDY. Mr. President, the civilized world has reacted with revulsion to the spectacle of the public hangings in Baghdad.

It is not our intention to comment on the judicial process in other countries, but it is patent from the reports from Iraq that the executions gave expression to violent anti-Jewish hatred, and it is also clear that the 3,000 Jews who still survive in Iraq are in grave danger.

I am glad to see that our Secretary of State, Mr. William P. Rogers, has filed a strong protest with the United Nations' Security Council.

All of us share his view:

> The manner in which these executions and the trials which preceeded them were conducted scarcely conform to normally accepted standards of respect for human rights and human dignity.

Mr. Rogers noted:

> The spectacular way in which they were carried out seems to have been designed to arouse emotions and to intensify the very explosive atmosphere of the suspicions and hostility in the Middle East.

And, he continued:

> Repetition of the recent tragic event would be bound to make more difficult efforts within and outside the United Nations toward the goals of peace, tolerance and human understanding among nations and people in the Middle East and throughout the world.

It seems to me that this situation calls for more than protest.

Our existing immigration laws will permit the immigration of Jews from Iraq into this country.

I am sure that many other countries would open their doors to members of the Jewish population of Iraq.

I believe that our Government, in concert with other Governments of the world, should do all it can to facilitate the exodus of these people.

If, as has been clearly stated by the Government of Iraq, the members of the Jewish community are distrusted, it would seem that Iraqi officials would have no objections to the Jewish population leaving at the earliest possible moment.

The United Nations could well play a role, either directly or through utilization of its good offices, in working out a feasible departure plan for those Jews in Iraq who wish to leave.

From the actions and statements of the Government of Iraq, the immigration of these 3,000 people should not be a matter of opposition, but rather an opportunity to eliminate a source of tension and disruption.

BAIL REFORM ACT OF 1966

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD a statement which I made earlier today before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, with reference to amendments to the Bail Reform Act of 1966.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY U.S. SENATOR ROBERT C. BYRD BEFORE THE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS, COMMITTEE ON THE JUDICIARY, U.S. SENATE

STATEMENT RELATING TO AMENDMENTS TO THE 1966 BAIL REFORM ACT

As a result of hearings held before me, as Chairman of the Senate Appropriations Subcommittee for the District of Columbia, in 1967 relating to the costs and problems of mounting crime, I became so concerned about the need for doing something about it that I prepared two amendments to the 1966 Bail Reform Act which I was prepared to submit as amendments to the Safe Streets bill when it was under consideration on the floor of the Senate last fall. However, at the last moment, I agreed to hold these amendments and submit them to the Senate Judiciary Subcommittee on Constitutional Rights where they could receive more deliberate consideration. With the matter of bail reform presently before the Judiciary Subcommittee, I feel that it is important to speak out on this matter.

I had proposed these amendments because I was convinced that the comparatively new Bail Reform Act of 1966—particularly as it has been operating in conjunction with the also relatively new Criminal Justice Act—gives an insupportable advantage to the criminal who makes a business of violent and serious crime. It places the victims of such crimes—and the public—unfairly at the mercy of such criminals, and it places a tremendous and unnecessary additional burden on already over-burdened courts and related law enforcement agencies to a point which threatens a breakdown of the whole federal law enforcement system.

In proposing these amendments, I wish to make it clear that, generally, I am in accord with the objectives of the Bail Reform Act, particularly insofar as it provides a means for the quick and equitable release, pending trial, of the majority of persons, charged with a wide range of miscellaneous offenses, who are not really a part of the criminal element—in other words, those who are not chronic criminals or virtual professionals in the art of violent crime. I believe that if certain changes are made in the law, and if necessary refinements in its administration can be accomplished, it could result in a very substantial forward step in the administration of justice. I am also quite mindful of the fact that the Bail Reform Act of 1966, or the manner in which it has been operating, is certainly not the sole reason for the sharply rising crime rate and the increase in lawlessness. But, when under the 1966 Bail Reform Act—regardless of the gravity and circumstances of the crime, the weight of the evidence, or the past history and dangerous character of the accused—the arraigning magistrate is forced to regularly release back to the streets, on nominal or relatively low bail or on personal recognizance or other seemingly ineffective conditions, perpetrators of the most vicious crimes, to continue preying on the public until trial—often at some far future date—because the prime consideration in setting the amount of bail has become the defendent's visible ability to make the bond—then I believe it is time to amend the law and without further delay. I submit that there has now been sufficient experience under the 1966 law to demonstrate certain of its weaknesses and the fact that it is proving a windfall to the chronic, violent criminal. I feel that the law, as it now stands, may be of more benefit to the habitual criminal than it is to those whom it was designed to benefit, and that it is turning into something of a catastrophe for the victims of this criminal element and for the law-abiding public.

The first of my proposed amendments would amend that part of the 1966 Bail Reform Act which relates to "Release in non-capital cases prior to trial" (subsections (a) and (b) of Section 3146, Title 18, United States Code). In substance, the amendment would give the court, or the arraignment magistrate, in the fixing of bail or other conditions of release of an accused in this class of cases, the discretion to take into consideration the danger which the accused poses to another person or to the community. In other words, in addition to the factor of a reasonable assurance that the defendant will appear in court, the court, in exercising its discretion as to the reasonableness of bail or other conditions of release pending trial or other disposition of a case, could also consider facts relating to the danger which the accused poses to society or to other persons. It would give the judge, or magistrate, in a particular case where the evidence demonstrates that the accused in a non-capital offense has displayed a penchant for violence, greater discretion than is presently afforded in the fixing of bail or other conditions of release. Apart from this one change, this amendment leaves the present legislation intact, including the right of 24-hour review, appeal to a higher court, etc.

The second proposed amendment is to Section 3148(1), Title 18, U.S. Code, which is the section of the Bail Reform Act relating to "Release in capital cases or after conviction." This amendment is confined to cases involving persons accused of "crimes of violence" who have outstanding convictions for crimes of violence. It would give the judge, the court, or the arraignment magistrate, discretion in such a case to detain the accused without bail pending trial, if, under the particular circumstances, there was reason to believe that no one or more conditions of release under present law would adequately protect the interests and the safety of the public.

This amendment defines "crimes of violence" to mean "voluntary manslaughter, murder, rape, mayhem, kidnapping, robbery, burglary, housebreaking, extortion accompanied by threats of violence, assault with a dangerous weapon, assault with intent to commit any felony, arson punishable as a felony, or an attempt to commit any of the foregoing.

Of course, Section 3148 of the present Bail Reform Act already provides that in an offense (1) punishable by death or (2) where there has been a conviction in the lower court and the defendant is awaiting sentence or has filed an appeal—the judge, or court, may deny bail and detain the defendant if he poses a danger to any other person or to the community. My amendment would merely extend this discretion, the facts of the particular case warranting, to a third class of cases involving persons accused of a crime of violence, as described therein, who had previously been convicted of a crime of violence.

In discussing why I believe it is not only most urgent but highly appropriate that the present law be amended, I make no pretense of giving an erudite exposition of the history of the law as it applies to bail or pretrial or other release in criminal matters. In fact, it would be presumptuous for me to do so. I simply wish to point out some facts regarding the background and evolution of federal criminal law in this area, which, in my opinion, have been lost sight of and which, if I am correct, make it incumbent upon the Congress to change the bail law without delay.

These proposed amendments obviously bring into issue the right of Congress, by legislation to (1) enumerate elements which a judge or court may consider in the exercise of his or its discretion in fixing bail or other conditions of release, and (2) define the classes of cases in which bail shall be allowed in this country. They also, of course, bring into issue the question of the need for a change in the present law.

Although the right of Congress to enact such legislation seems basic, if I seem overly obvious at times, it is because I feel there is much cloud cover [—if not fog—] surrounding many of the issues involved.

At the outset, I think everyone will agree that the Eighth Amendment to the Constitution deals solely with "excessive" bail and fines and with "cruel and unusual punishment," and that there is no prohibition in the Constitution against detaining without bail persons charged with crimes punishable by death. It is quite important, it would seem, to keep this in mind. The Eighth Amendment merely states: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted."

Now, the very same U.S. Congress which promulgated the Eighth Amendment in 1789, at the same time also enacted a bail statute. Congress made a distinction between capital and non-capital federal crimes and provided for bail at some level in all but capital offenses. The pertinent portion reads:

> And upon all arrests in criminal cases, bail shall be admitted, except where the punishment may be death, in which cases it shall not be admitted but by the supreme or a circuit court, or by a justice of the supreme court, or a judge of a district court, who shall exercise their discretion therein, regarding the nature and circumstances of the offence, and of the evidence, and the usages of law. . . . (1 Stat. 91, Sec. 33)

It was this act of Congress, rather than the Constitution itself, which gave the right to bail in non-capital cases.

But let us look at the Eighth Amendment of the Bill of Rights and this original bail act in the light of history and the conditions of the times in which they were promulgated and enacted.

In this connection, it should suffice merely to point out that at the time the Eighth Amendment to the Constitution was ratified, practically all of the more serious crimes carried the death penalty, and there was an all too recent history of instances of burning people at the stake, breaking them on the wheel, and all sorts of other inhuman treatment, which forms of punishment were inherited from English law although practiced to a lesser degree in the colonies.

As for the severity of the old English law from which our own legal system was derived, it may be said that apparently believing a reign of terror was the most efficient method of keeping the criminal elements under constraint, legislators in those early days inflicted the death penalty indiscriminately upon all classes of offenders. Many of the offenses for which persons were executed were little more than what we know now as misdemeanors. Execution seemed the solution for all crimes.

America inherited this attitude of severity, which continued long after the United States had become a nation. Harsh repression was the primary policy toward crime in the newly-created States.

The same Congress which enacted the original bail law in 1789 also enacted a Crimes Act and prescribed the death penalty for all the more serious crimes over which the federal government had jurisdiction. Accordingly, persons accused of such crimes did not have the right to bail. These crimes under the then rather limited jurisdiction of the federal government included: (1) Murder, (2) treason, (3) robbery, (4) stealing a ship, (5) a seaman laying violent hands on the commander of a ship, (6) revolt on a ship, (7) piracy or robbery under false colors, (8) accessory before the fact of piracy or robbery assisting, counseling, aiding, and advising, and even (9) forgery, counterfeiting or uttering of a public U.S. security. Larceny did not carry the death penalty, but it was provided that those found guilty should be fined not more than four times the value of the property stolen and publicly whipped not more than 39 stripes. (The Crimes Act of 1790, 1 Stat. 112)

At about the time the original U.S. bail law was enacted, the English law, from which our bail provision and Constitutional Bill of Rights admittedly stemmed, listed 240-some offenses which were subject to the death penalty.

Even one hundred years later, in 1891, according to House of Representatives Report No. 108, 54th Congress, 1st Session, 1896, there were 60 crimes punishable under U.S. federal law which carried the death penalty. Eighteen of these offenses for which the penalty of death could be inflicted were in the civil code under the jurisdiction of the federal courts of the United States (as distinguished from military and naval codes).

The history of the law in the respective states more or less paralleled the federal law in the severity of the punishment meted out for most serious criminal offenses, and even well into the present century, the laws of many states still provided for the death penalty in a number of the more serious crimes, such as murder, robbery, rape, treason, arson, burglary, kidnaping, etc. The point is that this first U.S. Congress, which in 1789 promulgated the Bill of Rights to our Constitution—including the Eighth Amendment, regarding excessive bail and inhuman punishment, and the Fifth Amendment relating, among other things, to due process—and which, at the same time, enacted the first bail law, did so under a far different set of conditions and circumstances than those which exist today.

When that early Congress provided, by legislation, that all crimes which were not punishable by death should be subject to bail—in reality it provided that only relatively minor offenses should be subject to bail and it excluded from mandatory bail provisions most of the serious offenses by making such crimes capital offenses. It would therefore follow—not only as a practical matter, but literally—that in the federal law—from the beginning and continuing for a century or more—there was no right to bail for those accused of the more serious crimes, and the courts, or judges, in arraigning persons accused of all such serious crimes, could exercise discretion "regarding the nature and circumstances of the offense, and of the evidence, and the usages of law,"[1] as to whether the accused should be detained pending trial. The result, a harsh reality, was that many of these grievous offenders never had the opportunity to again become a danger to society—for, until their trial, they were detained, and, if found guilty, were hanged. Further, it would seem apparent that the Congress which authored the Bill of Rights and enacted the first bail statute did not consider then that it was infringing upon the rights of those accused in these many serious crimes by denying them the right to bail pending trial.

Another fact which goes to the very crux of the bail issue, but which seemingly is too often completely overlooked, is that Congress from the outset had, and exercised, the authority to determine the penalties for particular crimes, including those offenses for which the penalty of death should or could be inflicted, and had—and exercised—the authority to determine the classes of cases in which bail should or should not be allowed. This is inherent in the very language of the first Bail Act of 1789 and the Crimes Act of 1790, and there has been no change to the present day. This authority perhaps may best be stated in the language of the 1952 Supreme Court decision in *Carlson* vs. *Landon*, 352 U.S. 524, at page 545, in which it was stated:

"The bail clause was lifted with slight changes from the English Bill of Rights Act. In England, that clause has never been thought to accord a right to bail in all cases, but merely to provide that bail shall not be excessive in those cases where it is proper to grant bail. When this clause was carried over into our Bill of Rights, nothing was said that indicated any different concept. The Eighth Amendment has not prevented Congress from defining the classes of cases in which bail shall be allowed in this country. Thus, in criminal cases bail is not compulsory where the punishment may be death."

No reasonable interpretation of the language of the Eighth Amendment to the Constitution, or the original bail law, could seem to lead to any other conclusion but that there is no Constitutional right to bail or pretrial release except within the context of the language of Congressional enactment, particularly as it applies to more serious crimes. It would also seem to logically follow that, in spite of frequent references in modern day case law and in legal treatises to the "traditional right to bail," or "Constitutional right to bail," Congress has the right to legislate such conditions as are warranted with respect to pretrial detention, bail, or release of the accused, in serious crimes, who poses a danger to society. And, of course, this is my basic premise in proposing these two amendments.

With the passage of time, much of the harsh, repressive attitude towards crime, which was inherited from the English law but continued long after the United States became a nation, fortunately was swept away by growing humanitarian sentiment, and this eventually resulted in more humane forms of punishment and more compassionate prison methods and the use of such corrective methods as probation, parole, etc. The number of capital offenses was gradually reduced by legislative changes in the statutes to a few of the gravest crimes. However, as previously indicated, it was not until 1892, that the number of capital offenses in the U.S. Civil Code was reduced substantially.

At the time Congress enacted laws reducing the penalties for many of the more serious crimes from death to imprisonment, there was no change made in the law with respect to bail nor would it appear that any legislative consideration was given to bail aspects at the time, the major issue being what effect the removal of the death penalty would have as a deterrent to crime. At least in retrospect, it might even be said that this was a matter of inadvertence. It followed, of course, in accordance with the language of the bail statute, that as soon as the punishment for an offense was reduced from death to a lesser penalty, the offense became bailable at some level.

It does not follow, however, that because Congress changed the penalty for crimes which once carried the death penalty to something less, it could not have changed the bail act to retain the provisions with respect to discretionary detention pending trial which these offenses carried when they were punishable by death. Nor would it seem to follow that if Congress neglected to change the bail act or did not see the need at that time, it foreclosed itself from doing so at a later date when changed condition might warrant it.

Is the crime of rape or robbery, or arson, or burglary, any less serious in its consequences to the victims of such crimes today than it was when the penalty was death? Or must Congress reimpose the death penalty in such cases in order to permit the courts to exercise discretion, where the facts warrant, in detaining an accused in a violent or serious criminal offense if his release poses a danger to society? Does not the public have the same right of protection today from the violently lawless or dangerous criminal that it, in fact, had when our first Bail Act was enacted? Or has the protection afforded under those old laws been lost because Congress removed the death penalty for these serious offenses? Does anyone believe that Congress changed the death penalty to imprisonment in certain cases because it felt that those crimes were not serious—or did it do so for humanitarian reasons? When Congress reduced this penalty, was it acting in keeping with the times in imposing more humane punishment for the particular crimes committed, or was it doing so in order to permit the accused to go free on bail? It would seem that the answer to all of this is obvious.

With federal judges, for over 100 years after the passage of the original Bail Act, having clear discretion to fix or deny pretrial bail in practically all of the more serious and violent crimes because such crimes carried the death penalty, it becomes somewhat academic as to whether the reasons for detention were to prevent flight or to safeguard the community. Further, because the yardstick prescribed in the 1789 Bail Act was that in considering whether or not to allow bail or detain the accused, the judges were to look at "the nature and circumstances of the offence, and of the evidence, and the usages of law," it is not surprising, as recent studies have found, that, for 177 years, bail was set in an amount based largely on the crime rather than in an amount which would reasonably assure the appearance of the defendant in court, and that money bail has also been used consistently as a method of preventive detention of persons charged with crimes where it was deemed that their release before trial would pose a danger to the peace and security of the community.[2]

This is not surprising; first, because federal statutory law in the form of the 1789 Bail Act specifically gave the courts this discretion for a period of 100 years or more, or until the death penalty was changed to imprisonment in many of the more serious crimes, and, secondly, in addition to this precedent, it seems a sound rule to have related the amount of bail to the gravity of the crime, the weight of the evidence, and, among other things, the danger which the accused posed to the peace and security of the community.

Against this background, to now say—in the absence of specific statutory provision to that effect—that the only reason for setting bail in the case of a chronic violent offender is to reasonably assure that the accused will appear in court, is hardly tenable; or to say that the danger of an accused to other persons or to the community is not a reason which should be taken into consideration in fixing bail in a particular case, or is a lesser reason than the possibility of flight by the accused, also seems to me untenable.

Historically, of course, the primary reason for bail, in that class of cases in which release on bail at some level was called for, was the danger of flight from prosecution. In that class of cases, which, in times past and at the time of the enactment of the 1789 Bail Act, included only the less serious offenses, there naturally had to be some responsible relationship, in the fixing of bail, between the gravity of the crime, the weight of the evidence and the particular circumstances of the particular case, and the amount of bail set in each case.

It might be worthy of note that seemingly there were relatively few appeals from rulings of lower federal courts on the matter of bail in the first century and a quarter following the establishment of our federal judicial system, and this would appear to have resulted from the fact that the federal judges had fairly broad discretion in the matter of fixing or denying bail pending trial, particularly in the more aggravated crimes.

Further, even a quick examination of U.S. criminal case law will reflect that the various refinements which began to expand more explicitly the rights of the accused with respect to bail or release, for the most part, resulted from fairly clear abuses of discretion on the part of judges or courts in refusing bail or in imposing excessive bail in cases where an accused was charged with a relatively less serious offense as compared with a serious crime of violence.

Some of these federal decisions dealt with cases where bail had been refused outright in a minor offense; had been imposed at an obviously excessive level in relation to the offense; had been imposed arbitrarily without looking at the facts and circumstances of the defendant's particular situation; etc.

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[1] 1 Stat. 91, Sec. 33.

[2] These are exact quotes from page 2 of the May 1968 "Report of the Judicial Council Committee to Study the Operation of the Bail Reform Act in the District of Columbia", except the report said that for 177 years the theory and meaning of the Eighth Amendment and the 1789 Judiciary Act were ignored (by the courts) by setting money bail in an amount based largely on the crime, etc. Studies by the Senate Judiciary Committee made similar findings regarding the practice relating to pretrial detention and the setting of bond based upon the gravity of the crime.

There were decisions which held that the purpose of bail was to reasonably assure the defendant's appearance at trial and therefore there must be a reasonable relationship between the amount of bail fixed and the possibility that the defendant might flee, all based on the circumstances of the particular case. However, there were also cases which held that the court, in determining reasonable bail, did not have to accommodate itself to the defendant's pocketbook and that if the defendant were unable to make bail set in a reasonable amount, his recourse was to move for trial.

The Criminal Pleadings and Trial Rules Act, enacted June 29, 1940, empowered the Supreme Court to prescribe rules of pleading and practice, which rules were not to take effect until they had been reported to Congress and a full session had elapsed so as to allow Congress to approve or disapprove. If Congress approved, or made no changes, thereafter all laws in conflict therewith had no further force and effect.

Pursuant to this Act, an Advisory Committee on Criminal Rules was appointed under the control of the Court to revise, bring up to date, and codify such rules. In 1946, these Federal Rules of Criminal Procedure were finalized and eventually became law under the Act. With respect to bail, Rule 46 (a), Title 18, U.S. Code, entitled "Right to bail" and dealing with bail prior to conviction, in substance, related the original Bail Act; that is, it provided that persons arrested for an offense not punishable by death shall be admitted to bail, and that persons arrested for an offense punishable by death may be admitted to bail, by any court or judge in the exercise of discretion, giving due weight to the evidence and the circumstances of the offense. More pertinently, Rule 46 (c), dealing with the "amount" of bail, which subsection was included for the first time as a statutory rule, provided that:

"If the defendant is admitted to bail, the amount thereof shall be such as in the judgment of the commissioner, or court, or judge, or justice, will insure the presence of the defendant, having regard to the nature and circumstances of the offense charged, the weight of the evidence against him, the financial ability of the defendant to give bail, and the character of the defendant."

From this time on, until the passage of the 1966 Bail Reform Act, this was federal statutory law and it clearly stated the purpose of bail prior to trial was to reasonably assure the presence of the defendant and that, among other things, in fixing bail the financial ability of the defendant to give bail was to be considered. In other words, by the enactment of Rule 46(c), Congress, in providing more precise standards for the fixing of pretrial bail, had in effect confined its purpose in all non-capital cases to reasonably assuring the presence of the accused at trial. The 1951 Supreme Court decision in *Stack* v. *Boyle*, 342 U.S. 1, which is much cited, or course, was written within the context of this statutory law. In this case, the Court held that a person arrested for a non-capital offense shall be admitted to bail and cited the Judiciary Act of 1789 and Rule 46(a)(1) as authority. In accordance with Federal Rule 46(c), it also held that "Bail set at higher than an amount reasonably calculated to fufill this purpose is 'excessive' under Eighth Amendment."

It should be noted, however, that this case was actually decided on the fact that the lower court had arbitrarily set very high identical bail ($50,000) for each of a group of persons accused of conspiracy to violate the Smith Act without looking into the circumstances of the case of each accused, and on the basis that other communists in an entirely unrelated case had taken flight after conviction. It would further seem significant that in a separate opinion by Justice Jackson, in which Justice Frankfurter joined, it was stated, in discussing the reasonableness of bail in conformity with Rule 46(c): "This is not to say that every defendant is entitled to such bail as he can provide, but is entitled to an opportunity to make it in a reasonable amount."

There was a substantial increase in the number of appeal cases relating to bail following enactment of Rule 46(c), particularly in the 1950's and '60's. Without doing injustice to the large number of well-written and sound decisions based upon the facts of the particular case, I believe that it might be said that generally as the number of appeals have increased, confusion has increased with respect to the priorities to be given the various elements to be considered in fixing bail or other conditions of release in non-capital cases, with the more liberal courts or judges seemingly placing the greater accent upon the financial ability of a defendant to make bond, his family ties, his appearance in court on previous charges, etc., rather than upon the gravity and circumstances of the crime charged, the weight of the evidence, and the character of the defendant. Some judges have seemingly gone so far as to hold that a person charged with a serious criminal offense not punishable by death, who cannot make bond in any amount, must be released on his personal recognizance because, in his case, any bond would be "excessive" under the Eighth Amendment to the Constitution. This theory, which is strictly contra to the theory of "reasonable bail", as expressed in *Stack* v. *Boyle* by Justice Jackson (referred to earlier) and in a number of other cases, would seem to be carrying the matter of absolute logic to an illogical end.

In hearings held in 1967 before me, as Chairman of the Senate Appropriations Subcommittee on the District of Columbia as to the sharply rising cost of crime and law enforcement, information was developed which would make it appear that the passage of the 1966 Bail Reform Act, while providing an equitable format for quickly releasing the large percentage of persons charged with various types of lesser federal offenses, had resulted in a rapidly worsening situation with respect to serious crime and a sharp increase in lawlessness.

In enacting the 1966 Bail Reform Act, Congress took cognizance of many inequities in the federal bail system and particularly of the problem of the indigent who, when accused, cannot make bail in the usual amount. In essence, it made the same distinction with respect to capital and non-capital offenses as was made in the original Bail Act of 1789 and Rule 46(a)(1) of the Federal Rules of Criminal Procedure. It did not include any provision which would permit consideration of danger to the community in fixing conditions of pretrial release in a non-capital case. However, it permitted consideration of such danger in considering pretrial detention in capital cases and after conviction in non-capital as well as capital cases. In non-capital cases, it placed the accent on "release" rather than "bail" and provided a number of alternatives to bail. It sanctioned pretrial release on personal recognizance or upon execution of an unsecured appearance bond, unless the judge, in his discretion, determined that "such release would not reasonably assure the appearance of the person as required," in which event, he might impose one of five additional conditions, or any combination thereof. These conditions included: (1) Placing the accused under the supervision of another person or agency; (2) placing restrictions on travel, associations, or place of abode; (3) requiring an appearance bond in a specified amount and a deposit of up to 10% thereof in cash or other securities; (4) requiring a bail bond with sufficient solvent sureties or the deposit of cash; and (5) any other condition deemed reasonably necessary to assure the appearance as required, including a requirement that the accused return to custody after specified hours. The law requires the arraigning judge or commissioner to issue an order containing a statement of the conditions imposed and if the accused, after 24 hours from the time of the original hearing, is still unable to meet the conditions of release, he is entitled to have his conditions reviewed by the judicial officer who imposed them and, unless the conditions are amended and the accused released, the judicial officer shall set forth in writing his reasons for continuing the conditions of release, whereupon the defendant may move to have the order amended, which motion shall be determined promptly and if the person is still detained, an appeal may be made to a court having appellate jurisdiction.

I will not take your time in a long documentation as to why the 1966 Bail Reform Act needs to be amended, or why, as it is operating in conjunction with the Criminal Justice Act, it is contributing to the sharp rise in violent crime and an unacceptable breakdown in the administration of justice. There are hundreds of pages of testimony in the 1967 hearings of the Senate D.C. Appropriations Subcommittee with respect to crime, congestion in the courts, low police morale and high vacancies on the force, the implementation of the recommendations of the President's Crime Commission, and related matters, which will attest to this. I shall attempt, however, to point out some of the more significant reasons in support of the need for a change in the law.

As a general proposition, under the present 1966 Bail Reform Act, a person who is engaged in serious crime can be—and generally is—released almost immediately to the street after being caught and charged with such a crime, if he can show that he is without visible assets, has family ties, or appeared in court on some previous occasion when he was charged with a crime, regardless of the fact that he is a chronic violent offender. Under the Criminal Justice Act, if there is evidence that the accused is without sufficient means to hire a lawyer, he is furnished counsel without charge and other costs of his defense are also provided free. Once back in circulation and free to resume his pursuit of crime, he has little desire to face the consequences of a trial, so it follows that there are motions for this and motions for that—continuance upon top of continuance, on one ground or another—and there are always reasons why the accused could not be in court on the day set, or his rights have not been protected, while the police involved in his apprehension and the victims of, and witnesses to, the crime of which he is accused, together with the Assistant U.S. Attorney charged with the prosecution, come to the court not just one day, but, more frequently, time after time, ready to perform their various responsibilities under our system, only to find that the case has been postponed. The results have been devastating.

Let me cite some of the evidence and facts adduced at our 1967 hearings on specific aspects of the situation, as well as what has been happening since.

Testimony was received to the effect that there was an increase of 37.9% in crime index offenses in the District of Columbia between fiscal year 1966 and fiscal year 1967 (Hearings, p. 2838). This is a tremendous increase in one year. The crime index offenses are: Criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny (over $50), and auto theft. However, the crime of robbery jumped 68.7% in this one year—from 2,905 to 4,903. That is a phenomenal increase in violent crime, and I suggest that it has a direct relationship to the Bail Reform Act and the manner in which it was operating in conjunction with the Criminal Justice Act. This was not just a one-year phenomenon, however. Robberies in fiscal year 1968, according to Police Department figures, jumped another 34.3% over fiscal year 1967. In this two-year period, robberies went from 2,905 to 6,584—for an increase of 3,679 robberies. In other words, the *increase* in robberies during this two-year period was more than the *total* number of robberies reported in fiscal year 1966. There were 8,921 robberies in calendar year 1968. If you compare this with the 2,905 robberies reported in fiscal year 1966, you have an increase of 207% in robberies over a 2½ year period, or more than three times as many as were reported in fiscal 1966. This is an intolerable situation.

Now, let's take burglary. There was an increase of 38.6% in burglaries reported in fiscal year 1967 over the number reported in fiscal year 1966. There were 9,221 reported in 1966 and 12,789 in 1967 (Hearings, p. 2838). In fiscal year 1968, there were 16,378 burglaries reported, another increase of 27.6%; so, in that two-year period, there was an increase of 7,157 burglaries. According to Metropolitan Police Department figures, in calendar year 1968 there were 17,874 burglaries reported, an increase of 22.3% over calendar year 1967. If you compare the calendar year 1968 figures with the fiscal year 1966 figures for burglaries, the result is a 93.8% increase in the crime of burglary in two and a half years. I don't believe that this just happened. Something in the law enforcement system came apart, and the finger points to the Bail Reform Act.

With respect to the sharp increase in criminal felony cases on the trial calendar of the U.S. District Court for the District of Columbia, testimony was received from the office of the U.S. Attorney for the District of Columbia, that as of October 3, 1966, there were 761 criminal cases pending, being handled by 15 Assistant U.S. Attorneys with an average caseload of 50 cases per trial assistant. As of October 2, 1967, the cases pending had jumped to 1,229, and while 19 Assistant U.S. Attorneys were working on these trials, the average caseload had risen to 65 (Hearings, p. 3257)—an increase of 15 cases per attorney, even with 40 more attorneys on the job.

With respect to the cause of the increase, a District Court judge testified:

"In large part, the situation which exists with respect to the criminal docket has developed over the last year as a result of the operation of the Bail Reform Act in conjunction with the Criminal Justice Act, whereby anyone charged with a crime can be released on low bond or on personal recognizance and a large percentage of the cases will be provided with counsel. It is little wonder that no one pleads guilty until the last moment, or until he is facing trial, or that every device that can be invented is used to delay the date of trial. The statute says the defendant "shall be released," and the only time I can refuse is if I make a finding he might flee the jurisdiction. (Hearings, p. 3269)

It was further testified:

"We would feel better if we had a little more discretion. I don't say that you should deny bail or keep him locked up, because a man is entitled to a reasonable bail, but I think we ought to have a little more discretion in setting bail rather than releasing them on their personal recognizance." (Hearings, pp. 3269–70)

Another District Judge testified:

"As our calendar backlog builds up, the number of guilty pleas decreases. There are two reasons for the decrease in guilty pleas—one is the chance of reversal on appeal, but more importantly by far is the fact that if a person charged with a crime is free on personal bond and knows that he isn't going to be tried perhaps for a year, there is no percentage whatever in his pleading guilty, so this continually builds up the backlog." (Hearings, p. 2858)

Testimony was received from the Administrative Office of the U.S. Courts that in fiscal year 1966 the median time between indictment and trial of criminal cases in the U.S. District Court for the District of Columbia was 4.8 months (Hearings, p. 2854), but that by April 1967, the median time had increased to 11 months between indictment and trial. (Hearings, p. 2851) Further, it is understood that although the number of judges assigned to the criminal docket were nearly doubled following our 1967 hearings, neither the backlog of cases, nor the median time period between indictment and trial, has been materially reduced.

With respect to the effect of the sharp increase in delaying motions, a District Court judge testified:

"Another thing, the number of motions that are filed in our court now relative to the Bail Act and the Criminal Justice Act have reached such proportions that on Friday, as a rule, every judge sitting in criminal does nothing but hear motions." (Hearings, p. 2860)

When asked whether more trouble was experienced with delaying motions in the District Court under the Bail Reform Act system than when bond was set under the regular system, a District Court judge testified: "Oh, several thousand percent." (Hearings, p. 2895)

In confirming testimony of District Court judges, a Circuit judge testified that "An enormous amount of this delay is due to calculated, dilatory tactics on the part of counsel for the very purpose of postponing the moment of truth when they must go to trial. This, I think, while it has been mentioned, has not been emphasized enough,—" (Hearings, p. 2864).

With respect to the effect which quick release to the street of those accused of serious crimes or crimes of violence has on the victims of the crimes and witnesses for the prosecution, an Assistant U.S. Attorney testified:

"It has a very deleterious effect, especially on not only the victims of the crimes but on the witnesses of the crimes who see the victim at the mercy of the defendant in any given case." (Hearings, p. 2870).

There was testimony that because of repeated continuances, many witnesses for the prosecution just failed to show up or washed their hands of the situation after repeated appearances at court, necessitating the dismissal of the case.

There was also testimony indicating that as the result of the number of serious crimes more than doubling in a very short time (which, in turn, inundated the criminal calendar of the U.S. District Court) numerous felonies were reduced to misdemeanors and were disposed of in the Court of General Sessions.

It was apparent throughout our hearings, that the turning back upon the streets of chronic offenders and perpetrators of the most serious crimes on little or no bail and without regard to the gravity of the crime or the weight of the evidence, has had a most damaging effect upon respect for the law and has resulted in confusing the distinction between minor offenses and aggravated violent crime and has undermined respect for all authority. Also, testimony was received indicating that the very fact, that great numbers of persons charged with serious crimes of violence were released to the streets on their personal recognizance or on very low bail, had the effect of encouraging others to commit crime.

The Metropolitan Police produced numerous cases where professional, dangerous criminals were arrested time after time for the most vicious crimes and remained on the streets, on bond pending trial, where they continued to carry on their usual "profession." Some of the cases which were outlined at the hearings during the short time available were:

The *Connie Wilkins* case (p. 2871, and as follows), in which the defendant, who was on parole for armed robbery, between May 11, 1965 and September 23, 1966, was arrested 13 times on charges including numerous armed robberies, kidnaping, housebreaking and shooting it out with the police, and, of course, repeated parole violations, and still made bond and was released on parole each time to continue his work on the streets.

The *Theodore Evans* case (p. 2880, and as follows), which involved a defendant on parole who, on November 29, 1966, was indicted for armed robbery and was released on $2500 bond and the Parole Board notified. On December 29, 1966, he was arrested for grand larceny and carrying a gun. The Parole Board was notified and he was released on personal bond. On February 22, 1967, he was charged with shooting a boy in the leg. The Parole Board was notified and he was released on $2500 bond. On June 6, 1967, incident to the armed robbery of a business establishment, he was shot and killed.

Then, there is the case of the *McCulloch Brothers* (p. 2883, et seq.), wanted in Maryland, Virginia, and Michigan, for armed robbery. In January 1966, they were released in Detroit on $5,000 bond for armed robbery. On November 22, 1966, one of the brothers was indicted by the Grand Jury in the District of Columbia for interstate transportation of a stolen motor vehicle and related offenses, and was released on $2500 bond. On November 30, 1966, both brothers were arrested in Alexandria, Virginia, for armed robbery. They were indicted and bond set. On the same date, arrest warrants from the State of Maryland for three cases of armed robbery were received by Virginia authorities and lodged as detainers. On December 7, 1966, arrest warrants were issued in the District of Columbia charging the brothers with armed robbery of a jewelry store, and lodged as detainers with the authorities in Alexandria. On January 26, 1967, the brothers made bond on the Virginia charges and were transported to the District, where bond was set at $2500 and the defendants were released upon posting an 8% deposit. They were arrested February 3, 1967, on fugitive warrants and returned to Maryland for trial. Each deposited $6,000 security bond and they were released. Three weeks later, one brother, with three others, was arrested in Washington, D.C., for housebreaking, robbery, assault with a dangerous weapon, and kidnaping. He was indicted on April 14, 1967, and on the same date, his brother was indicted for armed robbery and assault with a dangerous weapon. As of August 8, 1967, one of the brothers was at large under the Bail Reform Act and the other was in custody in the District of Columbia by virtue of the pending indictment.

These cases, of course are now history—and there is always someone who will say that they are isolated exceptions—but, actually, it would be more accurate to say that such cases are happening all the time. To prove this, it is only necessary to pick up a newspaper any day to find that at least one violent offender has repeatedly been charged with one serious offense after another and has continued to be released to the streets to continue his "career."

With respect to releasing dangerous people to the streets under the 1966 Bail Reform Act, a U.S. District Court judge testified:

"We do now have this business of reporting to police precincts, and we are getting reports in promptly on them. And last Friday we terminated 13 that had failed to report on the 10th of July to a precinct. But every day I sit in motions releasing people on personal bond that I know are a great danger to the community."

The same judge, in commenting on the fact that an accused could report to a police precinct at 7 o'clock and rob a grocery store at 8 o'clock, advised that:

". . . reporting doesn't assure anything, but we release these people and I know they are a great danger to the community." (Hearings, p. 2894)

According to information furnished by the Metropolitan Police, in calendar year 1968 there were 102 bank robberies in the metropolitan area of Washington (Star article of January 12, 1969), and according to current press articles, such robberies are now averaging two per day.

It would appear that the evidence piling up has become conclusive that the social service approach to handling hardened violent criminal offenders will not work and that regardless of the number of judges appointed and other law enforcement personnel employed, rising violent crime cannot be controlled without amendment of the law to give the courts discretion, upon arraignment, to consider the danger the accused poses to the community. The situation has become similar to a contagion which has raged out of control with no preventive serum as yet developed to check it.

During our 1967 hearings on appropriations for the District, in commenting upon the purpose of a system of criminal justice and upon the degree to which society can afford to grant refinements of procedure in the criminal law and still make the system work, a U.S. Circuit Court judge made such an excellent statement that I wish to quote an excerpt from it. He testified, in part:

"No one has yet demonstrated a fallacy in the ancient concept that sure and swift justice is the most effective deterrent to crime, probably exceeding the deterrent effect of imprisonment itself. But American criminal justice at present can lay very little claim to being swift or sure or efficient. As a citizen and as a judge, I find this frustrating and discouraging and I fear that it is seriously undermining the functioning of the system and impairing the deterrent impact of convictions and the possibilities for rehabilitating the offenders. A system which encourages and even rewards long drawn out conflict with society is not useful. From my own study and observation of criminal justice in other societies, I know that many of them are experiencing new and difficult problems, but I know of none which has reacted to problems as we have in the sense of casting virtually all the choices in favor of one side of the conflict—the accused. Certainly no other society using the Common Law system of justice has found it necessary to go to the lengths we have gone in the past 30 years but more markedly in the past few years. In England and other Common Law countries, the people are just as free as we are and individual rights are as zealously protested, without making the criminal process so complex and difficult as ours that a great many guilty people slip through the net. And when we look at the fact that Washington, D.C. with fewer than one million people has many more criminal killings each year than all of England with over 40 million, we are bound to wonder if there is some connection between the rules and the results. A system of justice which does not protect the law abiding has failed in the basic reason for being and we are very close to failing." (Hearings, p. 2969)

It is now nearly three years since the enactment of the 1966 Bail Reform Act. It is over two years since the issuance of the report of the President's Commission on Crime in the District of Columbia, which, among other things, recommended pretrial detention in certain non-capital offenses where the accused poses a danger to society. It is going on two years since our appropriations hearings on the costs and problems of crime and law enforcement pointed up the reasons why the situation was getting entirely out of control and urgently required corrective measures. Numerous other studies have been made and there have been various sets of inadequate and conflicting statistics issued, as well as proposals for still more studies. Also, of course, the Senate Judiciary Subcommittee on Constitutional Rights is presently considering, among other things, the proposition of pretrial detention based upon the danger which an accused poses to the community, and apparently you are receiving all sorts of conflicting suggestions.

We now have had enough experience under the Bail Reform Act to know that it isn't working in the manner in which it was hoped, and that the manner in which it is operating has a direct bearing upon the sharp rise in crime and the increase in lawlessness, and there is now ample proof, in my judgment, that it needs to be changed. As I have pointed out, the principal reason it isn't working is that the federal statutory law requires that chronic violent criminals who have shown a high probability of danger to society must be released on low bond or personal recognizance because the only yardstick the statute permits in setting bail or other conditions of release is the danger of flight.

Yet, when it is proposed that the statutory law be amended to permit consideration of the danger which such violent offenders pose to society, a confusion of voices is raised protesting that to consider anything other than flight of the accused on pretrial release is unconstitutional; that it violates the traditional presumption of innocence; that it is punishment before conviction; that it is impossible to predict that an accused will commit another crime if released; that it violates the constitutional right of "due process," and so forth.

Such claims, if they have substantial merit, deserve serious consideration, but we know that the law with respect to bail in non-capital cases is not a constitutional right, but a statutory right. The strict presumption of innocence is merely a rule of evidence that comes into operation at the time of trial. It does not require all defendants to be treated as though they were innocent prior to trial. It is the existence of probable cause, based on the weight of the evidence that a person has committed an offense, which justifies his arrest and indictment and the denial of pretrial liberty in certain cases where there are strong reasons for requiring pretrial detention.

We know that pretrial detention has been accepted in capital cases since the Bail Act of 1789, and that such discretion in capital cases was carried over into the 1966 Bail Reform Act. Further, in the exercise of this discretion, the Bail Reform Act of 1966, for the first time, explicitly provides that the danger which the accused poses to society may be taken into consideration. The 1966 Act also permits consideration of such a danger in non-capital cases in determining whether or not a defendant may be detained pending appeal after conviction.

In the matter of due process, the interests of society must be balanced against the liberties of the individual, and restrictions and conditions imposed must be matched with the need to impose them. Nor can a ruling to detain, or to fix other conditions of release of an accused based on the danger he poses to society be arbitrary or not based on the gravity of the crime, the weight of the evidence, and other circumstances of the particular case. Any defendant is entitled to all of the legal safeguards constituting due process, including a hearing at the time of his arraignment, or a special hearing, so that all appropriate facts may be presented. If, based on the facts, the judge in the exercise of his discretion determines that the defendant should be detained, or sets reasonable bail which the defendant is unable to make, he has the right to appeal such a ruling and certainly he has a right to a speedy trial. The constitutional guarantee of a speedy trial has become almost meaningless under present conditions, with most of the worst offenders taking every step possible to delay trial. It should be no more difficult for a judge to make a judgment as to whether a defendant poses a danger to society than it is for him to make a determination that the defendant is apt to flee the jurisdiction.

It would seem established without doubt that the situation which exists today with respect to the chronic violent criminal requires that there be pretrial detention where the facts and circumstances warrant, for, as was testified in my 1967 appropriations hearings: "Of what value is a system of criminal justice which assures us the most absolute protection from the excesses and errors of the police but renders us more vulnerable to the attacks of those whom the police are charged with restraining."

The two amendments to the Bail Reform Act which I am proposing are amendments which, as previously indicated, were prepared for submission in the Safe Streets bill. They do not include the appropriate procedural legal safeguards or provision for a quick trial, as the Bail Reform Act, at least in part, already covers some of these safeguards, and I will defer to the judgment of the Judiciary Subcommittee to make sure that all of the legal safeguards necessary to satisfy constitutional or other rights are retained.

Again, basically, the first of my amendments would give an arraignment judge or magistrate, in fixing reasonable pretrial bail or other conditions of release, the discretion—based upon the nature of the crime, the weight of the evidence, and other pertinent factors and proof, in an appropriate hearing—to consider the danger which the accused poses to another person or to society.

The second amendment would give the court, judge, or magistrate, the discretion to detain, pending trial, a defendant charged with a "crime of violence" as described in the amendment, who also had previously been convicted of a crime of violence, if the facts warranted a finding that he posed a danger to other persons or to the community. The arraigning judge already has this authority under the present statute: (1) in capital cases; (2) after conviction in all cases involving serious crime; (3) in the case of insane criminals; and (4) in the case of aliens held for deportation.

There is an urgent need for more judges, more prosecutors, and more law enforcement personnel of all kinds, to assure quick trials. There may be as great a need for better ways to rehabilitate criminal offenders who are capable of rehabilitation—and in my opinion not all offenders can be, or want to be, rehabilitated. But, I repeat: if we are to get control over violent crime, the most important step—and the quickest one—that can be taken is to amend the Bail Reform Act along the lines suggested. I think there is no question of the critical need, and the responsibility is that of Congress.

Although much of the information in support of a change in the Bail Reform Act is based upon hearings and studies of crime and law enforcement in the Nation's Capital, it would be a mistake, I feel, to limit legislation in this field to Washington, D.C. If changes are needed here, they are undoubtedly needed throughout the federal jurisdiction. The FBI statistics on "Careers in Crime," reflecting the sharply rising rate in violent crime, support this position. If the law presently isn't working properly here, it probably isn't working properly throughout the U.S. Federal System elsewhere.

A TRIBUTE TO SENATOR MARGARET CHASE SMITH

Mr. BYRD of West Virginia. Mr. President, the January 1969 issue of City East magazine, published in New York City, contains a fine and deserved article saluting the distinguished and highly respected senior Senator from Maine, MARGARET CHASE SMITH.

The article praises Senator SMITH for her unflagging devotion to the national defense and to the cause of our Nation's Armed Forces.

It delves into the various aspects of

her career in the Senate and states as follows:

> She is the only woman ever to have been elected to four full terms in the United States Senate (and) she is the first woman to have been placed in nomination for President at a National convention of a major political party.

I ask unanimous consent that the article, entitled "Senatorial Spotlight," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATORIAL SPOTLIGHT: SENATOR FROM MAINE

(By George Douth)

Senator Margaret Chase Smith has always spoken out in the councils of the Senate for the strongest possible national defense—and for a firm foreign policy to match it.

As ranking Republican on the Space Committee, the Armed Services Committee, its Preparedness Investigating Subcommittee and its Central Intelligence Subcommittee; third ranking on the Appropriations Committee and second ranking on its Department of Defense Subcommittee, she exercises an influence over the whole range of national defense. No other woman has ever equaled her position of power in the United States Senate.

As a member of a subcommittee on congested areas of the Committee on Naval Affairs in the House of Representatives, she travelled throughout the country in 1943 to find the cause of bottlenecks in the Navy's war effort. It is one of the very few if not the only subcommittee that earned a Presidential Unit Citation, which was given to it by President Franklin D. Roosevelt.

When the long, hard months of subcommittee work were over Mrs. Smith found herself deeply committed to the cause of bettering national defense. The absorbing interest has continued ever since. She served on the House Naval Affairs and Armed Services Committees until her election to the Senate in 1948.

THE ARMED FORCES AND RESERVE AFFAIRS

She has been a pioneer in some important legislative landmarks for the Reserve and she takes more pride in these pioneering achievements than in banner headline battles won.

She introduced the first Reserve retirement law in 1943 and the first bill to provide drill pay for Reservists.

She introduced the legislation to provide equal death and disability coverage for Reserves on active duty—it became known as the Smith Act.

She also introduced legislation that eventually led to the executive order setting up the Reserve forces medal.

In addition to these pioneering efforts, Mrs. Smith helped write the Reserve Officer Personnel Act and much other important military legislation. She was one of the first supporters of retired pay recomputation after 1958 and fought harder for it than anyone else in the Senate.

Senator Smith has worked to improve the quality of the Reserve by making sure that those who get the important promotions earn them. She carefully reviews the records of promotion nominees—particularly those to flag rank—and has repeatedly blocked unworthy nominations. It has led her into some rousing scraps. On at least one occasion she even challenged the powerful members of her own committee in a floor fight—over the promotion of a major to a brigadier general in the National Guard, to match his appointment as adjutant general. She lost the battle but she won the war. She got the Armed Services Committee to set a firm policy that it would never approve more than a one-grade promotion at a time. The action came after she had blocked two-grade jumps for five new state adjutants.

This characteristic preparation for battle was well displayed in the Jimmy Stewart affair when the Senator objected to the famous actor's nomination for promotion to brigadier general in the Air Force Reserve. Her grounds for opposition were partly because Stewart had not taken the annual Reserve training; largely, however, because she did not believe that he was qualified for the important post scheduled for him in the event of mobilization: Chief of Staff of the Strategic Air Command's Fifteenth Air Force.

The Air Force sent General Emmett O'Donnell to testify on behalf of Jimmy Stewart as nominee. The General did poorly. He did not have his facts in hand, and Senator Smith did. Adroit in handling documented data, imperturbable and precise, she formulated questions that cut through to the very bone, and the General soon was caught with his feathers down. In fact, the record of the hearing looked so bad when it got back to the Air Force that it was given what the White House called "clarification" for the permanent record. Clarified O'Donnell was a far cry from the confused O'Donnell of the hearing.

Altogether, Mrs. Smith thought the nomination was an unconscionable business, and other senators agreed with her when it reached the Senate floor. Stewart's promotion was not approved, although it was backed by a resounding majority of the Armed Services Committee.

Stewart's promotion came up again and this time he had done his training. Senator Smith voted in his favor—but only after the Pentagon assured her that, in the event of active duty, Stewart would be in public relations and not in the other more critical job.

Senator Smith has served as a Lieutenant Colonel in the Air Force Reserve. As the acknowledged Champion of Reserve legislation in Congress, she has been cited for her service by the Air Reserve Association, the National Guard Association and the Reserve Affairs Association.

MORALE OF THE MILITARY

According to the Senator, Pentagon policies on the Reserve since mid-December 1964 have resulted in undermining and weakening the Reserve. The attempt to push the illegal proposed merger of the Reserve and National Guard—without legislation—down the throat of the Congress was blocked.

Senator Smith remarked,

"Had the proposed plan gone through, the Army Reserve would have ceased to exist as an organization having any units since all units would have been assigned to the Army National Guard. Even though the Congress fortunately blocked this tragic proposal, the proposal nevertheless not only undermined the morale of the Reserve but put the Reserve organization and training in disastrous limbo for far too long. The harmful results still linger."

Not only did Congress prevent the merger, but permanent legislation was enacted into law to preclude any future merger since the Army Reserve must consist in part of units organized to serve as such.

The Senator has emphasized the need for legislation with a system provided for by permanent law under which Congress through the authorizing committees will annually review and authorize the strengths of the Selected Reserve of each of our Reserve components.

One important piece of women's legislation Senator Smith originated was the bill providing Regular status for nurses.

In 1957, the Air Force asked her to come on active duty and make a study of why technically trained men were leaving the service. The Air Force felt, quite correctly it turned out, that men would talk more freely to her than they would to their senior officers. Mrs. Smith spent a month on active duty, conducted over 300 interviews with all ranks from full general to airman, and wrote a 101 page report.

"I never worked so hard in my life," she said, recalling the assignment recently.

She found that lack of recognition, what the professionals call "psyche income," was the important reason for people leaving the service, even more important than pay.

The Senator was impressed with the mature thinking of service people. She found that present income was not as important to most as what they could expect in the future, the income and attainment they could aspire to. Interestingly enough, the finding of the Cordiner Committee that drafted the 1958 pay act confirmed her report.

RESEARCH AND DEVELOPMENT CAPABILITY

In Senator Smith's judgment, during the Johnson Administration, there has been a serious deterioration of the strength of our national security and defense resulting from a destructive two-fold policy and theory of (a) cost effectiveness and (b) scaling down our military capability toward nothing more than parity with Russia on the theory that such parity would result in stalemate and that stalemate would result in peace. The disastrous results of this policy and theory are evident from our weakened position around the world.

The Senator has cautioned against any narrow and shortsighted emphasis on any single defense system. Instead she urged emphasis on priority for research and development because she is convinced that the foremost power and leadership will be achieved not be that nation which possesses the greatest resources, natural, military or industrial, but rather by the nation which possesses the greatest research and development capability.

The Senator has stressed that the space program is not merely a race to beat Russia to landing a man on the moon. It is not only a moon program. Instead, it is designed for the security of our country, the exploration of our universe, and the various spin-off benefits that now—not just tomorrow—provide for improvement in our health and enjoyment of daily living.

Margaret Chase Smith, daughter of George Emery and Carrie (Murry) Chase was born in Skowhegan, Maine, December 14, 1897. She attended Skowhegan public schools and graduated from Skowhegan high school in 1916.

WOMAN AT THE HELM

Mrs. Smith was a school teacher; a telephone and woolen company executive, and a circulation manager of the hometown weekly owned by Clyde H. Smith.

The pivotal event in her life was her marriage to Clyde Smith, May 14, 1930. She served on the Republican State Committee from 1930–36, before coming to Washington with her husband. In 1937 when her husband came to Congress, she became his Congressional secretary (he didn't like the idea but she talked him into it). As such, she soon learned her way around and was drawn rapidly into the very center of the political maelstrom. After three years Clyde Smith died of a heart attack. Knowing himself to be dying—indeed on the day before he died—he appealed to the electorate to put his wife into his office.

Mrs. Smith embarked on her successful political career in June 1940, when she became a member of the United States House of Representatives from the Second Congressional District of Maine. Margaret Chase Smith served in the United States House of Representatives from 1940–49.

In 1948 she went for broke. Vision and courage being substituted for wealth, Margaret Chase Smith dropped her seat in the House and gambled everything on the Senate. If she had lost she would have been just a young lady back in Skowhegan again.

The gamble succeeded so well that Mrs. Smith won out in the primaries with more votes than all of three masculine opponents combined.

Near the beginning of this campaign she slipped on ice and broke her arm. She was off speaking again as soon as the bone was set, actually making two speeches on the very day of the accident. During most of that campaign she carried her arm in a sling.

However, her alertness of mind enabled Mrs. Smith to break ground and plant herself firmly in the U.S. Senate.

In 1948, she was elected to the Senate by the highest percentage majority and the greatest total vote majority in the history of Maine. In 1954, when she was re-elected to a second full six year term in the Senate, she was the top vote-getter of all candidates for all offices—and in the primary she set a new record for the total number of votes received in a contested primary.

In 1960, when she was re-elected to a third full six year term in the Senate, for the third successive time she was the top vote-getter. Senator Smith was re-elected in 1966 for the term ending January 3, 1973.

She is the only woman to ever have been elected to four full terms in the United States Senate. She is the first woman to have been placed in nomination for President at a national convention of a major political party. In the final ballot at the 1964 Republican National Convention, she received the second highest number of votes.

Senator Smith is the only woman to serve in both houses of Congress.

The Senator insists upon the normal prerogatives of seniority, insists upon taking equal responsibility and never shirking a job, and at the same time insists upon not taking any prerogatives that would not be due a male senator of equal seniority. All politicians love the spotlight and there are opportunities where a woman could take the spotlight away from more senior colleagues; Mrs. Smith avoids any hint of such maneuvering.

One of the things that grew out of this conscious effort at balance between being a lady and being a lawmaker is the wearing of a rose, which has become Senator Smith's trademark. She wears a fresh one every day. (In summer she grows her own. In winter three are delivered to her office twice a week by a Capital Hill florist: they cost her 35¢ each.) For years Mrs. Smith wore suits on the floor of Congress so as not to overemphasize the feminine aspect. To soften the severity of the suits she began to wear a rose. Now, she wears one with everything.

DECLARATION OF CONSCIENCE

Senator Smith never calls a spade a garden implement. She says what she thinks in plain English and if she thinks someone is wrong she tells them so with unforgettable clarity.

Some remarks she made one time on U.S. military power in relation to Russian might have caused former Soviet Premier Nikita S. Krushchev to call her "the devil in the guise of a woman."

Senator Smith is not given to frequent orations, knows how to keep her own counsel and speaks only when she has something to say. Bowdoin College noted this quality in conferring th honorary degree of Doctor of Laws upon her in 1952. The citation reads, "She is a woman of common sense, good judgment and brevity of speech."

One of her rare Senate speeches came in 1950 and is known as Margaret Chase Smith's Declaration of Conscience.

It was at a time when the late Senator Joseph R. McCarthy was making headlines with his charges that the government was being infiltrated by Communists. Senator Smith declared that it was high time to stop character assassination behind the cloak of Congressional immunity.

"The American people," she said, "are sick and tired of seeing innocent people smeared and guilty people whitewashed." She said that Democrats and Republicans alike were "playing directly into the Communist design to confuse, divide and conquer." She wanted a Republican victory, but she "didn't want to see the Republican Party ride to political victory on the four horsemen of calumny—fear, ignorance, bigotry, and smear."

She made no mention of McCarthy, although he was the obvious target of accusation. This Declaration of Conscience made a profound stir both in and out of Congress.

On the International scene the Senator has made extensive trips throughout the world from 1944 through 1961. Very few people have conferred with as many leaders of nations throughout the world as has Mrs. Smith.

In Senator Smith's judgment, the defense of the nation is not alone a matter of military force. It depends also upon foreign policies realistic in concept and unflinching in spirit.

THE ROBERT A. "FATS" EVERETT BRIDGE

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 769, reported earlier today from the Committee on Public Works.

The VICE PRESIDENT. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 769) to name the bridge to be constructed across the Mississippi River linking the States of Tennessee and Missouri in honor of a former Member of the House, Robert A. "Fats" Everett.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, may I ask the distinguished Senator from Tennessee, has this matter been cleared with the majority leader or the majority whip?

Mr. BAKER. Mr. President, I am happy to say that the matter has been cleared with the majority leader and the minority leader, and I apologize for not having communicated that information to the assistant majority leader.

Mr. BYRD of West Virginia. I have no objection.

There being no objection, the bill (S. 769) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Tennessee-Missouri Bridge now under construction across the Mississippi River northwest of Dyersburg, Tennessee, and southeast of Caruthersville, Missouri, be named the "Robert A. Everett Memorial Bridge" in honor of the late Congressman Robert A. "Fats" Everett.

Mr. BAKER. Mr. President, I ask unanimous consent that the name of my distinguished senior colleague from Tennessee (Mr. GORE) be added as a cosponsor of S. 769.

The VICE PRESIDENT. Without objection, it is so ordered.

TAX-EXEMPT STATUS OF STATE AND LOCAL BONDS

Mr. BAKER. Mr. President, during the last session of Congress several proposals were introduced which, had they been enacted, would have had a serious adverse effect upon the long-standing immunity of activities of State governments and their local entities from Federal taxation. On numerous occasions I voiced my serious opposition to these proposals, and I rise today in response to the introduction in this the 91st Congress of several similar measures.

The first of these proposals is a bill to amend the Federal Water Pollution Control Act—S. 544—introduced by the distinguished junior Senator from Maine (Mr. MUSKIE) on January 22 on behalf of the outgoing administration. This bill contains a revised method for financing construction of municipal waste treatment works. Under the proposal a $50 million revolving fund would be established in the Treasury Department from which would be bought municipal waste treatment bonds sufficient to cover both the Federal and local share of a project's cost. These securities would then be resold by the Federal Government with the interest thereon being taxable, but the municipality would retire its share of these securities on an annual basis at the tax-exempt rate. The Federal share of a project's cost and the additional interest costs caused by the difference between the taxable rate of Federal bonds and the tax-exempt rate of municipal bonds would be repaid by an annual appropriation.

This proposed method of financing differs somewhat from that proposed in water pollution control legislation during the last session. The 1967 bill included a financing provision under which the Federal Government would have made a principal and interest payment to cover the Federal share, plus an interest subsidy. In return, the municipality would have issued a taxable bond.

The primary difference between the new proposal and the 1967 bill is that under the new proposal the local obligations become assets of the Federal Government with the Federal Government reselling the securities as taxable obligations. I consider this proposal a subterfuge for the avoidance of the sale of tax-exempt securities by local governments, and I have strong reservation concerning it.

A second proposal which was introduced on January 21 by the distinguished junior Senator from New Mexico (Mr. MONTOYA) is a bill to amend the Consolidated Farmers Home Administration Act—S. 414. Under this measure communities would apply to the Federal Government for loans to build water and sewer systems. Loans would be made by the Farmers Home Administration at the same rate as the community would have to pay on tax-exempt bonds sold to private lenders. Interest on these bonds would be taxable to the private lenders, and the Federal Government would absorb the higher interest rate that would have to be paid on the taxable bonds. The Federal Government also would insure the loans in an attempt to make the bonds more marketable and decrease the size of the interest differential.

Mr. President, Congress has by statute authorized that the rural water and sewer program be financed not only with direct Federal loans and grants but also by loans to private lenders whose risk is insured by the Farmers Home Administration. However, under the Johnson administration the Treasury Department determined as a matter of tax policy that the tax exemption on all State and local bonds should be revoked and, in accordance with this policy, that insured tax-exempt loans should not be issued by the Farmers Home Administration to private lenders. The Farmers Home Administration acceded to the Treasury policy and during the term of Secretary Freeman did not use the insured loan authority which Congress by statute has granted it.

Mr. President, the FHA insured loan program has my unqualified and enthusiastic support. I recognize the need in our rural areas for adequate financing to provide a clean and dependable water supply; rural communities cannot regain their growth without these improvements.

The crucial point is that we do not need a precedent setting amendment to accomplish the objective which both the Senator from New Mexico and I favor. As I have pointed out, Congress has granted the Farmers Home Administration authority to make and insure loans to aid rural water and sewer programs. No statutory modification is needed in order to invoke this authority. All that is needed is the alteration of an unwise tax policy.

The most sweeping of all the proposals that have been submitted is the municipal capital market expansion bill—S. 398—introduced by the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) on January 17. The Proxmire bill would encourage State and local governments to waive tax exemption on all bonds sold to finance public projects. As a reward for those governments who do make the waiver, the Federal Government would, first, guarantee bond issues against default and, second, pay to the issuing body a 33-percent interest subsidy to cover the increased cost to the issuer of selling taxable rather than tax-exempt bonds.

Under this proposal the Federal guarantee would be issued by the Federal Government only after determination that the issue is economically sound. Senator PROXMIRE has stated:

> The federal government would not willy-nilly guarantee all municipal bonds. They would have standards which would have to be applied, and they would only guarantee those bonds if they were reasonably assured that they were sound, and the criteria would be substantial.

Senator PROXMIRE has stated that this Federal role would be confined to determining the soundness and not the purpose for which a particular bond is issued. In my view, however, it would be impossible on occasion to separate soundness from purpose, and I for one am stanchly opposed to any proposal which creates in the Federal Government the right to deny what is or is not a proper way to manage financing at the local level.

A major source of support for the principle of replacing tax-exempt bonds with a system of Federal guarantees and interest subsidies has been, as I have previously indicated, the Treasury Department under President Johnson. On June 13, 1968, Mr. Stanley S. Surrey, Assistant Secretary for Tax Policy under President Johnson, in a speech in New York strongly backed the proposal by which local governments would sell taxable bonds instead of the tax-exempt securities they now offer with the Federal Government paying part of the interest on the bonds. Mr. Surrey indicated that if the method of financing suggested in the 1967 water quality bill were enacted, then the Federal Government would use this as a precedent for financing such local government projects as low-income housing, urban development, and mass transit. What Mr. Surrey did not mention is that if the Federal Government were to guarantee and subsidize taxable bonds, then the Federal Government would necessarily want to "approve" the bonds, and approve is, as we all know, merely a nice word for control.

A second source of support for the guarantee-subsidy approach typically comes from the centralists, those who advocate the continued transfer of decisionmaking from local governments to the Federal Government or those who, while concerned about the ill effects of centralism, are not so especially concerned that they rate it very high on their list of priorities when other considerations come into play.

My first response to these proposals is a constitutional one. To begin with, I have not yet been convinced that the Constitution permits the Federal Government to tax securities issued for public purposes by State and local governments. Any legislation which attempts outright to repeal the tax exemption on State and local securities assumes that Congress may, without constitutional amendment, tax the interest on a State or local bond based on the purpose of issuance of such bond. My understanding has always been that the Federal Constitution precludes an assumption that the Federal Government has the power to tax the States and their political subdivisions. The immunity of the States and local governments in the exercise of their legitimate functions from Federal taxation is necessary for the preservation of our constitutionally delineated dual sovereignty form of government.

Further, I seriously question the contention that removal of the tax exemption will produce more Federal revenues than is gained by the States and municipalities in reduced interest cost. A study submitted to the Air and Water Pollution Subcommittee of the Senate Committee on Public Works in 1968 suggested that there would be decreased rather than increased Federal revenues if the tax-exempt status of State and local bonds were replaced with a system of guaranteed-subsidized taxable bonds.

However, even if one were to acknowledge the validity of the constitutional and economic arguments, there still remains what is for me the critical policy question: What effect would replacing the tax-exempt bond with a guaranteed-subsidized taxable bond have upon the autonomy and financial integrity of State governments and their local entities?

I believe that the very clear answer is that there would be disastrous effects if Congress exercises statutory power to tax State and local bonds. Clearly, local governments cannot survive if the Federal Government can arbitrarily influence local policy by penalizing certin local activities with Federal taxation while rewarding other activities with tax exemption. In my view, the independence of local governments should not be destroyed by the establishment of Federal guarantees, Federal subsidies, Federal guidelines, and as the inevitable result, Federal control.

Mr. President, there is yet one other related matter. During the last session a proposal was enacted revoking the tax-exempt status of industrial development bonds. This measure was introduced by Senator ABRAHAM RIBICOFF as a rider to the Revenue and Expenditure Control Act. As finally adopted by the Senate-House conference, this proposal revoked the tax-exempt status of industrial development bonds in excess of $1 million. The $1 million ceiling on tax exempts was amended later in the legislative session to $5 million under certain conditions.

Of course, everyone recognizes that there has been abuse in some aspects of local industrial financing. A few localities issue bonds to establish facilities for private industry in amounts beyond the economic needs of the industry. Other abuses occur when the firm for whom the facility is constructed has access to adequate financing through conventional channels and when tax-exempt financing of industrial facilities enables a community to pirate a going concern from an established location.

Unfortunately, however, the Ribicoff amendment, in revoking the tax-exempt status of industrial bonds, employed a distorted definition of the term "industrial development bond" and thereby created more problems than it solved. The presently enacted definition is not limited to bonds for industrial development but rather is so broad as to include bonds for many acknowledge and traditional State and local governmental functions. Chairman WILBUR MILLS, of the House Ways and Means Committee, acknowledged this fact on the floor at the time of passage of the act and invited corrective legislation.

As a result of the confusion caused by the present definition, I introduced in the Senate an amendment redefining the term "industrial development bond." This amendment would have provided a redefinition of the term in accordance with its generally accepted meaning, and would have provided for taxation of industrial bonds only in truly industrial situations. The amendment was not brought to a vote prior to adjournment of the 90th Congress; however, Senator RUSSELL LONG, the chairman of the Senate Finance Committee, did give an assurance on the Senate floor that his committee will study the problem and will hold hearings if a similar bill is introduced during the next session. It is my intention to introduce within the next few weeks a modified version of this proposed redefinition.

Without doubt the basic question of exemption of State and local governmental activities from Federal taxation will be raised during the 91st Congress. I am hopeful that thorough hearings will be held in both the Senate and the House. As for myself, I shall continue to oppose strenuously any legislation which would repeal outright the tax exemption on State and local bonds; which would replace the tax exemption with a system of Federal guarantees and subsidies; or which would penalize or reward a State by taxation or exemption, depending on whether the Federal Government approves or disapproves of the purpose for which the bond is issued.

SECRETARY OF THE INTERIOR WALTER J. HICKEL

Mr. STEVENS. Mr. President, during the debate on the confirmation of Walter J. Hickel to be Secretary of the Interior, I stated that he was a man of action. He has already proved it. It is very heartening to me to note the position Secretary Hickel has taken on the very serious problem of oil leakage in the Santa Barbara Channel. The Secretary flew to the site, inspected it, and reached an agreement with oil officials to halt further drilling until the reason for the leakage was discovered and steps taken to prevent any reoccurrences. By any standards this was rapid and effective action.

The Federal regulations that deal with offshore drilling are not adequate—the State of Alaska has far more stringent regulation in this regard than does the Federal Government. The Secretary has stated that he will seek more effective safeguards for offshore drilling and I hope he will receive full cooperation in this effort, from all parties. Our Continental Shelf oil reserves are a valuable economic asset, but development of these reserves must be balanced against the preservation of our seashores and marine life adjacent to them. Secretary Hickel is moving toward this goal which when achieved, will be a blessing for both the producers of oil and the millions of Americans who love and enjoy the beaches and seashores of this country.

I ask unanimous consent to have printed in the RECORD the explanation furnished me by the Department of the Interior of the causes of the Santa Barbara Channel leakage, and the press releases of Secretary Hickel's reactions to this catastrophe.

There being no objection, the items requested were ordered to be printed in the RECORD, as follows:

SUMMARY

Well A–21 had been drilled directionally by Union Oil Company from Platform "A" on Federal lease P–0241 to a total depth of 3,479 feet with 13⅜ inch casing set and cemented at 514 feet (238 feet below sea bottom) and a blow-out preventer installed.

While pulling drill pipe the well started flowing mud and then mud with gas which was shut-in by dropping the drill pipe and closing the blow-out preventer. The well was then under control and remained so for a short time until gas and oil appeared on the water around the platform, having bypassed the upper part of the well.

The work of restoring control over the well then proceeded in separate ways (1) to fish out or re-enter the dropped drill pipe and fill the hole with mud and (2) to drill a relief well which would intersect well A–21 at bottom and through which mud would be pumped. Either method is designed to pump mud into the formation at bottom which will kill the flow.

Both operations have gone on simultaneously so as to save time in the event it would be found to be impossible to fish out or re-enter the drill pipe. We understand that a check valve that it was necessary to mill out has been successfully milled so that it should then be possible to re-enter the drill pipe and gun perforate above the drill which is plugged. This will enable mud to circulate down through the drill pipe and out through the perforations into the space behind the drill pipe, bringing the well under control. This could occur in a very few hours.

In the relief well a string of 20 inch casing is to be set and cemented at 559 feet, 13⅜ inch at 2,000 feet and 9⅝ inch at 2,800 feet, after which the bottom hole location of A–20 should be intersected at about 3,100 feet. At this point, mud would be injected into the relief well bringing A–20 under control.

STATEMENT OF WALTER J. HICKEL, SECRETARY OF THE INTERIOR, FEBRUARY 2, 1969

I am deeply disturbed by the threat to aquatic life and to the shores and beaches posed by the continued leakage of oil from the union well. So far, fortunately, the damage has been small. But even this damage is too much if more rigorous drilling practices can avoid it.

All possible steps are being taken to bring this leakage to an early end.

In the meantime, close and continued surveillance is being kept on the four drilling operations still continuing on Federal leases in the Santa Barbara Channel.

At my direction each of these drilling operations is being reviewed by the responsible experts of the geological survey on the scene. My instructions are that all possible steps be undertaken immediately to provide the greatest possible margin of safety against any further well blowups. If there is any reasonable doubt as to the adequacy of these measures, my instructions are to order an immediate cessation of drilling until necessary corrective steps can be taken.

In addition to this immediate review of each drilling program now underway, the Department of the Interior, under my direction has instituted a full study of the adequacy of our existing regulations and practices to cope with situations of this kind. The outer continental shelf leasing regulations themselves have not been substantially reviewed since they were first issued over fifteen years ago. While the geological survey does try to keep its operating instructions to lessees up to date, I intend to make sure that both the regulations and the policies of the geological survey receive a new and careful examination to make sure that they embrace the most modern and up to date safety technology.

I realize that to some degree it is impossible to reduce the possibility of accidental occurrences to zero. I realize also that over 200 wells have been drilled in the Santa Barbara Channel area without accidental blowups of the kind that we have just experienced. Nevertheless, and because of the geologic characteristics of the Santa Barbara Channel area I want to be sure that the drilling and casing practices now being followed are the best that can be devised. Certainly the nation cannot and should not tolerate even a normal risk of pollution and damage to aquatic life, beaches and other property and natural resources.

NEWS RELEASE OF THE DEPARTMENT OF THE INTERIOR, FEBRUARY 3, 1969

Secretary of the Interior Walter J. Hickel announced today that at his request all actual drilling operations on Federal leases in the Outer Continental Shelf in the Santa Barbara channel are being temporarily placed in a stand-by condition. Participating in the voluntary action taken at the Secretary's request are: Union Oil Company of California, Humble Oil and Refining Company, Phillips Petroleum Company, Gulf Oil Corporation, Texaco, Inc., and Mobil Oil Company. Also participating in the discussions was Kerry Mulligan, Chairman, of the California State Water Resources Control Board, who represented Governor Ronald Reagan. The temporary cessation does not include the relief well being drilled by Union Oil Company as an alternative measure to bring to a halt the oil leakage now taking place at its well A–21 in the Santa Barbara channel.

The agreement to place drilling operations in a standby basis was reached as a temporary and voluntary measure while technical experts of the Federal government and the companies, with State observers present, review the drilling and casing procedures being used for the Santa Barbara channel drilling operations. "This procedure will afford a breathing spell until it can be determined whether corrective measures are necessary," Secretary Hickel said. "The review has already begun as I ordered, and it is being carried out as rapidly as possible," Hickel added. The Secretary stated that those drilling operations which the technical experts find to be satisfactory will be given prompt clearance to resume. Others will be deferred until corrective measures can be placed into effect.

"Our first concern at this time must be to take all possible steps to avoid a repetition of the incident I have just seen. I want to thank all companies for their cooperation in agreeing to take this first essential step toward that end."

TEENAGERS SUPPORT COMMANDER BUCHER

Mr. MONTOYA. Mr. President, I have received a letter from a young resident of Santa Fe, N. Mex., in support of Comdr. Lloyd M. Bucher, the captain of the *Pueblo*. Over 20 other teenagers signed a petition expressing their agreement with the writer's position.

I am encouraged by this group's exhibited interest in national affairs. To those who are convinced that our youth is apathetic and indifferent insofar as the issues of the day are concerned, I would point to Lawrence Schulte's letter and the petition containing the names of the young people who support his position. I ask unanimous consent that the letter and the petition be printed at this point in the RECORD.

There being no objection, the requested items were ordered to be printed in the RECORD, as follows:

SANTA FE, N. MEX.,
January 27, 1969.

Senator J. M. MONTOYA,
U.S. Congress,
Washington, D.C.

DEAREST SENATOR MONTOYA: Listening to the news from the Mutual Broadcasting System January 26th, a newscast came to my attention. The newscast was about the commander of the U.S.S. *Pueblo*, Lloyd Bucher. The newscast stated that the Navy was considering a courtmartial of Commander Bucher because he surrendered the *Pueblo* to North Korea.

The reason I am writing this letter is because I and many of the other teenagers of the surrounding areas believe Comdr. Bucher did the right thing. It has come to our minds that Comdr. Bucher was thinking of the lives of his men and of their families and not so much as the danger of the U.S. losing one battleship. Comdr. Bucher requested aircraft assistance and he received none at all when being seized by the North Koreans. He could not fight because the Navy gave him very nonpowerful guns compared to the ones the North Koreans had. Comdr. Bucher was only thinking of the lives of his crew and their families. If the United States is afraid of losing one small ship, then the youth will be more than happy to pay for the damage and loss of that one ship. Enclosed is a list of names who agree with what I am saying in this letter.

My personal thanks to you for listening and remembering the youth of America.

God bless you, Senator.

LAWRENCE SCHULTE,
(And the teenagers who respect Comdr. Lloyd M. Bucher).

PETITION

The following people agree for the non-court-martial of Comdr. Lloyd Bucher:

Lawrence Schulte, Henry Anaya, Robert Martinez, John Garcia, Tony Schulte, Raymond Gallegos, Richard Chavez, Phil Garcia, Paul Arellano, Jo Ann Lujan, Anna Vasquez, Liz Sanchez, Roseanne N., Bernadette A., Rosaline C., Lorrie Lawrenson, Debbie Schutz, Patty Holmberg, Patsy Daranje, Edith Gonzales, Margaret Baldwin, John Vigil, Mike Garcia.

NORTH KOREA SOUGHT WAR

Mr. MANSFIELD. Mr. President, a very interesting article was published in the Washington Daily News of February 3, 1969, entitled "Top *Pueblo* Negotiator Reveals North Korea Sought War." The article was written by Jim G. Lucas, one of our best-known war correspondents, if not the best-known, and refers to an interview with Vice Adm. John B. Smith, the son of Lt. Gen. Holland M. Smith, a Marine hero in World War II.

Mr. President, I shall read two paragraphs and a part of another paragraph contained in this article because I think this is a most important interview.

Admiral Smith, who was one of the representatives of this country at Panmunjom, said:

> I believe (North Korean prime minister) Kim Il-sung intended war at that time.

That refers to the time of the *Pueblo* capture.

The admiral said:

> He did not want a war which obviously would be instigated by North Korea. He was trying to arrange one which he could blame on the United Nations command.
>
> He was hoping for Republic of Korea and/or United States retaliation. Had either occurred, he would have invoked the North Korea-USSR or North Korea-Chinese Communist mutual defense treaties. And this time he would not have had a United Nations-sponsored free world defense effort such as he encountered in 1950.
>
> The U.S. failure to retaliate undoubtedly prevented the outbreak of a third world war.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the article by Jim G. Lucas, to which I have referred.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TOP "PUEBLO" NEGOTIATOR REVEALS: NORTH KOREA SOUGHT WAR

(By Jim G. Lucas)

CORONADO, CALIF., February 3.—The North Koreans fully intended to "provoke a third world war" when they seized the spy ship USS Pueblo on the high seas on Jan 23, 1968, Vice Adm. John V. Smith said in an exclusive interview with Scripps-Howard Newspapers today.

Adm. Smith, now commander of amphibious forces in the Pacific fleet, was senior member of the U.N. Delegation to the Korean Armistice Commission when the Pueblo was seized. He took part in the first 15 secret sessions to negotiate release of the spy ship and its crew. He is the son of the late Lt. Gen. Holland M. Smith, a Marine hero in World War II.

"I believe (North Korean Prime minister) Kim Il-sung intended war at that time," the admiral said. "He did not want a war which obviously would be instigated by North Korea. He was trying to arrange one which he could blame on the United Nations command.

HOPED FOR RETALIATION

"He was hoping for Republic of Korea and/or United States retaliation. Had either occurred, he would have invoked the North Korea-USSR or North Korea-Chinese Communist mutual defense treaties. And this time he would not have had a United Nations-sponsored free world defense effort such as he encountered in 1950."

Adm. Smith said the U.S. failure to retaliate "undoubtedly prevented" the outbreak of a third world war. The Pueblo's skipper, Cmdr. Lloyd M. Bucher has testified before the court of inquiry investigating the seizure that it was obvious to him in captivity the North Koreans expected retaliation and were "scared to death."

Adm. Smith said the North Koreans were gambling on the fact the U.S. already was heavily committed in Vietnam and on their "almost total air supremacy" in Korea. He said Kim Il-sung was goaded by the fact he is nearing 60, and "unless he did something drastic there is little chance of unifying his country and becoming its national hero."

Adm. Smith said the North Koreans had "hundreds, perhaps thousands of jet fighter planes housed in underground hangars, and were sure they could wipe us out."

FULLY MOBILIZED

He said they were fully mobilized at the time. Americans and South Koreans knew this, he said. "We tried to stay calm, but we were anything but calm inside." the Admiral said.

Since then, he said, the United States, while still heavily committed in Vietnam, "has reinforced the United Nations command (in Korea), particularly with aircraft, and this holds Kim Il-sung in check for the present." He would not go into detail, altho he said the number of planes available to each side represents a "much more respectable ratio."

Adm. Smith linked the Pueblo incident to an abortive attempt a few days earlier by 31 "trained guerrillas, all regular North Korean army officers." to assassinate South Korean President Park Chung-hee. He said they got within 1,000 meters of the presidential palace.

"They failed, but just barely," he said.

Had Mr. Park been assassinated, he said, he believes a war would have been "inevitable."

"No one could have held the ROKS back," he said.

Adm. Smith said negotiations involving the Pueblo were held in the Panmunjom compound, in a building next to the one in which formal U.N. negotiating sessions were held, but that he attended as an American, not a U.N. representative. "I got my instructions from the State Department, not even from the embassy in Seoul," he said.

DETAILS WITHHELD

Adm. Smith said he still was not authorized to talk about the details of those negotiations, but agreed to "talk around them."

Adm. Smith said the atmosphere in the secret sessions was "altogether different from that in the open U.N. hearings, which he said the North Koreans regarded as a "propaganda device." For instance, he said, the chief North Korean delegate, Maj. Gen. Park Chung-kuk, "obviously is not a military man, and I never referred to him in open session as one." Instead, he said, "I consistently referred to him as a stooge, a propagandist, and asked questions which revealed his appalling ignorance of military matters."

But in secret sessions, he said, "I referred to him courteously as general." He said the North Koreans "didn't give a dam" whether the American understood what was said in public meetings. In private sessions "we would ask, for instance, 'would you repeat that' and they would reply 'certainly,'" he said.

Adm. Smith said he thought the North Koreans agreed to release the Pueblo crew "for a variety of reasons."

"One, they had extracted the maximum propaganda value from them," he said. "They were becoming a financial burden. But I think the principal reason was that they now have a contract with The Netherlands government to build a number of fishing vessels, and they'll have to operate on the open seas."

The U.S. State and Defense Departments "leaked" this story to the press, then had "no comment" on suggestions we might seize them.

"I doubt very much we would," Adm. Smith said, "But they didn't know that. I think this was conclusive in their tortured reasoning."

PRECEDENT FOR CONFESSION

Adm. Smith said there was precedent for the "confession" his successor, Maj. Gen. Gilbert H. Woodward, signed to obtain release of the Pueblo's crew—altho Gen. Woodward at the same time repudiated it.

Six years ago, he said, a U.S. helicopter crew strayed across the DMZ and was shot down. A year later, they were released, but only after Army Maj. Gen. Hamilton Howze signed a "confession" they were spies. He said the North Koreans constantly referred to this incident.

On another occasion, he said, a U.S. flier was shot down, and the American representative pleaded for information about his condition to relieve the anxieties of his parents.

Finally, he said, the North Koreans tossed a "picture of his broken, crumpled body on the table before us and said 'here is your man.' Then they burst out laughing. Later, they brought his body in and kicked it off the truck at our feet."

Adm. Smith said he usually refers to North Koreans as "mad dogs."

"People think this is hyperbole," he said. "It's the truth."

He said the North Koreans "employ laughter as a weapon."

"They have a 'duty hyena' who sits in the back of the room and understands English," he said. "They all take their cue from him. He starts laughing, and the others take it up. Gen. Park is the last to start laughing."

RED PRESS JEALOUS

Adm. Smith paid tribute to the South Korean press, which he said "drives the North Korean reporters crazy."

"The North Korean reporters are under instructions to circulate among us and learn what they can," he said. "The South Koreans will talk about the parties they've attended, the new homes they've built, the new clothes they've bought. There is no joy in North Korea. They have none of these things.

"The North Koreans need 48 hours even to assemble a press crew, brief them on the questions to ask. Their press is highly regimented, cruelly disciplined. They're terribly frightened of defections."

On one occasion, he said, a meeting was postponed suddenly for 24 hours, yet the North Korean press came out with a "full report of their questions and our answers" of the canceled meeting.

"When we finally reconvened," he said, "our answers weren't quite accurate, but their questions certainly were."

Adm. Smith said Gen. Park once warned him:

"You be careful, sir, we're going to cut off your head."

"I was honored," he said. "Guillotining is an honor. They planned to cut off President Park's head and machine-gun every one else. I felt real distinguished."

TRIBUTE TO EDUARDO MONDLANE

Mr. BROOKE. Mr. President, it was with deep distress that I learned yesterday of the tragic and untimely death, by assassination, of Eduardo Mondlane, President of the Mozambique Liberation Front.

I was privileged to meet with Eduardo Mondlane during my tour of Africa last year. I talked at length with him and with other leaders of the Southern African liberation movements. And I fully enjoyed a quiet dinner and long evening of conversation with Eduardo and his American-born wife, Janet. To her and to their family I have extended my deepest condolences.

Dr. Mondlane was born in the Portuguese colony of Mozambique. He was educated in Protestant mission schools, and was the first black African in that colony to attain the equivalent of a high school and a college degree. He studied at Northwestern University, from which he earned a doctorate in sociology. He taught at Syracuse University, N.Y., and was known to many Americans as an articulate lecturer and a dedicated member of the United Nations Secretariat.

In 1962 he was summoned back to Africa to become President of the newly formed Mozambique Liberation Front, more commonly known as Frelimo. In this capacity Dr. Mondlane showed remarkable organizational skill and deep concern for the needs of his people. While his wife, Janet, administered the Mozambique Institute in Dar es Salaam—a multipurpose educational and refugee relief center—Dr. Mondlane concentrated on building a politico-military organization capable of governing an independent nation. At the time of his death, Frelimo controlled most of the two northern provinces of Mozambique, and was active in several other areas. They had established an effective system of schools, hospitals, and local self-governing units.

Mr. President, it is not for us to judge the nature of the movement which was led by Eduardo Mondlane. One of the deepest tragedies of the colonial system is that a man with the talents and abilities of Dr. Mondlane found no legitimate outlet for his leadership in his own country. But the dream of Eduardo Mondlane is one which we can fully share. He fought and died for the principle of self-determination. He sought freedom and justice for his people. He believed, with most of the peoples of the world, that none are truly free until all are free. The world will be a greater place for all if the dream of Eduardo Mondlane lives on.

LETTER TO SECRETARY VOLPE REGARDING AIR TRAFFIC CONTROL

Mr. BROOKE. Mr. President, On February 3, I sent a letter to Secretary of Transportation John A. Volpe urging him to take prompt and vigorous measures to forestall the growing crisis in the Nation's air traffic system.

In particular, the letter cites the personnel problems in the air traffic field. It calls upon the Secretary first, to increase the number of air traffic controllers; and, second, to upgrade standards and conditions of employment for air traffic controllers. I was joined in this effort by 21 of my colleagues: Clinton P. Anderson, Birch Bayh, Henry Bellmon, Wallace F. Bennett, Quentin N. Burdick, Clifford P. Case, Thomas J. Dodd, Peter H. Dominick, Thomas F. Eagleton, Hiram L. Fong, Philip A. Hart, Daniel L. Inouye, Jacob K. Javits, Len B. Jordan, Thomas J. McIntyre, Jack Miller, Joseph M. Montoya, Claiborne Pell, Charles H. Percy, Hugh Scott, and Richard S. Schweiker.

I ask unanimous consent that the letter to Secretary Volpe be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., January 31, 1969.

Hon. John A. Volpe,
Secretary of Transportation,
Department of Transportation,
Washington, D.C.

My Dear Mr. Secretary: As you know, many members of Congress have become increasingly concerned about the critical problems of air traffic control, from the standpoint of both the procedures and the personnel involved in these critical operations. There is a pressing need for more energetic action to handle the growing volume of air traffic in a safer and more efficient manner.

A matter of central importance is the personnel policy to be followed in this field. As aircraft grow larger and more numerous, and as the control technologies become ever more complex, it is imperative that personnel standards and practices be raised accordingly. More lives are at stake and more complicated tasks must be performed. These decisive facts compel us to improve incentives and working conditions to insure that fully qualified personnel are available at all times to meet the immense demands on air traffic controllers.

We believe that a great deal can and should be done under existing authority to meet the budding personnel crisis in air traffic control. We urge you to take prompt and vigorous measures to insure that this crisis is forestalled, not only by expanding the numbers of air traffic controllers but also by upgrading the standards and conditions of employment. These issues have received much discussion but little action in recent months and we earnestly hope that, in concert with the Civil Service Commission and the operating agencies, you will now take swifter and effective action.

Last year more than twenty Senators cosponsored a bill to create a Commission on Air Traffic Control, specifying that the Commission would study and make recommendations concerning the whole range of operating and personnel problems in the air traffic field. Although subsequently a commission somewhat similar in purpose was appointed by Secretary Boyd, it appears to have made little, if any, progress toward proposing viable solutions. The Federal Aviation Agency has seemed to lack either the desire or the initiative to deal constructively with the acute problems of the air traffic controllers who man the systems involved.

We are considering a variety of legislative ideas bearing on these problems and will be in touch with you again in the coming months. But at the outset of your tenure as Secretary, we wished to express both our concern in this matter and our strong desire to cooperate with you in designing and implementing an effective program for air traffic control operations and personnel.

Sincerely yours,
Edward W. Brooke.

THE FEDERAL GOVERNMENT'S PROGRAM FOR EQUAL JOB OPPORTUNITIES IN PRIVATE INDUSTRY

Mr. DIRKSEN. Mr. President, on December 23 and January 20 Barron's published two parts of a three-part series of articles written by Shirley Scheibla dealing with the Federal Government's attempts to provide equal job opportunities in private industry. These articles are most revealing and lend substance to many allegations in recent months that employers are being forced to comply with reckless and conflicting orders issued by a number of Government departments under the threat that their Federal contracts will be withdrawn if they do not knuckle under. The primary departments responsible are the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance. These administrators appear to be intent on interpreting and administering the law according to their own notions of what it should be, regardless of what the Congress intended.

In the final analysis it is up to the Congress, in performing its oversight functions, to see to it that the law is administered as the Congress intended. In this regard, I believe an examination of the practices of the EEOC and OFCC is of the first order. A similar type of examination was undertaken last year with respect to one of the independent agencies. The Senate Subcommittee on Separation of Powers held extensive hearings on the National Labor Relations Board in an attempt to ascertain whether the Board in interpreting and administering the labor law had adhered to the expressed will and intent of Congress in the original legislation. The great weight of opinion was that the will of Congress is often ignored and subverted by those charged with its implementation. In the light of these conclusions and the articles in Barron's, I believe the subcommittee should give the OFCC and the EEOC a good looking over. It is my strong impression that the orders and requirements flowing out of these offices exceed the authority granted to them by Congress and are beyond any reasonable interpretation which can be given to the intent of Congress in the enabling legislation. An additional separation-of-powers problem exists in connection with the OFCC since it was established by Executive order, and it may well be that this entire matter should have been dealt with by the Congress in the first place.

Mr. President, these articles are indeed informative and worthy of attention, and I ask unanimous consent that they be inserted in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From Barron's, Dec. 23, 1968]

Gentlemen's Agreement?—Government Is Making Business Its Unwilling Partner in Bias

(By Shirley Scheibla)

Washington.—"I'm no crusader," the worried executive told a reporter recently, "but I'm no bigot either. All I am is a businessman trying to operate my company the best way I know how—which means bidding successfully for contracts I can deliver on, and hiring qualified workers I know can get the job done for me." This employer, however, like thousands of others in the U.S. today, is dependent for most of his business on federal contracting agencies, and Uncle Sam is determined to wipe out racial discrimination in private employment—at any cost. Because of the way Washington has been going about it, the cost can come high.

"If I don't sign a commitment to hire a certain number of nonwhites in each job category," explained the businessman, "the government threatens to deal me out. I face formal complaints by the Equal Employment Opportunity Commission and possible lawsuits by the Justice Department. I stand to lose millions of dollars in contracts—which means that dozens or even hundreds of workers' jobs are placed in jeopardy too, affecting blacks and whites alike. Yet I have no way to guarantee that I can find the people to meet these quotas, particularly in high-skill classifications. And the irony of it is, if I do go all-out with such 'reverse discrimination' in my hiring and firing, I run the very real risk of all-out trouble with organized labor."

BLOCKBUSTER APPROACH

There's little doubt that the government's blockbuster approach to the centuries-old problem of employment bias may be creating as many ills as it has cured. Not surprisingly, Parkinson's Law holds sway here in a chaotic proliferation of policy-making bureaucrats, acting under one or the other of two edicts: the 1964 Civil Rights Act and President Johnson's Executive Order 11246 of 1965, which combine to blanket any employer of at least 50 persons as well as any contract of $10,000 or more involving federal funds. Enforcers include not only the Equal Employment Opportunity Commission (EEOC), but also the Justice Department, the Labor Department's Office of Federal Contract Compliance (OFCC) and each of some 17,000 contracting officers representing 28 other U.S. agencies. Although racial considerations are predominant, incidentally, they by no means exhaust the government's purview as defined by statute, proclamation and regulatory fiat.

Beyond administrative confusion, however—not to say a clear lack of either coordination or consistency—are problems far more serious. Some official actions, for example, appear to constitute inexcusable abuse of unquestioned authority. Worse still, others may well be illegal if not unconstitutional. Employers have been denied due process; firms have been placed arbitrarily in financial jeopardy. In the name of fair employment, finally, both the National Labor Relations Act and the Civil Rights Act itself plainly seem to have been violated.

UNDUE PROCESS?

The most glaring instances of action without due process have occurred under the aegis of OFCC. Ward McCreedy, acting director of the agency, admits that contracting officers have been holding up awards virtually on a daily basis, because of non-compliance with OFCC regulations. "Across the board," he said recently, "this experience has resulted in the company's submitting a program which does effect compliance. None of these people can demonstrate that they have suffered any financial loss owing to such delays on their bids." But the affected firms tell a different tale: many claim convincingly that the compliance procedure has caused substantial monetary losses. Since several of OFCC's regulations are, to say the least, of dubious legality, the risks to which such employers are exposed would seem to entitle them—before and not after the action has been taken—to their day in court.

What's more, OFCC's parent Labor Department, in determining which contracts are to be held up, appears to be applying a double standard. One notorious case in point involves New York's Neighborhood Youth Corps. As long ago as last May, several agencies were investigating criminal charges against this child of the poverty program. Alleged was the theft of millions of dollars which had been freely parceled out by the Labor Department. On September 13, with the charge still pending, the NYC was awarded an additional $367,000. Michael Aun, information specialist for Labor, explained at the time that the purpose was to keep the Corps going, "until matters could be straightened out." (As it happens, they still haven't been.)

While doling out money to those facing criminal charges, in short, the Department doesn't flinch from interfering with the money-making ability of others whose only sin is the failure to comply instantly with questionable regulations. Mr. McCreedy goes so far as to say that OFCC can (though it hasn't done so yet) suspend all government business with a company while a "discrimination" case is pending.

CREATIVE COMPLIANCE

The businessman's plaint, quoted at the outset, reflects the widespread frustration and anger over Washington's imprecise terms for compliance. Specifically, each contractor now is required to promise in writing that he will hire a certain number of Negro workers for each of the major job categories on his payroll. To begin with, the Civil Rights Act prohibits racial quotas in employment—a coin which, presumably, has two sides. But the government does not set the quotas; it tells private industry to do so, in effect, by applying a curiously vague formula.

Here's how that formula has been expressed: an employer must initiate "affirmative action programs" designed to avoid discrimination. The programs, businessmen are advised by way of clarification, will be expected to utilize the "creativity and ingenuity of American enterprise" in attaining this social goal. But if such a program then fails to win official approval, the company submitting it becomes subject to federal sanctions. That probably makes this the first time in American history that Washington has demanded "creativity" in order to comply with law; the concept has not been spelled out in plain English, much less tested in court. Indeed, the National Association of Manufacturers, after reviewing an OFCC regulation which attempted a broad definition of "affirmative action" characterized it as "difficult to summarize, hard to understand, beyond interpretation. . . ."

NO EASY WAY

It's clear, however, that the government wants detailed, written commitments for the hiring of nonwhites, virtually in every job category. Employers who don't sign such commitments don't get approval of their "affirmative action programs." Those who do sign, meanwhile, soon find that life isn't all that easy. Nobody can be sure about such projected figures, and government officials make a point of not publicly demanding specific quotas—which would, of course, blatantly violate the Civil Rights Act. The employer, then, must come up with numbers which satisfy the federal regulators. However, what suits one agency may not find favor with another; even the bureaucrats within a given agency are likely to disagree. Not least, "quotas" deemed acceptable today may be so tomorrow, since "affirmative action" is expected to be progressive.

To illustrate, three construction companies in Philadelphia all were low bidders on different U.S.-aided projects. One, Joseph L. Farrell, Inc., got approval from the Department of Health, Education and Welfare (HEW) for its "affirmative action" program. The other two each submitted essentially the same plan, but HEW rejected the program of Harold E. Irwin Co., and the Department of Housing and Urban Development (HUD) the one submitted by Perry J. Goldman Construction Co. When Irwin revised its plan, and won HEW's approval, Goldman duplicated it—but again was turned down. After six months of post-bid negotiations, the Goldman concern finally managed to come up with one acceptable to HUD.

NOT BY NUMBERS?

Adding to the confusion, public statements by government officials, even in the same agency, often are contradictory. Thus, OFCC's McCreedy says it's impossible to deal with people without dealing in numbers, but that job assignments by race merely are "goals"—not "quotas"—and he emphasizes that OFCC does not dictate any such numbers. Last May, however, Charles Doneghy, an OFCC area coordinator, told Columbus, Ohio's Carl M. Geupel Construction Co. that before it could qualify for a $5 million road-building contract involving federal funds, it would have to hire something on the order of 15 Negro operating engineers, 13 journeymen and two apprentices.

Earlier this year in Philadelphia, OFCC area coordinator Bennett Stalvey warned the aforementioned Irwin Co. that a contract would be awarded to the second bidder unless Irwin agreed to hire a representative number of minority-group members. "We want to see," declared Mr. Stalvey, "a manpower table listing the trades, total workers and how many will be minority, Negroes. . . ." Last January, the Philadelphia Bulletin quoted Mr. Stalvey as warning contractors that "if they fail to hire a 'representative number' of Negro workers, they face the possible loss of $100 million in federal contracts to be awarded in six months."

That Philadelphia story ran about a month after Labor Secretary W. Willard Wirtz told the AFL–CIO's Building & Construction Trades convention: "I think it is an error to approach this problem . . . in terms that mean a number of . . . Negroes or whites or anybody else, as being required on every single situation. . . . (That) involves quotas in one form or another, and as far as I am concerned . . . that is simply the wrong approach to that problem, and we have got to find a better one."

EEOC QUOTAS

Secretary Wirtz' OFCC apparently is not alone in forcing racial quotas. Last May, Senator Paul J. Fannin (R., Ariz.) told Congress about a letter sent to an employer by EEOC Chairman Clifford Alexander Jr., accusing the businessman of committing unfair employment practices, based on a statistical disparity between the minority composition of the employer's workforce and that of his community's population. "Despite a provision in the (Civil Rights) Act against using ratios or racial balance," Senator Fannin declared, "the (EEOC) does, in fact, use such ratios as one of its preliminary tests to determine whether there has been a violation."

In any case, as more and more companies sign these commitments, finding the necessary job applicants has become increasingly difficult. Both OFCC and EEOC contend it is up to the firms to recruit and train black workers. The written agreements include lists of the sources employers are advised to use for such recruitment. (Sample sources: the Congress of Racial Equality, Neighborhood Youth Corps and Workers Defense League—all active in militant causes but, according to several employers, not much help as job recruiters—as well as more cooperative groups like the Urban League and the National Association for the Advancement of Colored People.) At best, however, productivity is bound to suffer during the apprenticeship period. "Training is a fine idea," says one executive, "but how am I supposed to fill my written commitment in the meantime?"

BROTHERHOOD DAYS

Making matters still more difficult for all concerned is the obstinacy within much of organized labor. Inevitably, a vast amount of government contract work involves construction projects, and the construction industry is burdened with the tradition of union hiring halls—through which the union, not the employer, selects the workforce. Accordingly, an employer may find himself signing a federal commitment which he may not be able to implement in practice. OFCC answers that hiring halls which don't supply an adequate personnel mix probably are discriminating and, therefore, are illegal. Employers, however, feel obliged to honor their labor contracts (at least until adjudged illegal)—especially since they may have a strike on their hands if they don't.

Hiring halls are but one such area in which OFCC now is demanding action by contractors. The agency also wants sweeping changes in that bulwark of unionism, the seniority system. To make up for past discrimination, OFCC has advised employers to make preferential promotions outside the system, allowing minority-group members to take their seniority along with them in any shift from one department to another—a radical departure in the construction brotherhoods.

Under the National Labor Relations Act, collective bargaining on seniority is mandatory where the NLRB has certified a union to represent workers. But how can an employer bargain when he has been ordered to make specific changes by the OFCC? Asked the question, OFCC replies that it plans to use its influence to help but that "if differences on a seniority contract cannot be resolved, a contractor may have to decide whether to take a strike or lose a (federal) contract."

A union found guilty of discrimination risks losing its NLRB certification, but the legality of certain OFCC and EEOC requirements on seniority is as questionable as some of the others affecting management. In fact, EEOC has received complaints of racial discrimination from whites—because of preferential treatment given blacks. To avoid charges that they are encouraging companies to violate the national labor law, both agencies claim they now consult unions, allowing them to become "interested parties" in formal proceedings. On at least one occasion, however, an OFCC official refused to make this concession. At a meeting in Cleveland last May, Area Coordinator Doneghy, after checking with Washington, refused to discuss an "affirmative action program" of Carl M. Geupel Construction Co. while representatives of the International Union of Operating Engineers were in the room.

What's more, Donald Slaiman, AFL–CIO Civil Rights Director, told Barron's that OFCC recently launched proceedings to debar Bethlehem Steel from federal contracts over the issue of seniority) without even consulting the United Steelworkers. The union, after protesting, was allowed to become an interested party. (Hearings now are adjourned; a subsequent article in this series will discuss the case.) "Making a union an interested party in proceedings to work out something new is not the same as bargaining collectively," says Thomas W. Miller, Jr., NLRB's information director. But it's not possible to file an unfair labor practice charge against the government; Uncle Sam is exempt from the National Labor Relations Act.

EMPLOYERS' BURDEN

All of this would seem to make government contracting a more precarious business than ever, but the agencies increasingly act as though determined to wreck contractor relations through sheer harassment. The watchword in current federal enforcement of equal job opportunities, indeed, seems to be "guilty until proven innocent." EEOC habitually levels charges against employers without giving them an opportunity beforehand to see the evidence and respond to it. Investigators frequently arrive at a plant unannounced, demanding a look at the records without stating any specific complaint. Not least objectionable to employers, finally, is an OFCC tactic of requiring them to "validate" all personnel tests by proving that such tests don't result in discrimination.

Good intentions aside, Washington's equal employment opportunity campaign clearly is being administered with a bias all of its own. "The government couldn't have done a better job of sabotaging the program," one sorely beset employer said recently, "if it had deliberately set out to do so."

[From Barron's, Jan. 20, 1969]

Fairness by Fiat—Some Employes These Days Are More Equal Than Others

(By Shirley Scheibla)

Washington.—Late last fall, when top administrators of the Equal Employment Opportunity Commission (EEOC) and the Labor Department's Office of Federal Contract Compliance (OFCC) appeared at a series of four seminars around the country, some 2,000 bothered and bewildered U.S. businessmen showed up. The regional meetings, sponsored jointly by private and public interests, were held in New York, Chicago, Houston and Los Angeles. The stated purpose was to provide forums in which industrial employers, required to comply with federal equal-opportunity regulations or risk the loss of federal contracts (Barron's, December 23, 1968), at last could confront official Washington with their questions about how the program is supposed to work—and, hopefully, discover what they would have to do to live with it.

NOTHING IS CERTAIN

Unfortunately, the sessions turned into fiascos. Far from illuminating regulatory policy and practices, the bureaucrats—alternately know-it-alls and know-nothings—managed only to fog the issues and make matters worse. To a general question from the floor (in New York) as to whether a multi-divisional corporation should decentralize its compliance reporting procedures, Ward McCreedy, OFCC's acting director, replied: "If anybody has any suggestions, we certainly want them. . . ." To a more specific query, on whether a company could be held liable for holding to "something in a contract which was legal when (the contract) was signed," Labor's Deputy Solicitor Alfred G. Albert offered: "I don't know the answer to that question."

Shouldn't a company be informed beforehand of an investigation, someone else wanted to know. "I don't see," responded EEOC's acting director of compliance, Robert L. Randolph, "where notifying some busy corporate executive on Park Avenue in New York is going to help the local unit manager in Turkey Square, Ark." Finally: Does a regional director have authority to implement an agreement resolving complaints of racial bias? "Yes," pronounced Lewis E. Collins, special assistant to the general counsel of EEOC. "No," declared EEOC Commissioner Elizabeth Kuck.

UPMANSHIP DOWN

After two days of this, understandably, busy executives went home—to Park Avenue or Turkey Square—more confused than ever. If talking and reasoning with federal administrators doesn't show employers how to live with programs, what does? So far, the experiences of various companies in trying to arrive at an answer have demonstrated chiefly the great variety of tactics which can mean trouble for employers.

Take the experience of Philip Morris, Inc., which balked when EEOC recommended that the firm scrap its seniority system. Employes of the tobacco company had been entitled to acquire tenure as long as they remained in their own department. Without regard to race or color, if they transferred from one department to another they gave up seniority. EEOC went to court to enforce a change. When Philip Morris was brought before the bar, it found the U.S. District Court at Richmond, Va., more reasonable than the Commission: the court declared that a government agency cannot enforce its own concept of equality without a hearing.

Nevertheless, the company lost its case. When Negroes move to a new department previously "closed" to them, said the court, they must be allowed seniority dating from their initial employment at the plant. No matter that this meant preferential treatment for one class of employes over another. Otherwise, the court ruled, the company's system would perpetuate past discrimination. To all this, the National Association of Manufacturers (one of the sponsors of last fall's forums) commented:

"The practical consequences of decisions like Philip Morris will doubtless be to upset many departmental and other job progression systems despite what the court acknowleged are legitimate management purposes for retaining such arrangements. . . . Negotiated seniority arrangements, based on compromise, seldom provide for the precise functional relationships among jobs which the court would require to let the system stand. Courts would become increasingly involved in job analysis and seniority planning, tasks for which they are technically unsuited, and would unduly disrupt industrial relationships."

CONTRARY OPINION

As it happens, however, the courts ultimately may decide that an employer, and not one of the federal agencies, also can be right in such matters. The seniority question particularly seems to remain up in the air. Last October, in a case involving Duke Power Co., the U.S. District Court at Greensboro, N.C., declared: "If the decision in (Philip Morris) may be interpreted to hold that present consequences of past discrimination are covered by the (Civil Rights) Act, this court holds otherwise. There is no reference in the Act to 'present consequences.' Moreover, under no definition of the words therein can the terms 'present consequences of past discrimination' and 'unlawful employment practice' be given synonymous meanings."

The court ruled specifically in the Duke Power case that requiring a high-school education and satisfactory scores on general intelligence (IQ) tests does not constitute illegal racial discrimination. It went so far as to add that pre-employment tests need not be limited to determining an applicant's ability to perform a certain job.

UP FROM WELFARE?

The hiring and advancement of minority-group employees can be especially vexing for personnel directors in urban centers. One large department store in Washington, for example, has attempted to bring its payroll more in line, racially and ethnically, with the city's population mix—which now, of course, is predominantly black. Even though the retailing firm has no government contracts (and hence is not threatened with the specific enforcement penalties available to OFCC), its management has been trying to conform with the spirit of EEOC—but not without difficulty.

"The so-called 'hard-core unemployed' show little interest in unskilled jobs like sales clerks and porters," the store's personnel director complained in a recent interview. "For such work, we can afford to pay only the minimum wage of $1.60 an hour. Most people seem to prefer welfare to that. On relief, a person can get $50 a week or more, depending on his bracket. Our $1.60 an hour works out to $64 for a 40-hour week, which means, in effect, that we're asking a welfare recipient to put in 40 hours of time for a net gain of $14 or less."

The department store, accordingly, has gone along with special-recruitment and personnel-training schemes. Since both involve additional costs, the government offered to help. Specifically, at a meeting arranged for several Washington area retailers, representative of 35 different federal and local agencies—each with its own programs, each funded separately, and all apparently overlapping in purpose—promised to round up job candidates. "One told us he would set us up immediately with a program for 30 or 40 'hard-core' unemployed," the personnel manager recalled. "I said, 'Let's start with one,' and do you know, he had a hard time coming up with one." Another agency, which promised six 'hard-core' people, managed to provide three. But after a few days on the job, all three quit to go back on relief. "Then we sent our own recruiters into the Negro neighborhoods," the retail official added. "After two solid days, they lined up four new employes. Two weeks later, all four had walked off the job."

HOW TO SUCCEED?

A variation of the same problem arose to plague the department store's personnel-advancement program. "We had a girl who was doing excellent work putting tickets on warehouse merchandise," the same executive went on. "In one year we gave her five raises. Then she came in and said that her community leaders had told her it was time to upgrade herself." With the firm's approval, the girl signed up for training as a typist at the expense of Manpower Development and Training Administration.

After she had completed the course, however, the department store discovered her top speed to be only five words per minute. "We can't do business at that pace," said the personnel director. The store advised the federal employment service that it would take her back in the old job instead, giving her the raises to which she would have been entitled had she not left for training. But both the girl and the government insisted that her new grade was that of typist—"she had an MDTA certificate saying so." The girl turned down the lesser warehouse position, and now draws unemployment compensation for 39 weeks a year as an unemployed typist.

Perhaps the classic case to date involves Crown Zellerbach Corp. Along with one of its labor unions, the giant paper company took the Secretary of Labor to court, with results which adversely affected its government-related business and, after a series of legal actions and counter-actions, served to strengthen the enforcement arm of Labor's OFCC.

BATTLE OF BOGALUSA

The battle began more than five years ago, when the President's Committee on Equal Employment Opportunity (predecessor to both OFCC and EEOC) launched an investigation into alleged racial discrimination at Crown Zellerbach's Bogalusa, La., paper mill. By January 1966, the company had reached an agreement with EEOC to merge a number of its formerly segregated production lines and hire (or transfer) blacks to previously "white-only" jobs.

However, OFCC, for its part, rejected the EEOC agreement. In March, new investigations got under way, this time by both the General Services Administration and the Pentagon, on behalf of OFCC. Negotiations ensued between Crown and the Labor Department agency, but with the United Papermakers and Paperworkers (AFL-CIO) barred from taking part by OFCC order—even though that union, federally certified as the representative of plant employes, legally was entitled to be a party to any talks affecting employment conditions.

The upshot was that Crown Zellerbach signed a new agreement with OFCC, promising special recruitment and training of Negroes, and restricting employment tests to those approved as not discriminatory. (The aforementioned Duke Power court decision may affect the latter point's legality.) The company also was required to keep monthly job-applicant records on a racial basis. Finally, the firm agreed to do its best to change the union contract at Bogalusa regarding seniority. The agency said that in competing for the next higher job, seniority must be computed on the basis of length of employment at the plant instead of experience on the particular job—thereby opening new areas of advancement to minority-group employes. OFCC said the responsibility for compliance rested with management, irrespective of its obligation (or ability) to bargain collectively with employes on such matters.

With the seniority question still hanging—dependent only on "results"—OFCC applied pressure, circulating a "consult memorandum" to all federal agencies: it advised that before the purchase of paper products from Crown Zellerbach, OFCC should be consulted. Some contracting agencies simply took the company off their bidders' list, rather than run the risk of holding up a contract. Others took the memorandum to mean they could sign no new contracts with Crown until OFCC advised otherwise.

The effect was to bar the company from new federal contracts, without a hearing, for an indefinite period. Meanwhile, Crown Zellerbach vainly tried to negotiate a labor-management agreement on seniority satisfactory to OFCC. The agency finally ordered that the changes be made unilaterally by management, threatening "sanctions" if it did not comply. The Papermakers, for their part, threatened to strike if the system were changed without their consent.

MARCHING TOGETHER

Caught in the crossfire, both Crown Zellerbach and the union went to court in cases that were later consolidated. They obtained an order enjoining the Secretary of Labor from withholding federal contracts without a hearing. OFCC then agreed to hold a hearing to determine whether it had wrongly required the firm to change its seniority arrangements. The company then said it would make the seniority changes and promised its employes that if the new system were declared invalid, they would be reimbursed and reinstated according to provisions of the old method.

Unmollified, the union independently sought an injunction against implementation of new rules before a hearing. That case was dismissed, whereupon the Papermakers again announced strike plans. At that point last January, the Justice Department, at OFCC's request, asked the U.S. District Court at New Orleans to enjoin a walkout. The purpose of a strike, said the Justice Department, would be to maintain a seniority system which was illegal because it was discriminatory. The court issued the order banning a strike.

In the wake of its court-backed victory—according to Acting Director McCreedy, seniority at the Bogalusa mill (which was revised the day after the strike was blocked) now is working satisfactorily to the OFCC, and the agency seems to have emerged stronger than ever. For one thing, the Justice Department moved immediately against the same company's box plant at Bogalusa, enjoining enforcement of an allegedly discriminatory system there; the court ordered plant-wide seniority covering all employes hired before the 1964 Civil Rights Act. For another, OFCC retained the power to issue government-wide "consult memorandums," according to Mr. McCreedy, "despite the Crown Zellerbach decision." Finally, in the opinion of an AFL–CIO spokesman, the decision will enable OFCC to move more expeditiously in future cases of similar labor-management conflict.

OUT OF COURT

Indeed, the agency already had proved that it can effectively harass an employer without resort to the courts. Exhibit A is Timken Roller Bearing Co., which has been the subject of an OFCC probe almost since the day the agency was created. Like Crown Zellerbach, the Ohio manufacturer was able to satisfy all of OFCC's demands except those involving seniority. These, the company said, would have to meet agreement by the United Steelworkers (AFL–CIO), under a contract calling for new negotiations to begin 60 days prior to termination last August 25.

Nevertheless, in November 1967, Timken was ordered to begin immediate negotiations with the Steelworkers toward a revised seniority system. In that event, said the union, full-scale labor-management talks should start at once, despite contract terms. After three months, however, nothing had been agreed upon, and in late February, OFCC held an informal two-day hearing of its own—without union representation. The agency told management it had 60 days to reach agreement correcting the "entire problem" of discrimination in seniority.

Timken and the Steelworkers proceeded with a marathon series of 18 conferences. "Despite the substantial changes which the company has offered to make in the seniority provisions of the 1965 Basic Labor Agreement," a company spokesman finally reported, "The union negotiators were still demanding additional changes which, in the company's opinion, were not required in the Agreement for purposes of compliance (with federal anti-discrimination regulations)."

TIGHTENING THE SCREWS

On May 3, Timken told OFCC it was stymied. On May 23, OFCC announced initiation of debarment proceedings and also told the firm it would "recommend to the Department of Justice that appropriate proceedings be brought to enforce your contractual equal employment obligation. . . ." The company was given 10 days to request a formal OFCC hearing—or immediately lose all present and future government orders, as well as those from any other firms doing business with the government. Timken was faced with a Hobson's choice. It decided a lawsuit would take too long: it might win the point eventually, but lose its shirt in the process. An injunction also seemed out of the question since, unlike Crown Zellerbach, Timken now had been offered a hearing by OFCC.

So Timken accepted the arrangement. Two agonizing months went by before Secretary Wirtz appointed a three-man panel. Hearings were to begin August 27 (two days after the union contract would expire). Meanwhile, OFCC's Mr. McCreedy told the company that, effective July 22, it must give "our compliance officers . . . free and full access to all personnel records, all test records, the employment applications of the last 100 applicants for employment and employment applications for the last 100 unsuccessful applicants for employment."

The officers arrived at Timken headquarters in Canton, Ohio, on July 29 and stayed until August 2, examining material. During that time, notices appeared in bars near the Canton plant urging all Timken employes to meet July 31 at 535 Cherry Avenue to "register all complaints against Timken Roller Bearing." One notice said: "Complaints: No. 1, No white-collar jobs. No. 2, No promotions. No. 3, Discriminating practices."

While seniority generally is regarded as the bulwark of unionism, OFCC's pressure for seniority changes actually strengthened the Steelworkers' position; for years they had wanted a less restrictive system, irrespective of racial overtones. In any case, labor-management relations went from bad to worse. On August 25 (when the contract expired) the United Steelworkers walked out, launching a bitter seven-week strike against Timken Roller Bearing. In those circumstances and with management now completely preoccupied, the August 27 OFCC hearing postponed.

But on October 7, with the plant still struck, Timken representatives were summoned to Washington anyway, for a pre-trial hearing by the three panel members. Chairman Harold Summers (who is associate chief trial examiner of the National Labor Relations Board) suggested that Timken meet with the OFCC that very day, to find a settlement and eliminate the need for a hearing.

The Timken people did sit down with agency officials and told them a settlement with the union was imminent but refused to disclose bargaining data.

Four days later, the Steelworkers returned to their jobs—under a new contract incorporating complex and rather drastic seniority changes. Previously, Timken had 212 seniority "units" for 9,500 employes and transfers of seniority between units were not permitted. Now there were only four such units covering the entire plant, and transfer from one to another would entail no loss of pay or other rights. The company also promised to notify all employes when openings occur, so that minorities can apply—and can file complaints if they are turned down for reasons they suspect are "discriminatory." Every employe, moreover, would get a 45-day trial period on any new job, to show whether or not he can handle it.

OFCC then discontinued its debarment proceedings—but with certain conditions. Every two months for one year, Timken must file a detailed report on any changes (or denial of changes) in job classifications, including this data: "In the case of Negro employes who are denied a transfer or who fail to qualify, the reasons for such denial or failure shall be fully set forth in the report." In addition, by mid-March Timken must submit a written "affirmative action" program "with respect to recruitment, selection, employment and promotion of officials, managers, professionals, technicians, sales workers and office and clerical workers and apprentices and other trainees. . . ." (The company, meanwhile, may not have seen the end yet; it recently was visited by an investigator from another agency, EEOC.)

WHAT IT PROVES

What has it all proved? OFCC and EEOC spokesmen say the Timken agreement outmodes the highly controversial one obtained nearly two years ago at Newport News Shipbuilding & Dry Dock (Barron's, July 17, 1967), which called for preferential promotions for certain Negroes and special recruitment of blacks. It appears to have done more than that by establishing the precedent that Washington—independently of the courts—can wreak havoc in already troubled labor-management affairs, over the issue of equal opportunity.

THE NUCLEAR NONPROLIFERATION TREATY—SAFEGUARD AGAINST WORLD CATASTROPHE

Mr. MONTOYA. Mr. President, proponents of the treaty contend that the nonproliferation treaty will further the ultimate objectives of the North Atlantic Treaty Organization which are to preserve peace and security. They agree that the NATO allies should share in the setting of strategy and making of policy concerning nuclear weapons, but they deny that this requires relinquishing control over nuclear weapons to any member. In their view this goal and the nonproliferation treaty are not incompatible.

Even before the agreement on the treaty, U.S. officials said that there were no plans to give up the U.S. control, or veto right, over its nuclear weapons dispersed as part of NATO's collective security effort, "control" being defined as the "right or ability to fire nuclear weapons without the concurrent decision of an existing nuclear weapon state."

In answer to the question of whether there were any atomic bombs or hydrogen bombs in the world "owned by the U.S. Government that is not under our control which can be fired without the direct consent and activity of the U.S. Government," Secretary McNamara replied on March 7, 1966:

> Every weapon we currently possess is so controlled and there are no plans under discussion that would in any way change that form of control . . . President Kennedy and President Johnson have both made very clear their instructions to Secretary Rusk and to me with respect to the participation by our allies in nuclear planning. They have not suggested or instructed us to propose or push or seek to obtain the approval of a multi-lateral force. Quite the contrary, they have simply said that it is in our interest that our allies understand the strength of the nuclear deterrent which is the foundation of the security of the West, which is the basis on which the West is protected against certain forms of aggression, large-scale conventional attacks or nuclear attacks against it.
>
> It is very much in our interest that our allies understand the strength of that deterrent and participate in the planning of it and the potential use of it. We are anxious to have that participation in ways that they find acceptable to them.
>
> Therefore, our instructions from both Presidents have been to discuss with our allies actions that can be taken to meet their desire for greater participation. Sometimes the public has been led to believe by reports out of various capitals that we are promoting a particular form of participation, a "hardware" solution, or what has become known as a "hardware" solution.
>
> Such is not the case. We are simply seeking to reassure our allies as to the strength of this deterrent by providing for whatever participation in the planning they choose to have, through whatever devices they prefer for that purpose.
>
> * * * * *
>
> . . . We have no plan to dilute our veto in any way and our allies are not asking us for a dilution of that veto.[1]

In speaking to the First Committee of the U.N. General Assembly on November 4, 1966, Mr. Foster stressed that it was the conviction of all members of NATO, including the Federal Republic of Germany, that while non-nuclear members were entitled to express their views on collective nuclear defense as well as on collective conventional defense, such an arrangement need not and must not lead to or involve the proliferation of nuclear weapons.

Proponents contend that the United States would not relinquish control over its nuclear weapons to a nonnuclear nation anyway, whether or not there was a nonproliferation treaty, because section 92 of the Atomic Energy Act already prohibits the transfer of nuclear weapons to another nation; thus, they say, the treaty does not prohibit the United States from doing anything that was not already prohibited by its own legislation.—Senator PASTORE, CONGRESSIONAL RECORD, volume 113, part 18, pages 23885–23886.

Those in favor of the nonproliferation treaty also believe that it offers a solution to the problem of the future nuclear status of the Federal Republic of Germany. On the one hand, they say, Germany's participation in the treaty should assure those who express fear of Germany's obtaining nuclear weapons through nuclear sharing arrangements or as a result of its progress in civil nuclear technology. On the other hand, for those who object to singling Germany out for a prohibition against the manufacture of nuclear weapons, as present arrangements do, the treaty seeks to obtain from all nonnuclear powers the pledge not to manufacture nuclear weapons which Germany agreed to in 1954. The pledge not to acquire nuclear weapons would be a new obligation for Germany as well as other nations.

U.S. officials who have negotiated the nonproliferation treaty look upon its inspection provisions as a means of moving closer toward an objective for which it has long been working, the international inspection of all peaceful nuclear activities. One of the main reasons the United States has furnished nuclear assistance to help other countries to develop the peaceful uses of the atom was to get these activities under a safeguards system from the beginning. It was able to do this by insisting upon inspection as a condition of furnishing the nuclear assistance. The United States is no longer the only country able to furnish assistance with the peaceful uses of atomic energy, however, and as an increasing number of countries begin to sell reactors in the international market, the United States will no longer be able to assure that such nuclear materials will be under some kind of safeguards system so that it will not be diverted to weapons purposes.

Proponents contend that the treaty will provide a method of getting all the peaceful nuclear activities of nonnuclear states under inspection, whether or not they receive assistance from the United States. Under the nonproliferation treaty all the nonnuclear countries which become parties must agree to inspection arrangements under the International Atomic Energy Agency. The International Atomic Energy Agency has already gained considerable experience in applying safeguards for cooperation in the peaceful uses of nuclear energy, and U.S. officials believe it will be capable of carrying out the safeguards envisioned in the treaty although its staff would have to be expanded to meet the increased workload. Basically these safeguards would consist of periodic inspections by the IAEA to verify a nation's accounting of the quantity and location of all the nuclear material being used or stored by it. The purpose would be to insure that such material was being used in the manner stated and that no quantities were unaccountable for and thus possibly might be being diverted to weapons use.

Development of the International Atomic Energy Agency as a body responsible for and capable of both promoting and safeguarding the peaceful uses of atomic energy has long been an objective of U.S. policy. The agency originated as a result of the atoms for peace proposal made by President Eisenhower in 1953. In recent years the United States has begun to designate the IAEA to carry out the inspection of the nuclear assistance it provided to other countries under bilateral agreements, so it is already relying on the IAEA safeguards system. The treaty, proponents contend, will extend these safeguards to all the peaceful nuclear activities of all the nonnuclear signatories, and this will be what the United States has been striving for in its own foreign policy. Without the treaty the systematic inspection of peaceful nuclear activities might never develop.

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[1] Secretary McNamara in testimony before Joint Committee on Atomic Energy, March 7, 1966. pp. 77 and 82.

Although the treaty does not require any inspection of the Soviet Union, this is felt not to be necessary since the treaty does not prohibit the Soviets from continuing to make nuclear weapons anyway. Proponents believe that the Soviet position in favor of IAEA safeguards for the nonnuclear states is an improvement over its former position that no inspection was necessary. Moreover, in the hope of encouraging the further development of IAEA safeguards and their acceptance by the nonnuclear nations and eventually by the Soviet Union, and to show that the United States was not asking other states to accept any safeguards it would not accept itself, President Johnson on December 2, 1967, announced that "when such safeguards are applied under the treaty, the United States will permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States—excluding only those with direct national security significance." The same offer has been made by the United Kingdom.

Many proponents take the view that no inspection system which would be acceptable at the present time would be completely foolproof. However, they believe that coupled with the observations and sources available to the diplomatic, military, commercial, and intelligence communities, the inspection system contemplated in the nonproliferation treaty would be adequate. In their view the main effectiveness of the treaty consists of the declaration of intention; if a nation wishes to become a nuclear power it would either not sign the treaty or withdraw from the treaty rather than attempt to violate it clandestinely.

WHAT IS A SOUND FARM POLICY?

Mr. CURTIS. Mr. President, some Members of the Senate have outstanding backgrounds and capabilities for analyzing farm policy problems. One who has been a consistently sound thinker on agricultural matters is the distinguished senior Senator from South Dakota (Mr. MUNDT). I have before me a copy of an article entitled "What Is a Sound Farm Policy?" written by Senator MUNDT, and published in the January–February issue of Rural America magazine.

I note in particular that Senator MUNDT in this article makes a statement that when talking about farm policy and farm programs—

> We are talking about its programs which assist those engaged in some segment of agriculture in their effort to achieve full parity of income for that effort.

I have long said, Mr. President, that I believe that every farm program and every action taken by the Department of Agriculture in administering that program should be directed toward proving or increasing the income of farmers or the prices they receive for their products in the marketplace.

I fear that in previous years some mistakes were made that allowed the thinking and action of the administrators to get out of focus and lose sight of that goal. I hope that Congress and the new administration will see to it that we bring that goal back into focus and that we work diligently toward it.

Because of the keen insight into farm problems and his long experience in dealing with them, I ask unanimous consent that the text of Senator MUNDT's article be printed in the RECORD, so that every Member of this body may have the benefit of his advice and counsel.

There being no objection, the article was ordered to be printed in the RECORD as follows:

WHAT IS A SOUND FARM POLICY?

(By KARL MUNDT, U.S. Senator, South Dakota)

Over the past 30 years many articles—speeches, radio and television interviews, newspaper columns—have all been devoted to the subject of "what encompasses farm policy?" Unfortunately, most of these statements in behalf of or related to agriculture have dealt only with a very small segment of what encompasses the farm problem and what farm programs should accomplish as a part of farm policy.

When we talk about farm policy and farm programs—what are we really talking about? We are talking about those programs which assist those engaged in some segment of agriculture in their effort to achieve full parity of income for that effort. Parity is the yardstick by which the farmers income is measured against that of his city cousin insofar as purchasing power is concerned.

I feel it imperative, moreover, that when we discuss farm policy we insure we are talking about all aspects of the agriculture industry. In the past there has been too much emphasis placed on farm programs for wheat—or for feed grains—or for cotton or for some other particular crop or animal. By emphasizing our problem with a specific crop, we have succeeded in failing to come up with an overall farm policy to insure full parity of income for the farmer, but rather we have relegated him to 74% of parity which he receives today and have placed him on a most unfavorable rung on the economic ladder today.

Because of the many intangibles which go into a successful farming operation, we must formulate a policy which provides answers and assistance to the farmer as the problems confront him. We cannot attack the farm problem with a single shot program, but rather it must be done with a proliferation of programs, all designed to assist the farmer in reaching parity of income.

DUAL PROGRAMS POLICY

Our farm policy administration must be divided into two programs. There must be one program devoted to the problems of commercial agriculture with the other part administered to assist the low income farm operator. Both should be kept separate and distinct but both should be recognized as separate problems within our overall farm policy formulation process.

What is the proliferation of programs which should be evaluated and should be implemented to give the farmers of this country a sound farm policy?

In our discussion we must talk not only about farm programs to improve the farmer's economic position, but also the problem which has the effect of placing the purchasing power of the farmer in a deteriorating position. Every effort must be made to eliminate those causes of inflation, for example, which destroy the farmers' purchasing power as it does that of his city cousins. While the farmer is a producer, he is, as a segment of society, also one of the largest consumers—or purchasers—in society. Therefore, it is most important that inflation be curtailed to provide a successful agriculture climate.

As we discuss programs for various farm crops—that includes programs for wheat and feed grains which include programs of payment to producers for established and sound soil conservation of land diversion practices—it also should include continual efforts to find new markets for the grains produced. It should include new uses for those grains both for traditional utilization and for industrial usage.

SEEK NEW MARKETS—NEW USES

If we devoted the talent and dollars to research for "use" that we devoted to research for "growth," that we would soon find that our farmers could not sow enough seeds or harvest enough crops to meet our demands and that land diversion to limit crop production would become historical. Grain programs as a part of an integral farm policy carry with them responsibility by the Commodity Credit Corporation administered by the Department of Agriculture in the sale or disposal of their grain holdings. It should not be permitted to dump on the market during the harvest season in competition with the farmers' marketings any grains which would depress the market for those farmers desiring to sell their grain at harvest time.

Meat production goes hand in glove with grain production because many producers feel that they can best market their grain as pounds of beef or pounds of pork or some other meat or fluid product. To assist such producers in firming up this market, there must be better regulation of competitive imports of those products which depress our American markets. Our Foreign Agriculture Service should continue to develop new markets in other areas of the world, with better distribution systems, so that prices and need for our farmers' products are always expanding.

A successful farm policy or agriculture climate is one in which credit for farm purchases or assisting young farmers is available when needed. The Department of Agriculture should be working with all credit institutions to meet credit needs so that farmers will know where credit can be obtained without delay.

SPEEDY ASSISTANCE

We must continue to develop the Rural Electric and Rural Telephone programs. They add to the comfort and success of the farm family. They provide the farmer with the helping hand which is needed as new technologies are advanced, making farming more complex but also more in keeping with these technical times in which we live. Electricity has become the "hired hand" of most farms in America today and a good farm policy demands we insure that loan funds are available to provide the energy and distribution systems to meet farmer demands and, of course, modern, efficient communication is as essential to farmers as to all other American enterprisers.

The promulgators of our farm policies must expand our crop insurance programs, either through better private insurance or through the Federal Crop Insurance programs. The farmer lives at the mercy of the vagaries of the weather. Cold or heat, hail or drought, can wipe him out in a single year. Certainly with all our talents we can expand and perfect a farm product insurance program which will help stabilize our farm income in times of trouble.

We need more and better educational opportunities for the young people in Rural America. Farming is becoming a complex science with all of the new crops, the new conservation practices and the improved methods of farming. Federal regulations and tax laws demand new record keeping procedures. Educational facilities must be improved in the areas of the farm so that our farm youngsters do not leave the environment of rural America and become an addition to the over-crowding of metropolitan America which creates more problems for all. There should be adequate opportunities for vocational training for young farmers who desire to implement their income.

RURAL INDUSTRY

Finally, we should devise a program of tax incentives to induce industry and business to expand their rural activities in America. Processing plants of the raw material of agriculture should be moved closer to the source of supply. New industry means more jobs for young men and women in rural America to assist them in increasing their income opportunities and reach for the parity of income they seek. New industry brings new demands for farm products without adding to the cost of a sizable transportation cost from farm producer to market. It puts money in the farmer's pocket where it rightfully belongs.

In a few words I have tried to outline briefly what I feel encompasses a pertinent sound farm policy. It is not one program or a single shot for improvement of farm income. Sound farm policy means soil conservation, new industrial uses for farm products, protection and expansion of our American markets for our American producers, searching out new markets overseas, better distribution and packaging of the products so that the farmer receives more for his product at the market place, better programs for REA and RTA, better credit, more education for young America, tax incentives for industry in Rural America so that farmer and industrial worker can become partners in the development of an expanding opportunity for all Americans with the assurance that parity of income accrues to those actively engaged in farming so that all segments of our society can enjoy the benefits of this bountiful land of opportunity we call the "Great American Dream."

THE VALUE OF FLOOD CONTROL STRUCTURES IN THE RECENT CALIFORNIA FLOODS

Mr. RANDOLPH. Mr. President, as the Members of this body know, I vigorously support Federal water resource developments. It is my belief that the development of our natural resources is responsible in a large measure for the wealth and prosperity of our Nation.

During my service in the Senate, I have participated in the formulation of numerous river and harbor and flood control measures, both as a member of the Committee on Public Works and as its chairman. It is true that the projects for navigation, for flood prevention, and for preservation of our coastal beaches require very large expenditure of Federal funds. But I look upon these expenditures not as a drain or a raid on the Treasury, as some persons would have us believe, but as an investment in the growth of America.

We have heard the term "pork barrel" in reference to public works improvements.

I am sure those who have known the ravages of floods and the attendant suffering, and who are now safe and dry behind levees or other protective works, would not agree that these projects are pork barrel.

I am also sure that those of us who enjoy the many benefits that are realized through the construction of multiple-purpose projects, including such uses as water supply, low-cost power, reclamation, public recreation, and the many other beneficial uses of such improvements, would not consider these projects pork barrel.

Flood control projects constructed to date by the Army Corps of Engineers, have prevented damages totaling $14 billion.

This is a return on the Federal investment of nearly $2 for every $1 expended and is exclusive of damages prevented by projects of the Corps of Engineers in operation during the recent floods in California.

Navigation improvements throughout the United States present a similar picture.

Reclamation projects, as we know, have been major factors in the development of the arid sections of the country.

We have read much and have seen film on the tragedy which recently struck California. Rains which lasted 9 days precipitated one of the worst floods in that State in over 31 years. The deluge which hit Los Angeles county was greater than the record flood of 1938 when more than 5,600 homes were destroyed, 86 people perished in mud and water and 127 more were missing. It has been estimated that the January flooding caused damages in excess of $100 million and that at least 88 persons lost their lives as a direct result of the rains and floods.

The Chief of Engineers informs me that flood controls structures authorized by the Congress and built by the Corps of Engineers have, in the past 2 weeks, prevented in excess of $1¼ billion in damages to urban and suburban areas over the State of California.

The great portion of this protection has been realized in Los Angeles and Orange Counties, hard hit by mud slides and surplus rainfall. They would have suffered another estimated $1,200 million in flood water damages without the Army Corps of Engineers flood control structures.

I am informed that the volume of natural water runoff into the five Los Angeles County drainage area flood control dams, and through the intricate system of mainstream and tributary channels, was greater than the 1938 disastrous flood. If the completed flood control structures had not been in operation, more lives would have been lost, thousands of additional homeowners would have been displaced, and a considerable portion of all transportation and communication services would have been out of commission.

The Los Angeles County flood control project cost the Federal Government $750 million and local interests contributed about $340 million; thus it can be seen that the project has more than paid for itself in just this one protracted storm.

In other portions of the State, where flood control projects were in existence, prevented damages could be calculated at many millions of dollars.

When I hear of the benefits that public works projects produce by alleviating human suffering and preventing the destruction of material things, I know that our tax dollars have been wisely spent.

Lt. Gen. William F. Cassidy, Chief of the Army Corps of Engineers, recently said:

> Control of Floods is an essential and sound investment for the American People.

I agree enthusiastically.

PUBLICATION OF MEDAL OF HONOR BOOK

Mr. KENNEDY. Mr. President, last year, as chairman of the Subcommittee on Veterans Affairs of the Committee on Labor and Public Welfare, I directed the subcommittee to prepare an updated version of the committee print listing all recipients of the Medal of Honor.

I am pleased to announce that the book, "Medal of Honor, 1863–1968," has been completed and is now available for distribution.

Over 1,000 pages long, the publication lists all recipients of the Medal of Honor through the year 1968. For each recipient, it gives biographical data and then the full citation describing the heroic deed or deeds for which the medal was awarded. The book contains a history of the medal and of its evolution into the prestigious award it is today. And the book includes documentary material and a comprehensive bibliography.

The Medal of Honor is the highest distinction which can be earned by a member of the armed services of the United States. It is awarded by the President, in the name of Congress, to an individual who while serving in the Armed Forces "distinguished himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty."

Of 36 million Americans who have served in the Armed Forces since the institution of the Medal of Honor in 1861, only 3,222 have been awarded the Medal of Honor as of this date.

Many Americans, of course, have served with great valor and bravery. The few Americans who have received the Medal of Honor have been most outstanding in this respect, performing above and beyond the call of duty in acts of extraordinary heroism. They have met the standards set down by Congress in authorizing the medal:

> The President may award, and present in the name of Congress, a Medal of Honor of appropriate design, with ribbons and appurtenances, to a person who, while a member of the Armed Forces, distinguished himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty—first, while engaged in action against an enemy of the United States; second, while engaged in military operations involving conflict with an opposing foreign force; or, third, while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

It is appropriate indeed that the Nation should formally recognize these acts and these men with the award of a prestigious medal. Our country has a proud heritage of individual bravery and courage—from frontier settlers and patriots of the American Revolution to the men and women today who are making frequent sacrifices to further the cause of freedom and democracy. Countless acts of heroism—large and small, public and private, in all walks of life—have made our Nation strong.

We respect our heritage, and we admire these individuals who have earned the Medal of Honor. They have dramatically demonstrated the point which President Kennedy so often emphasized:

> One man can make a difference and every man should try.

The latest publication, "Medal of Honor, 1863–1968," records the names and the deeds of all recipients through 1968, to be made available to a grateful Nation which owes so much to these men of highest valor.

I am proud to have worked on the book, and I am pleased that all Americans may have the opportunity to read the stories of these brave men and their heroic deeds. They are an inspiration for us all.

THE IMPACT OF NATIONAL PARK SYSTEM TRAVEL ON THE NATIONAL ECONOMY

Mr. ANDERSON. Mr. President, there has just come to my attention a summary of a study of the impact of national park system travel on the national economy. The study prepared by Dr. Ernest W. Swanson, professor emeritus of economics, North Carolina State University at Raleigh reveals the tremendous value of the park system, not only in the many days of enjoyment to the public but in cold hard dollars.

Mr. President, I ask unanimous consent that the summary that accompanied the study be included at this point in the Record.

There being no objection, the study was ordered to be printed in the Record, as follows:

Summary of a Study of the Impact of National Park System Travel on the National Economy

(By Dr. Ernst W. Swanson)

The value of the National Park System to Americans is not measurable in strictly monetary terms. But it can be shown that travel to the national parks, monuments, and other areas of the system contributes far more to the economy dollarwise than generally has been supposed.

The park system is of such significance both qualitatively and quantitatively as to occupy a major role in the daily life of a nation undergoing marked social and economic changes. Trips to the National Park System in 1967 benefited the national economy to the following extent: $6.35 billion in travel expenditures which resulted in $4.76 billion in personal income, $5.71 billion added to the Gross National Product, and $952 million in Federal taxes.

The $4.76 billion in personal income represents more than $23 for every man, woman and child in the United States. This figure is quite a sizeable as a matter of gain to the nation from assets being preserved for posterity. Unlike the mining and the oil industries, for example, which give up non-renewable resources, the National Park System yields its contribution with little or no diminution of its resource values. Wilderness resources are even increasing in value, materially as well as in less tangible ways.

To calculate the economic impact of park system visitors we take these steps:

1. Determine the number of visitors who make major expenditures by staying overnight at or near a park system area. One-day visitors are omitted because we can't make any valid assumption as to their spending behavior. Under presumptions based on studies at major national parks, and a review this past summer by this writer of dozens of park and regional spending patterns, a reasonable "average" figure can be derived. To adjust for day visitors we reduce the total visitations by 25 percent. Thus, transients and double counting may be largely omitted. The truly income-generating park visitors are those who stay overnight and who travel a substantial distance to reach the park. At Yosemite, Sequoia and Kings Canyon national parks, the income-generating visitors may be no. more than 55 percent of the total. At Grand Canyon, Rocky Mountain, Grand Teton, Zion, Glacier and other parks 95 percent may be income-generating, based on park studies, park statistics and my review in the summer of 1968.

2. Establish expenditures per person for visitors staying more than a day in the state in which the park is located. From visitor expenditure figures taken in varying years in two states, five national parks and one national seashore, and adjusting them for differences in price levels, we found this average visitor spent about $15.12 per day. From several recent studies, data from the Fred Harvey Company and my own interviews with travel group members, we concluded that 4.0 days is the average length of stay.

3. Thus 75 percent of the total 1967 park system visitation of 140 million gives us 105 million income-generating visitors who spent $15.12 each per day for four days, or a total of $6.35 billion.

4. This figure, however, is total outlay whereas the best measure of the economic impact of visitations is personal income. The $6.35 billion includes most excise and sales taxes, business savings, undistributed profits and expenditures for goods brought into the area. According to the Bureau of Labor Statistics, direct personal income runs about 30 percent of gross outlay. Thus, we find $1.905 billion in direct personal income resulting from park travel. This is the income of merchants, retailers, service station operators, restaurant owners and the employees of all the travel-related businesses.

5. There is indirect personal income as well, however, resulting from the park travelers' outlay. Indirect income is that income resulting from the effects of the spending of the direct income receivers. The service station owner's wife buys an overcoat, for example. The clothier pays his clerks who, in turn, buy groceries. The chain reaction of spending naturally will be greater in a diversified economy such as the Northeast than in a highly specialized area as, say, around Glacier National Park. Economists measure this effect by tracing the use of a dollar over and over. The first spending contributes $1.00 to the money flow but if a family is saving 30 percent, then the amount returned to the flow is $.70. The next time around, assuming the same withholding of 30 percent, 70 percent of the $.70 is returned, or $.49. Next time it's 70 percent of 49 cents or 34.3 cents and so on until nothing is returned to the money flow.

Now, to get some measure of this indirect income, we resort to a variation of the investment multiplier technique used to measure the probable effects of investment. If there is a withholding of 30 percent from the initial dollar spent, we compute a multiplier effect of 3.333 (.30 into 1.0). But evidence from a variety of research studies shows this figure much too high and the rate of withholding as applied to travel-derived income is really about 40 cents on the dollar which produces a multiplier of 2.5.

Studies show that the multiplier varies from as low as 1.12 to 3 or more, depending on the economic complexity and size of the region being studied. The 2.5 figure also is an "in-between" value, based on the findings of the Robert R. Nathan Associates, research groups of the universities of Utah, Colorado, and Wyoming and of Memphis State and Colorado State universities. This figure is an approximation which reflects a balancing out of the highly developed, populous areas with the poorly developed and sparsely populated areas.

In a strict sense, 2.5 is not an average but a judgment based on knowledge of the economic conditions of the National Park System locales. Had we selected a multiplier of 3.0, a figure supported by some writers, we would have obtained a figure of $5.7 billion as the total contribution to direct and indirect personal income of National Park System travelers. Our more realistic multiplier of 2.5, deemed more representative of the nation as a whole, gives us a personal income figure of $4.76 billion contributed by National Park System travel.

If we study the nature of formation of the Gross National Product (the best measure we have of national well-being) we find that GNP runs approximately 1.2 times the national personal income. Thus, the income contribution of National Park System travel gives a figure of $5.71 billion as the amount of GNP generated by National Park System travel.

Another remarkable contribution of the National Park System to the national economy lies in the Federal taxes accruing from park visits. The Treasury Department makes a rough estimate that 20 percent of total personal income goes into Federal taxes. At this rate, travel to the National Park System resulted in $952 million in taxes for the Federal Government in 1967.

Still another graphic indication of the National Park System's economic impact is its 46-to-1 return per dollar of annual appropriation. The total personal income of $4.76 billion from Park System travels is realized on appropriations of only $102 million, a figure far inadequate for the country's needs.

Although the National Park System cannot be evaluated adequately in dollars and cents, we can compute a business-type capitalization based on the personal income contribution from Park System travel. To derive a "market value" of the Service's assets, we multiply the personal income contribution by some factor that reflects the going market rate of interest. We select a 4 percent rate; business firms, facing higher risk conditions, would use a higher rate. On the assumption that the annual income here is a perpetual annuity, we divide 100 by 4 then multiply this factor of 25 by the total personal income contribution. On this basis the value of the National Park System assets may be said to be $119 billion.

Until one has traveled to the majority of the national parks, it is difficult to realize how much money is spent by the traveling public. Californians spend about $2 billion a year on vacations; visitors to the state spent $900 million in 1967.

To go by car to Grand Canyon National Park from Washington, D.C., with reasonably priced lodging and meals and as much as 40 cents or more for a gallon of gas, will cost two people $30 a day or more. With a week or so at the park, the vacation will cost two people at least $600. Rental of campers and travel coaches may be as expensive as lodging at a high-class motor inn at $10 per person.

Residents of some areas derive much of their livelihood from park travel; for those in the Jackson Hole country at Grand Teton National Park, the park is the source of half their living.

The biggest business in Cortez, Colorado, and surrounding Montezuma County is the servicing of travelers to Mesa Verde National Park, Hovenweep National Monument, and Aztec Ruins National Monument. There are 342 motel units, plus a hotel of 50 units—a 25 percent increase in the last five years. Yet, more accommodations are needed. Some 130 to 150 travel parties have been turned away each night during the peak season. About 1,100 travelers are given lodging, leaving some 435 to 525 without accommodations. The daily income from travelers runs as high as

$15,000 during the peak season, less than half that in the off season.

The demand for recreation has reached heights which a decade ago could only be sketchily foretold. Can we afford a burden of visitations so immense as to threaten the very existence of our parks and landmarks? To this question there is an answer: Our National Park System is such a powerful generator of a sizeable amount of national income, that there is no convincing reason why Congress should not provide whatever funds are necessary to guard against such a threat and to maintain, operate and perpetuate these valuable lands and waters.

These are, indeed, irreplaceable assets that serve us in the understanding of nature, our cultural background, and the beginnings of this nation and of the continent. They are the sources and stores of history, anthropology, archaeology, zoology, climatology and geology. Dollar signs cannot be attached to knowledge so significant that it can never be found again in another place or time.

Dollar signs can be placed, however, on the economic activities arising from their presence, the values to the nation of the travel outlays and expenditures arising from visits to these assets, even though such figures pale in significance in comparison to the knowledge gained, recreation enjoyed and psychological and spiritual enrichment realized.

EAST GERMANY'S FOREIGN MINISTER LAUDS FRENCH MIDEAST BOYCOTT—OR DESERVED PRAISE FROM ONE BROTHER TO ANOTHER

Mr. MONTOYA. Mr. President, a UPI dispatch out of Cairo in this morning's Washington Post is simply wondrous. The dispatch reads as follows:

> East German Supports Arabs
>
> Cairo, February 2.—East German Foreign Minister Otto Winzer ended a week's visit here Saturday by pledging his country's support for the Arab countries.
>
> Winzer, speaking at a press conference before leaving for Damascus, said his government supports the views of Egypt—including a political solution to Middle East unrest.
>
> He said East Germany is ready to provide financial and moral support for the Arabs, adding it approves with French President de Gaulle's Israeli arms embargo.

Mr. President, the first two paragraphs of the dispatch are not overly noteworthy. Soviet satellites expressing support for the papier mache Hitler of the Nile and his puppets and followers in the Arab world are not news.

No, Mr. President, it is the final paragraph which tickles and captivates my fancy. Take a long look at that last paragraph. Ponder it for a moment. Savor it for a long instant.

The Foreign Minister of East Germany goes to Nasser's Cairo to praise France's arms and parts embargo against the State of Israel. The heights of the incredible have been scaled. All limits of credibility have been attained.

Have the people of France been apprised of this signal honor? Are the newspapers of Paris emblazoned with joyous headlines proclaiming this act of solidarity? Would the people of France not be pleased to know how successful De Gaulle's policies have been? Would they not delight in knowing East Germany supports and makes common cause with them in their mutual effort to destroy this tiny state? Is it not in the noble French tradition of liberty, equality, and fraternity?

Shall such an act not go down in history? France praised by East Germany's Foreign Minister in Nasser's Cairo because of her boycott against Israel of arms and parts. Does it not elevate French policy to sublime heights of morality and conscience? Shall France's position on the embargo not rank with the Tennis Court Oath, "J'Accuse!" and the last charge of the cavalry at Sedan in the Franco-Prussian War?

Surely, France's policies toward Israel are so noble that they have elicited public praise from Ulbricht's marionette; heir to the tradition of the Generalstab, the seige of Paris in 1870–71 and horrors done to France in World War I. France has acted so nobly that East Germany, embodiment of horrors perpetrated upon France in World War II, sees fit to praise De Gaulle's embargo in Cairo.

Where are the martyrs of the Maquis, who died under Gestapo torture? Where are the victims of Drancy, and the little town of Oradour-sur-Glane? Would they not be proud of French policies which elicit praise from such a source? Would they not be delighted over what their beloved France has been committed to? Surely De Gaulle's name will go down in history with those of Joan of Arc, Michael Ney, Jacques Clemenceau, Victor Hugo, Emile Zola, and the heroic resistance fighters of the Maquis. Surely the old men who perished keeping "la voie sacree" open at Verdun would spring to spiritual attention as he passed them, trooping their line.

I wonder, Mr. President, how many glowing lines will appear in the pages of French history books about this episode. It occurs to me that separatists in Brittany should depart from the republic swiftly, encouraged in their actions in order to be free of identification with such farsighted and fairminded policies.

Perhaps the French might wish to have the words of praise of the East German Foreign Minister for their country chisled into the walls of the Arc de Triomphe. Or maybe his deathless encomium should be presented in tablet form, gilded with gold and mounted in the Chamber of Deputies. Or it might be placed above the Bourse, testimonial to France's devotion to justice over injustice, fair play over opportunism and Jewish lives over barrels of oil.

Certainly the French people should be told of the well-earned praise directed toward them. Michael Ney and the poilus of World War I would be proud to embrace De Gaulle as one of theirs, no?

Mr. President, I eagerly look forward to further proofs of French democracy, and world reaction to them. Perhaps next the Kremlin will decorate De Gaulle with the Order of Lenin. Certainly he deserves it for his services to their aims. Or perhaps he will be invited to Prague for the next Czech funeral. Shall not De Gaulle follow in the august footsteps of Daladier and Laval? For certainly his actions rank with theirs in illustriousness and memorability.

Perhaps the morrow will bring yet another proof of his wisdom and farsightedness.

Mr. President, I weep for France.

NINETIETH BIRTHDAY ANNIVERSARY OF FORMER SENATOR GUY M. GILLETTE, OF IOWA

Mr. HUGHES. Mr. President, Monday, February 3, was the 90th birthday anniversary of a distinguished American public servant, former U.S. Representative and Senator, Guy M. Gillette, of Iowa. Senator Gillette, who was stricken with serious illness in 1966, observed his birthday in the Sioux County Memorial Hospital in his native Cherokee, Iowa, alert and in good spirits. Born in Cherokee in 1879, Guy Gillette served as county attorney in Cherokee County and subsequently as State senator. He was elected a U.S. Representative in 1932. After two terms of outstanding service in the House, he was elected U.S. Senator in 1936. His achievements have been outstanding, both in and out of Congress. Many present Members of the Senate will remember his distinguished work on the Committee on Foreign Relations and the fact that he is the only living Senate Member who signed the United Nations Charter. At a time when America has awakened to the valued contributions our citizens can make in the later years of their lives, we are particularly proud of Senator Gillette, who remains acute of mind and young of heart despite his confinement in the hospital. My own affection and esteem for Senator Gillette, feelings shared by all Iowans, were contained in the telegram which I sent to him on his birthday. It reads as follows:

> Heartiest congratulations to you on the happy occasion of your ninetieth birthday. Your distinguished career of public service stands as an inspiration to me as to all other Iowans. God bless you and your fighting heart.

I know that this distinguished American would enjoy hearing from his friends and colleagues of the Senate.

HELP YOUR POLICE FIGHT CRIME

Mr. MUNDT. Mr. President, I would like to call to the attention of the Senate that the Week of February 9 to 15 has been designated as National Crime Prevention Week.

All of us are aware of the threat to our society posed by the escalating crime rate. City streets are no longer safe, citizens are fearful of venturing beyond their homes and places of business, and law-enforcement agencies find the burden of combating crime continually growing.

The new Nixon administration has already pledged as one of its major actions an unstinting effort to curb the crime rate.

But other actions also can be taken, actions which can come from the non-Government or private sector to start the pendulum swinging back to a society of law and order.

I think there are such actions, and with the forthcoming observance of National Crime Prevention Week, I invite attention to the work of a new organization, called "Help Your Police Fight Crime."

The president of this organization is W. H. M. "Bill" Stover, who, in his work in Kiwanis International, has given a great deal of time and attention to citizen response to resolution of social problems such as the difficulties posed by increased crime.

Mr. President, Bill Stover is author of a recent article outlining some of the steps he believes can be taken to enlist citizen cooperation in the important task of helping our police fight crime.

Because I believe his article is worthy of public attention, I ask unanimous consent that it be printed in the Record. As the title implies, Mr. Stover suggests how we can move "forward together" with unity on law and order.

There being no objection, the article was ordered to be printed in the Record, as follows:

Forward Together With Unity on Law and Order

(By "Bill" W. H. M. Stover, president, Help Your Police Fight Crime, 406 Perpetual Building, Silver Spring, Md.)

For years crime has flourished while the good citizen sat by in apathy, confusion, shock and frustration, as misguided leaders excused, rationalized and condoned acts of lawlessness. Poor beginnings do not constitute a license to riot, rape, murder and raise hell generally. Nor can the law abiding citizens be made the culprits by ascribing to them the guilt for some alleged wrong done the hoodlums' forebears.

But people are finally coming to their senses. It is now crystal clear that all decent citizens everywhere are fed up with lawlessness. Both young and old, Negro and White, long for the return of safety on the streets, in the home and in their places of business.

It becomes increasingly obvious that the war on crime can now be won with a little intelligence and a lot of potent education. Lawlessness is caused by a minority and is supported only by a minority. Is it such a wild dream to think that a majority will respond to a positive appeal, palatably and persistently made for concerted, realistic action?

How can it be? By moving "Forward Together," a united people, with wrong attitudes replaced by right attitudes on law and order and freedom and justice; and united behind leadership of intelligence and integrity—and—without equivocation; we can win the psychological war to discourage crime by inspiring positive attitudes of mind and heart.

In his "What's Wrong with America?" Reader's Digest article of October, 1967, Mr. Nixon said, "The security of every American is the first business of government . . . for there can be no progress unless there is an end to violence and unless there is respect for the rule of law." And Mr. E. J. Younger, the D. A. of L.A., who heads Mr. Nixon's task force on law and order, said recently, "A no-nonsense approach toward law and order—at the highest level of authority—the Presidency—is an absolute must—if we are to restore the Nation's confidence in law enforcement and improve the morale of our policemen."

Make no mistake about it, sensible people today are firmly convinced that permissiveness has failed. The no-shoot, no-penalty policy to placate and reward criminals has been soundly discredited. The payment of tribute moneys, secretly or otherwise, has brought more problems than protection.

The trend of crime will not be reversed until, as Mr. J. Edgar Hoover says, "Law enforcement penalties are sure, swift and severe."

The bully seldom attacks the strong. The hoodlum, essentially a coward at heart, picks on the weakling, the cripple, and especially on the spineless. There is no place to hide. Either we stand up together as good Americans, or we get knocked off, or our business knocked over, one by one.

Crime is a psychological matter of wrong public attitudes which deperately need to be changed. Properly lead in the right direction through a process of public education, men will unite and rally around a positive flag of good citizenship.

Help Your Police Fight Crime is such a slogan or banner to which no intelligent person could logically object. Make this slogan the unity theme for law and order until it becomes a household phrase across the Nation, and I confidently predict crime will recede.

It is as simple as that. Educate and lead enough people to stand up against crime and in support of the police, and the much talked of crime statistics will drop.

So what do I advocate? I challenge each of us to salute—not one policeman only one day each year, as we do in Kiwanis Clubs today—but to salute all policemen everywhere, every day of the year. We owe it to these courageous men—who risk their lives daily that we might have a greater measure of safety. These men are sworn to enforce the laws which we, the people, make. We must get personally involved and help them carry the piano—not just sit on the stool.

What better way can citizens daily salute every policeman than by displaying a Help Your Police Fight Crime banner everywhere the human eye can see? Visualize such a banner on every car, cab, bus or truck that passes the cop on the corner. Your support will do wonders for his morale. It will inspire and encourage others to stand up with you in support of their police. And—the unity of action would do much to discourage would-be disrupters and trouble makers.

Visualize if you will this same slogan stamped on every envelope going through the U.S. mails. What better way can appeal be made to so many, so smoothly? Hundreds of business firms, with Pitney Bowes cooperation, disseminate not only the unity slogan, but have taken this unprecedented means of telling the public where to write for banners. Others use rubber stamps. In London, Canada, last year Her Majesty's government used a slogan cancelling die for 30 days on all mail being cancelled by postal authorities.

Visualize the added prestige and coverage possible if all postal vehicles displayed a banner on bumper, door, or glass window; and if 700,000 postal employees each wore one on his personal car, filing cabinet, residence window, etc. Multiply the large possibility through this one Federal department by the larger potential of cooperation of all departments and agencies—plus the business and professional community, and we get some idea of the wideflung impact an all-out effort could make on our people, nationally.

The time is ripe. The people are receptive and willing. The new Administration was elected largely on law and order as the dominant issue, and the Chief has agreed in principle through his bring us together—"Forward Together"—theme, and through the many strong statements both he and Vice President Agnew have repeatedly made on law enforcement.

This is what sales psychologists classify as the indirect or soft-sell approach. Seventeen years as head of the Dale Carnegie courses in the District of Columbia and nearby Maryland, Virginia and West Virginia, in the study of human activations leaves the inescapable conclusion that the only realistic way to move forward together, with unity on law and order, is through the psychological appeal. For unquestionably, the only way to motivate men, for good or evil, is through appeal to mind and heart.

THE CITIZENS PART IN CRIME PREVENTION

Mr. DODD. Mr. President, one of the major problems facing our country today is the appalling increase in crime and crimes of violence.

In the Nation's Capital, hardly an hour goes by without an armed robbery. Just yesterday, two businessmen were slain by youthful gunmen. In one of the incidents, the son of one of the murdered men shot and killed his father's killer, a boy of 16. Tragedies such as these have prompted calls for action from the highest levels of our Government.

President Nixon recently announced a number of programs designed to combat this problem within the District of Columbia.

Attorney General John N. Mitchell, according to an article in this morning's Washington Post, has called on private groups and volunteers to form local anti-crime councils to do what Government cannot do to fight crime.

Mr. President, I believe that many of our citizens from all walks of life are wondering what they can do to help stem the rising tide of crime and violence in our country. Therefore, I was very much pleased to receive a letter the other day from Chief Thomas J. Vaughan, of the Hartford Police Department. Chief Vaughan wrote to inform me of a new booklet which is being distributed by his department to the citizens of Hartford. This booklet, entitled "Guardians of your Life and Property," explains in simple language what the private citizen can do to help prevent crime and what he can and should do to help the police apprehend a suspect after a crime has been committed.

Police Chief Vaughan, in his introduction of the booklet, says:

> Much can be done in law enforcement and crime prevention through good co-operation between citizens and the Police Department.

In the hope that other police departments around the country will consider issuing similar booklets to the citizens of their communities, I ask unanimous consent to have printed in the Record the newspaper article concerning the Attorney General, the letter from Police Chief Vaughan, and the booklet being distributed by the Hartford, Conn., Police Department.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Washington Post, Feb. 4, 1969]

Mitchell Asks Aid Against Crime

(By William Chapman)

Attorney General John N. Mitchell yesterday called on private groups and volunteers to form local anti-crime councils to do what Government can't do to fight crime.

Mitchell suggested a nationwide money raising campaign—what he called a "United Anti-Crime Fund"—to finance local projects.

Mitchell, in his first major public address since becoming Attorney General, said the Government is reaching the limits of what it can do to control crime.

"We are now anxious to give our support to anti-crime activities which will draw millions of volunteer manhours and dollars to the tasks of criminal justice," he said.

Mitchell did not spell out specifically what the local councils should do.

But he mentioned such existing privately sponsored projects as prisoner rehabilitation, juvenile aid, bailing plans and volunteer legal counseling.

Mitchell said the local councils should be guided by professional advisers to be found in such groups as the American Bar Association, the International Association of Police Chiefs, and the Citizens for Justice With Order. He warned that "the amateur cure-all program—no matter how well motivated—could prove damaging in the long run."

The Attorney General emphasized that volunteer anticrime efforts were in line with President Nixon's campaign promises to use the private sector in solving social problems.

He said Mr. Nixon now is considering ways to implement three proposals made during the campaign—a cabinet-level council on law enforcement, "town hall" meetings on the crime problem, and a national crime information center.

Mitchell spoke last night in San Francisco to a conference on crime sponsored by the National Emergency Committee of the National Council on Crime and Delinquency.

"The simple fact is that crime is intimidating us—is forcing us—to change the fabric of our society, and our inability to control crime is a courtship with national disaster," Mitchell asserted.

Hartford Police Department,
Hartford, Conn., January 27, 1969.

Hon. Thomas Dodd,
Hartford, Conn.

My Dear Mr. Dodd: In about a week's time the Hartford Police Department will distribute a booklet entitled "Guardians of Your Life and Property". This booklet is specifically designed to promote and encourage the interests of our citizens in sound crime prevention, as well as to interpret to them the practical utilization of our police services.

Since no department funds were available for this worthy project, the Hartford Federal Savings and Loan Association published over 60,000 copies of this booklet as a community service and we will distribute them to every home in Hartford.

It is felt that prior to general public distribution, certain civic-minded citizens of high repute should be given the opportunity to read and appraise the contents of the booklet. A copy is enclosed. After you have perused the contents, would you please forward me a statement of your personal opinion concerning the value of this booklet to our community. Such a statement will be greatly appreciated.

Sincerely yours,

Thomas J. Vaughn,
Chief of Police.

[Booklet distributed by Hartford Police Department]

Guardians of Your Life and Property—the Hartford Police

The Hartford Police Department is a community service as well as a law enforcement agency. It is the guardian of your life and property. When lawbreakers infringe upon your security, it is the department's main function to provide protection of life and property and to apprehend the criminal. Equally important, too, is the obligation and desire of the Police Department to continue its work in the prevention of crime.

Much can be done in law enforcement and crime prevention through good co-operation between the citizens and the Police Department. The first step is a complete understanding of the Police Department duties and the service it is prepared to give. The second step is to overcome public apathy wherever it exists. It is desirable that every resident of our community know what he can do to help the police, and himself, in the event of an emergency or in a general program of crime prevention.

This publication contains important information concerning the activities of your Police Department and some of the measures which contribute to your safety. We are grateful to the Hartford Federal Savings and Loan Association for its generous assistance in publishing this booklet. It will be a valuable possession in every Hartford home.

Thomas J. Vaughan,
Chief of Police.

THE CITIZEN'S PART IN CRIME PREVENTION

How you can cooperate

You can aid in the detection and suppression of crime and thus protect your property and welfare by being alert and telephoning the police whenever you observe suspicious persons or happenings or hear unusual noises, either at your home or in the neighborhood. Do not attempt a personal investigation, nor turn on additional lights in the house or make a lot of noise. That will only put the person in question on guard and prevent his capture if he is a criminal. This is especially true if you return home and find that the lighting arrangement has been changed during your absence.

Don't delay! Don't look for an officer in the vicinity! Go to a telephone and quietly say to the operator, "Hartford Police Department, Emergency," or call 552–0111. When connected with your police department, state clearly and quickly:

1. The location where police are needed.
2. What has happened.
3. Your name, address, and telephone number from which you are calling.

Your call will remain anonymous to the public.

If possible, obtain description of the person or persons, involved. If known, give names, sex, color, age, height, weight, clothing worn, etc.

If an automobile has been used, write down registration number, make and type of car, color, and number of occupants.

Cover as many of the above facts as you can. Additional ones are always useful. Be observant; in getting a description always look for distinctive marks and peculiarities of physical appearances, manner, voice and dress.

When your call is received by the police, squad cars are immediately directed to the scene by radio. No time is lost. A radio car will be at your doorstep shortly after you have hung up the telephone receiver. If the information has been received in time, there is a very good chance to apprehend the person or persons sought. Don't waste time.

If you witness an accident or crime, don't take it for granted that the police have been called. Telephone your police headquarters if no officers are about. Tell number of persons injured. No harm has been done if the incident has already been reported. If it was unreported, your action in telephoning may prevent or clear a crime, or even save a life.

Suspicions are always valuable

If you have a "hunch" that something is wrong, call the police. Whenever persons loiter about your house or neighborhood and it appears to you that they should be investigated, do not hesitate to telephone the police at once. When something looks suspicious, do not wait until the damage has been done, but quickly communicate your suspicions to the police. Impress upon your family the necessity for co-operation by telephoning immediately. It's for your protection.

Obscene telephone calls

If you receive a suspicious or obscene telephone call, notify the police and Telephone Company immediately. As the result of such co-operation, persons with criminal intent may be apprehended before they have had an opportunity to commit the crime. In some cases persons thus apprehended are found to have been responsible for other crimes.

Suggestions to householders

If you return home and find evidence that your home has been entered during your absence, do not enter, but telephone the police at once from a neighbor's phone. Leave everything exactly as you find it because you might destroy valuable evidence, such as fingerprints, before the police arrive. A good rule to remember is "Keep your eyes open and your hands in your pocket," until the arrival of the police.

When leaving for the evening

1. Leave a light burning in the house. A second light upstairs is very helpful.
2. Do not pull down window shades.
3. Do not leave notes indicating the time you will return.
4. Do not leave your key under the mat, over the door, or in the mailbox.
5. Be sure all doors and windows are securely locked. Get in the habit of double-locking the doors.
6. Close the garage doors. Open doors reveal your absence.
7. Tell your neighbor how long you will be gone. Ask him to keep an eye on your house but not to divulge the information to anyone else.
8. Do not announce your intended absence.

When leaving for an extended period

1. Make a complete survey of your home and other property.
2. Have the milkman and newspaper carrier stop making deliveries while you are away.
3. Tell the mailman to hold or forward your mail or deliver it to a neighbor.
4. Arrange with a neighbor to remove advertising matter and other articles which may be left on your porches. Such articles only advertise an unoccupied house and invite burglars.
5. Notify the police when you are leaving the premises and the approximate date of your return so that a special watch may be made during your absence. We will check your residence while you are away.
6. Advise the police where you may be reached in an emergency.
7. Remove all money, valuable jewelry and other articles that can be taken easily by a burglar. Don't hide money or other valuables under rugs, behind pictures, in the crockery, or in any mattresses, as these are the first places a thief will look. Instead, remove them from the house and put them in a safe place.
8. Inspect all doors and windows before leaving to make certain they are securely locked.
9. Ask a neighbor to check your home and report any suspicions to the police.

Precautionary advice—Door locks and window fastenings

First of all, consider whether there are any outstanding door keys in the possession of anyone. They could easily have duplicate keys and return at any time to commit a crime.

Carefully examine the defenses of your home. Close inspection may show that they are inadequate.

Doors should be equipped with modern and efficient locks. Cylinder locks with the dead lock feature are recommended. Avoid locks of the old bit-key type which can be opened with a skeleton key. They are of such simple construction that they are easily opened. All doors should be carefully examined to see whether it is possible to insert a knife blade or thin strip of celluloid behind the door-stop and thus push back the nose of lock bolt. This can be remedied by using a "safety strike" to replace the strike now employed, or by driving a metal wedge or corrugated wood fasteners between the door stop and the strike plate. Always make it a practice to double-lock doors when leaving the house.

It may be advisable to place chain or bar guards on the inside of all outside doors. These inexpensive little devices are excellent protection for a woman, yet they enable her to open the door and see who is there without danger of the person outside forcing his way in.

Catches are available for window sashes which allow the window to be opened just so far. They are inexpensive and may be applied easily. If you are protected by a burglar alarm, notify the police in writing of the name of the alarm and its various features.

Solicitors and peddlers

There are many fine companies whose representatives are of sound character and who serve the community with very good products. These people are proud to quickly and fully identify themselves and the companies they represent.

However, many daylight burglaries in residential districts are committed by unknown solicitors who enter homes which they find are unoccupied. They have an apparently legitimate excuse for being in the neighborhood, and for that reason it is extremely difficult for the police to catch them in the act. Large companies may use 25 or more persons in a neigborhood on one day, canvass it thoroughly and move on to another locality the second day. Sometimes among their solicitors are persons of criminal tendencies who do not hesitate to "prowl" a house. Extreme caution should be used in paying money in advance to an improperly identified solicitor. He may not deliver the article you ordered. Ask to see his solicitor's permit.

Never allow an unidentified solicitor or other stranger to enter your house, but make him transact his business on the porch or doorway, preferably with the inside chain on the door. Don't let him stand in the open doorway while you go into another part of the house for your purse. Shut him out and then go for your money.

Buy no merchandise from strangers who give the impression that the goods offered are a great bargain. Many times they will be found to be faked or stolen property. In this case, it is advisable to call the police at once.

Beware of strangers with pretexts

Demand to see the credentials of any unknown man who represents himself as a public utility employee and who wants to enter your home. If in doubt, call the police. Remember that today's crook does not look like a thug. Don't trust persons with whom you come in contact because they are prosperous looking, are smooth talkers and have polished manners. Under no circumstances should you inform strangers of your neighbor's absence.

Watch your money

Your purse may be stolen if you lay it down on counters while examining merchandise. Hold your purse tightly while walking on the street or it may be taken by purse snatchers before you realize it. Most of them are young men or boys. One may remain at the wheel of a getaway car while the other gets out, asks you some questions, then grabs your purse. Call for help loudly. Scream!

Pickpockets are active in crowds of all kinds. Watch your valuables if anyone pushes or jostles you, or places a newspaper close to your face.

Do not cash a check if you have any doubt. If a person offers a personal check for business dealings, do not accept for amounts of more than the value of goods purchased. Identifications of questionable persons may be made by checking your telephone book or city directory. Know your endorser. Signature or endorsements should be made in your presence, even if the check has to be re-signed or re-endorsed.

Questionable charitable organizations

Beware of unscrupulous promoters who solicit you by telephone, mail, or in person, requesting that you contribute toward a charity or benefit sponsored by some obscure organization. Do not respond with money to telephone solicitations. Ask the party who telephones you for a reputable local reference and satisfy yourself of the merit of the proposal before committing yourself. If solicitation is made in person, ask for an identification card. Otherwise, check with the Police Department.

Don't make these mistakes

Many overcoats and hats are stolen from restaurants. Watch yours. Don't leave money or other valuables in pockets.

Small articles should not be carelessly allowed to remain on the sidewalk, lawn or porch, or other places easily accessible to the general public. Children are tempted to take such articles when the opportunity presents itself. Lock bicycles and put away at night. Don't tempt anyone.

Never leave valuable clothing, furs or rugs on the line to be aired when you are going out. Clothes left out overnight are also frequently stolen.

When you are having parties or entertaining guests, do not leave pocketbooks, coats or other valuables lying in the bedroom or other downstairs rooms unless you are positive that the windows are securely locked and that no intruders can gain unobserved entrance into the room.

Don't invite burglars by leaving your watch or rings where they may be seen from a window after washing your hands or dishes.

Keep a list of your valuables

Make a record of the number, monograms, initials and jewelers' scratch marks on your valuables. Have an accurate description so that if stolen, there will be a better chance to identify and recover them. Also, keep records of the numbers on automobiles, firearms, watches, bicycles, and electric motors of all kinds on washers, fans, sweepers, etc. A record of your stocks, bonds, and travelers checks should be kept in a place other than with them. Do not tell people if you have a "wall" or other type of home safe.

You and your automobile

Lock your car and remove ignition key when parking to prevent auto thefts. Stolen cars are used in most major crimes today. Prevent theft of packages by locking them in the trunk. When putting the car away, lock the car, remove the keys and then lock the garage doors.

Motorists should frequently check on their spare tires, license plates, and other accessories and see to it that they are securely fastened. Memorize your car registration number to expedite recovery if stolen.

Motor vehicle laws are made to prevent loss of life, limb or property. Highways are unsafe if the public fails to co-operate. Every officer has co-operation in law observance as his objective. He wants your co-operation to prevent violations. By giving continuous attention to this policy, you may contribute to the saving of human life. Failing to do so, you may share a tragic responsibility.

Your relationship to juvenile delinquency

Most murderers and other felons have a crime record from small offenses during childhood. Setting a good example is a great force in the lives of young people. Every citizen should give special heed to his conduct when in the company of young people. A poor example of lack of restraint, indulgence in petty gambling, irresponsibility or intemperance, sets a poor standard for the observant youngster. His imitation of his elders in that respect may start him toward the career which makes it necessary for the community to have a constant armed guard over the lives and property of its citizens. Be a good pal to youngsters. Try to understand their many problems.

Your child and the baby-sitter

Parents are naturally concerned when leaving a child in the care of others, and sometimes there is reason to be. A few simple rules can increase competency and family security. You should have an agreement with your baby-sitter on the following points:

1. Rules as to what children may or may not do, use of radio, T.V., studying, time for bed, etc.
2. Company for the sitter should be agreed upon or forbidden.
3. Where and how to contact parents, doctors or the police.

Police are usually the quickest to respond and should be called first if conditions so indicate.

We're holding your son

"We're holding your son" or "Your daughter has been hurt" are just as dreaded calls for the police to make as for you to receive. But, unfortunately, such calls are on the increase and teen-age drinking is primarily to blame. Youth, automobiles and drinking form an unholy trio closely aligned with shame, pain and death. What can be done about the curse of teen-age drinking and driving? It's hard to say. Maybe it's closer family unity—warm hearts, fair minds and understanding to prevent such situations. Plus stern, exacting discipline when this "illness of youth" starts.

We are gravely concerned about the vicious increase of narcotics now filtering into our communities. Your sons and daughters are the targets. When "hit," happy home-life for these innocent victims is usually over. Please cooperate by revealing any possible knowledge which will enable us to apprehend persons who sell this deadly menace. You may even save your own child.

Warn against sex offenders

Tell your children not to be friendly toward strangers and to shun any advances made toward them. Children should be warned not to accept rides from strangers under my circumstances. Report license plate numbers of those who try "pick-ups." Young people who have to walk through lonely areas should take a companion along. If you learn of any accosters, notify the police at once and co-operate with them fully. Don't wait to report the crime of an "Exhibitionist." Immediately report type of person, clothing worn, car used and other identifying details.

Your duty in the prosecution of offenders

In many crimes, particularly sex offenses, witnesses or complainants are sometimes reluctant to appear when trial is necessary. Criminals are often cowards or persons of unbalanced or deficient mentality. These characteristics make them particularly dangerous if they are not checked by arrest and conviction. Failure to press cases and testify when necessary may result in future losses, harm, or even death to some innocent person. If you have facts concerning any crime, you should consider it your duty to testify. We will respect your confidences and it is the usual practice of the local press to withhold names of witnesses and others innocently involved.

If stopped by police

Do not be offended if questioned as to your identity and business by a police officer. His assignments and routine duty often require the identification of persons. Be glad that he is on the job. Remember, his job requires that he risk his life if necessary to protect *you*. Reputable persons have nothing to fear from the police.

Your Police Department is anxious to give you the maximum protection and service possible with the personnel and equipment available. We solicit your cooperation in assisting the Police Department to keep Hartford a respected and law-abiding community.

AT YOUR SERVICE

Patrol division

Provides round-the-clock service responding to all calls of any nature from any source. There are 28 cruisers and 6 scooters equipped with two-way radio and emergency equipment. These vehicles are manned around-the-clock on a four-shift basis. The mobile patrols are supplemented by numerous walking beats which are maintained on a 24 hour basis. In addition, there are several Task Force Units whose function is to combat any sudden crime wave in any given area.

Detective division

Follows up investigations of extensive nature and handles most of the felonious crimes which occur within the City. It also handles police department activities requiring investigation outside the City.

Juvenile division

Investigates, evaluates, and processes complaints in which juveniles are involved. It also mediates in domestic problems wherein child neglect situations occur, and co-operates with the various social agencies in the area.

Traffic division

Responsible for the control and flow of traffic and the investigation of motor vehicle accidents. It maintains all traffic records, makes traffic studies, prepares traffic counts to qualify new installations, and installs and repairs traffic meters. It also maintains a safety program within the schools.

NOT DISCRIMINATING IS NOT ENOUGH

Mr. FANNIN. Mr. President, on Friday, I called attention to a recent panel decision approved by former Secretary of Labor Wirtz and the Office of Federal Contract Compliance, barring from prime contracts or subcontracts a company which the OFCC itself found affirmatively had not discriminated in employment. But, as pointed out, it was not enough merely to be free from discrimination. The company was found remiss in its duty and culpable, mirabile dictu, because it failed to seek cut minority group applicants. Specifically, the company was ordered to discontinue its long and highly successful policy of recruiting by reliance on employee referrals and substitute instead a recruit program dictated by the Labor Department.

Thus we have this picture: a company in a tight competitive situation and guilty of no violation of law is censured and ordered to discard a long-established recruitment policy and to adopt in lieu of this a new and untried system, dictated by bureaucrats having no interest in or knowledge of the company or its needs. Mr. President, this action constitutes a major interference in the internal affairs of a company. It is an ill-advised attempt to accomplish surreptitiously a so-called social purpose without the benefit of legislation.

A group of persons in the OFCC somehow have never been able to grasp that there are limits on executive power. This agency apparently feels that it has carte blanche in the field of discrimination in employment.

Mr. President, I ask unanimous consent to have printed in the Record an editorial entitled "Federally Forced Discrimination," published in the Richmond News Leader of January 31, 1969.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Federally Forced Discrimination

Today's tidbit guaranteed to boil your blood has to do with integration and labor. Two weeks ago, a three-man Federal panel handed down a decision dealing with hiring practices at the Allen-Bradley Company of Milwaukee, a manufacturer of electronic components and motor controls. The panel found no evidence that the company had "overtly discriminated." But there was a hooker: The panel declared Allen-Bradley to be in violation of the equal opportunity clause in Federal contracts because of "failure to take affirmative action to broaden the recruitment base and increase the flow of minority applicants," The effect of the panel's decision—if the decision stands—will be to prevent employers from defending their hiring practices simply by arguing that few minority workers are employed because few apply for jobs.

Allen-Bradley has about 6,500 employees. Heretofore, it usually has filled jobs through employee recommendations. Prior to the formal hearings on charges of discrimination in hiring, Allen-Bradley revised its employment standards by relaxing requirements of Wisconsin residency and a high school diploma, and by saying that persons who have passed vocational school general education development tests will be eligible for employment, and contacted the Urban League for any possible job-seekers. But the panel said all that is not satisfactory because the company still does not have enough minority employees—whatever the panel means by enough.

According to *Business Week*, the panel said that Allen-Bradley ought "to make a 'clear public announcement' that it has discontinued its reliance on referrals by employees; that it place recruitment ads in general media which reach substantial numbers of Negroes and others, and that it also place ads in 'primarily Negro media,' and that [the company] should utilize 'schools serving substantial numbers of Negroes'." And if the company does not? Well, then the Labor Department will order Federal procurement agencies to cancel purchase contracts with Allen-Bradley—contracts that amount to about $30 million for the company each year. In fact, some Federal contracts have been canceled already.

What folly this is. The Federal government obviously does not care about what these edicts may do to Allen-Bradley itself. Through the years Allen-Bradley has had one of the highest wage scales in the industry. Its policy of employee referrals has meant that the company has been able to save money on employee recruitment—money that was spent instead on product quality and employee benefits. Until the militant integrationists took out after the company, Allen-Bradley had remarkably high employee loyalty, reflected in its remarkably low rate of employee turnover. Spokesmen for the company say that even now all that has begun to change.

Allen-Bradley has filed exceptions to the panel findings with the Office of Contract Compliance in Washington. But the way things are going these days, chances are that Allen-Bradley will lose its appeal. If so, this company that does not discriminate, will be forced to start discriminating by hiring workers simply for the color of their skin. Either Allen-Bradley will have to do that or face the prospect of having its revenue cut to the point where it will no longer be able to hire anyone at all.

PRESIDENT AL-BAKR, OF IRAQ—A RECKLESS BARBARIAN

Mr. RIBICOFF. Mr. President, recent events in Iraq threw much of the world into a state of shock.

Our reaction to the mass execution which was turned into a public spectacle indicates how little we know about President Al-Bakr, of Iraq, and his well proven capacity for barbaric acts.

On January 30, the Manchester Guardian published an article that recounts many appalling episodes in the career of this Iraqi leader.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Barbaric Day in Iraq

Monday's executions in Iraq were barbaric. President Al-Bakr is admittedly the most vicious of all the Arab rulers. But on Monday morning he surpassed even his own villainous record. The people, according to Bagdad Radio, were urged officially to attend the public hanging of nine Jews and five others in Bagdad and Basra, Half a million Iraqis turned up to make it "an eternal day in the life of Iraq and the Arab nation." It was an eternal day that the Arab nation ought to remember with shame.

President Al-Bakr is a ruthless man. In July, a fortnight after seizing power, he dismissed the two men who had made his coup possible—his Prime Minister Abdel Razzak and his Defence Minister Abdel Rahman Daoud. In October the President arrested eighty officers. In November his foreign affairs adviser Nasir Al-Hani was found dead in a canal "after a tragic accident." In December a former Prime Minister, Abdel Raman Bazzaz, was arrested as a spy. Since then the secret trials have continued, resulting inevitably in this week's executions.

This medieval spectacle can only do harm to the prospects of a Middle Eastern settlement. There is an obvious danger that the Israelis, outraged by the executions of Jews, may feel moved to vengeance. Iraqi troops are stationed in Jordan close at hand. The temptation to strike back must be great, as President Al-Bakr probably anticipated.

He must have known, anyway, that what he was about to do would be far more provocative than the Arab commandos' inexpert attack on an Israeli air liner. President Al-Bakr put Jews to death and boasted of what he had done. The Israelis' reply to the commando raid was to destroy Arab aircraft at Beirut but to avoid harming any person. The risk now is that their vengeance will be equally efficient, but fiercer. That is the price of having a reckless barbarian governing Iraq.

REMARKS OF SENATOR BARRY GOLDWATER ON THE NUCLEAR NONPROLIFERATION TREATY

Mr. THURMOND. Mr. President, one of the most critical issues which the Senate must face this session is the question of the ratification of the Nuclear Nonproliferation Treaty.

I opposed this treaty when it was first brought to the attention of the Senate last summer because I distrusted the intentions of the Soviets to fulfill their international agreement and because the fulfillment of the treaty's goals depends too much upon trust rather than upon effective safeguards. Furthermore, I did not believe that the effect of the treaty upon our relations with our allies had been thoroughly explored.

Shortly thereafter, the Soviets once again demonstrated through the invasion of Czechoslovakia that they have not lost their will to dominate the world. The crucial point in the Soviet invasion was not simply that they demonstrated the logistic capability for such an operation, but, more important, the fact that it demonstrated their will to interfere with the internal affairs of a sovereign nation. The simple withdrawal of part of those troops cannot erase the fact that the Soviets actually took such an action.

We should focus on the Soviets' capability for decision instead of just upon the Soviets' logistical capability. I believe that many more aspects of this treaty will be explored by the Senate in the weeks and months ahead, and that many Senators will want to analyze this treaty in great detail.

I was pleased to see that some are already undertaking such an investigation. Among these is the able Senator from Arizona (Mr. GOLDWATER) who has returned among us to resume his distinguished career in the Senate. On January 14, Senator GOLDWATER spoke at a luncheon meeting of the West Point Society of the District of Columbia, held at Fort Myer. In his remarks, he went into the question of the Nuclear Nonproliferation Treaty at great length, and he came to the following conclusion:

> I presume by this time you understand that I am unalterably opposed to Senate ratification of the nuclear Non-Proliferation Treay at this time.

Senator GOLDWATER pointed out that the treaty is meaningless because two present nuclear powers, France and China, will have nothing to do with it. In addition, many other nations who are on the brink of developing nuclear weapons do not wish to sign either. He also pointed to the effect which this treaty might have upon foreign affairs generally. He indicated that the Soviet Union has continued to actively and aggressively promote worldwide tensions, despite the signing of the Test Ban Treaty. He cited Vietnam, the Middle East, the Mediterranean, and Czechoslovakia. None of these trouble spots would have occurred if our partner in the Test Ban Treaty had not actively supplied the necessary equipment and direction.

Mr. President, I quote another statement made by the distinguished Senator from Arizona:

> There is reason to believe that ratification of this Treaty at this time would in effect place the U.S. stamp of approval on an aggressive and militant move made by Russia to stamp out human freedom.

Senator GOLDWATER made many other striking points in his speech, which I strongly recommend to the attention of every Senator.

Mr. President, I ask unanimous consent that the address by Senator BARRY GOLDWATER at the luncheon meeting of the West Point Society of the District of Columbia, on January 14, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR BARRY GOLDWATER AT A LUNCHEON MEETING OF THE WEST POINT SOCIETY OF THE DISTRICT OF COLUMBIA, FORT MYER, JANUARY 14

Needless to say, I am very happy to be back in Washington and the United States Senate. I am also happy that my prospects for returning to membership on the Senate Armed Services Committee appear pretty good.

Of course, many changes have been made during my four years of absence and many more, as you all know, are about to be made in the near future. One of the alterations on the Washington scene of particular note to men like you and me is the absence of Robert Strange McNamara from the Pentagon. I have got to say that this absence does not make my heart grow fonder of McNamara and his policies. Frankly, I am delighted that he no longer has the right to dictate our nation's defense policy. I only wish he could have taken with him the legacy which he left behind.

Perhaps I was too fast in assuming that Mr. McNamara has relinquished his voice in the affairs of this nation having to do with defense. I noticed in the papers that not long ago he visited the Soviet Union and discussed with the leaders of that nation the question of the pending treaty on non-proliferation of nuclear weapons.

And that brings me to the subject of my talk here today. I am deeply concerned at the emotional, oversimplified arguments that are being advanced to bring about a speedy Senate ratification of this treaty. What bothers me is that not nearly enough attention is being given to the technical and practical weaknesses of this diplomatic device, to say nothing of its dangerous psychological implications.

Let me take you back for a moment to another treaty with the Soviet Union. That one, negotiated in 1963, was called the Nuclear Test Ban Treaty. It was promoted to an almost hysterical degree by those advocates of accommodation as "a great forward step" in the never ceasing struggle for world peace. In that instance, all technical and factual considerations were swept aside in a wave of optimism generated by one of the best public relations promotions in our history. I would remind you that I, along with most other members of the Senate Preparedness Subcommittee, voted against that treaty. At the time I was told that if I opposed the Nuclear Test Ban Treaty, I would automatically forfeit any chance of receiving the Republican presidential nomination. And at that time I acknowledged that this might be the case and that I still felt the treaty had to be opposed in the best interest of this country. I hope I shall never at any time be tempted to place political consideration ahead of what I feel is right and proper for this nation and its security.

In opposing that earlier nuclear treaty, I was swayed by the testimony, some of it still secret, I might add, of scientists and military experts who believed sincerely that the Russians had an ulterior motive in accepting that treaty. It was pointed out that unlike the United States, the Russians had already conducted a series of high magnitude and high altitude nuclear tests and had gained valuable information about the mysterious problem called EMP (electro-magnetic pulse). By pushing through the Test Ban Treaty, the Russians could make sure that the United States would not solve the problems of EMP in the near future. In fact, there are military experts today who insist that we will never discover how to solve this problem until the testing ban is abrogated. I will not elaborate here on the dangers of not being able to overcome the effects of EMP, but I think most of you know that they are rather frightening in their implications.

So much for the Test Ban Treaty. Now we are being asked to adopt a nuclear non-proliferation treaty with the Soviet Union and other nations. The arguments are familiar. They are all lofty and noble. They say that the greatest way in the world to avoid a nuclear holocaust is to deter the proliferation of the most horrible weapons ever devised. I ask you who, on the surface, could oppose such an appeal? If we want to take this argument at its superficial face value, then the answer is—no one could oppose it.

But I'm sure I do not have to tell most of you here that this question, no more than the Test Ban Treaty, does not lend itself to quick and easy answers.

To begin with, the treaty is meaningless because two present nuclear powers, France and Red China, will have nothing to do with it. In addition, many nations who presently are on the brink of developing nuclear weapons are likewise among the non-signatories. These include nations such as India, West Germany and Israel.

Consequently, we see that the most probable sources of nuclear proliferation in today's world are beyond the treaty's reach.

If there is a reason for ratification of this treaty, it has to be nothing but a token. In other words, if we are interested in trying to tell the world that the United States and the Soviet Union are engaging in meaningless gestures of accommodation, then there might be some excusable reason in the area of hope, humanitarianism or good will. This, of course, assumes that there are no technical disadvantages to the United States in the way the treaty is presently drawn. I believe that there are such deficiencies, and I shall mention them later.

But my objection to the non-proliferation treaty at this time has to do more with the effect it might have on foreign affairs generally. Look at what has happened in the struggle between East and West since we ratified the Test Ban Treaty and presumably took a giant step towards resolving our differences. The Soviet Union has repeatedly demonstrated that, far from reducing or being interested in a reduction of world tensions, it has actively and aggressively promoted such tensions on a worldwide basis. Vietnam is a case in point. The Viet Cong and Hanoi couldn't have kept up the pace at which they are killing American soldiers for six months without the supplies and support sent to them by our partner in the Test Ban Treaty. The Middle East would not today be the tinder box threatening the peace of three continents if it were not for an aggressive policy of Soviet arming of the Arab nations. The Mediterranean would not today be bristling with Soviet naval power, Czechoslovakia would not have been invaded, nor would Rumania and West Germany be threatened.

No, I tell you there can be no case made in fact for the argument that the Soviet Union is mellowing and that we must further that softening process through the ratification of a nuclear non-proliferation treaty. There is reason to believe that ratification of this treaty at this time would in effect place the U.S. stamp of approval on an aggressive and militant move made by Russia to stamp out human freedom. Members of the Senate I believe will have to ask themselves, if they accept a treaty with the Soviet Union in good conscience, whether they don't also ratify Soviet moves in other areas. Do we dignify Soviet policy, in effect, saying that it is honorable enough to sign a treaty with? Do we, in ratifying this treaty, announce to the world that we are ready to forget that the Soviet Union has a long, dishonorable history of broken treaties?

These are serious questions which bear directly on the security of this nation and which the advocates of the non-proliferation treaty would have us skip over in the interest of a word they love to use called "detente." They don't seem to understand that there can be no accommodation, there can be no true detente, so long as the Soviet Union continues to foment aggression and stir up war. A thousand non-proliferation treaties with the Soviet Union will not wipe out actions such as the invasion of Czechoslovakia.

I presume by this time you understand that I am unalterably opposed to Senate ratification of the nuclear non-proliferation treaty at this time.

Now I want to go into some of the technical and practical aspects of this treaty. A close examination of the possible effect leads to the conclusion that a definite possibility exists that if this treaty is ratified, some 100 nonnuclear nations may construe it as giving rise to a commitment of the United States to provide immediate military support in case of a nuclear attack or the threat of a nuclear attack against any such nation. It will be remembered that President Johnson and Secretary McNamara declared in 1966 that nations not seeking nuclear weapons can be sure of our strong support against nuclear blackmail. In addition, during 1968 the United States, the United Kingdom and Russia each issued similar declarations of intent to act immediately through the Security Council of the United Nations to assist any non-nuclear party to the treaty that becomes a victim of nuclear aggression or threat.

Another weakness of the treaty is that it would provide no safeguard which would go into effect simultaneously with the application of the treaty. The safeguards for verification of compliance would not be negotiated nor established until after the treaty enters into force and need not be concluded for two years thereafter.

The inspection phase of the treaty would be entrusted to the International Atomic Energy Agency which has no proven inspection skill. Even if adequate safeguards could be developed, the agency is limited under the treaty to declared nuclear facilities. There is no provision for searching out clandestine facilities. Nor does the treaty impose any penalty or sanction on any nation that violates the treaty.

Another thing the treaty would do would be to surrender our strategic options of placing strictly defensive nuclear devices in the control and custody of our allies. Under this option, our allies both in Europe and Asia conceivably would be able to secure their local defense without immediately triggering the intervention of the United States.

Interestingly enough, the Soviet Union violated the treaty by its invasion of Czechoslovakia while the document was awaiting action in the U.S. Senate. The preamble of the treaty declares that "states must refrain in their international relations from the threat or use of force against the territorial integrity of political independence of any state."

One of the most exhaustive studies of this faulty treaty was prepared by Walter B. Wentz of Claremont Men's College. He raised this interesting point about Article III of the treaty. This is the only article which deals with inspection and control and it applies, Mr. Wentz emphasizes, only to "fissionable" material. He points out that the day is not far off when nuclear explosions will be achieved by direct fusion without the preliminary trigger of fissionable uranium or plutonium.

These are the basic reasons why I plan to oppose this treaty if and when it is brought up for ratification in the U.S. Senate. I believe it contains absolutely no value in the field of deterring the spread of nuclear weapons. I believe it can only place this nation in a false and uncomplimentary light throughout the world if it is adopted.

PERSONNEL PRACTICES OF THE FEDERAL GOVERNMENT

Mr. SPONG. Mr. President, over the years, the Subcommittee on Constitutional Rights of the Committee on the Judiciary and its able chairman, the Senator from North Carolina (Mr. ERVIN), have conducted intensive hearings and investigations into numerous aspects of the personnel practices of the Federal Government. The committee's activities have revealed extensive and often shocking invasions of the rights and privacy of many Federal employees by the Government.

The use of interviews, psychological testing, and lie detectors to pry into the religious beliefs, personal relationships, and sexual attitudes of Government employees has been exposed on the front pages of the Nation's press as a result of the committee's hearings. Also, pressures on Government employees to support political candidates have become well known.

In addition, the Subcommittee on Constitutional Rights has documented the demands made on Federal employees to participate in outside activities unrelated to their work, to make charitable contributions, to buy Government bonds, to disclose personal financial affairs beyond that necessary to satisfy the conflict of interest statutes, and to submit to political indoctrination by their supervisors.

Investigations by the committee have revealed the failure in many cases to allow Federal employees the right to have legal counsel when undergoing interrogations that could jeopardize their employment or lead to disciplinary action.

As a result of the evidence developed by the Committee on the Judiciary proposed legislation was introduced in the last two Congresses which would offer protection to Federal employees in their privacy and the exercise of their constitutional rights. In the 90th Congress this legislation received strong support in the Committee on the Judiciary and the Senate as a whole and was passed by the Senate in September of 1967. It was then referred to the House Post Office and Civil Service Committee, which held hearings on the bill but took no action.

I am pleased to be a cosponsor of legislation which would offer protection to our Federal employees in their dealings with the U.S. Government. It is regrettable that such legislation is necessary, but experience and the evidence show that action must be taken to allow our civil servants the free exercise of their rights and the sanctity of their privacy.

This legislation is substantially the same as that passed by the Senate in the 90th Congress and would prohibit indiscriminate requirements that employees and applicants for Government employment disclose their race, religion, or national origin; attend Government-sponsored meetings and lectures or participate in outside activities or undertakings unrelated to their work; submit to questioning about their religion, personal relationships, or sexual attitudes through interviews, psychological tests, or polygraphs; support political candidates, or attend political meetings.

It would make it illegal to coerce an employee to buy bonds or make charitable contributions; or to require him to disclose his own personal assets, liabilities, or expenditures, or those of any member of his family, unless, in the case of certain specified employees, such items would tend to show a conflict of interest. It would provide a right to have a counsel or other person present if the employee wishes, at an interview which may lead to disciplinary proceedings.

It would accord the right to a civil action in a Federal court for violation or threatened violation of the act, and it would establish a Board of Employees' Rights to receive and conduct hearings on complaints of violation of the act, and to determine and administer remedies and penalties.

There is no need for Congress to delay in enacting this vital legislation. The Senate has passed a substantially similar bill overwhelmingly, and a House committee has held hearings on the Senate-passed bill.

Failure or delay in acting by either the Senate or the House of Representatives is unnecessary and would be a disservice to the millions of Americans in the employ of the Federal Government.

MASS HANGINGS IN IRAQ

Mr. FONG. Mr. President, recent events in the tense Middle East have once again brought the countries in that area to the brink of a hot war. I refer specifically to the public hanging of 15 alleged spies in Iraq before several hundred thousand people last week. That primitive and inhuman display of "justice" was shocking and regrettable.

Mass executions are deplorable under any circumstance. But the barbaric performance staged by the Iraq Government was not only deplorable, it was downright foolhardy. Inflaming the emotions of its populace with such a display of "justice" will not serve the cause of peace in the Middle East.

The mass trials and public executions now taking place in Iraq will only serve to worsen an already dangerous situation. What positive, civilized purpose can be gained from them is incomprehensible. Indeed, they do nothing but inflame the conscience of those who would like to see relations between Israel and the Arab States improve. Provocative and inhuman actions of this kind must be avoided if peace is ever to be found in the Middle East.

Mr. President, despite strong domestic pressure for retaliation, the Government of Israel is to be commended for the degree of physical restraint that it has demonstrated to date. A retaliation by Israel would invite the most serious consequences for all concerned since these senseless acts of terror and violence usually lead to more incidents that serve only to exacerbate the difficulties and passions in that region.

To the leaders of Iraq, I urge you to reconsider and terminate the trials that are now taking place. What you are doing is not contributing to man's quest of peace in the Middle East. The opportunity for reconciliation and understanding must be nurtured, not squelched; the call for tolerance and restraint must be answered, not ignored; and the pleas for mercy and forgiveness must be carried out, not repudiated.

Mr. President, the seriousness of the Middle East problem makes it impossible for any person or country to remain silent or apathetic. We all have a great moral responsibility to show, by our own deeds and the actions of our Government, that we are truly concerned; that we do not approve of mass trials and executions; that we are aware of the great threat that exists in the Middle East; and that we will do everything within our power to arrive at a just and lasting peace in that part of the world.

POWERPLANTS ENDANGER MARINE LIFE

Mr. TYDINGS. Mr. President, the protection and preservation of America's water resources are among our greatest responsibilities.

Powerplants on our Nation's rivers pose grave potential hazards to marine life. The plants, whether nuclear or conventionally powered, replace the naturally cool waters of our rivers with warm water discharges, resulting in thermal pollution.

In its January 20 edition, Sports Illustrated voices the concern of our Nation's fishermen and conservationists over the loss of fish in our waters as a result of thermal pollution. It is a problem that should concern all our citizens.

Mr. President, I ask that the full text of the Sports Illustrated article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NUKES ARE IN HOT WATER

(By Robert H. Boyle)

(NOTE.—Utility companies are going full steam ahead on the construction of nuclear plants, but the threat of thermal pollution may force a cooling-off period.)

What literally may become the "hottest" conservation fight in the history of the U.S. has begun. The fight is over nuclear power plants and the damage they can inflict on the natural environment. The opponents are the Atomic Energy Commission and utilities versus aroused fishermen, sailors, swimmers, homeowners and a growing number of scientists. More than 100 nuclear plants are on the drawing boards, and before the fight (or war, to use a more appropriate term) is over, almost every major lake and river and stretches of Atlantic, Gulf and Pacific coasts are likely to become battlegrounds.

There are several objections to nuclear plants, but the immediate uproar is over thermal pollution caused by hot-water discharges from the plants. In order to compete economically with so-called fossil-fueled plants, which are fired by coal, oil or gas, nuclear plants must be of much larger capacity. Despite their size, they are not as efficient as fossil-fueled plants in utilizing the steam heat produced, and they thus require enormous amounts of water to cool the waste heat. In consequence, the plants are being built next to natural bodies of water, thus assuring a continuous flow. The water is passed through a condenser where it becomes anywhere from 11° to 25° Fahrenheit hotter from absorbing the waste heat, and it is then shot back into the body of water from which it came. A one-million-kilowatt nuclear plant, typical of those being planned, requires 850,000 gallons of water a minute for cooling, and in the course of a day this means that almost 1.2 billion gallons of water will be drawn in, heated and spewed out again. That is quite a lot of water. To give an idea, a nuclear plant only half the size now being built at Vernon, Vt. will use more than half the minimal flow of the Connecticut River. With nuclear plants proliferating, estimates are that by 1980 the power industry will require one-sixth of the total freshwater flow from the entire U.S. landmass for cooling. If one sets aside high spring flows, the industry will be using about one-half the flow during the other three seasons of the year.

Thermal pollution from a single nuclear plant can do all sorts of damage to the receiving waters. For instance, thermal pollution decreases the dissolved oxygen content, increases the toxicity of pollutants, makes water turbid (which prevents adequate sunlight penetration), spurs the growth of noxious blue-green algae (the stink of it literally can peel the paint off nearby houses), increases the metabolic rates of fish and other organisms, changes their behavior or interferes with their reproductive cycles, and often kills them outright.

Every species has its own fatal temperature, and fish which are virtually unable to regulate their body heat, live within relatively narrow temperature spans as compared to man or other mammals. Even if a fish is able to survive in water a few degrees below the lethal temperature, it may not be able to thrive because its functions are impaired. In addition to the dangers posed by the hot-water discharge, there are other problems. Small fish or eggs or other organisms can be sucked up the intake pipe and given a fast trip through a condenser, where they are cooked or battered to death. According to a study by Dr. Joseph A. Mihurksy of the Chesapeake Biological Laboratory, up to 95% of the organisms that passed through a power plant on the Patuxent estuary in Maryland died. A plant near a fish spawning or nursery ground could be deadly. Moreover, in order to keep the pipes and condensers from becoming fouled by barnacles and mussels, plant personnel periodically clean them out with acids, detergents or chemicals such as chlorine. These powerful biocides are then flushed into the receiving waters. In salt or brackish water, heavy metals corroded from the condenser are a problem. Copper concentrations can turn shellfish green and make them unfit for consumption.

Given the nature, threat and extent of thermal pollution, one might expect that the appropriate state or federal agencies concerned with water quality or wildlife would be attempting to cope with the problem by insisting that all nuclear plants be provided with cooling devices (to simplify, a closed-circuit system similar to an automobile radiator would suffice) that would offer no thermal, physical or chemical damage to aquatic life.

But for the most part, this is not the case. The Federal Water Pollution Control Administration in the Department of the Interior cannot even attempt to take any action until after a plant has been built, damage inflicted and a protest mounted. In an effort to remedy this, the FWPCA is now in the midst of a bureaucratic wrangle with the Atomic Energy Commission, which licenses all nuclear plants. The FWPCA wants the AEC to deal with thermal pollution during licensing hearings, but the AEC absolutely refuses to do this on the grounds that it lacks statutory jurisdiction. The AEC maintains that it has jurisdiction over radiological hazards only, and if fish are dying from thermal pollution or if a river or bay is rank from algal blooms caused by hot water, well, it is just too bad, but there is nothing the commission can do. This attitude has seemed unreasonable to many persons, including Senator Edmund Muskie, whose Senate Subcommittee on Air and Water Pollution has held extensive hearings on thermal pollution. But the AEC is a power unto itself and not about to be moved. Indeed, it has been said that although Glenn Seaborg, the chairman of the AEC, won a Nobel Prize in chemistry for finding that the impact of neutrons on uranium produces plutonium, he has yet to discover hot water. Alleged lack of jurisdiction aside, the AEC apparently is not interested in preventing thermal pollution because, in the words of Harold Price, its director of regulations, this "would impose a burden on the nuclear that is not imposed on the conventional power plants."

Since Price's statement, the Federal Power Commission, which has the say-so over fossil-fueled plants, has taken thermal pollution into account, but the AEC attitude remains the same. If the AEC seems strangely solicitous of the financial investment that power companies would have to make (about 5% to 10% of total construction cost) to stop nuclear plants from frying fish or cooking waterways wholesale, it is worth noting that for years the commission has served as a training ground for utility personnel.

The power companies themselves usually refuse to recognize that thermal pollution exists. In fact, the very term thermal pollution is avoided these days by power officials, who use instead more benign terminology, such as "thermal addition" or "thermal enrichment." As McGregor Smith, chairman of the board of the Florida Power & Light Co., which is planning two reactors on Biscayne Bay, told the Muskie subcommittee with some heat (if that is the word): "The term 'thermal pollution' is so misleading and so injurious to the development of nuclear power that, for the good of the country and the public, it should be discarded. A better, more meaningful and fairer term would be 'thermal effect.' "

On other occasions, power officials have denied that thermal effect/addition/enrichment/pollution will defile waterways. This was the case with Melvin D. Engle, chief mechanical engineer for the Pennsylvania Power & Light Company, who wrote an article, *Condensing Water—How Does It Affect the River?,* which appeared in the January 1961 issue of *Mechanical Engineering.* The gist of the article, which dealt with the company's Martins Creek plant, a large, coal-fired plant on the Delaware River, was that "power plants are good neighbors," because a study conducted for the company by the Lehigh University Institute of Research under the direction of Dr. F. J. Trembley revealed "no harmful effects to fish or plant life." A copy of this article was submitted to the Muskie subcommittee last year by Tor Kolflat, a partner in Sargent & Lundy, a Chicago engineering firm which has designed many of the nation's private utility plants, after he testified to substantiate a point about the Delaware. What Kolflat did not produce, as was later made evident by Professor Frank Parker of Vanderbilt University, was another article in the May 1961 issue of *Mechanical Engineering,* by the Lehigh scientists involved in the Martins Creek study. They charged Engle with misstatements that "contradict research findings as reported to the company, or which present 'facts' not established by the research, or which are misleading because of omission or distortion of parts of the data." For instance, Engle wrote there were "no fish kills" from the hot water discharged, but the Lehigh scientists pointed out, "This contradicts the research findings of fish kills in the heated water of the river as well as in the effluent canal, as given in three different progress reports. These reports included direct observations of fish in the river actually seen dying with symptoms known to be associated with heat death."

Given the intransigence of the AEC and the utilities which the commission is supposed to police in the public interest, it is no wonder that opponents of thermal pollution have become angry. One of the fiercest battles has been fought in the northwest, where six nuclear plants are planned for the Columbia River, the first a one-million-kilowatt nuke to be built by Portland General Electric Company at Rainier, Oreg., near the mouth of the river where the fishing is still good. Originally, the Columbia was a surging cold-water river, but in the past 30 years it has become a quiet staircase of dammed warmwater lagoons.

To many fishermen, the nuclear plant at Rainier promised to be the straw that would break the Columbia's back. The Washington State Sportsmen's Council immediately launched a program of resistance to the nuke. Last spring when E. C. Itschner, a vice-president of Portland General Electric, said that the hot water discharged from the nuclear plant would raise the river temperature only three-tenths of 1°, L. H. Mabbott, then president of the council, branded the statement "a fairy tale." Mabbott pointed out that the plant would be on a tidal stretch of the Columbia, and instead of moving down and out the hot water would slosh back and forth, putting a thermal plug near the mouth of the river.

In September, Dr. Richard W. Van Driel, the new president of the Washington State Sportsmen's Council, denounced Portland General Electric for issuing bids for construction of the Rainier plant "without permit or license of any kind or plans for the protection of aquatic resources." Dr. Van Driel noted, "The public has a right to know what the plans are for disposition of the heat from these huge plants before licenses are issued and before financial commitments are made."

Three months ago Portland General Electric announced it would install a cooling system at its Rainier plant. Says Dr. Van Driel: "We're not relaxing one bit. We've still got to be on guard. We won't let the pressure off."

Three thousand miles to the east a savage fight rages over nuclear plants not far from New York City. Despite localized heavy loads of organic pollution, many northeastern rivers and estuaries still support immense stocks of fish. Knock out one or two key estuaries and goodby fish. For instance, the striped bass spawned in the Hudson River eventually spend part of their adult lives on the north Jersey coast down to Barnegat Bay and in Long Island Sound, administered by the states of New York and Connecticut. Thus, nuclear plants on the Hudson, the Jersey shore or on either side of the Sound may imperil bass, the most sought-after fish in the region, and as of now unchecked nukes are in operation or under consideration in all three areas.

The Hudson, the basic source of supply, is the most endangered, and it offers the classic case in nuclear fish kills to prove the point. In the fall of 1962 a relatively tiny nuclear plant (265,000 kilowatts) began operation at Indian Point, a former park, on the river 40 miles above the Battery. This Consolidated Edison Company plant fronts on important grounds for both young stripers hatched upriver and for mature bass that migrate from the coast to spend the winter before spawning in the spring. During the first six months of operation, the Indian Point plant killed tons upon tons of fish.

Although an attorney for Con Ed later admitted to a congressional committee investigating the kill that "the Indian Point thing was bad, there is no question about it," the company was not required to pay any indemnity—the standard fine for a private citizen is $27.50 or more for each fish—and soon applied to the AEC for a license to build a larger plant next door to the first. This plant will be completed next year, and a third one next to the others is scheduled for operation in 1971. When all three units are in operation, they will shoot back 2.1 million gallons of water a minute into the Hudson at a temperature 16.4° hotter than the river. Con Ed also has plans for a fourth unit near Indian Point, and last spring the company announced it was going to put more nukes at unspoiled Montrose Point two miles south of Indian Point. This came as a surprise to the Catholic Kolping Society, which owns a 52-acre estate there and had no idea of selling, even though the Con Ed blueprint called for this land to serve as the heart of the project. It probably also came as a surprise to Chairman Charles Luce, who, only a month earlier, had written a stockholder that Con Ed could not put another nuke on the river, because it would "heat the waters of the Hudson too much." The Kolping Society has since refused offers from Con Ed to pack up and get out, and Con Ed has threatened to institute condemnation proceedings.

Besides Indian and Montrose Points, other nukes are rumored for this stretch of the Hudson, which would boost the total number to eight or nine, easily the greatest single concentration of plants in the world.

When directors of the Hudson River Fishermen's Association met with Con Ed officials last May to point out that hot-water discharges from proposed nuclear plants would violate state standards for tidal saltwater, Arthur Pearson, a senior engineer for Con Ed, said that the utility was going to get the state to classify the lower Hudson as a freshwater stream. This was apparently too much even for state officials, who now are simply trying to rejigger temperature standards to benefit all the utilities.

Long Island Sound is also in for a rash of plants. The United Illuminating Company of Bridgeport has a plant at Millstone Point, Conn. that will begin operation in a year, while the Connecticut Yankee nuke at Haddam Neck, 20 miles up the Connecticut River from the Sound, has been operating since 1967. Last Aug. 8, *The Middletown* (Conn.) *Press* reported that a party of canoeists going down the Connecticut had taken temperatures of 97° near the plant while 1,000 yards upstream the water temperature was only 72°.

The United Illuminating Company plans a huge nuke in Westport, Conn. on wild Cockenoe Island, a short distance offshore from the Westport town beach and the largest public beach in Norwalk. United Illuminating does not even serve the Westport-Norwalk area, and the company was not very illuminating about purchasing the island, keeping its ownership secret for more than a year. Public outcry has induced State Representative Edwin Green of Westport to introduce a bill in the state assembly, which, if passed, will amend the present law and give a town's power of condemnation priority over a utility company's right of eminent domain.

On the other side of the Sound, Long Island Lighting Company is planning two nukes at Shoreham, and the company is also seeking to acquire a site on Lloyd Neck, where a local organization, the Lloyd Harbor Study Group, composed largely of energetic housewives, is ready to do battle. On the western end of the Sound, Con Edison recently acquired David's Island from the city of New Rochelle. Four one-million-kilowatt reactors are to go there with no cooling devices, because, as a Con Ed executive erroneously says, "the water in Long Island Sound is changed daily by tides." The city fathers are immensely proud of the deal because of the tax revenues they claim New Rochelle will reap, but opposition has developed in the form of two new organizations, Citizens for a Second Look and the Long Island Sound Association, which Dom Pirone, who fishes for striped bass in both the Hudson and the Sound, helped to organize. The Long Island Sound Association is not only attempting to coordinate all nuclear opposition on the Sound but has joined forces with the Hudson River Fishermen's Association and other groups outside the area, including the Citizens Committee to Save Cayuga Lake in upstate New York.

The Cayuga Lake fight is interesting because it pits a utility, the New York State Electric and Gas Corporation, not against housewives, however energetic they may be, but against a bristling platoon of Cornell faculty. The controversy started last winter when a local paper reported that the utility company was planning to put a nuke to be called the Bell Station on the east shore of Cayuga, 16 miles north of Ithaca. The Bell Station was to be an 830,000-kilowatt plant, and to cool the condenser, the plant would take in and shoot back 750 million gallons of water a day 25° hotter than the bottom temperature of the lake. Dean Arnold, a research fellow in biology at Cornell, called the company to ask for more information, and he was told, "We are not in the habit of discussing our plans with the public." That was enough to fuel indignation at Cornell.

The Citizens Committee to Save Cayuga was formed and responded in a number of ways. Most importantly perhaps, it had 17 Cornell scientists, led by Dr. A. W. Eipper, prepare a paper to state the case against the plant. The paper, "Thermal Pollution of Cayuga Lake by a Proposed Power Plant," points out that Cayuga, like the other four Finger Lakes, is very deep and cold. From top to bottom, it is stratified into warm and cold layers during the summer and mixes throughout the winter when it turns over. During the turnover, dissolved oxygen in the upper layer is imparted to the colder bottom layer, and the bottom-dwelling species, such as lake trout, are able to live only because of this once-a-year replenishment of oxygen. The Bell nuke, however, would draw cold water from 100 feet below lake level, heat it and then discharge it at the surface. This would be ecologically disastrous to the life forms naturally acclimated to Cayuga. For one, it would upset the oxygen mixing cycle so that the lake trout would be hard put to survive, and for another it probably would turn Cayuga into a floating salad bowl of weeds and algae. In sucking up water from near the bottom, the plant would ingest nutrients that are inert from lack of sunlight. But spewed out and released into the upper layers, these nutrients—nitrates and phosphates—would become active fertilizers for plant growth. Four towns use the lake for drinking water, and blue-green algae, which imparts a disgusting taste to water, could only be eliminated at great cost. If need be, the committee is preparing to go to court to stop the utility from fouling the lake.

Any court case brought in New York State to prevent a utility from thermally polluting waters is likely to prompt the state itself to appear on the side of the polluter. The present state administration is nuclear happy, more so than any other state in the Union. A resident of Washington State who objects to thermal pollution only has to do battle against a weak state water-pollution agency and the AEC, but a New Yorker is forced to fight both the AEC and the State Atomic and Space Development Authority, a newly created bureaucracy that has so much muscle it makes the AEC look like a 97-pound weakling. This authority came into powerful existence last May when Governor Nelson A. Rockefeller, a firm believer in nukes for reasons not yet clear, pushed a bill through the closing session of the state legislature. The governor is an overwhelming figure in the state, not only by virtue of his office, but because he is the major contributor to state election campaigns, and he underwrites individual candidates as well. When Rockefeller says a bill is a must, he gets a quick response. No public hearings were held on the bill; indeed, it was just about impossible for an outsider to find a copy. The bill went through in record time; some legislators have since privately admitted that they did not even bother to read its provisions. Briefly, the bill gives the atomic authority immense powers and specifically charges it with "the maximum development and use of atomic energy. . . ." It is to have enormous sums of money at its command to subsidize both public and private plants. It has the power to condemn any lands in the state. Moreover, the authority is not subject to any of the state public service or conservation laws. In the language of the bill, all such laws are "deemed to be superseded," and should any provision of these laws seem to be in conflict with the authority this provision shall be "deemed to be superseded, modified or repealed as the case may require."

As a result of the power industry's refusal to recognize thermal pollution, a number of persons who were originally willing to live with nuclear power have begun to raise other questions. And with good reason. For instance, David Lilienthal, the first chairman of the AEC, expressed grave reservations in his book, *Change, Hope, and the Bomb,* about the potential hazards posed by nuclear plants. Then there is the Scientists' Institute for Public Information, which has shown serious concern for insufficient safeguards and the emission of pollutants during normal plant operation. SIPI's membership includes some of the most distinguished and respected names in science. The purpose of SIPI, which has its headquarters in Manhattan, is to provide scientific information to the lay citizen who is interested in nuclear energy and environmental contamination. SIPI publishes a magazine, *Scientist and Citizen,* where articles have dealt with the release of various radioactive pollutants such as Krypton 85 and Iodine 131 from nuclear plants, and the effect such emissions may have, say, on the human body. Indeed, the whole frightening problem posed by nuclear plants is succinctly dealt with in a new book, *The Careless Atom,* by Sheldon Novick, associate editor of *Scientist and Citizen.* Last September, several members of SIPI, including Dr. Barry Commoner, director of the Center for the Biology of Natural Systems at Washington University, appeared at a conference at Stratton Mountain, Vt., sponsored by The Conservation Society of Southern Vermont, on the subject of nuclear power and the environment. The Federal Power Commission, the Fish and Wildlife Service and state and local agencies sent representatives to speak at this dispassionate, coolly clinical forum, but the AEC, which had been invited to attend, refused.

All the protests against the nukes have not been without effect on the federal level. Senator Edward Kennedy of Massachusetts plans to reintroduce a bill in the current session of the Senate which would call for a two-year moratorium on nuclear plant construction. During this period, siting studies would be conducted, a thoughtful overall policy made on power requirements and hazards eliminated. Representative Richard Ottinger of New York will introduce a similar measure in the House.

Curiously, the power industry couldn't seem to care less. It's still full steam ahead. A recent article in *Nuclear News,* a trade publication, made a joke out of thermal pollution. A supposed ecologist was quoted as saying, "Who says a shift in wildlife balance is bad? If an accidental 5° rise will kill salmon in the Columbia, why not a 20° rise—on purpose—to create an Amazonlike home for species of greater importance? Angelfish bring far more per pound than salmon. What sportsman would settle for trout when he could catch piranha?"

Quips like this do not prompt laugh-ins by fishermen or other concerned citizens, but it is surprising that in its search for suitable tropical fish to replace salmon *Nuclear News* did not mention the leaf fish (*Monocirrhus polyacanthus*), which will eat only living fish and demands seven meals a day. As the late A. J. Liebling wrote more than 30 years ago after observing the leaf fish in the New York Aquarium, "It has a profile like a public utility executive and an appetite to match."

MANDATORY PRISON TERM FOR COMMISSION OF CRIME OF VIOLENCE WITH PISTOL OR OTHER FIREARM IN DISTRICT OF COLUMBIA

Mr. FANNIN. Mr. President, on January 16, 1969, I introduced S. 327, which would provide a 5-year mandatory prison term for any person using a pistol or other firearm in the commission of a crime of violence in the District of Columbia.

Since introducing the bill, I have been swamped with mail from persons living in the District who support the proposal. I have received particularly enthusiastic support from merchants and others who have been victims of these crimes. I am hopeful that my bill will receive early and favorable consideration.

I ask unanimous consent to have printed in the Record two letters from Mr. Hyman R. Posin describing his experience with "yeggs" in the District of Columbia.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Silver Spring, Md.,
January 29, 1969.

Senator Paul J. Fannin,
Washington, D.C.

Dear Sir: How can I help you with your proposed "Mandatory five year prison term for use of fire arms to commit a crime"?

Sincerely,

Hyman R. Posin.

The Washington Business man who has been: (1) Held up and robbed by four gunmen, (2) Held up and robbed by one gunman, (3) Again held up and robbed by four gunmen, (4) Again held up and robbed by one gunman, (5) Again by four gunmen, kidnapped in Maryland, Forced into the trunk of an automobile, Handcuffed and beaten, Transported to the District of Columbia, Threatened with death, And then forced to open the store safe.

Silver Spring, Md.,
February 1, 1969.

Senator Paul J. Fannin,
Washington, D.C.

Dear Sir: Only last Wednesday, I sent you a letter asking how I could help you with your proposed "Mandatory five year prison term for use of fire arms to commit a crime"?

Today I was robbed again by two armed hold-up men who were immediately captured.

As a fellow Republican, I am asking if you can help me in any way to have just punishment dealt to these two men.

Sincerely,

Hyman R. Posin.

BUGGING UNLIMITED

Mr. EAGLETON. Mr. President, Congress last year passed the Omnibus Crime Control and Safe Streets Act, title III of which dealt with electronic eavesdropping, otherwise and colloquially called bugging.

A case can be made for the limited and judicially controlled use of bugging in national security cases. If we could agree on just what is or is not organized crime, a defensible argument might be espoused for limited and judicially controlled eavesdropping even in organized crime cases. However, title III of the Omnibus Crime Control and Safe Streets Act went far beyond these limits—dangerously far beyond, in my judgment. The 48-hour roving right to bug is to me especially disturbing.

Mr. President, the ultimate danger of such broad, uncontrolled eavesdropping power may not become apparent for many years. I simply caution that in enacting the broad and sweeping provisions of title III, Congress may have created a greater potential evil than it expects to cure.

Mr. President, I ask unanimous consent that two articles, one published in the January 29, 1969, edition of the St. Louis Post-Dispatch, which itself was a reprint of an article appearing earlier in the New York Times, and the other being a January 17, 1969, editorial in the Washington Post, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the St. Louis (Mo.) Post-Dispatch, Jan. 29, 1969]

ON TOWARD SNOOPING: WITH NEW ADMINISTRATION LEADING, STATES MAY TURN MORE TO ELECTRONIC SURVEILLANCE

(By Fred P. Graham in the New York Times)

Sometime within the next few weeks a federal agent will slip quietly into the chambers of a federal judge, show him a few affidavits, and leave with a historic document in his possession.

It will be a warrant authorizing the Government to tap the telephone or "bug" the premises of a United States citizen suspected of being a criminal, and it will be the first paper ever issued by a federal judge for this purpose.

This prospect became a reality when John N. Mitchell, President Nixon's Attorney General, told the Senate Judiciary Committee at his confirmation hearing that the new Administration will use court-approved electronic surveillance in its efforts to curb crime.

The statement was hardly a surprise, since Mr. Nixon during the presidential campaign criticized the Johnson Administration's refusal to make full use of the wiretap power voted by Congress last June. Yet when the official word came that the power will soon be used, it suddenly drove home the realization that, as Senator Hiram Fong put it, the nation had embarked on "a new road."

For President Johnson's refusal to use the new wiretap power, except in national security cases—on the ground that it could produce "a nation of snoopers"—had obscured the sharp turn that Congress took when it passed the wiretap law.

First, it made eavesdrop evidence admissible in federal court for the first time, after decades in which wiretapping had been a federal crime and evidence gathered by most types of electronic surveillance had been barred from court.

Second, after a 25-year official policy that allowed eavesdropping only in national security investigations (which was not always faithfully observed), the new law authorizes federal agents to use it to gather evidence of a broad spectrum of crimes, ranging down to relatively unimportant gambling, bribery and embezzlement cases.

Before a listening device is installed an agent is required to obtain from a judge a warrant similar to a search warrant. These will be valid for 30 days, renewable indefinitely.

But the warrant requirement may prove a flimsy safeguard. Agents can go "judge shopping" to find the most amenable judge, and the law contains a potential loophole, already tagged "the 48-hour fishing expedition" by some lawyers. This permits officials to eavesdrop without a warrant in "emergency" situations, so long as a warrant is applied for within 48 hours.

Judges are supposed to notify the subject of the eavesdropping within 90 days after the device is disconnected, but again there is a potential loophole—the notice can be postponed at the government's behest.

Congress passed the wiretap law only after the Supreme Court dropped a pointed hint in a 1967 decision that court-approved eavesdropping under proper safeguards would be constitutional. In view of the freewheeling law that resulted, some lawyers expect it to encounter heavy weather in the courts.

This broad new grant of elbow room to governmental eavesdroppers could generate a "Big Brother" hysteria, but there are indications that in fact the Nixon Administration will use the power sparingly. At the hearing Mr. Mitchell came across as a deliberate, sure-footed type who would consider moderation in the defense of liberty no vice, and he stressed that the law would be used "carefully and effectively."

Also, Mr. Nixon's top congressional advisers on crime are known to have advised him to go slow, especially with the use of "bugs," hidden microphones that have turned up in such sensitive spots as in suspects' bedrooms.

But since many Mafia types have long since learned to avoid telephones when planning mischief, pressure may build up for wider use of the almost undetectable "bugs."

Some lawyers believe, though, that by the time that the public realizes that "Big Brother" in Washington is indeed not listening, "Little Brother" at the local police station may be tuned in on everything in town.

They feel that the greatest threat to privacy may not be the new federal eavesdropping authority, but rather the fact that the law also gave local police even wider powers, if their state legislatures adopt laws patterned after the U.S. statute.

Some experts think a wave of enactments will occur as the legislatures meet this spring—partially as an unintended result of exertions by the country's two most dedicated opponents of police wiretapping, President Johnson and Attorney General Ramsey Clark.

Dut to Mr. Johnson's crime program, local police forces are receiving federal funds that could be used to buy expensive electronic gear. At Mr. Clark's urging, many states have formed state crime commissions that are now casting about for anticrime ideas to recommend to their legislatures.

As a result, police across the country may soon be offered wiretapping as a newly legalized crime-fighting device, and they may not use it as responsibly as the Federal Government is expected to do.

[From the Washington (D.C.) Post,
Jan. 17, 1969]

TAP, TAP, TAP

The Attorney General-elect has now made it plain that he intends to protect us from crime even if he has to creep electronically into our homes and offices to do so. He has, of course, plenty of legislative authorization for this assault on rights of privacy long cherished by Americans; the omnibus, or ominous, crime bill says that he may tap telephones or bug private places wherever he thinks crime be under contemplation—and never mind what the Constitution may say to the contrary. There is, of course, nothing novel or surprising in this approach to the crime problem by Mr. Mitchell. President-elect Nixon has long let it be known that he warmly approves of electronic surveillance.

A few words of caution may be in order for those who assume that this callousness about privacy will bring about the sudden death of crime on January 20. Robbers, rapists, purse snatchers, muggers, footpads and hoodlums rarely plot their assaults by telephone or in quarters where electronic bugs can be concealed. Consequently, the conversations monitored by the eavesdroppers may provide a certain amount of wry amusement to leaven the tedium of police station life; but they are unlikely to diminish the crime in the streets about which we all talk so much in private and in public.

This monitoring may, however, diminish the criticism of policemen and of Attorneys General which is so common, and indeed so healthy, a part of American conversation. No one knows, of course, how many telephones Mr. Mitchell may tap, how many homes he may bug. He intends, he says, to use the new power "carefully and effectively." There's the beauty of it, you see. No one will know when his conversation is being overheard by the Attorney General. It's like a random audit of income tax returns; it keeps everybody cautious. Does that add to your sense of security?

CONFIRMATION OF NOMINATIONS OF JOHN H. CHAFEE AS SECRETARY OF THE NAVY AND OF ROBERT C. SEAMANS, JR., AS SECRETARY OF THE AIR FORCE

Mr. PERCY. Mr. President, I regret that I was in Illinois and, therefore, not able to be in the Chamber on Wednesday of last week, when the Senate confirmed the nominations of the Honorable John H. Chafee to be Secretary of the Navy, and the Honorable Robert Seamans to be the Secretary of the Air Force. I take this opportunity to congratulate the Nixon administration on these fine nominations and to congratulate the distinguished gentlemen on their appointments to these high national offices.

Mr. President, John Chafee's splendid career of public service to date most recently culminated in his three-term service as Governor of the State of Rhode Island. In this office, he has been a great credit to the Republican Party, but, more important, he has been an outstanding example of the wisdom of the people in selecting their elected leadership.

Behind this impressive public service lies a career which has aptly trained him for his present post and uniquely qualified him for service as Secretary of the Navy. As the hearing record indicates, he served in the Marines as an officer—in both World War II and the Korean war. He is an attorney, and served as a member of the House of Representatives of Rhode Island prior to his three terms as Governor.

As Governor, John Chafee's administration was a progressive one. Advances in the areas of public health, education, conservation, urban transportation, and fair housing reflect his sensitive and energetic approach to the problems of our increasingly complex society.

In short John Chafee's record imminently qualifies him for this high Federal post. I am confident that all Senators who have the opportunity to know and work with him will come to appreciate and admire him, as I have.

Robert Seamans is no stranger to Congress. As part of the management team of NASA over the past 7 years, he has distinguished himself as a technician, as an administrator, and as an effective and candid advisor to the Congress on space matters. I had an opportunity to work with him as a member of the Committee on Aeronautical and Space Sciences during the 90th Congress. I valued his counsel and admired his dedication throughout that period.

Those of us who regretted his departure from Washington last year to take a position at MIT have been greatly cheered by his rapid return. I know it is at some personal sacrifice on his and his family's part that he interrupts an orderly transition to the private sector to serve in this administration as Secretary of the Air Force. I know a great number of Senators join me in applauding his decision to return and in wishing him well as he undertakes his new duties.

Mr. President, in these two appointments, and in the continuation of Stanley Resor as Secretary of the Army, the Nixon administration has provided a superb balance in service secretaries to accompany the outstanding appointments of Defense Secretary Laird and Under Secretary Packard. The administration will meet the challenges of the years ahead with the best possible men in this critical sector of our national life.

FEDERAL HIGHWAY ADMINISTRATION PUBLISHES REPRESENTATIVE EQUAL EMPLOYMENT OPPORTUNITY PROGRAM PREQUALIFICATION STATEMENTS

Mr. RANDOLPH. Mr. President, last week I presented in this forum a statement in the nature of an interim report on the activities of the Subcommittee on Roads of the Committee on Public Works in the field of equal employment opportunity programs in Federal-aid highway construction.

Subsequently, the Federal Highway Administration published FHWA Notice No. 26–50, January 29, 1969, and a group of representative contractor statements which had been approved as prequalification declarations.

Deputy FHWA Administrator John R. Jamieson expressed the view that those already-approved prequalification statements should help other contractors in the preparation of required equal employment opportunity compliance plans which they could reasonably expect would meet the requirements established by Federal Highway Administration Interim Order No. 7–2.

It is gratifying that the samples have been made available for distribution and republication. This was done as a resure of a request made to the Federal Highway Administrator by our Committee on Public Works during the course of the hearings by the Subcommittee on Roads. The FHWA response will enable those in the field charged with the responsibility of reviewing contractor EEO submissions to determine their adequacy with greater ease and with more uniformity.

Publication of these samples will help reduce the confusion which followed the initial agency order establishing the EEO program obligation of individual contractors. And we hope this will facilitate the expeditious development of a procedural memorandum which might mitigate the administrative complications brought to light during our hearings.

The Subcommittee on Roads of the Committee on Public Works will meet in executive session on Tuesday, February 18, to discuss and begin the formulation of its report and recommendations on the equal employment opportunity program in Federal-aid highway construction.

Mr. President, I ask unanimous consent to have printed in the RECORD the representative samples of prequalification contractor statements which have been approved by FHWA.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Subject: Representative prequalification statements.

U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION,

January 28, 1969.

Attached hereto for the guidance of FHWA field personnel, State highway departments, and Federal-aid contractors and subcontractors, are copies of six representative prequalification statements which have been approved in various regions. Since equal employment opportunity problems vary from State to State, and since program procedures vary from contractor to contractor, the attached prequalification statements will not necessarily be acceptable in every State and will not be compatible with the organizational structure of every contractor or subcontractor.

These prequalification statements should not be considered as model statements which are believed to be completely sufficient to guide any contractor or subcontractor in the preparation of his prequalification statement in a completely adequate and satisfactory manner. Several of the attached statements were approved by regional administrators with the understanding that improvements in designated sections thereof would be made by the contractor or subcontractor at the time of requalification, in most instances one year following the date of original prequalification under FHWA Interim Order 7–2.

Contractors and subcontractors who prepare their prequalification statements following the attachments hereto, and in coordination with the requirements and criteria set forth in Attachment 4 to FHWA Interim Order 7–2, should be reasonably certain that their statements will be acceptable, subject of course, to specific requirements established in consideration of the particular equal employment opportunity problems encountered in the State in which prequalification is requested, and the size and organizational structure of the contractor or subcontractor.

JOHN R. JAMIESON,
Deputy Federal Highway Administrator.

Company A—Equal Employment Opportunity Prequalification Statement Pursuant to FHWA Order Inter 7–2

CONTRACTOR—COMPANY A ADDRESS

1. General

The officials and the appointed Equal Employment Opportunity Officer for this Company have read all of Part I, General, of the Guidelines for Equal Employment Opportunity Prequalification Statement and Affirmative Action Program which was submitted to all Prospective Federal-Aid Contractors and Sub-Contractors by the State Highway Department.

2. Equal opportunity policy

The employment policies and practices of Company A are to recruit and hire applicants without regard to race, color, religion, creed, sex or national origin. This applies to all matters relating to hiring, promotion, transfer, or termination of our employees and covers all salaried and hourly paid positions in the office and the field and all hourly paid jobs within the respective trades.

It is also the policy of this company to cooperate to the fullest extent with the applicable regulations of the Civil Rights Act of 1964 and Executive Order No. 11246. It is intended that all officials and employees of this company be informed of this statement of policy and that this policy shall be applied to every phase of employee recruitment, including employment agencies and advertising.

This has been the policy of Company A since (Date), when the Board of Directors passed and directed implementation of an Equal Employment Opportunity Policy. This policy was amended (Date), to provide for affirmative action (See Exhibit No. 1).

The Company has in the past, and intends to continue in the future, its leadership within the community with respect to full employment of the capabilities and productivity of all citizens without regard to race, religion, creed, color, sex or national origin.

The Company also recognizes that implementation of the above policy is required and necessary and therefore, has in the past and will continue in the future, to promote and undertake a program of affirmative action to make known that equal employment opportunities are available on the basis of individual merit and to encourage all persons who seek employment with the Company to strive for advancement on this basis.

3. Equal employment opportunity officer

Mr. Doe, President, is the Company's Equal Employment Opportunity Officer. He will coordinate and promote the equal employment opportunity program through the efforts of Department Heads, Supervisors, Foremen and top management.

He shall regularly require the assistance of top management, Department Heads, Supervisors and Foremen to assist him in correcting deficiencies and to keep the Company's affirmative action program effective and up-to-date.

Mr. Doe will be the central point of contact within the Company for all Equal Employment Opportunity matters. If you have questions, problems, or complaints regarding our program, Mr. Doe may be reached during office hours at: (Address and telephone number).

Qualifications of Equal Opportunity Officer

Mr. Doe's qualifications for the Equal Opportunity Officer include:

1. President and Director of Company A, a leading highway contractor throughout the southeast.

2. Served as Equal Employment Opportunity Officer of the Asphalt Division of Company A, since (DATE). Has an active interest in and development of policies and practices to promote Equal Employment Opportunities within the Company over the past several years.

3. An active member of the State Branch of Associated General Contractors.

4. Past National Director of the "X" Association.

5. President of the "X" Association.

6. Former U.S. Marine Corps Officer.

7. Former principal of the offshore construction firm, employing foreign nationals.

8. Committee member (2 years) and chairman (2 years) of "X" Association, whose purpose is the training and upgrading of construction workers.

9. Chairman of the top management committee of the City Industrial Management Club whose purpose is to educate and upgrade employees of member organizations.

10. Member of the American Society of Training Directors (5 years).

11. Church member in the "X" Church, (Address).

4. Company Personnel Staff

The Company has in the past, and will continue in the future, to take appropriate steps to insure that all employees are advised of the Company's Equal Employment Opportunity policy through:

a. Distribution of the Company's policy statement to all employees.

b. Employees are periodically advised of the Company's policy through company meetings and employee meetings.

c. Utilizing communication media, including discussions, bulletin boards and employee handbooks to orient new employees. (See Exhibit No. 2 for bulletin board material now in use.)

The Company has in the past, and will continue in the future, to take affirmative action to educate all levels of management, including those engaged in recruiting, training and other personnel activities, with respect to their responsibilities under the Company's Equal Employment Opportunity policy and its Affirmative Action Programs. This will be done by:

d. Establishing policies consistent with and procedures to implement the Company's Affirmative Action Program with respect to Equal Employment Opportunity.

e. Requiring that these policies and procedures be followed in detail.

f. Educating all management, supervisory and clerical personnel concerned with these policies and, through personal attendance at meetings with the Equal Employment Opportunity Officer, emphasize the importance of the policies and procedures governing the Company's Affirmative Action Program.

5. Employment policy

a. We agree that if our company falls within the category of having within the past 12 months performed a Federal-aid construction project pursuant to the requirements of a previously approved Prequalification Statement in compliance with the Civil Rights Act of 1964, Executive Order 11246 and Federal Highway Act Interim Order 7–2, we will maintain and submit, as required, a summary of our Equal Employment Opportunity Program during this period based on our records maintained with respect to Section 10(a) of this Prequalification Statement.

b. We attach, as a supplement to our Prequalification Statement, a breakdown of our current work force showing the extent of minority representation. (See Exhibit Nos. 3 & 4). This breakdown shows (1) all classifications of employees on the contractor's work force, (2) the total number of employees in each classification, and (3) the number of minority group members currently employed in each classification. Exhibit No. 3 shows Office Employment Statistics. Exhibit No. 4 shows the Construction and Plant Site Work Classification Statistics in the seven southeastern States of Alabama, Georgia, Florida, Mississippi, North Carolina, South Carolina, and Tennessee.

c. We give assurance that all advertisement (when advertisement is necessary) for employees contains the notation, "An Equal Opportunity Employer", and that all such advertisements will be inserted in newspapers having a large circulation among minority groups in the area from which the project work force would normally be hired. This will include advertisement in all newspapers listed in the "Advertisement for Bids", as well as other newspapers suggested or recommended to the Company by minority group employees of the Company and/or local minority group community leaders.

d. We have and will continue to make our Equal Employment Opportunity Policy known to our employees, prospective employees, and potential sources of employees, i.e. Schools, Employment Agencies, Minority Community Groups, College Placement Officers, etc.

These people, groups and agencies will be contacted by responsible management members under the coordination of the Equal Employment Opportunity Officer in person where practicable, or by telephone. To ensure a record of the Company's policy, these contacts will be confirmed by letter to all schools, employment agencies, college placement agencies, etc., contacted to further establish this Company's intent to promote to comply with our Equal Employment Opportunity Policy. (See Exhibit No. 1, page 6; Exhibit Nos. 5 & 6).

e. It is understood that we will conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minority group applicants including but not limited to Schools, Colleges, and minority group organizations. This will be done through personal contact by officers, management, supervisory, clerical employees and by minority group hourly paid employees as well as through the use of letters, notices, etc., to sources of minority group employees. We agree that we will establish and utilize methods of identifying those sources of minority group employees in any given area of construction by consulting with minority group community leaders and appropriate governmental organizations.

f. We state that we have, and agree we will continue through personal contact by all management and supervisory personnel, to encourage our present employees to refer minority group applicants, among others, to us for interview. Many of our present employees have been recruited by this method, As partial evidence of our intent and policy, we submit a copy of our policy on Temporary Summer Jobs. (See Exhibit No. 7).

g. We assure you that wages, working conditions and employee benefits are determined and administered on a non-discriminatory basis. This is done through our previously established policy covering Wage and Salary Administration. In addition, copies of our policies covering Change of Rate or Classification, Informal Leave, Lay-off Subsidy, Sick Leave and Temporary Summer Jobs are attached. (See Exhibit Nos. 7, 8, 9, 10 11 & 12).

h. We assure that we will guard against discrimination with regard to upgrading, promotions, transfer, demotions, lay-offs and termination of employment by requiring advance clearance with the Equal Employment Opportunity Officer on all forms governing these actions with the exceptions of termination for work rules violations. (See Exhibit Nos. 8, 9, 13, 14, & 15).

Equal Employment Opportunity Employer Information Report EEO–1 (Standard Form 100) has been prepared by this Company and filed with the Joint Reporting Committee, Federal Depot, 1201 East 10th Street, Jeffersonville, Indiana 47130. Date Submitted:———

6. We agree to make full use of training programs, particularly on-the-job training, as appropriate, to assist in locating, qualifying and increasing the skills of minority employees, among others.

Our present program is an informal on-the-job training program under the direction of a long-time minority group employee of the Company, reporting to one of the Company's managers. Results of this program have been particularly gratifying in that many of our minority group employees have attained increased skills which have enabled them to achieve promotions, wage and salary increases and increased responsibilities, leading in some cases to management positions. A summary of our employment records showing promotions and wage increases among all minority group employees is shown in Exhibit No. 16.

We propose to formalize our On-the-Job program by reducing job training requirements to writing and educating all supervisory levels in the use of the formalized program. This project is now underway, and we expect it to be completed by the start of our 1969 construction season. Our program will be compatible with and we intend to participate actively in the American Road Builders Association sponsored Southeastern On-the-Job Training Program once it becomes operational.

7. This Company is non-union, and although some of our employees carry union cards, we seek to bid and perform only non-union work.

8. Subcontracts

a. We agree to solicit the employment of qualified and bondable minority group Subcontractors and qualified bondable Subcontractors with minority group representation among their employees. This will be done by soliciting Subcontractor bids from all qualified Subcontractors, but with emphasis on those in the minority group or with minority group representation among their employees. Bids are awarded solely on the basis of the lowest responsible bid received.

b. (1) We agree that we will not award any Sub-contract equal to or in the excess of $500,000 until (a) The Sub-contractor has submitted a Prequalification Statement pursuant to the approved GUIDELINES, (b) the Statement has been approved by the State Highway Department and concurred in by the Bureau of Public Roads and the Federal Highway Administration, and (c) the Subcontractors approved Prequalifications Statement has been incorporated into the Subcontract (by reference) as a contractual obligation of the Sub-contract.

(2) We agree that we will offer every assistance to prospective Sub-contractors to become prequalified relative to the Equal Employment Opportunity Program. Provisions will be made whereby Sub-contractors performing work less than $500,000 may adopt our Equal Employment Opportunity Program.

c. We agree to accept the responsibility to assure the Sub-contractor's compliance with the Equal Employment Opportunity provisions of the Subcontract, including the Subcontractor's Prequalification Statement.

All Sub-contractors performing work of $500,000 or larger will be required to certify that they are prequalified before a sub-contract is awarded. We will aid them in becoming prequalified, if this is necessary.

All Sub-contractors performing work under $500,000 are and have been required to execute and return a letter (see Exhibit No. 17) stating their concurrence with our Equal Employment Opportunity Policy before the sub-contract is signed by our Company. It has been and will be our policy that no subcontracts are entered into unless this letter is affirmatively acknowledged and returned.

All Sub-contractors may be requested to submit compliance reports to this Company and to permit periodic inspection and reviews with respect to compliance to this Company's Equal Employment Opportunity Program.

9. Program monitoring

We agree that we will monitor our Equal Employment Opportunity Program and that of our Sub-contractors, to assure compliance therewith and to effect changes therein, with the State Highway Department, the Bureau of Public Roads, and the Federal Highway Administration approval, which will increase the possibilities of achieving practical results.

This monitoring program will take the form of periodic overall surveys of our program and our Sub-contractor's programs. These surveys will be performed by the Equal Employment Opportunity Officer or his appointees from responsible members of management. A review committee may be appointed, including employees of the Company or members of outside local minority groups, employment agencies, or contractor associations, to assist the reviewing officer with his compliance review. The survey findings will be reviewed at periodic progress meetings conducted by the project manager. The minutes of these progress meetings will be retained in the permanent records.

10. Records and reports

a. We agree to keep such records as are necessary to determine compliance with, and progress under, our Equal Employment Opportunity Program.

We agree to keep records designed to indicate the following:

(1) The number of minority group members employed in each work classification during every payroll period of contract performance.

(2) To the extent permissible under the State law, the name and address of each minority group applicant for employment who was not hired and the reasons therefor.

(3) The progress being made in locating, hiring, training, qualifying, and upgrading minority group employees, among others.

(4) The progress being made in securing the services of minority group Sub-contractors.

(5) The general progress being made by each Subcontractor regularly used by the contractor, under such Sub-contractor's Equal Employment Opportunity Program.

We agree that all such records will be retained for a period of three years following completion of the contract work. We agree that all such records shall be available at reasonable times for inspection by authorized representatives of the State Highway Department, the Bureau of Public Roads and the Federal Highway Administration.

b. We agree to submit to the State Highway Department a monthly report for the first three months after the construction begins, and thereafter upon request for the duration of the project, said report indicating the total number of employees engaged in each work classification required by the contract work, and the number of minority group employees currently engaged in each work classification required by the contract work.

Submitted by: Company A ———, address ———.

COMPANY B—AFFIRMATIVE ACTION PROGRAM

SECTION 1. GENERAL

Company B recognizes and accepts the responsibility of effecting equal employment opportunity in all aspects of employment practices, and the further responsibilities of correcting any or all discriminatory practices and conditions presently existing. In order to augment the program, we will provide increased employment opportunities for qualified minority group members, and provide opportunities for minority group members to become qualified for employment and for advancement within our organization. (Attachment No. 1)

SECTION 2. EQUAL EMPLOYMENT OPPORTUNITY OFFICER

Mr. Doe, Vice President-Administration, has been designated as our Company Equal Employment Opportunity Officer. He is a graduate engineer, experienced in Construction for 30 years, of which approximately 40 percent has been spent in management at varying levels of responsibility and in direct contact with, and supervision of, hourly and annual personnel. Presently his responsibilities include: Company administrative details; recruitment and employment of technical personnel; chairing the Personnel Committee, and the Methods and Safety Committee. Attachments Nos. 2 and 3)

SECTION 3. COMPANY PERSONNEL STAFF

All members of our staff who are authorized to hire, promote, or discharge employees are fully aware of, and are committed to, our Affirmative Action Program. They have been fully oriented in the Affirmative Action Program both by reading and by verbal indoctrination. As seminars and workshops on the Affirmative Action Programs become available, from either public or private sources, they will be further indoctrinated by their required attendance at said seminars or workshops. Scheduled reviews of their effectiveness will be made by the EEO Officer in routine visits to the projects under construction. (Attachments Nos. 4 and 5)

SECTION 4. EMPLOYMENT

(a) Upon request, we will summarize and submit the results of our Equal Employment Opportunity Program from records we have kept during performance of a previously held Federal-Aid highway construction contract during the past 12 months (should such contract have been held).

(b) We agree to submit, on request, a breakdown of our current work force to indicate the extent of minority representation. The breakdown will show the work classifications, total employed in these classifications, and the number of minority group members employed in each classification. This report, when submitted, will be based on a continuous 2-week period during the 60-day period preceding filing.

(c) To further assist in securing a greater percentage of minority group employees in the construction organization, the Program will provide advertisements in newspapers which are circulated among the minority groups in the area from which the project work force would normally be derived. Such ads will contain the notation that our Company is an Equal Opportunity Employer, and will be placed in newspapers indicated in the advertisement for bids, as well as in any unlisted publications likely to reach all segments of the minority group population.

(d) In order to acquaint our employees and prospective employees with our Affirmative Action Program, we will contact them by using letters, notices, bulletin board posters, and in the case of our presently employed personnel, an oral presentation at the Weekly Toolbox Meetings, the daily and week-end Work Conferences, and the Safety presentations. Employment agencies and unions within the work area will be oriented by correspondence from, and personal meetings with, the hiring personnel on the project involved. (Attachments Nos. 6, 7 and 8)

(e) Schools and project placement officers are oriented through correspondence and by personal conversation with the recruiting personnel as to our interest in the Affirmative Action Program, and our recruiting literature, application forms, and advertisements, carry the information that we recruit and hire employees without discrimination because of race, color, religion, sex or national origin, and treat them equally with respect to compensation and opportunities for advancement, including upgrading, promotion, and transfer. (Attachments Nos. 9 and 10)

(f) We will continue to encourage our present employees to refer any minority group applicants that they reach to us for employment. This encouragement is given our personnel at the time of employment, and is repeated by supervisory personnel on every occasion of meetings. In addition, Company bulletin boards, and bulletin boards in crew shacks are also posted with literature indicating our desire to recruit from minority group acquaintances of our present employees.

(g) Promotions, benefits, and working conditions within the Company are determined and administered by a Personnel Committee comprised of the Executive Vice President, the Division Managers, and the EEO Officer, all of whom are Vice Presidents. Reviews of wage rates, benefits and promotions, are conducted on a minimum of 6-month levels, and during the review the present wage rates, working conditions, and promotional opportunities are discussed. The basis of discussion is an appraisal sheet which is completed by the construction Project Managers, and reviewed with the employee prior to submittal to the Personnel Committee for further review and any revisions or adjustments as may be required. The basis of promotion and wage increases is entirely nondiscriminatory, and is based solely upon the man's record of performance, and upon the potential that he indicates for further responsibility.

(h) Each request for personnel procurement by a project will be circulated to the EEO Staff to insure that every opportunity of employment for minority group members is met, and that discrimination is not practiced in regard to promotions, transfers, upgradings, demotions, layoffs, or terminations of employment.

SECTION 5. APPRENTICESHIP AND TRAINING

We take every advantage of preapprenticeship, apprenticeship, and on-the-job training in assisting the qualification to increase the skills of minority employees. All employees upon hire receive an indoctrination talk by the Safety Officer and by the Project Manager or his assigned representative in the skills and practices required in the performance of the job for which they are hired. When they are assigned to a work crew, the crew foreman further orients and instructs them in the safe and proper methods of performing their work, outlines the work requirement, and gives any assistance and/or training to the new hire, as required by his background and experience. We cooperate with Road Building Associations in sponsorship and encouragement of personnel to attend training sessions to improve their kills, and thus qualify for a higher paid job. Our construction project payrolls absorb as many journeyman helpers as the construction schedule will permit. These helpers are assisted and trained in every way to improve their status to a journeyman's rank.

SECTION 6. UNIONS

We request of unions upon whom we call for employees that as many minority group individuals on their work lists as possible be assigned to our projects. We encourage the unions to enroll more minority group personnel into their apprenticeship programs. Since we are union contractors, we have contracts with the unions to furnish the required personnel. At our meetings with the union representatives on the jobs, we question their ability to furnish us with the apprenticeship program people and work closely with them to assist minority group employees to qualify for union membership. At our preconstruction meetings with the unions, we assure them that we are Equal Opportunity Employers and require that their programs, insofar as possible, permit us to hire other than nonunion members when minority group members are not available. (Attachment No. 11)

SECTION 7. SUBCONTRACTS

(a) Our Purchasing Department will solicit quotations for work from minority group subcontractors, or from subcontractors whom we are aware have minority group representation among their employees. In order to insure circulation of subcontracting opportunities to minority group subcontractors, we will establish lists of minority group subcontractors and of subcontractors with minority representation by working with ethnic groups and minority leadership to establish the identity of such subcontractors. Once these identities are learned, they are placed on our regular contact lists for specialty subcontracting work, and are circulated with regularity with all prebidding subcontract proposals. We will work with ethnic and minority group leaders and agencies in an effort to not only locate such subcontracts but also to assist these subcontractors in prequalifying for employment as a subcontractor on Federal-aid work. Such assistance will consist of education on the methods of securing leads to Federal-aid subcontracting possibilities, and assistance in preparation of bids or negotiation to receive Federal-aid subcontract work.

(b) We will not award subcontracts in excess of $500,000, to a subcontractor until his prequalification has been submitted and approved by the State Highway Department concerned, and concurred in by the Federal Highway Administration. All subcontracts written by us for performance will incorporate the approved prequalification into the subcontractual agreement. If the subcontractor should desire, he may use our prequalification agreement with any adaptation required to formulate his own prequalification. In order to assure prequalification of the minority group subcontractor, we will assist him in presenting and processing his prequalification statement with the Highway Department.

(c) It will be our responsibility to assure compliance by the subcontractor with the Equal Employment Opportunity provisions in the subcontract, as included in his prequalification statement. This will be done by periodic reviews and inspections of his payrolls and his work areas to assure compliance, and by insistence on the subcontractor's responsibility to submit compliance reports. We will verify the qualification of the subcontractor's personnel who are assigned supervisory functions in connection with Equal Employment Opportunity programs, and in his hiring and firing procedures.

SECTION 8. PROGRAM MONITORING

In order to assure compliance with the program, and to make any changes required to increase the possibilities of achieving practical results, a committee composed of the EEO Officer or his representative, the Project Manager or his representative, and a representative of the Contractors' Association, if available, will meet at monthly intervals at the start of the project for a period of up to 6 months. After the start-up period, the committee will meet at periods of 60 days or 90 days, as the conditions indicate. The State Highway and Federal Highway Administration are invited to assist in the committee reviews. The decision of the committee as to the effectiveness of the program will determine revisions or increased efforts to achieve the success of the program as required.

SECTION 9. RECORDS AND REPORTS

(a) Records will be kept by job personnel on a running basis to indicate the number of minority group members employed in each classification during every period. They will also keep a running record of the name and address of each minority group applicant for employment who was not hired, and why, to the extent that State laws will permit. Minutes of the meetings of the Program Monitoring Committee will be kept on file and available for inspection by State Highway and Federal Highway representatives as desired.

(b) Records will be kept of all minority group personnel undergoing preapprenticeship, or on-the-job training, as to their progress in qualifying for advances in types of work, responsibilities, and pay; as well as records which will indicate the cooperation of the unions in assisting the contractor in securing the services of minority group personnel.

(c) The Purchasing Department will keep a progress record of results in securing the services of minority group subcontractors. These records will include the names and addresses of subcontractors contacted, the results of the contact, and reason why the subcontractor was not qualified to perform on the contract if applicable. These records will also indicate the progress made by subcontractors who are awarded subcontracts on a time basis similar to the meetings of the Program Monitoring Committee and will record the progress of each minority group subcontractor in performance of employment of minority groups under the subcontractor's EEO Program.

(d) All records will be retained for a period of 3 years following the completion of the contract, and such records will be made available and accessible to inspection by representatives of the State or Federal Highway Administration. A report will be submitted monthly for the first 3 months after construction begins, and thereafter on request, indicating the number of employees engaged in each work classification required by the contract work, and the number of minority group employees currently engaged in each work classification, to the extent permissible under State law. (Attachments Nos. 12 and 13)

COMPANY C—EQUAL EMPLOYMENT OPPORTUNITY PREQUALIFICATION STATEMENT AND AFFIRMATIVE ACTION PROGRAM

2. EQUAL OPPORTUNITY POLICY

(a) It is the policy of Company C not to discriminate against any employee or applicant for employment because of race, creed, color or national origin.

In addition, Company C will take affirmative action to insure that all employees, without regard to race, creed, color or national origin are treated fairly and with no discrimination as regards Hiring, Placement, Upgrading, Transfer or Demotion, Recruitment, Advertising, Solicitation for Employment, Training during Employment, Rates of Pay or other Forms of Compensation, Selection for Training including Apprenticeship, Lay off, Termination and any and all situations that may arise in connection with our work.

The particular steps that Company C will take to implement and achieve the above statement of policy are set forth in sections 3–10. The section numbers agree with the numbers used in "Guidelines for Equal Employment Opportunity Prequalification Statement and Affirmative Action Program" (FHWA Order Interim 7–2 Attachment 4).

3. EQUAL EMPLOYMENT OPPORTUNITY OFFICER

(a) Mr. Doe has been designated as the Equal Employment Opportunity Officer for Company C. Mr. Doe is a Civil Engineer. He attended the University of (State) and has been active in the construction industry for the past 27 years.

Mr. Doe has been a Company C Superintendent for the past 6 years, and as such, is thoroughly familiar with labor and union problems in the construction industry.

Mr. Doe has as of now been brought into the head office of Company C to assume the position of Equal Employment Opportunity Officer and, as such, will report directly to Mr. Roe, the Managing Partner for Company C.

4. COMPANY PERSONNELL STAFF

(a) Job workmen are in all cases hired, promoted and/or discharged by the Job Foreman under the direction of the Job Superintendents.

To insure that Job Foremen and Superintendents are fully cognizant of and committed to our Equal Employment Opportunity Policy we will hold monthly meetings on all projects. These meetings will be conducted by our Equal Employment Opportunity Officer who, as such, reports directly to Mr. Roe. Minutes will be kept of all Equal Employment Opportunity job meetings. These minutes and the meetings in general will be reviewed and discussed on the day following the meeting by Mr. Roe and the Equal Employment Opportunity Officer. Corrective action will be taken as required by Mr. Roe, partner in conjunction with, and with the approval of, our Equal Employment Opportunity Officer.

Company C has always been a strong advocate of the true principles of Equal Employment Opportunity.

Company C has in the past and does at the present time use minority group personnel as foremen. See Exhibit I attached at the end of this report.

5. EMPLOYMENT

(a) On (Date), Mr. Smith, Equal Employment Opportunity Regional Officer for the U.S. Department of Labor, conducted a job inspection on our Freeway Project at (Location). Copies of the reports in connection with this inspection are available if requested.

In addition, on (Date), Company C submitted a copy of Equal Employment Opportunity Employee Information Report EEO–1 Standard Form 100 (Revised) to the Equal Employment Opportunity Regional Officer, U.S. Department of Commerce. Copies of this report are available if requested.

This contractor agrees to furnish upon request a summary of his equal employment opportunity program on any Federal-aid highway construction project within the past 12 months. He also agrees to submit, if requested a breakdown of his current work force, showing the extent of minority representation.

5(b) Company C has, at present, two projects under construction. On both of these projects we have had an affirmative action program which has included a Reporting of Section 5—Employment—of Equal Employment Opportunity Employee Information Report EEO–1 (Standard Form 100, Revised, January 1967. This report has covered the Employment of Company C personnel and the personnel of major subcontractors for the weekly period on which the 15th of any month falls.

In keeping with Section 5(b) Requirement of "Guidelines for Equal Employment Opportunity Prequalification Statement and Affirmative Action Program," Company C will immediately enlarge the scope of this reporting to include a two week continuous period and will obtain the reporting monthly.

In addition, we have in the past notified all unions involved at the start of each new job that we do not discriminate in employment. Copies of these notices are also posted in conspicuous places at our job offices together with a list of the unions to whom they have been sent. We also have sent a brief statement of Company C's policy with respect to Equal Employment Opportunity to each job superintendent at the start of each new project.

Copies of two typical copies of such notices, and of our statement to the superintendents, are included as Exhibit Number II at the end of this report.

Copies of the present Company C Equal Employment Opportunity Employee Information Reports for our two current projects are included at the end of this report as Exhibit Number III.

These reports have been reviewed by Mr. Roe and do indicate that we have no evidence of discrimination in employment.

5(c) Company C is an Equal Employment Opportunity Employer. Included as Exhibit IV are copies of help wanted ads placed in the (Local Newspaper), and Daily Construction Service in ———. The (Name) is the major newspaper in this area and is widely read by all ethnic groups.

In the future, Company C will advertise in newspapers having large circulation in the Minority Group areas of (Locality). These will include: (List of Newspapers), as well as particular newspapers that may be set forth in the advertisement bids.

5(d) Company C has made our Equal Employment Opportunity Policy known to potential sources of employees. In connection with the inspection by Mr. ——— in (Date), Mr. Roe had talks with the local Carpenters Union, Engineers Union, and with Mr. ———, who, at that time, was Superintendent of the "X" High School and Junior College District. These talks are summarized briefly in my letter dated ———, 1966. In addition, notices have been and will continue to be sent to all unions as per Section 5(b) above, and copies of these notices together with the list of unions to whom sent will be posted on the jobs.

Mr. Roe, a partner in Company C, was the "X" Contractors Association negotiator during the recent negotiations in connection with the bargaining agreements for the Carpenters and Cement Mason's Unions.

Mr. Roe, at these meetings, strongly advocated the inclusion for the first time of an Equal Employment Opportunity clause in these agreements and these clauses were included in the final agreements. Copies of these clauses are included as Exhibit Number V at the end of this report.

As negotiations resume with the remaining union, Mr. Roe will bend every effort to have these clauses included in the final agreements for all the Building Trades Unions.

To conform to the intent of Section 5(d) of the guidelines, Company C will immediately institute the following program.

(1) On the day following the monthly Equal Employment Opportunity Policy meetings held as per Section 4(a) above, each job superintendent will personally advise each crew on the job of the Company Equal Employment Opportunity Policy and of our determination to achieve true Equal Employment Opportunity.

(2) The Equal Employment Opportunity Officer of Company C will arrange personal meetings with the following Administrators who have been designated in our area to assist in augmenting the Equal Employment Opportunity Program.

(a) Mr. Smith, Director, Special Funded Programs, County Union High School District.

(b) Mr. Jones, Placement Director.

(c) Mr. Brown, State Labor Relations Department.

(d) Mr. Green, Manager, Youth Opportunity Center.

It will be the purpose of these meetings to inform these Administrators of the opportunities in the apprenticeship programs and of our policy of Equal Employment Opportunity. Minutes will be kept of these meetings. Subsequent meetings will be held at not to exceed 12 month intervals and progress will be noted. In the event problems develop, steps will be taken to achieve affirmative action.

(c) The Equal Employment Opportunity Officer will arrange personal meetings with the Businesss Agents for the Carpenters, Laborers, Cement Finishers, Engineers, and Teamsters Union to insure that our Equal Employment Opportunity Policies are understood. In the event problem areas are uncovered, Company C will take positive action to resolve them.

5(e) Company C has a valid bargaining agreement with the Building Trades Unions and is a member of the Engineering and Grading Contractors Association, Inc. As noted in 5(d) above, we will hold personal meetings with the Business Agents of the trades we use. This will result in complete awareness by the Unions that we do in fact want to hire minority group personnel.

For those employees not covered by valid bargaining agreements, Company C will, when hiring, recruit through public and private referral sources likely to yield qualified minority group applicants.

These sources will include the State Employment Service, schools, colleges, and minority group organizations. This recruitment will be handled on a personal contact basis by our Equal Employment Opportunity Officer.

5(f) Each Company C Superintendent will in his monthly meetings with the job crews (see 5(d)(1) above), personally encourage each employee to refer minority group applicants for employment.

5(g) As an Enigneering & Grading Contractors Association member, Company C has valid bargaining agreements with the Building Trades Unions. These agreements cover wages, working conditions and fringe benefits. See also Exhibit VI and Section 5(d) preceding. Copies of our payrolls are on file together with the payrolls of our subcontractors.

As discussed in connection with 4(a) above (see also Exhibit V) it has been and is Company C Policy to promote job personnel with no discrimination with regard to race, creed, color or point of national origin. As noted above, we currently have two minority group personnel working as foremen. This situation will be reviewed continuously by our Equal Employment Opportunity Officer.

5(h) The Equal Employment Opportunity Officer will personally review all employee terminations and will determine that none are due to discrimination. Nearly all of our terminations result from lack of work and for no other reason.

Company C has never terminated nor discriminated against any employee because of race, creed, color or national origin.

In our construction industry, crews are often built up in number for a day's time only and on such occasions the additional personnel are paid off with field checks at the end of the day's work, often late at night on completion of a large concrete pour. All terminations of whatever nature will be reported on a Company C form and will be reviewed by the Equal Employment Opportunity Officer on the day following.

6. APPRENTICESHIP AND TRAINING

(a) Company C has in the past and will continue to make full use of the Apprenticeship Program. We will obtain copies of the Apprenticeship Programs for each of the trades and will advise our current employees of opportunities in these programs for them to upgrade themselves. This information will be conferred by the job superintendents on their crew meetings (see 5(d)(1) above.) During the monthly Equal Employment Opportunity Policy meetings 4(a) above, the Equal Employment Opportunity Officer will personally request all foremen to be on the alert to identify lower classification employees who are capable and/or desirous of having their skills upgraded. Such personnel will be used whenever possible in areas that will job-train them for greater responsibility.

Company C will continue to support the Equal Employment Opportunity Programs of the Engineering & Grading Contractors Association. One such E.G.C.A. Sponsored Program is outlined on the E.G.C.A. Bulletin dated (Date), and inserted ar Exhibit VII.

The E.G.C.A. currently is notifying all unions with a "Notice of Non-Discrimination in Employment," and is furnishing us with the lists of such unions for posting on our projects.

7. UNIONS

(a) The Equal Employment Opportunity Officer will hold personal meetings with the Business Agents for the trades we use as outlined in 5(d)(3) above. These meetings will be held a tthe start of each project of 6 months duration or more and no further apart than 12 month intervals during which Company C is hiring Building Trades Personnel.

One of the purposes of these meetings will be to increase minority group opportunities within the unions and to effect the referral of greater numbers of minority group employees by the unions. As noted in 6(a) above, Company C will endeavor to job-train current employees to fit them for promotion to Apprentice Programs of higher classification jobs.

8. SUBCONTRACTS

(a) Company C does agree to solicit the employment of qualified minority group subcontractors and subcontractors with minority group representation among their employees.

Company C will meet with the Engineering & Grading Contractors Association and will request the E.G.C.A. to advertise and compile lists of minority group subcontractors available. Company C will contact such subcontractors and will lend them assistance in every possible way.

8(b) Company C agrees not to award any subcontract equal to $500,000 or more until (1) the subcontractor has submitted a Prequalification Statement pursuant to these guidelines, (2) the Statement has been approved by the State Highway Department and concurred in by the Federal Highway Administration, and (3) the subcontractor's approved Prequalification Statement has been incorporated into the subcontract as a contractual obligation of the subcontractor.

Company C will immediately notify all of its usual subcontractors of the above requirement and will urge all of them to become prequalified at the earliest possible moment.

In addition, Company C will offer them every assistance to become prequalified.

8(c) Company C will accept the responsibility to assure the subcontractors compliance with the Equal Employment Opportunity provisions of the subcontract.

At present the Federal Requirements for Equal Employment Opportunity are included in all Company C subcontract agreements.

In addition, our Standard Subcontract Agreement has for several years included a clause regarding Equal Employment Opportunity as Section 16 of the agreement. (See Exhibit VIII at end of this report.)

In addition, no subcontracts are signed until after subcontractor has signed "Certification of Non-Segregated Facilities" and "Certification of Non-Discrimination in Employment." Copies of these two certificates together with a copy of the Federal Requirements are included at the end of this Prequalification Request and are labeled Exhibit IX. Exhibit X is a copy of a typical Company C subcontract agreement.

Company C uses the same procedure in connection with major material suppliers and a copy of such a material order is included at the end of this Request and is labeled Exhibit XI.

Starting immediately, Company C will require each subcontractor using lower tier subcontractors to submit.copies of the above mentioned certificates signed by their lower tier subcontractors. In addition, all major subcontractors will be required to furnish the Equal Employment Opportunity Officer with the names and qualifications of their Equal Employment Opportunity personnel assigned to our projects.

9. PROGRAM MONITORING

(a) Company C will monitor its Equal Employment Opportunity Program and the Programs of its subcontractors.

The minutes of all meetings referred to herein as well as any other meetings that may arise will be reviewed by the Equal Employment Opportunity Officer. As subsequent meetings are held, the previous minutes will be reviewed.

The intent of this monitoring is to enable us to locate problem areas and to take affirmative action to correct them.

The Federal EEO–1 Standard Form 100 (revised) report form covering Company C Personnel and the personnel of all major subcontractors will be reviewed by the Equal Employment Opportunity Officer monthly. The State Highway Department will be invited to assist in connection with these monthly reviews.

10. RECORDS AND REPORTS

(a) Company C will keep records of the minutes of all meetings set forth herein. These records will include (1) the number of minority group members employed in each work classification during every period of contract performance, (2) to the extent permissible under State law, the name and address of each minority group applicant for employment who was not hired and the reason therefor, (3) the progress being made in cooperation with the unions to increase minority group employment opportunities, (4) the progress being made in locating, hiring, training, qualifying, and upgrading minority group employees, (5) the progress being made in securing the services of minority group subcontractors, and (6) the general progress being made by each subcontractor regularly used by the contractor, under such subcontractor's equal employment opportunity program.

These records will be available for 3 years following the completion of the project.

10(b) Company C will submit to the State Highway Department a monthly report for the first 3 months after construction begins and thereafter upon request for the duration of the project, indicating the total number of employees engaged in each work classification required by the contract work, and the number of minority group employees currently engaged in each work classification required by the contract work.

COMPANY D—PREQUALIFICATION STATEMENT

1. In accordance with FHWA order, Interim 7–2, we submit herewith the Prequalification Statement of Company D, a Corporation qualified to transact business in the State of ———— with principal place of business located at (address).

2. EQUAL OPPORTUNITY POLICY

The Equal Opportunity Policy Statement of Company D as adopted by resolution of the Board of Directors in minutes dated is shown below:

Equal opportunity policy statement and affirmative action plan

The policy of Company D, is that equal employment opportunity will be afforded to all qualified persons without discrimination because of race, color, national origin, sex, creed, age or religion in hiring, promotion, transfer, treatment during employment, and termination of employees. Further, any such discriminatory practices and conditions, if existing, or if subsequently ascertained, will be promptly corrected.

Our company will comply fully with all applicable Federal, State and local laws and regulations pertaining to fair and equal employment opportunities and outlawing discriminatory practices.

The company's equal opportunity affirmative action program includes but is not limited to the following affirmative actions:

1. Our Equal Opportunity Officer is Mr. Doe (Title). He will be responsible for the company's affirmative action equal opportunity program including documentation of affirmative action accomplishments.

2. All advertisements for employees will contain the slogan, "An Equal Opportunity Employer."

3. All applicants, employees, subcontractors, vendors, suppliers, and recruitment sources will be notified in writing of the company's equal opportunity policy. Each nonexempt subcontractor, supplier, and vendor will be requested to advise the company in writing that they will comply with Executive Order 11246 and the Civil Rights Act of 1964 and will take affirmative actions to assure equal employment opportunity to employees and applicants. All nonexempt subcontracts and purchase orders will include an equal opportunity clause.

4. There will be no segregation of facilities or of employees on the company's premises or projects. All employee benefit programs will be administered without discrimination because of race, color, national origin, sex, creed, age or religion.

5. All required Equal Opportunity material will be conspicuously posted at job sites and in company's office where applicants and employees may have unrestricted access.

6. It is part of the company's policy to encourage increased employment opportunities and advancement opportunities for qualified minority group members and to encourage minority group employees to solicit or endeavor to seek employment with our firm when work is available or in similar construction work.

7. All supervisory and managerial personnel will be responsible for implementation of our Equal Opportunity Policy. They will periodically discuss the affirmative action requirements with the employees under their supervision.

3. EQUAL OPPORTUNITY OFFICER

(a) By action of the Board of Directors a meeting held (place) (date), Mr. Doe, was appointed Equal Opportunity Officer for the company and was given complete authority to perform his duties. Mr. Doe's selection was made because of his 27 years experience in the construction industry. Mr. Doe worked in the industry for 7 years as carpenter, 7 years as foreman, and for the past 13 years has been a partner and officer of the company which he formed and has been general manager and administrative officer. In order to be better informed of the problem and duties of the equal opportunity officer, Mr. Doe attended the State Contractors Association, Inc., one-day Seminar on (date) for training and educating equal opportunity officers of contractors.

(b) The duties of our company's equal opportunity officer include, among other things, the following:

(I) Reviewing the qualification and work record of personnel with a view toward ultimate advancement in position justified by experience or quality of work performance.

(II) Investigating circumstances under which particular employees are laid off or discharged with a particular view to ascertaining that such layoff or discharge is not based upon discrimination because of race, color, national origin, sex, creed, or religion.

(III) Interview field personnel as to any complaints they may have because of alleged discrimination, lack of promotion opportunities or other personnel problems; and incident thereto, to regularly communicate with superintendents and foremen as to the work qualification and progress of the particular field personnel.

(IV) To prepare bulletins, to hold meetings with supervisory personnel and with employees regarding the carrying out of the company's stated equal opportunity policy and the encouragement of selecting and hiring and promoting personnel in minority groups.

(V) To review activities of subcontractors to insure compliance with Equal Opportunity policy and program.

(VI) To conduct or establish procedures for periodic review of wage rates, employee benefits and promotional capabilities for all employees on a nondiscriminatory basis, and to provide recommendations for adjustment, if any inequities are found.

4. COMPANY PERSONNEL STAFF

(a) The company's equal opportunity officer and all members of the company who are authorized to hire, supervise, promote and discharge employees, or to recommend such action, or who are substantially involved in such action, have been made fully cognizant of, and are committed to, our equal employment opportunity policy. Supervisory personnel were made aware of our equal employment opportunity policy by verbal discussion and by memorandum (date), to superintendents and foremen.

(b) The company's EEO officer was directed to, and has held and will continue, to hold regular meetings with personnel assisting him in his duties with regard to the carrying out of our equal employment opportunity policy, and with regard to investigating all discharges and all complaints. This has and will include reviewing with supervisory personnel the availability of recommendations for advancement with our organization.

The company's EEO officer will periodically talk with the men and their supervisors and foremen in the field in order to ascertain that our EEO policy is being carried out. He will visit each project at least once, or more often if required, for this purpose.

The company has established procedures to inform each new employee of our equal employment policy. This has and will be done by posting notices setting forth the nondiscrimination clause and the company's Equal Opportunity Policy Statement and Affirmative Action Plan in a conspicuous place in the company's home office and in each field office. Our company's application for employment has the slogan "An Equal Employment Opportunity Employer" printed thereon. In addition, we will furnish each employee with his first paycheck a memorandum which states our equal employment opportunity policy, the name of our EEO officer where he can be reached, and requests that he bring to the attention of the company's EEO officer any evidence of discrimination.

5. EMPLOYMENT

(a) We agree that, if requested to do so, we will submit to the Department of Highways a summary of our equal employment opportunity program during the past 12 months based upon the records we are required to maintain pursuant to Section 10a of the Prequalification Guideline.

(b) We agree to submit, if requested, a breakdown of our current work force showing the extent of minority group representation.

(c) All advertisements for employees will contain the notation "An Equal Opportunity Employer." All such advertisements will be inserted in newspapers having a large circulation among minority groups in the area from which the project work force would normally be derived. Such advertisements will include, but not be limited to, those newspapers listed by the Department of Highways. In addition, we will conduct our recruitment on a personal contact basis with referral sources of minority groups from, but not limited to, a listing furnished by the State Contractors Association, Inc., dated and as updated in the future. We will also on a personal contact basis, as well as by notices and bulletins, encourage our present employees to refer minority group applicants for employment when additional workers are needed.

(d) We will make the company's equal employment opportunity policy known to our employees, prospective employees and potential sources of employees. We will make known to our employees and prospective employees our intent to hire and promote qualified employees on a nondiscriminatory basis by stating so with memorandum attached to first paycheck, personal contact as stated in 5.b) above and by letter to employment agencies and college placement officers.

(e) Wages, working conditions and employee benefits have been, and will be determined and administered on a nondiscriminatory basis. Periodic review of wage rates, employee benefits and promotional capabilities have been, and will be conducted twice each year, or more often as required, specifically with regard to employees group life and medical insurance.

(f) There will be no discrimination with regard to upgrading, promotions, transfer, demotions, layoffs, and termination of employment. To assure that none of the above actions can occur in a manner which will result in discrimination against minority group employees, the company's EEO officer will participate in any such actions.

6. APPRENTICESHIP AND TRAINING

(a) We agree to make full use of training program, including preapprenticeship, apprenticeship, and to assist in locating and increasing the skills of minority group employees and applicants for employment. In this regard, we believe the interest of the minority group can best be served by encouraging our present minority group employees to solicit members of their group to come to us for assistance and referral to training programs available to them for construction work, and this we will do.

(b) We are an open-shop contractor with comparatively few permanent employees. Our on-the-job training program has, of necessity been confined to individual training and instruction of employees by fellow workers and foremen. In this manner, and on a nondiscriminatory basis, we have been successful in promoting laborers to carpenters and equipment operators and foremen. Included in this group were two minority group members. In addition to our individual training and instruction, we are willing to actively participate in education, safety and training programs sponsored by the State Contractors Association and its committees, and in the employment of graduates from such training programs or any other training programs.

7. UNIONS

(This section is not applicable to our company as we are an open-shop contractor).

8. SUBCONTRACTS

(a) We agree to establish procedures for seeking out, soliciting the employment of, and assisting in prequalification of, qualified minority group subcontractors and subcontractors with minority group representation among their employees. We have in the past subcontracted, and will encourage the submission of bids to us in the future, to a subcontractor whose labor force is predominantly minority group. We will also seek out other qualified minority group subcontractors through the assistance of the State Contractors Association and solicit their bids on the projects and offer to assist in their prequalification.

(b) We agree not to award any subcontract of $500,000 or more unless the subcontractor is prequalified. We will afford assistance to prospective subcontractors to become prequalified relative to the Equal Employment Opportunity Program. The subcontractor will be invited to adopt our company's Equal Employment Opportunity Program providing we are satisfied he is able and willing to meet its requirements.

(c) We agree to accept our responsibility to assure the subcontractors' compliance with equal employment opportunity requirements and will establish procedures for doing so. We will include in all subcontract provisions requiring the subcontractors to comply with applicable Equal Employment Opportunity requirements. These provisions will require those subcontractors that have approved prequalification statements to comply with them; allow us to investigate and review the subcontractors' operations and activities to insure such compliance; require subcontractors to keep records and reports as necessary for equal employment opportunity purposes; and make subcontractors liable to us for any delay or expense incurred by reason of any failure of the subcontractor to comply with equal employment opportunity requirements. Our project superintendents will be instructed to assume the responsibility to insure compliance by subcontractors on specific projects by inspections and reviews in the field.

9. PROGRAM MONITORING

(a) We agree to monitor our equal opportunity employment program and that of our subcontractors, to assure compliance therewith and to effect changes therein, with State Highway Department and Federal Highway Administration approval, which will increase the possibilities of achieving practical results.

(b) We will undertake periodic, overall surveys of our program and that of our subcontractors. This will be done by means of a "compliance check list and audit" with space for remarks by the reviewer. As mentioned previously herein, our company is small, and therefore these reviews will be conducted by the company's EEO officer and/or a member of his staff who is fully informed of the company's equal opportunity program. If necessary, we will ask the assistance of the State Highway Department and/or the Federal Highway Administration in preparing the "compliance check list and audit" form and how to conduct our surveys.

10. RECORDS AND REPORTS

(a) We will keep adequate records to monitor and determine compliance with our company's equal opportunity program. Such records will be designed to indicate:

(I) The number of minority group members employed in each classification during every period of contract performance,

(II) The name and address of each applicant for employment who was not hired and the reason therefore,

(III) (Not applicable because our company is an open-shop contractor),

(IV) The progress being made in locating, hiring, training, qualifying, and upgrading minority group employees,

(V) The progress being made in securing minority group contractors, and

(VI) The general progress being made by each subcontractor regularly used by our company, under such subcontractor's equal opportunity program.

All such records will be retained for a period of three years following completion of the contract work and shall be available at reasonable times and places for inspection of authorized representatives of the State Highway Department and the Federal Highway Administration.

We agree to submit to the State Highway Department a monthly report for the first three months after construction begins, and thereafter upon request, for the duration of the project, indicating the total number of employees engaged in each work classification, and the number of minority group employees currently engaged in each work classification required by the contract work.

Signed and dated this (date).
Attest.
Name———
Secretary———
By (signed by President).

COMPANY E—AFFIRMATIVE ACTION PROGRAM

1. GENERAL

a. The following paragraphs are the requirements for Company E Affirmative Action Program submitted for the purpose of prequalification as required by FHWA Order Interim 7–2.

2. EQUAL OPPORTUNITY POLICY

a. It is the policy of Company E to take affirmative action in affording equal employment opportunity to all qualified persons without regard to race, creed, color, national origin, or age.

This includes, but is not limited to the following: hiring, placement, upgrading, transfer or demotion, recruitment, advertising or solicitation for employment, treatment during employment, rates of pay or other forms of compensation, selection for training including apprenticeship, layoff or termination.

It is further policy of this company to cooperate to the fullest extent with the applicable regulations of the Civil Rights Act of 1964, and Executive Order No. 11246. This policy pertains, so far as the responsibility of this Company is concerned, to any arrangement under which employees including apprentices and trainees, are selected or referred for work.

Listed below are the two company appointed Equal Opportunity Officers and their telephone numbers:

Mr. R. Roe, Office telephone Number.
Mr. H. Doe, Office telephone Number.

The above statement appears in the "Employees' Pamphlet" which has been given to all employees and to new employees at the time of hire.

3. EQUAL EMPLOYMENT OPPORTUNITY OFFICER

a. Mr. R. Roe, Personnel Director, home office State, and Mr. H. Doe, Contract Administrator, field office, have been appointed Equal Employment Opportunity Officers. They are charged with the responsibility of securing compliance with the company's "Affirmative Action Plan for Equal Employment Opportunity" and reporting to top management as to progress of this plan. This appointment is made in stated plan and listed again in the "Employees' Pamphlet".

Mr. R. Roe is the appointed EEO Officer for the company to be assisted by Mr. H. Doe for the company's operations in the state. The EEO Officer will report to the President on the progress of the company's affirmative action plan and violations of the company's non-discrimination policy. He is charged with the responsibility of making recommendations to management for corrective action to noted deficiencies in the practical application of the affirmative action plan. The reports and recommendations will be either verbal or written as the situation may direct.

Mr. H. Doe will act in the same capacity reporting to the executive vice-president in charge of the company's operation in the state; and in addition, will keep the company's EEO Officer advised. In all other states in which the company is active, Mr. R. Roe is responsible for EEO activities. The president reserves the right to change the geographical areas of responsibility as the situation may direct.

4. COMPANY PERSONNEL STAFF

a. All supervisory personnel who are authorized to hire, supervise, promote, demote, transfer, fire or to recommend such action, or who are substantially involved in such actions, were fully informed and committed to the company's equal employment opportunity policy at the company's annual meeting held in State on (Date). This meeting was attended by all supervisory personnel who have this authority. This item is further emphasized in item 10 of the Company's "Affirmative Action Plan for Equal Employment Opportunity".

All supervisory personnel who have this authority have a copy of this plan as well as the company's non-discrimination statement found in the "Employees' Pamphlet". In addition a copy of the company's affirmative action plan is attached to the bulletin board at every construction site, regardless of whether the construction has federal monies.

All personnel on the company payroll of the week (Date), were furnished a copy of the "Employees' Pamphlet" with their pay check which was handed out on (Date). On (Date), all company officials, superintendents, and foremen, who have authority to hire new personnel, were furnished copies of the "Employees' Pamphlet" with the written instructions to give a copy of the pamphlet to all personnel employed on or after (Date).

On (Date), copies of "Affirmative Action Plan for Equal Employment Opportunity" were mailed to all major subcontractors, suppliers, and employment agencies requesting that they acknowledge receipt of the plan and understand that this plan is a policy of Company E, in all its business relationships both public and private.

The (Date) and (Date) issues of "The Right-of-Way" contained articles informing company personnel of the non-discrimination policy and affirmative action program.

Upon discovery and determination of actual violations of the non-discrimination policy, it will be reported directly to the president along with recommendations if required. The president will determine appropriate corrective and/or disciplinary action to be taken. In the event it is determined that corrective or disciplinary action is reduced to writing, copies will be maintained in the office of the EEO Officer.

5. EMPLOYMENT

a. Company E has not within the past 12 months performed any Federal-aid highway construction requiring an approved Prequalification Statement. However, on (Date), this company received a Contract Compliance Review by (Name), Representative of the Washington office of the Federal Highway Administration. A copy of this review is attached. Items 1 and 2 listed in paragraph two of this report have been initiated as stated in our letter to Region Three, Federal Highway Administration Office dated (Date).

During the months of June and July 1968 the personnel records of all employees were screened. Where the actual work being performed by an employee and the listed job description on personnel records justified the upgrading of the individual from unskilled to semi-skilled or semi-skilled to skilled, personnel records were so adjusted and pay scales changed if required. Close attention was paid to minority groups. During this same period two non-whites were promoted from skilled craftsmen to foremen. On (Date), the company met with Mr. Smith, State Road Builders Association, to finalize our enrollment in the "On-The-Job Training Program" being conducted in that state.

b. Requirement: The contractor must agree to submit, as a supplement to his Prequalification Statement, if requested, a breakdown of his current work force showing the extent of minority representation. (The term "current" shall mean the representative work force employed during any two-week continuous period during the 60 day period preceding the filing of a Prequalification Statement.) The request for this information will be made, if at all, prior to the approval of the contractor's Prequalification Statement, and will designate the geographic area relative to which the breakdown is desired. This breakdown must show (1) all classifications of employees on the contractor's work force, (2) the total number of employees in each classification, and (3) the number of minority group members currently employed in each classification.

Company E agrees to submit a breakdown of his current work force showing the extent of minority representation, if requested to do so. This breakdown will be submitted as requested above.

c. Company E will include the statement "An Equal Opportunity Employer" in all advertisements for employment. This is contained in item 5 of the company's "Affirmative Action Plan for Equal Employment Opportunity". Copies of such advertisements are on file at the home office.

d. Copies of the company's "Affirmative Action Plan for Equal Employment Opportunity" have been sent and acknowledgments received from schools and employment agencies with which this company has dealings. Copies of the acknowledgments are on file in the home office. This company does not have a labor union contract.

Contact will be made with schools graduating individuals qualified to perform skills required by Company E in the geographical areas that the company has active work. As a minimum, this contact will be made to coincide as close to, but prior to, the graduation dates of the schools. Emphasis will be placed on schools whose student bodies are of predominantly minority groups, and specializing in the skills that can be used by the company. When practical to do so, this contact will be made in person by the EEO Officer or an official of the company. In no event will this contact be made by a form letter or poster. When written contact is made, the letter will contain information as to the positions to be filled, requirements or related skills to fill these positions, and the physical location of these positions. Such letters requesting applications will be signed by an official of the company.

e. Company E makes use of private employee referrals, state Employment Security Commissions as sources likely to yield qualified minority group applicants. Supervisory personnel who have the authority to hire new personnel maintain contact with local "minority group leaders" as a further source likely to yield qualified applicants within the geographical area in which the construction is located. These instructions have been mentioned at the company's annual meeting on (Date), and again in the company's house organ.

During the visits of the company division chiefs to the construction sites for which they are responsible, as they have in the past, will stress the importance to their superintendents and foremen, who have authority to employ new personnel, of maintaining contact with local minority group leaders. Division chiefs normally visit the construction sites for which they are responsible at least on a weekly basis and sometimes more often.

At such times that Company E begins construction work in a new geographical area, it is the responsibility of the EEO Officer to establish initial contact with all local minority group leaders and any other such qualified source that can produce qualified applicants to fill the work force required in the new area. The EEO Officer will introduce the superintendents and foremen moving into the new geographical area to their source of available labor in the area with particular emphasis given to such sources that can supply qualified minority groups. It will be the responsibility of the superintendents and foremen to maintain this contact.

f. The company encourages its present employees to refer minority group applicants for employment during various "safety meetings" and in its house organ, "The Right-of-Way."

Company safety meetings are generally scheduled on a weekly basis. These meetings conducted as a "tail gate" or "tool box" meeting by the superintendents and foremen. When practical, the meeting is conducted by the company safety officer when he is present. The company publication, "The Right-of-Way," is published monthly, generally distributed during the latter part of each month.

g. Payrolls on all Federal-aid contracts are submitted which show job classification and rate of pay which insures that wages are equal without regard to race, creed, color, or national origin. This is further stated in item 9 of the company's "Affirmative Action Plan for Equal Employment Opportunity." All applications for employee benefits submitted by employees meeting the requirements do not have any statement whereby the applicant's race, religion, or national origin can be determined, thereby preventing any possible discrimination.

As a minimum, the EEO Officer will review on a quarterly basis personnel records to insure that job classification and actual work performed are correct. At the same time, wage rates will be reviewed to insure that there is no discrimination of minority group employees as respect to wage rates paid them and other employees of the company.

h. Requirement: The contractor must assure against discrimination with regard to upgrading, promotions, transfer, demotions, layoffs, and terminations of employment.

This type of discrimination is expressly forbidden as stated in the company's Non-Discrimination Statement in the "Employee Pamphlet" and item 7 of the "Affirmative Action Plan for Equal Employment Opportunity."

The EEO Officer is charged with the responsibility of maintaining up-to-date data cards on each individual employee to show the following information: name, employee number, date of birth, race, sex, job description, skill level, and rate of pay. This information will be coded into the card so that the card will be processed by the electronic data processing machines. As stated in paragraph 5G, the EEO Officer will request a periodic report from the data processing department of this company. This report will be designed to show, by individual and groups, the present work force employed by the company.

6. APPRENTICESHIP AND TRAINING

a. Company E participates in the "On-the-Job" training program in (State) which is administered by the State Highway Builders Association and in the State Apprenticeship Council as evidence in making full use of various training programs.

It is the responsibility of the EEO officer to determine the formal "on-the-job training" or "apprenticeship program" which are being conducted in the states of which Company E has active work. He will make recommendations to the management of the company so that necessary action can be initiated in order that the company may participate in such training programs. In addition, it is the continuing responsibility of each superintendent and foreman to conduct an unofficial on-the-job training program for any of the employees which show an aptitude and desire for further advancement in their area of employment. This is to be done without discrimination by race, creed, color, sex, or age.

7. UNIONS

a. Company E does not rely in whole or in part upon unions as a source of their work force. The company is an "Open Shop" organization.

8. SUBCONTRACTS

a. Company E has sent and received acknowledgment for its "Affirmative Action Plan" to two hundred and twenty-four (224) of its major subcontractors, suppliers, and employment placement agencies. Copies of these acknowledgments are on file in the home office. This requirement is covered in item 3 of the affirmative action plan.

Where work is to be performed by subcontract, Company E will make every effort possible, as we have in the past, to locate qualified minority group subcontractors to perform such work. In order to locate deserving and qualified minority group subcontractors, the company will use its list of licensed contractors and subcontractors, personal contact with local subcontractors and the normal published sources of subcontractors.

The Accounting Department of this company will be made available to any such deserving subcontractors to assist them in preparing their financial statements in a form that would be acceptable for the purpose of bonding for subcontract work and/or arranging bank credit. In addition, the management of this company will recommend deserving and qualified minority group subcontractors to various equipment leasing agencies and financial institutions to assist them in the execution of subcontract work.

b. Company E agrees not to award any subcontract equal to or in excess of $500,000 until the subcontractor has submitted a Prequalification Statement pursuant to these guidelines, that the Statement has been approved by the State Highway Department and concurred in by the Federal Highway Administration and the subcontractors's approved Prequalification Statement has been incorporated into the subcontract as a contractual obligation of the subcontractor.

c. Company E agrees to accept its responsibility to assure the subcontractor's compliance with the equal employment opportunity provisions of the subcontract, including the subcontractor's Prequalification Statement.

It is the responsibility of the EEO Officer of this company to request that subcontractors, when contractually required to do so, furnish an "Affimative Action Program" for review. He is also charged with the responsibility of informing the management of the compliance posture of the subcontractors and to make recommendations where corrective action should be taken if such is required. Personal visits by the EEO Officer to the home office of subcontractors will be used to the fullest extent practical. It is the further responsibility of the EEO officer to insure that contracts with subcontractors contain the necessary provisions as stated in Executive Order No. 11246 and the Federal Highway Act of 1968.

9. PROGRAM MONITORING

a. Company E does monitor its equal employment opportunity program as specified in appointment of Equal Employment Opportunity Officers in the "Affirmative Action Plan for Equal Employment Opportunity." Changes to the program will be effected to increase the possibilities of achieving practical results after such changes have been approved by the State Highway Department and the Federal Highway Administration.

During the first three months of a contract covered by the Federal Highway Act of 1968, the EEO Officer will assure that the equal opportunity program is completely set up as stated in the Affirmative Action Plan. This will be done by a personal visit to the construction site and the monitoring of contract records maintained. Periodic visits and review of contract records will be conducted as the situation may direct. Company E reserves the right to substitute a standard Affirmative Action Plan if such is approved at a later date.

10. RECORDS AND REPORTS

a. Company E will keep such records as are necessary to determine compliance with, and progress under, the company's affirmative action plan.

b. Company E agrees to furnish such reports as required by the State Highway Department on a monthly basis for the first three months after construction begins, and thereafter upon request for the duration of the project. This agreement is further stated in the company's "Affirmative Action Plan for Equal Employment Opportunity", item 2.

The undersigned hereby declares: that he is the Corporate Officer of Company E and that the attached Equal Employment Opportunity Prequalification Statesment and Affirmative Action Program is submitted for the purpose of becoming approved to bid on Federal-aid Highway contracts or subcontracts, as required by Federal Highway Administrative Order No. 7-2.

Firm Name: Company E.
Signature: President.
Date: ———.

COMPANY F—PREQUALIFICATION STATEMENT

EQUAL OPPORTUNITY POLICY

a. Company F recognizes that all persons are entitled to equal employment opportunity regardless of their sex, race, creed, color, or national origin. It is committed to a policy of affirmative action to insure equal employment opportunity in all phases of advertising, recruiting, employment, transfer, promotion, selection for training, rates of pay, layoff or termination. It further recognizes and accepts its responsibility to effect equal employment opportunity with respect to all aspects of its employment practices and to correct any and all discriminatory practices and conditions which presently exist as a condition to being permitted to bid on a Federal-aid construction project. It still further recognizes that a primary element in evaluating an equal opportunity program is the results that are accomplished thereunder in terms of providing increased employment opportunities for qualified minority group members and providing opportunities for minority group workers to become qualified both for employment and for advancement within its organization after employment and regardless of sex.

For a more detailed description, implementation, and accomplishment of these objectives, please see the following attachments made a part hereof:

Attachment No. 1-1 through 1-8, Plans for Progress, published 9 May 1962.

Attachment No. 2-1 through 2-4, Affirmative Action Commitment, published in 1962 as a supplement to Attachment No. 1.

Attachment No. 3-1 through 3-8, Affirmative Action Compliance Program, published in 1968 to meet new requirements.

Attachment No. 4-1, Published 28 October 1968 to supplement Attachment No. 3, especially with reference to feedback and control.

Company F has designated Mr. Doe as its Equal Employment Opportunity Officer. Mr. Doe is a member of the Board of Directors of the Corporation, also a member of its Operating Committee, and is a Senior Group Vice President. His jurisdiction includes supervision of the offices of Comptroller, Chief Accountant, Chief Internal Auditor, Director of Purchasing, Assistant Secretary and Assistant Treasurer, and General Manager of Personnel Services.

He has participated in administration and implementation of our Plans for Progress Affirmative Action Program since its inception in 1962, and has previously been, and is now in a top management supervisory capacity of Personnel Services, which have been and are now actively engaged in a continuing program of affirmative action.

His authority and responsibility are outlined in Attachment No. 3-1 through 3-8.

COMPANY PERSONNEL STAFF

Company F has heretofore made all its officers, division and department heads, and supervisory personnel (which includes those authorized to hire, supervise, transfer, promote, and discharge employees, or to recommend such action) cognizant of, and has directed them to continue to disseminate its policy at all employee levels, and, of course, will continue to do so. The company utilizes several procedures to accomplish indoctrination in all aspects of its EEO program:

1. Periodically, an Operating Committee memorandum is directed from top management to all officers, division and department heads, and supervisory personnel reminding them in detail of their continuing responsibilities.

2. With reasonable frequency the subject is brought up, discussed and suggestions made during the weekly staff meetings.

3. The General Manager of Personnel Services periodically confers with the division and department heads, after an analysis of their hiring practices and minority group representations, and makes suggestions for goals, timetables and improvement.

4. The Safety Department members, continuously in the field, bring the necessity of affirmative action to field supervisory personnel.

5. Quarterly IBM reports are made in the format of Form 100 on State levels, department levels and job levels, which are analyzed in order to confer with division and department heads.

6. A system of feedback and control has been implemented to monitor activity and results in the field.

Please see Attachments No. 3–7 and 3–8, also Attachments No. 4–1, also Attachments No. 5–1 and 5–2.

EMPLOYMENT

a. The company agrees that in the event, during any preceding twelve month period, it has performed a Federal aid highway construction contract pursuant to the requirements of a previously approved Prequalification Statement, it will, when requested, submit a summary of its EEO program during such period based upon the records it is required to maintain pursuant to Section 10a of a Prequalification Guideline applicable to this submission of its Prequalification Statement.

b. The company agrees to submit, as a supplement to its Prequalification Statement, if requested, breakdown of its current work force showing the extent of minority representation.

c. All of the company's advertisements for employees contain the notation, "An Equal Opportunity Employer." This includes "blind" ads. Please see Attachments No. 5–c–1 and 5–c–2 for examples in Texas, Arizona and Louisiana newspapers. The blind ad will be found in the upper left hand corner of Attachment No. 5–c–2 under the heading "Marine Diesel Mechanics."

The advertisements will be inserted in newspapers having a large circulation among minority groups in the area from which the project work force would normally be derived. For an illustration of a typical analysis of such a situation in order to achieve the largest circulation among minority groups please see Attachment No. 5–c–3.

Advertisements will also be placed in any publications not listed in the advertisement for bids, when necessary to reach other segments of the minority group population.

The company has an established practice of coordinating project employment requirements to insure utilization of every opportunity through its EEO program to employ minority group members. The Manager of Personnel Services continually monitors project needs and coordinates field and home office action. Accomplishment is achieved not only by use of advertisement, but also by recruiting trips to predominantly minority group schools, geographic areas, contact with placement services and by use of minority group employees as unofficial recruiters.

d. The company has heretofore made known, and will continue to make its Equal Employment Opportunity policy known to employees, prospective employees and potential sources of employees such as schools, employment agencies, and college placement officers. Please see Attachment No. 5–d–1 for notice to the Texas Employment Commission, Attachments No. 5–d–2 and 5–d–3 for notices to private employment agencies, Attachments No. 5–d–4 and 5–d–5 for notice to employees in the October 1965 issue of the "Scoreboard," the company magazine distributed to all employees.

More informal means are also utilized. Department heads make frequent checks with field supervisors, also safety representatives from the home office (under direction of the manager of Personnel Services) in their field meetings and make reference to the EEO policy. These field meetings include attendance by both field supervisors and employees.

The home office Personnel Department is in daily contact with employment agencies, usually by telephone contact. During these contacts the point is always raised that we are an EEO employer, and we frequently request that a substantial and proportionate number of minority group applicants be referred to us. These contacts include agencies handling substantial numbers of minority group applicants; some of the agencies are specialists in such minority group referrals.

e. The company conducts systematic and direct recruitment through public and private employee referral sources likely to yield qualified minority group applicants, such as schools, colleges and minority group organizations. Please see Attachments No. 5–e–1, 5–e–2, 5–e–3, 5–e–4 for recruiting dates in the fall 1968, and spring, 1969. The schools to be visited include some primarily minority group schools, others with substantial attendance by minority group students. The recruitment is achieved through personal contact on the campus by representatives from the company's Personnel Department.

In addition, personal conferences are held with minority group leaders and representatives. Several conferences have been held with University officials to suggest college courses which would enable students to enter or employ on a subprofessional basis, rather than as a trainee. We employed a professor in our Drafting Department for the summer of 1968 so he could give his students the knowledge of job conditions at our company.

We have participated in the (college) Summer Workshop, in the annual Job Fair, and in several othesr programs for placement and training disadvantaged youths. For example, our recruiter visited with Job Corps at (Location) on (Date) and hired six Negroes and one white.

Cooperation with Latin-American groups is indicated by Attachment No. 5–e–5, a copy of a letter from the LULAC National President.

f. The company encourages its present employees to refer minority group applicants for employment. For many years we have found this practice to be a sound and satisfactory method of recruitment. The present employee can explain in his own way the working conditions and other related matters. The loyal employee is our best salesman. Advantages of this practice even extend to car pool arrangements.

g. Wages, working conditions and employee benefits are determined and administered on a nondiscriminatory basis. Periodic reviews are conducted to discover and adjust any inequities. All employees are advised of their right to participate in any contractor-sponsored or authorized recreational activities.

h. The company has a practice of continuous analysis, monitoring and personal conferences with Department heads to give reasonable assurance against discrimination with regard to upgrading, promotions, transfers, demotions, layoffs, and terminations of employment. The Director of Personnel Services analyzes quarterly field labor reports, also quarterly IBM runs both on a departmental and job level. For many years one of the company's compliance officers (licensed to practice law) has participated in such analysis, made recommendations and given advance counsel and approval of such actions. This participation and advance clearance includes both group action (such as blanket raises) and individual employee approval forthcoming from the management level through the common laborer.

APPRENTICESHIP AND TRAINING

a. The company will make full use of training programs including preapprenticeship, apprenticeship, and on-the-job training, as appropriate, to assist in locating, qualifying and increasing the skills of minority group employees whose skills may be increased through company training at no cost to the employee. The company participates in various trade association on-the-job training programs, approved apprentice training programs and also continuing programs. Please refer to the penultimate paragraph in Attachment No. 3-7, wherein identification of a person shall be based not on what he can do today, but whether he has the apparent potential.

For an illustration of a typical company program, please see attachment No. 6-a-1, 6-a-2. The September-October, 1968, issue of the "Brownbuilder," on page 6, in the lower picture shows five students of a company upgrading school for secretarial training. A majority of the five are minority group employees.

UNIONS

The company considers this section as not applicable. The company has always been, and is now an open-shop organization. If this section should ever become applicable, the company would comply with any applicable requirements of this section.

SUBCONTRACTS

a. The company agrees to solicit the employment of qualified minority group subcontractors and subcontractors with minority group representation among their employees. Its subcontract administrative office is under the direction of an assistant manager of the company's Purchasing Department, and that office has had numerous conferences with regard to, and is quite knowledgeable as regards EEO requirements, both as to subcontractors and suppliers or vendors. The company will counsel and assist minority group subcontractors relative to methods and procedures to qualify as subcontractors on Federal-aid highway construction work and any related matters appropriate or incidental thereto.

b. The company agrees not to award any subcontract equal to or in excess of $500,000 until (1) the subcontractor has submitted a Prequalification Statement pursuant to the guidelines controlling this submission by the company, (2) the Statement has been approved by the State Highway Department and concurred in by the Federal Highway Administration, and (3) the subcontractor's approved Prequalification Statement has been incorporated into the subcontract as a contractual obligation of the subcontractor.

The company will afford every assistance to prospective subcontractors to become prequalified relative to the EEO Program. It will encourage adoption by subcontractors of the EEO Program of the company. It will take the initiative in processing a subcontractor's Prequalification with the State Highway Department.

c. The company agrees to accept its responsibility to assure the subcontractor's compliance with the EEO provisions of the subcontract, including the subcontractor's Prequalification Statement.

The company will include the subcontractor's work in the company's procedure of surveillance, analysis, monitoring, conferences and self-inspection, which responsibilities are already specifically assigned within the company organization. Periodic inspections and reunions will be made, compliance reports will be required from the subcontractor. Trained company EEO compliance representatives will analyze and verify the qualifications of subcontractors personnel assigned supervisory functions in connection with the subcontractor's EEO Program.

PROGRAM MONITORING

a. The company will monitor its EEO Program and that of its subcontractors to assure compliance therewith and to affect changes therein, with SHD and FHWA approval which will increase the possibilities of achieving practical results. The company will continue to engage in reasonably frequent overall surveys of its program and that of its subcontractors. Attachment No. 3–1 through 3–8, and Attachment No. 4–1, provide for standards in this connection, and procedures are established to accomplish this requirement. Wherever and whenever appropriate, representatives from local minority groups, contractor organizations, and other organizations, engaged in EEO will be included in review committees.

RECORDS AND REPORTS

a. The company will maintain such records as are necessary to determine compliance with, and progress under its EEO program. These records will indicate (1) the number of minority group members employed in each work classification during every period of contract performance, (2) to the extent permissible under State law, the name and address of each minority group applicant for employment who was not hired and the reason therefore, (3) the progress being made in cooperation with the unions, if any are involved, to increase minority group employment opportunities, (4) the progress being made in locating, hiring, training, qualifying, and upgrading minority group employees, (5) the progress being made in securing the services of minority group subcontractors and (6) the general progress being made by each subcontractor regularly used by the contractor, under such subcontractor's equal employment opportunity program. All such records will be retained for a period of three years following completion of the contract work and shall be available at reasonable times and places for inspection of authorized representatives of the State Highway Department and the Federay Highway Administration.

b. The company agrees to submit to the State Highway Department a monthly report for the first three months after construction begins, and thereafter upon request, for the duration of the project, indicating the total number of employees engaged in each work classification required by the contract work, and the number of minority group employees currently engaged in each work classification required by the contract work.

The undersigned hereby declares: that he is the (Owner, Partner, Corporate Officer). of (Firm Name) and that the attached Equal Employment Opportunity Prequalification Statement and Affirmative Action Program is submitted for the purpose of becoming approved to bid on Federal-aid Highway contracts or subcontracts, as required by Federal Highway Administrative Order No. 7–2.

Firm Name ——— Signature ——— ———.
Title ———.
Date———.

ABC–TV'S "COSMOPOLIS" OUTLINES THE URBAN CRISIS

Mr. MATHIAS. Mr. President, on January 13, the American Broadcasting Co. presented a very interesting hour-long documentary on the problems and potential of urban areas. Titled "Cosmopolis," this program surveyed many American cities, and ranged abroad to cover congestion in Tokyo, new towns in Europe, and other elements of the worldwide urban challenge.

The January 10, 1969, issue of Time magazine contained this comment on ABC's effort:

> *Cosmopolis* is John Secondari's attempt to assay the urban crisis, and it is so successful that it manages to transform TV journalism into art. Editing shots of teeming Tokyo and sprawling Los Angeles so that they follow one another with a kind of rhythm, the producer-writer-narrator never lets his visiting experts stay on camera too long. Instead, Secondari uses the visual part of his program to show what the architects' voices are talking about. Thereafter, he juxtaposes imaginative plans for cities of the future with the rot now growing at the cities' hearts. The combination is disturbing, although Secondari has done his best to make it hopeful as well as omnious.

The insights and ideas presented in "Cosmopolis" deserve wide attention. I commend ABC–TV for this documentary effort, and ask unanimous consent that the script of the program be printed in the RECORD.

There being no objection, the script was ordered to be printed in the RECORD, as follows:

"COSMOPOLIS," JANUARY 13, 1969, ABC TELEVISION

GEORGE C. SCOTT. First there were the hills and the valleys, and the tribes, and then there were cities and communities, and it all began in Greece.

The idea of the city is a Greek creation. It was their answer to man's continuing search for a better life, a place for men to live together. To be built as beautifully as man could conceive, as solidly as rock could be fashioned so that it would last for eternity; not so large that it should dwarf man, yet not so small as to be insignificant in its surroundings. A place to symbolize man's achievement in nature.

And the Romans spread the concept until the whole of the ancient world was filled with cities, and the cities themselves grew in size and population as man learned the advantages of city living. Before the birth of Christ the city of Rome already was grappling with the problems we know so well: Traffic, overcrowding, noise, pollution. They were never solved. And the Roman Empire strangled in the decay and chaos of its glutted and increasingly inefficient cities.

Rome fell, but the concept of cities survived into the Renaissance. In fact, it became more important because only in cities were men safe. And still cities were built, and rebuilt, on the principles that the center of man's life should also be an inspiration for man's living.

A great deal of the wealth of the times went into the raising and adorning of cities, and what they built was both lovely and substantial, and intended to last and be enjoyed forever.

These were the ideas which we brought into our own new world—permanence, grace, space for the eye and the spirit, and convenience for all manner of people, the spirit of community.

And then, somehow, somewhere, we lost our way. [Music.]

SCOTT. Consider our modern city. It is not beautiful, neither is it convenient. The eye palls at the sight of so much sameness. One wonders what room for individuality there can be in such a mold of concrete uniformity. How can there be any sense of community in the face of so huge a sprawl? And this may account for some of the rootless feeling which affects most of urban mankind.

Urban man seems to live in a world out of proportion with his human frame. He competes for essential space with the products of his own ingenuity. He competes with his fellowman for room in this ever larger, ever insufficient urban area. Surfeited with humanity, he tends to withdraw, and loneliness, not solitude, is the price of our urban living.

Entire generations grow with scarcely the experience of a green tree naturally grown, or a cluster of wildflowers in a field. What dreams can we expect of eyes which have known only sooty concrete and steel?

Our cities suffer ever greater neglect, ever greater decay. These are less the products of economics than they are the results of the general surrender to bigness, to complexity, to selfishness, to lack of pride. Evermore, urban man feels himself a particle of a metropolis. But part of no community; alone against all the problems and nothingness a world beyond his ken has devised.

And yet it need not be so. Never before in the history of the world has man possessed so much wealth and power, been master of so much technique and knowledge. It would truly be ironic if he could not bond all that experience and strength to the service of the preservation of his chosen home. For man is today an urban animal, and the city is diseased, as architect I. M. Pei tells us.

PEI. I think our cities, by and large, are very sick. And you can't point to it and say where it is sick. It's sick everywhere.

So, if we do nothing about our cities they will first of all stop growing and go into a decay, a much, much worse decay than we have experienced to date, and then eventually they will die.

SCOTT. This is a program about what cities will be like in the year 2000. It is largely an examination of possible solutions.

We call it "Cosmopolis." It is a Greek word meaning world city. It seems possible that as populations grow and cities spread, the world may become one great urban area.

It is a call for action. The time is already late. If we do nothing, the buildings we erect today might be our cities' Tombstones for tomorrow.

PART I

NARRATOR. The basic natural resource available to man is land, space. For growth, for expansion, for refreshment. There is a limited amount of land available in the world, ever smaller as men increase in numbers and cities spread.

We're living in the midst of history's greatest migration—away from the land and into the city. By the year 2000, rural inhabitants will be few. Most of the earth's mounting billions will be residents of some urban area. Already in some places we can see what that might mean.

Look at Tokyo. Twenty years ago, five million. Today, thirteen million. By the year 2000 it will hold forty million. Each day a tide of commuters floods the center of the city and fills it almost beyond endurance. The noise level of downtown Tokyo is up to the limit of human tolerance. So is the air pollution. Traffic deaths are almost five times as many as in any other city.

It is hard to see how Tokyo could hold more people. The population is already 84,000 per square mile. As tightly packed as the vegetables and the fish in the retail market.

And yet people continue to come, and they all need living space. Each month the Housing Authority holds a lottery for government-built apartments within the city—practically the only city apartments the middle-class can afford. The waiting time is more than two years.

The lottery prize is an apartment in a new building development. It is middle-income housing and, most important, it is within reasonable distance from downtown, say forty-five minutes. In Tokyo that is like being next door.

After a two-year wait, the Mizujiri family are lucky winners.

They are a professional family. Both husband and wife are college graduates. Mr. Mizujiri owns his own business. Mrs. Mizujiri is a teacher. In Toyko terms they are financially comfortable.

Their prize is this apartment. It is six-mat size, as the Japanese measure it. In our language it is one room 9 by 12. In this one room the family lives, cooks, sleeps, and counts itself fortunate. Of course, they would like more room. Some day soon their daughter will outgrow the sleeping shelf, but where is there more room to be had at a possible price?

The homes of Japan have always been compact; but today this is no longer a tradition. It is a necessity in a city where human pressure has outrun possible living space.

The city of Tokyo creates almost 7,000 tons of garbage a day. In a land where there is little space for people, there is no room for garbage.

So they dump it into the bay, methodically filling in the shallower portions, slowly stretching toward the reaches of that land-consuming animal, man. The project is known as Dream Island, and it will be the site of vast new housing developments. It will be desirable housing because it will be near the center of Tokyo. It will attract yet more people to the center city.

How ingenious: Yesterday's garbage to create the living space of tomorrow. How desperate.

Tokyo presents one disturbing aspect of the city of the future.

On our Pacific Coast, Los Angeles illustrates another face of the city of the year 2000. Again the basic problem is space, but in Los Angeles there is just too much of it. The metropolitan area spreads almost five-thousand square miles. It is the longest, largest building sprawl to be found anywhere in the world. Undeniably an urban area, doubtfully a city.

Greater Los Angeles is still growing at the rate of more than 500 per day, and as it grows it seeps out into the open country.

This is the pattern of our times. In our nation, every day we consume upward of four-thousand acres of open land for new building. That is equivalent to devouring the state of Rhode Island every six months.

If this continues where will the city dweller go to see anything but concrete and shingle, and how long will it take to get there?

What is happening in Los Angeles is also happening in almost all our metropolitan areas. It is the problem and anomaly of our times, that an urban people wants to live in private homes. Small homes devour space and, in the process, they create distance which man must travel. In cities, distance is the enemy of man and woman.

Life in Los Angeles moves on wheels, private wheels. The automobile is not a convenience; it is a necessity. The population density is so low, distances so great that public transportation systems are almost non-existent.

The city's ways have adapted to this existence on wheels. After all, Los Angeles has more cars than any city in the world—four million cars for three million adults.

Automobiles mean roads and highways; they mean garages and parking lots. Greater Los Angeles has almost 7,000 miles of roads and freeways, and they cover nearly a third of the city's downtown area. Another third is taken by the parking lots. Two thirds of downtown Los Angeles are given over to the automobile. And it is not enough.

It truly is the automobile life. [VO drive-in church]

PASTOR. This is the day which the Lord has made. Let us rejoice and be glad in it. A lot of tomorrow is happening today. And in this particular church we welcome all of you who are worshipping to find out how God is wonderfully working in this new venture for Him.

We are building for tomorrow. And this is the unique way in which God is doing it, and we want you to enter into it with us.

We ask that God will fill our lives with his spirit that we might live each day to its best, discovering the new adequacy that He brings to every life that offers Him the opportunity.

NARRATOR. The city, the unplanned city in explosive growth, defies easy solutions. How can one reverse the course of uncontrolled development?

Moishe Safdie, town planner and architect.

SAFDIE. The one aspect that makes me optimistic about the prospects of the city is that things are getting so bad that change will have to take place. Up to now, things have been somehow manageable, but they are getting so bad, our transportation systems are just disintegrating. They cannot deal with the city. The availability of open space is just becoming non-existent.

Pollution and smog are just choking us, and so things are bad enough that it's become a first-rate political issue. And because it has become a thing that is in the public mind and the public conscious, I think we have reason to be optimistic that we will get the kinds of action and the kinds of program that will bring about very dramatic changes in the next few years.

NARRATOR. In Europe almost all nations have taken steps to limit and control the spread of their cities; the plans are similar.

London, for instance, it is the third largest city in the world—population twelve million.

To prevent the city's uncontrolled spread, the British government enacted legislation which created eight new towns as satellites of the city. London's expansion would take place there. The key to success was the cooperation of industry.

Here is Professor Peter Hall, London University.

HALL. If an industrialist in London apply to the government—and he must apply to the government if he wants to establish a new factory or to extend even his existing factory—then the government may well say to him, has said to hundreds and thousands of industrialists in London since the Second World War, "No, you have not got permission to build your factory or extend your factory here. We want you to relocate your factory in a new town twenty-five, thirty miles outside London."

The growth of the city instead of just being allowed to proceed outwards in the form of suburbs is stopped by means of a planned green belt which is a band of open country which is maintained as open country by the planners, prohibiting development on it.

Beyond the green belt the new towns are placed. This is the arrangement we have around London where there are eight new towns beyond the London Green Belt.

NARRATOR. This is the new town of Stevenage, 20 miles from London. It incorporates an older town which was already here, but the new one is a planned community. The British concept of new towns is closely tied to slum clearance. Many of the inhabitants of Stevenage are former slum dwellers. A shopping and community center is the town's social nucleus; it is built around a central square. Factories and services guarantee jobs. The key to the success of these new towns is government control of the relocation of industry—homes and jobs together.

Most houses are built by the British Government, although anyone may build his own home if he wishes. Each home has its own little plot of green, but there is common land all around in whose enjoyment all share. Walking paths are separated from traffic arteries, and here one has the impression that life is led on a human scale.

Like many residents, Mr. and Mrs. Lawrence came from the slums of London. This is what they have to say about their life in Stevenage.

Mr. LAWRENCE. One of the best things about Stevenage of course is that it's what I term to be an open town. Lots of green open space. The children can freely run about in safety. The whole town is a complete network of footways and cycle paths which are completely away from the main roads themselves. It's possible to walk from practically anywhere in this town into the industrial area without ever having to cross any of the main artery roads in Stevenage.

Whenever I get out of the train again at Stevenage after a visit to London I take a deep breath and say I'm glad I'm back.

Mrs. LAWRENCE. Well, I feel quite passionate about living towns, and the good way of life that it's created for people.

My roots have gone down so very firmly in this town that I really don't remember what it was like to live in London. And one has become involved in so many activities in which one takes part that I just don't remember ever being bored or depressed. Which I think is a great deal to be thankful for in this life.

The children of course are so much more free and, you know, happy and uninhibited than those sort of living in a large, overcrowded town. And one particularly notices that when you go back and visit.

I mean, here the town is comparatively safe and they know what it's like to see things growing wild, and they know what it's like to climb trees and observe birds and things living in a natural pond. You know, they really grow up knowing even though this is perhaps an urban area it's planned so carefully to preserve the trees and the open way of life, and this is so terribly essential, I think, to the mental well-being of anybody. You know, to notice all the different color greens there are. And children do grow up observing this.

NARRATOR. All this did not happen by accident. The children of Stevenage enjoy the result of years of planning and decisive action.

They may not realize it, but without government planning on a broad regional scale they would now be living amid the cement caverns of the world's third largest city.

Regional planning has permitted Britain to build 24 new towns, all successful, all different. This is Cumbernauld, in Scotland, a satellite of Glasgow; one of the newest new towns. It is more urban than Stevenage. The concept of new towns is flexible.

There are new towns in Scandinavia, including—in Finland this one of Tapiola.

Already there are forty new towns and cities in various stages of existence all over Europe. Their appearance is different, but their basic concept is similar, built with access to open space, conceived to offer both homes and jobs, desirable and attractive place to live.

They are all the result of a continuing cooperation between government and industry, and of a form of comprehensive planning which in America never has been attempted. (Sof Peter Hall)

HALL: I think it's quite simple to see what's going to happen in the big metropolitan areas of the United States if there isn't any regional planning of the type we have practiced in Britain and in Europe these last twenty years.

What will happen is simply an extension on a much bigger scale of what's been happening already in North America the last twenty years. A great increasing sprawl of very low-density suburbs, separated by increasing distances from the places where people work, with no open space between one suburb and another. The result will be that people will spend increasing amounts of time and increasing amounts of money in getting to and from work each day.

I can't say what the people who are moving into the suburbs in the United States now really want or really would want if offered the choice. This is a difficult point. But I think they aren't being given the choice of a different style of life.

NARRATOR. Some Americans are being offered a choice. There are a dozen new towns being built and planned in the United States. All of them are private incentives. None of them are government aided. None are the result of overall regional planning.

The oldest of these American new towns is Reston, Virginia, now four years old. It is twenty miles from Washington, D.C. Like its European counterpart, it is an effort to offer an alternative to the usual suburban subdivision. A complete community with work and homes in the same area.

It offers a variety of housing—apartments, town houses, detached homes. A gamut of recreational facilities. In fact, the project was so ambitious that its original concept had to be modified. Now they are building more moderately-priced homes.

Today Reston has 5,000 inhabitants and 22 industries. When it is completed it will hold some 75,000 people; but for those who live there, the town already is a success.

This is Mrs. Elizabeth Espino:

Mrs. ESPINO. We're living in Reston because it gives our family a wonderful way of life. Houses all clustered together enable us to have large areas of natural woods, of green spaces that keep us all the time close to nature.

I think that beauty is around every corner in Reston, and I think that it's something when even you're not conscious of it, makes your life wonderful here.

Everyone just doesn't have their own individual backyard. There are large areas that are being preserved for wilderness appreciation.

The children have a wonderful freedom here. They can do the things that they would be doing elsewhere, but they can do them on their own. They can walk, without crossing any streets in total safety.

I could live here for the rest of my life. I really love it very, very much.

NARRATOR. Homes in Restor range from $22,000 to $60,000. It is exclusively a middle-income community, and for all its advantages it is not a solution to the slum conditions of any city.

Here's architect Philip Johnson:

JOHNSON. Reston is a perfectly beautiful little town center with the waters right as you go shopping within the little squares, enclosed to catch the sun. And you shop in a very dense shopping area.

The car has been conquered in Reston. The pedestrian has been given a chance. The water and the amenities that the St. Marks lovers, and the people who love to go to Venice and say how much prettier it is there, have a chance in Reston to have a similiarity.

Now, the reason that Reston is not more copied is an obvious one—money, you see. There's another new town, Columbia much bigger, but again there the architectural values have been kept as near the current American taste as possible.

NARRATOR. Columbia lies between Baltimore and Washington, D.C. It is little more than one-year old, and thriving. It is planned that eventually it will hold 100,000 people, and from the beginning it will be an integrated community. Seventeen industrial complexes soon will offer jobs to the citizens of Columbia. There are plans to build low-income housing with Federal funds.

The town is planned as a series of neighborhoods. Each neighborhood is built around a nucleus which holds shopping and facilities for community activities. Each neighborhood has its own swimming pool and child care centers for all the homes in its area. There will be at least 50 elementary and high schools. Columbia is definitely oriented towards the young family. But then, all new towns are planned to serve the needs of young children.

But Columbia, too, is basically a middle-income community. None of the new towns being developed in this country today are primarily intended to offer low-income housing.

As such they can only hope to be partially successful. A healthy new town must be an extension of the society out of which it grows. It must not only offer homes and jobs, but a variety of homes and a variety of jobs for a variety of people, and all ethnic groups.

It must be thoroughly planned architecturally, economically, socially. It must make prudent use of basic resources, such as land and water.

It must be adequately connected to the region's systems of transportation.

It is the European lesson that all this can be achieved, but only through regional planning on a broad scale, and through the constant cooperation of government, private industry, and other groups.

It is the European experience that it is government which must take the lead.

In this country we have until now attempted to do the job with private capital alone, and only in a few experimental communities. It will take hundreds, even thousands of new communities to accommodate the natural growth of our urban population.

It is time this essential work was begun.

PART II

If there are new towns and new cities in our future, their use will be to limit the sprawl of the city. But how to deal with the spreading rot at the city's core?

Increasingly the city is becoming the home of the poor and the black. The affluent are leaving it for the pleasanter, if less convenient, suburbs. Commerce is following the affluent in their flight.

The squalid disease spreads through the city's downtown.

Here is architect I. M. Pei:

PEI. There are certain parts of the city that are more seriously in trouble than others, and those are the parts that may have to require surgery. And other parts may not be as sick, so perhaps medication would do.

So the solution for the ills of the city depends on the seriousness of the malaise and I think if it's very serious we have to operate. If it's not so serious we can probably do it by less drastic means.

NARRATOR. The problem is how to determine what can be saved, and how.

In New York it was thought that this old neighborhood could be rehabilitated through a revolutionary technique. The buildings were hollowed, and then a new prefabricated interior was lowered into place.

Instant rehabilitation. The tenants were out of the building only forty-eight hours. What they returned to was the same, familiar neighborhood; but to modernized homes—fresh, new, convenient interiors.

It was an experiment, and it proved too expensive for wide use.

What has been most often done with slum areas is to level them to the ground and substitute new housing projects on the site. In the last thirty years we have spent $7 billion and built more than 700,000 dwelling units through federally-assisted public housing. This is a form of slum clearance which alters the look of the city, but does not truly change the circumstances which create the ghetto. The poor consort exclusively with the poor in their endless competition for living. It is a mutation in the form of misery.

Southwest Washington, D.C. represents another approach. Here were some of the worst slums in America. They were substituted with this model community, one of the happiest architectural experiments in the land. The area holds more than six thousand dwelling units of various size and architecture, designed for a wide range of pocketbooks. It is an integrated community. But, unfortunately, most of the space is beyond the economic reach of the slum's previous dwellers.

The ever-present problem of urban renewal is how can the dwellers of the old slums afford to live in the housing which is built to replace them?

Take Philadelphia. When, at long last, it was determined to do something about its unsightly center, the architectural and commercial needs of the city received priority.

Today downtown Philadelphia offers one of the most brilliant outlooks of any of our cities. It is lovely to look upon. It is functional; it is convenient for shopping, business and just plain urban living of a graceful sort.

All this has made the center of Philadelphia most desirable as a place for business, as a place to live. But with all the safeguards and prudence, this form of life is still beyond the means of the people who once lived here.

There is almost nothing we cannot do about our decaying cities. We can rehabilitate what must be rehabilitated; we can discard what is worthless; we can replace it with desirable, even lovely structures.

Two questions: How do we pay for it? And what do we do with the poor whom we displace?

Here is architect Moishe Safdie:

SAFDIE. The most immediate challenge to architecture today I think is whether we are going to be able to use the tools of industrialized housing and industrialized construction to create a decent environment.

When it comes to considering construction itself, the process of building, the most dramatic thing about the present state of the industry is that it's totally archaic. We build today pretty well the same way that we built fifty years ago. Technology, the whole wealth of technology as it has affected every other industry, has not affected the construction industry. It's basically a craft process. The application of mass production and assembly line techniques is non-existent. The whole relationship of design to construction, design construction and marketing, is stratified.

Where other industries are able to design and manufacture the product and market it within a single organizational structure, in construction we have this totally divided. Architects have nothing to do with industry, and industry has nothing to do with the contractor. And the only way that we are going to be able to build faster—which is one thing we have to do to deal with population growth itself—and build cheaper so we can improve the quality of housing that the average individual gets, is to apply technology through industrialization and mechanization to the construction industry.

NARRATOR. Already there have been examples of a dramatic potential for industrialization.

For instance, in San Antonio, Texas, this hotel was built in record time by using completely prefabricated elements called modules. Each module was assembled at the factory: Walls, ceiling, floor, carpeting, furniture, fixtures, wiring, plumbing. A complete living unit ready to be raised into place.

The building of this hotel took only nine months—one-half the usual time. This industrial experiment is a success.

Habitat 67, in Montreal, was built to show a type of housing for the future. It is another aspect of the use of the prefabricated modular construction system.

Here the modules are more complex in design, adaptable to various combinations for differently sized apartments. Terraces and garden areas can be designed into the components. The system is flexible. It can be used to build luxury apartments such as these, or for more modest housing. The basic principle is build the home in a factory using factory methods, and then erect it on the building site.

Habitat's designer, Moishe Safdie.

SAFDIE. One of the problems we must face is that on one hand we have to build greater densities and on the other the quality of life that the single-family house offers is something that we don't want to give up. We do want to have a garden, we do want to have greenery around our house. We want to have the privacy that permits us to head our family life without hearing our neighbors. And our present forms of higher density housing just don't offer that.

The typical apartment is an unacceptable place for a family to live in. And where families have had choice they've chosen the single-family house in suburbia.

And so what we must do now is evolve new forms of construction of housing where even though we're dealing with a multi-story, higher-density development we still offer the family a garden; we still offer them a front door that leads to a pedestrian street and that leads to playgrounds, and children can go out and play with other children and they don't get involved in corridors and traffic, et cetera.

In Puerto Rico we have had the opportunity to design and start construction on a project which will work out many of the technical problems that we've faced in Habitat. There is a site which will accommodate 800 housing units. It's a hill in the center of San Juan. And the corporation who is putting it up will be building a complete factory to mass produce the houses which will serve not only Puerto Rico itself but serve all the Caribbean islands at close range.

And the housing modules will be produced in this factory and shipped to the site and eventually to other sites and grouped in a pattern similar to that of Habitat in Montreal.

A three-bedroom house with its garden and covered parking space and all the community services will cost $14,000 to build, and will sell with the land costs, et cetera, for $17,000. And with this particular financing program it will mean that each family will pay $95 a month. It's a cooperative so it's $95 a month for its mortgage and maintenance cost of the dwelling.

Low-income housing has never cost less to build than middle-income housing and what we must do is use industrialization and mass production, and assembly-line methods to reduce the cost of all housing. And to improve the quality of all housing. And if it contributes to one income group it's going to contribute to the other.

NARRATOR. But if economically-priced housing is within reach, the problem remains how to replace slums, with healthy, economically, socially and racially integrated communities.

Here is City Planner Clarence Funnye:

FUNNYE. The alternative, I believe, is planned, deliberate, directed program for the elimination of existing ghettoes. And for the construction within suburbs of balanced, economically and ethnically balanced new towns.

At the same time that we plan for new towns in the suburbs, plan to loosen up the central city housing market so as to provide room for development.

Now given the compact development we haven't got the room. So I suggest that we use in all of those cities where we have land being held just abandoned, laying fallow, by various governmental agencies, that this land be taken over and used immediately for in-city new towns. This provides your loosening up the flexibility that you do need to start tearing down and redeveloping your inner city housing areas.

NARRATOR. The federal government already has started just such a project in Washington, D.C., at Fort Lincoln, a 350 acre tract of undeveloped government land within the city limits. It eventually will house 25,000 people. Town planners refer to it as a new town in the city. This new community is being planned to accommodate families of all income levels. It will relieve housing pressure in other parts of the city which then can be rehabilitated.

It is an experiment, and very interesting. But it is facilitated by the fact that the land was all under government ownership. In cities perhaps the hardest job and one of the most expensive, is the piecing together of large parcels of land from many owners, each with varied demands.

It is for this reason that architects and planners are looking to areas other than land as probable building sites. This is architect Buckminster Fuller's project for a floating city. It could be sited wherever there is a waterfront. Each building complex would house an entire neighborhood of five thousand people in one megastructure; that is, one building which would hold housing, shopping, schools, services, utilities, all under one roof.

Separate megastructures would be connected by roadway bridges. The whole could be prefabricated, assembled in a shipyard and floated into place. It is one solution to the problem of how to create more living space near the center of a waterfront city without increasing its population density. Furthermore, architects claim, the cost of such a project would be reasonable, at least competitive with other building plans.

The Japanese, whose search for space is vital, have a plan for a series of floating islands, with a roadway network running along the top, and terraced homes descending to the water level. Each island would be a megastructure holding an entire community, and complete in itself.

Also, Japanese is the project for free-form megastructures built in a conventional city. This might be a solution for cities, large sections of which are blighted. The condemned areas could be leveled and these huge structures built to accommodate entire communities, together with schools, shops, services, all self-contained. The free-form is adaptable to any size or shape of land available.

But perhaps the most practical of these space-creating Japanese projects is Kenzo Tange's plan for building over Tokyo Bay. The buildings would follow an arterial highway, which would also be a bridge to the other side of the bay. The settlement would be clearly connected to the land; part of it would actually abut on the land.

The megastructures would be of a style in tune with the central city out of which the communities would grow; each would house thousands of the people who each year increase the population and density of Tokyo.

All of these projects are flexible. All of them are potential solutions—at least partial solutions—to some of the problems of some of our cities.

This is the model of a community project proposed for the mountains overlooking Santa Monica, California. The top of the mountain would house the community and shopping center, with storage space for cars. Housing would be built on terraces along the mountainside with footpath and elevators leading to every level.

By concentrating the housing into well-defined areas the maximum natural green and trees would be left in the immediate reach of all. It is an idea useable wherever there are hills, or a mountain.

But all of these are projects, plans, some lovelier than others.

The reality is still the sprawling, rotting city which threatens to engulf us all if we do not act. For we can act, if we want to, if we organize, as we must.

The alternative is too unpleasant even to consider.

EPILOGUE

NARRATOR. Many are the projects to control the spread of our cities, renew, revitalize and refurbish their centers; many more will be proposed. Man has been conscious of his urban crisis only a relatively short time. The means to correct it exist, the techniques are available, the money can be found. Then why have we not yet scored a greater success?

One of the great challenges we face in the renaissance of our cities is basic organization. Los Angeles is a collection of seventy-five independent communities.

New York counts more than fifteen hundred separate local governments within fifty miles of Times Square.

Our cities are no longer cities, they are regions spilling over county, even state lines, and there is no adequate regional planning.

[SOF Hall]

HALL. I think there is a very large problem which the United States faces as a society in trying to plan its major metropolitan areas. This is that there is no social acceptance of regional planning as we understand it in Europe.

In Europe, Western Europe, we have a great variety of governments, some of which are conventionally labeled left wing and some of them right wing. But all these governments are united in virtually every country in their acceptance of positive planning of metropolitan areas, of controls over metropolitan growth in a way which is quite foreign to most Americans. This I think gives us much greater capacity to deal with our emerging urban problems than American metropolitan areas have.

If Americans cannot see their way to accepting metropolitan area planning covering a wide area of growth around the major cities then I see a rather bleak future for urban America and for urban Americans.

NARRATOR. Chairman of the National Commission on Urban Problems, former Senator Paul Douglas.

DOUGLAS. By the year 2000 we will probably have a total population of around three hundred million people, or a hundred million people more than we have now. Most of this growth will be in the suburbs. Some small portion of it will be in the central cities.

Our present units of local government are altogether too minute. For example, the suburbs of Chicago have over a thousand separate units of government and it's almost impossible to get any united plan from them when you have so many different small units to deal with.

I think we will have to have larger units of local government, not merely county units taking over many of the functions of the towns, but probably metropolitan areas which will operate as a unit under the states.

Chicago, for example, could have six or seven units, not a thousand. Or possibly one unit for the entire metropolitan area, if that could be achieved.

This is going to require the sweeping away of a lot of local barriers and the adoption of broader systems of government.

Now people differ as to whether they think this program is possible. Those who are pessimists by nature say that it's impossible, that the conflicts within society are so great as to prevent action of this type.

I suppose I am an optimist by nature. And it's my belief that this country which has come through many crises in the past which have threatened it, still has the ability to adapt, to move forward along democratic lines. But this is going to depend on the people of the United States. The issue is up to them and is in a sense up to you.

NARRATOR. During this hour we have shown you some of the proposed solutions to the problems of cities. We can control the spread of metropolitan areas. We can build new communities. We can renew our cities. We can build opportunity, eliminate squalor. The challenge is great but our means to overcome it are far greater than the challenge. What we need is the will, the determination to move, to act, to accomplish.

The city is the very expression of man. It was born out of his need. It has grown and spread in answer to his demand. Very little time, thought or effort has gone into the recent development of our cities. But the stifling creation which today threatens us could become man's greatest achievement. Indeed, it must!

MORRIS SCHAPIRO: A MAN WHO MADE THE AMERICAN DREAM COME TRUE

Mr. TYDINGS. Mr. President, Baltimoreans are often puzzled about it, but there is a good reason why the city of Baltimore is the home of the Boston Metals Co. That is because Morris Schapiro, who founded the company and is responsible for its phenomenal success, spent his first night as a resident of the United States in the city of Boston.

He had come here from Latvia in 1902. Like so many thousands of other Americans, he had left a country where people of his faith were being persecuted to come to the United States where it was said that an enterprising man of any faith could achieve success.

But the streets of Boston were not paved in gold for Morris Schapiro; his years there were neither happy nor rewarding.

In 1904, therefore, he came to Baltimore, which had just been devastated by fire. Out of the ruins and debris, he began a career in the metal industry by hauling scrap. Within a year, with two relatives and a combined capital fund of $200, Morris Schapiro had founded the Boston Metals Co.

Sixty-five years later that company is the biggest exporter of American-built diesel parts and the biggest firm in the world involved in the replacement of machinery. At the age of 85, its founder and now chairman of the board is one of Baltimore's most beloved figures and one of her most ardent boosters, as well as providing one of her most notable success stories.

I ask unanimous consent that an article published in the Baltimore Sun at the time of Mr. Schapiro's 85th birthday be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HE GIVES GIFTS ON HIS BIRTHDAY

(By Helen Delich Bentley)

Morris Schapiro, Baltimore's ship scrapping and race track tycoon spent Friday distributing $100 bills to each employee of Boston Metals Company, a custom built up over the past decade in honor of his birthday.

Yesterday he was 85. But because his birthday fell on Saturday, he distributed the money on the last working day for the full staff.

However, he spent his birthday wandering around the shipbreaking yard in Fairfield just as he does every Saturday. Even now he goes up and down ship ladders, perhaps not as agilely as he did years ago, but he still does it.

During the week, Mr. Schapiro is on the job from 9 a.m. to 1 p.m. at his 313 East Baltimore street office where the walls are covered with photographs of ships which have helped him become one of the biggest men in the business and photos of his wife, two sons, two daughters, seven grandchildren and seven great-grandchildren.

CREDITS LUCK FOR RISE

Despite the fact that today he moves in the circles of the biggest shipowners in the world, D. K. Ludwig, with whom he started in business and who always writes him a letter on his birthday, and Aristotle Onassis to whom he sold the Canadian frigate which today has become the celebrated yacht Christina on the Mediterranean, Mr. Schapiro still offers a "thank God every night for my family."

The smiling, pink-cheeked octogenarian is still modest enough to credit his rise to the top in his field internationally to luck, but those who have known him over the years are well aware that "lots of hard work and good solid management" have added a great deal to his spectacular achievement.

Although ship breaking is still the main business of the Boston Metals Schapiros, the horse racing business has added considerable glamour and romance to their operation. The initial interest began about 1943 when Morris Schapiro bought Gulfstream with a partner and ended five years later when they fell out of tune.

In 1950, he upset Maryland racing circles when he purchased Laurel Race Track, because no one was certain what the outcome would be. Today they are simply envious of the tremendous success which is Laurel, and agree that it has been good for Maryland.

STRONG LOCAL ALLEGIANCE

Although the Schapiros have interests all over the United States and overseas, Morris's strongest allegiance is to Baltimore and Maryland. A few years ago when there was a possibility that Maryland Shipbuilding and Drydock Company might be taken over by the Fifth Avenue Coach crowd, for whom he had little respect, Morris Schapiro said he would put up $1 million and looked for someone with another $1 million to work with him to save the company.

The stock involved was sold to him and Thomas Nichols, the late head of Olin-Mathieson Chemical Corporation, because they were recognized for being "decent men who want to build up a company rather than to purge or liquidate it."

Throughout his life, Morris Schapiro has faced challenges and crises which would make lesser men quail. His Horatio Alger story goes back to 1902 when the imperial Russians were riding high and Czar Nicholas II had little time or sympathy for his Latvian subjects, particularly the Jewish ones.

"It was the old story of persecution," he relates. "I was 19, discouraged and couldn't speak a word of English. But I got steerage passage to America on the old Pennsylvania and landed in New York all alone."

Upon landing in New York, he took a train to Boston because that was as far as his money would carry him. He describes his stay there miserable years, during which he worked as a butcher boy, grocery clerk and "half heartedly for a wholesale grocer."

Finally he fled to a distant cousin in Georgia who set him up as an itinerant country peddler wtih a mule, a stock of soap and a wad of dry goods, plus an earful of good advice.

That lasted one day because "I couldn't see myself for the rest of my life pushing that stuff on countrymen."

With $12.75 in his pocket, he headed for the coast and was wandering around the Savannah (Ga.) waterfront where he saw a seaman with a sign reading "Passage to Baltimore, $12."

When he landed at Block street, he did not realize that the greatest disaster ever to hit the Maryland city would help launch him on his career.

The burned-down city of Baltimore, in February, 1904, was still paralyzed. He found an old cart amid the junk, saw all the metal, scouted out the city's junk yards and began hauling junk back and forth—earning the magnificent sum of two cents a trip.

By the end of 1904, he had $30 and the determination to set up a business. With two relatives who had arrived from Latvia, they pooled $200 and established the Boston Metals Company—named after the city where he spent his first night in the United States.

Today, Boston Metals is the biggest exporter of American-built diesel parts and is the biggest firm involved in the replacement of machinery in the world.

GUN CRIMES IN WASHINGTON

Mr. DOMINICK. Mr. President, gun crimes in Washington, D.C., continue to be a matter of increasing concern.

On Friday last, action was taken by a U.S. District Court which may well mark a turning point in the war on crime. Judge George L. Hart, Jr., using a provision of the 1967 District of Columbia crime law, imposed a sentence of 15 years to life, in addition to the penalty for the substantive crime, because the defendant carried a gun at the time.

The story was reported in an Evening Star article entitled "Comes Under 1967 Law: Robber Gets 15 Years to Life," written by Donald Hirzel, and published January 31, 1969, and in a Washington Post article entitled "Stiff New Penalty Imposed on Thief," written by Thomas Lippman, and published February 1, 1969. I ask unanimous consent that both articles be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOMINICK. Mr. President, Senators will note that court officials were reported as stating most cases tried up to this time involved offenses which occurred prior to enactment of the new law. I am delighted to learn this situation is now changing.

Unfortunately, one reporter is for the most part accurate when he states this has been a "little-noticed" provision of the law. Those in the communications media who have the means to bring it to the attention of the public have done little to do so.

Such is not the case with the Senate.

Four times during 1968 I spoke of this provision on the floor of the Senate: CONGRESSIONAL RECORD, volume 114, part 14, page 18506; CONGRESSIONAL RECORD, volume 114, part 15, page 19288; CONGRESSIONAL RECORD, volume 114, part 16, page 21180; CONGRESSIONAL RECORD, volume 114, part 21, page 27142.

It was on this last date that the Senate added almost identical language to the National Gun Control Act of 1968 by adopting my floor amendment. That provision was subsequently modified in conference with the House.

With eligible cases only now coming before the courts, it is obviously too early to judge the effectiveness of this added penalty.

Yet, the cry is prevalent that Congress should pass still another law—this time containing mandatory minimum fixed terms.

During the September debate I said I was not against mandatory minimum penalties, but that two Presidential Crime Commissions took a very dim view of that approach. I said I had reason to believe my amendment would result in a stronger sentencing structure than mandatory fixed minimums for several reasons. I also quoted from the conference report on the 1958 national act issued when Congress first began to enter the field of indeterminate sentencing. The conference report reads:

> Testimony submitted at the hearing on this legislation disclosed that terms served under indeterminate sentences average longer than do terms under the fixed system.

For those who advocate rigid fixed penalties and argue indeterminate sentencing is weak, let them consider the fact that the defendant in this case will serve "at least 15 years before becoming eligible for parole." The indeterminate formula permits this flexibility to deal with each case individually. The judge determined the nature of the attack warranted the heavier sentence.

As this law becomes operative, the Senate District Committee should keep close tabs on its impact. Change it, if necessary.

To be effective it must be utilized, and its availability must be made known to every potential gun criminal.

Judge Hart has begun use of the law we enacted.

Now a large measure of the responsibility rests with the news media, in its many reports of crimes, to circulate widely the notice that the gun crime criminal in the Nation's Capital runs the risk of imprisonment for life.

EXHIBIT 1

[From the Washington Evening Star, Jan. 31, 1969]

COMES UNDER 1967 LAW: ROBBER GETS 15 YEARS TO LIFE

(By Donald Hirzel)

A federal judge today tapped a section of the D.C. Crime Reduction Act of 1967 which permits life sentences for crimes of violence with use of weapons to impose a 15-year-to-life sentence on a man who robbed a liquor store of $622.

U.S. District Court Judge George L. Hart Jr. gave notice that "anyone else convicted by a jury before me on an armed robbery can expect similar treatment."

The law became effective on Dec. 27, 1967, and is believed to have been used only once before in the court.

The reason it has not, according to court officials, is that the court backlog is so great most crimes tried within the last year were committed prior to its enactment.

However, from now on most of the cases being processed will involve offenses which occurred following enactment.

The defendant before Hart today was James McCoy, 25, of the 1600 block of Kenyon St. NW, who had been found guilty of armed robbery, assault with a dangerous weapon and possession of a prohibited weapon—a sawed-off shotgun.

He received 15 years to life for the armed robbery, 40 months to 10 years for the assault and one year for the prohibited weapon. The two lesser charges will be served concurrently with the armed robbery sentence.

McCoy was charged with the $622 holdup of the Congressional Liquor Store, 406 First St. SE, last June 22, with another man.

McCoy was armed with the shotgun and his partner had a pistol. The store owner resisted the robbery and was hit with a whiskey bottle and the pistol butt as the two escaped.

Witnesses noted the tag number of the escape car and on July 11 McCoy was arrested and charged with the robbery.

He was released on bond and on Sept. 9 was arrested on charges of forgery and released on personal bond until his trial on the robbery charge.

McCoy denied any involvement in the holdup.

Defense attorney James Hughes filed an appeal and asked that McCoy be released pending the outcome.

Hart replied that "the nature of the attack indicates that he is a walking keg of dynamite on the street," and refused release.

[From the Washington Post, Feb. 1, 1969]

STIFF NEW PENALTY IMPOSED ON THIEF

(By Thomas W. Lippman)

A District Court judge invoked a little-noticed provision of the 1967 D.C. Crime Act yesterday to impose a prison term of 15 years to life on a convicted liquor store robber.

Judge George L. Hart, Jr. also "served notice," he said, that "anyone else convicted by a jury before me of armed robbery may expect a similar sentence."

The crime bill provided that a judge may impose life imprisonment for any crime of violence in which a dangerous weapon is used. Court officials said they could recall only one previous case in which such action had been taken.

Without the crime act, Judge Hart said, the longest sentence he could have given to James E. McCoy would have been 15 years.

McCoy, 25, of 1636 Kenyon st. nw., was convicted of the robbery of Congressional Liquors, 406 1st. se., last July. The jury also found that McCoy used a sawed-off shotgun to threaten the store's owner, Bernard Levine.

"At close range," Judge Hart said, "a sawed-off shotgun is the most dangerous weapon known to man."

Judge Hart also noted that McCoy had been charged with forgery while awaiting trial in the robbery case. The sentence he imposed yesterday, he said, will be consecutive to any sentence given to McCoy in any other case. McCoy will have to serve at least 15 years before becoming eligible for parole.

REFORM OF THE ELECTORAL VOTE

Mr. BYRD of Virginia. Mr. President, as one who favors reform in the electoral college system, I found much meat in an article by Tom Wicker, New York Times columnist, which was published in the Times of January 30.

Mr. Wicker's column was captioned "Case for Direct Vote."

I have been inclined to the proportional approach—namely proportional division of a State's electoral votes according to its popular votes, this to be done automatically and without the use of electors. I am a cosponsor with the Senator from North Carolina (Mr. ERVIN) on such legislation.

As an alternative, I look with favor on the proposal of the Senator from South Dakota (Mr. MUNDT) which would assign electoral votes according to the popular vote of each congressional district.

While I would prefer to reform the electoral system but keep its framework, I do not rule out the approach to which Mr. Wicker directs himself.

I ask unanimous consent that the text of Mr. Wicker's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONGRESS SPLIT: CASE FOR DIRECT VOTE

(By Tom Wicker)

After the fears aroused by the 1968 election, the time seemed as ripe as it would ever be for fundamental reform of the way in which we elect presidents. But the time is never really ripe for fundamental reform, and the election effort is in danger of bogging down, for two predictable reasons.

One is that while most members of Congress and officials are for doing something, not enough are agreed on what it ought to be. The Senate Subcommittee on Constitutional Amendments, for example, now lines up about as follows:

Senators Bayh of Indiana and Tydings of Maryland for direct popular election; Senators Ervin of North Carolina and Dodd of Connecticut for proportional division of a state's electoral votes according to its popular votes; Sen. Hruska of Nebraska for assigning an electoral vote to each congressional district; Senators Fong of Hawaii and Thurmond of South Carolina for either the proportional or the district plan; Senators Eastland of Mississippi and Dirksen of Illinois, fluid.

The other major problem is the ironic misconceptions many politicians hold, almost as articles of faith, about direct popular election—which happens to be the only reform plan that has great public support (79 per cent in the latest Harris Poll on the subject) and that would eliminate all, not just some, of the dangers of the electoral college system.

These misconceptions, nevertheless, have produced an opposition to the direct voting plan that rests largely on two directly contradictory propositions, neither of which is true—that direct popular voting would damage the interests of the small states or else that it would damage the interests of large states. (Neither small nor large states, of course, have any necessary similarity of interests, not even rural or urban; Texas and Michigan are large states with substantial rural interests; Rhode Island and Connecticut are small but urban states.)

The small-state argument holds no water at all. It is based on the fact that the automatic assignment of at least two electoral votes to every state gives greater proportional representation in the Electoral College to the voters of sparsely populated states. Alaska, for instance, gets one electoral vote for only 75,389 persons, while California gets one for 392,930 persons. This looks good on paper; but in politics Alaska's "advantage" is worth less than Wally Hickel's standing with the Sierra Club. California still casts 40 electoral votes to Alaska's three, and anyone who doesn't understand what that means need only count how many presidential candidates visited Nome or Fairbanks last year.

In fact, the 12 largest states, in the Electoral College could choose a president with 281 votes, no matter what the other 38 states did. And the power of Alaskans and other small-state residents in a presidential election would be substantially enhanced, not reduced, by direct popular voting. That is because, under the system in which a state popular vote winner takes all of that state's electoral votes, the ballots of those who supported the loser are completely negated; in popular voting, they would be counted equally with the votes of every other voter in every other state.

This does not mean, however, that the people of the big states would be damaged by popular voting—although it is true that the ability of those states to dominate the Electoral College (which they have in fact seldom done: witness 1968) would be reduced. These states would remain the major population centers, and presidential candidates would continue, in Barry Goldwater's phrase, to "hunt ducks where the ducks are." Does anyone imagine that New York and California would not remain the prime hunting grounds of presidential candidates? Or that candidates and presidents would not conduct themselves generally in such a manner as to appeal to urban voters?

While urban-based minority groups might lose some of their power over big blocs of electoral votes, is there any longer a justification for that advantage now that the one-man, one-vote rulings are putting an end to rural-dominated state legislatures? All minority-group votes would be counted, moreover, under the direct election plan; those of blacks who voted for Hubert Humphrey in Illinois, for example, were negated when

Richard Nixon took all that state's electoral votes in 1968.

Neither the small states nor the large states, in short, would suffer from direct voting. The people of one would only become as important as the people of the other—no more and no less.

THE VOLUNTARY MILITARY MANPOWER PROCUREMENT ACT

Mr. HATFIELD. Mr. President, following the introduction on January 22 of the Voluntary Military Manpower Procurement Act of 1969 (S. 503) in behalf of myself and nine other Senators, there has been pro and con editorial comment upon the bill. In the belief that it would be helpful to other Senators to have a few representative editorials placed in the RECORD for their reference, I ask unanimous consent that the following editorials and letter be printed in the RECORD:

Editorial entitled "Ending the Draft," from the Washington Post of February 3, 1969;

Editorial entitled "Draft To End, but Not Soon," from the Oregon Journal of January 27, 1969;

Editorial entitled "How Not To Reform the Draft," from the New York Times of January 24, 1969;

My letter response, dated January 28, 1969, to the New York Times.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 3, 1969]

ENDING THE DRAFT

It would be premature to assume that the draft is on the way out because President Nixon has ordered the Defense Department to prepare a "detailed plan" to replace it with a voluntary system. The White House is not thinking of an immediate shift to an all-volunteer army, but of such a transition after expenditures on the war in Vietnam have been substantially reduced. After the plan has been worked out at the Pentagon, it will have to be approved by the President and Congress, and funds to put it into operation will have to be found.

The length of the road to be traveled, however, does not minimize the importance of a good beginning. The drafting of young men for service in the war in Vietnam has been a source of widespread unrest in the country, and that unrest is not wholly related to pacifism or isolationism. In part it reflects the grave injustice that is inflicted on young men drafted to fight in Vietnam for a fraction of the pay received by other young men who stay home and pursue their civilian careers.

This inequity must be ended. In fixing the pay of civilian Government workers Congress has accepted the principle that it should be comparable to the salaries paid for similar work outside the public service. No such comparison can be made for soldiers and sailors, but that is a poor excuse for keeping their pay far below what they would earn in civilian life. If differentials are to be made, they should run in favor of the GIs who may be on duty 24 hours a day at the risk of their lives.

We hope, therefore, that the Defense Department will move with dispatch in devising a plan for the kind of orderly transition that the President and many members of Congress want. Meanwhile the problems of transition would be eased if Congress would raise the pay of soldiers in the ranks so as to encourage volunteers and fairly to reward those who remain in the service after their required tour of duty has expired.

It is interesting to note that Senator Hatfield and eight of his colleagues are already sponsoring a bill to boost the pay and privileges of enlisted men with the object of abolishing the draft. One of the attractive features of this measure is that it would provide special training for men who now seek military service but are barred by slight physical or educational deficiencies.

We surmise that there is a good deal of legislative steam behind this bill. It will serve to remind the Pentagon and the White House that Congress may move without waiting for their specific advice if the promised recommendations should be too long delayed.

[From the Oregon Journal, Jan. 27, 1969]

DRAFT TO END, BUT NOT SOON

Sen. Mark Hatfield's proposal to replace the draft with a volunteer army will be controversial only in some of its provisions, mainly the timetable for the switch.

The idea has the broadest possible support. The seven co-signers with Hatfield include conservative and military-minded Barry Goldwater, along with liberal Democrats and Oregon's freshman Sen. Robert Packwood.

In his campaign, President Nixon advocated an end to the draft—after the Vietnam war is settled. The principle is supported nationally by such diverse individuals as William Buckley, arch-conservative writer and commentator, and the leaders of student protest movements. The Department of Defense sees some advantages in a volunteer army.

Military conscription has never been popular in this country. Earlier periods of our history recorded far greater controversy and more violent protest over this issue than we have seen in recent years. Civil war draft riots took hundreds of lives. The extension of a temporary U.S. draft law while Britain was fighting for its life in the earlier stages of World War II was controversial. The late Sen. Robert Taft, a conservative, strongly opposed the extension of Selective Service not long before Japan bombed Pearl Harbor.

A replacement of the draft is desirable for many reasons, including the fact that conscription is not and cannot ever be fair and impartial, particularly when the number of men needed may be only a fraction of those available. It is a major source of discontent among young people at a time when our nation has enough other issues which divide our people. It is costly to train men who serve only short periods of time.

A volunteer army will be costly too. The men will have to be paid substantially more. There is no guarantee even then that the service will attract the kind of personnel the military desires. Our country has seen periods in the past when the defense posture was weakened by total reliance on volunteers. There is also legitimate concern about the wisdom of having an all-professional army—made clearer if, for the word "professional" one substitutes the less friendly term "mercenary."

This is not to say that the problems cannot be overcome. It does suggest that the transition will not be easy and cannot be swift. There is confidence, even in the Defense Department, that a workable volunteer system can be devised and that in the long run it will have advantages over the draft.

Congress is likely to agree with President Nixon that the draft cannot be ended until the Vietnam war is settled and surely will reject the rigid provision in the Hatfield bill which would discontinue conscription six months after the bill's enactment. Hatfield himself recognizes the need for a standby draft. Under his proposal, registration would continue, and the draft could be reinstated in an emergency with recommendation of the President and the concurrence of Congress.

The replacement of the draft with a volunteer system is almost certain to come. The only question is when. The length of the Vietnam war and the turn of events in other potential danger spots will have a great deal to do with the answer to that one.

[From the New York Times, Jan. 24, 1969]

HOW NOT TO REFORM THE DRAFT

Almost every analyst agrees that something basic should be done about the inequitable Selective Service System, a major cause of unrest among the nation's youth, who are its chief victims. The military manpower bill introduced by Mark O. Hatfield of Oregon and eight other Senators this week, unfortunately, is not the answer.

The Hatfield bill would not reform the draft, as a Presidential commission recommended two years ago. Rather it would abolish military conscription altogether, substituting an army of volunteers who would be attracted by higher pay and other incentives.

The trouble with the Hatfield approach is that it ignores evidence amassed in a number of studies that pay raises even higher than those proposed in the Senator's bill would fail to attract sufficient volunteers to meet the nation's military manpower needs while the Vietnam war goes on. Although the Senator has critized Pentagon estimates that an all-volunteer Army might add as much as $17 billion to the defense budget, he offers no precise figures on the cost of his program or on the size of the armed forces it might be expected to support.

There certainly is merit in the Hatfield proposal for "upgrading the conditions and status" of military service. But any warranted improvement in pay or other standards ought to apply to those who are compelled to serve their country involuntarily for a limited period as well as those who voluteer for careers in the armed forces. Until Vietnam needs drop substantially, it is an illusion to believe the draft can be abolished. The urgent—and long overdue—requirement is immediate Congressional action to revise the Selective Service Act along the sensible lines proposed by President Johnson's National Advisory Commission.

JANUARY 28, 1969.

To the EDITOR,
THE NEW YORK TIMES,
New York, N.Y.

GENTLEMEN: Your editorial of January 24 opposing the bill I and nine other Senators are sponsoring to return our nation to a volunteer military contains several errors in fact that should be corrected.

You stated that I offered "no precise figures of the cost" or size of the armed forces under a volunteer system. However, in my introduction of the bill on the Senate floor I did precisely state that the pay raise I propose would cost an additional $3.7 billion in salaries at current force levels of 3.5 million men. In addition, I made much more extensive cost projections in testimony before the Armed Services Committee in 1967. Also, I had placed in the *Congressional Record* for January 23, 1969, an article by economist Walter Oi relating to these costs. Professor Oi has made the most exhaustive and technical analysis of the economic feasibility of a volunteer military that have been made public and he has projected that it would cost $4 billion to recruit a volunteer army during peace time and about $9 billion during wartime.

Your editorial commented that my approach "ignores evidence amassed in a number of studies" that pay raises would fail to attract sufficient volunteers. Unfortunately, as far as I know this "evidence" consists almost exclusively of unsupported declarations by the Pentagon. We have only seen the *conclusions* of these so-called studies and not the working papers or raw statistics on which these judgments were based. These "conclusions" have been accepted as final authority although their validity has never been publically proved and, unfortunately, too rarely questioned. The one survey I have seen of servicemen's attitudes that supports the Defense Department's assertion, asked only if pay raises would influence the decision to enlist or remain in the military. My bill does not rely on just a monetary incentive but would help make the armed services competitive with private enterprise in terms of compensation, fringe benefits, living conditions and status. I have never felt that raising salaries without improving the general conditions and status of military life would be sufficient.

Your editorial also implies that improved conditions and compensation would be given only to volunteers and not draftees. First, when my bill passes there will be no more young men drafted and second, there would be no discrimination made between volunteers and draftees in the service at the time of the bill's enactment. Everyone in each grade would receive the same treatment whether or not he initially enlisted or was drafted.

Finally, you recommend the adoption of the draft reforms proposed by the Marshall Commission. I cant really believe that the TIMES or any concerned and rational person would settle for such half measures in solving a problem when a full solution is both available and feasible. The problem, of course, is having many more draft eligible men than are actually needed by the military. Adopting the lottery system comes down to just substituting one arbitrary system of conscription for another. Relying on Lady Luck instead of local draft boards to fill military ranks does not eliminate the basic inequity of the draft; the injustice of forcing some men into two years of what amounts to involuntary servitude while granting the majority their liberty.

Sincerely,

MARK O. HATFIELD,
U.S. Senator.

THE 21ST ANNIVERSARY OF THE INDEPENDENCE OF CEYLON

Mr. MUSKIE. Mr. President, I invite the attention of the Senate to the 21st anniversary of the independence of Ceylon and extend my congratulations to the people of that young nation.

At a time when the stability of new nations is a serious question mark in our world, the maturity that Ceylon has reached in 21 short years is heartening. This country has survived as a parliamentary democracy in a part of the world not known for such success.

Mass educational efforts have sharply increased the literacy rate, and the standard of living continues to grow.

Industrial development has increased, and the birth rate has declined, resulting in an annual growth rate for the economy of 7 percent.

Ceylon has not accomplished this stability and this growth without significant international assistance, and its Government is quick to acknowledge this help. But this has been truly international aid, and Ceylon has not been forced into unilateral dependence on one foreign power. This, Mr. President, is one of the most encouraging aspects of this nation's growth. Ceylon has demonstrated that the developed nations of the world, the United Nations, and the World Bank can work together on behalf of an undeveloped country—to a point where that country can achieve a significant level of self-sufficiency.

As we congratulate Ceylon today, and as we look forward to many more years of continued freedom, stability and growth for her people, I think we can also note with pride the means to her success. We can look with some hope to a time when her experience is the rule rather than the exception.

POSTAL REORGANIZATION

Mr. HANSEN. Mr. President, on January 22, I introduced, for myself and Senators BAKER, FANNIN, GOLDWATER, WILLIAMS of Delaware, and COOK, a bill (S. 492) to implement the recommendations of the President's Commission on Postal Reorganization.

I have long been concerned with the critical need for reorganization and greatly improved service within the Post Office Department. I believe S. 492 represents an opportunity for Congress to streamline and make more dependable a service on which nearly every citizen relies every day.

For several months, I have maintained in my office a file containing complaints from constituents about postal inefficiency, and documentation of many examples of serious breakdowns in the present postal system. This file continues to grow thicker. Since the introduction of S. 492, several more examples have come to my attention which demonstrate most graphically the urgent need for prompt enactment of this measure.

Dismayingly typical of the examples in this "poor service" file is a letter received this week from my State of Wyoming, noting that correspondence from my office to Wyoming, sent via air mail, had taken 5 days to reach its destination. Another letter from a Wyoming citizen notes that it took 31 days for an important document sent from the Department of the Interior to be finally delivered.

The need for vastly improved service and efficiency within a system on which the Nation's businesses, Government and citizens depend so heavily has reached the critical point.

A New York Times columnist recently appended to the familiar watchwords of the postal service—

> Neither snow nor rain nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds.

The further comment:

> Where snow, rain, heat and gloom of night have failed, bureaucracy may succeed; America's postal service is in desperate shape.

This, unfortunately, aptly sums up the sad state of our postal system. Its ills were thoroughly cataloged by the President's Commission on Postal Organization in its revealing report, "Toward Postal Excellence," issued in June of last year.

They run the gamut from outdated plant facilities, to poor management, to impossible working conditions, to unproductive labor-management relations, to unnecessary political interference in the workings of the Post Office Department.

Let me be a bit more specific about these problems which are plaguing the Nation's postal service.

Outdated plant facilities: A contractor for the Kappel Commission estimated that the productivity of some postal facilities could be increased by as much as 50 percent through systems-engineering techniques already in common use in private industry. Much of the work in post offices is done in the same manner as it was a hundred years ago, and labor-saving automated equipment is not used nearly to the extent it should be. The Commission reported noted:

> The Commission visited one major post office to which five new automatic machines had been delivered nine months previously. Only one machine had been installed, and it was not working properly. The other four were still in packing crates.

Poor management: Although the Kappel Commission was impressed with the caliber of the managers of the postal service, they realized that because they are not vested with the authority to run the postal system, they were powerless to correct its faults by themselves. The involvement of the postal service in the normal budgetary process and the congressional restraints this entails, the statutory constraints imposed on the service over the years, and the patronage method of selecting postal managers all contribute to the management crisis of the Post Office Department.

Impossible working conditions: Procedures for hiring, discipline, promotion, and grievances have remained relatively unchanged in the Post Office Department over the last few decades. It takes at least 13 weeks to hire an employee, and a recent Department survey showed that 67 percent of job applicants in 17 large metropolitan areas did not wait around to complete the process. About 85 percent of all postal employees are in the five lowest grades, and over 80 percent finish their careers at the same grade level at which they start them. Comments the Kappel Commission:

> The small number of higher positions in the personnel structure, the patronage and residency requirements for postmaster appointments, the practice of not transferring supervisors from one office to another and the extraordinary emphasis on seniority not only hamper management but seriously limit postal career opportunities.

Unproductive labor-management relations: The Post Office Department is the most highly unionized Federal Government agency. But postal unions differ sharply from those in the private sector. They represent workers who are by law forbidden to strike, and they exercise their primary influence not at the bargaining table but with the Congress. Executive Order 10988, promulgated in 1962, marked the beginning of formal labor-management relations in the Federal Government as a whole. It has been less than successful in the postal service, according to the Kappel Commission. Many of the problems stem from the exclusion from bargaining of most items normally bargainable between labor and management. In addition, union officials complain that management's national bargaining team fails to appreciate differing situations among local post offices, and management on its part alleges that grievance and dismissal procedures are unnecessarily complex and time consuming.

Unnecessary political interference: We all know that the political process openly determines the selection of postal officials at three levels: top management, postmasters, and rural carriers. When efficiency and effective service should be the hallmarks of our postal system, what an anomaly it is to continue to interject partisan politics into the Post Office appointment process. The Kappel Commission's report summed this up very well:

> The mission of the Post Office is simpler and narrower than that of most other Federal activities. It is by far more important as an economic activity than as an instrument of public policy. For this reason, and even laying aside management considerations, we cannot help raise the question as citizens whether the Congressional and Executive energy devoted to the details of postal affairs represents the most productive use of the talents of our national political leadership.

S. 492 reflects the feeling of the Kappel Commission that a basic restructuring of the Post Office Department is essential if any real progress toward solution of its many problems is to be made. My proposal would establish a Postal Corporation, chartered by Congress, to run the postal service on a self-supporting basis. Full management responsibility and authority would be vested in a nine-man Board of Directors. Six of the Directors would be appointed by the President, and they in turn would choose a Chief Executive Officer for the Corporation who would also be the Chairman of the Board, and two other corporate officers. The Presidential appointees would serve on a part-time basis, while the other three Directors would be full-time managers of the Corporation.

The postal service is big business; 82.3 billion pieces of mail were handled in 1968, and it is expected that volume will increase to 110.1 billion pieces by 1975. Seventy-four percent of the mail originates in business establishments, while 20 percent comes from households and 6 percent from Government. Except for the tradition of the Post Office as a policy arm of the Government, there is no reason for it to remain a Cabinet-level department. The Kappel Commission speculated that the Post Office probably would have developed in the same manner as other utilities, as a private industry regulated to a certain extent by the Government, had it begun when the country had reached a more advanced stage of technological and economic development.

In his 1948 budget message, President Truman commented as follows on the purposes of the Government corporation:

> Experience indicates that the corporate form of organization is peculiarly adapted to the administration of governmental programs which are predominantly of a commercial character—those which are revenue producing are at least potentially self-sustaining, and involve a large number of business-type transactions with the public.
>
> In their business operations such programs require greater flexibility than the customary type of appropriation budget ordinarily permits. As a rule the usefulness of a corporation lies in its ability to deal with the public in the manner employed by private business for similar work.

This description fits the postal system perfectly.

A fundamental management objective of the Postal Corporation would be to get the Post Office on a sound financial footing through operating efficiencies and increased revenues. And this can be done through greater mechanization and modernization, and with the cooperation of top management officials and postal employees.

Under my proposed legislation, postal rates would be set by the Board of Directors of the Postal Corporation subject to veto by the Congress. Changes in rates or classes of postal users would be the responsibility of an officer of the Corporation known as the Rate Manager. A panel of three expert Rate Commissioners, independent of operating management and responsible only to the Board of Directors, would hold hearings on the proposed changes and render an initial decision on their merits. The board of Directors would then accept or modify the Rate Commissioners' recommendations and issue a formal rate change notice, to take effect within 60 days unless disapproved by concurrent resolution of the Congress. This is a procedure somewhat similar to that used to disapprove Presidential reorganization plans under the Reorganization Act of 1949. It would protect the public against abuse of rate-setting authority while freeing Congress of involvement in technical rate details.

No political tests or qualifications would be permitted when hiring officials and employees for the proposed Postal Corporation. Collective bargaining would determine the conditions of employment of nonmanagerial and nonprofessional employees, and disputes that cannot be settled otherwise would be referred to the President for final and binding settlement. Nonprofessional and nonmanagerial employees of the Post Office Department would be transferred to a new career service within the Corporation, without losing their accrued Civil Service benefits.

The net result of these basic changes in the structure of our postal system would be, in time, a self-sustaining postal service which offers much more efficient and greatly improved service to the public. And this, after all, is what the Post Office Department should be organized to do. I disagree with those who say that removing the Department from the Cabinet will "downgrade" it. In whose eyes? If a postal corporation initiates the needed improvements in operations; if it makes a conscious effort to find out what the public wants from its postal service and endeavors to meet their needs; if it improves working conditions for postal employees; and if it is able, through operating efficiencies, to relieve the current drain on the Treasury caused by the continuing deficit in postal operations, the postal system can only be upgraded in the eyes of the millions of private citizens and businesses who must depend on it.

There is no question in my own mind that we must act, and act quickly, if the postal service is to win the "race with catastrophe" that former Postmaster General Larry O'Brien described so graphically. Our new Postmaster General is a highly respected businessman, and I suspect that he, too, will recognize the need for change.

I am convinced that the creation of a wholly owned Government corporation is the best solution to our postal problems, and that, by bringing accepted business techniques to bear, it will mean improved postal service for all of us.

"DECISION TIME FOR TACTICAL AIR POWER"—ARTICLE IN FORTUNE MAGAZINE

Mr. THURMOND. Mr. President, an article in the December 1968 issue of Fortune magazine affirms what I and many other have been saying about the alarming decline of our military power. Many experts and article after article in our press the past year have expressed serious doubts about our system of developing and producing weapons.

Mr. President, our lack of tactical airpower for air superiority is one program that has suffered from the so-called cost effectiveness. Instead, billions have been wasted with little return on the dollar for security. This country has not produced a new tactical aircraft in the last 8 years except the F–111 which is still subject to proof of promised capability. To quote from the December issue of Fortune magazine:

> The F–111 had been developed for common use by the Air Force and the Navy, and it stands, in fact, as the only truly significant innovation in military air technology that was attempted by the Kennedy and Johnson Administrations in their eight years of power.

Mr. President, I am sure it is not necessary for me to review the tragic history of the F–111. Senators are well aware of the billions of dollars wasted in trying to design a tactical airplane that would serve the design characteristics of both the Navy and the Air Force. Nevertheless, the F–111 program cannot be ignored in the critical decisions that lie ahead.

Decisions must be reached without delay to prevent the Soviets from overtaking the United States in another critical weapons area. The Soviets flew seven new models of aircraft last year. They have added twice as many types of operational aircraft to their inventory than has the United States over the past 10 years. This includes the Soviet Foxbat which is the present holder of the world's speed record.

Last October, the Senate Preparedness Investigation Subcommittee Report on the U.S. Tactical Air Power Program made 11 recommendations to help overcome the tragic errors of the F–111 program. Our first recommendation was that "the United States initiate and pursue with vigor the development of a new air superiority weapons system."

Mr. President, some of the costly lessons learned in the F–111 program and the serious state of our tactical airpower today are brought to our attention in an article entitled "Decision Time for Tactical Air Power," written by Mr. Charles J. V. Murphy, and published in the December 1968 issue of Fortune magazine.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DECISION TIME FOR TACTICAL AIR POWER

The tactical air power of the U.S. stands today in a critically depleted state. In contradistinction to strategic air power or missile power, which reaches over long distances to strike at the enemy's sources of strength at home, tactical air power consists primarily of air forces that support troops engaged directly with the enemy. By choice, American air action in Vietnam has been overwhelmingly of a tactical character. In the course of three and a half years of heavy use there, our tactical air forces have been gradually worn down. The program for the F–111, the 1,600-mile-an-hour swing-wing fighter-bomber that was confidently expected to give American fighting forces capacity for rapid and summary intervention in the most distant limited-war situations, has foundered, and the hope that the F–111 would serve the needs of both Navy and Air Force has been abandoned.

Meanwhile, air technologies have advanced. The experience in Vietnam, where the battle got turned around at the cost of over $70 billion, has stimulated new tactical concepts. The Air Force and Navy have laid before the Secretary of Defense and the military committees of Congress ambitious and costly plans for advanced machines that they wish to be able to deploy not later than the mid-1970's, in time (presumably) to replace their run-down aircraft inventories and to offset the known and untiring improvement in the Soviet tactical air forces. Those plans constitute one of the most serious pieces of business awaiting the new President and the Ninety-first Congress in January.

In the country of the Wright brothers, making the technical case for or against military investments of this sort—the programs, if authorized, will run into billions—should be by now a fairly familiar proposition. The U.S. has been, after all, the world's foremost air power for a full quarter of a century. It alone of the great powers has exercised military air power in all of its variety across all the seas and continents. But the puzzling fact is that our government has not been managing its air power very well lately. It is having trouble with the planes it builds. In Vietnam, it turned unsure about how widely and how heavily air power should be employed. Now, with the conflict in Asia still unfinished, the government stands confused over the kind and amount of air power that it should be preparing for the 1970's and beyond. Finally, of course, a surging demand for social programs of unprecedented size in a nation turning more and more in upon itself could well drown out the military's plea for further immense capital investments in tactical air power, especially in the aftermath of the collapsing F–111 program.

A good deal of the current confusion arises, naturally enough, from the difficulty of determining where the next military challenge will come from. Who the next enemy is, how the fighting starts, and the kind and quantity of weapons the enemy employs must necessarily have profound bearing on the effectiveness of whatever air power the U.S. has in being.

This is an uncomfortable interval for Americans of the victory-through-air-power generation, who looked to the airplane to provide the nation—a high-technology society with an abhorrence of using ground troops—with a swift, sure, rational technical advantage in war. On the public evidence, the machine itself appears to have been less than decisive in the limited-war situation presented in Vietnam. In the context of the Vietnam experience, the effectiveness of air power remains unproved.

In the midst of this experience in disillusionment, the strange breakdown of the huge F–111 fighter-bomber program has thrown a cloud over the Air Force's competence even to take a difficult design into satisfactory production. The F–111 had been developed for common use by the Air Force and the Navy, and it stands, in fact, as the only truly significant innovation in military air technology that was attempted by the Kennedy and Johnson Administrations in their eight years in power. Now, as a result of the utter failure of the Navy version to satisfy the stern requirements for sustained carrier operations, the Navy has ended up empty-handed. The Air Force, as things are shaping up, is likely to buy far fewer of the land-based versions than was anticipated. The planes that it is receiving are costing, moreover, at least twice as much as was first gingerly forecast; and their versatility, in consequence of a combination of design compromises and technical miscarriages, is a good deal less than was hoped for when the design was settled upon six years ago.

Plainly, the government is having quite as much trouble in trying to fit the airplane into a dependable strategy as it is experiencing elsewhere in fitting the airplane as a commercial vehicle into an overcrowded environment. Either we Americans have misused or misunderstood the Wright brothers' legacy, or their invention is turning out to be less valuable than it was cracked up to be. The hearings in the new Congress on the military appropriation bills currently in preparation for the fiscal 1970 budget would be an appropriate place to start finding out. But before the Navy and the Air Force can hope to engender broad popular support for their proposed programs, their planners will have to come forward with convincing answers to at least three highly pertinent questions:

What has gone wrong with the F–111 program, and why was the trouble so long in being discovered?

What has there been in the prolonged and generally unavailing Vietnam war experience to justify pouring more billions of capital into high-performance aircraft for limited wars?

What is there on the horizon to justify the case for inventing and building planes of a different character than those that have proved to be of only limited usefulness in a limited-war test?

The answers to the first two questions, on the basis of the evidence slowly coming into view, are likely to be rather different from those that crystallized at the height of the fierce controversies surrounding these two altogether separate issues. Here the answers are of particular and perhaps even vital importance, for the obvious reason that the future of U.S. tactical aviation, and with it a very considerable fraction of the more advanced aeronautical technologies, will be shaped by fiscal 1970 appropriations. As regards the third question, the evidence takes on an added dimension because the U.S. remains the only large producer and user of advanced and versatile air power in the non-Communist world.

EMPTY SKIES AFTER THE F–111

According to an old saw, between wars the generals usually prepare to fight the last war all over again. But the F–111 is a stupefying example of what can happen when the civilians ignore or overrule the generals. The plane was to have become Robert McNamara's masterpiece in the civilian management of military programs. When he awarded the contract to General Dynamics in November, 1962, the job was expected to evolve into one of the biggest single programs in the history of military procurement—perhaps as many as 1,700 planes to cost about $7 billion, including research and development. In money, at least, the undertaking has turned out to be every bit as big as expected. In May, at the start of the special inquiry into the F–111 program by the House Appropriations subcommittee on defense, Chairman Mahon of Texas, a temperate man, noted mournfully that Congress had already appropriated $5.2 billion and, with the end nowhere in sight, was being asked for $2.6 billion more in the fiscal 1969 budget.

The F-111 was also to have supplied a stunning demonstration of the usefulness of the cost-effectiveness technique—another aspect of the McNamara "revolution"—in choosing wisely among contending weapon systems. When McNamara took charge at the Pentagon, the Air Force and the Navy were both in the market for a new type of tactical aircraft, each intended for a quite different mission. The Air Force wanted a supersonic fighter-bomber, or penetrator, that could sweep undetected through enemy radar and missile defenses and put bombs, including tactical-size nuclear weapons, on supply depots, troop concentrations, marshaling yards, bridges, and the like, scattered about in the enemy's rearward logistical system. Because the machine was intended chiefly to support a ground battle in Western Europe and the controlling military requirement was for swift deployment from the U.S., the design emphasized long-range and prolonged endurance combined with blinding "dash" speed and deadeye navigational accuracy regardless of weather. The Navy, by contrast, was interested primarily in a fleet-defense plane—one that would maintain a high watch at some distance for hours at a time and have the capability, with radar- and computer-directed missile systems of its own of shooting down at a range of fifty miles or so attacking bombers and even missiles aimed at the fleet.

It was McNamara's inspiration to insist that these two different missions could be taken over by a single plane designed to execute both. He predicted that the savings achieved by such "commonality"—a word he popularized would approach $1 billion. Another change rung in by him was to shift the emphasis in the Air Force version from essentially a nuclear delivery system to one that would primarily deliver conventional "iron" bombs in the function of interdiction. This change became a kind of landmark in the emerging Kennedy-McNamara strategical concept for moving the U.S. air strike forces from a nuclear footing to one adapted primarily for a flexible or graduated response to a conventional military challenge.

THE PLANE DRAWS FIRE

Grand concepts, though, often run aground on hard realities. An early sign of disillusionment with the F–111 came when the British Government, under great budgetary pressures, canceled outright its order for fifty F–111's. Now the Australians, who ordered twenty-four, are having heated parliamentary discussions and long second thoughts about their wisdom in rushing into the program. And the U.S. Navy's version, designated the M–111B, was shot down in the last session of Congress. In the face of the Navy's wrathful catalogue of the plane's shortcomings for carrier operations, the Senate and House decided to appropriate no more funds for the seagoing fraction of the program, which was itself expected to number upwards of 240 planes. The Air Force order, calculated in 1966 to aggregate 1,100 planes, is likely to be reduced greatly.

Part of McNamara's commonality plan included provision for a somewhat bigger, heavier model to be assigned to the Strategic Air Command for use against that command's near-in targets. This version, called the FB–111, was scheduled for a production run of 210 planes. In early October, however, a shock went through the Pentagon secretariat when McNamara's own cost-effectiveness expert, Dr. Alain C. Enthoven, Assistant Secretary of Defense for Systems Analysis, urged that the bomber fraction of the program be abandoned. Enthoven said that the plane would cost too much for the limited bombing job it could perform. With the smell of burning bridges now rising on the Capitol air, Senator Stuart Symington, a Missouri Democrat, who is well grounded in military aviation, all but called for terminating forthwith what remains of even the Air Force part of the program.

The initial production contract in the F-111 program, firmed up finally in May, 1967, called for 493 planes at a total cost of about $1.82 billion. By the end of October this year a total of 135 planes had come off General Dynamic's assembly line at Fort Worth.

These included twenty-four R. and D. or prototype versions, of which six were in the now-defunct Navy program. Eleven have been lost in accidents. While a considerable increment in the Air Force order is tentatively included in the fiscal 1970 budget, the soaring costs and the damaged reputation of the machine have made the incumbent Administration reluctant to grasp that nettle. The rate of output, which was scheduled to rise next year to twenty-eight planes a month, has in the meantime actually leveled off at about fourteen.

In the final McNamara projections, the Air Force was to have absorbed about 1,100 planes, on one model or another, between now and the mid-1970's. Now by the most optimistic estimates the Air Force will be lucky to get as many as 800 or 900. As matters stand the Air Force feels that it has been hornswoggled, short-changed, and made the butt of bad politics and bad management.

Not so much as a principle, but in grossly mistaken application, commonality has clearly failed. Yet, for all that, the F-111 has been made to look a lot worse than it really is. The Navy never wanted the plane; the Air Force was unhappy over having to share the design with the Navy and in the hauling and pulling the simple revelation that the plane is altogether unequaled in the world for one important function, the mission of interdiction, has unfortunately been forgotten. The F-111 has a radius of action (out and back, with a reserve for combat) of about 800 nautical miles, a top chase or getaway speed of mach 2.5 (about 1,600 miles per hour) at 30,000 feet, and a dash attack speed of about mach 1.2 (or about 900 miles per hour) at near treetop level for quite some minutes. On a strike foray, it can lift eight and a half tons of bombs. It is equipped with an automatic terrain-following radar, tied into an automatic computer-directed inertial navigation system. That allows the pilot to chart and hold hands-off a military profile course that hugs the contours of the invisible earth at a steady 500-foot altitude for hundreds of miles. He can do that through the foulest weather, at night as by day, and not be off target by more than a mile for every hour of flying—which is to say not more than one mile of error in every 800 miles or so.

Two of the eleven planes lost in accidents during the past two years disappeared without a trace while on combat missions in Southeast Asia. Because of these accidents, and the cracking of a structural steel plate during a static test at the General Dynamics factory, F-111's have been grounded briefly on at least four different occasions and even now are operating under certain flight restrictions. No fundamental design or structural failure caused these losses, so far as the investigations by the Air Force and General Dynamics could determine. Air Force pilots rate the plane an honest flying machine—solid, competent, easy to handle. During the few weeks it was tentatively in action in Southeast Asia, the accuracy of the automatic navigational and bombing systems in bad weather, against cave redoubts and jungle depots invisible through monsoon rain and forest canopy, astonished the pilots. In such a mission, the F-111A is superior to any fighter-bomber in the world. And some of its features are being copied: the Russians at the last Moscow air show displayed two prototype fighters using the swing-wing principle, and D assault's latest French fighter-bomber, the Mirage G, has also gone to the swing wing. But neither has the advanced avionics of the American.

A SECOND-RATE AIR FORCE?

The trouble is that as an interdiction bomber, charged with delivering iron bombs against flitting light infantry, the F-111A costs too much—more than $6 million, apart from the continuing R. and D. charges. The Navy's last estimate for the F-111B model, before the program was canceled, stood at $13 million, about four times the original and admittedly tentative projection. Part of the general rise is attributable to an inflationary increase in factory costs and engineering and research costs, which have risen at an average rate of 8 percent annually, twice as much as was allowed for. Further, the authorizations for the R. and D. work, first tentatively fixed at about $700 million, now stand at $1.5 billion, of which $1 billion has already been spent. Tooling costs per plane will also be higher because production runs will be much shorter than originally planned. So the F-111A unit cost could well rise by $2 million and even $3 million more.

THE BLACK HORSE TROOP

Mr. BAYH. Mr. President, this is the first opportunity I have had to call the attention of the Senate to the fact that January 20 marked the sixth appearance of Culver Military Academy's Black Horse Troop in a Presidential inaugural parade.

This college preparatory school in Indiana has gained international prominence with its Black Horse Troop, the largest equestrian unit in the country.

For President Nixon's inauguration, Col. Floyd W. Townsley and his horsemanship staff organized a unique display of State and territorial flags and presented "The United States on Review."

These flags are gifts of alumni and friends of Culver Military Academy which will be displayed for years to come as visible symbols of the esteem in which Culver is held.

I congratulate the members of the Black Horse Troop on their outstanding performance in this and in earlier inaugural parades.

EXTENSION OF VOTING RIGHTS ACT OF 1965

Mr. FONG. Mr. President, I am happy to join the distinguished Senator from Maryland (Mr. MATHIAS) in sponsoring the bill—S. 818—to extend the provisions of the Voting Rights Act of 1965 for an additional 5 years.

Unless this bill is adopted, the effect of section 4(a) of the law—79 Stat. 438, 42 U.S.C. 1973b(a)—is that the law will expire on August 6, 1970.

MOST FUNDAMENTAL OF ALL RIGHTS

The right to vote, the right to choose our own leaders, is the most fundamental of all rights in our free, democratic system of government. It is a right which Thomas Jefferson described as the "ark of our safety."

It is a right which indisputably must be extended to every American citizen. The 15th amendment of the Constitution provides that—

> The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

It directs that—

> Congress shall have the power to enforce this Article by appropriate legislation.

A century after this amendment was adopted, many of our fellow citizens were still being unconstitutionally disenfranchised because of their race and color.

Prior to the adoption of the Voting Rights Act in 1965, the Congress passed "appropriate legislation" six times to eradicate this deep and very unjust flaw in American democracy.

PRIOR LAWS INEFFECTIVE

In 1948, Congress passed three laws making it a felony to deprive a citizen, or to conspire to deprive him, of any constitutional right, or to intimidate him for the purpose of interfering with his right to vote. These laws were very ineffective, because of the virtual impossibility of securing convictions from southern juries and because they did not provide a way to register Negroes.

In 1957, during the Eisenhower administration, Congress passed a civil statute empowering the Attorney General to initiate suits for injunctions against discrimination in voting and intimidation. This law also was very ineffective because of the long periods of delay involved in judicial litigation.

Suit had to be brought to get registration records, which were often destroyed. Again, there was the problem of getting Negroes registered, even after a suit proving discrimination had been won.

In 1960, the Eisenhower administration proposed, and Congress passed, a law allowing the Attorney General, after winning a suit under the 1957 act, to ask the court in another proceeding to find a "pattern or practice" of voting discrimination in the area involved in the suit.

If the court so found, any Negro in the area who complained that he had not been allowed to vote could ask the court to issue an order declaring him qualified. The court could appoint a referee to take evidence and make a finding. Then either the court or the referee could issue a certificate declaring the Negro qualified.

The process of assembling proof to convince some judges of a pattern or practice was extremely difficult and time consuming.

Further, there was still the untouched problem of discriminatory use of application forms and literacy, or interpretation, tests by registrars.

To deal with this problem, Congress in the historic Civil Rights Act of 1964 prohibited registrars from applying different standards to Negroes on application forms and interpretation tests. Registrars also were prohibited from disqualifying applicants for inconsequential errors or omissions—such as crossing a "t" or making an error in giving their age in years, months, and days.

None of these enactments have been effective.

Litigation on a case-by-case, county-by-county basis simply did not work. Even when there was a favorable judgment, some State and local authorities unfairly applied voting qualifications and standards of eligibility to many of our Negro citizens.

In addition, some State legislatures were quite inventive and ingenious in devising new voter requirements—even after decisions had been won striking down old ones as discriminatory.

VOTING RIGHTS ACT OF 1965

Mr. President, for all these reasons, the Congress in 1965 enacted the Voting Rights Act—a good, strong law, which gave the Federal Government the requisite power to intervene in States, localities, and counties where voting rights had been manifestly denied Americans.

The law was designed to deal with the principal means State and local governments had used to frustrate the effective implementation of the 15th amendment.

At the core of the act which has been the key to its effectiveness is its automatic trigger. These provisions suspend the use of literacy tests and other devices in any jurisdiction in which less than 50 percent of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 percent of such persons voted in the 1964 presidential election.

Such tests and devices were to be suspended unless it could be shown in a declaratory judgment proceeding that, during the preceeding 5 years they had not been used to deny or abridge the right to vote on the grounds of race or color. No such declaratory judgment could issue, however, with respect to any plaintiff for 5 years after the final judgment of any Federal court had been entered—other than the denial of a declaratory judgment—determining that denials or abridgments of the right to vote on account of race or color through the use of such tests or devices have occurred anywhere in the plaintiff's jurisdiction.

These are the provisions which will render the law ineffective as of August 6, 1970, unless the instant bill is enacted.

It gives me a great deal of satisfaction to say that I gave the Voting Rights Act my strongest support when it was considered in the Senate. Indeed, it was my privilege to have participated in the drafting and the molding of the law, both in committee and on the floor; and the Senate, by an overwhelming vote of 56 to 25, adopted an amendment which I proposed to require the assignment of Federal poll watchers in areas where Federal registrars had been appointed—the only amendment the Senate adopted to the measure.

My satisfaction in having supported the act stems from the fact that all the evidence indicates that it has been effective and that it does work.

In each of nine Southern States, comparative statistics clearly reveal that the number of Negroes registered to vote, as a percentage of the total eligible, has risen by approximately 50 percent, when compared with figures prior to the adoption of the act, as follows:

VOTING STATISTICS IN 9 STATES

State	Percentage of voters registered				Percentage of total voting population, nonwhite
	Prior to act		Present		
	White	Nonwhite	White	Nonwhite	
Alabama	69.2	19.3	82.5	56.7	26
Georgia	62.6	27.4	84.7	56.1	25
Louisiana	80.5	31.6	87.9	59.3	29
Mississippi	69.9	6.7	92.4	59.4	36
North Carolina	96.8	46.8	78.7	55.3	22
South Carolina	75.7	37.3	65.5	50.8	29
Arkansas	65.5	40.4	75.2	67.5	19
Florida	74.8	51.2	83.8	62.1	15
Virginia	61.1	38.3	67.0	58.4	19
Tennessee	72.9	69.5	80.6	71.7	15

Sources: Civil Rights Commission; Bureau of the Census; Southern Regional Council, Inc.

Mr. President, these figures show that we have made tremendous progress in effectuating the mandate of the 15th amendment since we enacted the Voting Rights Act in 1965.

But these figures show, just as clearly, that much remains to be done. Many thousands of our citizens have not yet been enfranchised. More time is required to accomplish our goal.

FIVE YEARS NOT ENOUGH TIME

When we passed the law in 1965 it was our belief that 5 years would be enough time in which to enfranchise all qualified citizens, who would then elect representatives of their own choosing to speak for them in the various State legislatures. However, another very critical statistic—the number of Negroes who have been elected to the legislatures of the nine States I listed above—indicates that we have not yet accomplished what we set out to do. The number of Negroes new serving in these State legislatures are as follows:

	Senate	*House*
Alabama	0	0
Georgia	2	12
Louisiana	0	0
Mississippi	0	0
North Carolina	0	1
South Carolina	0	0
Arkansas	0	0
Florida	0	1
Tennessee	2	6
Virginia	0	0

Source: Voter Education News dated November 11, 1968; figures inclusive of the November 1968 elections.

INGENIOUS ARSENAL OF BARRIERS

Resistance to progress in enfranchisement of qualified Americans has been far more subtle and far more effective than we had thought possible. An amazingly ingenious arsenal of barriers to circumvent the basic right to vote has been created and perfected.

Legislative districts have been racially gerrymandered.

The terms of office of incumbent white officers have been extended.

Elections have been switched to an "at large" basis.

Counties have been consolidated.

Full-slate voting has been instituted.

Elective offices have been abolished where Negroes had a chance to win.

The appointment process has been substituted for the elective process.

Negro poll watchers have been excluded and interfered with.

There has been a refusal to provide or allow adequate assistance for illiterate Negro voters.

Election officials have withheld necessary information for voting or running for office.

Bonding companies have been reluctant to bond Negroes who had managed to win an election.

There has been discriminatory purging or failure to purge voter lists.

There has been discrimination in the selection of election officials.

There has been disqualification of Negro ballots on technical grounds.

There has been harassment of Negro voters, poll watchers, and campaign workers.

There has been a host of physical and economic intimidations.

POLL WATCHERS

One concrete example of the way in which Negro voting rights have been frustrated took place in the 1966 State elections in Alabama. Shortly after that election was held, reports reached me that Alabama primary Federal poll watchers were not permitted in some counties to observe how local election officials instructed or assisted poorly educated Negroes in marking their ballots.

As a result of these reports, I wrote a letter to the Attorney General, pointing out these infractions and expressed the hope that he would specifically and publicly instruct poll watchers in the primary runoff elections that they were authorized to observe all phases of the voting procedure.

In my letter I pointed out that from a study of both the statute and legislative history Congress intended to allow poll watchers to observe every phase of the voting process; the poll watcher provision was an integral part of the work of the examiner to carry out the intent of the law; namely, to permit the assignment of poll watchers to deal with any and all methods of discrimination or evasion of the law—including misleading advice or instructions at the polls; therefore, poll watchers were entitled to enter any polling place "for the purpose of observing whether the persons who are entitled to vote are being permitted to vote"—to quote the law—and I added that the word "vote" is specifically designed by the act to include "all action necessary to make a vote effective."

Mr. President, these and many, many more ruses and techniques have been used to frustrate and slow the march of political equality.

TIDE OF FREEDOM

The Nation has already waited far too long for effective legislation guaranteeing, once and for all, the right of the franchise to all Americans, to have a proven and strong law washed off our statute books before it has had an adequate opportunity to achieve full enfranchisement of all qualified Americans.

To deny the many millions of American citizens who have not yet been enfranchised the blessings of liberty is to commit grave injustice, and deny the noble ideals of equality, justice, and human dignity on which our country was founded.

The Civil Rights Commission, in a report dated May 1968, has strongly recommended an extension of the Voting Rights Act of 1965.

The Constitution of the United States commands it.

The outraged conscience of our Nation demands it.

The harsh judgment of history again awaits our action.

In the end, I believe that Congress will extend the provisions of this law, for the tide of freedom will not be stayed.

RETIREMENT OF FRANK M. KARSTEN FROM MIGRATORY BIRD CONSERVATION COMMISSION

Mr. METCALF. Mr. President, I wish to pay tribute to Hon. Frank M. Karsten, with whom it has been my privilege to serve on the Migratory Bird Conservation Commission. Mr. Karsten has retired from Congress and consequently relinquishes his place on the Commission. We are reluctant to lose his wise counsel but we remember that he has showed us the way and are grateful.

Congress formed the Migratory Bird Conservation Commission in 1929. Its seven members include the Secretaries of the Interior, Transportation and Agriculture, two Senators, and two Representatives. The Commission passes on recommendations by its Chairman, the Secretary of the Interior, for additions to the migratory bird refuges. The cost of the additions is paid by the sale of duck stamps to hunters.

Mr. Karsten was the dean of the Commission, having served longer than any other man. During his 22 years of service, dating back to 1947, purchases totaling 740,000 acres of land have been approved for addition to the national wildlife refuge system. This included lands for the establishment of 59 new refuges and another 58,500 acres were approved for leasing. At the end of 1968, the land for refuges to help preserve our migratory bird population totaled 7,571,126 acres.

Mr. Karsten's service on the Commission has been in the more difficult years, as environmental pollution has reached new levels, as the pressures of an increased population have multiplied and as land prices have soared.

For instance, much of the time of the Commission has been devoted to the reconsideration because of vastly increased land values of already approved acquisitions. At a meeting last July, we reviewed eight of these—on some the increase was 15 percent, on several between 30 and 90 percent and on one, over 200 percent.

The Senator from Nebraska (Mr. HRUSKA) and I, the two Senate members, have relied heavily on Frank Karsten's prior experience, great knowledge, and good sense. Devoted to the cause of conservation, his yardstick remained the interests of all the people of the United States and they are the beneficiaries of decisions made by the Commission in which he played so large a part.

PIONEERING WITH WILD FLOWERS

Mrs. SMITH. Mr. President, the Dean of the Republicans in the U.S. Senate is a man of many talents. Perhaps one of his lesser known talents is that of author. If he is, then it is because his talent of statesman is so great and because of his intense modesty.

Before our Nation benefited from his statesmanship in the U.S. Senate, GEORGE D. AIKEN authored the book "Pioneering With Wildflowers" published in 1935, 5 years prior to his entry to the U.S. Senate. In 1963 a revised edition of that book was published and now a third revision edition has been published by Prentice-Hall.

This latest edition is a truly remarkable book. It is a real treasure to lovers of nature. I am, of course, prejudiced because I am a devoted admirer of GEORGE AIKEN, whom I consider to be a tremendous person, and I am a devotee of wild flowers.

I thoroughly enjoy gathering wild flowers back home in Maine at both of my residences. To me it is a thrilling adventure to go exploring and hunting for wild flowers. One of the greatest hurts I ever received was when someone during my absence from my Maine residence on the coast came on the grounds of my place and dug up my bed of precious ladyslippers and appropriated them and took them away.

This latest edition of GEORGE AIKEN's remarkable book is truly a beautiful thing to behold—not only because of its fascinating and intriguing text but as well because of its beautiful presentation and photography. Particularly treasurable are the preface and the introduction of the book for they capture and reveal the greatness and the measure of the man GEORGE D. AIKEN.

Yet, I think what captivated me the most in this remarkable book is the dedication of the book for it literally sparkles and shines and reflects that rare combination of winsome wisdom and gracious wit that personifies GEORGE AIKEN. The dedication says:

> To Peter Rabbit in the hope that flattery will accomplish what traps and guns have failed to do and that the little rascal will let our plants alone from this time on.

I cannot improve upon the publisher's description of the book that appears on the front and back flaps of the cover to the book. That description states:

> Everyone appreciates the beauty of a field or woods dotted with gay and colorful wildflowers, yet few of us can call them by name or recognize their distinguishing characteristics, and even fewer have considered raising them. Years of experience as a nurseryman have given Senator Aiken an abundant knowledge of wildflowers. Here, in a warm and chatty style he opens a new dimension in home gardening—cultivating wildflowers.
>
> Anyone—from farmers with an idle acre to urban dwellers whose gardening is restricted to window boxes—can participate. Home gardens are the perfect testing grounds for experimental work in propagating and raising native plants.
>
> *Pioneering With Wildflowers* discusses over 250 species found throughout North America—from Ladyslippers to Ferns—including physical descriptions, and how, when, and where each grows best. In addition, it explains the principal methods for increasing the supply of wildflowers and for transplanting them. For the novice the essential requirements for a healthy garden are also discussed: soil acidity, drainage, shade, fertilizer.
>
> Richly illustrated with both color and black-and-white photographs by Charles Johnson, a noted wildlife photographer, *Pioneering With Wildflowers* is an invaluable addition to any home library, as well as an ideal gift. Whether you are a beginner or a pro, here is all the information you will need for developing a healthy and successful wildflower garden.

MANPOWER REQUIREMENTS OF THE ARMED FORCES

Mr. METCALF. Mr. President, it is likely that Congress will soon be asked to consider the question of replacing our present system of selective service for a purely voluntary system to meet the manpower requirements of the Armed Forces.

While there is no question in my mind that the draft law must be amended to reduce existing inequities, I foresee grave danger to America should we substitute our citizen Army for professionals.

For a democracy in time of war, there is really no answer except universal military service, which touches all men over a given age, or a random system of selection which cannot discriminate by situation in life, degree of education, or other criteria except physical or mental unfitness.

I do not care for the idea of a voluntary professional Army. It seems to me that a professional military cadre simply because it is professional, does violence to our traditions. We have always held it essential that there be civilian control over the military; hence, the President serves as Commander in Chief, and the Secretaries of Defense, the Army, the Navy, and the Air Force are civilians, and the prerogative of appointments to the service academies is reserved to Members of Congress.

A professional Army is a potentially lethal weapon that can be turned in any direction, instances of which have been woefully numerous in nations to the south of us. An Army composed largely of civilians is a different thing altogether. I think the constant infusion of civilians into and out of service is an invaluable deterrent to the growth of a powerful military machine that would be separated from the mainstream of democratic traditions and thus tend to be elite. When those of us who have served in the Army or Navy return to civilian life, our experiences generally reinforce the wisdom of this traditional control by civilians of the military.

The framers of the Constitution feared a standing army. Article I, section 8, lists the powers of Congress to lay and collect taxes, to provide for the common defense, and so forth, and "To raise and support Armies, but no appropriation of money to that use shall be for a longer Term than 2 years." Some of the State constitutions which preceded it were even more restrictive, as the Federalist Papers tell us.

Our distinguished first citizens knew their history and feared for the safety of this Nation that would result from foreign involvements. They knew and we should not forget that the dangers of armed intervention increase proportionately with the availability of such force. A standing, professional army, fully equipped and trained, always ready, would offer a tempting, dangerous means of seeking solutions to problems that might better yield to more peaceful persuasion.

Mr. Richard Wilson, in last night's Evening Star, addressed himself to this question. I ask unanimous consent that Mr. Wilson's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Problems of Ending the Draft and Waging War

(By Richard Wilson)

When, on Oct. 17 during the presidential campaign, Richard M. Nixon delivered one of his polished radio addresses advocating ending the draft in favor of a volunteer army, the political effect of such a proposal seemed paramount. He had outdone both Gene McCarthy and Hubert Humphrey in his promise to youth.

It now seems that Nixon was quite serious and he has begun the process which he hopes eventually may lead to placing the draft on a standby basis.

Oddly enough the general public is not very optimistic about the prospects. The average man as measured by the Gallup Poll seems to think it is not a bad idea for young men to be required to serve a couple of years in the armed forces entirely aside from the practicality of getting enough volunteers of the best kind.

But there is certainly enough opposition to the peace-time draft as undemocratic, arbitrary and contrary to national traditions to keep the subject alive so long as the President considers it a long-range goal of his administration.

Nixon has estimated that the cost of shifting to a wholly volunteer armed force would run $5 billion to $7 billion more annually than the present mix of draftees and volunteers. He recognizes that this is an obstacle but he has dismissed other objections which may be more serious.

In spite of all his experience, Nixon may not yet quite fully appreciate his role as commander in chief of the armed forces. Former President Lyndon B. Johnson's experience was more extensive than Nixon's but his national security advisers say that he did not fully appreciate the importance of this role when he took office.

Had Johnson been able to fight the war in Vietnam wholly with volunteer, professional forces—as seemed his original aim—the political pressure hostile to the war might have had less significance.

In the beginning it could be said that the men who were sent to Vietnam were professional soldiers by their own choice.

But as time went on it was necessary to fill their ranks with drafted men, and it was then that objection to the war rose among the young and among their parents, and other relatives, and the nation came to question the forced draft of the young to carry out presidentially determined international political policies.

Vietnam has been a geopolitical war in a stronger sense, even, than the Korean war. There was no challenge to the immediate or prospective security of the United States.

Our boundaries or far outposts were not threatened. The Vietnam Communists were not about to seize Hawaii, the Aleutian Islands, or the Philippines. Los Angeles and San Francisco could feel quite safe.

The war made sense only in terms of the justifiable exercise of power to arrest Communist expansion on the farthest periphery of our influence and by doing so to stabilize and pacify that part of the world in which we are and wish to remain a great power.

These are concepts, however valid, which give little moral sanction to war. Their validity can be challenged as unreal and beyond the actual limits of our ability to exercise power. It can be said further that the decision to exercise power in this way was not a true national decision commanding the unquestioning support of the whole nation.

Congress did not declare war. The nation was taken into what proved to be a major war by presidential decision and interpretation of the powers that had been granted to him by Congress in a resolution which, whatever else it was, was not a declaration of war.

These wars by presidential decision—the Korean war and the Vietnam war—may have been essential to the national interest. That point is not argued here. The point is that a president is freer to decide for war if he is able to carry it on with armed forces which have volunteered to accept the orders of their commander-in-chief to go into battle.

Once the obstacle of conscripting men has been surmounted, the pressure on the commander-in-chief to have a moral cause demanding the highest patriotic sacrifices of the whole nation tends to diminish.

Nixon has dismissed these implications by saying that the threat of universal military influence is exaggerated. If it ever did come, he said, it would come from top officer ranks, not the enlisted ranks, and we already have a career officer corps.

Exactly. And if the top officer corps were given an elite, highly trained, highly motivated volunteer army of the size and kind required under modern conditions it would feel more confidence in counselling the President on entering wars like Korea and Vietnam.

So, the question of ending the draft is not simply one of correcting odious inequalities or restoring the traditions of American democracy. In the modern world it involves problems taken quite seriously in Congress on the de facto powers of the chief executive to initiate and wage war.

THE FUTURE OF FARMING AND RANCHING

Mr. HANSEN. Mr. President, the September 1968 issue of Western Farm Life—an excellent agricultural magazine published in Denver, Colo.—asked its readers to respond to a series of questions about the future of farming and ranching.

The responses were then divided into percentages and included in a subsequent open letter to the Secretary of Agriculture to let him know what is on agriculture's mind, and what farmers and ranchers will expect of the new Secretary.

Secretary Hardin, in my mind a man most excellently qualified for the challenging tasks he has undertaken, has indicated his desire to talk with farmers and ranchers and leaders of agricultural organizations to receive their comments and suggestions. I cannot think of a better approach to finding solutions for the many and complex problems the industry faces today.

Mr. President, even though the persons who responded to Western Farm Life's opinion poll represent only a small segment of the rural population of America, I believe the overall trend of the answers very likely is indicative of the thinking of a majority of our farmers and ranchers.

I ask unanimous consent that the letter reflecting these answers, entitled, "Who Knows What's on Your Mind," written by Western Farm Life's managing editor, Andy Kurtz, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Who Knows What's on Your Mind? An Open Letter to the New Secretary of Agriculture, Whoever He May Be

(Note.—Here are the results of the "who knows what's on your mind?" grassroots opinion poll published in the September issue of Western Farm Life.)

Dear Mr. Secretary: Who knows what's on agriculture's mind better than ranchers and farmers? No one. So we, the editors of Western Farm Life magazine, have conducted a grassroots opinion poll to find out just what is on western agriculture's mind. Here's what you should know about western ranchers and farmers:

Our farm, livestock and commodity organizations don't speak for all of us. In fact, 37 percent of us feel these organizations are no help in meeting our pressing economic problems. According to our poll, the Farm Bureau represents 46 percent of us; the Farmers Union 16 percent; and the National Farmers Organization 14 percent. Our poll shows 45 percent of us belong to a livestock organization or association.

Farm, livestock and commodity organization leaders do a much more effective job for agriculture than those in the USDA, state agriculture departments, cooperatives, marketing orders, trade associations or extension service.

We are unsatisfied with the prices we receive for our products. This is our one big hangup. It overshadows all else at this time. In fact, the majority of us feel it will still be our biggest problem five years from now. Curtailing our production isn't the answer—only 34 percent think it is.

Most of us—75 percent according to our poll—are unhappy with the present method of marketing our crops.

Just how we are going to change our marketing programs is unclear as only 28 percent of us belong to a bargaining association or organization. And, naturally, we aren't completely satisfied with the bargaining that we do.

Two things will affect our future marketing methods. Right now, according to our poll, only 33 percent of the western ranchers and farmers have direct personal contacts with the processor of their crops and livestock. And 62 percent want more marketing information. (Our poll shows that these agribusinessmen don't want more of the same. Instead, they want accurate marketing information, no matter where it comes from.)

We are divided upon the value of more legislation to help us in our marketing future. We—53 percent of the western ranchers and farmers participating in the poll—are against the pending legislation to permit any agricultural commodity to come under provisions of the federal marketing act of 1937. This bill, as you know, would permit the establishment of minimum prices, market quotas and negotiations for farm prices under collective bargaining procedures. These actions, if approved by the majority, would then be binding on all growers of that commodity.

Here's how we feel about this legislation on a state-by-state basis:

[In percent]

	Against	*For*
Arizona	43	--
Colorado	--	58
Idaho	73	--
Kansas	57	--
Montana	65	--
Nebraska	--	50
New Mexico	86	--
Utah	--	63
Wyoming	85	--

Our urban cutomers, friends, relatives, etc. are indifferent to our farm problems. It's up to us to change this situation. And we feel you are one of us. We want your help in getting our story across to today's urban majority. You have a hard row to hoe because your predecessor has caused many of us to lose faith.

> Western agriculture does have faith in itself. Only 38 percent of the ranchers and farmers responding to the poll would sell out today if a fair offer were made on their ranch.
>
> We may need some help with our labor, foreign competition and synthetics problems. But our big, immediate problem is the price we receive for our products. Help us solve this and we solve many of our other problems at the same time.
>
> Mr. Secretary, help us help ourselves; we're depending upon you.
>
> Sincerely,
>
> ANDY G. KURTZ.
>
> (For our reader poll participants and western agriculture.)

IT IS TIME TO LET GO IN VIETNAM

Mr. MONTOYA. Mr. President, the time has come for Uncle Sam to thrust the Government of South Vietnam out into the harsh world of reality.

It is time for the GNV to begin "going it alone."

Through expenditure of 30,000 American lives and uncounted treasure we have earned the right to ask our friends in Saigon to hurry their progress toward assuming the major burden of their war.

A time has clearly come, after a decade of steadily increasing U.S. military and economic support, for Saigon to begin justifying the faith the American people have been asked to place in its sincerity in developing a government responsible to the people.

We have been working toward this objective for a long, long time.

U.S. military aid in the war against the Communists in Indochina goes back to December 1950, when Uncle Sam agreed to begin supplying ammunition and weapons to French forces then in control. By 1954—year of Dien Bien Phu—the U.S. share of the cost of struggle against the Viet-Minh was close to 80 percent of the total sum.

American military and economic aid—foreign economic aid was also first extended to Saigon in 1950—continued to increase sharply during the fifties and into the sixties. So did Communist terrorism which began even before the December 1960 announcement by Hanoi that a "National Liberation Front for the Liberation of South Vietnam" had been formed.

In February 1962, the American Military Assistance Command (MACV) was established to help in planning of military operations and to supervise American military personnel which then totaled 12,000.

Economic aid was increased at the same time. Early in 1962, Washington and Saigon jointly announced a broad economic and social program aimed at improving the standard of living of the Vietnamese people. The expanded economic effort included programs in community development, health, education, communications, transportation, agriculture, flood control, and industrial development.

On October 2, 1963, the White House issued a policy statement reaffirming an intention to work with the GVN and people of South Vietnam to repel Communist aggression but also stated that major U.S. assistance was needed only until the "insurgency has been suppressed or until the national security forces of the GVN are capable of suppressing it."

Completion of the major part of the U.S. military task was foreseen by the end of 1965.

Following overthrow of Diem in November 1963, in a New Year's message to the new military junta, President Johnson assured them we would continue to furnish support and maintain American personnel and material in Vietnam as needed.

American policy toward Saigon during the early 1960's was to match increasing Communist pressure with increased American material and personnel in an advisory role.

The Gulf of Tonkin episode, in which two American destroyers were reportedly attacked by North Vietnamese torpedo boats off the coast of North Vietnam, was a point of no return for American policy in the Vietnam conflict. It resulted in the so-called Tonkin resolution, passed by the Congress in August 1964, at the urgent request of the President. It stated, in part:

> The United States is . . . prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

This resolution became the albatross that dragged the United States deeper into the rice paddies of Vietnam.

Hostilities between American and Communist forces soon intensified with U.S. air and naval strikes being carried out in retaliation for attacks against allied installations in South Vietnam.

A February 1965 State Department white paper—entitled "Aggression From the North," described the conflict in Vietnam as a totally new kind of war, a struggle in which a Communist government has "set out deliberately to conquer a sovereign people in a neighboring state" using every resource in a "carefully planned program of concealed aggression."

Along with intensified air strikes against North Vietnam, the United States began introducing combat troops in March 1965. During the next 3 years, U.S. participation in the struggle greatly expanded.

Except for brief bombing pauses, an increasingly widened number of targets were attacked by U.S. bombers throughout North Vietnam.

Objectives of this strategy of intensification were to show that so-called wars of liberation, far from being cheap and safe, are costly and doomed to failure if met with determined opposition. Bombing of North Vietnam was designed to impose a direct penalty upon the source of aggression, to impede infiltration of men and supplies from the north, and to remind Hanoi it must pay an increasingly heavy price for continuation of its support for the Vietcong.

Total numbers of U.S. fighting men in Vietnam grew from 23,000 in 1965 to 180,000 in 1966 to 486,000 by the end of 1967 to over half a million today.

Communist strength grew from an estimated 100,000 at the beginning of 1965 to close to 250,000 at the end of 1967.

U.S. casualties soared from 1,300 killed during 1965 to a total of over 30,000 killed by the end of 1968.

Most sources place cost of the conflict to our taxpayers at $30 billion per year.

Where do we stand today?

What is the net result of this massive outpouring from America to that tiny country so far away?

Have we achieved our objectives in Vietnam?

Should we continue the present level of support or should we now begin a gradual, orderly transition of responsibility for the major burden of the effort to the Vietnamese?

No foreign bombs fall here. Yet we have explosive, expensive domestic problems, while at the same time we continue to pour billions of dollars into support for the effort in Vietnam.

Can we afford to continue the war at the present level of effort?

Our huge expenditures in Vietnam are depriving our critical domestic problems—urban decay, poverty, racial tension—of vital Federal money and effort.

Our preoccupation with the war has diverted attention from far more important areas of foreign policy, causing our international prestige to sink to an unprecedented low.

Vietnam has created a moral crisis here, dividing our national conscience.

Our obsession with Vietnam has resulted in neglect of Europe, which should be the real pivot of our foreign policy. Vietnam's demands on U.S. funds and fighting men has directly contributed to reduction of our troop levels in Western Europe.

Perhaps the most important negative result of Vietnam has been the effect of the war on Soviet-American relations—the carefully nurtured thaw of the early sixties has been replaced by a deep freeze.

America can no longer afford the price of Vietnam.

We have coddled, nurtured, promoted, and protected the Saigon government for years. There are indications that even Saigon is realizing American largesse cannot go on forever.

Our essential purpose in Vietnam has been to provide a shield behind which a government, responsible to the people, could develop and flourish.

Through American prodding, local and national elections have been held and a constitution adopted.

The framework is there. What has been lacking is the will by the Saigon government and ARVN to win respect and support of the people through honest, diligent effort on their behalf.

Corruption, although diminished, continues.

"Saigon cowboys," youths whose parents are affluent enough to buy them deferment from the draft, still roar around Saigon on new Japanese motorcycles, often past battle-weary GI's.

Some ARVN units still avoid combat by operating in areas where they expect no opposition.

Social justice, adequate health care and decent educations still remain only dreams for the average Vietnamese.

The crucial point is that the Government of Vietnam will not "shape up" until the Americans "ship out."

Anyone who has served in Vietnam in any capacity knows that a Vietnamese official will not do for himself what an American will do for him—and he will not respect the American for doing it.

Our policy in Vietnam has wisely been to encourage the GVN and ARVN to do things for themselves. Yet it is perhaps inevitable that in frustration and to get the job done the American adviser often winds up doing it himself.

This could go on forever, but I say a time has come to begin to cast ourselves loose from our manifold entanglements in Vietnam.

I do not advocate abrupt withdrawal such as the French pullout in 1954.

What I do advocate is a section by section, division by division shift of responsibility from American civilian and military advisers to their Vietnamese counterparts—and make it stick.

At the provincial level the USAID refugee adviser, for example, should begin to shift responsibility to his Vietnamese counterpart, where it belongs anyway.

In the field, Vietnamese Army units, when fully equipped with the M–16 rifle and other modern equipment, should begin receiving combat assignments previously borne by the U.S. Army and Marines.

In Saigon our highest level people should begin to make it clear to Messrs. Thieu and Ky that we are finally, irrevocably, passing the ball to them.

I believe this transition of responsibility for conduct of their war can be effectively and productively transferred to our Vietnamese allies if properly handled.

In the long run, this is the only way that a viable, stable government can develop in Saigon, for as long as big brother Uncle Sam is watching over their shoulder, the government will not have respect or support from the people. The Vietnamese people have seen too many client rulers.

Like a generous, indulgent, often naive parent, we have brought the Saigon government from the pangs of birth to what should be maturity.

We must not keep them under our wing too long.

We cannot afford it, and neither can the people of Vietnam.

FREE TRADE ZONE FOR MACHIASPORT, MAINE

Mrs. SMITH. Mr. President, on behalf of myself and my distinguished colleague from Maine (Mr. MUSKIE) I ask unanimous consent to have printed in the RECORD a resolution adopted by the Past Pomona Masters and Past Pomonas Association of York County Pomona Grange, relative to the establishment of a free trade zone for Machiasport, Maine.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION FROM THE PAST POMONA MASTERS AND PAST POMONAS ASSOCIATION OF YORK COUNTY POMONA GRANGE, JANUARY 12, 1969

Whereas, The Past Pomona Masters and Past Pomonas Association of York County Pomona Grange (Maine) is made up of citizens and tax-payers throughout this County, and

Whereas, this Association is vitally concerned in the economy of this Area, as well as the State and Nation.

Therefore, be it resolved: That the Past Pomona Masters and Past Pomonas Association of York County Pomona Grange goes on record as being in favor of a "Free Trade Zone" for Machiasport, Maine.

And be it further resolved: that a copy of this resolution be sent to the six New England Governors, to President-elect Nixon, and to the Secretary of the Interior, designate, and also to Senators Edmund S. Muskie and Margaret Chase Smith, and Representatives Peter N. Kyros and William Hathaway.

PATRICIA N. HIGGINS.

NEED FOR A NEW MARITIME PROGRAM

Mr. HOLLINGS. Mr. President, a matter of critical importance facing Congress is that of the serious decline of the U.S. merchant marine. Surely remedial action on a large scale is required, and no Senator is more aware of that need than the distinguished chairman of the Senate Commerce Committee, the Senator from Washington (Mr. MAGNUSON).

Last Thursday, in remarks delivered before the AFL–CIO Maritime Trades Department, Senator MAGNUSON discussed the prospects for a meaningful revitalization program for the U.S. merchant marine. His remarks are a concise and accurate statement of the problems facing Congress in resolving this most important issue and should be read by every Senator concerned about the economic and defense well-being of the Nation.

I ask unanimous consent that Senator MAGNUSON'S speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR WARREN G. MAGNUSON BEFORE AFL–CIO MARITIME TRADES DEPARTMENT, JANUARY 29, 1969

It is a pleasure for me to appear before the AFL–CIO Maritime Trades Department and participate in your seminar on prospects for revitalizing the United States Merchant Marine.

There is no question in my mind—and I am sure that that is the situation with others familiar with your excellent program—that these seminar sessions and the other promotional efforts of your organization have done a substantial amount to educate the public as well as those in Government about the decline of our merchant fleet and the great necessity of remedial action.

I believe there are good prospects for a meaningful revitalization of the U.S. Merchant Marine. The issue is whether those prospects will be realized—whether we will be able to take advantage of our present situation and move forward with a program the nation so desperately needs. Whether we are able to grasp the opportunity now so clearly before us depends primarily on three factors: (1) the attitude of the new Administration (2) the attitude of the Congress and (3) the attitude of maritime labor and management.

So far as the attitude of the new Administration is concerned, about the most I can say is that I am "cautiously optimistic" about our chances for a meaningful revitalization program in the 91st Congress. As you are no doubt aware, the political persuasion of the new Administration and my own political persuasion are not the same. However, I am hopeful that we share a determination to see the United States regain its rightful place upon the seas.

Let me explain the basis for my "cautious optimism" about the attitude of the new Administration toward our Merchant Marine. I am "cautious" because the fiscal considerations which face the new Administration are quite similar to those which faced the previous Administration. Our Federal expenditures are still in large measure committed to our effort in Southeast Asia.

I am also cautious because I am aware of the national priorities facing the new Administration. In addition to the tremendous priority which must be placed upon resolving our conflict in Southeast Asia, there are in addition profound problems facing us on the domestic scene which rightfully demand and should receive substantial Federal attention. Until there is a meaningful solution in Vietnam, with the resulting lack of pressure for defense funds, until we can look with great confidence on our military posture in Western Europe, until we can institute meaningful solutions to the urban area problems involving housing, job opportunities and training, and special educational programs, it seems clear that the expenditure of great sums on behalf of the United States Merchant Marine will be subject to severe criticism in some quarters. And even within the field of transportation there is the issue of priorities, for many believe that our most urgent transportation problems are alleviating airport congestion, highway congestion, and unclogging inner-city traffic.

As you know, the Merchant Marine receives Government support in large part because of the statutory designation of the Merchant Marine as a military auxiliary. The view of the Department of Defense as to the merits of rebuilding our merchant fleet cannot be under-estimated. Unless the Department of Defense is willing to state that there is a bonafide national security need for a stronger U.S. flag fleet, then the new Administration will be hindered in any attempt at massive rebuilding of our fleet. These are all factors which lead to a degree of "caution" in my "optimism" about the attitude of the new Administration toward rebuilding our Merchant Marine.

But I believe that there is also room for optimism and that is why I have said I am "cautiously optimistic" about the new Administration. I am optimistic because I do not see how we can possibly have any substantially lesser degree of cooperation from the new Administration so far as rebuilding the Merchant Marine than we received from the previous Administration. The previous Administration refused to support the Congressional proposal for a strong domestic building program, and then finally submitted a program which was so deficient that it was rejected almost unanimously by those in Congress and soundly criticized by nearly all in industry. And the previous Administration vetoed the Congressional legislation to establish an independent Maritime Administration. In short, we have nowhere to go except up in our relations with the Administration so far as promoting the cause of the United States flag fleet.

The terrible plight of our fleet is such that it cannot long be ignored. I am hopeful that the new Administration sincerely wants to serve the needs of the United States and if those needs are to be served there must be a rebuilding of our fleet. And if the campaign promises of the President prove to be an accurate guide to his future actions in the area of the Merchant Marine then we should receive from the new Administration a meaningful proposal to revitalize the fleet.

So far as the attitude of the Congress is concerned I am more than "cautiously optimistic." I believe we well demonstrated last year that many in Congress are concerned about the plight of the Merchant Marine and sincerely hope to remedy that plight. And I can pledge to you at this time that the Senate Commerce Committee, of which I am privileged to serve as Chairman, will continue and heighten its activity in this area toward the end of insuring that the Merchant Marine receives a new program in the coming Congress. We must, of course, reach an accord with the Administration and others working toward strengthening our sea power. I shall re-introduce the maritime program that Senator Bartlett, Congressman Garmatz, Congressman Downing, Senator Brewster, and I wrote last year. As you will recall, that program called for the building of approximately 40 ships a year, a nuclear ship program, construction differential subsidy to the tramp fleet, operating subsidy for new bulk carriers and additional liner operators, tax deferred reserve funds for the entire fleet, and a greatly expanded effort in research and development. I think we have the basis of a good program and by introducing it we will be able to start moving forward and encourage the new Administration to formulate its own proposals. I will also introduce and we shall again consider the independent agency bill which we passed last year, but was subjected to a pocket veto by President Johnson.

Thus I would again affirm my optimism in the attitude of Congress in the development of a new maritime program. We shall do our part both as to the development of specific proposals and in working with the new Administration to come to an accord for the benefit of the entire Merchant Marine.

The third factor to be weighed in analyzing the prospects for a meaningful revitalization for the Merchant Marine is that of the attitude of maritime labor and management.

I believe that you will not find a single person who has a good working knowledge of the Merchant Marine, its relationship to the Federal Government and the history of efforts in recent years to develop a new program for the fleet who would disagree with the following statement: It will be virtually impossible to enact a meaningful and effective revitalization program for the United States Merchant Marine in the absence of a unified industry effort on behalf of any such program.

Probably the most critical factor affecting the future of any new maritime program will be the action of the industry—and in using that term I include both labor and management. Only the industry can give Congressional maritime leaders the support required to convince a majority in Congress that major maritime legislation is warranted and needed now. As you know, the real problem comes once you get beyond the relatively few men in Congress who are knowledgeable and intimately concerned about the future of the Merchant Marine. Those in Congress who have no great concern about the Merchant Marine seem to outnumber those who understand the terrible plight of our fleet. All in Congress are aware to some degree that the maritime picture is bleak, but not all share a conviction that effective remedial action is now warranted. Until the maritime industry can present a united political front in support of a maritime proposal that situation may well continue.

The last few years have been called "the big push for maritime legislation" by maritime labor and management. But they must stop pushing in different directions. Now is the time, if ever there will be a time, that maritime factors must come together for the common good of the industry and the nation. And yet there are already signs that in just the last few months divisions within the maritime industry have deepened and that issues which were in the background last year have been brought to the forefront as a further basis for division.

If the United States, North Vietnam, the National Liberation Front and South Vietnam can move from the battlefield to a negotiating table in Paris, then surely the various factions within the maritime industry can move together in support of a meaningful revitalization program for the United States Merchant Marine. If we have reason to hope and believe that the poor and the rich, the black and the white, can move forward together in this country to resolve our domestic problems, then there is no reason why various factions of the maritime industry cannot move forward together in support of a new maritime program. But that movement forward must begin with a first step and I would hope that that first step would be a moratorium upon those specific issues which now divide the industry.

I have served some time in the Congress of the United States and I have seen this nation deal with many profound problems. I am optimistic that we can deal successfully with our maritime problems and am optimistic that the maritime industry can show us the way. We stand ready in Congress to do all we can to see that the United States regains its rightful place upon the seas.

There is one further note that I must add about a matter which is of special importance to me and I am sure to each of you. In this coming session in our efforts to rebuild the United States Merchant Marine we will be without the valued skills and service of our great and dear friend, Bob Bartlett. His loss has saddened me greatly for the Congress and the nation have lost a courageous and admirable Senator—and I have lost my friend. The major portion of the last year of his life was devoted to a strenuous effort to revitalize the American Merchant Marine. I pledge to you that that effort will continue.

SENATOR MONDALE COMMENDS "TOWARD A SOCIAL REPORT"

Mr. MONDALE. Mr. President, on January 15, I introduced S. 5, the Full Opportunity Act of 1969. This measure calls for the development of a set of social indicators, and creation of a structure to help public policymakers and the public at large, see the distance between where we now are, and achievement of the goal of full social opportunity.

I firmly believe that someday we will have both the public policy tools and the structure S. 5 seeks to create. I also believe that when the history of this measure is written, the date January 19 is going to stand out as a kind of turning point.

For it was on that date that "Toward a Social Report" was issued by the Department of Health, Education, and Welfare. This report, the result of 2 years of effort by experts from many disciplines, represents the first approximation to the social report discussed in S. 5. "Toward a Social Report" attempts to measure where we are in several important areas—health, social mobility, our physical environment; income and poverty; public order and safety; learning, science, and art; and participation and alienation. It also contains a suggestive agenda for future efforts at social measurement in the appendix titled, "How Can We Do Better Social Reporting in the Future?"

The drafters of "Toward a Social Report" stress very wisely, I believe, that their work is by no means offered as a definitive model upon which future social reports might be fashioned. The craft of social indicators and the process of social reporting which those indicators facilitate, are both in their infancy. Clearly more and better social statistics, not to mention conceptual and statistical syntheses, will be needed before we can amass a set of evidence which truly reports on the social state of the Nation.

But "Toward a Social Report" is a valuable and impressive beginning. We must not stop now. We must do better in planning our programs for people, and we simply can not do it without possessing more reliable and revealing tools for public policy analysis. The preliminary HEW social report has already initiated some important debate. Examples of this discussion are a recent editorial in the New York Times and another in the Washington Post which discuss the merits and deficiencies of the substance and timing of the report.

Mr. President, I ask unanimous consent to have printed in the RECORD the introduction to "Toward a Social Report," and an article published in the Minneapolis Tribune.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Minneapolis (Minn.) Tribune, Jan. 20, 1969]

COHEN EXPECTS BROAD SOCIAL-HEALTH REPORT

(By Richard P. Kleeman)

WASHINGTON, D.C.—A social first comprehensive report on the nation's social health could be produced within two years, Wilbur J. Cohen, outgoing secretary of Health, education and welfare (HEW), said Sunday.

Cohen, who leaves office today, issued a 198-page report to President Johnson, who had asked HEW to develop "yardsticks" for measuring the nation's social progress—much as the President's Council of Economic Advisers measures the state of the economy.

In the preliminary report, which Cohen called "one of the landmark contributions we have been able to make in this department," the known means of measuring progress in seven areas are discussed.

The fields selected for initial study include health; social mobility and opportunity; the physical environment; income and poverty; public order and safety; learning, science and art, and participation and alienation.

Cohen said he still is uncertain as to whether the best method of developing a social report would be the creation of a council of social advisers, as provided in a bill reintroduced last week by Sen. Walter F. Mondale, D-Minn., with a score of potent co-sponsors.

"We concentrated first on whether it was possible to have a social report," Cohen said. "We spent two years of work to produce this preliminary document and come to the conclusion that, with two more years of work, there could be a social report issued."

An alternative to Mondale's proposal, the secretary added, might be a combined presidential council of economic and social advisers of perhaps five men—two from one discipline and three from the other.

The document issued by HEW, titled "Toward a Social Report," was prepared under the direction of Dr. Mancur Olson, a former Minnesotan who is HEW deputy assistant secretary for social indicators.

Born on a Red River Valley farm between Buxton, N.D., and Climax, Minn., Olson is a former Princeton University economics professor who joined HEW in July 1967.

TOWARD A SOCIAL REPORT

(U.S. Department of Health, Education, and Welfare, Wilbur J. Cohen, Secretary)

INTRODUCTION AND SUMMARY

The nation has no comprehensive set of statistics reflecting social progress or retrogression. There is no government procedure for periodic stock taking of the social health of the nation. The Govenment makes no Social Report.

We do have an Economic Report, required by statute, in which the President and his Council of Economic Advisors report to the nation on its economic health. We also have a comprehensive set of economic indicators widely thought to be sensitive and reliable. Statistics on national income and its component parts, on employment and unemployment, on retail and wholesale prices, and on the balance of payments are collected annually, quarterly, monthly, sometimes even weekly. These economic indicators are watched by government officials and private citizens alike as closely as a surgeon watches a fever chart for indications of a change in the patient's condition.

Although nations got along without economic indicators for centuries, it is hard to imagine doing without them now. It is hard to imagine governments and businesses operating without answers to questions which seem as ordinary as: what is happening to retail prices, is national income rising, is unemployment higher in Chicago than in Detroit, is our balance of payments improving?

Indeed, economic indicators have become so much a part of our thinking that we have tended to equate a rising national income with national well-being. Many are surprised to find unrest and discontent growing at a time when national income is rising so rapidly. It seems paradoxical that the economic indicators are generally registering continued progress—rising income, low unemployment—while the streets and the newspapers are full of evidence of growing discontent—burning and looting in the ghetto, strife on the campus, crime in the streets, alienation and defiance among the young.

Why have income and disaffection increased at the same time? One reason is that the recent improvement in standards of living, along with new social legislation, have generated new expectations—expectations that have risen faster than reality. The result has been disappointment and disaffection among a sizeable group of our fellow citizens.

It is not misery, but advance, that fosters hope and raises expectations. The conservatism of the destitute is as profound as that of the privileged. If the Negro American did not protest as much in earlier periods of history as today, it was not for lack of cause, but for lack of hope. If in earlier periods of history we had few programs to help the poor, it was not because they did not exist, but because society did not care and was not under pressure to help the poor. If the college students of the fifties did not protest as often as those of today, it was not for lack of evils to condemn, but probably because expectations and idealism were weaker then.

The correlation between improvement and disaffection is not new. Alexis de Tocqueville observed such a relationship in eighteenth century France: "The evil which was suffered patiently as inevitable, seems unendurable as soon as the idea of escaping from it is conceived. All the abuses then removed seem to throw into greater relief those which remain, so that their feeling is more painful. The evil, it is true, has become less, but sensibility to it has become more acute."

Another part of the explanation of the paradox of prosperity and rising discontent is clearly that "money isn't everything." Prosperity itself brings its own problems. Congestion, noise, and pollution are by-products of economic growth which make the world less livable. The large organizations which are necessary to harness modern technology make the individual feel small and impotent. The concentration on production and profit necessary to economic growth breeds tension, venality, and neglect of "the finer things."

Why a social report or a set of social indicators?

Curiosity itself would justify an attempt to assess the social health of the nation. Many people want answers to questions like these: Do children learn more now than they used to? Are we getting healthier as a Nation? How many people are really "alienated"? Do people have more satisfying jobs than they used to? Is crime increasing? Is the American dream of "rags to riches" a reality?

Satisfying curiosity and giving people a better understanding of what is happening to the world around them would be reason enough to attempt a social report, but there are more important reasons. A social report or a set of social indicators can improve public policy-making in at least two ways. First, it gives social problems more visibility and thus makes possible more informed judgments about national priorities. Second, by providing insight into how different measures of national well-being are changing, it may ultimately make possible a better evaluation of what public programs are accomplishing.

The existing situation in areas with which public policy must deal is often unclear, not only to the citizenry in general, but to officialdom as well. The normal processes of journalism and the observations of daily life do not allow a complete or balanced view of the condition of the society. Different problems have different degrees of visibility.

The visibility of a social problem can depend, for example, upon its "news value" or potential drama. The nation's progress in the space race and the need for space research get a lot of publicity because of the adventure inherent in manned space exploration. Television and tabloid remind us almost daily of the problems of crime, drugs, riots, and sexual misadventure. The rate of infant mortality may be a good measure of the condition of a society, but this rate is rarely mentioned in the public press, or even perceived as a public problem. The experience of parents (or infants) does not insure that the problem of infant mortality is perceived as a social problem; only when we know that more than a dozen nations have lower rates of infant mortality than the United States can we begin to make a valid judgment about the condition of this aspect of American society.

Moreover, some groups in our society are well organized, but others are not. This means that the problems of some groups are articulated and advertised, whereas the problems of others are not. Public problems also differ in the extent to which they are immediately evident to the "naked eye." A natural disaster or overcrowding of the highways will be immediately obvious. But ineffectiveness of an educational system or the alienation of youth and minority groups is often evident only when it is too late.

Besides developing measures of the social conditions we care about we also need to see how these measures are changing in response to public programs. If we mount a major program to provide pre-natal and maternity care for mothers, does infant mortality go down? If we channel new resources into special programs for educating poor children does their performance in school eventually increase? If we mount a "war on poverty" what happens to the number of poor people? If we enact new regulations against the emission of pollutants, does pollution diminish?.

These are not easy questions, since all major social problems are influenced by many things besides governmental action, and it is hard to disentangle the different effects of different causal factors. But at least in the long run evaluation of the effectiveness of public programs will be improved if statistics are available on how indicators of social problems are changing.

The present volume is not a social report. It is a step in the direction of a social report and the development of a comprehensive set of social indicators.

The report represents an attempt, on the part of social scientists, to look at several very important areas and digest what is known about progress toward generally accepted goals. The areas treated in this way are health, social mobility, the condition of the physical environment, income and poverty, public order and safety, and learning, science, and art.

There is also a chapter on participation in social institutions, but because of the lack of measures of improvement or retrogression in this area, it aspires to do no more than pose important questions.

Even the chapters included leave many—perhaps most—questions unanswered. We have measures of death and illness, but no measures of physical vigor or mental health. We have measures of the level and distribution of income, but no measures of the satisfaction that income brings. We have measures of air and water pollution, but no way to tell whether our environment is, on balance, becoming uglier or more beautiful. We have some clues about the test performance of children, but no information about their creativity or attitude toward intellectual endeavor. We have often spoken of the condition of Negro Americans, but have not had the data needed to report on Hispanic Americans, American Indians, or other ethnic minorities.

If the nation is to be able to do better social reporting in the future, and do justice to all of the problems that have not been treated here, it will need a wide variety of information that is not available now. It will need not only statistics on additional aspects of the condition of the nation as a whole, but also information on different groups of Americans. It will need more data on the aged, on youth, and on women, as well as on ethnic minorities. It will need information not only on objective conditions, but also on how different groups of Americans perceive the conditions in which they find themselves.

We shall now summarize each of these chapters in turn.

Health and illness

There have been dramatic increases in health and life expectancy in the twentieth century, but they have been mainly the result of developments whose immediate effect has been on the younger age groups. The expectancy of life at birth in the United States has increased from 47.3 years at the turn of the century to 70.5 years in 1967, or by well over 20 years. The number of expected years of life remaining at age five have increased by about twelve years, and that at age 25 about nine years, but that at age 65 not even three years. Modern medicine and standards of living have evidently been able to do a great deal for the young, and especially the very young, but not so much for the old.

This dramatic improvement had slowed down by the early fifties. Since then it has been difficult to say whether our health and life status have been improving or not. Some diseases are becoming less common and others are becoming more common, and life expectancy has changed rather little. We can get some idea whether or not there has been improvement on balance from figures on the "expectancy of healthy life" (i.e., the life expectancy free of bed-disability and institutionalization). The expectancy of healthy life at birth seems to have improved a trifle since 1957, the first year for which the needed data are available, but certainly not as much as the improvements in medical knowledge and standards of living might have led us to hope.

The American people have almost certainly not exploited all of the potential for better health inherent in existing medical knowledge and standards of living. This is suggested by the fact that Negro Americans have on the average about seven years less expectancy of healthy life than whites, and the fact that at least fifteen nations have longer life expectancy at birth than we do.

Why are we not as healthy as we could be? There is some evidence that styles of life (smoking, overeating, etc.) are important, and other evidence which suggests that socioeconomic deprivation and the uneven distribution of medical care are also an important part of the problem.

Though the passage of Medicare legislation has assured many older Americans that they can afford the medical care they need, the steps to improve the access to medical care for the young have been much less extensive.

The nation's system of financing medical care also provides an incentive for the relative underuse of preventive, as opposed to curative and ameliorative care. Medical insurance may reimburse a patient for the hospital care he gets, but not always for the checkup that might have kept him well.

The emphasis on curative care means that hospitals are sometimes used when some less intensive form of care would do as well. This overuse of hospitals is one of the factors responsible for the extraordinary increases in the price of hospital care.

Between June 1967 and June 1968, hospital daily service charges increased by 12 percent, and in the previous twelve months they increased by almost 22 percent. Physicians' fees have not increased as much—they rose by 5½ percent between June 1967 and June 1968—but they still rose more than the general price level. Medical care prices in the aggregate rose by about 6 percent in this period, and by more than 7 percent in the previous year.

Social mobility

The belief that no individual should be denied the opportunity to better his condition because of the circumstances of his birth continues to be one of the foundation stones in the structure of American values. But is the actual degree of opportunity and social mobility as great now as it has been?

It was possible to get a partial answer to this question from a survey which asked a sample of American men about their fathers' usual occupations as well as about their own job characteristics. Estimates based on these data suggest that opportunity to rise to an occupation with a higher relative status has not been declining in recent years, and might even have increased slightly. They also show that by far the largest part of the variation in occupational status was explained by factors other than the occupation of the father.

These encouraging findings, in the face of many factors that everyday observation suggest must limit opportunity, are probably due in part to the expansion of educational opportunities. There is some tendency for the sons of those of high education and status to obtain more education than others (an extra year of schooling for the father means on the average an extra .3 or .4 of a year of education for the son), and this additional education brings somewhat higher occupational status on the average. However, the variations in education that are not explained by the socioeconomic status of the father, and the effects that these variations have on occupational status are much larger. Thus, on balance, increased education seems to have increased opportunity and upward mobility.

There is one dramatic exception to the finding that opportunity is generally available. The opportunity of Negroes appears to be restricted to a very great extent by current race discrimination and other factors specifically related to race. Though it is true that the average adult Negro comes from a family with a lower socioeconomic status than the average white, and has had fewer years of schooling, and that these and other "background" factors reduce his income, it does not appear to be possible to explain anything like all of the difference in income between blacks and whites in terms of such background factors. After a variety of background factors that impair the qualifications of the average Negro are taken into account, there remains a difference in income of over $1,400 that is difficult to explain without reference to current discrimination. So is the fact that a high status Negro is less likely to be able to pass his status on to his son than is a high status white. A number of other studies tend to add to the evidence that there is continuing discrimination in employment, as does the relationship between Federal employment and contracts (with their equal opportunity provisions) and the above-average proportion of Negroes in high status jobs.

The implication of all this is that the American commitment to opportunity is within sight of being honored in the case of whites, but that it is very far indeed from being honored for the Negro. In addition to the handicaps that arise out of history and past discrimination, the Negro also continues to obtain less reward for his qualifications than he would if he were white.

The physical environment

This chapter deals with the pollution of the natural environment, and with the man-made physical environment provided by our housing and the structure of our cities.

Pollution seems to be many problems in many places—air pollution in some communities, water pollution in others, automobile junk yards and other solid wastes in still other places. Tying these seemingly disparate problems together is a basic principle of pollution and waste disposal.

The total weight of materials taken into the economy from nature must equal the total weight of materials discharged as wastes plus any addition to inventories. This means that, given the level and composition of the resources used by the economy, the degree of recycling, and the level of inventories, any reduction in one form of waste discharge must be accompanied by an increase in the discharge of some other kind of waste. For example, some air pollution can be prevented by washing out the particles—but this can mean water pollution, or alternatively solid wastes.

Since the economy does not destroy the matter it absorbs there will be a tendency for the pollution problem to increase with the growth of population and economic activity. In 1965 the transportation system in the United States produced 76 million tons of five major pollutants. If the transportation technology used does not greatly change, the problem of air pollution may be expected to rise with the growth in the number of automobiles, airplanes, and so on. Similarly, the industrial sector of the economy has been growing at about 4½ percent per year. This suggests that, if this rate of growth were to continue, industrial production would have increased ten-fold by the year 2020, and that in the absence of new methods and policies, industrial wastes would have risen by a like proportion.

The chapter presents some measures of air and water pollution indicating that unsatisfactorily high levels of pollution exist in many places. There can be little doubt that pollution is a significant problem already, and that this is an area in which, at least in the absence of timely reporting and intelligent policy, the condition of society can all too easily deteriorate.

As we shift perspective from the natural environment to the housing that shelters us from it, we see a more encouraging trend. The physical quality of the housing in the country is improving steadily, in city center and suburb alike. In 1960, 84 percent of the dwelling units in the country were described as "structurally sound," in 1966, this percentage had risen to 90 percent. In center cities the percentage had risen from 80 percent in 1960 to 93 percent in 1966. In 1960, 12 percent of the nation's housing supply was "overcrowded," by the standard of 1.01 or more person per room. In 1950, 16 percent of the nation's housing had been overcrowded by the same standard.

The principal reason for this improvement was the increased per capita income and demand for housing. About 11½ million new housing units were started in the United States between 1960 and 1967, and the figures on the declining proportions of structurally unsound and overcrowded dwellings, even in central cities (as well as other factors) suggest that this new construction increased the supply of housing available to people at all income levels.

Even though the housing stock is improving, racial segregation and other barriers keep many Americans from moving into the housing that is being built or vacated, and deny them a share in the benefits of the nation's improving housing supply.

Income and poverty

In terms of income and wealth, the United States is unrivalled in the world. The Gross National Product will reach nearly $850 billion this year. The United States outranks its nearest competitor (Sweden) in GNP by about $1,000 per person.

Personal income in the United States has increased to an extraordinary extent in this century. Even after allowing for population growth and the changing value of money, it has quadrupled.

Generally speaking, however, the distribution of income in the United States has remained practically unchanged over the last 20 years. Although the distribution of income has been relatively stable, the rise in income levels has meant that the number of persons below the poverty line has declined. The poor numbered 40 million in 1960 and 26 million in 1967.

A continuation of present trends, however, would by no means eliminate poverty. The principal cause of the decline has been an increase in earnings. But some of the poor are unable to work because they are too young, too old, disabled or otherwise prevented from doing so. They would not be directly helped, therefore, by increased levels of wages and earnings in the economy as a whole. Moreover, even the working poor will continue to account for a substantial number of persons by 1974: about 5 million by most recent estimates. This latter group is not now generally eligible for income supplementation.

The nation's present system of income maintenance is badly in need of reform. It is inadequate to the needs of those who do receive aid and millions of persons are omitted altogether.

This chapter concludes with an analysis of existing programs and a discussion of new proposals which have been put forward in recent years as solutions to the welfare crisis.

Public order and safety

The concern about public order and safety in the United States is greater now than it has been in some time.

The compilations of the Federal Bureau of Investigation show an increase in major crimes of 13 percent in 1964, 6 percent in 1965, 11 percent in 1966, and 17 percent in 1967. And studies undertaken for the President's Crime Commission in 1965 indicate that several times as many crimes occur as are reported.

Crime is concentrated among the poor. Both its perpetrators and its victims are more likely to be residents of the poverty areas of central cities than of suburbs and rural areas. Many of those residents in the urban ghettoes are Negroes. Negroes have much higher arrest rates than whites, but it is less widely known that Negroes also have higher rates of victimization than whites of any income group.

Young people commit a disproportionate share of crimes. Part of the recent increase in crime rates can be attributed to the growing proportion of young people in the population. At the same time, the propensity of youth to crime appears to be increasing.

Fear of apprehension and punishment undoubtedly deters some crime. The crime rate drops with much more intensive policing. But crime and disorder tend to center among young people in ghetto areas, where the prospects for legitimate and socially useful activity are poorest. It seems unlikely that harsher punishment, a strengthening of public prosecutors, or more police can, by themselves, prevent either individual crime or public disorder. The objective opportunities for the poor, and their attitudes toward the police and the law, must also change before the problems can be solved.

Learning, science, and art

The state of the nation depends to a great degree on how much our children learn, and on what our scientists and artists create. Learning, discovery, and creativity are not only valued in themselves, but are also resources that are important for the nation's future.

In view of the importance of education, it might be supposed that there would be many assessments of what or how much American children learn. But this is not in fact the case. The standard sources of educational statistics give us hundreds of pages on the resources used for schooling, but almost no information at all on the extent to which these resources have achieved their purpose.

It is possible to get some insight into whether American children are learning more than children of the same age did earlier from a variety of achievement tests that are given throughout the country, mainly to judge individual students and classes. These tests suggest that there may have been a significant improvement in test score performance of children since the 1950's.

When the chapter turns to the learning and education of the poor and the disadvantaged, the results are less encouraging. Groups that suffer social and economic deprivation systematically learn less than those who have more comfortable backgrounds. Even when they do as well on achievement tests, they are much less likely to go on to college.

Of those high school seniors who are in the top one-fifth in terms of academic ability, 95 percent will ultimately go on to college if their parents are in the top socioeconomic quartile, but only half of the equally able students from the bottom socioeconomic quartile will attend college. Students from the top socioeconomic quartile are five times as likely to go to graduate school as comparably able students from the bottom socioeconomic quartile.

It is more difficult to assess the state of science and art than the learning of American youth. But two factors nonetheless emerge reasonably clearly. One is that American science is advancing at a most rapid rate, and appears to be doing very well in relation to other countries. The nation's "technological balance of payments," for example, suggests that we have a considerable lead over other countries in technological know-how.

The other point that emerges with reasonable clarity is that, however vibrant the cultural life of the nation may be, the live or performing arts are in some financial difficulty. Since there is essentially no increase in productivity in live performances (it will always take four musicians for a quartet), and increasing productivity in the rest of the economy continually makes earnings in the society rise, the relative cost of live performances tends to go up steadily. This can be a significant problem, at least in those cases where a large number of live performances is needed to insure that promising artists get the training and opportunity they need to realize their full potential.

Participation and alienation: What we need to learn

Americans are concerned, not only about progress along the dimensions that have so far been described, but also about the special functions that our political and social institutions perform. It matters whether goals have been achieved in a democratic or a totalitarian way, and whether the group relationships in our society are harmonious and satisfying.

Unfortunately, the data on the performance of our political and social institutions is uniquely scanty. The chapter on "Participation and Alienation" cannot even hope to do much more than ask the right questions. But such questioning is also of use, for it can remind us of the range of considerations we should keep in mind when setting public policy, and encourages the collection of the needed data in the future.

Perhaps the most obvious function that we expect our institutions to perform is that of protecting our individual freedom. Individual liberty is not only important in itself, but also necessary to the viability of a democratic political system. Freedom can be abridged not only by government action, but also by the social and economic ostracism and discrimination that results from popular intolerance. There is accordingly a need for survey data that can discern any major changes in the degree of tolerance and in the willingness to state unpopular points of view, as well as information about the legal enforcement of constitutional guarantees.

Though liberty gives us the scope we need to achieve our individual purposes, it does not by itself satisfy the need for congenial social relationships and a sense of belonging. The chapter presents evidence which suggests (but does not prove) that at least many people not only enjoy, but also need, a clear sense of belonging, a feeling of attachment to some social group.

There is evidence for this conjecture in the relationship between family status, health, and death rates. In general, married people have lower age-adjusted death rates, lower rates of usage of facilities for the mentally ill, lower suicide rates, and probably also lower rates of alcoholism than those who have been widowed, divorced, or remained single. It is, of course, possible that those who are physically or mentally ill are less likely to find marriage partners, and that this explains part of the correlation. But the pattern of results, and especially the particularly high rates of those who are widowed, strongly suggest that this could not be the whole story.

There are also fragments of evidence which suggest that those who do not normally belong to voluntary organizations, cohesive neighborhoods, families, or other social groupings probably tend to have somewhat higher levels of "alienation" than other Americans.

Some surveys suggest that Negroes, and whites with high degrees of racial prejudice, are more likely to be alienated than other Americans. This, in turn, suggests that alienation has some importance for the cohesion of American society, and that the extent of group participation and the sense of community are important aspects of the condition of the nation. If this is true, it follows that we need much more information about these aspects of the life of our society.

It is a basic precept of a democratic society that citizens should have equal rights in the political and organizational life of the society. Thus there is also a need for more and better information about the extent to which all Americans enjoy equality before the law, equal franchise, and fair access to public services and utilities. The growth of large scale, bureaucratic organizations, the difficulties many Americans (especially those with the least education and confidence) have in dealing with such organizations, and the resulting demands for democratic participation make the need for better information on this problem particularly urgent.

Though almost all Americans want progress along each of the dimensions of well being discussed in this Report, the nation cannot make rapid progress along all of them at once. That would take more resources than we have. The nation must decide which objectives should have the higher priorities, and choose the most efficient programs for attaining these objectives. Social reporting cannot make the hard choices the nation must make any easier, but ultimately it can help to insure that they are not made in ignorance of the nation's needs.

POWERPLANT SITE SELECTION

Mr. MUSKIE. Mr. President, for some time I have been concerned with the environmental impact of large thermal powerplants, whether powered by nuclear or fossil fuels. Their size, increasing number and potential influence on our environment make it imperative that we select the sites for such plants with great care to reduce the potential damage from such plants to an absolute minimum.

The Power Plant Site Selection Report from the Office of Science and Technology, released on January 5, is one of the most significant joint reports on environmental problems prepared by government agencies. It provides a factual basis for evaluation of the dimensions of those problems, and it offers a sensible and effective series of recommendations for meeting them. If those recommendations are followed, we need not "lock the barn door after the horse has been stolen" by correcting environmental damage after it has been caused by large powerplants.

The agreement by the several agencies on the recommendations contained in the report should make it easier for us to enact requirements for site selection and planning procedures for those plants coming under the jurisdiction of Federal agencies, and for States to develop similar procedures. The Water Pollution Control Act Amendments passed by the Senate last year incorporated such procedures with reference to plants licensed, authorized or assisted by Federal activities.

These procedures are again included in S. 7, the Water Quality Improvement Act of 1969, and I intend to press for enactment. I also intend to offer legislation later in this session which will follow the guidelines of this report in setting comprehensive standards to assist the energy-producing industries of our country in determining the sites of their new installations.

This report effectively stresses the broad and urgent nature of the problem. I ask unanimous consent that the "Background and Highlights of the Report" be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

CHAPTER II. PHYSICAL REQUIREMENTS OF SITE

INTRODUCTION

The siting of thermal electric generation plants has grown more complex with each passing decade. As the sizes of generators, boilers, and associated equipment have grown the problems of site location have increased.

The future requirements for electrical energy and the trends in recent years with regard to power plant sizes places greater emphasis on the problems of plant location. The present-day concepts of large fossil-fired plants will be met with greater problems of air and water quality control as an increasing number of plants are constructed across our Nation. The increased use of nuclear power plants will help to alleviate the problems of maintaining control of air quality but will tend to aggravate the control of thermal releases to sources of cooling water. The present emphasis on beautification and aesthetics of the power plant, transmission lines, and surrounding area will be continued and will present additional challenges in selecting and developing power plant sites.

The same features that make a site ideally suited for a generating plant also make it well suited for the development of an industrial plant. Large industries usually require substantial land areas and provisions for future expansion are frequently taken care of in the initial site acquisition. Some plants must be located near a highway, railroad, and/or body of water for barge transportation and a source of process water. Therefore, many good generating plant sites are being developed by industries or are being acquired by them for future development; and competition for choice waterfront sites often occurs.

The increasing use of waterfront sites for recreation purposes has led to competition between industrial developers, recreation project developers, and power plant site developers for the better waterfront sites. A prime objective in overall planning for the Nation's needs must be to see that the rapidly dwindling supply of good waterfront sites is used to the utmost advantage. It is evident that as time progresses the Nation's ever-expanding population is going to be required to live, work, and play closer and closer together and that generating plants will be part of that more crowded scene. Generating plants must be developed in such a manner as to make them good neighbors in all respects—worthy additions to the landscape and the environment as they produce the power so essential to continued economic growth and national progress.

SITE LOCATION

Proximity to load centers

The economics of locating thermal electric generating plants near load centers is undergoing very rapid change. The requirements with regard to air quality control and aesthetics of the plant and the surrounding area place greater restraints on the development of plant sites located near load centers. Thus far, most nuclear plants have been located some distance from population centers, but it is expected that as more experience is gained in the design, construction and operation of nuclear plants the use of locations nearer population centers is probable.

Location of coal- or oil-fired plants near concentrations of population is being met with greater opposition as people are becoming more concerned about air quality. The future use of coal- and oil-fired plants will require greater investments for electrostatic precipitators, as well as for means of controlling sulfur dioxide and other gases discharged from the stack.

The modern power plant uses large amounts of water for dissipation of the heat rejected. Large fossil-fired plants normally require condenser flows of about 0.8 to 1.2 cfs per mw of capacity while light water nuclear plants of the same output require half again as much. The control of heat rejected to lakes and streams by power plants has become a problem of increasing magnitude as power plants have grown in size and other uses of our lakes and streams have increased. Lakes and streams near large cities are used, among other things, for transportation, industrial processes, recreation, municipal water supplies, and sewage disposal. As our population has grown and the water oriented industries, as well as electric power plants, have increased in number and in size, the varied uses of the lakes and streams have increased as have the demands for "cleaning up" the bodies of water.

Highway, rail, water access

Good highway access is mandatory for large modern stations. The highway will provide access for plant construction and operation, and depending on development of rail and/or water access, may serve for delivery of all or part of construction and operation materials and equipment and fuel. The standards for the highway will depend on weight, type, and volumes of traffic to be handled.

Rail or water access is very desirable for delivery of heavy equipment and for fuel (except at some nuclear plants, coal-fired minemouth plants and at gas- and oil-fired plants served by pipeline) and where feasible, use of both usually is economical. Water access is especially desirable for delivery of large shop-fabricated and assembled reactor vessels, although field assembly is becoming more common. The standards for the railroad and docking facilities will depend on the volume of material to be handled.

If coal is to be delivered by rail or water (or both), major consideration must be given to waterfront or to rail facilities. Daily coal requirements of large modern stations demand careful coordination of the design of coal-receiving facilities, both for efficiency of operation and effect on freight charges resulting from delay in return of cars or barges to the carrier.

The cost of the access highway and railroad and the distance between the site and a principal public highway or railroad must be evaluated in site selection along with other factors.

Foundations

One of the most important factors in choosing a site is to determine that geological conditions are such that a satisfactory foundation for the plant structures is available.

The selection of a site should consider the presence of faulting which could present foundation problems, such as instability of rock foundation during an earthquake or the necessity for extensive excavation due to crushed and broken rock. Preferably a site should have no active faults. Possible cost variations due to differences in foundation conditions must be carefully evaluated.

Meteorology

The relationship of meteorology to the physical requirements of siting an electric generating plant is an important consideration, especially in designing the air pollution control features of the plant. Meteorological parameters should be identified on a seasonal and annual basis from measurements made at the site or from representative data recorded at nearby points. The frequency and severity of such phenomena as tornadoes, hurricanes, thunderstorms, ice storms, and sandstorms should be estimated using the environmental science data records for the area. The design standards for the plant and its associated equipment should reflect the effects of this meteorological information. The problem is discussed in detail in Chapter IV dealing with air pollution.

Hydrology

Flooding.—Unless the site area is diked for protection, plant grade for all plants should be set above the elevation of the greatest flood that may reasonably be expected based on actual storm and flood records and observations.

Security of cooling water source.—The cooling water source for all types of thermal plants should be made dependable for all conditions in which the plant is expected to continue operation. For a nuclear plant (see Ch. III), a dependable source of cooling water continues to be needed (although of a lesser amount) while the plant is not in operation to remove decay heat from the reactor. In addition, a source of cooling water for emergency reactor shutdown must be assured.

Thermal quality of water source.—Data on stream flows, temperatures, stratification and depths must be obtained and evaluated with an economical condenser size and pumping facilities to ensure that the temperature of the body of water receiving the cooling water discharge will not exceed the thermal criteria adopted by the governing regulatory authority (State and/or Federal) described in Chapter V.

Fuel supply

An essential item to be considered in selecting a site for a generating plant is the availability of an adequate supply of competitively priced fuel for the life of the plant. The location of a nuclear plant presents no problems in this respect because of the minimal transportation cost of nuclear fuel. Oil- and gas-fired plants are usually located where ample supplies are available on a competitive basis for the life of the plant. A new plant relying on gas will need long-term contracts to assure competitive fuel costs.

Coal-fired plants are usually located so that more than one field can be considered as a source of fuel for the plant site. The successful operation of unit trains on fast schedules and in some cases movements of coal by barge to power plants over long distances enables coal deposits at some distance from the site to be considered as alternate sources for the plant. The present and projected future availability of coal and its cost delivered to the plant will, of course, be a major factor in the final measure of the attractiveness of a site.

The location of a power plant at a minemouth site or at a location where the transportation facilities are capable of delivering coal from only one coal field can jeopardize the future price for coal delivered to the plant. Under such conditions, long-term contracts for the coal supply which are entered into while alternate sites are still being considered, may be the only means of obtaining a coal supply at a reasonable cost.

Effect of plant and transmission line appearance on surrounding areas

In site selection it is essential that proper consideration be given to the impact of the plant on the appearance of the surrounding area as well as the impact of the transmission lines that must radiate from the plant.

Technology of underground transmission has not yet been developed to the point where it is practical for transmitting large blocks of power over long distances. Research in underground transmission is underway but no technological breakthrough is in sight.

Much work has been done in the field of improving the appearance of overhead transmission lines and the results are encouraging. Examples include the tower design produced by Henry Dreyfuss & Associates for the Edison Electric Institute. These designs, as well as other attractive ones, are judged to be more applicable to distribution and subtransmission voltages. Economic considerations and the large size of EHV towers needed for mechanical strength and electrictl clearances handicap the designer in his attempts to incorporate pleasing appearance.

Amenities for employees

Power plant personnel have increased desires for comforts and conveniences with each passing decade. Increases in our standard of living have made it possible for employees to have better housing with many comforts and conveniences. Also, the employees desire modern educational facilities for their children and recreation facilities for families and employee groups. Shopping centers to provide for the family's needs are expected to be available in the community where the family resides. When selecting a plant site, the facilities available for employees within commuting distance of the site should be considered. The rural development opportunities are discussed in detail in Chapter VII.

Taxes

While taxes may not directly affect the "physical requirements" of a site, the taxing policies of the State and local governments have considerable influence on the economics of building a generating plant in one location as compared to another. Also, the taxing policies may exert different levels of influence for a private plant developer as opposed to a plant being developed by a public body or organization.

DANGER TO WILDLIFE FROM OFFSHORE OIL EXPLORATION AND PRODUCTION

Mr. METCALF. Mr. President, the oil slick off the coast of California that is killing birds and aquatic life and endangering other resources, graphically points up the dangers of offshore oil exploration and production.

I think we are fortunate that Secretary of the Interior Walter J. Hickel said during the hearing before the Committee on Interior and Insular Affairs on the confirmation of his nomination that he fully realizes the dangers inherent in some oil-drilling operations. For example, Mr. Hickel said he would not allow opening of the Arctic National Wildlife Range to oil production without express orders to do so by Congress or the Senate Interior Committee. He also said that he had vetoed a law against building of offshore oil-drilling platforms in Bristol Bay because he could provide stronger enforcement against pollution of that bay by administrative methods than he could through the State law that he vetoed.

Mr. Hickel said at the hearing that he feels "very, very strongly" about the need for pollution control both on the surface and under the water. They have had that problem in other offshore areas of Alaska, Mr. Hickel said, and he certainly does not want to see it happen in Bristol Bay.

I invite the attention of the Senate to the wisdom of those words, and I think the unfortunate consequences that have occurred in connection with the offshore well drilled by Union Oil Co. of California amply demonstrate problems that could occur in other areas, such as Alaska. Union Oil Co. is involved in oil operations in Alaska. In fact, Mr. Hickel may know some of the executives of Union Oil Co., since it is a coowner of the gas fields from which Anchorage Natural Gas Co. obtained its gas to distribute to the people of Anchorage. Mr. Hickel was one of the owners of Anchorage Natural Gas. So we are fortunate to have as our Secretary of the Interior a man who not only realizes the problems of offshore oil drilling, but who may know some of the personnel of the company involved in the California offshore problem.

I see by the newspapers that Union Oil Co. officials blame the oil slick in California on the fact that there is a faultline along that area which allowed the oil to escape. There also are faultlines in Alaska, which experienced an earthquake of major proportions in 1964. Oil drilling in Bristol Bay, or other waters off Alaskan shores, could encounter the same misfortunes that have occurred off the California coast.

Mr. Hickel's nomination hearing record includes an exchange of letters between the Western Oil & Gas Association and former Secretary of the Interior, Stewart L. Udall. In his letter Mr. Udall said he was concerned about oil pollution in Cook Inlet, along the Alaska shore, and about the possibilities of similar pollution in planned oil exploration in the Gulf of Alaska and Bristol Bay. He pointed out that those areas are important to commercial fisheries and to wildlife. As Mr. Udall said:

> Nowhere else on the North American continent does the prospect of pollution from oil development pose such overwhelming threats to birds and other wildlife and to fishery resources.
>
> One "gusher," one wrecked tanker, one broken pipeline, or one large spill—accidental or not—could cause long lasting damage—

Mr. Udall said.

> In fact, no oil exploratory or development work should start in that area until the industry can assure that its operations will be carried out without polluting the environment and without damaging fish and other aquatic resources.

Mr. Harry Morrison, vice president and general manager of the Western Oil & Gas Association, replied that Mr. Udall should not be concerned about such possibilities. Mr. Morrison wrote:

> You mention the possibility of a "gusher." You, of course, know our operators use blowout preventers on drilling wells and fail-safe shut-off devices on producing wells.

I think the experience of Union Oil Co., a member of the Western Oil & Gas Association, and the experience of many citizens of California and the United States, and especially the experience of many birds and aquatic animals, demonstrates that "fail safe" is far from that as far as offshore oil drilling goes, and that former Secretary Udall's concern about offshore oil exploration was well founded.

Every duck hunter in the Pacific flyway, and every beneficiary of the major industry that migratory bird hunting has become, has a stake in this matter. Oil pollution in Bristol Bay will endanger a vast natural and economic resource. Commercial and sports fishermen also are looking at the California situation and visualizing the damage that it could wreak on our wildlife resources in the Western States should we have such an occurence in Alaska. The hearing record also includes a description of the vast part that Bristol Bay plays in our wildlife resources.

We are fortunate, I think, to have as our new Secretary of the Interior a man who is on record as saying that he shares the attitude that surface and underwater pollution should not be permitted. We are fortunate that we can look to his leadership in seeing that our wildlife resources will be protected.

FAIR CREDIT REPORTING ACT OF 1969

Mr. WILLIAMS of New Jersey. Mr. President, I am most happy to join with the senior Senator from Wisconsin (Mr. PROXMIRE) in sponsoring the Fair Credit Reporting Act of 1969. This most important legislation will close a growing gap in our Nation's consumer protection laws. At the same time it will also insure the right of privacy to all of our citizens in the field of credit reporting.

This legislation is not intended to place undue burdens on legitimate credit bureaus. Its only purpose is to insure fair and equitable credit reporting. This bill will allow credit bureaus to continue the gathering and supplying of data which is essential for fair and just credit ratings. However, such information may only be disseminated where there is a legitimate business purpose involved—a practice which unfortunately has not been followed by some credit bureaus. In addition, this proposed legislation would require notification to individuals receiving adverse credit ratings. Opportunity would then be allowed for the submission of explanatory material and for the correction of any inaccuracies. This right of rebuttal is an inherent one under our traditions of fair play and jurisprudence. Presently, there are far too many cases where adverse credit reports cause irreparable harm to the individual without his being afforded the opportunity to answer the charges, correct inaccuracies or in some cases to even know that such a report has been issued.

The growth of the credit bureau industry has increased at a spectacular rate over the last decade. By 1967 credit bureaus maintained files on more than 110 million individuals—a figure which has undoubtedly increased over the last 2 years. Obviously, the collecting of credit data has become a major industry which affects all segments of our national economy.

The primary function of a credit bureau is to collect information about individuals so that banks, insurance companies, retail merchants and other potential creditors can decide whether to extend or withhold credit. In performing this function credit bureaus undoubtedly performs a much needed service. However, when inaccurate or erroneous data is supplied, great harm may result. In addition to the use made of this information by private lenders, the Federal Housing Administration uses private credit bureau reports to ascertain eligibility of mortgage applicants. Federal and State agencies use similar sources in order to make preemployment checks on job applicants. The accuracy of these reports is, therefore, a matter of serious concern to all of our Nation's citizens.

Perhaps the most serious problem arising from the use of credit bureau information is the individual's basic right to privacy. Credit reports often contain highly personal and sensitive information. Credit data may include facts as to the individual's personal history, marriages and divorces, personal sexual habits, as well as general data concerning family and friends. The results arising from inaccurate reporting or the unauthorized use of such highly sensitive information is obvious.

While most credit bureaus have been circumspect in the dissemination of such information, a small minority have given out this highly confidential and personal data as a result of mere random telephone calls or letters. A study made last year by Dr. Allen Weston of Columbia University showed that such abuses have occurred without any opportunity being given to the individuals involved to correct inaccuracies; even though the reports contained adverse information of a highly personal nature. Dr. Weston's study showed that not even a cursory check was made on the individual making the request for the data or its ultimate use. I am sure that all will agree that basic protections are needed to preserve the rights of individuals in such instances.

The Fair Credit Reporting Act is a reasonable and sensible approach toward alleviating these problem areas. Its provisions will not hinder credit bureaus in the collection of legitimate data. The bill will, however, preserve the basic rights of the individual. It will allow the subject of an adverse credit report to be fully informed of the charges levied against him. When such charges are inaccurate, the right to explain or refute is also present. These rights are basic to our American heritage and must not be infringed upon. Finally, this legislation will help to preserve the individuals right to privacy, especially where highly personal information is involved.

These are the rights which the Fair Credit Reporting Act seeks to protect. Surely no one would deny these rights to any of our Nation's citizens or quarrel with the purpose of this most important consumer protection legislation.

CONCLUSION OF MORNING BUSINESS—PROPOSED DISAPPROVAL OF EXECUTIVE, LEGISLATIVE, AND JUDICIAL PAY RATES

The VICE PRESIDENT. Is there further morning business? If not, morning business is concluded; and the Chair lays before the Senate, Senate Resolution 83, a resolution coming over under the rule, which the clerk will state.

The bill clerk read the resolution (S. Res. 83) as follows:

S. RES. 83

Resolved, That the Committee on Post Office and Civil Service be discharged from further consideration of S. Res. 17, to disapprove certain executive, legislative, and judicial pay rates recommended by the President.

Mr. WILLIAMS of Delaware. Mr. President, in view of the fact that Senate Resolution 82 is now the pending business, there would be no purpose in discussing this resolution (S. Res. 83), and therefore I ask unanimous consent that it be placed on the calendar.

The VICE PRESIDENT. Without objection, it is so ordered.

What is the will of the Senate?

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

RECESS

Mr. GRAVEL. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair, but not later than 2 p.m.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Thereupon (at 1 o'clock and 6 minutes p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 2 p.m., when called to order by the Vice President.

PROPOSED DISAPPROVAL OF EXECUTIVE, LEGISLATIVE, AND JUDICIAL PAY RATES

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, Senate Resolution 82, which the clerk will report for the information of the Senate.

The legislative clerk read as follows:

Resolved, That the Senate disapproves the recommendations of the President with respect to rates of pay transmitted to the Congress in the budget for fiscal year 1970 pursuant to section 225(h) of the Federal Salary Act of 1967.

Mr. GRAVEL. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. Out of whose time?

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the time not be charged to either side.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays on the resolution.

The yeas and nays were ordered.

The VICE PRESIDENT. Under the previous unanimous-consent agreement, debate on the resolution is limited, not to exceed 3 hours, to be equally divided between and controlled by the Senator from Montana (Mr. MANSFIELD) and the Senator from Delaware (Mr. WILLIAMS).

Who yields time?

Mr. WILLIAMS of Delaware. I yield myself 5 minutes.

Mr. President, the purpose of the resolution is to reject the President's recommendations for salary increases. Under this proposal congressional salaries would be increased by 40 percent, salaries of the judicial branch by 50 percent, and salaries of the top echelon of the executive branch would be increased from 35 to 70 percent. We cannot take action on the increases in salaries of Members of Congress, the judicial branch, and the executive branch without at the same time taking into consideration the effect it would have on later action dealing with increased salaries for all civil service employees, which it is estimated will be at least 10 to 12 percent.

We cannot approve this proposal without taking into consideration what we would do with respect to the request for salary increases for these other employees. To increase those salaries in line with the recommendations would cost approximately $4½ billion. Therefore, the argument that at this time we are voting on a matter dealing only with $20 to $25 million is not quite true. The Senate is today setting the pattern for salary expenditures that can cost at least $4.5 billion in the next fiscal year.

If the Members of Congress are to increase their own salaries by 40 percent and the salaries of the executive branch by 35 to 70 percent—that is, the top echelon—how can we in good conscience ask industry and organized labor to hold their price and wage increases down to approximately 5 percent so that we can combat the serious threat of inflation?

Likewise, it should be pointed out that later Congress will have to ask the taxpayers to accept a 12-month extension of the 10-percent surcharge. If these salary increases which we are considering today are approved, followed by the inevitable salary increases for civil service employees, it will mean that approximately one-half of all the revenue that will be derived by the Government from the 12-month extension of the 10-percent surcharge will be required to pay for them.

The Government closed its books in 1968 with a deficit of over $25 billion. I pointed out the other day that instead of having a projected surplus of $2.4 billion for 1969 and $3.4 billion for 1970, as was outlined in the President's budget message of January 15, 1969, an analysis of the budget shows that we actually are confronted with a deficit of $6.9 billion in 1969 and a deficit of $10.7 billion in 1970.

We are operating the Government today at a deficit running at a rate of over $500 million per month. That means that if we increase our salaries today the increases can be paid only by borrowing the money and charging it to the taxpayers.

I think it would be the height of folly for us to be so fiscally irresponsible.

I understand that we are going to be asked to increase the ceiling on the national debt within the next few months so that they can finance the deficits now being created. Certainly we all recognize that inflation is a real threat in this country. The inflation that took place in the last 12 months was about 5 percent, which means that the purchasing power of salaries of Members of Congress has been reduced approximately 5 percent in the last 12 months, or approximately $1,500 less purchasing power. I recognize that. But that statement is also true of every wage earner in America, every housewife, and every taxpayer. They are all confronted with the rising cost of living.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 3 additional minutes.

The VICE PRESIDENT. The Senator from Delaware is recognized for 3 additional minutes.

Mr. WILLIAMS of Delaware. Mr. President, in this instance congressional salaries would be raised, not to take care of the cost-of-living increase, but rather to raise salaries by 40 percent. I think we cannot afford to do it. I think it would be wrong.

Another thing we cannot overlook when we vote on the proposal before us today is that we are not voting only for a 40-percent increase in congressional salaries. If congressional salaries are increased it would have the automatic effect of triggering into action an 8-percent per year increase in the retirement benefits of every Member of Congress for each of the next 5 years. That would mean the retirement benefits of every Member of Congress, as a result of this increase, will be increased 8 percent per year for each of the next 5 years, or a total of 40 percent.

In addition, there is a built-in escalation clause for pensions of Government employees only, which would be triggered into effect every time there is an increase in the cost of living of 3 percent or more.

In other words if this resolution is rejected, we, as Members of Congress, will have insulated ourselves against any of the adverse effects of inflation for which we, as Members of Congress, are primarily responsible.

The same thing is true with respect to the executive branch, the top echelon of Government downtown. Certainly, members of the executive branch and Members of Congress are the ones responsible for the deficit spending which is creating the inflation. It is time that we stop and ask ourselves how long are we going to go down this road of deficit spending and whether we want to face our constituents saying, "Yes, we pity you, and we know you are handicapped by the ravages of inflation. We know because we read about it in the newspapers, not that it affects us because Congress has enacted legislation that insulates us from inflation, both with regard to our salaries and our pensions."

Mr. President, I say that position of preferential consideration cannot be condoned, and for that reason more than any other reason this resolution, which would reject the proposed increases, should be agreed to.

I wish to point out one other mathematical result of the proposed increases. For example, let us take the proposed increases in salaries for the judicial branch of the Government, the members of the Supreme Court. The salaries of Associate Justices would be raised from $39,500 to $60,000 a year. Under the law, they can retire at full salary. That means we would be raising the pension income for Associate Justices of the Supreme Court to a point where they could retire at $60,000 a year as a lifetime pension with an escalation clause to protect them from any future increase in the cost of living. This represents a pension which is 2.5 times the pension we allow for our former Presidents.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 2 additional minutes.

If this resolution is defeated we will be providing $40,000 pensions for all district judges. Every Federal judge in every district in America could retire with a $40,000 salary, or $15,000 more in pension than is allowed the President of the United States.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. FULBRIGHT. Do judges contribute to their retirement as do Members of Congress?

Mr. WILLIAMS of Delaware. They do not.

I repeat, Congress is also putting into effect an escalation clause to protect them against any further increases in the cost of living. This is a one-way escalation clause. If the cost of living rises five consecutive times at 3 percent they would get five 3-percent increases. Then suppose we enter a period when the cost of living goes down. In that event the cost of living increase would freeze at the top level, and they would have that much additional pension.

We should stop and ask ourselves how much the taxpayers can afford. In my opinion we should adopt the resolution, reject the salary increase, and put the financial picture of this Government in order before we proceed further.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 5 additional minutes.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MUNDT. First of all, I would like to congratulate the Senator from Delaware on bringing this issue into the open so that every Senator can vote his convictions and his conscience on the proposal before us. I cannot think of anything more reprehensible than deciding an issue of this kind without a rollcall vote and without an open expression of opinion on the part of both those who support the legislation and those who support the position of the Senator from Delaware. I hope the Members of the other body will also make their decision by a rollcall vote.

I suspect that there is no other Member of the Senate who has given more thought, time, and study to the problems of inflation than has the Senator from Delaware, who has been a leader in an effort to try to curb these inflationary fires, who was the author of the proposal to create the surtax, tying it to a rollback in employment and Federal spending.

I would like to ask the Senator from Delaware what, in his opinion, on the basis of his knowledge and experience, would be the impact in the private sector of our approving this 40-percent increase, so far as senatorial and congressional salaries are concerned, and a much larger percentage of increase for the judiciary? Does the Senator feel this would have an impact when it comes to the bargaining table between employees and employers in the private sector of our economy from the standpoint of guidelines which are to be part of the device for holding down the fires of inflation?

Mr. WILLIAMS of Delaware. There is no question about it. In my opinion, the action we take here today may well trigger another round of inflation, one from which the American dollar would not survive.

Mr. MUNDT. We do not reflect much about it in terms of our legislative activities in Congress, but we are still in a war. I can recall one wartime period in American history when a predecessor Congress voted a rollback in its salaries in an effort to share the sacrifices of wartime. It seems to me that we are presently running far afield from that kind of motivation, if instead of rolling salaries back or holding them where they are, we should go to a 40-percent increase, plus the fact that we are operating at a deficit despite the glowing account President Johnson gave in his farewell address. I think the Senator from Delaware analyzed the budget correctly when he said it shows we are operating at a deficit of $6 or $7 billion.

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. MUNDT. Would not the Senator from Delaware have a different attitude toward this pay raise increase if we were at peace instead of at war and if, in fact, we had done our homework sufficiently to balance the budget?

Mr. WILLIAMS of Delaware. Certainly. The argument has been made that we have many highly qualified men serving Government today in Congress and in the executive branch, men who could make so much more money in private industry than in serving the Government. I realize that. I realize we have men making sacrifices. It has always been thus. However, I point out that we are in the midst of a war and that we have many men in the service serving in the ranks and as officers who were making much more money in private industry than they are today while serving their country.

There is nothing wrong with a man who is serving in Congress making some slight sacrifice. I think that during a period of war, a time when we are faced with the serious threat of inflation, a time when we have a deficit of $500 million per month with no chance of even holding it at that and the next fiscal year 1970 looks like it will be worse, even under normal circumstances, it is not the time to launch another wage spiral and thereby touch off another round of inflation.

We cannot just figure that we are dealing with $22 to $25 million. We are setting a pattern. If we adopt the increase here today it will be fed through all branches of Government and will cost a minimum additional of $4½ billion per year. This will take up at least one-half of the additional revenue which will be derived from extension of the 10-percent surcharge. I do not believe that any of us will want to go home and tell our constituents——

The VICE PRESIDENT. The time of the Senator from Delaware has expired.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 1 additional minute.

The VICE PRESIDENT. The Senator from Delaware is recognized for 1 additional minute.

Mr. WILLIAMS of Delaware. I do not believe that any of us will want to go back home and tell our constituents that we are extending the 10-percent surcharge another year when we have already earmarked one-half of it to raise our own salaries.

Mr. President, the resolution should be agreed to, and these 40- to 75-percent salary increases should be rejected.

Mr. MUNDT. Mr. President, again I congratulate the distinguished Senator from Delaware. I intend to support his position in the rollcall vote. I also disapproved of the Presidential pay increase recently adopted. It seems to me the best that can be said of this proposal is that it is a masterpiece of bad timing, to vote ourselves this kind of increase when 500,000 of our American boys in Vietnam have the very unattractive job at very unattractive salaries, of fighting a war, when the country is suffering from inflationary fires, and when balancing our national budget has not yet been attained.

Mr. WILLIAMS of Delaware. I thank the distinguished Senator from South Dakota.

Mr. President, I reserve the remainder of my time.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be charged equally to both sides.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, I yield 2 minutes to the Senator from Colorado.

The VICE PRESIDENT. The Senator from Colorado is recognized for 2 minutes.

Mr. DOMINICK. Mr. President, I shall be brief but I wish to make one or two statements in support of the resolution offered by the Senator from Delaware.

None of us will take the position that we are not worth more money than we are presently being paid. If we did take such a position, I am sure that we would be in trouble with our constituents and with everyone else. None of us will take the position that Cabinet officers are not worth more money than they are presently being paid.

What I object to is the fact that the Senate and House have not accepted responsibility for determining what they can do in this very troublesome time of inflation. When we come in here and try to talk to our constituents and the country about the need for controlling inflation, and someone comes back and says, "How can you do that when you have just voted yourself a 40-percent increase in salary?" I am going to find myself tonguetied.

For these reasons, plus the discrepancies among salaries of Congressmen, Cabinet officers, and members of the Supreme Court and other Federal courts, I find myself totally unable to follow the suggestion of President Johnson which he gave to this Congress in the budget this year.

I shall, therefore, support the resolution of the Senator from Delaware, and shall support the resolution with real enthusiasm.

Mr. WILLIAMS of Delaware. Mr. President, I yield 8 minutes to the distinguished Senator from Mississippi.

The VICE PRESIDENT. The Senator from Mississippi is recognized for 8 minutes.

Mr. STENNIS. Mr. President, I thank the distinguished Senator from Delaware. I commend him highly for bringing this matter squarely before the Senate. This Commission comes out of a bill which really never was adopted by the Senate except that in the final days of the session in 1967, it became law through approval of a conference report.

I am not going to use much of my time to discuss the amounts involved. I am willing to vote for some increase in salary for the legislative members of the Government. I have passed through the time when my children were in college and I therefore know the burdens that one has to carry during such a period. I am willing to vote for some increase to meet those conditions.

However, the amount is not the issue today. We have a principle involved here. It is one of the great principles of our form of government; namely, the responsibility of the members of the legislative branch of our Government.

Mr. President, the Constitution of the United States, which we have followed for 180 years, directly places upon us the responsibility on the point of setting our salaries.

I refer to page 531 of the Senate Manual, section 6, of article I of the Constitution which states:

> The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States.

The phrase "to be ascertained by law," means passage of a law, agreed to by the House of Representatives, agreed to by the Members of this body, and signed by the President of the United States. That is the true meaning of the word "ascertained by law." It cannot mean anything else. It has been so interpreted during all the years of the life of our Nation.

Now we have abandoned that concept and are going over to the idea of having a Commission to do this unwelcome chore for us. That is what we are doing.

Only Congress can pass a law, but instead of passing a law we have passed the buck. We have passed this problem over to a Commission to consider the problem. Now they return with a suggested salary increase for us.

True, the President passed on it, too, but he is not a member of the legislative department. If it is not vetoed by the House or by the Senate, then it becomes law. This is no way to discharge our responsibility.

Where did we go to get this thing done? We often accuse other branches of Government of usurpation of power. Last fall we had a splendid debate here with both sides ably represented—and I refer to this only by illustration—wherein the Supreme Court was charged with legislation, with usurpation of power, as well as encroaching upon this body as a part of the legislative branch.

Now we propose to compound error by avoiding a responsibility that is clearly our own.

Here we have gone to the executive branch and in effect have asked the executive to set our salary. We know that the budget is so large and the complications so many that the executive branch has become more and more dominant in this Government.

We go to the executive branch which we have also criticized so liberally for usurpation of power, at one time or another, in all administrations, and we say to them, in effect, "You fix our salaries." This is the branch of our Government against which we are supposed to guard our power and properly restrict the other. How can we face that fact?

We can stand here and argue until the dome of this Capitol falls in, but we will never make our constituents—not one in 500—believe anything except that this is an evasion, an abdication of our personal and official responsibility. This then is too thin. It will not stand up. I believe we will pass a fateful legislative mark today if this proposal becomes law. I believe the legislative branch of this Government will have taken, not a step forward, but a step downward, an abdication of a primary responsibility. This will limit our power, our persuasiveness, our influence in other matters that we are expected to pass on.

As I say, I am not trying to fully destroy all increases in salary. I will support some reasonable amount, but I want it to come from this body, after being weighed by the appropriate committee and subjected to the crossfire and exchange of ideas, facts, and figures before our appropriate groups and for further debate on the floor. This put us in the hole where we have to carry a negative and carry a veto power by a majority vote. I hope that by a favorable vote today for our position that we will be saved from the unhappy consequences that I have briefly described.

I thank the Senator from Delaware for the time he yielded me.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr STENNIS. If I have time, I am glad to yield

Mr. MANSFIELD. Mr. President, I yield the Senator time.

Mr. KENNEDY. Just for the purpose of questions.

Mr. MANSFIELD. I yield the Senator such time as he may desire.

Mr. KENNEDY. Will the Senator enlighten the Senate on what the vote was in the U.S. Senate in establishing the Kappel Commission? Does the Senator from Mississippi remember, or can the Senator from Delaware enlighten us on that matter?

Mr. STENNIS. I do not know. Is that the one that brought out the bill?

Mr. WILLIAMS of Delaware. Mr. President, if the Senator will yield I will yield myself 1 minute to reply.

Mr. STENNIS. I yield.

Mr. WILLIAMS of Delaware. The House included in a bill dealing with salary scales of civil service employees generally, a section which established the so-called Kappel Commission. The Senator from Virginia (Mr. BYRD) offered an amendment and sent it to the committee, providing that that section should be deleted. I offered a similar amendment. The Senate committee deleted that section, and when the Senate passed the bill that section was not a part of it. It was put back in by the conferees; and it was then a case of take it or leave it. But the Senate itself rejected the Kappel Commission.

Mr. KENNEDY. As I understand the parliamentary procedure, when a matter comes to the Senate from conference, the Senate can either accept the conference report or indicate that it wants to send the conference report back to conference with specific instructions. Can the Senate not do that?

Mr. WILLIAMS of Delaware. That is correct.

Mr. KENNEDY. Was that the will of the Senate, or did we just accept it?

Mr. WILLIAMS of Delaware. It was the will of the Senate, but it was not unanimous.

Mr. KENNEDY. We accepted it at that time?

Mr. WILLIAMS of Delaware. By majority vote, but it was not unanimous.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. KENNEDY. I yield.

Mr. STENNIS. There is one more chapter in this. Last year, we had the question of whether we would provide any money for the Commission. By a close vote, we gave them $100,000. Here on the floor it was challenged, and, by a close vote, by a five-vote margin, the sum survived.

Mr. KENNEDY. Mr. President, will the Senator yield once again?

Mr. STENNIS. I yield for a question.

Mr. KENNEDY. I was wondering whether the reservation expressed by the distinguished Senator from Mississippi was to the procedure of the adoption of the suggestion of the figure, which was some $50,000, but as later recommended by the President, was $42,500, or whether it was the procedure by which the Commission was established, and by which the Commission later was to make its recommendation.

Mr. STENNIS. I think the Senator had his attention diverted by someone else, but in my opening statement, I said a constitutional principle was involved and that we were abdicating our clear-cut responsibility as legislators.

Mr. KENNEDY. I listened to the Senator, and I understood that was the principal argument. Is the Senator arguing further with regard to the figure itself? I think he indicated he was prepared to support some additional compensation. I was wondering what that additional compensation in excess of the present salary would be and if he was prepared to advise us what that compensation should be.

Mr. STENNIS. I think that is a fair question. I say, too, that I would like to have the figure weighed by some responsible committee of this body, discussed, and reported here for debate, as to the soundness of the figure, and so forth. That is not being done here now under this negative process.

Mr. KENNEDY. May I have 5 or 6 minutes?

Mr. MANSFIELD. Mr. President, I yield such time to the Senator as he may require.

Mr. KENNEDY. Mr. President, in spite of the comments that have been made here this afternoon, I think the issue is really whether we are going to turn the opportunities of service in the Senate and the House over to those who have the resources of a private income. Is the Congress going to supply its Members with the kind of resources which are necessary to provide themselves with means sufficient to meet their obligations? I think that really is the basic question.

I think it spurious and irresponsible to compare the sacrifices of our men in South Vietnam and Southeast Asia with the economic sacrifices to be made by those in the House and Senate of the United States.

Mr. President, never in the Nation's history has there been a greater need to attract and retain in the Government service competent men and women. The problems which face our country, if they are to be solved, require the creative and administrative talents of the finest minds available. In seeking out capable officials, the branches of the Federal Government compete with the private economy to hire the most talented.

Senators, Congressmen, and other public officers serve at great sacrifice to their families, to their privacy, and to their financial resources. Self-sacrifice for the public good is a part of the American tradition of public service. But great financial losses, in addition to other personal costs, should not be required of citizens who are willing to serve the public. It is wrong and it is inefficient. If the public asks them to serve, they should make certain they are compensated.

In 11 States, Governors are paid compensation equal to congressional pay. In 19 States, Governors are paid $35,000 to $50,000, and in seven States, Governors are paid in excess of $60,000 in total compensation. If congressional pay is raised, at least 10 Governors will still be paid a great deal more than Members of Congress—over $50,000 each. It must be admitted that the responsibilities of most Governors do not approach that of the Congress, where decisions affect appropriations averaging over $1 billion for each day we meet; where we are charged with, among other things, obligations to provide for the national defense and declare war, and other matters vitally affecting the lives of everyone.

Some 2,136 State, city, county officials, education officials, judges, and public corporate officers are paid at a rate equal to or above that paid to Members of Congress. It is significant that in the past year, the number of those officials paid $35,000 or more was increased by 70 percent. This trend is a continuing one: New York and California just recently voted significant increases to top officials.

More troublesome, and more difficult to reconcile, are figures from the private economy. These lead to my concern, Mr. President, that we may be approaching a situation where only the self-sufficient will be able to afford public service. I have known men in Massachusetts and from other places around the country who, from time to time, have indicated a desire to run for public office. Those to whom I refer, have been not men of means, but men of quality. As they consider the costs and the compensation, many have found the costs to their family too great. In many instances, it has been a tragic loss.

In an article entitled "What's A Good Man Worth?" Business Week magazine on June 1, 1968, surveyed salaries and other compensation paid top American business executives in 1967. The article reveals that Members of Congress, Cabinet members, and Supreme Court Justices are recompensed far below second- or third-level management positions in both large and small corporations. Because of the stark contrast presented, I will ask unanimous consent that the article and tables be printed in the RECORD at the conclusion of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY, Mr. President, the Kappel Commission found that 4 years ago, the median income for executives in manufacturing or retail trade corporations was $100,000, excluding such additional benefits as expense accounts and other compensation. They further reported that total compensation in executive salaries has increased at the rate of 4.6 percent annually since 1963, so that these same executives are probably now receiving approximately $120,000 a year, four times the amount paid to Members of Congress.

As another example, Mr. President, General Motors Corp., in 1967, paid fifth-level or management total compensation of $447,500.

And yet, Mr. President, we are sensitive about voting on our own relatively modest pay raise, almost as if we feel we earn less than what is proposed. Members of Congress are intelligent and honorable men and women, worthy of public confidence. If there are those who abuse this trust, or who will not earn this additional compensation, let the electorate solve this problem at the appropriate time. Senators need this increase and we need competent officials.

The argument is made that the pay raises are inflationary, and that Congress is setting a bad example because Congress and administration have called on others to keep wages and costs down.

It would be better, in my opinion, if Congress were to provide for yearly cost-of-living increases for themselves and other top-level Federal officers, after first making salaries comparable to those holding important responsibilities in the private economy. But we have chosen not to bring the subject up annually, or even every 3 or 4 years. Only three times since 1926 have salaries for Members of Congress, heads of departments, or Justices of the Supreme Court been raised—three times in over 40 years. Over the last 15 years, we have increased salaries of Federal employees and officers 90 to 135 percent, while during the same period congressional salaries have been raised 88.9 percent. These increases would be modest enough if they were averaged over the years since 1926.

We are sensitive about voting a raise, as if we felt we earn less than what is proposed, taking into consideration the capabilities and earning ability of Members. If they worked elsewhere, $42,500 is very low.

Senators should not be timid in this regard, but should speak out. We have the responsibility and the obligation to assure that men and women capable of solving today's problems are compensated adequately to permit their participation in public service. This is a problem of vital national concern and our responsibility is clear.

Someone must speak for the pay raise. I strongly favor it.

EXHIBIT 1

WHAT'S A GOOD MAN WORTH? PLENTY, ACCORDING TO SURVEY OF WHAT U.S. COMPANIES PAID TOP EXECUTIVES LAST YEAR

Ask any executive why a top manager gets raises, and he'll give you a two-part answer: As a reward for outstanding service; and as motivation for him to make more money for the company.

This would apply to most chief executives—and that's what makes President Samuel Bronfman of Distillers Corp.-Seagrams, Ltd., such an exception. His salary has remained at about the same level since Business Week's annual compilation of top executive salaries was started in 1950. But at $331,470, it puts him at the head of the list of top executive salaries.

OTHER REWARDS

Bronfman's nearest competitors for top spot, Procter & Gamble Chairman Neil H. McElroy and President Howard J. Morgens, each got $325,000 in 1967. But that doesn't mean that these three are highest paid managers in U.S. business. Far from it, as the case of International Telephone & Telegraph Chairman Harold Geneen shows. With a 1967 salary of $250,042, Geneen also pulled down $235,000 in additional compensation, or $485,000 total compensation. This put him in a virtual tie with Johnson & Johnson Chairman P. B. Hoffmann, whose $277,000 salary and $209,142 in additional compensation totaled $486,000.

For the biggest money award—although not all paid in 1967—first place goes to Frederic G. Donner, who retired Nov. 1 as chairman of General Motors. On top of his $169,617 salary, Donner was granted a bonus of $460,000, payable in equal installments over five years. He now is drawing annual installments on previous bonuses; in 1966, the bonus award was $590,000.

As has been the case for many years, the total compensation package of the top managers of U.S. business and industry includes many rewards that sweeten the pay package. About 60% of all companies now have some sort of incentive plan, typically a cash program related to profits and containing a certain element of judgment. In some of these programs, such as the plan at General Electric, executives can take their incentive pay in stock and defer it. But over the past five years or so, the trend has been away from the deferred plan toward cash. One major reason: Since taxes in the top brackets dropped from 92% to 70%, executives were disenchanted with the thought of deferred compensation sitting around earning nothing. By taking it in cash, they can put it to work on a capital gains basis and double it in 20 years, according to executive compensation expert Arch Patton of McKinsey & Co.

COMPARISON

Another form of executive compensation, the stock option, is still surprisingly popular despite tighter rules adopted in 1964. Executives now have to hold their stock three years to get capital gains treatment if they sell it, and must exercise the option within five years, rather than 10 as the previous ruling held.

"When these guys gripe to me about the new law," observes Patton, "I tell them that if the old one hadn't been around, they'd be doing cartwheels about this one. The 1951 law was so lax it just makes this one seem restrictive, which it isn't."

Also, there is a practical side to stock options. Says Robert D. Hulme, compensation expert with Philadelphia-based management consulting firm Towers, Perring, Forster & Crosby: "With the tremendous number of tender offers being made, it's always nice for the company that wants to continue its own identity to have stock in friendly hands."

ITT PLAN

One option plan receiving much attention is the self-restricted stock gift, first unveiled by International Telephone & Telegraph and approved by the Internal Revenue Service in 1967. "This allows the executive to buy stock at about one-half market value," explains Jack Lesher, a vice-president with Booz, Allen & Hamilton, Inc., and the management consulting organization's top expert on the subject.

The tax treatment on such arrangements used to be that the difference between what the executive paid and market value was considered taxable income, but Geneen's plan—called ITT's "career stock plan"—cleverly sidestepped this ruling. Since the plan imposes its own restrictions (executives cannot sell the stock for 10 years, and then only 5% a year), the IRS doesn't view the difference in price as taxable. It was designed to retain the recipient's services and wasn't negotiable anyway, IRS reasoned.

TRAPPED

These plans, along with such other retention devices as bonuses contingent on a man remaining until retirement, have certain limitations, Lesher observes. "The company doesn't want to force the retention of someone it doesn't want, and the fact that an executive who wants to leave feels locked in could make for an unhealthy situation. Someone once called these plans 'the golden handcuffs.' "

Other ingredients in the compensation package often include life insurance and pension plans based on salary, major medical and disability plans, and very expensive holidays and vacations.

When all these fringes are added together, and combined with such top executive perquisites as company-provided transportation, intown apartments, and the like, they can make a package that unhesitatingly can be described as welcome. Yet, the measure of a man's esteem in the eyes of his associates (and competitors) remains his salary.

YARDSTICK

Partly because it provides a basis of intercompany comparison uncluttered with intangibles, and partly because a man's salary is the fabric from which most American dreams are made, the ones revealed to the public are closely followed in the U.S. and abroad. They make popular reading for the same reason the batting averages on the sports page fascinate many people: In a world composed of varying shades of gray, they provide an all-too-rare opportunity to deal with blacks and whites. Samuel Bronfman's salary is highest, has been for years, and that's that. That's $962.38 a day.

Others at the top of the salary scale include—in addition to P&G's McElroy and Morgens at $325,000—U.S. Steel's Blough, $298,750; R.C.A.'s Sarnoff, $290,000; Kaiser's Ready, $290,000; Texaco's Rambin, $285,000; Union Carbide's Mason, $285,000; Eastman Kodak's Vaughn, $280,000; Johnson & Johnson's Hofmann, $277,000; and Firestone's Firestone, $275,000.

PRESSURE FROM BELOW

In such a rarified salary atmosphere, it is doubtful that motivation plays as much of a role in determining salaries as the necessity to pay handsomely the men on the slopes immediately below the summit. A survey of the compensation of the 550 top executives of 50 large corporations from 1940 to 1963 was conducted by Purdue Professor Wilbur G. Lewellen and published this year by the National Bureau of Economic Research. It reports that the typical second- through fifth-ranking executives in large manufacturing corporations now receive, respectively, 75%, 64%, 57%, and 53% as much before-tax salary and bonus as their firm's senior officer. In 1940–41, the figures were 62%, 50%, 44%, and 39%.

The study, aided by grants from the Rockefeller Brothers Fund and the Life Insurance Assn. of America, finds: "While top executives' salary and bonus income has increased by 83% before taxes and 33% after taxes since 1940, their aggregate after tax remuneration has approximately doubled. Deferred and contingent rewards, which now comprise about half the compensation package, have accounted for the major portion of this increase."

Lewellen also observes that "it turns out that the senior executives in our sample were no better off in 1963 than in 1940 in terms of real after-tax income. In large part, these developments can be attributed to a sharp rise in personal tax rates."

HOW BIG?

Another facet of the reasoning behind the heft of top executive salary and compensation has been raised recently by behavioral scientist and management consultant Saul W. Gellerman in a new book titled Management by Motivation.

Gellerman's basic position is that "current income does not affect job performance in any lasting or significant way." It can motivate only "when the increment in prospect is large enough relative to existing income."

Gellerman, who won a McKinsey award with a previous book, goes on to conclude that to be effective as a motivator—rather than as a satisfier—money "must be used with discrimination, but on a princely scale. It must be used to make men wealthy." Gellerman's reasoning, which is based on the assumption that "most of the great productivity increases in recent memory did not happen because individuals resolved to do more," accepts the notion that individual effort doesn't always count.

"In those few cases where large increments can make a difference, they can make an enormous difference," he avers. "Managements should therefore continually seek out opportunities for benefiting their companies hugely by deliberately making certain individuals wealthy.

IMPONDERABLES

Another rationale for the size of top executive compensation—that it is pegged to the assumption by that individual of ultimate responsibility for the corporation's assets—is a relative thing. The chief executive of the nation, the President of the United States, shoulders the most awesome responsibilities in the world in return for a comparatively modest $100,000 salary, plus a $50,000 expense allowance and $40,000 for travel. The difference, of course, lies in the imponderables of power, prestige, and pride that drive men to seek the office in the first place.

And it is often pride that sets salaries in business, too. Recalls Patton: "You would not believe the way some guys getting a couple of hundred thousand will worry about several thousand more."

ADVERTISING

	1967 salary	Other payments	1966 salary	Other payments
Doyle Dane Bernbach, Inc.:				
William Bernbach, president	$117,211	$17,250	$117,211	$17,250
Ned Doyle, executive vice president	117,211	17,250	117,211	17,250
Maxwell Dane, executive vice president	103,940	15,300	103,940	15,300
Other: Amounts set aside under profit-sharing plan.				
Foote, Cone & Belding, Inc.:				
Rolland W. Taylor, chairman, executive committee (retired December 1967)	100,000	8,925	100,000	8,925
Richard W. Tully, chairman	82,500	7,284	60,000	5,175
Charles S. Winston, Jr., president	82,500	7,284	70,000	6,112
Other includes amount set aside or accrued during year in profit sharing plan.				

AGRICULTURAL EQUIPMENT

	1967 salary	Other payments	1966 salary	Other payments
Caterpillar Tractor Co.:				
W. Blackie, chairman	$176,666	---------	$158,750	---------
W. H. Franklin, president	133,333	---------	117,500	---------
Deere & Co.:				
William A. Hewitt, chairman	236,910	---------	247,945	---------
Ellwood F. Curtis, president	192,330	---------	200,100	---------
C. R. Carlson, Mr., senior vice president retired (Mar. 31, 1967)	79,157	---------	163,035	---------
George T. French, senior vice president retired	157,198	---------	163,035	---------
Grey Advertising, Inc.:				
Richard S. Lessler, chairman	70,000	$1,573	70,000	$6,113
Samuel Dalsimer, vice chairman	70,000	1,708	70,000	6,113
Arthur C. Fatt, chairman, executive committee	80,000	573	80,000	7,050
Herbert D. Strauss, chairman, management committee	80,000	1,931	80,000	7,050
Edward H. Meyer, president	70,000	1,400	70,000	6,113
Benjamin Alcock, executive vice president	75,000	277	75,000	6,581
Other: Amounts set aside under profit-sharing plan.				
Ogilvy & Mather, Inc.:				
David Ogilvy, chairman	100,135	15,218	85,135	12,980
John Elliott, Jr., chairman, O & M New York	85,135	12,935	75,135	11,453
James R. Heekin, Jr., president, O & M New York	85,135	12,935	75,135	11,453
Alan N. Sidnam, vice chairman, O & M New York	75,135	11,413	70,135	10,690
Other: Amounts set aside under profit-sharing plan.				
Papert, Koenig, Lois, Inc.:				
Frederic Papert, chairman	47,250	---------	37,423	---------
Julian Koenig, chairman, executive committee	47,250	---------	37,423	---------
Norman Grulich, president	47,250	---------	---------	---------

AIRCRAFT AND MISSILES

	1967 salary	Other payments	1966 salary	Other payments
Avco Corp.:				
Kendrick R. Wilson, Jr., chairman	$265,000	---------	$267,500	---------
James R. Kerr, president	265,000	---------	267,500	---------
Earl H. Blaik, chairman, executive committee	185,000	---------	188,750	---------
Salary includes incentive compensation.				
Boeing Co.:				
William M. Allen, president	111,540	$75,000	99,985	$74,989
T. A. Wilson, executive vice president	109,620	---------	82,571	---------
H. W. Haynes, vice president	87,160	---------	---------	---------
J. O. Yeasting, vice president	85,000	31,000	---------	---------
Edward C. Wells, vice president	82,310	33,500	---------	---------
Lowell P. Mickelwait, vice president	76,160	---------	82,985	---------
Salary includes incentive compensation earned the previous year. Other: deferred compensation.				
General Dynamics Corp.:				
Roger Lewis, chairman and president	171,753	75,000	127,000	75,000
John A. Sargent, vice president	102,266	50,000	102,500	50,000
Frank W. Davis, vice president	75,925	35,000	75,333	35,000

AIRCRAFT AND MISSILES

	1967 salary	Other payments	1966 salary	Other payments
Lockheed Aircraft Corp.:				
Courtlandt S. Gross, chairman (to May 2, 1967)	$90,000	$26,000	$140,000	---------
Daniel J. Houghton, chairman	146,500	3,600	140,000	---------
A. Carl Kotchian, president	126,250	2,039	105,000	$20,000
Other: Incentive awards for prior years. In addition contributions under salaried employees savings plan: Gross, $1,774; Haughton, $4,476; Kotchian, $3,854 in 1967; $2,800, $4,200, and $3,150 in 1966.				
Martin-Marietta Corp.:				
George M. Bunker, president	150,000	---------	150,000	---------
Joseph E. Muckley, executive vice president	124,000	---------	125,000	---------
United Aircraft Corp.:				
H. M. Horner, chairman	250,000	---------	226,195	---------
William P. Gwinn, president	185,000	---------	171,394	---------
Leonard C. Mallet, vice president	147,250	---------	130,395	---------
Erle Martin, vice president	127,500	---------	122,500	---------
William R. Robbins, vice president	125,000	---------	121,015	---------
Salary includes incentive compensation.				

APPAREL AND TEXTILES

	1967 salary	Other payments	1966 salary	Other payments
Burlington Industries, Inc. (fiscal year ending October 1967):				
Henry E. Rauch, chairman	$145,000	$8,139	$160,000	$11,939
Charles F. Myers, Jr., president	160,000	9,248	175,000	13,567
Ely R. Callaway, Jr., executive vice president	129,167	6,597	130,000	8,683
Other: Amounts paid to profit-sharing plan. In addition, employment contracts entered into provide for deferred payments upon expiration of employment as follows: Rauch, $25,451 for 10 years; Myers, $34,138 for 10 years; Callaway, $30,000 for 1 year, $20,000 for 3 years, and $45,060 for 5 years.				
Cluett, Peabody & Co., Inc.:				
Barry T. Leithead, chairman	150,000	130,000	150,000	130,000
Henry H. Henley, Jr., president [1]	90,000	---------	---------	---------
Robert T. Garrison, vice president [2]	---------	---------	65,000	66,000

[1] Employed Apr. 3, 1967.

[2] Retired Mar. 31, 1967.

Note: Henley receives $10,000 deferred compensation for each year of his employment.

AUTOS AND PARTS

	1967 salary	Other payments	1966 salary	Other payments
American Motors Corp. (fiscal year ending Sept. 30):				
Roy D. Chapin, Jr., chairman	$119,698	---------	$86,579	---------
William V. Luneburg, president	94,191	---------	65,490	---------
Roy Abernethy, former president [1]	68,790	---------	144,499	---------
Bernard A. Chapman, executive vice president [2]	---------	---------	92,468	---------
Bendix Corp. (fiscal year ending Sept. 30, 1967):				
A. P. Fontaine, chairman	112,250	$83,250	116,658	---------
M. P. Ferguson, chairman, finance committee [3]	49,517	---------	104,625	---------
G. E. Stoll, president	91,333	60,000	114,450	---------
Other payments to be made in annual installments.				
Borg-Warner Corp:				
Robert S. Ingersoll, chairman	168,882	1,009 s	173,758	$547 s
L. G. Porter president [4]	173,500	---------	180,000	---------
Albert Steg, senior vice president	130,500	---------	127,500	---------
R. W. Murphy, senior vice president	115,378	699 s	126,250	---------
Salary includes incentive compensation. Other: Shares valued at $27.375 each for 1967; $42.87 each for 1966.				
Chrysler Corp.:				
Lynn A. Townsend, chairman	200,000	198,200	175,000	158,800
V. E. Boyd, president	150,000	1 2,700	125,000	108,800
George H. Love, chairman executive committee	31,250	---------	125,000	---------
R. S. Bright, vice president	125,000	82,900	125,000	108,800
Other payments to be made in installments through 1971. Contributions made to thrift-stock ownership program for: Love, $1,458; Townsend, $9,333; Boyd, $7.000; Bright, $5,833 in 1967—Love, $5,000; Townsend, $7,000; Boyd, $5,000; Bright, $5,000 in 1966.				
Ford Motor Co.:				
Henry Ford II, chairman	200,000	---------	200,000	415,000
Arjay Miller, president	175,000	---------	175,000	415,000
Charles H. Patterson, executive vice president [4]	139,487	---------	160,000	375,000
General Motors Corp.:				
James M. Roche, chairman	183,333	393,750	180,000	412,500
George Russell, vice chairman	163,333	341,250	160,000	356,250
Edward N. Cole, president	163,333	341,250	160,000	356,250
Edward D. Rollert, executive vice president	151,667	333,750	148,750	345,000
Roger M. Keyes, executive vice president	147,500	330,000	144,167	330,000
Frederic G. Donner, chairman [5]	169,617	460,000	200,000	590,000
Semon E. Knudsen, executive vice president	---------	---------	144,167	337,500
Other payments to be made in five annual installments.				
TRW, Inc.:				
J. D. Wright, chairman	240,000	---------	215,000	---------
S. Ramo, vice chairman	190,000	---------	172,000	---------
H. A. Shepard, president	196,000	---------	178,000	---------

[1] Retired Jan. 9, 1967.

[2] Retired Oct. 1, 1966.

[3] Chairman Finance Committee to Feb. 23, 1967, consultant thereafter.

[4] Retired Mar. 1, 1968.

[5] Retired Nov. 1, 1967.

BUILDING MATERIALS

	1967 salary	Other payments	1966 salary	Other payments
Armstrong Cork Co.:				
C. J. Backstrand, chairman	$90,000	---------	$105,000	---------
M. J. Warnock, president	186,000	---------	214,750	---------
C. N. Painter, executive vice president	130,000	---------	150,250	---------
James H. Binns, senior vice president	90,700	---------	102,850	---------
Johns-Manville Corp.:				
C. B. Burnett, president	150,000	$59,436	---------	---------
Roger Hackney, vice president	18,897	38,810	---------	---------
Other: payments into profit-sharing fund, and additional deferred payments at $4,260 to Burnett, and $2,605 to Hackney.				
National Gypsum Co.:				
Colon Brown, chairman, and president	125,000	---------	109,610	---------
M. H. Baker, honorary chairman	75,000	---------	---------	---------
L. L. Hank, senior vice president	52,000	5,150	51,616	$4,102
F. A. Wagner, vice president	62,333	8,350	50,869	4,102

BUILDING MATERIALS—Continued

	1967 salary	Other payments	1966 salary	Other payments
United States Gypsum Co.:				
C. H. Shaver, chairman (retired May 10, 1967)	$54,032		$150,000	
Graham J. Morgan, president	150,000	$22,965	150,000	
Edward Rembert, executive vice president	90,000	12,675	90,000	
U.S. Plywood-Champion Papers, Inc.:				
Karl R. Bendetsen, chairman	150,000		150,000	
Gene C. Brewer, president	150,000		135,000	
John P. Schlick, executive vice president	95,000		95,000	
Weyerhaeuser Co.:				
Norton Clapp, chairman	50,000		107,292	$30,522
George H. Weyerhaeuser, president	110,000	57,346	105,260	86,841
Joseph E. Nolan, executive vice president	80,000	36,700	80,000	63,040

CHEMICALS

	1967 Salary	Other payments	1966 Salary	Other payments
Allied Chemical Corp.:				
Chester M. Brown, chairman	$150,000		$150,000	$25,500
John T. Connor, president as of Feb. 15, 1967	113,750	$49,400		
J. Howard Marshall, executive vice president	125,000	40,300	125,000	81,250
I. H. Fooshee, executive vice president	100,000		110,000	
Frederick L. Bissinger, executive vice president	100,000	40,300	100,000	65,000
Other: Incentive compensation awards. Also dividend units: Brown—2,712, $5,700; Fooshee—1,847, $5,126.				
American Cyanamid Co.				
J. Allegaert, chairman	79,471	58,882		
C. D. Siverd, president	69,200	39,677		
A. B. Clow, executive vice president	75,000	37,838	75,000	46,280
R. C. Swain, executive vice president	75,000	37,838	75,000	67,521
Other includes incentive compensation paid, as well as contingent awards in future in stock: Allegaert—752 shares; Clow—1,137 shares; Swain—1,137 shares; in 1966; Clow—1,377 shares; Swain—708 shares.				
Dow Chemical Co.:				
Carl A. Gerstacker, chairman	206,250		194,247	
Herbert D. Doan, president	216,250		196,698	
C. B. Branch, executive vice president	186,892		161,434	
E. I. du Pont de Nemours & Co.:				
Lammot du P. Copeland, chairman as of December 1967, formerly president	229,481	[7] 98,000	235,600	[7] 136,000
Crawford H. Greenewalt, chairman, finance committee, resigned as board chairman December 1967	147,429	(7)	151,100	(7)
Charles B. McCoy, president, elected president December 1967, formerly vice president	131,505	[7] 85,000	126,200	[7] 116,000
Lester S. Sinness, vice president	128,300	[7] 83,000	128,200	[7] 116,000
R. Russell Pippin, vice president	128,300	[7] 83,000		
David H. Dawson, vice president	126,500	[7] 83,000	126,200	[7] 116,000
Irénée du Pont, Jr., vice president	126,155	[7] 83,000	60,200	55,000
George E. Holbrook, vice president	125,400	[7] 83,000	125,100	[7] 116,000
Samuel Lenher, vice president	125,300	[7] 83,000	125,300	[7] 116,000
Wallace E. Gordon, vice president	125,200	[7] 83,000	125,219	[7] 116,000
Other: Bonus. Also, dividend units awarded in 1967 valued at: Copeland—$72,825; Greenewalt—$53,185; McCoy—$55,075; Sinness—$47,830; Pippin—$49,990; Dawson—$53,645 du Pont—$495; Holbrook—$69,610; Lenher—$52,185; Gordon—$38,490. Dividend units in 1966 valued at: Copeland—$63,273; Greenewalt—$61,163; McCoy—$53,676; Sinness—$45,345; Dawson—$52,032; Holbrook—$70,392; Lenher—$50,353; Gordon—$34,490.				
Eastman Kodak Co.:				
William S. Vaughn, chairman	280,000	47,520	270,000	44,516
Louis K. Eilers, president	220,000	28,440	180,000	23,877
M. Wren Gabel, executive vice president	200,000	30,960	180,000	28,361
Clarence L. A. Wynd, vice president, retired Feb. 24, 1967	63,096		170,000	26,386
Other: Set aside or accrued to savings and investment plan. Also, shares contingently payable annually after end of service at $122.62 per share in 1966: Vaughn—209; Gabel—147; Eilers—111; Wynd—127.				
Monsanto Co.:				
Edward A. O'Neal, chariman	135,000		135,000	
Charles H. Sommer, president	150,000		150,000	
John L. Christian, senior vice president	120,000		103,333	
John L. Gillis, vice president	100,000		100,000	
Robert K. Mueller, vice president	100,000		100,000	
Other: Cash and stock awards under the bonus plan.				
Union Carbide Corp.:				
Birny Mason, Jr., chairman	285,000	66,000	285,000	66,000
Kenneth Rush, president	195,000	26,000	176,667	26,000
Kenneth H. Hannan, executive vice president	160,000	36,000	160,000	26,000
Other: Payments under incentive plan.				

COMMUNICATIONS

	1967 salary	Other payments	1966 salary	Other payments
American Telephone & Telegraph Co.:				
H. I. Romnes, chairman	$246,133		$205,600	
Ben S. Gilmer, president (from Feb. 1, 1967)	198,683		153,000	

COMMUNICATIONS—Continued

	1967 salary	Other payments	1966 salary	Other payments
Columbia Broadcasting System, Inc.:				
William S. Paley, chairman	$200,000	$148,000	$150,000	$185,000
Frank Stanton, president	200,000	148,000	150,000	185,000
Merle S. Jones, vice president	115,000		115,000	67,500
John A. Schneider, vice president	115,000	54,000	111,769	22,500
Deferred compensation: Paley—$12,000; Stanton—$12,000; Jones—none; Schneider—$18,000; in 1966, Paley—$15,000; Stanton—$15,000; Jones—$22,500; Schneider—$67,000.				
General Telephone & Electronics Corp.:				
Donald C. Power, chairman	100,000		169,149	
Leslie H. Warner, president	225,000		206,250	
Herbert F. Lello, executive vice president	160,000		143,333	
James J. Clerkin, Jr., executive vice president	110,000		99,583	
John J. Douglas, executive vice president	110,000		99,583	
Radio Corp. of America:				
David Sarnoff, chairman	290,000		290,000	
Elmer W. Engstrom, chairman, executive committee	250,000	40,000	250,000	45,000
Robert W. Sarnoff, president	225,000	35,000	225,000	40,000
Charles M. Odorizzi, executive vice president	140,000	30,000	140,000	34,000
W. Walter Watts, executive vice president	140,000	30,000	140,000	34,000
Other: Incentive award payable in 5 annual installments. Amounts shown paid during year.				

CONGLOMERATES

	1967 salary	Other payments	1966 salary	Other payments
Bangor Punta Corp.:				
Nicolas M. Salgo, chairman	$75,000			
W. Gordon Robertson, chairman, executive commissioner	90,000			
Robert A. Levinson, vice president	60,000			
Indian Head Inc.:				
James E. Robison, chairman	84,167	$51,569	$75,000	$68,468
Robert W. Lear, president	42,334	16,339		
Andrew Kalman, executive vice president	75,000	18,338		
Other includes an incentive compensation plan and stock purchase plan—contributions for Robison of $1,177 and Kalman of $1,444 in each year.				
International Telephone & Telegraph Corp.:				
Harold S. Geneen, chairman and president	250,042	235,000	242,799	225,000
Ted B. Westfall, executive vice president	121,500	85,000	122,000	85,000
Ling-Temco-Vought, Inc.:				
James J. Ling, chairman	233,536	150,000	118,962	200,000
Clyde Skeen, president	153,064	100,000	80,163	50,000
Robert McCulloch, chairman, executive commissioner	74,766		97,257	
Other payment: Incentive compensation.				
Philadelphia & Reading Corp:				
Howard A. Newman, chairman and president	100,000	206,847	100,000	50,000
Roger M. Kelly, vice chairman	85,000	85,000	65,000	7,500
Daniel I. Sargent, vice president	63,333		60,000	
Other: amounts accrued for 1967.				
Studebaker Worthington:				
F. J. Nunlist, president	150,000	260 s.		
A. G. Mumma, vice president	107,875			
Textron:				
Rupert C. Thompson, Jr., chairman	241,050	34,440	245,550	36,000
G. William Miller, president	181,050	25,830	185,550	27,000
Harvey Gaylord, executive vice president	162,056		156,870	
Other includes amounts set aside or accrued; in addition, following amounts were paid under employees stock savings plan: Thompson—$6,000; Miller—$4,500; Gaylord—$4,194 in each year.				
American Can Co.:				
William F. May, chairman	185,515		200,300	
Elmer T. Klassen, president	170,170		192,922	
Salary includes payments under incentive plan.				
Container Corp.:				
Leo H. Schoenhofen, president	172,668		168,154	
Frederick S. Crysler, executive vice president	110,350		111,800	
Thomas F. Cass, executive vice president	107,050		108,350	
Continental Can Co.:				
Thomas C. Fogarty, chairman	240,000		250,000	
Reuben L. Perin, vice chairman	150,000		156,250	
Ellison L. Hazard, president	180,000		187,500	

DISTILLERS

	1967 salary	Other payments	1966 salary	Other payments
Distillers Corp.-Seagrams, Ltd. (fiscal year ending July 31):				
Samuel Bronfman, president	$331,475		$331,475	
Allan Bronfman, vice president	190,738		190,738	
National Distillers & Chemical Corp.:				
John E. Bierwirth, chairman	215,120	1,550 s.	222,410	1,855 s.
B. C. Ohlandt, vice chairman[1]	162,411	868 s.	164,934	993 s.
W. P. Marsh, Jr., president	162,411	868 s.	164,334	993 s.
Other: Common stock contingently allotted at $40.31 per share in 1967: at $37.73 per share in 1966.				

See footnotes at end of table.

DISTILLERS—Continued

	1967 salary	Other payments	1966 salary	Other payments
Schenley Industries, Inc. (fiscal year ending Aug. 31):				
Lewis S. Rosenstiel, chairman	$250,000	$100,000	$250,000	....
John Mackie, president [2]	100,000	25,000	44,875	....
Louis B. Nichols, executive vice president	100,000	25,000	100,000	....
Other: deferred compensation.				

[1] Retired Dec. 31, 1967.
[2] In 1966, chairman of Seager, Evans & Co., Ltd., a subsidiary.

ELECTRICAL EQUIPMENT

	1967 salary	Other payments	1966 salary	Other payments
Allis-Chalmers Manufacturing Co.:				
R. S. Stevenson, chairman	$128,790	....	$126,450	$20,028
W. G. Scholl, president	107,750	....	105,650	$13,352
Salary includes incentive compensation for 1967. Other payments in 1966 were deferred compensation.				
General Electric Co.:				
Gerald L. Phillippe, chairman	217,491	1,022 s.	234,989	959 s
Fred J. Borch, president	249,990	1,168 s.	274,951	1,142 s
Herman L. Weiss, vice president	184,959	818 s.	176,242	685 s
Salary includes incentive compensation. Other includes incentive compensation allotted in stock on a deferred basis at $85.62 per share in 1967; at $109.50 in 1966.				
Honeywell, Inc.:				
James H. Binger, chairman	147,000	....	124,000	....
Stephen F. Keating, president	128,000	....	105,000	....
Alfred M. Wilson, executive vice president	82,500	....	82,000	....
Salary includes incentive compensation for 1967: Binger—$22 000; Keating—$18,000; Wilson—$9,500; for 1966: Binger—$24,000; Keating—$20,000; Wilson—$12,000.				
Westinghouse Electric Corp.:				
D. C. Burnham, president	209,288	2,122 s.	217,500	$122,500
George L. Wilcox, executive vice president	156,847	1,350 s.	157,376	1,563 s.
R. E. Kirby, executive vice president	142,300	1,350 s.	140,524	1,563 s.
George G. Main, vice president	119,649	$52,000	120,339	923 s.
Marshall K. Evans, vice president	110,497	$52,000	107,000	$45,500
H. S. Kaltenborn, vice president	94,000	$36,000	100,000	$35,000
Other: deferred portion of incentive compensation payable in 4 annual installments either in cash or in shares of stock at $62.18 per share in 1967, $49.25 per share in 1966.				
Zenith Radio Corp.:				
Joseph S. Wright, president	110,000	$129,621	110,000	$143,188
S. Kaplan, executive vice president	90,000	$129,621	90,000	$143,188
Other: payable in 3 equal annual installments.				

FOOD PRODUCTS

	1967 salary	Other payments	1966 salary	Other payments
Armour & Co.:				
William Wood Prince, chairman	$125,000	....	$125,195	$21,005
Edward W. Wilson, vice chairman	125,000	....	125,195	18,800
Edward J. McAdams, president	125,000	....	121,157	12,185
Coca-Cola Co.:				
Lee Talley, chairman retired July 1, 1966; includes $35,000 paid annually pursuant to conditional deferred compensation agreement	96,700	....	114,800	35,000
J. Paul Austin, president	150,000	$50,000	141,666	25,000
B. H. Oehlert, Jr., senior vice president resigned Aug. 1, 1967	82,916	....	95,000	12,000
Corn Products Co.:				
A. N. McFarlane, chairman	150,000	....	150,000	890 s.
H. C. Harder, president	120,000	....	120,000	713 s.
General Mills, Inc. (fiscal year ending May 1967):				
Charles H. Bell, chairman	187,442	....	181,485	....
Edwin W. Rawlings, president	232,864	....	224,811	....
Salary includes cash incentive awards.				
National Biscuit Co.:				
Lee S. Bickmore, president	175,000	22,238	175,000	24,867
Nile E. Cave, senior vice-president	77,500	9,705	76,875	15,765
Robert M. Schaeberle, executive vice president	78,000	9,182	....	....
In addition, following shares of stock awarded at $47.81 per share: Bickmore, 471; Cave, 203; Schaeberle, 193; at $47.34 per share in 1966: Bickmore, 526; Cave, 227.				
National Dairy Products Corp:				
Gordon Edwards, president	201,880	1,175 s.	171,660	....
William O. Beers, vice president	125,730	671 s.	110,934	....
John R. Edwards, vice president	81,680	503 s.	71,360	....
Pepsico Inc.:				
H. W. Lay, chairman	115,000	26,000	115,000	30,000
D. M. Kendall, president	130,000	41,600	130,000	50,000
Swift & Co. (fiscal year ending Oct. 31):				
Porter M. Jarvis, chairman	100,000	65,400	100,000	59,923
R. W. Reneker, president	90,000	11,828	88,269	11,021
Edward F. Swift, executive vice president	78,269	....	70,000	....
E. D. Fletchall, executive vice president	70,000	12,634	70,000	11,641

GLASS

	1967 salary	Other payments	1966 salary	Other payments
Libbey-Owens-Ford Glass Co.:				
Milton Knight, chairman	$77,916	....	$61,150	....
R. G. Wingerter, president [1]	150,083	....	....	....
C. W. Davis, president [2]	64,403	....	160,368	....
F. E. Cazayoux, executive vice president	99,455	....	96,583	....
Owens-Illinois, Inc.:				
J. P. Levis, chairman	140,000	....	140,000	$146,362
R. H. Mulford, president	175,000	....	175,000	160,445
H. C. Laughlin, executive vice president	100,000	....	112,312	33,023
Pittsburgh Plate Glass Co.:				
David G. Hill, chairman [3]	115,250	....	203,125	4,587
R. F. Barker, chairman [4]	137,500	229 s.	134,208	2,757
J. A. Neubauer, president [5]	126,250	306 s.	128,550	2,651

[1] Executive vice president and president since Apr. 18, 1967.
[2] President until Apr. 18, 1967.
[3] Chairman of the board to July 1, 1967, and consultant thereafter.
[4] President prior to July 1, 1967.
[5] Executive vice president prior to July 1, 1967.

Salary includes incentive compensation.

GROCERY CHAINS

	1967 salary	Other payments	1966 salary	Other payments
Great Atlantic & Pacific Tea Co. (fiscal year ended Feb. 24, 1968):				
Melvin W. Alldredge, chairman	$136,591	$2,025	$132,152	$1,936
Byron Jay, president	151,611	2,250	151,020	2,250
Harold D. Hoag, vice president	80,836	1,156	76,596	1,125
William J. Kane, executive vice president	80,784	1,155	75,984	1,035
Other: company contributions to thrift plan.				
Safeway Stores, Inc.:				
Robert A. Magowan, chairman (waived profit plan)	175,000	....	175,000	....
Quentin Reynolds, president	116,923	10,113	115,000	17,250
W. S. Mitchell, executive vice president	115,769	10,013	115,000	17,250
Other: profit-sharing plan.				

NONFERROUS METALS

	1967 salary	Other payments	1966 salary	Other payments
Aluminum Co. of America:				
Frederick J. Close, chairman	$177,000	$45,000	$168,000	$48,000
John D. Harper, president	235,000	65,000	216,000	70,000
Leon E. Hickman, executive vice president	156,000	36,000	158,000	38,000
Salary includes additional compensation paid in following year.				
Other: deferred cash payments. Company contributions to savings plan in 1967: Close, $4,080; Harper, $6,700; Hickman, $4,800; in 1966: Close—$3,840; Harper—$5,800; Hickman—$4,800.				
Anaconda Co.:				
Charles M. Brinckerhoff, chairman	204,220	51,000	190,940	....
C. Jay Parkinson, president	177,920	51,100	179,620	....
Edward S. McClone, executive vice president	134,580	20,443	124,660	....
Other: incentive award payable over 5 or 10 years.				
Kaiser Aluminum & Chemical Corp.:				
Edgar F. Kaiser, chairman	135,700	....	117,800	....
E. E. Trefethen, Jr., vice chairman	125,500	....	102,400	....
T. J. Ready, Jr., president	290,000	....	240,000	....
Salary includes bonuses.				
Kennecott Copper Corp.:				
Frank R. Milliken, president	200,000	....	177,000	....
Charles D. Michaelson, vice president	125,000	....	111,200	....
Salary includes incentive compensation awards.				
National Lead Co.:				
Joseph A. Martino, chairman	211,825	31,781	242,500	36,375
Edward R. Rowley, president (president of subsidiary in 1966)	140,000	21,000	....	....
George B. Coale, vice president	120,000	18,000	110,000	16,500
Other: profit-sharing plan.				
Phelps Dodge Corp.:				
Robert G. Page, chairman	107,735	37,5000	133,106	50,000
George B. Munroe, president	87,400	15,000	57,875	15,000
Warren E. Fenzi, execitive vice president	72,200	12,500	59,750	12,500
Walter C. Lawson, vice president	61,395	15,000	60,720	20,000
Other: additional compensation also, in 1967 under deferred profit sharing plan: Page—$10,710; Munroe—$6,069; Fenzi. $4,998; Lawson, $6,133. 1966: Page, $15,000; Munroe $5,688; Lawson. $8,340; Fenzi, $5.875.				
Reynolds Metals Co.:				
R. S. Reynolds, Jr., chairman	191,201	....	206,645	....
Joseph H. McConnell, president	173,900	....	188,455	....
W. G. Reynolds, executive vice president	147,420	....	160,225	....
D. P. Reynolds, executive vice president	147,150	....	159,095	....
Other are deferred payments under incentive compensation plan. Also, contingent stock allotments payable after termination of employment: R. S. Reynolds—1,650; McConnel—1,513; W. G. Reynolds—1,428; D. P. Reynolds—1,428.				

NONFERROUS METALS—Continued

	1967 salary	Other payments	1966 salary	Other payments
American Smelting & Refining Co.:				
E. McL. Tittmann, chairman	$160,000	$46,667	$166,667	$39,000
R. D. Bradford, president	138,000	39,667	141,667	32,500
Charles F. Barber, executive vice president	85,020	23,800	85,020	22,100
Ralph L. Hennebach, executive vice president	85,000	21,000	75,000	13,000

OFFICE MACHINES

	1967 salary	Other payments	1966 salary	Other payments
International Business Machines Corp.:				
Thomas J. Watson, Jr., chairman	$100,000	$295,604	$100,000	$280,539
Albert L. Williams, chairman, executive committee	30,000	211,145	47,500	198,027
Arthur K. Watson, vice chairman	100,000	200,588	100,000	156,772
T. Vincent Learson, president	100,000	232,260	100,000	181,525
National Cash Register Co.:				
Robert S. Oelman, chairman	225,000	3,933	225,000	4,141
R. Stanley Laing, president	177,500	2,835	163,750	2,733
Charles L. Keenoy, vice president	106,000	1,917	103,000	1,988
Robert G. Chollar, vice president	109,000	1,917	106,000	1,988
Salary includes deferred contingent compensation award for 1967. Other are dividends from trust established by 4 stockholders.				
Xerox Corp:				
Joseph C. Wilson, chairman	215,800	13,000	202,000	28,000
John H. Dessauer, vice chairman	120,000	6,000	120,000	21,000
C. Peter McCullough, president[1]	167,400		160,149	

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[1] Deferred compensation of $20,100 in 1967; $19,851 in 1966. Others are amounts set aside or accrued under management unit bonus plan. Additional compensation under profit-sharing retirement plan: Wilson, $31,075; Dessauer, $17,280; McCullough, $23,061 in 1967; in 1966 Wilson, $28,179; Dessauer. $16,740; McCullough, $20,106.

OIL

	1967 salary	Other payments	1966 salary	Other payments
Gulf Oil Corp:				
E. D. Brockett, chairman	$200,000	$150,071	$200,000	$275,000
B. R. Dorsey, president	160,000	107,525	145,000	200,000
I. G. Davis, executive vice president	125,000	80,000	112,500	75,052
Other: Incentive compensation payable in cash in 5 equal installments.				
Mobil Oil Corp.:				
Albert L. Nickerson, chairman	225,000	150,000	225,000	125,000
Rawleigh Warner, Jr. president	175,000	90,000	155,000	60,000
Herman J. Schmidt, executive vice president	120,000	45,000	120,000	32,500
William P. Tavoulareas, executive vice president	120,000	60,000	110,000	45,000
Paul V. Keyser, Jr., executive vice president	110,000	25,000	110,000	30,000
Other is incentive compensation plan. Amounts contributed under employees savings plan: Nickerson—$11,260; Warner—$2,803; Schmidt—$4,800; Tavoulareas—$5,900; Keyser—$5,500; in 1966, Nickerson—$11,250; Warner—$2,483; Schmidt—$4,800; Tavoulareas—$4,400; and Keyser—$5,500.				
Shell Oil Co.:				
R. C. McCurdy, president	225,000	100,000	200,000	75,000
D. B. Kemball-Cook, executive vice president	150,000	60,000	140,000	50,000
Other is incentive compensation. Also payments under provident fund: McCurdy—$22,500; Kemball-Cook—$15,000; in 1966, McCurdy—$20,000; Kemball-Cook—$14,000.				
Standard Oil Co. (Indiana):				
John E. Swearingen, chairman	200,000	7,000	200,000	6,000
Robert C. Gunness, president	155,000	5,425	155,000	4,650
George V. Myers, executive vice president	140,000	4,900	140,000	4,200
Other includes contribution under employee savings plan.				
Standard Oil Co. (New Jersey):				
M. L. Haider, chairman	289,584	135,000	270,833	125,000
J. K. Jamieson, president	214,584	100,000	196,667	90,000
W. R. Stott, executive vice president	170,000	65,000	170,000	60,000
H. W. Page, executive vice president	170,000	65,000	163,750	60,000
E. G. Collado, executive vice president	150,000	60,000	139,583	55,000
Other payments are bonus awards. Also annuity plan and incentive stock option plan not shown. In addition, credited to thrift plan in 1967: Haider—$17,375; Jamieson—$12,875; Stott—$10,200; Page—$10,200; Collado—$9,000; in 1966, Haider—$16,250; Jamieson—$11,800; Stott—$10,200; Page—$9,825; Collado—$8,375.				
Texaco, Inc.:				
J. Howard Rambin, Jr., chairman	285,625	7,056	255,650	6,186
Marion J. Epley, Jr., president	167,500	4,104	135,250	3,600
Harvey Cash, executive vice president	123,333	3,204	112,970	2,988
Other: Paid under employees savings plan. In 1967, incentive compensation plan credited the following units: Rambin, 2,025; Epley, 900; Cash, 600.				

PAPER

	1967 salary	Other payments	1966 salary	Other payments
Crown Zellerbach Corp.:				
R. O. Hunt, chairman	$152,100	$4,950	$151,100	$4,500
P. T. Sinclair, president	121,900	3,960	121,200	3,600
F. O. Boylon, senior vice president	84,633	2,750	71,000	2,100
C. S. Cullenbine, senior vice president	71,900	2,310	71,200	2,100
J. B. Gilbert, senior vice president	71,900	2,310	71,000	2,100
Other is contribution under savings and stock purchase plan.				
International Paper Co.:				
Richard C. Doane, chairman and consultant[1]	61,646		165,625	
Lamar M. Fearing, vice chairman and senior vice president	97,650	900 s.	120,000	
Edward B. Hinman, president	189,624		152,330	
Leonard Dalsemer, executive vice president	106,099		105,000	
Salary includes any cash received under awards for 1966. Shares of stock contingently awarded.				
St. Regis Paper Co.:				
Roy K. Ferguson, chairman	106,900		106,200	
William R. Adams, president	136,900	627 s.	132,766	
Shares of stock under management incentive compensation plan wards.				

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[1] To July 11, 1967.

PHARMACEUTICALS

	1967 salary	Other payments	1966 salary	Other payments
Johnson & Johnson:				
P. B. Hofmann, chairman	$277,327	$209,142	$286,523	$149,213
G. O. Lienhard, president	248,183	173,145	258,487	122,836
R. W. Johnson, chairman, finance committee	172,000		147,000	
R. B. Sellars, member, executive committee	163,212	124,911	166,459	92,064
Other: certificates of extra compensation. Amount expended for value of common stock accrued under stock compensation agreements: Hofmann—$50,550; Lienhard—$33,700; in 1966, Hofmann—$31,273; Lienhard—$31,273.				
Eli Lilly Co.:				
Eugene N. Beesley, president	242,738	4,320	234,047	4,275
Burton E. Beck, executive vice president	157,369	3,222	145,823	2,988
Other: company contribution to savings plan.				
Merck & Co., Inc.:				
Henry W. Gadsden, president	150,000	34,572	133,333	27,667
Other: executive incentive plan award. In addition Gadsden received 1,433 common shares at $80.55 per share in 1967; 1,205 common shares at $76.62 per share in 1966.				
Parke, Davis & Co.:				
Austin Smith, chairman	105,000	19,600	85,000	30,600
Harold W. H. Burrows, president	95,000	17,700	85,000	30,600
Other: Incentive compensation payable in 5 annual installments if earned out.				
Charles Pfizer & Co., Inc.:				
John E. McKeen, chairman	117,165		151,192	
John J. Powers, Jr., president	210,101	375	200,875	687
Salary includes profit shares. Other: contributions under savings plan.				
Smith Kline & French Laboratories:				
Walter A. Munns, chairman	150,000		123,021	
F. Markoe Rivinus, chairman, executive committee, president until Sept. 21, 1967	134,252		143,200	13 s
Thomas M. Rauch, president, executive vice president until Sept. 21, 1967	130,187	40 s	113,077	10 s
Other: company savings plan.				

RETAILERS

	1967 salary	Other payments	1966 salary	Other payments
Federated Department Stores, Inc.:				
Fred Lazarus, Jr., chairman	$200,080		$200,080	
Ralph Lazarus, president	160,100		160,100	
Maurice Lazarus, vice chairman	120,100		120,100	
J. Paul Sticht, vice chairman	100,100		100,100	
J. C. Penney Co.:				
William M. Batten, chairman	184,789	$9,160	160,343	$7,924
Ray H. Jordan, president	166,325	8,242	148,999	7,362
Cecil L. Wright, executive vice president	149,905	7,434	133,339	6,588
William L. Marshall, vice president	112,586	4,058	133,339	6,588
Other: credit from profit-sharing fund for last fiscal year.				
Sears, Roebuck & Co.:				
Gordon M. Metcalf, chairman	250,000	1,220	160,000	1,360
Crowdus Baker, vice chairman	225,000	1,220	180,000	1,360
Arthur M. Wood, president	145,000	1,220	145,000	1,360
James W. Button, vice president	175,000	1,144	162,083	1,360
Other: contribution to profit-sharing fund. Additional deferred salary related to 1966 and prior years: Metcalf—$3,000; Baker—$15,000; in 1966, Metcalf—$5,000; Baker—$45,000.				
S. S. Kresge Co.:				
H. B. Cunningham, chairman and president	180,800		180,800	
C. M. Booker, vice president	102,400		102,400	
F. K. Nieman, vice president	102,400		102,400	
C. L. Yohe, vice president	102,400		102,400	

SOAP AND TOILETRIES

	1967 salary	Other payments	1966 salary	Other payments
Colgate-Palmolive Co.:				
George H. Lesch, chairman and president	$185,979	$40,000	$180,000	$51,000
Robert W. Young, Jr., vice president	84,714	10,000	93,396	----------
Other: incentive compensation payable in 4 annual installments. Also allotted in stock at $41.07 per share: Lesch, 3,600 shares; Young, 800 shares; in 1966, at $28.79 per share: Lesch, 3,600 shares; Young, 800 shares.				
Procter & Gamble Co. (fiscal year ending June 30):				
Neil H. McElroy, chairman	325,000	47,160	325,000	46,720
Howard J. Morgens, president	325,000	47,160	325,000	46,720
W. Rowell Chase, executive vice president	225,000	35,370	225,000	35,040
Walter L. Lingle, Jr., executive vice president	225,000	35,370	225,000	35,040
Other: Set aside in profit-sharing trust.				

STEEL

	1967 salary	Other payments	1966 salary	Other payments
Allegheny Ludlum Steel Corp.:				
E. J. Hanley, chairman	$185,000	$25,960	$200,000	$5,500
Roger S. Ahlbrandt, executive vice president	135,333	3,300	105,000	2,000
Other: contributions under thrift plan				
Armco Steel Corp.:				
C. William Verity, Jr., president	185,229	6,500	213,766	200 s.
D. E. Reichelderfer, executive vice president	123,506	3,500	127,999	125 s.
E. A. Correa, vice president	98,804	3,020	106,306	75 s.
Other: Thrift plan. In 1966, shares awarded from incentive compensation fund at $52.75 per share.				
Inland Steel Co.:				
Joseph L. Block, chairman (retired Nov. 1, 1967)	91,666	100,000	110,000	106,000
Philip D. Block, Jr., chairman (Vice chairman before Nov 1 1967)	97,080	70,000	95,000	86,000
Frederick G. Jaicks, president	82,080	60,000	78,916	65,000
Other: Incentive compensation.				
National Steel Corp.:				
George A. Stinson, president	196,750	----------	215,833	----------
Albert J. Berdis, chairman, Great Lakes Steel division	135,350	----------	140,833	----------
U.S. Steel Corp.:				
Roger M. Blough, chairman	298,750	11,950	285,000	11,400
Edwin H. Gott, president (executive vice president until July 1, 1967)	216,042	8,642	142,500	5,700
Robert C. Tyson, chairman, finance committee	248,958	9,958	237,500	9,500
Leslie B. Worthington, director (president until July 1, 1967)	142,604	5,454	261,250	10,450
Other: savings fund plan.				

TIRE AND RUBBER

	1967 salary	Other payments	1966 salary	Other payments
Firestone Tire & Rubber Co.:				
Harvey S. Firestone, Jr., honorary chairman	$75,000	----------	$127,500	----------
Raymond C. Firestone, chairman	275,000	----------	245,000	----------
Earl B. Hathaway, president	166,667	----------	150,000	----------
General Tire & Rubber Co. (fiscal year ending Nov. 30):				
T. F. O'Neil, chairman	133,000	$1,250	137,000	$9,900
M. G. O'Neil, president, excludes previously reported year-end bonuses aggregating $75,667 granted in prior years; deferral arrangements canceled and bonuses paid as of Nov. 30, 1967	133,125	1,250	124,700	9,900
Other: Amount accrued under profit-sharing plan.				
B. F. Goodrich Co.:				
J. W. Keener, chairman	215,000	----------	227,500	----------
H. B. Warner, president	121,166	----------	105,750	----------
A. Kelly, executive vice president, retired Oct. 31, 1967	155,333	----------	163,333	----------
Salary includes supplemental compensation.				
Goodyear Tire & Rubber Co.:				
Russell DeYoung, chairman	244,865	3,443 s.	228,407	3,925 s.
Victor Holt, Jr., president	206,968	2,835 s.	186,744	3,001 s.
Other: Stock allotted as deferred incentive remuneration for 1967 at $50 per share; at $45,125 for 1966.				
Uniroyal, Inc.:				
George R. Vila, chairman and president	158,775	13,739	227,923	11,110
Walter D. Baldwin, vice president	100,788	3,623	111,065	2,330
Other: Payments in respect of participation units. In addition, deferred compensation paid to Vila, $25,000; in 1966, Vila, $25,000.				

TOBACCO

	1967 salary	Other payments	1966 salary	Other payments
American Tobacco Co.:				
Robert B. Walker, chairman and president	$246,778	$35,046	$239,351	$32,291
Virgil D. Hager, executive vice president	153,766	21,718	149,640	20,076
Salary includes undeferred noncontingent portion of incentive compensation.				
Other: profit share for 1967. Deferred contingent portion of incentive compensation accrued during 1967: Walker, $61,732; Hager, $32,047.				
Liggett & Myers Tobacco Co.:				
Milton E. Harrington, president	160,000	8,884	160,000	8,023
J. Bowling Anderson, senior vice president	86,667	4,812	85,000	4,262
Jonathan W. Old, Jr., executive vice president	85,000	4,720	80,000	4,011
Other: credited to profit-sharing trust.				
Philip Morris, Inc.:				
J. F. Cullman III, chairman	155,000	6,550	140,000	5,432
George Weissman, president	112,500	4,754	92,500	3,589
C. H. Kibbee, executive vice president	107,500	4,543	95,000	3,686
Other: deferred profit-sharing plan. In addition, under a new incentive compensation plan: Cullman, $50,000; Weissman, $40,000; Kibbee, $18,600.				
R. J. Reynolds Tobacco Co.:				
Bowman Gray, chairman	190,000	26,159	182,500	23,264
A. H. Galloway, president	167,333	23,038	150,000	19,121
H. H. Ramm, vice president and general counsel	100,000	13,768	96,875	12,349
Colin Stokes, executive vice president	95,000	13,080	90,833	11,579
Other: profit-sharing incentive plan.				

TRANSPORTATION

	1967 salary	Other payments	1966 salary	Other payments
American Airlines, Inc.:				
C. R. Smith, chairman	$100,000	----------	$86,875	$17,059
Marion Sadler, president	85,000	----------	76,250	21,250
William J. Hogan, executive vice president, retired Sept. 20, 1967	85,000	----------	76,250	33,110
George A. Spater, vice chairman, elected vice chairman May 17, 1967	85,000	----------	----------	----------
Other: deferred compensation.				
Pan American World Airways, Inc.:				
Juan T. Trippe, chairman	130,734	$56,666	131,034	56,666
Harold E. Gray, president	109,067	53,333	104,367	53,333
Other: contingent incentive compensation conditionally allotted.				
Penn Central Co.:				
Stuart T. Saunders, chairman	178,250	[1]783	161,156	[1]959
David C. Bevan, chairman finance committee	122,604	[1]394	----------	----------
Allen J. Greenough, president	109,854	[1]394	100,653	[1]485
Alfred E. Perlman, president, New York Central[2]	142,120	[1]1,314	142,380	[1]8,795
Wayne M. Hoffman, executive vice president, New York Central[2]	85,135	[1]502	891,480	[1]3,876
Other: contingent compensation plan. "B" units Pennsylvania valued at $95.36 in 1967; $45.41 in 1966. Units credited Perlman and Hoffman by New York Central valued at $17.54, $16.61 in 1966.				
Southern Pacific Co.:				
D. J. Russell, chairman	155,275	----------	155,275	----------
B. F. Biaggini, president	151,133	----------	136,525	----------
Trans World Airlines, Inc.:				
Charles C. Tillinghast, Jr., president, does not include $25,000 accrued additional deferred compensation in 1967, $23,434 in 1966	75,000	34,000	71,296	47,850
R. M. Dunn, senior vice president	65,000	16,425	57,235	25,300
James J. Kerley, senior vice president	60,000	18,500	52,548	24,200
C. Edwin Smart, senior vice president, employed Feb. 23, 1967	44,333	14,150	----------	----------
E. O. Cocke, senior vice president	36,875	4,625	42,773	8,800
Other: incentive compensation award.				
United Air Lines, Inc.:				
G. E. Keck, president	107,500	----------	94,037	----------
Curtis Barkes, executive vice president	78,750	----------	72,438	----------
C. F. McErlean, executive vice president	78,705	----------	72,188	----------

[1] Units.

[2] Includes New York Central bonus installments: Perlman—$6,500, Hoffman—$32,250 in 1967; in 1966, Perlman—$6,500, Hoffman—$9,000.

UTILITIES

	1967 salary	Other payments	1966 salary	Other payments
American Electric Power Co., Inc.:				
Donald C. Cook, president	$174,130	$8,107	$151,367	$8,638
George V. Patterson, executive vice president	65,437	2,638	52,143	2,868
Herbert B. Cohn, executive vice president	63,450	2,411	46,607	2,581
W. J. Rose, vice president	56,458	2,649	53,370	2,912
Other: Partial interest on bank loans taken in order to participate in stock purchase plans.				

See footnotes at end of table.

UTILITIES—Continued

	1967 salary	Other payments	1966 salary	Other payments
Consolidated Edison Co. of New York, Inc.:				
Charles F. Luce, chairman[1]	$62,500			
Charles E. Eble, chairman[2]	150,000		$145,000	
John V. Cleary, president	137,500		111,667	
El Paso Natural Gas Co.:				
Howard Boyd, chairman	122,400	$4,836	113,667	$4,080
Hugh F. Steen, president	92,200	3,636	88,667	3,312
C. L. Perkins, senior vice president	73,700	2,868	73,000	2,832
Fred T. Wagner, senior vice president	52,200	2,004	51,500	1,968
Other: Employees savings plan.				
Pacific Gas & Electric Co.:				
Robert H. Gerdes, chairman	$160,733	$4,600	$160,200	$4,500
Shermer L. Sibley, president	117,317	3,313	110,300	3,000
K. C. Christensen, senior vice president	64,200	1,800	60,400	1,650
Other: contributions to savings fund plan.				
Tenneco Inc.:				
Gardiner Symonds, chairman	177,270	90,000	172,000	
Simon Askin, vice chairman	101,010	10,000	89,597	
Cecil C. Johnson, vice chairman	95,360		89,313	
N. W. Freeman, president	118,160	25,000		
Salary includes incentive compensation. Other: deferred compensation for 1968 to be made over 5-year period following termination of employment.				

[1] Since August 1967.

[2] Retired May 1, 1968; chairman until August 1967.

Mr. MANSFIELD. Mr. President, I yield myself 3 minutes.

I commend the distinguished assistant majority leader for the remarks he has just made, and the facts which he has laid out for all to see.

I believe I should point out to the Senate that last December the leadership on both sides was called to the White House by the President of the United States, and at that time, he asked our advice as to whether or not he should recommend the findings of the Kappel Commission—a Commission, I believe, which was created by Congress and financed by Congress, and about which nothing was said until its report was returned to the President and the Presidential recommendations were made.

The President wanted to send up the Kappel Commission salaries in toto, which would have increased to $50,000 a year the salaries of Members of Congress. Some of us felt that that was too much. Some of us felt that increases should be allowed in other ways, rather than as a straight salary increase. But finally, after a good deal of discussion, a concensus was reached on the figure of $42,500.

As the leader of the majority party, I told the President that I would go along. I can get along on my salary as a Senator from the State of Montana. I come from a small State. I do not have the demands on me that those Senators who come from the more populous States, or who are young enough to have growing families, have on them. But I think it is my duty and my responsibility to think of these younger Members and these Members who represent large population centers and their responsibilities, and the mood of the time in which we happen to live.

Mr. President, let me reiterate that the leadership from both sides, at that White House conference with President Johnson, told him that they would support $42,500 for Members of Congress.

I think I should also call to the Senate's attention the fact that President Nixon is interested in this bill not so much as far as we are concerned, because that is our responsibility, but because he wishes to attract people between the ages of 35 and 50 into the Federal Government. He can get all kinds of people over 50, because they have succeeded already in life, but those in the bracket of 35 to 50 are still struggling to achieve the financial level they believe their families deserve. Many of them President Nixon would like to have here but they cannot give their services to their Government, because they simply cannot afford it.

So President Nixon has a stake in this bill, too; and I discussed this matter with him this morning, so you can take my word for it.

Mr. President, I wonder whether we are going to be mice or men. There will be Senators, I dare say, who will vote against this measure, but who will be delighted if it passes. I think we ought to face up to the fact that we are Senators of the United States.

We have not attempted evasion on this measure. May I say that the Senator from Delaware (Mr. WILLIAMS) did not make a demand on the joint leadership that this matter be brought up. After his resolution was introduced the leadership never attempted to evade the issue or prevent the vote he intended. I ask him now if that is not a true statement.

Mr. WILLIAMS of Delaware. Mr. President, I was not following carefully. As I understand it, the Senator said——

Mr. MANSFIELD. The newspapers have said that on the basis of the Senator's demand, the joint leadership was forced to bring up this measure today.

Mr. WILLIAMS of Delaware. Oh, no, not at all.

Mr. MANSFIELD. I want the record clear on that point, because we met amicably, in a friendly fashion, and we agreed.

Mr. WILLIAMS of Delaware. Yes. Not only that, but, through the cooperation of the majority leader, we almost had a unanimous-consent agreement worked out whereby we could have proceeded with the matter Friday, to lay it down for limited debate; and it was not the majority leader's objection that was responsible, but we could not get it through. I know that the majority leader worked hard toward that objective. I do not know where the objection came from.

Mr. MANSFIELD. The only objection was that the majority leader had made a promise, unknowingly, to a colleague on this side of the aisle, that to the best of his knowledge there would be no votes on Friday last. I felt bound by that statement, and the Senator from Delaware understood.

Mr. WILLIAMS of Delaware. That is correct.

Mr. MANSFIELD. And out of that situation, we reached an agreement for today.

Mr. WILLIAMS of Delaware. That is correct. We got the same agreement for today; so the majority leader has cooperated excellently on this matter. I hope if the erroneous impression of which he speaks has been created, it will be speedily corrected.

Mr. MANSFIELD. Mr. President, I appreciate the remarks of the Senator from Delaware. I reiterate that there was no evasive action contemplated by the joint leadership. There was no desire to avoid the issue, and as far as the Senator from Montana is concerned, he is prepared, at the appropriate time this afternoon, for a yea-and-nay vote on the pending proposal.

I believe that is the way it should be. It is a matter which we have to face up to. I do not agree with every feature of this bill. I do not think a Justice of the Supreme Court or a Cabinet member is any more important, or should be paid any more, than a Member of the Senate. I think it is about time that we faced up to our own responsibility that we quit being influenced by this criticism in the newspapers; because, gentlemen, as long as there is a Senate and a Congress, newspapers, in many instances, are going to be after your hide and my hide. We might as well get used to it. It is a part of the game. It is the way politics is played. They will continue to picture us as bloated folks with big bellies and cigars in our mouths, and a bowler on our heads.

It is not a true picture. We know it. We will not argue about it, because we cannot win; but at least we can face up to our responsibilities. We can act as U.S. Senators and do what each of us determines to be right and we can be prepared to take the consequences of this or any other action we take, regardless of what those consequences may be.

I hope that the Senate has gumption enough, today, to vote for this increase in its salary from $30,000 to $42,500.

The VICE PRESIDENT. Who yields time?

Mr. MANSFIELD. I suggest the absence of a quorum on my side.

The VICE PRESIDENT. The clerk will call the roll.

Mr. WILLIAMS of Delaware. The majority leader said on his side. I believe we have a quorum on this side of the aisle.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I yield 10 minutes to the Senator from Hawaii (Mr. FONG).

The VICE PRESIDENT. The Senator from Hawaii is recognized for 10 minutes.

Mr. FONG. Mr. President, the pending resolution, which would kill the President's salary recommendations for top-level Federal executives, for Federal judges, and for Members of Congress, should be defeated.

What is at issue is not just pay increases for these three categories alone.

What is involved is the pay structure for the entire Federal Government, for the pay of Members of Congress sets the ceiling below which nearly all other salaries must fall.

We are talking about justice and equity not only for top Federal personnel, judges, and Members of Congress. We are talking about justice and equity for 3 million Federal employees as well.

This is the crux of the issue before us.

The fundamental fact is that present congressional pay has a depressing effect on pay for all Government employees down the line in the Federal Establishment. The only pay higher than Members of Congress is that of the President, the Vice President, Cabinet members, the Supreme Court, and Federal appellate court judges.

In 1962, Congress wrote into law a pay comparability provision, directing that Federal salaries shall be made comparable to those paid for the same levels of work in private industry. This year—1969—was to be the year full comparability was allowed.

Comparability will not be reached this year—and Congress will break faith with Federal employees—unless Congress permits the pay adjustments recommended by the President and backed up by the Commission on Executive, Legislative, and Judicial Salaries to go into effect.

Mr. President, I want to make my position very clear. I am not arguing for a pay raise for myself. So far as I, personally, am concerned, I do not seek, I do not need, and I do not want a pay increase.

As ranking minority member of the Senate Committee on Post Office and Civil Service, however, I would be derelict in my duty if I evaluated the President's salary proposal only in terms of its impact upon me. My duty is to determine the impact on the entire Federal salary structure.

Let me just review the background events leading up to the present situation.

On December 12, 1967, the Senate voted 72 to 0 to adopt the provisions of the Federal pay bill establishing the President's Commission on Executive, Legislative, and Judicial Salaries. It also provided for regular reviews of these salaries every 4 years together with recommendations to Congress for any necessary adjustments.

This procedure was adopted so that Congress thereafter would not be put in the embarrassing position of determining its own compensation. The Commission procedure offered a more objective and orderly method of arriving at pay for Members of Congress. It also offered far greater assurance that there would be a more equitable relationship between pay for lower echelon employees and Congressional pay.

The President's salary commission, composed of nine eminent citizens, spent 10 long months last year studying this problem. The case the Commission made for its recommendations is reasonable, logical, and based on undisputed facts and figures. Its report is an excellent one, and I urge all my colleagues to read it.

Mr. President, I ask for 5 additional minutes.

Mr. KENNEDY. Mr. President, I yield 5 additional minutes to the Senator from Hawaii.

The VICE PRESIDENT. The Senator from Hawaii is recognized for 10 minutes.

Mr. FONG. The Commission concluded after its study that the compensation for our top Government leaders in each of the three branches of Government is far below the compensation of those in comparable employment in industry and in many State positions. According to the Commission, this has severely hampered the recruitment and retention of top executives in Government.

The problem is especially critical now as our Nation faces tremendous problems at home and abroad. Men and women of great talent and capacity are needed in Government.

The Commission said:

> The ability of our Nation to meet the challenges of these troubled times depends on the leadership of those who place their talents and energies at the service of their country. It is with the maintenance of the quality of that leadership that we are concerned here.

Prestige, challenge, and the opportunity to solve national and international problems certainly are great incentives to enter the Federal service. But, to be an inducement, pay must meet the realities of personal and family obligations.

As the Commission pointed out in referring to Government service:

> There are many examples of distinguished service by men and women of independent wealth, but we cannot and must not rely on this as a means of filling the top ranks. Such a policy would deny the Nation the service of many other great and gifted leaders. Nor is the answer to rely on those who can devote a brief absence from private affairs.
>
> Because the actions and decisions of those who occupy the positions named in the statute so deeply affect all of us, every factor that can contribute to securing the ablest and best qualified people must be carefully weighed.
>
> One of those factors is compensation.

The report of the Commission shows that salaries in the business world, in State and local governments, and in State-supported universities are all moving ahead and, in many instances, far outstripping those paid high-level Federal Government officials.

The Commission concluded that the American public should "expect the compensation of those to whom we entrust high responsibilities and authority in Government to bear some reasonable relationship to that received by their peers in private life."

In private industry, positions with salaries over $30,000 number in the thousands. In the last 5 years, salaries of executives in private industry increased on an average of 3.5 percent per year. In comparison, since 1964 Federal executive salaries have increased much less than 1 percent each year. It is obvious from this study that an executive salary increase in the Federal Government is fully justified.

The Commission also held that salaries should reflect to some appreciable degree the level of responsibility involved in the office held.

The Governor of the State of California is paid a salary of $44,100, of New York $50,000, of Georgia $42,500, and of Pennsylvania $45,000. In California salaries are as high as those of Members of Congress, or higher, for three State government administrators; the mayors and county managers of 18 cities and counties; 43 school superintendents and other public school officers; 62 presidents, officers, and faculty members of public higher education institutions; 11 public corporate positions, and 441 members of the State judicial system—a total of 642 government employees in the State of California.

Paid more than $30,000 annually are 111 similar positions in Michigan, 242 in New Jersey, 522 in New York, and 189 in Pennsylvania. County executives in three of the States are paid more than $40,000. Executives of public universities in nine States are paid $45,000 or more, and many of them receive housing or other allowances.

Only two States out of the entire 50 in our great Union have no public positions paying $30,000 or more.

Mr. President, I want to emphasize again the direct relationship between Federal executive salaries and salaries for Federal career service employees. The two cannot be separated.

Under longstanding policy, career service pay shall not exceed pay at the executive levels. Rates of pay in the career levels are now so close to executive levels that there can be no career level pay increases unless executive pay is increased.

Yet Bureau of Labor Statistics surveys comparing Federal salaries with those in private industry—surveys required by law—reveal that the most critical lag in comparability is at the top-level career positions—GS-16, GS-17, and GS-18. At the present time the GS-18 rate is $2,239 less than that required under the comparability principle. By July this year, when full comparability is scheduled to go into effect, BLS figures show the lag will increase to $5,422 for GS-18 employees.

If Congress disapproves the President's recommendations, the entire Federal pay structure will be grossly out of kilter. This will do grave injustice to millions of Federal employees, particularly those in higher grades.

This will mean Congress is now abrogating the comparability principle approved by Congress in 1962, a promise Federal employees have relied upon and so patiently waited to be fulfilled. It would nullify the intent of the Federal Salary Act enacted by Congress in 1967 directing that full comparability be reached this year.

Even though the Commission on Executive, Legislative, and Judicial Salaries made a well-documented case for the salary increases it proposed, I remind my colleagues that the President's recommendations, which are at issue before us today, are lower in several areas than those of the Commission. In his message to Congress, the President acknowledged that he "found it necessary to modify some of the Kappel Commission's recommendations."

Thus, the President reduced the Commission's recommendation for congressional pay by $7,500 and he made lesser reductions in the Commission's judicial and executive pay recommendations.

Mr. President, it is public knowledge that these reductions for Congress were made at the request of some of the leaders of Congress. Had the President been free of such requests, he admits he would have adopted the Commission's entire package of recommendations as his own.

In explaining its pay recommendations, the Commission stated in its report considerations that merit emphasis. On page 11, the Commission stated, and I quote:

> These proposals recognize that the opportunity to serve one's country and the prestige of public office are a form of compensation. They further recognize that there is not the freedom to tailor compensation to particular individuals or circumstances.
>
> On the other hand, the proposals do recognize the very substantial responsibility of these positions, the high level of competence required, and the importance of making sure we continue to secure and retain men and women of top quality.
>
> To hold Federal compensation on a scale that is substantially lower than equivalent talent can command in other fields, public as well as private, is the road to mediocrity.

In conclusion, Mr. President, let me summarize why I believe the pending resolution should be voted down, thereby allowing the President's recommendations to go into effect.

First, equity and fairness to 3 million Federal employees requires that executive, judicial, and congressional pay be raised, so that lower echelon employees will have an opportunity for needed and proper salary adjustments.

Second, pay scales for Federal employees, judges, and Members of Congress must bear a reasonable relationship to positions of comparable responsibility in private industry and State government. Otherwise, recruitment and retention of qualified personnel will be severely hampered.

Third, in today's troubled times, with our Nation facing some of the most perplexing and complex problems in our history, it is imperative the Federal Government have top-notch, skilled, highly qualified personnel. Frankly, we cannot solve the many serious problems this country faces without the very best possible personnel we can obtain.

Fourth, Congress must keep faith with its promise of comparability in pay for Federal workers in relation to their counterparts in private industry and elsewhere. Congress would be reneging on its promise if it failed to make the pay adjustments recommended by the President for Federal executives, Federal judges, and Members of Congress.

Fifth, failure to adopt the President's recommendations would nullify the efforts of Congress for the past 7 years to try to devise reasonable, equitable pay scales for the Federal Government. If the pending resolution is adopted, Federal pay scales will be grossly out of kilter.

Sixth, adoption of the pending resolution would nullify the Federal Salary Act enacted 2 years ago, which called for full comparability for Federal employees in July this year.

Mr. President, I urge my colleagues to defeat Senate Resolution 82, in all fairness and justice to Federal employees and in the best interest of our Nation.

Mr. President, I ask unanimous request that the full report of the Commission, except for pages 19, 20, and 21 containing text of the enabling legislation, be printed in the RECORD at this point. I also ask unanimous consent that the President's message of January 17, 1969, be printed here in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPORT OF THE COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES, DECEMBER 1968

COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

Appointed by the President

Frederick R. Kappel, Chairman, Chairman, Board of Directors (retired) American Telephone and Telegraph Company.

John J. Corson, Consultant and Corporate Director.

George Meany, President American Federation of Labor and Congress of Industrial Organizations.

Appointed by the President of the Senate

Stephen K. Bailey, Educator, Dean, Maxwell Graduate School, Syracuse University.

Sidney J. Weinberg, Investment Banker, Senior Partner, Goldman, Sach & Co.

Appointed by the Speaker of the House of Representatives

Edward H. Foley, Lawyer, Partner, Corcoran, Foley, Youngman, and Rowe, Former Undersecretary of the Treasury.

William Spoelhof, Educator, President, Calvin College.

Appointed by the Chief Justice of the United States

Arthur H. Dean, Lawyer, Partner, Sullivan and Cromwell, Chairman, U.S. Delegation, Nuclear Test Ban and Disarmament Conference.

William T. Grossett, Lawyer, Counsel, Dykema, Wheat, Spencer, Goodnow, and Trigg, President, American Bar Association.

Executive Director: Frederick J. Lawton.

FOREWORD

A year ago Congress decided that the time had come to establish a system for the regular review of the salaries of top level officials of the three branches of Government. In implementing Congressional policy on salary rates for Career Service employees, it had been necessary to make compromises and piecemeal adjustments in salaries for this group (who constitute the great majority of all Federal employees) in order to avoid their materially overlapping the salary schedules for top officials.

To meet the immediate problem and insure periodic review in the future, the Commission on Executive, Legislative, and Judicial Salaries was created. Of its nine members, three are appointed by the President of the United States, two by the President of the Senate, two by the Speaker of the House of Representatives, and two by the Chief Justice of the United States. The first appointees serve for the fiscal year 1969. Every four years thereafter others are to be appointed to review and recommend the rates of pay of the Congress, the Judiciary, and the principal officials of the Executive Branch. These quadrennial reviews and recommendations of the Commission are to be reported to the President, who, in turn, shall include in his next budget his recommendations as to the exact rates of pay he deems advisable.

The President's recommendations become effective after thirty days unless in that period either House of Congress specifically disapproves any or all of them, or a statute has been enacted into law establishing different rates of pay.

LETTER OF TRANSMITTAL

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: We have the honor to present to you the first report of the Commission on Executive, Legislative, and Judicial Salaries.

Our review convinces us that the compensation of the key leadership in each of the three branches of Government is seriously out of step with today's standards. We should not permit this to continue at a time when the problems facing our country demand that we attract men of great talent and capacity to public office. When salaries in the business world, in State and Local Government, in the universities have moved and continue to move ahead of Federal Government rates, we may well fear an erosion in the quality of leadership throughout the fabric of Government.

We believe the salary rates proposed in this report will improve our capacity to attract and retain men of ability and dedication. We believe they will lessen the need to make personal sacrifices to accept and carry the burdens of public office.

In this report we have pointed out other areas that do not fall within our purview but that we believe require further attention. One is the proper utilization of expense allowances in determining total compensation. We suggest that this be the subject of an early study. The second is the obvious need to adjust promptly the salaries of the Vice President, the Speaker, and the Majority and Minority Leaders of the two Houses of Congress. Finally, in our view there should be a reassessment of the compensation of the President.

Respectfully submitted,
Frederick R. Kappel, Chairman; Stephen K. Bailey, John J. Corson, Arthur H. Dean, Edward H. Foley, William T. Gossett, George Meany, William Spoelhof, Sidney J. Weinberg.

INTRODUCTION

The ability of our nation to meet the challenges of these troubled times depends on the leadership of those who place their talents and energies at the service of their country. It is with the maintenance of the quality of that leadership that we are concerned here.

What are the incentives for able men and women to assume positions of leadership? Among them are prestige, the challenge of public service, the opportunity to help solve problems of national and international import, the sense of mission to act for the public good. All are powerfully attractive. At the same time, however, salary inducements must meet the realities of personal and family obligations. They should also reflect in some appreciable degree the level of responsibility involved in the office held.

The action of Congress in providing for a review of the pay structure of the top levels of the Executive Branch, the Members of Congress, and the Judiciary is timely. It is made at a time when the complexity of problems at home and abroad demands the service of the best, most capable men and women our country can attract to high public office. The review also comes at a time of Presidential change, with its attendant reorganization in positions of leadership. And it comes at a propitious moment, when the study of salary compensation can be raised above political implications and its objectivity be recognized.

In accordance with the provisions of the statute creating the Commission, we have reviewed the rates of pay of the designated offices in the three Branches of Government.

The conclusion to us is inescapable that present salary levels are not commensurate with the importance of the positions held. They are not sufficient to support a standard of living that individuals qualified for such posts can fairly expect to enjoy and in many instances have established. We should expect the compensation of those to whom we entrust high responsibilities and authority in government to bear some reasonable relationship to that received by their peers in private life. This expectation, however, is not now met.

In this report, accordingly, we set forth our reasons for the above conclusion and our recommendations as to appropriate pay levels and relationships among top-level positions—and recommendations also as to the relationships between these positions and career service positions subject to the General Schedule pay scale.

We have sought to propose a reasonable and up-to-date relationship within the Federal structure, as well as between the Federal Government and other sectors, including private industry, education, and State and Local Government. Those sectors need and seek the same talents as does Government.

Orderly periodic reviews will disclose inequities that creep into the pay system. They will be essential, we believe, to enable Government to attract in a competitive market the quality of men and women needed to discharge effectively the functions of Government. The record of the past is one of piecemeal adjustments, varied only occasionally by broadscale revision when pressures built up to the breaking point.

We believe the recommendations summarized below represent an appropriate initial step in modernizing the top pay structure of the Executive, Legislative, and Judicial Branches of the Government.

SUMMARY OF RECOMMENDATIONS

Because of the long intervals between past adjustments in top level Federal salaries, so that salaries now paid no longer relate to current economic realities, the importance of the positions involved, and comparative salaries in other fields, we find that present salary levels are inadequate, and we recommend:

1. That in the Executive Branch the annual salary levels be as follows:

Heads of Departments, Level I, $60,000.

Agency Heads and other Level II positions, $50,000.

Under Secretaries and other Level III positions, $46,000.

Assistant Secretaries and other Level IV positions $43,000.

Major Bureau Heads and other Level V positions $40,000.

2. That in the Legislative Branch the annual salary levels be as follows:

Senators, Representatives, and the Resident Commissioner from Puerto Rico, $50,000.

The Comptroller General $50,000.

The Assistant Comptroller General $46,000.

The Public Printer, Librarian of Congress, Architect of the Capitol, and General Counsel of the General Accounting Office $43,000.

The Deputy Public Printer, Deputy Librarian of Congress, and Assistant Architect of the Capitol $40,000.

3. That in the Judicial Branch the annual salary levels be as follows:

The Chief Justice of the United States $67,500.

Associate Justices of the Supreme Court $65,000.

Judges, Circuit Courts, Court of Claims, Court of Customs and Patent Appeals, Court of Military Appeals $50,000.

Judges, District Courts, Customs Court, Tax Court of the United States, and Director, Administrative Office of the United States Courts $47,500.

Commissioners, Court of Claims $40,000.

Deputy Director, Administrative Office of the United States Courts $40,000.

Referees in Bankruptcy—full time—a maximum of $40,000.

Referees in Bankruptcy—part time—a maximum of $20,000.

The total annual cost of all increases proposed for the Executive, Legislative and Judicial Branches is $34,700,000.

THE TASK OF THE COMMISSION

The law establishing this Commission requires it to review the rates of pay of the Members of Congress; certain offices and positions in the Legislative Branch; the Justices, Judges and specific other personnel in the Judicial Branch; and the offices and positions in the upper levels in the Executive Branch of the Government, designated as Levels I to V of the Executive Schedule.

One purpose of this review is to determine appropriate pay levels and relationships among the respective offices and positions covered, and between those positions and positions in the General Pay Schedules of the Federal Government. Most importantly, our concern is to establish levels of compensation for those top offices that will, when coupled with the prestige they give and the opportunity for service they offer, induce men both to accept and to retain them.

The Congress has established a regular procedure for fixing the pay of the vast majority of Federal employees on the basis of comparability with the rates paid in the private sector. It has provided for an annual review and recommendation as to necessary adjustments. Experience of the past few years has shown that it is possible to fix with a reasonable degree of accuracy and certainty standards of comparison between a great number of jobs in Government and private industry.

With respect to the top offices in Government, however, the situation is different, for it is difficult to find positions in the private sector that are directly comparable. For example, no direct comparisons are possible between our Legislators and Judges and the Executives in business and industry. Nor is the concept of service and prestige that accompany high Federal office measurable in terms of the dollar value in the salary. On the other hand, we can draw comparisons between the top levels of the Career Service and the Executive levels in Government. We can also compare trends in compensation in government with trends in the business world, the universities, the foundations, and State and Local Government.

The outdated pay structure

The failure of Congress to provide for regular review and revision of the compensation to the top officials in the Executive, Legislative, and Judicial Branches of Government has resulted in their salaries remaining almost static at a time when those in private business, in State and Local Government, and in education, as well as salaries in the Career Service of Federal Government, were moving steadily upward. An American Management Association study published in 1967 (Appendix F) shows that in the last five years Executive Salaries in the business community have risen an average of 3.5% per year. The increase in the salary structure for Federal officials since 1964, however, has been far less than 1% per year.

The following table shows the four adjustments in salary that have taken place in the last half century for the Supreme Court Justice, the Cabinet Officer, the Member of Congress.

	1926	1946	1949	1956	1964
Associate Justices, Supreme Court	$20,000	$25,000		$35,000	$39,500
Heads of departments	15,000		$22,500	25,000	35,000
Members of Congress	10,000	15,000		22,500	30,000

Though each group that has studied the subject in recent years has come to the conclusion that material increases are necessary to establish a reasonable and rational pay structure, action has been neither timely nor realistic.

We have the task of evaluating the salaries of positions of the highest importance not only within Government but in the nation and, indeed, the world. The statute (Public Law 90–206) lists them as:

(A) Senators, Members of the House of Representatives, and the Resident Commissioner from Puerto Rico.

(B) The following offices and positions in the Legislative Branch: Comptroller General, the Librarian of Congress, the Public Printer, the Architect of the Capitol and their principal assistants.

(C) Justices, Judges, Director and Deputy Director of the Administrative Office of United States Courts, Commissioners of the Court of Claims, and Referees in Bankruptcy.

(D) Offices and positions in the Executive Schedule (Levels I to V) set forth in title 5 of the United States code. (This includes top Executive officials up to and including Department Heads.)

The General Counsel of the Civil Service Commission has advised us that the law does not cover the offices of the Vice President, the Speaker, and the Majority and Minority Leaders of the two Houses of Congress. (See Appendix B). We believe it is essential that traditional relationships between these offices, the Supreme Court, and the Cabinet be preserved. We shall deal with this matter later in this report.

Because the actions and decisions of those who occupy the positions named in the statute so deeply affect all of us, every factor that can contribute to securing the ablest and best qualified people must be carefully weighed.

One of those factors is compensation. It is true, of course, that more than money is involved in attracting and retaining men and women of the highest competence. Prestige, the challenge of public service, the opportunity to contribute to the solution of pressing national and international problems all have their drawing power. But they must be weighed, even by the dedicated, against the realities of personal and family responsibilities.

There are many examples of distinguished service by men and women of independent wealth, but we cannot and must not rely on this as a means of filling the top ranks. Such a policy would deny the nation the service of many other great and gifted leaders. Nor is the answer to rely on those who can devote a brief absence from private affairs. This, too, presents obvious disadvantages.

To repeat here the conclusion emphasized in the introduction to this report, present salary levels are not commensurate with the importance of top level positions or offices in Government. They are not sufficient to support a standard of living that individuals qualified for such posts can fairly expect to enjoy and in many instances have established. We should expect the compensation given to those to whom we entrust the powers of government to bear some reasonable relationship to that received by their peers in private life.

Relationships between top-level and career service compensation

Another important consideration is the relationship of the salaries for top-level positions to the General Pay Schedule for career service employees.

The pay for the latter group, who constitute the vast majority of Federal employees, is fixed annually on the principle established in the Federal Salary Reform Act of 1962. This is that "Federal salary rates shall be comparable with private enterprise salary rates for the same levels of work."

An annual survey is made by the Bureau of Labor Statistics of private enterprise rates. These are then examined by the Bureau of the Budget and the Civil Service Commission and fitted to a comparability pay line. The pay line is established for the various levels of the General Schedule salaries and reported annually to Congress.

The Salary Act of 1967 provided that the President, by Executive Order, would establish rates for the Career Service that would achieve comparability in two stages. On July 1 of this year rates were increased by the amount necessary to move 50% of the way toward comparability. Next July 1 they will be adjusted to achieve full comparability.

However, the principle of comparability has not been made fully effective in 1968 because of a restriction in the 1967 Act that no level in the General Schedule may exceed the rate provided for the Level V of the Executive pay scale, namely, $28,000. The result of this statutory provision is that the top two rates of pay in Grade GS-16, the top three rates in GS-17, and the single rate for GS-18 are all limited to the $28,000 ceiling. For GS-18 this is $2,239 less than the comparability principle would have required for 1968, and $5,422 less than the requirement for July 1, 1969.

Based on the average increase in wages in this decade and the great body of economic thought, the upward trend will continue even though the rate of increase may be somewhat slowed down. Looking ahead four years, the rate for the lowest Level of the Executive pay scale would have to be at least $40,000 to permit the top rates of the Career Service to achieve the comparability that Congress has declared to be the Federal pay policy, and to provide an appropriate pay relationship between the Executive and Career levels.

Salary levels in other sectors

We turn now to significant information on salary levels and trends in other sectors of the economy, both public and private.

1. In State and Local Governments

From a salary point of view, numerous positions in State and Local Governments are equally or more attractive to individuals of the calibre sought for Federal posts. They offer similar professional opportunities. They offer the chance to render a public service. They offer substantial prestige and as great or greater monetary rewards. Comprehensive studies of State and Local Government salaries made by the U.S. Civil Service Commission in March 1963, January 1967, and August 1968 show in detail the situation in the upper salary levels.

It is significant that in the past year there has been a 70 percent increase in the number of those officials paid $35,000 or more. This trend is a continuing one. In September judicial salaries in California were increased over 20%. The New York State Legislature, a few months ago, voted significant increases to the Governor and other top State officials.

The following summary shows the increases that have taken place in the last five years in the number of positions paid at $35,000 and above.

	1963	1967	1968
Governors	8	23	26
Mayors and city managers	2	12	22
Administrative and professional	15	43	123
Public corporations	13	29	32
Judges	7	212	328

The details of the 1968 report are attached as Appendix D. The tabulations therein show the positions in summary and in detail by occupation, jurisdiction, and salary.

2. In Public Education

These studies also reveal a rather spectacular climb in the number of positions in the field of public education for which annual compensation of $35,000 or more is provided.

School superintendents:	
1963	3
1967	10
1968	25
Public university presidents, officers, and department heads:	
1963	11
1967	60
1968	178

By way of contrast, the Assistant Secretary for Education in the Department of Health, Education, and Welfare, and the Commissioner of Education, who exercise responsibilities that sweep across the whole spectrum of educational problems, are compensated at $28,750 and $28,000 respectively.

3. In Tax-Exempt Foundations

Tax-exempt foundations are another field which competes for the talent required by Government. The latest data available on compensation for presidents of ten of the large tax-exempt foundations for the fiscal year 1965–66 show a salary range from $30,000 to $100,000, an increase of $4,000 over the 1964–65 average.

4. In the Federal Reserve Banks

Another field of employment having some of the aspects of public service and some of private enterprise is in the Federal Reserve Banks. A recent report shows that the salaries of the presidents of Federal Reserve Banks range from $35,000 to $75,000. (See Appendix H). It might be pointed out that in all but two cases their salaries exceed those of the Chairman of the Federal Reserve Board and the Secretary of the Treasury, and in one case the bank salary more than doubles them.

5. In Private Industry

The differences between public service and private employment make direct dollar-for-dollar comparisons between salary levels prevailing in private business and those at the top strata of government difficult and inconclusive. There is no doubt, however, that salaries in the private sector offer a yardstick that individuals who are sought for top Government positions may use in measuring alternative opportunities, or in evaluating the financial aspect against the satisfaction of service to one's country and the challenge of the job, or perhaps the future benefits to one's career in business or in a profession.

There is a good deal of information available on salaries in the private sector. One source is the National Industrial Conference Board study on annual compensation at the highest-paid corporation Executive levels in 1304 corporations for the year 1965. The study shows a range of median salaries, depending upon the type of business, from $45,000 to $100,000. (See Appendix G)

Again, the American Management Association study of November 1967 on the average compensation rates of over 2,500 chief executive officers, ranked according to the sales in varying industry groups, shows amounts ranging well into six figures. (See Appendix E) Perhaps it is pertinent to point out that one of the industry groups included in the report was "Utilities." In the sales category of $200 to $500 million, the average compensation of the Chief Executive Officers was $110,000. The Tennessee Valley Authority had power sales of $369 million in 1968. The compensation of its Chief Executive Officer, in contrast, was $28,750. The Bonneville Power Administration and Bureau of Reclamation fall into the class of $100 million to $200 million in sales, for which the average industry salary is $87,000 for the Chief Executive. The salary of the Government Executives is $28,000.

In June of this year Business Week published its annual computation of top Executive salaries in 130 large corporations in some 25 different fields. It shows that over 300 of those Executives are compensated at the rate of $100,000 and above. The salaries of the top Executives of the four airlines listed were at least three times that of the Secretary of the Department of Transportation who has substantial responsibilities in the field of air transport.

These figures are not cited as the goal or the ideal Federal salary but are given to emphasize the problem with which the Government is faced in seeking men of the competence and quality needed to insure success in vital programs. Some men, fortunately, are in a position to make the change. Others, however, feel they cannot afford the financial sacrifice required.

The problem of compression

One of the most serious inequities in the present salary structure is the narrow differential between the various levels of pay, particularly in the Executive pay scale. There is an almost total failure to recognize in terms of compensation the differences in duties and responsibilities between the levels of the Executive Schedule.

The following table shows the levels of the Executive pay scale as established in 1964 and at present, and the percentage differential as compared to the private industry average differential.

Salary as percentage of Chief Executive salary[1]		Federal executive salary schedule			
Average private industry	Percent	1964	Percent	Present	Percent
Level I—Chief Executive	100	$35,000	100.0	$35,000	100.0
Level II—2d highest paid	70	30,000	85.7	30,000	85.7
Level III—3d highest paid	60	28,500	81.4	29,500	84.3
Level IV—4th highest paid	55	27,000	77.1	28,750	82.1
Level V—5th highest paid	50	26,000	74.3	28,000	80.0

[1] Source: "Executive Compensation," Business Management, January 1968, table 6.

The differential between Level V and Level II in 1964 was about 11%, or roughly half the typical differential in private enterprise. It is now only 5.7%.

The increasingly small differentials between Levels II and V are partly due to upward adjustments necessary at the lower levels to permit the top civil service grades to make some progress toward comparability.

Even so, it is now possible for the head of a major Bureau in Executive Level V and subordinates in the three upper civil service grades to receive identical compensation even though they are at successive steps in a direct line of authority and responsibility. Obviously, it is time for a change.

RECOMMENDED SALARIES FOR TOP LEVEL OFFICIALS IN THE EXECUTIVE BRANCH

We have striven to meet these objectives in formulating our recommendations:

1. To establish a compensation plan which will be logical and equitable in its internal and external relationships.
2. To establish compensation more nearly commensurate with the importance and responsibilities of these positions.
3. To establish levels that will increase the ability of the Federal Government to attract and retain the highest possible talent.

The following table sets forth the present and proposed rates for the 665 top officials of the Executive Branch.

	Number	Present salary rate	Proposed salary rate
Level I—Heads of departments	12	$35,000	$60,000
Level II—Heads of major agencies, etc.	64	30,000	50,000
Level III—Under Secretaries, etc.	88	29,500	46,000
Level IV—Assistant Secretaries, etc.	261	28,750	43,000
Level V—Heads of bureaus, etc.	240	28,000	40,000
Annual cost of these proposed increases		9,631,250	

These proposals recognize that the opportunity to serve one's country and the prestige of public office are a form of compensation. They further recognize that there is not the freedom to tailor compensation to particular individuals or circumstances. On the other hand, the proposals do recognize the very substantial responsibility of these positions, the high level of competence required, and the importance of making sure we continue to secure and retain men and women of top quality. To hold Federal compensation on a scale that is substantially lower than equivalent talent can command in other fields, public as well as private, is the road to mediocrity.

RECOMMENDED LEGISLATIVE SALARIES

In addition to the Members of Congress, nine other offices and positions in the Legislative Branch are within the scope of the Commission's study and review. These offices can be directly related to offices and positions in the Executive Branch, and on the basis of that comparison we have included them in the following recommendations:

	Number	Present salary rate	Proposed salary rate
Senators, Representatives, and the Resident Commissioner from Puerto Rico	531	$30,000	$50,000
Other offices in the Legislative Branch:			
Comptroller General	1	30,000	50,000
Assistant Comptroller General	1	29,500	46,000
General Counsel, General Accounting Office	1	28,750	43,000
Librarian of Congress	1	28,750	43,000
Public Printer	1	28,750	43,000
Architect of the Capitol	1	28,750	43,000
Deputy Librarian of Congress	1	27,500	40,000
Deputy Public Printer	1	27,500	40,000
Assistant Architect of the Capitol	1	27,500	40,000
Annual cost of these proposed increases		10,751,000	

It is difficult to obtain data that may suitably be used as a basis for comparison with Congressional salaries. The Senators and Representatives and the Resident Commissioner from Puerto Rico are in a class not directly comparable with any other group. State Legislators in most cases play a vastly different role from that of a Member of Congress. This is true with respect to the time devoted to the position, the variety and complexity of the problems covered, and the number of citizens to whom they are responsible.

Unlike the circumstances in the Executive area of government and in private industry, there are no varying levels of responsibility among the Members, at least with respect to the enactment of legislation—their major task. The vote of the newest Congressman counts exactly the same as that of a longtime member. Perhaps the experienced legislator serving as a committee chairman has a more arduous task and performs at a greater level of effectiveness, but his basic responsibilities to his constituents are the same. There may be material differences in service rendered but these cannot be expressed in terms of compensation.

Other factors bearing on the compensation of Members of Congress include the necessity of running for office every two years or six years, and the cost of living in Washington for most of the year while maintaining a residence in home district or State.

It is our feeling that Members' salaries should be adjusted to compensate for the substantial and unique responsibilities they bear, to meet the cost peculiar to elective rather than appointive office, and to minimize the need to rely on other means of augmenting income. There is a real question, however, as to whether the problem of adequately compensating the holder of elective office can be solved entirely by salary adjustment. The burdens placed on the individual legislator are not uniform. The type of his constituency, its geographical location, and its legislative interests affect him alone just as do his housing requirements and his business or professional interests. Later in this report we discuss some further steps that should be considered.

RECOMMENDED JUDICIAL SALARIES

The table following sets forth the recommended salaries for Justices, Judges, and other officers of the Judicial Branch, totaling 842.

	Number [1]	Present salary rate	Proposed salary rate
Chief Justice of the United States	1	$40,000	$67,500
Associate Justices, Supreme Court	10	39,500	65,000
Judges, Circuit Court of Appeals	134	33,000	50,000
Judges, Court of Claims	9	33,000	50,000
Judges, Court of Military Appeals	3	33,000	50,000
Judges, Court of Customs and Patent Appeals	6	33,000	50,000
Judges, district courts	407	[2] 30,000	47,500
Judges, Customs Court	13	30,000	47,500
Judges, Tax Court of the United States	22	30,000	47,500
Director, Administrative Office of the U.S. Courts	1	30,000	47,500
Deputy Director, Administrative Office of the U.S. Courts	1	28,000	40,000
Commissioners, Court of Claims	15	29,000	40,000
Referees in bankruptcy (full-time maximum) [3]	180	22,500	40,000
Referees in bankruptcy (part-time maximum) [3]	40	11,000	20,000
Annual cost of these proposed increases		14,305,500	

[1] Includes senior justices and judges.

[2] 1 at $30,500.

[3] Salary for referees set by judicial conference within the maximum.

We have recommended that the compensation of the Justices of the Supreme Court be fixed at $65,000, a rate which reflects the importance and dignity of the office. As the role of the Federal Government has expanded, the burden on the Judicial system has grown and its sphere of influence has broadened to embrace an increasing percentage of our citizens. This is particularly true of the Court, which is the capstone of our legal system. Yet in the past forty years the rate of increase in the compensation of its members has lagged far behind that of the other groups we have reviewed.

We have established a differential of $2,500 between the salary of the Chief Justice and the Associate Justices that more truly reflects the relative responsibilities than does the $500 which was first set in 1789.

We believe the rates for Judges of the other courts result in an equitable compensation for their responsibilities and are in line with the recommendations for Legislative and Executive salaries.

In determining appropriate salary rates for the Judiciary, we must rely on the traditional values that have been attached to the work of the courts. To attempt to find valid comparisons on the basis of tasks performed between those who formulate the laws, those who interpret them, and those who execute them would be a fruitless task.

Traditionally, there has been high prestige value attached to Federal judgeships, and, particularly, to membership on the Supreme Court. There is the factor of the added value of lifetime tenure. These may be sufficient inducements to many who have made their mark in other fields of legal endeavor. But will they remain so if there is not some recognition of present-day trends in compensation?

One area with which we may make some comparison comprises the State and Local judicial systems. There we find that some 1,150 Judges are paid at the same rate as Judges in Federal District Courts, that more than 300 are paid more than the Judges of the Appellate Courts, and that 35 are paid at rates that equal or slightly exceed Justices of the Supreme Court of the United States.

The Act creating this Commission also provides for review and recommendations as to the salaries of the Commissioners of the Court of Claims, Referees in Bankruptcy, and the Director and Deputy Director of the Administrative Office of the United States Courts.

The Commissioners of the Court of Claims act as trial Judges for the Court. After proceedings before them are completed, the Commissioners prepare findings of fact and conclusions of law which are then submitted to the parties and the Court. If there is no appeal by the parties to the case, the Court, after review, will normally adopt the Commissioner's decision as its own.

The Referees in Bankruptcy recommend decisions on both law and facts to the Judge of the District Court, who then renders the Court's decision. Certain aspects of bankruptcy cases are, by statute, reserved to the District Judge. At present the Judicial Conference sets the salary rate within the maximum established by law.

SUPPLEMENTARY COMPENSATION

In the first draft of the 1967 Salary Act, there was a provision that the Commission on Salaries should also study the kinds and amounts of expenses and allowances for Federal Executives, Judges, and Members of Congress. However, this was eliminated before final passage. Although such factors are not part of the study, they cannot be ignored in arriving at an understanding of the comparative compensation of Executives in industry and in government.

A salary study is not really valid if compensation in addition to salary is ignored.

If housing is furnished, or an expense allowance provided, or bonuses and stock options are offered in lieu of, or in addition to, salary, the monetary value of the job may be greatly altered. In many instances, such benefits provided by the employer might greatly influence a person to accept or to reject a position.

The nature and extent of supplementary benefits may vary considerably according to the characteristics of positions held. Thus a Judge retired from active service at full salary may still from time to time perform services of the same character as are performed by active Judges. Accordingly, the Government's contributions to his retirement is quite different from the contribution it makes toward the retirement of a Member of Congress who is elected for a term, or an official of the Executive Branch whose position is subject to change as political control changes.

The opportunities open to Government officials to acquire supplementary income through the practice of a profession or by engaging in private business vary according to the Branch in which they serve. Each Branch makes its own rules and applies its own standards.

This Commission has made no attempt to evaluate supplementary payments or allowances to determine their exact effect on total compensation. It is aware that there are inequities needing correction, but it is not part of the Commission's task to make recommendations concerning them. We also recognize that adjustments of salaries are not the appropriate way to meet the expenses attached to public office any more than they are to meet business expenses in private enterprise. These expenses, while job-related, are not uniform in their application to the holders of positions in the same class, nor are they uniform as between classes.

The Commission feels that existing laws and regulations should be reviewed to determine whether present supplementary compensation, such as expenses, allowances, retirement income, insurance, etc., are adequate or inadequate, equitable or discriminatory, or well- or ill-suited to the purpose for which they were designed. If there are deficiencies, they should be remedied promptly through changes in legislation or regulations.

IN CONCLUSION

The Commission urges that immediate action be taken at the next session of Congress to establish new salary rates for the office of Vice President, Speaker of the House of Representatives, and the Majority and Minority Leaders of both Houses of Congress.

Had these offices been within our purview, we would have recommended no less than a salary equivalent to that of the Chief Justice ($67,500) for the Vice President and the Speaker, and maintenance of the present differential ($5,000) between the Majority and Minority Leaders and the other Members of the Senate and House of Representatives.

Finally, we point out that the Presidential salary has remained unchanged since 1949, a period of nearly 20 years. There is no compelling reason to exempt this salary from evaluation and revision in the light of present day values and standards of compensation other than that the position is unique in the true sense of the word. We recognize that evaluating the Presidential responsibilities in terms of remuneration just cannot be done. Nevertheless, we urge you, Mr. President, to bring this matter to the attention of the Congress at the earliest possible moment. We believe that to preserve equity and balance in the pay structure of Government the salary of the President should be changed from $100,000 to $200,000.

Appendix A

(Legislative provisions establishing the Commission on Executive, Legislative, and Judicial Salaries, and a method of setting the rates of such salaries (Public Law 90-206, 81 Stat. 642); Approved December 16, 1967)

COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

Sec. 225. (a) Establishment of Commission.—There is hereby established a commission to be known as the Commission on Executive, Legislative, and Judicial Salaries (hereinafter referred to as the "Commission").

(b) Membership.—

(1) The Commission shall be composed of nine members who shall be appointed from private life, as follows:

(A) three appointed by the President of the United States, one of whom shall be designated as Chairman by the President;

(B) two appointed by the President of the Senate;

(C) two appointed by the Speaker of the House of Representatives; and

(D) two appointed by the Chief Justice of the United States.

Terms of office

(2) The terms of office of persons first appointed as members of the Commission shall be for the period of the 1969 fiscal year of the Federal Government, except that, if any appointment to membership on the Commission is made after the beginning and before the close of such fiscal year, the term of office based on such appointment shall be for the remainder of such fiscal year.

(3) After the close of the 1969 fiscal year of the Federal Government, persons shall be appointed as members of the Commission with respect to every fourth fiscal year following the 1969 fiscal year. The terms of office of persons so appointed shall be for the period of the fiscal year with respect to which the appointment is made, except that, if any appointment is made after the beginning and before the close of any such fiscal year, the term of office based on such appointment shall be for the remainder of such fiscal year.

(4) A vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made.

(*Compensation; travel expenses*)

(5) Each member of the Commission shall be paid at the rate of $100 for each day such member is engaged upon the work of the Commission and shall be allowed travel expenses, including a per diem allowance, in accordance with section 5703(b) of title 5, United States Code, when engaged in the performance of services for the Commission.

(c) Personnel of Commission.—

(1) Without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, and on a temporary basis for periods covering all or part of any fiscal year referred to in subsection (b) (2) and (3) of this section—

(A) the Commission is authorized to appoint an Executive Director and fix his basic pay at the rate provided for level V of the Executive Schedule by section 5316 of title 5, United States Code; and

(B) with the approval of the Commission, the Executive Director is authorized to appoint and fix the basic pay (at respective rates not in excess of the maximum rate of the General Schedule in section 5332 of title 5, United States Code) of such additional personnel as may be necessary to carry out the function of the Commission.

Personnel detail

(2) Upon the request of the Commission, the head of any department, agency, or establishment of any branch of the Federal Government is authorized to detail, on a reimbursable basis, for periods covering all or part of any fiscal year referred to in subsection (b) (2) and (3) of this section, any of the personnel of such department, agency, or establishment to assist the Commission in carrying out its function.

(d) Use of United States Mails by Commission.—The Commission may use the same United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(e) Administrative Support Services.—The Administrator of General Services shall provide administrative support services for the Commission on a reimbursable basis.

(f) Function.—The Commission shall conduct, in each of the respective fiscal years referred to in subsection (b) (2) and (3) of this section, a review of the rates of pay of—

(A) Senators, Members of the House of Representatives, and the Resident Commissioner from Puerto Rico;

(B) offices and positions in the legislative branch referred to in subsections (a), (b), (c), and (d) of section 203 of the Federal Legislative Salary Act of 1964 (78 Stat. 415; Public Law 88-426);

(C) justices, judges, and other personnel in the judicial branch referred to in sections 402(d) and 403 of the Federal Judicial Salary Act of 1964 (78 Stat. 434; Public Law 88-426); and

(D) offices and positions under the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

Such review by the Commission shall be made for the purpose of determining and providing—

(i) the appropriate pay levels and relationships between and among the respective offices and positions covered by such review, and

(ii) the appropriate pay relationships between such offices and positions and the offices and positions subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates.

(g) Report by Commission to the President.—The Commission shall submit to the President a report of the results of each review conducted by the Commission of the offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of subsection (f) of this section, together with its recommendations. Each such report shall be submitted on such date as the President may designate but not later than January 1 next following the close of the fiscal year in which the review is conducted by the Commission.

(h) Recommendations of the President With Respect to Pay.—The President shall include, in the budget next transmitted by him to the Congress after the date of the submission of the report and recommendations of the Commission under subsection (g) of this section, his recommendations with respect to the exact rates of pay which he deems advisable, for those offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of subsection (f) of this section. As used in this subsection, the term "budget" means the budget referred to in section 201 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 11).

(i) Effective Date of Recommendations of the President.—

(1) Except as provided in paragraph (2) of this subsection, all or part (as the case may be) of the recommendations of the President transmitted to the Congress in the budget under subsection (h) of this section shall become effective at the beginning of the first pay period which begins after the thirtieth day following the transmittal of such recommendations in the budget; but only to the extent that, between the date of

transmittal of such recommendations in the budget and the beginning of such first pay period—

(A) there has not been enacted into law a statute which establishes rates of pay other than those proposed by all or part of such recommendations,

(B) neither House of the Congress has enacted legislation which specifically disapproves all or part of such recommendations, or

(C) both.

(2) Any part of the recommendations of the President may, in accordance with express provisions of such recommendations, be made operative on a date later than the date on which such recommendations otherwise are to take effect.

(j) Effect of Recommendations of the President on Existing Law and Prior Presidential Recommendations.—The recommendations of the President transmitted to the Congress immediately following a review conducted by the Commission in one of the fiscal years referred to in subsection (b) (2) and (3) of this section shall be held and considered to modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

(A) all provisions of law enacted prior to the effective date or dates of all or part (as the case may be) of such recommendations (other than any provision of law enacted in the period specified in paragraph (1) of subsection (i) of this section with respect to such recommendations), and

(B) any prior recommendations of the President which take effect under this section.

Publication in Federal Register

(k) Publication of Recommendations of the President.—The recommendations of the President which take effect shall be printed in the Statutes at Large in the same volume as public laws and shall be printed in the Federal Register and included in the Code of Federal Regulations.

Appendix B

Extent of Commission's Jurisdiction (Opinion furnished by the General Counsel of the U.S. Civil Service Commission)

Question: Does the jurisdiction of the Commission on Executive, Legislative, and Judicial Salaries (CELJS) extend to the compensation of the Vice President, the Speaker of the House of Representatives, and the Majority and Minority leaders of both Houses?

Answer: No.

Discussion: Then review authority of the CELJS is set out in § 225(f) of Public Law 90–206. That subsection authorizes the CELJS to review the rates of pay of:

(A) Senators, Members of the House of Representatives, and the Resident Commissioner from Puerto Rico;

(B) offices and positions in the legislative branch, referred to in subsections (a), (b), (c), and (d) of section 203 of the Federal Legislative Salary Act of 1964 (78 Stat. 415; Public Law 88–426);

(C) justices, judges, and other personnel in the judicial branch referred to in sections 402(d) and 403 of the Federal Judicial Salary Act of 1964 (78 Stat. 434; Public Law 88–426); and

(D) offices and positions under the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

Subparagraphs (C) and (D) of § 225(f) are clearly inapplicable as (C) relates only to the judicial branch and as (D) relates only to the Executive Schedule which contains no reference to the offices under consideration.

Subparagraph (A), which refers specifically to the rates of pay of "Senators" and "Members of the House of Representatives" cannot be considered to extend to the rate of pay of the Vice President, the Speaker of the House of Representatives, and the Majority and Minority Leaders. This is so because the rate of pay for each of these offices is expressly fixed by a statutory authority that is separate from the statutory authority that fixes the rate of pay for Senators and Members of Congress.

The $30,000 annual rate for Senators and Members of Congress is fixed by the first sentence of section 601(a) of the Legislative Reorganization Act of 1946, as amended by § 11(e) of Public Law 89–301, 2 U.S.C. 31. The $43,000 annual rate for the Speaker of the House of Representatives is fixed by the second sentence of that section (2 U.S.C. 31). The $35,000 annual rate for the Majority and Minority Leaders is fixed by the last sentence of that section (2 U.S.C. 31). The $43,000 annual rate for the Vice President is fixed by section 104 of title 3, United States Code. Finally, whatever may be said of the functions of the Vice President as presiding officer of the Senate, he is not nominated nor elected as, nor is he designated to be, a Senator.

In view of the foregoing, it is evident that the express mention of the rates of pay for Senators and Members of the House of Representatives in paragraph (A) of § 225(f) does not include the rates of pay for the Vice President, the Speaker of the House of Representatives, and the Majority and Minority Leaders.

It is significant to note that when the Congress created a former Commission on Judicial and Congressional Salaries in 1953 (Public Law 83–220, 67 Stat. 485) it expressly directed that Commission to determine appropriate rates of salaries for, among others, "the Vice President, the Speaker of the House of Representatives, and Members of Congress". Also in that legislation, the Congress referred to "the presiding officers and Members of Congress". Thus it is evident that the Congress, from its experience with the earlier enactment, was aware of how to express an intention to review the salaries of legislative branch officers other than Members of the Congress. The omission of similar language in Public Law 90–206 is even more significant under these circumstances.

Finally, with respect to subparagraph (B) of § 225(f) (the offices and positions in the legislative branch referred to in § 203(a)–(d) of the Federal Legislative Salary Act of 1964) a study of that section establishes that it does not refer to any of the offices with which we are concerned. That section specifically refers to the Comptroller General, the Assistant Comptroller General, the General Counsel of the General Accounting Office, the Librarian and Deputy Librarian of Congress, the Public Printer and his Deputy, and the Architect of the Capitol and his Assistant.

The importance of the CELJS limiting its review to the offices and positions referred to in § 225(f) (A)–(D) of Public Law 90–206 is made clear by § 225(h) of that statute. Section 225(h) relates to the President's recommendations to the Congress after his receipt of the report from the CELJS. It specifically states that the President's recommendations shall relate to "those officers and positions within the purview of subparagraphs (A), (B), (C), and (D) of subsection (f) of this section."

Appendix C

POSITIONS IN LEVELS I THROUGH V OF THE EXECUTIVE SCHEDULE[1] OR AUTHORIZED TO BE PAID AT COMPARABLE SALARY RATES OCTOBER 25, 1968

Level I, $35,000—5 U.S.C. 5312:

(1) Secretary of State.
(2) Secretary of the Treasury.
(3) Secretary of Defense.
(4) Attorney General.
(5) Postmaster General.
(6) Secretary of the Interior.
(7) Secretary of Agriculture.
(8) Secretary of Commerce.
(9) Secretary of Labor.
(10) Secretary of Health, Education, and Welfare.
(11) Secretary of Housing and Urban Development.
(12) Secretary of Transportation.

Level II, $30,000—5 U.S.C. 5313:

(1) Deputy Secretary of Defense.
(2) Under Secretary of State.
(3) Administrator, Agency for International Development.
(4) Administrator of the National Aeronautics and Space Administration.
(5) Administrator of Veterans' Affairs.
(6) (Repealed.)
(7) Under Secretary of Transportation.
(8) Chairman, Atomic Energy Commission.
(9) Chairman, Council of Economic Advisers.
(10) Chairman, Board of Governors of the Federal Reserve System.
(11) Director of the Bureau of the Budget.
(12) Director of the Office of Science and Technology.
(13) Director of the United States Arms Control and Disarmament Agency.
(14) Director of the United States Information Agency.
(15) Director of Central Intelligence.
(16) Secretary of the Air Force.
(17) Secretary of the Army.
(18) Secretary of the Navy.
(19) Administrator, Federal Aviation Administration.
(19) Director of the National Science Foundation.

Other positions which may be paid at rate for level II:

Director, Office of Economic Opportunity.

Civilian executive secretary, National Council on Marine Resources and Engineering Development.

Director of the Federal Bureau of Investigation.

17 Presidential assistants including the Executive Secretary of the National Security Council, the Executive Secretary of the National Aeronautics and Space Council, and the Executive Secretary of the Economic Opportunity Council.

2 specially qualified scientific, professional, or administrative employees in the Public Health Service.

Chiefs of mission, Class 1 (23).

Level III, $29,500—5 U.S.C. 5314:

(1) Deputy Attorney General.
(2) Solicitor General of the United States.
(3) Deputy Postmaster General.
(4) Under Secretary of Agriculture.
(5) Under Secretary of Commerce.
(6) (Repealed.)
(7) Under Secretary of Health, Education, and Welfare.
(8) Under Secretary of the Interior.
(9) Under Secretary of Labor.
(10) Under Secretary of State for Political Affairs or Under Secretary of State for Economic Affairs.
(11) Under Secretary of the Treasury.
(12) Under Secretary of the Treasury for Monetary Affairs.
(13) Administrator of General Services.
(14) Administrator of the Small Business Administration.
(15) Deputy Administrator of Veterans' Affairs.
(16) Deputy Administrator, Agency for International Development.
(17) Chairman, Civil Aeronautics Board.
(18) Chairman of the United States Civil Service Commission.
(19) Chairman, Federal Communications Commission.

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[1] Numbering corresponds to that in title 5, United States Code.

(20) Chairman, Board of Directors, Federal Deposit Insurance Corporation.

(21) Chairman of the Federal Home Loan Bank Board.

(22) Chairman, Federal Power Commission.

(23) Chairman, Federal Trade Commission.

(24) Chairman, Interstate Commerce Commission.

(25) Chairman, National Labor Relations Board.

(26) Chairman, Securities and Exchange Commission.

(27) Chairman, Board of Directors of the Tennessee Valley Authority.

(28) Chairman, National Mediation Board.

(29) Chairman, Railroad Retirement Board.

(30) Chairman, Federal Martime Commission.

(31) Comptroller of the Currency.

(32) Commissioner of Internal Revenue.

(33) Director of Defense Research and Engineering, Department of Defense.

(34) Deputy Administrator of the National Aeronautics and Space Administration.

(35) Deputy Director of the Bureau of the Budget.

(36) Deputy Director of Central Intelligence.

(37) Director of the Office of Emergency Preparedness.

(38) Director of the Peace Corps.

(39) Chief Medical Director in the Department of Medicine and Surgery of the Veterans' Administration.

(40) Deputy Director, National Science Foundation..

(41) (Repealed.)

(42) President of the Export-Import Bank of Washington.

(43) Members, Atomic Energy Commission (4).

(44) Members, Board of Governors of the Federal Reserve System (6).

(45) (Superseded.)

(46) Administrator, Federal Highway Administration.

(47) Adminstrator, Federal Railroad Administration.

(48) Chairman, National Transportation Safety Board.

(49) Chairman of the National Endowment for the Arts the incumbent of which also serves as Chairman of the National Council on the Arts.

(50) Chairman of the National Endowment for the Humanities.

(51) Director of the Federal Mediation and Conciliation Service.

(52) Under Secretary of Housing and Urban Development.

(53) Urban Mass Transportation Administrator.

Other positions which may be paid at rate for level III:

Deputy Director, Office of Economic Opportunity.

Chairman, Administrative Conference of the United States.

Director of Selective Service (present incumbent).

Associate Director of the Federal Bureau of Investigation (present incumbent).

Chiefs of mission, class 2 (28).

Level IV, $28,750—5 U.S.C. 5315:

(1) Administrator, Bureau of Security and Consular Affairs, Department of State.

(2) (Repealed.)

(3) Deputy Administrator of General Services.

(4) Associate Administrator of the National Aeronautics and Space Administration.

(5) Assistant Administrators, Agency for International Development (6).

(6) Regional Assistant Administrator, Agency for International Development (4).

(7) Under Secretary of the Air Force.

(8) Under Secretary of the Army.

(9) Under Secretary of the Navy.

(10) Deputy Under Secretaries of State (2).

(11) Assistant Secretaries of Agriculture (3).

(12) Assistant Secretaries of Commerce (5).

(13) Assistant Secretaries of Defense (7).

(14) Assistant Secretaries of the Air Force (4).

(15) Assistant Secretaries of the Army (4).

(16) Assistant Secretaries of the Navy (4).

(17) Assistant Secretaries of Health, Education, and Welfare (5).

(18) Assistant Secretaries of the Interior (5).

(19) Assistant Attorneys General (9).

(20) Assistant Secretaries of Labor (4).

(21) Assistant Postmasters General (6).

(22) Assistant Secretaries of State (11).

(23) Assistant Secretaries of the Treasury, (4).

(24) Chairman of the United States Tariff Commission.

(25) (Repealed.)

(26) (Repealed.)

(27) (Repealed.)

(28) (Repealed.)

(29) Director of Civil Defense, Department of the Army.

(30) (Repealed.)

(31) Deputy Chief Medical Director in the Department of Medicine and Surgery of the Veterans' Administration.

(32) Deputy Director of the Office of Emergency Preparedness.

(33) Deputy Director of the Office of Science and Technology.

(34) Deputy Director of the Peace Corps.

(35) Deputy Director of the United States Arms Control and Disarmament Agency.

(36) Deputy Director of the United States Information Agency.

(37) Assistant Directors of the Bureau of the Budget (3).

(38) General Counsel of the Department of Agriculture.

(39) General Counsel of the Department of Commerce.

(40) General Counsel of the Department of Defense.

(41) General Counsel of the Department of Health, Education, and Welfare.

(42) Solicitor of the Department of the Interior.

(43) Solicitor of the Department of Labor.

(44) General Counsel of the National Labor Relations Board.

(45) General Counsel of the Post Office Department.

(46) Counselor of the Department of State.

(47) Legal Adviser of the Department of State.

(48) General Counsel of the Department of the Treasury.

(49) First Vice President of the Export-Import Bank of Washington.

(50) General Manager of the Atomic Energy Commission.

(51) Governor of the Farm Credit Administration.

(52) Inspector General, Foreign Assistance.

(53) Deputy Inspector General, Foreign Assistance.

(54) Members, Civil Aeronautics Board (4).

(55) Members, Council of Economic Advisers (2).

(56) Members, Board of Directors of the Export-Import Bank of Washington (3).

(57) Members, Federal Communications Commission (6).

(58) Member, Board of Directors of the Federal Deposit Insurance Corporation (1).

(59) Members, Federal Home Loan Bank Board (2).

(60) Members, Federal Power Commission (4).

(61) Members, Federal Trade Commission (4).

(62) Members, Interstate Commerce Commission (10).

(63) Members, National Labor Relations Board (4).

(64) Members, Securities and Exchange Commission (4).

(65) Members, Board of Directors of the Tennessee Valley Authority (2).

(66) Members, United States Civil Service Commission (2).

(67) Members, Federal Maritime Commission (4).

(68) Members, National Mediation Board (2).

(69) Members, Railroad Retirement Board (2).

(70) Director of Selective Service.

(71) Associate Director of the Federal Bureau of Investigation.

(72) Chairman, Equal Employment Opportunity Commission.

(73) Chief of Protocol, Department of State.

(74) Director, Bureau of Intelligence and Research, Department of State.

(75) Director, Community Relations Service.

(76) United States Attorney for the District of Columbia.

(77) United States Attorney for the Southern District of New York.

(78) Members, National Transportation Safety Board (4).

(79) General Counsel, Department of Transportation.

(80) Deputy Administrator, Federal Aviation Administration.

(81) Assistant Secretaries of Transportation (4).

(82) Director of Public Roads.

(83) Administrator, Saint Lawrence Seaway Development Corporation.

(84) Assistant Secretary for Science, Smithsonian Institution.

(85) Assistant Secretary for History and Art, Smithsonian Institution.

(86) Deputy Administrator, Small Business Administration.

(87) Assistant Secretaries of Housing and Urban Development (6).

(88) General Counsel of the Department of Housing and Urban Development.

(89) Commissioner of Interama, Commerce.

(90) Administrator of Law Enforcement Assistance, Department of Justice.

(91) Federal Insurance Administrator, Department of Housing and Urban Development.

Positions placed in level IV by Presidential action under 5 U.S.C. 5317:

Special Assistant to the Secretary (for Enforcement), Treasury Department.

Principal Deputy Director of Defense Research and Engineering, Department of Defense.

Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare.

Administrator, National Institutes of Health, Department of Health, Education, and Welfare.

Assistant Director for Executive Management, Bureau of the Budget, Executive Office of the President.

Deputy Administrator, Federal Highway Administration, Department of Transportation.

Director, Office of Foreign Direct Investments, Department of Commerce.

Administrator, Health Services and Mental Health Administration, Department of Health, Education, and Welfare.

Executive Director, Cabinet Committee on Price Stability.

Other positions which may be paid at rate for level IV:

Assistant Directors (5), Office of Economic Opportunity.

Federal Cochairman, Appalachian Regional Commission.

Each regional cochairman of an economic development regional commission (now 5).

Chiefs of mission, class 3 (34).

Career ambassadors (2).

Level V, $28,000—5 U.S.C. 5316:

(1) Administrator, Agricultural Marketing Service, Department of Agriculture.

(2) Administrator, Agricultural Research Service, Department of Agriculture.

(3) Administrator, Agricultural Stabilization and Conservation Service, Department of Agriculture.

(4) Administrator, Farmers Home Administration.

(5) Administrator, Foreign Agricultural Service, Department of Agriculture.

(6) Administrator, Rural Electrification Administration, Department of Agriculture.

(7) Administrator, Soil Conservation Service, Department of Agriculture.

(8) Administrator, Bonneville Power Administration, Department of the Interior.

(9) (Repealed.)

(10) (Repealed.)

(11) Associate Administrators of the Small Business Administration (3).

(12) (Repealed.)

(13) (Repealed.)

(14) (Repealed.)

(15) Associate Administrator for Advanced Research and Technology, National Aeronautics and Space Administration.

(16) Associate Administrator for Space Science and Applications, National Aeronautics and Space Administration.

(17) Associate Administrator for Manned Space Flight, National Aeronautics and Space Administration.

(18) Associate Deputy Administrator, National Aeronautics and Space Administration.

(19) Deputy Associate Administrator, National Aeronautics and Space Administration.

(20) Associate Deputy Administrator of Veterans' Affairs.

(21) Archivist of the United States.

(22) (Repealed).

(23) Assistant Secretary of Agriculture for Administration.

(24) Assistant Secretary of Health, Education, and Welfare for Administration.

(25) Assistant Secretary of the Interior for Administration.

(26) Assistant Attorney General for Administration.

(27) Assistant Secretary of Labor for Administration.

(28) Assistant Secretary of the Treasury for Administration.

(29) Assistant General Manager, Atomic Energy Commission.

(30) Assistant and Science Adviser to the Secretary of the Interior.

(31) Chairman, Foreign Claims Settlement Commission of the United States.

(32) Chairman of the Military Liaison Committee to the Atomic Energy Commission, Department of Defense.

(33) Chairman of the Renegotiation Board.

(34) Chairman of the Subversive Activities Control Board.

(35) Chief Counsel for the Internal Revenue Service, Department of the Treasury.

(36) Chief Forester of the Forest Service, Department of Agriculture.

(37) Chief Postal Inspector, Post Office Department.

(38) (Repealed).

(39) Commissioner of Customs, Department of the Treasury.

(40) Commissioner, Federal Supply Service, General Services Administration.

(41) Commissioner of Education, Department of Health, Education, and Welfare.

(42) Commissioner of Fish and Wildlife, Department of the Interior.

(43) Commissioner of Food and Drugs, Department of Health, Education, and Welfare.

(44) Commissioner of Immigration and Naturalization, Department of Justice.

(45) Commissioner of Indian Affairs, Department of the Interior.

(46) (Repealed).

(47 Commissioners, Indian Claims Commission (5).

(48) Commissioner of Patents, Department of Commerce.

(49) Commissioner, Public Buildings Service, General Services Administration.

(50) Commissioner of Reclamation, Department of the Interior.

(51) Commissioner of Social Security, Department of Health, Education, and Welfare.

(52) Commissioner of Vocational Rehabilitation, Department of Health, Education, and Welfare.

(53) Commissioner of Welfare, Department of Health, Education, and Welfare.

(54) Director, Advanced Research Projects Agency, Department of Defense.

(55) Director of Agricultural Economics, Department of Agriculture.

(56) Director, Bureau of the Census, Department of Commerce.

(57) Director, Bureau of Mines, Department of the Interior.

(58) Director, Bureau of Prisons, Department of Justice.

(59) Director, Geological Survey, Department of the Interior.

(60) Director, Research and Development, Post Office Department.

(61) Director, National Bureau of Standards, Department of Commerce.

(62) Director of Regulation, Atomic Energy Commission.

(63) Director of Science and Education, Department of Agriculture.

(64) Deputy Under Secretary for Monetary Affairs, Department of the Treasury.

(65) Deputy Commissioner of Internal Revenue, Department of the Treasury.

(66) Assistant Directors, National Science Foundation (4).

(67) Deputy Director, Policy and Plans, United States Information Agency.

(68) Deputy General Counsel, Department of Defense.

(69) Deputy General Manager, Atomic Energy Commission.

(70) Associate Director of the Federal Mediation and Conciliation Service.

(71) Associate Director for Volunteers, Peace Corps.

(72) Associate Director for Program Development and Operations, Peace Corps.

(73) Assistants to the Director of the Federal Bureau of Investigation, Department of Justice (2).

(74) Assistant Directors, Office of Emergency Preparedness (3).

(75) Assistant Directors, United States Arms Control and Disarmament Agency (4).

(76) (Repealed).

(77) Fiscal Assistant Secretary of the Treasury.

(78) General Counsel of the Agency for International Development.

(79) General Counsel of the Department of the Air Force.

(80) General Counsel of the Department of the Army.

(81) General Counsel of the Atomic Energy Commission.

(82) (Repealed).

(83) (Repealed).

(84) General Counsel of the Department of the Navy.

(85) General Counsel of the United States Arms Control and Disarmament Agency.

(86) General Counsel of the National Aeronautics and Space Administration.

(87) Governor of the Canal Zone.

(88) Manpower Administrator, Department of Labor.

(89) Maritime Administrator, Department of Commerce.

(90) Members, Foreign Claims Settlement Commission of the United States (2).

(91) Members, Renegotiation Board (4).

(92) Members, Subversive Activities Control Board (4).

(93) Members, United States Tariff Commission (5).

(94) (Repealed).

(95) (Repealed).

(96) Deputy Directors of Defense Research and Engineering, Department of Defense (4).

(97) Assistant Administrator of General Services.

(98) Director, United States Travel Service, Department of Commerce.

(99) Executive Director of the United States Civil Service Commission.

(100) Administrator, Wage and Hour and Public Contracts Division, Department of Labor.

(101) Assistant Director (Program Planning, Analysis and Research), Office of Economic Opportunity.

(102) Assistant General Managers, Atomic Energy Commission (2).

(103) Associate Director (Policy and Plans), United States Information Agency.

(104) Chief Benefits Director, Veterans' Administration.

(105) Commissioner of Labor Statistics, Department of Labor.

(106) Deputy Director, National Security Agency.

(107) Director, Bureau of Land Management, Department of the Interior.

(108) Director, National Park Service, Department of the Interior.

(109) Director of International Scientific Affairs, Department of State.

(110) General Counsel of the Veterans' Administration.

(111) Members, Equal Employment Opportunity Commission (4).

(112) National Export Expansion Coordinator, Department of Commerce.

(113) Special Assistant to the Secretary of Defense.

(114) Staff Director, Commission on Civil Rights.

(115) United States Attorney for the Northern District of Illinois.

(116) United States Attorney for the Southern District of California.

(117) Assistant Secretary of Transportation for Administration.

(118) Director, United States National Museum, Smithsonian Institution.

(119) Director, Smithsonian Astrophysical Observatory, Smithsonian Institution.

(120) Administrator for Economic Development.

(121) Administrator of the Environmental Science Service Administration.

(122) Assistant Secretary of Housing and Urban Development for Administration.

(123) Director, Construction Engineering, Post Office Department.

(124) Director, National Highway Safety Bureau.

(125) Director, National Traffic Safety Bureau.

(126) Associate Administrators of Law Enforcement Assistance, Department of Justice (2).

(127) Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice.

Positions placed in level V by Presidential action under 5 U.S.C. 5317:

Commissioner on Aging, Department of Health, Education, and Welfare.

Principal Deputy Assistant Secretary of Defense (International Security Affairs), Department of Defense.

Comptroller, Department of Health, Education, and Welfare.

Director, Bureau of Outdoor Recreation, Department of the Interior.

Assistant to the Secretary of Defense (Legislative Affairs).

Deputy Director of Defense Research and Engineering, Department of Defense.

Principal Deputy Assistant Secretary of Defense (Comptroller), Department of Defense.

Commissioner, Federal Water Pollution Control Administration, Department of Interior.

Director, Urban Transportation Administration, Department of Housing and Urban Development.

Director, Demonstration Cities Administration, Department of Housing and Urban Development.

Deputy Commissioner of Social Security, Department of Health, Education, and Welfare.

Commissioner, Property Management and Disposal Service, General Services Administration.

Deputy Under Secretary, Department of Transportation.

Deputy Assistant Secretary for Mortgage Credit, Department of Housing and Urban Development.

Deputy Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare.

Chief, Children's Bureau, Social and Rehabilitation Service, Department of Health, Education, and Welfare.

Director, United States Secret Service, Treasury Department.

Special Assistant for Regional Economic Coordination, Department of Commerce.

Assistant to the Deputy Secretary of Defense.

Deputy Assistant Secretary of Defense for Reserve Affairs.

Other positions which may be paid at rate for level V:

7 positions in the Department of Housing and Urban Development.

Commissioner for a Federal exhibit at Hemisfair 1968.

Executive Director, Advisory Commission on Intergovernmental Relations.

Executive Director, Commission on Executive, Legislative, and Judicial Salaries.

Chiefs of mission, class 4 (36).

Career ministers (26).

APPENDIX D

PAY RATES OF $30,000 OR MORE IN STATE AND LOCAL GOVERNMENT

This study by the United States Civil Service Commission sets forth the compensation rates in effect September 1, 1968, for 2,316 positions in state and local government.

Tabulations which follow do not include all state and local government positions paying $30,000 or more. For example, only a few localities of less than 350,000 population are covered and there are, no doubt, school superintendents and city managers paid $30,000 or more in other localities in the lower population brackets. Hence, the term "Partial" appears on each tabulation.

Table I summarizes the position by Occupation and Pay Bracket, Table II summarizes them by State and Occupation, and Table III lists them in detail by Occupation, Jurisdiction, and Salary under the following categories:

A. Governors.

B. State Administrative and Professional Positions.

C. Mayors, City and County Managers.

D. City and County Administrative and Professional Positions.

E. Superintendents and Other Public School Officers.

F. Presidents, Officers, Faculty Members, etc., of Public Educational Institutions.

G. Public Corporation Positions.

H. Judiciary.

TABLE I.—STATE AND LOCAL GOVERNMENT POSITIONS WITH PAY OF $30,000 OR MORE[1] SUMMARIZED BY OCCUPATION AND PAY BRACKET[2]

[Partial tabulation, Sept. 1, 1968]

	$60,000 and above	$50,000 to $59,999	$40,000 to $49,999	$35,000 to $39,999	$30,000 to $34,999	Totals
Governors	7	3	5	11	11	37
State administrative and professional		6	4	45	66	121
Mayors, city and county managers		1	4	17	28	50
City and county administrative and professional	2		12	54	124	192
Superintendents and other public school officers		1	4	21	75	101
Presidents, officers, faculty, etc., of educational institutions		7	31	140	409	587
Public corporations	1	1	18	12	38	70
Judges			35	293	830	1,158
Total	10	19	113	593	1,581	2,316

[1] Value of quarters and/or allowances, as reported or estimated, has been added to salary to determine total pay. (See table III for details.)

[2] A few positions have pay ranges; where the salary is reported by range in table III, the position is included here at the ceiling rate of the range.

TABLE II.—STATE AND LOCAL GOVERNMENT POSITIONS WITH PAY OF $30,000 OR MORE[1] SUMMARIZED BY STATE AND OCCUPATION

[Partial tabulation, Sept. 1, 1968]

State	Governors	State administrative and professional positions	Mayors, city and county managers	City and county administrative and professional positions	School superintendents and other public school officers	Presidents, officers, faculty members; etc., of public educational institutions	Public corporation positions	Judiciary	Total
Alabama	1	1				18			20
Alaska	1					1			2
Arizona						3			3
Arkansas									
California	1	3	18	63	43	62	11	441	642
Colorado					1	2			3
Connecticut	1					2		2	5
Delaware		1							1
Florida	1	7	2	1	2	20		5	38
Georgia	1	9	1		1	5			17
Hawaii	1		1			1			3
Idaho	1					1			2
Illinois	1	3	1	6	2	42		28	83
Indiana	1	2				30	3		36
Iowa	1					4			5
Kansas						2			2
Kentucky	1					24			25
Louisiana	1	4	1	2		41			49
Maine	1								1
Maryland	1		1	3	1	1	1		8
Massachusetts	1	3	1	2	1	2	1	1	12
Michigan	1	25	1	7	1	15		61	111
Minnesota	1			9	2	13			25
Mississippi	1	1							2
Missouri	1	2	1	3		3			10
Montana	1								1
Nebraska					1	4			5
Nevada	1					4			5
New Hampshire	1					1			2
New Jersey	1	2	2	3	1	10		223	242
New Mexico									
New York	1	39	8	74	29	85	51	235	522
North Carolina	1	1	1			9			12
North Dakota		1							1
Ohio	1		2	1	5	21			30
Oklahoma	1					3			4
Oregon	1				1	14			16
Pennsylvania	1	7	1	13	2		3	161	189
Rhode Island						2			2
South Carolina	1								1
South Dakota		1				1			2
Tennessee	1		1		1	1			4
Texas	1	5	3	4	3	33			49
Utah						2			2
Vermont						2			2
Virginia	1		2		2	53			58
Washington	1	1			1	27			30
West Virginia	1					1			2
Wisconsin	1	3	2	1	1	22			30
Wyoming									
Total	37	121	50	192	101	587	70	1,158	2,316

[1] Value of quarters and/or allowances, as reported or estimated, has been added to salary to determine total pay. (See table III for details.)

TABLE III.—STATE AND LOCAL GOVERNMENT POSITIONS WITH PAY OF $30,000 OR MORE, BY OCCUPATION, JURISDICTION, AND SALARY

[Partial tabulation, Sept. 1, 1968; value of quarters and/or allowances, as reported or estimated, has been added to salary to determine total pay]

TABLE III-A.—GOVERNORS

State	Salary	Other compensation
Alabama	$25,000	Mansion fund $35,000 and other allowances
Alaska	27,500	Mansion $6,000; staff $13,000; entertainment $4,000; car $750
Arizona		
Arkansas		
California	44,100	Undetermined[1]
Colorado		
Connecticut	35,000	
Delaware		
Florida	36,000	Mansion fund $29,820; undetermined travel and other expenses
Georgia	42,500	Mansion fund $35,000; travel and other undetermined expenses
Hawaii	33,500	$20,000 estimated
Idaho	17,500	$11,162.50 mansion fund; car and miscellaneous $1,500
Illinois	30,000	Mansion; use of auto and airplane; $45,000 salary in January 1969
Indiana	25,000	Housing, personal staff, transportation, and $6,000 for other expenses.
Iowa	25,000	Housing, travel and subsistence estimated at $5,600; salary rounded to nearest dollar.
Kansas		
Kentucky	30,000	
Louisiana	30,000	Mansion, maintenance, car, etc., $50,000 plus.
Maine	20,000	$15,000 personal expenses.
Maryland	25,000	Expenses in excess of $5,000—ceiling not available.[1]
Massachusetts	35,000	
Michigan	40,000	
Minnesota	22,500	Personal expense allowance; house and car $17,500.
Mississippi	25,000	Undetermined allowances.[1]
Missouri	25,000	House, utilities, two cars, chauffeur (aggregating estimated $5,000); salary of $35,000 effective January 1969.
Montana	$22,000	$16,240 mansion fund, car $700.
Nebraska		
Nevada	25,000	House, host fund, plus cook and houseboy, car and maintenance service.[1]
New Hampshire	30,000	
New Jersey	35,000	
New Mexico		
New York	50,000	
North Carolina	25,000	Mansion, servants, unlimited travel, and a contingency fund for "expenses of State."[1]
North Dakota		
Ohio	40,000	
Oklahoma	25,000	House and utilities $10,200.
Oregon	25,080	$7,200—miscellaneous expenses.
Pennsylvania	45,000	
Rhode Island		$30,000 salary effective Jan. 1, 1969.
South Carolina	25,000	Mansion, etc., appropriation $48,300.
South Dakota		
Tennessee	25,000	Mansion fund $18,500, travel, and other undetermined expenses.
Texas	40,000	Mansion fund, expenses $20,000.
Utah		
Vermont		
Virginia	30,000	Use of home, car, airplane, etc.[1]
Washington	32,500	Mansion $16,000, maintenance $12,000.
West Virginia	30,000	Mansion, car.[1]
Wisconsin	25,000	Use of home and car.[1]
Wyoming		

[1] Executive mansion and/or other expenses, if a value is not specifically stated, are assumed to have a value of at least $5,000.

TABLE III-B.—STATE ADMINISTRATIVE AND PROFESSIONAL POSITIONS

State	Position	Salary
Alabama	Commissioner, Department of Mental Health	[1] $30,000
California	Attorney General	32,000
	Director of Finance	31,835
	Director of Coordinating Council for Higher Education	[2] 34,000
Delaware	Commissioner of Mental Health	35,000
Florida	Director, Inter-American Trade Exposition	50,000
	Superintendent of Education	34,000
	Secretary of State	34,000
	Secretary of Agriculture	34,000
	Comptroller	34,000
	Treasurer	34,000
	Attorney General	34,000
Georgia	Attorney General	30,000
	Department of Public Health:	
	Director	33,348
	Deputy Director	24,984–33,348
	Superintendent, Mental Health Institute	30,252
	Director, Mental Health Division	24,984–33,348
	Assistant Director, Mental Health Division	22,668–30,252
	Director, Medical Division	22,668–30,252
	Superintendent, Mental Health Hospital	[2] 22,668–30,252
	Assistant Superintendent, Mental Health Hospital	[3] 20,556–27,540
Illinois	Secretary of State	(4)
	Auditor of Public Accounts	(4)
	Attorney General	(4)
	Superintendent of Public Instruction	30,000
	State Treasurer	30,000
	State Highway Engineer, Dept. of Public Works and Bldgs.	30,000
Indiana	Commissioner of Mental Health	35,000
	Superintendent of Muscatutuck State Hospital	[5] 30,396
Louisiana	Anesthetist, Charity Hospital, New Orleans	[6] 27,500
	Program Director, Dept. of Hospitals, Baton Rouge, Louisiana.	35,000
	Confederate Memorial Center, Shreveport:	
	Radiologist	35,000
	Assistant Radiologist	33,000
Massachusetts	Commissioner of Education	30,000
	Executive Director, Massachusetts Port Authority	36,000
	Commissioner of Mental Health	32,500
Michigan	Attorney General	30,000
	Secretary of State	30,000
	Director, Psychiatric Institute (Lafayette Clinic)	39,004
	Program Directors (Mental Health) (2) (each)	35,350
Michigan—Con.	Superintendent, Department of Public Instruction	$33,500
	Director, Department of Mental Health	39,500
	Director, Department of Public Health	33,500
	Director, State Highway Department	31,000
	Treasurer of Michigan	31,000
	Director of Budget (Executive Office)	31,000
	Medical Superintendents (14) (each)	30,985
Mississippi	Director, Research and Development Center	30,000
Missouri	Superintendent, Mental Hospital	[7] 28,000
	Associate Director, Division of Mental Diseases	31,000
New Jersey	Commissioner of Community Affairs	30,000
	Commissioner of Education	30,000
New York	Lieutenant Governor	[8] 30,000
	Comptroller	[9] 45,000
	Attorney General	[9] 45,000
	Comptroller (Dept. of Audit and Control)	[9] 45,000
	Director of Atomic and Space Development	33,500
	Commissioners and equivalent positions (10) (each)	[10] 32,000
	Director of Veterans' Affairs	[10] 29,500
	Chairman, Workmen's Compensation Board	[10] 29,500
	Attorney General (Dept. of Law)	[9] 45,000
	Commissioners and equivalent positions (20) (each)	[10] 35,500
	Commissioner of Mental Hygiene	[10] 38,000
North Carolina	Commissioner of Mental Health	30,000
North Dakota	Superintendent, North Dakota State Hospital	[11] 32,500
Pennsylvania	Lieutenant Governor	32,500
	Superintendent, Public Instruction	30,000
	Executive Director, Port Authority, Allegheny County	40,000
	Auditor General	32,500
	State Treasurer	32,500
	Commissioner of Mental Health	30,000
	Executive Deputy Secretary, Department of Public Welfare	30,000
South Dakota	Superintendent, Yankton State Hospital	[12] 26,000
Texas	Manager, Dallas Transit Authority	31,000
	Commissioner, Mental Health and Retardation	[13] 26,000
	Commissioner, Board of Higher Education	[14] 26,000
	Director, Texas State Department of Correction	[15] 26,000
	Director, Texas Research Institute of Mental Sciences	[16] 25,000
Washington	Director, Department of Institutions	31,000
Wisconsin	Secretary, Department of Health and Social Services	33,656
	Administrator, Division of Mental Hygiene	32,600
	State Health Officer	31,856

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[1] Quarters furnished.
[2] Top of salary range which begins at $29,664.
[3] Plus quarters and utilities.
[4] Salary of $30,000 effective January 1, 1969.
[5] Housing and subsistence.
[6] Car.
[7] Plus $2,000 additional.
[8] Plus $20,000 for expenses.
[9] Plus $7,000 in lieu of expenses.
[10] Plus $3,000 in lieu of expenses.
[11] House furnished.
[12] Plus $5,000 maintenance.
[13] Plus Hogg Foundation Supplement of $15,000.
[14] Plus $17,500 from foundation.
[15] Plus house, food, yardman, maid service, and car.
[16] Plus $11,000 supplement from Baylor University.

TABLE III-C.—MAYORS, CITY AND COUNTY MANAGERS

State and jurisdiction	Position	Salary
California:		
Oakland	City Manager	$35,000
Long Beach	City Manager	[1] 37,000
Los Angeles	Mayor	[2] 35,000
Riverside	Manager	31,164
San Diego	City Manager	35,208
San Jose	City Manager	30,048–36,516
San Francisco (City & County)	Mayor	38,365
County of Alameda	Administrator	36,000
Contra Costa County	Administrator	31,500
County of San Bernardino	Administrative Officer	31,942
County of Santa Barbara	Administrative Officer	22,488–31,440
County of Santa Clara	County Executive	31,200–37,934
County of Ventura	County Executive	30,996
County of Los Angeles	Chief Admin. Officer	31,104–38,520
County of San Diego	Chief Admin. Officer	35,208
County of San Mateo	County Manager	37,128
Orange County	Administrative Officer	36,000
Riverside County	Administrative Officer	31,164
Florida:		
Miami	City Manager	[3] 29,849
Dade County	County Manager	32,500
Consolidated Government of Duval County and City of Jacksonville.	Mayor	[4]
Georgia: Atlanta	Mayor	[5] 30,000
Hawaii: City and County of Honolulu	Mayor	[6] 30,000
Illinois: Chicago	Mayor	[3] 35 000
Louisiana: New Orleans	Mayor	[7] 25,000
Maryland: Baltimore	Mayor	[3] 25,000
Massachusetts: Boston	Mayor	40,000
Michigan: Detroit	Mayor	[8] $35,000
Missouri: Kansas City	City Manager	32,500
New Jersey:		
Newark	Mayor	35,000
Jersey City	Mayor	30,000
New York:		
New York City	Mayor	50,000
	Deputy Mayors (2) (each)	37,500
Rochester	City Manager	33,000
Erie County	County Executive	32,500
Monroe County	County Executive	33,200
Nassau County	County Executive	30,000
Westchester County	County Executive	40,950
North Carolina: Charlotte	City Manager	30,000
Ohio:		
Cincinnati	City Manager	40,000
Columbus	Mayor	30,000
Pennsylvania: Philadelphia	Mayor	40,000
Tennessee: Metro. Nashville (Davidson Co.)	Mayor	[10] 27,500
Texas:		
Austin	City Manager	[11] 29,500
Dallas	City Manager	[12] 30,000
San Antonio	City Manager	[13] 27,500
Virginia:		
Norfolk	City Manager	33,500
Richmond	City Manager	30,500
Wisconsin:		
Milwaukee	Mayor	[14] 30,270
Milwaukee County	County Executive	30,000

[1] Expenses and car, civil service benefits.
[2] Car and driver.
[3] Plus $2,500 expense allowance.
[4] Salary of $30,000 effective Oct. 1, 1968.
[5] Car and actual travel expenses.
[6] Plus estimated $7,000.
[7] Plus $5,000 contingency fund.
[8] Plus $12,000 expense account.
[9] Plus quarters.
[10] Plus travel and other allowances—estimated at $2,500.
[11] Plus car.
[12] Plus car and parking; budget request being drafted, salary expected to increase.
[13] Plus $5,000 expenses.
[14] Plus expense allowance—value undetermined.

TABLE III-D.—CITY AND COUNTY ADMINISTRATIVE AND PROFESSIONAL POSITIONS

State and jurisdiction	Position	Salary
California:		
Oakland	Executive Director, Chief Engineer, Port of Oakland.	$30,600
Long Beach	City Attorney	[1] 34,051
Los Angeles	City Attorney	[2] 32,000
	Administrative Officer	[3] 37,500
	Chief of Police	[2] 32,820
	Chief Engineer, Fire Department	[2] 32,820
	City Engineer	[2] 31,104
	Supt. of Building	[2] 31,104
	Director of Planning	[2] 31,104
	Department of Water and Power:	
	General Manager and Chief Engineer	46,000
	Asst. General Manager	43,000
	Asst. Manager and Chief Electrical Engineer	41,831
	Asst. Manager and Chief Engineer, Water Works	41,000
	Chief Engineer, Water Works	41,000
	Chief Asst. City Attorney	41,000
	Assistant to the General Manager	38,500
	Asst. Chief Engineer, Water Works	36,000
	Asst. Chief, Electrical Engineer	36,000
	Auditor, Water and Power	36,000
	Director Industrial Relations	36,000
	Airports Department:	
	General Manager	44,000
	First Deputy General Manager	37,500
	Harbor Department:	
	General Manager	41,000
	First Deputy General Manager	33,000
	Second Deputy General Manager	33,000
	Chief Harbor Engineer	33,000
San Diego	City Attorney	33,528
Alameda County	Medical Director	31,018
Los Angeles County	Director of Hospitals	25,484–36,416
	Chief Medical Examiner—Coroner	25,008–30,104
	County Assessor	36,516
	District Attorney	36,516
	Sheriff	36,516
	County Counsel	25,484–36,416
	Probation Officer	25,704–31,944
	Board of Supervisors (5)	30,572 each
Orange County	County Counsel	34,000
	Chief Engineer, Flood Control	32,820
	Health Officer	33,696
	Medical Center Administrator	32,820
	Medical Director	32,820
	Road Commissioner and County Surveyor	32,820
San Diego County	Director of Medical Institutions	33,528
	Director of Public Health	33,528
	County Engineer	30,408
San Mateo County	Director of Health and Welfare	33,204
Santa Clara County	Director, Public Health	30,531
	Director, Medical Institutions	33,651
San Francisco (City and County).	General Manager, Public Utilities	$30,708–$37,332
	Chief Administrative Officer	30,708–37,332
	Controller	29,964–36,420
	Deputy for Development	29,964–36,420
	Executive Director Redevelopment Agency	35,556
	Director of Public Health	26,532–32,244
	Secretary and Asst. General Manager, Administrator, Public Utilities.	25,884–31,464
	Chief Assistant Controller	25,884–31,464
	Director, Systems and Data Processing	25,884–31,464
	Assessor	31,821
	General Manager and Chief Engineer, Water Department	25,260–30,708
Florida: Dade County	County Attorney	32,500
Illinois: Chicago	General Superintendent Sanitary District	37,500
	Commissioner of Planning and Development	30,000
	Chairman and Commissioner of Urban Renewal.	30,000
	Superintendent of Police	30,000
	Fire Commissioner	30,000
	Corporation Counsel	30,000
Louisiana:		
Orleans Parish	Attorney to assist the Inheritance Tax Collector (fees).	[4] 80,000
New Orleans	Director, Port of New Orleans	30,000
Massachusetts: Boston	Commissioner of Health and Hospitals	35,000
	Director, Boston Redevelopment Authority	35,000
Maryland: Baltimore	Director of Finance	30,750
	City Solicitor	30,000
	Director of Public Works	30,000
Michigan:		
Wayne County	Public Health Director, City-County	33,170
	Community Mental Health Director	32,100
	County Medical Examiner	30,670
	General Superintendent, Wayne County General Hospital.	30,670
	Managing Director—Roads	30,000
Detroit	Health Commissioner	31,000
	Police Commissioner	30,000
Minnesota: Hennepin County	Budget and Purchasing Director, General Hospital.	23,712–33,360
	Chiefs of Medical Specialities (7), General Hospital (each).	24,900–33,360
	Hospital Director	22,584–31,176
Missouri:		
St. Louis County	Hospital Commissioner	[5] 22,500–28,700
Kansas City	Director, Health Department	30,000
St. Louis	Hospital Commissioner	[5] 25,000
New Jersey:		
Bergen County	Superintendent of Bergen Pines County Hospital.	38,000
Jersey City	Executive Director, Jersey City Medical Center	33,000
Newark	Executive Director, Newark Housing Authority	35,629

See footnotes at end of table.

TABLE III–D. CITY AND COUNTY ADMINISTRATIVE AND PROFESSIONAL POSITIONS—Continued

State and jurisdiction	Position	Salary
New York:		
Nassau County	Commissioner of Health	$33,000
	Superintendent, Meadowbrook Hospital	34,000
	Director of Anesthesiology	32,000
	Director of Clinical Laboratory	32,000
	Director of Psychiatry	32,000
	Director of Obstetrics and Gynecology	32,000
	Director of Radiology	32,000
	Director of Pediatrics	32,000
	Director of Internal Medicine	32,000
	Chief of Surgery	32,000
	Consultant for Physical Medicine and Rehabilitation.	32,000
Westchester County	Budget Director	31,980
	County Attorney	31,980
	District Attorney	31,980
	Commissioner of Hospitals	31,980
	Commissioner of Health	31,980
	Commissioner of Public Works	31,980
	Commissioner of Social Services	31,980
	Director, Community Mental Health Board	31,980
New York City	Assistant to Mayor (2) (each)	30,000
	Director of Budget	40,000
	Comptroller	40,000
	Deputy Comptroller	35,000
	Director of Finance	35,000
	President, City Council	35,000
	Human Resources Administrator	40,000
	First Deputy Human Resources Administrator	35,000
	Deputy Human Resources Administrators (2) (each).	32,500
	Borough Presidents (5) (each)	35,000
	Corporation Counsel	35,000
	District Attorneys (4) (each)	37,000
	Chairman, Office of Collective Bargaining	35,000
	Metropolitan Transit Authority:	
	Chairman of the Board	70,000
	Executive Officers (4) (each)	35,000
	General Counsel	32,500
	Chairman, Housing Authority	35,000
	Administrator, Housing and Development	35,000
	Deputy Administrators (2) (each)	30,000
	Commissioners of:	
	Manpower and Career Development	35,000
	Parks	35,000
New York—Continued		
New York City—Continued		
	Commissioners of—Continued	
	Police	$35,000
	Community Development	32,500
	Public Works	32,500
	Welfare	32,500
	Fire	30,000
	Investigation	30,000
	Sanitation	30,000
	Traffic	30,000
	Chairman, City Planning Commission	32,500
	Health Services Administrator	37,500
	Commissioners, Health Services (2) (each)	35,000
	Assistant Commissioners (2) (each)	30,000
	Administrator, Environmental Protection	35,000
	Deputy Administrator	31,500
	Administrator, Economic Development	35,000
	Director, Mental Health Board	30,000
	Director, Educational Liaison	30,000
	Director, Lower Manhattan Development	30,000
	Personnel Director	30,000
Ohio: Cincinnati	Administrative Officer—Board of Hamilton County Commissioners.	30,000
Pennsylvania: Philadelphia	Director of Finance	34,000
	City Representative and Director of Commerce	34,000
	City Solicitor	34,000
	City Controller	31,500
	District Attorney	31,500
	Managing Director	34,000
	Water Commissioner	31,500
	Deputy Health Commissioner Community Health Service.	27,960–31,734
	Medical Examiner	29,218–31,734
	Philadelphia General Hospital:	
	Chief Radiologist	37,000
	Radiation Therapist	33,000
	Nuclear Medicine Radiologist	33,000
	Chief Anesthesiologist	34,000
Texas:		
Dallas	City Attorney	[7] 28,500
Houston	Executive Director, Navigation District	[8] 36,000
Harris County	Chief Medical Examiner	[3] 30,500
San Antonio	General Manager, San Antonio Public Service Board.	[6] 40,000
Wisconsin: Milwaukee County	Director, Milwaukee County Institutions	[9] 30,167

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[1] Plus expenses and car, civil service benefits.
[2] Car and driver.
[3] Car.
[4] Plus miscellaneous expenses.
[5] Plus $10,000 maintenance.
[6] Plus $5,000 (includes house, utilities, and car).
[7] Plus car and parking; budget request being drafted, salary expected to increase.
[8] Plus expenses.
[9] Plus use of home.

TABLE III–E.—SCHOOL SUPERINTENDENTS AND OTHER PUBLIC SCHOOL OFFICERS

State and jurisdiction	Position	Salary
California:		
Long Beach	Superintendent of Schools	$35,000
Los Angeles County	do	30,560
Los Angeles	City School Board:	
	Superintendent of Schools	[1] 49,000
	Deputy Superintendents of Schools (2) (each).	[1] 38,000
	Associate Superintendents of Schools (6) (each).	[1] 36,242
	Assistant Superintendents of Schools (20) (each).	[1] 30,537
	Assistant Superintendent of Schools (colleges).	[1] 31,477
	Business Manager	[1] 36,516
	Controller	[1] 32,820
	Buildings and Grounds Services Administrator.	[1] 31,104
	Business Services Administrator	[1] 31,104
Oakland	Superintendent, Oakland City Schools	30,000
San Bernardino	Superintendent of Schools	32,500
San Diego	Superintendent of Schools, San Diego Unified School District.	45,000
	Associate Superintendent (Services to Schools), San Diego Unified School District.	31,252
	Superintendent of Schools, Sweetwater Union High School District.	30,500
City and County of San Francisco	Superintendent of Schools	35,000
San Jose	do	30,000
Colorado: City and County of Denver	Superintendent, Denver Public Schools	[2] 32,500
Florida:		
Brevard County	Superintendent, Board of Public Instruction	[3] 28,900
Dade County	do	33,000
Georgia: Dekalb County (Metropolitan Atlanta area).	Superintendent of Schools	[4] 28,752
Illinois: Chicago	do	48,500
	Attorney, Chicago Board of Education	30,000
Maryland: Baltimore	Superintendent of Public Instruction	50,000
Massachusetts: Boston	Superintendent of Schools	[1] 35,000
Michigan: Detroit	Superintendent, Board of Education	35,000
Minnesota:		
Anoka	Superintendent of Schools	$32,000
Minneapolis	do	35,000
Nebraska: Omaha	School Superintendent	30,500
New Jersey: Newark	Superintendent of Schools	30,000
New York:		
Buffalo	do	32 000
New York City	do	46,500
	Executive Depty Superintendent of Schools	35,250
	Deputy Superintendents of Schools (5) (each).	31,500
	Assistant Superintendents of Schools or equivalent (20) (each).	30,000
Rochester	Superintendent of Schools	35,000
Ohio:		
Cincinnati	Superintendent, Cincinnati Public Schools System.	30,000
Cleveland	Superintendent of Schools	39,500
Columbus	do	30,900
Shaker Heights	do	31,315
Toledo	do	30,300
Oregon: Portland	Superintendent, Portland Public Schools, Multnomah County District #1.	30,000
Pennsylvania:		
Philadelphia	Superintendent of Public Schools	36,000
Pittsburgh	do	36,720
Tennessee: Davidson County and City of Nashville.	Metropolitan Director of Schools	[6] 30,000
Texas:		
Dallas	Superintendent, Dallas Independent School District.	37,500
Houston	Superintendent, Houston Independent School District.	[2] 30,000
San Antonio	Superintendent, San Antonio Independent School District.	32,000
Virginia:		
Norfolk	Superintendent of Schools	[7] 32,500
Richmond	do	[8] 35,000
Washington: Seattle	Superintendent, Seattle Public Schools	30,000
Wisconsin: Milwaukee	Superintendent, Milwaukee Public Schools	31,000

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[1] Board car—Los Angeles City School Board salaries are listed at top of a 3-step range—18 months to maximum step.
[2] Plus car.
[3] Car, travel, and other expenses.
[4] Car, actual travel and other expenses.
[5] Salary of $35,000 effective Sept. 1, 1968.
[6] Plus actual travel expenses.
[7] Plus $360 expenses.
[8] Plus use of car.

TABLE III-F. PUBLIC UNIVERSITY PRESIDENTS, OFFICERS, AND FACULTY MEMBERS

State and jurisdiction	Position	Salary
Arizona	University of Arizona:	
	President	[1] $36,000
	Dean College of Medicine	30,000
	President Arizona State University	[1] 32,900
Alabama	President University of Alabama	[2] 35,000
	University of Alabama School of Medicine (Birmingham):	
	Administrator	50,000
	Department Chairmen (15) (each)	30,000–35,000
	President Auburn University	[2] 30,000
Alaska	President University of Alaska	[3] 29,700
California	University of California:	
	President	45,000
	Vice President	42,500
	Vice President for Administration	37,000
	Vice President Business and Finance	32,500
	General Counsel for Regents	39,500
	Treasurer of the Regents	39,000
	Chancellor at Berkeley	42,000
	Chancellor at Los Angeles	37,500
	Chancellors various campuses (3) (each)	37,000
	Chancellors various campuses (2) (each)	35,000
	do	[4] 32,000
	Chancellor San Francisco Campus	32,500
	Nobel Laureates (12) (each)	33,600
	Professors (4) (each)	31,100
	Dean Hastings College of Law	32,600
	School of Medicine:	
	Dean Davis Campus	37,500
	Dean Los Angeles Campus	38,500
	Dean San Francisco Campus	32,000
	Dean San Diego Campus	32,500
	State Colleges:	
	Chancellor	42,098
	Executive Vice Chancellor	27,288–34,836
	Vice Chancellor, Business Affairs	27,288–34,836
	Vice Chancellor, Academic Affairs	27,288–34,836
	Assistant Chancellor, Faculty and Staff Affairs	27,288–34,836
	Presidents (19) (each)	27,288–33,180
San Bernardino	President, San Bernardino Valley Junior College	[70] 28,250
Colorado	President, University of Colorado	[5] 31,500
	President, Colorado State University	[6] 30,000
Connecticut	President, University of Connecticut	[7] 34,960
	Director, Commission for Higher Education	32,730
Florida	President, Florida State University	[8] 28,250
	Professorships, Florida State University (9) (each).	30,000
	President, University of Florida	[8] 30,000
	Professorships, University of Florida (7) (each).	30,000
	President, University of South Florida	[8] 27,000
Dade County	President, Miami-Dade Junior College	32,500
Georgia	Chancellor, Board of Regents	[6 7] 39,000
	Vice Chancellor, Board of Regents	[9] 31,000
	President, University of Georgia	[10] 27,000
	President, Medical College of Georgia	[10] 33,000
	President, Georgia Institute of Technology	[10] 31,000
Hawaii	President, University of Hawaii	[11] 32,905
Idaho	President, University of Idaho	[12] 26,500
Illinois	University of Illinois:	
	President (Urbana)	[13] 50,000
	Chancellor	[14] 35,500
	Provost	39,500
	Vice President (Comptroller)	39,500
	Legal Counsel	31,500
	Vice President	35,500
	Director of Physical Plant	32,500
	Vice Chancellor	34,500
	Deans of Colleges:	
	(4) (each)	30,000
	(2) (each)	30,500
	(1)	31,000
	(1)	32,000
	(1)	32,500
	Professors:	
	(2) (each)	30,000
	(1)	31,250
	(1)	31,500
	(1)	34,000
	University of Illinois, Chicago Medical School:	
	Chancellor	[15] 35,500
	Medical Director	34,000
	Dean	34,000
	Professors:	
	(1)	30,200
	(1)	30,400
	(1)	30,600
	(1)	34,000
	(2) (each)	35,000
	(1)	35,500
	(1)	36,000
	(1)	39,500
	University of Illinois, Chicago Circle Campus: Chancellor.	[15] 35,500
	State Universities:	
	President, Northern Illinois University	36,000
	President, Illinois State University at Normal	33,600
	President, Western Illinois University	36,000
	President, Eastern Illinois University	36,000
	President, Illinois Teachers College (North)	32,400
	President, Illinois Teachers College (South)	32,400
	President, Southern Illinois University	[14] 36,000
Indiana	Indiana University:	
	President	[16] $45,000
	Vice President	32,000
	Chairman of School	37,992
	Professor and Chairman	33,250
	Dean	32,496
	Chairman of School	32,000
	Unclassified	30,996
	Professor	30,290
	do	30,000
	Dean	30,000
	Ball State University: President	[16] 36,000
	Indiana State University: President	[16] 31,992
	Purdue University:	
	President	[16] 43,500
	Vice President and Treasurer	37,000
	Staff Administrators (5) (each)	32,000
	Distinguished Professors (2) (each)	36,000
	Distinguished Professor	34,500
	Vice President and Dean of Graduate School	32,000
	Staff Administrator	37,875
	Professors (2) (each)	30,000
	Office Staff Administrators (2) (each)	30,000
	Head Professor	30,000
	Distinguished Professor	30,000
Iowa	President, Iowa State University, Ames	[17] 31,250
	President, State University of Iowa, Iowa City	[18] 31,250
	Vice President, University of Iowa	32,500
	Dean, College of Medicine, University of Iowa	34,000
Kansas	Chancellor, University of Kansas	35,000
	President, Kansas State University	33,000
	President, Wichita State University	(19)
Kentucky	University of Kentucky:	
	President	(68)
	Executive Vice President	32,500
	Vice President, Medical Center	34,000
	Vice President, Business Affairs	32,500
	Assistant Vice President, Medical Center	31,500
	Dean, College of Medicine	36,500
	Medical Professors and Department Chairmen:	
	(1)	36,500
	(4) (each)	35,000
	(2) (each)	34,000
	(1)	33,000
	Medical Professors:	
	(1)	33,000
	(2) (each)	32,000
	(1)	31,000
	President, Murray State University	32,000
	President, Morehead State University	33,000
	President, Western Kentucky State University	30,000
	President, Eastern Kentucky State University	30,000
	University of Louisville (Municipal):	
	Professor, Department of Radiology	36,000
	Assistant Professor, Department of Radiology	34,800
	Assistant Professor of Medicine	35,000
Louisiana	Louisiana State University System: President	[20] 35,000
	Louisiana State University—Baton Rouge:	
	Chancellor	[21] 28,500
	Executive Vice President	[22] 29,175
	Vice President for Academic Affairs	[22] 27,500
	Dean, School of Law	[22] 27,800
	Academic Professors (7) (each)	[22] 27,000–29,500
	Louisiana State University—Shreveport: Director, Medical School.	32,000
	Medical School—Louisiana State University at New Orleans:	
	Director	[22] 33,500
	Assistant to the Director	[22] 27,500
	Louisiana State University Medical School:	
	Chancellor	[23] 28,000
	Dean	[24] 30,000
	Head, Pathological Department	30,000
	Louisiana State University at New Orleans: Chancellor.	[25] 32,000
	Medical School—Louisiana State University at New Orleans: Academic Professors (13) (each).	[22] 28,050–33,300
	Other Colleges:	
	President, Francis T. Nichols College, Thibodaux.	[26] 25,000
	President, Grambling College, Grambling	[26] 25,000
	President, Louisiana Tech.—Rustin	[26] 25,000
	President, McNeese State College, Lake Charles.	[26] 25,000
	President, Northeastern Louisiana State College, Monroe.	[26] 25,000
	President, Northwestern State College, Natchitoches.	[26] 25,000
	President, Southeast Louisiana State College, Hammon.	[26] 25,000
	President, University of Southwestern Louisiana, Lafayette.	[26] 25,000
	President, Southern University System—Baton Rouge	[26] 25,000
Maryland	President, University of Maryland	35,000
Massachusetts	President, University of Massachusetts	[27] 30,000
	Chancellor, Board of Higher Education	30,000
Michigan	Michigan State University:	
	President	38,000
	Vice President (Director of Student Health)	30,000
	Vice President (Provost)	34,000
	Vice President (Business Administration)	37,000

See footnotes at end of table.

TABLE III-F. PUBLIC UNIVERSITY PRESIDENTS, OFFICERS, AND FACULTY MEMBERS—Continued

State and jurisdiction	Position	Salary
Michigan—Continued		
	University of Michigan:	
	President	$49,000
	Vice President (Business and Finance)	40,000
	Vice President (Executive)	39,500
	Vice President (Academic)	39,000
	Vice President (Research)	33,000
	Vice President (Student Affairs)	30,000
	Vice President (University Relations)	31,000
	Wayne State University:	
	President	40,000
	Vice President (Executive)	33,000
	Vice President (Research)	30,000
	Vice President (University Relations)	30,000
	Chancellor, State College Board	32,500
Minnesota	University of Minnesota:	
	President	[28] 42,000
	Vice President for Business Affairs	33,250
	Vice President for Academic Administration	33,000
	Vice President for Educational Relationships and Development	33,000
	Assistant Vice President for Academic Administration.	30,000
	Dean of the Law School	30,000
	Dean of the Medical School	31,000
	Directors, Medical Specialties (5) (each)	30,000
Missouri	University of Missouri:	
	President	[29] 30,000
	Chancellor	[30] 28,000
	Dean, Dental School	30,000
Nebraska	University of Nebraska:	
	Chancellor	[31] 35,000
	Vice Chancellor	30,000
	President (Omaha)	30,000
	President (Medical Center)	36,000
Nevada	University of Nevada:	
	Chancellor	[32] 26,700
	Vice Chancellor and Director of Desert Research.	[60] 28,000
	President (Reno Campus)	[32] 26,700
	President, Nevada Southern University	[32] 26,700
New Hampshire	President, University of New Hampshire	[33] 30,000
New Jersey	Chancellor of Higher Education	32,000
	Rutgers State University:	
	President	32,000
	Dean of Medical School	30,410
	Chairman, Department of Psychiatry	30,801
	Professor of Pathology	30,801
	Director, Psychiatric Clinic	30,801
	Dean of Law School at Newark	30,410
	Dean of Law School at Camden	30,410
	Dean of Graduate School of Education	30,410
	Dean of Faculty of Liberal Arts	30,410
New York	State University:	
	President and Commissioner of Higher Education.	[34] 45,000
	Chancellor	45,000
	Vice Chancellors (4) (each)	31,000
	Presidents (10) (each)	30,000–38,500
	Vice Presidents (15) (each)	30,000
	Provosts (7) (each)	30,000
	Deans (9) (each)	30,000–36,000
	Professors (31) (each)	30,000–45,000
	New York City Colleges and Universities:	
	Chancellor	40,000
	Provost	32,000
	Presidents (8) (each)	35,000
	Presidents (7) (each)	30,000
North Carolina	Consolidated University of North Carolina:	
	President	[35] 34,000
	Vice President, Academic Affairs	32,000
	University of North Carolina:	
	Chancellor (Chapel Hill)	[36] 32,000
	Chancellor (Raleigh)	[36] 31,500
	Chancellor (Greensboro)	[36] 31,000
	Chancellor (Charlotte)	[37] 31,000
	President, East Carolina University	[37] 28,000
	President, Western Carolina University	[37] 27,000
	President, Appalachian State University	[37] 27,000
Ohio	Superintendent of Public Instruction	40,000
	Chancellor, Ohio Board of Regents	40,000
	Ohio State University:	
	President	[38] 40,000
	Vice President, Business and Finance	33,888
	Academic Vice President and Provost	34,968
	Dean, College of Medicine	33,069
	Dean, Medical School	36,276
	Associate Dean, Medical School	33,132
	Director, University Hospital and Assistant Dean, Medical School.	31,608
	President, Akron State University	[39] 30,000
	President, Bowling Green State University	[39] 30,000
	President, Cleveland State University	[39] 30,000
	President, Kent State University	[39] 30,000
	President, Miami University	[39] 30,000
	President, Ohio University	40,000
	President, University of Toledo	[39] 30,000
	President, Wright State University	[39] 30,000
	President, Youngstown State University	[39] 30,000
Cincinnati	President, University of Cincinnati	[40] 35,000
	Vice Presidents, University of Cincinnati (2) (each)	30,000
Oklahoma	Chancellor (for higher education) State of Oklahoma.	[43] 30,000
	President, University of Oklahoma	[41] 30,000
	President, Oklahoma State University	[42] 29,000
Oregon	University of Oregon: President	[43] $32,500
	University of Oregon Medical School:	
	Dean	[44] 35,000
	Dean of Faculties	32,500
	Chairman, Department of Dermatology	30,000
	Chairman, Department of Psychiatry	30,000
	Chairman, Department of Surgery	30,000
	Director, Division of Crippled Children	30,000
	Chairman, Department of Medicine	30,000
	Chairman, Department of Obstetrics and Gynecology.	30,000
	Chairman, Department of Radiation and Therapy.	30,000
	Chairman, Department of Pediatrics	30,000
	Chancellor, State Colleges	[66] 35,256
	President, Oregon State University	[45] 32,500
	President, Portland State College	[45] 32,500
Rhode Island	President, University of Rhode Island	30,000
	Chancellor, State Colleges	30,000
South Dakota	President, South Dakota State University	[46] 28,500
Tennessee	President, University of Tennessee	[47] 25,000
Texas	University of Texas System:	
	Chancellor	[48] 30,000
	Vice Chancellor for Academic Affairs	[49] 26,000
	University of Texas:	
	Dean, College of Education	32,000
	Dean, School of Arts and Sciences	33,000
	Dean, School of Law	34,000
	Dean, School of Business Administration	33,000
	Dean, School of Engineering	33,000
	Chairman and Professor of Linguistics Department.	[50] 27,000
	Chairman and Professor of Zoology Department.	[51] 32,000
	Director, Graduate School of Library Science	30,000
	Chairman and Professor of Psychology Department.	30,000
	Professor of Botany and Dean of Graduate School.	[52] 20,000
	Professor of Zoology	[53] 22,500
	Welch Professor of Chemistry	32,000
	Professor of Philosophy	30,000
	Ashbel Smith Professor of Physics	30,000
	Professor of Electrical Engineering	[54] 27,500
	University Professor in the Arts	[55] 22,500
	Athletic Director and Head Football Coach	30,000
	Dean and Director, Medical School at Galveston	[56] 22,500
	Dean, Medical School at Dallas	[57] 22,500
	Texas Tech University: President	[58] 24,000
	University of Houston:	
	President	[59] 24,000
	Office of Senior Vice President and Treasurer	32,800
	Texas A. & M. University:	
	President	[60] 24,000
	Academic Vice President and Dean of the Graduate School.	30,000
	Dean of Geophysics and Professor of Meteorology.	36,000
	Dean of Sciences and Professor of Physics	36,000
	Chairman, Department of Chemistry	[61] 28,638
	Professor of Statistics and Director of Graduate Institute.	31,500
	Chairman, Department of Mathematics	30,000
	Dallas County Junior College: Chancellor	[62] 38,600
	San Antonio Junior College Tax District, Bexar County:	
	President	[62] 25,000
Utah	President, Utah State University	[63] 27,500
	President, University of Utah	[63] 28,000
Vermont	University of Vermont, College of Medicine:	
	Dean	34,000
	Chairman, Surgery Department	30,500
Virginia	Virginia Polytechnic Institute:	
	President	31,000
	Professor	32,000
	Medical College of Virginia:	
	Professor and Dean of School of Medicine	30,000
	Professor, Chairman, Neurosurgery	31,406
	Professor, Chairman, Obstetrics	33,000
	Professor, Chairman, Pediatrics	33,000
	Professor, Chairman, Medicine	33,000
	University of Virginia:	
	President	31,000
	Professor and Dean, School of Law	32,000
	Professors:	
	(1)	36,000
	(2) (each)	34,000
	(2) (each	33,000
	(2) (each)	32,000
	(1)	31,500
	(19) (each)	30,000
	Associate Professors (5) (each)	30,000
	University of Virginia Medical Center:	
	Professor and Chancellor	36,000
	Professor and Dean of Medicine	36,000
	Professor and Dean of Faculty Arts and Science.	30,000
	Professor and Dean of School of Medicine	30,000
	Professor and Chairman of Physiology	30,000
	Professor and Chairman of Dermatology	30,000
	Professor and Chairman of Neurosurgery	30,000
	Professor and Chairman of Obstetrics and Gynecology.	30,000
	Professor and Chairman of Orthopedics	38,000

See footnotes at end of table.

TABLE III-F. PUBLIC UNIVERSITY PRESIDENTS, OFFICERS, AND FACULTY MEMBERS—Continued

State and jurisdiction	Position	Salary
Virginia—Continued	University of Virginia Medical Center—Continued	
	Professor and Chairman of Preventive Medicine	$30,000
	Professor and Chairman of Surgery	40,000
	Professor and Chairman of Psychiatry	36,000
West Virginia	President, West Virginia University	[64] 35,000
Wisconsin	Executive Director, State Coordinating Committee for Higher Education	37,500
	Director, State Universities System	35,000
	University of Wisconsin:	
	President	[65] 47,000
	Vice President	37,250
	do	37,000
	Chancellor (Madison)	[66] 36,000
	Chancellor (Milwaukee)	[67] 32,500
	Dean	35,000
	Deans (4) (each)	32,500
	Dean	30,000
	Wisconsin State Universities:	
	President, Eau Claire	30,500
	President, La Crosse	30,500
	President, Oshkosh	30,500
	President, Platteville	30,500
	President, River Falls	30,500
	President, Stevens Point	30,500
	President, Stout	30,500
	President, Superior	30,000
	President, Whitewater	30,000
Washington	University of Washington:	
	President	$50,000
	Vice President	40,000
	Vice President, Business and Finance	37,000
	Vice President, Academic Affairs	34,500
	Vice President, Research	30,000
	Vice President, University Relations	30,000
	Dean, Arts and Sciences	30,000
	Dean, Business Administration	30,000
	Dean, Engineering	30,000
	Dean, Graduate School	30,500
	Dean, School of Medicine	40,000
	Dean, School of Dentistry	33,500
	Chairman, Department of English	30,500
	Chairman, Department of Bio-Chemistry	32,500
	Chairman, Department of Biological Structure	31,600
	Chairman, Department of Micro-Biology	31,600
	Chairman, Department of Pathology	32,800
	Chairman, Department of Physiology and Bio-Physics.	30,000
	Chairman, Department of Preventive Medicine.	32,500
	Chairman, Department of Surgery	30,500
	Director, Primate Center	30,700
	Director, King County Hospital Medical Center	30,000
	Director, Applied Physics Laboratory	32,000
	Professor Medicine	32,000
	do	31,000
	Professor, Pediatrics	30,100
	President, Washington State University	37,500

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[1] Plus estimated $4,000 for housing and car allowances.
[2] Plus quarters and actual travel expenses.
[3] Plus home $3,600; servants $6,000.
[4] Exact salaries are unknown; the minimum salary for chancellors at the University of California is $32,000.
[5] Plus estimated $2,500 for quarters, car, and entertainment allowances.
[6] Plus estimated $2,500 for quarters and car.
[7] Plus housing and services, value undetermined.
[8] Plus $3,200.
[9] Plus $3,000 subsistence.
[10] Plus quarters and actual travel expenses.
[11] Plus estimated $25,000.
[12] Plus house and maintenance $3,600.
[13] Plus mansion, car, household servants.
[14] Plus house.
[15] Plus car.
[16] Plus house and utilities.
[17] Plus $342.15 for travel and subsistence.
[18] Plus $2,018.88 for travel and subsistence.
[19] Salary of $31,000 effective Sept. 3, 1968.
[20] Plus $7,500 for car, house, and utilities.
[21] Plus car and $3,000 living allowance.
[22] Plus fringe benefits (insurance and annuities) equal to 10 percent of salary.
[23] Plus house, $6,000.
[24] Plus car and expense account.
[25] Plus car and $3,000 living expenses.
[26] Plus house, car and $1,600 for house expenses.
[27] Plus house.
[28] Plus $7,000—includes house, car, and personal expense allowance.
[29] Plus house—estimated at $2,500.
[30] Plus $3,000 house and expenses.
[31] House rent of $5,700 paid by university.
[32] Plus $1,200 housing allowance; $2,400 entertainment host allowance; children may attend university free.
[33] Plus house.
[34] Plus $5,000 in //eu of expenses.
[35] Majority in range of $30,000 to $32,000; 1 at $45,000.
[36] Plus car and home.
[37] Quarters furnished.
[38] Plus on campus housing.
[39] Housing furnished.
[40] Plus house and 2 housekeeping aids.
[41] Plus house and utilities.
[42] Salary rounded to nearest dollar; plus housing and utilities.
[43] Plus $4,800 for quarters.
[44] Plus $1,500 expense account.
[45] Plus house $2,400; and $2,000 expense account.
[46] Plus $2,500 for house and utilities.
[47] Plus quarters $3,600; car, actual travel expenses and undetermined entertainment allowance.
[48] Plus $21,000 from foundations.
[49] Plus $14,000 from faculty improvement fund.
[50] Plus $9,000 research grant.
[51] Plus $10,660 research grant.
[52] Plus $10,000 research grant.
[53] Plus $7,500 research grant.
[54] Plus $9,000 research grant.
[55] Plus $7,500.
[56] Plus $15,000 from foundation.
[57] Plus $11,000 from foundation.
[58] Plus $19,000 from foundation.
[59] Plus $19,500 from foundation.
[60] Plus $11,000 from foundation.
[61] Plus $6,362.
[62] Plus $5,000 expenses.
[63] Estimated $3,900 for quarters and car furnished.
[64] Plus estimated $7,000 for home and car.
[65] Plus use of house and car.
[66] Plus house $2,400, and expense account $2,000.
[67] Quarters furnished, plus $6,500 subsistence allowance.
[68] Position vacant, this position was paid $35,000 in 1967.
[69] Plus $2,400 entertainment host allowance.
[70] Plus health insurance $160; retirement $861; car $1,500.

TABLE III-G.—PUBLIC CORPORATION POSITIONS

Location	Name of authority and positions	Salary
California	East Bay Municipal Utilities District:	
	General Manager	$43,800
	Chief Engineer, Asst. Gen. Mgr	33,996
	Attorney	30,504
	Bay Area Rapid Transit District:	
	General Manager	35,196–42,792
	Director of Development and Operations	28,956–35,196
	Director of Finance, Controller, Treasurer	26,268–31,932
	Transit Advisor to Gen. Mgr	26,268–31,932
	Metropolitan Water District of Southern California:	
	General Manager	33,000
	General Counsel	30,000
	Southern California Rapid Transit District:	
	General Manager	(1)
	Acting General Manager	30,000
	San Francisco Port Authority: Director	31,752
Indiana	Citizens Gas & Coke Utility, Indianapolis (Quasi-public):	
	General Manager	56,000
	Assistant Manager	33,000
	Executive Director Gas Operations	30,000
Maryland	Maryland Port Authority: Director	35,000
Massachusetts	Massachusetts Bay Transportation Authority: General Manager.	40,000
New York	Port of New York Authority:	
	Executive Director	70,000
	Deputy Executive Director	49,500
	General Counsel	49,500
	Director of Finance	49,500
	Director, Port Development	45,000
	Director, Marine Terminals	45,000
New York	Port of New York Authority—Continued	
	Director of Administration	$45,000
	Chief Engineer	45,000
	Director, World Trade	45,000
	Director, Aviation	45,000
	First Deputy Director, Aviation	42,000
	Director, Organization & Procedures	40,000
	Comptroller	39,000
	Personnel Director	39,000
	Director of Public Affairs	38,000
	Director, Tunnels & Bridges	37,800
	Director, Terminals	37,000
	Assistant General Counsel	36,010
	Treasurer	35,776
	Director, Real Estate	35,000
	Chief, Contract Division	34,190
	Chief, Leases & Operations Agreements Division	34,190
	Chief, Opinions & Appeals Division	34,190
	New Jersey Solicitor	34,190
	Asst. Director of Aviation Project Development	34,034
	Chief Architect	34,008
	Deputy Director, Marine Terminals	33,566
	Deputy Chief Engineer	33,514
	Chief of Construction, Newark Airport Redevelopment.	33,306
	Deputy Comptroller	33,046
	Chief, WTC Planning & Construction	33,020
	Asst. Chief Engineer for Design	32,578
	Director, Rail Transportation	33,000
	Asst. Director of Finance	32,526
	Deputy Director, Port Development	32,526

See footnotes at end of table.

TABLE III-G.—PUBLIC CORPORATION POSITIONS—Continued

Location	Name of authority and positions	Salary
New York—Continued	Port of New York Authority—Continued	
	Chief, Central Planning	$32,526
	Radio & Television Director	32,500
	Deputy Director, Tunnels & Bridges	33,072
	Engineer of Research & Development	31,694
	Manager, Construction Division	31,096
	Director of Port Commerce	31,096
	Project Director, Newark Airport Redevelopment	31,096
	Asst. Director of Avia. for Business Administration	31,018
	Chief, WTC Rentals & Development	31,018
	Triboro Bridge & Tunnel Authority:	
	Executive Officer & Chief Engineer	40,500
	Deputy Chief Engineer	35,000
	Triboro Bridge & Tunnel Authority—Continued	
	Counsel to Triboro Bridge Authority	$40,000
	Comptroller	32,000
	New York State Thruway Authority: Executive Director	32,000
	Niagara Frontier Port Authority:	
	Executive Director	33,000
	Chairman of the Board	30,000
Pennsylvania	Southeastern Pennsylvania Transportation Authority: General Manager.	45,000
	Delaware River Port Authority of Pennsylvania & New Jersey:	
	Executive Director	40,000
	Director of Engineering and Planning	37,972

[1] Position vacant—salary negotiable—it was $40,000 in January 1967.

TABLE III-H.—JUDICIARY

State and jurisdiction	Court and position	Salary
California	Supreme Court:	
	Chief Justice	[1] $41,578
	Associate Justices (6) (each)	[1] 39,132
	District Courts of Appeal: Justices (39) (each)	[1] 36,687
	Superior Courts:	
	Judges (394) (each)	[1] 30,572
	Administrative Director, California Courts	31,500
Connecticut	Supreme Court:	
	Chief Justice	33,000
	Chief Court Administrator	33,000
Florida	Supreme Court Justices (5) (each)	34,000
Illinois	Supreme Court: Justices (7) (each)	37,500
	Appellate Court: Judges (21) (each)	35,000
Massachusetts	Supreme Court: Chief Justice	30,800
Michigan	Supreme Court: Justices (9) (each)	35,000
	Court of Appeals: Judges (9) (each)	32,500
Wayne County	Circuit Court: Judges (27) (each)	30,000
Detroit	Recorder's Court:	
	Presiding Judge	32,000
	Judges (12) (each)	30,000
	Traffic Judge (3) (each)	[3] 30,000
New Jersey	State Supreme Court:	
	Chief Justice	37,000
	Associate Justices (6) (each)	36,000
	State Superior Court: Judges (76) (each)	32,000
	County Courts: Judges (85) (each)	32,000
	District Courts: Judges (30) (each)	30,000
	Juvenile and Domestic Relations Courts: Judges (25) (each).	30,000
New York	Court of Appeals:	
	Chief Justice	[5] $42,000
	Associate Judges (6) (each)	[5] 39,500
	Supreme Court:	
	Justices (148) (each)	37,000
	Justices (24) (each)	[4] 34,500
	Supreme Court—Appellate Division:	
	Presiding Justices (4) (each)	41,500
	Associate Justices (23) (each)	40,000
	Court of Claims: Judges (14) (each)	[4] 31,500
	Surrogates Court:	
	Surrogates (5) (each)	37,000
	Surrogate	35,500
	Surrogate	30,000
	Family Court:	
	Judges (4) (each)	30,000
	County Court:	30,000
Pennsylvania	Supreme Court:	
	Chief Justice	38,000
	Justices (6) (each)	37,500
	Superior Court:	
	President Judge	36,000
	Judges (6) (each)	35,500
	Courts of Common Pleas:	
	Judges (5) (each)	32,500
	Judges (115) (each)	30,000
	Orphans Courts:	
	President Judge	32,500
	Judges (27) (each)	30,000

[1] Salaries were increased on September 1, 1968.
[2] $10,000 from city and $20,000 from county.
[3] $6,000 in lieu of expenses.
[4] $3,000 in lieu of expenses.
[5] $4,500 in lieu of expenses.

APPENDIX E

AVERAGE COMPENSATION—2,537 CHIEF EXECUTIVE OFFICERS

TYPE OF INDUSTRY

[In thousands of dollars]

Sales volume	Durable goods	Nondurable goods	Petroleum	Utilities	Wholesale and retail trade
Under $2,000,000	31.8	35.0	34.2	24.3	(1)
$2,000,000 to $5,000,000	41.3	41.6	47.1	35.4	33.6
$5,000,000 to $10,000,000	48.2	48.6	(1)	40.2	39.2
$10,000,000 to $25,000,000	61.3	57.4	49.8	49.6	50.4
$25,000,000 to $50,000,000	72.2	70.9	66.5	59.0	63.6
$50,000,000 to $100,000,000	87.4	80.4	82.0	70.0	73.5
$100,000,000 to $200,000,000	111.3	96.8	112.5	87.1	84.2
$200,000,000 to $500,000,000	144.3	143.2	127.5	110.1	116.5
$500,000,000 to $1,000,000,000	178.5	174.2	193.0	122.7	143.0
Over $1,000,000,000	269.5	220.7	250.1	181.4	186.8

[1] Insufficient data.

Source: Top Management Report, November 1967, American Management Association.

APPENDIX F

AVERAGE PERCENTAGE INCREASES IN EXECUTIVE SALARIES, 1953–67

Year of survey	Increase in salary over previous year	Total compensation [1]
1953	3.9	0.6
1954	4.6	5.2
1955	2.7	1.8
1956	4.5	5.9
1957	4.4	5.1
1958	4.2	3.0
1959	2.9	1.2
1960	3.9	6.2
1961	1.6	.2
1962	3.1	2.6
1963	3.0	4.0
1964	3.4	3.9
1965	3.5	4.9
1966	3.5	5.3
1967	4.0	4.8

[1] As of 1966, total compensation percentages reflect overall increases in salary plus bonus only. Percentages prior to 1966 reflect increases in retirement contributions as well.

Note: Salary increases averaged 3.6 percent a year for the 15-year period (1953–67) or 3.5 percent annually for the 5-year period (1963–67).

Increases in total compensation average 3.7 percent a year for the 15-year period (1953–67) or 4.6 percent annually for the 5-year period (1963–67).

Source: Top Management Report, American Management Association, November 1967.

APPENDIX G

HIGHEST PAID EXECUTIVES IN 1,304 CORPORATIONS IN 1965

	Median	Range of Middle Half
Manufacturing	$100,000	$75,000–$150,000
Retail trade	100,000	74,000– 154,500
Gas and electric utilities	80,000	65,000– 100,000
Commercial banking	63,000	48,500– 83,000
Life insurance	47,500	33,000– 65,000
Fire, marine, and casualty insurance	45,000	33,000– 67,500

[Source: National Industrial Conference Board Study]

APPENDIX H

SALARIES OF PRESIDENTS OF FEDERAL RESERVE BANKS DEC. 31, 1967

	Annual salary of president
Federal Reserve bank:	
Boston	$40,000
New York	75,000
Philadelphia	45,000
Cleveland	45,000
Richmond	45,000
Atlanta	35,000
Chicago	60,000
St. Louis	35,000
Minneapolis	42,500
Kansas City	42,500
Dallas	45,000
San Francisco	46,000

Source: 54th Annual Report of Board of Governors of the Federal Reserve System.

SALARY REFORM FOR TOP OFFICIALS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

(Transmitting recommendations for salary reforms for the top officials of the legislative, judicial and executive branches of the Federal Government)

To the Congress of the United States:

The Congress, the executive branch, and the Federal judiciary are the vital nerve centers of Government. Whoever mans them is involved in activities so momentous and far reaching that they touch the lives of all our citizens—and indeed of people the world over. Our national interest demands—and our national survival requires—that America summon its best men and women to assume the power of decision and the responsibility of leadership for government in action.

Central to this concern is the matter of compensation at the top echelons of Government. Today, the salaries we pay our top officials are clearly inadequate.

THE KAPPEL COMMISSION

The record of the past has been one of inadequate and fragmentary adjustments in top-level compensation—always too little, often too late.

I believed in my administration that the time had clearly come to reexamine the entire top Federal salary network. To this end, I asked the Congress to create a bipartisan commission to—

—Recommend any changes its study found necessary

—Review top-level Federal salaries every 4 years.

The Congress responded. In December 1967, I signed into law a measure which gave life to the Commission on Executive, Legislative and Judicial Salaries—the first such body in our Nation's history.

The Commission was composed of nine distinguished Americans:

Three were appointed by the President:

—Frederick R. Kappel, former Chairman of the Board of Directors of the American Telephone and Telegraph Company, who served as the Commission's Chairman.

—John J. Corson, Consultant and Corporate Director.

—George Meany, President, American Federation of Labor and Congress of Industrial Organizations.

Two were appointed by the President of the Senate:

—Stephen K. Bailey, Dean, Maxwell Graduate School, Syracuse University.

—Sidney J. Weinberg, Senior Partner, Goldman, Sachs & Co.

Two were appointed by the Speaker of the House of Representatives:

—Edward H. Foley, Attorney, former Undersecretary of the Treasury.

—William Spoelhof, President, Calvin College, Grand Rapids, Michigan.

Two were appointed by the Chief Justice of the United States:

—Arthur H. Dean, Attorney, Chairman, U.S. Delegation, Nuclear Test Ban and Disarmament Conference.

—William T. Gossett, Attorney, President, American Bar Association.

After a comprehensive study of top Federal salaries, the Commission concluded that—

—Present compensation levels are not commensurate with the importance of the positions held;

—These levels are not sufficient to support a standard of living that individuals qualified for such posts can fairly expect to enjoy and in many instances have long established; and

—Action should be taken to modernize, without delay, the top pay structure of the Executive, Legislative and Judicial Branches of government.

THE RECOMMENDED REFORMS

Any recommendations the President might make for salary reform must be included in his budget. In preparing my budget for Fiscal Year 1970, I carefully reviewed the full report of the Kappel Commission. Their proposals served as a valuable guide as I weighed the recommendations the law requires me to make—recommendations which will become effective 30 days after they are submitted unless the Congress disapproves them during that period.

I agree with the recommendations of the Kapple Commission Report. If I alone had the power to put its recommendations into effect, I would do so. But in our proposal to the Congress and in the law passed by the Congress creating the Commission, final action on the report was to be a joint enterprise between the executive and legislative branches. I have therefore found it necessary to modify some of the Kappel Commission recommendations—particularly with respect to congressional salaries, and also with respect to the pay of certain executive positions.

I do recommend that the Kappel Commission proposals be put into effect for the top officials of the federal, judicial and executive branches. For them, I recommend the following pay scales:

Chief Justice: $62,500.

Associate Justices of the Supreme Court: $60,000.

Cabinet heads: $60,000.

Of all the salaries, congressional compensation posed the most difficult problem of all and was the hinge on which my recommendations turned. As the Commission pointed out:

"Members' salaries should be adjusted to compensate for the substantial and unique responsibilities they bear, to meet the cost peculiar to elective rather than appointive office, and to minimize the need to rely on other means of augmenting income."

The Commission then recommended that Congressional pay should be set at $50,000.

Congressional salaries have been raised in slow and piecemeal fashion, far outpaced by pay increases in the rest of the economy. Over the past three decades, Congressmen have received only three pay increases—an average of one pay raise every ten years—to the current level of $30,000, a salary which by today's standards is woefully inadequate.

I do not think that the American people want to see their elected representatives—who must bear the awesome burdens these critical times demand—serve their Nation at the price of financial hardship. I therefore believe that the $50,000 Congressional salary recommended by the Kappel Commission can be justified.

A proper concern for history and tradition, however, suggests that the President should consult the leaders of Congress before he makes any recommendations concerning Congressional salaries.

I have done that.

These discussions and consultations revealed that Congress would be reluctant to approve a $50,000 salary. When it comes to a pay increase, Congress puts its own members last in line. Instead, an increase to $42,500 was considered preferable and more likely to receive the necessary support. I respect the desires of the leaders of the Congress. I therefore now recommend a $42,500 salary for the Members of the House of Representatives and the Senate.

The Congressional salary I am recommending today represents an 89% increase over the level of compensation in 1955. I must point out, however, that during this same period salaries of the highest Civil Service career grade increased by well over 100 percent.

Civil Service salaries, moreover, will be adjusted periodically to keep them comparable to those in industry—while Congressional salaries must, under current law, remain unchanged for the next four years.

Projections indicate the following salary increases between 1955 and 1972:

—88.9%	Congressional salaries
—90%	Postal workers
—94%	Average Federal worker
—94%	Factory workers
—101%	Government Wage Board employees
—109%	GS–15 Career Civil Servant
—135%	GS–18 Career Civil Servant

Thus, even with the recommended pay increase for our lawmakers, the increase in Congressional salaries will lag behind those of other Government workers and employees in the private sector.

Since the weight of custom and a sense of fairness require that we maintain and preserve proper pay relationships at the upper echelons of Government, the proposed $42,500 Congressional salary requires that I make certain adjustment in the Kappel Commission's proposals for other top level salaries. Accordingly, I recommend the following pay scales:

Level II (Heads of Major Agencies: $42,500.

Level III (including Under Secretaries): $40,000.

Level IV (including Ass't Secretaries): $38,000.

Level V (including Heads of Boards): $36,000.

My recommendations for the other top level positions covered by the Kappel Commission are set forth in my budget in accordance with the requirements of Public Law 90–206.

The salaries of the Vice President, the Speaker of the House, the Majority and Minority Leaders of the House and Senate and the President Pro Tem of the Senate were not, as such, covered by the Kappel Commission's charter. For this reason, I am submitting separate pay legislation embodying my recommendations, as follows:

Vice President: $62,500.

Speaker of the House: $62,500.

Majority and Minority Leaders of the House and Senate and President Pro Tem of the Senate: $55,000.

CONGRESSIONAL ALLOWANCES

The burdens imposed by Congressional service are unique. They often require members to bear extra expenses in connection with their official responsibilities.

Most lawmakers, for example, must maintain two homes for themselves and their families—one among the people in the district or state they serve; the other in or near the Nation's capital.

Recognizing these facts, the Federal tax laws have allowed deductions of up to $3,000 a year for living expenses at the seat of our national government.

That maximum deduction has remained fixed for 15 years now—while sessions of the Congress have grown longer and longer under the pressure of increasing workloads and crowded legislative calendars.

I believe we should increase the maximum deduction so that Members of Congress will not be required to use any new pay increase to defray some of the essential living expenses incurred in the pursuit of their official duties.

Accordingly, I recommend that the maximum Federal tax deduction for Congressional living expenses be raised by $2,500—from $3,000 to $5,500 for each Member of Congress.

EXCELLENCE IN THE PUBLIC SERVICE

The proposals I make today are long overdue and urgently needed salary reforms at the upper levels of our government. But they are more than pay recommendations, for they cut to the heart of what modern government is all about—excellence in the pursuit of the public's business.

This moment of decision provides a unique occasion to strengthen the sinews of American government. We can do this by offering to our best and ablest citizens fair compensation for the job they must do in guiding America forward in the years ahead.

Just as these public servants—in the Congress, in the Cabinet and in the Judiciary—have a responsibility to the Nation, so the Nation has a responsibility to them.

The total amounts involved in my pay proposals are relatively small. But they will be wise investments in our future.

I urge the Congress to grasp the opportunity presented to it and to respond favorably to the recommendations I am submitting today.

LYNDON B. JOHNSON.

THE WHITE HOUSE.

Mr. KENNEDY. Mr. President, I yield 2 minutes to the Senator from Rhode Island.

The VICE PRESIDENT. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, we all are familiar with instances when people have not come into the executive branch of Government because of lack of money. This should not be so, but it is.

Some of us are familiar with instances when people have not run for Congress because of their knowledge of the financial burden that goes with election. I know that I know of such an instance. This, too, should not be so, but it is.

All of us know, too, of colleagues who, to make ends meet, are dissipating their energies and activities. This should not be so, but it is.

Some of us have more personal and family responsibilities, some less.

Some of us have more money with which to fulfill our responsibilities, some less.

But the governing factors to our vote should be the answers to three questions. One, does the responsibility and difficulty of the job justify the salary? Two, are we losing people in government because of financial reasons? Three, can the United States afford the salary?

The answer to all three of these questions is yes. Therefore, I submit we should support the Government pay raise.

The VICE PRESIDENT. Who yields time?

Mr. WILLIAMS of Delaware. I yield 15 minutes to the Senator from Colorado.

The VICE PRESIDENT. The Senator from Colorado is recognized for 15 minutes.

Mr. ALLOTT. Mr. President, first of all, I would like to congratulate the distinguished senior Senator from Delaware for having the courage to precipitate the parliamentary situation which now confronts the Senate. This is an issue which has aroused the deep concern of many of us here in the Senate. This concern was first manifested by several of us, as far back as last summer, when we tried to delete the appropriation for this Commission on Executive, Legislative, and Judicial Salaries.

I should like to clarify the record, Mr. President, with respect to that situation. The Commission was not in the appropriation bill as it was sent to us from the House because they had not had testimony on it. In the subcommittee, it voted not to put it in the appropriation bill. The full committee put it in the bill by a vote of 14 to 8. The matter was raised again on the floor and was passed and kept in the bill by a vote of 46 to 41.

Therefore, I do not particularly enjoy being accused of engaging in demagogic practices in talking about this matter now, because as far back as last year some of us who were trying to delete this proposal, were simply trying to stop this back-door method of controlling the salaries of Congress, the judiciary, and the executive branch.

I hope that this will clarify that portion of the record which has not heretofore been made clear. We were simply trying to force Congress to assert its constitutional prerogative regarding the question of adequate compensation for the top Federal salary network in the three branches of Government.

Among other Senators who asserted their sensitivity as to proper legislative responsibility in this matter, were the Senator from Mississippi (Mr. STENNIS), who has spoken already, and the Senator from Virginia (Mr. SPONG) with whom I have subsequently been working on this matter, to meet the issue head on and in a forthright manner.

Now, Mr. President, why are we in this legislative squeeze play which requires the current parliamentary tactic? The specific sections of the law with which we are now concerned are contained in the provisions of Public Law 90–206, sections 225 (h) and (i). In essence, these provisions require that the President shall include in his budget recommendations with respect to the exact rates of pay which he deems advisable for Senators, Members of the House, certain personnel in the judicial branch, and certain other positions in the executive branch. These recommendations become effective following 30 days after transmittal only to the extent that first, there has not been enacted into law a statute which otherwise establishes rates of pay, other than those proposed; or second, that neither House of Congress has enacted legislation which specifically disapproves all or part of such a recommendation.

Acting on the recommendations of the Kappel Commission, President Johnson sent his recommendations to Congress with regard to the proposed increases in salary on January 15, 1969. Therefore, according to the requirements of Public Law 90–206, a regrettable and unfortunate creature of the last Congress, these new salaries will become effective beginning the first pay period after February 12, 1969, unless this Congress acts to the contrary.

Mr. President, I want to make the record perfectly clear that I have always considered the acceptance of this procedure a completely irresponsible abrogation of the power of the Congress to a Commission which was, in the final analysis, not accountable to anyone for its recommendations.

I am absolutely unwilling to hide behind this legislative curtain, and allow these increases to be swept into law by the backdoor. If a pay raise is justified, I am certainly willing to stand here on the floor of the Senate and vote for it; and if I am not willing to vote for it, God knows I do not deserve it.

I believe that the scheme of increasing salaries as proposed by sections 225 (h) and (i) of Public Law 90–206 is an absolutely unwarranted delegation of congressional power. It seems to me that the recommendations of this Commission, as subsequently adopted in President Johnson's budget, provide a singularly unfortunate opportunity for Congress to sidestep its responsibilities.

Mr. President, there is a practical side of this matter which is also being overlooked at this time. On page 2 of the message transmitting his recommendations for salary reforms for the top officials of the legislative, judicial, and executive branches of the Federal Government, President Johnson stated, in part:

> (I)n the law passed by the Congress creating the Commission, final action on the report was to be a *joint enterprise* between the Executive and Legislative branches.

Now, Mr. President, let us take a good look at the realities and practical considerations of the nature of this "joint enterprise" to establish these salaries.

Obviously, during the opening days of this session, we have been consuming Members' energies and attention in the usual crush of organizational and legislative activity which always accompanies the opening of a new Congress. In this body, we have been devoting the majority of our energies to the question of amending rule 22 and the confirmation of important members of the new Nixon administration. In the other body, legislative activity has been simmering on the back burners pending the organization of new committees. "Joint enterprise" between the legislative and executive branches to establish adequate compensation for these top officials, under these circumstances, is obviously a very moot question. Any practical regard for the realities involved clearly indicates that the Congress has had no opportunity to participate to any degree with President Johnson in the preparation of these recommendations.

Mr. President, let us take a look at the recommendations of the Kappel Commission which were adopted by President Johnson and recommended in his budget message. The former President stated in that message that he was recommending a $42,500 salary for the Members of the House of Representatives and the Senate instead of the $50,000 salary originally recommended by the Kappel Commission. The former President's reason for not adopting the Kappel recommendations for congressional salaries is summed up in his message in this way:

> A proper concern for history and tradition, however, suggests that the President should consult the leaders of Congress before he makes any recommendations concerning Congressional salaries.

Accordingly, President Johnson indicated that he had contacted the leaders in Congress to advise him what the market would bear, so to speak, so far as increasing congressional salaries was concerned. Evidently, the former President felt that this marginal consultation with Congress was enough to satisfy the requirement that final action on the Kappel Report was to be a "joint enterprise" between the executive and legislative branches. As a result of his consultation with the leaders of Congress, President Johnson developed his recommendation of $42,500 as the proper salary for the Members of the House of Representatives and the Senate.

Mr. President, I must say that I deplore this approach with regard to establishing adequate compensation for the Members of Congress. I do not believe that only the leaders of Congress should be contacted with regard to what they may or may not believe to be the wisdom of salary increases. I believe that the only way in which the Constitution intended, and the people expect, is for each Member of Congress to provide his own recommendation with regard to these increases by casting his vote for or against the specific recommendation. I cannot believe that the leaders of Congress can be expected to speak for all of us in this regard, nor do I believe that they would presume to do so, without giving each of us the chance to express our views concerning this question.

That is why I earnestly support the resolution now before us, so that the Senate may go on record as specifically disapproving the recommendations of President Johnson with respect to the raise in pay transmitted to the Congress in his budget for fiscal year 1970 pursuant to section 225(h) of the Federal Salary Act of 1967. Once this resolution has been adopted, the entire matter may be the subject of full and complete hearings before the proper congressional committees and returned to the Congress in the usual fashion for a final vote.

That is the only proper way it should be done. Any other way would be an abrogation of our power. I intend to be as candid and as forthright as I possibly can about this matter. I happen to believe that some form of congressional salary increase is justified. I am not committed to any specific amount, but I am committed to the concept that Congress itself must assert its sense of responsibility here. I recognize the fact that this salary question is unpopular and distasteful among the Members of Congress. It is an issue which brightens our mail with thunderbolts of protest from honest, industrious constituents back home. I, for one, am willing to stand here on the floor of the Senate and vote for a raise in salary once the recommended amount has wended its way through the rocky ground of committee hearings and endured congressional debate. I am not willing, however, to see this matter slip by with a wink and a nod so the folks at home will not become too upset.

Mr. President, having made known my views concerning the wisdom of approaching this subject of congressional salaries through the backdoor, let me now turn to a brief examination of President Johnson's recommendations regarding judicial salaries. President Johnson, without an additional comment, recommended the following pay scales for these judicial officials: Chief Justice of the United States, $62,500; Associate Justices of the Supreme Court, $60,000.

As Senators are aware, during the debate on the Government Employees Salary Reform Act of 1964, the Senate adopted my amendment to increase the salary of the Chief Justice of the United States to $38,000 rather than the proposed $43,000, and the salaries of the Associate Justices of the Supreme Court to $37,500 rather than the proposed $42,500. To my everlasting dismay, this amendment was lost in the conference which subsequently ensued on this particular bill.

As I tried to make clear at that time, and will earnestly reiterate for the benefit of my colleagues today, it was not my intention to reduce these judicial salaries because of any particular disagreement I may have had with regard to some of the decisions of the Supreme Court. Rather, it was merely an attempt to try to bring into existence some semblance of equity with regard to the salaries which are paid to members of the Supreme Court and the Members of Congress. I think one only has to look to the present inequities to understand what I mean. For example, Justices of the Supreme Court, enjoying life tenure, are not subject to the same uncertainties and vicissitudes which often buffet a man who has devoted his life to politics. They are not called upon, for example, to spend any of their compensation for the purposes of reelection. Once appointed, they know that they can move to Washington and not worry about the problems of maintaining another household in their home State. Aside from the security which redounds to the position of a lifetime appointment, members of the Supreme Court are not called upon to travel back and forth to their home State in order to elicit the comments and criticisms of their constituents. They are effectively removed from the poltical arena which, as Members in this body well know, is oftentimes filled with the sound and fury of unhappy constituents. This insulation from the slings and arrows of political misfortune, this security from increasingly complex problems of entertaining constituents as well as campaigning for their votes, places, it seems to me, a Supreme Court Justice in a much more enviable position, from a salary standpoint, than a Member of Congress.

One must also bear in mind that Justices of the Supreme Court, enjoying the privilege of life tenure, do not contribute one cent to any pension fund, because their salaries continue until they die. Members of Congress, on the other hand, must contribute 7½ percent of their salaries to a retirement fund. We get what we have earned of that 7.5 percent at the time the good people of our State retire us or we retire ourselves.

The VICE PRESIDENT. The Senator's time has expired.

Mr. WILLIAMS of Delaware. Mr. President, I yield 2 more minutes to the Senator from Colorado.

The VICE PRESIDENT. The Senator from Colorado is recognized for 2 additional minutes.

Mr. ALLOTT. Today the Senate is completely walking away from an examination of these inequities. By silent acquiescence we are allowing former President Johnson, without comment, to adopt the recommendations of the Kappel Commission report concerning Supreme Court salaries. Thus, it seems to me, Mr. President, that we are completely negating the provision of the Constitution, article III, section 1, which provides the manner in which Justices shall be compensated for their services. I think it is clear, from an examination of the debates which were held during the Constitutional Convention, that the Founding Fathers expected the legislative branch to maintain a certain sense of oversight and surveillance over the judicial branch. I cannot understand how, under the present situation, we are allowing an executive recommendation, based upon findings by a commission which is not accountable to any citizen in this country, to determine these judicial salaries.

Mr. President, I think that if there is any need for proof that this is the wrong method, and that we should not go at this matter through the back door as provided by this ill-founded, illegitimate law—and I use the word "illegitimate" in any sense anyone wants to take it—it is found in examining the discrepancy between the Supreme Court salaries and the emoluments of their offices and the salaries of Members of Congress. I sincerely hope my colleagues will join with me, and then we can bring out a bill, as we ought to do, to govern pay raises for the Congress and the members of the judicial branch and the executive branch.

Mr. KENNEDY. Mr. President, I yield 20 minutes to the Senator from Illinois (Mr. DIRKSEN).

The VICE PRESIDENT. The Senator from Illinois is recognized for 20 minutes.

Mr. DIRKSEN. Mr. President, some rather curious arguments have been made on the floor this afternoon, and, of course, a great many of them are simply untenable. Strange that the method by which this pay proposal came up here should be attacked. It was recited that it found its ways into a conference report, and a conference report could not be approved except by both bodies. So who shall say that the pay commission was not created by law by the exclusive law-making body in this Government?

It is not unusual to put something in the budget and then provide that it can be disavowed by a resolution, within 30 days, by either House. Why, that technique is almost as old as the beginning of the New Deal. I was here in 1933, Mr. President, when we had a resolution to reorganize the executive branch, and a format was worked out under which, if the Congress did not disavow what the President said in a 30-day period, it automatically became law. Oh, there was a lot of grousing about it at the time, but since then it has been adopted dozens of times. So to make an argument on that score today, as the distinguished Senator from Mississippi made, is extremely unusual, I must say.

I repeat pretty well what I said to our policy group today—that the Constitution does provide that Senators and Representatives shall be compensated as ascertained by law; and since this is the only body that can get any money out of the Treasury, pursuant to an appropriation, and since this is the exclusive lawmaking body, the thing is very definitely in our hands, and it has been since the Constitution makers wrought their famous document in Philadelphia in 1787.

The first pay of Senators and Representatives was $6 a day—when they attended sessions. Later on, it became $8 a day.

It was not until 1855 that congressional salaries were set at $3,000 a year. Just bear that date in mind: 1855.

Ten years later the salaries were raised to $5,000. Mr. President, how long do you think they stayed at $5,000? A year? Or from one bargaining contract date to another? That salary stood there, Mr. President, for a period of 42 years. For 42 years the pay of Congress was not increased. It rode at a level of $5,000.

Up in the press gallery they write about a 40-percent increase. Why do they not go back and pick up the stitches as to where they stopped doing justice by congressional salaries?

So for 42 years we were at a salary of $5,000. That salary ran until 1907. It was then raised to $7,500. Mr. President, how long do you think it was there, 18 years. Well, there was no bargaining committee to bargain across the table with management in the form of our constituents and others. We just took it and let it ride at that.

So for 42 years the salary stood at $5,000 and for 18 years at $7,500.

In 1925, the salary was raised to $10,000. Mr. President, how long do you think it stood at $10,000? For 22 years there was no modification of that salary. Of course, the country was growing, and there was always some inflation. But that did not seem to concern those who are always rather hostile to the idea that the laborer is worthy of his hire—and that goes for a Senator and for a Representative, as well.

Then I appeared on the scene. [Laughter.] I have been here before. I had been here for 13 years. We set up the Joint Committee on the Reorganization of the Legislative Branch. We worked for 2 years. That committee comprised six Senators and six Members of the House. Former Senator Monroney was then in the House and was vice chairman of the joint committee. The late Senator LaFollette, from Wisconsin, was the chairman. We came in with, among other things, a Reorganization Act. We streamlined the committees of both bodies. We did many many other things.

Then I fathered a pay title. We raised the pay to $15,000. Oh, I remember it so well: Senators coming over and pleading, "Please don't have a rollcall; I would like to get that pay increase, but I don't want to expose myself."

Well, I am not going to show that kind of attitude, because I went into congressional districts all over the Midwest and defended Members of Congress against attacks by opponents in the election. And not one of them was defeated as a result of a vote for a pay increase.

That was 1946. But another 10 years had to go by before the salary was raised to $22,500, and then another 8 years went by before it got to $30,000.

Mr. President, let someone stand up in this Chamber and name a group identified with any activity in the country which has not gotten pay raise after pay raise, because they either struck or got a negotiated settlement of some kind.

Look at the dock workers. The Port of New York settled with them. Other ports along the Atlantic seaboard have said, "We cannot settle on that basis, it will bust us."

But they do not seem to be concerned about the public debt, and about the noises about inflation. Those issues have been here for a long time. I have been a member of the Senate Finance Committee. I do not know of a year that we have taken testimony and raised the public debt, that we have not talked about inflation. In 31 of the 34 or 35 years that I have been here, we have had a Treasury deficit. Well, nobody blows his stack or suffers a paralytic stroke as a result. We just live with it—and live on borrowed money. Of course, we lament the fact, I know. But the arguments that have been made before, on this floor and in the other body, against pay increases, are being echoed this very day: For example, that it is a back-door approach.

Well, I offered resolutions in 1964, I think, and in 1956, and in other years, to create a commission and make a finding. Somehow, nobody quarreled about it. It was just accepted as such. I remember when the President named Judge Shapiro of Philadelphia as the head of one of those commissions. They did a tremendous amount of work, and finally came in with their recommendations. If it had been left with me, it would have been more than we provided in 1964; but I let some others talk me out of it, and so we set the figure at $30,000.

Now here comes a proposal for the courts, for the Executive, and for the Members of the National Legislature. Originally the commission brought in a finding of $50,000. I discussed it with the outgoing President.

He said, "That looks a little high."

"Well," I said, "if you are going to cut it, you ought to put in $5,000 for expenditures related to the conduct of a senatorial office, and the responsibilities of this position, and it ought to be made tax-free."

I pointed out to those gentlemen up there the other day that I was host to the President—and to you, Mr. Vice President—and to the leadership on both sides, including my beloved friend, the majority leader. Later that afternoon, the manager of the restaurant came to my office and I signed the bill. Then I added $10 out of the goodness of my heart. But that lunch cost me $177 out of my own pocket.

That is not the first time that has happened. I do not know how many lunches I have bought for the Illinois delegation, because nobody ever broke his arm reaching for a check. That is the way it is; and I do not mind. All I need is beans and bacon to get by, but I want to perform the social amenities and do my job as well as I can.

So, in discussing the matter with the President, I said, "All right, let us have a $5,000 tax-free fund, and spend it and voucher it, without itemizing, and just declare under oath 'fully expended' for income tax purposes."

We did that before. Then we vitiated that action, and we put in $3,000 for, ostensibly, the fact that the Members had to maintain two dwelling places, one out home and one here.

When I came to Washington, you could rent pretty easily for $150—could you not, Steve?

Mr. YOUNG of Ohio. That is right.

Mr. DIRKSEN. Try now to rent for $500, and see how far you get. Go down at Watergate. Go to the Shoreham. Go to the Wardman, or try to buy a house.

The former Secretary of the Treasury came here, and finally bought a house for $140,000. I read the real estate pages, and I see it is now on the market. What do you think the price is? $140,000? They say a half million dollars. That is what has happened to property values here.

So Senators and Representatives have to put in out of their pockets, and they ought to be entitled to something reasonably decent.

I see other public servants have had the advantage of pay increases. Let us look. I talked with the Chairman of the Civil Service Commission last night, and here is what I got from him, on Federal employee pay raises since 1946, when I authored that increase to $15,000:

In 1946, 14.2 percent.
In 1948, 11 percent.
In 1949, 4.1 percent.
In 1951, 10 percent.
In 1955, 7.5 percent.
In 1958, 10 percent.
In 1960, 7.7 percent.
In 1962, 9.6 percent.
In 1964, 4.2 percent.
In 1965, 3.6 percent.
In 1966, 2.9 percent.
In 1967, 4.5 percent.
In 1968, 4.9 percent.

That adds up to 94.2 percent. But if we compound it, the percentage will be more than that. That is only half the story, Mr. President. Let us look down the road to the first of July. What is going to happen? I have the budget here. There will be an automatic pay increase of $2.8 billion.

If somebody is interested in inflation, this is the place to stop it. But no voice has been raised. That is a pay increase for the military and civilian. And even my distinguished friend, the Senator from Delaware (Mr. WILLIAMS), will probably admit that it is going to be more than that.

Here we have an item of $22 million for increases in salaries for the judiciary, Congress, the Supreme Court, the Cabinet, and executive heads. We cannot buy the engines for a bomber for that amount I just asked the most knowledgeable Member of the Senate. He is sitting over there. He has flown as a pilot all over the country for years. General GOLDWATER—and he is a general—said, when I mentioned the item of $22 million: "You cannot buy the engines in a bomber for that amount." That is what is involved here.

Mr. President, talk about deficits and about public debt and about triggering something. I point out that things have been triggered around here ever since I can remember. And somehow or other, we have not come to grief. And we will not come to grief if the Members of the National Legislature are adequately compensated.

That is the burden of what I have to say, and I am not going to weary the Senate any longer with further discussion. I am not insensible to inflation. Goodness, I have been fighting it and I have been inveighing against it. I have been hurling imprecations from platforms in every State of the Union against it. And I am well aware of what it means.

On the other hand, Mr. President, is it not time to be a little realistic and to remember that Senators have to eat, too, that they have expenses, and that there is a certain dignity and a certain decorum that has got to be maintained. Those are attributes of the office, not of the person who occupies it. And if the people back home, in whose hands rests the power, feel that a Senator or a Representative is not equal to that duty and responsibility and is not willing to comport himself with that kind of dignity, they can haul him out of office—and maybe they should.

Of course, that is going to happen, too, year after year—or perhaps I had better say more accurately biennium after biennium, because as surely as the stars travel in their courses, human design and human destiny will be subject to the mutations and to the fickleness of the voter.

I was not sure I was going to be here this last time for the very simple reason that there has been a tradition in our State against a fourth term. Once I had a colleague named Paul Douglas. He tried it, and they left him at the church. I do not think I have seen him since. And that is quite a long time ago.

My supporters began to wring their hands about me. They said, "Don't you know you are beginning to flirt with destiny and danger?" I said, "Well, who isn't"?

They even flirt with danger in South Dakota. That is why the senior Senator from South Dakota hauled me out there to make speeches. I am glad that he always picked out a church. I felt at home in a church when I was supplicating the voters because I felt that I had the Lord close by.

In my own case, at the hour of 11 o'clock on election night the telephone rang. A friend said: "My God, you are 175,000 votes behind." I thought that was potatoes.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I yield 5 additional minutes to the Senator from Illinois.

The VICE PRESIDENT. The Senator from Illinois is recognized for 5 additional minutes.

Mr. DIRKSEN. Mr. President, I thought that was potatoes. Those people, and particularly those who are among the uninitiated, do not know how elections work there. There are 10.5 million people. There are voting machines all over Chicago. They make a big run through the cities and look at the totals on the machines. Those totals are phoned in to the city news bureau. Then, they do a little extrapolation and say that DIRKSEN is 175,000 votes behind.

The only trouble is that there were 101 other counties that had not reported at that time.

I only carried 99 counties. Can the Senator do any better than that? I did not think I could do any better—even in South Carolina.

So, I courted danger and challenged destiny. I guess it worked out all right. I just figure that the Lord has work for me to do right here, and I guess He will leave me here—I hope—until that work is finished. And, incidentally, at the first opportunity—and it will not be long from now—I will get the prayer amendment in here, the constitutional amendment with respect to the right to have prayer in public buildings, in schools. If ever we needed it, it is now, to wash out all of the meanness and the dirtiness in the human minds and hearts which are responsible for and motivate the criminality that we see right here in this city. I guess the time is appropriate now to go back to prayer.

I dropped into the haberdashery this morning. I have known the proprietor for years.

He said: "We were held up yesterday morning."

I said: "When?"

He said: "Eight o'clock. We have a fellow that opens up. And yesterday morning, when he turned the key and opened the door, four fellows were behind him. They said: 'Open the safe.' He said: 'I do not have the combination.' They said: 'Give us what is in your pocket.' He had a few dollars in his pockets. Then, for good measure, they banged him in the head with a pistol."

And he is in the hospital this afternoon. That is a sample of what is going on here. What they need here is a spiritual awakening such as they have never experienced before.

I guess there is a little work that I have to do while I am still around. I want to see that the dignity of the Senate is maintained and that it is adequately provided for, and that the pay is commensurate with the responsibility that goes with it.

They talk about a 40-percent increase and a 50-percent increase. I have seen some figures that our worthy friends upstairs have used. They have used the figure of 70 percent. I point out again the slowness of the legislators' progress with regard to pay.

They were 42 years at one level, 18 years at another level, 22 years at another level without any pay increase.

Look at the citadels of labor here. They know what to do. Walter Reuther knows what to do. So does George Meany. They decide on what they want, and they go in and bargain, and they bargain hard.

We have no way to bargain. We have to be decent and reasonable about it with ourselves. It is the only answer. It is our responsibility, and we ought to discharge it. That is the whole duty.

The distinguished Senator from Massachusetts echoed my sentiments pretty well when he said, "You do your job here in proportion as you can command the resources to discharge those responsibilities." And the Senator is so eternally correct.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. DIRKSEN. I do not need any more time. But that is the story.

I trust, Mr. President, that the resolution of disavowal by my distinguished friend the Senator from Delaware will be substantially defeated. I hope it will be defeated and that this pay increase, as it is incorporated in the budget, pursuant to the recommendation of a great pay commission, with a former chairman of the board of A.T & T. as the chairman, may finally find its way into applicability with the salaries of Senators and Representatives.

The VICE PRESIDENT. Who yields time?

Mr. WILLIAMS of Delaware. Mr. President, I yield 5 minutes to the Senator from South Carolina (Mr. THURMOND).

The VICE PRESIDENT. The Senator from South Carolina is recognized for 5 minutes.

Mr. THURMOND. Mr. President, I have listened to the eloquent and distinguished arguments of my colleagues who favor this proposal, and I am convinced that the reasons against adopting this pay increase are overwhelming.

Many of us in this body have expressed ourselves clearly and unequivocally in favor of a sound fiscal policy by our Government and in favor of additional economies. This has been particularly true as a result of the serious financial problems our Nation has encountered as evidenced by the rising cost of living, the serious gold crisis which confronted the 90th Congress, and the balance-of-payments problem which still plagues our economy.

The responsibility of Congress—and that includes the Senate—for helping to bring about policies which will correct these deficiencies in our economy is not something which can be delegated to the executive branch. Congress must make it clear, both by legislation and by example, that we intend to pursue a course which will insure that our economy is sound and that the Government itself will not contribute to the inflationary pressures which have become a burden to Americans. Even assuming that the pay raises in and of themselves would not significantly affect the budget, an even more important consideration is that no one in this Nation, including other Government employees, trade unions, members of the armed services, leaders of industry, can be expected to exercise restraint in their own demands for increases in wages or profits if we choose to raise our own salaries by 40 percent. How can we tell civil service employees that their desire for increased pay cannot be met when our salaries are being increased from $30,000 a year to $42,500?

Aside from seriously undermining any persuasive influence the Congress might have in keeping down costs, there is a distinct possibility that this wage increase would set off a series of demands that would inevitably result in increased inflationary pressures on the economy. Perhaps the budget can absorb readily the cost of the increases currently under consideration. I think we all know, however, that if this increase should initiate other increases, costs which could not be handled within a sound fiscal policy could easily come about.

Mr. President, we are all familiar with the arguments for additional income for Members of Congress. Most of us are required by circumstances to keep two homes in operation. It is necessary that we travel a great deal, and travel costs are high. The distinguished minority leader pointed out most vividly last week the costs which Senators often incur for entertainment when he revealed that he personally paid the $175 check for entertaining the President and the Senate leadership. Nevertheless, I am convinced that there are few Americans of any income level who could not make a most persuasive case for a substantial increase in their income. It is true that Members of Congress incur great expenses not experienced by most Americans. But with the increase in the costs of housing, in the costs of food, in the costs of medicine, in the increases in taxes, and in many other areas, I am sure many Americans feel the need for higher income.

Mr. President, inflation is a serious problem, and a policy of financial restraint is called for. We cannot escape our responsibility for meeting this problem. In order to accept this responsibility fully, I believe it is imperative that the Senate disapprove the pending pay raises and that the resolution of my distinguished colleague the Senator from Delaware be adopted.

Mr. WILLIAMS of Delaware. Mr. President, I yield 5 minutes to the Senator from Alabama (Mr. ALLEN).

The VICE PRESIDENT. The Senator from Alabama is recognized for 5 minutes.

Mr. ALLEN. Mr. President, I appreciate being accorded time by the distinguished senior Senator from Delaware to speak on this subject.

The fact that I was sworn in as a Member of the Senate approximately a month ago makes me hesitant to burden the Members of the Senate with my views. But that fact makes it mandatory that I speak on this subject.

Having been elected to the Senate in November of last year at one salary, it ill behooves me to vote for a 40-percent raise for the same position 3 months later. Economic conditions have not changed that much in 3 months. So I feel compelled to speak out against this salary raise and in favor of Senate Resolution 82.

Last month, the junior Senator from Alabama was one of the few Senators who spoke out against the presidential pay raise, and I believe I am being consistent in speaking out against the congressional raise at this time.

This administration, the last administration, and the last several administrations for that matter have been committed to a policy of curbing or holding back inflation. So we have one rule for ourselves, for top people in the Federal Establishment, and another rule for those who are involved in labor-management contracts, where we speak piously of holding back inflation by holding wage increases to 3.6 percent, 4 percent, 5 percent, and 6 percent.

I believe that the Senate should set the tone for proper and lofty conduct by the people. I believe we should have a lofty concept of our duties, of this matter of compensation for our services.

I was much impressed with the argument of the Senator from Mississippi (Mr. STENNIS) and the Senator from Colorado (Mr. ALLOTT) on hiding behind the findings and recommendations of a commission, and I share their belief and their feeling that Congress should not have abdicated to this commission its power to set its own salaries.

I dislike to see the matter of congressional salaries tied in with the salaries of the members of the Supreme Court and top Cabinet officials. Compensation of $60,000 per year for Associate Justices of the Supreme Court and $62,500 for the Chief Justice of the United States is certainly far out of line.

Mr. President, the junior Senator from Alabama would prefer to see a majority of the present members of the Supreme Court retired on pensions of $160,000 a year rather than to see them compensated for their services at the rate of $60,000 a year. I believe we could better employ the funds of the Republic in paying them for retirement than by paying them to serve on the Supreme Court.

Mr. President, I shall vote in favor of Senate Resolution 82 for the reasons I have stated.

Mr. WILLIAMS of Delaware. Mr. President, I yield 5 minutes to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I oppose the congressional and judicial salary program decreed by President Johnson.

I oppose this program for several reasons. One reason is that I feel the method employed is very unwise. I feel Congress is very unwise in giving the President the authority to determine, and I shall quote from the law, "the exact rates of pay" which he deems advisable for the Members of Congress and Federal judges.

The second reason I oppose the congressional and judicial salary change is the matter of timing.

During 1968, this Nation had an inflation of 4.7 percent. Just last week the Government paid as interest on bonds that it sold, the highest rate for 100 years.

Therefore, it seems to me this is an unwise and inappropriate time to be increasing congressional salaries by 41 percent, Supreme Court salaries by 56 percent, and Federal judges by a high percentage also.

The first action this Congress took was to double the President's salary from $100,000 to $200,000. The second legislative action it is taking now is to increase its own salaries by 41 percent and the salaries of Justices of the Supreme Court by 56 percent. This is not a very good example to set in seeking to curb the fires of inflation.

Mr. President, as I understand the situation in which we find ourselves as the result of the very unwise legislation which the Congress passed last session, we must accept what President Johnson decreed or we must reject it all in toto. We are not permitted and cannot parliamentarily change the exact rates of pay which the President has decreed for Congress and for the Federal judges.

That being the case, and regarding the proposals as excessive, I shall cast my vote against the congressional and judicial pay increases. I shall do that in the only way it can be done, which is by voting for the resolution offered by the distinguished Senator from Delaware.

The VICE PRESIDENT. Who yields time?

Mr. WILLIAMS of Delaware. Mr. President, I yield 5 minutes to the Senator from South Dakota.

The VICE PRESIDENT. The Senator from South Dakota is recognized.

Mr. MUNDT. Mr. President, I shall support the resolution of the Senator from Delaware (Mr. WILLIAMS), which would have the impact of rejecting the salary proposals which President Johnson has sent down to us as part of his budgetary message.

My first reason for doing so is that I deplore the procedure by which we are attempting to arrive at a solution of the salary problem. This type of congressional approach was rejected by the Senate at the time we first acted on it when it was brought out by the Committee on Finance. Finally, by a series of parliamentary maneuvers, it worked its way into conference, became attached to a salary increase bill for civil service employees, which most of us had promised to support, and so we had to go along with the procedure at that time without adequate discussion. We were given a take-it-or-leave-it legislative procedure that we could not amend. I think the process of passing the buck to the Commission for the responsibility to determine salary increases is in itself of doubtful constitutionality. It certainly and clearly is an unwise procedure. I think we should reject this proposal and act courageously as legislators to make a study of the salary situation, to find what salary relationships we desire, what increases are necessary, and legislate on them instead of passing the responsibility to a nongovernmental Commission to become a matter sent down to us on a take-it-or-leave-it basis, which cannot be amended. That is a dangerous precedent, as well as bad fiscal policy at this time.

My second reason for supporting the resolution of the Senator from Delaware and rejecting the salary increase proposal is the arrangement of the salary proposals themselves. We have heard almost every speaker condemn the relationship of the salaries of Federal judges, Cabinet officers, Members of the House of Representatives, and Senators. This is not the way we want it, but in order to get the $42,500 salary for ourselves, we are supposed to take all of the bad features written into the bill by the Commission, all of the inequities, injustices, and inadequacies, and we are asked to take them all because there is no other way we can get the $42,500 salary for ourselves.

I do not believe that the carrot in front of the horse is big enough to make us reject all our wisdom and determination to act on these things, the way Senators should. The upshot, it seems to me, is to downgrade Congress. We hear about the dignity and posture of Congress. Certainly, we downgrade Congress when we subject ourselves to the whim and caprice of an outside commission proposing to legislate our salaries for us.

We are asked to consider ourselves as being worth $42,500 per annum. We are not to be concerned with Justices of the Supreme Court being paid $60,000, or downgrading the Congress still further in comparison with the executive branch of Government and its Cabinet officers. How can we maintain our triparty system of government so that each branch is coequal with the others if we increase the salaries of other branches of government to get something for ourselves and in so doing increase the disparity in salary schedules?

But we have not been doing so badly on the matter of salaries. I heard the minority leader say we had increased the salaries of Government employees 92.4 percent in the last 20 years. Do Senators know how much their salaries have increased? We are really ahead of civil service employees. It is not so bad. In 20 years our own salaries have been doubled. I can think of many segments of our economy which have not been doubled in pay, or increased very much at all.

The third reason I shall oppose the increase is that I think it is an alltime masterpiece of bad timing insofar as fiscal policy is concerned. Look at the environment in which we are asking to give ourselves a 40-percent pay increase. It is during a war. Nobody denies that. One of the first things we should do in time of war is to share the sacrifices; not single out those who are to sacrifice most. We will be providing a cyclone cellar for a number of Government employees to provide protection against the pressures of inflation at Government expense—ourselves included—if we do not agree to the resolution of the Senator from Delaware.

The VICE PRESIDENT. The time of the Senator from South Dakota has expired.

Mr. WILLIAMS of Delaware. Mr. President, I yield 2 minutes to the Senator from South Dakota.

The VICE PRESIDENT. The Senator from South Dakota is recognized for 2 minutes.

Mr. MUNDT. Second, during this era of unbalanced budgets it seems to me that we certainly do not work toward a balanced budget by increasing expenditures in this way, which in themselves are large enough, but which trigger a series of chain reactions throughout the public and private sectors which will perhaps cost the economy $10 billion in the next 12 to 18 months. If we are going to talk about balancing the budget, now is the time to start practicing what we preach. The way to start practicing what we preach is to accept the Williams resolution and to defeat President Johnson's salary increase proposals.

Third, these are the perilous times of inflation. We find ourselves concerned in every single appropriation and tax bill with the fact that the American dollar is in a dangerous situation. The bank interest rates go up and up and up. We are concerned about inflation. There is not a person voting for this salary increase who does not, in his heart, know—and his constituents will soon find out—that he is feeding the flames of inflation and making the economy of the country more perilous by the kind of reckless action represented by these salary increases.

Fourth, it is during an era when our constituents are faced with an alltime high interest rate which they are compelled to pay. We cannot blink our eyes at that. We cannot shut our eyes to it. If we do not do anything to help that situation, we will make it even worse by voting ourselves this salary increase now.

It is during an era when we will soon be called upon to vote again to increase the national legal debt limit. We make it more imperative and more necessary that we increase the legal debt limit by reaching in and picking up a few little "pieces of silver" at this highly undesirable time. If salary increases are necessary, but they are not provided today, no Senator will starve to death this year. We have an opportunity to put first things first. Let us balance the budget and end the war and then let us resolve any salary problem that we face.

The VICE PRESIDENT. The time of the Senator from South Dakota has expired.

Mr. WILLIAMS of Delaware. I yield 1 additional minute to the Senator from South Dakota.

The VICE PRESIDENT. The Senator from South Dakota is recognized for 1 additional minute.

Mr. MUNDT. It is during an area of high disparity of income. Many of you may not have many farmers in your States, but they are now getting 72 percent of parity for their products. They are worse off now than they were in 1946. They are worse off since we doubled our own pay. Seventy-two percent of parity is the income of the farmer.

When we talk about comparability of income with the private sector, we always compare ourselves to the fellow at the top of the stack, the $250,000 lawyer, the $100,000 president of a university. If we are going to have honest comparability, let us think about the farmer. Let us think about the 72 percent of parity on which he is living. How does that income compare with that of businessmen? Comparability should be considered across the board, not just with regard to what the favorite few in the large cities receive, the six-figure salaries they get. We say, "There, but for the grace of an election, go I." Maybe not, but I say that——

The VICE PRESIDENT. The time of the Senator from South Dakota has expired.

Mr. MUNDT. Will the Senator from Delaware yield me one-half minute?

Mr. WILLIAMS of Delaware. I yield one-half minute to the Senator from South Dakota.

The VICE PRESIDENT. The Senator from South Dakota is recognized for one-half minute.

Mr. MUNDT. Mr. President, I think that we should measure up to our responsibilities, uphold our constitutional authority and obligations, vote down these increases, and agree to the Williams resolution. Then later, in public hearings, and committee sessions we can study the salary problem and act correctly by ourselves, instead of delegating our function to a nongovernmental commission. Control of the purse rests with Congress. That cannot be delegated to a Presidential Commission, nor even to the President himself. I urge your support on the Williams resolution.

Mr. WILLIAMS of Delaware. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Delaware will state it.

Mr. WILLIAMS of Delaware. How much time do we have remaining?

The VICE PRESIDENT. Twenty-five minutes remain to the Senator from Delaware.

Mr. WILLIAMS of Delaware. I yield myself 10 minutes.

The VICE PRESIDENT. The Senator from Delaware is recognized for 10 minutes.

Mr. WILLIAMS of Delaware. Mr. President, the Senator from South Dakota has just answered the argument made by the respected minority leader as to the manner in which he thinks congressional salaries have been lagging. Now what is the record? I came to Congress in 1947. My predecessor, who served in 1946, was then drawing $10,000 a year. It was raised 50 percent the year I came to Congress, or to $15,000; it was raised another 50 percent in 1956, or from $15,000 to $22,500 per year. In 1964, congressional salaries were raised 33⅓ percent, or from $22,500 to $30,000 a year.

Today they are proposing another 40-percent increase on top of that. Thus, I think we can well say that congressional salaries have been keeping far ahead of incomes in general.

Certainly, as I pointed out earlier, we cannot overlook the fact that if we raise congressional and executive salaries today by 40 percent every Member of the Senate must ask himself, "What am I going to do later on about the question of raising the salaries of civil service employees and our Armed Forces?"

When we raise those about 9 to 10 percent, which is projected, we are talking about a $4- to $5-billion-a-year increase in the cost of Government. That is what we are voting upon today. We are setting the pattern for $4.5 billion extra cost, which will be one-half the revenue to be derived as a result of extension of the 10-percent surcharge for another 12 months.

How many of us want to go back to our constituents and say that we are extending the 10-percent surcharge because we need one-half of it to pay for those salary increases which have been voted at this session of Congress?

The American people did not vote for any such extravagance when they went to the polls last November.

Now certainly, every Member of Congress——

Mr. **KENNEDY**. Mr. President, will the Senator from Delaware yield at that point?

Mr. **WILLIAMS** of Delaware. I yield.

Mr. **KENNEDY**. As I understand it, over the past 15 years, we have increased the salaries of Federal employees and officers between 90 percent and 135 percent. During the same period, congressional salaries have been raised 88 percent. The Senate Post Office and Civil Service Committee has indicated that the total cost of the pay raises we are speaking about will be approximately $22 million annually. Thus, I have some trouble following the point the Senator has made time after time all afternoon, stating that we are really voting for a $3 billion program.

Mr. **WILLIAMS** of Delaware. I would be very glad to sit down with the distinguished Senator from Massachusetts and educate him a little bit on the mathematics of what is going on in the Government. I think it would be time well spent. The $4 billion figure represented the cost of all proposed salary increases for Government employees.

As to the mathematics, in 1946 congressional salaries were $10,000 a year. Today they are $30,000 a year, which is an increase of 200 percent.

Now, so far as a 40-percent increase in salaries for Congress is concerned, I repeat, we are operating the Government at a deficit and have been operating it at a deficit for the past 5 years, during which period the deficit was in excess of $70 billion.

Mr. **KENNEDY**. Mr. President, will the Senator from Delaware yield at that point?

Mr. **WILLIAMS** of Delaware. I yield on the Senator's own time.

Mr. **KENNEDY**. That is an interesting commentary. I wish the Senator would respond to the specific question. Is the Senator trying to indicate to the Senate by inflated figures, rather dramatically, that we are not really voting on the salaries of Senators, but what we are talking about are the across-the-board increases for all civil service employees and officers? Salaries for Federal civil service employees have been increased from 90 percent to 135 percent in the past 15 years. Those were pay raises which I supported, generally, but I do not feel because I support this raise that I have to support every other kind of pay increase that comes down the pike. So I was trying to follow the logic of the Senator from Delaware and if the Senator would care to continue to educate me on that point, I would be very glad to listen to him.

Mr. **WILLIAMS** of Delaware. I shall be delighted to do so because, as I said before, I think it would be time well spent. After all, $70 billion in deficit spending during the past 5 years is now costing us over $2.5 billion annually to pay the interest alone on these deficits. I think that it is time we asked ourselves how long we can continue down the road of deficit spending.

During the past 12 months we had two financial crises when the American dollar almost went over the precipice. It was saved only because someone on this side of the aisle stepped forward and introduced a tax increase bill when, unfortunately, no one on the majority side of the aisle wanted to do it. We passed that tax bill along with certain expenditure controls——

Mr. **KENNEDY**. Mr. President, will the Senator from Delaware yield right there?

Mr. **WILLIAMS** of Delaware. Just a moment—just a moment——

Mr. **KENNEDY**. Will the Senator yield on a question of fact?

Mr. **WILLIAMS** of Delaware. I cannot educate the Senator while he is talking.

Congress passed that tax bill. We had to have that tax bill, and we also had to have some expenditure controls; otherwise I think the dollar would have been in serious trouble.

I agree with both President Johnson and President Nixon that we will have to extend the 10-percent surcharge for another 12 months, but I do not want to see us extend that 10-percent surcharge for another 12 months and then use one-half of it for salary increases.

I think that the first order of business of this Congress should be to put our financial house in order. As I pointed out earlier, this bill not only increases salaries for Members of Congress by 40 percent, but it also triggers an automatic increase in retirement benefits for every Member of Congress by 8 percent per year for each of the next 5 years, or a total of 40 percent. That is far above the cost-of-living increase.

In addition to that, we are triggering a staggering pension increase for the judges. This proposal would raise the salaries for the Associate Justices of the Supreme Court to $60,000. They will be able to retire at full pension, at $60,000 a year, which is nearly 2½ times the pension we allow for former Presidents.

There are many other inequities in this proposal which should be recognized. We cannot escape the fact that on January 15, 1969, we were presented with a budget which, although it was claimed it had a surplus of $2.4 billion for fiscal 1969 and a $3.4 billion surplus in 1970, actually confronts us with a deficit of $6.9 billion in 1969 and a deficit of $10.5 billion in 1970.

At a time when we are running $500 million a month in the red, I do not think Congress can afford to increase its salaries. I think it is wrong. Many people on social security are having a struggle. Many good programs are going to be considered and curtailed. As has been pointed out before, we cannot escape the fact that we are also obligated to finance a full-scale war.

I think these large salary increases are entirely unwarranted.

I concede that as a result of the inflation of the last 12 months alone 5 percent of the purchasing power of every Congressman's salary has been taken away. That is true, but it is also true of every workingman in America, and many of them are living on much less than $30,000 a year.

It may be possible that some of the Members of Congress are pinched as a result of the inflation. That may be good since then we may be a little more aware of the problems and we may be a little more cautious when we vote on some of the spending programs.

Mr. **AIKEN**. Mr. President, will the Senator yield?

Mr. **WILLIAMS** of Delaware. I yield.

Mr. **AIKEN**. I dislike to interrupt, but I have listened all afternoon, and nobody has yet told me what I want to know. I am well aware of the destitution that is sweeping Capitol Hill and the urgent need for doing something about it without any further delay, but what I want to know, if I may discard all heroics and noble motivations, and so forth, is, What does this proposal for increased salary do for me? I have tried to figure that out. As near as I can figure it, I would have something in the neighborhood of $1,100 to $1,500 left after the deductions get through with it. For instance, I would have an increase in the U.S. tax of roughly 7 percent in the rate, which amounts to possibly $6,000 or $7,000. Then there is the 10-percent surtax on the new tax, which I am sure we are going to have to keep, which makes it a lot more. Then there is the Vermont State tax, which is 25 percent of the Federal tax, and there goes another $2,000 or so down the flue—or into the State treasury, I mean. That is a good place for it. Then there is the 7½-percent retirement deduction. That applies to the whole $42,500. So the retirement deduction is increased between $900 and $1,000 a year.

Who wants to retire? We have 100 Members of the Senate. Only four indicated a desire last year to retire. I do not suppose the percentage will increase too much.

What I want to know is, What does this do for me, and does the Senator from Delaware expect that additional costs will use up the additional $1,300 which otherwise I might gain from the increase in pay? Does the Senator from Delaware expect rents to stay stable?

Mr. **WILLIAMS** of Delaware. In answer to the Senator, I do not think there is any question but that if Congress raises its own salaries by 40 percent and raises the salaries in the executive branch 60 to 75 percent, landlords in the District of Columbia are going to raise their rents. Other prices will rise proportionately. Certainly that has been the pattern. We may well be touching off another round of inflation. Each time we raise salaries we automatically trigger an excuse for another advance in prices.

I think the No. 1 job of Congress should be to take those steps necessary to check the inflationary spiral. I think the necessary steps should be started right here in Congress. Let us curtail some of our spending. I do not think we can halt inflation unless we set an example and take in some of our own belt.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. WILLIAMS of Delaware. I yield myself 5 additional minutes.

Mr. AIKEN. I have heard from postal employees that they think if we get a 40-percent increase in pay they ought to get an increase which is comparable. Does the Senator think postal employees and other Government employees ought to get a comparable increase?

Mr. WILLIAMS of Delaware. I have said that if we pass this proposal they will be asking for an increase. Why not? How can we say, "You are not entitled to a sizable raise because the same inflation does not apply to you"?

Mr. AIKEN. I heard over the radio that cab drivers are asking for a 20-percent increase. Does the Senator feel that they are entitled to some increase?

Mr. WILLIAMS of Delaware. That is a part of the pattern.

Mr. AIKEN. And schoolteachers?

Mr. WILLIAMS of Delaware. Yes. It is all part of the pattern.

Mr. AIKEN. Does the Senator feel that inflation induces more crime? I do not say it is responsible for anywhere near half of it, but much crime hinges on poverty.

Mr. WILLIAMS of Delaware. Crime certainly has increased although it is not all attributable to inflation; if people are having a job meeting expenses it certainly contributes to the morale of the family.

Mr. AIKEN. Then we will have to have more and better paid police.

Mr. WILLIAMS of Delaware. That proposal has already been presented.

Mr. AIKEN. What about people living on social security payments of $80 or $90 a month? Does the Senator think they will be affected?

Mr. WILLIAMS of Delaware. It has been suggested that they get an increase of 3 to 5 percent. That is a far cry from the proposed 40 percent for Members of Congress.

Mr. AIKEN. Oh, my. Is the Senator sure it is not 300 or 500 percent? It should be at least comparable to our own pay increase.

Mr. WILLIAMS of Delaware. I wonder how we are going to reconcile their problem when they see we have allowed ourselves a 40-percent increase in both salaries and pensions.

Mr. AIKEN. Is the Senator aware that the costs of health, education, and home construction have practically doubled in the last 5 years? Is it not a fact that the price of plywood has about doubled in the last year? That is a major component of homes. Does the Senator see any slackening of such increases if we increase our salaries?

Mr. WILLIAMS of Delaware. The approval of these salary increases will just trigger another round of inflation.

Mr. AIKEN. What does the Senator think about underpaid news reporters, radio announcers, and television people? Does he think they should get more?

Mr. WILLIAMS of Delaware. I say we would have a job, as Members of Congress and the executive branch, going out to private industry and saying, "You should hold the line on a reasonable wage increase in order to combat inflation"—something we are not willing to do.

Mr. AIKEN. Someone was talking about Walter Reuther and George Meany. Does the Senator think they will accept this little bit of arithmetic without taking any action whatever?

Mr. WILLIAMS of Delaware. Perhaps they had their tongue in cheek when they recommended a salary increase of 40 percent for Members of Congress and the executive branch, figuring that that would give them an advantage when they sat down and began negotiations with private industry.

Mr. AIKEN. There are other things, too, which are very important. I am trying to think of one of them, but we will have to pass that up for now.

I will say that I was not sure how I would vote on this issue, but I have decided to vote for the Williams resolution, because I feel that I shall be losing if I do not, and if the Williams resolution is defeated, I will have to take the extra salary, because it will be needed more than ever.

Mr. WILLIAMS of Delaware. I thank the Senator for his support.

I seriously believe, Mr. President—and I conclude with this point—or did the Senator from Vermont have another question?

Mr. AIKEN. No; I was just thinking of the good old days when we got $10,000 a year and got by on it.

Mr. WILLIAMS of Delaware. I think Senators must recognize that we are in a period of dangerous inflation. We are in a period when the economy is not as strong as we could wish. The strength of the American dollar in the last few months is largely the result of the fact that we are comparing it with weaker currencies in Europe.

The VICE PRESIDENT. The Senator's time has expired.

Mr. WILLIAMS of Delaware. How much time do I have remaining?

The VICE PRESIDENT. The Senator has 10 minutes.

Mr. WILLIAMS of Delaware. I yield 2 minutes of it to the Senator from Vermont.

Mr. AIKEN. As I say, Mr. President, I think this increase in pay will result in an increase of about 7 percent in my total income tax. Assuming I had an income of $200,000, what would the percentage of increase be on my tax?

Mr. WILLIAMS of Delaware. I would have to figure that for the Senator.

Mr. AIKEN. Well, here it is, right here. If I had a $200,000 income, the percentage of increase on my tax would be nothing.

Mr. WILLIAMS of Delaware. Mr. President, I hope that the Senate will agree to this resolution and thereby reject these salary increases. We could then put this matter behind us and thus be able to approach a solution to this problem of inflation—the No. 1 domestic problem in this country. Let us take this necessary step to try to bring our expenditures under control. Then we can face our constituents who come here recommending their various programs. If we can show them that we are really willing to make some sacrifice ourselves as well as asking them to make a sacrifice by curtailing one of their important programs they will cooperate. Certainly, at a time when we are financing a full-scale war the No. 1 job of this administration should be to put our financial house in order and to check this inflationary spiral. I hope the resolution can be agreed to.

The VICE PRESIDENT. Does the Senator yield back the remainder of his time?

Mr. WILLIAMS of Delaware. I had promised to yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I want to add to the remarks of my colleagues in opposition to the pay increases. The increase is excessive, poorly timed, and would, indeed, feed the fires of inflation. My mail reflects the concern of people throughout the country—and particularly in Wyoming—and I am convinced that such an increase would be bad for national morale. It would encourage our people to lose confidence in the Congress which has urged that the line be held on wages and prices.

It could well signal the go-ahead for increased demands by labor for significant wage increases. It could trigger price increases.

In light of these reasons—and because I think we would be taking an unfortunate step—I will support the Williams resolution. I am against the pay increase and urge the Senate to vote against such an increase.

The VICE PRESIDENT. Who yields time?

Mr. KENNEDY. Mr. President, I yield 3 minutes to the senior Senator from Wyoming.

Mr. McGEE. Mr. President, it is my feeling that we probably have more facts on this bill than we wanted in the first place, or needed; and all of them have been mentioned time and again by one or another of us.

I wish to state that I felt strongly enough about this measure that I interrupted a luncheon in London at noon today to get back here to vote in support of the President's recommendation. I think it is that important.

I believe, Mr. President, that the way in which attempts have been made to inject, in some selfish context, the interests of an individual Senator, is twisting the issue in a rather circumferential way. I think that it is imperative that we act with a little more courage than some of the comments I have heard would suggest, that the issue is a little bit bigger than what an individual Senator may be paid.

Mr. YOUNG of Ohio. Mr. President, may we have order? The Senator is making a very important speech.

The VICE PRESIDENT. The Senate will be in order.

Mr. McGEE. I think it is a matter, very genuinely and very seriously, of trying to put all levels of our public service on a level commensurate, not only with the times in which we live, in economic terms and other terms, but also on a level that measures the kind of responsibility that is expected from us when we make our decisions. This is no time, and certainly not the place, to be looking for a bargain basement deal. I think we kid only ourselves—we are not fooling the people back home—when we play a little fuzzy-wuzzy game with them about how much "economy" we would be effecting if we were to support the resolution of the Senator from Delaware.

This question is not going to go away. It will be worse a year from now, and much worse 5 years from now. It is worse now than it should be. I believe we ought to have the kind of sense of responsibility that I think this body owes to the consideration at stake: to make this move now.

Aware men have always known that the most important business in the United States is the business of governing ourselves. If we are to do this well, we must make every effort to bring talented men and women into Government service. We ought to be willing to pay for that.

At the present time it is becoming increasingly difficult to attract the best minds and the best men and women to the higher level administrative jobs in our Government. The preceding administration had already run into this difficulty. The present administration has been immeasurably slowed down in its manpower requirements because of it.

What it comes down to is this: People of great ability are being paid from $50,000 to $150,000 a year in management and administrative positions. These positions are generally as assistants or second level to the bosses. Unless a man is independently wealthy, he is no longer willing to serve in Washington at such a great sacrifice as he now has to make incomewise. This is even true in the U.S. Senate.

Permit me to interject that this present salary increase proposal is not designed to save Senator GALE McGEE. As a former professor of history, he would not have been making as much money had he stayed in the classroom as he now receives as a U.S. Senator. The central question is not what this Senator receives but what the pressures and responsibilities of good government require. It is not what do we do about raising the level of public performance by private individuals.

In the U.S. Senate today there are said to be 27 millionaires. This is up from what it was just 2 years ago, and that was up from the preceding election, and so on. My point is we are gradually forfeiting service in our National Congress to the millionaires. I do not believe that to be desirable.

For the past 2 years I have been a member of the Senate campaign committee. I can testify that, again and again, as we sought to interest responsible, attractive, young candidates to run for the Senate, we were turned down because the ablest ones could make so much more money in the private sector. They could not afford to come to Washington.

The issue, then, is not a pay raise. Instead the issue is do we raise the level of our Government, or do we let the first duty of citizenship—governing ourselves—become emasculated? When this happens, talented men will seek the greater rewards which industry all too frequently provides these days.

What is at stake here is not the increase in salaries so much as it is the common good. If those who are in Government are suitably rewarded, then the opportunities for governing ourselves are increased. And this, it seems to me, adds to the common good.

I ask unanimous consent to have printed in the RECORD at this point an editorial entitled "Price Tag on Talent," published in the New York Times of December 26, 1968.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PRICE TAG ON TALENT

"The ability of our nation to meet the challenges of these troubled times depends on the leadership of those who place their talents and energies at the service of their country," says the Commission on Executive, Legislative and Judicial Salaries in its report to President Johnson.

The report, now circulating among key officials although not formally released, recommends large salary increases for Senators, Congressmen, Cabinet members, judges and others. Salaries of the President, the Vice President and the Speaker were technically outside the commission's purview, but it suggests boosts for them, too.

These increases for Federal officials are long overdue. The present, grossly inadequate pay scales penalize public-spirited citizens seeking to serve their nation. They cause some to decline to serve. They drive others out of Government employment.

The commission was headed by Frederick R. Kappel, retired head of the giant American Telephone and Telegraph system. The President is expected to use the recommendations in framing Federal salary scales in his budget message; unless Congress specifically acts to overturn these scales, they will become law.

"We should expect the compensation of those to whom we entrust high responsibilities and authority in government to bear some reasonable relationship to that received by their peers in private life," says the commission. It recommends that the salaries of Senators and Congressmen be increased from $30,000 to $50,000. Cabinet officers from $35,000 to $60,000. Noting that it would be utterly impossible to fix a value on the President's "unique" services, it nonetheless suggests that equity in pay structures demands a doubling of the present $100,000 salary.

The top salaries paid executives in private industry in 1967 were listed last June in Business Week magazine and they are pertinent: Neil H. McElroy—once a Secretary of Defense—and Howard J. Morgens of Procter & Gamble each made $325,000; Samuel Bronfman of Distillers Corp.-Seagrams, Ltd., made $331,475; Harold Geneen of International Telephone and Telegraph received $250,000 in salary and $235,000 in other compensation; P. B. Hofmann of Johnson & Johnson made $277,000 in salary and $209,142 in additional compensation.

Government need not match these stratospheric rewards. There are compensations in public service that private employment cannot duplicate, but the financial sacrifice required of men of talent and dedication should be far less than it is.

Mr. McGEE. Finally, Mr. President, in view of the comments this afternoon, I wish to announce that I shall not offer a motion to table. In the light of the comments that have transpired and the exchange that has taken place, I believe we ought to have a straight up-and-down vote on this measure; and as far as I am concerned, I am ready to vote.

Mr. WILLIAMS of Delaware. Mr. President, as far as I am concerned, I am ready to yield back the remainder of my time.

Mr. KENNEDY. I yield one-half minute to the Senator from Illinois.

Mr. WILLIAMS of Delaware. I withdraw the offer.

Mr. DIRKSEN. Mr. President, I am sure that the man who campaigned the 50 States of this country and became President of the United States is not unaware of every fact that was alluded to or used as an argument here; and I am at liberty to say, for him, that he is opposed to the Williams resolution, and he favors the pay bill that was reported by the Presidential Commission.

Mr. JORDAN of Idaho. Mr. President, I shall support the Williams of Delaware resolution. In good conscience I cannot support the pay increase recommended by the President's Commission for several reasons.

First, I knew what the salary was when I sought this Senate seat. I did not protest the salary then, and now that I have been reelected, I do not feel I should use the power of my own vote to increase my own salary.

Second, this pay increase is inflationary and unwise at this time. Our economy is caught up in an inflationary spiral now at the level of 5 percent per year which places excessive and even insufferable burdens on those who are least able to pay—the poor, those on pensions or social security, all who are on fixed incomes—no one can escape the silent but merciless effects of inflation. I have done everything I can to fight inflation. The timing is wrong, with our Nation facing further deficit spending and the prospect of a surtax continued beyond its expiration date.

Finally, I do not like the backdoor approach of providing for excessive pay raises unless Congress takes affirmative action to stop it. Why do we depart, in this instance, from the regular procedure of committee hearings and orderly procedure?

How can we ask the working people to temper their demands for higher wages? How can we ask the businessman to hold the line on prices?

This is a fine opportunity for us in Congress to set an example in holding the line. Only by so doing can we hope to stop inflation and keep faith with those who look to us for leadership.

Mr. COOPER. Mr. President, I shall vote for the salary increases recommended for Members of the Congress, the executive departments, and the judiciary. I shall speak of my reasons for so doing as they apply to Members of the Congress.

In the first place, it is difficult for Members of Congress without independent means to maintain their families and to perform all the duties expected of them under the special conditions of double residence at the present salary scale. Most, if not all, Members are required to provide for two residences, to constantly travel from Washington to their home State and to arrange for the education and transportation of children of school age. Furthermore, the high cost of living—which I must say is high for all our citizens wherever they live—is unusually high in a metropolitan city such as Washington.

While the allowances provided to me by the Senate for office staff and for the operations of my office are adequate, there are many other expenditures expected of Members of the Congress and expenses required for which we are not reimbursed. In this connection, Members of the Senate are permitted six roundtrips per year to their State in addition to the roundtrip permitted for the opening and closing of each session of the Congress. I find that the number of times I travel to the State on official business and for ceremonial occasions far exceed the six trips for which I am reimbursed. The costs of these additional trips and the expenses are very substantial each year. I have made it a practice to refuse honorariums or travel expenses for my trips to Kentucky in representing my State, for I have considered these trips as part of my duties and responsibilities as a U.S. Senator.

In my own individual case, the increase will be helpful while I do not have children for which to provide residences in two places or to educate, I point out that it will be much needed by the younger Members of the Senate who, without outside means, are raising families and maintaining two residences.

If we are to maintain our democratic institutions and processes of government, I do not think that this country should ever permit the situation in which the only individuals who can afford to run for public office or to hold public office are those of wealth and private means. This is my chief reason for voting for the increase.

KAPPEL COMMISSION SALARY RECOMMENDATIONS ILL TIMED

Mr. CHURCH. Mr. President, we are asked to approve salary increases for ourselves, for Federal judges, for Cabinet members, and other high-ranking officers of the Government. In most cases, including those affecting Congress, these are the largest salary increases in history. I shall vote against them.

I base my decision on two factors: First, the general economic condition of the country which makes such large increases ill timed and ill advised; and, second, my customary practice of voting against any increase in my own salary.

It is now clear, owing to the inflationary pressures of the war, that our country faces a serious financial crisis. Rather than abating, the signs point to a worsening of the situation in the months to come.

Inflation abounds. The cost of living rose last year by the highest margin since 1951. The Treasury is now forced to pay the highest rate of interest in 104 years on its borrowed money. More and more, young married couples find it impossible to arrange financing on the purchase of homes because of the soaring cost of mortgages.

We continue to operate on a huge deficit. The 10-percent surtax, brought on by the conflict in Vietnam, is now to be extended. Originally proposed as a 1-year "emergency measure," the new Nixon administration agrees that it must be retained for at least another year.

In our international accounts, excessive foreign spending has heavily drawn down our gold reserves. Even our trade surplus—once so healthy—has sunk to its lowest level in 31 years.

In the midst of this fiscal bedlam, we are now asked to give our approval to a congressional salary increase of $12,500—or nearly 42 percent. Recommendations for executive and judicial pay raises are comparable and, in some cases, even higher.

The lack of propriety of such pay boosts, under present circumstances, is appalling. While millions of Americans must tighten their belts just to make ends meet, we are asked to fatten our pocketbooks, and those of executive and judicial officials, at public expense.

And it will not stop here. Inevitably, approving these new pay schedules will lead to further salary increases at the higher levels throughout the entire Federal bureaucracy. The ultimate impact will be another hefty addition to the inflationary spiral we all deplore.

I do not imply, Mr. President, that members of the Kappel Commission, or former President Johnson, or President Nixon have acted with anything but good faith in recommending these substantial salary adjustments. But Congress has always jealously guarded its power over the public purse strings, and if we permit, under existing economic conditions, pay increases of such magnitude to take effect, I can only regard it as a dereliction of congressional responsibility.

Beyond these considerations, there is another reason for my opposition to the congressional salary recommendations, one that is purely personal. I have never voted to increase my own salary, and I do not intend to start now.

When we put our finances in sound shape again; when the war is over; when inflation has been brought back under control; when the budget is balanced and interest no longer borders on the usurious; then the time will be appropriate for consideration of increased pay for members of the Cabinet, Federal judges, and other high officials of the executive branch.

Meanwhile, I fail to see how we can justify the approval of these recommended leaps in salary levels in the face of the unsatisfactory, if not precarious, economic situation in which the country finds itself today.

The VICE PRESIDENT. Do Senators yield back their time?

Mr. WILLIAMS of Delaware. I yield back the remainder of my time.

Mr. KENNEDY. I yield back the remainder of my time.

The VICE PRESIDENT. All time having been yielded back, the question is on agreeing to the resolution offered by the Senator from Delaware. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOLLINGS (when his name was called). On this vote I have a pair with the senior Senator from Washington (Mr. MAGNUSON). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. HRUSKA (when his name was called). On this vote I have a pair with the senior Senator from California (Mr. MURPHY). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. MOSS (when his name was called). On this vote I have a pair with the junior Senator from Washington (Mr. JACKSON). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. YOUNG of North Dakota (when his name was called). On this vote I have a pair with the junior Senator from Texas (Mr. TOWER). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the senior Senator from Idaho (Mr. CHURCH). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG), the Senator from Georgia (Mr. TALMADGE), and the Senator from Washington (Mr. MAGNUSON), are necessarily absent.

I also announce that the Senator from Washington (Mr. JACKSON) is absent because of illness in the family.

I further announce that the Senator from Hawaii (Mr. INOUYE) is absent on official business.

On this vote, the Senator from Nevada (Mr. BIBLE) is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from Nevada would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from Mississippi (Mr. EASTLAND) is paired with the Senator from Louisiana (Mr. LONG). If present and voting, the Senator from Mississippi would vote "yea," and the Senator from Louisiana would vote "nay."

I further announce that, if present and voting, the Senator from Georgia (Mr. TALMADGE) would vote "yea."

Mr. SCOTT. I announce that the Senator from New York (Mr. GOODELL), the Senator from Kansas (Mr. PEARSON), and the Senator from Texas (Mr. TOWER) are absent on official business.

The Senator from California (Mr. MURPHY) is necessarily absent.

The respective pairs of the Senator from California (Mr. MURPHY) and that of the Senator from Texas (Mr. TOWER) have been previously announced.

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from Nevada (Mr. BIBLE). If present and voting, the Senator from New York would vote "nay" and the Senator from Nevada would vote "yea."

The result was announced—yeas 34, nays 47, as follows:

[No. 16 Leg.]

YEAS—34

Aiken
Allen
Allott
Anderson
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Curtis
Dole
Dominick
Ellender
Fannin
Fulbright
Gore
Hansen
Hatfield
Jordan, Idaho
McClellan
Miller
Montoya
Mundt
Muskie
Nelson
Prouty
Proxmire
Russell
Smith
Spong
Stennis
Symington
Thurmond
Williams, Del.

NAYS—47

Baker
Bayh
Bellmon
Bennett
Brooke
Case
Cook
Cooper
Cotton
Cranston
Dirksen
Dodd
Eagleton
Ervin
Fong
Goldwater
Gravel
Griffin
Gurney
Harris
Holland
Hughes
Javits
Jordan, N.C.
Kennedy
Mathias
McCarthy
McGee
McGovern
McIntyre
Metcalf
Mondale
Packwood
Pastore
Pell
Percy
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Sparkman
Stevens
Tydings
Williams, N.J.
Yarborough
Young, Ohio

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—5

Mr. Hollings, for.
Mr. Hruska, for.
Mr. Mansfield, against.
Mr. Moss, for.
Mr. Young of North Dakota, for.

NOT VOTING—14

Bible
Church
Eastland
Goodell
Hart
Hartke
Inouye
Jackson
Long
Magnuson
Murphy
Pearson
Talmadge
Tower

So the resolution (S. Res. 82) was not agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the resolution was rejected.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROGRAM—ORDER FOR ADJOURNMENT TO FRIDAY, FEBRUARY 7, 1969

Mr. DIRKSEN. Mr. President, I should like to query the majority leader with respect to the schedule for the remainder of the day and also for tomorrow.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The VICE PRESIDENT. The Senate will be in order.

Mr. MANSFIELD. Mr. President, the calendar, like Mother Hubbard's cupboard, is quite bare. There are some nominations from the Committee on Foreign Relations, the Committee on Banking and Currency, the Committee on the Interior and Insular Affairs, and perhaps some others, that we should like to take up this evening.

I believe the distinguished Senator from Colorado (Mr. ALLOTT) is anticipating some action. A number of Senators are prepared to engage in colloquy—perhaps a round robin is a better term—on the question of the ABM and its usefulness or lack of it.

Mr. President, I ask unanimous consent at this time that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon Friday next.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, it is the intention at that time to lay before the Senate a joint resolution placing the House and the Senate in adjournment from the close of business on Friday next until noon, February 17, 1969.

Mr. DIRKSEN. Mr. President, one further inquiry: I should like to inquire whether the nominations have been printed on the Executive Calendar and whether they are available for the Members.

Mr. MANSFIELD. No; they have not been printed on the Executive Calendar. I understand that five are from the Committee on Banking and Currency—HUD superintendents; one from the Committee on Interior and Insular Affairs; two from the Committee on Foreign Relations. We thought we would be doing a favor to the other side to bring them up. We have no desire to rush them, but if the Senator desires that they be brought up, we will do so.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. A very serious situation exists in the country today which I do not believe is contemplated by the Senator's request.

The PRESIDING OFFICER. The Senate will be in order. The Senator from New York may proceed.

Mr. JAVITS. Mr. President, there is a very extensive longshoremen's strike in the country which is causing very great difficulty, and which has been very slow in getting settled. Although certain sections of the country have agreed on terms, settlement has been held up until all agree.

By adjourning or going over until Friday, and then for another 10 days, it is a fact that we are limiting the capability of the President, if he should so desire, to make some recommendation to the Congress, as has been done before in this kind of matter.

Therefore, because the situation is so uncertain, and I cannot ask that anything specific be done, I suggest to the majority leader the possibility of our having to deal with this question and that Senators be advised it may be necessary that some other disposition be made as to our time if this matter blossoms or if there is some kind of emergency, which there could be as the matter is getting very difficult now.

Mr. MANSFIELD. Mr. President, I wish to say that the wishes of the Senator from New York, or any other Senator for that matter, will be given every consideration. We will go over until Friday and from Friday to February 17; but the President at any time is in the position that he can call us back, and if he thinks the economic situation relative to the longshoremen's strike warrants it, if he issues a call, we would remain.

Mr. JAVITS. I thank the Senator.

Mr. MANSFIELD. Mr. President, did I get unanimous consent to have the Senate go over until Friday?

The PRESIDING OFFICER (Mr. EAGLETON in the chair). Yes.

Mr. STENNIS. Mr. President, reserving the right to object, I wish to ask a question. It had been planned to have hearings in the Committee on Armed Services on Thursday for some civilian appointments in the Department of Defense, some of which have not yet come over. Could I get unanimous consent that they will be automatically referred to the committee if they are sent up?

Mr. MANSFIELD. Yes, indeed.

Mr. STENNIS. I ask unanimous consent to that effect.

AUTHORITY TO RECEIVE MESSAGES AND FILE REPORTS AND TO MAKE REFERRALS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the adjournment of the Senate, following the completion of business today until noon on Friday, the Secretary of the Senate be authorized to receive and refer messages from the President of the United States and the House of Representatives and that committees be authorized to file reports.

The PRESIDING OFFICER. Does the request include the right to refer?

Mr. MANSFIELD. Yes, indeed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. I thank the leader.

TRIBUTE TO ALAN BOYD, FORMER SECRETARY OF TRANSPORTATION

Mr. PELL. Mr. President, I am concerned at the comments and criticisms that have arisen concerning former Secretary of Transportation Alan Boyd.

In the years that we worked together on seeking to develop a high speed ground transportation system in the densely populated northeast corridor between here and Boston, I found Mr. Boyd a man of complete probity and integrity.

In my experience, his whole concern was always with the public weal and general good. In fact, I know of few men whom I would consider more public-service minded or more honorable than Alan Boyd, and wish to express this view at this time on the floor of the Senate.

In this regard, I ask unanimous consent to have placed in the RECORD a copy of a column in the Evening Star of January 30, by Charles Bartlett, a wise, probing and Pulitzer Prize winning reporter.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

BOYD'S INTEGRITY, SERVICE TO PUBLIC DEFENDED

(By Charles Bartlett)

The suggestion of murky dealings in the employment of the first secretary of transportation, Alan S. Boyd, by the Illinois Central Railroad is a cruel distortion of the spirit in which Boyd labored to launch his new department.

The coincidence between Boyd's employment as president of the railroad and his department's grant of a $25 million subsidy for the Illinois Central's commuter operations was blatant enough to stir suspicions. But the very blatancy of the coincidence should equally attest its innocence.

Certainly if Boyd, an administrator who suffered many wounds for his lack of deference to commercial pressures, had been bent on playing a cozy game with his prospective employer, he would have taken pains to avoid the incriminating sequence between the grant and his employment. No conniver would risk anything so obvious.

The facts are that the grant was handled routinely by Paul Sitton the administrator of the Urban Mass Transportation program. Grants totaling $72 million had already been made under new legislative authority to five railroads that serve New York City. Illinois Central's turn came up in December because a commuter system in another city, for which a larger grant was earmarked, had been hit with labor trouble.

Boyd's personal negotiations with the Illinois Central are said to have begun in mid-December. On about Dec. 20, he returned to Washington and told his undersecretary, John E. Robson, that he wanted to have nothing to do with the Illinois Central application.

He would have protected himself better if he had taken more formal precautions. But the grant process was so routine to the operations of the department and so divorced from the secretary's area of direct involvement that he presumably felt he had done all that was necessary.

Boyd's attitude was conditioned by the quality of his performance in many intricate areas of the government's relations with industry. As chairman of the Civil Aeronautics Board for four years, undersecretary of commerce for 18 months, and finally secretary of transportation, he established himself with the public as well as with his close associates as a public official of instinctive integrity.

The scars which he bears from his Washington experiences are scars suffered in battles to assert the public's interest over private selfishness. He challenged the maritime industry's claim upon a huge annual subsidy. He fought to impose a user tax on private aircraft owners who pay less than five percent of what their operations cost to the government. He struggled to impose social concerns upon the highway builders. He pushed an unpopular railroad safety bill.

The most lamentable consequence of this cloud of suspicion, apart from its personal damage to Boyd, will be its tendency to obscure the charter which he left this vital new department. His mandate was that transportation policies should be considered in the broadest terms of public interest instead of in the parochial terms which guide competing segments of the industry.

This concept is important in a secretary of transportation because it affects his response to the problems like noise, dislocation, and inconvenience which are inevitable byproducts of extending mobility to large and crowded populations. Boyd was diligent to consider the citizen who wants to stay at home in peace and privacy as well as the traveler.

The obscuring of this record is particularly serious at a time when his successor, John Volpe, may be less wedded to this broad concept. Much will be lost if the new administration diverts the influence of the department to a narrow concern with the problems of the companies which supply the transportation and build the highways.

It is worth noting that while the Illinois Central grant was approved during Boyd's tenure, the contract was not signed and the matter was left open to review by Volpe. He is studying the papers and his readiness to clarify or compound the ambiguity will be a clue to the spirit in which he has taken power.

NOMINATION OF RUSSELL TRAIN TO BE UNDER SECRETARY OF THE DEPARTMENT OF THE INTERIOR

Mr. PELL. Mr. President, I rise to enthusiastically support the nomination of Russell Train to be Under Secretary of the Department of Interior.

I have known, liked, and admired Russell Train for many years. He has a rare ability of being able to combine the qualities of integrity with political sagacity, of being able to comprehend the heat of people's emotions, while at the same time being able to keep his own cool.

His whole background has been spent in public service or supporting the interests of the general community. Actually, he has served in all three branches of our Government. In the legislative branch, he was an attorney on the staff of the Joint Committee on Internal Revenue Taxation for 4 years; then clerk of the House Ways and Means Committee in the 83d Congress, and its minority adviser in the 84th Congress. In the executive branch, he was a Navy officer in World War II and, later, an assistant to the Secretary of the Treasury, 1956–57. In the judicial branch, he was a judge on the U.S. Tax Court from 1957 to 1965. In addition to his public service he has a real sense of private business and the responsibilities and the workings of our economic system.

Chief warden of his church and enjoying the respect of all his friends and associates, he has always displayed himself as a man of the utmost character and probity.

I can think of no better man for this job and congratulate President Nixon on his nomination.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. ANDERSON. The hearing was held this morning and the matter already has been recommended to the floor of the Senate. He is a fine man.

Mr. PELL. I thank the chairman.

ANTI-BALLISTIC-MISSILE SYSTEM

Mr. PELL. Mr. President, on another subject, and briefly, I understand that later there will be a discussion concerning the advisability of the anti-ballistic-missile system.

I should like to add my own voice as being one of those who question whether we should go ahead with this system at this time.

THE "PUEBLO" AND THE CENTRAL INTELLIGENCE AGENCY

Mr. SYMINGTON. Mr. President, there have been many implications and some statements that the Central Intelligence Agency had something to do with the problems incident to the U.S.S. *Pueblo*. Although I remembered that shortly after this unfortunate occurrence, the Director of the Central Intelligence Agency stated that the Agency had nothing whatever to do with this particular situation, I decided to make certain of that remembrance.

Accordingly, after hearing and reading these implications and statements, I wrote a letter to the Director, and today received the following reply:

CENTRAL INTELLIGENCE AGENCY,
OFFICE OF THE DIRECTOR,
Washington, D.C., February 4, 1969.

Hon. STUART SYMINGTON,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR SYMINGTON: Per your request and in reply to your question, neither this Agency nor I personally have had anything to do with the mission of the USS *Pueblo*, the ship itself, or any of its crew. As you will note, in the sidelined portion of the attachment, the Department of Defense made a statement on January 24, 1968 setting forth the facts about Commander Bucher and the *Pueblo*. They are accurately presented. May I make one additional point: The information which the *Pueblo* was tasked to gather during this mission was of tactical and departmental interest to the United States Navy.

I hope that the foregoing is responsive to your inquiry.

Sincerely yours,
RICHARD HELMS,
Director.

Mr. President, the Defense Department statement referred to in the Director's letter was published in the New York Times of January 25, 1968, along with the North Vietnamese text of the purported confession which the Pentagon refuted.

In connection with the foregoing I would read an important short paragraph from the Pentagon reply to the purported confession and then ask unanimous consent that the entire article be printed in the RECORD at the close of these remarks. The Defense Department states:

> Typical of this propaganda sham is the suggestion that the Central Intelligence Agency had promised Commander Bucher and his crew "a lot of dollars" for their mission. Commander Bucher is a naval officer commanding a naval ship and performing a naval mission. He is not employed by the Central Intelligence Agency and was promised nothing by the Central Intelligence Agency. Nor were any members of his crew.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TEXTS OF PURPORTED CONFESSION AND PENTAGON'S REPLY

PURPORTED CONFESSION

I am Comdr. Lloyd Mark Bucher, captain of the U.S.S. Pueblo, belonging to the Pacific Fleet, U.S. Navy, who was captured while carrying out espionage activities after intruding deep into the territorial waters of the Democratic People's Republic of Korea.

My serial number is 58215401. I was born in Pocatello, Idaho, U.S.A. I am 38 years old.

The crew of our U.S.S. Pueblo are 83 in all, including 5 officers besides me, 75 servicemen and 2 civilians.

My ship had been sent to Sasebo, Japan, to execute assignments given by the U.S. Central Intelligence Agency.

On Dec. 2, last, we received assignments at the port of Sasebo from Rear Adm. Frank A. Johnson, U.S. Navy commander in Japan, to conduct military espionage activities on the far eastern region of the Soviet Union and then on the offshore areas and coastal areas of the Democratic People's Republic of Korea.

My ship had conducted espionage activities on a number of occasions for the purpose of detecting the territorial waters of the Socialist countries.

A LOT OF DOLLARS

Through such espionage activities, my ship detected the military installations set up along the coasts of the Socialist countries and submitted the materials to the U.S. Central Intelligence Agency.

Recently, we were given another important mission by the U.S. Central Intelligence Agency—that is, to detect the areas along the far east of the Soviet Union and the Democratic People's Republic of Korea.

The U.S. Central Intelligence Agency promised me that if this task would be done successfully, a lot of dollars would be offered to the whole crew members of my ship and particularly I myself would be honored.

Soon after that, I reinforced the arms and equipment of the ship and made detailed preparations for espionage activities.

Then we disguised my ship as one engaged in research on oceanic electronics and left the port of Sasebo, Japan, and conducted espionage acts along the coast of the Democratic People's Republic of Korea via the general area off the Soviet Maritime Province. We pretended ourselves to conduct the observation of oceanic conditions on the high seas, electronics, research on electric waves, magnetic conditions and exploitation of oceanic materials.

MISSION BEGAN JANUARY 16

It was on Jan. 16, 1968, that we entered the coastal waters of the Democratic People's Republic of Korea via the Soviet Maritime Province.

In accordance with the instructions we had received, my ship was on the utmost alert and observed and ascertained the depth of water, current, water temperature, sea basin, salt density and water transparency of the territorial waters of the Democratic People's Republic of Korea with radar and various kinds of observatory instruments in a clandestine manner at Chongjin, Wonsan and several other points, and detected the radar network, accommodation capacities of the ports, the number of the incoming and outgoing vessels and maneuverability of the naval vessels of the Korean People's Army.

Furthermore we spied on various military installations and the distribution of industries and the deployment of armed forces along the east coast areas and sailed up to the point 7.6 miles off Nodo when the navy patrol crafts of the Korean People's Army appeared.

We were on the alert instantly and tried to escape, firing at the navy patrol crafts of the People's Army.

"WE HAD NO WAY OUT"

But the situation became more dangerous for us, and thus one of my men was killed, another heavily wounded and two others lightly wounded.

We had no way out, and were captured by the navy patrol crafts of the People's Army.

Having been captured now, I say frankly that our act was a criminal act which flagrantly violated the armistice agreement, and it was a sheer act of aggression.

I have no excuse whatsoever for my criminal act as my ship intruded deep into the territorial waters of the Democratic People's Republic of Korea and was captured by the naval patrol crafts of the Korean People's Army in their self-defense action while conducting the criminal espionage activities.

My crime committed by me and my men is entirely indelible.

I and my crew have perpetrated such a grave criminal act, but our parents and wives and children at home are anxiously waiting for us to return home in safety.

Therefore, we only hope, and it is the greatest desire of myself and all my crew, that we will be forgiven leniently by the Government of the Democratic People's Republic of Korea.

PENTAGON'S REPLY

The statement attributed to Cmdr. Lloyd M. Bucher by North Korean Communist propagandists is a travesty on the facts. The style and wording of the document provide unmistakable evidence in themselves that this was not written or prepared by any American.

The major point which this propaganda utterance attempts to make is that the Pueblo had violated North Korean territorial waters and was in fact violating those territorial waters when the North Korean patrol craft appeared. This is absolutely untrue.

The Pueblo reported her position at that time to be 39 degrees 25 minutes north and 127 degrees 55 minutes east. The Pueblo's position as determined by the radar track of the North Koreans themselves was 39 degrees 25 minutes north and 127 degrees 56 minutes east. These two reported positions are within a mile of one another, and both show conclusively that the Pueblo was in international waters.

The Pueblo was under orders from the beginning of its mission to stay at least 13 miles from North Korean territory. There is no evidence to suggest that these orders were not followed and there is much evidence both from her own radio transmission and from the information broadcast from the North Koreans themselves in their own internal report that the orders were obeyed.

Typical of this propaganda sham is the suggestion that the Central Intelligence Agency had promised Commander Bucher and his crew "a lot of dollars" for their mission. Commander Bucher is a naval officer commanding a naval ship and performing a naval mission. He is not employed by the Central Intelligence Agency and was promised nothing by the Central Intelligence Agency. Nor were any members of his crew.

The entire world learned during the Korean war of the tactics and techniques of Communist propaganda and of North Korean exploitation of men it held captive. This Fabrication is but another example. No credence should be given this contrived statement.

ECONOMIC HARDSHIPS OF OUR OLDER CITIZENS

Mr. PROUTY. Mr. President, during the years since I came to Congress, I have been particularly concerned about the economic hardship our society imposes on its older citizens.

As we begin the 91st Congress, I know most of my Senate colleagues agree that much remains to be done for most Americans age 65 or over.

Today, I want specifically to mention one group of older Americans who individually, during their working years, have greatly contributed to the success of millions of other Americans but who often face economic hardship in retirement. I am speaking of the thousands of dedicated schoolteachers in the country who are presently retired. I am hopeful that all of us will give their retirement annuities special attention both at the Federal and State level.

Recently, Ernest Giddings, the legislative representative of the National Retired Teachers Association, showed me a copy of a State-by-State report on retired teachers pensions prepared by his organization.

I ask unanimous consent, Mr. President, that a copy of this report be printed in the RECORD, and hope that each Member will find the National Retired Teachers Association report as informative as I did. I congratulate that organization on its excellent research.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

COVER LETTER TO RETIRED TEACHERS ASSOCIATION PRESIDENTS, STATE DIRECTORS AND LEGISLATIVE CHAIRMEN

The following reports were submitted to the Washington office during November and December 1968 by Retired Teachers Association officers. In a few cases we edited the original report slightly in the interest of brevity. In those cases, we made a genuine effort to retain all facts and interpretations without distortion.

The results of Retired Teachers Association efforts to improve benefits vary almost unbelievably. In one state, the median retirement allowance for the 8800 retirants is now above $3300 a year. In another less fortunate state, the annual pension is $332 for the 513 beneficiaries on the rolls.

One of the great essentials to success in pension legislation is cooperation between all groups concerned. Retired Teachers Association officers who develop good working relationships with the State Education Association and with officials of the State Retirement System seem to fare best before their State Legislatures.

Unity and cooperation within Retired Teachers Association ranks seems an absolute requisite for a successful legislative campaign. Open and above-board disclosure of plans, proposed techniques and financial needs seem as important as good leadership. Friction between the groups concerned seems always to decrease the possibility of success.

Ideas which have been especially helpful in several states include:

(1) A year-round continuing legislative committee.

(2) An efficient routine for the legislative committee to report regularly to all retirees.

(3) A plan by which each retiree may, if he wishes, make a cash contribution no matter how small to the expense of carrying on the legislative work in his state.

(4) An efficient continuing membership campaign carried to every retired teacher in the state in order to attain as nearly as possible 100% membership in both NRTA and the State RTA.

(5) A more active local Retired Teachers Association in every community.

Several copies of "Pension Reports" are being sent to RTA officers. They are invited to request as many copies as needed for other officers, local presidents and legislative committees.

We appreciate very much the splendid cooperation of all who contributed to the preparation of the foregoing summary.

ERNEST GIDDINGS,
NRTA Legislative Representative.

NATIONAL RETIRED TEACHERS ASSOCIATION

PENSION REPORTS BY STATE RETIRED TEACHER ASSOCIATIONS—1968

Many state Legislatures enacted substantial pension adjustments during the years 1967 and 1968.

Some provided percentage improvements based on the increase in cost of living since the teacher retired. Other states refused or neglected to make justifiable adjustments.

However, with almost no exceptions the campaign must be and is being waged again in 1969 to keep the retired members of the teaching profession from suffering the indignities of a decreasing purchasing power in their fixed pensions while the rest of our economy is caught up in a spiraling inflation.

The following reports by states are presented in order that Legislative Committees of your state may have the benefit of the plans, techniques, formulae and accomplishments of every other state.

DECEMBER 1968.

Alabama

W. E. Snuggs, President ARTA: "Retired teachers in Alabama number more than 5000 with an average pension of about $150 per month. Those who retired before 1955 when salaries were low are the ones suffering the greatest inequities.

"A spot check was recently made of such retirees' pensions in three separate parts of the state. In one area 36 were reported, in another, 38, and in still a different area 41. Seventy-eight of these were receiving less than $90 per month. Some were living in nursing homes or being cared for by their children. All were facing the same spiraling costs of living on meager pensions which have fallen farther and farther behind industrial wages, the salaries of active teachers and our expanding State economy every year of their retirement.

"As a basis for recommendations for increased legislative appropriations for education in the state, the Governor appointed a commission to make a study of educational needs. The Alabama Retired Teachers Association prepared and presented to the commission a position paper that recommends *automatic cost-of-living adjustments* for Alabama retired teachers, with the result that we have been given favorable consideration in their report. Thus the situation seems more hopeful as we look to the regular session of the State Legislature early in 1969."

Alaska

Lola C. Tilly, President, Alaska RTA: "In 1968, 1½% was added to pensions, retroactive to July 1, 1967. This is a cost-of-living increase.

"No Alaska pension for retired teachers is less than $100 a month. The lowest pensions are received by the group of about 17 retirees who retired early. Their pensions average $150, plus the aforementioned 1½%. The automatic cost-of-living increase is not to exceed 1½%; and therefore it is not necessarily geared to adjustments to increases in salaries of active teachers."

Arizona

Wayne R. Gibson, Director, Arizona State Retirement System: "In Arizona, from July 1967 through 1968, prior service pensions for employment before the start of the Retirement System were increased by 25% for those teachers who continued in employment after 1955. These teachers also have received the benefit of liberalized social security pensions. Some few teachers who had limited employment before the establishment date became eligible for partial pensions by 1968 legislation.

"The improvement in the benefit status of members retired since 1955 accelerates another inequity. Teachers retired before that date receive, typically, $170 a month. Legislation to be proposed in 1969 will ask that benefits be increased to $200 a month.

"Averages are deceptive and some Arizona teachers retired with as few as five years of creditable service. Benefits are also reduced by the payment method elected or payments continued to a beneficiary. Nonetheless the 'average' pension paid those teachers retired before 1955 who do not have a social security entitlement from teaching employment in Arizona is $140 a month."

Arkansas

Louis Merrill Griffin, President, Arkansas RTA: "Act 9 of the May 1968 Special Session of the General Assembly permitted the Arkansas Teacher Retirement System Board to invest a certain percentage (10%) of the system's assets in certain high-grade common stocks. This should, in the future, increase the earnings of the system's investments.

"The minimum pension of Arkansas retired teachers is $75 a month. Pension adjustments have been inadequate. A proposed law would provide cost-of-living adjustments as follows: 10% to all retirees of 1959 and earlier, 9% for those who retired in 1960, 8% for those who retired in 1961, etc. Then it proposes an addition to 1% annually for 10 years, then 1½% annually, plus an increase in retirement payments of active teachers from their salaries and from matching state funds.

"Thus our efforts are now involved in attempting to increase retirement pay to all persons on the teacher retirant rolls and this hopefully will include cost-of-living increases over a period of years. The General Assembly will convene early in January 1969.

"The Arkansas Education Association heads up our program (ARTS funds are included in the Public School Budget), so we work with them to secure increases."

California

Mrs. Myrtle Workman, President, California RTA: "In California, during the period from July 1, 1967 through 1968 to date, fourteen measures relating to teacher retirement were enacted into law. Chief among these were the following:

"(1) An increase, ranging from 2% to 23%, in retirement benefits for teachers who retired in 1965 and in earlier years, applied to existing allowances up to $300 per month.

"(2) Improvements in regulations governing substitute teaching by retired teachers, if qualified, in both regular and special schools, permitting annual earnings up to $2500 per year without loss of retirement benefits.

"(3) Increase in the retired teacher's death benefit from $400 to $500.

"(4) Technical changes to improve administration of the California Teachers Retirement System and in eligibility for retirement benefits. Proposed legislation which should be considered in the 1969 session, along with other changes in administration of the retirement system, are (1) An automatic cost-of-living adjustment affecting all retired teachers; (2) Provision for increasing contributions to the Teachers Retirement Fund to place it on a funded basis; (3) An increase in survivor benefits for active teachers.

"During the month of September 1968, total benefits amounting to $11,522,795 were paid to 37,596 retired teachers, or an average of slightly over $306 per month. Slightly over 10,000 of these retired teachers currently receive a monthly benefit of less than $200, including almost 3,000 who receive less than $100 per month."

Colorado

Mae Gavin, President, Colorado RTA: "The Colorado RTA is cooperating with the Retirement System and the Colorado Education Association to seek (a) a retroactive pension increase of 14% for those teachers who retired 10 years or more ago and 2% for those who retired 2 years ago, with proportional increases for those who retired between 2 and 10 years ago, and (b) an increase of 1½% each year that the cost of living increases by 3 percent.

"The Colorado RTA is also sponsoring a bill to provide a $25 a month increase or annuity of $175 a month for qualified retired teachers under the Colorado Emeritus Fund."

Connecticut

Thomas J. Quinn, Chairman, Legislative Committee, Connecticut RTA: "No teachers in Connecticut receive pensions less than $100 a month. In the legislative session of 1967, a bill was passed which adjusted pensions by amount ranging from 2% for those who retired in the years 1963 to 1965 up to 63% for those who retired in 1933.

"A bill requesting an automatic cost-of-living adjustment every two years was rejected by the 1967 legislature although a similar bill for other state retirees was passed. We are introducing in the 1969 session a bill which will grant automatic adjustments in teacher's pensions beginning July 1, 1969 and we have every assurance that it will pass."

Delaware

H. E. Stahl, State Director, Delaware NRTA: "During 1968, a thorough research study of state pensions in Delaware was made by the Martin E. Segal Company, Consultants and Actuaries of New York City. This study was made under the supervision of a statewide commission. The Delaware State Legislature appropriated $25,000 for this study project and the report of the commission and the recommendations made by the actuaries will very probably be made available to the legislature and the public early in 1969. A member of the Delaware RTA is on the state commission.

"The average pension paid to all members under the Delaware Pension Plan was $212 per month in 1967. The maximum pension per month under pension laws in Delaware prior to 1966 was $250; the minimum pension was $125 per month.

"In 1966, the Delaware State Legislature enacted a contributory pension law which provided for a monthly pension up to $500 per month for active teachers who retire after 1966. Each active teacher paid 5% on his or her monthly salary between $6,000 and $12,000 a year, with a maximum of $300 annually.

"State employees in Delaware who retired from active service prior to 1966 receive between $125 and $250 monthly pensions—all moneys appropriated by the State Legislature of Delaware in a non-contributory plan.

"We are planning to ask the State Legislature when it meets early in 1969 to legislate to provide automatic cost-of-living adjustments for all state employees who retired prior to 1966."

Florida

M. O. Worthington, President, Florida RTA; Grace Adams Stevens, Chairman, Legislative Committee, Florida RTA: "House Bill 961, passed in 1967, provided pension increases to 2447 of Florida's 7400 retired teachers. The following table shows the distribution of benefits.

"Monthly increase provided:	*Number of retirees affected*
$1	225
$2 to 10	1,406
$11 to 20	301
$21 to 30	206
$31 to 40	82
$41 to 50	0
$51 to 57	227
Total	2,447

"About 5000 retired teachers received no increase and those who did were penalized for the amount of social security they received whether or not the social security came through the spouse or because the retiree had been farsighted enough to earn social security.

"We sent out 7400 questionnaires and have had 1129 returned. Of those returned, regardless of years taught the following data were collected:

"Those receiving: $100 or less—133, or 12%; $101 to $200—361, or 33−%; $201 to $300—305, or 27+%; $301 to $400—156, or 13+%; $400 or over—164, or 14+%.

"Florida's retired teachers are the 'forgotten people of this state, with many barely able to exist on the $75 to $85 a month they receive in retirement benefits. 'Considering the present high cost of food, clothing, housing and medical care, it's a miracle some of our retired teachers aren't on county welfare rolls,' said Dr. Phil Constans, Executive Secretary of the Florida Education Association.

" 'According to recent Teachers' Retirement System figures, there are over 3,000 teachers past the age of 65 who are receiving less than $180 a month in retirement. Some receive monthly allotments as low as $70 or $80 per month. This amounts to about $2.50 a day, hardly enough for daily meals, let alone other necessities such as medicines,' added Constans.

" 'All teacher retirees—there were 6,709 as of December 1967, and now there are 7,400—suffer to some extent from the effect of a shrinking dollar,' he said, 'but the greatest victims are the 3,000 teachers who retired years ago on low benefits because of the lower salaries received when they were active.

" 'These teachers are truly the forgotten people of this state,' Constans said. 'They have seen the value of the very solid dollar contributed toward their old age security diminish until now it will buy only two-thirds of what it would at the time they retired.

" 'They are Florida's senior teachers who devoted the major part of their lives to teaching the young men and women of this state, some of whom are now outstanding businessmen and legislators.'

"The FEA sponsored six bills in the last session to benefit the retired teachers, but they never even reached the legislative floor. The one bill that passed—House Bill 961—gave badly needed increases to some few teachers but excluded those teachers who had Social Security benefits themselves or through their spouses, or reduced their benefits.

"By the end of December 1968, the Florida RTA will have had meetings in 16 strategic areas around the state for the purpose of alerting members and local officers to the legislative needs of the more than 7,000 retired teachers of the state. These would go far toward correcting existing inequities. The major goals include:

"1. Elimination of the social security offset.

"2. A cost-of-living adjustment in retired teacher pensions retroactive to the year of retirement to restore a portion of the buying power lost to retirees on low, fixed incomes during our years of economic growth and prosperity.

"3. A raise in the minimum payment for retired teachers 65 years of age or over from $4 to $8 times years of service for monthly income.

"4. A retired teacher on the Board of Trustees of the Teacher Retirement System."

Georgia

Hannah S. Flanigen, President, Georgia RTA: "No legislation concerning teacher pensions was enacted from July 1, 1967 to October 15, 1968.

"The rules of the Pension Department of Georgia do not permit the giving out to the Retired Teachers Association or anyone, the list of retired teachers, or the amount they receive. Teachers' pensions are pro-rated on the number of years taught, so those teaching less than 25 years are under the ones teaching over 25 years. This leads to the belief that many are below $100 per month, but definite facts are unavailable. Pension adjustments have been inadequate, but again no definite record is obtainable. The present law does not provide any change whatever. Pensions are considered a contract with the state and cannot be altered. We are working to change this part of the law, so that pensions may be changed. However, it takes a constitutional amendment, which probably will take 3 years to ratify."

Hawaii

John T. Ferreira, Jr., President, Hawaii RTA: "Inasmuch as new pension formula was adopted by the legislature in 1965, no significant pension legislation has been enacted to date, in spite of some past requests.

"Requests for the correction of the following inequities will be presented to the 1969 legislature:

"1. The elimination of a social security offset affecting employees who retired between 1957 and 1964.

"2. Increase of post-retirement benefits from 1½% to not less than 2%.

"3. Granting increases to retirees whenever employees in active service receive a pay increase.

Idaho

G. A. Robinson, President Idaho RTA: "Our legislature convened in 1968 only to consider an agenda of legislation, none of which had anything to do with funds for education or retirement funds for teachers. The 1967 Legislature passed a very good State Employees Retirement Plan, which included in its benefits all teachers who were teaching at the time. This plan made no provision at all for increased retirement sums for those who were already retired. Their retirement payments remained the same, but were issued by the manager of the State Employees Retirement Plan.

"Now we have three groups of retirees in Idaho: (1) those who retired prior to the availability of Social Security benefits to teachers in 1956; (2) those who retired between 1956 and 1965; and (3) those who are retiring with the benefits of the State Employees Retirement Plan. This last group receives very considerably more comparatively than those in the other groups.

"There has been one modest adjustment for the retirees in group one, the oldest retirees. We are very thankful for the passage of that bill, but the benefits were far too small.

"Our IRTA State Legislative Committee is trying to get a bill passed to help all teachers who retired prior to 1965. We feel that they should be included in the State Employees Retirement Plan, but if that is impossible, they should certainly receive 'cost-of-living' adjustments.

"Before the next legislature meets, we will try to contact each legislator to tell him of our needs. We hope to get good results!

"The Public Employee Retirement System of Idaho has prepared a cost-of-living plan to be proposed in the 1969 Session of the Legislature. Mr. T. F. Terrell, Executive Secretary of the System, has developed the following table to show proposed adjustments. Assuming the pension is $100 a month, the table shows the proposed adjustment for each year since 1946.

"ESTIMATED POSTRETIREMENT ALLOWANCE ADJUSTMENTS BASED ON CONSUMER PRICE INDEX

Year of retirement	Cost-of-living ratio for 1969 [1]	Retirement allowance ratio for 1969 [2]	Adjusted $100 allowance Effective July 1, 1969
1946	1.941	1.921	$192.10
1947	1.684	1.667	166.70
1948	1.528	1.511	151.10
1949	1.441	1.426	142.60
1950	1.485	1.470	147.00
1951	1.424	1.410	141.00
1952	1.335	1.320	132.00
1953	1.309	1.297	129.70
1954	1.297	1.282	128.20
1955	1.307	1.293	129.30
1956	1.302	1.288	128.80
1957	1.271	1.259	125.90
1958	1.235	1.224	122.40
1959	1.209	1.197	119.70
1960	1.192	1.178	117.80
1961	1.176	1.164	116.40
1962	1.165	1.154	115.40
1963	1.150	1.138	113.80
1964	1.137	1.126	112.60
1965	1.124	1.112	111.20
1966	1.104	1.093	109.30
1967	1.065	1.057	105.70
1968	1.037	1.030	103.00

"[1] Estimate based upon August 1968 Consumer Price Index. Actual will depend upon October 1968 Consumer Price Index.

"[2] Differs from cost-of-living ratio due to 3 percent annual growth limitations."

Illinois

Bess Hale, Chairman, Legislative Committee, Illinois RTA: "Our bill of 1967 was passed by the General Assembly with only four negative votes in the Senate and one in the House. In our interview with Governor Kerner he said he favored our bill and would sign it if the Legislature provided the revenue. It seems that they did not, and so the Governor vetoed our bill along with many others that carried revenue.

"So we will now introduce the identical bill in the 1969 Legislature. The bill calls for Supplementary Payments of $75 per year of creditable service up to 45 years for those who retired before 1961, with provision for increase in permanent disability from $1000 to $1500. Those who qualify for the payments will pay into the Supplementary Fund $5 per year of creditable service not to exceed 45 years; this was established in order to conform to the constitutionality of the provision that a new contract be consummated.

"The Illinois RTA State Legislative Committee has appeared before the Illinois State Pension Laws Commission to ask for their approval of the bill. We have not yet heard from them. We have asked for a hearing before the State Budgetary Commission; and Senator Everett Peters, Chairman of that Commission, has promised to give us a date.

The Governor-Elect, Richard Ogilvie, has stated in a letter to us that he feels strongly that the State of Illinois has a responsibility to its retired public school teachers, and that, contingent upon the total revenue picture of the state, he would give serious consideration to the cost of our proposal in planning his budget. This statement was made during his campaign before he was successful in the recent election."

Indiana

Henry L. McHargue, President, Indiana RTA: "The Indiana General Assembly was not in session in 1968. We are campaigning to urge enactment of the following legislation during the 1969 session: (1) a cost-of-living adjustment for retired teachers, and (2) a benefit at state expense comparable to benefits under the Federal Social Security Act for all teachers who retired before January 1, 1956, and who are not under social security. All teachers who retired in Indiana since 1966 receive social security benefits as well as our state retirement pension."

Iowa

Mabel Iowa Robbins, President, Iowa RTA: "The adjustment for Iowa State retirees after 1953 was adequate. These retirees also receive social security. For those who retired before 1953 and have no social security, there has been no pension increase for 18 years. No cost-of-living adjustment has been enacted. The Iowa Legislature has not been in session since July 1, 1967."

Kansas

Julian Johnson, Chairman, Legislative Committee, Kansas RTA: "No important legislation was passed by the 1968 Legislature affecting retired teachers. Bills to provide a Homestead Exemption were introduced with no final action.

"The Kansas State Teachers Association has prepared a revision to the present plan to be introduced to the 1969 legislature that will help retired teachers.

"The following table states the proposed upgrading:

"Years of service	Present rate [1]	Proposed rate
1 to 9½ years	$1.00	$1.20
10 to 19½ years	1.50	1.80
20 to 24½ years	2.00	2.40
25 to 35 years	3.50	4.00

[1] Amount received per month for each year of service in retirement. An effort is being made to remove the 35-year limit and include all years above 25."

Kentucky

W. S. Milburn, President, Kentucky RTA: "The 1968 Kentucky General Assembly made a number of changes in the teacher retirement statute. Most were for the benefit of teachers retiring in the future. The single exception was an increase in the minimum annuity of retirees from $50 per month to $55.

"KRTA sponsored two bills in the assembly. One, proposed to increase the minimum annual annuity from $45 per service-credit-year to $55. The other proposed to place a retired teacher on the retirement Board of Trustees.

"The first easily passed both houses, but was vetoed by the governor after the assembly adjourned. The second passed the Senate, but died in the House Education Committee.

"The greatest need in Kentucky is for a substantial increase in the annuities of the older retirees, most of whom are getting pitiably low amounts—well below the poverty level. Increases granted in the past have been on a percentage basis, the smallest going to those most in need and vice versa.

"A one percent cost-of-living increase was given in 1966, but at best it is only a placebo for the older retirees. Time will run out for them before it can be of any significance.

"KRTA will again make a determined effort to correct these inequities when the Kentucky General Assembly next meets—January 1970."

Louisiana

P. G. Rogers, President, Louisiana RTA: "No significant pension legislation was enacted from July 1, 1967 to November 1, 1968.

"A pension adjustment was made about July 1, 1965. It increased the original benefit by 1% for each year of retirement. It was inadequate. On January 1, 1965, the formula for computing retirement pay was increased 33⅓%, but it was not applicable to those who retired prior to January 1, 1965.

"A Special Session of our State Legislature was convened, beginning November 10, 1968. Governor John McKeithen agreed to include in his call two bills which we sponsored at the 1968 Regular Session. At that time, both of our bills passed both Houses of the Legislature with only one 'no' vote, but both were vetoed by the Governor. However, they were both passed at the Special Session and have now been signed into law. They are:

"H.B. 15. In 1965, the Legislature changed the formula for recomputing the retirement benefit from 1½% to 2% of average salary for the best five consecutive years for each year of accredit service, effective July 1, 1965. H.B. 15 of 1968 provides that those retired prior to July 1, 1965, are eligible for a recomputation of their benefits under the new formula. It is required, however, that the retiree pay into the system an amount equal to the amount of 1% of the total of the 5 years salary on which his present benefit was computed. The number of years that can be used in making the computation is limited to a maximum of 37½ years.

"H.B. 14. Act 208 of 1966 provided a cost-of-living increase computed as follows: 1% of the original benefit for each year of retirement. H.B. 34 of 1965 sought to increase the 1% to 2% and also to make eligible for the cost-of-living increase beneficiaries of deceased members who retired under Option 2, 3, or 4. The bill also provided for biennial adjustments in accordance with the Consumers Price Index. This bill was enacted in 1968 as H.B. 14."

Maine

Clyde E. Russell, Executive Secretary, Maine Education Association (Retired): "The Maine Legislature met only in a Special Session in 1968 and the agenda was strictly limited. Nothing related to pensions was considered.

"One provision of our law increases retirement allotments when there are increases in the salaries of state employees. It is a gross understatement to call this a cost-of-living adjustment. The salaries of public employees everywhere have increased faster than the cost of living.

"Our pensions are not very generous to start with, i.e., half pay after 35 years and if a married man wants to provide for his widow they are very substantially reduced. The active teachers will try to get the 35 years reduced to 30, but they are not asking that it be retroactive; and that does not augur very well for us to try to alter that situation.

"We had planned to introduce a bill to increase the amount of substituting a retired teacher could do without reducing his pension, but the attorney-general may have solved our problem. Whereas our retirement allowance plus our earnings could not exceed the salary our retirement allowance was based on, he has now ruled that we can earn as much as that base salary.

"Formerly if a retired teacher re-entered teaching, he became ineligible for the 'cost-of-living' adjustments until after he retired a second time. We proposed that when a retiree returned to teaching he be permitted to revert to his status when he originally retired. Perhaps that was not the best possible solution to his problem; but we hope that in view of the attorney-general's decision, the Retirement Board will be able to invent a ruling that will permit retirees to return to teaching without loss of pension.

"A great many retired teachers receive less than a $75 a month pension. Most of them retired a long time ago, and it is hoped they had time to provide for their future in other ways. Perhaps we ought to do something about them, but I would be loath to stir things up. I receive a pension of about $60 a month, myself.

"The Maine RTA seems to be most interested in an increased representation on the Retirement Board. There is now one representative for all retirees. Our RTA President, Leora Prentiss, and our NRTA Area I Vice President, Maud Haines, want a teacher and a member from the retired state employees and they have been set up as a special committee to work toward this objective."

Maryland

Ruth P. Eason, President, Maryland RTA: "During 1968, in Maryland, we have been laying the foundation for the passage of two bills in the spring assembly of 1969.

"House Bill 703 deals with the complete removal of the social security feature from the 1967 legislation, which provided a supplementary allowance for retired people in the lower bracket.

"House Bill 1047 provides for adjustments of Maryland pensions to the Cost-of-Living Index.

"Our retired teachers have been working especially hard to secure the passage of these bills. Letters to the Governor, Senators, and Delegates have been effective means of getting support. Personal contacts have been even more effective. Attending hearings and expressing the great needs of the older retirees have helped tremendously. Letters of thanks and appreciation for accomplishments always work wonders.

"In July 1968, the leaders of our group attended a hearing of the Committee on Taxation and Fiscal Matters of the Legislative Council. Many made talks and answered questions. We were received very graciously, and felt that the committee understood our needs better, and were in accord with our requests. At the close, the chairman explained that his committee would first report to the Legislative Council, which would in turn make its recommendation to the 1969 Session of the Maryland General Assembly.

"We have high hopes of the passage of both of these bills."

Massachusetts

Marie M. Gearon, Second Vice President, Massachusetts RTA: "No bill proposed by our retired teachers passed the 1968 Legislature. The Legislative Committee for Massachusetts retired teachers has filed Bill 1104 for adjustment of low pensions."

Michigan

Forrest G. Averill, President, Michigan RTA: "The Michigan Legislature approved only two of the bills which were introduced affecting the pensions of Retired School Employees this year. One of these bills makes it mandatory that one member of the Retirement Fund Board be a Retired Public School Employee. The other increased the amount one can earn after retirement if employed by a Public School System from $1,500 annually to $1,680 corresponding to the provisions of the new Social Security Act. This bill also removed the limit on earnings for those retirees over age 72.

"The Michigan Retired Teachers Association will continue to work hard in the coming session of the Legislature to get pensions keyed to increases in the Cost-of-Living Index with a retroactive feature providing additional amounts to retirees on a sliding scale increasing in amount up to fourteen years.

"The bill would operate as follows:

"Effective date of retirement:	*Percent of increase*
July 1, 1967 through June 30, 1968	1
July 1, 1966 through June 30, 1967	2
July 1, 1965 through June 30, 1966	3
July 1, 1964 through June 30, 1965	4
July 1, 1963 through June 30, 1964	5
July 1, 1962 through June 30, 1963	6
July 1, 1961 through June 30, 1962	7
July 1, 1960 through June 30, 1961	8
July 1, 1959 through June 30, 1960	9
July 1, 1958 through June 30, 1959	10
July 1, 1957 through June 30, 1958	11
July 1, 1956 through June 30, 1957	12
July 1, 1955 through June 30, 1956	13
Any time prior to June 30, 1955	14

"It would also provide that after July 1, 1969 the retirement allowance would be adjusted annually by reference to the Consumers Cost Index provided it has increased 2% or more since the last preceding adjustment. Increases of less than 2% would be cumulative with increases in succeeding years. It also provides that in no case would a retirement allowance be reduced below the amount payable for June 1969. The provisions of this act would apply to both the Detroit and the outstate systems.

"We are also working hard to increase the pensions of some of our older retirees who do not receive credit for experience beyond thirty years in calculating the amount of their pension by removing this stipulation. This bill also contains the provisions that all full time employees would receive credit at not less than $60 a year for each year of service."

Minnesota

Ellis Schweickhard, President, Minnesota RTA: "We have had no new legislation since July 1, 1967. However, laws passed by the 1967 legislature resulted in the following: 1628 retirees in Basic System received increase of 15% and 722 retirees in Coordinated System had increases of 10%. Those in Coordinated System also have social security. One hundred and three older retirees under '1915 Law' had increases of $10 per month.

"We are urging the 1969 legislature to provide cost-of-living adjustments to compensate for rising prices and a fixed minimum floor, based on years of service, to compensate for low salaries in areas of the state where salaries were especially low.

"More than 1100 Minnesota retired teachers receive less than $75 a month pension. Of these, 1628 are in the Basic plan and 722 are in the Coordinated plan.

"Our present law does not provide for automatic cost-of-living increases and pensions are not adjusted to increases in active teacher salaries. We are working toward these goals in the 1969 legislature."

Mississippi

The 1967 report of the National Council on Teacher Retirement showed there were 6710 retired teachers or beneficiaries who received pensions and that their median annual retirement allowance was $818.40 a year. There are 463 retirees of the former retirement system with a median retirement allowance of $513.12. During the past year, 949 members retired; and for this group, the median annual retirement allowance was $1398.81.

Missouri

Ava M. Everts, President, Missouri RTA: "We are working diligently to secure a $75 a month increase in the pensions of those who retired before 1965. Some will not receive the full $75 a month if that increase would place their pensions above $150 a month. We do not have a cost-of-living clause in Missouri."

Montana

Russell L. Neal, Chairman, Legislative Committee, Montana RTA: "The Montana teacher pension adjustment bill has been prepared in cooperation with Mr. J. Hugh McKinny, Executive Secretary of the Montana Teacher Retirement System. The bill proposes an increase of 2% for each year from the year of retirement to 1967. It guarantees a $125 a month minimum in case the formula would produce a pension under that figure.

"Thus the person who retired in 1957 on a $100 monthly pension would be raised to $120 by the formula. He would in fact be raised to $125.

"The teacher who retired in 1952 on a $100 pension would be raised to $130 a month."

Nebraska

W. A. Rosene, Chairman, Legislative Committee, Nebraska RTA: "Under its present form some of our retired teachers receive $70 a month which is the maximum. Just 60 old-timers get this amount. We have raised this to $300 a month under the new bill. Those who retired previous to January 1, 1958, and after July 1, 1945, about 400 of us, receive from $17.55 to $35 a month. You will note we will get a maximum of $250 a month under the new bill. Since social security and the regular retirement must be subtracted from this amount, it will mean only about $50 to $100 a month additional.

"The new group which we hope to have included in the group of Reserve Teachers will in most cases get just $17.50 a month additional income."

Nevada

Earl Wooster, Chairman, Legislative Committee, Nevada RTA: "No pension legislation was passed from July 1, 1967, to July 1, 1968.

"Nevada does not have a teacher pension system—it is a state pension system including all state, city, county and educational workers. The system was started in 1949 and paid 50% of salary up to a maximum of $4800 per year. In 1959 this was changed and it paid 50% of salary up to a maximum of $7200 per year for 20 years of service with an additional 1.5% increase for each year of additional service up to 30 years. In 1964 this was changed to remove limitations and full salary was taken as the base with 50% of salary for 20 years of service and 1.5% for each additional year up to 30 years of service.

"In 1964 a 1.5% annual increase on your basic retirement was incorporated in the plan. This then makes retirement figures of less than $75 or $100 rather academic, although I find that 4 people do receive less than $75 and 42 people receive less than $100 all prior to 1964. The injustices in the system resolve down to comparisons between the early retirees and the present retirees.

"With the 1.5% increase each year for cost of living, the early retiree receives a very small amount while the late retiree gets a rather substantial cost-of-living increment each month. I will use my own case as an illustration. I receive about $3 per month increase while my successor who retired six years later gets some $16 cost-of-living increase each month. My retirement income was limited on the $7200 salary a year figure while my successor received the benefits of a salary adjusted to inflation with no limitation. This runs through the whole system and is applicable to all retirees prior to 1964. We have tried to get this adjusted on the basis of 30% increase for retirees prior to 1959 and 20% for those retiring between 1959 and 1964, but without success. We will try again but I am not optimistic."

New Hampshire

Gertrude O'Leary, President, New Hampshire RTA; Elizabeth Donovan, Director, New Hampshire NRTA: "The 1967 Session of the General Court (legislature) of New Hampshire voted a supplementary increase in retirement benefits for teachers retired prior to July 1, 1957. The appropriation, payable in one calendar year, 1968, included a cost-of-living increase, based on the cost-of-living index of October 1966, and a minimum floor of $115 per month for 30 years of creditable service. Disability benefits and proportionate adjustments for fewer years of service were also allowed. Of the 214 teachers now in this group, 116 receive less than $100 and 80 receive less than $75 basic retirement income. The average of the group is $95.45 per month.

"There have been no adjustments in basic retirement benefits of teachers retired on and after July 1, 1957. At that time the existing State Retirement System was modified and the State entered into a contract with the Federal Government whereby social security was made available to those teachers retiring on and after July 1, 1957. There are at present 851 teachers in this group. The average basic retirement income from the New Hampshire Retirement System is $130.82 per month. This does not, of course, include social security benefits. However, the total retirement benefits to this group of retirees is not geared to the inflationary cost-of-living trend of the past few years, nor are they commensurate with the present salaries of active teachers.

"The New Hampshire Teachers Retirement System is a contributory one. Since no employee contributions have been made to supplementary benefits, such benefits have been ruled to be 'pensions.' The Constitution of the State of New Hampshire limits the payment of 'pensions' to a single calendar year. However, in the case of the older teachers mentioned in the first paragraph of this report, the Supreme Court of New Hampshire ruled that the retirees in question could be paid an amount equal to double the annual supplementary benefit in a single calendar year. It is obvious that for automatic supplementary adjustments to be made an amendment to the State Constitution would be necessary.

"A new retirement system is now operating in New Hampshire. The system includes State employees, public policemen, and public firemen."

New Jersey

May C. Smith, President, New Jersey REA; Charles L. Steel, Jr., State Director, New Jersey REA: "This has been an important year in pension legislation in New Jersey. The benefits from the contributory life insurance program were increased and the contribution rate decreased to ½ of 1% of salary. Enactment of Senate 383 removed most of the restrictions on the amount of money retired teachers may earn through public employment without pension deductions.

"In 1955, pension legislation provided at least $1,200 annually to all retirees who had given 20 years or more of service to New Jersey schools. There have also been three modest cost-of-living adjustments in 1958, 1961, and 1964 for those who retired before 1955. Therefore, it is difficult to give an accurate picture of retirees in New Jersey who are receiving less than $100 per month. Assuredly, there are some. These, however, have had very limited service, have retired on disability, or have failed to join the State Pension Fund when joining was voluntary.

"To date the legislators have failed to act on S. 278, our cost-of-living pension increase bill, and a group of other bills designed to permit purchase of prior service either under more favorable rates or for service not now creditable.

"The New Jersey Education Association and the New Jersey Retired Educators Association have assigned top priority to legislation that will grant periodic, automatic adjustments to retirement allowances geared to changes in the cost of living. Living costs are now rising 4½% over a 12-month period. This is on top of an approximately 3% increase in both 1966 and 1967. With no end in sight of the present inflationary spiral, many of our retired members are now, or will soon be, in a desperate financial situation. It is imperative that this legislation (S. 278 or a similar bill) be enacted as soon as possible."

New Mexico

Dr. J. Cloyd Miller, President, New Mexico RTA: "No retired teacher pension legislation has been enacted from July 1, 1967 to November 1, 1968.

"Because of other crucial educational legislation needed in the 1969 Session of the New Mexico Legislature, we have decided not to propose any retirement legislation. The 1967 Session did very well for teacher retirees. We anticipate requesting the 1971 Legislature to tie our retirement benefits to cost-of-living increases."

New York

Raymond J. Ast, President, New York RTA: "A cost-of-living law went into effect October 1, 1968, with the first payment included in the November pension check.

"In 1969 we have hopes of passing a law giving supplemental aid to widows of retired teachers who are now receiving an optional pension thru their husbands. The Governor vetoed the bill in 1968, due to some defects in the bill, and requested the counsel for the Retirement System to correct the defects. The people of the State of New York approved this Constitutional change in the 1966 state-wide election. This bill will give the widows a total of $220 a month.

"All our retired teachers on pension now receive $200 a month except those who have earned social security benefits and receive $175 monthly. Pensions are not adequate for the lower pensioned people.

"Since enactment of the cost-of-living law, anyone receiving a supplement greater than his or her cost-of-living amount will not receive the cost-of-living benefit.

"The new law is a one-year bill and will have to be passed again for two years before being made permanent."

North Carolina

Lloyd Isaacs, Public Relations Director, North Carolina Education Association: "Effective July 1, 1967, benefits were increased according to the following schedule:

"Period in which benefits commenced:	*Percentage*
January 1, 1966, to June 30, 1967	5
Year 1965	6
Year 1964	7
Year 1963	8
and so on concluding with	
Year 1942	29

"We are at the present time working on increasing the minimum benefit, paying benefits to those who retired prior to 1941 with less than 20 years service, and increasing pensions for all persons who retired prior to 1956 and received no social security as a result of state coordination. At the present time we have no automatic cost-of-living adjustment, but this is included in our legislative packet to be effective July 1, 1969. Since this is being funded from the earnings of the System, we expect no difficulty in legislative enactment.

"The North Carolina Education Association Program for 1969 is as follows:

"A. Approved by Teachers and State Employees Retirement System Board of Trustees:

"1. Full retirement benefits at age 62 for members with 30 years of service.

"2. A reduction of 3% per year, rather than 4%, for members retiring before age 65.

"3. Disability benefits liberalized by computing service to age 65 rather than 60.

"4. Establishment of a cost-of-living index to adjust retirement benefits for those who have retired or who will retire in the future.

"5. Study of the problem of repayment of withdrawn contributions.

"B. Items not approved by Trustees:

"1. Increased pensions for those retired so as to help make benefits more equitable.

"2. Eligibility to select early option for those with 20 years of service.

"3. A definite program to strengthen veterans' rights and benefits.

"4. Vesting period reduced to ten years.

"5. Permission for a member to be out of service for ten years before being forced to withdraw from the Retirement System.

"C. Accomplished without legislative action:

"Average final compensation calculated on either fiscal or calendar year at the discretion of the retiring member."

North Dakota

Walter M. Loomer, President, North Dakota RTA: "The excellent working relationships between the officers of the North Dakota Retired Teachers Association, Irving L. Iverson, Executive Secretary of the North Dakota Education Association and Clara D. Brown, Executive Secretary of the Teachers Insurance and Retirement Fund, are expected to ultimately develop major improvement in retirement benefits in the State. Issues involved this year include a possible merger with the State Employees Retirement System and a more equitable percentage contribution by the State."

Ohio

James V. McDowell, President, Ohio RTA: After 14 months of effort in the State Legislature, Senate Bill 59 was passed by both Houses, February 27, 1968. It became effective July 1, 1968, and provided percentage increases in Pensions as follows:

	In percent
Pre-1955	24.3
1956	22.5
1958	15.2
1960	12.5
1962	10.1
1964	7.3
1966	2.6
First half of—	
1955	24.3
1957	18.4
1959	14.3
1961	11.3
1963	8.7
1965	5.6
1967	2.0
1968	2.0

"The law did provide a $6 to $10 a month deduction for those receiving a pension increase in 1965 and a guaranteed minimum increase of at least $3 a month.

"Inequities to be corrected as soon as possible include: (1) a minimum annual pension to care for lower levels, and (2) automatic pension increases geared to increases in cost of living."

Oregon

Part I

Paul S. Elliott, Co-Chairman, Legislative Committee, Oregon RTA: "The 1967 Legislature made such pronounced changes in the Oregon Public Employees Retirement law that now the State Retirement Service has divided its membership into two groups, those retired before January 1, 1968, totaling 9300, and those retiring afterwards.

"The new law requires employees to contribute on a fixed rate depending on the monthly gross salary with the employer to match the same. The benefits are from 50% to 100% greater than under the old law. It permits the employee to request as high as 50% of his contribution to be invested in common stocks for a variable annuity. He also receives a guaranteed pension. The options for settlement are approximately the same as the old law.

"No improvements have been made for the prior to January 1st retirees in the law. Only the extra dividends from a higher interest earning are available. They amounted to a 25% increase in 1968. New legislation is under consideration but nothing definite is formulated to date.

"Part II

"Oregon has two retirement systems. One is in the Portland School District established about 1912. The other is the State of Oregon Public Employees Retirement Service established in 1946.

"The Portland Teachers Retirement Fund Association is funded by the employee but not by the Portland school district. The district only matches the earnings of the fund annually.

"There are between 900 and 1000 retired teachers under this plan. Those retiring since 1953 are under social security. Prior retirees have no social security unless obtained in other than school employment.

"The average benefit for all retirants is $135.40 per month. The funded moneys through increased interest earning increased the average by 25% in 1968 for those qualifying.

"Those who have been retired 15 years or more (about 24%) are receiving an average of $128.06. Of this group about 24% receive no social security, 42% have a wife's share and a 25% a widow's or full share.

"*The Oregon State Public Employees Retirement System* includes state, school and public colleges, as well as city and county employees if the employer elects to belong. We are of the opinion that the system includes between two and three thousand retired teachers. The system files are not open to our committee but we have obtained the names of approximately 1900 retired teachers through school districts and retirants themselves.

"The average benefit for a state teacher is $80.32. All of the 9300 retirants and beneficiaries under the old law received a 25% increase in 1968 due to the increase in earning of the dedicated funds. It appears that the extra dividends will continue annually.

"A comparison of the benefits of the two systems follows:

	Per month
"Portland T.R.F.A.:[1]	
3 percent average	$48.03
2 percent average	88.39
61 percent average	135.47
30 percent average	167.25
4 percent average	218.90
"Oregon State P.E.R.S.:[2]	
46 percent average	42.20
16 percent average	82.39
33 percentage average	119.21
4 percent average	167.52
1 percent average	219.47

"One reason for the smaller benefits for the up-state teachers was the low maximum amount the employer had to match. For a number of years it averaged less than 7% on $1800 annually."

Oklahoma

G. T. Stubbs, President, Oklahoma RTA: "The Oklahoma Teachers Retirement System is facing a real crisis as we look for action in the 1969 Session of the State Legislature. During the 1968 Session, both Houses approved a bill promoted by both the Oklahoma Education Association and the Oklahoma Retired Teachers Association. The bill was vetoed by the Governor and an attempt to override the veto failed. During the last hours of the session, a quickly drawn and patched-up substitute bill initiated by the Governor was adopted. It is now generally agreed, even by the sponsors, that this bill is wholly inadequate and must be replaced as soon as possible.

"Recognizing the inadequacy of the adopted bill, the Legislature with approval of the Governor set up an interim study of the Oklahoma Teachers Retirement System. A special committee composed of members from both Houses was created and charged with responsibility for the study and for recommendations to be presented to the 1969 Session. The committee employed an out-of-state actuarial firm to make an evaluation and to present proposals for changes. A progress report has been made and the final report will be presented early in January 1969. From the report and proposals by the actuaries the Special Study Committee will make its recommendations for legislation to improve the Retirement System.

"All active and retired teachers are awaiting these final recommendations with great hope. The efforts of ORTA in cooperation with OEA over a period of years to inform and to alert teachers, members of the Legislature, the Governor, and lay people as to the inadequacy of the State Teachers Retirement System seem to be paying dividends. Public statements from those responsible for state government indicate that legislation for teacher retirement will receive priority during the 1969 Session. In the meantime, the Legislative Commission of the Oklahoma Education Association, which includes the President of the Oklahoma Retired Teachers Association as a member, is developing proposals for legislation on teacher retirement as a part of a comprehensive program of legislation for public education. Also the ORTA, through its Legislative Committee consisting of one member from each of the twelve districts of the state organization, is preparing for activities designed to win support from members of the State Legislature for proposals that are in the process of development.

"The ORTA Legislative Committee is giving its attention to the following items of planning: (1) Developing strength at the grass-root level by forming local units of retired teachers in each county and in metropolitan centers; (2) Following closely the work of the Special Legislative Study Committee to be ready to take a position on issues after the final recommendations are made; (3) Keeping in touch with the Office of the Oklahoma Teachers Retirement System as a means of having information about the system and needs for improvement; (4) Cultivating an acquaintance with members of the 1969 State Legislature for more effective cooperation.

"Finally ORTA is cooperating with NRTA in an intensive campaign to increase membership in both organizations and thereby to become more representative as well as to mobilize the potential political influence of all retired teachers in the state."

Pennsylvania

Burns F. Best, Chairman, Legislative Committee, Pennsylvania RTA: "The RTA Legislative Committee is considering future legis-

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"[1] Figures from questionnaires received from 33 percent of the Portland T.R.F.A. retirees.

"[2] Figures from questionnaires received from 25 percent of the 1,900 State teacher retirees.

lation to improve the retirement allowances for teachers who retire prior to 1967.

"Teachers who retire after July 1, 1967, have been changed by Act 34 of the Pennsylvania Legislature into a class, by which he or she may receive a superannuation at age 62 or at the end of 35 years of credited service of 1/60 of *final salary* times the number of years taught.

"Since teachers retiring in 1965 and 1966 did not benefit by Act 34, legislation will be presented early in 1969 to grant increases of 4% and 1%, respectively, for them. This is based on the Consumer Price Index as used in Act 34.

"Next we want to work for additional increase in retirement allowances for all Pennsylvania teachers who retired before January 1967, as Act 34 was based on the Consumer Price Index entirely and did not consider the salaries in the 1940's when they were very much below the cost of living; this resulted in low retirement allowances. We are concerned with the cost of living today, not what it was in the 1940's and early 1950's.

"We want to adopt a logically correct plan to increase retirement to a plan that is equitable and fair, so that future increases may be based on the cost of living.

"It has been suggested that as a base there be a minimum guarantee of $80 a year for each year of credited service to be granted up to 40 years. This $3200 would be below the poverty level set up by our Federal Government. An actuarial study will be made and we will proceed from their recommendations."

Rhode Island

Kathleen V. Boyd, President, Rhode Island RTA: "A law was passed in the 1968 Session of the General Assembly of Rhode Island which provided a cost-of-living increase to all state employees who retired prior to December 31, 1967. The increase will be 1½% of the present pension allowance for each year the pensioner has been retired and will continue to increase each year to a maximum of $500. The only teachers who benefited from this legislation were those who had taught in state supported rather than locally supported schools. They also received a cash bonus of $300.

"The law passed in 1968 created a Commission of Nine Members to study and make recommendations for future pension increases. One member of this Commission is to be a retired teacher.

"Since we regard ourselves as retired state employees, we feel that the law described above is discriminating against teachers. The average annual pension of retired teachers is $3,472. About 95 retired teachers in Rhode Island receive an annual pension of $2,000, which is the minimum pension. Our present law does not provide automatic cost-of-living adjustments or adjustments geared to increase in salaries of active teachers."

South Carolina

Emma F. Davis, President, South Carolina Retired Educators Association: "Pension adjustments for South Carolina members of the State Retirement System are inadequate to meet today's cost of living. It has not been possible to learn the number of retirees receiving any stated retirement benefits and the present Retirement Law does not provide for any cost-of-living increase.

"The 1968 General Assembly passed one amendment to S. 90 providing for a 5% increase to teachers retired in 1966 or later.

"The South Carolina Education Association asked that a study be made of the South Carolina Retirement System to learn just what inequities existed. A Study Committee of three Senators and three Representatives was appointed. This committee held an Open Hearing on August 7, 1968. The South Carolina Retired Educators Association Legislative Committee, in the presence of many retirees and Legislators, presented the SCREA Four-Point Legislative Program. This program proposes: (1) a minimum monthly benefit of $125 for all members of the Retirement System, (2) that when active teachers receive increases, retirees receive proportionate increases, (3) that members with 10 or more years, but under 20 years, receive a minimum of $5 monthly times the number of years of service and, (4) that all members be allowed to calculate benefits by the 1964 formula.

"The Director of the Retirement System has announced that he has begun a study to determine the cost of the Four-Point Program. This information will be ready before the opening of the 1969 General Assembly in January.

"The Chairman of the Retirement Study Committee reports that his committee is studying the problem and promises to push for action during the next session of the Legislature.

"The SCREA Legislative Committee through county associations is working to be sure that county delegations know the Four-Point Program and understand the great needs of many retirees for better incomes."

South Dakota

Florence Krieger, President, South Dakota RTA: "Pension Legislation passed since July 1, 1967: "1. Made eligible for membership in the Retirement System the teachers in the private schools for the handicapped and sheltered workshops and sheltered workshops under the supervision of the Mental Health Commission.

"2. Made those teachers presently employed in the public schools who did not elect to become members by July 1, 1964, eligible for membership as of 1968.

"3. Permitted 30%, instead of 20%, of the assets to be invested in stock of rated public utilities, and 10% can be so invested per year, instead of 5%.

"Outstanding inequities include the following:

"1. As of January 1, 1968, no retired teacher in the state received a pension as much as $75 per month—$70 was the maximum—and there were at least 130 teachers with 40 or more years of service. Note the following survey report.

"2. The average pension is $28 to $29 per month.

"3. No pension adjustments have been made.

"4. No automatic cost-of-living adjustments have been made.

"5. There are at least 100 retired teachers in the state with 20 or more years experience who receive no pension whatever.

"6. The South Dakota Retirement System did not go into effect until July 1959.

"114 SOUTH DAKOTA RETIRED TEACHERS RECEIVING NO PENSION

"Year of retirement	Years taught Less than 20 years	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 60	Total
Retired before 1940	7	2	1	1					11
Retired 1940 to 1949	2	5	0	1	3				11
Retired 1950 to 1959	10	8	6	9	7	5	3	1	49
Retired 1960 to 1964	13	2	3	4	3	1			26
Retired 1965 to 1967	11	2	1	1		1		1	17
Total	43	19	11	16	13	7	3	2	114

"425 SOUTH DAKOTA TEACHERS RECEIVING PENSION

Years taught	Amount of pension $5 to $10	$10 to $20	$20 to $30	$30 to $40	$40 to $50	$50 to $60	$60 to $70	Total
Less than 20 years	12	6	6	3				27
20 to 24 years	6	43	24	16	5			94
25 to 29 years	2	27	19	10	4			62
30 to 34 years	3	14	22	13	2	5		59
35 to 39 years		7	10	18	16	4	1	56
40 to 44 years		3	14	22	28	20	1	88
45 to 49 years			5	4	11	3	3	26
50 to 54 years			1		2		1	4
55 and over					1			1
Number of years not given		4	2	2				8
Total	23	104	103	88	69	32	6	425

"Median years taught: 32 years. Median pension $29 per month."

Tennessee

Part A

C. H. Moore, President, Tennessee RTA: "Recent significant pension legislation in Tennessee which has not been previously reported.

"1. The legislatures of 1967 and 1968 gave us the following which has not heretofore been reported:

"a. Minimum monthly benefits for Class A retired teachers (those with Social Security) are to be computed by the formula: number of years creditable experience x $4.34.

"b. Minimum monthly benefits for Class B retired teachers (those without Social Security) will be determined by the formula: number of years creditable service x $5.00.

"Part B

"Looking forward to future legislation by our state legislature in 1969, the Tennessee Legislative Council, at the request of the Tennessee Educational Association, will study the following proposals preparatory to making recommendations for future increases in retirement benefits:

"1. Factors in the benefit formula should be increased from 1% to at least 1⅛% for Class A members, and from 1⅝% to at least 1¾% for Class B members.

"NOTE: Two years ago a fixed formula program for teachers retiring in the future was passed by the Tennessee Legislature. The formula for determining monthly benefits under this program is: average of ten best years' salaries x number of years creditable experience x the factor, as indicated above. The former minimum benefit program is still in effect for nearly all teachers that have already retired.

"2. Benefits should be calculated on the average salaries of the top five years creditable service.

"3. A cost-of-living increase should be provided for those members retired on the minimum benefit program.

NOTE: This program is given in Part A above. Two ways are given to accomplish this proposal: first, increase the factors $4.34 and $5.00 to reasonable figures; second, develop a built-in cost-of-living index tied to some reliable and meaningful indicator.

"4. The aged teachers' pension of $3.34 per month for each year of teaching in Tennessee in excess of 15, but not to exceed 30, should be increased to $5.00 for each year of teaching experience in Tennessee in excess of 15.

"NOTE: This provision applies to a group of teachers who retired before July, 1945, when the original retirement system went into effect. There are about 500 of these teachers."

Texas

Jennie S. Wilmot, President, Texas RTA: "Texas took the first step in 1968 to permit an active teacher to contribute 6% of his or her full salary to the Retirement System. The first step was removal of a constitutional restriction. Action by the Legislature is still necessary to complete the authorization."

Utah

Merritt L. Paulson, President, Utah RTA: "The Utah pension program for retired teachers is in need of increasing benefits for those retired prior to July 31, 1967. The 1967 legislature in Utah passed a bill uniting all state pension programs under a single program. This bill did very little for the teachers now on retirement.

"There are 216 retired teachers in Utah receiving $75 or less per month and 409 retired teachers receiving $100 or less per month. This does not include benefits paid to disabled teachers. The average pensions for 'older' teacher retirees and non-teachers who retired during the period July 1, 1937, through June 30, 1961, and who are still alive is $105.94. Teachers retired after December 31, 1953, are receiving social security benefits.

"The new Utah law that went into effect July 1, 1967, is much more liberal for teachers who will retire in the future. Under the old pension law for teachers, the State of Utah was to match the teacher's contributions to the pension system. The State of Utah failed to meet its obligation in this matter. Over several years, $13,000,000 was never paid by the state. Therefore, we feel justified in asking for some increase in benefits for those retired teachers who helped by their contributions to keep the pension program alive in Utah."

Vermont

Lyman C. Hunt, Member, Legislative Council, NRTA: Eleanor Baily, President, Vermont RTA: "The minimum pension for those who have 35 years of service and have reached age 60 was raised to $2100 a year in 1966.

"Preparations are underway for (a) cost-of-living increase in retirement benefits, (b) vested rights in ten years, and (c) homestead tax exemption at age 65."

Virginia

R. L. Lacy, President, Virginia RTA: "The only Pension Legislation enacted since the 1966 session of the Virginia General Assembly applied to the 1968 session which voted a 10% increase in the pension of those who retired prior to March 1, 1952, effective with check received about August 1, 1968.

"The annual meeting of the Virginia Education Association, which concluded its session November 1, 1968, adopted a legislative program of action for retirement consisting of 15 items, many of which if enacted into law during the 1970 session of the Legislature will correct many of our outstanding inequities. The Virginia RTA participated in the formulation of the above through its president, and our association has accepted this program as its own and will work with the VEA as we approach the 1970 Legislature.

Washington State

S. M. Haugen, Chairman, Legislative Committee, Washington State RTA: "At the present time, we are preparing a bill requesting an annual increase of pensions for all State retirees each year of the next biennium and believe that we will have a good chance of its passing."

West Virginia

Roy B. Shrout, Chairman, Legislative Committee West Virginia ARSE: "We succeeded in getting legislation passed in the 1968 Special Session of our Legislature of the 25¢ per month per year taught. This amounted to from $7 to $10 per month for each retired teacher or other retired school employee.

"The average monthly retirement benefit for teachers is $115 per month. I do not have the figures for those receiving less than $100 per month, but there are a great many.

"We sent a questionnaire to each candidate for public office (statewide) in the November election, asking for support in the 1969 Legislature of (1) an increase by 5% of the retirement benefits of school employees retired as of January 1, 1969, and (2) an automatic 2% increase in current retirement payments *if* and *when* the cost of living rises 1½% or more. The response was very good."

Wisconsin

Officers and other leaders of the Wisconsin Retired Teachers Association, the Wisconsin Education Association Retirement Committee and the Wisconsin State Teachers Retirement System are working to correct present inequities and generally up-grade benefits for both those who are retired and those approaching retirement.

Wyoming

Willard R. Beck, President, Wyoming RTA: "Our State Legislature meets every two years in January following the General Election for a 40 day session. A study is being made of inadequacies so that further improvements can be made. Provisions were made by the 1967 Legislature that were very favorable to retirees and provided for increased retirement benefits after July 1969.

"We are getting better local organization among our retirees and we feel that these groups are taking the initiative in implementing needed improvements. Sheridan RTA has a very active legislative committee and during November will meet with the local elected legislators.

"Our State Executive Committee met October 25th, at which time some of our legislative problems were discussed. Since this meeting one member of this committee has been elected to the State Legislature."

District of Columbia

Elsie Green, State Director, District of Columbia RTA; Margaret Moore, Legislative Chairman, District of Columbia RTA: "No retired teacher with more than 15 years of service in the District of Columbia schools receives less than $300 a month pension. District of Columbia retired teachers have received two pension increases since 1966. When the law was passed, it provided automatic adjustments identical to Civil Service adjustments which are geared to the increase in the Cost of Living Index. They are assured another automatic increase in 1969 as a result of the more than 4% recent increase in the cost of living."

EMBARGO ON IMPORTATION FROM MEXICO OF VINE-RIPENED TOMATOES

Mr. GOLDWATER. Mr. President, there is today on the Mexican border an extremely complex and distressing problem which is working a dire economic hardship on one area of my State of Arizona and complicating this Nation's relations with Mexico.

The problem arises from an order issued January 2 to be effective January 8 by former Agriculture Secretary Orville Freeman. The order prohibits the importation from Mexico of vine-ripened tomatoes smaller than $2\frac{17}{32}$ inches in diameter. This embargo, regardless of the reasoning behind it, was levied suddenly and without a warning. It was an arbitrary decision which was made in the Department of Agriculture at the apparent whim of the tomato growers in Florida. As a result, the economy of Nogales, the port of entry, is suffering to the extent of a $105,000 a day. As has been pointed out by numerous interested parties, the embargo of medium-sized Mexican tomatoes makes no economic sense. However, it is wreaking havoc with our relations south of the border. It raises many hard-to-answer questions about our commitment to such concepts as freer hemispheric trade policies, our responsibility to U.S. brokers, shippers, and packers as well as to business interests across the border.

Mr. President, this does not sound like much of a problem until you understand the ramifications involved in suddenly disrupting the normal channels of distribution for perishable goods. For example, there are an estimated 23,825 acres of land planted to tomatoes in the Sinaloa-Sonora sections of Mexico. Current estimates indicate that the embargoed sizes represent about 35 percent of the entire tomato crop of West Mexico. Thus, tomatoes today are literally rotting on the vines on about 8,400 acres of tomato growing country. Other tons of the carefully cultivated, vine-ripened fruit are being harvested by hand every day, being trucked to packing plants where they are washed and sorted and then unceremoniously dumped for cattle feed.

It might be interesting for American housewives who commonly pay 34 cents a pound for winter tomatoes to learn that West Mexican cattle are being fattened on perfect specimens of tomatoes because of an arbitrary ruling by the Department of Agriculture.

Mr. President, there is no mystery about why Mexican officials are up in arms about this order. I can tell you that the feeling below the border is intense and damaging to our continued relations. The Mexicans feel that our Department of Agriculture has been used by the Florida tomato growers to play a cruel trick on one of their most perishable industries. They state flatly that Florida growers are attempting to force the American consumer to eat large and highly priced tomatoes. They also make a considerable point of the fact that most Mexican growers spend about half of their cost of growing tomatoes in the United States on items such as machinery, seed and other equipment.

Mr. President, when this embargo was first levied by Mr. Freeman, I telegraphed him urging that his order be suspended pending more hearings and further consideration. He replied that he had no choice; that his action was mandatory under a 1937 law which was invoked on behalf of the Florida tomato growers. I wish to point out that there is considerable doubt about whether this law makes the restrictive actions of the Secretary of Agriculture mandatory or discretionary. I submit that if it is mandatory and if it can be invoked by a group of domestic growers in a fashion that proves detrimental to domestic economic interests of another section, then that law should be changed. But I firmly believe that thorough investigation will show that this is a statute which permits the embargoing of a foreign product rather than requiring it.

Albert Conrad, secretary-manager of the West Mexico Vegetable Distributors Association with headquarters in Nogales, claims the embargo was imposed as a purely protective measure to insure a larger Florida tomato crop. Says Mr. Conrad:

> The ultimate victim in all of this will be the American consumer who will have to pay higher prices because of the lack of Mexican competition. The Florida growers cannot possibly fill the gap in the market caused by this embargo. Mexico usually supplies about 50% of the U.S. winter tomato consumption.

Mr. President, this is an extremely involved question. I have been told that the late Judge Learned Hand is commenting on the 1937 law involved in this case once described it as a "veritable verbal thicket of monstrous proportions." For this reason it is impossible for me here today to go into each and every facet of this problem. However, I claim that its very complexity argues against the kind of sudden action that was engaged in by Mr. Freeman.

In all events, I am informed that the new Agriculture Secretary, Mr. Clifford M. Hardin, is paying close attention to the developments in the tomato controversy along the American-Mexican border. I sincerely hope that the wisdom of rescinding this embargo will soon become apparent to him and that the Nixon administration will quickly issue the necessary order to right a grave wrong.

"U.S. FOREIGN POLICY: 'SELECTIVE RESPONSIBILITY' "—SPEECH BY SENATOR GOODELL

Mr. JAVITS. Mr. President, I ask unanimous consent that a thoughtful address by my colleague, Senator Goodell, entitled "U.S. Foreign Policy: 'Selective Responsibility,' " delivered before the New York State Society of Newspaper Editors on February 3, 1969, be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

U.S. Foreign Policy: "Selective Responsibility"

For the United States, this is a time of both charisma in space and catharsis on earth. If Apollo is our charisma, Vietnam is our catharsis. And we agonize in earnest efforts to find better ways here on earth, both nationally and internationally.

The New Year has opened auspiciously with the agreement in Paris to proceed with substantive talks on Vietnam. This is the most hopeful sign yet that we may be on the road to resolving the tragic Vietnam conflict, which has divided our people and diverted our resources for so long. The negotiations will be long, difficult and tortuous. But with skill, good fortune, and some reasonableness on all sides, I am hopeful that the Nixon Administration will be able to achieve an honorable settlement of the war.

In foreign policy, we know that Vietnam has narrowed our vision. And we sense the one tree but not the forest perspective. While it is true that Vietnam dominates our vision, it is also true that it has led to an outlook insisting that there be no more Vietnams.

At stake, now, is not the past, but the future. What principle should guide our international commitments, our involvement, its degree and kind? What principle can serve at once the interest of our country and that of humanity—in the common cause of international peace with justice?

"Containment" has been used to justify our country's involvement in Vietnam. This principle, first announced in 1947, has led the United States to ideological commitments around the world.

During the years of the Cold War, there developed a broad consensus in support of "containment" and against an international communist movement which was viewed as monolithic. This consensus led the United States to establish a network of military alliances from Europe to Asia. And it led to U.S. anti-communist intervention in countries throughout the world.

While "containment" has applied to foreign policy needs of the past, we have now employed it to such an extent, that we are, in the eyes of the world, fully committed.

Committed to what? we are asked. To peace, when there is war? To stability when there is instability? To security, when there is insecurity?

"Containment" does not seem to give us answers. In addition, there is Vietnam, which has eroded the "containment consensus" of the past.

We have learned that our resources cannot be used with equal effectiveness everywhere in the world. We have learned—the hard way—that we cannot be the world's policeman.

Since "containment" can no longer guide us, we must develop a new approach to foreign affairs.

The new approach I am suggesting today is "Selective Responsibility." It would use a much greater selectivity in the involvement of our resources abroad. It would avoid the automatic and rigid responses that too often have marred our past policies. It would recognize that the world is no longer simply bi-polar, but has added dimensions of a political multi-polar world. It would accept the fact that threats to our security and interests can come from a variety of sources, not just the Soviet Union.

"Selective responsibility" would give full recognition to America's vital role in promoting peace and justice abroad. But it accepts the fact that we cannot—and should not—attempt to preserve the status quo in every nation throughout the globe faced with internal revolution.

In short, such a new approach should steer an intelligent middle course between a rigid "containment" policy and an obviously unacceptable return to isolationism.

Isolation could only close our opportunities in the world to the reciprocal benefits made possible by the exchanges among people of ideas and economic benefits.

A principle of "Selective Responsibility" requires us to bear the following points in mind when we decide whether and to what extent we commit our economic or military resources in any part of the world.

1. We must look at our interests throughout the globe in *real* terms, and not in *romantic* or *ideological* terms. In deciding how we should respond to a crisis abroad, we must focus on the actual economic, strategic or other benefits we could obtain by our actions. The world is far too complicated to permit us to be obsessed with our prestige, we must be concerned mainly with our real interests.

2. We must stop thinking of foreign policy as something quite separate from domestic issues. Every major commitment abroad affects our domestic scene, and affects our ability to deal with the great social problems within our borders.

In deciding how much resources to commit to a crisis abroad, it is essential to assess how such a commitment would affect opinion at home, and how it would affect the great domestic programs for improving our cities and meeting the needs of our poor.

We failed to judge the domestic impact of our Vietnam policy—upon the consciences of millions of Americans, upon the families whose sons were dying, upon the youth in our colleges, and upon our social programs. These failures, among others, have made the war so deeply divisive for our nation.

Our overall military spending must be considered in the context of domestic needs. There must be a reassessment of defense policy with serious examination of what has been called the "military spending sponge."

It is presently estimated that expenditures for Vietnam will decline by $3.5 billion due to the bombing halt, but non-Vietnam defense spending will rise by $5 billion. These figures are a startling blow to those of us who would like to see savings from Vietnam transferred to pressing needs at home, not automatically siphoned off for more military hardware.

3. We must make a realistic assessment of how receptive the people of any foreign nation are to our assistance, before embarking on a commitment of our economic or military resources there. Where the local population welcomes our presence, we can accomplish a great deal of good with a relatively small investment. Where the local population repudiates us, even a very large investment tends to be wasted.

4. We cannot and will not attempt to do the things which the other nations of the world can do for themselves either individually or by indigenous regional arrangements.

Countries, using their own resources, must help themselves through involvement of their own people in effective community action programs.

5. Finally, and most important, we must avoid open-ended commitments. If we are deciding whether to involve our men, our arms, or our money in a foreign crisis, we must have some clear idea—even though we do not choose to announce it—of the maximum we are willing to commit. And we must have adequate contingency plans which prepare us for the eventuality that our proposed course of action fails to work as intended.

In particular, we must recognize that any decision to commit American troops to a foreign conflict tends to become "irreversible." If the troops we send do not achieve their immediate military objective, we become subject to great pressures to add more troops—i.e. to escalate the conflict. This is what happened in Vietnam.

By emphasizing flexibility and realism to serve our interests, a new policy of "Selective Responsibility" will improve our ability to act in this complicated, multi-polar world.

Regarding Soviet-American relations, this new approach will enable us better to distinguish areas of convergence and divergence of interests.

In dealing with the Soviet Union, we have oscillated between attitudes of undue trustfulness and of total suspicion. During periods of "thaw," we foster the illusion that the Soviet Union will act "reasonably" on all issues; during periods of "freeze" we harbor the opposite fantasy.

The truth is that there will be areas where we can cooperate with the USSR. The Nuclear Non-Proliferation Treaty is an obvious case in point. But there will equally be areas where we must firmly oppose the Soviet Union—as in the Mediterranean. We cannot afford a policy which ignores these distinctions.

Congress—especially the Senate—has an important role to play in implementing this new policy of Selective Responsibility. It can do so by conducting a continuing review of our foreign policy to see if it reflects the real interests of America.

Congress can perform a particularly valuable function in helping to assure that our foreign policy is consistent with domestic opinion and domestic social needs.

Through their broad contacts with their constituents, members of Congress can help gauge the impact of our foreign policy at home. This function is vital to assure that we no longer attempt ambitious foreign commitments—especially military commitments—which lack the support of a consensus in America.

But to perform this function, Congress must be informed. One minimum measure is that the President should undertake fully to inform Congress in advance of any new commitment of American troops abroad, unless a clear emergency prevents him from doing so. If possible, he should request a joint resolution of Congress for this purpose.

No one approach to foreign affairs can be guaranteed to work. Too much depends upon the incalculable factors of good or bad luck; the skill and judgment of our leaders; the rationality and predictableness of those who oppose us. Nevertheless, I am hopeful that the approach I have outlined will be of some assistance in charting constructive new directions in America's foreign policy.

MIDEAST PEACE

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a speech by Senator SCOTT entitled "Mideast Peace Must Be Negotiated by Israel, Arabs."

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SENATOR SCOTT SAYS MIDEAST PEACE MUST BE NEGOTIATED BY ISRAEL, ARABS

PHILADELPHIA, PA.—U.S. Senator Hugh Scott (R.-Pa.) said last night that "President Nixon has taken the initiative to encourage a fairly-negotiated Arab-Israel peace settlement."

Speaking before the Cardozo Lodge at the Marriott Motor Inn, where he received the Justice Benjamin N. Cardozo Award, Senator Scott said:

"President Nixon has taken the initiative to encourage a fairly-negotiated Arab-Israel peace settlement.

"The announcement that there will be an effort to bring the parties together should *not* be interpreted as an effort to impose a settlement on the contending parties in the Middle East.

"I am confident that President Nixon knows full well that the only lasting settlement must be one to which Israel and the Arab states freely subscribe.

"The Arabs, the Russians and the French have been talking about a political solution. We are not deceived by nice words. What they mean by that is a Big Power settlement to be imposed on the Arabs and Israelis which will fall far short of a genuine peace and which, indeed, will be prejudicial to peace and, perhaps, conducive to the resumption of war in the near future.

"The Russians and the Arabs have been waging a war of nerves to achieve this objective. It is argued that we may be on the verge of a Great Power confrontation—that we may be slipping into a Third World War. It is argued that we cannot ask the Arabs to make peace with Israel, that they are too proud and we should not humiliate them. It is argued that Israel has been stubborn by insisting on a negotiated peace.

"I suggest that we should not be swayed or stampeded by any kind of false hysteria which may intimidate American opinion. I suggest that we look at the Middle East with calm and with reason. Let us reject the efforts of the Russians and the French to write U.S. policy. We are living in the 20th century. We cannot agree to a return to 19th century imperialism which permitted Great Powers to impose their will on other peoples. Neither the French nor the Russians have any right to dictate the future course of Middle East relationships. Surely, the Arabs have memories of their past experience with French rule when France had mandates in the area. And surely the Arabs must be aware of the Soviet Union's record in Czechoslovakia.

"Let us not be deceived by propaganda fakery which would lead us to believe that the Arab states mean peace when they talk of political solution. Bear in mind that Syria, Iraq and the Arab terrorists have all rejected the November 22 UN resolution and the Jarring mission which it created.

"A picture is worth many columns of newsprint and that front-page picture showing the lynchings in Baghdad last week conveys a graphic message. The brutal and barbarous hangings in Iraq have again exposed the virulent hostility of Arab terrorism which prevails in Syria and Iraq and among the Arab terrorists.

"As of this moment, I have not heard of any Soviet condemnation of the brutal execution of Jews in Iraq. If the Soviet Union were honestly committed to a real settlement in the Middle East, it would long ago have joined with other nations in censuring terrorism in the Middle East and in summoning the Arab states to a recognition of their obligation to live at peace with their neighbors.

"A real Arab-Israel peace must be a major objective of American policy. This means that Arabs and Israelis must reach agreement on future boundaries. There is nothing sacred or eternal about the present temporary armistice or cease-fire lines. The boundaries of the future must be based on realistic agreements, and such boundaries reached by understanding and negotiations will become bridges and not walls.

"The UN has a role to play in this, but its major function must be to encourage Arabs and Israelis to meet together. The UN will not serve the best interests of peace if it continues to keep the parties apart and if it seeks to restore demarcation lines and machinery which proved feeble and futile when they were tested by renewed aggression in 1967.

"The Great Powers have a role to play. It is to encourage all the peoples in the Middle East to join together in mutual respect, in cooperation and in the preservation of peace.

"I am pleased that President Nixon has taken the first step in that direction."

DEPLOYMENT OF ANTI-BALLISTIC-MISSILE SYSTEM

Mr. COOPER. Mr. President, a group of Senators had planned to discuss today the implications of deployment of the anti-ballistic-missile system. There has been a long debate over the recommendation to increase salaries. It is very late in the evening. At least 14 Senators indicated a desire to speak and enter into a discussion of the problems the system will cause for our country and give their reasons for desiring a reversal of the decision made last year to support its deployment.

I am very sad that the Senator from Michigan (Mr. HART) is not here, because he was a principal figure in last year's effort to strike funds for the deployment of the system. He is away, but he will return and he will take an active part in the movement this year to halt this dangerous and costly system.

My statement is brief. I know some of my colleagues have engagements, and if they want me to yield to them during my statement, I shall be glad to do so. I am glad to see here also the distinguished chairman of the Armed Services Committee (Mr. STENNIS), and I shall be happy to have his comment.

Mr. President, during the last session of the Congress, the Senate debated and voted upon one of the most important issues that face this country—the deployment of the Sentinel anti-ballistic-missile system. Its awesome strategic and policy implications, its great cost, the questions that many outstanding scientists and technicians have raised about its feasibility, and, above all, the concern that it will not provide security to our country, but will only launch another nuclear arms race of vast proportions, challenge the initial decision made in the last Congress to deploy the system.

Last year the Congress authorized and appropriated over $1 billion for the initial deployment of a so-called "thin" system: a total of $700.3 million was appropriated in the military procurement bill; $227.3 million in the military construction bill; and the Atomic Energy Commission bill included $324.5 million for Sentinel components. In previous years, something on the order of $3 billion have been appropriated for research.

Prior to Secretary McNamara's speech in San Francisco in September 1967, deployment had not been recommended by the executive branch. But on January 22, 1967, the administration of President Johnson, speaking through the posture statement of former Secretary of Defense Robert McNamara, recommended approval of the so-called "thin" system, designed to defend against the suggested nuclear threat of Communist China.

Senator RICHARD RUSSELL, then chairman of the Senate Armed Services Committee, said during the debate that he considered its true purpose to be a "building block" in the construction of a "heavy" system against a nuclear attack by the Soviet Union. No one can estimate its cost accurately—$5.5 billion for the "thin" system and $40 billion for the "heavy" system is one estimate provided by the Department of Defense, while others believe the cost could total $70 billion or more.

On three occasions during the last session, the senior Senator from Michigan, PHILIP A. HART, and I, joined by other Members of the Senate, including Senator SYMINGTON, of Missouri, introduced amendments to strike from various bills the authorization, or appropriations for deployment of the system. Our amendments did not eliminate or reduce funds for research and development. While the amendments were defeated by votes of 28 to 31, 34 to 52 and 25 to 45, respectively, the number of Senators voting favorably upon the amendments totaled over 40. Other amendments to strike all funds for the ABM system were offered by Senator NELSON of Wisconsin.

Senator YOUNG of Ohio, and the former Senator from Pennsylvania, Joseph Clark.

Although the amendments were defeated, we were successful in bringing this issue before the Senate for debate, and to the attention of the people of the United States. Further, it was developed clearly in the closed-door session of the Senate, held upon my motion, that the Armed Services Committee had not availed itself of the expert opinions of scientists and authorities outside the Government, at least in its hearings. Distinguished scientists, such as the former presidential scientific advisers, Nobel Prize winners in nuclear physics, and distinguished authorities in international affairs oppose deployment of Sentinel ABM system. Many believe that the ABM system is not yet technically advanced for effective deployment; that deployment would only lead to the production of new offensive weaponry of a more dangerous nature, than now exists, and to a new arms race.

Today, I shall not detail the arguments made last year against the deployment of the Sentinel system. My purpose today and that of my colleagues who so vigorously opposed appropriations for deployment is to give notice to the Senate and the country that we shall continue to contest and oppose the appropriation of funds for deployment. We shall do our best to bring before the Senate and the country the available facts which question its feasibility and effectiveness for security. We shall present political and humane arguments against its deployment. While I cannot speak for the administration, I am confident that President Nixon will, as he reviews the defense policies which affect security of our Nation, will review and weigh carefully this most important question. We are hopeful that full debate in the Senate and the opinion of the country will be of value to the President in this most important decision.

The reasons which led Senator HART and me to submit our amendments last year, among others who submitted amendments, and the support of so many Members of the Senate, including Senator MANSFIELD, the majority leader, Senator SYMINGTON, the distinguished member of the Senate Armed Services Committee, Senator FULBRIGHT, chairman of the Senate Foreign Relations Committee, Senators AIKEN, JAVITS, CASE, PERCY, BROOKE, SCOTT, GEORGE MCGOVERN, EDWARD KENNEDY, and many others; particularly Senators NELSON and YOUNG, who introduced resolutions, are still valid.

The Chinese have made little, if any, progress toward the development of a nuclear missile system and if it were used it would as Senator RUSSELL said last year in the debate bring upon Communist China its certain destruction.

The Soviet Union has not proceeded to install a substantial and effective system. The United States and the Soviet Union continue to maintain the capability of destroying each other, no matter which country makes the first strike. If one deploys an ABM system the other will do so, and will develop concurrently more effective and powerful offensive nuclear weapons, with such devices as MIRV, increasing over and over the number of warheads that can be targeted on their cities and peoples.

For myself, I cannot see that the installation of an ineffective system will provide any strength for negotiations with the Soviet Union on the reduction of the arms race. The critical situation in the Middle East, the tension in Europe following the invasion of Czechoslovakia, the war in Vietnam and other sources of danger to the United States and to the world call for a time of negotiations of which the President has spoken. I argue that these delicate balances—including the nuclear deterrent—should not be upset by the commencement of another kind of nuclear arms race. At least, we should not take this step until President Nixon and the new administration have every opportunity to search out the Soviet Union if there are ways to reduce, rather than accelerate, the arms race and to bring some hope of stability and true security to this endangered world.

Mr. President, a number of articles discussing the ABM have appeared recently. I ask unanimous consent that this article be included in the RECORD at the conclusion of my remarks.

There being no objections, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 2, 1969]

FOES OF ANTIMISSILE NET INCREASE IN SENATE ATTACKS ON PENTAGON—KENNEDY JOINS SENTINEL SYSTEM CRITICS AS OTHERS PLAN INQUIRY INTO INFLUENCE OF THE MILITARY-INDUSTRIAL COMPLEX

(By John W. Finney)

WASHINGTON, February 1.—The Defense Department is being caught in a pincer movement in the Senate. A bipartisan coalition threatening to block the deployment of a ballistic missile defense system and to investigate the influence of what former President Dwight D. Eisenhower called the "military-industrial complex."

Not since World War II has the Pentagon been so placed on the defensive on Capitol Hill.

It now appears that close to a majority of the Senate is opposed to the Sentinel antiballistic missile system, a five-year nationwide project designed to provide a "thin" shield against Chinese weapons by detecting approaching missiles with radar and intercepting them with nuclear-armed antimissile missiles. With the opposed to the Sentinel antiorganized, it is likely that the Senate will refuse later this year to vote further funds for the $5-billion network.

POLITICAL FOLLY SEEN

Senator Edward M. Kennedy of Massachusetts, the Senate Democratic whip, openly joined the battle today with a letter to Defense Secretary Melvin R. Laird protesting that it would be political "folly" and a serious technical mistake for the United States to commit billions of dollars to build a yet unproved missile defense system.

In his first public statement on the issue, Senator Kennedy proposed that the Administration impose a freeze on the construction of sentinel sites while it conducts a National Security Council review into the desirability of deploying a missile defense system.

"Such a freeze," he said in a four-page letter, "would make a definite contribution to the cause of world peace, would reassure the nation that our national defense programs are sound and rational, and would heighten the possibility that we will be able to deal more effectively with our domestic needs."

Meanwhile, the Pentagon faces a broader attack on another flank by the Senate Foreign Relations Committee, which provided the hard core of resistance to the Sentinel system.

With considerable secrecy so as not to arouse the jurisdictional jealousies of the Senate Armed Services Committee, the Foreign Relations Committee is proposing to set up a special subcommittee to investigate the global and domestic activities of the Defense Department.

FOREIGN POLICY IMPACT

Ostensibly the subcommittee would look into the nation's global commitments and their impact upon foreign policy. But this mandate would be but a vehicle for investigating the impact and influence of the military establishment.

Thus the investigation would probably go into such issues as the command and control being exercised over military units, such as the Pueblo intelligence ship, indoctrination programs conducted by the Pentagon to educate the public on foreign policy issues, the political use made of military aid programs in underdeveloped countries, as in Latin American, and Pentagon sponsorship of nonmilitary social science research.

The subcommittee probably would be headed by Senator Stuart Symington, Democrat of Missouri, a choice that illustrates the changing attitude in the Senate toward the Defense Department.

By seniority rights, Senator Symington, a former Secretary of the Air Force, should take over the chairmanship of the Senate Preparedness subcommittee, which is the principal defender of military programs.

But Senator John Stennis of Mississippi, chairman of the parent Armed Services Committee, will retain the helm over the influential subcommittee. So Senator Symington is likely to become chairman of a rival subcommittee that should develop into the principal critic of the Pentagon.

That Senate attitudes toward the Pentagon were changing became apparent last year when Senator John Sherman Cooper, Republican of Kentucky, led what amounted to a one-man battle against the Sentinel system. While the battle is still being led by Senator Cooper, the opposition this year is much better organized and has recruited such young activists as Senator Kennedy and Senator Charles H. Percy, Republican of Illinois.

FUTILE ASSAULTS

In his letter, Senator Kennedy argued that technically there was "no conclusive evidence" that the Sentinel system would work, he said that from a political standpoint the Sentinel system would "vitiate an unparalleled opportunity to lessen world tensions" through an economic standpoint such a system would be so costly as to cause "a distortion of Federal funding priorities."

Noting that there has been considerable discussion of the "peace dividend" that would be made available with the end of the Vietnam war, he said:

"It is my opinion that we would do more to divide the country than unite it should we apply this dividend, whatever it may be, to deployment of an ABM system rather than to our domestic housing, employment, health, education, conservation and other needs."

In a series of futile assaults last year on the initial $647-million installment for the Sentinel, Senator Cooper surprised the military establishment in the Senate by corralling 42 Senators to his side.

This year the Defense Department is requesting $1.4-billion in deployment funds. As the request has grown, so also in the opinion of such Senators as Mike Mansfield of Montana, the majority leader, has the opposition mounted to the Sentinel.

Opponents of the Sentinel can now count on about 45 votes in the Senate, and with a few switches and recruits among freshman Senators they can command a majority.

Whether the opposition can win over the crucial few votes depends in large measure upon how emphatically the Nixon Administration comes out in favor of the Sentinel.

During his confirmation hearings earlier this month, Defense Secretary Melvin R. Laird said he had "some questions whether we should push forward simply with a system that defends against the Chinese threat only."

But then at a news conference this week, Mr. Laird, echoing the arguments of his predecessor, Clark M. Clifford, said the United States should proceed with the Sentinel system to strengthen its bargaining position in any missile-control negotiations with the Soviet Union.

THE LAIRD LOGIC

As far as the Sentinel opponents are concerned, this Laird logic plays into their hands, for it questions how the United States can improve its bargaining position against the Soviet Union by building a system whose effectiveness has not been established and which is designed against the Chinese, not the Russians.

Even for defense against Chinese missiles, the opposition has obtained intelligence, information challenging the value of the Sentinel. Thus, in intelligence briefings, Senator Cooper has obtained estimates that Communist China would be capable of producing in small quantity relatively sophisticated nuclear warheads, which, with the assistance of such penetration aids as decoys, would be capable of overcoming the Sentinel system.

As a result of last year's battle, the opposition has already won one important concession from the Senate military establishment which should help it prepare a case against the Sentinel.

Last year the Senate Armed Services Committee held routine hearings on the Sentinel, with only Pentagon officials testifying. This year, at the request of Senator Cooper, the committee has agreed to hear independent experts, giving the opposition the opportunity to present, for example, the testimony of former Presidential science advisers who have opposed deployment of an ABM system.

RESISTANCE BUILDING

The opposition should also be aided by another political factor, namely the local resistance building up in some communities that have been selected for Sentinel bases.

Until the Army started buying and clearing Sentinel sites, the debate was fought out on largely abstract terms. But now the debate is acquiring a political backlash as the Senators hear from constituents opposed to the location of a Sentinel base in their communities.

Senator Percy, for example, is receiving 750 to 1,000 letters a week from constituents opposed to a Sentinel site in the Chicago area. If Senator Percy is feeling such political pressure, so presumably is Senator Everett McKinley Dirksen of Illinois, who as Senate Republican leader probably holds the key to the outcome of the Senate debate on the Sentinel system.

A question being asked in Senate circles is whether Senator Henry M. Jackson, Democrat of Washington, who is up for re-election in 1970, will be so ready to stand up as the principal Senate champion of the Sentinel system now that opposition is developing in Seattle to a proposed Sentinel site outside the city.

[From the New York Times, Jan. 30, 1969]

EXPERT FINDS UNITED STATES AND SOVIET IN ARMS SUFFICIENCY

(By Thomas P. Ronan)

Dr. George W. Rathjens, former director of the Systems Evaluation Division of the Institute for Defense Analysis, asserted in a report made public yesterday that the present strategic balance between the United States and the Soviet Union might be described as one of sufficiency in strategic forces.

He said he used the term in the sense that "each side can inflict unacceptable damage on the other, regardless of the conditions under which nuclear war might develop."

"Thus, further increases in strategic force levels are not likely to offer either country new political options," he added. "Yet on both sides there have been vigorous research and development programs that now make probable the deployment of new strategic systems."

FUTURE OF THE ARMS RACE

Dr. Rathjens, now visiting professor of political science at the Massachusetts Institute of Technology, gave his views in "The Future of the Strategic Arms Race: Options for the 1970's," a report prepared for the Carnegie Endowment for International Peace.

President Nixon, responding to a questioner who used the word "sufficiency" at his news conference Monday, said it applied to his Administration's approach to military preparedness.

He said his Administration's objective was "to be sure the United States has sufficient military power to defend our interests and to maintain the commitments which this Administration determines are in the interests of the United States around the world."

"I think sufficiency is a better term, actually, than either superiority or parity," Mr. Nixon added.

Dr. Rathjens, who has also served as special assistant to the director of the United States Arms Control and Disarmament Agency, said United States strategic forces had been built up rapidly during the early nineteen-sixties but their level had been almost constant during the last two years.

He said that Soviet strategic forces had recently been growing at a fast rate but that according to most measures of strategic strength, the United States continued to have superiority.

"Despite some uncertainty about the absolute levels of damage that each side might experience and about the recuperative ability of such damaged societies, there seems little reason to doubt that in a full-scale nuclear exchange at this time, the United States and the Soviet Union would suffer about equally and grievously," Dr. Rathjens asserted.

"The foundations of society in each country would certainly be destroyed."

[From the Washington Post, Feb. 2, 1969]

KENNEDY URGES FREEZE ON SITES FOR ANTI-MISSILES

(By Morton Mintz)

Sen. Edward M. Kennedy (D-Mass.) has urged the Nixon Administration to freeze construction of sites for the "thin" Sentinel anti-ballistic missile system—the controversial project proposed as a deterrent against China.

The Assistant Senate Majority Leader said that a freeze would "make a definite contribution to the cause of world peace," reassure the Nation that its defense programs are "sound and rational" and expand the possibility of dealing "more effectively with our domestic needs."

Kennedy's plea was voiced in a letter mailed Friday to Defense Secretary Melvin R. Laird, who has said the ABM system is needed as a bargaining tool for possible disarmament talks with the Soviet Union.

In the meantime, Laird has ordered a review of the system and of the decisions to proceed with deployment. The review provides, Kennedy said, "yet another reason" for freezing site construction.

Kennedy's letter holds to his previously expressed position—against construction of the ABM system but in favor of research and development for it.

Last April 18, for example, Kennedy was paired in support of an amendment of Sen. John Sherman Cooper (R-Ky.) to delay deployment of the Sentinel. The amendment was defeated, 28 to 31. Last Oct. 2, Kennedy was in the minority again when a similar Cooper amendment was rejected, 25 to 45.

Kennedy's letter to Laird included these arguments for a freeze on Sentinel site construction:

Technical: There is "no conclusive evidence" the system will work in combat conditions:

Relations with the Russians: The choice might be a freeze and "an unparalleled opportunity to lessen world tensions," or the possible "folly" of forcing the Soviets to continue with an ABM system of their own.

Site location: In Massachusetts and elsewhere, populated areas will be exposed to accidental ABM explosions and made "a prime target."

Cost: Although the Defense Department has estimated a "thin" system will cost $5 billion, "all of us with experience in estimates for military systems expect this . . . figure to be low."

[From the Washington Post, Nov. 22, 1968]

FOES PICTURE ABM RISK TO DEFENDED CITY

(By George C. Wilson)

The specter of a defending missile blowing up the city it is supposed to protect has been raised by scientists and law-makers trying to stop the construction of an American anti-ballistic-missile system.

This new tack in the campaign against the $5 billion Sentinel ABM (anti-ballistic-missile) program showed up in Chicago yesterday and in the censored transcript of the secret Senate debate on the issue.

Five nuclear physicists from the Argonne National Laboratories southwest of Chicago have formed the West Suburban Concerted Scientists, committed to stop ABM construction in that city or its suburbs.

John Erskine, Argonne laboratory physicist, contends that if the long-range Spartan missile should accidentally explode, its one-megaton nuclear warhead would make "a crater 400 feet deep and three-fourths of a mile across."

The blast, he asserted, would send radioactive debris all around Chicago, killing "a large fraction of the population within 24 hours.

The Army is investigating five sites in the Chicago area for an ABM base as part of the "thin" missile defense President Johnson decided to build for the United States. Congress this year voted money for to start construction of the system, defeating several amendments to cut ABM funds out of military legislation.

Besides the accidental explosion argument, Dr. David R. Inglis, senior physicist at Argonne and former chairman of the Federation of American Scientists, said the ABM site in Chicago would make the city a military target for Soviet ICBMs. He is another of the five physicists who have banded together in the stop the ABM effort.

Col. William Wray, chief of site operations for the Army's Sentinel command, told a briefing session in Chicago yesterday that there was little if any danger of an accidental explosion.

"Over the last 20 years of storage and handling of nuclear weapons," Wray said, "we have never had an accident."

Here in Washington, Sen. John Sherman Cooper (R-Ky.) has posed the accidental explosion question to the Pentagon in these words: "In view of public hesitation to accept nuclear reactors in cities, what assurance can be given that there is less hazard from accidental detonation of ABMs stationed in or on the edge of cities? In case of accident, how does the damage in the two cities compare?"

Sen. Clifford P. Case (R-N.J.), another opponent of the ABM, submitted that question on behalf of Cooper during the secret Senate debate Oct. 14. A sanitized transcript of that debate was published in the Congressional Record of Nov. 1.

Cooper hopes to pursue the danger of putting nuclear-tipped defensive missiles in or near cities in special Senate hearings early next year.

Chairman Richard B. Russell (D-Ga.) of the Senate Armed Services Committee, during the secret debate, contradicted the Johnson Administration's insistence that the thin ABM is to guard against an irrational attack by the Chinese.

"I am frank to say I consider" the missile defense now under construction "primarily the beginning of a system to protect the people of this country against a Soviet missile atomic attack."

Former Defense Secretary Robert S. McNamara, in announcing the go-ahead on Sentinel Sept. 18, 1967, said it would be foolish to go beyond the "thin" anti-Chinese defense by trying to protect the U.S. from Soviet missiles.

But the opposition to the ABM decision has insisted all along that Sentinel is just a building block.

Russell argued the ABM was worth buying for the lives it might save in a nuclear war between the superpowers.

Sen. Henry M. Jackson (D-Wash.), another advocate of the ABM, said the defense now under construction "will complicate any Soviet attack on the United States and thereby contribute to the deterrent."

Chairman J. W. Fulbright (D-Ark.) said during the secret debate that Russell's committee only listened to Administration witnesses on the ABM and did not call in scientists who opposed building the system.

Russell retorted that none of the scientists asked to testify before his Armed Services Committee nor did any Senators request them to appear.

[From the Washington Post. Jan. 26, 1969]

WEAPONS SYSTEMS: A STORY OF FAILURE

(By Bernard D. Nossiter)

The complex electronic gadgetry at the heart of new warplanes and missiles generally works only a fraction of the time that its builders had promised.

The performance of the multi-billion-dollar weapons systems started in the 1950s was bad; those of the 1960s are worse.

The Pentagon appears to be giving the highest profits to the poorer performers in the aerospace industry.

These are the conclusions of an abstruse 41-page paper now circulating in Government and academic circles. The document, a copy of which has been made available to The Washington Post, is believed to be the first systematic effort to measure how well or ill the Pentagon's expensive weapons perform.

Its author is a key Government official with access to secret data and responsibility for examining the costs of the Pentagon's complex ventures. He and his agency cannot be identified here.

His paper, entitled "Improving the Acquisition Process for High Risk Military Electronics Systems," aims at bringing down the costs and bettering the dismal performance of weapons. It does not discuss a question that might occur to others: if these weapons behave so badly, why is the money being spent at all?

For security reasons, many of the planes and missiles examined are not identified by name.

The paper first examined 13 major aircraft and missile programs, all with "sophisticated" electronic systems, built for the Air Force and the Navy beginning in 1955, at a cost of $40 billion.

Of the 13, only four, costing $5 billion, could be relied upon to perform at more than 75 per cent of their specifications. Five others, costing $13 billion, were rated as "poor" performers, breaking down 25 per cent more often than promised or worse. Two more systems, costing $10 billion, were dropped within three years because of "low reliability." The last two, the B-70 bomber and the Skybolt missile, worked so badly they were canceled outright after an outlay of $2 billion.

LOSES FURTHER LUSTER

The paper sums up: "Less than 40 per cent of the effort produced systems with acceptable electronic performance—an uninspiring record that loses further luster when cost overruns and schedule delays are also evaluated."

The paper measures "reliability" in this context: The electronic core of a modern plane or missile consists essentially of three devices. One is a computer that is supposed to improve the navigation and automatically control the fire of the vehicle's weapons and explosives. Another is a radar that spots enemy planes and targets. The third is a gyroscope that keeps the plane or missile on a steady course.

When the Pentagon buys a new gadget, its contract with the aerospace company calls for a specified "mean time between failure of the electronic system." In lay language, this is the average number of continuous hours that the systems will work.

In a hypothetical contract for a new jet bomber, Universal Avionics will sell the Air Force on its new de-* * * * * by promising that the three crucial electronic elements will operate continuously for at least 50 hours without a breakdown. In the reliability measures used in the paper described here, the plane is said to meet 100 per cent of the performance standards, if, in fact, its gadgetry did run 50 consecutive hours. However, if a key element breaks down every twelve and a half hours, it gets a rating of 25 per cent; every 25 hours, 50 per cent and so on. Should a system operate with a breakdown interval of 62.5 hours—a phenomenon that happens rarely—its reliability is rated at 125 per cent.

TEST FOR THE PILOT

Quite obviously, the more frequent the breakdown, the more the pilot of a plane has to rely on his wit and imagination, to navigate, find targets and fly a steady course. Over-frequent breakdowns in a missile can render it worthless as an instrument of destruction.

Curiously enough, as the paper demonstrates the Pentagon and the aerospace industry apparently learned little * * * systems of the 1960s are even worse.

The document first looks at the performance record of the electronic systems in 12 important programs begun in the 1950s. As the accompanying chart shows, all but four missiles can be identified by name without breaching security.

Of the 12, only five perform up to standard or better; one breaks down 25 per cent more frequently than promised; four fail twice as often and two break down four times as frequently as the specifications allow.

The document discusses some of the good and bad performers in this group. It observes that the F-102, the Delta wing interceptor for the Air Defense Command, was bedevilled by an unsatisfactory fire control system. Its first had to be replaced; the next was also unsatisfactory, and an extensive, two-year program to modify the device was then undertaken.

SIDEWINDER DID WELL

In contrast, the Sidewinder, a heat sensing missile, performed very well. The study attributes this to the fact that the missile was developed in a leisurely fashion, without a "crash" schedule, and that several contractors were brought in to compete for key components.

The paper next examines eleven principal systems of the 1960s. These cannot be identified beyond a letter designation.

Thus, in the chart, A1 is the first version of a plane or missile; A2 is the second version, possibly one for a sister service; A3 is the third version and so on, B1 is the first version of an entirely different system; so are C1, D1 and E1.

To make the best possible case for the Pentagon and its contractors, this survey does not include two systems costing $2 billion that performed so badly they were killed off. The eleven systems of the 1960s evaluated here account for more than half of those begun in the most recent decade and their electronic hearts cost well in excess of $100 million each.

Of the eleven systems, only two perform to standard. One breaks down 25 per cent more rapidly than promised; two break down twice as fast and six, four times as fast.

As a group, the eleven average a breakdown more than twice as fast as the specifications demand. Oddly enough, the first version of the system designated as "A" met the standard. But the same unidentified contractor produced three succeeding versions that fail on the average more than three times as often as they should. All these successors, the papers observes, were ordered on a "pressure cooker" basis, on crash schedules.

HIGHEST REWARDS

The paper also examines the relationship between contractors' profits and performance, and suggests that, contrary to what might be expected, some of the most inefficient firms doing business with the Pentagon earn the highest rewards.

The second chart looks at profits, after-tax returns as a percentage of investment, the only valid basis for determining profitability, for the ten years from 1957 through 1966. During the decade, the aerospace firms managed to earn consistently more than American industry as a whole, piling up nine dollars (or billions of dollars) in profits for every eight garnered by companies not doing business with the Pentagon.

Even more peculiar is the brilliant earnings record of two of the biggest contractors, North American and General Dynamics. Both, except for a brief period when General Dynamics tried its hand at some civilian business, made profits far above the industrial average and generally in excess of their colleagues in aerospace.

During the ten years, North American did all but two per cent of its business with the Government. The study reports that it produced one highly successful plane in the mid-50s, another system that met performance specifications, one that was canceled and four that broke down four times as frequently as promised. Nevertheless, the company's profits were 40 per cent above those of the aerospace industry and 50 per cent above the average for all industries.

NONE MEASURES UP

General Dynamics had, as the chart shows, a much more uneven profits record. But its years of disaster and even losses were those when it ventured into the economically colder climate of the civilian world to produce a commercial jet airliner. Having learned its lesson, it retreated to the warmer regions of defense procurement and, in recent years, has netted more than the industry average. It has compiled this happy earnings score, the study observes, despite the fact that none of the seven weapons systems it built for the Pentagon "measured up to expectations." Its most notorious failure is the F-111 swing-wing fighter-bomber.

As a final touch, the study notes that complex electronic systems typically cost 200 to 300 per cent more than the Pentagon expects and generally are turned out two years later than promised. But both of these phenomena have been examined so frequently by specialists in the field that the paper does not dwell on them.

HOW MUCH PROTECTION?

These findings raise some serious questions. Perhaps the most important is how much protection the United States is getting for the tens of billions of dollars invested in expensive weaponry. Another is whether the whole process should be turned off and improvements made in the existing devices. Secretaries of Defense have repeatedly assured the Nation that present weaponry guarantees the destruction of any Nation that attacks the United States.

The document under study here, however, takes a different line, one aimed at getting less costly weapons that measure up to the promised performance.

It blames the dismal record on several factors. One is the relentless search for newer and more complicated electronic "systems." The aerospace contractor has an obvious vested interest in promoting "breakthrough" gadgetry. This is the way he gets new, and clearly profitable business.

CLOSE CORRELATION SHOWN

But the study asks, do the services need it? Since the Air Force and the Navy almost always accept a plane or a missile that performs at a fraction of its promised standard, it would appear from an exclusively military standpoint that a device of a much lower order of performance fits the Nation's defense needs.

The document also shows a close correlation between "crash" programs and poor performance. Thus, it proposes more realistic schedules. If a weapon is wanted in short order, five years or less, the study recommends that its electronic gadgetry be limited to familiar items.

If the Pentagon wants something that makes a "technical breakthrough," it should allow a minimum development period of five to seven years, it is pointed out.

Another factor in poor performance, the study says, is the absence of competition for new systems after the initial designs are accepted. Typically, the Pentagon requires five or so aerospace firms to bid on its original proposal. But typically, it selects one winner on the basis of blueprint papers. The study says that the military could save more money and get a better product if it financed two competitors to build prototypes after the design stage. Such a technique was followed, it recalls, with the F-4, a supersonic Navy interceptor. Even though the F-4 employed both a new radar and a new computer, it performed up to the promised standard.

At first glance, such a technique might seem like throwing good money after dubious dollars. But the study contends that if two aerospace competitors are forced to build and fly prototypes before they win the big prize—the contract to produce a series of planes or missiles—they will be under a genuine incentive to be efficient, hold costs down and make things that work.

[From the Detroit News, Feb. 1, 1969]

OAKLAND MISSILE SITES VERY MUCH HUSH-HUSH

(By Leonard Levitt)

The Army is shrouding its plan to construct two antiballistic missile sites in Oakland County in secrecy.

All outsiders were barred as top Army brass met behind closed doors, yesterday with the seven-member Oakland County Board of Supervisors planning, building and zoning committee.

Four sheriff's deputies patrolled the halls during the meeting.

Supervisor Niles E. Olson of Pontiac, described the meeting as "a briefing session over possible sites." Six sites have been proposed. Two will be chosen.

Olson, who had first been contacted about the meeting Wednesday night at his home, was informed only shortly before the session Friday afternoon that the press would be barred.

According to Olson, one of the three Army officers, Col. William Wray, of the Huntsville, Ala., missile center, said he was "under orders from his superiors in Washington not to speak to the press."

"He just won't continue the hearings if the press comes in," Olson said.

Asked why he was prevented from talking with the press, Wray merely smiled and shook his head.

Carl O'Brien, another Oakland Supervisor, complained after the meeting, "Anytime I asked them something important about the sites, they said it was classified."

The sites are part of a $5.7 billion Sentinel antiballistic missile system to be constructed at 15 cities throughout the country.

Senator Philip Hart, Michigan Democrat, declared that the program must be stopped now "before it achieves a momentum of its own the way Vietnam did."

Hart made his charge Thursday night at Oakland Community College to a group of 200 women opposed to the missile sites.

"Huge military ventures, once underway, are very hard to shut down—even if it becomes apparent in midcourse that they are of questionable value," Hart said.

U.S. Rep. William S. Broomfield, a Republican whose Oakland County district contains the six sites, has opposed the plan because he says the sites would disrupt a rapidly growing area.

The decision on sites location was put off until mid-February by Clark Clifford, secretary of defense in the Johnson administration.

Broomfield and Rep. John Conyers Jr., Detroit Democrat, who also opposes the plan, had asked the Defense Department last December to defer the decision 60 days.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. COOPER. I yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, unfortunately I cannot stay for this full discussion, but, as the able Senator from Kentucky will remember, at one time I stated that the figure could reach $100 billion, if we went to a full system, a "thick" system, as it is called.

It is my understanding that already the estimated cost of the thin system has increased from $5 billion to $9.4 billion. Because of figures presented in a recent hearing before the Joint Economic Committee as to the average increase in cost of a number of weapons systems, I am not surprised.

May I ask the Senator if the thin system can double in cost within a few months, is it not possible that the cost of the thick system could double within a few years?

Mr. COOPER. I think it is absolutely certain. The Senator has a great opportunity to study deeply these matters, and I am sure what he says is absolutely correct, that the cost will be twice as much as has been estimated within the last year. In addition, there are many statements in the defense budget presented this year which differ from those made last year about both the thin system and the heavy system, and about the progress of an ICBM system in China and an ABM system in Russia.

Mr. SYMINGTON. Mr. President, I thank the able Senator, and would make these additional observations:

Some people question this system on moral grounds. I do not.

Some people question it on the basis that it could start an additional arms race, and therefore increase our taxes. If the Federal budget increases in the next 6 years, at the rate it has over the past 6 years, the annual cost to the taxpayer of the Federal Government—not counting the tremendous additions in State and local government taxes—will be $325 billion a year.

The basic reason I question this system is because I do not believe—and I have studied it to the best of my ability—that this system is yet ready for deployment.

The able Senator from Kentucky and I have never advocated throwing out the system. All we have asked is that it be further engineered before being cut into production. Based on the record, I still believe that was, and is, a wise suggestion.

I thank the Senator for yielding.

Mr. COOPER. I thank the Senator for the fight he has made to delay deployment. As he knows, many eminent authorities have said it is not yet technologically ready for deployment.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. COOPER. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I associate myself with the comments of the Senator from Missouri. Last year, in the debate on this come to the attention of the Senator from Kentucky and supported his move to delay deployment of the system.

I ask him, has anything, so far as he knows, developed since that time to increase the effectiveness of the system? Have there been any hearings, or any facts developed, or has any knowledge come to the attention of the Senator from Kentucky that would suggest the system has become more effective? If not, I agree with the Senator from Missouri that there is great doubt about its effectiveness.

Mr. COOPER. Nothing has come to my knowledge that would reinforce the idea that it has become more effective.

Mr. FULBRIGHT. Have there been any outside scientists, that is, scientists not connected with or in the direct employ of the Pentagon, who have testified or given any indication that it is feasible?

Mr. COOPER. No, but many of them are making statements in writing that, first, they do not believe it is a system adequate to meet the threat from the U.S.S.R., and, second, they believe it would result in an arms race which would be very dangerous to the security of the United States.

I recall that last year during the debate the distinguished Senator from Arkansas, the chairman of the Committee on Foreign Relations, addressed a question to the distinguished Senator from Georgia (Mr. RUSSELL), the chairman of the Armed Services Committee, asking him if certain distinguished scientists, Nobel Prize winners in nuclear physics among them, had been called before the committee to give their judgment, which I would think would be independent judgment, about the feasibility of this system, and also about the consequences it might have as to deployment of a similar system by the Soviet Union.

I recall that Senator Russell said they had not called such witnesses. I remember the Senator from Arkansas pressed both Senator Russell and the Senator from Mississippi (Mr. Stennis), who is present, as to whether or not such witnesses could be called at the next hearings; and I believe I am correct in saying that both our distinguished colleagues, Senator Russell and Senator Stennis, agreed that such witnesses would be called, and suggested that Senators who opposed the deployment of the system suggest names of witnesses, and that they would be called. I think the Senator recalls that.

Mr. FULBRIGHT. Yes, I do.

Mr. COOPER. That was the substance of the colloquy, and the record of that closed session was subsequently made public, so we can speak of it. It was the Senator's inquiry that produced the answer that those witnesses would be called.

Mr. FULBRIGHT. I might say that a further effect of that was that I had a letter from the president, I believe, of an association of scientists, the technical name of which I do not recall—I think the Senator is familiar with it—who stated that they would be willing and would like to be called to testify on this matter, that they did have very definite views about the feasibility of it.

May I ask the Senator what his information is as to how far the deployment of this system has progressed as of this time?

Mr. COOPER. I do not have any firm, recent information. I have read in the newspapers accounts of land acquisition activities in several parts of our country. I believe there are Senators who would know more about that than I. I am sure, if he can appropriately answer the question, that the chairman of the Armed Services Committee could reply to that question.

Mr. BROOKE. Mr. President, will the Senator yield for a response to the question?

Mr. COOPER. I yield.

Mr. BROOKE. The first such acquisition was in the Boston, Mass., vicinity, in the Lynnfield-Reading area. There has been protest locally, but construction is underway at this time.

Mr. FULBRIGHT. I think I read that there was some protest around the Chicago area about such acquisition, too.

Mr. COOPER. Yes; also in the State of Washington and the State of Hawaii.

Mr. FULBRIGHT. I ask one further question: Has the Senator any suggestion as to what might be done now, assuming that the sentiment of this body is more in favor of his position? Is there any resolution, or any means that the Senator has in mind, that would give us an opportunity, once again, to express our views about the matter?

Mr. COOPER. Well, of course, the most direct way would be, when hearings are held by the Armed Services Committee, to invite Senators to testify, and, to bring before that committee witnesses we can jointly suggest who were not heard before, such as the scientific advisers of former Presidents Eisenhower, Kennedy, and Johnson, and other distinguished scientists.

Another way we could reach the matter directly would be, when the bill or bills come before the Senate—I believe there are three—in which there will be funds itemized for deployment, then we could attack it by amendments on the floor.

Mr. FULBRIGHT. There is no further authorization necessary, as I understand it.

Mr. COOPER. Yes, authorization is required.

Mr. FULBRIGHT. What I should like to suggest to the Senator——

Mr. COOPER. I would be happy to have the distinguished Senator's suggestion.

Mr. FULBRIGHT. I suggest, in view of the fact that we have a new administration and we all, I am sure, wish to see it succeed, that I think it might be wise in view of the great differences of opinion on this matter, to suggest to the President that deployment, or actual construction, at least, be held up until there is an opportunity to test the present sentiment, as the Senator has suggested. As I understand him, he feels that there is no practical way for us to express ourselves except on an appropriation bill for further funds; is that correct?

Mr. COOPER. Well, that would be a direct way.

Mr. FULBRIGHT. Is there any other way?

Mr. COOPER. I would assume, if debate continues, that we can convey to President Nixon, our desires and belief that in connection with his review of policy, both defense and general policy, it would be wise to hold up the deployment of this system until he has had full information and, as I shall mention later, until he has found out whether it is possible to enter into negotiations with the Soviet Union on the questioning of the limitation of nuclear weapons—offensive and defensive. Some may suggest a resolution.

Mr. FULBRIGHT. I had hoped the Senator might suggest a resolution and had obtained sponsors for it. I had hoped to do it myself.

Mr. COOPER. We will discuss it. If the group that feels very strongly that it is the best route, we can do it.

I yield to the distinguished Senator from Mississippi, the chairman of the Armed Services Committee.

Mr. STENNIS. Mr. President, I thank the Senator for yielding. I am not going to engage in a general debate or make a long statement.

Mr. COOPER. Mr. President, I am not going to go into details today.

Mr. STENNIS. I think it is time that I say something about procedures. There does have to be further authorization beyond the amount that was contained in last year's budget, which carries over into the selection of sites and some work, before the program can proceed.

There will be hearings on this matter before any appreciable amount of physical work is done on the site. A great deal of the money contained in last year's budget was for a continuation of development, which is the stage that precedes deployment.

I might give for information the figures that I looked up. The budget, as submitted by the retiring President, carries a request for this year, fiscal year 1970, of $1.7 billion for the Sentinel alone and something in the neighborhood of $2 billion for the entire ABM program.

Even though this is the forum in which to discuss these matters—and everyone is certainly within his rights and privileges to do so—I point out that we have a new President of the United States. We have a new Secretary of the Department of Defense and a new Deputy Secretary of the Department of Defense. We have a new Director of the Budget.

I know that all of those people, with the exception of the President, are now delving into this matter with all the speed they can employ with the facilities they have at hand. When they complete their work, the President will then be presented with their findings. The President will then make a decision. That would be the new budget.

Here are the very top men in the executive branch of the Government. They carry the primary responsibility of taking the first step. We have a responsibility just as important, if not more so. That is the initial step.

These men will proceed with their preparation and will try to grasp all the major parts of the program. I know that to be a fact. They have got to weigh—and I will not take much time—the complexities of the military threat. They have got to weigh the technological question of whether any effective system can be built.

I do not know whether it can be built. I said here on the floor of the Senate last year that we should not put all of our money in this endeavor. I do not know whether it will be effective or not. This is a delicate matter, as we all know. It involves our relations with the Soviet Union and the possibility of further constructive talks on arms limitations.

I happen to believe that we will not strengthen our position by pulling back here at this point merely because of the talks.

I am not accusing them of any bad faith. However, if we withhold this matter for a year or for 2 years—and I hear the suggestion made that we withhold everything for a year—we may then find that they are not acting in good faith in the talks, because they could talk for a year or for 2 years and be building up that much more.

I want to know as much as there is to be known about the matter. Of course, I want the Senator to fully share that responsibility. However, I say with great deference, let us not rush. Let us hear these men that have to pass on the matter. With great deference I say to the public, let us not reach definite conclusions now.

So far as the hearings are concerned, as we know, this is a subject that could be heard ad infinitum. However, certainly I do not want to have anything to do with bringing in a bill containing an item as large as this until I have heard more about the matter and until the

Senate has had a chance to know and hear more about it. Of course, many of these hearings have to be held in a closed session. However, there are ways of getting the information for the Senators. We can make a skeleton report and that report can be supplemented. I do not want to say that I favor conducting hearings ad infinitum. However, certainly I want the viewpoints of the different competent people in the Government and out of the Government.

I have told the staff that I am not going to pass on this matter, on my own part, solely on the testimony of Government witnesses, even though they are very fine, capable, and knowledgeable.

I think I have given the picture as I see it and as most of the members of the committee which has responsibility for this matter see it.

Mr. COOPER. Mr. President, I thank the Senator. He has done exactly what we believed and knew he would do. We know the Senator. We are reassured when the Senator says that the new President and new Secretary of Defense are reviewing all of these policies.

This effort of ours will be continued. Our effort is not designed to hurt the new administration in any way. It is designed to give to the new President and his administration such light as we may shed on the matter by expressing our opinions and viewpoints as Members of the Senate, and sharing our information with him and his administration.

I think that is part of the proper process of the Senate. I know that the Senator will agree.

Mr. STENNIS. Mr. President, I thank the Senator very much. I am conscious of the financial implications and complications of this matter. I am greatly concerned about it. I am not overlooking that factor.

Mr. FULBRIGHT. Mr. President, I am very glad that the Senator from Mississippi said what he did about the hearings. I thought it was significant that he said we want to get the whole picture and hear from people who are not in the Government and get a complete picture on a matter of this importance. It will certainly make all of us feel much better about it, if that is done.

Mr. STENNIS. Mr. President, all of us want to hear from those in and out of the Government and to hear what the President has to say.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. PERCY. Mr. President, I thank the Senator for yielding to me, as I must address the Senate Youth Forum in a few minutes.

I do not know of any subject that will affect the future leaders of America—the young people who are studying the process of the government here—more than the decision Congress and this administration must make on this very question.

I commend the Senator from Mississippi who heads the Armed Services Committee for the very openminded approach he has taken and for his willingness to hear all sides of this issue and to recognize that even with his own deep knowledge of this subject—having studied it thoroughly—it is a highly complex question. It is not merely a question of making a judgment on a simple matter. This matter affects our military posture, and it affects our Committee on Foreign Relations, since one of the basic questions we have to consider is whether the Soviet Union wants to sit down and negotiate now.

It would be foolhardy for us to proceed with the construction of this system if there were a chance to negotiate an agreement whereby both sides would have a common interest in not proceeding with this kind of expenditure.

We must ask ourselves if we can reach an agreement in this field and find a way to enforce that agreement so that we may be absolutely certain that it will be adhered to.

From my own study of the subject—and I am putting as much time on this subject as on any subject we will be confronted with this year—I think it is possible to find a safeguard by which we will have the possibility of protecting the sanctity of an agreement made in this area.

It is not possible to deploy these systems without being subject to detection by satellite reconnaissance.

And we should ask ourselves what the real cost of the construction would be. If the cost has already escalated from $5 to $9.4 billion for the thin system, we should ask ourselves what it will cost to maintain the system.

Roughly, a system of this type would require an expenditure of approximately 10 percent per year for maintenance alone. Therefore, we are talking about a cost of $1 billion every year just for maintenance of the thin system. If we proceed with a thick system, we are talking about saddling our young people, even if we pay the whole hundred billion dollars in our generation, with a $10 billion maintenance cost per year.

Then, what do you do with an obsolete system of this magnitude and size? If your aircraft become obsolete, you can sell them; you can find some use for them. But what is the spinoff used for on an obsolete ABM system? Whom could you get to buy it? What part of it could you use? It would be almost entirely waste.

I can only ask, What does it really add to our national security, or does it detract from our national security? What does it really require our adversaries to do? What is it going to do in escalating the arms race? What actions are we likely to precipitate? Are we going to strengthen the hand of the hawks in the Kremlin and in the other captials of the world by this action, by saying "there is no answer but an eye for an eye and a tooth for a tooth?"

I believe that the distinguished Senator from Kentucky, in his leadership—and we have excellent bipartisan leadership—has opened that inquiry. The Committee on Armed Services is willing to study it. I am certain the members of the Committee on Foreign Relations will give it earnest thought.

We are on the brink of a decision the magnitude of which can only be compared with, say, the Vietnam war, in total dollar cost. Before we proceed with this system, we had better know the consequences of it and what we are doing.

I commend the Senator from Kentucky.

Mr. COOPER. I know the work that the Senator from Illinois has been doing, and he has expressed the chief concern well.

Mr. President, several Senators are waiting to speak, and I promised to yield to them in this order: The Senator from South Dakota (Mr. McGovern), the Senator from Massachusetts (Mr. Brooke), the Senator from Montana (Mr. Mansfield), the Senator from New York (Mr. Javits), and the Senator from Massachusetts (Mr. Kennedy).

Mr. JAVITS. Mr. President, will the Senator yield to me at this time?

Mr. COOPER. I yield.

Mr. JAVITS. Mr. President, I should like to identify myself with the Senator's position and to say that the missing link is the political and the diplomatic aspect of this matter.

I join the Senator from Kentucky, and I hope he will propose a resolution asking the President now to put a freeze on this matter and to take another hard look at it. Let us do it in the Committee on Foreign Relations and the Committee on Armed Services. Let the President do it, himself, and with the National Security Council.

There is too much at stake and there is all the more reason for taking another hard look, even if it takes another 30 or 45 days. The world will not be lost or won in that period of time.

I hope the Senator will do that in asking the President to take that position.

I commend my colleague, the Senator from Kentucky, for his leadership and his foresight in again bringing to the attention of the Senate the grave issues connected with the question of an ABM defense system, and for the able way he has marshalled the arguments against proceeding with the deployment of the Sentinel system. I share his view that it would be a mistake to go ahead with the Sentinel system. We all know that we are talking about something much vaster than a "thin" defense against a hypothetical Chinese Communist nuclear threat in the mid-1970's.

While President Nixon has demonstrated an acute sensitivity to the grave, complex, and far-reaching nature of the whole issue of the nuclear arms race, much confusion and discord surround the whole question of the Sentinel ABM system. Indeed, it has become the focal point of a major national debate over the highest issues of national security and, even, of the very nature of our society in the decades ahead. Most recently, in his press conference of January 27, President Nixon did much to clear up the needless semantic confusion and divisiveness which had been generated around the competing concepts of "superiority" and "parity." His adoption of the concept of "sufficiency" is, in my judgment, the choice of the best frame of reference for the historic debate now going on.

To be quite frank, it is far from clear just what the Sentinel system is supposed to do—and there is much dispute as to whether it can do any of the various things that have been suggested in differing quarters as to its mission. After vigorously arguing against a system oriented against any attack from the U.S.S.R., former Secretary McNamara originally justified deployment of the Sentinel system as a defense against a projected Chinese nuclear capability in the mid-1970's. However, subsequent statements by the distinguished former and present chairmen of the Senate Armed Services Committee—as well as statements from Pentagon authorities—have been to the effect that the Sentinel ABM is now to be regarded as the first building block in a "thick" ABM system oriented against an attack from the Soviet Union. Moreover, Secretary Laird has indicated that the Sentinel is now viewed as a major barganing factor in the upcoming negotiations with the Soviet Union over limitation of the strategic nuclear arms race.

President Nixon has made clear his intention to review some of the major policy decisions of the last administration, particularly where there is some prima facie evidence to indicate that there are substantial reasons against the course decided upon. I urge the President to consider ordering a halt to all further actions directly connected with the Sentinel deployment decision based on his own review of the decision to deploy the Sentinel ABM system pending the outcome of a thorough review of the entire issue by the National Security Council. I have specifically limited my call for a suspension of further activity with respect to the Sentinel system to actions directly connected with deployment. I believe that research and development activities in the ABM field should be vigorously pursued.

To parallel a review of the whole complex of issues surrounding the ABM question by the National Security Council, I believe that the Senate also should conduct a thorough public investigation and review of the entire question. While the technical justifications in favor of the deployment of the Sentinel, from the viewpoint of the Joint Chiefs of Staff, has been well probed in hearings held by the Armed Services Committee and its Preparedness Investigating Subcommittee, I do not think that the broad political and diplomatic ramifications of this whole issue have been investigated as they need to be.

Major political and diplomatic questions involved in the ABM question are: The whole complex of our relationships with the Soviet Union; with Communist China; with our NATO allies in Europe; with Japan and our other Asian allies; with Canada; and with our Latin neighbors to the south. In addition, the relationship of the ABM question to the Nuclear Nonproliferation Treaty, has not, in my judgment, been satisfactorily explored.

Finally, and by no means least, I believe it is essential for the Senate to take a systematic and thorough look at the whole question of projected costs for nuclear weapons systems in the next decade. The figures that have been projected in this regard by various, informed nonofficial sources truly boggle the mind. If these projections have validity, it is clear that the United States is going to have to make some of the most excruciating decisions on resources allocation in the years just ahead. At stake, ultimately, are the basic questions of just what kind of society we wish to become in the last third of the 20th century. It is clear in my mind that we just will not be able to finance all of the weapons systems which our Military Establishment feels it should have and still be able to meet even the minimum needs of our urban population in the explosive decade ahead.

Very hard choices are going to have to be made. The quality of life in America is the basic underlying issue and this must be borne in mind as we face the 1970's. We can either stagger and lurch from one ad hoc decision to another, or we can take a coherent look at the whole mix of competing demands and make our decisions calmly and judiciously. Above all, we must make our decisions affecting the future with an eye toward the nature and possibilities of the future rather than upon backward-looking decisions based wholly on our experiences of the 1940's and 1950's.

The question of cost and resources allocation, of course, is not merely one of "defense spending" versus domestic civilian needs. At issue is our posture in the world—the effectiveness of our interaction with 3 billion non-Americans—who will share this planet with us in the next decades. Are we to be the Sparta of the 1970's and 1980's? Is there not a higher role for America?

Mr. COOPER. I certainly value the Senator's advice, and we will consider this.

I now yield to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I shall not repeat the arguments that I know the Senator from Kentucky will make in calling for a delay in the deployment of this system. It seems to me that one of the most confusing aspects of the whole issue is the changing justification for this system advanced by the proponents.

Before the Senator from Mississippi, the distinguished chairman of the Committee on Armed Services, left the floor, I raised a question with him, which he said his committee would go into very thoroughly. I am sure they will do so, and I hope we can do it on the floor of the Senate as this discussion continues over the next few days.

The question is this, Are we proposing to build this system primarily as a defense against China, or as a bargaining weapon with the Soviet Union, as enunciated by the Secretary of Defense a few days ago? The previous Secretary of Defense said that it was folly to try to deploy a thin system against the Soviet Union and that he would justify it only on the ground that it would provide us some temporary protection against the Chinese. That being the case, why, then, do we talk about backing away from this system if we can get some kind of agreement with the Soviet Union?

It does not make any sense at all to argue that we need this system against China, and then to say we would give it away, provided the Russians will not build one. Obviously, there is a very clear contradiction and confusion of justification for the system. Are we building it against China, against Russia, or against both? What is our strategy? What is the real rationalization for this system? Or, is it just an exercise in spending more money on military gadgets that add nothing to our security against either the Russians or the Chinese, and which may, in fact, aggravate our relations with those countries?

Those are the kinds of questions, among others, that I hope will be explored on the floor of the Senate and explored even more in depth by the Committee on Armed Services.

Mr. PELL. Mr. President, will the Senator yield?

Mr. McGOVERN. I do not have the floor.

Mr. COOPER. I promised to yield in rotation, because Senators must leave, but I will yield to the Senator from Rhode Island.

Mr. PELL. I ask this question: Would not the answer to the question of the Senator from South Dakota be shown by the projected site of a Sentinel missile in Reading, Mass., which would indicate they are more concerned with weapons of the Soviet Union than of China, just by looking at the globe?

Mr. McGOVERN. I do not know. The chairman of the Committee on Armed Services frankly said he was not prepared to answer that question at this point, that he wanted more time to look into it.

But it does seem to me one of the real reasons why there is so much confusion about it—we get a different explanation for the reason for justifying this system every time the argument comes up.

I believe the proponents of the system owe us a clear statement of why they want this system built and against whom it is to protect us.

Would we give it away if we could get arms agreements with the Soviet Union, or would we have to have some agreement with the Chinese? If we do not need any understanding with the Chinese, what is the purpose of the deployment of the system?

I believe these questions should be answered before we spend any more money acquiring sites and deploying a system that we may agree to give away a little later, pending some arms agreement with Moscow.

Mr. President, I am convinced that we will someday rue the phrase "negotiate from strength" as one of the most damaging and costly cliches in the American vocabulary.

It has been employed heavily over the past several years as a concentrated expression of the reasons why we had to invest more lives in the thousands and more treasures in the billions before negotiations in Vietnam would be possible.

Now we are told that in order to "negotiate from strength" in arms talks with the Soviet Union, we have to begin deploying a $50 or $100 billion security illusion.

It is an encouraging development in our discussions over the ABM that we are beginning to face honestly the rationale behind the 1967 deployment decision. The original suggestion that it was oriented against China—requiring that we envision the Chinese, with a comparably tiny contingent of deliverable nuclear weapons, launching a futile attack which would lead to the total destruction of their society—was really too tenuous to be taken seriously. Americans believe a lot of things about the Chinese, but we do not equate them with idiocy. Moreover, this line of reasoning posed the difficulty of explaining why we were willing to eliminate our ostensible protection against the Chinese provided the Russians would agree not to built an ABM system.

So now we can see the Sentinel system as it is—the beginning of a much more elaborate and costly missile defense directed against a Soviet attack. And our debate can center on the question whether it has any value in that respect.

It seems quite appropriate to recall in this connection the warning issued by Secretary of Defense McNamara when he announced the "marginal" reasons for deploying a China-oriented system. He said in September of 1967 that—

> The danger in deploying this relatively light and reliable Chinese-oriented ABM system is going to be that pressures will develop to expand it into a heavy Soviet-oriented system.
>
> We must resist that temptation firmly—not because we can for a moment afford to relax our vigilance against a possible Soviet first strike—but precisely because our greatest deterrent against such a strike is not a massive, costly but highly penetrable ABM shield, but rather a fully credible offensive assured destruction capability.
>
> The so-called heavy ABM shield—at the present state of technology—would in effect be no adequate shield at all against Soviet attack, but rather a strong inducement for the Soviets to vastly increase their own offensive forces. That, as I have pointed out, would make it necessary for us to respond in turn—and so the arms race would rush hopelessly on to no sensible purpose on either side.

Secretary McNamara referred in that statement to the ease of developing penetration aids—decoys and other devices—which an adversary with a relatively high degree of technical sophistication could employ to fool the Sentinel system. He also referred to the most simple method of neutralizing it; sending more offensive missiles than there are defensive missiles to intercept them. It is important to note in this respect that if only one offensive missile gets through the defensive shield it has been a failure in terms of that target.

We have heard the argument, however, that even if that target is destroyed the defensive system will have succeeded in one respect because it will have diverted offensive missiles from other potential targets. Such reasoning ignores the fact that since 1958, when the Soviets developed ICBM's, we have been engaged in a weapons race in which each side seeks to maintain an "assured destruction capability" sufficient to deter the other from launching a first strike. Both the United States and the Soviet Union have sought to accumulate enough weapons to survive a first strike and still inflict an unacceptable level of damage on the other side. The assumption that this action-reaction cycle will cease with our deployment of the ABM is totally unwarranted. In fact, I can conceive of no rationale for assuming anything but that the ABM will have exactly the opposite effect.

It will stimulate the Soviet Union to increase its offensive capability enough to overcome the Sentinel and still destroy the targets it deems important.

But the discussion is made even more complex, and it is infused with additional risk, by the fact that these strategic considerations operate on the assumption that the Sentinel will work with a substantial degree of efficiency, an assurance which simply cannot be given.

It is, in fact, quite probable that during a heavy attack the effectiveness of an ABM system would drop to near zero. The Sentinel is, to be sure, a substantial improvement over the Nike-Zeus, with strengthened ability to discern between trash and nuclear warheads, higher-powered radars, and a significant change from neutron heating to X-ray kill which will make the defensive explosion effective at greater distances from the incoming warhead.

But we have not overcome, and I do not believe that we can overcome with a system in which some missiles intercept others, the problem posed by ionization of the atmosphere resulting from a nuclear explosion. In a heavy attack, if we were able to intercept a portion of the first wave of missiles, the explosions would upset the gas in the air and would create a shield impenetrable by radar. The tracking systems on which the ABM relies so heavily would be rendered useless.

This and other problems severely challenge the premise that the Sentinel would, in fact, save a significant number of American lives, even if we could assume that the Soviet Union would not respond by sending more offensive missiles. The Maginot line analogy is not at all unreasonable.

But our knowledge of the technical problems associated with the Sentinel adds another critical element to this discussion, for while we can operate with some fair understanding of its weaknesses our adversaries are likely to be overly generous in their assessment. Working from the inherent tendency to underrate your own weapons and to overrate those of the opposition, they are likely to overrespond, and to deploy enough offensive missiles to penetrate a 100 percent effective ABM. As a consequence, after we have reached the next plateau in the arms race, the probability is that more Americans, instead of less, would be destroyed in a nuclear exchange than is presently the case.

In light of these considerations I believe we can draw two conclusions about the ABM. The first is that its deployment would be a serious waste of our resources, akin to the waste which the Soviet Union committed—and is apparently recognizing now—when it began to deploy the limited Galosh defensive system around Moscow.

The second is that the Sentinel would further aggravate the arms race cycle which both we and the Soviet Union are seeking to escape, in the mutual realization that rational human beings ought to avoid both its dangers and its terrific costs.

Mr. President, the new administration has an opportunity to set a new and much more hopeful course. It will have made a highly significant contribution if it will but delay deployment of the ABM while two possibilities are explored—the prospects for reaching agreements with the Soviet Union on mutual limitations, and the potential of developing an anti-ballistic-missile system which would be effective and useful.

We have had discouraging signals that the administration may move in the opposite direction. Secretary Laird indicated at his press conference last week that he views the Sentinel as a bargaining tool, and that he believes it should be deployed as such—so we can "negotiate from strength."

I firmly challenge that assertion. I suggest that all we will prove by deployment is that we are willing to waste $5 to $10 billion or more on an unworkable device, and I fail to see how that can help us in negotiations.

Moreover, even if we concede that the Sentinel may have some value as a bargaining tool, what possible sense can there be in deploying it when we are seeking an agreement not to deploy?

If the negotiations were successful, we would be left with a useless system which would have to be torn out to comply with an agreement. Secretary Laird's assessment would, as I see it, have us in a position similar to that of a bargainer who offers to stop pinching himself so his cries of pain will stop disturbing the other party.

But certainly much more than cost is involved here. I am convinced that moving ahead with the ABM will greatly reduce the likelihood that an arms control agreement which is acceptable to both the United States and the Soviet Union can be found. I think it is time we recognize that they are not going to accept stabilization in a situation where we can inflict unacceptable damage upon them in a second strike but they cannot do the same.

Soviet leaders have made their interest in arms control talks quite clear, beginning with an invitation on inauguration day. And Peking has also indicated its desire to renew talks with us at Warsaw. Certainly we have no way of knowing in detail what the full intentions are of either the Russians or the Chinese. But if we respond by provoking another round in the arms race on the premise of "negotiating from strength" we will have committed a serious error which may be impossible to reverse before we reach a higher level of weapons and a higher level of risk.

These are questions which I hope President Nixon and his advisers are evaluating with great care. The Congress, whose responsibilities in the field of national security, defense and arms control are no less weighty, should be considering them as well. The distinguished chairman of the Armed Services Committee, Mr. STENNIS, is to be commended for his willingness to broaden this year's committee hearings on the subject, to include a measure of the technical expertise which has alined in opposition to the ABM and which we can only allude to on the Senate floor. These will be urgently important hearings.

Mr. President, Department of Defense appropriations for fiscal 1969 included $614.7 million for deployment of the Sentinel. If we can use former Secretary Clifford's posture statement as a guide the ante will more than double in fiscal 1970, to about $1,453 million exclusive of research and development.

The opportunity to hold up deployment is to avoid wasting that amount. For each year we go ahead the waste and the danger will increase.

Let us get off this hopeless path now. To stay on it is to pursue an illusion which will forever elude our grasp.

Mr. COOPER. The Senator has asked very searching questions.

We are all very pleased with the statement of the chairman of the Committee on Armed Services, the Senator from Mississippi (Mr. STENNIS), and it is one we would expect from him. He intends to see that this question is thoroughly reviewed.

The questions of the Senator from South Dakota do need to be answered.

Mr. President, I yield to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, I thank the distinguished Senator from Kentucky. I wish to associate myself with the purpose of his remarks today. I was privileged to support him in his attempts to delay the deployment of this ABM system in the last session of Congress.

This morning I was at the Pentagon, and I asked about the cost of this thin system. The figure that was given me, as late as approximately 10 o'clock this morning, was $5.8 billion. I was rather surprised, then, to hear the distinguished Senator from Missouri give a figure this afternoon of $9.4 billion, which would be an extraordinary increase in such a short period of time.

I think there are certain questions that must be carefully considered before so costly a system is deployed. Of course, one question is the effectiveness of the system. I think that no evidence has really been supplied by any scientists which would indicate that this system can be effective. The Pentagon itself said the system is designed to defend against the potential of Communist China in the next decade. They admit it will not give us defense against the Soviet Union.

The second question pertains to the potential arms race with the Soviet Union. I read the report of the Senator from Rhode Island (Mr. PELL) and the Senator from Tennessee (Mr. GORE), when they returned from their mission to the Soviet Union. One of the passages in that report stated that in conversations with Premier Kosygin, the Premier indicated he was anxious to enter into talks for mutual disarmament.

I took great heart from that passage, and I think many people took great heart that perhaps we were entering a period in which we could begin to talk about mutual disarmament, and thereby avoid another arms race with the Soviet Union.

So I explored the possibility that the Soviet Union had responded to our thin antiballistic-missile system and had begun to build a more sophisticated system themselves. I found there is no evidence that the Soviets responded at all or that Communist China responded at all. It would seem to me the only reaction we have had is a desire on their part to talk about mutual disarmament.

Certainly we all want to bring about peace in the world and we do not want to do anything that would trigger another arms race with the Soviet Union or even Communist China for that matter.

We have had a very serious problem in Reading and in Lynnfield in the Commonwealth of Massachusetts. The residents of those areas have been up in arms about the construction of a missile site right within their neighborhoods. I have been deeply concerned about it and after we failed in the last session of Congress to delay the deployment of this system, I hoped to have the site located, for instance, at Westover Air Force Base, which is in the western part of our State. But the engineers said there were too many mountains between the densely populated area of Boston and Westover Field. I pursued this matter this morning in the Pentagon, with respect to the fact that these sites will be built in densely populated areas because they are designed to protect densely populated areas. Further interrogation indicated they had made certain concessions in some of these sites, perhaps at Lynnfield, perhaps in Chicago, and other places across the country, which might mean there would be a buffer zone or landscaping to make the sites as palatable as possible if the people knew they had no alternative and that the installation could be constructed.

I asked if the costs of these modifications were included in the projected costs of the system. It would appear they are not. We do not know how much the costs will be. As the distinguished Senator from Missouri (Mr. SYMINGTON) indicated on the floor of the Senate today we do not even know what the costs are likely to be in 1972 or 1974, when this system is to be completed, because we know that costs are ever rising. And, worst of all, even when completed we do not know that the system will not be obsolete. As the Senator from Illinois (Mr. PERCY) pointed out we might have a system on our hands which will really be of no value to the Government.

I think the Senator from Kentucky has certainly raised an important question. I serve now on the Committee on Armed Services. I am sure the Senator from Mississippi (Mr. STENNIS), our chairman, will see to it that we do have hearings. I think the purpose of this colloquy, to bring this matter to the attention of the new administration and the Congress, is a laudable one. I think it makes known to them that there are Members of this body who feel very strongly that there should be a reappraisal and an in-depth review, and that there should be a possible reconsideration before we continue to vote more money for the year 1969–70, as is proposed. So there is a definite remedy which is available to us and this is not just a futile exercise in colloquy.

I think this colloquy can serve a very useful purpose in perhaps delaying the matter until we can explore the possibility of mutual disarmament with the Soviet Union. If we are to take the word of the Senator from Tennessee (Mr. GORE) and the Senator from Rhode Island (Mr. PELL), as reported to us, there is some possibility that an agreement may be possible. But in the interim period what are we really losing if we admit the system will not protect us against a Communist threat?

I think the Senator from Rhode Island (Mr. PELL) raised a very serious question when he asked: If we are saying this system is designed to protect us against Communist China, why did we first choose Boston, Mass., to build the first site of installation? Communist China is not in that direction. Why did we not build it out in Seattle, Wash., or some other place on the west coast? Why did we choose the Northeast as the site of the first installation?

Of course, we are happy that the people of Massachusetts and the Northeast are being protected, but we are also concerned about the people on the west coast. I suggest that this installation might be pointed in the wrong direction if, in fact, our primary purpose is a defense against the Communist Chinese capability.

In conclusion I must add, upon interrogation also, was the purpose merely to build this thin system to protect us against the Communist Chinese, or was this system designed as the first phase of a larger and more sophisticated system that is to come in the future? The answer would appear to be that it is still designed as a defense against the Chinese capability, but it is designed so it can be broadened into a more sophisticated system which ultimately would give us a defense against the Soviet capability.

So these are the important questions I respectfully suggest have to be answered. And they are questions that I am sure will come out before the Committee on Armed Services and perhaps the Committee on Foreign Relations.

Those of us who have consistently opposed the installation of this complex and dubious defensive system have done so for a combination of reasons. They can, I believe, be summed up in the single conclusion that these costly facilities would in fact contribute very little to the security of the United States.

I would like to dwell briefly on the central reason why I believe this conclusion is justified. The system which has been proposed and for which initial site acquisition has begun is designed to protect the United States against a likely Chinese nuclear capability in the coming decade. No knowledgeable authority claims that we could now construct a really effective defense against the far greater Soviet missile threat, although the planned system would provide some defense against an accidental launching by the Soviets and might form the basis for a more elaborate ABM at a later date.

But we cannot focus exclusively on the potential benefits this system might offer vis-à-vis a Chinese threat, for that is but a small part of our national security problem. It is precisely in its likely impact on the strategic relations between the Soviets and the Americans that the so-called thin ABM is more dangerous than defensive. Why is that so?

I believe it is as certain as anything can be in international politics that any such deployment by either great power will oblige the other to increase its offensive forces, either quantitatively, qualitatively, or both. An American or a Soviet ABM system surely will increase the risks of a continued arms race with unknowable consequences for strategic stability and world peace. It is here that the gravest long term dangers lie and, if we are truly to serve our country's interests, I believe we must never lose sight of these concerns. The apparent Soviet decision to slow down or abandon their initial ABM deployment suggests that Moscow is also aware of these considerations.

At the moment the Soviet Union has renewed its expressions of interest in bilateral talks about possible strategic arms limitations. It would be tragic indeed if, at the very time when some possibility emerged of a serious negotiation to curb the arms race, the United States were to barge ahead with an ABM system heedless of its implications for these vital discussions. It has been argued that we should proceed on this system in order to gain leverage in the negotiations. It is my opinion that a vigorous research and development program, looking toward possible deployment if the talks fail, provide sufficient leverage at far less cost and with substantially less provocation than a present deployment.

In short I think our primary responsibility is to attend to the central issues in the strategic relationship between the Soviet Union and the United States. I would contend that we can serve this goal best by prompt ratification of the nonproliferation treaty and by immediate efforts to begin concrete negotiations with the Soviets on limiting missile forces.

This view is strengthened by the fact that a new administration has now taken office with fresh opportunities to explore the possibilities of mutual restraint by the great powers. It is further strengthened by the fact that the Chinese strategic capability seems to have evolved rather more slowly than initially projected; this should provide additional time for us to press forward with the arms control effort before making a large and possibly open-ended commitment to antiballistic-missile defense. We should make exhaustive efforts in this direction, including efforts to bring the Chinese into a reasonable international security system, before we fall back upon the primitive and unreliable mechanism of competition in deadly arms, a mechanism which subsists only by fear and succeeds only by chance.

These international considerations are, of course, not the only ones we must take into account. The fact is that, in the domestic turbulence of our time, we have gained a new sense of urgency about the pressing needs here at home. The billions of dollars that would be required for even a minimal ABM deployment could doubtless find constructive and vital use for the well-being of our society. Our cities, our schools, our disadvantaged youth and impoverished adults—these have a paramount claim upon our resources. We cannot fail to confront the issue of whether the billions at stake can rightly go to a questionable defensive system when so many millions of our people are in dire need. The question of priority will not down—and I, for one, would resolve it in favor of investment in our critical domestic programs.

In arguing against the present investment in ABM, I feel it is incumbent upon us to recognize that judgments in these matters are rarely final and conclusive. ABM technology may become more reliable and resolve the technical doubts which persist about the system. The political tensions and hostilities that plague the search for peace may not yield to even the most earnest negotiations. The situation we now perceive may change. But that is hardly a reason for plunging ahead in a premature investment in weapons with such far-reaching implications for the future security of every human being on this planet. Now is the time to give this decision the closest possible scrutiny, while pursuing as diligently as possible the diplomatic alternative. That is what we propose and what we hope the Senate will support.

I thank the Senator from Kentucky who, as usual, has performed a great service in giving us the opportunity to air these views, discuss these matters, and permit the American people to know more about the matter because we could fool the American people into a false sense of security. They may be buying a package that does not give them the security they think they are obtaining.

Mr. COOPER. I thank the Senator. This is not to be a futile exercise, but we do expect to bring to bear whatever influence we can to prevent deployment of this system, at least until it is proven to be a system that will bring security to the United States and not danger.

Mr. BROOKE. I thank the Senator.

Mr. COOPER. I yield to the Senator from Montana.

Mr. MANSFIELD. The colloquy which has taken place this afternoon has been most enlightening. I was interested in so many questions that I cannot remember all of them.

The distinguished Senator from Massachusetts (Mr. BROOKE) raised the question as to whether or not this thin line is directed against Peking or, in effect, in the long run is to be directed against the Soviet Union. If I recall the debate of last year, I believe that the manager of the bill made no bones about the fact that it would be directed against the Soviet Union.

It comes to mind that the Soviet Union, indirectly but not formally, but strongly, since the new administration has come into power, has indicated that it would like to sit down with us to discuss such things as the missile race, the ABM systems, the Mideast, and other matters of mutual concern and mutual worry.

I can understand why the present administration as yet has not had an opportunity to react, but I feel quite certain that they are giving these feelers from the Soviet Union—and I say this on my own responsibility only—every consideration, to see what, if anything, can be done; because I recall the President said, not once but several times, that now is the time to move into negotiations and away from confrontation. I believe him. I think that he is trying to find a way out of the impasse in which this country and, as a matter of fact the world, finds itself, because we cannot confine ourselves to United States-Soviet Union relations. Our interests encompass a far wider range. There are a good many difficult areas which we have to face up to, and we must try to find solutions to the problems which confront us there.

Mr. President, I have been pleased with the tone of the debate this afternoon. I was very much pleased with the statement made by the distinguished chairman of the Armed Services Committee, the Senator from Mississippi (Mr. STENNIS), because he indicated an open mind, that he was concerned, that he had some questions, and that he was going to see to it that all sides would be heard.

I think that is good.

I think that what the distinguished Senator from Kentucky and his colleagues on the floor of the Senate today are doing will have a beneficial effect not only so far as the hearings in the Armed Services Committee are concerned, but also in the Foreign Relations Committee as well, of which we are both members; as well as in the thinking of the administration.

I was pleased to note that the Senator from Mississippi indicated that the Secretary of Defense and the Under Secretary of Defense, the Director of the Budget, and others, were giving this matter their closest attention; and that he anticipated, when they got through with their surveys, they would be presented to the President and then, of course, he would make a decision.

I must say, frankly, that I have great faith, on the basis of the President's statement and activities so far, that he will go into this matter thoroughly, reasonably, and in depth. Let us hope that on the basis of the findings made by the Members who are in his administration, on the basis of the testimony given by witnesses outside the Department of Defense and related agencies, as well as on the basis of the consistent and continuous colloquy on this subject which has been going on in the Senate over the past 3 years, a proper decision will be made at the right time.

Mr. President, it is my belief that we can go too far in this matter of a thin line, which I think is, in effect, a "make believe" line. I do not think it will have any effect in its present stage, although, for the time being, the main activity seems to be the purchase of real estate in Massachusetts, Illinois, Montana, Washington, and elsewhere. But we should be very careful that we do not get started on a project if it is not absolutely feasible and necessary, because this $5.8 billion figure which the Senator from Massachusetts (Mr. BROOKE) has mentioned, and the $9.4 billion figure which the Senator from Missouri (Mr. SYMINGTON) has mentioned, are sizable increases from the $5 billion figure. However, it is my understanding that at a minimum it will take at least $50 billion to complete an ABM system, and it could well cost $100 billion, or more—and very likely more.

Let me say that the Soviet Union is spending a similar amount of money to build a similar number of ABM's.

Where would both countries be at the end?

Right where they are today.

What would happen to the problems in our own country in the urban areas, in the poverty-stricken parts of this Nation, where money is needed and help is desired, and where we have a potential explosion which must be attended to?

Thus, I hope that, in the name of the American people, and in the name of mankind, we will not start on a mad race which will accomplish nothing for either country, but will merely increase danger for the world.

The Russians have problems at home. We have got enough in the way of problems at home, too.

Is there not some way that we can get together to try to work out these differences over ABM's and missiles, and try to work together to bring the Mideast into some sort of economic stability, and work together to build peace where possible throughout the world.

Instead of giving despair to mankind, let us give mankind hope.

I thank the Senator from Kentucky for yielding to me. [Applause].

Mr. COOPER. Mr. President, I deeply appreciate the statement of the majority leader.

He always speaks with wisdom. He speaks with good sense. He speaks with justice. He speaks with compassion.

He has made a speech today which the whole country should hear.

Mr. MANSFIELD. It is a pleasure and a privilege to work under the leadership of the distinguished Senator from Kentucky, as I have in the past 4 years in this particular field—only one among many.

I thank the Senator.

Mr. COOPER. Mr. President, I now yield to the Senator from Massachusetts (Mr. KENNEDY), who has waited so long and so patiently to speak.

Mr. KENNEDY. Mr. President, I think that the country, and certainly the Senate, has benefited greatly from the discussion here this afternoon, most particularly by the comments of two of the most thoughtful spokesmen in this body; namely, the distinguished Senator from Kentucky (Mr. COOPER) and the distinguished Senator from Montana (Mr. MANSFIELD).

I know that each Member of this body will benefit in the course of his own considerations and deliberations by reviewing the comments and the questions raised about this Sentinel ABM program by these two very thoughtful, creative, and sensitive men.

There is a steadily rising tide of doubt in this country about the soundness, necessity and cost of some of our national defense programs. Many of those Americans who have expressed these doubts most articulately have done so here in the Senate Chamber. Their ranks are ever growing, and this reflects, I think, the growing feeling in the country at large.

The Senate, charged with advising the President on foreign policy matters, is an entirely appropriate forum for a thorough examination of the course our national defense planners have charted. And the Congress itself, charged with examining and appropriating funds for requests to carry out this course, must bear the burden of insisting that these national defense policies are rational and sound.

Let me be entirely candid in expressing my belief that we in the Congress—with the notable exception of a few of our colleagues—have been remiss in bearing our responsibilities. We have not insisted on full information, in many cases, where national defense is at stake. We have appropriated funds for programs which have not proved workable, and which, after the expenditure of tens of billions of dollars, have been canceled. National defense programs have somehow been above the battle—it has always been implicit in many of our debates that it is perhaps unpatriotic to question the recommendations of the Department of Defense.

We are fortunate, I think, that this is increasingly less so than in the immediate past. If we in the Congress—and particularly in the Senate—take an ever larger role in the deliberations and decisions regarding the course our national defense policies take, then it is my own conviction that our country will be better defended at less cost, that our common desire for world peace will be more rapidly advanced, and that our division of Federal budget expenditures will be considerably more rational.

The particular concern which brings me to make these remarks is the planned deployment of the Sentinel anti-ballistic missile system. Administration figures indicate a cost of $5.5 billion for deployment of a "thin" system. Yet most experts readily acknowledge that the pressures for deployment of a full Sentinel ABM system will be severe—and that this full system will cost upwards of $60 billion. When, we should ask, has there been a full and candid national debate over the wisdom and desirability of committing this vast sum to a system which may well not work? Let me say that I do not believe we have had such a debate, but that we should.

We all remember the national debate over medicare, a debate which raged for years. And we remember the long debate over the Elementary and Secondary Education Act. Each of these programs, programs which were, incidentally, long overdue, was enacted only after the most complete and microscopic examination of the pluses and the minuses. It is high time that programs for national defense no longer receive carte blanche treatment in the Congress. Instead, they should be subjected to the same scrutiny as other programs. I share this view with a large number of my colleagues, and it is highly appropriate that as the new Administration reviews the decisions made two, three, and more years ago relating to national defense and foreign policy, and examines the underlying assumptions and rationale, we in the Congress should, too, demand fuller and more candid discussion.

The Sentinel ABM system is a case in point.

It was put forward as a defense against an unsophisticated Chinese ICBM threat. Yet we have evidence that the Chinese are developing weapons systems which would make the Sentinel system obsolete.

It was put forward at a cost of $3.5 billion. Yet present estimates have risen to $5.5 billion, and perhaps to $9.4 billion.

It was put forward when arms limitation discussions with the Soviets were in only preliminary stages. Yet we now have hard evidence that the Soviets wish to proceed immediately with disarmament talks.

It was put forward as a means of saving American lives in a nuclear exchange. Yet Defense Department figures indicate this assumption to be in error.

It was put forward on the argument that Sentinel deployment would strengthen our bargaining position vis-a-vis the Soviets. Yet analysis of this argument reveals its basic unsoundness.

These are only a few of the questions which raise grave doubts about the wisdom of carrying the decision to deploy Sentinel forward, and whether it creates not true security, but instead a false security.

I, for one, am against that decision. I was when it was made. And I will work with my colleagues here in the Senate to see it reversed.

As background for that work, it may be helpful to offer a review in some detail of the major issues, as I see them, which will be at stake in the Senate debates this year.

In September of 1967, our Government announced plans to deploy a limited antiballistic missile system at various sites across the United States. The Sentinel system relies upon coordinated use of a battery of different components for its effectiveness. It uses central computers, two types of radars, and two types of missiles to seek out and destroy incoming enemy intercontinental ballistic missiles before they reach the United States.

The first type of radar is the perimeter acqusition radar—PAR—used for long-range tracking of incoming missiles. The second is the missile site radar—MSR—used both for shorter range tracking of incoming missiles and for guiding our own defending U.S. missiles to their targets. The first missile type is the Spartan, a three-stage solid propellant missile launched from an underground silo. It has a range of several hundred miles, carries a thermonuclear warhead, and is designed for long-range interception of incoming missiles. The second missile type is the Sprint, a two-stage, solid propellant missile, also nuclear tipped and launched from an underground silo. It is designed for short-range interception of the incoming missiles which have penetrated the long-range Spartan defense.

As presently planned, the "thin" Sentinel system would include six PAR radars, ranged along the northern border of the United States and in Hawaii and Alaska, facing the polar routes of incoming missiles. Each PAR site would be about 300 acres in size, and the PAR itself would be housed in a concrete building 140 feet long and 330 feet wide. Each PAR site would also be connected to a number of "farms" of Spartan missiles, and next to each Spartan farm would be a farm of Sprint missiles together with an MSR site. The MSR sites would be about 280 acres in size.

Site for Sentinel missile farms have been announced near Boston; Cheyenne, Wyo.; Chicago; Grand Forks, N. Dak.; Great Falls, Mont.; Los Angeles; New York City; Salt Lake City; Seattle; Albany, Ga.; San Francisco; Sedalia, Mo.; and Honolulu.

The scientists and engineers who developed the Sentinel system have quite literally accomplished technological miracles, devising equipment of immense sophistication. Construction of the Sentinel ABM system would be the single most complicated engineering feat ever undertaken in the world. There is, however, considerable and convincing evidence that despite these technological miracles, and despite our undoubted ability to complete this engineering feat, construction of the Sentinel ABM system would be a waste of money. Even worse, construction of the system may set the cause of world peace back immeasurably.

Last week, I wrote to Secretary of Defense Laird and asked him to place an immediate freeze on all Defense Department activity relating to the construction of the Sentinel ABM system sites. I did so because of increasing evidence that pushing forward with the Sentinel system would be a serious mistake. Many of our Nation's most eminent scientists some with experience at the highest policy levels of our Government, make what appears to be an irrefutable case against continuing deployment of the Sentinel system. This case is not grounded merely on technical, or on budgetary, or on larger foreign policy considerations. Rather, it encompasses all these considerations, and more, and for this reason is so compelling. It also raises serious questions about the influence of the military-industrial complex upon the Nation's policymaking procedures.

The first of the Sentinel system sites is planned for just outside Boston. A PAR site is presently under construction in North Andover, Mass.; and the notices of invitation to bid on the initial phases of an MSR site in the Lynnfield-Reading area of Massachusetts, are scheduled to go out on February 20, 1969. The Department of the Army has conducted a series of meetings in Massachusetts, in an effort to explain to the residents of the Boston area what the Sentinel system facilities involve.

The most recent of these meetings was held at the Reading High School last Wednesday evening, and attended by some 1,500 persons. Among those present were a number of eminent scientists, and the information they presented and the arguments they made merit review, I think, in the Congress. In sum, the case they made questions the very soundness of the decision to deploy the Sentinel SBM system. Let me summarize the points made at the meeting:

First, technical questions. We simply do not have convincing evidence that the Sentinel system will function under combat conditions, against either a Chinese threat or, particularly, against a Soviet threat. The component missiles of the Sentinel system—the Spartan and the Sprint—have proven under test conditions that they can intercept an incoming ICBM, and that their warheads can neutralize an enemy missile. But we have learned that our radars are blacked out for some minutes after an atmospheric nuclear explosion, because of the cloud of ionized gas such an explosion creates. While this cloud is dissipating, which takes some minutes, the heart of the Sentinel system—the sophisticated radars—are useless. This gives rise to the prospect of an enemy deliberately holding back the bulk of a hypothetical salvo, until our radars are blacked out, perhaps from the explosion of our own defending missiles. Then this enemy would loose the bulk of his attacking missiles, which would be undetected by our Sentinel and hit their U.S. targets.

Then, too, there are other questions. In response to reports of limited Soviet deployment of an ABM system, the U.S. is developing counter-measures—including multiple independent re-entry vehicles (MIRVs), which will permit a single missile to carry up to ten warheads. All evidence indicates that the Soviets are developing similar offensive countermeasures to our Sentinel and other weapons systems, such as orbital delivery systems and low-flying missiles in fractional orbits (FOBS), which would not be detected by our radar defenses. There is another, somewhat different, technical question well worth repeating. By the very fact of including the short-range Sprint in the Sentinel system, our planners have indicated their belief that some number of enemy missiles will penetrate the long-range Spartan shield, and thus must be intercepted at lower altitudes by the Sprint. A determined enemy might set his incoming missiles to detonate at an altitude of 50,000 feet, or about where a Sprint intercept might take place. Yet the detonation of a large nuclear warhead at 50,000 feet would cause great devastation in a large area beneath it—fire and radiation devastation. An enemy might also direct a warhead with a high fallout yield into an unpopulated area, not protected by a point defense Sprint missile. The fallout from this weapon could destroy the United States just as well as could a direct hit.

In sum, there are two threads to the unresolved technical questions. In the first place, as Dr. Jerome Wiesner, Science Advisor to Presidents Kennedy and Johnson, pointed out recently:

> A few competent people expect the extremely complex ABM system to work the first time; yet it must to have any effect.

And in the second place, as former Defense Secretary McNamara pointed out recently in commenting on the reported Soviet ABM deployment:

> I do not think there is a senior civilian or military official in the Defense Department that does not believe that . . . we have the technical capability to react in such a way as to assure our continued capability to penetrate that Soviet ABM defence.

Since the Soviets have shown that they have a technological capability which can match ours, I am sure that the senior Soviet officials believe they can penetrate the Sentinel ABM defense we are developing, just as we believe we can penetrate any system they develop.

Second, our relations with the Soviet Union. In his January 18, 1969, statement on national defense posture, former Defense Secretary Clifford said that we stand "on the eve of a new round in the armaments race with the Soviet Union, a race which will contribute nothing to the real security of either side, while increasing substantially the already great defense burdens of both." Secretary Clifford then urged pursuit of an agreement with the Soviets on a limitation of armaments. For at least three years, our Government has sought to persuade the Soviets to agree on such a limitation. A number of our colleagues in the Senate have recently visited with the Soviet leadership, and reported to the Senate that the Soviet are ready to begin discussions with the United States. One indication of this readiness may be the report of Secretary Clifford, also in his defense posture statement, that the Soviets have curtailed construction of a Moscow-area ABM system.

So much, of such large importance to the future of mankind, hangs in the balance of agreeing to limit armaments, that we must not follow any course—no matter when or by whom set—which leads to an intensification of the arms race. As Secretary Clifford pointed out, our best intelligence tells us that the Soviets are slowing construction of their limited ABM system. Should we provoke them into speeding up construction, by building our own, and thus exacerbate the tensions which lie between us? I think not. We should raise the prospects for world peace by seeking to phase the armaments race down, not by escalating it.

Third, site location. In Massachusetts, the two Sentinel system site locations are in the greater Boston metropolitan area. The sites near Seattle and Chicago are likewise situated in populated areas. This site placement raises three immediate and important questions, one relating to safety from accidental explosions, one to enemy targeting considerations, and the last to the rationale for constructing a "thin" Sentinel system. While the exact figures are classified, the best estimates are that an accidental explosion in the silo of a Spartan warhead would cause total devastation in an area 5 miles in diameter, and serious destruction over a far greater area. Although the risk of accidental explosion is very low, it is not zero—and for this reason, it would seem reasonable to ask why at least the Spartan missiles are not placed in unpopulated areas, just as our ICBM's are. This is particularly so in the light of expert testimony that should the missiles be 50, or a 100 miles distant from the Boston area, the quality of protection accorded Boston would not differ. Since, with incoming ICBM's we are dealing in distances of many thousands of miles, it would hardly be different were the Sentinel missiles located more remotely from Boston and other populated areas, where safety would be much higher.

Another factor related to site location is enemy targeting. We must assume that our Sentinel ABM sites—certainly the PAR radars—would be prime enemy targets in the event of attack. On this basis also, they should be placed in remote areas, as the most rudimentary safeguard. And this is so whether or not we assume that a hypothetical enemy would consider population centers as the prime target.

Finally, one must draw the reluctant conclusion that the Sentinel sites are close to population centers because our planners envisage not a "thin" ABM system, but instead a full one. For if we planned only a "thin" system, there would be no need to place the sites close to the cities. Instead, they could be put in remote countryside areas.

Fourth, cost. When first discussed in early 1967, the costs of this "thin" Sentinel ABM system were estimated to be $3.5 billion. By September, 1967, when the deployment decision was announced by the Government, the cost had risen to $5 billion. The most recent estimates are $5.5 billion. Previous experience with weapons systems of this type make it a near certainty that these estimates will be far too low—that we may eventually spend $10 or $15 billion on just this "thin" system before it is completed. We must not, either, ignore what will be strong pressures to expand the "thin" Sentinel system into a full-blown, extensive ABM system, at cost estimates which run upwards of $60 billion.

Before we get too far along in committing ourselves to a project with this price tag, we should be certain we are buying a system which will work, and which will not be obsolete in 5 or 10 years. Obsolescence is an unfortunate hallmark of many of our military defense programs, largely because of long leadtimes and unexpected technological advances. Former Deputy Secretary of Defense Cyrus Vance testified 2 years ago that—

> Because of the very rapid rate at which the technology changes, to maintain an effective (ABM) system one would essentially have to turn over the whole system every few years.

If, by 1975, the Sentinel system is obsolete, can we say that the funds spent to construct it were wisely spent? Our second-strike missile capability is now universally acknowledged to be sufficient to destroy Russia and China; would they be less willing to attack us because we have a "thin" ABM system which we cannot even be sure will work under combat conditions? I do not think so, and consequently think whatever funds we do spend on Sentinel deployment will be spent unwisely.

Fifth, bargaining posture. Supporters of the Sentinel ABM system often make the argument that construction of the system will strengthen the bargaining position of the United States vis-a-vis the Soviets, in any disarmament talks.

This argument seems particularly fallacious to me, on a number of counts. In the first place, since even Sentinel proponents concede that the "thin" Sentinel system would be ineffective against a Soviet attack, and ineffective against whatever sophisticated missiles the Chinese possess, I can see no advantage at all, in talks with the Soviets, in having an ABM system which has virtually no impact on their offensive missile capability.

In the second place, by the middle of this year the Soviets will be on a parity with the United States in the number of deployed ICBMs. In any disarmament talks, it is inconceivable that they would agree to an arms moratorium requiring them to come out at a disadvantage vis-a-vis the United States, a disadvantage from which they did not suffer when the talks began. The same argument applies to an ABM system. It is inconceivable that the Soviets would agree to a moratorium permitting the United States to maintain an ABM system, while they—the Soviets—did not have an effective one. Consequently, construction of the Sentinel system will have no relevance whatever upon our bargaining posture.

And in the third place, assuming that we did complete the "thin" Sentinel system, and that the Soviets did correspondingly, and then we reached a disarmament agreement—we would then, presumably, dismantle the Sentinel system which would have gained us nothing in the negotiations and cost us billions of dollars. Only if we viewed the ABM system as important vis-a-vis a Chinese threat, would it make sense to maintain an ABM system. In this regard, it is interesting to note that the Soviets—who may have reason to fear Chinese intermediate range missiles—have curtailed their own ABM construction activity.

In sum, I see no validity to the argument that we need a Sentinel system to strengthen our hand with the Soviets—the "thin" Sentinel cannot make us any stronger than we now are.

Sixth, distortion of Federal funding priorities. The costs of the Vietnam war have seriously threatened the stability of our economy, and have forced a severe cutback in Federal expenditures for the nonmilitary programs in education, housing, health, employment, and conservation. This cutback is generally conceded to be at least partly responsible for the divisions and unrest with which we have had to deal here at home in the last 30 months.

One measure of how drastic the cutback has been is the difference between the authorization and the appropriation for any given program. Writing in Agenda for the Nation, former Budget Bureau Director Charles Schultze said that—

> A sample count of fifteen programs, all dealing with relatively important social problems, indicated that actual program levels in fiscal 1969 were about $5 billion below the authorized amount.

This underfunding of our domestic programs simply cannot be allowed to continue. Many of us in the Congress have long hoped that the "peace dividend," the funds which would be freed up for purposes other than Vietnam when the war there is phased down, could be applied to these underfunded domestic programs. This would be a major step forward, in my opinion, in redressing the present distortion in our budget priorities. If, on the other hand, we are to see the "peace dividend"—whatever may be its size—diverted to the Sentinel and similar projects, then we stand little chance of reuniting the Nation.

Seventh, limitation of U.S. casualties. The argument is generally made that deployment of even a "thin" Sentinel system will save American lives in the event of a nuclear exchange. But based on official, published Defense Department figures, this is simply not so. These figures appear in former Secretary McNamara's testimony last year before the Appropriations Committees. In sum, they indicate that a Soviet preemptive first strike against U.S. military and city targets would cause 120 million casualties. The figures then indicate that deployment of the "thin" Sentinel system would reduce this casualty figure by 20 million, to 100 million—so long as the Soviets did not respond to our ABM deployment by installing penetration aids on their offensive missile systems. If, on the other hand, the Soviets did respond by installing penetration aids, then the casualty figure would again be 120 million—precisely where we would be without the Sentinel ABM system. Can there be anyone who doubts the intention and capability to respond to our initiatives. I, for one, feel sure that Soviet scientists and engineers are working to develop and install penetration devices, just as we are.

There are many more arguments to be put forward against deploying the Sentinel ABM system, many of which were aired in Senate debates last year. In the main, they question using a missile threat from China as the justification for constructing a "thin" Sentinel ABM system, pointing out that we will force the Chinese to develop sophisticated ICBM and submarine-launched missiles by deploying an ABM system. This will in turn force us to take other steps to counter the Chinese steps, and so on, ad infinitum.

When the budget request for fiscal year 1970, for funds to continue deployment of the Sentinel, comes before the Senate, both on authorization and appropriation requests, I am sure that the debates of last year will be reopened. And there is much new evidence and information available now, which was not available then, throwing open to even more serious question the efficacy of the Sentinel ABM system. It is my intention, working in concert with other Senators, to ask the Senate to deny any request for additional funds to deploy the Sentinel system. I shall also ask that no further construction work on deployment using funds already appropriated be carried out, and that instead those funds be used for continued research and development of an

ABM system. For the sake of our national preparedness, we must continue our research and development effort; but for the sake of domestic tranquillity and of world peace, I think we must stop work on deployment.

Pending resolution by the Congress of this question, I would like to restate my suggestion of last week to Secretary Laird: that he put a freeze on any Department of Defense activity actually related to deployment of the Sentinel ABM system, while not changing the status of research and development on ABM systems. Such a freeze would be strong evidence of good faith in our pledge to limit the arms race. It would permit time for a review of Sentinel site placement near populated areas. It would change the assumption regarding the Sentinel system, by forcing its proponents to convince the policymakers that it is a wise expenditure instead of forcing its opponents to convince them that it is unwise. It would be dramatic evidence to a troubled world that the first concern of the United States is world peace. And finally, it would be a dramatic initiative on the part of the United States toward arms limitation discussions with the Soviets.

It is my understanding that Secretary Laird and Undersecretary Packard are presently reviewing the decision to deploy the Sentinel ABM system—a decision made 2 years ago. It is my hope that they will present their review to the National Security Council, for this decision should not be made on military grounds alone. It is, instead, inextricably wound up with the most basic of our foreign policy considerations, our budgetary concerns, and our intelligence estimates.

President Nixon has asked that the National Security Council recommend a policy course to him on the nuclear nonproliferation treaty. It is entirely appropriate that the Sentinel ABM system, and its future, be treated similarly, and I would hope that the National Security Council be asked its view of the Defense Department's recommendations.

We have too much at stake, in the debate over the Sentinel ABM system, to let past decisions control our present and future course. Instead, we have the opportunity to think through the rationale for deploying Sentinel. It is a rare opportunity, and we must grasp it for the sake of our own children, and of theirs.

I must say, Mr. President, that I share the pleasure of the distinguished Senator from Missouri (Mr. Symington), the distinguished Senator from Montana (Mr. Mansfield), and the distinguished Senator from Kentucky (Mr. Cooper), in the fact that there will be open hearings on the Sentinel this year, and that in them we will have the benefit of the testimony of non-Government experts who have experience and background in this area. I know they can add to the knowledge and understanding of all of us in this body.

So I think the distinguished Senator from Kentucky has performed a very important service, as have my other colleagues as well, in addressing themselves to this matter in the early part of this session. We know the President is giving the matter serious thought. When he is aware of the very deep feeling of the Members of this body, who cover a very wide spectrum of political experience and understanding, coming from different parts of the country, and when he understands the very serious reservations that have been expressed in this body for a whole host of reasons, I think it is entirely appropriate that a hold or freeze be put on this program and that further expenditures be halted until the Senate and the House and the President have a chance to review this program.

So I, too, want to congratulate the Senator from Kentucky. The hour is late. I think the fact that there were as many Senators here to speak on this, and the fact that other Senators have filed statements in the Record and have indicated that they will continue to speak about it, really demonstrates, as clearly as it is possible to demonstrate, the extraordinary importance that many of us place upon this problem. It demonstrates as well our very deep-seated belief that there needs to be a total review, and that we should take no further steps in this program without that total review.

Mr. COOPER. Mr. President, I think the questions which the Senator from Massachusetts addressed to the Secretary of Defense are of vast importance. I appreciate also the cooperative and rational approach that he takes toward the efforts of the administration and its necessary review of the ABM problem. I appreciate the wisdom of his views.

We have been in session a long time. I am going to close. I will simply say again that it is our purpose to continue to seek information, to debate this question, to do our best to influence the administration, and if necessary to defeat the proposed appropriation of funds for further deployment of the ABM system.

Mr. HATFIELD. Mr. President, the issue of the "thin" anti-ballistic-missile system has been brought to the floor on two prior occasions and, as then, I now oppose the construction of an ABM system. Consistent with my desire to see the Vietnam war brought to an end and the need for the world's major powers to seek peace and tranquillity throughout the world, it is my contention that an end to the construction of the ABM systems is an essential step.

My position should not be construed to be an oversight of the fact that continued research and development work on an antimissile system must not cease because of its necessity for our national preparedness. In retrospect, it seems quite clear that we undertook the construction program without thoroughly evaluating the worth or merit of the system, therefore we find ourselves seeking to freeze another project that we were ill advised to undertake initially.

Furthermore, there have been certain technical problems raised which leave serious doubts as to whether the ABM's could, in fact, do the job under emergency conditions. Several other arguments have been presented in opposition to the ABM system, many of which are tenable; however, my strongest misgivings of the system lie in the fact that we should not continue to finance a system that offers such a small degree of certainty that it can do the job. Also, a U.S. commitment to freeze the construction of the ABM system will be a major effort to reduce world tensions. Therefore, I join my colleagues in urging the administration to freeze all activities related to the construction of Sentinel sites.

Mr. NELSON. Mr. President, a fresh attack is being levied against the Sentinel anti-ballistic-missile system. Residents near the areas in which these missile sites are going to be built are greatly disturbed, and are expressing their dissatisfaction in increasing numbers.

As a case in point, in the Chicago area, public hostility and resistance to the army's site selection has been considerable. Recently, three North Chicago municipalities adopted resolutions stating their opposition to the construction of ABM's near their communities.

Apparently, these people are apprehensive over the prospect of having antiballistic missiles right in their own backyard. Certainly, the fears of these residents that an accidental explosion could wipe out their whole community may be legitimate.

But while these concerns may be justified, there are other equally as persuasive reasons for halting construction of the Sentinel ABM.

First, based upon the present state of missile technology, the Sentinel system would not be effective against an all-out enemy missile attack. In addition, initiating construction of the ABM could hamper prospects for a United States-Soviet arms control agreement. Also, at this critical stage of our economy, when Federal funds are desperately needed to meet the crisis of our environment and of our cities, allocating billions of dollars to a project that has never been proven to be effective seems unwise to me.

The battle over the ABM is intensifying and I am hopeful that when the Congress reconsiders this project, it will decide to delay it until adequate research and development proves it effective.

So that my colleagues may become more familiar with the sentiments of the concerned citizens of the Chicago area, I ask unanimous consent that an article appearing in the January 23, 1969, edition of the Chicago Tribune be reprinted in the Record.

In addition, I ask unanimous consent that the excellent article entitled "H-Bombs in the Back Yard," also be reprinted in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Chicago (Ill.) Tribune, Jan. 23, 1969]

Three Suburbs' Resolutions Disapprove of Nike Missile Site

(By Patricia Stemper)

Three north Chicago municipalities last week adopted resolutions stating their disapproval of the site for the planned Sentinel anti-ballistic missile base south of Libertyville.

They are the Highland Park city council, and the Lincolnshire and Northbrook village boards.

More than 100 Highland Park residents, some of whom are members of the Northern Illinois Citizens Against Anti-Ballistic Missile [NICAABM], attended last week's city council meeting to urge the council to adopt a resolution opposing the missile site.

NO ONE IS INFALLIBLE

"No man in the world is infallible," said Dr. Benjamin Ziedman, a nuclear physicist at Argonne National Laboratory who addressed the council. "We know an accident is possible. In the event of an accident, Highland Park ceases to exist," he said.

"Based on the information we have, all we can do is to ask that the site be reconsidered rather than opposed," said Raymond Geraci, councilman. "Otherwise we are preempting the government," he said.

At first, the council unanimously adopted an unwritten resolution recommending to the defense department that it reconsider installing the missile site in Libertyville.

RESIDENTS OBJECT

However, after receiving objections from residents who said they wanted a stronger resolution—one that stated that "the city of Highland Park is opposed to the Libertyville site as a missile base or any site near a densely populated area"—the council later in the week drafted a written resolution.

Altho the final draft does not state its opposition to the missile site, it "strongly urges" the defense department to reconsider its designation of Libertyville as a Sentinel antiballistic missile site "in the interest of safety to adjacent communities," and to relocate the site to an "area of less dense population."

When the final draft was written, the residents were represented by Jerome Man, a Highland Park resident who is running for councilman in the forthcoming election. The council asked that the residents choose a representative to meet with the council when the resolution was drafted. Man also was the [NICAABM] spokesman at the council meeting.

ARMY GAVE FACTS

In the events at the council meeting which led to the drafting of the written resolution, the residents said they could take action based on the information they have been given by the army. "We have that right," said a resident. "The burden should be on the government to supply the last bit of information."

The council said that having a resolution which recommends that the defense department change the planned missile site "is opposing the site in a different form."

The Lincolnshire village board last week adopted a resolution which opposes the Libertyville site for an antiballistic missile system because of the dense population in the area, said Dave Soulak, village administrator.

VILLAGE IS NEAR SITE

He said the board adopted the resolution because Lincolnshire's northwest boundary is 1½ miles from the planned missile site.

The resolution also asks the defense department to change the site to a less populated area 25 to 50 miles northwest of the planned site.

At the board meeting, the board received a petition signed by 125 to 135 residents asking that the site not be located at the abandoned 180-acre Nike missile base north of United States highway 45, 1½ miles northwest of Half Day, Soulak said.

STRONG RESOLUTION

"The resolution is the strongest one we could possibly make," he said.

The Northbrook village board's resolution also "strongly opposes" the installation of the missile system near Libertyville or in any part of the Chicago metropolitan area.

The vote on the resolution was 4 yes and 2 pass.

GLENVIEW ACTED

In December, the Glenview village board adopted a similar resolution by a unanimous vote.

Construction of the 70-million-dollar site is expected to begin in July. It is being developed as a possible deterrent of enemy atomic capability which experts believe will be developed by the mid-1970's.

H-Bombs in the Back Yard

(By David R. Inglis)

A reporter for a small suburban newspaper recently visited a drilling rig on the edge of Clarendon Hills, a western suburb of Chicago, and inquired what was up. He learned that the Army was exploring for a suitable site for anti-ballistic missiles. A scientist from the suburban Argonne National Laboratory noticed the story; subsequent luncheon-table discussions aroused concern among scientists which soon spread to the Chicago news media. Insidious are the ways of military public relations, and this is how Chicago happened to learn that, if all goes as planned, it is to have H-bomb-tipped missiles installed in its own back yard, on the edge of Cook County upward from the Loop.

When one of the scientists went to talk to the colonel in charge of the drilling operation, he was astounded to learn that the Sentinel installation was to include long-range Spartan missiles, in addition to the short-range Sprints. Only the Sprints might conceivably have some reason to be near a city if Congress should in the future opt for an attempt at city defense and authorize something much larger than the $5-billion Sentinel system. Later word from Lieut. Gen. A. D. Starbird, after a secret briefing in Chicago on November 29, is still more surprising: The site will have only long-range Spartans, no Sprints. Some other sites may get Sprints.

The capability claimed for the Sentinel system is that its Spartan missiles can stop a small attack by a few missiles—such as the Chinese might have in the mid-Seventies—if they are as primitive as our first ICBMs in lacking penetration aids. The Sprints of the system are mainly to protect its Spartans and the accompanying radar. An optional "kicker" in the system, as was explained by its promoters, is that its short-range Sprints might be used to provide some protection for our ICBMs in their underground silos, and thus slightly blunt a Soviet counterforce attack.

There are, of course, far-reaching implications of the decisions to deploy an ABM system, implications for the stability of the nuclear deterrent, for the future of the entire arms race, and for the possibility of diplomatic initiatives that might reduce the likelihood of nuclear war. But there are, in addition, two purely local objections. First is the possibility that, in a limited nuclear war with the Soviet Union, local Spartans might draw enemy fire to the city. The Army's reply is that the population centers are prime targets in any event. But who knows? There has been long and vacillating argument about the "counterforce" and "counter-population" options of nuclear attack. Should an attacker spend his first salvos on the missiles of the enemy in an attempt to minimize retribution, or should he concentrate on doing "unacceptable damage" to the population and expect to take the brunt of a counterattack on his own population?

The think-tank pendulum has swung between one and the other. Counter-population is the current style on our side and that is what the Army means by saying the cities are prime targets in any event. But, who knows, the Soviet high command might believe in counterforce ten years from now. If they should follow this course, and on some tense occasion attack, they might decide to strike at the Spartans on the edge of Cook County that could conceivably defend some of our ICBM's. In the process they would devastate Chicago and pulverize some western suburbs. If, on the other hand, they decide to attack both types of targets, we will have helped them kill two birds with one stone.

An objection based on the distinction between limited and all-out nuclear war may seem not very serious because any nuclear war would represent a disastrous failure of policy, and it is hard to believe that it could remain limited. However, there is also no serious reason for the Spartans to be close to cities, since their effectiveness must be nearly uniform over the central part of the 600 to 1,000 mile-wide region they attempt to defend. This is implied in various official statements and in information given to Congress during debates leading up to the initial appropriations for the system. There was very little discussion of where the sites would be, but Congressman Sikes, floor leader for the Sentinel appropriation, stated in the House on July 29, 1968, that "these sites will be some distance away from the centers of population."

In reply to the sudden publicity, the Chicago *Sun-Times* of November 16 quoted Col. R. J. Bennett, information officer of the Huntsville, Alabama, missile center, as saying: "The Sentinel site near Chicago is necessary to complete the Sentinel defense of the entire United States. To make such a defense most effective, considering the projection of future defense needs, this site should be near the center of the greatest population."

Here is the tip-off of the Army's intentions. Congress has authorized the deployment of the Sentinel system and has funded its initial stages, particularly site acquisition. In the Senate debates, the main motivations for deployment given by the promoters of the system were defense against a Chinese attack and the protection it might afford against an accidental launching of a Soviet ICBM. There were a few Senators who frankly argued for it as a step toward a much larger anti-Soviet system, which is probably the real reason the inherently expansive Department of Defense supports it. The initial Sentinel, it was said, might serve as a "building block" for the much larger system. Still, it seems clear that most of the Senators who voted for the deployment—and the votes were fairly close—did so out of a feeling that, being in doubt, they should now support only the limited Sentinel system and either oppose the larger system or put off the larger decision. Thus in using a "projection of future defense needs" to justify putting Spartans near large populations, the Army seems to be jumping the gun on a Congressional decision and acquiring sites for the larger anti-Soviet system, under the guise of limited Sentinel deployment.

A second local objection to these sites is that there is some chance, probably very small, that one of the cluster of H-bomb warheads installed on the edge of the city might accidentally explode, and if it should, the consequent loss of life could be catastrophic. A surface burst or a shallow subsurface burst in a silo produces much more fallout—from vaporized and activated earth—than a normal explosion high in the air. The Spartan warhead is said to be "in the megaton range." This would indicate a weapon approximately a hundred times as powerful as the bomb that destroyed Hiroshima from half a mile in the air. Its local fallout from an accidental subsurface burst would be highly lethal throughout a large metropolitan area and for many miles down-wind. There would be less blast damage than from an air burst, but it would still be widespread enough to flatten several suburbs.

An accidental explosion of a Sprint would, of course, be much less lethal. How much less is hard to say because we are told only that its warhead is much less powerful than a Spartan—"in the kiloton range." Taken literally, this could mean anywhere from one kiloton, or perhaps even less, to a hundred kilotons or more. Indications are, however, that it is considerably less powerful than the 20 kilotons of the Hiroshima bomb or the first A-bomb tested 100 feet above the New Mexico desert. Even so, it could pose a serious hazard in the vicinity because of the high amount of fallout produced by a shallow subsurface detonation. Whatever the uncertain magnitude of this Sprint hazard may be, an accidental burst of the monstrously powerful Spartan warhead would be calamitous indeed.

To this objection, Colonel Bennett was quoted, by the Chicago *Daily News* of November 15, as saying: "There has never been an accidental nuclear explosion. The control devices are so good and so involved that an accidental explosion is not a danger." This sounds like a good, commonsense attitude, the voice of experience. Many military personnel get accustomed to living with dangers. A soldier knows that the grenade he carries could blow him to bits if the pin were accidentally pulled, but after living with it on his belt for a year he forgets about the slight danger. Even so, most civilians would prefer not to live on a power keg without some very good reason for doing so.

Designers have worked hard to make the control devices as effective as humanly possible, and they must be good, for the record is very good. It even happens to be perfect. We don't hear much about the near-accidents, but in the case of one H-bomb dropped accidentally in North Carolina in 1961, it was reported that five of the six safety devices had failed. There were six, and the bomb was "unarmed" so there was no detonation. An H-bomb in the bay of an airplane can be carried "unarmed," with one vital part to be inserted before dropping, because there is plenty of time to "arm" it on the way to the target. Thus it may be intrinsically easier to make it safe than it is for a missile such as the Sprint, which must be ready to fire within a few minutes of the first warning and within a fraction of a second of identification of its target. We haven't had experience with those yet. But even ignoring this distinction, the good record is not completely convincing.

Experience with bomb accidents is the sort of stuff that the study of statistical probabilities is made of. Let us think about a variant of the ghoulish game of "Russian Roulette." A six-shooter has a cylinder with six bullet slots. Suppose you are given one not knowing whether it is loaded. You are permitted to spin the cylinder ten times—or even a hundred times—and pull the trigger. You do so and it does not fire. You are then to point it at your head and pull the trigger. Would you feel sure that you would not kill yourself? Fairly sure? Yes. But certain? No.

The armed forces have been storing or handling, let us say, 10,000 nuclear bombs for perhaps ten years. They point to the fact that none has exploded as proof that none will explode accidentally. They propose to store, at a guess, a thousand nuclear warheads near American cities for the next ten years. According to past experience the probability that one of them will explode accidentally is not more than 10 per cent. Citizens of Chicago may take comfort that that is divided among ten cities or so, so locally there may be only about one chance in a hundred of serious trouble in the next ten years. That is about all that can be proved by Colonel Bennett's reference to the good record. It may be good common sense to ignore a small risk like one chance in a hundred, even if the event would be catastrophic, for one feels that life is full of dangers. But let us look at the small chances on the other side of the coin.

Why are we installing this Sentinel system? The reasons are confused; they involve China and Russia, they involve military and industrial pressures on Congress, and citizen anxiety or apathy and many other factors. So let us simplify again by considering only the official reasons given for the Sentinel deployment. Colonel Bennett said: "The Sentinel system is designed to defend the nation against a possible delivered missile attack by the Chinese Republic or an accidental launch of a nuclear-armed intercontinental missile by any foreign power."

The same Army spokesman who wants us to ignore the small chance of an accidental explosion at home by claiming that it does not exist is inviting us to worry about the chance that China, with a few missiles, will attack a country with thousands of missiles and to worry that an accidental launch of a Russian missile will hit one of our cities! There are few things of which one can be absolutely sure, but common sense should make us very nearly certain that the Chinese, at a time when they will have only a few intercontinental missiles, would not make a completely suicidal attack against the tremendous nuclear might of the United States. Such an attack seems much less certain than an accidental Sprint or Spartan detonation.

More serious than the Chinese "threat" is the technical possibility that an accidentally launched Russian missile might come our way. We have more than a thousand missiles in underground silos, with their computers and radars all adjusted to guide them toward various Russian cities and missile sites, and the Soviets likewise have several hundred missiles aimed at us. The chance that a Soviet missile would be launched accidentally may seem fairly remote. But what we are considering is more unlikely than that. We are considering the chance not only that a Soviet missile will malfunction and be launched, but that it will malfunction in such a way that it functions perfectly and aims directly at an American city 8,000 miles away. Although the likelihood of this double feat seems very small indeed, it is perhaps more probable than a Chinese attack.

Which, then, seems the more likely: a few hundred Soviet missiles being so perfectly launched accidentally as to hit an American city, or one of several hundred American missiles simply exploding accidentally where it sits on the edge of a city? The first seems to require two accidents in succession, the latter a single accident. Even if it is a fairly remote chance, it seems considerably more likely that an American city would suffer nuclear calamity from an accident at home than from a Soviet accident.

Thus, if the Army persists in its plan to put the Sentinel missile sites on the edge of population centers, even from the limited local point of view the cure is worse than the disease. This situation could be remedied by moving the missile sites out into open country, where the Spartans would be just as ready to intercept an accidentally launched missile.

Civilians can make such a change when the Army submits its missile-site plans for Congressional approval, starting with a hearing before the normally cooperative Joint Armed Services Committee, scheduled for this month.

Introducing more danger than one is trying to prevent is typical of the whole effort to attain national safety through ABM defense. This larger folly can be remedied only by having the people and their Congress learn, perhaps through these local mistakes, that national safety is not to be sought by pursuing the will-o'-the-wisp of ABM defense. This defense would not be effective against a massive Soviet attack, according to those highly placed experts who have had a thorough look at the military and technical factors involved, but who have no vested interest in military empire-building—former Defense Secretary Robert S. McNamara and all of the science advisers of the last three Presidents. People must learn that national safety in the precarious nuclear age should be sought instead by more vigorous pursuit of international agreements—which the Soviet Union appears to be ready to pursue to our mutual benefit—by cutting off the deployment of offensive and defensive missiles of the nuclear giants, by avoiding the spread of nuclear weapons to many nations, and by otherwise "taming the atom" so that we may turn our energies more fully to improving the lot of mankind and removing the causes of war.

Mr. NELSON. Mr. President, as the Senate seeks ways to limit defense spending—particularly to forestall the tragic new cycle in the arms race which the ABM portends—we must take candid account of the nearly automatic forces in our own economy which foster the production of ever more sophisticated and costly weapons.

I invite the attention of the Senate to a frank and thoughtful speech on this subject by our new colleague from Missouri (Mr. EAGLETON).

The Senator reminds us that when we speak of the "military-industrial complex," we are talking "not about a coterie of skulking warmongers, but a sizeable portion of the American population" whose bread and butter depend, in one way or another, on defense production.

The Senator from Missouri does not conclude that we are condemned forever to build defense system on defense system while we skimp on our domestic needs, but he offers a timely warning that this will happen unless we act now to redress the balance between the forces in our society which favor more military production and those which favor domestic development.

I ask unanimous consent that Senator EAGLETON's speech, delivered in Washington, Mo., on February 1, be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR THOMAS F. EAGLETON, JUNIOR CHAMBER OF COMMERCE DINNER, WASHINGTON, MO., FEBRUARY 1, 1969

Karl Marx and George Orwell, between them, managed to convince a lot of people—followers and critics alike—that war and prosperity go together in a capitalist society.

Not so. The Vietnam war, far from contributing to the economic health of America, has brought rapid inflation and stilted priorities. Just read this week's headlines about the biggest consumer price increase in 17 years . . . which has priced many American goods out of the international market and caused the smallest trade surplus in three decades.

As the President's Cabinet Coordinating Committee on Economic Planning for the End of Vietnam Hostilities stated:

"Although the American economic system demonstrated the strength and adaptability necessary to carry the extra load without major disruption and without jeopardizing its fundamental health, the cost of war has been a load for the economy to carry—not a supporting 'prop.' Prosperity has not depended on the defense buildup and will not need high military spending to support it in peacetime. On the contrary, peace will provide the Nation with welcome opportunities to channel into civilian use manpower and material resources now being devoted to war."

With a flicker of hope for peace now evident in Paris, I want to talk a little tonight about those welcome opportunities . . . and to raise a serious question as to whether we are indeed prepared to seize them.

The great challenge after past wars has been to keep our economy moving when defense spending and defense production suddenly let up. And we have usually failed to meet that challenge.

The end of the Korean War in 1953 saw the beginning of a major recession. By mid-1954, the gross national product had fallen by 3.7 per cent and industrial production had dropped off sharply by 9 per cent. Unemployment, after remaining at an exceptionally low level for two years, nearly trebled—from 2.4 per cent in August of 1953 to 6.4 per cent in March of 1954.

The economic outlook for the post-Vietnam period is much more hopeful.

For one thing, we have learned some lessons about the need to plan in advance for reconversion. The Arms Control and Disarmament Agency has prepared 26 major planning documents on aspects of economic reconversion. Moreover, while the impact of the war has been substantial, the economic drain of Vietnam still represents only three per cent of our GNP. And this impact has been widely diffused among all states and most industries. As the President's Coordinating Committee states: "Only a relatively small number of areas and industries are likely to be specially affected by the demobilization or to encounter significant transitional problems."

So I believe that our dynamic free enterprise economy can and will make a prompt and healthy adjustment to peace. As a nation, we will be richer.

But this brings me to a much more profound question: Do we have the ability and foresight not only to keep our great economic engine running, but to redirect it to serve the urgent needs of peace?

Believe me, there will be nothing automatic about transferring military expenditures to peaceful uses, at home or abroad, when the war in Vietnam is over.

The pressure will be enormous to keep those defense plants humming . . . to keep those workers on the job and doing pretty much what they are doing today . . . to prevent a reduction in our 89 billion dollar defense budget.

Plans for super new defense systems will be ripped off the Pentagon drawing boards and taken to the Congressional Defense and Appropriations Committees before the first troop ship reaches San Francisco.

And there will be plenty of contractors and workers, legitimately concerned about their economic future, who will be ready to testify for them.

When the industries and businesses that fill military orders are the largest producers of goods and services in the United States today . . . when their activities pour about 45 billion dollars into over 5,000 cities and towns . . . when they employ more than one American worker out of ten—the economic momentum of war production will not easily be deflected.

In addition, there is the raw political fact that there are 991 separate defense industry installations in 363 of the country's 435 congressional districts—and these plants are full of worried constituents.

Call this the "military-industrial complex" if you will. But remember that you are talking not about a coterie of skulking warmongers, but a sizeable portion of the American population whose legitimate personal interests will make them want to keep on doing what comes naturally in defense production when the war ends. It will take nothing short of a national act of will to shift a meaningful share of our resources from war-making to peace-building—at home and in the world.

"It is an unfortunate fact," said John F. Kennedy, "that we can secure peace only by preparing for war." And it is quite obvious that major cuts in defense spending will be impossible for the foreseeable future.

But the fact remains that since 1945 the United States of America has spent 936 billion federal dollars on the military—and only 115 billion dollars on education, health, welfare, housing and community development combined.

These domestic challenges are no less grave than threats from foreign enemies.

Nor is meeting them less critical for America's future.

But even though there is profit in peace . . . even though a civilian worker produces more, earns more and buys more than a man in uniform . . . there is no "education-industrial complex" . . . or "housing-industrial complex" . . . or "urban-development-industrial complex" presenting a meaningful counter-claim for public funds.

There are a variety of things we can do to avoid losing our post-war peace dividend by default.

Congress can and must begin to scrutinize the military budget. Senator Richard Russell, Chairman of the Senate Appropriations Committee, characterized our present tendency last year in these rich words:

"There is something about preparing for destruction that causes men to be more careless in spending money than they would be if they were building for constructive purposes. Why that is, I do not know; but I have observed, over a period of almost thirty years in the Senate, that there is something about buying arms with which to kill, to destroy, to wipe out cities, and to obliterate great transportation systems which causes men not to reckon the dollar cost as closely as they do when they think about proper housing and the care of the health of human beings."

The Administration can move forward *now* to seek Congressional approval of the nuclear non-proliferation treaty and speed up its timetable for meeting with the Soviet Union on general arms reductions.

But most important of all, the American public has to get angry about poor schools . . . about congested cities . . . about filthy air . . . about not enjoying the quality of life their prosperity should assure them. Somebody has to make an effective case for peace-building; and nobody but an aroused American public—you—can do it.

OUR 20TH-CENTURY FOLLY

Mr. WILLIAMS of New Jersey. Mr. President, on September 18, 1967, over my objection, we capitulated to the interest of a few self-imposed guardians of our destiny by accepting the decision to deploy the limited ballistic missile defense system against the possibility of an attack by Chinese ballistic missiles. During the previous 8 years, two administrations considered and rejected suggestions that ongoing development programs for missile defense be followed by procurement of one system or another. At first it was a primitive Nike-Zeus missile. Such a system could have been built by 1963, but would have been obsolete by the time it became operational, according to the evaluation by no less than the Defense Department itself. A more advanced system, Nike X, could have been ordered in 1963 and built by this time, but even that system would have been obsolete by 1966.

These wise decisions have saved us at least $20 to $30 billion, the estimated cost for the implementation of these ABM proposals. And I do not see any reason to believe that the Sentinel system will not be obsolete 5 years from now—with a comparable waste of at least $5 billion.

Mr. President, this is the beginning of our 20th-century folly. I greatly fear that the decision to build this "light" ABM system is only paving the way for those who advocate a greatly expanded antimissile defense at an estimated cost exceeding $40 billion.

This course of action is as irresponsible on fiscal grounds as it is pointless on military grounds. When the decision was made, the Defense Department admitted that it would be ineffective against the Soviet Union, but said the decision was motivated instead by a fear of Chinese attack. What folly. We all know the basic technical fact is that this system can be easily neutralized by the Chinese by using relatively simple and cheap penetration aids or by developing different means of weapons delivery.

The logical conclusion of this development will be an accelerated arms race between the East and the West. Both sides place their defensive hopes on an offensive deterrent. If either side becomes convinced its offensive deterrent is no longer an adequate defense, that nation or nations will immediately accelerate its development of offensive weapons. The uncertainty involved in the nature of this reaction, and the likelihood of overreaction on both sides, pose great dangers to the stability of the nuclear balance—a danger too great to risk.

One of the biggest disappointments to me in the 90th Congress was our failure to ratify the Nuclear Nonproliferation Treaty. The indication is quite clear that the decision to build this Sentinel system was, in part, calculated to stimulate further discussion with the Soviet Union on the arms race. To this end, President Johnson persuaded the Soviet Union to agree to negotiate a treaty to ban such systems. The tool is available—now let us use it.

Mr. President, the implications and repercussions from this major policy decision are incalculable. Yet the average citizen is hardly aware of the problems involved, and the public debate, at least prior to the decision, was limited to a relatively small number of decisionmakers. With few exceptions, even that debate rarely progressed beyond the technical and strategic realms. Our concern today is to assure this debate.

If this were a social program where one-hundredth of the cost were involved, there are those who would guarantee an endless debate. But, it is not—it is only a decision which perpetuates the tendency of our Government to be unrestrained and unreflective in expenditures of human and economic resources on defense. Why are we so unwilling to gamble with this kind of money where people are involved? Where is our equal enthusiasm for model cities, education, health, and other social and domestic problems? What has happened to our priorities?

Mr. President, the people of New Jersey are distressed and concerned about the possibility of locating part of this monster in two of their communities—Caven Point in Jersey City and Tenafly. We do not want them there; we do not have room for them there; and we want to be heard. If we can't stop this folly, at least we should be heard, for history should not judge us all by the decision of a select few.

Mr. PELL. Mr. President, I wholeheartedly associate myself with the views of the Senator from Kentucky as he has expressed them, as well as with those of the majority leader and the assistant majority leader.

I wish also to revert to the point raised by the Senator from Massachusetts (Mr. BROOKE) when he mentioned that he had read the published report the Senator from Tennessee (Mr. Gore) and I made after our fairly long trip to The Prague and Moscow, when we had a fairly long conversation with Premier Kosygin, and the conclusions he drew from that report.

There is no question but that the Soviet leadership indicated, in every way they could, that they did want to get on with the discussion of disarmament. It would appear that they are a bit ahead of us when it comes to defensive weapons, and we are ahead of them with offensive weapons for that reason, they would like to get on to a discussion of the whole of both offensive and defensive missiles.

The point was also made in our discussion, which has not been particularly brought out publicly since, that Premier Kosygin emphasized he hoped that any negotiations would take place from positions of reasonable parity.

I think this was quite significant, in view of the context of the times. Perhaps just by remembering, that through modification in the use of the English language, we have seen "superiority" become "sufficiency," so, perhaps, "sufficiency" can, in turn, come to be considered a synonym for "reasonable parity."

In that case, there would be no reason why discussions could not move ahead more quickly than we have hoped thus far.

I think it is also striking, in that discussion, on which Senator Brooke touched, that the Premier referred, in positive, direct, and friendly terms, to our then President-elect Mr. Nixon. The ground could certainly be paved for disarmament discussions, from the viewpoint of us who spent almost 2 hours talking with Mr. Kosygin in his office.

Included in the general subject of the ABM is its development in the future. We are now dealing with a thin ABM, but the next stage beyond that would be a full scale ABM, and then the next stage beyond that, which we have not even thought about, would be the development of anti-ballistic-missile systems on the ocean floor, in the seabed, perhaps on the mid-Atlantic ridge. Thus we see the possibility of a whole new generation of weapons systems being developed; and it is to that point that I should like to address myself now, on a similar or parallel subject.

TREATY TO GOVERN THE ACTIVITIES OF NATIONS IN OCEAN SPACE

Mr. President, on January 21 of this year, I introduced Senate Resolution 33, containing a detailed set of legal principles for the governing of activities in the international marine environment, and urging the President of the United States to have these principles placed before the newly established United Nations Committee on the Peaceful Uses of the Seabed. Wishing to press this issue further, and hoping that the process between the adoption of a U.N. resolution on this matter and the formulation of an acceptable international agreement on ocean space can be accelerated, I have fomulated my own set of legal principles into an actual draft treaty. I have incorporated this treaty proposal in a resolution, and I ask unanimous consent that it be printed in the Record.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, under the rule, the resolution will be printed in the Record.

The resolution (S. Res. 92) was referred to the Committee on Foreign Relations, as follows:

S. Res. 92

Whereas the threat of anarchy is imminent in the field of scientific exploration and commercial exploitation of the deep sea and its resources; and

Whereas international agreement on a rule of law governing the activities of nations in the exploration and exploitation of the deep sea and its resources is in the common interest of all mankind: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should take all necessary steps, through the Secretary of State, the United States delegation to the United Nations, or any other appropriate agency or officer of the United States, to enter into negotiations with representatives of the governments of the major coastal and maritime nations and all other interested nations of the world to the end that there shall be concluded, with as widespread acceptance as is possible, a treaty on the peaceful exploration and exploitation of ocean space as follows:

"Treaty on Principles Governing the Activities of States in the Exploration and Exploitation of Ocean Space

"PREAMBLE

"The States Parties to this Treaty,

"*Inspired* by the great prospects opening up before mankind as a result of man's ever-deepening probe of ocean space—the waters of the high seas, including the superjacent waters above the continental shelf and outside the territorial sea of each nation, and the seabed and subsoil of the submarine areas of the high seas outside the area of the territorial sea and continental shelf of each nation,

"*Recognizing* the common heritage of mankind in ocean space and the common interest of all mankind in the exploration of ocean space and the exploitation of its resources for peaceful purposes,

"*Believing* that the threat of anarchy exists in the exploration and exploitation of ocean space and its resources,

"*Desiring* to contribute to broad international cooperation in the scientific as well as the legal aspects of the exploration and exploitation of ocean space and its resources for peaceful purposes,

"*Recalling* the four conventions on the Law of the Sea and an optional protocol of signature concerning the compulsory settlement of disputes, which agreements were formulated at the United Nations Conference on the Law of the Sea, held at Geneva from 24 February to 27 April 1958, and were adopted by the Conference at Geneva on 29 April 1958,

"*Recalling* the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, which was unanimously endorsed by United Nations General Assembly resolution 2222 (XXI) of 19 December 1966 and signed by sixty nations at Washington, London, and Moscow on 27 January 1967, and considering that progress towards international cooperation in the exploration and exploitation of ocean space and its resources and the development of the rule of law in this area of human endeavor is of comparable importance to that achieved in the field of outer space,

"*Recalling* United Nations General Assembly resolution 2467A of 21 December 1968, which provided for the establishment of a Committee on the Peaceful Uses of the Seabed and Ocean Floor Beyond the Limits of National Jurisdiction, and the uses of their resources in the interests of mankind.

"*Recognizing* that the problems resulting from the commercial exploitation of ocean space are imminent,

"*Believing* that the living and mineral resources in suspension in the high seas, and in the seabed and subsoil of ocean space, are free for the use of all nations, subject to international treaty obligations and the conservation provisions of the four conventions on the Law of the Sea,

"*Convinced* that a Treaty on Principles Governing the Activities of States in the Exploration and Exploitation of Ocean Space will further the welfare and prosperity of mankind and benefit their national States,

"*Have agreed* as follows:

"Part I

"GENERAL PRINCIPLES APPLICABLE TO OCEAN SPACE

"*Article 1*

"The exploration and use of ocean space and the resources in ocean space shall be carried out for the benefit and in the interests of all mankind, and shall be the province of all mankind.

"*Article 2*

"Ocean space and the resources in ocean space shall be free for exploration and exploitation by all nations without discrimination of any kind, on a basis of equality of opportunity, and in accordance with international law, and there shall be free access to all areas of ocean space.

"*Article 3*

"Ocean space is not subject to national appropriation by claim of sovereignty, by means of use of occupation, or by any other means.

"*Article 4*

"There shall be freedom of scientific investigation in ocean space and States Parties to the Treaty shall facilitate and encourage international cooperation in such investigation, but no acts or activities taking place pursuant to such investigation shall constitute a basis for asserting or creating any right to exploration or exploitation of ocean space and its resources.

"*Article 5*

"States Parties to the Treaty shall carry on activities in the exploration and exploitation of ocean space and its resources in accordance with international law, including the Charter of the United Nations, and the provisions contained in these articles, in the interest of maintaining international peace and security and promoting international cooperation and understanding.

"*Article 6*

"States Parties to the Treaty shall bear international responsibility for national activities in ocean space, whether carried on by governmental agencies or non-governmental entities or nationals of such States, and for assuring that national activities are carried on in conformity with the provisions set forth in this Treaty. The activities of non-governmental entities and nationals of States in ocean space shall require authorization and continuing supervision by the appropriate State Party to the Treaty. When activities are carried on in ocean space by an international organization, responsibility for compliance with this Treaty shall be borne by the International organization itself.

"*Article 7*

"In the exploration of ocean space and the exploitation of its resources, States Parties to the Treaty shall be guided by the principle of cooperation and mutual assistance and shall conduct all their activities in ocean space with due regard for the corresponding interests of all other States Parties.

"*Article 8*

"States Parties to the Treaty shall render all possible assistance to any person, vessel, vehicle, or facility found in ocean space in danger of being lost or otherwise in distress.

"Article 9

"States Parties to the Treaty engaged in activities of exploration or exploitation in ocean space shall immediately inform the other States Parties or the Secretary General of the United Nations of any phenomena they discover in ocean space which could constitute a danger to the life or health of persons exploring or working in ocean space.

"PART II

"USE OF OCEAN SPACE EXCEPT SEABED AND SUBSOIL

"Article 10

"All States Parties to the Treaty shall have the right for their nationals to engage in fishing, aquaculture, insolution mining, transportation, and telecommunication in the waters of ocean space beyond the territorial seas of any State.

"Article 11

"The right declared in Article 10 shall be subject to the treaty obligations of each State Party to the Treaty and to the interests and rights of coastal States and shall be conditioned upon fulfillment of the conservation measures required in the agreement entitled "Convention on Fishing and Conservation of the Living Resources of the High Seas', adopted by the United Nations Conference on the Law of the Sea at Geneva on 29 April 1958.

"Article 12

"Any disputes which may arise between States Parties to the Treaty with respect to fishing, aquaculture, in-solution mining, conservation, and transportation activities in the high seas shall be settled in accordance with all the provisions of the convention referred to in Article 11 setting forth a compulsory method for the settlement of such questions. The provisions of Article 27 and Annex 4 of the International Telecommunication Convention, signed at Geneva on December 21, 1959, shall be applicable to any disputes which may arise between States Parties with respect to telecommunication activities in the high seas.

"PART III

"USE OF SEABED AND SUBSOIL OF OCEAN SPACE

"Article 13

"In order to promote and maintain international cooperation in the peaceful and orderly exploration, and exploitation of the natural resources, of the seabed and subsoil of submarine areas of ocean space, each State Party to the Treaty undertakes to engage in such exploration or exploitation only under licenses issued by a technically competent licensing authority to be designated by the United Nations and to be independent of any State.

"Article 14

"The natural resources referred to in this Part consist of the mineral and other nonliving resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

"Article 15

"The activities of nationals and non-governmental entities in the exploration of submarine areas of ocean space and the exploitation of the natural resources of such areas shall require authorization and continuing supervision by the appropriate State Party to the Treaty, and shall be conducted under licenses issued to States Parties to the Treaty making application on behalf of their nationals and non-governmental entities. When such activities are to be carried on by an international organization, a license may be issued to such organization as if it were a State.

"Article 16

"It shall be the duty of the licensing authority referred to in Article 13 to act as promptly as possible on each application for a license made to it. In issuing licenses and prescribing regulations, the licensing authority shall apply all relevant provisions set forth in this Treaty, shall give due consideration to the potential impact on the world market for each resource to be extracted or produced under such license, and shall apply the following criteria:

"(a) The license issued by the licensing authority shall (i) cover an area of such size and dimensions as the licensing authority may determine, with due regard given to providing for a satisfactory return of investment, (ii) be for a period of not more than fifty years, with the option of renewal, provided that operations are conducted with the approval of the licensing authority, (iii) require the payment to the licensing authority of such fee or royalty as may be specified in the lease, (iv) require that such lease will terminate within a period of not more than ten years in the absence of operations thereunder unless the licensing authority approves an extension of the period of such license, and (v) contains such other reasonable requirements as the licensing authority may deem necessary to implement the provisions of this Treaty and to provide for the most efficient exploitation of resources possible, consistent with the conservation of and prevention of the waste of the natural resources of the seabed and subsoil of ocean space.

"(b) If two or more States Parties to the Treaty apply for licenses to engage in the exploration of the seabed and subsoil of ocean space or the exploitation of its natural resources in the same area or areas of ocean space, the licensing authority shall, to the greatest extent feasible and practicable, encourage cooperative or joint working relations between such States and be guided by the principle that ocean space shall be free for use by all States, without discrimination of any kind, on a basis of equality of opportunity. But, if it proves impractical for the license to be shared, the licensing authority shall determine which State Party to the Treaty shall receive the license with due regard given to the encouragement of the development of the technologically developing States.

"(c) A coastal State has a special interest in the conservation of the natural resources of the seabed and subsoil of ocean space adjacent to its territorial sea and continental shelf and this interest shall be taken into account by the licensing authority.

"(d) A coastal State is entitled to take part on an equal footing in any system of research and regulation for purposes of conservation of the natural resources of the seabed and subsoil of ocean space in that area, even though its agencies or nationals do not engage in exploration there or exploitation of its natural resources.

"(e) The exploration of the seabed and subsoil of ocean space and the exploitation of its natural resources must not result in any unjustifiable interference with navigation, fishing, or the conservation of the living resources of the sea, nor result in any interference with fundamental oceanographic or other scientific research carried out with the intention of open publication.

"(f) A State or international organization holding a license is obliged to undertake, in the area covered by such license, all appropriate measures for the protection of the living resources of the sea from harmful agents and shall pursue its actiivties so as to avoid the harmful contamination of the environment of such area.

"Article 17

"1. Subject to appropriate regulations prescribed by the licensing authority referred to in Article 13 and to the following provisions, a State or international organization holding a license shall be entitled to construct and maintain or operate on the seabed and subsoil of ocean space installations and other devices necessary for its exploration and the exploitation of its natural resources, and to establish safety zones around such installations and devices and to take in those zones measures necessary for their protection.

"2. The safety zones referred to in this Article may extend to a distance of 500 metres radius around the installations and other devices which have been erected, measured from each point of their outer edge. Ships of all nationalities must respect these safety zones.

"3. Such installations and devices do not possess the status of islands and have no territorial sea of their own.

"4. Due notice must be given of the construction of any such installations, and permanent means for giving warning of their presence must be maintained. Any installations which are abandoned or disused must be entirely removed by the State or international organization responsible for its construction.

"5. Neither the installations or devices, nor the safety zones around them, may be established where interference may be caused to the use of recognized sea lanes essential to international commerce and navigation.

"Article 18

"To the greatest extent feasible and practicable, the licensing authority referred to in Article 13 shall disseminate immediately and effectively information and data received by it from license owners regarding their activities in ocean space.

"Article 19

"If a State Party to the Treaty has reason to believe that an activity or experiment planned by it or its nationals or non-governmental entities under a license issued pursuant to this Part would cause potentially harmful interference with activities of other States Parties in the peaceful exploration and exploitation of ocean space, it shall undertake appropriate international consultations and obtain the consent of the licensing authority referred to in Article 13 before proceeding with such activity or experiment. A State Party to the Treaty which has reason to believe that an activity or experiment planned by another State Party would cause potentially harmful interference with activities in the peaceful exploration and exploitation of submarine areas of ocean space may request consultation concerning the activity or experiment and submit a request for consideration of its complaint to the licensing authority, which may order that the activity or experiment shall be suspended, modified, or prohibited. Review of any such order shall be allowed in accordance with the provisions of Article 24.

"Article 20

"All stations, installations, equipment, and sea vehicles, machines, and capsules used on the seabed or in the subsoil of ocean space, whether manned or unmanned, shall be open to representatives of the licensing authority referred to in Article 13, except that if there is objection to this procedure by the licensee, such facilities shall be open only to the Sea Guard of the United Nations as set forth in Article 27 of this Treaty.

"Article 21

"Whenever a State Party to the Treaty or an international organization fails to comply with any of the provisions of a license issued to it under this Part, such license may be canceled by the licensing authority referred to in Article 13, upon thirty days notice to the State or international organization concerned, but subject to the right of the license owner to correct any failure of compliance within a reasonable period of time to be specified by the licensing authority, and, in any event, to request review of the decision of the licensing authority as set forth in Article 24.

"*Article 22*

"Any dispute which may arise under this Part between States or international organizations holding licenses, or between license owners and the licensing authority referred to in Article 13, shall first be submitted for settlement by the licensing authority which shall determine its own procedure, assuring each party a full opportunity to be heard and to present its case.

"*Article 23*

"In all cases of disputes under this Part, whether among license owners or between license owners and the licensing authority referred to in Article 13, the licensing authority shall be empowered to make awards.

"*Article 24*

"1. In the case of any dispute under this Part, if the licensing authority shall not have rendered its decision within a reasonable period of time or if any party to a dispute under this Part desires review of the decision of the licensing authority, such dispute shall, at the request of any of the parties, be submitted to a standing review panel which shall consist of not more than three members to be appointed by the International Court of Justice. The decision of the licensing authority shall be final and binding upon all parties to a proceeding before it unless a request for a review of such decision is made under this Article within a period of thirty days from receipt by such parties of notice of such decision.

"2. No two members of the panel may be nationals of the same State. No member may participate in the decision of any case if he has previously taken part in such case in any capacity or if he is a national of any party involved in the case.

"3. Members of the panel shall serve at the pleasure of the International Court of Justice. The Court shall fix the salaries, allowances, and compensation of members of the panel. The expenses of the panel shall be borne by each party to proceedings before the panel in such a manner as shall be decided by the Court.

"4. The panel shall determine its own procedure, assuring each party to the proceeding a full opportunity to be heard and to present its case.

"5. The panel shall hear and determine each case within a period of ninety days from receipt of a request for review of such case, unless it decides, in case of necessity, to extend the time limit for a period not exceeding thirty additional days. The decision of the panel shall be by majority vote and shall be final and binding upon the parties to the proceeding; except that if any party to the proceeding desires review of the decision, or if the panel has failed to render its decision within the period prescribed in the preceding sentence, the case shall be within the compulsory jurisdiction of the International Court of Justice as contemplated by paragraph 1 of Article 36 of the Statute of the International Court of Justice, and may accordingly be brought before the Court by an application made by such party.

"PART IV

"USE OF SEABED AND SUBSOIL OF OCEAN SPACE FOR PEACEFUL PURPOSES ONLY

"*Article 25*

"1. The seabed and subsoil of submarine areas of ocean space shall be used for peaceful purposes only.

"2. The prohibitions of this Part shall not be construed to prevent—

"(A) the use of military personnel or equipment for scientific research or for any other peaceful purpose;

"(B) the temporary use or stationing of any military submarines on the seabed or subsoil of ocean space if such submarines are not primarily designed or intended for use or stationing on the seabed or subsoil of ocean space; or

"(C) the use or stationing of any device on or in the seabed or subsoil of ocean space which is designed and intended for purposes of submarine or weapons detection, identification, or tracking.

"*Article 26*

"1. Each of the States Parties to this Treaty undertakes to refrain from the implacement or installation on or in the seabed or subsoil of ocean space of any objects containing nuclear weapons or any kinds of weapons of mass destruction, or the stationing of such weapons on or in the seabed or subsoil of ocean space in any other manner.

"2. Each of the States Parties to this Treaty undertakes furthermore to refrain from causing, encouraging, or in any way participating in the conduct of the activities described in paragraph 1 of this Article.

"*Article 27*

"All stations, installations, equipment, and sea vehicles, machines, and capsules, whether manned or unmanned on the seabed or in the subsoil of ocean space shall be open to representatives of other States Parties to the Treaty on a basis of reciprocity, but only with the consent of the State concerned. Such representatives shall give reasonable advance notice of a projected visit in order that appropriate consultations may be held and that maximum precautions may be taken to assure safety and to avoid interference with normal operations in the facility to be visited. All such facilities shall be open at any time to the Sea Guard of the United Nations referred to in Part VII of this Treaty, subject to the control of the Security Council as set forth in such Part.

"PART V

"REGULATIONS ON THE DISPOSAL OF RADIOACTIVE WASTE MATERIAL IN OCEAN SPACE

"*Article 28*

"The disposal of radioactive waste material in ocean space shall be subject to safety regulations to be prescribed by the International Atomic Energy Agency, in consultation with the licensing authority referred to in Article 13 of this Treaty.

"*Article 29*

"In the event of the conclusion of any other international agreements concerning the use of nuclear energy, including the disposal of radioactive waste material, to which all of the States Parties to the Treaty are parties, the rules established under such agreements shall apply in ocean space.

"PART VI

"LIMITS OF CONTINENTAL SHELF

"*Article 30*

"In order to assure freedom of the exploration and exploitation of ocean space and its resources as provided in this Treaty, there is a clear necessity that fixed limits must be set for defining the outer boundaries of the continental shelf of coastal States. For the purpose of the provisions of this Treaty, the term 'continental shelf' is used as referring (a) to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea to a depth of 550 metres, or to a distance of 50 miles from the baselines from which the breadth of the territorial sea is measured, whichever results in the greatest area of continental shelf, and (b) to the seabed and subsoil of similar submarine areas adjacent to the coasts of islands. In no case, however, shall the continental shelf be considered for such purpose to encompass an area greater than the area (exclusive of territorial sea) of the State or island to which it is adjacent. Recognizing the desirability of achieving agreement on unsettled questions relating to defining the boundaries of the continental shelf, States Parties to the Treaty undertake to accept any agreements which may be reached in the event a conference is convened to consider such questions as provided for in Article 13 of the Convention on the Continental Shelf, adopted at Geneva on 29 April 1958; and any agreement so reached shall become effective for purposes of this Treaty when approved by the conference.

"PART VII

"SEA GUARD

"*Article 31*

"In order to promote the objectives and ensure the observance of the provisions set forth in this Treaty, States Parties to the Treaty agree that there shall be established as a permanent force a Sea Guard of the United Nations which may take such action as may be necessary to maintain and enforce international compliance with these principles.

"*Article 32*

"The Sea Guard shall be under the control of the Security Council of the United Nations, in consultation with the licensing authority referred to in Article 13 of this Treaty. Paragraph 3 of Article 27 of the Charter of the United Nations shall be applicable to decisions of the Security Council made with respect to the Sea Guard. The licensing authority shall be responsible under the Security Council for the supervision of the Sea Guard in connection with the performance by the Sea Guard of such duties as the licensing authority may deem appropriate to assign or delegate to the Sea Guard for purposes of the implementation of Part III of this Treaty.

"*Article 33*

"States Parties to the Treaty are encouraged to provide to the Sea Guard such personnel and suitable scientific and sea patrol vessels as are necessary for the establishment and maintenance of the Sea Guard.

"PART VIII

"NATIONAL LAWS TO APPLY TO CRIMES IN OCEAN SPACE PENDING INTERNATIONAL AGREEMENT ON CODE OF CRIMINAL LAW

"*Article 34*

"Pending agreement upon an international code of law governing criminal activities in ocean space and the institution of an appropriate tribunal with jurisdiction over violations of such code of law, personnel of States Parties to the Treaty and nongovernmental entities of State Parties and international organizations engaged in activities of exploration or exploitation in ocean space shall be subject only to the jurisdiction of the State of which they are nationals or the State which bears responsibility for their activities in respect of all acts or omissions occurring while they are in ocean space, unless otherwise provided for by international law or in this Treaty.

"PART IX

"FINAL ARTICLES

"*Article 35*

"1. The provisions of this Treaty shall apply to the activities of States Parties to the Treaty in the exploration and exploitation of ocean space, whether such activities are carried on by a single State Party to the Treaty or jointly with other States, including cases where they are carried on within the framework of international intergovernmental organizations.

"2. Any practical questions arising in connection with activities carried on by international intergovernmental organizations in the exploration and exploitation of ocean space, shall be resolved by the States Parties to the Treaty either with the appropriate international organization or with one or more States members of that international organization, which are Parties to this Treaty.

"*Article 36*

"1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

"2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Government of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, which are hereby designated the Depositary Governments.

"3. This Treaty shall enter into force upon the deposit of instruments of ratification by ten Governments including the Governments designated as Depositary Governments under this Treaty.

"4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

"5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Treaty, the date of its entry into force and other notices.

"6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

"Article 37

"Any State Party to the Treaty may propose amendments to this Treaty. Amendments shall enter into force for each State Party to the Treaty accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and thereafter for each remaining State Party to the Treaty on the date of acceptance by it.

"Article 38

"Any State Party to the Treaty may give notice of its withdrawal from the Treaty one year after its entry into force by written notification to the Depositary Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

"Article 39

"This Treaty, of which the English, Russian, French, Spanish, Chinese, and Arabic texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

"In witness whereof the undersigned, duly authorized, have signed this Treaty.

"Done in triplicate, at the capital cities of the Depositary Governments at Washington, Moscow, and London, this ——— day of ——— one thousand nine hundred and ———.

"For the United States of America:

"For the Union of Soviet Socialist Republics:

"For the United Kingdom of Great Britain and Northern Ireland:"

Mr. PELL. In taking this course of action with a view to expediting international agreement on the use of the world ocean, I have been criticized by those who maintain that our present knowledge of ocean space is inadequate in terms of formulating sound legal principles for the establishment of an effective international regime. In this regard, some maintain that consideration of a legal framework for the development of ocean space must await further investigation and study, if not the complete findings of the proposed International Decade of Ocean Exploration, scheduled to begin in 1970.

In response to this view, I would like to reiterate a point which I have tried to make on several previous occasions: Science and technology incorporate interrelated processes which cannot be legitimately divorced from the political and diplomatic considerations to which they give rise. With respect to ocean space, it is clearly evident that diplomacy is being outpaced and international relations are being dangerously strained by the speed at which scientific and technological achievements are occurring.

Looking to recent events, I would inquire, was it necessary to orbit the moon before declaring, "The exploration and use of outer space shall be carried out for the benefit and in the interest of all countries"? Or was it necessary to probe Antarctica's storehouse of secrets before agreeing that this area shall be used exclusively for peaceful purposes?

While recognizing that the problems of Antarctica and outer space differ considerably from those of the oceans, I would urge, nevertheless, that the analogy is compelling and the need is strikingly similar.

At the risk of oversimplifying the major political issues involved in the ocean space question, I would offer two as being of overriding concern: First, how many nations will benefit from the exploitation of ocean space? Recognizing the preponderant position of the United States and the Soviet Union in the field of applied marine technology, and, as a result, the present inclination of several coastal States to extend their national jurisdiction seaward; and second, will this new environment become a spawning ground for still another generation of weapons of mass destruction? Combining these two questions, and being more direct, if not blunt, I would ask, do the technologically advanced nations—particularly the nuclear powers—believe that a new colonial era cast in cold war terms can be avoided without the establishment of a meaningful international arrangement to guarantee the orderly and peaceful development of this last frontier?—a frontier encompassing 71 percent of the globe—a portion of the globe rich in resources, which will be mined, farmed, and developed for all mankind, and made the subject of numerous quarrels and battles if we do nothing about it.

At this point, Mr. President, I think it is important to make reference to former Secretary of Defense Clark Clifford's budget statement of January 15, 1969; in that statement Mr. Clifford pointed out:

> We are requesting $20 million—

And $20 million is nothing compared with the ABM we have been talking about, but it is still an awful lot of money in my State, or any other State—

> in the FY 1970 budget to prepare for possible engineering development in FY 1971 of a new Undersea Long-Range Missile System (ULMS).

This is another antonym we are going to have to get used to using—ULMS.

> (About $5 million was provided in FY 1969 to initiate a study of such a system.)

Along this same line, I do not think it staggers the imagination to suggest that the Soviet Union is at least contemplating similar developments.

In this regard, I might say that I am strongly convinced that, unless action is taken immediately to ensure against such developments, the nuclear arms race will be shifted to the marine environment. One particularly hopeful sign is the recent placing of this issue on the agenda of the 18-nation Disarmament Committee; this committee is scheduled to meet in early March, and I would hope that President Nixon would take advantage of this opportunity and would pursue it with all of the intensity and vigor which a new administration has at its command. Hence, I would hope that the real goal of halting the nuclear arms race is not lost in empty concepts reminiscent of Social Darwinism, such as "survival of the fittest" or its modern version, "survival of the superior."

Mr. President, in offering these inquiries and observations with a view to the future development of ocean space, I am suggesting only that knowledge cannot be substituted for the will to develop this frontier region in a peaceful and orderly manner—one which will take account of the responsibilities, the needs, the aspirations, and the limitations of all the nations of the world. Thus, as we ponder the vast potential of this last frontier, we would do well to remind ourselves that, unless our will is commensurate with our knowledge, international cooperation and understanding shall continue to be burdened with suspicion and mistrust.

In offering a draft treaty on ocean space, I have been guided by the principle that the international marine environment must be recognized as the legacy of all mankind. The principle was first enunciated more than 2 years ago by former President Johnson when he declared:

> We must ensure that the deep seas and the ocean bottoms are, and remain, the legacy of all human beings.

Official U.S. statements on this issue at the United Nations have consistently endorsed this principle.

Accordingly, my treaty proposal seeks to guarantee that ocean space will be explored and exploited in the interests of all mankind, that it will be free from national appropriation, that it will be devoid of a new generation of weapons of mass destruction; that it will be immune from atomic wastes and other pollutants, and that it will be developed in accordance with and respect for existing international law and the Charter of the United Nations. To give added meaning to these principles, I have suggested in my draft treaty the establishment of an international authority to license all exploration and exploitation of the ocean space environment; in addition, I have recommended the creation of an international Sea Guard to insure compliance with these principles and to work in concert with licensing authority.

Mr. President, in proposing this treaty, I have attempted to give solid meaning to the conviction that, unless man is forever to be a slave to his own technology, his political and diplomatic successes must march at least abreast of his technological achievements.

Critics of this thought have stated that the national interest of the United States in terms of the development of ocean space demands that our potential undersea technological capability not be fettered by international political considerations.

In reply to this contention, I should like to recall some rather memorable words of the late Dag Hammarskjold:

> The question is not *either* the nation *or* the world. It is, rather, how to serve the world by service to our nation, and how to serve the nation by service to the world.

Thus, we must strive to understand the national interest in terms of the larger, more comprehensive international interest; this is the democratic imperative cast in a worldwide setting, and it is in this context that the development of ocean space must be charted.

In some respects, Mr. President, a hopeful beginning has been made: The last session of the General Assembly witnessed the creation of the United Nations Committee on the Peaceful Uses of the Seabed; in our own country, the President's Commission on Marine Science, Engineering, and Resources has issued its report, urging that the United States take the initiative in trying to reach worldwide agreement on a new international regime for the marine environment. In this regard, the Commission specifically cautions:

> Unless a new international framework is devised which removes the legal uncertainty from mineral resources exploration and exploitation in every area of the seabed and its subsoil, some venturesome governments and private entrepreneurs will act to create *faits accomplis* that will be difficult to undo, even though they adversely affect the interests of the United States and the international community.

In closing, Mr. President, let me express the belief that, as the major power in undersea technology, the United States has a special responsibility, one which demands that its diplomatic posture be as achievement oriented as that of its military-industrial complex. Such a posture clearly requires an unrelenting desire to establish an international framework which will guarantee the peaceful and orderly development of the extranational marine environment.

I offer this resolution in the hope that it may help to spark such a desire.

ADJOURNMENT UNTIL FRIDAY, FEBRUARY 7, 1969

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate today, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Friday next.

The motion was agreed to; and (at 6 o'clock and 53 minutes p.m.) the Senate adjourned until Friday, February 7, 1969, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 4, 1969:

DEPARTMENT OF STATE

Martin J. Hillenbrand, of Illinois, a Foreign Service officer of the class of career minister, to be an Assistant Secretary of State.

FEDERAL MEDIATION AND CONCILIATION DIRECTOR

James C. Counts, of California, to be Federal Mediation and Conciliation Director.

FARMERS HOME ADMINISTRATION

James V. Smith, of Oklahoma, to be Administrator of the Farmers Home Administration.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. William Frederick Cassidy, O18354, Army of the United States (major general, U.S. Army).

Maj. Gen. Frederick James Clarke, O20572, U.S. Army, for appointment as Chief of Engineers, U.S. Army, under the provisions of title 10, United States Code, section 3036.

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

Maj. Gen. Frederick James Clarke, O20572, U.S. Army, in the grade of lieutenant general.

DEPARTMENT OF STATE

Joseph John Sisco, of Maryland, a Foreign Service officer of the class of career minister, to be an Assistant Secretary of State.

Samuel De Palma, of Maryland, a Foreign Service officer of class 1, to be an Assistant Secretary of State.

EXTENSIONS OF REMARKS

FRENCH PERFIDY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. EILBERG. Mr. Speaker, it has been widely known for many years that the Israel Air Force has relied almost completely on French equipment, Mirages, Mysteres, Super Mysteres, and Super-Nords.

President de Gaulle's recent embargo on arms to Israel is not only a callous attempt to trade an old alliance for new adventure, but seriously threatens whatever delicate balance of power exists in the Middle East.

In this latter respect, De Gaulle's action borders on provocation. It invites the Arab States to believe, mistakenly I must add, that Israel may not have the air might to defend itself. The risk of open conflict mounts.

The fact of the matter is that Israel will defend itself, with or without French arms. In uneven conflict Israel will fight to the last man, woman, and child staining those oil-rich sands with blood into millennium.

Now, the Nixon administration proposes to discuss with De Gaulle his solution to the Middle East problem, or should it be called, the Jewish question. Israel has proven itself, before God and man, to be a tough, persevering nation. They will not sacrifice on the altar of four-power diplomacy the blood of national achievement.

And if now, Israelis have only scorn and contempt for De Gaulle, they are not alone. Their brethren in America stand by them.

On Wednesday, January 29, Ambassador Charles Lucet of France visited his nation's consulate in my hometown, Philadelphia. On that occasion, the Jewish Community Relations Council of Greater Philadelphia, comprised of 34 metropolitanwide Jewish organizations, presented him this statement, reflecting the views of thousands of Philadelphia Jews.

I would like to enter this statement for the RECORD:

> This breach of faith in which the President of France again has turned on his friends and comforted their enemies will lead to more warfare that can embroil all of mankind. It will embolden Arab terrorists; strengthen Arab intransigence, and stifle Arab moderates. If his policy were to succeed, Israel would stand helpless against massive Soviet armaments in the hands of irresponsible Arab governments bent on Israel's annihilation.
>
> We will not be passive spectators to this teacherous policy. As accusing fingers, we will stand vigil in the weeks ahead in the shadow of the French Consulate so that all Philadelphians will become aware of De Gaulle's perfidy.
>
> We will not try to dissuade—even if we could—those whose anger compels them to bypass France in their travel plans.
>
> Nor will we try to discourage—even if we could—potential customers from seeking alternatives to French government-owned businesses such as Air France and Renault.
>
> Whether we go beyond this depends upon future circumstances.
>
> The world knows this infamous policy is the work of one man. And so we do not seek to penalize the people of France. We know that the French people are our strongest allies in this struggle. We know they share our shock at this betrayal of France's traditional policy of friendship toward Israel and the Jewish people. We are confident that ultimately their will shall prevail.

USE OF DRAFTEES IN UNDECLARED WARS

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. GILBERT. Mr. Speaker, I am proud to cosponsor a bill to prohibit the sending of draftees to fight in undeclared wars without their consent.

It is bad enough, Mr. Speaker, that the power to declare war has, for all intents and purposes, been snatched away from the Congress by the executive branch, despite the specific provisions of the Constitution.

It is even worse that we tolerate the sending of boys into undeclared wars, though we in Congress ourselves assume none of the responsibility for it.

I am not here asking an end to the draft. But I do think that if the Executive decides to send the soldiers, on its own initiative, to risk being killed in battle, it should be only with their consent.

I suspect we could get enough volunteers, with appropriate incentives, to fight our wars. I see nothing wrong, then, with keeping our drafted young men on duty in the continental United States or at bases abroad where the interest of the Nation requires it but where there is no fighting.

If the executive branch chooses to ask Congress to declare war, then the provisions of this bill would not apply—for the Nation, in democratic fashion, will have spoken. But I do not approve of the current system, and call for the enactment of this measure to modify it.

PRIORITIES LONG OVERDUE—ADDRESS BY SENATOR SYMINGTON

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, February 4, 1969

Mr. SPONG. Mr. President, on last Wednesday evening, January 29, it was my privilege to introduce Senator STUART SYMINGTON, of Missouri, who addressed the annual meeting of the Norfolk, Va., Chamber of Commerce.

The Hampton Roads area of Virginia, in which the city of Norfolk is the largest political subdivision, is presently approaching a population of nearly a million persons. Located in this expanding area of Virginia is one of the largest concentrations of military establishments in the world. Senator SYMINGTON's remarks concerning our need for an assessment of our commitments abroad and at home, as well as a meaningful establishment of our priorities, were delivered from his broad knowledge of the military, and with his characteristic candor.

Mr. President, I am pleased to bring this thoughtful address to the attention of Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PRIORITIES LONG OVERDUE

A thorough assessment of our nation's commitments both abroad and here at home, followed by a meaningful establishment of priorities, is long overdue. With the changing of Administrations, there would appear no more opportune time than now to begin this all-important task.

The Congress has been presented with a Federal Budget for the fiscal year 1970 of over $195 billion, a jump of almost $80 billion during the past six years.

If the succeeding six years produced a comparable budget escalation, the United States Government would be requiring the taxpayers of America to put up $325 billion annually to support the Federal Government alone. This would be in addition to all state and local taxes.

Such an increase, in the face of growing fiscal and monetary problems, would appear a difficult if not impossible burden for our people to bear.

Accordingly, hard decisions must be made now, so that we may plan our total expenditures in relation to our revenue and thereby limit future Federal deficits. If we are to continue as the number one nation, very possibly if our capitalistic system is to survive, some day we must learn to live within our means.

The dangerous rate of the inflation currently being experienced demonstrates clearly that increasing deficits—last year the Federal deficit alone was over $25 billion—are bound to lead to ever higher prices; and the effect of these inflated prices can only be particularly damaging to this nation's international balance of payments, with inevitable further loss of world confidence in the integrity of the dollar.

A preliminary estimate of our 1968 balance of payments situation does indicate a slight surplus—the first in many years—but the Treasury cautions that the final analysis will probably show a further deficit.

In any case, the most disturbing item in this year's payments picture is the drastic decline in our trade position in the private sector, a sector which until recently has been in heavy surplus. That surplus has provided the principal antidote to the heavy, often reckless, and often unnecessary Federal spending which has been characteristic of our policies abroad.

In determining priorities for the allocation of our limited resources, it is now becoming increasingly clear that more attention must be paid to the cost of the largest single category in the Federal Budget—national defense. More than $80 billion—some 42% of that Budget—is requested for the military. It will be wise, therefore, for us to weigh carefully those proposed expenditures as against other high priority demands. Because of the tens of billions of dollars involved annually, a small saving in this field is worth more than a relatively large percentage saving in any other category.

In this connection, and where I personally believe we could achieve the greatest reductions at no sacrifice to national security, it would appear of paramount importance not to place new weapons systems into production until they have been fully engineered.

Nor should we decide to invest heavily in defenses against what later, if history can be any judge, turn out to be strictly theoretical threats.

After examining carefully what the world would be like after a full nuclear exchange, any thoughtful person would agree that every effort possible should be made to reach, at earliest opportunity, a meaningful agreement on the limitation of nuclear arms.

This is true not only because of the rising threat to civilization as more countries obtain thermonuclear weapons, but also because of the backbreaking additional costs which can only result from a further spiraling upwards of the arms race.

Let no one misunderstand my position. The United States must maintain forces strong enough to deter any would-be aggressor, regardless of cost. But with that premise, let us strive to invest our resources wisely. It was Lenin who foresaw, towards the beginning of this century, that economic disaster could be almost as decisive as military defeat in bringing down our system of free enterprise.

The bright people who, with little if any practical experience, have in recent years been directing much of the future of our defense posture, have been utilizing funds appropriated by the Congress for research and engineering more to produce technical arguments than to produce needed new weaponry.

As but one example, even though this nation is now spending over $8 billion a year on military research alone, it is a fact that, since 1954, not a single new combat fighter plane—Air Force or Navy—has been produced in this country; and only one, and that was last week, has been approved even in the blue-print stage.

Many years must now pass before this nation has a new fighter; and the sad significance of that statement is perhaps best illustrated by the fact that during the same fourteen-year span, we have actually photographed, flying, 13 new Soviet fighter models; including a VTOL, of which we have none; three supersonic STOLs, of which we have none, and the fastest combat fighter in the world today.

Apparently leaders in the Soviet Union notified their Defense Department to end the arguments and produce some hardware. The result is reflected in their tanks, in their small arms, in their submarines, and in their planes.

Finally, as the wisdom of utilizing our resources in the best possible fashion—maximum return for minimum output—appears more important every day, let us take a look at the incredibly wasteful fashion in which we have used those resources in Vietnam. There is no use crying over the spilled milk, but one can only hope that we have learned a lesson to the point where this type and character of waste will never again be repeated.

Over one hundred billion dollars of the taxpayers' money has gone down the drain in this major land war on the mainland of Asia; and not only is there little to show for it, but also because of the nature of the conventional military establishment it has forced us to build, this nation could be moving closer to what civilization dreads most—a full nuclear exchange.

More important than any cost in money, however, is the fact that more than 31,000 of our finest youth have been killed, and over 195,000 wounded.

As Dr. Kissinger, President Nixon's new foreign policy White House advisor, pointed out in a recent article, during November 1967 the head of the United States military in Vietnam stated that "the war was being won militarily," adding that "a limited withdrawal of American forces might be undertaken beginning late in 1968."

And less than a year ago the Administration emphasized that "the pacification program—the extension of the control of Saigon in the countryside—was progressing satisfactorily."

In a few days came the Tet offensive. This development negated these two assertions. Today our position in Vietnam, despite the above gigantic expenditures in lives and treasure, would appear unimproved.

From a purely military standpoint, the reason for this tragedy is clear. Fighting against brave and well-led guerrillas, the ground forces of the United States have been at grave disadvantage, one major reason being that the three countries which border South Vietnam have been declared sanctuaries; therefore our troops have never been able to counterattack, that vital requisite to successful ground war.

At the same time, ever since the United States, in effect, took over this war, our air power and sea power have been shackled, in a manner, and to a degree, never before known in major warfare.

No doubt because of the true political position which was brought out by the results of the Tet offensive, and in further effort to start peace negotiations with Hanoi, on March 31 last this shackling was increased. United States military forces were forbidden to conduct any attacks whatever, either by air or by sea, north of the 20th parallel. (Actually none above the 19th parallel, which gave the North Vietnamese full use of Vinh, their major supply base in the southern part of that country.)

By this latter action it was hoped the North Vietnamese would come to the conference table. This they did, last May 13; and the American people looked forward with relief to a reduction, if not a cessation, in the cost and the killing. Since that date, however, 8,040 Americans have been killed, 54,207 wounded; and not a penny less than 20 billion additional dollars have gone down the drain of this war.

On November 1 last, the United States made an even further military-political concession by announcing that there would be no further air or sea attacks against any part of North Vietnam.

This would appear to be acknowledgement that a true victory was not in the cards because—Kissinger again—"the guerrilla wins if he does not lose. The conventional army loses if it does not win. The North Vietnamese used their main forces the way a bullfighter uses his cape—to keep us lunging in areas of marginal political importance."

Since this further concession, we all know what has transpired.

Sixteen years ago, a great Army General, who knew, as did we, that he was being relieved of his command in Korea because of protesting the way that war was being fought, came before the Armed Services Committee.

He volunteered that during his entire life he had taken special interest in coaching football.

Wherever stationed, General Van Fleet said he invariably applied for a coaching job; and as a result of this experience he advised, "Never put an American boy in a game you don't want him to win."

And there is another quote we should remember: those who forget the lessons of history are prone to repeat them.

With that premise, surely we should all do our best to establish priorities so as to curb Federal expenditures, an arduous but essential task which now faces both the Congress and the Administration. A strong and stable economy is not only essential to our prosperity and well-being, but also to our national security.

A COVERED WAGON TRIP TO WESTERN KANSAS AS DESCRIBED BY ANNA McCULLOUGH

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. MICHEL. Mr. Speaker, one of my good constituents, Mrs. Anna McCullough, who is only 90 years young, has written an account concerning a covered wagon trip to western Kansas and, in this day of hustle and bustle and modern communication and transportation, we tend to forget the trying experiences of those who made the trek west.

Mr. Speaker, I insert the text of Mrs. McCullough's account of the trip in the RECORD at this point:

A COVERED WAGON TRIP TO WESTERN KANSAS AS DESCRIBED BY ANNA MCCULLOUGH

In the early spring of 1887, our family of George and Emma Madison with their five children, Anna, Mamie, Julia, Willie (Will), and baby Chester living near Hiattville, Kansas, near the eastern border, decided to move out in western Kansas, where a boom was on, causing many people from the eastern states to go out there. Some of our neighbors and friends had been out there for two or three years and reported big wheat and corn crops and insisted on our coming out—telling us they would put in early crops and gardens if we would come and also rent a farm for us. Father sold extra cattle and other livestock and made all plans for leaving, fitting us with a covered wagon. We were to travel in this for about 300 miles to Larnerd, Kansas. A few days before our leaving, our hired girl built a big wood fire in the kitchen stove that sent sparks onto the roof which was made of clapboards. She quickly climbed a ladder with a bucket of water and put the fire out and we were so thankful Father always kept a "rain barrel" at the side of the house filled with water for just such emergencies as he was afraid of those loose boarded roofs. Mother decided to go by train taking Julia, Willie (Will) and baby Chester with her also had all the household goods shipped by freight. Father, Mamie, and I were to travel by covered wagon, in company with two other wagons and neighbors going with us. He also took several good milk cows that Mamie and I would drive behind the wagons, taking turns riding a fine little horse that we really enjoyed. The going was very slow and we would stop early to camp at road sides to enjoy a good supper and a lot of milk. One morning Father told we girls we would reach the Flint Hills by night and he would show us how the Indians start their camp fires. We anxiously waited until time came for our evening fire. He took Flint rock striking the two together several times. Then a spark flew into the grass and we had our fire. The Indians had left the Hills a few years before altho we sometimes saw some. Mother had a brother, William Buttlers, who lived at Sterling, Kansas, so she went there and stayed with them until time for us to reach our new home. Our covered wagon bunch stayed two or three days with Mother and Uncle William's family so we had a rest from travel.

Our new neighbor had rented a small farm for us and had listed the corn and had wheat seeded as well as early garden so we were very thankful. There were no fences anywhere and wagon loads cut across the wild prairies every direction. Mamie and I would herd the cows anywhere we wanted them to go—and had orders never to get off our pony because rattle snakes and prairie dogs were scattered all over in tall blue grass. They lived in villages together and often times wild owls came to join them.

The spring was ideal, everything came up so well and looked so promising. The wheat turned out quite well, the men harvested it with headers in the field taking about six or eight inches off the top, then hauling it to our tables to be threshed later in the fall.

Extreme hot winds from Indian Territory came from the south just as our fine corn was tasseling lasting three days and nights burning our fine green corn to a crisp. Heat was extreme and everyone had to remain in their homes. One could grind up the leaves of corn or crush them in our hands and they would look just like bright green tea leaves. Neighbors told Mother to hang wet sheets up at the doors and windows so we could endure the terrific heat especially baby Chester. The whole sky was darkened by the flying dust.

Following the heat wave a very hard wind storm with terrible lightning came. Never can I forget the black angry looking clouds as they came our way over the wide expanse of prairie. Our little home was struck by lightning going down stove pipe through the kitchen stove on through the floor putting a lot of fire holes in a copper boiler under the house. Mother thinking the storm was over opened the kitchen door, was stunned and fainted scaring we children so much. No fire was started so we were glad. Part of our garden was very good especially the peanut crop. We children were so excited in digging them but were told not to eat any until they were dried and roasted in the oven. We had over two big sacks full and they were a real treat. The school house was very close and a fine teacher was hired as nearly all the people out there were from the east. Our health remained very good except one serious time we had with Willie who had very high fever. Father rode a mule eight or ten miles to get a doctor who had come there from Ohio. He rode a horse back and told us he was a terrible sick little fellow and that he would remain all night with us to watch him carefully. We decided he was a very fine doctor as his treatment brought Willie out in good shape. A neighbor once a retired minister and Mother decided our country side needed a Sunday school so they called other friends to meet with them and agreed to start one. People came for miles around in wagons where kitchen chairs were used to sit on and we all enjoyed singing together. The first songs I ever learned such as "Work for the Night is Coming," "Bringing in the Sheaves," and "Jesus Lover of My Soul" as well as others.

The vast wide open spaces without a tree or bush to be seen were interesting in the late summer evenings when very queer lights looking just like men riding very fast on horses carrying bobbing lanterns would always go in the same direction following a slough of tall buffalo grasses. We were told they were gasses that formed out there. Often times in early morning Father would awaken us children to come at once and see the mirages reflected in the sky just above the horizon, where sometimes we would see a town so plainly and we thought it was Ft. Larnerd on the Arkansas River about 13 miles away. Other times we would see cattle in big herds and I remember so well the morning we saw a herd of buffalo but never knew where they were. The pictures would be so plain but would only last a short time suspended in air. All thru the fall time the coyotes would carry on all night. Father would lariat our mules and cows with ropes near our stables which the big bobcats would sneak up and cut so he had to get chains to hold them near. The short buffalo grass was very fine for pasture work and hay would be stacked all over the countryside in small round stacks.

Blizzards were bad with the high wind and snow going—many were lost going in circles and couldn't find homes. Father was warned to tie a rope to the inside door knob and take it out to the stable to do chores and be sure it didn't come untied. Mother used to worry so when he would leave for fear he couldn't see to get back.

Our neighbors daughter was married to a young minister from the East. Sophia Wad to Edwin Dixon and that was the only social event while we were out there in the two years.

I will never forget the terrible night in the fall, when all the fields of grass was so dry and burned by hot winds that so many big prairie fires would burn over a large amount of land and all the farmers would plow fire guards around houses and stables where hay was stacked. One evening I saw a fire not too big nearly one and one-half miles away and I was so worried for I had heard the school children telling about their fathers plowing guards so I asked my Father to plow one that evening. He replied, "Don't worry, Anna. That neighbor is burning his potato patch off. I'll plow it in the morning."

After midnight Father and Mother were awakened by a terrific light and they saw the terrible fire over a mile wide coming directly our way. Father rushed out to get the mules that were so nervous over the fire coming at them as they were tied on lariat chains and before going he told Mother, saying, "Emma I'll pull the wagon up here at the door and if it gets too close put the children and bedding in it and I will pull them away." I was so terribly frightened. Mother told me to be quiet and not wake up the other children and we would come out all right. She then went to help Father all she could. A wheat stubble was between us and the fire so he plowed three furrows in it, then came closer to our house and plowed some more—checking it on that side of the house. The little school house was near us close to the wheat field so he ran some furrows around it also saving it from burning. By that time some other neighbors living farther away came with wagons carrying barrells of water to help all they could to check it completely around us. We were so thankful to have our little house saved. The fire went on around us, so all the men went to fight it as it came near the minister's house and stables. When he awakened he said, "Come quick and look Miranda, an awful fire is going around us and see what the Lord has done." That same fire raged for two or three days going over a vast amount of territory destroying hay stacks and some stables. The grass was of an oily nature and burned so fast. Mother worried about the school house and books, so she got a short ladder climbed in the window getting her apron full of books. When we looked over them she had failed to get Mamie and my books but we felt fine that some were saved.

Our folks enjoyed visiting with other neighbors who had come from the Eastern states to seek new homes. I remember well the doctor who came to care for Willie telling about them settling out there in a sod house and digging a well. As they were digging he was helping and fell into it breaking his leg very badly. As I was listening very much and felt very sorry for him I fainted. They put me on the bed and he soon brought me out of it. Then he said, "Guess we won't talk anymore about digging wells."

They agreed that when Indian Territory was broken up that our hot winds would be lighter and not totally destroy our crops. We had a good school teacher, a man of about 35 or 40 who had taught in Indiana and we enjoyed our work with him.

The next spring our crops came up well but again the extreme winds came and burned us up completely. Both Father and Mother were so discouraged and decided to go back to Eastern Kansas near Hiattville where the winds were not so severe and gardens and fruits were plentiful.

The wheat harvest was better than the corn but we could not depend on that. Some of our neighbors also decided to move back east saying they could not stay where winters were hard. No wood could be found and we were lucky if we could find a very little coal. The only trees we saw out there was some kind of ragged willow trees that grew near the Arkansas River near Larned and how terrible the winds did sweep over those wild prairies. Jack rabbits were thick and some would kill them for food but Father didn't like them so we didn't get many to cook.

Again our covered wagon was fixed up in the Fall of 1888. We sold some of the cows, packed our few belongings to send by freight and Mother, Julia, Willie and Chester went by train. Father, Mamie, and I went in the covered wagon taking a few of the cows back with us. She and I did enjoy riding the fine little horse as we journeyed along. When we reached Hiattville, Mother had found a little house and had it all ready for us to come into. She was extremely happy to see us and to be united again after that hard time we had spent in the far western land. Father found work for the winter. Mamie and I were in school and all our friends were happy that we came back. We were kept in Sunday School all the time which we enjoyed. I never can forget the two years of pioneering on the western plains of Western Kansas.

This is a true story of the trip made from Eastern Kansas to the west in 1887 by the George Madison Family.

I have heard my Father and Mother tell about this trip many times.

SALUTE TO MEN AND WOMEN OF GENEVA STEEL ON 25TH ANNIVERSARY

HON. WALLACE F. BENNETT

OF UTAH

IN THE SENATE OF THE UNITED STATES

Tuesday, February 4, 1969

Mr. BENNETT. Mr. President, thousands of Utahans are celebrating a quarter-century anniversary which would not have been possible without their magnificent efforts. These are the 5,000 Utahans who make steel, celebrating the 25th anniversary of Geneva Works, near Provo, Utah.

Geneva burst upon the quiet, agricultural landscape of Utah Valley during World War II. Its inland location resulted from the need to supply the west coast with steel plates from an area not vulnerable to enemy attack.

This same distance from the coast which kept Utah steel safe from foreign attack during World War II makes it vulnerable to foreign imports now. Nearly 80 percent of Geneva's steel goes to west coast customers, 700 to 1,000 miles away. The combination of expensive shipping and foreign imports presents Geneva with a tremendous challenge which is being magnificently met.

Against tremendous odds, the men and women of Geneva have rallied behind an impressive "Errors Zero" program under the slogan, "People Make the Difference." Their teamwork and innovation are paying off. In 1968 there was an improvement in production and cost reduction unmatched by any other year in Geneva's 25-year history.

The spirit of these men and women is exhibited by Raymond W. Sundquist, Geneva's general superintendent, when he says:

> At a time when too many of our young people think they can't win—and give up without trying—more and more of our fellow citizens look to us for an example of what people can do, when they have the self-discipline to accept great challenge and the will to achieve in spite of the odds. This reputation, and the responsibility that goes with it, is up to us.

Of course, there is still much to do. Utah's distance from the west coast will always require extra efforts to compensate for high shipping costs. This distance also requires greater efforts to spur the growth of Utah steel-using industry. In Congress, we must continue to work for reasonable quotas on the foreign imports which cut so deeply into Geneva's markets.

Mr. President, my fight for these quotas in the past is a matter of record. I shall continue this fight.

I salute the men and women who make Utah steel and look forward with them to a big, bright future.

On January 26, the Salt Lake Tribune published an article about the anniversary. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GENEVA STEEL WORKS WILL NOTE 25 YEARS OF PROGRESS IN UTAH

(By Robert H. Woody)

It sprawls over the former beet fields.

It thunders, groans, clanks and roars.

U.S. Steel Corp.'s Geneva Works still provides an awesome sight and sound—even for the old hands who have been with it this past quarter of a century.

On Feb. 4, Gov. Calvin L. Rampton will tap an open hearth furnace—a symbolic recreation of the first tap that took place exactly 25 years ago.

The governor is expected to do the honors at 2:00 or 2:30 p.m.—an hour and a few minutes after the first tap time of 12:55 p.m. on Feb. 4, 1944. Prior commitments by the governor prevent matching the exact moment.

The plant was built during the urgency of World War II to provide plate steel and structural members for the West Coast shipbuilding industry.

JAPANESE COMPETITION

It was built inland to avoid Japanese shelling and bombing. In retrospect the worst the Japanese did was to lob a few shells into a California refinery and loft fire balloons over the Northwest's forests.

The real irony is that the Japanese steel industry in the early 60's came far closer to scuttling Geneva Works than did their bombers and battleships.

In the late 50's and early 60's, Japanese steel began to take over large chunks of the market that had been originally claimed by Geneva Works.

Geneva Works, 800 miles distant from its prime market place, chafed at the cost of getting its product to the West Coast. While the Japanese, though thousands of miles away, could whittle transport costs with their giant ships.

A nagging question: Would U.S. Steel be compelled to abandon Utah?

The company's answer today is a clear no. Even during the crisis, it earmarked several millions for a variety of expansion and improvement programs.

Two years ago it kicked off its "Errors Zero" program—a deal to create a state of mind and aspiration among its employees that "Geneva shall overcome."

("We joke about 'Errors Zero,' but it's always there in the back of your mind," says one of Geneva's old hands.)

And as the national administration changed hands with the inauguration, there was word from both Japanese and European steelmakers that they would voluntarily curb exports to the United States.

VARIED OUTPUT

U.S. Steel built the plant for the government. Then, when the war was over, it and about 10 other steel companies put in bids to buy it. Even the Russians put in a bid.

The plant is full of "ironies." Here and there are beams bearing "Bethlehem Steel" imprint. So, too, are certain structures made of wood. "We had to use anything we could get our hands on when we built it."

It is a very different plant than it was when it produced exclusively plates and structural members for ships.

And none at the time would have dreamed it is doing all the things it is doing now:

It produces nitrogen byproducts. Its slag goes into roadbuilding. Its pipe mill is turning out natural gas lines and irrigation conduits. It has recently installed a heavy-gauge shear line than can cut lengths of thick steel ribbon to customer's order.

Its chemical coke plant produces many byproducts. Its rolled coils go to the West Coast for zinc plating and fabrication into a variety of products ranging from pails to air conditioners.

NEARLY 5,000 EMPLOYEES

Weekly some 300 cars of pelletized iron ore from its Atlantic City, Wyo., mine and plant are hauled by unit train to Geneva.

Fifty-five cars a day come in from its Cedar City area iron mines. Another 25 cars of limestone are hauled in daily from the Keigley Quarry near Payson.

Geneva now employs nearly 5,000 and yearly payroll is about $48 million.

About 430 of those 5,000 were employees during its first year of operation.

Some 377 of its employees will be due for the 13-week "extended vacation" this year—a once-every-five-years opportunity that is now part of steel industry's contract with its workers.

The aristocracy of the work force are the "head rollers." They sit in a control chair that employs both foot and hand controls.

PAY FITS JOB

These activate the machinery that grabs the white-hot ingots and thrusts them into the rollers in a sequence of maneuvers that will knead them into thin, long ribbons of steel.

Because of his critical role in production, a top roller can make upward of $20,000 a year on salary and incentive payments.

The men who built and started up Geneva were young men. Among them: Bob Bickerstaff, senior melter, now 57, and Clay Dunn, 53, first helper.

Bob came to Geneva in 1944 with 10 years' experience at Wheeling Steel in Steubenville, Ohio. "I'd always been a hunter and fisherman and figured that I could lead a better life here."

Clay, Oklahoma-born, had had experience in the construction industry.

FARMERS PITCH IN

That first day, they recall, was the toughest they ever put in. And as for those Utah County farmers who were the first employes: "None of us knew what we were doing. We were all scared to death of getting hurt."

At first, it was hard to find social acceptance in the Utah community, Bob recalls. But many of the men from Steubenville, Gary and Pittsburgh have since retired in Utah.

Says Clay: "Harry is retiring, and I asked if he was going back home to Gary. And he said, 'I am home.'"

And where else, asks Clay, could you find hunting, fishing and boating just 15 minutes from the plant?

FARM PARITY

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. ZWACH. Mr. Speaker, as the watchdog of farm parity, the U.S. Department of Agriculture January 15 report started the new year off with the dismal news that inflationary costs had driven farm parity lower.

The outgoing administration's final report placed parity at only 72 percent, and with a new alltime high for the cost index. This index figure for cost was nine points higher than 1 year ago and parity was 1-percent lower than January 1968.

Parity had dropped to this level only for 1 month—April 1966—since 1934. Both times under the outgoing administration.

The following table presents the parity percentage for many of the basic commodities for January and the preceding month.

[In percent]

Commodity	December 1968	January 1969
Cotton	48	41
Wheat	47	47
Corn	63	65
Peanuts	76	74
Tobacco	60	----------------
Butterfat	75	74
Milk	85	83
Wool	45	44
Barley	66	71
Flax	68	67
Oats	67	69
Sorghum	64	64
Soybeans	70	70
Beef	78	78
Chicken	61	67
Eggs	78	83
Hogs	71	74
Lambs	82	85
Turkey	65	65
Average	73	72

AN EAGLE SCOUT COURT OF HONOR IN KENSINGTON, MD.

HON. JOSEPH D. TYDINGS

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Tuesday, February 4, 1969

Mr. TYDINGS. Mr. President, Mr. Lawrence F. Regan, chairman of Troop 1439 of the Boy Scouts of America, has brought to my attention the fact that five young men in his troop, all from Kensington, Md., achieved the rank of Eagle Scout and were honored accordingly at an Eagle Court of Honor last November 23.

Attaining the rank of Eagle Scout is significant for the troop, the Scout, and his family, but this instance was particularly significant in that five Scouts out of a troop of only 36 attained Eagle rank simultaneously.

Statistically, only one boy out of 1,000 has the initiative and stick-to-it-iveness to progress through Scouting's ranks to Eagle Scout. The young men themselves deserve great praise but credit is also due to the adult leadership of Scoutmaster Frederick F. Hiltz, an engineer with Johns Hopkins Applied Physics Laboratory and ex-Scoutmaster Robert N. Warren, a supervisory service representative with the Chesapeake & Potomac Co.

Troop 1439 is one of two Boy Scout troops sponsored by the Men's Club of St. Paul's United Methodist Church, 10400 Fawcett Street, Kensington, Md. In its 8 short years as a troop it has sent Eagle Scout Lynn Kern to the Air Force Academy where he is now a second-year man and Eagle Scout Peter Palmer to the U.S. Military Academy at West Point where he is a plebe. Eagle Scout Richard Bradford is a student at Einstein High School.

The five new Eagle Scouts are John L. Ely, 18, of 3102 Homewood Parkway; William F. Hiltz, 16, of 4023 Byrd Road; R. Mark Spencer, 16, of 3904 Spruell Court; Andrew W. Thornton, 16, of 4114 Mitscher Court; and Stephen A. Wood, 15, of 3808 Archer Place, all of Kensington in nearby Montgomery County.

Eagle Scout Ely became a Tenderfoot in December 1961, a Second-Class Scout in March 1962, a First-Class Scout in December 1962, and advanced to Star Scout in July 1963 and to Life Scout in June 1966. In addition to the 11 required merit badges and service project, Jack Ely furthered his personal development as indicated by merit badges earned in archery, woodcarving, pets, leatherwork, canoeing, soil and water conservation, conservation of natural resources, scholarship and space exploration. He won the 1-mile swim award at Camp Catoctin during the summer of 1964. He also served as patrol leader and as troop librarian.

Eagle Scout Hiltz joined the Scouting movement in March 1963 after reaching Bear rank in Cub Scout Pack 772. He became a Second-Class Scout in September 1963 and a First-Class Scout in June 1964. While advancing to Star Scout in July 1965 and Life Scout in February 1967 he, too, competed in the 1-mile swim at Camp Catoctin in 1964. His interests are disclosed by merit badges in scholarship, reading, music, forestry, wildlife management, soil and water conservation, canoeing, reptile study, and pioneering. He served as patrol leader and was elected to the top leadership position in the troop as senior patrol leader. He served on the staff at Camp Goshen, Va., during the summers of 1967 and 1968 training younger Scouts in scoutcraft.

Eagle Scout Spencer became a registered Boy Scout on December 12, 1963. He became a Second-Class Scout in February 1964 and a First-Class Scout in September of the same year. A Star Scout by September 1965, he became a Life Scout in June 1966. Merit badges in forestry and hiking, signaling, canoeing, electricity, electronics, radio, pioneering, conservation and oceanography. He, too, completed the 1-mile swim at Camp Catoctin in 1964 and gained the difficult to acquire Scout Lifeguard emblem in 1967. While progressing through Scouting ranks he served as assistant patrol leader, patrol leader, assistant senior patrol leader and succeeded Eagle Scout Hiltz as senior patrol leader in September 1968. Eagle Scout Spencer also served on the staff at Camp Goshen, Va., during the summers of 1967 and 1968 training younger Scouts.

Eagle Scout Thornton became a Scout on February 5, 1964, having been a Cub Scout with Pack 772, also sponsored by the Men's Club at St. Paul's Church. He progressed to Second-Class Scout in April 1964 and to First-Class Scout in September 1964, and served as assistant patrol leader and as patrol leader in 1964 and 1965. En route to Star Scout in November 1964 and Life Scout in February 1967 he developed his interests by achieving merit badges in coin collecting, canoeing, soil and water conservation, public speaking, rowing, and pioneering. Other elective merit badges include scholarship and athletics. He serves as troop quartermaster in charge of camping and scoutcraft equipment.

Eagle Scout Wood attained Lion rank as a Cub Scout in Honolulu before registering as a Tenderfoot Scout on October 6, 1966 in Massachusetts. He became a Second Class Scout during August 1965 and a First Class Scout in February 1966. He has served as troop scribe and in leadership positions as assistant patrol leader, patrol leader, and currently is assistant senior patrol leader. His advancement to Star Scout in June 1967 was followed in October 1967 by reaching Life Scout. The breadth of his interests is shown by his home repairs, rowing, astronomy, architecture, canoeing, conservation, and wildlife management merit badges. He completed the mile swim in 1967 and currently is registered in Operation Patrick Henry, sponsored by Lt. Gen. Lewis B. Hershey, Director of Selective Service System, and Mr. Justice Tom B. Clark of the U.S. Supreme Court to teach scouts the art of public speaking.

No wonder that the minister of St. Paul's United Methodist Church, the Reverend Charles F. Kirkley, heartily endorsed the suggestion of Troop Chairman Lawrence F. Regan that a suitable dinner honor the occasion.

Approximately 150 persons attended the banquet and Eagle Court of Honor held November 23 at St. Paul's Church. Lt. Gen. Lewis B. Hershey was the featured speaker with Mayor A. Victor Gentilini present, representing the community and neighborhood commissioner Robert C. Swendiman, representing the Scouting movement.

In these days of scare headlines and much TV news coverage of the hippie element and of youths involved in lawlessness and tumult, it is refreshing indeed to be able to add a brief "well done." It is to be hoped that these young men who have done well will continue in their devotion to the Scouting ideals of service to community, State, and Nation under God.

ON RUNNING A COLLEGE

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. BEVILL. Mr. Speaker, Dr. Harry Philpott, president of Auburn University, has taken, in my opinion, a correct and courageous position with respect to allowing Yale Chaplain William Sloane Coffin to speak on the Auburn campus. In answer to a Federal court summons regarding a suit asking the court to overturn Dr. Philpott's veto of an invitation by the Human Rights Forum to Coffin to speak at Auburn, Dr. Philpott answered:

> I shall continue to fight to the limit of my resources.

Dr. Philpott said he felt educators should be a "little more knowledgeable" in the field of education than were students.

Dr. Philpott has said some things that needed saying for some time now. I join with all reasonable Alabamians and Americans in supporting Dr. Philpott in this effort.

At this time, Mr. Speaker, I place in the Extensions of Remarks of the CONGRESSIONAL RECORD an editorial published in the Sand Mountain Reporter, which offers a timely insight into the problem and into Dr. Philpott's position:

ON RUNNING A COLLEGE

We applaud the statements made this week by Auburn University President Dr. Harry Philpott in answer to a Federal court summons for Feb. 3 regarding a suit seeking to allow controversial Yale Chaplain William Sloane Coffin to speak on the Auburn campus next month.

An Auburn group filed the suit asking the court to overturn Philpott's veto of an invitation issued by the Human Rights Forum to Coffin to speak on the Auburn campus on Feb. 7.

The university president said the challenging group, representing the Human Rights Forum, did not think he had the right to decide who would speak on the campus.

"I think I do and I shall continue to fight to the limits of my resources," he said.

Philpott said he felt educators should be a "little more knowledgeable" in the field of education than were students.

U.S. District Judge Frank M. Johnson Jr. set the hearing on a suit asking for a preliminary injunction to be followed by a permanent injunction on grounds the "oral Philpott rule" was unconstitutional.

"The reputation of the human rights forum would be badly damaged should the speech not be allowed to proceed as planned," the complaint said.

The plaintiffs told the court they thought Philpott's veto was not in keeping with other campus speakers, including former Gov. George C. Wallace; his late wife, Gov. Lurleen B. Wallace; civil rights figure Whitney M. Young, and others. The suit noted the speakers had represented both conservative and liberal views.

Coffin was convicted in a federal court in New York state of encouraging draft evasion and has appealed the conviction to a U.S. circuit court of appeals.

It is ironic that this campus group goes to the Federal court system to try to gain its objective of encouraging and counseling with a man who advocates the violation of the laws of this land, and who—in effect—would seek to threaten the security and well-being of the very democratic process which provides human rights in a degree never before enjoyed by any society.

And it is most encouraging to see in this instance a university president who stands his ground and tells it like it is—that a qualified and seasoned and trained university president, guided by a blue ribbon board of trustees, knows more about how to run the affairs of a university than does a group of university students. We would have avoided some of the tragic campus circumstances which have erupted across this country if more university administrators had taken such a firm stand a long time ago.

THE SCISSORED "PUEBLO" RECORD

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, February 4, 1969

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled "The Scissored *Pueblo* Record," published in the Norfolk Ledger-Star of January 31, 1969.

William H. Fitzpatrick is editor of the Ledger-Star, and George J. Hebert is editor of the editorial page.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE SCISSORED "PUEBLO" RECORD

In an expression of his concern over the *Pueblo* affair, Virginia's Senator Harry Byrd has also cited an incidental example of bureaucratic arrogance in connection with the case which disturbed him greatly.

Inasmuch as the court of inquiry now under way is likely to be only the beginning of a much wider examination of the ferret ship's capture, it becomes important to review what was said by important officials immediately after the seizure.

But in going to the files of the Senate Armed Services Committee to look at testimony which the committee received last February 1 from Defense Secretary McNamara and from General Wheeler, chairman of the Joint Chiefs, Senator Byrd found something very strange indeed.

One of the questions the Senator had put to Mr. McNamara, along with the latter's answer, had been completely clipped out of the report.

Senator Byrd, while questioning certain of the Pentagon's specific censorship judgments, freely acknowledges the need to prevent some items of testimony from getting into the news accounts. And this is usually accomplished, he says, by red marks which the Defense censors put beside those portions of a report which are not to be made public after a closed-door hearing.

But cutting the matter from the report entirely and leaving such a Pentagon-doctored file as the committee's permanent record of crucial testimony? The Senator's angry comment on this was that "nothing can justify keeping this information from the review of the Congressional committee charged with that responsibility."

The Senator's complaint is fully justified. From his recollection of the testimony, he seems to believe that what was cut could have an important bearing now on the total assessment of the *Pueblo* fiasco. But even if not, the cutting of the report was a dangerous assumption of authority.

Senator Byrd is entirely right in calling the Pentagon's hand on it, and the censors ought to be put on full notice that any such tampering with the records will not be tolerated.

EARLY RETIREMENT

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. DULSKI. Mr. Speaker, over the years our Committee on Post Office and Civil Service has worked to develop a reasonable and up-to-date retirement program for our Federal employees. It is not perfect, and, of course, there will always be differences of opinion on details of retirement rules and benefits. But I believe it is basically a sound system.

Joseph Young, the very able Federal columnist in the Washington, D.C., Evening Star, had an interesting article the other day on the familiar subject of early retirement:

TALK OF EARLY RETIREMENT WAS MERELY CONVERSATION

(By Joseph Young)

When I first started covering the government beat in the good old days of 1945, one of the first government career officials I met was a chap named Farthington.

Farthington was a trim, youthful 46, bright-eyed, with black hair and a splendid mustache.

He was most helpful in furnishing us with good news leads and we remarked appreciatively that we hoped we would enjoy a long and pleasant association with him.

"I'm afraid not," he said. "As soon as I can I'm going to retire."

We expressed surprise, since he was so young.

"Why shouldn't I retire?" he asked, warming up to what apparently was his favorite subject.

"I don't want to hang around until they force me to retire at the mandatory age of 70, feeble and no good to anyone," he said. "No, sir! I want to get out and enjoy life while I'm still young."

We wished him luck and asked when he thought he might take the plunge.

"Well, I'm angling for an involuntary separation so I can get out and get my retirement annuity at the age of 50," he replied.

When he reached the age of 50 and still remained on the job, we expressed mild surprise that he was still there.

"Well, there's a government pay raise coming up this year, and that will boost my high-five-year average salary on which my annuity will be based," Farthington said. "So I'll wait another year."

The next year and another five years came and went and Farthington was still around, and we found the subject of his projected retirement too delicate to mention.

But when Congress was considering the

bill to allow employes to retire on full annuities at age 55 after 30 years' service, Farthington brought up the subject himself.

"Once this bill becomes law, I'll get out of here so fast that it will make your head swim," he said, rubbing his hands. "Ah, the life of leisure—Florida, fishing, swimming, afternoon naps."

Congress enacted the bill into law but Farthington remained at his desk.

"I understand Congress is going to liberalize the computation of annuities, so I might as well stick around another year," he explained. "It won't hurt me and will be well worth it."

The computation factors were liberalized. But—you guessed it—Farthington remained on the job.

Even the year when employees were given an 8 percent bonus on retiring, Farthington stayed on.

"With the new pay comparability pay law, our pay raises the next few years will be fantastic and will raise my annuity tremendously when I retire," he rationalized.

As he spoke, we noticed for the first time that his once jet-black hair was gray and his mustache was straggly.

And so it went year after year until last week, when we received a call from him.

"Can you come over and see me?" he asked in a quavering voice. We said we'd be right over, feeling rather guilty that we hadn't called on him in several years.

On arriving at his office, our first impression was that a stranger was seated at his desk. Certainly, this white-haired man with the palsied hands and wrinkled face was a far cry from our friend Farthington. But, alas, it was he.

"Help me, help me!" he cried.

"How." we asked. "What is the matter?"

"I turned 70 yesterday and they're forcing me to retire," he shouted wildly.

"But I don't want to go—I'm still in my prime and there's another pay raise coming up. Can't you use your influence to get me an exception from the 70-year mandatory retirement age?"

As we started to reply, two burly General Services Administration guards walked into the office unannounced. Approaching Farthington, one of them said, "All right, Pop, this is it. They need your office and you'll have to leave."

"I won't go!" Farthington shouted.

"Then you leave us no alternative," the other guard said, hoisting Farthington over his shoulder like a sack of flour and carrying him struggling from the room.

From down the hall, we heard Farthington's piteous wail: "Help me, I'm too young to retire. Help me, I'm too young. . ."

WEAPONS SYSTEMS: A STORY OF FAILURE

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, February 4, 1969

Mr. THURMOND. Mr. President, an article entitled "Weapons System: A Story of Failure," published in the January 26, 1969, Sunday issue of the Washington Post, affirms the tragic history of the billions of dollars wasted in the research and development program in weapons systems. The article makes a distasteful case for the billions wasted through the lack of quality control. Although there are some who would use any pretext to abandon our research and development of new weapons systems, the obvious conclusion should be that improvements in the control of developments are of the highest priority.

Mr. President, there is overwhelming evidence that our R. & D. procedures and methods for developing and procuring effective weapons systems needs an overhaul. It has been emphasized by experts that the DOD must streamline its R. & D. program. This article provides more evidence.

Mr. President, I quote from the newspaper article, written by Mr. Bernard D. Nossiter, which apparently is a review of a classified document prepared by a key Government official:

> The Paper first examined 13 major aircraft and missile programs, all with "sophisticated" electronic systems, built for the Air Force and the Navy beginning in 1955, at a cost of $40 billion.
>
> Of the 13, only four costing $5 billion could be relied upon to perform at more than 75 per cent of their specifications.

Mr. President, this is a serious state of affairs. It is no wonder the Soviets are closing the weapons gap. These glaring deficiencies in our R. & D. program make it easy for them. It is my firm hope that the new administration, with the advice and consent of this distinguished body, will be able to correct these complex problems and produce effective weapons for the billions spent.

I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Jan. 26, 1969]

WEAPONS SYSTEMS: A STORY OF FAILURE

(By Bernard D. Nossiter)

The complex electronic gadgetry at the heart of new warplanes and missiles generally works only a fraction of the time that its builders had promised.

The performance of the multi-billion-dollar weapons systems started in the 1950s was bad; those of the 1960s are worse.

The Pentagon appears to be giving the highest profits to the poorer performers in the aerospace industry.

These are the conclusions of an abstruse 41-page paper now circulating in Government and academic circles. The document, a copy of which has been made available to The Washington Post, is believed to be the first systematic effort to measure how well or ill the Pentagon's expensive weapons perform.

Its author is a key Government official with access to secret data and responsibility for examining the costs of the Pentagon's complex ventures. He and his agency cannot be identified here.

His paper, entitled "Improving the Acquisition Process for High Risk Military Electronics Systems," aims at bringing down the costs and bettering the dismal performance of weapons. It does not discuss a question that might occur to others: if these weapons behave so badly, why is the money being spent at all?

For security reasons, many of the planes and missiles examined are not identified by name.

The paper first examined 13 major aircraft and missile programs, all with "sophisticated" electronic systems, built for the Air Force and the Navy beginning in 1955, at a cost of $40 billion.

Of the 13, only four, costing $5 billion, could be relied upon to perform at more than 75 per cent of their specifications. Five others, costing $13 billion, were rated as "poor" performers, breaking down 25 per cent more often than promised or worse. Two more systems, costing $10 billion, were dropped within three years because of "low reliability." The last two, the B–70 bomber and the Skybolt missile, worked so badly they were canceled outright after an outlay of $2 billion.

LOSES FURTHER LUSTER

The paper sums up: "Less than 40 per cent of the effort produced systems with acceptable electronic performance—an uninspiring record that loses further luster when cost overruns and schedule delays are also evaluated."

The paper measures "reliability" in this context: The electronic core of a modern plane or missile consists essentially of three devices. One is a computer that is supposed to improve the navigation and automatically control the first of the vehicle's weapons and explosives. Another is a radar that spots enemy planes and targets. The third is a gyroscope that keeps the plane or missile on a steady course.

When the Pentagon buys a new gadget, its contract with the aerospace company calls for a specific "mean time between failure of the electronic system." In lay language, this is the average number of continuous hours that the systems will work.

In a hypothetical contract for a new jet bomber, Universal Avionics will sell the Air Force on its new device by promising that the three crucial electronic elements will operate continuously for at least 50 hours without a breakdown. In the reliability measures used in the paper described here, the plane is said to meet 100 per cent of the performance standards, if, in fact, its gadgetry did run 50 consecutive hours. However, if a key element breaks down every twelve and a half hours, it gets a rating of 25 per cent; every 25 hours, 50 per cent and so on. Should a system operate with a breakdown interval of 62.5 hours—a phenomenon that happens rarely—its reliability is rated at 125 percent.

TEST FOR THE PILOT

Quite obviously, the more frequent the breakdown, the more the pilot of a plane has to rely on his wit and imagination to navigate, find targets and fly a steady course. Over-frequent breakdowns in a missile can render it worthless as an instrument of destruction.

Curiously enough, as the paper demonstrates, the Pentagon and the aerospace industry apparently learned little * * * the systems of the 1960s are even worse.

The document first looks at the performance record of the electronic systems in 12 important programs begun in the 1950s. All but four missiles can be identified by name without breaching security.

Of the 12, only five perform up to standard or better; one breaks down 25 per cent more frequently than promised; four fail twice as often and two break down four times as frequently as the specifications allow.

The document discusses some of the good and bad performers in this group. It observes that the F-102, the Delta wing interceptor for the Air Defense Command, was bedevilled by an unsatisfactory fire control system. Its first had to be replaced; the next was also unsatisfactory, and an extensive two-year program to modify the device was then undertaken.

SIDEWINDER DID WELL

In contrast, the Sidewinder, a heat sensing missile, performed very well. The study attributes this to the fact that the missile was developed in a leisurely fashion, without a "crash" schedule, and that several contractors were brought in to compete for key components.

The paper next examines eleven principal systems of the 1960s. These cannot be identified beyond a letter designation.

To make the best possible case for the Pentagon and its contractors, this survey does not include two systems costing $2 billion that performed so badly they were killed off. The eleven systems of the 1960s evaluated here account for more than half of those begun in the most recent decade and their electronic hearts cost well in excess of $100 million each.

Of the eleven systems, only two perform to standard. One breaks down 25 per cent more rapidly than promised; two break down twice as fast and six, four times as fast.

As a group, the eleven average a breakdown more than twice as fast as the specifications demand. Oddly enough, the first version of the system designated met the standard. But the same unidentified contractor produced three succeeding versions that fail on the average more than three times as often as they should. All these successors, the paper observes, were ordered on a "pressure cooker" basis, on crash schedules.

HIGHEST REWARDS

The paper also examines the relationship between contractors' profits and performance, and suggests that, contrary to what might be expected, some of the most inefficient firms doing business with the Pentagon earn the highest rewards.

The second chart looks at profits, after-tax returns as a percentage of investment, the only valid basis for determining profitability, for the ten years from 1957 through 1966. During the decade, the aerospace firms managed to earn consistently more than American industry as a whole, piling up nine dollars (or billions of dollars) in profits for every eight garnered by companies not doing business with the Pentagon.

Even more peculiar is the brilliant earnings record of two of the biggest contractors, North American and General Dynamics. Both except for a brief period when General Dynamics tried its hand at some civilian business, made profits far above the industrial average and generally in excess of their colleagues in aerospace.

During the ten years, North American did all but two per cent of its business with the Government. The study reports that it produced one highly successful plane in the mid-50s, another system that met performance specifications, one that was canceled and four that broke down four times as frequently as promised. Nevertheless, the company's profits were 40 per cent above those of the aerospace industry and 50 per cent above the average for all industries.

NONE MEASURES UP

General Dynamics had, as the chart shows, a much more uneven profits record. But its years of disaster and even losses were those when it ventured into the economically colder climate of the civilian world to produce a commercial jet airliner. Having learned its lesson, it retreated to the warmer regions of defense procurement and, in recent years, has netted more than the industry average. It has compiled this happy earnings score, the study observes, despite the fact that none of the seven weapons systems it built for the Pentagon "measured up to expectations." Its most notorious failure is the F–111 swing-wing fighter-bomber.

As a final touch, the study notes that complex electronic systems typically cost 200 to 300 per cent more than the Pentagon expects and generally are turned out two years later than promised. But both of these phenomena have been examined so frequently by specialists in the field that the paper does not dwell on them.

HOW MUCH PROTECTION?

These findings raise some serious questions. Perhaps the most important is how much protection the United States is getting for the tens of billions of dollars invested in expensive weaponry. Another is whether the whole process should be turned off and improvements made in the existing devices. Secretaries of Defense have repeatedly assured the Nation that present weaponry guarantees the destruction of any Nation that attacks the United States.

The document under study here, however, takes a different line, one aimed at getting less costly weapons that measure up to the promised performance.

It blames the dismal record on several factors. One is the relentless search for newer and more complicated electronic "systems." The aerospace contractor has an obvious vested interest in promoting "breakthrough" gadgetry. This is the way he gets new, and clearly profitable business.

CLOSE CORRELATION SHOWN

But the study asks, do the services need it? Since the Air Force and the Navy almost always accept a plane or a missile that performs at a fraction of its promised standard, it would appear from an exclusive military standpoint that a device of a much lower order of performance fits the Nation's defense needs.

The document also shows a close correlation between "crash" programs and poor performance. Thus, it proposes more realistic schedules. If a weapon is wanted in short order, five years or less, the study recommends that its electronic gadgetry be limited to familiar items.

If the Pentagon wants something that makes a "technical breakthrough," it should allow a minimum development period of five to seven years, it is pointed out.

Another factor in poor performance, the study says, is the absence of competition for new systems after the initial designs are accepted. Typically, the Pentagon requires five or so aerospace firms to bid on its original proposal. But typically, it selects one winner on the basis of blueprint papers.

The study says that the military could save more money and get a better product if it financed two competitors to build prototypes after the design stage. Such a technique was followed, it recalls, with the F–4, a supersonic Navy interceptor. Even though the F–4 employed both a new radar and a new computer, it performed up to the promised standard.

At first glance, such a technique might seem like throwing good money after dubious dollars. But the study contends that if two aerospace competitors are forced to build and fly prototypes before they win the big prize—the contract to produce a series of planes or missiles—they will be under a genuine incentive to be efficient, hold costs down and make things that work.

ELECTORAL REFORM

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. MORSE. Mr. Speaker, I would like to take this opportunity to put into the RECORD a letter I received recently from a thoughtful citizen who is concerned, as are many of us, with the whole question of electoral reform. While his opinions may not be shared by many Members of the House, I think it certainly has the right to be represented.

Under unanimous consent I submit the letter from Mr. Karl Haartz, of Andover, Mass., for inclusion in the CONGRESSIONAL RECORD, as follows:

ANDOVER, MASS.,
January 29, 1969.

The CHAIRMAN,
Senate Judiciary Committee, Senate Office Building, Washington, D.C.

DEAR SIR: The purpose of the Electoral College is to prevent the creation of two centers of politics: One in Congress, the legitimate one; the other in the Office of President which is illegitimate.

The purpose of the Constitution's design in this area, and which is in harmony with the other unique arrangements for inducing what are now recognized as cybernetic, or self regulating characteristics, is to keep as much politics as possible away from the administration functions of our government.

It can be understood that the popular voting method of electing a President, with its implied promise of overriding the Legislative branch, Congress, and its concomitant of competition for the political limelight, leadership and responsibility that ought to be Congress' and was intended to be, is a situation that retards the useful functions of the United States Government.

Consequently, the problem's solution is not more disparagement and disregard of the cybernetic functions of the Electoral College, rather it is for Congress to give us the direction and discipline for returning to the College's requirements so as to protect the citizens' welfare and the Republic's substance.

No member of Congress would advise the removal of the brakes from a train because they were not properly maintained or used, or because the engine could now run faster and some of the passengers wanted more speed. Yet such logic sums the substance and is the epitome of the logic so far stated in support of the move to further remove the cybernetic control inherent in the Electoral College's design and ability.

The election of the President and Vice President in full accord with the Electoral College without a Presidential campaign would elevate that office to the function of administration of Congress' programs. It would encourage Congress to return to its rightful and essential place of originator and leadership in legislative programs. That improvement in practice would also discourage political action in the executive branch whose efficacy increases in direct proportion as its political action decreases; that is, as government of three separate and independent parts becomes a government with but one center of politics, Congress.

Therefore, may I ask that your Committee ask Congress to direct that elections for President and Vice President be in accord with the requirements of the Electoral College as delineated in the Constitution: And for the reasons stated here and in The Federalist Papers?

With every good wish,
Sincerely yours,

KARL HAARTZ.

POLLUTION AND POWER IN A SMALL MILL TOWN

HON. EDMUND S. MUSKIE

OF MAINE

IN THE SENATE OF THE UNITED STATES

Tuesday, February 4, 1969

Mr. MUSKIE. Mr. President, the January 26, 1969, issue of Potomac magazine contains an excellent article entitled "Pollution and Power in a Small Mill Town," written by Shelby Coffey III. I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the article

was ordered to be printed in the Record, as follows:

Pollution and Power in a Small Mill Town

(By Shelby Coffey III, assistant editor)

For the average resident the reality of Covington is the funereal atmosphere about the streets at night. Car after immobile car is shrouded with plastic covers or with thick white cloths across the windshield. Protection against industrial fallout, claim the car owners. Some Westvaco executives have what they call a mill car, an older car that will not be much ruined by the dustfall, the cinders and ashes. Some people in town claim their white houses have been dyed an unappealing goldish color because of the pollution.

Ask a service station attendant in Covington how to wash the pollution off your car after it has been in town for several days and he will recommend toilet bowl cleanser and warn you to be careful not to burn your hands with it. One frustrated housewife went so far as to sweep up the fallout on her front porch, pack it and send the box of dirt off to the president of Westvaco in New York city.

L. C. Claybrook of the Clay shoe store has been in business for over twenty years. He says that in an average year he has 30 to 35 customer complaints of shoes falling apart, complaints that Claybrook can't explain except by the way one shoe company replied to his complaints. "They said that some sort of chemical had eaten out the threads."

Dr. Winn is the local, eye, ear, nose and throat physician. He feels that there is a "considerably" higher incidence of bronchitis, colds and sinus trouble than in comparable towns without large mills. But he admits he has no statistics for actual comparison, just a lot of daily complaints.

When Peyton Place began to make it big on television, some of the residents of Covington, Va., took vicarious pride in comparing their town to the fabled New England hotbed of sin and status-strife. There was the giant West Virginia Pulp and Paper Company plant at one end of the town, and the owners of the company had once lived in a baronial mansion set on the hill overlooking the little mill town of 11,000.

Now the home sits in deserted splendor above the factory smoke that broods through the hollows of the Virginia countryside. In the valley, the workers' home, one- and two-story rectangles of gray and off-white, are squeezed together in regimental rows.

There are classic small town earmarks: Salvation Army volunteers calling for contributions on Main Street just before Christmas addressed everyone by his first name through a scratchy megaphone. Behind the cash register at the best restaurant in town, the owner has set up individual candid shots of all his children. And there are good small town scandals, too, worthy of Grace Metalious: a young college student working at a Shell station part-time hints of scandal behind an unsolved slaying years ago. A wise country-boy-to-city-bumpkin smile on his flushed face above the khaki work shirt, he explains, perhaps jokingly: "This is a funny town. You can get a ticket if you park five minutes overtime on Main Street, but you can get away with killing somebody."

That story would make a whole Monday evening TV installment. But this sort of gossip is not what really sets hot words flying these days in Covington. The deep concerns of the 60s have come to this urban anachronism. What really stirs passions, wrath and intrigue, what brings on questions of conflict of interest on state boards, what brought state-wide interest in this little town last fall was air pollution.

For the newcomer, the passing motorist, the unprepared visitor, Covington begins as an odor—a harsh sulfurous smell that meanders and settles into your car, your motel room if you spend the night, and your slightly shocked nostrils in any case. The odor covers Main Street in Covington, an archetypal collection of two-story buildings—dime stores and jewelers and clothing stores with sensible discount prices advertised in show windows where mannikins wear styles imitating what was fashionable in New York a year or two ago. And the sulfur smell is stirred by the customized machines of lynx-eyed young men with slick hair; their rumbling autos driven past sidewalks where people still take the time to stop when they say hello in passing.

But on a "bad day" when the precipitators at the mill are acting up and the cove-like air conditions in the valley cause an inversion, a thick blueish haze clogs all of Covington. Main Street, three blocks from the huge barrel-like stacks of Westvaco, becomes a blurred image like a faded, aging photograph of the little town your grandfather talked about spending his hard but fair childhood in.

Then comes the sense of claustrophobia. You can't get away from the smell, the haze, the feeling that your lungs are swallowing in some vaporous disaster. As if you stepped into a room where a hundred chainsmokers had just held a two-hour meeting.

This is just a newcomer's impression. Most Covington residents said "you get used to it" and shrug. After all, the mill employs over 2000 workers, pays a sizable share of the city's and Alleghany County's taxes and has been, in effect, the economic life of the community for the past seventy years.

On the other hand, some Covington citizens decided not to shrug it off. Last September, in a carefully worded series of questions that detonated a political blast in Richmond, a citizen's group terming itself the Alleghany Crusade for Clean Air Inc. took a deep breath and trumpeted an open letter to the Governor of Virginia. The letter asked, among other things: "Do any members of the State Air Pollution Control Board transact business, or benefit indirectly from business, with West Virginia Pulp and Paper Company?" (The five-man State board was set up as a result of a state air pollution act passed in 1966.) The letter also asked if the makeup of the Technical Advisory Committee, which studies technical matters for the State Board, was such that members of the Committee could "present impartial advice on Air Pollution Control matters when such advice may be contrary to their company interests? Does this constitute a conflict of interest?"

One member of the State Air Pollution Control Board is Frank Kinzer, an insurance man, in Covington. "It smells pretty good to us (natives)," Kinzer says with a smile, referring to the economic benefits that the mill has brought to the little Virginia town.

"There was one time when the air smelled clean," recalls Kinzer. That time turns out to have been during a strike. And back then when the winds were fresh and had maybe an unfamiliar hint of honeysuckle was also a time "when a single dollar went a long way . . . because they were scarce."

In its seventy years in Covington, the Westvaco mill has brought millions of dollars to the area's economy. In turn the mill has asked for and received the co-operation of many grateful members of the community. And vitriolic as they sometimes wax on the subject of Westvaco's behavior, members of the Clean Air Crusade are always careful to add that they don't want to see the mill driven out of town. A speech by high Westvaco official Crawley Williams on Jan. 12, 1961, seemed to hint that "the economic facts of life" might indeed affect the status of mill as employer.

The Covington Virginian, the local newspaper, headlined the next day: "Don't Take Mill For Granted Says Mgr., Civic Effort Needed." Some townspeople were described by the newspaper as "stunned" by the implications. The official Westvaco position is that Williams did not mean to imply any sort of threat to people who were not willing to put forth much "civic effort" or to the community in general. He was, they feel, misinterpreted. Some of the Clean Air Crusaders respond to this interpretation of misinterpretation with pithy phrases associated with the nearby farm country.

For Frank Kinzer, though, Crawley Williams is not a figure of controversy but a good friend whose companionship he has valued much of their adult lives. They have been "going to the Kentucky Derby together for years." A distinguished-looking man with silvery hair, and a soft Virginia accent, Kinzer declares with patrician emphasis and pride that he and Mr. Williams are "personal friends."

As a member of the State Board concerned with air pollution, Kinzer says he is careful not to go to "these meetings" in Covington where the pollution problem becomes a subject of controversy. His presence, he feels, might be misconstrued, and "the Governor wouldn't like that either." He says that his insurance business is about 60 per cent with union employes at the Westvaco plant and about 40 per cent with mill management and other local people. He worked at the mill himself a couple of summers while he was in college. And he has "the personal insurance of three mill managers."

In this delicate position Kinzer tries "to be friends with everybody . . . to see both sides." Otherwise, "You would cut your own throat if you leaned too much to one side or the other." On the other hand, he doesn't think too much of the activities of the Covington Alleghany Crusade for Clean Air; they are, he says, "always agitating . . . writing letters . . . claiming they have 1400 members . . ." In short: "Keeping things stirred up . . . "

No matter how hard the Crusade members try to represent the State Board and its Technical Advisory Committees as a witches' cauldron of conflict of interest, the members feel that progress is being made in the touchy and newly explored area of air pollution. The Technical Advisory Committee was set up to advise the State Board on the mechanical aspects of controlling pollution.

The chairman of the Advisory Committee is I. Russell Berkness, a Richmond businessman dealing in industrial equipment such as paper mill pumps and boiler accessories. Berkness says he does business with Westvaco. When asked how much business, he replied, "I don't think that's a proper question." Later he added that the business he does with Westvaco is, at the moment, "no more than we do with a lot of others" of the major industries in Virginia. As Berkness sees it the potential for conflict of interest "falls back on the personal ethics of the individuals." He stands on his record, and feels that the men on the Advisory Committee have uniformly advocated progress in pollution control.

"They don't say 'we can't live with this.' In my contact with them they have said they want to move along for the Governor and for the public." And before the Federal government gets involved.

Berkness says he will have been on the Committee two years in March and that he and his fellow members have been asked if they will accept reappointment. Among the other members who are on the Advisory Committee are some who drive the Crusaders into suspicious broodings.

One of these gentlemen is William D. Major, one of the superintendents at the Westvaco plant in Covington. He is the chairman of a subcommittee on process industries, which is concerned with industries like Westvaco. Other members of the process subcommittee include W. C. Chapman, Technical Director of the Bleached Paper and Board Division of Union Camp, another paper-manufacturing concern: Robert Frazier of the Frazier Quarry in Harrisonburg;

Dale Kieffer of Borden Chemical Co.; George Kneass of Foote Mineral Co., and John S. Lagarius, President of Resource Research Inc. in Reston, Va.

"Sometimes I get this feeling of helplessness," says A. B. Caul, chairman of the Alleghany Crusade, as he drives by the vast Westvaco mill.

Thick smoke is rifling out of the stacks and flattening a little higher up, forming a giant gray pancake over Covington. "Did you ever read the novel *Hawaii?* Remember the fort? The great impregnable fort?"

One man who definitely does not feel any sense of impotence about the present pollution controversy is Virginia House Delegate Lewis McMurran of Newport News, chairman of the State Air Pollution Control Board. After the Crusade's letter to the Governor, McMurran told the Associated Press, "Our job is to clean up the air in Virginia, not to drive out or close down the state's industries."

He also stated that the technical advisory committee was made up of professional engineers and that the state was lucky to have their advice. He said that the State board, not the advisory committee, made the decisions and that State law required that no member of the board "may be connected with any industry that would be subject to air pollution control regulation."

In a sense, part of the uproar over air pollution is the fault of the geography of the place which creates "inversions" which in turn keep the smoke spread out over the town. Mill experts say this happens 150 to 200 days a year. Also the company points out that it has spent $5 million on air pollution control, $3 million since 1966.

This does not satisfy the hardcore local critics. They point to the sixty-odd years in which Westvaco spent only 2 million. Further, the critics charge that Westvaco is acting more from self-interest than benevolence in setting up recovery units, since the material recovered is lucrative. Allan Lindsey, a mill supervisor specializing in pollution problems, says that the control devices in the carbon section of the plant are now nearly able to pay for the process itself. But as Doug Luke, a young Westvaco official and a relative of the founder of the company, puts it: "We have nothing to be ashamed of. We are making substantial progress."

For the small percentage of the vocally disgruntled among Covington's residents, progress is not coming fast enough. Spend two hours with a group of the Crusaders and you witness displays of outrage, gallows humor, a little irrelevancy and a sense of frustrated righteousness.

A letter in the Covington Virginian last March replying to a Crusade member has typified, to the despair of the crusaders, the attitude of many townspeople who feel that their jobs might be hurt by any change in the status quo of the mill. The letter read: "Dear Sir: May I make a suggestion to our so unhappy new citizen of Covington, J. I. Bernhardt? Why don't (*sic*) he find a place more suitable to live in that will meet his needs? I am sure we are not holding him here. If it wasn't for the 'Gold Dust' falling around him he would have to leave anyhow. (*Signed*) W. Wallace Harris, Covington, Va."

AN UNFAIR CAPITAL LEVY

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. UTT. Mr. Speaker, last week I reintroduced my bill to reduce the capital gains tax, and I received an immediate response from the president of the Investors League, Inc., of New York City, Mr. William Jackman. I would like to include Mr. Jackman's letter in the Extensions of Remarks, as follows:

INVESTORS LEAGUE, INC.,
New York, N.Y., January 31, 1969.

Congressman JAMES B. UTT,
House Office Building,
Washington, D.C.

MY DEAR CONGRESSMAN UTT: The millions of stockholders and home owners of America indeed owe you a debt of gratitude for introducing H.R. 5575, your bill to cut the maximum long-term capital gains rate from 25% to 12½%. We are conducting a national survey of investors which so far indicates that the U.S. Treasury revenue from this tax would be five times higher than present revenue.

When the government needs more revenue and can get it from a tax decrease, why shouldn't they do so?

AN UNFAIR CAPITAL LEVY

Non-partisan eminent tax economists feel that the economic principle that appreciation or increases in the value of capital is not income. So long as capital is held by the owner, scarcely anyone would assert that appreciation in its value is income. When the capital is sold, the sale does not produce income, since the money or other valuable consideration received in exchange is presumably of no greater value that the capital sold. In other words, the taxpayer is clearly no better off after the sale than he was immediately before. When there has been inflation, the so-called "capital gain" may not be even a real gain in capital. For example, if the owner of a capital asset sells it today for twice as many of today's dollars as the number of dollars he paid for it in 1940, he is not one bit better off, since today's dollar is worth in purchasing power less than half as much as the 1940 dollar. When the government takes one-fourth of such fictitious appreciation, it is clearly imposing a capital levy, not an income tax at all. Since the inflation was caused by the government itself, the tax is particularly unfair.

This is not a tax on income at all, but a capital levy creating a penalty for selling a stock in direct proportion to the rise in quotations. This capital levy was one of the weapons by which it was proposed to "soak the rich" at a time when "redistribution of wealth" was one of the prime objectives of the administration in power. Few Americans realize how drastic an impost this is for it exists in no other major capitalistic country. Certainly at a time when our government can actually gain revenue by the process, we should at least cut the tax in half as another step back toward economic sanity and freedom—freedom to determine without penalty just where we want our savings invested at any time of our choice.

Sincerely yours,

WILLIAM JACKMAN,
President.

THE SITUATION IN THE MIDDLE EAST

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, February 4, 1969

Mr. SCOTT. Mr. President, it was my pleasure to arrange for representatives of the Pennsylvania Jewish community to meet with Rodger P. Davies, Deputy Assistant Secretary of State for Near Eastern and South Asian Affairs, to convey their concern over the current situation in the Middle East. Deputy Assistant Secretary Davies works primarily on Middle East matters.

I ask unanimous consent that the resolution to Secretary of State William Rogers, that was presented at the January 30 meeting, and the Secretary of State's response be printed in the RECORD.

There being no objection, the resolution and letter were ordered to be printed in the RECORD, as follows:

RESOLUTION TO THE SECRETARY OF STATE

This delegation of Rabbis representing more than 1000 rabbis serving the Jews of the Eastern seaboard from New York to Washington present the following resolution to the Secretary of State, the Hon. William Rogers, for his serious consideration.

WHEREAS the State of Israel has been forced into 3 wars during the 21 years of its existence despite its continuous efforts to seek and to offer peace.

WHEREAS a consistent stream of vicious acts of terrorism has flowed from the Arab lands surrounding Israel before and since the War of June 1967.

WHEREAS ruthless and useless acts of murder have been committed over and over again exacting the lives of children on a summer tour, shoppers in a Jerusalem market, passengers at a Tel Aviv bus depot, travelers in an Athens airport, and many others.

WHEREAS the government of Iraq has catered to the lowest animalistic instincts of their citizens by lynching 14 people, 9 of whom were Jews, as a spectacle for gleeful, cheering, frenzied mobs.

WHEREAS the Russian and French governments have seen fit to further encourage and inflame the Arabs in their openly declared aim of annihilating the State of Israel and by so doing wiping out America's only reliable friend in the Mideast.

WHEREAS from a political, moral, and spiritual standpoint it is the duty of this country to stand up for the basic rights of life and liberty.

Therefore, we the rabbis of these States applaud the Secretary of State's recent response to such inhuman acts. However, being fearful of the dreadful signs which forebode a continuation of such murders, we ask the United States government to make the most weighty representations to the United Nations and to those countries which maintain relations with Iraq, that they utilize every diplomatic, humanitarian, and moral means to dissuade the government of Iraq from continuing its barbarous course so alien to the highest concepts of humanity and justice.

We hope and pray to Almighty God that the thousands of Jews still under Arab domination will not be added to the 6,000,000 Jews already plaguing the world's conscience because of its hesitation to act in their behalf.

BALTIMORE BOARD OF RABBIS.
BOARD OF RABBIS OF GREATER PHILADELPHIA.
ESSEX COUNTY BOARD OF RABBIS.
NEW YORK BOARD OF RABBIS.
TRI-COUNTY BOARD OF RABBIS.
WASHINGTON BOARD OF RABBIS.

THE SECRETARY OF STATE,
Washington, February 3, 1969.

Rabbi LEO LANDSMAN,
President, the Board of Rabbis of Greater Philadelphia, Philadelphia, Pa.

DEAR RABBI LANDMAN: Mr. Davies has given me the Resolution you handed him on January 30 and has told me of his conversation with you and the other representatives of Eastern Rabbis.

I understand completely your reaction to the recent events in the Middle East and can assure you that I and my colleagues in the Department of State share your deeply-felt concern. We shall do everything we possibly can to alleviate the plight of Jews and other minorities in the Middle East. As President

Nixon has pledged, we shall direct the influence of this Government in support of a reduction of tensions in the Middle East and the achievement of a lasting peace settlement.

I am sending a copy of this letter to Senator Hugh Scott.

Sincerely yours,

WILLIAM P. ROGERS.

CONGRESSIONAL MEDAL OF HONOR AWARDED TO TWO NATIVES OF NEWNAN, GA.

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. NICHOLS. Mr. Speaker, President Johnson recently presented the Congressional Medal of Honor to two officers who were natives of the same hometown of Newnan, Ga. In making the presentation, the President commented that this was the first time two men from the same small town were honored with the Nation's highest military award.

I have received a letter from Legionnaire Charles R. Forman of Post 107 of the American Legion at Leeds, Ala., pointing out that two members of that post have been awarded the Medal of Honor. Leeds, with some 6,500 residents, certainly qualifies as a small town. Both men were born in Leeds, and at last account, both were still in the service. To set the record straight, I would like at this point to insert in the RECORD the citations of William R. Lawley, Jr., and Alford L. McLaughlin:

LAWLEY, WILLIAM R., JR.

Rank and organization: First Lieutenant, United States Army Air Corps. Place and date: Over Europe, 20 February 1944. Entered service at: Birmingham, Ala. Birth: Leeds, Ala. G.O. No.: 64, 8 August 1944. Citation: For conspicuous gallantry and intrepidity in action above and beyond the call of duty, 20 February 1944, while serving as pilot of a B-17 aircraft on a heavy bombardment mission over enemy-occupied continental Europe. Coming off the target he was attacked by approximately 20 enemy fighters, shot out of formation, and his plane severely crippled. Eight crewmembers were wounded, the copilot was killed by a 20-mm. shell. One engine was on fire, the controls shot away, and Lieutenant Lawley seriously and painfully wounded about the face. Forcing the copilot's body off the controls, he brought the plane out of a steep dive, flying with his left hand only. Blood covered the instruments and windshield and visibility was impossible. With a full bomb load the plane was difficult to maneuver and bombs could not be released because the racks were frozen. After the order to bail out had been given, one of the waist gunners informed the pilot that two crewmembers were so severely wounded that it would be impossible for them to bail out. With the fire in the engine spreading, the danger of an explosion was imminent. Because of the helpless condition of his wounded crewmembers Lieutenant Lawley elected to remain with the ship and bring them to safety if it was humanly possible, giving the other crewmembers the option of bailing out. Enemy fighters again attacked but by using masterful evasive action he managed to lose them. One engine again caught on fire and was extinguished by skillful flying. Lieutenant Lawley remained at his post, refusing first aid until he collapsed from sheer exhaustion caused by loss of blood, shock, and the energy he had expended in keeping control of his plane. He was revived by the bombardier and again took over the controls. Coming over the English coast one engine ran out of gasoline and had to be feathered. Another engine started to burn and continued to do so until a successful crash landing was made on a small fighter base. Through his heroism and exceptional flying skill Lieutenant Lawley rendered outstanding distinguished and valorous service to our Nation.

Colonel Lawley is presently assigned to duty at Maxwell Air Force Base, Ala.

McLAUGHLIN, ALFORD L.

Rank and organization: Private First Class, United States Marine Corps, Company L, 3d Battalion, 5th Marines, 1st Marine Division (Reinforced). *Place and date:* Korea, 4 and 5 September 1952. *Entered service at:* Leeds, Ala. *Birth:* Leeds, Ala. *Citation:* For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a machinegunner of Company 1, 3d Battalion, 5th Marines, 1st Marine Division (Reinforced), in action against enemy aggressor forces in Korea on the night of 4–5 September 1952. Volunteering for his second continuous tour of duty on a strategic combat outpost far in advance of the main line of resistance, Private First Class McLaughlin, although operating under a barrage of enemy artillery and mortar fire, set up plans for the defense of his position which proved decisive in the successful defense of the outpost. When hostile forces attacked in battalion strength during the night, he maintained a constant flow of devastating fire upon the enemy, alternately employing two machineguns, a carbine, and hand grenades. Although painfully wounded, he bravely fired the machineguns from the hip until his hands became blistered by the extreme heat from the weapons and, placing the guns on the ground to allow them to cool, continued to defend the position with his carbine and grenades. Standing up in full view, he shouted words of encouragement to his comrades above the din of battle and, throughout a series of fanatical enemy attacks, sprayed the surrounding area with deadly fire, accounting for an estimated 150 enemy dead and 50 wounded. By his indomitable courage, superb leadership, and valiant fighting spirit in the face of overwhelming odds, Private First Class McLaughlin served to inspire his fellow marines in their gallant stand against the enemy and was directly instrumental in preventing the vital outpost from falling into the hands of a determined and numerically superior hostile force. His outstanding heroism and unwavering devotion to duty reflect the highest credit upon himself and enhance the finest traditions of the United States naval service.

Staff Sergeant McLaughlin is presently assigned to active duty with the Marine Corps.

REPORT TO THE FIFTH DISTRICT OF GEORGIA

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. THOMPSON of Georgia. Mr. Speaker, in order that my colleagues and those who receive the CONGRESSIONAL RECORD will have access to the report I am sending to the people of the Fifth District of Georgia, I include the attached report, in full, in the Extensions of Remarks section of the CONGRESSIONAL RECORD:

DEAR FRIEND: *A new Congress*: The 91st Congress has convened, and I must express my deep appreciation to the voters of the Fifth District for the opportunity of continued service to you in the House of Representatives. *I am truly grateful to all of you for your support. If there is any way in which I can serve you, please let me know.* My address is U.S. Congress, Washington, D.C. 20515, telephone 225–3801 (Area Code 202). My Atlanta District Office is at 327 Old Post Office Building, telephone 524–1275.

Looking forward: Now that Richard M. Nixon is the President everyone is asking what will his administration be like, *what does the future hold,* will we be able to move forward together, as his slogan suggested?

Presidential honeymoon: Nixon is the first President in over 120 years who faces a Congress controlled by the opposition party. Both the House and the Senate are controlled by Democrats. *How successful the Nixon administration will be in achieving its objectives will be due in large part to the attitude taken by the Congress.* The Nixon programs will have to be sold on their merits. *Presidential arm-twisting such as that practiced by the Johnson administration will be a thing of the past.* Expect the Congressional leaders of the Democratic Party to be cooperative with the Nixon administration for the first few months with future cooperation yet undecided.

You can expect: Nixon as President will be calm, competent, careful and cautious. *Do not expect him to make promises to the poor and other groups which he knows cannot be fulfilled.* Do expect his administration to be more candid. An effort will be made to eliminate the credibility gap of the Johnson administration. *Nixon has given orders that the truth is not to be twisted in an effort to obtain political support with promises* which cannot be expected to be kept.

Problems ahead: Some of the problems inherited by the Nixon administration . . . eliminating poverty . . . aiding the poor. Expect the Nixon approach to be one designed to enable the poor to help themselves, obtain a stake in America. *Emphasis will be placed more on home ownership, than government housing; helping people to enter into business and train for job security, than on hand-outs* . . . educating the entire population so that they can all make a contribution to our country through the use of their talents and labor.

Peace prospects: In the inaugural address, one message overshadowed all others . . . peace. President Nixon is determined to conclude the war in Vietnam through honorable means just as did President Eisenhower in Korea when he took office. *Probably no problem will receive as much of the President's attention in the early days of his administration than ending the war in Vietnam and bringing about peace throughout the world.*

Social security: Last session, we tried unsuccessfully to provide automatic increases in Social Security when the cost of living goes up and *removing the limit on the amount of money a person drawing Social Security may earn when he has to work after age 65.* I will reintroduce both bills in the 91st Congress. Expect the Nixon Administration to *support* automatic cost of living increases in Social Security.

Taxes: Last year I opposed the 10% income tax surcharge, because *I maintained it would be inflationary* and make businesses increase their prices due to their increased overhead. This proved to be true. Now, talk is of renewing the tax surcharge beyond June 30. *I will have to be convinced that any renewal will actually reduce inflation before it will get my vote.* As your Congressman, *I cannot support any additional taxes unless there is a dire need,* and I feel that first priority should be given to *cutting down government spending.*

Protecting moral standards: The moral fiber of America is under attack by profiteers who peddle dope and smut material, not just to adults but to high school and teen-age population. The Supreme Court has made almost completely ineffective laws preventing the distribution of lewd, obscene materials. *As your Congressman, I have introduced a constitutional amendment to grant to Congress the right to pass laws regulating obscene material.* We have the right to protect ourselves from those who would ply on our own weaknesses for profit to themselves. *Our mail has been heavy with letters from people in the Atlanta area objecting to vulgar materials being sent unsolicited to them and their teen-agers and which at present we cannot adequately prevent.*

Ethics: Having been a leader in revisions of the standards of ethical conduct for members of Congress, *your Congressman has already filed with the Committee on Standards of Official Conduct a full disclosure of all sources of income and assets and was one of the first to do so.*

Aircraft hijackings: This is one of the most difficult problems to solve. *Three solutions basically are possible:* (1) Search every passenger boarding an airplane for arms. This is repugnant to our American way of life and has the taint of a police state. (2) place armed guards on each flight. The danger here is a "shoot-out-in the sky" with a stray bullet causing the airplane to explode, killing all on board. (3) *Convincing the Castro government in Cuba that the hijackers must be returned to face justice in the United States.* This is the best solution though admittedly the most difficult to place in effect. Diplomatic problems may be almost insurmountable, yet we must bring about a solution before some maniac causes the death of an entire plane-load of American citizens.

An unbalanced budget: Outgoing President Lyndon B. Johnson presented a budget which he claimed not only was "balanced" but also would have a $3 billion surplus. *What he didn't tell you was that he used Social Security and Highway trust funds to make the budget appear in balance, even though another section of the budget showed the national debt increasing during the same period of time from $354,445,000,000 to $361,053,000,000.* You only balance a budget by not spending more money than you take in.

Keeping America strong: Being personally and intimately acquainted with the new Secretary of Defense, Melvin Laird, I can assure you that *America's strength will be maintained.* Secretary Laird will not be lulled into any false thinking about the security of your country and recognizes that *true peace can come to the world only by long, tedious diplomatic efforts on the President's part with a strong defense establishment backing him up.* Leaving no stone unturned toward achieving peace, we will still "be as strong as we need to be for as long as we need to be."

A personal note: As your Congressman, I and my family spend half our time in Washington and half our time in Georgia. Because of this we have to have two homes. Shortly before the election, I bought a lot and built a house for my family up here. Thanks for your vote and letting us move into it rather than selling it without ever having used it.

It is a high honor for me to serve you in Congress.

Yours very truly,
FLETCHER THOMPSON,
Member of Congress.

MOUNTAIN GROVE 4-H CLUB

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. HALL. Mr. Speaker, the Library of Congress has confirmed the fact that the Mountain Grove, Mo., 4-H Club is the first 4-H Club to be inaugural guests of the President. I insert at this point in the RECORD the report by Mrs. B. B. Mackey describing the events that led up to this selection as well as the outstanding efforts of the Mountain Grove community to make this trip a reality. The report follows:

> A Mountain Grove 4-H Club learned Tuesday, January 28, that it will go down in history.
>
> Congressman Hall of the Missouri Seventh District confirmed the fact the club was the first 4-H Club to be an inauguration guest of a President.
>
> Twelve members of the Live Wires 4-H Club spent nearly a week in Washington. The club had written to Richard Nixon following his election, congratulating him. In the letter he was informed that they had "elected" him by a small majority in a mock vote prior to the election. The results of their mock vote were: President-Nixon 9, Humphrey 1, Wallace 8; Vice-President-Agnew 10, Muskie 3, Lemay 3; For Governor-Roos 5, Hearnes 11.
>
> This, plus citizenship activities, earned the trip, according to Mrs B. B. Mackey, Community Leader of the club, who received the call from Congressman Hall's office.
>
> Mountain Grove's 3,176 people raised $730.00 in 51 hours to help finance the bus trip, and an additional $50.00 was brought in by State Representative Tom Carter from the people of Hartville and Norwood. Mr. Lee Horning and his good neighbors on 59th Place, Cheverly, Maryland furnished lodging, food, and transportation for the 4H'ers in Washington.
>
> Mr. Horning and Dr. Carl Fichtel arranged a tour of the Goddard Space Center, which is a part of NASA, and a three hour lecture which was given by Dr. Don Kniffen.
>
> Mrs. Mackey, who, along with Mrs. Raymond Coffman, accompanied the group, said, "My husband and I live on a 160 acre farm outside Mountain Grove, Missouri. My husband is handicapped and we could never have left the farm unattended if our friends hadn't been so wonderful." She said three foreign scientists, who are working at the Missouri State Fruit Experiment Station in Mountain Grove, took care of the Mackey farm while they were gone. These scientists are Peiu Mamarov and Vesselin Todorov of Bulgaria, and Darshan Singh Sarai of India. All three are Ph D's. While at the Inauguration, the 4-H'ers met many distinguished people. Among these were Governor Warren Hearnes, Senator Tom Eagleton, and Congressman Durward G. Hall of the Missouri Delegation.
>
> Members making the trip, Mary, Bentley, and Alvin Mackey, Nyalin Schott, Susie and Billy Jones, Bob and Steve McGinnis, Judy Dennis, Carol Peebles, Mary Beth and Terry Coffman believe that the success of the club has been largely due to the fact that we give credit to a higher power. Four years ago leaders with no previous 4-H experience proceeded on instinct and felt their way along. They set up a time for devotions at each meeting. We believe this honor accorded us to attend the Inauguration was due to this practice. First Samuel says, "The Lord saith. . . . 'For them that honor me, I will honor.' " To Him we give credit for any successes that we have. Without Him, we are nothing.
>
> LIVE WIRES 4-H CLUB,
> By MRS. B. B. MACKEY.
>
> (NOTE.—In their citizenship activities, the club has received communications from President Richard Nixon, Mrs. Ethel Kennedy, Mrs. Lyndon B. Johnson, Governor Warren Hearnes, Dr. Durward Hall, Representative Tom Carter, and Mrs. Jacqueline Kennedy.)

FLOOD PREVENTION

HON. GEORGE H. FALLON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. FALLON. Mr. Speaker, for many years the Congress has been slandered by accusations of "pork barrel" whenever it authorizes or appropriates money for flood control and other water resource development projects. These same critics applaud the very restrictive appropriation bills of the last few years, totally ignoring the future adverse effects of having to reduce current expenditures for urgently needed new water resource development projects.

However, the last 2 weeks have demonstrated what flood control measures have saved in life and property in the State of California. This is further evidence of the value of such projects. In the report which accompanied the fiscal 1968 public works appropriation bill, it was noted that flood control benefits realized to that time by construction of flood control facilities by the Corps of Engineers, the Bureau of Reclamation, and the Tennessee Valley Authority was $15,000,000,000 in damages prevented and $6,000,000,000 in expenditures for such protection—House Report No. 505, 90th Congress.

Lt. Gen. William F. Cassidy, Chief of of the Army Engineers, recently stated:

> The biggest metropolitan flood prevention operation in history escaped the attention of the American people during the last two weeks as they saw, heard and read reports of mud slides and rampaging streams in unprotected areas of California. But then, floods that don't happen are not as dramatic as rivers of mud which claim lives, crush homes, erode canyon roads and silt up miles in unprotected suburbs.
>
> The deluge which hit Los Angeles county this month was greater than the record flood of 1938 when more than 5,600 homes were destroyed, 86 people perished in mud and water, and 127 more were missing. Without the billion-dollar flood-proofing system built in the county by the Corps of Engineers in cooperation with local interests during the past three decades, damages would have soared above the 1.2-billion-dollar mark during the past two weeks.

General Cassidy termed it the "most dramatic justification for flood control measures ever seen," pointing out that the population of Los Angeles County has almost tripled since 1938. The Chief of Engineers further stated:

> This new record storm at Los Angeles was mostly trapped in flood and debris control dams or flowed harmlessly within banks of hundreds of miles of channels and thousands of miles of storm sewers. The investment of $340,000,000 of Federal funds and $750,000,000 of local funds returned more than 100 percent dividends in this single storm.
>
> In other portions of the State, where flood control projects were in existence, damages prevented ran into the millions of dollars. The 1,484-square-mile Russian River basin would have suffered another $1,270,000 in damages in Sonoma and Mendocino counties, had it not been for Coyote Dam and Lake Mendocino. In Marin county, the partially completed Corte Madera creek project prevented additional damages.
>
> The Santa Ana River would have rampaged through a considerable portion of

Orange County too had it not been for Prado Dam. Water poured into the reservoir at the rate of 74,000 cubic feet per second but was released at the rate of 4,600 cfs. Storage in the reservoir reached 72,000 acre-feet, all of which will be released slowly enough to prevent downstream damage.

Throughout the Sacramento and San Joaquin River basin the 1,300 miles of river levees and numerous multiple purpose dam and reservoir projects functioned as designed. Through a system of by-passes flood flows of the Sacramento River were shunted around the capital city permitting business as usual. Flood water channels between levees and water behind dams along the Sierra from Shasta to Isabella near Bakersfield on the south prevented an estimated $50 million in damages.

General Cassidy concluded, and I believe we can all agree, that "control of floods is an essential and sound investment for the American people."

I insert in the RECORD at this point a press release by the South Pacific Division Corps of Engineers, of January 27, 1969, and several news articles concerning the damage which was prevented by Federal and local flood control projects:

SAN FRANCISCO,
January 27, 1969.

Flood control structures built by the U.S. Army Corps of Engineers have in the past two weeks prevented over $1¼ billion in damages to urban and suburban areas over the State of California according to Brigadier General William M. Glasgow, Division Engineer.

The great portion of this protection has been realized in Los Angeles and Orange Counties, hard hit by mud slides and surplus rainfall, where they would have suffered another estimated $1,200,000,000 in flood water damages without the Army Engineer flood control structures. Natural water run off into the five Los Angeles county drainage areas (LACDA) flood control dams, and through the intricate system of main-stream and tributary channels was greater than the 1938 disastrous flood. Glasgow said had the LACDA project not been constructed, more lives would have been lost, thousands of additional homeowners would have been displaced, and a considerable portion of all transportation and communication services would have been out of commission.

Federal cost of the LACDA project has been $340 million to date spread over a 30-year period. The people of Los Angeles county have paid another $750 million over the same period. "Thus," General Glasgow said, "the LACDA project almost paid for itself in just this one storm."

The Santa Ana River would have rampaged through a considerable portion of Orange County too had it not been for Prado Dam, General Glasgow added. Water poured into the reservoir at the rate of 74,000 cubic feet per second but was released at the rate of 4,600 cfs. Storage in the reservoir reached 72,000 acre-feet, all of which will be released slowly enough to permit percolation into the underground water table as conditions permit.

In other portions of the State, where flood control projects were in existence, damages prevented ran into the millions of dollars. The 1,484-square-mile Russian River basin would have suffered another $1,270,000 in damages in Sonoma and Mendocino counties, had it not been for Coyote Dam and Lake Mendocino. In Marin county, the partially completed Corte Madera creek project prevented an additional $25,000 in damages.

Throughout the Sacramento and San Joaquin River basin the 1,300 mile of river levees and numerous multiple purpose dam and reservoir projects functioned as designed. Through a system of by-passes flood flows of the Sacramento River were shunted around the capital city permitting business as usual. Flood water channels between levees and water behind dams along the Sierra from Shasta to Isabella near Bakersfield on the south prevented an estimated $50 million in damages.

[From the Oakland (Calif.) Tribune, Jan. 27, 1969]

THE FLOOD THAT WASN'T

As we read of the disastrous rain damages inflicted up and down the state in recent weeks, the tendency may have been to overlook a most significant aspect of the winter storm: the fact that the Eastbay escaped with little damage of consequence.

Lake Merritt did not spill over its banks into the downtown area; a raging Temescal Creek did not threaten Emeryville; mud slides did not destroy several Oakland hill area homes; runoff from flooded ravines did not overflow into scores of Castro Valley homes; a rain-swollen Arroyo Mocho in Pleasanton did not inundate thousands of acres of farm and residential land; and Alameda Creek this year did not turn the Union City-Fremont-Newark flood plain into a vast lake.

To be sure, the Eastbay was spared the intense downpours which inundated some communities. But rain it did, and hard enough to have inflicted any of the catastrophes so common in past years.

Most of the credit for what didn't happen must go to the achievements of the Alameda County Flood Control District and the U.S. Army Corps of Engineers during the past two decades.

Established in 1949, the flood control district now covers some 90 per cent of the county's land area. Its first acts were to survey what the county's flood problems were, decide what had to be done and draw up a master drainage plan to do it.

Since then, some $100 million worth of flood control projects have been authorized by the public and more than $35 million worth completed.

Existing creek beds have been widened, deepened, diverted, lined with concrete, encased in pipe or run underground. A constant maintenance program to keep them free of debris assures that they will function efficiently any time a storm hits.

Cull Canyon Dam and Reservoir, Don Castro Dam and Reservoir and Ward Creek Dam have all emerged. All are now used to hold back the crest of potential flood waters.

The army engineers have contributed additional millions of dollars worth of projects to tame San Lorenzo and Alameda creeks.

No one contends that major floods are a permanent thing of the past in the Eastbay. But it may be that nagging every-other-year-or-so floods are.

If so, it's a tribute both to the community which undertook the massive flood control venture and to the public officials who supplied the energy and technical competence which have provided a handsome return on tax dollars invested.

[From the Los Angeles (Calif.) Times, January, 27, 1969]

MILLIONS SPENT ON DRAINAGE SYSTEM PAY OFF—RESERVOIRS, STORM OUTFLOW LINES AND RIVER CHANNELS CUT LOSSES DRASTICALLY

(By William J. Drummond)

Los Angeles County, troubled by flooding throughout its history, has been paid ample dividends during the current rain siege from a multimillion-dollar investment in storm drains, reservoirs and concrete river channels, federal officials said Sunday.

The half-century of work to meet the sort of eventuality that has occurred in the last nine days has produced 21 reservoirs, 13,000 miles of storm drains and 400 miles of river channels.

Many of those reservoirs filled to the brim Saturday and Sunday. At first, release valves drained the overflow into downstream channels. However, as the level continued to grow from the runoff, several reservoirs went over the top and hundreds of gallons of water roared over the spillways and along concrete water courses on the way to the sea.

DAY BEFORE IT'S NORMAL

In a day or so, according to County Flood Control District officials, the level will be back to the more normal valve-release stage.

Although lives have been lost and property damaged during the rains, the losses come nowhere near the catastrophic terms of the 1938 flood, which produced a greater loss of life and property than any other flood in county history.

Records of floods in the county go back to 1815, when it rained so heavily that the Los Angeles River abandoned its channel and flowed to the west, following very nearly the present line of Alameda St.

In 1825 the river again left its bed and drifted toward the east, forming its present channel. Before settling into that channel, the river "spread over the country, filling the depressions in the surface, forming lakes, ponds and marshes," as one writer of the period put it.

The 1859–60 winter was a heavy storm season. On Dec. 4, 1859, a southeaster set in and, in 48 hours, 12 inches of rain fell.

FLOOD DESTROYS MACHINERY

There was a good deal of placer mining going on in San Gabriel Canyon at the time, and the effect of this storm was to sweep all the miners' sluices and other machinery to destruction.

One historian calls the flood of 1861–62 the "Noachian deluge of Southern California."

"The rivers spread over the lowlands . . . The Arroyo Seco was swollen to a mighty river. It brought down from the mountains and canyons great rafts of driftwood which were scattered over the plains below the city and furnished fuel for the poor people for several years," he wrote.

Five years later, a flood occurred during which the entire town of Galitan, near Los Nietos, was washed away.

One of the most destructive floods of modern times took place in January, 1914, when the Los Angeles River turned into a torrent and inundated adjacent lands, swept bridges away and interfered with railroad traffic.

A flood that many persons remember and talk about occurred on New Year's Eve and New Year's Day in 1934. During that 24-hour period, more than 12 inches of rain fell. Columbia was playing Stanford in the Rose Bowl that year.

Then came the 1938 disaster. The Red Cross estimated that 5,601 homes were wrecked. Damage to property in the city and county was estimated at $18 million (in 1938 dollars).

Eighty-eight persons died in drownings and earthslides, and 127 more were missing.

The scale of the disaster caused the New York Times to observe: "No flood, no earthquake, no fire, no depression will stop Los Angeles. It's tragedy has aroused a nation's sympathy, but the scars will heal."

BUILDING OF SYSTEM

The scars did heal, but, moreover, greater impetus was given to construction of a flood-control system that would prevent the pain and suffering the community had just gone through.

Dating back to bond issues of 1917, the county had financed reservoirs in the foothill areas. The largest of the dams built by the county, San Gabriel Dam, seven miles north of Azusa, was financed out of a 1924 bond issue at cost of $17 million and was completed in July, 1939.

With passage of the federal Flood Control Act in 1936, the Army Corps of Engineers became involved in the county flood control program.

Seven federally financed reservoirs have been added since then to supplement 14 smaller county dams in providing flood protection for residents of Los Angeles.

The Corps of Engineers also built debris basins and "concrete straitjackets" for the Los Angeles and San Gabriel rivers to keep them from overflowing their banks before emptying into the ocean during high water.

Meanwhile, the county was providing a network of storm drains to run beneath city streets and aid in carrying excess water to the sea.

The whole system has come to completion in the last few years.

"Our main work is done, and this flood proves it," said Gerald B. Levin, supervisory engineer of the Los Angeles District of the Corps of Engineers.

Much of the damage to property and the loss of lives in the recent storm have occurred because of collapsing hillsides, not because of flooding of rivers or overflowing of dams, said Stanley R. Steenbock, special assistant to the chief engineer, Los Angeles County Flood Control District.

POPULATION GROWTH

With the growth of the population, the importance of the flood control system has increased.

A meteorologist once pointed out that if the roof area of all the houses in the county could be calculated and if to that was added the surface areas of all the impervious highways, and added to that the elimination of grasses and chaparral that had served to shatter the rain into minute drops so that they fell on the earth gently and were easily absorbed, it would be clear that the increase in population increased the danger of flooding.

[From the Christian Science Monitor, Jan. 28, 1969]

RAINS BRING WORST DAMAGE SINCE 1938: SOUTHERN CALIFORNIANS WRING THEMSELVES OUT

(By John C. Waugh)

LOS ANGELES.—Rain, which looked as if it would never end, finally did. And now southern California, under a cloudless sky, is wading out of its worst deluge in 31 years.

For nine dismal days the rains came. Two storms beat in across most of California, one right behind the other. The hammer of rain on the roof was at first just bothersome. Then it canceled a pro golf tournament.

But as the rain kept beating down the situation turned from bothersome to serious to alarming. By Sunday the entire state had been declared a disaster area by President Nixon.

Torrents of water, swollen to many times wider than their bedstreams, leaped and cascaded through towns in Los Angeles and Santa Barbara Counties. Topanga Canyon and Glendora, small residential areas few outside of California had ever heard of, suddenly were international names—the first tossed on a raging torrent of water, the second fighting and fleeing an oozing wall of mud.

FEDERAL AID AUTHORIZED

By Sunday, the rains were ending and the plowing from under had started. But the toll was big—89 fatalities and $35 million in property damage statewide. Los Angeles Mayor Samuel W. Yorty, floating over the floods in a helicopter, pegged the damage in Los Angeles alone at $15 million.

President Nixon moved quickly from Washington with a declaration of disaster, which now will start $3 million of relief flowing into the state. In addition, machinery is already in motion that will float millions of dollars in federal loans for homes and businesses damaged in the two battering storms.

The storms turned 9,000 Californians out of their homes. An army of friends have manned shovels and opened their homes and apartments to the temporarily homeless.

What happened in a home in the Bel Air section of the steep rising Santa Monica Mountains happened over and over again here.

Early Saturday morning the hill that lifted abruptly up from the backyard of the house on Nalin Place, gave way in a rush and a fall of mud. As water and ooze piled up quickly behind the house, the family fled.

The pressure built up to a point where it appeared the house would explode from it. A friend frantically tore a hole in the side of the house to let the mud and water in and take the pressure off. A bed of ooze and water and mud covered the whole inside—but the house was saved.

Other houses fared less well with many swept away before the walls of water and mud.

PREVENTIVE WORK PAYS OFF

But for the millions of dollars plowed into reservoirs, storm drains, and river channels here over the past half century, the nine days of rain would have turned into a cataclysmic disaster.

Even so, many of the region's 21 reservoirs rose and ran over the top. But the 13,000 miles of storm drains and 400 miles of river channels in Los Angeles County alone kept the flood manageable and the damage and loss of life down.

The losses nowhere near matched those of the last major flood here in 1938. Some 5,000 homes were lost that year. There were at least 83 fatalities, 127 more persons were missing, and damage in the county and city alone mounted to $18 million.

Water, rain, and mud form one of a triumvirate of natural disasters that dog southern California. In this region, made up mostly of sunshine and temperate weather, the only three natural phenomena that ravage it are earthquake, fire, and water.

REPAIRS UNDERWAY

Some of the hill-clinging residential areas that suffer most from the brush fires which sometimes rage out of control here are also hardest hit in rain, with their moisture-holding ground cover destroyed by fire.

Some of the same residents in Bel Air, who only a few years ago were fleeing a raging wall of fire, over this past weekend were fleeing a sliding wall of mud. The same hills that grow the incendiary brush also supply mountains of mud, which oozed down on many homes here over the past few days.

The joint plowing in of men and money from federal, state, and local governments is in full tilt here. Some 300 national guardsmen and an armada of helicopters, vehicles, and heavy equipment initially involved in rescue missions now are beginning the long job of digging out and repairing the damage.

In Montecito and Carpinteria in Santa Barbara County, crews had to fight back water-swollen streams just as they would fires out of control.

Evacuations were under way through the rain on everything from aircraft to horseback. Now the digging out is by shovel and bulldozer—friends and neighbors mostly manning the first and various governmental agencies the second.

Out of the disaster then also has come a unified hand up throughout the rain-soaked area.

THE INEXCUSABLE RISE IN INSURANCE PREMIUMS

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. MADDEN. Mr. Speaker, I have received a great many letters protesting the unconscionable rapid rise in insurance rates in recent years. Considering the avalanche of automobiles, trucks, and other transportation vehicles which have increased throughout the Nation, the public is at the mercy of the large insurance trusts. It is high time that steps be taken by the Congress of the United States to have a complete investigation of the fabulous prices of ordinary insurance rates throughout the country. I am hereby submitting a letter from Mr. A. D. Jackson of 1526 Steiber Street, Whiting, Ind., 46394, which is merely a sample of the mail coming into my office on this problem:

WHITING, IND.

DEAR MR. MADDEN: I am writing to you concerning some of the insurance rates charged in this state which are both high and discriminatory. My problem is with Allstate Insurance which charges so called "special rates" for males 18–25, 25–29, and 30–40. Many other large companies also think that it takes a man 40 years to learn to drive a car.

Besides being high, I might add that these "special rates" apply to males only. No consideration is given to a male driver's intelligence, potential, or education. I am past 25, a college graduate, and have a good driving record.

Since many companies base their rates on rather arbitrary criteria, I suspect that this may constitute both a monopoly and a conspiracy. A policy is regarded as a private contract, but certain males of legal age are not able to enter into a contract on an equal basis with their peers thereby becoming "de facto" second class citizens.

The legal complications run further. Insurance questionnaires fail to inform the prospective client that what he says may be held against him. The Miranda and Escobedo decisions of the Supreme Court have not been put into effect on these forms. I therefore contend that any extra premium charged to a male that is beyond the ordinary cost was acquired illegally.

Because the rates charged are both arbitrary and oppressive, and perhaps unlawful, I have little other recourse except to request your help. Any advice you can give me will be greatly appreciated. Thank you very much.

Sincerely,

A. D. JACKSON.

PRAYER AMENDMENT

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. FREY. Mr. Speaker, I have today introduced a bill to amend that portion of the first amendment of our Constitution dealing with freedom of religion. In a truer sense, the amendment I propose does not change, but merely restores and retains, the original meaning and intent of this portion of the first amendment to the Constitution. In recent years court decisions have tended to discourage the recognition of our religious heritage and bar even nondenominational prayer in schools. Just recently a woman received nationwide publicity when she criticized the Apollo 8 astronauts for reading from the Bible in their Christmas Eve message from outer space. Such events have reached the point of absurdity.

The founders of this country did not intend that the church and state be hostile and suspicious toward one another. It was not intended that our Government never recognize and encourage the worth of religious activities. In fact, the very opposite has been the case. The U.S. Supreme Court begins each session with these words:

> God save the United States and this Honorable Court.

The U.S. House of Representatives starts each day's proceedings with a prayer by a religious leader, and has its own Chaplain. Tax exemptions are allowed for church property and tax deductions for religious contributions. Federal funds are used to pay salaries to officers in the armed services who are military chaplains, and whose sole function is to minister to the spiritual needs of our armed services. Municipalities and counties give fire and police protection to churches who do not pay any taxes. The motto that appears on our coins and currency and the motto of States such as Florida, is "In God We Trust." The oath of office of our President and Members of Congress ends with "So Help Me God." These are but a few examples illustrative of our Government's recognition and acceptance of the importance of religion in our daily life and in the heritage of this country.

Discussing the background of the first amendment to the Constitution, Allen C. Brownfield in an article entitled, "The Constitutional Intent Concerning Matters of Church and State." 174 William and Mary Law Review, Vol. 5, 174 at 204 (1964) states:

> In 1789 we were emerging from a situation in which each colony had an established church, or barring this, had given religious groups a preferred place in status. The era was one in which the very concept of religious freedom was a revolutionary one. For Madison to propose the First Amendment was an important step forward. To say that he meant to place Government in a "neutral" position—as against religion on the one hand and secularism or agnosticism on the other—is hardly borne out by the facts. The intention of Madison, Mason, and Jefferson *seems to have been that Government be neutral about endorsing any particular religion—but not about religion and a belief in God itself.* (emphasis added)

For nearly 150 years after the passage of the first amendment to the Constitution, no serious questions were raised about the meaning of the first amendment regarding religion. The case of *Reynolds* v. *U.S.*, 98 U.S. 145 (1879) was the first major case involving interpretation of the first amendment. In the Reynolds case the conviction of a Mormon who had practiced polygamy in accordance with his faith but in violation of the Elkins Act was upheld. Thereafter there was little activity until 1940 when a series of cases involving the first amendment were decided such as: Jehovah's Witnesses, eg., ***Cantwell*** **v.** ***Connecticut***, 310 U.S. 296 (1940); the schoolbus case ***Everson*** **v.** ***Board of Education***, 330 U.S. 1 (1947); released time cases *Illinois ex rel McCollum* v. *Board of Education*, 333 U.S. 203 (1948); and *Zorach* v. *Clauson*, 343 U.S. 306 (1952); Blue Law Cases, eg., *Gallagher* v. *Crown Kosher Super Market of Massachusetts, Inc.*, 336 U.S. 617 (1961); test oath case ***Torcaso*** **v.** ***Watkins***, 367 U.S. 488 (1961); and the school prayer issue eg., ***Engel*** **v.** ***Vitale***, 370 U.S. 421 (1962).

The only consistent rationale in these cases appears to be a search for a balance between those who want to recognize the religious heritage of this country and those who believe in a complete separation of church and state. I am in complete agreement with those who say there shall be no interference with the free exercise of religion in this country. I am also in complete agreement with the principle that the religious views of one person or one denomination should not be forced on any other person or denomination.

The amendment I propose states:

> SECTION 1. Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building, vessel, aircraft, spacecraft or facility, which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer.
>
> SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

This amendment does not violate either of the above principles.

It is time we took a commonsense approach and established a reasonable position between these two conflicting principles. This should not be left to judicial fiat. Not to adopt this proposed amendment would be to prefer those who have no religion over those who do. Not to adopt this amendment would be a signal for the Mrs. O'Hairs of the world to attack our other religious institutions, such as the reference to God on our coins and even our holidays such as Christmas. As ridiculous as this sounds, who could believe that today it is illegal in school for children to say:

> "Thank You for the world so sweet,
> Thank You for the food we eat,
> Thank You for the birds that sing,
> Thank You God for everything."

I would hope that none would find this proposed amendment offensive and that those who disagree will understand the spirit in which it is offered.

THE CONSUMER PROTECTIVE ASSISTANCE BILL

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. REID of New York. Mr. Speaker, I am cosponsoring today, with several of my colleagues, a bill which proposes the enactment of a Consumer Protective Assistance Act, which is being introduced in the Senate today by the senior Senator from New York, Mr. JAVITS.

We are all consumers, and consequently, we are all affected daily by the economics of the marketplace. Some form of consumer fraud is evident in all walks of society, and torment each and every one of us. However, numerous studies now show that the bulk of consumer fraud affects the poor citizen, contributing to the crisis in the cities. For instance, the Committee on Government Operations has recently found essentially valid allegations that are frequently made that, first of all, the prices of selected food items are often raised on the dates that welfare checks and food stamps are received, and second, that merchandise, particularly meats and produce, is frequently inferior in quality in chainstores located in low-income neighborhoods. What is more, the committee also found that even the regular day-to-day prices were often higher than those in upper- and middle-income areas. It seems blatantly clear that the poor are indeed paying more and receiving less.

In addition to this, the middle-income citizen also pays a fee for his lack of special education. The expert technician has a grasp on the average citizen who cannot be expected to understand the complicated technology with which we live. For instance, an automobile mechanic, a telephone repairman, or a plumber can charge exorbitant rates for repairs which merit only half the cost. In a sense the layman has become captive to the expert—and it is for this reason that I am introducing this bill, the purpose of which is to allow the consumer to deal evenly and intelligently with the ever-increasing expertise and specialization belonging to those few who are able to deceive their customers.

Mr. Speaker, this bill provides specifically for Federal grants to the States, who would then submit to the Secretary of Commerce a plan to provide:

First, a State consumer protection office to investigate dishonest practices.

Second, a program to regulate false advertising, unnecessary services, and other activities, and to provide consumer protection.

Third, educational programs and the dissemination of information to increase the consumer's knowledge.

This bill, then, relies primarily on action by the State with help from the Federal Government, to add to the steps which have been taken recently in the executive branch. Enactment of this measure into law will provide fundamental protection and information for all consumers.

SPEECH BY CONGRESSMAN LOU FREY JR.

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. LUJAN. Mr. Speaker, a speech delivered by my good friend, colleague, and fellow member of the 91st Club, Hon. LOUIS FREY, JR., of Florida, to the student body at Florida State University, Tallahassee, Fla., on January 30. I would like to commend these remarks to you, as I believe they are particularly relevant in view of the restlessness of today's youth.

SPEECH BY CONGRESSMAN LOU FREY JR., OF FLORIDA, FIFTH DISTRICT

If I had to pick a time in the recorded history of man in which to live and participate in government, I would pick 1969. I well recognize that there are great and complex problems that face this nation and the world. We live in times of great change in all fields. The nation has been torn by social upheavals. From 1965 through the end of 1968, there have been 213 riots with a loss of over 200 lives. The amount of property damage through July 1968 has reached the astronomical figure of $159,439,000. Sit-ins and demonstrations have become a way of life. Hippies and Yippies have become front-page news. These people, who are attempting to destroy our society, are receiving all the publicity. The very foundation of our political system has been shaken with the rise of a third party. Our electoral system has been questioned as a result of the unfaithful elector from North Carolina.

Our economic system is under attack both at home and abroad. We have suffered through a gold crisis, and today the national debt is over $370 billion. Our third largest expenditure in fiscal 1970 will be interest on this debt, totalling 16 billion dollars. We are involved in a war in Viet Nam that has been the most unpopular war in our history, with the first light of settlement just appearing on the horizon. And even in our higher education system turmoil exists, with the question of student participation in the administration of colleges and universities yet to be resolved.

We have made tremendous economic, technical and scientific advances; yet approximately 26,000,000 Americans live in abject poverty. Invective, abuse and even assassination have marked political discourse over the last eight years. The threat of the ultimate weapon capable of destroying the world hangs over our heads. Yet, despite these problems and many others, I repeat that this is a great time to be involved in charting this nation's course. It is a time of crisis, but also a time of great challenge. Our country is at the crossroads. Never has any generation had so much opportunity to make dramatic and fundamental changes in our way of life. It has been said that we have just concluded a 36-year political cycle that began with FDR in 1932, and that we are approaching a new era.

How we approach these problems, what solutions are offered, and what this new era holds for us rests with you, the young people of this country. I don't think there is any question that young America is better educated, more informed and more interested than at any time in our nation's short history. During my recent campaign, I spoke to many high school classes and found they asked more penetrating questions than most of the groups I appeared before. After the election, due to some political pressure at home from my 11-year-old daughter, I appeared in front of her sixth-grade class and was amazed at the questions they asked—such as—"Why aren't we mining Haiphong Harbor", and "'Why are taxes so high?" But, let me quickly add that interest, information and education are empty tools by themselves.

At the present time, there appears to be two approaches by Young America to the problems in this country. One group uses the education, the information and the interest to destroy rather than build; to yell and shout about issues rather than to discuss issues; to make up one's mind that everything is wrong with our system and that anyone with a different view is ignorant; to put a label such as "the establishment" on anyone who doesn't agree 100 per cent with you and refuses to look behind that label; to claim the right to dissent while at the same time disregarding the rights of others who disagree with you; to believe that words such as patriotism, duty, honor, country, and yes, even the American flag are corny, old-fashioned and just used by politicians who want votes; to believe that the country owes you a living and that you don't owe the country anything in return; to believe that the volume of noise regarding an issue is directly related to the deepness of one's feelings and belief. I saw this approach during the Inauguration. The Hippies and Yippies failed to get the attention they wanted, and took to the streets throwing rocks and garbage through windows.

The other approach by Young America certainly does not receive the publicity and front page headlines. It's one that says—yes, there are great problems that face this country. It's one that says—let's use the education and the information and the interest constructively. It's an approach that involves self-discipline and responsibility. It's one that is based on the knowledge that there are no simple solutions or easy answers to the problems that face this nation and the world. It's one that says—let's build instead of burn. Let's reason rather than riot. Let's look behind labels and generalizations to see what a person really believes. Let's try and solve problems rather than capitalize on the weaknesses in our society. It's an approach that realizes that this is not a perfect system of government, but it is the best one known to man. It's an approach that's not afraid to vigorously and actively dissent and disagree, but at the same time respects the dignity of another human being to disagree with you. It's one that realizes that only through participation in our government can we effectively change government—and, probably, as important, it involves people who can step back and smile at themselves in this human comedy without losing their seriousness of purpose.

As I said when I started, this is a great time to be alive and participating in our government. The opportunity exists not only to have our views heard, but to direct the course of this nation, and even the course of the world. But, it can't be done on the sidelines. We must participate and give of ourselves. Life is not a one-way street. As a young Congressman and as a young man, I fully realize that I do not have all the answers to the problems, and in many cases don't even know the problems. But, I believe that men of good conscience who are working together for the same goals can achieve solutions to these problems. These solutions won't come about overnight, and when reached may not be easy solutions.

Young Americans thirty years of age and under today represent approximately 50 per cent of our population. Young America has the physical and mental resources to get the job done. It remains to be seen whether Young America has the self-discipline and is responsible. As part of Young America, even if a little over the age limit, I feel that we do. Let's become both concerned and committed. We are the key to the future of this country and I believe we will live up to the challenge that faces us.

OIL BUBBLING INTO WATER OFF COAST OF SANTA BARBARA

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 3, 1969

(Mr. TUNNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUNNEY. Mr. Speaker, in the last 2 days we have had the opportunity to read in the newspapers across the country that approximately 21,000 gallons a day of crude oil is bubbling up off the Continental Shelf into the waters off the coast of Santa Barbara, Calif.

This oil is coming to the surface as a result of the drilling activities of the Union Oil Co. These lands were leased by the Federal Government recently to the oil companies for oil exploration and development.

Mr. Speaker, at the time that these offshore oil lands were leased to the oil companies, there was a great dispute as to whether or not the hazards to the conservation in the area outweighed the benefits from such oil development.

Now it seems that the conservationists who were crying out warnings that such a catastrophe could occur were correct.

Mr. Speaker, I believe that President Nixon should appoint a board of inquiry to investigate the reasons for the catastrophe. The inquiry should direct its attention to at least the four following questions:

First. Whether there were adequate fail-safe devices known and employed by the Union Oil Co.

Second. Whether there has been adequate research into potential hazards which may be anticipated when drilling along known earthquake faults.

Third. Whether there has been sufficient research and experimentation with detergents to determine the ecological effect of such detergents, particularly relating to marine life.

Fourth. Whether the hazards to conservation outweigh the benefits resulting from oil resource development on the Continental Shelf.

Tomorrow I will introduce legislation which will establish marine sanctuaries and a Channel Islands National Park.

FIGHT OVER MAINE PROJECT PERILS OIL SUBGOVERNMENT

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. KYROS. Mr. Speaker, the Maine Port Authority applied last May to the U.S. Foreign Trade Zone Board for establishment of a general-purpose foreign trade zone in Portland, Maine, and a special purpose subzone in Machiasport, Maine.

The Maine Port Authority has complied with every provision of the law authorizing the establishment of foreign trade zones and subzones. Two public hearings were held, one in Portland and one in Washington. More than 600 pages of testimony were recorded. Exhibits running into thousands of pages have been submitted. A complete record has been made.

Yet a series of unconscionable delays and roadblocks have been thrown in the way of the State of Maine.

Mr. Speaker, it is my unshakable conviction that these delays are due to the influence in the Federal Government of the U.S. oil industry. The major oil companies and the independent oil producers are opposed to the application of the Maine Port Authority because it is proposed to establish a large oil refinery at the Machiasport subzone. What we have here is, in the words of Laurence

Stern, writing in the Washington Post, a "dramatic collision of regional interests—fuel-scarce New England versus the Southwest." Mr. Stern wrote that the collision "may well ignite a national debate that would singe and shake the foundations of oil's subgovernment in Washington." He is right. New England is not going to give up easily in this fight.

Mr. Speaker, I insert Mr. Stern's column at this point in the RECORD:

FIGHT OVER MAINE PROJECT PERILS OIL SUBGOVERNMENT

(By Laurence Stern)

Two weeks before his hard-fought accession to the Senate's number two leadership position, Sen. Edward M. Kennedy (D-Mass.) issued a bristling but little-noticed-challenge to the oil industry. The words were uncharacteristically harsh for the equable, young Senator from Massachusetts.

"The oil industry has over-reached once too often," he said of the all-out assault on the proposed Machiasport, Maine, refinery complex that is becoming New England's Alamo. "It will be haunted by its unwillingness to accept the Machiasport proposal. The people will want to know why large corporations are permitted to band together to prevent the entry of competitors into the market."

It was poetic that the man Kennedy challenged and beat for the job of Senate Democratic Whip should be Russell B. Long (D-La.), as artful and energetic an advocate of oil interests as there is on Capitol Hill. The odds, however, against Kennedy's winning the Battle of Machiasport in the waning days of this Democratic Administration are far more adverse than those that weighed against him in the leadership fight. The partisans of oil in Congress and the Federal bureaucracy, as well as the industry, stand together against the granting of an import quota to New England.

Nonetheless this dramatic collision of regional interests—fuel-scarce New England versus the politically potent Southwest—may well ignite a national debate that would singe and shake the foundations of oil's subgovernment in Washington. It would open up for public questioning such hallowed subsidies won by oil politicians from Congress and the executive branch as the 27½ percent depletion allowance and the protectionist import control system that has pinched the New England states.

What is politically most significant about the Machiasport dispute is that the plaintiff's case against the oil interests will be argued by two of the strongest potential contenders for Democratic presidential nominatin in 1972—Kennedy and Sen. Edmund S. Muskie of Maine.

The immediate issue in Machiasport is the mandatory import control system that was proclaimed by President Eisenhower in 1959. If Secretary of the Interior Stewart Udall should act at the last minute to approve the 100,000-barrel-a-day import quota to the Occidental Petroleum Corp. for the Maine project, it would punch a big hole in the protectionist wall. This is the chief reason for the industry-wide opposition.

The mandatory import curbs, adopted after the Suez crisis, were intended to protect American producers from being swamped by cheaper foreign oil. They were proclaimed in the interest of "national security."

This bounteous package of Government-patented benefits is administered by an obscure bureau of the Interior Department called the Oil Import Administration. And here the spirit of clientism toward industry overflows.

It was best illustrated in the remarkable letters of solicitation sent out to oil executives last month by Assistant Oil Import Administrator T. C. Snedeker. The official urged industry men to support him for elevation to the top job and vowed to maintain "strict controls" on imports.

Udall's successor, Walter J. Hickel, became a party to the controversy when he ordered a suit filed in the name of Alaska to block the import allocation to Machiasport. With his home state in the midst of a major oil development boom the issues for the incoming Secretary of the Interior are clearly native loyalty and self-interest.

Those are always the paramount stakes whenever oil gushes to the surface on Capitol Hill.

ANOTHER LOOK AT POSTAL SERVICE

HON. CHARLES E. GOODELL

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, February 4, 1969

Mr. GOODELL. Mr. President, I invite the attention of Senators to an article published in the New York Times magazine which describes the tremendous problems besetting the U.S. Post Office Department. The article, because of its vivid description of these problems, is worthy of our attention. The author, Robert Sherrill, has made an important contribution to our understanding of the present state of the Post Office Department.

It is my hope that we can move toward the goal of more effective and efficient postal service for all Americans. We cannot delay our consideration of this matter any longer.

I ask unanimous consent to have printed in the Extensions of Remarks the article, entitled "Bring Back the Pony Express," published in the New York Times magazine on November 3, 1968.

The article is placed in the RECORD at the request of John F. Rengstorff, Post Office Box 523, Fair Lawn, N.J.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BRING BACK THE PONY EXPRESS

(By Robert Sherrill)

WASHINGTON.—The United States Post Office Department is monumental proof that even the worst ravages of bureaucracy cannot destroy a good idea. Jockeyed around by 11 labor unions, shredded by political jealousies and favoritism, bothered in recent years by racism and internal violence and starved and abused by Congress, the Government's largest employer of civilians still manages to get most of our 82.3 billion pieces of mail delivered—sometimes damaged, often late but eventually stuffed into the box or through the slot.

The Post Office is, considering the size of its job, a miracle of efficiency; but there is more reason to feel fear for its future than gratitude for its past. For two years this fear has been creeping up the Executive branch, resulting in several crash studies; President Johnson is expected to leave behind some proposed legislation as his lame-duck lagniappe. Wherever people are pressed together the U.S. Post Office is a boiler wheezing at the seams, and this is especially true in the clogged Washington-New York-Boston-Chicago triangle. Precarious is the word for it.

Any major breakdown would bring about a repeat of the grotesque occurrence in Chicago in October, 1966, when the machinery stopped and mail stacked up so high that for days the post office simply didn't function.

The pony express gave faster service across Indian territory than the planes and trains sometimes give between Washington and New York. A letter mailed in Washington at 7:15 p.m. Monday, say, will not be delivered in New York until Wednesday morning, about 40 hours later. It's 200 miles from Washington to New York, so the letter traveled at an average speed of five miles an hour—half as fast as the best time racked up by the pony express between St. Joseph, Mo., and the West Coast. (Even five miles an hour is rapid, however, compared to the speed of New York City cross-town mail, which may take two or three days.)

Of course, there is an explanation for this—there is always a reasonable explanation for lousy postal service. In the case of the Washington-New York letter, the 7:15 p.m. mailing missed connections by about 20 minutes. According to estimates by postal officials, it would take 2 hours and 15 minutes under ideal conditions to get the letter canceled, sorted and sacked, and 50 minutes or so to carry the sack across the street from the post office to the railroad terminal. The letter would miss the 10 p.m. train out of Washington, the last one that would get it to New York in time for distribution the next day. Sorry, the letter would also miss the last useful airline connection. In fact, conditions are so chaotic around New York airports that no mail is shipped there by air from Washington after 5 p.m., and to make that connection a letter must be posted by 1 p.m.

Whether this kind of postal service between the world's two most important cities should be a matter of concern is a question that divides the experts. Within the Post Office the debate goes on between the O'Brienites and the Watsonites. Lawrence O'Brien quit as Postmaster General in June with the warning that the system is not merely wobbly but in fact is in "a race with catastrophe." His successor, W. Marvin Watson, who was President Johnson's closest assistant until he moved over to the Post Office, scoffs at O'Brien's warning as being more dramatic than accurate. A little machinery here and a little shaping up of personnel there, says Watson, and the system will be in fine shape.

Most of the top officials in the Department side with Watson, but none so loyally as W. M. McMillan, a lean, tight-eyed son of the Texas boondocks who keeps *three* pictures of President Johnson hanging on the wall behind his desk. McMillan is Assistant Postmaster General for Operations, and as such is the top overseer of mail traffic. He thinks things are going great. "Obviously we don't hear about all our mistakes," he allows with a modest twang, "but we get only about 600,000 complaints a year."

Anyone who thinks that only 600,000 of the 82.3 billion pieces of mail moved this year will go astray—that's 1 in 137,000—will take McMillan's statement seriously. Others might prefer to trust the findings of the Presidential study committee headed by Frederick R. Kappel, the retired board chairman of American Telephone & Telegraph; this was an imposing group that also included such men as George P. Baker, dean of the Harvard Graduate School of Business, and Rudolph A. Peterson, president of the Bank of America. Like O'Brien, they have concluded that the system is "in crisis" and that postal workers are helpless to do anything about it. Their report is a rag bag of bleak summations: "From a distance the mail service is not bad, but the more you use and depend on it, the less satisfactory it seems. . . . Individuals or businessmen requiring assured next-day delivery between major cities, or even within a metropolitan area, cannot buy it from the Post Office at any price."

But as with so many of the razzmatazz brain trusts that pass through Washington, the Kappel committee turned up few surprising facts and suggested virtually no revolutionary reforms. The commission was useful mainly in itemizing what most users and most employes of the Post Office already knew.

There is a turnover of more than 100,000 of the 720,000-man force each year, which must mean that working for the Post Office is a rare and unforgettable experience. In some seasons and in some regions the turnover hits 50 per cent. The effect, of course, is predictable. A Washington resident recently called the Post Office to protest being skipped by the mailman that day and was told that he shouldn't feel especially put out because 13 other routes had been bypassed also—personnel shortage, the postal authorities said.

In some big-city offices the relationship between the hired hands and their bosses is pretty chilling. James Rademacher, president of the National Association of Letter Carriers, complains that "the average supervisor today is told by his elders that he must dominate and tyrannize over his employes or he will lose control of them. This is all nonsense, of course, but it is part of the folklore of the Post Office. The new supervisor is made to believe he is a lion tamer—alone in the cage of wild beasts, armed only with a whip, a chair and a gun filled with blanks. When the Clyde Beatty approach doesn't work, he is hurt because the lions snarl back at him."

This is a mighty thundering piece of exaggeration on Rademacher's part, but it is answered in kind. Daniel Jaspan, legislative representative for the National Association of Postal Supervisors, makes it sound as if most supervisors could use a whip, a gun and a chair for protection. "Postal supervisors have cause to be seriously concerned about being maimed or killed by recalcitrant employes," he said. "This has shattered the morale of supervisors throughout the country."

Jaspan says there have been more than 600 assaults on supervisors in the last five years, and he pulled a few from the list to indicate that postal work can be exciting: A Philadelphia supervisor told an employe to return to his post, irritating the worker (an ex-convict), who later waylaid the supervisor in the parking lot and murdered him. In recent altercations, New York postal workers have threatened their bosses with fire axes and have used knives, fists and feet on them. In Chicago, a supervisor had his head cracked open by a worker who had earlier announced that he would "hit the first supervisor who talks to me"; a woman clerk dipped a Kleenex into the blood and ran up and down the aisles waving the makeshift flag and yelling, "We have his blood—let's finish the job." Not long before that, another Chicago postal employe knocked a supervisor to the ground and rammed the point of an umbrella into his chest several times.

Jaspan says things have improved somewhat since this Congress passed a law against such mischief (local police had previously been reluctant to make arrests on Federal property), but even now many New York supervisors leave work in twos and threes for protection.

Jaspan avoids the conclusion that the violence has any racial basis, but most of the attacking employes are Negro and "we have heard of no colored supervisors" being attacked. Still skirting the race issue, he adds: "The employes we're getting now are not like they used to be. The Post Office is getting employes that can't work anywhere else."

He's right about the change, but it is no mystery. In the Depression years of the nineteen-thirties, a Post Office job at any level was considered big stuff, and it was not at all unusual to find a man with a college diploma delivering mail or clerking in the Post Office. In the urban centers of the North and West this began to change rapidly after World War II, especially for the better-educated white men, who, unless they had made it into the supervisory ranks or had accumulated too much seniority to surrender, dropped out for industries that offered better advancement opportunities. But even the low-paying postal jobs looked good to the blacks who were moving in from the rural South or who didn't have the money to go on to college.

Then began a racial-economic schism. The more the blacks took the lower-level jobs, the less appealing these jobs were to whites, with the inevitable result that in some cities the postal service is heavily black at the bottom (in Washington it is about 90 per cent black) but mostly white in the supervisory jobs, which are filled by veterans of the old Caucasian epoch. There may have been some racial discrimination along the line, but today—when more than 20 per cent of the total postal force is Negro and (except perhaps in the South) the barriers are completely down—the difference in rank is mostly the result of seniority. To many blacks, however, the division of labor looks like the old frame-up white boss, black hand and no chance for advancement. And this has resulted in raw feelings, physical assaults, slowdowns and generally depressed morale.

The system isn't altogether to blame. Many of the new employes, blacks and whites, are undereducated and unqualified for anything but rote jobs. For a while, New York's post office needed help so desperately that new workers were not tested for general intelligence. A Post Office consultant who inspects operations in many cities said illiterates and semi-illiterates are sometimes hired; they "sort the mail randomly," he said, one letter for this sack, one for that, etc. The consultant added that some of these people aren't caught for several years. "If you have 1,000 sorters in a big city, you cannot catch one man out of 1,000." But, he added tolerantly, "If one man does this out of 1,000 people and you probably have 10 per cent goofing off in general, what is that extra one-tenth of 1 per cent? It is tragic but not serious."

It is a nice gesture for the Post Office to give jobs to the underprivileged, but it would also be nice—for the sake of those 200 million customers out there waiting for their mail—if the Post Office kept its charges working at a reasonable pace. Not long ago I was given a tour of Washington's main post office. My guide, high up the supervisory ranks, seemed hardly an oppressive employer. Showing me how adept his workers are at operating a semiautomatic letter-routing machine, he reached into a slot marked "Newark, N.J." There were only two letters in it: one was supposed to be going to Independence, Mo., and the other to Houston, Tex.

"Well," he shrugged, "we do make mistakes."

Most of the routing is still done by hand. A sign over the rows of clerks doing this job warned that the Post Office expected them to stuff letters into pigeonholes at a "minimum rate" of 39 a minute and a "standard rate" of 46. By my count, few of the clerks were hitting even the minimum rate, and some of them were barely averaging 10 or 15 letters a minute; when I said so, the postal official scolded me. "These are human beings, not automatons," he said. And they only earn $5,472 a year to begin." (The point of his argument will probably escape professional workers who earn no more.) I asked him if it was common practice for the clerks to stop to read messages on postcards, as I have seen several doing, and he waved the question away. "Oh, we try to discourage it, but I suppose it goes on."

Apparently the Washington work pace is not unusual. A New York supervisor told me that when he was starting out in the system, a clerk would pigeonhole from 1,000 to 1,600 pieces of mail an hour; the maximum today, he said, is 500 or 600 pieces.

Admittedly the average Post Office building is not likely to inspire pride in being a part of the system. Many of the most important postal centers are falling apart, badly ventilated and unsanitary. The main office in Chicago, the largest in the system, is a dungeon. New York will soon have a new post office—its first new facility in 30 years. The antiquated vastness of the present office, as one witness complained to a Congressional committee, "would have given adequate space for the Wright brothers' first test flight," but is no longer adequate for anything. Things are not better in the sticks; the only difference between the Raleigh, N.C., post office today and when it opened 90 years ago is that now it has indoor toilets and electric lighting. In some big-city post offices there are no women's rest rooms, even though women are employed by the hundreds, not only as clerks but as letter carriers. As for eating facilities, Wyatt C. Williams, vice president of the National Alliance of Postal and Federal Employes (mostly black and increasingly militant), finds the New York fare rather unappetizing: "It's hardly possible to get any type of meal from the hodgepodge of vending machines that seem to be under the management of one company. I did see an unsanitary, fly-attracting can opener that is used to open canned soup. If you are lucky, you might be near that one location for the coffee machine, but if you are unlucky you'll get daily training in a long-distance obstacle course."

If Congress has been stingy about replacing Depression-era building facilities, it has been just as stingy about installing equipment. Afraid that machines might bump some employes and thereby shake its constituencies, Congress has forced the postal system to remain just this side of the Stone Age. In terms of dollar volume, the postal system ranks ahead of Texaco, U.S. Steel, I.B.M., Western Electric and all aircraft and chemical corporations, yet it has been spending in earnest on research and development for only two years ($35-million currently; up from $12-million in 1966), and its capital investment is laughable compared to private industry's. John L. O'Marra is head of the Post Office's Bureau of Facilities; he used to be with Western Electric, the Bell Telephone's left arm. He likes to shame Congressional committees by telling them that, whereas the Post Office spent 2.2 per cent of its revenue on new buildings and equipment between 1958 and 1965, the Bell System has spent one-third of its revenues on such investments during the last 10 years—a difference in viewpoint that may account for the fact that, while first-class postal rates have tripled since 1932, coast-to-coast phone rates are less than one-fifth what they were.

For $500-million (a fraction of the cost of a month's fighting in Vietnam), the 75 post offices handling 52 per cent of the nation's mail could install equipment that would do everything from lining up envelopes for canceling machines to reading addresses and sorting parcels and sacks. The price is Postmaster General Watson's estimation, and he is considered something of a tightwad himself. But Congress is not rushing to supply the money. Of course, New York couldn't use more machinery right now anyways, says Watson; officials fear that it would fall through the rickety floors.

Cowed by Congress and intimidated by the usual unseen crosscurrents of bureaucracy, the Post Office Department operates at the top under so much secrecy, red tape and subterfuge that one might mistake it for stupidity. Agreement on some important points is difficult to find. Assistant Postmaster General McMillan, who should know, told me that 90 percent of first-class mail is delivered the day after it is posted. The Kappel commission (which had the full cooperation of postal officials in its investigation) says that only "some 71 percent" of first-class mail gets next-day delivery. The Washington post Office's transportation chief insisted that "passengers will be bumped by the airlines if necessary to make room for air mail," but the head of the customer-relations office disagreed: "The idea that an airmail stamp guarantees immediate airline service is a myth."

When the House Appropriations Committee asked a postal official for the cost of operating the Chicago headquarters in 1966, the witness said he could deliver "the number of hours worked in Chicago," but "I regret we don't have the total cost." Congressman Silvio Conte couldn't believe it: "You mean to tell me you can't call the regional office and ask them how much they spent for the Chicago post office in 1966?" That, as it turned out, was exactly what the witness meant.

Only recently has the Post Office tried to discover what types of mail make up what percentages of its total load; an Assistant Postmaster General told me that 80 percent of the mail originates with business, but the Kappel report (using official data) sets it as 74 percent, and, although a 6 percent difference may not seem like enough to quarrel about, when you are talking about 6 per cent of 82.3 billion pieces of mail, it could make quite a difference in the accuracy of rate proposals and operational cost estimates.

At the level of the local postmaster, the problem is not so much an oppressive bureaucracy as it is a hack attitude. The typical contribution of the National League of Postmasters to the Congressional hearings this year was a resolution stating its total opposition to "any proposal to take the appointment of postmasters out of politics." When Congresman H. R. Gross pointed out that some post offices operate very smoothly and efficiently without postmasters for five or six years and inquired of Henry Womack, president of the league, as to what he thought a local postmaster is good for, Womack replied: "One of the postmaster's most important functions is public relations."

While Assistant Postmaster General Richard Murphy, widely viewed as one of the most knowledgeable men at the top, was conceding to Congress that "the Post Office Department physical plant is, indeed, in a sad state as regards modernization," Womack, who serves as postmaster at Catron, Mo., was preparing to tell the Congressmen that members of the league believe that "in most cases, the working conditions are good" and "compare very favorably with those in industry." Grassroots postal America seems to have only the vaguest idea of the crisis in the urban Northeast and West.

And this ignorance is compounded by the isolation in which most postmasters, even those in the larger offices, have traditionally operated. Their view does not extend past their own harassed fiefdoms.

"There has been little cooperation within the postal service regarding new developments," said Watson, who has visited 170 of the largest post offices since he took over. "In Washington we were still at the blueprint stage of developing a conveyor-belt apparatus for weeding out mutilated envelopes that would foul up the cancellation machine. Then on a trip to New York I found that they had developed just the thing we wanted and that it had been in operation in that post office for months. We knew nothing about it. I also found that both Houston and Nashville had developed sorting machines that nobody else knew about."

When a postal system has been operating for years like that, it hardly takes psychic powers or a blue-ribbon commission to figure out where it can be improved.

The Kappel commission's major recommendations to President Johnson for reforming the system were these: Set up a federally owned, Congressionally chartered corporation run by a nine-man board of directors (six appointed by the President and approved by the Senate and three others selected by the original six); end all political appointments in the system; remove the postal workers from Civil Service and give them the same sort of career protection under the corporation, and give the corporation the right to fix postal rates, subject to Congressional veto.

Under this plan, the office of Postmaster General would be taken from the Cabinet. In fact, it would be killed.

O'Brienites think the proposals are grand. but that may be partly because O'Brien and his advisers got the study started. Watson isn't impressed, partly, perhaps, because he isn't terribly fond of O'Brien. (Watsonites will tell you, in shocked tones, that O'Brien not only did nothing to ease the transfer of duties but *even took the desk out of the Postmaster General's office when he left!* O'Brienites, on the other hand, swear that President Johnson was on the verge of approving the Kappel report as soon as it came out and Watson persuaded him not to.)

The Kappel commission says the Post Office Department is wasting $1-billion a year through inefficiencies. Watson disagrees. The Kappel group thinks the Department is in serious trouble. Watson doesn't think so—"Not if we do what needs to be done and what I think can be done within five years. We know exactly what needs to be done. It's just a matter of getting the hardware to do it." The Kappel commission thinks the public is bothered by bad service. Watson doesn't; he thinks: "One, the people are mostly concerned about a commemorative stamp of something that hasn't been done recently; two, they are *very* concerned about the so-called pandering through the mails, things they receive—pornography."

In fact, the only thing he really likes about the Kappel plan is the idea that the Department be made to pay its own way, which is, to the postal user, the most nonessential proposal of all. This kind of wrangling will doubtless once again leave the Post Office without relief, and that's too bad, because what is at issue here is simply the natural decay of a gigantic department that has been abused by politicians.

There would be no need to take the Postmaster General out of the Cabinet, or to replace him with a nine-man board, if Presidents would let the man fulfill his titled role. The Secretary of Defense is permitted to run the Defense Department and the Secretary of Agriculture is allowed to run the Department of Agriculture, but the Postmaster General is always up at the Capitol lobbying through some of the Administration's nonpostal bills (as O'Brien did) or touring the country (as Watson does) giving speeches extolling his boss's virtues.

The personnel problem is no more complex in the Post Office than elsewhere in the Federal Government, which is notorious as a haven for deadheads. Firing useless or inefficient personnel under Civil Service is always a sticky matter, and postal unions have been especially vigorous at raising hell when officials suggested the enforcement of minimum production. But some more effective culling system will simply have to be worked out.

Higher wages won't improve the quality of the personnel nearly so fast as a classier atmosphere (the Kappel commission found that Post Office wages compare favorably with wages in industry) and the Post Office seems to have forgotten—except on rare occasions—that the best way to attract an élite crew is to turn away or fire clods. Using the Chicago pile-up of 1966 as their excuse, officials finally worked up enough courage to fire a group of assorted misfits (drug addicts, toughs, etc.) in that office and things have been going pretty well ever since. Watson has helped improve the urban situation simply by ordering all liquor out of postal facilities; it used to be that half-pint bootleggers were operating out of their lockers in some big-city facilities. To extend this kind of reform doesn't require a great deal of imagination.

Why not try to get some cooperation out of other departments and agencies? Back when James Farley was running the Post Office in the nineteen-thirties, there were 10,000 trains handling the mail; today there are no more than 400 to 650 (another of those figures postal experts can't agree on). Many railroads want to get rid of their uneconomical passenger trains, and the Interstate Commerce Commission is permitting them to get by with it, even though it sometimes plays havoc with the mail. The Post Office is amazingly docile about it all; it says it can take up the slack with airplanes—apparently forgetting that there are places like Missoula, Mont., that are fogged in about one month a year, and forgetting also that to break the Chicago logjam it had to bring back some of the "outdated" trains.

Because the department can legitimately boast that more than 90 per cent of all first-class mail—even without air mail postage—is now sent by air, it seems to feel that there is a demanding logic to getting rid of other modes of long-haul transportation.

But if postal authorities insist on this obsession with planes, they might at least try leaning on the Federal Aviation Agency to shape up airline schedules and do whatever else is necessary to prevent planes bound for New York from having to start circling over Salt Lake City because of the pile-up ahead. But Watson, who believes in compartmentalized government, says it is "out of the question" to pressure these transportation agencies for help. The staff of the Post Office could be a hefty lobbying group for reforms throughout the Government if the departmental leadership developed any unity in the ranks, but the effort has never been made; so the train schedules get worse and worse, and so does airline service, and the postal hierarchy, caught in the bind, just takes it as fate.

Why the endless hang-up over the Post Office deficit? The Kappel commission seems to think the deficit is shameful; so do Watson and his predecessors and so especially does the Budget Bureau. Considering the background of the men on the commission (A. T. & T., General Electric, Federated Department Stores, Campbell's Soup, Bank of America), the fixation on turning the Post Office into a "profit-making business" might be expected. And, of course, the Budget Bureau, which has curiously become a policy-making outfit in recent years—and that is just about as ominous as allowing accountants to advise physicians on how to perform surgery—can seldom think of anything but cutting.

It is difficult, however, to understand why Postmasters General take this position. Watson says that his job is to "give the fastest and cheapest service possible," but he knows very well that the emphasis of the budget-makers on cheapest will always prevail unless he fights for fastest. In 1950 Postmaster General Jesse M. Donaldson, in a strictly political move, cut back home deliveries from twice a day to once a day, and ever since Post Office officials have been rationalizing it as a good thing. (It would cost only $350-million to restore.) Now the Post Office wants to cut out one of the three business deliveries as "needless."

Although the postal service is the only part of the Federal Government that benefits the daily lives of most people, it is also, strangely enough, the only major Government service whose cost is looked upon as an unnecessary drain. Many billions of dollars in the Defense Department budget are acknowledged to be no more than subsidies for defense industrialists; many billions of dollars are paid to farmers for crop subsidies and for not planting anything—but is only the postal subsidy of $1-billion a year (above the $6-billion income) that bothers the Kappel group or Watson or O'Brien.

Says the Kappel report: "Some argue that practically all Government agencies operate at a deficit and that the postal deficit is no more a cause for alarm than the Department of Defense 'deficit' or the Department of Justice 'deficit.' In our view, such reasoning misconceives the nature of the postal establishment. All Government services must be paid for one way or another; most can be paid for only through taxes. Unlike the national defense or public health, however, postal services can be and always have been sold to users."

By the same philosophy, of course, the Federal Government could take in enormous sums by simply charging tolls on all Federal highways and by charging users' fees of the highly profitable barging industry, which carries 10 per cent of the nation's freight and uses our rivers and canals without charge, although the dredging of these waterways is expensive to the taxpayer. And, of course, the Department of Agriculture could charge farmers for the many services now given free or at a subsidized rate.

Until the Post Office is freed from the notion that we should try to break even because Ben Franklin did, all the schemes for improving the service are not likely to get very far. And, in fact, the schemers cannot be credited with good faith, for first-class mail more than breaks even; fourth-class mail will, under the new rates, pay its own way, and subsidized second- and third-class mail is in truth no great burden on the taxpayer. The deficit is used only as a diversionary issue. An estimated $5-billion should be spent on Post Office buildings and facilties in the next five years, and all sorts of critical personnel adjustments should be made at once—yet Kappel and O'Brien and Watson and their various allies continue to play the old, old game of post office with the budget-cutters.

FREEDOM'S CHALLENGE

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. JOHNSON of California. Mr. Speaker, Lance Smith, a junior at Durham High School in the Second Congressional District of California, which I am privileged to represent, won the 22d annual Veterans of Foreign Wars "Voice of Democracy" contest at the local level. At this time I would like to insert his winning essay in the RECORD:

FREEDOM'S CHALLENGE

Communism is probably the greatest challenge to freedom throughout the world.

In a democracy, all people are guaranteed unalienable rights such as freedoms of speech, press, and the right to worship as they please. Everyone is guaranteed an equal opportunity for economical advancement and success in a healthy society of varied interests.

Education is the backbone of freedom, for it can strengthen a democracy by teaching the people how to think rather than what to think. In order to encourage high scholastic achievement special awards and scholarships are given, thus creating a well educated society able to govern itself wisely.

The Communists believe in constant revolts and revolutions; in fact they encourage such actions in capitalistic countries. However, the free and democratic countries of the world know that chaos and anarchy are the greatest threats to a society of freedom. It would be nearly impossible to set up a solid representative government based on a society tormented by such destructive upheavals.

In most cases communism is not willingly accepted. Instead, a country with mass ignorance, poverty and a weak government has possibly no alternatives but to accept the strong-ruling government of a centralized power, in order to stave off the possible loss of a nation and to unite the country under one powerful lawmaking body. The nation may survive; but the people, weakened by poverty and ignorance, suffer.

The Communists know no moral rights or wrongs; in fact they do not worship God, but in His place worship the state in which they live. The Communists are taught loyalty to their state alone, and anything that furthers the cause of the state is good in their eyes; no matter how morally right or wrong the act or belief may be.

Such conditions as these are fatally damaging to the honor and respect of a people; yet every day these conditions expand throughout the world.

Conditions such as these cannot be fought by war, for communism knows no boundaries. Instead, the minds of men will decide whether freedom or communism will emerge as the victor and eventually these two will meet in the decisive battle.

All free people of the world are now in grave danger of the basic totalitarian ideas of communism; for under communism the voice of the people and their freedoms, too, would slowly fade, flicker, then die; just as a flame extinguishes itself when the fuel is gone. Atheism would dominate the world and a socially unhealthy attitude would reign; an attitude that could slowly erase the great cultural progress we have made.

It is up to the free of the world, for they can choose either a prospering equal opportunity society, which is the basic aim of a democracy, or they can allow a Communist society of depressed exploited people to control the world. They do have a choice.

What can the free people of the world do to fight communism? Probably the greatest weapon they can use against communism is knowledge. First, to read and keep informed on world problems; second, to be well informed on the activities of the Communist countries, and third, to act on the knowledge they have received.

They must learn about communism and its beliefs, for they can fight only an opponent they know well. People have to become active in their country's policies and get into politics. Only then, when the free of the world join in these democracy-preserving measures, can we be sure of a victory over Freedom's Challenge.

LIFE MAGAZINE CONFUSES SEX AND JOBS

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mrs. GRIFFITHS. Mr. Speaker, it is sad when a national magazine stumbles into the abyss of sex bias. That is what happened when Life magazine, in its issue of December 6, 1968, printed an editorial which bluntly advocated that an important provision of title VII of the Civil Rights Act of 1964 prohibiting discrimination in employment should be disregarded insofar as it applies to sex discrimination.

The editorial, entitled "Unsexing the classifieds", was grisly, unhumorous, thoroughly confused, illogical, and also very misleading. It did not mention that title VII of the Civil Rights Act of 1964 prohibits discrimination in help-wanted advertising. Nor did it mention that the Equal Employment Opportunity Commission had squarely ruled several years ago that title VII prohibits job advertising in race-labeled columns. The editorial simply resorted to ridicule and irrelevancies, both coward's weapons, in urging that job ads be segregated by sex, rather than listed according to job classifications.

A number of people, including myself, wrote letters of protest to Life's editor. But Life magazine simply ignored those letters, and sent back a uniform response that was notable for its hypocrisy.

It should be noted that Life magazine's slurring comments are simply part of the heel-dragging displayed by various newspapers against title VII and its mandate of equality of treatment. The American Newspaper Publishers Association and the Washington Evening Star have led the effort to nullify the law through litigation. However, their efforts were recently repudiated by both the U.S. District Court and the U.S. Court of Appeals for the District of Columbia Circuit (*American Newspaper Publishers Association* v. *Alexander*, No. 22519, Jan. 2, 1969). Perhaps we can begin to hope that the classified ad managers will unshackle their minds from 18th century sex bias, recognize the requirements of both the law and justice, and arrange their job ads in accordance with job classifications rather than outmoded sex prejudices.

Job classifications aid the jobseeker to find the job he or she seeks, whereas sex-segregated job ads merely channel the jobseeker into sex-prejudiced work and aid only the employer who seeks to discriminate in violation of the law.

The New York Times, to its great credit, has not defied the EEOC ruling. Instead, it promptly desegrated its job ads and listed them by job classification. Its example will, I hope, provide leadership and encouragement to other newspapers to come into compliance with title VII and the EEOC ruling.

I include in the RECORD the EEOC ruling, the Life magazine editorial, and some of the ensuing correspondence:

EEOC ISSUES GUIDELINES ON CLASSIFIED ADVERTISING, RULES SEPARATE MALE-FEMALE ADS ILLEGAL

The U.S. Equal Employment Opportunity Commission today announced a revision in its Guidelines on Sex Discrimination, stating that the placement of job advertisements under separate male and female column headings violates the law, unless sex is a bona fide occupational qualification (BFOQ) for the position advertised. The guideline will become effective on December 1, 1968.

The Commission announced that in deciding cases alleging sex discrimination in areas such as hiring and promotion, the Commission will consider as evidence the respondent's practices in the use of classified advertisements.

Under Title VII of the 1964 Civil Rights Act, employers, employment agencies and unions are forbidden to publish advertisements indicating a preference, limitation, specification or discrimination based on sex, unless sex is a BFOQ for the job involved. In its new guideline, the Commission holds that the listing of jobs in columns segregated by sex is an expression of such preference and hence violates Title VII, absent a

BFOQ. As in other areas relating to sex discrimination, the burden of proof that sex is a BFOQ for a given job remains with the employer, employment agency or union advertising the position.

The revised guideline was announced after a review of the testimony presented at the EEOC's May 2–3, 1967 hearings, covering three topics relating to employment discrimination based on sex. The first two matters—pension and retirement plans and the relationship of Title VII to state protective legislation—resulted in February of this year in the publication of revised Commission guidelines.

Under the Commission's earlier guidelines on classified advertising, advertisements could be placed in columns headed "Male" and "Female" to indicate that some occupations were considered more attractive to persons of one sex than the other. Today's action reflects a Commission judgment that such placement has a discriminatory effect, by indicating an employer preference and discouraging, for example, the qualified woman job seeker from pursuing job opportunities listed in the "Help-Wanted, Male" Columns.

In announcing its guideline revision the Commission delayed the effective date to December 1, 1968, recognizing that newspapers might require time to reorganize their classified advertisement sections in accordance with the new guidelines. In the interim period, the EEOC will contact major newspapers and publishing associations to advise them of the guidelines and encourage them to institute changes even prior to the official effective date.

A number of papers already publish classified ads in occupational rather than male-female categories. Readers thus can quickly scan columns and locate the types of jobs desired, rather than reviewing job listings in two separate male-female columns.

The guideline revision was adopted by a three-to-two vote of the Commissioners with Chairman Clifford L. Alexander, Jr., Commissioner Samuel C. Jackson and Commissioner Elizabeth J. Kuck in the majority, Vice Chairman Luther Holcomb and Commissioner Vicente T. Ximenes dissenting.

Attached is a copy of the Commission's revised Guidelines on Sex Discrimination, in regard to the listing of classified advertisements in separate male and female columns.

Section *1604.4 of EEOC Regulations:* It is a violation of Title VII for a help-wanted advertisement to indicate a preference, limitation, specification, or discrimination based on sex unless sex is a bona fide occupational qualification for the particular job involved. The placement of an advertisement in columns classified by publishers on the basis of sex, such a columns headed "Male" or "Female", will be considered an expression of a preference, limitation, specification, or discrimination based on sex.

[From Life magazine, Dec. 6, 1968]

Unsexing the Classified

A group of militant ladies are agitating to forbid U.S. newspapers from running separate Male and Female help wanted ads. Borrowing their rhetoric from the Negro civil rights movement, they call the practice segregation by sex, describing it as "Jane Crow" treatment, and call any ladies who tolerate it "Aunt Toms." They have already persuaded the U.S. Equal Employment Opportunity Commission that they have a grievance under the 1964 Civil Rights Act, and the case is now in the courts, being challenged by the newspaper industry. Publishers argue that combining the want ad columns would be a nuisance to both employers and job seekers, and a service to nobody.

Though more than one third of the total U.S. labor force is female, women are still barred from many jobs by outmoded "protective" legislation passed in the sweatshop era. They are frequently paid less than men for equivalent work and discriminated against in raises and promotions. The *Harvard Business Review* recently abandoned a study of executive opportunities for the career woman because "the barriers are so great that there is scarcely anything to study." Room at the top for the female is equally scarce in the public sector: of the 9,000 top-ranked federal civil service jobs, only 1.7% are held by women.

Some of our more serious worriers fear, however, that we are heading for a condition they call "unisex" because some women are dressing so much like men, while some male peacocks are taking up styles and colors that used to be regarded as feminine. But unisex's day is not here yet, happily, and we see no need to create a uni-column of male and female ads.

Congress of the United States,
House of Representatives,
Washington, D.C., December 11, 1968.

The Editor,
Life Magazine, Time & Life Building, New York, N.Y.

Dear Sir: The last paragraph of an otherwise accurate editorial ("Unsexing the Classifieds") in *Life's* December 6, 1968, issue is grisly, unhumorous, thoroughly confused, and a complete non-sequitur.

Your editorial correctly notes that outmoded laws enacted in the sweatshop era still bar women from many jobs—that women are often paid less than men for equivalent work—that women are discriminated against in raises and promotions—and that women are largely excluded from executive opportunities both in private industry and in government.

But then your last paragraph raises a bugaboo of "unisex" (which you say is some women dressing like men, and some men wearing styles and colors "that used to be regarded as feminine"). This, you say, shows that it is wrong for the U.S. Equal Employment Opportunity Commission to rule against sex-segregated job ads in newspaper help-wanted columns.

The fact is that the widespread practice of sex-labelling of classified job ads pervasively fosters and abets the very discriminations cited in your editorial. They reinforce prejudicial attitudes that have long limited women to the less rewarding jobs. They tell the job seeker that sex, rather than ability, is what counts in the job, and that it is useless to apply. The sex label hinders, rather than promotes, the job seeker's convenience, which would be much better promoted by listing the ads by job category, namely, bookkeeper, plumber, cook, welder, printer, secretary, accountant, etc., which men and women alike can perform.

The astonishing aspect of your editorial's last paragraph is that it utterly ignores not only the vast sex discriminations so pithily recited in the editorial, but also the plain text of the law. Title VII of the 1964 Civil Rights Act squarely outlaws any "advertisement relating to employment . . . indicating any preference, limitation, specification, or discrimination, based on race, color, religion, sex, or national origin." The recent ruling by the E.E.O.C. simply said that sex-segregated help-wanted ads, for jobs that can be done by men and women alike, are just as unlawful as job ads segregated on the basis of race or color.

Your editorial, or at least the last paragraph thereof, may have been intended as an exercise in "humorous" writing. But I assure you there is nothing funny about sex discrimination in employment which deprives millions of women, and often men, too, of decent job opportunities and the right to earn the full rewards of their toil and work.

Certainly, I hope you will reexamine, objectively, the whole issue of sex discrimination, and then tell the story like it is. You will be doing a great service for our country.

With best regards.

Sincerely,

Martha W. Griffiths,
Member of Congress.

Washington, D.C.,
December 20, 1968.

The Editor,
Life Magazine.

Dear Sir: As comment to your editorial "Unsexing the classifieds", I feel that I must express my frank sadness that you are of the opinion expressed therein. That "group of militant ladies"—by which I assume you mean the National Organization for Women (N.O.W.), composed of both men and women—includes many dynamic, optimistic, interesting and aware *people* so kindly consider them to have retired their black stockings and hatchets.

Linking the pejorative term "unisex" to a device which discourage discrimination on the basis of sex and could function as a help for the economic plight of one-third of the United States work force—which you did mention with some nice statistics that make your conclusion insupportable (there is the need)—and calling it "unicolumn" is to use loaded and irresponsible rhetoric.

I am sorry that you do not recognize the difference between being equal and being identical.

Sincerely,

Claudia Lipschultz.

December 5, 1968.

The Editor,
Life Magazine,
Time & Life Building,
New York, N.Y.

Dear Sir: Your editorial "Unsexing the Classifieds" is shocking and is a cavalier attitude toward the law—even to a female lawyer who has observed over many years the irrationality of sex prejudice in otherwise rational men.

It was astounding that the EEOC originally condoned sex-segregated help wanted ads despite recommendations of the Presidential Citizens' Advisory Council on the Status of Women, and in open violation of the law, until the National Organization for Women brought action in Federal district court to require the agency to comply with the clear language of Title VII. Not even the general counsel of the EEOC would defend the EEOC "interpretation" at the time it was issued.

Unless one believes discrimination in employment because of sex is right and proper, he cannot rationally defend sex-segregated ads legally or morally any more than he can defend ads segregated by race.

From the practical point of view, a single column arranged alphabetically by occupation is easier for the newspaper and the reader. If an accountant or an office manager is wanted, let the job determine the heading. The newspaper would not have to ascertain from the caller which column the ad should be in an would not have to be careful to enter ads in the right column. No reader would have to locate male or female headings or have to look under both headings.

For occupations in which there are few women qualified, such as engineer, a man or woman would look under "E" in the single column. There would be no more or fewer entries to examine than there are now. For occupations for which few men are qualified or desirous, such as secretary, both men and women would look at the single column under "S" and would have no more or fewer entries to examine than at present. For a position such as economist, for which many men or women would qualify, both men and women would look under "E" in a single column. As it is now, both men and women would have to look in both columns to be positive they have checked all the possibilities although practically all the ads appear in the "help wanted male" column.

Single non-segregated headings should increase newspaper revenues. In those exceptional instances where one sex would be disinterested many employers would spell out the conditions making the job undesirable to one sex or the other.

I have held national office in the National Federation of Business and Professional Women's Clubs, the General Federation of Women's Clubs, the National Association of Women Lawyers, Zonta International, and am a member of the American Association of University Women. I know that women in these organizations consider sex-segregated advertising as discriminatory. Business and Professional Women's Clubs and the National Association of Women Lawyers adopted resolutions before and after EEOC action urging national and local units to persuade newspapers to adopt single columns.

The Citizens' Advisory Council on the Status of Women and the Interdepartmental Committee on the Status of Women, the men and women members of which have a number of years' experience in considering the problems of women, recommended to EEOC in 1965 that it require desegregation of help wanted ads (copy of policy paper enclosed).

I urge immediate reexamination of this issue and an editorial of assurance to your women readers of Life's concern with sex discrimination and respect for law.

Sincerely yours,
MARGUERITE RAWALT,
Member, Citizens' Advisory Council on the Status of Women, and Chairman, Legal Committee, National Organization for Women.

THE UNIVERSITY OF WISCONSIN,
Madison, Wis., December 10, 1968.
THE EDITOR,
Life Magazine, Time and Life Building New York, N.Y.

DEAR SIR: The 1968 National Conference of the National Organization for Women unanimously voted, at its plenary session on December 7, 1968, to inform you of our opposition to your editorial of December 6, 1968 entitled "Unsexing the Classifieds."

What a shame that one of our most widely read magazines publishes an editorial as uninformed, misleading, and irrational as "Unsexing the Classifieds." Your writer wrote the editorial either without exploring the issues or with the intent of misleading the public.

What "unisex" is, or what help-wanted ads have to do with it, or what relation the dress of man and women have to either subject, is wholly beyond reason. But what is clear is that the action of the American Newspaper Publishers Association and Life magazine in advocating disobedience to laws they don't like shows a gross insensitivity and blindness to the seething resentment women feel toward the injustices imposed by our culture.

Some of the most important facts are omitted: Title VII of the Civil Rights Act of 1964 prohibits employers, labor organizations, or employment agencies from indicating in help wanted ads "any preference, limitation, specification, or discrimination based on race, color, religion, sex, or national origin." The Equal Employment Opportunity Commission, in its first year of operation, ruled that it was a violation of the law to insert help-wanted ads in racially separated lists. Although sex-labeled columns are just as illegal as race-labeled columns the EEOC did not make a similar ruling for sex-labeled columns until September, 1968, three years later, largely because of opposition from the newspaper industry, particularly from two or three of our most powerful newspapers.

No respectable unbiased lawyer has ever defined sex-separated lists as legal under Title VII. The former General Counsel of the EEOC would not defend it publicly or privately. The Federal District Court for the District of Columbia recently held that the EEOC interpretation was proper and that the EEOC had full authority to issue it.

Your editorial also omitted to mention that the Citizens' Advisory Council on the Status of Women, consisting of highly informed and responsible citizens appointed by the President, and the Interdepartmental Committee on the Status of Women, consisting of the heads of the major Federal departments, recommended to the EEOC in 1965 the precise ruling they made three years later.

Even the most superficial analysis of the want-ad columns contradicts the arguments of the newspapers that combining them would be a nuisance to both employers and job seekers. If you will look at the columns of any large daily newspaper, you will find many occupations, which men or women could perform equally well, listed in two or three columns (not duplicate ads by the same employer). If a bookkeeper, for example, is looking for a job, he or she must read three columns in order to know about all the jobs that are open. Furthermore, the employer who is looking for the best qualified person for the job has to advertise in at least two columns. *The present system serves only the needs of the employer who wants to discriminate—to discourage persons of one sex from applying.* There are not enough duplicate ads to be a significant revenue factor for the newspapers.

Why they and you get so emotional and irrational on the subject is a fit subject for a psychiatrist to investigate.

We urge that Life Magazine do its homework, fully and rationally, and write the full facts of sex discrimination in employment, which sex-labeled want ads help to perpetuate.

Sincerely,
DR. KATHRYN F. CLARENBACH,
Chairman of the Board.
BETTY FRIEDAN, *President.*

WOMEN'S EQUITY ACTION LEAGUE,
Novelty, Ohio, December 20, 1968.
Mr. GEORGE P. HUNT,
Editor, Life Magazine,
Chicago, Ill.

DEAR MR. HUNT: Several members of this organization have requested that I write you with regard to your editorial "Unsexing the Classifieds", which appeared in your December 6 issue.

I therefore sought out and read the editorial, and find it somewhat puzzling, in that the conclusions offered as your presumable editorial policy in the matter are directly opposed to the fact presentations therein. It is also puzzling to me that you would thus gratuitously risk the ill will of working women, who are in an increasing state of ferment on this matter, when Life does not have help wanted advertising.

The superficial and frivolous tone of this editorial is also irritating to thinking women, and unless you make some factual presentation modifying or reversing this stand, I believe that your publication will feel the results of the resentment you have aroused, probably for a long time to come.

In an era when magazines are struggling to survive and to retain their circulation, I am sure you will want to give this matter some further consideration.

In aid of some practical and factual analysis, may I submit that according to the U.S. Bureau of Census figures, the median income for the white woman with from one to five years of college training was only $3,333. Figures which I have recently compiled indicate that out of this amount she would pay approximately $608.65 in income tax, social security and local income taxes, with a 10% surtax to help her avoid any budgetary excesses. This leaves her with $2,724.35 for food, housing, clothing, transportation, health needs, insurance, recreation and savings for her old age. The women who head households get $3,838. These amounts are MEDIAN figures. Half the women earn less. The medium figures for women with less education are so low that they would receive more, in most cases, as wards of the state. It comes down to the question of whether you propose that women support themselves in these cases, or whether you wish to support them through increased taxes.

Very truly yours,
ELIZABETH BOYER,
President.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,
December 9, 1968.
THE EDITOR,
Life Magazine,
Time and Life Building,
New York, N.Y.

DEAR SIR: Your December 6 editorial "Unsexing the Classifieds," recognized that sex discrimination in employment is still a vivid and discouraging reality, but it unfairly dismissed EEOC action to remove one of the important barriers faced by the more than 17 million women in this country who work in business and industry for compelling economic reasons.

Although you may "see no need" to create a single column for most help-wanted advertisements, the Commission has concluded, after considerable public discussion and staff review, that the use of separate "Help-wanted, male" and "Help-wanted, female" column heading has a clear discriminatory effect. Advertisements placed under such headings permit employers virtually to preselect their applicants by indicating an explicit sex preference, regardless of an applicant's individual ability. Few women, however qualified, will pursue job openings appearing only in the "Help-wanted, male" column and too many employers use the "Help-wanted, female" column to advertise openings only at the clerical level. Where specific job requirements make applicants of one sex unsuitable for employment, the employer's right to advertise for "men only" or "women only" is of course recognized and protected.

Far from being a "nuisance" to employers and job seekers, the Commission's ruling would remove the necessity for employers to double-list advertisements seeking applicants of either sex. Moreover, the ruling would insure the job hunter that *all* openings in areas of his or her interest and training would be listed in one place, rather than divided into columns which imply an employer preference.

The denial of equal job opportunity inherent in sex-segregated classified columns is a good deal more disturbing than the fashion trends which apparently trouble your "more serious worriers."

Sincerely,
ELIZABETH J. KUCK,
Commissioner.

NEW YORK CHAPTER, NATIONAL ORGANIZATION FOR WOMEN,
December 18, 1968.
Re: "Unsexing the Classifieds," Editorial, December 6th.
Mr. HEDLEY DONOVAN,
Editor-in-Chief,
Life, Time & Life Building,
New York, N.Y.

DEAR MR. DONOVAN: Paragraph two of this editorial presented a very clear picture of the discrimination against women that not only still exists today, but is actually increasing (women are more and more concentrated in the lower-paying, menial jobs; the gap between men's and women's median salary is increasing).

However, the final paragraph, trumpeting forecasts of a dread "unisex," is completely irrelevant to the matter of advertising jobs.

Jobs Have No Gender. One does not have to be a Feminist (or even a "militant lady") to understand that the qualifications for a job are talent, ability and the appropriate training, not sex.

Ads have no sex either. If there were only one column, it would not be a "uni-column" of "male and female ads"—it would simply be a column of jobs, listed alphabetically by category—an efficient and convenient system for advertisers and job-seekers, regardless of sex. (And much less costly for the advertisers who now have to place two ads, one under female, one under male.)

If you stopped to think about it, Mr. Donovan, we think you would conclude that most jobs—from Chairman of the Board to file clerk—are performed using hands, brains and ability, not sex (except in a very few instances, for which BFOQ exemptions are provided).

Those jobs for which sex is a BFOQ will sort themselves out quite easily—men just aren't equipped for modeling bras, for example.

As you must know, the New York newspapers (as a result of our complaint with the New York City Commission on Human Rights) already have only one column; this happened on December 1st and we're all still here to discuss it.

Change is threatening only before it happens; within a few months, people might well be saying, why hasn't it always been done this way?

Sincerely,

JEAN FAUST,
President.

LIFE,
New York, January 20, 1969.

MY DEAR MRS. GRIFFITHS: We appreciate your taking the time to send us your frank comments in response to our December 6 editorial on "Unsexing the Classifieds."

We reserve our editorial page for the editors' views on important issues of the day—conclusions arrived at after careful consideration of all the facts and all the conflicting points of view involved in any important issue. We welcome an exchange of opinion with our readers and are glad to have this opportunity to discuss the points you raised in your letter.

Life applauds the sincere efforts of the Equal Employment Opportunity Commission, as well as the work of other women's organizations and individuals, to challenge the exclusion of women from executive positions and differentiation in wage scales. We realize that the movement to remove sex qualifications from help-wanted advertisements is representative of the larger movement toward total equality of employment opportunities. Our argument, as presented in this editorial, was that combined help-wanted ad columns would be inconvenient and annoying to both employer and prospective employee.

I hope that my answer reassures you of our continuing concern with the achievement of equal employment opportunities.

Sincerely yours,

(Mrs.) LINDEN FARRAR,
For the Editors.

GONZALEZ BILL EQUALIZES FEDERAL RETIREMENT ANNUITIES

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. GONZALEZ. Mr. Speaker, I am reintroducing today a bill which would equalize civil service retirement annuities in an attempt to balance off some of the inequities found in the retirement system that have arisen largely within the past 15 years. Many beneficial changes have come to the retirement system. However, during the 1950's and 1960's legislation was passed which was not retroactive as in previous legislation—and thus, resulted in a marked difference in benefits of Federal employees who were employed when the laws were passed and those who just happened to retire as a civil servant a few years earlier. This bill would merely try to correlate the benefits which have been sprinkled along the last 15 years in varying pieces of legislation in order to smooth out the inequities found in the civil service retirement system.

The National Association of Retired Civil Employees strongly supports this bill because, as they question:

> How can present Federal employees have any assurance that they, too, will not be forgotten as soon as they leave the active working force? How long can the morale of the present active working force be sustained under such conditions?

The bill's provisions are as follows:

Section 1 would extend the reduction of annuities formula for a surviving spouse as contained in the 1962 amendments to all who retired prior to that date. This would make the deductions from civil service annuities the same for all past, present and future retirees. Section 2 would recompute the annuities of those retiring prior to July 18, 1966, on the basis of age 55 and 30 years of creditable service so as to restore the deductions presently being made for those years the retiree was under age 60 at the time of retirement. Section 3 would permit all deferred annuitants who were separated from the service prior to July 31, 1956, to elect to have deductions made in order to provide for a survivor annuity. Section 4 would restore the survivor annuity in those cases where it has been discontinued because of the remarriage of the surviving spouse prior to July 18, 1966. Section 5 would permit those retired prior to July 12, 1960, to have those periods of service computed that were in excess of the maximum years of service creditable for retirement prior to July 12, 1960. Section 6 would extend the benefits of the "annuity floor," to those retired on account of disability after October 1, 1956, to those retired prior to October 1, 1956. Section 7 would extend survivor annuities to certain "forgotten widows" not now eligible because they were married to the employee less than 5 years, or because the employee had less than 10 years' creditable service. Section 8 of this bill would make some provisions for expenses of last illness and burial of those retirees who retired prior to the effective date of the Federal Group Life Insurance Act of 1954. Sections 9 and 10 are technical. Section 11 provides that this act may be cited as "The Civil Service Retirement Annuities Equalization Act of 1969."

The bill I introduced during the 90th Congress was considered along with other such bills during 2 days of general subject hearings on retirement in the House Post Office and Civil Service Committee, but no bill was reported out. But it is my hope that this Congress will progress more diligently toward erasing the many inequities that are quite obvious in the present civil service retirement system.

FAITH LIGHTENS GRIEF AS EIGHTH DISTRICT MOURNS

HON. RAY BLANTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. BLANTON. Mr. Speaker, I believe I can speak for all of the official delegation from Washington which attended the funeral services for our late colleague, Representative Robert "Fats" Everett, when I say that it was a dignified, warm, and exceptionally fitting tribute to our deceased friend and fellow legislator.

Last Wednesday, I inserted into the RECORD a copy of the funeral eulogy by the Reverend Dr. Scott Johnson, pastor of the Cumberland Presbyterian Church.

Today, I wish to insert in the RECORD, at this point, a very poignant article written by Mr. Eugene D. Rutland, describing the funeral for the Memphis Commercial-Appeal in the January 29 edition of that newspaper. Mr. Rutland's article is called, "Faith Lightens Grief as Eighth District Mourns." I believe my colleagues will find it most interesting, as it typifies the high regard and esteem everyone in Tennessee held for Fats Everett. The article follows:

FAITH LIGHTENS GRIEF AS EIGHTH DISTRICT MOURNS

(By Eugene D. Rutland)

UNION CITY, TENN., January 29.—The misty skies of a dreary winter afternoon seemed to set the mood for 1,500 persons who gathered here Tuesday for the funeral of Representative Robert A. Everett.

But for mourning friends of the ever-jovial "Fats" Everett there was another mood—of hope and salvation—in the music and the message of the funeral service.

When the Army guard was dismissed, the organist played "Ring Those Golden Bells," a hymn of gladness and expectation.

Dr. Scott Johnson, paster of the Cumberland Presbyterian Church chose a similar theme, reading from Isaiah 41:10.

"Fear thou not, for I am with thee: Be not dismayed, for I am God. I will strengthen thee; yea, I will help thee; yea, I will uphold thee with the right hand of my righteousness. For I, the Lord thy God, will hold thy right hand, saying unto thee, fear not, I will help thee."

The pastor recalled numerous instances of kindness and consideration from the 53-year-old Eighth District representative who died Sunday in the Veterans Hospital at Nashville.

"He asked me to call him 'Fats' as all his friends did.

"This characterized his life—humility and an absence of pride. 'Fats' describes not so much his physique as it pictures his heart. Magnanimous was his soul in its winning zeal to help others.

"Here he harvested his deepest satisfaction and his highest job, be it for widow, teenager, governor or clergyman."

He offered Representative Everett as an example to youth who aspire to heights of political achievement and public service. Mr. Everett early in life sought voters out of which he could cultivate friends, where too often others seek friends out of which they may cultivate voters, the minister said.

The pastor had words of comfort from the Bible for the representative's mother, Mrs. Lelia Ashton Everett, and he closed saying "For 'Fats,' life's gavel has struck its final adjournment; it was a great and productive session—the rush and fervor of life is over—the office phone comes to rest on its cradle."

As the organ sounded the benediction—the funeral procession moved out toward the family plot at East View Cemetery and beside his father, Charlie Everett. The last prayer was said as the body was lowered.

Four servicemen folded the flag that had draped the casket—and Col. Lloyd Burke of Stuttgart, Ark., Medal of Honor winner, gave Mrs. Everett the flag.

The church where the 2 p.m. service was held, began to fill at 10:30 a.m. Sunday school rooms circling the sanctuary, a balcony, a basement fellowship room and chapel, were all pressed into service, providing seats for 1,000 persons. Several hundred other persons were gathered for the services.

There were no reserved seats except for the family, Gov. Buford Ellington and his staff, and the 22 members of the official Washington delegation.

A profusion of more than 500 floral tributes framed the church interior and lined the sidewalk entrances. The flag-draped, solid bronze casket was flanked by an honor guard of the 51st Engineer's Battalion of Fort Campbell, Ky. A large white Stetson hat made of 350 small white mums stood at the right of the casket, a reminder of one of his Tennessee trademarks from the Barry White family of Union City.

The entire Union City police force, the Obion County Sheriff's Department, and 20 highway patrolmen directed by Capt. N. L. Huffman of the Memphis district, guided traffic through town. Flags were at half staff on all county and city buildings—closed for the day—and in front of downtown businesses, closed from 2 until 3.

The 2,085 students in the five Union City schools paid tribute to Representative Everett during the hour of his funeral.

Supt. J. H. Rochelle said, "memorial services differed in each school, but all had a brief prayer service and some listened to the radio broadcast of the services."

Among the hundreds of friends attending the services were Senators Albert Gore (D-Tenn. and Howard Baker (R-Tenn.), the entire Tennessee delegation in the House of Representatives, numerous close associates of Representative Everett from other states' House delegations, former Representative Clifford Davis (D-Tenn.) and former Govs. Gordon Browning and Frank Clement.

TAXPAYERS REVOLT

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. MOORHEAD. Mr. Speaker, the entire tax system of this Nation relies on the public's confidence that the system is fair and that everyone is paying according to his ability. Due to the persistent and well-known inequities and loopholes in the system, taxpayer confidence is being eroded.

My good friend and former colleague in the Congress, former Secretary of the Treasury, Joseph W. Barr, in his valedictory before the Joint Economic Committee, in great candor and timeliness, ominously warned of a "taxpayers revolt" if the Congress does not effect major tax reforms to close these loopholes.

I wish to call the attention of my distinguished colleagues to Mr. Barr's testimony given before the Joint Economic Committee on January 17, 1969, in which he first used the "taxpayer revolt" phrase.

I am pleased to insert this excellent testimony at this point in the RECORD:

STATEMENT OF HON. JOSEPH W. BARR, SECRETARY OF THE TREASURY

Mr. Chairman and Members of the Joint Economic Committee: I appreciate the opportunity to meet with this distinguished Committee. I think it extremely important that the members have the economic rationale for the financial plan President Johnson has recommended to the Congress—a plan that is responsible and realistic in terms of the country's needs and resources, and that is consistent with our responsibilities to keep the dollar strong and respected.

Before getting into the body of my remarks, I want to take a moment to pay tribute to you, Mr. Chairman, to the Vice Chairman, Mr. Patman, and to the members of the Committee. Under your leadership, the work of this Committee has contributed greatly to the tremendous growth of public interest in economic issues, to better informed public attitudes on economic policy, and to the record economic progress the United States has achieved.

The economy is now in the 95th month of the most sustained and vigorous period of economic expansion in our country's entire history. There is no need for me to enumerate here the many economic records established during this period of unprecedented prosperity. I believe that in his State of the Union Message and in his Economic Report to the Congress the President clearly established that the economy is now stronger and more vigorous than ever before, with production, employment, and after-tax income, including both wages and profits, all at record highs, far above the levels of a decade ago.

And I want to emphasize that this isn't just a dollar prosperity. The purchasing power of the average American—the real goods he can buy with his dollar income after taxes—has actually increased by 31 percent between 1960 and 1968. This, gentlemen, is the basic definition of economic progress.

Perhaps an even more significant aspect of our economic well-being is that it is probably being shared by a broader segment of our population than during any previous time of great prosperity. Not only have business profits soared to record highs but the unemployment rate has been sharply reduced—particularly among minority groups who have not adequately shared in economic gains of the past. Much remains to be done in this key area of national policy, but it is clear that significant progress has been made in removing barriers and expanding job opportunities for our under-privileged citizens.

However, we must recognize that serious economic problems must still be overcome. The increase in consumer prices in the past year of nearly 4 percent is certainly larger than we can tolerate for very long. Although a small balance of payments surplus was achieved in 1968, vigorous efforts must continue to maintain this record in the current year.

Today I want to go beyond the over-all indicators of a prosperous economy and in a sense see whether the financial underpinning of our economy will support continued sound expansion in the years to come. I also want to review briefly a few items of major, unfinished business that will bear heavily on our future economic growth and, in some instances, that of the entire Free World.

Probably the most important single component of this financial underpinning of our economy is the Federal budget. A properly designed budget should reflect what the country needs, what it can afford and what the Congress can be expected to do. In my judgment President Johnson has presented to the Congress a budget that fully meets this standard. In fiscal 1969 the budget is expected to be strongly in the black, with outlays of $183.7 billion, revenues of $186.1 billion and a surplus of $2.4 billion. For fiscal 1970 we have projected an even larger surplus of $3.4 billion.

In fiscal 1970 budget receipts are estimated at $198.7 billion, an increase of $12.6 billion over the estimate for fiscal 1969. Outlays in fiscal 1970 are projected at $195.3 billion. The estimated increase in fiscal 1970 Federal revenue is due almost entirely to anticipated economic growth. For calendar 1969 we have projected a gross national product of $921 billion, personal income of $736 billion and corporate profits of $96 billion.

Now there is nothing inherently good or bad in itself about a budget surplus or deficit. The test is whether it contributes to the economic strength of our country. And a budget does this only when it is consistent with current and prospective economic realities.

In the context of the economy as we see it, a Federal budget surplus for fiscal years 1969 and 1970 is necessary for several important reasons.

First, a budget surplus will tend to restrain over-all private demand during a time when our productive capacity is straining hard to meet the demands thrust upon it. Second, a budget surplus means that during this period the Treasury will not on balance be competing for funds in our already hard-pressed credit markets. In fact, in fiscal 1969 and 1970 taken as a whole, the Treasury will actually be adding funds to the private credit markets in contrast to the situation in 1969 when $23.1 billion had to be drawn from private investors. This healthy situation means greater freedom for the Federal Reserve to establish effective monetary policies, and more ready access to private savings by private users of credit and state and local governments—borrowers who have had a rough time in past tight money periods. In this context the home-building industry in particular should greatly benefit.

A third important reason for maintaining a Federal budget surplus at this time is that it will strengthen the hand of our negotiators during the critical period in which we will be working to improve and modernize the international monetary structure.

The Federal Government influences economic activity and the distribution of income not only through direct expenditures and loan programs but also through special tax provisions. A dollar foregone through a special tax provision is no different than a dollar spent through a budget outlay. In other words, these tax expenditures use budget resources in the same way that direct expenditures or net lending do. In most cases, the special tax provisions are alternatives to direct expenditures or net lending to achieve the same purpose.

The Annual Report of the Secretary of the Treasury for fiscal year 1968, which was issued this week, contains for the first time a detailed description and discussion of these tax expenditures and estimates of the amounts involved. To bring this material up to date, the Treasury staff has prepared an analysis of tax expenditures related to the budget for fiscal year 1970 which I am submitting as a supplement to my statement. The revenue costs of the special tax provisions are presented alongside the budget outlays. This makes it possible to get a more complete picture of total government expenditures for various functions. You may be surprised to find that tax expenditures approach or even surpass the budget outlay for certain functions.

The purpose of this special analysis is to present information which will help us to use budget resources most effectively. We can obtain more efficient use of resources by the Federal Government if explicit account is taken of all calls upon budget resources. In this way the importance of different budgetary objectives and the effectiveness of alternative uses, whether through direct expenditures, loan subsidies, or tax expenditures, may be fully understood, examined, and re-evaluated periodically.

I should inject a note of warning at this point. As the Committee knows, the whole subject of tax expenditures is highly controversial and the figures presented in this Treasury report are themselves certain to be controversial. The figures may vary depending on the assumptions used, and we do not claim that our figures and assumptions are the last word. Perhaps the Committee might want to have its staff analyze this document—perhaps in conjunction with the staffs of the Joint Committee on Internal Revenue Taxation and the Appropriations Committees. The staff of the Treasury will be pleased to cooperate. Many of the provisions in the Tax Code are virtually the same as appropriations and should be considered by the Congress as they review the various Federal programs.

Let me turn now to four areas where I believe there is urgent need for action by the United States or by those nations whose economic future is closely linked with our own.

THE NEED FOR TAX REFORM

We have an income tax system which has demonstrated its strength—$128.3 billion of revenues expected in fiscal year 1970—and its flexibility. The income tax is one of our country's strongest assets, and we must strive to improve it and perfect it.

Our income tax system needs major reforms now, as a matter of importance and urgency. That system essentially depends on an accurate self-assessment by taxpayers. This, in turn, depends on widespread confidence that the tax laws and the tax administration are equitable, and that everyone is paying according to his ability to pay.

We face now the possibility of a taxpayer revolt if we do not soon make major reforms in our income taxes. The revolt will come not from the poor but from the tens of millions of middle-class families and individuals with incomes of $7,000 to $20,000, whose tax payments now generally are based on the full ordinary rates and who pay over half of our individual income taxes.

The middle classes are likely to revolt against income taxes not because of the level or amount of the taxes they must pay but because certain provisions of the tax laws unfairly lighten the burdens of others who can afford to pay. People are concerned and indeed angered about the high-income recipients who pay little or no Federal income taxes. For example, the extreme cases are 155 tax returns in 1967 with adjusted gross incomes above $200,000 on which no Federal income taxes were paid, including 21 with incomes above $1,000,000.

Judging from taxpayers' letters to the Treasury, I would say that many people are upset and impatient over the need for correcting these and other situations which demand our attention. In this connection, I should point out that the 10 percent surcharge has made many taxpayers more aware of the inequities in our present tax system and more demanding that reforms be adopted.

I believe public confidence in our income tax system is threatened and that tax reform should be a top priority subject for the new Administration and the 91st Congress.

As you know, we at Treasury have been working on tax reform proposals for more than two years, and they are now ready. They will be turned over to Secretary-Designate Kennedy and, upon request, to the Congress.

I feel that the enactment of major reforms to substantially improve the fairness, simplicity, and neutrality of our income taxes are essential to continue and strengthen public confidence in our tax system.

THE NEED FOR RESTORING THE U.S. TRADE POSITION

The international trade position of the United States is rapidly deteriorating. It is essential therefore that we make a forceful policy response to restore our trade account to a position of strength. Short of this, we will find a continuing upsurge in the already growing protectionist sentiment apparent in the country.

The answer to our trade problem does not lie in an overhauling of our tax system through the introduction of a value-added tax either in addition to or in lieu of our present taxes. The adverse domestic effects of such a move would far outweigh any small trade advantage which we might gain.

What we might well consider instead is our own system of border adjustments, encompassing both a tax on imports and a payment to exporters. The level of these adjustments would be unrelated to our domestic tax system. The rates would be set at whatever level is necessary to achieve our objective—a healthy trade surplus. This system should be established under the strict control of the General Agreement on Tariffs and Trade or other appropriate international body.

THE NEED FOR ACTION ON THE SDR FACILITY

I would urge the member nations of the International Monetary Fund that have not yet completed action on the Special Drawing Rights Facility to do so promptly. Their ratification of the Proposed Amendment to the IMF Articles of Agreement establishing the SDR Facility will bring closer the day when the world will be assured of an adequate growth in monetary reserves.

The SDR Facility will be created when 67 member nations having 80 percent of the weighted votes in the Fund have ratified the Amendment, and when members having at least 75 percent of the quotas in the Fund have deposited with it an instrument of participation.

The United States completed action on the SDR Facility last July 15. However, as of January 10 of this year, only 29 members of the Fund having 47½ percent of the total votes had ratified the Proposed Amendment.

After years of intensive negotiations, nations have neared establishment of a method for creating the monetary reserves needed by a rapidly growing world economy. We are near the goal of the most important reform in the international monetary system since the Bretton Woods Agreement of 1944. I earnestly hope that other nations and their governments will make it possible for the world to reach that goal within a period of weeks or months.

THE NEED FOR SUPPORT TO MULTILATERAL DEVELOPMENT INSTITUTIONS

I am also deeply concerned about two items of unfinished business in the field of multilateral development finance. Both—the replenishment of the International Development Association and the provision of special funds for the Asian Bank—involve institutions that I have been intimately involved with over the years. What we in the United States do in regard to these two institutions can have a profound effect on the well-being and the very lives of millions among the two-thirds of the world's population that has little to possess and still less to hope for.

As a freshman Congressman, I helped write the legislation for our participation in IDA. I have seen it in action in the field, in Asia in 1963 and in Africa in 1967. I know it is capably guided by the World Bank under Robert McNamara's sure hand.

IDA is, most importantly, serving in a growing way the primary function we had in mind in the late 1950's—it is mobilizing a greater share of development resources from the other advanced countries. It is putting these resources to work in an efficient and effective manner. Eighteen other countries put up a total substantially greater than our own. Our share in the effort has been reduced from 43 percent at the outset to 40 percent currently, meaning a cumulative transfer of the burden of about $150 million.

The contribution proposed for the United States—$160 million in each of three years—will have no adverse effect on the U.S. balance of payments, because we have obtained internationally agreed safeguards to ensure this.

But the entire IDA replenishment package cannot become effective unless the U.S. makes its contribution. I consider it of the highest urgency for the Congress to demonstrate again its consistent attitude of bipartisanship toward IDA by acting on the legislation that has been re-introduced in recent days.

While IDA's operations are world wide, those of the Asian Bank are concentrated in the area of the world that has been torn by intense conflict and wracked by human misery for all too many years. In December 1965, I was privileged, along with Eugene Black, to sign the agreement establishing the Asian Development Bank, thus placing us firmly on the path of constructive multilateral development in Asia. Many members of the Congress and Congressional staff members participated actively in the events leading up to the creation of the Asian Bank. It is now in being, with a distinguished staff and with an effective loan and technical assistance program moving forward.

However, the Bank needs additional resources—beyond its regular funds for conventional lending—for special lending programs on favorable terms in fields such as agriculture and transportation. The new budget proposes a $25 million U.S. contribution to Asian Bank special funds in 1969 and 1970, and I consider this action, already long delayed, as crucial to Asia and our total interests there.

These funds will help to encourage regional cooperation and peaceful development in southeast Asia. Like our IDA contribution, we would be putting up only a minority share; Japan and other advanced countries will bear the major burden. And this contribution, too, will have no adverse balance of payments effect since it will finance U.S. goods and services.

I sincerely hope that both these vital programs will promptly receive the Congressional support they deserve.

You have in front of you a set of charts with the heading "Fiscal Policy in Perspective for 1969." These charts set forth the economic rationale for the financial plan which President Johnson recommends to the 91st Congress, and I would like at this time to review them with you.

R. F. K.'S MISSILE CRISIS MEMOIR IS PRIMER ON USE OF RESTRAINT

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. **BOLAND**. Mr. Speaker, the late Robert F. Kennedy played a major role—perhaps the major role—in helping the United States to avert nuclear disaster at the time of the Cuban missile crisis. Urging caution and restraint during that direct confrontation with the Soviet Union, Mr. Kennedy argued convincingly for finding a means of allowing Premier Khrushchev to remove the Cuban missiles without losing face. President Kennedy, with his brother's invaluable aid and advice, found that means.

Marquis Childs, writing in the Washington Post on Robert Kennedy's memoirs of the Cuban missile crisis, has emphasized the importance of the late Senator's advice. With permission, Mr. Speaker, I would like to put Mr. Childs' column in the RECORD at this point:

R.F.K.'s MISSILE CRISIS MEMOIR IS PRIMER ON USE OF RESTRAINT

When good men die their goodness does not perish but lives though they are gone.

That line from Euripides says something about one of the tragedies marking the ill-starred year of 1968. The assassination of Sen. Robert F. Kennedy in Los Angeles was a senseless act that left the Nation and the world so much the poorer. It threw a lurid light on the undercurrent of violence threatening to destroy the very structure of order and stability.

Kennedy at 43 had acquired his share of critics and enemies. Abrasive, often pugnacious, sometimes so withdrawn as to seem sullen or indifferent, as attorney general for three years he had been a sort of hatchet man for his brother, President John F. Kennedy. His ambition seemed to outrun both his experience and his capacity.

But, whatever his faults may have been, the legacy he has left of courage and wisdom is of incalculable value. An important part of that legacy is the book, "Thirteen Days," which Kennedy completed before his death. More than a memoir, more than simply another piece of history, it is a short, concise primer of how to steer a safe course through a terrible storm that promised from hour to hour to end with nuclear annihilation.

The new President could not do better than keep a copy close at hand should there be another nuclear confrontation with the Soviet Union.

"Thirteen Days" is the story of the Cuban missile crisis of October, 1962, told by the member of the Ex Comm group who more than anyone except the President charted the course. Ex Comm was the committee within the National Security Council the members of which worked almost without ceasing through the 13 days and nights to force the Soviet Union to remove the missiles secretly placed in Cuba without precipitating a nuclear holocaust.

Because he was the president's brother he was naturally closer to him than any of the Ex Comm group. But the contribution he made during those incredibly tense days when the shadow of doom hovered over all mankind was far more than brotherly support. In the debate he argued throughout for a peaceful means, short of an attack on Cuba costing thousands of lives, to compel Premier Nikita Khrushchev to take out the missiles. He contended, with Secretary of Defense Robert S. McNamara as an ally, for flexibility, for giving Khrushchev a chance to back down without losing face.

The lesson, above all, in "Thirteen Days" is that the military invariably urges military action as a quick and simple remedy. And if their view is not countered by a free and thorough exchange with all the elements involved in a crisis, then this quick and simple remedy is likely to be resorted to.

"The discussion, for the most part, was able and organized," Kennedy wrote, "although, like all the meetings of this kind, certain statements were made as accepted truisms which I, at least, thought were of questionable validity. One member of the joint chiefs of staff, for example, argued that we could use nuclear weapons on the basis that our adversaries would use theirs against us in an attack. I thought, as I listened, of the many times that I had heard the military take positions which, if wrong, had the advantage that no one would be around at the end to know."

Kennedy was arguing for a blockade of Cuba that would stop Soviet ships carrying missile equipment and probably additional nuclear warheads. A blockade was ordered at the same time that troops, planes and guns were moved into place to act if the Soviets defied the blockade and tried to force their ships through. Exchanges with Khrushchev continued as the tension rose to an almost-intolerable level.

After five days when the blockade seemed to have only limited effectiveness, the Joint Chiefs of Staff returned to the attack. They recommended an air strike on the next day to be followed up with an invasion, pointing out that they had always argued that a blockade would be far too weak a measure and that direct military action was the only move the Soviets would understand.

"We won't attack tomorrow," the President said. "We shall try again." This was the critical decision at a point when nerves were frayed to the breaking point and when the simple remedy of the military seemed the only way out even though it was certain to bring a reprisal and very probably nuclear war. When a Russian submarine was reported about to challenge the American blockaders with force Kennedy wrote:

"I think these few minutes were the time of gravest concern for the President. Was the world on the brink of a holocaust . . . his hand went up to his face and covered his mouth. He opened and closed his fist. His face seemed drawn, his eyes pained, almost gray. We stared at each other across the table. For a few fleeting seconds it was almost as though no one else was there and he was no longer the President."

It might have been. That is so frighteningly clear. It might have been if Robert Kennedy had not argued for patience and delay. That is the legacy putting us all immeasurably in his debt.

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